



AGENDA MEMO

CITY COUNCIL MEETING DATE: SEPTEMBER 20, 2006

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: VAR-15057 - APPLICANT: SCOTT R. GEARING - OWNER:
MONTERREY PLAZA, LLC**

**** CONDITIONS ****

Staff recommends DENIAL. The Planning Commission (5-1/sd vote) recommends APPROVAL, subject to:

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Special Use Permits (SUP-15058 & SUP-15059) and Site Development Plan Review (SDR-15055) 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 61 parking spaces where 66 is the minimum number of parking spaces required on 0.88 acres on the south side of Azure Drive, approximately 170 west of Tenaya Way.

EXECUTIVE SUMMARY

The applicant is attempting to overbuild the site. An alternative design with less square-footage would permit compliance with parking requirements. During peak hours this deficiency could result in spill-over of parking into adjacent sites. The surrounding sites are currently undeveloped and overflow into these areas could result in a problem with dust. This deviation from standards is a self-imposed hardship and denial of this request is recommended.

BACKGROUND INFORMATION

A) Related Actions

- 12/07/98 The City Council approved a Rezoning (Z-0076-98) to T-C (Town Center) on the subject property as part of a larger request.
- 04/04/01 The City Council approved requests for Special Use Permits (U000601, U000701, U-0009-01, U-0010-01, U-0012-01, U-0013-01, U-0015-01, U001601, U-0019-01, U-0020-01, U-0022-01 and U002301) for seven supper clubs, one restaurant with drive-up, two restricted gaming locations, one restaurant service bar and two requests for the sale of packaged liquor, on the subject site. The City Council approved a request for a Site Development Plan Review [Z-0076-98(20)] for the overall commercial development on this site. The Planning Commission and staff recommended approval of the items on February 22, 2001.
- 06/18/03 The City Council approved an Extension of Time (EOT-2155) of the approved Special Use Permit (U-0008-01), which allowed a restaurant with drive-up and related Extensions of Time (EOT-2153, EOT-2154, EOT-2156, EOT-2157, EOT-2158, EOT-2159, EOT-2160, EOT-2161, EOT-2162, EOT-2163, EOT-2164 and EOT-2165) for approved Special Use Permits, which allowed seven supper clubs, one restaurant with drive-up, two restricted gaming locations, one restaurant service bar and two requests for the sale of packaged liquor, on the overall site. The Planning Commission and staff recommended approval on 05/22/03.

- 06/01/05 The City Council approved related Extension of Time of requests (EOT-6561, EOT-6562, EOT-6563, EOT-6564, EOT-6565, EOT-6566, EOT-6567, EOT-6610 and EOT-6611) for approved Special Use Permits which allowed five supper clubs, one restaurant with drive-up, one restricted gaming establishment and one restaurant service bar, on the overall site.
- 08/24/06 The Planning Commission recommended approval of companion items SUP-15058, SUP-15059 and SDR-15055 concurrently with this application.
- 08/24/06 The Planning Commission voted 5-1/sd to recommend APPROVAL (PC Agenda Item #52/ng).

It is noted that of the extensive list of cases listed above are related to the Monterrey Marketplace. The previous approvals on the actual site were U-15-01 and U-23-01 for Gaming (Restricted) and Liquor Sales (off site consumption) in conjunction with a Drug Store, and the Extension of Time requests directly associated with these items. All other approvals are part of the adjacent commercial development.

B) Pre-Application Meeting

- 05/31/06 A pre-application meeting was held and elements of this project were discussed. It was noted that a neighborhood meeting would be required per Town Center Standards for the Gaming (Restricted) request.

C) Neighborhood Meetings

In accordance to Town Center requirements a neighborhood meeting was held on Tuesday, 07/25/06 at 7:00 p.m. The meeting was held at Cimarron Rose Community Center, 5591 N. Cimarron Road, Las Vegas, Nevada. No citizens were in attendance at this meeting.

DETAILS OF APPLICATION REQUEST

A) Site Area

Net Acres: 0.88

B) Existing Land Use

Subject Property: Undeveloped
North: Shopping Center
South: Single Family Residential
East: Undeveloped
West: Undeveloped

C) *Planned Land Use*

Subject Property: SX-TC (Suburban Mixed Use)
 North: GC-TC (General Commercial)
 South: ML (Medium Low Density Residential)
 East: SX-TC (Suburban Mixed Use)
 West: SX-TC (Suburban Mixed Use)

D) *Existing Zoning*

Subject Property: TC (Town Center)
 North: TC (Town Center)
 South: Clark County
 East: TC (Town Center)
 West: TC (Town Center)

E) *General Plan Compliance*

The subject property is located in the Centennial Hills Sector Plan of the General Plan. The governing land use on the property is SX-TC (Suburban Mixed Use Town Center) as the property is also located in Town Center. The proposed project is in compliance with the SX-TC land use designation and the General Plan.

| SPECIAL DISTRICTS/ZONES | Yes | No |
|---|------------|-----------|
| Special Area Plan | X | |
| Town Center | X | |
| Special Overlay District | | X |
| Trails | X | |
| Rural Preservation Neighborhood | | X |
| Development Impact Notification Assessment | | X |
| Project of Regional Significance | X | |

Town Center

The subject property is located in Town Center. The land use on the property is SX-TC (Suburban Mixed Use Town Center). The proposed restaurant is in compliance with the SX-TC land use designation.

Trails

There is a multi-use transportation trail located along the southern portion of this development. This trail is already developed and no action is required of the applicant at this time.

Project of Regional Significance

The project is deemed a Project of Regional Significance as it required Special Use Permits within 500 feet of the boundary with Clark County. A Development Impact Notice and Assessment was routed accordingly.

ANALYSIS

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 | Required | | Provided | | |
|-------------------------|----------|----------|---------|----------|---------|----------|
| | | Ratio | Parking | | Parking | |
| | | | Regular | Handicap | Regular | Handicap |
| Office | 964 SF | 1:300 SF | 4 | | | |
| Restaurant (Seating) | 2,547 SF | 1:50 SF | 51 | | | |
| Restaurant (other area) | 2,006 SF | 1:200 SF | 11 | | | |
| Sub Total | | | 66 | 3 | 61 | 3 |
| Total | | | 66 | | 61 | |

The proposed development does not meet the requirements of Title 19.10 for parking. This Variance, if approved, is intended to permit this deviation from standards.

The Department of Public Works has noted that it supports present City Code parking requirements and therefore cannot support the Variance request.

B) General Analysis and Discussion

The parking situation on the site could be improved through reducing the square footage of the building. There is a large office space that is part of this development that the applicant lists as available for lease. This does not fit in with the primary use as a restaurant. If this space were reduced it would decrease the parking requirements on site and leave additional space for more parking. During peak hours, parking for the restaurant

may overflow into adjacent lots due to the deficiency from requirements. Currently none of these lots are developed. This may result in patrons parking in the dirt lots and cause a problem with dust. This is considered a self-imposed hardship and denial of this request is recommended. This is also the primary reason for the denial recommendation of the companion items.

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.

No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship through their design choices for the site. An alternative design with less square-footage would allow conformance to the Title 19 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

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ASSEMBLY DISTRICT 13

SENATE DISTRICT 9

NOTICES MAILED 340 by City Clerk

APPROVALS 0

PROTESTS 0