



AGENDA MEMO

PLANNING COMMISSION MEETING DATE: JANUARY 28, 2010

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: VAR-37081 - 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 Special Use Permit (SUP-36956) 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 application is a request for a Variance to allow 10 parking spaces where 12 spaces are required for a Jewelry Store, Class III use within an existing Auto Title Loan and Financial Institution, Specified at 25 North Lamb Boulevard. This represents a 17% deviation from standard. Staff cannot support the Variance request, as a Jewelry Store, Class III use has a more restrictive parking requirement than the existing uses. If this application is denied, the associated Special Use Permit (SUP-36956) must be denied.

ISSUES

- Approval of this request is necessary for the approval of Special Use Permit (SUP-36956) 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>	
05/22/63	The Board of City Commissioners approved a request for Reclassification of Property (Z-0083-63) from R-1 (Single Family Residential) to R-3 (Medium Density Residential) and C-1 (Limited Commercial) on the west side of Lamb Boulevard between Charleston Boulevard and Stewart Avenue, and on the northeast corner of Charleston Boulevard and Lamb Boulevard. The Planning Commission recommended approval on 05/09/63.
03/28/78	The Planning Commission recommended approval of a request for a Plot Plan Review (Z-0083-63(1)) for a proposed neighborhood shopping center on 9.8 acres, generally located at the northeast corner of Charleston Boulevard and Lamb Boulevard, across the street from the subject site.
07/16/03	The City Council approved a Rezoning (ZON-2277) from R-3 (Medium Density Residential) Zone to C-1 (Limited Commercial) Zone on 0.29 acres adjacent to the west side of Lamb Boulevard, approximately 200 feet north of Charleston Boulevard. The Planning Commission and staff recommended approval on 06/12/03.
07/16/03	The City Council approved a Special Use Permit (SUP-2279) for an Auto Title Loan and a Financial Institution, Specified on 0.29 acres adjacent to the west side of Lamb Boulevard, approximately 200 feet north of Charleston Boulevard. The Planning Commission and staff recommended denial on 06/12/03.

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07/16/03	The City Council approved a Site Development Plan Review (SDR-2278) and a Reduction in the amount of required perimeter Landscaping for a proposed 2,016 square-foot Auto Title Loan and Financial Institution, Specified on 0.29 acres adjacent to the west side of Lamb Boulevard, approximately 200 feet north of Charleston Boulevard. The Planning Commission and staff recommended denial on 06/12/03.
08/13/08	A Code Enforcement case (#68657) was processed to ensure that the business does not operate before 8 a.m. or after 11 p.m. The business was opening at 7 a.m. The case was closed by Code Enforcement on 08/21/08.
11/24/09	A Code Enforcement case (#84343) was processed for the business to remove graffiti at the parking lot. The case was closed by Code Enforcement on 12/2/09.
<i>Related Building Permits/Business Licenses</i>	
09/10/04	A building permit (#04019730) was issued for Rapid Cash Center at 25 North Lamb Boulevard. Project completed on 04/21/05.
06/30/06	A business license (C21-00157) was issued for a check cashing service at 25 North Lamb Boulevard. The license was marked out of business on 02/19/09.
01/14/09	A business license (W10-00215) was issued for a Wire Service at 25 North Lamb Boulevard. The license is still active.
10/05/09	A business license (N02-00027) was issued for a Non-Depository Lender at 25 North Lamb Boulevard. The license is still active.
<i>Pre-Application Meeting</i>	
12/2/09	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. • Variance application is required due to the Jewelry Store, Class III; is an intense use than the Auto Title Loan and Financial Institution, Specified; which requires one space per 175 sq. ft. Only ten parking spaces provided for entire site.
<i>Neighborhood Meeting</i>	
A neighborhood meeting was not required, nor was one held.	

<i>Field Check</i>	
12/22/09	A Field check was made by staff with the following observations: • There are 10 parking spaces provided at the existing Financial Institution, Specified. • Graffiti observed at the rear of the building on the utility box door. • At least four trees missing along the western and southeast corner perimeter landscaping buffers.

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<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	0.29

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Financial Institution, Specified	SC (Service Commercial)	C-1 (Limited Commercial)
North	Apartments	SC (Service Commercial)	R-3 (Medium Density Residential)
South	Service Station with Convenience Store	SC (Service Commercial)	C-1 (Limited Commercial)
East	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)
West	Single Family Residential	L (Low Density Residential)	R-1 (Single Family Residential)

<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
Rural Preservation Overlay District		X	N
Development Impact Notification Assessment		X	N
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	1,988 SF	1/175	12		10		N
SubTotal			11	1	9	1	N
TOTAL			12		10		N
Percent Deviation			17%				

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ANALYSIS

A total of 12 parking spaces are required per Title 19.10 Parking Standards for the proposed development. The site plan depicts 10 parking spaces, including one handicap space, which is a 17% deviation from standard. The proposed use will be located within an existing Auto Title Loan and Financial Institution, Specified, where the parking requirement at the time this site was constructed was one space per 200 square feet. The proposed use has a parking requirement of one space per 175 square feet, resulting in an increase of two spaces, which cannot be accommodated on-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 19.18.070(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.

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NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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NOTICES MAILED 213

APPROVALS 0

PROTESTS 0