

**AGENDA MEMO**

**CITY COUNCIL MEETING DATE: OCTOBER 18, 2006**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: ZON-15410 - APPLICANT/OWNER: WHITE HILLS PARADISE, LLC**

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

The Planning Commission (5-1/ds-1/lc vote) recommends DENIAL. Staff recommends APPROVAL subject to:

**Planning and Development**

1. A Resolution of Intent with a two-year time limit is hereby granted.

**Public Works**

2. The existing entry gates shall remain fully open during business hours.

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

**APPLICATION REQUEST**

This is a request for a Rezoning from: R-4 (High Density Residential) to: C-1 (Limited Commercial) on 0.22 acres at 1909 Weldon Place.

**EXECUTIVE SUMMARY**

The site is currently developed with a 2,316 square foot building which has been used as an office. The building was originally approved through a Zone Variance (V-109-78). The office use is a nonconforming use in the R-4 district; however, the zoning application is a corrective action that will make the use conforming. The existing building is non-conforming and will be subject to Title 19.16 for a conforming use of a non-conforming building. Staff recommends approval.

**BACKGROUND INFORMATION**

***A) Related Actions***

01/09/78      The Board of Zoning and Adjustment approved a Variance (V-109-78) to allow general business offices on property in the R-4 (Apartment Residence) zoning district.

09/21/06      The Planning Commission voted 5-1/ds-1/ld to recommend DENIAL (PC Agenda Item #21/dr).

***B) Recent Business License History***

12/16/02      Business licenses for a photography business (P06-781) and photographic supplies (P20-172) were issued at 1909 Weldon Place.

12/19/03      The photography business license (P06-781) was marked out of business, as photography was no longer conducted.

05/04/04      The photographic supplies license (P20-172) was marked out of business.

No licenses have been reviewed at this location since the previous license was marked out.

**C) *Pre-Application Meeting***

07/11/06 The applicant indicated that no changes were proposed to the use or the structure. Staff indicated that a condition of approval would be included requiring the driveway gates to be open during business hours.

**D) *Neighborhood Meetings***

A neighborhood meeting is not required as part of this application request, nor was one held.

**DETAILS OF APPLICATION REQUEST**

**A) *Site Area***

Net Acres: 0.22

**B) *Existing Land Use***

Subject Property: Office

North: Apartments

South: Apartments

East: Apartments

West: Parking

**C) *Planned Land Use***

Subject Property: C (Commercial)

North: C (Commercial)

South: C (Commercial)

East: C (Commercial)

West: C (Commercial)

**D) *Existing Zoning***

Subject Property: R-4 (High Density Residential)

North: R-4 (High Density Residential)

South: R-5 (Apartment)

East: R-4 (High Density Residential)

West: C-1 (Limited Commercial)

**E) *General Plan Compliance***

The Southeast sector map of the General Plan indicates this site is located within the Redevelopment Plan area.

<i><b>SPECIAL DISTRICTS/ZONES</b></i>	<b>Yes</b>	<b>No</b>
<b>Special Area Plan</b>	<b>X</b>	
Redevelopment Plan Area	<b>X</b>	
<b>Trails</b>		<b>X</b>
<b>Rural Preservation Overlay District</b>		<b>X</b>
<b>County/North Las Vegas/HOA Notification</b>		<b>X</b>
<b>Development Impact Notification Assessment</b>		<b>X</b>
<b>Project of Regional Significance</b>		<b>X</b>

The Redevelopment Plan area map indicates that this site is designated for C (Commercial) land uses.

**ANALYSIS**

**A) Zoning Code Compliance**

A1) Development Standards

Pursuant to Title 19.08, the following Development Standards apply to the subject proposal:

<b>Standards</b>	<b>Required</b>	<b>Provided</b>	<b>Compliance</b>
Min. Lot Size	N/A	0.22 Ac	Y
Min. Lot Width	100 Feet	100 Feet	Y
Min. Setbacks			
• Front	20 Feet	15 Feet	N*
• Side	10 Feet	7 Feet	N*
• Corner	15 Feet	15 Feet	Y
• Rear	5 Feet	20 Feet	N*
Max. Lot Coverage	50 %	24.17%	Y

\* The existing building does not meet the required front, corner or rear setback requirements.

**B) General Analysis and Discussion**

The site is currently developed with a 2,316 square foot building which has been used as an office. The building was originally approved through a Zone Variance (V-109-78). The office use is a nonconforming use in the R-4 district; however, the zoning application is a corrective action that will make the use conforming. The existing building is non-conforming and will be subject to Title 19.16 for a conforming use of a non-conforming building.

## **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 rezoning to C-1 (Limited Commercial) is compatible with the Commercial designation of this site by the Las Vegas Redevelopment Plan.

**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 office use proposed by the applicant is 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 proposed rezoning supports the goals and objectives of the Las Vegas Redevelopment Plan, which encourages office uses in the downtown area.

**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.**

Weldon Place is fully developed and will provide adequate access to the site.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 16

**ASSEMBLY DISTRICT** 9

**SENATE DISTRICT** 10

**NOTICES MAILED** 196 by Planning Department

**APPROVALS** 0

**PROTESTS** 3