



AGENDA MEMO

CITY COUNCIL MEETING DATE: SEPTEMBER 6, 2006

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: VAR-14251 - APPLICANT: NEVADA ASSOCIATION OF LATIN AMERICANS, INC. - OWNER: HOUSING AUTHORITY OF THE CITY OF LAS VEGAS, NEVADA

**** CONDITIONS ****

The Planning Commission (5-0 vote) and staff recommend APPROVAL, subject to:

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Rezoning (ZON-14246) and Special Use Permit (SUP-14252) shall be required.
2. This approval shall be void one year from the date of final approval, unless a business license has been issued to conduct the activity, if required, or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.

**** STAFF REPORT ****

APPLICATION REQUEST

This is a request for a Variance to allow 29 parking spaces where 50 parking spaces are the minimum required on 1.47 acres at 323 North Maryland Parkway. An associated Rezone (ZON-14246) application and Special Use Permit (SUP-14246) application will be heard concurrently with this request.

EXECUTIVE SUMMARY

The facility in its current state was approved in 1990 with 29 parking spaces; the variance is required due to the addition of the social service functions to the site. The applicant cites differences in the operational characteristics and the nature of the population served as the basis for the variance; most of the clients and staff arrive by public transportation or on foot. The Social Service Provider use has been in operation on the site since 2000, and no parking issues have been noted to date.

BACKGROUND INFORMATION

A) Related Actions

- | | |
|----------|---|
| 02/24/78 | The Board of Zoning Adjustment approved a Special Use Permit (U-0005-78) to allow a child care center on the subject site. |
| 09/01/90 | The Planning and Development Department approved a plot plan for an addition to the existing structure. |
| 07/27/06 | The Planning Commission recommended approval of companion items ZON-14246 and SUP-14252 concurrently with this application. |
| 07/27/06 | The Planning Commission voted 5-0 to recommend APPROVAL (PC Agenda Item #71/ff). |

B) Pre-Application Meeting

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| 03/06/06 | At the pre-application conference, it was noted that the daycare function was properly licensed, but the social service functions would require a Special Use Permit. Parking requirements were reviewed with the applicant, and it was noted that a Variance would be needed as the uses on the site had been expanded. |
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C) Neighborhood Meetings

A neighborhood meeting is not required as part of this application request, nor was one held.

DETAILS OF APPLICATION REQUEST

A) Site Area

Net Acres: 1.47

B) Existing Land Use

Subject Property: Child Care Center
Social Service Provider
North: I-515 R.O.W.
South: General Retail Use
East: Community Center
Multifamily Residential Use
Single-Family Residential Use
West: Multifamily Residential Use
Community Center

C) Planned Land Use

Subject Property: MXU (Mixed-Use)
North: I-515 R.O.W.
South: MXU (Mixed-Use)
East: MXU (Mixed-Use)
West: MXU (Mixed-Use)

D) Existing Zoning

Subject Property: R-2 (Medium-Low Density Residential)
North: I-515 R.O.W.
South: C-2 (General Commercial)
East: R-3 (Medium-Density Residential)
C-1 (Limited Commercial)
West: R-3 (Medium-Density Residential)
R-4 (High Density Residential)

E) General Plan Compliance

The subject property is located within the boundaries of the Las Vegas Redevelopment District, and has a Mixed-Use (MXU) land use designation. The Mixed-Use (MUX) designation allows uses comparable to the following land use categories: L (Low Density Residential), ML (Medium-Low Density Residential), M (Medium Density Residential), H (High Density Residential), O (Office), SC (Service Commercial), GC (General Commercial), and PF (Public Facilities). The proposed uses are in compliance with the land use designation.

<i>SPECIAL DISTRICTS/ZONES</i>	Yes	No
Special Area Plan		
Redevelopment Plan Area	X	
Special Overlay District		X
Trails		X
Rural Preservation Overlay District		X
County/North Las Vegas/HOA Notification		X
Development Impact Notification Assessment		X
Project of Regional Significance		X

Redevelopment Plan Area

As previously noted, the parcel is within the boundaries of the Las Vegas Redevelopment Area, with a Mixed-Use (MXU) land use designation. The proposed uses are in conformance with the Redevelopment Plan.

A) Zoning Code Compliance

A1) Parking and Traffic Standards

Pursuant to Title 19.10, the following Parking Standards apply to the subject proposal:

Uses	GFA	Ratio	Required		Provided	
			Parking		Parking	
			Regular	Handicap	Regular	Handicap
Child Care Center	13,000 SF	1/staff member (12 staff members) 1/10 children (200 children)	32			
Social Service Provider	5,282 SF	1/300	18			
Total	18,282 SF		50	2 (of total)	29	2 (of total)

A total of 50 parking spaces are required on the site; only 29 parking spaces are available. This represents a 42% reduction in the amount of parking required by Title 19.10.

B) General Analysis and Discussion

The building was originally constructed in 1979 as a daycare facility, and had approximately 13,000 square feet of floor area. An addition was constructed in 1990 and added approximately 5,000 square feet of floor area. The addition was approved administratively, and no additional parking spaces were added to the site. While this would typically be considered a Parking Impaired Facility as defined by Title 19.10, the addition of the Social Service Provider function to the site represents an intensification of use, and requires that a Variance be approved.

As noted in the accompanying staff reports, the use has been in existence at the facility since 2000, and no parking issues have been noted to date. The applicant has submitted a justification letter to demonstrate why the Variance is warranted, citing differences in the operational characteristics and the nature of the population served. Although the daycare facility can accommodate up to 200 children, the average attendance is approximately 120 students. Of the 12 instructors employed by the daycare facility, only five instructors drive to work. Children are either dropped off by their parents by vehicle, or walk to the facility on foot.

The applicant further states that the Social Service Provider functions offered by the organization serve the lower economic strata of the population, and most clients do not have vehicles, but arrive either by public transportation or on foot. The parking requirement applied to Social Service Provider uses is the general office parking standard, which requires one parking space for every 300 square feet of gross floor area. As this parking requirement is not specific to the use, an alternative standard may be considered.

FINDINGS

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 19.18.070L 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.

The applicant cites operational characteristics and the economic status of their clients as the basis for the Variance request. In addition, the parking requirement for the Social Service Provider use applies the same standard as is applied to the general office use, and does not address differences in clientele or operations.

The proposed Variance will not:

1. Permit a use in a zoning district in which it is not allowed;
2. Vary any minimum spacing requirements, as no separation requirements apply to either the Social Service Provider or Child Care Center uses;
3. Relieve a hardship that is financial or personal in nature, but rather addresses a different operational standard that is not provided by Title 19.10.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 17

ASSEMBLY DISTRICT 9

SENATE DISTRICT 3

NOTICES MAILED 219 by City Clerk

APPROVALS 0

PROTESTS 0