

10/20/21 BCC AGENDA SHEET

DORMITORY/OFFICE/RETAIL/
CONVENIENCE STORE/GASOLINE STATION
(TITLE 30)

MARYLAND PKWY/HARMON AVE

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

ZC-21-0451-G2-CAMPUS VILLAGE, LLC:

ZONE CHANGE to reclassify 0.6 acres from a C-1 (Local Business) (AE-60) Zone to a C-2 (General Commercial) (AE-60) Zone.

USE PERMITS for the following: **1)** dormitory; and **2)** eliminate portions of the pedestrian realms.

WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** reduce setbacks; **2)** increase building heights; **3)** reduce landscaping; **4)** reduce the trash enclosure setbacks; **5)** alternative driveway geometrics; and **6)** non-standard improvements in the right-of-way.

DESIGN REVIEWS for the following: **1)** commercial complex; and **2)** finished grade on 3.4 acres in a C-2 (General Commercial) (AE-60) Zone in the Midtown Maryland Parkway District.

Generally located on the east side of Maryland Parkway, the north side of Harmon Avenue, and the south side of University Avenue within Paradise (description on file). TS/jt/jd (For possible action)

RELATED INFORMATION:

APN:

162-23-204-001; 162-23-204-003 through 162-23-204-004

USE PERMITS:

1. Dormitory.
2.
 - a. Eliminate the pedestrian realm for a portion of street frontage along Maryland Parkway where a 20 foot wide pedestrian realm is required per Section 30.48.1870.
 - b. Eliminate the pedestrian realm along Harmon Avenue where a 20 foot wide pedestrian realm is required per Section 30.48.1870.

WAIVERS OF DEVELOPMENT STANDARDS:

1.
 - a. Reduce the rear setback along the east property line to 1 foot where 10 feet is required per Table 30.40-4 (a 90% reduction).
 - b. Reduce the height setback from an arterial street (Maryland Parkway) to 16 feet where 58 feet is required per Figure 30.56-4 (a 72% decrease).
2.
 - a. Increase the height of Building A to 180 feet where 50 feet is the maximum per Table 30.40-4 (a 260% increase).

- b. Increase the height of Building B to 132 feet where 50 feet is the maximum per Table 30.40-4 (a 164% increase).
- 3.
 - a. Eliminate landscaping along a portion of University Avenue where landscaping per Figure 30.64-13 is required.
 - b. Reduce landscaping along Maryland Parkway where landscaping per Figure 30.64-17 is required.
 - c. Eliminate landscaping along a portion of Harmon Avenue where landscaping per Figure 30.64-17 is required.
 - d. Eliminate landscaping to a less intense use where Figure 30.64-11 with 1 tree per 20 feet is required.
- 4. Reduce the setback for trash enclosures to 1 foot from an adjacent residential use where 50 feet is the minimum per Section 30.56.120 (a 98% reduction).
- 5.
 - a. Reduce the width of the University Avenue driveway to 23 feet where 32 feet is the minimum per Uniform Standard Drawing 222.1 (a 28% reduction).
 - b. Reduce the throat depth of the University Avenue driveway to 78 feet where 150 feet is required per Uniform Standard Drawing 222.1 (a 48% reduction).
 - c. Reduce the ingress radius to 20 feet where 25 feet is the minimum per Uniform Standard Drawing 222.1 (a 20% reduction).
 - d. Reduce the throat depth for the Maryland Parkway driveway to 5 feet where 25 feet is the minimum per Uniform Standard Drawing 222.1 (an 80% reduction).
 - e. Reduce the ingress radius for the Maryland Parkway driveway to 10 feet where 25 feet is the minimum per Uniform Standard Drawing 222.1 (a 60% reduction).
 - f. Eliminate the throat depth for the western Harmon Avenue driveway where 25 feet is required per Uniform Standard Drawing 222.1 (a 100% reduction).
 - g. Reduce the egress radius for the western Harmon Avenue driveway to 10 feet where 15 feet is the minimum per Uniform Standard Drawing 222.1 (a 33% reduction).
 - h. Reduce the width of the eastern Harmon Avenue driveway to 23 feet where 32 feet is the minimum per Uniform Standard Drawing 222.1 (a 28% reduction).
 - i. Reduce the throat depth for the eastern Harmon Avenue driveway to 50 feet where 150 feet is the minimum per Uniform Standard Drawing 222.1 (a 67% reduction).
 - j. Reduce the ingress radius for the eastern Harmon Avenue driveway to 20 feet where 25 feet is the minimum per Uniform Standard Drawing 222.1 (a 20% reduction).
 - k. Reduce the departure distance on University Avenue to 82 feet where 190 feet is the minimum per Uniform Standard Drawing 222.1 (a 57% reduction).
 - l. Reduce the departure distance on Maryland Parkway to 80 feet where 190 feet is the minimum per Uniform Standard Drawing 222.1 (a 58% reduction).
 - m. Reduce the approach distance on Harmon Avenue to 36 feet where 150 feet is the minimum per Uniform Standard Drawing 222.1 (a 76% reduction).
- 6. Allow non-standard improvements (landscaping and pedestrian refuge in the median) in the right-of-way (Maryland Parkway) where not allowed per Chapter 30.52.

DESIGN REVIEWS:

1. Commercial complex consisting of dormitory, office, retail, convenience store, and gasoline station uses.
2. Increase finished grade to 69 inches where a maximum of 18 inches is the standard per Section 30.32.040 (a 283% increase).

LAND USE PLAN:

WINCHESTER/PARADISE - COMMERCIAL GENERAL

BACKGROUND:**Project Description****General Summary**

- Site Address: 4440 & 4482 S. Maryland Parkway & 1220 E. Harmon Avenue
- Site Acreage: 3.4
- Number of Dormitory Beds: 706
- Project Type: Dormitory, office, retail, convenience store, & gasoline station
- Number of Stories: 15
- Building Height (feet): 180
- Square Feet: 566,800
- Open Space Required/Provided: 7,340/12,200
- Parking Required/Provided: 727/846

Overview

This project includes the redevelopment of a site that included 2 commercial buildings, a convenience store, and gasoline station. Both commercial buildings have been demolished, and these parcels are zoned C-2. The existing convenience store and gasoline station located near the corner of Maryland Parkway and Harmon Avenue is zoned C-1. The existing convenience store and gasoline station will also be demolished, and this parcel is proposed to be reclassified to C-2 zoning as part of this application. The proposed redevelopment will consist of dormitory, office, and retail uses as well as a new convenience store with gasoline station. The dormitory use is in conjunction with the University of Nevada, Las Vegas (UNLV).

Site Plan

The site plan depicts a commercial complex with 2 buildings. Setbacks for the northern building, which includes commercial suites, podium parking, and a dormitory, include 1 foot to the east property line adjacent to a multiple family residential complex for the first floor and 10 feet above the first floor and 14 feet to the north property line along University Avenue. Along Maryland Parkway to the west of the site, the northern building is set back 20 feet along the first floor for the pedestrian realm, and the floors above are set back 16 feet, which creates an overhang over the pedestrian realm. The 1:3 height setback ratio from an arterial street (Maryland Parkway) is also 16 feet where 58 feet is required.

The southern building, which consists of commercial suites, convenience store, gasoline station, podium parking, and office uses, is set back 1 foot from the east property line adjacent to a multiple family residential development for the first floor and 10 feet above the first floor, 10 feet from the south property line along Harmon Avenue, and 85 feet from the west property line

along Maryland Parkway. A gasoline station canopy is located near the corner of Maryland Parkway and Harmon Avenue, which is set back 37 feet from the south property line along Harmon Avenue and 38 feet from the west property line along Maryland Parkway.

Access is provided by a driveway from University Avenue on the north side of the site, a driveway from Maryland Parkway on the southwest side of the site, and 2 driveways from Harmon Avenue on the south side of the site. Both the driveway from University Avenue and the eastern driveway from Harmon Avenue provide north/south access through the site and to the podium level parking spaces in both buildings. The driveway from Maryland Parkway and the western driveway from Harmon Avenue both provide access to the gasoline station, convenience store, and surface level parking spaces for the commercial suites in the southern building. Waivers of development standards are necessary for alternative driveway geometrics for all the driveways. A waiver of development standards is also necessary for non-standard improvements consisting of landscaping and a pedestrian refuge for 2 pedestrian crosswalks across Maryland Parkway. Both the landscaping and pedestrian refuge (concrete curbed area to protect pedestrians from traffic) are in the median of Maryland Parkway, directly west of the subject site.

Internal trash enclosures are located on the first floors of both the northern and southern buildings. Although these refuse areas are set back 1 foot from the east property line, which is adjacent to a multiple family residential complex, there are no ventilation openings on the east side of the trash enclosure areas. Instead, the ventilation is directed north to University Avenue and south to Harmon Avenue.

Public Art

A requirement of the Midtown Maryland Parkway District is to provide a public art installation. The proposed art component of this project consists of a decorative staircase centrally located within a courtyard area. Materials for the staircase include iridescent wrap over painted metal fins and painted risers. The Clark County Parks and Recreation, Cultural Division provided a written recommendation letter based on input from the Maryland Parkway Public Art Committee in support of the proposed art; however, the letter expressed concerns about the maintenance of the installation, the durability of materials, and if the piece would be better located directly on the street for greater public visibility.

Landscaping

West of the University Avenue driveway on the north side of the site, landscaping includes a 5 foot wide landscape strip, a 5 foot wide detached sidewalk, and a 5 foot to 10 foot wide landscape area. Additional hardscape and pedestrian areas are located near the corner of University Avenue and Maryland Parkway. East of the University Avenue driveway, a 10 foot wide landscape area is provided behind an attached sidewalk; however, a 40 foot section of the street frontage will have no landscaping for a utility area. A waiver of development standards is included to eliminate landscaping for this portion of University Avenue.

On the northern portion of the Maryland Parkway street frontage, the plans depict a 20 foot wide pedestrian realm consisting of an 8 foot wide landscape and amenity zone, a 5 foot wide clear zone, and a 7 foot wide supplemental pedestrian area. Due to the grade changes, up to a 2 foot

high retaining wall will be in the landscape and amenity zone. Therefore, the pedestrian clear zone will be above street level. Within the central portion of the Maryland Parkway street frontage, an approximately 40 foot wide pedestrian courtyard area extends from the street eastward, providing pedestrian access into the site. A waiver of development standards to not provide street landscaping is included for this section of Maryland Parkway street frontage. On the southern portion of the Maryland Parkway street frontage, which is in front of the gasoline station and convenience store, street landscaping will include a 5 foot wide landscape area, a 5 foot wide detached sidewalk, and a 5 foot wide landscape area. A use permit is included to not provide a 20 foot wide pedestrian realm on this portion of the site.

Along the western side of the Harmon Avenue street frontage, landscaping includes a 5 foot wide landscape strip, a 5 foot wide detached sidewalk, and a 4 foot to 10 foot wide landscape area. The eastern portion of the Harmon Avenue street frontage includes a 5 foot wide attached sidewalk and a 12 foot to 14 foot wide landscape area. However, a 40 foot wide section of the street frontage is designated as a utility area and will have no landscaping. A waiver of development standards is necessary to not provide at least 15 feet of landscaping, and a use permit is necessary to not provide a 20 foot wide pedestrian realm.

Along the east property line, a waiver of development standards is necessary to not provide landscaping to a less intense use (multiple family residential complex). Landscaping is provided within the central pedestrian courtyard area and within the parking lot in front of the convenience store and gasoline station.

Elevations

The northern building is 180 feet high and the southern building is 132 feet high. Both buildings consist of storefront glass on the first floor, several levels of podium parking, and floors above consisting of glass windows, metal panels, balconies, and smooth painted EIFS. Decorative metal mesh panels on both buildings help to visually obscure the podium parking levels.

On the northern building, balconies are located at the 4 corners of the overall building, starting above the podium level parking on level 6. Facing west towards Maryland Parkway and starting on level 6, the central portion of the northern building is set back along the eastern side of the site. The podium level decks on levels 6 and 7 will provide a pool and other amenities facing west towards Maryland Parkway. Also, this design reduces the apparent mass of the overall building along Maryland Parkway. On the north, south, and east sides of the northern building, vertical off-set surface planes create shadows to help reduce the visual mass.

On the southern building, balconies are only located on the west and south portions of the building, starting at level 6 above the podium level parking. Horizontal overhangs create shadows and reduce the visual mass of the southern building, and angled metal panels extending from the ground to the top of the building create visual interest on the west and south sides.

The fuel canopy is approximately 19 feet high. Future roof signs are shown above the fuel canopy; however, these signs are not a part of this application.

Floor Plans

The northern building is 434,500 square feet and includes commercial suites, a dormitory, and accessory uses such as a student lobby. Commercial suites, the student lobby, and back of house spaces are located on the first floor, and podium level parking is located on levels 2 through 5. Dormitory rooms and a pool with outdoor amenities are located on a podium deck on levels 6 and 7. Dormitory rooms are also located on levels 8 through 15. The dormitory includes 72 studio units, 185 two bedroom units, and 66 four bedroom units for a total of 323 units or 706 beds. The 2 and 4 bedroom units share a common living room and kitchen.

The southern building is 132,300 square feet. On the first level, the building includes commercial suites, a convenience store, and back of house areas. Levels 2 through 5 are podium level parking, and levels 6 through 9 are designated for office uses.

Signage

Signage is not a part of this request.

Applicant's Justification

The applicant indicates that the zone change and proposed development is appropriate for the area, and the scale of the project is similar to the mixed-use UNLV Gateway development located 1,300 feet south of this site along Maryland Parkway. Although the project incorporates several design alternatives to Title 30 standards, the alternatives are appropriate for the site and will not create any negative impacts.

For example, the design review to increase finished grade is necessary since the site slopes from west to east, away from Maryland Parkway. One of the previous buildings on the site included a floor below street level, and this building experienced significant flooding as a result. The grade will need to be raised above street level to prevent future flooding.

Similarly, the use permit for a dormitory is appropriate in the C-2 zone, and this project will be utilized by students attending UNLV. The use permits to not provide a pedestrian realm are necessary adjacent to the gasoline station along Maryland Parkway and along Harmon Avenue. Instead of providing a pedestrian realm along the street frontage in this portion of the site, a 10 foot wide sidewalk is provided in front of the convenience store and commercial storefronts for the southern building.

The waivers of development standards to reduce the rear setback and not provide landscaping to a less intense use are intended to eliminate an area behind the property that may encourage homeless encampments. Above the first floor, the building steps back to meet the minimum 10 foot setback requirements from the east property line. Along the west property line, adjacent to Maryland Parkway, the reduced height setback from an arterial street, as well as the overall increased height, is similar to the design of the University Gateway project to the south.

The applicant also states that eliminating portions of the street landscaping is necessary to accommodate utility areas and to allow for the central courtyard to connect to Maryland Parkway. Regarding the reduced setback for the trash enclosures, the applicant indicates that this will not create any negative impacts for the adjacent residential complex since the trash

enclosures are fully enclosed within the buildings, and the ventilation is directed north to University Avenue and south to Harmon Avenue.

Lastly, the applicant indicates that the alternative standards to Uniform Standard Drawing 222.1 will not create any queuing or safety issues in the right-of-way. The project is primarily pedestrian oriented, and the alternative driveway geometrics are necessary to accommodate the scale of this development on the subject property. Similarly, the non-standard improvements in Maryland Parkway will help ensure that customers and students have safe pedestrian access between the project and the main campus of UNLV.

Prior Land Use Requests

Application Number	Request	Action	Date
ZC-0189-63	Reclassified the southwestern parcel to C-1 zoning for a service station	Approved by BCC	January 1964
ZC-027-75	Reclassified the northern and the eastern parcels to C-2 zoning for a shopping center	Approved by BCC	May 1975

Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North	Institutional	R-1	Place of worship
South	Commercial General	C-1	UNLV buildings
East	Residential Urban Center (18 to 32 du/ac)	R-4	Multiple family residential
West	Public Facilities	P-F	UNLV campus

Related Applications

Application Number	Request
TM-21-500134	A tentative map for a 1 lot commercial subdivision is a companion item on this agenda.
VS-21-0452	A vacation and abandonment of right-of-way 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

Zone Change

The conforming zone boundary amendment is within the range of intensities planned for the site in the Winchester/Paradise Land Use Plan. The northern and eastern portions of the site are already zoned C-2, and reclassifying the southwest portion of the site to C-2 zoning will unify the overall site within a single zoning district. Furthermore, the site is located at the corner of an arterial street (Maryland Parkway) and a collector street (Harmon Avenue), and these streets can

accommodate any increased traffic that may be generated by development in a C-2 zoning designation. Therefore, staff can support the request.

Use Permits

A use permit is a discretionary land use application that is considered on a case by case basis in consideration of Title 30 and the Comprehensive Master Plan. One of several criteria the applicant must establish is that the use is appropriate at the proposed location and demonstrate the use shall not result in a substantial or undue adverse effect on adjacent properties.

Use Permit #1

A dormitory is an appropriate use of the property since the site is located directly across Maryland Parkway from the main campus of UNLV. Students living in the dormitory will have a direct pedestrian connection to the university, and the project will provide students with another living option. However, since staff cannot support the building design, staff also cannot support the use permit for a dormitory.

Use Permit #2a & #2b

This project incorporates both pedestrian oriented uses, such as ground-floor commercial suites, as well as a vehicular oriented use (gasoline station). A pedestrian realm is located along Maryland Parkway on the northern portion of the site adjacent to ground-floor commercial suites with the dormitory above. Even though the pedestrian realm is not located along the southern portion of the site along Maryland Parkway adjacent to the gasoline station or along Harmon Avenue, the project incorporates a 10 foot wide walkway along the front of the convenience store. Also, a detached sidewalk is included in front of the gasoline station along Maryland Parkway and along a portion of Harmon Avenue. As a result, there will be adequate accommodations for pedestrians incorporated on all street frontages and throughout the site. This is consistent with the intent of the pedestrian realm requirement in the Midtown Maryland Parkway District. However, since staff cannot support the increased height for the building, staff also cannot support the use permits for alternative pedestrian realms associated with the building design.

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 #1a

A 10 foot wide area behind this project could create an area for crime, homeless encampments, and refuse. Also, the reduced setback only applies to the first floor of both buildings, and a 10 foot setback is maintained above the first level. Above the first level, decorative metal mesh screens will help visually obscure the podium level parking spaces, and vertical and horizontal design elements will reduce the visual mass of both buildings above the podium parking levels. Nevertheless, the overall height, bulk, and scale of the buildings are dramatically more intense

than the 2 story multiple family complex to the east. The 180 foot building (15 stories) will create drastic visual changes, including affecting the light and sun patterns, for the residents to the east. Eliminating the setback at the lower level only increases the visual impact of the scale of the building, and the upper portions of the building should be stepped back to create more visual separation from the residents to the east. Lastly, balconies are located on the north and south sides of the northern building, which will face east towards the existing multiple family complex. As a result, staff cannot support the request.

Waiver of Development Standards #1b

Staff also cannot support the reduced height setback ratio along Maryland Parkway. At street level, the northern building will be set back 20 feet from the Maryland Parkway right-of-way. Above the first floor, the building will be set back 16 feet from the right-of-way for levels 2 through 6 for the podium parking levels. Also, the northern and southern portions of the building above level 6 will also be set back 16 feet. Although the central portion of the building above level 6 will accommodate a rooftop pool and amenities, which reduces the visual mass of the building, the overall height, bulk, and scale of the building will still create a dramatic visual impact along Maryland Parkway. Additional design components should be incorporated to the building to reduce the overall visual mass. As a result, staff cannot support the request.

Waiver of Development Standards #2a & #2b

The immediate buildings around the site are single and 2 stories, and the proposed 180 foot high and 132 foot tall buildings are not compatible with these existing buildings. While multiple story buildings are located further from the site along Maryland Parkway, the proposed buildings are significantly taller than the existing multiple story buildings in the area. For example, the University Gateway project was developed at 109 feet in height (7 stories with rooftop amenities), and several buildings on the UNLV campus are similar in height. For example, the UNLV Greenspun Building at the northwest corner of Maryland Parkway and University Road is 5 stories. North of the Greenspun Building, the student union is 3 stories, and north of the student union, the Flora Dungan Humanities building is 7 stories tall. Additionally, a UNLV student housing project on the northwest corner of Maryland Parkway and Cottage Grove Avenue was developed at 66 feet in height (5 stories). Although multiple story buildings are consistent with the development trend along this section of Maryland Parkway, 180 feet (15 stories) is dramatically taller than any other building in the area. In addition, the reduced setbacks and lack of design components to reduce the visual mass of the buildings will intensify the impact of the increased height. As a result, staff cannot support the request.

Waiver of Development Standards #3a through #3d

The reduction in street landscaping is necessary to accommodate utility areas as well as a pedestrian connection to the courtyard. As a result, the reductions are appropriate and will not create any negative visual impacts. Furthermore, abundant landscaping is provided along other portions of the street frontages. However, since staff cannot support the design of the buildings, staff also cannot support the reduction in street landscaping.

Staff also cannot support the elimination of landscaping to a less intense use (multiple family residential complex) along the east property line. The rear setback is reduced to eliminate an area that could contribute to crime and collect trash. However, the elimination of the

landscaping further intensifies the overall impacts of the development on the adjacent multiple family complex. Additional design considerations should be incorporated into the project to reduce the visual impacts on existing properties. As a result, staff cannot support the request.

Waiver of Development Standards #4

While the trash enclosures are only set back 1 foot from the east property line, the trash enclosures are fully enclosed within the first floor of both buildings. Also, the ventilation is directed north to University Avenue and south to Harmon Avenue. As a result, there will be no impact to the multiple family complex to the east; however, since staff cannot support the overall design of the project, staff also cannot support this request.

Design Review #1

The overall commercial complex complies with several goals in the Comprehensive Master Plan. For example, Land Use Goal 2 in part encourages a mix of uses vertically, which are connected and integrated. Here, the project combines commercial, office, dormitory, convenience store, and gasoline station uses that are vertically integrated. Land Use Goal 3 encourages transit oriented development with increased intensity to reduce automobile dependence and air pollution. Here, the project creates a pedestrian and transit oriented development that will provide access to existing bus service and future bus rapid transit service along Maryland Parkway. Lastly, Land Use Goal 10 promotes higher intensity activity centers or districts. Here, the project will further the development of a student oriented commercial district along Maryland Parkway that creates synergy with UNLV operations.

Regarding the design of the site and buildings, the project complies with policies in the Comprehensive Master Plan as well. Urban Specific Policy 18 encourages pedestrian scale site furnishings to create visual continuity, reinforce the pedestrian character, and provide outdoor use areas along public walkways. Here, the project includes pedestrian amenities along a portion of Maryland Parkway, detached sidewalks around portions of the site, and an extensive pedestrian courtyard with a public art installation. However, Urban Specific Policy 19 in part encourages varying building height and breaking-up the mass of the buildings to reduce visual dominance. The increased height and reduced setbacks will create an oppressive impact for pedestrians and motorists along Maryland Parkway. Also, the increased height will dramatically alter the skyline and could negatively impact the residents to the east. The overall building design could include additional design elements such as off-set surface planes, unique building elements, step backs, and various building placements and heights to maintain visual interest while reducing the perceived mass of the buildings. As a result, staff cannot support this design review.

Public Works - Development Review

Waiver of Development Standards #5a & #5h

The reduction in the width of the University Avenue and Harmon Avenue commercial driveway may create unsafe conditions. Narrower driveways will result in more vehicles stopping in the right-of-way while drivers attempt to negotiate the tight turns that will be required. Therefore, staff cannot support this request.

Waiver of Development Standards #5c, #5e, #5g, & #5j

Staff cannot support the reduction in the radii on the ingress or egress sides on the commercial driveways. The minimum radii are intended to help traffic exit and enter the public right-of-way without slowing down or stopping which may create safety hazards. Therefore, staff cannot support this request.

Waiver of Development Standards #5b, #5d, #5f, & #5i

Staff has concerns with the increase in traffic from this project, allowing the reduced throat depth distance for the commercial driveways will create unsafe conditions. As drivers try to gain access to the site they will face immediate conflicts with those trying to access the parking stalls, creating potential stacking of vehicles in the right-of-way causing collisions. Therefore, staff cannot support this request.

Waiver of Development Standards #5k through #5m

Staff cannot support the reduction in the departure distance for the Harmon Avenue and Maryland Parkway commercial driveways. The minimum required distance is intended to provide a safe transition to private property from public roads while reducing the chance of accidents. Traffic could face slowing or stop conditions due to the driveways being so close to the intersections, as those trying to enter the site may face immediate conflicts with drivers and pedestrians traveling on the site. Therefore, staff cannot support the reduction in the departure distance.

Waiver of Development Standards #6

The applicant is responsible for maintenance and up-keep of any non-standard improvement; the County will not maintain any landscaping or structures placed in the right-of-way. Staff can support Waiver of Development Standards #6 but the applicant must execute and sign a License and Maintenance Agreement for any non-standard improvements within the right-of-way. However, since Planning cannot support this application in its entirety, staff cannot support this request.

Design Review #2

This design review represents the maximum grade difference within the boundary of this application. This information is based on preliminary data to set the worst case scenario. Staff will continue to evaluate the site through the technical studies required for this application. Approval of this application will not prevent staff from requiring an alternate design to meet Clark County Code, Title 30, or previous land use approval. However, since Planning cannot support this application in its entirety, staff cannot support this design review.

Department of Aviation

The development will penetrate the 100:1 notification airspace surface for McCarran International Airport. Therefore, as required by 14 CFR Part 77, and Section 30.48.120 of the Clark County Unified Development Code, the Federal Aviation Administration (FAA) must be notified of the proposed construction or alteration.

The property lies within the AE-60 (60-65 DNL) noise contour for McCarran International Airport and is subject to continuing aircraft noise and over-flights. Future demand for air travel

and airport operations is expected to increase significantly. Clark County intends to continue to upgrade McCarran International facilities to meet future air traffic demand.

Staff Recommendation

Approval of zone change; denial of use permits, waivers of development standards, and design reviews.

If this request is approved, the Board and/or Commission finds that the application is consistent with the standards and purpose enumerated in the Comprehensive Master Plan, Title 30, and/or the Nevada Revised Statutes.

PRELIMINARY STAFF CONDITIONS:

Current Planning

If approved:

- No Resolution of Intent and staff to prepare an ordinance to adopt the zoning;
- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection.
- 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; 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 the use permits, waivers of development standards, and design reviews must commence within 4 years of approval date or they will expire.

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;
- Right-of-way dedication to include a 54 foot property line radius at the southwest corner of the site;
- 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;
- Execute a License and Maintenance Agreement for any non-standard improvements within the right-of-way;
- Coordinate with Public Works - Design Division for the Harmon Avenue improvement project;
- Dedicate any right-of-way and easements necessary for the Harmon Avenue improvement project;

- Reconstruct the back of curb radii on the southwest and northwest corner of the site to meet the minimum requirements per Uniform Standard Drawing 201.
- Applicant is advised that the installation of detached sidewalks will require the vacation of excess right-of-way and granting necessary easements for utilities, pedestrian access, streetlights, and traffic control; and that offsite improvement permits may be required; and 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.

Department of Aviation

- Applicant is required to file a valid FAA Form 7460-1, "Notice of Proposed Construction or Alteration" with the FAA, in accordance with 14 CFR Part 77, or submit to the Director of Aviation a "Property Owner's Shielding Determination Statement" and request written concurrence from the Department of Aviation;
- If applicant does not obtain written concurrence to a "Property Owner's Shielding Determination Statement," then applicant must also receive either a Permit from the Director of Aviation or a Variance from the Airport Hazard Areas Board of Adjustment (AHABA) prior to construction as required by Section 30.48 Part B of the Clark County Unified Development Code;
- No building permits should be issued until applicant provides evidence that a "Determination of No Hazard to Air Navigation" has been issued by the FAA or a "Property Owner's Shielding Determination Statement" has been issued by the 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 Department of Aviation;
- Applicant must provide a copy of the recorded noise disclosure form to future renters, and provide a copy of the document to the Department of Aviation;
- Applicant must provide a map to future renters, as part of the noise disclosure notice, that highlights the project location and associated flight tracks, provided by the Department of Aviation when property leases commence;
- 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 FAA's determination is advisory in nature and does not guarantee that a Director's Permit or an AHABA Variance will be approved; that FAA's airspace determinations (the outcome of filing the FAA Form 7460-1) are dependent on petitions by any interested party and the height that will not present a hazard as determined by the FAA may change based on these comments; that the FAA's airspace determinations include expiration dates; and that separate airspace determinations will be needed for construction cranes or other temporary equipment; 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 that fire/emergency access must comply with the Fire Code.

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 #0182-2021 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

TAB/CAC: Paradise - approval of the zone change; denial of the use permits, waivers of development standards, and design reviews.

APPROVALS:

PROTESTS:

APPLICANT: FRANK MARRETTI

CONTACT: MATT BURNS, EV & A ARCHITECTS, 1160 N. TOWN CENTER DRIVE,
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