

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**WS-23-0920-PF 4090, LLC:**

**APPEAL WAIVERS OF DEVELOPMENT STANDARDS** for the following: **1)** wall height; **2)** alternative landscaping; **3)** loading spaces; **4)** gate access; and **5)** reduce height setback.  
**DESIGN REVIEW** for a mini-warehouse on 1.5 acres in a C-2 (Commercial General) Zone.

Generally located on the north side of Flamingo Road and the east side of Eastern Avenue within Paradise. TS/bb/ng (For possible action)

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RELATED INFORMATION:

**APN:**

162-13-401-008; 162-13-406-004; 162-13-406-010; 162-13-406-011; 162-13-406-014 through 162-13-406-016

**WAIVERS OF DEVELOPMENT STANDARDS:**

1. Increase retaining wall height to 5 feet where 3 feet is the maximum per Section 30.64.050 (a 67% increase).
2.
  - a. Allow 10 feet of landscaping behind an attached sidewalk along Euclid Street where 15 feet of landscaping is required per Section 30.64.30.
  - b. Allow 24 inch box small Evergreen trees adjacent to a less intense use where 24 inch box large Evergreen trees are required per Figure 30.64-12.
  - c. Allow 24 inch box small Evergreen trees every 20 feet where required every 10 feet per Section 30.64.030K (3) (no longer needed).
3. Reduce the number of required loading spaces to zero spaces where 4 spaces are required per Table 30.60-6 (a 100% reduction).
4. Allow an access gate to be 10 feet from the street where a minimum of 50 feet is required per Section 30.64.020 (an 80% decrease).
5. Allow a reduction to the height/setback ratio to 38 feet where 87 feet is required adjacent to a less intense use per Figure 30.56-10 (a 56% reduction).

**LAND USE PLAN:**

WINCHESTER/PARADISE - CORRIDOR MIXED-USE

**BACKGROUND:**

**Project Description**

General Summary

- Site Address: 4030 S. Eastern Avenue
- Site Acreage: 1.5
- Project Type: Mini-storage
- Number of Stories: 3

- Building Height (feet): 35
- Square Feet: 28,532 (level 1)/28,834 (level 2)/28,834 (level 3)/88,537 (total)
- Parking Required/Provided: 440/498 (5 spaces for mini-warehouse facility)

### Site Plan

The plan depicts an existing office/retail complex located at the northeast corner of Eastern Avenue and Flamingo Road. The complex was originally approved by UC-0855-98 but was subsequently amended and expanded by UC-0586-00 and DR-0797-04. The complex is comprised of 5 buildings. One L-shaped building in the eastern half of the property and 1 square shaped building in the northern portion of the site that are primarily used for offices. The plan also shows 2 pad site buildings in the southern and southeastern portions of the property that primarily contain retail and restaurant uses. Parking is located throughout the site but is mainly located on the western portion of the site. A parking garage is also provided and is located on the eastern portion of the site. Access is provided by 3 driveways on Eastern Avenue, 1 driveway on Flamingo Road, and 1 driveway that provides cross access to the parcel to the north. The southeastern pad site has 1 egress only driveway to Euclid Street. The northeast portion of the subject site is the proposed location for the mini-warehouse development. Access is proposed from the existing driveway at the northwest corner of the complex connecting to the subject parcel across the north side of the complex, and exiting at the northeast corner of the property onto Euclid Street. The entrance to the mini-warehouse building is located at the northwest corner of the subject parcel and includes 5 parking spaces. A sliding access gate is shown 10 feet west of the Euclid Street driveway property line and is the subject of a waiver request.

### Landscaping

A landscape buffer adjacent to a less intense use is shown on the northeast property line that consists of 24 inch box small trees where 24 inch box large Evergreen trees are required, and is a waiver requested with this application. Existing street landscaping is also located along the Eastern Avenue and Flamingo Road frontages. Landscaping is also provided throughout the site and within the parking lot areas. A waiver to allow 10 feet of landscaping adjacent to an existing attached sidewalk on the west side of Euclid Street is a part of this application.

### Elevations

The plans depict the 35 foot high primary mini-warehouse Building 1 with stucco siding, pop-out textured enhancements, entrance awning, aluminum storefront entry and windows facing north, and flat roof with parapet walls to conceal mechanical equipment. The east facing façade of the main storage building includes a raised concrete loading dock. Building 2 is 12 feet high and constructed of similar materials and colors as Building 1, with 6 roll-up doors facing the interior of the lot on the west side of the building. Building 3 is 12 feet high and constructed of similar materials and colors of Building 1, with 4 roll-up doors facing the interior of the lot on the west side of the building.

### Floor Plan

The proposed mini-warehouse facility includes Building 1 on the site plan, which has an overall area of 86,200 square feet. Level 1 is 28,532 square feet, Level 2 is 28,834 square feet, and Level 3 is 28,834 square feet. The floor plan of Building 1 includes an office, restroom, and utility space of 1,156 square feet. Building 1 includes interior access to storage units, stairways,

elevator, and hallway access to exterior doors on the north, east, west, and south sides of the building. Building 2 is 1,287 square feet and Building 3 is 1,050 square feet. The total building area proposed is 88,537 square feet.

Applicant’s Justification

The applicant indicates they intend to use the site as a personal storage mini-warehouse. Improvements were made to Euclid Street after development of the office building on the neighboring parcel to the west and south, including sidewalk, landscape, rough grading, and paving. Access to the site will be gated with an entry and exit from the west and an exit only onto Euclid Street at the east side of the buildings. The storage facility will be open 24 hours a day for storage access with the office hours to be determined during standard business days.

**Prior Land Use Requests**

<b>Application Number</b>	<b>Request</b>	<b>Action</b>	<b>Date</b>
UC-22-0390	Major training facility	Approved by PC	September 2022
DR-0797-04	Office/retail complex with a retail and restaurant building with a drive-thru	Approved by BCC	June 2004
UC-0586-00 (ET-0208-01)	First extension of time for an office/retail complex expansion	Approved by BCC	July 2001
VS-1100-00	Vacated patent easements	Approved by BCC	September 2000
UC-0586-00	Office/retail complex expansion	Approved by BCC	June 2000
ZC-0151-91 (WC-0050-99)	Waived the condition requiring no access to Euclid Street	Withdrawn	June 1999
UC-0855-98	Office/retail complex	Approved by BCC	July 1998
UC-0679-95	Office/retail complex - expired	Approved by BCC	May 1995
VC-1418-94	Restaurant with bar	Approved by PC	September 1994
ZC-0151-91	Reclassified from R-1 to C-2 zoning for an office/retail complex	Approved by BCC	October 1991

**Surrounding Land Use**

	<b>Planned Land Use Category</b>	<b>Zoning District (Overlay)</b>	<b>Existing Land Use</b>
North	Corridor Mixed-Use; Neighborhood Commercial; & Mid-Intensity Suburban Neighborhood (up to 8 du/ac)	C-2, C-P, & R-1 (RNP-III)	Retail & single-family residential
East	Corridor Mixed-Use & Compact Neighborhood (up to 18 du/ac)	C-2 & R-3	Hotel & multi-family residential

### Surrounding Land Use

	Planned Land Use Category	Zoning District (Overlay)	Existing Land Use
West	Corridor Mixed-Use	C-1	Retail & commercial office
South	Corridor Mixed-Use & Public Use	C-2 & R-1	Medical office & 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

##### 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 proposed retaining wall is located adjacent to an existing building that has a finished floor elevation nearly 5 feet higher than the proposed mini-warehouse building. The retaining wall will retain existing earth adjacent to the foundation for the existing building. While staff does not object to the building foundation retaining wall waiver, staff cannot support the other waivers related to this proposal; therefore, recommends denial.

##### Waiver of Development Standards #2a & #2b

The proposed decrease in Euclid Street landscaping from 15 feet to 10 feet does not provide adequate buffer from this property to existing residential uses to the north and east of this site. The applicant has chosen to maximize the building area and footprint to create a situation that does not allow for the full 15 feet of landscape width in this location, creating a self-imposed hardship. Intense landscaping buffers typically have large trees per Title 30. Staff cannot support this waiver request.

##### Waiver of Development Standards #3

The applicant shows 1 loading dock on the elevations, but does not meet the dimensional requirements of Title 30 loading requirements. Mini-warehousing and personal storage facilities have a large number of moving trucks visiting the site at any given time and require dedicated areas to load and unload. The applicant has chosen to maximize the size of the buildings on this property without providing adequate space for loading and unloading, creating a self-imposed hardship. Staff cannot support this waiver request.

#### Waiver of Development Standards #4

The exit only gate located at Euclid Street will provide secondary emergency services access and allow storage facility users to exit the site onto a local street that primarily serves residential properties. The applicant has chosen to maximize the size of the buildings on this property without providing an adequate on-site turnaround that would only require emergency access from Euclid Street, not pass through one-way egress onto a residential street. Staff recommends denial of this request.

#### Waiver of Development Standards #5

The proposed waiver for height setback ratio is included because the applicant cannot meet the requirement of Figure 30.64-12 intense landscape buffering with 24 inch box large Evergreen trees, and is proposing small trees. Therefore, staff cannot support the proposed waiver.

#### 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 proposed development and building area does not support adequate space for vehicle loading and unloading, vehicle turnaround that limits access to a local street, and does not support adequate landscaping or setbacks as a buffer from residential uses to the north. The size and scale of the facility is not compatible or harmonious with surrounding residential developments. Site access and circulation is limited by the size and location of buildings and would add traffic to a local street that primarily serves residential areas. 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.

**PLANNING COMMISSION ACTION:** July 2, 2024 – APPROVED – Vote: Unanimous  
Absent: Castello

#### **Comprehensive Planning**

- Exit only on Euclid Street;
- No facility access between the hours 10:00 p.m. through 5:00 a.m.;
- Minimum 8 foot high wall on the north and east property lines;
- Plant 2 large trees outside the sight zones along Euclid Street;
- Certificate of Occupancy and/or business license shall not be issued without approval of an application for a zoning inspection.
- 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; the County has adopted a rewrite to Title 30 effective January 1, 2024, and future land use applications, including applications for extensions of time, will be reviewed for conformance with the regulations in place at the time of application; 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;
- Traffic study and compliance.
- Applicant is advised that off-site improvement permits may be required.

**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 is advised that fire/emergency access must comply with the Fire Code as amended; to show fire hydrant locations on-site and within 750 feet; and that fire protection may be required for this facility and to contact Fire Prevention for further information at (702) 455-7316.

**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 #0017-2024 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

**WAIVERS OF DEVELOPMENT STANDARDS #2B, #3, AND #5 WERE WITHDRAWN WITHOUT PREJUDICE.**

**WAIVER OF DEVELOPMENT STANDARDS #2C IS NO LONGER NEEDED.**

**TAB/CAC: Paradise - approval (8 foot decorative wall on the north property line; and emergency access only (crash gate) on Euclid Street).**

**APPROVALS:**

**PROTESTS: 1 card**

**PLANNING COMMISSION ACTION:** February 20, 2024 – HELD – To 04/02/24 – per the applicant.

**PLANNING COMMISSION ACTION:** April 2, 2024 – HELD – To 06/04/24 – per the applicant.

**PLANNING COMMISSION ACTION:** June 4, 2024 – HELD – To 06/18/24 – per the applicant.

**PLANNING COMMISSION ACTION:** June 18, 2024 – HELD – To 07/02/24 – per the applicant.

**APPEAL:** This item has been appealed by multiple neighbors who do not agree with the Planning Commission action.

**APPLICANT:** POINTE FLAMINGO, LLC

**CONTACT:** MIKE PANCIROV, SPARC'S DESIGN, 1604 S. COMMERCE ROAD, UNIT B,  
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