



City of Las Vegas

Agenda Item No.: 35.

**AGENDA SUMMARY PAGE PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: APRIL 9, 2009**

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER

☐ Consent ☒ Discussion

SUBJECT: **CON-2922 - REZONING - PUBLIC HEARING - APPLICANT/OWNER: ANNE AND KENNY WONG - Request for a Rezoning FROM: R-1 (SINGLE FAMILY RESIDENTIAL) TO: P-R (PROFESSIONAL OFFICE AND PARKING) on 0.10 acres at 1413 South Eastern Avenue (APN 004-010-019), Ward 3 (Reese)**

C.C. 05/06/2009

PROTESTS RECEIVED BEFORE

Planning Commission Mtg.

City Council Meeting

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

City Council Meeting

RECOMMENDATION:
APPROVAL

BACKUP DOCUMENTATION:

1. Location and Aerial Maps
2. Conditions (Not applicable) and Staff Report
3. Supporting Documentation
4. Photos
5. Justification Letter
6. Protest Postcard
7. Submitted after Final Agenda Protest Postcard/Letter and Support Postcard

Motion made by STEVEN EVANS to Deny

Passed For: 6; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 1

MICHAEL E. BUCKLEY, VICKI QUINN, STEVEN EVANS, GLENN TROWBRIDGE, RICHARD TRUESDELL, BYRON GOYNES; (Against-None); (Abstain-None); (Did Not Vote -None); (Excused-KEEN ELLSWORTH)

Minutes:

CHAIR TROWBRIDGE declared the Public Hearing open for Items 35 and 36.

DOUG RANKIN, Planning and Development, confirmed staffs approval of the rezoning request, as it would be compatible with the General Plan and surrounding land uses. Staff could not support the site plan, as it is non-functional and has only one entrance and exit to access the site, which could create a safety issue for those traveling on Eastern Avenue. Staff also could not support the requested waivers, as the site is not physically suitable for such an intense proposed use.

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ROLANDO LADISCAO, 5112 West Charleston Boulevard, Suite E., appeared on behalf of the applicant. The proposed zoning is for Office, as is almost the entire area. The building is a small, 1,000-foot building and will not create intense parking; although the owner of the adjacent mortgage company has agreed to allow parking in their lot, staff informed him that this was not appropriate and could create a traffic hazard. The owner owes more than what the building is worth and is trying to rid the negative activity and make a positive investment.

TODD FARLOW, 240 North 19th Street, attested to the area being a total disaster, as there are signs painted on the roof and no landscaping. He suggested the bank take over, absorb the loss and allow for the adjacent owner to purchase and build a better development. MR. LADISCAO clarified that since the photos were taken, the site has been cleaned up, the graffiti has been removed and the site is now landscaped.

COMMISSIONER TRUESDELL noted that this neighborhood is less appealing, and no one wants to conform to the Code. The land use policies have to be protected and in understanding financial hardships, it is still the owners responsibility to maintain the property.

MR. LADISCAO mentioned that the rezoning was previously approved, and his client desires to upgrade the area and be compatible with other uses. The COMMISSIONER GOYNES clarified for MR. LADISCAO that staff's report indicated an application for rezoning to Professional Office (PO) was approved in June 2006; however, the rezoning was never exercised and the permit expired in 2008.

COMMISSIONER EVANS noted that approval also was based upon the applicant having an access agreement with the existing adjacent property owner. In essence, staff's view was if the application was approved as is, it would create a public hazard for anyone trying to access/exit the site, as an individual would have to back out onto Eastern Avenue.

LUCIEN PAET, Public Works, claimed that the site plan indicated the public driveway is 17 feet wide, which is inadequate, as the minimum required is 20 feet. Condition 16 requires the applicant to work with the owner to the north regarding the access agreement, particularly with the property to the north. Public Works does not support access to the south, as it would cause a deficiency in parking for that owner. COMMISSIONER EVANS pointed out that it would be prudent to obtain the access agreement prior to these meetings. He agreed with staff's analysis and believed that the City's standards should not be lowered and compromise public safety. He is aware of the much needed work to be done on this stretch of Eastern Avenue and will not approve any development that is not in compliance with the Code, including landscaping.

COMMISSIONER BUCKLEY questioned if there was an appropriate site plan for this site. MR. RANKIN replied on the PR conversions along Eastern Avenue and Jones Boulevard, there have been some property owners that have worked out access agreements. An access agreement with the property to the north is acceptable, but the City cannot enforce this. The applicant could reduce the size of the building, which is an option, but it would still be meaningful to have the rezoning.

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COMMISSIONER EVANS remarked that changing the zoning now and later reviewing a site plan tends to lessen the standards. He could not support the request, as he has always preferred having a site development review and a rezoning application before the Commission at the same time, so they are clear on what they are voting on. Given the constraints of the site, he hopes the applicant will find a better project and work out the serious access issues. He highly encouraged the businesses along this Eastern Avenue corridor to raise the bar and exercise compliance with the Code.

CHAIR TROWBRIDGE declared the Public Hearing closed for Items 35 and 36.

