



AGENDA MEMO

PLANNING COMMISSION MEETING DATE: MARCH 27, 2008
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: ABEYANCE - VAR-26385 - APPLICANT/OWNER: BRENT AND GARY LEAVITT

**** CONDITIONS ****

STAFF RECOMMENDATION: DENIAL. If Approved, subject to:

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Special Use Permit (SUP-26383) and Site Development Plan Review (SDR-26386) 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

The project is a request for a Variance to allow 37 parking spaces where 41 parking spaces are the minimum required for a proposed two-story, 10,000 square-foot retail and office building on 0.52 acres at 4077 Charleston Boulevard. An existing building on the site will be demolished and replaced with a larger building. No topographical constraints exist on the site that precludes the project from adhering to Title 19.10 Parking requirements. Staff recommendation is denial.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
1982	V-29-82
03/13/08	The Planning Commission held this item in abeyance until 03/27/08 at the applicants request.
<i>Related Building Permits/Business Licenses</i>	
05/04/00	KC Capital of Nevada Inc Check Cashing (C21-00064) Active
05/05/00	Rainbow Loan Company Auto Title Loan (F14-00031) Active
<i>Pre-Application Meeting</i>	
01/04/08	Advised applicant of procedure to submit applications for a Site Development Plan Review, a Special Use Permit and a Variance for the parking deficiency.
<i>Neighborhood Meeting</i>	
A neighborhood meeting is not required nor was one held.	

<i>Field Check</i>	
01/28/08	Existing one-story building on parcel adjacent to the south side of Charleston Boulevard. Existing business operates in the building.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	0.52

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Commercial	SC(Service Commercial)	C-1 (Limited Commercial)
North	Commercial	SC(Service Commercial)	C-2 (Service Commercial)
South	Commercial	SC(Service Commercial)	C-1 (Limited Commercial)
East	Commercial	SC(Service Commercial)	C-1 (Limited Commercial)
West	Commercial	SC(Service Commercial)	C-1 (Limited Commercial)

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<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			
A-O (Airport Overlay) District (175)	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

DEVELOPMENT STANDARDS

Pursuant to Title 19.10, the following parking standards apply:

<i>Parking Requirement</i>							
<i>Use</i>	<i>Gross Floor Area or Number of Units</i>	<i>Required</i>			<i>Provided</i>		<i>Compliance</i>
		<i>Parking Ratio</i>	<i>Parking</i>		<i>Parking</i>		
			Regular	Handi-capped	Regular	Handi-capped	
Pawn Shop	3000 S.F.	1/250	12		12		
Retail	2000 S.F.	1/175	12		12		
Office	5000 S.F.	1/300	15	2	11	2	
TOTAL (including handicap)	10,000 S.F.		41		37		N
Percent Deviation (VAR only)					9.75%		

The applicable code section Title 19.12

<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 Trees / 6 Space	9 Trees	9 Trees	Y
Buffer: Min. Trees	1 Trees /30 Linear Feet	20 Trees	24 Trees	Y
TOTAL		29 Trees	33 Trees	Y
Min. Zone Width	15 Feet on ROW / 8 Feet Side and Rear			Y
Wall Height	8 Feet		Not shown	Y

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ANALYSIS

The applicant proposes to demolish the existing structure on the property and construct a two-story, 10,000 square foot building. A Pawn Shop is the use planned to occupy 3,000 square feet on the first floor of the proposed building. An unspecified retail use will occupy the remaining 2,000 square feet. On the second floor 5,000 square feet will provide space for office use and storage for the Pawn Shop.

The proposed Pawn Shop, General Retail and Office/Storage use are subject to the parking standards of Title 19.04 and Title 19.10. The project as designed will provide 37 parking spaces where 41 are the minimum required which represents a 9.75 percent deviation from the standard. No physical site constraints exist on the subject parcel that prevents the project from adequately addressing the required parking standards required of the uses proposed for this site.

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 designing a project that will result in a parking impaired commercial development. An alternative that reduces the floor area of the proposed structure 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.

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NEIGHBORHOOD ASSOCIATIONS NOTIFIED 19

ASSEMBLY DISTRICT 9

SENATE DISTRICT 11

NOTICES MAILED 69

APPROVALS 0

PROTESTS 7