



AGENDA MEMO

CITY COUNCIL MEETING DATE: AUGUST 1, 2007
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: ZON-21948 - APPLICANT: JOCELYN AND ERNESTO
BENDICION - OWNER: JOCELYN D. BENDICION

**** CONDITIONS ****

The Planning Commission (7-0 vote) and staff recommend APPROVAL.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Rezoning from R-1 (Single Family Residential) to P-R (Professional Office and Parking) on 0.14 acres at 1410 South Maryland Parkway. A Site Development Plan Review (SDR-21947) for the conversion of a single-family dwelling to a commercial office building accompanies this request.

The proposed rezoning conforms to the Las Vegas 2020 Master Plan, which recently was amended to designate most of the properties along the east and west sides of Maryland Parkway as O (Office). The conversion from a residential use to a professional office use is appropriate for this area. Staff recommends approval.

BACKGROUND INFORMATION

| <i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i> | |
|---|--|
| 11/07/05 | Code Enforcement investigated a complaint (#36025) about selling vehicles out of residence at 1410 South Maryland Parkway and on vacant lots. The issue was resolved on 12/01/05. |
| 05/07/06 | The City Council approved a city-initiated request (GPA-12043) to amend a portion of the Southeast Sector Plan of the General Plan from L (Low Density Residential) to O (Office) on this site as part of a larger request on 30.15 acres. The Planning Commission and staff recommended approval. |
| 07/19/06 | Code Enforcement investigated a complaint (#44663) about a psychic arts business being run out of residence at 1410 South Maryland Parkway. The issue was resolved on 07/24/06. |
| 09/28/06 | Code Enforcement investigated a complaint (#46682) about a psychic arts business (palm reader) being run out of residence at 1410 South Maryland Parkway. The issue was resolved on 10/03/06. |
| 04/23/07 | The existing building failed a scheduled fire inspection (IMP-86916) by Las Vegas Fire and Rescue (no exit lighting, extinguishers, emergency lighting, etc.) for a proposed cleaning business. |
| 05/23/07 | The existing building failed a second scheduled fire inspection (IMP-86916) by Las Vegas Fire and Rescue (no exit lighting, extinguishers, emergency lighting, etc.) for a proposed cleaning business. A third inspection is scheduled for 06/29/07. |
| 06/28/07 | The Planning Commission recommended approval of companion item SDR-21947 concurrently with this application. The Planning Commission voted 7-0 to recommend APPROVAL (PC Agenda Item #35/ss). |

| Related Building Permits/Business Licenses | |
|--|---|
| 02/10/92 | A building permit (#92135816) for an electrical upgrade was issued for the property at 1410 South Maryland Parkway. The permit never received a final inspection and was marked inactive on 11/18/92. |
| 04/13/07 | A business license application (M01-92506) for a janitorial service at 1410 South Maryland Parkway was submitted to the Finance and Business Services Department for review. Planning and Development denied its review on 04/23/07, stating that a commercial business could not be approved at a residence without an approved home occupation permit. The application is still active without full license denial. |
| Pre-Application Meeting | |
| 04/13/07 | Issues discussed included the need for waivers for landscaping along all property lines. The applicant should provide a trash enclosure, ADA-compliant parking, and a joint access agreement between the owners of this property and the property to the north. |
| Neighborhood Meeting | |
| A neighborhood meeting is not required for this application, nor was one held. | |

| Field Check | |
|--------------------|--|
| 05/24/07 | The subject property contains an existing residence with a pink stucco exterior, asphalt roof shingles and bars over the windows. The wall of the house on the east elevation extends into a stuccoed wall of the same color to the south property line. A circular driveway exists on the Maryland Parkway frontage. Turf along the frontage is in poor condition. A parking area in the rear is already paved and is shared with the abutting office building at 1404 South Maryland Parkway. There is a non-decorative CMU wall on the south side and a chain link fence with a black covering on the west property line. The rear contains an existing accessory structure that is attached to the main structure. |

| Details of Application Request | |
|---------------------------------------|------|
| Site Area | |
| Net Acres | 0.14 |

| Surrounding Property | Existing Land Use | Planned Land Use | Existing Zoning |
|----------------------|------------------------|------------------|---------------------------------------|
| Subject Property | Single Family Dwelling | O (Office) | R-1 (Single Family Residential) |
| North | Real Estate Office | O (Office) | P-R (Professional Office and Parking) |
| South | Office | O (Office) | P-R (Professional Office and Parking) |

| | | | |
|------|------------------------|-----------------------------|---------------------------------|
| East | Single Family Dwelling | O (Office) | R-1 (Single Family Residential) |
| West | Single Family Dwelling | L (Low Density Residential) | R-1 (Single Family Residential) |

| <i>Special Districts/Zones</i> | <i>Yes</i> | <i>No</i> | <i>Compliance</i> |
|---|------------|-----------|-------------------|
| Special Area Plan | | X | N/A |
| <i>Special Districts/Zones</i> | <i>Yes</i> | <i>No</i> | <i>Compliance</i> |
| Special Purpose and Overlay Districts | | X | N/A |
| 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 |

DEVELOPMENT STANDARDS

Pursuant to Title 19.08, the following development standards apply to the subject property:

| <i>Standard</i> | <i>Required/Allowed</i> | <i>Provided</i> | <i>Compliance</i> |
|-------------------|-------------------------|-----------------|-------------------|
| Min. Lot Size | N/A | 6,000 SF | N/A |
| Min. Lot Width | 60 feet | 60 feet | Y |
| Min. Setbacks | | | |
| • Front | 20 feet | 20 feet | Y |
| • Side | 5 feet | 5 feet | Y |
| • Corner | 15 feet | N/A | Y |
| • Rear | 15 feet | 45 feet?? | Y |
| Max. Lot Coverage | 50% | 20.1% | Y |

| <i>Existing Zoning</i> | <i>Permitted Density</i> | <i>Units Allowed</i> |
|---------------------------------------|--------------------------|----------------------|
| R-1 (Single Family Residential) | 5.49 du/ac | 1 |
| <i>Proposed Zoning</i> | <i>Permitted Density</i> | <i>Units Allowed</i> |
| P-R (Professional Office and Parking) | N/A | N/A |
| <i>General Plan</i> | <i>Permitted Density</i> | <i>Units Allowed</i> |
| O (Office) | N/A | N/A |

ANALYSIS

The site is located on Maryland Parkway between Franklin Avenue and Oakey Boulevard and between two existing properties zoned P-R (Professional Office and Parking). Of the 89 parcels abutting Maryland Parkway from Charleston Boulevard to Sahara Avenue, only eight remain zoned R-1 (Single Family Residential). In 2006, the city of Las Vegas redesignated the remaining residential properties along this corridor to O (Office) as part of a General Plan Amendment (GPA-12043). Approval of the proposed rezoning would then conform to the General Plan designation of the site.

The properties to the west of this site are still zoned R-1 (Single Family Residential). Codes and conditions will be imposed and enforced to protect the homes on these lots from commercial activity on the subject site.

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 Rezoning to P-R (Professional Office and Parking) conforms to the existing O (Office) General Plan land use designation on the subject site.

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.

Approval of this Rezoning request will allow for new professional offices, some non-retail services and the conversion of the existing single-family home to a professional office on this property. Those uses are compatible with the existing offices on properties to the north and south, as well as planned office uses across Maryland Parkway. Conditions of approval on any accompanying Site Development Plan Review will ensure that the existing single-family residence to the west of the subject site will be adequately screened from proposed commercial uses.

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

The Rezoning is appropriate, as Maryland Parkway has been established as a permanent commercial corridor between Charleston Boulevard and Sahara Avenue.

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 site is accessed from Maryland Parkway, a 100-foot Primary Arterial. The capacity of this roadway is sufficient to service commercial uses at this property.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 14

ASSEMBLY DISTRICT 9

SENATE DISTRICT 10

NOTICES MAILED 377 by Planning Department

APPROVALS 0

PROTESTS 0