



AGENDA MEMO

CITY COUNCIL MEETING DATE: AUGUST 15, 2007
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: WVR-19668 - APPLICANT/OWNER: CLOUDBREAK LAS VEGAS, LLC

**** CONDITIONS ****

Staff recommends DENIAL. The Planning Commission (7-0 vote) recommends APPROVAL, subject to:

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Rezoning (ZON-21991), Variance (VAR-19665), Variance (VAR-19666), Special Use Permit (SUP-19661), Special Use Permit (SUP-20052), Vacation (VAC-19669) and Site Development Plan Review (SDR-19659) shall be required.
2. This approval shall be void two years from the date of final approval, unless a certificate of occupancy has been issued or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.

Public Works

3. Prior to the submittal of any construction plans or the issuance of any permits, submit a plan for the termination of Encanto Drive acceptable to the City Engineer. The termination shall be constructed with curb, gutter and sidewalk and shall be constructed with a radius that accommodates street sweepers.
4. Meet with the Fire Protection Engineering Section of the Department of Fire Services prior to submittal of any construction plans, the issuance of any permits or the submittal of a map for this site. The design and layout of all onsite private circulation and access drives, and the termination of Encanto Drive, shall meet the approval of the Department of Fire Services.
5. Site development to comply with all applicable conditions of approval for Zoning Reclassification ZON21991 and Site Development Plan Review SDR19659 and all other applicable siterelated actions.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Waiver to Title 18.12.130 to allow Encanto Drive to continue to end in a dead end street where a cul-de-sac is required at 525 East Bonanza Road and 602 Encanto Drive. The proposed waiver would allow Encanto Drive to continue to terminate as a dead end street if the companion Vacation (VAC-19669) of a 101-foot section of this public right-of-way is approved.

The applicant indicates that the area conditions created by the shortened street would be unchanged other than the street terminus would just be farther north than it currently is. Staff is recommending denial.

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.
04/26/07	The Planning Commission held this item in abeyance at the applicants request.

07/12/07	<p>The Planning Commission recommended approval of companion items ZON-21991, VAR-19665, VAR-19666, SUP-19661, SUP-20052, SUP-20822, VAC-19669 and SDR-19659 concurrently with this application.</p> <p>The Planning Commission voted 7-0 to recommend APPROVAL (PC Agenda Item #23/rts).</p>
<i>Related Building Permits/Business Licenses</i>	
09/11/91	<p>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. *</p>
03/16/06	<p>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.</p>
03/19/07	<p>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.</p>
<i>Pre-Application Meeting</i>	
01/22/07	<p>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.</p>
<i>Neighborhood Meeting</i>	
3/29/07	<p>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.</p>

* 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	
Gross Acres	2.77
Net Acres	2.30

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

Waivers		
Request	Requirement	Staff Recommendation
To allow a dead end street where a cul-de-sac is required	A cul-de-sac of sufficient radius for emergency vehicle and other large vehicle access	Denial

ANALYSIS

This request is not a Zoning Code compliance issue but a request for a Waiver in Title 18.12.130 of the Subdivision Ordinance to allow a street to terminate in a dead end where a cul-de-sac is required.

Specifically, Title 18.12.130 states:

Cul-de-sacs shall be designed and installed in accordance with City standards. For public streets which terminate other than at an intersection with another public street, the termination shall be provided by means of a circular cul-de-sac of a sufficient diameter to accommodate emergency service vehicles for termination. For private streets or drives which terminate at a length over one hundred fifty feet, there shall be either a circular turn-around or emergency service vehicle access gates.

Public Works recommends denial of the Request for a Waiver of Title 18.12.130 to allow Encanto Drive, a 50-foot wide public street, to terminate without a circular cul-de-sac or emergency access gate where one is required for streets terminating other than at an intersection with another public street. Although Fire Services may support this waiver with an emergency access gate, Public Works cannot support this request due to the inability of large vehicles such as delivery trucks to turn around upon reaching the street terminus and the inability of proper street cleaning. In addition vehicles would tend to utilize private driveways to turn around in order to exit the dead end street. Staff is recommending denial as Public Works has an objection to this request.

FINDINGS

In accordance with the provisions of Title 19.18.070(B), Planning Commission and City Council, in considering the merits of a Variance request, shall not grant a Variance in order to:

1. Permit a use in a zoning district in which the use is not allowed;
2. Vary any minimum spacing requirement between uses;
3. Relieve a hardship which is solely personal, self-created or financial in nature.

Additionally, Title 19.18.070L states:

Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property, a variance from that strict application may be granted so as to relieve the difficulties or hardship, if the relief may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources and without substantially impairing the intent and purpose of any ordinance or resolution.

No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship by not designing the site to properly accommodate the proper street terminus. Redesign of the project with attention to building siting would allow conformance to the Title 18 requirements. In view of the absence of any hardships imposed by the sites physical characteristics, it is concluded that the applicants hardship is preferential in nature, and it is thereby outside the realm of NRS Chapter 278 for granting of Variances.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 9

ASSEMBLY DISTRICT 6

SENATE DISTRICT 4

NOTICES MAILED 218 by Planning Department

APPROVALS 2

PROTESTS 0