



AGENDA MEMO

PLANNING COMMISSION MEETING DATE: APRIL 24, 2008
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: VAR-27096 - APPLICANT/OWNER: HOUSHANG ROOHANT FAMILY TRUST

**** CONDITIONS ****

STAFF RECOMMENDATION: DENIAL. If Approved, subject to:

Planning and Development

1. Conformance to the Conditions of Approval for Rezoning (Z-0138-97) and Site Development Plan Review (SDR-2766) shall be required.
2. This approval shall be void one year from the date of final approval, unless a business license has been issued to conduct the activity, if required, 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 application is a request for a Variance to allow 60 parking spaces where 69 is the minimum required for an existing retail development on 0.92 acres at 625 North Lamb Boulevard. The property owner has a request from a lessee to open a Beauty Shop. This beauty shop requires a substantially higher parking requirement than what was originally permitted for an approved Site Development Plan Review (SDR-2766). This property was developed to support General Retail, but not more intense uses such as a Beauty Shop. As this request is a self imposed hardship, staff recommends denial of this request.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
02/28/98	The City Council approved a Rezoning (Z-0138-97) from R-E (Residence Estates) to C1 (Limited Commercial) for a proposed 14,485 square foot retail development and a 1,200 square foot mini lube and car wash facility which included this site. The Planning Commission and staff recommended approval of this request.
06/08/98	The City Council approved a Special Use Permit (U-0033-98) for a mini-lube and car wash on the property to the southwest of this site, which was part of the Rezoning (Z-0138-97) application. The Planning Commission and staff recommended approval of this request.
10/01/03	The City Council approved a Site Development Plan Review (SDR-2766) for a 10,500 square-foot retail building and for a reduction in perimeter and parking lot landscaping. The Planning Commission and staff recommended approval of this request.
<i>Related Building Permits/Business Licenses</i>	
11/07/05	A building permit (#5007761) was issued for a shell building at 625 North Lamb Boulevard. This building permit received its final on 01/11/08.
10/17/07	A building permit (#7002920) was issued for a Monument Sign at 625 North Lamb Boulevard. This sign has not yet received its final inspection.
12/11/07	Business licenses (#B05-97000 and #B08-97001) were denied for a Beauty Salon at 625 North Lamb Boulevard Suite 130, due to the building not having a Certificate of Occupancy.
03/06/07	An application has been received by the Building Department (#758011) for Tenant Improvements for a Pharmacy at 625 North Lamb Suite 110.
<i>Pre-Application Meeting</i>	
05/25/08	A pre-application meeting was held to discuss the requirements of submitting a Variance for parking at the subject site.

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Neighborhood Meeting	
A neighborhood meeting is not required, nor was one held.	

Field Check	
03/17/08	A field check was conducted, which discovered that this retail center has no business in operation at the subject site. A non-permitted temporary sign advertising a future Beauty Shop.

Details of Application Request	
Site Area	
Gross Acres	0.92

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Retail Center	SC (Service Commercial)	C-1 (Limited Commercial)
North	Vacant Land	SC (Service Commercial)	R-E (Residential Estates)
South	Convenience Store, Gas Station and Tire and Lube	SC (Service Commercial)	C-1 (Limited Commercial)
East	Restaurant, Shop and Single Family Residential homes	SC (Service Commercial) and MLA (Medium Low Density Residential)	C-1 (Limited Commercial) and RPD9 (Residential Planned Development 9 units an acre)
West	Trade Organization	SC (Service Commercial)	C-2 (General Commercial)

Special Districts/Zones	Yes	No	Compliance
Special Area Plan		X	N/A
Special Districts/Zones	Yes	No	Compliance
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	Parking Ratio	Required		Provided		Compliance
			Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Retail, less than 25,000 SF	9,324 SF	1/175 SF	51	3	51	3	Y
General Personal Service	1,176 SF	3 spaces / station	15	0	6	0	N
SubTotal	10,500 SF		66	3	57	3	N
TOTAL	10,500 SF		69 Spaces		60 Spaces		N
Loading Spaces		1	1	0	1	0	Y
Percent Deviation			100%		13.1%		N

ANALYSIS

This application is a request for a Variance to allow 60 parking spaces where 69 is the minimum required for an existing retail development on 0.92 acres at 625 North Lamb Boulevard. The property owner has recently acquired an interested lessee that proposes to open a Beauty Shop at the subject site. This beauty shop requires a substantially higher parking requirement than what was original permitted on an approved Site Development Plan Review (SDR-2766). This Site Development Plan Review parking requirement was calculated for Retail, Less than 25,000 square feet. A Beauty Shop is a substantially more intense use than Retail, requiring more parking spaces. This request is a 13.1% deviation from Title 19.04 parking requirements. This property was developed to support General Retail, but not for more a intense uses such as a Beauty Shop. As this request is a self imposed hardship, staff recommends denial of this 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.

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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 choosing to locate such a parking intense use at the subject property. Alternative, the applicant could reduce the number of chairs provided or locate in a facility with greater parking availability which 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 4

ASSEMBLY DISTRICT 28

SENATE DISTRICT 10

NOTICES MAILED 286

APPROVALS 0

PROTESTS 2