

05/22/24 BCC AGENDA SHEET

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

ZC-24-0104-SUNSET & SPENCER, LLC:

ZONE CHANGE to reclassify 2.2 acres from a CG (Commercial General) Zone to an IP (Industrial Park) Zone within the Airport Environs (AE-65 and AE-70) Overlay.

Generally located on the south side of Sunset Road and the east side of Spencer Street within Paradise (description on file). JG/rr (For possible action)

RELATED INFORMATION:

APN:

177-02-510-006

LAND USE PLAN:

WINCHESTER/PARADISE - BUSINESS EMPLOYMENT

BACKGROUND:

Project Description

General Summary

- Site Address: 1875 E. Sunset Road
- Site Acreage: 2.2
- Existing Land Use: Business Employment

Applicant's Justification

The request for Industrial Park (IP) zoning is for the development of a 30,065 square foot warehouse on the site. The warehouse will be split into 6 units approximately 5,000 square feet each with 1,000 square feet of office space per unit. There is existing CG and IP surrounding the area and therefore this development is suitable for this area.

Prior Land Use Requests

Application Number	Request	Action	Date
UC-1453-07 (ET-0359-09)	First extension of time to increase building height for a retail/office building to 55 feet - expired	Approved by PC	February 2010
UC-1435-07	Increased retail/office building height to 55 feet - expired	Approved by PC	January 2008
ZC-1928-05	Reclassified site from M-D to C-2 zoning	Approved by BCC	January 2006
AV-1230-05	Administrative minor deviation to increase height of retail/office building to 55 feet - expired	Approved by ZA	November 2005

Prior Land Use Requests

Application Number	Request	Action	Date
ZC-1651-02	Reclassified site from M-D to M-1 zoning	Denied by BCC	January 2003
WT-0167-97	Finished floor elevation for an office/warehouse	Approved by PC	March 1997
ZC-0826-96	Reclassified site from R-E to M-D zoning	Approved by BCC	June 1996

Surrounding Land Use

	Planned Land Use Category	Zoning District (Overlay)	Existing Land Use
North	Public Use	PF (AE-70 & AE-75)	Harry Reid International Airport
South	Business Employment	IP (AE-65)	Office/warehouse
East	Business Employment	IP (AE-65 & AE-70)	Undeveloped
West	Business Employment	CG (AE-65 & AE-70) & IP (AE-65)	Gas station & undeveloped

Related Applications

Application Number	Request
WS-24-0105	A waiver of development standards for retaining wall height and design review for an office/warehouse 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

In addition to the standards for approval, the applicant must demonstrate the zoning district is compatible with the surrounding area.

The existing land use category in the Master Plan for the subject site is Business Employment (BE). This land use category is primarily intended for offices, distribution centers, warehouse/flex space, technology, and light-industry. Supporting uses include small scale commercial services, such as restaurants, athletic clubs, service-commercial, and other similar uses. The IP (Industrial Park) zone is established to accommodate low-intensity industry, processing, wholesale, research and development, and supporting offices. The IP zone is considered a conforming zone within the BE land use designation as is the current zone, CG. The surrounding areas to the south, west, and east are a mix of CG and IP zoning with a mix of retail, offices, and warehouses, while the airport is located to the north. Rezoning the subject property to IP will be consistent with the intent of Master Plan Policy WP-3.3 which encourages a mix of employment and aviation related uses in existing employment areas near Sunset Road, Eastern Avenue, and west of I-15 to ensure

compatibility of airport operations, preserve the viability of warehouse and manufacturing uses, and protect public health, safety, and welfare. For these reasons, staff finds the request for the IP Zone is appropriate for this location.

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 30.02.26B.3(ii) of the Clark County Unified Development Code, the Federal Aviation Administration (FAA) must be notified of the proposed construction or alteration.

The property lies within the AE- 70 (70 - 75 DNL) noise contour for Harry Reid International Airport and is subject to continuing aircraft noise and over-flights. Future demand for air travel and airport operations is expected to increase significantly. Clark County intends to continue to upgrade Harry Reid International Airport facilities to meet future air traffic demand.

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:

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 30.02.26B 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; and 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; and 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.

Fire Prevention Bureau

- Applicant is advised that fire/emergency access must comply with the Fire Code as amended.

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 #0162-2024 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

TAB/CAC: Paradise - approval.

APPROVALS:

PROTESTS:

APPLICANT: MARK STEARNS

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