

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**WC-25-400002 (UC-23-0362)-215 PROPERTY, LLC:**

**WAIVER OF CONDITIONS** of a use permit requiring to add an additional row of trees per Figure 30.64-12 along the west property line in conjunction with a vehicle sales, vehicle wash, and vehicle maintenance facility on 8.6 acres in a CG (Commercial General) Zone and an IP (Industrial Park) Zone.

Generally located on the north side of Rafael Rivera Way, 350 feet west of Warbonnet Way within Spring Valley. MN/nai/kh (For possible action)

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RELATED INFORMATION:

**APN:**

176-04-501-012; 176-04-501-025

**LAND USE PLAN:**

SPRING VALLEY - CORRIDOR MIXED-USE

SPRING VALLEY - BUSINESS EMPLOYMENT

**BACKGROUND:**

**Project Description**

General Summary

- Site Address: 8056 Rafael Rivera Way
- Site Acreage: 16 (entire site)/2.4 (portion)
- Project Type: Vehicle sales, vehicle maintenance, and vehicle wash
- Building Height (feet): 40
- Square Feet: 59,306
- Parking Required/Provided: 145/502 (366 display vehicles)

**History, Site Plan, & Request**

On August 2023, the Board of County Commissioners approved UC-23-0362 for a vehicle sales, vehicle wash, and vehicle maintenance facility with reduced separation to a residential use to the west. The approved plans depicted a dealership consisting of vehicle sales, service, and a carwash tunnel on APN 176-04-501-012. APN 176-04-501-025 located to the north of the building was shown as being for vehicle display only. The condition of approval imposed by staff on UC-23-0362 required an additional row of trees per Figure 30.64-12 along the west property line, adjacent to an existing multi-family residential development. The applicant is now requesting to waive the condition to allow 1 row of semi-evergreen trees, to remain instead of being required to plant 2 rows of evergreen trees.

### Previous Conditions of Approval

Listed below are the approved conditions for UC-23-0362:

#### Comprehensive Planning

- Add an additional row of trees per Figure 30.64-12 along the west property line;
- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection.
- 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; 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

- Comply with approved drainage study PW22-20177;
- 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;
- Comply with approved traffic study PW23-12552;
- Full off-site improvements;
- Right-of-way dedication to include 11 feet for Rafael Rivera Way;
- 30 days to coordinate with Public Works - Design Division and to dedicate any necessary right-of-way and easements for the Beltway Frontage Road improvement project.
- Applicant is advised 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.

#### Fire Prevention Bureau

- Applicant is advised to submit plans for review and approval prior to installing any gates, speed humps (speed bumps not allowed), and any other Fire Apparatus Access Roadway obstructions.

#### 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 #0229-2023 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

### Applicant's Justification

The applicant wants to remove the first condition listed under the Notice of Final Action for UC-23-0362. The condition states that an additional row of trees per Figure 30.64-12 along the west property line needs to be added. The applicant states a single row of Cathedral Oak (semi-evergreen) trees have been planted every 20 feet along the west property line and at mature growth these trees will have a canopy size of 25 feet, which provides sufficient screening. Also, the applicant states that the drainage swale located within the same landscaping area limits the location for another row of trees to be planted. Lastly, the single row of trees is already close to

the masonry screen wall, which overtime could cause water damage and affect the foot bearing of the wall due to saturation and root up-lift.

#### **Prior Land Use Requests**

<b>Application Number</b>	<b>Request</b>	<b>Action</b>	<b>Date</b>
SDR-24-0546	Allowed 2 freestanding signs where only 1 is permissible, increased freestanding sign area, and increased the area of an electronic message unit static sign	Approved by BCC	January 2025
UC-23-0362	Use permit and design review for vehicle sales facility, vehicle maintenance facility, and vehicle wash facility	Approved by BCC	August 2023
VS-22-0562	Vacated and abandoned patent easements	Approved by BCC	November 2022
TM-22-500191	Commercial subdivision	Approved by BCC	November 2022
WS-0069-16	Increased area for an animated sign	Approved by BCC	March 2016
WS-0856-15	Increased the height and size of 2 freestanding signs	Approved by BCC	February 2016
WS-0707-15	Comprehensive sign package for an approved vehicle sales, maintenance, and wash facility (automobile)	Approved by BCC	December 2015
UC-0144-15	Vehicle sales, maintenance, and wash facility (automobile)	Approved by BCC	April 2015
UC-0625-14	Vehicle sales and maintenance facility on the south half of the site and reduced the separation of a vehicle maintenance facility from a residential use	Approved by BCC	August 2014
NZC-0126-08	Reclassified the north half of the site from M-D to R-4 zoning - expired	Approved by BCC	September 2008
ZC-1116-05	Reclassified the south half of the site to C-2 zoning for a future commercial development	Approved by BCC	August 2005
ZC-1234-99	Reclassified the north half of the site to M-D zoning	Approved by BCC	December 1999

#### **Surrounding Land Use**

	<b>Planned Land Use Category</b>	<b>Zoning District (Overlay)</b>	<b>Existing Land Use</b>
North	Mid-Intensity Suburban Neighborhood (up to 8 du/ac)	RS3.3	Single-family residential
South	Business Employment	CG	CC 215 & undeveloped
East	Business Employment	CG & IP	Vehicles sales
West	Corridor Mixed-Use	RM32	Multi-family residential

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

**STANDARDS FOR APPROVAL:**

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

**Analysis****Comprehensive Planning**

A waiver of conditions may be approved upon a finding that the condition will no longer fulfill its intended purpose.

The applicant is providing a 10 foot landscape buffer with a single row of semi-evergreen trees planted every 20 feet where the condition requires a double row of evergreen trees every 10 feet. Typically, staff does not support waiving the conditions that were previously imposed if there is no mitigation or change in circumstances to warrant a waiver. In this case, the condition was imposed to mitigate the potential impacts of the commercial use on the existing multi-family residential development to the west. The applicant has not provided any alternatives to meet the intent of the condition. Staff finds that the design could be altered to accommodate extra landscaping. For instance, the driveway length and parking stalls could be redesigned to widen the landscape area to fit the required landscaping. Also, if the project was proposed today, per today's Code the site would be subject to buffering and screening requirements per Title 30 Section 30.04.02 which requires a double row of evergreen trees each row planted off-set from one another and in each row, trees would need to be planted 20 feet apart on center within a 15 feet wide landscape strip. Therefore, current Code would require the same number of evergreen trees as the condition initially required; however, the landscape buffer would be wider. Therefore, staff cannot support this request.

**Staff Recommendation**

Denial.

Approval of the waiver of conditions request constitutes a finding by the Commission/Board that the condition will no longer fulfill its intended purpose.

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:****Public Works - Development Review**

If approved:

- No comment.

**Fire Prevention Bureau**

- No comment.

**Clark County Water Reclamation District (CCWRD)**

- No comment.

**TAB/CAC:** Spring Valley - approval.

**APPROVALS:**

**PROTEST:**

**APPLICANT:** JOHN MAHONEY

**CONTACT:** GARRY BRINKLEY, JOHN MAHONEY ARCHITECT, 850 W. ELLIOT  
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