

City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: FEBRUARY 26, 2009

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: ZON-33283 - APPLICANT/OWNER: MARQUIS NAVE

**** CONDITIONS ****

The Planning Commission (7-0 vote) and staff recommend APPROVAL.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Rezoning from C-2 (General Commercial) to R-3 (Medium Density Residential) on 0.08 acres at the southeast corner of "C" Street and Jackson Avenue. A single-family home occupied the subject site until August 4, 2007 when a fire destroyed the home. A demolition permit was issued on December 24, 2007 in order to demolish the burned home. The permit was finalized on January 2, 2009. The applicant is trying to rebuild a single-family home on the subject site. Title 19.16.050 (B) Non Conforming Building states: Any nonconforming building which has been damaged or partially destroyed by fire, flood, wind, another calamity or an act of God shall be repaired, moved, remodeled or altered entirely in conformity with the provisions of this Title or entirely demolished within a period of ninety days from the date of such damage when the extent of damage or destruction is more than fifty percent of its replacement value. The City Council may extend this period for an additional ninety days, provided the public health, safety and welfare is not jeopardized. The applicant failed to rebuild the single-family home within the allotted ninety days from the date of the fire. Therefore, the subject Rezoning is requested in order to allow the construction of a single-family home, which is not permitted in the current C-2 (General Commercial) zoning designation. The proposed zoning designation of R-3 (Medium Density Residential) conforms to the current land use designation of MXU (Mixed Use).

The proposed Rezoning conforms with the intent of the Las Vegas Master Plan 2020 and the West Las Vegas Plan. The Las Vegas Master Plan 2020, Goal 2, Policy 2.1.2 states: That development on vacant or underutilized lots within existing residential neighborhoods be sensitive in use and design to surrounding development. Also, the West Las Vegas Plan, Goal 3, Recommendation 3.2 states: Encourage market rate infill housing consistent with the character of existing residential areas. The proposed Rezoning of the subject parcel and development of the proposed single-family home helps to further the goals and policies of the Las Vegas Master Plan 2020 and the West Las Vegas Plan, by promoting the development of single-family homes in an area that is compatible with existing single-family homes. Therefore, staff is recommending approval of the subject Rezoning and associated Variance (VAR-32541).

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
04/14/04	A Citation (#12814) was issued by Code Enforcement for trash, debris, high weeds, outside storage, and inoperable vehicles. The issue was resolved on 08/05/04.
11/18/05	A Citation (#36424) was issued by Code Enforcement for raw sewage located in the side yard. The issue was resolved on 12/02/05.

06/25/07	A Citation (#54694) was issued by Code Enforcement for raw sewage located in the side yard. The issue was resolved on 06/28/07.
08/14/07	A Citation (#56714) was issued by Code Enforcement for fire damage. The issue was resolved on 10/12/07.
09/25/08	A Citation (#70076) was issued by Code Enforcement for rubble and concrete on a vacant lot. The issue was resolved on 10/20/08.
01/22/09	The Planning Commission approved a request by the applicant to have the subject Variance (VAR-32541) to allow a five-foot side yard setback where 10 feet is required, to allow a 11-foot corner side yard setback where 15 feet is required and to allow a 10-foot rear yard setback where 20 feet is required; Special Use Permit (SUP-32543) for a proposed Mixed-Use development with a Waiver to allow no Architectural Differentiation of Uses and Site Development Plan Review (SDR-32540) for a proposed 2,212 square-foot mixed-use development with Waivers to allow a residential adjacency setback of five feet where 81 feet is required, to allow a Waiver of Building Placement and Orientation Standards and Waivers of the perimeter landscape buffer requirements to allow a portion of the north and west perimeter to be zero feet where 15 feet is required, to allow a portion of the east perimeter to be three feet where 15 feet is required and to allow a portion of the south perimeter to be 10 feet where 15 feet is required on 0.08 acres at the southeast corner of C Street and Jackson Avenue be held in abeyance until the February 26, 2009 Planning Commission meeting. The applicant has submitted a request to withdraw Special Use Permit (SUP-32543) and Site Development Plan Review (SDR-32540) without prejudice.
02/26/09	The Planning Commission recommended approval of companion item VAR-32541 concurrently with this application. The Planning Commission voted 7-0 to recommend APPROVAL (PC Agenda Item #17/bts).
<i>Related Building Permits/Business Licenses</i>	
12/24/07	A Building Permit (#104678) was issued for a demolition permit for an existing residence due to fire damage. The building was demolished and a final inspection was completed on 01/02/09. The building permits indicate that the house burned to the ground on 08/04/07.
<i>Pre-Application Meeting</i>	
01/29/08	A meeting was held to discuss the requirements of the subject Rezoning and the related Variance application.
<i>Neighborhood Meeting</i>	
A neighborhood meeting was not required, nor was one held.	
<i>Field Check</i>	
12/22/08	A field check was completed on the indicated date. The site is currently vacant. A single-family dwelling was once on the subject site, but has since been demolished.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	0.08

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Vacant	MXU (Mixed Use)	C-2 (General Commercial) Proposed: R-3 (Medium Density Residential)
North	Single-Family Dwelling	MXU (Mixed Use)	R-3 (Medium Density Residential)
South	Duplex	MXU (Mixed Use)	C-2 (General Commercial)
East	Single-Family Dwelling	MXU (Mixed Use)	C-2 (General Commercial)
West	Multi-Family Residential	MXU (Mixed Use)	C-2 (General Commercial)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan			
West Las Vegas Plan	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 175 feet	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

Redevelopment Plan Area The subject site is located within the boundaries of the Las Vegas Redevelopment Plan Area. The proposed uses are in conformance with Redevelopment Plan goals and policies.

Airport Overlay District The site is within the 175-foot height limitation contour of the North Las Vegas Airport Overlay Map portion of the A-O (Airport Overlay) District. The proposed building is indicated at a height of 27 feet. The proposed building will not impact the 175-foot Airport Overlay height restriction.

West Las Vegas Neighborhood Plan The subject site is within the West Las Vegas Plan area. The proposed Rezoning conforms with the intent of the West Las Vegas Plan. Specifically, the West Las Vegas Plan, Goal 3, Recommendation 3.2 states: Encourage market rate infill housing consistent with the character of existing residential areas. The proposed Rezoning of the subject parcel and development of the proposed single-family home helps to further the goals and recommendations of the West Las Vegas Plan, by promoting the development of single-family homes in an area that is compatible with existing single-family homes.

DEVELOPMENT STANDARDS

Pursuant to Title 19.08, the following development standards are proposed:

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Size	6,500 SF	3,485 SF	Y*
Dwelling Units per Gross Acre	13-25	1	Y*
Min. Lot Width	N/A	51 feet	Y*

*The minimum lot size in an R-3 (Medium Density Residential) zoning designation is 6,500 square feet. The existing lot size is 3,485 square feet thereby making the lot legal non-conforming. There is no minimum lot width requirement and the allowable dwelling units per gross acre are 13-24 units. The applicant is proposing one single-family dwelling unit, which is permitted in an R-3 (Medium Density Residential) zoning designation.

ANALYSIS

This is a Rezoning request to change the subject sites zoning designation from C-2 (General Commercial) to R-3 (Medium Density Residential). The existing C-2 (General Commercial) zoning designation does not allow single-family dwellings. The proposed R-3 (Medium Density Residential) zoning district will allow for a single-family home to be constructed on the subject site.

The R-3 (Medium Density Residential) district is designed to provide for the development of a variety of multi-family units such as duplexes, townhouses and medium density apartments. The R-3 (Medium Density Residential) district is consistent with the policies of the existing MXU (Mixed Use) General Plan designation, which allows for a mix of uses that are normally allowed within the L (Low Density Residential), ML (Medium Low Density Residential), O (Office), SC (Service Commercial), and GC (General Commercial) Master Plan land use categories. The proposed Rezoning from C-2 (General Commercial) to R-3 (Medium Density Residential) is consistent with the existing MXU (Mixed Use) General Plan designation; therefore, staff recommends approval 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 from a C-2 (General Commercial) district to an R-3 (Medium Density Residential) district conforms to the current General Plan designation of MXU (Mixed Use).

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 R-3 (Medium Density Residential) zoning district is an appropriate zoning district for parcels located within West Las Vegas. The proposed Rezoning will allow the development of a single-family residence, which is compatible with surrounding land uses and zoning districts, located north of the subject site.

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

The proposed R-3 (Medium Density Residential) zoning district is appropriate for the subject site and the existing MXU (Mixed Use) General Plan designation.

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.

Both C Street and Jackson will provide adequate access to the subject property. C Street and Jackson Avenue are indicated as (70-foot) Local Streets.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 11

ASSEMBLY DISTRICT 6

SENATE DISTRICT 4

NOTICES MAILED 147 by City Clerk

APPROVALS 0

PROTESTS 0