



Planning Commission Agenda Item

Date: May 11, 2022

Item No: 22.

TO: Planning Commission

FROM: Marc Jordan, Director Land Development & Community Services
Prepared By: Robert Eastman

Subject: **VN-01-2022 I-215 INTERCHANGE LOGISTICS CENTER AT CENTENNIAL AND RANGE (Public Hearing).** Applicant: Badiee Development - Scott Merry. Request: A variance in an M-2 (General Industrial District), to allow a wall that is over 6 feet in height (9'-2"). Location: North of Belt Road, between Clark County 215 and the Union Pacific Railroad. Ward 1.

RECOMMENDATION: APPROVAL WITH CONDITIONS

PROJECT DESCRIPTION: (APN 123-20-000-003).

The applicant is requesting Planning Commission consideration for a retaining wall with a maximum height up to nine (9) feet and two (2) inches where six (6) feet is the maximum height allowed in an M-2, General Industrial District for an industrial building. The subject site is located north of Belt Road, between the Clark County 215 Beltway and the Union Pacific Railroad.

BACKGROUND INFORMATION:

Previous Actions	
On April 21, 2021, the City Council approved Ordinance No. 3068 (ZN-01-2021) reclassifying the property from O-L, Open Land District to M-2, General Industrial District.	
On October 18, 2017, the City Council approved an amendment to the Comprehensive Master Plan (AMP-11-17) to change the land use from Employment to Heavy Industrial.	

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	Employment and Public / Semi Public	O-L, Open Land Residential District and PSP, Public / Semi-Public District	Undeveloped and Clark County 215 Beltway
South	Heavy Industrial	M-2, General Industrial District	Developing industrial
East	Public / Semi Public	PSP, Public / Semi-Public District	Clark County 215 Beltway and Nevada State National Guard Floyd Edsall Training Center
West	Employment	O-L, Open Land Residential District	Undeveloped

DEPARTMENT COMMENTS:

Public Works:	See attached Memorandum.
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 up to nine (9) feet and two (2) inches where the municipal code allows a maximum height of six (6) feet. The subject site is a triangular shaped parcel located north of Belt Road, between the Clark County 215 Beltway and the Union Pacific Railroad (UPRR). The Comprehensive Master Plan land use designation is Heavy Industrial and the zoning classification is M-2, General Industrial District.

The Municipal Code Section 17.24.070.c, states where retaining walls are used, they shall not exceed six (6) feet in height. All exposed sides of all retaining walls shall be decorative and shall match the design of any applicable screen walls. The proposed retaining walls will be located along the northwest perimeter adjacent to the UPRR and along the northeast perimeter adjacent to the Clark County 215 Beltway.

According to the letter of intent, the grade difference between the subject site and Clark County 215 Beltway and the railroad right-of-way is between 5.6'-9.1'. The existing berms on the adjacent properties have created conditions that require the additional height of the retaining walls.

The Public Works Department has reviewed the requested wall height variance and has no objections to this request. However, according to the approved Drainage Study, the walls can only be built after NDOT completes the CC-215 / I-15 improvements in this area.

Typically, 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.**
 - Resulting from the grading for the Clark County 215 Beltway and the UPRR, this site has development constraints that require a larger retaining wall.
- **Is the variance necessary for a property right that the site does not have but others in the vicinity do possess?**
 - Yes, the property's unique location between two transportation corridors and their berms created the need for larger retaining walls.
- **Is the variance materially detrimental to the public safety and welfare, or does it damage property values?**
 - No, the proposed variance should not affect neighboring properties nor does the variance create a negative impact on the public safety or welfare.

Staff has no objections to the proposed variance request. The applicant is requesting a reasonable accommodation to utilize their uniquely situated 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.

Public Works:

2. Per the approved Drainage Study, this wall can only be built after NDOT completes the CC-215 / I-15 improvements in this area.

ATTACHMENTS:

Public Works Memorandum
Letter of Intent
Grading Plans
Clark County Assessor's Map
Location and Zoning Map