

12/04/24 BCC AGENDA SHEET

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**ZC-24-0554-KELEGIAN, SHELLY:**

**ZONE CHANGE** to reclassify 0.66 acres from an H-2 (General Highway Frontage) Zone to a CG (Commercial General) Zone.

Generally located on the south side of Blue Diamond Road and the west side of Cameron Street within Enterprise (description on file). JJ/mh (For possible action)

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RELATED INFORMATION:

**APN:**

177-18-303-041

**LAND USE PLAN:**

ENTERPRISE - CORRIDOR MIXED-USE

**BACKGROUND:**

**Project Description**

General Summary

- Site Address: 4671 Blue Diamond Road
- Site Acreage: 0.66
- Existing Land Use: Undeveloped

Applicant's Justification

The applicant states that the proposed conforming zone change from H-2 zoning to CG zoning will allow for a commercial development, such as the proposed restaurants, which is a companion item with this application. Due to the recently adopted and updated Title 30, the H-2 zoning district is no longer a zoning district. The request for a zone change is a result of the County's effort to rezone many of the H-2 zoned properties.

**Prior Land Use Requests**

<b>Application Number</b>	<b>Request</b>	<b>Action</b>	<b>Date</b>
VS-22-0326	Vacated and abandoned easements of interest to Clark County	Approved by PC	July 2022
DR-20-0601	Restaurant with drive-thru service, signage, lighting, and finished grade - expired	Approved by BCC	February 2021

**Prior Land Use Requests**

<b>Application Number</b>	<b>Request</b>	<b>Action</b>	<b>Date</b>
UC-19-0590	Vehicle maintenance facility, waivers for setbacks, separation from a residential use, building height, trash enclosure setback, parking, and alternative landscaping, and design reviews for alternative parking lot landscaping and a vehicle maintenance facility	Withdrawn	September 2019
ZC-18-0174	Reclassified from H-2 to C-2 zoning with waiver for alternative landscaping, and design review for a restaurant - design review and waiver - expired	Approved by BCC	June 2018

**Surrounding Land Use**

	<b>Planned Land Use Category</b>	<b>Zoning District (Overlay)</b>	<b>Existing Land Use</b>
North	Compact Neighborhood (up to 18 du/ac) & Corridor Mixed-Use	H-2 & CG	Vehicle wash, shooting range, & shopping center
South	Mid-Intensity Suburban Neighborhood (up to 8 du/ac)	RS3.3	Single-family residential
East & 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>
UC-24-0555	A use permit for outdoor dining, design reviews for restaurant buildings and site lighting, and waivers of development standards for residential adjacency standards, buffering and screening, landscaping, and alternative driveway geometrics is a companion item on this agenda.
VS-24-0556	A vacation and abandonment of a portion of a right-of-way being Cameron Street is a companion item on this agenda.
TM-24-500121	A tentative map for a 1 lot commercial subdivision is a companion item on this agenda.

**STANDARDS FOR APPROVAL:**

The applicant shall demonstrate the proposed request is consistent with the Master Plan and is in compliance with Title 30.

**Analysis**

**Comprehensive Planning**

In addition to the standards for approval, the applicant must demonstrate the zoning district is compatible with the surrounding area. Staff finds the request to rezone the subject parcel to CG

(Commercial General) zoning is compatible with the commercial zoning districts emerging along Blue Diamond Road (a state highway). There are numerous parcels currently zoned CG in the vicinity of the subject site, including across Cameron Street to the east and along Blue Diamond Road. This request is also consistent with Policy 5.5.3 of the Master Plan, which encourages the expansion of small businesses in unincorporated Clark County. As of January 1, 2024, H-2 zoning is no longer an established zoning district in Title 30 and is being phased out as new development occurs. The conversion to an appropriate zoning district, which is in conformance with the Master Plan, is encouraged by the County. For these reasons, staff finds the request for the CG Zone is appropriate for this location.

### **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**

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:**

#### **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.
- 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**

- 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 #0459-2024 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

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

**APPROVALS:**

**PROTESTS:**

**APPLICANT:** MARK KELEGIAN

**CONTACT:** SCA DESIGN, 2525 W. HORIZON RIDGE PARKWAY, SUITE 230,  
HENDERSON, NV 89052