Agenda Item No.: **32.**

AGENDA SUMMARY PAGE - PLANNING

PLANNING COMMISSION MEETING OF: JULY 14, 2015

DEPARTMENT: PLANNING
DIRECTOR: TOM PERRIGO ☐Consent ☒ Discussion

SUBJECT:
GPA-59270 - GENERAL PLAN AMENDMENT - PUBLIC HEARING - APPLICANT: POSITIVELY KIDS - OWNER: SWAN FOUNDATION, LLC - For possible action on a request for a General Plan Amendment FROM: O (OFFICE) TO: SC (SERVICE COMMERCIAL) on 1.[illegible]2 acres at 2[illegible]96 West Charleston Boulevard (APN 1[illegible]9-32-802-036), Ward 1 (Tarkanian) [PRJ-58502]. Staff recommends APPROVAL.

C.C.: 8/19/2015

PROTESTS RECEIVED BEFORE:		APPROVALS RECEIVED BEFORE:	
Planning Commission Mtg.	**9**	**Planning Commission Mtg.**	**2**
City Council Meeting	**0**	**City Council Meeting**	**0**

RECOMMENDATION:
Staff recommends APPROVAL

BACKUP DOCUMENTATION:
1. Location and Aerial Maps
2. Conditions and Staff Report - GPA-59270, ZON-59271 and SDR-59272 [PRJ-58502]
3. Supporting Documentation - GPA-59270, ZON-59271 and SDR-59272 [PRJ-58502]
4. Photo(s) - GPA-59270, ZON-59271 and SDR-59272 [PRJ-58502]
5. Justification Letter - GPA-59270, ZON-59271 and SDR-59272 [PRJ-58502]
6. Protest E-mail - GPA-59270, ZON-59271 and SDR-59272 [PRJ-58502]
7. Submitted after Final Agenda Protest/Support Postcards for GPA-59270 and ZON-59271 and Protest Letters from Kathleen and Arte Nathan and Mario and Elsa Garcia for GPA-59270, ZON-59271 and SDR-59272
8. Submitted at Meeting Protest Postcard/Letter from Raymond Potter for GPA-59270 and ZON-59271 and Protest Letters from Brett and Claudia Romney and Beuford and Patricia Green for GPA-59270, ZON-59271 and SDR-59272

Motion made by GUS FLANGAS to Hold in abeyance Items 32-34 to 8/11/2015

Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0
CEDRIC CREAR, GLENN TROWBRIDGE, VICKI QUINN, TODD L. MOODY, TRINITY HAVEN SCHLOTTMAN, GUS FLANGAS, SAM CHERRY; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-None)

Minutes:
CHAIR MOODY declared the Public Hearing open for Items 32-34.

ANDY REED, Planning Supervisor, reported that the office building was approved on this site in 2006 and constructed in 2008; however, it has not been occupied and the associated building permits have not received final approval. The proposal is to locate a convalescent care facility within the office building, but because that use is not allowed with the C-D zoning district, the applicant is requesting a General Plan Amendment to Service Commercial and a rezoning to C-1. The related Site Development Review proposes to remove 12 excess parking spaces and replace them with a green space area for use of the care facility patients. This proposal supports the City's objectives regarding infill development on underutilized land; therefore, staff recommended approval of all three applications.

KAREN RICHARDSON appeared on behalf of the applicant and property owner, and stated that they accepted all of staff's conditions and appreciated the recommendation for approval.

FRED SCHULTZ, CEO and Founder of Positively Kids, reported that the organization was started 1[illegible] years ago to care for the medically fragile pediatric population with long-term chronic illnesses. There are 36,000 children born in Clark County, 15 percent of whom are classified as medically fragile; additionally, there are 5,000 children each year who have been involved in near drownings, head-on collisions or accidents and need to be placed in long-term care facilities. As Nevada has no skilled facilities for the pediatric population, the patients are being sent out of state. This proposal is for a 36-bed inpatient skilled respite facility; the building is already constructed, but tenant improvements need to be made to accommodate this use. MR. SCHULTZ stated that the company is very stable, has a budget of $7 million, 1[illegible] staff members, they have gotten two unsecured loans, and have a high Dunn and Bradstreet rating.
SCOTT JOHNSON appeared representing the landlord.

SHAWNA WALDMAN, President of the McNeil Neighborhood Association, addressed the Zoning request being changed from C-D to C-1, and expressed concern about protecting the area along the Charleston Corridor in order to retain the old established historical type neighborhoods in the area. They are not opposed to this project but are concerned about allowing C-1 for this project; it sets a precedent for future proposals and allows other uses should the lease change and another business comes to the site. If there was some other type of zoning that would allow this project to continue without being zoned as C-1, they would be in support.

GUY AMATO, LOREN WATKINS, MARIO GARCIA and BOB APPLE were not opposed to this project, but expressed concerns including C-1 zoning being too broad for the area, the desire to protect the neighborhood from being intensely developed commercially, congestion in the area, protecting the quality of life in the neighborhood, and MR. APPLE thought that this project could fit under the Office Designation zoning. MR. GARCIA submitted a postcard and three letters on behalf of his neighbors who were unable to attend this meeting. CHAIR MOODY confirmed that a letter submitted by MR. GARCIA dated July 6, 2015 was already included in the backup materials.

ALEDA NELSON thought that this was premature action as there was action being considered regarding changing the zoning along the entire corridor. She thought it would be more appropriate to hear this in a larger context and not allow an exception for this application.

MS. RICHARDSON stated that this is a much needed use in the community as there are families who are being torn apart because they have to travel out of state for services. She thought that too much time was being spent discussing whether the site would be C-1 or otherwise designated if everyone was in agreement with the GPA (General Plan Amendment), the use and the Site Development Plan Review. MS. RICHARDSON reported that there would be minor improvements to the exterior of the building, but the majority of the $16 million would be spent on the interior of the building to care for the medically fragile kids. She believed that this project was an incredible investment in the neighborhood, would protect the future of the corridor and asked for approval of all three applications.

COMMISSIONER QUINN believed that what should be in front of the Planning Commission today was the zone change, not the application. If C-1 was approved for this project, it could open the door for more to come, and the Medical Corridor that COUNCILWOMAN TARKANIAN has been working hard on could end up with a variety of different uses that do not belong there. COMMISSIONER QUINN stated that the neighbors were in support of this business, but not the C-1 zoning. She would support this project under a different zoning designation.

COMMISSIONER FLANGAS requested to hold this item in abeyance to allow time to craft a solution to this zoning issue.

CHAIR MOODY informed the audience that if this item was held in abeyance, the comments presented and records that were submitted at this meeting would remain part of the record and be considered by the Commissioners when this item is brought back. MS. RICHARDSON confirmed for CHAIR MOODY that they agreed to the abeyance.

CHAIR MOODY declared the Public Hearing closed for Items 32-34.