



AGENDA MEMO

PLANNING COMMISSION MEETING DATE: AUGUST 26, 2010

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: APPLICANT: SOFIA'S PIZZA - OWNER: JEANNY HUYNH

** STAFF RECOMMENDATION(S) **

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
VAR-38827	Staff recommends DENIAL, if approved subject to conditions:	N/A

** CONDITIONS **

VAR-38827 CONDITIONS

Planning and Development

1. Conformance to the approved conditions for Rezoning (Z-0077-86) and Site Development Plan Review [Z-0077-86(1)].
2. This approval shall be void two years from the date of final approval, unless, a business license has been issued to conduct the activity. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. 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 Building and Safety Department.
4. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
5. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Variance to allow 74 parking spaces where 91 parking spaces are required for a proposed Restaurant expansion at 821 North Lamb Boulevard. The applicant is proposing to expand the existing restaurant located in Suite #1 into Suite #2. The prior use for Suite #2 was Laundry, Self Service which was licensed until 10/07/09. The proposed restaurant expansion into Suite #2 will result in an increase in the number of required parking spaces, resulting in the need for this Variance request. Staff is recommending denial of the variance request, as a as the subject site cannot accommodate the additional parking required by the more intense restaurant use proposed. If this application is denied, the expansion of the restaurant will not be allowed.

ISSUES

- The commercial center is parking impaired.
- The request for a Variance is to allow 74 existing parking spaces, where an increase of 17 parking spaces from Laundry, Self Service use to a Restaurant use in Suite #2 are required to be provided.
- A Variance (V-0046-99) to allow 81 parking spaces where 87 were required was previously approved. This request would further exacerbate the limited parking of the site.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
11/19/86	The City Council approved a request for reclassification of property (Z-0077-86) on the east side of Lamb Boulevard, south of Washington Avenue, from R-HMP (Residential Mobile Home Park), to C-1 (Limited Commercial). The Planning Commission and staff recommended approval.
10/18/95	The City Council approved a request for a Special Use Permit (U-0108-95) for restricted gaming at 821 North Lamb Boulevard, Suite #9. The Board of Zoning Adjustment and staff recommended approval.
02/09/98	The City Council approved a request for a Special Use Permit (U-0123-97) for the sale of beer and wine for off-premise consumption in conjunction with a mini-market at 821 North Lamb Boulevard, Suite #10. The Planning Commission and staff recommended approval.

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08/13/98	The Planning Commission approved a request for a Site Development Plan Review [Z-0077-86(1)] at 821 North Lamb Boulevard for a proposed 2,650 square-foot addition to an existing shopping center. Staff recommended approval.
08/12/99	The City Council approved a request for a Variance (V-0046-99) at 821 North Lamb Boulevard to allow 81 existing parking spaces where 87 are the minimum required in conjunction with a proposed addition (Bakery) to an existing Commercial Center. The Board of Zoning Adjustment and staff recommended approval.
10/16/02	The City Council approved a request for a Special Use Permit (U-0109-02) for a Restaurant Service Bar, located at 821 North Lamb Boulevard, Suite #14. The Planning Commission and staff recommended approval.

Most Recent Change of Ownership

08/23/07	A deed was recorded for a change in ownership.
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Related Building Permits/Business Licenses

01/01/51	A business license (R07-00146) was issued for a Restaurant at 821 North Lamb Boulevard, Suite #1. The license is currently active.
06/22/87	A building permit (#9433) was issued for a Shopping Center at 821 North Lamb Boulevard. The project was completed on 11/13/87.
07/25/87	A building permit (#0410) was issued for a Tenant Improvement at 821 North Lamb Boulevard, Unit #1.
01/29/88	A building permit (#6363) was issued for an Interior Remodel at 821 North Lamb Boulevard, Suite #1. The project was completed on 02/16/88.
05/23/88	A building permit (#0683) was issued for a Tenant Improvement at 821 North Lamb Boulevard, Unit #2 and #3.
06/05/02	A business license (C20-02081) was issued for a Convention Hall Tax at 821 North Lamb Boulevard, Suite #2. The license is currently inactive as of 10/07/09.
	A business license (G01-02087) was issued for Restricted Gaming at 821 North Lamb Boulevard, Suite #2. The license is currently inactive as of 10/07/09.
06/18/02	A business license (C08-01310) was issued for a change of location for Laundry/Cleaners at 821 North Lamb Boulevard, Suite #2. The license is currently inactive as of 10/07/09.

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06/25/02	A business license (L01-00137) was issued for a change of location for Laundry/Cleaners at 821 North Lamb Boulevard, Suite #2. The license is currently inactive as of 10/07/09.
06/04/10	A building permit (#164515) was processed for a Tenant Improvement for a restaurant expansion at 821 North Lamb Boulevard, Suite #1. The Tenant Improvement review was denied by Planning and Development Department due to an increase in parking requirement for a restaurant expansion.

<i>Pre-Application Meeting</i>	
06/30/10	A pre-application meeting was held with the applicant where elements of submitting a Variance for parking were discussed. The topics included: • The site is parking impaired; current parking requirements were compared to previous requirements. • The parking variance is to allow 74 parking spaces provided where 91 parking spaces is required for the commercial development.

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

<i>Field Check</i>	
07/22/10	During the site visit, staff noted the number of parking spaces on the commercial center to be 74 spaces.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	1.49

<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	Commercial Center	SC (Service Commercial)	C-1 (Limited Commercial)
North	Mobile Home Park	ML (Medium Low Density Residential)	R-MHP (Residential Mobile/Manufacture Home Park)
South	Retail	SC (Service Commercial)	C-1 (Limited Commercial)

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East	Mobile Home Park	ML (Medium-Low Density Residential)	R-MHP (Residential Mobile/Manufacture Home Park)
West	Office	SC (Service Commercial)	C-1 (Limited Commercial)

<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

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
Office	2,100 SF	1:300 SF	7				
Retail	4,270 SF	1:175 SF	24				
Beauty Salon	6 barber chairs	2 spaces per chair	12				
Restaurant	2,230 SF	1:50 SF	45				
	5,665 SF	1:200 SF	29				
TOTAL SPACES REQUIRED			117		74		
TOTAL (With Handicapped)			112	5	70	4	
Percent Deviation			37%				

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ANALYSIS

A total of 117 parking spaces are required in the Commercial Center per the current requirements of Title 19.04 for the existing and proposed uses. The parking for the Commercial Center was already deficient in parking from a previously approved Variance (V-0046-99) to allow 81 parking spaces where 87 were required; subsequently, parking requirements have changed, resulting in parking impaired site. In addition, seven spaces have been lost due to installation of utilities, circulation issues and upgrading of handicap spaces to meet current Title 19.10 standards. The proposed site plan depicts 74 parking spaces, including four handicap spaces, which staff has confirmed by conducting a site visit.

The proposed restaurant expansion will occupy Suite #2, in addition to, Suite #1. The previous use in Suite #2 was a Laundry, Self-Service use which had an area of 1,951 square feet and the parking requirement was one space per 250 square feet of gross floor area; therefore, the number of required parking for the use was eight spaces. The proposed expansion consists of the seating/waiting area of 1,000 square feet and 951 square feet of the gross floor area. The parking requirement for the restaurant use is one space per 50 square feet of the public seating/waiting area and one space per 200 square feet of the remaining gross floor area; therefore, requiring 25 parking spaces. The requested variance is for the additional of the 17 parking spaces over and above the required eight spaces for the Laundry, Self-Service use. The site currently provides 74 parking spaces and the proposed restaurant expansion will increase the parking for the use by 17 parking spaces, resulting in a total of 91 spaces required. The applicant has provided no evidence of unique or extraordinary circumstances pursuant to Title 19.18.070(L) that would substantiate the Variance request, and as the request would further exacerbate the limited parking of the site, staff recommends denial.

FINDINGS (VAR-38827)

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

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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 to expand an existing parking intensive use beyond the physical capacity of the site. A less intense use at the subject site would allow conformance to 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 12

NOTICES MAILED 319

APPROVALS 3

PROTESTS 1