

## 03/20/24 BCC AGENDA SHEET

### PUBLIC HEARING

#### APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

#### **ZC-23-0868-SPRING MOUNTAIN PROCYON LLC:**

**ZONE CHANGE** to reclassify 5.7 acres from an M-1 (Light Manufacturing) Zone to a C-2 (General Commercial) Zone.

**WAIVERS OF DEVELOPMENT STANDARDS** for the following: **1)** increased building height; **2)** height setback from an arterial street; and **3)** driveway geometrics.

**DESIGN REVIEW** for a commercial center.

Generally located on the south side of Spring Mountain Road and the west side of Polaris Avenue within Paradise (description on file). JJ/rr/ng (For possible action)

---

#### RELATED INFORMATION:

##### **APN:**

162-17-202-001 through 162-17-202-004; 162-17-202-006; 162-17-202-008

##### **LAND USE PLAN:**

WINCHESTER/PARADISE - ENTERTAINMENT MIXED-USE

##### **WAIVERS OF DEVELOPMENT STANDARDS:**

1. Increase building height to 67 feet where a maximum of 50 feet is allowed per Table 30.40-4 (a 34% increase).
2. Decrease height setback from an arterial street to 16.5 feet where 19.5 feet is the minimum requirement per Figure 30.56-4 (a 15.4% decrease).
3. Reduce throat depth for a driveway along Spring Mountain Road to 85.5 feet where a minimum of 100 feet is required per Uniform Standard Drawing 222.1 (a 14.5% reduction).

##### **BACKGROUND:**

###### **Project Description**

###### General Summary

- Site Address: 3429 and 3520 Spring Mountain Rd & 3500, 3555, and 3595 Polaris Ave
- Site Acreage: 5.7
- Project Type: Commercial center with 7 buildings
- Number of Stories: 5 (Building A including parking garage)/2 (Buildings B through G)
- Building Height (feet): 63 (Building A)/67 (Buildings B through G)
- Square Feet: 98,100
- Parking Required/Provided: 393/594

###### Site Plans

The plans indicate 7 buildings are proposed on the site. Building A is located on the northwest corner of the site and includes a 3 level parking garage above a ground level commercial space.

This building has a front setback of 19 feet 6 inches and a side street setback of 17 feet 11 inches. A pedestrian realm is indicated between the front of the building and Spring Mountain Road. There is elevator and stair access to the parking garage to the northeast of Building A. The vehicular entrance and exit to the parking garage is located south of the building. A driveway entrance, primarily for maintenance purposes, is also located off Procyon Street south of the garage and provides access to a loading zone and trash enclosure.

The other 6 buildings, Buildings B through G, are located east of the main driveway from Spring Mountain Road to the east of Building A and the parking garage. The parking garage is accessed from these buildings by way of a pedestrian bridge over the main driveway at the second level. Also, a ground level pedestrian walkway is shown crossing the driveway in the same area. The pedestrian bridge connects to a series of elevated walkways that provide access to the second levels of Buildings B through E. A second pedestrian bridge which crosses over the northern driveway from Polaris Avenue connects to the elevated walkways accessing the second levels of Buildings F and G to the south. A raised pedestrian walkway is shown crossing the northern driveway. Two elevators and 3 sets of stairways provide access between the first and second levels of all buildings. Sidewalks are distributed throughout the site which connect the public sidewalks to all building entrances and parking areas. Surface parking areas, including ADA spaces and 2 loading zones, are located generally to the south and west of Buildings B through G. There are 2 driveways proposed from Polaris Avenue. The northern driveway is located between Buildings D and E and Buildings F and G. The southern driveway is located south of Buildings F and G. All buildings are set back a minimum of 15 feet from Spring Mountain Road and Polaris Avenue. Three trash enclosures are indicated adjacent to Building A, Building E, and Building G.

### Landscaping

The plan depicts street landscape areas measuring a minimum of 15 feet in width, including 5 foot wide detached sidewalks along Procyon Street, Spring Mountain Road, and Polaris Avenue in accordance with Figure 30.64-17. The street landscaping consists of medium trees, 24 inch box sized, generally spaced 30 feet apart and planted in alternating rows, with shrubs and groundcover. Parking lot landscaping, including landscape islands, is also provided in accordance with Figure 30.64-14. Although some palm trees are provided, none are located within the parking areas or around the perimeter of the parking areas. Additional landscaping is depicted along the southern and western property boundaries.

### Elevations

The plans depict Building A, which includes a ground level commercial space, with metal storefronts and windows facing Spring Mountain Road. The plans show a mix of smooth and reflective EIFS on the exterior wall surfaces. The parking garage exterior walls are shown as concrete panels with screening for the open garage levels that face Spring Mountain Road, Procyon Street, and the main driveway to the east. The south side of the garage which does not face any streets, is not depicted with screening. The highest surface level of the parking garage is 50 feet; however, the elevator shaft extends the overall height to 63 feet. Buildings B through G are all similarly designed with modern architecture that includes a mix of smooth and reflective EIFS on the exterior wall surfaces, sandstone tile, composite wood panels, metal storefronts, and large decorative windows on all building sides. The buildings are 2 stories with heights which extend to 50 feet at the parapet, however, there are a series of curved and angled shade structures that

extend above the roof to a maximum height of 67 feet. Waivers have been requested to allow increased building heights for all buildings and reduced height setbacks from Spring Mountain Road, an arterial street, for Building A.

#### Floor Plans

The plans indicate a first floor shell for Building A of 19,500 square feet for retail use. There are 3 levels of parking above this ground level commercial space. The shell plans for the other buildings indicate 2 floors. The square footage of each floor and the total square footage is as follows: Building B, 6,500 square feet per floor and 13,000 square feet total; Building C, 7,200 square feet per floor and 14,000 square feet total; Building D, 3,800 square feet per floor and 7,600 square feet total; Building E, 8,800 square feet per floor and 17,600 square feet total; Building F, 6,660 square foot per floor and 13,200 square feet total; and Building G, 6,400 square feet per floor and 12,800 square feet total.

#### Signage

Signage is not a part of this request.

#### Applicant's Justification

The request for a zone change to C-2 zoning is appropriate to the site and compatible with the Master Plan and surrounding area. The site is located along Spring Mountain Road, a highly intense corridor, with various high-density multiple family residential and commercial uses. The site is directly east of an approved, but not yet developed, resort hotel. The development of commercial on the site rather than industrial as it is currently zoned, is a more appropriate use adjacent to the future hotel. The additional commercial uses will also bring the added community uses to support the existing and recently approved multiple family developments in the immediate areas.

#### **Prior Land Use Requests: All parcels**

| <b>Application Number</b> | <b>Request</b>                                                                                                                                                                                                                                                                                               | <b>Action</b>   | <b>Date</b>    |
|---------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|----------------|
| UC-23-0126                | Monorail (Vegas Loop)                                                                                                                                                                                                                                                                                        | Approved by BCC | May 2023       |
| ZC-0770-07 (ET-0068-16)   | Third extension of time for a resort hotel and casino - expired                                                                                                                                                                                                                                              | Approved by BCC | July 2016      |
| ZC-0770-07 (ET-0102-14)   | Second extension of time for a resort hotel and casino - expired                                                                                                                                                                                                                                             | Approved by BCC | October 2014   |
| ZC-0770-07 (ET-0126-10)   | First extension of time for a resort hotel and casino - expired                                                                                                                                                                                                                                              | Approved by BCC | September 2010 |
| ZC-0770-07                | Reclassified from U-V to H-1 zoning, with use permits for expansion/enlargement of the Gaming Enterprise District, resort hotel and casino with mid-rise and high-rise towers, resort condominium units, public areas, increased height, accessory uses, and deviations from development standards - expired | Approved by BCC | September 2007 |

**Prior Land Use Requests: All parcels**

| <b>Application Number</b> | <b>Request</b>                                                                                                                                                     | <b>Action</b>   | <b>Date</b>   |
|---------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|---------------|
| ZC-1925-05                | Reclassified from U-V and M-1 to U-V zoning for a mixed use development consisting of commercial areas and 1,738 residential units in 4 high-rise towers - expired | Approved by BCC | February 2006 |
| ZC-1745-04                | Reclassified from M-1 to U-V zoning for a mixed use development consisting of commercial areas and 687 residential units in 4 high-rise towers - expired           | Approved by BCC | February 2005 |

**Prior Land Use Requests: APN 162-17-202-001 through 162-17-202-004**

| <b>Application Number</b> | <b>Request</b>                           | <b>Action</b>   | <b>Date</b> |
|---------------------------|------------------------------------------|-----------------|-------------|
| UC-18-0196                | Outside dining and cooking (food trucks) | Approved by BCC | April 2018  |

**Prior Land Use Requests: APN 162-17-202-002, -004, -006, and -008**

| <b>Application Number</b> | <b>Request</b>                                                                                                                                    | <b>Action</b>   | <b>Date</b> |
|---------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|-------------|
| UC-0327-16                | Mixed-use development in an H-1 zone with vertically mixed elements including residential, commercial, open space and pedestrian realms - expired | Approved by BCC | July 2016   |

**Prior Land Use Requests: APN 162-17-202-008 only**

| <b>Application Number</b> | <b>Request</b>                                                                      | <b>Action</b>  | <b>Date</b>   |
|---------------------------|-------------------------------------------------------------------------------------|----------------|---------------|
| UC-20-0395                | Personal services (beauty salon)                                                    | Approved by PC | November 2020 |
| UC-0196-15                | Office as a principal use in conjunction with an existing office/warehouse building | Approved by PC | May 2015      |
| UC-0117-10                | Secondhand sales and outside storage                                                | Approved by PC | May 2010      |

**Surrounding Land Use**

|       | <b>Planned Land Use Category</b> | <b>Zoning District (Overlay)</b> | <b>Existing Land Use</b>           |
|-------|----------------------------------|----------------------------------|------------------------------------|
| North | Mixed Use Commercial             | M-1 & C-2                        | Undeveloped & commercial buildings |
| South | Mixed Use Commercial             | M-1                              | Industrial building & warehouse    |
| East  | Mixed Use Commercial             | M-1 (H-1 - ROI)*                 | Office & retail complex            |
| West  | Mixed Use Commercial             | M-1                              | Industrial buildings & retail      |

\*Property under Resolution of Intent (ZC-0425-07) for a resort hotel and casino last extended in 2023.

## **Related Applications**

| <b>Application Number</b> | <b>Request</b>                                                                                                                                                                                              |
|---------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| VS-23-0872                | A request to vacate and abandon government patent easements and 5 foot wide portions of Procyon Street, Spring Mountain Road, and Polaris Avenue for detached sidewalks is a companion item on this agenda. |
| TM-23-500185              | Tentative map for a 1 lot commercial subdivision is a companion item on this agenda.                                                                                                                        |

## **STANDARDS FOR APPROVAL:**

The applicant shall demonstrate the proposed request is consistent with the Master Plan and is in compliance with Title 30.

## **Analysis**

### **Comprehensive Planning**

#### Zone Change

In addition to the standards for approval, the applicant must demonstrate the zoning district is compatible with the surrounding area. The proposed C-2 zone is compatible with the Master Plan land use designation of Entertainment Mixed-Use. A zone change to allow commercial development on the subject site supports the intent of this land use designation which provides for a mix of retail, restaurants, entertainment, gaming, lodging, and other tourist-oriented uses, as well as office uses. Additionally, the area has been slowly transitioning away from industrial uses to multiple family development in the last several years. This includes the Lotus Apartments located at the northwest corner of Procyon Street and Spring Mountain Road, a new apartment complex under construction at the southwest corner of Polaris Avenue and Desert Inn Road, and another multiple family project approved at Valley View Boulevard and Pioneer Avenue. The proposed commercial use of the property can help to support the needs of existing and future residents of these multiple family developments. For these reasons, staff finds the request for the C-2 zone is appropriate for this location.

#### Waivers of Development Standards

According to Title 30, the applicant shall have the burden of proof to establish that the proposed request is appropriate for its existing location by showing that the uses of the area adjacent to the property included in the waiver of development standards request will not be affected in a substantially adverse manner. The intent and purpose of a waiver of development standards is to modify a development standard where the provision of an alternative standard, or other factors which mitigate the impact of the relaxed standard, may justify an alternative.

#### Waiver of Development Standards #1

The applicant is requesting to allow a maximum building height on the site to be 67 feet where 50 feet is the maximum allowable height in the C-2 zone. Buildings B through G indicate a maximum height of 50 feet at the top of the parapet, however, there are a series of angled and curved roof shade structures which extend to a maximum height of 67 feet. The highest parking garage level of Building A is at 50 feet, not including the wall around the perimeter. However, the elevator shaft extends to a height of 63 feet. In the case of Building A, staff can support an increase in building height to accommodate equipment such as an elevator shaft. For the other buildings, staff

can support architectural intrusions as they add interest to the buildings. The height increase is also comparable to some other recent multiple family projects in the immediate area such as at the southwest corner of Desert Inn Road and Polaris Avenue which were approved for a 65 foot height. Thus, the requested height increase is compatible with the surrounding area.

#### Waiver of Development Standards #2

The applicant is requesting a reduction in the height setbacks for Building A that is adjacent to Spring Mountain Road. Figure 30.56-4 requires 1 additional foot of setback for every 3 feet of building height over 35 feet when a building is adjacent to an arterial street. Building A is 63 feet in height at the top of the elevator shaft at the northeast corner of the building where the setback is approximately 16.5 feet from the street, however 19.5 feet would be required. A small portion of the parking garage is proposed to intrude into the setback. Due to the angle of the street relative to the building the setback increases to the west to a maximum of 26 feet 9 inches. Staff can support this relatively minor intrusion as it should not have a significant impact on the area.

#### Design Review

Development of the subject property is reviewed to determine if 1) it is compatible with adjacent development and is harmonious and compatible with development in the area; 2) the elevations, design characteristics and others architectural and aesthetic features are not unsightly or undesirable in appearance; and 3) site access and circulation do not negatively impact adjacent roadways or neighborhood traffic.

All proposed buildings have a similar contemporary architectural style with common features, design elements, and materials carried throughout the site. The design includes variations in building height, roof height, surface planes, and materials which serves to break-up the mass of these commercial buildings and improve the visual quality. Overall, it appears that the proposed buildings are compatible with the underlying designation of Entertainment Mixed-Use on the Master Plan. The proposed site plan and landscape plan will help to create an orderly and aesthetically pleasing environment that is compatible and harmonious with the surrounding area. The proposed development is consistent with the Master Plan and meet the standards of Title 30. Therefore, staff can recommend approval.

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

##### Waiver of Development Standard #3

Staff has no objection to the reduction in throat depth for the Spring Mountain Road driveway. The 3 driveways should see equal use, mitigating the potential impacts from the reduced throat depth.

#### **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**

- Certificate of Occupancy and/or business license shall not be issued without approval of an application for a zoning inspection.
- Applicant is advised within 4 years from the approval date the waivers of development standards and design review must commence or the application will expire unless extended with approval of an extension of time; 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; changes to the approved project will require a new land use application; and the applicant is solely responsible for ensuring compliance with all conditions and deadlines.

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

- Drainage study and compliance;
- Traffic study and compliance;
- Right-of-way dedication to include 5 feet to the back of curb for Spring Mountain Road;
- 30 days to submit a Separate Document to the Map Team for the required right-of-way dedications and any corresponding easements for any collector street or larger;
- 90 days to record required right-of-way dedications and any corresponding easements for any collector street or larger;
- All other right-of-way and easement dedications to record with the subdivision map;
- 30 days to coordinate with Public Works - Design Division and to dedicate any necessary right-of-way and easements for the Spring Mountain Road improvement project;
- Applicant to install a median along Spring Mountain Road from Procyon Street to Polaris Avenue.
- Applicant is advised that off-site improvement permits may be required; and that the installation of detached sidewalks will require dedication to back of curb, vacation of excess right of way, and granting necessary easements for utilities, pedestrian access, streetlights, and traffic control.

### **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 #0030-2024 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

**TAB/CAC:** Paradise - approval.

**APPROVALS:**

**PROTESTS:**

**APPLICANT:** KCSL, LLC

**CONTACT:** KAEMPFER CROWELL, 1980 FESTIVAL PLAZA DR. SUITE 650, LAS  
VEGAS, NV 89135