



AGENDA MEMO

PLANNING COMMISSION MEETING DATE: JANUARY 28, 2010

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: ZON-36839 - APPLICANT/OWNER: MLK CAREY, LLC

**** CONDITIONS ****

STAFF RECOMMENDATION: DENIAL.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

The subject site includes three undeveloped parcels and one parcel consisting of a vacant commercial building on 1.77 acres at the southeast corner of Martin L. King Boulevard and Carey Avenue. This application is a request for a Rezoning from R-2 (Medium Low Density Residential) and C-2 (General Commercial) zoning districts to the C-2 (General Commercial) zoning district. The proposed Rezoning is required to accommodate new development, as the subject site is split-zoned. In addition to this application, the applicant has submitted a request for a General Plan Amendment (GPA-36841) to change the General Plan designation from SC (Service Commercial) and MLA (Medium Low Density Residential) to GC (General Commercial). The proposed Rezoning and associated General Plan Amendment (GPA-36841) will result in the subject property being zoned to allow uses that are too intense for the surrounding adjacent land uses; therefore, staff is recommending denial of this request. If denied, the subject parcels will remain split-zoned and will retain their existing zoning designations.

ISSUES

- Approval of an associated request for a General Plan Amendment (GPA-36839) is required for this Rezoning to be approved.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc and Property Sales</i>	
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.
<i>Related Building Permits/Business Licenses</i>	
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.

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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.
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.
<i>Pre-Application Meeting</i>	
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.
<i>Neighborhood Meeting</i>	
12/21/09	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 During the meeting the following issues were raised by the public: • 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. • Would encourage a small grocery store on the site, but no 24-hour uses. • The site should be designed so as to minimize traffic impacts to Miller Avenue.

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

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

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped / Vacant Commercial Building	SC (Service Commercial) / MLA (Medium Low Attached Density Residential)	R-2 (Medium Low Density Residential) / C-2 (General Commercial)

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North	Government Facility	North Las Vegas	North Las Vegas
South	Undeveloped / Vacant Single Family Residence	MXU (Mixed Use) / MLA (Medium Low Density Residential)	C-2 (General Commercial)
East	Commercial Building / Undeveloped	SC (Service Commercial) / MLA (Medium Low Density Residential)	N-S (Neighborhood Services) / C-2 (General Commercial)
West	Auto Repair Garage	MXU (Mixed Use)	C-1 (Limited Commercial)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan			
Downtown Redevelopment Plan	X		Y
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 – 105 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

The subject site includes three undeveloped parcels and one parcel consisting of a vacant commercial building on 1.77 acres at the southeast corner of Martin L. King Boulevard and Carey Avenue. This application is a request for a Rezoning from R-2 (Medium Low Density Residential) and C-2 (General Commercial) zoning districts to the C-2 (General Commercial) zoning district. The proposed Rezoning is required to accommodate new development, as the subject site is split-zoned. In addition to this application, the applicant has submitted a request for a General Plan Amendment (GPA-36841) to change the General Plan designation from SC (Service Commercial) and MLA (Medium Low Density Residential) to GC (General Commercial). 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

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Vegas.” The proposed Rezoning will result in the subject property being zoned to allow uses that are too intense for the surrounding adjacent land uses. 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

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-2 (General Commercial) zoning district conforms to the GC (General Commercial) General Plan designation requested in an associated General Plan Amendment (GPA-36841).

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 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.

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 allow uses on the subject property that are too intense for the surrounding adjacent land uses, and is not consistent with Recommendation 6.3 of the West Las Vegas Plan.

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.”

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. Miller Avenue, Carey Avenue, and Martin L. King Boulevard are adequate to accommodate the traffic flow for the proposed zoning district.

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NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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NOTICES MAILED 213

APPROVALS 0

PROTESTS 0