

03/05/25 BCC AGENDA SHEET

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

ET-25-400004 (NZC-21-0606)-DIAMOND MOHAWK, LLC:

ZONE CHANGE FIRST EXTENSION OF TIME to reclassify 2.5 acres from an RS20 (Residential Single-Family 20) Zone to an IP (Industrial Park) Zone.

WAIVER OF DEVELOPMENT STANDARDS to reduce throat depth.

DESIGN REVIEWS for the following: **1)** office/warehouse; **2)** alternative landscaping; and **3)** finished grade within the Airport Environs (AE-65) Overlay.

Generally located on the east side of Mohawk Street and the north side of Sobb Avenue (alignment) within Spring Valley (description on file). MN/nai/kh (For possible action)

RELATED INFORMATION:

APN:

163-36-701-009

WAIVER OF DEVELOPMENT STANDARDS:

Reduce throat depth to 5 feet 10 inches where 25 feet is required per Uniform Standard Drawing 222.1 (a 76.8% reduction).

DESIGN REVIEWS:

1. Office/warehouse.
2. Alternative parking lot landscaping.
3. Increase finished grade to 36 inches where a maximum of 18 inches is the maximum allowed per Section 30.32.040 (a 100% increase).

LAND USE PLAN:

SPRING VALLEY - NEIGHBORHOOD COMMERCIAL

BACKGROUND:

Project Description

General Summary

- Site Address: 6170 Mohawk Street
- Site Acreage: 2.5
- Project Type: Office/warehouse
- Number of Stories: 1
- Building Height (feet): Up to 37
- Square Feet: 37,000
- Parking Required/Provided: 56/56

History

The original land use application (NZC-21-0606) was approved in January 2022 by the Board of County Commissioners to reclassify the site to an M-D (currently IP) for an office/warehouse building on APN 163-36-701-009. In May 2023, DR-23-0154 was approved to increase the finished grade for the previously approved project. In December 2023, ZC-23-0614 was filed for both APNs 163-36-701-009 and 163-36-701-036, which permanently reclassified APN 163-36-701-036 to an M-D (currently IP) zone, and also included some modifications to the previously approved site to allow cross access between the 2 parcels. Lastly, in June 2024, AV-24-900448 was approved for minor changes to the original plans approved under NZC-21-0606. This request is for an extension of time for NZC-21-0606 to keep the application active while the site is under construction and the applicant works to complete the project.

Site Plan

The approved plans depict a 2.5 acre site located in the northeast quadrant of the intersection of Mohawk Street and Sobb Avenue. Access to the site is being proposed by 2 driveways on Mohawk Street. The building is situated in the southeast corner of the parcel, with the majority of the parking located to the west and north of the building. Three grade level bay doors and 6 dock level doors are shown on the north side of the building. The applicant submitted a Minor Deviation for revised plans in June 2024 (AV-24-900448). The revised plans show that the trash enclosure and the bike racks are now along the east property line behind the parking spaces. The first 12 parking spaces are slightly angled to make space for an additional fire access lane. An 8 foot high tilt-up wall will be built along the north and east property lines. Lastly the throat depth is now shown as 25 feet. As a result, a waiver for the throat depth is no longer required.

Landscaping

The approved plans depict a 10 foot wide landscape planter behind an attached sidewalk along Mohawk Street with 24 inch box trees spaced 20 feet on center along with the required shrubs and groundcover. Additional landscaping is shown along the majority of the south property line and adjacent to the west side of the building. A design review for alternative landscaping was also included with the original application. The revised plans show that a previously approved landscape area will be removed to allow for a drive aisle between the 2 buildings to weave on to the southern portion of APN 163-36-701-009 and connect with the new shared driveway.

Elevations

The approved elevations depict a 37 foot tall building to the top of the parapet wall. The building will be constructed of concrete tilt-up panels painted various shades of grey. The north elevation depicts both grade doors and loading docks.

Floor Plans

The approved floor plans show a 37,000 square foot area composed of an open warehouse area with 2 office areas with restrooms and a reception area shown in the southwest corner of the building.

Signage

Signage was not a part of the original request.

Previous Conditions of Approval

Listed below are the approved conditions for NZC-21-0606:

Current Planning

- Resolution of Intent to complete in 3 years;
- 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 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

- Post signage on-site indicating “right turn only” for vehicles exiting the site;
- 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;
- Full off-site improvements;
- Right-of-way dedication to include 30 feet for Mohawk Street;
- Provide paved legal access;
- Vacate any unnecessary easements.
- 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;
- 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; 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 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.

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 and reference POC Tracking #0392-2021 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

Applicant's Justification

The applicant states that an extension of time is being requested since the project is still under construction due to supply shortage. The building is 98% complete.

Prior Land Use Requests

Application Number	Request	Action	Date
AV-24-900622	Revisions for DR-23-0154	Approved by ZA	September 2024
AV-24-900448	Revisions for NZC-21-0606	Approved by ZA	June 2024
ZC-23-0614	APN 163-36-701-036 from RE to M-D with design review and waiver of development standards for APNs 163-36-701-036 and 163-36-701-009 for an office/warehouse	Approved by BCC	December 2023
DR-23-0154	Increased finished grade in conjunction with an office/warehouse building	Approved by BCC	May 2023
VS-22-0128	Vacated and abandoned patent easements	Approved by PC	May 2022
NZC-21-0606	Zone change from RE to M-D with design review and waiver of development standards for office/warehouse	Approved by BCC	January 2022

Surrounding Land Use

	Planned Land Use Category	Zoning District (Overlay)	Existing Land Use
North	Neighborhood Commercial	RS20	Undeveloped

Surrounding Land Use

	Planned Land Use Category	Zoning District (Overlay)	Existing Land Use
South & West	Business Employment	IP	Undeveloped
East	Neighborhood Commercial	IP	Office/warehouse & outside storage

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**

Title 30 standards of approval for an extension of time state an application may be denied if it is found that circumstances have substantially changed. A substantial change may include, without limitation, a change to the subject property, a change in the areas surrounding the subject property, or a change in the laws, regulations, or policies affecting the subject property. Additionally, the applicant must demonstrate the project is progressing through the applicable development permit or licensing process.

Staff finds that the applicant has multiple approved and issued permits with the Building Department and Public Works including BD-22-51263 for the building, PW22-16368 for the drainage study, and PW23-12980 for the off-site. The applicant has showed great progress towards completion. Therefore, staff can support this request.

Public Works - Development Review

There have been no significant changes in this area. Staff has no objection to this extension of time.

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**

- Until January 5, 2027 to complete or the application will expire unless extended with approval of an extension of time.
- Applicant is advised 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; 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 new application for a Master Plan Amendment and a 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; and the applicant is solely responsible for ensuring compliance with all conditions and deadlines.

Public Works - Development Review

- Compliance with previous conditions.

Fire Prevention Bureau

- No comment.

TAB/CAC: Spring Valley - approval.

APPROVALS:

PROTEST:

APPLICANT: KATRIINA PRUETT

CONTACT: DC PETERSEN PROFESSIONAL CONSULTANTS, LLC, 5052 S. JONES BOULEVARD, SUITE 165, LAS VEGAS, NV 89118