



AGENDA MEMO

PLANNING COMMISSION MEETING DATE: SEPTEMBER 25, 2008
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: VAR-29446 - APPLICANT/OWNER: CLARK COUNTY LEGAL SERVICE PROGRAM, INC.

**** CONDITIONS ****

STAFF RECOMMENDATION: DENIAL. If Approved, subject to:

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Variance (VAR-29447) and Site Development Plan Review (SDR-29445) 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 84 parking spaces where 130 are required for a proposed 39,000 square-foot office building on 0.71 acres located at the northwest corner of Charleston Boulevard and 8th Street. The applicant has created a self-imposed hardship by overbuilding the subject site. The subject Variance represents a 36% deviation from the required number of parking spaces. A smaller building would eliminate the need for the subject parking Variance. Therefore, staff is recommending denial of the subject application.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
12/16/94	The City Council approved a Rezoning (Z-0100-64) from R-1 (Single Family Residential), R-4 (High Density Residential), C-1 (Limited Commercial), C-2 (General Commercial) and C-V (Civic) to C-2 (General Commercial) for approximately 230 acres generally located on property bounded by Main Street to the west, Bonanza Road on the north, Las Vegas Boulevard on the east, and Charleston Boulevard on the south. The Planning Commission recommended approval on 12/10/94.
09/25/08	The Planning Commission will hear a related Site Development Plan Review (SDR-29445) for a proposed four-story 39,000 square-foot office building with Waivers of Perimeter Landscape Buffer Requirements to allow a zero-foot buffer along the north property line where eight feet is required, to allow a five-foot buffer along the west property line where eight feet is required and to allow a 10-foot buffer along the south and east property line where 15 feet is required and Variance (VAR-29447) to allow a 10-foot front yard setback where 20 feet is required, a five-foot side yard setback where 10 feet is required, a zero-foot corner side setback where 15 feet is required a zero-foot rear yard setback where 20 feet is required, and to allow approximately 83% lot coverage where 50% is the maximum allowed on 0.71 acres at the northwest corner of Charleston Boulevard and 8th Street.
<i>Related Building Permits/Business Licenses</i>	
05/21/01	A Building Permit (#L-3747-01) was issued for a non-work certificate of occupancy at 721 E. Charleston Boulevard.
<i>Pre-Application Meeting</i>	
07/24/08	A pre-application meeting was held on the indicated date. The applicant outlined the proposed office building. The applicant was advised on the requirements for the subject Variance and related Site Development Plan Review needed for the proposal.

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<i>Neighborhood Meeting</i>	
A neighborhood meeting was not required, nor was one held.	

<i>Field Check</i>	
08/21/08	The field check indicated a vacant lot that once housed an office building. The building has since been demolished, but a parking area still exists. The site is secured by a chain-link fence and is free of debris. There is no permit history for the existing chain-link fence.

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

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Substandard parking lot	C (Commercial)	C-1 (Limited Commercial)
North	Offices	C (Commercial)	C-1 (Limited Commercial)
South	Mary Dutton Park and Offices	PF (Public Facilities) and C (Commercial)	C-V (Civic) and P-R (Professional Office and Parking)
East	Financial Institution, General (with Drive-Through)	C (Commercial)	C-2 (General Commercial)
West	Offices, Medical or Dental	C (Commercial)	C-1 (Limited Commercial)

<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			
Live/Work Overlay District	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

Redevelopment Plan Area The subject site is located within the boundaries of the Las Vegas Redevelopment District. The proposed uses are in conformance with the Redevelopment Plan goals and policies that encourage innovative, mixed use project in this area of the City.

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* **Live/Work Overlay** This site is within the Live/Work Overlay district. The proposed development will not offer any housing options and therefore the project is not impacted by the Live/Work standards as outlined in Title 19.06.030.

DEVELOPMENT STANDARDS

Pursuant to Title 19.06.010, the following development standards are proposed:

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Size	N/A	30,928 SF	N/A
Min. Lot Width	100 feet	140 feet	Y
Min. Setbacks			
• Front	20 feet	10 feet	N*
• Side	10 feet	5 feet	N*
• Corner	15 feet	0 feet	N*
• Rear	20 feet	0 feet	N*
Max. Lot Coverage	50%	83%	N*
Max. Building Height	N/A	65 feet	Y
Trash Enclosure	Screened	Screened	Y
Mech. Equipment	Screened	Screened	Y

* The applicant has failed to meet the minimum development standards for setbacks and lot coverage. An associated Variance (VAR-29447) has been submitted, which addresses these deviations from Title 19.08 requirements.

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>Parking Ratio</i>	<i>Required</i>		<i>Provided</i>		<i>Compliance</i>
			<i>Parking</i>		<i>Parking</i>		
			Regular	Handi-capped	Regular	Handi-capped	
Office	39,000 square feet	1 space for each 300 square feet of gross floor area	130	5	84	4	N*
TOTAL			135		88		N*
Loading Spaces			3		0		N*

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* The percent deviation from the required number of parking spaces is 36%. The percent deviation from the required number of loading zones is 100%. The three loading zones are not needed, as the site is an office building and will not be receiving frequent deliveries; therefore, no loading zones are required. Pursuant to Title 19.10 the applicant has failed to provide an adequate number of parking spaces for the proposed development.

ANALYSIS

The applicant is requesting a Variance to allow 84 parking spaces where 130 are required pursuant to Title 19.04.010. The office building is proposed at 39,000 square feet. A related Site Development Plan Review (SDR-29445) for the proposed building will be heard concurrently with the subject Variance. Variance (VAR-29447) will be heard concurrently, to allow a 10-foot front yard setback where 20 feet is required, a five-foot side yard setback where 10 feet is required, a zero-foot corner side setback where 15 feet is required a zero-foot rear yard setback where 20 feet is required, and to allow approximately 83% lot coverage where 50% is the maximum allowed will be also be heard. The applicant has overbuilt the subject site resulting in a deviation of 36% for the subject Variance. The subject Variance has demonstrated that the applicant has created a self-imposed hardship; therefore, staff recommends denial of the subject Variance.

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 overbuilding the subject site. Alternative building 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 16

ASSEMBLY DISTRICT 9

SENATE DISTRICT 3

NOTICES MAILED 260

APPROVALS 0

PROTESTS 1