

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

ZC-23-0767-BD EQUITIES, LLC:

ZONE CHANGE to reclassify 6.7 acres from an R-E (Rural Estates Residential) Zone and an H-2 (General Highway Frontage) Zone to an M-D (Designed Manufacturing) Zone.

WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** allow modified driveway standards; **2)** allow access to a local street; and **3)** allow modified on-site loading design and improvement standards.

DESIGN REVIEWS for the following: **1)** office/warehouse complex; and **2)** finished grade.

Generally located on the west side of Arville Street and the north side of Cougar Avenue within Enterprise (description on file). JJ/rr/syp (For possible action)

RELATED INFORMATION:

APN:

177-18-303-006; 177-18-303-048; 177-18-303-050

WAIVERS OF DEVELOPMENT STANDARDS:

1. a. Reduce throat depth for a driveway on Cougar Avenue to 10 feet where 75 feet is required per Uniform Standard Drawing 222.1 (an 86.7% reduction).
1. b. Reduce throat depth for a driveway on Arville Street to 10 feet 9 inches where 75 feet is required per Uniform Standard Drawing 222.1 (an 85.7% reduction).
2. Allow access to a local street (Cougar Avenue) where the block is master planned for single family residential uses where not allowed by standards in Table 30.56-2.
3. Allow overhead doors to face the public street (Arville Street) and allow customer parking in the vicinity of the doors where not allowed by the standards in Section 30.60.070.

DESIGN REVIEWS:

1. Office/warehouse complex.
2. Increase finished grade to 42 inches where a maximum of 36 inches is the standard per Section 30.32.040 (a 16.7% increase).

PROPOSED LAND USE PLAN:

ENTERPRISE - BUSINESS EMPLOYMENT

BACKGROUND:

Project Description

General Summary

- Site Address: N/A
- Site Acreage: 6.7
- Project Type: Office/warehouse complex

- Number of Stories: 1
- Building Height (feet): 30.5
- Square Feet: 12,000 (Building A)/18,160 (Building B)/18,020 (Buildings C & D)/16,960 (Buildings E & F)
- Parking Required/Provided: 151/165

Site Plan

The plan depicts 3 parcels which border 4 streets; Blue Diamond Road at the northwest corner, Wigwam Avenue on the north, Arville Street on the east, and Cougar Avenue on the south. The plan shows a complex of 6 multiple tenant industrial buildings consisting of one, 12,000 square foot warehouse (Building A), one, 18,160 square foot warehouse (Building B), two, 18,020 square foot warehouses (Buildings C & D), and two, 16,960 square foot warehouses (Buildings E & F), for a total of 100,120 square feet. A trash enclosure is provided along the side of each warehouse building.

There will be grade level 12 foot by 14 foot overhead doors at the rear of each building except for Building A which will have overhead doors facing Arville Street. Parking is provided along the frontage of all buildings. Vehicular access is provided to the rear of all buildings except for Building A, which is located on the eastern portion of the site closest to Arville Street. There are 165 parking spaces proposed for the entire site where a minimum of 151 spaces are required. The property is accessed by way of 3 driveways, with 1 located on the east side of the property on Arville Street and the other on the south side of the property on Cougar Avenue. A third driveway on Wigwam Avenue on the north side of the property is intended for emergency access only and will feature a Fire Department emergency access gate. There is no access to Blue Diamond Road, a Nevada Department of Transportation (NDOT) right-of-way.

Landscaping

Landscape plans indicate street landscaping 15 feet 6 inches in width, including a proposed detached sidewalk along Cougar Avenue and Arville Street. An existing attached sidewalk is shown along Wigwam Avenue with a landscape area that is 22 feet 6 inches in width. All plants appear to be selected from the Southern Nevada Water Authority (SNWA) Regional Plant List. Trees consist of 24 inch box large trees planted 40 feet apart in alternating rows per Figure 30.64-17. Where the street and driveway sight zones prohibit the placement of the trees, the trees are placed 20 feet apart outside the sight zones. Street trees are planted 15 feet apart along Arville Street adjacent to Building A to provide additional screening of the overhead doors which face the street. Parking lot landscape design features landscape islands/fingers each with one large 24 inch box tree and 2 shrubs for every 6 parking spaces in a row with 1 medium tree with 2 or more shrubs for every 4 parking spaces in a row per Figure 30.64-14.

Elevations

The proposed buildings are concrete tilt-up construction with a maximum parapet height of 30.5 feet. The building parapets are varied in height approximately every 20 to 40 linear feet. Future rooftop mechanical units will be screened by the parapets. The concrete tilt-up exterior walls will be painted with 3 different shades of grey colors. Building entrances will be covered by metal canopies. The building frontages will feature storefront windows. Building A will feature glass

overhead doors which face Arville Street. The other buildings will have metal overhead doors located along the rear elevations.

Floor Plans

Floor plans for each building show an open warehouse floor plan with multiple entrances in the front. Except for Building A, each building has eight 12 foot by 14 foot grade level overhead doors at the rear of each building. Building A has four 12 foot by 14 foot grade level overhead doors along the building frontage which faces Arville Street. The interior clear height of each building is proposed to be 20 feet.

Signage

Signage is not a part of this request.

Applicant’s Justification

The applicant states that the proposed development does not create additional stress on the community and will enable small businesses to relocate close to residences, thus reducing traffic in the area. The applicant further states that this project will provide a much needed place of business in this community that will complement the original proposed planned use of Neighborhood Commercial (NC), providing flexible options with a less intense use.

Surrounding Land Use

	Planned Land Use Category	Zoning District (Overlay)	Existing Land Use
North	Corridor Mixed-Use & Neighborhood Commercial	C-2	Convenience store with gasoline sales, tire center, & Blue Diamond Road
South	Ranch Estate Neighborhood (up to 2 du/ac)	R-E (RNP-I)	Undeveloped
East	Neighborhood Commercial	H-2 & R-E	Undeveloped
West	Corridor Mixed-Use	C-2	Shopping center

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

Related Applications

Application Number	Request
PA-23-700039	A plan amendment to redesignate the land use category from NC (Neighborhood Commercial) to BE (Business Employment) is a companion item on this agenda.
VS-23-0768	A request to vacate and abandon patent easements and right-of-way 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.

The applicant requests a change from R-E and H-2 to M-D zoning to facilitate the development of the site with a complex of 6 warehouse buildings. There is a companion request to change the land use category of the Master Plan from Neighborhood Commercial (NC) to Business Employment (BE) to allow the requested zone change to be conforming to the plan which is required. The Business Employment land use category and M-D zone allow for various light manufacturing uses, including office, distribution centers, warehouse/flex space, technology, and light industry. Supporting land uses include small scale commercial services such as restaurants, athletic clubs, service-commercial, and other similar uses. The M-D zone is generally appropriate for property designated as BE in the Master Plan. However, staff finds the request for the M-D zone to be too intense for, and not compatible with, the surrounding area. The site is abutting an R-E (RNP-I) Ranch Estate Neighborhood to the south and is directly northeast of an existing R-2 single family residential subdivision. There are currently no industrial zoned or planned uses in the area. The nearest industrial zoned property is over a third of a mile away to the north at the intersection of Windmill Lane and Arville Street, on the opposite side of Blue Diamond Road. For this reason, a zone change to M-D could be considered spot zoning.

The request for M-D zoning does not comply with Policy 6.2.1 of the Master Plan which promotes ensuring the design and intensity of new development is compatible with established neighborhoods and uses. The request is also not consistent with Policy 1.4.4 of the Master Plan which encourages in-fill development that is compatible with the scale and intensity of the surrounding area. For these reasons, staff finds the request for the M-D zone is not appropriate for this location and, therefore, cannot support the proposed request.

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 #2

The applicant is requesting a waiver from Table 30.56-2 which states that non-residential developments shall not access local streets, or arterial or collector streets if the block includes land master planned for single family uses unless the street is the sole means of access. The proposal is for a single 40 foot wide driveway on Cougar Avenue, a local street, which is not the sole means of access. The designated land use on the south side of Cougar Avenue is Ranch Estate Neighborhood (up to 2 du/ac) which is primarily intended for single family development on lots of at least one-half acre. The applicant states that the driveway on Arville Street will be a secondary driveway and that the driveway on Cougar Avenue is needed for adequate circulation, deliveries,

and Fire Department access. While the property to the south is not yet developed with single family residential homes, any such future development would likely be impacted by the traffic and noise generated by trucks and other commercial vehicle traffic using the driveway on Cougar Avenue. For this reason, staff cannot support the proposed waiver.

Waiver of Development Standards #3

The applicant is requesting a waiver from Section 30.60.070 which states that areas with overhead doors are required to be located at the rear of buildings unless adequate screening is provided to obscure their view from the street. Additionally, customer parking shall not be located in the vicinity of the overhead doors. Building A is proposed to have 4 overhead doors that face Arville Street. There is also parking located opposite the building but still in the general vicinity of the overhead doors. The applicant states that the overhead doors will not serve semi-truck access as there is not enough room for such trucks on site, and that additional trees and landscape berms will be provided along Arville Street to help screen the overhead doors. The landscape plan shows the Arville Street frontage between the driveway and Wigwam Avenue adjacent to Building A with a single row of large trees planted 15 feet apart with 3 additional large trees in a second row planted 30 feet apart for a total of 18 trees. With approximately 250 feet of street frontage, normally 2 rows of large trees planted 40 feet apart in an alternating pattern would be required resulting in a minimum of about 13 trees. The number of trees has been increased by five. However, the trees are unlikely to obscure the overhead doors unless they are tall trees in combination with wide shrubs. The overhead doors are also shown on the elevations with glass windows rather than only a metal surfacing. The additional landscaping and overhead door design could be an acceptable alternative under different circumstances. However, since staff is not supporting the design review or zone change, staff cannot support this waiver.

Design Review #1

The proposed site plan, landscape plan, and building elevations, indicate appropriate design characteristics, building materials, and other architectural features that are generally acceptable for an office/warehouse development located in an M-D zone. However, staff is not supporting the zone change to M-D nor the companion Master Plan amendment to BE as staff believes the proposal is not consistent with the Master Plan and the standards of Title 30 for this particular location. Therefore, staff recommends denial of the design review.

Public Works – Development Review

Waiver of Development Standards #1

Staff finds that the reduced throat depth for both of the commercial driveways will also result in on street stacking of vehicles creating a safety hazard. Since Arville Street is a collector street with high volume of traffic, it is important for vehicles to exit the right-of-way without the impediment of those attempting to access the parking stalls. Therefore, 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 staff cannot support this application in its entirety, staff cannot support this design review.

Department of Aviation

The development will penetrate the 100:1 notification airspace surface for Harry Reid International Airport. Therefore, as required by 14 CFR Part 77, and Section 30.48.120 of the Clark County Unified Development Code, the Federal Aviation Administration (FAA) must be notified of the proposed construction or alteration.

Staff Recommendation

Denial. This item has been forwarded to the Board of County Commissioners' meeting for final action.

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.

STAFF CONDITIONS:

Comprehensive Planning

If approved:

- No Resolution of Intent and staff to prepare an ordinance to adopt the zoning;
- 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;
- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection.
- 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; and that the waivers of development standards and design reviews must commence within 2 years of approval date or they will expire.

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 Cougar Avenue.
- 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, the dedication to back of curb and granting necessary easements for utilities, pedestrian access, streetlights, and traffic control.

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; Applicant is advised that many factors may be considered before the issuance of a permit or variance, including, but not limited to, lighting, glare, graphics, etc.;
- 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.

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 #0309-2023 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

TAB/CAC: Enterprise - denial.

APPROVALS: 2 letters

PROTESTS: 3 cards, 1 letter

PLANNING COMMISSION ACTION: January 2, 2024 – HELD – To 02/06/24 – per the applicant.

PLANNING COMMISSION ACTION: February 6, 2024 – HELD – To 02/20/24 – per the applicant.

PLANNING COMMISSION ACTION: February 20, 2024 – HELD – To 03/19/24 – per the applicant.

PLANNING COMMISSION ACTION: March 19, 2024 – FORWARDED – NO ACTION.

APPLICANT: BD EQUITIES

CONTACT: MIKE BROWN, LM CONSTRUCTION CO., 7115 BERMUDA ROAD, LAS VEGAS, NV 89119