



AGENDA MEMO

CITY COUNCIL MEETING DATE: SEPTEMBER 6, 2006

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: GPA-13920 - APPLICANT/OWNER: AURORA LUBLIN

**** CONDITIONS ****

The Planning Commission (7-0 vote) and staff recommend DENIAL.

**** STAFF REPORT ****

APPLICATION REQUEST

This application seeks to change the General Plan land use designation of the subject property located at 4363 Mountain View Boulevard, Rural Density Residential (R) to Office (O). This request has the following companion items that will be heard concurrently:

- Rezoning (ZON-13922) This is a request for a General Plan Amendment from R-E (Residence Estates) to P-R (Professional Office and Parking).
- Site Development Plan Review (SDR-13921) This is a request for a Site Development Plan Review for a proposed 4,920 square foot office and a waiver of the perimeter landscaping requirements.

EXECUTIVE SUMMARY

Staff does not support this request as the surrounding area is largely residential and is designated as such. Furthermore, the type of development that the applicant is proposing for the area is not appropriate for the neighborhood. There is a clear separation at Mountain View Boulevard between areas appropriate for commercial development and those more suitable for residential.

BACKGROUND DATA:

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|----------|---|
| 03/12/92 | The Planning Commission approved the three Land Use Sector Maps of the General Plan. |
| 08/18/99 | The City Council approved GPA-23-99, which amended the density range for the Low Density Residential land use category to allow a maximum of 5.5 dwelling units per acre, Medium Low Density Residential to allow up to 8 dwelling units per acre, and Medium Density Residential up to 25 dwelling units per acre. |
| 08/18/99 | The City Council approved GPA-14-99 to amend portions of the Southwest Sector Plan to indicate areas of potential transition, correct errors from GIS data conversion, and match actions since 1996. |
| 09/06/99 | The City Council approved GPA-10-00 to amend portions of the Southeast Sector Plan to indicate areas of potential transition, correct errors from GIS data conversion, and match actions since 1996. |

09/06/00 The City Council approved the Las Vegas 2020 Master Plan. This site is within the Southeast Sector Plan Area as described in the Plan.

08/10/06 The Planning Commission recommended denial of companion items ZON-13922 and SDR-13921 concurrently with this application.

08/10/06 The Planning Commission voted 7-0 to recommend DENIAL (PC Agenda Item #19/stf.

DETAILS OF APPLICATION REQUEST

Site Area: 0.44 Acre

EXISTING LAND USE

Subject Property: Single Family Residential
North: Office
South: Single Family Residential
East: Single Family Residential
West: Single Family Residential

PLANNED LAND USE

Subject Property: R (Rural Density Residential)
North SC (Service Commercial)
South R (Rural Density Residential)
East R (Rural Density Residential)
West L (Low Density Residential)

EXISTING ZONING

Subject Property: R-E (Residence Estates)
North P-R (Professional Office and Parking)
South R-E (Residence Estates)
East R-E (Residence Estates)
West R-1 (Single Family Residential)

<i>SPECIAL DISTRICTS/ZONES</i>	YES	NO
SPECIAL PLAN AREA		X
RURAL PRESERVATION NEIGHBORHOOD	X	
RURAL PRESERVATION NEIGHBORHOOD BUFFER		X
PROJECT OF REGIONAL SIGNIFICANCE		X

<i>EXISTING GENERAL PLAN DESIGNATION</i>	<i>PERMITTED DENSITY</i>	<i>PROPOSED GENERAL PLAN DESIGNATION</i>	<i>PERMITTED DENSITY</i>
R	3.59 du/ac	O	N/A

The subject proposal will not be affected by density regulations as it is a commercial (office) project. However, it is located within the Rural Preservation Overlay District which encourages rural density residential development and the proliferation of the neighborhoods existing rural character.

DEFINITIONS

R (Rural Density Residential) (2.5 to 3.59 dwelling units/gross acre). The Rural Density Residential category allows a maximum of 3.5 dwelling units per gross acre. This is a rural or semi-rural environment with a life-style much like that of the Desert Rural, but with a smaller allowable lot size.

O (Office) The Office category provides for small lot office conversions as a transition, along Primary and Secondary streets, from residential to commercial uses, and for large planned office areas. Permitted uses include business, professional, and financial offices as well as offices for individuals, civic, social, fraternal, and other non-profit organizations.

INTERAGENCY ISSUES

RURAL PRESERVATION OVERLAY DISTRICT

The entire site is within an area identified as a Rural Preservation Neighborhood. Chapter 278 of the Nevada Revised Statutes stipulates the identification of a 330-foot transitional buffer around Rural Preservation Neighborhoods. Within these buffer areas, residential development density is limited to three dwelling units per acre, unless good cause is shown. Land is disqualified from status as a Rural Preservation Neighborhood, or as a required buffer, if it is closer than 330 feet to a road greater than 99 feet in width. In the case of this application, the subject site is within the Rural Preservation Overlay District. This does not directly affect this request as the applicant is proposing commercial development, but it does imply that the overall character of the neighborhood should remain rural and residential.

ANALYSIS

Staff cannot find a compelling reason to recommend approval of this request. The surrounding neighborhood is designated as R (Rural Density Residential), with the only exception being the property to the north which is designated SC (Service Commercial). However, there is a clear distinction between that and the subject property in that the property to the north did not construct a new office building but converted the existing home. Additionally, the property to the north is adjacent to other office conversions and is only 65 feet from a large commercial development. The subject property is embedded in a residential neighborhood that should remain rural in character. Staff does not support 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,
2. The zoning designations allowed by the proposed amendment will be compatible with the existing adjacent land uses or zoning districts,
3. There are adequate transportation, recreation, utility, and other facilities to accommodate the uses and densities permitted by the proposed General Plan Amendment; and
4. The proposed amendment conforms to other applicable adopted plans and policies that include approved neighborhood plans.

In regard to 1: This General Plan Amendment is not compatible with existing adjacent land use designations in that the surrounding neighborhood is largely residential and rural in character (low density and mature).

In regard to 2: The zoning designations allowed by the proposed amendment are not compatible with existing adjacent land uses and zoning districts in that the proposed P-R (Professional Office and Parking) will not aid in the preservation of the areas rural residential character.

In regard to 3: There are appropriate facilities to provide for the uses allowed by the land use designation proposed.

In regard to 4: The proposal does not meet the intent of the Rural Preservation Overlay District in which the subject property is located as it will not promote a rural character.

GENERAL PLAN AMENDMENT NEIGHBORHOOD MEETING

Per policy set forth in the city of Las Vegas application packet, a neighborhood meeting shall be held with the surrounding property owners. The applicant is requested to hold this meeting within 14 days of the closing date of this application. In accordance with the above, on 06/15/06 a neighborhood meeting sponsored by the applicant was held at the China Star Restaurant. Nine area residents attended, along with two representatives of the applicant and Planning staff. The residents had the following questions/comments:

- Proposed use? Office real estate or mortgage
- Demo existing building? Yes
- Future cul-de-sac at Mountain View? Unknown
- Concern about traffic and pedestrian safety
- Concern that it could become retail
- Concern that its not appropriate in the neighborhood

PLANNING COMMISSION ACTION

There were three speakers in protest, one as a neighborhood representative.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 15

ASSEMBLY DISTRICT 3

SENATE DISTRICT 11

NOTICES MAILED 249 by Planning Department

APPROVALS 0

PROTESTS 35