

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**ET-25-400039 (WS-23-0211)-MCM TOWER, LLC:**

**WAIVERS OF DEVELOPMENT STANDARDS FIRST EXTENSION OF TIME** for the following: **1)** increase building height; **2)** increase the height of exterior fixtures (luminaries) mounted on buildings; and **3)** allow modified driveway design standards.

**DESIGN REVIEWS** for the following: **1)** office building; **2)** parking garage with restaurants; and **3)** finished grade on 4.2 acres in a CG (Commercial General) Zone.

Generally located on the north side of Sunset Road and the east side of Riley Street within Spring Valley. JJ/rp/cv (For possible action)

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RELATED INFORMATION:

**APN:**

163-32-801-011

**WAIVERS OF DEVELOPMENT STANDARDS:**

1. a. Increase building (office) height to 133 feet where a maximum building height of 50 feet is permitted per Table 30.40-4 (a 166% increase).
- b. Increase building (parking garage with restaurants) to 92 feet where a maximum building height of 50 feet is permitted per Table 30.40-4 (an 84% increase).
2. Increase the height of exterior fixtures (luminaries) mounted on buildings to 17 feet where a maximum height of 14 feet is permitted above finished grade per Section 30.48.670 (a 21.5% increase).
3. a. Reduce throat depth (Riley Street) to 19 feet where a minimum of 150 feet is required per Uniform Standard Drawing 222.1 (an 87.3% reduction).
- b. Reduce throat depth (Sunset Road) to 18 feet where a minimum of 150 feet is required per Uniform Standard Drawing 222.1 (an 88% reduction).

**DESIGN REVIEWS:**

1. Office building.
2. Parking garage with restaurants.
3. Increase finished grade to 96 inches where a maximum of 36 inches is the standard per Section 30.32.040 (a 166.7% increase).

**LAND USE PLAN:**

SPRING VALLEY - CORRIDOR MIXED-USE

## **BACKGROUND:**

### **Project Description**

#### General Summary

- Site Address: N/A
- Site Acreage: 4.2
- Project Type: Office building & parking garage with restaurants
- Number of Stories: 9 (office building)/6 (parking garage)
- Building Height (feet): 133 (office building)/92 (parking garage with restaurants)
- Square Feet: 209,577 (office building)/660,176 (parking garage)/19,547 (restaurants)
- Parking Required/Provided: 1,104/1,150

#### History

The C-2 zoning for the subject property was approved via ZC-1333-02 by the Board of County Commissioners in November 2002 for a retail building, convenience store with gasoline station (fuel pumps), and 2 future restaurant pad sites. The commercial development that was approved with the zone change was never constructed. WS-23-0211 was subsequently approved for an office building and a parking garage with restaurants at the top level. A condition of ZC-1333-02 prohibited required parking to be behind buildings. WC-23-400053(ZC-1333-02) was approved with this development to waive the previously imposed parking condition.

#### Site Plans

The previously approved plans depict a 9 story office building located on the south portion of the project site with the following setbacks: 1) 78 feet from the south property line adjacent to Sunset Road; 2) 26 feet from the east property line; 3) 17 feet from the west property line along Riley Street; and 4) 389 feet from the north property line. A detached, 6 story parking garage, with restaurants on the top level, is located immediately to the rear (north) of the office building and features the following setbacks: 1) 12.5 feet from the north property line; 2) 21 feet from the west property line adjacent to Riley Street; 3) 1.5 feet from the east property line; and 4) 261 feet from the south property line along Sunset Road. Access to the site is granted via a commercial driveway along Sunset Road and a driveway along Riley Street. A waiver of development standards was approved to reduce the throat depth for the driveways along Sunset Road and Riley Street. Surface level parking is located immediately to the south of the office building, consisting of a row of parking spaces adjacent to Sunset Road. A single row of surface level parking spaces is located between the north side of the office building and the south side of the parking garage. A total of 1,104 parking spaces are required where 1,150 parking spaces are provided. Cross access is provided to the commercial development to the east of the project site. Five foot wide detached sidewalks are located along Riley Street and Sunset Road, with enhanced paving at the driveway entrances per a condition of ZC-1333-02. A design review to increase finished grade was also approved with this request. The increase in finished grade occurs on the site's topography from south to north.

#### Landscaping

The previously approved plans depict 15 foot wide landscape areas, with 5 foot wide detached sidewalks, located along Sunset Road and Riley Street. The street landscaping consists of trees, shrubs, and groundcover. A 3 foot high, decorative, split-face block wall is located within the

street landscape areas for flood control/drainage purposes. Interior parking lot landscaping is located immediately to the south of the office building, along Sunset Road, and between the north side of the office building and the south side of the parking garage. Site amenities are provided throughout the site which include enhanced paving at pedestrian crossings, benches, ornamental trash receptacles, and light fixtures per a condition of ZC-1333-02.

### Elevations

The previously approved plans depict a 9 story office building with varying rooflines measuring 133 feet in height. The exterior of the office building consists of decorative metal panel systems, stone tile exterior clad, and an aluminum storefront window system. The colors of the office building consist of varying shades of gray with white and orange accents. All rooftop mounted equipment is screened from public view and the right-of-way by parapet walls.

The previously approved plans also depict a 6 story parking garage, measuring between 65.5 feet to 92 feet in height, with varying rooflines. The exterior of the parking garage consists of stucco and stone tile exterior clad. The top level of the garage features the 3 restaurant tenant spaces, which consist of a stucco exterior and an aluminum storefront window system. Decorative metal clad canopies, painted with an orange accent, are located above the outside dining areas. The color of the garage features varying shades of gray.

### Floor Plans

The previously approved plans depict an office building consisting of 8 floors with open shell space measuring 209,577 square feet in area. Outdoor patios, measuring 8,404 square feet in area, are located around the first floor perimeter of the office building. The parking garage consists of 5 levels with a roof deck at the top level. Three restaurant spaces are located on the fifth level of the garage, with an area measuring 19,547 square feet. An outdoor dining area measuring 8,568 square feet is centrally located between the restaurant tenant spaces.

### Signage

Signage is not a part of this request.

### Previous Conditions of Approval

Listed below are the approved conditions for WS-23-0211:

#### Comprehensive Planning

- Enter into a standard development agreement prior to any permits or subdivision mapping in order to provide fair-share contribution toward public infrastructure necessary to provide service because of the lack of necessary public services in the area;
- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection.
- Applicant is advised that the installation and use of cooling systems that consumptively use water will be prohibited; approval of this application does not constitute or imply approval of a liquor or gaming license or any other County issued permit, license or approval; the County is currently rewriting Title 30 and future land use applications, including applications for extensions of time, will be reviewed for conformance with the regulations in place at the time of application; a substantial change in circumstances or

regulations may warrant denial or added conditions to an extension of time; the extension of time may be denied if the project has not commenced or there has been no substantial work towards completion within the time specified; and that this application must commence within 2 years of approval date or it will expire.

#### Public Works - Development Review

- Drainage study and compliance;
- Drainage study must demonstrate that the proposed grade elevation differences outside that allowed by Section 30.32.040(a)(9) are needed to mitigate drainage through the site;
- Traffic study and compliance;
- Full off-site improvements.
- Applicant is advised that approval of this application will not prevent Public Works from requiring an alternate design to meet Clark County Code, Title 30, or previous land use approvals.

#### Fire Prevention Bureau

- Applicant is advised that fire/emergency access must comply with the Fire Code as amended.

#### Clark County Water Reclamation District (CCWRD)

- Applicant is advised that a Point of Connection (POC) request has been completed for this project; to email sewerlocation@cleanwaterteam.com and reference POC Tracking #0160-2023 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

#### Applicant's Justification

The applicant has worked diligently toward commencing the development. For example, the applicant has made coordinated efforts with NV Energy regarding the electric and fiber conduits includes the installation of the vault infrastructure from the connection point to the subject parcel. In addition, off-site improvements have been completed, and water/sewer connection points have been established. The applicant is requesting a 2 year extension of time.

#### **Prior Land Use Requests**

<b>Application Number</b>	<b>Request</b>	<b>Action</b>	<b>Date</b>
WS-23-0211	Increased building height, exterior fixtures, and modified driveway design standards and design review for an office building and parking garage	Approved by BCC	June 2023
WC-23-400053 (ZC-1333-02)	Waiver of conditions prohibiting parking behind buildings	Approved by BCC	June 2023
ET-19-400139 (DR-0083-17)	First extension of time for the redesign of a previously approved commercial center with office uses - expired	Approved by BCC	December 2019
WS-19-0372	Increased the height of a freestanding sign - expired	Approved by PC	July 2019
ET-18-400140 (VS-0068-16)	First extension of time to vacate portions of right-of-way being Sunset Road - recorded	Approved by BCC	July 2018

**Prior Land Use Requests**

<b>Application Number</b>	<b>Request</b>	<b>Action</b>	<b>Date</b>
ET-18-400141 (UC-0067-16)	First extension of time to increase building height for a commercial center with waivers for increased lot coverage and alternative landscaping in conjunction with a commercial center consisting of offices, restaurants, and retail uses - expired	Approved by BCC	July 2018
VS-0947-17	Vacated and abandoned easements - recorded	Approved by PC	December 2017
DR-0083-17	Redesign of a previously approved commercial center with office uses - expired	Approved by BCC	March 2017
VS-0068-16	Vacated portions of right-of-way being Sunset Road - recorded	Approved by BCC	March 2016
UC-0067-16	Commercial center with waivers for increased lot coverage and alternative landscaping in conjunction with a commercial center consisting of offices, restaurants, and retail uses - expired	Approved by BCC	March 2016
VS-0192-06	Vacated easements and portions of right-of-way being Riley Street, Post Road, and Teco Avenue - recorded	Approved by PC	March 2006
ZC-1333-02	Reclassified the project site to C-2 zoning for a shopping center consisting of a retail building, convenience store, gasoline station, and 2 restaurant pad sites	Approved by BCC	November 2002

**Surrounding Land Use**

	<b>Planned Land Use Category</b>	<b>Zoning District (Overlay)</b>	<b>Existing Land Use</b>
North	Corridor Mixed-Use	CC	Mixed-use development with multi-family
South	Entertainment Mixed-Use	CG	Commercial development (Ikea)
East	Corridor Mixed-Use	CG	Recreational facility (pickle ball), restaurants, retail, offices, & a parking garage currently under construction
West	Corridor Mixed-Use	CG	Office buildings

**STANDARDS FOR APPROVAL:**

The applicant shall demonstrate that the proposed request is consistent with the Master Plan and is in compliance with Title 30.

**Analysis****Comprehensive Planning**

Title 30 standards of approval for an extension of time state an application may be denied if it is found that circumstances have substantially changed. A substantial change may include, without

limitation, a change to the subject property, a change in the areas surrounding the subject property, or a change in the laws, regulations, or policies affecting the subject property. Additionally, the applicant must demonstrate the project is progressing through the applicable development permit or licensing process.

Staff finds the applicant has worked towards the commencement of the previously approved project. Records show that there are active permits in the system such as BD21-12905, PW17-19524-MIT (approved), and PW17-36296-GEO (in review). As the applicant indicates, they have worked with Nevada Energy regarding electric and fiber conduit and install the vault infrastructure from the connection point to the property. Therefore, staff can support this first extension of time request.

### **Public Works - Development Review**

There have been no significant changes in this area. Staff has no objection to this extension of time.

### **Staff Recommendation**

Approval.

If this request is approved, the Board and/or Commission finds that the application is consistent with the standards and purpose enumerated in the Master Plan, Title 30, and/or the Nevada Revised Statutes.

### **PRELIMINARY STAFF CONDITIONS:**

#### **Comprehensive Planning**

- Until June 21, 2027 to commence or the application will expire unless extended with approval of an extension of time.
- Applicant is advised a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; the extension of time may be denied if the project has not commenced or there has been no substantial work towards completion within the time specified; the County has adopted a rewrite to Title 30 effective January 1, 2024, and future land use applications, including applications for extensions of time, will be reviewed for conformance with the regulations in place at the time of application; changes to the approved project will require a new land use application; and the applicant is solely responsible for ensuring compliance with all conditions and deadlines.

#### **Public Works - Development Review**

- Compliance with previous conditions.

#### **Fire Prevention Bureau**

- No comment.

#### **Clark County Water Reclamation District (CCWRD)**

- No comment.

**TAB/CAC:** Spring Valley - approval.

**APPROVALS:**

**PROTEST:**

**APPLICANT:** MCM TOWER, LLC

**CONTACT:** KAEMPFER CROWELL, 1980 FESTIVAL PLAZA DRIVE #650, LAS VEGAS,  
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