09/22/21 BCC AGENDA SHEET

UPDATE

ACCESSORY BUILDINGS (TITLE 30)

TROPICANA AVE/PECOS RD

PUBLIC HEARING
APP. NUMBER/OWNER/DESCRIPTION OF REQUEST
ET-21-400019 (WS-19-0808)-GREAT BUNS:

HOLDOVER APPEAL WAIVERS OF DEVELOPMENT STANDARDS FIRST EXTENSION OF TIME for the following: **1)** reduced setback; and **2)** deviate from design standards for an accessory storage building.
DESIGN REVIEW for existing accessory buildings and structures in conjunction with an existing bakery on 1.3 acres in a C-1 (Local Business) Zone and a C-2 (General Commercial) Zone.

Generally located 500 feet north of Tropicana Avenue, 850 feet west of Pecos Road within Paradise. TS/jgh/jd (For possible action)

RELATED INFORMATION:

APN:
162-24-802-016

WAIVERS OF DEVELOPMENT STANDARDS:
1. Reduce the setback to a residential development to 5 feet where a minimum of 10 feet is required per Table 30.40-4 (a 50% reduction) and where a minimum of 7 feet was permitted by a prior application (a 28.6% reduction).
2. Deviate from design standards by allowing buildings/structures within a shopping center to have non-compatible architecture or architectural elements where required to be compatible to give the appearance of being an integral part of the center per Table 30.56-2.

LAND USE PLAN:
WINCHESTER/PARADISE - COMMERCIAL GENERAL
WINCHESTER/PARADISE - COMMERCIAL NEIGHBORHOOD

BACKGROUND:
Project Description
General Summary
- Site Address: 3270 E. Tropicana Avenue
- Site Acreage: 1.3
- Project Type: Accessory buildings and structures
- Number of Stories: 1
- Building Height (feet): 15.5 (storage building)/9.5 (storage containers)

- Square Feet: 2,240 (storage building)/640 (storage containers)
- Parking Required/Provided: 302/303 for complex

History & Site Plans

The site consists of an existing bakery (the Great Buns Bakery) located on the northern portion of an existing shopping center behind a pad site and to the northwest of an in-line retail building. Additionally, northwest of the bakery is an existing, permitted, storage building approximately 7 feet 4 inches south of the northernmost property line. Access to the shopping center is provided from Tropicana Avenue.

The original application was filed pursuant to a code enforcement violation for placing structures on the site for use in conjunction with the bakery without permits and in violation of Title 30 development regulations. The application, when originally submitted, illustrated the placement of 9 buildings/structures as follows: 2 freezers, 6 shipping containers, and a membrane covered storage area. Two shipping containers were located west of the storage building, a fenced basket storage along with the freezers and 2 shipping containers were located east of the storage building, and 2 shipping containers were located on the north side of the bakery building. At the January 7, 2020 Planning Commission meeting, the applicant revised their proposal to a single storage building east of the existing storage building and proposed to retain only the two shipping containers west of the existing storage building. The revised plans also illustrated the structures will maintain a minimum setback of 7 feet 4 inches to the north property line.

Landscaping

No landscaping exists along the northern property line of the center. The requirements for landscaping were waived by the Planning Commission per WS-0676-16 in November 2016.

Elevations

The previously approved plans show proposed metal shipping containers at a height of 9 feet 6 inches and the new metal storage building with a low slope pitched roof at a height of 15 feet 6 inches. The shipping containers are painted to match the existing bakery, and the new storage building will be painted to match the existing bakery and will have 6 white roll up doors on the south elevation and a single entry door on the east elevation.

Floor Plans

Previously approved plans show the existing center has an area of 70,782 square feet which includes the existing 23,292 square foot bakery and 3,500 square foot storage building. The shipping containers are each approximately 360 square feet (8 feet wide and 40 feet in length) and the new storage building will measure 2,240 square feet (64 feet wide and 35 feet in length).

Previous Conditions of Approval

Listed below are the approved conditions for WS-19-0808:

Current Planning

- Per revised plans dated 01/07/20;
- 1 year to complete with any extension of time to be a public hearing;
- Structures/buildings to be painted to match the existing bakery buildings;

- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection.
- Applicant is advised that approval of this application does not constitute or imply approval of any other County issued permit, license or approval; 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.

Applicant's Justification

The applicant indicates that this project was put on hold due to the uncertainty surrounding the COVID-19 pandemic and now that it appears that the pandemic has been contained somewhat, the owner has decided to resume the project. Therefore, the applicant is requesting a 1 year extension.

Prior Land Use Requests

Application Number	Request	Action	Date
WS-19-0808	Reduced setback and deviated from design standards for an accessory storage building	Approved by PC	January 2020
WS-0676-16	Increased wall height, reduced landscaping, reduced setbacks and deviated from design standards for an accessory storage building	Approved by PC	November 2016
WS-0642-14	Deviated from design standards per Table 30.56-2 for a bakery metal storage building	Approved by PC	September 2014
WS-0546-11	Waived setbacks and landscaping for a storage building - expired	Approved by PC	January 2012
ADR-0724-07	Building addition to the bakery building after a fire	Approved by ZA	June 2007
WS-1338-06	Reduced setback to zero feet, eliminated screening and buffering, and reduced residential adjacency setback for the proposed addition - expired	Approved by PC	November 2006
DR-0384-96	4,250 square foot addition to the existing bakery	Approved by PC	March 1996
ZC-0199-96	Amended the C-1 zoning on a portion of this site	Approved by BCC	March 1996

Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North	Residential Suburban (up to 8 du/ac)	R-1	Single family residential
East	Residential Suburban (up to 8 du/ac) & Commercial General	R-1 & C-2	Single family residential & shopping center containing the main bakery building
South	Commercial Neighborhood & Commercial General	C-1 & C-2	Shopping center

Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
West	Commercial Neighborhood	C-1	Office building

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

Analysis
Current Planning
Title 30 standards of approval on an extension of time application state that such an application may be denied or have additional conditions imposed if it is found that circumstances have substantially changed. A substantial change may include, without limitation, a change to the subject property, a change in the areas surrounding the subject property, or a change in the laws or policies affecting the subject property. Using the criteria set forth in Title 30, no substantial changes have occurred at the subject site since the original approval.

The original application was filed pursuant to a code enforcement violation for placing structures on the site without permits and in violation of Title 30 development regulations. As a result of opposition to the application as originally filed, the applicant revised the application. Subsequent to the approval of the application, the Code enforcement violation was closed yet the applicant has made no progress towards cleaning up the site and has not submitted any building permits for the new and existing structures. Staff finds that while the applicant has made no progress, staff can support this extension of time for 1 additional year from the prior approval but will not support any additional extensions.

Staff Recommendation
Approval.

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.

PLANNING COMMISSION ACTION: April 6, 2021 – APPROVED – Vote: Unanimous
Current Planning

- Until January 7, 2022 to complete the building permit and inspection process with any extension of time to be a public hearing.
- 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 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.

TAB/CAC: Paradise - denial.
APPROVALS: 1 card
PROTEST: 2 cards, **8 letters**

APPEAL: This item has been appealed by neighbors who feel that their opposition to the project was not heard and that the project will have a negative impact.

COUNTY COMMISSION ACTION: May 5, 2021 – HELD – To 05/19/21 – per the Board of County Commissioners.

COUNTY COMMISSION ACTION: May 19, 2021 – HELD – To 06/16/21 – per the applicant.

COUNTY COMMISSION ACTION: June 16, 2021 – HELD – To 07/21/21 – per the applicant.

COUNTY COMMISSION ACTION: July 21, 2021 – HELD – To 08/04/21 – per Commissioner Segerblom.

COUNTY COMMISSION ACTION: August 4, 2021 – HELD – To 08/18/21 – per the Board of County Commissioners.

COUNTY COMMISSION ACTION: August 18, 2021 – HELD – To 09/22/21 – per the applicant.

APPLICANT: ANTHONY MADONIA
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