

OUTSIDE STORAGE YARD
(TITLE 30)

JUDSON AVE/MARION DR

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

NZC-23-0081-STEPHENS, JUSTIN:

ZONE CHANGE to reclassify 0.9 acres from an R-T (Manufactured Home Residential) (AE-65 & APZ-2) Zone to an M-1 (Light Manufacturing) (AE-65 & APZ-2) Zone.

WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** eliminate landscaping; **2)** reduce wall/fence height; **3)** reduce parking; **4)** eliminate trash enclosure; **5)** reduce gate setback; **6)** off-site improvements (curb, gutter, sidewalk, streetlights, and partial paving); **7)** reduce throat depth; and **8)** reduce driveway width.

DESIGN REVIEW for an outside storage yard.

Generally located on the south side of Judson Avenue, 400 feet east of Marion Drive within Sunrise Manor (description on file). TS/gc/syp (For possible action)

RELATED INFORMATION:

APN:

140-20-610-004

WAIVERS OF DEVELOPMENT STANDARDS:

1. a. Eliminate landscaping adjacent to a less intensive use where landscaping per Figure 30.64-11 is required.
- b. Eliminate landscaping along a street (Judson Avenue) where landscaping per Figure 30.64-17 is required.
2. Reduce wall/fence height to 6 feet where a minimum of 8 feet is required when adjacent to non-industrial uses per Table 30.64-2 (a 25% reduction).
3. Reduce parking to zero spaces where a minimum of 6 spaces are required per Table 30.60-1 (a 100% reduction).
4. Eliminate trash enclosure where required per Section 30.56.120.
5. Reduce gate setback to 6 feet where a minimum of 50 feet is required per Section 30.64.020 (an 88% reduction).
6. Waive off-site improvements (curb, gutter, sidewalk, streetlights, and partial paving) where required per Section 30.52.050.
7. Reduce throat depth to 6 feet where a minimum of 25 feet is required per Uniform Standard Drawing 222.1 (a 76% reduction).
8. Reduce driveway width to 24 feet where 32 feet is required per Uniform Standard Drawing 222.1 (a 25% reduction).

**LAND USE PLAN:
SUNRISE MANOR - BUSINESS EMPLOYMENT**

**BACKGROUND:
Project Description**

General Summary

- Site Address: N/A
- Site Acreage: 0.9
- Project Type: Outside storage yard
- Number of Stories: 1 (shed)
- Building Height (feet): 8 (shed)
- Square Feet: 100 (shed)
- Parking Required/Provided: 6/0

Neighborhood Meeting Summary

This request is for a nonconforming zone change to reclassify 0.9 acres from an R-T zoning district to an M-1 zoning district for an outside storage yard. The applicant conducted a neighborhood meeting at the Robert E. Price Recreation Center on September 20, 2022, as required by the nonconforming zone boundary amendment process. The required meeting notices were mailed to the neighboring property owners within 1,500 feet of the project site and 2 neighbors attended the meeting. According to the applicant, 1 neighbor had concerns with the neighborhood transitioning from residential to more industrial uses, and how the rezone may make it easier for developers to purchase the manufactured home park that the neighbor currently lives in. The other neighbor did not have an issue with the outside storage use, but wanted the “swim platforms” and other over-height items removed from the property.

Site Plans

The plans show a 0.9 acre outside storage yard. The site has been functioning as an outside storage yard without proper entitlements. The outside storage yard is paved with reclaimed asphalt chips. A 6 foot high CMU block wall exists along the west and south property lines and a 6 foot high wood fence exists along the east property line. The existing 6 foot high CMU block wall along the front (north) property line will be demolished and rebuilt 6 feet from the front property line at a 6 foot height in order to clear the sight visibility zone for the driveway. The rebuilt wall will also include a 20 foot wide sliding gate set back 6 feet from the front property line. A small storage shed exists on the southeast portion of the site, approximately 30 feet from the east property line and 20 feet from the south property line. No trash enclosure or parking spaces are proposed for the site where 6 parking spaces are required.

Landscaping

No landscaping exists or is proposed on the site.

Elevations

The plans depict an 8 foot high storage shed with painted wood siding and asphalt shingle roofing.

Floor Plans

The plans show a 100 square foot storage shed.

Signage

Signage is not a part of this request.

Applicant's Justification

The applicant states that he is the owner of Beetle Barn, an automobile repair business that has operated at a separate location in the Las Vegas Valley since the 1950's. The subject site has been used as an outside storage yard in support of this business. The applicant purchased the subject site from his family in 2017, who had owned the property since 1977. Furthermore, the applicant states it is his intention to build an office and service garage on the site at a future date.

The applicant asserts that the site is appropriate for M-1 zoning since the area is predominantly zoned or planned for industrial uses. No landscaping is proposed or existing due to a lack of water to the site. Once a building is constructed on the site at a future date, the applicant states that landscaping will be provided at that time. No trash enclosure is necessary as there will be no public access or employees to generate waste. The applicant has submitted an email from Republic Services stating that as long as no work is being done and no one is living on the property, no utilities are in use, and no waste is being generated trash enclosure/service is not required. No parking is necessary on the site since the outside storage yard is solely being used by the applicant. The 6 foot high wall/fence height is compatible with the visual image of the surrounding community and provides adequate buffering to the adjacent properties. Full off-site improvements do not exist on the adjacent properties and the applicant would like to maintain similar standards. Other properties in the area do not meet throat depth or driveway width requirements.

Prior Land Use Requests

Application Number	Request	Action	Date
VC-406-82	Variance to maintain the storage of automobiles and school buses and to maintain a mobile home as a residence	Denied by BCC	December 1982
VC-214-81	Variance to maintain the storage of automobiles and school buses and to maintain a mobile home as a residence	Denied by BCC	September 1981

Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North	Business Employment	M-D	Undeveloped
South & East	Business Employment	R-E	Single family residential
West	Business Employment	R-T	Single family residential

Clark County Public Response Office (CCPRO)

CE-19-07365 is an active complaint filed in May 2019 for an outside storage yard in a residential zone and accumulation of solid waste.

STANDARDS FOR APPROVAL:

The applicant shall demonstrate that the proposed request meets the goals and purposes of Title 30.

Analysis

Comprehensive Planning

Zone Change

The applicant shall provide Compelling Justification that approval of the nonconforming zoning boundary amendment is appropriate. A Compelling Justification means the satisfaction of the following criteria as listed below:

1. *A change in law, policies, trends, or facts after the adoption, readoption or amendment of the land use plan that have substantially changed the character or condition of the area, or the circumstances surrounding the property, which makes the proposed nonconforming zone boundary amendment appropriate.*

There is a trend of some of the residential zoned properties in the area converting to M-D zoning and to M-1 zoning farther east of the site. However, there is still a large number of existing single family residences within this portion of the block where M-1 zoning would be too intense and not compatible with the existing single family residential properties in the area. A conforming zone change to M-D would align with the Master Plan and be more in-line with the general trend of zone changes to M-D in the immediate area.

2. *The density and intensity of the uses allowed by the nonconforming zoning is compatible with the existing and planned land uses in the surrounding area.*

Staff finds that the proposed M-1 zoning is too intense and not compatible with the surrounding single family residential uses in the area. This is especially true due to the lack of design mitigation and buffering provided with the proposed development.

3. *There will not be a substantial adverse effect on public facilities and services, such as roads, access, schools, parks, fire and police facilities, and stormwater and drainage facilities, as a result of the uses allowed by the nonconforming zoning.*

There has been no indication from service providers that the approval of this request will have a substantial adverse effect on public services and facilities in this area.

4. *The proposed nonconforming zoning conforms to other applicable adopted plans, goals, and policies.*

Staff finds that the request does not comply with Policy 1.4.5 of the Master Plan which promotes requirements for buffers and development transitions to mitigate the impacts of higher intensity

uses proposed adjacent to an existing residential neighborhood; or Policy 6.2.1 which promotes ensuring that the design and intensity of new development is compatible with established neighborhoods.

Summary

Zone Change

Staff finds that the proposed zone change to M-1 zoning is too intense and not compatible with the surrounding area. Although the project will not have an adverse effect on public facilities and services, the project does not comply with other applicable adopted plans, goals, and policies. Staff finds that the proposed request does not satisfy all of the requirements of a compelling justification to warrant approval of the nonconforming zone boundary amendment to M-1 zoning; therefore, staff recommends denial of the zone change request.

Waivers of Development Standards

According to Title 30, the applicant shall have the burden of proof to establish that the proposed request is appropriate for its existing location by showing that the uses of the area adjacent to the property included in the waiver of development standards request will not be affected in a substantially adverse manner. The intent and purpose of a waiver of development standards is to modify a development standard where the provision of an alternative standard, or other factors which mitigate the impact of the relaxed standard, may justify an alternative.

Waiver of Development Standards #1

Staff cannot support the request to eliminate required landscaping on the site. Single family residences exist to the east, south, and west of the site; and the required landscaping adjacent to a less intensive use would provide needed buffering between the proposed use and the existing residential. The required street landscaping would help beautify the street frontage and screen the outside storage yard from the right-of-way. Furthermore, street landscaping exists along Judson Avenue farther to the east.

Waiver of Development Standards #2

Staff cannot support the request to reduce wall/fence height to 6 feet when adjacent to a non-industrial use. The minimum 8 foot height required for outside storage yards is intended to provide adequate screening to non-industrial uses. The reduction in wall/fence height in combination with not providing landscaping adjacent to a less intensive use exacerbates the negative impacts to the adjacent properties.

Waiver of Development Standards #3

Although the applicant states that the outside storage yard is solely used for himself and there are no employees, the need for parking could arise in the future, especially if the storage yard is sold to another owner for other storage purposes. Additionally, given the use of the property is for an outside storage yard, there should be adequate space to accommodate parking. Therefore, staff cannot support this request.

Waiver of Development Standards #4

Although the applicant has provided an email from Republic Services stating a trash enclosure is not required since no waste is being generated, staff cannot support this request since staff does not support the zone change, design review, and accompanying waivers.

Waiver of Development Standards #5

Staff cannot support the request to reduce gate setback to 6 feet. With the gate closed, vehicles entering the property, even an automobile, would block the right-of-way; and therefore, create safety issues.

Design Review

The proposed outside storage yard is not compatible with the surrounding area as adequate mitigation, buffering, and screening is not provided. The request does not comply with policies of the Master Plan as stated above in regards to buffering and compatibility. Additionally, since staff does not support the waivers of development standards and zone change to M-1 zoning and per Title 30 an outside storage yard as a principal use is only permitted in the M-1, M-2, and P-F zones; therefore, staff cannot support this request.

Public Works - Development Review

Waiver of Development Standards #6

Historical events have demonstrated how important off-site improvements are for drainage control. Additionally, full width paving allows for better traffic flow and sidewalks on public streets provide safer pathways for pedestrians and for children to walk to school. Therefore, staff cannot support the waiver of development standards for full off-site improvements.

Waivers of Developments Standards #7 & #8

The reduction in throat depth and driveway width reduces the safety of vehicles entering and exiting the site. Narrower driveways will result in more vehicles stopping in the right-of-way while drivers attempt to negotiate the tight turns that will be required. The reduction in throat depth compounds the safety issues. Therefore, staff cannot support these requests.

Staff Recommendation

Denial. This item will be forwarded to the Board of County Commissioners' meeting for final action on May 17, 2023 at 9:00 a.m., unless otherwise announced.

If this request is approved, the Board and/or Commission finds that the application is consistent with the standards and purpose enumerated in the Master Plan, Title 30, and/or the Nevada Revised Statutes.

PRELIMINARY STAFF CONDITIONS:

Comprehensive Planning

If approved:

- Resolution of Intent to complete in 3 years;
- Work with the Las Vegas Metropolitan Police Department for the installation of security cameras and surveillance operations;

- No gathering of individuals in an area that would result in an average density of greater than 25 persons per acre per hour during a 24-hour period, not to exceed 50 persons per acre at any time.
- Applicant is advised that the County is currently rewriting Title 30 and future land use applications, including applications for extensions of time, will be reviewed for conformance with the regulations in place at the time of application; a new application for a Master Plan amendment and a zone boundary amendment may be required in the event the building program and/or conditions of the subject application are proposed to be modified in the future; a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; and that the extension of time may be denied if the project has not commenced or there has been no substantial work towards completion within the time specified.

Public Works - Development Review

- Execute a Restrictive Covenant Agreement (deed restrictions).

Fire Prevention Bureau

- Provide a Fire Apparatus Access Road in accordance with Section 503 of the International Fire Code and Clark County Code Title 13, 13.04.090 Fire Service Features.

Clark County Water Reclamation District (CCWRD)

- Applicant is advised that a Point of Connection (POC) request has been completed for this project; to email sewerlocation@cleanwaterteam.com and reference POC Tracking #0086-2023 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

TAB/CAC: Sunrise Manor - denial.

APPROVALS:

PROTESTS:

APPLICANT: JUSTIN STEPHENS

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