

06/22/22 BCC AGENDA SHEET

FUTURE INDUSTRIAL DEVELOPMENT
(TITLE 30)

DEAN MARTIN DR/AGATE AVE

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

ZC-22-0240-PY PROPERTIES, LLC & MTG LIVING TRUST:

ZONE CHANGE to reclassify 5.7 acres from an R-E (Rural Estates Residential) Zone to an M-D (Designed Manufacturing) Zone.

Generally located on the east side of Dean Martin Drive and the north side of Agate Avenue (alignment) within Enterprise (description on file). JJ/md/ja (For possible action)

RELATED INFORMATION:

APN:

177-20-104-010; 177-20-104-012; 177-20-104-013; 177-20-104-015

LAND USE PLAN:

ENTERPRISE - BUSINESS EMPLOYMENT

BACKGROUND:

Project Description

General Summary

- Site Address: 9060 & 9080 Dean Martin Drive
- Site Acreage: 5.7
- Project Type: Future industrial development

History & Request

In 2018, the applicant submitted a conforming zone change request to an M-D zoning district with a design review for 2 office/warehouse buildings via ZC-18-0660. The Board of County Commissioners (BCC) conducted a public hearing for ZC-18-0660 in December 2018 and denied the application without prejudice. The applicant subsequently filed an action in state district court. During the litigation, it came to the parties' attention that KB Homes was interested in purchasing the property for a single family residential development, NZC-22-0229, which is a related item on this agenda. As a result, the parties entered negotiations and arrived on a Settlement Agreement that was approved in April 2022. The proposed Settlement Agreement includes several contingencies which center on whether or not KB Homes completes the purchase of the property. The agreement requires that the BCC consider and potentially approve 2 zone changes simultaneously, both subject to a resolution of intent, one for single family residential zoning district and the other for the M-D district. If KB Homes completes the purchase of the property, then the Settlement Agreement provides that the property will be zoned for single family residential development and the court case dismissed. Alternatively, if KB

Homes does not complete the purchase of the property, then the subject property will be zoned with the M-D zoning district and the court case dismissed. The applicant is now requesting a conforming zone boundary amendment without plans from an R-E zone to an M-D zone per the stipulations contained within the Settlement Agreement.

Applicant's Justification

The applicant states the conforming zoning change to an M-D zoning district is in accordance with the Settlement Agreement approved by the BCC in April 2022.

Prior Land Use Requests

Application Number	Request	Action	Date
AG-22-900179	Settlement Agreement	Approved by BCC	April 2022
ZC-18-0660	Reclassified from R-E to M-D zoning, waivers to reduce throat depth and design reviews for 2 office/warehouse buildings with increased finished grade	Denied by BCC	December 2018
VS-0183-12	Vacated and abandoned a portion of Agate Avenue - recorded	Approved by BCC	June 2012
WS-0181-12	Appealed the administrative denial of an off-site improvement bond extension of time	Approved by BCC	June 2012
ZC-0336-09	Reclassified the site from R-E to C-2 zoning - expired	Approved by BCC	June 2009
ZC-0616-08	Reclassified to H-1 zoning for a hotel and shopping center	Withdrawn at BCC	August 2008
VS-0617-08	Vacated and abandoned a portion of Agate Avenue - expired	Approved by BCC	June 2008
VS-1063-03	Vacated and abandoned government patent easements on the east half of the site and a driveway that was dedicated as a right-of-way	Approved by PC	September 2003

Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North	Low-Intensity Suburban Neighborhood (up to 5 du/ac)	R-E	Single family residential & place of worship
South	Low-Intensity Suburban Neighborhood (up to 5 du/ac)	R-E & R-2	Undeveloped
East	Entertainment Mixed-Use	H-2 & R-3	I-15, undeveloped with an off-premises advertising sign, & multiple family residential (townhomes) east of I-15

Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
West	Ranch Estate Neighborhood (up to 2 du/ac)	R-E (RNP-I)	Single family residential

The site and the surrounding properties are within the Public Facilities Needs Assessment (PFNA) area.

Related Applications

Application Number	Request
NZC-22-0229	A nonconforming zone change to reclassify 8.6 acres to an R-2 zone for a proposed single family residential development is a related item on this agenda.
VS-22-0233	A request to vacate patent easements is a related item on this agenda.
TM-22-500079	A tentative map for a 46 lot single family residential development is a related 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

This is a request for a conforming zone change and staff finds that this application is compatible with the Business Employment land use designation and appropriate for both the project site and the surrounding area. The project site is located immediately adjacent to a collector street, Dean Martin Drive, and south of developed parcels with planned land use designations of Business Employment and Low Intensity Suburban Neighborhood. The Business Employment land use category provides for concentrated areas of employment and ancillary commercial uses, including opportunities for stand-alone office parks or single user campus facilities. Furthermore, the Business Employment category applies to areas where professional and/or warehouse office developments are designed to assure minimal impact on the surrounding areas and land uses. Staff finds the proposed zone change is compatible with the surrounding land uses; therefore, recommends approval subject to a design review as a public hearing on final plans for the project site.

Staff Recommendation

Approval.

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

- Resolution of Intent to complete in 3 years;
- Design review as a public hearing on final plans.
- Applicant is advised that a standard development agreement will be required with future development 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; 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 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 shall be required with future development as determined by Public Works - Development Review;
- Traffic study shall be required with future development as determined by Public Works - Development Review;
- Full off-site improvements shall be required with future development as determined by Public Works - Development Review.

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 #0239-2018 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

TAB/CAC: Enterprise - denial.

APPROVALS:

PROTESTS:

APPLICANT: PAIGE YAHRAUS

CONTACT: PY PROPERTIES, LLC, 621 VIA LINDA CT, LAS VEGAS, NV 89144