

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

UC-26-0063-TAJALLI, HAMID R.:

USE PERMIT for outdoor storage.

WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** reduce and eliminate street landscaping; **2)** reduce and eliminate landscape buffer and screening; **3)** eliminate access gate setbacks; and **4)** alternative driveway geometrics.

DESIGN REVIEW for a proposed outdoor storage facility on 0.65 acres in an IP (Industrial Park) Zone.

Generally located south of Desert Inn and east of Sandhill Road within Paradise. TS/dd/cv (For possible action)

RELATED INFORMATION:

APN:

161-18-510-054

WAIVERS OF DEVELOPMENT STANDARDS:

1.
 - a. Reduce the width of the street landscaping strip along Desert Inn Road to 6.5 feet where a minimum of 10 feet is required per Section 30.04.01D (a 35% reduction).
 - b. Eliminate street landscaping (trees) along Desert Inn Road where trees within the landscape area are required per Section 30.04.01D.
2.
 - a. Allow a 6 foot high non-decorative block wall along the south property line where an 8 foot high decorative screen wall shall be provided per Section 30.04.02C.
 - b. Eliminate the 8 foot high decorative screen wall on the west and east property lines where required per Section 30.04.02C.
 - c. Eliminate the landscape buffer along the west, south, and east property lines where a 15 foot wide landscape buffer consisting of a double row of evergreen trees is required per Section 30.04.02C.
3. Eliminate the access gate setback to zero feet where a minimum of 18 feet is required per Section 30.04.03E.
4.
 - a. Eliminate the driveway throat depth along Desert Inn Road to zero feet where 25 feet is required per Uniform Standard Drawing 222.1.
 - b. Allow a commercial curb return driveway to not be installed along Desert Inn Road per Uniform Standard Drawing 222.1.

LAND USE PLAN:

WINCHESTER/PARADISE - CORRIDOR MIXED-USE

BACKGROUND:

Project Description

General Summary

- Site Address: 3909 E. Desert Inn Road
- Site Acreage: 0.65
- Project Type: Outdoor storage
- Parking Required/Provided: 1/1
- Sustainability Required/Provided: 7/0

Site Plan

The site plan depicts a 9,400 square foot outdoor storage area on the northern portion of the subject parcel, located south of Desert Inn Road. The southern two thirds of the site is unpaved and will not be utilized for outdoor storage. Access to the site is provided via a driveway on the northeast corner of the site. A swinging gate which remains open during business hours is also located at the entrance, with a zero foot setback from the property line thus necessitating a waiver of development standards. The outdoor storage area is unscreened from the right of way, and is not accessory to an indoor primary use, necessitating a use permit per Title 30. The single parking space required for the outdoor storage area is located towards the northwest corner of the site. There is an existing off-premises advertising sign (billboard) located towards the northeast corner of the site, with no other buildings or structures on the property. A use permit is required for outdoor storage that does not have an indoor principal use.

Landscaping

Plans depict the landscaping on site as being comprised of a single 6.5 foot wide street landscape strip where a 10 foot wide landscape strip is required behind an attached sidewalk. Additionally, photos of the landscaping strip show it as being filled with mature palm trees which are not recommended on the Southern Nevada Water Authority plant list and various shrubs. Except for an existing 6 foot high CMU wall on the south property line, none of the required buffering or screening is provided on the west, south, or east sides of the property. All of these conditions necessitate waivers of development standards.

Applicant's Justification

The applicant states that they have no employees, nor do customers come to the site, and that the lot is only used for the storage of vehicles that are sold at auction. The applicant also states that nothing will be stored on the unpaved portion of the site. The applicant requests waivers and the use permits for the required landscaping and screening, citing ongoing security concerns. They state that individuals in the surrounding area have previously accessed the site without authorization, resulting in theft and fuel siphoning from stored vehicles. Per the applicant landscaping and screening will obscure them from view which will lead to increased theft.

Prior Land Use Requests

Application Number	Request	Action	Date
WS-0565-01	Waiver of development standards to increase the height of a freestanding sign	Approved by PC	June 2001

Prior Land Use Requests

Application Number	Request	Action	Date
UC-1998-97	Use permit for a freestanding sign	Approved by PC	December 1997
ZC-1930-95	Zone change to M-D for an office/warehouse development - expired	Approved by BCC	December 1995

Surrounding Land Use

	Planned Land Use Category	Zoning District (Overlay)	Existing Land Use
North	Corridor Mixed-Use	RM32	Senior living facility
South	Neighborhood Commercial	CG	Construction offices
*East	Corridor Mixed-Use	RS5.2	Public right-of-way
West	Corridor Mixed-Use	CG	Vehicle sales

*Immediately to the east is I-11 overpass

Clark County Public Response Office (CCPRO)

CE25-03272 is an active Code Enforcement case for unpermitted 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

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.

Typically an outdoor storage within an Industrial Park zone can be supported by staff, however the conditions on site have affected the determination; in this case, the outdoor storage is not accessory to an indoor use, and the outdoor storage is not screened from Desert Inn Road to the north or from any nonindustrial use. Furthermore, staff is not supporting any of the waivers of development standards or the design review for the site, therefore 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

Staff finds that the landscape strip currently located along Desert Inn Road does not meet current Title 30 standards; the width of the landscape strip is not wide enough behind the existing attached sidewalk, and the plant material within the landscape strip mainly consists of mature palm trees, which are prohibited by Title 30 when located along the street. Aerial imagery shows that the street landscape strip was added around 2007, and staff cannot find any permits or land use entitlements that allowed its design. Staff typically encourages landscaping and advocates for the preservation of existing mature plant material, staff cannot support this waiver of development standards.

Waiver of Development Standards #2

Landscape buffers are meant to separate more intense zoning districts from their less-intense neighboring properties, and to separate freeways from individual properties for safety and aesthetic purposes. In this case, staff finds that while the current use is not out of place for the area, any future industrial uses on site, or the expansion or intensification of the current outdoor storage use, could negatively impact the immediate area, and that these impacts would be greatly lessened by the required buffering and screening. Staff also finds that if the landscape buffers were not installed, the addition of 8-foot-high decorative screen walls along the south, east and west property lines would greatly improve the site and lessen any potential negative impacts to the adjacent properties. For these reasons, staff cannot support this request.

Waiver of Development Standards #3

Staff finds that eliminating the gate setback could result in vehicular traffic queueing along Desert Inn Road to enter the site. The applicant states the access gates will remain open during business hours, which does help mitigate any potential issues, but there is also no reason that the gates could not be relocated to meet the 18 foot setback requirement. Therefore, staff cannot 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 other 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 applicant has the opportunity to provide a visually appealing site design. In this case, staff finds that the design of the outdoor storage and display lot is lacking in its design; and the site was developed without permission from any County departments and does not meet multiple requirements of Title 30. Additionally, staff finds that the site could be greatly improved with minimal changes; replacing the unpermitted landscaping with new trees as outlines in the SNWA plant list, the addition of buffer landscaping or buffer walls, and a minor relocation of the access

gate would drastically change the condition of the site. For these reasons, staff cannot support this request.

Public Works - Development Review

Waiver of Development Standards #4a

With the high volume of traffic on Desert Inn Road, the request to eliminate throat depth is excessive and will cause stacking in the right-of-way. Therefore, staff cannot support this request.

Waiver of Development Standards #4b

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

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:

- 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

- No comment.

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.

TAB/CAC:
APPROVALS:
PROTESTS:

APPLICANT: HAMIDREZA TAJALLI

CONTACT: HAMIDREZA TAJALLI, 7844 DESERT BELL AVENUE, LAS VEGAS, NV
89128