



AGENDA MEMO

PLANNING COMMISSION MEETING DATE: MAY 28, 2009

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: ABEYANCE - ZON-33757 - APPLICANT/OWNER: CASA SUITES, LLC

**** CONDITIONS ****

STAFF RECOMMENDATION: APPROVAL.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for Rezoning from C-2 (General Commercial) to R-5 (Apartment) on 1.95 acres at the northeast corner of Wilson Avenue and Las Vegas Boulevard. Associated requests have also been submitted for a Variance (VAR-33759) to allow a zero-foot corner side yard setback where five feet is required and a Variance (VAR-33760) to allow 61 parking spaces where 110 are required, and a Site Development Plan Review (SDR-33761) for a proposed 50-foot, four-story, 34-unit multi-family residential building (apartments) within an existing 136-unit multi-family development (apartments) with Waivers of the perimeter landscape buffer standards to allow buffers of zero feet along the west perimeter where 10 feet is required, and zero feet along the north and a portion of the east perimeters where six feet is required. An Exception is also required as part of the request to allow no parking lot trees and eight landscape islands where 14 of each are required. Staff is recommending approval of this request as the proposed R-5 (Apartment) zoning district is consistent with the existing MXU (Mixed Use) General Plan designation, and brings the existing uses into conformance with Title 19.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc., and Property Sales</i>	
03/05/04	A Code Enforcement complaint (#10773) was processed for various building code issues at 700 N. Las Vegas Blvd. The complaint was resolved on 07/02/04.
08/16/04	A Code Enforcement complaint (#20204) was processed for a fire at an apartment, with no repairs being made at 700 N. Las Vegas Blvd. The complaint was resolved on 01/03/07.
01/19/05	A Code Enforcement complaint (#25229) was processed for leaking plumbing fixtures causing mold and fire damage with no repairs being done at 700 N. Las Vegas Blvd. The complaint was resolved on 01/24/05.
07/27/05	A Code Enforcement complaint (#32967) was processed on a Clark County Health District call for an insect infestation at 700 N. Las Vegas Blvd. The complaint was resolved on 01/19/06.
03/13/06	A Code Enforcement complaint (#39159) was processed for an unstable stairwell at 700 N. Las Vegas Blvd. The complaint was resolved on 03/15/06.
04/11/06	A Code Enforcement complaint (#40073) was processed for no fire extinguishers in the cabinets for Building 4 at 700 N. Las Vegas Blvd. The complaint was resolved on 05/04/06.
07/26/06	A Code Enforcement complaint (#44841) was processed for insects and various building and fire issues at 700 N. Las Vegas Blvd. The complaint was resolved on 08/08/06.

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10/09/06	A Code Enforcement complaint (#46959) was processed for rebar sticking out of a concrete slab at 700 N. Las Vegas Blvd. The complaint was resolved on 10/17/06.
03/01/07	A Code Enforcement complaint (#50914) was processed for mold, insects and no furnishings in a furnished apartment at 700 N. Las Vegas Blvd. The complaint was resolved on 04/09/07.
03/01/07	A Code Enforcement complaint (#50916) was processed for mold at 700 N. Las Vegas Blvd. The complaint was resolved on 04/09/07.
03/06/07	A Code Enforcement complaint (#51029) was processed for non-working elevators at 700 N. Las Vegas Blvd. The complaint was resolved on 01/22/08.
03/14/07	A Code Enforcement complaint (#51274) was processed for mold, broken hand rails, and no air conditioning or heat at 700 N. Las Vegas Blvd. The complaint was resolved on 03/20/07.
04/04/07	A Code Enforcement complaint (#51929) was processed for missing appliances, broken plumbing fixtures, insects and no air conditioning or heat at 700 N. Las Vegas Blvd. The complaint was resolved on 04/09/07.
02/08/08	A Code Enforcement complaint (#62177) was processed for an unhealthy living environment (insects) at 700 N. Las Vegas Blvd. The complaint was resolved on 02/12/08.
03/14/08	A Code Enforcement complaint (#63421) was processed for missing appliances, broken plumbing fixtures, insects and no air conditioning or heat at 700 N. Las Vegas Blvd. The complaint was resolved on 03/21/08.
06/10/08	A deed was recorded for a change in ownership.
06/25/08	A Code Enforcement complaint (#67073) was processed for damaged carpet, insects and a broken restroom fan at 700 N. Las Vegas Blvd. The complaint was resolved on 07/09/08.
11/19/08	A Code Enforcement complaint (#72109) was processed for illegal signage and work without permits at 700 N. Las Vegas Blvd. The complaint was resolved on 01/22/09.
12/18/08	The Planning Commission denied requests for a Variance (VAR-29664) to allow a proposed 60-foot tall freestanding sign where 40 feet is the maximum height allowed; to allow six proposed freestanding signs where three is the maximum allowed; to allow a distance separation of less than 100 feet between freestanding sign to freestanding sign and freestanding sign to monument sign where 100 feet is the minimum required and to allow a zero-foot setback where five feet is required for a proposed monument sign; and a Variance (VAR-32024) to allow zero percent exposed neon and or animation where seventy-five percent is required for a proposed monument sign and five proposed freestanding signs on 1.33 acres at the northeast corner of Las Vegas Boulevard and Wilson Avenue. The denial was appealed to the City Council on 01/29/09, but was withdrawn without prejudice at the applicant's request. Staff recommended denial on both requests.

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03/12/09	A Code Enforcement complaint (#72109) was processed for illegal signage at 700 N. Las Vegas Blvd. The complaint is still open.
04/23/09	The Planning Commission, at the request of the applicant, held in abeyance requests for Rezoning (ZON-33757) from C-2 (General Commercial) to R-5 (Apartment); a Variance (VAR-33759) to allow a zero-foot corner side yard setback where five feet is required; a Variance (VAR-33760) to allow 61 parking spaces where 110 are required; and a Site Development Plan Review (SDR-33761) for a proposed 50-foot, four-story, 34-unit multi-family residential building (apartments) within an existing 136-unit multi-family development (apartments) with Waivers of the perimeter landscape buffer standards to allow buffers of zero feet along the west perimeter where 10 feet is required, and zero feet along the north and a portion of the east perimeters where six feet is required on 1.95 acres at the northeast corner of Wilson Avenue and Las Vegas Boulevard.

<i>Related Building Permits/Business Licenses</i>	
c. 1977-1978*	Apartments constructed.
11/28/78	A business license (A07-00733) was issued for apartment rentals at 700 N. Las Vegas Blvd. The license is still active.
02/08/94	A building permit (#94318541) was issued for an illuminated pole sign at 700 N. Las Vegas Blvd. The permit expired on 09/03/94.
12/22/94	A building permit (#94361291) was issued to install conduit for fire alarms at 700 N. Las Vegas Blvd. The permit was finalized on 01/11/95.
03/25/96	A building permit (#96392838) was issued for fire alarms at 700 N. Las Vegas Blvd. The permit expired on 11/23/96.
10/17/97	A building permit (#97021168) was issued for 175 feet of chain link fencing at 700 N. Las Vegas Blvd. The permit expired on 08/01/98.
01/28/98	A building permit (#98001809) was issued for the change out of two water heaters at 700 N. Las Vegas Blvd. The permit expired on 08/01/98.
04/01/99	A building permit (#99006230) was issued for 250 feet of decorative wall at 700 N. Las Vegas Blvd. The permit was finalized on 12/28/99.
08/30/99	A building permit (#99017124) was issued for a service change at 700 N. Las Vegas Blvd. The permit expired on 02/26/00.
09/30/04	A building permit (#28010) was issued for disaster repair of Building A at 700 N. Las Vegas Blvd. The permit was completed on 10/08/04.
05/25/06	A building permit (#6003668) was issued for the installation of external stairs at 700 N. Las Vegas Blvd. The permit expired on 06/16/07.
08/09/06	A building permit (#70557) was issued for the relocation of a water line and installation of a water heater at 700 N. Las Vegas Blvd. The permit was completed on 02/11/07.
08/23/06	A building permit (#71380) was issued for disaster repair of Building B, with Building A to be demolished, at 700 N. Las Vegas Blvd. The permit has never been completed.

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12/18/06	A building permit (#6007395) was issued for the demolition of apartments and a sewer fixture count at 700 N. Las Vegas Blvd. The permit expired on 06/16/07.
09/29/08	A building permit (#125128) was issued to replace shower valves at 700 N. Las Vegas Blvd. The permit is still active.
03/10/09	A permit application (#135184) was received for signage at 700 N. Las Vegas Blvd. A permit has not yet been issued.

**Building permits were issued in June, 1977 for 102 units with 16 parking spaces, and in February, 1978 for an additional 100 units with 45 parking spaces. A subsequent fire, circa 2004, destroyed one apartment building consisting of 68 units.*

Pre-Application Meeting	
02/23/09	A pre-application meeting was held to discuss the submittal requirements for a Rezoning, Site Development Plan Review and Variances for parking and building setbacks.

Neighborhood Meeting	
A neighborhood meeting was neither required nor held for this request.	

Field Check	
03/19/09	A field check was conducted by staff. The subject site was clean and well maintained. There was non-permitted banner signage and streamers at the site, and a perimeter wall that has not been permitted for the entire length of the wall.

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Details of Application Request	
Site Area	
Gross Acres	1.95 Acres

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Apartments	MXU (Mixed Use)	C-2 (General Commercial)
North	Commercial Shops	MXU (Mixed Use)	C-2 (General Commercial)
	Neon Museum	PF (Public Facilities)	C-V (Civic)
South	Tavern, Shops	MXU (Mixed Use)	C-2 (General Commercial)
East	Single-Family Residences	MXU (Mixed Use)	R-1 (Single Family Residential)
	Neon Museum	PF (Public Facilities)	C-V (Civic)
West	Commercial Shops, Undeveloped	MXU (Mixed Use)	C-2 (General Commercial)

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<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan			
Downtown North Land Use Plan			*
<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)			
Las Vegas Boulevard Scenic Byway Overlay District			**
Trails			*
Rural Preservation Overlay District			
Development Impact Notification Assessment			
Project of Regional Significance			

**Pursuant to the Downtown North Land Use Plan, the Las Vegas Boulevard Scenic Byway, located along both sides of Las Vegas Boulevard, shall be developed as an Urban Trail, which is defined as a designated pedestrian route located in an urban area, consisting of widened sidewalks in existing right-of-way corridors. In addition to the 100-foot right-of-way requirement, the plan also requires that an additional 10-foot pedestrian easement be sought from new projects. As the proposed project is to add an apartment building to an existing apartment complex, the additional easement will not be required at this time.*

***All signage is to be permitted separately; proposed signage will be evaluated for conformance to the Las Vegas Boulevard Scenic Byway Overlay District at the time of building permit review.*

DEVELOPMENT STANDARDS

Pursuant to Title 19.08, the following standards apply:

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Size	7,000 SF	59,193 SF	
Min. Lot Width	N/A	220 Feet	
Min. Setbacks • Front • Side • Corner • Rear	10 Feet 5 Feet 5 Feet 20 Feet	129 Feet 41 Feet Zero Feet 60 Feet	*
Min. Distance Between Buildings	Unlimited	80 Feet	
Max. Lot Coverage	N/A	30%	
Max. Building Height	5 Stories or 55 feet, whichever is less	4 Stories (50 Feet)	

**A Variance (VAR-33759) has been submitted to allow a zero-foot corner side yard setback where five feet is required.*

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ANALYSIS

This is a request for Rezoning (ZON-33757) from C-2 (General Commercial) to R-5 (Apartment) on 1.95 acres at the northeast corner of Wilson Avenue and Las Vegas Boulevard. The existing use of the site for apartments is non-conforming for the C-2 (General Commercial) zoning district, and Rezoning the site will bring the use of the property into conformance with Title 19. Staff is recommending approval of this request as the proposed R-5 (Apartment) zoning district is consistent with the existing MXU (Mixed Use) General Plan designation, and brings the existing uses into conformance with Title 19.

- **General Plan and Zoning**

The subject site has an existing General Plan designation of MXU (Mixed Use), which allows for a mix of uses that are normally allowed within the L (Low Density Residential), ML (Medium Low Density Residential), M (Medium Density Residential), H (High Density Residential), O (Office), SC (Service Commercial) and GC (General Commercial) Master Plan land use categories.

This is a request to Rezone the site from the existing C-2 (General Commercial) district to the R-5 (Apartment) district, which is intended to allow for the development of high density multi-family units within the downtown urban core and in other high intensity areas suitable for high density residential development. The R-5 (Apartment) district is consistent with the policies of the H (High Density Residential) category of the General Plan, and is also consistent with the existing MXU (Mixed Use) category.

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 R-5 (Apartment) zoning district is consistent with the MXU (Mixed Use) land use category and conforms to the General Plan.

- 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 uses allowed by the R-5 (Apartment) zoning district are compatible with the surrounding land uses and zoning districts.

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

The existing use of the site for apartments is non-conforming for the C-2 (General Commercial) zoning district. Rezoning the site will bring the use of the property into conformance with Title 19.

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.

The site is accessed by two proposed driveways to Las Vegas Boulevard, designated as a 100-foot Primary Arterial, and one existing driveway to Wilson Avenue, designated as a Local Street by the Master Plan of Streets and Highways. The northernmost driveway on Las Vegas Boulevard is reserved for emergency access only, and will have a crash gate installed on it. Both streets are adequate to meet the requirements of the proposed zoning district.

ASSEMBLY DISTRICT 6

SENATE DISTRICT 10

NOTICES MAILED 185

APPROVALS 2

PROTESTS 7