



AGENDA MEMO

CITY COUNCIL MEETING DATE: NOVEMBER 18, 2009

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: EOT-36311 EXTENSION OF TIME VARIANCE -

APPLICANT/OWNER: GOOD EARTH ENTERPRISES, 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 third request for an Extension of Time of a previously approved Variance (VAR-1295) to allow 35 parking spaces where 70 spaces are required for a proposed 330-unit Assisted Living Apartment complex. Since the approval of the Variance (VAR-1295) on February 19, 2003, there have been four (4) Code Enforcement cases and two (2) Abandoned Building cases processed for the subject site. City records reveal that building permits issued would have an inspection conducted by one or more departments, but never receive an approved final inspection resulting in the permit expiring. The most recent permit (147346) issued on 09/15/09 for standpipe repairs was to rectify an existing problem from 2000, and though the Fire Department inspected the site on seven (7) different occasions with the last receiving an approval, the permit has not been finalized and therefore remains open. Additionally, there is an outstanding balance for the last two inspections conducted by the Fire Department totaling \$160.00.

In 2003, the Health Department closed rooms for lack of maintenance. The buildings were classified as unsafe, but recent repairs to the standpipe system have changed the building classification to a vacant building. There are no active business licenses for the hotel or property management. The applicant has not taken any action to exercise the entitlements of the Variance (VAR-1295) and related Special Use Permit (SUP-1531), and according to her justification letter, does not anticipate starting the project anytime in the near future; therefore, staff is recommending denial of this request.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
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.

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
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. 6th Street and 232 S. 7th Street. The Planning Commission recommended approval on 01/23/03. The City Council approved a related request for a Variance (VAR-1295) to allow 35 parking spaces where 70 parking spaces are required.
08/23/03	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 the Fire Department attended. Breaches in the exit corridors, fire doors propped open and loose 4x4 electrical boxes hanging from the wall were discovered. 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. Code Enforcement closed the case 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. Code Enforcement closed the case on 01/13/04.
04/07/04	The City Council approved a request for an Extension of Time (EOT-3992) of a previously 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. The Extension of Time expires on 02/19/05.
03/16/05	The City Council approved a request for an Extension of Time (EOT-6047) of a previously approved Special Use Permit (SUP-1531) for a proposed 330-unit Assisted Living Apartment complex at 233 S. 6th Street and 232 S. 7th Street. The Extension of Time expires on 02/19/09. The City Council approved a related request for an Extension of Time (EOT-6046) of a previously approved Variance (VAR-1295) to allow 35 parking spaces where 70 parking spaces are required.
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 the Fire Department attended. Breaches in the exit corridor, fire doors propped open, loose 4x4 electrical boxes hanging from the wall were discovered. The annex building was previously vacated due to lack of essential services, but two (2) rooms were found occupied again with numerous code violations. Code Enforcement closed the case on 05/05/05.
03/24/06	A Code Enforcement case (39535) was processed for a vacant building at 233 S. 6 th Street. Code Enforcement closed the case 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. 6th Street. The case is still active. An Abandoned Building case (68132) was initiated for the building at 232 S. 7th Street being occupied by the handyman for owner, dilapidated, fire inspector called in major problems- interior, probable housing

<i>Related Building Permits/Business Licenses</i>	
04/15/09	The City Council approved a request for an Extension of Time (EOT-33412) of a previously approved Special Use Permit (SUP-1531) for a proposed 330-unit Assisted Living Apartment complex at 233 S. 6 th Street and 232 S. 7 th Street. The Extension of Time expires 10/21/09.
	The City Council approved a related request for an Extension of Time (EOT-33411) of a previously approved Variance (VAR-1295) to allow 35 parking spaces where 70 parking spaces are required.
03/21/96	A building permit (96392732) was issued for a fire 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 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 08/31/91, 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 nor finalized by any department.
	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; other required departments did not finalize the permit.
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.
09/15/09	A building permit (147346) was issued for standpipe repair at 233 S. 6 th Street. The permit 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.	

Details of Application Request	
Site Area	
Gross Acres	1.02

Field Check	
11/03/09	Staff conducted a field check of the subject site with the following observations: • On the south side of the annex building (232 S. 7th Street), there was a broken window on the second floor • On the north side of the annex building, there were several missing and broken windows, wooden crates stored by the pool area, and trash/weeds along the building. • On the perimeter wall on the west side of the annex building there is graffiti. • The door on the west side of the annex building is boarded up with broken glass at the top; and the second floor window directly above it is missing a window panel. • On the north side of the main building (233 S. 6th Street) there were several broken windows on 2nd, 3rd, and 4th floors • The fenced in area on the north side of the main building has several cars stored.

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			
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			
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 third request for an Extension of Time of a previously approved Variance (VAR-1295) to allow 35 parking spaces where 70 are required for a proposed 330-unit Assisted Living Apartment complex at 233 S. 6th Street and 232 S. 7th Street. The most recent Extension of Time (EOT-33411) issued on 04/15/09 was for a six-month period to allow the applicant time to develop a timeline for the proposed project and plan to correct Fire Department, Code Enforcement, and Building Department violations. On 09/15/09, the applicant was issued a building permit (147346) for standpipe repairs to rectify an existing problem from 2000, and though the Fire Department inspected the work on seven (7) different occasions with the last inspection receiving an approval, the permit has not been finalized and remains incomplete. Additionally, there is an outstanding balance for the last two inspections conducted by the Fire Department totaling \$160.00. No other permits or actions have been taken for the subject site.

On 10/20/09, Code Enforcement conducted an exterior inspection of the subject properties. The north facing elevation of 233 S. 6th Street (main building) has the first floor windows boarded up; and the second, third, and fourth floors have broken windows. The building at 232 S. 7th Street (annex building) has graffiti, broken windows/doors on the first floor, and has several missing windows on the second floor. Staffs inspection of the subject site on 11-03-09 agrees with Code Enforcements findings. In the month of October, the Las Vegas Valley Water District read the meter for the building (Annex building shares utilities with the main building), revealing 292,000 gallons of water used in the last twelve months with the buildings unoccupied/vacant during this period.

FINDINGS

The buildings on the subject site are currently classified as vacant. There are no active business licenses for the hotel or property management. Though the applicant was issued a building permit with the fire department approving the standpipe repairs, the permit has not been finalized with other departments and remains open. The applicant has not taken any action to exercise the entitlements of the Variance (VAR-1295) and related Special Use Permit (SUP-1531), and according to her justification letter, does not expect to start work on the proposed project in the near future; therefore, staff is recommending denial of this request.

<u>NEIGHBORHOOD ASSOCIATIONS NOTIFIED</u>	N/A
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<u>ASSEMBLY DISTRICT</u>	N/A
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<u>SENATE DISTRICT</u>	N/A
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<u>NOTICES MAILED</u>	N/A
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<u>APPROVALS</u>	0
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<u>PROTESTS</u>	0
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