PUBLIC HEARING
APP. NUMBER/OWNER/DESCRIPTION OF REQUEST
NZC-18-0915-RAINBOW & BLUE DIAMOND SOUTHEAST:

**HOLDOVER AMENDED ZONE CHANGE** to reclassify 8.1 acres from R-E (Rural Estates Residential) Zone and H-2 (General Highway Frontage) Zone to C-2 (General Commercial) Zone in the MUD-3 Overlay District.

**WAIVERS OF DEVELOPMENT STANDARDS** for the following: 1) allow modified driveway design standards; and 2) reduced driveway separation.

**DESIGN REVIEW** for a shopping center.

Generally located on the south side of Blue Diamond Road and the east side of Rainbow Boulevard within Enterprise (description on file). JJ/pb/ja (For possible action)

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**RELATED INFORMATION:**

**APN:**
176-23-201-010; 176-23-201-015; 176-23-201-018

**WAIVERS OF DEVELOPMENT STANDARDS:**
1. Reduce throat depth for multiple driveways to 25 feet (previously notified as zero feet) where a minimum of 150 feet is the standard for parking lots over 201 parking stalls per Uniform Standard Drawing 222.1 (an 83.3% reduction).
2. a. Reduce the departure distance from the driveway to the intersection to 174 feet where 190 feet is required along Santa Margarita Street per Uniform Standard Drawing 222.1 (an 8.2% reduction) (no longer needed).
   b. Reduce the departure distance from the driveway to the intersection to 128 feet where 190 feet is required along Rainbow Boulevard per Uniform Standard Drawing 222.1 (a 32.6% reduction) (previously not notified).

**LAND USE PLAN:**
ENTERPRISE - BUSINESS AND DESIGN/RESEARCH PARK

**BACKGROUND:**
**Project Description**
General Summary
- Site Address: N/A
- Site Acreage: 8.1
- Project Type: Shopping center
- Number of Stories: 1
Building Height (feet): Up to 30
Square Feet: 44,100
Parking Required/Provided: 221/314

Neighborhood Meeting Summary
The applicant conducted a neighborhood meeting on October 29, 2018, as required by the nonconforming zone boundary amendment process, prior to formal filing of this application. All owners within 1,500 feet of the project site were notified about the meeting. One neighbor representing the RNP neighborhood to the west was in attendance who expressed concerns about the design and buffering. The applicant has fulfilled all provisions of Title 30 regarding pre-submittal and submittal of a nonconforming zone boundary amendment.

Site Plan
The applicant has submitted revised site plans to address concerns about access and drive-thru design. The plans depict a proposed shopping center consisting of 7 buildings for a total of 44,100 square feet on 8.1 acres. Two retail buildings will be constructed upon approval while the remaining buildings are reserved for future development. The 2 retail buildings are located on the southeastern portion of the site and both have drive-thru service lanes. The drive-thru lane around Building #1 is located on the eastern side of the building with the entrance at the southeastern end of the building and the exit at the northwestern end of the building adjacent to the main drive aisle leading to the driveway on Santa Margarita Street. The drive-thru lane for Building #2 is located on the southern and eastern side of the building with the entrance at the southwestern end of the building and the exit on the northeastern end of the building. A convenience store with gasoline pumps is located on the northwestern portion of the site, 2 retail/restaurant buildings with drive-thru service are located on the northeastern portion of the site, another retail/restaurant building with drive-thru service is located on the southwestern portion of the site, and a restaurant building is located on the western portion of the site south of the convenience store. Parking areas are distributed throughout the site. The site will have access from Rainbow Boulevard, Santa Margarita Street, and Serene Avenue. The plans depict 4 of the entrance driveways do not comply with Uniform Standard Drawing 222.1 regarding throat depth for parking lots greater than 200 parking spaces. The departure distance for the southern driveway on Rainbow Boulevard is 128 feet from Serene Avenue to the south.

Landscaping
A 15 foot wide landscape area with detached sidewalk is depicted along Rainbow Boulevard, Blue Diamond Road, and Serene Avenue with additional landscaping along Rainbow Boulevard and Blue Diamond Road. A 15 foot wide landscape area along an attached sidewalk is located adjacent to Santa Margarita Street. Parking lot landscaping is equitably distributed throughout the site in accordance with Title 30 standards. Additional landscaping is located adjacent to Buildings #1 and #2.

Elevations
Buildings #1 and #2 are single story buildings similar in design with a maximum height of 30 feet. The building materials consist of painted stucco with a sand finish, stone veneer and metal band accents, decorative metal canopies, and aluminum window treatments. The roofs of the buildings are flat with parapet walls at various heights. Building #1 has a drive-thru window on
the north side and Building #2 has a drive-thru window on the east side. No elevations have been provided for the other buildings.

**Floor Plans**
The plans depict a total building area of 44,100 square feet. The plans indicate that Buildings #1 and #2 will be constructed with an open floor plan with areas that will be modified to meet the needs of the future tenants. Building #1 is 15,000 square feet and building #2 is 12,000 square feet. The other buildings range in size from 2,500 square feet to 5,100 square feet. No floor plans have been provided for the other buildings.

**Signage**
Signage is not a part of this request.

**Applicant’s Justification**
The applicant indicates the site is located at the intersection of 2 major thoroughfares and the area along Blue Diamond Road is developing as retail. The project should have minimal impacts of public facilities and services and will comply with several goals and policies adopted by Clark County. The applicant also indicates the waivers of development standards are required to allow the design to the shopping center and will not negatively impact traffic in the area.

**Surrounding Land Use**

<table>
<thead>
<tr>
<th>Planned Land Use Category</th>
<th>Zoning District</th>
<th>Existing Land Use</th>
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</thead>
<tbody>
<tr>
<td>North</td>
<td>Commercial General</td>
<td>C-2 &amp; H-2</td>
</tr>
<tr>
<td>South</td>
<td>Business and Design/Research Park</td>
<td>C-2</td>
</tr>
<tr>
<td>East</td>
<td>Business and Design/Research Park</td>
<td>C-1, M-D, &amp; M-1</td>
</tr>
<tr>
<td>West</td>
<td>Commercial General</td>
<td>C-2 &amp; H-2</td>
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The subject site and the surrounding area are in the Public Facility 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**

**Zone Change**
The applicant shall provide Compelling Justification that approval of the nonconforming zoning boundary amendment is appropriate. A Compelling Justification means the satisfaction of the following criteria as listed below:

1. *A change in law, policies, trends, or facts after the adoption, readoption or amendment of the land use plan that have substantially changed the character or condition of the area, or the circumstances surrounding the property, which makes the proposed nonconforming zone boundary amendment appropriate.*
According to the applicant the area along Blue Diamond Road is developing as retail.

Although there have been changes in the area subsequent to the adoption of the land use such as parcels to the west of Rainbow Boulevard which have been approved for C-1 and C-2 zoning, the subject site is on the eastern side of Rainbow in the Arden area of Enterprise where light industrial development is encouraged in order to take advantage of the opportunities that are afforded by the railroad siding. The Enterprise (Arden area) Specific Policies were adopted in November 2017 after the adoption of the Enterprise Land Use Plan in October 2014. Therefore, staff finds the character and condition of the specific area has not changed from Business and Design/Research Park uses to Commercial General uses.

2. The density and intensity of the uses allowed by the nonconforming zoning is compatible with the existing and planned land uses in the surrounding area.

The applicant indicates the site is located at the intersection of 2 major thoroughfares and the area along Blue Diamond Road is developing as retail.

The C-2 zoning district is established to accommodate a full range of commercial uses, or mixed commercial and residential uses, in a manner that can be located to serve the needs of the entire community, yet be buffered from having adverse impacts on any adjacent residential neighborhoods. The subject site is located at the intersection of 2 arterial streets (Blue Diamond Road and Rainbow Boulevard). C-2 zoning has been approved for other parcels to the north, south, and west and a mixture of C-1, M-D and M-1 zoning has been approved to the east. Therefore, staff finds the proposed zoning and intensity of this project is compatible with the existing and proposed land use in the area.

3. There will not be a substantial adverse effect on public facilities and services, such as roads, access, schools, parks, fire and police facilities, and stormwater and drainage facilities, as a result of the uses allowed by the nonconforming zoning.

Staff accepts the assertion made by the applicant regarding the proposed low intensity office/warehouse development and existing infrastructure that serves the surrounding land uses. There has been no indication from public service providers that the proposed development will have an adverse effect on public facilities and services.

4. The proposed nonconforming zoning conforms to other applicable adopted plans, goals, and policies.

Although the request complies with Urban Land Use Policy 10, which encourages, in part, site design that are compatible with adjacent land uses and off-site circulation patterns; staff finds the request conflicts with Enterprise (Arden area) Specific Policy 4 of the Clark County Comprehensive Plan which discourages any development that is not light industrial in the Arden area.
Summary

Zone Change
Based on the analysis above, staff finds that there have not been changes in trends and facts which make this request appropriate for the area. Although the intensity of the project is compatible with other existing and proposed developments in this area, the request conflicts with Enterprise (Arden area) Specific Policy 4 of the Clark County Comprehensive Plan which discourages any development that is not light industrial in the Arden area. Therefore, staff finds the applicant has not provided a Compelling Justification for the proposed zone change and cannot support this request.

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.

Design Review
The design of the building, with varying heights and pop-outs complies with Urban Specific Policy 19 of the Comprehensive Master Plan, which encourages varying building heights and breaking up the mass of a building. The proposed landscaping also complies with Urban Specific Policy 73, which encourages perimeter and interior parking lot trees for shade and visual relief. There are landscape buffers separating the drive-thru facilities and stacking lanes from drive aisles and public streets in accordance with Urban Specific Policy 21 that encourages drive-thru facilities and stacking lanes, when contiguous to any public right-of-way, residential use, or pedestrian gathering area to be obscured from view by an intense landscape buffer. However, staff is concerned that proper access controls have not been provided to separate the drive-thru from the drive aisles. The drive-thru lane exit for Building #1 is located at the northwestern end of the building and is adjacent to the main drive aisle leading to the driveway on Santa Margarita Street which will also create public safety concerns. If the request is approved staff finds there should be conditions added to redesign the drive-thru facilities. However, approval of the design review is contingent upon approval of the zone change which staff cannot support, therefore staff recommends denial.

Public Works - Development Review
Waiver of Development Standards #1
Although staff has no practical problem with the reduced throat depths based on the design of the site, since the zone change, design review, and waiver of development standards #2 are recommended for denial, staff must also recommend denial of this waiver.

Waiver of Development Standards #2b
Staff is unable to support the request for the reduced distance from the intersection of Serene Avenue and Rainbow Boulevard to the southern driveway on Rainbow Boulevard. As an intersection of an arterial street and a collector street, the applicant will be required to install either a bus turnout or combined bus turnout and right turn lane, as indicated by comments
received from the Regional Transportation Commission with this application and with the pre-submittal application.

Per the minimum requirements in the Uniform Standard Drawings for combination bus turnouts and turn lanes, at least 190 feet is necessary from the point of tangent at the back of curb radius at the intersection to the point of tangent at the back of curb radius for the driveway. That minimum dimension is the same minimum standard that exists for the driveway separation that the applicant is requesting to waive with this application. If the applicant instead proposes a bus turnout without the dedicated right turn into the development, the minimum dimensions increase to 217 feet. Based on the need for the bus turnout, the applicant's proposed southern driveway cannot be located as shown on the plans.

**Staff Recommendation**

Denial. This item has been forwarded to the Board of County Commissioners for final action.

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.

**PLANNING COMMISSION ACTION:** May 7, 2019 – APPROVED – Vote: Unanimous

**Absent:** Morley

**Current Planning**

- Resolution of Intent to complete in 3 years;
- Redesign the drive-thru facilities so the entrances and exits do not conflict with oncoming traffic;
- Any speaker on Rainbow Boulevard to be oriented away from the residences;
- On-site pedestrian circulation and bicycle parking;
- No trash enclosures within 100 feet of Rainbow Boulevard right-of-way;
- Buildings to be 1 story maximum height, 30 feet for the building, and up to 35 feet for architectural features;
- Design review as a public hearing on final plans and any significant changes to plans;
- Design review as a public hearing on signage and lighting;
- Enhanced landscape buffers along the perimeters and street frontages, including detached sidewalks per plans;
- 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 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**

- Drainage study and compliance;
• Traffic study and compliance;
• Full off-site improvements;
• Dedication and/or vacation of Rainbow Boulevard to be coordinated with Public Works - Design Division;
• Off-site improvements along Blue Diamond Road to be coordinated with Nevada Department of Transportation (NDOT), and applicant to provide an approved NDOT encroachment permit to Public Works Development Review Division;
• If required by the Regional Transportation Commission, provide a standard combination bus turn out/right turn lane on the east side of Rainbow Boulevard as close as practical to Serene Avenue with provisions for a 5 foot by 25 foot bus shelter pad easement behind the sidewalk on Rainbow Boulevard, and provide a bus turnout on the south side of Blue Diamond Road as close as practical to Rainbow Boulevard with provisions for a 5 foot by 50 foot bus shelter pad easement behind the sidewalk on Blue Diamond Road.
• Applicant is advised that improvement plans and bonds may be required for Rainbow Boulevard, depending on the status of the County project; that rights-of-way, patent easements, right-of-way grants, and any other unnecessary easements will need to be vacated; that NDOT easements may exist south of the existing Blue Diamond Road right-of-way that may interfere with the proposed development; that throat depth is measured from the point of curvature at the back of curb radius on the driveways to the first point of conflict and some of the dimensions for throat depth on the plans are incorrect in that the throats for 3 of the driveways are actually shown as being longer than what the measurement on the plan shows; that sidewalks must return to the back of curb at the point of tangent for all driveways; that the property line radius at the intersection of Rainbow Boulevard and Serene Avenue must be a minimum of 54 feet; 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 #0536-2018 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

TAB/CAC: Enterprise - denial.
APPROVALS: 5 cards
PROTESTS: 1 card

PLANNING COMMISSION ACTION: January 8, 2019 – HELD – To 01/22/19 – per the applicant.

PLANNING COMMISSION ACTION: January 22, 2019 – HELD – No Date – per the applicant.

PLANNING COMMISSION ACTION: April 16, 2019 – HELD – To 05/07/19 – per the applicant.
COUNTY COMMISSION ACTION: June 5, 2019 – HELD – To 06/19/19 – per the applicant.

APPLICANT: RAINBOW & BLUE DIAMOND SOUTHEAST
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