

RETAIL/OFFICE
(TITLE 30)

RAINBOW BLVD/PALMYRA AVE

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

ZC-23-0431-SDMI RAINBOW, LLC:

ZONE CHANGE to reclassify 2.8 acres from an R-E (Rural Estates Residential) Zone to a C-P (Office and Professional) Zone.

USE PERMITS for the following: **1)** retail as primary use; and **2)** restaurant as primary use.

WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** permit access to a local street (Palmyra Avenue); **2)** landscaping; **3)** modified driveway design standards; and **4)** increase wall height.

DESIGN REVIEW for a commercial center.

Generally located on the northwest corner of Rainbow Boulevard and Palmyra Avenue within Spring Valley (description on file). JJ/bb/syp (For possible action)

RELATED INFORMATION:

APN:

163-10-707-011

USE PERMITS:

1. a. Allow retail use as primary use where retail for service to the general public is not allowed per Table 30.44-1.
- b. Allow exterior advertising for retail uses where not permitted by Code per Table 30.44-1.
- c. Allow 6,400 square feet of retail uses where 1,000 square feet is the maximum permitted by Code per Table 30.44-1 (a 540% increase).
2. a. Allow restaurant use as a primary use where a restaurant for service to the general public is not allowed per Table 30.44-1.
- b. Allow exterior advertising for restaurant uses where not permitted by Code per Table 30.44-1.
- c. Allow 3,600 square feet of restaurant as a primary use where 1,000 square feet is permitted by Code per Table 30.44-1 (a 260% increase).

WAIVERS OF DEVELOPMENT STANDARDS:

1. Permit a commercial development to have access to a local street (Palmyra Avenue) where not permitted per Table 30.56-2.
2. a. Allow alternate landscaping along Palmyra Avenue where 15 feet of landscaping is required behind an attached sidewalk per Section 30.64.030.

- b. Allow alternate landscaping along Rainbow Boulevard where 15 feet of landscaping is required behind an attached sidewalk per Section 30.64.030.
- c. Allow alternate landscaping for medium size trees with 30 foot spacing along Palmyra Avenue where large trees every 30 feet are required per Section 30.64.030.
- d. Allow alternate landscaping for medium size trees with 30 foot spacing along Rainbow Boulevard where large trees every 30 feet are required per Section 30.64.030.
- e. Allow alternate landscaping for medium size trees adjacent to a less intense use where large Evergreen trees are required per Figure 30.64-11.
- 3. a. Reduce the egress throat depth of the Rainbow Boulevard driveway to 26 feet where 100 feet is required by Uniform Standard Drawing 222.1 (a 74% reduction).
- b. Reduce the ingress throat depth of the Rainbow Boulevard driveway to 74 feet where 100 feet is required by Uniform Standard Drawing 222.1 (a 26% reduction).
- c. Reduce the egress throat depth of the Palmyra Avenue driveway to 43 feet where 100 feet is required by Uniform Standard Drawing 222.1 (a 57% reduction).
- d. Reduce the ingress throat depth of the Palmyra Avenue driveway to 97 feet where 100 feet is required by Uniform Standard Drawing 222.1 (a 3% reduction).
- e. Reduce the departure distance on Palmyra Avenue to 156 feet where 190 feet is the minimum per Uniform Standard Drawing 222.1 (a 22% reduction).
- 4. Increase the screen wall height to 8 feet where 6 feet is the maximum allowed per Figure 30.64-11 (a 33% increase).

LAND USE PLAN:

SPRING VALLEY - NEIGHBORHOOD COMMERCIAL

BACKGROUND:

Project Description

General Summary

- Site Address: N/A
- Site Acreage: 2.8
- Project Type: Commercial center
- Number of Stories: 1
- Building Height (feet): 28 (Building A)/25 (Building B)
- Square Feet: 10,000 (Building A - 3,600 restaurant and 6,400 retail)/16,000 (Building B)
- Parking Required/Provided: 116 (per shared parking table)/117

Site Plan

The plan depicts a 2.8 acre parcel with one, 16,000 square foot office building on the north side of the property, and a 10,000 square foot retail and restaurant building on the south side of the property. Both buildings are oriented to the center of the parcel and internal parking area. The narrow sides of each building face west towards the existing residential properties and east facing Rainbow Boulevard. There are 117 parking spaces being provided at the interior of the

property between the buildings and along the west property line. A shared parking table is provided to justify the less than 130 parking spaces provided as required by the shopping center parking requirement. Access to the site is from Rainbow Boulevard 220 feet north of Palmyra Avenue, and a Palmyra Avenue driveway located 160 feet west of Rainbow Boulevard. A drive-thru is shown with an entrance at the west side of the south building, extending around the south side of the building with an exit on the east side of the building. The entrance to the drive-thru is approximately 112 feet from the south property line. The measured throat depths for this part of the parking lot are between 43 feet and 97 feet and are the subject of a waiver request with this application. Trash enclosures are located 114 feet east of the west property line. Two loading zones are located 91 feet east of the west property line.

Landscaping

The plan depicts attached sidewalks along Palmyra Avenue and Rainbow Boulevard with landscaping along Palmyra between a 10 foot and 13 foot width. The existing Nevada Power easement allows for only 12 trees that will not be off-set along Rainbow Boulevard. A 15 foot wide landscape area is located behind the attached sidewalk along Rainbow Boulevard. Parking lot landscaping is provided on the interior areas of the property, including landscape planters on the south side of the northern office building. Landscaping adjacent to a less intense use is provided along the west side of the property, including 22 (24 inch) trees in a 10 foot wide landscape buffer that will include an 8 foot high decorative screen wall. An 8 foot screen wall is shown on the north property line.

Elevations

The plans depict Building A and Building B with similar exterior treatments and a flat roof. Each building has stucco wall finishes, architectural tile veneer, CMU, painted metal strips, and low E glazing glass entryways.

Floor Plan

The plan for Building A on the north side of the property depicts a 16,000 square foot building split between a 9,165 square foot medical office suite, and 6,000 square foot office suite. Building B plans depict a 10,000 square foot building with 4 retail suites ranging between 1,710 square feet and 3,600 square feet. The 3,600 square foot suite is designated as a drive-thru restaurant and includes a service window on the east side of the building.

Signage

Signage is not a part of this request.

Applicant's Justification

The applicant is requesting to develop 2 buildings on 2.8 acres with a rezoning from R-E to C-P in the Neighborhood Commercial planned land use category. The proposed zone change is considered a conforming zone change as the C-P zone district is 1 of the compatible zone districts for this land use category. The land to the north and southeast of this property is zoned C-P with a planned land use designation of neighborhood commercial. The property located south of Palmyra Avenue is a place of worship and designated as Public Use, planned land use. The R-E (RNP-I) properties to the east do not have direct access from Rainbow Boulevard. Three R-E (RNP-I) homes are located immediately adjacent on the west side of this property.

Two voluntary neighborhood meetings were held in December and January to allow neighbors to consider the development. There are 117 parking spaces being provided where 116 parking spaces are required as a result of a shared parking analysis that was completed for this property. Eight foot high covered parking spaces are shown at the northwest corner of the site. Trash enclosures are located 114 feet from the west property line. Two loading zones are located 91 feet from the west property line. An 8 foot high decorative screen wall is proposed along the west property line in response to neighbor comments.

Prior Land Use Requests

| Application Number | Request | Action | Date |
|---------------------------|---------------------|-----------------|-------------|
| UC-0005-11 | Communication tower | Approved by BCC | April 2011 |

Surrounding Land Use

| | Planned Land Use Category | Zoning District | Existing Land Use |
|-------------|---|------------------------|---------------------------|
| North | Neighborhood Commercial | C-P | Offices |
| South | Public Use | R-E | Place of worship |
| East & West | Ranch Estate Neighborhood (up to 2 du/ac) | R-E (RNP-I) | Single family residential |

Related Applications

| Application Number | Request |
|---------------------------|--|
| TM-23-500090 | A tentative map for 1 lot commercial subdivision is a companion item on this agenda. |
| VS-23-0432 | A request to vacate an easement along Palmyra Avenue 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

Comprehensive Planning

Zone Change

The property is designated as neighborhood commercial and C-P zoning with allowed uses is consistent with this land use designation. Master Plan Countywide Policy 1.5.2 and Spring Valley Policy SV-1.1 encourage contiguous and uniform suburban neighborhoods that encourage compatible in-fill development and standards for transition to higher density uses. These policies encourage appropriate density and intensity adjacent to RNP lands and include orientation of buildings and compatible uses. While the allowed uses in a C-P zone district are compatible with RNP lands, the special uses listed in this zone district may not be compatible. Staff does not object to the rezoning to C-P.

Use Permits

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 property on the south side of this property is currently used as a place of worship with 2 driveways accessing Palmyra Avenue. A restaurant with drive-thru is not compatible with R-E (RNP-I) zoned property, when considering the additional traffic and noise. The retail and restaurant with drive-thru are more likely to create additional increases to east and west bound traffic on Palmyra Avenue between Buffalo Drive and Rainbow Boulevard when compared to less intense allowed office uses. A potential increase in neighborhood traffic could be realized by customers using Rosana Street to travel west bound on Desert Inn Road or to continue west on Palmyra Avenue to Tenaya Way or even Buffalo Drive. The properties located west of this site are elevated above the subject property and will not be adequately screened from the more intense uses, light, or noises associated with the retail and restaurant uses. Exterior advertising beyond the amount required for allowed uses in C-P zone districts are not compatible with the adjacent neighborhood and R-E (RNP-I) uses. Staff cannot support these requests.

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 Standard #1

Access to a local street (Palmyra Avenue) could be supported for C-P allowed uses when in close proximity to RNP single family residential neighborhoods. However, staff is recommending denial of the retail and restaurant special use permit requests that would add additional traffic to the site and neighborhood. Staff cannot support this request.

Waivers of Development Standards #2

Attached walks with substandard landscaping or number of trees will not adequately serve pedestrian movements, or adequately buffer the site. The decrease in landscape areas will not meet the intent of Title 30, nor will it adequately buffer the adjacent RNP neighborhood along Palmyra Avenue. Staff cannot support this request.

Waiver of Development Standards #4

Increasing the screen walls along the west property line and the north property line will provide an added level of screening of the commercial uses from the residential properties. While staff supports the intent of a higher screen wall to protect adjacent residential property, staff cannot support the use permits that are the reason for the additional wall height. Therefore, staff cannot support this request.

Design Review

The orientation of the proposed buildings and access are appropriate for allowed uses in the C-P zone district that are adjacent to R-E (RNP-I) residential uses. The proposed density and intensity of the south building will not be compatible with the surrounding area. While staff supports the overall design of the buildings, building orientation, building materials, parking lot, and other design considerations associated with the proposed plan, we cannot support the design review with the current special use requests.

Public Works - Development Review

Waiver of Development Standards #3a, #3b, #3c, & #3d

Staff has no objection to the reduction in throat depth for the Palmyra Avenue commercial driveway and the Rainbow Boulevard driveway. The applicant has reduced the potential conflicts by providing extra landscape planters on the drive aisles to provide drivers more distance before they encounter any conflicting parking spaces. Additionally, the 2 driveways should see equal use, further mitigating potential impacts from the reduced throat depths.

Waiver of Development Standards #3e

Staff has no objection to the reduction in the departure distance for the Palmyra Avenue commercial driveway. The applicant placed the driveway as far west as the site will allow.

Staff Recommendation

Approval of the zone change and waiver of development standards #3; denial of the use permits, waivers of development standards #1, #2, and #4, and the design review.

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

If approved:

- No Resolution of Intent and staff to prepare an ordinance to adopt the zoning;
- Plant large trees along west property line and along Palmyra Avenue;
- 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 the use permits, waivers of development standards, and design review must commence within 4 years of approval date or they will expire.

Public Works - Development Review

- Drainage study and compliance;
- Traffic study and compliance.

Fire Prevention Bureau

- No comment.

TAB/CAC: Spring Valley - approval of the zone change; denial of the waivers of development standards and design review.

APPROVALS:

PROTESTS:

APPLICANT: DAVID STEINBERG

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