

*City of Las Vegas*

**AGENDA MEMO**

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

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: ABEYANCE - ZON-24209 - APPLICANT/OWNER: DARRELL  
E. JACKSON, ET AL.**

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

**STAFF RECOMMENDATION: DENIAL.**

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

**PROJECT DESCRIPTION**

This is a request for a Rezoning 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.

This request is not compatible with the existing residential developments in the area as the C-2 (General Commercial) zoning district allows uses too intense for property this far into a residential neighborhood. Therefore, staff is recommending denial of this Rezoning request.

**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>Neighborhood Meeting</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>Field Check</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>Details of Application Request</b>	
<b>Site Area</b>	
Net Acres	1.45

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
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)

<b>Special Districts/Zones</b>	<b>Yes</b>	<b>No</b>	<b>Compliance</b>
<b>Special Area Plan</b>		X	N/A
Rancho Charleston Land Use Study	X		N*
<b>Special Districts/Zones</b>	<b>Yes</b>	<b>No</b>	<b>Compliance</b>
<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

JM

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

**DEVELOPMENT STANDARDS**

*Pursuant to Title 19.08, the following Development Standards apply:*

<b>Standard</b>	<b>Required/Allowed</b>	<b>Provided</b>	<b>Compliance</b>
Min. Lot Width	100 Feet	100 Feet	Y
Min. Setbacks			
• Front	20 Feet	20 Feet	Y
• Side	10 Feet*	10 Feet	Y
• Corner	15 Feet	N/A	N/A
• Rear	20 Feet	115 Feet	Y
Max. Lot Coverage	50%	27%	Y
Max. Building Height	NA*	27 Feet	Y
Trash Enclosure	Screened	Screened	Y
Mech. Equipment	Screened	Screened	Y

*\* Per Title 19.08.60 Residential Adjacency Standards the required north side yard setback is 81 feet. The applicant provides 81 feet to the north.*

*Pursuant to Title 19.12, the following Landscape Standards apply:*

<b>Landscaping and Open Space Standards</b>				
<b>Standards</b>	<b>Required</b>		<b>Provided</b>	<b>Compliance</b>
	<b>Ratio</b>	<b>Trees</b>		
Parking Area	1 Tree/ 6 Spaces	10 Trees	3 Trees	N*
Buffer:				
Min. Trees (adjacent to residential)	1 Tree/ 20 Linear Feet	32 Trees	30 Trees	N
Min. Trees (adjacent to commercial)	1 Tree/30 Linear Feet	17 Trees	22 Trees	Y
<b>TOTAL</b>		59 Trees	55 Trees	N*
Min. Zone Width along R.O.W	15 Feet		15 Feet	Y
Min. Zone Width interior	8 Feet		8 Feet	Y
Wall Height	8 Feet		8 Feet	Y

*\* The applicant has requested an Exception of Title 19 Parking Lot Landscape Standards.*

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*Pursuant to Title 19.10, the following parking standards apply:*

<b>Parking Requirement</b>							
<i>Use</i>	<i>Gross Floor Area or Number of Units</i>	<i>Required</i>			<i>Provided</i>		<i>Compliance</i>
		<i>Parking Ratio</i>	<i>Parking</i>		<i>Parking</i>		
			Regular	Handi-capped	Regular	Handi-capped	
Building Maintenance Service and Sales Facility	17,004	1:300	57	3	57*	3	
<b>SubTotal</b>			54	3	54	3	
<b>TOTAL</b>			57		57		
Loading Spaces			2		5		

\* Six parking spaces are compact space in size, which meet Title 19.10 parking standards.

<b>Exception</b>		
<b>Request</b>	<b>Requirement</b>	<b>Staff Recommendation</b>
Landscape Fingers	1 per 6 parking spaces	Denial

**ANALYSIS**

The applicant has requested a Rezoning to a C-2 (General Commercial) District on the 1.45 acre parcels. The C-2 District is designed to provide the broadest scope of compatible services for both the general and traveling public. This category allows retail, service, automotive, wholesale, office and other general business uses of an intense character, as well as mixed-use developments. This district should be located away from low and medium density residential development and may be used as a buffer between retail and industrial uses. The C-2 District is also appropriate along commercial corridors. The C-2 District is consistent with the General Commercial category of the General Plan. In addition to the Rezoning, the applicant has requested to Amend (GPA-24210) 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).

The proposed use, Building Maintenance Service and Sales Facility, for this location is conditional, in a C-2 (General Commercial) zoning district. The condition maintains that outside storage shall be screened from view from adjacent properties and streets. The screening must be architecturally consistent with the principal building in terms of materials, colors and details. Since this proposal does not contain any storage that is outside, the applicant meets this condition.

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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 section entitled Identified Issues Affecting Land Use, the Rancho/Charleston Study Area explains that the biggest conflict between residential and non-residential development is not always associated with the use of the property, but at times has more to do with the necessary on-site nuisances that are required of commercial development. The key for creating a successful land use scenario is to buffer residential property from non-residential whenever possible.

This Rezoning 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 General Plan Amendment (GPA-24210) 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.

This request is not compatible with the existing residential developments in the area as the C-2 (General Commercial) zoning district allows uses too intense for property this far into a residential neighborhood. Therefore, staff is recommending denial of this Rezoning request.

## **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 Building Maintenance Service and Sales Facility is in conformance with the applicants General Plan Amendment (GPA-24210) request to GC (General Commercial) Land Use Designation. However, the proposed development is not compatible with the Rancho/Charleston Study areas designation for this area as residential. Therefore, staff deems this development inconsistent with adopted city plans policies and standards.

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**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 development will not be compatible with the residential developments in this area. The intensity of uses such as retail, service, automotive, wholesale, office and other general business uses as well as mixed-use developments permitted within the proposed zoning district can not be considered compatible with the existing residential neighborhood.

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

A C-2 (General Commercial) Zoning District as intense as this request, which allows retail, service, automotive, wholesale, office and other general business uses of an intense character, as well as mixed-use developments should be located away from low and medium density residential development. As this is predominately a residential neighborhood, the request is not appropriate.

**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.**

Access for the site is off Martin L. King Boulevard, an 80-foot frontage street, which will provide adequate access to the site.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED 15**

**ASSEMBLY DISTRICT 9**

**SENATE DISTRICT 3**

**NOTICES MAILED 121**

**APPROVALS 0**

**PROTESTS 6**

**CONCERNS 1**