

**AGENDA MEMO - COMMUNITY DEVELOPMENT**

CITY COUNCIL MEETING DATE: FEBRUARY 19, 2025
DEPARTMENT: COMMUNITY DEVELOPMENT
ITEM DESCRIPTION: APPLICANT/OWNER: DN REALTY, LLC

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

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
24-0581-VAR1	Staff recommends DENIAL, if approved subject to conditions:	

**** NOTIFICATION ****

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 15

NOTICES MAILED 84 (by City Clerk)

PROTESTS N/A

APPROVALS N/A

**** CONDITIONS ****

24-0581-VAR1 CONDITIONS

Planning

1. A Variance is hereby approved, to allow 31 parking spaces where 38 parking spaces are required for a proposed church/house of worship.
2. Conformance to the approved conditions for Rezoning (Z-0062-95), except as modified by conditions herein.
3. 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.
4. 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 Division.
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.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a Variance request to allow a reduction in parking requirements for a proposed Church/House of Worship development at 6950 Via Olivero Avenue, Suite #1.

ISSUES

- A Variance is requested, to allow 31 parking spaces where 38 parking spaces are required for a proposed church/house of worship. Staff does not support this request.
- The Church/House of Worship use is permitted in the P-R (Professional Office and Parking) zoning district

ANALYSIS

The subject site is zoned P-R (Professional Office and Parking) and is subject to the archived Title 19 development standards. The subject property is currently developed as a one-story office development as approved by Rezoning (Z-0062-95) in 1995. As depicted on the submitted floor plan, the proposed church/house of worship use will occupy Suite #1 of the office building.

The proposed Church/House of Worship use contains an assembly area, where chairs would be set up for the day of service and removed afterwards. The suite also comprises of back of house office space to facilitate operations for the house of worship. Per Title 19.12, one space is required for every 100 square feet of non-fixed seating area in the gathering room. As the back of house office space is not a part of the gathering room, parking is calculated at one space for every 300 square feet of gross floor area for the Office, Other than Listed use. The subject site accommodates 31 parking spaces, including two handicap spaces. With the proposed use, a total of 38 parking spaces are required, prompting this Variance request.

No justification has been presented relating to the physical characteristics of the land to warrant the Variance request. As such, the hardship presented is self-imposed and preferential in nature. Therefore, staff recommends denial of the requested Variance. If approved, the Variance will be subject to conditions.

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FINDINGS (24-0581 -VAR1)

In accordance with the provisions of Title 19.16.140(B), the 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 operate a use within an office development that cannot accommodate the number of required parking spaces. 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, Building, Code Enforcement, etc.</i>	
09/14/95	The Planning Commission approved a Rezoning (Z-0062-95) from R-E (Residence Estates) to P-R (Professional Office and Parking) for a 10,300 square-foot professional office building on the north side of Via Olivero Avenue, approximately 340 feet west of Rainbow Boulevard. Staff recommended approval.

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Related Relevant City Actions by Planning, Fire, Building, Code Enforcement, etc.	
06/02/21	The City Council approved a General Plan Amendment to adopt the City of Las Vegas 2050 Master Plan and amend the City of Las Vegas General Plan from various categories to TOD-1 (Transit Oriented Development – 1), TOD-2 (Transit Oriented Development -2), TOC-1 (Transit Oriented Corridor-1), TOC-2 (Transit Oriented Corridor-2), or NMXU (Neighborhood Center Mixed Use) within the City of Las Vegas. Staff recommended approval.
1/14/25	The Planning Commission (6-0 vote) to APPROVE a Land Use Entitlement project request TO ALLOW 31 PARKING SPACES WHERE 38 PARKING SPACES ARE REQUIRED FOR A PROPOSED CHURCH/HOUSE OF WORSHIP on 0.72 acres at 6950 Via Olivero Avenue, Suite #1 (APN 163-03-804-008), P-R (Professional Office and Parking) Zone, Ward 1 (Knudsen). Staff recommends DENIAL.

Most Recent Change of Ownership	
12/18/96	A deed was recorded for a change in ownership.

Related Building Permits/Business Licenses	
12/18/96	A building permit (#C-0195-96) was issued for a professional office building at 6950 Via Olivero Avenue.

Pre-Application Meeting	
10/31/24	Staff conducted a pre-application meeting with the applicant to discuss the submittal requirements for a Variance.

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

Field Check	
12/03/24	Staff conducted a routine field check of the subject site and observed an existing office building. Nothing of concern was noted.

Details of Application Request	
Site Area	
Net Acres	0.72

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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	Office, Other than Listed	TOD-2 (Transit Oriented Development - Low)	P-R (Professional Office and Parking)
North	Undeveloped		R-E (Residence Estates)
South	Motor Vehicle Sales		C-2 (General Commercial)
East	Shopping Center		C-1 (Limited Commercial)
West	Residential, Single Family, Detached	DR (Desert Rural Density Residential)	R-E (Residence Estates)

<i>Master and Neighborhood Plan Areas</i>	<i>Compliance</i>
Las Vegas 2050 Master Plan Area: Charleston	Y
<i>Special Area and Overlay Districts</i>	<i>Compliance</i>
RP-O (Rural Preservation Overlay) District	N/A
<i>Other Plans or Special Requirements</i>	<i>Compliance</i>
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

<i>Street Name</i>	<i>Functional Classification of Street(s)</i>	<i>Governing Document</i>	<i>Actual Street Width (Feet)</i>	<i>Compliance with Street Section</i>
Via Olivero	Local Street	Master Plan of Streets and Highways	60 Feet	Y

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

<i>Parking Requirement</i>							
<i>Use</i>	<i>Gross Floor Area or Number of Units</i>	<i>Required</i>		<i>Provided</i>		<i>Compliance</i>	
		<i>Parking Ratio</i>	<i>Parking</i>		<i>Parking</i>		
			Regular	Handi-capped	Regular	Handi-capped	
Church/House of Worship (Assembly Area)	743 SF	1 per 100 SF of non-fixed seating	8				
Church/House of Worship (Back of House)	2,153 SF	1 per 300 SF	7				
Office, Other than Listed	6,632 SF	1 per 300 SF	23				
TOTAL SPACES REQUIRED			38		31		N*
Regular and Handicap Spaces Required			36	2	29	2	N*
Percent Deviation			18.4%				

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