

03/21/23 PC AGENDA SHEET

MULTIPLE FAMILY DEVELOPMENT  
(TITLE 30)

MONTESSOURI ST/WAGON TRAIL AVE

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**PA-23-700004-AXIOM 3, LLC:**

**PLAN AMENDMENT** to redesignate the existing land use category from Business Employment (BE) to Urban Neighborhood (UN) on 4.5 acres.

Generally located on the southwest corner of Montessori Street and Wagon Trail Avenue within Spring Valley. MN/gtb (For possible action)

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RELATED INFORMATION:

**APN:**

176-03-511-003

**LAND USE PLAN:**

SPRING VALLEY - BUSINESS EMPLOYMENT

**BACKGROUND:**

**Project Description**

General Summary

- Site Address: N/A
- Site Acreage: 4.5
- Project Type: Multiple family residential

**Applicant's Justification**

The applicant states the site is planned for Business Employment which contemplates commercial and industrial development and that a commercial use on the site is less desirable because the site is several hundred feet south of Sunset Road and located behind a developed office building. The applicant further states that because the site is proximate to developed commercial uses on the northwest, northeast, and southeast corners, a multiple family use is compatible. The applicant's justification includes a description of nearby uses including existing multiple family and employment opportunities in existing office and warehouse buildings. Further, the applicant contends that the proposed density and residential use is appropriate for the area because the Master Plan encourages the concentration of higher density housing near major employment areas and other services.

The applicant cites the following Master Plan Policies to support their justification: 1.1.2, 1.3.1, SV-1.1, and SV-1.3.

**Prior Land Use Requests**

<b>Application Number</b>	<b>Request</b>	<b>Action</b>	<b>Date</b>
WS-22-0576	Increased freestanding sign height	Approved by BCC	December 2022
WS-19-0776	Increased the height of a freestanding sign - expired	Approved by BCC	November 2019
WS-18-0953	Increased building height to 70 feet and increased the length of the roofline without articulation with a design review for office buildings and a parking garage	Approved by BCC	January 2019
WS-0607-08	Reduced separation between 2 freestanding signs with a design review for a comprehensive sign package - expired	Approved by BCC	December 2008
UC-0586-08	Increased building height and a design review for a professional office complex and parking garage - expired	Approved by BCC	July 2008
ZC-0803-07	Reclassified the northern 2.5 acres to C-2 zoning with a design review for an office complex on 5 acres	Approved by BCC	August 2007
ZC-0759-06	Reclassified the middle 1.3 acres to C-2 zoning for a future commercial development	Approved by BCC	July 2006
ZC-2027-97	Reclassified the southern 1.3 acres to C-2 zoning for a convenience store and gasoline station	Approved by BCC	January 1998

**Surrounding Land Use**

	<b>Planned Land Use Category</b>	<b>Zoning District</b>	<b>Existing Land Use</b>
North & East	Business Employment	M-D	Undeveloped
South	Business Employment	C-2	CC 215, office building, & shopping center
West	Business Employment	R-3	Multiple family development

**Related Applications**

<b>Application Number</b>	<b>Request</b>
ZC-23-0042	A zone change to reclassify the site from C-2 to R-5 zoning with waivers of development standards and design reviews is a companion item on this agenda.

**STANDARDS FOR ADOPTION:**

The applicant shall demonstrate that the proposed request meets the goals and purposes of the Master Plan and Title 30.

**Analysis****Comprehensive Planning**

The applicant requests a change from Business Employment to Urban Neighborhood. Intended primary land uses in the proposed Urban Neighborhood land use designation include single family

attached and detached homes, duplexes, triplexes, fourplexes, townhomes, and multiple family. The intended density in Urban Neighborhood is greater than 18 dwelling units per acre.

#### Characteristics

- Includes a wide variety of attached and detached housing types on small lots.
- Some Urban Neighborhoods include or have direct access to retail, offices, commercial services, and activity centers.
- Density and building height vary based on location specific character (the highest possible density is not always appropriate).
- Amenity rich with quality pedestrian and bicycle infrastructure and feature robust transit service.

Intended primary land uses in the current Business Employment land use designation include office, distribution centers, warehouse/flex space, technology, and light industrial. Supporting land uses in Business Employment include small scale commercial uses, service commercial, and other similar uses. The intended density in Business Employment varies by use with building heights typically ranging from 1 to 5 stories.

#### Characteristics

- Provides for concentrated areas of employment and ancillary commercial uses.
- Includes opportunities for stand-alone office parks or single user campus facilities.
- Concentrated near airports, major transportation corridors, and railroads.
- Loading docks and other more intensive uses should be sited to minimize impacts on adjacent residential neighborhoods and rights-of-way.
- Pedestrian, bicycle, and transit access varies based on uses and location.

Application WS-18-0953, was approved by the Board of County Commissioners in January 2019 for the existing office building on the project site measuring 80,000 square feet with a maximum height of 70 feet. The existing office building constructed immediately south of the project site, is located on APN 176-03-511-002 which will remain classified as Business Employment in a C-2 zoning district. The parcel containing the existing office building is not a part of this request and will not include any site modifications or alterations.

The project site is near several developed retail and commercial centers, offices, and warehouse buildings which indicate an existing development pattern reflective of the Business Employment land use designation. Changing the Business Employment designation to Urban Neighborhood may negatively affect the potential for light industrial and commercial uses that are encouraged in the surrounding Business Employment designation. Policy SV-1.5 of the Master Plan encourages the development of neighborhood oriented retail, office, and commercial services that allow area residents to meet their daily needs and potentially work within close proximity of their homes. By changing the land use designation from Business Employment to Urban Neighborhood it would reduce the potential for continued growth of office, technology, and light industrial uses that could provide jobs to area residents and could also impact the available land for supporting commercial services as intended in the Business Employment designation.

Staff is concerned about the potential precedent that would be created by reclassifying the land use designation of this site to Urban Neighborhood. There does not appear to be existing services that would support this type of high density multiple family residential use. In addition, there is limited space for uses intended in the Business Employment designation, including supporting commercial development, in this area. Policy 5.1.3 of the Master Plan encourages the continued pursuit of new and emerging economic sectors such as technology, manufacturing, engineering, and others. The adjacent parcels to the north and east are planned for industrial uses, which may further have an adverse or detrimental impact on the proposed higher density multiple family residential use. Staff finds the existing land uses in the area are not compatible with the proposed density of this project and the site should remain Business Employment to encourage diverse employment opportunities as encouraged in the Master Plan. Thus, the proposed development in this application is out of character and incompatible with the Business Employment characteristics and related uses envisioned for the area. Staff finds the request for the Urban Neighborhood land use designation is not appropriate for this location. Therefore, staff recommends does not support this request.

### **Department of Aviation**

As stated in the meeting with the project representative in December 2022, the currently planned land use designation is Business Employment (BE), and current zoning is General Commercial (C-2), which permits many airport compatible uses. The proposed land use designation of Urban Neighborhood (UN) and proposed zoning of Apartment Residential - 50 units per acre (R-5), the most dense residential category, would significantly increase the number of residences impacted by aircraft over-flights. Due to this fact, this request is incompatible with current and future noise levels at this location. APN 176-03-511-003 lies fully within the AE-60 (60-65 DNL) noise contour for Harry Reid International Airport and is subject to continuing and significant aircraft noise and over-flights. Future demand for air travel is expected to increase significantly, and the subject property lies beneath flight paths that have been used since the 1960s. Clark County intends to continue to upgrade Harry Reid facilities to meet future air traffic demand. Due to these facts, this plan amendment is incompatible with current and future noise levels present at this location. Staff recommends denial.

### **Staff Recommendation**

Denial. If approved, adopt and direct the Chair to sign a resolution adopting the amendment. This item will be forwarded to the Board of County Commissioners' meeting for final action on April 19, 2023 at 9:00 a.m., unless otherwise announced.

If this request is adopted, 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.

### **STAFF ADVISORIES:**

#### **Department of Aviation**

- Applicant must record a stand-alone noise disclosure form against the land, and provide a copy of the recorded document to the Department of Aviation;

- Applicant must provide a copy of the recorded noise disclosure form to future buyers/renters, separate from other escrow documents, and provide a copy of the document to the Department of Aviation;
- Applicant must provide a map to future buyers/renters, as part of the noise disclosure notice, that highlights the project location and associated flight tracks, provided by the Department of Aviation when property sales/leases commence;
- Incorporate an exterior to interior noise level reduction of 30 decibels into the building construction for the habitable space that exceeds 35 feet in height or 25 decibels into the building construction for the habitable space that is less than 35 feet in height.
- Applicant is advised 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 residents wish to have their buildings purchased or soundproofed.

**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 #0046-2023 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

**TAB/CAC:** Spring Valley - denial.

**APPROVALS:**

**PROTEST:**

**APPLICANT:** AXIOM 3, LLC

**CONTACT:** KAEMPFER CROWELL, 1980 FESTIVAL PLAZA DRIVE, SUITE 650, LAS VEGAS, NV 89135

**RESOLUTION  
OF THE CLARK COUNTY PLANNING COMMISSION  
ADOPTING AN AMENDMENT TO THE SPRING VALLEY LAND USE PLAN MAP OF  
THE  
CLARK COUNTY MASTER PLAN**

**WHEREAS**, pursuant to NRS 278, the Clark County Planning Commission adopted the Clark County Master Plan (Master Plan) on November 16, 2021, and forwarded a copy to the Clark County Board of Commissioners for their consideration; and

**WHEREAS**, pursuant to NRS 278, the Clark County Board of Commissioners adopted the Master Plan on November 17, 2021; and

**WHEREAS**, the Clark County Planning Commission (hereafter referred to as the Planning Commission) is charged with the preparation and adoption of a long-term master plan for the physical development of all unincorporated portions of Clark County, Nevada as specified by the Nevada Revised Statutes, Chapter 278; and

**WHEREAS**, from time to time the Master Plan may need to be amended to facilitate local land use patterns; and

**WHEREAS**, on March 21, 2023, a public hearing was held by the Planning Commission in accordance with Nevada Revised Statute 278.220 regarding an amendment to the Master Plan;

**NOW, THEREFORE, BE IT RESOLVED** that the Planning Commission does adopt and amend the Spring Valley Land Use Plan Map by:

PA-23-700004 - Amending the Spring Valley Land Use Plan Map of the Master Plan on APN 176-03-511-003 from Business Employment (BE) to Urban Neighborhood (UN). Generally located on the southwest corner of Montessori Street and Wagon Trail Avenue within Spring Valley.

**PASSED, APPROVED, AND ADOPTED this 21<sup>st</sup> day of March, 2023.**

**CLARK COUNTY PLANNING COMMISSION**

By: \_\_\_\_\_  
STEVEN D. KIRK, CHAIR

ATTEST:

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NANCY AMUNDSEN  
EXECUTIVE SECRETARY