



AGENDA MEMO

CITY COUNCIL MEETING DATE: APRIL 15, 2009
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: ABEYANCE - ZON-32740 - APPLICANT/OWNER: FIRST PRESBYTERIAN CHURCH OF LAS VEGAS, NEVADA

**** CONDITIONS ****

The Planning Commission (7-0 vote) and staff recommend APPROVAL, subject to:

Planning and Development

1. The applicant shall work with city staff to determine the most appropriate mapping action necessary to consolidate the four existing parcels. The mapping action shall be completed and recorded prior to the adoption of the zoning ordinance.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for Rezoning from R-E (Residence Estates) to O (Office) on 4.13 acres on the southwest corner of Charleston Boulevard and Desert Lane. The addresses included with this Rezoning request are 1515 West Charleston Boulevard, and 1608 and 1620 Ellis Avenue.

The General Plan designation for the subject site is O (Office), and is located within the Rancho Charleston Land Use Study and Strategic Plan area. The proposed Rezoning is in compliance with both the General Plan designation of O (Office) and the Rancho Charleston Land Use Study and Strategic Plan Area. As the proposed Rezoning would not adversely affect the adjacent properties, and the existing church facility is permitted under the proposed O (Office) zoning district and is compatible with the surrounding land uses and zoning districts, staff recommends approval of this request.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
10/24/91	The Board of Zoning Adjustment approved (final action) a request for a Special Use Permit (U-0261-91) for a child care facility at 1608 Ellis Avenue.
05/24/94	The Board of Zoning Adjustment approved (Final action) a request for a Special Use Permit (U-0108-94) for the expansion of church facilities for a school (grades K through 6).
10/19/06	The Planning Commission approved a request by the applicant to withdraw without prejudice a request for a General Plan Amendment (GPA-13372) to amend a portion of the Southeast sector of the General Plan from O (Office) to SC (Service Commercial), and a Rezoning (ZON-13491) from R-E (Residence Estates) to C-1 (Limited Commercial).
03/12/09	The Planning Commission voted 7-0 to recommend APPROVAL (PC Agenda Item #12/jb).
<i>Related Building Permits/Business Licenses</i>	
05/25/88	A building permit (#88007671) was issued for on-site improvements at 1515 West Charleston Boulevard. The permit was finalized on 07/20/89.
04/10/92	A building permit (#92142049) was issued for a certificate of occupancy at 1608 Ellis Avenue. The permit was finalized on 06/08/92.
04/14/95	A building permit (#95373576) was issued for a modular building at 1608 Ellis Avenue. The permit was finalized on 07/03/95.
07/25/97	A building permit (#97015230) was issued for a non-work certificate of occupancy at 1608 Ellis Avenue. The permit expired on 03/21/98.
09/26/97	A building permit (#97019877) was issued for a 3,530 square-foot modular classroom at 1620 Ellis Avenue. The permit was finalized on 09/29/00.
06/30/98	A building permit (#98013601) was issued for a chain link 212-foot by 6-foot and 160-foot by 4-foot fence at 1608 Ellis Avenue. The permit expired on 01/01/99.

07/22/98	A building permit (#98014887) was issued for a remodel (daycare) at 1608 Ellis Avenue. The permit was finalized on 08/12/98.
02/06/03	A building permit (#03002378) was issued for a tenant improvement (remodel) at 1515 West Charleston Boulevard. The permit was finalized on 03/18/04.
<i>Pre-Application Meeting</i>	
12/12/08	A pre-application meeting was held where the submittal requirements for a Rezoning application were discussed.
<i>Neighborhood Meeting</i>	
03/03/09	Citizens in attendance were concerned about the use for this rezoning. The applicant confirmed that the church will remain. There were also questions regarding NDOT's Project Neon to which NDOT was on site to answer. Overall those in attendance supported this application
<i>Field Check</i>	
01/08/09	Staff performed a routine field check where a church facility was observed on multiple parcels.
<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	4.13

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Church Facility	O (Office)	R-E (Residence Estates)
North	University of Nevada-Las Vegas (UNLV) & Restaurant	O (Office)& UMC (University Medical Center)	C-1 (Limited Commercial) & PD (Planned Development)
South	Single-Family Residences	L (Low Density Residential)	R-1 (Single Family Residential)
East	Offices	SC (Service Commercial)	C-1 (Limited Commercial) & P-R (Professional Office and Parking)
West	Restaurant & Offices	O (Office)	C-1 (Limited Commercial)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan			
Rancho Charleston Land Use Study & Strategic Plan	X		Y
<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

Rancho Charleston Land Use Study & Strategic Plan

The subject site is within the boundaries of the Rancho Charleston Land Use Study & Strategic Plan and is designated O (Office). One of the goals stated by the Strategic Plan is, to ensure that low-density residential land uses within mature neighborhoods can exist in close proximity to higher density residential, mixed-use, or non-residential land uses by mitigating adverse impacts where feasible. The proposed Rezoning to O (Office) is an appropriate buffer between R-1 (Single Family Residences) zoned single-family residences to the south and the C-1 (Limited Commercial) zoned properties to the north. The Rezoning of the site to the O (Office) zoning district is appropriate for the area and the existing use and furthers the goals of Rancho Charleston Land Use Study & Strategic Plan.

Airport Overlay District 200 Feet

No structure shall be erected, altered or maintained on any parcel within the boundaries of the Airport Overlay District that would violate the height limitations defined by the McCarran Airport Overlay Map and the North Las Vegas Airport Overlay Map. The subject site is within the 200-foot contour limitation and does not violate the height limitations as no change to the existing building has been proposed.

ANALYSIS

The subject property is located within the Southeast Sector of the General Plan and has a current land use designation of O (Office). The O (Office) category provides for small lot office conversions as a transition along primary and secondary streets from residential and commercial uses, and for large planned office areas. Permitted uses include business, professional and financial offices as well as for individuals, civic, social, fraternal and other non-profit organizations.

This is a Rezoning request to change the zoning of the subject property from R-E (Residence Estates) district to an O (Office) district. The O (Office) district is designed to provide for the development of office uses, supporting service uses and low intensity commercial uses performing administrative, professional and personal services. These may be small office buildings developed in a cluster with an internal traffic circulation system or one larger office building. This district may be used as a buffer between residential and more intense retail/commercial uses. The O (Office) District is consistent with the O (Office) category of the General Plan.

The proposed O (Office) zoning is compatible with the O (Office) General Plan designation. Since the proposed Rezoning request will bring the use of the subject property into conformance with Title 19 and the General Plan and provide an appropriate buffer to the adjacent properties, staff is recommending approval of this request.

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 O (Office) is consistent with the General Plan designation of O (Office).

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.

Currently the subject site is a church facility and is surrounded by offices, university, restaurants, and single-family residences. The proposed O (Office) zoning district would not adversely affect the adjacent properties. The existing church facility is permitted under the proposed O (Office) zoning district and is compatible with the surrounding land uses and zoning districts.

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

Staff supports the proposed Rezoning of the subject site to the O (Office) zoning district as the existing use is an appropriate buffer between single-family residences to the south and the restaurants to the west and north. The Rezoning of the site to the O (Office) zoning district is appropriate for the area and the existing use and conforms to the intent of the Rancho Charleston Corridor Study.

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 subject site is on the southwest corner of Charleston Boulevard and Desert Lane. While no access is provided from Charleston Boulevard, adequate access to the site is provided from Desert Lane and Ellis Avenue. Both of which are classified as 60-foot Collector Streets by the Master Plan of Streets and Highways. As this is an existing church facility, no additional vehicular traffic will be created by the Rezoning of the subject site.

PLANNING COMMISSION ACTION

There was one speaker in support of the project. The applicant agreed to all conditions.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 0

ASSEMBLY DISTRICT 9

SENATE DISTRICT 3

NOTICES MAILED 133 by City Clerk

APPROVALS 0

PROTESTS 1