



AGENDA MEMO - COMMUNITY DEVELOPMENT

PLANNING COMMISSION MEETING DATE: JULY 9, 2024

DEPARTMENT: COMMUNITY DEVELOPMENT

ITEM DESCRIPTION: APPLICANT/OWNER: LINDA PROPERTIES

**** STAFF RECOMMENDATION(S) ****

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
24-0103-GPA1	Staff recommends DENIAL.	
24-0103-ZON1	Staff recommends DENIAL.	24-0103-GPA1
24-0103-SDR1	Staff recommends DENIAL, if approved subject to conditions:	24-0103-GPA1 24-0103-ZON1

**** NOTIFICATION ****

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 11

NOTICES MAILED 147

PROTESTS 0

APPROVALS 0

**** CONDITIONS ****

24-0103-SDR1 CONDITIONS

Planning

1. Approval of a General Plan Amendment (24-0103-GPA1) and Rezoning (24-0103-ZON1).
2. This approval shall be void two years from the date of final approval, unless exercised pursuant to the provisions of LVMC Title 19.16. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. All development shall be in conformance with the site plan and landscape plan, date stamped 06/11/24, and building elevations, date stamped 04/29/24, except as amended by conditions herein.
4. An Exception from Title 19.08.110 is hereby approved, to allow four interior parking area trees/islands where 12 are required.
5. All necessary building permits shall be obtained and final inspections shall be completed in compliance with Title 19 and all codes as required by the Building and Safety Division.
6. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
7. A technical landscape plan, signed and sealed by a Registered Architect, Landscape Architect, Residential Designer or Civil Engineer, must be submitted prior to or at the same time application is made for a building permit. A permanent underground sprinkler system is required, which shall be permanently maintained in a satisfactory manner; the landscape plan shall include irrigation specifications. Installed landscaping shall not impede visibility of any traffic control device.
8. Prior to or at the time of submittal for any building permit, the applicant shall provide written verification by the FAA and/or the Clark County Department of Aviation of the following:
 - a. Applicant is required to file FAA form 7460-1, "Notice of Proposed Construction or Alteration" with the FAA,

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- b. Applicant is advised 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. Applicant is advised that the FAA's airspace determinations include expiration dates and that separate airspace determinations will be needed for construction cranes or other temporary equipment.
 - c. 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.
 - d. No structure greater than 35' in height shall be permitted to be erected or altered that would constitute a hazard to air navigation, or would result in an increase to minimum flight altitudes during any phase of flight, or would otherwise be determined to pose a significant adverse impact on airport or aircraft operations.
9. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Public Works

- 10. In accordance with Title 19.02.025.F, the applicant shall make an improvement contribution equal to 50% of the City's bond estimate costs for all deferred improvements on Ricky Road based on standard urban improvements prior to the issuance of permits for this site.
- 11. Sign a Covenant Running with Land agreement for the possible future installation of half-street improvements per urban Standards (including curb and gutter, sidewalks, streetlighting, permanent paving and possibly fire hydrants and sewers) on Ricky Road adjacent to this site. The Covenant agreement must be recorded with the County Recorder and a copy of the recorded document must be provided to the City prior to the issuance of permits for this site.
- 12. All landscaping and private improvements installed with this project shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.
- 13. Meet with the Flood Control Section of the Department of Public Works for assistance with establishing finished floor elevations and drainage paths for this site prior to submittal of construction plans, the issuance of any building or grading permits [or the submittal of a map for this site], whichever may occur first. Provide and improve all drainage ways as recommended.

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Fire & Rescue

14. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a project request for a proposed Warehouse development on 1.39 acres located on the south side of Ricky Road, approximately 211 feet east of Rancho Drive.

ISSUES

- A General Plan Amendment is requested from GC (General Commercial) to LI-R (Light Industrial and Research). Staff does not support the request.
- A Rezoning is requested from C-2 (General Commercial) to C-M (Commercial/Industrial).
- The Warehouse/Distribution Center use is listed as a permitted use for the C-M (Commercial/Industrial) zoning district.
- An Exception is requested to allow four interior parking area trees/islands where 12 are required. Staff does not support the request.
- The Department of Public Works has administratively approved an "Off-Site Improvement Deferral" request for the subject site.
- The subject site has an open Code Enforcement Case #CE23-08544 regarding the site being used to park commercial vehicles and junkyard activity. The case remains open.
- The Las Vegas Valley Water District (LVVWD) has commented, "Parcel will be served by North Las Vegas."
- A Condition of Approval has been added requiring compliance with the Clark County Department of Aviation.

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ANALYSIS

The subject 1.39-acre site is zoned C-2 (General Commercial) with a GC (General Commercial) land use designation. It is currently undeveloped and subject to Title 19 development standards. The adjacent parcels are all zoned C-2 (General Commercial). Residential and Office zoned properties are also found in the nearby vicinity. The applicant proposes to develop the subject site with a two-story, 20,944 square-foot warehouse development.

General Plan Amendment

A General Plan Amendment is requested from GC (General Commercial) to LI-R (Light Industrial and Research). Approval of the request would allow medium to low intensity industrial activities, light assembly, commercial and business parks. The LI/R (Light Industry/Research) General Plan land use designation allows the M (Industrial), C-M (Commercial/Industrial), C-2 (General Commercial), C-1 (Limited Commercial), O (Office) and P-O (Professional Office) zoning districts. Staff recommends denial of the request as it is not compatible with the existing land use designations in the surrounding area which include O (Office), R (Rural Density Residential, and DR (Desert Rural Density Residential).

Rezoning

A Rezoning is requested from C-2 (General Commercial) to C-M (Commercial/Industrial). The C-M District is a general commercial and restricted industrial district designed to provide for a variety of compatible business, warehouse, wholesale, office and limited industrial uses. This district is intended to be located away from areas of low and medium density residential development. The C-M District is consistent with the Light Industry/Research category of the General Plan. Staff recommends denial of the request as it is not compatible with the existing zoning districts in the surrounding area. The surrounding zoning districts include O (Office), R-1 (Single Family Residential, and R-E (Residence Estates). Furthermore, the proposal would be an example of Spot Zoning. Per Title 19, Spot Zoning is defined as, "Rezoning of a lot or parcel of land to benefit an owner for a use incompatible with surrounding land uses and that does not further the General Plan."

Site Development Plan Review

The submitted plans depict a two-story, 20,944 square-foot warehouse development. Two 7,815 square-foot warehouse tenant spaces with 4,746 square feet of office space are proposed. Access is provided from Ricky Road, a 60-foot Local Street. The Department of Public Works has administratively approved a Waiver of the offsite improvement requirements. Parking requirements are satisfied as 40 spaces are provided where 32 are required. Two-handicap accessible spaces are proposed. Perimeter landscape

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buffers are provided in compliance with Title 19. An Exception is requested to allow four parking area trees/islands where 12 are required. A key priority for the City of Las Vegas is to reduce the urban heat island effect. Therefore, staff does not support the request.

The proposed building is two stories with a maximum height of 37 feet. The proposed building façade materials include concrete tilt-up wall in neutral tones. Bay doors are proposed to be located at the rear of the building. The proposed planting materials include Mulga Acacia, Chilean Mesquite and Escarpment Oak Trees, which are in compliance with the recommendations of the Southern Nevada Regional Plant List.

The Clark County Department of Aviation has commented, "Federal Aviation Regulations (14 CFR, Part 77) and City of Las Vegas Code (Section 19.10.080) require that the Federal Aviation Administration (FAA) be notified before the construction or alteration of any building or structure that will exceed a slope of 100:1 for a distance of 20,000 feet from the nearest point of any airport runway or for any structure greater than 200 feet in height. Such notification allows the FAA to determine what impact, if any, the proposed development will have upon aircraft operations, and allow the FAA to determine whether the development should be obstruction marked or lighted." A Condition of Approval has been added requiring compliance with the Clark County Department of Aviation.

The subject site is located within the City of Las Vegas 2050 Master Plan Rancho Area. This area currently lacks cohesion, largely because of the lack of major city and community services. However, with a re-imagination of Rancho Drive, and the addition of high capacity transit routes along it, Decatur Boulevard, and Craig Road, the area can develop a new identity that balances transit-oriented mixed-use and existing developments. The future vision for the Rancho Area calls for medium to higher-density, suburban-oriented transit-oriented development to support existing well-established, yet older, shopping centers at key nodes that have potential to become neighborhood mixed-use centers. The proposed industrial warehouse development is not compatible with this vision.

Staff finds the proposed development will not be harmonious and compatible with the existing development in the surrounding area. The proposed C-M District is intended to be located away from areas of low and medium density residential development. Existing low residential development is located within 122 feet of the subject site. Therefore, staff recommends denial of all entitlement requests. If approved, the Site Development Plan Review will be subject to conditions.

FINDINGS (24-0103-GPA1)

Section 19.16.030(l) of the Las Vegas Zoning Code requires that the following conditions be met in order to justify a General Plan Amendment:

1. **The density and intensity of the proposed General Plan Amendment is compatible with the existing adjacent land use designations,**

The proposed LI/R (Light Industry/Research) General Plan designation will allow low-intensity (non-polluting and non-nuisance) industrial uses, including light manufacturing, assembling and processing, warehousing and distributions, and research, development and testing laboratories, which is not compatible with the existing residential development in the surrounding area.

2. **The zoning designations allowed by the proposed amendment will be compatible with the existing adjacent land uses or zoning districts,**

The applicant has proposed a Rezoning from C-2 (General Commercial) to C-M (Commercial/Industrial), which is consistent with the proposed LI/R (Light Industry/Research) General Plan designation. However, the proposed land use is not compatible with the existing residential development in the surrounding area.

3. **There are adequate transportation, recreation, utility, and other facilities to accommodate the uses and densities permitted by the proposed General Plan Amendment; and**

There are adequate transportation, recreation, utility, and other facilities to accommodate the uses and densities permitted by the proposed General Plan Amendment.

4. **The proposed amendment conforms to other applicable adopted plans and policies.**

The proposed amendment does not align with the 2050 City of Las Vegas Master Plan which calls for medium to higher-density, suburban-oriented transit-oriented development.

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FINDINGS (24-0103-ZON1)

In order to approve a Rezoning application, pursuant to Title 19.16.090(L), the Planning Commission or City Council must affirm the following:

1. The proposal conforms to the General Plan.

If approved, the proposed Rezoning to C-M (Commercial/ Industrial) would be in conformance with the proposed LI/R (Light Industry/Research) General Plan Designation under the Southeast Sector Plan of the General Plan.

2. The uses which would be allowed on the subject property by approving the rezoning will be compatible with the surrounding land uses and zoning districts.

Staff has determined that although the proposed C-M (Commercial/ Industrial) zoning district is consistent with the proposed LI/R (Light Industry/Research) general plan land use designation, the allowable industrial land uses are not compatible with the existing residential development in the surrounding area.

3. Growth and development factors in the community indicate the need for or appropriateness of the rezoning.

There are no development factors in the community that would warrant the proposed C-M (Commercial/ Industrial) zoning district on the subject site.

4. Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed zoning district.

Access is provided from Ricky Road, a 60-foot Local Street, which is adequate in size to meet the needs of the proposed zoning district.

FINDINGS (24-0103-SDR1)

In order to approve a Site Development Plan Review application, per Title 19.16.100(E) the Planning Commission and/or City Council must affirm the following:

1. The proposed development is compatible with adjacent development and development in the area;

The proposed development is not compatible with the existing residential development in the surrounding area.

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2. **The proposed development is consistent with the General Plan, this Title, and other duly-adopted city plans, policies and standards;**

An Exception from Title 19 is requested to allow a reduction in required interior parking area trees/islands. The proposed amendment does not align with the 2050 City of Las Vegas Master Plan which calls for medium to higher-density, suburban-oriented transit-oriented development.

3. **Site access and circulation do not negatively impact adjacent roadways or neighborhood traffic;**

Site access is provided by Ricky Road, a 60-foot right-of-way, which is adequate in size to meet the needs of the proposed development.

4. **Building and landscape materials are appropriate for the area and for the City;**

The proposed building materials are appropriate for this area of the city. The proposed landscape materials adhere to the recommendations of the Southern Nevada Regional Plant List.

5. **Building elevations, design characteristics and other architectural and aesthetic features are not unsightly, undesirable, or obnoxious in appearance; create an orderly and aesthetically pleasing environment; and are harmonious and compatible with development in the area;**

The proposed building elevations are not unsightly or obnoxious in appearance.

6. **Appropriate measures are taken to secure and protect the public health, safety and general welfare.**

If approved, the proposed development will be subject to building permit and licensing reviews, thereby protecting the public health, safety and general welfare.

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BACKGROUND INFORMATION

<i>Related Relevant City Actions by Planning, Fire, Building, Code Enforcement, etc.</i>	
12/18/23	Code Enforcement Case #CE23-08544 was opened regarding the site being used to park commercial vehicles and junk yard activity. The case remains open.

<i>Most Recent Change of Ownership</i>	
05/16/22	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
There are no related building permits/business licenses of note.	

<i>Pre-Application Meeting</i>	
02/21/24	Staff conducted a pre-application meeting with the applicant where the submittal requirements and deadlines were reviewed for a proposed Warehouse development.

<i>Neighborhood Meeting</i>	
06/20/24	<p>Neighborhood Meeting held at West Las Vegas Library.</p> <p>Meeting Start Time: 5:30 PM Meeting End Time: 6:00 PM</p> <p>Attendance: 6 Applicant Representatives 1 Department of Community Development Staff Member 1 Member of the Public</p> <p>The meeting was opened with a representative giving an overview of the proposed development and the requested land use entitlements. The meeting was opened for comments/questions.</p> <p>Concerns/comments:</p> <ul style="list-style-type: none"> - Question about elevation plans for the project. The applicant provided elevation plans and noted that they did not have the documents in color. - Question about what business will be in the warehouse development. The applicant explained that they intend to first develop the site then open applications for business lease.

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Neighborhood Meeting	
06/20/24	<ul style="list-style-type: none"> - Question about the height of the proposed building. The applicant clarified it will be 37 feet. - Question about sidewalks being provided. The applicant explained that no sidewalks will be constructed. - Comment about potential complaints about truck traffic caused by the development. The applicant explained that there will be no loading docks on-site which is intended to prevent truck traffic. - Question about the Planning Commission date and if the staff report is ready. Staff clarified that the project will be heard at the July 9th Planning Commission meeting and the staff report has not been finalized. - Comment made that the proposed development looks compatible and is better than what is currently there.

Field Check	
05/30/24	Staff conducted a routine field check and found an undeveloped lot surrounding by chain-link fencing with barbwire. Parked commercial vehicles were observed onsite.

Details of Application Request	
Site Area	
Net Acres	1.39

Surrounding Property	Existing Land Use Per Title 19.12	Planned or Special Land Use Designation	Existing Zoning District
Subject Property	Undeveloped	GC (General Commercial)	C-2 (General Commercial)
North	Building & Landscape Material/Lumber Yard	GC (General Commercial)	C-2 (General Commercial)
	Auto Repair Garage, Major		
South	Tavern	GC (General Commercial)	C-2 (General Commercial)
East	Undeveloped	GC (General Commercial)	C-2 (General Commercial)
West	Undeveloped	GC (General Commercial)	C-2 (General Commercial)
	Animal Hospital, Clinic, or Shelter		
	Auto Repair Garage, Major		

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Master and Neighborhood Plan Areas	Compliance
Las Vegas 2050 Master Plan Area: Rancho	N*
Special Area and Overlay Districts	Compliance
A-O (Airport Overlay) District (70 Feet)	Y
Other Plans or Special Requirements	Compliance
Trails	N/A
Las Vegas Redevelopment Plan Area	N/A
Interlocal Agreement	N/A
Project of Significant Impact (Development Impact Notification Assessment)	N/A
Project of Regional Significance	N/A

*The proposed amendment does not align with the 2050 City of Las Vegas Master Plan which calls for medium to higher-density, suburban-oriented transit-oriented development.

DEVELOPMENT STANDARDS

Pursuant to Title 19.08, the following standards apply:

Standard	Required/Allowed	Provided	Compliance
Min. Lot Size	N/A	60,548 SF	N/A
Min. Lot Width	100 Feet	180 Feet	Y
Min. Setbacks			
• Front	10 Feet	98 Feet	Y
• Side	10 Feet	24 Feet	Y
• Rear	20 Feet	61 Feet	Y
Max. Building Height	N/A	37 Feet	N/A
Trash Enclosure	Screened, Gated, w/ a Roof or Trellis	Screened, Gated, w/ a Roof or Trellis	Y
Mech. Equipment	Screened	Screened	Y

Existing Zoning	Permitted Density	Units Allowed
C-2 (General Commercial)	N/A	N/A
Proposed Zoning	Permitted Density	Units Allowed
C-M (Commercial/Industrial)	N/A	N/A
Existing General Plan	Permitted Density	Units Allowed
GC (General Commercial)	N/A	N/A
Proposed General Plan	Permitted Density	Units Allowed
LI-R (Light Industrial And Research)	N/A	N/A

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Pursuant to Title 19.08, the following standards apply:

Landscaping and Open Space Standards				
Standards	Required		Provided	Compliance
	Ratio	Trees		
Buffer Trees:				
• North	1 Tree / 30 Linear Feet	7 Trees	8 Trees	Y
• South	1 Tree / 30 Linear Feet	6 Trees	7 Trees	Y
• East	1 Tree / 30 Linear Feet	10 Trees	15 Trees	Y
• West	1 Tree / 30 Linear Feet	10 Trees	15 Trees	Y
TOTAL PERIMETER TREES		33 Trees	45 Trees	Y
Parking Area Trees	1 Tree / 6 Uncovered Spaces, plus 1 tree at the end of each row of spaces	12 Trees	4 Trees	N*
LANDSCAPE BUFFER WIDTHS				
Min. Zone Width				
• North	15 Feet		15 Feet	Y
• South	8 Feet		8 Feet	Y
• East	8 Feet		8 Feet	Y
• West	8 Feet		8 Feet	Y

*An Exception is requested to allow a reduction in required parking area trees.

Street Name	Functional Classification of Street(s)	Governing Document	Actual Street Width (Feet)	Compliance with Street Section
Ricky Road	Local Street	Title 13	60	N*

*The applicant has requested a Waiver of all offsite improvements. The Department of Public Works has administratively approved a deferral of offsite improvements.

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Pursuant to Title 19.08 and 19.12, the following parking standards apply:

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required		Provided		Compliance	
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Warehouse/ Distribution Center	15,774 SF	1:1,000 SF	16				
Office, Other than Listed	4,746 SF	1:300 SF	16				
TOTAL SPACES REQUIRED			32		40		Y
Regular and Handicap Spaces Required			30	2	38	2	Y

Exceptions		
Requirement	Request	Staff Recommendation
Provide 1 Tree / 6 Uncovered Spaces, plus 1 tree at the end of each row of spaces (12 trees)	To allow four parking area trees/islands	Denial