

05/08/24 BCC AGENDA SHEET

**PUBLIC HEARING**

**APP. NUMBER/OWNER/DESCRIPTION OF REQUEST**

**ET-24-400026 (UC-20-0240)-MEQ-BD & D II, LLC:**

**USE PERMITS SECOND EXTENSION OF TIME** for the following: **1)** alcohol sales, liquor – packaged only (liquor store) not in conjunction with grocery store; **2)** convenience store; and **3)** gasoline station.

**WAIVERS OF DEVELOPMENT STANDARDS** for the following: **1)** reduce setback for a convenience store; **2)** reduce setback for a gasoline station; and **3)** alternative driveway geometrics.

**DESIGN REVIEW** for modifications to an approved shopping center on 3.8 acres in a CG (Commercial General) Zone.

Generally located on the north side of Blue Diamond Road, 610 feet east side of Durango Drive within Enterprise. JJ/my/ng (For possible action)

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**RELATED INFORMATION:**

**APN:**

176-21-201-021 through 176-21-201-023

**WAIVERS OF DEVELOPMENT STANDARDS:**

1. Reduce the setback for a convenience store from a residential use to 17 feet where 200 feet is the minimum setback per Table 30.44-1 (a 92% reduction).
2. Reduce the setback for a gasoline station from a residential use to 40 feet where 200 feet is the minimum setback per Table 30.44-1 (an 80% reduction).
3. Reduce throat depth for a driveway to 32 feet where 100 feet is required per Uniform Standard Drawing 222.1 (a 68% reduction).

**LAND USE PLAN:**

ENTERPRISE - CORRIDOR MIXED-USE

**BACKGROUND:**

**Project Description**

General Summary

- Site Address: 8498 Blue Diamond Road
- Site Acreage: 3.8
- Project Type: Changes to an approved shopping center, including a liquor store, convenience store, and gasoline station
- Number of Stories: 1
- Building Height (feet): 28
- Square Feet: 33,162

- Parking Required/Provided: 166/166

### Site Plan

The approved site plan depicts modifications to a previously approved shopping center (ZC-18-0118). The modified shopping center consists of 5 buildings on a linear site with frontage along Blue Diamond Road. Access to the site is provided via cross access with an existing shopping center to the west (consistent with a condition of approval on ZC-18-0118). Also, a new driveway on the east side of the site connects to Blue Diamond Road with a throat depth of 32 feet. Buildings along the north property line are set back a minimum of 12 feet from the adjacent single family residences, and the buildings consist of a liquor store, 2 commercial buildings, and a convenience store. The convenience store is shown set back 17 feet from the north property line where 200 feet is required and 58 feet from the east property line also where 200 feet is required. Gasoline pumps and a canopy are located south of the convenience store, set back 39 feet from Blue Diamond Road to the south and 40 feet from the single family residences to the east where 200 feet is required from a residential use. A fast food restaurant is located on the southwest portion of the site, set back 27 feet from Blue Diamond Road to the south and 85 feet from the north property line. The drive-thru window is located on the south side of the building, directed away from the adjacent single family residences to the north.

Parking spaces are located throughout the site and between the buildings. Two loading zones are located on the east side of the easternmost commercial building (Pad D), set back 17 feet from the property line to the north. However, the property line wall, an intense landscape buffer, and a second wall separate the loading zones from the single family residences to the north. Two trash enclosures are located at least 50 feet from the north property line as well.

### Landscaping

A 15 foot wide landscape buffer is provided on the south side of the site along the Blue Diamond Road right-of-way, which is set back approximately 45 feet from the existing pavement on Blue Diamond Road. A 12 foot to 17 foot wide intense landscape buffer with 2 rows of off-set large Evergreen trees is provided along the north and east property lines, between the site and the adjacent single family residences. Landscaping is also provided within the parking lot and around the base of the buildings.

### Elevations & Floor Plans

Pad A, located in the northwest portion of the site, is the proposed liquor store. The 6,000 square foot building has an open floor plan, and the elevations extend up to a height of 28 feet at the top of a parapet wall above the entrance. Parapet walls along the roofline vary in height from 20 feet up to 28 feet. Materials include stucco finish, cultured stone veneer, metal awnings, and aluminum storefront windows.

Pad B, located in the southwestern portion of the site, is the proposed fast food restaurant. The 2,612 square foot restaurant includes a dining room, order counter, kitchen, drive-thru service area, kitchen storage, office, restrooms, and an exterior cooler/freezer. Overall elevations extend up to 23 feet high at the top of several parapet walls with cornice decorative treatment. However, most of the building is 20 feet high. Exterior materials include painted stucco, stone 25.4 veneer, metal canopies, and fabric awnings. The exterior cooler/freezer is located on the west side of the

fast food restaurant, and the cooler/freezer will be pre-manufactured to match the exterior of the building. The building utilizes franchise architecture, but still maintains some similar design elements to the shopping center such as parapet walls along the roofline at various heights, painted stucco, and stone veneer.

Pad C is 11,550 square feet, and Pad site D is 10,000 square feet. Both Pad sites C and D consist of open floor plans for future tenants, and the elevations are similar to Pad site A. Parapet walls contain variations along the roofline, with the highest portions at 28 feet. Materials include stucco finish, cultured stone veneer, metal awnings, and aluminum storefront windows.

Pad E is the convenience store, which is 3,000 square feet, and consists of a sales floor, cashier, office, storage room, cooler, freezer, and restrooms. An arched entryway with a 28 foot high standing seam metal roof emphasizes the entrance to the convenience store. Most of the building is approximately 23 feet high to the top of the parapet walls along the roofline. Exterior materials include painted stucco with stone veneer along a portion of the base.

As required by the previous land use application (ZC-18-0118), this proposed shopping center will include low level lighting throughout the entire project.

#### Signage

Signage is not a part of this request.

#### Previous Conditions of Approval

Listed below are the conditions of approval for ET-22-400055 (UC-20-0240):

##### Current Planning

- Until April 4, 2024 to commence;
- 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.
- Applicant is advised that the installation and use of cooling systems that consumptively use water will be prohibited; the County is currently rewriting Title 30 and future land use applications, including applications for extensions of time, will be reviewed for conformance with the regulations in place at the time of application; a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; and that 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.

##### Public Works - Development Review

- Compliance with previous conditions.

Listed below are the approved conditions for UC-20-0240:

##### Current Planning

- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection.

- Applicant is advised that 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; and that this application must commence within 2 years of approval date or it will expire.

Public Works – Development Review

- Drainage study and compliance;
- Traffic study and compliance;
- Full off-site improvements;
- Off-site improvements along Blue Diamond Road to be coordinated with Nevada Department of Transportation (NDOT), and applicant to provide an approved NDOT encroachment permit to Public Works Development Review Division’
- Applicant shall reconstruct the deceleration lane with any future improvements to Blue Diamond Road.
- Applicant is advised that the installation of detached sidewalks will require granting necessary easements for utilities, pedestrian access, streetlights, and traffic control.

Clark County Water Reclamation District

- 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 # 0245-2020 to obtain your POC exhibit; and that flow exceeding contributions exceeding CCWRD estimates may require another POC analysis.

Applicant’s Justification

The applicant states that pandemic, along with negotiating with the neighbors for sewer connections and interest rates, have delayed the completion of the project. The applicant is requesting a two year extension to complete the project.

**Prior Land Use Requests**

<b>Application Number</b>	<b>Request</b>	<b>Action</b>	<b>Date</b>
VS-23-0382	Vacated easements between Durango Drive and Cimarron Road and between Blue Diamond Road and Agate Avenue	Approved by PC	September 2023
ET-22-400055 (UC-20-0240)	First extension of time for liquor sales	Approved by BCC	June 2022
ET-22-400056 (ZC-18-0118)	Second extension of time for shopping center	Approved by BCC	June 2022
ET-20-400034 (ZC-18-0118)	First extension of time for shopping center	Approved by BCC	June 2020
VS-20-0557	Vacation of 30 foot wide easements on the west and east property lines of the parcel	Approved by PC	February 2021
TM-20-500157	Commercial subdivision	Approved by PC	December 2020

### Prior Land Use Requests

Application Number	Request	Action	Date
UC-20-0240	Liquor sales with convenience store	Approved by BCC	August 2020
ZC-18-0118	Reclassified the site to C-1 zoning for a shopping center	Approved by BCC	April 2018

### Surrounding Land Use

	Planned Land Use Category	Zoning District (Overlay)	Existing Land Use
North & East	Compact Neighborhood (up to 18 du/ac)	RM18	Single family residential
South	Mid-Intensity Suburban Neighborhood (up to 8 du/ac) & Neighborhood Commercial	RM18 (PCO), RS2 (PCO), & H-2	Apartments, undeveloped, & single family residential
West	Corridor Mixed-Use	CG	Shopping center

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

### Related Applications

Application Number	Request
ET-24-400025 (ZC-18-0118)	A third extension of time for shopping center design review 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

Title 30 standards of approval for an extension of time state an application may be denied if it is found that circumstances have substantially changed. A substantial change may include, without limitation, a change to the subject property, a change in the areas surrounding the subject property, or a change in the laws, regulations, or policies affecting the subject property. Additionally, the applicant must demonstrate the project is progressing through the applicable development permit or licensing process.

Staff finds that the applicant has already completed traffic and drainage studies and has received their off-site permit. They have a pending final grading permit. The applicant also has submitted for a commercial building permit and its related accessory structure and electric permits. Since the applicant has these permits in process, staff can support the extension request for another year. However, staff may not be able to support future extension of time requests since a new code has been adopted.

**Public Works - Development Review**

There have been no significant changes in this area. Staff has no objection to this extension of time.

**Staff Recommendation**

Approval.

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**

- Until April 4, 2025 to commence or the application will expire unless extended with approval of an extension of time;
- 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.
- Applicant is advised a substantial change in circumstances or regulations 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; and the applicant is solely responsible for ensuring compliance with all conditions and deadlines.

**Public Works - Development Review**

- Compliance with previous conditions.

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

- No comment.

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

**APPROVALS:**

**PROTEST:**

**APPLICANT:** MEQ-BD & DII, LLC

**CONTACT:** ELISABETH OLSON, KAEMPFER CROWELL, 1980 FESTIVAL PLAZA DRIVE, SUITE 650, LAS VEGAS, NV 89135