10/06/26 PC AGENDA SHEET

PUBLIC HEARING
APP. NUMBER/OWNER/DESCRIPTION OF REQUEST
UC-26-0333-L R L J PROPERTIES, LLC:

USE PERMIT for a refuse transfer station.
WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** modify buffering and screening; and **2)** modify residential adjacency standards.
DESIGN REVIEW for a proposed refuse transfer station on 10.15 acres in an IL (Industrial Light) Zone within the Airport Environs (AE-65) Overlay.

Generally located east of Cameron Street and north of Post Road within Paradise. MN/jm/kh (For possible action)

RELATED INFORMATION:

APN:
162-31-313-005

WAIVERS OF DEVELOPMENT STANDARDS:
1. a. Eliminate landscape buffer along the north and east property lines where a 15 foot wide landscape buffer consisting of a double row of evergreen trees planted 20 feet apart on center is required per Section 30.04.02C.
   b. Allow a 10 foot high security chain link screen fence along the north and east property lines where an 8 foot high decorative screen wall is required per Section 30.04.02C.
2. a. Allow outdoor storage adjacent to a residential zone where not permissible per Section 30.04.06E.
   b. Allow higher activity areas of development (circulation, loading and delivery area) adjacent to a residential district where not permissible per Section 30.04.06G.

LAND USE PLAN:
WINCHESTER/PARADISE - BUSINESS EMPLOYMENT

BACKGROUND:
Project Description
General Summary
- Site Address: N/A
- Site Acreage: 10.15
- Project Type: Refuse transfer station
- Building Height (feet): 49.5
- Square Feet: 65,250
- Parking Required/Provided: 10/12

- Sustainability Required/Provided: 7/6

Site Plan

The site plan depicts the proposed refuse transfer station structure located along the western part of the parcel, including an accessory office area on the south side of the proposed structure. The site is accessed via a divided driveway from Post Road on the southwest corner of the parcel, where trucks are directed to a weigh station to then unload the waste materials inside the transfer station area. The employee parking is located immediately south of the transfer station, and outdoor storage is proposed on the northwest portion of the parcel.

Landscaping

The plan depicts proposed landscaping within the employee parking lot area, and by the driveway entrance to the site fronting on Post Road.

Elevations & Floor Plans

The proposed building has an overall height of 49.5 feet, with 60,000 square feet of open area for the transfer station, multiple offices, a business area, a workroom, and restrooms. The plans show the exterior materials to include metal siding with metal fascia and trim, with the east side of the building being open.

Applicant's Justification

The facility will be open from 5:00 a.m. to 7:00 p.m. The property is surrounded by industrial-zoned land, no residential use across the railroad, and a public facility (detention basin), so there should be no impact on the adjacent properties. On rare occasions, Western Elite trucks may come after operating hours, by appointment. Per the application the facility is strategically being proposed at this location to meet increasing demand and support ongoing development activity in that portion of the valley**.** The nature of the business requires this design; open on one side to allow for truck traffic since an enclosed building would create a bottleneck with trucks and make it difficult to maneuver into the building. Regarding the waiver to reduce buffering and screening along the north and east property lines a 10 foot high security fence screened with slats is provided in lieu of a decorative screen wall. In this case, the adjacent property is a flood-control detention basin, which does not constitute a sensitive or incompatible land use that requires buffering. The requested waivers, use permit, and design considerations have been thoughtfully evaluated to ensure the project remains consistent with the intent of the applicable development standards while responding appropriately to site-specific conditions.

Prior Land Use Requests

Application Number	**Request**	**Action**	**Date**
WS-25-0066	Waiver of development standards for a proposed warehouse	Approved by PC	March 2025
VS-25-0065	Vacate and abandon easements	Approved by PC	March 2025
ET-21-400163 (VS-19-0588)	Vacate and abandon first extension of time	Approved by BCC	December 2021

Prior Land Use Requests

Application Number	Request	Action	Date
WS-19-0589	Waiver of development standards to reduced parking & modify driveway design standards	Approved by BCC	October 2019
VS-19-0588	Vacate and abandon patent easements	Approved by BCC	October 2019
WC-19-400106 (ZC-18-0350)	Waiver of conditions for a zone change to reclassify 4.8 acres from R-E to M-1 zone	Approved by BCC	October 2019
TM-19-500157	Tentative map for 1 lot industrial subdivision	Approved by BCC	October 2019
ZC-18-0666	Zone change from R-E to M-1 zone	Approved by BCC	October 2018
ZC-18-0350	Zone change from R-E to M-1 zone	Approved by BCC	October 2018

Surrounding Land Use

	Planned Land Use Category	Zoning District (Overlay)	Existing Land Use
North	Public Use & Business Employment	PF & IL (AE-65 Overlay)	Flood detention basin
South	Business Employment	IL & IP (AE-65 Overlay)	Undeveloped & drainage channel
East	Business Employment	IL (AE-65 Overlay)	Undeveloped
West	Business Employment	RS20 & IL (AE-65 Overlay)	Outdoor storage & 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.

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.

Use permit & Waiver of development standards #1a & #1b

Section 30.03.07E. outlines layout and design conditions associated with refuse transfer stations. In particular refuse transfer stations shall be accessed from an arterial or collector street, have a 20 foot wide landscape buffer along a right-of-way on non-industrial use, and provide a decorative wall around the entire site. There is also an operation condition indicating all activities shall be done indoors. Staff finds the refuse transfer station and outdoor storage unsuitable for this location due to high intensity and close proximity to nearby businesses. The proposal may cause adverse effects on the area and prove detrimental to health, safety, and welfare. A portion of the building will stay open to the elements. This design could allow for winds to spread odors, pests, and litter. Staff also have concerns about the heavy trucks using Post Road, a local street, as the sole vehicular access to the site, and the lack of buffering and screening along the property lines. While the site is enclosed by a 10 foot chain link fence with screening slats for security, a decorative wall is required around the entire parcel and is only provided by the entrance gates. The project also misses the mandatory 20-foot wide dense landscape buffer required along any right-of-way or non-industrial use. The vacant site could feasibly be designed to accommodate the development requirements. For these reasons, staff cannot support this request.

Waiver of Development Standards #2a & #2b

Staff finds that although the parcel to the east is zoned residential, no residential use exists or are anticipated in the surrounding parcels. Therefore, applying full residential adjacency standards would offer no practical benefit. However, because staff is not supporting the companion use permit, staff cannot support this waiver request.

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 design of the building with the variations in building finish and colors complies with the building massing and articulation requirements by breaking-up the mass of a building. Staff is concerned with the open structure design along the east side, vehicular access from a local street, and the lack of buffering & screening along the property lines and the adverse effects that this may create in the near future. The provision of buffering and screening in accordance with Title 30 standards would help mitigate the intensity and impact of the proposed use. In addition, the design review is contingent upon approval of the use permit and associated waivers, which staff does not support. Therefore, staff does not support the design review as proposed.

Department of Aviation
The development will penetrate the 100:1 notification airspace surface for Harry Reid International Airport. Therefore, as required by 14 CFR Part 77, and Section 30.02.26B.3(ii) of the Clark County Unified Development Code, the Federal Aviation Administration (FAA) must be notified of the proposed construction or alteration.

More importantly, the development will penetrate the Part 77 airspace surface (Airport Airspace Overlay District), as defined by Section 30.02.26B.2(i) of the Clark County Unified Development Code. Therefore, as required by Section 30.06.03D.7(iv) of the Clark County Unified Development Code, final action cannot occur until the FAA has issued an airspace Determination of No Hazard and the Department of Aviation has reviewed the determination. (Note that section 30.06.03D.7(iv) requires that the FAA Determination of No Hazard shall be submitted two weeks prior to final approval for any proposed structure that intrudes into Airport Airspace Overlay District [see chapter 30.02.26B].)

The property lies within the AE- 65 (65 - 70 DNL) noise contour for Harry Reid International Airport and is subject to continuing aircraft noise and over-flights. Future demand for air travel and airport operations is expected to increase significantly. Clark County intends to continue to upgrade Harry Reid International Airport facilities to meet future air traffic demand.

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.
- 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;
- Off-site improvement permit will be required;
- Provide paved legal access.

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 30.02.26B of the Clark County Unified Development Code. Applicant is advised that many factors may be considered before the issuance of a permit or variance, including, but not limited to, lighting, glare, graphics, etc.;
- 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. The Determination of No Hazard must not be expired.
- 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; and that the FAA's airspace determinations include expiration dates and that separate airspace determinations will be needed for construction cranes or other temporary equipment.
- Incorporate exterior to interior noise level reduction into the building construction as required by Code for use.
- Applicant is advised that the Federal Aviation Administration will no longer approve remedial noise mitigation measures for incompatible development impacted by aircraft operations, which was constructed after October 1, 1998; and that funds will not be available in the future should the owners wish to have their buildings purchased or soundproofed.

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 a Point of Connection (POC) request has been completed for this project; to email sewerlocation@cleanwaterteam.com and reference POC Tracking #0629-2026 to obtain your POC exhibit; and the flow contributions exceeding CCWRD estimates may require another POC analysis.

TAB/CAC: Paradise - denial.
APPROVALS:
PROTESTS:

APPLICANT: L R L J PROPERTIES, LLC
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