

09/20/22 PC AGENDA SHEET

INDUSTRIAL COMPLEX
(TITLE 30)

RAINBOW BLVD/LEVI AVE

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

NZC-22-0425-I20 RAINBOW, LLC:

ZONE CHANGE to reclassify 15.0 acres from an M-D (Designed Manufacturing) Zone to an M-1 (Light Manufacturing) Zone in conjunction with a previously approved industrial complex.

Generally located on the east side of Rainbow Boulevard and the south side of Levi Avenue within Enterprise (description on file). JJ/rk/syp (For possible action)

RELATED INFORMATION:

APN:

176-35-201-001 through 176-35-201-003

LAND USE PLAN:

ENTERPRISE - BUSINESS EMPLOYMENT

BACKGROUND:

Project Description

General Summary

- Site Address: N/A
- Site Acreage: 15
- Project Type: Industrial complex
- Square Feet: 99,926 (total building area)
- Parking Required/Provided: 147/159

Neighborhood Meeting Summary

The applicant conducted a neighborhood meeting at the Enterprise Library on June 2, 2022, as required by the nonconforming amendment process, prior to formal filing of this application. All owners within 1,500 feet of the project site were notified about the meeting. There were 8 attendees present at the open house meeting for this project. The attendees had general questions about possible uses that would be options for future tenants and if there would be any flammable and/or hazardous materials kept within any of the buildings. Overall, according to the applicant the attendees seemed pleased with the quality of the project and were supportive of the zone change.

Project History & Description

This application is a zone boundary amendment to reclassify the property from M-D to M-1 zoning. The site layout and M-D zoning were recently approved under ZC-21-0191 in July

2021. This request is strictly for a zone boundary amendment, as the site layout and design have not changed from the plans on file from 2021.

Site Plan

The previously approved site plan depicts a proposed industrial complex on the south side of Levi Avenue (alignment) and the east side of Rainbow Boulevard. There are 3 parcels which make-up the entire 15 acres of the proposed industrial complex. On the site there is an existing Union Pacific Railroad (UPRR) easement that is 100 feet wide and runs north to southeast through the proposed development. The development proposed 11 office warehouse buildings. Each building has its own dedicated loading zones, trash enclosures, and gated yard area with parking spaces. A site plan was provided to show semi-truck maneuverability throughout the site. Pedestrian walkways are located throughout the site and connect the buildings for pedestrian accessibility. Access to the site is provided via 2 proposed commercial driveways along the west property line, adjacent to Rainbow Boulevard. Additionally, the applicant requested waivers of development standards to reduce setback, eliminate landscaping on a portion of the site, increase retaining wall height and reduce driveway throat depth. All the waivers were approved along with the M-D zoning request.

Applicant's Justification

The applicant indicates due to the prominence of developments with light office/warehouse uses, there has been a deficiency left in the number of industrial developments which are able to accommodate indoor manufacturing and assemblage, and related storage and distribution within these businesses. In addition to the scarcity of these types of industrial developments, recently construction cost has become an issue as well. The escalating costs of construction have made it very difficult for smaller individual, freestanding building projects to come along due to the high cost of building such projects. These trends and factors have contributed toward the need for light indoor manufacturing to be brought to the southwest market. Additionally, the change from M-D to M-1 zoning will be so minor in scope, that virtually all activity observed from the outside will remain the same and will not affect surrounding areas.

Prior Land Use Requests

Application Number	Request	Action	Date
ZC-21-0191	Reclassified this site to M-D zoning for an industrial complex	Approved by BCC	July 2021
PA-21-700002	Transportation element amendment for Erie Avenue	Approved by BCC	July 2021
VS-21-0190	Vacated and abandoned easements	Approved by BCC	July 2021
TM-21-500047	1 lot commercial subdivision	Approved by BCC	July 2021
ADR-1150-07	Allowed a communication tower	Approved by ZA	August 2007
ZC-1386-01	Reclassified APN 176-35-201-003 from R-E to M-D zoning for an office/warehouse building - expired	Approved by BCC	March 2002

Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North	Business Employment	R-E	Undeveloped & Union Pacific Railroad
South	Open Lands	R-E	Undeveloped & Union Pacific Railroad
East	Public Use	R-E & P-F	Desert Oasis High School & undeveloped western portion
West	Mid-Intensity Suburban Neighborhood (up to 8 du/ac) & Neighborhood Commercial	R-E (ROI & RUD)	Undeveloped

The subject site is within the Public Facilities Needs Assessment (PFNA) area.

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.*

This development is located adjacent to an existing Union Pacific Railroad (UPRR) easement that is 100 feet wide and runs north to southeast through the proposed development. Most of the properties in this area of Enterprise which abut the railroad are zoned M-1 because those properties act as natural buffers to the surrounding areas. Therefore, the proposed M-1 zoning is appropriate for the location and character of the immediate area.

- 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 intensity of the proposed zone change is compatible with existing planned land uses of the surrounding area. The project is buffered by the railroad easement to the east, the 110 feet of right-of-way to the west, 100 feet of right-of-way to the south encompassing the newly constructed pedestrian bridge, and to the north a BLM parcel which is burdened by the outflow of a large drainage channel. Therefore, the land use and intensity proposed with this application is consistent and compatible with the properties east of Rainbow Boulevard.

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 proposed zone change will not result in any additional impacts on surrounding infrastructure not already contemplated in the area. There has been no indication from service providers that this request will have a substantial adverse effect on public facilities and services. Various Clark County service departments have reviewed the development proposal based on the information submitted by the applicant, and based on the comments received from those service providers, the project is not anticipated to have additional impacts on the surrounding infrastructure.

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

Policy 5.5.1 states in part to designate and support the development of Industrial and Employment uses in areas that are proximate to major air, rail, and highway facilities. The vacant parcel is within an area serviced by public utilities, and a nonconforming zone change to M-1 zoning would make the parcel more viable for development. Appropriate buffers, setbacks, landscaping, building height and materials, and adjoining land uses and densities should be considered and integrated into industrial developments. The buildings have been oriented in such a way to help ensure the loading and storage areas are located near the center of the site and will not affect the surrounding neighborhood.

Summary

The proposed nonconforming zone boundary amendment is appropriate since a changing economy necessitates the M-1 zoning to accommodate more manufacturing and assemblage, and related storage and distribution. Also, the intensity of uses allowed in an M-1 zone is compatible with the surrounding areas east of Rainbow Boulevard. Lastly, the proposed nonconforming zone boundary amendment will not adversely impact public utilities and services, and it conforms to applicable adopted plans, goals, and policies. Therefore, staff can support approval of the nonconforming zone boundary request.

Staff Recommendation

Approval. 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

- Resolution of Intent to complete the waivers of development standards and design reviews per ZC-21-0191 in 3 years;

- 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.
- 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

- Comply with approved drainage study PW21-13072;
- Full off-site improvements;
- Right-of-way dedication to include 55 feet to the back of curb for Rainbow Boulevard;
- 30 days to coordinate with Public Works - Design Division and to dedicate any necessary right-of-way and easements for the Rainbow Boulevard improvement project.
- Applicant is advised that the installation of detached sidewalks will require dedication to back of curb and granting necessary easements for utilities, pedestrian access, streetlights, and traffic control.

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 #0193-2021 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

TAB/CAC: Enterprise - approval.

APPROVALS:

PROTESTS:

APPLICANT: JASON LYBBERT

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