

COMMERCIAL COMPLEX  
(TITLE 30)

REDWOOD ST/BUE DIAMOND RD

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**NZC-23-0471-REDWOOD B DIAMOND LLC:**

**ZONE CHANGE** to reclassify 9.5 acres from an R-E (Rural Estates Residential) Zone and an H-2 (General Highway Frontage) Zone to a C-2 (General Commercial) Zone.

**USE PERMITS** for the following: **1)** assisted living facility; and **2)** permit outside dining and drinking in conjunction with a tavern where only permitted in conjunction with a supper club, tourist club, mixed-use development, or restaurant.

**WAIVERS OF DEVELOPMENT STANDARDS** for the following: **1)** dedication of right-of-way; and **2)** allow modified driveway design standards.

**DESIGN REVIEWS** for the following: **1)** assisted living facility; **2)** vehicle (automobile) wash; **3)** hotel; **4)** retail building; **5)** restaurant with drive-thru; **6)** on-premises consumption of alcohol establishment (tavern); and **7)** finished grade.

Generally located on the east side of Redwood Street and the south side of Blue Diamond Road within Enterprise (description on file). JJ/md/ja (For possible action)

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RELATED INFORMATION:

**APN:**

176-23-201-006 through 176-23-201-008; 176-23-201-011

**WAIVERS OF DEVELOPMENT STANDARDS:**

1. Waive dedication of right-of-way where required per Section 30.52.030.
2.
  - a. Reduce throat depth for a driveway along Redwood Street to 18 feet where a minimum of 150 feet is required per Uniform Standard Drawing 222.1 (an 88% reduction).
  - b. Reduce throat depth for a driveway along Redwood Street to 24 feet where a minimum of 150 feet is required per Uniform Standard Drawing 222.1 (an 84% reduction).

**DESIGN REVIEWS:**

1. Assisted living facility.
2. Vehicle (automobile) wash.
3. Hotel.
4. Retail building.
5. Restaurant with drive-thru.
6. On-premises consumption of alcohol establishment (tavern).

7. Increase finished grade to 66 inches where a maximum of 36 inches is the standard per Section 30.32.040 (an 83.3% increase).

## **LAND USE PLAN:**

### **ENTERPRISE - BUSINESS EMPLOYMENT**

## **BACKGROUND:**

### **Project Description**

#### **General Summary**

- Site Address: N/A
- Site Acreage: 9.5
- Number of Units: 108 (assisted living facility)
- Density (du/ac): 5.7 (each bedroom/unit 180 square feet or more shall be considered to be equal to one-half of a dwelling unit).
- Project Type: Commercial complex
- Number of Stories: 4 (assisted living facility and hotel)/2 (tavern)/1 (vehicle wash, restaurant with drive-thru, and retail building)
- Building Height (feet): 49 (assisted living facility)/40 (vehicle wash)/46 (hotel)/39 (retail building)/31 (restaurant with drive-thru)/35 (tavern)
- Square Feet: 95,936 (assisted living facility)/4,291 (vehicle wash)/63,444 (hotel)/14,924 (retail building)/3,040 (restaurant with drive-thru)/9,200 (tavern)/6,380 (outdoor dining and drinking area for tavern)
- Parking Required/Provided: 381/388

#### **Neighborhood Meeting Summary**

This is a request for a nonconforming zone change to reclassify 9.5 acres from R-E and H-2 zoning districts to a C-2 zoning district for a commercial complex. The applicant conducted a neighborhood meeting on July 11, 2022, as required by the nonconforming zone boundary amendment process. The required meeting notices were mailed to the neighboring property owners within 1,500 feet of the project site. Two neighbors were in attendance and had general questions about the retail development. The 2 neighbors expressed support for the commercial development.

#### Site Plans

The plans depict a commercial complex consisting of a 4 story assisted living facility, a vehicle (automobile) wash, a 4 story hotel, an in-line, single story retail building, a restaurant with drive-thru, and a tavern on 9.5 acres. A use permit is requested to establish an assisted living facility consisting of 108 units with a density of 5.7 units per acre. The assisted living facility is located on the east portion of the project site, configured in an L-shaped design. Parking for the facility is located along the west and southwest sides of the building. The proposed hotel is located at the southwest portion of the site, with parking spaces located on the west side (front) of the building. The vehicle (automobile) wash is located at the northwest corner of the site, adjacent to Redwood Street and Blue Diamond Road. The vehicle queuing lane, measuring 36 feet in width, begins along the east side of the vehicle wash facility. The vehicle queuing consists of a 3 lane stacking area, with each lane measuring 8 feet in width. Per the site plan, the stacking area can accommodate up to 18 automobiles at any given time. Three covered pay kiosks are located

at the end of the stacking area. The 3 lane stacking area transitions into a single, one-way drive aisle measuring 15 feet in width, located north of the building, where automobiles enter the vehicle wash, and exit the facility on the south side via a 16 foot wide drive aisle. Immediately to the west of the vehicle wash are 20 vacuum spaces and 5 automobile parking spaces. A restaurant with a single drive-thru lane is also located at the northwest corner of the site, 80 feet to the east of the vehicle wash facility. The drive-thru lane measures 12 feet in width and circulates around the south and east portions of the building, terminating at an east/west 2 way vehicle drive aisle measuring 24 feet in width. The 2 story tavern with rooftop dining is centrally located within the project site between the restaurant and assisted living facility, 70 feet north of the in-line retail building. A special use permit is requested to permit outside dining and drinking in conjunction with the tavern. Parking is located adjacent to all 4 sides of the tavern building. The single story, in-line retail building is located along the south portion of the site, with a row of parking spaces located immediately to the north of the storefront entrances. Below is a table reflecting the building setbacks from the north, south, east, and west property lines of the site:

| <b>Building Setback from Property Lines (in feet)</b> |                      |             |              |             |
|---|----------------------|-------------|--------------|-------------|
|   | <b>Property Line</b> |             |              |             |
| <b>Building:</b>                                      | <b>North</b>         | <b>East</b> | <b>South</b> | <b>West</b> |
| Assisted living facility                              | 43                   | 15          | 14           | 750         |
| Vehicle wash  | 62                   | 840         | 395          | 90          |
| Hotel   | 310                  | 68          | 8            | 160         |
| Retail building                                       | 235                  | 320         | 11           | 310         |
| Restaurant w/drive-thru                               | 76                   | 640         | 163          | 250         |
| Tavern  | 79                   | 300         | 136          | 550         |

All buildings within the commercial complex are connected through a series of north/south and east/west cross access drive aisles. The commercial complex requires 381 parking spaces where 388 parking spaces are provided. A 5 foot wide detached sidewalk is provided along Redwood Street. A waiver of development standards is requested to waive the dedication requirement for Sorrel Street (north/south alignment) and Oleta Avenue (east/west alignment). Ingress and egress to the site is granted via 2 proposed commercial driveways along the west portion of the site, adjacent to Redwood Street. A second waiver of development standards is requested to reduce the throat depth for the north driveway to 18 feet and the south driveway to 24 feet. A design review to increase finished grade is also part of this request. The increase to finished grade will predominantly occur at the southwest portion of the site, in proximity to the hotel.

### Landscaping

The plans depict a 15 foot wide landscape area, including a 5 foot wide detached sidewalk, located along Redwood Street. The street landscape area consists of trees, shrubs, and groundcover. A 15 foot wide landscape area is provided along the north property line while a 10 foot wide landscape area is located along the east property line. A landscape area ranging between 9 feet to 11 feet in width is provided along the south, southeast, and southwest property lines. The perimeter landscape areas consist of trees, shrubs, and groundcover. Parking lot landscaping is equitably distributed throughout the commercial complex.

### Elevations

Below is a table reflecting the height and materials for each building:

| <b>Building Information</b> |               |   |
|-----------------------------|---------------|---|
| <b>Building:</b>            | <b>Height</b> | <b>Materials</b>  |
| Assisted living facility    | 49            | All buildings will consist of the following exterior materials: smooth stucco, aluminum storefront window system, standing seam metal roof with canopy, and pre-finished metal coping for a unified architectural theme throughout the development. |
| Vehicle wash                | 40            |   |
| Hotel                       | 46            |   |
| Retail building             | 39            |   |
| Restaurant w/drive-thru     | 31            |   |
| Tavern                      | 35            |   |

### Floor Plans

Below is a table reflecting the area of the buildings within the proposed commercial complex:

| <b>Building Area</b>       | <b>Square Feet</b> |
|----------------------------|--------------------|
| Assisted living facility   | 95,936             |
| Vehicle (automobile) wash  | 4,291              |
| Hotel                      | 63,444             |
| Retail building            | 14,924             |
| Restaurant with drive-thru | 3,040              |
| Tavern                     | 9,200              |
| <b>Total Building Area</b> | <b>190,835</b>     |

The assisted living facility consists of 108 units (72 one bedroom and 15 two bedroom) within the building. The hotel features 112 guest rooms and includes guest amenities such as a fitness center and laundry room. The tavern is designed with an outside dining and drinking area measuring 6,380 square feet on the second floor of the building with a roof top deck.

### Signage

Signage is not a part of this request.

### Applicant's Justification

The applicant states the uses adjacent to the driveways along Redwood Street would not cause backing onto the street as at the carwash, there is adequate number of stacking provided and at the hotel, there are an adequate number of parking spaces and a large drop-off area. The applicant indicates that due to existing developments north of Blue Diamond Road, and south of Serene Avenue, Sorrel Street will not connect or continue north or south of the development. Due to the property immediately east of the subject site, APN 176-23-201-009, Oleta Avenue cannot continue east beyond the subject site. Due to the proximity with Blue Diamond Road, Oleta Avenue will not continue west of the subject site. The fill exceeds 36 inches at the hotel because of an existing wash that runs from the proposed Redwood Street commercial driveway to the east side of the proposed hotel. The wash is approximately 4 feet to 5 feet deep. The proposed design will capture and discharge the storm runoff at the same points.

### Surrounding Land Use

|       | Planned Land Use Category        | Zoning District      | Existing Land Use             |
|-------|----------------------------------|----------------------|-------------------------------|
| North | Business Employment              | H-2                  | Undeveloped                   |
| South | Business Employment              | R-E & H-2            | Undeveloped                   |
| East  | Business Employment & Open Lands | M-D, M-1, H-2, & R-E | Undeveloped & outside storage |
| West  | Business Employment              | M-D                  | Undeveloped                   |

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

### Related Applications

| Application Number | Request   |
|--------------------|---|
| VS-23-0472         | A request to vacate and abandon government patent easements is a companion item on this agenda. |

### STANDARDS FOR APPROVAL:

The applicant shall demonstrate that the proposed request meets the goals and purposes of Title 30.

### Analysis

#### Comprehensive Planning

##### Zone Change

The applicant shall provide Compelling Justification that approval of the nonconforming zoning boundary amendment is appropriate. A Compelling Justification means the satisfaction of the following criteria as listed below:

- 1. A change in law, policies, trends, or facts after the adoption, readoption or amendment of the land use plan that have substantially changed the character or condition of the area, or the circumstances surrounding the property, which makes the proposed nonconforming zone boundary amendment appropriate.*

The applicant states the change in land use from the R-E and H-2 zoning districts to a C-2 zoning district would not substantially change the character or conditions of the area. The parcel is in close proximity to Blue Diamond Road and is surrounded by a variety of different uses. The applicant further states the proposed project will be compatible with other development that are on-going along Blue Diamond Road.

Immediately to the north of the project site is an undeveloped parcel zoned H-2 with a planned land use of Business Employment. To the west of the subject property, across Redwood Street, is an undeveloped parcel zoned M-D. Immediately to the south of the site is an undeveloped parcel zoned R-E and H-2 with a planned land use of Business Employment. To the east of the proposed development are undeveloped parcels zoned R-E and H-2 with a planned land use of Business Employment. Also, there are 2 additional parcels to the east of the site with outside storage zoned M-D and M-1, respectively, with a planned land use of Business Employment. Based on the character of the surrounding area, undeveloped parcels to the north, south, east, and

west that are planned for Business Employment, staff finds the proposed C-2 zoning would not be consistent and compatible with the surrounding area.

2. *The density and intensity of the uses allowed by the nonconforming zoning is compatible with the existing and planned land uses in the surrounding area.*

The applicant indicates the property is surrounded by variety of zoning. Blue Diamond Road has similar development nearby, which are zoned C-1 and C-2. The project and the uses will be compatible with surroundings in density and intensity. Near to the site, there are convenience stores and large grocery stores as well as number of other retails. It is also across the street from a large multiple family development which will also match in density.

The intent of the C-2 (General Commercial) district is to accommodate a full range of commercial uses, or mixed commercial and residential uses, in a manner that can be located to serve the needs of the entire community yet be buffered from having adverse impacts on any adjacent residential neighborhoods. The intent of the district is for sites which are typically greater than 10 acres. The C-2 zoning district is the most intense form of commercial zoning, which permits many uses by right, including minor training facilities, instruction training facilities, tattoo parlors, and the sale of packaged beer, wine, and liquor. Staff finds the requested commercial zoning is not compatible with the existing industrial zoning and planned land use of Business Employment in the surrounding area.

3. *There will not be a substantial adverse effect on public facilities and services, such as roads, access, schools, parks, fire and police facilities, and stormwater and drainage facilities, as a result of the uses allowed by the nonconforming zoning.*

According to the applicant, The proposed project would not have a substantial adverse effect on public facilities. The proposed project is near a major road, Blue Diamond Road, and similar to other projects being developed along Blue Diamond Road. The entry to the site would be through Redwood Street with no direct access to Blue Diamond, not impacting flow of traffic.

There has been no indication from various service providers that this request will have a substantial adverse effect on public facilities and services. Various Clark County service departments have reviewed the development proposal based on the information submitted by the applicant and, based on the comments received from those service providers, the project is not anticipated to have additional impacts on the surrounding infrastructure beyond what would have been anticipated for a non-residential development.

4. *The proposed nonconforming zoning conforms to other applicable adopted plans, goals, and policies.*

The applicant states the proposed site meets at least 3 policies from the Master Plan. The proposed development is incorporating open spaces and incorporating site features such as benches and covered areas within landscape settings. The proposed development is commercial and with a portion of the site designated for the purpose of residential development. The development will provide future homes of many businesses and many employment opportunities.

The proposed development is surrounded by existing business, therefore there is already services by the County and other service providers.

Staff finds the proposed development conflicts with several goals and policies of the Master Plan, as they relate to the Arden area of Enterprise. Goal EN-5 aims to protect the viability of industrial and employment areas in Enterprise. Furthermore, policy EN-5.1 supports the retention and expansion of light-industrial and employment uses in the Arden area of Enterprise. Staff finds the proposed commercial development is not compatible with the surrounding parcels with a planned land use of Business Employment.

## **Summary**

### **Zone Change**

Staff finds there has been no change in law, policies, and trends that makes this request appropriate for the area. The reclassification of this site to a C-2 zone would allow the proposed commercial development within a zoning district that is not compatible with the existing and planned land uses of Business Employment within the surrounding area. Staff finds the proposed request does not satisfy all of the requirements of a compelling justification to warrant approval of the nonconforming zone boundary amendment to C-2 zoning.

### **Use Permits & Design Reviews #1 through #6**

A use permit is a discretionary land use application that is considered on a case by case basis in consideration of Title 30 and the Master Plan. One of several criteria the applicant must establish is that the use is appropriate at the proposed location and demonstrate the use shall not result in a substantial or undue adverse effect on adjacent properties.

The C-2 zoning district is the most intense form of commercial zoning, which permits many uses by right, including minor training facilities, instruction training facilities, tattoo parlors, and the sale of packaged beer, wine, and liquor. Staff finds the requested uses are not compatible with the existing industrial zoning and planned land use of Business Employment in the surrounding area; therefore, recommends denial of the use permit requests.

The commercial development will provide north/south and east/west cross access throughout the interior of the site. Furthermore, the proposed layout of the commercial development and parking lot is functional. However, since staff does not support the zone change, use permits, and waivers of development standards, staff cannot support the associated design reviews.

### **Waivers of Development Standards**

According to Title 30, the applicant shall have the burden of proof to establish that the proposed request is appropriate for its existing location by showing that the uses of the area adjacent to the property included in the waiver of development standards request will not be affected in a substantially adverse manner. The intent and purpose of a waiver of development standards is to modify a development standard where the provision of an alternative standard, or other factors which mitigate the impact of the relaxed standard, may justify an alternative.

## **Public Works - Development Review**

### Waiver of Development Standards #1

Staff has no objection to not having Oleta Avenue and Sorrel Street dedicated. Due to existing developments in the area, the streets would not provide any public benefit. However, since staff cannot support the remainder of the application, staff cannot support this request.

### Waiver of Development Standards #2

Staff finds that the requested throat depth reductions are excessive. The intensity of the uses on the site will result in a significant number of vehicles using the driveways at the same time. With immediate conflicts at both driveways, staff finds that vehicles will stack into the right-of-way while accessing the site, resulting in potential collisions.

### Design Review #7

This design review represents the maximum grade difference within the boundary of this application. This information is based on preliminary data to set the worst-case scenario. Staff will continue to evaluate the site through the technical studies required for this application. Approval of this application will not prevent staff from requiring an alternate design to meet Code, Title 30, or previous land use approval. However, since staff cannot support the remainder of the application, staff cannot support this request.

## **Staff Recommendation**

Denial. This item has been forwarded to the Board of County Commissioners for final action.

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.

## **STAFF CONDITIONS:**

### **Comprehensive Planning**

If approved:

- Resolution of Intent to complete in 3 years;
- 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 final zoning inspection.
- Applicant is advised that 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 new application for a Master Plan Amendment may be required in the event the building program and/or conditions of the subject application are proposed to be modified in the future; 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;
- Drainage study must demonstrate that the proposed grade elevation differences outside that allowed by Section 30.32.040(a)(9) are needed to mitigate drainage through the site;
- Traffic study and compliance;
- Full off-site improvements;
- Right-of-way dedication to include 25 feet to the back of curb for Redwood Street and associated spandrel;
- Coordinate with Public Works - Development Review to apply for a BLM right-of-way grant for Redwood Street.
- Applicant is advised that Nevada Department of Transportation (NDOT) permits may be required; that the installation of detached sidewalks will require dedication to back of curb and granting necessary easements for utilities, pedestrian access, streetlights, and traffic control; and that approval of this application will not prevent Public Works from requiring an alternate design to meet Clark County Code, Title 30, or previous land use approvals.

**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](mailto:sewerlocation@cleanwaterteam.com) and reference POC Tracking #0365-2022 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

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

**APPROVALS:**

**PROTESTS:** 1 letter

**PLANNING COMMISSION ACTION:** September 19, 2023 – HELD – To 10/03/23 – per the applicant.

**PLANNING COMMISSION ACTION:** October 3, 2023 – DENIED – Vote: Aye: Kirk, Lee, Mujica, Kilarski Nay: Castello, Frasier, Stone

**APPLICANT:** B DIAMOND, LLC

**CONTACT:** SUZANA RUTAR ARCHITECT LTD., 1950 E. WARM SPRINGS RD., LAS VEGAS, NV 89119