

City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: JANUARY 22, 2009

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: ABEYANCE - GPA-29877 - APPLICANT/OWNER: CAROLYN
AHERN**

**** CONDITIONS ****

STAFF RECOMMENDATION: DENIAL.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a General Plan Amendment to Amend a portion of the Northwest Sector of the Centennial Hills Master Plan from PCD (Planned Community Development) to GC (General Commercial) on 1.66 acres on the east side of Oso Blanca Road approximately 850 feet north of Kyle Canyon Road.

In addition to this request, the applicant has submitted a request for a Rezoning (ZON-29878) from U (Undeveloped) [PCD (Planned Community Development) General Plan designation] to C-2 (General Commercial) and a Site Development Plan Review (SDR-29879) for a proposed 3,400 square-foot Convenience Store and Car Wash with Fuel Pumps and a 5,300 square-foot Restaurant with Drive-Thru with Waivers of the perimeter landscape requirements to allow a six-foot buffer along the south and east property lines where eight feet is required and a six-foot buffer along the west property line where 15 feet is required. Additionally, the applicant has submitted a Variance (VAR-29881) to allow a 13-foot setback along the east property line where 20 feet is required.

The proposed General Plan Amendment fails to conform to the adopted plans and policies of the Centennial Hills Sector Plan of the Las Vegas Master Plan 2020 as it meets the definition of leapfrog development. Additionally, the proposed development is not compatible with the surrounding land uses or zoning districts; therefore, staff recommends denial of this application.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
06/18/08	The City Council approved a Petition to Annex (ANX-27240) property located on the east side of the Oso Blanca Road 850 feet north of the Kyle Canyon Road containing approximately 1.66 acres. The effective date of this Annexation was 06/27/08. The Planning Commission and staff recommended approval of this request.

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11/20/08	The Planning Commission held in abeyance for 60 days a request for a General Plan Amendment (GPA-29877) to Amend a portion of the Centennial Hills Sector Plan of the General Plan from PCD (Planned Community Development) to GC (General Commercial), a Rezoning (ZON-29878) from U (Undeveloped) [PCD (Planned Community Development) General Plan designation] to C-2 (General Commercial), a Variance (VAR-29881) to allow a 13-foot setback along the east property line where 20 feet is required and a Site Development Plan Review (SDR-29879) for a proposed 3,400 square-foot Service Station (without Automotive Repair) composed of a Convenience Store, Car Wash and Fuel Pumps and a 5,300 square-foot Restaurant with Drive-Thru with Waivers of the perimeter landscape requirements to allow a six-foot buffer along the south and east property lines where eight feet is required and a six-foot buffer along the west property line where 15 feet is required on 1.66 acres on the east side of Oso Blanca Road approximately 850 feet north of Kyle Canyon Road.
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<i>Related Building Permits/Business Licenses</i>	
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There are no building permits that exist for this site.	
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<i>Pre-Application Meeting</i>	
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08/20/08	A pre-application meeting was held with the applicant where elements of a General Plan Amendment, a Rezoning, a Site Development Plan Review, a parking Variance and a building setback Variance were discussed.
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<i>Neighborhood Meeting</i>	
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09/24/08	A neighborhood meeting was held at 6:00 P.M. at 6601 N Buffalo Dr., Las Vegas, Nevada 89131. There were no members of the public, two members of the development team and one member of the Planning and Development staff present. The meeting was ended at 6:30 P.M.
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<i>Field Check</i>	
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09/16/08	A field check was performed by staff at the subject property. The site was noted as vacant, consisting of natural rolling Mojave desert terrain adjacent to U.S. 95.
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<i>Details of Application Request</i>	
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<i>Site Area</i>	
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Gross Acres	1.66
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Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped	PCD (Planned Community Development)	U (Undeveloped) [PCD (Planned Community Development) General Plan Designation]
North	U.S. 95	R.O.W.	R.O.W.
South	Undeveloped	SC (Service Commercial)	U (Undeveloped) [SC (Service Commercial) General Plan Designation]
East	U.S. 95	R.O.W.	R.O.W
West	Undeveloped	PCD (Planned Community Development)	H-2 (General Highway Frontage) Clark County

<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		X	N/A
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

ANALYSIS

The subject property is located within the Centennial Hills Sector Plan of the General Plan. This proposed General Plan Amendment, if approved, would allow a GC (General Commercial) land use designation. The General Commercial category generally allows retail, service, wholesale, office and other general business uses of a more intense commercial character. These uses may include outdoor storage or display of products or parts, noise, lighting or other characteristics not generally considered compatible with adjoining residential areas without significant transition. Examples include new and used car sales, recreational vehicle and boat sales, car body and engine repair shops, mortuaries, and other highway uses such as hotels, motels, apartment hotels and similar uses. The General Commercial category allows Service Commercial uses, and may also allow Mixed-Use development with a residential component where appropriate.

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There is a request for a Rezoning (ZON-29878) to change the sites zoning from U (Undeveloped) [PCD (Planned Community Development) General Plan designation] to C-2 (General Commercial). The C-2 (General Commercial) district is designed to provide the broadest scope of compatible services for both the general and traveling public. This category allows retail, service, automotive, wholesale, office and other general business uses of an intense character, as well as mixed-use developments. This district should be located away from low and medium density residential development and may be used as a buffer between retail and industrial uses. The C-2 (General Commercial) district is also appropriate along commercial corridors. The C-2 (General Commercial) district is consistent with the General Commercial category of the General Plan.

With the approval of this proposed General Plan Amendment to the GC (General Commercial) land use designation and Rezoning (ZON-29878) to the C-2 (General Commercial) zoning district, the proposed Convenience Store and two Restaurants with Drive-Thrus associated with this development are permissible uses. The surrounding properties have a mixture of PCD (Planned Community Development) and SC (Service Commercial) General Plan land use designations. This proposal would create an inconsistency with future land use designations, when compared to the surrounding area. Staff could lend support to a less-intense, SC (Service Commercial) General Plan land use designation as that land use will be compatible with the other adjacent properties which carry a SC (Service Commercial) General Plan land use designation. The request to amend a portion of the Centennial Hills Sector Plan of the General Plan from PCD (Planned Community Development) to GC (General Commercial) is too intense and not compatible with the surrounding planned land uses; therefore staff recommends denial of this application.

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,**

The proposed GC (General Commercial) land use designation is not compatible with the existing PCD (Planned Community Development) and SC (Service Commercial) land use designations to the west and south. While the U.S. 95 highway abuts this property to the north and east, staff finds that the proposed development could be accomplished with a less intense General Plan land use designation which will be harmonious with the SC (Service Commercial) land use designation to the south and west.

- 2. The zoning designations allowed by the proposed amendment will be compatible with the existing adjacent land uses or zoning districts,**

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The C-2 (General Commercial) zoning designation allowed by the proposed General Plan Amendment will be much more intense than the zoning districts permitted by the surrounding PCD (Planned Community Development) and SC (Service Commercial) land use designations. The C-2 (General Commercial) zoning district will be the most intense use within the surrounding area and will permit the broadest scope of commercial development. A less intense C-1 (Limited Commercial) designation would be more appropriate for the subject property.

3. There are adequate transportation, recreation, utility, and other facilities to accommodate the uses and densities permitted by the proposed General Plan Amendment; and

The proposed GC (General Commercial) General Plan land use designation is not supported by appropriate circulation, infrastructure, and public and private services. The remote location of this project will not protect and enhance the existing rural neighborhood, but instead will increase vehicle congestion due to the inadequate infrastructure. The subject location does not promote the use of existing public services and will require substantial increases in public services such as fire and police. Las Vegas 2020 Master Plan policy A2.1 states that any development that is not immediately adjacent to all required public infrastructure shall be defined as being leapfrog development. All development determined as being leapfrog shall be responsible for providing all required and/or oversized infrastructure leading to and providing services for that development. This proposal creates a situation where this property is not immediately adjacent to all the required public infrastructure, therefore this is a leapfrog development.

4. The proposed amendment conforms to other applicable adopted plans and policies that include approved neighborhood plans.

The Centennial Hills Sector Concept Land Use Map identifies this parcel as located within a Village Center. This conceptual designation was identified to encompass designed commercial, limited commercial and buffer residential and offices with equivalent General Plan Categories of SC (Service Commercial), MLA (Medium Low Attached Density Residential) and O (Office). The C-2 (General Commercial) zoning designation permitted by the proposed amendment would allow uses much greater in scope than the C-1 (Limited Commercial), O (Office), P-R (Professional Office and Parking), and R-2 (Medium Low Density Residential) uses allowed under the Village Center concept, and will therefore not conform to the Village Center concept. A reduction in the intensity of the proposed zoning district would allow conformance with the Village Center concept identified in the Centennial Hills Sector Concept Land Use Map.

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ASSEMBLY DISTRICT 13

NOTICES MAILED 41

APPROVALS 1

PROTESTS 0