

City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: APRIL 9, 2009

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: ABEYANCE - ZON-32551 - APPLICANT/OWNER: SMOKE RANCH DEVELOPMENT, LLC

**** CONDITIONS ****

STAFF RECOMMENDATION: DENIAL.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Rezoning from U (Undeveloped) [O (Office) General Plan designation] under Resolution of Intent to P-R (Professional Office and Parking) to N-S (Neighborhood Service) 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 General Plan Amendment (GPA-32550) to change the General Plan designation from O (Office) to SC (Service Commercial), 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 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.

The surrounding land uses are C-PB (Planned Business Park) to the north, C-V (Civic) to the south, R.O.W (Right-of-Way) to the east, and both U (Undeveloped) [ML (Medium Low Density Residential) General Plan designation] and R-CL (Single-Family Compact-Lot) to the west. Staff finds that this proposal meets the Title 19.20.020 definition of Spot Zoning, which is, 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. The proposed Rezoning and associated General Plan Amendment (GPA-32550) will result in the subject property being zoned in isolation from other similarly zoned parcels and the intensity of uses that will be permitted within the proposed N-S (Neighborhood Service) zone will be much more intense than those currently permitted under the O (Office) zone. Additionally, with the approval of the associated General Plan Amendment (GPA-32550), the opportunity will exist to obtain a more intense C-1 (Limited Commercial) zoning as the proposed SC (Service Commercial) land use designation accommodates both N-S (Neighborhood Service) and C-1 (Limited Commercial) zoning classifications; therefore, staff recommends denial of this request.

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.
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.

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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.
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.

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<p>02/26/09</p>	<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 March 26, 2009 Planning Commission meeting to allow the applicant to modify the site and landscape plans.</p>
<p>03/26/09</p>	<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>
<p><i>Related Building Permits/Business Licenses</i></p>	
<p>There are no building permits or business licenses associated with this application.</p>	
<p><i>Pre-Application Meeting</i></p>	
<p>01/18/08</p>	<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>

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Neighborhood Meeting	
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>

Field Check	
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>

Details of Application Request	
Site Area	
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)

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<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).

ANALYSIS

The subject site is located in the Southwest Sector of the General Plan and has a current land use designation of O (Office). A General Plan Amendment (GPA-32550) to change the designation to SC (Service Commercial) has been submitted along with this Rezoning request. 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.

This is a proposal to Rezone the site from U (Undeveloped) [O (Office) General Plan designation] under Resolution of Intent to P-R (Professional Office and Parking) to N-S (Neighborhood Service). 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.

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The surrounding parcels carry land use designations of C-PB (Planned Business Park) to the north, C-V (Civic) to the south, R.O.W (Right-of-Way) to the east, and both U (Undeveloped) [ML (Medium Low Density Residential) General Plan designation] and R-CL (Single-Family Compact -Lot) to the west. Staff finds that this proposal meets the Title 19.20.020 definition of Spot Zoning, which is, 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. As the applicants proposal for a Rezoning to the N-S (Neighborhood Service) zoning district for a proposed Mini-Storage Facility use cannot be accomplished without resulting in the subject parcel being zoned in isolation from the adjacent properties, staff recommends denial of this 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 SC (Service Commercial) land use designation on the subject parcel currently designated as O (Office) is not compatible 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) land use designation to the west and PF (Public Facilities) land use designation and right-of-way for a Multi-Use Transportation Trail to the east. The increase in the intensity of uses creates an incompatibility with the surrounding properties; therefore staff recommends denial of this request and the affiliated companion items.

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.

Although the requested N-S (Neighborhood Service) zoning district is the appropriate zoning district for the requested SC (Service Commercial) land use designation, this commercial district is incompatible with the zoning districts of C-PB (Planned Business Park) to the north, C-V (Civic) to the south, R.O.W (Right-of-Way) to the east, and both U (Undeveloped) [ML (Medium Low Density Residential) General Plan Land Use designation] and R-CL (Single Family Compact-Lot) to the west. The uses permitted by the proposed Rezoning will be much more intense than the planned surrounding land uses.

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

Growth and development factors in the community do not indicate the need or appropriateness of the proposed rezoning. The proposed rezoning will result in the subject property being in isolation from other similarly zoned parcels. In addition, with the approval of the associated General Plan Amendment (GPA-32550), the opportunity will exist for a more intense, conforming C-1 (Limited Commercial) zoning in the future.

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.

Adequate 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. Rezoning the subject property to a N-S (Neighborhood Service) zoning district will intensify the land use and associated 24-hour vehicular traffic.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 10

ASSEMBLY DISTRICT 37

SENATE DISTRICT 6

NOTICES MAILED 209

APPROVALS 1

PROTESTS 0