

WAREHOUSE/DISTRIBUTION CENTERS
(TITLE 30)

BADURA AVE/LINDELL RD

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**WS-21-0398-COUNTY OF CLARK (AVIATION) & BELTWAY BUSINESS PARK
WAREHOUSE #10 LEASE:**

WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** landscaping; **2)** cross access; and **3)** alternative driveway geometrics.

DESIGN REVIEWS for the following: **1)** warehouse and distribution center complex; and **2)** finished grade on 15.9 acres in an M-D (Designed Manufacturing) Zone and M-D (Designed Manufacturing) (AE-60) Zone in the CMA Design Overlay District.

Generally located on the north side of Badura Avenue, the south side of Roy Horn Way, the east side of Lindell Road, and the west side of Edmond Street within Enterprise. MN/jt/jo (For possible action)

RELATED INFORMATION:

APN:

176-01-601-036

WAIVERS OF DEVELOPMENT STANDARDS:

1.
 - a. Eliminate street landscaping along a portion of Lindell Road where landscaping per Figure 30.64-17 is required.
 - b. Eliminate street landscaping along portions of Badura Avenue where landscaping per Figure 30.64-17 is required.
 - c. Eliminate street landscaping along portions of Edmond Street where landscaping per Figure 30.64-17 is required.
2. Eliminate cross access where cross access is required per Table 30.56-2.
3.
 - a. Reduce throat depth for the northern driveway on Lindell Road to 8 feet where 25 feet is required per Uniform Standard Drawing 222.1 (a 68% reduction).
 - b. Reduce throat depth for the central driveway on Lindell Road to 10 feet where 25 feet is required per Uniform Standard Drawing 222.1 (a 60% reduction).
 - c. Reduce throat depth for the western driveway on Badura Avenue to 20 feet where 25 feet is required per Uniform Standard Drawing 222.1 (a 20% reduction).
 - d. Reduce throat depth for the central driveway on Badura Avenue to 10 feet where 25 feet is required per Uniform Standard Drawing 222.1 (a 60% reduction).
 - e. Reduce throat depth for the eastern driveway on Badura Avenue to 15 feet where 25 feet is required per Uniform Standard Drawing 222.1 (a 40% reduction).
 - f. Reduce throat depth for the driveway on Edmond Street to 10 feet where 25 feet is required per Uniform Standard Drawing 222.1 (a 60% reduction).

- g. Increase the width of the central driveway on Lindell Road to 47 feet where 40 feet is the maximum allowed per Uniform Standard Drawing 222.1 (a 18% increase).
- h. Increase the width of the central driveway on Badura Avenue to 53 feet where 40 feet is the maximum allowed per Uniform Standard Drawing 222.1 (a 33% increase).
- i. Increase the width of the driveway on Edmond Street to 47 feet where 40 feet is the maximum allowed per Uniform Standard Drawing 222.1 (a 18% increase).

DESIGN REVIEWS:

- 1. Warehouse and distribution center complex.
- 2. Increase finished grade to 96 inches where a maximum of 18 inches is the standard per Section 30.32.040 (a 433% increase).

LAND USE PLAN:

ENTERPRISE - BUSINESS AND DESIGN/RESEARCH PARK

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

- Site Address: N/A
- Site Acreage: 15.9
- Project Type: Warehouse and distribution center complex
- Number of Stories: 1
- Building Height (feet): 40
- Square Feet: 267,952
- Parking Required/Provided: 224/280

Overview

This application is for 2 distribution centers and a warehouse on the “L” shaped parcel. WS-21-0399 is a companion application to relocate a portion of an existing parking lot located on this parcel to the parcel to the northeast for the adjacent office complex. WC-21-400122 (ZC-0851-04) is a third companion application for both this parcel and the parcel to the northeast to waive a condition that required interior parking lot landscaping per plans with a previous proposed development.

Site Plan

The site plan depicts a warehouse located in the northwest portion of the “L” shaped parcel along Lindell Road and 2 distribution centers located on the southern portion of the site along Badura Avenue. Setbacks for the northwest warehouse include 95 feet to the north property line along Roy Horn Way, 76 feet to the west property line along Lindell Road, and 11 feet to the east property line. Setbacks for the southwestern distribution center include 26 feet to 94 feet along the west property line along Lindell Road, 93 feet to the south property line along Badura Avenue, and 137 feet to the north property line, which is adjacent to the future parking lot for the adjacent office complex. Setbacks for the southeastern distribution center include 93 feet to the south property line along Badura Avenue, 76 feet to the eastern property line along Edmond

Street, and 137 feet to the northern property line, which is adjacent to an existing parking lot for the adjacent office complex.

Access to the site is provided by 3 driveways on Lindell Road, 3 driveways on Badura Avenue, and 1 driveway on Edmond Street. Waivers of development standards are necessary for the alternative driveway geometrics, to increase the width of certain driveways, and to eliminate existing cross access with the adjacent office complex to the northeast.

Parking spaces are located on the street sides of the warehouse and distribution centers and loading spaces with overhead roll-up doors are located on the back sides of the buildings, which face internal into the site. Parking spaces for the office building to the northwest are located on this parcel, but will be removed. Trash enclosures are located near the loading spaces throughout the site.

Landscaping

Landscaping along Roy Horn Way, Lindell Road, Badura Avenue, and Edmond Street all include detached sidewalks consisting of a 5 foot wide landscape strip, a sidewalk, and a range in width of landscaping behind the detached sidewalk. Most of the landscaping behind the detached sidewalk ranges in width from 10 feet to 15 feet or more. However, a waiver of development standards is necessary to eliminate the street landscaping for a 20 foot wide utility area on Edmond Street, 2 separate 30 foot wide utility areas along Badura Avenue, and a 23 foot wide utility area along Lindell Road. Additional landscaping is shown in the parking lots and around the front and sides of the buildings.

Elevations

The warehouse building on the northwest portion of the site is 34 feet high, and the 2 distribution centers are 40 feet in height. All 3 buildings are constructed with concrete tilt-up panels painted earth tone colors. Glazing is located on the front and sides of the buildings, and the rear portions of the buildings include depressed loading docks with overhead roll-up doors. The parapet wall along the roofline varies in height and continues articulation and variation at least every 100 feet to comply with the CMA Design Overlay standards.

Floor Plans

The northwest warehouse building is 37,225 square feet, the southwest distribution center is 128,394 square feet, and the southeast distribution center is 102,333 square feet. Each building includes warehouse and distribution space with areas designated for future accessory office use.

Signage

Signage is not a part of this request.

Applicant's Justification

According to the applicant, the proposed development is appropriate for this location, and the modifications to Title 30 standards are necessary and will not create any negative impacts on the surrounding area. For example, the reduced throat depths will not cause stacking into the right-of-way since there are 7 driveways to enter the complex, and traffic will be distributed throughout the site to access the different parking areas. Similarly, increasing the widths for

certain driveways will not create any negative impacts, and the increased width is necessary to decrease conflicts with the increased turning radius of the trucks entering and exiting the site. Also, eliminating cross access with the adjacent office complex to the northeast is necessary to eliminate conflicts between passenger vehicles and truck traffic on the subject site.

The applicant also states that reducing the landscaping along portions of the rights-of-way is only necessary to accommodate utility easements, and all other landscaping will meet Title 30 standards. Lastly, a design review to increase finished grade is necessary due to the topography of the site and to create a level finished floor for the warehouse and distribution buildings.

Prior Land Use Requests

Application Number	Request	Action	Date
VS-20-0382	Vacated and abandoned portions of rights-of-way	Approved by PC	October 2020
VS-20-0264	Vacated and abandoned easements (patents and slopes)	Approved by PC	August 2020
ZC-0089-06	Reclassified 71.1 acres to M-1 and M-D zoning with waivers and design review for signs in conjunction with industrial, office, and retail development on 263.3 acres	Approved by BCC	May 2006
ZC-0851-04 (WC-0085-05)	Waived conditions requiring a cross parking and access agreement (easement) with APN 176-01-601-006	Approved by BCC	May 2005
ADR-0189-05	Building orientation for previously approved office buildings	Approved by ZA	February 2005
ZC-0851-04	Reclassified 32.7 acres to M-D zoning with use permits for office, retail, restaurant uses, and increased building heights for an industrial/retail center	Approved by BCC	August 2004

Additional land use applications have been approved for this site; however, these applications are the most relevant.

Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North	Business and Design/Research Park	M-D	CC 215 with associated Roy Horn Way frontage road, public facility, & undeveloped
South	Business and Design/Research Park	M-D	Distribution centers
East	Business and Design/Research Park	M-D & C-2	Undeveloped, office & office/warehouse
West	Business and Design/Research Park	M-D	Office/warehouse & undeveloped

The subject site and surrounding parcels are in the Public Facilities Needs Assessment (PFNA) area.

Related Applications

Application Number	Request
WS-21-0399	A waiver of development standards with a design review to expand a parking lot on the adjacent parcel to the northeast is a companion item on this agenda.
WC-21-400122 (ZC-0851-04)	A waiver of conditions for a zone change requiring interior landscaping as shown on plans 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

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 #1

Besides the street landscaping that will be eliminated to accommodate utility easements, all other landscaping on the site will meet or exceed Title 30 standards. Also, the width of the utility easements is minimal compared with the overall length of the street frontages. As a result, staff does not anticipate any negative impacts from this reduction in landscaping, and staff can support the request.

Waiver of Development Standards #2

Although both the subject site and the adjacent office complex to the northeast are zoned M-D, the existing cross access is located behind the proposed distribution centers, which would create conflicts between passenger vehicles and the future truck traffic. Cross access would be appropriate if it was located near Edmond Street and connected the office complex with the front office areas of the distribution centers. As a result, staff can support the elimination of the existing cross access between the 2 sites.

Design Review #1

The warehouse and distribution center complex complies with policies in the Comprehensive Master Plan. For example, Urban Specific Policy 97 encourages developments to orient less intensive uses and landscaping around the perimeter of the development. Here, the complex includes street landscaping, parking areas, and office areas along the street frontages, and the loading areas face internal to the site and will be screened from view from the public rights-of-way. Also, Policy 99 encourages appropriate setbacks, landscaping, building height, and materials. Here, the setbacks are appropriate, and the landscaping, building height, and materials

are all aesthetically pleasing and complementary with the surrounding uses. As a result, staff can support the design review.

This site is in the Public Facilities Needs Assessment (PFNA) area, which requires a standard development agreement. Since a development agreement was not a part of the original zone change application, a condition for a standard development agreement is a condition of approval with this application.

Public Works - Development Review

Waiver of Developmental Standards #3a through #3f

Staff can support the request to reduce the throat depth for the driveways since the applicant reduced the potential conflicts by providing extra landscape planters adjacent to the drive aisles, providing drivers more distance before they encounter any conflicting parking spaces.

Waiver of Developmental Standards #3g through #3i

Staff finds that the increased commercial driveway widths may create driver confusion, resulting in trucks and other vehicles stacking into the right-of-way and causing potential collisions. The applicant has not provided sufficient justification to indicate why a standard commercial driveway will not work for truck traffic. Therefore, staff cannot support the increased width for any of the driveways.

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.

Department of Aviation

The development will penetrate the 100:1 notification airspace surface for McCarran 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

Approval of waivers of development standards #1, #2, #3a through #3f, and the design reviews; denial of waivers of development standards #3g through #3i.

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

If approved:

- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection;
- 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.
- 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 this application must commence within 2 years of approval date or it 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;
- Coordinate with Public Works - Director's Office for the Frontage Road improvement project;
- Dedicate any right-of-way necessary for the Frontage Road improvement project.
- 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.

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.

Clark County Water Reclamation District (CCWRD)

- No comment.

TAB/CAC: Enterprise - approval of waivers of development standards #1, #2, #3a through #3f and the design reviews; denial of waivers of development standards #3g through #3i.

APPROVALS:

PROTESTS:

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