



AGENDA MEMO

PLANNING COMMISSION MEETING DATE: NOVEMBER 29, 2007
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: ABEYANCE - VAR-23547 - APPLICANT: JAY DAPPER -
OWNER: 2301 EAST SAHARA, LLC

**** CONDITIONS ****

STAFF RECOMMENDATION: DENIAL. If Approved, subject to:

Planning and Development

1. Conformance to Site Development Plan Review (SDR-23545), 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.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Variance to allow 41 parking spaces where 63 spaces are required on 0.71 acres at 2301 East Sahara Avenue.

The applicant is requesting a Site Development Plan Review (SDR-23545) for a proposed 6,170 square foot commercial building with landscape waivers for the perimeter buffer width. These deviations from standards indicate that the applicant is intending to overbuild the site; therefore, staff recommends denial. The deviation of standard is 35 percent.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
09/13/07	The Planning Commission approved to hold this item in abeyance as per the applicants request to the 09/27/07 Planning Commission meeting.
09/27/07	The Planning Commission voted to hold this item in abeyance to the 10/11/07 Planning Commission meeting at the applicants request.
10/11/07	The Planning Commission voted to hold this item in abeyance to the 10/25/07 Planning Commission meeting.
10/25/07	The Planning Commission voted to hold this item in abeyance to the 11/29/07 Planning Commission meeting.
<i>Related Building Permits/Business Licenses</i>	
07/08/92	Real Estate Business Broker licensed issued.
<i>Pre-Application Meeting</i>	
07/10/07	A pre-application was held with the applicant. The applicant expressed that they proposed to demolish the building, replacing it with a commercial building of similar size. The issue of cross access between the flag lot to the north of the property was discussed, as well as, the deficiency in parking spaces for the proposal, which would require a Variance.
<i>Field Check</i>	
08/09/07	A field check was made on the site. There is an existing office building on site. There is a prominent grade between the adjacent east and west parcels.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	0.71

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Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Office	SC (Service Commercial)	C-1 (Limited Commercial)
North	Office	SC (Service Commercial)	C-1 (Limited Commercial)
South	Clark County (Offices)	Clark County	Clark County

East	Emission Testing Station	SC (Service Commercial)	C-1 (Limited Commercial)
West	Undeveloped	SC (Service Commercial)	R-1 (Single Family Residential), R-2 (Medium-Low Density Residential)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan		X	N/A
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

DEVELOPMENT STANDARDS

Pursuant to Title 19.10, the following parking standards apply:

Parking Requirement							
<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	
Restaurant, less than 2,000 sq. ft. (with Drive Through)	1,700 SF	1:100 SF of GFA	17				
Restaurant, more than 2,000 sq. ft. (without Drive-Through)	2,400 SF	1:50 SF of Public Seating, 1:200 SF of total remaining GFA	34				

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Retail	2,070	1:175 SF of GFA	12				
SubTotal			60	3	38	3	N*
TOTAL			63		41		N*
Loading Spaces			1		1		Y
Percent Deviation			35%				

ANALYSIS

The applicant proposes to demolish the existing 6,084 square foot office building, replacing it with a 6,170 square foot commercial building. The proposed commercial establishment requires 63 parking spaces. The submitted site plan indicates 41 spaces will be provided, including two handicap accessible spaces. The Variance requested would be a 35 percent deviation from standards.

FINDINGS

In accordance with the provisions of Title 19.18.070(B), the 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 19.18.070(L) 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. An alternative design 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.

JM

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NEIGHBORHOOD ASSOCIATIONS NOTIFIED 6

ASSEMBLY DISTRICT 12

SENATE DISTRICT 10

NOTICES MAILED 117 (Mailed with SDR-23545)

APPROVALS 0

PROTESTS 1