



AGENDA MEMO - PLANNING

CITY COUNCIL MEETING DATE: JUNE 21, 2017

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT/OWNER: YING LUO

** STAFF RECOMMENDATION(S) **

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
GPA-69221	Staff recommends DENIAL.	N/A
ZON-69222	Staff recommends DENIAL.	GPA-69221
VAR-69223	Staff recommends DENIAL, if approved subject to conditions:	GPA-69221 ZON-69222

** NOTIFICATION **

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 23

NOTICES MAILED 228 - GPA-69221 and ZON-69222 (By City Clerk)
228 - VAR-69223 (By City Clerk)

PROTESTS 2 - GPA-69221 and ZON-69222
2 - VAR-69223

APPROVALS 1 - GPA-69221 and ZON-69222
1 - VAR-69223

**** CONDITIONS ****

VAR-69223 CONDITIONS

Planning

1. Conformance to the approved conditions for Reclassification of Property (Z-0028-84).
2. This approval shall be void two years from the date of final approval, unless exercised pursuant to the provisions of LVMC Title 19.16. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. 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.
4. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
5. 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

The applicant is proposing to open a wedding chapel in the existing building at 607 South Decatur Boulevard. In order to do so, the applicant is proposing to amend the General Plan land use designation to SC (Service Commercial) and rezone the property to C-1 (Limited Commercial). In addition, this change in zoning will require a Variance because the lot does not meet the lot width requirements and the existing building does not meet the setback requirements for the C-1 (Limited Commercial) zoning district.

ISSUES

- A General Plan Amendment is requested to change the land use designations from O (Office) to SC (Service Commercial). Staff recommends denial.
- A Rezoning is requested to change the zoning designation from P-R (Professional Office and Parking) to C-1 (Limited Commercial). Staff recommends denial.
- A Variance of Title 19.08 is required to allow a 78-foot lot width where 100 feet is required and to allow a 14-foot rear yard setback where 20 feet is required in a C-1 (Limited Commercial) zoning district. Staff recommends denial.

ANALYSIS

The applicant is requesting to amend a portion of the Southeast Sector of the Las Vegas 2020 Master Plan from O (Office) to SC (Service Commercial) and to rezone the subject site from P-R (Professional Office and Parking) to C-1 (Limited Commercial). The subject site is currently developed with a commercial office building. The subject site is located within the Airport Overlay District and Redevelopment Area #2.

The SC (Service Commercial) category allows low to medium intensity retail, office, or other commercial uses that serve primarily local area patrons and that do not include more intense general commercial characteristics. Examples include neighborhood shopping centers, theaters, and other places of public assembly and public and semi-public uses. This category also includes offices either singly or grouped as office centers with professional and business services. The Service Commercial category may also allow mixed-use development with a residential component where appropriate.

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The proposed General Plan Amendment and Rezoning would result in the existing lot and structure not meeting the minimum Title 19.08 development standards for lot width and rear setback. Pursuant to Title 19.08, in the C-1 (Limited Commercial) zoning district, the minimum requirement for lot width is 100 feet and the required minimum rear yard setback is 20 feet. The applicant is requesting a Variance to allow 78-foot lot width and a 14-foot rear yard setback for an existing non-residential building.

The proposed SC (Service Commercial) General Plan designation and C-1 (Limited Commercial) zoning designation are not compatible with the existing single-family residential uses located immediately adjacent to the subject site. In addition, the applicant has created a self-imposed hardship by proposing to rezone the subject property such that it will not meet the minimum Title 19.08 development standards. Staff recommends denial of these requests.

FINDINGS (GPA-69221)

Section 19.16.030(l) of the Las Vegas Zoning Code requires that the following conditions be met in order to justify a General Plan Amendment:

1.The density and intensity of the proposed General Plan Amendment is compatible with the existing adjacent land use designations,

The proposed SC (Service Commercial) General Plan designation is not compatible with the existing single-family residential uses located adjacent to the subject site.

2.The zoning designations allowed by the proposed amendment will be compatible with the existing adjacent land uses or zoning districts,

In addition to the requested General Plan Amendment, the applicant is also requesting a Rezoning from P-R (Professional Office and Parking) to C-1 (Limited Commercial). The subject site is adjacent to residentially zoned properties. The proposed zoning would not be compatible with the existing surrounding land uses, as it would allow commercial uses that are too intense.

3.There are adequate transportation, recreation, utility, and other facilities to accommodate the uses and densities permitted by the proposed General Plan Amendment; and

The subject site is adjacent to a primary arterial and a local street. There is access to adequate transportation, recreation, and utility facilities to accommodate the proposed General Plan Amendment.

4.The proposed amendment conforms to other applicable adopted plans and policies that include approved neighborhood plans.

The proposed amendment does not conform to the adopted plans and policies of the City. The existing property does not meet the requirements of the proposed C-1 (Limited Commercial) zoning for lot width and rear setback. An application for a Variance (VAR-69223) is required, to allow for the 78-foot lot width and 14-foot rear yard setback.

FINDINGS (ZON-69222)

In order to approve a Rezoning application, pursuant to Title 19.16.090(L), the Planning Commission or City Council must affirm the following:

1.The proposal conforms to the General Plan.

If the companion application for a General Plan Amendment (GPA-69221) to SC (Service Commercial) land use designation is approved, the proposed Rezoning to C-1 (Limited Commercial) would conform to the General Plan. Staff is recommending denial of GPA-69221.

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 proposed C-1 zoning would not be compatible with the existing surrounding single family residential land uses, as it would allow commercial uses that are too intense.

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

The subject property is directly adjacent to single-family residences. It would be more appropriate to develop the property in accordance with the current General Plan designation and allow the Office corridor already established along the east side of Decatur Boulevard to continue.

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.

Decatur Boulevard is designated a primary arterial. Garden Place is a local street designed to carry a combination of light commercial and residential traffic between minor collectors, major collectors, and primary arterials. Both may be adequate to handle land uses permitted in the C-1 (Limited Commercial) zoning district.

FINDINGS (VAR-69223)

In accordance with the provisions of Title 19.16.140(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 19.16.140(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.”

No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship by proposing to rezone the subject property such that it will not meet the minimum Title 19.08 development standards. In view of the absence of any hardships imposed by the site’s physical characteristics, it is concluded that the applicant’s hardship is preferential in nature, and it is thereby outside the realm of NRS Chapter 278 for granting of Variances.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
04/18/84	The City Council approved a reclassification of property (Z-0020-84) located on the northeast corner of Decatur Boulevard and Garden Place (607 South Decatur Boulevard), from R-1 (Single Family Residence) to P-R (Professional Offices and Parking). The Planning Commission and staff recommended approval.
04/18/12	The City Council approved a General Plan Amendment (GPA-43991) to establish Redevelopment Area 2 and change the future land use designation on various parcels within the Redevelopment Area to Commercial or Mixed Use. The Planning Commission and staff recommended approval.
03/06/17	A Code Enforcement case (#175444) for an unpermitted wall sign located at 607 South Decatur Boulevard. The case is has been resolved on 03/20/17.
04/11/17	The Planning Commission voted (4-0) to hold GPA-69221, ZON-69222 and VAR-69223 in abeyance to the May 9, 2017 Planning Commission meeting at the request of the applicant.
05/09/17	The Planning Commission voted to recommend APPROVAL of the following items: • General Plan Amendment (GPA-69221) FROM: O (OFFICE) TO: SC (SERVICE COMMERCIAL) • Rezoning (ZON-69222) FROM: P-R (PROFESSIONAL OFFICE AND PARKING) TO: C-1 (LIMITED COMMERCIAL) • Variance (VAR-69223) TO ALLOW A 78-FOOT LOT WIDTH WHERE 100 FEET IS REQUIRED AND TO ALLOW A 14-FOOT REAR YARD SETBACK WHERE 20 FEET IS REQUIRED on 0.18 acres at 607 South Decatur Boulevard (APN 139-31-310-051), P-R (Professional Office and Parking) Zone [PROPOSED: C-1 (Limited Commercial)], Ward 1 (Tarkanian) [PRJ-69185].
05/09/17	The Planning Commission voted to hold a request for a Site Development Plan Review in abeyance to the June 13, 2017 Planning Commission meeting.

<i>Most Recent Change of Ownership</i>	
08/29/16	A deed was recorded for a change in ownership.

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Related Building Permits/Business Licenses	
1955	The existing building was constructed.
10/23/81	A building permit (#5043) was issued for an interior and exterior remodel at 607 South Decatur Boulevard. The permit was finalized on 03/26/83.
06/14/88	A building permit (#1444) was issued for a monument sign at 607 South Decatur Boulevard. The permit was finalized on 06/29/88.
09/01/16	A business license (G64-06384) was issued for tourist services at 607 South Decatur Boulevard. The license is currently active.

Pre-Application Meeting	
02/22/17	At a pre-application meeting staff discussed the application process and submittal requirements to amend the existing General Plan and Zoning designations. Also, the applicant has been informed that a Variance application is also required, because the existing site condition does not meet the development requirements of the proposed C-1 (Limited Commercial) development standards.

Neighborhood Meeting	
03/23/17	A neighborhood meeting was held at the Mirabelli Community Center at 6200 Hargrove Drive. Meeting Start Time: 5:30 p.m. Meeting End Time: 6:00 p.m. • Three (3) representative from the applicant • One (1) representative present from the Office of the City Council • Zero (0) members of the public were in attendance • One (1) member of the Planning Department in attendance. There were no members of the public that was present for this meeting.

Field Check	
03/02/17	A field check was conducted by staff and observed that the subject property has an unpermitted wall sign on the south elevation of the building.
03/27/17	A field check was conducted by staff and observed that the unpermitted wall sign has been removed.

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Details of Application Request	
Site Area	
Net Acres	0.18

Surrounding Property	Existing Land Use Per Title 19.12	Planned or Special Land Use Designation	Existing Zoning District
Subject Property	Office, Other than Listed	O (Office)	P-R (Professional Office and Parking)
North	Single Family Detached	O (Office)	R-1 (Single Family Residential)
South	Office, Other than Listed	O (Office)	P-R (Professional Office and Parking)
East	Single Family Detached	L (Low Density Residential)	R-1 (Single Family Residential)
West	Hotel and Gaming Establishment, Restricted	C (Commercial)	C-2 (General Commercial)

Master Plan Areas	Compliance
No Applicable Master Plan Area	N/A
Special Purpose and Overlay Districts	Compliance
A-O (Airport Overlay) District (175 feet)	Y
Other Plans or Special Requirements	Compliance
Trails	N/A
Las Vegas Redevelopment Plan Area	Y
Project of Significant Impact (Development Impact Notification Assessment)	N/A
Project of Regional Significance	N/A

DEVELOPMENT STANDARDS

Pursuant to Title 19.08, the following standards apply:

Standard	Required/Allowed	Provided	Compliance
Min. Lot Width	100 Feet	78 Feet	N
Min. Setbacks			
• Front	10 Feet	29 Feet	Y
• Side	10 Feet	23 Feet	Y
• Corner	10 Feet	26 Feet	Y
• Rear	20 Feet	14 Feet	N

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<i>Existing Zoning</i>	<i>Permitted Density</i>	<i>Units Allowed</i>
P-R (Professional Office and Parking)	N/A	N/A
<i>Proposed Zoning</i>	<i>Permitted Density</i>	<i>Units Allowed</i>
C-1 (Limited Commercial)	N/A	N/A
<i>Existing General Plan</i>	<i>Permitted Density</i>	<i>Units Allowed</i>
O (Office)	N/A	N/A
<i>Proposed General Plan</i>	<i>Permitted Density</i>	<i>Units Allowed</i>
SC (Service Commercial)	N/A	N/A

<i>Street Name</i>	<i>Functional Classification of Street(s)</i>	<i>Governing Document</i>	<i>Actual Street Width (Feet)</i>	<i>Compliance with Street Section</i>
Decatur Boulevard	Primary Arterial	Planned Streets and Highways Map	100	Y
Garden Place	Local Street	Title 13	51	Y