



AGENDA MEMO - PLANNING

PLANNING COMMISSION MEETING DATE: APRIL 11, 2017

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT/OWNER: STEVE DIMOULAS

** STAFF RECOMMENDATION(S) **

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
GPA-69192	Staff recommends DENIAL.	
ZON-69193	Staff recommends DENIAL.	GPA-69192

** NOTIFICATION **

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 11

NOTICES MAILED 528

PROTESTS 1

APPROVALS 0

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**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a General Plan Amendment from DR (Desert Rural Density Residential) to SC (Service Commercial) and a Rezoning from R-E (Residence Estates) to C-1 (Limited Commercial). The subject site is located at 4801 Ricky Road. At this time, there are no proposed development projects associated with the requested changes.

ISSUES

- The proposed General Plan Amendment and Rezoning does not adhere to the intent of the RP-O (Rural Preservation Overlay) District.

ANALYSIS

The subject site is undeveloped and approximately 0.59 acres. It is a corner lot, surrounded by residential uses. The parcels adjacent to the north, south and west are all zoned R-E (Residence Estates) and have single family detached dwellings. The property to the east is separated by Decatur Boulevard, zoned PUD (Planned Unit Development) and under the City of North Las Vegas jurisdiction. It is composed of multi-family dwellings and single family dwellings. Approval of the requested entitlements would allow the applicant to operate uses such as a restaurant, trade school or wedding chapel, which are all permitted in the C-1 (Limited Commercial) zoning district. In addition, there are other more intense uses that would require a Conditional Use Verification or Special Use Permit in the C-1 zoning district.

At this time, no development has been proposed for the subject site. Possible restaurant uses and tire shop uses were mentioned at the pre-application meeting. The owner also discussed these uses at the neighborhood meeting held on 03/20/17. The majority of the public present at the meeting were opposed to supporting the proposed General Plan Amendment and Rezoning without knowing the exact use of the site.

The site is surrounded by residential uses and is located within a large-lot residential development. The proposed land use designation and zoning would allow uses that are too intense for the surrounding adjacent uses. Staff recommends denial of the request.

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FINDINGS (GPA-69192)

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 is not compatible with the existing adjacent land uses. The subject site is surrounded by residential uses.

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

In addition to the requested General Plan Amendment, the applicant is also requesting a Rezoning from R-E (Residence Estates) to C-1 (Limited Commercial). The subject site is adjacent to all residentially zoned properties. The proposed rezoning would not be compatible with the existing surrounding land uses, as it would allow commercial uses that are too intense.

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 on a primary arterial street and within a predominantly residential area. There is access to adequate transportation, recreation, and utility facilities to accommodate the proposed General Plan Amendment.

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

The subject site is located within the Rural Preservation Overlay District. The intent of this district is to ensure that the rural character of each rural preservation neighborhood is preserved. The proposed General Plan Amendment and Rezoning would not be in line with the mission of this district.

FINDINGS (ZON-69193)

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

Staff Report Page Three**April 11, 2017 - Planning Commission Meeting****1.The proposal conforms to the General Plan.**

If both requests are approved, the proposed C-1 (Limited Commercial) zoning district would conform to the 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 subject site is surrounded by all residential uses. Approval of the requested rezoning would allow for more intense commercial uses which would not be compatible with the characteristics of the existing neighborhood.

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

The subject area is all residential. There are other suitable locations for the type of development that would be allowed in the C-1 (Limited Commercial) zoning district.

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 subject site can be accessed from Decatur Boulevard, a 100-foot wide primary arterial and Ricky Road, a 60-foot wide minor street. Decatur Boulevard is adequate in size to meet the requirements of the proposed zoning district.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
02/01/16	Code Enforcement issued Case #162980 for weekend yard sale events and vehicle sales on a vacant lot. The case was closed on 03/18/16.

<i>Most Recent Change of Ownership</i>	
09/29/16	A deed was recorded for a change in ownership.

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Related Building Permits/Business Licenses

There are no related building permits or licenses on file.
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Pre-Application Meeting

02/16/17	Staff conducted a pre-application meeting with the applicant where the submittal requirements and deadlines were reviewed.
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Neighborhood Meeting

03/20/17	Attendance: 1 representative from the Planning Department 2 representatives for the applicant 16 members of the public <u>Meeting Notes</u> • Owner opened the meeting by giving background about himself and discussed possible uses he would like for the site • Owner would like to open a restaurant and tire shop at the site • Owner states it would be a small business, owner operated and community oriented • Owner says he is a Greek chef and has operated restaurants in the past including in Chicago • Owner opened the floor for questions <u>Public Comments/Concerns</u> • Question of parcel size was posed • Concern was raised about setting precedent and more properties in the area converting to commercial • Question was raised of how many restaurants and tire shops are truly needed in the area • Concern was raised about a possible change in ownership for the site • Request was made for rough sketch of proposed site design • Concerns of crime from high school kids in the area were raised • Concerns were raised about possible bar • Concerns of traffic congestion were raised • Concerns of customer parking were raised • Question was raised about proposed ingress/egress to site
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Neighborhood Meeting	
	• Question was raised about proposed project impact on property values • Suggestion was made that the owner consider only a restaurant for the site versus a tire shop and restaurant • Suggestion was made that the site be used for office space • Concerns were raised about illegal cars currently parked at the site • Majority of public present want to see the site developed into something but are unwilling to support the project without knowing what will be built there • A request was made for an additional neighborhood meeting in which the owner will have rough sketches available • Staff advised of next scheduled Planning Commission hearing Owner will consider having the case abeyed in order to provide the public more information

Field Check	
03/02/17	Staff conducted a routine field check and found an undeveloped parcel with no trash or debris. There was a car parked at the site.

Details of Application Request	
Site Area	
Net Acres	0.59

Surrounding Property	Existing Land Use Per Title 19.12	Planned or Special Land Use Designation	Existing Zoning District
Subject Property	Undeveloped	DR (Desert Rural Density Residential)	R-E (Residence Estates)
North	Single Family, Detached	DR (Desert Rural Density Residential)	R-E (Residence Estates)
South	Single Family, Detached	DR (Desert Rural Density Residential)	R-E (Residence Estates)
East	North Las Vegas (Multi-Family Residential)	North Las Vegas	North Las Vegas (Planned Unit Development)
West	Single Family, Detached	DR (Desert Rural Density Residential)	R-E (Residence Estates)

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<i>Master and Neighborhood Plan Areas</i>	<i>Compliance</i>
No Applicable Master Plan Area	N/A
<i>Special Purpose and Overlay Districts</i>	<i>Compliance</i>
A-O (Airport Overlay) District	Y
Rural Preservation Overlay District	N
<i>Other Plans or Special Requirements</i>	<i>Compliance</i>
Trails	N/A
Las Vegas Redevelopment Plan Area	N/A
Interlocal Agreement	N/A
Project of Significant Impact (Development Impact Notification Assessment)	N/A
Project of Regional Significance	N/A

DEVELOPMENT STANDARDS

Pursuant to Title 19.08, the following standards apply:

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Width	100 Feet	129 Feet	Y

<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>
Decatur Boulevard	Primary Arterial	Master Plan of Streets and Highways	100	Y
Ricky Road	Minor Street	Title 13	60	Y