

## AGENDA MEMO

**CITY COUNCIL MEETING DATE: OCTOBER 4, 2006**  
**DEPARTMENT: PLANNING AND DEVELOPMENT**  
**ITEM DESCRIPTION: ZON-14308 - APPLICANT/OWNER: BRUCE A. AND JULIE A. KHALILZADEGAN**

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

Staff recommends DENIAL. The Planning Commission (6-1/se vote) recommends APPROVAL, subject to:

#### **Planning and Development**

#### **Planning and Development**

1. A General Plan Amendment (GPA-14304) to a MLA (Medium Low Attached Density Residential) 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-14306) 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.
4. Approval is from R-E TO R-2
5. Deed restriction within the CC&Rs shall be filed with the County Recorder that there shall be no rental of units within the first two years. The deed restriction shall be filed on each and every unit with the County Recorder. This restriction shall be enforced by the Homeowners Association.

#### **Public Works**

9. Remove all substandard public street improvements and unused driveway cuts adjacent to this site, if any, and replace with new improvements meeting current City Standards 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.
10. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings or the submittal of a Map subdividing this site, whichever may occur first. Provide and improve all drainageways recommended in the approved drainage plan/study. The developer of this site shall be responsible to construct such neighborhood or local drainage facility improvements as are recommended by the City of Las Vegas Neighborhood Drainage Studies and approved Drainage Plan/Study

concurrent with development of this site. In lieu of constructing improvements, in whole or in part, the developer may agree to contribute monies for the construction of neighborhood or local drainage improvements, the amount of such monies shall be determined by the approved Drainage Plan/Study and shall be contributed prior to the issuance of any building or grading permits, or the recordation of a Map subdividing this site, whichever may occur first, if allowed by the City Engineer.

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

**APPLICATION REQUEST**

This is a request for a Rezoning from R-E (Residence Estates) to R-2 (Medium-Low Density Residential) on 3.52 acres at 5300 North Rainbow Boulevard.

**EXECUTIVE SUMMARY**

This Rezoning application is considered inappropriate for this location. The site is located in a Rural Preservation Overlay District. This permits a maximum of two units per acre. The proposed density is nearly six times greater than what is currently permitted on this site. The project is out of character with the neighborhood and denial of this request is recommended.

**BACKGROUND INFORMATION**

***A) Related Actions***

- 07/27/06 This item and companion items for a General Plan Amendment (GPA-14304) to change the land use designation from R (Rural Density Residential) to M (Medium Density Residential), a Variance (VAR-14309) from residential adjacency requirements, and a Site Development Plan review (SDR-14306) for a proposed 68 unit condominium development were abeyed to the 08/24/06 Planning Commission in order for the applicant to redesign the project.
- 08/24/06 This item and companion items for a General Plan Amendment (GPA-14304) to change the land use designation from R (Rural Density Residential) to M (Medium Density Residential), a Rezoning (ZON-14308) to change the zoning from R-E (Residence Estates) to R-3 (Medium Density Residential), and a Variance (VAR-14309) from residential adjacency requirements were held in abeyance in order to submit revised plans for the project.
- 09/07/06 The Planning Commission recommended approval of companion item GPA-14304, withdrew without prejudice VAR-14309 and held in abeyance SDR-14306 concurrently with this application.
- 09/07/06 The Planning Commission voted 6-1/se to recommend APPROVAL (PC Agenda Item #14/ng).

**B) Pre-Application Meeting**

06/01/06 A pre-application meeting was held and elements of this proposed development were discussed.

**C) Neighborhood Meetings**

06/15/06 A neighborhood meeting was held regarding companion General Plan Amendment (GPA-14304). The meeting was held at 5:30 p.m. at the Santa Fe Casino. Two applicant representatives, two staff members, and 25 citizens were in attendance. The following concerns were noted:

- The proposed condominiums are inappropriate for the area; everything in the immediate vicinity is single-family residential.
- The Medium Density land use designation is much too dense for the area.
- The two-story buildings are inappropriate as everything else in the neighborhood is one story.
- The project doesn't have adequate side yard setbacks--10 feet isn't sufficient to separate a two-story multifamily building from a single-family residence.
- The two-story buildings will completely diminish views.
- The multifamily project will generate excessive traffic.
- The multifamily project will decrease property values. The type of people who live in apartments and condominiums will result in an increase in crime and do not belong in a single-family area.

**DETAILS OF APPLICATION REQUEST**

**A) Site Area**

Net Acres: 3.52

**B) Existing Land Use**

Subject Property: Single Family Residential (Proposed Condominium Development)

North: Single Family Residential  
Commercial

South: Single Family Residential

East: Single Family Residential

West: Single Family Residential

**C) Planned Land Use**

Subject Property: R (Rural Density Residential) [Proposed MLA (Medium Low Attached  
Density Residential)]

North: R (Rural Density Residential)

South: L (Low Density Residential)  
 East: L (Low Density Residential)  
 West: ML (Medium Low Density Residential)

**D) Existing Zoning**

Subject Property: R-E (Residence Estates) [Proposed R-2 (Medium-Low Density Residential)]

North: R-E (Residence Estates)  
 South: R-1 (Single Family Residential)  
 East: R-1 (Single Family Residential)  
 West: R-CL (Single Family Compact-Lot)

**E) General Plan Compliance**

The subject property is currently designated as R (Rural Density Residential) under the Centennial Hills Sector Plan of the General Plan. The Rural Density Residential category is a rural or semi-rural environment with a lifestyle much like that of the Desert Rural, but with smaller allowable lot size. The R category permits up to 3.59 units per acre. The applicant has proposed a General Plan Amendment (GPA-14304) to be heard concurrently with the application that would amend the land-use designation to MLA (Medium Low Attached Density Residential). The Medium Low Attached Density Residential category includes a variety of multi-family units such as plexes, townhouses, and low density apartments. The MLA category permits up to 12.49 units per acre. With approval of the proposed General Plan Amendment the site would be in compliance with the General Plan. It is noted that denial of the General Plan Amendment is recommended as the proposed MLA (Medium Low Attached Density Residential) designation is not compatible with the area.

<i><b>SPECIAL DISTRICTS/ZONES</b></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 District	<b>X</b>	
<b>Trails</b>	<b>X</b>	
<b>Rural Preservation Overlay District</b>	<b>X</b>	
<b>County/North Las Vegas/HOA Notification</b>		<b>X</b>
<b>Development Impact Notification Assessment</b>		<b>X</b>
<b>Project of Regional Significance</b>		<b>X</b>

**Airport Overlay District**

The proposed development is located in the Airport Overlay District 200-foot height notification zone. The proposed development is two stories and approximately 34 feet tall; therefore no action is required on the part of the applicant.

## **Trails**

A multi-use transportation trail is required along Rainbow Boulevard. The applicant has not provided for this and will be required to submit a revised landscape plan showing this trail. The trail requires a five-foot transition strip in the right-of-way, a ten-foot public transportation path, and a five-foot private landscaped corridor made up of shrubs, benches, and other amenities.

## **Rural Preservation Overlay District**

The project is located in the Rural Preservation Overlay District (RPOD). The RPOD permits a maximum of two units per acre. While the portion of the development closest to Rainbow Boulevard is exempt from these requirements as it is within 330 feet of a right-of-way greater than 100 feet in width, the rear half of the development is not and should be required to meet the two units per acre maximum requirement. The proposed density is nearly six times what would typically be permitted in the RPOD.

### ***F) Density***

<b><i>EXISTING ZONING</i></b>	<b><i>PERMITTED DENSITY</i></b>	<b><i>PROPOSED ZONING</i></b>	<b><i>PERMITTED DENSITY</i></b>	<b><i>GENERAL PLAN</i></b>	<b><i>PERMITTED DENSITY</i></b>
R-E	2 du/ac	R-2	12.49 du/ac	MLA	12.49 du/ac

The proposed Rezoning would result in a density that is nearly six times greater (12.49 units per acre) than what is currently permitted on the site (3.59 units per acre in the R land use designation, which is actually required to be down to two units per acre due to the site being located in an RPOD). This area is primarily single-family residential and the greatest density permitted in the immediate vicinity is 8.49 units per acre as part of the subdivision directly across Rainbow Boulevard. The actual proposed density (11.9 units per acre) is still larger than the property across Rainbow Boulevard. This is out of character with the area and is deemed inappropriate.

## **ANALYSIS**

### ***A) General Analysis and Discussion***

The proposed project that initiates the need for this Rezoning is considered out of character with the area. As a whole the project requires too many deviations from standards and also a change of land use designation and zoning district. These changes are not minor. The rezoning would jump four categories from R-E (Residence Estates) to R-2 (Medium-Low Density Residential). This is considered too great of a change and the addition of a condominium development to an area that currently features one acre lots directly adjacent to the property is considered inappropriate.

## **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 proposal does not conform to the General Plan as currently designated. The applicant has requested a General Plan Amendment (GPA-14304) to change the land-use designation to MLA (Medium Low Attached Density Residential). With approval of this application the project would conform to the General Plan. It is noted that denial of the General Plan Amendment is recommended as it is considered incompatible with the neighborhood.

**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 proposed condominium complex is located in a Rural Preservation Overlay District or (RPOD). The RPOD permits a maximum of two dwelling units per acre. While the portion of the development closest to Rainbow Boulevard is exempt from these requirements as it is within 330 feet of a right-of-way greater than 100 feet in width the rear half of the development is not and should be required to meet the two units per acre maximum requirement. Additionally the immediate area is single-family homes and this development would be out of character with the neighborhood. As this development does not meet the intent of the RPOD and is out of character with the neighborhood denial of this application is recommended.

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

Growth and development factors in the community do not indicate the need for this Rezoning. This type of development is best suited for a location further away from rural density single-family residential property. The rezoning is considered inappropriate for this location and denial of this request is recommended.

**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 site would gain access from Rainbow Boulevard a 100-foot Primary Arterial. The gated community would permit adequate stacking area. Site access and circulation would be adequate.

**PLANNING COMMISSION ACTION**

The Planning Commission added conditions #4 and 5.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 12

**ASSEMBLY DISTRICT** 1

**SENATE DISTRICT** 6

**NOTICES MAILED** 547 by Planning Dept

**APPROVALS** 0

**PROTESTS** 107