

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

WS-24-0525-SEMMATERIALS ENERGY PTNRS, LLC:

AMENDED WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** increase fence height (no longer needed); **2)** allow non-decorative fencing (no longer needed); **3)** reduce access gate setbacks; **4)** waive off-site improvements (streetlights); **5)** allow attached sidewalks; **6)** eliminate throat depth; and **7)** eliminate driveway back-of-curb radius.

DESIGN REVIEW for site modifications for an existing asphalt batch plant on 6.76 acres in an IL (Industrial Light) Zone within the Airport Environs (AE-65) Overlay.

Generally located on the southwest corner of Valley View Boulevard and Ponderosa Way within Paradise. MN/dd/kh (For possible action)

RELATED INFORMATION:

APN:

162-31-605-001; 162-31-605-002

WAIVERS OF DEVELOPMENT STANDARDS:

1. Allow a 10 foot high fence along Ponderosa Way where a maximum 3 foot high fence is allowed per Section 30.04.03B (a 234% increase) (no longer needed).
2. Allow a non-decorative fence along Ponderosa Way where if a fence is provided it must be decorative per Section 30.04.03B (no longer needed).
3.
 - a. Reduce access gate setback to 7 feet (west gate) where 18 feet is required per Section 30.04.03E (a 61% reduction).
 - b. Reduce access gate setback to 8 feet (east gate) where 18 feet is required per Section 30.04.03E (a 56% reduction).
4. Waive off-site improvements (streetlights) along Ponderosa Way where full off-site improvements are required per Section 30.04.08C.
5. Allow attached sidewalks where detached sidewalks are required per Section 30.04.08C.
6. Eliminate throat depth where 25 feet is required per Uniform Standard Drawing 222.1 (a 100% reduction).
7. Eliminate driveway back-of-curb radius where 25 feet is required per Uniform Standard Drawing 222.1 (a 100% reduction).

LAND USE PLAN:

WINCHESTER/PARADISE - BUSINESS EMPLOYMENT

BACKGROUND:

Project Description

General Summary

- Site Address: 3855 & 3901 Ponderosa Way

- Site Acreage: 6.76
- Project Type: Accessory structures
- Number of Stories: 1 (shade structure)/1 (hopper cover)
- Building Height (feet): 24 (shade structure)/25 (hopper cover)/5 polymer modified asphalt blending (PMAC) skid/31 (mix tank)/37 (letdown tank)
- Square Feet: 4,800 (shade structure)/304 (hopper cover)/905 (PMAC skid)/208 (mix tanks)/509 (letdown tanks)
- Parking Required/Provided: 12/16

Site Plan

The site contains an existing asphalt batch plant and its related equipment. The site has 1 point of ingress and 1 point of egress, both on Ponderosa Way located on the western parcel. The designated point of ingress is located at the northwest corner of the parcel, and the point of egress is located at the northeast corner of the parcel. Both parcels have access to the railroad line located to the south of the site. The existing batch plant is made-up of a multitude of tanks of various sizes, above-ground piping internal to the site, and various other industrial machinery and equipment spread among both parcels. Additionally, there are several shipping containers centrally located on the eastern parcel that are visible from Valley View Boulevard.

Several new buildings and structures related to the batch plant are being proposed on the southern half of the eastern parcel. The largest proposed structure is a 4,800 square foot shade structure in the southeast corner of the site. This shade structure will be set back 43 feet from the eastern property line adjacent to Valley View Boulevard and 37 feet from the southern property line adjacent to the railroad. To the northwest of the shade structure there is a proposed 304 square foot hopper cover and a 905 square foot PMAC skid to the west of the hopper cover. Lastly, the plans depict 2 new letdown tanks totaling 509 square feet directly to the west of the PMAC skid, and 2 new mix tanks totaling 208 square feet directly to the north of the PMAC skid. Each pair of tanks is to be placed on a concrete pad.

Landscaping

Currently there is an existing chain-link fence topped with barbed wire (security fence) located along the north and east property lines of the entire site. This fence is set behind a small landscape strip that also runs the length of the north and east property lines, and curb and gutter have already been installed along the north property line of the western parcel. The existing landscaping and fencing are set to remain unchanged along the eastern property line of the eastern parcel, and attached sidewalks, curbs, and gutters are already installed.

Landscape plans for the site depict the installation of an attached sidewalk on the north property line of both parcels along Ponderosa Way. With the installation of the attached sidewalk, the landscape strip will be reinstalled behind the sidewalk at a minimum width of 5 feet. Additionally, the security fence will be relocated behind the landscape strip and will be a maximum of 10 feet tall. The proposed plant material within the landscape strip will consist of a mix of Canary Island Date Palms, Mexican Fan Palms, and Oleander.

Elevations

The elevations provided depict the new shade structure as being 1 story and up to 24 feet in height with a gently sloped roof and wall-mounted lighting. The southern face of the shade structure features a roll-up door visible from Valley View Boulevard when driving north, and the west side of the shade structure is to be left open to the rest of the site. The hopper cover is shown as being 25 feet in height at its highest point and also features wall-mounted lighting.

The PMAC skid is shown at a maximum height of 5 feet but is comprised mostly of piping and machinery; there are no walls or rooflines associated with the structure. Similarly, the letdown tanks are depicted as being 37 feet at their highest point, and the mix tanks are depicted as being 31 feet at their highest point, but neither of the tanks are covered or enclosed by a building. Some piping and equipment extends past the tops of both sets of tanks, but all of the piping is still below the maximum allowable height for the zoning district.

Floor Plans

The plans provided depict the shade structure and hopper cover as having no interior rooms or features. Each of the structures is shown as having only 3 walls, with 1 side open for loading purposes.

Applicant's Justification

The applicant states the batch plant has been in operation for over 60 years and frequently partners with numerous municipalities and government agencies throughout California, Nevada, and Arizona. The applicant further states the new tanks will be used to hold PMAC that is sold to various construction companies to turn into hot-mix paving, the shade structure would be used to shelter polymers that are sensitive to UV light, and the hopper cover is to protect those same polymers as they are mixed with other materials.

Additionally, the applicant states they are working to bring their site into greater conformance overall with the current version of Title 30. The applicant points out that an attached sidewalk, curb, and gutters are being proposed where none currently exist, and that landscaping is shown where none is required due to the specific use. The applicant addresses the shipping containers located on the eastern parcel, stating that they are only used for additional storage and that they will be painted to better match the rest of the site. Finally, the applicant states that the gates were originally installed under an older Code and stay open during business hours.

Prior Land Use Requests

Application Number	Request	Action	Date
WS-0008-12	Installation of overhead transmission lines	Approved by PC	March 2012
ADR-901644-08	Installation and expansion of asphalt batch plant tanks	Approved by ZA	December 2008
ZC-1094-94	Reclassified from R-E to M-1 zoning and asphalt batch plant expansion into the parcel to the east	Approved by BCC	August 1994

Prior Land Use Requests

Application Number	Request	Action	Date
ZC-0097-89	Reclassified from R-E to M-1 zoning	Approved by BCC	April 1989
UC-0124-89	Maintained an existing asphalt batch plant	Approved by BCC	April 1989
VC-0213-89	Waiver for fence height in conjunction with an asphalt batch plant	Approved by BCC	April 1989

Surrounding Land Use

	Planned Land Use Category	Zoning District (Overlay)	Existing Land Use
North, South, East, & West	Business Employment	IL (AE-65)	Warehouse & distribution

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

Waivers of Development Standards

The applicant shall have the burden of proof to establish that the proposed request is appropriate for its proposed location by showing the following: 1) the use(s) of the area adjacent to the subject property will not be affected in a substantially adverse manner; 2) the proposal will not materially affect the health and safety of persons residing in, working in, or visiting the immediate vicinity, and will not be materially detrimental to the public welfare; and 3) the proposal will be adequately served by, and will not create an undue burden on, any public improvements, facilities, or services.

Waivers of Development Standards #1 & #2

No longer needed.

Waiver of Development Standards #3

Much of the traffic in the area is commercial and industrial vehicles, which are larger and more difficult to maneuver than automobiles, resulting in an impendence to traffic on Ponderosa Way. The applicant states the access gates will remain open during business hours. For this reason, and because Ponderosa Way, west of Valley View Boulevard, sees low traffic volumes, staff can support this request; however, since staff is not supporting the remaining waivers of development standards, staff cannot support this request.

Design Review

Development of the subject property is reviewed to determine if 1) it is compatible with adjacent development and is harmonious and compatible with development in the area; 2) the elevations, design characteristics and others architectural and aesthetic features are not unsightly or

undesirable in appearance; and 3) site access and circulation do not negatively impact adjacent roadways or neighborhood traffic.

Staff finds that the addition of the shade structure, hopper cover, PMAC skid, and various tanks to the asphalt batch plant should have a minimal impact on the surrounding area. The site has been in operation since the early 1960s and has grown with the increasing demands placed on it by the development within Clark County and the surrounding area. The site, originally only comprised of the west parcel, expanded onto the east parcel in the early 1990s, and is now looking to develop the remaining lot area in order to grow and keep up with demand. While the installation of new buildings and machinery might normally be cause for concern, much of it will be screened by the various tanks and infrastructure that is already existing. The addition of the rolling door on the south side of the shade structure will not negatively impact the public right-of-way. Also, the shipping containers north of the shade structure are proposed to be painted so as to better match their surroundings, and the addition of landscaping where it is not required will be a welcome addition to the area. The addition of the aforementioned structures will not be out of character with the existing batch plant or with the surrounding properties. Therefore, staff can support the design review.

Public Works - Development Review

Waiver of Development Standards #4

Staff cannot support the request to not install streetlights on Ponderosa Way. Streetlights not only provide safety for motorists, but they also assist in improving security. Additionally, staff finds that with new technology, the light pollution from the streetlights can be mitigated so that the light does not impede into the adjacent parcels.

Waiver of Development Standards #5

Staff cannot support the request to not install detached sidewalks along Ponderosa Way. Detached sidewalks along streets provide a safer pathway for pedestrians by increasing the distance from traffic.

Waiver of Development Standards #6

Staff finds the request to eliminate the throat depths for both commercial driveways on Ponderosa Way will result in vehicles stacking in the right-of-way. Therefore, staff cannot support this request.

Waiver of Development Standards #7

Staff cannot support the request to eliminate the driveway radius for the westside of the westernmost driveway on Ponderosa Way. No radius, will create a pan driveway requiring vehicles to nearly come to a stop to negotiate a turn into the site, creating stacking with the right-of-way.

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 30.02.26B.3(ii) of the Clark County Unified Development Code, the Federal Aviation Administration (FAA) must be notified of the proposed construction or alteration.

The property lies within the AE-65 (65-70 DNL) noise contour for Harry Reid 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 Harry Reid International Airport facilities to meet future air traffic demand.

Staff Recommendation

Approval of the design review; denial of the waivers of development standards.

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

If approved:

- Paint the shipping containers to match the buildings and infrastructure on-site;
- Street landscaping along Ponderosa Way to consist of recommended plants from the Regional Plant List, or an approved alternative.
- Applicant is advised within 2 years from the approval date the application must commence or the application will expire unless extended with approval of an extension of time; 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; changes to the approved project will require a new land use application; and the applicant is solely responsible for ensuring compliance with all conditions and deadlines.

Public Works - Development Review

- Full off-site improvements except streetlights on Ponderosa Way;
- Install conduit and pull boxes on Ponderosa Way.

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 30.02.26B 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;

- 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; 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.

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 and reference POC Tracking #0185-2024 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require a new POC analysis.

TAB/CAC:

APPROVALS:

PROTESTS:

APPLICANT: ERGON ASPHALT PARTNERS, LP

CONTACT: G.C. GARCIA, INC, 1055 WHITNEY RANCH DRIVE, SUITE 210, HENDERSON, NV 89014