



AGENDA MEMO

PLANNING COMMISSION MEETING DATE: SEPTEMBER 25, 2008

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: VAR-29430 - APPLICANT/OWNER: ROBERT D. LAWSON

**** CONDITIONS ****

STAFF RECOMMENDATION: DENIAL. If Approved, subject to:

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Rezoning (ZON-15411), Variance (VAR-29428) and Site Development Plan Review (SDR-29426) shall be required, 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 seven parking spaces where 11 are required for a proposed 3,132 square-foot two-story Office on 0.17 acres, located at 1148 South Maryland Parkway. The subject Variance represents a 36% deviation from the required number of parking spaces. The proposed request has been deemed to be a self-imposed hardship resulting from the overbuilding of the subject site; therefore, staff is recommending denial of the Variance.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
05/17/06	The City Council approved a General Plan Amendment (GPA-12043) to amend a portion of the Southeast Sector Plan from SC (Service Commercial) and L (Low Density Residential) to O (Office) at 1148 South Maryland Parkway. Planning Commission and Staff recommended approval.
10/04/06	The City Council approved a Rezoning (ZON-15411) request from R-1 (Single Family Residential) to P-R (Professional Office And Parking) at 1148 South Maryland Parkway. Planning Commission and Staff recommended approval.
10/04/06	The City Council approved a Site Development Plan Review (SDR-15409) request for the conversion of a 1,051 square-foot residence to an office building and a Waiver of the landscape buffer requirements at 1148 South Maryland Parkway. Planning Commission and Staff recommended approval. The residence has since been demolished and this Site Development Plan no longer applies.
08/14/07	Permit issued to demolish the existing single family dwelling (H#95978).
<i>Related Building Permits/Business Licenses</i>	
08/14/07	A building permit was issued to demolish the existing single family dwelling (H#95978).
<i>Pre-Application Meeting</i>	
07/23/08	Discussed the parking and development standards based on the proposed use and existing zoning and General Plan designation. Also discussed the requirement for required Variances and Waivers required for the application.
<i>Field Check</i>	
08/19/08	A field check of the site was performed by staff. The site is noted to be undeveloped. Existing perimeter walls do not appear to meet the minimum requirements of Title 19.08.075.

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<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	0.17

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped	O (Office)	R-1 (Single Family Residential) under Resolution of Intent to P-R (Professional Office and Parking)
North	Single Family Residential and Office	L (Low Density Residential) and O (Office)	R-1 (Single Family Residential) and P-R (Professional Office and Parking)
South	Office	S-C (Service Commercial)	C-D (Designed Commercial)
East	Park	PR-OS (Parks / Recreation / Open Space)	C-V (Civic)
West	Single Family Residential	L (Low Density Residential)	R-1 (Single Family 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:

<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	
Office	3132	1 / 300 SF	10	1	6	1	N

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SubTotal			10	1	6	1	N
TOTAL			11		7		N
Percent Deviation					36%		

ANALYSIS

The applicant is requesting a Variance to allow seven parking spaces where 11 are required pursuant to Title 19.040.010 requirements. This represents a 36% reduction in the required number of parking spaces. The parking calculation is based upon the Office as the primary use. Parking requirements for Offices are calculated at one parking space per 300 square feet of gross floor area. A related Site Development Plan Review (SDR-29426) for a proposed 3,132 square-foot two-story Office will be heard concurrently with the subject Variance. An additional Variance (VAR-29428) will be heard concurrently, to allow an eight-foot rear yard setback where 15 feet is required, to allow a two-foot corner side yard setback where 10 feet is required, and to allow a 40-foot setback where residential adjacency standards require 50 feet. Additional Waivers of the required Landscape Buffer Width have been requested to allow zero feet on the east property line where 15 feet is required, six feet on the south where 15 feet is required, and zero feet on the west property line where five feet is required. The subject Variance has demonstrated that the applicant has created a self-imposed hardship; therefore, staff recommends denial of the subject application.

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.

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No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship by over building the subject site. Alternative site 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.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 15

ASSEMBLY DISTRICT 13

SENATE DISTRICT 9

NOTICES MAILED 297

APPROVALS 1

PROTESTS 2