

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

UC-24-0308-MOUNTAIN VIEW DRS, LLC:

HOLDOVER USE PERMITS for the following: **1)** hotel; and **2)** transient and non-transient hotel with kitchens.

WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** increase building height; **2)** eliminate loading spaces; **3)** modify buffering and screening standards; and **4)** modified driveway geometrics.

DESIGN REVIEWS for the following: **1)** hotel; and **2)** alternative parking lot landscaping on 2.06 acres in an IP (Industrial Park) Zone within the Airport Environs (AE-60 & AE-65) Overlay.

Generally located on the south side of Sunset Road and the west side of Ullom Drive within Enterprise. MN/bb/syp (For possible action)

RELATED INFORMATION:

APN:

177-06-101-002

WAIVERS OF DEVELOPMENT STANDARDS:

1. Increase the height of a hotel to 52 feet where the maximum height permitted is 50 feet per Section 30.02.18. D. (a 4% increase).
2. Eliminate loading spaces where 2 are required per Table 30.04-7 (a 100% reduction).
3.
 - a. Eliminate landscape buffer along a portion of the west property line where 15 feet is required per Section 30.04.02C (a 100% reduction).
 - b. Allow a single row of evergreen trees with trees planted 30 feet apart on center where a double row of evergreen trees with trees planted 20 feet apart on center is required per Section 30.04.02C.
 - c. Allow semi-deciduous trees where evergreen trees are required for a landscape buffer per Section 30.04.02C.
 - d. Allow a 6 foot high screen wall where an 8 foot high screen wall is required as a buffer per Section 30.04.02 C (a 25% reduction).
 - e. Allow a non-decorative wall where a decorative wall is required per Section 30.04.02 C.
4.
 - a. Reduce the throat depth along Ullom Drive to 42 feet where 75 feet is required per Uniform Standard Drawing 222.1 (an 88% reduction).
 - b. Reduce the throat depth along Sunset Road to 14 feet where 75 feet is required per Uniform Standard Drawing 222.1 (an 81% reduction).
 - c. Increase the width of a driveway to 42 feet where 40 feet is the maximum permitted per Uniform Standard Drawing 222.1 (a 5% increase).

- d. Reduce the driveway departure distance along Ullom Drive to 171 feet where 190 feet is required per Uniform Standard Drawing 222.1 (a 10% reduction).
- e. Reduce the driveway approach distance along Sunset Road to 84 feet where 150 feet is required per Uniform Standard Drawing 222.1 (a 44% reduction).

DESIGN REVIEWS:

1. A 114 room hotel.
2. Allow alternative parking lot landscaping (landscape islands) where parking lot landscaping is required per Section 30.04.01D.

LAND USE PLAN:

ENTERPRISE - BUSINESS EMPLOYMENT

BACKGROUND:

Project Description

General Summary

- Site Address: N/A
- Site Acreage: 2.06
- Project Type: Hotel
- Number of Stories: 4
- Building Height (feet): 52
- Square Feet: 57,971 (114 guest rooms)
- Parking Required/Provided: 80/106
- Sustainability Required/Provided: 7/7

Site Plan

The site plan depicts a 2.06 acre property at the southwest corner of Sunset Road and Ullom Drive with a 57,971 square foot, 4 story hotel. The hotel is located on the west side of the property and west of the driveway accessing Sunset Road. The hotel will have access to Sunset Road and Ullom Drive with a driveway between the north entrance at Sunset Road, and the east entrance at Ullom Drive. The parking lot has 106 spaces where 80 spaces are required and is located between the hotel and Ullom Drive. A trash enclosure and bicycle parking are located on the east side of the hotel. The plan depicts 6 accessible parking spaces and 3 installed electric vehicle stalls.

Landscaping

A minimum 10 foot wide landscaped area is provided adjacent to Sunset Road and Ullom Drive, adjacent to the existing attached sidewalk. The tree canopy along Sunset Road and Ullom Drive exceeds the required tree canopy area. Parking lot landscaping is provided with shared landscaping along Ullom Drive and Sunset Road. Two parking areas with more than 6 spaces between required landscape islands are shown on the plan and the subject of the alternative landscape plan. The tree canopy provided for the parking lot exceeds the required tree canopy area. A 19 foot wide landscaping buffer area is provided between the hotel and adjacent commercial property along the northern half of the west property line. The remaining area is the subject of a waiver request. The west property line buffer landscape area has a partial single row

of trees that are not evergreen, and are the subject of a waiver request. The plan shows 13 trees where 8 are required along Sunset Road and 12 trees where 8 are required along Ullom Drive.

Elevations

The hotel consists of a 4 story, 52 foot high structure with wood frame and stucco EIFS siding. The building has stone veneer treatments that extend as high as the third floor façade. Portions of the façade incorporate fiber cement and stucco siding in several earth tone colors. Shade structures are located over entrances at the north, south, east, and west sides of the building. Numerous return wall columns extend from the ground to the roofline of the building. There are several variations in the roofline with up to a 6 foot difference in height variation. A 12 foot high metal canopy area is provided on the east side of the building to break-up the east plane of the façade. The main entrance faces Ullom Drive with HVAC units shielded on the roof by parapet walls.

Floor Plans

The floor plans depict a hotel oriented 237 feet in length from north to south and 84 feet wide from east to west on the west side of the property. The hotel has interior hallways with a central elevator and stairwells located at the north and south sides of the building. The plans depict 114 guest rooms on 4 levels. A variety of room types are offered with floor areas ranging between 338 square feet and 677 square feet. The main level of the hotel has a main entrance, meeting room, office, laundry room, and lounge area, in addition to accessible guest rooms and building access at the north and south ends of the interior hallway.

Applicant’s Justification

The hotel is 57,971 total square feet with 114 individual rooms intended for transient and non-transient rental. This type of hotel is typically known as an extended stay hotel that serves nearby large employment centers, airports, and hospitals. The landscaping waivers are required along the western property line to make space for guest amenities and seating areas. The commercial facility to the west backs up to this site and will not be negatively impacted by the hotel or waiver requests. The lack of a few parking lot islands are more than made up for with the additional perimeter trees along Sunset Road and Ullom Drive. The access driveways will provide adequate access to the site.

Surrounding Land Use

	Planned Land Use Category	Zoning District (Overlay)	Existing Land Use
North	Business Employment	CG (AE-65)	Shopping center
South	Business Employment	IP (AE-60)	Hotel & commercial
East	Business Employment	PF (AE-60 & AE-65)	NDOT facility
West	Business Employment	CG (AE-60)	Shopping center

Related Applications

Application Number	Request
ZC-24-0307	A zone change to reclassify 2.06 acres from RS20 to IP zoning is a companion item on this agenda.
VS-24-0309	A vacation of patent easements is a companion item on this agenda.

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

Use Permits

A special use permit is considered on a case by case basis in consideration of the standards for approval. Additionally, the use shall not result in a substantial or undue adverse effect on adjacent properties, character of the neighborhood, traffic conditions, parking, public improvements, public sites or right-of-way, or other matters affecting the public health, safety, and general welfare; and will be adequately served by public improvements, facilities, and services, and will not impose an undue burden.

Section 30.03.06 E.2 requires a special use permit for hotels located in an IP (Industrial Park) Zone. When a mixture of transient and non-transient hotel uses is proposed, a special use permit is also required per Section 30.03.06E2i. Transient is defined in the code as a person who utilizes accommodations for a price or as a benefit of employment, with or without meals, for a period of 30 consecutive calendar days or less. The applicant indicates in their justification letter that the proposed hotel will cater to non-transient and transient guests targeting business travelers associated with large employment centers, airports, and hospitals. All proposed guest rooms provide kitchens for meal preparation. The site is only a few minutes drive from Harry Reid Airport and a growing industrial area within Enterprise. Policy 5.1.3 of the Master Plan supports this type of development in support of general economic growth activity. The proposed site plan meets the intent of the Master Plan Policy EN-1.1 for maintaining neighborhood integrity through compatible development. The proposed hotel is adjacent to an existing hotel use, is appropriate for this location and should not result in a substantial adverse effect on adjacent properties, public infrastructure, or public health, safety, and general welfare. Staff supports special use permits #1 and #2.

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 height of the proposed hotel will exceed the standard by about 4% and only a limited amount of the bulk of the building will be exposed above the 50 foot height. Most of the roofline will be at 47 feet or less. Those areas above 47 feet are part of the shielding parapets and designed to break up the flat roofline of the building. Staff supports waiver of development standards #1.

Waiver of Development Standards #2

The proposed parking plan includes 33% more spaces than required by Title 30. The site plan also shows a modified guest pick-up and drop-off (loading and unloading zone) in front of the entrance on the east side of the hotel. The modified dimensions of this area would allow for immediate loading and unloading for hotel guests arriving by individual vehicles. The applicant states the hotel use would require loading and unloading smaller trucks approximately 1 or 2 times a week. For these reasons, staff can support waiver of development standards #2.

Waiver of Development Standards #3

Most of the west side of the hotel is adjacent to an existing commercial shopping center and the rear wall of the existing commercial building. The existing wall is unbroken with no windows and will block the view of the first 2 stories of west side of the hotel from Decatur Boulevard. In addition, 2 rows of large trees within a standard 15 foot wide landscape strip would create a condition where the row of trees closest to the commercial building could potentially grow into the building and over the property line. The combined 19 foot and 18 foot wide landscape strips on the north half of the west side of this property with 1 row of trees will sufficiently meet the intent of Title 30 and provide some tree canopy in an already mostly shaded space. The combined square foot area of these landscaped spaces on the west side of the hotel are approximately equivalent to a 15 foot wide landscape strip along the entire west side of the property. The applicant is proposing semi-evergreen tree types and to keep the existing 6 foot non-decorative wall on the west side of the hotel. This space will effectively only be visible from a narrow corridor to the north and Sunset Road. Staff cannot see a reason to require a redundant 8 foot wall on the west side of the hotel, other than it will have a better looking appearance that is only viewable to hotel guests and not the public. The proposed landscape plan meets the intent of the Master Plan Policy EN-1.1 for maintaining neighborhood integrity through compatible development. Staff can support waiver of development standards #3.

Design Reviews

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 others 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 parking demand study adequately addresses the need for additional parking above the 15% maximum allowed per Title 30. The majority of non-transient guests of hotels are likely to have a vehicle and require parking during the entire stay. The applicant provided an analysis using the ITE parking generation manual in support of the increase. The additional spaces are likely to

help avoid future parking problems at this location and accounts for non-transient uses. Cross access was not provided along the south property line when the adjacent hotel and commercial uses were approved. The adjacent hotel and commercial area has a curb and landscape strip along the shared property line. There is no opportunity for shared cross access to or from the west property line. Staff supports the design reviews.

Design Review #2

The landscape plan depicts 9 additional large trees along both streets, 8 additional parking lot trees, and a wider than required landscape strip along the south property line. The loss of 3 landscape islands is off-set by the additional materials. The parking lot landscape pattern meets the intent of the Master Plan Policy EN-1.1 for maintaining neighborhood integrity through compatible development. Staff can support this request.

Public Works - Development Review

Waiver of Development Standards #4a

Staff has no objection to the reduced throat depth for the commercial driveway on Ullom Drive, as Ullom Drive should see minimal traffic as the alignment terminates south of the site.

Waiver of Development Standards #4b

Although the throat depth for the Sunset Road commercial driveway does not comply with the minimum standard, the applicant worked with staff to remove parking spaces, which provides more room for vehicles to safely exit the right-of-way to gain access to the site, therefore, staff has no objection to this request.

Waiver of Development Standards #4c and #4e

Staff has no objection to the increase driveway width and approach distance for the existing driveway on Sunset Road. The driveway was constructed by Clark County Public Works as part of the CIP project.

Waiver of Development Standards #4d

Staff has no objection to the reduced departure distance for the commercial driveway on Ullom Drive. The applicant placed the driveway as far south as the site will allow. Additional, Ullom Drive should see minimal traffic as it ends south of the site.

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 30.02.26B.3(ii) of the Clark County Unified Development Code, the Federal Aviation Administration (FAA) must be notified of the proposed construction or alteration.

More importantly, the development will penetrate the Part 77 airspace surface (Airport Airspace Overlay District), as defined by Section 30.02.26B.2(i) of the Clark County Unified Development Code. Therefore, as required by Section 30.06.03D.7(iv) of the Clark County Unified Development Code, final action cannot occur until the FAA has issued an airspace Determination of No Hazard and the Department of Aviation has reviewed the determination. (Note that section 30.06.03D.7(iv) requires that the FAA Determination of No Hazard shall be

submitted two weeks prior to final approval for any proposed structure that intrudes into Airport Airspace Overlay District [see chapter 30.02.26B].)

The property lies within the AE 60(60 - 65DNL) noise contour for Harry Reid 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 Harry Reid International facilities to meet future air traffic demand.

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

- Certificate of Occupancy and/or business license shall not be issued without approval of a Certificate of Compliance.
- 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; a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time and application for review; 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;
- Traffic study and compliance;
- Right-of-way dedication to include 30 feet for Ullom Drive;
- Applicant is advised that off-site improvement permits may be required.

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 30.02.26B 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 must record a stand-alone noise disclosure form against the land, and provide a copy of the recorded document to the Department of Aviation Noise Office at landuse@lasairport.com;
- Applicant must provide a copy of the recorded noise disclosure form to future buyers/renters, separate from other escrow documents, and provide a copy of the document to the Department of Aviation Noise Office at landuse@lasairport.com;
- Applicant must provide a map to future buyers/renters, as part of the noise disclosure notice, that highlights the project location and associated flight tracks, provided by the Department of Aviation Noise Office when property sales/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; and 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.

TAB/CAC: Enterprise - approval.

APPROVALS: 1 card

PROTESTS: 3 cards

COUNTY COMMISSION ACTION: August 7, 2024 – HELD – To 09/04/24 – per the applicant.

APPLICANT: TIM DETERS

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