

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**WS-25-0091-HASHIMI, SHUJAUDIN SAID & ANSARY ANITA:**

**WAIVERS OF DEVELOPMENT STANDARDS** for the following: **1)** eliminate and reduce street landscaping; **2)** reduce parking lot landscaping; **3)** allow a non-decorative fence; **4)** reduce driveway width; **5)** eliminate throat depth; and **6)** reduce driveway radii.

**DESIGN REVIEW** for a vehicle maintenance and repair facility in conjunction with an existing vehicle sales facility on 1.45 acres in a CG (Commercial General) Zone.

Generally located on the northwest corner of Fremont Street and Oakey Boulevard within the Sunrise Manor Planning Area. TS/jud/kh (For possible action)

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RELATED INFORMATION:

**APN:**

162-01-603-001

**WAIVERS OF DEVELOPMENT STANDARDS:**

1. a. Eliminate street landscaping along Fremont Street where a 10 foot wide landscape strip shall be provided adjacent to an existing attached sidewalk per Section 30.04.01D (a 100% reduction).
- b. Eliminate street landscaping along Oakey Boulevard (east corner) where a 10 foot wide landscape strip shall be provided adjacent to an existing attached sidewalk per Section 30.04.01D (a 100% reduction).
- c. Reduce the width of the proposed street landscape strip along a portion of Oakey Boulevard (south property line) to 6 feet where a 10 foot wide landscape strip adjacent to an existing attached sidewalk is required per Section 30.04.01D (a 40% reduction).
2. Reduce parking lot landscaping where required per Section 30.04.01D.
3. Allow a non-decorative fence along a portion of Oakey Boulevard (south property line) where fences along a street shall be decorative per Section 30.04.03B.
4. Reduce the driveway width along Oakey Boulevard to 24 feet where 36 feet is required per Uniform Standard Drawing 222 (a 33% reduction).
5. Eliminate the driveway throat depth along Oakey Boulevard to zero feet where 25 feet is required per Uniform Standard Drawing (a 100% reduction).
6. Reduce the driveway radii to 15 feet where 25 feet is required per Uniform Standard Drawing 222 (a 40% reduction).

**LAND USE PLAN:**

SUNRISE MANOR - CORRIDOR MIXED-USE

## **BACKGROUND:**

### **Project Description**

#### General Summary

- Site Address: 3020 Fremont Street
- Site Acreage: 1.45
- Project Type: Vehicle maintenance and repair
- Number of Stories: 1
- Building Height (feet): 23
- Square Feet: 4,800
- Parking Required/Provided: 23/23
- Sustainability Required/Provided: 7/4.5

#### Site Plans

The plans depict a new 4,800 square foot vehicle maintenance and repair building in conjunction with an existing vehicle sales facility on the subject parcel. There are 2 existing buildings on-site; Building 1, located on the southeast corner of the site, has an overall area of 5,234 square feet and Building 2, located on the southcentral portion of the site, has an overall area of 1,250 square feet. The proposed vehicle maintenance and repair facility will provide maintenance and repair for vehicles intended for sale; this facility will not offer services to the public. The shop is specifically designed to meet the needs of the existing dealership, providing repairs exclusively for vehicles displayed and sold on the property.

There are 2 access points to the site; 1 along Fremont Street on the northeast portion of the site and the other along Oakey Boulevard on the southwest portion of the site. The driveway width along Oakey Boulevard is 24 feet wide necessitating a waiver to allow a reduced driveway width from the required 36 feet. Additionally, this application includes waivers of development standards to eliminate the throat depth for the access point along Oakey Boulevard and to reduce the required radii on the same driveway to 15 feet where 25 feet is required.

An existing 6 foot high chain-link fence is installed along a portion of the southwest boundary along Oakey Boulevard. A waiver of development standards is included to allow the existing non-decorative fence. Pedestrian walkways run continuously between the buildings and connect to the Fremont Street sidewalk, providing a clear path for pedestrian customers. There is a total of 23 customer parking spaces, 3 ADA parking spaces, and 51 vehicle display parking spaces (including 6 parking spaces for overnight stay/repair). A new trash enclosure is located next to Building 2 and the enclosure will utilize exterior materials and colors to match existing and proposed buildings.

#### Landscaping

Currently, the site has no landscaping. The submitted plans depict street landscaping and parking lot landscaping in the southern portion of the site only where the scope of proposed development will occur. The proposed street landscaping along Oakey Boulevard consists of a 6 foot wide landscape strip, where a 10 foot wide landscape strip is required when adjacent to an existing attached sidewalk, with 8 Mulga Acacia trees while the parking lot landscaping consists of 3 landscape finger islands with 3 Mulga Acacia trees and the required ground coverage for both

areas. The parking area along the west side of Building 2 does not provide the required parking lot landscape islands at 1 of the ends of the parking strip.

This application includes waivers of development standards to eliminate street landscaping along Fremont Street where a 10 foot wide landscape strip shall be provided adjacent to an existing attached sidewalk. An additional waiver is required to eliminate street landscaping along Oakey Boulevard (east corner) where a 10 foot wide landscape strip shall be provided adjacent to an existing attached sidewalk per Section 30.04.01D. The applicant is also requesting to reduce the width of the proposed street landscape strip along a portion of Oakey Boulevard (south property line) to 6 feet where a 10 foot wide landscape strip adjacent to an existing attached sidewalk is required per Title 30. The applicant is also requesting to reduce parking lot landscaping within the northern parking lot where required per Code.

#### Elevations

The exterior materials consist of painted concrete blocks with 3 entry/exit pedestrian doors with boxed overhang structures above them for shading purposes, 2 doors are located on the southeast elevation, and 1 is located on the northeast elevation. Additionally, six, 10 foot wide roll-up doors are located along the southeast elevation of the proposed building and face the right-of-way. No building articulations are provided along the northwest and southwest elevations.

#### Floor Plans

The plans depict a 4,800 square foot vehicle maintenance and repair building consisting of 6 auto shop bays. Included in this square footage is a 215 square foot storage room, a restroom facility and an indoor open area consisting of 143 square feet.

#### Applicant's Justification

The applicant states this area has historically been used for vehicle display to attract the attention of traffic on Fremont Street. The existing parking stalls on the north half of the site, which are used for vehicle display will remain unchanged and are not part of the intended scope of work. The applicant believes that additional landscaping in the parking area is unnecessary for stalls specifically designated for the display of vehicles for sale. Additionally, the north half of the site will not undergo significant modifications, apart from the addition of a proposed walkway, and will otherwise remain unchanged. The scope of work is primarily focused on the south half of the site.

Furthermore, the fence serves its primary function of securing the south end of the property. Although the fence is visible from Oakey Boulevard, it is situated in a location with lower visibility compared to Fremont Street, which experiences significantly higher traffic and pedestrian activity. Replacing the fence with a decorative option would impose unnecessary costs without significantly enhancing the visual appeal of the site.

**Prior Land Use Requests**

<b>Application Number</b>	<b>Request</b>	<b>Action</b>	<b>Date</b>
ZC-0085-01	Reclassified 1.5 acres from H-2 to C-2 for an automobile sales lot and a use permit for accessory automobile repair facility	Approved by BCC	March 2001
VC-0431-95	Variance to continue automobile sales and incidental repair and eliminate landscaping along street frontages	Approved by PC	April 1995
UC-375-92 & VC-846-92	Established and maintained an automobile and boat sales facility, variance for automobile repair in H-2 zoning, and waived landscaping along street frontages and trash enclosure structure	Approved by PC	November 1992

**Surrounding Land Use**

	<b>Planned Land Use Category</b>	<b>Zoning District (Overlay)</b>	<b>Existing Land Use</b>
North & West	City of Las Vegas	C-2	Self-storage facility & multi-family development
South	Corridor Mixed-Use & City of Las Vegas	CG & R-1	Car dealership & single-family residential
East	Entertainment Mixed-Use	CG & CR	Outdoor storage & nightclub

**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**

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.

Waivers of Development Standards #1 & #2

Street landscaping and parking lot landscaping are necessary to reduce the urban heat island effect and to buffer uses from streets. Landscaping also makes streets safer and more enjoyable for people walking, biking, taking transit, or driving. The heat index in this area is among the highest in the County. Staff appreciates that the applicant is providing alternative landscaping within the developing area, a total of 11 trees and required ground coverage. However, the portion of street landscaping provided along Oakey Boulevard is reduced in width and with the

non-decorative fence behind the landscaping (in some areas) and in front of the landscaping (in other areas). Consequently, not set back for landscaping as required per Code.

The existing vehicles sales area does not have any landscaping and when it was approved in 2001, the plans depicted a 6 foot wide landscaping strip along street frontages and parking lot landscaping within the parking areas that serve as display and customer parking. The fact that this site is presently covered in asphalt does not meet the original approval nor does it contribute to the reduction of heat island effect in this area of the valley.

Additionally, landscaping helps limit negative impacts of differing adjacent uses by providing screening and buffering between those uses. Although there is an existing 8 foot high block wall separating this site from the adjacent multi-family residential use to the north/northwest, no landscaping is provided in that area. Staff understands the vehicle maintenance and repair will take place indoors. However, landscaping could contribute to mitigate the different uses. Staff finds this request to be a self-imposed hardship, and staff cannot support these requests.

#### Waiver of Development Standards #3

The applicant states the access gates will be set back 18 feet and will remain open during business hours. The applicant states the fence serves as a method of security for the property. However, the fence does not connect to any other area of the site to fully enclose the property. The non-decorative fence was shown on previously approved applications; however, staff was unable to determine if the fence was permitted. If the applicant were to obtain permits today for this existing fence, the Code requires the fence to be decorative and chain-link does not qualify as decorative. There are residential properties in the immediate vicinity and maintaining a non-decorative fence would not contribute to the betterment of the streetscape of the surrounding area. For this reason, staff cannot support this 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 original approved plans from 2001, show perimeter landscaping and parking lot landscaping on the northern portion of the site. Archived photos show a landscape strip along Fremont Street; however, a few years after 2001, this landscape strip was removed and covered with asphalt. Due to the unique shape of the property, staff understands that the roll-up doors facing the right-of-way may be necessary and relocating them might not be functional for the shop bays. However, the applicant is proposing reduction in street landscaping on portions of the street frontage along Oakey Boulevard, where street landscaping could have helped mitigate the visual impact of the proposed roll-up doors. Staff also finds that the canopies over the pedestrian doors help with the cooling of the entry/exit ways. However, the proposed building does not provide 4 sided architecture. Staff finds that the applicant has the opportunity to provide some landscaping behind the vehicle maintenance building to mitigate the lack of façade articulation and mitigate

different adjacent uses. Due to these reasons, and since staff does not support waivers of development standards #1 through #3, staff cannot support the design review.

### **Public Works - Development Review**

#### Waivers of Development Standards #4 & #5

Staff has no objection to the reduced driveway width and throat depth for the commercial driveway along Oakey Boulevard. The existing driveway should see minimal traffic as it will not be for public access.

#### Waiver of Development Standards #6

Staff has no objection to the reduction in curb radius for the ingress side of the commercial driveway along Oakey Boulevard. The driveway should see minimal traffic reducing potential conflicts normally caused by the reduced radius.

### **Staff Recommendation**

Approval of waivers of development standards #4 through #6; denial of waivers of development standards #1 through #3 and the design review.

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, and payment of the tree fee-in-lieu is required for any required trees waived.
- 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;
- Gates to remain open during business hours;
- Applicant to provide an ALTA of existing improvements along Oakey Boulevard;
- If ALTA shows private improvements within the right-of-way, applicant to coordinate with Public Works - Development Review for the vacation of excess right-of-way along Oakey Boulevard.

- Applicant is advised that Nevada Department of Transportation (NDOT) permits may be required.

**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 if any existing plumbing fixtures are modified in the future, then additional capacity and connection fees will need to be addressed.

**TAB/CAC:**

**APPROVALS:**

**PROTESTS:**

**APPLICANT:** ANITA ANSARY

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