



# AGENDA MEMO - PLANNING

CITY COUNCIL MEETING DATE: NOVEMBER 16, 2022

DEPARTMENT: COMMUNITY DEVELOPMENT

ITEM DESCRIPTION: APPLICANT: SWEET WORLD, LLC - OWNER: VISIBLE NOISE, LLC

## **\*\* STAFF RECOMMENDATION(S) \*\***

<b>CASE NUMBER</b>	<b>RECOMMENDATION</b>	<b>REQUIRED FOR APPROVAL</b>
<b>22-0319-VAR1</b>	Staff recommends DENIAL, if approved subject to conditions:	

## **\*\* NOTIFICATION \*\***

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 17

**NOTICES MAILED** 180 (by City Clerk)

**PROTESTS** 1

**APPROVALS** 0

**\*\* CONDITIONS \*\***

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**22-0319-VAR1 CONDITIONS**

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**Planning**

1. Variance from Title 19.12 is hereby approved, to allow 18 parking spaces where 106 are required.
2. This approval shall be void two years from the date of final approval, unless exercised pursuant to the provisions of LVMC Title 19.16. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. All necessary building permits shall be obtained and final inspections shall be completed in compliance with Title 19 and all codes as required by the Department of Building and Safety.
4. An administrative Required Review shall be conducted one year from the date of Business license issuance to evaluate if any parking concerns.
5. The proposed Commercial Recreation/Amusement (Indoor) use shall be limited to the first floor only.
6. The total number of amusement machines shall be limited to a maximum of 25.
7. Customer parking shall not overflow onto neighboring properties.
8. Developer/operator shall not impact or impede parking or traffic circulation on adjacent properties or Rainbow Boulevard.
9. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
10. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

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**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

The applicant is proposing to allow 18 parking spaces where 106 parking spaces are required for a Commercial Recreation/Amusement (Indoor) use at 1881 South Rainbow Boulevard.

**ISSUES**

- A Variance is requested to allow 18 parking spaces where 106 are required. Staff does not support this request.

**ANALYSIS**

The applicant is proposing to allow 18 parking spaces where 106 parking spaces are required for a 4,395 square-foot Commercial Recreation/Amusement (Indoor) use. Per the submitted Justification Letter, date stamped 06/13/22, the enclosed facility will be used for video arcades and has a maximum occupancy of 246 people. As indicated by the applicant in the Floor Plan, the Commercial Recreation/Amusement (Indoor) use will encompass two floors, which will both be used for video arcades. Title 19 requires one space for each 200 square feet of gross floor area, plus one space per 3 persons that the facility is designed to accommodate at maximum capacity for the Commercial Recreation/Amusement (Indoor) use for video arcades and other uses require one space for each 200 square feet of gross floor area.

Staff finds that the subject site is not suitable due to insufficient parking for the proposed Commercial Recreation/Amusement (Indoor) use. As stated by Title 19.16, Variances are not to be granted in order to “relieve a hardship which is solely personal, self-created or financial in nature.” There is no extraordinary or exceptional situation to support the requested Variance. Therefore, staff is recommending denial of the requested Variance.

**FINDINGS (22-0319-VAR1)**

In accordance with the provisions of Title 19.16.140(B), the Planning Commission and City Council, in considering the merits of a Variance request, shall not grant a Variance in order to:

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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 19.16.140(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 to operate a use in a site that has insufficient parking. 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.

## **BACKGROUND INFORMATION**

<b><i>Related Relevant City Actions by Planning, Fire, Bldg., etc.</i></b>	
04/04/87	The City Council approved a request for a Rezoning (Z-0012-87) From N-U (Non-Urban) To C-1 (Limited Commercial) located on the west side of Rainbow Boulevard between Oakey Boulevard and El Parque Avenue. The Planning Commission and Staff recommended approval.
02/24/97	The City Council approved a request for a Rezoning (Z-0132-96) From N-U (Non-Urban) To C-1 (Limited Commercial) on 0.46 acres located south of Oakey Boulevard on the west side of Rainbow Boulevard. The Planning Commission recommended approval.
11/15/00	The City Council approved a request for a Special Use Permit (U-0164-00) for the secondhand sale of used musical instruments located at 1881 South Rainbow Boulevard. The Planning Commission and Staff recommended approval.
08/09/22	The Planning Commission voted (6-0) to HOLD IN ABEYANCE 22-0319-VAR1 to the September 13, 2022 Planning Commission meeting.

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<b>Related Relevant City Actions by Planning, Fire, Bldg., etc.</b>	
09/13/22	The Planning Commission voted (6-0) to HOLD IN ABEYANCE 22-0319-VAR1 to the October 11, 2022 Planning Commission meeting.
10/11/22	The Planning Commission voted (7-0) to recommend APPROVAL of a request TO ALLOW 18 PARKING SPACES WHERE 106 SPACES ARE REQUIRED FOR A PROPOSED COMMERCIAL RECREATION/AMUSEMENT (INDOOR) DEVELOPMENT on 0.46 acres at 1881 South Rainbow Boulevard (APN 163-03-703-003), C-1 (Limited Commercial) Zone, Ward 1 (Knudsen).

<b>Most Recent Change of Ownership</b>	
10/29/20	A deed was recorded for a change in ownership.

<b>Related Building Permits/Business Licenses</b>	
08/25/00	A business license (S25-00073) was issued for sales of new and used instruments. The license is inactive as of 01/27/21.

<b>Pre-Application Meeting</b>	
06/06/22	Staff conducted a pre-application meeting to discuss the submittal requirements for the Variance request.

<b>Neighborhood Meeting</b>	
A neighborhood meeting was not required, nor was one held.	

<b>Field Check</b>	
06/30/22	Staff performed a routine field check and observed the subject undeveloped lot.

<b>Details of Application Request</b>	
<b>Site Area</b>	
Net Acres	0.46

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<b><i>Surrounding Property</i></b>	<b><i>Existing Land Use Per Title 19.12</i></b>	<b><i>Planned or Special Land Use Designation</i></b>	<b><i>Existing Zoning District</i></b>
Subject Property	Vacant	TOC-2 (Transit Oriented Corridor - 2)	C-1 (Limited Commercial)
North	Office, Medical or Dental		
South	General Retail Store, Other Than Listed		
East	General Retail Store, Other Than Listed	DR (Desert Rural - up to 2.49 du/ac)	R-E (Residence Estates)
West	Single Family, Detached		

<b><i>Master and Neighborhood Plan Areas</i></b>	<b><i>Compliance</i></b>
Master Plan 2050 Area: Charleston	Y
<b><i>Special Area and Overlay Districts</i></b>	<b><i>Compliance</i></b>
RP-O (Rural Preservation Overlay) District	Y
<b><i>Other Plans or Special Requirements</i></b>	<b><i>Compliance</i></b>
Trails	N/A
Las Vegas Redevelopment Plan Area	N/A
Interlocal Agreement	N/A
Project of Significant Impact (Development Impact Notification Assessment)	N/A
Project of Regional Significance	N/A

**DEVELOPMENT STANDARDS**

<b><i>Street Name</i></b>	<b><i>Functional Classification of Street(s)</i></b>	<b><i>Governing Document</i></b>	<b><i>Actual Street Width (Feet)</i></b>	<b><i>Compliance with Street Section</i></b>
Rainbow Boulevard	Primary Arterial	Master Plan of Streets and Highways Map	100	Y

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***Pursuant to Title 19.08 and 19.12, 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	
Commercial Recreation/ Amusement (Indoor)	4,258 SF	One space/200 SF of GFA, plus one space/3 persons that the facility is designed to accommodate at maximum capacity (326)	106				
TOTAL SPACES REQUIRED			106		18		N
Regular and Handicap Spaces Required			101	5	17	1	N
Percent Deviation			83%				