

AGENDA MEMO

CITY COUNCIL MEETING DATE: SEPTEMBER 6, 2006
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: ZON-14246 - APPLICANT: NEVADA ASSOCIATION OF LATIN AMERICANS, INC. - OWNER: HOUSING AUTHORITY OF THE CITY OF LAS VEGAS, NEVADA

**** CONDITIONS ****

The Planning Commission (5-0 vote) and staff recommend APPROVAL, subject to:

Planning and Development

1. A Resolution of Intent with a two-year time limit is hereby granted.

Public Works

2. Remove all substandard public street improvements, if any, adjacent to this site and replace with new improvements meeting current City Standards concurrent with on-site development activities.
3. Landscape and maintain all unimproved rights-of-way, if any, on Maryland Parkway and Thirteenth Street adjacent to this site.
4. Submit an Encroachment Agreement for all landscaping, if any, located in the Maryland Parkway and Thirteenth Street public rights-of-way adjacent to this site prior to occupancy of this site.

**** STAFF REPORT ****

APPLICATION REQUEST

This is a request for a Rezoning from R-2 (Medium-Low Density Residential) to C-1 (Limited Commercial) on 0.47 acres at 323 North Maryland Parkway. An associated Special Use Permit (SUP-14252) and a Variance (VAR-14251) application will be heard concurrently with the rezoning request.

EXECUTIVE SUMMARY

The proposed rezoning is necessary to allow the continued operation of the existing Social Service Provider Use, as the use is only allowed in commercial zoning districts. The MXU (Mixed-Use) land use designation allows the proposed rezoning to C-1 (Limited Commercial); the rezoning is also generally consistent with the existing pattern of land uses in the immediate area.

BACKGROUND INFORMATION

A) Related Actions

- 02/24/78 The Board of Zoning Adjustment approved a Special Use Permit (U-0005-78) to allow a child care center on the subject site.
- 09/01/90 The Planning and Development Department approved a plot plan for an addition to the existing structure.
- 07/27/06 The Planning Commission recommended approval of companion items VAR-14251 and SUP-14252 concurrently with this application.
- 07/27/06 The Planning Commission voted 5-0 to recommend APPROVAL (PC Agenda Item #70/ff).

B) Pre-Application Meeting

- 03/06/06 At the pre-application conference, it was noted that the daycare function was properly licensed, but the social service functions would require a Special Use Permit. Parking requirements were reviewed with the applicant, and it was noted that a Variance would be needed as the uses on the site had been expanded.

C) *Neighborhood Meetings*

A neighborhood meeting is not required as part of this application request, nor was one held.

DETAILS OF APPLICATION REQUEST

A) *Site Area*

Net Acres: 1.47

B) *Existing Land Use*

Subject Property: Child Care Center
Social Service Provider
North: I-515 R.O.W.
South: General Retail Use
East: Community Center
Multifamily Residential Use
Single-Family Residential Use
West: Multifamily Residential Use
Community Center

C) *Planned Land Use*

Subject Property: MXU (Mixed-Use)
North: I-515 R.O.W.
South: MXU (Mixed-Use)
East: MXU (Mixed-Use)
West: MXU (Mixed-Use)

D) *Existing Zoning*

Subject Property: R-2 (Medium-Low Density Residential)
North: I-515 R.O.W.
South: C-2 (General Commercial)
East: R-3 (Medium-Density Residential)
C-1 (Limited Commercial)
West: R-3 (Medium-Density Residential)
R-4 (High Density Residential)

E) *General Plan Compliance*

The subject property is located within the boundaries of the Las Vegas Redevelopment District, and has a Mixed-Use (MXU) land use designation. The Mixed-Use (MUX) designation allows uses comparable to the following land use categories: L (Low Density Residential), ML (Medium Low Density Residential), M (Medium Density Residential), H (High Density Residential), O (Office), SC (Service Commercial), GC (General Commercial), and PF (Public Facilities). The proposed uses are in compliance with the land use designation.

<i>SPECIAL DISTRICTS/ZONES</i>	Yes	No
Special Area Plan		
Redevelopment Plan Area	X	
Special Overlay District		X
Trails		X
Rural Preservation Overlay District		X
County/North Las Vegas/HOA Notification		X
Development Impact Notification Assessment		X
Project of Regional Significance		X

Redevelopment Plan Area

As previously noted, the parcel is within the boundaries of the Las Vegas Redevelopment Area, with a Mixed-Use (MXU) land use designation. The proposed uses are in conformance with the Redevelopment Plan.

A) Zoning Code Compliance

A1) Development Standards

Pursuant to Title 19.08, the following Development Standards apply to the subject proposal:

Standards	Required	Provided	Compliance
Min. Lot Size	N/A	1.47 Acres	N/A
Min. Lot Width	100 Feet	150 (approx.)	Y

The subject property complies with the minimum dimensions for rezoning to C-1 (Limited Commercial).

B) General Analysis and Discussion

The proposed rezoning will change the zoning on the property from R-2 (Medium-Low Density Residential) to C-1 (Limited Commercial), which will allow the applicant to obtain a Special Use Permit for the Social Service Provider use which already exists on the property. A daycare facility has been in operation on the property since 1979, and a Special Use Permit was granted to allow the use in the R-2 (Medium-Low Density Residential) zoning district. The applicant began to offer immigration services, food and housing assistance, and HIV prevention services in a separate area of the building in 2000. These services fall under the definition of Social Service Provider as contained in Title 19.20, and the applicant is required to obtain a Special Use Permit in accordance with zoning requirements. As the Social Service Provider use is only allowed in commercial zoning districts, the applicant must also rezone the property accordingly.

The subject property is surrounded by a variety of institutional, commercial and residential uses. An apartment complex for seniors and a community center operated by the Housing Authority are located to the west of the site; the Lulac Senior Center, multifamily housing, and a single-family residence are located to the east of the site. General commercial uses are located to the south of the site. Based on the surrounding land uses and the operational history of the facility, the proposed rezoning will have little impact on surrounding properties.

It should be noted that there are two existing abandoned alleyways that traverse the site; staff has initiated an application to vacate the alleyways as they are no longer necessary.

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.

The proposed C-1 (Limited Commercial) zoning is consistent with the MXU (Mixed-Use) land use 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 existing child care center and social service uses are generally consistent with the adjacent community center, multifamily housing, and general commercial uses.

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

The subject property is within the developed urban area, and has been used as a child care center since 1979. The proposed rezoning will be consistent with the use of the property, and is appropriate for the context.

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 subject property has access to Maryland Parkway and Rue 13, both of which are designated as 80-foot wide Secondary Collectors on the Master Plan of Streets and Highways.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 17

ASSEMBLY DISTRICT 9

SENATE DISTRICT 3

NOTICES MAILED 241 by Planning Department

APPROVALS 0

PROTESTS 0