

09/20/23 BCC AGENDA SHEET

WAREHOUSE  
(TITLE 30)

BADURA AVE/JONES BLVD

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**WS-23-0470-BBP PROPERTIES, LLC:**

**WAIVERS OF DEVELOPMENT STANDARDS** for the following: **1)** alternative driveway geometrics; and **2)** loading area with roll-up doors not adequately screened from view.

**DESIGN REVIEWS** for the following: **1)** warehouse; and **2)** finished grade in conjunction with a warehouse building on 2.4 acres in an M-D (Designed Manufacturing) Zone in the CMA Design Overlay District.

Generally located on the south side of Badura Avenue (alignment), 885 feet east of Jones Boulevard within Enterprise. MN/bb/ja (For possible action)

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RELATED INFORMATION:

**APN:**

176-01-301-007; 176-01-301-042

**WAIVERS OF DEVELOPMENT STANDARDS:**

1. a. Reduce driveway throat depth to a minimum of 3 feet where a minimum of 25 feet is required per Uniform Standard Drawing 222.1 (an 88% reduction).
- b. Reduce driveway throat depth to a minimum of 17 feet where a minimum of 25 feet is required per Uniform Standard Drawing 222.1 (a 32% reduction).
- c. Reduce driveway width to a minimum of 24 feet where a minimum of 32 feet is required per Uniform Standard Drawing 222.1 (a 25% reduction).
2. Allow a loading area and roll-up doors not in the rear and not adequately screened from a public right-of-way where required per Sections 30.48.640 and 30.48.660.

**DESIGN REVIEWS:**

1. A proposed 37,200 square foot warehouse building.
2. Increase finished grade to 108 inches (9 feet) where a maximum of 36 inches is the standard per Section 30.32.040 (a 200% increase).

**LAND USE PLAN:**

ENTERPRISE - BUSINESS EMPLOYMENT

**BACKGROUND:**

**Project Description**

General Summary

- Site Address: N/A

- Site Acreage: 2.4
- Project Type: Warehouse
- Number of Stories: 1
- Building Height (feet): 34
- Square Feet: 37,200
- Parking Required/Provided: 56/57

#### Site Plan

The plan depicts a 37,200 square foot warehouse building on the east side of a 2.4 acre lot south of Badura Avenue and 885 feet east of Jones Boulevard. The site has 57 parking spaces located along the north and west property lines, and truck access to bay doors on the west side of the building. Access to the property is provided from a public right-of-way cul-de-sac connected to Badura Avenue between Jones Boulevard and Lindell Road. One of the access driveways is located on the south side of the cul-de-sac bulb and is 32 feet in width. The other access driveway located at the end of the cul-de-sac is only 24 feet wide and is the subject of a waiver with this application. The 12 parking spaces located along the west property line encroach a minimal amount into APN 176-01-301-042.

#### Landscaping

The landscape plan depicts 13 trees and approximately 230 shrubs planted on the 2.4 acre site. Landscaping is provided in the parking lot areas and along the west, north, and east perimeter of the property. One additional tree is proposed as a condition of the approval, to be located in the landscape area on the south side of the cul-de-sac to provide better screening.

#### Elevations

The elevations depict a tilt-up painted concrete warehouse structure with a primary office entrance with aluminum storefront windows located at the northwest corner of the building.

#### Floor Plans

The plans depict a 37,200 square foot warehouse building that includes approximately 2,500 square feet of office space, and a small electrical utility room. The remainder of the building has an open floor plan with access from 11 overhead roll-up doors on the west side of the building.

#### Signage

Signage is not a part of this request.

#### Applicant's Justification

The applicant is requesting approval of a 37,200 square foot warehouse building in the M-D zone. The property is located within the Cooperative Management Agreement area and meets all the requirements for development in the CMA. The plan meets all landscaping and parking requirements and requires a waiver for driveway width at the end of the cul-de-sac known as Corporate Plaza Drive. The general public will not access this site and the only traffic will be from customers and employees. Throat depth waivers are requested at both driveways and should not be detrimental to access, considering the limited number of vehicles using the cul-de-sac and site design.

**Prior Land Use Requests**

<b>Application Number</b>	<b>Request</b>	<b>Action</b>	<b>Date</b>
VS-0920-06	Vacated and abandoned easements	Approved by BCC	September 2006
ZC-0896-06	Reclassified from R-E to M-D zoning	Approved by BCC	September 2006

**Surrounding Land Use**

	<b>Planned Land Use Category</b>	<b>Zoning District</b>	<b>Existing Land Use</b>
North, South, East, & West	Business Employment	M-D	Distribution center & warehouse

The subject site is within 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****Comprehensive Planning**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 #2

The property is located at the end of a cul-de-sac with no general public traveling through the area. The only area open for viewing without landscaping is through the cul-de-sac driveway where landscaping cannot be installed. The intent of the Master Plan Policy EN-1.1 is to encourage contiguous and uniform development, including compatible in-fill development. Staff can support this waiver request.

Design Review #1

The proposed warehouse is consistent with the surrounding land uses, including several other warehouse buildings, distribution centers, and indoor industrial uses. The closest residential use is located on the west side of Jones Boulevard with a view that is blocked by another building. The Master Plan supports uniform and contiguous development of in-fill development where appropriate and compatible development as identified in Countywide Policy 1.5.2. The proposed warehouse development will preserve the integrity of the surrounding dedicated business employment area. Staff can support this design review.

## **Public Works - Development Review**

### Waiver of Development Standards #1

Staff has no objection to the reduced throat depth and reduced driveway width. The site is at the end of a cul-de-sac and only one other business has access to the cul-de-sac. Therefore, there should not be any negative impacts from the reduced throat depth or the reduced driveway width.

### 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**

- Add 1 large tree to the landscape area along the west property line, south of the cul-de-sac;
- 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 installation and use of cooling systems that consumptively use water will be prohibited; 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; and that this application must commence within 2 years of approval date or it will expire.

**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 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.

**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**

- Provide a Fire Apparatus Access Road in accordance with Section 503 of the International Fire Code and Clark County Code Title 13, 13.04.090 Fire Service Features.
- Applicant is advised that fire/emergency access must comply with the Fire Code as amended.

**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 #0253-2023 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

**TAB/CAC:** Enterprise - approval.

**APPROVALS:**

**PROTESTS:**

**APPLICANT:** BELTWAY BUSINESS PARK, LLC

**CONTACT:** JOHN VORNSAND, 62 SWAN CIRCLE, HENDERSON, NV 89074