



## AGENDA MEMO

PLANNING COMMISSION MEETING DATE: OCTOBER 23, 2008

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: VAR-29873 - APPLICANT: BLANCA SOSA - OWNER: TD JAK  
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### \*\* CONDITIONS \*\*

Staff recommends DENIAL. The Planning Commission (6-1/rt vote) recommends APPROVAL, subject to:

#### *Planning and Development*

1. 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 application is a request for a Variance to allow for 21 parking spaces where 35 are required for a proposed beauty salon at 2564 S. Valley View Boulevard. This represents a 40 percent deviation from code standard.

Due to the insufficient amount of parking available for the proposed use, staff is recommending denial of this application.

**BACKGROUND INFORMATION**

<b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i></b>	
05/18/94	The City Council approved a request for a Special Use Permit (U-0072-94) for a Beer/Wine/Cooler On-Sale Establishment at 2558 South Valley View Boulevard. The Board of Zoning Adjustment recommended approval.
10/23/08	The Planning Commission voted 6-1/rt to recommend APPROVAL (PC Agenda Item #37/ne).
<b><i>Related Building Permits/Business Licenses</i></b>	
06/19/98	A building permit (#98013003) was issued for a tenant improvement remodel at 2562 South Valley View Boulevard. The permit was finalized on 09/21/98.
06/19/98	A building permit (#98013006) was issued for a tenant improvement remodel at 2562 South Valley View Boulevard. The permit expired on 03/20/99.
06/30/99	A building permit (#99012921) was issued for a sign (tag #003818) at 2560 South Valley View Boulevard. The permit was renewed on 10/08/01 and expired on 04/20/02.
06/04/01	A building permit (#01009975) was issued for a non-work certificate of occupancy at 2562 South Valley View Boulevard. The permit was finalized on 06/05/01.
<b><i>Pre-Application Meeting</i></b>	
08/22/08	A pre-application meeting was held where the submittal requirements for a Variance application were discussed.
<b><i>Neighborhood Meeting</i></b>	
A neighborhood meeting was not required, nor was one held.	

<b><i>Field Check</i></b>	
09/16/08	A routine field check was performed by staff where numerous non-permitted temporary signs were posted throughout the subject site. It was noted by staff

	that there were only three vehicles in the parking lot and one delivery van making a delivery.
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<b>Details of Application Request</b>	
<b>Site Area</b>	
Net Acres	0.44

<b>Surrounding Property</b>	<b>Existing Land Use</b>	<b>Planned Land Use</b>	<b>Existing Zoning</b>
Subject Property	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)
North	Grocery Store	SC (Service Commercial)	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)	C-1 (Limited Commercial)
West	Single-Family Residences	L (Low Density Residential)	R-1 (Single Family Residential)

<b>Special Districts/Zones</b>	<b>Yes</b>	<b>No</b>	<b>Compliance</b>
<b>Special Area Plan</b>		X	N/A
<b>Special Districts/Zones</b>	<b>Yes</b>	<b>No</b>	<b>Compliance</b>
<b>Special Purpose and Overlay Districts</b>	X		Y
A-O (Airport Overlay) District 200 Feet	X		Y
<b>Trails</b>		X	N/A
<b>Rural Preservation Overlay District</b>		X	N/A
<b>Development Impact Notification Assessment</b>		X	N/A
<b>Project of Regional Significance</b>		X	N/A

**A-O (Airport Overlay) District 200 Feet**

No structure shall be erected, altered or maintained on any parcel within the boundaries of the Airport Overlay District that would violate the height limitations defined by the McCarran Airport Overlay Map and the North Las Vegas Airport Overlay Map. The subject site is within the 200-foot contour limitations and does not violate the height limitations. The proposed Variance does not alter the structure in any way and is in compliance with the Airport Overlay District.

**Pursuant to Title 19.10.010(C)(1), the following parking standards apply:**

<b>Parking Requirement</b>							
<b>Use</b>	<b>Gross Floor Area or Number of Units</b>	<b>Required</b>		<b>Provided</b>		<b>Compliance</b>	
		<b>Parking Ratio</b>	<b>Parking</b>		<b>Parking</b>		
			Regular	Handi-capped	Regular		Handi-capped
Commercial Center	5,978 sf.	1:500	14		20	1	Y*
Proposed General Personal Service (Beauty Salon)	685 sf.	3 Spaces per Beautician Chair, and 2 Spaces per Nail Station.	17		21		N**
(Dry Cleaners)	(685 sf.)	(1:250)	(3)				
<b>SubTotal</b>			14		21		
<b>TOTAL</b>			35		21		
Percent Deviation			40%				

\*The subject site is a parking impaired site. The building was constructed in 1986 at a parking ratio of 1 parking space per 500 square feet. The total square footage of the shopping center is 6,663 square feet. The required parking in 1986 was 14 spaces.

\*\* When calculating the required parking for the subject site staff followed the guidelines of Title 19.10.010(C)(1) for a parking impaired site which states, *for any change of use that requires an increase in the number of required parking spaces, only the increased number of parking spaces shall be required.* There are 21 existing parking spaces. The proposed beauty salon has a current parking requirement of 17 parking spaces; three of the spaces are already provided on-site for the previous dry cleaning use, leaving a deficiency of 14 spaces for the proposed beauty salon, and an overall requirement of 35 spaces for the center.

## ANALYSIS

This application is a request for a Variance to allow 21 parking spaces in a parking impaired commercial center, where Title 19.04.010 requires 35 spaces. The applicant is proposing to open a beauty salon within an existing commercial center at 2564 S. Valley View Boulevard. The 685 square-foot suite is located within a commercial center, which currently houses an existing convenience store, a self-service laundry mat, and a money wiring service. At today's standards, this commercial center would require a total of 49 parking spaces, including the proposed beauty salon. This is a 58 percent deviation from current standards set forth in Title 19.04.010; however, as previously stated, this commercial center is a parking impaired development. The commercial center was constructed in 1986. The parking requirements at that time were one parking space per 500 square feet of gross floor area. With the total gross floor area of the center being 6,663 square feet, the required parking at that time was 14 parking spaces. The constructed 21 parking spaces was well above this requirement.

Per Title 19.10.010(C) a Parking Impaired Development is defined as:

*A land use or building which is existing on the effective date of this Title and which complied with applicable parking standards at the time the use or building was established, but which does not comply with the requirements of this Section, shall not be considered a nonconforming use or non conforming building; but rather, it shall be considered a parking-impaired development.*

The proposed beauty salon requires 17 spaces, three for each beautician station and two for each nail station. The applicant has proposed four hair stations, one facial station, and one nail station. When calculating the required parking for the subject site staff followed the guidelines of Title 19.10.010(C)(1) which states, *for any change of use that requires an increase in the number of required parking spaces, only the increased number of parking spaces shall be required.* There are 21 existing parking spaces. The proposed beauty salon has a current parking requirement of 17 parking spaces; three of the spaces are already provided on-site for the previous dry cleaning use, leaving a deficiency of 14 spaces for the proposed beauty salon, and an overall requirement of 35 spaces for the center.

Staff finds that the proposed beauty salon is a much more intense use than the previous tenant which was a dry cleaners, creating the need for an additional 14 parking spaces within a commercial center that only offers a total of 21 parking spaces for all of its tenants. Denial of this application is recommended.

## FINDINGS

In accordance with the provisions of Title 19.18.070(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 19.18.070L 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 proposing a beauty salon within a shopping center that is parking impaired. An alternative site with sufficient parking would allow conformance to the Title 19 requirements. In view of the absence of any hardships imposed by the sites physical characteristics, it is concluded that the applicants hardship is preferential in nature, and it is thereby outside the realm of NRS Chapter 278 for granting of Variances.

### **PLANNING COMMISSION ACTION**

There were three speakers in support of the project at the Planning Commission Meeting.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 13

**ASSEMBLY DISTRICT** 12

**SENATE DISTRICT** 10

**NOTICES MAILED** 208 by City Clerk

**APPROVALS** 0

**PROTESTS** 1