

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

ET-25-400044 (UC-23-0604)-UNCOMMONS LIVING BLDG 1, LLC:

USE PERMITS FIRST EXTENSION OF TIME for the following: **1)** modification to pedestrian realm; and **2)** allow alternative design for pedestrian realm in conjunction with a previously approved mixed-use project on an 8.4 acres portion of 32.23 acres in a U-V (Urban Village-Mixed Use) Zone in the CMA Design Overlay District.

Generally located on the east side of Durango Drive and the south side of the CC 215 within Spring Valley. MN/tpd/kh (For possible action)

RELATED INFORMATION:

APN:

176-04-211-002 through 176-04-211-007; 176-04-211-009 through 176-04-211-015; 176-04-301-003; 176-04-301-004; 176-04-301-014

USE PERMITS:

1. Modify a portion of the pedestrian realm to include attached sidewalks where detached sidewalks are required.
2. Allow an alternative design within the supplemental pedestrian realm.

LAND USE PLAN:

SPRING VALLEY - BUSINESS EMPLOYMENT

SPRING VALLEY - CORRIDOR MIXED-USE

BACKGROUND:

Project Description

General Summary

- Site Address: N/A
- Site Acreage: 32.23 (entire site)/8.4 (Phase II - subject site)
- Number of Lots/Units: 807 (455 units for Phase II - subject site)
- Project Type: Modifications to high impact/mixed-use project

History

The approved mixed-use project is located on the southeast corner of the CC 215, Roy Horn Way, and Durango Drive on a total of 32.23 acres approved by ZC-19-0343. The approved plans depict a high impact, mixed-use project consisting of office buildings, movie theater, commercial buildings, residential buildings, and parking structures. The originally approved residential element consisted of 838 residential units at a density of 24 dwelling units per acre. The approved open space element for the entire project was a total of 452,100 square feet where 211,266 square feet is required.

In March 2020 a design review (DR-20-0098) was approved for modifications to Phase II. The revised plans approved with DR-20-0098 depicted 807 residential units at a density of 23 dwelling units per acre.

The approved Phase II portion of the project consists mainly of the residential element and a portion of the commercial elements. The 8.4 acre block is between Maule Avenue to the north, Badura Avenue to the south, Gagnier Boulevard to the east, and Butler Street to the west. The plans depict a contiguous residential complex consisting of 7 apartment buildings with firewalls separating the buildings, and 1 parking structure on the southeastern portion of the complex. A total of 455 residential units are proposed to be divided into the 7 buildings. The buildings are configured to create an exterior courtyard along Maule Avenue, and 3 separate interior courtyards connect the buildings with ground level breezeways. The commercial element provided is 2,659 square feet and is located on the northwestern portion of the block. Additional uses include a leasing office with amenity areas for the buildings within this block and includes a fitness center, co-working spaces, lounge, pet spa, and bicycle storage.

Request & Plans

Use permit #1 was a request to allow attached sidewalks for portions of the pedestrian realm due to NV Energy transformers and utility driveways. The plans show areas on all 4 street frontages where sidewalk is attached to the back of curb. Along Gagnier Boulevard at 3 locations, the design intent is to provide an attached sidewalk due to NV Energy transformer requirements, utility needs, and grading. Along Badura Avenue adjacent to the driveways, an attached sidewalk approximately 135 feet long was approved to accommodate both drive aisles and NV Energy access. Along Butler Street, an attached sidewalk was approved due to the locations of the NV Energy transformer and NV Energy access driveway.

Use permit #2 was a request to allow the supplemental pedestrian areas to be fully landscaped instead of including a mix of pedestrian features and design elements. Since the transformers and driveways resulted in less landscaping, the applicant has relocated the required landscaping to the supplemental pedestrian area so there is no net loss of landscape material.

Signage

Signage was not a part of the original request.

Previous Conditions of Approval

Listed below are the approved conditions for UC-23-0604:

Comprehensive Planning

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

Applicant's Justification

Portions of the pedestrian realm have not been constructed because of delays based on financing and other unavoidable issues. Therefore, the 3 year extension of time to commence and complete the project is necessary to secure financing, tenants, and partners for this portion of the project.

Prior Land Use Requests

Application Number	Request	Action	Date
SC-24-0261	Street name change for Gagnier Boulevard to Signature Boulevard	Approved by BCC	November 2024
DR-23-0802	Design review for a recreational facility with a previously approved mixed-use project	Approved by BCC	February 2024
WC-23-400174 (ZC-19-0343)	Waivers of conditions for the operating hours to specials events	Approved by BCC	February 2024
WS-23-0718	Waivers of development standards and a design review for modifications to the comprehensive sign package for a mixed-use project	Approved by BCC	December 2023
WS-23-0604	Use permits for modifications to pedestrian realms and alternative designs for pedestrian realms to a mixed-use project	Approved by BCC	November 2023
WS-23-0333	Waived approach distance, throat depth, and driveways with a design review for Phase II of a high impact mixed-use project and finished grade	Approved by BCC	August 2023
ET-22-400041 (DR-20-0098)	First extension of time for outdoor theater and revisions to a high impact mixed-use project	Approved by BCC	May 2022
ET-22-400040 (WS-20-0099)	First extension of time for a temporary parking lot for a high impact mixed-use project	Approved by BCC	May 2022
ET-22-400039 (ZC-19-0343)	First extension of time request for a high impact mixed-use project	Approved by BCC	May 2022
DR-22-0011	Finished grade	Approved by BCC	April 2022
WS-20-0507	Waived setbacks, signage, and non-standard improvements in right-of-way, with design reviews for building modifications and a comprehensive signage package for a high impact mixed-use project	Approved by BCC	January 2021
WS-20-0099	Temporary parking lots in conjunction with the previously approved High Impact, mixed-use project	Approved by ZA	March 2020

Prior Land Use Requests

Application Number	Request	Action	Date
DR-20-0098	Outdoor theater and modifications to the previously approved High Impact, mixed-use project	Approved by ZA	March 2020
VS-20-0052	Vacated and abandoned patent easement and rights-of-way being Butler Avenue, Maule Avenue, and Gagnier Boulevard	Approved by ZA	March 2020
TM-20-500013	Mixed-use subdivision project	Approved by ZA	March 2020
ZC-19-0343	Reclassified the site to U-V zoning for a High Impact, mixed-use project	Approved by BCC	June 2019
VS-19-0253	Vacated and abandoned patent easements and a portion of right-of-way being Pamalyn Avenue	Approved by BCC	May 2019
VS-0794-16	Vacated and abandoned patent easements and a portion of right-of-way being Butler Street	Approved by BCC	April 2017
UC-1202-02	Off-premises sign	Denied by BCC	February 2003
UC-1199-02	Off-premises sign	Denied by BCC	February 2003
VS-1518-02	Vacated and abandoned a portion of the Durango Flood Channel	Approved by PC	December 2002
ZC-1415-02	Reclassified a 12.2 acre portion of the site to C-2 zoning for a future development	Approved by BCC	November 2002
ZC-1107-02	Reclassified a 2 acre portion of the site to C-2 zoning for an office building	Approved by BCC	September 2002
ZC-1065-02	Reclassified a 2.5 acre portion of the site to C-2 zoning for a restaurant	Approved by BCC	September 2002

Surrounding Land Use*

	Planned Land Use Category	Zoning District	Existing Land Use
North**	Corridor Mixed-Use	RS20 & CG	Undeveloped & office buildings
South	Urban Neighborhood (greater than 18 du/ac) & Business Employment	IP, RM32, & CG	Undeveloped, retail plaza, & multi-family residential
East	Business Employment & Urban Neighborhood (greater than 18 du/ac)	CG, RM50, & CP	Undeveloped & office building
West	Entertainment Mixed-Use	H-1	Durango Station

*Portions of the subject site and surrounding area are in the Public Facilities Needs Assessment (PFNA) area.

**The CC 215 is located directly north of the site.

Related Applications

Application Number	Request
ET-25-400043 (ZC-19-0343)	Extension of time for a high impact mixed-use project is a related item on this agenda.
ET-25-400042 (WS-23-0718)	Extension of time for signage is a related item on this agenda.
ET-25-400041 (DR-20-0098)	Extension of time for an outdoor theater and modifications to a mixed-use project is a related item on this agenda.
ET-25-400038 (WS-20-0099)	Extension of time for temporary parking lots is a related item on this agenda.
ET-25-400037 (WS-23-0333)	Extension of time for Phase II of a mixed-use project is a related item on this agenda.

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 to complete the project as approved. As the applicant indicates, more than 61% of the project has been completed. This partially meets the definition of completion per Title 30. However, an extension of time is needed so the applicant can secure more financing to complete the approved project. Staff understands the complex nature of development and the immense financial commitment that is required. Furthermore, the approved project aligns with Policy SV-1.5 of the Master Plan. This policy seeks to encourage the development of neighborhood-oriented retail, office, and commercial services that allow Spring Valley residents to meet their daily needs and potentially work close to their homes. Therefore, staff can support the 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 December 6, 2028 to complete 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; and the applicant is solely responsible for ensuring compliance with all conditions and deadlines.

Public Works - Development Review

- 30 days to coordinate with Public Works - Construction Management Division and submit separate document if required, for dedication of any necessary right-of-way and easements for the Badura Avenue/Maule Avenue improvement project;
- 90 days to record said separate document for the Badura Avenue/Maule Avenue improvement project.

Fire Prevention Bureau

- No comment.

Clark County Water Reclamation District (CCWRD)

- No comment.

TAB/CAC: Spring Valley - approval.

APPROVALS:

PROTEST:

APPLICANT: KELLY LAWSON

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