



AGENDA MEMO

PLANNING COMMISSION MEETING DATE: DECEMBER 17, 2009

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: ABEYANCE - ZON-35867 - APPLICANT/OWNER: CT-1, LLC

**** CONDITIONS ****

STAFF RECOMMENDATION: APPROVAL.

ZON-35867 - Staff Report Page One
December 17, 2009 - Planning Commission Meeting

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for Rezoning from R-E (Residence Estates) to C-1 (Limited Commercial) at 7204 West Craig Road. An associated request for a General Plan Amendment (GPA-35866) to amend a portion of the Centennial Hills Sector of the General Plan from L (Low Density Residential) to SC (Service Commercial) has also been submitted, to be consistent with the proposed zoning district. 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 C-1 (Limited Commercial) zoning district would allow uses that are compatible with the existing surrounding zoning districts and staff is recommending approval. If denied, the associated General Plan Amendment (GPA-35866) would have to be denied, and the site would remain as a single-family residential use.

ISSUES

- The proposed C-1 (Limited Commercial) zoning district is consistent with the proposed SC (Service Commercial) General Plan designation, which will allow more intense uses, and would be compatible with the surrounding land uses; therefore, staff is recommending approval of the request.
- Approval of an associated General Plan Amendment (GPA-35866) is required to approve this request.

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.

ZON-35867 - Staff Report Page Two
December 17, 2009 - Planning Commission Meeting

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.
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 Rezoning application were discussed. Topics included: • Title 19 Zoning Code Requirements • Meeting Dates and Deadlines • Submittal requirements for associated applications for a Site Development Plan Review for a proposed 2,772 square-foot Restaurant with a Drive-Through were also discussed and General Plan Amendment to amend a portion of the Centennial Hills Sector of the Centennial Hills Master Plan from L (Low Density Residential) to SC (Service Commercial).

<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.

ZON-35867 - Staff Report Page Three
December 17, 2009 - Planning Commission Meeting

09/23/09	- 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. - 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.
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Details of Application Request

Site Area

Gross Acres	1.00 Acre
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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

ZON-35867 - Staff Report Page Four**December 17, 2009 - Planning Commission Meeting**

<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 land use designation of L (Low Density Residential). A General Plan Amendment (GPA-35866) to change the designation to SC (Service Commercial) has been submitted along with this Rezoning request. The SC (Service Commercial) 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.

This is a request to Rezone the subject site from current R-E (Residential Estates) to the C-1 (Limited Commercial) district, which is intended to provide most retail shopping and personal services, and may be appropriate for mixed use developments. This district should be located on the periphery of residential neighborhoods and should be confined to the intersections of primary and secondary thoroughfares along major retail corridors. The C-1 (Limited Commercial) district is consistent with the Service Commercial and the Neighborhood Center categories of the General Plan. The proposed Rezoning will allow conformance with the proposed General Plan Amendment (GPA-35866) to amend the current land use designation of the subject site from L (Low Density Residential) to SC (Service Commercial). The C-1 (Limited Commercial) zoning district would allow uses that are compatible with the existing surrounding zoning districts; therefore, staff recommends approval of the request.

FINDINGS

In order to approve a Rezoning application, pursuant to Title 19.18.040, the Planning Commission or City Council must affirm the following:

ZON-35867 - Staff Report Page Five
December 17, 2009 - Planning Commission Meeting

1. “The proposal conforms to the General Plan.”

The proposed C-1 (Limited Commercial) zoning district is consistent with the proposed SC (Service Commercial) General Plan designation on this site.

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.

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

The subject site is surrounded by a pet cemetery to the north and west; and commercial uses to the east and southeast and is no longer appropriate for a residential use.

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 from both Craig Road, a 100-foot Primary Arterial, and Tenaya Way, a 80-foot Secondary Collector as designated by the Master Plan of Streets and Highways. These thoroughfares are capable of accommodating the traffic flow for the proposed zoning district.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

11

NOTICES MAILED 351

APPROVALS 2

PROTESTS 636