

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

UC-26-0015-PETTUS FAMILY REVOCABLE TRUST & PETTUS GORDON & GAIL CO-TRS:

USE PERMITS for the following: **1)** vehicle paint/body shop; **2)** vehicle maintenance and repair; and **3)** outdoor storage.

WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** modify residential adjacency standards; **2)** eliminate parking lot landscaping; **3)** eliminate street landscaping; **4)** increase fence height; **5)** allow a non-decorative fence; **6)** modify buffering and screening; **7)** modify security fencing standards; **8)** allow existing attached sidewalks to remain; and **9)** modified driveway geometrics.

DESIGN REVIEW for proposed outdoor storage in conjunction with a vehicle paint/body shop on 3.97 acres in a CG (Commercial General) Zone and an IL (Industrial Light) Zone.

Generally located east of Fremont Street and north of St. Louis Avenue within Sunrise Manor. TS/bb/kh (For possible action)

RELATED INFORMATION:

APN:

162-01-703-012; 162-01-704-001

WAIVERS OF DEVELOPMENT STANDARDS:

1.
 - a. Allow outdoor storage where not permissible as a primary or accessory use per Section 30.04.06.
 - b. Reduce the trash enclosure setback to 3 feet where 50 feet is required per Section 30.04.06 (a 94% reduction).
2. Eliminate parking lot landscape islands where a landscape island shall be provided every 6 parking spaces and at the end of each row of per Section 30.04.01D.
3.
 - a. Eliminate street landscaping along Mojave Road where required per Section 30.04.01D.
 - b. Eliminate street landscaping along Fremont Street where required by 30.04.01D.
4. Allow an existing 9 foot high non-decorative fence (unenergized electric fence) within the front setback along Mojave Road where a 3 foot decorative fence is allowed per Section 30.04.03B (a 200% increase).
5.
 - a. Allow an existing non-decorative (wood fence) along St. Louis Avenue (northeast corner) where a decorative fence is required along a street per Section 30.04.03B.
 - b. Allow an existing non-decorative fence (unenergized electric fence) along St. Louis Avenue where a decorative fence is required along a street per Section 30.04.03B.

6.
 - a. Allow an existing 10 foot high security fence where an 8 foot high decorative screen wall is required for screening along the northeast property line per Section 30.04.02C (a 25% increase).
 - b. Allow a single row of evergreen trees along the northeast property line where landscape buffers require a double row of evergreen trees each row planted offset from one another is required per Section 30.04.02C.
 - c. Reduce the landscape buffer along the northeast property line to 5 feet where a 15 foot wide landscape buffer is required per Section 30.04.02C (an 67% reduction).
7.
 - a. Allow existing security fencing to be 13.5 feet high (12 foot CMU block wall with 1.5 foot high barb wire on top), where a maximum of 10 feet in height is allowed per Section 30.04.03D (a 35% increase).
 - b. Allow existing security fencing wire to be 6 feet above ground where security wire shall be 8 feet above ground (a 25% reduction).
8.
 - a. Allow an existing attached sidewalk along Mojave Road to remain where a detached sidewalk is required per Section 30.04.08.
 - b. Allow an existing attached sidewalk along St. Louis Avenue to remain where a detached sidewalk is required per Section 30.04.08.
9.
 - a. Reduce the driveway throat depth along Mojave Road to 9 feet where a minimum of 75 feet is required per Uniform Standard Drawing 222.1 and Section 30.04.08 (an 88% reduction).
 - b. Reduce the driveway departure distance along Mojave Road from Fremont Street to 142 feet where a minimum of 190 feet is required per Uniform Standard Drawing 222.1 and Section 30.04.08 (a 25 % reduction).

LAND USE PLAN:

SUNRISE MANOR - CORRIDOR MIXED-USE

SUNRISE MANOR - BUSINESS EMPLOYMENT

BACKGROUND:

Project Description

General Summary

- Site Address: 3131 Fremont Street & 3250 E. St. Louis Avenue
- Site Acreage: 3.97
- Project Type: Vehicle paint/body, vehicle maintenance and repair, outdoor storage
- Square Feet: 30,784 (existing building)
- Parking Required/Provided: 62/64

History and Site Plan

ZC-1112-94 approved a zone change from H-2 to M-1 and C-2 with variances for street landscaping, fence setback, canopy setback, and waiver of a sidewalk on Mojave Road with 5 years to review. DR-0193-95 was approved subject to conditions of ZC-1112-94 for a 5,160 square foot addition to the existing building. ZC-1112-94 was never reviewed after 5 years so the variances expired. The existing building was constructed in 1964.

The proposed site plan depicts parcel 162-01-704-001 and features an existing building at the center of the property that is proposed to be used as a vehicle paint/body shop, vehicle

maintenance and repair (diagnostics), and outdoor storage of vehicles. A manufactured home park is located to the north and a multi-family complex is located northeast of the subject parcels.

Parcel 162-01-703-012 is a 0.67 acre triangular shaped lot northeast of the larger subject parcel and is depicted as outdoor storage for vehicles related to the vehicle paint/body shop. Access to this outdoor storage area is from the larger lot to the west (Parcel 162-01-704-001) adjacent to existing driveways located along Fremont Street and Mojave Road. A variety of screening exists around the majority of the perimeter of the site and consist of the following:

Screening along Fremont Street includes:

- None per proposed plans.

Screening along Mojave Road includes:

- Existing security fencing which features a 6 foot high chain link fence with 1.5 feet of barb wire on top and privacy slats to be replaced.
- 9 foot high unenergized electric fence set back 2 feet from the property line.

Screening along the north and northeast property lines adjacent to an existing manufactured home parking with H-2 zoning:

- Existing security fencing which features 8 foot high CMU screen wall with 2 feet of barb wire on top.
- Existing security fencing which features 6.5 foot high CMU screen wall with 2 feet of barb wire on top.
- Existing 6.5 foot high wooden fence.
- 9 foot high unenergized electric fence set back 2 feet from the existing security fencing.

Screening along the south property lines of both subject parcels adjacent to St. Louis Avenue:

- Existing security fencing which features 12 foot high CMU screen wall with 1.5 feet of barb wire on top and privacy slats to be replaced.
- Existing security fencing which features 6.5 foot high CMU screen wall with 2 feet of barb wire on top.
- 9 foot high unenergized electric fence set back 2 feet from the property line.

The access drive on Mojave Road will continue to have an existing gate that is set back at least 18 feet. Two existing driveways are located along Fremont Street with access to visitor and employee parking on the north and south sides of the existing building.

There are existing power lines along the east property line with existing easements running north and south. Loading spaces are located on the south and east sides of the building. 18 parking spaces are located north of the building and 46 spaces are on the south side of the building on both sides of the existing interior gate. Pedestrian access is provided from the building to all parking areas. An existing communication tower is located at the northeast corner of the property. Existing attached sidewalks are located along Mojave Road, St. Louis Avenue, and

Fremont Street and the applicant is requesting a waiver of development standards to allow the attached sidewalks to remain where detached sidewalks are now required.

A use permit is required for a vehicle paint/body shop because the parcel 162-01-704-001 is partially zoned CG and this use is within 200 feet of an area subject to residential adjacency standards to the north. A second use permit is also required because vehicle maintenance or repair use is also within 200 feet of an area subject to residential adjacency standards to the north. A third use permit is required because outdoor storage areas adjacent to Mojave Road, St. Louis Avenue, and any non-industrial uses are not screened with an 8 foot high screened fence or wall.

Waivers of development standards related to residential adjacency are required for the proposed outdoor storage areas and the reduction of the trash enclosure setback from a residential use. The trash enclosure is set back 3 feet from a residential use to the north where 50 feet is required per Code. Waivers for existing screening and security fencing is also required due to the existing heights and overall design of the screening and security fencing. Lastly, waivers for driveway geometrics along Mojave Road are also required.

Landscaping

No new landscaping is proposed along Mojave Road or Fremont Street. A 3 foot to 5 foot wide landscape area along St. Louis Avenue was previously approved with trees and shrubs, but landscaping has since been removed, and the applicant is proposing new trees in this area. This area is south of the outdoor storage area (the south property line of APN 162-01-703-012) the applicant will plant 7 large thornless mesquite trees every 30 feet on center.

In addition, along the north and northeast property lines, the applicant is proposing 27 evergreen trees to be planted every 20 feet on center within a 5 foot wide landscape area adjacent to the power line easement and utility facilities. This proposed landscaping provides some level of buffering and screening adjacent to a residential use to the east.

The applicant is not proposing any street trees along Mojave Road where 11 large street trees are required. Seven large street trees are required along Fremont Street with zero trees proposed. One tree per 6 parking spaces is required by Code for a total of 11 parking lot trees. The applicant is also not providing parking lot landscaping; therefore, a tree fee in lieu will be required.

Elevations

The elevations depict the same existing building and addition that was approved in 1995. The vehicle bays are located on the east side of the building and not visible from public view. No changes are proposed or required.

Floor Plans

The overall area of the existing building is 30,784. The floor plans depict the existing building includes paint, body shop, service areas, showroom and entrance, offices, lounge, parts, detail area, and restrooms.

Applicant's Justification

The applicant is requesting to use the property for vehicle paint/body services with accessory retail and accessory detailing areas. The 1994 and 1995 approvals were dependent on a 5 year review that never took place. The applicant is proposing to maintain the site in its current condition without additional street landscaping or landscaping within the parking lot and outdoor storage areas. Noise, odors, and dust will be limited to the inside of the building with filters. The collision center will be used in the existing condition with additional storage of vehicles in the triangle shaped parcel east of the building.

Prior Land Use Requests

Application Number	Request	Action	Date
VS-0643-09	Vacation of an alley between Mojave Road and Palm Street - recorded	Approved by PC	December 2009
WC-0043-08 (VS-1181-06)	Removal of conditions of approval required for vacating an alley due to lack of cooperation from the adjacent owners	Approved by BCC	May 2008
VS-1181-06	Vacation of an alley between Mojave Road and Palm Street with conditions to work with adjacent property owners	Approved by BCC	January 2007
DR-0193-95	Design review for an addition to the auto service building subject to conditions of ZC-1112-94 - expired	Approved by PC	March 1995
ZC-1112-94	Zone change to reclassify from H-2 to M-1 and C-2 with variances for street landscaping, fence setbacks, canopy setbacks, and to waive sidewalks with 5 year review for variances - variances expired	Approved by BCC	August 1994

Surrounding Land Use

	Planned Land Use Category	Zoning District (Overlay)	Existing Land Use
North	Urban Neighborhood (greater than 18 du/ac)	H-2, CG, & RM32	Manufactured home park & multi-family residential
South	Corridor Mixed-Use (less than 18 du/ac)	CG & H-2	Vehicle sales & gas station
East	Urban Neighborhood (greater than 18 du/ac), Business Employment, & Corridor Mixed-Use (less than 18 du/ac)	CG, IL, & RM32	Vehicle sales, office warehouse, & multi-family residential
West	Entertainment Mixed-Use (18 or more du/ac)	CG & H-2	Vehicle sales & vehicle maintenance

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.

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.

Use Permits #1, #2, & #3

The vehicle paint/body shop and vehicle maintenance or repair services is compatible with the surrounding area, which contains many vehicle-related uses. The operation of the vehicle paint/body shop on this site, where one has operated since before 1995, would not impose an undue burden the adjacent uses if it were appropriately buffered and screened. Furthermore, the proposed outdoor storage areas are not adequately screened from the right-of-way or from residential uses to the north and northeast. However, since the waivers of development standards cannot be supported, staff also cannot support these requests.

Waivers of Development Standards #1a & #1b

Adequate buffering and screening are needed to improve the neighborhood and decrease impacts on adjacent residential uses. The trash enclosure located near the western point of the triangle lot has been in place since at least 1998. The trash enclosure is screened from the northern property by an existing 6.5 foot high security fence and adjacent to a developed portion of the manufactured home property. It is not compatible with the intent of Master Plan Policy SM-2.4, which seeks to limit the impacts of higher intensity uses on surrounding neighborhood uses, including residential uses and property. As previously stated, the outdoor storage areas are not adequately screened from the right-of-way since an 8 foot screened fence or wall is required. Furthermore the applicant has ample room to relocate thrash enclosure to meet the 50 feet setback requirement. Staff does not support these requests.

Waivers of Development Standards #2 & #3

Parking lot trees and street landscaping are needed to offset the impact of heat island effects from large areas of pavement used for parking. These requests do not support the Master Plan Policy 3.6.1. This policy encourages the mitigation of the urban heat island effect in existing and new development through site and building features that provide shade, reduce the footprint of

hardscaped areas, and otherwise help to reduce heat absorption by exterior surfaces. Therefore, staff cannot support these waivers.

Waiver of Development Standards #4

The existing fence does not comply with Title 30 standards per Chapter 30.04.03. The applicant can relocate the existing fence to be outside of the front setback. Since this is a self-imposed hardship, staff also does not support this request.

Waiver of Development Standards #5

Title 30 requires fences to be decorative when installed along streets within the urban area. Staff finds that the variety of fencing and security fencing installed throughout the property is unsightly and can be redesigned to meet Code in order to upgrade the streetscapes since no street landscaping is proposed. Staff does not support this request.

Waiver of Development Standards #6

Buffering and screening is required on the northeast corner of the site where the applicant's project is adjacent to an existing multi-family residential development and a CG zoned portion of the existing manufactured home park to the north. Per Title 30, buffering and screening shall be provided to enhance the visual appearance of the community, reduce impacts of uses and activities on neighboring properties, reduce heat island effect, and mitigate stormwater runoff. Staff also does not support this request.

Waiver of Development Standards #7

Title 30 states that security fencing is permissible in conjunction with any use in an industrial district. The minimum height above ground for security wire is 8 feet, however, per Section 30.04.03D the security fencing shall be no greater than 10 feet in height. Staff finds that the existing security fencing poses no negative impact to the site or the surrounding area, however since staff does not support the accompanying waivers of development standards, staff also 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 majority of the on-site improvements are minimal and the site will primarily remain unchanged. Any outdoor storage should be screened adequately in order to minimize any visual impacts to the manufactured home park to the north and from the right-of-way. The lack of parking lot landscaping and street landscaping negatively impacts the urban heat island effect and does not aesthetically upgrade the streetscapes. Since staff does not support the use permits and the waivers of development standards, staff also cannot support this request.

Public Works - Development Review

Waiver of Development Standards #8

Staff cannot support the request to allow the existing attached sidewalks to remain on St. Louis Avenue and Mojave Road. Detached sidewalks offer improved pedestrian safety by increasing the distance between pedestrians and vehicular traffic. Staff finds that it is imperative to provide detached sidewalks.

Waiver of Development Standards #9

Staff finds the reduced throat depth and departure distance for the Mojave Road commercial driveway will result in on street stacking of vehicles. It is important that traffic can flow without the impediment of vehicles attempting to access the parking lot. Therefore, 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, and payment of the tree fee-in-lieu is required for any required trees waived;
- Shrubs to be added within the landscape area along St. Louis Avenue.
- 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

- 30 days to coordinate with Public Works - Design Division and submit separate document if required, for dedication of any necessary right-of-way and easements for the Mojave Road improvement project;
- Said dedication must occur prior to issuance of building permits, concurrent with the recording of a subdivision map, OR within 30 calendar days from a request for dedication by the County.
- Applicant is advised that off-site improvement permits may be required; and that Nevada Department of Transportation (NDOT) permits may be required.

Fire Prevention Bureau

- Applicant is advised that fire/emergency access must comply with the Fire Code as amended; 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; that permits and operational permits may be required for this facility and to contact Fire Prevention for further information at (702) 455-7316.

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: CALIBER COLLISION CENTER

CONTACT: CALIBER COLLISION CENTER, ATTN LICENSE AND PERMITS, 2941 LAKE VISTA DRIVE, LEWISVILLE, TX 75067