

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

ET-25-400124 (AR-23-400123 (UC-21-0332))-ERBR, LLC:

HOLDOVER APPLICATION FOR REVIEW FOR USE PERMITS SECOND EXTENSION OF TIME 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 CG (Commercial General) Zone.

Generally located west of Boulder Highway and south of Indios Avenue within Paradise. TS/mh/kh (For possible action)

RELATED INFORMATION:

APN:

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

WAIVER OF DEVELOPMENT STANDARDS:

Eliminate parking lot landscaping where landscaping is required per Figure 30.64-14.

LAND USE PLAN:

WINCHESTER/PARADISE - CORRIDOR MIXED-USE

BACKGROUND:

Project Description

General Summary

- Site Address: 4700 Boulder Highway
- Site Acreage: 4.6
- Project Type: Swap meet, fairground, & 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 previous use permit for the swap meet (UC-0090-17) expired in March 2020; therefore, the applicant applied for a new use permit to continue the previously approved use except for live entertainment, which was no longer a part of the operational plan. The new use permit request was approved via UC-21-0332, with a condition of approval to review the

application as a public hearing in 2 years. Also, waivers of development standards to eliminate street landscaping along Boulder Highway and landscaping adjacent to a less intensive use were denied. Subsequently, the application for review (AR-23-400123) was approved by the Board of County Commissioners in October 2023, with a condition of approval requiring the applicant to install 15 feet of on-site landscaping along Boulder Highway and required landscaping per Figure 30.64-11 and Figure 30.64-17 as applicable by October 18, 2024. The applicant completed the landscaping along Boulder Highway, but not the landscaping required adjacent to a less intensive use. As a result, the applicant requested an extension of time (ET-24-400130), which was approved with a condition for an application for review to verify that the required landscaping has been provided. The applicant is now requesting a second extension of time to complete the landscaping required adjacent to a less intensive use, along with the corresponding application for review as required by AR-23-400123.

Site Plans

The approved plans depict parking for the site to be located along the northern portion of the parcel. Access to the parking lot is 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. 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 hours of operation for the swap meet are 7:00 a.m. to 2:00 p.m., Friday through Sunday, weather permitting. 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.

Landscaping

There are existing trees located around the plaza (courtyard) at the southeast portion of the site. The applicant initially requested to waive required street landscaping along Boulder Highway, landscaping adjacent to a less intensive use along the rear property line, and parking lot landscaping. The Board only approved the waiver for parking lot landscaping and denied the other requests. As a result, the applicant needed to comply with the landscaping requirements of Title 30, Figures 30.64-11 and 30.64-17.

Elevations

The approved plans depict an existing building that 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 are 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 Plans

The approved plans depict an existing 6,375 square foot building to 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 are used for the temporary structures for the retail sales of the swap meet.

Previous Conditions of Approval

Listed below are the approved conditions for ET-24-400130 (AR-23-400123 (UC-21-0332)):

Comprehensive Planning

- Until October 18, 2025 to review compliance with the conditions for landscaping per Figures 30.64-11 and 30.64-17.
- Applicant is advised that a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time and application for review; 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; and the applicant is solely responsible for ensuring compliance with all conditions and deadlines.

Listed below are the approved conditions for AR-23-400123 (UC-21-0332):

Comprehensive Planning

- 2 year review as a public hearing;
- Until October 18, 2024 to install 15 feet of on-site landscaping along Boulder Highway and required landscaping per Figure 30.64-11 and Figure 30.64-17 as applicable.
- Applicant is advised that the County has adopted a rewrite to Title 30 effective January 1, 2024, 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.

Listed below are the approved conditions for UC-21-0332:

Current Planning

- 2 years to commence and review 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.

Applicant's Justification

The applicant states that delays have led to the need for a 1 year extension of time to complete the required landscaping.

Prior Land Use Requests

Application Number	Request	Action	Date
ET-24-400130 (AR-23-400123 (UC-21-0332))	First extension of time of an application for review for use permits for a swap meet, fairground, and recreational facility with waivers for landscaping along with a design review	Approved by BCC	January 2025
AR-23-400123 (UC-21-0332)	First application for review for a swap meet, fairground, and recreational facility with waivers for landscaping along with a design review	Approved by BCC	October 2023
UC-21-0332	Swap meet, fairground, and recreational facility with waivers for landscaping along with a design review	Approved by BCC	August 2021
ET-18-400079 (UC-0090-17)	First application for review for swap meet, live entertainment, fairground, 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 swap meet, live entertainment, fairground, and 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

	Planned Land Use Category	Zoning District (Overlay)	Existing Land Use
North	Corridor Mixed-Use	H-2	Skating rink & tavern
South	Corridor Mixed-Use	CG	Recreational vehicle sales
East	Corridor Mixed-Use	CG	Recreational vehicle park
West	Corridor Mixed-Use	RM18	Multi-family residential

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

Title 30 standards of approval for an extension of time state an application may be denied 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, regulations, or policies affecting the subject property. Additionally, the applicant must demonstrate the project is progressing through the applicable development permit or licensing process.

While the applicant states that progress has been made on completing the landscaping requirements, staff is unable to verify if the street landscaping along Boulder Highway meets the requirements of Title 30, which includes providing 1 large tree and 3 shrubs for every 30 linear feet of street frontage. Staff finds that the site has been operating for several years without meeting the conditions of approval for AR-23-400123, specifically the provision of a landscape buffer adjacent to a less intensive use. The applicant has had ample time to provide the required landscaping and submit an application for review as required by the Notices of Final Action for UC-21-0332, AR-23-400123, and ET-24-400130. The applicant has not provided a compelling justification for why an additional extension of time is necessary. For these reasons, staff cannot support this extension of time request.

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:

- Until April 18, 2026 to review compliance with the previously imposed conditions for landscaping.

- Applicant is advised that a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time or application for review; 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; the County has adopted a rewrite to Title 30 effective January 1, 2024, 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; and the applicant is solely responsible for ensuring compliance with all conditions and deadlines.

Public Works - Development Review

- No comment.

Clark County Water Reclamation District (CCWRD)

- No comment.

TAB/CAC: Paradise - denial.

APPROVALS: 1 card

PROTEST: 1 card

COUNTY COMMISSION ACTION: January 7, 2025 – HELD – To 05/06/26 – per the Board of County Commissioners.

APPLICANT: DAVID ANDERSON

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