



## **AGENDA MEMO**

**CITY COUNCIL MEETING DATE: SEPTEMBER 6, 2006**  
**DEPARTMENT: PLANNING AND DEVELOPMENT**  
**ITEM DESCRIPTION: ZON-13922 - APPLICANT/OWNER: AURORA LUBLIN**

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### **\*\* CONDITIONS \*\***

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

#### **Planning and Development**

1. A General Plan Amendment (GPA-13920) to an O (Office) land use designation approved by the City Council.
2. A Resolution of Intent with a two-year time limit is hereby granted.
3. A Site Development Plan Review (SDR-13921) application approved by the City of Las Vegas is required prior to issuance of any permits, any site grading, and all development activity for the site.

#### **Public Works**

4. Construct all incomplete half street improvements on Mountain View Boulevard and Arville Street adjacent to this site concurrent with development of this site. All existing paving damaged or removed by this development shall be restored at its original location and to its original width concurrent with development of this site. Extend all required underground utilities, such as electrical, telephone, etc., located within public rights-of-way, past the boundaries of this site prior to construction of hard surfacing (asphalt or concrete).
5. This site shall connect to the City of Las Vegas public sewer system.
6. Meet with the Flood Control Section of the Department of Public Works for assistance with establishing drainage paths for this site prior to submittal of construction plans or the issuance of any building or grading permits, whichever may occur first. Provide and improve all drainage ways as recommended.

**\*\* STAFF REPORT \*\***

**APPLICATION REQUEST**

This is a request for a Rezoning from R-E (Residence Estates) to P-R (Professional Office and Parking) on 0.44 acre at 4363 Mountain View Boulevard.

**EXECUTIVE SUMMARY**

Staff does not support this request as the surrounding area is largely residential and is designated as such. Furthermore, the applicant is proposing to construct a new building rather than convert the existing structure to an office use. There is a clear separation at Mountain View Boulevard between areas appropriate for commercial and those more suitable for residential development.

**BACKGROUND INFORMATION**

***A) Related Actions***

- 08/10/06      The Planning Commission recommended denial of companion items GPA-13920 and SDR-13921 concurrently with this application.
- 08/10/06      The Planning Commission voted 7-0 to recommend DENIAL (PC Agenda Item #20/stf).

***B) Pre-Application Meeting***

- 05/03/06      A pre-application meeting with the applicant was held and the following items were discussed:
- Staff discussed the required applications with the applicant (SDR, GPA, and ZON).
  - In a follow-up meeting, Staff informed the applicant of an additional VAR that would be required. This Variance has since been rendered unnecessary.

***C) Neighborhood Meetings***

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 Director Margo Wheeler. 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

## **DETAILS OF APPLICATION REQUEST**

### ***A) Site Area***

Net Acres: 0.44

### ***B) Existing Land Use***

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

### ***C) 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)

### ***D) 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)

### ***E) General Plan Compliance***

The subject site is located in the Southeast Sector of the General Plan. Within that Sector, it has a land use designation of R (Rural Density Residential). This complies with the underlying zoning of R-E (Residence Estates). A General Plan Amendment has been submitted to change this designation to O (Office) and the zoning to P-R (Professional Office and Parking). These are compatible with each other.

<i>SPECIAL DISTRICTS/ZONES</i>	<b>Yes</b>	<b>No</b>
<b>Special Area Plan</b>		<b>X</b>
<b>Special Overlay District</b>	<b>X</b>	
Airport Overlay	<b>X</b>	
<b>Trails</b>		<b>X</b>
<b>Rural Preservation Overlay District</b>	<b>X</b>	
<b>Development Impact Notification Assessment</b>		<b>X</b>
<b>Project of Regional Significance</b>		<b>X</b>

**ANALYSIS**

*A) General Analysis and Discussion*

The proposed Rezoning is not consistent with the surrounding neighborhood as the area is largely residential. Furthermore, the subject proposal is located within a Rural Preservation Overlay District which is designed to insure the continuation of low density, residential development. A change to a commercial zone, albeit a low-intensity one, will not be appropriate for the area.

**FINDINGS**

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

**1. The proposal conforms to the General Plan.**

If the General Plan Amendment (GPA-13920) is approved, the site will comply with the General Plan. However, Staff is recommending denial of the General Plan Amendment.

**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 will not be compatible with the surrounding area as the surrounding properties, with the exception of the P-R conversion to the north across Mountain View Boulevard, are residential and are zoned R-E (Residence Estates).

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

There is no significant evidence to prove that this portion of Arville Street, located south of Mountain View Boulevard, is appropriate for commercial development.

**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.**

Highway facilities providing access to the site are capable of handling the traffic generated from the development. However, Arville Street south of Mountain View Boulevard is a residential street serving neighborhoods to the east and is not appropriate for commercial traffic.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 15

**ASSEMBLY DISTRICT** 3

**SENATE DISTRICT** 11

**NOTICES MAILED** 249 by Planning Department

**APPROVALS** 0

**PROTESTS** 35