

08/03/22 BCC AGENDA SHEET

MIXED-USE DEVELOPMENT
(TITLE 30)

BUFFALO DR/RAFAEL RIVERA WY

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

ET-22-400083 (UC-0906-15)-BUFFALO LAS VEGAS LAND, LLC:

USE PERMIT FOURTH EXTENSION OF TIME to modify the pedestrian realm.

WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** permit non-standard improvements within the right-of-way; and **2)** permit an over length cul-de-sac.

DESIGN REVIEW for modifications to an approved mixed-use development on 9.9 acres in a U-V (Urban Village - Mixed-Use) Zone in the CMA Design Overlay District.

Generally located on the east side of Buffalo Drive, 600 feet south of Sunset Road within Spring Valley. MN/jor/syp (For possible action)

RELATED INFORMATION:

APN:

176-03-101-009; 176-03-101-019

USE PERMIT:

Modify the pedestrian realm due to a substantial grade differential between this site and the adjacent rights-of-way (Buffalo Drive and Rafael Rivera Way).

WAIVERS OF DEVELOPMENT STANDARDS:

1. Permit non-standard improvements (landscaping and a sculpture) within the right-of-way being the cul-de-sac at the terminus of Tioga Way.
2. Increase the length of the cul-de-sac for Tioga Way to 704 feet where 500 feet is the standard (a 40.8% increase).

LAND USE PLAN:

SPRING VALLEY - BUSINESS EMPLOYMENT

BACKGROUND:

Project Description

General Summary

- Site Address: N/A
- Site Acreage: 9.9
- Number of Units: 421
- Density (du/ac): 42.5
- Project Type: Mixed-use development
- Number of Stories: 4
- Building Height (feet): 50

- Open Space Required/Provided: 2.4 acres/5.1 acres (includes 2.2 acres public plaza)
- Square Feet: 714 to 1,352 (residential units)/3,200 (commercial)
- Parking Required/Provided: 716/710

Site Plans

The previously approved plans depict a proposed mixed-use development consisting of 2 buildings with residential and commercial components. This project will have 421 units with a density of 42.5 dwelling units per gross acre. The site is located on the northeast corner of Buffalo Drive and Rafael Rivera Way with access provided from Tioga Way, which terminates into a cul-de-sac at the northeastern portion of the site. The proposed cul-de-sac for Tioga Way will be approximately 704 feet in length which requires approval of a waiver of development standards. The buildings are in the central portion of the site and separated by a private drive aisle and pedestrian plaza. A private drive aisle/fire lane circles the buildings, and adjacent to this drive aisle/fire lane is a modified pedestrian walking/jogging path which is also part of the pedestrian realm. Parking garages with 4 levels are incorporated into the design of the buildings. Surface parking spaces are located between the 2 buildings. The plans indicate a total of 710 parking spaces are being provided where 716 parking spaces are required. The site will be within a half mile of an RTC transit stop, which allows a reduction in parking with the approval of a use permit.

Landscaping

This project has 2.4 acres of open space. The approved plans depict 5.1 acres of open space which includes 2.9 acres of passive and active areas and a 2.2 acre public plaza to allow for the density bonus. This open space includes courtyards with a swimming pool and wading pool in the center of the building, plazas, and seating areas. Additional open space includes a modified pedestrian realm which includes a jogging path and exercise stations. The pedestrian realm will be a minimum of 18 feet in width and include an 8 foot wide jogging/walking path and an amenity area consisting of landscaping, exercise stations, and seating areas. Due to the difference in grade between the site and adjacent public streets, the modified pedestrian realm will be located on-site at the base of the slope. The sloped areas adjacent to the streets are landscaped and provide passive open area. Additional on-site landscaping is provided adjacent to the buildings and within the courtyard areas. The plans also depict a landscape area in the center of the cul-de-sac for Tioga Way which is considered as non-standard improvements within the right-of-way.

Elevations

The previously approved plans depict buildings that are 4 stories with a maximum height of 50 feet and have a pitched roof with concrete tile roofing material. Each side of the buildings include balconies for the dwelling units, recesses and pop-outs, and window treatments to enhance the architecture. The exposed portion (north side) of the parking garage is enhanced with window treatments and other architectural features to blend in with the architectural design of the rest of the buildings.

Floor Plan

The buildings consist of 421 dwelling units, which include 245, one bedroom units, and 176, two bedroom units. The previously approved plans indicate the units will range in area from 714 square feet to 1,352 square feet. The first floor of the buildings will include leasing offices and a total of 3,200 square feet of commercial area. The remaining floors of the buildings will consist of dwelling units.

Previous Conditions of Approval

Listed below are the approved conditions for ET-21-400013 (UC-0906-15):

Current Planning

- Until April 6, 2022 to commence.
- 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; that 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;
- Right-of-way dedication to include a portion for Rafael Rivera Way.

Listed below are the approved conditions for ET-19-400048 (UC-0906-15):

Current Planning

- Until April 6, 2020 to commence.
- Applicant is advised that 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

- Applicant shall apply for and have approved and recorded, a vacation of right-of-way and easements that interfere with the proposed development;
- Compliance with previous conditions.

Listed below are the approved conditions for ET-18-400227 (UC-0906-15):

Current Planning

- Until April 6, 2019 to commence;
- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection.
- Applicant is advised that 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 UC-0906-15:

Current Planning

- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection.
- Applicant is advised that 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

- Drainage study and compliance;
- Traffic study and compliance;
- Full off-site improvements;
- Right-of-way dedication to include a public cul-de-sac at the proposed south end of Tioga Way;
- Execute a License and Maintenance Agreement for non-standard improvements in the right-of-way (landscape and structure in the median of the cul-de-sac);
- Fire Department approval of the over-length cul-de-sac.

Department of Aviation

- Applicant must record a stand-alone noise disclosure form against the land, and provide a copy of the recorded document to the Clark County Department of Aviation;
- Applicant must provide a copy of the recorded noise disclosure form to future buyers/renters of the residential units, separate from other escrow documents, and provide a copy of the document to the Clark County Department of Aviation;
- Applicant must provide a map to future buyers/renters of the residential units, as part of the noise disclosure notice, that highlights the project location and associated flight tracks, provided by the Department of Aviation when property sales/leases commence;
- For the residential units, incorporate an exterior to interior noise level reduction of 30 decibels into the building construction for the habitable space that exceeds 35 feet in height or 25 decibels into the building construction for the habitable space that is less than 35 feet in height.
- Applicant is advised 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 at the time of development CCWRD requires submittal of civil improvement plans and estimated wastewater flow rates to determine sewer point of connection.

Applicant's Justification

The applicant is requesting a fourth extension of time for this project. Per the applicant, during the first 2 extensions of time requests, there were 2 factors for the request. First, the applicant was faced with a serious drainage easement issue caused in large part by the work done by an adjacent property owner that affected drainage on the applicant's property. Secondly, there was a design change to the buildings. These changes, while not significant enough to warrant the filing of a new use permit application, still necessitated the preparation of new and additional design documents for submittal to Clark County. The applicant has spent over \$1.25 million in off-site improvements to both Sunset Road and Buffalo Drive including the road realignment, street striping, street signalization, street utilities, and storm water and sewer improvements. While the applicant has not yet been able to commence the project due to the above referenced issues, the applicant is now in a position to obtain building permits soon. The applicant is respectfully requesting that the commencement date of the project be extended for an additional 2 years.

Prior Land Use Requests

Application Number	Request	Action	Date
ET-21-400013 (UC-0906-15)	Third extension of time for a modified pedestrian realm and reduced parking	Approved by BCC	May 2021
ET-19-400048 (UC-0906-15)	Second extension of time for a modified pedestrian realm and reduced parking	Approved by BCC	June 2019
WS-19-0017	Increased height of a proposed freestanding sign and increased the animated sign area with a design review for a proposed freestanding sign	Approved by BCC	March 2019
ET-18-400227 (UC-0906-15)	First extension of time for a modified pedestrian realm and reduced parking	Approved by BCC	December 2018
ET-18-400083 (VS-0907-15)	First extension of time for a vacation of patent easements and a portion of Tioga Way - expired	Approved by PC	May 2018
TM-0023-16	Mixed-use project - expired	Approved by BCC	April 2016
VS-0907-15	Vacated and abandoned patent easements and a portion of Tioga Way - expired	Approved by BCC	April 2016
UC-0906-15	Modified the pedestrian realm and reduced parking, waived non-standard improvements within the right-of-way, and permitted an over-length cul-de-sac, along with a design review for modifications to an approved mixed-use development	Approved by BCC	April 2016

Prior Land Use Requests

Application Number	Request	Action	Date
ZC-0830-06	Reclassified the site to U-V zoning for a mixed-use development	Approved by BCC	August 2006

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

Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North	Business Employment	C-2 & M-D	Retail complex, office/warehouse building, & undeveloped
South	Business Employment	C-2 & R-E	Undeveloped
East	Business Employment	M-D	Office/warehouse complex
West	Business Employment	R-E, R-4, & C-2	Office building & undeveloped

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.

Staff finds that Clark County Building records show active building permits that are still in review from 2019 (BD-19-04185, BD-19-04187, and BD-19-04188). Building Department staff requesting corrections from the applicant to be addressed in 2019 and 2020, and the applicant has not shown any progress with the active permits. Staff does not support a fourth extension of time, nor does staff support a commencement date of 2 years due to the lack of considerable advancement since the project was first approved in 2016.

Public Works - Development Review

Staff cannot support a fourth extension of time; there has been little to no activity towards satisfying the conditions set forth by Public Works since 2016.

Staff Recommendation

Denial.

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

If approved:

- Until August 3, 2023 to commence;
- Enter into a standard development agreement prior to any permits or subdivision mapping in order to provide fair-share contribution toward public infrastructure necessary to provide service because of the lack of necessary public services in the area.
- Applicant is advised that the installation and use of cooling systems that consumptively use water will be prohibited; 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

- 30 days to coordinate with Public Works - Director's office and to dedicate any necessary right-of-way and easements for the Beltway Frontage Road 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: BUFFALO LAS VEGAS LAND, LLC

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