



AGENDA MEMO - PLANNING

PLANNING COMMISSION MEETING DATE: DECEMBER 11, 2018

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT: ANTHONY NUSHIKYAN - OWNER: SHERIDAN DJC, LLC, ET AL

** STAFF RECOMMENDATION(S) **

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
VAR-74846	Staff recommends DENIAL, if approved subject to conditions:	

** NOTIFICATION **

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 14

NOTICES MAILED 87

PROTESTS 1

APPROVALS 0

**** CONDITIONS ****

VAR-74846 CONDITIONS

Planning

1. 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.
2. 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.
3. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
4. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

Staff Report Page One
December 11, 2018 - Planning Commission Meeting

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Variance of parking requirements for a proposed Auto Repair Garage, Major at 3065 Sheridan Street. The applicant proposes five parking spaces where 55 are required.

ISSUES

- A Variance (VAR-74846) is requested to provide five parking spaces where 55 spaces are required at a proposed Auto Repair Garage, Major at 3065 Sheridan Street. Staff does not support this request.
- Per Title 19.12.0100, an Auto Repair Garage, Major is a Conditional Use in an M (Industrial) Zone. A Conditional Use Verification (CUV-73620) was denied on 06/04/18 pending a Variance for parking.

ANALYSIS

The subject site is a vacant 9,900 square-foot building at 3065 Sheridan Street in an M (Industrial) Zone. The building was constructed in 1964 and shares a wall with similarly-sized buildings to the north and south. There is a small parking lot along Sheridan Street with nine striped parking spaces, but it does not provide the drive aisle space required by Title 19.08.110. There is no parking in the rear. This Auto Repair Garage, Major use requires 55 parking spaces. The site plan stamped 11/13/18 shows a total of five parking spaces that meet code requirements. The applicant requests five spaces where 55 spaces are required. This is a 91 percent parking impairment.

The applicant proposes to use the building at 3065 Sheridan Street as an auxiliary location for their principal auto repair garage at 3025 Sheridan Street. There are two parcels in between the sites, a total distance of 104 feet. The applicant claims that employees and customers will not park at 3065 Sheridan Street. Instead, employees will park at 3025 Sheridan Street and walk or drive disabled cars to 3065 Sheridan Street, then drive back when the cars are repaired. The applicant proposes to park several cars inside the building, but Title 19.08.110 does not allow indoor spaces to be included in off-street parking. Most businesses along Sheridan Street, between Sirius Avenue and Meade Avenue, have impaired parking.

Staff Report Page Two
December 11, 2018 - Planning Commission Meeting

In accordance with Title 19.18.030, the site at 3065 Sheridan Street cannot be considered Off-Site Parking or Shared Parking. Off-Site Parking requires the two parcels to be under common ownership, which they aren't. Moreover, the location at 3065 Sheridan Street will not be used solely for off-site parking, as it will be used for auto repair. The site cannot be considered Shared Parking because there is no parking agreement between the various owners, and there is not enough parking between 3025 and 3065 Sheridan Street to satisfy the parking requirement for the total square-footage of the buildings at both sites.

FINDINGS (VAR-74846)

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."

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 their business to a site that has inadequate parking for the use. In view of the absence of any hardships imposed by the site's physical characteristics, staff concludes that the applicant's hardship is preferential in nature, and it is thereby outside the realm of NRS Chapter 278 for granting of Variances.

Staff Report Page Three

December 11, 2018 - Planning Commission Meeting

BACKGROUND INFORMATION

<i>Related Relevant City Actions by Planning, Fire, Bldg., etc</i>	
06/04/18	A Conditional Use Verification (CUV-73620) was denied for an Auto Repair Garage, Major at 3065 Sheridan Street. *CUV denied by Department of Planning because site does not meet parking standards.

<i>Most Recent Change of Ownership</i>	
03/07/03	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
1964	The commercial building was constructed at 3065 Sheridan St.
08/28/68	A Certificate of Occupancy (#43469) was issued for 3065 Sheridan St.
04/12/95	A building permit (#95373269) was issued for tenant improvement at 3065 Sheridan St. The permit was updated on 12/12/95.
10/26/00	A building permit (#19754) was issued for interior demolition at 3065 Sheridan St.
11/17/00	A non-work Certificate of Occupancy was issued for 3065 Sheridan St.
06/21/17	A building permit (C17-00231) was issued for tenant improvement at 3065 Sheridan St. The permit was finalized on 06/30/17.
05/29/18	A building permit (C18-02173) was processed for tenant improvements at 3065 Sheridan Street. The permit was not issued. *Permit denied by Department of Planning pending an approved parking variance.

<i>Pre-Application Meeting</i>	
10/18/18	Staff conducted a pre-application meeting with the applicant where the submittal requirements and deadlines for a Variance were reviewed.

<i>Neighborhood Meeting</i>	
A neighborhood meeting was not required or held.	

<i>Field Check</i>	
11/01/18	During a routine field check, staff observed the subject site and surrounding properties. No issues were noted.

Staff Report Page Four

December 11, 2018 - Planning Commission Meeting

Details of Application Request	
Site Area	
Net Acres	0.29

Surrounding Property	Existing Land Use Per Title 19.12	Planned or Special Land Use Designation	Existing Zoning District
Subject Property	Warehouse/Storage	LI/R (Light Industry and Research)	M (Industrial)
North	Motor Vehicle Sales (Used)	LI/R (Light Industry and Research)	M (Industrial)
South	Warehouse/Storage	LI/R (Light Industry and Research)	M (Industrial)
	Office, Other than Listed		
East	Warehouse/Storage	LI/R (Light Industry and Research)	M (Industrial)
West	Warehouse/Storage	LI/R (Light Industry and Research)	M (Industrial)

Master and Neighborhood Plan Areas	Compliance
No Applicable Master Plan Area	N/A
Special Area and Overlay Districts	Compliance
A-O (Airport Overlay) District – 175 Feet	Y
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

DEVELOPMENT STANDARDS

Street Name	Functional Classification of Street(s)	Governing Document	Actual Street Width (Feet)	Compliance with Street Section
Sheridan St	Local Street	Planned Streets and Highways Map	60	Y

Pursuant to Title 19.08 and 19.12, the following parking standards apply:

Parking Requirement							
Use	Gross Floor Area or # of Units	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Auto Repair Garage, Major	9,900	5 spaces + 1:200 SF of gross floor area	55				
TOTAL SPACES REQUIRED			55		5		
Regular and Handicap Spaces Required			53	2	4	1	N
Loading Spaces			1		0		N
Percent Deviation			91%				N