

LANDSCAPING
(TITLE 30)

WINDY ST/ARBY AVE

PUBLIC HEARING
APP. NUMBER/OWNER/DESCRIPTION OF REQUEST
WS-21-0525-LMG LAS VEGAS, LLC:

WAIVER OF DEVELOPMENT STANDARDS for landscaping in conjunction with an existing distribution facility and outside storage yard on 4.6 acres in an M-D (Designed Manufacturing) (AE-65) Zone.

Generally located on the east and west sides of Windy Street and the north side of Arby Avenue within Enterprise. MN/md/jd (For possible action)

RELATED INFORMATION:

APN:

177-05-701-031; 177-05-701-033

WAIVER OF DEVELOPMENT STANDARDS:

1. a. Eliminate parking lot landscaping where required per Figure 30.64-14.
- b. Eliminate street landscaping where required per Figure 30.64-13.
- c. Eliminate the required landscaping and freeway buffer wall where required when adjacent to a freeway per Figure 30.64-4.

LAND USE PLAN:

ENTERPRISE - COMMERCIAL TOURIST

BACKGROUND:

Project Description

General Summary

- Site Address: 7060 Windy Street
- Site Acreage: 4.6
- Project Type: Outside storage yard in conjunction with an existing distribution center
- Number of Stories: 2
- Building Height (feet): 60
- Square Feet: 87,974
- Parking Required/Provided: 82/92

History & Request

A nonconforming zone change to an M-D zone for outside storage in conjunction with a distribution center was approved for APN 177-05-701-033 (west 0.6 acres) via NZC-19-0903 by the Board of County Commissioners in February 2020. An existing distribution center

measuring 87,974 square feet is located on APN 177-05-701-031 (east 4 acres). Per Code requirements, the previously approved landscape plan for NZC-19-0903 (APN 177-05-701-033) featuring the outside storage yard depicted a freeway buffer wall with landscaping, parking lot landscaping, and street landscaping. The applicant is now requesting to temporarily waive the landscaping requirements, including the freeway buffer wall, for APN 177-05-701-033 that were previously approved with the nonconforming zone change.

Site Plans

The plans depict an existing distribution center located on the eastern parcel and a previously approved outside storage yard located on the western parcel. The storage yard will have access to the distribution center from the adjacent parcel to the east and Windy Street. Two parking spaces are located on the parcel to the west and the remaining parking is located on the eastern parcel. Access to the distribution center is granted via an existing commercial driveway adjacent to Windy Street.

Landscaping

The previously approved plans depict an existing 15 foot wide landscape area along Windy Street, and a 20 foot wide landscape area along Arby Avenue. The applicant is requesting to temporarily waive all Code required landscape for the parcel to the west, APN 177-05-701-033, of the distribution center.

Signage

Signage is not a part of this request.

Applicant's Justification

The applicant states this request is driven by the owner's need to access the legally held lot and to use it for the intended purpose without encumbering an excessive expense at this time. As is widely known, the viability of many businesses across the country and planet has been severely challenged and LMG is no exception. It is the intent of the owner to fully honor all conditions of the previously approved nonconforming zone boundary amendment no later than February 1, 2023, with the work described herein commencing as soon as approval is granted for this request. This request, if granted, would allow for the deferment of the construction of the freeway buffer wall, the planting of the required buffering landscape, the demolition and replacement of the masonry wall at the south property line demarcating the subject property from the storage shed on the adjacent neighboring property. The public sidewalk, curbing and gutter, grading and asphalt paving, and striping of 2 required parking spaces would occur during Phase 1 of the development for APN 177-05-701-033. Allowing this request will afford the owner the opportunity to use the paved lot for overflow truck parking and 2 passenger vehicle parking spaces that were a requirement at the time of the remodeling of the owner's adjacent business.

Prior Land Use Requests

Application Number	Request	Action	Date
NZC-19-0903	Reclassified a portion of the project site, APN 177-05-701-033, from R-E to M-D zoning for outside storage in conjunction with an existing distribution center, waivers for reduced parking, alternative driveway geometrics, gate setback, and a design review for an outside storage yard	Approved by BCC	February 2020
VS-18-0849	Vacated and abandoned an access easement	Approved by PC	December 2018
WS-18-0627	Waived standard water commitment requirement, off-site improvements, and drainage study in conjunction with a minor subdivision parcel map	Approved by BCC	October 2018
WS-18-0215	Waived standards for increased building height, reduced throat depth for driveway, with a design review for expansion of existing distribution center	Approved by BCC	June 2018
WS-1497-04	Distribution center for a stage and lighting facility	Approved by BCC	September 2004
VS-1498-04	Vacated and abandoned patent easements	Approved by BCC	September 2004
ZC-1235-99	Reclassified the site from R-E and H-1 to M-D zoning for an office/warehouse building	Approved by BCC	December 1999

Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North*	Commercial Tourist	R-E	I-215
South	Commercial Tourist	R-E & M-D	Undeveloped & office/warehouse
East	Commercial Tourist	H-1	Undeveloped
West*	Commercial Tourist	M-D	Office/warehouse

*Immediately to the north and west is the interchange for the I-215 and the I-15.

STANDARDS FOR APPROVAL:

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

Analysis

Current Planning

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 intent of parking lot landscaping is to provide climate adaptable plant materials that improve the visual appearance of the project site, enhance environmental conditions by providing shade and reducing storm water run-off, and to provide buffer areas between land uses of varying intensity. The purpose of street landscaping is to enhance the perimeter of the project site, improve the aesthetics of the site along public rights-of-way, and to provide a buffer between parking areas and the adjacent streets. Landscaping is required adjacent to a freeway buffer wall to soften the appearance of a monotonous block wall visible to the public. Staff typically does not support these types of waivers; however, the applicant has indicated these requests are temporary in nature. Furthermore, the applicant states all required on-site landscape improvements will be completed by February 1, 2023 coinciding with the required completion date of the previously approved nonconforming zone boundary amendment. Therefore, staff recommends approval.

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.

PRELIMINARY STAFF CONDITIONS:

Current Planning

- Until February 1, 2023 to review;
- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection.
- Applicant is advised that the subject property will be in violation of the Development Code if the installation of landscaping and the construction of the freeway buffer wall are not completed by February 1, 2023; NZC-21-0903 is subject to a resolution of intent to complete in 3 years by February 19, 2023; 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 application for review; 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

- No comment.

Clark County Water Reclamation District (CCWRD)

- No comment.

TAB/CAC: Enterprise - approval.

APPROVALS:

PROTESTS:

APPLICANT: DANTE AMATO

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