

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**UC-26-0039-ZHENG DA, LLC:**

**USE PERMIT** for outdoor dining, drinking, and cooking.

**WAIVERS OF DEVELOPMENT STANDARDS** for the following: **1)** reduce setbacks; **2)** reduce street landscaping; **3)** reduce buffering and screening; **4)** modified residential adjacency standards; and **5)** alternative driveway geometrics.

**DESIGN REVIEW** for a proposed commercial building on 0.85 acres in a CG (Commercial General) Zone.

Generally located east of Decatur Boulevard and south of Ford Avenue within Enterprise. JJ/hw/cv (For possible action)

---

RELATED INFORMATION:

**APN:**

177-18-401-001

**WAIVERS OF DEVELOPMENT STANDARDS:**

1. Reduce the street side setbacks for a trash enclosure to 5.5 feet where 10 feet is required per Section 30.02.14B (a 45% reduction).
2. Reduce the width of the street landscaping along Ford Avenue to 5.5 feet where 10 feet is required behind a proposed attached sidewalk per Section 30.04.01D (a 45% reduction).
3.
  - a. Reduce the width of the landscape buffer along the east property line to 10 feet where 15 feet is required per Section 30.04.02C (a 33% reduction).
  - b. Allow the landscape buffer along the east property line to consist of a single row of evergreen trees where a double row of offset evergreen trees is required per Section 30.04.02C.
  - c. Allow the landscape buffer along the south property line to consist of a single row of evergreen trees where a double row of offset evergreen trees is required per Section 30.04.02C.
4.
  - a. Allow high activity areas of development along the east property line adjacent to areas subject to residential adjacency without additional landscaping and/or screening where required per Section 30.04.06G.
  - b. Allow parking areas to be within 30 feet of a residential district where not allowed per Section 30.04.06L.
5.
  - a. Reduce the approach distance from the driveway along Decatur Boulevard to the intersection of Decatur Boulevard and Ford Avenue to 75 feet where 150 feet is required per Uniform Standard Drawing 222.1 (a 50% reduction).
  - b. Reduce the departure distance from the intersection of Decatur Boulevard and Ford Avenue to the driveway along Ford Avenue to 34 feet where 190 feet is required per Uniform Standard Drawing 222.1 (an 82% reduction).

- c. Reduce the throat depth of the driveway along Decatur Boulevard to 8.5 feet where 25 feet is required per Uniform Standard Drawing 222.1 (a 66% reduction).
- d. Reduce the throat depth of the driveway along Ford Avenue to 5.75 feet where 25 feet is required per Uniform Standard Drawing 222.1 (a 77% reduction).

## **PROPOSED LAND USE PLAN:**

ENTERPRISE - CORRIDOR MIXED-USE

## **BACKGROUND:**

### **Project Description**

#### General Summary

- Site Address: N/A
- Site Acreage: 0.85
- Project Type: Commercial building with outdoor dining
- Number of Stories: 1
- Building Height (feet): 28
- Square Feet: 7,240
- Parking Required/Provided: 27/38 (includes 3 ADA and 4 EV-installed)
- Sustainability Required/Provided: 7/7

#### Site Plans

The plans depict a currently undeveloped site located at the southeast corner of Decatur Boulevard and Ford Avenue. The plans show the site is proposed to be developed with a 7,240 square foot retail and restaurant building oriented north-to-south in the southeast portion of the site. The building is rectangular in shape and will be set back 34.5 feet from the south property line, 14 feet from the east property line, 82.5 feet from Decatur Boulevard, and 88 feet from Ford Avenue. The plans also show a 193 square foot outdoor dining space located along the southwest corner of the building. The outdoor dining space is set back 33 feet from the east property line and 25 feet from the south property line, necessitating a use permit. The site will be accessed by two, 35 foot wide commercial driveways, 1 located centrally on the Decatur Avenue frontage and another driveway located in the northeast corner of the site along Ford Avenue. A trash enclosure is located approximately 66 feet from the east property line, to the west side of the driveway along Ford Avenue. This enclosure is located 5.5 feet from the north property line, where 10 feet is required. Parking stalls and drive aisles are provided to the north and west of the proposed building. A total of 27 parking spaces are required with a total of 38 parking spaces being provided, inclusive of 3 ADA spaces and 4 EV installed charging spaces. These parking spaces and drive aisles are situated approximately 15 feet from the residential property to the east and south, where at least 30 feet is required.

#### Landscaping

The landscaping plans provided show a combination of street, parking lot, and buffering landscaping will be provided. Along Decatur Boulevard, landscaping area consisting of two, 5 foot wide landscaping strips on each side of a detached sidewalk will be provided. Within these landscaping strips, large trees are provided every 20 feet to 30 feet, staggered where possible. A total of 10 large trees are provided along Decatur Boulevard where 8 trees are required. Along Ford Avenue, a 20 foot wide landscape strip is provided behind an attached sidewalk (site is not

wide enough to accommodate a detached sidewalk) except for a 5.5 foot wide portion just to the west of the Ford Avenue driveway, where the proposed trash enclosure is located .Within this landscaping strip, 3 large trees are provided at the ends of the strip, where 3 large trees are required, with the central portion containing a scattered set of shrubs only.

Within the parking lot, landscaping is provided consisting of landscaping finger islands every 3 to 6 spaces with large trees and a variety of shrub species. A total of 7 parking lot trees are required with 11 trees being provided.

Along the south and west property lines of the site, buffering and screening consists of a 10 foot and 15 foot wide landscape strips, respectively, with an associated 8 foot tall decorative wall. A single row of evergreen trees is provided every 10 feet along the entire length of both property lines. A waiver of development standards is required, however, as a 15 foot wide landscaping strip is required along the east property line, and a double row of staggered tree is required along both east and south property lines.

### Elevations

The elevations show the proposed building will be a typical commercial building, rising to a maximum height of 27.5 feet. The building will consist primarily of an ivory-colored stucco with brown brick horizontal accents and white stone block running along the base of the building. Gray colored, foam crown molding will be provided along the roof line with additional grey colored foam stucco decorative band running horizontally through the middle of all 4 façades. Black light fixtures are also placed about 9 feet high on each vertical brick accent wall. Parapet walls are also provided along the front/west façade to break up the roof line and delineate the storefronts. Access to the building is provided primarily on the west side of the building through conventional aluminum storefront window/door systems that are shaded with beige colored metal awnings. Hollow metal doors are provided along the east façade for emergency access with additional storefront window/doors systems provided on the north and south facades. A brown-painted wood lattice will be provided on the south façade to cover the proposed outdoor dining area.

### Floor Plans

The floor plans depict the interior of the building will contain 7,240 square feet with 6 total suites. The northern 5 suites have been designed for retail and range in size from 1,120 square feet up to 1,260 square feet. The southernmost suite is designated as a restaurant suite containing 1,240 square feet with a 193 square foot outdoor dining area. Each suite is shown as a tenant shell.

### Applicant's Justification

In terms of the waivers for approach and departure distance, the current driveway locations allow for better visibility of the site and the compact nature of the site limits the distance driveways to be set back from the intersection. Additionally, the request to reduce the width of the landscape buffer and street landscaping strip is justified as the site is relatively compact and there are limited spaces for all requirements and structures.

**Prior Land Use Requests**

<b>Application Number</b>	<b>Request</b>	<b>Action</b>	<b>Date</b>
UC-19-0460	A use permit for a restaurant & supper club with on-premises consumption of alcohol - expired	Approved by BCC	August 2019
UC-15-0802	A use permit for package alcohol sales, convenience store, gasoline station, offices, retail sales, and personal services in conjunction with a proposed retail center - expired	Approved by BCC	February 2016

**Surrounding Land Use**

	<b>Planned Land Use Category</b>	<b>Zoning District (Overlay)</b>	<b>Existing Land Use</b>
North	Corridor Mixed-Use	CG	Emergency care & medical office development
South & East	Compact Neighborhood (up to 18 du/ac)	RM32	Undeveloped
West	Corridor Mixed-Use	CG	Shopping center

The subject site is within the Public Facilities Needs Assessment (PFNA) area.

**Related Applications**

<b>Application Number</b>	<b>Request</b>
PA-26-700001	A plan amendment from Mid-Intensity Suburban Neighborhood (MN) to Corridor Mixed-Use (CM) is a companion item on this agenda.
ZC-26-0038	A zone change from H-2 & RS20 to CG is a companion item on this agenda.
VS-26-0037	A vacation and abandonment for a portion of right-of-way and patent easements 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 Permit

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.

The purpose of evaluating outdoor dining establishments, when the proposed location is less than 200 feet away from residential properties, is to assure the proposed outdoor dining establishment will not negatively impact the surrounding area with noise, odors, or visual impacts. In this case,

the proposed outdoor dining establishment is less than 200 square feet and will be buffered by an 8 foot wall and a dense row of trees. With that said, staff finds the site could be designed with a landscape buffer per Title 30 standards. Reducing the landscape buffer width will diminish its effectiveness in mitigating noise, odor, and visual impacts from the outdoor dining use on adjacent residential properties. For these reasons, staff cannot support this request.

#### 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.

#### Waivers of Development Standards #1 & #2

The purpose of reviewing both reduced street landscaping width and structure setbacks is to assure sufficient space is being given to required plants and to assure structures are being arranged on site in a manner that reduces building mass along streets. In this case, the placement of the required trash enclosure 5.5 feet from the back of the attached sidewalk within the required landscape area represents a significant reduction in both building setbacks and landscaping area. The placement of the trash enclosure in the landscaping area has resulted in a significant decrease in vegetation along Ford Avenue. Given the moderate heat vulnerability of the area, this reduction of plant life along Ford Avenue would represent a detriment to the area. Additionally, while the trash enclosure will match the primary building, these structures tend to produce odors and noise that would deter pedestrian activity in the area. Finally, since there are other areas the trash enclosure could be placed to reduce or even eliminate these waivers, staff cannot support these requests.

#### Waiver of Development Standards #3

Screening and buffering landscaping located between commercial and residential developments and properties is essential due to the impact that higher intensity commercial developments can have on lower intensity residential developments. In this case, the buffer width is being reduced, and the arrangement of the landscaping is being modified to be in a single dense row. While this arrangement may have a similar effect to a regulation buffer, the issue with the proposed configuration is that the reduced width and single row of trees may produce a crowding effect within the buffer result in less healthy trees and with a less dense canopy. As a result, this would reduce the effectiveness of the buffering to reduce noise, odor, and visual impacts. For these reasons, staff is unable to support this request.

#### Waiver of Development Standards #4

The purpose of requiring parking spaces and drive aisles to be separated or buffered from adjacent residential properties is to reduce the noise, light, and odor impacts that can come from moving, stopped, and idling cars. In this case, the applicant has provided a 15 foot separation combined with a single, dense row of trees, and an 8 foot wall. Staff finds the shape and size of the property significantly limit the location of parking and drive aisle areas resulting in a few

options that would meet the requirements of Code. Given there is an 8 foot wall and landscaping located between the parking spaces and drive aisles and the adjacent residential property, staff could support this request; However, since staff is not supporting the design review, staff is unable to 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 the proposed retail and restaurant building is modern and attractive in nature with varying roof treatments, brick and stone accenting, and shading of the storefront areas. The parking area has been designated in a manner consistent with the size and shape of the subject site with enough parking spaces being provided. Landscaping within the parking area is provided per Code and street landscaping along Decatur Boulevard is design and provided in a manner that will help to reduce the heat island effect. Staff also finds the proposed development will support Clark County Master Plan Policies 5.1.3 and 5.5.3 by supporting the development of areas for local and small businesses in designated areas.

With that said, staff finds the proposed design of the landscaping area along Ford Avenue and the trash enclosure are not consistent with Title 30 requirements and would not serve to improve the site or the surrounding area by increasing the heat island effect and potent odors along the street. Additionally, staff finds, while the proposed buffering and screening area should create a decent screening effect, the design of this area will result in the overcrowding of plants that will ultimately reduce the effectiveness of the buffer. Reducing the landscape buffer width will diminish its effectiveness in mitigating noise, odor, and visual impacts from the outdoor dining use on adjacent residential properties. The design of the site, while described as compact by the applicant, is only compact due to the design choices made on the site. Staff finds design choices such as reducing building size, subsequently reducing the number of parking spaces, and the better placement of the trash enclosure could allow the site to be more in compliance with Title 30 regulations. Ultimately, staff finds the proposed development will not support Master Plan Policies 1.3.5, 1.4.1, and 1.4.5 and Enterprise Specific Policy EN-1.1, which all support neighborhood livability by developing healthy streetscape, increasing tree canopy coverage, and support appropriate and sufficient transitions between differing uses. For these reasons, staff is unable to support this request.

### **Public Works - Development Review**

#### Waiver of Development Standards #5a & #5b

Staff cannot support the reduction of the departure or the approach distances along Decatur Boulevard and Ford Avenue. Staff has concerns with the traffic coming off of Decatur Boulevard as well as the residential traffic to the east and south being in conflict with movements from both of the commercial driveways.

### Waiver of Development Standards #5c & #5d

The reduction in throat depth combined with the request in Waiver #5a and #5b, further reduces the safety of vehicles entering and exiting the site. The reduced throat depth is excessive and will compound the impact of the commercial driveways, causing stacking of vehicles in the right-of-way, especially with the location of the parking adjacent to the driveway. Therefore, staff cannot support this request.

### **Department of Aviation**

The development will penetrate the 100:1 notification airspace surface for Harry Reid International Airport. Therefore, as required by 14 CFR Part 77, and Section 30.02.26B.3(ii) of the Clark County Unified Development Code, the Federal Aviation Administration (FAA) must be notified of the proposed construction or alteration.

### **Staff Recommendation**

Denial. This item will be forwarded to the Board of County Commissioners' meeting for final action on April 22, 2026 at 9:00 a.m., unless otherwise announced.

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:

- Enter into a standard development agreement prior to any permits or subdivision mapping in order to provide fair-share contribution toward public infrastructure necessary to provide service because of the lack of necessary public services in the area;
- 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;
- Traffic study and compliance;
- Full off-site improvements;
- Applicant to remove parking spaces facing the driveways on Ford Avenue and Decatur Boulevard;

- The installation of detached sidewalks will require the vacation of excess right-of-way and granting necessary easements for utilities, pedestrian access, streetlights, and traffic control devices;
- Coordinate with Public Works - Development Review Division regarding the purchase of the vacated right-of-way;
- 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 Decatur Boulevard 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.

### **Department of Aviation**

- Applicant is required to file a valid FAA Form 7460-1, "Notice of Proposed Construction or Alteration" with the FAA, in accordance with 14 CFR Part 77, or submit to the Director of Aviation a "Property Owner's Shielding Determination Statement" and request written concurrence from the Department of Aviation;
- If applicant does not obtain written concurrence to a "Property Owner's Shielding Determination Statement," then applicant must also receive either a Permit from the Director of Aviation or a Variance from the Airport Hazard Areas Board of Adjustment (AHABA) prior to construction as required by Section 30.02.26B of the Clark County Unified Development Code. Applicant is advised that many factors may be considered before the issuance of a permit or variance, including, but not limited to, lighting, glare, graphics, etc.;
- No building permits should be issued until applicant provides evidence that a "Determination of No Hazard to Air Navigation" has been issued by the FAA or a "Property Owner's Shielding Determination Statement" has been issued by the Department of Aviation. The Determination of No Hazard must not be expired.
- Applicant is advised that the FAA's determination is advisory in nature and does not guarantee that a Director's Permit or an AHABA Variance will be approved; that FAA's airspace determinations (the outcome of filing the FAA Form 7460-1) are dependent on petitions by any interested party and the height that will not present a hazard as determined by the FAA may change based on these comments; and that the FAA's airspace determinations include expiration dates and that separate airspace determinations will be needed for construction cranes or other temporary equipment.

### **Fire Prevention Bureau**

- Provide a Fire Apparatus Access Road in accordance with Section 503 of the International Fire Code and Clark County Code Title 13, 13.04.090 Fire Service Features.
- Applicant is advised that fire/emergency access must comply with the Fire Code as amended.

### **Clark County Water Reclamation District (CCWRD)**

- Applicant is advised that a Point of Connection (POC) request has been completed for this project; to email sewerlocation@cleanwaterteam.com and reference POC Tracking

#0240-2025 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

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

**APPROVALS:**

**PROTESTS:**

**APPLICANT:** MOE MOMENI

**CONTACT:** MOE MOMENI, 8360 W. SAHARA AVENUE, LAS VEGAS, NV 89117