

10/04/23 BCC AGENDA SHEET

SHOPPING CENTER  
(TITLE 30)

BLUE DIAMOND RD/TENAYA WAY

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**UC-23-0554-NAMAZ, LLC:**

**USE PERMITS** for the following: **1)** allow retail sales and service; and **2)** allow restaurants.

**WAIVERS OF DEVELOPMENT STANDARDS** for the following: **1)** eliminate sidewalk and allow reduced street landscaping; and **2)** reduce the driveway throat depth.

**DESIGN REVIEWS** for the following: **1)** a shopping center; and **2)** finished grade on 3.7 acres in an H-2 (General Highway Frontage) Zone in the Mountain's Edge Master Planned Community.

Generally located on the south side of Blue Diamond Road and the east side of Tenaya Way within Enterprise. JJ/jor/syp (For possible action)

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RELATED INFORMATION:

**APN:**

176-22-601-033; 176-22-601-034

**USE PERMITS:**

1. Allow retail sales and services per Table 30.44-1.
2. Allow restaurants per Table 30.44-1.

**WAIVERS OF DEVELOPMENT STANDARDS:**

1.
  - a. Eliminate the requirement for detached sidewalks and permit alternative landscaping adjacent to Blue Diamond Road where detached sidewalks and landscaping are required per Figure 30.64-17 and Section 30.64.030.
  - b. Reduce the landscaping width adjacent to Blue Diamond Road to 10 feet where 15 feet is required per Chapter 30.64 (a 33% reduction).
2. Reduce the driveway throat depth to 38 feet 7 inches where 100 feet is required per Uniform Standard Drawing 222.1 (a 61% reduction).

**DESIGN REVIEWS:**

1. A shopping center with restaurant pad sites and drive-thru lanes.
2. Increase finished grade to 66 inches where a maximum of 36 inches is the standard per Section 30.32.040 (an 83% increase).

**LAND USE PLAN:**

ENTERPRISE - CORRIDOR MIXED-USE

## **BACKGROUND:**

### **Project Description**

#### **General Summary**

- Site Address: N/A
- Site Acreage: 3.7
- Project Type: Proposed shopping center
- Number of Stories: 1
- Building Height: 30 feet, 6 inches (maximum)
- Square Feet: 31,180
- Parking Required/Provided: 156/156

#### History, Site Plan, & Request

UC-0318-11 was previously approved for a commercial center and there were 3 extensions of time approved for the site, all of which have expired.

Today, the site plan shows a proposed shopping center located on the south side of Blue Diamond Road, and the east side of Tenaya Way. The applicant is proposing access to the site via driveways along the north property line, and on the southwest corner of the site. There are 4 pad sites on the northern half of the shopping center, and 3 buildings along the south property line. The plans show that loading zones, trash enclosures, cross access, and pedestrian walkways were incorporated into the site design. Pad A and Pad B include drive-thru lines and the east side of the pad site.

The buildings on the southern half of the site are set back 10 feet from the south property line, and the buildings on the northern half are set back a minimum of 33 feet from the north property line (adjacent to Blue Diamond Road).

The applicant is requesting use permits to allow retail sales and services and restaurant uses. In addition, there is a request for a waiver of development standards to reduce the driveway throat depth along Tenaya Way. The applicant is also requesting a waiver to reduce the landscape strip adjacent to Blue Diamond Road to 10 feet where 15 feet is required per Chapter 30.64. Lastly, there is a design review for the proposed shopping center and for increase finished grade to 66 inches where 36 inches is the maximum allowed. The request for increase finished grade is located beneath the parking lot north of Building 2, in between Pad C and Pad D. There are 156 parking spaces provided where 156 parking spaces are required.

#### Landscaping

The plan shows that over 90 trees will be planted throughout the site with associated shrubs and groundcover. Detached sidewalks are provided along Tenaya Way. Future off-site improvements will be determined along Blue Diamond Road by the Nevada Division of Transportation (NDOT). Furthermore, landscape finger islands are also provided throughout the site.

#### Elevations

The plans show that the maximum building height is 30 feet, 6 inches. Also, proposed paint colors include white, grey, and blue. Furthermore, black and tan metal panels will be installed for

architectural interest. Attached awnings and aluminum storefront and window systems are also a part of the exterior design.

#### Floor Plan

Each building has the flexibility to be customized by each tenant. The overall area for each pad site and/or building is as follows:

Northern portion of the site:

- Pad A (with drive-thru lane) - 2,185 square feet
- Pad B (with drive-thru lane) - 5,380 square feet
- Pad C - 4,230 square feet
- Pad D - 2,185 square feet

Southern portion of the site:

- Building 1 - 5,500 square feet
- Building 2 - 8,220 square feet
- Building 3 - 3,480 square feet

#### Signage

Signage is not a part of this request.

#### Applicant's Justification

The shopping center is comprised of 7 buildings and 2 proposed drive-thru lanes. The applicant is requesting use permits for retail and restaurant uses. Both parcels are currently zoned H-2. The maximum proposed height of the buildings is 30 feet 6 inches under the maximum allowed height of 35 feet. The parking analysis is calculated at 5 spaced per every 1,000 square feet since this is a shopping center. They are providing 156 parking spaces where 156 parking spaces are required. The project meets all minimum setbacks as required by Title 30.

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

<b>Application Number</b>	<b>Request</b>	<b>Action</b>	<b>Date</b>
ET-18-400205 (UC-0318-11)	Third extension of time for a commercial retail development - expired	Approved by PC	November 2018
UC-0318-11 (ET-0074-15)	Second extension of time for a commercial retail development - expired	Approved by PC	October 2015
UC-0318-11 (ET-0085-13)	First extension of time for commercial retail development - expired	Approved by PC	November 2013
UC-0318-11	Allowed a commercial retail development which included a convenience store, gasoline station, alcohol sales (liquor, beer, and wine), and a service bar, and waiver for alternative street and parking lot landscaping with a design review for the site - expired	Approved by PC	September 2011

**Prior Land Use Requests**

<b>Application Number</b>	<b>Request</b>	<b>Action</b>	<b>Date</b>
ZC-1313-02	Reclassified the property to C-P zoning - expired	Approved by BCC	December 2002

\*Additional land use applications have been approved on this site.

**Surrounding Land Use**

	<b>Planned Land Use Category</b>	<b>Zoning District</b>	<b>Existing Land Use</b>
North	Neighborhood Commercial	H-2	Undeveloped
East, West, & South	Corridor Mixed-Use	C-2	Undeveloped

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

**Related Applications**

<b>Application Number</b>	<b>Request</b>
VS-23-0555	A vacation and abandonment for easements and rights-of-way 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**Use Permits

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.

Staff determines that retail and restaurant uses are commonly found within shopping centers that usually front collector and arterial streets. The plan shows that the site design accommodates a variety of commercial uses on the site, and sufficient parking and separation distances from any potential residential uses is was properly addressed. Therefore, staff supports these requests.

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.

#### Waiver of Development Standards #1

Currently, there are no off-site improvements along the north property line of the site (adjacent to Blue Diamond Road). Staff finds that Blue Diamond Road is an NDOT right-of-way, and historically attached sidewalks are installed, similar to what is existing to the east and west. The applicant is proposing 10 feet of landscaping where 15 feet of landscaping is required per Chapter 30.64, if there was an existing attached sidewalk. Code also requires detached sidewalks for streets that are 60 feet or more in width. The plans show detached sidewalks along Tenaya Way only. Staff does not oppose the applicant's request since a significant amount of trees will be planted along the north property line providing a sufficient visual and physical buffer from Blue Diamond Road. Reducing the landscaping and eliminating detached sidewalks strip does not negatively affect the surrounding area or the streetscape, therefore, staff can support this request.

#### Design Review #1

Staff finds that the site design includes a cluster of buildings within the 3.7 acre shopping center which are harmonious in design to the shopping centers to west of Buffalo Drive and east of Montessori Street. Staff's only concern is the loading zone on the southeast corner of the site. Staff recommends that the southeast corner loading zone is relocated to ensure maneuverability. Since planning and public works staff supports the additional land use requests, staff can also support this design review.

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

##### Waiver of Development Standards #2

Staff has no objection to the reduction in the throat depth for the Tenaya Way commercial driveway. The applicant provided landscape buffers adjacent to the driveway and oriented the car wash exit to prevent vehicles from stacking in the drive aisle, avoiding immediate conflicts with vehicles exiting the right-of-way.

#### Design Review #2

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 Clark County Code, Title 30, or previous land use approval.

#### **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**

- Relocate southeast loading zone to ensure vehicular maneuverability;

- 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 if APN 176-22-701-030 is developed as a commercial use, applicant to provide cross access; 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; the rewrite to Title 30 eliminates the H-2 zone which was removed from Title 30 in June 2000; the installation and use of cooling systems that consumptively use water will be prohibited; 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;
- Right-of-way dedication to include spandrel at Tenaya Way and Blue Diamond Road if required by Public Works - Development Review or Nevada Department of Transportation (NDOT).
- Applicant is advised that Nevada Department of Transportation (NDOT) permits may be required.

#### **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.

#### **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 #0293-2023 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

**TAB/CAC:** Enterprise - approval (design review as a public hearing for lighting and signage).

**APPROVALS:**

**PROTESTS:**

**APPLICANT:** PEYMAN MASACHI

**CONTACT:** PEYMAN MASACHI, 74 HUNT VALLEY TRAIL, HENDERSON, NV 89052