

*City of Las Vegas*

**AGENDA MEMO**

**PLANNING COMMISSION MEETING DATE: DECEMBER 18, 2008**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: ZON-31477 APPLICANT/OWNER: 2027 NORTH DECATUR,  
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 U (Undeveloped) zone [SC (Service Commercial) General Plan designation] to C-1 (Limited Commercial) zone on 0.51 acres at 2047 North Decatur Boulevard.

In addition to this request, the applicant has submitted a request for a Special Use Permit (SUP-31478) for a proposed Beer/Wine/Cooler Off-Sale Establishment in conjunction with a proposed 2,944 square-foot convenience store, and a request for a Site Development Plan Review (SDR-31479) for a proposed 12,422 square-foot single-story retail development with Waivers of the Building Placement and Orientation Standards and to allow a 24-foot section of the west perimeter landscape buffer to be 8 feet in width where 15 feet is required on 1.54 acres at the northwest corner of West Lake Mead Boulevard and North Decatur Boulevard. As the proposed C-1 (Limited Commercial) zoning district 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&amp;D, Fire, Bldg., etc.</i>	
03/15/00	The City Council approved a request for a Site Development Plan Review (SD-0037-99) for a proposed 3,660 square-foot addition to an existing 1,839 square-foot Auto Repair Garage, Minor at 2027 North Decatur Boulevard. The Planning Commission recommended denial.
12/02/03	Code Enforcement processed a complaint (#7253) for a wooden sign erected in the planter area at 2027 North Decatur Boulevard. The case was resolved on 03/15/04.
06/16/04	The City Council approved a request for a Special Use Permit (SUP-4195) for an existing Auto Repair Garage, Minor at 2027 North Decatur Boulevard. The Planning Commission recommended approval.
08/03/05	The City Council approved a petition to Annex (ANX-6550) land generally located at the southwest corner of Decatur Boulevard and Sawyer Avenue. The Planning Commission recommended approval.
09/07/05	The City Council approved a request for a Site Development Plan Review (SDR-6940) for a proposed 12,776 square-foot commercial development and Waivers of the parking lot, foundation, and perimeter landscaping requirements and a Waiver of the commercial design standards to allow a 10-foot corner side setback where 15 feet is required, and request for a Rezoning (ZON-7051) from U (Undeveloped) Zone [SC (Service Commercial) General Plan designation] to C-1 (Limited Commercial) on 1.5 acres adjacent to the northeast corner of Lake Mead Boulevard and Decatur Boulevard. The Planning Commission recommended approval.

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01/03/07	Code Enforcement processed a complaint (#48898) for illegal signage along Decatur Boulevard from Rancho Drive to Vegas Drive. The case was resolved on 01/22/07.
01/30/08	Code Enforcement processed a complaint (#61961) to check the area of Sawyer Avenue and North Decatur Boulevard for all possible violations. The case was resolved on 03/06/08.
02/04/08	Code Enforcement processed a complaint (#62035) for refuse and waste on the vacant lots located at 2037 and 2047 North Decatur Boulevard. The case was resolved on 02/21/08.
02/20/08	Code Enforcement processed a complaint (#62513) for the vacant lots located at 2037 and 2047 North Decatur Boulevard being used as dumping sites. The case was resolved on 02/21/08.
02/25/08	Code Enforcement processed a complaint (#62635) for people driving up to the vacant lots located at 2037 and 2047 North Decatur Boulevard and performing illegal dumping. The case was resolved on 03/06/08.
07/02/08	The City Council approved a Required Review of an approved Special Use Permit (SUP-4195) for an existing Auto Repair Garage, Minor at 2027 North Decatur Boulevard.
08/06/08	The City Council approved a Required Review of an approved Special Use Permit (SUP-4195) for an existing Auto Repair Garage, Minor at 2027 North Decatur Boulevard.
<b><i>Related Building Permits/Business Licenses</i></b>	
08/22/96	A business license (#G02-00663) was issued for a minor auto repair facility at 2027 North Decatur Boulevard.
02/07/03	A business license (#T24-00396) was issued for a temporary merchant / flower sales at 2027 North Decatur Boulevard. The license was marked out on 05/16/07.
<b><i>Pre-Application Meeting</i></b>	
10/21/08	A pre-application meeting was held where the submittal requirements for a Rezoning application were discussed.
<b><i>Neighborhood Meeting</i></b>	
A neighborhood meeting was not required, nor was one held.	

<b><i>Field Check</i></b>	
11/06/08	Staff performed a routine field check where graffiti was noted on the walls adjacent to the vacant lots, the perimeter landscaping around the existing automotive repair facility appeared to be deficient of the required shrubbery, and non-permitted temporary signage (A-frame type) was noted on the vacant parcel next to the automotive repair facility.

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<b>Details of Application Request</b>					
<b>Site Area</b>					
Net Acres	1.51				
<b>Surrounding Property</b>	<b>Existing Land Use</b>	<b>Planned Land Use</b>	<b>Existing Zoning</b>		
Subject Property	Automotive Repair Garage & Vacant Land	SC (Service Commercial)	C-1 (Limited Commercial) & U (Undeveloped) zone [SC (Service Commercial) General Plan designation]		
North	Restaurant	SC (Service Commercial)	C-1 (Limited Commercial)		
South	Restaurant & Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)		
East	Single-Family Residences, Office, Retail, & Las Vegas Valley Water District Facility	ML (Medium Low Density Residential) & SC (Service Commercial)	R-PD8 (Residential Planned Development 8 Units Per Acre) & R-1 (Single Family Residential) & C-1 (Limited Commercial)		
West	Office & Single-Family Residential	SC (Service Commercial) & DR [(Desert Rural) Clark County]	C-1 (Limited Commercial) & R-E [(Rural Estates) Clark County]		
<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		Y
A-O (Airport Overlay) District 70 Feet			X		Y
<b>Trails Pedestrian Path</b>			X		Y
<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

**A-O (Airport Overlay) District 70 Feet**

No structure shall be erected, altered or maintained on any parcel within the boundaries of the Airport Overlay District that would violate the height limitations defined by the McCarran Airport Overlay Map and the North Las Vegas Airport Overlay Map. The subject site is within the 70-foot contour limitations and does not violate the height limitations. The tallest elevation of the proposed building is 30.67 feet in height and is in compliance with the Airport Overlay District.

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## **ANALYSIS**

This is a Rezoning request to change the zoning of the subject property from U (Undeveloped) zone [SC (Service Commercial) General Plan designation] to C-1 (Limited Commercial). 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 category of the General Plan.

The subject property is located within the Southwest 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 proposed C-1 (Limited Commercial) zoning is compatible with the existing SC (Service Commercial) General Plan designation as well as the adjacent and surrounding commercially zoned properties. The C-1 (Limited Commercial) zoning will provide additional opportunities for low to medium intensity retail uses to locate in a developed area on the periphery of a residential neighborhood.

## **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) land use designation as listed under the Southwest 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 development is permitted under the proposed C-1 (Limited Commercial) zoning district, while the proposed Beer/Wine/Cooler Off-Sale Establishment is a permitted use with the approval of a Special Use Permit. Both proposed uses are compatible with the surrounding land uses and zoning districts.

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

The surrounding neighborhood is an established area with office and retail uses. 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.**

Adequate access to the site is provided from Decatur Boulevard and Lake Mead Boulevard, both are 100-foot Primary Arterials as defined by the Master Plan of Streets and Highways.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED**                      7

**ASSEMBLY DISTRICT**                      6

**SENATE DISTRICT**                      4

**NOTICES MAILED**                      897

**APPROVALS**                      1

**PROTESTS**                      5