



AGENDA MEMO

PLANNING COMMISSION MEETING DATE: SEPTEMBER 24, 2009

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: ABEYANCE - ZON-34775 - APPLICANT: CLARK COUNTY -

OWNER: ELLIS AVENUE PROPERTIES AND JOHN BIELINSKI

**** CONDITIONS ****

STAFF RECOMMENDATION: APPROVAL.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

The applicant is proposing a Rezoning from R-E (Residence Estates) to P-R (Professional Office and Parking). The existing land use designation on the subject site is O (Office), which is not compatible with the exiting R-E (Residence Estates) zoning district. The proposed P-R (Professional Office and Parking) district will allow conformance with the existing land use designation of O (Office) on the subject site. If denied, the residential zoning district will remain inconsistent with the existing land use designation. Staff is recommending approval of the subject Rezoning application.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc. and Property Sales</i>	
12/30/04	A deed was recorded for a change of ownership at 1128 Shadow Lane.
07/27/06	A deed was recorded for a change of ownership at 1823 West Charleston Boulevard.
10/12/06	A Code Enforcement citation (#47055) was issued for a vacant lot, which contains the following items; trash, empty beer bottles and overgrown vegetation littering the entire property. The interior walls that are plainly visible from Charleston are covered with gang graffiti at 1823 West Charleston Boulevard.
07/23/09	The Planning Commission voted to hold this item and the related Site Development Plan Review (SDR-34777) and Special Use Permit (SUP-34776) in abeyance to the August 27, 2009 Planning Commission meeting in an effort to provide the applicant with an opportunity to address site concerns.
08/27/09	The Planning Commission voted to hold this item and the related Site Development Plan Review (SDR-34777) and Special Use Permit (SUP-34776) in abeyance to the September 24, 2009 Planning Commission meeting in an effort to provide the applicant with an opportunity to address site concerns.
09/24/09	The Planning Commission will consider the subject Rezoning (ZON-34775) Request for a Rezoning from R-E (Residence Estates) to P-R (Professional Office and Parking), a related Site Development Plan Review (SDR-34777) for a proposed 272 space Parking Lot, Commercial and Special Use Permit (SUP-34776) for a proposed Parking Lot, Commercial and a Waiver to allow 24-hour parking where parking between the hours of 9:00 p.m. and 6:00 a.m. is not permitted on 2.93 acres at 1823 West Charleston Boulevard and 1128 Shadow Lane

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Related Building Permits/Business Licenses

There are no related building permits or business licenses that apply to the subject site.

Pre-Application Meeting

05/31/09

A pre-application meeting was conducted on the indicated date. The following items were discussed at the meeting:

- A neighborhood meeting was recommended to applicant.
- Conformance with all requirements for a Parking Lot, Commercial and the need for the Waiver for a 24-hour parking lot were discussed.

Neighborhood Meeting

07/14/09

A neighborhood meeting will occur on July 14th at 6:00 p.m. at the First Presbyterian Church. There were 16 members of the public, six representatives of the applicant, and two members of the City staff.

The following questions and concerns were raised by residents:

- The proposed use is a horrible use and will erode residential property values.
- The use will significantly impact the abutting residential properties due to car alarms, vehicle lights, parking lot lights.
- Concerns about traffic on Shadow Lane, Ellis Avenue and traffic cutting through the neighborhood were expressed.
- Residents requested that a traffic and parking study be submitted prior to consideration by the Planning Commission.
- Concerns were raised about ingress and egress from the site.
- Concerns were raised about the safety of pedestrians crossing the street from the parking lot to UMC.
- Residents stated that the Scotch 80's neighborhood was being encroached upon by commercial uses and that single-family homes were being lost.
- Questions were raised about the historic status of the existing residence on the subject property.
- Concerns were raised about an increase of traffic and delays on Charleston because of the proposed use.

The applicant suggested that they would investigate the preparation of a traffic study, and would contact attendees if the Planning Commission date were to be

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	delayed in order to prepare the study.
<i>Field Check</i>	
06/18/09	A field check was completed on the indicated date. The following items were observed by Planning and Development staff. • Staff observed two lots. One lot was undeveloped, which previously contained a mobile home park and a second lot with a single-family dwelling on it.

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<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	2.93 acres

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped and Single-Family Dwelling	O (Office)	R-E (Residence Estates) [Proposed: C-V (Civic)]
North	UMC (University Medical Center) and Offices	UMC (University Medical Center)	PD (Planned Development) and P-R (Professional Office and Parking)
South	Single-Family Dwellings	DR (Desert Rural Density Residential)	R-1 (Single Family Residential) and R-E (Residence Estates)
East	Offices and Retail	O (Office)	P-R (Professional Office and Parking) and C-1 (Limited Commercial)
West	Single-Family Dwellings and Offices	O (Office) and L (Low Density Residential)	R-1 (Single Family Residential) and R-4 (High Density 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			
A-O Airport Overlay District (200 Feet)	X		Y
Rural Preservation Overlay District	X		Y
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

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DEVELOPMENT STANDARDS

Pursuant to Title 19.08 Development Standards, the following standards are proposed: There are no permanent structures; therefore there are no required setbacks.

Standard	Required/Allowed	Provided	Compliance
Min. Lot Size			
• 1823 West Charleston Boulevard	N/A	1.97 acres	N/A
• 1128 Shadow Lane	N/A	0.96 acres	N/A
Min. Lot Width			
• 1823 West Charleston Boulevard	60 Feet	140 Feet	Y
• 1128 Shadow Lane	60 Feet	145 Feet	Y

ANALYSIS

This request would Rezone the subject site from R-E (Residence Estates) to P-R (Professional Office and Parking), which will allow conformance with the existing O (Office) land use designation. As the proposed P-R (Professional Office and Parking) district is consistent with the existing O (Office) land use designation, 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 P-R (Professional Office and Parking) zoning district is consistent with the existing O (Office) General Plan designation.

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 P-R (Professional Office and Parking) zoning district are 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.

The subject site has a land use designation of O (Office). Rezoning of the subject site will allow conformance with the existing land use designation of the subject site.

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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 both Charleston Boulevard, a 100-foot Primary Arterial, and Ellis Avenue, a 30-foot Local Street as designated by the Master Plan of Streets and Highways. These thoroughfares are capable of accommodating the traffic flow for the proposed zoning district.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 19

ASSEMBLY DISTRICT 9

SENATE DISTRICT 3

NOTICES MAILED 150

APPROVALS 3

PROTESTS 70