

OFFICE/WAREHOUSE
(TITLE 30)

JONES BLVD/TECO AVE

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

NZC-22-0397-JONES TECO HOLDINGS, LLC:

ZONE CHANGE to reclassify 2.2 acres in an R-E (Rural Estates Residential) (AE-60) Zone to an M-D (Designed Manufacturing) (AE-60) Zone.

WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** reduce setbacks; **2)** eliminate landscaping adjacent to a less intensive use; **3)** eliminate the sidewalk between the building and parking area; **4)** reduce driveway throat depth; and **5)** reduce driveway departure distance.

DESIGN REVIEWS for the following: **1)** office/warehouse complex; **2)** alternative parking lot landscaping; and **3)** finished grade in the CMA Design Overlay District.

Generally located on the northeast corner of Jones Boulevard and Teco Avenue within Spring Valley (description on file). MN/gc/syp (For possible action)

RELATED INFORMATION:

APN:

163-36-401-007

WAIVERS OF DEVELOPMENT STANDARDS:

1. Reduce the interior side setback to 2.5 feet where a minimum of 20 feet is required per Table 30.40-5 (an 87.5% reduction).
2. Eliminate landscaping adjacent to a less intensive use where landscaping per Figure 30.64-11 is required.
3. Eliminate the sidewalk between the building and parking area where required per Section 30.60.050.
4. Reduce throat depth for a driveway along Jones Boulevard to 15 feet where a minimum of 25 feet is required per Uniform Standard Drawing 222.1 (a 40% reduction).
5. Reduce the departure distance between a driveway along Jones Boulevard and an intersection to 89 feet where a minimum of 190 feet is required per Uniform Standard Drawing 222.1 (a 53.2% reduction).

DESIGN REVIEWS:

1. Office/warehouse complex.
2. Allow alternative parking lot landscaping where landscaping per Figure 30.64-14 is required.
3. Increase finished grade to 3.5 feet where a maximum of 3 feet is the standard per Section 30.32.040 (a 16.7% increase).

LAND USE PLAN:
SPRING VALLEY - CORRIDOR MIXED-USE

BACKGROUND:

Project Description

General Summary

- Site Address: N/A
- Site Acreage: 2.2
- Project Type: Office/warehouse complex
- Number of Stories: 1
- Building Height (feet): 33
- Square Feet: 43,316
- Parking Required/Provided: 65/65

Neighborhood Meeting Summary

This request is for a nonconforming zone change to reclassify 2.2 acres from an R-E zoning district to an M-D zoning district for an office/warehouse complex. The applicant conducted a neighborhood meeting at Desert Breeze Community Center on May 16, 2022, as required by the nonconforming zone boundary amendment process. The required meeting notices were mailed to the neighboring property owners within 1,500 feet of the project site and 3 neighbors attended the meeting. Concerns raised at the meeting include access and traffic on Teco Avenue and drainage from the northeast corner of the lot.

Site Plans

The plans show an office/warehouse complex consisting of 2 buildings. The north building is located 20 feet from the front (west) property line, 2.5 feet from the north property line, and 70 feet from the east property line. The south building is located 20 feet from the front (west) property line, 20 feet from the south property line, and 69 feet from the east property line. Both buildings have 2 loading areas with overhead roll-up doors on the east side of the buildings. Access to the site is from Jones Boulevard and an egress point is provided on Teco Avenue that is right turn only. A total of 65 parking spaces are provided where a minimum of 65 parking spaces are required. No sidewalk is provided between the building and parking area as required per Title 30. The finished grade of the site is being increased up to 3.5 feet with most of the increase occurring at the center of the site.

Landscaping

Street landscaping along Jones Boulevard and Teco Avenue consists of a 20 foot wide landscape area with a detached sidewalk. A 10 foot wide intense landscape area per Figure 30.64-12 and an existing 10 foot high block wall is located along the east property line. Along the north property line, adjacent to a hospice facility, is an existing 6 foot to 8 foot high block wall with no landscaping proposed, necessitating the landscape waiver request. Alternative parking lot landscaping is requested since some of the parking lot islands will not have any landscaping since the islands are located in front of doors of the buildings.

Elevations

The plans depict 1 story, 33 foot high office/warehouse buildings. Building materials consist of tilt-up concrete panels, storefront windows, and metal canopies. The concrete tilt-up panels are painted and incorporate a mix of smooth finish and horizontal grooves to break-up the façade. Overhead roll-up doors are shown on the east elevation of both buildings.

Floor Plans

The plans show 2 office/warehouse shell buildings that are 21,658 square feet each. The square footage also includes a 4,122 square foot mezzanine.

Signage

Signage is not a part of this request.

Applicant's Justification

The applicant states that the reduction in setback and elimination of landscaping along the north property line is justified since there is an existing block wall and existing landscaping along the property line on the parcel to the north. Furthermore, the applicant states that a sidewalk between the building and parking area is not necessary since wheel stops will be provided that will create a 2 foot gap between vehicles and the building that pedestrians can access. The proposed office/warehouse complex is located across from a similar development on the west side of Jones Boulevard and; therefore, the proposed development is compatible to the area. The increase in finish grade is necessary since the existing grade is lower on the western portion of the property. The reduction in throat depth will not be an issue since the use does not generate a lot of traffic and there are 2 driveways on the site. The proposed location of the driveway on Jones Boulevard is ideal since it is equidistant from the intersection of Jones Boulevard and Teco Avenue and the driveway located on the parcel to the north.

Prior Land Use Requests

Application Number	Request	Action	Date
ZC-0413-08	Reclassified the site to C-1 zoning for a shopping center subject to 3 years to complete - expired	Approved by BCC	September 2008

Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North	Neighborhood Commercial	C-P	Hospice care facility
South	Corridor Mixed-Use	C-2	Undeveloped (approved for a mini-warehouse facility per UC-20-0461)
East	Ranch Estate Neighborhood (up to 2 du/ac)	R-E (RNP-I)	Single family residential
West	Business Employment	M-D	Distribution center

Related Applications

Application Number	Request
VS-22-0428	A vacation and abandonment of government patent easements and a 5 foot wide portion of right-of-way along Jones Boulevard 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

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 applicant states the site is located on an arterial street, approximately 1,000 feet north of the 215 Beltway. Typically such locations are designated as commercial or industrial nodes to serve an area. Furthermore, the applicant states the recently adopted Master Plan has designated a number of properties in the area to Corridor Mixed-Use or Business Employment to provide a more viable mix of commercial and design manufacturing zoning.

The trend in the area north of Sunset Road and east of Jones Boulevard is towards commercial zoning where C-2 zoning is located on the northeast corner of Sunset Road and Jones Boulevard, and C-P zoning is found along the north side of Sunset Road and the east side of Jones Boulevard as you move farther away from the intersection. Jones Boulevard and Sunset Road have acted as the boundary line for the M-D zoning that is found west of Jones Boulevard and south of Sunset Road. Therefore, staff finds the proposed M-D zoning would not be appropriate for this site.

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.*

According to the applicant, M-D zoning has been used to buffer residential uses from more intense commercial and industrial uses. The applicant states that the proposed project is less intense than what could be found in some commercial zones. Furthermore, the applicant states that the M-D zoning is appropriate since M-D zoning exists across Jones Boulevard.

Staff finds that the proposed M-D zoning and associated industrial uses are not appropriate immediately adjacent to the existing R-E (RNP-I) single family residential neighborhood to the east and with the existing hospice care facility to the north. M-D zoning and Business Employment uses have purposely been kept west of Jones Boulevard and south of Sunset Road to protect the existing RNP single family residential neighborhood east of Jones Boulevard and north of Sunset Road. The properties that are east of and front Jones Boulevard and north of and front Sunset Road were purposely planned and zoned for commercial uses to buffer the residential uses from the more intensive industrial uses farther west and south.

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.*

The applicant states that there will be no substantial effect on existing public facilities in the area, and that required public services and infrastructure already exist, are planned for, or are in the planning stages for the area. There has been no indication from service providers that this request will have a substantial adverse effect on public facilities and services.

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

According to the applicant, the project complies with Policy 6.1.6 of the Master Plan that encourages in-fill development. However, staff finds that the proposed zone change and project do not comply with Policy 1.5.2 which encourages compatible development to protect the established character and lifestyles associated with RNP areas and minimize future conflicts with higher intensity development planned on sites that are adjacent to RNP areas.

Summary

Zone Change

Staff finds that there has not been a change in law and policies that make this request appropriate for the area. The reclassification of this site to M-D zoning would allow potentially incompatible uses adjacent to the developed R-E (RNP-I) single family residential neighborhood to the east and to the existing hospice care facility on the parcel to the north. Although the project will not have an adverse effect on public facilities and services, the project does not comply with other applicable adopted plans, goals, and policies. Staff finds that the proposed request does not satisfy all of the requirements of a compelling justification to warrant approval of the nonconforming zone boundary amendment to M-D zoning; therefore, staff recommends denial of 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.

Waivers of Development Standards #1 & #2

Staff finds the proposed reduction of the interior side setback along the north property line from 20 feet to 2.5 feet to be excessive and inappropriate. A hospice care facility is located on the parcel to the north which could be considered as a quasi-residential use and, therefore, should be buffered and protected from the proposed industrial use as much as possible. The applicant states that the existing landscaping and wall along the property line on the adjacent parcel to the north is an adequate buffer. Staff does not agree with this assessment as the landscaping consists primarily of shrubs and Italian Cypress trees which provide minimal screening. With the proposed project being a nonconforming zone change request, the burden should be upon the applicant to provide adequate screening and buffering to adjacent less intensive uses.

Waiver of Development Standards #3

Staff cannot support the request to eliminate the 5 foot wide sidewalk between the building and parking area. The sidewalk would allow for a safe path for pedestrians to walk from the parking area to the main entrance located on the west side of the buildings, instead of having to walk within the drive aisle. The 2 foot gap between the building and the parking area created by the wheel stop is not an adequate width for pedestrians to walk in. Furthermore, if the sidewalk were to be provided, there would be no need for the design review request for alternative parking lot landscaping since the parking lot islands could actually be used for landscaping instead of being an un-landscaped open area in front of the building doors.

Design Reviews #1 & #2

Staff cannot support the design review requests. The proposed design of the site is not compatible with the adjacent properties to the north and east, especially with the associated waivers. The proposed concrete tilt-up buildings with flat parapet roofing are not harmonious with the existing buildings on the adjacent properties to the north and east which are residential in appearance with pitched tile roofing. Furthermore, the loading areas with overhead roll-up doors on the east side of the buildings will adversely impact the adjacent residential to the east. Additionally, staff finds that the applicant could comply with the parking lot landscaping required per Figure 30.64-14, but cannot due to the waiver request to eliminate the sidewalk between the building and parking area.

Public Works - Development Review

Waiver of Development Standards #4

Staff cannot support the reduction of throat depth for the Jones Boulevard driveway. Vehicles will come to an immediate conflict with parking stalls. Staff recommends the removal of some parking stalls to meet or exceed the minimum standard for throat depth. However, with the site being over-developed, a parking waiver would then need to be added, which would create additional concerns for staff.

Waiver of Development Standards #5

Staff cannot support the reduction of the departure distance to the driveway on Jones Boulevard. The reduction, when reviewed with waiver #4, will cause stacking of vehicles on Jones Boulevard, increasing the potential for collisions.

Design Review #3

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. However, since staff cannot support this application in its entirety, staff cannot support 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 30.48.120 of the Clark County Unified Development Code, the Federal Aviation Administration (FAA) must be notified of the proposed construction or alteration.

Staff Recommendation

Denial. This item will be forwarded to the Board of County Commissioners' meeting for final action on October 19, 2022 at 9:00 a.m., unless otherwise announced.

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:

Current Planning

If approved:

- Resolution of Intent to complete in 3 years;
- 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 is currently rewriting Title 30 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 new application for a nonconforming zone boundary amendment may be required in the event the building program and/or conditions of the subject application are proposed to be modified in the future; a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; and that 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;
- 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;
- Right-of-way dedication to include 20.5 feet to the back of curb for Teco Avenue and associated spandrel;

- 30 days to coordinate with Public Works - Design Division and to dedicate any necessary right-of-way and easements for the Jones Boulevard improvement project.
- 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; that the installation of detached sidewalks will require the vacation of excess right-of-way or the dedication to the back of curb 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; and that minimum driveway width must be measured from lip of gutter to lip of gutter.

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 and reference POC Tracking #0304-2022 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

TAB/CAC: Spring Valley - denial.

APPROVALS:

PROTESTS:

APPLICANT: ELISHA ATIAS

CONTACT: LEBENE OHENE, 520 S. FOURTH STREET, LAS VEGAS, NV 89101