

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**WS-23-0819-JONES 215, LLC:**

**WAIVERS OF DEVELOPMENT STANDARDS** for the following: **1)** eliminate parking lot landscaping; and **2)** allow modified CMA Design Overlay District Standards.

**DESIGN REVIEWS** for the following: **1)** showroom and vehicle maintenance facility; and **2)** finished grade on 14.2 acres in a C-2 (Commercial General) (AE-60) Zone in the CMA Design Overlay District.

Generally located on the south side of Roy Horn Way, 460 feet east of Torrey Pines Drive within Enterprise. MN/sd/syp (For possible action)

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RELATED INFORMATION:

**APN:**

176-02-601-022

**WAIVERS OF DEVELOPMENT STANDARDS:**

1. Eliminate parking lot landscaping where required per Figure 30.64-14.
2. Allow a horizontal roofline to exceed 100 feet in length without roofline variations where required per Section 30.48.650.

**DESIGN REVIEWS:**

1. Showroom and vehicle maintenance addition.
2. Increase finished grade to 62 inches where a maximum of 36 inches is the standard per Section 30.32.040 (a 72% increase).

**LAND USE PLAN:**

ENTERPRISE - BUSINESS EMPLOYMENT

**BACKGROUND:**

**Project Description**

General Summary

- Site Address: 6425 Roy Horn Way
- Site Acreage: 14.2
- Project Type: Vehicle sales/repair/maintenance facility
- Number of Stories: 1
- Building Height : 21 feet, 4 inches
- Square Feet: 15,817
- Parking Required/Provided: 119/205

### Site Plan

The proposed project is for a new vehicle sales showroom and vehicle maintenance facility in conjunction with an existing vehicle sales, maintenance and vehicle repair facility and ancillary uses with outside display of automobiles. The new showroom facility will be for the sale and service of Polestar electric vehicles. The street frontage along Roy Horn Way consists of landscape areas with a detached sidewalk and a vehicle display area is located along both sides of the main entry drive to the dealership. Access to the site is from Roy Horn Way to the north. A new showroom building will be constructed along the eastern property line. This proposed addition to the existing auto dealership will require the removal of existing landscaping, including landscape islands and perimeter landscaping.

### Landscaping

The plans depict landscaping along Roy Horn Way and in portions of the parking lot. The applicant will be removing landscaping to accommodate the new showroom building. The proposed addition will eliminate 10 trees and 80 shrubs from the existing landscaping as shown on the plans. Other landscaping will be untouched by this application request; however, a waiver is requested to have parking lot landscaping exceed the maximum of 6 spaces between landscape islands along Roy Horn Way behind the vehicle display parking.

### Elevations

The plans depict a new showroom and service facility with a modern aesthetic with gray and white exteriors. The materials for the buildings will be painted CMU and metal paneling with large glass walls and doors on the north and west elevations and a flat roof. The maximum height of the building is 24 feet. The east side of the property has an existing 6 foot block wall that will remain. The service building will have a roll-up door on the west side of the building that will be screened from the right-of-way by the existing Volvo dealership.

### Floor Plans

The plans depict a floor plan for Polestar vehicles and includes a new showroom for vehicle display, service, storage, offices, restrooms and handover bay.

### Applicant's Justification

The applicant states that the new showroom and service building will be located on the northeast corner of the Property on a portion of the property that is currently being used for the parking and display of vehicles. Although some parking spaces will be lost due to the additional development of the Polestar showroom and service building, 205 parking spaces will remain, which exceeds the required amount. Some of the landscaping along the eastern border of the property will be eliminated with the construction of the Polestar showroom and service building. This landscaping area will be screened by the proposed Polestar building and the eastern boundary block wall adjacent to the under construction Switch project, so the landscaping is not needed. The design review includes a review of the grading and cross sections for the project. To proceed with constructing the project as proposed, the site has a maximum fill of 5.1 feet, which exceeds what is permitted, but is needed to develop the showroom and service building.

**Prior Land Use Requests**

<b>Application Number</b>	<b>Request</b>	<b>Action</b>	<b>Date</b>
UC-21-0261	Vehicle repair facility in conjunction with a vehicle sales lot (dealership)	Approved by BCC	July 2021
WC-21-400091 (ZC-0606-01)	Waived conditions for recording a reciprocal, perpetual cross access, ingress/egress, and parking agreements if dealerships are individually owned and operated	Approved by BCC	July 2021
WS-20-0079	Vehicle (automobile) dealership with waivers to the CMA Design Overlay District, parking lot landscaping, cross access, and throat depth	Approved by ZA	March 2020
WC-20-400014 (ZC-0606-01)	Waived conditions for recording a reciprocal, perpetual cross access, ingress/egress, and parking agreements if dealerships are individually owned and operated	Approved by ZA	March 2020
ADR-19-900634	Storage building in conjunction with an existing vehicle sales facility	Approved by ZA	October 2019
WS-18-0519	Increased height of a proposed freestanding sign and design review for a freestanding sign in conjunction with an existing vehicle sales on the western portion of the site	Approved by BCC	September 2018
VS-1073-17	Vacated and abandoned various easements on this site - recorded	Approved by PC	February 2018
ZC-0215-17	Reclassified a portion of this site to M-D zoning for a vehicle sales facility on the western portion of this site	Approved by BCC	May 2017
VS-0237-16	Vacated and abandoned right-of-way on a portion of the overall development site for a detached sidewalk - recorded	Approved by PC	June 2016
ZC-0606-01	Reclassified a portion of this site to C-2 zoning for 2 vehicle sales facilities	Approved by BCC	June 2001

**Surrounding Land Use**

	<b>Planned Land Use Category</b>	<b>Zoning District</b>	<b>Existing Land Use</b>
North	Business Employment	M-D	Office building with a production studio (UFC)
South	Business Employment	C-2 & M-D	Surface overflow parking lot
East	Business Employment	M-D	Undeveloped
West	Business Employment	M-D & C-2	Vehicle sales facility (Findlay Subaru)

This site is located 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**

#### Waivers of Development Standards

The applicant shall have the burden of proof to establish that the proposed request is appropriate for its proposed location by showing the following: 1) the use(s) of the area adjacent to the subject property will not be affected in a substantially adverse manner; 2) the proposal will not materially affect the health and safety of persons residing in, working in, or visiting the immediate vicinity, and will not be materially detrimental to the public welfare; and 3) the proposal will be adequately served by, and will not create an undue burden on, any public improvements, facilities, or services.

#### Waiver of Development Standards #1

The intent of parking lot landscaping is to provide climate adaptable plant materials that enhance environmental conditions by providing shade and reducing storm water run-off, and to provide buffer areas between land uses of varying intensity. While staff does not generally support waivers to reduce or eliminate parking lot landscaping similar waivers have been approved with the adjacent auto dealership facilities. Staff can support this request.

#### Waiver of Development Standards #2

The horizontal roofline design of the proposed facility is consistent and compatible with the existing facilities and with those of the adjacent vehicle dealership to the west. In addition, the exterior textures, colors, and materials are similar to those on-site and those of adjacent uses that are vehicle sales, maintenance and/or repair. The elevations depict metal canopies, storefront windows and architectural off-sets that eliminate blank elevations visible to the public. Staff can support this request.

#### Design Review

Development of the subject property is reviewed to determine if 1) it is compatible with adjacent development and is harmonious and compatible with development in the area; 2) the elevations, design characteristics and other architectural and aesthetic features are not unsightly or undesirable in appearance; and 3) site access and circulation do not negatively impact adjacent roadways or neighborhood traffic.

#### Design Review #1

The CMA Design Overlay District was established to encourage and promote a high level of quality development that will produce a stable environment in harmony with existing and future development and protect the use of neighboring properties. Staff finds that the proposed Polestar showroom and vehicle maintenance addition will be compatible to the surrounding area and complies with the majority of the CMA Design Overlay District requirements. Staff finds the intended use is consistent with the purpose and intent of the Business Employment land use category which applies to areas where commercial, professional, and/or manufacturing developments are designed to assure minimal impact on surrounding areas. The proposed vehicle sales and maintenance facility is a functional extension for the existing development that consists of a seamless automobile sales corridor. Therefore, staff recommends approval of this request.

## **Public Works - Development Review**

### 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.

## **Department of Aviation**

The development will penetrate the 100:1 notification airspace surface for Harry Reid 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.

## **Staff Recommendation**

Approval.

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

## **PRELIMINARY STAFF CONDITIONS:**

### **Comprehensive Planning**

- 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;
- Certificate of Occupancy and/or business license shall not be issued without approval of an application for a zoning inspection.
- Applicant is advised within 2 years from the approval date the application must commence or the application will expire unless extended with approval of an extension of time; the County has adopted a rewrite to Title 30 effective January 1, 2024, 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; changes to the approved project will require a new land use application; and the applicant is solely responsible for ensuring compliance with all conditions and deadlines.

## **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.

- 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.

### **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; applicant is advised that many factors may be considered before the issuance of a permit or variance, including, but not limited to, lighting, glare, graphics, etc.;
- 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 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.

### **Fire Prevention Bureau**

- No comment.

### **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](mailto:sewerlocation@cleanwaterteam.com) and reference POC Tracking #0467-2023 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

**TAB/CAC:**

**APPROVALS:**

**PROTESTS:**

**APPLICANT:** JONES 215, LLC

**CONTACT:** ELIZABETH SOROKAC, REISMAN SOROKAC, 8965 S. EASTERN AVENUE, SUITE 382, LAS VEGAS, NV 89123