



AGENDA MEMO

CITY COUNCIL MEETING DATE: APRIL 15, 2009

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: EOT-33411 EXTENSION OF TIME VARIANCE -

APPLICANT/OWNER: GOOD EARTH ENTERPRISE, INC

**** CONDITIONS ****

STAFF RECOMMENDATION: DENIAL. If approved, subject to:

Planning and Development

1. Conformance to the conditions of approval of Variance (VAR-1295) and all other site related actions as required by the Planning and Development Department and Department of Public Works.
2. This Variance (VAR-1295) shall expire on February 19, 2011 unless another extension of time is approved by the City Council.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is the second request for an Extension of Time of an approved Variance (VAR-1295) to allow 35 parking spaces where 70 parking spaces are required for a proposed 330-unit Assisted Living Apartment complex at 233 S. 6th Street and 232 S. 7th Street.

It is noted that there is one (1) related Extension of Time (EOT-33412) that will be heard concurrently with this application.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
08/20/54	The Board of City Commissioners approved a request for Rezoning (Z-0025-54) from R-4 (High Density Residential) to C-2 (General Commercial) of property located on Lots 17-32 inclusive, Block 4, and Lots 1-16 inclusive, Block 5, Hawkins Addition; Lots 31 and 32, Block 6, Wardie Addition; Lots 1 and 2, Block 6, Wardie Addition. The Planning Commission recommended approval on 07/08/54.
06/15/77	The Board of City Commissioners approved a request for Rezoning (Z-0042-77) from R-4 (High Density Residential) to C-2 (General Commercial) of property generally located at 220 S. 7 th Street between Carson Avenue and Bridger Avenue. The Planning Commission recommended approval on 05/24/77.
09/14/98	The City Council accepted the applicants request to Withdraw an application for a Special Use Permit (U-0081-98) for a Convalescent Care Facility on property located at 232 S. 7 th Street. The Planning Commission recommended denial on 08/13/98.
02/19/03	The City Council approved a request for a Variance (VAR-1295) to allow 35 parking spaces where 70 parking spaces are required for a proposed 330-unit Assisted Living Apartment complex at 233 S. 6 th Street and 232 S. 7 th Street. The Planning Commission recommended approval on 01/23/03.
02/19/03	The City Council approved a request for a Special Use Permit (SUP-1531) for a 330-unit Assisted Living Apartment complex at 233 S. 6 th Street and 232 S. 7 th Street. The Planning Commission recommended approval on 01/23/03.

08/25/03	A Code Enforcement case (1628) was processed for a tenant calling the city to complain of numerous code violations at 233 S. 6 th Street. Tim Stickler of Fire Department attended. Breaches in the exit corridors, fire doors propped open, loose 4 x 4 electrical boxes hanging from the wall were discovered. The entire building was a mess. The annex building was previously vacated due to the lack of essential services, but two (2) rooms were found occupied again with numerous code violations. The case was closed on 02/12/04.
01/06/04	A Code Enforcement case (8237) was processed for a trailer set up on a vacant lot at 220 S. 7 th Street. The Case was closed on 01/13/04.
04/07/04	The City Council approved a request for an Extension of Time (EOT-3992) of an approved Special Use Permit (SUP-1531) for a 330-unit Assisted Living Apartment complex at 233 S. 6 th Street and 232 S. 7 th Street.
03/16/05	The City Council approved a request for an Extension of Time (EOT-6046) of an approved Variance (VAR-1295) to allow 35 parking spaces where 70 parking spaces are required for a proposed 330-unit Assisted Living Apartment complex at 233 S. 6 th Street and 232 S. 7 th Street.
03/16/05	The City Council approved a request for an Extension of Time (EOT-6047) of an approved Special Use Permit (SUP-1531) for a 330-unit Assisted Living Apartment complex at 233 S. 6 th Street and 232 S. 7 th Street.
05/05/05	A Code Enforcement case (1607) was processed for a tenant calling the city to complain of numerous code violations at 233 S. 6 th Street. Tim Stickler of Fire Department attended. Breaches in the exit corridors, fire doors propped open, loose 4 x 4 electrical boxes hanging from the wall were discovered. The entire building was a mess. The annex building was previously vacated due to the lack of essential services, but two (2) rooms were found occupied again with numerous code violations. The case was closed on 05/05/05.
03/24/06	A Code Enforcement case (39535) was processed for a vacant building at 233 S. 6 th Street. The case was closed on 11/07/07.
07/25/08	An Abandoned Building case (68130) was initiated for a vacant building, mitigated to appear occupied: fire inspector called in major problems- interior and windows are broken again at 233 S. 6 th Street. The case is still active.
07/25/08	An Abandoned Building case (68132) was initiated for the building at 232 S. 7 th Street being occupied by the handyman for own, dilapidated, fire inspector called in major problems- interior, probable housing code violations. The case is still active.
<i>Related Building Permits/Business Licenses</i>	
03/21/96	A building permit (96392732) was issued for a fire permit-sprinkler system at 233 S. 6 th Street. The permit was not approved/finalized by any department.
03/27/97	A building permit (97006140) was issued for the demolition of a building at 220 S. 7 th Street.

07/18/00	A building permit (00013430) was issued for electrical conduit for a fire alarm at 233 S. 6 th Street. On 10/16/00, the building department inspected and approved the work, but the applicant failed to finalize the permit with the other required departments.
08/14/00	A building permit (00015093) was issued and later renewed on 08/22/01 for a fire alarm at 233 S. 6 th Street. On 08/23/01, the building department inspected and approved the work, but the applicant failed to finalize the permit with the other required departments.
08/23/00	A building permit (00015870) was issued for smoke detectors at 233 S. 6 th Street. On 08/23/01, the building department inspected and approved the work, but the applicant failed to finalize the permit with the other required departments.
12/13/00	A building permit (00022494) was issued for alarm monitoring at 233 S. 6 th Street. On 08/31/01, the building department inspected and approved the work, but the applicant failed to finalize the permit with the other required departments.
01/28/02	A building permit (02001390) was issued for a rehab project consisting of enlarging bathroom doors for 32 rooms at 232 S 7 th Street. The permit was not approved/finalized by any department.
01/28/02	A building permit (02001391) was issued for a rehab project consisting of enlarging bathroom doors for 131 rooms at 233 S. 6 th Street. The permit received a partial final inspection for only rooms 104 and 106 from the building department on 02/20/02: the permit was not finalized with other departments.
08/15/03	A building permit (03017570) was issued for electrical/mechanical repairs at 233 S 6 th Street. On 08/19/03, the building department inspected and approved the work, but the applicant failed to finalize the permit with the other required departments..
12/11/03	A business license (P35-00664) was issued for a Pay Phone location at 233 S. 6 th Street. The license is still active.
<i>Pre-Application Meeting</i>	
A pre-application meeting is not required for this type of application, nor was one held.	
<i>Neighborhood Meeting</i>	
A neighborhood meeting is not required for this type of application, nor was one held.	

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	1.022

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning		
Subject Property	Vacant buildings and parking lot	C (Commercial)	C-2 (General Commercial) and R-4 (High Density Residential)		
North	Apartments	C (Commercial)	C-2 (General Commercial)		
South	Church	C (Commercial)	C-1 (Limited Commercial)		
	Offices	C (Commercial)	C-2 (General Commercial)		
East	Apartments	MXU (Mixed Use)	C-2 (General Commercial)		
West	Parking Lot	C (Commercial)	C-2 (General Commercial)		
	Hotel	C (Commercial)	C-2 (General Commercial)		
Special Districts/Zones		Yes	No	Compliance	
Special Area Plan		X		Y	
Las Vegas Redevelopment Plan/Area		X		Y	
Special Districts/Zones		Yes	No	Compliance	
Special Purpose and Overlay Districts		X		Y	
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 is the second request for an Extension of Time of an approved Variance (VAR-1295) to allow 35 parking spaces where 70 parking spaces are required for a proposed 330-unit Assisted Living Apartment complex at 233 S. 6th Street and 232 S. 7th Street.

In the six years since the original approval of the Variance (VAR-1295), one building permit was issued for mechanical/electrical repairs for an existing structure at 233 S. 6th Street, but not for work relating to the proposed use. There have been several Code Enforcement cases processed and two (2) Abandoned Building cases initiated for the subject properties. According to Fire Department records, there is continued non-compliance with fire alarm systems, fire sprinkler system, fire rated assemblies, increased fire load storage, and improper maintenance. The buildings have been vacant since 2003. In June 2006, the Health Department closed rooms for lack of maintenance and all permits were cancelled and closed in support of a non-habitable occupancy. There are no active business licenses on file for the hotel or property management.

Title 19.18.070 deems a Variance exercised when a business license is issued to conduct the activity, if required, or upon the issuance of a Certificate of Occupancy or approval of a final inspection for the use.

FINDINGS

The applicant has not met the requirements as outlined in Title 19.18.070 to exercise the entitlement. According to records from the Building Department, Fire Department, and Code Enforcement, the buildings are in disrepair and action is being sought to deem the buildings a public nuisance and a candidate for demolition given the history of non-compliance and failure by the owner to address violations; therefore, staff is recommending denial of the extension of time.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED N/A

ASSEMBLY DISTRICT N/A

SENATE DISTRICT N/A

NOTICES MAILED N/A

APPROVALS 0

PROTESTS 0