

*City of Las Vegas*

**AGENDA MEMO**

**PLANNING COMMISSION MEETING DATE: JUNE 26, 2008**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: ABEYANCE - GPA-27296 - APPLICANT: PRIMACK FAMILY  
COMPANIES, LLC - OWNER: MICHAEL VILLAGE, LLC**

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

**STAFF RECOMMENDATION: DENIAL.**

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

**PROJECT DESCRIPTION**

This is a request to Amend a portion of the Southwest Sector of the General Plan from L (Low Density Residential) to SC (Service Commercial) on 1.97 acres at the southwest corner of Lake Mead Boulevard and Michael Way.

The proposed SC (Service Commercial) Land Use designation on two parcels currently designated as L (Low Density Residential) is not compatible with the existing R (Rural Density Residential) and L (Low Density Residential) properties that surround the subject site. Because the increase in the intensity of use has created this incompatibility, staff recommends denial of this request, and as well as the affiliated Rezoning (ZON-27297) and Site Development Plan Review (SDR-27298).

**BACKGROUND INFORMATION**

<i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i>	
08/19/99	The City Council approved an update of the Southwest Sector Map (GPA-0023 -99) of the city of Las Vegas General Plan. On this map, the subject properties were designated for R (Rural Residential) land uses, with a maximum density of 3.5 dwelling units per acre.
09/06/00	The City Council approved the Las Vegas 2020 Master Plan. This site is within the Neighborhood Revitalization Area as described in the Plan.
01/18/06	The City Council approved a General Plan Amendment (GPA-7323) to reclassify the property to an L (Low Density Residential) land use classification; an associated request for Rezoning (ZON-7470) to R-PD4 (Residential Planned Development - 4 Units Per Acre) from R-E (Residence Estates), a Variance (VAR-7535) to reduce the minimum area required for formation of an R-PD (Residential Planned Development), a Waiver (WVR-10086) to allow approximately 145 feet between street intersections where 220 feet is the minimum offset required, and a Site Development Plan Review (SDR-7473) for an 11-lot single-family residential development.
10/06/07	The Planning Commission approved the applicants request to Withdraw Without Prejudice a General Plan Amendment (GPA-24477) to Amend a portion of the Southwest Sector Plan from L (Low Density Residential) to SC (Service Commercial), a Rezoning (ZON-24478) from R-E (Residential Estates) under a Resolution of Intent to R-PD4 (Residential Planned Development 4 Units per Acre) to C-1 (Limited Commercial) and a Site Development Plan Review (SDR-24479) for a 15,030 square foot General Retail Development and Restaurant with Drive-Through on 1.96 acres at the southwest corner of Lake Mead Boulevard and Michael Way.



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04/24/08	Planning Commission approved an Abeyance request to Amend a portion of the Southwest Sector of the General Plan (GPA-27296) from L (Low Density Residential) to SC (Service Commercial), a Rezoning (ZON-27297) from R-E (Residence Estates) Under Resolution Of Intent To R-PD4 (Residential Planned Development - 4 Units Per Acre) to C-1 (Limited Commercial), and a Site Development Plan Review (SDR-27298) for a proposed two-story, 20,000 square-foot Medical Office/Clinic/Retail Development on 1.97 acres at the southwest corner of Lake Mead Boulevard and Michael Way to the 05/22/08 Planning Commission Meeting.
05/22/08	Planning Commission approved an Abeyance request to Amend a portion of the Southwest Sector of the General Plan (GPA-27296) from L (Low Density Residential) to SC (Service Commercial), a Rezoning (ZON-27297) from R-E (Residence Estates) Under Resolution of Intent to R-PD4 (Residential Planned Development - 4 Units Per Acre) to C-1 (Limited Commercial), and a Site Development Plan Review (SDR-27298) for a proposed two-story, 20,000 square-foot Medical Office/Clinic/Retail Development on 1.97 acres at the southwest corner of Lake Mead Boulevard and Michael Way to the 05/22/08 Planning Commission Meeting to the 06/26/08 Planning Commission Meeting.

***Related Building Permits/Business Licenses***

There are no Building Permits or Business Licenses associated with either parcel (APN 138-24-305-001 and 003) of the subject site.

***Pre-Application Meeting***

02/29/08	A pre-application meeting was held with staff to discuss the process of submitting a request to construct a medical office complex on two undeveloped parcels. Staff then discussed the submittal requirements for a General Plan, Rezoning and Site Development Plan.
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***Neighborhood Meeting***

03/25/08	<p>A neighborhood meeting was held on Tuesday, March 25, 2008 at 5:30 p.m. in the Multi-Purpose Room at the Paul Culley Elementary School located at 1200 Mallard Avenue, Las Vegas, NV 89108. Two applicants, one city staff and 18 members of the public were in attendance. Concerns expressed were the following:</p> <ul style="list-style-type: none"> <li>• Traffic on Michael Way</li> <li>• Hours of operation</li> <li>• Leave it residential</li> </ul> <p>No one present was in favor of project.</p>
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<b>Field Check</b>	
03/24/08	The following observations were made by Planning and Development Staff during a routine field check: <ul style="list-style-type: none"> <li>• Undeveloped property with existing eight-foot wall on the west and portion of the south perimeter. No wall adjacent to Single Family Residence located at 1950 North Michael Way.</li> <li>• Large-lot residential properties with horses adjacent to the south.</li> <li>• Church located to the west of the property on R-E (Residence Estates) zoned property.</li> </ul> The area is primarily residential in character.

<b>Details of Application Request</b>	
<b>Site Area</b>	
Net Acres	1.97 acres

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped	L (Low Density Residential)	R-E (Residential Estates) under a Resolution of Intent to R-PD4 (Residential Planned Development 4 Units Per Acre)*
North	Single-Family Residential	L (Low Density Residential)	R-1 (Single-Family Residential)
South	Single-Family Residential	R [(Rural Density Residential) Clark County]	R-E [(Residential Estates) Clark County]
East	Single-Family Residential	L (Low Density Residential)	R-1 (Single-Family Residential)
West	Church	R (Rural Density Residential)	U (Undeveloped)

\*The applicant has requested a Rezoning (ZON-27297)

<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		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

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A Pedestrian Path is required along Lake Mead Boulevard, per the Master Plan Transportation Trails Element. This particular path is to consist of a five-foot sidewalk next to curb with a minimum five-foot landscape island behind it. The applicant has provided adequate demonstration of compliance on the provided landscape plan and will be required to develop the path as a condition of approval for this development.

## **ANALYSIS**

- **L (Low Density Residential) Master Plan Land Use Designation**

The Low Density Residential land use classification allows a maximum density of development of 5.49 units per gross acre. This category permits single-family detached homes, manufactured homes on individual lots, gardening, residential planned developments, and planned community developments.

- **SC (Service Commercial) Master Plan Land Use Designation**

The applicant is proposing to amend the current L (Low Density Residential) Master Plan Land Use Designation to the SC (Service Commercial) Master Plan Land Use Designation in efforts to allow low to medium intensity retail, office, or other commercial uses that primarily serve local area patrons. This particular proposal consists of two parcels totaling 1.97 acres.

This Amendment was submitted in conjunction with a proposed Rezoning (ZON-27297) to a C-1 (Limited Commercial) zoning district and a Site Development Plan Review (SDR-27298) for a proposed 20,000 square-foot Medical Office, Clinic and Retail Development. The SC (Service Commercial) designation is not compatible with the surrounding R (Rural Density Residential) and L (Low Density Residential) land use designations in the area. 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

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4. The proposed amendment conforms to other applicable adopted plans and policies that include approved neighborhood plans.

**In regard to 1:**

The proposed SC (Service Commercial) Land Use designation on two parcels currently designated as L (Low Density Residential) is not compatible with the existing R (Rural Density Residential) and L (Low Density Residential) properties that surround the subject site. Because the increase in the intensity of use has created this incompatibility, staff recommends denial of this request and as well as the affiliated Rezoning (ZON-27297) and Site Development Plan Review (SDR-27298).

**In regard to 2:**

The proposed C-1 (Limited Commercial) zoning designation is the appropriate zoning district for the requested SC (Service Commercial) land use designation. However, as this zoning district is inherently linked to the issue of spot zoning, as defined in Title 19.20, staff finds that a commercially zoned district would be inappropriate for this location.

**In regard to 3:**

Site access is adequately provided primarily by Lake Mead Boulevard, classified as a 100-foot wide Primary Arterial by the Master Plan Streets and Highways, through a centrally located driveway at the side of the property. Secondary access is also provided off of Michael Way, an 80-foot wide Secondary Collector Street, which primarily serves the neighborhood residents.

**In regard to 4:**

This proposed amendment does not conform to the Master Plan or the Title 19 Zoning Code in that the existing residential land uses that surround the subject property are not compatible with the proposed commercial use. Because this particular proposal, with the affiliated Rezoning (ZON-27297) and Site Development Plan Review (SDR-27298), constitute spot zoning, staff must recommend denial.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 10

**ASSEMBLY DISTRICT** 6

**SENATE DISTRICT** 4

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**NOTICES MAILED**            322

**APPROVALS**                    2

**PROTESTS**                    89