



## **AGENDA MEMO**

**CITY COUNCIL MEETING DATE: DECEMBER 20, 2006**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: VAR-17299 - APPLICANT: MICHAEL LAWSON - OWNER:  
SANDCASTLE ENTERPRISES, INC.**

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

Staff recommends DENIAL. The Planning Commission (6-1/sd vote) recommends APPROVAL, subject to:

#### **Planning and Development**

1. Conformance to the Conditions of Approval for Special Use Permit (SUP-17301) shall be required if approved.
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 \*\***

**PROJECT DESCRIPTION**

The proposed project is a request for a Variance to allow 13 parking spaces where 27 parking spaces are the minimum required. The 0.79 acre project parcel is located at 6565 Smoke Ranch Road. The requested parking reduction is associated with an associated application for a Special Use Permit (SUP-17301) request to operate a pet boarding facility at the same site. If the proposed SUP-17301 is approved and the subject variance application is denied, parking for the proposed use will be deficient by 50 percent. Staff recommends denial of the requested Variance.

**BACKGROUND INFORMATION**

<b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i></b>	
08/05/87	The City Council approved a Plot Plan Review of an addition to a child care center on the property located at 6565 West Smoke Ranch Road, N-U Zone (under Resolution of Intent to C-1). Staff and the Planning Commission recommended approval.
11/16/06	The Planning Commission recommended approval of companion item SUP-17301 concurrently with this application.  The Planning Commission voted 6-1/sd to recommend APPROVAL (PC Agenda Item #33/ja).
<b><i>Related Building Permits/Business Licenses</i></b>	
08/15/06	The business permit for the former child daycare center expired.
<b><i>Pre-Application Meeting</i></b>	
09/11/06	A Pre-Application meeting was held with the applicant. Development Services Current Planning Staff were informed that the proposed use would be an Upscale pet boarding facility that would not include exterior pens, but would potentially utilize existing exterior rear yard areas for training.
<b><i>Neighborhood Meeting</i></b>	
A neighborhood meeting is not required for this development type nor was one held.	

<b><i>Details of Application Request</i></b>	
<b><i>Site Area</i></b>	
Gross Acres	0.79 acres

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Vacant Child Care Facility	Service Commercial	C-1 (Limited Commercial)
North	Residential	Medium Low Residential	R-CL (Residential Compact Lot)
South	Residential and Undeveloped	Medium Low Residential and ROI Undeveloped (Service Commercial) to P-R (Professional Office and Parking)	R-CL (Residential Compact Lot)
East	Residential	Medium Low Attached Residential	R-PD (Residential Planned Development)
West	Commercial Office space	Service Commercial	C-1 (Limited Commercial)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
<b>Special Purpose and Overlay Districts</b>			
A-O (Airport Overlay) District	X		Y
<b>Trails</b>		X	Y
<b>Rural Preservation Overlay District</b>		X	Y
<b>Development Impact Notification Assessment</b>		X	Y
<b>Project of Regional Significance</b>		X	Y

**DEVELOPMENT STANDARDS**

The following Commercial Development Standards from Section 19.08.050 of Title 19 apply to the subject site.

*Pursuant to Title 19.10, the following parking standards apply:*

<b>Parking Requirement</b>							
<i>Use</i>	<i>Gross Floor Area or Number of Units</i>	<i>Parking Ratio</i>	<i>Required</i>		<i>Provided</i>		<i>Compliance</i>
			<i>Parking</i>		<i>Parking</i>		
			Regular	Handi-capped	Regular	Handi-capped	
Service Commercial	6,712	1 space/250 square feet	25	2	12	1	N
<b>TOTAL</b>			27		13		N
Percent Deviation					50 percent		N

## ANALYSIS

The proposed project is located within the C-1 (Limited Commercial) Zone, Southwest Sector of the City General Plan. The project site is currently developed with a former Child Daycare Center and associated parking. A companion application Special Use Permit (SUP-17301) to operate a 6,711 square foot pet boarding facility at a former Child Daycare Center site shall be considered with this variance request.

- Site Plan

The project site contains two existing one story commercial structures and a 13 space surface parking lot accessible from Smoke Ranch Road. The site is surrounded by existing residential uses to the north, south, and east, and commercial office to the west.

- Parking

In accordance with Title 19 Commercial Development Parking Standards, the proposed pet boarding use requires 1 parking space per 250 square feet of gross floor area (27 spaces) on-site. Existing site parking contains 13 standard spaces; 50 percent below zoning code requirements. Staff finds that the proposed use is not suitable for this site and the parking deficit could negatively affect surrounding residential uses. Therefore, staff recommends denial of the requested parking Variance.

## 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 in selecting a project site that is unable to provide required parking. 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.

**PLANNING COMMISSION ACTION**

There was one speaker in favor and one opposed at the Planning Commission Meeting.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 4

**ASSEMBLY DISTRICT** 37

**SENATE DISTRICT** 3

**NOTICES MAILED** 451 by City Clerk

**APPROVALS** 0

**PROTESTS** 0