



## **AGENDA MEMO**

**CITY COUNCIL MEETING DATE: DECEMBER 2, 2009**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: EOT-36364 EXTENSION OF TIME- VARIANCE -**

**APPLICANT/OWNER: BUD HOLDINGS, LLC**

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### **\*\* CONDITIONS \*\***

**STAFF RECOMMENDATION: APPROVAL**, subject to:

#### **Planning and Development**

1. This Variance (VAR-11714) shall expire on October 5, 2011 unless another Extension of Time is approved by the City Council.
2. Conformance to the conditions of approval of the Variance (VAR-11714) and all other site related actions as required by the Planning and Development Department and Department of Public Works.

**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

The applicant received a previous approval for a mixed-use project with a Variance (VAR-11714) to allow a 6.8-foot rear yard setback where 20 feet is the minimum setback required; to allow a 2.3-foot side-yard setback where 10 feet is the minimum required; to allow a 5-foot corner yard setback where 15 feet is the minimum required; to allow a maximum lot coverage of 83.6 percent where 50 percent is the maximum lot coverage allowed; and to allow a reduction of the building setback requirement for a proposed mixed-use development. The property currently has an existing restaurant and single-family dwellings located on site. Since the approval of the Variance (VAR-11714) and related applications, the applicant received approval for a Special Use Permit (SUP-33189) and Site Development Plan Review (SDR-33191) for a Supper Club within the existing restaurant. No building permits have been issued for the mixed-use project.

The Variance (VAR-11714) has not met Title 19.18.070 requirements to exercise the entitlement. No significant land use changes or new development has occurred in the area surrounding the proposed mixed-use project; therefore, staff is recommending approval of the Extension of Time with a two-year time limit.

It is noted that there are six (6) related Extension of Times (EOT-36358, EOT-36360, EOT-36361, EOT-37362, EOT-36363, and EOT-36365) that will be heard concurrently with this application.

**BACKGROUND INFORMATION**

| <b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i></b> |                                                                                                                                                                                                                                                                                                                                        |
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| 09/05/01                                                                  | The City Council approved a request to amend a portion of the Southwest Sector Plan (GPA-0022-01) from LI/R (Light Industry/Research) to ML (Medium-Low Density Residential) on 34.45 acres on the northwest corner of the intersection of Washington Avenue and Robin Street. The Planning Commission recommended denial on 07/26/01. |

| <b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i></b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
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| 10/05/05                                                                  | The City Council approved a request to amend a portion of the Southeast Sector Plan of the General Plan (GPA-6273) from ML (Medium-Low Density Residential) to SC (Service Commercial) on 0.89 acres adjacent to the east side of Dike Road, approximately 150 feet north of Bonanza Road. The Planning Commission recommended approval on 08/25/05.                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|                                                                           | The City Council approved a related request for a Rezoning (ZON-6510) from R-1 (Single Family Residential) and R-1 (Single Family Residential) under Resolution of Intent to R-2 (Medium-Low Density Residential) to C-1 (Limited Commercial).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|                                                                           | The City Council approved a related request for a Variance (VAR-6506) to allow a zero-foot step back ratio where a 1:1 ratio is required along a collector or larger street for a 500-foot tall building in conjunction with a proposed mixed-use development. Planning Commission recommended denial.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|                                                                           | The City Council approved a related request for a Special Use Permit (SUP-6504) for a proposed mixed-use development.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|                                                                           | The City Council approved a related request for a Special Use Permit (SUP-8067) for a proposed 350-foot tall building where 140 feet is the maximum height allowed in the airport overlay. The Planning Commission recommended denial.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|                                                                           | The City Council approved a related request for a Petition to Vacate (VAC-7679) the east five feet of a portion of Dike Lane, north of Bonanza Road. The Planning Commission recommended denial.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|                                                                           | The City Council approved a related request for a Site Development Plan Review (SDR-6507) for a proposed mixed-use development including a 38-story tower containing 311 residential units , a 32-story tower containing 160 residential units and 40,000 square feet of commercial space and waivers for a zero-foot side yard setback where 10 feet is the minimum required, a zero-foot corner side yard setback where 15 feet is the minimum required, a 10-foot rear yard setback where 20 feet is the minimum required, 62 percent lot coverage where 50 percent is the maximum allowed, perimeter buffer landscaping , and residential adjacency height and setback requirements on 1.79 acres adjacent to the northeast corner of Bonanza Road and Dike Lane. The Planning Commission recommended denial. |

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| 04/19/06 | The City Council approved a request for a Variance (VAR-11712) to allow 400 parking spaces where 493 parking spaces is the minimum required for a proposed mixed-use development.                                                                                                                                                                                                                                                                                                                                                                     |
|          | The City Council approved a related requested for a Variance (VAR-11714) to allow a 6.8-foot rear yard setback where 20 feet is the minimum setback required, to allow a 2.3-foot side yard setback where 10 feet is the minimum setback required, to allow a five-foot corner yard setback where 15 feet is the minimum setback required, to allow a maximum lot coverage of 83.6 percent where 50 percent is the maximum lot coverage allowed, and to allow a reduction of building step-back requirements for a proposed mixed-use development.    |
|          | The City Council approved a related request for a Site Development Plan Review (SDR-11707) for a proposed 12-story, mixed use development consisting of 300 residential units and 10,000 square feet of commercial space with waivers to allow a reduction of perimeter landscape requirements and to allow a ten-foot residential adjacency setback where 540 feet is the minimum setback required on 1.88 acres at 2228 and 2230 West Bonanza Road; and 704, 706, 708, and 710 Dike Lane. The Planning Commission recommended approval on 03/23/06. |
| 05/17/06 | The City Council approved a request to change the Future Land Use designation (GPA-9219) to Commercial, Mixed Use, Industrial or Public Facilities on various parcels located within the proposed Las Vegas Redevelopment Plan are and within the proposed Redevelopment Plan expansion area.                                                                                                                                                                                                                                                         |
| 11/28/06 | Code Enforcement cases (48259 and 48260) were processed for the owner renting the house without electricity, no water, and the house infested with bugs at 706 and 704 Dike Lane. Code Enforcement closed the cases on 12/1/06.                                                                                                                                                                                                                                                                                                                       |
| 12/07/06 | The Planning and Development Department approved a request for an Extension of Time (EOT-17438) of a previously approved Vacation (VAC-7679) that allowed a vacation of right-of-way for the east five feet of a portion of Dike Lane north of Bonanza Road.                                                                                                                                                                                                                                                                                          |
| 10/17/07 | The City Council approved a request for an Extension of Time (EOT-24417) of a previously approved Rezoning (ZON-6510) from R-1 (Single Family Residential) and R-1 (Single Family Residential) under Resolution of Intent to R-2 (Medium-Low Density Residential) to C-1 (Limited Commercial) on 0.89 acres adjacent to the east side of Dike Lane, approximately 150 feet north of Bonanza Road.                                                                                                                                                     |
|          | The City Council approved a related request for an Extension of Time (EOT24422) of a previously approved Variance (VAR-6506) to allow a zero-foot step back ratio where a 1:1 ratio is required along a collector or larger street for a 500-foot tall building in conjunction with a proposed mixed-use development.                                                                                                                                                                                                                                 |
|          | The City Council approved a related request for an Extension of Time (EOT-24419) of a previously approved Special Use Permit (SUP-6504) for a                                                                                                                                                                                                                                                                                                                                                                                                         |

|  |                                 |
|--|---------------------------------|
|  | proposed mixed-use development. |
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|          | The City Council approved a related request for an Extension of Time (EOT-24420) of a previously approved Special Use Permit (SUP-8067) for a proposed 350-foot tall building where 140 feet is the maximum height allowed in the airport overlay zone. |
| 02/05/08 | A Code Enforcement case (62076) was processed for a restaurant not having trash service or bins at 2230 West Bonanza Road. Code Enforcement closed the case on 02/15/08.                                                                                |

| <b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i></b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
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| 06/04/08                                                                  | The City Council approved a related request for an Extension of Time (EOT-27832) of a previously approved Variance (VAR-11712) to allow 400 parking spaces where 493 parking spaces is the minimum required for a proposed mixed-use development.                                                                                                                                                                                                                                                                                                                                                        |
|                                                                           | The City Council approved a related request for an Extension of Time (EOT-27833) of a previously approved Variance (VAR-11714) to allow a 6.8-foot rear yard setback where 20 feet is the minimum setback required, to allow a 2.3-foot side yard setback where 10 feet is the minimum setback required, to allow a five-foot corner yard setback where 15 feet is the minimum setback required, to allow a maximum lot coverage of 83.6 percent where 50 percent is the maximum lot coverage allowed, and to allow a reduction of building step-back requirements for a proposed mixed-use development. |
|                                                                           | The City Council approved a request for an Extension of Time (EOT-27831) of a previously approved Site Development Plan Review (SDR-11707) for a proposed 12-story, mixed use development consisting of 300 residential units and 10,000 square feet of commercial space with waivers to allow a reduction of perimeter landscape requirements and to allow a ten-foot residential adjacency setback where 540 feet is the minimum setback required on 1.88 acres at 2228 and 2230 West Bonanza Road; and 704, 706, 708, and 710 Dike Lane.                                                              |
| 09/18/08                                                                  | A Code Enforcement case (69856) was processed for tenant complaints of doorframes broken, missing windows, hot water not properly working, and toilet not working properly at 710 Dike Lane. Code Enforcement closed the case on 10/19/08.                                                                                                                                                                                                                                                                                                                                                               |
| 05/06/09                                                                  | The City Council approved a request for a Special Use Permit (SUP-33189) for a Supper Club in an existing 4,091 square-foot restaurant at 2230 West Bonanza Road. The Planning Commission recommended approval on 03/26/09.                                                                                                                                                                                                                                                                                                                                                                              |
|                                                                           | The City Council approved a related Site Development Plan Review (SDR-33191) for on-site alterations.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| 05/20/09                                                                  | A Code Enforcement case (78276) was processed for the air conditioner not working, bathroom sink and tub not draining, and toilet leaking at 704 Dike Lane. Code Enforcement closed the case on 06/20/09.                                                                                                                                                                                                                                                                                                                                                                                                |

| <b>Related Building Permits/Business Licenses</b> |                                                                                                                                                                                               |
|---------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 12/11/98                                          | A building permit (98024166) was issued for interior remodel of a restaurant at 2230 West Bonanza Road. The permit was finalized on 10/12/99 with a Certificate of Occupancy issued 10/20/99. |
| 07/20/99                                          | A building permit (99014171) was issued for a pole sign at 2230 West Bonanza Road. The permit was finalized on 09/21/99.                                                                      |
| 06/02/09                                          | A business license (R09-00934) was issued for a Restaurant located at 2230 West Bonanza Road.                                                                                                 |

| <b>Pre-Application Meeting</b>                                                            |
|-------------------------------------------------------------------------------------------|
| A pre-application meeting is not required for this type of application, nor was one held. |
| <b>Neighborhood Meeting</b>                                                               |
| A neighborhood meeting is not required for this type of application, nor was one held.    |

| <b>Details of Application Request</b> |      |
|---------------------------------------|------|
| <b>Site Area</b>                      |      |
| Gross Acres                           | 1.88 |

| <b>Surrounding Property</b> | <b>Existing Land Use</b> | <b>Planned Land Use</b> | <b>Existing Zoning</b>                                                                  |
|-----------------------------|--------------------------|-------------------------|-----------------------------------------------------------------------------------------|
| Subject Property            | Single-Family Residences | MXU (Mixed Use)         | R-1 (Single Family Residential) with a Resolution of Intent to C-1 (Limited Commercial) |
|                             | Restaurant               | SC (Service Commercial) | C-1 (Limited Commercial)                                                                |
| North                       | Apartments               | MXU (Mixed Use)         | R-PD16 (Residential Planned Development-16 Units per Acre)                              |
| South                       | Condominiums             | MXU (Mixed Use)         | R-PD46 (Residential Planned Development-46 Units per Acre)                              |
|                             | Shopping Center          | MXU (Mixed Use)         | C-2 (General Commercial)                                                                |
| East                        | Express/Delivery Service | MXU (Mixed Use)         | C-1 (Limited Commercial)                                                                |
| West                        | Drug/Alcohol Counseling  | MXU (Mixed Use)         | C-V (Civic)                                                                             |

| <b>Special Districts/Zones</b> | <b>Yes</b> | <b>No</b> | <b>Compliance</b> |
|--------------------------------|------------|-----------|-------------------|
| <b>Special Area Plan</b>       |            |           |                   |
| Las Vegas Redevelopment Plan   | X          |           | Y                 |
| West Las Vegas Plan            | X          |           | Y                 |

| <b><i>Special Districts/Zones</i></b>             | <b><i>Yes</i></b> | <b><i>No</i></b> | <b><i>Compliance</i></b> |
|---------------------------------------------------|-------------------|------------------|--------------------------|
| <b>Special Purpose and Overlay Districts</b>      |                   |                  |                          |
| A-O (Airport Overlay) District                    | X                 |                  | Y                        |
| <b>Trails</b>                                     |                   | X                | N/A                      |
| <b>Rural Preservation Overlay District</b>        |                   | X                | N/A                      |
| <b>Development Impact Notification Assessment</b> |                   | X                | N/A                      |
| <b>Project of Regional Significance</b>           |                   | X                | N/A                      |

## **ANALYSIS**

This is the first request for an Extension of Time of a previously approved Variance (VAR-11714) to allow a 6.8-foot rear yard setback where 20 feet is the minimum setback required; to allow a 2.3-foot side-yard setback where 10 feet is the minimum required; to allow a 5-foot corner yard setback where 15 feet is the minimum required; to allow a maximum lot coverage of 83.6 percent where 50 percent is the maximum lot coverage allowed; and to allow a reduction of the building setback requirement for a proposed mixed-use development. The property currently has an existing restaurant and single-family dwellings located on site. The applicant has not made any progress on the proposed mixed-use development in the form of the issuance of building permits.

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.

## **FINDINGS**

The Variance (VAR-11714) has not met the requirements outlined in Title 19.18.070 to exercise the entitlement as building permits have not yet been issued for the proposed project. The applicant is requesting an extension of time to secure financing for the project. Staff is recommending approval with a two-year time limit. Conformance to the conditions of approval of Variance (VAR-11714) shall be required.

## **NEIGHBORHOOD ASSOCIATIONS NOTIFIED**

### **ASSEMBLY DISTRICT**

### **SENATE DISTRICT**

### **NOTICES MAILED**

**APPROVALS** 0

**PROTESTS** 0