

08/18/21 BCC AGENDA SHEET

COMMERCIAL DEVELOPMENT
(TITLE 30)

UPDATE
RAINBOW BLVD/MERANTO AVE

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

NZC-21-0254-Z M Z S FAMILY TRUST & MALIK UMER Z TRS:

ZONE CHANGE to reclassify 1.9 acres from an R-E (Rural Estates Residential) Zone to a C-1 (Local Business) Zone.

WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** reduce driveway approach distances from the intersection; **2)** allow modified driveway design standards; and **3)** full off-site improvements (partial paving, curb, gutter, sidewalk, and streetlights) along Meranto Avenue.

DESIGN REVIEWS for the following: **1)** proposed retail center; **2)** alternative parking lot landscaping; and **3)** finished grade.

Generally located on the west side of Rainbow Boulevard and the north side of Meranto Avenue within Enterprise (description on file). JJ/rk/jd (For possible action)

RELATED INFORMATION:

APN:

176-22-701-012

WAIVERS OF DEVELOPMENT STANDARDS:

1. Reduce the approach distance from a driveway to a street intersection to 92 feet along Meranto Avenue where 150 feet is the minimum per Uniform Standard Drawing 222.1 (a 39% reduction).
2. Reduce throat depth for a driveway on Rainbow Boulevard to 11 feet where a minimum of 75 feet is the standard per Uniform Standard Drawing 222.1 (an 85% reduction).
3. Waive full off-site improvements (partial paving, curb, gutter, sidewalk, and streetlights) along Meranto Avenue where required per Chapter 30.52.

DESIGN REVIEWS:

1. Proposed retail center.
2. Alternative parking lot landscaping.
3. Increase finished grade to 48 inches (4 feet) where a maximum of 18 inches (1.5 feet) is the standard per Section 30.32.040 (a 167% increase).

LAND USE PLAN:

ENTERPRISE - OFFICE PROFESSIONAL

BACKGROUND:

Project Description

General Summary

- Site Address: N/A
- Site Acreage: 1.9
- Project Type: Retail center
- Number of Stories: 1
- Building Height (feet): 30
- Square Feet: 16,800
- Parking Required/Provided: 85/89

History & Request

The subject property has a planned land use of Office Professional. On February 6, 2019, the Board of County Commissioners approved a nonconforming zone boundary amendment, ZC-18-0888, to change the zoning from an R-E zone to a C-1 zone, subject to a Resolution of Intent, for a retail center. The Resolution of Intent enables applicants to proceed with the project as approved and includes conditions of approval which serve as a contract between the County and property owner to change the zoning upon completion of the project and satisfaction of the conditions. This request does not conform to the previous approved plans; therefore, a new zone change request and other land use applications are required with this application.

Site Plans

The plans submitted with this request depict a proposed retail center consisting of 2 in-line retail buildings and 1 restaurant pad site building with a drive-thru. The pad site building and the smaller in-line retail building are located along Rainbow Boulevard and the larger in-line retail building is located near the western property line. A shared cross access drive is shown along the north property line to the Walmart site. Parking is equitably distributed throughout the site with most of the parking spaces shown in the middle of the site. There is 1 main access point shown along Rainbow Boulevard. This request also includes waivers of development standards to reduce driveway approach distances from the intersection, reduce driveway throat depth, and allow non-urban street standards for Meranto Avenue.

Landscaping

The plans depict a 15 foot wide landscape area with a detached sidewalk on Rainbow Boulevard and an 8 foot wide landscape area with an attached sidewalk along Meranto Avenue. Along the western property line, a 10 foot wide intense landscape buffer is shown adjacent to the RNP neighborhood. Interior to the site, landscaping is distributed throughout the parking lot and around portions of the building footprints. The landscape materials include large trees, shrubs, and groundcover.

Elevations

The proposed buildings are 1 story, up to 30 feet high, consisting of colored stucco walls, decorative metal panels, pop-outs, reveal bands, trellis canopies, and aluminum storefront window systems.

Floor Plans

The plans depict a total building area of 16,800 square feet. The 2 in-line retail buildings will have an area of 9,500 square feet and 4,500 square feet, and the restaurant pad site with drive-thru will have an area of 2,800 square feet. The drive-thru wraps around the south and west portions of the pad site. The plans indicate the buildings will be constructed with an open floor plan with areas that will be modified to meet the needs of the future tenants.

Signage

Signage is not a part of this request.

Applicant’s Justification

The applicant indicates that the new layout of the proposed development is ideal as it will serve the commercial needs of the general area and master planned community of Mountain’s Edge. The proposed request will not result in any additional impacts on the surrounding infrastructure already contemplated in the area.

Prior Land Use Requests

Application Number	Request	Action	Date
NZC-18-0888	Reclassified this site to C-1 zoning for a proposed retail center with waivers for modified off-site improvements	Approved by BCC	February 2019

Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North	Major Development Project (Mountains Edge) - General Commercial	C-1	Walmart
South	Major Development Project (Mountains Edge) - Office Professional	C-1	Shopping center
East	Business and Design/Research Park	R-E	Undeveloped
West	Rural Neighborhood Preservation (up to 2 du/ac)	R-E (RNP-I)	Undeveloped

Related Applications

Application Number	Request
VS-21-0255	A request to vacate and abandon easements and right-of-way is a companion item on this agenda.
TM-21-500069	A tentative map for a 1 lot commercial subdivision 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

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

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

According to the applicant there is a trend of approved C-1 zoning on the west side of Rainbow Boulevard south of Blue Diamond Road.

Staff finds that there have been changes in the area after the adoption of the land use plan that make this amendment appropriate. The Walmart site has been constructed in the past 5 years to the north, and single family homes have recently been constructed by DR Horton to the west. Additionally, 3 commercial projects have been approved south of this site for C-1 zoning making this request appropriate. Therefore, staff finds the character and condition of the area (on the west side of Rainbow Boulevard) has changed from office professional uses to local retail business uses.

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

According to the applicant this project will complement the approved commercial developments to the south and the existing Walmart shopping center to the north. The design of the project will provide an intense landscape buffer located along the west property line; thus, creating an area where there will be no activity between the commercial development and the residential development.

The intent of a balanced land use plan is to encourage an orderly development pattern with an appropriate spatial distribution of land uses that complement each other. This request for C-1 zoning is compatible with the existing and proposed land uses in the area. 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. Staff finds that the project will provide a good transition from the industrial warehouse developments to the east and the residential developments to the west.

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

Various Clark County service departments have previously reviewed this development proposal and found adequate services available or have specified the type of improvements that are needed for this development. Sufficient public services may not exist in the immediate area and because the site is in the Public Facilities Needs Assessment (PFNA) area, a standard development agreement will be necessary prior to issuance of any building permits to mitigate any short falls in needed public facilities.

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

The zoning request is appropriate because the area along this corridor is partially transitioning to higher commercial uses. The site complies with Urban Land Use Policy 10, which encourages, in part, site design that is compatible with adjacent land uses and off-site circulation patterns, especially when adjacent land use is a lower density and intensity. The request complies with Urban Land Use Policy 65 of the Comprehensive Master Plan that encourages, in part, cross access with adjoining sites. Lastly, the proposed site design complies with Urban Land Use Policy 67 which encourages, in part, ensuring that commercial developments are complementary with abutting uses through site planning and building design.

Summary

Zone Change

Applications for projects approved through a nonconforming zone change that are under a Resolution of Intent shall demonstrate a commitment to develop the project in conformance with the original approval. Although this request does not conform to the previous approved plans, staff finds that the current zone change to C-1 could provide a good transition from the future industrial developments on the east side of Rainbow Boulevard to the existing rural residential developments west of this site. Furthermore, the proposed zoning is consistent and compatible with the existing and approved land uses in the general area. The site is located along Rainbow Boulevard where commercial zoning is appropriate; therefore, staff can support the zone change portion of this request.

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 that the current design does not cause an adverse effect on adjacent residential properties due to the fact that all activity and traffic flow are orientated towards the eastern half of the project. The sensitivity that is given to building placement along the west side of the site creates an area where there would be no activity between the commercial development and the residential development. The design of the building, with the variations in building height, comply with Urban Specific Policy 19 of the Comprehensive Master Plan, which encourages

varying building heights and breaking-up the mass of a building. The proposed landscaping also complies with Urban Specific Policy 73, which encourages perimeter and interior parking lot trees for shade and visual relief. Furthermore, within portions of the parking lot the site is not meeting Code by having a landscape finger every 6 spaces and some areas will provide parking lot landscape diamonds instead of the fingers. To mitigate the elimination of a couple of landscape fingers, the applicant is proposing additional trees along the street landscape buffer on Meranto Avenue; therefore, staff supports the design reviews.

Public Works - Development Review

Waiver of Development Standards #1

Staff has no objection to the reduction in the approach distance for the Rainbow Boulevard commercial driveway. Although the frontage will allow the driveway to be farther away from the intersection of Rainbow Boulevard and Meranto Avenue, doing so will result in this commercial driveway to the north.

Waiver of Development Standards #2

Staff has no objection to the reduction in the throat depth of the commercial driveway on Rainbow Boulevard. The median on Rainbow Boulevard adjacent to the site will not allow for left turn movements into the site. Since the site shares cross access to the north and the driveway will only be right in, right out, the potential conflicts from the reduction in the throat depth should be reduced.

Waiver of Development Standards #3

The site is located adjacent to subdivisions within the RNP-I overlay district, in which the roads are built to non-urban standards. In addition, the commercial site on the south side of Meranto Avenue was approved per ZC-20-0521 with not installing full off-site improvements on Meranto Avenue. Therefore, staff has no objection to the request to not install full off-site improvements on Meranto Avenue.

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

If this request is approved, the Board and/or Commission finds that the application is consistent with the standards and purpose enumerated in the Comprehensive Master Plan, Title 30, and/or the Nevada Revised Statutes.

PLANNING COMMISSION ACTION: July 20, 2021 – APPROVED – Vote: Unanimous

Current Planning

- Resolution of Intent to complete in 4 years;
- Expunge NZC-18-0888;
- Low level lighting throughout the entire project with lighting to be addressed through a design review;
- Design review as a public hearing on signage and lighting;
- Enter into a standard development agreement prior to any permits or final mapping in order to provide fair-share contribution toward public infrastructure necessary to provide service because of the lack of necessary public services in the area;
- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection.
- Applicant is advised that the County 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 new application for a nonconforming zone boundary amendment may be required in the event the building program and/or conditions of the subject application are proposed to be modified in the future; a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; 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

- Drainage study and compliance;
- Drainage study must demonstrate that the proposed grade elevation differences outside that allowed by Section 30.32.040(a)(9) are needed to mitigate drainage through the site;
- Traffic study and compliance;
- Full off-site improvements on Rainbow Boulevard;
- Right-of-way dedication to include 30 feet for Meranto Avenue, and associated spandrel;
- 30 days to submit a Separate Document to the Map Team for the required right-of-way dedications and any corresponding easements for any collector street or larger;
- 90 days to record required right-of-way dedications and any corresponding easements for any collector street or larger;
- All other right-of-way and easement dedications to record with the final map;
- Execute a Restrictive Covenant Agreement (deed restrictions);
- Coordinate with Public Works - Design Division for the Rainbow Boulevard improvement project;
- Dedicate any right-of-way and easements necessary for the Rainbow Boulevard improvement project.
- Applicant is advised that the installation of detached sidewalks will require the vacation of excess right-of-way and granting necessary easements for utilities, pedestrian access, streetlights, and traffic control; and that approval of this application will not prevent Public Works from requiring an alternate design to meet Clark County Code, Title 30, or previous land use approvals.

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 #0224-2021 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

TAB/CAC: Enterprise - approval (add additional fenestrations to retail building #1 western elevation).

APPROVALS:

PROTESTS: 3 cards

APPLICANT: UMER MALIK

CONTACT: YIHONG LIU + ASSOCIATES, LTD., 1669 W. HORIZON RIDGE PARKWAY, SUITE 120, HENDERSON, NV 89012