

**AGENDA MEMO - PLANNING****CITY COUNCIL MEETING DATE: MAY 21, 2014****DEPARTMENT: PLANNING****ITEM DESCRIPTION: APPLICANT/OWNER: CHETAK DEVELOPMENT CORPORATION**

**** STAFF RECOMMENDATION(S) ****

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
ZON-53065	Staff recommends APPROVAL.	N/A

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**** STAFF REPORT ****

PROJECT DESCRIPTION

The applicant is requesting to rezone 2.40-acres comprised of three separate parcels from a C-1 (Limited Commercial) zoning district to a C-2 (General Commercial) zoning district. The subject site is currently developed as a Shopping Center. The applicant has indicated that the proposed C-2 zoning district will help facilitate redevelopment and reinvestment at the subject property. Staff recommends approval of this Rezoning, as the requested C-2 (General Commercial) zoning district would allow for conformance with the underlying C (Commercial) General Plan land use category. If denied, the property would remain zoned C-1 (Limited Commercial).

ISSUES

- The C (Commercial) land use category allows four zoning districts: O (Office), P-O (Professional Office), C-1 (Limited Commercial) and C-2 (General Commercial).
- There are no proposed development plans submitted with this request at this time.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
05/06/64	The City Council approved a request for a Rezoning (Z-0014-64) from R-4 (High Density Residential) to C-1 (Limited Commercial) of property generally located on the west side of Paradise Road between Sahara Avenue and St. Louis Avenue. The Planning Commission recommended approval of the request.
04/18/73	The City Council denied a request for a Variance (V-0013-73) to allow a three-sided Off-Premise Sign to a height of 55 feet in a residential zone where no Off-Premise Signs are allowed on property located on the northwest corner of East Sahara Avenue and Paradise Road. The Board of Zoning Adjustment recommended denial of the request.
09/03/86	The City Council approved a request for a Rezoning (Z-0020-77) to reclassify property generally located at the northwest corner of East Sahara Avenue and Paradise Road from R-4 (Apartment Residence) to C-1 (Limited Commercial). The Planning Commission recommended approval of the request.

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<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
03/18/87	The City Council approved a request for a Special Use Permit (U-0008-87) to operate a retail class III secondhand dealership for the sale of used slot machines (together with the sale of new gaming related gift items) on property located at 2200 Paradise Road. The Board of Zoning Adjustment recommended approval of the request.
06/17/87	The City Council approved a request for a Variance (V-0048-87) to operate a retail secondhand dealership for the sale of reconditioned, used, slot machines (together with antique slot machines and related new retail gaming items, where secondhand dealerships are not permitted at 2200 Paradise Road. The Board of Zoning Adjustment recommended approval of the request.
08/15/90	The City Council approved a request for a Required Review (V-0065-87) of an approved Variance to allow 155 parking spaces in the existing Sahara Paradise Plaza Shopping Center where the proposed uses require 188 parking spaces on property located at 2200 Paradise Road. The Board of Zoning Adjustment recommended approval of the request.
01/22/92	The City Council approved a request for a Required Review (V-0147-90) of an approved Variance to allow 155 parking spaces in the existing Sahara Paradise Plaza Shopping Center where the existing and proposed uses require 205 parking spaces on property located at 2200 Paradise Road. The Board of Zoning Adjustment recommended approval of the request.
02/16/94	The City Council approved a request for a Special Use Permit (U-0280-93) to allow the sale of beer and wine at 2226 Paradise Road. The Board of Zoning Adjustment and staff recommended approval.
03/15/95	The City Council approved a request for a Special Use Permit (U-0013-95) to allow a class III secondhand dealership for the sale of firearms at 2216 Paradise Road. The Board of Zoning Adjustment recommended approval.
12/02/97	The City Council denied a request for a Variance (V-0099-97) to allow 123 parking spaces where 217 spaces are the minimum required, and to allow a proposed drive-thru restaurant 13.1 feet from the front property line where 20 feet is required in conjunction with an existing commercial development located a 2200 Paradise Road. The Board of Zoning Adjustment denied the request; it was appealed to City Council.
04/13/98	The City Council approved a request for a Site Development Plan Review [Z-0020-77(1)] for a proposed 3,087 square-foot fast food restaurant located on the northwest corner of Sahara Avenue and Paradise Road. The Planning Commission recommended approval of the request.
04/21/99	The Planning Department administratively approved a request for a Site Development Plan Review [Z-0020-77(2)] for a proposed 3,432 square-foot fast food restaurant located on the northwest corner of Sahara Avenue and Paradise Road.

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<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
10/03/01	The City Council denied a request for a Rezoning (Z-0060-01) from C-1 (Limited Commercial to C-2 (General Commercial) on approximately 2.36 acres of property generally located on the northwest corner of the intersection of Sahara Avenue and Paradise Road. The Planning Commission recommended denial of the request.
	The City Council denied a request for a Special Use Permit (U-0114-01) for a proposed tattoo parlor at 2206 Paradise Road. The Planning Commission recommended denial of the request.
12/04/02	The City Council denied a request for a Vacation (VAC-0070-02) to vacate a public alley generally located north of Sahara Avenue, west of Paradise Road. The Planning Commission recommended approval of the request.
01/22/03	The City Council approved a request for a Special Use Permit (SUP-1274) for a 14-foot by 48-foot Off-Premise Sign to be 55 feet tall where 40 feet is the maximum allowed adjacent to the northwest corner of Sahara Avenue and Paradise Road. The Planning Commission recommended denial on 12/19/02.
04/06/05	The City Council approved a request for a Special Use Permit (SUP-5912) to allow a Restaurant Service Bar at 2218 Paradise Road. The Planning Commission and staff recommended approval.
	The City Council approved a request for a Required Review (RQR-5925) of an approved Special Use Permit (SUP-1274) for a 55-foot tall, 14-foot by 48-foot Off-Premise Sign adjacent to the northwest corner of Sahara Avenue and Paradise Road. The Planning Commission recommended approval on 02/24/05.
12/07/05	The City Council denied a request for a Special Use Permit (SUP-9272) for a proposed restaurant with service bar at 2226 Paradise Road. The Planning Commission recommended approval of the request.
04/05/06	The City Council approved a request for a Special Use Permit (SUP-11419) for a 1,200 square-foot expansion of an existing Massage Establishment with a waiver of the minimum 1,000-foot separation requirement from three existing massage establishments and a waiver to allow the business to be open 24 hours a day at 2212 and 2214 Paradise Road. The Planning Commission recommended approval; staff recommended denial.
05/17/06	The City Council approved a request for a Review of Condition (ROC-12801) to remove the condition that limited the sale of alcoholic beverages to beer and wine only at 2218 Paradise Road. Staff recommended approval.
	The City Council approved a request for a Required Review (RQR-12169) of an approved Special Use Permit (SUP-1274) for a 55-foot tall, 14-foot by 48-foot Off-Premise Sign adjacent to the northwest corner of Sahara Avenue and Paradise Road. The Planning Commission recommended approval on 04/13/06.

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<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
09/20/06	The City Council approved a request for a Special Use Permit (SUP-15440) for a proposed pawn shop with waivers of the minimum distance separation requirements from a residential use and from a financial institution, specified at 2230 Paradise Road. The Planning Commission recommended approval; staff recommended denial.
10/01/08	The City Council approved a request for a Required Review (RQR-29379) of an approved Special Use Permit (SUP-11419) that allowed a 1,200 square-foot expansion of an existing massage establishment with a waiver of the minimum 1000-foot separation requirement from three existing massage establishments and a waiver to allow the business to be open 24 hours a day at 2212 and 2214 Paradise Road. The Planning Department recommended denial of the request.
06/17/09	The City Council approved a request for a Required Review (RQR-33882) of an approved Special Use Permit (SUP-1274) for a 55-foot tall, 14-foot by 48-foot Off-Premise Sign at 2252 Paradise Road. The Planning Commission and recommended approval of the request.
02/17/10	The City Council approved a request for a Required Review (RQR-36890) of a previously approved Special Use Permit (SUP-11419) for a 1,200 square-foot expansion of an existing Massage Establishment with a waiver of the minimum 1,000-foot separation requirement from three existing massage establishments at 2212 and 2214 Paradise Road. Staff recommended denial.
	The City Council approved a related request for a Review of Condition Number 5 (ROC-36892) of a previously approved Special Use Permit (SUP-11419) to allow 24-hour operations for a Massage Establishment at 2212 Paradise Road. Note: City Council only allowed the business operations to be from 9:00 a.m. to 3:00 a.m.
02/02/11	The City Council approved a request for a Required Review (RQR-40547) of a previously approved Special Use Permit (SUP-11419) for a 1,200 square-foot expansion of an existing Massage Establishment with a waiver of the minimum 1,000-foot separation requirement from three existing massage establishments at 2212 and 2214 Paradise Road. Staff recommended approval.
05/04/11	The City Council approved a request for a Required Review (RQR-41070) of a previously approved Special Use Permit (SUP-11419) for a 1,200 square-foot expansion of an existing Massage Establishment with a waiver of the minimum 1,000-foot separation requirement from three existing massage establishments at 2212 and 2214 Paradise Road. Staff recommended approval.

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<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
01/10/12	The Planning Commission approved a request for a Required Review (RQR-44030) of an approved Special Use Permit (SUP-1274) for a 55-foot tall, 14-foot by 48-foot Off-Premise Sign adjacent at 2252 Paradise Road. The Planning Department recommended approval of the request.
07/10/12	The Planning Commission approved a request for a Special Use Permit (SUP-45528) for a proposed Beer/Wine/Cooler Off-Sale Establishment within a proposed 3,600 square-foot convenience store at 2202 Paradise Road. The Planning Department recommended approval of the request.
04/08/14	The Planning Commission voted (6-0-1/rt) to recommend approval of a Rezoning (ZON-53065) for FROM: C-1 (LIMITED COMMERCIAL) TO: C-2 (GENERAL COMMERCIAL) on 2.4 acres at 2202-2252 Paradise Road.

<i>Most Recent Change of Ownership</i>	
11/01/00	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
All existing business licenses will be in conformance with the proposed C-2 (General Commercial) zoning district.	

<i>Pre-Application Meeting</i>	
02/18/14	A pre-application meeting was held with the applicant to discuss the submittal requirements for a proposed Rezoning of the subject properties 2.40 acres from a C-1 (Limited Commercial) zoning district to a C-2 (General Commercial) zoning district.

<i>Neighborhood Meeting</i>	
A neighborhood meeting is not required for this application, nor was one held.	

<i>Field Check</i>	
02/27/14	Staff conducted a field check of the subject property and noted the site was a well maintained commercial development.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	2.40

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<i>Surrounding Property</i>	<i>Existing Land Use Per Title 19.12</i>	<i>Planned or Special Land Use Designation</i>	<i>Existing Zoning District</i>
Subject Property	Shopping Center	C (Commercial)	C-1 (Limited Commercial)
North	Multi Family Residential	C (Commercial)	R-4 (High Density Residential)
South	Casino and Hotel, Resort	CT (Commercial and Tourist) - Clark County	H-1 (Limited Resort and Apartment District) - Clark County
East	General Retail Stores	C (Commercial)	C-1 (Limited Commercial)
West	Hotel, Motel or Hotel Suites	C (Commercial)	C-2 (General Commercial)

<i>Master Plan Areas</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Master Plan Area			
Beverly Green / Southridge Neighborhood	X		Y
Special Purpose and Overlay Districts	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
G-O (Gaming Enterprise Overlay) District	X		Y
A-O (Airport Overlay) District (175 feet)	X		Y
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Las Vegas Redevelopment Plan Area	X		Y
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

ANALYSIS

According to the provided justification letter, the applicant is requesting to rezone 2.40-acres comprised of three separate parcels from a C-1 (Limited Commercial) zoning district to a C-2 (General Commercial) zoning district. The subject site is currently developed as a Shopping Center. The applicant has indicated that the proposed C-2 zoning district will help facilitate redevelopment and reinvestment at the subject property. Staff recommends approval of this Rezoning, as the requested C-2 (General Commercial) zoning district would allow for conformance with the underlying C (Commercial) General Plan land use category. If denied, the property would remain zoned C-1 (Limited Commercial).

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FINDINGS (ZON-53065)

In order to approve a Rezoning application, pursuant to Title 19.16.090(L), the Planning Commission or City Council must affirm the following:

1.The proposal conforms to the General Plan.

The existing Downtown Area Land Use General Plan designation of the subject site is C (Commercial), which allows for commercial uses that are normally allowed within the O (Office), SC (Service Commercial) and GC (General Commercial) General Plan land use categories. The proposed Rezoning to C-2 (General Commercial) is consistent with the current General Plan 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 in C-2 (General Commercial) zoning districts are compatible with the adjacent R-4 (High Density Residential), C-1 (Limited Commercial), C-2 (General Commercial) and H-1 (Limited Resort and Apartment District) zoning districts and the C (Commercial) Downtown Area Land Use designation of the area.

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

The request for a Rezoning to a C-2 (General Commercial) zoning district is appropriate. The surrounding area has been developed as commercial and retail uses and can support the higher intensity commercial uses typically permitted in the C-2 (General Commercial) zoning district.

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 property is adjacent to the northwest corner of Sahara Avenue and Paradise Road. Sahara Avenue and Paradise Road have been classified as 100-foot wide Primary Arterials by the Master Plan of Streets and Highways. At this time no development plans have been submitted showing any alterations to the existing site circulation for the shopping center; however, the uses allowed in the C-2 (General Commercial) zoning district can be adequately met by the existing street facilities.

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NEIGHBORHOOD ASSOCIATIONS NOTIFIED 16

NOTICES MAILED 834 (By City Clerk)

APPROVALS 10

PROTESTS 5