



AGENDA MEMO

PLANNING COMMISSION MEETING DATE: DECEMBER 17, 2009

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: ABEYANCE - GPA-35866 - APPLICANT/OWNER: CT-1, LLC

**** CONDITIONS ****

STAFF RECOMMENDATION: APPROVAL

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**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a General Plan Amendment to amend a portion of the Centennial Hills Sector of the General Plan from L (Low Density Residential) to SC (Service Commercial) at 7204 West Craig Road. An associated request to Rezone (ZON-35867) the site from R-E (Residence Estates) to C-1 (Limited Commercial) has also been submitted, to be consistent with the proposed land use designation. The subject site has a current land use designation of L (Low Density Residential), is zoned R-E (Residence Estates) and contains a single-family residence. The proposed land use designation of SC (Service Commercial) would allow uses that are compatible with the existing surrounding land uses and staff is recommending approval. If denied, the associated Rezoning (ZON-35867) would have to be denied, and the site would remain as a single-family residential use.

ISSUES

- The proposed SC (Service Commercial) General Plan designation is consistent with the proposed C-1 (Limited Commercial) zoning district proposed in Rezoning (ZON-35867), which will allow more intense uses and would be compatible with the surrounding commercial land uses; therefore, staff is recommending approval of the request.
- Approval of an associated Rezoning (ZON-35867) is required, if this request is approved.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc and Property Sales</i>	
10/18/06	The City Council approved a request for an Annexation (ANX-15018) of approximately 1.0 acres at 7450 West Craig Road. The Planning Commission recommended approval of the request. The Annexation became effective 10/27/06.
10/03/08	A Code Enforcement citation (#70416) was issued for an abandoned house; dead trees and grass with high vegetation. Code Enforcement closed the case on 02/12/09.
10/15/08	A Code Enforcement citation (#70660) was issued for a referral from Streets and Sewers regarding a tree leaning from the back yard onto wall over onto Tenaya; the property was vacant. Code Enforcement closed the case on 10/20/08.
02/23/09	A deed was recorded for a change of ownership.
08/28/09	A Code Enforcement citation (#81333) was issued for homeowners that cut tree branches and left them piled on front yard for approx. two months. House is now vacant. This case has not been resolved.

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11/05/09	The Planning Commission, at the request of the applicant, held in abeyance requests for Rezoning (ZON-35867) from R-E (Residence Estates) to C-1 (Limited Commercial); General Plan Amendment (GPA-35866) to amend a portion of the Southeast Sector Plan of the General Plan from L (Low Density Residential) to SC (Service Commercial) at 7204 West Craig Road.
11/19/09	The Planning Commission, at the request of the applicant, held in abeyance requests for Rezoning (ZON-35867) from R-E (Residence Estates) to C-1 (Limited Commercial); General Plan Amendment (GPA-35866) to amend a portion of the Southeast Sector Plan of the General Plan from L (Low Density Residential) to SC (Service Commercial) at 7204 West Craig Road.
<i>Related Building Permits/Business Licenses</i>	
There are no Building Permits or Business Licenses that are pertinent to the subject site.	
<i>Pre-Application Meeting</i>	
08/19/09	A pre-application meeting with the applicant was held where elements of submitting a General Plan Amendment were discussed. Topics included: • Title 19 Zoning Code Requirements • Meeting Dates and Deadlines • Submittal requirements for associated applications to Rezone and Site Development Plan Review for a proposed 2,772 square-foot Restaurant with a Drive-Through were also discussed.

<i>Neighborhood Meeting</i>	
09/23/09	A neighborhood meeting was held on Wednesday, September 23, 2009 at 6:00pm at the Justice Myron E. Leavitt Middle School, Student Theater, located at 4701 Quadrel Street, Las Vegas, 89129. Four members from the applicant attended the meeting along with one member from the Ward 4 City Council office, one member of the Planning and Development staff, one member of the County Liaison office and 29 members of the public. During the meeting the following issues were raised by the public: • The principle objection voiced was that the use is incompatible with the adjacent pet cemetery; the drive-through loudspeaker and fast-food smells will disrupt services and take away from the tranquility of the cemetery. • Commercial uses west of Tenaya are inappropriate and inconsistent with previous land use actions. • There are three existing fast-food restaurants in the vicinity, and there isn't a need for another one. • The 24-hour operation of the drive-through will bring additional traffic and crime, and will disrupt the residential properties in the vicinity.

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	- Members of Metro were in attendance, and noted that horses used in mounted patrols and K-9 unit dogs are buried in the cemetery, and that the fast-food restaurant would be inappropriate adjacent to the cemetery. - It was noted that human remains are also located within the pet cemetery, and that the applicant should notify family members of the deceased of the proposed construction of the fast-food restaurant. Residents stated that the applicant was aware of the existing land use designation and zoning when he purchased the property, and should maintain the existing approvals for the site, but that more intense commercial uses would be inconsistent with abutting properties.
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Field Check	
09/17/09	During a routine site inspection staff observed a vacant single-family residence with a large pile of branches and debris in the front yard.

Details of Application Request	
Site Area	
Gross Acres	1.00 Acre

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Single-Family Residence	L (Low Density Residential)	R-E (Residence Estates)
North	Pet Cemetery	RS (Residential Suburban) – Clark County Designation	R-E (Rural Estates Residential) – Clark County Designation
South	Single-Family Residences	ML (Medium-Low Density Residential)	R-PD8 (Residential Planned Development – 8 Units Per Acre)
East	Retail Development	SC (Service Commercial)	C-1 (Limited Commercial)
West	Pet Cemetery	RS (Residential Suburban) – Clark County Designation	R-E (Rural Estates Residential) – Clark County Designation

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<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

The subject site is located in the Centennial Hills Sector of the General Plan and has a current General Plan designation of L (Low Density Residential). This is a proposal to amend the General Plan designation to 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 Service Commercial General Plan designation is compatible with the existing surrounding cemetery, residential and commercial uses.

A companion application has been submitted for a Rezoning (ZON-35867) from R-E (Residence Estates) to C-1 (Limited Commercial), which is consistent with the proposed SC (Service Commercial) General Plan designation; therefore, staff is recommending approval 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,

The SC (Service Commercial) General Plan designation allows low to medium intensity retail, office, or other commercial uses. The proposed amendment is compatible with the existing adjacent RS (Residential Suburban) – Clark County Designation, ML (Medium-Low Density Residential) and SC (Service Commercial) designations.

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2. The zoning designations allowed by the proposed amendment will be compatible with the existing adjacent land uses or zoning districts,

The zoning designations allowed by the proposed amendment are compatible with the existing adjacent land use and zoning designations.

3. There are adequate transportation, recreation, utility, and other facilities to accommodate the uses and densities permitted by the proposed General Plan Amendment; and

The site is accessed by Craig Road, a 100-foot Primary Arterial, and Tenaya Way an 80-foot Secondary Collector, as designated by the Master Plan of Streets and Highways, which are adequate to serve the requirements of the Restaurant with a Drive-Through use. The subject site will be served by existing utilities, transportation and other facilities, which are adequate for the Restaurant with a Drive-Through use.

4. The proposed amendment conforms to other applicable adopted plans and policies that include approved neighborhood plans.

There are no other plans or policies that would affect the site.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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NOTICES MAILED 351

APPROVALS 2

PROTESTS 636