

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: AUGUST 20, 2008

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: ZON-28389 - 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 Rezoning from R-E (Residence Estates) and U (Undeveloped) [O (Office) General Plan designation] to M (Industrial) and C-PB (Planned Business Park) 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. The applicant is proposing that properties on the subject site west of the existing Balsam Street centerline consisting of 1.29 acres will contain M (Industrial) zoning, while properties to the east of the Balsam Street centerline consisting of 4.62 acres will contain C-PB (Planned Business Park) zoning.

In addition to this request, the applicant has submitted a General Plan Amendment (GPA-28388) to Amend a portion of the Northwest Sector of the Centennial Hills Master Plan from O (Office) to LI/R (Light Industrial/Research) and a request for 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 subject property is surrounded by Clark County R-E (Rural Estates Residential) zoned property and U (Undeveloped) [O (Office) General Plan designation] zoned property to the north, R-CL (Single Family Compact-Lot) zoned property to the east and C-1 (Limited Commercial) zoned property to the south. The property to the west is currently designated as right-of-way, serving as the northbound on-ramp for the Craig Road interchange of U.S. 95. Title 19.20.020 defines Spot Zoning as, 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. Staff finds that the proposed Rezoning from R-E (Residence Estates) and U (Undeveloped) [O (Office) General Plan designation] to M (Industrial) and C-PB (Planned Business Park) constitutes Spot Zoning; therefore denial of this request is recommended.

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 GPA-28388, 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 #17/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.
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<i>Neighborhood Meeting</i>	
06/30/08	<p>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:</p> <ul style="list-style-type: none"> • 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. <p>No issues were raised regarding the proposed 30' height of the structures.</p>

<i>Field Check</i>	
06/17/08	<p>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.</p>

<i>Details of Application Request</i>	
<i>Site Area</i>	
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)	U (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

This is a Rezoning request to change the sites current 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.

The subject properties are located within the Northwest Sector of the Centennial Hills Master Plan. The proposed General Plan Amendment (GPA-28388), 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.

With the approval of the proposed General Plan Amendment (GPA-28388) to the LI/R (Light Industry/Research) land use designation and this Rezoning (ZON-28389) request to the M (Industrial) and C-PB (Planned Business Park) zoning districts, the proposed Warehouse and Office uses associated with this development are permissible uses. In addition, 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 has been requested.

Staff has noted that the surrounding land uses include Clark County R-E (Rural Estates Residential) zoned property and U (Undeveloped) [O (Office) General Plan designation] zoned property to the north, R-CL (Single Family Compact-Lot) zoned property to the east and C-1 (Limited Commercial) zoned property to the south. Adjacent to the west of the subject property is right-of-way which acts as the northbound on-ramp for the Craig Road interchange of U.S. 95.

This proposal, if approved, would create the only M (Industrial) and C-PB (Planned Business Park) zoning districts in the city of Las Vegas north of Cheyenne Avenue. Currently, the nearest M (Industrial) and C-PB (Planned Business Park) zoning districts are over three miles away at Rancho Drive, south of Cheyenne Avenue. Additionally, Title 19.08 requires a 20 acre minimum lot size for a C-PB (Planned Business Park) zoning district, whereas the applicant is providing 4.62 acres for a C-PB (Planned Business Park) use. A Variance (VAR-28392) has been submitted to request a 4.62 acre C-PB (Planned Business Park) zoning district where 20 acres is the minimum site area required.

Staff also finds that this proposed Rezoning to M (Industrial) and C-PB (Planned Business Park) meets the Title 19.20.020 definition of Spot Zoning, which is, 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. Because the applicants proposal for a Rezoning to the M (Industrial) and C-PB (Planned Business Park) zoning districts for an Office and Warehouse development cannot be accomplished without resulting in the subject parcels being zoned in isolation from the adjacent residential properties to the north and west, and commercial properties to the south; staff recommends denial of this request.

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 LI/R (Light Industry/Research) Land Use designation on the four parcels currently designated as O (Office) is not compatible with the existing SC (Service Commercial), O (Office) and M (Medium Density Residential) properties that surround the subject site. The increase in the intensity of uses creates an incompatibility with the surrounding properties; therefore staff recommends denial of this request and the affiliated companion items.

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.

Although the requested M (Industrial) and C-PB (Planned Business Park) zoning districts are the appropriate zoning districts for the requested LI/R (Light Industry/Research) land use designation, this industrial district is incompatible with the surrounding residential and commercial zoned properties. In addition, the uses which would be allowed on the subject property by approving the rezoning would create an island which would be three miles from the nearest compatible zoning district.

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 or appropriateness of the rezoning. The proposed development would be better located in an area planned for industrial uses.

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.

The site is accessed from Rainbow Boulevard, an 80-foot Secondary Collector, as classified by the Master Plan Streets and Highways, which can adequately support the proposed use; 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.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 8

ASSEMBLY DISTRICT 37

SENATE DISTRICT 4

NOTICES MAILED 280 by Planning Department

APPROVALS 1

PROTESTS 1