



AGENDA MEMO

CITY COUNCIL MEETING DATE: MARCH 18, 2009

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: ZON-32758 - APPLICANT/OWNER: LVRC RESIDENTIAL, LLC

**** CONDITIONS ****

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

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Rezoning from U (Undeveloped) [SC (Service Commercial)] to C-1 (Limited Commercial) on 1.65 acres at 3371 North Buffalo Drive. The existing Convalescent Care Facility at the subject is a permitted use within both the U (Undeveloped) and C-1 (Limited Commercial) districts with the approval of a Special Use Permit. A Special Use Permit (SUP-4203) for a Convalescent Care Facility / Nursing Home was approved on 06/16/04. As the requested Rezoning to the C-1 (Limited Commercial) district is consistent with the existing SC (Service Commercial) General Plan designation, and the existing use will conform to both Title 19 and the General Plan, staff is recommending approval.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
01/26/98	The City Council approved a Rezoning (Z-0120-97) from U (Undeveloped) Zone [SC (Service Commercial) General Plan Designation] to C-1 (Limited Commercial) Zone, including a Site Development Plan Review, for a proposed 11,602 square-foot senior daycare facility, a 24,000 square-foot, two-story, office building, a 24,082 square-foot memory care center, and a 16,848 square-foot respite care center on property located on the southwest corner of Buffalo Drive and Buckskin Avenue. Planning Commission recommended approval.
01/26/98	The City Council approved a Special Use Permit (U-125-97) for a proposed 11,602 square-foot senior daycare facility, a 24,000 square-foot, two-story, office building, a 24,082 square-foot memory care center, and a 16,848 square-foot respite care center on property located at the southwest corner of Buffalo Drive and Buckskin Avenue. Planning Commission recommended approval.
04/13/98	The City Council approved a request to Vacate (VAC-0004-98) government patent reservations and declarations of utilization for property generally located west of Buffalo Drive and south of Buckskin Avenue. Planning Commission recommended approval.
05/13/99	The Planning Commission approved a request for an Extension of Time [VAC-0004-98(1)] on an approved Vacation for government patent reservations and declarations of utilization for property generally located west of Buffalo Drive and south of Buckskin Avenue.

06/19/02	The City Council approved a request for Review of Conditions [Z-0120-97(1), U-0125-97(1) and U-0158-98(1)] contained in case numbers Z-120-97, U-125-97, and U-158-98 relating to the location and design of mechanical equipment, air conditioning units, back-up generators, trash enclosures, landscaping and parking areas on properties located at 3321, 3351, 3371, and 3391 North Buffalo Drive.
06/16/04	The City Council approved a request for a Special Use Permit (SUP-4203) for a convalescent care facility/nursing home at 3371 North Buffalo Drive. Planning Commission recommended approval.
03/12/08	A Code Enforcement complaint (#63382) was processed for excessive noise at 3371 N. Buffalo Drive. The case was resolved on 04/10/08.
02/12/09	The Planning Commission voted 7-0 to recommend APPROVAL (PC Agenda Item #27/sg).
<i>Related Building Permits/Business Licenses</i>	
06/10/98	A building permit (#98012183) was issued for a foundation only for building #2, Respite Care Center, located at 3371 N. Buffalo Drive. The permit expired on 07/03/99.
08/11/98	A building permit (#98016390) was issued for building #2, Respite Care Center, located at 3371 N. Buffalo Drive. The permit was finaled on 01/15/99.
10/22/98	A building permit (#98021164) was issued for a wall/fence located at 3371 N. Buffalo Drive. The permit expired on 07/03/99.
10/27/98	A building permit (#98021343) was issued for a wall/fence for a trash enclosure located at 3371 N. Buffalo Drive. The permit expired on 07/03/99.
02/08/01	A business license (H20-00001) was issued for a withdrawal management facility located at 3371 N. Buffalo Drive. The license is still active.
01/17/08	A building permit (#105475) was issued for minor electrical work located at 3371 N. Buffalo Drive. The permit is still active.
<i>Pre-Application Meeting</i>	
12/10/08	A pre-application meeting was held to discuss the requirements for Rezoning an existing Convalescent Care Facility site.
<i>Neighborhood Meeting</i>	
A neighborhood meeting was neither required nor held for this application.	
<i>Field Check</i>	
01/08/09	A field check was conducted by staff. The site contains an existing Convalescent Care Facility in good condition.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	1.65

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Convalescent Care Facility	SC (Service Commercial)	U (Undeveloped) Zone [SC (Service Commercial) General Plan Designation] Proposed: C-1 (Limited Commercial)
North	Single-Family Residences	ML (Medium Low Density Residential)	R-PD7 (Residential Planned Development, 7 Units per Acre)
South	Convalescent Care Facility	SC (Service Commercial)	U (Undeveloped) Zone [SC (Service Commercial) General Plan Designation]
East	Offices	SC (Service Commercial)	C-1 (Limited Commercial)
West	Single-Family Residences	ML (Medium Low Density Residential)	R-PD7 (Residential Planned Development, 7 Units per Acre)

<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			
A-O Airport Overlay District (200 Feet)	X		Y
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 standards apply:

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Size	N/A	72,024 SF	Y
Min. Lot Width	100 Feet	210 Feet	Y
Min. Setbacks			
• Front	20 Feet	65 Feet	Y
• Side	10 Feet	40 Feet	Y
• Corner	15 Feet	N/A	N/A
• Rear	20 Feet	40 Feet	Y

Max. Lot Coverage	50%	28%	Y
Max. Building Height	N/A	Existing	Y

ANALYSIS

The subject site has a current General Plan land use designation of SC (Service Commercial), which is intended to allow low to medium intensity retail, office, or other commercial uses that serve primarily local area patrons, and that do not include more intense general commercial characteristics. Examples include neighborhood shopping centers, theaters, and other places of public assembly and public and semi-public uses. This category also includes offices either singly or grouped as office centers with professional and business services. The Service Commercial category may also allow mixed-use development with a residential component where appropriate.

This is a request for Rezoning from U (Undeveloped) [SC (Service Commercial) General Plan designation] to C-1 (Limited Commercial). The C-1 (Limited Commercial) 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 (Limited Commercial) district is consistent with the Service Commercial and the Neighborhood Center categories of the General Plan. The existing Convalescent Care Facility at the subject is a permitted use within both the U (Undeveloped) and C-1 (Limited Commercial) districts with the approval of a Special Use Permit. A Special Use Permit (SUP-4203) for a Convalescent Care Facility / Nursing Home was approved on 06/16/04. As the requested Rezoning to the C-1 (Limited Commercial) district is consistent with the existing SC (Service Commercial) General Plan designation, and the existing use will conform to both Title 19 and the General Plan, staff is recommending approval.

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 requested Rezoning to the C-1 (Limited Commercial) is consistent with the existing SC (Service Commercial) General Plan designation, and the existing use will conform to both Title 19 and the General Plan.

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 uses allowed by the requested zoning will be compatible with the surrounding commercial and residential land uses. The existing Convalescent Care Facility has been located at the subject site since 1999.

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

The existing U (Undeveloped) district functions as a temporary classification to be used until property is ready for development for a more intense, permanent use. Rezoning the property to the C-1 (Limited Commercial) district will be consistent with the existing General Plan designation of SC (Service Commercial), and will be compatible with the existing surrounding land uses.

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 has shared access to Buffalo Drive, designated a 100-foot Primary Arterial by the Master Plan of Streets and Highways, which is adequate for the existing use of the site.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

10

ASSEMBLY DISTRICT 37

SENATE DISTRICT 6

NOTICES MAILED 257 by City Clerk

APPROVALS 0

PROTESTS 3