



AGENDA MEMO

CITY COUNCIL MEETING DATE: SEPTEMBER 6, 2006
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: VAR-12952 - APPLICANT/OWNER: BREAD OF LIFE
MINISTRIES OF HIS GLORY, INC

**** CONDITIONS ****

Staff recommends DENIAL. The Planning Commission (4-1/sd vote) recommends APPROVAL, subject to:

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Site Development Plan Review (SDR-12949) shall be required.
2. This approval shall be void two years from the date of final approval, unless a certificate of occupancy has been issued 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 48 parking spaces where 56 spaces is the minimum number of parking spaces required on 0.87 acres at 2721 Coran Lane.

EXECUTIVE SUMMARY

The applicant has created a self-imposed hardship by proposing to overbuild the site. The addition will increase the size of the existing building by 243 percent and create two parking lots without connecting access from the interior of the lot. The requested Variance is a 14 percent deviation from the required number of spaces. As there is no indication of a hardship associated with the sites physical characteristics, the recommendation is for denial.

BACKGROUND INFORMATION

A) Related Actions

- 12/08/97 The City Council approved a Petition of Vacation (VAC-0038-97) to vacate a portion of Coran Lane east of Simmons Street. The Planning Commission recommended approval.
- 02/16/00 The City Council approved a Rezoning (Z-0077-99) from C-1 (Limited Commercial) to C-V (Civic) on this site. A Resolution of Intent was made with no expiration date. The Planning Commission and staff recommended approval.
- 12/21/00 The Planning Commission approved a Site Development Plan Review [Z-0077-99(1)] for a proposed 9,830 square foot church on the subject site. According to this proposal, the existing church would be removed. Staff recommended approval. This approval expired 12/21/02.
- 05/14/04 Building permit applications for a new church building and hardscaping were submitted. No permits were issued for the project.
- 07/27/06 The Planning Commission recommended approval of companion item SDR-12949 concurrently with this application.
- 07/27/06 The Planning Commission voted 4-1/sd to recommend APPROVAL (PC Agenda Item #81/ss).

B) *Pre-Application Meeting*

02/07/06 The applicant was advised of the submittal requirements for a Variance application.

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: 0.87

B) *Existing Land Use*

Subject Property: Church

North: Multi-Family Residential (apartments)

South: Multi-Family Residential (apartments)

East: Multi-Family Residential (apartments)

West: Single-Family Residential

C) *Planned Land Use*

Subject Property: SC (Service Commercial)

North: North Las Vegas

South: H (High Density Residential)

East: H (High Density Residential)

West: Clark County

D) *Existing Zoning*

Subject Property: C-V (Civic)

North: PUD (Planned Unit Development - North Las Vegas Designation)

South: R-4 (High Density Residential)

East: R-4 (High Density Residential)

West: R-E (Rural Estates Residential Clark County Designation)

E) *General Plan Compliance*

The subject site is designated SC (Service Commercial) on the Southeast Sector Map of the General Plan. Churches are a permitted use in this land use category. While the current C-V (Civic) zoning district allows this use, it is more compatible with the PF (Public Facilities) designation.

SPECIAL DISTRICTS/ZONES	Yes	No
Special Area Plan	X	
West Las Vegas Plan	X	
Special Overlay District		X
Trails		X
Rural Preservation Neighborhood		X
Development Impact Notification Assessment		X
Project of Regional Significance		X

The subject site is part of the West Las Vegas Plan area. The site is designated SC (Service Commercial), but is surrounded by parcels containing existing or expected multi-family development.

ANALYSIS

A) Zoning Code Compliance

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
Church	9,844 SF	One space per 100 SF of non-fixed seating in gathering room (5,590 SF)	53	3	45	3
TOTAL			56		48	

A total of 48 spaces is proposed where 56 spaces is the minimum number required by Title 19. A Variance (VAR-12952) to allow a reduction in the number of spaces has been submitted and will be heard concurrently with this application. Handicapped parking is not striped correctly. All parking spaces have standard dimensions. An additional accessible lane shall be provided on one of the spaces to comply with Title 19.10 requirements. The amount of deviation from the minimum number of spaces is 14 percent.

B) General Analysis and Discussion

The subject Variance is proposed in conjunction with an addition to the existing church on the site. The church building is currently 2,867 square feet and requires no more than 29 spaces. The addition will increase the gathering area to 5,590 square feet, requiring a total of 56 spaces. The floor space of the building will be increasing by 243 percent. The parking areas are proposed to be located on the east and west sides of the building. These parking areas cannot be connected because the existing building is located on the south property line and the proposed addition will extend up to eight feet from the north property line. A smaller building design would allow for a sufficient number of parking spaces to meet Title 19 requirements and also allow access between the two lots.

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 19.18.070.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.

No evidence of a unique or extraordinary circumstance concerning this site has been presented. The applicant has created a self-imposed hardship by proposing to overbuild the site. Reducing the size of the addition would allow conformance to Title 19 parking requirements. In view of the absence of any hardships imposed by the sites physical characteristics, it is concluded that the applicants hardship is preferential in nature, and it is thereby outside the realm of NRS Chapter 278 for granting of Variances.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 12

ASSEMBLY DISTRICT 6

SENATE DISTRICT 4

NOTICES MAILED 253 by City Clerk

APPROVALS 0

PROTESTS 0