



AGENDA MEMO

PLANNING COMMISSION MEETING DATE: JANUARY 28, 2010

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: VAR-37080 - APPLICANT: RAPID CASH - OWNER:
DIMENSIONS REAL ESTATE GROUP, LLC**

**** CONDITIONS ****

STAFF RECOMMENDATION: DENIAL. If Approved, subject to:

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Special Use Permit (SUP-36951) shall be required, 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 20 parking spaces where 23 are required for a Jewelry Store, Class III use within an existing Auto Title Loan and a Financial Institution, Specified at 2801 West Washington Avenue, Suite #110. This represents a 15% deviation from standard. Staff cannot support the Variance request, as a Jewelry Store, Class III has more restrictive parking requirements and the applicant has provided no evidence of unique or extraordinary circumstances pursuant to Title 19.18.070(L) that would substantiate the Variance request. If this application is denied, an associated request for Special Use Permit (SUP-36951) must also be denied, and the site must comply with the previously approved Site Development Plan Review (SDR-3766), Special Use Permit (SUP-3772) and Special Use Permit (SUP-6808).

ISSUES

- Approval of this request is necessary for the approval of a companion Special Use Permit (SUP-36951) for a Jewelry Store, Class III use within an existing Auto Title Loan and a Financial Institution, Specified.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc and Property Sales</i>	
01/19/00	The City Council approved a Variance (V-0088-99) for a second freestanding ground sign at 2801 West Washington Avenue, where one freestanding ground sign is the maximum allowed. The Zoning Board of Adjustment recommended approval.
11/21/02	The Planning Commission accepted the applicant's request to withdraw without prejudice a request for a Site Development Plan Review [Z-0047-56(1)] for a reduction of the on-site landscape requirements for a proposed 5,800 square foot office building at 2801 West Washington Avenue.
04/07/04	The City Council approved a Special Use Permit (SUP-3772) for a Financial Institution, Specified at 2801 West Washington Avenue. The Planning Commission and staff recommended denial.
04/07/04	The City Council approved a Site Development Plan Review (SDR-3766) for a 3,960 square-foot building with Waivers of the Commercial Development Standards and of the Perimeter and Parking Lot Landscaping Standards at 2801 West Washington Avenue. The Planning Commission and staff recommended denial.

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09/07/05	The City Council approved a Special Use Permit (SUP-6808) for a proposed Auto Title Loan and a Financial Institution, Specified and to allow a zero-foot separation from a similar use where 1,000 feet is required and a 160-foot separation from residential where 200 feet is required at 2801 West Washington Avenue. The Planning Commission and staff recommended denial.
3/09/06	The Planning Commission approved a Master Sign Plan (MSP-11131) for an existing commercial development at 2801 West Washington Avenue. Staff recommended approval.
<i>Related Building Permits/Business Licenses</i>	
01/02/04	A building permit (#4000002) was issued for demolition of the existing gas station at 2801 West Washington Avenue. A final inspection was completed on 1/28/04.
04/11/05	A building permit (#5002139) was issued for a Certificate of Completion for an office building at 2801 West Washington Avenue. No final inspection was completed.
04/11/05	A building permit (#5002140) was issued for a Certificate of Occupancy for an office building at 2801 West Washington Avenue, Suite #110. No final inspection was completed.
12/02/05	A business license (N02-00022) was issued for a Non-Depository Lender at 2801 West Washington Avenue, Suite #110. The license is still active.
12/16/05	A business license (W10-00101) was issued for a Wire Service at 2801 West Washington Avenue, Suite #110. The license is still active.
12/16/05	A business license (C21-00163) was issued for a Check Cashing Service at 2801 West Washington Avenue, Suite #110. The license was marked out of business on 12/31/08.
<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. The topics included: • The submittal of application materials, meeting dates, and deadlines were discussed at the pre-application meeting. • A Variance for parking, where 23 spaces are required and 20 are provided.
<i>Neighborhood Meeting</i>	
A neighborhood meeting was not required, nor was one held.	
<i>Field Check</i>	
12/22/09	During a routine site inspection staff observed: • Various unpermitted banners, attached to the rear of the building.

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<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	0.48

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Auto Title Loan, Financial Institution, Specified/Retail	SC (Service Commercial)	C-1 (Limited Commercial)
North	Convenience Store	SC (Service Commercial)	C-1 (Limited Commercial)
South	Swap meet	SC (Service Commercial)	C-1 (Limited Commercial)
East	Restaurant	SC (Service Commercial)	C-1 (Limited Commercial)
West	Restaurant	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		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	
General Retail Store, Other Than Listed (Less than 3500 Square Feet)	1,931 SF	1/175 SF	11		11		Y

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Financial Institution, Specified, Auto Title Loan, Jewelry Store, Class III	2,037 SF	1/175 SF	12		9		N
SubTotal			22	1	19	1	N
TOTAL	3,968 SF	1/175 SF	23		20		N
Percent Deviation			15%				

ANALYSIS

A total of 23 parking spaces is required per Title 19.10 Parking Standards for the proposed development. The site plan depicts 20 parking spaces, including one handicap space, which is a 15% deviation from standard. The entire building was approved for Financial Institution, Specified and Auto Title Loan use and complied with parking requirements, but the introduction of the Jewelry Store, Class III use requires a stricter parking calculation in a portion of the building from one space per 250 square feet to one space per 175 square feet of building area. In this case, the stricter parking requirement controls. Therefore, staff recommends denial.

As the Public Works supports present City of Las Vegas parking requirements, it cannot support the variance request to allow 20 parking spaces where 23 spaces are the minimum allowed for an existing financial institution, specified located at 2801 West Washington Avenue, Suite #110.

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 19.18.070(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

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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 adding a more intense use on this site that cannot be supported by the provided number of 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.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 20

NOTICES MAILED 168

APPROVALS 0

PROTESTS 0