



**AGENDA MEMO**

**PLANNING COMMISSION MEETING DATE: JUNE 11, 2009**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: ABYANCE - ZON-33765 - APPLICANT/OWNER: BASHIR AFZALI**

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**\*\* CONDITIONS \*\***

**STAFF RECOMMENDATION: APPROVAL.**

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**June 11, 2009 - Planning Commission Meeting**

**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

This is a request for Rezoning from R-E (Residence Estates) to C-1 (Limited Commercial) on 0.58 acres on the east side of Martin L. King Boulevard, approximately 500 feet north of Washington Avenue. Staff is recommending approval of the Rezoning request as the subject site is located along a 100-foot Primary Arterial within an area that has a C (Commercial) General Plan land use designation, and is already in the process of transition from residential to commercial uses. The proposed C-1 (Limited Commercial) zoning district is consistent with the existing land use designation, and will provide a buffer between a busy arterial street and existing residential neighborhoods to the east.

**BACKGROUND INFORMATION**

| <i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|--------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 12/01/04                                                           | The City Council approved a request for Rezoning (ZON-5222) from R-E (Residence Estates) to C-1 (Limited Commercial) on 0.58 acres located between 1000-1100 Martin L. King Boulevard. The Planning Commission recommended approval. The Resolution of Intent expired on 12/01/06.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| 12/01/04                                                           | The City Council denied requests for a Site Development Plan Review (SDR-5223) with a Waiver of perimeter buffering and landscaping standards and a Special Use Permit (SUP-5225) for a proposed Smog Check and Car Wash, Self Service on 0.58 acres located between 1000-1100 Martin L. King Boulevard. The Planning Commission recommended approval.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 04/23/09                                                           | The Planning Commission, at the request of the applicant, abeyed requests for a Rezoning (ZON-33765) from R-E (Residence Estates) to C-1 (Limited Commercial); a Variance (VAR-33768) to allow a 20-foot rear yard setback where Residential Adjacency standards require 35 feet; a Variance (VAR-33771) to allow 32 parking spaces and zero loading spaces where 36 parking spaces and one loading space are required; and a Site Development Plan Review (SDR-33767) for a proposed 6,232 square-foot commercial building with Waivers of the perimeter landscape buffer standards to allow buffers of 10 feet where 15 feet is required along the west perimeter and five feet where eight feet is required along the north and south perimeters and a Waiver of the building placement and orientation standards on 0.58 acres on the east side of Martin L. King Boulevard, approximately 500 feet north of Washington Avenue. |

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|          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|----------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 05/14/09 | The Planning Commission, at the request of the applicant, abeyed requests for a Rezoning (ZON-33765) from R-E (Residence Estates) to C-1 (Limited Commercial); a Variance (VAR-33768) to allow a 20-foot rear yard setback where Residential Adjacency standards require 35 feet; a Variance (VAR-33771) to allow 32 parking spaces and zero loading spaces where 36 parking spaces and one loading space are required; and a Site Development Plan Review (SDR-33767) for a proposed 6,232 square-foot commercial building with Waivers of the perimeter landscape buffer standards to allow buffers of 10 feet where 15 feet is required along the west perimeter and five feet where eight feet is required along the north and south perimeters and a Waiver of the building placement and orientation standards on 0.58 acres on the east side of Martin L. King Boulevard, approximately 500 feet north of Washington Avenue. |
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***Related Building Permits/Business Licenses***

There are no related building permits or business licenses associated with the subject site.

***Pre-Application Meeting***

|          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|----------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 12/16/08 | <p>A pre-application meeting was held to discuss the submittal requirements for a Rezoning and Site Development Plan Review and Variances:</p> <ul style="list-style-type: none"> <li>• Required setbacks, Residential Adjacency issues and parking requirements.</li> <li>• Perimeter landscape buffer Waivers required.</li> <li>• Parking lot landscaping Exceptions required.</li> <li>• Preference for a single driveway, with required throat depth.</li> </ul> |
|----------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

***Neighborhood Meeting***

A neighborhood meeting was neither required nor held for this request.

***Field Check***

|          |                                                                                                                                                                               |
|----------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 03/19/09 | A field check was conducted by staff. The subject site is an undeveloped parcel. There is an unpermitted chain link fence along the front of the lot, as well as some debris. |
|----------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

***Details of Application Request***

***Site Area***

|             |            |
|-------------|------------|
| Gross Acres | 0.58 Acres |
|-------------|------------|

| Surrounding Property | Existing Land Use | Planned Land Use | Existing Zoning          |
|----------------------|-------------------|------------------|--------------------------|
| Subject Property     | Undeveloped       | C (Commercial)   | R-E (Residence Estates)  |
| North                | Shopping Center   | C (Commercial)   | C-1 (Limited Commercial) |

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|       |                          |                               |                          |
|-------|--------------------------|-------------------------------|--------------------------|
| South | Retail Shops             | C (Commercial)                | C-1 (Limited Commercial) |
| East  | Single-Family Residence  | C (Commercial)                | R-E (Residence Estates)  |
| West  | Single-Family Residences | R (Rural Density Residential) | R-E (Residence Estates)  |

| <i>Special Districts/Zones</i>                    | <i>Yes</i> | <i>No</i> | <i>Compliance</i> |
|---------------------------------------------------|------------|-----------|-------------------|
| <b>Special Area Plan</b>                          |            |           |                   |
| West Las Vegas Plan                               | X          |           | Y                 |
| <i>Special Districts/Zones</i>                    | <i>Yes</i> | <i>No</i> | <i>Compliance</i> |
| <b>Special Purpose and Overlay Districts</b>      |            |           |                   |
| A-O Airport Overlay District (140 Feet)           | X          |           | Y                 |
| <b>Trails</b>                                     |            | X         | N/A               |
| <b>Rural Preservation Overlay District</b>        | X          |           | Y                 |
| <b>Development Impact Notification Assessment</b> |            | X         | N/A               |
| <b>Project of Regional Significance</b>           |            | X         | N/A               |

## DEVELOPMENT STANDARDS

*Pursuant to Title 19.08, the following standards apply:*

| <i>Standard</i> | <i>Required/Allowed</i> | <i>Provided</i> | <i>Compliance</i> |
|-----------------|-------------------------|-----------------|-------------------|
| Min. Lot Size   | N/A                     | 25,164 SF       | Y                 |
| Min. Lot Width  | 100 Feet                | 190 Feet        | Y                 |

## ANALYSIS

This is a request for Rezoning from R-E (Residence Estates) to C-1 (Limited Commercial) on 0.58 acres on the east side of Martin L. King Boulevard, approximately 500 feet north of Washington Avenue. A previous Rezoning (ZON-5222) to C-1 (Limited Commercial) was approved on 12/01/04, but the Resolution of Intent was allowed to expire after two years. The subject site is within a Rural Preservation Overlay District buffer area. The east side of Martin L. King Boulevard has a General Plan designation of C (Commercial), and falls within the Las Vegas Redevelopment Plan area. In addition, Martin L. King Boulevard is in the process of being widened to 100 feet, which meets the Title 19.06.150(B)(2) exception to maintaining the rural character of the area. These growth and development factors provide cause for this request for a greater intensity of use to be considered for approval pursuant to Title 19.06.150(C). Staff is recommending approval of this request as the subject site is located along a 100-foot Primary Arterial within an area that has a C (Commercial) General Plan land use designation, and is already in the process of transition from residential to commercial use. The proposed C-1 (Limited Commercial) zoning district is consistent with the existing land use designation, and

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will provide a buffer between a busy arterial street and existing residential neighborhoods to the east.

**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 C-1 (Limited Commercial) zoning district is consistent with the C (Commercial) General Plan land use designation.

**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 uses allowed by the C-1 (Limited Commercial) zoning district are compatible with the surrounding land uses and zoning districts, and will provide a buffer between a busy arterial street and existing residential neighborhoods to the east.

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

The area along Martin L. King Boulevard where the subject site is located is in the process of transition from residential uses to more intense commercial uses; therefore, the request for Rezoning is appropriate.

**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 site is accessed by a single driveway to Martin L. King Boulevard, which is designated as a 100-foot Primary Arterial by the Master Plan of Streets and Highways, and will have no direct access to the adjacent residential neighborhoods. It is adequate in size to meet the requirements of the C-1 (Limited Commercial) zoning district.

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**NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 21

**ASSEMBLY DISTRICT** 6

**SENATE DISTRICT** 4

**NOTICES MAILED** 161

**APPROVALS** 3

**PROTESTS** 3