

11/02/22 BCC AGENDA SHEET

EXISTING COMMERCIAL CENTER
(TITLE 30)

UPDATE
SUNSET RD/PECOS RD

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

NZC-22-0455-HARSCH INVESTMENT PROPERTIES, LLC:

ZONE CHANGE to reclassify 3.0 acres from an M-D (Designed Manufacturing) (AE-65) Zone to a C-2 (General Commercial) (AE-65) Zone in conjunction with an existing commercial center.

Generally located on the north side of Sunset Road and the east side of Pecos Road within Paradise (description on file). JG/rk/syp (For possible action)

RELATED INFORMATION:

APN:

161-31-410-004; 161-31-410-006

LAND USE PLAN:

PARADISE - BUSINESS EMPLOYMENT

BACKGROUND:

Project Description

General Summary

- Site Address: 3460 E. Sunset Road & 6420 S. Pecos Road
- Site Acreage: 3
- Project Type: Commercial zone boundary amendment
- Square Feet: 36,482 (total subject building area)
- Parking Required/Provided: 146/181

Neighborhood Meeting Summary

The applicant conducted a virtual neighborhood meeting via Zoom on July 12, 2022, as required by the nonconforming amendment process, prior to formal filing of this application. All owners within 1,500 feet of the project site were notified about the meeting. There were 2 attendees present at the open house meeting for this project. According to the applicant there were no questions or concerns raised over the presentation of the nonconforming zone change.

Project History & Description

The subject site currently has a land use designation of Business Employment (BE). This subject site was rezoned in 1995 (ZC-0972-95) from R-E to M-D for 54,000 square foot shopping center which includes the subject parcels and with 4 out parcels. The M-D zoning allows for retail uses with an approved special use permit. Over the course of 24 years many special use permits have been approved on the subject sites. Of the active special use permits, UC-0898-01 is of

particular interest as it permits for office and retail uses to be allowed in an M-D zoning district. Special use permits are still required for personal services and other miscellaneous uses not covered in the 2001 application.

Site Plan

The plan depicts an existing commercial center on the northeast corner of Sunset Road and Pecos Road. There are 2 parcels with 2 retail buildings, an in-line retail building and a standalone pad site building which make-up the scope of this zone change request. The entire shopping center is comprised of multiple buildings totaling 328,523 square feet and are located mainly to the east and north of this site.

This request is strictly for a zone boundary amendment, as the site layout and design have not changed from the plans on file from 1995.

Applicant's Justification

The applicant indicates that the proposed zone change from M-D to C-2 on this site is appropriate given the multitude of previous approvals for special use permits and the original approved zoning for a retail center in 1995. By rezoning the site to conform to the previous approvals for a retail shopping center it will bring the property into conformance with the approved and existing use without the need of special use permits. Furthermore, the applicant states that the application process for a use permit approval has been burdensome to owners, tenants, and the County.

Prior Land Use Requests

Application Number	Request	Action	Date
UC-22-0116	Major training facility	Approved by PC	April 2022
UC-21-0435	Personal services (beauty salon)	Approved by PC	October 2021
UC-18-0802	Personal services (tanning salon/beauty salon)	Approved by PC	December 2018
UC-0489-17	Day spa	Approved by PC	August 2017
UC-0682-13	Secondhand sales	Approved by PC	December 2013
UC-0898-01	Office and retail uses as a principal use in M-D zoning	Approved by PC	August 2001
ZC-0972-95	Reclassified the site to M-D zoning for an office/warehouse complex	Approved by BCC	July 1995

Since 1995 there have been numerous land use applications for various uses, the list above are more recent applications.

Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North, South, East, & West	Business Employment	M-D	Retail center

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 subject site was approved for office and retail uses in an M-D zone in 2001. Staff finds that given the multitude of previous approvals for special use permits, the best planning practices dictate that the site should be rezoned to a commercial use.

- 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.*

The proposed C-2 zoning is appropriate for the location and character of the immediate area. The intensity of proposed uses by this amendment are compatible with the existing and planned land uses within the shopping center. Also, there are multiple properties developed with commercial zoning all along Sunset Road. Therefore, the land use and intensity proposed with this application is consistent and compatible with the surrounding properties.

- 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.*

This request is strictly for a zone boundary amendment and no additional improvements will be needed. Therefore, 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 which already exist.

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

The proposed project conforms to the applicable adopted plans, goals, and policies of the Master Plan. Particularly the site conforms to Policy 5.5.3 which encourages the retention and revitalization of established local businesses and the expansion of small businesses in unincorporated Clark County. Also the request conforms to Policy 6.1.2 for a mix of residential and non-residential uses in unincorporated Clark County to support a balance of jobs and housing within the Las Vegas Valley, as well as in outlying communities.

Summary

The proposed C-2 zoning is appropriate for the location and character of the immediate area. The intensity of proposed uses by this amendment are compatible with the existing and planned land uses within the shopping center. The proposed nonconforming zone boundary amendment will not adversely impact public utilities and services, and it conforms to applicable adopted plans, goals, and policies. Therefore, staff finds the applicant has provided a Compelling Justification to warrant approval of the nonconforming zone boundary request.

Department of Aviation

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. This item has been forwarded to the Board of County Commissioners' meeting for final action.

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.

PLANNING COMMISSION ACTION: October 4, 2022 – APPROVED – Vote: Unanimous
Absent: Stone

Current Planning

- No resolution of Intent and staff to prepare an ordinance to adopt the zoning.

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 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 the property is already connected to the CCWRD sewer system; and that if any existing plumbing fixtures are modified in the future, then additional capacity and connection fees will need to be addressed.

TAB/CAC: Paradise - approval.

APPROVALS: 3 cards

PROTESTS:

APPLICANT: SCHNITZER PROPERTIES, LLC

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