



AGENDA MEMO

CITY COUNCIL MEETING OF: AUGUST 19, 2009

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: VAR-34603 - APPLICANT: P2R LAS VEGAS, LLC - OWNER: ASSAF NEVADA, INC.

THIS ITEM WAS HELD IN ABEYANCE FROM THE AUGUST 5, 2009 CITY COUNCIL MEETING AT THE REQUEST OF THE APPLICANT.

**** CONDITIONS ****

Staff recommends DENIAL. The Planning Commission (6-0 vote) recommends APPROVAL, subject to conditions.

Planning and Development

1. 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.
2. The applicant shall work with city staff to determine the most appropriate mapping action necessary to consolidate the subject site into a single lot. The mapping action shall be completed and recorded prior to issuance of permits.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This request for a Variance concerns a proposed Commercial Recreation/Amusement (Indoor) facility containing a go-kart track, snack bar, arcade, meeting rooms and some retail sales located within an existing office and warehouse development at 7350 Prairie Falcon Road. The proposed use is more intense than the existing office and warehouse uses, resulting in a parking requirement that exceeds the parking provided on the site. The applicant is requesting this Variance to allow 176 parking spaces where 327 spaces are required. If this request is denied, an alternative site with adequate parking will be required.

Issues

- The applicant has not provided any evidence of unique or extraordinary circumstances and has created a self-imposed hardship by proposing a use that is too intense for the subject site to accommodate. Staff is recommending denial of this request as it is deemed to be preferential in nature, and therefore outside the realm of NRS Chapter 278 for the granting of Variances.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc. and Property Sales</i>	
08/15/84	The City Council approved a request for Annexation [A-0015-84] of a property generally located east of Buffalo Drive, west of Lorenzi Boulevard, between Cheyenne Avenue on the north and Washington Avenue on the south. The Planning Commission recommended approval of the request.
10/19/90	The City Council approved request for a Plot Plan and Building Elevation Review [Z-0068-85(3)] for a proposed printing facility located on the northeast corner of Calico Basin Way and Prairie Falcon Road.
04/03/91	The City Council approved Review of Condition [Z-0068-85(4)] to remove of the requirement of Condition of Approval #1 to construct a screen wall behind the landscaping planter on the northerly portion of the west property line on property located on the northeast corner of Calico Basin Way and Falcon Prairie Road.
01/19/00	The City Council approved a request for a Site Development Plan Review [Z-68-85(51)] for a proposed 90,819 square-foot addition to an existing industrial building on property located at 7350 Prairie Falcon Road.
11/05/07	A deed was recorded for change of ownership.
05/21/08	A Code Enforcement case (#65827) was processed for renting to a sub-contractor who does not have permits for construction; electrical issues; fire/safety issues; and no occupancy permits. The case was closed by Code Enforcement on 05/29/08.

07/09/09	The Planning Commission voted 6-0 to recommend APPROVAL (PC Agenda Item #34/ao).
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<i>Related Building Permits/Business Licenses</i>	
02/27/91	A building permit (#91098726) was issued for a new building at 7350 Prairie Falcon Road. The permit is inactive as of 11/18/92.
02/27/91	A building permit (#91098725) was issued for on-site improvements at 7350 Prairie Falcon Road. The permit is inactive as of 11/18/92.
06/28/00	A building permit (#23252) was issued for a warehouse addition at 7350 Prairie Falcon Road. The permit expired on 12/01/01.
08/16/00	A building permit (#15389) was issued for on-site improvements and hardscapes at 7350 Prairie Falcon Road. The permit expired on 02/17/01.
10/24/00	A building permit (#19602) was issued for a tilt-up warehouse at 7350 Prairie Falcon Road. The permit expired on 03/22/03.
11/28/00	A building permit (#21487) was issued for a new permit for remodeling at 7350 Prairie Falcon Road. The permit expired on 07/20/02.
09/27/02	A building permit (#1004189) was issued for a tenant improvement for a certificate of occupancy at 7350 Prairie Falcon Road. The permit was completed on 09/27/02.
<i>Pre-Application Meeting</i>	
05/13/09	A pre-application meeting was held to discuss the requirements for a Commercial Recreational/Amusement (Indoor) facility. Topics of discussion included: • The submittal requirements for the application including supplementary materials and documents. • The meeting dates and deadlines were also discussed during the pre-application meeting.
<i>Neighborhood Meeting</i>	
A neighborhood meeting was neither required nor held for this application request.	
<i>Field Check</i>	
06/04/09	A field check was carried out by staff with the following observations: • The site lacked adequate parking for the proposed project.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	7.55

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Office /Warehouse Development	LI/R (Light Industry/ Research)	C-PB (Planned Business Park)
North	Offices	LI/R (Light Industry/ Research)	C-PB (Planned Business Park)
South	Offices and Post Office	LI/R (Light Industry/ Research)	C-PB (Planned Business Park)
East	Park	LI/R (Light Industry/ Research)	C-PB (Planned Business Park)
West	Offices	LI/R (Light Industry/ Research)	C-PB (Planned Business Park)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan			
Technology Center	X		Y
<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 Feet	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

Pursuant to Title 19.10, the following parking standards apply:

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required		Provided		Compliance	
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Commercial Recreation/ Amusement (Indoor)	45,098 SF	1:200 SF	226	8	168	8	N
Warehouse	96,321 SF	1:1000 SF	97				
TOTAL	141,419 SF		331		176		

ANALYSIS

The applicant is proposing a Commercial Recreation / Amusement (Indoor) facility on the subject site where an office and warehouse development currently exists. The proposed use is much more intense, with a parking requirement that is five times greater than the existing use, resulting in a parking deficiency of 155 spaces. The applicant has provided no evidence of a unique or extraordinary circumstance to justify the deficiency in parking; therefore, staff is recommending 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.”

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 proposing the Commercial Recreation/Amusement (Indoor) facility at a location that is not physically suitable for the intensity of the use proposed. An alternative location would allow conformance to the Title 19 requirements. In view of the absence of any hardships imposed by the site’s physical characteristics, it is concluded that the applicant’s hardship is preferential in nature, and it is thereby outside the realm of NRS Chapter 278 for granting of Variances.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 11

ASSEMBLY DISTRICT 37

SENATE DISTRICT 6

NOTICES MAILED 92 by City Clerk

APPROVALS 0

PROTESTS 1