

03/20/24 BCC AGENDA SHEET

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**WS-23-0912-DIAMOND RANCH II, LLC:**

**WAIVERS OF DEVELOPMENT STANDARDS** for the following: **1)** increase retaining wall height; **2)** alternative parking lot landscaping; and **3)** allow attached sidewalk.

**DESIGN REVIEW** for expansion of an existing plant nursery on 10.5 acres in an M-D (Designed Manufacturing) Zone.

Generally located on the north side of Blue Diamond Road and the east side of Lindell Road within Enterprise. JJ/jud/syp (For possible action)

---

---

RELATED INFORMATION:

**APN:**

176-13-801-034; 176-13-801-040

**WAIVERS OF DEVELOPMENT STANDARDS:**

1. Increase the retaining wall height to 4 feet where 3 feet is the standard per Chapter 30.64 (a 25% increase).
2. Eliminate parking lot landscaping where landscape finger islands are required per Chapter 30.64.
3. Allow an attached sidewalk along Ford Avenue where a detached sidewalk is required per Chapter 30.64.

**LAND USE PLAN:**

ENTERPRISE - BUSINESS EMPLOYMENT

**BACKGROUND:**

**Project Description**

General Summary

- Site Address: 5380 Blue Diamond Road
- Site Acreage: 10.5
- Project Type: Plant nursery
- Parking Required/Provided: 163/196

Site Plans

The plans depict a proposed expansion to an existing plant nursery. The site includes an existing single story 17,250 square foot building located on APN 176-13-801-034. The total acreage for the existing plant nursery is 7.7 acres. The building is located on the central east side of said parcel. The existing 210,327 square foot rock yard and nursery garden are located to the west and north of the building respectively. Existing customer parking is located along Blue Dimond

Road, south of the existing building. Adjacent to the plant nursery to the southwest of the site are a previously approved tavern and gasoline station with a convenience store. Access to the existing plant nursery is via shared driveways located on Blue Diamond Road, Lindell Road, and Mohawk Street.

The applicant is requesting to expand the plant nursery to the east onto APN 176-13-801-040 and vacate Mohawk Street, which runs north/south between the 2 parcels. The newly proposed expansion includes a 39,762 square foot loading/unloading area, a 66,654 square foot outdoor retail plant display, as well as additional customer parking along Blue Diamond Road. The overall acreage of the proposed use is 10.5 acres.

With the expansion of the use, the overall parking spaces provided is 196, where 163 are required. The new parking area is located on the southeast corner of the site, along Blue Diamond Road. This application includes a request to eliminate the required landscape finger islands. Controlled access to the inventory portion of the existing and proposed expansion of the plant nursery is via 8 foot high sliding metal security gates, located along the south side of the site, separating the customer parking lot from the controlled area.

An 8 foot high screen wall is surrounding the site boundaries. Waivers are required to increase the retaining wall height to 4 feet where 3 feet is allowed along the north property line of APN 176-13-801-040. The 4 foot high retaining wall along the east property line will remain in place. A waiver of development standards is part of this application to allow an attached sidewalk along Ford Avenue.

#### Landscaping

The existing portion of the plant nursery depicts a 15 foot wide attached sidewalk with trees 20 feet on center along Ford Avenue. No sidewalk exists on this portion of Ford Avenue. An attached sidewalk is proposed with this land use application with trees planted 20 feet on center behind the sidewalk. Also, along Blue Diamond Road, the plans depict an existing attached sidewalk with a 10 foot wide landscape strip behind the back of curb with medium trees 20 feet on center and required ground coverage. The plans for the proposed expansions match the same street landscaping frontage. The previously approved plant nursery provides parking lot landscaping, that was adequate for the requirements at the time of approval. The applicant is not providing any additional parking lot landscaping to meet the current Code requirements, necessitating a request for a waiver of development standards for alternative parking lot landscaping. The plans depict a 10% increase in the number of required street trees, water efficient landscaping, street parking, and some shade structures meeting 3 sustainability points.

#### Applicant's Justification

The applicant states the current request is to expand the plant nursery to the east, onto APN 176-13-801-040. The additional parcel will consist of open area to allow for more nursery products to be displayed for sale. The applicant states that an alternative landscaping in lieu of parking lot finger island is adequate since large trucks will be maneuvering frequently on site and the landscaping islands are not ideal for this vehicular movements.

Alternative sustainability points are provided according to the applicant. These alternatives include 10% more trees than required, water efficient landscaping, proposed native plants, plant-orientation to the south and to the west and shade structures throughout the nursery. The applicant is providing more trees than required along Blue Diamond Road. Overall, there are 42 proposed trees and 227 proposed shrubs that will be planted along with accent and native plants in the expansion space.

#### **Prior Land Use Requests**

| <b>Application Number</b>  | <b>Request</b>                                                                                                                                                                                                                                   | <b>Action</b>   | <b>Date</b>    |
|----------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|----------------|
| VS-0155-06                 | Vacated and abandoned Mohawk Street - expired                                                                                                                                                                                                    | Held at PC      | March 2006     |
| UC-0648-03<br>(ET-0110-04) | Extension of time to commence on premise consumption of alcohol                                                                                                                                                                                  | Approved by PC  | May 2004       |
| DR-0142-04                 | Request for a tavern in conjunction with a plant nursery                                                                                                                                                                                         | Approved by PC  | March 2004     |
| ZC-1584-98<br>(WC-0186-03) | Waived a condition requiring full off-sites (excluding paving)                                                                                                                                                                                   | Approved by BCC | September 2003 |
| UC-0648-03                 | On premises consumption of alcohol                                                                                                                                                                                                               | Approved by PC  | May 2003       |
| WS-0625-03                 | Waived street landscaping and off-site improvements in conjunction with a plant nursery; waived conditions requiring full off-sites on Ford Avenue and Blue Diamond Road and landscaping along street frontages (except along Blue Diamond Road) | Approved by BCC | May 2003       |
| ZC-1584-02<br>(ET-0309-02) | Second extension of time to reclassify 91 acres to M-D zoning                                                                                                                                                                                    | Approved by BCC | November 2002  |
| ZC-1584-98                 | Reclassified 91 acres from R-E, H-2 & M-1 to M-D zoning                                                                                                                                                                                          | Approved by BCC | November 1988  |

#### **Surrounding Land Use**

|       | <b>Planned Land Use Category</b>                                                                | <b>Zoning District (Overlay)</b> | <b>Existing Land Use</b>                           |
|-------|-------------------------------------------------------------------------------------------------|----------------------------------|----------------------------------------------------|
| North | Mid-Intensity Suburban Neighborhood (up to 8 du/ac) & Ranch Estate Neighborhood (up to 2 du/ac) | R-2 & R-E                        | Single family residential & undeveloped            |
| South | Mid-Intensity Suburban Neighborhood (up to 8 du/ac) & Neighborhood Commercial                   | R-2 & C-1                        | Single family residential & commercial development |
| East  | Mid-Intensity Suburban Neighborhood (up to 8 du/ac)                                             | M-D                              | Warehouse/office                                   |
| West  | Business Employment                                                                             | M-D                              | Warehouse/office                                   |

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

## Related Applications

| Application Number           | Request                                                                                                                                                                                                                                                                                                                             |
|------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| VS-23-0914                   | A request to vacate and abandon a portion of right of way is a companion item on this agenda.                                                                                                                                                                                                                                       |
| WC-23-400196<br>(ZC-1584-98) | A request to waive the conditions requiring on-site lighting consisting of low sodium, inward direct features to be included with each design review; A-1 landscaping along all major street frontages; and recording reciprocal, perpetual cross access, ingress/egress, and parking agreement 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

#### 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 finds that the request for a 1 foot retaining wall increase along Ford Avenue would not negatively impact the properties to the north of the site. Ford Avenue is a 60 foot wide right-of-way; therefore, the overall wall height (8 foot screening and 4 foot retaining) would not be adjacent to the residential properties to the north. The retaining wall height will match the existing conditions of the existing plant nursery. For this reason, staff can support this request.

#### Waiver of Development Standards #2

Staff cannot support the lack of parking lot landscaping on the portion of the expansion of the plant nursery along Blue Diamond Road. Staff finds that this is a self-imposed hardship and with a slight redesign, a couple of landscape finger islands can be accommodated. The existing site as well as the site to the east of the proposed expansion provides acceptable parking lot landscaping. Consequently, staff 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 the proposed design review to be acceptable. The expansion of the plant nursery will match the existing conditions of the site. The plant nursery inventory as well as the trash receptacles will be kept behind the 8 foot walls and security gates, near the existing rock yard area. Staff understands that the size of the discardable materials could be too large to have the trash bins contained in an enclosed structure. The intent of the implementation of the Clark County Sustainability and Climate Action Plan is to ensure that developments conserve water and energy resources, improve air quality, reduce urban heat island effect, and help Clark County adapt to future climate challenges. The site will be dedicated to live plants, which will not contribute to the heat island effect. Also, the proposed expansion of the plant nursery would not be detrimental to the air quality. However, since staff cannot support waiver of development standards #2, staff cannot support the design review.

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

#### Waiver of Development Standards #3

Staff cannot support the request to allow attached sidewalks along Ford Avenue as detached sidewalks provide a safer path for pedestrian. Since there are no existing sidewalks along Ford Avenue staff finds that there is no reason a detached sidewalk cannot be installed.

### **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 an application for a zoning inspection;
- 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; the County has adopted a rewrite to Title 30 effective January 1, 2024, 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; 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;
- Full off-site improvements.

**Fire Prevention Bureau**

- No comment.

**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 #0028-2024 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

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

**APPROVALS:**

**PROTESTS:**

**APPLICANT:** STAR NURSERY, INC.

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