

## AGENDA MEMO

CITY COUNCIL MEETING DATE: FEBRUARY 7, 2007

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: ZON-18203 - APPLICANT/OWNER: BRUCE R. NOBLE

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### **\*\* CONDITIONS \*\***

The Planning Commission (7-0 vote) and staff recommend APPROVAL, subject to:

#### **Planning and Development**

1. A Resolution of Intent with a two-year time limit is hereby granted.
2. A Site Development Plan Review (SDR-18202) application approved by the City of Las Vegas is required prior to issuance of any permits, any site grading, and all development activity for the site.

#### **Public Works**

3. Remove all substandard public street improvements, if any, adjacent to this site and replace with new improvements meeting current City Standards concurrent with on-site development activities.
4. Meet with the Flood Control Section of the Department of Public Works for assistance with establishing finished floor elevations and drainage patterns for this site prior to submittal of construction plans, the issuance of any building or grading permits or the submittal of a map subdividing this site, whichever may occur first. Provide and improve all drainage ways as recommended.

**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

This is a request for a rezoning from R-3 (Medium Density Residential) to C-1 (Limited Commercial) on 0.44 acres on the north side of Owens Avenue, approximately 333 feet east of Martin L. King Boulevard.

Staff finds the rezoning to be appropriate as it would bring the zoning into conformance with the General Plan designation, and the uses allowed with the proposed C-1 (Limited Commercial) zoning district are compatible with the commercial uses to the east and west of this site.

A related Variance VAR-18204 and related Site Development Plan Review SDR-18202 will be considered concurrently.

**BACKGROUND INFORMATION**

<b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i></b>	
<b>Month/date/year</b>	<b>Action</b>
11/15/95	The City Council approved a rezoning of this site to C-1 (Limited Commercial) and a 12,000 square foot office building with one-story at a height of 19 feet (Z-79-95).
01/11/07	The Planning Commission recommended denial of companion items VAR-18204 and SDR-18202 concurrently with this application.  The Planning Commission voted 7-0 to recommend APPROVAL (PC Agenda Item #23/ng).
<b><i>Pre-Application Meeting</i></b>	
10/02/06	Staff explained the requirements for a rezoning, site development plan review, and a variance.
<b><i>Neighborhood Meeting</i></b>	
12/14/06	Staff contacted the applicant and suggested a neighborhood meeting. The applicant stated that he had met with adjacent property owners, anticipated no opposition, and declined staffs suggestion.
<b><i>Details of Application Request</i></b>	
<b><i>Site Area</i></b>	
Net Acres	0.44

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped	C (Commercial)	R-3
North	Single family dwellings	L (Low Density Residential)	R-1
South	Retail shops/ single family dwellings	C (Commercial)	C-1 and R-1
East	Child care facility	C (Commercial)	R-3
West	Convenience store	C (Commercial)	C-1

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
<b>Special Area Plan</b>			
Redevelopment Plan Area	X		Y
West Las Vegas Plan	X		Y
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
<b>Special Purpose and Overlay Districts</b>		X	
<b>Trails</b>		X	
<b>Rural Preservation Overlay District</b>		X	
<b>Development Impact Notification Assessment</b>		X	
<b>Project of Regional Significance</b>		X	

**DEVELOPMENT STANDARDS**

*Per Title 19.08, the following standards apply:*

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Size	6,500 sf	19166 sf	Y
Min. Lot Width	N/A	137 feet	Y
Min. Setbacks			
• Front	• 20 feet	• 76 feet	• Y
• East Side	• 5 feet	• 62 feet	• Y
• West Side	• 5 feet	• 0 feet	• *N
• Rear	• 20 feet	• 8 feet	• *N
Max. Lot Coverage	N/A	21 %	Y
Max. Building Height	2 stories/35 feet	14 feet 6 inches along north property line; 18 feet in height along the south side of the building, adjacent to Owens Avenue	Y

The proposed building does not comply with the setback standards of the C-1 zoning district. This issue is addressed within the related Variance VAR-18204.

*Per Title 19.08.060 the following standards apply:*

<b>Residential Adjacency Standards</b>	<b>Required/Allowed</b>	<b>Provided</b>	<b>Compliance</b>
3:1 proximity slope	N/A	8 Feet	
Adjacent development matching setback	N/A	8 Feet	
Trash Enclosure	50 Feet	52 Feet	Y

The proximity slope and adjacent development matching setback standards do not apply to this application as the proposed building is less than 15 feet in height in the north portion of the site, and the portion of the building with a height of 18 feet is located 55 feet from residentially developed property.

*Per Title 19.12 the following standards apply:*

<b>Landscaping and Open Space Standards</b>				
<b>Standards</b>	<b>Required</b>		<b>Provided</b>	<b>Compliance</b>
	<b>Ratio</b>	<b>Trees</b>		
Parking Area	1 tree/6 spaces	6 trees	3 trees	N
Buffer: Min. Trees				
South prop line	1 tree /30 linear feet	5 trees	4 trees	
North prop line	1 tree/20 linear feet	7 trees	5 trees	N
Min. Zone Width				
North prop line		8 feet	3 feet	N
South prop line		15 feet	11 feet	N
East prop line		8 feet	0 feet	N
West prop line		8 feet	0 feet	N

The applicant has requested a waiver within the related Site Development Plan Review (SDR-18202) to allow three parking lot trees where six are required. Since most of the parking spaces are adjacent to property line buffers, staff recommends approval of this waiver.

The applicant has requested a waiver within the related Site Development Plan Review (SDR-18202) to allow a reduction in the amount of trees to be provided along the north and south property lines. Staff finds that compliance with this portion of the landscape standards would only require the placement of one additional tree along the south property line and two additional trees along the north property line and does not support this waiver.

The applicant has also requested a waiver within the related Site Development Plan Review (SDR-18202) to allow reductions in the widths of the buffers along all property lines. Staff finds that these reductions would encourage circulation between this site and the properties to the east and west and recommends approval of this waiver.

***Pursuant to Title 19.10, the following parking standards apply:***

<b><i>Parking Requirement</i></b>							
<b><i>Use</i></b>	<b><i>Gross Floor Area or Number of Units</i></b>	<b><i>Required</i></b>			<b><i>Provided</i></b>		<b><i>Compliance</i></b>
		<b><i>Parking Ratio</i></b>	<b><i>Parking</i></b>		<b><i>Parking</i></b>		
			<b><i>Regular</i></b>	<b><i>Handi-capped</i></b>	<b><i>Regular</i></b>	<b><i>Handi-capped</i></b>	
General retail	1,750 sf	1/175 sf	10				
Barber shop	3 chairs	2 spaces per chair	6				
Office	1,200 sf	1/300 sf	4				
Restaurant seating area	500 sf	1/50 sf	10				
Restaurant non-customer areas	500 sf	1/250 sf	3				
<b>TOTAL</b>			33	2	34	2	Y

<b><i>Waivers</i></b>		
<b><i>Request</i></b>	<b><i>Requirement</i></b>	<b><i>Staff Recommendation</i></b>
Three parking lot trees	Six parking lot trees	Approval
Five trees along north property line	Seven trees along north property line	Denial the buffer can accommodate two additional trees
Four trees along south property line	Five trees along south property line	Denial the buffer can accommodate one additional tree
11 foot wide buffer along Owens Avenue	15 foot wide buffer along Owens Avenue	Approval
Three foot wide buffer along north property line	Eight foot wide buffer along north property line	Approval
No buffer along east property line	Eight foot wide buffer along east property line	Approval
No buffer along west property line	Eight foot wide buffer along west property line	Approval

These waivers will be considered in conjunction with the related Site Development Plan Review (SDR-18202).

## **ANALYSIS**

The proposed C-1 (Limited Commercial) zone conforms with the C (Commercial) General Plan designation of the subject site. The retail and office uses typically found within the C-1 (Limited Commercial) zoning district are compatible with the commercial uses to the east and west of this site. The adjacent public right-of-ways will not be negatively affected by the by the C-1 (Limited Commercial) zoning district.

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

**In regard to 1:** The proposed C-1 (Limited Commercial) zone would be in conformance with C (Commercial) General Plan designation.

**In regard to 2:** The uses allowed with the proposed C-1 (Limited Commercial) zoning district are compatible with the commercial uses to the east and west of this site.

**In regard to 3:** The Rezoning is considered appropriate as it would bring the zoning into conformance with the General Plan designation.

**In regard to 4:** Owens Avenue is a 100 foot wide Primary Arterial which will not be adversely impacted by the proposed C-1 (Limited Commercial) zoning district.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 17

**ASSEMBLY DISTRICT** 6

**SENATE DISTRICT** 4

**NOTICES MAILED** 196 by Planning Department

**APPROVALS** 0

**PROTESTS** 0