



AGENDA MEMO

CITY COUNCIL MEETING DATE: SEPTEMBER 16, 2009

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: EOT-35351 EXTENSION OF TIME VARIANCE -

APPLICANT/OWNER: CLOUDBREAK LAS VEGAS, LLC

**** CONDITIONS ****

STAFF RECOMMENDATION: APPROVAL, subject to:

Planning and Development

1. This Variance (VAR-19665) shall expire on August 15, 2011 unless another Extension of Time is approved by the City Council.
2. Conformance to the conditions of approval of Variance (VAR-19665) and all other site related actions as required by the Planning and Development Department and Department of Public Works.

**** STAFF REPORT ****

PROJECT DESCRIPTION

The subject site currently has single room occupancy residences with a previously approved Special Use Permit (SUP-19661) to expand the facility and a Variance (VAR-19665) to allow a 10-foot setback from a primary arterial street where 44 feet is the minimum setback required; to allow a front yard setback of 10 feet where 20 feet is required and a side yard setback of 8.5 feet where 10 feet is required; to allow a residential adjacency setback of 66.42 feet to the fourth floor where 127.5 feet is the minimum required on the north side of the property. In the last six years, new development has occurred in the surrounding area that includes a 2,768 square-foot Museum to the north, a 17, 235 square-foot Metropolitan Police Department Substation to the northeast, and a Convenience Store to the west. No building permits have been issued for the expansion project. The applicant is requesting an extension of time to secure financing. Staff is recommending approval with a two-year time limit.

It is noted that there are six (6) related Extension of Times (EOT-35349, EOT-35350, EOT-35352, EOT-35353, EOT-35354, and EOT-35492) that will be heard concurrently with this application.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
08/11/66	The Planning Commission approved a request for Rezoning (Z-0049-66) from C-1 (Limited Commercial) to C-2 (General Commercial) of property generally located on the north side of Bonanza Road in between Las Vegas Boulevard and 9 TH Street.
09/27/83	The City Council approved a request for Rezoning (Z-0076-83) from C-1 (Limited Commercial) and C-2 (General Commercial) to C-2 (General Commercial) of property generally located on the north side of Bonanza Road between Las Vegas Boulevard and 9 th Street.
08/21/02	The City Council approved a request for a Variance (V-0042-02) to allow 159 parking spaces where 306 parking spaces are the minimum required for a proposed single room occupancy residence at 525 East Bonanza Road. The Planning Commission recommended approval on 07/25/02.
08/21/02	The City Council approved a request for a Special Use Permit (U-0077-02) for a single room occupancy residence at 525 East Bonanza Road. The Planning Commission recommended approval on 07/25/02.
<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
08/21/02	The City Council approved a request for a Site Development Plan Review [Z-0073-83(2)] and reduction of the onsite landscaping requirements for a single room occupancy residence on 1.58 acres at 525 East Bonanza Road. The

	Planning Commission recommended approval on 07/25/02.
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10/01/03	The City Council approved a request for an Extension of Time (EOT-2778) of a previously approved Variance (V-0042-02) which allowed 159 parking spaces where 306 are required for a proposed single room occupancy residence at 525 East Bonanza Road.
06/25/03	A Code Enforcement case (1149) was processed for the property lacking dumpsters at 525 East Bonanza Road. Code Enforcement closed the case on 08/16/03.
08/04/04	A Code Enforcement case (19733) was processed for sewage leaking into the parking lot from the building; bugs; may be overcrowding; 20 vehicles in the rear not working on property at 525 East Bonanza Road. Code Enforcement closed the case on 08/27/04.
08/18/04	The City Council approved a request for an Extension of Time (EOT-4778) of a previously approved Site Development Plan Review [Z-0076-83(2)] for a single room occupancy residence at 525 East Bonanza Road.
08/18/04	The City Council approved a request for an Extension of Time (EOT-4779) of a previously approved Variance (V-0042-02) which allowed 159 parking spaces where 306 are required for a proposed single room occupancy residence at 525 East Bonanza Road.
01/06/06	A Code Enforcement case (37394) was processed for fire alarms not up to code and mattresses being stores on the east side of the building at 525 East Bonanza Road. Code Enforcement closed the case on 01/23/06.
01/25/06	A Code Enforcement case (37825) was processed for a mess in the rear of the building at 525 East Bonanza Road. Code Enforcement closed the case on 03/09/06.
08/15/07	The City Council approved a request for a Site Development Plan Review (SDR-19659) for a proposed expansion of an existing multi-family residential/single room occupancy establishment with waivers of the perimeter landscape buffer standards to allow a one-foot wide buffer along a portion of the south property line where a 15foot wide buffer is required; a six-foot wide buffer along a portion of the east property line where an eight- foot wide buffer is required; a three-foot wide buffer along a portion of the north property line where an eight-foot wide buffer is required; and a six-foot wide buffer along the west property line where an eight-foot wide buffer is required on 2.77 acres at 525 East Bonanza Road and 602 Encanto Drive. The Planning Commission recommended approval on 07/12/07.
08/15/07	The City Council approved a request for a Special Use Permit (SUP-19661) for a proposed expansion of a single room occupancy residence at 525 East Bonanza Road and 602 Encanto Drive. The Planning Commission recommended approval on 07/12/07.

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
08/15/07	The City Council approved a request for a Variance (VAR-19665) to allow a ten-foot setback from a primary arterial street where 44 feet is the minimum setback required; to allow a front yard setback of ten feet where 20 feet is required and a side yard setback of 8.5 feet where 10 feet is required; to allow a residential adjacency setback of 66.42 feet to the fourth floor where 127.5 feet is the minimum setback required on the north side of the property for a proposed expansion of an existing multi-family residential/single room occupancy establishment on 2.77 acres at 525 East Bonanza Road and 602 Encanto Drive. The Planning Commission recommended approval on 07/12/07.
08/15/07	The City Council approved a request for a Variance (VAR-19666) to allow 158 parking spaces where 394 spaces are required for a proposed expansion of an existing multi-family residential/single room occupancy establishment and social service provider on 2.77 acres at 525 East Bonanza Road and 602 Encanto Drive. The Planning Commission recommended approval on 07/12/07.
08/15/07	The City Council approved a request for a Waiver (WVR-19668) of 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 Planning Commission recommended approval on 07/12/07.
08/15/07	The City Council approved a request for a Petition to Vacate (VAC-19669) the southern 101 feet of Encanto Drive, commencing approximately 97 feet south of the intersection of Encanto Drive and Wilson Avenue. The Planning Commission recommended approval on 07/12/07.
08/15/07	The City Council approved a request for a Special Use Permit (SUP-20052) for a proposed Social Service Provider at 525 East Bonanza Road and 602 Encanto Drive. The Planning Commission recommended approval on 07/12/07.
08/17/07	The City Council approved a request for Rezoning (ZON-21991) from R-1 (Single Family Residential) to C-2 (General Commercial) on 0.21 acres at 602 Encanto Drive. The Planning Commission recommended approval on 07/12/07.
11/06/08	The Planning and Development Department administratively approved a request for an Extension of Time (EOT-30355) of a previously approved Petition to Vacate (VAC-19669) the southern 101 feet of Encanto Drive, commencing approximately 97 feet south of the intersection of Encanto Drive and Wilson Avenue.

<i>Related Building Permits/Business Licenses</i>	
11/10/05	A building permit (46941) was issued for fire alarm system at 525 East Bonanza Road. The permit was finalized on 12/27/07.
12/30/05	A building permit (56901) was issued for a central station monitoring system at 525 east Bonanza Road. The permit was finalized on 01/08/08.
09/07/07	A business license (N41-00040) was issued for a Social Service Provider at 525 East Bonanza Road. The activity is actually at 610 Las Vegas Boulevard, therefore a business license was never issued and the entitlements of Special Use Permit (SUP-20822) were never exercised and have therefore expired. An investigator is researching the activity.
09/07/07	A business license (N42-00004) was issued for Intermediary Housing at 525 East Bonanza Road. The license is still active.
01/18/08	A business license (A07-01795) was issued for an Apartment Complex at 525 East Bonanza Road. The license is still active.
05/29/09	A business license (P06-01029) was issued for a Photography business at 525 East Bonanza Road, Ste 247 (Home Occupation Permit).
05/29/09	A business license (P20-00280) was issued for Photo Sales at 525 East Bonanza Road, Ste 247 (Home Occupation Permit).
<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	2.77

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Residential/Single Room Occupancy Establishment	MXU (Mixed-Use)	C-2 (General Commercial)
North	Single-Family Residences	MXU (Mixed-Use)	R-1 (Single Family Residential)
	Tavern and Retail Establishments	MXU (Mixed-Use)	C-2 (General Commercial)
South	Apartments	MXU (Mixed-Use)	C-2 (General Commercial)
East	Government Facility	PF (Public Facilities)	C-V (Civic)
West	Retail Establishment	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 Plan	X		Y
Las Vegas Redevelopment 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 (200 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

ANALYSIS

This is the first request for an extension of time for a previously approved Variance (VAR-19665) to allow a 10-foot setback from a primary arterial street where 44 feet is the minimum setback required; to allow a front yard setback of 10 feet where 20 feet is required and a side yard setback of 8.5 feet where 10 feet is required; to allow a residential adjacency setback of 66.42 feet to the fourth floor where 127.5 feet is the minimum required on the north side of the property for a proposed expansion of an existing multi-family residential single room occupancy establishment at 525 East Bonanza and 602 Encanto Drive. The applicant has not made any progress on the proposed project. There have been five (5) Code Enforcement cases processed for the subject site, but all were prior to the approval of the expansion project and Variance.

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 an approved final inspection.

FINDINGS

The Variance (VAR-19665) has not met the requirements outlined in Title 19.18.070 to exercise the entitlement, as the applicant has not begun construction of the new project. The expansion of the existing structure will not negatively affect the new development that has occurred in the surrounding areas. The applicant is requesting an extension of time to secure financing for the project. Staff recommends approval with a two-year time limit. Conformance to the conditions of approval of Variance (VAR-19665) shall be required.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

N/A

ASSEMBLY DISTRICT N/A

SENATE DISTRICT N/A

NOTICES MAILED N/A

APPROVALS 0

PROTESTS 0