

03/22/23 BCC AGENDA SHEET

OFFICE/WAREHOUSE BUILDING  
(TITLE 30)

WINDY ST/CAPOVILLA AVE

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**ET-23-400014 (NZC-18-0865)-LMG NEVADA LAND EXPANSION, LLC:**

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

**DESIGN REVIEW** for an office/warehouse building.

Generally located on the northwest corner of Windy Street and Capovilla Avenue within Enterprise (description on file). MN/tpd/syp (For possible action)

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RELATED INFORMATION:

**APN:**

177-05-801-010

**LAND USE PLAN:**

ENTERPRISE - ENTERTAINMENT MIXED-USE

**BACKGROUND:**

**Project Description**

General Summary

- Site Address: N/A
- Site Acreage: 2.5
- Project Type: Office/warehouse building
- Number of Stories: 1
- Building Height (feet): 38
- Square Feet: 32,899
- Parking Required/Provided: 50/51

**Site Plans**

The approved plans depict an office/warehouse building located in the central portion of the site. Parking for the facility is located to the north and west of the building. Access to the site is provided by 2 driveways, with 1 on the southwest corner of the site and the other on the northeast corner. Loading docks for the warehouse area are located on the northwest corner of the building.

### Landscaping

The approved plan depicts a minimum 20 foot wide landscape area with attached sidewalks along Windy Street and Capovilla Avenue consisting of trees, shrubs, and groundcover. A 5 foot wide landscape area consisting of trees, shrubs, and groundcover is provided along the north and west property lines. Landscape fingers are provided within the parking areas for every 6 parking spaces, which also consist of trees, shrubs, and groundcover.

### Elevations

The approved plans show a building that is 1 story with maximum height of 38 feet. The building is constructed of concrete tilt-up panels with a flat roof behind a parapet wall and painted in earth tone colors. The office portion of the building will have an aluminum framed store front with tempered glass doors and windows.

### Floor Plans

The approved plans show a building with a total area of 32,899 square feet, which will consist of 1,300 square feet of office area and 31,599 square feet of warehouse space.

### Signage

Signage is not a part of this request.

### Previous Conditions of Approval

Listed below are the approved conditions for NZC-18-0865:

#### Current Planning

- 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 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;
- Traffic study and compliance;
- Full off-site improvements;
- Right-of-way dedication to include 30 feet for Windy Street, 30 feet for Capovilla Avenue, and the associated spandrel.
- Applicant is advised that patent easements may exist that will interfere with the proposed development.

#### 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;
- 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;
- Incorporate exterior to interior noise level reduction into the building construction as required by Code for use.
- 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 owners wish to have their buildings purchased or soundproofed.

#### Applicant's Justification

The applicant is requesting an extension of time for this project that is necessitated by the impact of the current health crisis on the normal course of business affairs in Clark. A building permit application is currently pending to be submitted. The applicant states that based on these justifications, there has been a change in trends, facts, and policies which makes the request appropriate for the area. The intensity of the project is compatible with other existing developments in this area. The applicant further states that there will be no adverse effect on public facilities and services, and the project conforms to all applicable goals and policies.

#### **Prior Land Use Requests**

<b>Application Number</b>	<b>Request</b>	<b>Action</b>	<b>Date</b>
NZC-18-0865	Reclassified 2.5 acres from R-E to M-D zoning	Approved by BCC	January 2019

#### **Surrounding Land Use**

	<b>Planned Land Use Category</b>	<b>Zoning District</b>	<b>Existing Land Use</b>
North	Entertainment Mixed-Use	R-E	Storage facility
South & East	Entertainment Mixed-Use	R-E	Undeveloped
West	Entertainment Mixed-Use	M-D	Office/warehouse complex

**STANDARDS FOR APPROVAL:**

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

**Analysis****Comprehensive Planning**

Title 30 standards of approval on an extension of time application state that such an application may be denied or have additional conditions imposed if it is found that circumstances have substantially changed. A substantial change may include, without limitation, a change to the subject property, a change in the areas surrounding the subject property, or a change in the laws or policies affecting the subject property. Using the criteria set forth in Title 30, no substantial changes have occurred at the subject site since the original approval.

Since the approval of NZC-18-0865, a drainage study has been approved for this parcel, but no building permits have been initiated by the applicant. Staff recognizes that steps have been taken to proceed with the development, and for this reason staff recommends approval of this request. However, staff will not support another request for an extension if significant progress towards completing the project is not made.

**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:****Comprehensive Planning**

- Until January 23, 2024 to complete.
- 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 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**

- Compliance with previous conditions.

**Fire Prevention Bureau**

- No comment.

**Clark County Water Reclamation District (CCWRD)**

- No comment.

**TAB/CAC:** Enterprise - approval (until January 23, 2025 to complete).

**APPROVALS:**

**PROTEST:**

**APPLICANT:** CHAMPION RESOURCE GROUP, LLC

**CONTACT:** MACK MCKNIGHT, CHAMPION RESOURCE GROUP LLC, 4310  
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