

TIRE SALES & INSTALLATION
VEHICLE MAINTENANCE
(TITLE 30)

NELLIS BLVD/CHEYENNE AVE

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

UC-23-0641-LTG LLC:

USE PERMITS for the following: **1)** tire sales and installation facility in an APZ-1 Overlay District; **2)** vehicle maintenance (smog check) facility in an APZ-1 Overlay District; **3)** reduce the setback for a tire sales and installation facility to a residential use; **4)** reduce the separation for a vehicle maintenance (smog check) facility to a residential use; **5)** allow overhead and service bay doors to face a public right-of-way; **6)** allow outside storage to be visible from the public right-of-way and a less intensive use; **7)** allow outside storage in front of the building; **8)** allow accessory structures (storage containers) not architecturally compatible with the principal building; and **9)** allow alternative design standards.

WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** street landscaping; **2)** reduce parking lot landscaping; **3)** landscaping adjacent to a less intensive use; **4)** reduce setbacks; **5)** mechanical equipment screening; **6)** reduce drive aisle width; **7)** allow modified driveway design standards; **8)** allow modified street standards; and **9)** off-site improvements.

DESIGN REVIEWS for the following: **1)** tire sales and installation facility; **2)** vehicle maintenance (smog check) facility; **3)** accessory structures (storage containers); and **4)** accessory outside storage on 0.8 acres in an M-D (Designed Manufacturing) (APZ-1 & AE-80) Zone.

Generally located on the east side of Nellis Boulevard and the south side of Cheyenne Avenue within Sunrise Manor. MK/md/syp (For possible action)

RELATED INFORMATION:

APN:

140-16-101-013

USE PERMITS:

1. Permit a tire sales and installation facility in an APZ-1 Overlay District.
2. Permit a vehicle maintenance (smog check) facility in an APZ-1 Overlay District.
3. Reduce the setback for a tire sales and installation facility to a residential use to 130 feet where a minimum of 200 feet is required per Table 30.44-1 (a 35% reduction).
4. Reduce the separation for a vehicle maintenance facility to a residential use to 30 feet where a minimum of 200 feet is required per Table 30.44-1 (an 85% reduction).
5. Allow overhead and service bay doors for tire sales and installation and vehicle maintenance facilities to face a public right-of-way (Cheyenne Avenue) where not permitted unless screened from a street by landscaping or another building per Table 30.44-1.

6. Allow outside storage to be visible from the public right-of-way (Cheyenne Avenue and Nellis Boulevard) and a less intensive use (single family residential development) where outside storage must be screened from any right-of-way and from any adjacent less intensive uses with a screened fence or wall per Table 30.44-1.
7. Allow outside storage in front of the building where outside storage must be located behind the front of the building per Table 30.44-1.
8. Allow accessory structures (storage containers) within the front, side, and rear yards and visible from any street or residential development to not be architecturally compatible with the principal building where required per Table 30.44-1.
9. Allow non-decorative metal building materials for accessory structures (storage containers) where not permitted per Table 30.44-1 and Table 30.56-2.

WAIVERS OF DEVELOPMENT STANDARDS:

1.
 - a. Eliminate sidewalk and allow reduced street landscaping along a portion of Cheyenne Avenue where a detached sidewalk and landscaping are required per Figure 30.64-17 and Section 30.64.030.
 - b. Eliminate sidewalk and street landscaping along a portion of Cheyenne Avenue where a detached sidewalk and landscaping are required per Figure 30.64-17 and Section 30.64.030.
 - c. Allow reduced street landscaping along Nellis Boulevard where 15 feet of landscaping is required behind an existing attached sidewalk per Section 30.64.030.
2. Reduce parking lot landscaping where 1 large canopy tree for every 6 parking spaces or 1 medium canopy tree for every 4 parking spaces is required per Figure 30.64-14.
3. Eliminate landscaping adjacent to a less intensive use (single family residential) where landscaping is required per Figure 30.64-11.
4.
 - a. Reduce the front setback for a decorative fence and decorative wall to zero feet where 20 feet is required per Table 30.40-5 (a 100% reduction).
 - b. Reduce the side street (corner) setback for a decorative fence to zero feet where 20 feet is required per Table 30.40-5 (a 100% reduction).
 - c. Reduce the setback from the right-of-way (Cheyenne Avenue and Nellis Boulevard) for a decorative fence to zero feet where 10 feet is required per Section 30.56.040 (a 100% reduction).
5. Allow existing rooftop mounted mechanical equipment to remain unscreened where all mechanical equipment shall be screened per Table 30.56-2.
6. Reduce drive aisle width to 14 feet where a 2 way drive aisle width of 20 feet is required adjacent to parallel parking spaces per Table 30.60-4 (a 30% reduction).
7. Reduce throat depth to 10 feet for a driveway along Cheyenne Avenue where a minimum of 25 feet is required per Uniform Standard Drawing 222.1 (a 60% reduction).
8. Reduce the departure distance from the intersection of Nellis Boulevard and Cheyenne Avenue to 72 feet where a minimum of 190 feet is required per Uniform Standard Drawing 222.1 (a 62.1% reduction).
9. Waive off-site improvements (curb, gutter, sidewalk, and streetlights) along Cheyenne Avenue where required per Chapter 30.52.

LAND USE PLAN:
SUNRISE MANOR - BUSINESS EMPLOYMENT

BACKGROUND:

Project Description

General Summary

- Site Address: 3188 N. Nellis Boulevard
- Site Acreage: 0.8
- Project Type: Tire sales and installation facility & vehicle maintenance (smog check)
- Number of Stories: 2 (Building 1 – Tire Sales and Installation)/1 (Building 2 – vehicle maintenance)/1 (storage containers)
- Building Height (feet): 30 (Building 1)/14 (Building 2)/9 (storage containers)
- Square Feet: 2,160 (Building 1)/1,728 (Building 2)/360 (storage containers)
- Parking Required/Provided: 21/24

History and Request

The subject property, consisting of 0.8 acres, was reclassified to an M-D zoning district via ZC-114-73 by the Board of County Commissioners (BCC) in October 1973. Throughout the decades, various automobile related uses such as vehicle sales, and more recently, tire sales and installation have been approved by both the Planning Commission and BCC. These previously approved applications have subsequently expired, and the applicant is now requesting to re-establish the use of a tire sales and installation facility in addition to a vehicle maintenance facility consisting of a smog check. Accessory outside storage is also a component of this request. The following sections describe the nature of the current proposal in further detail, including all waivers of development standards associated with this request.

Site Plans

The plans depict proposed tire sales and installation and vehicle maintenance (smog check) facilities consisting of 2 existing buildings located at the southeast corner of Nellis Boulevard and Cheyenne Avenue. Five shipping containers are also located on the site.

Building 1 is the westernmost building and features the tire sales and installation facility has the following setbacks: 1) 65 feet from the north property line adjacent to Cheyenne Avenue; 2) 126 feet from the west property line along Nellis Boulevard; 3) 4.5 feet from the south property line; and 4) 130 feet from the east property line adjacent to the single family residential development requiring a use permit to reduce separation distance between uses. An existing single family residence is also located 175 feet to the south from the tire sales and installation facility. A total of 5 accessory structures (shipping containers) utilized for the storage of tires, are located immediately to the west of Building 1.

Building 2 is the easternmost building and contains the vehicle maintenance (smog check) facility and has the following setbacks: 1) 21 feet from the north property line adjacent to Cheyenne Avenue; 2) 191 feet from the west property line along Nellis Boulevard; 3) 65 feet from the south property line; and 4) 30 feet from the east property line adjacent to the single family residential development, necessitating a use permit to reduce separation distance between uses.

The setbacks for the shipping containers are as follows: 1) 64.5 feet from the north property line adjacent to Cheyenne Avenue; 2) 20 feet from the west property line along Nellis Boulevard; 3) 5.5 feet from the south property line; and 4) 210.5 feet from the west property line adjacent to the single family residential development.

Immediately to the north and east of the shipping containers is an accessory outside storage area for tires, measuring 3,027 square feet, featuring a paved surface. The outside storage will not be screened, remaining visible from the public right-of-way (Nellis Boulevard and Cheyenne Avenue), and the residential development to the east. A use permit is required to waive the outside storage screening requirements.

Access to the site is granted along Cheyenne Avenue via an access gate with a setback of 20 feet from the north property line. The gate will remain open during business hours. The project site requires 21 parking spaces where 24 parking spaces are provided. Three parallel parking spaces are located immediately north of Building 2, adjacent to a 14 foot wide drive aisle, which also requires a waiver of development standards since the minimum width of a drive aisle with adjacent parking is 24 feet. A waiver is requested to reduce the throat depth for the existing driveway along Cheyenne Avenue, in addition to reducing the departure distance to the driveway from the intersection of Nellis Boulevard and Cheyenne Avenue. A waiver is also requested to eliminate off-site improvements along Cheyenne Avenue, including curb, gutter, sidewalk, and street lighting. Paving will be installed up to the north property line of the site, adjacent to the street.

Landscaping

The plans depict a landscape area along the northwest corner of the site, adjacent to Cheyenne Avenue, measuring 6 feet in width consisting of shrubs and groundcover (waiver #1a). No street landscaping is provided at the northeast corner of the site, between Cheyenne Avenue and Building 2 (waiver #1b). A street landscaping area measuring 6 feet in width, consisting of shrubs and groundcover, is located behind an existing attached 5 foot wide sidewalk along Nellis Boulevard (waiver #1c). A total of 7 landscape finger islands, and 2 landscape planters, are distributed throughout the interior of the site. However, only 3 trees are provided within the interior of the site necessitating a waiver to reduce parking lot landscaping. A decorative wrought iron fence measuring 6 feet in height is located along Nellis Boulevard and the northwest corner of the site, adjacent to Cheyenne Avenue. A 6 foot high decorative wall with wrought iron is proposed at the northeast corner of the site, along Cheyenne Avenue. An existing 8 foot high CMU block wall is located along the east property line, adjacent to the single family residential development.

Elevations

Building 1 (tire sales and installation) consists of 2 stories and measures up to 30 feet in height to the top of the parapet wall with a stucco exterior. Building 1 is painted with neutral, earth tone colors and horizontal accent lines painted in red. The north elevation of the building features 2 overhead roll-up doors, painted red, oriented towards Cheyenne Avenue.

Building 2 (vehicle maintenance) measures up to 14 feet in height to the top of the flat roof. An existing, unscreened, rooftop mounted air conditioner is located on top of the building. Building

2 consists of CMU block painted with neutral, earth tone colors, in addition to a blue accent trim along the top of the roofline. Four overhead roll-up doors face towards Cheyenne Avenue, and are painted blue.

The 5 accessory structures (storage containers) consist of a non-decorative metal exterior and measure up to 9 feet in height.

Floor Plans

The plans depict a first floor area for Building 1 that measures 1,200 square feet consisting of 2 vehicle bays, accessory offices, restroom, and storage area. The second floor of Building 1 measures 960 square feet and is utilized for storage. An exterior staircase, located on the east side of the building, provides access to the second floor.

Building 2 measures 1,728 square feet in area consisting of 4 vehicle bays, office, restroom, and reception area.

The 5 accessory structures (storage containers) each measure 360 square feet for a total area consisting of 1,800 square feet.

Signage

Signage is not a part of this request.

Applicant's Justification

The applicant states the tire sales and installation facility and vehicle maintenance (smog check) facility are an overall benefit to the community; they fill an important practical need in the community and the business has demonstrated that it is economically viable at this location. In addition, the use of metal storage containers has proven to be an effective method for securing inventory and discouraging potential criminal activity (break-ins). As this entire area is mixed industrial, the developed site is consistent with the overall make-up of the area.

The applicant indicates the residential property to the east is master planned BE and is surrounded on 3 sides by industrial property: M-D zoning to the west, R-E/M-D zoning to the east, and M-1 zoning to the south. It is fully expected that the property will eventually have industrial zoning, as such, the standards would no longer apply. In addition, there is an 8 foot high block wall that separates the 2 properties and serves as both screening and buffering. Nellis AFB is screened with a 6 foot high block wall along the north side of Cheyenne Avenue directly in front of the base. Screening for Building 2 overhead doors is provided with a decorative wall and a wrought iron view fence.

The applicant states that there is no traffic or access to Cheyenne Avenue east of Nellis Boulevard and the north half of Cheyenne Avenue is occupied by Nellis AFB. This significantly reduces the amount of traffic expected. Cheyenne Avenue terminates approximately 2,300 feet east of the project site, further reducing the amount of traffic. The location of the existing buildings prevents the minimum throat depth from being met. The 25 foot throat depth criteria was established after the buildings were constructed. The intent is to leave the existing landscaping the same because 1) it is compatible with surrounding conditions; and 2) increasing

the landscaping puts additional demand on the water system that is already under stress. The wrought iron view fence also gives law enforcement better visibility. Setting the wrought iron fence and decorative view fence at zero foot setbacks helps to better secure the site and deters vandalism.

Prior Land Use Requests

Application Number	Request	Action	Date
UC-0647-17	Tire sales and installation facility in an APZ-1 Overlay District; reduce the setback from a residential use; allow overhead doors to face a public right-of-way; allow accessory structures (storage containers) not architecturally compatible with the principal building; allow alternative design standards; with waivers for alternative landscaping and screening along streets; eliminate parking lot landscaping; and allow modified driveway design standards; and design reviews for a tire sales and installation facility and accessory structures (storage containers)	Approved by BCC	September 2017
UC-1393-06	Tire sales and installation facility - expired	Approved by PC	November 2006
WT-0734-98	Waiver to extend time limits on off-site improvements	Approved by BCC	June 1998
VC-0622-97	Variance to reduce the separation for an automobile sales lot with a new 2,400 square foot building from a residential use	Approved by PC	May 1997
ZC-114-73	Reclassified the parcel to M-D zoning for a repair shop	Approved by BCC	October 1973

Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North	Nellis Air Force Base	P-F	Nellis Air Force Base
South	Business Employment	M-1	Outside storage
East	Business Employment	R-2	Single family residential
West	Business Employment	C-2	Convenience store with gasoline station

STANDARDS FOR APPROVAL:

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

Analysis

Comprehensive 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 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.

Use Permits #1 & #2

Accident Potential Zones are sub-districts of the Overlay District and are areas potentially affected by accidents and arriving/departing aircraft. Special use permits are required in the APZ-1 and APZ- 2 Overlay Districts to evaluate any impacts or interference the proposed uses may have on the operations of Nellis Air Force Base (NAFB). The use permit applications are to ensure compatibility between various land uses and NAFB. According to Title 30, tire sales and installation and vehicle maintenance facilities may be appropriate in the APZ-1 and APZ-2 Overlay Districts based on various factors including labor intensity, height of the structures, structural coverage, explosive characteristics, air pollution, size of establishments, density of people, and peak period concentrations (including customers/visitors). Staff finds the proposed uses do not conflict with the APZ-1 sub-district when considering factors such as labor intensity, density of people, and peak period concentrations (including customers/visitors). Staff finds that the proposed uses are compatible with the abutting commercial use to the west, NAFB to the north, and the industrial use to the south. For the purposes of the APZ-1 Overlay District, the proposed uses should not have a negative impact on NAFB operations. However, since staff is not supporting use permits 3 through 9, the waivers of development standards, and the design reviews, staff cannot support these requests.

Use Permits #3 & #4 and Waiver of Development Standards #3

The intent of the required separation and setback distance between the tire sales and installation, vehicle maintenance (smog check) facilities, and a residential use is to mitigate any impact the operations of the facilities may have on existing dwellings. Staff finds the reduced separation distances between the facilities and the residential dwellings is significant. Furthermore, the request to eliminate the required landscaping along the east property line is a self-imposed burden as there is enough area to provide the required large evergreen trees. Therefore, staff recommends denial of these requests.

Use Permit #5

Staff recognizes the existing buildings have been constructed with overhead roll-up doors facing towards Cheyenne Avenue. However, since trees are not being provided within the landscape area along Cheyenne Avenue that would assist in screening the doors, staff cannot support this request.

Use Permits #6 & #7 and Design Review #4

The accessory outside storage area is located along the west portion of the site, visible from both Cheyenne Avenue and Nellis Boulevard. The lack of screening for the accessory outside storage from the right-of-way, in conjunction with the location of the storage area in proximity to the

right-of-way, is not conducive to improving the aesthetics of the surrounding area. These requests are a self-imposed burden; therefore, staff recommends denial.

Use Permits #8 & #9 and Design Review #3

Staff is concerned with the visibility of the storage containers from the right-of-way, in addition to the multitude of containers within project site. The number of storage containers has increased from no containers on the site in the Spring of 2017, to 5 containers currently on the subject property. Therefore, staff recommends denial of this requests with an if approved condition to paint the storage containers to match the color of the tire sales and installation facility (Building 1). Staff recommends an if approved condition for 1 year to review as a public hearing to ensure the existing outside storage complies with the site plan on file.

Waivers 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 #1

The intent 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. Cheyenne Avenue and Nellis Boulevard are both major thoroughfares, designated as arterial streets within the Master Plan. The request to reduce street landscaping is a self-imposed burden; therefore, staff cannot support this request.

Waiver of Development Standards #2

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 request to waive the required landscaping is a self-imposed burden. Staff finds the applicant has not provided compelling justification to waive the required parking lot landscaping; therefore, cannot support this request.

Waiver of Development Standards #4

The decorative fence and decorative wall will provide security to the project site; however, these structures encroach into the building and right-of-way setbacks required per Code. Furthermore, the decorative fence and decorative wall encroach into the required street landscape area along Cheyenne Avenue and Nellis Boulevard, which are required to be a minimum width of 15 feet. Therefore, staff cannot support this request.

Waiver of Development Standards #5

Staff recognizes the rooftop mounted air conditioning units located on Building 2 are existing and should have minimal to no impact on the surrounding properties. However, the units can easily be screened by utilizing a decorative metal screen. Therefore, staff recommends denial.

Waiver of Development Standards #6

The reduced 2-way vehicle drive aisle width is a self-imposed burden. The 3 parallel parking spaces adjacent to the reduced drive aisle could potentially be relocated elsewhere on site by removing a storage container and reducing the area of the accessory outside storage. Therefore, staff recommends denial.

Design Reviews #1 & #2

Staff does not object to the design of the existing buildings serving the tire sales and installation and vehicle maintenance (smog check) facilities. However, due to the numerous use permit and waivers of development standards requests, which staff is not supporting, staff recommends denial of the design reviews.

Public Works - Development Review

Waiver of Development Standards #7

Staff finds that the reduced throat depth for the commercial driveway will result in on street stacking of vehicles. Since Cheyenne Avenue is a arterial street, it is important that traffic can flow without the impediment of vehicles attempting to access the parking lot. Therefore, staff cannot support this request.

Waiver of Development Standards #8

Staff cannot support the reduction in departure distance for the commercial driveway. Combined with Waiver #7, vehicles will not have enough distance to stop if other vehicles trying to access the parking lot are queuing in the right-of-way, causing potential for collisions.

Waiver of Development Standards #9

Historical events have demonstrated how important off-site improvements are for drainage control. Additionally, full width paving allows for better traffic flow and sidewalks on public streets provide safer pathways for pedestrians and for children to walk to school. Therefore, staff cannot support the waiver of development standards for full off-site improvements.

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:

- 1 year to commence and review as a public hearing;
- No gathering of individuals in an area that would result in an average density of greater than 25 persons per acre per hour during a 24-hour period, not to exceed 50 persons per acre at any time;

- Work with the Las Vegas Metropolitan Police Department for the installation and use of security cameras and surveillance operation;
- Paint accessory structures (storage containers) to match the color of the tires sales and installation facility (Building 1);
- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection.
- Applicant is advised that the installation and use of cooling systems that consumptively use water will be prohibited; outside storage and display is prohibited as a principal use within the M-D zoning district; 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.

Public Works - Development Review

- Remove all improvements that are within the right-of-way;
- Perform a survey to ensure that all private improvements are out of the right-of-way and on private property.

Clark County Water Reclamation District (CCWRD)

- Applicant is advised that the property is already connected to the CCWRD sewer system; and that 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: LLANTERA JUAREZ

CONTACT: JPL ENGINEERING, INC., 6725 S. EASTERN AVE, STE 5, LAS VEGAS, NV 89119