



AGENDA MEMO

CITY COUNCIL MEETING DATE: SEPTEMBER 3, 2008
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: ZON-28325 - APPLICANT: WASHINGTONPECOS, LLC -
OWNER: MADRE MESA

**** CONDITIONS ****

The Planning Commission (5-0 vote) and staff recommend APPROVAL.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Rezoning from R-1 (Single Family Residential) to C-1 (Limited Commercial) zone on 2.78 acres on the southeast corner of Washington Avenue and Pecos Road. The subject property is an undeveloped in-fill lot in an established area located at the intersection of two 100-foot primary arterials.

Several companion items have been submitted in addition to this request, including a Site Development Plan Review (SDR-28320) for a 4,618 square-foot Convenience Store with Fuel Pumps, a 748 square-foot Restaurant with Drive Through, a 2,406 square-foot Restaurant with Drive Through and an 8,937 square-foot retail building. This was previously noticed as a Site Development Plan Review (SDR-28320) for a 4,618 square-foot Convenience Store with Fuel Pumps, a 748 square-foot Restaurant with Drive Through, a 2,608 square-foot Restaurant with Drive Through and a 9,449 square-foot retail building with a Waiver to allow a six-foot three-inch side yard landscape buffer where eight feet is required. Several changes have been made to the site plan resulting in a decrease in square footage of the retail building and the southernmost Restaurant with Drive Through as well as a site redesign which no longer necessitates the need for a Waiver of the landscape buffer along the east perimeter or an Exception for parking lot landscape finger islands.

Additionally, a Special Use Permit (SUP-28323) for a Beer/Wine/Cooler Off-Sale Establishment within a proposed Convenience store with a Waiver to allow a 100-foot distance separation, where 400 feet is required from a City Park and Variance (VAR-28326) to allow a 35-foot setback, where residential adjacency requires 69 feet has been submitted.. As the requested Rezoning is consistent with the SC (Service Commercial) designation of the General Plan, staff recommends approval of this request.

BACKGROUND INFORMATION

| <i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i> | |
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| 11/15/00 | The City Council approved a request to Amend a portion of the Southeast Sector of the General Plan (GPA-0025-00) from M (Medium Density Residential) to SC (Service Commercial), a request for a Rezoning (Z-0079-00) from R-1 (Single Family Residential) under Resolution of Intent to R-3 (Medium Density Residential) to C-1 (Limited Commercial) and a Site Development Plan Review [Z-0079-00(1)] with a Waiver of the required landscaping for a proposes 21,425 square-foot commercial center on 3.05 acres on the southeast corner of Washington Avenue and Pecos Road. The Planning Commission recommended approval of these requests while staff recommended denial. |
| 04/12/01 | The Planning Commission approved a request for a Tentative Map (TM-0010-01) for one lot commercial subdivision on 3.05 acres on the southeast corner of Washington Avenue and Pecos Road. Staff recommended approval of this request. This request expired 04/12/03. |
| 02/05/03 | The City Council approved a request for an Extension of Time (EOT-1287) on an approved Rezoning (Z-0079-00) from R-1 (Single Family Residential) under Resolution of Intent to R-3 (Medium Density Residential) to C-1 (Limited Commercial) on 3.05 acres adjacent to the southeast corner of Washington Avenue and Pecos Road. The Planning Commission and staff recommended approval of this request. The Resolution of Intent on this Rezoning expired 11/24/04. |
| 04/22/05 | A Code Enforcement Citation (#29171) was issued for overgrown weeds, trash and debris at a vacant lot at the southeast corner of Pecos Road and Washington Avenue. |
| 10/22/07 | A Code Enforcement Citation (#59043) was issued for vehicle code violations (numerous cars parked on a vacant lot) at the southeast corner of Pecos Road and Washington Avenue. |
| 12/19/07 | A Code Enforcement Citation (#60746) was issued for vehicle code violations (numerous cars parked on a vacant lot) at the southeast corner of Pecos Road and Washington Avenue. |
| 12/26/07 | Code Enforcement was called out to southeast corner of Pecos Road and Washington Avenue (#60844) to investigate abandoned vehicles on site. No abandoned vehicles were found on site at the time of inspection. |

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| 08/14/08 | <p>The Planning Commission recommended approval of companion items VAR-28326, SUP-28323 and SDR-28320 concurrently with this application.</p> <p>The Planning Commission voted 5-0 to recommend APPROVAL (PC Agenda Item #16/dc).</p> |
| Related Building Permits/Business Licenses | |
| There are no relevant permits or business licenses associated with this property. | |
| Pre-Application Meeting | |
| 05/15/08 | A pre-application meeting was held with the applicant where elements of submitting a Rezoning, Site Development Plan Review, Variance and a Special Use Permit were discussed. |
| Neighborhood Meeting | |
| A neighborhood meeting was not held, nor was one required. | |

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| Field Check | |
| 06/04/08 | A field check was performed by staff at the subject property. The site was noted to be relatively flat, undeveloped with numerous political advertising signs on the property. |

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| Details of Application Request | |
| Site Area | |
| Gross Acres | 2.78 |

| Surrounding Property | Existing Land Use | Planned Land Use | Existing Zoning |
|----------------------|---------------------------|-----------------------------|---------------------------------|
| Subject Property | Undeveloped | SC (Service Commercial) | R-1 (Single Family Residential) |
| North | Single-Family Residential | L (Low Density Residential) | R-1 (Single Family Residential) |

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|-------|-------------------------------|--------------------------------------|--|
| South | Condominium Development | ML (Medium Low Density Residential) | R-PD12 (Residential Planned Development 12 Units per Acre) |
| East | Condominium Development | ML (Medium Low Density Residential) | R-PD12 (Residential Planned Development 12 Units per Acre) |
| West | City of Las Vegas Public Park | PR-OS (Parks/ Recreation/Open Space) | C-V (Civic) |

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

ANALYSIS

This is a Rezoning proposal to change the zoning of the subject property from R-1 (Single Family Residential) to C-1 (Limited Commercial). The C-1 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 District is consistent with the Service Commercial and the Neighborhood Center categories of the General Plan.

The subject property is located within the Southeast Sector of the General Plan and has a current land use designation of SC (Service Commercial). The Service Commercial category 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.

The proposed Rezoning request will bring the subject property into conformance with the General Plan. The C-1 (Limited Commercial) zoning will provide additional opportunities for low intensity commercial uses to locate in a mature area with limited retail availability. As the proposed C-1 (Limited Commercial) zoning is compatible with the existing SC (Service Commercial) General Plan designation, staff recommends 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 proposed Rezoning is consistent with the existing SC (Service Commercial) designation as listed under the Southeast Sector Plan of 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 proposed retail uses are permitted under the proposed C-1 (Limited Commercial) zoning district will provide much needed shopping alternative and are compatible with the existing commercial uses to the northwest of the subject site.

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

The surrounding neighborhood is an established and mature area with limited surrounding retail uses, which indicates a need for low intensity commercial activities to locate in this area. The Rezoning of the site to the C-1 (Limited Commercial) zoning district is appropriate for the area and will bring the property into conformance with the 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.

The property will gain access from Washington Avenue and Pecos Road, both designated as 100-foot wide Primary Arterial roadways by the Master Plan of Streets and Highways. Both roadways will provide adequate site access.

PLANNING COMMISSION ACTION

There were no speakers in opposition at the Planning Commission meeting.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 7

ASSEMBLY DISTRICT 28

SENATE DISTRICT 10

NOTICES MAILED 598 by City Clerk

APPROVALS 6

PROTESTS 11