

AGENDA MEMO

CITY COUNCIL MEETING DATE: SEPTEMBER 6, 2006
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: ZON-14680 - APPLICANT/OWNER: RANCH HOUSE ROAD LLC

**** CONDITIONS ****

The Planning Commission (6-0-1/sd vote) and staff recommend APPROVAL, subject to:

Planning and Development

1. This Rezoning request shall go direct to Ordinance, and is not subject to a resolution of intent.

Public Works

2. Site development to comply with all applicable conditions of approval for Z-109-91, the Town Center Lounge Commercial Subdivision both TMP-1904 and TMP-13798, and all other subsequent site-related actions.

**** STAFF REPORT ****

APPLICATION REQUEST

This application is a request for a Rezoning from: C-2 (General Commercial) to: C-1 (Limited Commercial) on 1.46 acres at 6000 and 6050 Sky Pointe Drive.

EXECUTIVE SUMMARY

The site depicts an existing 5,833 square foot restaurant with a tavern and a 3,546 square foot convenience store, which was administratively approved via U-0068-95(5). There will be no physical changes to the site in connection with this application. This application results from a condition of approval of a new Tentative Map (TMP-13798) on the property.

Currently the C-2 (General Commercial) zone of the property is not in conformance with the SC (Service Commercial) General Plan designation. Rezoning the property to C-1 (Limited Commercial) brings the property into agreement with the SC General Plan designation. Approval is recommended. Because there is no development or construction associated with this request, there is no need for a resolution of intent. If approved, staff will prepare an ordinance to change the zoning designation of this site.

BACKGROUND INFORMATION

A) Related Actions

- 02/05/92 The City Council approved a Rezoning (Z-0109-91) on this site from C-2 (General Commercial) to R-PD7 (Residential Planned Development 7 Units per Acre) as part of a larger rezoning request. The Planning Commission recommended approval on 01/09/92. A similar request (Z-0024-90) was also approved by the City Council on 05/02/90, but was allowed to expire.
- 06/08/95 The Planning Commission approved an Aesthetic Review (AR-0005-95) for a proposed shopping center consisting of a convenience store with gasoline sales, retail space, and a restaurant and tavern on the subject site. Condition #1 of the Aesthetic Review expunged the Resolution of Intent to R-PD7, thereby re-establishing a C-2 zone on the site.
- 07/19/95 The City Council approved a Special Use Permit (U-0068-95) for the off-premise sale of beer and wine in conjunction with a proposed convenience store; and for a tavern in conjunction with a proposed restaurant on the subject site. The Board of Zoning Adjustment recommended approval on 06/27/95.

- 09/01/99 The City Council approved a request for a fourth Extension of Time [U-0068-95(4)] for the approved Special Use Permit. The Planning Commission recommended approval on 07/22/99.
- 08/20/99 Staff administratively approved a Site Development Plan Review [U-0068-95(5)] for a proposed restaurant/tavern and convenience store on the subject site.
- 04/10/03 The Planning Commission approved a Tentative Map (TMP-1904) for a one-lot commercial subdivision on the subject site. A Final Map was never filed, therefore the Tentative Map expired. Staff recommended approval.
- 07/13/06 The Planning Commission approved a Tentative Map (TMP-13798) for a one-lot commercial subdivision on 1.46 acres at 6000 Sky Pointe Drive.
- 08/10/06 The Planning Commission voted 6-0-1/sd to recommend APPROVAL (PC Agenda Item #3/eb).

B) Pre-Application Meeting

- 05/22/06 A pre-application meeting was held and elements of a Tentative Map were discussed.

C) Neighborhood Meetings

A neighborhood meeting is not required as part of this application request, nor was one held.

DETAILS OF APPLICATION REQUEST

A) Site Area

Net Acres: 1.46 Acres

B) Existing Land Use

Subject Property: Restaurant, Tavern, and Convenience Store
North: Condominiums
South: Single-Family Residential, Undeveloped Commercial
East: Single-Family Residential
West: US-95

C) Planned Land Use

Subject Property: SC (Service Commercial)
North: ML (Medium Low Density Residential)
South: GC (General Commercial); ML (Medium Low Density Residential)
East: ML (Medium Low Density Residential)
West: US-95

D) Existing Zoning

Subject Property: C-2 (General Commercial)
 North: R-PD7 (Residential Planned Development 7 Units per Acre)
 South: R-PD7 (Residential Planned Development 7 Units per Acre), C-2
 (General Commercial)
 East: R-PD7 (Residential Planned Development 7 Units per Acre)
 West: US 95

E) General Plan Compliance

The site is designated as SC (Service Commercial) on the Centennial Hills Sector Map of the General Plan. The SC (Service Commercial) land use category allows low to medium intensity retail, office, and other commercial uses that serve primarily local area patrons and that do not include more intense general commercial characteristics. The current subject zoning of C-2 (General Commercial) does not conform to the SC (Service Commercial) land use designation. Therefore, the rezoning of this property to C-1 achieves General Plan compliance.

<i>SPECIAL DISTRICTS/ZONES</i>	Yes	No
Special Area Plan		X
Special Overlay District		X
Trails		X
Rural Preservation Overlay District	X	
Development Impact Notification Assessment		X
Project of Regional Significance		X

Rural Preservation Overlay District

The site is located within the 330 foot street buffer area of the Rural Preservation Overlay District.

ANALYSIS

A) Zoning Code Compliance

A1) Development Standards

Pursuant to Title 19.08, the following Development Standards apply to the subject proposal:

Standards	Required	Provided	Compliance
Min. Lot Width	100 Feet	212 Feet	Y
Min. Setbacks			
• Front	20 Feet	70 Feet	Y
• Side	10 Feet	10 Feet	Y
• Corner	15 Feet	112 Feet	Y
• Rear	20 Feet	65 Feet	Y
Max. Lot Coverage	50 %	15%	Y

The existing commercial development meets Title 19.08 Development Standards as built.

B) General Analysis and Discussion

The approved Site Development Plan Review depicts an existing 5,833 square foot restaurant with a tavern and a 3,546 square foot convenience store. The proposed tentative map is consistent with the approved Site Development Plan Review and all applicable Title 18 requirements. There will be no physical changes to the site in connection with this application. The application to rezone the property from C-2 (General Commercial) to C-1 (Limited Commercial) results from a condition of approval of the Tentative Map (TMP-13798) for this property. Currently the C-2 (General Commercial) zone of the property is not in conformance with the SC (Service Commercial) General Plan designation. Rezoning the property to C-1 (Limited Commercial) brings the property into agreement with the SC General Plan designation.

FINDINGS

In order to approve a Rezoning application, pursuant to Title 19.18.040, the Planning Commission or City Council must affirm the following:

1. The proposal conforms to the General Plan.

Currently the C-2 (General Commercial) zone is not in conformance with the SC (Service Commercial) General Plan designation. Approval of the application to rezone the property to C-1 (Limited Commercial) will bring the property into conformance with the SC (Service Commercial) General Plan designation.

2. The uses which would be allowed on the subject property by approving the rezoning will be compatible with the surrounding land uses and zoning districts.

The existing commercial development is compatible with the surrounding area. The General Plan reflects ML (Medium Low Density Residential) on the northern, eastern and southern sides of the project site and US 95 to the west.

3. Growth and development factors in the community indicate the need for or appropriateness of the rezoning.

Due to the proximity to the US 95 and higher density residential uses, a commercial development is appropriate for the area.

4. Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed zoning district.

The existing development gains access off of Sky Pointe Drive and is a standard city street. The streets surrounding the development provide adequate access to and from the commercial development.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 16

ASSEMBLY DISTRICT 13

SENATE DISTRICT 9

NOTICES MAILED 276 by Planning Department

APPROVALS 0

PROTESTS 0