



AGENDA MEMO

PLANNING COMMISSION MEETING DATE: JUNE 11, 2009

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: ABEYANCE - ZON-34005 - APPLICANT/OWNER: W.I.T. BRO, INC.

**** CONDITIONS ****

STAFF RECOMMENDATION: APPROVAL.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

The requested Rezoning from R-E (Residence Estates) to O (Office) has been made as a direct result of past and current Code Enforcement cases, which state that there is commercial business activity occurring within a residential zoning district, operating out of single-family dwellings that have yet to be converted by means of permit. This proposal would combine two single-family residential parcels into a single office development, with the existing residences converted to offices, and the existing garage structures used for accessory storage. The surrounding neighborhood is in the process of transitioning from single-family residences to various commercial uses, and the proposed Rezoning is appropriate for the area; therefore, staff is recommending approval of this request.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
09/03/08	The City Council approved a petition to Annex (ANX-28048) property at 6991 West Red Coach Avenue, containing approximately 0.99 acres, with an effective date of 09/12/08. The Planning Commission and staff recommended approval.
10/16/08	A Code Enforcement case (#70717) was processed for a business being conducted from a residence at 6991 W. Red Coach Avenue. Code Enforcement closed the case on 01/05/09.
12/03/08	The City Council approved a petition to Annex (ANX-28049) property at 6971 West Red Coach Avenue, containing approximately 0.50 acres, with an effective date of 09/12/08. The Planning Commission and staff recommended approval.
02/17/09	A Code Enforcement case (#74597) was processed for a business being conducted from a residence, parking vehicles on a dirt lot and outside storage of equipment at 6971 and 6991 W. Red Coach Avenue. The case is still active.

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05/14/09	The Planning Commission, at the applicants request, abeyed requests for a Rezoning (ZON-34005) from R-E (Residence Estates) to O (Office), a Variance (VAR-34009) to allow a 2.75-foot side yard setback where eight feet is required for an existing accessory structure, a 15-foot front yard setback and a five-foot side yard setback where 25 feet and eight feet are required, respectively, for a proposed accessory structure, to allow accessory structures to be located within a required perimeter landscape area where such is not permitted, and to allow a 10-foot building setback where Residential Adjacency standards require a matching setback of 30 feet for an existing building, and a Site Development Plan Review for the proposed conversion of two single-family dwellings to offices with a Waiver to allow a zero-foot landscape buffer along the east, west and south property lines where eight feet is required on 1.49 acres at 6971 and 6991 West Red Coach Avenue.
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Related Building Permits/Business Licenses

12/23/08	A residential building permit (08-26263 BU6) was issued by Clark County for the conversion of a garage to a storage room. This permit was issued after the effective date of Annexation, and did not receive a final inspection.
01/08/09	A residential electrical permit (08-26263 EL1) was issued by Clark County for the conversion of a garage to a storage room. This permit was issued after the effective date of Annexation, and did not receive a final inspection.

Pre-Application Meeting

03/17/09	A pre-application meeting was held to discuss the submittal requirements for a Rezoning, a Variance and a Site Development Plan Review, including: • Setback requirements. • Parking requirements. • Landscape buffer and planting requirements.
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Neighborhood Meeting

A neighborhood meeting was neither required nor held for this application request.

Field Check

04/09/09	A field check was conducted of the subject site, which consists of two residential properties to be converted to offices. There was a large amount of outside storage, including trucks and other vehicles, semi and utility trailers, equipment and cargo storage containers, located on the site. There is an active Code Enforcement case pending for the properties.
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Details of Application Request

Site Area

Gross Acres	1.66 Acres
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Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Single-Family Residences	O (Office)	R-E (Residence Estates) [Proposed: O (Office)]
North	Undeveloped [Approved for Apartments (SDR-29442)]	M (Medium Density Residential)	R-3 (Medium Density Residential)
South	Single-Family Residences [Approved for a Warehouse and Office Development (SDR-28390)]	LI/R (Light Industrial / Research)	M (Industrial)
East	Single-Family Residences	O (Office) [Clark County]	R-E (Rural Estates, Residential District) [Clark County]
West	ROW (US 95)	ROW (US 95)	ROW (US 95)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan			
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
Trails			
Rural Preservation Overlay District			
Development Impact Notification Assessment			
Project of Regional Significance			

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	65,531 SF	
Min. Lot Width	100 Feet	163 Feet	
Min. Setbacks			
• Front	25 Feet	25 Feet	
• Side	10 Feet	10 Feet	
• Corner	15 Feet	N/A	
• Rear	15 Feet	280 Feet	

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Min. Setbacks Accessory Structures			
• Front	25 Feet	15 Feet	
• Side	8 Feet	2.75 Feet	
• Corner	15 Feet	N/A	
• Rear	8 Feet	212 Feet	
Max. Lot Coverage	30%	15%	
Max. Building Height	2 Stories or 35 Feet, Whichever is Less	1 Story	

ANALYSIS

The subject site has an existing General Plan designation of O (Office), which provides for small lot office conversions as a transition along primary and secondary streets from residential and commercial land uses, and for large planned office areas. Permitted uses include business, professional and financial offices as well as offices for individuals, civic, social, fraternal and other non-profit organizations.

This request would Rezone the subject site from R-E (Residence Estates) to O (Office), which 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 Office category of the General Plan. As the proposed O (Office) zoning district is consistent with the existing O (Office) General Plan designation, and the proposal is compatible with the surrounding land uses, 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 O (Office) zoning district is consistent with the existing O (Office) General Plan designation of 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.

The uses allowed by the O (Office) district are compatible with the surrounding commercial and residential land uses as the district may be used as a buffer between

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residential and more intense retail/commercial uses. It will also act as a buffer between US-95 and the residential properties to the east.

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

The surrounding neighborhood is in the process of transitioning from single-family residential properties to more intense commercial and even industrial uses, and therefore, this rezoning is appropriate for the area.

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.

Adequate site access is provided by a single driveway to Red Coach Avenue, which is designated as a Local Street by the Master Plan of Streets and Highways, and will not negatively impact adjacent roadways or neighborhood traffic.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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ASSEMBLY DISTRICT 37

SENATE DISTRICT 4

NOTICES MAILED 131

APPROVALS 1

PROTESTS 4