



**AGENDA MEMO**

**CITY COUNCIL MEETING DATE: MARCH 3, 2010**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: GPA-36841- APPLICANT/OWNER: MLK CAREY, LLC**

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**\*\* CONDITIONS \*\***

Staff recommends APPROVAL. The Planning Commission (6-0 vote) recommends APPROVAL, subject to conditions:

1. This request has been amended to approve an SC (Service Commercial) General Plan designation for APNs 139-21-510-003 and 004 only.

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**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

The subject site includes three undeveloped parcels and one parcel with a vacant commercial building on 1.77 acres at the southeast corner of Martin L. King Boulevard and Carey Avenue. The applicant is requesting a General Plan Amendment (GPA-36841) from SC (Service Commercial) and MLA (Medium Low Density Residential) to GC (General Commercial). Approval of an associated request for a Rezoning (ZON-36839) is required for consistency with the proposed General Plan Amendment application. Staff is recommending denial of this request, as the GC (General Commercial) General Plan designation is not compatible with the adjacent SC (Service Commercial) designation, and will allow uses that are too intense for the surrounding adjacent land uses. If denied, this request will require that the associated Rezoning request also be denied and the site will retain its existing nonconforming Zoning and General Plan designations.

**ISSUES**

- Approval of this request is required to approve an associated request for Rezoning (ZON-36839).

**BACKGROUND INFORMATION**

| <b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc and Property Sales</i></b> |                                                                                                                                                                                                                                                                                            |
|---------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 01/12/98                                                                                    | City Council approved a request to Rezone (Z-0116-97) property from R-2 (Medium Low Density Residential) and C-2 (General Commercial) to C-1 (Limited Commercial) and C-2 (General Commercial) at 2360 North Martin L. King Boulevard. Planning Commission and staff recommended approval. |
| <b><i>Related Building Permits/Business Licenses</i></b>                                    |                                                                                                                                                                                                                                                                                            |
| 10/15/03                                                                                    | A business license (R10-00065) was issued for a food caterer at 2360 North Martin L. King Boulevard. The business was marked out of business on 08/13/08.                                                                                                                                  |
| 02/24/04                                                                                    | A business license (R10-00066) was issued for a food caterer at 2360 North Martin L. King Boulevard. The business was marked out of business on 09/26/08.                                                                                                                                  |
| 08/14/06                                                                                    | A business license (B23-00027) was issued for a banquet facility at 2360 North Martin L. King Boulevard. The business was marked out of business on 06/15/09.                                                                                                                              |
| 04/08/08                                                                                    | A business license (P26-00282) was issued for a party planner service at 2360 North Martin L. King Boulevard. The business was marked out of business on 10/12/09.                                                                                                                         |

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|          |                                                                                                                                                                                                      |
|----------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 04/18/08 | A business license (R05-00579) was issued for a food vendor at 2360 North Martin L. King Boulevard. The business was marked out of business on 10/09/09.                                             |
| 01/28/10 | The Planning Commission recommended approval of companion item ZON-36839 concurrently with this application.<br><br>The Planning Commission voted 6-0 to recommend APPROVAL (PC Agenda Item #20/gk). |

| <b><i>Pre-Application Meeting</i></b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|---------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 11/18/09                              | A pre-application meeting was held where the submittal requirements of a Rezoning and General Plan Amendment were discussed with the applicant.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <b><i>Neighborhood Meeting</i></b>    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| 12/21/09                              | <p>A neighborhood meeting was held on Monday, December 21, 2009 at 5:30pm at the West Las Vegas Library, located at 951 West Lake Mead Boulevard, Las Vegas, 89106. Three members from the applicant attended the meeting, one member of the Planning and Development staff, and two members of the public</p> <p>During the meeting the following issues were raised by the public:</p> <ul style="list-style-type: none"> <li>• There were no concerns about the commercial use, as long as the design of the project is pedestrian friendly and provides a sidewalk and street trees along Miller Avenue.</li> <li>• The public would encourage a small grocery store on the site, but no 24-hour uses.</li> <li>• The site should be designed so as to minimize traffic impacts to Miller Avenue.</li> </ul> |

| <b><i>Field Check</i></b> |                                                             |
|---------------------------|-------------------------------------------------------------|
| 12/22/09                  | Staff observed well maintained undeveloped and vacant lots. |

| <b><i>Details of Application Request</i></b> |      |
|----------------------------------------------|------|
| <b><i>Site Area</i></b>                      |      |
| Net Acres                                    | 1.77 |

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| <b>Surrounding Property</b> | <b>Existing Land Use</b>                          | <b>Planned Land Use</b>                                                           | <b>Existing Zoning</b>                                                   |
|-----------------------------|---------------------------------------------------|-----------------------------------------------------------------------------------|--------------------------------------------------------------------------|
| Subject Property            | Undeveloped/<br>Vacant Commercial<br>Building     | SC (Service<br>Commercial)/MLA<br>(Medium-Low<br>Attached Density<br>Residential) | R-2 (Medium Low<br>Density Residential)/ C<br>-2 (General<br>Commercial) |
| North                       | Government<br>Facility                            | North Las Vegas                                                                   | North Las Vegas                                                          |
| South                       | Undeveloped/<br>Vacant Single<br>Family Residence | MXU (Mixed Use)/<br>MLA (Medium Low<br>Density Residential)                       | C-2 (General<br>Commercial)                                              |
| East                        | Commercial<br>Building/<br>Undeveloped            | SC (Service<br>Commercial)/MLA<br>(Medium-Low<br>Density Residential)             | N-S (Neighborhood<br>Services)/C-2 (General<br>Commercial)               |
| West                        | Auto Repair Garage                                | MXU (Mixed Use)                                                                   | C-1 (Limited<br>Commercial)                                              |

| <b><i>Special Districts/Zones</i></b> | <b><i>Yes</i></b> | <b><i>No</i></b> | <b><i>Compliance</i></b> |
|---------------------------------------|-------------------|------------------|--------------------------|
| <b>Special Area Plan</b>              |                   |                  |                          |
| Downtown Redevelopment Plan           | X                 |                  | Y                        |
| West Las Vegas Plan                   | X                 |                  | N                        |

| <b><i>Special Districts/Zones</i></b>             | <b><i>Yes</i></b> | <b><i>No</i></b> | <b><i>Compliance</i></b> |
|---------------------------------------------------|-------------------|------------------|--------------------------|
| <b>Special Purpose and Overlay Districts</b>      |                   |                  |                          |
| A-O (Airport Overlay) District – 105 Feet         | X                 |                  | Y                        |
| <b>Trails</b>                                     |                   | X                | N/A                      |
| <b>Rural Preservation Overlay District</b>        |                   | X                | N/A                      |
| <b>Development Impact Notification Assessment</b> |                   | X                | N/A                      |
| <b>Project of Regional Significance</b>           |                   | X                | N/A                      |

## **ANALYSIS**

The subject site includes three undeveloped parcels and one parcel with a vacant commercial building on 1.77 acres at the southeast corner of Martin L. King Boulevard and Carey Avenue. The applicant is requesting a General Plan Amendment (GPA-36841) from SC (Service Commercial) and MLA (Medium Low Density Residential) to GC (General Commercial).

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The applicant is proposing to amend the General Plan designation to GC (General Commercial), which allows retail, service, wholesale, office and other general business uses of a more intense commercial character. These uses may include outdoor storage or display of products or parts, noise, lighting or other characteristics not generally considered compatible with adjoining residential areas without significant transition. Examples include new and used car sales, recreational vehicle and boat sales, car body and engine repair shops, mortuaries, and other highway uses such as hotels, motels, apartment hotels and similar uses. The General Commercial category allows Service Commercial uses, and may also allow mixed-use-development with a residential component where appropriate.

The adjacent land use designations include MXU (Mixed Use Development) on the west and south, and SC (Service Commercial) on the east of the subject site. The subject parcels are located within the boundaries of the West Las Vegas Plan. Goal Number 6 of the plan is to integrate the West Las Vegas area economy into the larger regional economy through Recommendation 6.3, which is to “encourage the development of neighborhood commercial, class “A” office space and big box stores in conjunction with business development and expansion incentives designed to raise the median income and lower unemployment in West Las Vegas.” A land use designation of SC (Service Commercial) and a zoning district of C-1 (Limited Commercial) would be more appropriate for the types of uses encouraged by this recommendation; therefore, staff is recommending denial of this request.

## **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 intensity of the proposed General Plan Amendment is not compatible with the adjacent SC (Service Commercial) designation, and will allow uses that are too intense for the surrounding adjacent land uses.

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

The subject site has an existing zoning of R-2 (Medium Low Density Residential) and C-2 (General Commercial), which is the most intense zoning district allowed by the proposed GC (General Commercial) General Plan designation. The most intense uses allowed by the C-2 (General Commercial) district are not compatible with the adjacent SC (Service Commercial) General Plan designation.

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**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 from Miller Avenue, a 60-foot Right-of-Way, as well as Carey Avenue and Martin L. King Boulevard, 100-foot Primary Arterials as designated by the Master Plan of Streets and Highways. The subject property is located within 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.**

The proposed amendment is not consistent with Recommendation 6.3 of the West Las Vegas Plan.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED**

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**NOTICES MAILED**                      212 (By City Clerk)

**APPROVALS**                              0

**PROTESTS**                                0