01/06/26 PC AGENDA SHEET

PUBLIC HEARING
APP. NUMBER/OWNER/DESCRIPTION OF REQUEST
UC-25-0800-MCGILL KIMBERLY, LLC:

USE PERMIT to allow outdoor storage.
WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** reduce parking; **2)** eliminate and reduce buffering and screening; and **3)** allow outdoor storage adjacent to a residential zone.
DESIGN REVIEW for outdoor storage in conjunction with an existing office/warehouse building on 1.84 acres in an IP (Industrial Park) Zone.

Generally located north of Kimberly Avenue and east of Steptoe Street within Whitney. JG/mh/kh (For possible action)

RELATED INFORMATION:

APN:
161-27-510-003

WAIVERS OF DEVELOPMENT STANDARDS:
1. Reduce parking to 24 parking spaces where 42 parking spaces are required per Section 30.04.04D (a 43% reduction).
2. a. Eliminate buffering where a 15 foot landscape buffer consisting of a double row of evergreen trees planted offset from one another along the east property line is required per Section 30.04.02C.
   b. Reduce screening to 7 feet where an 8 foot high decorative screen wall along the east property line is required per Section 30.04.02C (a 13% reduction).
3. Allow outdoor storage adjacent to a residential zoning district where not permissible per Section 30.04.06E.

LAND USE PLAN:
WHITNEY - BUSINESS EMPLOYMENT

BACKGROUND:
Project Description
General Summary
- Site Address: 6270 Kimberly Avenue
- Site Acreage: 1.84
- Project Type: Outdoor storage
- Number of Stories: 1
- Building Height (feet): 27 (existing office/warehouse)
- Square Feet: 41,580 (existing office/warehouse)
- Parking Required/Provided: 42/24

Site Plan

The plan depicts an existing 41,580 square foot office warehouse building located on the northern portion of the site, set back 21 feet from the north property line, 2 feet from the east property line, and 4 feet from the west property line. There are 2 proposed outdoor storage yards, which are located in the southeast and southwest corners of the site, respectively. A use permit is required to allow the outdoor storage areas in front of the primary building. The southeast storage area is approximately 4,255 square feet, while the southwest storage area is approximately 4,088 square feet.

The northeast portion of the southeast storage area is screened by a 7 foot, 5 inch high wall along the east property line, which stops at the existing trash enclosure. An 8 foot high screen fence begins after the trash enclosure, wrapping around the south side of the storage area to screen it from Kimberly Avenue, and continuing along the west side of this storage area. The southwest storage area is screened by a 6 foot, 2 inch high wall along the west property line. This storage area is also screened by an 8 foot high screen wall on the south side along Kimberly Avenue, which continues along the east side of this storage area. Both storage yards feature 20 foot wide access gates, which are part of the 8 foot high screened fences. Exit doors are proposed on the north sides of both outdoor storage areas to provide pedestrian access.

The parking area is located on the south side of the building, with 24 parking spaces provided where 42 are required, necessitating a waiver of development standards. There are 2 existing, recessed loading docks along the south side of the building, along with 2 existing loading areas. A new trash container, which is not located within a trash enclosure is proposed along the south side of the building, east of the centrally located recessed loading dock. There are 2 existing trash enclosures, which are located along the east and west property lines, within the outdoor storage yards. A waiver to eliminate the 50 foot setback from an adjacent residential zone was approved for the east trash enclosure via ZC-1102-94.

Landscaping

The photos provided depict existing street landscaping along Kimberly Avenue, consisting of trees, shrubs, and groundcover. There are no proposed changes to landscaping associated with this application.

Elevations

The photo provided depicts an existing office warehouse building that is 24 feet high across the majority of the flat roofline, increasing to 27 feet along the edges of the building. The building is constructed of metal, with the façade featuring a light grey color. The building features several roll-up overhead doors facing Kimberly Avenue, which are painted red, along with regular entrance doors that are painted grey.

Floor Plans

The plan depicts a 41,580 square foot office warehouse building with 4 suites.

Applicant's Justification

The applicant states that several tenants require outdoor storage areas for secure loading, unloading, storage of materials and vehicles, and the placement of waste receptables. The

proposed outdoor storage yards will have low impact on the adjacent neighborhood as the storage yards will be screened from the north by the building and from the east by the existing screen wall and new fence. The storage yards will also be fully fenced and screened from the street to limit visibility. The provision of 24 parking spaces is adequate based on the needs of the tenants, which only require 3 to5 parking spaces each for their typical business operations.

Prior Land Use Requests

Application Number	Request	Action	Date
UC-0148-12	Use permit for an indoor recreational facility (paint ball) and waiver to reduce parking - expired	Approved by PC	May 2012
VC-0077-97	Variance to reduce parking	Approved by PC	February 1997
ZC-1102-94	Zone change from R-E to M-D, variance to eliminate side setback, and waiver to eliminate the trash enclosure setback from a residential zone for an office/warehouse.	Approved by BCC	July 1995

Surrounding Land Use

	Planned Land Use Category	Zoning District (Overlay)	Existing Land Use
North	Corridor Mixed-Use	RS2	Single-family residential
South	Business Employment	RS2	Single-family residential
East	Mid-Intensity Suburban Neighborhood (up to 8 du/ac)	RS3.3	Single-family residential
West	Business Employment	IP	Office/warehouse

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.

Staff finds that outdoor storage is not an appropriate use for this site, which is adjacent to single-family residential development on the north and east sides, with additional single-family residential development across Kimberly Avenue to the south. While the applicant has proposed a 7 foot high screen wall to help mitigate the impact on the adjacent and abutting residences, the size and location of the existing office/warehouse building provide limited space for outdoor

storage, which will likely have adverse effects on the residential properties in the area. Therefore, staff cannot support the use permit 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 that the request to reduce parking constitutes a self-imposed hardship, as the proposed outdoor storage areas are eliminating the parking spaces needed to comply with Title 30. Staff could potentially support a smaller reduction in required parking, however, a 43% reduction is significant and may create conflicts within the site and in the Kimberly Avenue public right-of-way. Therefore, staff cannot support this request.

Waivers of Development Standards #2 & #3

The applicant is proposing to eliminate the Title 30 buffering and screening requirements of an 8 foot high decorate screen wall and 15 foot wide landscape buffer with a row of evergreen trees along the east property line, while also allowing outdoor storage adjacent to a residential zone where not permissible. Staff finds that outdoor storage is an inappropriate use for the site, particularly because of the adjacent residences to the east. The provision of buffering and screening would help mitigate the impact of outdoor storage on these residences. The applicant has not provided a compelling justification for why the buffering and screening will not be provided, or proposed a suitable alternative to minimize the potential adverse effects. For these reasons, staff cannot 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

Staff finds that the request for outdoor storage and associated waivers of development standards will likely have adverse effects on the residences in the vicinity of the site. The IP Zone requires outdoor storage to be located behind the front face of a building to help minimize the impact on the right-of-way. While the applicant is proposing to screen the outdoor storage areas from the Kimberly Avenue public right-of-way and adjacent residences, the impact of the outdoor storage is still too intense for this area. The site is not conducive to outdoor storage due to the size and location of the building, which inhibits the location of outdoor storage behind the front face of the building, where it would still be located adjacent to single-family residential development.

Since staff cannot support outdoor storage and the associated waivers for this site, staff cannot support the design review.

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:

- 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

- No comment.

Fire Prevention Bureau

- No comment.

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: Whitney - denial.
APPROVALS:
PROTESTS:

APPLICANT: BEN SUPER
CONTACT: BEN SUPER, SUPER REALTY, 3585 W. DIABLO DRIVE, SUITE 1, LAS VEGAS, NV 89118