

*City of Las Vegas*

**AGENDA MEMO**

**CITY COUNCIL MEETING DATE: AUGUST 20, 2008**  
**DEPARTMENT: PLANNING AND DEVELOPMENT**  
**ITEM DESCRIPTION: GPA-28510 - APPLICANT/OWNER: FIELD DEVELOPMENT, LLC**

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

The Planning Commission (6-1/gt vote) and staff recommend DENIAL.

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

**PROJECT DESCRIPTION**

This is a request to amend a portion of the Northwest Sector of the General Plan from O (Office) to SC (Service Commercial) on 1.04 acres at 3920 Leon Avenue.

The proposed SC (Service Commercial) Land Use designation on the parcel currently designated O (Office) is not compatible with the existing O (Office) properties to the north and the south of the subject property, as well as the DR (Desert Rural) designated properties to the east of the subject site. Because the increase in the intensity of use would create such an incompatibility with the surrounding land uses, staff recommends denial of this request, as well as the affiliated Rezoning (ZON-28511) from O (Office) to C-1 (Limited Commercial); Variance (VAR-28514) for a rear building setback of 10 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.

**BACKGROUND INFORMATION**

<i>Related Relevant City Actions by P&amp;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.

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.
07/24/08	The Planning Commission recommended denial of companion items ZON-28511, VAR-28514, SUP-28513 and SDR-28512 concurrently with this application.  The Planning Commission voted 6-1/gt to recommend DENIAL (PC Agenda Item #31/ne).
<b><i>Related Building Permits/Business Licenses</i></b>	
03/05/97	A business license (#C11-06288-B-074264) was issued for a contractor at 3920 Leon Avenue, Suite #220.
02/17/99	A business license (#C11-09503-B-083939) was issued for a contractor at 3920 Leon Avenue, Suite #120.
02/01/00	A business license (#C11-09009-B-089024) was issued for a contractor at 3920 Leon Avenue, Suite #240.
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 license (#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, Suite #5.
07/27/05	A business license (#C11-07892-G-123430) was issued for a contractor at 3920 Leon Avenue, Suite #110.
08/25/05	A business license (#C11-07914-H-122891) was issued for a contractor at 3920 Leon Avenue, Suite #240. The license was marked out of business on 08/22/07.

11/16/05	A business license (#D06-00904-K-125704) was issued for a designer decorator at 3920 Leon Avenue, Suite #240. 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, Suite #140.
05/15/07	A business license (#C11-09156-D-133685) was issued for a contractor at 3920 Leon Avenue, Suite #240.
06/22/07	A business license (#C11-09270-F-134407) was issued for a contractor at 3920 Leon Avenue, Suite #140.
<b><i>Pre-Application Meeting</i></b>	
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), Special Use Permit (SUP), and a Site Development Plan Review (SDR).
<b><i>Neighborhood Meeting</i></b>	
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"> <li>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.</li> </ul>
<b><i>Field Check</i></b>	
06/17/08	<p>The following observations were made by staff during a routine field check:</p> <ul style="list-style-type: none"> <li>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.</li> <li>Existing perimeter CMU block wall was not to City design standards (20% contrasting material), nor did it have a cap.</li> <li>A commercial shipping container was noted on-site.</li> <li>Existing landscaping around meandering sidewalk was scarce.</li> <li>Existing office building was well maintained.</li> <li>A temporary power pole was noted on-site.</li> <li>The existing parking lot was in need of wheel stops to prevent vehicular traffic from traveling off of the designated drive aisle.</li> <li>Illegal, outdoor storage was observed on site, which is not permitted in an O (Office) zoned district.</li> </ul>
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.



<b>Details of Application Request</b>	
<b>Site Area</b>	
Net Acres	1.04

<b>Surrounding Property</b>	<b>Existing Land Use</b>	<b>Planned Land Use</b>	<b>Existing Zoning</b>
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)

<b>Special Districts/Zones</b>	<b>Yes</b>	<b>No</b>	<b>Compliance</b>
<b>Special Area Plan</b>		X	N/A
<b>Special Districts/Zones</b>	<b>Yes</b>	<b>No</b>	<b>Compliance</b>
<b>Special Purpose and Overlay Districts</b>	X		Y
A-O (Airport Overlay) District (105 feet)	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

### **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.

### **ANALYSIS**

- **From: Office (O) Master Plan Land Use Designation**

The Office category provides 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.

- **To: Service Commercial (SC) Master Plan Land Use Designation**

The applicant is proposing to amend the current O (Office) Master Plan Land Use Designation to the SC (Service Commercial) Master Plan Land Use Designation in efforts to allow low to medium intensity retail, office, or other commercial uses that primarily serve local area patrons. This particular proposal consists of a parcel totaling 1.04 acres.

This amendment was submitted in conjunction with a proposed Rezoning (ZON-28511) from O (Office) to C-1 (Limited Commercial) zoning district; a Variance (VAR-28514) to allow a 8-foot, 10-inch rear building setback, where 20 feet is required; a Special Use Permit (SUP-28513) for a Business Maintenance Service and Sales to allow a facility or area for contracting services such as building repair and maintenance, the installation of plumbing, electrical, air conditioning and heating equipment, janitorial services, and exterminating services. The retail sale of supplies is permitted as an accessory use, and outside storage must be screened from view from adjacent properties and streets; and a Site Development Plan Review (SDR-28512) for a proposed 4,500 square-foot Business Maintenance Service and Sales facility in addition to an existing two-story office building with waivers to allow for a zero-foot landscape buffer along portions of the north, south, and west perimeters where eight feet is required. The SC (Service Commercial) designation is not compatible with the surrounding O (Office) and DR (Desert Rural Density Residential) land use designations in the immediate area. Therefore, staff recommends denial for this General Plan Amendment request.

## **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 SC (Service Commercial) Land Use designation for a parcel currently designated as O (Office) is not compatible with the existing O (Office) and DR (Desert Rural Density Residential) properties that surround the subject site. Because the increase in the intensity of use would create this incompatibility, staff recommends denial of this request as well all affiliated applications.

**In regard to 2:**

The proposed C-1 (Limited Commercial) zoning designation is the appropriate zoning district for the requested SC (Service Commercial) land use designation. However, as this zoning district is inherently linked to the issue of spot zoning, as defined in Title 19.20 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 a commercially zoned district would be inappropriate for this location.

**In regard to 3:**

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.

**In regard to 4:**

This proposed amendment does not conform to the Las Vegas 2020 Master Plan or the Las Vegas Zoning Code since the proposed land use designation of SC (Service Commercial) with a C-1 (Limited Commercial) zoning district is incompatible with the existing O (Office) and DR (Desert Rural Density Residential) land uses that surround the subject property. Because this application, with the affiliated Rezoning (ZON-28511) constitute spot zoning, staff must recommend denial.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 3

**ASSEMBLY DISTRICT** 1

**SENATE DISTRICT** 4

**NOTICES MAILED**            105 by Planning Department

**APPROVALS**                0

**PROTESTS**                 1