

**AGENDA MEMO****CITY COUNCIL MEETING DATE: APRIL 7, 2010****DEPARTMENT: PLANNING AND DEVELOPMENT****ITEM DESCRIPTION: VAR-37297 - APPLICANT: CHECK CITY - OWNER: NEWBERG GROUP, LLC**

**** CONDITIONS ****

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

Planning and Development

1. The handicap parking spaces marking and signage shall be adequately maintained.
2. Conformance to the conditions for Special Use Permit (SUP-37155).
3. 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.
4. A revised site plan depicting existing site conditions shall be submitted prior to the approval of a business license.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Variance to allow 85 parking spaces where 91 parking spaces are required at an existing Auto Title Loan and Financial Institution, Specified at 2475 South Jones Boulevard, Suite #2. The applicant is proposing to add a Jewelry Store, Class III use, which will increase the parking requirement by six spaces. The applicant has created a self-imposed hardship by proposing a use that is too intense for the site to accommodate; therefore, staff is recommending denial. If denied, the existing Auto Title Loan and Financial Institution, Specified facility will remain unaltered.

ISSUE

- The existing site is parking impaired with 85 spaces provided where 98 are required by current Title 19.10 standards. The proposed use will result in an increase in the parking required by six spaces, which is the subject of this Variance request.
- Approval of the request is required to approve an associated request for a Special Use Permit (SUP-37155) for a Jewelry Store, Class III use.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc. and Property Sales</i>	
04/05/89	The City Council approved a Rezoning (Z-0008-89) to C-1 (Limited Commercial on this site. The Planning and Development Department recommended approval.
04/07/04	The City Council accepted the applicant's request to withdraw without prejudice a request for a Special Use Permit (SUP-3479) for a proposed 40 foot tall, 14 foot by 48 foot, Off-Premise sign at 2475 South Jones Boulevard. The Planning Commission and staff recommended denial.
12/07/06	A deed was recorded for change of ownership.
<i>Related Building Permits/Business Licenses</i>	
05/19/99	A building permit (#99009708) was issued for an interior remodel at 2475 South Jones Boulevard Suite #2. The project was completed on 05/20/99.
02/08/02	A building permit (#2002256) was issued for a tenant improvement certificate of occupancy at 2475 South Jones Boulevard Suite #2. The project was completed on 05/15/02.
05/30/02	A business license (C21-00116) was issued for a check cashing establishment at 2475 South Jones Boulevard Suite #2. The license expired on 07/24/09.

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05/30/02	A business license (W10-00025) was issued for a wire transfer at 2475 South Jones Boulevard Suite #2. The license was marked out of business on 12/31/09.
11/26/02	A business license (N02-00086) was issued for a non depository lender at 2475 South Jones Boulevard Suite #2. The license is still active.
02/25/10	The Planning Commission recommended APPROVAL of companion item SUP-37155 concurrently with this application. Staff recommends DENIAL. The Planning Commission (6-0-1 vote/gf) recommends APPROVAL (PC Agenda Item #16)
<i>Pre-Application Meeting</i>	
12/02/09	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 topics included: • The minimum Special Use Permit Requirements. • The application materials and documents. • The meeting dates and deadlines. • No Waivers are required as a part of the request.
<i>Neighborhood Meeting</i>	
A neighborhood meeting is not required for this application, nor was one held.	
<i>Field Check</i>	
01/21/10	Staff conducted a site visit and observed the following: • An existing and well maintained check cashing establishment. • The hours of operation listed on the store front door indicate 7 a.m. to 11 p.m.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	1.18

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Commercial Center	S-C (Service Commercial)	C-1 (Limited Commercial)
North	Offices	O (Office)	P-R (Professional Offices and Parking)
South	Restaurant	S-C (Service Commercial)	C-1 (Limited Commercial)
East	Commercial Center	S-C (Service Commercial)	C-1 (Limited Commercial)
West	Offices	S-C (Service Commercial)	C-1 (Limited Commercial)

AO

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<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan		X	
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts		X	N
Trails		X	N
Rural Preservation Overlay District		X	N
Development Impact Notification Assessment	X		Y
Project of Regional Significance	X		Y

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	
Jewelry Store, Class III	3440 SF	1:175 SF	20	5			N
Office	6020 SF	1:300 SF					
Beauty Saloon	10 Stations	3:Stations	30				
General Retail	3440 SF	1:175 SF	5				
Office, Medical	1720 SF	1:200 SF	9				
SubTotal			99	5	83	2	N
TOTAL (with handicap spaces)			104*		85		N
Percent Deviation			7 %				N

* The existing site is parking impaired, per Title 19.10.0.0.10 (C).

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ANALYSIS

The existing site is parking impaired, per Title 19.10.010 (C), with 85 spaces provided where 98 spaces are required by the current Title 19.10 standards. 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 proposed Jewelry Store, Class III use has a parking requirement of one space per 175 square feet, resulting in an increase in the parking required by six spaces, or a 7% deviation, which is the subject of this variance request. A condition has been added requiring submittal of a site plan depicting the existing conditions of the site. 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.”

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 by proposing to a use that is too intense for the existing site to accommodate. A less intense use would allow conformance to the Title 19 requirements. 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.

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PC ACTION

The Planning Commission added condition #1.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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NOTICES MAILED

120 (By City Clerk)

APPROVALS

0

PROTESTS

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