

MIXED-USE PROJECT
(TITLE 30)

DURANGO DR/CC 215

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

ET-22-400039 (ZC-19-0343)-MATTER UNCOMMONS LLC, ET AL:

AMENDED ZONE CHANGE FIRST EXTENSION OF TIME to reclassify 32.5 acres from an R-E (Rural Estates Residential) Zone and a C-2 (General Commercial) Zone to a U-V (Urban Village - Mixed-Use) Zone in the CMA Design Overlay District.

USE PERMITS for the following: **1)** High Impact Project; **2)** modified pedestrian realm; **3)** reduce separation from alcohol, on-premises consumption to a residential use; **4)** childcare institution; **5)** college or university; **6)** farmer's market; **7)** food cart/booth not within an enclosed building; **8)** kennel; **9)** live entertainment; **10)** outside dining, drinking, and cooking; **11)** public/quasi-public buildings and facilities; **12)** temporary outdoor commercial events; **13)** training facility (major); and **14)** training facility (minor).

WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** reduce separation from outdoor live entertainment to a residential use; **2)** reduce setback to a right-of-way; **3)** reduce throat depths; and **4)** allow non-standard improvements in the right-of-way.

DESIGN REVIEWS for the following: **1)** a High Impact Project and mixed-use project; and **2)** finished grade (no longer needed).

Generally located on the east side of Durango Drive and the south side of the CC 215 within Spring Valley (description on file). MN/hw/syp (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. High Impact Project.
2. Modify the pedestrian realm along Roy Horn Way.
3. Reduce separation from alcohol, on-premises consumption to a residential use (multiple family) to 80 feet where a minimum distance of 200 feet is required per Table 30.44-1 (a 60% reduction).
4. Childcare institution.
5. College or university.
6. Farmer's market.
7. Allow a food cart/booth not within an enclosed building where required to be located in an enclosed building per Table 30.44-1.
8. Kennel.
9. Live entertainment.

10.
 - a. Reduce the separation to 80 feet from an outside dining, drinking, and cooking area to a residential use (multiple family) where a minimum distance of 200 feet is required per Table 30.44-1 (a 60% reduction).
 - b. Waive the protective barrier where a protective barrier is required between the outside dining area and any sidewalk and parking areas per Table 30.44-1.
 - c. Waive the minimum 48 inch wide pedestrian access where required around the perimeter of an outside dining area per Table 30.44-1.
 - d. Allow on-premises consumption of alcohol (outside) without the primary means of access through the interior of the supper club, tourist club, mixed-use development, or restaurant where required per Table 30.44-1.
11. Public/quasi-public buildings and facilities.
12.
 - a. Allow up to three, 10 day temporary outdoor commercial events in a calendar month with no more than a total of 36 events per calendar year where one, 10 day event in a calendar month with no more than a total of 12 events per calendar year is permitted per Table 30.44-1 (a 200% increase).
 - b. Reduce the separation to 80 feet from a temporary outdoor commercial event to abutting existing residential development where a minimum distance of 200 feet is required per Table 30.44-1 (a 60% reduction).
 - c. Reduce the separation to 80 feet for live entertainment or any other sound amplified by an electronic means with an outdoor temporary commercial event to property lines abutting existing residential development where a minimum distance of 500 feet is required per Table 30.44-1 (a 60% reduction).
13. Training facility (major).
14. Training facility (minor).

WAIVERS OF DEVELOPMENT STANDARDS:

1. Reduce separation from outdoor live entertainment to a residential use (multiple family) to 80 feet where a minimum distance of 500 feet is required per Table 30.44-1 (an 84% reduction).
2. Reduce the setback to a right-of-way (Roy Horn Way) to 3 feet where a minimum distance of 10 feet is required per Chapter 30.56 (a 70% reduction).
3. Reduce driveway throat depths to 40 feet where 150 feet is required per Chapter 30.52 (a 74% reduction).
4. Allow non-standard improvements, including landscaping, decorative fences, and water retention ponds, within rights-of-way and easements.

DESIGN REVIEWS:

1. High Impact and mixed-use project.
2. Increase finished grade to 36 inches where a maximum of 36 inches (previously 18 inches) is the standard per Section 30.32.040 (a 100% increase) (no longer needed).

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 Units: 838
- Density (du/ac): 24
- Project Type: High Impact, mixed-use project
- Number of Stories: Up to 5 stories
- Building Height (feet): Up to 75
- Square Feet (commercial component only): 588,600
- Open Space Required/Provided (square feet): 211,266/452,100
- Parking Required/Provided: 3,135/3,713

Site Plan

The previously approved site plan depicts 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 create a grid network connecting the project with the surrounding public rights-of-way. Four office buildings were shown 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.

A theater building, parking structure, and office building were shown located along Durango Drive, west of the centralized commercial portion of the complex. A subsequent design review was approved to modify the theater and commercial area. East of the centralized gathering space an additional parking structure and residential buildings were shown. South of Maule Avenue are 2 additional residential complexes and associated amenities, such as swimming pools and accessory commercial uses. Use permits and a waiver of development standards were requested to reduce the separation for certain uses, such as on-premises consumption of alcohol, live entertainment, and outside dining, drinking, and cooking, from an adjacent approved multiple family development located to the south of Maule Avenue and west of Butler Street.

In addition, waivers of development standards were necessary for certain alternative off-site improvement standards. For example, the applicant requested a reduction in throat depth at various access driveways for Roy Horn Way, Gagnier Boulevard, Maule Avenue, and Badura Avenue to a minimum of 40 feet. The applicant also requested non-standard improvements in the right-of-way and easements along Roy Horn Way and Durango Drive consisting of landscaping, decorative fences, and water retention ponds. Lastly, a waiver of development standards was also necessary to reduce the setback for buildings along Roy Horn Way to 3 feet where 10 feet is the standard.

Landscaping

Pedestrian realms were shown located adjacent to all public and private streets, except Roy Horn Way. A use permit was requested to divert the pedestrian realm internally through the site rather than along Roy Horn Way due to the grade difference between the site and Roy Horn Way. Pedestrian realms ranged in width from a maximum of 73 feet to 15 feet, and consisted of an amenity zone, a sidewalk, and a supplemental zone. In addition, landscaping was provided throughout the site. Trees included were Catclaw Acacia, Netleaf Hackberry, Western Redbud, Desert Willow, Texas Ebony, Arizona Ash, Blue Palo Verde, Foothills Palo Verde, Sonoran Emerald Palo Verde, Texas Honey Mesquite, Screwbean Mesquite, Texas Mountain Laurel, and Chaste Tree.

Elevations

Office buildings were depicted up to 75 feet high and consisted of a contemporary, modern design with tilt-up concrete panels, steel trim, low-e glazing window systems, and ribbed aluminum parapet walls along the roofline to screen the mechanical equipment.

The movie theater was shown 46 feet tall and constructed of concrete tilt-up panels, zinc accent panels, and low-e glazing window systems. A subsequent design review approved a rooftop outdoor theater to the movie theater, 75 feet in height. Located east of the movie theater, the commercial buildings and market hall ranged in height from 35 feet to 40 feet, 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.

Several parking structures shown on the site included commercial components and residential components wrapped around a portion of the exterior. For example, a parking structure located near the center of the site, which included residential units wrapped around a portion of the structure, extended up to 46 feet high to the roof elements. Light poles on the top deck also extended up to 62 feet high above ground level. Exterior materials consisted of concrete tilt-up panels and perforated metal accent panels for the parking structure, while residential components were finished with warm gray plaster, painted corrugated metal accent panels, and low-e glazing window systems.

Residential complexes located on the southeast and southern portion of the site extended up to 40 feet in height to the roof elements and were finished with plaster, wood slat trim accents, plate steel handrails, and low-e glazing window systems. Parking structures located internal to these residential complexes included light poles on the top deck that extend up to 62 feet above ground level.

Floor Plans & Overview of Each Building

The following is a summary of the main structures depicted on the site. The office buildings were designed as shell spaces, and the individual floor plans were not yet established. A general layout of the floor plan for other buildings were provided; however, individual tenant spaces and details of the residential units will be established in the future.

Office Buildings

Office Building 1

- Square feet: 103,300
- Stories: 4
- Height (feet): 75
- Location: Western side of the project, adjacent to movie theater, Durango Drive, and Maule Avenue

Office Building 2

- Square feet: 77,500
- Stories: 4
- Height (feet): 75
- Location: Northwest portion of the site, adjacent to Roy Horn Way

Office Building 3

- Square feet: 94,800
- Stories: 4
- Height (feet): 75
- Location: Northern portion of the site, adjacent to Roy Horn Way

Office Building 4

- Square feet: 90,200
- Stories: 4
- Height (feet): 75
- Location: Northern portion of the site, adjacent to Roy Horn Way

Office Building 5

- Square feet: 124,000
- Stories: 4
- Height (feet): 75
- Location: Northeastern portion of site, adjacent to Roy Horn Way and Gagnier Street

Commercial Buildings

Retail Building 1

- Square feet: 15,600
- Stories: 2
- Height (feet): 35
- Location: Center, west portion of the site

Retail Building 2

- Square feet: 16,000
- Stories: 2
- Height (feet) 35
- Location: Center, west portion of the site

Coffee Building

- Square feet: 2,000
- Stories: 2

- Height (feet): 35
- Location: Center, west portion of site

Market Hall

- Square feet: 17,000
- Stories: 1
- Height (feet): 40
- Location: Center, west portion of site

Theater Building

- Square feet: 24,700 (56,000 total with a 32,500 addition subsequently approved)
- Height (feet): 46 (75 total per subsequent design review)
- Location: Western portion of the site, adjacent to Durango Drive

Residential Buildings

Residential Building 1

- Total square feet: 72,100
- Commercial component (square feet): 4,900
- Residential component (square feet): 67,200
- Units: 70 (15 studio/55 one bedroom)
- Stories: 4
- Height (feet): 49
- Location: Central, west portion of site; wrapped around the east and south sides of parking structure 2; adjacent to Maule Avenue

Residential Building 2

- Total square feet: 105,800
- Commercial component (square feet): 1,700
- Residential component (square feet): 102,000
- Units: 87 (17 studio/35 one bedroom/35 two bedroom)
- Stories: 4
- Height (feet): 49
- Location: Central portion of the site, adjacent to Maule Avenue

Residential Building 3

- Total square feet: 267,400
- Commercial component (square feet): 2,000
- Residential component (square feet): 265,400
- Units: 227 (43 studio/98 one bedroom/86 two bedroom)
- Stories: 4
- Height (feet): 49
- Location: Eastern portion of the site, adjacent to Gagnier Street

Residential Building 4

- Total square feet: 267,400
- Commercial component (square feet): 2,000
- Residential component (square feet): 265,400
- Units: 227 (43 studio/98 one bedroom/86 two bedroom)

- Stories: 4
- Height (feet): 49
- Location: Southern portion of the site, southeast corner of Butler Street and Maule Avenue

Residential Building 5

- Total square feet: 267,400
- Commercial component (square feet): 2,000
- Residential component (square feet): 265,400
- Units: 227 (43 studio/98 one bedroom/86 two bedroom)
- Stories: 4
- Height (feet): 49
- Location: Southern portion of the site, southwest corner of Gagnier Street and Maule Avenue

Parking Structures

Parking Structure 1

- Total square feet: 123,800
- Commercial component (square feet): 3,300
- Parking component (square feet): 120,500
- Parking spaces: 356
- Stories: 4
- Height: 49 feet, 6 inches
- Location: Northwest portion of the site, southwest corner of Durango Drive and Roy Horn Way

Parking Structure 2

- Total square feet: 277,000
- Commercial component (square feet): 7,600
- Parking component (square feet): 269,400
- Parking spaces: 795
- Stories: 5
- Height (feet): 64
- Location: Central, west portion of site

Parking Structure 3

- Total square feet: 248,480
- Parking spaces: 747
- Stories: 4
- Height: 49 feet, 6 inches
- Location: Central portion of site

Parking Structure 4

- Total square feet: 133,000
- Parking spaces: 499
- Stories: 4
- Height: 49 feet, 6 inches
- Location: Northeast portion of site, adjacent to Gagnier Street

Signage

Signage is not a part of this request.

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 and Performance Agreement: 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

- 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 feet 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 indicates that the owners of the property were unable to meet the original completion deadline, as the project is located on a large site and thus the project needed to be completed in phases. The applicant further indicates that the completion of earlier and current phases of the project were ultimately slowed due to the resulting slow down in construction and other external forces caused by the COVID-19 pandemic. The applicant has indicated that several parts of the project are either being constructed or have permits to be constructed indicating work towards completion.

Prior Land Use Requests

Application Number	Request	Action	Date
WS-20-0507	Comprehensive Sign Plan for the Matter Uncommons High Impact, mixed-use project	Approved by BCC	January 2021
DA-20-900425	Development Agreement for the Matter Uncommons High Impact, mixed-use project	Adopted by BCC	January 2021
AG-20-900426	Performance Agreement for the Matter Uncommons High Impact, mixed-use project	Adopted 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
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 government 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 government patent easements and a portion of right-of-way being Pamalyn Avenue	Approved by BCC	May 2019
VS-0794-16	Vacated and abandoned government 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	R-E, C-1, & C-2	Undeveloped & office buildings
South	Urban Neighborhood (greater than 18 du/ac) & Business Employment	M-D, R-4, & C-2	Undeveloped, retail plaza & multiple family residential

Surrounding Land Use*

	Planned Land Use Category	Zoning District	Existing Land Use
East	Business Employment	R-E, C-2, & M-D	Undeveloped & office building
West	Entertainment Mixed-Use	H-1	Multiple family residential project & resort hotel/casino (Durango Station)

*Portions of the subject site and surrounding area are located 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

Application Number	Request
ET-22-400040 (WS-20-0099)	An extension of time for waivers of development standards for temporary parking lots in conjunction with an approved High Impact, mixed-use project is a companion item on this agenda.
ET-22-400041 (DR-20-0098)	An extension of time for design reviews for an outdoor theater and modifications to an approved High Impact, mixed-use project 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

Current 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; however, the minimum allowance for increased finished grade has been amended and now is 36 inches; therefore, design review #2 is no longer needed.

The owners appear to have made progress towards completing the overall project, as several buildings are currently under construction at the site. Permits for additional buildings and grading have also been submitted for future phases. The owners have also since entered into Development and Performance Agreements with the County that were adopted by the Board of County Commissioners on January 2021. Given the stated circumstances regarding the progress of the proposed project, staff can support an extension of time, as there is sufficient reason to believe that the applicant is making and will continue to make a good faith effort to complete the project as proposed within a timely manner. Staff can further support the applicant's request for a 3 year extension of time and to allow the accompanying extensions of time to have the same expiration dates, as this request would allow for ample time to complete the various phases of the

project and the tracking of the related applications together would allow for easier processing of applications in the future for both the applicant and staff.

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:

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.

Clark County Water Reclamation District (CCWRD)

- No comment.

TAB/CAC: Spring Valley - approval.

APPROVALS:

PROTEST:

APPLICANT: JIM STUART

CONTACT: CASSANDRA WORRELL, 520 S. FOURTH STREET, LAS VEGAS, NV 89101