



AGENDA MEMO - PLANNING

PLANNING COMMISSION MEETING DATE: OCTOBER 11, 2016

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT/OWNER: ALEXANDER & ESTHER WHITE
LIVING TRUST

** STAFF RECOMMENDATION(S) **

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
GPA-66464	Staff recommends DENIAL.	
ZON-66465	Staff recommends DENIAL.	GPA-66464

** NOTIFICATION **

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 26

NOTICES MAILED 573

APPROVALS 1

PROTESTS 1

Staff Report Page One
October 11, 2016 - Planning Commission Meeting

**** STAFF REPORT ****

PROJECT DESCRIPTION

The applicant is requesting a General Plan Amendment from ML (Medium Low Density Residential) to SC (Service Commercial), and to Rezone the subject site from U (Undeveloped) [ML (Medium Low) General Plan Land Use Designation] to C-1 (Limited Commercial). At this time, there is no development project associated with the requested changes in land use and zoning designations.

ANALYSIS

The subject site is a vacant, undeveloped 1.83 acre lot located on the northeast corner of Gowan Road and Durango Drive. Directly adjacent to the subject site on both the north and east perimeters are established, detached single family homes zoned R-CL (Single Family Compact-Lot). The land uses permitted in the proposed C-1 (Limited Commercial) zoning district include Clinics, Health Clubs, Barber and Beauty Shops, General Retail Stores, Rental Stores, Restaurants, and Trade Schools. While some of these uses may be appropriate at the proposed location, the more intense uses are not compatible with the adjacent residential developments. These are more appropriately located along the intersection of two Primary Arterials, as is the case at Cheyenne Avenue and Durango Drive, approximately one-quarter mile to the south. Staff finds the land uses permitted in the C-1 (Limited Commercial) zoning district to be too intense for residential adjacency and is recommending denial of both the General Plan Amendment and the Rezoning application.

FINDINGS (GPA-66464)

Section 19.16.030(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 proposed SC (Service Commercial) General Plan Designation would not be compatible with the existing single-family residential uses located adjacent to and near the subject site.

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

Staff Report Page Two
October 11, 2016 - Planning Commission Meeting

Amending the General Plan for the subject site from ML (Medium Low Density Residential) to SC (Service Commercial) supports the C-1 (Limited Commercial) zoning district and would not be an appropriate land use designation as this would allow for the encroachment of commercial uses into the existing residential neighborhood such as Banquet Facilities, Clinics, Health Clubs, Restaurants, and General Retail Stores.

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

The subject site is located in an established area of the city that is well-served by existing transportation and utility infrastructure and emergency services. These services can adequately accommodate the intensity of the proposed SC (Service Commercial) General Plan designation.

4. The proposed amendment conforms to other applicable adopted plans and policies that include approved neighborhood plans.

The subject site is an undeveloped lot directly adjacent to single family residential. While developing this lot would be in support of the City's policies, it only supports City policy when such development is compatible with the surrounding area.

FINDINGS (ZON-66465)

In order to approve a Rezoning application, pursuant to Title 19.16.090(L), the Planning Commission or City Council must affirm the following:

1. The proposal conforms to the General Plan.

If approved, the proposed C-1 (Limited Commercial) zoning district would conform to the proposed SC (Service Commercial) General Plan Designation.

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 proposed C-1 (Limited Commercial) zoning district would not be appropriate for integration with the existing surrounding residential uses.

3. Growth and development factors in the community indicate the need for or appropriateness of the rezoning.

Staff Report Page Three
October 11, 2016 - Planning Commission Meeting

The subject site is directly adjacent to single family residential, it would be more appropriate to develop the subject site in accordance with the current General Plan designation for residential and allow the commercial uses established along Cheyenne Avenue to serve the area residents commercial needs.

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.

Providing access to the subject site is Gowan Road and Durango Drive. Gowan Road is an 80-foot Major Collector, and Durango Drive is a 100-foot Primary Arterial, both of which are adequate in size to meet the requirements of the C-1 (Limited Commercial) zoning district.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
02/05/03	The City Council approved a petition to Annex (A-0038-02) undeveloped property located in various parts of the city under the provisions of NRS 268.597 No. 1(b) containing approximately 495 acres. The Planning Commission recommended approval. The Annexation was effective on 02/14/03.
03/24/06	Code Enforcement processed a complaint (#39541) for a huge ticket buster sign on vacant property located at the northeast corner of Gowan Road and Durango Drive. The case was closed on 03/29/06.
04/10/06	Code Enforcement processed a complaint (#40017) for trash and debris against the block walls on vacant property located at the northeast corner of Gowan Road and Durango Drive. The case was closed on 05/10/06.

<i>Most Recent Change of Ownership</i>	
09/24/98	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
There are no building permits or business licenses for the subject site.	

<i>Pre-Application Meeting</i>	
08/18/16	Staff conducted a pre-application meeting via the telephone and internet to discuss the submittal requirements for a general Plan Amendment and Rezoning application.

Staff Report Page Four
October 11, 2016 - Planning Commission Meeting

<i>Neighborhood Meeting</i>	
09/19/16	Meeting Start Time: 5:30 pm Meeting End Time: 6:45 pm Attendance: 27 Members of the Public 3 Representatives from the Ownership 1 Council Ward Staff Member 1 Planning Staff Member Applicant opened the meeting by stating their proposal for the subject site and the purpose of the meeting before opening the floor for any questions or comments. Concerns: 1. The question of whether the owners had a prospective buyer in line yet? <i>The applicant stated they have no potential buyer at this time.</i> 2. Concerns were raised about who the applicant was in relation to the owners. <i>The applicant stated that she was the applicant, representing on behalf of the owners. She stated that she is not a lawyer and is not affiliated with a law firm.</i> 3. A suggestion was made that the subject site be used for residential. <i>The applicant stated that no developer has been interested in developing the site for residential.</i> 4. Concerns were raised about possible traffic congestion. 5. Concerns were raised about setting a precedent if this proposal goes through. 6. Concerns were raised about children safety and the close proximity of the YMCA. 7. Concerns were raised about a possible increase in crime. 8. Concerns were raised about property values. 9. Concerns were raised about what uses could end up at the site. <i>The applicant advised to check the city website for the potential uses.</i> 10. Concerns were raised about possible liquor uses or drug rehab facilities for the subject site. <i>The applicant advised to review the Use section in the ordinance as there would likely be additional requirements before these types of uses could be implemented.</i> 11. Concern was raised that this proposal could potentially be illegal spot zoning and if so, legal action could be taken to prevent the project from moving forward. 12. Concerns were raised about the process of the application. <i>The applicant reviewed the steps before a final decision would be made.</i>

Staff Report Page Five
October 11, 2016 - Planning Commission Meeting

Neighborhood Meeting	
	13. Concern was raised about who was notified about meeting. <i>Staff noted that over 500 owners were notified.</i> 14. Public member asked if they could get a copy of the minutes. <i>Staff advised to contact the Planning Office.</i> 15. Concerns were raised about similar cases in the area. <i>The applicant stated that the owners had no knowledge of the other cases.</i> 16. Complaints were made about how the meeting was run and the lack of information available. <i>The applicant stated that she was just following the City protocol.</i> 17. A public member offered to host a separate meeting without the owner/applicant in order to further discuss the case. <i>The applicant stated that was fine.</i> Overall the majority of the public present at the meeting were opposed to the proposal due to the unknown of what could be placed at the site. The majority would be more likely to support a residential use.

Field Check	
09/01/16	During a routine field check, staff observed an undeveloped lot free of trash and debris.

Details of Application Request	
Site Area	
Net Acres	1.83

Surrounding Property	Existing Land Use Per Title 19.12	Planned or Special Land Use Designation	Existing Zoning District
Subject Property	Undeveloped	ML (Medium Low Density Residential)	U (Undeveloped) Zone [ML (Medium Low Density Residential) General Plan Land Use Designation]
North	Single Family, Detached	ML (Medium Low Density Residential)	R-CL (Single Family Compact-Lot)
South	Undeveloped	ML (Medium Low Density Residential)	U (Undeveloped) Zone [ML (Medium Low Density Residential) General Plan Land Use Designation]

Staff Report Page Six
 October 11, 2016 - Planning Commission Meeting

<i>Surrounding Property</i>	<i>Existing Land Use Per Title 19.12</i>	<i>Planned or Special Land Use Designation</i>	<i>Existing Zoning District</i>
East	Single Family, Detached	ML (Medium Low Density Residential)	R-CL (Single Family Compact-Lot)
West	Single Family, Detached	ML (Medium Low Density Residential)	R-CL (Single Family Compact-Lot)

<i>Master Plan Areas</i>	<i>Compliance</i>
No Applicable Master Plan Area	N/A
<i>Special Purpose and Overlay Districts</i>	<i>Compliance</i>
Northwest Open Space Plan	Y
Centennial Hills Sector Plan	Y
<i>Other Plans or Special Requirements</i>	<i>Compliance</i>
Trails	N/A
Las Vegas Redevelopment Plan Area	N/A
Project of Significant Impact (Development Impact Notification Assessment)	N/A
Project of Regional Significance	N/A

<i>Street Name</i>	<i>Functional Classification of Street(s)</i>	<i>Governing Document</i>	<i>Actual Street Width (Feet)</i>	<i>Compliance with Street Section</i>
Gowan Road	Major Collector	Master Plan of Streets and Highways	80	Y
Durango Drive	Primary Arterial	Master Plan of Streets and Highways	100	Y