



AGENDA MEMO

PLANNING COMMISSION MEETING DATE: FEBRUARY 14, 2008

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: VAR-25220 - APPLICANT/OWNER: HECTOR CAMACHO

**** CONDITIONS ****

STAFF RECOMMENDATION: DENIAL. If Approved, subject to:

Planning and Development

1. Approval of and conformance to the conditions for Site Development Plan Review (SDR-25148) shall be required.
2. Conformance to the conditions for General Plan (GPA-2966), Rezoning (ZON-2967), Special Use Permit (SUP-3223), if approved.
3. 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 201 parking spaces where 250 spaces are required on 3.41 acres at the southeast corner of Page Street and Bonanza Road.

In conjunction with this Variance request, the applicant has submitted a companion Site Development Plan Review (SDR-25148) to add a proposed 20,400 square-foot General Retail Development to an existing 16,250 square-foot Auto Repair Garage, Major to allow a five-foot buffer along a portion of the south property line where 15 feet is required and a five-foot buffer along a portion of the east property line where eight feet is required on a portion of 3.41 acres at the southeast corner of Page Street and Bonanza Road.

Staff can not support of this Variance request, which is a deficiency of 20%, as this is a self-imposed hardship due to the intensity of the proposed project and therefore does not meet the criteria for granting a Variance.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
09/02/03	Code Enforcement cited (#3208) the property for trash, debris, high vegetation and large piles of dirt on the site. The citation was resolved on 10/24/03
10/30/03	Code Enforcement cited (#6336) the property for high dry vegetation and litter. The citation was resolved on 12/15/03.
01/24/04	City Council approved a General Plan Amendment (GPA-2966) from SC (Service Commercial) to GC (General Commercial), a Rezoning (ZON-2967) from R-E (Residence Estates) Zone under Resolution of Intent to O (Office) and C-1 (Limited Commercial) to C-2 (General Commercial), a Special Use Permit (SUP-3223) and Site Development Plan Review (SDR-3224) for an Auto Repair Garage (Major) and a proposed Self Serve Car Wash on 3.41 acres adjacent to the southeast corner of Bonanza Road and Page Street. Planning Commission and staff recommended denial. Note: the area designated phase 2 on the site plan was zoned to C-1 (Limited Commercial).
03/02/04	Code Enforcement cited (#10625) the property for graffiti. The citation was resolved on 03/19/04.
06/21/04	Code Enforcement cited (#16380) the property for trash on the vacant lot portion of the site. The citation was resolved on 06/30/04.
07/27/04	Code Enforcement cited (#19314) the property for trash and piles of debris. The citation was resolved on 12/06/04.

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03/02/05	Code Enforcement cited (#26624) the property for graffiti and a broken fence on the property. The citation was resolved on 04/04/05.
04/20/06	Code Enforcement cited (#40443) the property for graffiti and abandoned cars. The citation was resolved on 07/06/06.
07/21/06	Code Enforcement cited (#44724) the property for graffiti and a broken fence on the property. The citation was resolved on 02/10/07.
	A site inspection was conducted for Special Use Permit (SUP-3223). The following violations were observed by staff: Temporary signage was observed at 4561 E. Bonanza Road. Per Title 19.14.090, a temporary sign certificate is required for all temporary signage, including banners and small temporary advertising signs. Please remove the temporary signage, or obtain the required sign certificate. Window sign(s) covering more than twenty-five (25) percent of the total window area were observed at 4561 E. Bonanza Road. Per Title 19.14.060.F.12.a, Window signs shall not cover more than 25 percent of the total area of all windows located on a building elevation. The total combined area of all wall, window, roof, awning and marquee signs shall not exceed 20 percent of the building elevation to which they are attached. Please reduce the window sign(s) to 25 percent of the total window area. Per condition #7 of SUP-3223, All disabled vehicles shall be stored in an area that is screened from view from the surrounding properties and adjoining streets. Disabled vehicles were noted in the parking lot of 4561 E. Bonanza Road. Please keep disabled vehicles within the enclosed building or remove them from the property. The landscaping at 4561 E. Bonanza Road has died and is not in compliance with Landscape Plan date stamped 01-20-04. Per Title 19.12.030.A.3, The owner, developer and occupant of the property are jointly and severally responsible for maintaining or assuring the ongoing maintenance of installed landscaping so that the landscaping continues to thrive Please replace the dead landscaping and bring the landscaping into compliance with Title 19 standards.

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01/09/08	Per condition #10 of SUP-3223, A revised site plan that shows two additional handicap spaces and a trash enclosure shall be submitted to the Planning and Development Department prior to issuance of building permits. As of this date, there has not been a revised site plan submitted to Planning and Development. Also, the trash enclosure(s) that have been constructed on site do not have the proper building permits, nor are they constructed per Title 19 standards. Please submit a revised site / landscape plan, and submit for the appropriate building permit(s) for the trash enclosure(s) and bring them into compliance with Title 19 standards. Graffiti was observed on the walls surrounding the monopole, and on the monopole itself. Per condition #11 SUP-3223, All City Code requirements and all City departments design standards shall be met, please remove the graffiti from the walls of the trash enclosure(s), and the building addressed 4561 E. Bonanza Road. A letter has been sent by staff requesting that if these issues have not been corrected by February 15, or the owner has not contacted staff to make other arrangements, this matter will be referred to the City of Las Vegas Code Enforcement Department for further action.
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<i>Related Building Permits/Business Licenses</i>	
07/25/06	A Business License #G02-00753 was issued for Garage/Tire Sales.
10/10/06	A Business License #G03-02372 was issued for Major Car Repair.
06/15/06	A Business License #G02-00751 was issued for Minor Auto Repair.
06/22/06	A Business License #G03-02357 was issued for Major Auto Repair
07/20/06	A Business License #G02-00745 was issued for Minor Auto Repair.
<i>Pre-Application Meeting</i>	
09/13/07	A pre-application was held with the applicant. The applicant was informed that the proposed expansion of the previously approved Site Development Plan (SDR-3244) would require a new Site Development Plan Review for the area designated Phase II. Submittal requirements were then discussed.
<i>Field Check</i>	
01/16/08	A field check was made on site. On the northeast portion of the site, the applicant proposes a 20,400 square-foot commercial development, which is currently fenced in and littered with debris and trash. On the northwest portion of the site is an existing 16,400 square-foot building that is utilized for auto repair uses. The parking area for the auto repair businesses is littered with debris, parts and immobile cars. The landscaping is also not maintained.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	3.41

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Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Auto Repair Garage	GC (General Commercial)	C-1 (Limited Commercial)
North	Single Family Residential	ML (Medium Low Density Residential)	R-CL (Single Family Compact Lot)
South	Elementary School	PF (Public Facilities)	C-V (Civic)
East	Condominiums	ML (Medium Low Density Residential)	R-PD12 (Residential Planned Development 12 Units Per Acre)
West	Apartments	M (Medium Density Residential) and SC (Service Commercial)	R-3 (Medium Density Residential)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan		X	N/A
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts		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							
Use	Gross Floor Area or Number of Units	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Existing Auto Repair Garage Major	16,250 SF	1:200, +5 spaces	87				
General Retail Store (Furniture Store)	11,280 SF	1:175	65				

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Restaurant 2,000 SF or more (without Drive- through)	3,623 SF	1:50 SF of Public Seating	73				
	2,584 SF	1:200 SF of total remaining GFA	13				
General Retail Store (Meat Market)	2,035 SF	1:175	12				
SubTotal			243	7	194	7	
TOTAL			250		201		
Loading Spaces			3		3		
Percent Deviation			20%				

ANALYSIS

The applicant is requesting a Variance to allow 201 parking spaces where 250 spaces are required on 3.41 acres at the southeast corner of Page Street and Bonanza Road. The applicant is proposing to build a 20,400 square-foot retail building on the undeveloped eastern portion of the parcel. The western portion of the parcel contains a 16,250 square-foot auto repair facility, which the City Council approved a Site Development Plan Review (SDR-3224) and Special Use Permit (SUP-3223) for an Auto Repair Garage, Major on 01/24/04.

Vehicular access to the site is provided by Bonanza Road, a 100-foot right-of-way as designated on the city's Master Plan of Streets and Highways. There is only one access driveway to the site with an emergency crash gate at the south end of the site. The parking provided is located around the existing and proposed buildings with the majority positioned at the southeast portion of the site. The site plan shows the applicant is providing 201 parking spaces where 250 parking spaces are required by code, which is a deficiency of 20%.

Staff can not support of this Variance request, as this is a self-imposed hardship due to the intensity of the proposed project and therefore does not meet the criteria for granting a Variance.

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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 attempting to locate development of this nature and size on a site that is inadequate to accommodate the required amount of parking. 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

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ASSEMBLY DISTRICT 14

SENATE DISTRICT 10

NOTICES MAILED 536

APPROVALS 0

PROTESTS 0