



AGENDA MEMO

CITY COUNCIL MEETING DATE: SEPTEMBER 2, 2009

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: GPA-33746 - APPLICANT/OWNER: DANIEL SHANNON

THIS ITEM WAS HELD IN ABEYANCE FROM THE AUGUST 5, 2009 CITY COUNCIL MEETING AT THE REQUEST OF THE APPLICANT.

**** CONDITIONS ****

The Planning Commission (7-0 vote) and staff recommend DENIAL.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a General Plan Amendment from the RNP (Rural Neighborhood Preservation) to the L (Low Density Residential) designation on 1.08 acres at the southeast corner of Florine Avenue and Tomsik Street. An associated request for Rezoning (ZON-33747) from R-E (Residence Estates) to R-1 (Single Family Residential) has also been submitted. The subject site was recently Annexed (ANX-30397) into the City of Las Vegas, and is located within Excepted Area B of the Interlocal Agreement. The applicant anticipates that the subject site will be subdivided to create four single-family residential lots of approximately 11,700 square feet each. The proposed L (Low Density Residential) General Plan designation with the corresponding R-1 (Single Family Residential) zoning district is required to accommodate the proposed density of 3.78 units per acre that the four lots would create. As this density is greater than the density of 3.59 units per acre that is allowed by the Interlocal Agreement, staff is recommending denial of this request.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
01/30/09	The subject site was Annexed (ANX-30397) into the City of Las Vegas.
04/23/09	The Planning Commission recommended denial of companion item zon-33747 concurrently with this application. The Planning Commission voted 7-0 to recommend DENIAL (PC Agenda Item #16/sg).
<i>Related Building Permits/Business Licenses</i>	
There are no related building permits or business licenses associated with the subject site.	
<i>Pre-Application Meeting</i>	
02/25/09	A pre-application meeting was held to discuss the submittal requirements for a General Plan Amendment and a Rezoning, including residential density restrictions.
<i>Neighborhood Meeting</i>	
03/25/09	A neighborhood meeting was held on Wednesday March 25, 2009 from 6:03 pm to 6:22 pm at the Mountain Crest Community Center located at 4701 N Durango Dr. Las Vegas, Nevada 89129. There was one representative for the applicant, nine members of the general public, one county liaison and one member of the Planning and Development Department staff present. The applicant explained that they were requesting a General Plan Amendment and Rezoning to create four parcels on the subject property. The members of the public were adamantly opposed to the request, and stated that the density should remain as stipulated in the Interlocal Agreement.

Field Check	
03/19/09	A field check was conducted by staff. The subject site is an undeveloped parcel of land. No issues were noted at the site.

Details of Application Request	
Site Area	
Gross Acres	1.08 Acres

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped	RNP (Rural Neighborhood Preservation)	R-E (Residence Estates)
North	Undeveloped	RNP (Rural Neighborhood Preservation) [Clark County]	R-E (Rural Estates, Residential District) [Clark County]
South	Undeveloped	DR (Desert Rural Density Residential)	R-E (Residence Estates)
East	Church / House of Worship	DR (Desert Rural Density Residential)	R-E (Residence Estates)
West	Undeveloped	DR (Desert Rural Density Residential)	R-E (Residence Estates)

Special Districts/Zones	Yes	No	Compliance
Special Area Plan		X	N/A
Special Districts/Zones	Yes	No	Compliance
Special Purpose and Overlay Districts			
Interlocal Excepted Area B	X		N*
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

**Pursuant to the Interlocal Agreement, the areas identified as Excepted Area B shall remain designated at a density of no greater than 3.59 Units per Gross Acre on the City's comprehensive plan, and the City shall not amend its land use master plan, rezone such properties or approve special or conditional use permits to allow industrial or commercial uses or residential densities above 3.59 units per gross acre within the areas identified as Excepted Area B without first considering the recommendation of the other Party, which in this case is Clark County. The proposed L (Low Density Residential) General Plan designation would allow for a density of up to 5.49 units per acre.*

DEVELOPMENT STANDARDS

Pursuant to Title 19.08, the following standards apply:

Standard	Required/Allowed	Provided	Compliance
Min. Lot Size	6,500 SF	46,093	Y
Min. Lot Width	65 Feet	150 Feet	Y

At this time, a Site Development Plan Review is not required, nor has one been submitted. Development standards, including setbacks, lot coverage, building height, etc., shall be reviewed at the time of subdivision and/or issuance of building permits.

Existing Zoning	Permitted Density	Units Allowed
R-E (Residence Estates)	Up to 2 Units per Acre	2 Units
Existing General Plan	Permitted Density	Units Allowed
RNP (Rural Neighborhood Preservation)	Up to 2 Units per Acre	2 Units

Proposed Zoning	Permitted Density	Units Allowed
R-1 (Single Family Residential)	Up to 6 Units per Acre	6 Units
Proposed General Plan	Permitted Density	Units Allowed
L (Low Density Residential)	Up to 5.49 Units per Acre	5 Units

Pursuant to the Interlocal Agreement, the areas identified as Excepted Area B shall remain designated at a density of no greater than 3.59 Units per Gross Acre. The Zoning district and General Plan designation that allow the highest density within the Interlocal Agreement restriction is:

Zoning	Permitted Density	Units Allowed
R-D (Single Family Residential-Restricted)	Up to 3.96 Units per Acre	3 Units
General Plan	Permitted Density	Units Allowed
R (Rural Density Residential)	Up to 3.59 Units per Acre	3 Units

ANALYSIS

This is a request for a General Plan Amendment from the RNP (Rural Neighborhood Preservation) to the L (Low Density Residential) designation on 1.08 acres at the southeast corner of Florine Avenue and Tomsik Street. An associated request for Rezoning (ZON-33747) from R-E (Residence Estates) to R-1 (Single Family Residential) has also been submitted. The subject site was recently Annexed (ANX-30397) into the City of Las Vegas, and is located within Excepted Area B of the Interlocal Agreement. Pursuant to the Interlocal Agreement, the areas identified as Excepted Area B shall remain designated at a density of no greater than 3.59 Units per Gross Acre on the City's comprehensive plan, and the City shall not amend its land use

master plan, rezone such properties or approve special or conditional use permits to allow industrial or commercial uses or residential densities above 3.59 units per gross acre within the areas identified as Excepted Area B without first considering the recommendation of the other Party, which in this case is Clark County. The proposed L (Low Density Residential) General Plan designation would allow for a density of up to 5.49 units per acre, thereby exceeding the maximum density allowed by the agreement.

Comments were received from the Clark County Department of Comprehensive Planning on April 14, 2009, stating that Clark County is opposed to these applications. Staff believes that the City's equivalent to the County's land use designation of RL (3.5 du/ac) would be a more appropriate buffer between the R-E zoned lots to the west and the existing church to the east. In addition, the subject parcel is within the Excepted Area B which encourages densities to not exceed 3.5 (County) and 3.59 (City).

The applicant anticipates that the subject site will be subdivided to create four single-family residential lots of approximately 11,700 square feet each. The proposed L (Low Density Residential) General Plan designation with the corresponding R-1 (Single Family Residential) zoning district is required to accommodate the proposed density of 3.78 units per acre that the four lots would create. If the number of subdivided lots were reduced from four to three, the proposed density would then be 2.78 units per acre, and could be accommodated by amending the General Plan designation to R (Rural Density Residential), with a corresponding zoning district of R-D (Single Family Residential-Restricted). The request would then conform to the Interlocal Agreement, and would be compatible with the existing adjacent land uses and zoning districts. As this request does not meet the requirements of the Interlocal Agreement, staff is recommending denial.

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 density and intensity of the proposed L (Low Density Residential) General Plan Amendment is not compatible with the existing adjacent land use designations, and will exceed the maximum allowable density of 3.59 units per acre permitted by the Interlocal Agreement.

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

The zoning designations allowed by the proposed amendment are not compatible with the existing adjacent land uses or zoning districts as they will allow lots that are considerably smaller in size and area than the adjacent lots.

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

There are existing transportation, recreation, utility and other facilities that are adequate 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.**

The proposed amendment does not conform to the requirements of the Interlocal Agreement. The Clark County Department of Comprehensive Planning has indicated that they are opposed to this request.

PLANNING COMMISSION ACTION

There were eight speakers in protest to this project at the Planning Commission Meeting.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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ASSEMBLY DISTRICT 4

SENATE DISTRICT 6

NOTICES MAILED 281 by City Clerk

APPROVALS 0

PROTESTS 3