

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**UC-26-0254-BAKS, LLC:**

**USE PERMIT** for outdoor storage and display.

**WAIVERS OF DEVELOPMENT STANDARDS** for the following: **1)** eliminate street landscaping; **2)** reduce screening and buffering; **3)** modify residential adjacency standards; **4)** eliminate full off-site improvements; **5)** allow attached sidewalk; and **6)** alternative driveway geometrics.

**DESIGN REVIEW** for an outdoor storage and display, equipment rental, sales, and service facility on a portion of 1.73 acres in a CG (Commercial General) Zone and an RS3.3 (Residential Single-Family 3.3) Zone.

Generally located northeast of Boulder Highway and southeast of Hamilton Avenue within Whitney. JG/hw/cv (For possible action)

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RELATED INFORMATION:

**APN:**

161-27-304-001 through 161-27-304-003; 161-27-304-005; 161-27-312-015 ptn

**WAIVERS OF DEVELOPMENT STANDARDS:**

1.
  - a. Eliminate street landscaping along Hamilton Avenue where 1 large tree every 30 feet on center is required per Section 30.04.01D.
  - b. Eliminate street landscaping along Dodd Street where 1 large tree every 30 feet on center is required per Section 30.04.01D.
2.
  - a. Eliminate the buffering and screening along the northern portion of the southeast property line where a 15 foot wide landscape strip consisting of a double row of offset evergreen trees is required per Section 30.04.02C
  - b. Reduce the width of the buffering and screening landscape strip along the southern portion of the southeast property line to 6.5 feet where 15 feet is required per Section 30.04.02C (a 57% reduction).
  - c. Allow the landscape buffer along the southern portion of the southeast property line to consist of a single row of evergreen trees where a double row of offset evergreen trees is required per Section 30.04.02C.
  - d. Allow an 8 foot tall non-decorative wall along the southeast property line in conjunction with buffering and screening where an 8 foot tall decorative wall is required per Section 30.04.02C.
3.
  - a. Allow outside storage as an accessory use adjacent to existing residential uses where not permitted per Section 30.04.06E.
  - b. Allow parking stalls within 30 feet of existing residential uses where not permitted per Section 30.04.06L.

4. Eliminate full off-site improvements (curb, gutter, sidewalk, streetlights, and partial paving) along Dodd Street where full off-site improvements are required per Section 30.04.08C.
5. Allow an attached sidewalk along Hamilton Avenue where detached sidewalks are required per Section 30.04.08C.
6.
  - a. Allow existing pan driveways along Hamilton Avenue to remain where commercial curb return driveways are required per Uniform Standard Drawing 222.1.
  - b. Reduce the approach distance from the northeastern driveway along Hamilton Avenue to the intersection of Hamilton Avenue and Dodd Street to 47.5 feet where 150 is required per Uniform Standard Drawing 222.1 (a 68% reduction).
  - c. Reduce the throat depth for the driveways along Hamilton Avenue to 6 feet where 25 feet is required per Uniform Standard Drawing 222.1 (a 76% reduction).
  - d. Reduce the width of the northeastern driveway along Hamilton Avenue to 28 feet where 32 feet is required by Uniform Standard Drawing 222.1 (a 13% reduction).
  - e. Reduce the width of the southeastern driveway along Hamilton Avenue to 24 feet where 32 feet is required by Uniform Standard Drawing 222.1 (a 25% reduction).

#### **LAND USE PLAN:**

WHITNEY - CORRIDOR MIXED-USE

#### **BACKGROUND:**

##### **Project Description**

##### General Summary

- Site Address: 6101 Boulder Highway & 6115 Dodd Street
- Site Acreage: 1.73
- Project Type: Equipment rental & outdoor storage facility
- Number of Stories: 1
- Building Height (feet): 19 (maximum)
- Square Feet: 13,700
- Parking Required/Provided: 24/24
- Sustainability Required/Provided: 7/7

##### Site Plans

The plans depict an existing equipment rental, sales, and service facility located between Boulder Highway and Dodd Street and southeast of Hamilton Avenue. The plans show there are 5 existing buildings throughout the site. An existing, 3,800 square foot office and storage building is in the northern portion of the site, set back 23 feet from Hamilton Avenue, 26 feet from Dodd Street, 74 feet from the southwest property line, and 200 feet from the western property line. Currently, there is a covered storage building that is attached to this office building. The covered storage will be relocated to the west property line of APN 161-27-304-003.

Directly to the north of the covered storage building and to the east of the existing office building is a paved outdoor storage area. A use permit is required for this outdoor storage area as the site does not comply with the conditions of outdoor storage in the CG zone. Title 30 requires outdoor storage in the CG zone be limited to outdoor display, accessory to indoor primary use, and be in

conjunction with an outdoor motor vehicle racetrack. The site, however, is not limited to outdoor display and is not in conjunction with an outdoor motor vehicle racetrack.

On parcel 161-27-312-015 there are 3 existing identical office and storage buildings. Existing Building “A” is the southernmost building and is located 10 feet from the southern west property line, 47 feet from Boulder Highway, and 73 feet from the eastern property line. Existing Building “B” is located in line with Building “A” and is 25 feet north of Building “A”. Existing Building “C” is also located in line with the other 2 existing buildings and is also 25 feet north of Building “B”. Each of the identical existing buildings is 1,800 square feet.

To the east of the 3 existing buildings is a proposed accessory storage building. This building will be 4,500 square feet and is 36 feet east from the existing buildings, 6.5 feet from the east property line, and 100 feet from Boulder Highway. This proposed accessory storage building has also been placed to avoid a portion of the site that is still zoned RS3.3 and will need to be rezoned at some point in the future.

A total of 24 parking spaces are required with 24 parking spaces provided throughout the site. There are 7 parking spaces located to the south of the existing buildings and accessory storage building along Boulder Highway. 14 parking spaces are located in the northeast corner of the outdoor storage area and there are 3 parking spaces located along Hamilton Avenue southwest of the existing office and storage building.

Access to the site is provided by 4 existing driveways with 3 existing pan driveways along Hamilton Avenue and an existing commercial driveway along Boulder Highway. The driveway closest to the intersection of Hamilton Avenue and Dodd Street will be closed with all other driveways remaining. The interior of the site is enclosed by an 8 foot tall CMU block wall with 1 gate along Hamilton Avenue and 1 gate along Boulder Highway. The gate along Boulder Highway is set back 47 feet and is open during business hours and the gate along Hamilton Avenue is set back 34 feet and is also open during business hours.

### Landscaping

Street landscaping is only provided along Boulder Highway, where a 15 foot wide landscape strip is provided behind the right-of-way line. Within this landscape area, 3 medium trees are provided where 3 medium trees are required. Along Hamilton Avenue, the existing 6 foot wide landscaping behind an existing attached sidewalk will remain as is with existing palm trees. No landscaping or landscaping strip is provided along Dodd Street. Parking lot landscaping is primarily provided within the parking areas along Boulder Highway. No landscaping finger islands are provided but landscape strips are provided behind the spaces. A total of 4 parking lot trees are required with 5 trees provided.

Buffering and screening is only provided along the southern portion of the eastern property line of APN 161-27-304-005, where buffering and screening would be required along the entire length of the eastern property line adjacent to the single-family residential subdivision to the east. The landscape strip in this area consists of a 6.5 foot wide landscape strip with medium evergreen trees provided in a single row every 20 feet on center. Furthermore, the buffering and

screening is not provided adjacent to the outdoor storage area on the southern portion of APN 161-27-304-003.

Elevations

The office and storage building is shown to be 15.5 feet tall with roll-up doors on the south and west elevations. The main entrance is a commercial window/door system located on the north elevation. The roof is a pitched metal seam roof. The covered storage canopy is a 16.5 foot tall metal building with the short ends unenclosed and the long sides enclosed with metal paneling. The 3 existing buildings are shown to have flat, slanted metal seam roofs with a maximum height of 16.4 feet tall. The southern building is proposed to have accent stone veneer added to the south façade where the main entrance is located. The building has roll-up doors along the south. The other 2 existing buildings have 2 roll-up doors and an access door on the south elevation. The proposed accessory building will be 18.4 feet tall with a pitched metal seam roof. The north elevation will contain 3 roll-up doors with an access door on the east elevation. The elevation facing the residential area to the north will have painted stucco panels to break up the façade. Generally, all of the proposed and existing buildings are constructed of metal panels painted with desert tones with the walls and roof using different colors.

Floor Plans

The existing office and storage building contains 3,800 square feet with 1,575 square feet dedicated to office space and 2,225 square feet dedicated to storage space. The covered storage building is 2,000 square feet of open storage space. Existing Building “A” contains 1,800 square feet with a 900 square foot office area and a 900 square foot storage space. The other 1,800 square foot buildings contain large storage spaces. The proposed accessory building will contain 4,500 square feet of storage space.

Applicant’s Justification

The purpose of the outdoor storage request is to allow metal structure framework related to tent and equipment rentals to be outside and will allow for the safe handling of these materials. The materials will be regularly moved in, out, and around the site. The outdoor storage area will be screened by an 8 foot wall along the east property line adjacent to the residential uses. The narrow condition of the site makes the placement of uses difficult so the parking and outside storage could only be placed in areas adjacent to the residential area to the southeast. Due to many of the uses and structures on the site having existed for several decades, the addition of Code compliant landscaping was not possible without significant demolition and redesigning of the site.

**Prior Land Use Requests**

<b>Application Number</b>	<b>Request</b>	<b>Action</b>	<b>Date</b>
WC-0141-14 (UC-0061-14)	Waiver of conditions to waive the requiring of landscaping along Dodd Street - expired	Approved by PC	January 2015
UC-0061-14	Use permit to a watercraft and vehicle repair facility - expired	Approved by PC	March 2014
ZC-1082-00	Zone change from C-3 to C-2 for the adoption of Title 30	Approved by BCC	September 2000

### Prior Land Use Requests

Application Number	Request	Action	Date
ZC-0048-00	Zone change for a portion of the site from R-2 to C-3 for an existing boat storage yard	Approved by BCC	March 2000
VC-0873-99	Variance to allow the outside storage of boats - expired	Approved by PC	July 1999
ZC-346-88	Zone change for a portion of the site from R-2 to C-3 for a vehicle repair facility	Approved by BCC	December 1988
AC-173-79	Architectural Supervisions to contract a 2,000 square foot warehouse building	Approved by PC	November 1979

### Surrounding Land Use

	Planned Land Use Category	Zoning District (Overlay)	Existing Land Use
North	Compact Neighborhood (Up to 18 du/ac)	RS2 & RS3.3	Single-family residential subdivision
South	Corridor Mixed-Use	RS3.3	Truck/vehicle sales & rental facility
East	Business Employment & Corridor Mixed-Use	RS3.3	Single-family residential subdivision
West	Corridor Mixed-Use	CG	Office/warehouse, outdoor storage, & undeveloped

### 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 purpose of reviewing a special use permit for outdoor storage is to assure the use is compatible with the surrounding area and to assure that the noise and other negative impacts from this use does not impact surrounding properties. In this case, staff finds the subject site is in a transitional area along the Boulder Highway corridor. The subject site lies between the more intense uses along Boulder Highway to the southwest and the residential areas to the northeast. Additionally, the neighboring area has several multi-family residential and dense single-family residential uses surrounding the subject site.

As a result, staff finds the subject site may not be appropriate for more intense commercial uses and for uses like outdoor storage given the area surrounding the site is more residential in nature. The site has also not been designed with a sufficient landscape buffer and some of the storage buildings are only 6.5 feet from residential uses to the southeast. Additionally, many of the residential buildings to the southeast are only a few feet from the subject site. While staff can understand many of the buildings have existed on the site for some time, the surrounding area has change significantly since those buildings were permitted and the site should be retrofitted to adapt to these changes. Staff also finds the proposed use of the property for outdoor storage would not support Clark County Master Plan Policies 6.2.1 and 6.2.3, which promote context-sensitive design and support appropriate transitions between uses. For these reasons, staff is unable to 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 the purpose of street landscaping is to soften and buffer on site uses from the street and to provide relief from the heat island effect. In this case, the applicant is not providing any landscaping along Dodd Street and is not providing compliant landscaping along Hamilton Avenue either. The subject site is within a heat vulnerable area and is near residential uses. Staff finds that since the site is being redeveloped, the site could be retrofitted with street landscaping that is compliant with the current version of Title 30. Additionally, not providing the required landscaping would present negative impacts on the surrounding area by increasing the heat vulnerability of the area and would leave the outdoor uses more visible to those within the right-of-way. For these reasons, staff is unable to support this request.

#### Waiver of Development Standards #2

The purpose of screening and buffering landscaping is to assure there is a sufficient buffer between uses of a varying intensity. In this case, the adjacent property to the southeast is a denser single-family detached residential development within a residential zone. Staff finds there are existing residential homes and open space areas either a few feet away or directly adjacent to the proposed storage buildings and outdoor storage areas. Staff finds there should at least be some landscaping to buffer the 2 uses. Additionally, the location of the building along the east property line creates a massing of the building right on the property line that could be buffered with additional landscaping. Ultimately, the proposed uses on the subject site are much more intense than the adjacent residential uses and to not buffer these uses with more than a wall would likely impart negative impacts on the existing residential uses. For these reasons, staff is unable to support this request.

### Waiver of Development Standards #3

The purpose of reviewing the location of various uses, like parking spaces and outdoor storage, is to ensure these uses are located to reduce their negative effects and if proper mitigating factors are utilized. In this case, staff finds the site is being redeveloped and there are several buildings being added to the site or otherwise moved on the site. Given this, staff finds the site could be designed to either reduce or remove several of the waivers for residential adjacency. Additionally, staff finds the site could also be designed to accommodate additional mitigating factors beyond an 8 foot wall such as additional landscaping. While some of the proposed buildings and uses have been active on the site for several years, staff still finds the site should be updated accordingly as the surrounding area has gone through significant change since the structures and uses were approved on the site. For these reasons, staff is unable to support these requests.

### 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, the proposed updates to the structures on the site are not compatible with the design guidelines detailed in Title 30. Metal siding is generally discouraged, and additional architectural features are needed on all of the buildings on the site. Additionally, parking and outdoor storage areas are placed within areas where they could impart negative impacts on the adjacent residential uses. Little mitigation has been provided to reduce these possible impacts. Street landscaping is generally missing from the street frontages in a heat vulnerable area. Staff finds, while many of the structures and uses are currently existing, there are site modifications occurring that show the site could accommodate the needed landscaping and mitigation required by Title 30. Due to the significant number of waivers of development standards and staff's inability to support those requests, staff is unable to support this request.

### **Public Works - Development Review**

#### Waiver of Development Standards #4

Staff cannot support the request not to install full off-site improvements as there are existing full improvements along Hamilton Avenue and Dodd Street. This parcel has the last remaining portions to complete the off-sites for those streets. Additionally, full width paving, curb, and gutter allows for better traffic flow and drainage control, and sidewalks on public streets provide safer pathways for pedestrians.

#### Waiver of Development Standards #5

Staff cannot support the request to allow the existing attached asphalt sidewalks to remain in place of detached sidewalks along Hamilton Avenue. Additionally, detached sidewalks along streets provide a safer pathway for pedestrians by increasing the distance from traffic. Therefore, staff cannot support this request.

#### Waiver of Development Standards #6a

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.

#### Waiver of Development Standards #6b & #6c

Staff cannot support the reduction the approach distance or throat depth along Hamilton Avenue. Staff has concerns with traffic coming off of Boulder Highway, as well as residential traffic to the north and east in conflict with movements from both of the pan driveways on Hamilton Avenue.

#### Waiver of Development Standards #6d & #6e

The reduced throat depth, in combination with the narrower driveways, will result in vehicles stacking within the public right-of-way as drivers slow or stop to negotiate the constrained turning movements. The combination of pan driveways, limited maneuvering space, and reduced driveway dimensions further complicates ingress and egress operations, increasing the potential for conflicts between vehicles entering and exiting the site and traffic within the right-of-way. Therefore, staff cannot support these requests.

#### **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**

- Drainage study and compliance;

- Execute a Restrictive Covenant Agreement (deed restrictions).

**Fire Prevention Bureau**

- Applicant is advised 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 the property is already connected to the CCWRD sewer system; and that if any existing plumbing fixtures are modified in the future, then additional capacity and connection fees will need to be addressed.

**TAB/CAC:**

**APPROVALS:**

**PROTESTS:**

**APPLICANT:** BAKS, LLC

**CONTACT:** BAKS, LLC, 6115 S. DODD STREET, LAS VEGAS, NV 89122