



## **AGENDA MEMO**

**CITY COUNCIL MEETING DATE: NOVEMBER 1, 2006**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: ABEYANCE - VAR-14347 - APPLICANT: CASINO CENTER PROPERTIES - OWNER: CASINO CENTER PROPERTIES, LLC, ET AL**

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***THIS ITEM WAS HELD IN ABEYANCE FROM THE OCTOBER 4, 2006 CITY COUNCIL MEETING AT THE REQUEST OF COUNCILMAN REESE.***

### **\*\* CONDITIONS \*\***

Staff recommends DENIAL. The Planning Commission (4-3/gt/se/sd vote) recommends APPROVAL, subject to:

#### **Planning and Development**

1. Conformance to the Conditions for General Plan Amendment (GPA-14325), Rezoning (ZON-14338), Variance (VAR-14342), Variance (VAR-14345), Special Use Permit (SUP-14339), Vacation (VAC-12884) and Site Development Plan Review (SDR-14349) if approved.
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 624 parking spaces where 635 is the minimum number of parking spaces required in conjunction with a proposed mixed-use development on 2.05 acres at the northwest corner of Charleston Boulevard and 10th Street. The following associated cases will be considered concurrently with this request: GPA-14325, ZON-14338, VAR-14342, VAR-14345, SUP-14339, VAC-12884 and SDR-14349.

**EXECUTIVE SUMMARY**

The project will comply with parking requirements if all of the commercial area is developed as retail space; the applicant has requested a Variance for 11 parking spaces to allow the potential for commercial uses with a more intense parking requirement, such as restaurant uses. The request does not meet the criteria for the approval of variances, as the hardship is self-created and the applicant could revise the development to comply with parking requirements.

**BACKGROUND INFORMATION**

***A) Related Actions***

- |          |                                                                                                                                                                                                                                                                                                                                                                                                 |
|----------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 05/03/72 | The City Council approved a Rezoning (Z-0026-72) from R-1 (Single Family Residential) to P-R (Professional Office and Parking) for the parcel at 717 S. 9 <sup>th</sup> Street. The Planning Commission recommended approval of the request on 04/13/72.                                                                                                                                        |
| 04/26/79 | The Board of Zoning Adjustment approved a Variance (V-0027-79) to allow a group care home for 16 residents on the property at 700 S. 10 <sup>th</sup> Street.                                                                                                                                                                                                                                   |
| 09/27/84 | The Board of Zoning Adjustment approved a Variance (V-0103-84) to allow a beauty shop where such use is not allowed on the property located at 717 S. 9 <sup>th</sup> Street.                                                                                                                                                                                                                   |
| 02/06/91 | The City Council approved a Rezoning (Z-0150-90) from R-1 (Single Family Residential), R-3 (Medium-Density Residential), R-4 (High-Density Residential), P-R (Professional Office and Parking) and C-1 (Limited Commercial) to C-1 (Limited Commercial) for five of the parcels that comprise the subject development. The Planning Commission recommended approval of the request on 01/10/91. |

09/07/06 The Planning Commission recommended approval of companion items ZON-14338, SUP-14339, VAC-12884 and denial of GPA-14325, VAR-14342, VAR-14345 and SDR-14349 concurrently with this application.

09/07/06 The Planning Commission voted 4-3/gt/se/sd to recommend APPROVAL (PC Agenda Item #21/ff).

***B) Pre-Application Meeting***

05/16/06 At the pre-application conference, issues were discussed relative to the General Plan designation for the site, rezoning requirements, parking requirements, residential adjacency requirements, and general development standards. In addition, issues were discussed relative to the configuration of the alley.

***C) Neighborhood Meetings***

07/05/06 A neighborhood meeting was held by the applicant at the Las Vegas Senior Center; 33 residents attended the meeting. The following concerns were raised at the meeting:

- Concern about the reduction in parking;
- Concern about the residential adjacency waiver and impact of building shadows on the residential neighborhood to the south;
- Concern about traffic impacts on the neighborhood to the north;
- Concern about construction noise;
- Concern about sewer capacity;
- Concern about power availability;
- Concern about the provision of recreation space for residents of the project;
- Concern about public transportation access and bus turnout facilities; and
- Concern about the impacts of reflective glazing and whether or not the building would be LEED certified.

**DETAILS OF APPLICATION REQUEST**

***A) Site Area***

Net Acres: 2.05

***B) Existing Land Use***

Subject Property: Single-Family Residential Use  
Office Use  
General Commercial Use  
North: Office Use  
South: Office Use  
General Commercial Use

East: Single-Family Residential Use  
Office Use  
General Commercial Use  
West: Single-Family Residential Use  
Office Use

**C) *Planned Land Use***

Subject Property: C (Commercial)  
MXU (Mixed-Use) [Proposed: C (Commercial)]  
North: MXU (Mixed-Use)  
South: C (Commercial)  
East: C (Commercial)  
West: MXU (Mixed-Use)

**D) *Existing Zoning***

Subject Property: R-4 (High-Density Residential)  
P-R (Professional Office and Parking)  
C-1 (Limited Commercial) [Proposed: C-1(Limited Commercial)]  
North: R-1 (Single Family Residential)  
P-R (Professional Office and Parking)  
South: C-1 (Limited Commercial)  
East: R-4 (High-Density Residential)  
P-R (Professional Office and Parking)  
C-2 (General Commercial)  
West: R-1 (Single Family Residential)  
P-R (Professional Office and Parking)

**E) *General Plan Compliance***

The subject site is within the boundaries of the Las Vegas Redevelopment Plan area, and has C (Commercial) and MXU (Mixed-Use) land use designations; the applicant has filed a General Plan Amendment (GPA-14325) to change the land use designation on the entire development parcel to C (Commercial). The C (Commercial) designation allows uses comparable to the O (Office), SC (Service Commercial) and GC (General Commercial) land use categories.

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

### **Redevelopment Plan Area**

As previously noted, the development site is within the boundaries of the Las Vegas Redevelopment Plan area, and it is proposed to change the land use designation to C (Commercial). The proposed commercial uses are consistent with the proposed land use designation; the residential uses are allowed in commercial districts upon approval of a special use permit.

### **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 Parking |          | Provided Parking |                         |
|-------------|-----------|-----------|------------------|----------|------------------|-------------------------|
|             |           |           | Regular          | Handicap | Regular          | Handicap                |
| Retail      | 18,000 SF | 1/175 GFA | 103              |          |                  |                         |
| Residential |           |           |                  |          |                  |                         |
| • 1 Bedroom | 300       | 1.25/unit | 375              |          |                  |                         |
| • 2 Bedroom | 50        | 1.75/unit | 88               |          |                  |                         |
| • Guest     |           | 1/6 units | 58               |          |                  |                         |
| Total:      |           |           | 624              | 13       | 624              | 2% of total (13 spaces) |

Based on the numbers provided by the applicant, the development will conform to Title 19.10 parking requirements if all of the commercial space is utilized for retail uses. The applicant has requested the flexibility to develop some of the commercial space for restaurant uses, and has requested a Variance for an extra 11 parking spaces.

### **B) General Analysis and Discussion**

The project will comply with the parking requirements of Title 19 if all of the commercial space is used for general retail. The applicant is requesting the Variance to allow for the possible inclusion of restaurant uses; however, the minimal number of parking spaces requested for the development will significantly limit the amount of square footage that can be devoted to any restaurant use. Rather than request a Variance for proposed uses, it is recommended that the commercial square footage be reduced as a means to allow greater flexibility of leasing options while complying with Title 19 requirements.

## **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 by not providing the required number of parking spaces for the prospective uses. The provision of additional parking spaces or a reduction in the commercial square footage of the project 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** 9

**SENATE DISTRICT** 3

**NOTICES MAILED** 294 by City Clerk

**APPROVALS** 3

**PROTESTS** 1