



Planning Commission Agenda Item

Date: April 9, 2025

Item No: 18

TO: Planning Commission

FROM: Alfredo Melesio, Jr., AICP, EDFP, Director of Land Development
Prepared By: Bryan Saylor, Planner

SUBJECT: VN-01-2025 APEX RIDGE (Public Hearing). Applicant: EBS Realty Partners LLC. Request: A Variance in an M-2, General Industrial District, to Allow a Retaining Wall Height of 20 Feet Where a Maximum Height of 12 Feet is Allowed. Location: 9150 North Terryl B. Adams Street. (APN 122-06-010-007). Ward 1. (For Possible Action)

RECOMMENDATION: APPROVAL WITH CONDITIONS

PROJECT DESCRIPTION:

The applicant is requesting Planning Commission consideration to allow a twenty (20) foot retaining wall where twelve (12) feet is the maximum height allowed in a M-2 General Industrial District located within the Apex Industrial Overlay District. Additionally, the applicant is requesting to construct a single retaining wall where a tiered design is required. The subject site is located in the Apex industrial Overlay District at 9150 North Terryl B. Adams Street and the Comprehensive Master Plan Land Use designation is Heavy Industrial.

BACKGROUND INFORMATION:

Previous Action
On May 19 2010, The City Council approved the adoption of the Comprehensive Master Plan (AMP-01-10). The designated land use was changed to Heavy Industrial

RELATED APPLICATIONS:

Application #	Application Request
N/A	

GENERAL INFORMATION:

	Land Use	Zoning	Existing Use
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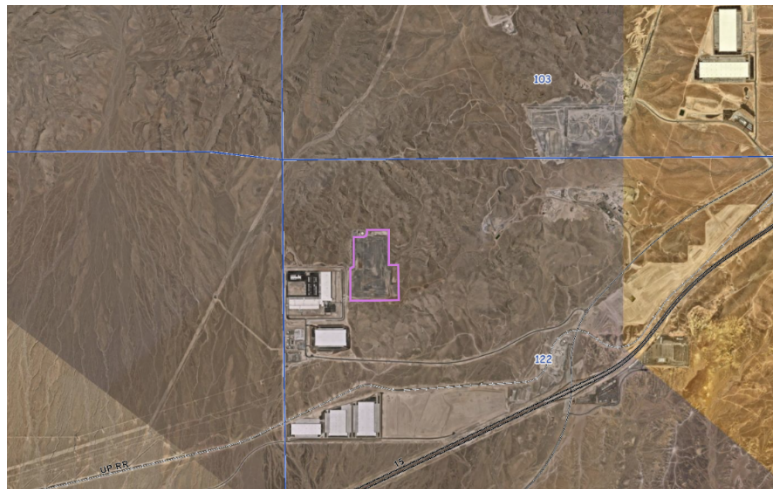
Subject Property	Heavy Industrial	M-2 General Industrial District	Warehouse
North	Heavy Industrial	M-2 General Industrial District	Undeveloped
South	Heavy Industrial	M-2 General Industrial District	Undeveloped
East	Heavy Industrial	M-2 General Industrial District	Undeveloped
West	Heavy Industrial	M-2 General Industrial District	Existing Kroger Distribution Center

DEPARTMENT COMMENTS:

Department	Comments
Public Works:	Please see attached memorandum.
Police:	No Comment.
Fire:	No Comment.
Clark County School District:	No Comment.
Clark County Department of Aviation:	No Comment.

ANALYSIS:

The applicant is requesting a variance to increase the retaining wall maximum height up to twenty (20) feet where the municipal code allows a maximum height of twelve (12) feet. The subject site is located in the Apex industrial Overlay District off of N. Terryl B. Adams Street. The comprehensive Master Plan Land Use designation for the subject site is Heavy Industrial.



The requested variance is due to the mountain side terrain of the proposed wall location. The applicant is requesting a variance to construct a single retaining wall with a maximum height of twenty (20) feet. A tiered retaining wall design with a landscaped strip separating the walls is required for retaining walls above twelve (12) feet in height. The subject site is undulating as is typical for mountain side terrain. The lowest point of the site is the west side of the property the leads down to the Kroger distribution center.

The Municipal Code Section 17.24.070.c, states where retaining walls are used, they shall not exceed twelve (12) 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 wall(s) would need to be decorative, with a maximum height of twenty (20) feet. Since the walls will not be visible from the right-of-way and only internal, staff would not object to a single decorative wall design being utilized in this instance.

The surrounding uses include the Kroger distribution center to the west and undeveloped land surrounding the remainder of the site. The applicant proposed to construct two (2) industrial buildings on 90.96 acres. Building 1 will be 755,628 square feet and Building 2 will be 602,377 square feet in size. According to the applicant's submitted plans, the property has over forty (40) feet of grade difference from north to south in the area of the proposed retaining wall location. The site plan also contains a detention basin and concrete spillway adjacent to the proposed retaining wall.

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.**
 - The existing site is mountainous terrain characterized by many severe changes in grade. This creates the need for retaining walls throughout the subject site for development of this parcel.
- **Is the variance necessary for a property right that the site does not have but others in the vicinity do possess?**
 - Yes, the mountainous terrain and the requirement for an onsite drainage system (detention basins) makes it difficult to develop the property without the required wall variance.
- **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 create a negative impact on the public safety or welfare.

Staff has no objections to the proposed wall variance request. The applicant is requesting a reasonable accommodation to utilize their uniquely situated property. Staff recommends approval 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.
2. The wall must be decorative in design.

ATTACHMENTS:

Public Works Memorandum
Letter of Intent
Site Plan
Wall Sections

Clark County Assessor's Map
Location and Zoning Map