

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

AR-25-400017 (UC-23-0796)-AIP RICHMAR, LLC:

USE PERMITS FIRST APPLICATION FOR REVIEW for the following: **1)** waive screening for existing outside storage yard; **2)** allow items to be stacked above the height of a screened fence; and **3)** allow the use of millings in lieu of paving.

WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** eliminate street landscaping and screening; **2)** access gate setbacks; **3)** eliminate trash enclosures; and **4)** full off-site improvements.

DESIGN REVIEW for 2 accessory structures in conjunction with an existing storage yard on 14.7 acres in an IL (Industrial Light) Zone.

Generally located on the south side of Richmar Avenue and the east side of Redwood Street within Enterprise. JJ/my/kh (For possible action)

RELATED INFORMATION:

APN:

176-23-410-008

USE PERMITS:

1. Waive screening from rights-of-way (Richmar Avenue, Redwood Street, and Gary Avenue) for an existing outside storage yard where a screened fence or wall is required per Table 30.44-1.
2. Allow items to be stacked above the height of a screened fence where not allowed per Table 30.44-1.
3. Allow asphalt millings for a portion of the site used for parking, maneuvering, or storing motor vehicles, equipment, or materials where paving is required per Table 30.44-1.

WAIVERS OF DEVELOPMENT STANDARDS:

1.
 - a. Eliminate street landscaping along Richmar Avenue, Redwood Street, and Gary Avenue where 15 feet of landscaping and sidewalk is required per Section 30.64.030 and Figure 30.64-17.
 - b. Eliminate landscaping and screen fence or wall along Richmar Avenue, Redwood Street, and Gary Avenue per Table 30.64-2.
2.
 - a. Allow access gates that are open during business hours located along Gary Avenue to be 5 feet from the property line where 18 feet per Section 30.64.020 is required (a 72% decrease).
 - b. Allow an access gate not open during business hours and located along Redwood Street to be 24 feet from the property line where 50 feet per Section 30.64.020 is required (a 52% decrease).
3. Eliminate trash enclosures where required per Section 30.56.120.

4. Waive full off-site improvements (partial paving, curb, gutter, sidewalks, and streetlights) where required per Section 30.52.040.

LAND USE PLAN:

ENTERPRISE - BUSINESS EMPLOYMENT

BACKGROUND:

Project Description

General Summary

- Site Address: 6655 W. Richmar Avenue
- Site Acreage: 14.7
- Project Type: Outside storage yard
- Parking Required/Provided: 21/23

History & Site Plan

UC-23-0796 was previously approved by the Board of County Commission (BCC) in January 2024. The BCC conditioned a 1 year to review the use permits and the waivers of development standards.

The approved plans show an existing 14.7 acre outside storage yard surrounded by a perimeter chain-link fence. The fence ranges between 7 feet and 8 feet in height and includes 3 strands of barbed wire on top. The fence is set back 24 feet from the west property line along Redwood Street, is setback 5 feet to 25 feet from the north property line along Richmar Avenue and is set back 5 feet from the south property line along Gary Avenue. There is an existing 7 foot tall block wall located along the eastern property line. There are chain-link fences located interior to the site to segment the storage yard into separate areas. There is a shade structure near the center of the property which is 63 feet by 65 feet or 4,095 square feet and is 33 feet in height. A second shade structure is located near the southeast corner of the property which is 58 feet by 50 feet or 2,900 square feet and is 12 feet, 6 inches in height. Most of the storage yard is paved except for areas on the west side of the property where asphalt millings are located, and where new asphalt paving is proposed in the southern portion of the property. Two access gates on Redwood Street are proposed to be closed and replaced with chain-link fencing. A new access gate on Redwood Street is proposed to be set back 24 feet. Three existing access gates along Richmar Avenue are set back 25 feet to 158 feet, and on Gary Avenue 3 existing access gates are set back 5 feet. All access gates are proposed to remain open during business hours except for the new gate on Redwood Street. Twenty-three parking spaces are proposed along the north side of the property which include 2 ADA parking spaces, where a minimum of 21 parking spaces are required. Two bicycle racks are also provided.

Landscaping

There is some existing landscape rock between the fencing and the asphalt pavement along all 3 streets. Previous aerial photos show that portions of the rock areas are used for parking and/or storage of vehicles and trailers. No plants or trees are located within the existing landscape areas and no additional landscaping was proposed.

Signage

Signage was not a part of the original request.

Previous Conditions of Approval

Listed below are the approved conditions for UC-23-0796:

Comprehensive Planning

- 1 year to review all use permits and waivers of development standards;
- Rock landscape areas along street frontages shall be maintained weed free and shall not be used for parking or storage purposes;
- 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;
- Certificate of Occupancy and/or business license shall not be issued without approval of an application for a zoning inspection.
- Applicant is advised that 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; the outside storage yard must comply with Department of Air Quality regulations including required dust control measures and obtain any necessary permits; the County has adopted a rewrite to Title 30 effective January 1, 2024, 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 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.

Applicant's Justification

The applicant is requesting a review per the Notice of Final Action (NOFA) conditions of UC-23-0796. Per the submitted justification letter, the Applicant has commenced and complied with the use permits and waivers of development standards. Despite use permit #1 waiving screening for the outside storage yard, the applicant has fully screened the site from all right of ways with landscape fabric on the existing chain-link fence. The second use permit allowed items to be stacked above the height of a screened fence. There are currently some items stacked above the height of the screened fence on the south side of the site along the frontage with Gary Avenue. This is common along this portion of Gary Avenue since the neighbors to the south also stack items above the screened fence. Use permit #3 allowed asphalt millings for a portion of the site used for parking, maneuvering, or storing motor vehicles, equipment, or materials. The site currently has asphalt millings on a portion of the western side closest to Redwood Street. Clark County Department of Air Quality has previously indicated that the asphalt millings are allowable on the site. Currently, there are no vehicles or much storage on that portion of the lot. Any potential dust from vehicles is currently non-existent.

The first waiver of development standards eliminated street landscaping and the sidewalk requirement. It also had a related waiver that eliminated landscaping and screen fence. As mentioned above, the fence has been screened. Currently, there is rock landscaping along street frontages. There is a condition that rock landscaping along street frontages shall be maintained weed free and shall not be used for parking or storage purposes. The applicant was found in compliance of that condition on October 17, 2024 per an approved Certificate of Compliance with the Department of Comprehensive Planning.

A waiver of development standards is related to the access gates along Gary Avenue and Redwood Street. There are still 3 access gates set back 5 feet from Gary Avenue. There is only one gate along Redwood Street located within existing fencing and set back 24 feet. The third waiver of development standards eliminated the requirement for trash enclosures. There are no trash enclosures at the site. Lastly, waiver of development standards #4 waived full off-site improvements. There are no off-site improvements at the site, except for the curb and curb ramp at the intersection of Richmar Avenue and Redwood Street. There are not many neighbors with off-site improvements. There are some off-site improvements (curb and sidewalk) at a property to the west, and a curb at 1 property to the south. The applicant has maintained the site in accordance with the use permits and waivers of development standards (as well as providing screening and rock landscaping). Photos were provided to staff for review.

Prior Land Use Requests

Application Number	Request	Action	Date
UC-23-0796	Eliminated screening for existing outside storage yard, allowed items to be stacked above the height of a screened fence, and allowed the use of millings in lieu of paving, waivers of development standards to eliminate street landscaping and screening, for access gate setbacks, eliminated the trash enclosures, and eliminated full off-site improvements with a design review	Approved by BCC	January 2024
UC-0531-14	Waived screening for outside storage yard and waivers to eliminate street landscaping and off-site improvements subject to 5 years to review - expired	Approved by PC	August 2014
VC-0259-99 (ET-0206-02)	Second extension of time for the variance to waive street landscaping and on-site paving - expired	Approved by PC	August 2002
VC-0259-99 (ET-0150-01)	First extension of time for the variance to waive street landscaping and on-site paving - expired	Approved by PC	June 2001
VC-0259-99	Variance to waive street landscaping and on-site paving subject to 2 years for review - expired	Approved by PC	April 1999
ZC-1812-95 (WC-0071-99)	Waiver of conditions of a zone change requiring curb, gutter, sidewalks, and streetlights subject to 2 years for review - expired	Approved by BCC	April 1999
ZC-1812-95 (ET-0245-98)	First extension of time for a zone change subject to 2 additional years and denial of previous variances	Approved by BCC	August 1998

Prior Land Use Requests

Application Number	Request	Action	Date
ZC-1812-95	Reclassified the site and properties to the south from R-E and M-1 zoning to M-1 zoning for outside storage, variances for street landscaping, on-site paving subject to 3 years for review, and variance for off-site improvements subject to 2 years to review	Approved by BCC	February 1996

Surrounding Land Use

	Planned Land Use Category	Zoning District (Overlay)	Existing Land Use
North	Business Employment	IL & RS20	Outside storage yard & truck driving school
South & West	Business Employment	IL	Outside storage yards & industrial buildings
East	Business Employment	IL	Outside storage yard & batch plant

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**

This application was approved on January 17, 2024, with a 1 year to review all use permits and all waivers of development standards. Records show that in 2024 new office warehouse development with full off-site improvements were constructed to the west (between Rainbow Boulevard and Redwood Street), while parcels to the north, south, and east have remained the same. The applicant submitted photos of the site showing that all existing screening has been well maintained. Furthermore, all street frontages of the site have been kept clean and appear to have not been utilized for storage or for parking. In addition, the applicant completed a Certificate of Compliance on October 17, 2024, with the Department of Comprehensive Planning for compliance with the condition requiring rock landscape areas along the street frontages. Staff recommends an additional 1 year to review the use permits and the waivers of development standards to ensure that the current site enhancements are maintained and continue to coincide with existing and new development within the area, and to determine if any waived landscaping should be installed.

Public Works - Development Review

There has been significant changes in this area. Installing off-sites would be beneficial to the area.

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:

- Until January 17, 2026 to review or UC-23-0796 will expire.
- Applicant is advised that a substantial change in circumstances or regulations may warrant denial or added conditions to an application for review; the application for review may be denied if the applicant has not demonstrated compliance with conditions of approval; and the applicant is solely responsible for ensuring compliance with all conditions and deadlines.

Public Works - Development Review

- 1 year to review off-site improvements.

Fire Prevention Bureau

- Applicant to show fire hydrant locations on-site and within 750 feet.
- Applicant is advised that fire/emergency access must comply with the Fire Code as amended.

Clark County Water Reclamation District (CCWRD)

- No comment.

TAB/CAC: Enterprise - approval (expunge use permit #1).

APPROVALS:

PROTEST:

APPLICANT: JASON JENSEN

CONTACT: MARK MULHALL, KAEMPFER CROWELL, 1980 FESTIVAL PLAZA DRIVE, SUITE 650, LAS VEGAS, NV 89135