USE PERMIT for vehicle repair.

**WAIVERS OF DEVELOPMENT STANDARDS** for the following: 1) reduce the separation from vehicle repair to a residential use; 2) allow vehicle repair not within a permanent enclosed building; 3) waive street landscaping; 4) allow a non-decorative fence within the required zoning district setbacks along a street; 5) allow temporary signs on a permanent basis; and 6) reduce the setback from temporary signs to the right-of-way.

**DESIGN REVIEWS** for the following: 1) outside vehicle repair equipment; and 2) temporary signs in conjunction with an existing automobile sales/storage/parking lot and financial services specified (high interest loans and vehicle title loans) facility on 1.0 acre in a C-2 (General Commercial) Zone.

Generally located on the southwest corner of Kell Lane and Nellis Boulevard within Sunrise Manor. LW/jt/ml (For possible action)

**RELATED INFORMATION:**

**APN:**
140-20-802-005 & 010

**WAIVERS OF DEVELOPMENT STANDARDS:**
1. Reduce the separation from vehicle repair to a residential use to 5 feet where 200 feet is the standard (a 98% reduction).
2. Allow vehicle repair outside where vehicle repair within a permanent enclosed building is the standard.
3. a. Waive street landscaping along Nellis Boulevard where landscaping per Figure 30.64-17 is required for Parcel 140-20-802-005.
   b. Waive street landscaping along Kell Lane where landscaping per Figure 30.64-13 is required for Parcel 140-20-802-005.
4. Allow a non-decorative fence (bollards with 2 rows of chain) within the required zoning district setbacks along a street where any fence or wall within the zoning district setbacks along a street shall be decorative.
5. Allow temporary signs on a permanent basis when only permitted for a maximum of one, 10 day event in a calendar month, with no more than 6 total events over 1 calendar year.
6. Reduce the setback for temporary signs from the right-of-way to zero feet where a minimum of 10 feet is required (a 100% reduction).
LAND USE PLAN:
SUNRISE MANOR - COMMERCIAL GENERAL

BACKGROUND:

Project Description

General Summary
- Site Acreage: 1
- Project Type: Vehicle repair and temporary signs
- Number of Stories: 1
- Building Height: 16 feet 6 inches (vehicle repair building)
- Square Feet: 1,670 (vehicle repair building)
- Parking Required/Provided: 22/48

Site Plan

The site plan depicts 2 parcels. The first parcel, which is located at the direct southwest corner of Kell Lane and Nellis Boulevard, is a vehicle sales lot with the existing temporary non-permitted signs. Adjacent to the south and west of the first parcel is the second parcel, which is “L” shaped and contains 2 buildings as well as the existing non-permitted outside vehicle repair. The first building is an existing 1 story, 2,254 square office/retail building on the east side of the site adjacent to Nellis Boulevard, and the second building is an existing 1 story, 1,670 square foot building located in the elbow of the “L” shaped parcel (southwest corner). This second building will contain a portion of the vehicle repair indoors, and the outside vehicle repair will occur directly east of this building on an existing vehicle lift.

Vehicular access is provided from Nellis Boulevard on the east side of the parcels and Kell Lane on the north side of the parcels; however, no cross access is provided between the 2 parcels. A trash enclosure is located between the 2 buildings on the “L” shaped parcel and parking is located throughout the site. Forty-eight parking spaces are provided where 22 spaces are required.

A use permit is required to allow vehicle repair in a C-2 zone, and a waiver of development standards is necessary to reduce the separation from a vehicle repair facility to a residential use. According to the plans, vehicle repair will occur in the building located in the southwest corner of the parcel, which is set back 5 feet from an existing apartment complex to the south and 7 feet from the adjacent single family residence to the west. Outside vehicle repair will occur to the east of the building, which is 6 feet from the apartment complex to the south and 71 feet from the adjacent single family residence to the west.

Landscaping

Additional landscaping and an increased perimeter wall/fence height were approved with a previous application (WS-0002-10) on the “L” shaped parcel, and a specific condition of approval required landscaping within and along the perimeter of the automobile storage parking lot area per plans. Landscaping around the perimeter of the “L” shaped parcel includes 17 Desert Willow trees, including along the west property line adjacent to the residential use. In addition to the trees, a variety of shrubs are located throughout the “L” shaped parcel. The perimeter block wall/fence consists of 3 foot high wrought iron on top of a 6 foot high block wall for an overall height of 9 feet. Although most of the landscaping was installed as required on the previous application, 3 half diamond shaped parking lot planters were not installed. As a result,
a companion application, WS-0002-10 (WC-0042-13), was submitted to allow the existing landscaping, which does not match the approved plans.

While the “L” shaped parcel contains a variety of landscaping, the parcel with the vehicle sales lot on the corner of Kell Lane and Nellis Boulevard is completely paved and contains no landscaping. A previous variance, VC-0989-99, was approved in August 1999 to reduce street landscaping in conjunction with an existing automobile sales facility; however, that application was approved with a 5 year review, and the reduced landscape width that was approved with VC-0989-99 has subsequently been paved. Since an extension of time was not submitted, VC-0989-99 is now expired. As a result, this application also includes a waiver of development standards for street landscaping for this parcel. Lastly, a waiver of development standards is also required to allow an existing approximate 3 foot high non-decorative fence (bollards with 2 rows of chain) at a zero foot setback along Nellis Boulevard and Kell Lane.

Elevations
The office/retail building consists of stone veneer archways, painted stucco, and painted metal panels that give the appearance of windows on the north and east elevations. The west and south elevations (back of the building) consist mostly of painted CMU block. While the majority of the building extends up to 14 feet 11 inches with a parapet wall, 3 towers with standing seam metal roofs extend the overall building height up to 21 feet 9 inches.

Located in the southwest portion of the site, the vehicle repair building consists of a painted stucco exterior and a gable asphalt shingle roof. The center peak of the gable roof extends up to 16 feet 6 inches. An entry door and 2 bay doors are located on the north elevation. On the east side of the building, the existing vehicle lift extends up to 10 feet 6 inches in height. Public visibility of the service bay doors and the bay associated with the exterior vehicle lift is screened along Kell Lane by an existing block wall and landscaping.

Floor Plans
Within the office/retail building, rooms consist of reception areas, offices, storage rooms, and restrooms. An exterior walkway lines the north and east sides of the building. Regarding the vehicle repair building, the floor plan consists primarily of a vehicle repair area; however, a storage area and a mechanics area are located on the east side of the building.

Signage
Six temporary banners are located on existing 15 foot high light poles, and 2 freestanding temporary banner pole signs are located along Nellis Boulevard. Each banner is approximately 10 feet in height and 3 feet in width, and all the temporary signs are located on the vehicle sales lot. Waivers of development standards are necessary to allow the temporary signs on a permanent basis and to reduce the setback for temporary signs from the right-of-way to zero feet.

Site Inspection
A site inspection was performed by staff on April 3, 2013 and revealed existing non-permitted outside vehicle lift, existing non-permitted temporary signage, landscaping not installed on the corner parcel, and landscaping not installed per plans on the “L” shaped parcel as required on a previous application. As a result, this application, which was originally just for vehicle repair, was modified to include requests to allow vehicle repair not within an enclosed building, temporary signs on a permanent basis, reduced landscaping, and a non-decorative fence along
Nellis Boulevard and Kell Lane. In addition, a waiver of conditions companion application was submitted, WS-0002-10 (WC-0042-13), to allow modified landscaping on the “L” shaped parcel.

**Applicant’s Justification**
The owners operate several businesses on this site including used vehicle sales, second hand sales of jewelry and tools, vehicle registration services, and vehicle title loans. Vehicle repair is a service that the owners would like to provide only to customers who purchased vehicles at this location and only if the vehicles are still under warranty. No public utilities or services are necessary to add vehicle repair, and the applicant believes the services will be complementary to the existing licensed businesses as well as the integrity of the surrounding neighborhood. In addition, the applicant believes the use will not impact the neighborhood because an existing wall and landscaping buffer the use from the residence to the west, and the wall and landscaping also block visibility from Kell Lane to the north.

In addition to the vehicle repair inside a building, the applicant is requesting a waiver of development standards to maintain and utilize an existing exterior vehicle lift for vehicle repair not within a permanent enclosed building. According to the applicant, the vehicle lift was installed by a previous tenant, and the applicant would like to continue to use it.

Regarding the vehicle sales lot, the applicant indicates that the banner signs will help advertise the licensed businesses on the property, and the waiver of development standards for street landscaping and the existing non-decorative fence along Nellis Boulevard and Kell Lane will allow the site to remain as it currently exists.

**Prior Land Use Requests**

<table>
<thead>
<tr>
<th>Application Number</th>
<th>Request</th>
<th>Action</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>WS-0002-10</td>
<td>Increase wall/fence height – subject to landscaping within and along the perimeter of the automobile storage parking lot area per plans</td>
<td>Approved by PC</td>
<td>February 2010</td>
</tr>
<tr>
<td>WS-0670-09</td>
<td>Reduce front yard setback, allow alternative parking lot landscaping, and eliminate arterial street landscaping in conjunction with an exterior remodel of the existing check cashing building – subject to landscaping per plans</td>
<td>Approved by PC</td>
<td>December 2009</td>
</tr>
<tr>
<td>WS-1765-04</td>
<td>Waive street landscaping, parking lot landscaping, and landscaping adjacent to a less intense use in conjunction with an outside storage automobile storage lot and tile loan office</td>
<td>Approved by PC</td>
<td>November 2004</td>
</tr>
<tr>
<td>UC-0983-03</td>
<td>Reduce the separation of a check cashing facility from a residential use</td>
<td>Approved by PC</td>
<td>August 2003</td>
</tr>
<tr>
<td>VC-0989-99</td>
<td>Reduce street landscaping width in conjunction with an existing automobile sales lot/smog check facility - expired</td>
<td>Approved by PC</td>
<td>August 1999</td>
</tr>
</tbody>
</table>
### Surrounding Land Use

<table>
<thead>
<tr>
<th>Planned Land Use Category</th>
<th>Zoning District</th>
<th>Existing Land Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>North Residential High (8 du/ac to 18 du/ac)</td>
<td>R-4</td>
<td>Multi-family complex</td>
</tr>
<tr>
<td>South Commercial General</td>
<td>C-2</td>
<td>Multi-family complex</td>
</tr>
<tr>
<td>East Commercial General</td>
<td>C-2</td>
<td>Vehicle repair and sales</td>
</tr>
<tr>
<td>West Residential High (8 du/ac to 18 du/ac)</td>
<td>R-E</td>
<td>Single family residence</td>
</tr>
</tbody>
</table>

### Related Applications

<table>
<thead>
<tr>
<th>Application Number</th>
<th>Request</th>
</tr>
</thead>
<tbody>
<tr>
<td>WS-0002-10 (WC-0042-13)</td>
<td>A waiver of conditions requiring landscaping within and along the perimeter of the automobile storage parking lot area is a companion item on this agenda.</td>
</tr>
</tbody>
</table>

### STANDARDS FOR APPROVAL:
The applicant shall demonstrate that the proposed request meets the goals and purposes of Title 30.

### Analysis

#### Current Planning

**Use Permit**

Overall the site is clean and well maintained. Interior vehicle repair is depicted in the back of the site, screened by walls and landscaping. Since the existing walls and landscaping provide an adequate buffer from the adjacent residential use to the west, and since the repair will be limited to vehicles sold by the dealership that are still under warranty, staff believes the interior vehicle repair is compatible with adjoining uses, consistent with parts of Goal 1 of the Sunrise Manor Land Use Plan. In addition, if the vehicle repair is conducted indoors, it should not have a negative impact on the residents living in the adjacent apartment complex to the south. Therefore, staff can support the use permit for vehicle repair.

Since both parcels are incorporated into 1 overall project, staff recommends a condition to record a perpetual cross access, ingress/egress, and parking agreement between the 2 parcels. This condition is consistent with Policy 10.3 of the land use plan, which encourages commercial developments to enter into cross access agreements with adjoining sites to reduce or limit points of ingress and egress on arterial or collector streets, on-site and off-site traffic congestion, and hazards.

#### Waivers of Development Standards #1

Even though the reduced separation for vehicle repair to a residential use is a 98% reduction from Title 30 standards, staff believes that the negative impacts from the use will be mitigated by several factors. First, the location of vehicle repair within an enclosed building will help reduce noise, debris, and visual unsightliness. Second, the existing wall and landscaping to the west and north and the existing wall to the south will help buffer the adjacent residential developments from the use, and visibility of the use from the Kell Lane is mostly shielded. Lastly, the repairs will not be open to the public, but rather the use is only intended for vehicles that were purchased at the business and are still under warranty. Therefore, staff can support waiver of development standards #1.
Waiver of Development Standards #2 and Design Review #1
Although staff can support interior vehicle repair on the site, staff cannot support vehicle repair not within an enclosed building and the design review for the vehicle lift. Per Title 30 standards, all uses must be conducted within a permanent enclosed building unless otherwise specified. By requiring uses to operate within a permanent enclosed building, Title 30 helps encourage compatibility between adjoining uses by reducing negative impacts such as noise, debris, and unsightly operations that can occur with certain outside uses, particularly vehicle repair. The exterior vehicle lift extends above the height of the perimeter wall, and the lift is only 6 feet from the residential property line to the south and approximately 30 feet from the closest portion of the adjacent apartment building. In addition, the exterior vehicle repair could negatively impact the adjacent single family residence to the west and the abutting multi-family complex across Kell Lane to the north. Since the exterior vehicle repair does not comply with Title 30 standards, and since it is not compatible with adjoining uses, which is encouraged by Goal 1 of the land use plan, staff cannot support waiver of development standards #2 and design review #1.

Waiver of Development Standards #3 & #4
According to the land use plan, one of the challenges in established areas is poorly designed and maintained landscaping. Unscreened parking areas along public right-of-ways add to the visual blight, which is inconsistent with Policy 10.1 that encourages off-street parking areas to be screened from public roads by a combination of walls, landscaping, and/or berms. In addition, landscaping was required with a previous application, albeit a reduced width; however, that application is expired and the site has remained in non-compliance since 2004. This application is an opportunity to encourage improvements that will enhance the aesthetics of Sunrise Manor. As a result, staff cannot support waiver of development standards #3 to waive street landscaping, and waiver of development standards #4 for the non-decorative fence within the required zoning district setbacks along Nellis Boulevard and Kell Lane.

Waivers of Development Standards #5 & #6 and Design Review #2
Staff cannot support the establishment of temporary signs on a permanent basis. The requested flag signs add to the visual clutter along Nellis Boulevard and are not compatible with the existing buildings on-site or the adjacent and abutting residential developments, which conflicts with Policy 2.13 and Policy 7.4 of the land use plan. Policy 2.13 indicates that all signage should be integrated and compatible with buildings both on-site and with surrounding development, and Policy 7.4 encourages compatibility between adjoining uses in part by reducing excess signage and visual clutter.

In addition, flag sign poles set at zero feet from the right-of-way line reduces the openness of the pedestrian circulation area of the sidewalk, and depending on the wind, the flag signs may overhang the sidewalk area. The proposed flag signs may overhang up to 3 feet based on the location of the some of the poles.

Lastly, existing signs on the site include both wall signs on the building and a freestanding sign on Nellis Boulevard. Both the wall signs and the freestanding sign are more integrated into the architectural style of the building, and are less intrusive and more compatible with abutting and adjacent residential developments. Therefore, the wall signs and the freestanding sign comply with the land use plan, while the temporary signs conflict with specific policies designed to provide a guide for decisions by the Sunrise Manor Town Advisory Board, Planning Commission, and Board of County Commissioners concerning growth and development.
Staff Recommendation
Approval of use permit and waiver of development standards #1; and denial of waivers of development standards #2, #3, #4, #5, & #6, and the design reviews.

If this request is approved, the Board and/or Commission finds that the application is consistent with the standards and purpose enumerated in the Comprehensive Plan, Title 30, and/or the Nevada Revised Statutes.

PRELIMINARY STAFF CONDITIONS:

Current Planning
If approved:
- Vehicle repair limited to vehicles sold by the dealership;
- Record a perpetual cross access, ingress/egress, and/or parking agreement between the 2 parcels;
- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection.
- Applicant is advised that any change in circumstances or regulations may be justification for the denial of an extension of time; and that this application must commence within 2 years of approval date or it will expire.

Public Works – Development Review
- No comment.

Fire Department
- Applicant is advised that permits may be required for a repair facility; and to contact Fire Prevention for further information.

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 or added in the future, then additional capacity and connection fees will need to be addressed.

TAB/CAC:
APPROVALS:
PROTESTS:

APPLICANT:  I Rent B & E, LLC
CONTACT:  Jim DiFiore, 8550 West Charleston Boulevard, Suite 102, Las Vegas, NV 89117