

*City of Las Vegas*

**AGENDA MEMO**

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

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: ABEYANCE - ZON-27297 - 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 for a Rezoning from R-E (Residence Estate) Under Resolution of Intent to R-PD4 (Residential Planned Development 4 Units Per Acre) to C-1 (Limited Commercial) on 1.97 acres at the southwest corner of Lake Mead Boulevard and Michael Way.

**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.
<b><i>Related Building Permits/Business Licenses</i></b>	
There are no Building Permits or Business Licenses associated with either parcel (APN 138-24-305-001 and 003) of the subject site.	
<b><i>Pre-Application Meeting</i></b>	
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.
<b><i>Neighborhood Meeting</i></b>	
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	<p>The following observations were made by Planning and Development Staff during a routine field check:</p> <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> <p>The area is primarily residential in character.</p>

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

<b>Surrounding Property</b>	<b>Existing Land Use</b>	<b>Planned Land Use</b>	<b>Existing Zoning</b>
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)

<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**

The applicant is requesting a Rezoning from the existing R-E (Residence Estates) zoning district Under Resolution of Intent to R-PD4 (Residential Planned Development 4 Units Per Acre) zoning district to the C-1 (Limited Commercial) zoning district. A related General Plan Amendment (GPA-27296) has been requested to accommodate a change in land use for two parcels that previously approved for a residential development. Although the applicant is requesting a commercial zoning district that is in compliance with the requested General Plan Amendment, the two requests in total would constitute spot zoning as defined in Title 19.20 as such:

Rezoning of a lot or parcel or parcel of land to benefit an owner for a use incompatible with surrounding land uses and that does not further the General Plan.

Because the applicants proposal for a Rezoning to the C-1 (Limited Commercial) zoning district for a Medical Office, Clinic and Retail Development cannot be accomplished without resulting in the two parcels being zoned in isolation from the adjacent residential properties, staff recommends denial.

## **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 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 the affiliated General Plan Amendment (GPA-27296) and Site Development Plan Review (SDR-27298).

**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.**

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Although the requested C-1 (Limited Commercial) zoning district is the appropriate zoning district for the requested SC (Service Commercial) land use designation, this commercial district is incompatible with the surrounding residentially zoned properties.

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

A previous approval for an 11-lot single family development (ZON-7470 and SDR-7473) has demonstrated that the current L (Low Density Residential) Land Use designation may provide for a viable residential proposal. There is little demonstration that growth and development factors would warrant the spot zoning of these two parcels to accommodate a 20,000 square-foot Medical Office, Clinic and Retail Development that is not compatible with the surrounding single family residences.

**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.**

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.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED 10**

**ASSEMBLY DISTRICT 6**

**SENATE DISTRICT 4**

**NOTICES MAILED 322**

**APPROVALS 2**

**PROTESTS 89**