

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**UC-26-0131-FRAGA-CANDELARIO YOEL ETAL & FRAGA-LEON YOEL:**

**USE PERMITS** for the following: **1)** truck parking or staging; and **2)** outdoor storage and display.

**WAIVERS OF DEVELOPMENT STANDARDS** for the following: **1)** modified residential adjacency standards; **2)** eliminate buffering and screening; **3)** eliminate parking; **4)** eliminate street landscaping; **5)** eliminate throat depth; and **6)** waive full off-site improvements.

**DESIGN REVIEW** for proposed truck parking or staging and outdoor storage and display on 1.64 acres in an IP (Industrial Park) Zone within the Airport Environs (AE-80 & APZ-1) Overlay.

Generally located south of Cheyenne Avenue and east of Betty Lane within Sunrise Manor.  
MK/sd/cv (For possible action)

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RELATED INFORMATION:

**APN:**

140-16-103-002

**WAIVERS OF DEVELOPMENT STANDARDS:**

1. a. Allow outdoor storage where not permissible as primary or accessory use per Section 30.04.06E.
- b. Allow higher-activity areas of development (parking and circulation - northwest corner) adjacent to an area subject to Residential Adjacency standards where not permissible per Section 30.04.06G.
- c. Allow a parking area which is not screened within 30 feet of a residential district per Section 30.04.06L.
2. Eliminate buffering and screening (northwest corner) where buffering and screening shall consist of a 15 foot landscape buffer with an 8 foot decorative screen wall per Section 30.04.02C.
3. Eliminate parking spaces where 7 parking spaces are required per Section 30.04.04C.
4. Eliminate street landscaping along Cheyenne Avenue where required per Section 30.04.02C.
5. Eliminate the driveway throat depth along Cheyenne Avenue where 75 feet is required per Uniform Standard Drawing 222.1 (a 100% reduction).
6. Waive full off-site improvements (sidewalk, curb, gutter, streetlights and partial pavement) along Cheyenne Avenue where required per Section 30.04.08C.

**LAND USE PLAN:**

SUNRISE MANOR - BUSINESS EMPLOYMENT

## **BACKGROUND:**

### **Project Description**

#### General Summary

- Site Address: 5325 E. Cheyenne Avenue
- Site Acreage: 1.64
- Project Type: Truck parking or staging and outdoor storage and display
- Square Feet: 560 (each Conex box)/2,240 (total Conex boxes)
- Parking (required/provided): 7/0

#### Site Plan

The plans depict a proposed truck parking or staging facility with outdoor storage and display. A use permit is required for truck parking and staging in the IP zoning district, and because the applicant is not providing a building for the purpose of monitoring on-site activities and controlling access. Access to the site is from a driveway along the north property line from Cheyenne Avenue, and there is a security gate open during business hours. This site will be a private yard with no employees or assigned hours. Each of the parking spaces will be leased to local owner operators.

Furthermore, the applicant will be paving the entire parcel. The plan also shows that along the north and east property lines the applicant is proposing a 6 foot high wrought iron fence and along the south and west property lines the existing 6 foot high wrought iron fence will remain and is the subject of a waiver request.

A use permit is required since outdoor storage located in the southeast and southwest corners of the site is not completely screened from the right-of-way with an 8 foot high screen fence or wall, even though it is located in the rear of the property. Four Conex boxes will be utilized for storage of materials. A total of 7 parking spaces are required based upon the total area dedicated for outdoor storage. The applicant has not provided any required parking and thus requires a waiver.

#### Landscaping

The applicant is requesting to eliminate all required street landscaping and use rock, boulders, and landscape art. Buffering and screening is also not proposed for the northwest corner of the site, which is adjacent to an RS20 zoned parcel.

#### Applicant's Justification

The applicant states that Clark County faces a shortage of parking spaces for truck parking or staging lots. Approval of this request will ensure compliance with air quality regulations and provide parking for commercial vehicles.

### Surrounding Land Use

	Planned Land Use Category	Zoning District (Overlay)	Existing Land Use
North	Nellis Air Force Base	PF (APZ-1 & AE-80)	Nellis Air Force Base
South	Business Employment	IL (APZ-1 & AE-80)	Outdoor storage
East	Business Employment	IL (APZ-1 & AE-80)	Warehouse building & outdoor storage
West	Business Employment	RS20 & IP (APZ-1 & AE-80)	Single-family residence & outdoor storage

### Related Applications

Application Number	Request
ZC-26-0130	A zone change to reclassify a portion of the site from RS20 to IP 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 Permits

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.

A use permit is required to permit truck parking or staging within the industrial zoning districts. A condition of the use permit requires this type of use to construct a minimum of 1 building for the purpose of monitoring on-site activities and controlling access to the facility. Although the truck parking should have minimal to no impact on the surrounding area, staff cannot support the lack of an on-site building for controlling access and monitoring on-site activities. Therefore, staff recommends denial of 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.

### Waivers of Development Standards #1 & #2

Residential adjacency standards promote compatible transitions between land use areas of differing intensities and to reduce potential negative impacts that may occur when higher-intensity development is located near residential zoning districts. The necessary buffering and screening would help mitigate the issues related to the proposed use being next to an existing residence. Without any attempts to mitigate the impacts, staff does not support this request.

### Waiver of Development Standards #3

Parking spaces are necessary for users of the outdoor storage area and for drivers swapping their automobile for their truck, however none are provided. The applicant has not submitted a justification to eliminate the required parking; therefore, staff cannot support the requested waiver of development standards.

### Waiver of Development Standards #4

The intent of street landscaping is to enhance the perimeter of the project site by providing shade and reducing the urban heat island effect. The required street landscaping would provide an additional buffer between the truck parking or staging area and the right-of-way. Staff finds the request to waive the required street landscaping along Cheyenne Avenue is unwarranted; therefore, recommends denial.

### 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.

Staff is not supporting the use permits and the waivers of development standards, therefore, staff recommends denial of the design review.

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

#### Waiver of Development Standards #5

Staff finds that the reduced throat depth for the driveway on Cheyenne Avenue will result in on-street stacking of vehicles. Since Cheyenne Avenue is an arterial street, it is important that traffic can flow without the impediment of vehicles attempting to access the parking lot. Additionally, the parking stalls adjacent to the driveway will create immediate conflicts with vehicles entering the site, further limiting safe circulation. Therefore, staff cannot support this request.

#### Waiver of Development Standards #6

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. Therefore, staff cannot support the waiver of development standards for full off-site improvements.

### **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 gathering of individuals in an area that would result in an average density of greater than 25 persons per acre per hour during a 24-hour period, not to exceed 50 persons per acre at any time;
- Work with the Las Vegas Metropolitan Police Department for the installation of security cameras and surveillance operation;
- 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 that certain uses are not permitted in the airport environs and certain other uses will require a special use permit; and 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;
- Execute a Restrictive Covenant Agreement (deed restrictions);
- Applicant shall agree to participate on a Special Improvement District (SID) for off-site improvements, including but not limited to, fire hydrants, curb and gutter, paving and streetlights.

### **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)**

- No comment.

**TAB/CAC:**

**APPROVALS:**

**PROTESTS:**

**APPLICANT: KETTY FERNANDEZ**

**CONTACT: KETTY FERNANDEZ, 2071 E. CAMERO AVENUE, LAS VEGAS, NV 89123**