



AGENDA MEMO - PLANNING

CITY COUNCIL MEETING DATE: JULY 20, 2016
DEPARTMENT: PLANNING
ITEM DESCRIPTION: APPLICANT/OWNER: BALLE CENTER, LLC

**** STAFF RECOMMENDATION(S) ****

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
ZON-63475	Staff recommends APPROVAL.	

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request to Rezone 2801 West Charleston Boulevard from the C-D (Designed Commercial) zoning district to the O (Office) zoning district. As Title 19 no longer supports the C-D (Designed Commercial) zoning district, and rezoning the subject site would bring the subject site into compliance with the site’s current General Plan designation of O (Office); staff is recommending approval of this request.

ISSUES

- The C-D (Designed Commercial) zoning district is no longer supported by Title 19.
- Rezoning the subject site from C-D (Designed Commercial to O (Office) will bring the subject site into compliance with the current General Plan designation of O (Office).
- The CD-O (Designed Commercial Overlay District) provides standards for limited commercial uses where it is necessary to preserve the character of surrounding land uses with less intense commercial development. If this rezoning request is approved, the requirements of the CD-O will take precedence over the height, setback and lot coverage provisions of the O (Office) District.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
09/02/97	The Board of Zoning Adjustment denied a request for a Variance on property located at 1100 Cahlan Drive to allow a proposed 26-foot tall building where 20 feet is the maximum height allowed; and to allow a building setback of 15 feet from the front property line, 5 feet from the side property line, and 71.88 feet from the rear property line where 25, 10 and 78 feet are the minimum setbacks required.
09/22/97	The City Council approved an appeal of the denial by the Board of Zoning Adjustment on a request for a Variance on property located at 1100 Cahlan Drive to allow a proposed 26-foot tall building where 20 feet is the maximum height allowed; and to allow a building setback of 15 feet from the front property line, 5 feet from the side property line, and 71.88 feet from the rear property line where 25, 10 and 78 feet are the minimum setbacks required.

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<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
06/19/02	The City Council approved a request to amend portions of the Southeast Sector map of the general Plan in the general vicinity of the Charleston Boulevard/Rancho Drive intersection from SC (Service Commercial) to O (Office); from R (Rural Density Residential) to DR (Desert Rural Density Residential); from O (Office) to DR (Desert Rural Density Residential) and; from L (Low Density Residential) to DR (Desert Rural Density Residential) in accordance with the recommendations of the Rancho Charleston Land Use Study and Strategic plan.
04/18/12	The City Council approved a request for a General Plan Amendment to establish Redevelopment Area 2 and change the future land use designation on various parcels within the Redevelopment Area to Commercial or Mixed-Use. The Planning Commission and staff recommended approval.
05/03/12	Code Enforcement processed a complaint (#113717) for a banner in the trees at 2801 West Charleston Boulevard. The case was resolved on 05/22/12.
04/12/16	The Planning Commission unanimously voted to recommend APPROVAL of a request for a Rezoning (ZON-63475) FROM: C-D (DESIGNED COMMERCIAL) TO: O (OFFICE) on 0.57 acres at 2801 West Charleston Boulevard (APN 162-05-510-006), Ward 1 (Tarkanian) [PRJ-63360].
05/18/16	The City Council voted to hold request for a Rezoning (ZON-63475) FROM: C -D (DESIGNED COMMERCIAL) TO: O (OFFICE) on 0.57 acres at 2801 West Charleston Boulevard (APN 162-05-510-006), Ward 1 (Tarkanian) [PRJ-63360] in abeyance to the June 15, 2016 City Council meeting.
06/15/16	The City Council voted to hold request for a Rezoning (ZON-63475) FROM: C -D (DESIGNED COMMERCIAL) TO: O (OFFICE) on 0.57 acres at 2801 West Charleston Boulevard (APN 162-05-510-006), Ward 1 (Tarkanian) [PRJ-63360] in abeyance to the July 20, 2016 City Council meeting.

<i>Most Recent Change of Ownership</i>	
10/20/04	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
Pre-1991	A business license (P55-01218) was issued for a Physician at 2801 West Charleston Boulevard, Suite 200. The license is currently active.
08/16/91	A business license (#P55-00685) was issued for a Dental Firm at 2801 West Charleston Boulevard, Suite 100. The license is currently in collection status.
07/07/98	A building permit (#98013910) was issued for onsite improvements at 2801 West Charleston Boulevard. The permit received its final inspection on 02/23/99.
07/07/98	A building permit (#98013934) was issued for a shell building certificate of completion at 2801 West Charleston Boulevard. The permit received its final inspection on 02/19/99.
07/07/98	A building permit (#319026) was issued for electrical at 2801 West Charleston Boulevard. The permit received its final inspection on 02/20/99.

Related Building Permits/Business Licenses	
07/07/98	A building permit (#98013911) was issued for a shell building certificate of completion at 2801 West Charleston Boulevard. The permit received its final inspection on 03/23/99.
09/15/98	A building permit (#325186) was issued for a wall/trash enclosure at 2801 West Charleston Boulevard. The permit received its final inspection on 01/19/99.
01/28/99	A building permit (#332452) was issued for a wall at 2801 West Charleston Boulevard. The permit expired on 07/31/99.
06/15/99	A building permit (#338114) was issued for 9-foot by 18-foot carports for 12 parking spaces at 2801 West Charleston Boulevard. The permit received its final inspection on 07/16/99.
04/17/01	A business license (C55-00096) was issued for a Clinical Laboratory at 2801 West Charleston Boulevard, Suite 201. The license is currently active.
10/02/14	A business license (G62-06610) was issued for Insurance Sales at 2801 West Charleston Boulevard, Suite 100. The license is currently active.

Pre-Application Meeting	
02/10/16	Staff conducted a pre-application meeting where the submittal requirements for a rezoning were discussed.

Neighborhood Meeting	
05/02/16	<p>The applicant conducted a voluntary neighborhood meeting where the following concerns of the neighbors were expressed to the applicant's representative:</p> <ul style="list-style-type: none"> • Why has the dental assistant school chosen this neighborhood? • Having a school in the neighborhood causes concern. • How many students? What is the cost of the tuition? • What are the scheduled days and times classes will be held? • Concern over other uses allowed in the O (Office) zone such as a Restaurant with Alcohol. • Patients are currently parking along Cahlan Drive. • Residents not happy with the current activities associated with the dental practice. <p>In attendance was the applicant's representative, one representative from the Department of Planning, one representative from Ward 1 Council office, and 9 members of the public (neighbors). The majority of the neighbors in attendance were in opposition of this application.</p> <p>The meeting began at 6:00 pm, and concluded at 7:30 pm.</p>

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<i>Neighborhood Meeting</i>	
06/02/16	<p>The applicant conducted a second voluntary neighborhood meeting where the following concerns of the neighbors were expressed to the applicant’s representative:</p> <ul style="list-style-type: none"> • The neighbors do not have an issue with the proposed dental hygienist school itself, it is the proposed rezoning from C-D (Designed Commercial) to O (Office) and the uses that would be allowed in the O (Office) zone that give the neighbors concern. • The neighbors expressed concern in regards to parking that currently occurs along Cahlan Drive. The neighbors would like to see a “No Parking” sign along Cahlan Drive. <p>In attendance was the applicant’s representative, one dental office representative, one representative from the Department of Planning, one representative from Ward 1 Council office, and four members of the public (neighbors).</p> <p>The meeting began at 6:00 pm, and concluded at 6:45 pm.</p>

<i>Field Check</i>	
03/03/16	Staff performed a routine field check where a well maintained office building was observed, with the exception of the trash enclosure. The gate on the trash enclosure was broken with one gate panel missing.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	0.56

<i>Surrounding Property</i>	<i>Existing Land Use Per Title 19.12</i>	<i>Planned or Special Land Use Designation</i>	<i>Existing Zoning District</i>
Subject Property	Office, Medical or Dental	O (Office)	C-D (Designed Commercial)
North	Office, Medical or Dental	O (Office)	P-R (Professional Office)
			C-D (Designed Commercial)
South	Detached Single Family Residence	DR (Desert Rural Residential)	R-E (Residence Estates)
East	Church/House of Worship	O (Office)	C-D (Designed Commercial)
West	Office, Medical or Dental	O (Office)	C-D (Designed Commercial)

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<i>Master Plan Areas</i>	<i>Compliance</i>
No Applicable Master Plan Area	N/A
<i>Special Purpose and Overlay Districts</i>	<i>Compliance</i>
CD-O (Designed Commercial Overlay)	Y
A-O (Airport Overlay) District - 175 Feet	Y
Rural Preservation Overlay District	Y
<i>Other Plans or Special Requirements</i>	<i>Compliance</i>
Trails	N/A
Rancho Charleston Land Use Study	Y
Las Vegas Redevelopment Plan Area – Redevelopment Area 2	Y
Project of Significant Impact (Development Impact Notification Assessment)	N/A
Project of Regional Significance	N/A

ANALYSIS

The applicant is requesting to rezone the subject site from C-D (Designed Commercial) to O (Office) at 2801 West Charleston Building. The subject site is an existing two-story medical office building with existing tenants. The applicant indicates in their justification letter the desire to be able to co-locate a dental hygienist training school (Business School) within an existing dental office in suite 100. Currently, the C-D (Designed Commercial) zoning district does not allow for a Business School, but the O (Office) zoning district does permit a Business School.

The subject sites current zoning designation of C-D (Designed Commercial) is no longer supported by Title 19. In addition, the General Plan designation of the subject site is O (Office) which supports the requested O (Office) zoning district. While the zoning district of C-D (Designed Commercial) may no longer be applicable, the subject site is located within the CD-O (Designed Commercial Overlay District) which requires any new construction to be subject to the requirements of the CD-O (Designed Commercial Overlay District). The CD-O (Designed Commercial Overlay District) limits building height to one story or 20 feet, whichever is less for parcels fronting Charleston Boulevard between Rancho Drive and Valley View Boulevard, unless otherwise approved by the City Council. Rezoning the subject site to the O (Office) zoning district would allow for the same or similar uses that already exist on the site.

The O (Office) District 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. The O (Office) District offers a buffer zone between residential and more intense retail/commercial uses.

Rezoning the subject site from the non-supported C-D (Designed Commercial) zoning district to the O (Office) zoning district would bring the subject site into compliance with the site's current General Plan designation of O (Office); therefore, staff is recommending approval of this request.

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FINDINGS (ZON-63475)

In order to approve a Rezoning application, pursuant to Title 19.16.090(L), the Planning Commission or City Council must affirm the following:

1. The proposal conforms to the General Plan.

The proposed rezoning to O (Office) would conform to the existing O (Office) General Plan designation, which allows for office uses, supporting service uses and low intensity commercial uses performing administrative, professional and personal services.

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 O (Office) District allows for office uses, supporting service uses and low intensity commercial uses performing administrative, professional and personal services that would be compatible with the existing surrounding land uses.

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

The C-D (Designed Commercial) zoning district is no longer supported by Title 19, as restrictions are placed on development through the Designed Commercial Overlay District.

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.

Primary access to the subject property is provided from Charleston Boulevard, a 100-foot Primary Arterial as classified by the Master Plan of Streets and Highways. Secondary access is provided from Cahlan Drive, a 60-foot local street. Both roadways have adequate capacity to accommodate the proposed O (Office) zoning district.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 25

NOTICES MAILED 115 (By City Clerk)

APPROVALS 1

PROTESTS 2