

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

UC-24-0747-BENSON FAMILY TRUST & BENSON, DENNIS W. & PAMELA J. TRS:

AMENDED HOLDOVER USE PERMIT for outdoor storage and display.

WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** eliminate parking; **2)** eliminate street landscaping; **3)** increase fence height (previously not notified); **4)** reduce access gate setbacks (previously not notified); **5)** waive full off-site improvements; and **6)** alternative driveway geometrics.

DESIGN REVIEW for a proposed outdoor storage and display area on a portion of 0.66 acres in a CG (Commercial General) Zone.

Generally located south of Hobson Street and west of US 95 South within Searchlight. MN/dd/kh (For possible action)

RELATED INFORMATION:

APN:

243-34-713-002; 243-34-713-003 ptn

WAIVERS OF DEVELOPMENT STANDARDS:

1. Eliminate parking where 3 parking spaces are required per Section 30.04.04C (a 100% reduction).
2. Eliminate street landscaping along Hobson Street where a 6 foot landscape area is required per Section 30.04.01D (a 100% reduction).
3. Increase the height of an existing fence within the front setback (adjacent to Hobson Street) to 6 feet where 3 feet is allowed per Section 30.04.03B (a 100% increase) (previously not notified).
4. Reduce the access gate setback to 46.5 feet where a minimum of 50 feet is required per Section 30.04.03E (a 7% reduction) (previously not notified).
5. Waive full off-site improvements (curb, gutter, sidewalks, streetlights, and partial paving) along Hobson Street where required per Section 30.04.08C.
6. Allow a commercial curb return driveway to not be installed along Hobson Street per Uniform Standard Drawing 222.1.

LAND USE PLAN:

SOUTH COUNTY (SEARCHLIGHT) - CORRIDOR MIXED-USE

BACKGROUND:

Project Description

General Summary

- Site Address: None
- Site Acreage: 0.66 (portion)

- Project Type: Outdoor storage and display
- Square Feet: 8,550 (proposed outdoor storage area)/240 (for each semi-trailer and boat storage area)
- Parking Required/Provided: 3/0
- Sustainability Required/Provided: 7/0

History & Request

In 2013, UC-0606-13 was approved to allow watercraft repair (without sales) on APN 243-34-713-003; this use remains active today. Today, the applicant is requesting to utilize the parcel to the west (APN 243-34-713-002) for outdoor storage and display in conjunction with the existing watercraft repair business. The outdoor storage and display site will be utilized by the existing watercraft repair business only.

Site Plan

The plan depicts an 8,550 square foot outdoor storage and display area which encompasses the entirety of the subject parcel. The entrance to the outdoor storage and display area is a 16 foot wide swinging gate at the northeast corner of the site, which is only accessible through the parcel to the east (APN 243-34-713-003). **The access gate is perpendicular to the north property line and is set back approximately 46.5 feet from property line where 50 feet is required per code.** The applicant provided a recorded cross access agreement for both parcels, which secures the right to access the storage site solely through APN 243-34-713-003. There is no point of access from Hobson Street or any other right-of-way to APN 243-34-713-002, and there are no buildings or other structures on this parcel.

Landscaping

No landscaping is proposed with this application. Title 30 requires street landscaping along Hobson Street, and since the applicant is also waiving the requirement for detached sidewalks, the street landscaping for the parcel would consist of 1 large tree and 3 shrubs for every 30 linear feet of street frontage within a 6 foot wide landscape strip measured from the applicant's property line.

Elevations

Photos of the site depict the outdoor storage and display area as being surrounded by 6 foot high chain-link fencing with mesh screening. **Code allows a 3 foot fence within the front setback of a commercial zoned parcel. Since there is an existing 6 foot high fence within the front setback, a waiver of development standards is required.**

Applicant's Justification

The applicant states the original intent was to improve APN 243-34-713-002 so that the applicant can sell the parcel or implement an alternative use; however, the applicant discovered that a portion of the property was secured by a fence for storage purposes by the owner of APN 243-34-713-003 (east parcel). The applicant stated that terms to an agreement was reached with the owner of APN 243-34-713-003 and expanded the fenced area to include the rest of their parcel so that the entire space may be rented for outdoor storage and display purposes.

The applicant also states that their use permit to allow the outdoor storage and display allows the business located on APN 243-34-713-003 to have the space they need. Just as well, the applicant states that their requested waivers for required parking, landscaping, **fence height, access gate setback**, off-sites, and driveway design standards are in-line with the design of the surrounding community. With the development of the site, the applicant states that they have improved the area and that the community should be pleased with the work that has been done.

Surrounding Land Use

	Planned Land Use Category	Zoning District (Overlay)	Existing Land Use
North	Corridor Mixed-Use	RS5.2 & CG	Single-family residential & undeveloped
South	Corridor Mixed-Use	CG	Undeveloped
East	Corridor Mixed-Use	CG	Watercraft repair facility
West	Corridor Mixed-Use	RS5.2	Undeveloped

Clark County Public Response Office (CCPRO)

There is an active Code enforcement case (CE24-01162) for building without a permit.

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.

Staff finds that the outdoor storage and display area already established on APN 243-34-713-002 does not meet several requirements of Title 30, and that the applicant has not done enough to mitigate the potential negative impacts of not complying with Code. The outdoor storage and display area is surrounded by a 6 foot high screened fence, as opposed to the required 8 foot high screened fence. While nothing will be stacked above the fence, the photos provided by the applicant and satellite imagery both show that some of the items stored on-site are visible from Hobson Street to the north; an 8 foot high screened fence may have helped mitigate this visual impact. For these reasons, staff cannot support this request.

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

While staff acknowledges that outdoor storage and display generally does not have a high volume of traffic, staff believes that on-site parking should still be provided. Title 30 requires parking for all different types of uses to ensure that sites are properly developed and to ensure that parking for the site does not occur in areas that may impede the surrounding area or nearby public rights-of-way. The site was developed without permits prior to this application and no parking was added; therefore, this is a self-imposed hardship. For these reasons, staff cannot support this request.

Waiver of Development Standards #2

Staff acknowledges that there is little-to-no street landscaping in the surrounding area, however this does not necessarily justify the waiver for landscaping for new development. Landscaping plays an important role in enhancing streetscapes as well as reducing the impacts of wind, dust, pollution, glare, and heat island effect on human health and comfort. In this case, where no mitigation for the proposed outdoor storage use is being provided, street landscaping would have made a large positive impact. For these reasons, staff cannot support this request.

Waiver of Development Standards #3

Limitations on fence height within front setbacks are put in place to avoid a canyon effect and to maintain the aesthetics of an area. In this case, staff finds that the fence within the front setback could have been installed outside of the setback area with minimal loss of storage space. The fence was installed within the front setback without permits prior to this application. For these reasons, staff cannot support this request.

Waiver of Development Standards #4

Access gate setbacks are important to prevent accidents and improve overall safety and queuing, but in this case the access gate will only be utilized by the limited staff at the site. Additionally, the gate is only accessible from the parking area of APN 243-34-713-003, which should eliminate any potential safety issues. The applicant has the ability to set the access gate back to meet Code. Therefore, staff 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.

In general, any development poses the opportunity to provide visually appealing site design and needed services for surrounding communities. In this case, staff finds that the design of the outdoor storage and display lot is lacking in its design; the site was developed without

permission from any County departments and does not meet multiple requirements of Title 30. The lack of required street landscaping and parking detract from the site overall, and the outdoor storage and display use has not been mitigated. Staff is not supporting the use permit or waivers of development standards for this application, and therefore, staff cannot support this request for the aforementioned reasons above.

Public Works - Development Review

Waiver of Development Standards #5

Staff has no objection to not install full off-site improvements along Hobson Street as there are no off-site improvements within the immediate area along County roads.

Waiver of Development Standards #6

Staff has no objection to not install a commercial curb return driveway along Hobson Street. The immediate area has rural standards.

Staff Recommendation

Approval of waivers of development standards #5 and #6; denial of the use permit, waivers of development standards #1 through #4 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.
- 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; and the applicant is solely responsible for ensuring compliance with all conditions and deadlines.

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;
- 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; and that operational permits may be required for this facility and to contact Fire Prevention for further information at (702) 455-7316.

Clark County Water Reclamation District (CCWRD)

- No comment.

TAB/CAC:

APPROVALS: 1 card

PROTESTS: 3 cards

COUNTY COMMISSION ACTION: May 21, 2025 – HELD – To 06/18/25 – per the applicant.

APPLICANT: PAMELA JEAN BENSON

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