



AGENDA MEMO

CITY COUNCIL MEETING DATE: AUGUST 20, 2008

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: GPA-28388 - APPLICANT/OWNER: SCOTT ASHJIAN, ET AL

**** CONDITIONS ****

Staff recommends DENIAL. The Planning Commission (5-1/se-1/rt vote) recommends APPROVAL.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a General Plan Amendment to Amend a portion of the Northwest Sector of the Centennial Hills Master Plan from O (Office) to LI/R (Light Industrial/Research) on 5.62 acres at 4505 and 4515 Balsam Street, 4491 North Rainbow Boulevard and 2.39 acres 300 feet south of Red Coach Avenue on Balsam Street.

In addition to this request, the applicant has submitted a request for a Rezoning (ZON-28389) from R-E (Residence Estates) and U (Undeveloped) [O (Office) General Plan designation] to M (Industrial) and C-PB (Planned Business Park) and a Site Development Plan Review (SDR-28390) for a proposed 51,250 square-foot Warehouse Center with 18,100 square feet of Office with Waivers to allow a 10-foot landscape buffer on the eastern property line, where 15 feet is required and a zero-foot landscape buffer on the western and portions of the southern property line, where eight feet is required for the subject property. Additional companion items include a request for a Variance (VAR-28392) to allow a 4.62 acre C-PB (Planned Business Park) zoning district where 20 acres is the minimum site area required and to allow a 10-foot side setback where 50 feet is required for an M (Industrial) district located adjacent to a residential district and a request for a Vacation (VAC-28393) to Vacate a 60-foot wide portion of Balsam Street located approximately 300 feet south of Red Coach Avenue.

The requests for the multiple Waivers and Variances are indications that the site is overbuilt and the proposed land use is inappropriate for the subject location; therefore staff recommends denial of this request.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
12/03/03	The City Council approved an Annexation (ANX-2874) of two parcels of land generally located on the west side of Rainbow Boulevard, 315 feet south of Red Coach Avenue, containing approximately 4.39 acres. The Planning Commission and staff recommend approval of this request.
01/20/05	A Code Enforcement complaint (#25305) was issued against the subject property (4491 North Rainbow Boulevard) for a vacant house with broken windows. This case was resolved 03/07/05.
05/17/05	A Code Enforcement complaint (#30040) was issued against the subject property (4491 North Rainbow Boulevard) for overgrown vegetation. This case was resolved 06/28/05.

10/05/05	A Code Enforcement complaint (#35122) was issued against the subject property (4491 North Rainbow Boulevard) for a vacant home. This case was resolved 03/02/07.
04/09/07	A Code Enforcement complaint (#52045) was issued against the subject property (4491 North Rainbow Boulevard) for a vacant house, broken fencing, an abandoned travel trailer on site, trash, debris and dead vegetation. This case was resolved 05/04/07.
12/19/07	The City Council approved an Annexation (ANX-23635) of property at 4505 Balsam Street, containing approximately 0.62 acres and an Annexation (ANX-23639) of property at 4515 Balsam Street, containing approximately 0.61 acres. The Planning Commission and staff recommended approval of these requests.
02/27/08	A Code Enforcement complaint (#62799) was issued against the subject property (4615 Balsam Street) from a citizen complaint regarding business activity at this property (paving business), trucks being parked on property and people coming and going from an R-E (Residence Estates) zoned property. This case is still open pending resolution.
03/18/08	A Code Enforcement complaint (#63537) was issued against the subject property (4615 Balsam Street) for running a paving business out of a single family home. Commercial tractor/trailers were noted to be parked in the back of the home. The zoning on the property was noted as being R-E (Residence Estates). This case was resolved 03/27/08.
07/24/08	The Planning Commission recommended approval of companion items ZON-28389, VAR-28392, VAC-28393 and SDR-28390 concurrently with this application. The Planning Commission voted 5-1/se-1/rt to recommend APPROVAL (PC Agenda Item #16/dc).
<i>Related Building Permits/Business Licenses</i>	
There are no building permits associated with the subject properties.	
<i>Pre-Application Meeting</i>	
05/28/08	A pre-application meeting was held with the applicant where elements of a General Plan Amendment, Rezoning, Site Development Plan Review, Variance and Vacation were discussed.
<i>Neighborhood Meeting</i>	
06/30/08	A neighborhood meeting was held at the Mountain Crest Community Center, 4701 North Durango Drive at 6:40 PM. The applicant, one Planning and Development staff member, one Clark County Commission Liaison and six area residents were present. The following was discussed: The representative for the applicant briefly described the proposed project. Members of the public raised the following questions and concerns: • Residents were supportive of the plan to remove access from Balsam Avenue, so that all access would be from Rainbow. • Residents were supportive of the proposed perimeter wall around the property.

	• No issues were raised regarding the proposed 30' height of the structures.
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Field Check	
06/17/08	A field check was performed by staff at the subject properties. 4505 & 4515 Balsam Street were observed to contain existing homes which have been converted to commercial use; however no business licenses or building permits exist for these homes. The front yards were noted as paved with asphalt; screened, chain link fence with barbed wire was noted at the rear of the properties. The undeveloped lot on the east side of Balsam Street and at 4491 North Rainbow Boulevard was noted as being relatively flat, graded with some weeds/dead landscape, a vacant single-family home and a temporary chain link construction fence around the perimeters.

Details of Application Request	
Site Area	
Gross Acres	5.62

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped; Vacant Single-Family Residence and Contractors Plant, Shop & Storage Yard	O (Office)	R-E (Residence Estates) and U (Undeveloped) [O (Office) General Plan designation]
North	Church/House of Worship; Undeveloped, Single-Family Residence and Contractors Plant, Shop & Storage Yard	O (Office)	(Undeveloped) [O (Office) General Plan designation] and Clark County R-E (Rural Estates Residential)
South	Mini-Storage Facility and Office	SC (Service Commercial)	C-1 (Limited Commercial)
East	Single-Family Residential	M (Medium Density Residential)	R-CL (Single Family Compact-Lot)
West	U.S. 95	R.O.W. (Right of Way)	R.O.W. (Right of Way)

<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			
A-O (Airport Overlay) District (175 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 subject property is located within the North Las Vegas Airport Overlay within the 175-foot height limitation contour. None of the buildings on the subject property extend beyond this limitation.

ANALYSIS

The subject properties are located within the Northwest Sector of the Centennial Hills Master Plan. This proposed General Plan Amendment, if approved, would allow a LI/R (Light Industrial/Research) land use designation. The Light Industry/Research category allows areas appropriate for clean, low-intensity (non-polluting and non-nuisance) industrial uses, including light manufacturing, assembling and processing, warehousing and distributions, and research, development and testing laboratories. Typical supporting and ancillary general uses are also allowed. This category may also allow mixed-use development with a residential component as a transition to less-intense uses where appropriate.

There is a request for a Rezoning (ZON-28389) to change the sites zoning from R-E (Residence Estates) and U (Undeveloped) [O (Office) General Plan designation] to M (Industrial) and C-PB (Planned Business Park). The M (Industrial) zoning district is intended to provide for heavy manufacturing industries in locations where they will be compatible with and not adversely impact adjacent land uses. This district is intended to be located away from all residential development. The C-PB (Planned Business Park) zoning district allows industrial uses, including light manufacturing, assembling and processing, warehousing and distribution, research, development and testing laboratories; medical related uses and ancillary commercial uses in an Industrial Office Park setting; and mixed-use developments. The M (Industrial) and C-PB (Planned Business Park) zoning districts are consistent with the Light Industry/Research category of the General Plan.

With the approval of this proposed General Plan Amendment to the LI/R (Light Industry/Research) land use designation and Rezoning (ZON-28389) to the M (Industrial) and C-PB (Planned Business Park) zoning districts, the proposed Office use associated with this development is a permissible use. Any proposed Warehouse use will require the approval of a Special Use Permit within the C-PB (Planned Business Park) zoning district. The request to Amend a portion of the Northwest Sector of the General Plan from O (Office) to LI/R (Light Industry/Research) is not compatible with the surrounding planned land uses; therefore staff recommends denial of this application.

- **Centennial Hills Sector Plan**

Policy B5: Where appropriate, provide commercial and other employment centers in the Centennial Hills Sector Plan area to provide jobs, services, and traffic relief.

Program B5.1: Locate employment centers in areas so designated in the Centennial Hills Sector.

Program B5.2: Employment center development should be buffered from residential development by using other less intense land uses such as office space or parks.

Program B5.3: New industrial development should be directed into areas that minimize all truck traffic through residential areas and within proximity to major transportation corridors.

Program B5.6: Single-story professional offices should be considered as a buffering alternative between existing residential uses and more intense commercial development.

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 LI/R (Light Industry/Research) land use designation is not compatible with the existing O (Office) land use designation to the north, the SC (Service Commercial) land use designation to the south or the existing M (Medium Density Residential) land use designation to the east. In addition, if this General Plan Amendment is approved, it will create the only LI/R (Light Industry/Research) land use designation within the Northwest Sector of the Centennial Hills Sector Plan.

While the General Plan and Policy B5.1 of the Centennial Hills Sector Plan designate this area as an employment center, the proposed land use designation is will allow for much more intense uses than what will be provided with the current O (Office) General Plan land use designation.

In regard to 2:

Policy 2.1.1 of the General Plan States, That any higher density or mixed-use redevelopment which is adjacent to lower density residential development incorporate appropriate design, transition, or buffering elements which will mitigate adverse visual, audible, aesthetic and traffic impacts. Parcels adjacent to the north of the site are zoned R-E (Rural Estates Residential Clark County Designation), which allows a maximum density of up to two Units Per Acre, as well as minimum lot sizes of 20,000 square feet. The subject property includes minimal buffering to the adjacent residential uses as well as a Variance requesting a reduction in the required 50-foot setback for an M (Industrial) zoned property from a residential use to 10 feet which will severely impact the adjacent single-family residential neighborhood, which do not meet the intent of Policy 2.1.1 or Programs B5.2 and B5.6 of the Centennial Hills Sector Plan.

In regard to 3:

Site access is adequately provided by Rainbow Boulevard, classified as an 80-foot wide Secondary Collector by the Master Plan Streets and Highways; however it should be noted that this section of Rainbow Boulevard, between Craig Road and Lone Mountain Road, is primarily residential and this development would create additional commercial traffic that is not currently experienced in the neighborhood and would clearly not follow the intent of Program B5.3 of the Centennial Hills Sector Plan. The Northwest Area Command of the Las Vegas Metropolitan Police Department services the site with a substation at 9850 West Cheyenne, located at the northwest corner of Cheyenne and Metro Academy Way. A fire station is located at Lone Mountain Road and Rainbow Boulevard is the closest city facility to the site. The proposed General Plan Amendment will have minimal impact on the adjoining transportation, utility and recreation services.

In regard to 4:

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

PLANNING COMMISSION ACTION

There were two speakers at the Planning Commission meeting in opposition.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 8

ASSEMBLY DISTRICT 37

SENATE DISTRICT 4

NOTICES MAILED 280 by Planning Department

APPROVALS 1

PROTESTS 1