



**AGENDA MEMO**

**PLANNING COMMISSION MEETING DATE: OCTOBER 23, 2008**  
**DEPARTMENT: PLANNING AND DEVELOPMENT**  
**ITEM DESCRIPTION: VAR-29880 - APPLICANT/OWNER: CAROLYN AHERN**

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**\*\* CONDITIONS \*\***

**STAFF RECOMMENDATION:**     **DENIAL.** If Approved, subject to:

**Planning and Development**

1. Approval of and conformance to the Conditions of Approval for Site Development Plan Review (SDR-29878) and Variance (VAR-29881) 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.

**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

This is a request for a Variance to allow 50 parking spaces where 76 are required on 1.66 acres on the east side of Oso Blanca Road approximately 850 feet north of Kyle Canyon Road. The reduction of 26 parking spaces represents a 34.2% decrease in the amount of parking required.

In addition to this request, the applicant has submitted a request for a General Plan Amendment (GPA-29877) to Amend a portion of the Northwest Sector of the Centennial Hills Sector Plan from PCD (Planned Community Development) to GC (General Commercial) and a Rezoning (ZON-29878) from U (Undeveloped) [PCD (Planned Community Development)] to C-2 (General Commercial). Additional companion items include a request for a Variance (VAR-29881) to allow a 13-foot setback along the east property line where 20 feet is required and a Site Development Plan Review (SDR-29879) for a proposed 3,400 square-foot Convenience Store and Car Wash with Fuel Pumps and two 3,100 square-foot Restaurants with Drive-Thrus with Waivers of the perimeter landscape requirements to allow a six-foot buffer along the south and east property lines where eight feet is required and a six-foot buffer along the west property line where 15 feet is required.

The subject property is located in a remote location with minimal infrastructure. The requests for the General Plan Amendment (GPA-29877) and Rezoning (ZON-29878) will create an isolated and stand alone land use, highlighting the premature nature of this request. Additionally, requests for the multiple Waivers, parking Variance and setback Variance indicate this site is over built; therefore, staff recommends denial of this request.

**BACKGROUND INFORMATION**

<b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i></b>	
06/18/08	The City Council approved a Petition to Annex (ANX-27240) property located on the east side of the Oso Blanca Road 850 feet north of the Kyle Canyon Road containing approximately 1.66 acres. The effective date of this Annexation was 06/27/08. The Planning Commission and staff recommended approval of this request.
<b><i>Related Building Permits/Business Licenses</i></b>	
There are no building permits that exist for this site.	
<b><i>Pre-Application Meeting</i></b>	
08/20/08	A pre-application meeting was held with the applicant where elements of a General Plan Amendment, a Rezoning, a Site Development Plan Review, a parking Variance and a building setback Variance were discussed.

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<b>Neighborhood Meeting</b>	
09/24/08	A neighborhood meeting was held at 6:00 P.M. at 6601 N Buffalo Dr., Las Vegas, Nevada 89131. There were no members of the public, two members of the development team and one member of the Planning and Development staff present. The meeting was ended at 6:30 P.M.

<b>Field Check</b>	
09/16/08	A field check was performed by staff at the subject property. The site was noted as vacant, consisting of natural rolling Mojave desert terrain adjacent to U.S. 95.

<b>Details of Application Request</b>	
<b>Site Area</b>	
Gross Acres	1.66

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped	PCD (Planned Community Development)	U (Undeveloped) [PCD (Planned Community Development) General Plan Designation]
North	U.S. 95	R.O.W.	R.O.W.
South	Undeveloped	SC (Service Commercial)	U (Undeveloped) [SC (Service Commercial) General Plan Designation]
East	U.S. 95	R.O.W.	R.O.W.
West	Undeveloped	PCD (Planned Community Development)	H-2 (General Highway Frontage) Clark County

<b>Special Districts/Zones</b>	<b>Yes</b>	<b>No</b>	<b>Compliance</b>
<b>Special Area Plan</b>		X	N/A
<b>Special Districts/Zones</b>	<b>Yes</b>	<b>No</b>	<b>Compliance</b>
<b>Special Purpose and Overlay Districts</b>		X	N/A
<b>Trails</b>		X	N/A
<b>Rural Preservation Overlay District</b>		X	N/A
<b>Development Impact Notification Assessment</b>		X	N/A
<b>Project of Regional Significance</b>		X	N/A

**DEVELOPMENT STANDARDS**

*Pursuant to Title 19.10, the following parking standards apply:*

<b>Parking Requirement</b>							
<b>Use</b>	<b>Gross Floor Area or Number of Units</b>	<b>Parking Ratio</b>	<b>Required</b>		<b>Provided</b>		<b>Compliance</b>
			<b>Parking</b>		<b>Parking</b>		
			Regular	Handi-capped	Regular	Handi-capped	
Convenience Store	3,400 SF	1 / 250 SF	14		14		
Restaurant with Drive-Through	6,200 SF	1 / 100 SF	62		36		
<b>SubTotal</b>			72	4	47	3	N*
<b>TOTAL</b>			76		50		N*
Loading Spaces			1		1		Y
Percent Deviation					34.2%*		

\* The applicant has submitted this Variance request to allow 50 parking spaces where 76 are required.

**ANALYSIS**

This is a request for a Variance to allow 50 parking spaces where 76 are required for a proposed 3,400 square-foot Convenience Store and Car Wash with Fuel Pumps and two, 3,100 square-foot Restaurants with Drive-Thrus located on the east side of Oso Blanca Road, approximately 850 feet north of Kyle Canyon Road. Staff finds that the 1.66 acre site is overbuilt in its current configuration and result of the overbuilt nature of this proposal is the shortage of off-street parking. The 50 parking spaces are spread even throughout the site and consist of three handicap van accessible parking spaces and three compact parking spaces. Additionally, four parking spaces are located adjacent to the Car Wash vacuums for customer use. Staff has determined that the overbuilt nature of this site is a self-imposed hardship; therefore denial of this request is recommended.

**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 overbuilding the subject property. A redesign of the site to lessen the intensity, size, or quantity of proposed uses on site 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.

**ASSEMBLY DISTRICT**      13

**NOTICES MAILED**      41

**APPROVALS**      0

**PROTESTS**      0