



AGENDA MEMO

CITY COUNCIL MEETING DATE: OCTOBER 1, 2008
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: ZON-28281 - APPLICANT/OWNER: DARRELL E. JACKSON, ET AL

**** CONDITIONS ****

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

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Rezoning from R-1 (Single Family Residential) to C-1 (Limited Commercial) on 1.45 acres adjacent to the west side of Martin L. King Boulevard, approximately 1,450 feet south of Charleston Boulevard.

This request is not compatible with the existing residential developments in the area as the C-1 (Limited Commercial) zoning district allows uses too intense for property this far into a residential neighborhood. Therefore, staff is recommending denial of this Rezoning request.

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.
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 The applicant is proposing an almost identical site plan from what was proposed and then was Withdrawn Without Prejudice on the 11/29/07 City Council Meeting.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.

08/28/08	<p>The Planning Commission recommended approval of companion items GPA--28283, SUP-28287 and SDR-28286 concurrently with this application.</p> <p>The Planning Commission voted 5-1/se-1/sd to recommend APPROVAL (PC Agenda Item #15/jm).</p>
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Related Building Permits/Business Licenses

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

Pre-Application Meeting

06/14/07	<p>A pre-application meeting was held with the applicant. After some discussion with staff and the applicant, it was determined that the proposed use is a Building Maintenance Service and Sales Facility and not a storage facility. The applicant was informed that type of use would require a General Plan Amendment, which required a neighborhood meeting, a Rezoning and a Site Development Plan Review. Submittal requirements were then discussed.</p>
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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> <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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Field Check

06/10/08	<p>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.</p>
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Details of Application Request	
Site Area	
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)	R-1 (Single Family Residential)
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)

Special Districts/Zones	Yes	No	Compliance
Special Area Plan		X	N/A
Rancho Charleston Land Use Study	X		N*
Special Districts/Zones	Yes	No	Compliance
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

The applicant has requested a Rezoning to a C-1 (Limited Commercial) district on the 1.45 acre parcels. The C-1 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 District is consistent with the Service Commercial and the Neighborhood Center categories of the General Plan.

In addition to the Rezoning, the applicant has requested to Amend (GPA-28283) 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), a Site Development Plan Review (SDR-28286) for a proposed 17,435 square-foot Building Maintenance Service and Sales Facility and a Special Use Permit (SUP-28287) for a Building Maintenance Service and Sales Facility use on 1.45 acres adjacent to the west side of Martin L. King Boulevard, approximately 1,450 feet south of Charleston Boulevard.

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 section entitled Identified Issues Affecting Land Use, the Rancho/Charleston Study Area explains that the biggest conflict between residential and non-residential development is not always associated with the use of the property, but at times has more to do with the necessary on-site nuisances that are required of commercial development. The key for creating a successful land use scenario is to buffer residential property from non-residential whenever possible.

This request is not compatible with the existing residential developments in the area as the C-1 (Limited Commercial) zoning district allows uses too intense for property this far into a residential neighborhood. Therefore, staff is recommending denial of this Rezoning 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 Rezoning is in conformance with the applicants General Plan Amendment (GPA-28283) request to SC (General Commercial) Land Use designation. However, the proposed development is not compatible with the Rancho/Charleston

Study areas designation for this area as residential. Therefore, staff deems this development inconsistent with adopted city plans policies and standards.

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.

The proposed development will not be compatible with the residential developments in this area. The intensity of uses such as retail, service, office and other general business uses, as well as mixed-use developments permitted within the proposed zoning district can not be considered compatible with the existing residential neighborhood.

3. Growth and development factors in the community indicate the need for or appropriateness of the rezoning.

A C-1 (Service Commercial) zoning 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. As this is predominately a residential neighborhood, the request is not appropriate.

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.

Access for the site is off Martin L. King Boulevard, an 80-foot Frontage Street designated by the Master Plan Streets and Highways, which will provide adequate access to the site.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 16

ASSEMBLY DISTRICT 9

SENATE DISTRICT 3

NOTICES MAILED 125 by City Clerk

APPROVALS 1

PROTESTS 8