



AGENDA MEMO

CITY COUNCIL MEETING DATE: AUGUST 15, 2007
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: ZON-21991 - APPLICANT/OWNER: CLOUDBREAK LAS VEGAS, LLC

**** CONDITIONS ****

Staff recommends DENIAL. The Planning Commission (7-0 vote) recommends APPROVAL.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Rezoning to a C-2 (General Commercial) District on 0.21 acres at 602 Encanto Drive. The property currently consists of an undeveloped parcel that is zoned R-1 (Single Family Residential).

The proposed rezoning to the C-2 (General Commercial) zoning district is consistent with the MXU (Mixed Use) General Plan designation. The existing and proposed uses, multi-family residential/single room occupancy residence and social service provider, are 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 single family residential neighborhood denial of this request is recommended.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
10/19/83	The City Council approved a Rezoning (Z-0076-83) to C-2 (General Commercial) on a portion of the subject site for a proposed hotel. The Planning Commission recommended approval.
08/21/02	The City Council approved a Special Use Permit (U-0077-02) and a Site Development Plan Review [Z-0076-83(2)] for a 216-unit single room occupancy residence, and a Variance (V-0042-02) to allow for reduced parking on a portion of the subject site. The Planning Commission and staff recommended approval.
10/01/03	The City Council approved an Extension of Time (EOT-2778) for the approved Variance (V-0042-02) to allow for a reduction in parking for the 216-unit single room occupancy residence on a portion of the subject site, with an expiration date of August 21, 2004. The Planning Commission and staff recommended approval.
08/18/04	The City Council approved an Extension of Time (EOT-4779) for the approved Variance (V-0042-02) to allow for a reduction in parking and an Extension of Time (EOT-4778) for the approved Site Development Plan Review [Z-0076-83(1)] for the 216-unit single room occupancy residence on a portion of the subject site, with an expiration date of August 21, 2006. Staff recommended approval.

06/28/07	The Planning Commission held this item in abeyance at the applicants request.
07/12/07	The Planning Commission recommended approval of companion items WVR-19668, VAR-19665, VAR-19666, SUP-19661, SUP-20052, SUP-20822, VAC-19669 and SDR-19659 concurrently with this application. The Planning Commission voted 7-0 to recommend APPROVAL (PC Agenda Item #22/rts).
<i>Related Building Permits/Business Licenses</i>	
09/11/91	A business license, H05-01011, for a Hotel - 199 rooms or less category license was re-classified from an A07 (Apartment House) category license by the Department of Finance and Business Services. Due to a change of name and ownership this license was re-issued on 07/24/00. *
03/16/06	A business license, N41-94602, for a NP Social Services category license was processed in by the Department of Finance and Business Services. This license was denied by the Planning and Development Department on 02/06/07, pending approval of a Special Use Permit (SUP-20052) for a Social Service Provider use. This license has not been issued as of 04/09/07.
03/19/07	A business license, N42-91916, for a NP Intermediary Housing category license was processed in by the Department of Finance and Business Services. This license was denied by the Planning and Development Department on 04/04/07, pending approval of a Special Use Permit (SUP-19661) for a Single Room Occupancy Residence use. This license has not been issued as of 04/09/07.
<i>Pre-Application Meeting</i>	
01/22/07	A pre-application meeting was held and elements of this application were discussed. Landscaping requirements and various Public Works concerns were talked about. Submittal requirements were discussed. NOTE: This pre-application meeting occurred prior to the determination that there would be a rezoning request to C-V (Civic) and development standards would be proposed by the applicant.
<i>Neighborhood Meeting</i>	
3/29/07	A neighborhood meeting was held at US. Veteran's Initiative 525 E. Bonanza Road. Seven members of the public attended. The applicant gave a thorough description of the proposed expansion plan and described the services that would be offered. No member of the public had questions or comments about the project. NOTE: This meeting was held prior to the present entitlement application configuration and was based on the C-V (Civic) zoning package.

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

Field Check	
03/14/07	The Department of Planning and Development conducted a site visit that found that the site was in operation as a multi-family residential/single room occupancy residence establishment. The social service provider use, United States Veterans Initiative Program, was active and utilizing both this principle site and the neighboring site (610 North Las Vegas Boulevard). The director gave a tour of the facilities used by the program and explained the process for residents to meet the qualifications for admittance.

Details of Application Request	
Site Area	
Net Acres	0.27 (2.30 for project site)

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Multi-Family Residential/Single Room Occupancy Residence	MXU (Mixed Use)	C-2 (General Commercial)
	Single Family, Detached	MXU (Mixed Use)	R-1 (Single-Family Residential) [Proposed: C-2 (General Commercial)]
North	Office, Other Than Listed	MXU (Mixed Use)	C-2 (General Commercial)
	Government Facility	PF (Public Facility)	C-V (Civic)
	Single Family, Detached	MXU (Mixed Use)	R-1 (Single-Family Residential)
South	Multi-Family Residential	MXU (Mixed Use)	C-2 (General Commercial)
	Undeveloped	MXU (Mixed Use)	R-4 (High Density Residential) under Resolution of Intent to C-1 (Limited Commercial)
East	Government Facility	PF (Public Facilities)	C-V (Civic)
West	General Retail, Other Than Listed	MXU (Mixed Use)	C-1 (Limited Commercial)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan			
Downtown North Land Use Plan	X		Y
Redevelopment Plan Area	X		Y
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
A-O (Airport Overlay) District	X		Y
Trails		X	n/a
Rural Preservation Overlay District		X	n/a
Development Impact Notification Assessment		X	n/a
Project of Regional Significance		X	n/a

DEVELOPMENT STANDARDS

Pursuant to Title 19.08.060, the following residential adjacency 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	10 Feet	N *
• Side	10 Feet	8.5 Feet	N *
• Corner	15 Feet	n/a	n/a
• Rear	20 Feet	20 Feet	Y **
Min. Setback from a Primary Arterial Street	44 Feet	10 Feet	N *
Min. Distance Between Buildings	n/a	20 Feet	n/a
Max. Building Height	n/a	53 Feet	n/a
Trash Enclosure	Screened and Covered	Screened and Covered	Y
Mech. Equipment	Screened	Screened	Y

* A Variance (VAR-19665) is being heard concurrently with this item. If approved it would allow a front setback of ten feet where 20 feet would be required and a side yard setback of 8.5 feet where 10 feet is required. Additionally, it would allow a step back from a collector street of ten feet where 44 feet would be required.

** The setback complies with C-2 (General Commercial) district standards, but does not comply with Residential Adjacency setbacks.

Pursuant to Title 19.08.060, the following residential adjacency standards apply:

<i>Residential Adjacency Standards</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
3:1 proximity slope	127.5 Feet	66.42 Feet	N *
Adjacent development matching setback	5 Feet	39.42 Feet	Y
Trash Enclosure	50 Feet	>50 Feet	Y

* A Variance (VAR-19665) is being heard concurrently with this item. If approved it would allow a residential adjacency setback of 66.42 feet where 127.5 feet would be required.

Pursuant to Title 19.10 and 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 Tree / 6 Spaces	10 Trees *	10 Trees	Y
Buffer: Min. Trees	1 Tree / 20 Linear Feet	77 Trees	80 Trees	Y **
TOTAL		87 Trees	90 Trees	Y
Min. Zone Width				
8 Feet @ North - Interior P L (Adj. to R-1 Zone)			10 Feet (Double row of 24-inch box trees)	Y
8 Feet @ North - Interior P L (Adj. to C-V Zone)			3 Feet	N ***
8 Feet @ North - Interior P L (Adj. to C-2 Zone)			3 Feet	N ***
8 Feet @ East - Interior P L (Adj. to C-V Zone)			10 Feet	Y
8 Feet @ West - Interior P L (Adj. to C-V Zone)			6 Feet	N ***
15 Feet @ South - P L @ ROW (Adj. to E. Bonanza Rd.)			1 Foot (LS in ROW via PW Encroachment)	N ***
Wall Height	6 Feet		6 Foot Existing and Proposed CMU at Rear of Site	Y

* Parking is provided for 155 vehicles, but only 59 spaces are uncovered surface parking spaces. This calculation is based only on the open parking lot spaces.

** This includes the trees planted in the right-of-way at Bonanza Road requiring an encroachment agreement with the City.

*** There is a waiver request as a part of the Site Development Plan Review (SDR-19659) to allow as little as a one-foot perimeter landscape buffer at the right-of-way (south property line) where 15 feet is required. The waiver also requests that perimeter landscape buffers along various portions of the interior property lines be allowed to be three feet wide where eight feet is required. If approved, the waiver would grant relief from the city's standard.

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

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required Parking Ratio	Required Parking		Provided Parking		Compliance
			Regular	Handi-capped	Regular	Handi-capped	
			Single Room Occupancy Residence	260 Units	0.75 Spaces / Dwelling Unit	189 Spaces	
Social Service Provider	7, 278 SF	1 Space / 300 SF GFA	24 Spaces	1 Space	24 Spaces	1 Space	N *
SubTotal			213 Spaces	7 Spaces	150 Spaces	5 Spaces	N *
TOTAL (including handicap)			220 Spaces		155 Spaces		N *
Percent Deviation			≈ 29.54 % Reduction in Parking Spaces				
Loading Spaces	7,278 SF **	1 Space @ less than 10,000 SF	1 Space		1 Space		Y

* If approved, the companion Variance (VAR-19666) would allow 155 parking spaces where 220 parking spaces are required, thus granting relief from the city standard.

** The gross floor area (GFA) utilized to compute the required number of loading spaces is based off of the non-residential area of the facility as this is the primary area of use that would necessitate the potential need for loading and unloading.

<i>Existing Zoning</i>	<i>Permitted Density</i>	<i>Units Allowed</i>
R-1 (Single Family Residential)	5.5 Dwelling Units per Acre	1 Dwelling Unit @ 0.21 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 expand the existing multifamily/single room occupancy residential establishment that provides an affordable housing option in the area and provides a veterans service program on the 2.77 acres project site. The veterans service program is deemed a social service provider use. The proposed expansion of the existing multi-family residential/single room occupancy residence use and the addition of the social service provider use are permissible under the MXU (Mixed Use) designation.

This Rezoning (ZON-21991) proposes to change a portion of the project sites zoning from R-1 (Single Family 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 existing and proposed uses established at this location are permissible, with the approval of a Special Use Permit (SUP-19661 and SUP-20052), in a C-2 (General Commercial) zoning district which is compatible with the MXU (Mixed Use) General Plan designation.

The site is within the McCarran International Airport Overlay Map portion of the Airport Overlay District. This is a developed site with an overlay height limitation of 200 feet and is in compliance with Title 19.06.080.

The site encompasses two parcels with a proposed building built at the lot lines. Additionally, should the parcels in the future become separate developments the site will be placed out of conformance with the development standards for the C-2 (General Commercial) zoning district. For this reason a condition has been added to the Site Development Plan Review (SDR-19659) 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 proposed General Plan Amendment (GPA-20611) to change the designation to PF (Public Facilities) which is being withdrawn; Rezoning (ZON-19662) to change to C-V (Civic) zoning which is being withdrawn; Site Development Plan Review (SDR-19659) for a proposed expansion of 36,084 square feet to an existing building and to site a new 13,786 building; two Variances (VAR-19665 and VAR-19666) to allow deviations from setback, residential adjacency, step back, and parking standards; two Special Use Permits (SUP-19661 and SUP-20052) to allow the expansion of the Single Room Occupancy Residential use and to allow the Social Service Provider use; a Waiver of Title 18.12.130 (WVR-19668) to allow a dead-end street after the vacation of a portion of Encanto Drive; and a Vacation (VAC-19669) of approximately 101 feet of Encanto Drive.

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 in a single family 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 sites existing and proposed 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.

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 single family 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 East Bonanza Road, a 100-foot wide primary arterial street that should be adequate to support the proposed use.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 9

ASSEMBLY DISTRICT 6

SENATE DISTRICT 4

NOTICES MAILED 218 by Planning Department

APPROVALS 2

PROTESTS 1