11/01/22 PC AGENDA SHEET

UPDATE

OFFICE/WAREHOUSE
(TITLE 30)

SANTA MARGARITA ST/POST RD

PUBLIC HEARING
APP. NUMBER/OWNER/DESCRIPTION OF REQUEST
NZC-22-0496-ALL AMERICAN CAPITAL CORPORATION:

HOLDOVER ZONE CHANGE to reclassify 2.5 acres from 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)** permit access to a local street where not permitted; **2)** allow modified CMA Design Overlay District Standards; and **3)** modified driveway design standards.
DESIGN REVIEWS for the following: **1)** office/warehouse; and **2)** finished grade in the CMA Design Overlay District.

Generally located on the east side of Santa Margarita Street and the north side of Post Road within Spring Valley (description on file). MN/md/syp (For possible action)

RELATED INFORMATION:

APN:
163-35-301-026

WAIVERS OF DEVELOPMENT STANDARDS:
1. Permit access to a local street (Santa Margarita Street) where developments shall not access local streets per Table 30.56-2.
2. Allow building facades greater than 100 horizontal feet in length where not permitted per Section 30.48.650.
3. Reduce the throat depth for proposed driveways to 8 feet where a minimum depth of 25 feet is required per Uniform Standard Drawing 222.1 (a 68% reduction).

DESIGN REVIEWS:
1. Office/warehouse building.
2. Increase finished grade to 72 inches where a maximum of 36 inches is the standard per Section 30.32.040 (a 100% increase).

LAND USE PLAN:
SPRING VALLEY - NEIGHBORHOOD COMMERCIAL

BACKGROUND:

Project Description

General Summary

- Site Address: N/A
- Site Acreage: 2.5
- Project Type: Office/warehouse
- Number of Stories: 2
- Building Height (feet): 40
- Square Feet: 37,000
- Parking Required/Provided: 56/61

Neighborhood Meeting Summary

This request is for a nonconforming zone change to reclassify 2.5 acres from an R-E zoning district to an M-D zoning district for a proposed office/warehouse building. The applicant conducted a neighborhood meeting on April 18, 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. One neighbor attended the meeting and asked general questions about the project and application.

Site Plans

The plans depict a 2 story office/warehouse building located on a project site consisting of 2.5 acres. The office/warehouse building has been designed with the following setbacks: 1) 85 feet from the north property line; 2) 62 feet from the south property line, adjacent to Post Road; 3) 60 feet from the west property line, adjacent to Santa Margarita Street; and 4) 41 feet from the east property line. Four loading docks are located along the north side of the building, oriented away from the right-of-way. Five foot wide detached sidewalks are proposed along Post Road and Santa Margarita Street. Access to the project site is granted via a single driveway along Post Road and Santa Margarita Street. A waiver of development standards is required to reduce the throat depth to 17 feet and 8 feet along Post Road and Santa Margarita Street, respectively. A waiver of development standards is also required to permit access to a local street, Santa Margarita Street. The proposed development requires 56 parking spaces where 61 parking spaces have been provided. An increase to finished grade is also part of this request, with the largest increase occurring within the north half of the site.

Landscaping

The plans depict a 15 foot wide landscape area, including a 5 foot wide detached sidewalk, located adjacent to Post Road and Santa Margarita Street. The street landscape area consists of 24 inch box trees, planted 20 feet to 30 feet on center, in addition to shrubs and groundcover. A 10 foot wide landscape area, with 24 inch box large Evergreen trees, is provided along the north property line adjacent to the undeveloped parcel. Interior parking lot landscaping is equitably distributed throughout the parking lot.

Elevations

The plans depict a 2 story office/warehouse building with a maximum height of 40 feet to the top of the parapet wall. A waiver of development standards is required to allow a building façade

greater than 100 horizontal feet in length for the east, west, and south sides of the building. The elevations of the building consist of concrete tilt-up paneling painted with neutral colors in a gray palette, in addition to an aluminum storefront window system with overhead metal canopies. Two at grade and 4 below grade overhead roll-up doors, which are not visible from the right-of-way, are located on the north elevation of the building.

Floor Plans
The plans depict an office/warehouse building consisting of 31,000 square feet on the first floor with an additional 6,000 square feet on the mezzanine level.

Signage
Signage is not a part of this request.

Applicant's Justification
The applicant indicates several parking spaces were removed from the initial plans along the northern side of the site to provide safer on-site maneuvering which in turn reduces any conflicts on the public right-of-way. The access along Post Road will be used for employees and customers in cars while the Santa Margarita Street access will be for trucks for easier access to the loading docks on the north side of the building. Appropriate signage will be added to ensure each driveway is accessed by the appropriate vehicles. The applicant states the request is justified because the site has 2 different driveways to separate the truck traffic and car traffic.

It is unlikely the parcels along Santa Margarita Street will develop as single family residential. There is an existing church at the corner of Santa Margarita Street and Patrick Lane, which includes a driveway onto Santa Margarita Street. The parcel to the south was previously approved to C-P zoning. The parcel directly to the north of the site is owned by the Department of Aviation. Therefore, the request for a driveway will not negatively impact residential homes as there are no homes that currently exist on Santa Margarita Street, nor is it likely there will be in the future. The applicant states the building façade length is justified as the proposed building is similar in design and size to other existing warehouse buildings in the immediate area and; therefore, is harmonious and compatible.

Surrounding Land Use

	Planned Land Use Category	**Zoning District**	**Existing Land Use**
North & East	Open Lands	R-E	Undeveloped
South	Corridor Mixed-Use	M-D	Warehouse
West	Neighborhood Commercial	C-P	Office complex

Related Applications

Application Number	**Request**
VS-22-0497	A vacation and abandonment for patent 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
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 overall trend in the area, and Clark County in general, has substantially changed when it comes to the need and viability of commercial uses. There are significant numbers of vacant commercial buildings and businesses struggling to stay open along Rainbow Boulevard. Commercial uses to match the underlying Master Plan would not be viable at the site as it does not front onto Rainbow Boulevard. Additionally, the parcel directly south of the site was recently approved to be rezoned from C-2 to M-D. Rather than building additional commercial, which will struggle to survive, bringing in a use to provide the needed warehouse square footage that has been highly sought after throughout the Las Vegas Valley, will not only help Clark County as a whole, but will help many residents searching for jobs in the area.

Immediately to the north of the project site is an undeveloped parcel zoned R-E with a planned land use of Open Lands. Approximately 330 feet to the north of the project site is an undeveloped R-E zoned parcel with a planned land use of Ranch Estate Neighborhood. This parcel was reclassified to a C-P zoning district for a major training facility and office complex by the Board of County Commissioners (BCC) via NZC-18-0813 in January 2019. To the west of the proposed development, across Santa Margarita Street, is an existing office complex zoned C-P with a planned land use of Neighborhood Commercial. To the east of the proposed development is an undeveloped R-E zoned parcel with a planned land use of Open Lands. To the south of the project site, across Post Road are developed and developing parcels zoned M-D with a planned land use of Business Employment. Furthermore, to the southwest of the project site, across Post Road, is a developed M-D zoned parcel with a warehouse that was approved by the (BCC) via NZC-20-0018 in May 2020. The west side of Santa Margarita Street predominantly consists of C-P, C-1, and C-2 zoning districts while the south side of Post Road is zoned M-D with warehouse and industrial developments. Santa Margarita Street and Post Road, respectively, function as a boundary between the existing commercial and industrial development to the west and south and the undeveloped and developed parcels with planned for Ranch Estate Neighborhood and Open Lands to the east and north. Approximately 740 feet to the northeast of the project site is a semi-developed single family residential neighborhood with densities up to 2 dwelling units per acre. The proposed nonconforming zone boundary amendment to an M-D zoning district is not consistent or compatible with the surrounding land

uses to the north and northeast. Staff finds there has not been a change in law, policies, trends, or facts within the immediate area which makes the proposed nonconforming zone boundary amendment appropriate.

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 the site is surrounded by existing C-1, C-2, and C-P uses, as well as large M-D developments to the south. The additional warehouse building, which is significantly smaller than many of the existing warehouses in the area, will not negatively impact the existing uses or surrounding property owners. The proposed M-D zoning designation will bring less traffic to the site than commercial; therefore, providing a less intense overall use to the community.

Immediately to the north of the project site is an undeveloped parcel zoned R-E with a planned land use of Open Lands. Approximately 330 feet to the north of the project site is an undeveloped R-E zoned parcel with a planned land use of Ranch Estate Neighborhood. This parcel was reclassified to a C-P zoning district for a major training facility and office complex by the Board of County Commissioners (BCC) via NZC-18-0813 in January 2019. To the west of the proposed development, across Santa Margarita Street, is an existing office complex zoned C-P with a planned land use of Neighborhood Commercial. To the east of the proposed development is an undeveloped R-E zoned parcel with a planned land use of Open Lands. To the south of the project site, across Post Road are developed and developing parcels zoned M-D with a planned land use of Business Employment. Furthermore, to the southwest of the project site, across Post Road, is a developed M-D zoned with a warehouse that was approved by the (BCC) via NZC-20-0018 in May 2020. The M-D zoning district permits multiple land uses by right, such as a dry cleaning plant, food processing, ice and cold storage plant, and sign manufacturing, all of which may not be compatible with the surrounding residential and neighborhood commercial uses. Therefore, staff finds that the density and intensity of the office/warehouse building is not compatible with the existing and planned land uses to the north and northeast of the project site.

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.*

According to the applicant, the proposed zone change will not result in any additional impacts on surrounding infrastructure not already contemplated and currently existing in the area. The proposed use will not add any additional students to the surrounding schools or impact the utilities already in place along the existing right-of-ways.

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.*

The applicant states Policy 1.3.5 of the County wide goals and policies, encourages neighborhood improvements. Here, the proposed nonconforming zone change would allow for the construction of both the right-of-ways for Post Road and Santa Margarita Street in the area, providing more complete infrastructure in the area. Furthermore, Policy 1.6.3 encourages economic opportunity, the proposed project does just that. Not only will the project bring short term construction jobs, but it will also provide many long term and permanent jobs available to Clark County residents. Staff finds the isolated location of the requested M-D zoning, in relation to the surrounding zoning districts to the north and northeast, is not compatible with the existing and planned land uses for Ranch Estates Neighborhood and Open Lands.

Summary

Zone Change

Staff finds that there has not been a change in law, policies, and trends that make this request appropriate for the area. The reclassification of this site to an M-D zoning district for the proposed project would allow potentially incompatible uses with the developed and undeveloped parcels in the surrounding area with a planned land use of Ranch Estate Neighborhood and Open Lands. Staff finds that the proposed request does not satisfy all the requirements of a compelling justification to warrant approval of the nonconforming zone boundary amendment to M-D zoning; therefore, staff recommends denial.

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 intent of not allowing non-residential development to access a local street is to ensure commercial traffic does not adversely or negatively impact the surrounding land uses and properties. Staff is concerned the introduction of additional commercial traffic, including large trucks, may potentially impact Santa Margarita Street. Therefore, staff recommends denial.

Waiver of Development Standards #2 & Design Review #1

The intent of the CMA Design Overlay District is to encourage and promote a high quality level of development that produces a stable environment in harmony with existing and future developments and protects the use and enjoyment of neighboring properties. Staff cannot support the request for the uninterrupted building facades greater than 100 feet in length. Variations to the parapet wall height and/or pop-out columns could potentially break-up the building facades. This request is a self-imposed burden; therefore, staff cannot support waiver of development standards #2. Furthermore, staff is particularly concerned with the intensity of the proposed uses that could potentially occupy the office/warehouse building. Therefore, since staff is not supporting the nonconforming zone change and associated waivers of development standards, staff cannot support the design review.

Public Works - Development Review

Waiver of Development Standards #3

Staff has no objection to the reduction in throat depth for the driveways on Santa Margarita Street and Post Road. Both streets are 60 foot wide local streets. Additionally, the 2 driveways should see equal use, further mitigating potential impacts from the reduced throat depth. However, since Planning is recommending denial of this application, staff cannot support this request.

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. However, since Planning is recommending denial of this application, staff cannot support this design review.

Staff Recommendation

Denial. This item will be forwarded to the Board of County Commissioners' meeting for final action on November 16, 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 Master Plan area plan amendment and a 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 25 feet to the back of curb for Santa Margarita Street, 25 feet to the back of curb for Post Road, and associated spandrel.
- 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; and 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.

Fire Prevention Bureau

- No comment.

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 #0355-2022 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

TAB/CAC: Spring Valley - approval.
APPROVALS:
PROTESTS: 2 cards, 1 letter

PLANNING COMMISSION ACTION: October 18, 2022 – HELD – 11/01/22 – per the applicant.

APPLICANT: ALL AMERICAN CAPITAL CORPORATION
CONTACT: PARKER SIECK, 1980 FESTIVAL PLAZA DR., SUITE 650, LAS VEGAS, NV 89135