

INDUSTRIAL CENTER  
(TITLE 30)

EDMOND ST/CAPOVILLA AVE

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**ZC-23-0489-BELTWAY BUSINESS PARK, LLC:**

**ZONE CHANGE** to reclassify 6.2 acres from a C-2 (General Commercial) Zone and an M-1 (Light Manufacturing) Zone to an M-D (Designed Manufacturing) Zone.

**WAIVERS OF DEVELOPMENT STANDARDS** for the following: **1)** modifications to CMA Design Overlay District standards; **2)** allow modified driveway design standards; and **3)** allow reduced street landscaping and attached sidewalks.

**DESIGN REVIEWS** for the following: **1)** industrial center; and **2)** finished grade on 6.7 acres in the CMA Design Overlay District.

Generally located on the east side of Edmond Street and the south side of Capovilla Avenue within Enterprise (description on file). MN/rr/ja (For possible action)

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RELATED INFORMATION:

**APN:**

176-01-801-044

**WAIVERS OF DEVELOPMENT STANDARDS:**

1.
  - a. Allow overhead doors not in the rear of the complex and not completely screened from public street where required in the CMA Design Overlay District per Sections 30.48.640 and 30.48.660.
  - b. Allow building facades longer than 100 horizontal feet where not permitted in the CMA Design Overlay District per Section 30.48.650.
2.
  - a. Reduce throat depth for a driveway on Edmond Street to 11 feet where 100 feet is required per Uniform Standard Drawing 222.1 (an 89% reduction).
  - b. Reduce throat depth for a driveway on Capovilla Avenue to 45 feet where 100 feet is required per Uniform Standard Drawing 222.1 (a 55% reduction).
  - c. Modify driveway geometrics.
3.
  - a. Reduce street landscaping width along Edmond Street to 6 feet where 15 feet of street landscaping is required behind an existing attached sidewalk per Section 30.64.030 (a 60% reduction).
  - b. Allow alternative landscape and an attached sidewalk on Capovilla Avenue where landscape and a detached sidewalk is required per Figure 30.64-17 and Section 30.48.660.

**DESIGN REVIEWS:**

1. Industrial center.
2. Increase finished grade to 84 inches where a maximum of 36 inches is the standard per Section 30.32.040 (a 133% increase).

**LAND USE PLAN:**

ENTERPRISE - BUSINESS EMPLOYMENT

**BACKGROUND:****Project Description****General Summary**

- Site Address: N/A
- Site Acreage: 6.7 (site)/6.2 (zone change)
- Project Type: Industrial buildings
- Number of Stories: 1
- Building Height (feet): 42 (Building 16)/36 (Building 17)
- Square Feet: 81,600 (Building 16)/34,650 (Building 17)
- Parking Required/Provided: 135/143

**Site Plans**

The plans depict 2 industrial buildings consisting of one, 81,600 square foot distribution center (Building 16) and one, 34,650 square foot warehouse (Building 17) for a total of 116,250 square feet. There are loading docks for each building with 60 foot wide concrete truck aprons located between the buildings and visible from the street. A total of 143 parking spaces are proposed on site where a minimum of 135 parking spaces are required. The property is accessed by way of 2 driveways, with 1 located on Edmond Street and the other on Capovilla Avenue. There will be no direct access to Warm Springs Road to the south as this street is substantially below grade at the Union Pacific Railroad underpass. Off-site improvements will be constructed on Capovilla Avenue which will include a cul-de-sac at the east end of the property. The easternmost portion of Building 17 is located within a dedicated right-of-way for Hauck Street which is to be vacated by a separate vacation request (VS-23-0490).

**Landscaping**

The plans indicate landscape buffers along Edmond Street, Capovilla Avenue, and Warm Springs Road. All plants appear to be selected from the Southern Nevada Water Authority Regional Plant List. The landscape area along Edmond Street is proposed to be 6 feet in width where 15 feet is normally required by Title 30. This is a subject of a waiver request. Parking lot landscape design features landscape islands/fingers each with 1 large 24 inch box tree and 2 shrubs for every 6 parking spaces in a row and at the end of the parking rows as required. Shrubs are also shown along both the building frontages. Along Capovilla Avenue a waiver is requested for alternative landscaping and an attached sidewalk. The proposed landscaping does not completely follow Section 30.48.660 which requires medium trees, 24 inch box in size or the spacing requirements of Figure 30.64.17, two off-set rows of trees planted 40 feet apart.

### Elevations

The proposed buildings are concrete tilt-up construction with a maximum overall height of 42 feet for Building 16 and 36 feet for Building 17. The building parapets are varied in height approximately every 25 to 26 linear feet. Concrete tilt-up exterior walls will be painted with 5 types of colors. The building will feature glass windows with tinted glazing for the storefront. These architectural design features will help to break-up the building massing. The overhead doors and loading dock for each building face internally into the site but are still visible from the public right-of-way on Edmond Street.

### Floor Plans

The plans for each building indicate large open warehouses. Building 16 will have 32 feet of internal clearance at the walls, while Building 17 will have 24 feet of clearance at the walls. Each building will have areas for future offices as accessory uses.

### Signage

Signage is not a part of this request.

### Applicant's Justification

The applicant is seeking a conforming zone change to M-D (Designed Manufacturing) to develop an industrial center. This is desired as the site is presently divided into 3 zoning districts. The north 0.45 acre portion of the property along the south side of Capovilla Avenue is zoned M-D and is not a part of the zone change request. The remainder of the property is zoned C-2 (General Commercial) and M-1 (Light Manufacturing). Waivers to modify building design and screening requirements of the CMA are requested. Modified driveway designs are sought for throat depth and driveway geometrics to accommodate trucks for distribution that enter and exit the property concurrently from the nearest travel land while mitigating potential conflicts. Waivers for reduced and alternative street landscaping and attached sidewalks are sought as the adjoining streets are not through streets. Additionally, a design review for increased finished grade to allow up to 7 feet of on-site fill at the northeast corner of each building to accommodate the existing grade/drainage patterns of the site while meeting the minimum required flood protection heights per the drainage manual.

### **Prior Land Use Requests**

<b>Application Number</b>	<b>Request</b>	<b>Action</b>	<b>Date</b>
VS-20-0281	Vacated and abandoned easements	Approved by PC	August 2020
VS-0064-08	Vacated and abandoned rights-of-way	Approved by PC	March 2008
UC-0068-00	Watchman's trailer, variances for fencing, landscaping, temporary structure, trash enclosure, outside steel fabrication, and on-site parking	Approved by BCC	April 2000
UC-1951-98	5,000 square feet restaurant/tavern within 1,500 feet of residential use	Approved by BCC	April 1999
ZC-0230-99	Reclassified 2.5 acres from M-1 to C-2 zoning for a restaurant/tavern, retail shops, and gas station	Approved by BCC	April 1999

**Prior Land Use Requests**

<b>Application Number</b>	<b>Request</b>	<b>Action</b>	<b>Date</b>
VC-0473-96	Watchman's trailer, multiple variances for fencing, landscaping, temporary structure, trash enclosure, outside steel fabrication, and on-site parking - expired	Approved by PC	May 1997

**Surrounding Land Use**

	<b>Planned Land Use Category</b>	<b>Zoning District</b>	<b>Existing Land Use</b>
North	Business Employment	M-D	Warehouse/distribution facility
South	Public Use	M-1	Power substation
East	Business Employment	M-1	Undeveloped & cell tower
West	Business Employment	M-1 & M-D	Temporary construction storage site & data center

This site is in the Public Facilities Needs Assessment (PFNA) area.

**Related Applications**

<b>Application Number</b>	<b>Request</b>
VS-23-0490	A vacation and abandonment of right-of-way and easements is a companion item on this agenda.

**STANDARDS FOR APPROVAL:**

The applicant shall demonstrate that the proposed request meets the goals and purposes of Title 30.

**Analysis****Comprehensive Planning**Zone Change

The proposed zone change is in conformance to the Master Plan which projects Business Employment uses on the subject site. The proposed development is also compatible with existing, approved, and planned land uses in the surrounding area. Most of the area surrounding this site is developed with other distribution facilities and data centers including Switch and is located in a mixture of M-1 and M-D zoning. Therefore, staff can support the zone change request.

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 CMA architectural standards and guidelines require non-residential buildings that are visible from a public right-of-way to not be longer than 100 horizontal feet and/or 2 stories in height. Additionally, large manufacturing buildings shall have decorative roof elements such as projecting cornices to enhance roof edges. The proposed buildings do not follow these standards precisely. The applicant states that each building will have variable rooflines, fenestration, and color accents, and that there have been other industrial buildings constructed in the area with similar designs. Very little of the buildings will be visible from Warm Springs Road because it descends downhill to the railroad underpass to the east. Additionally, while the loading areas and roll-up doors face internally into the site, there will be visibility from Edmond Street. Other industrial buildings in this area have used either walls surrounding the site to screen the buildings and roll-up doors, and/or placed the doors at the rear of the complex. Therefore, it appears there are other design solutions that could be used to meet the requirements of the CMA Design Overlay District. Therefore, staff cannot support this request.

### Waiver of Development Standards #3

The applicant is seeking a reduction in the amount of street landscaping at the back of an existing attached sidewalk on Edmond Street. The applicant is proposing to provide 6 feet of landscape depth where the minimum is 15 feet. The location of an adjoining parking lot makes it difficult to meet both the landscape standard as well as the parking requirements for the proposed building (Building 16). To make-up for this reduction, the area of landscaping around the driveway entrance on Edmond Street is increased to 26 feet in depth on the north side and 78 feet in depth on the south side. Street landscaping on Capovilla Avenue on the north side of the property is also increased to 24 feet and the landscaping is 17 feet 4 inches in width along Warm Springs Road which is above the minimum requirement of 15 feet.

The applicant is seeking a waiver to allow an attached sidewalk on Capovilla Avenue rather than a detached sidewalk as normally required. The applicant is also requesting a waiver of Figure 30.64-17 which requires 24 inch box trees planted in 2 rows staggered 20 feet apart when a detached sidewalk is required. The north side of Capovilla Avenue is developed, but the street has no improvements. There is only enough space to construct a 5 foot wide attached sidewalk and maintain the right-of-way width requirement. West of Edmond Street, Capovilla Avenue has attached sidewalks. The street will be a dead-end terminating in a cul-de-sac that will be dedicated 500 feet east of Edmond Street. The surrounding area is industrial and has very little foot traffic. From a pedestrian safety standpoint there would be little added benefit from having detached sidewalks instead of attached sidewalks. Large 24 inch box trees are proposed along Capovilla Avenue but are not in alternating rows on 40 foot centers since the sidewalk is requested to be attached. The street landscaping depth exceeds the minimum requirements and should be adequate to screen the area. Staff could normally support this request; however, since staff does not support the waivers for the CMA overlay requirements, staff cannot support this request.

### Design Review #1

The proposed distribution center is compatible with the underlying designation of Business Employment as shown on the Master Plan. The proposed site plan, landscape plan, and building elevations, indicate appropriate design characteristics, building materials, and other architectural

features to help create an orderly and aesthetically pleasing environment that is compatible and harmonious with the surrounding area. The proposed development is consistent with the Master Plan and meets the standards of Title 30. Normally, staff could support a recommendation of approval; however, since a redesign of the site is likely necessary to meet the requirements of the CMA overlay, staff recommends denial of the design review.

### **Public Works - Development Review**

#### Waiver of Development Standards #2

Staff has no objection to the reduced throat depths and the increased driveway width. Both Edmond Street and Capovilla Avenue terminate adjacent to the site, so there is minimal traffic in the area.

#### Design Review #2

This design review represents the maximum grade difference within the boundary of this application. This information is based on preliminary data to set the worst case scenario. Staff will continue to evaluate the site through the technical studies required for this application. Approval of this application will not prevent staff from requiring an alternate design to meet Clark County Code, Title 30, or previous land use approval.

### **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 30.48.120 of the Clark County Unified Development Code, the Federal Aviation Administration (FAA) must be notified of the proposed construction or alteration.

### **Staff Recommendation**

Approval of the zone change, waiver of development standards #2, and design review #2; denial of waivers of development standards #1 and #3, and design review #1.

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:

- No Resolution of Intent and staff to prepare an ordinance to adopt the zoning;
- Enter into a standard development agreement prior to any permits or subdivision mapping in order to provide fair-share contribution toward public infrastructure necessary to provide service because of the lack of necessary public services in the area;
- Provide cross access to APN 176-01-801-023;
- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection.
- Applicant is advised that the installation and use of cooling systems that consumptively use water will be prohibited; 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; and that this application must commence within 2 years of approval date or it will expire.

#### **Public Works - Development Review**

- Drainage study and compliance;
- Drainage study must demonstrate that the proposed grade elevation differences outside that allowed by Section 30.32.040(a)(9) are needed to mitigate drainage through the site;
- Traffic study and compliance;
- Full off-site improvements;
- Right-of-way dedication to include a portion of the cul-de-sac for Capovilla Avenue;
- Grant easements to Clark County for access to APN 176-01-801-023, as approved by Public Works - Development Review;
- Provide utility stubs to APN 176-01-801-023, as approved by Public Works - Development Review;
- Coordinate with Public Works - Development Review for Public Works approval of the location of access to APN 176-01-801-023.
- Applicant is advised that approval of this application will not prevent Public Works from requiring an alternate design to meet Clark County Code, Title 30, or previous land use approvals.

#### **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 30.48 Part B 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.
- 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.

**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 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](mailto:sewerlocation@cleanwaterteam.com) and reference POC Tracking #0254-2023 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

**TAB/CAC:**

**APPROVALS:**

**PROTESTS:**

**APPLICANT:** BELTWAY BUSINESS PARK, LLC

**CONTACT:** JOHN VORNSAND, 62 SWAN CIRCLE, HENDERSON, NV 89074