

City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: APRIL 9, 2009

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: ABEYANCE - GPA-32550 - APPLICANT/OWNER: SMOKE
RANCH DEVELOPMENT, LLC**

**** CONDITIONS ****

STAFF RECOMMENDATION: DENIAL.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request to amend a portion of the Southwest Sector Plan of the General Plan from O (Office) to SC (Service Commercial) on 2.63 acres adjacent to the south side of Smoke Ranch Road, approximately 1,300 feet east of Buffalo Drive. In addition to this application, the applicant has submitted a request for a Rezoning (ZON-32551) from U (Undeveloped) [O (Office) General Plan designation] under Resolution of Intent to P-R (Professional Office and Parking) to N-S (Neighborhood Service), a Variance (VAR-32553) to allow a one-foot setback along the south perimeter where 25 feet is required; to allow a one-foot setback along portions of the north and west perimeters where 10 feet is required; to allow a five-foot setback along a portion of the east perimeter; to allow a lot coverage of 59% where 30% is the maximum permitted; and to allow a 60-foot wide lot where 100 feet is the minimum required, a Special Use Permit (SUP-32552) for a Mini-Storage Facility use and a Site Development Plan Review (SDR-32555) for a proposed 99,549 square-foot Mini-Storage Facility with a Waiver to allow a zero-foot landscape buffer along the east, south, north and a portion of the west perimeter where eight feet is required.

Staff has determined that the proposed SC (Service Commercial) land use designation is not compatible with the surrounding Medium Low Density Residential, Parks/Recreation/Open Space, Light Industry/Research and Public Facilities land use designations. In addition, the range of uses permitted within a SC (Service Commercial) land use designation are much more intense than those permitted by the existing O (Office) land use designation; therefore, denial of this request is recommended.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
02/18/04	The City Council approved a General Plan Amendment (GPA-3455) to Amend a portion of the Southwest Sector Plan of the General Plan from ML (Medium Low Density Residential) to O (Office), a Rezoning (ZON-3456) from U (Undeveloped) [ML (Medium Low Density Residential) General Plan designation] to P-R (Professional Offices and Parking) and a Site Development Plan Review (SDR-3457) for a 31,555 square-foot Office building with a Waiver of the Commercial Development Standards on 2.67 acres at 7401 Smoke Ranch Road. The Planning Commission and staff recommended approval of these requests.
10/07/04	The Planning and Development Department administratively approved a Parcel Map (PMP-4315) for 2 lots on 5.4 acres on property located on Smoke Ranch Road, approximately 1320 feet West of Tenaya Way. The map recorded on 04/18/05.

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03/23/06	The Planning Commission accepted a Withdrawal Without Prejudice for a General Plan Amendment (GPA-10776) to Amend a portion of the Southwest Sector Plan of the General Plan from O (Office) to SC (Service Commercial), a Rezoning (ZON-10778) from U (Undeveloped) [O (Office) General Plan designation] under Resolution of Intent to P-R (Professional Office and Parking) to C-1 (Limited Commercial), a Variance (VAR-10780) to allow a 3.25-foot side yard landscape buffer and a two-foot rear yard landscape buffer where eight feet is required and a Variance (VAR-10781) to allow a 39-foot Residential Adjacency Setback where 135 feet is the minimum setback required. Staff recommended denial of these requests.
05/17/06	The City Council approved a Variance (VAR-12669) to allow a three-story building where two stories is the maximum height allowed, a Special Use Permit (SUP-10783) for a Mixed-Use development and a Site Development Plan Review (SDR-10784) for a three-story, 45-foot high, Mixed-Use development consisting of 25 residential units and 13,243 square feet of Office Space with Waivers to allow a minimum lot width of 59 feet where 100 feet is the minimum lot width required and to allow a reduction of perimeter landscaping on 2.72 acres adjacent to the south side of Smoke Ranch Road, approximately 1,300 feet east of Buffalo Drive. The Planning Commission recommended approval of these requests, whereas staff recommended denial.
02/21/07	The City Council approved a Rezoning (ZON-18753) from U (Undeveloped) [O (Office) General Plan designation] to P-R (Professional Offices and Parking) and a Site Development Plan Review (SDR-18657) for a three-story 40,971 square-foot Office building with Waivers to allow a zero-foot landscape buffer where eight feet is required along the southern property line and along the on-site public trail, a reduction in the perimeter landscape required and of required parking lot landscaping on 2.7 acres adjacent to the south side of Smoke Ranch Road, approximately 1,300 feet east of Buffalo Drive. The Planning Commission and staff recommended approval of these requests.
01/11/08	A Code Enforcement complaint (#61269) was processed for sign code violations and a semi parking on the subject property. The case was resolved 02/01/08.
04/16/08	The City Council approved a Petition to Vacate (VAC-26629) a 10-foot wide public drainage easement generally located 1265 feet east of the southeast corner of Buffalo Drive and Smoke Ranch Road. The Planning Commission and staff recommended approval of this request.
05/21/08	The City Council approved an Extension of Time (EOT-27700) for an approved Variance (VAR-12669) to allow a three-story building where two stories is the maximum height allowed. Staff recommended approval of this request.

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10/15/08	A Code Enforcement complaint (#70692) was processed for a non-permitted chainlink fence, vehicles, trailers and semis parking on the subject property. The case is still open pending resolution.
01/22/09	The Planning Commission approved a request by the applicant to have a General Plan Amendment (GPA-32550) to Amend a portion of the Southwest Sector Plan of the General Plan from O (Office) to SC (Service Commercial), a Rezoning (ZON-32551) from U (Undeveloped) [O (Office) General Plan Designation] Under Resolution of Intent to P-R (Professional Office and Parking) to N-S (Neighborhood Service), Variance (VAR-32553) to allow a one-foot setback along the south perimeter where 25 feet is required; to allow a one-foot setback along portions of the north and west perimeters where 10 feet is required; to allow a five-foot setback along a portion of the east perimeter; to allow a lot coverage of 59% where 30% is the maximum permitted; and to allow a 60-foot wide lot where 100 feet is the minimum required and a Special Use Permit (SUP-32552) for a proposed Mini-Storage Facility and a Site Development Plan Review (SDR-32555) for a proposed 99,549 square-foot Mini-Storage Facility with a Waiver to allow a zero-foot landscape buffer along the east, south, north and a portion of the west perimeter where eight feet is required on 2.63 acres adjacent to the south side of Smoke Ranch Road, approximately 1,300 feet east of Buffalo Drive to be held in abeyance until the February 26, 2009 Planning Commission meeting to allow the applicant to hold a neighborhood meeting.
02/26/09	The Planning Commission approved a request by the applicant to have a General Plan Amendment (GPA-32550) to Amend a portion of the Southwest Sector Plan of the General Plan from O (Office) to SC (Service Commercial), a Rezoning (ZON-32551) from U (Undeveloped) [O (Office) General Plan Designation] Under Resolution of Intent to P-R (Professional Office and Parking) to N-S (Neighborhood Service), Variance (VAR-32553) to allow a one-foot setback along the south perimeter where 25 feet is required; to allow a one-foot setback along portions of the north and west perimeters where 10 feet is required; to allow a five-foot setback along a portion of the east perimeter; to allow a lot coverage of 59% where 30% is the maximum permitted; and to allow a 60-foot wide lot where 100 feet is the minimum required and a Special Use Permit (SUP-32552) for a proposed Mini-Storage Facility and a Site Development Plan Review (SDR-32555) for a proposed 99,549 square-foot Mini-Storage Facility with a Waiver to allow a zero-foot landscape buffer along the east, south, north and a portion of the west perimeter where eight feet is required on 2.63 acres adjacent to the south side of Smoke Ranch Road, approximately 1,300 feet east of Buffalo Drive to be held in abeyance until the March 26, 2009 Planning Commission meeting to allow the applicant to modify the site and landscape plans.

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03/26/09	<p>The Planning Commission approved a request by the applicant to have a General Plan Amendment (GPA-32550) to Amend a portion of the Southwest Sector Plan of the General Plan from O (Office) to SC (Service Commercial), a Rezoning (ZON-32551) from U (Undeveloped) [O (Office) General Plan Designation] Under Resolution of Intent to P-R (Professional Office and Parking) to N-S (Neighborhood Service), Variance (VAR-32553) to allow a one-foot setback along the south perimeter where 25 feet is required; to allow a one-foot setback along portions of the north and west perimeters where 10 feet is required; to allow a five-foot setback along a portion of the east perimeter; to allow a lot coverage of 59% where 30% is the maximum permitted; and to allow a 60-foot wide lot where 100 feet is the minimum required and a Special Use Permit (SUP-32552) for a proposed Mini-Storage Facility and a Site Development Plan Review (SDR-32555) for a proposed 99,549 square-foot Mini-Storage Facility with a Waiver to allow a zero-foot landscape buffer along the east, south, north and a portion of the west perimeter where eight feet is required on 2.63 acres adjacent to the south side of Smoke Ranch Road, approximately 1,300 feet east of Buffalo Drive to be held in abeyance until the April 9, 2009 Planning Commission meeting to allow the applicant to modify the site and landscape plans.</p>
<i>Related Building Permits/Business Licenses</i>	
There are no building permits or business licenses associated with this application.	
<i>Pre-Application Meeting</i>	
01/18/08	<p>A pre-application meeting was held where the requirements for submitting a Site Development Plan Review, General Plan Amendment, Rezoning, Variance and Special Use Permit were discussed.</p>
<i>Neighborhood Meeting</i>	
02/09/09	<p>A neighborhood meeting was held on Monday February 9, 2009 at 6:30 pm at the Summerhill Villas Apartments Clubhouse located at 2150 North Tenaya Way, Las Vegas, Nevada 89128.</p> <p>There were two members of the general public present, one member of the development team, one Planning and Development staff member and one Council representative present at the meeting.</p> <p>Concerns were raised at the meeting regarding gaps along the northern wall, drainage of the western lots and blasting prior to grading.</p>
<i>Field Check</i>	
12/17/08	<p>A field check was conducted by staff at the subject site. The site was noted as undeveloped, with a paved 10-foot wide Multi-Use Transportation Trail adjacent to the east perimeter of the site. Additionally, a recently installed, non-permitted chainlink fence with gates was noted near the entrance to the property.</p>

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<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	2.63

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped	O (Office)	U (Undeveloped) [O (Office) General Plan designation] under Resolution of Intent to P-R (Professional Office and Parking)
North	Office Development	LI/R (Light Industry / Research)	C-PB (Planned Business Park)
South	City Park	PR-OS (Parks/Recreation/Open Space)	C-V (Civic)
East	Multi-Use Transportation Trail	R.O.W (Right-of-Way)	R.O.W (Right-of-Way)
West	Church	ML (Medium Low Density Residential)	U (Undeveloped) [ML (Medium Low Density Residential) General Plan designation]
	Single-Family Residential	ML (Medium Low Density Residential)	R-CL (Single Family Compact-Lot)

<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			
A-O (Airport Overlay) District (175 Feet)	X		Y*
Trails (Multi Use Transportation Trail)	X		N**
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

* The subject property is located within the North Las Vegas Airport Overlay Map within the 175-foot height limitation contour. The proposed buildings on the subject property do not extend beyond this limitation.

** The site is located adjacent to a Multi-Use Transportation Trail as identified by the Master Plan Transportation Trails Element. All issues addressing the trail requirements are identified in the companion Site Development Plan Review (SDR-32555).

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ANALYSIS

The subject site is located in the Southwest Sector of the General Plan and has a current land use designation of O (Office). This is a proposal to amend the General Plan designation to SC (Service Commercial). 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.

A companion item to Rezone (ZON-32551) the site from U (Undeveloped) [O (Office) General Plan designation] under Resolution of Intent to P-R (Professional Office and Parking) district to N-S (Neighborhood Service) district has also been submitted by the applicant. The purpose of the proposed N-S (Neighborhood Service) district is to provide for the development of convenience retail shopping, services and professional offices principally serving neighborhood needs and compatible in scale, character and intensity with adjacent residential development. This district is intended to be located at intersections of streets designated as collector or larger. The N-S (Neighborhood Service) district should also be used as a buffer between residential and more intense retail/commercial uses. The N-S (Neighborhood Service) district is consistent with the Service Commercial and the Neighborhood Center categories of the General Plan.

With the approval of this proposed General Plan Amendment to the SC (Service Commercial) land use designation and Rezoning (ZON-32551) to the N-S (Neighborhood Service) zoning district, the proposed Mini-Storage Facility associated with this development is a permissible use with the approval of a Special Use Permit. The surrounding parcels carry land use designations of LI/R (Light Industry/Research) for the Las Vegas Technology Center to the north, PR-OS (Parks/Recreation/Open Space) to the south, ML (Medium Low Density Residential) to the west and PF (Public Facilities) and right-of-way for a Multi-Use Transportation Trail to the east. This

request to amend a portion of the Southwest Sector Plan of the General Plan from O (Office) to SC (Service Commercial) is inconsistent with the surrounding land use patterns. The range of uses permitted within a SC (Service Commercial) land use designation are much more intense than those permitted by the existing O (Office) land use designation; therefore, denial of this request is recommended.

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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 SC (Service Commercial) General Plan designation for the subject property is not compatible with the LI/R (Light Industry/Research) land use designation for the Las Vegas Technology Center to the north, PR-OS (Parks/Recreation/Open Space) land use designation to the south, ML (Medium Low Density Residential) to the west and PF (Public Facilities) land use designation and right-of-way for a Multi-Use Transportation Trail to the east. This proposal does not provide an appropriate transition between surrounding, less intense uses.

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

Objective 2.2 of the General Plan is, To ensure that low density residential land uses within mature neighborhoods can exist in close proximity to higher density residential, mixed-use, or non-residential land uses by mitigating adverse impacts where feasible. Parcels adjacent to the site are zoned C-V (Civic), U (Undeveloped) [O (Office) General Plan designation] and R-CL (Single Family Compact-Lot). The subject property provides minimal buffering to the surrounding adjacent residential uses, the Church/House of Worship, the Multi-Use Transportation Trail and City Park uses.

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

Access to the site is provided by Smoke Ranch Road, a 100-foot Primary Arterial as designated by the Master Plan of Streets and Highways. The subject property is in an area of the city where all utilities, fire and police services are currently in place and available. Therefore, there are adequate facilities available to accommodate the uses and densities permitted by the proposed General Plan Amendment.

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

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The proposed amendment does not conform to the Las Vegas 2020 Master Plan as the proposed land use designation of SC (Service Commercial) with a N-S (Neighborhood Service) zoning district is incompatible with the existing LI/R (Light Industry/Research) land use designation to the north, PR-OS (Parks/Recreation/Open Space) land use designation to the south, ML (Medium Low Density Residential) to the west and PF (Public Facilities) land use designation and right-of-way for a Multi-Use Transportation Trail to the east. As this proposed General Plan Amendment is not compatible with the Las Vegas 2020 Master Plan, staff recommends denial of this request.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 10

ASSEMBLY DISTRICT 37

SENATE DISTRICT 6

NOTICES MAILED 209

APPROVALS 1

PROTESTS 0