

City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: JULY 24, 2008

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: ZON-28511 - APPLICANT/OWNER: FIELD DEVELOPMENT, LLC

**** CONDITIONS ****

STAFF RECOMMENDATION: DENIAL.

Submitted after final agenda

Date

Item **32**

NE

**** STAFF REPORT ****

PROJECT DESCRIPTION

This application is a request for a Rezoning of 1.04 acres at 3920 Leon Avenue from O (Office) zoning district to C-1 (Limited Commercial) zoning district.

A General Plan Amendment (GPA-28510) to amend a portion of the Northwest Sector of the General Plan from O (Office) to SC (Service Commercial); Variance (VAR-28514) for a rear building setback of 10.83 feet where 20 feet is required; Special Use Permit (SUP-28513) for a Building Maintenance Service and Sales use; and a Site Development Plan Review (SDR-28512) for the existing two-story 8,120 square-foot office building and the addition of a 4,500 square-foot Building Maintenance Service and Sales building and outdoor storage area with Waivers to allow for a zero-foot landscape buffer along portions of the north, south, and west perimeters where eight feet is required accompany this application. Staff is recommending denial of this proposed Rezoning request as it is seen as too intense of a land use and is dependent upon the approval of the associated General Plan Amendment (GPA-28510), which has also been determined to be too intense of a land use and denial is also being recommended for that application as well.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
02/07/01	The City Council approved a request for Rezoning (Z-0108-00) from: R-E (Residence Estates) and C-2 (General Commercial) to: C-1 (Limited Commercial) on 1.04 acres located at 3900 Leon Avenue. The Planning Commission recommended approval.
04/04/01	The City Council approved a request for a Site Development Plan Review [Z-0108-00(1)] for a 24,000 square-foot office building on approximately 1.04 acres located on the west side of Leon Avenue, approximately 400 feet south of Alexander Road. The Planning Commission recommended approval.
04/02/03	The City Council approved a request to amend portions of the Centennial Hills Sector Plan and the Southwest Sector Map (GPA-1363) from: GC (General Commercial), SC (Service Commercial) and DR (Desert Rural Density Residential) to: GC (General Commercial), O (Office), PF (Public Facilities), ML (Medium-Low Density Residential) and DR (Desert Rural Density Residential) on property located on, or in close proximity to, both sides of Rancho Drive from Vegas Drive to the northern City limits at Moccasin Road. The Planning Commission recommended approval.

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09/04/03	An encroachment agreement (#2705) was finalized for a meandering sidewalk on the west side of Leon Avenue along the property line and two planter areas approximately 5 feet wide and 14 feet long each consisting of decomposed granite, boulders, trees, shrubs, and ground cover to satisfy a condition of Z-0108-00(1).
05/05/05	A Code Enforcement case (#29612) was opened for a complaint that the aesthetic appearance of a 2-story office building was visually offensive from Rancho Drive. The case was resolved on 05/16/05.
<i>Related Building Permits/Business Licenses</i>	
03/05/97	A business license (#C11-06288-B-074264) was issued for a contractor at 3920 Leon Avenue.
02/17/99	A business license (#C11-09503-B-083939) was issued for a contractor at 3920 Leon Avenue.
02/01/00	A business license (#C11-09009-B-089024) was issued for a contractor at 3920 Leon Avenue.
05/03/01	A business license (#C11-07897-E-098046) was issued for a contractor at 3920 Leon Avenue.
12/20/01	A building permit (#1022085) was issued for onsites at 3920 Leon Avenue. The permit was finalized on 06/17/02.
12/20/01	A building permit (#1022086) was issued for a shell building certificate of completion. The permit was finalized on 02/19/03.
01/30/02	A building permit (#2001544) was issued for a temporary construction trailer at 3920 Leon Avenue. The permit expired on 08/10/02.
03/06/02	A building permit (#2003991) was issued for onsite water and sewer at 3920 Leon Avenue. The permit expired 03/22/03.
09/17/02	A building permit (#2016789) was issued to extend water and sewer at 3920 Leon Avenue. The permit expired on 03/22/03.
09/19/02	A building permit (#2017060) was issued for a block wall at 3920 Leon Avenue. The permit expired on 04/26/03.
02/26/03	A building permit (#3003886) was issued for a non-work certificate of occupancy at 3920 Leon Avenue, Suite #110. The permit expired on 08/30/03.
02/26/03	A building permit (#3003887) was issued for a non-work certificate of occupancy at 3920 Leon Avenue, Suite #150. The permit expired on 08/30/03.
05/16/03	A business licensed (#C11-07485-E-110105) was issued for a contractor at 3920 Leon Avenue. The license was marked out of business on 07/04/06.
05/27/05	A business license (#C11-10005-E-123058) was issued for a contractor at 3920 Leon Avenue.
07/27/05	A business license (#C11-07892-G-123430) was issued for a contractor at 3920 Leon Avenue.
08/25/05	A business license (#C11-07914-H-122891) was issued for a contractor at 3920 Leon Avenue. The license was marked out of business on 08/22/07.

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11/16/05	A business license (#D06-00904-K-125704) was issued for a designer – decorator at 3920 Leon Avenue. The license was marked out of business on 10/04/07.
06/02/06	A building permit (#66859) was issued for temporary power at 3920 Leon Avenue. The permit was finalized on 07/21/06.
05/07/07	A business license (#C11-09120-D-133938) was issued for a contractor at 3920 Leon Avenue.
05/15/07	A business license (#C11-09156-D-133685) was issued for a contractor at 3920 Leon Avenue.
06/22/07	A business license (#C11-09270-F-134407) was issued for a contractor at 3920 Leon Avenue.
<i>Pre-Application Meeting</i>	
05/28/08	A pre-application meeting was held with staff to discuss the submittal requirements for a General Plan Amendment (GPA), Rezoning (ZON), Variance (VAR), Site Development Plan Review (SDR), and a Special Use Permit (SUP).
<i>Neighborhood Meeting</i>	
07/07/08	<p>A neighborhood meeting was held on Monday, July 7, 2008 at 6:00 p.m. at 5715 West Alexander Road, Suite 135, Las Vegas, Nevada 89130. The applicant and approximately 15 members of the public were in attendance. Staff was not in attendance at this meeting. Comments and concerns were the following:</p> <ul style="list-style-type: none"> • Members of the public were concerned that if this particular use ever vacated, a C-1 (Limited Commercial) zoning could allow other more intense uses on the site. The members of the public wanted to know if there could be a condition placed upon the zoning restricting future uses.
<i>Field Check</i>	
06/17/08	<p>The following observations were made by staff during a routine field check:</p> <ul style="list-style-type: none"> • The gate to the existing trash enclosure was off the hinges and needed to be repaired. It also did not have a roof or trellis over it. • Existing perimeter CMU block wall was not to City design standards (20% contrasting material), nor did it have a cap. • A commercial shipping container was noted on-site. • Existing landscaping around meandering sidewalk was scarce. • Existing office building was well maintained. • A temporary power pole was noted on-site. • The existing parking lot was in need of wheel stops to prevent vehicular traffic from traveling off of the designated drive aisle. • Illegal, outdoor storage was observed on site, which is not permitted in an O (Office) zoned district.

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07/03/08	A follow-up field check was performed where it was noted that all illegal, outdoor storage had been removed, as well as the commercial shipping container from 3920 Leon. The property to the south, 3910 Leon Avenue still had illegal outdoor storage.
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<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	1.04

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Office	O (Office)	O (Office)
North	Vacant Land	O (Office)	O (Office)
South	Office / Outdoor Storage	O (Office)	O (Office)
East	Single-Family Residential	DR (Desert Rural Density Residential)	R-E (Residence Estates)
West	Vacant Land	GC (General Commercial)	C-2 (General Commercial)

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

Airport Overlay District

No structure shall be erected, altered or maintained on any parcel within the boundaries of the Airport Overlay District that would violate the height limitations defined by the McCarran Airport Overlay Map and the North Las Vegas Airport Overlay Map. The subject site is within the 105-foot contour limitations and does not violate the height limitations. The proposed structure does not exceed the height limitation and is in compliance with the Airport Overlay District.

DEVELOPMENT STANDARDS

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Width	100 ft.	109 ft.	Y
Min. Setbacks			
• Front	20 ft.	20 ft.	Y
• Side	10 ft.	10 ft.	Y
• Corner	15 ft.	20 ft.	Y
• Rear	20 ft.	10.83 ft.	*N
Min. Distance Between Buildings	10 ft.	14 ft.	Y
Max. Lot Coverage	50%	23.4%	Y
Max. Building Height	2 stories or 35 feet, whichever is less.	24 ft.	Y
Trash Enclosure	Screened	Not Screened	**N

*The applicant has submitted a related application for a Variance (VAR-28514) to allow for a 10.83-foot rear setback where 20 feet is required.

**The applicant has an existing trash enclosure on-site that is not in compliance with Title 19.08 standards. A condition has been added requiring the existing trash enclosure and any additional trash enclosure(s) built on the site to be in compliance with Title 19.08 standards.

<i>Landscaping and Open Space Standards</i>				
<i>Standards</i>	<i>Required</i>		<i>Provided</i>	<i>Compliance</i>
	<i>Ratio</i>	<i>Trees</i>		
Parking Area	1 Tree per 6 Spaces	8 Trees	3 Trees	*N
Buffer:				
Min. Trees				
• North	1 Tree per 30 Linear Feet	10 Trees	7 Trees	**N
• South	1 Tree per 30 Linear Feet	10 Trees	4 Trees	
• East	1 Tree per 20 Linear Feet	7 Trees	8 Trees	
• West	1 Tree per 30 Linear Feet	7 Trees	3 Trees	
TOTAL		34 Trees	22 Trees	
Min. Zone Width				
• North	8 ft.		***Zero ft.	***N
• South	8 ft.		***Zero ft.	
• East	15 ft.		15 ft.	
• West	8 ft.		***Zero ft.	
Wall Height	6 to 8 ft.		6 ft.	Y

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**The applicant has requested an Exception to Title 19.10 that requires interior landscape islands at the end of each row of parking spaces; either parallel to parking spaces, at a ration of one landscape island for every six parking spaces, or perpendicular to parking spaces, if located between abutting rows of parking spaces. The proposed site plan demonstrates three areas of 6 or more parking spaces where a landscape island is necessary. One of those landscape islands has been provided for leaving the site deficient two landscape islands.*

***The applicant has requested an Exception from Title 19.12 to provide 22 trees where 34 trees are required within the perimeter landscape buffer.*

****The applicant has requested a Waiver for zero-foot landscape buffers along portions of the north, south and west perimeters.*

Pursuant to Title 19.10, the following parking standards apply:

Parking Requirement							
Use	Gross Floor Area or Number of Units	Parking Ratio	Required		Provided		Compliance
			Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Building Maintenance Service and Sales (4,500 sq. ft.)	10,620 sq. ft.	1:300	34	2	41	2	Y
Office, Other than Listed (6,120 sq. ft.)							
TOTAL (including handicap)			36		43		

ANALYSIS

- **Zoning**

The subject site is designated (Office) on the Northwest Sector map of the General Plan. The Office category allows for small lot office conversions as a transition, along primary and secondary streets, from residential and commercial uses, and for large planned office areas. Permitted uses include business, professional and financial offices as well as offices for individuals, civic, social, fraternal and other non-profit organizations.

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There is an affiliated application, General Plan Amendment (GPA-28510), proposing to change the current designation of O (Office) to SC (Service Commercial). This designation allows low to medium intensity retail, office or other commercial uses that serve primarily local area patrons, and that do not include more intense general commercial characteristics. Examples include neighborhood shopping centers and areas, theaters, bowling alleys and other places of public assembly and public and semi-public uses. This category also includes offices either singly or grouped as office centers with professional and business services.

This Rezoning proposes to change the sites zoning from O (Office) to a C-1 (Limited Commercial). A C-1 (Limited Commercial) zoning district is intended to provide most retail shopping and personal services, and may be appropriate for mixed use developments. This district should be confined to the intersections of primary and secondary thoroughfares along major retail corridors.

The rezoning of this property would create a "spot zoning" situation defined by Title 19 as, "the rezoning of a lot or parcel of land to benefit an owner for a use incompatible with surrounding land uses and that does not further the General Plan." Due to the self-imposed hardship created by the intensity of the proposed use on the site, and the incompatibility of this proposed zoning district with the existing residential development to the east and the existing office designation to the north and south of this site, staff is recommending denial of this request and all affiliated request as well.

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."

Affiliated with this application is General Plan Amendment (GPA-28510). The applicant is proposing to amend the current O (Office) General Plan designation to the SC (Service Commercial) General Plan designation in efforts to allow low to medium intensity retail, office, or other commercial uses that primarily serve local area patrons. The Rezoning of the subject site from O (Office) to C-1 (Limited Commercial) does not conform to the General Plan. Upon approval of General Plan Amendment (GPA-28510) the proposed zone would conform to the General Plan, however the Rancho Corridor Study and subsequent City initiated General Plan Amendment deemed this site O (Office) and the proposed General Plan Amendment (GPA-28510) from O (Office) to SC (Service Commercial) and Rezoning (ZON-28511) from O (Office) to C-1 (Limited Commercial) does not conform to the General Plan.

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- 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 Rezoning of this property would create a “spot zoning” situation defined by Title 19 as, “the rezoning of a lot or parcel of land to benefit an owner for a use incompatible with surrounding land uses and that does not further the General Plan.” The surrounding property to the north and the south are both designated O (Office) by the Las Vegas 2020 Master Plan, with O (Office) zoning districts. To the east of the subject site is property zoned R-E (Residence Estates) with the General Plan designation of DR (Desert Rural Density Residential). The proposed use is not compatible with the surrounding land uses and zoning districts.

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

Growth and development factors in the community do not indicate the need for the Rezoning, nor is it appropriate. The subject site is designated O (Office) by the Las Vegas 2020 Master Plan in order to provide a transition along primary and secondary streets from residential and commercial uses. The subject site provides this transition for the R-E (Residence Estates) zoned properties to the east, and the C-2 (General Commercial) zoned properties to the west.

- 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.”**

Adequate access to the site is provided by Leon Avenue, a 60-foot wide collector street. Secondary access to the subject site is provided by a 20-foot wide public alley off of Duncan Drive and Alexander Road. A centrally located driveway that runs east and west through the subject site provides both egress and ingress to Leon Avenue and the public alley which intersects with both Duncan Drive and Alexander Road. Rezoning the subject property to a C-1 (Limited Commercial) district will intensify the land use and vehicular traffic.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 3

ASSEMBLY DISTRICT 1

SENATE DISTRICT 4

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NOTICES MAILED 105

APPROVALS 0

PROTESTS 1