

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

WS-26-0017-T & P INVESTMENTS, LLC:

WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** eliminate street landscaping; **2)** eliminate buffering and alternative screening; **3)** reduce minimum height for security wire in conjunction with a non-decorative security fence (chain-link); **4)** increase fence height; **5)** allow an existing non-decorative (chain-link) fence; **6)** reduce access gate setback; **7)** reduce approach distance; **8)** reduce throat depth; and **9)** allow existing pan driveways.

DESIGN REVIEW for accessory structures (storage containers) in conjunction with an existing office/warehouse building on 0.50 acres in an IP (Industrial Park) Zone within the Airport Environs (AE-70 & APZ-2) Overlay.

Generally located west of Marion Drive and south of Melvin Street within Sunrise Manor.
TS/md/kh (For possible action)

RELATED INFORMATION:

APN:

140-17-302-007

WAIVERS OF DEVELOPMENT STANDARDS:

1. Eliminate street landscaping along Marion Drive and Melvin Street where a 10 foot wide minimum landscape strip shall be provided when an existing attached sidewalk is allowed to remain per Section 30.04.01D7.
2.
 - a. Eliminate the required buffering along the south property line where buffering shall consist of a 15 foot landscape buffer per Section 30.04.02C.
 - b. Allow an existing 8 foot high security fence (6 feet non-decorative block/2 feet barbed wire) with barbed wire on top along the south property line where an 8 foot high decorative screen wall is required per Section 30.04.02C.
3. Allow security (barbed) wire to be 6 feet above ground where security wire shall be no less than 8 feet above ground and shall not extend beyond the lot line at any point per Section 30.04.03D (a 25% reduction).
4. Allow an existing 8 foot high security (6 feet non-decorative chain link with 2 feet barbed wire) fence along Melvin Street where a maximum decorative fence or wall height of 3 feet is permitted when located in the front setback per Section 30.04.03B (a 100% increase).
5. Allow an existing 8 foot high security (6 feet non-decorative chain link with 2 feet barbed wire) fence within the side street setback where fences and walls along a street (Marion Drive) within the Urban Area shall be decorative per Section 30.04.03B.

6.
 - a. Reduce access gate setback for an existing gate located at the northwest portion of the site along Melvin Street to 5 feet where an access gate shall be set back no less than 18 feet from the property line if open during business hours per Section 30.04.04E (a 72.2% reduction).
 - b. Reduce access gate setback for an existing gate located at the northeast portion of the site along Melvin Street to 5 feet where an access gate shall be set back no less than 18 feet from the property line if open during business hours per Section 30.04.04E (a 72.2% reduction).
7.
 - a. Reduce the throat depth for an existing driveway located at the northwest portion of the site along Melvin Street to 10 feet where a minimum of 25 feet is required per Section 30.04.08 and Uniform Standard Drawing 222.1 (a 60% reduction).
 - b. Reduce the throat depth for an existing driveway located at the northeast portion of the site along Melvin Street to 10 feet where a minimum of 25 feet is required per Section 30.04.08 and Uniform Standard Drawing 222.1 (a 60% reduction).
8. Reduce the approach distance to the intersection of Marion Drive and Melvin Street to 41 feet where a minimum of 150 feet is required per Section 30.04.08 and Uniform Standard Drawing 222.1 (a 72.7% reduction).
9.
 - a. Allow an existing pan driveway located at the northwest portion of the site to remain along Melvin Street where a commercial curb return driveway is required per Section 30.04.08 and Uniform Standard Drawing 222.1.
 - b. Allow an existing pan driveway located at the northeast portion of the site to remain along Melvin Street where a commercial curb return driveway is required per Section 30.04.08 and Uniform Standard Drawing 222.1.

LAND USE PLAN:

SUNRISE MANOR - BUSINESS EMPLOYMENT

BACKGROUND:

Project Description

General Summary

- Site Address: 4695 Melvin Street
- Site Acreage: 0.50
- Project Type: Office/warehouse
- Number of Stories: 1
- Building Height (feet): 17.5 (existing office/warehouse building)/9.5 (storage containers)
- Square Feet: 6,459 (existing office/warehouse building)/640 (2 existing storage containers - 320 square feet each)
- Parking Required/Provided: 8/10

History and Request

The subject property was reclassified to an IP zoning district (formerly M-D) via ZC-196-91 by the Board of County Commissioners in November 1991. A use permit for offices in conjunction with a proposed office/warehouse building was subsequently approved by the Planning Commission in September 1998 via UC-1349-98. The site plan associated with UC-1349-98 required street landscaping along Marion Drive and Melvin Street, in addition to landscaping adjacent to the residential use (manufactured home park) located immediately south of the

project site. The landscaping was never installed per the code in effect at the time of the approval (Title 29); therefore, the site must conform to the current landscaping requirements. A waiver of development standards is requested with this application as the existing landscaping along Marion Drive does not comply with Title 30, and street landscaping is not provided along Melvin Street, with the exception of a single tree located behind an existing chain link fence. Furthermore, landscaping has not been provided along the south property line of the project site which is adjacent to an existing manufactured home park. No proposed site improvements, modifications, or new construction is proposed with this request with the exception of 2 existing storage containers, located on the west and south portions of the property.

Site Plan

The plans depict an existing single story office/warehouse building that will be utilized for the storage and warehousing of equipment, in addition to accessory administrative offices, necessary to support the operations of an existing mining business. Two existing storage containers are located on the project site. The first storage container is located on the west portion of the site, and is set back 2.5 feet from the west property line, adjacent to an undeveloped property being utilized for outdoor storage. The second storage container is located on the south portion of the site, behind the existing office/warehouse building, and is set back 4 feet from the south property line adjacent to the existing manufactured home park. Access to the site is granted via 2 existing pan driveways, located at the northeast and northwest portions of the site. The site is controlled through 2 existing access gates that will be open during business hours. The access gates are set back 5 feet from the property line along Melvin Street and require a waiver of development standards to reduce the setback. Waivers of development standards are also required to reduce the throat depth for these driveways, in addition to allowing the driveways to remain in lieu of the required commercial curb return driveways. Furthermore, a waiver is also requested to reduce the approach distance to the intersection of Melvin Street and Marion Drive. Eight parking spaces are required where 10 spaces are provided. The existing parking spaces are located to the west of the building, at the southwest corner of the site. The project site is secured by an existing 6 foot high perimeter chain link fence with 2 feet of barbed wire on top of the fence. Waivers of development standards are required to allow the existing chain link fence with barbed wire to remain.

Landscaping

A single tree is located behind an existing 6 foot high chain-link fence along Melvin Street, and does not count towards the required street landscaping. A waiver of development standards is requested to eliminate street landscaping along Melvin Street. Several shrubs, in addition to a palm tree, are located within the landscape strip along Marion Drive. However, the existing palm tree is not a permissible species that meets the Title 30 requirement for street landscaping; therefore, a waiver of development standards is required. The absence of the required 15 foot wide landscape buffer with an 8 foot high decorative wall, along the south property line of the site adjacent to the manufactured home park, necessitates a waiver of development standards.

Elevations

The previously approved plans depict an existing office/warehouse building measuring up to 17.5 feet in height with a pitched metal roof and constructed with vertical metal panels. The

photographs for the existing storage containers measure 9.5 feet in height. The existing containers are currently not painted to match the existing building.

Floor Plans

The previously approved plans depict an existing office/warehouse building measuring 6,459 square feet in area with accessory offices. The storage containers each measure 320 square feet in area.

Applicant’s Justification

The applicant is the tenant of the existing building and is not proposing any changes to the existing chain-link fence along the north and east sides of the site. The applicant does not have the ability to install landscaping or increase the wall height along the south property line, nor is there adequate room to provide the required buffering and screening. The driveways are existing and the tenant does not have the ability to redesign the driveways. The storage containers are necessary so the tenant can safely and securely store equipment, out of sight from the manufactured home park to the south. The existing site and storage containers are a similar use to what exists in the area.

Prior Land Use Requests

Application Number	Request	Action	Date
UC-1349-98	Use permit for offices in conjunction with an office/warehouse building	Approved by PC	September 1998
ET-400183-95 (ZC-196-91)	Second extension of time for zone change	Approved by BCC	November 1995
ET-400076-93 (ZC-196-91)	First extension of time for zone change	Approved by BCC	December 1993
ZC-196-91	Zone change from an R-E zone to an M-D zone	Approved by BCC	November 1991

Surrounding Land Use

	Planned Land Use Category	Zoning District (Overlay)	Existing Land Use
North	Business Employment	IL (AE-70 & APZ-2)	Warehouse with outdoor storage
South	Business Employment	RS5.2 (AE-70 & APZ-2)	Manufactured home park
East	Business Employment	IL (AE-70 & APZ-2)	Warehouse
West	Business Employment	IP (AE-70 & APZ-2)	Outdoor storage

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

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

The intent of street landscaping is to enhance the perimeter of the project site by providing shade and reducing storm water run-off. The required street landscaping would provide an additional buffer between the existing building, parking lot, and storage container. Furthermore, the site plan associated with UC-1349-98 required street landscaping along Marion Drive and Melvin Street, which was never installed. Staff finds the request to waive the required street landscaping along Melvin Street and Marion Drive is a self-imposed burden; therefore, recommends denial.

Waiver of Development Standards #2

The intent of requiring buffering and screening adjacent to a less intense zoning district is to ensure the adjacent property is not adversely or negatively impacted by activities allowed in the more intense zoning district. The required 15 foot wide landscape strip and 8 foot high decorative wall would assist in mitigating any potential impact the project would have on the manufactured home park, which includes an existing office/warehouse building and storage containers. Furthermore, the site plan associated with UC-1349-98 required landscaping along the south property line adjacent to the residential use, which was never installed. There is an existing 6 foot high block wall with barbed wire on top of the wall along the south property line, with no landscaping, adjacent to the manufactured home park. Staff finds the request to waive the required buffering, screening, and decorative block wall along the south property line is a self-imposed burden; therefore, recommends denial.

Waiver of Development Standards #3

The intent of establishing a minimum height for security fencing is to maintain a consistent and uniform development pattern between properties for this specific type of fence. Furthermore, maintaining a minimum height of 8 feet for barbed wire ensures that any potential conflicts with pedestrians are minimized, particularly when the security fence is located in proximity to public streets and sidewalks. Staff acknowledges the presence of security fences with barbed wire in the surrounding area. However, this request is a self-imposed burden as well as a safety concern and staff recommends denial.

Waiver of Development Standards #4 & #5

Staff finds the requests to allow the existing 6 foot high security fences with barbed wire within the front setback, along Melvin Street, and the side street setback, adjacent to Marion Drive, is a self-imposed hardship. Fences and walls are required to be decorative along the street to provide a uniform design aesthetic along street frontages. Therefore, staff recommends denial.

Waiver of Development Standards #6

The intent of maintaining a minimum access gate setback of 18 feet from the property line, when access gates are open during business hours, is to accommodate a setback equivalent to the length of a full-size automobile. Maintaining a setback of 18 feet ensures that when the access gates are closed during non-business hours, a vehicle would have an adequate driveway depth to enter and exit the site without obstructing the right-of-way. The vehicle would be required to back out into the right-of-way to exit the site when the gates are closed. However, staff finds the reduced setback for the access gates should not create any potential conflicts, as Melving Street does not experience a high volume of traffic during the evening.

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.

The intent of the Industrial Park (IP) zoning district is to accommodate low-intensity industry, processing, wholesaling, research and development, and supporting office uses. Industrial uses within this zoning district are typically sited to minimize impacts on adjacent residential neighborhoods and rights-of-way. Staff does not have an objection to the continued use of the building for warehousing purposes. Staff also does not have an objection to the location of the storage container along the west portion of the property, adjacent to an undeveloped parcel with IP zoning. Staff is concerned the storage container along the south property line, adjacent to the manufactured home park, may visually impact the residents due to the absence of buffering and screening. However, due to the totality of the waivers of development standards requested for the project site, which include buffering, screening, and street landscaping, staff recommends denial of the design review.

Public Works - Development Review

Waivers of Development Standards #7 & #8

Staff cannot support the request to reduce the throat depth and approach distance for the driveways on Melvin Street. Staff finds vehicles entering the site will come into conflict with vehicles parked opposite the east driveway. Furthermore, vehicles exiting the site will not have enough distance with traffic approaching the intersection increasing the chance of vehicle collisions.

Waiver of Development Standards #9

Commercial curb return driveways help mitigate traffic by allowing a smooth transition from the road into the commercial site, whereas pan driveways require vehicles to nearly come to a stop to negotiate a turn into a site. As such, pan driveways are not an acceptable standard for any driveways other than emergency access driveways only. Therefore, staff cannot support this request.

Staff Recommendation

Approval of waiver of development standards #6; denial of waivers of development standards #1 through #5, and #7 through #9 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:

- Work with the Las Vegas Metropolitan Police Department for the installation of security cameras and surveillance operation;
- 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;
- Paint storage containers to match the color of the existing building;
- 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.
- 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; 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; applicant is advised that certain uses are not permitted in the airport environs and certain other uses will require a special use permit; and the applicant is solely responsible for ensuring compliance with all conditions and deadlines.

Public Works - Development Review

- No comment.

Fire Prevention Bureau

- No comment.

Clark County Water Reclamation District (CCWRD)

- No comment.

TAB/CAC: Sunrise Manor - approval (2 year review upon occupancy).

APPROVALS:

PROTESTS:

APPLICANT: STRATEGIC DEVELOPMENT PARTNERS

CONTACT: STRATEGIC DEVELOPMENT PARTNERS, 155 S. WATER STREET, SUITE
220, HENDERSON, NV 89015