



**AGENDA MEMO**

**CITY COUNCIL MEETING DATE: MARCH 19, 2008**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: ZON-26010 - APPLICANT/OWNER: BILPAR-TENAYA INVESTMENTS, LLC**

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

Staff recommends DENIAL. The Planning Commission (5-2/se/vq vote) recommends APPROVAL.

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

**PROJECT DESCRIPTION**

This application is a request for a Rezoning of 1.99 acres of the U (Undeveloped) Zoning District [under the R (Rural Density Residential) General Plan Designation] to the O (Office) Zoning District). The subject property is located at the northeast corner of Bilpar Road and Tenaya Way. A related General Plan Amendment (GPA-26009) from the R (Rural Density Residential) Land use Designation to the O (Office) land use designation will also be considered on this agenda. A Site Development Plan Review has not been submitted with this request, despite staffs recommendations.

Staff recommends denial of this request and the related General Plan Amendment request (GPA-26009) as the proposal does not support the policies and goals of the Centennial Hills Sector Plan to encourage commercial uses in the Town Center Master Plan Area and to preserve the rural character of residential properties.

**BACKGROUND INFORMATION**

| <b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i></b>                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 2/19/03                                                                                  | The City Council adopted the Centennial Hills Interlocal Land Use Plan. On this map, the subject properties were designated for R (Rural Density Residential) land uses, with a maximum density of 3.59 dwelling units per acre.                                                                                                                                                                                                                                                                             |
| 1/08/04                                                                                  | The Planning Commission tabled a request to amend a portion of the General Plan(GPA-3036) from: R (Rural Density Residential) to: SC (Service Commercial), a Rezoning (ZON-3037) from the U (Undeveloped) zoning district to the C-1 (Limited Commercial) Zoning District , and a Site Development Plan Review (SDR-3039) for a 14,700 square-foot, two-story Retail Building on 1.99 acres adjacent to the northeast corner of Tenaya Way and Bilpar Road. Staff recommended denial on all three requests.  |
| 01/24/08                                                                                 | <a href="#">The Planning Commission recommended approval of companion item GPA-26009 concurrently with this application.</a><br><br><a href="#">The Planning Commission voted 5-2/se/vq to recommend APPROVAL (PC Agenda Item #21/mh).</a>                                                                                                                                                                                                                                                                   |
| <b><i>Related Building Permits/Business Licenses</i></b>                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| There are no Building Permits or Business Licenses recorded against this subject parcel. |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| <b><i>Pre-Application Meeting</i></b>                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 12/04/07                                                                                 | Staff met with the applicant, architect, and representative to discuss the required actions for developing a Child Care Facility and Office Development at the proposed location. Staff reviewed the submittal requirements necessary for a General Plan Amendment, Rezoning request, and Site Development Plan Review request. Staff strongly encouraged the applicants to submit a Site Development Plan Review but they have chosen to proceed with only the General Plan Amendment and Rezoning request. |

| <i>Neighborhood Meeting</i> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|-----------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1/22/08                     | <p>A neighborhood meeting was held on Tuesday, January 22, 2008 from 6:45 p.m. to 8:20 p.m. at the CLV Community Room of the Centennial Hills Active Adult Center located at 6601 N. Buffalo Drive, Las Vegas, NV. Six members of the public, the applicant, and one staff member from the City of Las Vegas Department of Planning and Development were present. The applicant described the intent to amend the existing R (Rural Density Residential) land use designation to the "O," (Office) land use designation in order to accommodate a proposed day care center and one-story office building.</p> <p>The members of the public in attendance had the following comments and concerns:</p> <ul style="list-style-type: none"><li>* Day care use is incompatible with the large corral next to it</li><li>* Concern that the land use change will set a precedent for other vacant parcels on the east side of Tenaya Way.</li><li>* Day care is not a low-impact use and impact adjacent residences</li><li>* Commercial use of the site will increase traffic on Tenaya Way and adjacent streets</li><li>* Concerns about whether or not a cul-de-sac could be installed on Bilpar Road to separate the commercial parcel (and traffic) from the residential parcels to the east</li><li>* Questions raised about how the property would be used if the day care facility were to fail</li><li>* Questions were raised about the number of children that would be accommodated by the day care facility (the applicant was unable to respond)</li><li>* The residents wanted to see a copy of the traffic study prior to consideration by Planning Commission</li><li>* Concerns were raised about the surfacing of the playground and its proximity to the horse corral (fear of children throwing balls over the perimeter wall and hitting the horses)</li><li>* Concern about the land use designation being approved and another development plan being substituted</li><li>* Concern about the vacant lot on the south side of Bilpar Road being rezoned to commercial</li><li>* The proposed uses will harm the neighborhood and the lifestyle of residents</li></ul> |

| <b>Field Check</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|--------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 12/14/07           | A field check was made by staff with the following observations: <ul style="list-style-type: none"> <li>• The subject site is undeveloped with no discernible change in grade.</li> <li>• Undeveloped Town Center Suburban Mixed-Use lots located across Tenaya Way to the west of the site.</li> <li>• Rural density single family residences with horse corrals (unincorporated Clark County) adjacent to the east and north of the site.</li> </ul> |

| <b>Details of Application Request</b> |            |
|---------------------------------------|------------|
| <b>Site Area</b>                      |            |
| Net Acres                             | 1.91 acres |

| <b>Surrounding Property</b> | <b>Existing Land Use</b>                        | <b>Planned Land Use</b>                            | <b>Existing Zoning</b>                                        |
|-----------------------------|-------------------------------------------------|----------------------------------------------------|---------------------------------------------------------------|
| Subject Property            | Undeveloped                                     | R (Rural Density Residential)                      | U (Undeveloped)                                               |
| North                       | Corrals/stables with residential - Clark County | DR (Desert Rural Density Residential) Clark County | Clark County                                                  |
| South                       | Undeveloped/ Single Family Residence            | R (Rural Density Residential)                      | U (Undeveloped)/                                              |
| East                        | Single Family Residence                         | DR (Desert Rural Density Residential)              | Clark County                                                  |
| West                        | Undeveloped                                     | TC (Town Center)                                   | TC (SX-TC - Suburban Mixed Use Town Center Land Use Category) |

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

## ANALYSIS

The 1.91 acre subject site is currently designated R (Rural Density Residential) on the Centennial Hills Interlaces Land Use Plan of the Las Vegas General Plan. The requested O (Office) Zoning District is not consistent with this current designation. The applicant has requested a General Plan Amendment (GPA-26009) of the Centennial Hills Sector Plan to change the Land Use Designation to the O (Office) Land Use Designation on the parcel, so that the requested O (Office) Zoning District will be consistent with the General Plan designation.

The Centennial Hills Sector Plan of the City of Las Vegas General Plan stipulates that commercial development be concentrated in the area designated for Town Center in order to preserve the rural character of the remainder of the northwest area of the City. The subject property is located to the east of the Town Center Master Plan Area in an area that includes rural-style residential uses. In addition, no Site Development Plan Review for the proposed Child Care Facility or Office Building has been submitted; therefore, staff finds the requested Rezoning is inappropriate for the site.

## 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 subject site is currently designated R (Rural Density Residential) on the Centennial Hills Land Use Plan of the General Plan. The requested O (Office) Zoning District is inconsistent with this current designation. The applicant has requested an amendment to the Centennial Hills Sector Plan to O (Office) on the site, and while the requested O (Office) Zoning District is consistent with the requested General Plan designation, staff has determined the requested General Plan Amendment to be inappropriate.

**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 type of uses allowable under the requested O (Office) Zoning District are typically low-intensity commercial in nature. The applicant has proposed a Child Care Facility and additional office uses that are not compatible with the low-density residential uses in the area. It has been the established policy to encourage commercial uses to locate in the Town Center Plan area and to retain the residential nature of the remainder of the Centennial Hills Sector Plan Area..

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

There is substantial undeveloped commercial land area located within the Town Center Master Plan Area west of the subject site that would better accommodate such uses as proposed by this request. The requested rezoning does not appear to meet any identified existing need for commercially zoned property and has notable opposition from the adjacent residentially zoned properties.

**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 is adequately served by Tenaya Way, an 80-foot wide Collector Street that can accommodate the increased capacity for traffic generated by commercial uses on the subject site. However, Bilpar Road is a 60-foot wide Local street, which is currently unimproved and primarily residential in nature, would be adversely affected by this proposal.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 11

**ASSEMBLY DISTRICT** 13

**SENATE DISTRICT** 9

**NOTICES MAILED** 67 by Planning Department

**APPROVALS** 0

**PROTESTS** 7