



AGENDA MEMO

CITY COUNCIL MEETING DATE: OCTOBER 15, 2008
DEPARTMENT: EOT-29831 - EXTENSION OF TIME - REZONING - APPLICANT:
TOWER REALTY & DEVELOPMENT - OWNER: CLARK COUNTY CREDIT UNION

**** CONDITIONS ****

STAFF RECOMMENDATION: **APPROVAL**, subject to:

1. Conformance to the conditions for Rezoning (ZON-15045), and all other site related actions.
2. This Rezoning (ZON-15045) shall expire on 09/20/10 unless another Extension of Time is approved.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is the first request for a two year extension of time of an approved Rezoning (ZON-15045) of 0.64 acres currently zoned R-3 (Medium Density Residential) and R-3 (Medium Density Residential) under Resolution of Intent to P-R (Professional Office and Parking) to C-1 (Limited Commercial). The subject property covers four parcels located at the southwest corner of Seventh Street and Chef Andre Rochat Place.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
08/17/81	The Board of Zoning Adjustment voted to Strike a request for a Variance (V-0048-81) to allow parking area in conjunction with a professional office building and voted to approve a Variance (V-0054-81) to allow a parking area in an R-3 (Medium Density Residential) zone at 416 South 7th Street.
05/18/83	The Board of City Commissioners voted to approve a Variance (V-0016-83) to allow, as part of a larger request, a satellite patron parking lot on the subject site for a nearby restaurant where such use is not permitted in the R-3 (Medium Density Residential) district at 408 South 7th Street. The Board of Zoning Adjustment recommended approval.
08/25/83	The Board of Zoning Adjustment voted to approve a Variance (V-0076-83) that reiterated the Variance previously approved through V-0016-83, and added that parking requirement for the adjacent restaurant be approved for 46 spaces where 55 spaces are required, at 408 South 7th Street.
11/15/84	The Board of Zoning Adjustment voted to approve a Variance (V-0123-84) which reiterated the Variance previously approved through V-0016-83. The previous Variance had expired, since it had not been exercised by that date
06/04/03	The City Council approved a Rezoning (ZON-2124) from R-3 (Medium Density Residential) to P-R (Professional Office and Parking), a Variance (VAR-2447) to permit 15 parking spaces where 26 spaces are the minimum required and a Site Development Plan Review (SDR-2125) and Waivers of the perimeter landscape requirement, parking standards, and loading zone requirement for a 7,804 square-foot office conversion and addition on 0.32 acres on property located at 410 and 416 South 7th Street. The Planning Commission and staff recommended approval. The Resolution of Intent on these properties expired 06/04/05.

12/15/04	The City Council approved a Rezoning (ZON-5385) from R-3 (Medium Density Residential) to P-R (Professional Office and Parking; a Variance (VAR-5388) to permit 5 parking spaces where 9 spaces are required; a Variance (VAR-5389) to reduce the lot width to 50 feet where 60 feet in the minimum width required for a P-R (Professional Office and Parking) zoned property and a Site Development Plan Review (SDR-5387) and a Waiver of the perimeter landscaping requirements for a proposed 2,342 square-foot house conversion to an office at 408 South 7th Street. The Planning Commission and staff recommended approval.
06/01/05	The City Council approved a Review of Condition (ROC-6541) Number 16 of an approved Site Development Plan Review (SDR-5387) to eliminate the requirement for a joint access agreement with the abutting property for an approved 2,432 square-foot conversion of a house to an office on 0.18 acres at 408 South 7th Street. Staff recommended approval.
09/20/06	The City Council approved a Rezoning (ZON-15045) from R-3 (Medium Residential) to C-1 (Limited Commercial); a Site Development Plan Review (SDR-15043) for a proposed 23,613 square-foot Office building with a waiver of perimeter landscape buffer width requirements; and a waiver of the street tree planting requirements; a Variance (VAR-15048) to allow 55 percent lot coverage where 50 percent is the maximum lot coverage allowed; a Variance (VAR-15596) to reduce the front yard setback of 10 feet where 20 feet is the minimum setback required; and a Variance (VAR-15049) to allow 58 parking spaces where 79 spaces is the minimum required on 0.64 acres at the subject site.
09/25/08	The Planning Commission heard the requests for a Site Development Plan Review (SDR-29051) for a five story Mixed Use development with 52,498 square feet of commercial space and seven residential units; a Special Use Permit (SUP-29306) for a Mixed Use development; and a Variance (VAR-29730) to allow 100% lot coverage where 50% is allowed and to allow no setbacks where a 10-foot front yard setback, a 15-foot corner side yard setback, a 10-foot side yard setback, and a 20-foot rear yard setback are required. These items were forwarded to the City Council with no recommendation. Staff recommended denial.
<i>Related Building Permits/Business Licenses</i>	
There are no current licenses for 400 through 408 South 7 th Street.	
<i>Pre-Application Meeting</i>	
A pre-application meeting is not required for this type of application request, nor was one held.	
<i>Neighborhood Meeting</i>	
A neighborhood meeting is not required for this type of application request, nor was one held	

Field Check	
08/28/08	A field check performed by staff found the following: <ul style="list-style-type: none"> • Two of the four subject properties are vacant with one of the subject properties currently undeveloped. • The subject site is located within the Historic Las Vegas High School Neighborhood District and is directly across the street from the Old Las Vegas High School, (currently the Las Vegas Academy of the Arts).

Details of Application Request	
Site Area	
Net Acres	0.64 acres

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped/ Single-Family Residential	C (Commercial)	R-3 (Medium Density Residential) under Resolution of Intent to C-1 (Limited Commercial)
North	Apartments	C (Commercial)	R-5 (Apartment)
South	Parking lot	C (Commercial)	C-1 (Limited Commercial)
East	High School	PF (Public Facilities)	C-V (Civic)
West	Restaurant/ Offices	C (Commercial)	C-1 (Limited Commercial)/ P-R (Professional Office and Parking)/ R-4 (High Density Residential)

Special Districts/Zones	Yes	No	Compliance
Special Area Plan		X	N/A
Special Districts/Zones	Yes	No	Compliance
Special Purpose and Overlay Districts			
H (Historic Designation)		X	N
Live/Work 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

ANALYSIS

This application is the first request for an extension of time to approved Rezoning (ZON-15045), which was approved by the City Council on 09/20/06. Since the initial approval of this Rezoning request (ZON-15045) there has been no substantial change in the surrounding land use. The Site Development Plan Review (SDR-15043) that originally accompanied this Rezoning request recently expired on 09/20/08. The rezoning entitlement is exercised upon the issuance of building permits for a completed Site Development Plan Review.

The applicant is in the process of proceeding with a new Site Development Plan Review (SDR-29051) for a five-story Mixed Use development with 52,498 square feet of commercial space and seven residential units; a Special Use Permit (SUP-29306) for a Mixed Use development; and a Variance (VAR-29730) to allow 100% lot coverage where 50% is allowed and to allow no setbacks where a 10-foot front yard setback, a 15-foot corner side yard setback, a 10-foot side yard setback, and a 20-foot rear yard setback are required. The Planning Commission heard these three requests and forwarded these items to the City Council with no recommendation. Staff finds the proposed design and scale of the development to be out of character with the surrounding historic district.

FINDINGS

This Rezoning (ZON-15045) was approved to the C-1 (Limited Commercial) zoning district by the City Council on 09/20/06. The C-1 (Limited Commercial) zoning district is a compatible zoning category for the C (Commercial) land use designation, whereas the R-3 (Medium Density Residential) does not conform to the existing C (Commercial) land use. Staff recommends approval of this request with a two-year extension of time, which will expire on 09/20/10, unless another extension of time is granted by the City Council.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED N/A

ASSEMBLY DISTRICT N/A

SENATE DISTRICT N/A

NOTICES MAILED N/A

APPROVALS 0

PROTESTS

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