MIXED USE PROJECT
(DURANGO DR/215 BELTWAY
(TITLE 30)

PUBLIC HEARING
APP. NUMBER/OWNER/DESCRIPTION OF REQUEST
ZC-19-0343-MATTER DURANGO LLC, ET AL:

ZONE CHANGE to reclassify 32.5 acres from R-E (Rural Estates Residential) Zone and C-2 (General Commercial) Zone to U-V (Urban Village - Mixed Use) Zone.

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) child care 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) increase finished grade in the CMA Design and MUD-2 Overlay Districts.

Generally located on the southeast corner of Durango Drive and the 215 Beltway within Spring Valley (description on file). MN/jt/ja (For possible action)

RELATED INFORMATION:

APN:
176-04-201-002 through 176-04-201-004; 176-04-201-009 through 176-04-201-010; 176-04-301-003; 176-04-301-004; 176-04-301-012

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).
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.
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.
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 18 inches is the maximum per Chapter 30.32 (a 100% increase).

LAND USE PLAN:
SPRING VALLEY - COMMERCIAL GENERAL
SPRING VALLEY - BUSINESS AND DESIGN/RESEARCH PARK

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 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 are 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 are located along Durango Drive, west of the centralized commercial portion of the complex. East of the centralized gathering space are an additional parking structure and residential buildings. 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 are 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 are necessary for certain alternative off-site improvement standards. For example, the applicant is requesting to reduce throat depths at various access driveways for Roy Horn Way, Gagnier Boulevard, Maule Avenue, and Badura Avenue to a minimum of 40 feet. The applicant is also requesting to allow 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 is also necessary to reduce the setback for buildings along Roy Horn Way to 3 feet where 10 feet is the standard.

**Landscaping**

Pedestrian realms are located adjacent to all public and private streets, except Roy Horn Way. A use permit is 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 range in width from a maximum of 73 feet to 15 feet, and consist of an amenity zone, a sidewalk, and a supplemental zone. In addition, landscaping is provided throughout the site. Trees will include 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 are depicted up to 75 feet high and consist 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 is 46 feet tall and constructed of concrete tilt-up panels, zinc accent panels, and low-e glazing window systems. Located east of the movie theater, the commercial buildings and market hall range in height from 35 feet to 40 feet, and include 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 on the site include 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 includes residential units wrapped around a portion of the structure, extends up to 46 feet high to the roof elements. Light poles on the top deck also extend up to 62 feet high above ground level. Exterior materials will consist of concrete tilt-up panels and perforated metal accent panels for the parking structure, while residential components are 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 extend up to 40 feet in height to the roof elements and are finished with plaster, wood slat trim accents, plate steel handrails, and low-e glazing window systems. Parking structures located internal to these residential complexes include 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 on the site. The office buildings are designed as shell spaces, and the individual floor plans are not yet established. A general layout of the floor plan for other buildings are provided; however, individual tenant spaces and details of the residential units will be established in the future.

Office Buildings
• Office Building 1
  o Square feet: 103,300
  o Stories: 4
  o Height (feet): 75
  o Location: Western side of the project, adjacent to movie theater, Durango Drive, and Maule Avenue
• Office Building 2
  o Square feet: 77,500
  o Stories: 4
  o Height (feet): 75
  o Location: Northwest portion of the site, adjacent to Roy Horn Way

• Office Building 3
  o Square feet: 94,800
  o Stories: 4
  o Height (feet): 75
  o Location: Northern portion of the site, adjacent to Roy Horn Way

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

• Office Building 5
  o Square feet: 124,000
  o Stories: 4
  o Height (feet): 75
  o Location: Northeastern portion of site, adjacent to Roy Horn Way and Gagnier Street

**Commercial Buildings**

• Retail Building 1
  o Square feet: 15,600
  o Stories: 2
  o Height (feet): 35
  o Location: Center, west portion of the site

• Retail Building 2
  o Square feet: 16,000
  o Stories: 2
  o Height (feet): 35
  o Location: Center, west portion of the site

• Coffee Building
  o Square feet: 2,000
  o Stories: 2
  o Height (feet): 35
  o Location: Center, west portion of site

• Market Hall
  o Square feet: 17,000
  o Stories: 1
  o Height (feet): 40
  o Location: Center, west portion of site
• Theater Building
  o Square feet: 24,700
  o Stories: 1
  o Height (feet): 46
  o Location: Western portion of the site, adjacent to Durango Drive

Residential Buildings
• Residential Building 1
  o Total square feet: 72,100
  o Commercial component (square feet): 4,900
  o Residential component (square feet): 67,200
  o Units: 70 (15 studio/55 one-bedroom)
  o Stories: 4
  o Height (feet): 49
  o Location: Central, west portion of site; wrapped around the east and south sides of parking structure 2; adjacent to Maule Avenue
• Residential Building 2
  o Total square feet: 105,800
  o Commercial component (square feet): 1,700
  o Residential component (square feet): 102,000
  o Units: 87 (17 studio/35 one-bedroom/35 two-bedroom)
  o Stories: 4
  o Height (feet): 49
  o Location: Central portion of the site, adjacent to Maule Avenue
• Residential Building 3
  o Total square feet: 267,400
  o Commercial component (square feet): 2,000
  o Residential component (square feet): 265,400
  o Units: 227 (43 studio/98 one-bedroom/86 two-bedroom)
  o Stories: 4
  o Height (feet): 49
  o Location: Eastern portion of the site, adjacent to Gagnier Street
• Residential Building 4
  o Total square feet: 267,400
  o Commercial component (square feet): 2,000
  o Residential component (square feet): 265,400
  o Units: 227 (43 studio/98 one-bedroom/86 two-bedroom)
  o Stories: 4
  o Height (feet): 49
  o Location: Southern portion of the site, southeast corner of Butler Street and Maule Avenue
• Residential Building 5
  o 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.
Applicant’s Justification
According to the applicant, the conforming zone change to U-V zoning is appropriate since the area is planned for Commercial General and Business and Design/Research Park uses, and the site is located at the corner of an arterial street (Durango Drive) and the 215 Beltway. A variety of use permits are requested to allow for flexibility for future tenants when the project is developed and operational. However, limitations are placed on some of the uses. For example, any future businesses with a major training facility will not exceed 50 people at a time. The applicant also states that the use permit for the alternative pedestrian realm, which is required along Roy Horn Way, is appropriate due to the grade difference between the site and the right-of-way where the pedestrian realm would be located. As an alternative, the pedestrian realm traverses the site from the northeast to southwest in lieu of placing the pedestrian realm along Roy Horn Way.

Other applications with this request include design reviews and waivers of development standards. The applicant states that the design review to increase finished grade up to 36 inches is appropriate due to the existing topography of the site, which includes washes and other natural features. Waivers of development standards for reduced throat depths are necessary to allow for loading zone spaces and to allow for parallel and angled parking along the on-site circulation roadways. Regarding the waiver of development standards for non-standard improvements in the right-of-way, the request is to allow landscaping, decorative fences, and water retention ponds to enhance the areas along Roy Horn Way and Durango Drive to make these areas more aesthetically pleasing. Lastly, the waiver of development standards to reduce the setback from a right-of-way along Roy Horn Way will not create any negative impacts due to the grade difference between the site and Roy Horn Way, which can extend up to 80 feet in difference in some areas.

The applicant also requests that the following permits be allowed prior to the adoption of the development agreement, decommissioning plan/performance agreement: all grading (including excavation), all underground work (including utilities), all foundations and construction below grade, and structural first lift with initial foundation work and any associated structures above grade.

Prior Land Use Requests

<table>
<thead>
<tr>
<th>Application Number</th>
<th>Request</th>
<th>Action</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>VS-19-0253</td>
<td>Vacation and abandonment of government patent easements and a portion of right-of-way being Pamalyn Avenue</td>
<td>Approved by BCC</td>
<td>May 2019</td>
</tr>
<tr>
<td>VS-0794-16</td>
<td>Vacated and abandoned government patent easements and a portion of right-of-way being Butler Street</td>
<td>Approved by BCC</td>
<td>April 2017</td>
</tr>
<tr>
<td>UC-1202-02</td>
<td>Off-premises sign</td>
<td>Denied by BCC</td>
<td>February 2003</td>
</tr>
<tr>
<td>UC-1199-02</td>
<td>Off-premises sign</td>
<td>Denied by BCC</td>
<td>February 2003</td>
</tr>
</tbody>
</table>
### Prior Land Use Requests

<table>
<thead>
<tr>
<th>Application Number</th>
<th>Request</th>
<th>Action</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>VS-1518-02</td>
<td>Vacated and abandoned a portion of the Durango Flood Channel</td>
<td>Approved by PC</td>
<td>December 2002</td>
</tr>
<tr>
<td>ZC-1415-02</td>
<td>Reclassified a 12.2 acre portion of the site to C-2 zoning for future development</td>
<td>Approved by BCC</td>
<td>November 2002</td>
</tr>
<tr>
<td>ZC-1107-02</td>
<td>Reclassify a 2 acre portion of the site to C-2 zoning for an office building</td>
<td>Approved by BCC</td>
<td>September 2002</td>
</tr>
<tr>
<td>ZC-1065-02</td>
<td>Reclassify a 2.5 acre portion of the site to C-2 zoning for a restaurant</td>
<td>Approved by BCC</td>
<td>September 2002</td>
</tr>
</tbody>
</table>

### Surrounding Land Use*

<table>
<thead>
<tr>
<th>Planned Land Use Category</th>
<th>Zoning District</th>
<th>Existing Land Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>North**</td>
<td>R-E, M-D, &amp; C-2</td>
<td>Undeveloped &amp; office building</td>
</tr>
<tr>
<td>South</td>
<td>R-E &amp; R-4</td>
<td>Undeveloped &amp; approved multi-family residential project</td>
</tr>
<tr>
<td>East</td>
<td>R-E &amp; C-2</td>
<td>Undeveloped</td>
</tr>
<tr>
<td>West</td>
<td>R-4 &amp; H-1</td>
<td>Approved multi-family residential project &amp; approved resort hotel/casino (Durango Station)</td>
</tr>
</tbody>
</table>

*Portions of the subject site and surrounding area are located in the CMA Design and MUD-2 Overlay Districts and the Public Facilities Needs Assessment (PFNA) area.

**The 215 Beltway is located directly north of the site.

**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 zone boundary amendment to U-V zoning is within the range of residential densities and non-residential intensities anticipated for the site by the Comprehensive Master Plan and Title 30. With a land use designation of Commercial General and Business and Design/Research Park uses, the Comprehensive Master Plan anticipates the following: 1) medium to high intensity retail and service commercial uses that serve primarily regional patrons; and 2) commercial, professional, and manufacturing developments that are designed to assure minimal impact on surrounding areas. The U-V zoning is comparable to the level of intensity of development that is anticipated for both Commercial General and Business and Design/Research Park uses.
In addition, the site is located in the MUD-2 Overlay District, which allows the conforming zone change to U-V zoning. The Mixed Use Overlay District is intended to encourage a diversity of compatible land uses, including a mixture of residential with at least one or more of the following: commercial, office, educational, institutional, and other appropriate urban uses. As a result, the U-V zoning complies with both the Comprehensive Master Plan and Title 30. Therefore, staff can support the zone change.

**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.

One of the criteria that designates a project as a High Impact Project is if the project includes 500 or more dwelling units. Since the proposed mixed use project includes 838 residential units, the development is considered a High Impact Project. As a result, the impact on utilities, infrastructure, and the surrounding area is reviewed with the Regional Infrastructure and Services Evaluation (RISE) Reports. The RISE reports are an integral part of the application process for high impact projects to identify additional necessary infrastructure and/or services. Based on the RISE Reports, staff has not received any indication from relevant agencies and departments to indicate that the project would not be appropriate at this location. Therefore, staff can support the use permit for a high impact project with the condition that a development agreement will be required to mitigate impacts of the project.

Title 30 allows requests to modify the pedestrian realm requirements with a mixed use project only when there is a substantial grade differential, which was not artificially created as part of the proposed development. The applicant has demonstrated that a substantial grade difference of up to 80 feet exists between the elevation of the subject site and the elevation of Roy Horn Way. As a result, the applicant has redirected the pedestrian realm through the site from the northeast to the southwest, rather than adjacent to Roy Horn Way. Staff finds that this alternative complies with the intent of the Code to maintain the pedestrian realm in another location when a grade difference makes it impractical to locate the pedestrian realm along a right-of-way.

Most of the proposed commercial uses will be centrally located on the site and will meet the minimum separation requirements from adjacent residential uses and will be buffered by other buildings in the project. However, certain uses such as on-premises consumption of alcohol; outside dining, drinking, and cooking; and temporary outdoor commercial events may occur in commercial components of the development, some of which are located along Maule Avenue and Butler Street. In these locations, the minimum separation would be reduced to 80 feet from an approved multiple family development, which was approved adjacent to the subject site. Staff can support the reduction in separation for on-premises consumption of alcohol and outside dining, drinking, and cooking since these uses are typical of a mixed use environment and will enhance the pedestrian experience and the livability of the project by providing convenient access to social amenities. In addition, these uses will occur behind the pedestrian realm, and the landscaping and street width will help buffer any potential negative impacts such as sound from the adjacent, approved multiple family development. However, to minimize any negative
impacts to the adjacent approved multiple-family development, staff recommends that the
temporary outdoor commercial events that occur within 200 feet of residential development and
live entertainment associated with a temporary outdoor commercial event that will occur within
500 feet of residential development be limited to daytime hours.

Lastly, staff can support the other use permits since these uses will not create any negative,
detrimental impacts to the surrounding area. In addition, the use permits will provide flexibility
for future tenants when the project is developed. The applicant has also provided conditions to
help limit the impact of some on some of the uses. For example, any potential major training
facilities will be limited to 50 people.

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
Live entertainment is proposed within the central gathering place on the site, and this location
meets the minimum 500 foot separation from residential uses. However, similar to the reduction
in separation for on-premises consumption of alcohol and outside dining, drinking, and cooking,
live entertainment may be located along Maule Avenue and Butler Street where the separation
would be reduced to 80 feet from an approved multiple family development. Live entertainment
within 500 feet of a residential use can have a negative impact on the quality of life if the live
entertainment is audible inside the adjacent residences. However, since this will be an activated
pedestrian environment, live entertainment may be an appropriate way to enliven the streetscape.
Nevertheless, to reduce the impacts on the adjacent residents, live entertainment should be
limited to daytime hours when it is within 500 feet of the adjacent residential uses.

Waiver of Development Standards #2
As indicated by the applicant, the grade difference between the subject site and Roy Horn Way
can extend up to 80 feet in some areas. As a result, development on the site will have a reduced
visual impact to motorists on Roy Horn Way since the development is below the grade of the
right-of-way. In addition, the reduced separation is only requested for a single corner of 3
separate office buildings that intrude into the setback. Other portions of the site along Roy Horn
Way provide open space over 70 feet wide. Therefore, staff finds that the reduced setback is
appropriate and will not create any negative impacts.

Design Reviews #1
The design of the proposed high impact, mixed use project is appropriate and complies with
policies in the Comprehensive Master Plan. For example, the project is 32.5 acres in size,
consistent with Urban Specific Policy 106, which encourages mixed use development to exceed
10 acres. The project includes a mix of uses consistent with Policy 107, which states that mixed
use developments should incorporate general business, professional and public offices, multiple
family residential uses, and supporting commercial uses. Furthermore, the development incorporates innovative architecture and similar design features throughout the site, which is consistent with Policy 114 that encourages design commonality and visual familiarity to support smooth circulation flow and easy recognition of amenities for visitors and pedestrians. Lastly, the design creates a centralized activity zone of outside dining and commercial uses, which is consistent with Policy 124 that encourages buildings to be sited around pedestrian plazas and courts. Therefore, the project complies with policies in the Comprehensive Master Plan, and staff can support the request.

**Public Works - Development Review**

**Waiver of Development Standards #3**

Staff has no objections to the reduced throat depth at several of the driveways. With a number of other driveways available to access the site, if one driveway encounters a back-up, alternate driveways can be used to allow vehicles to safely exit the right-of-way.

**Waiver of Development Standards #4**

Staff can support this request with the subject to a License and Maintenance Agreement for any non-standard improvements within the right-of-way. The applicant will be responsible for maintenance and up-keep of any non-standard improvements.

**Design Review #2**

This design review represents the maximum grade difference along 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.

**Department of Aviation**

The property lies just outside the AE-60 (60-65 DNL) noise contour for the 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 the McCarran International Airport facilities to meet future air traffic demand.

APN's 176-04-201-004, 176-04-201-009, 176-04-301-012 are subject to certain deed restrictions which (1) prohibit uses incompatible with airport operations including those presented in this land use application from being developed, and (2) prohibit these parcels from being used to enhance incompatible uses on adjacent parcels. Applicant must contact the Clark County Department of Real Property Management to apply for a Deed Restriction Modification to amend existing deed restrictions which prohibit said use. Permits will not be issued and maps will not be recorded until all required fees associated with the amended deed restrictions, which would permit currently prohibited uses included in this application, have been paid and the new CC&Rs are recorded. If applicant fails to pay the required deed modification fees and record the new CC&Rs, then permits for uses prohibited by existing recorded deed restrictions must not be issued and mapping of uses prohibited by existing recorded deed restrictions must not be recorded.
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 Comprehensive Master Plan, Title 30, and/or the Nevada Revised Statutes.

PRELIMINARY STAFF CONDITIONS:

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 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.
TAB/CAC: Spring Valley - approval.
APPROVALS:
PROTESTS:

APPLICANT: MATTER NV OPERATIONS, LLC
CONTACT: LEBENE OHENE, 520 SOUTH 4TH STREET, LAS VEGAS, NV  89101