



ENTERPRISE TOWN ADVISORY BOARD

Windmill Library
7060 W. Windmill Lane
Las Vegas, NV 89113

February 15, 2023

6:00pm

AGENDA

Note:

- Items on the agenda may be taken out of order.
- The Board/Council may combine two (2) or more agenda items for consideration.
- The Board/Council may remove an item from the agenda or delay discussion relating to an item at any time.
- No action may be taken on any matter not listed on the posted agenda.
- All planning and zoning matters heard at this meeting are forwarded to the Board of County Commissioners' Zoning Commission (BCC) or the Clark County Planning Commission (PC) for final action.
- Please turn off or mute all cell phones and other electronic devices.
- Please take all private conversations outside the room.
- With a forty-eight (48) hour advance request, a sign language interpreter or other reasonable efforts to assist and accommodate persons with physical disabilities, may be made available by calling (702) 455-3530, TDD at (702) 385-7486, or Relay Nevada toll-free at (800) 326-6868, TD/TDD.
- Supporting material provided to Board/Council members for this meeting may be requested from Carmen Hayes at (702) 371-7991 or chayes70@yahoo.com.
 - Supporting material is/will also available at the Clark County Department of Administrative Services, 500 S. Grand Central Parkway, 6th Floor, Las Vegas, Nevada 89155.
 - Supporting material is/will be available on the County's website at <https://clarkcountynv.gov/EnterpriseTAB>.

Board/Council Members	Justin Maffett, Chair David Chestnut Kaushal Shah	Barris Kaiser, Vice Chair Chris Caluya
Secretary:	Carmen Hayes (702) 371-7991 chayes70@yahoo.com Business Address: Clark County Department of Administrative Services, 500 S. Grand Central Parkway, 6th Floor, Las Vegas, Nevada 89155	
County Liaison(s):	Tiffany Hesser (702) 455-7388 TLH@clarkcountynv.gov Business Address: Clark County Department of Administrative Services, 500 S. Grand Central Parkway, 6th Floor, Las Vegas, Nevada 89155	

I. Call to Order, Pledge of Allegiance, and Roll Call

II. Public Comment- This is a period devoted to comments by the general public about items on this agenda. No discussion, action, or vote may be taken on this agenda item. You will be afforded the opportunity to speak on individual Public Hearing Items at the time they are presented. If you wish to speak to the Board/Council about items within its jurisdiction but not appearing on this agenda, you must wait until the "Comments by the General Public" period listed at the end of this agenda. Comments will be limited to three (3) minutes. Please step up to the speaker's podium, if applicable, clearly state your name and address and please **spell** your last name for the record. If any member of the Board/Council wishes to extend the length of a presentation, this will be done by the Chairperson or the Board/Council by majority vote.

- III. Approval of Minutes for February 1, 2023. (For possible action)
- IV. Approval of the Agenda for February 15, 2023 and Hold, Combine, or Delete any Items. (For possible action)
- V. Informational Items
 - 1. Announcements of upcoming neighborhood meetings and County or community meetings and events. (For discussion only)
- VI. Planning and Zoning
 - 1. **PA-23-700001-CIMARRON CAPITAL MANAGEMENT, LLC:**
PLAN AMENDMENT to redesignate the existing land use category from Compact Neighborhood (CN) to Neighborhood Commercial (NC) on 1.4 acres. Generally located on the north side of Blue Diamond Road, 300 feet west of Cimarron Road within Enterprise. JJ/gtb (For possible action) **03/07/23 PC**
 - 2. **ZC-23-0004-CIMARRON CAPITAL MANAGEMENT, LLC:**
ZONE CHANGE to reclassify 1.4 acres from an H-2 (General Highway Frontage) Zone to a C-1 (Local Business) Zone.
USE PERMIT to reduce separation from outside dining to a residential use.
WAIVER OF DEVELOPMENT STANDARDS for alternative street landscaping.
DESIGN REVIEW for a commercial center (restaurants) with drive-thru services and outside dining areas. Generally located on the north side of Blue Diamond Road, 300 feet west of Cimarron Road within Enterprise (description on file). JJ/rk/syp (For possible action) **03/07/23 PC**
 - 3. **TM-23-500001-CIMARRON CAPITAL MANAGEMENT, LLC:**
TENTATIVE MAP for a commercial subdivision on a 1.4 acre parcel in a C-1 (Local Business) Zone. Generally located on the north side of Blue Diamond Road, 300 feet west of Cimarron Road within Enterprise. JJ/rk/syp (For possible action) **03/07/23 PC**
 - 4. **ET-23-400003 (WS-20-0512)-B & R FOUR, LLC:**
WAIVER OF DEVELOPMENT STANDARDS FIRST EXTENSION OF TIME to increase wall height.
DESIGN REVIEWS for the following: 1) increase finished grade; and 2) a single family residential development on 4.1 acres in an R-E (Rural Estates Residential) (RNP-I) Zone. Generally located on the southwest corner of Cougar Avenue and La Cienega Street within Enterprise. MN/tpd/syp (For possible action) **03/08/23 BCC**
 - 5. **VS-22-0709-TZORTZIS SURVIVOR'S TRUST A, ET AL:**
VACATE AND ABANDON easements of interest to Clark County located between Jonathan Drive and Bruner Avenue, and between Gabriel Street and Las Vegas Boulevard South; and a portion of right-of-way being Gabriel Street located between Jonathan Drive and Bruner Avenue within Enterprise (description on file). MN/gc/syp (For possible action) **03/08/23 BCC**

6. **WS-22-0708-TZORTZIS SURVIVOR’S TRUST A, ET AL:**
WAIVERS OF DEVELOPMENT STANDARDS for the following: 1) allow non-standard improvements in the right-of-way; and 2) reduce throat depth.
DESIGN REVIEWS for the following: 1) commercial center; 2) alternative parking lot landscaping; and 3) finished grade in conjunction with an existing tavern on 3.7 acres in a C-2 (General Commercial) Zone. Generally located on the west side of Las Vegas Boulevard South, 350 feet south of Jonathan Drive within Enterprise. MN/gc/syp (For possible action) **03/08/23**
BCC

VII. General Business

1. None.

- VIII. Comments by the General Public- A period devoted to comments by the general public about matters relevant to the Board/Council’s jurisdiction will be held. No vote may be taken on a matter not listed on the posted agenda. Comments will be limited to three (3) minutes. Please step up to the speaker's podium, if applicable, clearly state your name and address and please **spell** your last name for the record. If any member of the Board/Council wishes to extend the length of a presentation, this will be done by the Chairperson or the Board/Council by majority vote.

- IX. Next Meeting Date: March 1, 2023.

- X. Adjournment.

POSTING LOCATIONS: This meeting was legally noticed and posted at the following locations:
Windmill Library – 7060 W. Windmill Lane
<https://notice.nv.gov>



Enterprise Town Advisory Board

February 1, 2023

MINUTES

Board Members	Justin Maffett, Chair PRESENT David Chestnut PRESENT Kaushal Shah PRESENT	Barris Kaiser, Vice Chair PRESENT Chris Caluya PRESENT
Secretary:	Carmen Hayes 702-371-7991 chayes70@yahoo.com PRESENT	
County Liaison:	Tiffany Hesser 702-455-7388 TLH@clarkcountynv.com PRESENT	

I. Call to Order, Pledge of Allegiance, Roll Call, County Staff Introductions (see above)

The meeting was called to order at 6:00 p.m.

Steve DeMerritt, Current Planning

II. Public Comment

This is a period devoted to comments by the general public about items on this agenda. No discussion, action, or vote may be taken on this agenda item. You will be afforded the opportunity to speak on individual Public Hearing Items at the time they are presented. If you wish to speak to the Board/Council about items within its jurisdiction but not appearing on this agenda, you must wait until the "Comments by the General Public" period listed at the end of this agenda. Comments will be limited to three minutes. Please step up to the speaker's podium, if applicable, clearly state your name and address and please spell your last name for the record. If any member of the Board/Council wishes to extend the length of a presentation, this will be done by the Chair or the Board/Council by majority vote.

- None

III. Approval of Minutes for January 11, 2023 (For possible action)

Motion by Justin Maffett

Action: **APPROVE** as amended for January 11, 2023.

Motion **PASSED** (5-0)/ Unanimous

IV. Approval of Agenda for February 1, 2023 and Hold, Combine or Delete Any Items (For possible action)

Motion by Justin Maffett

Action: **APPROVE** as Published

Motion **PASSED** (5-0)/ Unanimous

V. Informational Items

1. Announcements of upcoming neighborhood meetings and County or community meetings and events. (For discussion only)
 - Silverado Ranch Community Center groundbreaking ceremony will be held February 13.
 - Liaison mentioned she shared a TAB member's request for a presentation on Transform Clark County with the Director of the Planning Department. The Director indicated a future meeting for all TAB members will likely be coordinated, but details are not yet available.

VI. Planning & Zoning

1. **DR-22-0707-SA-CAC-DM, LLC:**
DESIGN REVIEW for monument sign in conjunction with a previously approved vehicle maintenance facility on 0.9 acres in a C-2 (General Commercial) Zone. Generally located on the north side of Cactus Avenue, 100 feet east of Polaris Avenue within Enterprise. JJ/sd/syp (For possible action) **02/21/23 PC**

Motion by Justin Maffett
Action: **APPROVE** per staff conditions
Motion **PASSED** (5-0) /Unanimous
2. **WS-22-0695-DOLLAR SELF STORAGE 22, LLC:**
WAIVER OF DEVELOPMENT STANDARDS for signage.
DESIGN REVIEW for proposed signage in conjunction with a previously approved convenience store and gasoline station on 0.8 acres in a C-1 (Local Business) Zone. Generally located on the northeast corner of Rainbow Boulevard and Pebble Road within Enterprise. JJ/rk/syp (For possible action) **02/21/23 PC**

Motion by Justin Maffett
Action: **DENY**: Waiver of Development Standards
DENY: Design Review for awning signs
APPROVE: Design Review for freestanding sign reduced to 25ft in height
APPROVE: Design Review for wall signs
Per staff conditions
Motion **PASSED** (5-0) /Unanimous
3. **ET-22-400138 (VS-17-0049)-LV RAINBOW, LLC:**
VACATE AND ABANDON SECOND EXTENSION OF TIME for easements of interest to Clark County located between Raven Avenue and Blue Diamond Road, and between Rainbow Boulevard and Montessouri Street (alignment), and a portion of right-of-way being Rosanna Street located between Raven Avenue and Agate Avenue, and a portion of right-of-way being Agate Avenue located between Rosanna Street and Montessouri Street (alignment) within Enterprise (description on file). JJ/tpd/syp (For possible action) **02/22/23 BCC**

Motion by David Chestnut
Action: **APPROVE** per staff conditions
Motion **PASSED** (5-0) /Unanimous

4. **WS-22-0700-AMH NV7 DEVELOPMENT, LLC:**
WAIVERS OF DEVELOPMENT STANDARDS for the following: 1) increase wall height; and 2) allow non-standard improvements within the right-of-way.
DESIGN REVIEW for finished grade in conjunction with a previously approved detached single family residential development on 3.8 acres in an R-2 (Medium Density Residential) Zone. Generally located on the east side of Buffalo Drive and the north side of Haleh Avenue within Enterprise. JJ/hw/syp (For possible action) **02/22/23 BCC**

Motion by Barris Kaiser

Action: **DENY**: Waivers of Development Standards #1

APPROVE: Waivers of Development Standards #2

DENY: Design Review

Per staff if approved conditions

Motion **PASSED** (5-0) /Unanimous

VII. General Business:

1. None.

VIII. Public Comment:

A period devoted to comments by the general public about matters relevant to the Board's/Council's jurisdiction will be held. No vote may be taken on a matter not listed on the posted agenda. Comments will be limited to three minutes. Please step up to the speaker's podium, if applicable, clearly state your name and address and please spell your last name for the record. If any member of the Board/Council wishes to extend the length of a presentation, this will be done by the Chair or the Board/Council by majority vote.

- None.

IX. Next Meeting Date

The next regular meeting will be February 15, 2023 at 6:00 p.m. at the Windmill Library.

X. Adjournment:

Motion by Justin Maffett

Action: **ADJOURN** meeting at 6:39 p.m.

Motion **PASSED** (5-0) /Unanimous

03/07/23 PC AGENDA SHEET

COMMERCIAL DEVELOPMENT
(TITLE 30)

BLUE DIAMOND RD/CIMARRON RD

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

PA-23-700001-CIMARRON CAPITAL MANAGEMENT, LLC:

PLAN AMENDMENT to redesignate the existing land use category from Compact Neighborhood (CN) to Neighborhood Commercial (NC) on 1.4 acres.

Generally located on the north side of Blue Diamond Road, 300 feet west of Cimarron Road within Enterprise. JJ/gtb (For possible action)

RELATED INFORMATION:

APN:

176-21-201-028

LAND USE PLAN:

ENTERPRISE - COMPACT NEIGHBORHOOD

BACKGROUND:

Project Description

General Summary

- Site Address: N/A
- Site Acreage: 1.4
- Project Type: Retail center (restaurants) with drive-thru service

Request

This request is a Master Plan Amendment to redesignate the existing land use category from Compact Neighborhood (CN) to Neighborhood Commercial (NC) for a proposed 2 building commercial development with plans. The project site has frontage along Blue Diamond Road, an arterial street.

Applicant's Justification

The applicant states this project is an in-fill development and complies with Countywide Goal 6.1 [CC Master Plan page 61] and related policies that support coordinated patterns of development, including policy 6.1.6 [CC Master Plan page 62] that encourages in-fill development.

Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North & West	Compact Neighborhood (up to 18 du/ac)	R-3	Single family residential
South	Mid-Intensity Suburban Neighborhood (up to 8 du/ac)	RUD	Single family residential
East	Commercial Neighborhood	C-1	Medical office

Related Applications

Application Number	Request
ZC-23-0004	A zone change, use permit, waiver of development standard, and design review for a 2 building commercial development is a companion item on this agenda.
TM-23-500001	A tentative map for a 1 lot commercial subdivision on 1.4 acres is a companion item on this agenda.

STANDARDS FOR ADOPTION:

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

Analysis

Comprehensive Planning

Neighborhood Commercial is identified in the Master Plan with the following characteristics:

Primary Land Uses

- Mix of retail, restaurants, offices, service commercial, and other professional services.

Characteristics

- Provides opportunities for compact nodes of low intensity retail, services, and offices that serve residents of the immediate neighborhood(s).
- Pedestrian and bicycle friendly site layout with direct connections to adjacent uses and designated bicycle and pedestrian routes between bus stops, sidewalks along major streets, and entrances of commercial businesses.
- Building heights typically range from 1 to 2 stories but may be up to 3 stories in some locations:
- Siting is encouraged where access to transit exists or is planned.
- Scale and intensity of uses should be mitigated where centers are adjacent to existing or planned neighborhoods to promote compatibility.

Plan Amendment

The current uses in the surrounding area are a mix of higher density residential, offices, service commercial, and other professional services.

Staff believes this is a reasonable request as it closely identifies with the Neighborhood Commercial land uses and characteristics in the area as identified in the Master Plan. It also follows a pattern of increased commercial intensities along this portion of the north side of Blue Diamond Road. C-1 zoning is located directly east of the site and approximately 300 feet to the west. C-2 zoning is located on both sides of Blue Diamond Road approximately 1,500 feet to the west up to Durango Drive. The scale and intensity of uses as proposed with the related applications are also mitigated where the buildings are adjacent to existing neighborhoods to promote compatibility.

Staff finds the request for the Neighborhood Commercial (NC) land use designation appropriate for this location.

Staff Recommendation

Adopt and direct the Chair to sign a resolution adopting the amendment. This item will be forwarded to the Board of County Commissioners' meeting for final action on April 5, 2023 at 9:00 a.m., unless otherwise announced.

If this request is adopted, 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 ADVISORIES:

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 #0022-2023 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

TAB/CAC:

APPROVALS:

PROTEST:

APPLICANT: J.A. KENNEDY DEVELOPMENT COMPANY

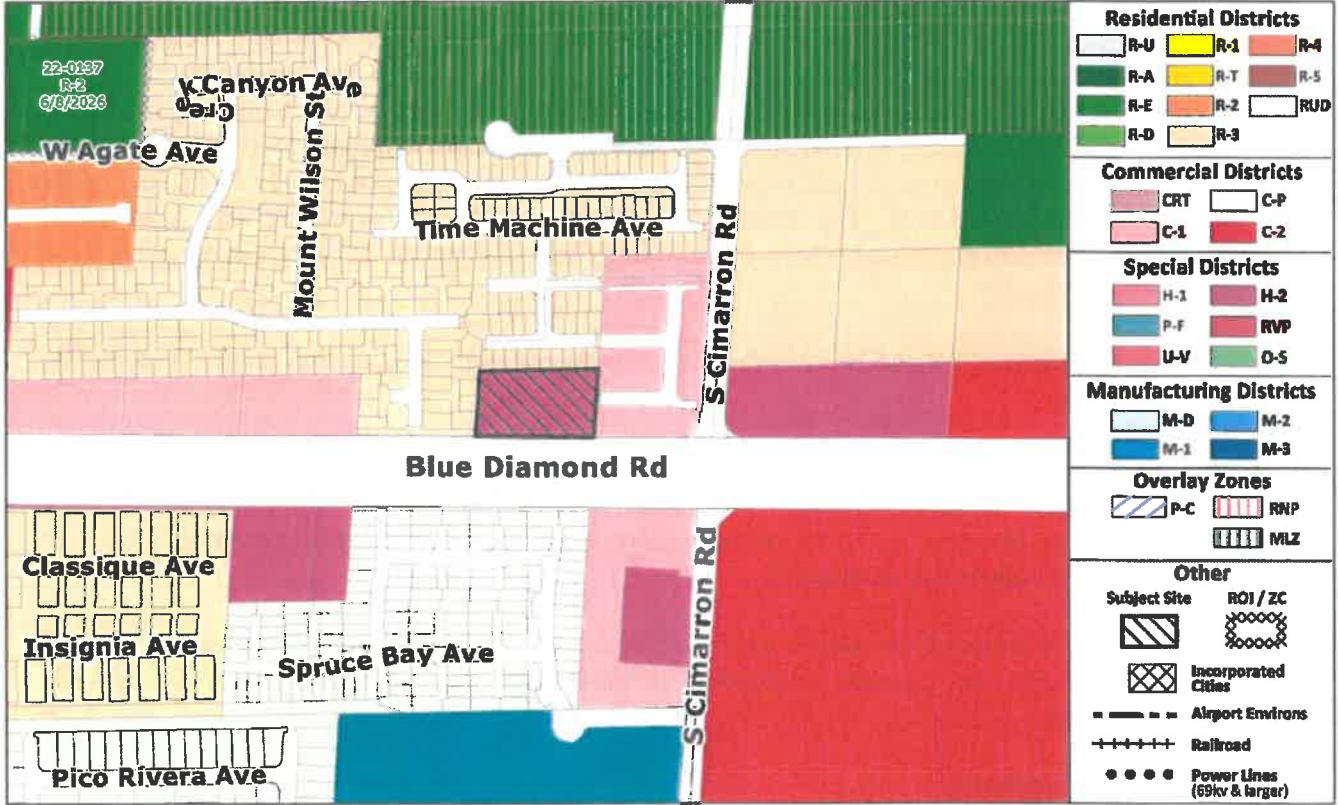
CONTACT: JAY BROWN/LEBENE OHENE, 520 S. FOURTH STREET, LAS VEGAS, NV 89101

Commission Agenda Map

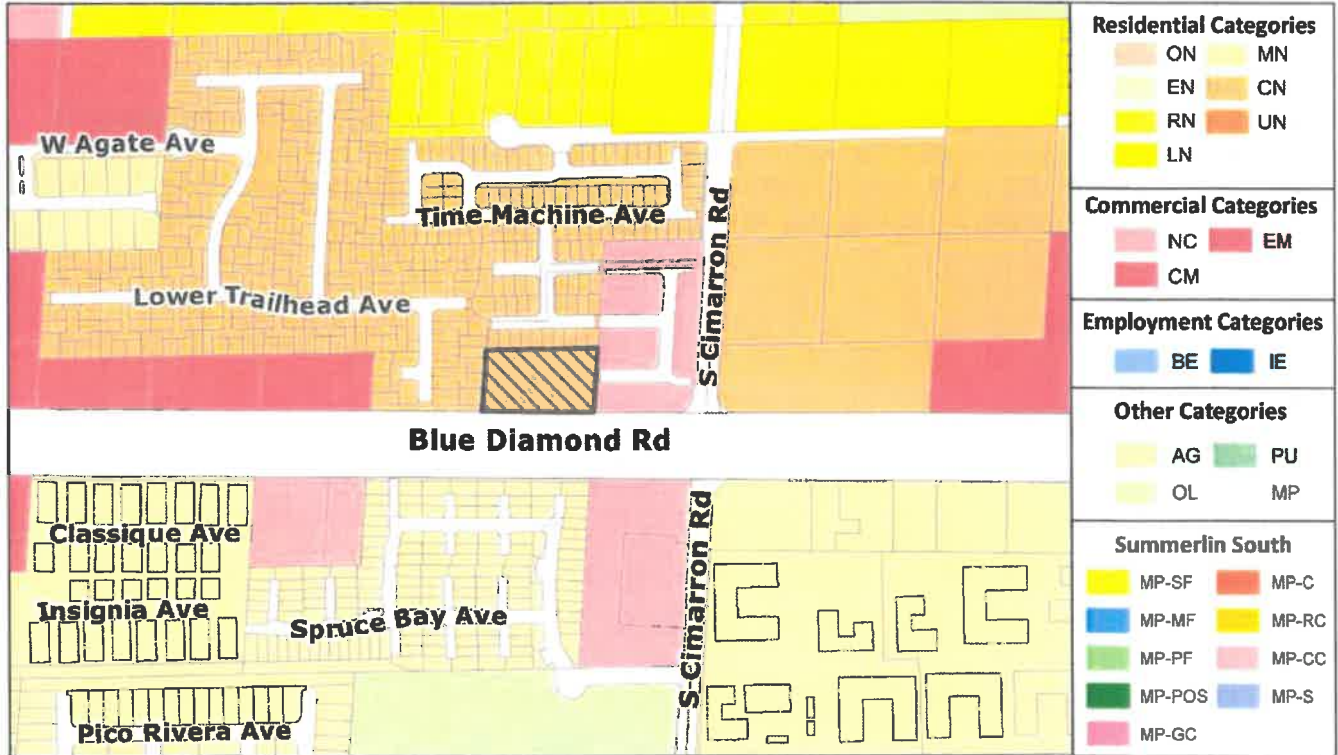
PA-23-700001

Clark County Department of Comprehensive Planning, Clark County, Nevada

ZONING



PLANNED LAND USE



This information is for display purposes only. No liability is assumed as to the accuracy of the data delineated hereon.

Subject Parcel(s)
17621201028

DRAFT

Page 4 of 4



0 126 250 500 Feet
Map Created on 1/10/2023





MASTER PLAN AMENDMENT APPLICATION

DEPARTMENT OF COMPREHENSIVE PLANNING

PROCESS AND SUBMITTAL REQUIREMENTS INCLUDED

1A

APPLICATION TYPE <input checked="" type="checkbox"/> MASTER PLAN AMENDMENT (PA) <input checked="" type="checkbox"/> MAP <input type="checkbox"/> TEXT	STAFF	APP. NUMBER: <u>PA-23-700001</u>	DATE FILED: <u>1/9/2023</u>
		PLANNER ASSIGNED: <u>GTD</u>	TAB/CAC MTG DATE: <u>2/15/2023</u>
		TAB/CAC: <u>ENTERPRISE</u>	
		PC MEETING DATE: <u>3/7/2023</u>	
		BCC MEETING DATE: <u>4/5/2023</u>	
		TRAILS? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
		FEE: <u>\$2,700</u>	

PROPERTY OWNER	NAME: <u>Cimarron Capital Management LLC</u>
	ADDRESS: <u>3755 Breakthrough Way Suite 250</u> CITY: <u>Las Vegas</u> STATE: <u>NV</u> ZIP: <u>89135</u>
	TELEPHONE: <u>N/A</u> CELL: <u>N/A</u>
	E-MAIL: <u>N/A</u> REF CONTACT ID #: <u>N/A</u>

APPLICANT	NAME: <u>J.A. Kennedy Development Company</u>
	ADDRESS: <u>3755 Breakthrough Way Suite 250</u> CITY: <u>Las Vegas</u> STATE: <u>NV</u> ZIP: <u>89135</u>
	TELEPHONE: <u>702-370-8696</u> CELL: <u>N/A</u>
	E-MAIL: <u>dbrowning@jakrec.com</u> REF CONTACT ID #: <u>N/A</u>

CORRESPONDENT	NAME: <u>Jay Brown/Lebene Ohene</u>
	ADDRESS: <u>520 South Fourth Street</u> CITY: <u>Las Vegas</u> STATE: <u>NV</u> ZIP: <u>89101</u>
	TELEPHONE: <u>702-598-1429</u> CELL: <u>702-561-7070</u>
	E-MAIL: <u>Lohene@brownlawlv.com</u> REF CONTACT ID #: <u>173835</u>

ASSESSOR'S PARCEL NUMBER(S): 176-21-201-028

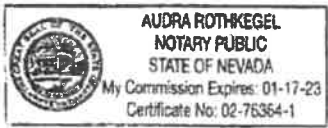
CURRENT LAND USE PLAN DESIGNATION: (CN) Compact Neighborhood

REQUESTED LAND USE PLAN DESIGNATION: (NC) Neighborhood Commercial

PROPERTY ADDRESS and/or CROSS STREETS: Blue Diamond Road & Cimarron Road

(I, We) the undersigned swear and say that (I am, We are) the owner(s) of record on the Tax Rolls of the property involved in this application, or (am, are) otherwise qualified to initiate this application under Clark County Code; that the information on the attached legal description, all plans, and drawings attached hereto, and all the statements and answers contained herein are in all respects true and correct to the best of my knowledge and belief, and the undersigned understands that this application must be complete and accurate before a hearing can be conducted. (I, We) also authorize the Clark County Comprehensive Planning Department, or its designee, to enter the premises and to install any required signs on said property for the purpose of advising the public of the proposed application.

<u>Joseph A. Kennedy</u> Property Owner (Signature)*	Joseph A. Kennedy Property Owner (Print)
STATE OF <u>Nevada</u> COUNTY OF <u>Clark</u>	
SUBSCRIBED AND SWORN BEFORE ME ON <u>October 20, 2022</u> (DATE)	
By <u>Joseph A. Kennedy</u>	
NOTARY PUBLIC: <u>Audra Rothkegel</u>	



*NOTE: Corporate declaration of authority (or equivalent), power of attorney, or signature documentation is required if the applicant and/or property owner is a corporation, partnership, trust, or provides signature in a representative capacity.

LAW OFFICE

Brown, Brown & Premsrirut

JAY H. BROWN
DAVID T. BROWN
PUOY K. PREMSRIRUT

AN ASSOCIATION OF PROFESSIONAL CORPORATIONS
520 SOUTH FOURTH STREET
LAS VEGAS, NEVADA 89101

TELEPHONE: (702) 384-5563
FACSMILE: (702) 385-1023
EMAIL: jbrown@brownlawlv.com

October 27, 2022

Clark County Comprehensive Planning
Current Planning Division
500 Grand Central Parkway
Las Vegas Nevada 89155

PA-23-700001

RE: Justification Letter - Revision 1

Requests:

Amendment of the Master Plan: From CN (Compact Neighborhood) to NC (Neighborhood Commercial)

Reclassification/Zone Change: From H-2 to C-1 for a commercial center with two proposed restaurants with drive-throughs @ Blue Diamond Highway & Cimarron Road

Assessors' Parcel Number: - 176-21-201-028

To Whom It May Concern:

On behalf of our Client Cimarron Capital Management LLC., we respectfully submit this application package for a proposed Non-conforming Zone Change application from a General Highway Frontage (H-2) zone to Local Business (C-1) zone for a proposed commercial development with two restaurants including drive-throughs. The proposed Dutch Bros Coffee Shop is located on the east side of the site, has a drive through call box and a pick-up window. The proposed Chipotle Restaurant is located on the west side of the site. The difference with these restaurant operations is that the drive through does not have a call boxes has a drive through only with a pick-up window for call ahead orders (these orders placed on-line or by phone calls). The pre-orders are picked up at the pick-up window.

The proposed project is located on the north side of Blue Diamond Highway and 340 feet west of Cimarron Road on a total of 1.4 acres. The current zoning of the site is H-2 which is a redundant commercial zoning district where the proposed restaurants may be allowed with the approval of a Special Use Permit. The parcel is designated Compact Neighborhood (CN) in the Clark County Master Plan within the Enterprise Planning Area. Immediately north, west and portions of the south across Blue Diamond Road are existing single family residential subdivisions zoned R-3, RUD and designated in the Master Plan as Compact Neighborhood (CN). To the east is an existing Valley Health System Emergency Medical Facility, designated Compact Neighborhood (CN) in the Master Plan. Also, south at the intersection of Blue Diamond Road and Cimarron Road is an existing C-1 zoned shopping center also designated as CN in the Master Plan.

Project Description:

The proposed Dutch Bros coffee shop is 950 square feet with a drive-thru and 350 square foot outside dining area. The building is located more than 70 feet from the north property line. Two drive-thru queuing lanes are depicted along the east sides of the building and wrap around the north and west sides of the building merging into one queuing lane at the pick-up window. The business model at this location has no speaker box. The menu items including drinks and specials are on

hand-held electronic menu boards with staff taking face to face orders which is sent directly to baristas to prepare for pick-up at the pick-up window. The pick-up window is located at the southwestern side of the building more the 100 feet from the property line to the north. A 350 square foot outside dining area is depicted on the southeastern portion of the building is 88 feet five inches from the residential use on the north property line.

The proposed Chipotle is 2,325 square feet with a 400 square foot outside dining area. The drive-thru lane is located on the north and west sides of the building. No call box is provided since this is a pre-order location with a pick window only for the orders. The pick-up window is located on the southwestern side of the building.

A 400 square foot outside dining area is depicted on the southeastern portion of the building and is 98 feet from the residential use on the north property line.

One (1) access to the site is depicted on the southern portion of the parcel along Blue Diamond Road. No cross access is provided to the commercial development to the east because the uses are incompatible. The use to the east is an Emergency Medical Facility with the emergency/ambulance entrance located on the west side of the building. Providing cross access on the eastern portion of the site will conflict with and disrupt emergency services for the facility. A total of 44 parking spaces including three (3) handicap accessible spaces are provided where 37 parking spaces are required. Bicycle racks are provided as required by Code. Two trash enclosures are provided for the site that comply with Code requirements. Two loading zones are provided one is located on the northern portion of the site and the second one centrally located between the proposed buildings.

Elevations:

The two restaurants have a modern contemporary design with an E.I.P.S finish system. Materials consisting of decorative tube steel, metal panel systems, and windows and doors with clear glazing with aluminum frames. The Dutch Bros on the east of the site is up to 24 feet high to the top of the parapet with the typical building materials and colors for the Dutch Bros brand. The Chipotle restaurant on the west side of the site is up to 20 feet 10 inches high to the top of the parapet with the typical building materials and colors of the Chipotle brand consisting of light sand colored EFIS finishes, decorative tube steel accents, decorative metal panel systems and dual glazing storefront windows and door systems.

Landscaping:

A 15 foot wide landscape area is depicted along the southern property line adjacent to the right-of-way easement of Blue Diamond Road. An eight (8) foot wide asphalt trail is provided within a portion of the right-of-way as a sidewalk and trail as provided by other developments in the area. The right-of-way of Blue Diamond in this area is not fully developed and no sidewalks along this segment of the highway. Parking lot landscaping is per Code requirements. Ten (10) foot wide landscape buffers with intense landscaping are along the north and west property lines adjacent to the existing single family residential uses. A minimum of 6 feet up to more than 18 feet of landscaping is provided along the east property line.

Signage is not a part of this application.

Master Plan Amendment and Zone Change - Reclassification:

Master Amendment: From CN (Compact Neighborhood) to NC (Neighborhood Commercial)
Zone Change – Reclassification: From an H-2 zone to a C-1 Zone for a 1.4 acre parcel for two proposed restaurants with drive-throughs.

Justification for the Amendment the Master Plan to NC and Reclassification to C-1.

The proposed project is located within the Enterprise Township and Planning area. This section of Blue Diamond Road has been in transition over the past ten (10) years to a combination of local business and which are neighborhood serving uses and complies with policy 3.2.5 which encourages sustainable growth of areas in the County. The subject parcel is currently zoned H-2, and the uses requested may be allowed with the approval of Special Uses Permits. In this immediate area the parcel to the immediate east and south across Blue Diamond Road are zoned and developed as a C-1 zoned commercial uses. Although, the site is designated as Compact Neighborhood (CN) this is a 1.4 acre parcel that will not accommodate a compact residential development that fronts a major highway with increase traffic volume volumes and speed. The other residential developments in the area take access from other streets to the north or south of the parcels unlike the commercial developments. Farther west of the residential subdivision to the west is a C-1 zoned parcel with a similar depth as the subject parcel is adjacent to a C-1 zoned commercial center with residential to the north and south. This indicates that the request zone change is appropriate and compatible for the area and is in character with the development trends of the area. The site is also located along Blue Diamond Road and is in close proximity to the intersection to Cimarron Drive, a major arterial and collector street, where parcels are typically designated and developed with commercial uses. This project is an infill development and complies with County wide Goals 6.1 and related policies that support coordinated patterns of development including 6.1.6 that encourage infill development. The request is appropriate although, the site currently designated CN, however, other C-1 zoned neighborhood commercial uses are located in the immediate area which also provides employment opportunities for the existing roof tops and other developing residential uses in the area. The proposed zone change

application is justified because the site fronts a highway, is adjacent to and across the street from parcels along this portion of the street with the same zoning that are in transition, developed, and were approved in the past few years.

The developed commercial parcels in this area to the immediate east and east across Cimarron Road and farther west and south are zoned C-1 and C-2 have uses with similar intensities as the restaurant uses and the C-1 zoning proposed and also adjacent to the developed residential subdivision. The proposed zoning will provide additional neighbor serving uses for the area. The proposed restaurants are appropriate and compatible with the current and future trends, land use designations, zoning categories, and land uses in the immediate area. Additionally, the other properties to the east, farther west and south at the intersections of Blue Diamond and Cimarron Road and Blue Diamond and Durango Drive are either developed, approved and under development with other commercial uses including C-1 and C-2 zone uses indicating that the area is trending or transitioning to local/neighborhood serving business uses with similar uses, zoning, and intensities.

There will be no substantial adverse effect on existing public facilities in the area. Since the immediate area is already designated and developed with both commercial and residential uses and the surrounding parcels are already developed; therefore, all required public services and infrastructure already exist in the area. The immediate area is developed with commercial uses; therefore, public services may only need to be upgraded or expanded to serve the project with the Developer contributing its fair share of the cost of development as required by the various County Departments and associated Agencies and the Nevada Department of Transportation for the development of Blue Diamond Road.

The proposed amendment conforms to Code requirements as well as adopted plans, goals, and policies. This proposed project is located adjacent to other commercial developments and is designed with landscaping to screen and buffer adjacent uses which exceed Code requirements; and appropriately screens and buffer the parcels to the immediate in the area. This project complies with policies EN-1.1 and EN-6.5 to preserve the integrity of the contiguous and uniform development of an area which is the development pattern of this section of Blue Diamond Road.

Waivers of Development Standards:

1) Allow alternative landscaping and sidewalk along Blue Diamond Road.

Justification:

The plans depict the required 15 feet of landscaping is provided along the frontage of the subject parcel, however, instead of the sidewalk an eight (8) foot wide asphalt sidewalk/trail is provided within a portion the Blue Diamond right-of-way to match the design provided both along the north and south sides of the roadway for other develop properties.

- 2) **Reduce outside the separation of the outside dining/drinking area for the Chipotle's Restaurant from the residential use to the north to 98 feet where a 200 foot separation is required.**

Justification:

This restaurant proposed at this location is unique because the business model does not include a call box because this is a pre-order/call ahead location with a pick window only for the orders. The outside dining/drinking area proposed is a small as well not only accommodate the customers who drive to the site. The area is buffered by the intense landscaping provided to the north and to the west by the building and intense landscaping along the west property line. The landscaping provided to buffer the use, distance from the north property line, the building on the west property line and no call box all help minimize and mitigate any perceived impact to the residential use. The applicant worked to address concerns raised by the neighbors at the neighborhood meeting to ensure minimize and reduce with the business model of the restaurant.

- 3) **Reduce outside the separation of the outside dining/drinking area for the Dutch Bros coffee shop from the residential use to the north to 88 feet 5 inches where a 200 foot separation is required**

Justification:

This restaurant proposed at this location is unique because the business model does not include a call box because this is a face to face order taken by staff with hand held electronic menus only for the orders. The outside dining/drinking area proposed is a small as well not only accommodate the customers who drive to the site. The area is buffered by the intense landscaping provided to the north and to the west by the building and intense landscaping along the west property line. The two landscaping areas provided to buffer the use from the north, distance from the north property line, the distance from the north property line and no call box with face to face ordering will all help minimize and mitigate any perceived impact to the residential use. The applicant worked to address concerns raised by the neighbors at the neighborhood meeting to ensure minimize and reduce with the business model of the restaurant.

Design Reviews:

For two proposed restaurants: a) (coffee shop) with a Drive-thru (Dutch Bros with face to face ordering); and b) a restaurant with a pre-order with pick-up window for the orders (Chipotle).

Justification:

The proposed restaurants are community serving uses with customers for the use drawn mostly from the immediate area. The uses as designed are appropriate for and compatible with the development trends in the area. This is an infill project along a major Start Highway and is less than 400 feet west of the intersection of a half section street and is, therefore, an appropriate and compatible use for the area. The use as proposed fulfils the growth management goals and


requirements outlined in the Master Plan by developing a parcel located between developed parcels. This project will maximize the capacities of the existing infrastructure and services in the immediate area. The development of the site will also mitigate existing dust issues for the adjacent residential uses.

We appreciate your review of this application and looking forward to your comments to proceed with the future application process for the project.

Please contact me at 702-598-1429 if you have any questions or need additional information.

Sincerely,

BROWN, BROWN & PREMSRIRUT


Lebene Ohene
Land Use and Development Consultant

03/07/23 PC AGENDA SHEET

COMMERCIAL CENTER
(TITLE 30)

BLUE DIAMOND RD/CIMARRON RD

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

ZC-23-0004-CIMARRON CAPITAL MANAGEMENT, LLC:

ZONE CHANGE to reclassify 1.4 acres from an H-2 (General Highway Frontage) Zone to a C-1 (Local Business) Zone.

USE PERMIT to reduce separation from outside dining to a residential use.

WAIVER OF DEVELOPMENT STANDARDS for alternative street landscaping.

DESIGN REVIEW for a commercial center (restaurants) with drive-thru services and outside dining areas.

Generally located on the north side of Blue Diamond Road, 300 feet west of Cimarron Road within Enterprise (description on file). JJ/rk/syp (For possible action)

RELATED INFORMATION:

APN:

176-21-201-028

USE PERMIT:

1. a. Allow outside dining (for Chipotle) with a 98 foot separation from a residential use where a 200 foot separation is required per Table 30.44-1 (a 51% reduction).
- b. Allow outside dining (for Dutch Bros Coffee) with an 88 foot separation from a residential use where a 200 foot separation is required per Table 30.44-1 (a 56% reduction).

WAIVER OF DEVELOPMENT STANDARDS:

Allow alternative sidewalk and landscaping along public street frontage (Blue Diamond Road).

PROPOSED LAND USE PLAN:

ENTERPRISE - NEIGHBORHOOD COMMERCIAL

BACKGROUND:

Project Description

General Summary

- Site Address: N/A
- Site Acreage: 1.4
- Project Type: Commercial center (restaurants) with drive-thru services and outside dining areas
- Number of Stories: 1

- Building Height (feet): Up to 24
- Square Feet: 2,325 (Chipotle)/950 (Dutch Bros Coffee)/600 (total outside dining)
- Parking Required/Provided: 37/44

Site Plans

The plans submitted with this request depict 2 restaurant pad site buildings with drive-thru services and outside dining areas. The small pad site buildings are in the center of the site facing Blue Diamond Road with the drive-thru aisles wrapping around the north, east, and west sides of the buildings. A portion of the drive-thru lane for Dutch Bros Coffee will be double stacked to allow for more queuing. Minimum building setbacks are as follows: 44 feet from the north property line, 29 feet from the west property line, 80 feet from the east property line, and 72 feet from the south property line (Blue Diamond Road). Outside dining areas are located on the east side of both buildings and are within 200 feet of a compact residential development to the north. According to the applicant, there are no "talk boxes" associated with either of the businesses. Parking is equitably distributed throughout the site with most of the parking spaces shown in the middle and south portions of the project. There is 1 main access point shown along Blue Diamond Road to the south.

Landscaping

Along the north and west property lines, the project will provide a 10 foot wide landscape buffer with trees spaced 20 feet apart next to the residential development. An existing 6 foot high CMU block wall is also shown along these property lines. The required 15 feet of street landscaping along frontage of the subject parcel is shown on plans; however, instead of a standard sidewalk, an 8 foot wide asphalt sidewalk/trail is provided within the excess NDOT right-of-way easement. This will match the design provided along portions of both sides of Blue Diamond Road for other developed properties. Interior to the site, landscaping is distributed throughout the parking lot and around portions of the buildings footprints. The landscape materials include large trees, shrubs, and groundcover.

Elevations

The plans depict two, 1 story buildings with a maximum height of 24 feet. The exterior of the buildings has the standard façade for both Chipotle and Dutch Bros Coffee including EIFS walls, vertical metal panel systems, brick veneer accents, and aluminum store front windows and doors. The buildings have flat roofs behind parapet walls and vary in height between 12 feet to 24 feet. On the east elevation of each building is an open outdoor dining patio enclosed by a decorative fence with a pedestrian access area around the perimeter of the dining patio.

Floor Plans

The plans depict a total building area of 3,275 square feet. The Chipotle restaurant pad site is 2,325 square feet (with an approximately 400 square foot patio) and Dutch Bros Coffee is 950 square feet (with an approximate 200 square foot patio). The plans indicate the buildings will be constructed with open floor plans that will be modified to meet the needs of the tenants.

Applicant's Justification

The Chipotle restaurant proposed at this location is unique because the business model does not include a call box, this will be a pre-order/call ahead location with a pick-up window only for the

orders. Dutch Bros Coffee also does not have a call box because there will be face to face orders taken by staff with handheld electronic menus. The outside dining/drinking areas will accommodate the customers who drive to the site. The proposed restaurants are community serving uses with customers drawn mostly from the immediate area. The uses as designed are appropriate for and compatible with the development trends in the area. This is an in-fill project along a major highway and is less than 400 feet west of the intersection of a half section street and is; therefore, an appropriate and compatible use for the area. The use as proposed also fulfills the growth management goals outlined in the Master Plan by developing a parcel located within existing developments. Furthermore, the applicant states they have worked to address concerns raised by the neighbors at the neighborhood meeting to minimize the impact to the surrounding areas.

Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North & West	Compact Neighborhood (up to 18 du/ac)	R-3	Single family residential
South	Mid-Intensity Suburban Neighborhood (up to 8 du/ac)	RUD	Single family residential
East	Neighborhood Commercial	C-1	Medical office

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

Related Applications

Application Number	Request
PA-23-700001	Master Plan Amendment to re-designate the land use category from Compact Neighborhood (CN) to Neighborhood Commercial (NC) is a companion item on this agenda.
TM-23-500001	A tentative map for a 1 lot commercial subdivision on 1.4 acres 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
Current Planning
Zone Change**

There is a concurrent Plan Amendment application to re-designate the land use category from Compact Neighborhood (CN) to Neighborhood Commercial (NC). Staff finds that the proposed intensity of the project, as well as the proposed zoning are compatible with the existing and planned land uses in this area. The site is located along Blue Diamond Road where commercial zoning is appropriate. There is no indication that the project will have a substantial adverse effect on public facilities and services in this area and the request complies with other goals and policies within the Master Plan. As a result, staff can support the zone change.

Use Permit

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 proposed outside dining areas for the commercial center are relatively small in size and should not have negative impacts on the neighboring properties. Typically, patrons utilizing fast food restaurants outside dining areas are not occupying that area for very long. Additionally, the applicant is proposing to provide trees 20 feet on center per Figure 30.64-11 - "Buffer Adjacent to a Less Intensive Use" along the residential property lines. However, staff finds to provide a better buffer adjacent to the residential development, the applicant should provide more trees within the landscape planters along the north and west property lines; therefore, with the condition listed below, staff can support this portion of the request.

Waiver 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.

The sidewalk and landscaping along Blue Diamond Road have been designed in a manner that meets the intent of Title 30. The required 15 feet of street landscaping along the frontage of the subject parcel is shown on plans; however, instead of a standard sidewalk, an 8 foot wide asphalt sidewalk/trail is provided within the excess NDOT right-of-way easement. Therefore, staff supports this alternative design request.

Design Review

The design and layout of this project have addressed some of the impacts that come with the sensitivity of commercial development adjacent to less intensive uses. The plans depict adequate parking on-site, and sensitivity was given to site design, building materials, and landscape buffers. Therefore, with the conditions listed below, staff can support this portion of the request.

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:

Current Planning

- No Resolution of Intent and staff to prepare an ordinance to adopt the zoning;

- No installation of talk boxes associated with either of the drive-thru services;
- Provide trees spaced 15 feet on center along the north and west property lines;
- Low level lighting throughout the entire project;
- Certificate of Occupancy and/or business license shall not be issued without final 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 that the installation and use of cooling systems that consumptively use water will be prohibited; the County is currently rewriting Title 30 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; and that the use permit, waiver of development standards, and design review must commence within 2 years of approval date or they will expire.

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

- 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 #0022-2023 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

**TAB/CAC:
APPROVALS:
PROTESTS:**

APPLICANT: J.A. KENNEDY DEVELOPMENT, LLC

CONTACT: CASSANDRA WORRELL, 520 S. FOURTH STREET, LAS VEGAS, NV 89101



LAND USE APPLICATION 2A

DEPARTMENT OF COMPREHENSIVE PLANNING

APPLICATION PROCESS AND SUBMITTAL REQUIREMENTS ARE INCLUDED FOR REFERENCE

<p>APPLICATION TYPE</p> <p><input type="checkbox"/> TEXT AMENDMENT (TA)</p> <p><input checked="" type="checkbox"/> ZONE CHANGE (ZC)</p> <p><input type="checkbox"/> USE PERMIT (UC)</p> <p><input type="checkbox"/> VARIANCE (VC)</p> <p><input checked="" type="checkbox"/> WAIVER OF DEVELOPMENT STANDARDS (WS)</p> <p><input checked="" type="checkbox"/> DESIGN REVIEW (DR)</p> <p><input type="checkbox"/> ADMINISTRATIVE DESIGN REVIEW (ADR)</p> <p><input type="checkbox"/> STREET NAME / NUMBERING CHANGE (SC)</p> <p><input type="checkbox"/> WAIVER OF CONDITIONS (WC)</p> <p>(ORIGINAL APPLICATION #)</p> <p><input type="checkbox"/> ANNEXATION REQUEST (ANX)</p> <p><input type="checkbox"/> EXTENSION OF TIME (ET)</p> <p>(ORIGINAL APPLICATION #)</p> <p><input type="checkbox"/> APPLICATION REVIEW (AR)</p> <p>(ORIGINAL APPLICATION #)</p>	STAFF	<p>APP. NUMBER: <u>ZC-23-0004</u> DATE FILED: <u>1-9-23</u></p> <p>PLANNER ASSIGNED: <u>RK</u></p> <p>TAB/CAC: <u>Enterprise</u> TAB/CAC DATE: <u>2-15-23</u></p> <p>PC MEETING DATE: <u>3-7-23</u> H-2 to C-1</p> <p>BCC MEETING DATE: <u>4-5-23</u> Compact Neighborhood</p> <p>FEE: <u>\$2970.00</u> JJ</p>
	PROPERTY OWNER	<p>NAME: <u>Cimarron Capital Management LLC</u></p> <p>ADDRESS: <u>3755 Breakthrough Way Suite 250</u></p> <p>CITY: <u>Las Vegas</u> STATE: <u>NV</u> ZIP: <u>89135</u></p> <p>TELEPHONE: <u>N/A</u> CELL: <u>N/A</u></p> <p>E-MAIL: <u>N/A</u></p>
	APPLICANT	<p>NAME: <u>J.A. Kennedy Development Company</u></p> <p>ADDRESS: <u>3755 Breakthrough Way Suite 250</u></p> <p>CITY: <u>Las Vegas</u> STATE: <u>NV</u> ZIP: <u>89135</u></p> <p>TELEPHONE: <u>702-370-8696</u> CELL: _____</p> <p>E-MAIL: <u>dbrowning@jakrec.com</u> REF CONTACT ID #: _____</p>
	CORRESPONDENT	<p>NAME: <u>Jay Brown/Lebene Ohene</u></p> <p>ADDRESS: <u>520 South Fourth Street</u></p> <p>CITY: <u>Las Vegas</u> STATE: <u>NV</u> ZIP: <u>89101</u></p> <p>TELEPHONE: <u>702-598-1429</u> CELL: <u>N/A</u></p> <p>E-MAIL: <u>Lohene@brownlawlv.com</u> REF CONTACT ID #: <u>173835</u></p>

ASSESSOR'S PARCEL NUMBER(S): 176-21-201-028

PROPERTY ADDRESS and/or CROSS STREETS: Blue Diamond Road & Cimarron Road

PROJECT DESCRIPTION: Two (2) proposed restaurants with drive-thru's, one pre-order and one pick-up window

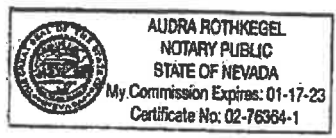
(I, We) the undersigned swear and say that (I am, We are) the owner(s) of record on the Tax Rolls of the property involved in this application, or (am, are) otherwise qualified to initiate this application under Clark County Code; that the information on the attached legal description, all plans, and drawings attached hereto, and all the statements and answers contained herein are in all respects true and correct to the best of my knowledge and belief, and the undersigned understands that this application must be complete and accurate before a hearing can be conducted. (I, We) also authorize the Clark County Comprehensive Planning Department, or its designee; to enter the premises and to install any required signs on said property for the purpose of advising the public of the proposed application.

Joseph A. Kennedy Joseph A. Kennedy
 Property Owner (Signature)* Property Owner (Print)

STATE OF Nevada
 COUNTY OF Clark

SUBSCRIBED AND SWORN BEFORE ME ON October 20, 2022 (DATE)
 By Joseph A. Kennedy

NOTARY PUBLIC: Audra Rothkegel



*NOTE: Corporate declaration of authority (or equivalent), power of attorney, or signature documentation is required if the applicant and/or property owner is a corporation, partnership, trust, or provides signature in a representative capacity.

LAW OFFICE

Brown, Brown & Premsrirut

JAY H. BROWN
DAVID T. BROWN
PUOY K. PREMSRIRUT

AN ASSOCIATION OF PROFESSIONAL CORPORATIONS
520 SOUTH FOURTH STREET
LAS VEGAS, NEVADA 89101

TELEPHONE: (702) 384-5563
FACSIMILE: (702) 385-1023
EMAIL: jbrown@brownlawlv.com

October 27, 2022

Clark County Comprehensive Planning
Current Planning Division
500 Grand Central Parkway
Las Vegas Nevada 89155

20-23-0004

RE: Justification Letter - Revision 1

Requests:

Amendment of the Master Plan: From CN (Compact Neighborhood) to NC (Neighborhood Commercial)

Reclassification/Zone Change: From H-2 to C-1 for a commercial center with two proposed restaurants with drive-throughs @ Blue Diamond Highway & Cimarron Road

Assessors' Parcel Number: - 176-21-201-028

To Whom It May Concern:

On behalf of our Client Cimarron Capital Management LLC., we respectfully submit this application package for a proposed Non-conforming Zone Change application from a General Highway Frontage (H-2) zone to Local Business (C-1) zone for a proposed commercial development with two restaurants including drive-throughs. The proposed Dutch Bros Coffee Shop is located on the east side of the site, has a drive through call box and a pick-up window. The proposed Chipotle Restaurant is located on the west side of the site. The difference with these restaurant operations is that the drive through does not have a call boxes has a drive through only with a pick-up window for call ahead orders (these orders placed on-line or by phone calls). The pre-orders are picked up at the pick-up window.

The proposed project is located on the north side of Blue Diamond Highway and 340 feet west of Cimarron Road on a total of 1.4 acres. The current zoning of the site is H-2 which is a redundant commercial zoning district where the proposed restaurants may be allowed with the approval of a Special Use Permit. The parcel is designated Compact Neighborhood (CN) in the Clark County Master Plan within the Enterprise Planning Area. Immediately north, west and portions of the south across Blue Diamond Road are existing single family residential subdivisions zoned R-3, RUD and designated in the Master Plan as Compact Neighborhood (CN). To the east is an existing Valley Health System Emergency Medical Facility, designated Compact Neighborhood (CN) in the Master Plan. Also, south at the intersection of Blue Diamond Road and Cimarron Road is an existing C-1 zoned shopping center also designated as CN in the Master Plan.

Project Description:

The proposed Dutch Bros coffee shop is 950 square feet with a drive-thru and 350 square foot outside dining area. The building is located more than 70 feet from the north property line. Two drive-thru queuing lanes are depicted along the east sides of the building and wrap around the north and west sides of the building merging into one queuing lane at the pick-up window. The business model at this location has no speaker box. The menu items including drinks and specials are on

hand-held electronic menu boards with staff taking face to face orders which is sent directly to baristas to prepare for pick-up at the pick-up window. The pick-up window is located at the southwestern side of the building more the 100 feet from the property line to the north. A 350 square foot outside dining area is depicted on the southeastern portion of the building is 88 feet five inches from the residential use on the north property line.

The proposed Chipotle is 2,325 square feet with a 400 square foot outside dining area. The drive-thru lane is located on the north and west sides of the building. No call box is provided since this is a pre-order location with a pick window only for the orders. The pick-up window is located on the southwestern side of the building.

A 400 square foot outside dining area is depicted on the southeastern portion of the building and is 98 feet from the residential use on the north property line.

One (1) access to the site is depicted on the southern portion of the parcel along Blue Diamond Road. No cross access is provided to the commercial development to the east because the uses are incompatible. The use to the east is an Emergency Medical Facility with the emergency/ambulance entrance located on the west side of the building. Providing cross access on the eastern portion of the site will conflict with and disrupt emergency services for the facility. A total of 44 parking spaces including three (3) handicap accessible spaces are provided where 37 parking spaces are required. Bicycle racks are provided as required by Code. Two trash enclosures are provided for the site that comply with Code requirements. Two loading zones are provided one is located on the northern portion of the site and the second one centrally located between the proposed buildings.

Elevations:

The two restaurants have a modern contemporary design with an E.I.P.S finish system. Materials consisting of decorative tube steel, metal panel systems, and windows and doors with clear glazing with aluminum frames. The Dutch Bros on the east of the site is up to 24 feet high to the top of the parapet with the typical building materials and colors for the Dutch Bros brand. The Chipotle restaurant on the west side of the site is up to 20 feet 10 inches high to the top of the parapet with the typical building materials and colors of the Chipotle brand consisting of light sand colored EFIS finishes, decorative tube steel accents, decorative metal panel systems and dual glazing storefront windows and door systems.

Landscaping:

A 15 foot wide landscape area is depicted along the southern property line adjacent to the right-of-way easement of Blue Diamond Road. An eight (8) foot wide asphalt trail is provided within a portion of the right-of-way as a sidewalk and trail as provided by other developments in the area. The right-of-way of Blue Diamond in this area is not fully developed and no sidewalks along this segment of the highway. Parking lot landscaping is per Code requirements. Ten (10) foot wide landscape buffers with intense landscaping are along the north and west property lines adjacent to the existing single family residential uses. A minimum of 6 feet up to more than 18 feet of landscaping is provided along the east property line.

Signage is not a part of this application.

Master Plan Amendment and Zone Change - Reclassification:

Master Amendment: From CN (Compact Neighborhood) to NC (Neighborhood Commercial Zone Change – Reclassification: From an H-2 zone to a C-1 Zone for a 1.4 acre parcel for two proposed restaurants with drive-throughs.

Justification for the Amendment the Master Plan to NC and Reclassification to C-1.

The proposed project is located within the Enterprise Township and Planning area. This section of Blue Diamond Road has been in transition over the past ten (10) years to a combination of local business and which are neighborhood serving uses and complies with policy 3.2.5 which encourages sustainable growth of areas in the County. The subject parcel is currently zoned H-2, and the uses requested may be allowed with the approval of Special Uses Permits. In this immediate area the parcel to the immediate east and south across Blue Diamond Road are zoned and developed as a C-1 zoned commercial uses. Although, the site is designated as Compact Neighborhood (CN) this is a 1.4 acre parcel that will not accommodate a compact residential development that fronts a major highway with increase traffic volume volumes and speed. The other residential developments in the area take access from other streets to the north or south of the parcels unlike the commercial developments. Farther west of the residential subdivision to the west is a C-1 zoned parcel with a similar depth as the subject parcel is adjacent to a C-1 zoned commercial center with residential to the north and south. This indicates that the request zone change is appropriate and compatible for the area and is in character with the development trends of the area. The site is also located along Blue Diamond Road and is in close proximity to the intersection to Cimarron Drive, a major arterial and collector street, where parcels are typically designated and developed with commercial uses. This project is an infill development and complies with County wide Goals 6.1 and related policies that support coordinated patterns of development including 6.1.6 that encourage infill development. The request is appropriate although, the site currently designated CN, however, other C-1 zoned neighborhood commercial uses are located in the immediate area which also provides employment opportunities for the existing roof tops and other developing residential uses in the area. The proposed zone change

application is justified because the site fronts a highway, is adjacent to and across the street from parcels along this portion of the street with the same zoning that are in transition, developed, and were approved in the past few years.

The developed commercial parcels in this area to the immediate east and east across Cimarron Road and farther west and south are zoned C-1 and C-2 have uses with similar intensities as the restaurant uses and the C-1 zoning proposed and also adjacent to the developed residential subdivision. The proposed zoning will provide additional neighbor serving uses for the area. The proposed restaurants are appropriate and compatible with the current and future trends, land use designations, zoning categories, and land uses in the immediate area. Additionally, the other properties to the east, farther west and south at the intersections of Blue Diamond and Cimarron Road and Blue Diamond and Durango Drive are either developed, approved and under development with other commercial uses including C-1 and C-2 zone uses indicating that the area is trending or transitioning to local/neighborhood serving business uses with similar uses, zoning, and intensities.

There will be no substantial adverse effect on existing public facilities in the area. Since the immediate area is already designated and developed with both commercial and residential uses and the surrounding parcels are already developed; therefore, all required public services and infrastructure already exist in the area. The immediate area is developed with commercial uses; therefore, public services may only need to be upgraded or expanded to serve the project with the Developer contributing its fair share of the cost of development as required by the various County Departments and associated Agencies and the Nevada Department of Transportation for the development of Blue Diamond Road.

The proposed amendment conforms to Code requirements as well as adopted plans, goals, and policies. This proposed project is located adjacent to other commercial developments and is designed with landscaping to screen and buffer adjacent uses which exceed Code requirements; and appropriately screens and buffer the parcels to the immediate in the area. This project complies with policies EN-1.1 and EN-6.5 to preserve the integrity of the contiguous and uniform development of an area which is the development pattern of this section of Blue Diamond Road.

Waivers of Development Standards:

- 1) Allow alternative landscaping and sidewalk along Blue Diamond Road.**

Justification:

The plans depict the required 15 feet of landscaping is provided along the frontage of the subject parcel, however, instead of the sidewalk an eight (8) foot wide asphalt sidewalk/trail is provided within a portion the Blue Diamond right-of-way to match the design provided both along the north and south sides of the roadway for other develop properties.

- 2) **Reduce outside the separation of the outside dining/drinking area for the Chipotle's Restaurant from the residential use to the north to 98 feet where a 200 foot separation is required.**

Justification:

This restaurant proposed at this location is unique because the business model does not include a call box because this is a pre-order/call ahead location with a pick window only for the orders. The outside dining/drinking area proposed is a small as well not only accommodate the customers who drive to the site. The area is buffered by the intense landscaping provided to the north and to the west by the building and intense landscaping along the west property line. The landscaping provided to buffer the use, distance from the north property line, the building on the west property line and no call box all help minimize and mitigate any perceived impact to the residential use. The applicant worked to address concerns raised by the neighbors at the neighborhood meeting to ensure minimize and reduce with the business model of the restaurant.

- 3) **Reduce outside the separation of the outside dining/drinking area for the Dutch Bros coffee shop from the residential use to the north to 88 feet 5 inches where a 200 foot separation is required**

Justification:

This restaurant proposed at this location is unique because the business model does not include a call box because this is a face to face order taken by staff with hand held electronic menus only for the orders. The outside dining/drinking area proposed is a small as well not only accommodate the customers who drive to the site. The area is buffered by the intense landscaping provided to the north and to the west by the building and intense landscaping along the west property line. The two landscaping areas provided to buffer the use from the north, distance from the north property line, the distance from the north property line and no call box with face to face ordering will all help minimize and mitigate any perceived impact to the residential use. The applicant worked to address concerns raised by the neighbors at the neighborhood meeting to ensure minimize and reduce with the business model of the restaurant.

Design Reviews:

For two proposed restaurants: a) (coffee shop) with a Drive-thru (Dutch Bros with face to face ordering); and b) a restaurant with a pre-order with pick-up window for the orders (Chipotle).

Justification:

The proposed restaurants are community serving uses with customers for the use drawn mostly from the immediate area. The uses as designed are appropriate for and compatible with the development trends in the area. This is an infill project along a major Start Highway and is less than 400 feet west of the intersection of a half section street and is, therefore, an appropriate and compatible use for the area. The use as proposed fulfils the growth management goals and

LAW OFFICE

Brown, Brown & Premsrut

AN ASSOCIATION OF PROFESSIONAL CORPORATIONS

requirements outlined in the Master Plan by developing a parcel located between developed parcels. This project will maximize the capacities of the existing infrastructure and services in the immediate area. The development of the site will also mitigate existing dust issues for the adjacent residential uses.

We appreciate your review of this application and looking forward to your comments to proceed with the future application process for the project.

Please contact me at 702-598-1429 if you have any questions or need additional information.

Sincerely,

BROWN, BROWN & PREMSRUT


Lebene Ohene

Land Use and Development Consultant

03/07/23 PC AGENDA SHEET

BLUE DIAMOND & CIMARRON CENTER
(TITLE 30)

BLUE DIAMOND RD/CIMARRON RD

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST
TM-23-500001-CIMARRON CAPITAL MANAGEMENT, LLC:

TENTATIVE MAP for a commercial subdivision on a 1.4 acre parcel in a C-1 (Local Business) Zone.

Generally located on the north side of Blue Diamond Road, 300 feet west of Cimarron Road within Enterprise. JJ/rk/syp (For possible action)

RELATED INFORMATION:

APN:
176-21-201-028

PROPOSED LAND USE PLAN:
ENTERPRISE - NEIGHBORHOOD COMMERCIAL

BACKGROUND:

Project Description
General Summary

- Site Address: N/A
- Site Acreage: 1.4
- Number of Lots: 1
- Project Type: Commercial subdivision

The plan depicts a 1-lot commercial subdivision on a 1.4 acre undeveloped site. Access to the site is from 1 main driveway on Blue Diamond Road to the south. Off-site improvements connecting to Blue Diamond Road will be installed with the development of the proposed commercial center.

Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North & West	Compact Neighborhood (up to 18 du/ac)	R-3	Single family residential
South	Mid-Intensity Suburban Neighborhood (up to 8 du/ac)	RUD	Single family residential
East	Neighborhood Commercial	C-1	Medical office

Related Applications

Application Number	Request
PA-23-700001	Plan Amendment to re-designate the land use category from Compact Neighborhood (CN) to Neighborhood Commercial (NC) is a companion item on this agenda.
ZC-23-0004	To reclassify the site to C-1 zoning for a proposed commercial center 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

Current Planning

This request meets the tentative map requirements as outlined in Title 30.

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, and/or the Nevada Revised Statutes.

PRELIMINARY STAFF CONDITIONS:

Current Planning

- Applicant is advised that the County is currently rewriting Title 30 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; and that a final map for all, or a portion, of the property included under this application must be recorded within 4 years or it will expire.

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.

Current Planning Division - Addressing

- No comment.

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 #0022-2023 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

TAB/CAC:

APPROVALS:

PROTESTS:

APPLICANT: J.A. KENNEDY DEVELOPMENT, LLC

CONTACT: CASSANDRA WORRELL, 520 S. FOURTH STREET, LAS VEGAS, NV
89101

DRAFT



TENTATIVE MAP APPLICATION 3A

DEPARTMENT OF COMPREHENSIVE PLANNING

APPLICATION PROCESS AND SUBMITTAL REQUIREMENTS ARE INCLUDED FOR REFERENCE

APPLICATION TYPE	DEPARTMENT USE	APP. NUMBER: <u>TM-23-500001</u>	DATE FILED: <u>1-9-23</u>
<input checked="" type="checkbox"/> TENTATIVE MAP (TM)		PLANNER ASSIGNED: <u>RK</u>	TAB/CAC DATE: <u>2-15-23</u>
		TAB/CAC: <u>Enterprise</u>	C-1
		PC MEETING DATE: <u>3-7-23</u>	Compact Neighborhood
		BCC MEETING DATE: <u>4-5-23</u>	JT
		FEE: <u>\$750.00</u>	

PROPERTY OWNER	NAME: <u>Cimarron Capital Management LLC</u>
	ADDRESS: <u>3755 Breakthrough Way Suite 250</u>
	CITY: <u>Las Vegas</u> STATE: <u>NV</u> ZIP: <u>89135</u>
	TELEPHONE: <u>N/A</u> CELL: <u>N/A</u>
	E-MAIL: <u>N/A</u>

APPLICANT	NAME: <u>J.A. Kennedy Development Company</u>
	ADDRESS: <u>3755 Breakthrough Way Suite 250</u>
	CITY: <u>Las Vegas</u> STATE: <u>NV</u> ZIP: <u>89135</u>
	TELEPHONE: <u>702-370-8696</u> CELL: <u>N/A</u>
	E-MAIL: <u>dbrowning@jakrec.com</u> REF CONTACT ID #: <u>N/A</u>

CORRESPONDENT	NAME: <u>Jay Brown/Lebene Ohene</u>
	ADDRESS: <u>520 South Fourth Street</u>
	CITY: <u>Las Vegas</u> STATE: <u>NV</u> ZIP: <u>89101</u>
	TELEPHONE: <u>702-598-1429</u> CELL: <u>702-561-7070</u>
	E-MAIL: <u>Lohene@brownlawlv.com</u> REF CONTACT ID #: <u>173835</u>

ASSESSOR'S PARCEL NUMBER(S): 176-21-201-028

PROPERTY ADDRESS and/or CROSS STREETS: Blue Diamond Road & Cimarron Road

TENTATIVE MAP NAME: _____

I, (We) the undersigned swear and say that (I am, We are) the owner(s) of record on the Tax Rolls of the property involved in this application, or (am, are) otherwise qualified to initiate this application under Clark County Code; that the information on the attached legal description, all plans, and drawings attached hereto, and all the statements and answers contained herein are in all respects true and correct to the best of my knowledge and belief, and the undersigned understands that this application must be complete and accurate before a hearing can be conducted. (I, We) also authorize the Clark County Comprehensive Planning Department, or its designee, to enter the premises and to install any required signs on said property for the purpose of advising the public of the proposed application.

 Property Owner (Signature)*	<u>Cimarron Capital Management, LLC</u> <u>Joseph A. Kennedy, Manager</u> Property Owner (Print)
STATE OF <u>Nevada</u>	
COUNTY OF <u>Clark</u>	
SUBSCRIBED AND SWORN BEFORE ME ON <u>July 18, 2022</u> (DATE)	
By <u>Joseph A. Kennedy</u>	
NOTARY PUBLIC: <u>Jennifer Ferguson</u>	 Jennifer Ferguson Notary Public, State of Nevada My Commission Expires: 07-25-23 Certificate No: 03-83741-1

*NOTE: Corporate declaration of authority (or equivalent), power of attorney, or signature documentation is required if the applicant and/or property owner is a corporation, partnership, trust, or provides signature in a representative capacity.

03/08/23 BCC AGENDA SHEET

FINISHED GRADE & WALL HEIGHT
(TITLE 30)

COUGAR AVE/LA CIENEGA ST

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST
ET-23-400003 (WS-20-0512)-B & R FOUR, LLC:

WAIVER OF DEVELOPMENT STANDARDS FIRST EXTENSION OF TIME to increase wall height.

DESIGN REVIEWS for the following: 1) increase finished grade; and 2) a single family residential development on 4.1 acres in an R-E (Rural Estates Residential) (RNP-I) Zone.

Generally located on the southwest corner of Cougar Avenue and La Cienega Street within Enterprise. MN/tpd/syp (For possible action)

RELATED INFORMATION:

APN:
177-16-701-027 & 177-16-701-031

WAIVER OF DEVELOPMENT STANDARDS:
Increase wall height to 10 feet (up to 4 foot retaining wall with a 5 foot screen wall and 1 foot of decorative wrought iron) where a maximum of 9 feet (3 foot retaining with 6 foot screen wall) is permitted per Section 30.64.050 (a 33% increase).

DESIGN REVIEWS:
1. Increase finished grade to 48 inches where a maximum of 18 inches is the standard per Section 30.32.040 (a 166% increase).
2. Single family residential development.

LAND USE PLAN:
ENTERPRISE - RANCH ESTATE NEIGHBORHOOD (UP TO 2 DU/AC)

BACKGROUND:
Project Description

General Summary

- Site Address: N/A
- Site Acreage: 4.1
- Number of Lots: 6
- Density (du/ac): 1.5
- Minimum/Maximum Lot Size (square feet): 21,070/41,320
- Project Type: Increase finished grade

Previous Conditions of Approval

Listed below are the approved conditions for WS-20-0512

Current Planning

- Applicant is advised that 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

- Compliance with approved drainage study PW20-17385;
- 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.
- Applicant is advised 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.

Site Plan

The approved plan depicts 2, approximately 2 acre parcels that are proposed to be subdivided into 6 lots. The western property line for the southern 2 acres will have a 10 foot wall that includes up to 4 feet of retaining wall, 5 feet of CMU block, and 1 foot of wrought iron at the top. The retaining wall along the west property line is intended to hold up to 4 feet of increased fill on the property. The neighboring properties to the west will be up to 4 feet lower than the proposed grade on this property. All 6 of the proposed lots will meet the R-E zoning minimum gross and net lot sizes.

Applicant's Justification

The applicant is requesting an extension of time for the developer to have improvement plans approved and the parcel map recorded.

Prior Land Use Requests

Application Number	Request	Action	Date
WS-20-0512	Increased wall height, with design reviews for increased finished grade	Approved by BCC	January 2021
ZC-1026-05	Reclassified from R-E to R-E (RNP-I) zoning	Approved by BCC	October 2005

Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North, South, East, & West	Ranch Estate Neighborhood (up to 2 du/ac)	R-E (RNP-I)	Single family residential

STANDARDS FOR APPROVAL:

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

Analysis

Current Planning

Title 30 standards of approval on an extension of time application state that such an application may be denied or have additional conditions imposed if it is found that circumstances have substantially changed. A substantial change may include, without limitation, a change to the subject property, a change in the areas surrounding the subject property, or a change in the laws or policies affecting the subject property. Using the criteria set forth in Title 30, no substantial changes have occurred at the subject site since the original approval.

The applicant has 2 permits in process, 1 with the Building Department and 1 with Fire Prevention. Steps have been taken towards commencement of the project, and for this reason staff can support this extension.

Public Works - Development Review

There have been no significant changes in this area. Staff has no objection to this extension of time.

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:

Current Planning

- Until January 6, 2025 to commence.
- Applicant is advised that the County is currently rewriting Title 30 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; and that 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.

Public Works - Development Review

- Compliance with previous conditions.

Fire Prevention Bureau

- No comment.

Clark County Water Reclamation District (CCWRD)

- No comment.

TAB/CAC:

APPROVALS:

PROTEST:

APPLICANT: THOMASON CONSULTING ENGINEERS

CONTACT: THOMASON CONSULTING ENGINEERS, 7080 LA CIENEGA ST, STE 200,
LAS VEGAS, NV 89119

DRAFT



LAND USE APPLICATION

DEPARTMENT OF COMPREHENSIVE PLANNING

4A

APPLICATION PROCESS AND SUBMITTAL REQUIREMENTS ARE INCLUDED FOR REFERENCE

APPLICATION TYPE <input type="checkbox"/> TEXT AMENDMENT (TA) <input type="checkbox"/> ZONE CHANGE (ZC) <input type="checkbox"/> USE PERMIT (UC) <input type="checkbox"/> VARIANCE (VC) <input type="checkbox"/> WAIVER OF DEVELOPMENT STANDARDS (WS) <input type="checkbox"/> DESIGN REVIEW (DR) <input type="checkbox"/> ADMINISTRATIVE DESIGN REVIEW (ADR) <input type="checkbox"/> STREET NAME / NUMBERING CHANGE (SC) <input type="checkbox"/> WAIVER OF CONDITIONS (WC) (ORIGINAL APPLICATION #) <input type="checkbox"/> ANNEXATION REQUEST (ANX) <input checked="" type="checkbox"/> EXTENSION OF TIME (ET) WS-20-0512 (ORIGINAL APPLICATION #) <input type="checkbox"/> APPLICATION REVIEW (AR) (ORIGINAL APPLICATION #)	STAFF APP. NUMBER: <u>23-40003</u> DATE FILED: <u>1/4/23</u> PLANNER ASSIGNED: <u>Tyler</u> TAB/CAC: <u>2/15/23 Enterprise</u> TAB/CAC DATE: _____ PC MEETING DATE: _____ BCC MEETING DATE: <u>3/8/23</u> FEE: <u>\$600</u>
	PROPERTY OWNER NAME: <u>B&R Four LLC</u> ADDRESS: <u>8620 Gillespie St.</u> CITY: <u>Las Vegas</u> STATE: <u>NV</u> ZIP: <u>89123</u> TELEPHONE: _____ CELL: _____ E-MAIL: <u>phillipf@olmpuslv.com</u>
	APPLICANT NAME: <u>B&R Four LLC</u> ADDRESS: <u>8620 Gillespie St.</u> CITY: <u>Las Vegas</u> STATE: <u>NV</u> ZIP: <u>89123</u> TELEPHONE: _____ CELL: _____ E-MAIL: <u>phillipf@olmpuslv.com</u> REF CONTACT ID #: _____
CORRESPONDENT NAME: <u>Thomason Consulting Engineers</u> ADDRESS: <u>7080 La Cienega St. #200</u> CITY: <u>Las Vegas</u> STATE: <u>NV</u> ZIP: <u>89119</u> TELEPHONE: <u>702-932-6125</u> CELL: <u>702-336-4071</u> E-MAIL: <u>smacias@tce-lv.com</u> REF CONTACT ID #: <u>170761</u>	

ASSESSOR'S PARCEL NUMBER(S): 177-16-701-027; 177-16-701-031
 PROPERTY ADDRESS and/or CROSS STREETS: Ford Ave / La Cienega St.
 PROJECT DESCRIPTION: 6 lot residential development

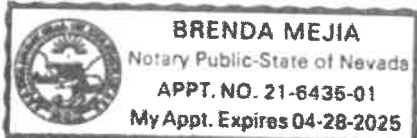
(I, We) the undersigned swear and say that (I am, We are) the owner(s) of record on the Tax Rolls of the property involved in this application, or (am, are) otherwise qualified to initiate this application under Clark County Code; that the information on the attached legal description, all plans, and drawings attached hereto, and all the statements and answers contained herein are in all respects true and correct to the best of my knowledge and belief, and the undersigned understands that this application must be complete and accurate before a hearing can be conducted. (I, We) also authorize the Clark County Comprehensive Planning Department, or its designee, to enter the premises and to install any required signs on said property for the purpose of advising the public of the proposed application.

Philip Friedberg
 Property Owner (Signature)* Property Owner (Print)

STATE OF Nevada
 COUNTY OF Clark

SUBSCRIBED AND SWORN BEFORE ME ON December 15, 2022 (DATE)

By Philip Friedberg
 NOTARY PUBLIC: Brenda Mejia



*NOTE: Corporate declaration of authority (or equivalent), power of attorney, or signature documentation is required if the applicant and/or property owner is a corporation, partnership, trust, or provides signature in a representative capacity.



ET-23-40003

December 15, 2022

Clark County Current Planning
500 S. Grand Central Parkway
Las Vegas, NV 89155

Reference: Extension of Time for WS-20-0512
Ford/ La Cienega
APN #177-16-701-027, 031

On behalf of B&R Four LLC, we respectfully request your consideration of the attached extension of time for the Waiver of Development of Standard.

Location: The proposed are located at Ford Ave. and La Cienega Street within Section 16, Township 22 South, Range 61 East.

Request: At this time we are requesting for an Extension of time for WS-20-0512. The Developer needs additional to time get the Improvement Plans approved and the Parcel Map recorded.

If you have any questions or require additional information, please feel free to contact us.

Sincerely,

Sonia Macias
Project Coordinator

03/08/23 BCC AGENDA SHEET

EASEMENTS/RIGHT-OF-WAY
(TITLE 30)

LAS VEGAS BLVD S/JONATHAN DR

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

VS-22-0709-TZORTZIS SURVIVOR'S TRUST A, ET AL:

VACATE AND ABANDON easements of interest to Clark County located between Jonathan Drive and Bruner Avenue, and between Gabriel Street and Las Vegas Boulevard South; and a portion of right-of-way being Gabriel Street located between Jonathan Drive and Bruner Avenue within Enterprise (description on file). MN/gc/syp (For possible action)

RELATED INFORMATION:

APN:

191-05-801-007 & 012

LAND USE PLAN:

ENTERPRISE - ENTERTAINMENT MIXED-USE

BACKGROUND:

Project Description

The plans depict the vacation and abandonment of 33 foot wide government patent easements along the north, south, and west property lines of APN 191-05-801-012. Additionally, the plans depict the vacation and abandonment of a 30 foot wide portion of right-of-way being Gabriel Street along the west property line of both parcels. The applicant states that the vacation of the government patent easements are necessary for the development of APN 191-05-801-012. Furthermore, the applicant states that no off-site improvements exist within Gabriel Street and properties along the alignment will still have access from other streets. Additionally, the applicant states that attempts have been made to discuss the vacation of Gabriel Street with the property owner of APN 191-05-801-007, but there has been no response.

Prior Land Use Requests

Application Number	Request	Action	Date
DR-2214-04	Restaurant (tavern) in a C-2 zone	Approved by BCC	February 2005
ZC-0809-04	Reclassified from H-2 to C-2 zoning with a use permit to reduce the separation of a tavern from a residential use	Approved by BCC	July 2004
UC-1254-02	Off-premises sign (billboard)	Approved by BCC	November 2002

Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North	Entertainment Mixed-Use	H-2	Retail store, communications tower, single family residential, & undeveloped
South	Open Lands	H-2	Undeveloped
East	Entertainment Mixed-Use & Compact Neighborhood (up to 18 du/ac)	H-2 & R-3	Undeveloped & single family residential
West	Entertainment Mixed-Use	H-2 & R-E	Undeveloped

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

Related Applications

Application Number	Request
WS-22-0708	Waivers of development standards with design reviews 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

Public Works - Development Review

Staff has no objection to the vacation of easements and right-of-way that are not necessary for site, drainage, or roadway development.

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:

Current Planning

- Satisfy utility companies' requirements.
- Applicant is advised that the County is currently rewriting Title 30 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; and that the recording of the order of vacation in the Office of the County Recorder must be completed within 2 years of the approval date or the application will expire.

Public Works - Development Review

- Drainage study and compliance;
- Dedication of Las Vegas Boulevard South per RS-22-500058;
- Vacation to be recordable prior to building permit issuance or applicable map submittal;
- Revise legal description, if necessary, prior to recording.

Fire Prevention Bureau

- No comment.

Clark County Water Reclamation District (CCWRD)

- No objection.

TAB/CAC:

APPROVALS:

PROTESTS:

APPLICANT: MARIA V. TZORTZIS BY VENETA SHAFFER AS AGENT

CONTACT: LEBENE OHENE, 520 S. FOURTH STREET, LAS VEGAS, NV 89101



VACATION APPLICATION

DEPARTMENT OF COMPREHENSIVE PLANNING

5A

APPLICATION PROCESS AND SUBMITTAL REQUIREMENTS ARE INCLUDED FOR REFERENCE

APPLICATION TYPE <input checked="" type="checkbox"/> VACATION & ABANDONMENT (vs) <input type="checkbox"/> EASEMENT(S) <input type="checkbox"/> RIGHT(S)-OF-WAY <input type="checkbox"/> EXTENSION OF TIME (ET) (ORIGINAL APPLICATION #):	DEPARTMENT USE	APP. NUMBER: <u>VS-22-0709</u> DATE FILED: <u>12-28-22</u> PLANNER ASSIGNED: <u>GRC</u> TAB/CAC: <u>Enterprise</u> TAB/CAC DATE: <u>2-15-23</u> PC MEETING DATE: <u>-</u> BCC MEETING DATE: <u>3-8-23</u> FEE: <u>\$875</u>
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PROPERTY OWNER	NAME: <u>Tzortzis Survivor's Trust A and Tzortzis Survivor's Trust B</u> ADDRESS: <u>3625 W. Cougar</u> CITY: <u>Las Vegas</u> STATE: <u>NV</u> ZIP: <u>89139</u> TELEPHONE: <u>702-588-4122</u> CELL: <u>N/A</u> E-MAIL: <u>N/A</u>
----------------	--

APPLICANT	NAME: <u>Maria V. Tzortzis by Veneta Shaffer as Agent</u> ADDRESS: <u>3625 W. Cougar</u> CITY: <u>Las Vegas</u> STATE: <u>NV</u> ZIP: <u>89139</u> TELEPHONE: <u>702-588-4122</u> CELL: <u>N/A</u> E-MAIL: <u>trashaffer@yahoo.com</u> REF CONTACT ID #: <u>N/A</u>
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CORRESPONDENT	NAME: <u>Jay Brown/Lebene Ohene</u> ADDRESS: <u>520 South Fourth Street</u> CITY: <u>Las Vegas</u> STATE: <u>NV</u> ZIP: <u>89101</u> TELEPHONE: <u>702-598-1429</u> CELL: <u>702-561-7070</u> E-MAIL: <u>Lohene@brownlawlv.com</u> REF CONTACT ID #: <u>173835</u>
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ASSESSOR'S PARCEL NUMBER(S): 191-05-801-012 + 007

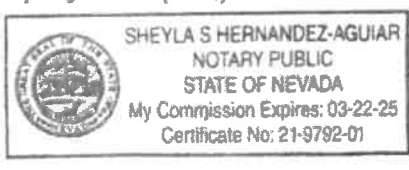
PROPERTY ADDRESS and/or CROSS STREETS: Las Vegas Blvd & Jonathan Drive

I (We) the undersigned swear and say that (I am. We are) the owner(s) of record on the Tax Rolls of the property involved in this application, or (am are) otherwise qualified to initiate this application under Clark County Code; that the information on the attached legal description, all plans, and drawings attached hereto, and all the statements and answers contained herein are in all respects true and correct to the best of my knowledge and belief, and the undersigned understands that this application must be complete and accurate before a hearing can be conducted.

Property Owner (Signature)*

Maria Tzortzis by Veneta Shaffer as Agent
 Property Owner (Print)

STATE OF NEVADA
 COUNTY OF NEVADA, CLARK COUNTY
 SUBSCRIBED AND SWORN BEFORE ME ON JULY 27TH, 2022 (DATE)
 By VENETA SHAFFER
 NOTARY PUBLIC:



*NOTE: Corporate declaration of authority (or equivalent), power of attorney, or signature documentation is required if the applicant and/or property owner is a corporation, partnership, trust, or provides signature in a representative capacity.

T 702-365-9312 | F 702 365-9317
6345 S Jones Blvd. Suite 100
Las Vegas, NV 89118



July 15, 2022

Clark County Public Works
Comprehensive Planning
500 South Grand Central Parkway
Las Vegas, NV 89106

VS-22-0709

Subject: Patent Easement Vacation - Justification Letter
Blue Hawk Retail Center @ APN 191-05-801-012
West side of Las Vegas Boulevard (between Jonathan Drive and Bruner Avenue)
(Lochsa 221010)

Dear Sir or Madam,

This letter is intended to provide a justification to vacate an existing Patent Easement located on APN 191-05-801-012.

Patent Number 1182261 was recorded on June 29, 1921 under Book 370, Instrument No. 298876, of Official Records. Lochsa Engineering is working on a project entitled "Blue Hawk Retail Center" which presently has an existing cell tower facility, an existing tavern, and about 2.6-acres of undeveloped land. The Patent Easement will need to be vacated for the proposed improvements. Any required Easements and Right-of-Way will be dedicated as part of the plan approval process.

We wish to ask for approval to vacate the subject Patent Easement.

We hope that this letter is adequate and acceptable to you. Please feel free to contact our office with any questions you may have. Thank you.

Sincerely,
LOCHSA ENGINEERING

A handwritten signature in black ink that reads 'E León'.

Edgar León, PE

July 7, 2022

Clark County Public Works
Comprehensive Planning
500 S. Grand Central Parkway
Las Vegas, NV 89155

Subject: Right-of-Way Vacation - Justification Letter
Blue Hawk Retail Center @ APN 191-05-801-012 and
Adjacent parcel to the North @ APN 191-05-801-007
West side of Las Vegas Boulevard (between Jonathan Drive and Bruner Avenue)
(Lochsa 221010)

Dear Sir or Madam:

This letter shall serve as justification to vacate the existing dedicated Gabriel Street Right-of-Way (ROW) west of APN's 191-05-801-012 & 007 (ending at the Jonathan Drive ROW).

Lochsa Engineering is working with the Owner of the -012 parcel on a development project called "Blue Hawk Retail Center." The Owner has previously developed a cell tower facility and a tavern, leaving approximately 2.4-acres of undeveloped land. The Owner's proposed ROW vacation would increase its developable land to approximately +/- 2.6 acres, as depicted on the proposed on-site improvement Site Plan. Please see commensurate land use applications concurrently submitted.

The existing ROW in question adjacent to the west of Owner's property currently represents ±10,009 square feet (0.23-acres) of Gabriel Street and is identified as APN 191-05-899-005. This area was previously reserved for future half-street improvements adjacent to APN 191-05-801-012 and was recorded under Official Record (OR) 20060612:05042.

North of this existing ROW, Gabriel Street continues toward Jonathan Drive and is identified by Recorded Doc Number: 2040:1999587 and APN 191-05-899-003. This ROW was also previously reserved for future half-street improvements on both Gabriel Street and Jonathan Drive, and also has an area of ±10,009 square feet (0.23-acres) on Gabriel Street with ±13,272 square feet (0.30-acres) on Jonathan Drive. The Jonathan Drive ROW is not proposed for vacation.

Gabriel Street was planned as a 60-foot-wide public ROW. The ROW area the Owner proposes to vacate covers half of the section needed to complete the 60-foot-wide public street. The other half has not been dedicated by the Owners of APN's 191-05-801-011 and 191-05-801-006. As of this writing, no public off-site improvements exist on Gabriel Street between Jonathan Drive and Bruner Avenue.

Please see the attached additional information letter from Steven Fink, Real Estate Consulting Services, discussing the area west of APN 191-05-801-007. In brief, the additional information letter describes the attempts that were made to contact the northerly neighbor and acquire their feedback, with the intent to garner support to vacate the existing Gabriel Street ROW adjacent to their property. The existing ROW adjacent to the northerly neighbor's property was previously identified as APN 191-05-899-003 and Recorded Doc Number: 2040:1999587.

We greatly appreciate your consideration, and respectfully request your approval to vacate the subject ROW. Please feel free to contact our office with any questions you may have.

Sincerely,
LOCHSA ENGINEERING

A handwritten signature in black ink that reads "E León". The "E" is stylized with a long horizontal stroke that extends to the left and then loops back under the "L".

Edgar León, PE

COMMERCIAL CENTER
(TITLE 30)

LAS VEGAS BLVD S/JONATHAN DR

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

WS-22-0708-TZORTZIS SURVIVOR'S TRUST A, ET AL:

WAIVERS OF DEVELOPMENT STANDARDS for the following: 1) allow non-standard improvements in the right-of-way; and 2) reduce throat depth.

DESIGN REVIEWS for the following: 1) commercial center; 2) alternative parking lot landscaping; and 3) finished grade in conjunction with an existing tavern on 3.7 acres in a C-2 (General Commercial) Zone.

Generally located on the west side of Las Vegas Boulevard South, 350 feet south of Jonathan Drive within Enterprise. MN/gc/syp (For possible action)

RELATED INFORMATION:

APN:

191-05-801-012

WAIVERS OF DEVELOPMENT STANDARDS:

1. Allow non-standard improvements (landscaping) in the right-of-way (Las Vegas Boulevard South) where not permitted per Section 30.52.
2. Reduce throat depth for driveways along Las Vegas Boulevard South to 17 feet where a minimum of 100 feet is required per Uniform Standard Drawing 222.1 (an 83% reduction).

DESIGN REVIEWS:

1. Commercial center.
2. Allow alternative parking lot landscaping where landscaping per Figure 30.64-14 is required.
3. Increase finished grade to 6.5 feet where a maximum of 3 feet is the standard per Section 30.32.040 (a 116.7% increase).

LAND USE PLAN:

ENTERPRISE - ENTERTAINMENT MIXED-USE

BACKGROUND:

Project Description

General Summary

- Site Address: 11997 Las Vegas Boulevard S.
- Site Acreage: 3.7

- Project Type: Commercial center
- Number of Stories: 1
- Building Height (feet): Up to 26 feet 8 inches
- Square Feet: 17,434
- Parking Required/Provided: 143/148

Site Plans

The plans show a proposed commercial center consisting of 3 retail/restaurant buildings along the west (rear) property line, and a convenience store/restaurant building with gas pumps located on the southeast portion of the site. A tavern exists on the northeast portion of the site along with an existing communication tower centrally located along the south property line. An existing billboard will also remain within a proposed landscape island east of the gas pumps, adjacent to the Las Vegas Boulevard South right-of-way. The proposed convenience store/restaurant building and the middle retail/restaurant building along the west property line will have drive-thru lanes, primarily located on the west side of the buildings. Additionally, 8 electric vehicle charging spaces are proposed in front of (east) the existing tavern. Future cross access is shown with the properties to the north and south. Access to the site is from an existing centrally located driveway off of Las Vegas Boulevard South. An egress only driveway is proposed near the south property line to Las Vegas Boulevard South. At full right-of-way dedication for Las Vegas Boulevard South, the future throat depth will be 17 feet where 100 feet is required. From where Las Vegas Boulevard South is currently paved, the throat depth is 50 feet. A total of 148 parking spaces are provided where 143 spaces are required. The finished grade of the site is being increased up to 6.5 feet with most of the increase occurring on the west portion of the site.

Landscaping

Street landscaping along Las Vegas Boulevard South consists of a minimum 12 foot wide landscape area on-site with an existing attached sidewalk in compliance with conditions of approval for ZC-0809-04. An additional 37 foot width of landscaping is proposed within the right-of-way for Las Vegas Boulevard South to landscape the area to where the sidewalk presently exists for Las Vegas Boulevard South. A 10 foot wide landscape area is also proposed along portions of the north and south property lines. Alternative parking lot landscaping is proposed where 8 parking spaces are located between landscape islands in front of the convenience store, where normally 6 parking spaces are allowed between islands.

Elevations

The 3 retail/restaurant buildings are 1 story, 26.8 feet high, and constructed of EIFS, stone veneer, aluminum storefront systems, decorative light fixtures, and EIFS pop-outs. The roof is predominantly flat at varying heights with decorative pitched roof towers constructed of concrete tile located at the far ends of the buildings. The convenience store/restaurant building is 1 story, 23.4 feet high, and constructed of the same materials as the retail/restaurant buildings. The roof is flat at varying heights. The fuel canopy is 19.5 feet high with a flat metal roof and stone columns. The typical electric vehicle charging station is 5.5 feet tall by 3 feet wide.

Floor Plans

The plans show 3 retail/restaurant shell buildings totaling 13,114 square feet where a maximum total of 2,400 square feet of the 3 buildings will be used for restaurant purposes. The

convenience store/restaurant building is 4,320 square feet where 1,320 square feet will be used for restaurant purposes. The floor plans for the building show a sales floor, cashier area, storage rooms, coolers, freezers, gaming area, kitchen prep area, and dining area. The fuel canopy is 2,800 square feet. The overall commercial center including the existing tavern is 22,433 square feet.

Signage

Signage is not a part of this request.

Applicant's Justification

The applicant states that allowing landscaping within the right-of-way for Las Vegas Boulevard South will allow for a more attractive entry area for potential customers. The reduction in throat depth is justified since the overall site has been designed to enhance circulation efficiency. No potential conflicts due to parking spaces would arise from the first approximate 135 feet of ingress, drive-thru customers will have to travel beyond the gas station area and convenience store to queue, and the southern driveway will serve to further reduce conflicts by providing an additional egress location for convenience store/gas station customers. A tree will be planted north of the convenience store building adjacent to the bike racks to mitigate not having a landscape island every 6 parking spaces in front of the convenience store. The increase in fill is necessary for adequate conveyance of stormwater flow away from the proposed project. Furthermore, the applicant states that the proposed development will provide growing local residential communities with needed services and expanded employment opportunities.

Prior Land Use Requests

Application Number	Request	Action	Date
DR-2214-04	Restaurant (tavern) in a C-2 zone	Approved by BCC	February 2005
ZC-0809-04	Reclassified the site from H-2 to C-2 zoning with a use permit to reduce the separation of a tavern from a residential use	Approved by BCC	July 2004
UC-1254-02	Off-premises sign (billboard)	Approved by BCC	November 2002

Surrounding Land Use

	Planned Land/Use Category	Zoning District	Existing Land Use
North	Entertainment Mixed-Use	H-2	Undeveloped
South	Open Lands	H-2	Undeveloped
East	Entertainment Mixed-Use & Compact Neighborhood (up to 18 du/ac)	H-2 & R-3	Undeveloped & single family residential
West	Entertainment Mixed-Use	H-2 & R-E	Undeveloped

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

Related Applications

Application Number	Request
VS-22-0709	A request to vacate and abandon government patent easements and right-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

Current Planning

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.

Design Reviews #1 & #2

Staff finds the proposed site and building design compatible with the surrounding area. All of the buildings will have 4 sided architecture and are compatible to one another, including the existing tavern, which will allow for a unified and cohesive commercial center. Furthermore, the entire commercial center is interconnected by pedestrian walkways between all the buildings allowing for ease of access. The request complies with Policy 1.3.3 of the Master Plan which encourages the integration of restaurants and daily need services adjacent to new neighborhoods to minimize the need for longer vehicle trips. Staff can also support the alternative parking lot landscaping request. The increase in the number of parking spaces in between landscape islands in front of the convenience store is mitigated by additional trees planted on the site and the addition of another tree in the immediate area north of the convenience store.

Public Works - Development Review

Waiver of Development Standards #1

The applicant is responsible for maintenance and up-keep of any non-standard improvement; the County will not maintain any landscaping placed in the right-of-way. Staff can support Waiver of Development Standards #1 but the applicant must execute and sign a License and Maintenance Agreement for any non-standard improvements within the right-of-way.

Waiver of Development Standards #2

Staff has no objection to the reduction in the throat depth for the commercial driveway. The applicant is providing additional landscaping adjacent to the driveways which act as a buffer. The additional space will improve visibility and allow vehicles to safely exit the right-of-way, avoiding immediate conflicts with those trying to access parking stalls.

Design Review #3

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 is contingent upon approval of VS-22-0709.

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:

Current Planning

- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection.
- Applicant is advised that the installation and use of cooling systems that consumptively use water will be prohibited; the County is currently rewriting Title 30 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; 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;
- Dedication of Las Vegas Boulevard South per RS-22-500058;
- Execute a License and Maintenance Agreement for any non-standard improvements within the right-of-way.
- Applicant is advised that off-site improvement permits may be required.

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 #0190-2022 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

TAB/CAC:
APPROVALS:
PROTESTS:

APPLICANT: MARIA V. TZORTZIS BY VENETA SHAFFER AS AGENT
CONTACT: LEBENE OHENE, 520 S. FOURTH STREET, LAS VEGAS, NV 89101

DRAFT

RECS Real Estate Consulting Services

September 30, 2022

VIA ELECTRONIC SUBMITTAL

WS-22-0708

Clark County Comprehensive Planning
500 S. Grand Central Parkway, 1st Floor
Las Vegas, NV 89106

Re: Justification Letter – Waiver of Development Standards; Design Review
Blue Hawk Retail Center ("Project")
Tzortzis 2005 Trust, dated July 13, 2005 ("Applicant")
Clark County APN: 191-05-801-012; Address: 11997 S. Las Vegas Blvd. ("Site")

To Whom It May Concern:

This letter shall serve as Applicant's **Justification Letter** in support of required Project land use submittals. Applicant hereby submits applications for Waivers of Development Standards and a Design Review in order to implement its Site development plan for the Project known as the Blue Hawk Retail Center.

Introduction

Applicant's prior Site development include the existing Blue Hawk Tavern (2007 completion, with full LV Blvd. driveway, pavement, curb and gutter, streetlights and attached sidewalk improvements), an off-premises billboard, and a cellular tower.

Subsequent to the prior Site development, SID 158 was enacted along S. Las Vegas Blvd. which included street, water and sewer improvements. Due to Applicant's prior investment and development of S. Las Vegas Blvd. in front of its Site, and as part of the SID 158 improvements to S. Las Vegas Blvd., a median cut on S. Las Vegas Blvd. was constructed at the Site's central access driveway, thus creating a unique ingress/egress condition for the Project relative to adjacent and other nearby parcels fronting S. Las Vegas Blvd.

Related to the Project submittals described herein is a Vacation Application to vacate the existing Patent Easement located on the Site and to vacate the existing Gabriel Street Right-of-Way ("ROW") west of the Site and running through to the Jonathan Drive ROW (includes the existing ROW to the west of adjacent parcel # 191-05-801-007). Appropriate exhibits and justification letters are attached thereto.

Conditional Use in C-2 Zoning

The property is currently zoned General Commercial (C-2) and has a Planned Land Use of Entertainment Mixed-Use (EM). The proposed convenience store/gas station on the Project's southeastern side meets the stated conditions in Title 30, Table 30.44-1 to allow for this use on the Site, including size, restrooms, building/canopy setbacks, and residential use separation.

Waiver of Development Standards

The Applicant is requesting waivers of development standards as follows:

1. Applicant Requests a Waiver for Non-Standard Improvements Within the S. Las Vegas Blvd ROW to install light landscaping within the Las Vegas Blvd. ROW, adjacent to the eastern edge of Applicant's Site where the ROW has not yet been expanded as part of the Las Vegas Blvd paved roadway. Applicant believes the

1029 Barberton Ct.
Las Vegas Nevada 89138

Direct 702-241-5864
ziggyelman@msn.com

entry area will be more attractive to its potential customers. Applicant is aware of the License and Maintenance Agreement that Clark County will require to utilize the ROW accordingly;

2. Applicant Requests a Waiver of the 100' Throat Depth Requirement from the Future ROW on Las Vegas Blvd at the Existing (Central) Driveway to allow a potential future 17' throat depth. Upon build-out per the currently proposed Site Plan, the south side of the existing central driveway would exhibit a 50' Throat Depth. Applicant recognizes the potential future use of the entire Las Vegas Blvd ROW would reduce the south side driveway Throat Depth to 17'. Therefore, Applicant respectfully requests an 83' waiver of the potential future 100' requirement as outlined in CCAUS 222.1 at the central driveway. Acknowledging at that future time the central driveway will remain as primary ingress/egress to/from the Project, Applicant's justification for this waiver request is as follows:

- a. The totality of the proposed site plan has been designed to enhance circulation efficiency;
- b. Upon construction of the future driveway, no potential conflicts due to parking spaces would arise for the first approximate 135 feet of ingress driveway, with no parking space conflicts from the driveway's north side.
- c. The large open area to enter the convenience store/gas station provides up to approximately 112 feet before a driver must make its turn into the facility. No parking space conflicts hinder this access;
- d. Fast Food (inside the convenience store) drive-thru users would travel beyond the gas station area and the convenience store parking on the north side to enter the drive-thru queue;
- e. The southern egress only driveway will serve to further reduce conflicts by providing all convenience store/fast food/gas station drivers with an additional egress option;
- f. The current circulation area is designed to accommodate fuel trucks' needs to navigate the gas station pump area to unload their fuel supply into the fuel tanks. The reduced throat depth will be required (in the future) in assure the continued ability of fuel trucks to efficiently navigate out through the central driveway
 - i. The southerly egress only driveway also serves to reduce conflicts by allowing the gas trucks an alternative exit to Las Vegas Blvd.

Design Review

As shown on the submittal set for the Blue Hawk Retail Center, the proposed Project includes building a Gas Station and associated 3,000 sf C-Store with an ancillary 1,320 fast food operation including drive thru (fronting S. Las Vegas Blvd), and 10,714 square feet of retail space in 3 stand-alone buildings (Bldgs. 1, 2 and 3 on the Site Plan's west side). On the southerly side of Bldg. 2 an approximate 1,200 sf restaurant with a drive thru window is proposed, with current Site Plan parking requirements based on an additional 1,200 sf restaurant user. The overall Project has enough excess parking to allow for an additional approximate 750 square feet of restaurant space, with the additional restaurant space able to be located in any of the 3 westerly retail buildings. The existing cellular tower structure and billboard will remain in their current locations.

The Site's existing driveway shall continue to serve as primary ingress/egress to/from the Project, allowing for direct access to each of the Tavern, the Convenience Store/Gas Station and the Retail/Restaurant portions of the Project. An "egress only" driveway is requested on the Project's southeast corner and serves to assure the most efficient traffic circulation patterns possible for the Project as a whole. All convenience store/gas station/fast food users will have the option to turn south from this driveway. Even those with a northerly destination may utilize this egress driveway and make a U-turn at Bruner. This driveway is designed to greatly reduce the traffic flow out of the main driveway.

Applicant requests a design review for alternative parking lot landscaping to not add a landscape island and tree in front of the C-Store. Applicant will mitigate by placing a tree in the landscape area north of the C-Store building near the bike racks. Please see the Site Plan and Landscape Plan now uploaded to Accela.

Applicant also requests a design review to allow increased finished grades for areas over 36". The earthwork fill in the identified areas is not anticipated to exceed 6.5 feet from the currently existing ground. This elevated height is needed for the adequate conveyance of stormwater flow away from the proposed project, as illustrated in the associated "Surface Comparison Analysis-Increased Finished Grade" document.

Other items to note on the Project Site Plan include:

1. Cross access drives on both the southerly and northerly property lines allowing for future access to adjacent developments;
2. 8 proposed EV parking/charging spaces on the east side of the Blue Hawk Tavern, where no charging stations currently exist. Applicant has had discussions with potential charging station operators with encouraging feedback for this location and its proposed development. Please see (attached to this letter) photograph of a typical "8-bank" EV charging station in a retail center parking lot, and a typical elevation drawing as provided by an interested EV charging station vendor.
3. a 16'8" x 37'11" dedicated "Loading Space" adjacent to the west of the existing cellular tower structure;
4. a 10' x 25' dedicated "Loading Space" at the north end of the retail center parking area;
5. 148 site parking spaces provided where 143 are required; and
6. Appropriate fire hydrant placement to meet fire protection requirements.

Included with the Design Review application are turning radius calculations, not only validating appropriate spacing for gas truck ingress for deliveries and egress, but also emergency vehicle and semi-truck access to the remainder of the Project. An auto-turn analysis at the retail/restaurant drive thru on the Site's west side is also provided. The Site has been designed to minimize stacking and potential conflicts.

Additional Information

The original development of the Blue Hawk Tavern was a result of the Tzortzis family receiving approvals for its ZC-0809-04 and DR-2214-05 applications. The Tavern's development proceeded in accordance with the approvals and permits received at that time, opening in 2007 with continuous operations ever since. At the time, the family had high hopes for additional nearby development following along this southern section of Las Vegas Blvd. such that they would be able to complete development on their remaining vacant land. Although other developments have not followed quickly, in anticipation of near term ancillary development the current development applications are the fulfillment of Applicant's dreams.

While seeking to realize their development objectives and to encourage other nearby commercial development, Applicant, working with its development team, have sought to create a multi-use commercial development providing growing local residential communities with needed services and expanded employment opportunities. The Project has been planned for adjacent property connectivity, with efficient vehicular circulation and ingress/egress. Appropriate pedestrian routes and bicycle racks provide appropriate connectivity for all users.

Justification Letter
Blue Hawk Retail Center
September 30, 2022
Page 4 of 5

Master Plan "core values" are achieved through this development by the fulfillment of the "community's vision for the future." Needed commercial development will compliment nearby established and developing residential communities, providing equitable access to services and amenities, encouraging other high quality development and providing for a business friendly environment.

Specific Enterprise "goals and policies" will be met through the Project including:

- EN-4.1 through planning for the full expansion of the S. Las Vegas Blvd. ROW;
- EN-6 by facilitating orderly, incremental growth;
- EN-6.4 by encouraging expansion of tourism-focused commercial uses along S. LVB where appropriate;
- EN-6.5 by encouraging contiguous development which promotes efficient use of public services and facilities; and
- EN-6.6 by encouraging additional development along this growing "niche" area of Enterprise.

Applicant thanks you in advance for your time and effort in consideration of these Land Use Applications. Please do not hesitate to contact us if you require further clarifications.

Sincerely,

Steven Fink

Steven Fink, MBA
Real Estate Consulting Services
On Behalf of the Tzortzis 2005 Trust

