



Planning Commission Agenda Item

Date: December 09, 2020
Item No: 15.

TO: Planning Commission

FROM: Marc Jordan, Director Land Development & Community Services
Prepared By: Amy Michaels

Subject: **VN-03-2020 RANGE AND TROPICAL (Public Hearing).** Applicant: Pauls/Dream Industrial Range Road, LLC. Request: A variance in an M-2 (General Industrial District) to allow a maximum eight (8) foot and seven (7) inch high retaining wall where six (6) feet is the maximum height allowed. Location: Northeast corner of Range Road and Tropical Parkway. (APN 123-28-201-014).

RECOMMENDATION: APPROVAL WITH CONDITIONS

PROJECT DESCRIPTION:

The applicant is requesting Planning Commission consideration for a maximum eight (8) foot and seven (7) inch high retaining wall where six (6) feet is the maximum height allowed in an M-2, General Industrial District for an industrial building.

BACKGROUND INFORMATION:

Previous Actions
N/A

RELATED APPLICATIONS:

Application #	Application Request
N/A	

GENERAL INFORMATION:

	Land Use	Zoning	Existing Use
Subject Property	Heavy Industrial	M-2, General Industrial District	Undeveloped
North	Heavy Industrial	M-2, General Industrial District	Undeveloped
South	Heavy Industrial	M-2, General Industrial District	Undeveloped
East	Clark County	M-1, Heavy Industrial and O-L, Open Land	Clark County I-215
West	Heavy Industrial	M-2, General Industrial District	Undeveloped and Industrial

DEPARTMENT COMMENTS:

Public Works:	No Comments.
Police:	No Comments.
Fire:	No Comments.
Clark County School District:	No Comments.
Clark County Department of Aviation:	No Comments.

ANALYSIS

The applicant is requesting a variance to increase the retaining wall height of a wall to eight (8) feet and seven (7) inches tall where code allows a maximum height of six (6) feet. The proposed wall begins at the southwest corner of the site and continues north and east, the retaining wall height ranges from 5.3-feet up to 8.7-feet and back down to 4.7-feet. According to Section 17.24.070, retaining walls shall not exceed six (6) feet in height and not to exceed a total height of twelve (12) feet.

The applicant's letter of intent states that the request to increase the retaining wall height is due to grading the site at the minimum allowed while maintaining an outlet onto Range Road. The adjacent site has a low point sump that does not drain which causes the grade differential of this site.

The future development of the adjacent parcel will the low points to be filled in to allow proper drainage. When that occurs, the retaining wall height will be below the six (6)

foot maximum height. Normally to grant a variance, the Planning Commission must find that the applicant and the property meets all the necessary criteria listed below.

Requirements for Approval of a Variance

In accordance with the Zoning Ordinance, the Planning Commission may, by motion, grant a variance if the Planning Commission finds, from the evidence presented, that all of the following criteria has been met:

1. There are exceptional and extraordinary circumstances and conditions applicable to the property involved and that such circumstances and conditions do not apply generally to other properties in the same vicinity and zoning district;
2. Such variance is necessary for the preservation and enjoyment of a substantial property right that is possessed by property in the same vicinity and zoning district and denied to the property in question; and
3. The granting of such variance will not be materially detrimental to the public safety and welfare or injurious to other property or improvements in the same vicinity and zoning district.

State Law, under NRS 278.300 (1)(c), sets forth the requirements which must be met before a Planning Commission is empowered to grant a variance:

“Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of any regulation enacted under NRS 278.010 to 278.630, inclusive, would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of property, to authorize a variance from that strict application so as to relieve the difficulties or hardship, if the relief may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources and without substantially impairing the intent and purpose of any ordinance or resolution.”

- **The property must contain an exceptional and extraordinary circumstance that does not generally apply to other properties in the same vicinity.**
 - Due to the grading of the property and the sump on the adjacent parcel without the required grading the site will not drain properly.

- **Is the variance necessary for a property right that the site does not have but others in the vicinity do possess?**
 - Yes, the variance is necessary to allow proper drainage of the proposed property.
- **Is the variance materially detrimental to the public safety and welfare, or does it damage property values?**
 - No, with proper mitigation, the proposed variance should not impact neighboring properties nor does the variance create a negative impact on the public safety or welfare.

Staff has no objections to the proposed request. The applicant is requesting a reasonable accommodation to allow them to utilize their property in a manner that will not impede the drainage of the adjacent property. Staff recommends approval of the request subject to conditions.

CONDITIONS:

Planning and Zoning:

1. Unless expressly authorized through a variance, waiver or another approved method, this development shall comply with all applicable codes and ordinances.

ATTACHMENTS:

Letter of Intent
Site Plan
Clark County Assessor's Map
Location and Zoning Map