

**AGENDA MEMO****CITY COUNCIL MEETING DATE: APRIL 7, 2010****DEPARTMENT: PLANNING AND DEVELOPMENT****ITEM DESCRIPTION: VAR-37296- APPLICANT: CHECK CITY - OWNER: BECKER & SONS**

**** CONDITIONS ****

Staff recommends DENIAL. The Planning Commission (6-0-1 vote/gf) recommends APPROVAL, subject to conditions:

Planning and Development

1. Conformance to the conditions for Special Use Permit (SUP-37153) 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.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Variance to allow 119 parking spaces where 132 spaces are required for a Jewelry Store, Class III use within an existing Auto Title Loan and Financial Institution, Specified at 1990 North Rainbow Boulevard. This represents a 10% deviation from standard. Staff cannot support the Variance request, as a Jewelry Store, Class III use has a more intense parking requirement than the existing uses. If this application is denied, the associated Special Use Permit (SUP-37153) must be denied.

ISSUES

- Approval of this request is necessary for the approval of Special Use Permit (SUP-37153) for a Jewelry Store, Class III within an existing Auto Title Loan and Financial Institution, Specified.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc and Property Sales</i>	
10/03/84	The City Council approved a Rezoning (Z-0042-84) from N-U (Non-Urban) to C-1 (Limited Commercial) on the subject property as part of a larger request. The Planning Commission recommended
02/5/86	The City Council approved an extension of time [Z-0042-84(1)] for an approved Rezoning (Z-0042-84) on the subject site. The Planning Commission recommended approval.
02/4/87	The City Council approved an extension of time [Z-0042-84(2)] for an approved Rezoning (Z-0042-84) on the subject site. The Planning Commission recommended approval.
04/20/88	The City Council approved an extension of time [Z-0042-84(3)] for an approved Rezoning (Z-0042-84) on the subject site. The Planning Commission recommended approval.
10/12/89	The Planning Commission approved a request for a Plot Plan and Building Elevation Review [Z-0042-84(4)] for a proposed Gas Station Convenience Store on the subject site.
04/8/90	The City Council approved an extension of time [Z-0042-84(5)] for an approved Rezoning (Z-0042-84) on the subject site. The Planning Commission recommended approval.
07/22/91	The City Council approved a request for a Variance (V-0111-91) to allow 110 parking spaces where 121 parking spaces are required on property located at the southeast corner of Lake Mead Boulevard.
RG	

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01/19/07	The City Council approved a Special Use Permit (SUP-19296) request for a proposed Auto Title Loan Establishment and a Waiver of the 200-foot distance separation requirement from residentially zoned property. The Planning Commission recommended approval, whereas staff recommended denial.
04/01/09	The City Council approved a Variance (VAR-32995) request for a Variance to allow 119 parking spaces where 126 are required on a parking impaired site. The Planning Commission recommended approval, whereas staff recommended denial.
02/25/10	The Planning Commission recommended approval of companion item SUP-37153 concurrently with this application. Staff recommends DENIAL. The Planning Commission (6-0-1 vote/gf) recommends APPROVAL.
<i>Related Building Permits/Business Licenses</i>	
08/22/07	A building permit (#92503) for a Tenant Improvement to an existing commercial building was issued for the subject Auto Title Loan and Financial Institution, Specified at 1990 North Rainbow Boulevard. The project was completed on 12/21/07.
11/08/07	A business license (C21-00182) was issued for a Check Cashing Service at 1990 North Rainbow Boulevard. The license was marked out of business on 07/24/09.
04/17/09	A business license (W10-00266) was issued for a Wire Service at 1990 North Rainbow Boulevard. The license is still active.
10/13/09	A business license (N02-00087) was issued for a Non-Depository Lender at 1990 North Rainbow Boulevard. The license is still active.
<i>Pre-Application Meeting</i>	
12/02/09	Description A pre-application meeting with the applicant was held where elements of submitting a Special Use Permit for a Jewelry Store, Class III were discussed. The topics included: • The submittal of application materials, meeting dates, and deadlines were discussed at the pre-application meeting. • A Variance application is required due to the parking requirement for the Jewelry Store, Class III use.
<i>Neighborhood Meeting</i>	
A neighborhood meeting was not required, nor was one held.	

<i>Field Check</i>	
01/21/10	Window signage exceeds 20 percent of the window area. The hours of operation are posted on the storefront window, and indicate 7:00 a.m. to 11:00 p.m.

Details of Application Request

Site Area

Gross Acres	1.66
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Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)
North	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)
South	Restaurant	SC (Service Commercial)	C-1 (Limited Commercial)
East	Single-Family Residence	ML (Medium Low Residential)	R-CL (Single Family Compact-Lot)
West	Shopping 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			
A-O (Airport Overlay) District (140-foot)	X		Y
Trails			
Pedestrian Path	X		Y
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	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Restaurant, with Service Bar	1,485 SF	1:50 SF Public Area	30				
	1,515 SF	1:200 SF Non-Public	8				
Jewelry Store, Class III	3,240 SF	1:175 SF	18				

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Dry Cleaners	1,000 SF	1:250 SF	4				
Nail Salon	8 stations	2 per station	16				
Liquor Establishment (Tavern)	2,330 SF	1:50 SF Public Area	47				
	1,700 SF	1:200 SF Non-Public	9				
SubTotal			127	5	114	5	N
TOTAL			132		119		N
Percent Deviation			10%				

ANALYSIS

A total of 132 parking spaces are required on the subject site per Title 19.10 Parking Standards for the existing and proposed uses. The site plan depicts 119 parking spaces, including five handicap spaces, which is a 10% deviation from standard. The proposed use will be located within an existing Auto Title Loan and Financial Institution, Specified, where the parking requirement is one space per 250 square feet. The Jewelry Store, Class III use has a parking requirement of one space per 175 square feet, resulting in an increase of six spaces, which is the subject of this request. A previously approved Variance (VAR-32995) allowed 119 parking spaces where 126 parking spaces were required. The applicant has provided no evidence of unique or extraordinary circumstances pursuant to Title 19.18.070(L) that would substantiate the Variance request; therefore, staff recommends denial.

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.

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Additionally, Title 19.18.070(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 a use that is too intense for the site to accommodate. 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.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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NOTICES MAILED

251 (By City Clerk)

APPROVALS

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PROTESTS

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