

AGENDA MEMO

CITY COUNCIL MEETING DATE: NOVEMBER 7, 2007
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: ZON-9662 - APPLICANT/OWNER: SAGEBRUSH CANTINA, LLC

THIS ITEM WAS TABLED AT THE DECEMBER 21, 2005 CITY COUNCIL MEETING AT THE REQUEST OF THE APPLICANT.

**** CONDITIONS ****

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

Planning and Development

1. A Resolution of Intent with a two-year time limit.
2. A Site Development Plan Review (SDR-9666) application approved by the City of Las Vegas prior to issuance of any permits, any site grading, and all development activity for the site.

Public Works

3. Dedicate a 25-foot radius on the southeast corner of Kyle Canyon Road and the unnamed street along the western edge of this site and a 54-foot radius on the southwest corner of Kyle Canyon Road and Oso Blanca Road prior to the issuance of any permits.
4. Coordinate improvements adjacent to this site with the City Engineers Office of the Department of Public Works to mitigate conflicts between this site and the impact from the future northern beltway extension project.
5. Construct half street improvements for Oso Blanca Road (AKA Frontage Road) extending from the southern most boundary of this site to tie into Kyle Canyon Road and the unnamed street adjacent to the western boundary of this site, including appropriate overpaving, concurrent with development. Also, construct a minimum of two lanes of paved access from Kyle Canyon Road to this site concurrent with development of this site; these access lanes must receive approval from the Nevada Department of Transportation. All existing paving damaged or removed by this development shall be restored at its original location and to its original width concurrent with development of this site. Extend all required underground utilities, such as electrical, telephone, etc., located within public rights-of-way, past the boundaries of this site prior to construction of hard surfacing (asphalt or concrete).
6. Extend oversized public sewer from the intersection of Tee Pee Lane and Oso Blanca Road (AKA Frontage Road) to the northern edge of this site at a location and depth acceptable to the City Engineer concurrent with development of this site. Provide public sewer easements for all public sewers not located within existing public street right-of-way prior to the issuance of any permits as required by the Department of Public Works.

Improvement Drawings submitted to the City for review shall not be approved for construction until all required public sewer easements necessary to connect this site to the existing public sewer system have been granted to the City.

7. A Traffic Impact Analysis must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings or the recordation of a Map subdividing this site. Comply with the recommendations of the approved Traffic Impact Analysis prior to occupancy of the site. The Traffic Impact Analysis shall also include a section addressing Standard Drawings #234.1 #234.2 and #234.3 to determine additional right-of-way requirements for bus turnouts adjacent to this site, if any; dedicate all areas recommended by the approved Traffic Impact Analysis. All additional rightsofway required by Standard Drawing #201.1 for exclusive right turn lanes and dual left turn lanes shall be dedicated prior to or concurrent with the commencement of onsite development activities unless specifically noted as not required in the approved Traffic Impact Analysis. If additional rightsofway are not required and Traffic Control devices are or may be proposed at this site outside of the public rightsofway, all necessary easements for the location and/or access of such devices shall be granted prior to the issuance of permits for this site. Phased compliance will be allowed if recommended by the approved Traffic Impact Analysis. No recommendation of the approved Traffic Impact Analysis, nor compliance therewith, shall be deemed to modify or eliminate any condition of approval imposed by the Planning Commission or the City Council on the development of this site.
8. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings or the submittal of a Map subdividing this site, whichever may occur first. Provide and improve all drainageways recommended in the approved drainage plan/study. The developer of this site shall be responsible to construct such neighborhood or local drainage facility improvements as are recommended by the City of Las Vegas Neighborhood Drainage Studies and approved Drainage Plan/Study concurrent with development of this site. In lieu of constructing improvements, in whole or in part, the developer may agree to contribute monies for the construction of neighborhood or local drainage improvements, the amount of such monies shall be determined by the approved Drainage Plan/Study and shall be contributed prior to the issuance of any building or grading permits, or the recordation of a Map subdividing this site, whichever may occur first, if allowed by the City Engineer.

**** STAFF REPORT ****

APPLICATION REQUEST

A) *Action Requested*

This is a request for a Rezoning from U (Undeveloped) [SC (Service Commercial) General Plan Designation] to C-1 (Limited Commercial) on 2.48 acres adjacent to the southwest corner of Oso Blanca Road and Kyle Canyon Road.

B) *Applicants Justification*

The applicant states that the benefits of this project are in line with the goals, objectives, and policies of the Centennial Hills Sector Plans goals and objectives. The applicant notes that the proposed use can be operated in a manner that is harmonious and compatible with the surrounding area.

BACKGROUND INFORMATION

A) *Related Actions*

There is no case history related to this site.

11/17/05 The Planning Commission voted 6-1 to recommend APPROVAL (PC Agenda Item #38/ng).

B) *Pre-Application Meeting*

09/23/05 A pre application meeting was held where it was noted that there would be a future conflict with the northern beltway, the applicant would be responsible for off-site improvements and the elements of the Site Plan and associated applications were discussed.

C) *Neighborhood Meetings*

A neighborhood meeting is not required, nor was one held.

DETAILS OF APPLICATION REQUEST

A) *Site Area*

Net Acres: 2.48

B) *Existing Land Use*

Subject Property: Undeveloped
North: Undeveloped
South: Undeveloped

East: Undeveloped
 West: Undeveloped

C) Planned Land Use

Subject Property: SC (Service Commercial)
 North: SC (Service Commercial)
 South: SC (Service Commercial)
 East: SC (Service Commercial)
 West: PCD (Planned Community Development)

D) Existing Zoning

Subject Property: U (Undeveloped) [SC (Service Commercial) General Plan Designation]
 North: U (Undeveloped) [PCD (Planned Community Development) General Plan Designation]
 U (Undeveloped) [SC (Service Commercial) General Plan Designation]
 South: U (Undeveloped) [PCD (Planned Community Development) General Plan Designation]
 East: U (Undeveloped) [SC (Service Commercial) General Plan Designation]
 West: U (Undeveloped) [PCD (Planned Community Development) General Plan Designation]

E) General Plan Compliance

The subject property is designated as SC (Service Commercial) under the Centennial Hills Sector Plan of the General Plan. The Service Commercial category allows low to medium intensity retail, office, or other commercial uses that serve primarily local area patrons and do not include more intense general commercial characteristics. This category also includes offices either individually or grouped as office centers with professional and business services. This category includes the neighborhood and Village Center concept areas. The subject property is located in a Village Center concept area per the Centennial Hills Sector Concept Land Use Map. The property was annexed into the City of Las Vegas from Clark County in 2005. The Clark County land use designation was Service Commercial and per the Interlocal Agreement the subject properties land use remained Service Commercial as it had been with Clark County.

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

This project requires two Special Use Permits within 500 feet of the Clark County boundary and is therefore a Project of Regional Significance.

ANALYSIS

A) *Zoning Code Compliance*

A1) Development Standards

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

Standards	Required C-1 District	Provided	Compliance
Min. Lot Width	100 Feet	265 Feet	Y
Min. Setbacks			
• Front	20 Feet	135 Feet	Y
• Side	10 Feet	37.5 Feet	Y
• Corner	15 Feet	145 Feet	Y
• Rear	20 Feet	95 Feet	Y
Max. Lot Coverage	50 %	9.32 %	Y

The site is in compliance with Title 19.08 development standards.

B) *General Analysis and Discussion*

This is a request for Rezoning from U (Undeveloped) [SC (Service Commercial) General Plan Designation] to a C-1 (Limited Commercial) zone. The Clark County land use designation was Service Commercial and per the Interlocal Agreement the subject properties land use remained Service Commercial with the City of Las Vegas as it had been with Clark County. As the property has always been designated for commercial use and is in compliance with standards approval of the rezoning request is recommended.

The subject site lies just outside the Kyle Canyon Master Plan area. The uses proposed for the site would be located far enough away from proposed development within the plan area that potential ill effects to these properties could easily be mitigated. A proposed outer beltway would be aligned near to but not affect the subject parcel.

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.**

The subject property is designated as SC (Service Commercial) under the Centennial Hills Sector Plan of the General Plan. The Service Commercial category allows low to medium intensity retail, office, or other commercial uses that serve primarily local area patrons and

do not include more intense general commercial characteristics. This category also includes offices either individually or grouped as office centers with professional and business services. This category includes the neighborhood and Village Center concept areas. The subject property is located in a Village Center concept area per the Centennial Hills Sector Concept Land Use Map. The property was annexed into the City of Las Vegas from Clark County in 2005. The Clark County land use designation was Service Commercial and per the Interlocal Agreement the subject properties land use remained Service Commercial as it had been with Clark County. The site is in conformance with 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.

The surrounding land is currently undeveloped. The property is located near an interchange and has been designated as a Village Center on the Centennial Hills Sector Concept Land Use Map. The majority of the properties near the interchange are zoned and designated for commercial uses. The proposed use, as a liquor establishment (tavern) and service station would be compatible with future surrounding land use and zoning districts.

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

The area is currently undeveloped. The City of Las Vegas has been expanding rapidly in the northwest area. The rezoning is from an Undeveloped zone with a Service Commercial land designation to a C-1 (Limited Commercial) zone, which is not a significant change. The rezoning and proposed developments are appropriate for this site.

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.

Site access is provided from Kyle Canyon Road and Oso Blanca Road. This location is also just west of the US 95/Kyle Canyon Road interchange. These roads will provide adequate access to the proposed project. It is noted that Public Works is requiring a traffic study for this development.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 1

ASSEMBLY DISTRICT 13

SENATE DISTRICT 9

NOTICES MAILED 46

APPROVALS 0

PROTESTS 0