

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**UC-25-0777-MADRIGAL DAMIAN & GRACIELA JOINT LIVING TRUST & MADRIGAL DAMIAN & GRACIELA TRS:**

**HOLDOVER USE PERMITS** for the following: 1) vehicle maintenance and repair; and 2) outdoor storage and display.

**WAIVERS OF DEVELOPMENT STANDARDS** for the following: 1) reduce drive aisle width; and 2) modify residential adjacency standards.

**DESIGN REVIEW** for a proposed vehicle sales and vehicle maintenance and repair facility with outdoor storage and display on 0.77 acres in a CG (Commercial General) Zone.

Generally located east of Boulder Highway and north of English Avenue within Whitney.  
JG/rg/cv (For possible action)

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RELATED INFORMATION:

**APN:**

161-28-510-022

**WAIVERS OF DEVELOPMENT STANDARDS:**

1. Reduce the drive aisle width to 12 feet where 24 feet is required per Section 30.04.04H (a 50% reduction).
2. Allow outdoor storage adjacent to a residential use where not permitted per Section 30.04.06E.

**LAND USE PLAN:**

WHITNEY - CORRIDOR MIXED-USE

**BACKGROUND:**

**Project Description**

General Summary

- Site Address: N/A
- Site Acreage: 0.77
- Project Type: Vehicle sales and vehicle maintenance and repair facility
- Number of Stories: 1
- Building Height (feet): Up to 16
- Square Feet: 1,925
- Parking Required/Provided: 6/8
- Sustainability Required/Provided: 7/7

### Site Plan

The plan depicts a proposed vehicle sales and vehicle maintenance and repair facility on a 0.77 acre parcel that is currently undeveloped. The project includes a single 1,925 square foot building centrally located on the site, with a 90 foot front setback from Boulder Highway, exceeding the minimum required setback of 10 feet. The side interior setback is shown at zero feet, consistent with Title 30 standards. Access is provided from Boulder Highway to the southwest property line.

A total of 7 customer parking spaces is proposed, excluding the ADA accessible stall. Based on the building's square footage, a minimum of 6 parking spaces are required. The proposed parking exceeds the minimum but remains within the 15 percent maximum allowed under Title 30. An additional 25 spaces are designated for vehicle display, which are not counted towards the standard parking total. Bicycle parking and electric bicycle charging are located near the main entrance on a concrete pad.

Outdoor storage is planned at the rear of the site, enclosed by an 8 foot high block wall along the north, east, and south property lines, and a chain-link fence with solid mesh is proposed between the vehicle display area and the outdoor storage area. Since the site is adjacent to residential zoning, the proposed outdoor storage is subject of the requested waiver of development standards pursuant to Section 30.04.06E, which prohibits outdoor storage as a primary or accessory use where Residential Adjacency standards apply.

The applicant is requesting a use permit to allow both outdoor storage and display and vehicle maintenance or repair uses in conjunction with the proposed vehicle sales facility. Pursuant to Title 30, outdoor storage in the CG zoning district is limited to outdoor display only, must be accessory to an indoor primary use, and cannot obstruct pedestrian walkways. Additionally, Title 30 requires that in nonresidential zoning districts, vehicle maintenance or repair facilities and all associated activities, including the parking of vehicles and equipment to be serviced, must not be located within 200 feet of any area subject to Section 30.04.06 per Residential Adjacency Standards, unless separated by an arterial or collector street or buffered by a building. The subject site is adjacent to residential zoning and does not meet this separation requirement. As such, the proposed outdoor storage and vehicle maintenance or repair uses do not meet the conditional use requirements, and the applicant is seeking a use permit to allow both uses on the site.

The site plan shows a one-way, 12 foot wide drive aisle along the north side of the proposed building, providing access to 90 degree parking stalls. While Title 30 allows a reduction in drive aisle width for one-way circulation where there are no adjacent parking spaces or where parking is angled at more than 45 degrees, this configuration does not meet code. As such, the reduced aisle width is subject to the requested waiver of development standards.

### Landscaping

The plan illustrates a landscape layout that complies with Title 30 requirements for street frontage, buffer zones, and parking lot landscaping. A 10 foot wide street landscape area is provided along Boulder Highway (NDOT state highway) with an existing sidewalk to remain. A

15 foot wide landscape buffer is provided along the east property line adjacent to residential zoning with a double rows of trees along with an 8 foot high decorative wall.

### Elevations

The plan depicts a single-story building with a flat roof and a maximum height of 16 feet. Exterior finishes include smooth stucco in a warm white color, with gray-blue accents around windows and doors. Architectural features include ornamental molding, circular accent elements, metal wall panels, and a solid garage door serving the repair bay. The elevation also shows low-E casement windows. The design displays enough variation in materials and detailing to meet Title 30 standards for building height, finish, and street-facing articulation.

### Floor Plans

The plan depicts a 1,925 square foot building designed to support both administrative and vehicle maintenance functions. The office portion covers 1,095 square feet and includes reception area, private offices, manager's office, break room, and restroom. The remaining 830 square feet is allocated to a repair bay used for minor servicing of vehicles prior to sale.

### Applicant's Justification

The applicant is requesting 2 waivers of development standards and 2 use permits in support of a proposed vehicle sales facility. A use permit is requested to allow outdoor storage in the CG district, where such use is otherwise restricted, with the proposed storage area located along the eastern portion of the site and intended for excess vehicle inventory. A corresponding waiver is requested to allow this outdoor storage adjacent to a residential district. The other use permit is requested to allow vehicle maintenance or repair within 200 feet of a residential area, which does not meet the required separation. Lastly, a waiver is requested to allow a reduced drive aisle width of 12 feet to accommodate site constraints while maintaining internal circulation. These requests are intended to support the operational needs of the business while minimizing disruption to neighboring properties.

### **Surrounding Land Use**

	<b>Planned Land Use Category</b>	<b>Zoning District (Overlay)</b>	<b>Existing Land Use</b>
North	Corridor Mixed-Use	CG	Retail & single-family residential development
South	Corridor Mixed-Use	CG	Retail
East	Corridor Mixed-Use	RS2	Single-family residential development
West	Corridor Mixed-Use	CG	Vacant commercial & multi-family residential development

### **Related Applications**

<b>Application Number</b>	<b>Request</b>
ZC-25-0776	A zone change from H-2 to CG is a companion item on this agenda.

## **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**

##### Use Permits

A special use permit is considered on a case by case basis in consideration of the standards for approval. Additionally, the use shall not result in a substantial or undue adverse effect on adjacent properties, character of the neighborhood, traffic conditions, parking, public improvements, public sites or right-of-way, or other matters affecting the public health, safety, and general welfare; and will be adequately served by public improvements, facilities, and services, and will not impose an undue burden.

Staff finds that the request for a special use permit to allow outdoor storage and display in the CG zoning district does not meet the required findings for approval. Per Section 30.03.07D, outdoor storage is only permitted in CG district when it is in conjunction with an outdoor motor vehicle racetrack having 50,000 or more seats, and only for items used in connection with the activation of events held. The applicant's proposed outdoor storage is not associated with a racetrack. Additionally, the CG district permits outdoor display only when accessory to an indoor primary use. The indoor primary use is vehicle sales and the vehicle maintenance or repair is only an accessory use.

Additionally, the vehicle maintenance or repair use does not meet the required 200 foot separation from residential zoning and is not buffered by a building or separated by an arterial or collector street, as required. While the applicant has proposed screening and enclosure measures, staff finds that the intensity of the combined uses, in close proximity to residential properties, raises concerns related to compatibility, potential noise, and visual impacts. As proposed, the project may result in adverse effects on adjacent properties and the surrounding neighborhood. In addition, since staff does not support the waivers of development standards and the design review; therefore, staff recommends denial of both use permits.

##### 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.

##### Waiver of Development Standards #1

Staff does not support the requested waiver to allow a 12 foot wide one way drive aisle serving 90 degree parking stalls. Title 30 requires wider drive aisles for this configuration to ensure safe and functional on-site circulation. While reduced aisle widths may be permitted under certain conditions, such as angled parking or where no adjacent stalls are present, that is not the case

here. The applicant has not provided adequate justification to demonstrate that the reduced width would not negatively impact circulation, safety, or access. The proposed layout does not meet the intent of the development standards and introduces operational limitations that could affect vehicle maneuvering. Additionally, the hardship appears to be self-imposed, resulting from the applicant's design choices rather than physical constraints of the site. Staff recommends denial of this request.

#### Waiver of Development Standards #2

Staff does not support the requested waiver to allow outdoor storage adjacent to residential zoning. The applicant did not demonstrate that the request would be compatible with surrounding land uses or adequately screened to mitigate potential impacts. The proximity of outdoor storage to residential zoning raises concerns about visual and operational compatibility. The hardship is self-imposed, as the proposed use and site layout create the condition requiring relief from the standard. Staff recommends denial of 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.

Staff finds the proposed design review cannot be supported. The request relies on approval of waivers for reduced drive aisle width and outdoor storage adjacent to residential zoning. Since staff does not support the waivers, the overall site design cannot be found compatible with adjacent development or consistent with the character of the area. While the building elevations may be acceptable, the site layout raises concerns about land use compatibility and internal circulation. Staff cannot support this 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:

- Certificate of Occupancy and/or business license shall not be issued without approval of a Certificate of Compliance.
- 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;
- Applicant is advised that Nevada Department of Transportation (NDOT) permits may be required.

**Fire Prevention Bureau**

- Applicant is advised to submit plans for review and approval prior to installing any gates, speed humps (speed bumps not allowed), and any other fire apparatus access roadway obstructions.

**TAB/CAC:** Whitney - denial.

**APPROVALS:** 1 card

**PROTESTS:** 1 card

**COUNTY COMMISSION ACTION:** December 17, 2025 – HELD – To 01/21/26 – per the applicant.

**APPLICANT:** EDGAR MONTALVO

**CONTACT:** EDGAR MONTALVO, 2209 TOSCA STREET #8-101, LAS VEGAS, NV 89128