



AGENDA MEMO

CITY COUNCIL MEETING OF: NOVEMBER 4, 2009

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: VAR-35754 - APPLICANT/OWNER: CITY OF LAS VEGAS

**** CONDITIONS ****

The Planning Commission (5-0 vote) and staff recommend **APPROVAL**, subject to conditions.

Planning and Development

1. Conformance to the conditions for Site Development Plan Review (SDR-35751) 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 19 parking spaces where 26 are required for a proposed 7,600 square-foot Fire Station on an undeveloped lot at 4551 East Bonanza Road. This represents a 27% deviation from standard. Staff can support the Variance request, as the parking provided is adequate to meet the maximum staffing level for the fire station, as well as the limited number of visitors expected at the site. If this application is denied, the site would have to be redesigned to comply with Title 19 and the companion Site Development Plan Review (SDR-35751) would have to be denied.

Issues

- Approval of this request is necessary for the approval of a companion Site Development Plan Review (SDR-35751) for a proposed 7,600 square-foot Fire Station.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
01/04/95	The City Council approved a request for reclassification (Z-0145-94) of property located on the south side of Bonanza Road and the west side of Page Street from R-E (Residences Estates) to C-1 (Limited Commercial) associated with a proposed mini-storage facility. Planning Commission and Staff recommended approval.
05/26/98	The City Council approved a request for a Rezoning (Z-0018-98) on property located on the south side of Bonanza Road from R-E (Residence Estates) to C-1 (Limited Commercial) associated with a proposed commercial office and retail center use. Planning Commission and Staff recommended approval.
03/21/07	The City Council approved a request for a Site Development Plan Review (SDR-19116) for a one-story, 15,119 square foot child care center at 4551 East Bonanza Road. Planning Commission and Staff recommended approval. The Site Development Plan Review (SDR-19116) expired on 03/21/09.
03/21/07	The City Council approved a request for a Variance (VAR-19297) to allow a proposed building 11 feet from the rear property line where 20 feet is the minimum setback required at 4551 East Bonanza Road. Planning Commission and Staff recommended approval. The Variance (VAR-19297) expired on 03/21/09.
02/26/09	A deed was recorded for change of ownership at 4551 East Bonanza Road.
10/08/09	The Planning Commission recommended approval of companion item SDR-35751 concurrently with this application. The Planning Commission voted 5-0 to recommend APPROVAL (PC Agenda Item #17/gk).

<i>Related Building Permits/Business Licenses</i>
There are no related building permits or business licenses associated with the subject site.

<i>Pre-Application Meeting</i>	
08/12/09	The Planning and Development Department met with the applicant and reviewed the requirements for a Site Development Plan Review and Variance application. • A Variance for the required on-site parking was discussed. • Public Works, Fire and Traffic concerns were also discussed.
<i>Neighborhood Meeting</i>	
A neighborhood meeting is not required, nor was one held.	
<i>Field Check</i>	
09/03/09	Staff conducted a field inspection and noted a well maintained undeveloped lot.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	1.45 acres

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped	SC (Service Commercial)	C-1 (Limited Commercial)
North	Convenience Store	SC (Service Commercial)	C-1 (Limited Commercial)
South	Multi-Family Residential	M (Medium Density Residential)	R-3 (Medium Density Residential)
East	Auto Repair Garage, Major	GC (General Commercial)	C-2 (General Commercial)
West	Restaurant	SC (Service Commercial)	C-1 (Limited Commercial)

<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:

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Government Facility	7,600	1:300	24	2	18	1	
Total			26		19		N

ANALYSIS

Per Title 19.04, a Government Facility requires one space per 300 square feet of gross floor area, resulting in the need for 26 spaces, two of which are required to be handicap accessible. The site plan depicts a total of 19 spaces, including one handicap accessible space, which is a 27% deviation from the standard. Staff can support the request for the parking Variance (VAR-35754) as a fire station is unlike a traditional government facility in that it will provide both work and living space for a specific number of employees, with minimal public access. The facility is expected to house no more than 12 firefighters at any time, and the parking provided is adequate.

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.”

The Variance is appropriate given the unique function of the facility and the maximum staffing level of the proposed fire station, and will not jeopardize the health or safety of the general public; therefore, staff is recommending approval of the request.

PLANNING COMMISSION ACTION

There were additional protests and approvals submitted for this project at the Planning Commission Meeting.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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ASSEMBLY DISTRICT 14

SENATE DISTRICT 10

NOTICES MAILED 473 by City Clerk

APPROVALS 1

PROTESTS 0