

SHOPPING CENTER
(TITLE 30)

UPDATE
CACTUS AVE/RAINBOW BLVD

PUBLIC HEARING
APP. NUMBER/OWNER/DESCRIPTION OF REQUEST
UC-22-0377-KETHER, LLC:

HOLDOVER USE PERMITS for the following: **1)** reduce the separation of a proposed convenience store; **2)** reduce the setback of a proposed vehicle wash; and **3)** reduce the setback of a proposed gasoline station.

WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** reduce height setback ratio; **2)** driveway geometrics; **3)** reduce throat depth; **4)** reduce approach distance; **5)** reduce departure distance; and **6)** allow non-standard improvements within the right-of-way.

DESIGN REVIEW for a shopping center on 3.5 acres in a C-2 (General Commercial) Zone in the Mountains Edge Master Planned Community.

Generally located on the south side of Cactus Avenue and the west side of Rainbow Boulevard within Enterprise. JJ/jor/ja (For possible action)

RELATED INFORMATION:

APN:
176-34-501-008

USE PERMITS:

1. Reduce the separation of a proposed convenience store to 24 feet 3 inches where a 200 foot separation from any residential use is required per Table 30.44-1 (an 88% decrease).
2. Reduce the setback of a proposed vehicle wash to 35 feet 3 inches where a 200 foot setback from any residential use is required per Table 30.44-1 (an 83% decrease).
3. Reduce the setback of a proposed gasoline station to 157 feet 6 inches where a 200 foot setback from any residential use is required per Table 30.44-1 (a 21% decrease).

WAIVERS OF DEVELOPMENT STANDARDS:

1. Reduce the height/setback ratio for the proposed convenience store building to 24 feet 3 inches where 51 feet is required per Figure 30.56-10 (a 53% decrease).
2. Allow the existing driveway width of 35 feet 9 inches (southernmost driveway along Rainbow Boulevard) where 36 feet is required per Section 30.52.050 (a 3% decrease).
3. Reduce the driveway throat depth along Cactus Avenue to 13 feet where 25 feet is required per Uniform Standard Drawing 222.1 (a 48% decrease).
4. Reduce the driveway approach distance along Cactus Avenue to 109 feet 4 inches where 150 feet is required per Uniform Standard Drawing 222.1 (a 27% decrease).

5. Reduce the driveway departure distance (northernmost driveway along Rainbow Boulevard) to 116 feet 8 inches where 190 feet is required per Uniform Standard Drawing 222.1 (a 39% decrease).
6. Allow non-standard improvements (existing landscaping) within the right-of-way (Cactus Avenue and Rainbow Boulevard).

LAND USE PLAN:

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

BACKGROUND:**Project Description****General Summary**

- Site Address: 10571 S. Rainbow Boulevard
- Site Acreage: 3.5
- Project Type: Shopping center
- Number of Stories: 1
- Building Height (feet): 25 (restaurant building)/25 (convenience store with vehicle wash)/18 feet 6 inches (gasoline station canopy)/30 (retail store building)
- Square Feet: 2,350 (restaurant building)/5,700 (convenience store with vehicle wash)/5,000 (gasoline station canopy)/12,030 (proposed retail store building)
- Parking Required/Provided: 129/134

History & Site Plan

ZC-1313-02 reclassified 2,413 acres to various zoning districts which includes the subject parcel being reclassified from R-E zoning to C-2 zoning. This zone change was a part of the Specific Plan for the Mountain's Edge Major Project. This zone change addressed issues, improvements, and phasing of improvements identified by the Board of County Commissioners (BCC). UC-1865-04 was approved by the Planning Commission for a retail center that consisted of 3 future pad sites with a 10,000 square foot in-line retail building. UC-1454-06 approved the existing tavern on the southernmost portion of the site. Today, the applicant is proposing to develop the 3 pad sites along the west and east property lines.

The submitted site plan depicts the following:

Retail Building

The proposed in-line retail building is centrally located along the west property line and is set back 15 feet from the west property line adjacent to a single family residential subdivision. A new walkway will be constructed around the perimeter of the building which is coordinated with the existing parking spaces and landscape finger islands along the north, east, and south sides of the retail building. A pedestrian walkway also connects the retail building to the existing internal walkway adjacent to the proposed restaurant pad site.

Restaurant Building

Centrally located on the site, adjacent to the east property line is a proposed restaurant building. This pad site will include 1 drive-thru which allows vehicles to enter at the northwest corner of

the drive-thru lane and exit at the northeast corner. Parking spaces on this pad site are located on the north side of the restaurant building. The restaurant building will be set back 23 feet 10 inches from the east property line, adjacent to Rainbow Boulevard.

Convenience Store with Vehicle Wash and Gasoline Station

The northwest corner of the site will include a proposed convenience store with a vehicle wash located along the west facing elevation of the building. Parking is also located on the north, east, and south sides of the building. This building is set back 24 feet 3 inches from the west property line, adjacent to an existing single family residential subdivision. The proposed gasoline canopy will be immediately to the east of the convenience store building, with a 44 foot wide drive aisle in between. The applicant is requesting the following use permits: 1) reduce the separation of a proposed convenience store to 24 feet 3 inches where a 200 foot separation from any residential use is required per Table 30.44-1 (an 88% decrease); 2) reduce the setback of a proposed vehicle wash to 35 feet 3 inches where a 200 foot setback from any residential use is required per Table 30.44-1 (an 83% decrease); and 3) reduce the setback of a proposed gasoline station to 157 feet 6 inches where a 200 foot setback from any residential use is required per Table 30.44-1 (a 21% decrease). The applicant is also requesting a waiver to reduce the height/setback ratio for the proposed convenience store building to 24 feet 3 inches where 51 feet is required per Figure 30.56-10 (a 53% decrease).

Due to the existing and proposed driveways along Cactus Avenue and Rainbow Boulevard, the applicant is requesting several waivers of development standards regarding driveway geometrics, a reduction in driveway throat depth, approach distance, departure distance, and allowing non-standard improvements within the right-of-way.

The site plan depicts pedestrian walkways on-site, trash enclosures, bicycle parking, vacuum stall areas, and the applicant provided 134 parking spaces where 129 parking spaces are required.

Landscaping

Since the site is located within the Mountains Edge Master Planned Community, there are existing meandering detached sidewalks and landscaping located along Cactus Avenue (north property line), and Rainbow Boulevard (east property line).

The plan depicts that all existing landscaping adjacent to the existing tavern will remain. The existing trees west of the proposed retail building will also remain, but the applicant will install additional trees to create a double row of trees within the 10 foot wide landscape buffer. The parking lot finger islands will now include new trees, shrubs, and groundcover. The 7.5 foot to 9.5 foot wide landscape planter west of the convenience store and vehicle wash will include a single row of trees spaced every 15 feet. The plan also shows that additional trees and shrubs will be installed adjacent to new parking spaces along the north and east property lines. The landscaping and detached sidewalks along Cactus Avenue and Rainbow Boulevard will remain.

Elevations

Retail Building

The retail building has an overall height of 30 feet. The exterior façade includes stucco pop-outs with a roofline of varying heights and stacked stone veneer columns. The plans also show

aluminum storefront and window systems. The majority of the main entrances to the lease spaces will face east toward Rainbow Boulevard.

Restaurant Building

The proposed restaurant building has an overall height of 25 feet. Per the plans, the exterior façade will match the retail building. The exterior walls will consist of stucco, stone veneer, and aluminum storefront and window systems.

Convenience Store with a Vehicle Wash and the Gasoline Canopy

This structure has an overall height of 25 feet as well, while the gasoline canopy has an overall height of 18 feet 6 inches. The elevation plans show that the convenience store will have stone veneer on the bottom half of the building elevation with a parapet style roof. The gasoline canopy will include stone veneer columns to match the convenience store.

Floor Plan

The proposed restaurant building has an overall area of 2,350 square feet. The proposed convenience store with vehicle wash has an overall area of 5,700 square feet. The proposed gasoline station canopy has an overall area of 5,000 square feet and finally the proposed retail store building has an overall area of 12,030 square feet.

Signage

Signage is not a part of this request.

Applicant's Justification

The proposed shopping center will finally complete the commercial development on the southwest corner of Cactus Avenue and Rainbow Boulevard. In addition to the design review, the proposed uses (convenience store, vehicle wash, gasoline station, retail, and restaurant) will enhance the commercial aspect of the site. However, the following use permits are required since there is an existing single family residential subdivision to the east.

The applicant is requesting approval of a use permit to reduce the separation of a proposed convenience store to 24 feet 3 inches where a 200 foot separation is required from any residential use. A second use permit is required to reduce the setback of a proposed vehicle wash to 35 feet 3 inches where a 200 foot setback is required from any residential use. Lastly, a third use permit is required to reduce the setback of a proposed gasoline station to 157 feet 6 inches where a 200 foot setback is required from any residential use. Per the applicant, there is a vacant parcel that serves as a buffer between the subject property and the residential uses to the west. To help mitigate this request, the applicant is providing a minimum 7.5 foot wide landscape buffer along the west property line with buffer trees at 15 feet on center.

The applicant is also requesting approval of a waiver of development standard to reduce the height/setback ratio for the proposed convenience store building to 24 feet 3 inches where 51 feet is required per Figure 30.56-10 (a 53% decrease). To help mitigate this request, the applicant is proposing a double row of buffer trees at 15 feet on center to create a denser landscape buffer.

The last set of requests includes waivers of development standards for the existing driveways along Cactus Avenue and Rainbow Boulevard and the addition of a proposed driveway along Rainbow Boulevard (northeast corner). Per the applicant, relocating any existing driveways, landscaping, and detached sidewalks would negatively impact the flow of traffic within the site and have a negative impact on the existing utilities and streetlights.

Prior Land Use Requests

Application Number	Request	Action	Date
DA-1525-06	Development Agreement for an amendment to the Mountains Edge Development Agreement (DA-1319-02)	Approved by BCC	December 2006
UC-1454-06	Reduced separation for an on-premises consumption of alcohol establishment (tavern) from a residential use and design review for a tavern and a retail center	Approved by PC	November 2006
VS-0693-05	Vacated and abandoned government patent easements - recorded	Approved by PC	June 2005
TM-0252-05	1 lot commercial subdivision	Approved by PC	June 2005
WS-2173-04	Allowed alternative landscaping in conjunction with the Mountains Edge Master Planned Community which included clustering of trees as opposed to a linear placement and allowing plants not approved on the Title 30 plant list	Approved by PC	February 2005
UC-1865-04	Allowed on-premises consumption of alcohol within 200 feet for a planned residential development, with a design review for a tavern and a retail center on 3.7 acres - design review for the site was withdrawn	Approved by PC	December 2004
UC-1833-02	Modified development standards for the Mountains Edge Master Planned Community which consists of alternative standards and design guidelines such as setbacks, separations, height, open space, parking, wall standards, and street sections that propose certain modifications to Title 30 in conjunction with the creation of a Planned Community (P-C) Overlay District	Approved by PC	May 2003
DA-1319-02	Development Agreement for the Mountains Edge Master Planned Community - ordinances	Approved by BCC	December 2002
ZC-1313-02	Reclassified 2,413 acres from R-E zoning to R-1, R-2, RUD, R-3, C-P, C-2, and P-F zoning, included a request for a P-C (Planned Community) overlay district, and C-2 zoning was approved for the subject parcel	Approved by BCC	December 2002

Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North	Mid-Intensity Suburban Neighborhood (up to 8 du/ac)	C-2	Shopping center & mini-warehouse facility
South & West	Mid-Intensity Suburban Neighborhood (up to 8 du/ac)	R-3	Single family residential
East	Business Employment	R-E	Undeveloped

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

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.

The site was previously approved for a shopping center which included the existing tavern on the southern portion of site via UC-1454-06. In 2009, only the tavern was constructed, but the remaining pad sites remained undeveloped. The previously approved plans showed the same exact types of businesses to be constructed in the same general areas of the subject parcel. The site plan approved with UC-1454-06 showed a retail building and a convenience store along the west property line, and the gasoline canopy and restaurant building along the east property line. Today, the submitted plans show the same layout with a few minor design changes such as the proposed setback reductions, location of the trash enclosures, and other design features that must comply with Title 30.

These use permit requests are required since the nearest residential use is immediately to the west. Staff finds that prior to the applicant's submittal of this application, the site already had existing on-site improvements to help mitigate any future commercial development. For example, an 8 foot wall was a condition of approval via UC-1865-04 and was constructed along the west and south property lines with 24 inch box trees planted adjacent to the 8 foot high block wall.

The single family residences immediately to the west of the proposed convenience store were not constructed until the Fall of 2011 to the Spring of 2012. The developer constructed a public drainage and sewer easement that is approximately 34 feet wide and provides an additional physical buffer from the proposed convenience store with vehicle wash and gasoline station. Staff finds that the applicant's request is mitigated due to the existing on-site improvements and with the addition of supplementary large trees spaced every 15 feet (instead of 20) west of the vehicle wash area of the convenience store. The applicant also designed the convenience store to include the vehicle wash tunnel to be constructed on the south facing elevation of the

convenience store; and therefore, any noise from the wash tunnel can be buffered by the existing 8 foot high wall, additional landscaping, and the existing easement adjacent to the residences to the west. Staff supports 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 Standards #1

The applicant is requesting to reduce the height/setback ratio for the proposed convenience store building to 24 feet 3 inches where 51 feet is required per Figure 30.56-10. Staff finds that since there is an 8 foot high decorative block wall along the west property, a 7.5 foot to 9.5 foot wide landscape buffer with large trees spaced every 15 feet, the applicant has provided a sufficient amount of physical and visual buffering to allow the reduction of the height/setback ratio. Staff supports this request.

Design Review

The proposed layout was previously approved in 2006. Today, the applicant is proposing a very similar layout. Staff finds that the overall design is harmonious to the site and is appropriate for a C-2 zoned parcel; therefore, staff recommends approval.

Public Works - Development Review

Waiver of Development Standards #2

Staff has no objection to allowing the existing driveway on Rainbow Boulevard to remain at the current width, which is only 3 inches smaller than the minimum requirement. Although the approved improvement plans show the width of the driveway as 36 feet, allowing the driveway to remain as-is should not negatively impact the safety of vehicles using the driveway.

Waiver of Development Standards #3

Staff cannot support the request to reduce the throat depth for the driveway on Cactus Avenue. Drivers accessing the site will be confronted with immediate turn movements, parking spaces, and unpredictable movements from the fuel pumps. The site can be redesigned to allow safe vehicle movements.

Waiver of Development Standards #4

Staff has no objection to the request to allow the existing fully improved driveway on Cactus Avenue to remain in its current location. Relocating the driveway farther west would require changes to drainage infrastructure.

Waiver of Development Standards #5

Staff cannot support the request to reduce the departure distance for the northern driveway on Rainbow Boulevard. Placing driveways farther from intersections reduces the chance for

collisions as those proceeding through the intersection will have less time to react to a vehicle making a turn movement so close to the intersection. Additionally, traffic turning from eastbound Cactus Avenue to southbound Rainbow Boulevard will have even less reaction time for a sudden stop after they ensure that the turn movement can be made safely. Finally, although the northern driveway meets the minimum throat depth standards, staff has the same concerns regarding unpredictable vehicle movements as mentioned in waiver of development standards #3 above.

Waiver of Development Standards #6

The applicant is responsible for maintenance and up-keep of any non-standard improvement; the County will not maintain any landscaping placed in the right-of-way. Staff can support this request, but the applicant must execute and sign a License and Maintenance Agreement for any non-standard improvements within the right-of-way.

Staff Recommendation

Approval of the use permits, waivers of development standards #1, #2, #4, and #6, and design review; denial of waivers of development standards #3 and #5.

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

If approved:

- 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

- Drainage study and compliance;
- Traffic study and compliance;
- Full off-site improvements;
- 30 days to coordinate with Public Works - Design Division and to dedicate any necessary right-of-way and easements for the Rainbow Boulevard improvement project;

- 30 days to remove the freestanding sign that is located in the right-of-way;
- Execute a License and Maintenance Agreement for any non-standard improvements within the right-of-way, unless the area is already covered by an existing Agreement.
- Applicant is advised that the installation of detached sidewalks will require the granting necessary easements for utilities, pedestrian access, streetlights, and traffic control.

Fire Prevention Bureau

- Applicant is advised that operational permits may be required for this facility and to contact Fire Prevention for further information at (702) 455-7316.

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 #0058-2022 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

TAB/CAC: Enterprise - denial.

APPROVALS:

PROTESTS: 1 card

COUNTY COMMISSION ACTION: August 17, 2022 – HELD – To 09/07/22 – per the applicant.

COUNTY COMMISSION ACTION: September 7, 2022 – HELD – To 10/04/22 – per the applicant.

COUNTY COMMISSION ACTION: October 4, 2022 – HELD – To 10/19/22 – per the Board of County Commissioners.

COUNTY COMMISSION ACTION: October 19, 2022 – HELD – To 11/16/22 – per the applicant.

APPLICANT: MATTHEW HAVERIM

CONTACT: SHELDON COLEN, SCA DESIGN, 2525 W. HORIZON RIDGE PKWY., SUITE 230, HENDERSON, NV 89052