



AGENDA MEMO - COMMUNITY DEVELOPMENT

PLANNING COMMISSION MEETING DATE: APRIL 11, 2023

DEPARTMENT: COMMUNITY DEVELOPMENT

**ITEM DESCRIPTION: APPLICANT: AOKI ENERGY STORAGE, LLC - OWNER:
50055 IRREVOCABLE BUSINESS TRUST, ET AL**

**** STAFF RECOMMENDATION(S) ****

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
23-0053-GPA1	Staff recommends DENIAL.	23-0053-ZON1
23-0053-ZON1	Staff recommends DENIAL.	23-0053-GPA1

**** NOTIFICATION ****

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 0

NOTICES MAILED 74

PROTESTS 0

APPROVALS 0

Staff Report Page One
April 11, 2023 - Planning Commission Meeting

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a General Plan Amendment and Rezoning request for three parcels totaling 12.80 acres located at the northwest corner of Log Cabin Way and Rimrock Street.

ISSUES

- A General Plan Amendment (23-0053-GPA1) is requested from PCD (Planned Community Development) to SC (Service Commercial). Staff does not support the request.
- A Rezoning (23-0053-ZON1) is requested from U (Undeveloped) [PCD (Planned Community Development) General Plan Designation] to C-1 (Limited Commercial). Staff does not support the request.
- There are no existing paved roads to the subject site.

ANALYSIS

The subject site consists of three undeveloped lots, totaling 12.80 acres. It is currently zoned U (Undeveloped) with a PCD (Planned Community Development) General Plan Designation and subject to Title 19 development standards. The surrounding area is also predominantly undeveloped except for an existing electric utility substation located on property north of the subject site. While no development is proposed at this time, the applicant intends to develop the site with a private substation in the future.

General Plan Amendment (23-0053-GPA1)

The subject site is located within the City of Las Vegas 2050 Master Plan Kyle Canyon Area and currently has a land use designation of PCD (Planned Community Development). Per the 2050 Master Plan, it calls for mixed residential development, subject to conditions and adjacency standards with a maximum density of eight dwelling units per acre.

The applicant requests a General Plan Amendment (23-0053-GPA1) to amend the Land Use Designation to SC (Service Commercial). The Kyle Canyon Area is the current northwestern gateway to the Las Vegas Valley from Northern Nevada. The 2050 Master Plan's land use and development guidelines for Kyle Canyon are to add traditional neighborhood subdivisions to already existing detached single-family homes and large-lot estates. There are several neighborhoods and master planned communities under development agreements that are utilizing traditional neighborhood development and

Staff Report Page Two
April 11, 2023 - Planning Commission Meeting

others that will eventually build medium-low density suburban development. The proposed SC (Service Commercial) land use designation does not align with the overall vision for the Kyle Canyon Area.

Rezoning (23-0053-ZON1)

The subject site is currently zoned U (Undeveloped) with a PCD (Planned Community Development) General Plan Designation. The U District functions as a temporary classification to be used until property is ready for development for a more intense, permanent use. This classification is intended to be used as a holding zone to prevent the premature, haphazard development of property.

The applicant requests a Rezoning (23-0053-ZON1) from U (Undeveloped) [PCD (Planned Community Development) General Plan Designation] to C-1 (Limited Commercial). The C-1 District is intended to provide most retail shopping and personal services, and may be appropriate for mixed use developments. This district should be located on the periphery of residential neighborhoods and should be confined to the intersections of primary and secondary thoroughfares along major retail corridors. The C-1 District is consistent with the Service Commercial and the Neighborhood Center categories of the General Plan. If the associated General Plan Amendment is approved, the R-1 District will conform with the proposed SC (Service Commercial) land use designation.

Staff finds the General Plan Amendment and Rezoning requests to be premature as there are not adequate transportation, utility, and other facilities to accommodate the commercial uses that would be allowed if approved. Therefore, staff recommends denial of both entitlements.

FINDINGS (23-0053-GPA1)

Section 19.16.030(l) 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) land use designation is not compatible with the existing PCD (Planned Community Development) and PF (Public Facilities) land use designations in the surrounding area.

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

Staff Report Page Three
April 11, 2023 - Planning Commission Meeting

The commercial zoning designations that would be allowed with the proposed amendment are not compatible with the existing zoning districts in the surrounding area.

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

Currently, there is not adequate infrastructure, and public and private services to meet the needs of a commercial development.

- 4. The proposed amendment conforms to other applicable adopted plans and policies.**

The proposed amendment does not conform to the Kyle Canyon Area, which designates the subject site for medium-low density residential development.

FINDINGS (23-0053-ZON1)

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.**

The C-1 (Limited Commercial) zoning designation does not conform to the 2050 Master Plan, which calls for medium-low density residential development for the area.

- 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.**

An commercial development would not be compatible with the existing and future surrounding land uses which are planned for low to medium density residential.

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

Growth and development factors in the community does not indicate the need or appropriateness of the proposed rezoning to C-1 (Limited Commercial) as it is planned to be primarily residential.

Staff Report Page Four
April 11, 2023 - Planning Commission Meeting

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.**

Currently, there are not adequate street facilities to meet the needs of a commercial development. Future road alignments and vacations will also impact development of the subject site.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by Planning, Fire, Building, Code Enforcement, etc.</i>	
06/01/05	The City Council approved Annexation (ANX-5528) petition to annex property generally located north of Iron Mountain Road and west of Hualapai Way (APN Multiple), containing approximately 529 acres of land.

<i>Most Recent Change of Ownership</i>	
06/28/11	A deed was recorded for a change in ownership. (APN 126-01-201-008)
05/07/11	A deed was recorded for a change in ownership. (APN 126-01-201-009)
08/23/11	A deed was recorded for a change in ownership. (APN 126-01-201-010)

<i>Related Building Permits/Business Licenses</i>	
There are no related building permits/business licenses of note.	

<i>Pre-Application Meeting</i>	
01/25/23	Staff conducted a pre-application with the applicant where the submittal requirements and deadlines were reviewed for a proposed substation development.

Staff Report Page Five
 April 11, 2023 - Planning Commission Meeting

Neighborhood Meeting	
03/21/23	<p>Meeting Start Time: 6:30 pm Meeting End Time: 7:00 pm</p> <p>Attendance:</p> <ul style="list-style-type: none"> • 1 Applicant Representative • 1 Council Ward 6 Staff Member • 1 Planning Commissioner • 1 Department of Community Development Staff Member • 4 Members of the Public <p>The applicant representative opened the meeting by giving an overview of the proposed development. The floor was then opened for attendees to voice their concerns and questions.</p> <p>Comments/Questions</p> <ul style="list-style-type: none"> • Question raised whether this development would be a co-op with NV Energy (Per applicant -- <i>Yes, that is the plan but no agreement has been finalized yet</i>) • Question raised about where the water would come from • Question raised about whether landscaping would be provided (<i>Yes, per applicant</i>) • Question raised regarding how future residential developments would be impacted in the surrounding area • Question raised whether the subject site is BLM land • Question raised about what type of security would be provided due to recent planned attacks on substations (<i>Per applicant, As of now video monitoring and lighting proposed</i>) • Question raised whether site sale would be contingent on entitlement approval (<i>Yes, per applicant</i>) • Question raised about who is developing the residential properties in the surrounding area • Question raised about future road alignments • Question raised regarding location of future casino • Concern raised regarding water pressure

Staff Report Page Six
 April 11, 2023 - Planning Commission Meeting

Neighborhood Meeting	
	<ul style="list-style-type: none"> • Question raised regarding location of future water pumping station • Comment made that no one would want to live near a substation • Comment made that Rezoning to Commercial could lead to more intense uses in the surrounding area <p>The applicant representative concluded the meeting and advised she would relay these comments/concerns to her client. Plan revisions are expected soon.</p> <p>Overall, those in attendance were not overtly opposed to the project.</p>

Field Check	
03/02/23	Staff conducted a routine field check and found an undeveloped area with desert vegetation. The subject property is not accessible via a paved road.

Details of Application Request	
Site Area	
Net Acres	12.80

Surrounding Property	Existing Land Use Per Title 19.12	Planned or Special Land Use Designation	Existing Zoning District
Subject Property	Undeveloped	PCD (Planned Community Development)	U (Undeveloped) [PCD (Planned Community Development) General Plan Designation]
North	Electric Utility Substation	PF (Public Facilities)	C-V (Civic)
South	Undeveloped	PCD (Planned Community Development)	U (Undeveloped) [PCD (Planned Community Development) General Plan Designation]

Staff Report Page Seven

April 11, 2023 - 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	Electric Utility Substation	PF (Public Facilities)	C-V (Civic)
West	Undeveloped	PCD (Planned Community Development)	U (Undeveloped) [PCD (Planned Community Development) General Plan Designation]

<i>Master and Neighborhood Plan Areas</i>	<i>Compliance</i>
Las Vegas 2050 Master Plan Area: Kyle Canyon	N*
<i>Special Area and Overlay Districts</i>	<i>Compliance</i>
No Applicable Special Area or Overlay Districts	N/A
<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

*The proposed development does not align with the future vision for the Kyle Canyon area, which is medium and low density residential.

DEVELOPMENT STANDARDS

<i>Existing Zoning</i>	<i>Permitted Density</i>	<i>Units Allowed</i>
U (Undeveloped) [PCD (Planned Community Development) General Plan Designation]	8 du/ac	102
<i>Proposed Zoning</i>	<i>Permitted Density</i>	<i>Units Allowed</i>
C-1 (Limited Commercial)	N/A	N/A
<i>Existing General Plan</i>	<i>Permitted Density</i>	<i>Units Allowed</i>
PCD (Planned Community Development)	8 du/ac	102

Staff Report Page Eight
April 11, 2023 - Planning Commission Meeting

<i>Proposed General Plan</i>	<i>Permitted Density</i>	<i>Units Allowed</i>
SC (Service Commercial)	N/A	N/A