

**AGENDA MEMO****PLANNING COMMISSION MEETING DATE: FEBRUARY 25, 2010****DEPARTMENT: PLANNING AND DEVELOPMENT****ITEM DESCRIPTION: TMP-37217 - APPLICANT/OWNER: REBEL OIL COMPANY, INC.**

**** CONDITIONS ****

Staff recommends APPROVAL, subject to conditions:

Planning and Development

1. Approval of the Tentative Map shall be for no more than four (4) years. If a Final Map is not recorded on all or a portion of the area embraced by the Tentative Map within four (4) years of the approval of the Tentative Map, this action is void.
2. All development shall conform to the Conditions of Approval for Site Development Plan Reviews (SDR-28320 and SDR-36797), Special Use Permit (SUP-28323), Rezoning (ZON-28325) and Variance (VAR-28326).
3. Street names must be provided in accordance with the City's Street Naming Regulations.
4. In conjunction with creation, declaration and recordation of the subject common-interest community, and prior to recordation of the Covenants, Codes and Restrictions ("CC&R"), or conveyance of any unit within the community, the Developer is required to record a Declaration of Private Maintenance Requirements ("DPMR") as a covenant on all associated properties, and on behalf of all current and future property owners. The DPMR is to include a listing of all privately owned and/or maintained infrastructure improvements, along with assignment of maintenance responsibility for each to the common interest community or the respective individual property owners, and is to provide a brief description of the required level of maintenance for privately maintained components. The DPMR must be reviewed and approved by the City of Las Vegas Department of Field Operations prior to recordation, and must include a statement that all properties within the community are subject to assessment for all associated costs should private maintenance obligations not be met, and the City of Las Vegas be required to provide for said maintenance. Also, the CC&R are to include a statement of obligation of compliance with the DPMR. Following recordation, the Developer is to submit copies of the recorded DPMR and CC&R documents to the City of Las Vegas Department of Field Operations.
5. All development is subject to the conditions of City Departments and State Subdivision Statutes.

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Public Works

- 6.If a Petition of Vacation, such as VAC-35041, has recorded at the time of recordation of the Final Map for this site, the recorded document number for the Order of Vacation shall be shown on the Final Map. All existing easements shall be shown on the Final Map for this site, including the document number for the private sewer easement at the southern boundary of this site in favor of Assessor's Parcel Number 140-30-313-000. Additionally, provide a note on the Final Map which states "No new permanent structures or landscaping taller than 3 feet shall be allowed within public sewer easements".
- 7.Sewer service for this commercial subdivision shall be shown in accordance with one of the following three alternatives, and the appropriate Note shall appear on the face of the recorded Final Map:
 - I. Onsite sewers, 8-inches in diameter or larger, are public sewers within 20 foot wide dedicated public sewer easements.
 - II. Onsite sewers are a common element privately owned and maintained per the Conditions, Covenants, and Restrictions (CC&Rs) of this commercial subdivision.
 - III. Onsite sewers are a common element privately owned and maintained per the Joint Use Agreement of this Commercial Subdivision.
- 8.Unless otherwise allowed by the City Engineer, construct sidewalk on at least one side of all access drives connecting this site to the adjacent public streets concurrent with development of this site. The connecting sidewalk shall extend from the sidewalk on the public street to the first intersection of the on-site roadway network and shall be terminated on-site with a handicap ramp.
- 9.In accordance with the intent of a Commercial Subdivision, all sites within this subdivision shall have perpetual common access to all driveways connecting this site to the abutting streets and a note to this effect shall appear on the Final Map for this site. No barriers (e.g. curbs, wall, etc.) shall be erected within the boundaries of the overall commercial subdivision map site which would prohibit any vehicle on this site from utilizing any driveway connecting this commercial development site to the abutting public streets.
10. All subdivided parcels comprising this commercial subdivision shall provide perpetual intersite common drainage rights across all existing and future parcel limits and a note to this effect shall appear on the Final Map for this site.
11. Site Visibility Restriction Zones (S.V.R.Z.) adjacent to public streets shall be indicated on civil improvement plans, not on Final Maps, and shall include the following note: "No walls, fences, trees, shrubs, utility appurtenances or any other object, other than traffic control devices and street light poles, may be constructed or installed within the Sight Visibility Restriction Zone (S.V.R.Z.) unless said object is maintained at less than 24 inches in height measured from adjacent top of curb, or where no curb exists, a height of 27 inches measured from the top of adjacent asphalt, gravel, or pavement street surface". Area shall be

labeled as "Privately Maintained".
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12. Site development to comply with all applicable conditions of approval for SDR-28320 and all other site-related actions.
13. The approval of all Public Works related improvements shown on this Tentative Map is in concept only. Specific design and construction details relating to size, type and/or alignment of improvements, including but not limited to street, sewer and drainage improvements, shall be resolved prior to approval of the construction plans by the City. No deviations from adopted City Standards shall be allowed unless specific written approval for such is received from the City Engineer prior to the recordation of a Final Map or the approval of subdivision-related construction plans, whichever may occur first. Approval of this Tentative Map does not constitute approval of any deviations. If such approval cannot be obtained, a revised Tentative Map must be submitted showing elimination of such deviations.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Tentative Map for a one-lot commercial subdivision on 2.39 acres at the southeast corner of Washington Avenue and Pecos Road. The applicant is proposing a one-lot commercial subdivision with an approved Site Development Plan Review (SDR-28320) for a 14,815 square-foot commercial development and approved Minor Site Development Plan Review (SDR-36797) for an additional 895 square feet of retail space for a total of 15,710 square-feet commercial space within the proposed commercial subdivision.

As this request is appropriate for Title 19, and in compliance with both approved Site Development Plan Reviews (SDR-28320 and SDR-36797), staff recommends approval of this request.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc. and Property Sales</i>	
11/15/00	The City Council approved a request to amend a portion of the Southeast Sector of the General Plan (GPA-0025-00) from M (Medium Density Residential) to SC (Service Commercial), a request for a Rezoning (Z-0079-00) from R-1 (Single Family Residential) under Resolution of Intent to R-3 (Medium Density Residential) to C-1 (Limited Commercial) and a Site Development Plan Review [Z-0079-00(1)] with a Waiver of the required landscaping for a proposes 21,425 square-foot commercial center on 3.05 acres on the southeast corner of Washington Avenue and Pecos Road. The Planning Commission recommended approval of these requests while staff recommended denial.
04/12/01	The Planning Commission approved a request for a Tentative Map (TM-0010-01) for one lot commercial subdivision on 3.05 acres on the southeast corner of Washington Avenue and Pecos Road. Staff recommended approval of this request.
02/05/03	The City Council approved a request for an Extension of Time (EOT-1287) on an approved Rezoning (Z-0079-00) from R-1 (Single Family Residential) under Resolution of Intent to R-3 (Medium Density Residential) to C-1 (Limited Commercial) on 3.05 acres adjacent to the southeast corner of Washington Avenue and Pecos Road. The Planning Commission and staff recommended approval of this request.

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09/17/08	The City Council approved a request for a Site Development Plan Review (SDR-28320) for a 4,618 square-foot Convenience Store with Fuel Pumps; a 748 square-foot Restaurant with Drive Through; a 2,608 square-foot Restaurant with Drive Through and a 9,449 square-foot retail building with a Waiver to allow a six-foot three-inch side yard landscape buffer where eight feet is required, a Rezoning (ZON-28325) to change the zoning designation from R-1 (Single Family Residential) to C-1 (Limited Commercial), a Special Use Permit (SUP-28323) for a Beer/Wine/Cooler Off-Sale Establishment within a proposed Convenience Store; and a Variance (VAR-28326) to allow a 11.33-foot setback where residential adjacency requires 60 feet at the southeast corner of Washington Avenue and Pecos Road. The Planning Commission recommended approval of these requests.
09/16/09	The City Council approved a request for a Vacation (VAC-35041) of a 10-foot wide public sewer easement located on the east side of Pecos Road approximately 140 feet south of Washington Avenue. The Planning Commission and staff recommended approval of this request.
01/14/10	A request for a Minor Site Development Plan Review for a Minor Amendment (SDR-28320) to an approved Site Development Plan Review (SDR-36797) for a proposed 15,710 square-foot commercial development at the southeast corner of Washington Avenue and Pecos Road was administratively approved.
<i>Related Building Permits/Business Licenses</i>	
12/07/09	Building plans for commercial development have been submitted (#36865) and are currently under review.
<i>Pre-Application Meeting</i>	
01/14/10	A pre-application meeting was held where the submittal requirements for a Tentative Map were discussed with the following items: • Show current zoning as C-1 • Label net acreage per assessed acreage after dedication of ROW. • Show separate wall elevations indicating worst case retaining/screening scenario. • No note allowing cross access and parking across entire site and will be allowed if on final map. • Change applicant to Rebel Oil Company, Inc and remove JHR as applicant.
<i>Neighborhood Meeting</i>	
A neighborhood meeting is not required for this application, nor was one held.	
<i>Field Check</i>	
01/21/10	A field check was conducted by staff. The site is vacant and undeveloped, with an unpermitted chain link fence on the north portion of the parcel. The property is partially disturbed with heavy equipment on site.

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<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	2.39

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped	SC (Service Commercial)	C-1 (Limited Commercial)
North	Single-Family Residential	L (Low Density Residential)	R-1 (Single Family Residential)
South	Condominium Development	ML (Medium Low Density Residential)	R-PD12 (Residential Planned Development – 12 Units per Acre)
East	Condominium Development	ML (Medium Low Density Residential)	R-PD12 (Residential Planned Development – 12 Units per Acre)
West	City Park	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

This is a request for a Tentative Map for a one-lot commercial subdivision on 2.39 acres at the southeast corner of Washington Avenue and Pecos Road. A previous Site Development Plan Review (SDR-28320) entitled this property for a 14,815 square-foot commercial development and a Minor Site Development Plan Review (SDR-36797) entitled this property for an additional 895 square feet of retail space for a total of 15,710 square-feet commercial space within the proposed commercial subdivision.

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FINDINGS

• **General information**

The proposed Tentative Map is for a one-lot commercial subdivision with approved Site Development Plan Reviews (SDR-28320 and SDR-36797). The subject site is directly adjacent to multi-family homes which abut the site to the south and east. There is a Shopping Center located on the northwest corner of Washington Avenue and Pecos Road which directly abuts the site.

• **Cross Section**

Cross sections show a one lot parcel which does not exceed more than 2% grade.

• **Trails**

There are no Transportation Trail or Recreation Trail alignments within or adjacent to the subject site.

• **Special Conditions of Approval (SDR-36797)**

All development shall be in conformance with the site plan date stamped 12/10/09, and landscape plan, building elevations, date stamped 11/30/09 except as amended by conditions herein.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

15

APPROVALS

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PROTESTS

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