



Planning Commission Agenda Item

Date: March 8, 2023

Item No: 6

TO: Planning Commission

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

SUBJECT: VN-01-2023 N15 PHASE IV (Public Hearing). Applicant: Seefried Industrial Properties, Inc. / Dan Bick. Request: A Variance in an M-2 (General Industrial District), to Allow a Retaining Wall that is Over 6 Feet in Height. Location: Southwest Corner of Tropical Parkway and Sloan Lane. (APN 123-28-701-006) Ward 1. (For Possible Action)

RECOMMENDATION: APPROVAL WITH CONDITIONS

PROJECT DESCRIPTION: (APN 123-28-701-006).

The applicant is requesting Planning Commission consideration to allow an eleven (11) foot retaining wall where six (6) feet is the maximum height allowed in a M-2 General Industrial District. The applicant is also requesting to construct a single retaining wall where a tiered design is required. The current land use category is Heavy Industrial. The subject site is located at the southwest corner of Tropical Parkway and Sloan Lane.

BACKGROUND INFORMATION:

Previous Action	
City Council approved Ordinance #3165 to reclassify property (ZN-30-2022) from O-L, Open Land District To M-2 General Industrial District on January 19, 2023.	
On December 19, 2023, Planning Commission recommend approval of a property reclassification (ZN-30-2022) from O-L (Open Land District) to an M-2 General Industrial District and forwarded the request to City Council for consideration on January 19, 2023.	

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	Existing Warehouse
South	Heavy Industrial	M-2 General Industrial District	Existing warehouse
East	Heavy Industrial	M-2 General Industrial District	Existing Warehouse
West	Heavy Industrial	M-2 General Industrial District	Existing Warehouse

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 eleven (11) feet where the municipal code allows a maximum height of six (6) feet. The subject site is located at the southwest corner of Sloan Lane and East Tropical Parkway. The comprehensive Master Plan Land Use designation for the subject site is Heavy Industrial.

The subject site's surrounding uses include three (3) Amazon warehouse facilities, to the north, west and east of this site; and a trucking transfer facility to the south of the subject site. The applicant is proposing to construct two (2) industrial buildings on 34.65 acres. Building 1 will be 258,924 square feet and Building 2 will be 475,314 square feet in size. According to the applicant's letter of intent, the property has twenty-five (25) feet of grade difference from the north to the south of the subject site. The site plan also contains two (2) detention basins on the south side of the site along El Campo Grande Avenue to protect downstream developments.

In an effort to maximize the remainder of the site while providing the required parking and truck drive aisles, the applicant is requesting a variance to construct a single retaining wall with a maximum height of eleven (11) feet where a tiered retaining wall with a

landscaped strip are required for retaining walls above six (6) feet in height. The subject site is convex and undulating with a peak in the middle of the north boundary and sloping lower at the northwest and northeast corners. The low point of the site is the southeast corner of the property.

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 wall(s) would need to be decorative, with a maximum height of eleven (11) feet. Since the walls will not be visible from the right-of-way and only internal, staff doesn't have an objection to utilizing a single decorative wall design in this instance.

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 has a grade difference running north to southeast of approximately 25 feet. This creates the need for retaining walls along the south, east and west side of 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 property's 25-foot grade difference and requirement for the onsite drainage system (detention basins) makes it difficult to develop the property without the 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 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 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. Retaining walls will need to be constructed as decorative elements such as but not limited to the following: decorative caps, textured plaster or concrete, stucco, split-faced block, slump stone, brick, fluted blocks, decorative block, stone veneer, pre-cast concrete tilt-up with reveals and /or patterns. Smooth-faced block shall be limited to accents only and should not exceed 20% of the wall.

ATTACHMENTS:

Public Works Memorandum

Letter of Intent

Site Plan

Wall Sections

Clark County Assessor's Map

Location and Zoning Map