

*City of Las Vegas*

**AGENDA MEMO**

**PLANNING COMMISSION MEETING DATE: NOVEMBER 29, 2007**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: ABEYANCE - GPA-24210 - APPLICANT/OWNER: DARRELL E. JACKSON, ET AL**

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**\*\* CONDITIONS \*\***

**STAFF RECOMMENDATION: DENIAL**

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

**PROJECT DESCRIPTION**

This is a request to Amend a portion of the Southeast Sector Plan of the Master Plan from DR (Desert Rural Density Residential) and L (Low Density Residential) to GC (General Commercial) on 1.45 acres adjacent to the west side of Martin L. King Boulevard, approximately 1,450 feet south of Charleston Boulevard.

The GC (General Commercial) General Plan designation is not compatible with the existing residential developments in the area or the intent of Rancho/Charleston Study Area; therefore, staff does not support this General Plan Amendment.

**BACKGROUND INFORMATION**

<b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i></b>	
02/20/02	The City Council approved a request to amend portions of the Southeast Sector map of the General Plan in the general vicinity of the Charleston Boulevard/Rancho Drive intersection from (SC) Service Commercial to O (Office); from (R) Rural Density Residential to (DR) Desert Rural Density Residential; from (O) Office to (DR) Desert Rural Density Residential and; from (L) Low Density Residential to (DR) Desert Rural Density Residential in accordance with the recommendations of the Rancho Charleston Land Use Study and Strategic Plan.
10/11/07	Companion items for a General Plan Amendment (GPA-24210), Rezoning (ZON-24209) and Site Development Plan Review (SDR-24211) were held in abeyance at the applicants request.
10/25/07	Companion items for a General Plan Amendment (GPA-24210), Rezoning (ZON-24209) and Site Development Plan Review (SDR-24211) were held in abeyance at the applicants request.
<b><i>Related Building Permits/Business Licenses</i></b>	
No building permits or building licenses are related to this site.	
<b><i>Pre-Application Meeting</i></b>	
06/14/07	A pre-application meeting was held with the applicant. After some discussion with staff and the applicant, it was determined that the proposed use is a building maintenance service and sales facility and not a storage facility. The applicant was informed that type of use would require a General Plan Amendment, which required a neighborhood meeting, a Rezoning and a Site Development Plan Review. Submittal requirements were then discussed.

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<b><i>Neighborhood Meeting</i></b>	
09/12/07	<p>A neighborhood meeting was held on Wednesday, September 12, 2007 at 6:00 p.m. The meeting was held at First Presbyterian Church of Las Vegas, 1515 W. Charleston Blvd., Las Vegas, Nevada. Three applicants representatives were present as well as 21 members of the public. Comments and concerns expressed by the public were the following:</p> <ul style="list-style-type: none"> <li>• Potential for uses (retail, restaurants) other than currently proposed if the rezoning is approved.</li> <li>• C-2 zoning may adversely impact adjacent property values</li> <li>• Storage use could create noise</li> <li>• Hours of operation</li> <li>• Parking lot will be unsecured at night and could attract undesirables</li> </ul>
<b><i>Field Check</i></b>	
09/07/07	A field check was made on the site. The site is currently undeveloped with residential to the west and north of the site and a fire station to the south.

<b><i>Details of Application Request</i></b>	
<b><i>Site Area</i></b>	
Net Acres	1.45

<b>Surrounding Property</b>	<b>Existing Land Use</b>	<b>Planned Land Use</b>	<b>Existing Zoning</b>
Subject Property	Undeveloped	DR (Desert Rural Density Residential) and L (Low Density Residential)	R-1 (Single Family Residential)
North	Single Family Residential	L (Low Density Residential)	R-1 (Single Family Residential)
South	Fire Station	PF (Public Facility)	C-V (Civic)
East	Interstate-15	Interstate -15	Interstate -15
West	Single Family Residential	DR (Desert Rural Density Residential)	R-E (Residence Estates)

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<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
<b>Special Area Plan</b>		X	N/A
Rancho Charleston Land Use Study	X		N*
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
<b>Special Purpose and Overlay Districts</b>		X	N/A
<b>Airport Overlay (200 feet)</b>	X		Y
<b>Trails</b>		X	N/A
<b>Rural Preservation Overlay District</b>		X	N/A
<b>Development Impact Notification Assessment</b>		X	N/A
<b>Project of Regional Significance</b>		X	N/A

\*The Rancho Charleston Land Use Study defines the area proposed as residential.

## ANALYSIS

- **General Plan**

The applicant is requesting to Amend a portion of the Southeast Sector Plan of the Master Plan from DR (Desert Rural Density Residential) and L (Low Density Residential) to GC (General Commercial) on 1.45 acres adjacent to the west side of Martin L. King Boulevard, approximately 1,450 feet south of Charleston Boulevard. The General Commercial District allows all types of retail, service, office and other general business uses of a more intense commercial character. These uses will normally require a Special Use Permit and will commonly include limited outdoor display of product and lights or other characteristics not generally compatible with the adjoining residential areas without significant transition. Examples include new and used car sales, highway commercial uses such as hotels and motels, and tourist commercial uses such as resorts and recreational facilities. When adjacent to the beltway or US 95, buildings may be higher than otherwise allowed. Local supporting land uses such as parks, other public recreational facilities, some schools, and churches are also allowed in this district.

- **Adopted Plans and Policies**

The proposed development is within the Rancho/Charleston Study Area. The Rancho/Charleston Study Area was adopted on 06/19/02 in reaction to growing number of general plan amendments and rezoning activities in which private development interests pursued high intensity used on properties in, or adjacent to single family homes, residents of a number of older, stable neighborhoods along the West Charleston Boulevard and Rancho Drive corridors. Per the Rancho/Charleston Land Use Study, the proposed development is designated for a residential use.

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Land Use Goal 1 of the Rancho Charleston Land Use Study purpose is to protect the existing residential neighborhoods from any additional encroachment by commercial and/or office uses. Policy 2.1.2 of the Las Vegas 2020 Master Plan requires that development on vacant or underutilized lots within existing residential neighborhoods be sensitive in use and design to surrounding development.

This General Plan Amendment has been submitted in conjunction with a Site Development Plan Review (SDR-24211) for a proposed 17,004 square foot Building Maintenance Service and Sales Facility and a Rezoning (ZON-24209) from R-1 (Single Family Residential) to C-2 (General Commercial) on 1.45 acres adjacent to the west side of Martin L. King Boulevard, approximately 1,450 feet south of Charleston Boulevard.

The GC (General Commercial) General Plan designation is not compatible with the existing residential developments in the area or the intent of Rancho/Charleston Study Area; therefore, staff does not support this General Plan Amendment.

## **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,**

The proposed General Plan Amendment to GC (General Commercial) allows Building Service Maintenance Service and Sales. The commercial related development associated with this designation is not compatible with the adjacent residential properties as this area is almost exclusively residential. Further, the intensification allowed by this designation does not meet the intent of the Rancho/Charleston Study Area.

- 2. The zoning designations allowed by the proposed amendment will be compatible with the existing adjacent land uses or zoning districts,**

The proposed development will not be compatible with the residential developments in this area. The intensity of uses permitted within the proposed zoning district can not be considered compatible with the existing residential neighborhood.

- 3. There are adequate transportation, recreation, utility, and other facilities to accommodate the uses and densities permitted by the proposed General Plan Amendment; and**

There are adequate facilities to accommodate a commercial building at this location.

**4. The proposed amendment conforms to other applicable adopted plans and policies that include approved neighborhood plans.**

The area of the proposed amendment is within the Rancho/Charleston Study Area. The proposed amendment does not comply with Land Use Goal 1 of the Rancho Charleston Land Use Study, which is to protect the existing residential neighborhoods from any additional encroachment by commercial and/or office uses.

Additionally, this proposal does not comply with Policy 2.1.2 of the Las Vegas 2020 Master Plan, which requires that development on vacant or underutilized lots within existing residential neighborhoods be sensitive in use and design to surrounding development.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED 15**

**ASSEMBLY DISTRICT 9**

**SENATE DISTRICT 3**

**NOTICES MAILED 121 (Mailed with ZON-24209 and SDR-24211)**

**APPROVALS 0**

**PROTESTS 6**

**CONCERNS 1**