

05/22/24 BCC AGENDA SHEET

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

UC-24-0129-SOUTH DECATUR HOLDING CO, LLC:

AMENDED USE PERMIT to allow a mini-warehouse facility.

WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** landscaping (no longer needed); **2)** buffering and screening standards; **3)** wall height; and **4)** residential adjacency standards.

DESIGN REVIEW for a proposed RV storage & mini-warehouse facility on 2.6 acres in a CG (Commercial General) Zone.

Generally located on the south side of Moberly Avenue (alignment) and the east side of Decatur Boulevard within Enterprise. MN/hw/ng (For possible action)

RELATED INFORMATION:

APN:

177-07-301-016; 177-07-301-036

WAIVERS OF DEVELOPMENT STANDARDS:

1. Eliminate parking lot landscaping where landscaping is required per Section 30.04.01D (no longer needed).
2.
 - a. Allow a 2 foot tall decorative CMU block wall associated with a landscape buffer where an 8 foot tall decorative wall is required per Section 30.04.02C (a 75% reduction).
 - b. Reduce the width of a buffering landscape strip to 10 feet where 15 feet is required per Section 30.04.02C (a 33% reduction).
3. Increase the height of a retaining wall to 6 feet where 3 feet is the maximum permitted by Section 30.04.03C (a 100% increase).
4.
 - a. Increase fill height to 4.4 feet where a maximum of 3 feet is allowed within 5 feet of a shared residential property line per Section 30.04.06F (a 47% increase).
 - b. Allow a drive aisle to be located adjacent to a residential use without a screening buffer where such a buffer is required per Section 30.04.06G.
 - c. Allow roll-up overhead doors to face a residential district where not permitted per Section 30.04.06N.

LAND USE PLAN:

ENTERPRISE - NEIGHBORHOOD COMMERCIAL

BACKGROUND:

Project Description

General Summary

- Site Address: N/A

- Site Acreage: 2.6
- Project Type: RV storage & Mini-warehouse facility
- Number of Stories: 2
- Building Height (feet): 32
- Square Feet: 28,542 (North Building)/34,000 (South Building)/62,542 (Total)
- Parking Required/Provided: 1/2
- Sustainability Points Required/Provided: 7/7

Site Plans

The plans depict a 2.6 acre site that consists of an undeveloped northern parcel and a southern parcel that contains an existing single family home located on the east side of Decatur Boulevard and the south side of Moberly Avenue. The plans show a 28,542 square foot northern building and a 34,000 square foot southern building are being proposed. The northern building is shown to be set back 30 feet from the northern property line and 10 feet from the eastern property line. The southern building is shown to be set back 10 feet from the southern property line and 10 feet from the eastern property line. Both buildings are set back 68.6 feet from Decatur Boulevard and are separated by approximately 35 feet from each other. Between the 2 buildings is a shared amenity area which includes paved open areas with landscaping and a shade structure. Parking is shown to be located in 2 parking spaces between the 2 buildings, where 2 spaces are required. Access to the site is provided by 2, 43 foot wide driveways with 1 driveway located in the northwestern corner of the property and the other in the southwestern corner of the property. The 2 driveways are connected by a 31 foot wide 1 way drive aisle with a 25 foot wide auxiliary loading area. The provided cross sections show that a maximum fill of 4.4 feet is required along the northeastern portion of the property and will require a 6 foot high retaining wall.

Landscaping

Along the street, Willow Acacia (*Acacia salicina*) and Holly Oak (*Quercus ilex*) trees are provided in a 2-3 alternating pattern in 1 row approximately every 25 feet. The street trees are provided in the second of two 5 foot wide landscape strips that are split by the 5 foot wide detached sidewalk. Along the perimeter of the site adjacent to the surrounding residential uses, a 10 foot wide landscape buffering strip has been provided with a proposed 2 foot high decorative CMU block wall on top of a 6 foot high retaining wall. Within the buffering landscape strip, 2 staggered rows of Shoestring Acacia (*Acacia stenophylla*) and Willow Acacia trees have been provided approximately every 10 feet on center.

Elevations

The elevations show that the 2 proposed storage buildings are identical in height and design. The elevation shows that the buildings will be 2 stories with a maximum height of 32 feet and will consist of painted stucco and decorative CMU block. Each unit is clearly identifiable based on the features shown on the western façade, with each unit being provided a glass overhead roll-up door, a metal entrance door with an overheard awning, and a second story sliding glass door with balcony. The western and eastern façades is primarily white with a beige stucco dormer separating the 2 floors of the buildings, and a grey painted stucco articulation that runs along the roof and down the northern and southern portions of the western façade. The eastern façade has grey metal doors for each unit that lead out into separated outside areas. Along the southern façade the walls are a grey and white painted stucco delineated by a grey stucco dormer. Along

the northern and southern façades of the building, the facades are primarily painted white with a grey dormer delineating the first and second floors and grey stucco pop-out running along the roofline. The facades that face into the spaces between the buildings contain 2 metal roll-up doors.

Floor Plans

The floor plans show that the northern building is 28,542 square feet and is spread out between 10, 2 story RV and mini-storage units. Eight of the units within this building are a total of 2,728.5 square feet and contain a 1,657.5 square foot first floor RV storage area, which also contains a work bench area that contains a sink and similar fixtures. These same eight units also contain a 1,071 square foot second story loft storage area, which contains a small bathroom. The northern most unit of the building is slightly larger at 3,370.5 square feet and contains a 2,047.5 square foot RV storage area on the first floor and a 1,323 square foot second story loft storage area. The southern most unit also contains a 1,657.5 square foot first floor RV storage area but contains a 1,281 square foot second story loft area due to the first floor of the unit being reduced in width due to the common support rooms on the southern side of the unit. The building support rooms (power, janitorial, telephone, etc.) run the length of the building, are 5 feet wide, and open into the central courtyard on the southern portion of the building.

The floor plans show that the southern building is 34,000 square feet and is spread out between 13, 2 story RV and mini-storage units. Eleven of the units within this building are a total of 2,568 square feet and contain a 1,560 square foot first floor RV storage area, which also contains a work bench area that contains a sink and similar fixtures. These same 11 units also contain a 1,008 square foot second story loft storage area, which contains a small bathroom. The northern most unit also contains a 1,560 square foot first floor RV storage area but contains a 1,218 square foot second story loft area due to the first floor of the unit being reduced in width due to the common support rooms on the northern side of the unit. The building support rooms (power, janitorial, telephone, etc.) run the length of the building, are 5 feet wide, and open into the central courtyard on the northern portion of the building.

Applicant's Justification

The applicant states that the proposed facility will act as a mini-storage facility for the storage of personal recreational vehicles, off-highway vehicles, and watercraft. The applicant further states that each unit will be individually owned and will also contain an upper storage loft area. They also indicate that many of the waivers are needed due to the width and size of the subject lot, as the necessary mitigation measures are not possible to build due to the size of the lot. Finally, they state the area along Decatur Boulevard is mostly residential and the units could be sold to those who live in the surrounding residential neighborhoods.

Prior Land Use Requests

Application Number	Request	Action	Date
ZC-0116-09*	Reclassified the site from R-E to C-P zoning for an office building - expired	Approved by BCC	April 2009
TM-0277-05**	16 lot single family residential subdivision	Withdrawn by Applicant	June 2005

Prior Land Use Requests

Application Number	Request	Action	Date
ZC-1592-99**	Reclassified the site from R-E to R-2 zoning for a single-family residential subdivision with compact lots - expired	Approved by BCC	December 1999

*For South Parcel APN 177-07-301-036 **For North Parcel APN 177-07-301-016

Surrounding Land Use

	Planned Land Use Category	Zoning District (Overlay)	Existing Land Use
North	Neighborhood Commercial	RS20	Single family detached residential
East & South	Mid-Intensity Suburban Neighborhood (up to 8 du/ac)	RS3.3	Single family detached residential
West	Mid-Intensity Suburban Neighborhood (up to 8 du/ac)	RS20 & RS3.3	Single family detached residential

The subject site is within the Public Facilities Needs Assessment (PFNA) area.

Related Applications

Application Number	Request
ZC-24-0128	A zone change to reclassify the site from RS3.3 and RS20 to CG zoning is a companion item on this agenda.
VS-24-0130	A request to vacate and abandon easements is a companion item on this agenda.

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 when evaluating the appropriateness of a mini-warehouse facility, the proximity of uses of a similar intensity and nearby residential developments is important. Staff finds that the surrounding areas are comprised almost entirely of low to medium density residential development. This type of development is important for mini-warehouse facilities as those renting or buying the units will most likely come from the nearby area. In addition, staff finds that a mini-warehouse tends to generate very little in terms of traffic and people as compared to similar service and retail

businesses and would have little impact on the surrounding residential developments, provided a sufficient buffer is provided. Ultimately, this use conforms to both the zoning and the Master Plan Designation. In addition, this use permit, as proposed, would comply with Policy EN-5.3, which encourages the development of viable business areas. For these reasons, staff could support this use permit, but since staff is not supporting the zone change, 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

No longer needed.

Waivers of Development Standards #2a, #2b, #4b, & #4c

The purpose of buffering and perimeter landscaping is to reduce the impact of commercial uses and the massing and bulk of commercial buildings to pre-existing residential uses. Staff finds that while a buffer has been provided along the northern, eastern, and southern portions of the property, 2 key components of this buffer have been withheld, an 8 foot high screen wall and a 15 foot wide landscape strip. The 15 foot wide landscape strip is needed to assure that the screening trees will have sufficient space to grow and will accommodate the necessary number of trees and wall necessary to add an additional level of screening that the trees may not provide. Staff finds that these buffers are needed due to the privacy concerns that may arise due to the elevation differences between the residential properties to the east and the mini-warehouse facility. In addition, drive aisles have been placed along the northern and southern sides of the property and staff finds that the buffer is needed to help reduce potential impact from the facility resulting from lighting, noise, and other unanticipated impacts. Finally, staff could support the waiver regarding the screening of overhead doors, as an appropriate street landscaping strip has been provided and the residential uses they are facing are across Decatur Boulevard, but since staff cannot support the use permit, waivers of development standards, and the design review, staff cannot support this request.

Waivers of Development Standards #3 & #4a

The purpose of reviewing increased fill and retaining walls is to assure that the proposed grading is necessary and will not have negative impacts on the surrounding property owners. Staff finds that the proposed grading and retaining wall are necessary for the proper drainage of the site. With that said, since the buffer wall and landscaping provided are not sufficient per Code, staff has concerns that there may be adverse impacts on the adjacent residential property. For these reasons, 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 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.

Overall, staff finds that the proposed buildings are attractive and modern and would be an enhancement for the area. In addition, the building will contain mostly neutral tones that should also not be too intrusive on the surrounding developments. No windows will face the surrounding areas. The site should see limited traffic so the provided parking should be sufficient. The provided access points and drive aisles are sufficient to handle the necessary traffic and will provide ample spaces for ancillary loading needs. The landscaping along the street should also be sufficient to screen any distracting action on the property as well. With that said, staff finds that the landscaping buffer being provided along the perimeter of the site is insufficient to reduce the potential impacts of the facility on the surrounding residential development, and thus cannot support this design review.

Department of Aviation

The development will penetrate the 100:1 notification airspace surface for Harry Reid International Airport. Therefore, as required by 14 CFR Part 77, and Section 30.02.26B.3(ii) of the Clark County Unified Development Code, the Federal Aviation Administration (FAA) must be notified of the proposed construction or alteration.

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:

- No outside storage is permitted;
- The addition of balconies or other second story external additions are prohibited along the eastern façade of the building;
- 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 a Certificate of Compliance.
- Applicant is advised that additional land use may be required to allow the sale of individual units; 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; 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;
- Full off-site improvements;
- Right-of-way dedication to include 55 feet to the back of curb for Decatur Boulevard;
- 30 days to coordinate with Public Works - Design Division and to dedicate any necessary right-of-way and easements for the Decatur improvement project;
- 30 days to submit a Separate Document to the Map Team for the required right-of-way dedications and any corresponding easements for any collector street or larger;
- 90 days to record required right-of-way dedications and any corresponding easements for any collector street or larger.
- Applicant is advised that the installation of detached sidewalks will require dedication to back of curb and granting necessary easements for utilities, pedestrian access, streetlights, and traffic control.

Department of Aviation

- Applicant is required to file a valid FAA Form 7460-1, "Notice of Proposed Construction or Alteration" with the FAA, in accordance with 14 CFR Part 77, or submit to the Director of Aviation a "Property Owner's Shielding Determination Statement" and request written concurrence from the Department of Aviation;
- If applicant does not obtain written concurrence to a "Property Owner's Shielding Determination Statement," then applicant must also receive either a Permit from the Director of Aviation or a Variance from the Airport Hazard Areas Board of Adjustment (AHABA) prior to construction as required by Section 30.02.26B of the Clark County Unified Development Code. Applicant is advised that many factors may be considered before the issuance of a permit or variance, including, but not limited to, lighting, glare, graphics, etc.;
- No building permits should be issued until applicant provides evidence that a "Determination of No Hazard to Air Navigation" has been issued by the FAA or a "Property Owner's Shielding Determination Statement" has been issued by the Department of Aviation.
- Applicant is advised that the FAA's determination is advisory in nature and does not guarantee that a Director's Permit or an AHABA Variance will be approved; that FAA's airspace determinations (the outcome of filing the FAA Form 7460-1) are dependent on petitions by any interested party and the height that will not present a hazard as determined by the FAA may change based on these comments; and that the FAA's airspace determinations include expiration dates and that separate airspace determinations will be needed for construction cranes or other temporary equipment.

Fire Prevention Bureau

- Applicant is advised that fire/emergency access must comply with the Fire Code as amended; and to submit plans for review and approval prior to installing any gates, speed humps (speed bumps not allowed), and any other Fire Apparatus Access Roadway obstructions.

Clark County Water Reclamation District (CCWRD)

- Applicant is advised that a Point of Connection (POC) request has been completed for this project; to email sewerlocation@cleanwaterteam.com and reference POC Tracking #0163-2024 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

TAB/CAC: Enterprise - denial.

APPROVALS:

PROTESTS:

APPLICANT: SOUTH DECATUR HOLDING CO, LLC

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