



AGENDA MEMO

CITY COUNCIL MEETING DATE: NOVEMBER 5, 2008
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: ROC-29435 - APPLICANT/OWNER: I RENT B & E, LLC

**** CONDITIONS ****

The Planning Commission (7-0 vote) and staff recommend DENIAL.

1. Conformance to the Conditions of Approval for the Site Development Plan Review (SD-0041-02), If Approved.
2. This approval shall be void one year from the date of final approval, unless a business license has been issued to conduct the activity, if required, or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Review of Condition Number 3 of an approved Site Development Plan Review (SD-0041-02), which required the elimination of vehicular access to Mesquite Avenue and the provision of three additional parking spaces along the Mesquite Avenue frontage on a .55 acre site at the northeast corner of Mesquite Avenue and Eastern Avenue. In addition, an associated request for a Variance (VAR-29437) to allow 33 spaces where 40 are required will be heard. This request would result in a shortage of provided off-street parking. Staff has determined the deletion of Condition Number 3 would create a self-imposed hardship; therefore, staff recommends denial of this application.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
12/20/65	The Board of Commissioners approved a Rezoning (Z-0074-65) of the subject site as part of a larger request from R-3 (Medium Density Residential) to C-1 (Limited Commercial).
11/06/02	The City Council approved a request for a Site Development Plan Review (SD-0041-02) for a 3,590 square-foot addition to an existing 5,537 square-foot commercial building on the subject site. The Planning Commission and Staff Recommended approval.
11/06/02	The City Council approved a request for a Special Use Permit (U-0119-02) for a Pawn Shop on the subject site. The Planning Commission and Staff Recommended approval.
09/25/08	The Planning Commission recommended denial of companion item VAR-29437 concurrently with this application. The Planning Commission voted 7-0 to recommend DENIAL (PC Agenda Item #19/leh).
<i>Related Building Permits/Business Licenses</i>	
10/08/03	Business licenses (#F03-00014, #S25-00004) were issued for a Pistol Permit and a Second Hand Dealer Class II at 520 North Eastern Avenue, Suite #150.
09/19/03	A building permit (#3020199) was issued for a new building at 520 North Eastern Avenue, Suite #150. This building received its final inspection on 10/23/03.
11/20/03	Business licenses (#P04-00001, #P08-00003) were issued for a Pawn Broker and Auto Pawnbroker at 520 North Eastern Avenue, Suite #150.
09/05/06	A business license (#F02-00300) was issued for Finance Company at 520 North Eastern Avenue, Suite #150.
02/28/07	A business license (#C15-00351) was issued for a Convenience Store at 520 North Eastern Avenue, Suite #130.

03/02/07	A business license (#W10-00126) was issued for a Wire Service at 520 North Eastern Avenue, Suite #130.
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08/25/08	Business licenses (#A25-02300, #P27-00541) were issued for Income Tax Preparation and Personal Services at 520 North Eastern Avenue, Suite #110.
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Pre-Application Meeting

08/12/08	The requirements for a Variance and Review of Condition application were discussed with the applicant.
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Neighborhood Meeting

A meeting is not required nor was one held.	
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Field Check

08/19/08	The southern side of the parking lot currently has no striping for parking spaces. Required landscaping has been removed or is dead along the southern side of the site. Numerous non-permitted temporary signs (banners) were noted on the site.
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Details of Application Request

Site Area

Gross Acres	.55
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Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Commercial Center	SC (Service Commercial)	C-1 (Limited Commercial)
North	Commercial Center	SC (Service Commercial)	R-E (Residence Estates) under Resolution of Intent to C-1 (Limited Commercial)
South	Multi-Family Residential	M (Medium Density Residential)	R-3 (Medium Density Residential)
East	Multi-Family Residential	M (Medium Density Residential)	R-3 (Medium Density Residential)
West	Commercial Center	SC (Service Commercial)	C-1 (Limited Commercial)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan		X	N/A
<i>Special Districts/Zones</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
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	Parking Ratio	Required*		Provided**		Compliance
			Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Pawn Shop	4,077 SF	1/250	15	1	16		
Office other than listed (Tax Service)	2,300 SF	1/300	8		8		
Retail other than listed (Less than 3,500 Square Feet)	2,750 SF	1/175	15	1	9		
SubTotal			38	2	31	2	
TOTAL	9,127 SF		40		33***		No
Percent Deviation					17.5 %		

**Per SD-041-02, 39 parking spaces were required at the time of that application, as uses have changed the current required parking is 40 spaces.*

***Currently there are 40 spaces on the site, including two handicapped parking spaces. There is an associated Variance (VAR-29437) which proposes 33 parking spaces where 40 are required.*

****The total percentage of compact spaces remains below the allowable 30% limit required by Title 19.10. At 33 overall spaces, 10 compact spaces would be 30% of the total number of spaces.*

ANALYSIS

This is a request for a Review of Condition Number 3 of an approved Site Development Plan Review (SD-0041-02), which required the elimination of access to Mesquite Avenue and to provide three additional parking spaces along the Mesquite Avenue frontage on a .55 acre site at the northeast corner of Mesquite Avenue and Eastern Avenue. There is also an associated request for a Variance (VAR-29437) to allow 33 parking spaces where Title 19.04 requires a total of 40 parking spaces for a 9,127 square-foot commercial building. This is a 17.5% deviation from the standard. Per Title 19.10.010 two handicapped parking spaces are to be provided for uses requiring 40 spaces. The provided site plans indicates two handicapped spaces will be provided, including one van accessible space. The approved Site Plan (SD-0041-02) required 39 parking spaces based the two uses in the center at that time, since that time the use of the center has changed and an additional parking space is required for a total of 40 required spaces.

SD-0041-02 Condition Number 3:

The site plan shall be revised and approved by Planning and Development Department staff, prior to the time of application is made for a building permit, to reflect the elimination of access to Mesquite Avenue and to provide three additional parking spaces along the Mesquite Avenue Frontage for a total of 39 required parking spaces. If the three additional parking spaces are not provided, the applicant shall submit a Variance application for parking, to be approved by City Council.

This requested Review of Condition stems from the overbuilding of the site combined with uses on the subject property that are too intense for the site. This request would result in a shortage of provided off-street parking. Staff has determined this to be a self-imposed hardship; therefore, staff recommends denial of this Review of Condition.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 9

ASSEMBLY DISTRICT 11

SENATE DISTRICT 2

NOTICES MAILED 177 by City Clerk

APPROVALS 0

PROTESTS 1