

11/16/22 BCC AGENDA SHEET

MIXED-USE DEVELOPMENT  
(TITLE 30)

BLUE DIAMOND RD/RAINBOW BLVD

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**UC-22-0528-LV RAINBOW, LLC:**

**USE PERMITS** for the following: **1)** mixed-use development; **2)** establish density; and **3)** establish height.

**WAIVER OF DEVELOPMENT STANDARDS** to waive cross access requirements.

**DESIGN REVIEWS** for the following: **1)** mixed-use development; **2)** alternative parking lot landscaping; and **3)** finished grade on 19.8 acres in a C-2 (General Commercial) Zone.

Generally located on the north side of Blue Diamond Road, 300 feet west of Rainbow Boulevard within Enterprise. JJ/gc/syp (For possible action)

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RELATED INFORMATION:

**APN:**

176-22-501-012, 013, 016 & 017; 176-22-601-035

**USE PERMITS:**

1. Allow a mixed-use development.
2. Establish a maximum density of 17.4 du/ac.
3. Establish a maximum building height of 47 feet.

**WAIVER OF DEVELOPMENT STANDARDS:**

Waive cross access with the adjacent parcels to the east where required per Table 30.56-2.

**DESIGN REVIEWS:**

1. A mixed-use development.
2. Allow alternative parking lot landscaping where Figure 30.64-14 is required.
3. Increase finished grade to 9.2 feet where a maximum of 3 feet is the standard per Section 30.32.040 (a 206.7% increase).

**LAND USE PLAN:**

ENTERPRISE - CORRIDOR MIXED-USE

**BACKGROUND:**

**Project Description**

General Summary

- Site Address: 9057 Rosanna Street; 7031 & 7051 Raven Avenue
- Site Acreage: 19.8

- Number of Units: 342
- Density (du/ac): 17.4
- Project Type: Mixed-use development
- Number of Stories: Up to 3
- Building Height (feet): Up to 47
- Square Feet: 38,700 (commercial)
- Open Space Provided: 66,414 square feet
- Parking Required/Provided: 677/837

### Site Plans

The plans show a horizontal mixed-use development consisting of 5 commercial buildings along the frontage of Blue Diamond Road, and a 342 unit multiple family residential component within 16 buildings located behind the commercial buildings. The residential component consists of 120, one bedroom units; 198, two bedroom units; and 24, three bedroom units for an overall density of 17.4 dwelling units per acre. The residential component is gated and enclosed by a combination 6 foot high split-face CMU and wrought iron fence along the north, west, and south boundaries of the residential component; and a 6 foot high decorative block wall along the eastern boundary. The commercial component can be accessed by the residential component by 4 pedestrian gates spaced out along the south boundary. Access to the overall site is from a driveway off Blue Diamond Road. An emergency access gate is provided off Raven Avenue. A clubhouse is centrally located on the site with outdoor open space that includes a pool, spa, cabanas, bbq area, fire pit, pavilion, and pickleball court. Another large open space area is located on the eastern portion of the site that includes a pool, cabanas, a tot lot, and synthetic turf. A total of 66,414 square feet of usable open space is provided on the site.

Out of the 5 commercial buildings along Blue Diamond Road, 2 of the buildings include drive-thru lanes and are located west of the main access driveway. The other 3 buildings are located east of the main access driveway with the parking located behind the buildings. Outside dining areas are also located along the south side of all 5 buildings. Two outdoor plaza areas are located on the commercial component side of the fence, but accessible to all, that include picnic tables, ping pong tables, shade structures, and bicycle racks. A total of 837 surface and covered parking spaces are provided for the overall mixed-use site where a minimum of 677 spaces are required.

### Landscaping

A 15 foot wide pedestrian realm with detached sidewalk is provided along Raven Avenue, Montessouri Street, and Blue Diamond Road with benches and trash receptacles provided. The detached sidewalk within the pedestrian realm along Blue Diamond Road is meandering, however, an attached sidewalk exists within the Blue Diamond Road right-of-way. Landscape materials consists of Foothill Palo Verde, Cedar Elm, Mediterranean Fan Palm, and Strawberry trees with various shrubs and groundcover. The applicant is requesting alternative parking lot landscaping in order to utilize half-diamond landscape planters within the parking area of the residential component.

### Elevations

The plans show 15 of the 16 residential buildings as 3 story and range from 42 feet to 47 feet in height. The other residential building is 2 story and 26 feet in height. The clubhouse is 1 story and approximately 25 feet in height. Building materials for the residential component consist of painted stucco, wrought iron balcony railings, and stucco pop-outs. The roof is flat with parapet walls at varying heights.

The commercial buildings are 1 story and range from 26 feet to 30 feet in height. Building materials consist of painted stucco, decorative metal siding, faux wood composite siding, and walnut stained wooden beams. The roof is flat with parapet walls at varying heights.

### Floor Plans

The one bedroom units range from 700 to 775 square feet, the two bedroom units range from 994 to 1,071 square feet, and the three bedroom units are 1,256 square feet in size. However, the units within the 2 story residential building are 933 square feet in size. The 2 story residential building also includes 4 garages on the ground floor. The clubhouse is 6,171 square feet and includes a lounge, business center, mail station, gym, pool equipment room, multi-purpose room, and office area. The 5 commercial buildings total 38,700 square feet. Building A is 10,400 square feet, Building B is 4,800 square feet, Building C is 7,000 square feet, Building D is 9,000 square feet, and Building E is 7,500 square feet with each building depicted as a shell building.

### Signage

Signage is not a part of this request.

### Applicant's Justification

The applicant states that the mixed-use development is appropriate at this location since it is located near a busy intersection where a state highway and an arterial street is located. Furthermore, the applicant states that the horizontal mixed-use design is consistent with development in the area by keeping the commercial component along Blue Diamond Road and having the residential component near other residential. The increase in finished grade is necessary to balance the site and fill in existing washes on the site to provide for a centralized flood control facility along Blue Diamond Road. The applicant also states that having cross access with the convenience store with gas pumps to the east is not compatible with the overall use of the subject site, and therefore, is waiving the requirement. Providing half-diamond landscape islands on the site maximizes parking while not forgoing the required landscape trees in the parking lot.

### **Prior Land Use Requests**

<b>Application Number</b>	<b>Request</b>	<b>Action</b>	<b>Date</b>
ET-20-400094 (VS-17-0049)	First extension of time to vacate and abandon government patent easements and rights-of-way being Rosanna Street and Agate Avenue, subject until December 5, 2022 to record	Approved by BCC	October 2020

**Prior Land Use Requests**

<b>Application Number</b>	<b>Request</b>	<b>Action</b>	<b>Date</b>
ZC-18-0853	Reclassified the site from R-E & H-2 to C-2 zoning (associated use permit, waivers of development standards, and design review for a mixed-use development were withdrawn)	Approved by BCC	December 2018
VS-17-0049	Vacated and abandoned easements and rights-of-way being Rosanna Street and Agate Avenue	Approved by BCC	December 2018

**Surrounding Land Use**

	<b>Planned Land Use Category</b>	<b>Zoning District</b>	<b>Existing Land Use</b>
North	Corridor Mixed-Use & Mid-Intensity Suburban Neighborhood (up to 8 du/ac)	P-F & R-2	Fire station & single family residential
South	Corridor Mixed-Use	C-2	Commercial building (Walmart)
East	Corridor Mixed-Use	C-2	Convenience store with gas pumps & undeveloped
West	Public Use & Neighborhood Commercial	R-2 & C-1	Single family residential & undeveloped

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

**Related Applications**

<b>Application Number</b>	<b>Request</b>
TM-22-500179	Tentative map for a mixed use development consisting of 2 commercial lots and 1 residential lot is a companion item on this agenda.
VS-22-0529	Vacation and abandonment of a 5 foot wide portion of right-of-way being Raven Avenue and a road easement 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**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.

Staff finds the proposed mixed-use development to be consistent and compatible with the surrounding area. The project fits the general development pattern established in the area of commercial and/or more intensive uses along Blue Diamond Road transitioning to residential

uses farther away from Blue Diamond Road. Furthermore, the proposed density of the residential portion of the project of 17.4 dwelling units per acre would be similar to an R-3 zoning density; and therefore, would provide a logical transition from the commercial portion of the project along Blue Diamond Road to the R-2 zoned single family residential development across the street to the north and northwest. The proposed maximum height of 47 feet for the project is consistent and below the maximum height of 50 feet allowed with the current C-2 zoning on the site. Furthermore, Raven Avenue and Montessori Street and associated street landscaping will provide a separation and buffer between the project and the residential to the north and northwest.

The integration of the residential and commercial components on the site will comply with Policy 3.6.2 of the Master Plan which encourages mixed-use development in locations that will lessen reliance on automobiles as the primary means of access to necessary services and encourage reduction in vehicle miles traveled. Furthermore, the project is consistent with the Corridor Mixed-Use land use category in the Master Plan which states that the primary land uses should be a mix of retail, restaurants, offices, service commercial, and entertainment uses with supporting land uses being moderate density multi-family residential dwellings at a density of less than 18 dwelling units per acre.

#### 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.

Staff can support the request to waive cross access with the C-2 zoned properties to the east. There is an existing block wall on the north half of the shared property line with the convenience store/gasoline station to the east that would prevent the proposed parking area of the commercial portion of the site to access the convenience store site. Additionally, staff finds it a greater benefit and more aesthetically pleasing to the streetscape to have the commercial buildings immediately along Blue Diamond Road with the parking in the rear then to provide the cross access. Cross access with the convenience store site may also increase traffic on the subject site that could make it more difficult for pedestrians from the residential component of the site to access the commercial component of the site. As far as cross access with the vacant C-2 parcel to the east, north of the convenience store site; providing cross access would not make much sense since the residential component of the project is adjacent to that site, and would therefore, not be considered similar or complementary with consistent levels of intensity or similar parking.

#### Design Reviews #1 & #2

The project incorporates a balanced level of horizontal integration that includes a cohesive overall site design. Pedestrian gates and corridors are spaced out evenly along the boundary between the residential and commercial components of the project to allow for easy access for pedestrians to utilize the commercial services on the site. Not only is there a large open space area centrally located in the residential component of the site with a number of amenities, smaller

open space plazas are provided within the commercial component that are also available to residents of the site. The commercial buildings have provided architectural elements on all 4 sides of the buildings which will be more aesthetically pleasing for the residents of the buildings that face the commercial component of the site. All of the buildings, both residential and commercial, contain substantial amount of articulation through the use of symmetry, variations in color, texture, and materials. Furthermore, the mass of the buildings is minimized through varied elevations, surface planes, and roof heights. The project complies with Policy 6.2.1 that encourages the design and intensity of new development to be compatible with established neighborhoods and uses in terms of height, scale, and overall mix of uses. Staff can also support the design review request for alternative parking lot landscaping. The use of half-diamond planters combined with the use of trees between the residential buildings and the parking area will provide adequate number of trees adjacent to the parking area. The trees provided combined with the use of covered parking structures will also provide substantial amount of shade to the parking area.

### **Public Works - Development Review**

#### **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.

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:**

#### **Current 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;
- Commercial component to be developed concurrently with the first phase;
- Design review as a public hearing for lighting and signage;
- 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 4 years of approval date or it will expire.

#### **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;
- Right-of-way dedication to include 25 feet to the back of curb for Montessouri Street, an elbow for Agate Avenue and Montessouri Street, and associated spandrel;
- If required by the Regional Transportation Commission (RTC), and if permitted by Nevada Department of Transportation (NDOT), extend the proposed deceleration/right turn lane on Blue Diamond Road into this property such that it begins at the easternmost limit of the parcel, and provide a 10 foot by 50 foot bus shelter pad behind the sidewalk beginning approximately 100 feet west of the property line in accordance with RTC standards.
- Applicant is advised that the installation of detached sidewalks will require the vacation of excess right-of-way or the dedication to the back of curb 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; 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; and that Nevada Department of Transportation (NDOT) permits may be required.

#### **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](mailto:sewerlocation@cleanwaterteam.com) and reference POC Tracking #0387-2022 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

#### **Southern Nevada Health District (SNHD) - Septic**

- Applicant is advised that there are active septic permits on APN 176-22-501-012, -013, and -016; to connect to municipal sewer and remove the septic systems in accordance with Section 17 of the SNHD *Regulations Governing Individual Sewage Disposal Systems and Liquid Waste Management*; and to submit documentation to SNHD showing that the systems have been properly removed.

**TAB/CAC:** Enterprise - approval of the use permits and design reviews; denial of the waiver of development standards (cross access to parcel 176-22-501-021 if compatible uses are developed; driveway exit only onto Raven Street).

**APPROVALS:**

**PROTESTS:**

**APPLICANT:** NEVADA WEST PARTNERS V, LLC

**CONTACT:** CHRIS KAEMPFER, KAEMPFER CROWELL, 1980 FESTIVAL PLAZA  
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