

SWAP MEET/FAIRGROUND/  
RECREATIONAL FACILITY  
(TITLE 30)

BOULDER HWY/INDIOS AVE

**PUBLIC HEARING**

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**UC-21-0332-ERBR, LLC:**

**USE PERMITS** for the following: **1)** swap meet; **2)** fairground; and **3)** recreational facility with accessory food, beverage, and retail sales.

**WAIVER OF DEVELOPMENT STANDARDS** to eliminate landscaping.

**DESIGN REVIEWS** for the following: **1)** swap meet; **2)** fairground; and **3)** recreational facility on 4.6 acres in a C-2 (General Commercial) Zone.

Generally located on the west side of Boulder Highway, 1,000 feet south of Indios Avenue within Paradise. TS/md/jo (For possible action)

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**RELATED INFORMATION:**

**APN:**

161-17-702-006; 161-17-801-002

**WAIVER OF DEVELOPMENT STANDARDS:**

1. a. Eliminate landscaping and screening adjacent to Boulder Highway where landscaping and screening are required per Figure 30.64-17.
- b. Eliminate parking lot landscaping where landscaping is required per Figure 30.64-14.
- c. Eliminate landscaping adjacent to a less intensive use where landscaping is required per Figure 30.64-11.

**LAND USE PLAN:**

WINCHESTER/PARADISE - COMMERCIAL GENERAL

**BACKGROUND:**

**Project Description**

General Summary

- Site Address: 4700 Boulder Highway
- Site Acreage: 4.6
- Project Type: Swap meet, fairground, and recreational facility
- Number of Stories: 2
- Building Height (feet): 20
- Square Feet: 6,375 (existing building)/19,380 (temporary structures)
- Parking Required/Provided:105/109

### History & Request

The site consists of 2 parcels that were previously utilized as a swap meet, fairground, and recreational facility. The use permit for the swap meet expired in March 2020; therefore, the applicant is applying for a new use permit to continue the previously approved use except for live entertainment, which is no longer a part of the request. The rear (west) and south portions of the site are partially paved and secured with a chain-link fence. There are no buildings on this portion of the site. Access to this site is granted via 2 existing driveways along Boulder Highway. The request is to allow the site to be used for different events like swap meets, car shows, festivals, or sport events.

### Site Plans

The plans depict parking for the site to be located along the northern portion of the parcel. Access to the parking lot will be granted from a driveway located between the existing building and the plaza area. The plans depict an 82,200 square foot area allocated for temporary retail booths, located to the west of the building and plaza area. Eight, 300 square foot areas also reserved for temporary retail booths are located to the west of the plaza area. The cumulative area for all temporary retail booths consists of 19,000 square feet. The plans also depict a snack bar (100 square feet), food vending area Coco Loco (400 square feet), and a ticket booth (80 square feet). An area for a food truck, that will only be on-site during the operating hours of the swap meet, is depicted along the northwest side of the plaza. No on-premises consumption of alcohol or the sale of alcoholic beverages will occur on-site. The swap meet requires a total of 105 parking spaces and 109 parking spaces are provided for the site. The proposed hours of operation for the swap meet are 7:00 a.m. to 2:00 p.m., Friday through Sunday, weather permitting.

### Landscaping

There are existing trees located around the plaza (courtyard) at the southeast portion of the site. No other landscaping exists or is proposed for the project site at this time.

### Elevations

The existing building is 2 stories, approximately 20 feet in height, and constructed of block with a pitched roof. The existing building is painted white with a red trim. The temporary structures will be tents with nylon covers supported by metal posts. The ticket booth is 8 feet in height and consists of a white painted wood exterior with an asphalt shingled roof. The snack bar is 11 feet in height and consists of a green painted wood exterior with an orange painted trim and a metal roof. The food vending area (Coco Loco) is 8 feet in height and consists of metal poles with a nylon roof.

### Floor Plan

The existing 6,375 square foot building will be utilized for offices, retail sales, and storage. Eighty-two spaces consisting of 200 square feet each, and 8 spaces consisting of 300 square feet each will be used for the temporary structures for the retail sales of the swap meet.

### Signage

Signage is not a part of this request.

### Applicant's Justification

The applicant states the existing uses are absent in this part of the community, and that the swap meet is a safe and drug-free outdoor vending market that gives opportunities to small businesses and entrepreneurs. There are currently 25 vendors occupying 70 percent of the available spaces for rent. All vendors are required to have a business license and to comply with all Clark County and State regulations. The goal of the swap meet is to create a marketplace environment helping to bring some financial stability to families in the community by giving them the opportunity to open small businesses.

### **Prior Land Use Requests**

<b>Application Number</b>	<b>Request</b>	<b>Action</b>	<b>Date</b>
ET-18-400079 (UC-0090-17)	First application for review of the following: 1) swap meet; 2) live entertainment; 3) fairground; and 4) recreational facility - expired	Approved by BCC	March 2020
UC-0090-17	Second application for a swap meet, live entertainment, fairground, and recreational facility with waivers for reduced separation for live entertainment to a residential use, reduced parking, and alternative landscaping along with a design review - expired	Approved by BCC	March 2017
UC-0759-13 (ET-0002-15)	First extension of time to commence and review the following: 1) swap meet; 2) live entertainment; 3) fairground; and 4) recreational facility - expired	Approved by BCC	March 2015
UC-0759-13 (WC-0011-14)	Waived conditions for a drainage study, traffic study, replaced existing driveways, and NDOT approval, adding a condition that off-sites and technical studies may be required with future development - expired	Approved by BCC	January 2014
UC-0759-13	Original application for a swap meet, live entertainment, fairground, and recreational facility with waivers for reduced separation for live entertainment to a residential use, reduced parking, and alternative landscaping along with a design review - expired	Approved by BCC	January 2014
ZC-1087-02	Reclassified the site to C-2 zoning for vehicle sales	Approved by BCC	September 2002

### **Surrounding Land Use**

	<b>Planned Land Use Category</b>	<b>Zoning District</b>	<b>Existing Land Use</b>
North	Commercial General	H-2 & C-2	Skating rink & tavern
South	Commercial General	C-2	Recreational vehicle sales
East	Commercial General	RVP	Recreational vehicle park
West	Commercial General	R-3	Multiple family residential

## **STANDARDS FOR APPROVAL:**

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

### **Analysis**

#### **Current Planning**

##### Use Permits

A use permit is a discretionary land use application that is considered on a case by case basis in consideration of Title 30 and the Comprehensive Master Plan. One of several criteria the applicant must establish is that the use is appropriate at the proposed location and demonstrate the use shall not result in a substantial or undue adverse effect on adjacent properties.

The site is centrally located between the Boulder Station, Sam's Town, and Eastside Cannery Resort Hotels. Along the east side of Boulder Highway is an RV Park and motels. Urban Specific Policy 7 of the Comprehensive Master Plan encourages site designs to be compatible with adjacent land uses. The existing resort hotels and RV Park are tourist uses; therefore, staff finds the proposed facility is compatible with these uses. There is an existing multiple family development to the rear of the site, and the impacts to this development can be mitigated by restricting hours of the facility. Staff recommends a condition for 1 year to commence and review the proposed use permits to ensure that the use remains in compliance with all applicable Codes and licenses.

##### Waiver of Development Standards

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.

##### Waiver of Development Standards #1a & #1c

Staff cannot support the request to waive the landscaping requirement along Boulder Highway. This site and the adjacent developments were constructed under a prior Development Code. The standards for landscaping in effect when these parcels were developed were less intense. Portions of Boulder Highway have undergone projects to intensify landscaping and improve the appearance of the community. Since Boulder Highway is an entryway into the Las Vegas Valley, an arterial street, and efforts have been made to improve the appearance of developments along this right-of-way, staff cannot support the request to waive the landscaping requirement. If the request is approved, staff recommends a 3 year review period as a public hearing to address landscaping along Boulder Highway.

Staff cannot support the request to waive the landscaping requirement adjacent to a less intensive use. The intent of providing landscape screening and buffering between commercial and residential uses is to mitigate any adverse or negative impacts the commercial use may have on the residents of the community.

### Waiver of Development Standards #1b

The request to waive parking lot landscaping will give the site more flexibility for future events associated with the proposed swap meet. A significant portion of the required parking spaces for the proposed use are generated by the 19,000 square feet that will be occupied by the temporary structures. If the site develops with permanent structures in the future, staff believes interior parking lot landscaping should be required. Due to the temporary nature of the structures, staff can support the parking lot landscaping waiver with a 3 year review period as a public hearing to address any future development proposed for the site.

### Design Reviews

The swap meet, fairground, and recreational facility consists of multiple temporary structures that will allow the site to be utilized for multiple functions which require open space to allow flexibility. Staff can support these requests with a time limit for review to determine if there are any negative impacts on the community and determine any measures that can be implemented to mitigate these impacts. Staff also recommends a uniformed theme for the temporary structures located on the site, which should include durable, fabric membrane canopies and aluminum metal poles supporting the structures. The canopies should be uniform in appearance and have a consistent and neutral color. Staff recommends an additional condition requiring all temporary structures to have a fabric membrane canopy.

### **Staff Recommendation**

Approval of use permits, waiver of development standards #1b, and the design reviews; denial of waiver of developments standards #1a and #1c.

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**

If approved:

- 1 year to commence and review as a public hearing;
- 3 years to review waiver of development standards #1a, #1b, and #1c as a public hearing;
- No sale of live animals;
- Uniformed theme for the temporary structures to include aluminum metal support poles, durable, fabric membrane canopies with a consistent and neutral color.
- Applicant is advised that approval of this application does not constitute or imply approval of any other County issued permit, license or approval; 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.

**Building Department - Fire Prevention**

- No comment.

**Clark County Water Reclamation District (CCWRD)**

- No comment.

**TAB/CAC:** Paradise - approval.

**APPROVALS:**

**PROTESTS:**

**APPLICANT:** DAVID ANDERSON

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