

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

UC-25-0127-RODRIGUEZ NATIVIDAD CANO:

USE PERMIT for outdoor storage.

WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** reduce street landscaping; **2)** alternative buffering and screening; **3)** modify residential adjacency standards; **4)** reduce the front setback for a trash enclosure; and **5)** waive full off-site improvements.

DESIGN REVIEWS for the following: **1)** outdoor storage (commercial vehicles); and **2)** alternative landscape plan on 1.39 acres in an IP (Industrial Park) Zone within the Airport Environs (AE-70) Overlay.

Generally located on the west side of Lincoln Road, 120 feet north of Cartier Avenue within Sunrise Manor. WM/bb/kh (For possible action)

RELATED INFORMATION:

APN:

140-18-710-040

WAIVERS OF DEVELOPMENT STANDARDS:

1. Reduce the number of street shrubs along Lincoln Road to zero shrubs where 18 shrubs are required per Section 30.04.01D (a 100% reduction).
2. Allow a 6 foot high mesh screened chain-link fence where buffering and screening requires an 8 foot high decorative screen wall along the north, west, and south property lines per Section 30.04.02C (a 25% reduction).
3.
 - a. Allow outdoor storage as a primary use where not permitted per Section 30.04.06E.
 - b. Allow a 40 foot setback for a trash enclosure where areas containing outdoor garbage or recycling containers shall not be within 50 feet of an adjacent residential district per Section 30.04.06K
4. Reduce the front setback for a trash enclosure to 15 feet where 20 feet is required per Section 30.02.18 (a 25% reduction).
5. Waive full off-site improvements (curb, gutter, sidewalk, streetlights, and partial paving) where off-site improvements are required per Section 30.04.08C.

LAND USE PLAN:

SUNRISE MANOR - BUSINESS EMPLOYMENT

BACKGROUND:

Project Description

General Summary

- Site Address: N/A

- Site Acreage: 1.39
- Project Type: Outdoor storage (commercial vehicles)
- Number of Stories: 1
- Building Height (feet): 11
- Square Feet: 80
- Parking Required/Provided: 1/59

Site Plan

The plan depicts a 1.39 acre lot with access from Lincoln Road on the east side of the property. A 6 foot high perimeter chain-link fence is proposed on all 4 sides of the property with gated access 50 feet from the east property line. Fifty-six parking spaces are located along the north, west, and south property lines for storage of commercial vehicles. Three parking spaces, including 2 accessible spaces are provided along the east property line for security and visitors. A small office is located to the north of the parking spaces. The trash enclosure is located along the east property line, approximately 40 feet south of the residence to the north. The central part of the property is open and approximately 120 feet by 216 feet in area.

Landscaping

The plan depicts a 15 foot wide landscape buffer along the north, west, and south property lines. A 6 foot high chain-link mesh screened fence is proposed on all 4 sides of the property, with the street side fence located 15 feet west of the east property line. All parking spaces are adjacent to 15 foot landscape areas. All street trees and buffer trees are provided with no shrubs proposed along the street, which is the subject of a waiver request in this application. Seventy-nine large Weeping Acacia trees are shown on all 4 sides of the property with a double row 20 feet on center along the north, west, and south property lines, and every 20 feet along the street frontage. An alternative landscape plan is requested as an additional landscape island is required within the row of parking spaces along the north and south property lines. Six additional medium size African Sumac trees are located on the perimeter of the property, in lieu of the required landscape islands.

Elevations

The plan depicts a corrugated steel storage unit measuring 11 feet in height with a vertical steel door facing south and window facing east.

Floor Plans

The storage unit measures 80 square feet in area and consists of an open floor plan.

Applicant's Justification

The applicant is proposing outside storage of box trucks being used daily for deliveries and stored overnight on the property. Parking will be located along the perimeter of the property, adjacent to required landscaping areas that are at least 15 feet wide. The parking lot will have an asphalt surface and striped for 56 commercial vehicle parking spaces, 1 accessible space, and 2 spaces for employees and visitors. A mesh screened chain-link fence is provided on the north, west, and south property lines, and 15 feet west of the east property line. A gated entrance is located on the east side of the property, 50 feet from the east property line. The gate will be open during business hours between 8:00 a.m. and 8:00 p.m. 7 days a week.

Prior Land Use Requests

Application Number	Request	Action	Date
ZC-22-0330	Reclassified from R-2 to M-D zoning for future industrial development	Approved by PC	August 2022
WS-0135-02	Reduced width of a private street - expired	Approved by PC	March 2002
TM-0033-02	13 lot single family development - expired	Approved by PC	March 2002

Surrounding Land Use

	Planned Land Use Category	Zoning District (Overlay)	Existing Land Use
North & West	Business Employment	RS20 (AE-70)	Single-family residential
South	Business Employment	RS3.3 (AE-70)	Single-family residential
East	Business Employment	IP (AE-70)	Distribution center & place of worship

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.

The applicant is proposing outside storage to park commercial delivery vehicles on a paved lot that is currently zoned industrial, without an indoor primary use. Panel vans, box trucks, and other delivery type vehicles are expected at the site. The hours of operation are 8:00 a.m. to 8:00 p.m. with gated access and security on-site. Parking vehicles within this time range would be compatible with the surrounding residential uses when considering noise concerns, and neighborhood traffic taking place mostly during daylight hours. The local elementary school is located less than 1,000 feet directly south of this property with school starting at 7:35 a.m. Most school pedestrian traffic takes place before 8:00 a.m., which would avoid conflicts with the additional traffic in the morning, but not in the afternoon. There are approximately 2 dozen homes north of this site that could have families with children walking past this site to access the school. This is a very small amount of pedestrian traffic for the additional traffic proposed with this use. Therefore, staff supports the use permit.

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

There appears to be adequate space to plant shrubs either within the 15 foot landscape area shown on the plan, or within the expanded landscape areas at the northeast corner and southeast corner of the property. The landscape plan includes 6 additional trees above the required amount with 4 adjacent to the parking spaces, and 2 additional trees located in the street landscape area. Staff finds this request is acceptable as the benefit of planted trees outweighs the installation of shrubs.

Waiver of Development Standards #2

The 6 foot mesh screened chain link fence is allowed in the location shown along Lincoln Road to screen outdoor storage from the street. The buffering and screening standards require an 8 foot decorative screen wall on the north, west, and south property lines to screen the outdoor storage and parking from adjacent residential uses. The mesh screening will not block all headlights from parking vehicles after sunset. The applicant went to the extra effort of obtaining signed approval from all adjacent property owners for the proposed use and screening; however, staff cannot support the waiver request since the use permit will allow a variety of outside storage uses and future types of outside storage may have a great impact on neighboring residents.

Waiver of Development Standards #3a & #3b

This property is subject to the residential adjacency requirements that do not permit outdoor storage as a primary or accessory use when adjacent to RS district. The proposed storage of commercial vehicles would be a primary use on this property. The time limits and limitation of storage to commercial delivery vehicles (no semi-tractor trailers) does make the proposal better than general outdoor storage in industrial zones. While parking commercial vehicles with no primary use is outdoor storage, the type of outdoor storage use is supported in this location. However, since staff is not supporting waiver of development standards #2, staff recommends denial of waiver of development standards #3a.

Staff typically does not support requests to reduce the setback for a trash enclosure to a residential use. However, the proposed trash enclosure is set back 54 feet from the closest point of the single-family residence to the north, in addition to being screened by a 15 foot wide landscape buffer with a double row of evergreen trees along the north property line. Therefore, staff does not object to this request.

Waiver of Development Standards #4

The reduction to the front setback for the proposed trash enclosure is a self-imposed hardship. Staff finds the setback for the trash enclosure can be readjusted eliminating the need for this waiver request. Therefore, staff recommends denial.

Design Reviews

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 proposed outdoor storage of commercial vehicles and the type of delivery vehicles proposed would be compatible with neighborhood parking of individual delivery vans and smaller trucks. The proposed hours of operation are limited to reasonable hours and would not create a significant impact to traffic circulation in the surrounding area, or at the access point on Lincoln Road. The applicant is proposing an alternative landscape plan with this request. More specifically, 6 additional medium trees are dispersed around the perimeter of the site in lieu of providing the 2 additional landscape islands. Staff could support this request, however since staff recommends denial of waiver of development standards #2, #4, and #5, staff recommends denial of the design review.

Public Works - Development Review

Waiver of Development Standards #5

Historical events have demonstrated how important off-site improvements are for drainage control. Additionally, full width paving allows for better traffic flow and sidewalks on public streets provide safer pathways for pedestrians and for children to walk to school. Furthermore, there are existing off-site improvements to the east of the site along Lincoln Road. Therefore, staff cannot support the waiver of development standards for full off-site improvements.

Staff Recommendation

Approval of the use permit and waivers of development standards #1 and #3b; denial of waivers of development standards #2, #3a, #4 and #5, and the design reviews.

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.
- 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

- Drainage study and compliance;
- 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.

Clark County Water Reclamation District (CCWRD)

- Applicant is advised that the CCWRD is unable to verify sewer capacity based on this zoning application; and may find instruction for submitting a Point of Connection (POC) request on the CCWRD's website; and that a CCWRD approved POC must be included when submitting civil improvement plans.

TAB/CAC: Sunrise Manor - denial.

APPROVALS:

PROTESTS:

APPLICANT: NATIVIDAD RODRIGUEZ

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