

DISTRIBUTION CENTER
(TITLE 30)

UPDATE
SUNSET RD/RAFAEL RIVERA WY

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST
NZC-21-0038-UL215, LLC ETAL & UW215, LLC:

HOLDOVER AMENDED ZONE CHANGE to reclassify 18.7 acres from a C-2 (General Commercial) Zone to an M-D (Designed Manufacturing) Zone.

WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** increase building height (previously not notified); **2)** screening loading docks; **3)** increase sign height; **4)** increase animated sign area; **5)** alternative perimeter landscape and screening; **6)** non-standard improvements within right-of-way; **7)** waive the sidewalk requirement along Rafael Rivera Way; **8)** allow an attached sidewalk along portions of Sunset Road; and **9)** modified driveway design standards.

DESIGN REVIEWS for the following: **1)** a proposed distribution center with ancillary retail sales; **2)** a comprehensive sign plan; and **3)** finished grade in the CMA Design Overlay District.

Generally located on the south side of Sunset Road and the east and north sides of Rafael Rivera Way within Spring Valley (description on file). JJ/rk/jd (For possible action)

RELATED INFORMATION:

APN:

176-05-510-002 through 176-05-510-004

WAIVERS OF DEVELOPMENT STANDARDS:

1. Increase building height to 60 feet where 50 feet is permitted per Table 30.40-5 (a 20% increase) (previously not notified).
2. Allow a loading dock area to not be screened from right-of-way (Rafael Rivera Way).
3. Increase the height of a freestanding sign to 70 feet where a maximum height of 28 feet is permitted per Section 30.48.680 (a 150% increase).
4. Increase animated sign area to 576 square feet where a maximum area of 70 square feet is permitted per Section 30.48.680 (a 723% increase).
5.
 - a. Allow an alternative perimeter landscape area and retaining wall on-site adjacent to Rafael Rivera Way where a 15 foot minimum landscape area is required per Section 30.48.660 and screening per Section 30.64.020.
 - b. Allow an alternative perimeter landscape area on-site adjacent to Sunset Road where a 15 foot minimum landscape area is required per Figure 30.64-17.
6.
 - a. Allow proposed landscaping in the Sunset Road right-of-way between the proposed driveway and Riley Street where not permitted per Chapter 30.52.
 - b. Allow a proposed retaining wall in the slope easement along Rafael Rivera Way where not permitted per Chapter 30.52.

7. Waive requirements for sidewalks adjacent to Rafael Rivera Way where required per Chapter 30.52.
8. Allow an attached sidewalk along portions of an arterial street (Sunset Road) where a detached sidewalk is required per Figure 30.64-17.
9. Reduce throat depth for a driveway along Sunset Road to a minimum of 43 feet where 100 feet is the standard per Uniform Standard Drawing 222.1 (a 57% reduction).

DESIGN REVIEWS:

1. For a furniture distribution center.
2. For a comprehensive sign plan.
3. Increase finished grade to 60 inches (5 feet) where a maximum of 18 inches (1.5 feet) is the standard per Section 30.32.040 (a 233% increase).

LAND USE PLAN:

SPRING VALLEY - COMMERCIAL TOURIST

BACKGROUND:

Project Description

General Summary

- Site Address: 6555 S. Riley Street
- Site Acreage: 18.7
- Project Type: Furniture distribution center
- Number of Stories: 1 & 2
- Building Height (feet): 47
- Square Feet: 93,042 (retail showroom); 180,180 (warehouse distribution)
- Parking Required/Provided: 281/285

Neighborhood Meeting Summary

The applicant conducted a neighborhood meeting on December 17, 2020, as required by the nonconforming amendment process. All owners within 1,500 feet of the project site were notified about the meeting. There were no attendees present at the virtual (Zoom) meeting for this item.

Site Plans

The plans depict a proposed 273,222 square foot furniture distribution center (Ashley Home Store) consisting of a single building located in the central portion of the site and 3 future retail pad sites located to the east along Riley Street (a private drive aisle). The site is bounded by roads on 3 sides of the development. Access to the site is provided by 1 driveway on Sunset Road, 2 driveways on Riley Street. No access is shown on Rafael Rivera Way. Parking for the facility is spread out through the site and meets the CMA Design Overlay standards. The building is set back 97 feet from Sunset Road, 179 feet from Riley Street, 117 feet from Rafael Rivera Way. Loading areas and trash enclosures are located on the west side of the building. The service area that contains overhead doors and loading docks is not technically screened from the CC 215 frontage road (Rafael Rivera Way); however, the site is depressed by approximately 16 feet. A total of 285 parking spaces are provided where 281 parking spaces are required.

Landscaping

Waivers of development standards are being requested to allow for an alternative landscape plan to accommodate the existing approved and constructed conditions. Some landscaping is provided along Rafael Rivera Way; however, due to the severe slopes, additional landscaping and sidewalk could not be provided. Trees along Riley Street are typically 60 feet on center with tree clusters at the corners and entry points. Where trees are provided on Rafael Rivera Way, they are **30** feet on center. Also, alternative landscaping to accommodate the existing approved and constructed conditions is being requested along Sunset Road. Trees are typically 40 feet on center with tree clusters at the corners and entry points and groundcover is provided at 50 percent per Code. The pad site parking lot landscaping will be addressed in the future. A 6 foot decorative retaining wall that is set back 11 feet from property line runs along Rafael Rivera Way. The wall is needed to accommodate the elevated road system. The landscape materials include large trees, shrubs, and groundcover.

Elevations

The building will be **60** feet high and constructed of concrete tilt-up panels with glass store fronts, and vertical/horizontal reveal lines with color changes. Other building materials will consist of decorative metal ribbon panels and metal canopies over the doorways. The height of the building varies from 45 feet to **60** feet and has been designed to break-up the roofline and enhance the overall look of the building. The loading dock area will be located on the west side of the building.

Floor Plans

The plans show the building will consist of a 93,042 square foot office/showroom (first floor 49,082 square feet; second floor 43,960 square feet) where customers can come view and select furnishing for their respective projects, with the remaining area 180,180 square feet being utilized for distribution warehouse activities.

Signage

This site is in the CMA Design Overlay District and as such signage requires approval as part of a design review. This request is for the distribution warehouse site and depicts the location, height, square footage, and materials being used. The sign types within this submittal package consists of freestanding, monument, canopy, and wall signs.

The plan depicts a 70 foot high freestanding sign on Rafael Rivera Way and a monument sign on Riley Street. The 70 foot high freestanding sign is located on the southwest portion of the site. The sign is double face which includes a 576 square foot animated video display near the center of the main sign face. The overall sign area is 864 square feet and is oriented in a north/south direction. The 10 foot high monument sign is located at the main driveway entrance onto Riley Street and is 70 square feet in area. Both the wall signs and freestanding sign have elements that are compatible with the materials used for the building in the complex and will consist of internally illuminated cabinets and panel channel letters.

Applicant's Justification

The applicant indicates the proposed Ashley Furniture Home Store and distribution facility on this site is appropriate given the proximity to CC 215 and Sunset Road. The use is consistent

and compatible with the surrounding area. The area along the CC 215 has seen many changes in land use from commercial uses to light industrial and distribution warehouse uses. In addition, M-D zoning can be found along Sunset Road heading east of the subject site. This project will bring significant employment and provide much needed services to the growing southwest section of Clark County.

Prior Land Use Requests

Application Number	Request	Action	Date
ET-19-400138 (WS-0690-17)	Extension of time for a commercial center	Approved by BCC	January 2020
ET-19-400163 (UC-0121-17)	Extension of time for a commercial center	Approved by BCC	January 2020
UC-19-0301	Allowed a one time temporary outdoor commercial event (San Gennaro Feast)	Approved by BCC	July 2019
ADET-19-900308 (UC-0895-16)	Extension of time for a hotel - expired	Approved by ZA	May 2019
ADET-19-900307 (WS-0896-16)	Extension of time for a retail center - expired	Approved by ZA	May 2019
WS-0690-17	Modifications to an approved commercial center	Approved by BCC	October 2017
UC-0694-17	Allowed a one time temporary outdoor commercial event (San Gennaro Feast)	Approved by BCC	September 2017
UC-0121-17	Commercial center	Approved by BCC	April 2017
WS-0896-16	Retail center on the northeast corner of the parcel - expired	Approved by BCC	March 2017
UC-0895-16	Hotel on the northwest corner of the parcel - expired	Approved by BCC	March 2017
WS-0107-16	A parking lot in conjunction with the IKEA store - expired	Approved by BCC	April 2016
WS-0107-15	Off-site improvement requirements in conjunction with an approved commercial timeshare development - expired	Approved by BCC	April 2015
TM-0112-14	1 lot commercial subdivision on 20.4 acres	Approved by PC	September 2014
DR-0082-14	Commercial timeshare development and signage - expired	Approved by BCC	April 2014
ZC-0613-04	Zone boundary amendment to C-2 zoning for a future commercial development - this zone boundary amendment zoned most of the site	Approved by BCC	May 2004
ZC-1749-00	Zone boundary amendment to C-2 zoning on a portion of the site	Approved by BCC	January 2001

Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North	Residential Urban Center (18 to 32 du/ac), Commercial General, & Business and Design/Research Park	R-4, C-2, & U-V	Office component of a developing horizontally mixed-use development & undeveloped
East	Commercial Tourist	C-2	IKEA store
South & West	CC 215, Major Development Project (Rhodes Ranch), & Commercial Tourist	CC 215, H-1, R-2, & R-E	CC 215 (Rafael Rivera Way frontage road) & undeveloped

This site and the surrounding area are located in the Public Facilities Needs Assessment (PFNA) area.

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 applicant shall provide Compelling Justification that approval of the nonconforming zoning boundary amendment is appropriate. A Compelling Justification means the satisfaction of the following criteria as listed below:

- 1. A change in law, policies, trends, or facts after the adoption, readoption or amendment of the land use plan that have substantially changed the character or condition of the area, or the circumstances surrounding the property, which makes the proposed nonconforming zone boundary amendment appropriate.*

The distribution warehouse is located adjacent to an existing large scale retail business (IKEA) and since 2014, several parcels located north of the CC 215 along Sunset Road that were designated for commercial development in the land use plan have been reclassified into business design manufacturing land uses. In addition, M-D zoning can be found along Sunset Road heading east of the subject site. The proposed project is appropriate for a location bounded on 2 sides by the CC 215.

- 2. The density and intensity of the uses allowed by the nonconforming zoning is compatible with the existing and planned land uses in the surrounding area.*

The density and intensity of the use being proposed by this amendment is compatible with the existing and planned land uses in the area. The project in terms of scale, intensity, and density are compatible with the adjacent development (IKEA Outlet) located adjacent to the site. Furthermore, the overall site has been designed to minimize impacts on the surrounding commercial land uses. The site has immediate access to Sunset Road, which connects to the frontage road to the CC 215 entrance ramp.

3. *There will not be a substantial adverse effect on public facilities and services, such as roads, access, schools, parks, fire and police facilities, and stormwater and drainage facilities, as a result of the uses allowed by the nonconforming zoning.*

The proposed zone change will not result in any additional impacts on surrounding infrastructure not already contemplated in the area. The facility will take advantage of the adjacent CC 215 for any traffic and will utilize existing infrastructure. There has been no indication from service providers that this request will have a substantial adverse effect on public facilities and services. Various Clark County service departments have reviewed the development proposal based on the information submitted by the applicant and, based on the comments received from those service providers, the project is not anticipated to have additional impacts on the surrounding infrastructure beyond what would have been anticipated for a commercial development.

4. *The proposed nonconforming zoning conforms to other applicable adopted plans, goals, and policies.*

Pursuant to the policies of the new Urban Land Use Policies, Policy 10 “encourages site design to be compatible with adjacent land use and off-site circulation patterns.” The site is located adjacent to existing commercial development with quick access to Sunset Road and the CC 215. Not only is the proposed development compatible with the general policy of the Urban Land Use Policies, but it is also compatible with the more specific industrial policies of the Comprehensive Master Plan. Industrial Policy 100 requires developments to be complementary with abutting uses through site planning and building design on the perimeter. Appropriate buffers, setbacks, landscaping, building height and materials, and adjoining land uses and densities should be considered and integrated into industrial developments. The buildings are designed to blend well with the existing to the east. The buildings have been oriented in such a way to ensure the loading areas and ramps are located near the center of the site, buffered by the sloped berm of the CC 215.

Summary

Zone Change

The density and intensity of the proposed project are consistent and compatible with existing and planned developments in this area. There has been no indication that the proposed project will have an adverse impact on public services or facilities in this area. The proposed project complies with other goals and policies within the Clark County Comprehensive Master Plan. Staff finds the applicant has provided a Compelling Justification to warrant approval of the nonconforming zone boundary request.

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 (Increase Building Height)

Staff can support the increase in building height. Portions of the main roofline are approximately 60 feet in height, which is only 10 feet above the permitted height and the additional height is a result of breaking-up the roofline and providing architectural features at the main entry on the building. Additionally, there is no existing residential in the area and the height increase will not negatively impact the surrounding industrial and commercial uses. In addition, the requested building height is similar to approved heights in the area. Furthermore, the proposed building is approximately 16 feet below grade of Rafael Rivera Way.

Waiver of Development Standards #2 (Loading Area)

The loading areas and ramps are located near the center of the site and buffered by the sloped berm of the CC 215. The site is depressed from the frontage road (Rafael Rivera Way) and varies from 2 feet to 16 feet with slopes of up to 40 percent. Landscaping is provided where possible; however, a screen wall is not practical and would create a canyon effect along Rafael Rivera Way with walls over 12 feet in height. The loading docks will be significantly lower than the roadway and direct line of sight is not possible. Therefore, staff can support this portion of the request.

Waiver of Development Standards #3 (Sign Height)

Staff does not typically support a request to increase the height of freestanding signs within the CMA Design Overlay District adjacent to the CC 215. In 2014, IKEA outlet had a freestanding sign approved at a maximum height of 108 feet. Since 2005, there have been a number of different automobile dealerships and shopping centers along the CC 215 that were approved to increase the height of freestanding signs. The site is approximately 16 feet below the grade of Rafael Rivera Way; therefore, staff can support the sign height if limited to 70 feet.

Waiver of Development Standards #4 (Sign Animation)

Staff finds that the proposed size of the freestanding sign and amount of animation is not consistent with the intent of the CMA sign regulations. The animated portions of the sign exceed the allowable standard for animation in the CMA by 723 percent. Staff does not support waivers in the CMA without mitigating circumstances. In the CMA, the intent is to discourage signs which contribute to visual clutter of the streetscape and ensure that signage enhances the overall development and the immediate area. The proposed request for sign area and animation is excessive and is not compatible with the surrounding area; therefore, staff cannot support this portion of the request.

Waivers of Development Standards #5a, #5b, & #8 (Perimeter Landscape and Screening)

The alternative landscaping and screening that will be provided with this project is visually appealing and provides an adequate amount of plant material to meet the intent of Code. Slopes created by a difference in grade between this site and the road surface of the frontage road make landscaping and sidewalk impractical. Furthermore, other projects including the IKEA site have been approved to modify landscape and screening requirements from Code. Therefore, staff can support this portion of the request.

Design Reviews #1 & #2

The intent of the CMA Design Overlay District is to encourage and promote a high quality level of development that produces a stable environment in harmony with existing and future development and protects the use and enjoyment of neighboring properties. The design of the proposed distribution center and signage (excluding the animation portion of the request design review #2) complies with the intent and requirements of the CMA Design Overlay District. Staff finds that the buildings comply with Urban Specific Policy 19 of the Comprehensive Master Plan which encourages breaking-up the mass of the buildings through height variations. Urban Specific Policy 7 encourages land uses that are complementary and are of similar scale and intensity. Staff finds that the proposed building is also complementary to the existing IKEA outlet site located to the east of the project site; therefore, staff can support this portion of the request.

Public Works - Development Review

Waiver of Development Standards #6a

The applicant is responsible for maintenance and up-keep of any non-standard improvement; the County will not maintain any landscaping placed in the right-of-way. Staff can support this request but the applicant must execute and sign a License and Maintenance Agreement for any non-standard improvements within the right-of-way.

Waiver of Development Standards #6b

Staff cannot support the request to allow a non-standard improvement within the right-of-way. The applicant is proposing to construct a retaining wall adjacent to Rafael Rivera Way which will not allow Clark County Public Works access to maintain the slope adjacent to the frontage road. There is an existing slope easement that allows the County the ability to get the necessary equipment in the areas and maintain the integrity of the slope.

Waiver of Development Standards #7

Staff cannot support the request to not install the sidewalk adjacent to Rafael Rivera Way. While staff understands that the sidewalk has not been installed along the eastern portion of Rafael Rivera Way, west of Durango Drive, the addition of the sidewalk adjacent to the frontage road will provide a safe pathway for pedestrians.

Waiver of Development Standards #9

Staff has no objection to the reduction in the throat depth for the Sunset Road commercial driveway. Although the throat depth is not meeting the minimum standard, the applicant is provided a designated right turn lane and eliminated parking near the driveway, which provides more room for vehicles to safely exit the right-of-way to gain access to the site.

Design Review #3

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.

Staff Recommendation

Approval of the zone change, waivers of development standards #1, #2, #3, #5a, #5b, #6a, #8, #9, and design reviews #1 and #3; denial of waivers of development standards #4, #6b, #7, and design review #2. This item will be forwarded to the Board of County Commissioners' meeting for final action on **June 16, 2021 at 9:00 a.m.**, unless otherwise announced.

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:

- Resolution of Intent to complete in 3 years;
- **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 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 new application for a nonconforming zone boundary amendment may be required in the event the building program and/or conditions of the subject application are proposed to be modified in the future; a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; and that 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;
- Execute a Restrictive Covenant Agreement (deed restrictions);
- Execute a License and Maintenance Agreement for any non-standard improvements within the right-of-way;
- Coordinate with Clark County Public Works - Directors Office for the Beltway frontage road improvement project;
- Coordinate with Public Works - Development Review for improvements in or adjacent to the slope easements.
- Applicant is advised that off-site 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.

Building Department - Fire Prevention

- Applicant is advised to show on-site fire lane, turning radius, and turnarounds (portions of site included in this scope may not allow access to future pads); and 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 initiated for this project; to email sewerlocation@cleanwaterteam.com and reference POC Tracking #0334-2021 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require a new POC analysis.

TAB/CAC: Spring Valley - approval of the zone change, waivers of development standards #1, #2, #3, #5a, #5b, #6a, #7, #8, #9, and design reviews #1 and #3; denial of waiver of development standards #4 and design review #2 (waiver of development standards #6b was withdrawn per the applicant).

APPROVALS: 2 cards

PROTESTS: 2 cards

PLANNING COMMISSION ACTION: March 16, 2021 – HELD – To 05/04/21 – per the applicant.

PLANNING COMMISSION ACTION: May 4, 2021 – HELD – To 05/18/21 – per the applicant.

APPLICANT: HODGDON GROUP REALTY, INC

CONTACT: G.C. GARCIA, INC C/O GEORGE GARCIA, 1055 WHITNEY RANCH DRIVE, SUITE 210, LAS VEGAS, NV 89014