



**AGENDA MEMO**

**CITY COUNCIL MEETING DATE: AUGUST 20, 2008**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: ZON-28396 - APPLICANT/OWNER: KRAFT FAMILY, LP, ET AL**

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**\*\* CONDITIONS \*\***

The Planning Commission (4-2/ds, bg-1/rt vote) and staff recommend DENIAL.

**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

This is a request for a Rezoning from U (Undeveloped) [O (Office) General Plan designation] to C-1 (Limited Commercial) on 2.37 acres on the west side of Rainbow Boulevard, approximately 150 feet north of Red Coach Avenue.

In addition to this application, the applicant has submitted a General Plan Amendment (GPA-28394) to Amend a portion of the Northwest Sector of the Centennial Hills Master Plan from O (Office) to SC (Service Commercial) and a request for a Site Development Plan Review (SDR-28397) for a 74,540 square-foot Mini-Storage and Boat/RV Storage Facility with Waivers to allow a zero-foot landscape buffer on the north and south property lines where eight feet is required and a 10-foot landscape buffer on the east property line where 15 feet is required for the subject property. Additional companion items include a request for a Special Use Permit (SUP-28398) to allow for a proposed Recreational Vehicle and Boat Storage Facility, a request for a Special Use Permit (SUP-28399) to allow for a proposed Mini-Storage Facility, a request for a Variance (VAR-28400) to allow five parking spaces where 16 parking spaces are required and a request for a Variance to allow a zero-foot building setback where 10 feet is required along the north and south property lines, a 10-foot setback where 20 feet is required along the east property line and a 10-foot setback where residential adjacency standards require 75 feet along the west property line.

The subject property is surrounded by Clark County R-E (Rural Estates Residential) zoned property to the south and west, R-3 (Medium Density Residential) zoned property to the east and U (Undeveloped) [O (Office) General Plan designation] zoned property to the north. 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 U (Undeveloped) [O (Office) General Plan designation] to C-1 (Limited Commercial) constitutes Spot Zoning; therefore denial of this request is recommended.

**BACKGROUND INFORMATION**

<b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i></b>	
12/20/07	The City Council approved an Annexation (ANX-25478) of property located on the west side of the North Rainbow Boulevard alignment 580 feet south of the West Lone Mountain Road alignment containing approximately 3.94 acres. The Planning Commission and staff recommended approval of this request.
07/24/08	<p>The Planning Commission recommended denial of companion items GPA-28394, VAR-28400, VAR-28651, SUP-28398, SUP-28399 and SDR-28397 concurrently with this application.</p> <p>The Planning Commission voted 4-2 ds, bg-1/rt to recommend DENIAL (PC Agenda Item #22/dc).</p>

<b><i>Related Building Permits/Business Licenses</i></b>	
There are no building permits or business licenses associated with the subject properties.	
<b><i>Pre-Application Meeting</i></b>	
05/28/08	A pre-application meeting was held with the applicant where elements of a General Plan Amendment, a Rezoning, a Site Development Plan Review, a Special Use Permit for a Mini Storage Facility, a Special Use Permit for a Recreational Vehicle and Boat Storage facility, a Variance to allow a zero-foot setback where 10 feet is required and a 10-foot setback where 20 feet is required and a Variance to allow five parking spaces where 16 are required were discussed.
<b><i>Neighborhood Meeting</i></b>	
06/30/08	<p>A neighborhood meeting was held at the Mountain Crest Community Center, 4701 North Durango Drive at 6:15 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"> <li>• A landscape buffer is shown within the alley (bridal path)/utility easement; the residents vehemently opposed any vacation of the alley or use of the alley for the development.</li> <li>• The residents requested that the perimeter wall surrounding the property be tall enough to prevent anyone from looking into their back yards; the applicant explained that the wall was shown at 15 feet in height.</li> <li>• The residents had concerns about lighting on the property (the applicant explained that downward-directed fixtures would be used to prevent spillover), and also expressed concerns about street lighting on Rainbow; they would prefer that rural lighting standards be maintained.</li> </ul> <p>Concern was also expressed regarding signage for the project, and impacts to residents of the area (the applicant stated that a wall sign on Rainbow was all that was shown on the plans).</p>

<b><i>Field Check</i></b>	
06/17/08	A field check was performed by staff at the subject properties. The site was noted as being relatively flat, graded site with minimal weeds. Single-family homes were observed to the west of this property while recently completed apartments were observed to the east.

<b><i>Details of Application Request</i></b>	
<b><i>Site Area</i></b>	
Gross Acres	2.37

<i>Surrounding Property</i>	<i>Existing Land Use</i>	<i>Planned Land Use</i>	<i>Existing Zoning</i>
Subject Property	Undeveloped	O (Office)	U (Undeveloped) [O (Office) General Plan Designation]
North	Undeveloped	O (Office)	U (Undeveloped) [O (Office) General Plan Designation]
South	Undeveloped	O (Office)	Clark County R-E (Rural Estates Residential)
East	Multi-Family Residential	M (Medium Density Residential)	R-3 (Medium Density Residential)
West	Single-Family Residential	O (Office)	Clark County R-E (Rural Estates Residential)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
<b>Special Area Plan</b>		X	N/A
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
<b>Special Purpose and Overlay Districts</b>			
A-O (Airport Overlay) District (175-Foot)	X		Y*
<b>Trails</b>		X	N/A
<b>Rural Preservation Overlay District</b>		X	N/A
<b>Development Impact Notification Assessment</b>		X	N/A
<b>Project of Regional Significance</b>		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 proposal to change the sites zoning from U (Undeveloped) [O (Office) General Plan designation] to C-1 (Limited Commercial). The C-1 (Limited Commercial) District is intended to provide most retail shopping and personal services, and may be appropriate for mixed use developments. This district should be located on the periphery of residential neighborhoods and should be confined to the intersections of primary and secondary thoroughfares along major retail corridors. The C-1 (Limited Commercial) District is consistent with the Service Commercial and the Neighborhood Center categories 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-28394), if approved, would allow a SC (Service Commercial) land use designation. 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.

With approval of the proposed General Plan Amendment (GPA-28394) to the SC (Service Commercial) land use designation and this Rezoning (ZON-28396) request to the C-1 (Limited Commercial) zoning district, the proposed Recreational Vehicle and Boat Storage and Mini-Warehouse Facility uses associated with this development are permissible uses in conjunction with an approved Special Use Permit. In addition, a Site Development Plan Review (SDR-28397) for a proposed 74,540 square-foot Mini-Storage and Boat/RV Storage Facility with Waivers to allow a zero-foot landscape buffer on the north and south property lines where eight feet is required and a 10-foot landscape buffer on the east property line where 15 feet is required has been requested.

Staff has noted that the surrounding land uses include Clark County R-E (Rural Estates Residential) zoned property to the south and west, R-3 (Medium Density Residential) zoned property to the east and U (Undeveloped) [O (Office) General Plan designation] zoned property to the north. Staff also finds that this proposed Rezoning to C-1 (Limited Commercial) 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 C-1 (Limited Commercial) zoning district for a Recreational Vehicle and Boat Storage and Mini-Storage Facility cannot be accomplished without resulting in the subject parcels being zoned in isolation from the adjacent residential properties, 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 SC (Service Commercial) Land Use designation on three parcels currently designated as O (Office) is not compatible with the existing O (Office) and M (Medium Density Residential) designated properties that surround the subject site. The increase in the intensity of use has created this incompatibility; 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 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.**

Growth and development factors in the community do not indicate the need for or appropriateness of the rezoning. The development would be better located in an area that is not primarily single-family residential.

**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.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED**

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**ASSEMBLY DISTRICT** 13

**SENATE DISTRICT** 9

**NOTICES MAILED** 116 by Planning Department

**APPROVALS** 1

**PROTESTS** 0