

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**ET-25-400112 (UC-19-0624)-TERRACOTTA SIX, LLC:**

**USE PERMITS THIRD EXTENSION OF TIME** for the following: **1)** multi-family residential development; **2)** increase density; and **3)** an accessory commercial use.

**WAIVERS OF DEVELOPMENT STANDARDS** for the following: **1)** increase height; **2)** reduce parking; **3)** allow modified driveway design standards; **4)** reduce driveway separation; and **5)** reduce commercial driveway radius.

**DESIGN REVIEW** for a multi-family residential development on 6.2 acres in a CR (Commercial Resort) Zone.

Generally located south of Highland Drive and west of Morgan Cashmans Way within Paradise. JJ/my/kh (For possible action)

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RELATED INFORMATION:

**APN:**

162-17-203-001 through 162-17-203-008

**USE PERMITS:**

1. Multi-family residential development.
2. Increase the density to 87.1 dwelling units per acre where 50 dwelling units per acre is the standard (a 74.2% increase).
3. Allow an accessory commercial use.

**WAIVERS OF DEVELOPMENT STANDARDS:**

1. Increase the building height up to 85 feet where 50 feet is the standard per Table 30.40-7 (a 70% increase).
2. Reduce on-site parking to 704 spaces where 720 spaces is the standard per Table 30.60-1 (a 2.2% reduction).
3.
  - a. Reduce throat depth for the primary driveway along Highland Drive to 75 feet where 150 feet is the standard per Uniform Standard Drawing 222.1 (a 50% reduction).
  - b. Reduce throat depth for the primary driveway along Highland Drive to 47 feet where 150 feet is the standard per Uniform Standard Drawing 222.1 (a 68.7% reduction).
4. Reduce the departure distance from the driveway to the intersection to 90 feet where 190 feet is required along Highland Drive per Uniform Standard Drawing 222.1 (a 52.6% reduction).
5. Reduce the commercial driveway approach radius to 10 feet where 25 feet is the standard per Uniform Standard Drawing 222.1 (a 60% reduction).

## **LAND USE PLAN:**

### **WINCHESTER/PARADISE - ENTERTAINMENT MIXED-USE**

## **BACKGROUND:**

### **Project Description**

#### **General Summary**

- Site Address: 3610, 3620, 3630, 3640, 3672, 3680, 3682, and 3686 Highland Drive
- Site Acreage: 6.2
- Number of Units: 435
- Density (du/ac): 87.1
- Project Type: Multi-family residential
- Number of Stories: 6
- Building Height (feet): 85
- Square Feet: 461,019 (total)/2,058 (accessory commercial use)
- Open Space Required/Provided (acres): 2.5/3.4
- Parking Required/Provided: 720/704

#### Site Plans

The approved plans show a proposed multi-family residential development consisting of 435 residential units on 6.2 acres with a density of 87.1 dwelling units per acre. The development will consist of two, 6 story residential buildings. The first level consists of parking, a lobby, offices, retail store, lounges, and other amenities for the residents. The 5 stories above the first floor consist of residential units. A pool area and courtyard are in the courtyards on the second level in the center of the 2 towers. Additional parking is located on the basement level and surface parking is located on the south side of the building. The site has access to Highland Drive and Morgan Cashmans Way. The 2 access driveways on Highland Drive do not conform to Code requirements and the access on Morgan Cashmans Way is an emergency access and gated. The applicant is requesting a third extension of time for this development.

#### Landscaping

A 15 foot wide landscape area with a detached sidewalk is located along Highland Drive and Morgan Cashmans Way. A 2.5 foot wide landscape area is located along the south property line with interior parking lot trees distributed throughout the site as required by the previous version of Title 30. Additional landscaping is located adjacent to the buildings. A total of 2.5 acres of open space is provided including the courtyard/pool area, courtyards with amenities, and pedestrian landscape area adjacent to the building. Landscape materials include trees, shrubs, and groundcover.

#### Elevations

The approved plans depict a 6 story building with a flat roof and parapet walls ranging in height from 70 feet to 85 feet. The highest point is the top of the atrium dome roof. The exterior walls have a stucco finish painted various colors, fluted cast concrete walls, coronado stone veneer, and glass railings.

### Floor Plans

The approved project consists of 2 towers with a mixture of studio, 1, 2, and 3 bedroom units distributed on 5 stories. The first level consists of parking, a lobby, offices, a 2,058 square foot retail store, lounges, and other amenities for the residents. The 5 stories above the first floor consist of residential units and amenities for the residents. A pool area and courtyard are located in the courtyards on the second level in the center of the 2 towers. Additional parking is located on the basement level.

### Signage

Signage was not a part of the original request.

### Previous Conditions of Approval

Listed below are the approved conditions for ET-23-400144 (UC-19-0624):

#### Comprehensive Planning

- Until October 2, 2025 to commence.
- Applicant is advised that 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; a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; and that 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.

#### Public Works - Development Review

- Compliance with previous conditions.

Listed below are the approved conditions for ET-21-400157 (UC-19-0624):

#### Current Planning

- Until October 2, 2023 to commence.
- Applicant is advised that 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 the application; a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time and that 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.

#### Public Works-Development Review

- Compliance with previous conditions.

Listed below are the approved conditions for UC-19-0624:

#### Current Planning

- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection.

- Applicant is advised that the Gaming Enterprise District will be removed from the site when the application commences; 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;
- Traffic study and compliance;
- Vacate the excess right-of-way on the southwest corner of the site and any other unnecessary rights-of-way and/or easements;
- Driveway on Morgan Cashmans Way to be for emergency access only.
- Applicant is advised that minimum driveway widths are measured from the lip of the gutter to the lip of the gutter.

#### Department of Aviation

- Applicant is required to file a valid FAA Form 7460-1, "Notice of Proposed Construction or Alteration" with the FAA, in accordance with 14 CFR Part 77, or submit to the Director of Aviation a "Property Owner's Shielding Determination Statement" and request written concurrence from the Department of Aviation;
- If applicant does not obtain written concurrence to a "Property Owner's Shielding Determination Statement," then applicant must also receive either a Permit from the Director of Aviation or a Variance from the Airport Hazard Areas Board of Adjustment (AHABA) prior to construction as required by Section 30.48 Part B of the Clark County Unified Development Code;
- No building permits should be issued until applicant provides evidence that a "Determination of No Hazard to Air Navigation" has been issued by the FAA or a "Property Owner's Shielding Determination Statement" has been issued by the Department of Aviation.
- Applicant is advised that the FAA's determination is advisory in nature and does not guarantee that a Director's Permit or an AHABA Variance will be approved; that FAA's airspace determinations (the outcome of filing the FAA Form 7460-1) are dependent on petitions by any interested party and the height that will not present a hazard as determined by the FAA may change based on these comments; that the FAA's airspace determinations include expiration dates; and that separate airspace determinations will be needed for construction cranes or other temporary equipment.

#### Building Department - Fire Prevention

- Provide a Fire Apparatus Access Road in accordance with Section 503 of the International Fire Code and Clark County Code Title 13, 13.04.090 Fire Service Features.

#### 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](mailto:sewerlocation@cleanwaterteam.com) and reference POC Tracking #0462-2019 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

### Applicant's Justification

The applicant is seeking an extension of time as they have recently acquired the parcels. They would like to preserve the past entitlements. The applicant states that the project is still consistent with the surrounding area and would complement the Jade multi-family and Wyndham Desert Blue Resort developments to the south.

### **Prior Land Use Requests**

<b>Application Number</b>	<b>Request</b>	<b>Action</b>	<b>Date</b>
ET-23-400144 (UC-19-0624)	Second extension of time for a multi-family project with accessory commercial uses	Approved by BCC	December 2023
ET-21-400157 (UC-19-0624)	First extension of time for a multi-family project with accessory commercial uses	Approved by BCC	November 2021
UC-19-0624	Multi-family project with accessory commercial uses	Approved by BCC	October 2019
ET-18-400204 (UC-0772-07)	Fifth extension of time for the resort hotel until - expired	Approved by BCC	November 2018
UC-0772-07 (ET-0071-15)	Fourth extension of time for the resort hotel - expired	Approved by BCC	October 2015
UC-0772-07 (ET-0061-13)	Third extension of time for the resort hotel - expired	Approved by BCC	August 2013
UC-0772-07 (ET-0089-11)	Second extension of time for the resort hotel - expired	Approved by BCC	November 2011
UC-0772-07 (ET-0244-09)	First extension of time for the resort hotel - expired	Approved by BCC	October 2009
UC-0772-07	Original application to expand the Gaming Enterprise District for a resort hotel consisting of 312 hotel rooms and 1,150 resort condominiums - expired	Approved by BCC	September 2007
ZC-1644-05	Established the H-1 zoning for the parcels and included a request for 412 residential condominiums and 885 resort condominiums with a maximum height of 569 feet	Approved by BCC	January 2006

### **Surrounding Land Use**

	<b>Planned Land Use Category</b>	<b>Zoning District (Overlay)</b>	<b>Existing Land Use</b>
North	Entertainment Mixed-Use	CR	Office/warehouse - under ROI for a resort hotel
South	Entertainment Mixed-Use	CR	Hotel/timeshare
East	Entertainment Mixed-Use	IL	Vehicle storage lot
West	Entertainment Mixed-Use	IL	Industrial uses

### **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**

The County has rewritten 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. 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 that 6 years have passed since the original approval of the project, and no progress has been made towards commencement of the project. This is the third request for an extension of time request after the initial request. Since approval of the project, a rewrite to Title 30 has been adopted. Therefore, for these reasons, staff cannot support this request.

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

The applicant has not complied with prior conditions; therefore staff cannot support this extension of time.

### **Staff Recommendation**

Denial.

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**

If approved:

- Until October 2, 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; 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 objection.

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

- No comment.

**TAB/CAC:**

**APPROVALS:**

**PROTEST:**

**APPLICANT:** TERRACOTTA SIX, LLC

**CONTACT:** NANCY AMUNDSEN, BROWN, BROWN, & PREMSRIRUT, 520 S. FOURTH STREET, LAS VEGAS, NV 89101