

SHOPPING CENTER  
(TITLE 30)

RAINBOW BLVD/OQUENDO RD

**PUBLIC HEARING**

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**WS-21-0545-RAINBOW 26, LLC:**

**WAIVERS OF DEVELOPMENT STANDARDS** for the following: **1)** establish an alternative parking requirement; **2)** allow a modified driveway design; and **3)** reduce driveway approach and departure distances from the intersection.

**DESIGN REVIEWS** for the following: **1)** alternative parking lot landscaping; **2)** a proposed shopping center; and **3)** finished grade on 3.8 acres in a C-1 (Local Business) (AE-60) Zone in the CMA Design Overlay District.

Generally located on the east side of Rainbow Boulevard and the north side of Oquendo Road within Spring Valley. MN/rk/jo (For possible action)

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**RELATED INFORMATION:**

**APN:**

163-35-101-012; 163-35-101-019

**WAIVERS OF DEVELOPMENT STANDARDS:**

1. Establish an alternative parking requirement in accordance with Section 30.60.040.
2.
  - a. Reduce throat depth for the driveway along Rainbow Boulevard to 63 feet where 100 feet is the standard per Uniform Standard Drawing 222.1 (a 37% reduction).
  - b. Reduce throat depth for the driveway along Oquendo Road to 82 feet where 100 feet is the standard per Uniform Standard Drawing 222.1 (a 18% reduction).
3.
  - a. Reduce the approach distance from a driveway to a street intersection (Uniform Standard Drawing 222.1) to 102 feet along Oquendo Road where 150 feet is the minimum per Chapter 30.52 (a 32% reduction).
  - b. Reduce the departure distance from a driveway to a street intersection (Uniform Standard Drawing 222.1) to 189 feet along Oquendo Road where 190 feet is the minimum per Chapter 30.52 (a 0.01% reduction).

**DESIGN REVIEWS:**

1. Alternative parking lot landscaping where landscaping per 30.64-14 is required.
2. Proposed shopping center.
3. Increase finished grade up to 66 inches where a maximum of 18 inches is the standard per Section 30.32.040 (a 267% increase).

**LAND USE PLAN:**  
SPRING VALLEY - COMMERCIAL GENERAL  
SPRING VALLEY - COMMERCIAL NEIGHBORHOOD

**BACKGROUND:**  
**Project Description**

General Summary

- Site Address: N/A
- Site Acreage: 3.8
- Project Type: Shopping center with 2 future retail pad sites
- Number of Stories: 1 & 2
- Building Height (feet): Up to 35
- Square Feet: 48,090 (in-line shopping center)/7,000 (future retail pads)
- Parking Required/Provided: 235/179 (surface)/58 (lifts)

Site Plan

The project consists of 2, in-line retail buildings totaling 48,090 square feet and 2 future retail pad sites. The larger in-line retail building (Building B) is located near the eastern portion of the site which faces west towards Rainbow Boulevard and another smaller in-line retail building (Building C) is located near the northern portion of the site, towards Quail Avenue, and faces south towards Oquendo Road. The 2 future retail pad site buildings (Buildings A & D) along with a majority of the parking for the site are in front of the larger building. Additionally, with this application the applicant is requesting to allow 58 parking lifts in front of Building B to satisfy parking requirements. The shopping center will provide parking attendants during the business hours of operation. By including the parking lifts, the project will provide 237 parking spaces where 235 parking spaces are required. The buildings are set back a minimum of 10.5 feet from the east property line and 10 feet from the north property line. There is 1 main entrance into the development from Rainbow Boulevard with a secondary entrance into the development from Oquendo Road. This request also includes waiver of development standards to reduce driveway approach and departure distances from the intersection and reduce the driveway throat depth along Rainbow Boulevard and Oquendo Road.

Landscaping

Street landscaping consists of a 15 foot wide landscape area with a detached 5 foot wide sidewalk along Rainbow Boulevard, and a 20 foot wide landscape area behind an attached 5 foot wide sidewalk along Quail Avenue and Oquendo Road. Interior to the site, landscaping is distributed throughout the parking lot and around portions of the building footprint. There are some areas in the parking lot that do not provided a landscape finger every 6 spaces thus, requiring the design review for alternative parking lot landscaping.

Elevations

The buildings are generally 25 foot high with architectural roof treatments reaching a height of 35 feet. Building B is 1 story; Building C is 2 stories. The buildings have a contemporary architectural design consisting of painted concrete tilt-up panels with metal canopies, glass store fronts, and vertical and horizontal reveal lines. There are surface plane and color variations

consisting of walls that are slightly off-set with contrasting design schemes. The height of the buildings vary and have been designed to break-up the roofline and enhance the overall look of the buildings.

Floor Plans

The plans depict a total building area, including the future pad sites, of 55,090 square feet. The plans indicate that the buildings will be constructed with an open floor plan with areas that will be modified to meet the needs of the future tenants.

Signage

Signage is not a part of this request.

Applicant’s Justification

The applicant indicates that the general design and layout have not changed significantly from a prior M-D nonconforming zoning request in 2020 (this application was withdrawn at the Board of County Commissioners meeting). The applicant now believes this conforming retail development will provide additional commercial amenities to the area and should be a welcomed addition to the neighborhood. The applicant indicates the proposed project will enhance the surrounding neighborhood by providing services for the residents in the area and will not negatively impact adjacent roadways or traffic.

**Prior Land Use Requests**

<b>Application Number</b>	<b>Request</b>	<b>Action</b>	<b>Date</b>
NZC-20-0427	Reclassified to M-D zoning for an office/warehouse complex with a use permit for future retail uses in a manufacturing zone	Withdrawn by applicant	N/A
DR-0439-05	Retail center on the northern parcel - expired	Approved by PC	May 2005
ZC-1936-03	Reclassified the northern parcel to C-1 zoning for future commercial development	Approved by BCC	January 2003
ZC-0181-97	Reclassified the southern parcel to C-1 zoning for an office/retail complex	Approved by BCC	April 1997
UC-1905-97	Convenience store, gas station, and car wash	Approved by BCC	January 1997

**Surrounding Land Use**

	<b>Planned Land Use Category</b>	<b>Zoning District</b>	<b>Existing Land Use</b>
North	Public Facilities	R-E	Electrical substation & cell tower site
South	Commercial Neighborhood	C-1	Office complex
East	Office Professional & Commercial General	C-P & C-1	Office building & undeveloped
West	Commercial General	C-2 & C-1	Office/retail building & undeveloped

## **STANDARDS FOR APPROVAL:**

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

### **Analysis**

#### **Current Planning**

##### 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 request depicts a total of 237 parking spaces on-site (58 mechanical lifts and 179 surface parking spaces). Staff finds the mechanical parking lifts in a commercial shopping center will not be utilized, nor will this alleviate any parking issues on-site. Most visitors to the commercial center will not be on-site long enough to contemplate using this service. If the parking lifts were not utilized, the site would be short on the required parking which could cause issues in the future. Therefore, staff finds the applicant has not met requirements to establish alternative standard which would mitigate the impact of the proposed lifts and reduced parking per Section 30.60.040.

##### Design Reviews #1 & #2

The proposed buildings are constructed with decorative materials and have parapet walls at varying heights to break-up the horizontal roofline. The buildings will have architectural enhancements such as cornice moldings, pop-outs, aluminum storefront systems, and stone veneer to enhance the visual appearance of the buildings. The request complies with Urban Land Use Policy 78 of the Comprehensive Master Plan which encourages architectural treatments on all building sides to eliminate blank elevations along public rights-of-way and areas visible to the general public to improve visual quality. The design of the parking lot will not have a landscape finger every 6 spaces in some areas of the parking lot; however, the plant material is essentially distributed in other areas of the site (along the east property line) to compensate for the landscape fingers. Although staff supports this alternative parking lot design and the overall design of the shopping center, since staff is recommending denial of the parking waiver, staff recommends denial of the design reviews.

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

##### Waiver of Development Standards #2a

Staff does not object to the request to reduce the throat depth for the driveway on Rainbow Boulevard as the applicant has reduced potential vehicular conflicts by providing extra landscape planters creating a lengthy main entry drive aisle. However, since the overall design of the site is not supported by Planning, staff cannot support this request.

### Waiver of Development Standards #2b

Although staff does not object to the request to reduce the throat depth for the driveway on Oquendo Road, staff is unable to support the applicant's request to have a driveway on Oquendo Road as described in the analysis for waiver of development standards #3a. Therefore, staff cannot support this request.

### Waiver of Development Standards #3a

Staff finds that any full movement driveway on Oquendo Road will create conflicts with the driveway directly east of the subject site and the driveway on the south side of Oquendo Road as left turn movements may result in vehicular collisions. Due to the existence of those 2 driveways and the limited frontage on Oquendo Road, staff finds that a driveway on Oquendo Road will be unsafe. Therefore, staff cannot support this request.

### Waiver of Development Standards #3b

Staff has no objection to the departure distance for the driveway on Rainbow Boulevard as the location is only 1 foot shorter than the minimum standard and the applicant indicates that existing utility poles necessitate having the driveway in the proposed location. However, since the overall design of the site is not supported by Planning, staff cannot support this request.

### Design Review #3

his 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. However, since the overall design of the site is not supported by Planning, staff cannot support this request.

### **Staff Recommendation**

Denial.

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**

If approved:

- Design review as a public hearing for the 2 future pad sites;
- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection.
- 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; 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;
- 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 an additional 5 feet to the back of curb for Rainbow Boulevard, 30 feet for Oquendo Road, and associated spandrel;
- 30 days to submit a Separate Document to the Map Team for the required right-of-way dedications and any corresponding easements for any collector street or larger;
- 90 days to record required right-of-way dedications and any corresponding easements for any collector street or larger.
- Applicant is advised that the installation of detached sidewalks will require dedication to back of curb and granting necessary easements for utilities, pedestrian access, streetlights, and traffic control; 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.

**Building Department - Fire Prevention**

- Applicant is advised that fire/emergency access must comply with the Fire Code.

**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 #0376-2021 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

**TAB/CAC:**

**APPROVALS:**

**PROTESTS:**

**APPLICANT:** REZA R. ALAIE

**CONTACT:** REZA ALAIE, P.O. BOX 81873, LAS VEGAS, NV 89180