

INDUSTRIAL COMPLEX  
(TITLE 30)

RAINBOW BLVD/ERIE AVE

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**ZC-21-0191- PETERSON S & A 1997 TRUST ET AL:**

**ZONE CHANGE** to reclassify 15.0 acres from an R-E (Rural Estates Residential) Zone to an M-D (Designed Manufacturing) Zone.

**WAIVERS OF DEVELOPMENT STANDARDS** for the following: **1)** reduce setbacks; **2)** eliminate landscaping; **3)** increase retaining wall height; **4)** reduce parking; and **5)** reduce driveway throat depth.

**DESIGN REVIEWS** for the following: **1)** alternative landscaping; **2)** an industrial complex; and **3)** finished grade.

Generally located on the east side of Rainbow Boulevard and the north side of Erie Avenue (alignment) within Enterprise (description on file). JJ/jor/jd (For possible action)

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RELATED INFORMATION:

**APN:**

176-35-201-001, 176-35-201-002, & 176-35-201-003

**WAIVERS OF DEVELOPMENT STANDARDS:**

1. a. Reduce the interior side setback (south property line) of a proposed industrial complex from a non-industrial or non-commercial use to zero feet where 20 feet is required per Table 30.40-5 (a 100% decrease).
- b. Reduce the interior side setback (east property line) of a proposed industrial complex from a non-industrial or non-commercial use to zero feet where 20 feet is required per Table 30.40-5 (a 100% decrease).
2. a. Eliminate the required landscaping along the south property line where Figure 30.64-11 is required per Table 30.64-2.
- b. Eliminate the required landscaping along the east property line where Figure 30.64-11 is required per Table 30.64-2.
3. Increase the retaining wall height to 6 feet where a 3 foot maximum height is allowed per Section 30.64.020 (a 100% increase).
4. Reduce the required parking spaces to 160 spaces where 165 spaces are required per Table 30.60-1 (a 3% decrease).
5. Reduce the driveway throat depth to 53 feet where 75 feet is required per Uniform Standard Drawing 222.1 (a 29% decrease).

**DESIGN REVIEWS:**

1. Alternative parking lot landscaping.
2. Industrial complex design.
3. Increase the finished grade to 72 inches (6 feet) where a maximum of 18 inches is the standard per Section 30.32.040 (a 300% increase).

**LAND USE PLAN:**

ENTERPRISE - BUSINESS AND DESIGN/RESEARCH PARK

**BACKGROUND:****Project Description****General Summary**

- Site Address: N/A
- Site Acreage: 15
- Number of Lots: 1
- Project Type: Industrial complex
- Number of Stories: 2
- Building Height (feet): 39 feet, 6 inches (maximum)
- Square Feet: 110,288 (total enclosed building area)/9,284 (Building 1)/5,685 (Building 2)/8,500 (Building 3)/7,141 (Building 4)/9,358 (Building 5)/10,282 (Building 6)/11,827 (Building 7)/12,956 (Building 8)/9,419 (Building 9)/9,793 (Building 10)/16,043 (Building 11)
- Parking Required/Provided: 165/160

**Site Plan**

The site plan depicts a proposed industrial complex on the north side of Erie Avenue (alignment) and the east side of Rainbow Boulevard. There are 3 parcels which make up the entire 15 acres of the proposed industrial complex. When the parcels are combined via the 1 lot commercial subdivision (related application), an L-shaped development will be created. Ten acres of the site are within APNs 176-35-201-001 and 176-35-201-002, both located along the east side of Rainbow Boulevard. The third parcel APN 176-35-201-003 makes up the southeast corner of the overall development (located east of APN 176-35-201-002). In addition, there is a proposed Transportation Element Amendment that is a companion item to this application which will remove the required 80 foot right-of-way dedication for Erie Avenue (located to the south). This There is an existing pedestrian bridge which provides pedestrian connectivity for students attending the existing school to the east.

On the site there is an existing Union Pacific Railroad (UPRR) easement that is 100 feet wide and runs north to southeast through the proposed development. In addition, there is an existing communication tower lease area on the western portion of APN 176-35-201-003. Due to the existing 100 foot wide railroad easement, the applicant is proposing to only develop the western portion of APN 176-35-201-001, the entire area of APN 176-35-201-002, and the south west corner of APN 176-35-201-003.

The site plan proposes 11 office warehouse buildings. Buildings #1, #2, and #3 are located on the northernmost lot (APN 176-35-201-001); Buildings #4, #5, #6, #7, #8, #9, and #11 are

located on the southwestern parcel (APN 176-35-201-002); and lastly Building #10 is located on the southeastern parcel (APN 176-35-201-003). Building #10 is a proposed film studio with a dedicated managers unit and warehouse space.

All 11 buildings have a minimum setback of 20 feet from the right-of-way (Rainbow Boulevard). Building #1 (northern end) and Building #10 (southeast corner) are directly adjacent to the UPRR easement to the east. Buildings #2 through #9 are centrally located on the site and are oriented north to south in numerical order with Building #2 being towards the north half and Building #9 towards the southern half. Building #11 is located south of Buildings #8 and #9 and is directly adjacent to the south property line. The applicant is requesting waivers of development standards to reduce the interior side building setbacks on the south and eastern portion of the development to zero feet where 20 feet is required when a proposed industrial development is adjacent to a non-industrial or non-commercial use. A waiver to eliminate landscaping adjacent to a less intense use is also required, since there is a setback reduction request.

Each building has its own dedicated loading zones, trash enclosures, and gated yard area with parking spaces. All gates to each yard area will remain open during business hours and a knock box will be provided for fire department access. Furthermore, Buildings #3, #4, #5, #6, #9, and #11 have dedicated loading docks for large semi-trucks. A site plan was provided to show semi-truck maneuverability throughout the site. Pedestrian walkways are located throughout the site and connect the buildings for pedestrian accessibility. One hundred sixty parking spaces are provided where 165 parking spaces are required; therefore, the applicant is also requesting to reduce the required parking spaces by 3%.

On-site screening includes a 7 foot high CMU block wall on 220 linear feet of the northeastern area of Building #1. An 8 foot high CMU block wall is located between the gated yard areas of Building #2 and Building #3 and between Buildings #10 and #11. An 8 foot high CMU block wall is also located along the south property line and the southwest corner of the overall site (west of Buildings #9 and #11). In addition, an 8 foot high wrought iron fencing will be utilized for the gated yard areas for Buildings #4, #5, #6, and #7. Lastly, the applicant is proposing an 8 foot high CMU block wall along the UPRR easement (western easement line), which follows the shape of the proposed development.

The site plan shows that with the unique shape of the development, the applicant is proposing parking spaces and trash enclosures west of the UPRR easement, in turn, a proposed 8 foot high CMU block wall creates a physical and visual barrier between the development and the railroad easement. Due to the grade differences on the site, retaining walls are located throughout the site in conjunction with an increase in finished grade underneath some of the building pads. The applicant is requesting a 6 foot high retaining wall where a maximum 3 foot high retaining wall is allowed per Title 30. A design review is also requested for an increase in finished grade to 6 feet where 18 inches is the standard per code.

Access to the site is provided via 2 proposed commercial driveways along the west property line, adjacent to Rainbow Boulevard. Lastly, a waiver of development standards for reduced throat depth is requested for the proposed driveway on the northern half of the site.

### Landscaping

The landscape plan depicts detached sidewalks along the west property line (adjacent to Rainbow Boulevard). The applicant is proposing 112 trees throughout the site, but a majority of the trees are located along the west property line adjacent to Rainbow Boulevard. Parking lot landscaping is also provided adjacent to the buildings. The applicant is requesting a design review for alternative parking lot landscaping since perimeter landscaping, including 64 various 24 inch box trees with over 100 shrubs, is provided adjacent to the right-of-way (Rainbow Boulevard). Waiving landscaping adjacent to a less intense use (east and south property lines) is requested since there is an existing railroad easement to the east, and the buildings to the south are adjacent to the south property line. Due to the site's unique shape, 4 trees and 10 shrubs are provided adjacent to the railroad easement to the east, and 3 trees and 12 shrubs are in between Buildings #10 and #11 (adjacent to the south property line). Typically, Figure 30.64-11 is required adjacent to a less intense use.

### Elevations

The elevation plans depict exterior materials which include stucco exterior walls, CMU walls with neutral tones, and aluminum storefront and window systems. The maximum building height with parapet roofs for the development is 39 feet, 6 inches.

### Floor Plans

The floor plans depict 11 office warehouse buildings for the entire development totaling 110,288 square feet. Buildings #1 through #9 and Building #11 include first floor office space, with the potential to build a second floor and develop a warehouse area within each building. Lastly, Building #10 is a proposed private film studio with office/warehouse space.

### Signage

Signage is not a part of this request.

### Applicant's Justification

Per the applicant's justification letter, the project is proposing a conforming zone change that is compatible with the planned land use of Business and Design/Research Park. The industrial buildings will serve a visual and physical buffer between Rainbow Boulevard and the existing railroad to the east. Due to the site's unique shape, size, and existing railroad easement to the east, the requested waivers are required to fully utilize the development. Ample landscaping is provided along Rainbow Boulevard (with detached sidewalks) to enhance the streetscape, thus a design review for alternative parking lot landscaping is requested. A Transportation Element Amendment to remove the right-of-way dedication requirement on Erie Avenue is a companion item to this application. The setback reduction waivers are warranted to the east (adjacent to the railroad easement) since there is an existing high school that is over 100 feet to the east, and the railroad serves as a barrier. The setback reduction waiver to the south is warranted since Erie Avenue includes a pedestrian bridge and there are no existing residences to the south. Increasing the retaining wall height to a maximum of 6 feet is required to contain the increase finished grade under some of the building pads, and screen walls attached to the retaining wall meet Title 30 standards; subsequently, a design review for increased finished grade is also requested. A parking reduction waiver is requested because 160 parking spaces are provided where 165 are

required (3% reduction). A throat depth reduction for the northern driveway is required due to the site's size constraint on the northern end of the development.

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

| <b>Application Number</b> | <b>Request</b>  | <b>Action</b>   | <b>Date</b> |
|---------------------------|---|-----------------|-------------|
| ADR-1150-07               | Allowed a communication tower   | Approved by ZA  | August 2007 |
| ZC-1386-01                | Reclassified APN 176-35-201-003 from R-E to M-D zoning for an office/warehouse building - expired | Approved by BCC | March 2002  |

#### **Surrounding Land Use**

|       | <b>Planned Land Use Category</b>   | <b>Zoning District</b> | <b>Existing Land Use</b>                               |
|-------|--|------------------------|--|
| North | Business and Design/Research Park  | R-E                    | Undeveloped & Union Pacific Railroad                   |
| South | Open Land  | R-E                    | Undeveloped & Union Pacific Railroad                   |
| East  | Public Facilities  | R-E & P-F              | Desert Oasis High School & undeveloped western portion |
| West  | Office Professional & Major Projects (Mountains Edge) - Residential (up to 14 du/ac) | RUD                    | Undeveloped  |

#### **Related Applications**

| <b>Application Number</b> | <b>Request</b>   |
|---------------------------|--|
| PA-21-700002              | A transportation element amendment for Erie Avenue is a companion item on this agenda. |
| VS-21-0190                | A vacation and abandonment for easements is a companion item on this agenda.           |
| TM-21-500047              | A tentative map for a 1 lot commercial subdivision is a companion item on this agenda. |

#### **STANDARDS FOR APPROVAL:**

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

#### **Analysis**

##### **Current Planning**

The proposed conforming zone change supports Goal 100 and 101 of the Clark County Land Use Plan which states in part, that proposed development should display compatibility with existing land use patterns, appropriate access routes and traffic volumes, environmental concerns, as well as complementary uses through site planning and building design on the perimeter of the site. The site plan shows that large semi-truck parking and loading areas are screened from residential uses and from Rainbow Boulevard to the west, ultimately supporting Goal 102 of the Land Use

Plan. Lastly, the proposed conforming zone change supports Goal 103, which states that landscaping adjacent to public right-of-way to improve visual quality of the site. Since the proposed development is conforming to the Business and Design/Research Park planned land use, and the proposed design supports the aforementioned goals for industrial development within Clark County, staff can support this 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 #1a

Staff does not object to the proposed reduction of the interior side setback (south property line) of a proposed industrial complex from a non-industrial or non-commercial use to zero feet where 20 feet is required per Table 30.40-5. The proposed complex will be adjacent to Erie Avenue which will no longer be a dedicated right-of-way due to the construction of a pedestrian bridge. Staff finds that reducing the setback will not impose a negative impact since the rear of Buildings #10 and #11 will be adjacent to the south property line. The proposed development will not have any driveways along the south property line; therefore, staff supports this request.

#### Waiver of Development Standards #1b

Staff does not object to the proposed reduction of the interior side setback (east property line) of a proposed industrial complex from a non-industrial or non-commercial use to zero feet where 20 feet is required per Table 30.40-5. The submitted cross sections show that the east property line consists of an existing railroad easement that is at a higher finished grade than the proposed development; furthermore, there is an existing high school that is over 100 feet to the east. Since the applicant is proposing screening, parking, and a drive-aisle as a buffer to the eastern part of the development, staff finds that setback reduction is warranted and will not impose any adverse effects to the area. Staff also supports this request.

#### Waiver of Development Standards #2a

Since staff supports the waiver of development standards to reduce the setback of the proposed development to the south property line, staff can also support eliminating the required landscaping along the south property line where Figure 30.64-11 is required per Table 30.64-2. The provided landscape plan shows that there will be some landscaping adjacent to the south property line, even though Buildings #10 and #11 will be constructed directly adjacent to the south property line. The landscape plan shows that there is approximately 90 linear feet of landscaping adjacent to the south property line which will include 3 trees and 12 shrubs. Since the applicant did not completely eliminate the required landscaping, staff can support this request.

#### Waiver of Development Standards #2b

Due to the site's peculiar shape and the necessity to provide as much parking as possible while incorporating an existing 100 foot wide railroad easement to the east, staff supports eliminating the required landscaping along the east property line where Figure 30.64-11 is required per Table 30.64-2. The east property lines of the entire site will not have landscaping since only the westernmost portions of all 3 parcels are being developed. Landscaping would be difficult to maintain along the east property line since the 100 foot wide railroad easement is a physical barrier between the east property line and the proposed development; therefore, staff supports this request.

#### Waiver of Development Standards #3

The provided plans show that the increased retaining wall height would be a maximum of 6 feet under Building #1. Furthermore, the cross sections show that the finished grade differences vary in height, and the proposed retaining walls vary from 2 feet to 6 feet. Staff does not object to the proposed retaining walls since they are adjacent to the railroad easement to the east, and the 2 retaining walls adjacent to Rainbow Boulevard are behind the required landscaping, and the retaining walls will be under the finished grade to support an 18 inch stem wall behind the landscaping; therefore, staff supports this request.

#### Waiver of Development Standards #4

Staff does not foresee a negative impact to reduce the required parking spaces to 160 spaces where 165 spaces are required per Table 30.60-1. A 3 % decrease in required parking should have minimal impact on the site since the proposed uses are less intense uses; therefore, staff supports this request.

#### Design Review #1

Staff supports the alternative parking lot landscaping since the applicant is proposing to plant over 100 trees within the proposed development. The detached sidewalks and the proposed landscaping adjacent to Rainbow Boulevard encompass a sufficient amount of landscaping adjacent to the right-of-way and proposed buildings.

#### Design Review #2

Staff has no objection to the proposed design review. The proposed buildings are modern and aesthetically pleasing, and the overall development will enhance the streetscape adjacent to Rainbow Boulevard. The schematic design of the site is appropriate for the site's overall shape, and since staff support the conforming zone change and all of the waivers of development standards, staff can also support this request.

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

##### Waiver of Development Standards #5

Staff has no objection to the reduced throat depth for the northernmost commercial driveway on Rainbow Boulevard. Although the throat depth does not comply with the minimum standard, the applicant provided a significant distance, even with the limited depth of the site.

### 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. This item will be forwarded to the Board of County Commissioners' meeting for final action July 7, 2021 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 Comprehensive Master Plan, Title 30, and/or the Nevada Revised Statutes.

### **PRELIMINARY STAFF CONDITIONS:**

#### **Current Planning**

- No Resolution of Intent and staff to prepare an ordinance to adopt the zoning;
- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection.
- Applicant is advised that 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 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 4 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;
- Traffic study and compliance;
- Full off-site improvements;
- Right-of-way dedication to include 55 feet to the back of curb for Rainbow Boulevard;
- If required by the Regional Transportation Commission (RTC), dedicate and construct a 5 foot by 25 foot shelter area behind the sidewalk, approximately 80 feet north of Erie Avenue (alignment), in accordance with RTC standards;
- Coordinate with Public Works - Design Division for the Rainbow Boulevard improvement project;
- Dedicate any necessary right-of-way and easements for the Rainbow Boulevard improvement project.



- Applicant is advised that the installation of detached sidewalks will require dedication to back of curb and granting necessary easements for utilities, pedestrian access, streetlights, and traffic control; and 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.

**Building Department - Fire Prevention**

- Applicant is advised that fire/emergency access must comply with the Fire Code as amended (fire access T turnaround may not be proper size).

**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](mailto:sewerlocation@cleanwaterteam.com) and reference POC Tracking #0193-2021 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

**TAB/CAC:** Enterprise - approval (design review for signs and lighting or sign changes).

**APPROVALS:**

**PROTESTS:**

**APPLICANT:** PETERSON S&A 1997 TRUST ET AL

**CONTACT:** ERIC RIETZ, RIETZ CONSULTING INC, 3203 E. WARM SPRINGS RD, STE 400, LAS VEGAS, NV 89120