

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**ZC-23-0838-MKAT CAPITAL GROUP, LLC:**

**ZONE CHANGE** to reclassify 2.3 acres from an R-E (Rural Estates Residential) (AE-60) Zone to an M-D (Designed Manufacturing) (AE-60) Zone.

**USE PERMIT** to allow offices as a primary use.

**WAIVERS OF DEVELOPMENT STANDARDS** for the following: **1)** reduce landscaping adjacent to a less intensive use; **2)** parking lot configuration; **3)** building height; **4)** reduce required parking; and **5)** driveway geometrics.

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

Generally located on the east side of Santa Margarita Street, 300 feet south of Patrick Lane within Spring Valley (description on file). MN/hw/syp (For possible action)

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RELATED INFORMATION:

**APN:**

163-35-301-014

**WAIVERS OF DEVELOPMENT STANDARDS:**

1. a. Reduce the width along a portion (northeast corner) of a landscape buffer adjacent to a less intensive use to 4.5 feet where 5.5 feet is required per Figure 30.64-11 (an 18% reduction).
- b. Eliminate trees along a portion (northeast corner) of a landscape buffer adjacent to a less intensive use where 1 tree is required every 20 feet per Figure 30.64-11.
2. Allow the parking area to be continuous lot where parking areas with 100 spaces or more are required to be designed as a series of smaller, connected parking courts dispersed throughout the site per Section 30.48.660.
3. Increase the height of the building to 2 stories where only single story buildings are permitted per Section 30.48.650 (a 100% increase).
4. Reduce the number of required parking spaces to 133 stalls where 150 stalls are required per Table 30.60-1 (an 11% reduction).
5. Reduce throat depth to 12 feet where a minimum of 75 feet is required per Uniform Standard Drawing 222.1 (an 84% reduction).

**DESIGN REVIEWS:**

1. Office/warehouse facility.
2. Allow alternative parking lot landscaping (finger island configuration) where parking lot landscaping is required per Figure 30.64-14.

3. Increase finished grade to 93 inches (7.7 feet) where a maximum of 36 inches (3 feet) is the standard per Section 30.32.040 (a 158% increase).

## **PROPOSED LAND USE PLAN:**

### **SPRING VALLEY - BUSINESS EMPLOYMENT**

## **BACKGROUND:**

### **Project Description**

#### General Summary

- Site Address: N/A
- Site Acreage: 2.3
- Project Type: Office/warehouse facility
- Number of Stories: 2
- Building Height (feet): 36
- Square Feet: 45,135
- Parking Required/Provided: 150/133

#### History & Request

There have been several non-conforming zone change requests on the site since at least 2004 to allow for commercial developments. A non-conforming zone change from the R-E (Rural Estates Residential) zone to the C-P (Office Professional) zone was requested in May 2004 for an office center but was ultimately withdrawn by the applicant. Another non-conforming zone change from the R-E (Rural Estates Residential) zone to the C-P (Office Professional) zone was requested in July of 2007 to allow for an assisted living facility, but this application expired in July 2010 after the facility was not completed. The latest application on the property was a non-conforming zone change from the R-E (Rural Estates Residential) zone to the C-P (Office Professional) zone that was requested in January of 2019 to allow for an office complex with a major training facility. This application was extended administratively once in February 2022, but was not extended again by the Board of County Commissioners in March 2023 due to several changes being requested by the applicant at the time of the requested extension. The applicant is now requesting a zone change from the R-E (Rural Estates Residential) zone to the M-D (Designed Manufacturing) zone along with a use permit to allow offices as a primary use and a design review for an office/warehouse complex on the site.

#### Site Plans

The site plan depicts a 45,135 square foot office and office/warehouse facility with a 24,265 square foot footprint on a 2.3 acre lot located to the east side of Santa Margarita Street, approximately 300 feet south of Patrick Lane. The plans show that the office/warehouse building is rectangular in shape and is centrally located on the site. The building is shown to be set back 90 feet from the property line along Santa Margarita Street, 68.6 feet from the northern property line, 74.8 feet from the eastern property line, and 65.6 feet from the southern property line. Parking and drive aisles are located surrounding the office/warehouse building with parking located along the perimeter of the site and located in a single row along the eastern side of the building. The site is accessed by 2 commercial driveways located in the northwest corner and the southwest corner of the site. These driveways are shown to be 35 feet wide and will access Santa Margarita Street. Two 10 foot by 25

foot loading spaces are shown to the north of the northwest corner of the building with a trash enclosure immediately to the west of the loading spaces. A 15 foot wide drainage easement is shown to cross the north portion of the property, but no structures are located within the easement. The cross sections indicate that a maximum fill of 7.7 feet is required under the proposed building, particularly in the northwest corner of the foundation.

### Landscaping

The landscape plans show that perimeter, street, and parking lot landscaping will be provided throughout the site. Along Santa Margarita Street, a 15 foot landscape strip is being provided, which includes a 5 foot landscape strip followed by a 5 foot sidewalk followed by another 5 foot landscape strip. This landscape strip consists of 2 rows of trees on each side with the trees alternating sides and spaced 20 feet apart. Trees within sight zones have been moved to the opposite side of the sidewalk. The trees within the street landscaping strip consist of Shoestring Acacia (*Acacia stenophylla*) and Holly Oak (*Quercus ilex*) trees.

Along the perimeter, a buffer required when adjacent to a less intense use per Figure 30.64-11 is provided along the south and east property lines. The buffer is 6.6 feet wide along the southern property line and 7.8 feet along the western property line. Trees within these buffers are 20 feet apart and consist of alternating Shoestring Acacia and Holly Oak trees in a single row. Along the northern property line, an intense landscape buffer is provided per Figure 30.64-12, except for the western 98.7 feet along the northern property line where only shrubs and a 5 foot sidewalk is provided. Along the rest of the northern property line, 2 alternating rows of Shoestring Acacia and Holly Oak trees are provided 10 feet apart. Due to the lack of trees along the northwestern property line, a waiver of development standards is needed. The landscape plans also show that a 6 foot tall decorative CMU block wall will be utilized along the northern, southern, and eastern property lines.

Within the parking lot, 9 foot wide finger islands are provided approximately every 4 to 10 spaces throughout the parking lot. Shoestring Acacia trees are provided within the islands and a total of 22 trees are required where 22 trees are provided. Due to the correct number of trees being provided, and the configuration of the landscape islands not being per Figure 30.64-14, a design review for alternative parking lot landscaping is required.

### Elevations

The elevations depict a 2 story, 36 foot tall, painted EIFS panel office/warehouse building. The building is rectangular with fascia popouts and roofline extensions in the center of each building face. The popouts are painted a black color with the area between the popouts painted white. The building is accented with decorative metal awnings and metal paneling along the roofline and level separation. Access to the building is provided by aluminum commercial window/doors systems along the first floor western façade with 1 window-door system located on the first floor portions of the northern and southern facades. Overhead metal doors are provided on the first floor portion of the eastern façade. Strip windows are provided on all facades on the second floor.

### Floor Plans

The floor plans show that the first floor will consist of 24,265 square feet of office and warehouse space. The first floor will consist of 6 office/warehouse suites with each suite containing a 1,212

square foot office space in front of a connecting 2,083 square foot warehouse space with 2 bathrooms. A central office suite consisting of 2,508 square feet is also provided. On the second floor, the plans show that 18,176 square feet of office space is provided. The second floor will consist of 13 professional office suites that will range in size from 1,205 square feet up to 1,635 square feet. A central office suite will be provided that will contain 1,870 square feet of office, work, reception, and conference room space.

Applicant’s Justification

The applicant indicates that the zone change to M-D and the use permit for office uses are appropriate due to the surrounding industrial and commercial uses nearby and the history of non-residential zone changes in the area. The applicant also states that many of the surrounding parcels are owned by the Clark County Department of Aviation and, due to deed restrictions, will never be developed as residential uses. In addition, the applicant states that the appropriate number of trees have been provided in the parking lot, and the alternative proposed still meets the spirit of the parking lot landscaping code. The applicant also states that the reduction in the perimeter landscaping is needed due to a sidewall and will not affect the place of worship to the north. Finally, the applicant states that the building and its design are like other commercial and warehouse building in the area.

**Prior Land Use Requests**

<b>Application Number</b>	<b>Request</b>	<b>Action</b>	<b>Date</b>
ET-23-400004 (Nzc-18-0813)	Second extension of time to reclassify the site from R-E to C-P zoning for an office complex and major training facility	Denied by BCC	March 2023
ADET-22-900001 (Nzc-18-0813)	First extension of time to reclassify the site from R-E to C-P zoning for an office complex and major training facility - expired	Approved by ZA	February 2022
Nzc-18-0813	Reclassified the site from R-E to C-P zoning for an office complex and major training facility - expired	Approved by BCC	January 2019
Nzc-0594-17	Reclassified the site from R-E to C-P zoning for an office center - expired	Held	December 2017
Nzc-0558-07	Reclassified the site from R-E to C-P zoning for an assisted living facility - expired	Approved by BCC	July 2007
Nzc-0753-04	Reclassified the site from R-E to C-P zoning for an office center - expired	Withdrawn	May 2004

**Surrounding Land Use**

	<b>Planned Land Use Category</b>	<b>Zoning District (Overlay)</b>	<b>Existing Land Use</b>
North	Ranch Estate Neighborhood (up to 2 du/ac)	R-E	Place of worship
South & East	Open Lands	R-E	Undeveloped

### **Surrounding Land Use**

	<b>Planned Land Use Category</b>	<b>Zoning District (Overlay)</b>	<b>Existing Land Use</b>
West	Corridor Mixed-Use	C-2	Mini-warehouse facility

### **Related Applications**

<b>Application Number</b>	<b>Request</b>
PA-23-700048	A plan amendment to change the land use plan designation from Ranch Estate Neighborhood (RN) to Business Employment (BE) is a companion item on this agenda.
VS-23-0839	A request to vacate and abandon government patent easements, a streetlight and utility easement, and a portion of right-of-way being Santa Margarita Street is a companion item on this agenda.

### **STANDARDS FOR APPROVAL:**

The applicant shall demonstrate the proposed request is consistent with the Master Plan and is in compliance with Title 30.

### **Analysis**

#### **Comprehensive Planning**

##### Zone Change

In addition to the standards for approval, the applicant must demonstrate the zoning district is compatible with the surrounding area. Staff finds that to the west of Santa Margarita Street along Rainbow Boulevard there are several commercial developments within either the C-2 (General Commercial) or C-P (Office and Professional) zones. In addition, to the south of the site, south of Post Road, there are also several industrial and warehouse development within the M-D zone. To the south of the site, north of Post Road within the same block as the site, there is a previously approved non-conforming zone change to M-D for a warehouse development. Also, the properties to the east and south of the site are owned and deed restricted by the Department of Aviation. Overall, staff finds that the rezone to the M-D zone is appropriate due to the commercial and industrial nature of the directly neighboring area. In addition, the block between Redwood Street and Santa Margarita Street is already trending toward non-residential uses due to the previously approved zone change and place of worship, as well as the likelihood that the Department of Aviation land will be either industrial or commercial in nature, once sold into the private sector. Finally, Policy 5.5.1 of the Master Plan encourages the development of industrial and employment type uses in appropriate areas, and staff finds that the proposed zone change would comply with this Policy. For these reasons, staff can support this zone change.

##### Use Permit

A special use permit is considered on a case by case basis in consideration of the standards for approval. Additionally, the use shall not result in a substantial or undue adverse effect on adjacent properties, character of the neighborhood, traffic conditions, parking, public improvements, public sites or right-of-way, or other matters affecting the public health, safety, and general welfare; and will be adequately served by public improvements, facilities, and services, and will not impose an undue burden. Staff finds that much of the directly abutting area to the west of the site is

commercial in nature with retail, service, and office uses while the area to the south is primarily office/warehouse facilities. Given that the building will contain a combination of both office and office/warehouse uses, staff finds that the combination of uses on the site will serve as a sensible transition between the commercial areas to the west and the industrial areas to the south. Ultimately, office uses are compatible within the zoning district, the uses in the area, and will serve to enhance the commercial nature of the existing neighborhood. As a result, staff could support this use permit, but since staff is not supporting the design review, staff cannot support this request.

#### Waivers of Development Standards

The applicant shall have the burden of proof to establish that the proposed request is appropriate for its proposed location by showing the following: 1) the use(s) of the area adjacent to the subject property will not be affected in a substantially adverse manner; 2) the proposal will not materially affect the health and safety of persons residing in, working in, or visiting the immediate vicinity, and will not be materially detrimental to the public welfare; and 3) the proposal will be adequately served by, and will not create an undue burden on, any public improvements, facilities, or services.

#### Waiver of Development Standards #1

The purpose of requiring landscaping adjacent to less intensive uses is to reduce the visual disturbance caused by more intense uses, reduce the massing on the site, and to serve as a more natural and appealing break between properties. Staff finds that the applicant has provided an intense landscaping buffer along most of the northern property line, which is above what is required by Title 30. In addition, the provided buffer will screen the building, much of the parking area, the auxiliary loading area, and trash enclosure from the place of worship to the north. In addition, according to the applicant, the proposed sidewall prohibiting the ability for a full buffer along the northern property line is necessary for the development of the site. Ultimately, staff finds that the provided buffer should be sufficient given it is more intense than what is required and will screen both the building and any accessory structures and uses that could impact the place of worship to the north, fulfilling the spirit of the regulations. For these reasons, staff finds the alternative provided to be sufficient and could support these waivers of development standards, but since staff is not supporting the design review, staff cannot support this waiver of development standards.

#### Waivers of Development Standards #2 & #3

The purpose of keeping buildings under 2 stories and breaking up parking lots is to prevent large bulky buildings and large expanses of pavement. Staff finds that the surrounding area contains several buildings that are over 2 stories in height and is common within the CMA Overlay District area. In addition, the building has been provided with various architectural elements, such as popouts and awnings, that help to break the building up and prevent an unnecessarily bulky appearance to the building. In addition, a significant amount of landscaping has been provided along the street, the perimeter, and within the parking lot itself, that should help reduce any heat island effect impacts due to the continuous nature of the parking lot, and help to reduce the visual impacts of massing on the site. For these reasons, staff could support these waivers of development standards, but since staff is not supporting the design review, staff cannot support these waivers of development standards.

#### Waiver of Development Standards #4

The purpose of requiring a certain number of parking stalls is to assure that there is enough area and space on the subject site for the number of cars that could be on the site during peak times, between both visitors and employees. Staff finds that the site is large enough and setup to an extent that it is possible for the site to be designed to have the requisite number of parking spaces. Given that a majority of the space within the proposed building is dedicated to offices, it is not out of the questions that a large number of spaces would be needed for both guests and employees on site. Finally, staff finds that since the site is being built on undeveloped land, that this request is a self-imposed hardship; and therefore, cannot support this waiver of development standards.

#### Design Reviews #1 & #2

Overall, the office/warehouse as proposed provides a building that serves as an appropriate transition between the retail developments to the west and the more industrial developments to the south. The proposed building would act as an appropriate transitional commercial/industrial development in an area that is trending towards a more industrial/commercial mix. In addition, the exterior of the building is attractive and would be an enhancement to the neighborhood, with its varied use of colors and contemporary use of materials. Landscaping provided along the street by the development is provided per Code and would enhance the streetscape along Santa Margarita Street. Additionally, sufficient landscaping has been provided within the parking lot to serve the shading purposes described in Title 30. Also, sufficient landscaping has been provided along the perimeter to buffer any negative effects caused by the development. For these reasons, staff could support these requests, but since staff is not supporting the waivers of development standards #4, staff cannot support these design reviews.

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

##### Waiver of Development Standards #5

Staff cannot support the reduction in throat depth for the commercial driveways on Santa Margarita Street. The northern driveway has immediate conflicts with vehicles entering the site with the vehicles exiting the parking stalls causing stacking in the right-of-way.

##### 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.

#### **Staff Recommendation**

Approval of the zone change and design review #3; denial of the use permit, waivers of development standards, and design reviews #1 and #2. This item will be forwarded to the Board of County Commissioners' meeting for final action on March 6, 2024 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:**

### **Comprehensive Planning**

If approved:

- No outside storage is permitted within designated parking spaces and drive aisles;
- Certificate of Occupancy and/or business license shall not be issued without approval of an application for a zoning inspection.
- Applicant is advised within 2 years from the approval date the application must commence or the application will expire unless extended with approval of an extension of time; the County has adopted a rewrite to Title 30 effective January 1, 2024, 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 substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; 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; changes to the approved project will require a new land use application; and the applicant is solely responsible for ensuring compliance with all conditions and deadlines.

### **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.
- 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 the vacation of excess right-of-way and granting necessary easements for utilities, pedestrian access, streetlights, and traffic control or execute a License and Maintenance Agreement for non-standard improvements in the right-of-way.

### **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 #0465-2023 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

### **TAB/CAC**

Spring Valley - approval (site shall not be accessed by 18-wheelers). Denial of waiver of development standards #5; waiver of development standards #2 was withdrawn.

### **TAB/CAC:**

### **APPROVALS:**

### **PROTESTS:**



**APPLICANT:** MKAT CAPITAL GROUP, LLC

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