

**AGENDA MEMO****PLANNING COMMISSION MEETING DATE: SEPTEMBER 24, 2009****DEPARTMENT: PLANNING AND DEVELOPMENT****ITEM DESCRIPTION: ABEYANCE - SDR-34777 - APPLICANT: CLARK COUNTY -****OWNER: ELLIS AVENUE PROPERTIES AND JOHN BIELINSKI**

**** CONDITIONS ******STAFF RECOMMENDATION: DENIAL.** If Approved, subject to:**Planning and Development**

1. 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.
2. All development shall be in conformance with the site plan, landscape plan, and building elevations, date stamped 06/08/09, except as amended by conditions herein.
3. Pursuant to Title 19.12.075 Landscape, Wall and Buffer requirements a six-foot high masonry wall shall be installed and maintained along all property lines that adjoin residential zones, prior to approval of a final inspection.
4. The applicant shall work with City staff to determine the most appropriate mapping action necessary to consolidate all existing parcels. The mapping action shall be completed and recorded prior to issuance of any permits.
5. A technical landscape plan, signed and sealed by a Registered Architect, Landscape Architect, Residential Designer or Civil Engineer, must be submitted prior to or at the same time application is made for a building permit. A permanent underground sprinkler system is required, and shall be permanently maintained in a satisfactory manner; the landscape plan shall include irrigation specifications.
6. Pre-planting and post-planting landscape inspections are required to ensure the appropriate plant material, location, size of planters, and landscape plans are being utilized. The Planning and Development Department must be contacted to schedule an inspection prior the start of the landscape installation and after the landscape installation is completed. A certificate of occupancy will not be issued or the final inspection will not be approved until the landscape inspections have been completed.
7. All utility boxes exceeding 27 cubic feet in size shall meet the standards of LVMC Title 19.12.040.

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8. Parking lot lighting standards shall be no more than 30 feet in height and shall utilize downward-directed lights with full cut-off luminaries. Lighting on the exterior of buildings shall be shielded and shall be downward-directed. Non-residential property lighting shall be directed away from residential property or screened, and shall not create fugitive lighting on adjacent properties.
9. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.
10. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Public Works

11. Dedicate the necessary right-of-way to construct an 81-foot diameter cul-de-sac bulb offset to the north located at the terminus of Ellis Avenue which excludes a sidewalk area. Also, dedicate a 15 foot radius on the northwest corner of Shadow Lane and Ellis Avenue prior to the issuance of any permits.
12. Construct half-street improvements including the required offset cul-de-sac bulb on Ellis Avenue adjacent to this site. The sidewalk along the north side of Ellis Avenue shall be terminated at the point of curvature of the required cul-de-sac bulb. Remove all substandard public street improvements and unused driveway cuts adjacent to this site, if any, and replace with new improvements meeting current City Standards concurrent with development of this site. All existing paving damaged or removed by this development shall be restored at its original location and to its original width concurrent with development of this site.
13. No streetlights shall be installed adjacent to this site at this time. However, underground conduit for the future installation of streetlights shall be provided by the applicant concurrent with construction of this site. The developer shall provide to the City such streetlights for the future installation; alternatively, monies in lieu of such streetlights may be contributed to the City if allowed by the Department of Public Works.
14. The driveway accessing this site from Shadow Lane shall be designed, located and constructed in accordance with Standard Drawing #222a. The driveway on Charleston Boulevard shall meet the intent of Standard Drawing #222a unless otherwise allowed by the City Traffic Engineer. Coordinate the design of the driveways, including the possibility of right turn restrictions on Shadow Lane with the City of Las Vegas Traffic Engineer.

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15. Landscape and maintain all unimproved rights-of-way, if any, on Ellis Avenue adjacent to this site. All private improvements and landscaping installed with this project shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.
16. Submit an Encroachment Agreement for all landscaping, if any, located in the Ellis Avenue public rightofway adjacent to this site prior to issuance of permits for this site.
17. Obtain an Occupancy Permit from the Nevada Department of Transportation for all landscaping and private improvements in the Charleston Boulevard public rightofway adjacent to this site prior to the issuance of any permits.
18. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings or the submittal of a Map subdividing this site, whichever may occur first. Provide and improve all drainageways recommended in the approved drainage plan/study. The developer of this site shall be responsible to construct such neighborhood or local drainage facility improvements as are recommended by the City of Las Vegas Neighborhood Drainage Studies and approved Drainage Plan/Study concurrent with development of this site.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

The subject site consists of two lots containing a single-family dwelling and an undeveloped parcel located at 1823 West Charleston and 1128 Shadow Lane. The applicant is proposing to build a 272 space Parking Lot, Commercial and as a part of the associated Special Use Permit (SUP-34776) is requesting a Waiver to allow 24-hour parking where parking between the hours of 9:00 a.m. and 6:00 a.m. is not allowed. The parking lot will serve as additional parking for employees and the public at UMC (University Medical Center). If denied, the site will remain unchanged. The proposed Parking Lot, Commercial is incompatible with adjacent single-family homes and will create a nuisance if approved for 24-hour use; 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 Special Use Permit (SUP-34776) is required to approve this request for a Site Development Plan Review.
- Staff cannot support the subject Site Development Plan Review, as staff cannot support the related Special Use Permit (SUP-34776). The requested Waiver to allow 24-hour parking where parking between the hours of 9:00 a.m. and 6:00 a.m. is not appropriate given its proximity to existing single-family residences.

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 Special Use Permit (SUP-34776) 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 voted to hold this item and the related Special Use Permit (SUP-34776) and Rezoning (ZON-34775) in abeyance to the September 24, 2009 Planning Commission meeting in an effort to provide the applicant with an opportunity to address site concerns.

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09/24/09	The Planning Commission will consider the subject Site Development Plan Review (SDR-34777) for a proposed 272 space Parking, Lot Commercial, Special Use Permit (SUP-34776) for a proposed Parking Lot, Commercial with 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 and Rezoning (ZON-34775) from R-E (Residence Estates) to P-R (Professional Office and Parking) on 2.93 acres at 1823 West Charleston Boulevard and 1128 Shadow Lane.
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<i>Related Building Permits/Business Licenses</i>	
There are no building permits or business licenses that apply to the subject site.	
<i>Pre-Application Meeting</i>	
05/13/09	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.
<i>Neighborhood Meeting</i>	
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.
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07/14/09	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 delayed in order to prepare the study.
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Field Check	
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.

Details of Application Request	
Site Area	
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)

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<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	X		
A-O Airport Overlay District (200 Feet)	X		Y
Trails		X	N/A
Rural Preservation Overlay District	X		Y
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

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.

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
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

Pursuant to Title 19.12, the following landscaping standards apply:

<i>Landscaping and Open Space Standards</i>				
<i>Standards</i>	<i>Required</i>		<i>Provided</i>	<i>Compliance</i>
	<i>Ratio</i>	<i>Trees</i>		
Parking Area	1 Trees/ 6 Spaces	45 Trees	45 Trees	Y
Buffer:				
Min. Trees				
North: right-of-way	1 Tree/ 20 Linear Feet	6 Trees	6 Trees	Y
North: interior	1 Tree/ 30 Linear Feet	10 Trees	10 Trees	Y
South: right-of-way	1 Tree/ 20 Linear Feet	15 Trees	16 Trees	Y
South: interior	1 Tree/30 Linear Feet	5 Trees	8 Trees	Y
East: right-of-way	1 Tree/20 Linear Feet	5 Trees	6 Trees	Y
East: interior	1 Tree/30 Linear Feet	15 Trees	15 Trees	Y
West: interior	1 Tree/30 Linear Feet	21 Trees	21 Trees	Y
TOTAL		122 Trees	127 Trees	Y

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Min. Zone Width			
North: right-of-way	15 Feet	16 Feet	Y
North: interior	8 Feet	8 Feet	Y
South: right-of-way	15 Feet	15 Feet	Y
South: interior	8 Feet	8 Feet	Y
East: right-of-way	15 Feet	15 Feet	Y
East: interior	8 Feet	8 Feet	Y
West: interior	8 Feet	8 Feet	Y
Wall Height	6 Feet	6 Feet	Y

Pursuant to Title 19.10, the following parking standards apply:

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Parking Lot, Commercial	N/A		0		272	0	
TOTAL					272		N/A

ANALYSIS

The applicant is proposing to develop a 272 space Parking Lot, Commercial use. The proposed parking lot will serve as an overflow lot for employees, customers and visitors of University Medical Center (UMC). An associated Special Use Permit (SUP-34776) has been submitted to allow the Parking Lot, Commercial use with a Waiver to operate on a 24-hour basis as required in a P-R (Professional Office and Parking) zoning district. The illuminated Parking Lot, Commercial use meets all landscaping requirements and is proposed to be surrounded by a six-foot block wall.

The Parking Lot, Commercial is not an appropriate use at this location. The applicant has indicated that the parking lot will operate on a 24-hour basis. This will create an audible and visual nuisance for the existing single-family residences, which are located to the west and south of the subject site; therefore staff is recommending denial of the subject Site Development Plan Review.

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FINDINGS

The following findings must be made for a Site Development Plan Review:

- 1. The proposed development is compatible with adjacent development and development in the area;**

The proposed 24-hour parking lot will create both an audible and visual nuisance, and is not compatible with the adjacent residential developments.

- 2. The proposed development is consistent with the General Plan, this Title, the Design Standards Manual, the Landscape, Wall and Buffer Standards, and other duly-adopted city plans, policies and standards;**

The proposed development is consistent with both Title 19 and General Plan requirements.

- 3. Site access and circulation do not negatively impact adjacent roadways or neighborhood traffic;**

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. Building and landscape materials are appropriate for the area and for the City;**

The applicant meets or exceeds all minimum landscaping requirements for the subject site and for this area of the City.

- 5. Building elevations, design characteristics and other architectural and aesthetic features are not unsightly, undesirable, or obnoxious in appearance; create an orderly and aesthetically pleasing environment; and are harmonious and compatible with development in the area;**

The Parking Lot, Commercial is unharmonious and incompatible, as it is adjacent to existing single-family homes.

- 6. Appropriate measures are taken to secure and protect the public health, safety and general welfare.**

The proposed development is subject to permit review and inspection; therefore, appropriate measures will be taken to protect the health, safety and general welfare.

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NEIGHBORHOOD ASSOCIATIONS NOTIFIED 19

ASSEMBLY DISTRICT 9

SENATE DISTRICT 3

NOTICES MAILED 150

APPROVALS 2

PROTESTS 74