



AGENDA MEMO - PLANNING

CITY COUNCIL MEETING DATE: JULY 20, 2011

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT/OWNER: BONNEVILLE BUNGALOWS, LLC

** STAFF RECOMMENDATION(S) **

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
ZON-41545	Staff recommends APPROVAL.	VAR-41546
VAR-41546	Staff recommends APPROVAL, subject to conditions:	

** CONDITIONS **

VAR-41546 CONDITIONS

Planning

- 1.Approval of Rezoning (ZON-41545), shall be required, if approved.
- 2.Conformance to the approved conditions for Variance (V-0160-90).
- 3.A Site Development Plan Review application must be approved prior to the use as a commercial property.
- 4.This approval shall be void two years from the date of final approval, unless exercised pursuant to the provisions of LVMC Title 19.18. An Extension of Time may be filed for consideration by the City of Las Vegas.
- 5.Prior to occupancy, all necessary building permits shall be obtained and final inspections shall be completed in compliance with Title 19 and all codes as required by the Department of Building and Safety.
- 6.These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
- 7.All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a proposal to rezone 511, 515, 521 and 531 South Seventh Street from R-1 (Single Family Residential) and P-R (Professional Office and Parking District) to P-O (Professional Office). This request also includes Variance (VAR-41546) to allow a P-O (Professional Office) district to have a lot width of 55 feet where 60 feet is the minimum required for the parcel located at 511 South Seventh Street. These properties are located in the Historic Las Vegas High School neighborhood that has become a popular location for attorney and accounting firms to locate. The properties located at 515 and 521 had previously approved Variances to allow commercial offices in an R-1 (Single Family Residential) district but have since expired. This area is designated as Mixed Use under the General Plan that permits professional offices. With the approval of the accompanying Variance, this project meets the minimum requirements of Title 19 for the requested rezoning designation; therefore, staff recommends approval. If denied, the properties would remain as currently zoned.

ISSUES

- 511 South Seventh Street requires a Variance to allow a P-O (Professional Office) lot to be 55 feet wide where 60 feet is the minimum required by code.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
08/06/80	The Board of Zoning Adjustment approved a Variance (V-0047-80) to allow a public relations firm in an R-1 (Single Family Residential) district at 521 South Seventh Street. Staff recommended approval.
03/28/91	The Board of Zoning Adjustment approved a Variance (V-0148-89) to allow a commercial business to locate in an R-1 (Single Family Residential) zone at 531 South Seventh Street. Staff recommended approval.
01/24/91	The Board of Zoning Adjustment approved a Variance (V-0160-90) to allow a commercial business to locate in an R-1 (Single Family Residential) zone and to allow an addition to have a side yard setback of one foot on the north perimeter where a minimum of five feet is required at 511 South Seventh Street. Staff recommended approval.
08/18/93	The City Council approved a Rezoning (ZON-0062-93) from R-1 (Single Family Residential) to P-R (Professional Office and Parking District) for property at 515 South Seventh Street. The Planning Commission and staff recommended approval.
06/14/11	The Planning Commission voted (7-0) to recommend APPROVAL of companion items ZON-41545 and VAR-41546 (PC Agenda Items 7-8/yk).

YK

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<i>Most Recent Change of Ownership</i>	
03/28/11	A deed was recorded for a change in ownership of all four parcels.

<i>Related Building Permits/Business Licenses</i>	
09/27/00	A Business License (A02-00681-A-093876) for Advertising was issued for 521 South Seventh Street. This license was marked as out-of-business on 01/21/09.
03/29/11	A Business license (Q13-01392-3-153301) for a Law Firm was issued for 515 South Seventh Street. This license is active.

<i>Pre-Application Meeting</i>	
04/13/11	Staff met with the applicants and reviewed the requirements to rezone the four properties. It was discovered that a Variance would be required for 511 South Seventh Street, since that lot doesn't meet the 60-foot minimum lot width for P-O (Professional Office) designation. Site Development Plan Reviews will be submitted at a later date.

<i>Neighborhood Meeting</i>	
A neighborhood meeting was not required, nor was one held.	

<i>Field Check</i>	
05/05/11	Staff visited the sites and found four well maintained structures. No issues were noted at this time.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	0.85

<i>Surrounding Property</i>	<i>Existing Land Use Per Title 19.04</i>	<i>Planned or Special Land Use Designation</i>	<i>Existing Zoning District</i>
Subject Property	Vacant	MXU (Mixed Use)	P-R (Professional Office and Parking District)
			R-1 (Single Family Residential)
North	Office	MXU (Mixed Use)	P-R (Professional Office and Parking District)

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South	Office	MXU (Mixed Use)	P-R (Professional Office and Parking District)
East	Office	MXU (Mixed Use)	P-R (Professional Office and Parking District)
West	Office	MXU (Mixed Use)	P-R (Professional Office and Parking District)
	Single Family Residential		R-1 (Single Family Residential)
	Multi-Family Residential		R-3 (Medium Density Residential)

<i>Special Purpose and Overlay Districts</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
H (Historic Designation)-Las Vegas High School Neighborhood	X		Y
Live/Work Overlay District	X		N/A
Trails	X		Y
Rural Preservation Overlay District		X	N/A
Las Vegas Redevelopment Plan Area	X		Y
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

DEVELOPMENT STANDARDS

<i>Street Name</i>	<i>Functional Classification of Street(s)</i>	<i>Governing Document</i>	<i>Street Width (Feet)</i>	<i>Compliance with Street Section</i>
Seventh Street	N/A	N/A	80	N/A

ANALYSIS

The site is located within the Las Vegas High School Historic District. When the survey was conducted in 1988, the properties at 511 and 515 met the architectural criteria to contribute to the historic designation of the neighborhood. The properties at 521 and 531 did not contribute to the historic designation since the exterior of the structures had been greatly modified from the original construction.

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The project encompasses four contiguous parcels of developed land each with a single family structure on them. The vast majority of properties in this downtown neighborhood have been converted from Single Family Residential properties to Professional Office use over the past decade. When Title 19 was updated, one of the changes was the classification name of P-R (Professional Office/Parking) to P-O (Professional Office). Since the applicant owned all four adjoining parcels it was decided that the rezoning application should apply to all in order to bring them into conformance with the current code.

The character of the neighborhood has become professional office use but has maintained a residential appearance. The owner has indicated that it is their intent to maintain this character for these four properties. Approval of this Rezoning will bring these parcels into conformance with the General Plan, which designates them as MXU (Mixed Use). For this reason, staff recommends approval.

FINDINGS (ZON-41545)

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 to P-O (Professional Office) will bring the subject properties into conformance with the General Plan, which currently designates the properties MXU (Mixed Use).

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 potential uses allowed in the proposed P-O (Professional Office) District are appropriate for the area, which is developed with predominantly converted single-family residences into offices.

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

The subject properties are located in the Historic Las Vegas High School Neighborhood that has seen most of the single family residences converted to professional office uses over the past decade. The continued demand for office space in this area makes the requested rezoning appropriate.

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.

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These properties are located on Seventh Street in downtown which has a fully developed grid pattern that will provide adequate capacity to meet the needs of development on the subject parcels.

FINDINGS (VAR-41546)

In accordance with the provisions of Title 19.18.070(B), Planning Commission and City Council, in considering the merits of a Variance request, shall not grant a Variance in order to:

1. Permit a use in a zoning district in which the use is not allowed;
2. Vary any minimum spacing requirement between uses;
3. Relieve a hardship which is solely personal, self-created or financial in nature.”

Additionally, Title 19.18.070(L) states:

“Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property, a variance from that strict application may be granted so as to relieve the difficulties or hardship, if the relief may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources and without substantially impairing the intent and purpose of any ordinance or resolution.”

Evidence of a unique or extraordinary circumstance has been presented, in that the applicant has not created a self-imposed hardship. The area has dramatically changed over the past few decades from a single family residential neighborhood to a professional office neighborhood. Many of the original lot widths for the residential properties do not meet the minimum lot widths for professional office uses that dominate the area. The General Plan supports conversion to commercial use even though some lots do not meet the minimum width requirements. In view of this hardship imposed by the site’s physical characteristics, it is concluded that the applicant’s hardship is not preferential in nature, and it is thereby within the realm of NRS Chapter 278 for granting of Variances.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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NOTICES MAILED

182 (By City Clerk)

APPROVALS

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PROTESTS

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