



**AGENDA MEMO**

**CITY COUNCIL MEETING DATE: JANUARY 17, 2007**  
**DEPARTMENT: PLANNING AND DEVELOPMENT**  
**ITEM DESCRIPTION: VAR-17998 - APPLICANT: LASCAL CORPORATION -**  
**OWNER: MARIA FERRA**

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**\*\* CONDITIONS \*\***

The Planning Commission (5-0 vote) and staff recommend APPROVAL, subject to:

**Planning and Development**

1. Approval of and conformance to the Conditions of Approval for Site Development Plan Review (SDR-17999) 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.
3. Prior to the issuance of the Building Permit, a revised site plan shall be submitted to the Planning and Development Department that depicts a 15-foot by 25-foot loading space consistent with Title 19 Section 19.10 .020 On-Site Loading Parking Standards.

**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

The project is a request for a Variance to allow 15 parking spaces where 23 spaces are the minimum number of parking spaces required for a proposed restaurant with drive-through on a 0.52 acre site located at 4717 West Charleston Boulevard, southeast corner of Decatur Road at West Charleston Boulevard. This request shall be considered concurrently with Site Development Plan Review (SDR-18051).

**BACKGROUND INFORMATION**

<i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i>	
12/21/06	<p>The Planning Commission recommended approval of companion item SDR-17999 concurrently with this application.</p> <p>The Planning Commission voted 5-0 to recommend APPROVAL (PC Agenda Item #6/ja).</p>

<i>Pre-Application Meeting</i>	
11/06/06	A Pre-application meeting was held with the applicant. The applicant was informed of City Public Works requirement for a Right-of-Way (ROW) dedication. The applicant was informed of Title 19 parking standards as well.
<i>Neighborhood Meeting</i>	
A neighborhood meeting is not required for this type of application nor was one held.	

***Details of Application Request:***

<i>Site Area</i>	
Gross Acres	0.52 acres

***Land Use and Zoning:***

<b>Surrounding Property</b>	<b>Existing Land Use</b>	<b>Planned Land Use</b>	<b>Existing Zoning</b>
Subject Property	Restaurant	SC (Service Commercial)	C-1 (Limited Commercial)
North	Commercial Retail	SC (Service Commercial)	C-1 (Limited Commercial)
South	Commercial Retail	SC (Service Commercial)	C-1 (Limited Commercial)
East	Commercial Retail	SC (Service Commercial)	C-1 (Limited Commercial)
West	Commercial Retail	SC (Service Commercial)	C-1 (Limited Commercial)

*Area Plans and Special Districts/Overlays:*

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

**DEVELOPMENT STANDARDS**

*The following commercial development standards from Section 19.08.050 of Title 19 apply to the project site:*

<b>Standard</b>	<b>Required/Allowed</b>	<b>Provided</b>	<b>Compliance</b>
Min. Lot Size	NA	NA	Y
Min. Lot Width	100 feet	103 feet	Y
Min. Setbacks			
• Front	20	26 feet	Y
• Side	10	20 feet	Y
• Corner	15	100 feet	Y
• Rear	20	40 feet	Y
Max. Lot Coverage	50 percent	10 percent	Y
Max. Building Height	NA	25 feet	Y
Trash Enclosure	1	1	Y

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

<b>Parking Requirement</b>							
<b>Use</b>	<b>Gross Floor Area or Number of Units</b>	<b>Parking Ratio</b>	<b>Required</b>		<b>Provided</b>		<b>Compliance</b>
			<b>Parking</b>		<b>Parking</b>		
			Regular	Handi-capped	Regular	Handi-capped	
Restaurant	2,227 square feet	1/100 square feet of gross floor area	23	1	15	1	N

<b>TOTAL</b> (including handicap)			23		15		N
Loading Spaces		1 per 10,000 square feet	1		1		Y
Percent Deviation					35 percent		N

**ANALYSIS**

The proposed restaurant use is required to dedicate 14-feet of Right-of-Way (ROW) along Decatur Road which will directly affect the ability of the project to meet Title 19 commercial development parking standards. The project will involve demolition of an existing freestanding restaurant with drive through to allow for construction of a new 2,227 square foot restaurant with drive through with associated hardscape and landscape improvements.

- **Parking**

The ROW dedication is required along Decatur Road for future construction of a right turn lane onto eastbound West Charleston Boulevard. The dedication will result in a reduction in developable land area that will constrain the ability of the project to meet required commercial parking. In accordance with Title 19 Commercial Development Parking Standards, a restaurant greater than 2,000 square feet with drive through service must provide 1 space for every 100 square feet of gross floor area. The proposed 2,227 square foot restaurant requires 23 parking spaces. The site plan indicates a total of 15 spaces which is 35 percent less than required. Staff recommends approval of the Variance request.

**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.

The required 14-foot Right-of-Way dedication along Decatur Road will limit the ability of the project to meet Title 19 Commercial Development Parking Standards. The resultant site constraint is not considered a self imposed hardship therefore staff recommends approval.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 17

**ASSEMBLY DISTRICT** 3

**SENATE DISTRICT** 11

**NOTICES MAILED** 138 by City Clerk

**APPROVALS** 0

**PROTESTS** 0