

MIXED-USE DEVELOPMENT
(TITLE 30)

MAULE AVE/CIMARRON RD

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

ET-23-400138 (ZC-0827-17)-LMC KAKTUSLIFE PROPERTY OWNER, LLC:

ZONE CHANGE THIRD EXTENSION OF TIME to reclassify 16.1 acres from a C-2 (General Commercial) Zone to a U-V (Urban Village - Mixed-Use) Zone.

USE PERMITS for the following: **1)** High Impact Project; **2)** increase density; and **3)** increase height.

DESIGN REVIEW for a proposed mixed-use development in the CMA Design Overlay District.

Generally located on the north side of Maule Avenue, 750 feet east of Cimarron Road within Spring Valley (description on file). MN/mh/syp (For possible action)

RELATED INFORMATION:

APN:

176-04-601-022; 176-04-601-023

USE PERMITS:

1. Allow a High Impact Project.
2. Increase the allowable density through the use of development incentives to approximately 38.1 du/ac (614 units) by providing a 15 foot wide or larger supplemental pedestrian area (beyond what is required per Table 30.48).
3. Increase the maximum allowable height to 69 feet where up to 55 feet is the standard per Table 30.48 (a 26% increase).

LAND USE PLAN:

SPRING VALLEY - BUSINESS EMPLOYMENT

BACKGROUND:

Project Description

General Summary

- Site Address: 8030 W. Maule Avenue
- Site Acreage: 16.1
- Number of Lots/Units: 614
- Density (du/ac): 38.1
- Project Type: Mixed-use development
- Number of Stories: 5 (residential)/1 (commercial)
- Building Height (feet): 68.5 (residential)/34 (commercial)

- Open Space Required/Provided: 3.5 (acres)/3.8 (acres)
- Parking Required/Provided: 983/999

History & Request

The original application approved in 2017 (ZC-0827-17) included a condition of approval for the applicant to complete a resolution of intent within 3 years. The first extension of time ET-20-400129 (ZC-0827-17) was approved in 2020, which gave the applicant until December 2023 to complete the project. The second extension of time ET-22-400034 (ZC-0827-17) was approved in 2022, giving the applicant an additional year to complete the project. In June of 2023, a large fire destroyed the buildings beyond repair, requiring the buildings to be demolished and the building process to be restarted. The applicant is now requesting an additional 3 years to complete the project.

Site Plans

The previously approved plans show a horizontal mixed-use development consisting of the following elements: 1) residential; 2) commercial uses consisting of a coffee shop and several retail; 3) open space indoor and outdoor amenity areas; 4) 3 level below grade parking garage; and 5) usable passive and active open space. The residential component consisted of 608 apartment units at a density of 38.1 dwelling units per acre. The commercial component originally consisted of a 1,231 square foot retail coffee shop and a 2,076 square foot retail convenience store in conjunction with the clubhouse and fitness center. Since the approval, the commercial component has been modified and the entire area will be used for a fitness center open to the public, the unit count has been increased to 614 units, and the garage is now 1 level below grade.

The 614 apartment units are distributed among 7 buildings. The buildings are oriented in various directions to one another with some buildings having a north/south orientation and others having an east/west orientation. The perimeter buildings are set back (closest building point) from the property lines as follows: 1) 44 feet from the north; 2) 43 feet from the east; 3) 77 feet from the south (Maule Avenue); and 4) 50 feet from the west. The clubhouse with fitness center and retail commercial component is centrally located and set back 167 feet from Maule Avenue.

Parking for the development is provided with surface open spaces and was originally approved with a 3 level below grade parking garage. Since then, the applicant revised the plans to show 1 level of below grade parking. The parking complies with all Title 30 provisions for a mixed-use development since it allows for overall project parking spaces to be shared by the various land uses that operate at different times throughout the day. Access to the site is via driveways along Maule Avenue.

Pedestrian Circulation & Open Space/Recreational Amenities

Pedestrian circulation is provided by the following: 1) pedestrian realm areas; 2) sidewalks adjacent to buildings and within courtyard areas between the buildings; and 3) useable open space areas along the interior and perimeter of the site. The submitted pedestrian circulation plan depicts the functional integration and connectivity of the overall project with the pedestrian realm connections providing direct connectivity with all the project elements. The commercial component is functionally integrated and connected with the residential component using clearly

identifiable, safe, and convenient pedestrian connections. Since the project is a horizontal mixed-use development, the applicant provided plans depicting the integration and connectivity between commercial and residential elements. The project complies with all pedestrian realm, landscaping, and parking requirements.

The previously approved plans show an additional 15 foot wide supplemental pedestrian area, which is in addition to the required 15 foot wide pedestrian realm along Maule Avenue. The practical effect of a supplemental pedestrian realm is that it is detached from the streetscape and maintains and enhances pedestrian connectivity within the site. Additionally, the hardscape areas, which include pedestrian walkways, and landscape areas are continued throughout the areas where buildings are located. The overall pedestrian connectivity is enhanced and provides for strong and practical site integration.

The previously approved plans depict a total of 3.8 acres of open space. Open space consists of the following: 1) pedestrian realm; 2) 2.6 acre amenity areas located around courtyards created by the buildings; 3) internal sidewalks and landscape areas; 4) clubhouse; 5) fitness area; and 6) passive and active open space within the courtyard areas. The pedestrian circulation plan depicts pedestrian movement and convenient access throughout the site. Additional open space includes terraces, lounge, and the outdoor decks within the buildings.

Elevations

The previously approved plans depict an overall project that has architectural elements that unify the development and contain prominent fenestration patterns on all elevations. Exterior elevations depict different types of stucco and plaster finish, horizontal metal siding, glass elements, and fabric sunshades. All elevations are enhanced and feature various amounts of façade articulation with architectural elements that feature painted metal elements and varied architectural elements. The building complies with all applicable setbacks related to height/setback provisions required by Title 30.

The 5 story residential buildings will range in height up to 68.5 feet. The previously approved plans depict substantial plane variation for all buildings that create articulation along all sides of the project.

Floor Plans

The plans on file show an overall 614 residential unit count that consists of the following: 1) 122 studio units that are 679 square feet; 2) 366, one bedroom units that are 831 square feet; and 3) 126, two bedroom units that are 1,246 square feet. The plans depict each unit having livable area with an outdoor deck/patio. Each residential building will also have a 1,692 square foot roof deck. The clubhouse and fitness center consist of the following: 1) community room; 2) craft room; 3) kitchen; 4) theatre; 5) meeting rooms; 6) offices; 7) restrooms; 8) workout areas; and 9) storage rooms.

Previous Conditions of Approval

Listed below are the approved conditions for ET-22-400034 (ZC-0827-17):

Current Planning

- Until December 20, 2024 to complete.
- Applicant is advised that the installation and use of cooling systems that consumptively use water will be prohibited; 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; 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-20-400129 (ZC-0827-17):

Current Planning

- Until December 20, 2023 to complete.
- Applicant is advised that 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.

Clark County Water Reclamation District (CCWRD)

- No comment.

Listed below are the approved conditions for ZC-0827-17:

Current Planning

- A resolution of intent to complete in 3 years;
- Enter into a Development Agreement as agreed upon by the applicant to mitigate impacts of the project including but not limited to issues identified by the technical reports and studies, and issues identified by the Board of County Commissioners;
- As part of the Development Agreement or as a separate agreement, applicant to submit a Decommissioning Plan acceptable to the County which specifies the actions to be taken by the Developer in the event construction of the project is stopped or abandoned with said plan to be submitted and approved prior to building permits;
- Allow the following permits prior to the adoption of the Development Agreement: all grading, including excavation and underground utilities, and structural first lift with initial foundation work;

- Bond or other security is acceptable to Clark County for excavation prior to Development Agreement or Decommissioning Plan;
- The commercial component to be developed concurrently with the first phase;
- Design review as a public hearing for all site signage and lighting;
- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection.

Public Works - Development Review

- Drainage study and compliance;
- Traffic study and compliance;
- Full off-site improvements;
- Right-of-way dedication to include 25 feet to back of curb for Maule Avenue.

Clark County Water Reclamation District (CCWRD)

- Applicant is advised that a Point of Connection (POC) request has been completed for this project; and to email sewerlocation@cleanwaterteam.com and reference POC Tracking #0366-2017 to obtain your POC exhibit.

Signage

Signage is not a part of this request.

Applicant's Justification

The applicant indicates Phase 1 of the project was under construction before being completely destroyed by a fire on June 20, 2023. A 3 year extension is needed because construction must recommence for the entire project. The applicant adds that several building permits were approved for Phase 1 of the project, and a demolition permit has been approved to allow the site to be cleared of debris and to mitigate environmental issues so that there is no impact to the site or surrounding area.

Prior Land Use Requests

Application Number	Request	Action	Date
ET-22-400034 (ZC-0827-17)	Second extension of time for a mixed-use project	Approved by BCC	May 2022
ET-20-400129 (ZC-0827-17)	First extension of time for a mixed-use project	Approved by BCC	December 2020
ORD-20-900347 DA-20-0335	Negotiated Development Agreement for the Kaktus Life mixed-use project	Approved by BCC	September 2020
AG-20-900348	Performance Agreement for the Kaktus Life mixed-use project	Approved by BCC	September 2020
ET-20-400010 (VS-17-1079)	First extension of time for easements located between Roy Horn Way and Maule Avenue	Approved by ZA	February 2020
VS-17-1079	Vacated and abandoned easements located between Roy Horn Way and Maule Avenue	Approved by PC	February 2018

Prior Land Use Requests

Application Number	Request	Action	Date
ZC-0827-17	Reclassified 16.1 acres from C-2 to U-V zoning for a mixed-use project	Approved by BCC	December 2017
VC-0984-08	Variance to increase height to 248 feet for 3 mixed-use buildings - expired	Approved by BCC	November 2008
UC-2125-04	Allowed three, 248 foot high mixed-use buildings for a total of 405 dwelling units - expired	Approved by BCC	January 2005

Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North	Business Employment	C-2	Undeveloped
South	Business Employment	R-3	Coronado Palms Condominiums
East	Business Employment	R-4	Multiple family residential (Maverik Apartments)
West	Business Employment	R-E	Undeveloped

The subject site is located within the Public Facilities Needs Assessment (PFNA) area.

Related Applications

Application Number	Request
WS-23-0320	A design review and waiver of development standards for lighting and signage is a companion item on this agenda.

STANDARDS FOR APPROVAL:

The applicant shall demonstrate that the proposed request meets the goals and purposes of Title 30.

Analysis

Comprehensive Planning

Title 30 standards of approval on an extension of time application state that such an application may be denied or have additional conditions imposed 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 or policies affecting the subject property. Using the criteria set forth in Title 30, no substantial changes have occurred at the subject site since the original approval.

Prior to the fire destroying the buildings under construction, the applicant had made significant progress toward completion of the project. Several buildings were nearly completed and numerous permits for electrical, plumbing, fences, and mechanical had been approved since the approved extension of time. The applicant has since received a demolition permit (BD23-42873), indicating that a good faith effort will be made to expeditiously recommence the site development. Given this history of the project and the extenuating circumstances, staff can support an extension of time for an additional 4 years.

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 December 20, 2027 to complete.
- 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.

Clark County Water Reclamation District (CCWRD)

- No comment.

TAB/CAC: Spring Valley - approval.

APPROVALS:

PROTEST:

APPLICANT: JONATHAN TANURY

CONTACT: LEBENE OHENE, 520 S. FOURTH STREET, 2ND FLOOR, LAS VEGAS, NV 89101