

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

UC-25-0227-RICHMAR & REDWOOD, LLC:

USE PERMIT for outdoor storage and display.

WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** eliminate street landscaping; **2)** reduce setbacks; **3)** alternative screening; **4)** reduce access gate setback; **5)** reduce driveway throat depth; and **6)** waive full off-site improvements.

DESIGN REVIEW for outdoor storage with an office on 4.98 acres in an IL (Industrial Light) Zone.

Generally located east of Redwood Street and north of Richmar Avenue within Enterprise.
JJ/nai/kh (For possible action)

RELATED INFORMATION:

APN:

176-23-301-017

WAIVERS OF DEVELOPMENT STANDARDS:

1.
 - a. Eliminate street landscaping along Redwood Street where a 6 foot wide landscape strip with 1 large tree planted every 30 feet is required per Section 30.04.01D.
 - b. Eliminate street landscaping along Richmar Avenue where a 6 foot wide landscape strip with 1 large tree planted every 30 feet is required per Section 30.04.01D.
2.
 - a. Reduce the side street setback for an existing modular office building to 16 feet, 6 inches where 20 feet is required per Section 30.02.19 (18% reduction).
 - b. Reduce the front setback for an existing modular office building to 16 feet, 6 inches where 20 feet is required Section 30.02.19 (18% reduction).
3. Allow non-decorative screening (chain-link fence with mesh) where decorative screening is required along a street per Section 30.04.03B.
4. Reduce the setback for an existing access gate along Redwood Street to 15 feet where 18 feet is required per Section 30.04.03E (a 17% reduction).
5.
 - a. Reduce the driveway throat depth along Redwood Street to zero feet where 25 feet is the minimum required per Uniform Standard Drawings 222.1 (a 100% reduction).
 - b. Reduce the driveway throat depth along Richmar Avenue to zero feet where 25 feet is the minimum required per Uniform Standard Drawings 222.1 (a 100% reduction).
6.
 - a. Waive full off-site improvements (curb, gutter, sidewalk, streetlights, and partial paving) along Redwood Street where off-site improvements are required per Section 30.04.08C.

- b. Waive full off-site improvements (curb, gutter, sidewalk, streetlights, and partial paving) along Richmar Avenue where off-site improvements are required per Section 30.04.08C.

LAND USE PLAN:

ENTERPRISE - BUSINESS EMPLOYMENT

BACKGROUND:

Project Description

General Summary

- Site Address: 9460 Redwood Street
- Site Acreage: 4.98
- Project Type: Outdoor storage and display with an office
- Building Height (feet): 12
- Square Feet: 1,450
- Parking Required/Provided: 3/4

History

The site was reclassified to IL zoning via ZC-0412-96. Subsequently, WS-0942-08 was approved to allow an outdoor storage and display yard and the associated waivers of development standards which included waiving street landscaping, parking lot landscaping, and full off-site improvements (excluding paving). The Notice of Final Action (NOFA) for WS-0942-08 required a 5 year review for the off-site improvements. In addition, WS-1127-08 was approved to allow a modular office building with a variable roof pitch. Per the NOFA for WS-1127-08, there was a 5 year review period that was never completed. Consequently, WS-0942-08 and WS-1127-08 expired. Lastly, UC-0268-10 was approved to allow an unscreened outdoor storage and display yard to for trailer rentals. However, this application also expired since the expiration dates were tied to the previously approved waivers of development standards.

The applicant is requesting to re-establish the existing outdoor storage and display facility with the existing modular office building.

Site Plan

The plans depict an existing outdoor storage and display facility with an existing office (modular office building) on a 4.98 acre lot. Access to the site is provided via 1 existing driveway along the west property line (Redwood Street), and the second driveway is located along the south property line adjacent to Richmar Avenue.

The existing modular office building is located on the northwest corner of the site. The office is set back 16 feet, 6 inches from the west property line, 16 feet from the north property line. The property has 4 existing parking spaces with 1 accessible parking space south of the office building.

There is an existing chain-link fence with mesh that has an overall height of 7 feet and is located along the south and west property lines. The plan also shows that there is an existing chain-link fence (without the screen mesh) along the north and east property lines. Furthermore, there is an

existing centrally located internal fence which runs north to south and bisects the property. Lastly, there is an existing trash enclosure along the north property line.

A use permit is a part of this application since the site does not include an 8 foot high fence or wall to screen the outdoor storage and display yard from the right-of-way, and photos show that outdoor storage and display is stacked above the existing chain-link fence.

The waivers of development standards request includes the following: eliminate all street landscaping, reduce setback for the existing modular office building, allow non-decorative screening adjacent to Redwood Street and Richmar Avenue, reduce the access gate setback adjacent to Redwood Street, reduce the existing driveway throat depths, and lastly waive full off-site improvements along Redwood Street and Richmar Avenue.

Elevations

The submitted plan depicts an existing modular office with an overall height of 12 feet. Exterior finishes include manufactured hardboard siding (composite wood material), and the roof will be galvanized metal. Windows are shown on the sides of the building with double door provided for an entry way.

Floor Plans

The plans show an existing modular office with an overall area of 1,450 square feet.

Applicant's Justification

Per the applicant, many parcels in the area have chain-link fencing or non-decorative screening as perimeter fencing. The property is not in close proximity to any residential areas and is surrounded by similar industrial uses on all sides. Furthermore, the property was previously approved for the same landscape waivers. No other properties in the immediate area comply with the required landscaping standards.

In addition, the access gate is existing and remains open during business hours. Therefore, the reduced setback continues to not have an adverse effect on the property. The modular office building is existing and has not negatively affected the property since the area is industrial in nature, making the requested setback reduction appropriate. The plans show that the driveways are existing and have been utilized for outdoor storage purposes, without incident. Per the applicant, the site has a low traffic volume. The site was approved to not have off-site improvements, although the application expired, the property currently exists with no off-site improvements. This requested waiver will not negatively impact the property or the surrounding land uses.

Prior Land Use Requests

Application Number	Request	Action	Date
UC-0268-10	Use permit to allow unscreened outside storage yard - expired	Approved by PC	April 2010
WS-1127-08	Waiver of development standard to allow alternative roof pitch and a design review for a modular office - expired	Approved by PC	January 2009

Prior Land Use Requests

Application Number	Request	Action	Date
WS-0942-08	Waiver of development standard for street landscaping, parking lot landscaping, and full off-sites and design review for outside storage yard - expired	Approved by PC	November 2008
VC-0312-99	Variance to allow industrial and medical gas production facility and waive on site paving requirements for a storage yard - expired	Withdrawn	April 1999
ZC-0412-96 (ET-0189-98)	First extension of time for a zone change, variances, and design review for outside storage and repair yard for a mining company and milling equipment repair and storage company including a 1 story, 2,000 square foot office building	Approved by BCC	June 1998
ZC-0412-96	Zone change, variances, and design review for Outside storage and repair yard for a mining company and milling equipment repair and storage company including a 1 story, 2,000 square foot office building	Approved by BCC	March 1996

Surrounding Land Use

	Planned Land Use Category	Zoning District (Overlay)	Existing Land Use
North	Business Employment	IL	Commercial fleet (semi-truck) business
South & East	Business Employment	IL	Outdoor storage & display yard
West	Business Employment	RS20	Approved semi-truck and trailer & employee parking lot

The subject site is within the Public Facilities Needs Assessment (PFNA) area.

STANDARDS FOR APPROVAL:

The applicant shall demonstrate that the proposed request is consistent with the Master Plan and is in compliance with Title 30.

Analysis**Comprehensive Planning**Use Permit

A special use permit is considered on a case by case basis in consideration of the standards for approval. Additionally, the use shall not result in a substantial or undue adverse effect on adjacent properties, character of the neighborhood, traffic conditions, parking, public improvements, public sites or right-of-way, or other matters affecting the public health, safety, and general welfare; and will be adequately served by public improvements, facilities, and services, and will not impose an undue burden.

Per Title 30 outdoor storage and display shall meet the zoning district setback requirements of Chapter 30.02. Furthermore, outdoor storage and display not meeting the zoning district setbacks shall be screened from view by an 8 foot high screened fence or wall and display shall be screened from the right-of-way. In addition, outdoor storage and display shall not be stacked or piled above the height of any screen fence or wall.

Historical aerial photos and street view photographs show that the site is enclosed with a chain-link fence only. The submitted photos show that the chain-link fence along south and west property lines now include a screen mesh. The chain-link fence along the north and east property lines do not include a screen mesh and the outdoor storage and display can still be seen from the right-of-way. However, staff finds that what can be seen from the right-of-way is minimal and does not pose a negative visual impact to the neighboring parcels. The majority of surrounding parcels include outdoor storage and display yards and commercial parking lots. For these reasons, staff can support the use permit.

Waivers of Development Standards

The applicant shall have the burden of proof to establish that the proposed request is appropriate for its proposed location by showing the following: 1) the use(s) of the area adjacent to the subject property will not be affected in a substantially adverse manner; 2) the proposal will not materially affect the health and safety of persons residing in, working in, or visiting the immediate vicinity, and will not be materially detrimental to the public welfare; and 3) the proposal will be adequately served by, and will not create an undue burden on, any public improvements, facilities, or services.

Waiver of Development Standards #1

Staff acknowledges that the site was previously approved without street landscaping and no street landscaping is found within the immediate area. Although the site has been operating without street landscaping, Title 30 states that street landscaping reduces the impacts of wind, dust, pollution, glare, and heat island effect on human health and comfort. Since the previous entitlements expired and the site does not meet Title 30 standards today, staff cannot support this request.

Waiver of Development Standards #2

The applicant did not provide sufficient justification as to why the modular office cannot meet the required setbacks. Records show that the modular office was permitted via BD09-16830, and the permit plans show that the side street and front setbacks were met. The applicant has the ability to relocate the modular office since the site has ample room. Since this is a self-imposed hardship, staff cannot support this request.

Waiver of Development Standards #3

Section 30.04.03B states that in the Urban Area, fences and walls along a street shall be decorative. Historical photos show that the existing chain-link has been maintained for several years and has been in good condition since the site obtained its original entitlements. Staff can support this request.

Waiver of Development Standards #4

The site plan shows that the existing gate along Richmar Avenue is set back over 50 feet from the south property line and meets Title 30 standards. The existing gate along Redwood Street is set back 15 feet from the west property line where 18 feet is required if the gates are open during business hours. Staff finds that moving the western gate setback an additional 3 feet to meet code can be accomplished by the applicant. Proper gate setbacks allow vehicles to have ample room for queuing and maneuvering. Staff finds that this request is self-imposed and preventable since the site has ample room to make this adjustment. Staff also does not support this request.

Design Review

Development of the subject property is reviewed to determine if 1) it is compatible with adjacent development and is harmonious and compatible with development in the area; 2) the elevations, design characteristics and others architectural and aesthetic features are not unsightly or undesirable in appearance; and 3) site access and circulation do not negatively impact adjacent roadways or neighborhood traffic.

Photos show that since the site was approved as an outdoor storage and display yard, the site has been well maintained. In addition, records do not show any code enforcement violations for the site. Staff finds that the overall layout of the site is not uncharacteristic of the neighboring industrial area; however, since the previous entitlements expired the applicant must comply with today's development standards. Since staff does not support some of the related waivers of development standards, staff cannot support this request.

Public Works - Development Review

Waiver of Development Standards #5

Staff cannot support the reduced throat depth for the driveway along Richmar Avenue. There is not sufficient space to queue a commercial truck entering the site resulting in stacking within the right-of-way. Furthermore, the westernmost driveway along Richmar Avenue is not approved and does not meet County standards. Therefore, we recommend that the applicant work with Public Works for the driveway access.

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.

Staff Recommendation

Approval of the use permit and waiver of development standards #3; denial of waivers of development standards #1, #2, and #4 through #6, and the design review.

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:

- Certificate of Occupancy and/or business license shall not be issued without approval of a Certificate of Compliance, and payment of the tree fee-in-lieu is required for any required trees waived;
- Enter into a standard development agreement prior to any permits or subdivision mapping in order to provide fair-share contribution toward public infrastructure necessary to provide service because of the lack of necessary public services in the area.
- Applicant is advised within 2 years from the approval date the application must commence or the application will expire unless extended with approval of an extension of time; a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time and application for review; 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; changes to the approved project will require a new land use application; and the applicant is solely responsible for ensuring compliance with all conditions and deadlines.

Public Works - Development Review

- 1 year administrative review of off-site improvements;
- Applicant to coordinate with Public Works - Development Review Division for the westernmost driveway access along Richmar Avenue per NOFA WS-08-0942;
- Gates to remain open during business hours;
- Gates along Redwood Street to not open into right-of-way.

Fire Prevention Bureau

- No comment.

Southern Nevada Health District (SNHD) - Engineering

- Applicant is advised to contact the SNHD Environmental Health Division at septics@snhd.org or (702) 759-0660 to obtain written approval for a Tenant Improvement, so that SNHD may review the impact of the proposed use on the existing Individual Sewage Disposal (Septic) System.

Clark County Water Reclamation District (CCWRD)

- No comment.

TAB/CAC: Enterprise - approval (Comprehensive Planning Bullet #3: 2 years to review as a public hearing; Public Works Bullet #1; 2 years to review as a public hearing for off-site improvements per staff conditions).

APPROVALS:

PROTESTS:

APPLICANT: RICHMAR & REDWOOD, LLC

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