



AGENDA MEMO - PLANNING

PLANNING COMMISSION MEETING DATE: DECEMBER 11, 2018

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT: CADEA ROBINSON - OWNER: SMOKE RANCH PLAZA, LLC

** STAFF RECOMMENDATION(S) **

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
VAR-74821	Staff recommends DENIAL, if approved subject to conditions:	N/A

** NOTIFICATION **

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 13

NOTICES MAILED 658

PROTESTS 0

APPROVALS 0

**** CONDITIONS ****

VAR-74821 CONDITIONS

Planning

1. Conformance to the approved conditions for the reclassification of property (Z-28-91).
2. This approval shall be void two years from the date of final approval, unless exercised pursuant to the provisions of LVMC Title 19.16. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. 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.
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

The applicant is requesting a Variance to allow no additional parking spaces where five additional parking spaces are required for a proposed Restaurant at 6663 Smoke Ranch Road.

ISSUES

- A parking Variance is requested to allow zero additional parking spaces where five additional parking spaces are required. Staff does not support this request.
- The existing site is parking impaired per Title 19.18.030. A more intense use is proposed at this location.

ANALYSIS

The applicant is proposing a Restaurant use within an existing commercial building at 6663 Smoke Ranch Road. The subject site was previously approved as General Retail, Other than Listed use which has a less intense parking requirement than the proposed Restaurant use. This subject site is parking impaired with 36 parking spaces. The proposed Restaurant would require 14 parking spaces where the previous General Retail Store required nine parking spaces; therefore the proposed Restaurant would add five spaces of demand without providing additional parking.

FINDINGS (VAR-74821)

In accordance with the provisions of Title 19.16.140(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 19.16.140(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 Restaurant use which intensifies parking demand within a parking impaired site. 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.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by Planning, Fire, Bldg., etc</i>	
06/05/91	The City Council voted to approve a request for the reclassification of property located at the southwest corner of Smoke Ranch Road and Nemeth Road (Z-28-91).

<i>Most Recent Change of Ownership</i>	
02/20/02	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
08/02/18	A building permit (#C18-03052) was denied by Planning for being under parked.

<i>Pre-Application Meeting</i>	
10/01/18	A pre-application meeting was held with the applicant where the submittal requirements for a Variance were discussed.

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Neighborhood Meeting	
A Neighborhood meeting was not required, nor was one held.	

Field Check	
11/01/18	During a routine field check, staff observed a well-maintained commercial building.

Details of Application Request	
Site Area	
Net Acres	0.72

Surrounding Property	Existing Land Use Per Title 19.12	Planned or Special Land Use Designation	Existing Zoning District
Subject Property	Commercial Building	SC (Service Commercial)	C-1 (Limited Commercial)
North	General Retail Store, Other than Listed	SC (Service Commercial)	C-1 (Limited Commercial)
South	Single Family, Detached	SC (Service Commercial)	R-CL (Single Family Compact-Lot) U (Undeveloped)
East	Undeveloped	SC (Service Commercial)	U (Undeveloped)
West	General Retail Store, Other than Listed	SC (Service Commercial)	C-1 (Limited Commercial)

Master and Neighborhood Plan Areas	Compliance
No Applicable Master Plan Area	N/A
Special Area and Overlay Districts	Compliance
A-O (Airport Overlay) District (140 feet)	Y

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Other Plans or Special Requirements	Compliance
Trails	N/A
Las Vegas Redevelopment Plan Area	N/A
Interlocal Agreement	N/A
Project of Significant Impact (Development Impact Notification Assessment)	N/A
Project of Regional Significance	N/A

Pursuant to Title 19.08 and 19.12, 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 uses	13,935 SF	1:175 SF	36					
General Retail Store, Other than Listed (existing)	1,472 SF		-9					
Restaurant (proposed)	332 (public seating and wait area)		1:50 SF					6
	1,140 (remaining area)		1:200					7
TOTAL SPACES REQUIRED			41		36		N*	
Regular and Handicap Spaces Required				2		2	Y	
Loading Spaces			2		0		Y*	
Percent Deviation			12%					

*The applicant has requested a Variance (VAR-74821) to allow zero additional parking spaces where five additional parking spaces are required.

*The site is parking impaired. No loading zones were required at the time of approval.