



AGENDA MEMO

CITY COUNCIL MEETING DATE: MAY 6, 2009

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: GPA-33542 - APPLICANT/OWNER: RED CARD, LLC

**** CONDITIONS ****

The Planning Commission (6-0 vote) and staff recommend DENIAL.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request to Amend a portion of the Southwest Sector Plan of the General Plan from SC (Service Commercial) to GC (General Commercial) on 0.87 acres at 8490 Westcliff Drive. In addition to this application, the applicant has submitted a request for a Rezoning (ZON-33543) from C-1 (Limited Commercial) to C-2 (General Commercial), a Special Use Permit (SUP-33544) for a Truck Rental establishment and a Major Amendment (SDR-33546) to an approved Site Development Plan Review (Z-0110-90) to eliminate required landscape and to add truck storage for a proposed Truck Rental Establishment in conjunction with an existing Convenience Store and Restaurant. Staff has determined that the proposed General Plan Amendment would create an isolated General Plan land use designation of GC (General Commercial), with the nearest related uses located approximately 1,800 feet to the west at Alta Drive and Rampart Boulevard. The proposed General Plan designation is not compatible with the surrounding land use designations and zoning districts, as the uses allowed by the GC (General Commercial) designation much more intense; therefore, staff recommends denial of this request.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
11/07/90	The City Council approved a Rezoning (Z-0110-90) from N-U (Non-Urban) to C-1 (Limited Commercial) on property located at the northeast corner of Westcliff Drive and Durango Drive. The Planning Commission and staff recommended approval of this request.
06/25/91	The Planning Commission accepted a withdrawal of a Plot Plan and Building Elevation Review [Z-0110-90(1)] for a proposed Shopping Center located at the northeast corner of Westcliff Drive and Durango Drive.
04/01/92	The City Council approved a Reinstatement and Extension of Time [Z-0110-90(2)] of an approved Rezoning (Z-0110-90) from N-U (Non-Urban) to C-1 (Limited Commercial) on property located at the northeast corner of Westcliff Drive and Durango Drive. The Planning Commission and staff recommended approval of this request.
04/30/92	The City Council approved a Special Use Permit (U-0036-92) to allow the sale of beer and wine, and the sale of gasoline, in conjunction with a proposed Convenience Store, and to allow a proposed Tavern on property located at the northeast corner of Westcliff Drive and Durango Drive. The Board of Zoning Adjustment and staff recommended approval of this request.

05/19/93	The City Council approved an Extension of Time [Z-0110-90(3)] of an approved Rezoning (Z-0110-90) from N-U (Non-Urban) to C-1 (Limited Commercial) on property located at the northeast corner of Westcliff Drive and Durango Drive. The Planning Commission and staff recommended approval of this request.
06/04/93	The City Council approved an Extension of Time [U-0036-92(1)] for an approved Special Use Permit (U-0036-92) for the sale of beer and wine and the sale of gasoline, in conjunction with a proposed convenience store; and for a proposed Tavern on property located at the northeast corner of Westcliff Drive and Durango Drive. The Board of Zoning Adjustment and staff recommended approval of this request.
05/12/94	The Planning Commission approved a Plot Plan and Building Elevation Review [Z-0110-90(5)] for a temporary construction trailer to be located at the northeast corner of Westcliff Drive and Durango Drive. Staff recommended approval of this request.
05/18/94	The City Council approved an Extension of Time [Z-0110-90(4)] of an approved Rezoning (Z-0110-90) from N-U (Non-Urban) to C-1 (Limited Commercial) on property located at the northeast corner of Westcliff Drive and Durango Drive. The Planning Commission and staff recommended approval of this request.
06/09/94	The City Council approved an Extension of Time [U-0036-92(2)] for an approved Special Use Permit (U-0036-92) for the sale of beer and wine and the sale of gasoline, in conjunction with a proposed convenience store; and for a proposed Tavern on property located at the northeast corner of Westcliff Drive and Durango Drive. The Board of Zoning Adjustment and staff recommended approval of this request.
03/19/08	The City Council approved a Special Use Permit (SUP-25955) for a Package Liquor Off-Sale Establishment in conjunction with an existing Convenience Store at 8490 Westcliff Drive. The Planning Commission and staff recommended approval of this request.
04/09/09	The Planning Commission recommended denial of companion items ZON-33543, SUP-33544 and SDR-33546 concurrently with this application. The Planning Commission voted 6-0 to recommend DENIAL (PC Agenda Item #27/dc).
<i>Related Building Permits/Business Licenses</i>	
08/15/97	A building permit (#97016880) was issued for a new building certificate of occupancy at 8490 Westcliff Drive. The permit received final approval 03/31/98.
08/15/97	A building permit (#97016881) was issued for onsite improvements at 8490 Westcliff Drive. The permit received final approval 03/05/98.
12/22/97	A building permit (#97025190) was issued for a new commercial building at 8490 Westcliff Drive. The permit received final approval 02/10/98.
01/21/98	A building permit (#98001099) was issued for exterior wall signage at 8490 Westcliff Drive. The permit received final approval 03/03/98

03/24/98	A building permit (#98006012) was issued for a sign at 8490 Westcliff Drive. The permit expired 03/11/00 without receiving final approval.
04/23/99	A building permit (#99007845) was issued for a 6.25 square-foot exterior wall sign at 8490 Westcliff Drive. The permit received final approval 02/23/00.
06/12/02	A building permit (#02010547) was issued for a channel letter wall sign and light band at 8490 Westcliff Drive. The permit expired 12/14/02 without receiving final approval.
07/31/02	A building permit (#02013792) was issued for a tenant improvement remodel at 8490 Westcliff Drive. The permit received final approval 09/25/02.
05/20/03	A building permit (#03010225) was issued for a sign at 8490 Westcliff Drive. The permit received final approval on 08/22/03.
05/21/03	A building permit (#03010265) was issued for a water kiosk at 8490 Westcliff Drive. The permit received final approval on 10/09/03.
12/09/03	A business license (#P35-00642) was issued for a pay phone location at 8490 Westcliff Drive. The license is currently active.
10/19/05	A building permit (#05007416) was issued for a kitchen remodel at 8490 Westcliff Drive. The permit received final approval on 01/27/06.
09/26/06	A building permit (#06006102) was issued for a sign at 8490 Westcliff Drive. The permit expired 03/31/07 without receiving final approval.
10/05/06	A building permit (#06006269) was issued for a sign at 8490 Westcliff Drive. Final approval of this permit was rejected 04/02/07 and the permit subsequently expired 09/29/07.
10/05/06	A business license (#L10-00264) was issued for beer/wine/cooler off-sale at 8490 Westcliff Drive. The license was marked out 03/20/08.
10/24/06	A business license (#G01-02269) was issued for restricted gaming at 8490 Westcliff Drive. The license is currently active.
11/07/06	A business license (#C15-00312) was issued for a convenience store/deli at 8490 Westcliff Drive. The license is currently active.
11/20/06	A business license (#C05-02255) was issued for retail tobacco sales at 8490 Westcliff Drive. The license is currently active.
05/24/07	A building permit (#07001743) was issued for a sign at 8490 Westcliff Drive. The permit received final approval 09/20/07.
03/26/08	A business license (#L15-00141) was issued for package liquor sales at 8490 Westcliff Drive. The license is currently active.
04/19/08	A business license (#C08-01795) was issued for amusement machines at 8490 Westcliff Drive. The license is currently active.
05/22/08	A building permit (#08000183) was issued for a sign at 8490 Westcliff Drive. The permit received final approval 08/12/08.
08/06/08	A business license (#R07-00831) was issued for a restaurant at 8490 Westcliff Drive. The license is currently active.
01/08/08	A Code Enforcement complaint (#70530) was processed for signage on city property. The case was resolved 10/10/08.

<i>Pre-Application Meeting</i>	
02/04/09	A pre-application meeting was held with the applicant where the submittal requirements of a General Plan Amendment, Rezoning, Special Use Permit and a Site Development Plan Review were discussed.
<i>Neighborhood Meeting</i>	
03/10/09	A neighborhood meeting was held on Tuesday March 10, 2009 at 5:30 pm at the La Petite Academy, Training Room, located at 8451 Boseck Drive, Las Vegas, Nevada 89145. There was one representative of the applicant and one member of the Planning and Development Department in attendance at the meeting. There were no members of the general public present. The meeting was called to an end at 6:00 PM.
<i>Field Check</i>	
03/05/09	A field check was conducted by staff at the subject site. The subject property contained an existing Convenience Store with Fuel Pumps and a Restaurant within a single building. While the site was generally clean, staff noted that the window signage exceeded the 25% coverage permitted by Title 19.14, and the total area of wall signage exceeded the 20% maximum permitted by Title 19.14. In addition, a non-permitted wooden sign was noted at the northwest corner of the site fronting Durango Drive, the trash enclosure was missing the required screening gate, along with four rental trucks and two rental trailers parked on site.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	0.87

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Convenience Store and Restaurant	SC (Service Commercial)	C-1 (Limited Commercial)
North	Office	SC (Service Commercial)	C-1 (Limited Commercial)
South	Single-Family Residences	ML (Medium Low Density Residential)	R-CL (Single Family Compact-Lot)
East	Tavern	SC (Service Commercial)	C-1 (Limited Commercial)
West	Golf Course and Detention Basin [Approved Park and Ride Facility (SDR-26815) and Community Recreational Facility (SDR-27898)]	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		X	N/A
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

The subject site is located in the Southwest Sector of the General Plan and has a current General Plan designation of SC (Service Commercial). This is a proposal to amend the General Plan designation to GC (General Commercial). The General Commercial category generally allows retail, service, wholesale, office and other general business uses of a more intense commercial character. These uses may include outdoor storage or display of products or parts, noise, lighting or other characteristics not generally considered compatible with adjoining residential areas without significant transition. Examples include new and used car sales, recreational vehicle and boat sales, car body and engine repair shops, mortuaries, and other highway uses such as hotels, motels, apartment hotels and similar uses. The General Commercial category allows Service Commercial uses, and may also allow Mixed-Use development with a residential component where appropriate.

A companion application to Rezone (ZON-33543) the site from the C-1 (Limited Commercial) district to the C-2 (General Commercial) district has also been submitted by the applicant. The proposed C-2 (General Commercial) district is designed to provide the broadest scope of compatible services for both the general and traveling public. This category allows retail, service, automotive, wholesale, office and other general business uses of an intense character, as well as mixed-use developments. This district should be located away from low and medium density residential development and may be used as a buffer between retail and industrial uses. The C-2 (General Commercial) district is also appropriate along commercial corridors. The C-2 (General Commercial) district is consistent with the General Commercial category of the General Plan.

With the approval of this proposed General Plan Amendment to the GC (General Commercial) land use designation and Rezoning (ZON-33543) to the C-2 (General Commercial) zoning district, the existing Convenience Store and Restaurant uses are permissible while the proposed Truck Rental establishment is a permissible use upon the approval of a Special Use Permit. The surrounding parcels to the north and east carry a SC (Service Commercial) General Plan land use designation, with a related zoning district of C-1 (Limited Commercial), while the parcels to the south are single-family residences with a General Plan land use designation of ML (Medium Low Density Residential), with a related zoning district of R-CL (Single Family Compact-Lot). The parcel to the west has been approved for a 472-square-foot Community Recreation Facility and a 141-space Park and Ride facility on property with a General Plan land use designation of PR-OS (Parks/Recreation/Open Space) and a related zoning district of C-V (Civic).

This request to amend a portion of the Southeast Sector Plan of the General Plan from SC (Service Commercial) to GC (General Commercial) is inconsistent with the surrounding land uses and will result in an isolated land use designation for the subject property. The range of uses permitted within a GC (General Commercial) land use designation are much more intense than those permitted under the current land use designation and will have a negative impact on the surrounding area; therefore, staff recommends denial of this request.

FINDINGS

Section 19.18.030.I of the Las Vegas Zoning Code requires that the following conditions be met in order to justify a General Plan Amendment:

1. The density and intensity of the proposed General Plan Amendment is compatible with the existing adjacent land use designations,
2. The zoning designations allowed by the proposed amendment will be compatible with the existing adjacent land uses or zoning districts,
3. There are adequate transportation, recreation, utility, and other facilities to accommodate the uses and densities permitted by the proposed General Plan Amendment; and
4. The proposed amendment conforms to other applicable adopted plans and policies that include approved neighborhood plans.

In regard to 1:

The proposed GC (General Commercial) General Plan designation for the subject property is not compatible with the existing SC (Service Commercial) properties that surround the site. The increase in the intensity of allowable uses will create an incompatibility and inconsistency with the surrounding area.

In regard to 2:

The C-2 (General Commercial) zoning designation allowed by the proposed General Plan Amendment will be much more intense than the zoning districts permitted by the surrounding SC (Service Commercial) land use designations. The C-2 (General Commercial) zoning district will be the most intense zoning district within the surrounding area and will permit the broadest scope of commercial development, and therefore, is not compatible with the surrounding uses.

In regard to 3:

Access to the site is provided by Westcliff Drive and Durango Drive, both 100-foot Primary Arterials as designated by the Master Plan of Streets and Highways. The subject property is located within an area of the City where all utilities, fire and police services are currently in place and available. Therefore, there are adequate facilities available to accommodate the uses and densities permitted by the proposed General Plan Amendment.

In regard to 4:

No other plans apply to this site.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

ASSEMBLY DISTRICT 34

SENATE DISTRICT 8

NOTICES MAILED 288 by City Clerk

APPROVALS 1

PROTESTS 7