



AGENDA MEMO - COMMUNITY DEVELOPMENT

CITY COUNCIL MEETING DATE: FEBRUARY 21, 2024
DEPARTMENT: COMMUNITY DEVELOPMENT
ITEM DESCRIPTION: APPLICANT/OWNER: TEMPORARY ASSISTANCE FOR DOMESTIC CRISES, INC.

**** STAFF RECOMMENDATION(S) ****

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
23-0574-GPA1	Staff recommends APPROVAL.	
23-0574-ZON1	Staff recommends APPROVAL.	23-0574-GPA1
23-0574-VAR1	Staff recommends APPROVAL, subject to conditions:	23-0574-GPA1 23-0574-ZON1
23-0574-SUP1	Staff recommends APPROVAL, subject to conditions:	23-0574-GPA1 23-0574-ZON1 23-0574-VAR1

**** NOTIFICATION ****

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 16

NOTICES MAILED 397 (by City Clerk)

PROTESTS 0

APPROVALS 0

**** CONDITIONS ****

23-0574-VAR1 CONDITIONS

Planning

1. A Variance is hereby approved to allow maximum lot coverage of 40 percent where 30 percent is the maximum allowed in the O (Office) zoning district.
2. Approval of a General Plan Amendment (23-0574-GPA1) and Rezoning (23-0574-ZON1) and approval of and conformance to the Conditions of Approval for Special Use Permit (23-0574-SUP1) shall be required, if approved.
3. 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.
4. 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 Building and Safety Division.
5. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
6. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

23-0574-SUP1 CONDITIONS

Planning

1. Approval of a General Plan Amendment (23-0574-GPA1) and Rezoning (23-0574-ZON1) and approval of and conformance to the Conditions of Approval for Variance (23-0574-VAR1) shall be required, if approved.

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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 Building and Safety Division.
4. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit, as well as submitted as part of any business license application.
5. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**** STAFF REPORT ****

PROJECT DESCRIPTION

The applicant is requesting to amend the city’s General Plan land use map and zoning designation on a 1.25-acre parcel at 5204 and 5238 Vegas Drive.

ISSUES

- A General Plan Amendment is requested from R (Rural Density Residential) to O (Office). Staff supports the request.
- A Rezoning is requested from R-E (Residence Estates) to O (Office). Staff supports the request.
- In order to make the existing development on the site conform with the standards of the proposed O (Office) zoning district, a Variance to allow lot coverage exceeding 30 percent and a Special Use Permit for the existing Social Service Provider use are requested. Staff recommends approval of each request.
- No new development is proposed at this time.
- Street dedications have shortened the distance between the existing buildings and the public right-of-way; however, the current building setbacks are in conformance with the minimum setbacks of the O zoning district.

ANALYSIS

Land Use

The subject property contains five existing buildings and two shade structures with parking in the rear and sides. The existing Social Service Provider use is not a permitted use in any residential zoning district in the city of Las Vegas. The proposed O (Office) zoning district allows for the Social Service Provider use with approval of a Special Use Permit.

The parcel to the east contains an existing Building Maintenance Service and Sales use and is zoned C-1 (Limited Commercial). There is also vacant land to the west fronting on Marietta Avenue zoned R-E (Residence Estates) with an L (Low Density Residential) General Plan designation. Multi-family residential uses are located on the south side of Vegas Drive, while single-family residential uses are located on the north side of Marietta Avenue adjacent to this site.

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A similar use was approved for this site in 1981 in unincorporated Clark County as a private facility for troubled families. The zoning designation at the time was R-E (Rural Estates Residential). A two-story building at the rear of the property was approved in 1999. The parcel was then annexed in 2003 as R-E (Residence Estates).

The Social Service Provider use is defined by Title 19.18 as “a facility that provides assistance to persons with limited ability for self-care, but for whom medical care is not a major element. The term includes a facility that provides assistance concerning psychological problems, employment, learning disabilities or physical disabilities, but does not include a rescue mission or homeless shelter, or an adult day care center.” The current facility operates as a domestic abuse treatment center for women and does not qualify as any other use listed above. The site has restricted access and there are no unscheduled visits from the customers the applicant serves. There are no minimum Special Use Permit requirements for this use in the O (Office) zoning district.

General Plan Amendment and Rezoning

The adjacent parcel to the west is owned by the same entity but is zoned O (Office). The applicant’s intent is to rezone the subject parcel to match the zoning of the parcel to the west. There are no plans for any exterior changes to the buildings or on the site at this time. If approved, the two sites could possibly be remapped into a single lot, which would aid in meeting code requirements for any future site development.

The O (Office) General Plan designation is intended to allow for zoning districts and uses that permit small office conversions as a transition from residential to commercial uses, and for large planned office developments. The O (Office) zoning designation conforms to the O (Office) General Plan designation. The adjacent parcel to the west has an O (Office) General Plan designation, the parcel to the east has an SC (Service Commercial) designation, parcels to the south across Vegas Drive have an M (Medium Density Residential) designation, and property to the north across Marietta Avenue has an L (Low Density Residential) designation. The proposed O (Office) General Plan designation meets the intent of the General Plan to provide an appropriate transition from residential uses to more intense commercial uses along Vegas Drive. The frontage along Vegas Drive, now a Major Collector Street, is no longer appropriate for residential uses, and the O (Office) designation is limited in the intensity of commercial uses. Staff therefore recommends approval of the requested General Plan Amendment.

As stated above, the current use of the subject property is nonconforming with respect to the existing R-E (Residence Estates) zoning district. The proposed Rezoning would allow the existing use to conform to Title 19.12 use requirements. In addition to compatibility of a low intensity commercial district such as O (Office) with the surrounding zoning districts and land uses, Vegas Drive is classified as a Major Collector Street, which is not appropriate for very low density zoning districts such as R-E. For these reasons, staff recommends approval of the Rezoning request.

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Variance

Once a property is rezoned, any existing development must conform to the standards and requirements of the new zoning district. The current development meets the required minimum building setback and maximum building height of the proposed O (Office) zoning district, but exceeds the maximum lot coverage requirement, which is 30 percent. The applicant has submitted a Variance to allow 40 percent coverage. The submitted plans, which are not current and have limited dimensions, indicate a lot coverage that is closer to about 35 percent, a small deviation. Staff notes that the current buildings were constructed while the site was located in unincorporated Clark County and were not subject to a lot coverage standard after the site was annexed into the city of Las Vegas. A permit for one of the accessory structures was issued after annexation. This qualifies as an extraordinary situation that establishes grounds for granting of a Variance. Staff recommends approval of the Variance, based on the previous circumstances, a relatively small deviation and the favorable outcome of conforming to the proposed O (Office) development standards.

Due to the site's proximity to the boundary between the city and unincorporated Clark County, the Special Use Permit request has been deemed a Project of Regional Significance, for which a Development Impact Notice and Assessment (DINA) is required. As of December 20, 2023, no comments from affected agencies have been received.

FINDINGS (23-0574-GPA1)

Section 19.16.030(I) 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 O (Office) designation is compatible with the adjacent O (Office) designation on the parcel to the west, SC (Service Commercial) designation on the parcel to the east, M (Medium Density Residential) designation on parcels to the south across Vegas Drive, and L (Low Density Residential) designation on property to the north across Marietta Avenue and to the west fronting on Marietta Avenue. The O (Office) designation will provide an appropriate transition from residential uses to more intense commercial uses. In addition, the existing R (Rural Density Residential) designation is no longer feasible for properties along Vegas Drive in this area, due to the transition of Vegas Drive to a service corridor along this segment.

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

The O (Office) General Plan designation allows the O (Office) zoning district, which is compatible with the Building Maintenance Service and Sales use on the C-1 (Limited Commercial) zoned property to the east and Social Service Provider use on the O (Office) zoned property to the west. Multi-Family Residential uses zoned R-3 to the south are separated from this site by Vegas Drive, an 80-foot Major Collector Street. Single-family residential uses zoned R-1 (Single Family Residential) are separated from this site by Marietta Avenue, a 60-foot Local Street.

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

This area of the city is older with infrastructure that has been in place for a long period of time that can support the intensity of use permitted by the proposed O (Office) designation. Marietta Avenue has not been fully improved on the south side of the street abutting the subject site; these improvements may be required with new future development.

- 4. The proposed amendment conforms to other applicable adopted plans and policies.**

Two key implementation strategies of the Twin Lakes Area Plan of the Las Vegas 2050 Master Plan are to balance historic neighborhood preservation with development pressures along corridors and to increase services, particularly near county islands. The proposed amendment to O (Office) would memorialize the existing service uses along Vegas Drive as opposed to residential uses, but would not provide for intense commercial uses that could change the character of this neighborhood.

FINDINGS (23-0574-ZON1)

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.**

The proposed O (Office) zoning district conforms to the proposed O (Office) General Plan designation for this site.

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- 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 O (Office) zoning district would allow for development of offices, supporting service uses and low intensity commercial uses performing administrative, professional and personal services. The proposed O (office) zoning district would be compatible with the adjacent O (Office) designation on the parcel to the west, multi-family residential uses on property zoned R-3 (Medium Density Residential) to the south, and commercial uses zoned C-1 (Limited Commercial) on the parcel to the east. Single-family residential uses are located on the north side of Marietta Avenue, a 60-foot right-of-way which abuts this site.

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

The use is currently nonconforming with respect to the existing R-E (Residence Estates) zoning district. The proposed Rezoning would allow the existing use to conform to Title 19.12 use requirements. Vegas Drive is classified as a Major Collector Street, which is inappropriate for very low density zoning districts such as R-E.

- 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.**

Vegas Drive, an 80-foot wide Major Collector Street as classified by the city's Master Plan of Streets and Highways, is sufficient in size to meet the requirements of the proposed O (Office) zoning district. No access is provided to Marietta Avenue.

FINDINGS (23-0574-VAR1)

In accordance with the provisions of Title 19.16.140(B), the 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."

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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.”

Staff has concluded that buildings and structures were primarily constructed on the subject site while the site was located in unincorporated Clark County, and furthermore were not subject to a lot coverage requirement in the existing R-E (Residence Estates) zoning district. The requested deviation maintains the existing condition of the site and does no substantial harm to the public good. The request to deviate from the lot coverage standard in the O (Office) zoning district is therefore within the realm of NRS Chapter 278 for granting of Variances.

FINDINGS (23-0574-SUP1)

In order to approve a Special Use Permit application, per Title 19.16.110(L) the Planning Commission and City Council must affirm the following:

- 1. The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.**

The existing Social Service Provider has been operating in a manner that is harmonious and compatible with the adjacent Social Service Provider, commercial, multi-family and single-family residential uses on adjacent parcels, and can be so conducted in the future.

- 2. The subject site is physically suitable for the type and intensity of land use proposed.**

Previous operations provide evidence that the subject site can accommodate the existing Social Service Provider use, which is typically a low intensity use.

- 3. **Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.**

Vegas Drive, an 80-foot wide Major Collector Street as classified by the city’s Master Plan of Streets and Highways, is sufficient in size to meet the requirements of the proposed Social Service Provider use. No access is provided to Marietta Avenue.

- 4. **Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.**

The proposed use will be subject to state and local licensing requirements enforcement for compliance, thereby protecting the public health, safety and general welfare.

- 5. **The use meets all of the applicable conditions per Title 19.12.**

The Social Service Provider use requires approval of a Special Use Permit in the O (Office) zoning district. There are no minimum Special Use Permit requirements for this use in the O (Office) zoning district.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by Planning, Fire, Building, Code Enforcement, etc.</i>	
June 1981	A Clark County Use Permit (UC-0086-81) was approved for a private facility for troubled families on APN 138-24-801-025 (western parcel).
July 1991	A Clark County Use Permit (UC-0190-91) was approved for a private facility for troubled families on APN 138-24-801-026 (eastern parcel).
10/21/99	The Clark County Planning Commission approved a request for a Use Permit (UC-01347-99) for a two-story, 8,000 square-foot addition to an existing private facility for troubled families and Variance to reduce the front yard setback to an existing building to 33 feet where 40 feet is required on 0.72 acres on the north side of Vegas Drive, approximately 530 feet east of Michael Way. (eastern parcel)
2000	Assessor’s Parcel Numbers 138-24-801-025 and 026 were joined through an administrative action.
04/03/01	The Clark County Planning Commission approved a request for a Waiver of Conditions (WC-0045-01) of an approved Use Permit (UC-1347-99) to waive full offsite improvements on Vegas Drive and to combine driveways to allow for a maximum of two driveways and construct to Title 27 standards on 1.40 acres on the north side of Vegas Drive, approximately 530 feet east of Michael Way.

Related Relevant City Actions by Planning, Fire, Building, Code Enforcement, etc.	
06/19/01	The Clark County Planning Commission approved a request for an Extension of Time (ET-0158-01) for a Use Permit and Variance (UC-01347-99) for a two-story addition to an existing private facility for troubled families and Variance to reduce the front yard setback to 33 feet to an existing building where 40 feet is required on 0.72 acres on the north side of Vegas Drive, approximately 530 feet east of Michael Way.
05/07/03	The City Council adopted an ordinance of Annexation (A-0080-01) of 1.62 acres generally located on the north side of Vegas Drive, 520 feet east of Michael Way. The zoning classification assigned in the City of Las Vegas was R-E (Residence Estates). The annexation became effective 06/06/03.
05/07/08	The City Council approved a request for Rezoning (ZON-27075) from P-R (Professional Office and Parking) to O (Office) on 0.58 acres at 5300 Vegas Drive. The Planning Commission and staff recommended approval.
05/07/08	The City Council approved a request for a Special Use Permit (SUP-27077) for a proposed Social Service Provider use at 5300 Vegas Drive. The Planning Commission and staff recommended approval.
01/09/24	<p>The Planning Commission voted (7-0) to recommend APPROVAL for possible action on the following Land Use Entitlement project requests on 1.25 acres at 5204 and 5238 Vegas Drive (APN 138-24-801-036), Ward 5 (Crear)</p> <p>23-0574-GPA1 - GENERAL PLAN AMENDMENT - FROM: R (RURAL DENSITY RESIDENTIAL) TO: O (OFFICE)</p> <p>23-0574-ZON1 - REZONING - FROM: R-E (RESIDENCE ESTATES) TO: O (OFFICE)</p> <p>23-0574-VAR1 - VARIANCE - TO ALLOW 40 PERCENT LOT COVERAGE WHERE 30 PERCENT IS THE MAXIMUM ALLOWED</p> <p>23-0574-SUP1 - SPECIAL USE PERMIT - FOR AN EXISTING SOCIAL SERVICE PROVIDER USE</p>

Most Recent Change of Ownership	
07/09/04	A deed was recorded for a change in ownership.

Related Building Permits/Business Licenses	
09/01/16	A building permit (C-322224) was issued for a 2,660 square-foot shade structure at 5238 Vegas Drive. The permit has not been finalized.
10/08/21	A building permit (C21-04284) was issued for electrical service change at 5238 Vegas Drive. The permit has not been finalized.

Pre-Application Meeting	
10/26/23	A virtual pre-application meeting was held with the applicant to discuss submittal requirements for General Plan Amendment and Rezoning applications. The applicant stated that the intent of the applications was to match the designations of the adjacent parcel in preparation for a future mapping action and that no new development is proposed at this time.

Neighborhood Meeting	
12/19/23	A required neighborhood meeting was held at 6:00 p.m. at the West Charleston Library, 6301 West Charleston Boulevard, Las Vegas, to discuss the project. Four members of the applicant and representative team, one Ward 5 staff member and one staff member of the Department of Community Development were in attendance. No members of the public attended.

Field Check	
11/30/23	During a routine field check, staff noted several existing buildings and shade structures on the subject site. The existing rear wall appears to be about eight feet in height and was constructed with non-decorative block.

Details of Application Request	
Site Area	
Net Acres	1.25

Surrounding Property	Existing Land Use Per Title 19.12	Planned or Special Land Use Designation	Existing Zoning District
Subject Property	Social Service Provider	R (Rural Density Residential)	R-E (Residence Estates)
North	Residential, Single Family, Detached	R (Rural Density Residential)	R-1 (Residence Estates)
		L (Low Density Residential)	
South	Residential, Multi-Family	M (Medium Density Residential)	R-3 (Medium Density Residential)
East	Building Maintenance Service and Sales	SC (Service Commercial)	C-1 (Limited Commercial)
West	Social Service Provider	O (Office)	O (Office)
	Undeveloped	L (Low Density Residential)	R-E (Residence Estates)

Master and Neighborhood Plan Areas	Compliance
Las Vegas 2050 Master Plan Area: Twin Lakes	Y
Special Area and Overlay Districts	Compliance
A-O (Airport Overlay) District (105 Feet)	Y
Other Plans or Special Requirements	Compliance
Trails	N/A
Las Vegas Redevelopment Plan Area	N/A
Interlocal Agreement	N/A
Project of Significant Impact (Development Impact Notification Assessment)	N/A
Project of Regional Significance	N/A

DEVELOPMENT STANDARDS

Pursuant to 19.08, the following standards apply:

Standard	Required/Allowed	Provided	Compliance
Min. Lot Width	100 Feet	213 Feet	Y
Min. Setbacks			
• Front	25 Feet	32 Feet	Y
• Side	10 Feet	10 Feet	Y
• Corner	15 Feet	N/A	N/A
• Rear	15 Feet	20 Feet	Y

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Standard	Required/Allowed	Provided	Compliance
Max. Lot Coverage*	30 %	40 %	N***
Max. Building Height	2 Stories/35 Feet	2 stories/28 Feet	Y
Trash Enclosure	Screened, Gated, w/ a Roof or Trellis	Screened, Gated with no roof	N**
Mech. Equipment	Screened	Some rooftop equipment is visible from ROW	N**

*Lot coverage for mixed-use developments may be increased up to a maximum of 75% of net lot area with approval of a Site Development Plan Review.

**The existing development will remain nonconforming with Title 19.08 until new, conforming development is proposed or an exception is approved.

***The applicant has requested a Variance (23-0574-VAR1) of this development standard.

Existing Zoning	Permitted Density	Units Allowed
R-E (Residence Estates)	2.42 du/ac	3
Proposed Zoning	Permitted Density	Units Allowed
O (Office)	N/A	N/A
Existing General Plan	Permitted Density	Units Allowed
R (Rural Density Residential)	3.59 du/ac	4
Proposed General Plan	Permitted Density	Units Allowed
O (Office)	N/A	N/A

Street Name	Functional Classification of Street(s)	Governing Document	Actual Street Width (Feet)	Compliance with Street Section
Vegas Drive	Major Collector	Master Plan of Streets and Highways Map	80	Y
Marietta Avenue	Local Street	Title 13	30	N/A