

06/21/22 PC AGENDA SHEET

OFFICE/WAREHOUSE  
(TITLE 30)

**UPDATE**  
BUFFALO DR/ELDORADO LN

PUBLIC HEARING  
APP. NUMBER/OWNER/DESCRIPTION OF REQUEST  
**NZC-22-0208-ELDORADO LANE LLC:**

**HOLDOVER ZONE CHANGE** to reclassify 1.0 acre from a C-1 (Local Business) Zone to an M-D (Designed Manufacturing) Zone.

**WAIVERS OF DEVELOPMENT STANDARDS** for the following: **1)** modified CMA Design Overlay District Standards; **2)** permit access to a local street where not permitted; **3)** modified driveway design standards; and **4)** modified street standards.

**DESIGN REVIEW** for an office/warehouse building with accessory outside storage in the CMA Design Overlay District.

Generally located on the west side of Buffalo Drive and the north side of Eldorado Lane within Spring Valley (description on file). MN/md/jo (For possible action)

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**RELATED INFORMATION:**

**APN:**  
176-09-511-003

**WAIVERS OF DEVELOPMENT STANDARDS:**

1.
  - a. Allow modified landscape and screening requirements (10 foot wide landscape area without a 6 foot high decorative masonry wall) along a public street (Eldorado Lane) for loading areas with roll-up, overhead doors, and areas intended for large semi-truck parking per Section 30.48.660.
  - b. Allow loading areas with roll-up, overhead doors, and areas intended for large semi-truck parking to locate within the front (Eldorado Lane) of the complex where location in the rear of the complex in a service yard is required per Section 30.48.640.
2. Permit access to a local street (Eldorado Lane) where developments shall not access local streets per Table 30.56-2.
3. Reduce the throat depth for proposed driveway on Eldorado Lane to 11 feet where a minimum depth of 25 feet is required per Uniform Standard Drawing 222.1 (a 56% reduction).
4. Reduce the departure distance for a proposed driveway on Eldorado Lane to 92 feet where a distance of 190 feet is required to Buffalo Drive per Uniform Standard Drawing 222.1 (a 51.6% reduction).

**LAND USE PLAN:**  
SPRING VALLEY - NEIGHBORHOOD COMMERCIAL

## **BACKGROUND:**

### **Project Description**

#### General Summary

- Site Address: N/A
- Site Acreage: 1
- Project Type: Office/warehouse
- Number of Stories: 1
- Building Height (feet): 35
- Square Feet: 12,720 (office/warehouse)/2,956 (outside storage)
- Parking Required/Provided: 23/26

### **Neighborhood Meeting Summary**

This request is for a nonconforming zone change to reclassify 1 acre from a C-1 zoning district to an M-D zoning district to allow for an office/warehouse building with accessory outside storage. The applicant conducted a neighborhood meeting on December 2, 2021, as required by the nonconforming zone boundary amendment process. The required meeting notices were mailed to the neighboring property owners within 1,500 feet of the project site. No neighbors attended the meeting.

### Site Plans

The plans depict a single story office/warehouse building with accessory outside storage yards located on the east and west sides of the structure. The office/warehouse building has been designed with the following setbacks: 1) 10 feet from the north property line, adjacent to the existing mini-warehouse; 2) 82 feet from the south property line, adjacent to Eldorado Lane; 3) 25 feet from the west property line, adjacent to an undeveloped parcel; and 4) 25 feet from the east property line, adjacent to Buffalo Drive. The first outside storage yard, located on the east side of the building, is set back 5.5 feet from the 15 foot wide street landscape area along Buffalo Drive. The outside storage yard will be screened from the right-of-way by an 8 foot high decorative block wall, located between the yard and the street landscaping. The second outside storage yard, located on the west side of the building, is set back 4.5 feet from the west property line. A decorative block wall, measuring 8 feet in height, will be constructed along the west property line of the site. A 5 foot wide detached sidewalk is located along Buffalo Drive and a 5 foot wide attached sidewalk is located adjacent to Eldorado Lane. Access to the project site is granted via a single commercial driveway along Eldorado Lane, necessitating a waiver for access to a local street. Waivers are also required to reduce the throat depth for the commercial driveway and to reduce the departure distance from the intersection of Buffalo Drive and Eldorado Lane. The required loading zones are located immediately south of the outside storage yards. The proposed development requires 23 parking spaces where 26 spaces have been provided.

### Landscaping

The plans depict a proposed 15 foot wide landscape area, including a 5 foot wide detached sidewalk, located along Buffalo Drive. A 10 foot to 12 foot wide landscape area, located behind a 5 foot wide attached sidewalk, is located adjacent to Eldorado Lane. The street landscape area consists of 24 inch box trees, planted 15 feet to 20 feet on center, in addition to shrubs and

groundcover. A waiver is required since a decorative masonry wall is required behind the landscaping along Eldorado Lane to screen the overhead roll-up doors from the right-of-way. Interior parking lot landscaping is equitably distributed throughout the interior of the project site. An additional landscaped area consisting of trees and groundcover is provided within the 4 foot to 5.5 foot setback between the decorative block wall and the outside storage areas on both sides of the building.

#### Elevations

The elevations depict a proposed warehouse building with an overall height of 35 feet to the top of the parapet roof. The north, south, east, and west elevations consist of a varying roofline with concrete tilt-up paneling painted with neutral colors in a gray palette. The south elevation of the building, oriented towards Eldorado Lane, features 2 grade overhead roll-up doors measuring 14 feet in height. A waiver is required to permit the overhead roll-up doors to face Eldorado Lane. All rooftop mounted equipment will be screened from public view and the right-of-way by the parapet wall system.

#### Floor Plans

The plans depict a 12,720 square foot office/warehouse building that will be divided into 2 tenant spaces, each consisting of 6,360 square feet. Each tenant space features an accessory outside storage yard consisting of 1,478 square feet. Access to the outside storage yards is granted via a decorative wrought iron gate with decorative mesh screening.

#### Signage

Signage is not a part of this request.

#### Applicant's Justification

According to the applicant, the request to reduce the throat depth along Eldorado Lane is justified as a grade level property with no truck docks and adequate parking, the applicant further stated that the standard is necessary on this project in relation to 'stacking' issues. The applicant has provided 99 feet of departure distance from the intersection of Buffalo Drive and Eldorado Lane and indicates this is due primarily to meet a Fire Department requirement related to their vehicles not being permitted to travel beyond the 150 foot drive aisle. Therefore, the driveway is located close to the center alignment within the property. The overhead doors facing Eldorado Lane are made out of steel and opaque glass for decorative purposes and will be an architectural enhancement to the building and the neighborhood. Eldorado Lane is not a through street in either the east or west directions and there are no plans to make Eldorado Lane a thoroughfare. Therefore, the vehicles coming to this site will access it from Buffalo Drive and this is truly the only way in and out of the area. This project will not be receiving semi-tractor trailers nor is it designed for such. There are 2 grade level doors only and are specified as tempered glass overhead doors, which will be functional yet decorative in nature. The current landscape planter on Eldorado Lane is 10.5 feet at the corner of Buffalo Drive and Eldorado Lane, 12 feet at the east side of the driveway, 13 feet at the west side of the driveway and 145 feet at the west end of the project.

### **Prior Land Use Requests**

<b>Application Number</b>	<b>Request</b>	<b>Action</b>	<b>Date</b>
UC-18-0625	Vehicle (truck) rental - expired	Approved by PC	October 2018
DR-18-0018	Signage in conjunction with an approved mini-warehouse facility - expired	Approved by BCC	March 2018
VS-0767-15	Vacated government patent easements	Approved by PC	January 2016
TM-0196-15	Commercial subdivision	Approved by PC	January 2016
DR-0537-15	Mini-warehouse facility - expired	Approved by BCC	October 2015
NZC-0818-04 (ET-0255-07)	First extension of time for a mini-warehouse facility	Approved by BCC	September 2007
NZC-0818-04	Reclassified the site from R-E to C-1 zoning for a mini-warehouse facility	Approved by BCC	September 2004

### **Surrounding Land Use**

	<b>Planned Land Use Category</b>	<b>Zoning District</b>	<b>Existing Land Use</b>
North	Neighborhood commercial	C-1	Commercial center
South	Neighborhood commercial	R-E	Undeveloped
East	Mid-Intensity Suburban Neighborhood (up to 8 du/ac)	R-2	Single family residential
West	Public Use	P-F	Clark County Fire Station #30 & undeveloped

The site and the surrounding properties are 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**

#### **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 applicant states the proposed project has been designed to blend into the neighborhood and develop a single vacant lot on the west side of Buffalo Drive located on the northwest corner of Buffalo Drive and Eldorado Lane, and between Eldorado Lane and Warm Springs Road. Existing business types from Warm Springs Road to Eldorado Lane are as follows: gas station/convenience store, small plaza, which includes restaurants, bar, and salon. It is next to an animal hospital and a self-storage facility immediately adjacent to the proposed project. This project will be consistent with the character of the neighborhood and an enhancement.

Immediately to the north of the project site is a developed parcel with a mini-warehouse facility zoned C-1 with a planned land use of Neighborhood Commercial. To the west of the proposed development is a predominantly undeveloped parcel zoned P-F with a planned land use of Public Use. Clark County Fire Station 30 is located at the southwest corner of this parcel, adjacent to Robindale Road. To the south of the project site, across Eldorado Lane, is an undeveloped parcel zoned R-E with a planned land use of Neighborhood Commercial. To the east of the proposed development, across Buffalo Drive, is a single family residential development zoned R-2 with a planned land use of Mid-Intensity Suburban Neighborhood. The trend in this area is for both single family residential development and neighborhood commercial development. The proposed zone change to M-D zoning for a proposed office/warehouse is not consistent and compatible with the existing and approved development in this area and is not appropriate for this location.

*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.*

According to the applicant, the density or intensity of the uses allowed by the amendment will be compatible with the existing planned land use in the surrounding area. The applicant constructed a similar project in at 7155 S. Buffalo Drive, which now consists of community related businesses such as sports training with various personal training businesses, small business with office and storage. This speculative shell building project is the same type of product as 7155 S. Buffalo Drive, and the owner expects to attract the same type of tenants. These potential tenants will allow for more community related uses and the possibility for the surrounding homeowners to have their businesses close by, thus reducing their commute and fuel consumption and ultimately a reduction in air pollution.

Immediately to the north of the project site is a developed parcel with a mini-warehouse facility zoned C-1 with a planned land use of Neighborhood Commercial. To the west of the proposed development is a predominantly undeveloped parcel zoned P-F with a planned land use of Public Use. Clark County Fire Station 30 is located at the southwest corner of this parcel, adjacent to Robindale Road. To the south of the project site, across Eldorado Lane, is an undeveloped parcel zoned R-E with a planned land use of Neighborhood Commercial. To the east of the proposed development, across Buffalo Drive, is a single family residential development zoned R-2 with a density of 5.4 dwelling units per acre and a planned land use of Mid-Intensity Suburban Neighborhood. The M-D zoning district permits multiple land uses by right, such as a dry cleaning plant, food processing, ice and cold storage plant, and sign manufacturing, all of which may not be compatible with the surrounding residential and neighborhood commercial uses. Furthermore, the request to reclassify the subject property to an M-D zoning district constitutes

“spot zoning”, or the reclassification of an isolated parcel of land, which is detrimental or incompatible with the uses of the surrounding area. Therefore, staff finds that the density and intensity of the proposed project, an office/warehouse with accessory outside storage, is not compatible with the existing and planned land uses in the surrounding area.

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 applicant indicates there will not be a substantial adverse effect on public facilities and/or services: such as roads, schools, parks, fire and police facilities, and stormwater or drainage facilities, as a result of the proposed use. The proposed project is sized properly for the existing community and is compatible with the area. The RISE report shows that bringing a small 2 tenant, 12,720 square foot building to the community will not add additional stressors to the community's existing resources and infrastructure.

There has been no indication from service providers that this request will have a substantial adverse effect on public facilities and services.

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

The applicant states the proposed amendment conforms to other applicable adopted plans, goals, and polices of the Master Plan. This proposed project is being developed in accordance with Title 30 standards for an M-D zone staying consistent with the goals of the community. Staff finds the isolated location of the requested M-D zoning, in relation to the surrounding zoning districts, is not compatible with the existing land uses.

## **Summary**

### Zone Change

Staff finds that there has not been a change in law and policies that make this request appropriate for the area. The reclassification of this site to an M-D zoning district for the proposed project would allow potentially incompatible uses with the developed R-2 zoning district to the east, across Buffalo Drive, and the developed and undeveloped parcels in the surrounding area with a planned land use of neighborhood commercial. Staff finds that the proposed request does not satisfy all of the requirements of a compelling justification to warrant approval of the nonconforming zone boundary amendment to M-D zoning; therefore, staff recommends denial.

### 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

Staff finds the 10 foot to 12 foot wide landscape area along Eldorado Lane, including the row of trees planted 15 feet to 20 feet on center, should adequately screen the overhead roll-up doors located on the south side of the building facing towards Eldorado Lane. Furthermore, the undeveloped R-E zoned parcel to the south, across Eldorado Lane, is planned for Neighborhood Commercial Uses. However, since staff is not supporting the nonconforming zone change, waiver of development standards #2, and the design review, staff cannot support this request.

#### Waiver of Development Standards #2

Per the Development Code, this segment of Eldorado Lane is considered a “non-residential” local street, which provides access to adjacent commercial and industrial properties within non-residential use districts. The intent of not allowing non-residential development to access a local street is to ensure commercial traffic does not adversely or negatively impact the surrounding land uses and properties. Staff finds the request to permit access to a local street should have minimal impact on the surrounding properties and land uses. Furthermore, this portion of Eldorado Lane currently does not extend beyond the west boundary of the project site. However, since staff is not supporting the nonconforming zone change, waiver of development standards #1, and the design review, staff cannot support this request.

#### Design Review

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. While the design of the structure complies with the CMA Design Overlay District requirements, staff is particularly concerned with the isolated nature of the M-D zoning district and the intensity of the proposed uses that could potentially occupy the office/warehouse building. Therefore, since staff is not supporting the nonconforming zone change and associated waivers of development standards, staff cannot support the design review.

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

#### Waiver of Development Standards #3

Staff finds the request to reduce the throat depth on the driveway on Eldorado Lane to be excessive. Cars and trucks will share the driveway and, with loading docks directly opposite the driveway, the likelihood is that vehicles will be stacking in the right-of-way, causing potential collisions. A site redesign would allow for the commercial driveway to meet the minimum throat depth standards for better circulation and separation between trucks and cars. Therefore, staff cannot support this request.

#### Waiver of Development Standards #4

Staff cannot support the reduction in the departure distance for Buffalo Drive. Although the departure distance cannot be met due to the size of the lot, moving the driveway west and redesigning the site as noted in waiver #3 will allow safer circulation.

### **Staff Recommendation**

Denial. This item will be forwarded to the Board of County Commissioners’ meeting for final action on **July 20, 2022** 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 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 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; 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**

- Comply with approved drainage study PW15-63398.
- Applicant is advised that off-site improvement permits may be required.

### **Fire Prevention Bureau**

- 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 #0405-2021 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

**TAB/CAC:** Spring Valley - denial.

**APPROVALS:** 2 cards

**PROTESTS:** 8 cards

**PLANNING COMMISSION ACTION:** June 7, 2022 – HELD – To – 06/21/22 – per the applicant.

**APPLICANT: LM CONSTRUCTION**

**CONTACT: LARRY MONKARSH, LM CONSTRUCTION, 7115 BERMUDA RD, LAS VEGAS, NV 89119**