



AGENDA MEMO - PLANNING

CITY COUNCIL MEETING DATE: JULY 20, 2011

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT/OWNER: ROGELIO MACHUCA

**** STAFF RECOMMENDATION(S) ****

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
VAR-41580	Staff recommends DENIAL, if approved subject to conditions:	N/A

**** CONDITIONS ****

VAR-41580 CONDITIONS

Planning

1. Conformance to the approved conditions for Rezoning (Z-0027-86) and Variance (V-0040-86).
2. This approval shall be void two years from the date of final approval, unless exercised pursuant to the provisions of LVMC Title 19.18. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. The parking lot shall be restriped within 90 days of final approval.
4. Prior to occupancy, all necessary building permits shall be obtained and final inspections shall be completed in compliance with Title 19 and all codes as required by the Department of Building and Safety.
5. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
6. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

Staff Report Page One
July 20, 2011 - City Council Meeting

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Variance to allow no additional parking spaces where three additional parking spaces are required for a proposed Medical Office use located at 1501 South Eastern Avenue. The subject site was a former Office, Other than Listed (Mortgage Broker) and has been vacant since 06/30/10. The applicant is proposing a 2,175 square-foot Office, Medical use which is a permitted in the P-R (Professional Office and Parking) zoning district. As the subject site is a parking-impaired development and the applicant is proposing a more intense use, only the additional parking for the change of use is required. As the applicant cannot provide the additional three spaces, and no evidence of unique or extraordinary circumstances pursuant to Title 19.18.070 that would substantiate the requested variance; therefore, staff recommends denial of this request. If this request is approved, it is subject to conditions.

ISSUES

- A portion of the existing parking lot is located within Eastern Avenue right-of-way and can accommodate up to four parking spaces, of which three would be standard parking spaces and one compact space. These spaces exist but cannot be counted towards the onsite parking requirement.
- The subject site is parking impaired per Title 19.10.010. A Variance is required for the three additional spaces required for the change of use.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
04/24/86	The Board of Zoning Adjustment approved a Variance (V-0040-86) to allow a five-foot rear yard setback where 15 feet is required at 1501 South Eastern Avenue. The Department of Planning staff recommended approval.
05/21/86	The City Council approved a request for Rezoning (Z-0027-86) from R-1 (Single Family Residential) to P-R (Professional Office and Parking) at 1501 South Eastern Avenue. The Planning Commission recommended approval. The Department of Planning staff recommended denial.
05/17/06	The City Council approved a General Plan Amendment (GPA-12043) to amend a portion of the Southeast Sector Plan of the General Plan from SC (Service Commercial) and L (Low Density Residential) to O (Office) at 1501 South Eastern Avenue as part of a larger request. The Planning Commission and staff recommended approval.
06/14/11	The Planning Commission voted (7-0) to recommend APPROVAL (PC Agenda Item 45/jg).

Staff Report Page Two
July 20, 2011 - City Council Meeting

<i>Most Recent Change of Ownership</i>	
01/31/11	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
07/11/86	A building permit (9081) was issued for a 2,150 square-foot office building at 1501 South Eastern Avenue. There is no final building inspection on record.
02/03/04	A business license (M18-02804) was issued for a Management or Consulting Service at 1501 South Eastern Avenue. The license was marked out of business on 10/20/08.
04/11/07	A business license (Q16-00608) was issued for a Mortgage Broker at 1501 South Eastern Avenue. The license was marked out of business on 10/20/08.
10/05/07	A business license (M15-03484) was issued for a Computer sales and Service at 1501 South Eastern Avenue. The license was marked out of business on 10/20/08.
10/16/07	A business license (B20-01344) was issued for a Business Support Service at 1501 South Eastern Avenue. The license was marked out of business on 10/20/08.
09/15/08	A business license (M18-04526) was issued for a Management or Consulting Service at 1501 South Eastern Avenue. The license was marked out of business on 10/15/09.
04/14/09	A business license (Q13-01198) was issued for a Law Office at 1501 South Eastern Avenue. The license was marked out of business on 10/15/09.
06/29/09	A business license (Q16-00723) was issued for a Mortgage Broker at 1501 South Eastern Avenue. The license was marked out of business on 06/30/10.

<i>Pre-Application Meeting</i>	
04/20/11	A pre-application meeting was held with the applicant where the submittal requirements for a Variance were discussed.

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

<i>Field Check</i>	
05/05/11	During a field check staff noted a vacant office building free of trash and debris.

Staff Report Page Three
July 20, 2011 - City Council Meeting

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	0.11

<i>Surrounding Property</i>	<i>Existing Land Use Per Title 19.04</i>	<i>Planned or Special Land Use Designation</i>	<i>Existing Zoning District</i>
Subject Property	Office, Other than Listed	O (Office)	P-R (Professional Office and Parking)
North	Office, Other than Listed	O (Office)	P-R (Professional Office and Parking)
South	Office, Other than Listed	O (Office)	P-R (Professional Office and Parking)
East	Single Family, Detached	L (Low Density Residential)	R-1 (Single Family Residential)
West	Office, Other than Listed	O (Office)	P-R (Professional Office and Parking)
	Office, Medical		

<i>Master Plan Areas</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Master Plan Area		X	N/A
<i>Special Purpose and Overlay Districts</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
Las Vegas Redevelopment Plan Area		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

DEVELOPMENT STANDARDS

<i>Street Name</i>	<i>Functional Classification of Street(s)</i>	<i>Governing Document</i>	<i>Street Width (Feet)</i>	<i>Compliance with Street Section</i>
Eastern Avenue	Primary Arterial	Master Plan of Streets and Highways	105	Y*

*Per the Master Plan of Streets and Highways, the street width is 100 feet.

Staff Report Page Four
July 20, 2011 - City Council Meeting

Pursuant to Title 19.04 and 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				
Existing Office, Other than Listed	(-2,175 SF)	1/300 S.F.	(-8)							
Office, Medical (Proposed)	2,175 S.F.	1/200 for first 2,000 S.F. then 1 for each additional 175 S.F.	10 1							
TOTAL SPACES REQUIRED			11					4		N*
Regular and Handicap Spaces Required			10	1	3	1	N*			
Percent Deviation			64%							

*The subject site is parking impaired per Title 19.10.010. A Variance is required for the three additional spaces required for the change of use.

ANALYSIS

Pursuant to Title 19.10.010 the subject site is parking-impaired, as the current use requires eight parking spaces, but only four spaces exist on site. The proposed use would require 11 parking spaces. As a parking impaired site, a variance is only required for the three additional parking spaces are required for the change of use. The site plan depicts the first 20 feet of the existing parking lot within the Eastern Avenue right-of-way. The right-of-way portion can accommodate four parking spaces, of which three would be standard parking spaces and one compact space. These spaces currently exist, but cannot be counted towards the onsite parking requirement.

The requested Variance constitutes a 100% deviation from the three required additional parking spaces. As the subject site's useable parking lot area is 28 feet wide by 60 feet long, a condition has been added to restripe the parking lot to provide one handicapped van accessible space and three standard parking spaces, pursuant to Title 19.10 standards. The applicant has indicated that a bus stop is approximately 100 feet from the proposed Medical Office and can accommodate the customers' mode of transportation. Staff recommends denial of this request as the applicant has provided no evidence of unique or extraordinary circumstances pursuant to Title 19.18.070 that would substantiate the requested variance. If this Variance is approved, it is subject to conditions.

Staff Report Page Five
July 20, 2011 - City Council Meeting

FINDINGS (VAR-41580)

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 19.18.070(L) 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 a more intense use that increases the parking requirement when the site cannot accommodate the required amount of parking. Alternatively the site could remain an Office, Other Than Listed, or applicant could decrease the size of the Office, Medical use, which 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.

NOTICES MAILED 417 (By City Clerk)

APPROVALS 1

PROTESTS 1