

05/21/25 BCC AGENDA SHEET

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**ET-25-400041 (DR-20-0098)-UNCOMMONS LIVING BLDG 2, LLC:**

**DESIGN REVIEWS SECOND EXTENSION OF TIME** for the following: **1)** outdoor theater; and **2)** modifications to a previously approved High Impact Project and Mixed-Use Project 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 the CC 215 within Spring Valley. MN/nai/kh (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

**DESIGN REVIEWS:**

1. Outdoor theater.
2. Modifications to a High Impact, mixed-use project.

**LAND USE PLAN:**

SPRING VALLEY - BUSINESS EMPLOYMENT

SPRING VALLEY - CORRIDOR MIXED-USE

**BACKGROUND:**

**Project Description**

General Summary

- Site Address: N/A
- Site Acreage: 32.5
- Number of Lots/Units: 838
- Density (du/ac): 24
- Project Type: Outdoor theater, retail buildings, & market hall
- Building Height (feet): 75 (outdoor theater)/20 (retail buildings)/45 (market hall)
- Square Feet: 56,000 (outdoor theater)/25,233 (retail buildings)/18,000 (market hall)
- Open Space Required/Provided (overall): 211,266/455,890
- Parking Required/Provided (overall): 3,298/3,730

Overview

The approved application included the following changes to a previously approved High Impact, mixed-use project: 1) add a rooftop outdoor theater/concert venue to the second floor of a previously approved movie theater located on the central, western portion of the site; 2) redesign

the layout and elevations of previously approved retail buildings and market hall located in the central portion of the site; and 3) other minor changes, including but not limited to, removing decorative fenestration on the north side of a previously approved parking garage located in the northwest portion of the site. The plans for the remainder of the project remained in substantial compliance with ZC-19-0343.

Outdoor live entertainment was previously approved with a use permit in conjunction with the original application (ZC-19-0343); therefore, the live entertainment entitlement applied to the outdoor theater/concert venue. However, live entertainment is limited to daytime hours per a condition of approval when it is within 500 feet of existing abutting residential uses.

This application is for a second extension of time to allow additional time for the completion of the outdoor theater and the other changes to the original mixed-use project application.

#### Site Plans

Overall, the original plans depicted a High Impact, mixed-use project consisting of office buildings, a movie theater, commercial buildings, residential buildings, and parking structures. Internal private streets with on-street parking created a grid network connecting the project with the surrounding public rights-of-way. Four office buildings were located along Roy Horn Way adjacent to the northern portion of the site. Commercial buildings with a market hall and parking structures provided 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 approved plans for the revision to the approved mixed-use project depicted a rooftop, outdoor theater/concert venue was added to the second floor of a previously approved movie theater. The movie theater and outdoor theater/concert venue were located approximately 100 feet from the west property line, adjacent to Durango Drive, approximately 280 feet from the north property line, adjacent to Roy Horn Way, and approximately 185 feet from the south property line of this portion of the project, adjacent to Maule Avenue and abutting approximately 9 acres zoned R-4 and planned for residential urban center uses.

Additional changes depicted on the revised plans included reconfiguring the retail, restaurant, and market hall buildings around the centralized gathering space. Instead of 3 larger buildings that were previously approved, this area included 6 smaller buildings creating more intimate walkways and courtyards between the buildings. The pedestrian realm/walkways through this area remained connected with the new configuration of buildings. This area was located approximately 300 feet from the west property line, adjacent to Durango Drive, 190 feet from the north property line, adjacent to Roy Horn Way, and 310 feet from the south property line of this portion of the project, adjacent to Maule Avenue.

#### Landscaping

The approved plans will remain in compliance with the original application and Title 30 standards, although the applicant indicates that plant materials and locations may change as the design of the project is finalized. As depicted on the original plans, pedestrian realms throughout

the site range in width from 73 feet to 15 feet, and consist of an amenity zone, a sidewalk, and a supplemental zone.

### Elevations

With the addition of the rooftop outdoor theater/concert venue, the movie theater building increased from 46 feet high to 75 feet high. The exterior of the building then consisted of blackened steel panels, metal mesh, vertical standing seam decorative metal panels, and glass windows to give an industrialized, modern aesthetic, which was compatible with the design of the overall project. The rooftop theater/concert venue included an angled overhang over the stage that extends up to 75 feet at the highest point.

The retail buildings and market hall remained at approximately 35 feet high, and included a variety of architectural elements such as metal, wood paneling, and large windows to create an active environment that blends interior and exterior spaces with abundant outside dining opportunities.

Lastly, a metal mesh, which was shown on the north side of a parking garage located in the northwest portion of the site was removed.

### Floor Plans

The previously approved floor plans for the movie theater and outdoor theater/concert venue indicated an increase of 23,500 square feet from the previous approval from 32,500 square feet to 56,000 square feet. Also, the number of seats increased by 625 seats from 566 seats to 1,191 seats, and the outdoor theater/concert venue included multiple levels of tiered stadium style seating that extends upward on the roof, and the floor plan for the outdoor theater/concert venue included a stage, sound area, tiered seating, and VIP lounge, restrooms, and food prep areas located under the tiered seats. The previously approved floor plan for the movie theater included a lobby, bar, kitchen, restrooms, and movie theaters.

The area of the retail and restaurant area and market hall decreased in size by 740 square feet from 23,440 square feet to 22,700 square feet.

### Previous Conditions of Approval

Listed below are the approved conditions for ET-22-400041 (DR-20-0098):

#### Current Planning

- Until June 19, 2025 to complete.
- 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 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 DR-20-0098:

#### Current Planning

- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection.
- Applicant is advised that residential and commercial components of the project must be developed simultaneously; the development agreement and decommissioning plan must be updated based on changes to project; 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; 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

- Until June 19, 2021 for the applicant to obtain off-site permits as required by ZC-19-0343;
- 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 feet to 50 feet to the back of curb for Maule Avenue, 25 feet to the back of curb for Butler Street, 25 feet to 50 to the 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 north of and as close as practical to Maule Avenue 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 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

- 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.

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 #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 is requesting a 3 year extension to commence the outdoor theatre. This application is conjunction to 5 other land use applications that are in conjunction to the Matter Uncommons project. Because of delays based on financing and other avoidable issues the theatre has not commenced.

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

| <b>Application Number</b> | <b>Request</b>  | <b>Action</b>   | <b>Date</b>   |
|---------------------------|---|-----------------|---------------|
| 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  |

### Prior Land Use Requests

| Application Number | Request  | Action          | Date           |
|--------------------|--|-----------------|----------------|
| WS-20-0099         | Temporary parking lots in conjunction with the previously approved High Impact, mixed-use project                | Approved by ZA  | March 2020     |
| 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 are in the CMA Design Overlay District and the Public Facilities Needs Assessment (PFNA) area.

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

**Related Applications**

| <b>Application Number</b>    | <b>Request</b>  |
|------------------------------|---|
| ET-25-400044<br>(UC-23-0604) | Extension of time for modifications to the pedestrian realm is a related item on this agenda. |
| ET-25-400043<br>(ZC-19-0343) | Extension of time for a high impact mixed-use project is a related item on this agenda.       |
| ET-25-400042<br>(WS-23-0718) | Extension of time for signage is a related item on this agenda.                               |
| ET-25-400038<br>(WS-20-0099) | Extension of time for temporary parking lots is a related item on this agenda.                |
| ET-25-400037<br>(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.

Majority of the modifications submitted with DR-20-0098 have been completed. Structures include the office buildings, commercial buildings, and market hall. The owners appear to have made progress towards completing the overall project. Therefore, staff can support an extension of time, as there is sufficient reason to believe that the applicant will continue to make a good faith effort to complete the project.

**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 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; 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;
- 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:** KELLY LAWSON

**CONTACT:** LEBENE AIDAM-OHENE, BROWN, BROWN, & PREMSRIRUT, 520 S. FOURTH STREET #200, LAS VEGAS, NV 89101