

City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: AUGUST 28, 2008
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: ABEYANCE GPA-28283 - APPLICANT/OWNER: DARRELL E. JACKSON, ET AL

**** CONDITIONS ****

STAFF RECOMMENDATION: DENIAL

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request to Amend a portion of the Southeast Sector Plan of the Master Plan from DR (Desert Rural Density Residential) and L (Low Density Residential) to SC (Service Commercial) on 1.45 acres adjacent to the west side of Martin L. King Boulevard, approximately 1,450 feet south of Charleston Boulevard.

The SC (Service Commercial) General Plan designation is not compatible with the existing residential developments in the area or the intent of Rancho/Charleston Study Area; therefore, staff does not support this General Plan Amendment.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
02/20/02	The City Council approved a request to amend portions of the Southeast Sector map of the General Plan in the general vicinity of the Charleston Boulevard/Rancho Drive intersection from SC (Service Commercial) to O (Office); from R (Rural Density Residential) to DR (Desert Rural Density Residential); from O (Office) to DR (Desert Rural Density Residential) and; from L (Low Density Residential) to DR (Desert Rural Density Residential) in accordance with the recommendations of the Rancho Charleston Land Use Study and Strategic Plan.
10/11/07	Companion items for a General Plan Amendment (GPA-24210), Rezoning (ZON-24209) and Site Development Plan Review (SDR-24211) were held in abeyance at the applicants request.
10/25/07	Companion items for a General Plan Amendment (GPA-24210), Rezoning (ZON-24209) and Site Development Plan Review (SDR-24211) were held in abeyance at the applicants request.
11/29/07	The City Council accepted the applicants request to Withdraw Without Prejudice a General Plan Amendment (GPA-24210) from DR (Desert Rural Density Residential) and L (Low Density Residential) to GC (General Commercial), a Rezoning (ZON-24209) from R-1 (Single Family Residential) to C-1 (Limited Commercial) and Site Development Plan Review (SDR-24211) for a proposed 17,004 square-foot building Maintenance Service and Sales facility on 1.45 acres adjacent to the west side of Martin L. King Boulevard, approximately 1,450 feet south of Charleston Boulevard.

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08/14/08	The Planning Commission held in abeyance at the applicants request a General Plan Amendment (GPA-28283) to Amend the Southeast Sector of the General Plan from DR (Desert Rural Density Residential) to SC (Service Commercial), a Rezoning (ZON-28281) from R-1 (Single Family Residential) to C-1 (Limited Commercial), a Special Use Permit (SUP-28287) for a proposed Building Maintenance Service and Sales Facility and a Site Development Plan Review (SDR-28286) for a proposed two-story, 17,004 square-foot Building Maintenance Service and Sales Facility on 1.45 acres adjacent to the west site of Martin L. King Boulevard approximately 1,450 feet south of Charleston Boulevard. The items are scheduled to be heard at the 08/28/08 Planning Commission meeting.
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Related Building Permits/Business Licenses

No building permits or building licenses are related to this site.

Pre-Application Meeting

05/14/08	A pre-application meeting was held with the applicant. The applicant is proposing an almost identical site plan from what was proposed and then was Withdrawn Without Prejudice on the 11/29/07 City Council Meeting. The major difference from the previous submittal is the applicant is requesting a General Plan Amendment to SC (Service Commercial) and a Rezoning to C-1 (Limited Commercial). The application will require a Special Use Permit for Building Maintenance Service and Sales Facility in C-1 (Limited Commercial) zoning. The applicant was also informed that the General Plan Amendment applicant requires a neighborhood meeting. Submittal requirements were then discussed.
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Neighborhood Meeting

07/17/08	<p>A neighborhood meeting was held on Thursday, July 17, 2008 at 5:30 p.m. The meeting was held at First Presbyterian Church of Las Vegas, 1515 W. Charleston Blvd., Las Vegas, Nevada. Four applicants representatives were present, as well as one staff member, two city council representatives and 15 members of the public. Comments and concerns expressed by the public were the following:</p> <ul style="list-style-type: none"> • Eight-foot block wall on Waldman commercially encroaches. • Prefer residential lots on Waldman • Separate lot to the east side of commercial • 24-security system? • What are the effects of Project Neon • Is their gating? <p>Applicant addressed the following concerns with these comments:</p>
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	<ul style="list-style-type: none"> • Insulation Contractor Office with Insulation stored on site. • Hours of operation are 6:00 AM to 7:00 PM Monday through Friday and 7 AM 2:00 PM on Saturday. • Five tenants proposed, ground floor will be stored with plumbing, insulation and wood. • Trucks will be parked overnight • No vehicular access to Waldman • Bay doors will be closed during all work hours
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<i>Field Check</i>	
06/10/08	A field check was made on the site. The site is currently undeveloped with residential to the west and north of the site and a fire station to the south.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	1.45

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped	DR (Desert Rural Density Residential) and L (Low Density Residential) Proposed: SC (Service Commercial)	R-1 (Single Family Residential) Proposed: C-1 (Limited Commercial)
North	Single-Family Residential	L (Low Density Residential)	R-1 (Single Family Residential)
South	Fire Station	PF (Public Facilities)	C-V (Civic)
East	Interstate-15	Interstate -15	Interstate -15
West	Single-Family Residential	DR (Desert Rural Density Residential)	R-E (Residence Estates)

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<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan		X	N/A
Rancho Charleston Land Use Study	X		N*
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts		X	N/A
Airport Overlay (200 feet)	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

** The proposed development is within the Rancho/Charleston Study Area. The Rancho/Charleston Study Area was adopted on 06/19/02 in reaction to growing number of general plan amendments and rezoning activities in which private development interests pursued high intensity used on properties in, or adjacent to single-family homes, residents of a number of older, stable neighborhoods along the West Charleston Boulevard and Rancho Drive corridors. Per the Rancho/Charleston Land Use Study, the proposed development is designated for a residential use.*

ANALYSIS

- **General Plan**

The applicant is requesting to Amend a portion of the Southeast Sector Plan of the Master Plan from DR (Desert Rural Density Residential) and L (Low Density Residential) to SC (Service Commercial) on 1.45 acres adjacent to the west side of Martin L. King Boulevard, approximately 1,450 feet south of Charleston Boulevard. The Service Commercial category 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, theaters, 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. The Service Commercial category may also allow mixed-use development with a residential component where appropriate.

This General Plan Amendment has been submitted in conjunction with a Site Development Plan Review (SDR-28286) for a proposed 17,435 square-foot Building Maintenance Service and Sales Facility, a Rezoning (ZON-28281) from R-1 (Single Family Residential) to C-1 (Service Commercial) and a Special Use Permit (SUP-28287) on 1.45 acres adjacent to the west side of Martin L. King Boulevard, approximately 1,450 feet south of Charleston Boulevard.

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- **Adopted Plans and Policies**

The proposed development is within the Rancho/Charleston Study Area. The Rancho/Charleston Study Area was adopted on 06/19/02 in reaction to growing number of general plan amendments and rezoning activities in which private development interests pursued high intensity used on properties in, or adjacent to single-family homes, residents of a number of older, stable neighborhoods along the West Charleston Boulevard and Rancho Drive corridors. Per the Rancho/Charleston Land Use Study, the proposed development is designated for a residential use.

Land Use Goal 1 states the purpose of the Rancho Charleston Land Use Study is to protect the existing residential neighborhoods from any additional encroachment by commercial and/or office uses.

Policy 2.1.2 of the Las Vegas 2020 Master Plan requires that development on vacant or underutilized lots within existing residential neighborhoods be sensitive in use and design to surrounding development.

The SC (Service Commercial) General Plan designation is not compatible with the existing residential developments in the area or the intent of Rancho/Charleston Study Area; therefore, staff does not support this General Plan Amendment.

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,**

The commercial related development associated with this designation is not compatible with the adjacent residential properties as this area is almost exclusively residential. Further, the intensification allowed by this designation does not meet the intent of the Rancho/Charleston Study Area.

2. **The zoning designations allowed by the proposed amendment will be compatible with the existing adjacent land uses or zoning districts,**

The proposed development will not be compatible with the residential developments in this area. The intensity of uses permitted within the proposed zoning district can not be considered compatible with the existing residential neighborhood.

- 3. **There are adequate transportation, recreation, utility, and other facilities to accommodate the uses and densities permitted by the proposed General Plan Amendment; and**

There are adequate facilities to accommodate a commercial building at this location.

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

The area of the proposed amendment is within the Rancho/Charleston Study Area. The proposed amendment does not comply with Land Use Goal 1 of the Rancho Charleston Land Use Study, which is to protect the existing residential neighborhoods from any additional encroachment by commercial and/or office uses. Additionally, this proposal does not comply with Policy 2.1.2 of the Las Vegas 2020 Master Plan, which requires that development on vacant or underutilized lots within existing residential neighborhoods be sensitive in use and design to surrounding development.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 16

ASSEMBLY DISTRICT 9

SENATE DISTRICT 3

NOTICES MAILED 121

APPROVALS 1

PROTESTS 8