



AGENDA MEMO

CITY COUNCIL MEETING OF: NOVEMBER 18, 2009

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: ZON-34793 - APPLICANT/OWNER: GEORGE T. LOPEZ

THIS ITEM WAS HELD IN ABEYANCE FROM THE OCTOBER 21, 2009 CITY COUNCIL MEETING AT THE REQUEST OF COUNCILMAN BARLOW.

**** CONDITIONS ****

Staff recommends DENIAL. The Planning Commission (5-1 vote) recommends APPROVAL.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Rezoning from C-1 (Limited Commercial) to C-M (Commercial/Industrial) on 0.97 acres at 2222 West Bonanza Road. The site contains office and warehouse buildings, and was previously approved for a Building and Landscape Material/Lumber Yard via a Special Use Permit (SUP-9215). The subject site is currently being used for a Contractor's Plant, Shop and Storage Yard, which is not a permitted use within the existing C-1 (Limited Commercial) zoning district. Approval of this request, along with associated applications for a General Plan Amendment (GPA-34792) and a Site Development Plan Review (SDR-34794), are necessary for the current use of the site to continue. Staff is recommending denial of this request and the associated applications, as the proposed zoning district is not compatible with the existing surrounding zoning districts.

ISSUES

- The current use of the subject site is not permitted in the existing zoning district.
- The proposed zoning district is not compatible with the surrounding adjacent zoning districts, and meets the Title 19.20.020 definition for "Spot Zoning".
- The proposal is not consistent with the goal of the West Las Vegas Plan to provide buffering between residential uses adjacent to the north of the subject site and more intense commercial and industrial uses.
- For the current use of the site as a Contractor's Plant, Shop and Storage Yard to continue, this Rezoning, along with the associated requests for a Rezoning General Plan Amendment (GPA-34792) and a Site Development Plan Review (SDR-34794), must be approved.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc. and Property Sales</i>	
06/06/90	The City Council approved a Rezoning (Z-0048-90) of the subject property from R-E (Residence Estates) and R-1 (Single-Family Residential) to C-1 (Limited Commercial) at 2222 West Bonanza Road. The Planning Commission recommended approval of the request.
09/05/01	The City Council approved a request to Amend a portion of the Southeast Sector Plan (GPA-0022-01) from LI/R (Light Industry/Research) to ML (Medium Low Density Residential) on 34.45 acres on the northwest corner of the intersection of Washington Avenue and Robin Street. The Planning Commission recommended denial.
07/01/04	A deed was recorded for change of ownership.

11/16/05	The City Council approved a request for a Special Use Permit (SUP-9215) for an existing Building and Landscape Material/Lumber Yard at 2222 West Bonanza Road. The Planning Commission recommended approval.
05/17/06	The City Council approved a request to change the Future Land Use designation (GPA-9219) to Commercial, Mixed Use, Industrial, or Public Facilities on various parcels located within the proposed Las Vegas Redevelopment Plan area and within the proposed Redevelopment Plan expansion area. The Planning Commission recommended approval.
07/25/07	A Code Enforcement case (#56093) was processed for the storage of heavy industrial equipment on property at 2222 West Bonanza Road. The case was closed by Code Enforcement on 07/28/07.
01/03/08	A Code Enforcement case (#60970) was processed for the business not having a continuous license; storing of business equipment including freeway signs, etc.; and has barbed wire going around part of the property at 2222 West Bonanza Road. The case was closed by Code Enforcement on 01/05/08.
02/04/09	The City Council approved a Required Review (RQR-30402) for a Required One Year Review of an existing building and landscape material/lumber yard at 2222 West Bonanza Road.
03/31/09	A Code Enforcement case (#76313) was processed because the business is not complying with conditions of the use; including outside storage, parking spaces and barb wire at 2222 West Bonanza Road. The case was closed by Code Enforcement on 04/02/09.
09/24/09	The Planning Commission recommended approval of companion item GPA-34792 and SDR-34794 concurrently with this application. The Planning Commission voted 5-1/se to recommend APPROVAL (PC Agenda Item #7/jb).
<i>Related Building Permits/Business Licenses</i>	
11/21/88	A building permit (#88008199) was issued for an interior remodel at 2222 West Bonanza Road. The permit was expired on 05/21/89.
12/05/88	A building permit (#88008663) was issued for a wall at 2222 West Bonanza Road. The permit was expired on 06/05/89.
02/11/89	A building permit (#89035450) was issued for a detached structure/garage at 2222 West Bonanza Road. The permit was expired on 12/27/90.
06/05/89	A building permit (#89027461) was issued for masonry work per CLV design at 2222 West Bonanza Road. The permit was expired on 05/16/90.
07/10/91	A building permit (#91112842) was issued for paving at 2222 West Bonanza Road. The permit was expired on 01/10/92.
05/19/95	A building permit (#95377361) was issued for a patio at 2222 West Bonanza Road. The permit was finalized on 08/10/95.
02/14/05	A business license (C11-07803) was issued for a Contractor at 2222 West Bonanza Road. The license is still active.

<i>Pre-Application Meeting</i>	
05/27/09	A pre-application meeting with the applicant was held where elements of submitting a General Plan Amendment were discussed. Topics included: • Previous City Actions involving the subject property • Title 19 Zoning Code requirements for a Contractor's Plant, Shop and Storage Yard use. • Application Materials and Documents • Meeting Dates and Deadlines • Submittal requirements for a General Plan Amendment and Site Development Plan Review were also discussed.
<i>Neighborhood Meeting</i>	
06/30/09	A neighborhood meeting was held on Tuesday, June 30th at 5:30 PM at 2222 West Bonanza Road, Las Vegas. Two members from the applicant attended the meeting along with one member of the Planning and Development staff. No members of the public attended the meeting.

<i>Field Check</i>	
06/18/09	A field check was conducted by staff. The subject site contains a office and storage building as well as outside storage of Contractor's equipment and supplies in the rear yard.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	0.97

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Contractor's Plant, Shop and Storage Yard	MXU (Mixed Use) [Proposed: LI/R (Light Industry/ Research)]	C-1 (Limited Commercial) [Proposed: C-M (Commercial/Industrial)]
North	Multi-Family Residences	MXU (Mixed Use)	R-PD16 (Residential Planned Development – 16 Units Per Acre)
South	Multi-Family Residences	MXU (Mixed Use)	R-PD46 (Residential Planned Development – 46 Units Per Acre)
East	Mini-Storage Facility	MXU (Mixed Use)	C-1 (Limited Commercial) and R-1 (Single-Family Residential)
West	Restaurant (Approved for Mixed-Use by SDR -11707)	MXU (Mixed Use)	C-1 (Limited Commercial)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan			
West Las Vegas Plan	X		N
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
A-O Airport Overlay District – (140 Feet)	X		Y
Trails	X		Y
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

ANALYSIS

The subject site is located in the Southeast Sector of the General Plan and has a current land use designation of MXU (Mixed Use). A General Plan Amendment (GPA-34792) to change the designation to LI/R (Light Industry/Research) has been submitted along with this Rezoning request. The LI/R (Light Industry/Research) category allows areas appropriate for clean, low-intensity (non-polluting and non-nuisance) industrial uses, including light manufacturing, assembling and processing, warehousing and distributions, and research, development and testing laboratories. Typical supporting and ancillary general uses are also allowed. This category may also allow mixed-use development with a residential component as a transition to less-intense uses where appropriate.

This is a proposal to Rezone the site from C-1 (Limited Commercial) to C-M (Commercial/Industrial). The C-M (Commercial/Industrial) district is a general commercial and restricted industrial district designed to provide for a variety of compatible business, warehouse, wholesale, office and limited industrial uses. This district is intended to be located away from areas of low and medium density residential development. The C-M (Commercial/Industrial) district is consistent with the Light Industry/Research category of the General Plan. The current use of the site as a Contractor's Plant, Shop and Storage Yard is a permitted use in the C-M (Commercial/Industrial) zoning district.

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 applicant's proposal for a Rezoning to the C-M (Commercial/Industrial) zoning district for a proposed Contractor's Plant, Shop and Storage Yard 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 C-M (Commercial / Industrial) zoning district is not consistent with the existing MXU (Mixed Use) General Plan land use designation. However, the applicant has requested a General Plan Amendment (GPA-34792) to amend the General Plan designation from MXU (Mixed Use) to LI/R (Light Industry/ Research), which does allow the proposed C-M (Commercial / Industrial) zoning district.

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.”

The uses allowed in the C-M (Commercial / Industrial) zoning district are not compatible with the existing surrounding land uses and zoning districts. 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.

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.”

The site is accessed by two driveways to Bonanza Road, which is designated as a 100-foot Primary Arterial by the Master Plan of Streets and Highways, and will have no direct access to the adjacent residential neighborhoods or commercial properties. It is adequate in size to meet the requirements of the proposed C-M (Commercial/Industrial) zoning district.

ASSEMBLY DISTRICT 6

SENATE DISTRICT 4

NOTICES MAILED 187 by City Clerk

APPROVALS 0

PROTESTS 0