



AGENDA MEMO - PLANNING

PLANNING COMMISSION MEETING DATE: DECEMBER 11, 2018

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT: OPPORTUNITY VILLAGE - OWNER: STATE OF NEVADA DIVISION OF LANDS

** STAFF RECOMMENDATION(S) **

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
VAR-74839	Staff recommends DENIAL, if approved subject to conditions:	

** NOTIFICATION **

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 11

NOTICES MAILED 777

PROTESTS 1

APPROVALS 1

**** CONDITIONS ****

VAR-74839 CONDITIONS

Planning

1. Conformance to the approved conditions for Site Development Plan Review (SDR-64479).
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 requests a Variance for parking associated with an approved proposal to remodel and reconfigure the Oakey campus of Opportunity Village (OV), located at 6300 West Oakey Boulevard. If approved, this request would reinstate a previously approved Variance (VAR-66259) for a parking reduction that expired on 09/13/18.

ISSUES

- A Variance is requested to allow six parking spaces where 207 are required for an existing Social Service Provider.
- A condition of approval of the Site Development Plan Review (SDR-64479) for proposed changes to the site requires recordation of a perpetual shared parking agreement for an amount of spaces that would bring the site into conformance with Title 19 requirements, in the event that a variance to reduce the parking is not approved. Such an agreement has not yet been recorded.

ANALYSIS

The current site was originally approved with 131 provided parking spaces. An additional 76 spaces would be generated by a 2016 approved expansion (SDR-64479) of the campus for a total of 207 spaces. However, all but six spaces are proposed to be removed as part of the approved expansion, a 97 percent deviation from the Title 19 parking standard for this use. Without a shared perpetual parking agreement recorded against both OV and the neighboring College of Southern Nevada (CSN) properties for the needed 201 spaces, a variance is required for six spaces where 207 are required (as a result of removal of the existing spaces). At this time, there is no recorded parking agreement between OV and the CSN. A previously approved Variance (VAR-66259) to allow six spaces where 207 spaces are required expired 09/13/18, prompting this request.

Daily parking on the site is limited to employees and family members of the people served by OV, which provides programs and services for persons with intellectual disabilities. Clients are transported using RTC Paratransport or family members, and do not drive themselves. The applicant has previously stated that only about 40 spaces are needed to support the daily needs of the use. Parking for both daily use and seasonal use has been informally supplemented by the CSN campus, as well as other sites on which services are provided.

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Staff previously recommended approval of a parking variance on the grounds that the informal agreement between OV and CSN had already allowed for supplemental parking and that formalization of the agreement would be imminent. Two years later, the agreement has not been formalized, nor has an application been submitted for development of additional parking area on State land east of Community College Drive. The proposed revisions to the site will eliminate virtually all onsite parking in favor of event activity space, which establishes a self-imposed hardship not related to the physical characteristics of the site itself. Staff therefore recommends denial. The existing approval of the associated Site Development Plan Review is conditioned on the formal approval of a shared parking agreement between OV and CSN. Without this agreement in place, permits for the proposed construction cannot be issued unless a variance is first approved to allow a reduction in the number of required onsite parking spaces.

FINDINGS (VAR-74839)

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.”

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.”

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No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship by proposing to remove nearly all of the onsite parking facilities in favor of providing event space. Provision of 207 onsite spaces or implementation of shared parking agreements with the owners of the adjacent parcels 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.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by Planning, Fire, Bldg., etc.</i>	
12/22/83	The Board of Zoning Adjustment approved a Special Use Permit (U-0093-83) to construct and operate a regional Handicapped Training Center on the north side of Oakey Boulevard, 660 feet west of Jones Boulevard. Staff recommended approval.
03/22/84	The Board of Zoning Adjustment approved a request for a Review of Condition Number 2 of an approved Special Use Permit (U-0093-83), which required installation of street improvements on Oakey Boulevard, to defer offsite improvements on property generally located on the north side of Oakey Boulevard between Jones Boulevard and Torrey Pines Drive.
10/07/87	The City Council approved a Rezoning (Z-0089-87) from N-U (Non-Urban) to C-V (Civic) at the southeast corner of Charleston Boulevard and Torrey Pines Drive. The Planning Commission and staff recommended approval.
08/24/89	The Board of Zoning Adjustment approved a Variance (V-0086-89) to allow an afterschool child care facility in conjunction with an existing nonprofit handicapped training facility at 6200 West Oakey Boulevard. Staff recommended approval.
08/23/90	The Board of Zoning Adjustment approved a Plot Plan Review (V-0086-89) to allow a proposed addition to the existing handicapped facility at 6200 West Oakey Boulevard. Staff recommended approval.
12/21/90	A four-lot Parcel Map (PM-0054-90) at the southwest corner of Charleston Boulevard and Jones Boulevard was recorded.
03/14/91	The Planning Commission approved a Civic Review (CV-0002-91) for a proposed training center on 6.29 acres on the north side of Oakey Boulevard, east of Torrey Pines Drive. Staff recommended approval.

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<i>Related Relevant City Actions by Planning, Fire, Bldg., etc.</i>	
08/12/93	The Planning Commission approved a Civic Review (CV-0002-91) for seven proposed signs for the Opportunity Village site at the northwest corner of Oakey Boulevard and Campus Drive (now Community College Drive). Staff recommended approval.
09/13/16	The Planning Commission approved a request for a Variance (VAR-66259) to allow six parking spaces where 207 spaces are required on 6.94 acres at 6300 West Oakey Boulevard. Staff recommended approval. The approval expired 09/13/18.
10/19/16	The City Council approved a request for a Site Development Plan Review (SDR-64479) for a proposed 22,720 square-foot expansion of an existing Social Service Provider, revised building elevations and other site improvements, with a Waiver to allow a four-foot perimeter landscape buffer along portions of the south property line where 15 feet is required on 6.94 acres at 6300 West Oakey Boulevard. The Planning Commission and staff recommended approval. The approval expired 10/19/18; however, the applicant submitted a request for Extension of Time prior to expiration.
12/05/18	The City Council will hear a request for an Extension of Time (EOT-74808) of an approved Site Development Plan Review (SDR-64479) for a proposed 22,720 square-foot expansion of an existing Social Service Provider, revised building elevations and other site improvements with a Waiver to allow a four-foot perimeter landscape buffer along portions of the south property line where 15 feet is required. Staff recommends approval.

<i>Most Recent Change of Ownership</i>	
03/01/91	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
02/28/91	A building permit (#91098872) was issued for a development at 6300 West Oakey Boulevard.
10/10/97	A building permit (#97020723) was issued for a train tunnel and storage building at 6300 West Oakey Boulevard.
09/28/98	A building permit (#98019436) was issued for a 635 square-foot gazebo at 6300 West Oakey Boulevard.

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Related Building Permits/Business Licenses	
09/22/99	A building permit (#99018673) was issued for a 40-foot by 60-foot metal building at 6300 West Oakey Boulevard. A final inspection was completed 01/03/00.
09/22/99	A building permit (#99018674) was issued for onsite improvements at 6300 West Oakey Boulevard.
05/19/00	A building permit (#99018674) was issued for a loading dock at 6300 West Oakey Boulevard.

Pre-Application Meeting	
10/16/18	A pre-application meeting was held with the applicant to discuss submittal requirements for a Site Development Plan Review for an amendment to the approved development plans for this site. Staff informed the applicant that the previously approved parking variance for this site had expired, and the applicant stated that it wished to reinstate this variance.

Neighborhood Meeting	
A neighborhood meeting is not required for this request, nor was one held.	

Field Check	
11/01/18	The site contains an existing Social Service Provider with gated access to Oakey Boulevard and Community College Drive. An existing wrought iron fence, trees and shrubs provide screening along Oakey Boulevard.

Details of Application Request	
Site Area	
Net Acres	6.94

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<i>Surrounding Property</i>	<i>Existing Land Use Per Title 19.12</i>	<i>Planned or Special Land Use Designation</i>	<i>Existing Zoning District</i>
Subject Property	Social Service Provider	PF (Public Facilities)	C-V (Civic)
North	College, University or Seminary	PF (Public Facilities)	C-V (Civic)
South	Single Family, Detached	ML (Medium Low Density Residential)	R-PD5 (Residential Planned Development – 5 Units per Acre)
	Convalescent Care Facility/Nursing Home	SC (Service Commercial)	PD (Planned Development)
East	Social Service Provider	PF (Public Facilities)	C-V (Civic)
West	Government Facility [Fire Station]	PF (Public Facilities)	C-V (Civic)

<i>Master and Neighborhood Plan Areas</i>	<i>Compliance</i>
No Applicable Master Plan Area	N/A
<i>Special Area and Overlay Districts</i>	<i>Compliance</i>
C-V (Civic) District	Y
<i>Other Plans or Special Requirements</i>	<i>Compliance</i>
Trails (Pedestrian Path – Oakey Blvd.)	Y
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

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DEVELOPMENT STANDARDS

Street Name	Functional Classification of Street(s)	Governing Document	Actual Street Width (Feet)	Compliance with Street Section
Oakey Boulevard	Major Collector	Master Plan of Streets and Highways Map	80	Y
Community College Drive	N/A	N/A (private)	100	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	
Social Service Provider (existing use)	As approved by CV-0002-91	As approved by CV-0002-91	131				
Social Service Provider (new construction)	22,720 SF	1 space per 300 SF GFA	76				
TOTAL SPACES REQUIRED			207		6		N*
Regular and Handicap Spaces Required			200	7	4	2	N*
Loading Spaces	76,980	3 + 1 per each add'l 100,000 SF over 50,000 SF	4		4		Y
Percent Deviation			97%				

*The applicant requests a variance to allow six parking spaces where 207 are required.