

OFFICE/WAREHOUSE  
(TITLE 30)

**UPDATE**  
DEAN MARTIN DR/ROBINDALE RD

**PUBLIC HEARING**

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**NZC-21-0101-2567 E. WASHBURN RD., LLC:**

**ZONE CHANGE** to reclassify 12.6 acres from a C-P (Office and Professional) (AE-60 & AE-65) Zone to an M-D (Designed Manufacturing) (AE-60 & AE-65) Zone.

**WAIVER OF DEVELOPMENT STANDARDS** for alternative driveway geometrics.

**DESIGN REVIEWS** for the following: **1)** office/warehouse complex; and **2)** finished grade.

Generally located on the west side of Dean Martin Drive and the north side of Robindale Road within Enterprise (description on file). MN/jt/jd (For possible action)

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**RELATED INFORMATION:**

**APN:**

177-08-206-002; 177-08-206-003; 177-08-207-001; 177-08-207-003

**WAIVER OF DEVELOPMENT STANDARDS:**

1. a. Reduce throat depth for the driveway on Dean Martin Drive to 26 feet where 75 feet is the minimum per Uniform Standard Drawing 222.1 (a 65% reduction).
- b. Reduce throat depth for the eastern driveway on Robindale Road to 23 feet where 75 feet is the minimum per Uniform Standard Drawing 222.1 (a 69% reduction).
- c. Reduce the throat depth for the western driveway on Robindale Road to 50 feet where 75 feet is the minimum per Uniform Standard Drawing 222.1 (a 33% reduction).

**DESIGN REVIEWS:**

1. Office/warehouse complex.
2. Increase finished grade to 48 inches where a maximum of 18 inches is the standard per Section 30.32.040 (a 167% increase).

**LAND USE PLAN:**

ENTERPRISE - OFFICE PROFESSIONAL

**BACKGROUND:**

**Project Description**

General Summary

- Site Address: N/A
- Site Acreage: 12.6
- Project Type: Office/warehouse

- Number of Stories: 1
- Building Height (feet): 32
- Square Feet: 156,912
- Parking Required/Provided: 242/289

### **Neighborhood Meeting Summary**

The required neighborhood meeting notices were mailed to property owners within a 1,500 foot radius of the site. The neighborhood meeting was held on November 16, 2020 at 6:00 p.m. at the Windmill Library. Twelve neighbors attended the meeting who opposed the project. Topics discussed included truck traffic, traffic congestion, preference for office or residential development, height of the office/warehouse buildings, and noise generated from the use.

### **Site Plan**

The site plan depicts an office/warehouse complex with 9 buildings. Seven buildings are oriented north/south, and 2 larger buildings near the center of the site are oriented east/west. Minimum setbacks for the perimeter buildings include 50 feet to the north property line, 83 feet to the east property line along Dean Martin Drive, 50 feet to the south property line along Robindale Road, and 93 feet to the west property line.

Loading areas for each building face into the site and are visually shielded from the surrounding properties and rights-of-way by adjacent buildings. Parking spaces are located throughout the site, and access is provided by a driveway from Dean Martin Drive and 2 driveways from Robindale Road. A waiver of development standards is necessary to reduce the throat depth for each driveway. Polaris Avenue will terminate in a cul-de-sac on the north side of the site. There is no access proposed from Polaris Avenue to the office/warehouse complex except for gated fire department access.

### **Landscaping**

Landscaping includes perimeter landscaping, parking lot landscaping, and landscaping around the buildings. Along Dean Martin Drive, the landscaping width is 23 feet wide, which consists of a 5 foot wide landscape strip, a 5 foot wide detached sidewalk, and a 13 foot wide landscape strip. Along Robindale Road, landscaping width varies with the minimum being 16 feet wide, which consists of a 5 foot wide landscape strip, a 5 foot wide sidewalk, and a 6 foot wide or larger landscape strip. An intense landscape buffer is provided along the west property line that is 18 feet wide and consists of 2 rows of alternating trees spaced 20 feet on center. The minimum landscaping width along the north property line is 10 feet wide behind a trash enclosure; however, most of the landscaping width is 20 feet wide. Adjacent to the existing office complex to the east of the site, landscaping is 9 feet to 25 feet wide.

Within the parking lot, landscape fingers are provided per Title 30 standards, and landscaping is provided adjacent to the sides of some of the buildings.

### **Elevations**

All the office warehouse buildings are constructed of concrete tilt-up panels. The apparent mass of the buildings is reduced by varying the depth of surface planes to create visual relief, varying the height of the parapet walls along the roofline, and using paint colors and architectural

features such as tube steel canopies, embossed concrete panels, and perpendicular concrete wall fins to add visual interest. The base paint colors will be shades of gray with a brown accent color.

#### Floor Plans

The 9 buildings range in size from 12,712 square feet to 25,416 square feet. Each building includes an open floor plan with most of area dedicated to warehouse uses and accessory portions of the buildings dedicated to office. Floor plans will be built-out per future tenant needs.

#### Signage

Signage is not a part of this request.

#### Applicant's Justification

The proposed office/warehouse development is an appropriate use to buffer the traffic on Dean Martin Drive from the single family residences to the west and south. In addition, the traffic generated from the office/warehouse development is less than some intense uses allowed in a C-P zone such as medical office and schools. Impacts to adjacent and abutting residential uses were taken into consideration, and as a result, the buildings are smaller in scale and split into multiple buildings, loading spaces are directed inward to the site, and an intense landscape buffer is provided along the west property line. As a result, the applicant indicates that the proposed M-D zoning and office/warehouse development is appropriate for the site.

The applicant also indicates that the alternatives to Title 30 standards are appropriate. For example, the increase in finished grade is necessary since the total elevation fall across the site from west to east is approximately 14 feet. On-site grading will be minimized to the least acceptable slope to meet flood control and wastewater requirements. Lastly, the applicant indicates that the reduced driveway throat depth will not create any negative impacts since there are 3 driveways into the office/warehouse complex. In addition, there are no parking spaces directly adjacent to driveways, which could create vehicular conflicts.

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

<b>Application Number</b>	<b>Request</b>	<b>Action</b>	<b>Date</b>
LUP-20-700013	Request to change the Land Use Plan from Office Professional to Business and Design/Research Park - Enterprise Town Advisory Board recommended denial - process canceled	N/A	N/A
VS-19-0458	Request to vacate and abandon patent easements and rights-of-way - expired	N/A	N/A
ZC-19-0457	Reclassified the eastern parcel to C-P zoning for an office building	Approved by BCC	August 2019
ZC-0659-03	Reclassified the western parcels and adjacent parcels to the north to C-P zoning for an office complex	Approved by BCC	August 2003

### Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North	Office Professional & Public Facilities	C-P, R-E, & P-F	Undeveloped & fire station
South	Rural Neighborhood Preservation (up to 2 du/ac), Public Facilities, & Office Professional	R-E (RNP-I), R-E, & P-F	Single family residential & undeveloped
East	Office Professional & Business Design Research Park	C-P & M-D	Office complex & office/warehouse complex
West	Rural Neighborhood Preservation (up to 2 du/ac)	R-E (RNP-I)	Undeveloped

### Related Applications

Application Number	Request
TM-21-500026	A 1 lot commercial subdivision is a companion item on this agenda.
VS-21-0102	A vacation and abandonment of easements and rights-of-way is a companion item on this agenda.

### 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.*

A reduced demand for office buildings and increased demand for office/warehouse buildings is a change in trends since the most recent adoption of the Enterprise Land Use Plan. The subject site is currently planned for Office Professional uses; however, since office demand has decreased in Clark County, many Office Professional planned parcels remain undeveloped or underutilized. Reclassifying the site to M-D zoning will provide an opportunity to develop the site for office/warehouse uses.

In addition, staff recommended approval on LUP-20-700013, which was a request to change the planned land use for the site to Business and Design/Research Park. However, the Enterprise Land Use Plan update process was cancelled.

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 proposed M-D zoning can provide a transition from more intense uses along Dean Martin Drive and I-15 to the east to R-E (RNP-I) areas to the west and south. The intensity of uses allowed with M-D zoning are compatible with the M-D zoned office/warehouse uses to the east of Dean Martin Drive, the office development zoned C-P to the northeast of this site, the undeveloped land planned for Office Professional uses to the north, and the R-E land, which is planned for Public Facilities, surrounding a P-F zoned fire station to the north. The undeveloped parcel to the west of this site is zoned R-E (RNP-I) and planned for Rural Neighborhood Preservation uses. Since the parcel to the west is undeveloped, M-D zoning could be compatible with future residential uses on the parcel. In addition, the residential properties to the south across Robindale Road, and the residences closest to Dean Martin Drive are planned for Office Professional uses.

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.*

There has been no indication from utility purveyors that the proposed M-D zoning would substantially impact any public facilities or services.

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

Land Use Goal 9 encourages commercial development integrated in appropriate locations throughout the community, and Goal 11 encourages in part office and warehouse areas to bolster the economic viability of Southern Nevada. The proposed M-D zoning is an extension of the M-D zoning located along Dean Martin Drive, and zoning is compatible with the office building to the east, the planned office uses to the north, and the existing residential development to the south and planned residential uses to the west. In addition, the M-D zoning will provide an additional opportunity for office/warehouse development to support the local economy.

## **Summary**

### **Zone Change**

A reduced demand for office uses and increased demand for office/warehouse uses constitutes a change in trends since the most recent adoption of the Enterprise Land Use Plan. The intensity of the uses allowed in an M-D zone is compatible with the existing and planned uses in the area, and there has been no indication from utility purveyors that the M-D zoning will substantially impact public facilities or services. Lastly, the proposed zone boundary amendment complies with goals in the Comprehensive Master Plan. As a result, staff can support the request.

### **Waiver 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.

#### Design Review #1

Urban Specific Policy 96 encourages business and research park developments to be designed as centers with coordinated architectural programs, screened parking areas, and extensive landscaping. With this proposed development, the 9 buildings include a variety of architectural elements, and the buildings are reduced in scale and located throughout the site. The architectural elements, building scale, and building location reduce the apparent mass, provide visual relief, and increase compatibility with the nearby single family residences. Also, the building locations screen the parking and loading areas. Lastly, the perimeter landscaping exceeds Title 30 standards and enhances the aesthetics of the development. As a result, staff can support the design review.

#### **Public Works - Development Review**

##### Waiver of Development Standards

Staff has no objection to the reduction in the throat depths for the Dean Martin Drive and Robindale Road commercial driveways. Staff worked with the applicant to remove some parking spaces adjacent to the driveways to mitigate the immediate conflicts with traffic trying to access the site. In addition, the applicant is providing additional landscaping on both sides of the driveways, particularly on the ingress side, to improve traffic flow.

#### 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 development will penetrate the 100:1 notification airspace surface for McCarran 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.

A portion of the property lies within the AE-65 (65 - 70 DNL) noise contour for 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 McCarran International Airport facilities to meet future air traffic demand.

**Staff Recommendation**

Approval. This item has been forwarded to the Board of County Commissioners meeting for final action.

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.

**PLANNING COMMISSION ACTION:** May 4, 2021 – APPROVED – Vote: Aye: Stone, Waltho, Nguyen, Frasier, Kilarski, Castello Nay: Kirk

**Current Planning**

- Resolution of Intent to complete in 4 years;
- Design review as a public hearing for lighting and signage;
- Design review as a public hearing for significant changes to plans;
- 30 feet maximum height for Buildings 3, 5, and 6;
- 36 inch box trees along the perimeter landscaping on the north, west, and south;
- 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;
- Full off-site improvements;
- Right-of-way dedication to include 35 feet to the back of curb for Robindale Road, 35 feet to the back of curb for Dean Martin Drive, a County approved turnaround for Polaris Avenue, and associated spandrel;
- Coordinate with Public Works - Design Division for the Blue Diamond Wash improvement project;
- Dedicate any right-of-way and easements necessary for the Blue Diamond Wash improvement project.
- Applicant is advised that the installation of detached sidewalks will require the vacation of excess right-of-way and granting necessary easements for utilities, pedestrian access, streetlights, and traffic control; 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.

### **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;
- 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;
- Incorporate exterior to interior noise level reduction into the building construction as required by Code for use.
- 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; the FAA's airspace determinations include expiration dates; and that separate airspace determinations will be needed for construction cranes or other temporary equipment; 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 owners wish to have their buildings purchased or soundproofed.

### **Building Department - Fire Prevention**

- Applicant is advised that fire/emergency access must comply with the Fire Code as amended (some trash enclosures open up into access lane); to show on-site fire lane, turning radius, and turnarounds (verify turnaround is appropriate considering dead end length); 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](mailto:sewerlocation@cleanwaterteam.com) and reference POC Tracking #0301-2020 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require a new POC analysis.

**TAB/CAC:** Enterprise - approval (design review as a public hearing for lighting and signage; design review for any significant changes to plans; 36 inch box trees to be used on perimeter landscaping; buildings #3, #5, & #6 shall be a maximum height of 24 feet; and an 8 foot high block wall shall be provided along the northern and western boundaries of the site).

**APPROVALS:** 1 card, 1 letter

**PROTESTS:** 5 cards, 6 letters



**APPLICANT:** HOWARD ICKES

**CONTACT:** LEBENE OHENE, 520 S. FOURTH STREET, LAS VEGAS, NV 89101