

01/07/26 BCC AGENDA SHEET

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

UC-25-0794-DAG HOLDINGS, LLC:

USE PERMIT for a batch plant.

WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** increase structure height; **2)** waive full off-site improvements; **3)** reduce throat depth; and **4)** permit existing driveways where commercial curb return driveways are required.

DESIGN REVIEW for a batch plant and associated accessory structures on 5.00 acres in an IL (Industrial Light) Zone.

Generally located south of Richmar Avenue and east of Redwood Street within Enterprise.
JJ/mh/kh (For possible action)

RELATED INFORMATION:

APN:

176-23-410-009

WAIVERS OF DEVELOPMENT STANDARDS:

1. Increase the height of a structure (silo tower) to 72 feet where a maximum of 50 feet is permitted per Section 30.02.19B (a 44% increase).
2.
 - a. Waive full off-site improvements (curb, gutter, sidewalks, streetlights, and partial paving) along Richmar Avenue where required per Section 30.04.08C.
 - b. Waive full off-site improvements (curb, gutter, sidewalks, streetlights, and partial paving) along Gary Avenue where required per Section 30.04.08C.
3.
 - a. Reduce the throat depth for the eastern driveway along Richmar Avenue to 6 inches where a minimum of 25 feet is required per Uniform Standard Drawing 222.1 and Section 30.04.08 (a 98% reduction).
 - b. Reduce the throat depth for the western driveway along Richmar Avenue to 2 feet where a minimum of 25 feet is required per Uniform Standard Drawing 222.1 and Section 30.04.08 (a 92% reduction).
4. Permit existing driveways where commercial curb return driveways are required per Section 30.04.08 and Uniform Standard Drawing 225.

LAND USE PLAN:

ENTERPRISE - BUSINESS EMPLOYMENT

BACKGROUND:

Project Description

General Summary

- Site Address: 6501 W. Richmar Avenue
- Site Acreage: 5.00

- Project Type: Batch plant
- Number of Stories: 1
- Building Height (feet): 72 (metal silo)/12 (office)/18 (maintenance canopy)
- Square Feet: 720 (office)/2,330 (maintenance canopy)
- Parking Provided: 34
- Sustainability Required/Provided: 7/0

History & Site Plan

The site was originally approved for a batch plant with associated structures and equipment in August 2003 via UC-0505-03. A subsequent design review for a maintenance building was approved in September 2006 via DR-1112-06. However, the use permit portion of UC-0505-03 has expired since the previous batch plant went out of business in January 2021. The applicant is now seeking a new use permit, design review, and waivers of development standards for the batch plant.

The plans depict a concrete batch plant accessed via 2, two-way commercial driveways from Richmar Avenue to the north. The site features a 720 square foot mobile office building in the center of the site, along with a 2,330 square foot maintenance canopy in the northern portion, set back 81 feet from the north property line. The existing trash enclosure is located in the northeast corner of the site. The central area and southern portion of the site feature fuel tanks, cement storage, admixture tanks, loading space, water tank, residue area, settling pond, silo tower, conveyor equipment and ramp, and other associated batch plant equipment. The site features 34 existing parking spaces along the north property line. To the south of both driveways are access gates that will remain open during business hours, with each access gate being set back 67 feet from the north property line. The eastern driveway has a throat depth of 6 inches, while the western driveway has a throat depth of 2 feet, both of which require a waiver of development standards for reduced throat depth. An existing 6 foot high screen wall is located along the south, east, and west property lines, with an additional 6 foot high screen wall south of the parking area.

Landscaping

There is no proposed landscaping associated with this application, as batch plants are exempted from Title 30 landscaping requirements.

Elevations

The plans depict a 12 foot high office building with wood skirting, a wood siding finish, and aluminum windows with glazing. A pair of metal stairways lead to metal doors that provide access to the office building. The maintenance canopy is 18 feet high at its peak, with 9 foot high storage containers enclosing it on 3 sides. The canopy structure is metal with a fabric canopy, while the storage containers are metal.

Floor Plans

The plans depict a 720 square foot office with an open layout. There is also a 1,530 square foot maintenance canopy that is enclosed on 3 sides with storage containers, bringing the total area to 2,330 square feet.

Applicant's Justification

The applicant states that the additional parking is for employees to park their personal vehicles on-site during their working hours, at which time they will be driving concrete delivery trucks. Pedestrian walkways are not provided due to the industrial nature of the site and area, which may create safety concerns for pedestrians. The increased height for the silo tower allows efficient concrete mixing operations. Full off-site improvements have never been constructed for this portion of Richmar Avenue, which features industrial development. The batch plant is a compatible use that has been in existence since 2003.

Prior Land Use Requests

Application Number	Request	Action	Date
DR-1112-06	Design review for a maintenance building in conjunction with an existing batch plant	Approved by PC	September 2006
UC-0505-03 (WC-400092-05)	Waiver of conditions of a use permit requiring no trucking in of water, applicant to provide on-site water by pipe or well	Approved by BCC	July 2005
ADET-00805-04 (UC-0505-03)	Administrative extension of time for a use permit for a permanent batch plant - expired	Approved by ZA	July 2004
UC-0505-03	Use permit for a permanent batch plant - expired	Approved by BCC	August 2003
MPC-0466-02	Major project for a neighborhood plan for a mixed-use major project comprehensive planned community and identification of related issues of concern to Clark County	Approved by BCC	August 2002
(ET-0259-99) VC-0259-99	Second extension of time for variances to waive landscaping and paving	Approved by PC	August 2002
VC-0259-99	First extension of time for variances to waive landscaping and paving	Approved by PC	June 2001
VC-0259-99 (ET-400150-01)	Variances to waive landscaping and paving	Approved by PC	April 1999
ZC-1812-95 (WC-400071-99)	Waiver of conditions of a zone change requiring off-site improvements on all adjacent streets	Approved by BCC	April 1999
ZC-1812-95 (ET-400245-98)	First extension of time for a zone change from R-E and M-1 to M-1 for an office and unpaved storage yard, and variances for landscaping and paving, and waivers for off-site improvements and a zone boundary wall	Approved by BCC	August 1998
TM-0161-98	Tentative map and extension of time consisting of one industrial lot	Approved by PC	August 1998

Prior Land Use Requests

Application Number	Request	Action	Date
ZC-1812-95 (ET-0084-98)	Administrative extension of time (interim compliance) for a zone change from R-E and M-1 to M-1 for an office and unpaved storage yard, variances for landscaping and paving, and waivers for off-site improvements and a zone boundary wall	Approved by ZA	March 1998
TM-0174-96	1 lot tentative map for an industrial lot	Approved by PC	June 1996
VS-1943-96	Vacate easements and a portion of Arden Road	Approved by BCC	January 1997
ZC-1812-95	Zone change from R-E and M-1 to M-1 for an office and unpaved storage yard, variances for landscaping and paving, and waivers for off-site improvements and a zone boundary wall	Approved by BCC	February 1996

Surrounding Land Use

	Planned Land Use Category	Zoning District (Overlay)	Existing Land Use
North	Business Employment	IL & RS20	Office-warehouse & outdoor storage
South & East	Business Employment	IL	Warehouse & outdoor storage
West	Business Employment	IL	Outdoor storage & accessory buildings

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

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**Use Permit

A special use permit is considered on a case by case basis in consideration of the standards for approval. Additionally, the use shall not result in a substantial or undue adverse effect on adjacent properties, character of the neighborhood, traffic conditions, parking, public improvements, public sites or right-of-way, or other matters affecting the public health, safety, and general welfare; and will be adequately served by public improvements, facilities, and services, and will not impose an undue burden.

Staff finds that the subject site has previously been approved for and operated as a batch plant, with the original approval coming via UC-0303-05 in August 2003. However, the approval of the use permit has since expired, requiring the approval of a new use permit per Title 30. Staff is unaware of any issues associated with the operation of the batch plant since its original approval

in 2003. The site is surrounded by existing industrial uses that feature the planned land use category of Business Employment, which means that industrial uses will remain in this area for the foreseeable future. The proposed use is also more than 1,000 feet away from any residential use, which is consistent with Title 30 standards. The batch plant is consistent with Enterprise Area-Specific Policy EN-5.3 of the Master Plan, which seeks to limit the conversion of industrial and commercial lands for the purposes of residential development to protect the health and quality of life of residents, limit land use conflicts, reduce impacts from the airport, lessen impacts to airport operations, and to protect the viability of existing and future employers and businesses in Enterprise. Staff finds that the re-establishment of the batch plant is compatible with the history of the site and surrounding development. Therefore, staff can support this request.

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.

Waiver of Development Standards #1

The existing 72 foot high silo tower was approved via ZC-0505-03 in August 2003 and is proposed to remain as originally constructed. Staff is unaware of any issues associated with the structure since it was built, and finds that the structure still meets setback requirements. Staff also finds that a silo tower of this height is typical for batch plants and there are other industrial structures in the area exceeding 50 feet in height. Therefore, staff could 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 re-establishment of the batch plant at the subject site is suitable given the history of the site and the industrial development in the surrounding area. The batch plant operations will be consistent with what has occurred on-site since the original approval in August 2003. The maintenance canopy is the only addition to the site since the original approval. The silo tower, office building, and maintenance canopy each feature designs that are compatible with the proposed batch plant use and other properties in the vicinity. The site is accessed via Richmar Avenue, with minimal traffic expected in the area. The site is large enough to accommodate the batch plant and associated structures and equipment, and the layout of the site ensures the parking area and main office building are adequately spaced from the more intensive operations that will occur on-site. However, since Public Works cannot support the waivers of development standards for throat depth, staff cannot support the design review.

Public Works - Development Review

Waiver of Development Standards #2

Historical events have demonstrated how important off-site improvements are for drainage and flood control. Additionally, full width paving allows for better traffic flow and sidewalks on public streets provide safer pathways for pedestrians and for children to walk to school. Furthermore, this area is changing and with the increase in pedestrians and vehicular traffic, it is important to have off-sites installed for their safety. Therefore, staff cannot support the waiver of development standards for full off-site improvements.

Waiver of Development Standards #3

Staff cannot support the reduction in throat depth for the driveways on Richmar Avenue. The site has no existing off-site improvements. Therefore, there is no reason the site cannot meet minimum standards.

Waiver of Development Standards #4

Commercial curb return driveways help mitigate traffic by allowing a smooth transition from the road into the commercial site. Since the area is changing, it is important that traffic can flow without the impediment of vehicles attempting to access the parking lot. Therefore, staff cannot support this request.

Staff Recommendation

Approval of the use permit and waiver of development standards #1; denial of waivers of development standards #2 through #4 and the design review.

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:

- 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 and application for review; 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

- 1 year review of off-site improvements;
- Execute a Restrictive Covenant Agreement (deed restrictions).

Fire Prevention Bureau

- No comment.

Southern Nevada Health District (SNHD) - Engineering

- Applicant is advised to contact the SNHD Environmental Health Division at septics@snhd.org or (702) 759-0660 to obtain written approval for a Tenant Improvement, so that SNHD may review the impact of the proposed use on the existing Individual Sewage Disposal (Septic) System.

Clark County Water Reclamation District (CCWRD)

- Applicant is advised that the property appears to have an existing septic system. Please contact the Southern Nevada Health District with regard to modifying existing plumbing fixtures; location of existing public sanitary sewer is greater than 400 feet from the parcel; upon approval of change in use of the property and if connecting to public sanitary sewer, CCWRD requires submittal of civil improvement plans and estimated wastewater flow rates to determine sewer point of connection.

TAB/CAC: Enterprise - approval of the use permit, waivers of development standards, and the design review (change Public Works - Development Review bullet #1 to a 3 year review for off-site improvements; waiver of development standards for off-site improvements for Gary Avenue pending a 3 year review).

APPROVALS:

PROTESTS:

APPLICANT: DESERT READY MIX OF NEVADA, LLC

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