



AGENDA MEMO

CITY COUNCIL MEETING DATE: DECEMBER 20, 2006
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: VAR-17306 - APPLICANT: WEST ONE PROPERTIES, LTD -
OWNER: ASP REALTY, INC.

**** CONDITIONS ****

Staff recommends DENIAL. The Planning Commission (7-0 vote) recommends APPROVAL, subject to:

Planning and Development

1. Conformance to the Conditions of Approval for Site Development Plan Review (SDR-17302), 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 ****

PROJECT DESCRIPTION

Request for a Variance to allow 15 parking spaces where 25 parking spaces are the minimum required for an existing shopping center.

The proposed development of a 6,180 square-foot commercial development would require the addition of 25 parking spaces to this site. The applicant would be providing 15 additional spaces. This variance is to permit this ten space deviation from requirements, if approved. The site is currently parking impaired and this project would increase the parking deficiency on site by ten spaces. Denial of this request is recommended.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
05/17/78	The City Council approved a reclassification of property (Z-0032-78) at this location for a proposed shopping center. The Planning Commission recommended approval.
11/16/06	A companion Site Development Plan Review (SDR-17302) will be heard concurrently with this item.
11/16/06	The Planning Commission recommended approval of companion item SDR-17302 concurrently with this application. The Planning Commission voted 7-0 to recommend APPROVAL (PC Agenda Item #35/ng).
<i>Related Building Permits/Business Licenses</i>	
There are no permits or licenses related to this request.	
<i>Pre-Application Meeting</i>	
12/21/05	A pre-application meeting was held. It was noted that handicapped parking must be brought up to Code requirements and that this is a parking impaired development. Parking requirements were discussed and a cross access agreement would be required.
<i>Neighborhood Meeting</i>	
A neighborhood meeting is not required, nor was one held.	

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	0.63
Net Acres	0.63

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Parking-lot	SC (Service Commercial)	C-1 (Limited Commercial)
North	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)
South	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)
East	Restaurant	SC (Service Commercial)	C-1 (Limited Commercial)
West	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan		X	
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts		X	
Trails		X	Y
Rural Preservation Overlay District		X	Y
Development Impact Notification Assessment		X	Y
Project of Regional Significance		X	Y

DEVELOPMENT STANDARDS

Per Title 19.08 the following Development Standards apply:

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Width	100 Feet	110 Feet	Y
Min. Setbacks			
• Front	20 Feet	76 Feet	Y
• Side	10 Feet	15 Feet	Y
• Corner	15 Feet	N/A	N/A
• Rear	20 Feet	77 Feet	Y
Max. Lot Coverage	50 %	23 %	Y
Trash Enclosure	50 Feet from a protected property	53 Feet	Y
Mech. Equipment	Screened	Screened	Y

Per Title 19.12 the following Landscape Standards apply:

<i>Landscaping and Open Space Standards</i>				
<i>Standards</i>	<i>Required</i>		<i>Provided</i>	<i>Compliance</i>
	<i>Ratio</i>	<i>Trees</i>		
Parking Area	1 Tree/6 Spaces	7 Trees	10 Trees	Y
Buffer: Min. Trees	1 Tree/30 Linear Feet	3 Trees	4 Trees	Y

TOTAL			19 Trees	Y
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	15 Feet right-of-way	15 Feet	Y
Min. Zone Width	8 Feet	Zero Feet	Y (per Z-32-78)

Pursuant to Title 19.10, the following parking standards apply:

Parking Requirement							
Use	Gross Floor Area or Number of Units	Parking Ratio	Required		Provided		Compliance
			Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Shopping Center (existing)	96,017 SF	1:250 SF	384	7			
Retail Pad (proposed)	6,180 SF	1:250 SF	25	2			
SubTotal			409	9	360	14	
TOTAL			409		360		N
Loading Spaces			1		1		Y
Percent Deviation					12 % Deviation from requirements		

ANALYSIS

The site is currently parking impaired. Per Title 19.10: A land use or building which is existing on the effective date of this Title and which complied with the applicable parking standards at the time the use or building was established, but which does not comply with the requirements of this Section, shall not be considered a nonconforming use or non-conforming building; but rather, it shall be considered a parking-impaired development.

The proposed development would increase this deficiency by ten spaces; thus this parking variance indicates that the variance is to allow 15 spaces where 25 spaces are required. This development is making a site that is already deficient in parking by current standards deficient by an additional ten spaces. The differences in the parking conditions on the site are as follows:

- Current conditions are a total of 384 parking spaces are required and a total of 345 spaces are provided.

- The proposed development will require 25 additional parking spaces and through this development 15 additional spaces are being added to the site, thus the variance is worded to allow 15 parking spaces where 25 parking spaces are the minimum required.
- The new overall total for the site, if this development is approved, would be 409 parking spaces are required and a total of 360 parking spaces are provided.

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. 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 14

SENATE DISTRICT 10

NOTICES MAILED 298 by City Clerk

APPROVALS 0

PROTESTS 0