



**AGENDA MEMO**

**CITY COUNCIL MEETING DATE: APRIL 16, 2008**  
**DEPARTMENT: PLANNING AND DEVELOPMENT**  
**ITEM DESCRIPTION: GPA-25969 - APPLICANT/OWNER: SMOKE RANCH INVESTMENTS**

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***THIS ITEM WAS HELD IN ABEYANCE FROM THE MARCH 19, 2008 CITY COUNCIL MEETING AT THE REQUEST OF COUNCILMAN BARLOW.***

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

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

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

**PROJECT DESCRIPTION**

This application is a request to amend a portion of the Southwest Sector Plan of the General Plan from MLA (Medium-Low Attached Density Residential) to GC (General Commercial) on 5.33 acres adjacent to the south side of Smoke Ranch Road, approximately 175 feet east of Decatur Boulevard

Staff has determined that the range of uses permitted within the GC (General Commercial) land use category and the associated C-2 (General Commercial) zoning district are not compatible with the existing residential uses which directly border this site to the south and east. Therefore, staff recommends denial of this request.

**BACKGROUND INFORMATION**

<i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i>	
04/28/05	The Planning Commission tabled a request for a Rezoning (ZON-5669) from R-1 (Single-Family Residential) to C-1 (Limited Commercial) on the subject property. Staff recommended approval.
11/16/05	The City Council approved a General Plan Amendment (GPA-7678) from SC (Service Commercial) to MLA (Medium-Low Attached Density Residential); a Waiver (WVR-9060) of Title 18.12.160 to allow 88 feet between street intersections where 220 feet is the minimum separation required; a Site Development Plan Review (SDR-9061) for a 50-lot single-family residential development; and a Rezoning (ZON-9058) from R-1 (Single-Family Residential) to R-PD8 (Residential Planned Development - 8 Units Per Acre). The Planning Commission and staff recommended approval.
12/01/05	The Planning Commission approved a Tentative Map (TMP-9764) for a 50-lot, single-family residential subdivision. Staff recommended approval.
03/07/07	The City Council approved the following applications for the subject site: a request to amend the Master Plan designation from ML (Medium-Low Density Residential) to MLA (Medium-Low Attached Density Residential) (GPA-16511); a request for a rezoning from R-1 (Single Family Residential) under Resolution of Intent to R-PD8 (Residential Planned Development - 8 Units Per Acre) to R-PD12 (Residential Planned Development - 12 Units Per Acre) (ZON-16519); a request for a Site Development Plan Review for a proposed 77-lot single family residential subdivision (SDR-16522); and a - request for a Variance to allow 25,158 square feet of open space where 54,450 square feet is the minimum required. (VAR-16525). The Planning Commission and staff recommended denial of these applications on 11/16/06.

04/18/07	The City Council approved a request for a Tentative Map for a 65-lot single-family residential subdivision on the subject site. The Planning Commission recommended denial on 03/22/07. Staff recommended approval
01/24/08	The Planning Commission recommended approval of companion item ZON-25970 concurrently with this application.  The Planning Commission voted 5-2/se/vq to recommend APPROVAL (PC Agenda Item #37/ar).

<b>Related Building Permits/Business Licenses</b>	
	There are no building permits or business licenses related to this application
<b>Pre-Application Meeting</b>	
12/04/07	The requirements for a General Plan Amendment and Rezoning were reviewed. The applicant indicated that they would not be applying for a Site Development Plan Review at this time, but that the proposed use of this site would likely be an auto repair center and min-storage.
<b>Neighborhood Meeting</b>	
01/03/08	A neighborhood meeting was held at 6:30 P.M. in the Rainbow Library located at 3150 N. Buffalo Drive. Four members of the public attended and had no concerns.

<b>Field Check</b>	
12/17/07	The site is undeveloped and contains vegetation, trash and debris. High tension power lines are located along the south side of the Smoke Ranch Road right-of-way. A billboard is located on the corner property containing a convenience store. Residences are located to the south and east of the subject site.

<b>Details of Application Request</b>	
<b>Site Area</b>	
Net Acres	5.33

<b>Surrounding Property</b>	<b>Existing Land Use</b>	<b>Planned Land Use</b>	<b>Existing Zoning</b>
Subject Property	Undeveloped	MLA	R-1 ROI R-PD10
North	Retail, office, warehouse	LI/R	C-M
South	Single family residential	ML	R-CL
East	Single family residential	ML	R-CL
West	Service Station with no automotive service; Undeveloped; single family	SC	C-1, R-E ROI C-1, (C-1 CC)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
<b>Special Area Plan</b>		X	
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
<b>Special Purpose and Overlay Districts</b>	X		
A-O (Airport Overlay) District	X		N/A
<b>Trails</b>		X	
<b>Rural Preservation Overlay District</b>		X	
<b>Development Impact Notification Assessment</b>		X	
<b>Project of Regional Significance</b>		X	

The Airport Overlay Standards require a maximum height of 35 feet for the northeast corner of this site, and 70 feet for the southwest portion. This issue will be addressed if and when a Site Development Plan review is submitted for this site.

## ANALYSIS

- **MLA (Medium Low Attached Density Residential) Master Plan Land Use Designation**

The Medium Low Attached Density Residential category permits a maximum of 12 dwelling units per gross acre. This category includes a variety of multi-family units such as plexes, townhouses, condominiums, and low density apartments. It is also an appropriate transitional use.

- **GC (General Commercial) Master Plan Land Use Designation**

The applicant is proposing to amend the current MLA (Medium-Low Attached Density Residential) Master Plan Land Use Designation to the GC (General Commercial) Master Plan Land Use Designation in effort to allow retail, service, wholesale office and other general business uses of a more intense commercial character. These uses commonly include outdoor storage or display of products or parts, noise, lighting or other characteristics not generally considered compatible with adjoining residential areas without significant transition. Examples include new and used car sales, recreational vehicle and boat sales, car body and engine repair shops, mortuaries, and other highway uses such as hotels, motels, apartment hotels and similar uses.

This Amendment was submitted in conjunction with a proposed Rezoning (ZON-25970) to C-2 (General Commercial). The GC (General Commercial) designation is not compatible with the M L (Medium Low Density) Land Use designations to the east and south of this site. Therefore, staff recommends denial for this General Plan Amendment request.

## **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 GC (General Commercial) allows retail, service, wholesale office and other general business uses of a more intense commercial character. The outdoor storage or display of products or parts, noise, lighting and other characteristics associated with this designation are not compatible with the adjacent residential properties

### **In regard to 2:**

The applicant is proposing to rezone this site to C-2 (General Commercial). This zoning district is intended to allow uses such new and used car sales, recreational vehicle and boat sales, car body and engine repair shops, mortuaries, and other highway uses such as hotels, motels, apartment hotels and similar uses. Staff finds that this area remains suitable for MLA (Medium-Low Attached Density Residential development and is not appropriate for the proposed rezoning.

### **In regard to 3:**

Smoke Ranch Road and Decatur Boulevard are designated by the Master Plan of Streets and Highways as 100 Foot wide Primary Arterials and provide adequate access to this site.

This property is in an area of the city where all utilities, fire and police services are currently in place and available to the site. The Bolden Area Command (located at 1851 Stella Lake Street) of the Las Vegas Metropolitan Police Department services the site. Fire Station #43, located at 6420 Smoke Ranch Road, is the closest city facility to the site.

**In regard to 4:**

There are no other plans or policies that would be applicable.

**PLANNING COMMISSION ACTION**

The Planning Commission recommended action to a lesser intensity designation than requested.  
The applicant agreed.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 4

**ASSEMBLY DISTRICT** 7

**SENATE DISTRICT** 4

**NOTICES MAILED** 345 by Planning Department

**APPROVALS** 4

**PROTESTS** 3