



**AGENDA MEMO**

**CITY COUNCIL MEETING DATE: NOVEMBER 7, 2007**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: GPA-24245 - APPLICANT: BRIAN J. HORNER - OWNER: BRIAN J. HORNER, EDGAR AND PEGGY POE, RICHARD AND JOAN LEVITT**

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

The Planning Commission (6-0 vote) and staff recommend DENIAL.

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

**PROJECT DESCRIPTION**

This is a request to amend a portion of the Southwest Sector Plan of the Master Plan from R (Rural Density Residential) to O (Office) on 1.4 acres on the south side of Oakey Boulevard, approximately 360 feet east of Rainbow Boulevard. The proposed change of designation is consistent with the use proposed for these properties. However, the proposed designation and potential uses are not compatible with the surrounding area and staff, therefore, recommends denial of this amendment.

**BACKGROUND INFORMATION**

<b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i></b>	
05/24/99	The City Council denied a request for a General Plan Amendment (GPA-0009-99) to designate a portion of the subject properties, 6811 and 6825 West Oakey Boulevard, from L (Low Density Residential) to O (Office). A companion Rezoning (Z-0014-99) to go from R-E (Residence Estates) to P-R (Professional Office and Parking) for a proposed professional office use was also denied. The Planning Commission tied during the voting and staff had recommended denial.
10/11/07	The Planning Commission recommended denial of companion items ZON-24256 and SDR-24246 concurrently with this application.  The Planning Commission voted 6-0 to recommend DENIAL (PC Agenda Item #34/rts).
<b><i>Related Building Permits/Business Licenses</i></b>	
There are no active or pending building permits or business licenses for this site.	
<b><i>Pre-Application Meeting</i></b>	
08/10/07	A pre-application meeting was held and elements of this application were discussed. Public Works brought to the applicants attention concerns regarding the driveway widths and the Building Department talked about the extent of change that maybe needed to convert the existing structures from residential to commercial uses. Submittal requirements were discussed.
<b><i>Neighborhood Meeting</i></b>	
09/12/07	A neighborhood meeting was held at Memphis Championship Barbecue, 1401 South Rainbow Boulevard. Thirteen members of the public attended. Those in attendance had the following comments and concerns: <ul style="list-style-type: none"> <li>* Parking lot and Office will be unsecured at night and could attract undesirables;</li> <li>* Reduction of Property Values;</li> <li>* Will have a domino effect on zoning down Oakey;</li> </ul>

	<ul style="list-style-type: none"> <li>* Traffic will increase;</li> <li>* Owner does not maintain property now; what will happen when office is built; and</li> <li>* Generally all in attendance were opposed.</li> </ul>
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<b>Field Check</b>	
09/14/07	The Department of Planning and Development conducted a site visit that found that there is an existing single family home on each of the three lots. Further, these are the only three residential lots on the block that front onto Oakey Boulevard. There is no non-residential infiltration east of the shopping center that fronts onto Rainbow Boulevard.

<b>Details of Application Request</b>	
<b>Site Area</b>	
Net Acres	1.4 (Total of 3 Lots)

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Single Family, Detached	R (Rural Density Residential)	R-E (Residence Estates) [Proposed: P-R (Professional Office and Parking)]
North	Condominiums	M (Medium Density Residential)	R-PD17 (Residential Planned Development - 17 Units Per Acre)
South	Single Family, Detached	R (Rural Density Residential)	R-E (Residence Estates)
East	Single Family, Detached	R (Rural Density Residential)	R-E (Residence Estates)
West	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)

<b>Special Districts/Zones</b>	<b>Yes</b>	<b>No</b>	<b>Compliance</b>
<b>Special Area Plan</b>		X	n/a
<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>Trails</b>	X		Y *
<b>Rural Preservation Overlay District</b>	X		N **
<b>Development Impact Notification Assessment</b>		X	n/a
<b>Project of Regional Significance</b>		X	n/a

- \* There is an existing Pedestrian Path along Oakey Boulevard. New development on the site must adhere to Exhibit 2 of the Transportation Trails Element of The Las Vegas 2020 Master Plan. An, if approved, condition has been added to the companion Site Development Plan Review (SDR-24246) that the required technical landscape plan must reflect the pedestrian trail and adhere to the above referenced exhibit.
- \*\* This General Plan Amendment and the companion Rezoning (ZON-24256) would allow an intensification of use on the subject properties that would reduce the rural character of this rural preservation neighborhood (RPN).

**DEVELOPMENT STANDARDS**

<b>Existing Zoning</b>	<b>Permitted Density</b>	<b>Units Allowed</b>
R-E (Residence Estates)	2 Units / Acre	2 Units (3 Units Built) @ 1.4 Acres
<b>Proposed Zoning</b>	<b>Permitted Density</b>	<b>Units Allowed</b>
P-R (Professional Office and Parking)	n/a	n/a
<b>General Plan</b>	<b>Permitted Density</b>	<b>Units Allowed</b>
R (Rural Density Residential)	3.49 Units / Acre	4 Units
Proposed: O (Office)	n/a	n/a

**ANALYSIS**

The request is for a General Plan Amendment from R (Rural Density Residential) to O (Office) for three lots within the Southwest Sector Map of the General Plan. The proposed designation allows for small lot office conversions as a transition along primary and secondary streets from residential and commercial uses, and for large planned office areas. Permitted uses include business, professional and financial offices as well as offices for individuals, civic, social, fraternal and other non-profit organizations. The project proposes to allow for the individual conversion of the existing residential structures to commercial office uses or the future development of professional office buildings on the three lots; collectively 1.4 acres, on the south side of Oakey Boulevard, east of Rainbow Boulevard.

Previously, a General Plan Amendment (GPA-0009-99) was considered and denied for two of the properties, 6811 and 6825 West Oakey Boulevard, which would have changed the designation from L (Low Density Residential) to O (Office). Staff at the time had recommended denial based on the incompatibility of the commercial activity within the residential neighborhood.

The subject parcels are within the Rural Preservation Overlay District boundaries. This district, consisting of those areas that are deemed consistent with the definition and intent of a rural preservation neighborhood, is intended to: 1) ensure that the rural character of each rural preservation neighborhood is preserved; 2) unless a rural preservation neighborhood is located within three hundred thirty feet of an existing or proposed street or highway that is more than ninety-nine feet wide, maintain the rural character of the area developed as a low density residential development; 3) provide adequate buffer areas, adequate screening and an orderly and efficient transition of land uses, excluding raising or keeping animals commercially or non-commercially; and 4) establish a basis for the modification of standards for the development of infrastructure to maintain the rural character of the rural preservation neighborhood. The residential density of properties within this area is not to exceed two units per acre. The existing R (Rural Density Residential) General Plan Designation and the R-E (Residence Estates) zoning district are in compliance with this intent. The change of designation to O (Office) and zoning district to P-R (Professional Office and Parking) would constitute an approval for intensification of use within this rural preservation neighborhood. While the Rural Preservation Overlay District Map, which indicates those areas that, at a particular point in time, are deemed consistent with the definition and intent of a rural preservation neighborhood may be amended from time to time to add areas to, or remove areas from, the Overlay District in order to reflect the fact that particular properties have come to qualify, or no longer qualify, for inclusion within a rural preservation neighborhood, good cause must be demonstrated in order for the City Council to approve an intensification of use. No demonstration of good cause has been presented either by the applicant or recent changes to the character of this area to warrant an intensification of use on these parcels.

This amendment was submitted in conjunction with a proposed Rezoning (ZON-24256) to P-R (Professional Office and Parking) and a Site Development Plan Review (SDR-24246) for the conversion of one of the lots (6825 West Oakey Boulevard) residential structure to a commercial office. The O (Office) General Plan designation is not compatible with the existing residential developments in the area or the intent of the Rural Preservation Overlay District; 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,
2. The zoning designations allowed by the proposed amendment will be compatible with the existing adjacent land uses or zoning districts,

3. There are adequate transportation, recreation, utility, and other facilities to accommodate the uses and densities permitted by the proposed General Plan Amendment; and
4. The proposed amendment conforms to other applicable adopted plans and policies that include approved neighborhood plans.

**In regard to 1:**

The proposed General Plan Amendment to O (Office) allows office development. The office related development associated with this designation is not compatible with the adjacent residential properties as this area is almost exclusively residential; with only a small amount of commercial activity occurring to the west of the proposed project area, along the east side of Rainbow Boulevard. Further, the intensification allowed by this designation does not meet the intent of the Rural Preservation Overlay District as outlined in Title 19.06.150.

**In regard to 2:**

The applicant is proposing to rezone this site to P-R (Profession Office and Parking). This zoning district is intended to allow for office uses in an area which is predominantly residential but because of traffic and other factors is no longer suitable for the continuation of low density residential uses. This area remains suitable for low density residential uses and is not appropriate for the proposed change to the land use designation.

**In regard to 3:**

There are adequate facilities to accommodate a commercial office building(s) at this location.

**In regard to 4:**

The area of the proposed amendment is within the Rural Preservation Overlay District. The proposed amendment constitutes an intensification of use for which no good cause has been demonstrated.

**PLANNING COMMISSION ACTION**

There were six speakers in opposition at the Planning Commission Meeting.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED**            6

**ASSEMBLY DISTRICT**            3

**SENATE DISTRICT**            8

**NOTICES MAILED**            361

**APPROVALS**            0

**PROTESTS**            3