

*City of Las Vegas*

**AGENDA MEMO**

**PLANNING COMMISSION MEETING DATE: SEPTEMBER 25, 2008**  
**DEPARTMENT: PLANNING AND DEVELOPMENT**  
**ITEM DESCRIPTION: ZON-29419 - APPLICANT/OWNER: NINETY-FIVE FORT**  
**APACHE COMPLEX, LLC**

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**\*\* CONDITIONS \*\***

**STAFF RECOMMENDATION: APPROVAL.**

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

**PROJECT DESCRIPTION**

This is a request for a Rezoning from R-E (Residential Estates) and C-2 (General Commercial) to C-1 (Limited Commercial) on 3.89 acres at the northwest corner of Horse Drive and Fort Apache Road.

A companion Site Development Review (SDR-29420) for a proposed two-story 50,100 square-foot Office and retail center with a Waiver of the Building Placement requirements has been requested. The proposed Rezoning to a C-1 (Limited Commercial) zoning district is consistent with the existing General Plan designation of SC (Service Commercial).

Staff recommends approval of this application.

**BACKGROUND INFORMATION**

<i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i>	
02/02/94	The City Council approved a reclassification of the subject site from C-2 (General Commercial) and R-E (residence Estates) under Resolution of Intent to C-1 (Limited Commercial) zoning as part of a larger request (Z-0132-93). Planning Commission and staff recommended approval.
09/01/04	The City Council approved a General Plan Amendment (GPA-4634) to change a portion of the Centennial Hills Interlocal Land Use Plan of the General Plan from SC (Service Commercial) to ML (Medium Low Residential) on 17.83 acres located at the southwest corner of Horse Drive and Fort Apache Road. Planning Commission and staff recommended denial. Approval was limited to the portion south of Horse Drive only (excluding the subject site).
09/01/08	The City Council approved a Rezoning (ZON-4640) from R-E (Residence Estates and C-2 (General Commercial) to R-PD6 (Residential Planned Development, 6 Units per Acre) on 17.83 acres located at the southwest corner of Horse Drive and Fort Apache Road. Planning Commission and staff recommended denial. Approval was limited to the portion south of Horse Drive only (excluding the subject site).
09/01/08	The City Council approved a Site Development Plan Review (SDR-4641) for a 100-lot residential development on 17.83 acres located at the southwest corner of Horse Drive and Fort Apache Road. Planning Commission and staff recommended denial. Approval was limited to 77 units on the portion south of Horse Drive only (excluding the subject site).

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<b>Related Building Permits/Business Licenses</b>	
There are no building permits or business licenses associated with the subject site.	
<b>Pre-Application Meeting</b>	
07/31/08	Discussed proposed uses, parking and development standards.
<b>Neighborhood Meeting</b>	
A neighborhood meeting is not required for this application.	

<b>Field Check</b>	
08/19/08	A field check was performed by staff at the subject property. The site was noted to be relatively flat and undeveloped with limited landscaping along the Horse Drive frontage.

<b>Details of Application Request</b>	
<b>Site Area</b>	
Gross Acres	3.89

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped	SC (Service Commercial)	C-2 (General Commercial) and R-E (Residence Estates)
North	Undeveloped	TND (Traditional Neighborhood Development)	T-D (Traditional Development)
South	Single Family Residential	ML (Medium-Low Density Residential)	R-PD6 (Residential Planned Development, 6 Units per Acre)
East	Undeveloped	PCD (Planned Community Development)	R-E (Residence Estates)
West	ROW (US 95)	ROW (US 95)	ROW (US 95)

<b>Special Districts/Zones</b>	<b>Yes</b>	<b>No</b>	<b>Compliance</b>
<b>Special Area Plan</b>		X	N/A
<b>Special Districts/Zones</b>	<b>Yes</b>	<b>No</b>	<b>Compliance</b>
<b>Special Purpose and Overlay Districts</b>		X	N/A
<b>Trails</b>		X	N/A
<b>Rural Preservation Overlay District</b>		X	N/A
<b>Development Impact Notification Assessment</b>		X	N/A
<b>Project of Regional Significance</b>		X	N/A



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## **ANALYSIS**

This is a Rezoning request to change the subject sites current C-2 (General Commercial) and R-E (Residence Estates) zoning to C-1 (Limited Commercial) zoning. The C-1 (Limited Commercial) District is intended to provide most retail shopping and personal services, and may be appropriate for mixed use developments. This district should be located on the periphery of residential neighborhoods and should be confined to the intersections of primary and secondary thoroughfares along major retail corridors. The C-1 (Limited Commercial) District is consistent with the Service Commercial and the Neighborhood Center categories of the General Plan.

The C-1 (Limited Commercial) Zoning District is consistent with the existing SC (Service Commercial) General Plan designation, which allows low to medium intensity retail, office, or other commercial uses that serve primarily local area patrons and that do not include more intense general commercial characteristics. Examples include neighborhood shopping centers, theaters, and other places of public assembly and public and semi-public uses. This category also includes offices, either singly or grouped as office centers with professional and business services. The Service Commercial category may also allow mixed-use development with a residential component where appropriate.

In 1994, the subject site, as well as property across Horse Drive to the south, was included in a Rezoning (Z-0132-93) as part of a larger request to change from C-2 (General Commercial) and R-E (Residence Estates) zoning under Resolution of Intent to C-1 (Limited Commercial) zoning, with the intent to develop a Business Park on both sites. The Resolution of Intent expired after two years, and the subject site reverted to C-2 (General Commercial) and R-E (Residence Estates) zoning.

In 2004, a General Plan Amendment (GPA-4634), Rezoning (ZON-4640) and a Site Development Plan Review (SDR-4641) were submitted for the subject site and the property across Horse Drive to the south, seeking to amend the General Plan designation from SC (Service Commercial) to ML (Medium Low Residential); change the zoning from C-2 (General Commercial) and R-E (Residence Estates) to R-PD6 (Residential Planned Development 6 Units per Acre); and entitle a 100 lot residential subdivision, respectively. The applications were approved; however, the approval excluded the subject site, and applied only to the property across Horse Drive to the south for a 77 lot residential subdivision. The subject site was not included due to concerns regarding the future location of an interchange at Horse Drive.

There is a companion Site Development Review (SDR-29420) for a proposed two-story 50,100 square-foot Office and Retail Center with a Waiver of the Building Placement requirements. Staff is recommending approval of this request.

**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 requested Rezoning to C-1 (Limited Commercial) is consistent with the existing General Plan land use designation of SC (Service Commercial).

**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 C-1 (Limited Commercial) zoning district allows most retail and personal services as well as office developments. Such uses are compatible with the surrounding residential uses to the south and east as they will provide a buffer between the residential uses and US-95 to the west.

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

This proposal is appropriate given the proximity of the site to US-95, and will provide a buffer to adjacent residential uses to the south and east. The C-1 (Limited Commercial) zoning district is appropriate for the area and is consistent with the existing SC (Service Commercial) General Plan.

**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 adequately provided by driveways onto Fort Apache Road and Horse Drive.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED 15**

**ASSEMBLY DISTRICT 13**

**SENATE DISTRICT 9**

**NOTICES MAILED 651**

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