



AGENDA MEMO

CITY COUNCIL MEETING DATE: SEPTEMBER 2, 2009

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: EOT-35333 EXTENSION OF TIME REZONING APPLICANT:
PLATINUM REALTY AND DEVELOPMENT - OWNER: CRAIG 95 LLC**

**** CONDITIONS ****

STAFF RECOMMENDATION: APPROVAL

**** STAFF REPORT ****

PROJECT DESCRIPTION

The subject site is currently undeveloped with a previously approved Rezoning (ZON-19647) from U (Undeveloped) [SC (Service Commercial) General Plan Designation] to C-1 (Limited Commercial) on 3.53 acres on the south side of Craig Road, west of the U.S. 95 Freeway. The Rezoning to C-1 (Limited Commercial) aligns with the General Plan designation of SC (Service Commercial). The site has an approved Site Development Plan Review (SDR-25484) for a shopping center with entitlements that include a pawnshop and restaurant with drive-through. There has been some new development in the surrounding area for a Beer/Wine/Cooler On-Sale establishment within an existing Restaurant at 7121 West Craig Road, and a Supper Club at 4450 North Tenaya Way.

The applicant is requesting a five-year extension of time to allow for the construction of the project, which has been delayed due to poor economic conditions. Staff is recommending approval of the Extension of Time request with a two-year time limit.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
01/21/04	The City Council approved a request for Rezoning (ZON-3197) from U (Undeveloped) [SC (Service Commercial) General Plan Designation] to C-1 (Limited Commercial) on 3.53 acres adjacent to the southwest corner of Craig Road and U.S. 95 Freeway. The Planning Commission recommended approval on 12/18/03.
11/17/04	The City Council approved a request for a Special Use Permit (SUP-4694) for a 40-foot tall, 14-foot by 48-foot Off-Premise Sign at 7075 West Craig Road. The Planning Commission recommended approval on 09/23/04.
08/01/07	The City Council approved a request for a Site Development Plan Review (SDR-19643) for a 37,925 square-foot commercial center and waivers of perimeter landscape buffer standards to allow no landscaping along the south and east property lines where an eight-foot wide buffer is required and a two-foot wide buffer along a portion of the north property line where an eight-foot wide buffer is required on 3.53 acres on the south side of Craig Road, west of U.S. 95. The Planning Commission recommended approval on 04/12/07.

08/01/07	The City Council approved a request for Rezoning (ZON-19647) from U (Undeveloped) [SC (Service Commercial) General Plan Designation] to C-1 (Limited Commercial) on 3.53 acres on the south side of Craig Road, west of U.S. 95. The Planning Commission recommended approval on 04/12/07.
02/28/08	The Planning Commission approved a request for a Major Amendment of a previously approved Site Development Plan Review (SDR-25484) for a proposed 41,097 square-foot shopping center on 3.53 acres adjacent to the south side of Craig Road, west of U.S. 95.
10/01/08	The City Council approved a request for a Special Use Permit (SUP-29027) for a proposed Pawnshop with a waiver to allow a zero-foot distance separation to another Financial Institution specified where 1,000 feet is required at the southwest corner of U.S. 95 and Craig Road. The Planning Commission recommended approval on 08/28/08.
12/18/08	A Code Enforcement case (72905) was processed for refuse and waste on property at 7075 West Craig Road. Code Enforcement closed the case on 01/15/09.
01/07/09	The City Council approved a request for a Required Review (RQR-30484) of a previously approved Special Use Permit (SUP-4694) for a 40-foot tall, 14-foot by 48-foot Off-premise Sign at 7075 West Craig Road. The Planning Commission recommended approval on 12/04/08.
07/09/09	The Planning and Development Department administratively approved a request for a Minor Site Development Plan Review (SDR-34582) for a restaurant with drive-through and a reduction in square footage of an approved shopping center with a waiver to allow a zero-foot perimeter landscape buffer where two feet was approved on 3.53 acres adjacent to the south side of Craig Road, west of U.S. 95.
<i>Related Building Permits/Business Licenses</i>	
05/08/09	A building permit (139191) was issued for rough grading at 7075 West Craig Road. The permit is still active.
05/05/09	Plan Check #34408 was processed for a retail center (building shells and on sites) at 7075 West Craig Road.
<i>Pre-Application Meeting</i>	
A pre-application meeting is not required for this type of application, nor was one held.	
<i>Neighborhood Meeting</i>	
A neighborhood meeting is not required for this type of application, nor was one held.	
<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	3.53

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped Land- Proposed Shopping Center	SC (Service Commercial)	U (Undeveloped) [SC (Service Commercial) General Plan Designation] with a Resolution of Intent to C- 1 (Limited Commercial)
North	Undeveloped Land	SC (Service Commercial)	C-1 (Limited Commercial)
South	Retail Establishments and Tavern	SC (Service Commercial)	C-1 (Limited Commercial)
East	U.S. 95 Freeway	ROW (Right-of- Way)	ROW (Right-of-Way)
West	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)

<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			
A-O (Airport Overlay) District (175 feet)	X		Y
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 the first request for an Extension of Time of a previously approved Rezoning (ZON-19647) from U (Undeveloped) [SC (Service Commercial) General Plan Designation] to C-1 (Limited Commercial) on 3.53 acres on the south side of Craig Road, west of U.S. 95 for a proposed shopping center. Since the approval of the Rezoning (ZON-19647), the applicant has been issued a building permit (#139191) for rough grading of the site.

Title 19.18.040 allows an extension of time or reinstatement of zoning approval as long as the zoning continues to conform to the use and density classification of the General Plan, and remains

consistent with the surrounding area and pattern of development.

FINDINGS

The applicant is requesting an extension of time due to the poor economic conditions in the area. The rezoning conforms to the use and density classification of SC (Service Commercial) and is consistent with the surrounding area and pattern of development; therefore, staff is recommending approval of the Extension of Time with a two-year time limit.

<u>NEIGHBORHOOD ASSOCIATIONS NOTIFIED</u>	N/A
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<u>ASSEMBLY DISTRICT</u>	N/A
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<u>SENATE DISTRICT</u>	N/A
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<u>NOTICES MAILED</u>	N/A
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<u>APPROVALS</u>	0
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<u>PROTESTS</u>	0
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