



AGENDA MEMO

CITY COUNCIL MEETING OF: NOVEMBER 4, 2009

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: ZON-35723 - APPLICANT/OWNER: YSBM INVESTMENT, LLC

**** CONDITIONS ****

The Planning Commission (4-0-1/rt vote) and staff recommend APPROVAL.

**** STAFF REPORT ****

PROJECT DESCRIPTION

The applicant is proposing to Rezone the subject parcel from C-1 (Limited Commercial) and C-2 (General Commercial) to C-2 (General Commercial) on 1.40 acres at 1150 South Las Vegas Boulevard. The proposed Rezoning is needed as the subject site is split zoned and the proposed C-2 (General Commercial) district will allow consistency with the existing General Plan designation of C (Commercial); therefore, staff is recommending approval of the subject Rezoning application. If denied, the subject parcel would remain split zoned.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
09/27/60	The Planning Commission approved a Rezoning (Z-0038-60) from R-3 (Medium Density Residential) to R-4 (High Density Residential) on property legally described as Lot 2, as shown in replat Block (L), Park Place addition of Las Vegas Nevada, generally located on Fourth Street between Fourth Place and Charleston Boulevard.
09/14/61	The Planning Commission approved a Rezoning (Z-0044-61) from R-4 (High Density Residential) to C-1 (Limited Commercial) on property generally located on the west side of 10 th Street between Fremont Street and Carson Street.
12/27/94	The Board of Zoning Adjustment approved a Special Use Permit (U-0312-94) to allow four slot machines in an existing 126-room Motel at 1150 South Las Vegas Boulevard.
03/25/97	The Board of Zoning Adjustment denied a Variance (V-0020-97) to allow a sign to project eight feet where six feet is the maximum allowed; and to allow a 44 square-foot sign where 32 square feet is the maximum allowed at 1150 South Las Vegas Boulevard.
04/24/08	A deed was recorded for a change of ownership.
06/18/08	A Code Enforcement citation (#66765) was issued for illegal signage. Code Enforcement closed the case on 06/24/08.
12/08/08	A Code Enforcement citation (#72636) was issued for illegal signage. Code Enforcement closed the case on 12/11/08.
01/21/09	Planning and Development approved a Temporary Sign Permit (TSP-33070) for two, five-foot by 20-foot banners located at the north and south side of 1150 South Las Vegas Boulevard. The permit expired on 03/21/09.
01/28/09	A Code Enforcement citation (#74071) was issued for illegal signage. Code Enforcement closed the case on 01/29/09.

06/01/09	Planning and Development approved a Temporary Sign Permit (TSP-34500) for two, five-foot by 20-foot banners. The two banners were located on the north and south evaluations from June 1, 2009 to July 30, 2009 at 1150 South Las Vegas Boulevard. The permit expired on 07/30/09.
10/08/09	The Planning Commission recommended denial of companion item SUP-35724 concurrently with this application. The Planning Commission voted 4-0-1/rt to recommend APPROVAL (PC Agenda Item #11/bts).
<i>Related Building Permits/Business Licenses</i>	
11/05/92	A Building Permit (#92165960) was issued for a cooling tower at 1150 South Las Vegas Boulevard. The permit was finalized on 11/09/92.
05/06/97	A Building Permit (#97009152) was issued for a sign at 1150 South Las Vegas Boulevard. The permit was finalized on 06/03/97.
01/20/98	A Building Permit (#98000994) was issued for a wall at 1150 South Las Vegas Boulevard. The permit was finalized on 02/11/98.
05/06/08	A Business License (#M06-02118) was issued for Miscellaneous Sales at 1150 South Las Vegas Boulevard. The license remains active at this location.
05/06/08	A Business License (#M08-00087) was issued for a Motel at 1150 South Las Vegas Boulevard. The license remains active at this location.
04/10/09	A Building Permit (#137410) was issued for a tenant improvement at 1150 South Las Vegas Boulevard. The permit has not been finalized.
<i>Pre-Application Meeting</i>	
10/08/09	A pre-application meeting was completed on the indicated date. The following items were discussed at the meeting: • The requirements of a Rezoning application. • The split zoned parcel on the subject site and its incompatibility with the General Plan. • The required Special Use Permit for a Hotel, Residence.
<i>Neighborhood Meeting</i>	
A neighborhood meeting is not required, nor was one held.	
<i>Field Check</i>	
09/03/09	Staff conducted a field check of the subject site with the following observations: • The existing Motel on the subject site with associated parking.
<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	1.40 acres

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Motel	C (Commercial)	C-1 (Limited Commercial) and C-2 (General Commercial)
North	Auto Repair Garage	C (Commercial)	C-2 (General Commercial)
South	Apartments/Motel	C (Commercial)	C-2 (General Commercial) and R-4 (High Density Residential)
East	Auto Repair Garage/Sexually Oriented Business/Restaurant	C (Commercial)	C-2 (General Commercial)
West	Offices/Parking Lot	C (Commercial)	C-1 (Limited Commercial)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan			
Downtown Centennial Plan	X		Y
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
Downtown Overlay District – (Las Vegas Boulevard)	X		Y
Live/Work Overlay District	X		Y
Las Vegas Boulevard Scenic Byway Overlay District	X		Y
Trails (Las Vegas Boulevard Scenic Byway Trail)	X		Y
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

ANALYSIS

This is a Rezoning request to change the subject site's split zoning designation of C-1 (Limited Commercial) and C-2 (General Commercial) to C-2 (General Commercial). The C-2 (General Commercial) district is designed to provide the broadest scope of compatible services for both the general and traveling public. The category allows retail, service, automotive, wholesale, office and other general business uses of an intense character, as well as Mixed-Use developments. This district should be located away from low and medium density residential development and may be used as a buffer between retail and industrial uses. The C-2 (General Commercial) district is also appropriate along commercial corridors.

The C-2 (General Commercial) district is consistent with the existing C (Commercial) General Plan designation, which allows for commercial uses that are normally allowed within the O (Office), SC (Service Commercial) and GC (General Commercial) Master Plan land use categories.

The proposed Rezoning from C-1 (Limited Commercial) and C-2 (General Commercial) to C-2 (General Commercial) would allow for consistency with the C (Commercial) General Plan land use designation. The Rezoning would allow for compatibility with the C-2 (General Commercial) zoning districts to the east and north of the subject site, therefore; staff is recommending approval of the subject Rezoning application.

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 C-1 (Limited Commercial) and C-2 (General Commercial) to C-2 (General Commercial) district will allow conformance to the C (Commercial) land use designation.

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 C-2 (General Commercial) district is designed to provide the broadest scope of compatible services for both the general and traveling public. This category allows retail, service, automotive, wholesale, office and other general business uses of an intense character, as well as Mixed-Use developments. These uses are compatible with adjacent developments in the Downtown Las Vegas area.

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

The proposed Rezoning is appropriate due to the continuing redevelopment of Downtown Las Vegas area as the regional center for finance, business, governmental services, entertainment recreation and gaming.

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.”

Access to the site is provided from Las Vegas Boulevard, a 100-foot Primary Arterial as designated by the Master Plan of Streets and Highways. Las Vegas Boulevard is adequate in size for the proposed Hotel, Residence use.

PLANNING COMMISSION ACTION

There were four speakers opposed to this project at the Planning Commission Meeting.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 20

ASSEMBLY DISTRICT 9

SENATE DISTRICT 10

NOTICES MAILED 279 by City Clerk

APPROVALS 1

PROTESTS 2