

12/07/21 PC AGENDA SHEET

OFFICE/WAREHOUSE  
(TITLE 30)

MOHAWK ST/SOBB AVE

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**NZC-21-0606-BEDROSIAN FAMILY TRUST & BEDROSIAN EDMUND V. & AIDA TRS:**

**ZONE CHANGE** to reclassify 2.5 acres from an R-E (Rural Estates Residential) (AE-65) Zone to an M-D (Designed Manufacturing) (AE-65) Zone.

**WAIVER OF DEVELOPMENT STANDARDS** to reduce throat depth.

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

Generally located on the east side of Mohawk Street and the north side of Sobb Avenue (alignment) within Spring Valley (description on file). MN/jvm/ja (For possible action)

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RELATED INFORMATION:

**APN:**

163-36-701-009

**WAIVER OF DEVELOPMENT STANDARDS:**

Reduce throat depth to 5 feet 10 inches where 25 feet is required per Uniform Standard Drawing 222.1 (a 76.8% reduction).

**DESIGN REVIEWS:**

1. Office/warehouse.
2. Alternative parking lot landscaping.
3. Increase finished grade to 36 inches where a maximum of 18 inches is the maximum allowed per Section 30.32.040 (a 100% increase).

**LAND USE PLAN:**

SPRING VALLEY - OFFICE PROFESSIONAL

**BACKGROUND:**

**Project Description**

General Summary

- Site Address: N/A
- Site Acreage: 2.5
- Project Type: Office/warehouse
- Number of Stories: 1
- Building Height (feet): Up to 37

- Square Feet: 37,000
- Parking Required/Provided: 56/58

### **Neighborhood Meeting Summary**

The applicant mailed out the required notices to surrounding property owners within a 1,500 foot radius notifying the property owners of a virtual meeting on April 15, 2021. Three neighbors attended the meeting, and topics discussed included traffic on Mohawk Street and Post Road, as well as opposition to nonconforming zone changes in general.

### **Site Plans**

The plans depict a 2.5 acre site located in the northeast quadrant of the intersection of Mohawk Street and Sobb Avenue. Access to the site is being proposed by 2 driveways on Mohawk Street. The building is situated in the southeast corner of the parcel, with the majority of the parking located to the west and north of the building. Three grade level bay doors and 6 dock level doors are shown on the north side of the building. A trash enclosure is shown near the northern entrance to the property and the bike racks are depicted on the west side of the building. A throat depth of 5 feet 10 inches is being proposed where 25 feet is required necessitating a waiver of development standards.

### **Landscaping**

A 10 foot wide landscape planter behind an attached sidewalk is shown along Mohawk Street with 24 inch box trees spaced 20 feet on center and including required shrubs and groundcover. Additional landscaping is shown along the majority of the south property line and adjacent to the west side of the building. The applicant is proposing to eliminate 5 planter fingers in the parking lot, thus a design review for alternative landscaping is required. The applicant is proposing to include the eliminated trees in the perimeter landscape areas.

### **Elevations**

The elevations depict a 37 foot tall building to the top of the parapet wall. The building will be constructed of concrete tilt-up panels painted various shades of grey. The north elevation depicts both grade doors and loading docks.

### **Floor Plans**

The floor plans show a 37,000 square foot area composed of an open warehouse area with 2 office areas with restrooms and a reception area shown in the southwest corner of the building.

### **Signage**

Signage is not a part of this request.

### **Applicant's Justification**

The applicant states that the Spring Valley Land Use Plan was last updated in 2014 and due to the COVID-19 pandemic the 2020 update was cancelled. There have been changes in the area in the last several years, specifically the property directly to the east was approved for office warehouse (NZC-17-1103) in March, 2018. In addition, several properties in the general area are either planned or zoned for similar type developments, therefore this request is appropriate. The applicant also indicates that pursuant to the general policies of the new Urban Land Use Policies,

Policy 10 “encourages site design to be compatible with adjacent land use and off-site circulation patterns.” Here the site is located near other developed and planned warehouse sites. As such, the overall site design meets the goals and policies set forth in the Urban Land Use Policies.

### **Surrounding Land Use**

	<b>Planned Land Use Category</b>	<b>Zoning District</b>	<b>Existing Land Use</b>
North	Office Professional	R-E	Undeveloped
South	Business and Design/Research Park	R-E	Undeveloped
East	Office Professional	M-D	Under construction office/warehouse
West	Rural Neighborhood Preservation (up to 2 du/ac)	R-E	Undeveloped

### **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 that the Spring Valley Land Use Plan was last updated in 2014 and due to the COVID-19 pandemic the 2020 update was cancelled. There have been changes in the area in the last several years, specifically the property directly to the east was approved for office warehouse (NZC-17-1103) in March, 2018. In addition, several properties in the general area are either planned or zoned for similar type developments; therefore, this request is appropriate.

Staff finds that while there have been some changes approved in the area, the intent of the OP (Office Professional) Land Use Designation on the eastside of Mohawk Street was to provide a buffer between the higher intensity designations to the east and the Rural Neighborhood Preservation area to the west. By eliminating the office professional designation on the eastside of Mohawk Street and allowing a change to office/warehouse, a negative impact to the planned RNP area will occur by introducing large truck traffic into the area and eliminating the buffer as planned.

- 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.*

The applicant indicates that with the current and planned development for warehouse uses in the area, the intensity of this proposed use is compatible with the surrounding area. There are numerous existing warehouse facilities to the east, including the approval of NZC-17-1103. Thus, overall, the intensity is compatible with the area.

Staff finds that the proposed project on the subject site is not compatible with the surrounding area. The introduction of large trucks into the area will create a negative impact on the established Rural Neighborhood Preservation areas to the west and northwest of the subject site. Also, even though a nonconforming zone change to office/warehouse on the parcel to the east was approved, that development is taking access from a cul-de-sac bulb on Edmond Street, which has no direct access to the Rural Neighborhood Preservation area.

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 the proposed zone change will not result in any additional impacts on the surrounding infrastructure not already contemplated in the area.

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

The applicant indicates that pursuant to the general policies of the new Urban Land Use Policies, Policy 10 “encourages site design to be compatible with adjacent land use and off-site circulation patterns.” Here the site is located near other developed and planned warehouse sites. As such, the overall site design meets the goals and policies set forth in the Urban Land Use Policies.

Staff finds that the project does not meet Urban Land Use Policy 10, even though the building design and site layout may be compatible with projects to the east of the subject site, the design and off-site circulation will be detrimental to the Rural Neighborhood Preservation development to the west of the subject site by introducing large trucks into the area.

## **Summary**

### **Zone Change & Design Reviews #1 & #2**

Staff finds that there have been no changes in law, policies, and trends that make this request appropriate for the area. The reclassification of the site to an M-D zone would allow the proposed facility within a zoning district that is not compatible with existing uses immediately to the west of this site, and the project conflicts with several applicable goals and policies established by the Comprehensive Master Plan. The intrusion of an industrial warehouse use and associated truck traffic in an area that is predominantly residential to the west and northwest, without an appropriate transitional space or use, could create future land use conflicts and cannot be justified nor is it appropriate. Therefore, staff finds the applicant has not provided a compelling justification for the proposed zone change and design reviews, and staff cannot support these requests.

### Waiver 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.

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

#### Waiver of Development Standards

Staff finds that the reduced throat depth on the southern driveway will have minimal impacts to traffic on Mohawk Street. The northern driveway presents more complexities as immediately upon entry to that driveway, driveways are faced with a choice of either turning right to access parking spaces or going straight through the sliding gates to access the loading docks and the parking spaces behind the gate. Additionally, the placement of the trash enclosure will result in an additional impediment to the smooth flow of traffic through the site. Therefore, staff cannot support this request.

#### 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 Planning is not supporting the request in its entirety, staff cannot support this request.

### **Department of Aviation**

The development will penetrate the 100:1 notification airspace surface for McCarran 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.

The property lies within the AE-65 (65-70 DNL) noise contour for McCarran 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 McCarran International Airport facilities to meet future air traffic demand.

### **Staff Recommendation**

Denial. This item will be forwarded to the Board of County Commissioners' meeting for final action on January 5, 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 Comprehensive 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 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;
- Full off-site improvements;
- Right-of-way dedication to include 30 feet for Mohawk Street;
- Provide paved legal access;
- Vacate any unnecessary easements.
- 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;
- 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; 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.

**Building Department - Fire Prevention**

- Applicant is advised that fire/emergency access must comply with the Fire Code.

**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 #0392-2021 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:** PETERSEN MANAGEMENT, LLC

**CONTACT:** DC PETERSEN PROFESSIONAL CONSULTANTS, LLC, 5052 S. JONES BOULEVARD, SUITE 110, LAS VEGAS, NV 89118