

*City of Las Vegas*

**AGENDA MEMO**

**PLANNING COMMISSION MEETING DATE: SEPTEMBER 13, 2007**  
**DEPARTMENT: PLANNING AND DEVELOPMENT**  
**ITEM DESCRIPTION: ZON-23579 - APPLICANT/OWNER: RAUL GIL**

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

**STAFF RECOMMENDATION: DENIAL.**

**ZON-23579 - Staff Report Page One  
September 13, 2007 - Planning Commission Meeting**

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

**PROJECT DESCRIPTION**

This is a request for a Rezoning to a C-2 (General Commercial) District on 0.17 acres at 311 North 11<sup>th</sup> Street. The property currently consists of a developed parcel that is zoned R-4 (High Density Residential).

The proposed rezoning to the C-2 (General Commercial) zoning district is consistent with the MXU (Mixed Use) General Plan designation. The proposed use, food processing, is permitted within the proposed C-2 (General Commercial) zoning district; however, due to the intensity of uses allowed by this zoning category and the incompatibility of those uses with the neighboring residential neighborhood denial of this request is recommended.

**BACKGROUND INFORMATION**

<b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i></b>	
09/13/07	Companion items for two Variances (VAR-23580 and VAR-23582), a Special Use Permit (SUP-23583), and a Site Development Plan Review (SDR-23577) will be heard concurrently with this item.
<b><i>Related Building Permits/Business Licenses</i></b>	
01/01/51	A business license, A07-00254, for an Apartment House category license was issued by the Department of Finance and Business Services. Due to a change of classification this license was re-issued on 10/01/98. This license was marked out-of-business as of 05/10/07. *
01/26/07	A building permit application, plan check 80550-C-07, for the 6.5-foot high ortemental iron wall was submitted for the site. The permit was reviewed and issued the same day. This permit has not received a final inspection approval as of 08/28/07.
03/07/07	A set of building permit applications, plan check L-0768 through 0771-07, for the internal wall demolision was submitted for the site. The permits were issued on 03/12/07 and was recorded as complete on 07/12/07.
<b><i>Pre-Application Meeting</i></b>	
06/13/07	A pre-application meeting was held and elements of this application were discussed. Landscaping requirements, necessary waiver requests, and various Public Works concerns were talked about. Submittal requirements were discussed.
<b><i>Neighborhood Meeting</i></b>	
A neighborhood meeting is not required, nor was one held.	

\* This license was issued with no apparent Planning and Development Department review.

**ZON-23579 - Staff Report Page Two**  
**September 13, 2007 - Planning Commission Meeting**

<b>Field Check</b>	
08/13/07	The Department of Planning and Development conducted a site visit that found that the site was developed with a multifamily building on each lot. The building to the south (305 South 11 <sup>th</sup> Street) appeared to have been gutted and no windows were evident. There is an existing wrought iron fence around the three parcels at the south end of the block, which includes the two project site parcels.

<b>Details of Application Request</b>	
<b>Site Area</b>	
Net Acres	0.17

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Multi-Family Residential	MXU (Mixed Use)	R-4 (High Density Residential) [Proposed: C-2 (General Commercial)]
North	Multi-Family Residential	MXU (Mixed Use)	R-4 (High Density Residential)
South	Multi-Family Residential	MXU (Mixed Use)	C-2 (General Commercial)
East	Senior Citizen Apartments	MXU (Mixed Use)	R-4 (High Density Residential)
West	Multi-Family Residential	MXU (Mixed Use)	R-4 (High Density Residential)

<b>Special Districts/Zones</b>	<b>Yes</b>	<b>No</b>	<b>Compliance</b>
<b>Special Area Plan</b>			
Redevelopment Plan Area	X		Y
<b>Special Districts/Zones</b>	<b>Yes</b>	<b>No</b>	<b>Compliance</b>
<b>Special Purpose and Overlay Districts</b>		X	n/a
<b>Trails</b>		X	n/a
<b>Rural Preservation Overlay District</b>		X	n/a
<b>Development Impact Notification Assessment</b>		X	n/a
<b>Project of Regional Significance</b>		X	n/a

**DEVELOPMENT STANDARDS**

*Pursuant to Title 19.08, the following development standards apply:*

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Width	100 Feet	100 Feet	Y *
Min. Setbacks			
• Front	20 Feet	21 Feet	Y
• Side	10 Feet	7.83 Feet	N **
• Corner	15 Feet	n/a	n/a
• Rear	20 Feet	15 Feet	N **
Min. Distance Between Buildings	n/a	20 Feet	n/a
Max. Lot Coverage	50%	33%	Y
Max. Building Height	n/a	20 Feet	n/a
Trash Enclosure	Screened and Covered	Screened and Covered	Y
Mech. Equipment	Screened	Screened	Y

\* The total lot width after the parcels are combined will equal 100 feet. A condition of approval has been added to the Site Development Plan Review (SDR-23577) that, if approved, the two parcels must be combined either through a reversionary map or an administrative joining.

\*\* A Variance (VAR-23582) is being heard concurrently with this item. If approved, it would allow a rear setback of 15 feet where 20 feet would be required and a side yard setback of seven feet where 10 feet is required.

*Pursuant to Title 19.10 and 19.12, the following landscape 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 Tree / 6 Spaces	2 Trees	0 Trees	N
Buffer:				
Min. Trees	1 Tree / 20 Linear Feet	20 Trees	5 Trees	N *
<b>TOTAL</b>		22 Trees	5 Trees	N
Min. Zone Width				
8 Feet @ North - Interior P L (Adj. to R-4 Zone)			0 Feet	N **
8 Feet @ South - Interior P L (Adj. to C-2 Zone)			6 Feet	N **
8 Feet @ West - Interior P L (Adj. to R-4 Zone)			0 Feet	N **
15 Feet @ East - P L @ ROW (Adj. to S. 11 <sup>th</sup> St.)			0 Feet	N **
Wall Height	6 Feet		6 Feet	N ***

**ZON-23579 - Staff Report Page Four  
September 13, 2007 - Planning Commission Meeting**

- \* There is a waiver request as a part of the Site Development Plan Review (SDR-23577) to allow sever reductions to the perimeter landscape buffer requirements. If approved, the waiver would reduce the buffer tree requirement to seven trees and a waiver of the tree planting requirement is still needed.
- \*\* There is a waiver request as a part of the Site Development Plan Review (SDR-23577) to allow no perimeter landscape buffer at the right-of-way (east property line) where 15 feet is required. The waiver also requests that perimeter landscape buffers along the north and west portions of the interior property lines be allowed to be zero feet wide and the south portion of the interior property lines be allowed to be six feet wide where eight feet is required. If approved, the waiver would grant relief from the city standard.
- \*\*\* There are existing six-foot high wrought iron walls to the north, east, and west. To the south is a parcel that is not a part of this request but is under the same ownership. The applicant requests a waiver to allow no wall along the southern property line pursuant to 19.08.050 (D) (3).

***Pursuant to Title 19.04 and 19.10, the following parking standards apply:***

<b><i>Parking Requirement</i></b>							
<b><i>Use</i></b>	<b><i>Gross Floor Area or Number of Units</i></b>	<b><i>Parking Ratio</i></b>	<b><i>Required</i></b>		<b><i>Provided</i></b>		<b><i>Compliance</i></b>
			<b><i>Parking</i></b>		<b><i>Parking</i></b>		
			<b><i>Regular</i></b>	<b><i>Handi-capped</i></b>	<b><i>Regular</i></b>	<b><i>Handi-capped</i></b>	
Food Processing	5,100 SF	1 Space / 500 SF of GFA	10 Spaces	1 Space	6 Spaces	1 Space	N *
<b>TOTAL (including handicap)</b>			11 Spaces		7 Spaces		N *
Loading Spaces	5,100 SF	1 Space @ less than 10,000 SF	1 Space		1 Space		Y
Percent Deviation			36.36% Reduction Requested				

- \* If approved, the companion Variance (VAR-23580) would allow seven parking spaces where 11 parking spaces are required, thus granting relief from the city standard.

**ZON-23579 - Staff Report Page Five**  
**September 13, 2007 - Planning Commission Meeting**

<i>Existing Zoning</i>	<i>Permitted Density</i>	<i>Units Allowed</i>
R-4 (High Density Residential)	50 Dwelling Units per Acre	8 Dwelling Unit @ 0.17 Acres
<i>Proposed Zoning</i>	<i>Permitted Density</i>	<i>Units Allowed</i>
C-2 (General Commercial)	n/a	n/a
<i>General Plan</i>	<i>Permitted Density</i>	<i>Units Allowed</i>
MXU (Mixed Use)	n/a	n/a

**ANALYSIS**

The subject site is located on the Southeast Sector Map of the General Plan. The site is designated as MXU (Mixed Use) on the Redevelopment Plan Area Map of the General Plan. This category allows for a mix of uses that are normally allowed within the L (Low Density Residential), ML (Medium Low Density Residential), M (Medium Density Residential), H (High Density Residential), O (Office), SC (Service Commercial), and GC (General Commercial) Master Plan land use categories. The project proposes to convert the two existing multifamily residential buildings into a Food Processing use within 5,100 square feet of total building area on the 0.34 acre project site. The proposed Food Processing use is permissible under the MXU (Mixed Use) designation.

This rezoning proposes to change a portion of the project sites zoning from R-4 (High Density Residential) to C-2 (General Commercial). The proposed C-2 (General Commercial) zoning district is designed to provide the broadest scope of compatible services for both the general and traveling public. This category allows retail, service, automotive, wholesale, office and other general business uses of an intense character, as well as mixed-use developments. This district should be located away from low and medium density residential development and may be used as a buffer between retail and industrial uses. The proposed use for this location is conditional, in a C-2 (General Commercial) zoning district which is compatible with the MXU (Mixed Use) General Plan designation. In this case the approval of a Special Use Permit (SUP-23583) is needed as the condition requiring a retail component is not met.

The site encompasses two parcels intended to become one development for the processing of food. Should these parcels remain separate developments the site may be placed further out of conformance with the development standards for the C-2 (General Commercial) zoning district as relates to minimum lot width. For this reason a condition has been added to the Site Development Plan Review (SDR-23577) that prior to the issuance of any building or grading permits that a reversionary parcel map or administrative joining consolidating the parcels be recorded.

This rezoning has been submitted in conjunction with a Site Development Plan Review (SDR-23577) for a proposed conversion of two existing residential structures for commercial use; two Variances (VAR-23580 and VAR-23582) to allow deviations from setback and parking standards; and a Special Use Permits (SUP-23583) to allow a Food Processing use in a C-2 (General Commercial) zone without a retail component.

**ZON-23579 - Staff Report Page Six**  
**September 13, 2007 - Planning Commission Meeting**

This request is not compatible with the existing residential developments in the area as the C-2 (General Commercial) zoning district allows uses too intense for property this far into a residential neighborhood. Therefore, staff is recommending denial of this Rezoning request.

## **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 is in conformance with the MXU (Mixed Use) under the Redevelopment Plan Area Map of the Southeast Sector Plan of the General Plan. The floor plans indicate that the existing buildings can accommodate the range of uses identified and is in compliance with the proposed General Plan category.

**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 proposed rezoning will not be compatible with the residential developments in this area. The intensity of uses permitted within the proposed zoning district can not be considered compatible with the existing residential neighborhood, particularly at this distance away from a major right-of-way.

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

Growth and development factors indicate a need for varied activity to locate in this area; however, zoning districts as intense as this C-2 (General Commercial) district are not appropriate this far into a residential 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.**

The subject site is adjacent to North 11<sup>th</sup> Street, a 60-foot wide local street that should be adequate to support the proposed use.

**ZON-23579 - Staff Report Page Seven**  
**September 13, 2007 - Planning Commission Meeting**

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 12

**ASSEMBLY DISTRICT** 9

**SENATE DISTRICT** 3

**NOTICES MAILED** 166 (Mailed with VAR-23580 and VAR-23582)

**APPROVALS** 0

**PROTESTS** 3