

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**WS-25-0192-3591 BOULDER HIGHWAY, LLC:**

**APPEAL WAIVERS OF DEVELOPMENT STANDARDS** for the following: **1)** eliminate street landscaping; **2)** increase fence height; **3)** allow non-decorative fencing; and **4)** reduce access gate setback.

**DESIGN REVIEW** for a vehicle sales facility on 0.6 acres in a CG (Commercial General) Zone.

Generally located on the northeast side of Boulder Highway, 950 feet southeast of Glen Avenue within Sunrise Manor. TS/rp/cv (For possible action)

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RELATED INFORMATION:

**APN:**

161-07-102-009; 161-07-102-010

**WAIVERS OF DEVELOPMENT STANDARDS:**

1. Eliminate street landscaping along Boulder Highway where a 6 foot wide landscape strip is required per Section 30.04.01D.
2. Increase the fence height along the front property line (adjacent to Boulder Highway) to 6 feet where 3 feet is required per Section 30.04.03 (a 100% increase).
3. Allow a non-decorative fence along a street (Boulder Highway) where a decorative fence is required per Section 30.04.03B.
4. Reduce the access gate setback to zero feet where 18 feet is the minimum required per Section 30.04.03E (a 100% reduction).

**LAND USE PLAN:**

SUNRISE MANOR - CORRIDOR MIXED-USE

**BACKGROUND:**

**Project Description**

General Summary

- Site Address: 3591 Boulder Highway
- Site Acreage: 0.6
- Project Type: Vehicle sales
- Number of Stories: 1
- Building Height (feet):12 (all office and showrooms)
- Square Feet: 1,196 (existing showroom - north parcel)/752 (existing office with showroom – north parcel)/1,645 (existing office and showroom – south parcel)/2,077 (total for offices)/1,516 ( total for showrooms)
- Parking Required/Provided: 4/4

- Sustainability Required/Provided: 7/0

### History & Site Plan

The site plan depicts 2 parcels located on the northeast side of Boulder Highway. The site was originally approved as a vehicle sales facility via UC-0354-92 and VC-0715-92. The site was developed per the approved plans; however, the property owner did not return for a 5 year review. Thus, the applications expired.

The northern parcel is 161-07-102-009. This parcel includes several existing buildings and areas related to the vehicle sales facility. The site plan shows that the northern portion of this parcel has an existing vehicle display area and an existing area of trash and recycling cans. Along the northwest property line, there is an existing showroom building. There is an additional office with a patio area with an additional attached showroom. South of these buildings there is an existing vehicle display area. To the west of the office and showroom buildings there are 4 existing parking spaces.

Cross access is provided between the northern and southern parcel (161-07-102-010). Within the southern parcel, the site plan depicts an existing office and showroom building along the east property line. The plan also shows an area for trashcans south of the building and there are 4 parking spaces west of the building. Lastly, there is an existing vehicle display area on the southern portion of this parcel.

Access to the site is provided via existing driveways along Boulder Highway. There is an existing 6 foot high wrought-iron fence located along the majority of the west property line (north parcel) adjacent to Boulder Highway. However, a portion of the existing fencing along the west property line (south parcel) includes a chain link fence, which is not permitted per Code. The site plan shows existing screening along the north and east property lines. The applicant is not proposing a new trash enclosure since the site was previously approved to not provide one via VC-0715-92. Although this application expired, the applicant is proposing to maintain what was previously approved.

The applicant is requesting to increase the height of the existing fence to 6 feet along the front property line (adjacent to Boulder Highway) where 3 feet is the maximum allowed per Code. Furthermore, the applicant is requesting to allow the existing chain-link fence to remain along the southern portion of the west property line. Lastly, the applicant is also requesting to reduce the access gate setback to zero feet where a minimum of 18 feet is required per Section 30.04.03E.

### Landscaping

No landscaping is proposed on the site. The applicant is requesting to eliminate street landscaping along Boulder Highway where a 6 foot wide landscape strip is required per Section 30.04.01D.

### Elevations

Photos depict that all existing buildings have a maximum height of 12 feet. All exterior faces of the main building feature a mixture of metal panels and sheeting, CMU block, with a metal

paneled roof. Per the submitted photos, the showroom on northern parcel includes 2 roll-up doors. There is an existing 6 foot high wrought iron fence along a portion of the west property line, attached to this fence, there is an existing 6 foot high chain-link fence which extends along the southwest portion of the site. Lastly, there is existing screening along the north and east property lines consisting of CMU block and wrought iron.

#### Floor Plans

The sales office located on parcel 161-07-102-010 has an overall area of 1,645 square feet. The office located on parcel 161-07-102-009 has an overall area of 432 square feet, the showroom on east of the office building located on parcel 161-07-102-009 has an overall area of 320 square feet, and the showroom on north of the office building located on parcel 161-07-102-009 has an overall area of 1,196 square feet.

#### Applicant's Justification

The applicant states that this site has operated as vehicle sales since 1992, UC-0354-92 and VC-0715-92 (the prior land use approval for these uses) have expired. The applicant also states the business has been issued for vehicle sales from 1992 through August 2024; therefore, the property owner assumed that the prior land use was not expired. The applicant states that the site will remain as it always has been.

The applicant also states that the trash enclosure is not necessary because the property owners provide residential style trash and recyclable containers hidden from view behind the CMU block showroom on north of the office building located on parcel 161-07-102-009.

The applicant states that no building on the site is unpermitted and there are no issues with code enforcement. Additionally, the applicant states that changes in the new Title 30 should not create hardship for the property owner.

#### **Prior Land Use Requests**

<b>Application Number</b>	<b>Request</b>	<b>Action</b>	<b>Date</b>
ZC-24-0607	Reclassified from H-2 to CG zoning	Approval by BCC	December 2024
UC-0354-92	Automobile sales in conjunction with an existing radiator service and repair shop - expired	Approval by PC	November 1992
VC-0715-92	Allow a mobile trailer as a sales office, eliminate side setback, waive street landscaping and waive wall enclosure around a trash bin - expired	Approval by PC	November 1992

#### **Surrounding Land Use**

	<b>Planned Land Use Category</b>	<b>Zoning District (Overlay)</b>	<b>Existing Land Use</b>
North	Corridor Mixed-Use & Business Employment	H-2	Motel & vehicle related uses
South	Business Employment	H-2	Vehicle related uses

### **Surrounding Land Use**

	<b>Planned Land Use Category</b>	<b>Zoning District (Overlay)</b>	<b>Existing Land Use</b>
East	Business Employment	H-2	Commercial building with vehicle repair facility
West	Corridor Mixed-Use	CG	Trailer sales facility

### **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.

##### Waiver of Development Standards #1

The applicant is requesting to waive all street landscaping along Boulder Highway. Staff finds that the presence street landscaping may reduce the impacts of wind, dust, pollution, glare, and heat island effect on human health and comfort. Staff finds that although VC-0715-92 waived street landscaping; the application expired; therefore, street landscaping is required per current Code. Staff does not support this request.

##### Waivers of Development Standards #2 & #3

The existing 6 foot high wrought iron fence along Boulder Highway has been on site for many years. Staff finds that the height of the existing fence does not negatively impact the site. Although, the existing chain-link fence is non-decorative and is adjacent to Boulder Highway, the chain-link fence is adjacent for only a portion of the site. Staff does not object to these requests; however, since staff does not support the other waivers of development standards, or the design review, staff cannot support these requests.

##### Waiver of Development Standards #4

Staff finds that there is enough area on the subject parcels to accommodate the required 18 foot access gate setback from the property line. Staff finds that the lack of a gate setback for the site could potentially present a danger to vehicles entering and exiting the site. Access gate setbacks are important and improve overall safety in the area. For these reasons, 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.

Staff finds that the site was approved to operate a vehicle sales facility via UC-0354-92 and VC-0715-92 subject to a 5 year review. The review was never completed; therefore, the application expired. Although the site has been in operation since 1992, the site does not meet current Title 30 standards. Since staff does not support the waivers of development standards, staff cannot not support the design review.

### **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.

**PLANNING COMMISSION ACTION:** June 3, 2025 – APPROVED - Aye: Kilarski, Fraiser, Gibson, Mujica, Roitman, Stone Nay: Kirk

### **Comprehensive Planning**

- 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 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; 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**

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

### **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.

**WAIVER OF DEVELOPMENT STANDARDS #1 WAS DENIED.**

**TAB/CAC:** Sunrise Manor - denial.

**APPROVALS:** 1 card

**PROTESTS:** 1 card

**PLANNING COMMISSION ACTION:** May 5, 2025 – HELD – To 06/03/25 – per the applicant.

**APPEAL:** This item has been appealed by the applicant who does not agree with the Planning Commission action.

**APPLICANT:** 3591 BOULDER HIGHWAY, LLC

**CONTACT:** LISA DE SANTIAGO, NEWPORT MOTORS/AZTEC MOTORS, 2711 E. SAHARA AVENUE, LAS VEGAS, NV 89104