



AGENDA MEMO

PLANNING COMMISSION MEETING DATE: JULY 26, 2007

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: ABEYANCE - VAR-22018 - APPLICANT: GARY SPEER -

OWNER: JACK J. ROSS FAMILY TRUST

**** CONDITIONS ****

STAFF RECOMMENDATION: DENIAL. If Approved, subject to:

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Site Development Plan Review (SDR-22017) 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.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

This request is for a Variance to allow 28 parking spaces where 63 parking spaces are required for a proposed commercial recreation/amusement (indoor) facility consisting of a 98-foot tall, cylindrical building for the wind tunnel with an attached four floors of public and mechanical areas above ground level parking on 0.39 acres adjacent to the north side of Sahara Avenue, approximately 420 feet east of Sixth Street. The property currently consists of three undeveloped parcels of land that are zoned C-1 (Limited Commercial). A Site Development Plan Review (SDR-22017) to site the facility will accompany this item.

The applicant indicates that the proposed commercial recreation/amusement (indoor) facility will have a recreational demand similar to an indoor basketball court as the nature of the activity limits the number of participants able to use the facility at one time. Due to the self-imposed hardship inevitably created by the size of proposed development on the site, denial of this request is recommended.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
06/28/07	This item and its companion item for a Site Development Plan Review (SDR-22017) was held in abeyance at the applicants request.
07/26/07	A companion item for a Site Development Plan Review (SDR-22017) will be heard concurrently with this item
<i>Related Building Permits/Business Licenses</i>	
There are no active or pending building permits or business licenses for this site.	
<i>Pre-Application Meeting</i>	
04/11/07	A pre-application meeting was held and elements of this application were discussed. It was noted that there would need to be landscape waivers added to the justification letter and that parking should be calculated at one space per 200 square feet of gross floor area.
<i>Neighborhood Meeting</i>	
A neighborhood meeting is not required nor was one held.	
<i>Field Check</i>	
05/25/07	The Department of Planning and Development conducted a site visit that found that the site was a vacant lot with trash, broken glass and other debris. There is a monument sign at the southwest corner that should not be there as it advertises business off property to the rear of the private access drive. There is a billboard immediately to the east of the subject site. At Sahara Avenue there is an existing standard sidewalk fronting the vacant, unimproved lot. The property to the east has a double sidewalk.

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<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	0.39

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped	C (Commercial)	C-1 (Limited Commercial)
North	Office, Other Than Listed	C (Commercial)	C-1 (Limited Commercial)
South	Multi-Family Residential	CT (Commercial Tourist) Clark County	H-1 (Limited Resort and Apartment) Clark County
East	Retail, Other Than Listed	C (Commercial)	C-1 (Limited Commercial)
West	Restaurant, Less Than 2,500 SF	C (Commercial)	C-1 (Limited Commercial)
	Retail, Other Than Listed	C (Commercial)	C-1 (Limited Commercial)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan			
Redevelopment Plan Area	X		Y
Beverly Green/Southridge Neighborhood	X		N *
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
A-O (Airport Overlay) District	X		Y
Trails		X	n/a
Rural Preservation Overlay District		X	n/a
Development Impact Notification Assessment		X	n/a
Project of Regional Significance		X	n/a

* The proposed project does not reflect Strategy 2 as outlined under Issue 2 of the Existing Land Uses section of The Beverly/Southridge Neighborhood Plan which states: Any amusement ride proposed for the area east of Las Vegas Boulevard and within this Neighborhood Plans boundaries will be no higher than 50 from the natural grade of the ground.

DEVELOPMENT STANDARDS

Pursuant to Title 19.04 and 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	
Commercial Recreation / Amusement (Indoor) Facility	12,452 GFA	1 Space / 200 SF of GFA	60 Spaces	3 Spaces	26 Spaces	2 Spaces	N *
TOTAL (including handicap)			63 Spaces		28 Spaces		N *
Loading Spaces	9,701 GFA **	1 Space @ less than 10,000 SF	1 Space		1 Space		Y
Percent Deviation			≈ 55% Reduction in Parking Spaces				

* If approved, this variance would allow 28 parking spaces where 63 parking spaces are required, thus granting relief from the city standard.

** The gross floor area (GFA) utilized to compute the required number of loading spaces is based off of the public area of the facility as this is the primary area of use that would necessitate the potential need for loading and unloading.

ANALYSIS

The subject site is located on the Southeast Sector Map of the General Plan. The site is designated as C (Commercial) on the Redevelopment Plan Area Map of the General Plan. This category allows for commercial uses that are normally allowed within the O (Office), SC (Service Commercial), and GC (General Commercial) Master Plan land use categories. The proposed use is in conformance with the land use designation. The C-1 (Limited Commercial) zoning district would allow a commercial recreation/amusement (indoor) facility use and is consistent with the existing C (Commercial) Master Plan designation.

In addition to the deviation of parking standards addressed here, the project as proposed requires several landscape related waivers addressed as a part of the Site Development Plan Review (SDR-18670) to site the proposed recreation/amusement (indoor) facility.

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The proposed commercial recreation/amusement (indoor) facility requires 63 parking spaces. The submitted site plan indicates 28 spaces will be provided, including two handicap spaces (one of which is depicted as van accessible). This is a request for a reduction in the number of required parking spaces by approximately 55 percent. The applicant has noted that by their calculation the required parking should be closer to 48 total spaces; however, that calculation is based on only the public areas of the building and Title 19.10.010 (E) requires that for parking calculated based on floor area that the calculation be based on the gross floor area of the building. Staff is not in support of this Variance request as this is a self-imposed hardship and therefore does not meet the criteria for granting a 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 by not providing the required number of parking spaces for the prospective commercial use. The provision of additional parking spaces or a reduction in the intensity 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 1

ASSEMBLY DISTRICT 9

SENATE DISTRICT 10

NOTICES MAILED 163 [Mailed with SDR-22017]

APPROVALS 0

PROTESTS 1