

SHOPPING CENTER
(TITLE 30)

RAINBOW BLVD/CAPOVILLA AVE

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

ET-21-400095 (WS-19-0185)-SACKLEY FAMILY TRUST & SACKLEY, STUART TRS:

WAIVERS OF DEVELOPMENT STANDARDS FIRST EXTENSION OF TIME for the following: **1)** allow alternative landscaping adjacent to a drive-thru lane along a public right-of-way (Rainbow Boulevard); and **2)** modified street standards.

DESIGN REVIEW for modifications to an approved shopping center on 9.1 acres in a C-2 (General Commercial) Zone in the CMA Design Overlay District.

Generally located on the east side of Rainbow Boulevard and the north side of Capovilla Avenue within Enterprise. MN/sd/jo (For possible action)

RELATED INFORMATION:

APN:

176-02-401-001; 176-02-401-002

WAIVERS OF DEVELOPMENT STANDARDS:

1. Allow alternative landscaping adjacent to a drive-thru lane along a public right-of-way (Rainbow Boulevard) where an intense landscape buffer per Figure 30.64-12 is required per Section 30.48.660.
2.
 - a. Reduce the throat depth to 20 feet where a minimum of 75 feet is required per Uniform Standard Drawing 222.1 (a 73.3% reduction).
 - b. Reduce the departure distance of a driveway along Arby Avenue from an intersection to 171 feet where a minimum of 190 feet is required per Uniform Standard Drawing 222.1 (a 10% reduction).

LAND USE PLAN:

ENTERPRISE - COMMERCIAL GENERAL

BACKGROUND:

Project Description

General Summary

- Site Address: N/A
- Site Acreage: 9.1
- Project Type: Shopping center
- Number of Stories: 1
- Building Height (feet): Up to 29.5
- Square Feet: 62,800 (overall center)

- Parking Required/Provided: 252/339

Site Plans

The approved plans depict a 62,800 square foot shopping center consisting of 5 buildings. The 5 buildings consist of an in-line retail/grocery store building, 2 fast food restaurants with drive-thru, and 2 sit down restaurants. The in-line retail/grocery store building is located along and set back approximately 41 feet from the east property line. A loading space is located at the rear of the building. Sit down restaurant #1 is located approximately 30 feet from the north property line and 150 feet from the west property line. Fast food restaurant #1 is located approximately 42 feet from the west property line, with a drive-thru lane along the west, south, and east sides of the building. Sit down restaurant #2 is located approximately 11 feet from the south property line and 34 feet from the west property line. A loading space is located to the east of the building. Fast food restaurant #2 is located 43 feet from the south property line, with a drive-thru lane along the west and south sides of the building. A 5 foot wide pedestrian walkway connects all the buildings within the shopping center. Access to the site is from a driveway off Rainbow Boulevard, 2 driveways from Arby Avenue, and 2 driveways off Capovilla Avenue. A total of 339 parking spaces are provided where a minimum of 252 parking spaces are required.

The rear driveways along both Arby Avenue and Capovilla Avenue do not meet the minimum required throat depths of 75 feet. The throat depth for the rear driveway along Arby Avenue is 20 feet and the throat depth for the rear driveway along Capovilla Avenue is 24 feet. Furthermore, 1 of the driveways along Arby Avenue is 171 feet from the intersection of Arby Avenue and Rainbow Boulevard and does not meet the minimum departure distance of 190 feet. Therefore, waivers of development standards were requested.

Landscaping:

The plans show a 15 foot wide landscape area with a detached sidewalk along Rainbow Boulevard, a 10 foot wide landscape area with an attached sidewalk along Capovilla Avenue, and a 6 foot to 15 foot wide landscape area with an attached sidewalk along Arby Avenue. Additional landscaping is provided adjacent to the loading space located to the east of sit down restaurant #2 in order to screen the loading space from Capovilla Avenue. An intense landscape buffer per Figure 30.64-12 is provided along Capovilla Avenue, adjacent to the drive-thru lane of fast food restaurant #2, as required per CMA Design Overlay District requirements.

Elevations

The plans depict a 1 story, 29.5 foot high in-line retail/grocery store building. Fast food restaurants #1 and #2 are both 1 story, 18 foot high buildings. Sit down restaurant #1 and #2 are both 1 story, 23 foot high buildings. Building materials consist of stucco finish, stone veneer, wood veneer, aluminum storefront systems, wood lattices, metal canopies, and awnings. A consistent architectural design is incorporated into all of the buildings on the site. The roofs are flat with parapet walls at varying heights, although an architectural tower is also shown for sit down restaurant #1.

Floor Plans

The plans show a 42,800 square foot in-line retail/grocery store building consisting of 32,000 square feet of grocery store area and 10,800 square feet of retail area. The retail area is located

to the north and south of the grocery store space. Fast food restaurants #1 and #2 are both 2,500 square feet. Sit down restaurant #1 is 5,000 square feet and sit down restaurant #2 is 10,000 square feet.

Previous Conditions of Approval

Listed below are the approved conditions for WS-19-0185:

Current Planning

- Provide a decorative low profile masonry wall (no higher than 3 feet) adjacent to the drive-thru lane along Rainbow Boulevard to prevent vehicle headlights shining onto northbound traffic on Rainbow Boulevard;
- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection.
- Applicant is advised that 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

- Update drainage study to reflect current project plans;
- Traffic study and compliance;
- Full off-site improvements;
- Right-of-way dedication to include 30 feet for Arby Avenue, 30 feet for Capovilla Avenue, the necessary portion of the cul-de-sac for Capovilla Avenue, and associated spandrels.
- Applicant is advised that the plans do not comply with Uniform Standard Drawing 222.1; that easements exist that will interfere with the proposed development; that changes to the plans will be necessary, which may result in the need for additional land use applications; and 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.

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 #0110-2019 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

Applicant's Justification

The applicant states that due to unexpected setbacks with this past year's pandemic, delays prevented the project moving forward. The project's related off-site improvement plans were permitted by Public Works (PW-19-14708) and are almost complete. The project's related on-site improvements have been permitted through the Building Department and are also under construction at this time.

Prior Land Use Requests

Application Number	Request	Action	Date
ET-19-400147 (VS-0133-17)	First extension of time for a portion of right-of-way being Rainbow Boulevard located between Capovilla Avenue and Arby Avenue (alignment)	Approved by BCC	January 2020
VS-19-0490	Vacated and abandoned easements	Approved by PC	August 2019
WS-19-0185	Waiver for alternative landscaping & modified street standard, and design review for shopping center	Approved by BCC	May 2019
ADET-19-900237 (ZC-0132-17)	Administrative extension of time for the zone change from R-E to C-2 zoning	Approved by ZA	May 2019
ZC-0132-17	Reclassified the west half of the site from R-E to C-2 zoning and increased wall height with a design review for a shopping center and increased finished grade	Approved by BCC	April 2017
TM-0025-17	1 lot commercial subdivision - expired	Approved by BCC	April 2017
VS-0133-17	Vacated and abandoned a 5 foot wide portion of right-of-way being Rainbow Boulevard	Approved by BCC	April 2017
ZC-0871-03	Reclassified the east half of the site from R-E to C-2 zoning for future development	Approved by BCC	July 2003

Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North	Business and Design/Research Park	C-2	Shopping center & undeveloped
South	Commercial General	C-2	Commercial center & undeveloped
East	Commercial General	U-V	Undeveloped
West	Business and Design/Research Park	C-2	Office building

Related Applications

Application Number	Request
TM-21-500085	A tentative map for a 1 lot commercial subdivision is a companion item on this agenda.
ET-21-400094 (VS-0133-17)	A second extension of time for a vacation and abandonment of a portion of Rainbow Boulevard 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

Title 30 standards of approval on an extension of time application state that such an application may be denied or have additional conditions imposed if it is found that circumstances have substantially changed. A substantial change may include, without limitation, a change to the subject property, a change in the areas surrounding the subject property, or a change in the laws or policies affecting the subject property. Using the criteria set forth in Title 30, no substantial changes have occurred at the subject site since the original approval.

Since approval the applicant has submitted requisite permits (PW-19-14708) related to off-site improvements and are almost complete. In addition, building permits for grading and utilities have been issued and the shell building is in plan review. Staff can support an extension of time for 2 years to complete the project.

Public Works - Development Review

There have been no significant changes in this area. Staff has no objection to this extension of time.

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 Comprehensive Master Plan, Title 30, and/or the Nevada Revised Statutes.

PRELIMINARY STAFF CONDITIONS:

Current Planning

- Until May 8, 2023 to commence;
- 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.
- Applicant is advised that 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; 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

- Compliance with previous conditions.

Clark County Water Reclamation District (CCWRD)

- No comment.

TAB/CAC: Enterprise - approval.

APPROVALS:

PROTEST:

APPLICANT: SACKLEY FAMILY TRUST & SACKLEY, STUART TRS

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