



**AGENDA MEMO**

**PLANNING COMMISSION MEETING DATE: SEPTEMBER 24, 2009**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: ABEYANCE - SUP-34776 - APPLICANT: CLARK COUNTY -**

**OWNER: ELLIS AVENUE PROPERTIES AND JOHN BIELINSKI**

---

**\*\* CONDITIONS \*\***

**STAFF RECOMMENDATION: DENIAL.** If Approved, subject to:

**Planning and Development**

1. Conformance to all Minimum Requirements under LVMC Title 19.04.010 for a Parking Lot, Commercial use.
2. Approval of and conformance to the Conditions of Approval for Site Development Plan Review (SDR-34777) shall be required.
3. A Waiver from Title 19.04 Permissible Uses for a Parking Lot, Commercial use is hereby approved, to allow 24-hour parking where parking between 9:00 a.m. and 6:00 a.m. is not allowed.
4. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the principal building on the site. An Extension of Time may be filed for consideration by the City of Las Vegas.
5. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**SUP-34776 - Staff Report Page One**  
**September 24, 2009 - Planning Commission Meeting**

**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

The applicant is proposing to construct a 272 space Parking Lot, Commercial on 2.93 acres at 1823 West Charleston Boulevard and 1128 Shadow Lane. The applicant is seeking 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. The 272 space parking lot with 24-hour parking is not an appropriate or compatible use, as it is located adjacent to single-family residences on the west and east of the subject site; therefore, staff is recommending denial of the subject application.

**ISSUES**

- Approval of associated requests for a Rezoning (ZON-34775) from R-E (Residence Estates) to P-R (Professional Office and Parking) and Site Development Plan Review (SDR-34777) is required to approve this request for a Special Use Permit.
- The requested Waiver to allow 24-hour operation of the parking lot is not compatible with the surrounding adjacent residential uses.

**BACKGROUND INFORMATION**

| <i><b>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc. and Property Sales</b></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 Rezoning (ZON-34775) 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 will hear a related Site Development Plan Review (SDR-34777) for a proposed 272 space Parking Lot, Commercial and a Rezoning (ZON-34775) from R-E (Residence Estates) to P-R (Professional Office and Parking) on 2.93 acres at 1283 West Charleston Boulevard and 1128 Shadow Lane.          |

**SUP-34776 - Staff Report Page Two**  
**September 24, 2009 - Planning Commission Meeting**

| <b><i>Related Building Permits/Business Licenses</i></b>                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|--------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| There are no related building permits or business licenses that apply to the subject site. |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <b><i>Pre-Application Meeting</i></b>                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| 05/13/09                                                                                   | <p>A pre-application meeting was conducted on the indicated date. The following items were discussed at the meeting:</p> <ul style="list-style-type: none"> <li>• A neighborhood meeting was recommended to applicant.</li> <li>• Conformance with all requirements for a Parking Lot, Commercial and the need for the Waiver for a 24-hour parking lot were discussed.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| <b><i>Neighborhood Meeting</i></b>                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| 07/14/09                                                                                   | <p>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.</p> <p>The following questions and concerns were raised by residents:</p> <ul style="list-style-type: none"> <li>• The proposed use is a horrible use and will erode residential property values.</li> <li>• The use will significantly impact the abutting residential properties due to car alarms, vehicle lights, parking lot lights.</li> <li>• Concerns about traffic on Shadow Lane, Ellis Avenue and traffic cutting through the neighborhood were expressed.</li> <li>• Residents requested that a traffic and parking study be submitted prior to consideration by the Planning Commission.</li> <li>• Concerns were raised about ingress and egress from the site.</li> <li>• Concerns were raised about the safety of pedestrians crossing the street from the parking lot to UMC.</li> <li>• Residents stated that the Scotch 80's neighborhood was being encroached upon by commercial uses and that single-family homes were being lost.</li> <li>• Questions were raised about the historic status of the existing residence on the subject property.</li> <li>• Concerns were raised about an increase of traffic and delays on Charleston because of the proposed use.</li> </ul> <p>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 delayed in order to prepare the study.</p> |

**Field Check**

|          |                                                                                                                                                                                                                                                                                                                                        |
|----------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 06/18/09 | <p>A field check was completed on the indicated date. The following items were observed by Planning and Development staff.</p> <ul style="list-style-type: none"><li>• 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.</li></ul> |
|----------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

**SUP-34776 - Staff Report Page Three**  
**September 24, 2009 - Planning Commission Meeting**

| <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     | Vacant and Single-Family Dwelling           | O (Office)                                 | R-E (Residence Estates)<br>[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> |
|---------------------------------------------------|------------|-----------|-------------------|
| <b>Special Area Plan</b>                          |            | X         | N/A               |
| <i>Special Districts/Zones</i>                    | <i>Yes</i> | <i>No</i> | <i>Compliance</i> |
| <b>Special Purpose and Overlay Districts</b>      | X          |           |                   |
| A-O Airport Overlay District (200 Feet)           |            |           | Y                 |
| <b>Trails</b>                                     |            | X         | N/A               |
| <b>Rural Preservation Overlay District</b>        | X          |           | Y                 |
| <b>Development Impact Notification Assessment</b> |            | X         | N/A               |
| <b>Project of Regional Significance</b>           |            | X         | N/A               |

**SUP-34776 - Staff Report Page Four**  
**September 24, 2009 - Planning Commission Meeting**

**DEVELOPMENT STANDARDS**

| <b>Waivers</b>                                                                                                                                      |                                                       |                             |
|-----------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------|-----------------------------|
| <b>Requirement</b>                                                                                                                                  | <b>Request</b>                                        | <b>Staff Recommendation</b> |
| The use of the parking facility shall cease between 9:00 p.m. and 6:00 a.m. including the use of any exterior lighting except for security lighting | The use of the parking lot shall occur 24-hours a day | Denial                      |

**ANALYSIS**

The proposed 272 space Parking Lot, Commercial use is intended to serve as an overflow parking lot for employees, customers and visitors of University Medical Center (UMC). The parking lot will operate on a 24-hour basis, which is not permitted without a Special Use Permit in a P-R (Professional Office and Parking) zoning district as the conditional hours of operation are between 6:00 a.m. and 9:00 p.m. The proposed 24-hour parking will create an attractive nuisance on the subject site, which will negatively affect existing single-family residences located to the west and south of the subject site. Staff is recommending denial of this Special Use Permit request.

- **Use**

A Parking Lot, Commercial use is defined by Title 19 as a facility for parking that is operated as a business enterprise by charging the public a fee and is not reserved or required to accommodate occupants, clients, customers or employees of a particular establishment or premises.

**FINDINGS**

The following findings must be made for a Special Use Permit:

- 1. The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.**

The proposed use is not harmonious and compatible with existing surrounding land uses. The site fails to comply with Title 19.04 requirements, which is evidenced by the requested Waiver. The 24-hour operation does not adequately protect the adjacent single-family residences from the visual and audible impact associated with the proposed use.

- 2. The subject site is physically suitable for the type and intensity of land use proposed.**

**SUP-34776 - Staff Report Page Five**  
**September 24, 2009 - Planning Commission Meeting**

The subject site is not physically suitable for the proposed Parking Lot, Commercial use as demonstrated by the associated Waiver. The requested Waiver fails to protect the overall quality of life for the existing adjacent home owners. The 24-hour parking lot is too intense of a use at this location.

**3. Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.**

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 created by the Parking Lot, Commercial use.

**4. Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.**

The proposed Parking Lot, Commercial use fails to comply with Objective 2.2 of the Las Vegas Master Plan 2020. Objective 2.2 seeks compatibility between low density residential land uses within mature neighborhoods to exist in close proximity to non-residential land uses, by incorporating appropriate design or buffer elements to mitigate adverse visual, audible or aesthetic impacts. The proposal for a Parking Lot, Commercial, operated 24-hours per day immediately adjacent to residentially zoned properties will not mitigate these adverse impacts, but rather increase them.

**5. The use meets all of the applicable conditions per Title 19.04.**

The applicant fails to meet Conditional Use Regulation number four, which requires the use to cease between 9:00 p.m. and 6:00 a.m. As a result, this Special Use Permit is required.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED**

20

**ASSEMBLY DISTRICT**      9

**SENATE DISTRICT**      3

**SUP-34776 - Staff Report Page Six**  
**September 24, 2009 - Planning Commission Meeting**

**NOTICES MAILED** 150

**APPROVALS** 3

**PROTESTS** 74