

03/20/24 BCC AGENDA SHEET

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

WC-23-400196 (ZC-1584-98)-DIAMOND RANCH II, LLC:

WAIVERS OF CONDITIONS of a zone change requiring the following: **1)** on-site lighting consisting of low sodium, inward direct features to be included with each design review; **2)** A-1 landscaping along all major street frontages; and **3)** recording reciprocal, perpetual cross access, ingress/egress, and parking agreement in conjunction with a plant nursery on 10.5 acres in an M-D (Designed Manufacturing) Zone.

Generally located on the north side of Blue Diamond Road and the east side of Lindell Road within Enterprise. JJ/jud/syp (For possible action)

RELATED INFORMATION:

APN:

176-13-801-034; 176-13-801-040

LAND USE PLAN:

ENTERPRISE - BUSINESS EMPLOYMENT

BACKGROUND:

Project Description

General Summary

- Project Type: Plant nursery

Site History and Request

The original request was to reclassify 91 acres from R-E (Rural Estates Residential), H-2 (General Highway Frontage), and M-1 (Light Manufacturing) to M-D (Designed Manufacturing) for a 1,316,168 square foot office warehouse complex. The current site encompasses 10.5 acres and is an existing plant nursery previously approved in May 2003. The current proposal is an expansion to the nursery. The zone change was approved with several conditions of approval in 1998. Presently, the applicant is requesting to waive 3 of the original conditions regarding on-site lighting consisting of low sodium, inward direct features to be included with each design review; A-1 landscaping along all major street frontages; and recording reciprocal, perpetual cross access, ingress/egress, and parking agreement. These 3 conditions of approval were established for a much larger development.

Previous Conditions of Approval

Listed below are the approved conditions for ZC-1584-98:

- Subject no loading areas adjacent to or visible from Ford Avenue;
- No loading docks within 100 feet of a residential list;

- Minimum 8 foot high boundary wall;
- On-site lighting to consist of low-sodium, inward directed features to be included in each design review;
- Design review as a public hearing for each phase and/or buildings;
- A-1 landscaping along all major street frontages;
- B-2 landscaping along minor street frontages;
- A-2 landscape buffer adjacent to any existing residential developments (if applicable);
- Trash enclosures per Code;
- Handicap parking spaces per Code;
- Recording a reciprocal, perpetual cross access, ingress/egress, and parking agreements;
- Enter into a development agreement to ensure a fair share participation in the provision of infrastructure and public facilities necessary to serve this project;
- Development agreement to be entered into prior to issuance of any permits or subdivision mapping, whichever occurs first;
- Full off sites, with improvements on Blue Diamond Road to be in accordance with the requirements of the Nevada Department of Transportation, and subject to their approval;
- Drainage and traffic studies and compliance, with Nevada Department of Transportation concurrence;
- Master studies to address the entire 91 acre development prior to the issuance of any permits or subdivision mapping, whichever occurs first;
- Traffic study to evaluate the surrounding roadway network, including potential railroad/rail spur/roadway conflicts, the possible realignment of Jones Boulevard, and railroad crossing participation;
- Right-of-way dedication to include 40 to 80 feet for Lindel Road, 30 feet for Ford Avenue west or Edmond Street and a portion of a knuckle at Edmond Street, together with right-of-way as required by the approved traffic study;
- Vacate all easement and rights-of-way not being used, and record prior to permits or mapping;
- Combine parcel to prevent landlocking.

Applicant's Justification

The applicant states the current request is to expand the plant nursery to the east onto APN 176-13-801-040, and vacate the street running north/south between the 2 parcels to further increase the overall size of the plant nursery to 10.5 acres. The applicant will not be adding any new on-site lighting. The A-1 landscaping requirement no longer exists in the Code, and the recordation requirement no longer applies.

Prior Land Use Requests

Application Number	Request	Action	Date
VS-0155-06	Vacate and abandon Mohawk Street - expired	Held at PC	March 2006

Prior Land Use Requests

Application Number	Request	Action	Date
UC-0648-03 (ET-0110-04)	Extension of time to commence on premise consumption of alcohol	Approved by PC	May 2004
DR-0142-04	Request for a tavern in conjunction with a plant nursery	Approved by PC	March 2004
ZC-1584-98 (WC-0186-03)	Waive a condition requiring full off-sites (excluding paving)	Approved by BCC	September 2003
UC-0648-03	On premises consumption of alcohol	Approved by PC	May 2003
WS-0625-03	Waived street landscaping and off-site improvements in conjunction with a plant nursery; waived conditions of a zone change requiring full off-sites on Ford Avenue and Blue Diamond Road, and landscaping along street frontages (except along Blue Diamond Road)	Approved by BCC	May 2003
ZC-1584-98 (ET-0309-02)	Second extension of time to reclassify 91 acres to M-D zoning	Approved by BCC	November 2002
ZC-1584-98	Request to reclassify 91 acres from R-E, H-2 & M-1 to M-D zoning	Approved by BCC	November 1988

Surrounding Land Use

	Planned Land Use Category	Zoning District (Overlay)	Existing Land Use
North	Mid-Intensity Suburban Neighborhood (up to 8 du/ac) & Ranch Estate Neighborhood (up to 2 du/ac)	R-2 & R-E	Single family residential & undeveloped
South	Mid-Intensity Suburban Neighborhood (up to 8 du/ac) & Neighborhood Commercial	R-2 & C-1	Single family residential & commercial development
East	Mid-Intensity Suburban Neighborhood (up to 8 du/ac)	M-D	Warehouse/office
West	Business Employment	M-D	Warehouse/office

The subject site is within the Public Facilities Needs Assessment (PFNA) area.

Related Applications

Application Number	Request
VS-23-0914	A request to vacate and abandon a portion of right of way is a companion item on this agenda.

Related Applications

Application Number	Request
WS-23-0912	A request to waive detached sidewalk requirements, alternative landscaping adjacent to Blue Diamond Road; and increase retaining wall height for the expansion of a plant nursery is a companion item on this agenda.

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**

A waiver of conditions may be approved upon a finding that the condition will no longer fulfill its intended purpose.

Staff finds request for the waiver of conditions regarding the lighting, landscaping, cross access, and parking easements is appropriate as those applied to a much large project approved 26 years ago. The technology has advanced and there are many types of site lighting available. Additionally, the previously required landscaping as well as easements referred to the office warehouse complex approved in 1998. Therefore, staff can support the waiver of conditions request.

Staff Recommendation

Approval.

Approval of the waiver of conditions request constitutes a finding by the Commission/Board that the condition(s) will no longer fulfill its intended purpose.

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**

- The applicant is advised that 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.

Public Works - Development Review

- No comment.

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 #0028-2024 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

TAB/CAC: Enterprise - approval of waivers of conditions #1 and #2; waiver of conditions #3 was withdrawn without prejudice per the applicant.

APPROVALS:

PROTEST:

APPLICANT: STAR NURSERY, INC.

CONTACT: LINDSAY KAEMPFER, KAEMPFER CROWELL, 1980 FESTIVAL PLAZA DRIVE, SUITE 650, LAS VEGAS, NV 89135