

02/16/21 PC AGENDA SHEET

BOAT & RV STORAGE
(TITLE 30)

JONES BLVD/TECO AVE

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

NZC-20-0600-MOHAMMADI, BEHZAD & ASHENAEL, MARYAM:

ZONE CHANGE to reclassify 2.5 acres from R-E (Rural Estates Residential) (AE-60) Zone to C-2 (General Commercial) (AE-60) Zone.

USE PERMIT for off-highway vehicle, recreational vehicle, and watercraft storage.

WAIVER OF DEVELOPMENT STANDARDS to waive landscaping.

DESIGN REVIEW for an off-highway vehicle, recreational vehicle, and watercraft storage facility in conjunction with an approved mini-warehouse facility in the CMA Design Overlay District.

Generally located on the south side of Teco Avenue, 600 feet east of Jones Boulevard within Spring Valley (description on file). MN/al/jd (For possible action)

RELATED INFORMATION:

APN:

163-36-401-015

WAIVER OF DEVELOPMENT STANDARDS:

Waive landscaping along the east property line adjacent to a less intense use where landscaping is required per Figure 30.64-11.

LAND USE PLAN:

SPRING VALLEY - OFFICE PROFESSIONAL

BACKGROUND:

Project Description

General Summary

- Site Address: N/A
- Site Acreage: 2.5
- Project Type: Expansion of an approved mini-warehouse facility with off-highway vehicle, recreational vehicle and watercraft storage
- Parking Required/Provided: 5/5

Neighborhood Meeting Summary

This request is for a nonconforming zone change to reclassify approximately 2.5 acres from an R-E zone to a C-2 zone for off-highway vehicle, recreational vehicle, and watercraft storage. The applicant conducted a neighborhood meeting online on December 14, 2020 as required by

the nonconforming zone boundary amendment process. The required meeting notices were mailed to the neighboring property owners within 1,500 feet of the project site and 3 people attended the meeting. Concerns raised at the meeting included access to Teco Avenue, and it was indicted that there would be no access to the project from Teco Avenue.

Site Plan

The request is to use this parcel as a site for off-highway vehicle, recreational vehicle, and watercraft storage. The parcels to the west were approved for a mini-warehouse facility with off-highway vehicle, recreational vehicle, and watercraft storage. This request is an expansion of the approved development to the west. The plan depicts 106 spaces for off-highway vehicle, recreational vehicle, and watercraft storage. Access to this storage area will be provided through the approved facility to the west, there will be no access from this site to Teco Avenue. The storage spaces will be covered by canopies that are 17 feet in height with a flat roof. The plans show a 9 foot high split-face masonry wall located along the south and east property lines and set back 10 feet from the north property line to provide a landscape area along Teco Avenue.

Landscaping

There is a 10 foot wide landscape area adjacent to Teco Avenue, which consists of trees, shrubs, and groundcover. This landscape area will match the landscape area along Teco Avenue that was approved for the mini-warehouse project on the adjacent parcels to the west. The application includes a request to waive the requirement for landscaping along the east property line to a less intense use, a congregate care facility. The east property line of this site is adjacent to a parking lot and undeveloped portion of the congregate care facility.

Signage

Signage is not a part of this request.

Applicant’s Justification

The applicant indicates that the proposed use is an expansion of an approved development on the adjacent parcels to the west. The proposed facility is a compatible use with the existing and planned land uses in this area and will be an asset to residential developments in the area by providing a service for needed storage.

Surrounding Land Use

	Planned land Use Category	Zoning District	Existing Land Use
North	Rural Neighborhood Preservation (up to 2 du/ac)	R-E (PNP-I)	Single family residential
South	Office Professional	C-P	Office building
East	Office Professional	C-P	Congregate care facility
West	Commercial General	C-2	Undeveloped parcel approved for a mini-storage facility

STANDARDS FOR APPROVAL:

The applicant shall demonstrate that the proposed request meets the goals and purposes of Title 30.

Analysis

Current Planning

Zone Change

The applicant shall provide Compelling Justification that approval of the nonconforming zoning boundary amendment is appropriate. A Compelling Justification means the satisfaction of the following criteria as listed below:

- 1. A change in law, policies, trends, or facts after the adoption, readoption or amendment of the land use plan that have substantially changed the character or condition of the area, or the circumstances surrounding the property, which makes the proposed nonconforming zone boundary amendment appropriate.*

The proposed development is an expansion of an approved project on the adjacent parcels to the west. The approval of this request would allow the development of the currently undeveloped southeast corner of Jones Boulevard and Teco Avenue as a unified development that would limit impacts on the existing abutting developments in this area. The proposed use of this site would have less impacts on the abutting developments than other land uses that would be allowed in a C-P zone, which would conform to the current land use plan designation of Office Professional for this site. Therefore, staff finds that there has been a change in trends and facts that make this proposed nonconforming zone boundary amendment appropriate.

- 2. The density and intensity of the uses allowed by the nonconforming zoning is compatible with the existing and planned land uses in the surrounding area.*

The proposed use is an expansion of an approved mini-warehouse facility with boat and RV storage on the adjacent parcels to the west. The proposed use of the site is of equal or lesser intensity than the existing office building to the south. There is an existing congregate care facility on the adjacent parcel to the east which is considered a less intense use to commercial development. However, the proposed use of this site will have limited impacts for noise, lighting and traffic on the existing congregate care facility than other uses that could be allowed in the C-2 zone, or within a C-P zone, which would be allowed per the land use plan designation of this site of Office Professional by the Spring Valley Land Use Plan. Therefore, staff finds the density and intensity of the proposed development is compatible with the existing and planned land uses in the surrounding area.

- 3. There will not be a substantial adverse effect on public facilities and services, such as roads, access, schools, parks, fire and police facilities, and stormwater and drainage facilities, as a result of the uses allowed by the nonconforming zoning.*

There has been no indication from service providers that the approval of this request will have a substantial adverse effect on public services and facilities in this area.

- 4. The proposed nonconforming zoning conforms to other applicable adopted plans, goals, and policies.*

The project as an expansion of an approved development to the west will allow for the development of this site as a unified commercial development, which conforms in part to Goal 1 of the Comprehensive Master Plan to promote economic viability and employment opportunities with developments that are compatible with adjacent land uses. The site is in close proximity to various types of land uses. Therefore, the request conforms to Goal 2 of the Comprehensive Master Plan, which encourages opportunities for a mix of uses such as commercial, office, recreational, entertainment, public facilities, multiple family and other activities within close proximity to each other. Therefore, staff finds that the request conforms to other goals and policies.

Summary

Zone Change

There has been a change in facts and trends in this area which makes the proposed development appropriate for this site. The intensity of the proposed project is compatible with existing, approved and planned land uses in the surrounding area. There is no indication of this project having a substantial adverse effect on public facilities and services in the area. In addition, the project will comply with other goals and policies. Based on the criteria listed above, staff finds the applicant has satisfied the requirements for a compelling justification to warrant approval of the zone change.

Use Permit

A use permit is a discretionary land use application that is considered on a case by case basis in consideration of Title 30 and the Comprehensive Master Plan. One of several criteria the applicant must establish is that the use is appropriate at the proposed location and demonstrate the use shall not result in a substantial or undue adverse effect on adjacent properties.

This request is an expansion of the approved project on the adjacent property to the west. That project was approved to have the storage of boats and RV's because the use was found to be appropriate for that location. This site will be accessed from the approved development to the west. The location of the boat and RV storage on this parcel is blocked from the abutting developments by landscaping and walls. Therefore, as an expansion of the approved project to the west, staff finds the proposed use of the site is appropriate for this location and will not have an adverse effect on adjacent properties.

Waiver of Development Standards

According to Title 30, the applicant shall have the burden of proof to establish that the proposed request is appropriate for its existing location by showing that the uses of the area adjacent to the property included in the waiver of development standards request will not be affected in a substantially adverse manner. The intent and purpose of a waiver of development standards is to modify a development standard where the provision of an alternative standard, or other factors which mitigate the impact of the relaxed standard, may justify an alternative.

The applicant is requesting to waive the requirement for landscaping along the east property line adjacent to a less intense use, a congregate care facility. The east property line of this site is adjacent to a parking lot and undeveloped portion of the congregate care facility site. The plans depict a decorative block wall to be provided along the east property line of the site and there is

existing landscaping that has been installed by the congregate care facility along this common property line. Therefore, staff does not object to this waiver.

Design Review

As an expansion of the approved development to the west of the project will take access from Jones Boulevard an arterial street. This will comply with Policy 66 of the Comprehensive Master Plan which encourages access for commercial developments from arterial and collector streets. This will limit the impact of this development on the abutting developments. The use of landscaping along Teco Avenue and decorative walls around the perimeter will also limit the impacts of this development on the abutting land uses. Therefore, staff can support the design review.

Department of Aviation

The development will penetrate the 100:1 notification airspace surface for McCarran International Airport. Therefore, as required by 14 CFR Part 77, and Section 30.48.120 of the Clark County Unified Development Code, the Federal Aviation Administration (FAA) must be notified of the proposed construction or alteration.

Staff Recommendation

Approval. This item will be forwarded to the Board of County Commissioners' meeting for final action on March 17, 2021 at 9:00 a.m., unless otherwise announced.

If this request is approved, the Board and/or Commission finds that the application is consistent with the standards and purpose enumerated in the Comprehensive Master Plan, Title 30, and/or the Nevada Revised Statutes.

PRELIMINARY STAFF CONDITIONS:

Current Planning

- Resolution of Intent to complete in 3 years;
- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection.
- Applicant is advised that the County is currently rewriting Title 30 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 new application for a nonconforming zone boundary amendment may be required in the event the building program and/or conditions of the subject application are proposed to be modified in the future; a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; and that 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.

Public Works - Development Review

- Drainage study and compliance;
- Traffic study and compliance;
- Full off-site improvements except for streetlights on Teco Avenue;
- Right-of-way dedication to include 30 feet for Teco Avenue.

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 30.48 Part B of the Clark County Unified Development Code;
- 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; that the FAA's airspace determinations include expiration dates; and that separate airspace determinations will be needed for construction cranes or other temporary equipment.

Building Department - Fire Prevention

- 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 a Point of Connection (POC) request has been initiated for this project; to email sewerlocation@cleanwaterteam.com and reference POC Tracking #0398-2020 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require a new POC analysis.

TAB/CAC:

APPROVALS:

PROTESTS:

APPLICANT: VENTURA ENTERPRISES INVESTMENTS & DEVELOPMENT

CONTACT: LINDSAY BROWN, KAEMPFER CROWELL, 1980 FESTIVAL PLAZA DRIVE, SUITE 650, LAS VEGAS, NV 89135