

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**UC-24-0460-GONZALEZ, DIMAS:**

**HOLDOVER USE PERMITS** for the following: **1)** stable (residential); **2)** livestock (small); **3)** livestock (medium); and **4)** livestock (large).

**WAIVERS OF DEVELOPMENT STANDARDS** for the following: **1)** allow accessory structures prior to the principal structure; **2)** reduce building separation; **3)** allow a non-decorative fence in the front yard; **4)** eliminate street landscaping; **5)** full off-site improvements; and **6)** allow 3 driveways in conjunction with proposed agricultural uses and future single-family residences on 1.47 acres in an RS20 (Residential Single-Family 20) Zone within the Airport Environs (AE-65) Overlay.

Generally located on the south side of Cartier Avenue and the east side of Walnut Road within Sunrise Manor. WM/dd/syp (For possible action)

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RELATED INFORMATION:

**APN:**

140-18-810-001; 140-18-810-002

**WAIVERS OF DEVELOPMENT STANDARDS:**

1. Allow accessory structures (shipping containers) prior to a principal structure per Section 30.03.01D.
2. Reduce building separation to zero feet where 6 feet is required per Section 30.02.04 (a 100% reduction).
3. Allow a 6 foot high non-decorative fence along Cartier Avenue within 15 feet of the front property line where a maximum 3 foot high wall or fence is allowed per Section 30.04.03B.
4. Eliminate street landscaping where required per Section 30.04.01D.
5. Waive full off-site improvements (curb, gutter, sidewalk, streetlights, and partial paving) where required per Section 30.04.08C.
6. Allow 3 driveways where 1 driveway is allowed per Uniform Standard Drawing 222 (a 200% increase).

**LAND USE PLAN:**

SUNRISE MANOR - MID-INTENSITY SUBURBAN NEIGHBORHOOD (UP TO 8 DU/AC)

**BACKGROUND:**

**Project Description**

General Summary

- Site Acreage: 1.47
- Project Type: Accessory uses & structures prior to a principal use & structure

- Building Height (feet): 6 (exterior fencing)/5 (training area fencing)/8 (north stables & coop)/8 (southern stables)/8.5 (all shipping containers)
- Square Feet: 1,250 (training area)/720 (north stables & coop)/1,260 (southern stables)/360 (north shipping container)/2,880 (south shipping containers total)

### Site Plan

The project site consists of 2 parcels; APN 140-18-810-001 (Northern Parcel) and APN 140-18-810-002 (Southern Parcel). These parcels currently contain various structures and uses, yet none of the parcels are developed with a single-family residence. A 6 foot high chain-link fence with mesh screening is located along Cartier Avenue and Walnut Road and there is a 6 foot high block wall along the east property line. There is a total of 3 access points to the site; 2 from Cartier Avenue and 1 from Walnut Road. One access gate along Cartier Avenue is located in the northeast corner of the northern parcel and the other is located in the center of the northern parcel; both access gates are chain-link with mesh screening. A metal (wrought iron) access is located along Walnut Road is centrally located and provides access to both parcels.

The northern parcel contains stables for 4 horses and a coop containing 16 chickens (including 3 roosters) near the eastern property line. The stables and coop are located southeast of the shipping container, and the stables are listed as a combined 720 square feet with 480 square feet of covered area. There is an existing 360 square foot shipping container located slightly northwest of the coop and stables. Additionally, there is a circular 1,250 square foot training area surrounded by fencing just west of the shipping container.

The southern parcel contains a total of 8 shipping containers, each measuring 360 square feet. Five of the shipping containers are grouped together and are centrally located on the parcel, with 3 more containers located to the east in a “U” shaped grouping. None of the shipping containers in either grouping meet the required 6 foot building separation. Farther east, near the eastern and southern property lines, there are stables for 4 horses and 2 goats totaling 1,260 square feet with 840 square feet of the covered area.

The plans submitted show each parcel will be developed with single-family residences in the future. Each of the residences will be located on the western half of their respective parcels, and the single-family residence on the northern parcel (House #1) will have access from Walnut Road and Cartier Avenue via an L-shaped driveway, with an additional driveway on Cartier Avenue near the northeast corner of the parcel. The single-family residence on the southern parcel (House #2) will have access from Walnut Road via a circular driveway. Plans show 5 containers that are currently grouped together will remain on-site in a different location and the other 3 shipping containers will remain where they exist today. Both residences will exceed all of their required setbacks and separations from the rest of the existing structures on-site.

### Landscaping

No required street landscaping is being provided with this application. Code requires a detached sidewalk along both streets, with a 5 foot landscape strip on both sides of the sidewalk.

### Elevations

Photos of the site show the existing chain-link fence and the stables. The chain-link fence is 6 feet high and is screened with mesh covering. The chicken coop and stables are shown at 8 feet high and are constructed with a mixture of iron railing, chain-link fencing, and sheet metal. All shipping containers on-site are pictured at a standard height of 8.5 feet.

### Applicant's Justification

The applicant's future plans are to build 2 single-family homes on the site with 1 on each parcel, stating that they intend to use 5 of the shipping containers on parcel 140-18-810-002 as building materials for 1 of the homes. The applicant also claims that by waiving street landscaping, off-site improvements, and the decorative fencing requirement the development would match the surrounding neighborhood. Additionally, because the site does not exceed the number of allowable livestock (small, medium, and large) the applicant states that their use should be able to continue without a principal use or structure on the site.

### **Prior Land Use Requests**

<b>Application Number</b>	<b>Request</b>	<b>Action</b>	<b>Date</b>
ZC-0441-15	Reclassified from R-2 to R-E zoning	Approved by BCC	August 2015

### **Surrounding Land Use**

	<b>Planned Land Use Category</b>	<b>Zoning District (Overlay)</b>	<b>Existing Land Use</b>
North	Business Employment	RS20 (AE-65 & AE-70)	Unpermitted outdoor storage
South	Mid-Intensity Suburban Neighborhood (up to 8 du/ac)	RS20 (AE-65)	Single-family residential
East	Ranch Estate Neighborhood (up to 2 du/ac)	CG (AE-65) & RS20 (AE-65)	Single-family residential
West	Mid-Intensity Suburban Neighborhood (up to 8 du/ac)	RS5.2 (AE-65)	Single-family residential

### **Clark County Public Response Office (CCPRO)**

There are 2 active Code enforcement cases on the properties; CE23-00807 is on parcel 140-18-810-001 and CE23-12489 is on parcel 140-18-810-002. Both cases are for structures and animals without land use application approval.

### **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 Permits

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.

A special use permit is required for this project to allow a residential stable and livestock prior to the establishment of a primary (residential) use and to reduce the turn-out area required for the livestock (large). While a residential stable and livestock are appropriate uses within the RS20 zoning district, the establishment of these uses prior to a primary residential use is not in line with the standards of Title 30. Also, the applicant has provided 1,250 square feet of training area meant to serve the livestock on both parcels, as there is not a fence or wall proposed between the 2 parcels. The training area is far less than the 11,400 square feet that is required by Title 30. The approval of these use permits could negatively affect the surrounding neighbors and the wellbeing of the livestock on site; therefore, staff cannot support these requests.

#### 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.

#### Waivers of Development Standards #1 & #2

The shipping containers are already in place on-site without a principal residential use and structure. Additionally, there is not enough separation between them. Even if many of the shipping containers will be incorporated into a proposed single-family residence as the applicant states, there will still be remaining shipping containers on the site that will not meet required distance separation and compatibility requirements. It is unknown if or when houses will be constructed on the parcels. Although the applicant created building permit records, no plans have been submitted. For these reasons, staff cannot support these requests.

#### Waiver of Development Standards #3

Decorative fencing is meant to improve the look and feel of neighborhoods. Conversely, non-decorative fencing is unsightly and lends itself to an industrial atmosphere not suited for residential neighborhoods. Additionally, staff finds that this is a self-imposed hardship; the applicant could install decorative fencing or not have any fencing. Therefore, staff cannot support this request.

#### Waiver of Development Standards #4

Street landscaping is useful for preventing the heat island effect and for improving the overall quality of life in residential areas. Additionally, staff finds that the applicant did not provide any justification for waiving street landscaping. Therefore, staff cannot support this request.

#### **Public Works - Development Review**

##### Waiver of Development Standards #5

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.

##### Waiver of Development Standards #6

Staff cannot support the request to allow three residential driveways. The applicant has adequate space to allow all access on Cartier Avenue, reducing the need for the 3 driveways. Walnut is a residential collector street, and compliance with the standard is of utmost importance to maintain the safety of all vehicles.

#### **Staff Recommendation**

Denial.

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:

- 1 year to complete the building permit and inspection process or the application will expire unless extended with approval of an extension of time.
- Applicant is advised a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; 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**

- Drainage study and compliance;
- Execute a Restrictive Covenant Agreement (deed restrictions).
- Applicant is advised that walls, structures, and landscaping shall not encroach into public right-of-way, easements, or sight-visibility zones.

##### **Fire Prevention Bureau**

- No comment.

**Southern Nevada Health District (SNHD) - Engineering**

- Applicant is advised that there is an active septic permit on APN 140-18-810-002; to connect to municipal sewer and remove the septic system in accordance with Section 17 of the SNHD *Regulations Governing Individual Sewage Disposal Systems and Liquid Waste Management*; and to submit documentation to SNHD showing that the system has been properly removed.

**Clark County Water Reclamation District (CCWRD)**

- Applicant is advised that this property is currently serviced by a septic system with regard to sewage disposal; this system falls under the jurisdiction of the Southern Nevada Health District; this property is within 400 feet of public sanitary sewer; and to connect to the public system, a Point of Connection request must be submitted to the CCWRD as shown on the CCWRD's website.

**TAB/CAC:** Sunrise Manor - approval.

**APPROVALS:**

**PROTESTS:** 7 cards

**COUNTY COMMISSION ACTION:** October 16, 2024 – HELD – To 11/20/24 – per Commissioner McCurdy.

**COUNTY COMMISSION ACTION:** November 20, 2024 – HELD – To 12/18/24 – per Commissioner McCurdy.

**APPLICANT:** DIMAS GONZALEZ

**CONTACT:** RUTH RIOS, 4325 E. AZURE AVENUE, LAS VEGAS, NV 89115