

SHOPPING CENTER  
(TITLE 30)

RAINBOW BLVD/RICHMAR AVE

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**ZC-20-0521-K & J'S EXCELLENT ADVENTURE, LLC:**

**ZONE CHANGE** to reclassify 3.5 acres from R-E (Rural Estates Residential) Zone under Resolution of Intent to C-1 (Local Business) P-C (Planned Community Overlay District) Zone to C-1 (Local Business) P-C (Planned Community Overlay District) Zone.

**WAIVERS OF DEVELOPMENT STANDARDS** for the following: **1)** allow alternative street landscaping; **2)** increase wall height; **3)** allow access on a local residential street; **4)** reduce driveway departure distances from the intersection; and **5)** modified driveway design standards.

**DESIGN REVIEW** for a proposed shopping center in the Mountain's Edge Master Planned Community.

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

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RELATED INFORMATION:

**APN:**

176-22-701-032; 176-22-701-033

**WAIVERS OF DEVELOPMENT STANDARDS:**

1. Allow alternative landscaping adjacent to an arterial street (Rainbow Boulevard) where landscaping per Figure 30.64-17 is required.
2. Increase perimeter wall height to 10 feet where a maximum of 6 feet is permitted per Section 30.64.020 and Table 30.64-1 (a 66% increase).
3. Allow commercial development to access a local residential street (Richmar Avenue) where not permitted per Table 30.56-2.
4.
  - a. Reduce the departure distance from a driveway to a street intersection (Uniform Standard Drawing 222.1) to 151 feet along Richmar Avenue where 190 feet is the minimum per Chapter 30.52 (a 21% reduction).
  - b. Reduce the departure distance from a driveway to a street intersection (Uniform Standard Drawing 222.1) to 164 feet along Rainbow Boulevard where 190 feet is the minimum per Chapter 30.52 (a 14% reduction).
5.
  - a. Allow a minimum 7 foot commercial driveway throat depth along Richmar Avenue where a 75 foot commercial driveway throat depth is required per Uniform Standard Drawing 222.1 (a 91% reduction).
  - b. Allow a minimum 23 foot commercial driveway throat depth along Rainbow Boulevard where a 75 foot commercial driveway throat depth is required per Uniform Standard Drawing 222.1 (a 69% reduction).

**LAND USE PLAN:**

ENTERPRISE - MAJOR DEVELOPMENT PROJECT (MOUNTAIN'S EDGE) – OFFICE PROFESSIONAL

**BACKGROUND:****Project Description**

## General Summary

- Site Address: N/A
- Site Acreage: 3.5
- Project Type: Shopping center
- Number of Stories: 1
- Building Height (feet): 23
- Square Feet: 29,000
- Parking Required/Provided: 145/157

History & Request

The subject property has a planned land use of Office Professional. On April 4, 2018, the Board of County Commissioners approved a nonconforming zone boundary amendment, ZC-17-1007, to change the zoning from an R-E zone to a C-1 zone, subject to a Resolution of Intent, for a shopping center. The Resolution of Intent enables applications to proceed with the project as approved and includes conditions of approval and serves 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 Plan

The site is designated as Office Professional in the Mountain's Edge Specific Plan which makes this zone boundary request nonconforming with that land use designation. The plans submitted with this request depict a proposed shopping center consisting of an in-line retail building with an anchor tenant space, and 1 retail pad site building with drive-thru. The pad site building is located near the northern portion of the site and the in-line retail building with an anchor tenant space is located near the southern portion of the site. Building setbacks are as follows: 75 feet from the west property line, 82 feet from the north property line (Meranto Avenue), 101 feet from the east property line (Rainbow Boulevard), and 48 feet from the south property line (Richmar Avenue). Parking is equitably distributed throughout the site with the majority of the parking spaces shown to the east, west, and north perimeters of the site. There is 1 access point shown along Richmar Avenue and 2 access points shown along Rainbow Boulevard. Richmar Avenue is depicted as a 60 foot wide collector street on the Clark County Transportation Element but primarily serves the Rural Neighborhood Preservation (RNP) area to the west of this proposed development. Therefore, access to this street requires a waiver of development standards. This request also includes waiver of development standards for alternative landscaping, wall height, and modified off-site improvement standards.

### Landscaping

The plans depict a 27 foot wide landscape area with a detached sidewalk on Rainbow Boulevard. A 7.5 foot wide landscape area with an attached sidewalk is shown along Meranto Avenue and a 15 foot to 25 foot wide landscape area with an attached sidewalk is shown on Richmar Avenue. Along the western property line, a 10 foot wide landscape buffer with trees spaced 20 feet apart is shown adjacent to the RNP neighborhood to the west. 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 23 feet high, and similar in design consisting of colored plaster/stucco, decorative CMU block, reveal bands, metal canopies, and aluminum storefront window systems. The buildings range in height from 18 feet to 23 feet to the top of the parapet walls.

### Floor Plans

The plans depict a total building area of 29,000 square feet. The in-line retail building will have an area of 11,766 square feet, the anchor tenant space will have an area of 10,080 square feet, and the retail pad site with drive-thru will have an area of 7,154 square feet. The drive-thru wraps around the west and south portions of the retail 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. As for the access to a local residential street, there is no other means of access to the site for northbound traffic on Rainbow Boulevard without the entrance on Richmar Avenue. According to the applicant absent of that entrance, delivery trucks and other vehicles traveling northbound on Rainbow Boulevard might be tempted to turn left on Richmar Avenue and then take rights on either Rosanna Street or Montessori Street so they can access southbound on Rainbow Boulevard off from Meranto Avenue.

### **Prior Land Use Requests**

<b>Application Number</b>	<b>Request</b>	<b>Action</b>	<b>Date</b>
ZC-17-1007	Reclassified this site to C-1 zoning for a proposed shopping center with waivers for modified off-site improvements	Approved by BCC	April 2018
VS-17-1084	Vacated a portion of right-of-way being Rainbow Boulevard	Approved by BCC	April 2018

### Prior Land Use Requests

Application Number	Request	Action	Date
MP-1009-02	Specific Plan for Mountain's Edge	Approved by BCC	August 2002
MP-0420-02	Concept Plan for Mountain's Edge	Approved by BCC	July 2002

### Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North	Office Professional	C-1	Approved retail center
South	Major Development Project - Office Professional	C-1	Mini-warehouse facility
East	Business and Design/Research Park	R-E	Undeveloped
West	Rural Neighborhood Preservation	R-E (RNP-I)	Mix of developed & undeveloped single family residential

### Related Applications

Application Number	Request
TM-20-500183	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

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. However, since staff is not supporting the design review, staff cannot support the nonconforming zone boundary amendment since the approval of such is dependent upon the approval of the design review and completion of the project.

### Design Review

Staff finds that the previous design in 2017 did not cause an adverse effect on adjacent residential properties due to the fact that all activity and traffic flow were orientated towards the eastern half of the project. The sensitivity that was given to building placement along the west side of the site created an area where there would be no activity between the commercial development and the residential development. In addition, the applicant previously met with and negotiated conditions of approval with neighbors from the RNP neighborhood to the west. One of which was any door on the west face of western buildings to be fire exits only. The proposed design now shows a drive-thru lane, delivery loading area, and trash enclosures with 75 feet of the west property line; therefore, staff cannot support the design and layout of this project.

### Waivers of Development Standards

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

#### Waiver of Development Standards #1

The street landscape areas adjacent to Rainbow Boulevard proposed by the applicant will deviate from the standard landscape material required by Code. Typically, trees are provided on both sides of the detached sidewalk. The site visibility zones necessitate this waiver to allow only shrubs and groundcover in these areas and the remaining areas along Rainbow Boulevard. However, since staff is not supporting the design and layout of this project, staff cannot support this waiver request.

#### Waiver of Development Standards #2

The proposed increased wall height to 10 feet is located along a portion of the west property line in order to match an existing wall. There are two developed residential lots adjacent to this site on the north half of the western property line, and one larger undeveloped residential lot on the south half of the western property line. Staff typically can support increased wall height which will match an existing wall and also provide an adequate buffer between commercial and residential development. However, since staff is not supporting the design and layout of this project, staff cannot support this waiver request.

#### Waiver of Development Standards #3

Access to Richmar Avenue, a local residential street, does not comply with Urban Specific Policy 96 of the Comprehensive Master Plan which encourages commercial development to be designed with limited or no access points on local streets if master planned for single family residential uses. The site has access to Rainbow Boulevard which is an arterial street. Access to these local residential streets would provide the site with improved on-site traffic circulation; however, the residential neighborhood to the west consists of large lots in an R-E (RNP-I) zoned district. Allowing access to these streets could have an adverse effect on this existing neighborhood; therefore, staff does not support this waiver.

## **Public Works - Development Review**

### Waivers of Development Standards #4a & #5a

Staff has no objection to the reduction in the distance from Rainbow Boulevard to the driveway on Richmar Avenue. The driveway is located as far away from the intersection as the limited frontage will allow. Staff also does not object to the reduced throat depth at this driveway location. Richmar Avenue is a 60 foot wide non-urban local street with limited traffic. However, since Planning is recommending denial of this driveway, staff cannot support these requests.

### Waivers of Development Standards #4b & #5b

Staff has concerns with the reduction in the distance to the driveway from Meranto Avenue, combined with the request for reduced throat depth on the northern Rainbow Boulevard driveway. Rainbow Boulevard is a major arterial street that will see high volumes of traffic as development continues south of Blue Diamond Road. The minimum required distances are intended to provide a safe transition from the public right-of-way into a development while reducing the chance for accidents. Drivers entering the site from the northern driveway will conflict with cross traffic and with traffic exiting the drive-thru. The southern driveway on Rainbow Boulevard is designed with less chances for conflicts, but no justification exists for the reduced throat depth. Therefore, staff cannot support these requests.

## **Staff Recommendation**

Denial.

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**

If approved:

- Resolution of Intent to complete in 4 years;
- Expunge ZC-17-1007;
- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection.
- Applicant is advised that 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;
- Traffic study and compliance;
- Full off-site improvements on Rainbow Boulevard;
- 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 or execute a License and Maintenance Agreement for non-standard improvements in the right-of-way.

**Building Department - Fire Prevention**

- Applicant is advised to show on-site fire lane, turning radius, and turnarounds.

**Clark County Water Reclamation District (CCWRD)**

- No comment.

**TAB/CAC:**

**APPROVALS:**

**PROTESTS:**

**PLANNING COMMISSION ACTION:** January 19, 2021 – FORWARDED – Conditions forthcoming.

**APPLICANT:** K & J'S EXCELLENT ADVENTURE, LLC

**CONTACT:** JOHN CURRAN, DAPPER DEVELOPMENT, 985 WHITE DR., STE 100, LAS VEGAS, NV 89119