

SHOPPING CENTER
(TITLE 30)

RAINBOW BLVD/CAPOVILLA AVE

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

ET-23-400065 (WS-19-0185)-RAINBOW 215 PROPERTIES, LLC:

WAIVERS OF DEVELOPMENT STANDARDS SECOND EXTENSION OF TIME for the following: **1)** allow alternative landscaping adjacent to a drive-thru lane along a public right-of-way (Rainbow Boulevard); and **2)** modified street standards.

DESIGN REVIEW for modifications to an approved shopping center on 9.1 acres in a C-2 (General Commercial) Zone in the CMA Design Overlay District.

Generally located on the east side of Rainbow Boulevard and the north side of Capovilla Avenue within Enterprise. MN/rp/syp (For possible action)

RELATED INFORMATION:

APN:

176-02-417-001

WAIVERS OF DEVELOPMENT STANDARDS:

1. Allow alternative landscaping adjacent to a drive-thru lane along a public right-of-way (Rainbow Boulevard) where an intense landscape buffer per Figure 30.64-12 is required per Section 30.48.660.
2.
 - a. Reduce the throat depth to 20 feet where a minimum of 75 feet is required per Uniform Standard Drawing 222.1 (a 73.3% reduction).
 - b. Reduce the departure distance of a driveway along Arby Avenue from an intersection to 171 feet where a minimum of 190 feet is required per Uniform Standard Drawing 222.1 (a 10% reduction).

LAND USE PLAN:

ENTERPRISE - CORRIDOR MIXED-USE

BACKGROUND:

Project Description

General Summary

- Site Address: N/A
- Site Acreage: 9.1
- Project Type: Shopping center
- Number of Stories: 1
- Building Height (feet): Up to 29.5

- Square Feet: 62,109 (overall center)
- Parking Required/Provided: 249/353

History & Request

ET-21-400095 (WS-19-0185) was approved by the Board of County Commissioners (BCC) in July 2021 to extend WS-19-0185, which was previously approved by the BCC in May 2019. The approved plans in WS-19-0185 depicted a 62,109 square foot shopping center consisting of 5 buildings. ADR-21-900694 was approved administratively in November 2021 for modifications to the previously approved shopping center. The approved modifications included reducing the area of the shopping center to 62,109 square feet with revisions to the building elevations. The shopping center provides 353 parking spaces where 249 parking spaces are required. Access to the shopping center is granted via commercial driveways located along Arby Avenue, Rainbow Boulevard, and Capovilla Avenue. The applicant is requesting an extension of time for 2 years to complete the project.

Site Plans

The approved plans depict a 62,109 square foot shopping center consisting of 5 buildings. The 5 buildings consist of an in-line retail/grocery store building, 2 fast food restaurants with drive-thrus, and 2 sit down restaurants. The in-line retail/grocery store building is located along and set back approximately 41 feet from the east property line. A loading space is located at the rear of the building. Sit down restaurant #1 is located approximately 30 feet from the north property line and 150 feet from the west property line. Fast food restaurant #1 is located approximately 42 feet from the west property line, with a drive-thru lane along the west, south, and east sides of the building. Sit down restaurant #2 is located approximately 11 feet from the south property line and 34 feet from the west property line. A loading space is located to the east of the building. Fast food restaurant #2 is located 43 feet from the south property line, with a drive-thru lane along the west and south sides of the building. A 5 foot wide pedestrian walkway connects all the buildings within the shopping center. Access to the site is from a driveway off Rainbow Boulevard, 2 driveways from Arby Avenue, and 2 driveways off Capovilla Avenue. A total of 353 parking spaces are provided where a minimum of 249 parking spaces are required.

The rear driveways along both Arby Avenue and Capovilla Avenue do not meet the minimum required throat depths of 75 feet. The throat depth for the rear driveway along Arby Avenue is 20 feet and the throat depth for the rear driveway along Capovilla Avenue is 24 feet. Furthermore, 1 of the driveways along Arby Avenue is 171 feet from the intersection of Arby Avenue and Rainbow Boulevard and does not meet the minimum departure distance of 190 feet. Therefore, waivers of development standards were requested.

Landscaping

The approved plans show a 15 foot wide landscape area with a detached sidewalk along Rainbow Boulevard, a 10 foot wide landscape area with an attached sidewalk along Capovilla Avenue, and a 6 foot to 15 foot wide landscape area with an attached sidewalk along Arby Avenue. Additional landscaping is provided adjacent to the loading space located to the east of sit down restaurant #2 in order to screen the loading space from Capovilla Avenue. An intense landscape buffer per Figure 30.64-12 is provided along Capovilla Avenue, adjacent to the drive-thru lane of fast food restaurant #2, as required per CMA Design Overlay District requirements.

Elevations

The approved plans depict a 1 story, 29.5 foot high in-line retail/grocery store building. Fast food restaurants #1 and #2 are both 1 story, 18 foot high buildings. Sit down restaurant #1 and #2 are both 1 story, 23 foot high buildings. Building materials consist of stucco finish, stone veneer, wood veneer, aluminum storefront systems, wood lattices, metal canopies, and awnings. A consistent architectural design is incorporated into all of the buildings on the site. The roofs are flat with parapet walls at varying heights, although an architectural tower is also shown for sit down restaurant #1.

Floor Plans

The approved plans show a 42,800 square foot in-line retail/grocery store building consisting of 32,000 square feet of grocery store area and 10,800 square feet of retail area. The retail area is located to the north and south of the grocery store space. Fast food restaurants #1 and #2 are both 2,500 square feet. Sit down restaurant #1 is 5,000 square feet and sit down restaurant #2 is 10,000 square feet.

Previous Conditions of Approval

Listed below are the approved conditions for ET-21-400095 (WS-19-0185):

Current Planning

- Until May 8, 2023 to commence;
- 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 County is currently rewriting Title 30 and future land use applications, including applications for extension time; and that the extension of times 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

Listed below are the approved conditions for WS-19-0185:

Current Planning

- Provide a decorative low profile masonry wall (no higher than 3 feet) adjacent to the drive-thru lane along Rainbow Boulevard to prevent vehicle headlights shining onto northbound traffic on Rainbow Boulevard;
- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection.
- 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

- Update drainage study to reflect current project plans;
- Traffic study and compliance;
- Full off-site improvements;
- Right-of-way dedication to include 30 feet for Arby Avenue, 30 feet for Capovilla Avenue, the necessary portion of the cul-de-sac for Capovilla Avenue, and associated spandrels.
- Applicant is advised that the plans do not comply with Uniform Standard Drawing 222.1; that easements exist that will interfere with the proposed development; that changes to the plans will be necessary, which may result in the need for additional land use applications; and 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 or execute a License and Maintenance Agreement for non-standard improvements in the right-of-way.

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 #0110-2019 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

Applicant's Justification

The project includes a shopping center on 8.34 acres. The applicant states that the schedule of the overall project was delayed between the years 2019 and 2022. The shopping center is about 90% leased and the final buildings are scheduled for construction.

Prior Land Use Requests

| Application Number | Request | Action | Date |
|------------------------------|--|-----------------|---------------|
| WC-22-400026 (ZC-0132-17) | Waiver for a zone change requiring recording perpetual cross access | Approved by BCC | April 2022 |
| ADR-21-900647 | Modifications to a previously approved shopping center | Approved by ZA | November 2021 |
| ET-21-400095 (WS-19-0185) | First extension of time for alternative landscaping and modified street standard, and design review for shopping center. | Approved by BCC | July 2021 |
| ET-21-400094 (VS-0133-17) | Second extension of time for vacated and abandoned a 5 foot wide portion of right-of-way being Rainbow Boulevard | Approved by BCC | July 2021 |
| ET-21-400132 (VS-19-0490) | First extension of time for a vacated and abandoned easement | Approved by PC | October 2021 |
| TM-21-500085 | Commercial subdivision on 9.3 acres in a C-2 | Approved by BCC | July 2021 |

Prior Land Use Requests

| Application Number | Request | Action | Date |
|--------------------------------|---|-----------------|--------------|
| ET-19-400147 (VS-0133-17) | First extension of time for a portion of right-of-way being Rainbow Boulevard located between Capovilla Avenue and Arby Avenue (alignment) | Approved by BCC | January 2020 |
| VS-19-0490 | Vacated and abandoned easements | Approved by PC | August 2019 |
| WS-19-0185 | Waiver for alternative landscaping and modified street standard, and design review for shopping center | Approved by BCC | May 2019 |
| ADET-19-900237 (ZC-0132-17) | Administrative extension of time for the zone change from R-E to C-2 zoning | Approved by ZA | May 2019 |
| ZC-0132-17 | Reclassified the west half of the site from R-E to C-2 zoning and increased wall height with a design review for a shopping center and increased finished grade | Approved by BCC | April 2017 |
| TM-0025-17 | 1 lot commercial subdivision - expired | Approved by BCC | April 2017 |
| VS-0133-17 | Vacated and abandoned a 5 foot wide portion of right-of-way being Rainbow Boulevard | Approved by BCC | April 2017 |
| ZC-0871-03 | Reclassified the east half of the site from R-E to C-2 zoning for future development | Approved by BCC | July 2003 |

Surrounding Land Use

| | Planned Land Use Category | Zoning District | Existing Land Use |
|-------|--|------------------------|---------------------------------|
| North | Business Employment | C-2 & R-4 | Shopping center & undeveloped |
| South | Corridor Mixed-Use | C-2 & R-4 | Commercial center & undeveloped |
| East | Corridor Mixed-Use & Business Employment | R-5 | Multiple family residential |
| West | Business Employment | C-2 | Shopping center |

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.

Since previous approval, an off-site permit, a traffic study, a grading permit, and several building permits were issued for this site, as well as a subdivision map was recorded in August 2021. Therefore, staff can support the request.

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 Comprehensive Master Plan, Title 30, and/or the Nevada Revised Statutes.

PRELIMINARY STAFF CONDITIONS:

Current Planning

- Until May 8, 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.

Clark County Water Reclamation District (CCWRD)

- No comment.

TAB/CAC:

APPROVALS:

PROTEST:

APPLICANT: SACKLEY FAMILY TRUST & SACKLEY, STUART TRS

CONTACT: GLORIA LONG-HERNANDEZ, GMRA, 6325 S JONES BLVD #100, LAS VEGAS, NV 89118