

*City of Las Vegas*

**AGENDA MEMO**

**PLANNING COMMISSION MEETING DATE: JANUARY 24, 2008**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: ZON-25893 - APPLICANT/OWNER: SF INVESTMENTS, LLC**

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

**STAFF RECOMMENDATION: DENIAL.**

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

**PROJECT DESCRIPTION**

The applicant is requesting a Rezoning from R-E (Residence Estates) and U (Undeveloped) [R (Rural Density Residential) General Plan Designation] Under Resolution of Intent to R-PD10 (Residential Planned Development 10 Units per Acre) to R-3 (Medium Density Residential) on 11.45 acre site located at the southeast corner of Lone Mountain and U.S. 95. Staff does not support the request as the zone change will allow for a more intense use that does not fit within the rural residential character of the project area. Staff recommendation is for denial.

**BACKGROUND INFORMATION**

<i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i>	
02/16/05	The City Council approved a Petition to Annex (ANX-5100) property generally located on the east side of U.S. 95, south of Lone Mountain Road (APN 138-03-510-001, 002 and 031), containing approximately 7.02 acres. The effective date of this annexation was 2/25/05. Planning Commission recommended approval on 12/16/04.
03/02/05	The City Council approved a General Plan Amendment (GPA-5823) application to amend a portion of the Centennial Hills Sector Plan) of the General Plan from O (Office) to MLA (Medium-Low Attached Density Residential) on 7.80 acres adjacent to the southwest corner of Balsam Street and Lone Mountain Road. The Planning Commission recommended denial on 01/27/05.
03/02/05	The City Council approved a Rezoning (ZON-5827) application to from R-E (Residence Estates) and U (Undeveloped) [O (Office) General Plan Designation] to R-PD10 (Residential Planned Development - 10 units per acre) on 7.80 acres adjacent to the southwest corner of Balsam Street and Lone Mountain Road. The Planning Commission recommended denial on 01/27/05.
03/02/05	The City Council approved a Site Development Plan Review (SDR-5826) application for a proposed 78-lot single-family attached residential development on 7.80 acres adjacent to the southwest corner of Balsam Street and Lone Mountain Road. The Planning Commission recommended denial on 01/27/05.
06/01/05	The City Council approved a General Plan Amendment (GPA-6321) application to amend a portion of the Centennial Hills Sector Plan of the General Plan from PR-OS (Park/Recreation/Open Space) And O (Office) to MLA (Medium-Low Attached Density Residential) on 3.26 acres at 4705, 4723 and 4743 Balsam Street and on property adjacent to the southeast corner of Lone Mountain Road and Balsam Street. Staff recommended approval.

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05/18/05	The City Council considered an Annexation (ANX-6060) application to Petition for the annexing of land generally located on the west side of Balsam Street, 270 feet south of Lone Mountain Road, containing approximately 2.4 acres. The Planning Commission recommended approval on 03/24/05. [The effective date is 05/27/05]
06/01/05	The City Council approved Site Development Plan Review (SDR6332), General Plan Amendment (GPA-6321), and Rezoning (ZON-6327) applications associated with a proposed 124 lot single-family attached residential development on 12.00 acres adjacent to the southeast corner of U.S. 95 and Lone Mountain Road and associated. The Planning Commission did not reach a super majority vote on the GPA request. The Planning Commission recommended approval of the Rezone and Site Development Plan Review.
10/05/05	The City Council approved a Petition to Vacate a portion of Balsam Street and unnamed rights-of-way located south of Lone Mountain Road and east of U.S. 95. Planning Commission and Staff recommended approval.
06/20/07	The City Council approved an Extension of Time (EOT-21136) of Site Development Plan Review (SDR-6332) and an Extension of Time (EOT-21137) an approved Rezoning (ZON-6327) from U (Undeveloped) [MLA (Medium Low Attached Density Residential) and R-E (Residence Estates) zone to R-PD10 (Residential Planned Development - 10 units per acre) on property adjacent to the southeast corner of Lone Mountain Road and Balsam Street. Staff recommended approval with a Two-year extension.
07/26/07	The Planning Commission accepted the applicants request for an abeyance to the 8/09/07 Planning Commission.
08/09/07	The Planning Commission approved a Tentative Map (TMP-21144) for a 124-lot single family residential subdivision on 12.0 acres adjacent to the southeast corner of Lone Mountain Road and U.S. Highway 95. Staff recommended approval.
<b><i>Related Building Permits/Business Licenses</i></b>	
The site is undeveloped; therefore, there are no related building permits or building licenses that pertain to this site.	
<b><i>Pre-Application Meeting</i></b>	
11/27/07	A pre-application meeting was held with the applicant. The applicant is proposing a 252 unit multi-family development for the parcel. The applicant was informed in detail the parking, landscaping and setback requirements for a multi-family development. Submittal requirements were then discussed.

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<b><i>Neighborhood Meeting</i></b>	
12/27/07	<p>A neighborhood meeting was held on Thursday, December 27, 2007 at 7:00 pm at the Mt. Crest Community Center located at 4701 N. Durango Drive, Las Vegas, NV. The following concerns were expressed at the meeting:</p> <ul style="list-style-type: none"> <li>• Residents did not express either approval or rejection of the proposed change in density.               <ul style="list-style-type: none"> <li>• Primary concern among residents were:</li> <li>• When were the three homes in the west side of Balsam annexed;</li> <li>• Whether the drainage study would be updated as has been requested of the currently approved project;</li> <li>• Whether the bridal path along the rear on the property east of Balsam would be maintained;</li> <li>• Whether the entry off of Lone Mountain would in fact be the only entry and what assurance they would have that an entry would not be opened onto Balsam.</li> <li>• Whether the maximum height was based off of existing grades or were there plans to further increase the height of the graded surface;</li> <li>• Whether the conditions that had been discussed for the previous project would be continued here (i.e.. a larger vacation of Balsam?);</li> <li>• Whether the utilities would be placed underground and how that would affect the current residences who use the existing overhead lines;</li> <li>• The applicant's representative indicated that he would follow up on the questions presented.</li> </ul> </li> </ul>

<b><i>Field Check</i></b>	
12/19/07	A site visit was conducted and the project parcels are undeveloped and are positioned south of Lone Mountain Road and the related overpass across the US 95 Freeway.

<b><i>Details of Application Request</i></b>	
<b><i>Site Area</i></b>	
Net Acres	11.45 acres

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<b>Surrounding Property</b>	<b>Existing Land Use</b>	<b>Planned Land Use</b>	<b>Existing Zoning</b>
Subject Property	Undeveloped	MLA (Medium Low Density Attached Residential)	R-E (Residence Estates) and U (Undeveloped) Zone under Resolution of Intent to R-PD10 (Residential Planned Development 10 units per acre) Zone.
North	Hotel and Casino	GC (General Commercial)	C-2 (General Commercial)
South	Single family Residential Clark County	O (Office) Clark County	R-E (Residence Estates) - Clark County
East	Single family Residential - Clark County	MLA (Medium Low Density Attached Residential) City of Las Vegas, and O (Office) Clark County	R-E (Residence Estates) City of Las Vegas and Clark County
West	US Interstate 95	ROW (Right of Way)	ROW (Right of Way)

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

\* A Multi-Use Non-Equestrian Trail is proposed along the southern alignment of Lone Mountain Road.

**DEVELOPMENT STANDARDS**

<b><i>Existing Zoning</i></b>	<b><i>Permitted Density</i></b>	<b><i>Units Allowed</i></b>
R-E (Residence Estates) and U (Undeveloped) Zone under Resolution of Intent to R-PD10	10.59 du/ac	121 Units

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<i>Proposed Zoning</i>	<i>Permitted Density</i>	<i>Units Allowed</i>
R-3 (Medium Low Density Residential)	13-25 du/ac	286 Units
<i>General Plan</i>	<i>Permitted Density</i>	<i>Units Allowed</i>
M (Medium Density Residential)	25.49 du/ac	291 Units

**ANALYSIS**

The 11.45 acre site is currently undeveloped. The amendment was submitted in conjunction with a proposed General Plan Amendment to M (Medium Density Residential), a Variance (VAR-26228) to allow a 20-foot residential adjacency setback where 91 feet is required and a Site Development Plan Review (SDR-25894) for a proposed two-story apartment development consisting of 252 units.

The applicant is requesting a Rezoning from R-E (Residence Estates) and U (Undeveloped) [R (Rural Density Residential) General Plan Designation] Under Resolution of Intent to R-PD10 (Residential Planned Development 10 Units per Acre) to R-3 (Medium Density Residential) on 11.45 acre site located at the southeast corner of Lone Mountain and U.S. 95. The purpose of the R-3 District is to provide for the development of a variety of multi-family units such as duplexes, townhouses and medium density apartments. The R-3 District is consistent with the policies of the Medium Density Residential category of the General Plan.

The site plan (SDR-25894) associated with this request does not comply with the Residential Adjacency Standards of Title 19, which require a 91-foot setback and the density allowed by the proposed R-3 (Medium Density Residential) designation is not compatible with the existing single family residential development to the east of this site; therefore, staff is unable to support this General Plan Amendment.

**Centennial Hills Sector Plan**

*Objective B: Achieve a compatible balance of land uses that are standard throughout the Centennial Hills Sector by providing appropriate and compatible locations for all land use categories.*

The overall density and intensity of the project is greater than adjacent single-family residential development.

*Policy B1.4: Encourage the development of random vacant infill lots in substantially developed, single-family neighborhoods at densities similar to existing development.*

The project as designed is more intense than the existing residential development adjacent to the site.

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*Policy B3.1: Require multi-family developments to be compatible with adjoining mixed uses and single-family uses through site planning and building design, setback and height requirements, landscape and wall buffers, and other buffers to adjoining uses.*

The need for a Variance for residential adjacency clearly violates this element of the Centennial Hills Sector Plan.

**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 zone change will allow for an increase in development intensity within an area characterized by a mixture of land use, however this site directly abuts a lower density residential use. This intensification of use is considered unacceptable within this community and as such staff recommendation is for denial.

This request does not comply with Program B1.4 of the Centennial Hills Sector Plan, which encourages the development of random vacant infill lots in substantially developed, single-family neighborhoods at densities similar to existing development. This request also does not comply with Policy B3 of the Centennial Hills Sector Plan, which states that the appropriate location of multiple family residential uses in the Northwest area of the city should be in the Centennial Hills Town Center or Village Center areas.

The necessity of the associated residential adjacency Variance (VAR-26228) indicates that this General Plan Amendment is not in compliance with Program B3.1 of the Centennial Hills Sector Plan, which requires multi-family developments to be compatible with adjoining single-family uses through site planning and building design, setback and height requirements, landscape and wall buffers, and other buffers to adjoining uses. The need for a Variance for residential adjacency clearly violates this element of the Centennial Hills Sector plan.

**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 potential effects of the zone change are not considered appropriate given the lower density residential existing development adjacent to the project.

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

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No evidence is present that supports the need for the zone change. The Rezoning will not conform with the General Plan and Centennial Hills Sector Plan goal of maintaining the integrity of rural residential districts.

- 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.**

Public roadways in the area are adequate.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 7

**ASSEMBLY DISTRICT** 37

**SENATE DISTRICT** 4

**NOTICES MAILED** 414

**APPROVALS** 1

**PROTESTS** 5