

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**WC-23-400174 (ZC-19-0343)-UNCOMMONS LIVING BLDG 1, LLC:**

**WAIVERS OF CONDITIONS** of a zone change requiring the following: **1)** live entertainment limited to daytime hours when it is within 500 feet of existing abutting residential uses; and **2)** temporary outdoor commercial events located within 200 feet of existing abutting residential development and live entertainment associated with a temporary outdoor commercial event located within 500 feet of existing abutting residential development limited to daytime hours in conjunction with a previously approved mixed-use development on 32.5 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 CC 215 within Spring Valley. MN/jud/syp (For possible action)

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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

**LAND USE PLAN:**

SPRING VALLEY - BUSINESS EMPLOYMENT

SPRING VALLEY - CORRIDOR MIXED-USE

**BACKGROUND:**

**Project Description**

General Summary

- Site Acreage: 32.5
- Project Type: Modification to a mixed-use development

Plans, History, & Request

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 32.5 acres approved by ZC-19-0343. The approved plans depict a High Impact Project, mixed-uses such as 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.

Internal private streets with on-street parking create a grid network connecting the project with the surrounding public rights-of-way. Four office buildings are located along Roy Horn Way adjacent to the northern portion of the site. Commercial buildings with a market hall and parking

structures provide a centralized gathering space within the overall complex. This centralized gathering space will include a farmer's market, outside dining, drinking, and cooking, live entertainment, food carts/booths, temporary commercial events, and weddings.

The Phase II portion of the project was approved and consists mainly of the residential element and a portion of the commercial elements. 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, 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.

The request is to waive the conditions of approval for ZC-19-0343 limiting live entertainment and live entertainment in conjunction with temporary commercial outdoor events within 500 feet of residential uses to daytime hours (6:00 a.m. to 10:00 p.m.) as well as temporary outdoor commercial events within 200 feet abutting residential development. The applicant is requesting to extend the hours for live entertainment to 12:00 a.m. on Friday and Saturday nights.

#### Previous Conditions of Approval

Listed below are the approved conditions for ZC-19-0343:

#### Current Planning

- Resolution of Intent to complete in 3 years;
- Live entertainment limited to daytime hours when it is within 500 feet of existing abutting residential uses;
- Temporary outdoor commercial events located within 200 feet of existing abutting residential development and live entertainment associated with a temporary outdoor commercial event located within 500 feet of existing abutting residential development limited to daytime hours;
- Major training facilities limited to 50 people;
- Enter into a Development Agreement with Clark County 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 shall enter into a Performance Agreement with Clark County, Performance Agreement to include a Decommissioning Plan, acceptable to the County, which specifies the actions to be taken by the Developer or County in the event construction of the project is stopped or abandoned with said plan to be submitted and approved prior to grading or building permits;
- Allow the following permits prior to the adoption of the Development Agreement, Performance Agreement, and off-site permit: all grading, including excavation and underground utilities, construction below grade level, and structural first lift with initial foundation work and structures above grade;

- Bond or other form of security, acceptable to Clark County, shall be provided for the Performance Agreement and prior to approval of the grading permit;
- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection.
- Applicant is advised that 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; a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; and 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

- 2 years for the applicant to obtain off-site permit;
- 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;
- Right-of-way dedication to include 25 to 50 feet to back of curb for Maule Avenue, 25 feet to back of curb for Butler Street, 25 to 50 to back of curb for Gagnier Boulevard, 35 feet to the back of curb for Badura Avenue, and associated spandrels, and, if necessary, additional right-of-way for Roy Horn Way to accommodate 44 feet of right-of-way from the back of curb to the concrete barrier;
- If required by the Regional Transportation Commission, provide a bus turnout on the east side of Durango Drive and include provisions for a 5 foot by 50 foot bus shelter pad easement behind the sidewalk.
- Applicant is advised that compliance with the Uniform Standard Drawings, unless waived with this application, is required; 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; and that the installation of detached sidewalks will require the dedication of right-of-way to the back of curb or the vacation of excess right-of-way and granting necessary easements for utilities, pedestrian access, streetlights, and traffic control or execute a License and Maintenance Agreement for non-standard improvements in the right-of-way.

#### Department of Aviation

- Compliance with most recent recorded airport-related deed restrictions for APN's 176-04-201-004, 176-04-201-009, 176-04-301-012.
- Applicant is advised that issuing a stand-alone noise disclosure statement to the purchaser or renter of each residential unit in the proposed development and to forward the completed and recorded noise disclosure statements to the Department of Aviation's Noise Office is strongly encouraged; that the Federal Aviation Administration will no longer approve remedial noise mitigation measures for incompatible development impacted by aircraft operations which was constructed after October 1, 1998; and that funds will not be available in the future should the residents wish to have their buildings purchased or soundproofed.

#### Building Department - Fire Prevention

- Applicant is advised to provide Fire Apparatus Access Roads in accordance with Section 503 of the International Fire Code and Clark County Code Title 13, 13.04.090 Fire Service Features; and that the current design cannot be supported.

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

- Applicant is advised that a Point of Connection (POC) request has been initiated for this project; to email sewerlocation@cleanwaterteam.com and reference POC Tracking #0170-2019 to obtain your POC exhibit; and that wastewater flow rates that exceed CCWRD estimates may require another POC analysis.

#### Applicant's Justification

The applicant states this condition was placed on ZC-19-0343 because of the approved R-4 multiple family project to the west across Butler Street which is located south and west of the development. The other reason was the existing undeveloped R-E zoned parcels that could be developed in the area. Since the development of the Uncommons mixed-use project, there are no residential uses existing abutting or constructed within either 200 feet or 500 feet of the development. The closest residential use is more than 800 feet to the southwest across Durango Drive and Maule Avenue. The other existing residential uses in the area are more than 1,500 feet to the southeast across both Badura Avenue and Arby Avenue and east of Cimmaron Road. Since the request is to increase the hours for the weekends only, this is reasonable based on the location of the residential uses and will not negatively impact the area.

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

<b>Application Number</b>	<b>Request</b>	<b>Action</b>	<b>Date</b>
WS-23-0718	Modifications to comprehensive sign package for a mixed-use project	Approved by BCC	December 2023
UC-23-0604	Modifications to pedestrian realm and alternative design for Phase II of a High Impact Project and mixed-use project	Approved by BCC	December 2023
WS-23-0333	Waived approach distance, throat depth, and driveways with a design review for Phase II of a High Impact Project and 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 Project and 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 Project and mixed-use project	Approved by BCC	May 2022
ET-22-400039 (ZC-19-0343)	First extension of time request for a High Impact Project and mixed-use project	Approved by BCC	May 2022
DR-22-0011	Finished grade	Approved by BCC	April 2022

### Prior Land Use Requests

Application Number	Request	Action	Date
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 Project and mixed-use project	Approved by BCC	January 2021
WS-20-0098	Temporary parking lot for a High Impact Project and mixed-use project	Approved by ZA	March 2020
DR-20-0098	Outdoor theater and modifications to a previously approved High Impact Project and mixed-use project	Approved by ZA	March 2020
TM-20-500013	Mixed-use project consisting of 4 commercial lots on 43.4 acres	Approved by ZA	March 2020
ZC-19-0343	Reclassified the site to U-V zoning for a High Impact Project and mixed-use project	Approved by BCC	June 2019
VS-19-0253	Vacated and abandoned government 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 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	R-E, M-D, & C-2	CC 215, undeveloped, & office building
South	Urban Neighborhood	R-4 & M-D	Undeveloped & multiple family residential
East	Business Employment	R-E & C-2	Undeveloped
West	Entertainment Mixed-Use	H-1	Multiple family residential & approved resort hotel/casino (Durango Station)

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

## Related Applications

Application Number	Request
DR-23-0802	A design review for a recreational facility is a companion 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

A waiver of conditions may be approved upon a finding that the condition will no longer fulfill its intended purpose.

Staff finds that the original condition of approval for ZC-19-0343 was included to minimize any negative impacts to the abutting, approved, multiple family development. Since the original approval, events have occurred on-site without a reported issue. Most of the events will be buffered from surrounding uses. While the outdoor entertainment venue is on the second story, the venue is on the west side of the site, adjacent to Durango Drive and abutting Durango Station, and a building buffers the property to the south. Staff finds the events and live entertainment to be acceptable for extended hours during Fridays and Saturdays as requested by the applicant.

#### Staff Recommendation

Approval.

Approval of the waiver of conditions request constitutes a finding by the Commission/Board that the conditions will no longer fulfill its intended purpose.

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

- Applicant is advised they are a solely responsible for ensuring compliance with all conditions and deadlines.

#### Public Works - Development Review

- No comment.

#### Fire Prevention Bureau

- No comment.

**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 #0118-2020 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

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

**APPROVALS:**

**PROTEST:**

**APPLICANT:** JIM STUART

**CONTACT:** LEBENE AIDAM-OHENE, BROWN, BROWN, & PREMSRIRUT, 520 S. 4TH STREET, LAS VEGAS, NV 89101