

RESTAURANT/RETAIL BUILDING  
(TITLE 30)

RAINBOW BLVD/CACTUS AVE

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**WS-23-0121-LAGOON INVESTMENTS, LLC:**

**WAIVER OF DEVELOPMENT STANDARDS** to reduce parking.

**DESIGN REVIEW** for a restaurant building with drive-thru services and retail building on a pad site on a 0.7 acre portion of a 5.5 acre shopping center in a C-2 (General Commercial) Zone.

Generally located on the west side of Rainbow Boulevard, 320 feet north of Cactus Avenue within Enterprise. JJ/al/syp (For possible action)

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RELATED INFORMATION:

**APN:**

176-27-823-002; 176-27-823-004 through 176-27-823-009 ptn

**WAIVER OF DEVELOPMENT STANDARDS:**

Reduce parking for a shopping center to 160 spaces where a minimum of 193 spaces are required per Table 30.60-1 (a 17.1% reduction).

**LAND USE PLAN:**

ENTERPRISE - MID-INTENSITY SUBURBAN NEIGHBORHOOD (UP TO 8 DU/AC)

**BACKGROUND:**

**Project Description**

General Summary

- Site Address: 10415, 10425, 10435, 10455, 10465 & 10475 S. Rainbow Boulevard
- Site Acreage: 0.7 pad site/5.5 shopping center
- Project Type: Restaurant with drive-thru service and retail building
- Number of Stories: 1
- Building Height (feet): 25
- Square Feet: 3,000
- Parking Required/Provided: 193/160 shopping center

**Site Plan**

The applicant is proposing to construct a commercial building on a pad site within an existing shopping center. The shopping center is located at the northwest corner of Rainbow Boulevard and Cactus Avenue and access is provided to the center by 2 existing driveways, 1 from each of these streets. The pad site is located in the central portion of the eastern half of the shopping

center. The proposed building will consist of lease spaces for a retail business and a restaurant with a drive-thru service. The retail space is in the west portion of the building and the restaurant in the east portion. The entrance to the drive-thru service is located at the northwest corner of the building and travels along the west, south, and east sides of the building. The call box for the drive-thru service is located at the southwest corner of the building and the pick-up window is located on the northeast corner. Additional parking is being added for this use and shopping center within the pad site. New parking spaces are located to the front (north) of the building and along the west and south sides of the pad site, and will be accessed from existing drive aisles within the shopping center.

### Landscaping

Landscaping consisting of trees, shrubs, and groundcover are being added to the new parking areas within the pad site and adjacent to the building. There will be some slight modifications to the landscape area along Rainbow Boulevard to the east of the pad site to provide a handicapped accessible walkway from the public sidewalk to the entrances of the proposed building.

### Elevations

The building is 1 story with a maximum height of 25 feet. The building has a flat roof behind a parapet wall that varies between 20 feet to 25 feet in height. The exterior of the building consists of multiple surface plane variations to give both vertical and horizontal articulation along with various elements such as a stucco finish painted in earth tone colors, metal awnings, accent bands, and reveal lines.

### Floor Plans

The plans depict a 3,000 square foot building that will be divided into 2 lease spaces; the western portion of the building will be a retail space, and the eastern portion will be a restaurant with a drive-thru service, and the pickup window is located on the east side of the building.

### Signage

Signage is not a part of this request.

### Applicant's Justification

The applicant indicates that the building will have similar architectural elements that provide for a seamless development site and contemporary style of urban architecture that is compatible with the surrounding area. The proposed uses are consistent and compatible with existing development in the area. The proposed uses are in harmony with the Master Plan and will not have a substantial or undue adverse effect on adjacent properties. The parking for the shopping center is 33 spaces (17%) less than required by Code. The applicant indicates that the proposed parking is adequate for the uses within the shopping center and will not have a substantial or undue adverse effect on the adjacent developments.

**Prior Land Use Requests**

<b>Application Number</b>	<b>Request</b>	<b>Action</b>	<b>Date</b>
DR-22-0228	Vehicle maintenance (smog testing) facility within an existing shopping center	Approved by BCC	June 2022
DR-18-0146	Shopping center	Approved by BCC	April 2018
VS-1094-17	Vacated and abandoned right-of-way and easements	Approved by PC	February 2017
WS-0656-17	Modified street standards and design review for a restaurant with drive-thru, retail building, convenience store with fueling canopy, and vehicle wash in conjunction with the first phase of a proposed shopping center	Approved by BCC	September 2017
ZC-0126-17	Reclassified this site to C-2 zoning for a mini-warehouse facility and future commercial development	Approved by BCC	May 2017
MP-1009-02	Specific Plan for Mountain's Edge Master Planned Community	Approved by BCC	December 2002

**Surrounding Land Use**

	<b>Planned Land Use Category</b>	<b>Zoning District</b>	<b>Existing Land Use</b>
North	Mid-Intensity Suburban Neighborhood (up to 8 du/ac)	RUD & C-2	Single family residential & undeveloped
South	Mid-Intensity Suburban Neighborhood (up to 8 du/ac)	R-3 & C-2	Single family residential & undeveloped
East	Mid-Intensity Suburban Neighborhood (up to 8 du/ac)	M-1	Water reservoir for the Las Vegas Valley Water District
West	Mid-Intensity Suburban Neighborhood (up to 8 du/ac)	C-2	Mini-warehouse facility

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

**STANDARDS FOR APPROVAL:**

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

**Analysis****Comprehensive Planning**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.

When the shopping center was first approved, the facility was parked at 4 spaces per 1,000 square feet of building area. Due to changing circumstances and changes to the Code, the shopping center is now parked at 5 spaces per 1,000 square feet of building. The shopping center is in compliance with the old parking standard. Staff finds the proposed parking is adequate for the shopping center and does not object to the waiver.

#### Design Review

The proposed uses of the building are consistent and compatible with the existing and planned land uses abutting this site. The design of the building is similar to the other buildings within the shopping center; therefore, staff supports the design review.

#### **Staff Recommendation**

Approval.

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

#### **PRELIMINARY STAFF CONDITIONS:**

##### **Comprehensive Planning**

- Enter into a standard development agreement prior to any permits or subdivision mapping in order to provide fair-share contribution toward public infrastructure necessary to provide service because of the lack of necessary public services in the area;
- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection.
- Applicant is advised that 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**

- 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 #0140-2023 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

**TAB/CAC:**

**APPROVALS:**

**PROTESTS:**

**APPLICANT:** MEQ-CACTUS & RAINBOW, LLC

**CONTACT:** DIONICIO GORDILLO, 204 BELLE ISLE CT, HENDERSON, NV 89012