

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: APRIL 9, 2009

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: GPA-33607 APPLICANT/OWNER: REZAIE FAMILY TRUST

**** CONDITIONS ****

STAFF RECOMMENDATION: DENIAL.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request to Amend a portion of the Southeast Sector Plan of the General Plan from O (Office) to SC (Service Commercial) on 0.16 acres located at 1580 E. Sahara Avenue. This General Plan Amendment is necessary because the existing O (Office) General Plan designation restricts the land uses to those that are permitted within compatible zoning districts. In this case, the subject site is limited to uses that are permitted in the O (Office) zoning district, such as the existing Office use. More intense uses, such as the proposed Auto Broker use, are not permitted within the O (Office) zoning district, and therefore are not allowed at the subject site, even though the site has a more intense, existing C-1 (Limited Commercial) zoning that would allow an Auto Broker as a conditional use. Staff is recommending denial of this request as the SC (Service Commercial) General Plan designation is not compatible with the adjacent L (Low Density Residential) and O (Office) designations, and will allow uses that are too intense for the surrounding adjacent land uses.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
06/06/73	The Board of City Commissioners approved a Rezoning (Z-0041-73) from R-2 (Medium Low Density Residential) to C-1 (Limited Commercial) on 0.16 acres located at 1580 E. Sahara Avenue. The Planning Commission recommended approval.
12/19/73	The Board of City Commissioners approved a Plot Plan Review (Z-0041-73) to allow an art school on 0.16 acres located at 1580 E. Sahara Avenue. The Planning Commission recommended approval.
05/17/06	The City Council, as part of a larger request, approved a General Plan Amendment (GPA-12043) to amend a portion of the Southeast Sector Plan of the General Plan from SC (Service Commercial) and L (Low Density Residential) to O (Office) on 30.15 acres. The Planning Commission recommended approval.

<i>Related Building Permits/Business Licenses</i>	
c. 1956	Original structure constructed at 1580 E. Sahara Avenue.
c. 1980	An addition of approximately 540 feet was constructed on the rear of the structure at 1580 E. Sahara Avenue.
09/07/99	A business license (M13-00100) was issued for a Retirement Planning Service at 1580 E. Sahara Avenue. The license was marked out on 01/07/08.
09/07/99	A business license (M18-01748) was issued for a Management and Consulting Service at 1580 E. Sahara Avenue. The license was marked out on 01/07/08.

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04/25/06	A business license (Q16-00018) was issued for a Mortgage Related Firm at 1580 E. Sahara Avenue. The license was marked out on 10/24/08.
02/09/06	A business license (F02-00290) was issued for a Finance Company at 1580 E. Sahara Avenue. The license is still active.
04/24/07	A business license (A16-01277) was issued for Auto Sales (administrative offices only, with a primary business location elsewhere within the City of Las Vegas) at 1580 E. Sahara Avenue. The license was marked out on 08/22/07.
08/29/07	A business license (M18-04083) was issued for a Management and Consulting Service at 1580 E. Sahara Avenue. The license was marked out on 08/29/07.

Pre-Application Meeting

01/29/09	A pre-application meeting was held to discuss the submittal requirements for a General Plan Amendment. Also discussed were the requirements for an Auto Broker use, including parking and conditional use requirements.
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Neighborhood Meeting

03/09/09	A neighborhood meeting was held on Monday March 9, 2009 from 5:40 to 5:55 pm at Advantage Credit Inc., located at 1580 E. Sahara Ave., Las Vegas, Nevada 89104. There were two representatives for the applicant, two members of the general public and one member of staff from the Planning and Development Department. The applicant explained that the change in the land use designation was needed so that they could maintain a business license for the sale of repossessed cars at the site. The applicant further explained that no cars would be stored on the site; all vehicles for sale will be stored on a site on Boulder Highway. The residents in attendance expressed no concerns over the proposed use by the applicant, with the condition that no cars be stored on site. However, they noted that they would have concerns if any more intense commercial uses were to be carried out on the site should the applicant sell the property.
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Field Check

03/05/09	Staff conducted a field check of the subject site. The site was clean, well maintained, and is currently used as an office.
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Details of Application Request

Site Area

Gross Acres	0.16 Acres
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Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Office	O (Office)	C-1 (Limited Commercial)

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North	Single-Family Residences	L (Low Density Residential)	R-1 (Single Family Residential)
South	Apartments	RHRC (Residential High Rise Center Greater Than 32 Units per Acre) [Clark County]	R-5 (Apartment Residential District) [Clark County]
East	Motor Vehicle Sales, Used (Approved via V-0138-93)	O (Office)	C-1 (Limited Commercial)
West	Office	O (Office)	C-1 (Limited Commercial)

<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 (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

ANALYSIS

This is a request to Amend a portion of the Southeast Sector Plan of the General Plan from O (Office) to SC (Service Commercial) on 0.16 acres located at 1580 E. Sahara Avenue. This General Plan Amendment is necessary because the existing O (Office) General Plan designation restricts the allowable land uses to those that are permitted within compatible zoning districts; in this case, the subject site is limited to uses that are permitted in the O (Office) zoning district, such as the existing Office use. More intense uses, such as the proposed Auto Broker use, are not permitted within the O (Office) zoning district, and therefore are not allowed at the subject site even though the existing zoning for the site is C-1 (Limited Commercial). Staff is recommending denial of this request as the SC (Service Commercial) General Plan designation is not compatible with the adjacent L (Low Density Residential) and O (Office) designations, and will allow uses that are too intense for the surrounding adjacent land uses.

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- **General Plan and Zoning:**

The subject site has an existing General Plan designation of O (Office), which provides for small lot office conversions as a transition along primary and secondary streets from residential and commercial uses, and for large planned office areas. Permitted uses include business, professional and financial offices, as well as offices for individuals, civic, social, fraternal and other non-profit organizations. The existing O (Office) General Plan designation restricts the land uses to those that are permitted within compatible zoning districts.

The applicant is proposing to change the General Plan designation to SC (Service Commercial), which 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.

The subject site is currently zoned C-1 (Limited Commercial) district, which 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 (Limited Commercial) district is consistent with the Service Commercial and the Neighborhood Center categories of the General Plan, and the proposed Auto Broker use is permitted as a conditional use within the district.

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,
2. The zoning designations allowed by the proposed amendment will be compatible with the existing adjacent land uses or zoning districts,
3. There are adequate transportation, recreation, utility, and other facilities to accommodate the uses and densities permitted by the proposed General Plan Amendment; and
4. The proposed amendment conforms to other applicable adopted plans and policies that include approved neighborhood plans.

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In regard to 1:

The intensity of the proposed General Plan Amendment is not compatible with the adjacent L (Low Density Residential) and O (Office) designations, and will allow uses that are too intense for the surrounding adjacent land uses.

In regard to 2:

The subject site has an existing zoning of C-1 (Limited Commercial), which is the most intense zoning district allowed by the proposed SC (Service Commercial) General Plan designation. The most intense uses allowed by the C-1 (Limited Commercial) district are not compatible with the adjacent R-1 (Single Family Residential) zoning district to the north, and are currently limited by the existing O (Office) General Plan designation.

In regard to 3:

The subject site is served by Sahara Avenue, designated as a 100-foot Primary Arterial by the Master Plan of Streets and Highways. The site is an existing site and will continue to use existing transportation, recreation, utility, and other facilities.

In regard to 4:

There are no other plans or policies that apply to the subject site.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 11

ASSEMBLY DISTRICT 9

SENATE DISTRICT 10

NOTICES MAILED 175

APPROVALS 3

PROTESTS 0