

**NORTH LAS VEGAS CITY COUNCIL
AGENDA ITEM**

Number: **42**

SUBJECT:

Ordinance No. 2442 (ZN-06-08, Lone Mountain's 5th LLC); an application submitted by Lone Mountain's 5th LLC, and Vivianna C. Gonzalez, property owners, for a reclassification of property from R-E, Ranch Estates District to C-1, Neighborhood Commercial District. The property is located at the southeast corner of Lone Mountain Road and North 5th Street.

REQUESTED BY:

Lone Mountain's 5th LLC, and Vivianna C. Gonzalez, property owners

RECOMMENDATION OR RECOMMENDED MOTION:

It is recommended that on April 16, 2008, City Council introduce Ordinance No. 2442 and approve Ordinance No. 2442 on May 7, 2008.

FISCAL IMPACT:

Amount: \$
Explanation:

ACCOUNT NUMBER:

STAFF COMMENTS AND BACKGROUND INFORMATION:

At the meeting of January 23, 2008, the Planning Commission considered and voted to deny (5-0-1 vote) ZN-06-08 (Commissioner Jay Aston made the motion, Commissioner Dean Leavitt seconded the motion. Commissioners Steve Brown, Dilip Trivedi, Harry Shull, Dean Leavitt and Jay Aston were in favor of the motion, and Commissioner Ned Thomas abstained), which proposed a reclassification of the property from R-E, Ranch Estates District to C-1, Neighborhood Commercial District.

The applicant appealed the Planning Commission's decision to the City Council, and at the meeting of March 19, 2008, City Council overturned the decision of Planning Commission and approved ZN-06-08. Therefore, in accordance with Council's decision, Staff prepared Ordinance No. 2442 for permanent zoning.

Attachments:

Ordinance No. 2442
Staff Report and Attachments
Excerpt of the Planning Commission Minutes
Location and Zoning Map

LIST CITY COUNCIL GOAL(S): Planned and Quality Growth

PREPARED BY:



Frank Fiori, AICP
Acting Planning and Zoning Director

**RESPECTFULLY
SUBMITTED:**



Gregory E. Rose
City Manager

**CITY COUNCIL
MEETING DATE:**

April 16, 2008
May 7, 2008

ORDINANCE NO. 2442

AN ORDINANCE RELATED TO ZONING; AMENDING SECTION 010 OF CHAPTER 16 OF TITLE 17 OF THE CITY OF NORTH LAS VEGAS MUNICIPAL CODE BY RECLASSIFYING APPROXIMATELY 5.1± ACRES THEREIN FROM AN R-E, RANCH ESTATES DISTRICT TO A C-1, NEIGHBORHOOD COMMERCIAL DISTRICT (ZN-06-08, LONE MOUNTAIN'S 5TH LLC), FOR PROPERTY LOCATED AT THE SOUTHEAST CORNER OF LONE MOUNTAIN ROAD AND NORTH 5TH STREET, AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

WHEREAS, the rezoning is consistent with the Comprehensive Plan; and

WHEREAS, the Council determines that the amendment will not adversely affect the health and general welfare; and,

WHEREAS, according to Paragraphs 1 and 2 of Subsection E of Section 20 of Chapter 28 of Title 17 of the North Las Vegas Municipal Code, the City Council may, by ordinance, reclassify property.

NOW THEREFORE, the City Council of the City of North Las Vegas does ordain:

SECTION 1: In accordance with the provisions of Ordinance No. 2442 the following described parcel of land shall be reclassified as follows:

R-E, RANCH ESTATES DISTRICT TO A C-1, NEIGHBORHOOD COMMERCIAL DISTRICT (ZN-06-08), the following property described to wit:

LEGAL DESCRIPTION

A PORTION OF THE NORTHWEST QUARTER (NW 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF SECTION 2, TOWNSHIP 21 SOUTH, RANGE 60 EAST, M.D.M. CLARK COUNTY, NEVADA, FUTHER DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 2, THENCE NORTH 89°34'06" EAST A DISTANCE OF 88.55 FEET; THENCE SOUTH 00°25'54" EAST A DISTANCE OF 50.00 FEET TO THE **POINT OF BEGINNING**.

THENCE NORTH 89°34'06" EAST A DISTANCE OF 804.43 FEET; THENCE SOUTH 04°34'44" EAST A DISTANCE OF 218.43 FEET; THENCE SOUTH 87°22'36" WEST A DISTANCE OF 149.78 FEET; THENCE SOUTH 02°18'39" EAST A DISTANCE OF 46.91 FEET; THENCE SOUTH 87°00'27" WEST A DISTANCE OF 87.64 FEET; THENCE SOUTH 02°49'44" EAST A DISTANCE OF 6.51 FEET; THENCE SOUTH 89°36'54" WEST A DISTANCE OF 609.80 FEET; THENCE NORTH 02°46'29" WEST A DISTANCE OF 244.17 FEET; THENCE NORTHEASTERLY A DISTANCE OF 56.41 FEET ALONG THE ARC OF A CURVE CONCAVE SOUTHEAST, THROUGH A CENTRAL ANGEL OF 92°20'34" AND A RADIUS OF 35.00 FEET TO THE **POINT OF BEGINNING**;

CONTAINING 5.21 ACRES, MORE OR LESS.

SECTION 2: The C-1, Neighborhood Commercial District herein created is subject to the development standards and requirements of the North Las Vegas Municipal Code.

SECTION 3: NON-INFRINGEMENT OF RIGHTS. The City Council of the City of North Las Vegas has been informed by the City Attorney as to the constitutionality of this ordinance and based upon such information we are adopting this ordinance in good faith with a reasonable belief that the actions taken by the City of North Las Vegas are not in violation of any rights, privileges, or immunities secured by the laws providing for equal rights of citizens or persons.

SECTION 4: SEVERABILITY. If any section, paragraph, clause or provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause, or provision shall in no way affect the validity and enforceability of the remaining provisions of this Ordinance.

SECTION 5: EFFECTIVE DATE. This Ordinance shall become effective after its passage by the City Council of the City of North Las Vegas and, after such passage by the City Council, publication once by title in a newspaper qualified pursuant to the provisions of Chapter 238 of NRS, as amended from time to time.

SECTION 6: PUBLICATION. The City Clerk shall cause this Ordinance, immediately following its adoption, to be published once by title, together with the names of the Councilmen voting for or against passage, in a newspaper qualified pursuant to the provisions of Chapter 238 of NRS, as amended from time to time.

PASSED AND ADOPTED THIS _____ day of _____, 2008.

AYES:

NAYS:

ABSENT:

APPROVED:

MICHAEL L. MONTANDON, MAYOR

ATTEST:

KAREN L. STORMS, CMC, CITY CLERK

**#6) AMP-02-08
LONE MOUNTAIN 5TH LLC
SINGLE FAMILY LOW TO
NEIGHBORHOOD COMMERCIAL
PUBLIC HEARING**

**#7) ZN-06-08
R-E TO C-1
PUBLIC HEARING**

STAFF REPORT

To: Planning Commission
Item: AMP-02-08 & ZN-06-08

Meeting date: January 23, 2008
Prepared by: Naveen Potti

GENERAL INFORMATION:

Applicant:	Lone Mountain's 5 th LLC, Vivianna C. Gonzalez
Property Owner(s):	Lone Mountain's 5 th LLC, Vivianna C. Gonzalez
Requested Action:	Amend the Comprehensive Plan Land Use Map from Single Family Low to Neighborhood Commercial To reclassify property from R-E, Ranch Estates District to C-1, Neighborhood Commercial District
Lot Area:	5.1 ± acres
Parcel Number(s):	139-02-101-001, 002, 003, 004 & 005
Comprehensive Plan:	Single Family Low
Location:	Southeast corner of Lone Mountain Road and North 5 th Street.
Existing Land Use and Zoning:	Undeveloped; R-E, Ranch Estates District

Surrounding Land Use and Zoning:

North: Single-Family Dwellings; R-1, Single-Family Residential District
East: Single family residence; R-E, Ranch Estates District
South: Undeveloped; R-E, Ranch Estates District & R-1, Single Family Residential District.
West: Undeveloped, R-E, Ranch Estates District & R-1, Single Family Residential District.

BACKGROUND INFORMATION:

The applicant is requesting Planning Commission consideration for AMP-02-08 to amend the Comprehensive Plan Land Use Map from Single Family Low to Neighborhood Commercial and ZN-06-08 to change the zoning from R-E, Ranch Estates to C-1, Neighborhood Commercial. The subject site is approximately 5.1 acres in size and is located at the southeast corner of North 5th Street and Lone Mountain Road. The specific use of this parcel would be to develop a center for retail and professional services.

DEPARTMENT COMMENTS:

Public Works:

Please see attached memorandum.

Fire Department:

There appears to be no outstanding Fire Department issues regarding these applications.

ANALYSIS:

The subject properties adjoin single family residential development to the north zoned R-1, Single Family Residential and single family residence to the east zoned R-E, Ranch Estates. The properties to the west and south of the subject properties are zoned R-E, Ranch Estates, or R-1, Single Family Residential.

Single-Family Low residential designation areas are meant to provide conventional single-family detached residences or small-lot single family residences. The supporting uses can include churches, parks, open space, golf courses, schools and other public or semi-public uses. Single Family Low residential developments shall maintain a consistent architectural style and scale. Infill, redevelopment, or new development projects in these areas should be consistent with the prevailing character of the neighborhood.

Neighborhood Commercial areas are primarily for general retail to serve neighborhoods and the community. Secondly, supporting uses may include office, open space and recreation, and other public facilities. Neighborhood Commercial uses should have a direct relationship to adjacent or nearby residential communities in their use, accessibility, scale and character. Neighborhood commercial centers should be located at the intersection of two 80 foot streets or at the intersection of collector and an arterial. In addition to vehicular access, these developments should provide for safe, direct, and convenient access to pedestrian, bicycle and, where appropriate, transit uses.

The subject properties are surrounded by single family residential zone on all sides and located at the intersection of an arterial (North 5th Street) and a collector street (Lone Mountain Road), Lone Mountain Road being an 80 foot right-of-way and North 5th Street being a 100 foot right-of-way (proposed for 150 foot right-of-way). However, the potential commercial nodes on the North 5th Street are within ¼ mile distance of the subject properties to the north at La Madre Way (Mixed-Use Neighborhood), and at 1/3 mile distance to the south of subject properties at Craig Road (Mixed-Use Commercial). Currently there are no commercial sites surrounding the subject properties, and the proposal of neighborhood commercial at this location would not provide any integration with the surrounding land uses.

The purpose of the existing zoning R-E, Ranch Estates District is to provide for the development of single-family detached dwellings and directly related complementary uses at a low density. The district is intended to be strictly residential in character with a minimum of disturbances due to traffic or overcrowding. The purpose of the proposed C-1, Neighborhood Commercial District is to provide attractive, pedestrian environments that are well connected through design, use, and multi-modal circulation network to the adjacent neighborhoods they serve. The C-1 district allows general retail to serve neighborhoods, offices, open space and recreation, and other public facilities.

Based on the location and surroundings commercial nodes within a quarter mile distance of the subject properties and the close proximity of single family residential developments, the proposed Neighborhood Commercial land use designation does not fit the intent of the comprehensive plan. Based on the above facts, staff is not supportive of the proposed Master Plan Amendment from Single Family Low to Neighborhood Commercial and the proposed zone change from R-E, Ranch Estates District to C-1, Neighborhood Commercial District.

RECOMMENDATION:

The Planning & Zoning Department recommends that AMP-02-08 be denied.

The Planning & Zoning Department recommends that ZN-06-08 be denied.

ATTACHMENTS:

Letter of Intent

Boundary Map

Comprehensive Plan Map

Location & Zoning Map

12/11/07

City of North Las Vegas
Planning and Zoning Department
2240 Civic Center Drive
North Las Vegas, NV 89030

Re: Letter of Intent and Marketing Analysis
Comp. Plan Amend. and Property Re-zoning
SE Corner Lone Mountain and North 5th
APN's 13902101001, 002, 003, 004, 005

To Whom It May Concern:

The following information is to serve as the Letter of Intent and Marketing Analysis for this project:

Name of proposed project: Lone Mountain's 5th LLC

Explanation of intent: The Comp. Plan Amend. and Property Re-zoning applications submitted for the 5.96 acres (five parcels) listed above is with the intent to produce an environment of stable and desirable character consistent with the objectives of Title 17 and the existing residential community neighboring the site.

The development of these parcels under the guidelines provided with C-1 zoning and Title 17 will provide an appropriate and needed use of the property and afford needed services for the community. The retail and professional services planned for the future development will be neighborhood friendly in design and delivery.

No new residential construction is planned for the Lone Mountain frontage and no viable market exists for residential product on this site.

The owners have met with the adjacent neighbors and council members regarding this future development, and all appear to agree this will be the proper use for the parcels.

Mature landscaping already exists on the property and will remain in place to provide an appropriate buffer and aesthetic condition.

Sincerely,



Lone Mountain's 5th LLC
Fred Waide

7. **ZN-06-08 (33633) LONE MOUNTAIN 5TH LLC (PUBLIC HEARING). AN APPLICATION SUBMITTED BY LONE MOUNTAIN 5TH LLC AND VIVIANA C. GONZALEZ, PROPERTY OWNERS, FOR A RECLASSIFICATION OF PROPERTY FROM AN R-E, RANCH ESTATES DISTRICT TO A C-1, NEIGHBORHOOD COMMERCIAL DISTRICT. THE PROPERTY IS LOCATED AT THE SOUTHEAST CORNER OF LONE MOUNTAIN ROAD AND NORTH 5TH STREET. THE ASSESSOR'S PARCEL NUMBERS ARE 139-02-101-001, 139-02-101-002, 139-02-101-003, 139-02-101-004 AND 139-02-101-005.**

The following was carried forward from Item No. 6:

Item Nos. 6 and 7 were presented together.

The application was presented by Marc Jordan, Planning Manager who explained to the north of the site there was an R-1 development, ranch estates and R-1 to the east and south and to the west there was R-1 and ranch estates, some of which was vacant and some developed. The proposed request would situate commercial in the center of the residential development, which Staff was not supporting. According to the existing Comprehensive Plan, there were commercial areas that were approximately one quarter mile to the north and approximately one third mile to the south that could be designated as commercial nodes or were supported as commercial nodes; therefore, Staff was recommending that AMP-02-08 and ZN-06-08 be denied.

Fred Wade, Principal with Lone Mountain 5th LLC, 10080 West Alta Drive, Las Vegas, NV 89145 explained in 2006 the site was originally slated to be included in the master plan update and to be included in the mixed use component. Shortly before that, the Master Plan amendment was brought before the Planning Commission, together with four or five other properties and they were removed from that process, and at that time, had considered all of their options. They demolished the existing residences and cleaned the site and left the landscaping along Lone Mountain Road. From meetings with the Mayor and Council, they were advised to seek a limited commercial project. They held a neighborhood meeting and had nine people in attendance and had received approximately five phone calls from residents expressing their concerns, mostly related to traffic. The plan was to build a neighborhood friendly and accessible development and the tenants would probably be family operated.

Chairman Steve Brown opened the Public Hearing. The following participant came forward:

- **Cherlynn Thomas, 112 Junction Peak Avenue, North Las Vegas, NV 89031** was opposed to the application. She explained she had participated on the Comprehensive Plan Focus Group and spoke against a requested change to the

parcel previously. With the experience she had in the Focus Group, they tried to plan things where they seemed most suitable, especially along the North 5th Street corridor and the proposed site was not in the area of the nodes planned for a transit stop, so commercial was not appropriate at the proposed site. There was an elementary school in the area and there was currently a crossing guard in that location where children would be walking past the proposed center to go to school.

Commissioner Ned Thomas abstained, as he was related to the Public Hearing participant.

Chairman Brown closed the Public Hearing.

Mr. Wade felt Ms. Thomas' concerns could be mitigated and appropriate measures put into place. One of the key items they were focusing on, was that they left all of the mature landscaping, so from a visual and pedestrian aspect the buffer had been left in place to provide for continued pedestrian access.

Commissioner Dilip Trivedi asked the applicant where the nearest transportation node was located. Mr. Wade responded there were transportation nodes planned further north and there were two located to south. Commissioner Trivedi asked the distance the nodes were located from the site. Mr. Wade responded they were three quarters of a mile and one mile away. Commissioner Trivedi asked if any retail or restaurants were proposed for the site. Mr. Wade responded they planned primarily neighborhood friendly businesses, such as pizza, a bakery, and a sandwich shop,

Commissioner Jay Aston was in agreement with Staff and felt they were squeezing what was left of the ranch estates area and felt those residents would be adversely affected.

Commissioner Harry Shull asked Staff if Lone Mountain Road was a 100 foot right-of-way. Randy Cagle of Public Works responded it was an 80 foot right-of-way. Commissioner Shull clarified the North 5th Street corridor would be a 150 foot right-of-way. Mr. Cagle indicated that was correct.

Commissioner Dean Leavitt agreed with Commissioner Aston and was opposed to the project being at the proposed location as it was inappropriate and would cause traffic issues.

ACTION: DENIED

MOTION: Commissioner Aston

SECOND: Commissioner Leavitt

AYES: Chairman Brown, Vice-Chairman Trivedi, Commissioners Shull, Leavitt, and Aston

NAYS: None

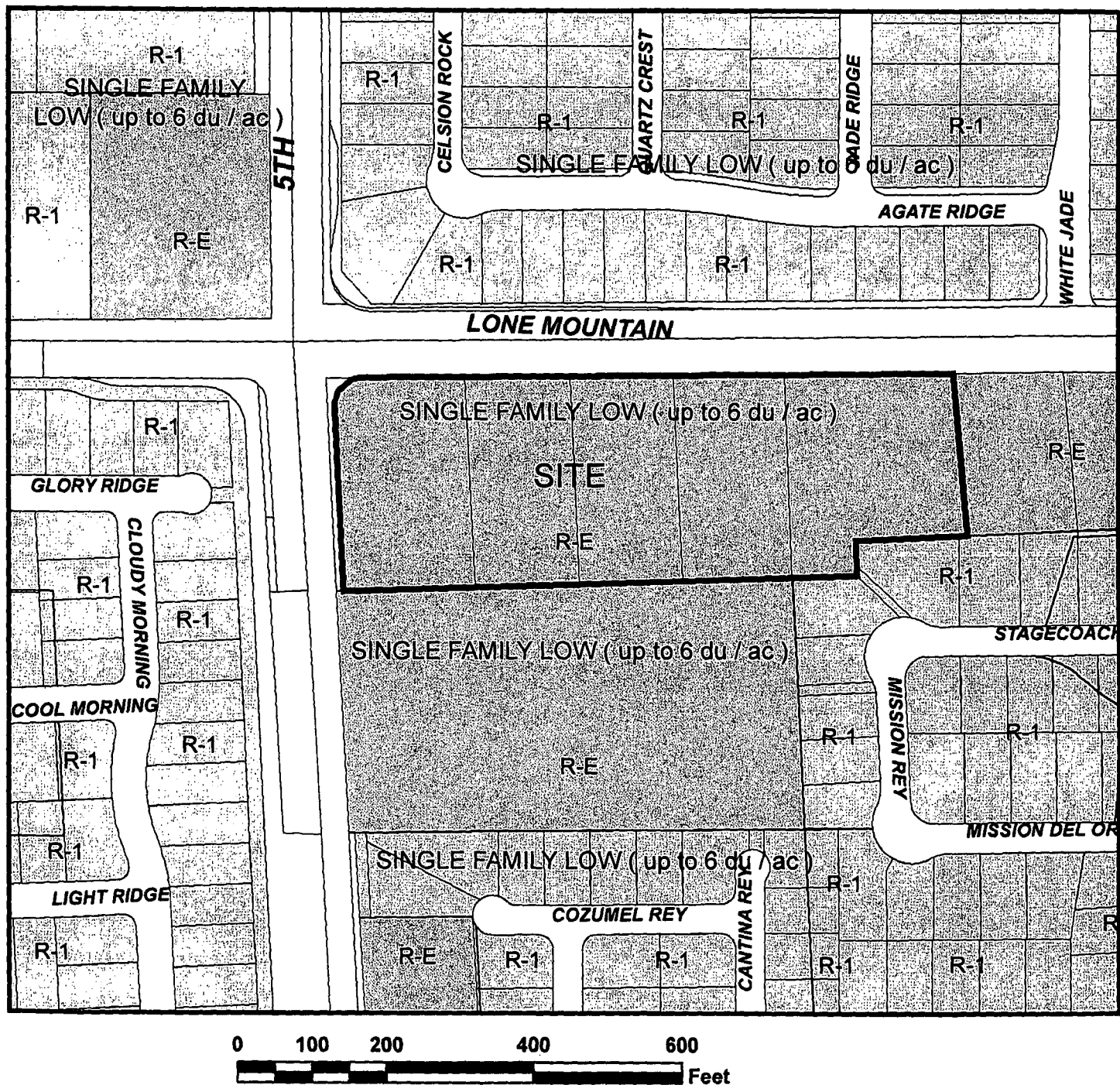
ABSTAIN: Commissioner Thomas



CITY OF
NORTH LAS VEGAS
Your Community of Choice

THE CITY OF NORTH LAS VEGAS

Comprehensive Plan Map



Applicant: Lone Mountain 5th, LLC
Application Type: Amend Master Plan
Request: Single-Family Low (up to 6 du/ac) to
Neighborhood Commercial
Project Info: Approximately 6.00 Acres
Case Number: AMP-02-08



7. **ZN-06-08 (33633) LONE MOUNTAIN 5TH LLC (PUBLIC HEARING). AN APPLICATION SUBMITTED BY LONE MOUNTAIN 5TH LLC AND VIVIANA C. GONZALEZ, PROPERTY OWNERS, FOR A RECLASSIFICATION OF PROPERTY FROM AN R-E, RANCH ESTATES DISTRICT TO A C-1, NEIGHBORHOOD COMMERCIAL DISTRICT. THE PROPERTY IS LOCATED AT THE SOUTHEAST CORNER OF LONE MOUNTAIN ROAD AND NORTH 5TH STREET. THE ASSESSOR'S PARCEL NUMBERS ARE 139-02-101-001, 139-02-101-002, 139-02-101-003, 139-02-101-004 AND 139-02-101-005.**

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ACTION: DENIED

MOTION: Commissioner Aston

SECOND: Commissioner Leavitt

AYES: Chairman Brown, Vice-Chairman Trivedi, Commissioners Shull, Leavitt, and Aston

NAYS: None

ABSTAIN: Commissioner Thomas