

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

ZC-23-0899-BROHAWK LLC:

ZONE CHANGE to reclassify 2.3 acres from an R-E (Rural Estates Residential) (AE-65) Zone to an M-D (Designed Manufacturing) (AE-65) Zone.

WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** reduced parking; and **2)** CMA Design Overlay site development, architectural, screening, and landscape standards.

DESIGN REVIEW for an office/warehouse in the CMA Design Overlay District.

Generally located on the west side of Mohawk Street, 625 feet north of Post Road within Spring Valley (description on file). MN/rr/syp (For possible action)

RELATED INFORMATION:

APN:

163-36-701-008

WAIVERS OF DEVELOPMENT STANDARDS:

1. Reduce parking to 49 spaces where 59 spaces are required per Table 30.60-1 (a 17% reduction).
2.
 - a. Allow loading areas with roll-up, overhead doors and areas intended for large semi-truck parking to not be located in the rear of the complex where required per Section 30.48.640.
 - b. Allow large manufacturing and industrial buildings to not have decorative roof elements (e.g., projecting cornices, etc.) to enhance roof edges where required per Section 30.48.650.
 - c. Allow loading areas with roll-up, overhead doors, service areas, and areas intended for large semi-truck parking to not be completely screened from any public street where required per Section 30.48.660.
 - d. Waive landscaping where an intense landscape buffer adjacent to a residential use is required per Section 30.48.660 and Figure 30.64-12.

PROPOSED LAND USE PLAN:

SPRING VALLEY - BUSINESS EMPLOYMENT

BACKGROUND:

Project Description

General Summary

- Site Address: N/A
- Site Acreage: 2.3
- Project Type: Office/warehouse
- Number of Stories: 2

- Building Height (feet): 35
- Square Feet: 38,725
- Parking Required/Provided: 59/49

Site Plan

The site is currently undeveloped and is located on the west side of Mohawk Street, approximately 625 feet north of Post Road. The plans show an office/warehouse building centrally located on the site with 38,725 square feet of gross floor area. The building is proposed to be set back 20 feet from the front property line along Mohawk Street, 93 feet 4 inches from the side property line on the north, 51 feet 1 inch from the side property line on the south, and 52 feet 7 inches from the rear property line. The site is proposed to be accessed by two, 39 foot wide commercial driveways from Mohawk Street. A drive aisle connects the northern driveway with a loading dock area on the north side of the building. The loading dock area features 3 loading ramps, 2 bicycle racks, and 2 shaded outdoor areas on either corner of the building. Two trash enclosures are also located on the north side of the property. A single row of parking is located primarily on the west and south sides of the building and is accessed by a drive aisle which is a minimum of 24 feet in width.

Landscaping

The plans show street landscaping along Mohawk Street. The landscaping strip is 20 feet in width and includes a 5 foot wide landscaping strip adjacent to the street, a 5 foot wide detached sidewalk, followed by an additional 10 feet of landscaping. The street landscape area features 8 large 24 inch box Live Oak trees provided in staggered rows spaced 40 feet apart except where the site visibility triangles prevent their placement. Within the parking lot, landscaping has been provided within landscape islands generally placed every 6 parking spaces. The islands feature 9 large 24 inch box trees including 7 Red Push Pistache trees and 2 Live Oaks. Six small Texas Mountain Laurel trees are located along the south side of the building near the main entrances. In addition to the trees, 13 different varieties of shrubs, succulents, and cacti are located throughout the landscape areas. All plants are on the SNWA/SNRPC regional plant list. An 8 foot high CMU wall is proposed along the north, west, and south property lines. No landscape buffers are proposed. The land use designation of the property to the south is proposed to be changed from Ranch Estate Neighborhood (RN) to Business Employment (BE) as part of the companion plan amendment, PA-23-700052. The property to the west is designated for public use and a landscape buffer is not required. The property to the north is an undeveloped residential lot and there is a request to waive the required landscape buffer.

Elevations

The plans show the proposed building will be 35 feet in height at the top of the parapet. The parapet is proposed to screen any rooftop mechanical equipment, although it does not feature any decorative roof elements as required in the CMA overlay district, and this is the subject of a waiver request. The exterior of the buildings will include alternating flat and textured grey concrete panels and weathered steel panels on all 4 building sides to help break-up the appearance of the façades. Additional exterior building materials include concrete ribbed columns, powder coated metal panels, and bar grate metal inserts. An aluminum commercial window-door system with tinted storefront glazing is shown on all sides of the building except for the north façade where the loading dock is located. The north façade includes 5 metal roll-up overhead doors. Three of the doors feature loading ramps while the other 2 doors are at dock level.

Floor Plans

The plans depict 2 office/warehouse shell suites. The larger suite is 19,280 gross square feet on the first floor which includes a 5,715 square foot office space. A second level mezzanine is proposed for an additional office at 4,677 square feet. The smaller suite is 14,768 gross square feet which includes a 5,280 square foot office. In both cases, the office space is less than 50% of the suite and would, therefore, be considered accessory or incidental. Each suite has 2 entrances on the south side of the building. The loading dock area on the north side of the building features 3 ground level overhead doors with ramps, and each suite has 1 dock level overhead door. Fire riser rooms are located at the northeast and northwest corners of the building. A future demising wall will be used to separate the suites.

Signage

Signage is not a part of this request.

Applicant's Justification

The applicant states that they are requesting a zone change from the R-E zone to the M-D zone to allow for an office/warehouse on the site. The request is in conjunction with a master plan amendment application to change the underlying land use of this parcel and 6 additional parcels to the south from Ranch Estate Neighborhood (RN) to Business Employment (BE). The applicant states that the request is in-line with 2 zone changes to M-D on the east side of Mohawk Street on APN 163-36-701-009 in 2021 (NZC-21-0606) and on APN 163-36-701-036 in 2023 (ZC-23-0614). The applicant states that the zone change is appropriate as there is a parcel to the west owned by Clark County which is designated for public use which buffers the subject site from residential properties on the west side of Lindell Avenue. The applicant states that the proposed project is the most appropriate use of the parcel and that it will be an asset for local small businesses in the area.

Prior Land Use Requests

Application Number	Request	Action	Date
UC-04-1141	Allowed a decorative masonry wall prior to the principal use - expired	Approved by PC	August 2004

Surrounding Land Use

	Planned Land Use Category	Zoning District (Overlay)	Existing Land Use
North	Ranch Estate Neighborhood (up to 2 du/ac)	R-E (AE-65)	Undeveloped
South	Business Employment (Proposed)	R-E (RNP-I & AE-65)	Undeveloped
East	Neighborhood Commercial	M-D (AE-65)	Undeveloped
West	Public Use	R-E (AE-65)	Undeveloped

Related Applications

Application Number	Request
PA-23-700052	Plan amendment to redesignate the existing land use category from Ranch Estate Neighborhood (RN) to Business Employment (BE) on 6.7 acres is a companion item on this agenda.
VS-23-0901	A request to vacate and abandon government patent easements and a 5 foot wide portion of Mohawk Street for detached sidewalks is a companion item on this agenda.

STANDARDS FOR APPROVAL:

The applicant shall demonstrate the proposed request is consistent with the Master Plan and is in compliance with Title 30.

Analysis

Comprehensive Planning

Zone Change

In addition to the standards for approval, the applicant must demonstrate the zoning district is compatible with the surrounding area.

The proposed zone change to M-D (Designed Manufacturing) requires approval of a concurrent amendment to redesignate the site from Ranch Estate Neighborhood (RN) to Business Employment (BE) so that the requested zone change may be in conformance to the Master Plan. The properties to the east, across Mohawk Street have been transitioning to industrial uses with the approval of NZC-21-0606 (APN 163-36-701-009) and ZC-23-0614 (APN 163-36-701-036) to M-D zoning. The residentially zoned properties immediately to the north and south of the subject site are currently undeveloped. The property to the north is planned RN. The properties to the south are also part of the concurrent amendment to Business Employment (BE) for future industrial uses. The adjacent and abutting property to the west is planned for Public Use (PU) and is owned by the Clark County Department of Parks and Recreation. This property is deed restricted and cannot be developed for residential uses. It will provide a buffer or transition from the developed single family residential area west of Lindell Road. The request complies with Policy 6.2.1 of the Master Plan, which promotes ensuring the design and intensity of new development is compatible with established neighborhoods and uses. Policy 5.5.1 of the Master Plan which promotes designating and supporting the development of industrial and employment uses in areas that are proximate to major air, rail, and highway facilities. It does not appear that the M-D zoning will adversely impact the surrounding area. For these reasons, staff finds the request for the M-D Zone is appropriate for this location.

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

The applicant is requesting to reduce the amount of required parking from 59 spaces to 49 spaces (a 17% reduction). This calculation is based on a parking ratio of 1.5 spaces per 1,000 square feet of warehousing including incidental uses such as offices. The proposed office space is less than 50% of the floor area in each suite and would be considered incidental or accessory to the warehouse use. According to the applicant, a second story office mezzanine space requiring 7 spaces may be built by future tenants in one of the suites. If this office is not built, the amount of required parking would be 52 spaces and the parking lot would be under parked by 3 spaces (a 6% decrease). Under the Title 30 rewrite effective January 1, 2024, the calculation for warehouse and distribution uses is 1 space per 1,000 square feet up to 100,000 square feet and then 1 space per 5,000 square feet over 100,000 square feet. If this new calculation is applied to the 38,725 square foot warehouse building, which includes the office mezzanine, the parking requirement would reduce to 39 spaces. Since the new code has reduced the parking requirements below what is being proposed on the site, staff could support the waiver, however, because staff is not supporting the other waivers, staff is recommending denial.

Waiver of Development Standards #2a & #2c

The applicant is requesting a waiver of the CMA standards to allow loading areas with roll-up overhead doors, and areas intended for large semi-truck loading to be located on the north side of the building rather than at the rear (west) side of the building. Also, this area is not completely screened from the public street which is required. The applicant states they are matching the truck dock location as proposed on the property east of Mohawk Street (APN 163-36-701-009) which was rezoned to M-D by NZC-21-0606. The applicant also states that they are providing architectural screening elements at the east side of the loading area to block the view of the truck activities from the right-of-way. There is no outside storage proposed in this area, which is one of the reasons for placing loading areas in the rear of a building. The east building elevation provided by the applicant does appear to show that the loading area is at least partially screened from the street through a combination of landscaping and wall placement. The overhead doors will also be partially screened from the north and west by the CMU wall proposed around the site. However, because the CMA standards state that loading areas need to be located in the rear of the complex and completely screened, staff recommends denial.

Waiver of Development Standards #2b

The applicant is requesting a waiver of the CMA standards to that requires large manufacturing and industrial buildings to have decorative roof elements to enhance roof edges. The applicant states that the proposed design incorporates other above-standard architectural elements for this use type. The elevations provided do indicate a variety of exterior building materials that enhance the appearance of the building. However, there is nothing preventing decorative roof elements from being added to the building and, therefore, staff recommends denial of this request.

Waiver of Development Standards #2d

The applicant is requesting a waiver of the 10 foot wide intense landscape buffer per Figure 30.64-12 that is required by the CMA overlay along the north side of the property. The buffer, consisting of two rows of 24 inch box large Evergreen trees with a 6 foot high decorative buffer wall, is required in the CMA overlay when a non-residential development is adjacent to a residential use. The property to the north is an undeveloped parcel zoned R-E. The applicant states that they intend

to install a taller, 8 foot decorative CMU wall which would hide any landscaping from neighboring properties, and that the wall footings would restrict plant growth. A landscape buffer will not be required along the south property boundary adjacent to a vacant property zoned R-E if the land use is changed to Business Employment as part of the concurrent land use amendment. The property to the west is also zoned R-E but is deed restricted and cannot be developed for any residential use. Staff would normally not support a waiver for the landscape buffer along the north property line due to concerns over possible impacts on adjacent residential areas. In this case, however, the property to the north is undeveloped. It also fronts on Patrick Lane, a collector street, which has been transitioning to office and industrial uses to the east. With the other residential properties to the south transitioning to Business Employment, the property to the north with its frontage on Patrick Lane may also be more suitable for non-residential development in the future. Based on these development trends, staff could support this request, however, because the other waivers are not being supported, staff is recommending denial.

Design Review

The proposed building appears to be compatible with the underlying designation of Business Employment as amended on the Master Plan, and the M-D zone. The proposed site plan, landscape plan, and building elevations indicate appropriate design characteristics to help create an orderly and aesthetically pleasing environment that is compatible and harmonious with the surrounding area. However, additional design criteria is required in the CMA overlay that could be met. The proposed development is consistent with the Master Plan and meets the standards of Title 30. However, because staff is not supporting the waivers of development standards, staff recommends denial of this request.

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 zone change; denial of the waivers of development standards and the design review. 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: February 20, 2024 – APPROVED – Vote: Unanimous
Comprehensive Planning

- No Resolution of Intent and staff to prepare an ordinance to adopt the zoning;
- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection.
- Within 2 years from the approval date the design review must commence or the application will expire unless extended with approval of an extension of time; 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; 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

- Drainage study and compliance;
- Full off-site improvements.
- Applicant is advised that the installation of detached sidewalks will require the vacation of excess right-of-way and granting necessary easements for utilities, pedestrian access, streetlights, and traffic control or execute a License and Maintenance Agreement for non-standard improvements in the right-of-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; and that the FAA's airspace determinations include expiration dates and that separate airspace determinations will be needed for construction cranes or other temporary equipment; 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.

Fire Prevention Bureau

- Provide a Fire Apparatus Access Road in accordance with Section 503 of the International Fire Code and Clark County Code Title 13, 13.04.090 Fire Service Features;
- Applicant to show fire hydrant locations on-site and within 750 feet.
- 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 and reference POC Tracking #0018-2024 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

TAB/CAC: Spring Valley - approval.

APPROVALS: 1 card

PROTESTS: 1 card

APPLICANT: HARDWAY CORP

CONTACT: STORM DEVELOPMENT SERVICES, 9811 W. CHARLESTON BLVD, STE 2,
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