

*City of Las Vegas*

**AGENDA MEMO**

**PLANNING COMMISSION MEETING DATE: NOVEMBER 6, 2008**  
**DEPARTMENT: PLANNING AND DEVELOPMENT**  
**ITEM DESCRIPTION: ABYANCE - ZON-29661 - APPLICANT: PAGEANTRY**  
**HOMES - OWNER : RANCHO PARK RESIDENTIAL, LLC**

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

**STAFF RECOMMENDATION: DENIAL.**

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

**PROJECT DESCRIPTION**

This is a request for a Rezoning (ZON-29661) to change the zoning designation from C-M (Commercial/Industrial) under Resolution of Intent to R-PD16 (Residential Planned Development - 16 Units per Acre) to R-PD20 (Residential Planned Development - 20 Units per Acre) on 33.47 acres at the northwest corner of Rancho Drive and Smoke Ranch Road. The subject property is adjacent to existing commercial/industrial uses, single-family residences and the North Las Vegas Airport.

In addition to this request, the applicant has submitted a Variance (VAR-29663) to allow 1,185 parking spaces where 1,228 parking spaces are required, a Variance (VAR-29958) to allow 426,888 square feet of open space in a Residential Planned Development district where 466,963 square feet is required and a Site Development Plan Review (SDR-29658) for a proposed two and three-story multi-family development consisting of 347 condominium units and 304 apartment units. The subject property has already received approvals for a less-intense, 535-unit condominium development on the subject site with R-PD16 (Residential Planned Development 16 Units per Acre) without the need for a Variance request. Staff finds that the proposed development of 651 Multi-Family units is too intense for the subject property. The current configuration of this proposal necessitates a parking and open space Variance which highlights the overbuilt nature of this development; therefore, staff recommends denial of this request.

Please note that the applicant has revised the site plan from the original submittal on 08/26/08. The revised site plan, date stamped 10/03/08, removes three condominium units from the original submitted plans and provides one additional pool/recreation area. This reduces the number of residential units requested from 654 units to 651 units.

**BACKGROUND INFORMATION**

<i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i>	
06/21/89	The City Council approved a Special Use Permit (U-0054-89) for a 12-foot by 24-foot OffPremise Advertising (Billboard) Sign to a height of 40 feet, on property located on the west side of Rancho Drive, approximately 425 feet north of Smoke Ranch Road. The Board of Zoning Adjustment recommended approval of this request.
08/21/91	The City Council approved a Variance (V-0081-91) to allow a three-sided billboard on property located on the northeast corner of Smoke Ranch Road and Decatur Boulevard. This Variance was never exercised. The Board of Zoning Adjustment took no action due to a tie vote.

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07/20/94	The City Council approved a Five-Year Review [U-0054-89(1)] on an approved 12 foot by 24 foot OffPremise Advertising (Billboard) Sign to a height of 40 feet, on property located on the west side of Rancho Drive, approximately 425 feet north of Smoke Ranch Road. The Board of Zoning Adjustment recommended approval of this request.
09/20/95	The City Council approved a Special Use Permit (U-0092-95) for two (2) OffPremise Advertising (Billboard) Signs on the west side of Rancho Drive north of Smoke Ranch Road. The Board of Zoning Adjustment recommended approval of this request.
11/01/00	The City Council accepted the Withdrawal of a Five Year Review [U-0092-95(1)] for two (2) OffPremise Advertising (Billboard) Signs on west side of Rancho Drive, approximately 350 and 1,100 feet north of Smoke Ranch Road. The Planning Commission and staff recommended approval of this request.
08/01/01	The City Council approved an appeal of a Planning Commission denial for a Special Use Permit (U-0059-01) for five (5) OffPremise Advertising (Billboard) Signs on the south side of the intersection of Rancho Drive and Decatur Boulevard subject to a Two-Year Review. The Planning Commission denied the request, whereas staff recommended approval.
12/20/01	The Planning Commission approved a Tentative Map (TM-0049-01) for a 1-lot commercial subdivision on the subject site. Staff recommended approval of this request.
02/19/03	The City Council approved a General Plan Amendment (GPA-1400) and a Rezoning (ZON-1401) on 48.49 acres adjacent to the northeast corner of Decatur Boulevard and Smoke Ranch Road. On 01/23/03, the Planning Commission recommended approval of the Rezoning application, but failed to achieve a super majority on the General Plan Amendment.
02/19/03	The City Council approved a Site Development Plan Review (SDR-1404) for a proposed commercial/industrial development on 14.45 acres consisting of an 18,500 square-foot office building on 1.85 acres adjacent to the west side of Rancho Drive approximately 320 feet south of Decatur Boulevard intersection, and a 166,900 square-foot commercial/industrial development on 12.6 acres adjacent to the northeast corner of Decatur Boulevard and Smoke Ranch Road. The Planning Commission recommended approval, whereas staff recommended denial of this application.
05/21/03	The City Council approved a required Two-Year Review (RQR-1994) for an approved Special Use Permit (U-0059-01) for five OffPremise Advertising (Billboard) Signs adjacent to the northeast corner of Smoke Ranch Road and Decatur Boulevard. The Planning Commission and staff recommended approval of this request.

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06/02/03	The Department of Planning and Development administratively approved a Site Development Plan Review (SDR-2394) for a 3,000 square-foot second floor addition to an approved 18,500 square-foot office building on 1.85 acres adjacent to the west side of Rancho Drive, approximately 320 feet south of Decatur Boulevard.
06/24/04	The Planning Commission approved a Master Sign Plan (MSP-4388) application for an approved commercial/industrial development on 47.93 acres adjacent to the northeast corner of Decatur Boulevard and Smoke Ranch Drive. Staff recommended approval of this request.
07/07/04	The City Council approved a required Two-Year Review (RQR-4239) for an approved Special Use Permit (U-0059-01) for five (5) OffPremise Advertising (Billboard) Signs adjacent to the northeast corner of Smoke Ranch Road and Decatur Boulevard. The Planning Commission and staff recommended approval of this request.
12/02/04	The Planning Commission approved a Site Development Plan Review (SDR5312) application for a proposed 40,016 square-foot office complex consisting of eight single-story buildings on 3.30 acres adjacent to the east side of Decatur Boulevard, approximately 875 feet north of Smoke Ranch Road. Staff recommended approval of this request.
04/06/05	The City Council approved a request for a Site Development Plan Review (SDR-5916) for a proposed 5,000 square-foot Liquor Establishment (Tavern) on a 1.34 acre portion of a 31.42 acre site adjacent to the west side of Rancho Drive, approximately 250 feet north of Smoke Ranch Road. The Planning Commission recommended approval, whereas staff recommended denial of this request.
09/07/05	The City Council approved a required One-Year Review (RQR-6794) of an approved Special Use Permit (U-0059-01) for two 14-Foot x 48-Foot Off-Premise Advertising (Billboard) Signs adjacent to the northeast corner of Smoke Ranch Road and Decatur Boulevard. The Planning Commission and staff recommended denial of this request.
03/01/06	The City Council approved a General Plan Amendment to amend a portion of the Southeast Sector Plan of the Master Plan from L-I/R (Light Industry/Research) to M (Medium Density Residential), a Rezoning from C-M (Commercial/Industrial) to R-PD16 (Residential Planned Development 16 Units per Acre) and a Site Development Plan Review (SDR-10806) for a 513-unit condominium development on 33.70 acres adjacent to the east side of Decatur Boulevard, approximately 900 feet north of Smoke Ranch Road. The Planning Commission recommended approval whereas staff recommended denial of this request.

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03/23/06	The Planning Commission approved a Tentative Map (TMP-11703) for a 513-unit condominium subdivision on 33.70 acres adjacent to the east side of Decatur Boulevard, approximately 900 feet north of Smoke Ranch Road. Staff recommended approval of this request.
08/01/06	A Code Enforcement Citation (#45071) was issued for weeds/grass and refuse code violations for property located at the northeast corner of Smoke Ranch Road and Rancho Drive. The case was resolved 08/31/06.
12/20/06	The City Council approved a required One-Year Review (RQR-17040) of an approved Special Use Permit (U-0059-01) which allowed two 14-foot x 48-foot Off-Premise Advertising (Billboard) Signs at the northeast corner of Smoke Ranch Road and Decatur Boulevard. The Planning Commission and staff recommended approval of this request.
06/06/07	The City Council approved a Rezoning (ZON-20512) from C-M (Commercial/Industrial) under Resolution of Intent to R-PD16 (Residential Planned Development - 16 Units per Acre) to R-PD16 (Residential Planned Development - 16 Units per Acre) and a Site Development Plan Review (SDR-20523) for a proposed 535-unit condominium development on 33.52 acres adjacent to the east side of Decatur Boulevard, approximately 900 feet north of Smoke Ranch Road. The Planning Commission and staff recommend approval of these requests.
06/28/07	The Planning Commission approved a Tentative Map (TMP-21699) for a 535-unit condominium development on 33.52 acres adjacent to the east side of Decatur Boulevard, approximately 900 feet north of Smoke Ranch Road. Staff recommended approval of this request.
05/21/08	The City Council approved an Extension of Time (EOT-27588) of an approved Rezoning from C-M (Commercial/Industrial) under Resolution of Intent to R-PD16 (Residential Planned Development - 16 Units per Acre) to R-PD16 (Residential Planned Development - 16 Units per Acre) and an Extension of Time (EOT-27588) for a proposed 535-unit condominium development on 33.52 acres adjacent to the east side of Decatur Boulevard, approximately 900 feet north of Smoke Ranch Road. Staff recommended approval of these requests.

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10/09/08	The Planning Commission held in abeyance a request for a Site Development Plan Review (SDR-29658) for a proposed two and three-story multi-family development consisting of 347 condominium units and 304 apartment units, a Rezoning (ZON-29661) to change the zoning designation from C-M (Commercial/Industrial) under Resolution of Intent to R-PD16 (Residential Planned Development - 16 Units per Acre) to R-PD20 (Residential Planned Development - 20 Units per Acre), a Variance (VAR-29663) to allow 1,185 parking spaces where 1,228 parking spaces are required and a Variance (VAR-29958) to allow 459,994 square feet of open space in a Residential Planned Development district where 426,888 square feet is required on 33.47 acres at the northwest corner of Rancho Drive and Smoke Ranch Road. The abeyance was approved at the applicants request in order to provide a revised site plan allocating additional open space.
10/23/08	The Planning Commission held in abeyance a request for a Site Development Plan Review (SDR-29658) for a proposed two and three-story multi-family development consisting of 347 condominium units and 304 apartment units, a Rezoning (ZON-29661) to change the zoning designation from C-M (Commercial/Industrial) under Resolution of Intent to R-PD16 (Residential Planned Development - 16 Units per Acre) to R-PD20 (Residential Planned Development - 20 Units per Acre), a Variance (VAR-29663) to allow 1,185 parking spaces where 1,228 parking spaces are required and a Variance (VAR-29958) to allow 426,888 square feet of open space in a Residential Planned Development district where 466,963 square feet is required on 33.47 acres at the northwest corner of Rancho Drive and Smoke Ranch Road. The abeyance was approved at the applicants request in order to allow for further review of the proposed development.
<b><i>Related Building Permits/Business Licenses</i></b>	
There are no related building permits or business licenses related to this project. There are no permits on file regarding the demolition or removal of the two existing Off-Premise Signs (Billboards) that were required to be removed as a condition of approval to SDR-20523.	
<b><i>Pre-Application Meeting</i></b>	
08/07/08	A pre-application meeting was held where elements of a Rezoning, Site Development Plan Review, a Variance for parking and a Variance for Open Space within a Residential Planned Development zoning district were discussed.
<b><i>Neighborhood Meeting</i></b>	
A neighborhood meeting was not held, nor was one required.	
<b><i>Field Check</i></b>	
09/02/08	A field check was performed by staff at the subject property. The site was noted as undeveloped, relatively flat and graded. Some weeds and debris were noted on site.

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<i>Details of Application Request</i>			
<i>Site Area</i>			
Gross Acres	33.47		
<b>Surrounding Property</b>	<b>Existing Land Use</b>	<b>Planned Land Use</b>	<b>Existing Zoning</b>
Subject Property	Undeveloped (Approved Through SDR-20523 for a 535-unit Condominium Development)	M (Medium Density Residential)	C-M (Commercial/Industrial) under Resolution of Intent to R-PD16 (Residential Planned Development 16 Units per Acre)

North	Industrial	LI/R (Light Industry/Research)	C-M (Commercial/Industrial)
South	Single-Family Residential	ML (Medium Low Density Residential)	R-CL (Single Family Compact-Lot)
	Multi-Family Residential	M (Medium Density Residential)	C-2 (General Commercial)
	Commercial	GC (General Commercial)	C-2 (General Commercial)
East	Airport	Public/Semi-Public City of North Las Vegas	C-2 (General Commercial) and M-2 (General Industrial) City of North Las Vegas
West	Light Industrial	LI/R (Light Industry/Research)	C-M (Commercial/Industrial)
	Commercial	SC (Service Commercial)	C-1 (Limited Commercial)
	Multi-Family Residential	M (Medium Density Residential)	R-3 (Medium Density 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 (35 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

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\* The subject property is located within the North Las Vegas Airport Overlay within the 35-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 zoning of the subject property from C-M (Commercial/Industrial) under Resolution of Intent to R-PD16 (Residential Planned Development - 16 Units per Acre) to R-PD20 (Residential Planned Development - 20 Units per Acre). The R-PD (Residential Planned Development) District is intended to provide for flexibility and innovation in residential development, with emphasis on enhanced residential amenities, efficient utilization of open space, the separation of pedestrian and vehicular traffic, and homogeneity of land use patterns. The R-PD20 (Residential Planned Development 20 Units per Acre) is consistent with the M (Medium Density Residential) category of the General Plan.

The subject property is located within the Southwest Sector of the General Plan with a land use designation of M (Medium Density Residential). The Medium Density Residential category includes a variety of multi-family units such as plexes, townhouses, and low-density apartments. This category allows up to 25.49 units per acre.

The proposed Rezoning request is in conformance with the General Plan land use designation. Title 19.06.040 states that the R-PD (Residential Planned Development) District is intended to provide for flexibility and innovation in residential development, with emphasis on enhanced residential amenities, efficient utilization of open space, the separation of pedestrian and vehicular traffic, and homogeneity of land use patterns. Staff finds that the applicant is choosing to have the density advantage offered by R-PD zoning without providing any offsetting benefit to the community at large by providing a reduction in open space required and limited site amenities; therefore, denial of this request is recommended.

**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 consistent with the M (Medium Density Residential) category of the General Plan, which allows up to 25.49 dwelling units per acre.

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- 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.**

Residential development is not compatible with the adjacent commercial/industrial development, adjacent airport or the single-family residences to the south. The proposed development is too intense for the site and may negatively impact the existing neighbors with increased traffic and noise complaints.

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

Growth and development factors in the community indicate the need for affordable and market-rate housing; however, the subject site, located adjacent to the North Las Vegas Airport and commercial/industrial properties is not appropriate for this scale of proposed density.

- 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 Rancho Drive, a Freeway, and Decatur Boulevard and Smoke Ranch Road, each 100-Foot Primary Arterials, according to the Master Plan of Streets and Highways. All roads are adequate to serve the proposed development.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED 5**

**ASSEMBLY DISTRICT 7**

**SENATE DISTRICT 4**

**NOTICES MAILED 244**

**APPROVALS 3**

**PROTESTS 8**