

12/02/25 PC AGENDA SHEET

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

UC-25-0706-MEQ-BD & D II, LLC:

AMENDED HOLDOVER USE PERMITS for the following: **1)** vehicle maintenance and repair; and **2)** outdoor dining, drinking and cooking.

WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** modified residential adjacency standards; and **2)** reduced buffering and screening.

DESIGN REVIEW for modifications to an approved commercial development on 3.76 acres in a CG (Commercial General) Zone.

Generally located north of Blue Diamond Road and east (previously notified as west) of Durango Drive within Enterprise. JJ/sd/cv (For possible action)

RELATED INFORMATION:

APN:

176-21-218-001

WAIVERS OF DEVELOPMENT STANDARDS:

1. Allow a drive-thru lane within 15 feet from a residential use where 200 feet is the minimum per Section 30.04.06 E (a 93% decrease).
2. Reduce the width of a landscape buffer along the north property line to 12 feet where a 15 foot wide landscape buffer is required per Section 30.04.02 C (a 15% reduction).

LAND USE PLAN:

ENTERPRISE - CORRIDOR MIXED-USE

BACKGROUND:

Project Description

General Summary

- Site Address: N/A
- Site Acreage: 3.76
- Project Type: Commercial shopping center
- Building Height (feet): Up to 29 feet
- Square Feet: 32,360 (Shopping center)/8,057 (Building A)/2,612 (Building B)/8,853 (Building C)/8,853 (Building D)/2,400 (Building E)/1,585 (vehicle maintenance)
- Parking Required/Provided: 126/143
- Sustainability Required/Provided: 7/7

Site Plan & History

The site plan illustrates proposed modifications to a previously approved shopping center. In 2018, plans submitted with the zone change application (ZC-18-0118) depicted a shopping

center consisting of five in-line retail buildings. In 2020, the applicant submitted revised plans which indicated a liquor store on the western portion of the site and a convenience store and gas station located on the eastern portion.

This application includes revised plans which show the previously approved gas station and convenience store have been removed and replaced with a restaurant and drive-thru lane. The restaurant is located 46 feet from the northern property line and 28 feet from the eastern property line. The speaker box and 2 queuing lanes are located on the south side of the building and travel to the east and north around the building. The drive-thru lane is located 17 feet from the north property line and 15 feet from the east property line, necessitating the waiver to reduce the separation to the residential development adjacent to the site. A patio for outside dining is located 31 feet away from residential uses to the east. Approval of a use permit is required to locate outdoor dining, drinking and cooking within 200 feet of a residential use.

A vehicle maintenance building (oil change) has been added to the site, located between Building D and the proposed restaurant. The vehicle maintenance building is located 19 feet from the residential development to the north, which requires approval of a special use permit. Three bays are shown facing east to west, screened from the west by Building D and mostly screened from the east by the restaurant. Vehicles enter from the east; the driver remains in the vehicle while the oil is changed and exits out the west side of the building.

Buildings C and D are located in the center of the site and setback a minimum of 18 feet from the northern property line. The buildings have been reduced from the previous plan to 8,853 square feet per building and shifted slightly westward to accommodate the vehicle maintenance building. The remaining buildings to the west have not changed since the previous approval (UC-20-0240) and are not a part of this application.

Parking is distributed throughout the site and calculated under the previous regulations within Title 30; therefore, there is no maximum limit on the number of parking spaces provided. However, the parking has been reduced from what was previously approved.

Access to the site is provided via a single driveway on Blue Diamond Road, which was previously approved and offers cross-access to other parts of the shopping center and to the shopping center to the west. This driveway, approved under application UC-20-0240, has a 32-foot throat depth. A deceleration lane is proposed to facilitate entry from Blue Diamond Road and mitigate vehicles stacking in the public right-of-way.

Landscaping

The proposed landscape design depicts both perimeter and internal landscaping. Street frontage along Blue Diamond Road is enhanced with medium-sized trees and shrubs along Blue Diamond Road. The parking lot landscaping incorporates the required trees with landscape islands.

An intense landscape buffer is included along the eastern edge to screen adjacent single-family homes, consistent with landscaping requirements with 2 rows of evergreen trees planted off-set. The reduced width of the landscape buffer width is provided along the northern property line although 2 rows of evergreen trees are planted off-set per Title 30. The reduced width to 12- feet

is the subject to a waiver request with this application and only affects a small portion north of the northwest corner of Building C.

Elevations

The plans depict 4 different commercial buildings where a total of 6 commercial buildings are included within the overall shopping center and are up to 29-feet in height and incorporate horizontal articulation measures that include parapet walls, engaged columns, changes in texture and wall plane with storefront glazed windows, stucco finish, metal awnings with desert color scheme.

Floor Plans

The plans depict commercial floor plans for the retail buildings, the vehicle maintenance and restaurant. The retail buildings will be split into individual suites. The vehicle maintenance will have 3 bay stalls for vehicles to pull into and has restroom and office space. The restaurant depicts dining area, sales area, kitchen and prep area and restrooms and office space.

Applicant's Justification

The applicant states that they are proposing three changes to the approved commercial shopping center. Based on feedback and requests from the neighbors directly adjacent to the property, the applicant is requesting to remove the gas station. One retail building is also being removed. In their place, the applicant is proposing a drive-thru restaurant and a Take 5 quick oil change facility. While the gas station is currently approved and entitled, the applicant is working hard to be a good neighbor and work with the neighbors on the removal of the gas station.

A use permit is required to allow for the proposed vehicle maintenance facility within 200 feet of residential uses that is proposed at 15-feet to the east property line and 17 feet to the north property line. The bay doors are strategically placed on the west and east sides of the building, away from residential properties, with all work done inside of the building. The building placement, along with the double row of trees, provides an appropriate buffer. Additionally, the vehicle maintenance will not provide any other services other than oil changes, windshield wiper replacement, and coolant change.

The applicant is also requesting to waive residential adjacency standards for a drive-thru lane that will be 15-feet from the property line at the closest point. The restaurant will feature two queuing lanes located on the south side of the building, where the speaker box will also be located. The speaker box will automatically reduce in volume during nighttime hours. Additionally, a double row of evergreen trees are proposed along the eastern and northern property lines to effectively buffer drive-thru lane and adjacent residential.

The outdoor dining patio will serve as a seating area for customers of the drive-thru restaurant. This space will be free from music and speakers. Furthermore, the seating area will be shielded from the adjacent residential by the drive-thru queuing line and a double row of evergreen trees. The applicant is also requesting to reduce the landscape buffer width requirements along the north and east property line. The applicant states that given the limited depth of the property and the designated right-of-way and easement area along the Blue Diamond Road frontage, it is not feasible to meet these buffer requirements along the northern property line. Therefore, the

applicant proposes to reduce the buffer width to 12 feet and 8 inches. Despite this reduction in buffer area, the project has been thoughtfully designed to minimize any potential impact on the adjacent residential areas. Furthermore, similar buffer widths have been approved in previously stated applications

Prior Land Use Requests

Application Number	Request	Action	Date
ET-24-400026 (UC-20-0240)	A second extension of time for a use permit and waiver of development standards for liquor sales, gas station, convenience store, and design review for modifications to a shopping center	Approved by BCC	May 2024
ET-24-400025 (ZC-18-0118)	A third extension of time for shopping center	Approved by BCC	May 2024
VS-23-0382	Vacation and abandonment of easements	Approved by PC	September 2023
ET-22-400055 (UC-20-0240)	First extension of time for a use permit and waiver of development standards for liquor sales, gas station, convenience store, and design review for modifications to a shopping center	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 and abandonment of easements	Approved by PC	February 2021
TM-20-500157	Commercial subdivision	Approved by PC	December 2020
UC-20-0240	Use Permit and waiver of development standards for liquor sales, gas station, convenience store, and design review for modifications to a shopping center	Approved by BCC	August 2020
ZC-18-0118	Reclassified from H-2 zone to a 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, RS2, & H-2	Multi-family, undeveloped, & single-family residential
West	Corridor Mixed-Use	CG	Shopping center

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

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.

Use Permit #1

A special use permit is required when a vehicle maintenance and repair building is located within 200 feet from a residential use in order to determine if the use will have an adverse effect on adjacent properties. In this case, the vehicle maintenance and repair building is setback 19 feet from the residential development to the north. Staff find the proposed location for the vehicle maintenance and repair use is not compatible with the residential development to the north. The use will adversely impact the character of the adjacent residential neighborhood; therefore, staff is unable to support the use permit.

Use Permit #2

A special use permit is required when an outdoor dining is within 200 feet of residential uses. While the applicant is providing the 15-foot-wide perimeter landscaping along the eastern property line with an intense landscape and buffer, staff feels the proposed location can be redesigned to locate the outdoor patio to be behind or partially screened by the proposed restaurant building. Staff cannot support the proposed use permit.

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

Staff cannot support the waiver of development standards to reduce the proposed drive-thru to residential use to 15 feet. The drive-thru location as shown on the plans could have a significant impact on the residential uses to the north and east and the proposed plans could be redesigned to accommodate increased setbacks. Staff finds the proposed drive-thru will adversely impact the character of the adjacent neighborhood with noise and pollution; therefore, staff is unable to support the use permit.

Waiver of Development Standards #2

Staff finds that the portion of the north property line which will be reduced to 12 feet only affects the western portion of the proposed plans and does not include the previously approved landscaping per as noted on the landscape plans. Overall, the landscape buffer provides the requisite buffering with 2 rows of evergreen trees planted off-set from each other spaced 20 feet on-center. Staff can support the requested reduction as only a portion of the north property line buffer drops below the minimum 15 feet by 3 feet to 12 feet and is a continuation of the approved landscape buffer on the western portion of the overall shopping center; therefore, staff can support the waiver 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.

The proposed shopping center meets the non-residential design standards of Title 30, while also meeting the sustainability requirements of Title 30. The parking area and pedestrian walkways will facilitate safe vehicle and pedestrian navigation within the site. Overall, staff find that the proposed shopping center will provide new shopping/dining/work opportunities for the area. However, since staff is not supporting the location of the vehicle maintenance and outdoor dining and the proposed drive-thru location, staff cannot support the design review.

Staff Recommendation

Approval of waiver of development standards #2; denial of waiver of development standards #1, the use permits, and design review.

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

Fire Prevention Bureau

- Applicant is advised that fire protection 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 a new Point of Connection (POC) is required, as the previously issued POC has either expired, the proposed flow has changed, or the property has been re-parceled; instructions for submitting a POC request are available on the CCWRD website.

TAB/CAC: Enterprise - approval (include a 5 foot sound attenuation wall on the east and north sides of the drive-thru lane for Building E).

APPROVALS:

PROTESTS: 2 cards

PLANNING COMMISSION ACTION: November 18, 2025 – HELD – 12/02/25 – per staff to rewrite/re-notify.

APPLICANT: MEQ-BD & D II, LLC

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