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December 3, 2008

City of Las Vegas Planning & Development  
Development Services Center  
Permits and Inspections, Plans Examination Division  
731 S. Fourth Street  
Las Vegas, NV 89101

Attn: Nicole Eddowes, Planner I

Re: **Justification letter for Rezone (C1 and U to C1), Special Use Permit (to allow Beer/Wine Off Sale) and Site Plan Development Review (to construct a 12,423 s.f. single story Retail Shopping Center at the NWC of Lake Mead & Decatur APN#'s 138-24-611-060, 061, 062**

**Overview:**

The project that we are submitting for your review depicts a proposed single story, grey shell retail shopping center building at the NWC of Lake Mead & Decatur. Currently, this site is three separate parcels. The two southerly parcels are currently zoned C1 (SC), the northerly parcel is zoned U (SC). Ultimately, these 3 parcels will be combined into one. The project has been previously submitted under the Site Development Review, SDR-15322, in 2006.

**Rezone U to C1**

The northern parcel (138-24-611-060) was under a resolution of intent U to C1 which expired 9/7/07. This rezone application updates the previous request and unifies the zoning on the three parcels. This request is in conformance with the General Plan designation of SC and is entirely consistent with the surrounding zoning for all four corners of the Lake Mead/Decatur intersection.

**Special Use Permit**

The current project has a letter of intent from 7-11 to lease the corner 3000 s.f. suite of the center for a convenience store that will have beer/wine sales for off premises consumption. This use is consistent with the other uses at this intersection of two-section line streets. The tenant is a well established company that will be signing a long lease and will provide the anchor for the center.

**Site Plan Development Review**

Currently on the site is an auto care use which will be demolished and replaced with a less intensive retail use. The exterior elevations depict a modern, single story wood framed stucco building that will have slate tile veneer and metal awnings. Two standing seam metal accent roofs will act as focal points along the east elevation – indentifying the major tenant suites.

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The project meets almost all City regulations including the proper residential adjacency setbacks to the residential property to the west. Intense landscaping has been provided along the entire west side that will further buffer the residential from the commercial use.

As part of the previous application (SDR-15322), a neighborhood meeting was held in August of 2006. The residents expressed their biggest concern which was that no driveways be allowed on Sawyer Avenue. This design respects that concern and has driveways only on the Lake Mead and Decatur frontages.

#### **Waiver of Standard Request**

We are requesting two waivers:

1. We request that the requirements of the Las Vegas Zoning Code 19.08.050.D.2.e.i be waived in this case. This code section requires that "...buildings on corner lots should be oriented to the corner and street fronts...". On this lot, due to the fact that no access is allowed on Sawyer to accommodate the wishes of the residential neighbors to the west and that this is a relatively small site – this requirement is difficult to achieve. That and the fact that this is the last of the corners at this intersection to be developed with the other three corners having their buildings set back from the corner and street fronts. We feel this waiver request is justified due to the constraints of residential adjacency and satisfaction of neighbors concerns that have been placed on such a small site along with the strong precedent of the other developed corners.
2. We request that the requirements of the Las Vegas Zoning Code 19.12.040.A.1 be waived in this case. This code section requires that "...when adjacent to...an existing single family residential use...the (landscape) buffer shall be...15 feet...". We are asking that only a 24 foot section be reduced by 4' to facilitate back out space for the last parking stall. The required amount of planting will still be provided. We feel this is justified due to the minimal adjustment from literal compliance.

#### **Conclusion**

This project serves to upgrade this commercial corner, complete a consistent zoning pattern and provide a smooth transitional use from the residential to the west to the commercial street frontage of two major section line streets. Sufficient landscape buffering and a clean modern design will make this a completely appropriate development at this location.

We respectfully request your consideration in this matter. If you have any questions or comments please call.

Sincerely,

  
**John Burke Architect**

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