



AGENDA MEMO

PLANNING COMMISSION MEETING DATE: MARCH 13, 2008

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: SUP-26619 - APPLICANT: DOLLAR LOAN CENTER - OWNER:
DECATUR CROSSING CENTER, LLC**

**** CONDITIONS ****

STAFF RECOMMENDATION: APPROVAL, subject to:

Planning and Development

1. Conformance to all minimum requirements under LVMC Title 19.04.010 for a Financial Institution, Specified use, including parking requirements.
2. Special Use Permit (SUP-5627) is hereby expunged.
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. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Special Use Permit to allow a proposed Financial Institution, Specified with a Waiver to allow a distance separation of approximately 81 feet from a residential use where 200 feet is required at 280 South Decatur Boulevard. The applicant recently purchased the check cashing business at 282 South Decatur Boulevard and would like to expand operations by moving to the adjacent suite at 280 South Decatur Boulevard. The Financial Institution, Specified has been in business at the subject shopping center since 1995, operating as a check cashing and auto title loan facility. The check cashing use at 282 South Decatur Boulevard has operated legally without a Special Use Permit as the license for such use was issued prior to such requirements. In 2005, a Special Use Permit was granted by the City Council permitting the Auto Title Loan use with an approved Waiver to the residential use requirements. The applicant intends to drop the Auto Title Loan use, concentrating on Financial Institution, Specified related transactions.

The proposed Financial Institution, Specified fails to meet condition #7 as it is located only 81 feet from multi-family residential zoned property to the west and 90 feet from multi-family residential zoned property to the southwest. A Waiver from this condition is required as a condition of approval for this request. The subject parcel is part of a larger commercial subdivision and the subject building where the use will be located in actually sits approximately 270 feet east of the nearest residential use. Due to the layout of the commercial subdivision, a Waiver to allow a Financial Institution, Specified to be 81 feet from a residential use where 200 feet is required is needed. As this business has been operating from the adjacent suite since 1995 with few issues and a move 15 feet laterally will not have any added impact on the surrounding neighborhood, staff recommends approval of this request.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
04/18/79	The Board of City Commissioners approved a Rezoning (Z-0024-79) from R-1 (Single-Family Residential) to C-1 (Limited Commercial). The Planning Commission and staff recommended approval.
11/24/81	The City Council approved a Site Development Plan Review (Z-0058-78) for a shopping center expansion. The Planning Commission recommended approval.
03/02/05	The City Council approved a Special Use Permit (SUP-5627) for an Auto Title Loan establishment with a Waiver of the 200-foot distance separation requirement from a residential use at 282 South Decatur Boulevard. The Planning Commission recommended approval, staff recommended denial.

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07/12/07	A Site Development Plan Review (SDR-22030) for a 10-foot extension and a co-location of antennas to an existing 55-foot Wireless Communication Facility, Non-Stealth tower was administratively approved by the Planning and Development Department.
01/09/08	The City Council approved a Variance (VAR-24824) to allow a free-standing sign height of 70 feet where 40 feet is the maximum permitted and to allow 1,012 square feet where 404 square feet is the maximum permitted at 202-290 South Decatur Boulevard. The Planning Commission and staff recommend denial.
<i>Related Building Permits/Business Licenses</i>	
10/28/92	A building permit (#92165733) was issued at 280 South Decatur Boulevard to remove existing office partitions.
11/14/07	A building permit (#100192) was issued to allow a tenant improvement remodel at 280 South Decatur Boulevard.
11/27/07	A building permit (#94969) was issued to allow the addition of a co-location of antennas on a cell tower at the subject property.
01/04/08	A sign permit (#07003371) was issued at 280 South Decatur Boulevard to allow the installation of channel letter signage.
01/09/08	A business license application (#F02-00305) for installment loan was received by Business Licensing. The application was denied as a Special Use Permit for a Financial Institution, Specified does not exist at the subject location.
<i>Pre-Application Meeting</i>	
01/11/08	A pre-application meeting was held and elements of this application were discussed. Submittal requirements were discussed.
<i>Neighborhood Meeting</i>	
A neighborhood meeting is not required, nor was one held.	
<i>Field Check</i>	
02/08/08	A field check was performed at the subject property. The subject location was noted as unoccupied with recently completed tenant improvements. The subject business was noted as currently operating from the adjacent suite at 282 South Decatur Boulevard.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	0.87

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Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Retail Shopping Center	SC (Service Commercial)	C-2 (General Commercial)
North	Retail Shopping Center	SC (Service Commercial)	C-2 (General Commercial)
South	Auto Body Shop	SC (Service Commercial), GC (General Commercial)	C-2 (General Commercial)
East	Retail Shopping Center	SC (Service Commercial)	C-2 (General Commercial)
West	Retail Shopping Center	SC (Service Commercial)	C-2 (General 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
A-O (Airport Overlay) District	X		Yes
Trails		X	N/A
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:

<i>Parking Requirement</i>							
<i>Use</i>	<i>Gross Floor Area or Number of Units</i>	<i>Parking Ratio</i>	<i>Required</i>		<i>Provided</i>		<i>Compliance</i>
			<i>Parking</i>		<i>Parking</i>		
			<i>Regular</i>	<i>Handi-capped</i>	<i>Regular</i>	<i>Handi-capped</i>	
Shopping Center	198,293 SF	1:250 SF	794	16	1065	17	
TOTAL			850		1080		Y*

* The subject shopping center is part of a much larger commercial subdivision which provides a recorded cross access parking agreement with the adjacent properties. All the handicapped accessible parking and a majority of the standard parking stalls are located within this adjacent shopping center parcel.

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Waivers		
Request	Requirement	Staff Recommendation
Allow a Financial Institution, Specified to be 81 feet from an existing Residential Use.	200 Foot distance separation requirement	Approval

ANALYSIS

•Zoning

The project conforms to the current zoning designation as the C-1 (Limited Commercial) zoning allows for flexibility in the types of uses allowed in the district.

•Use

A Financial Institution, Specified is defined by Title 19 as a business whose primary function is to lend money; cash checks or other negotiable instruments for a fee, service charge or other consideration; or provide funds in exchange for the acceptance of a check on a post-dated or deferred-deposit basis. A Financial Institution, Specified may not provide the services of Auto Pawn or Pawn Shop establishments which are considered more intensive uses. The Financial Institution, Specified use requires that the building, or portion thereof, dedicated to the use shall be a minimum of 1,500 square feet. The subject suite is 2,720 square feet and therefore meets this requirement.

For Financial Institution, Specified uses, Title 19 requires a minimum distance separation from residential uses of 200 feet. The subject proposal does not meet this requirement, as the site is 81 feet from multi-family residential to the west and 90 feet from multi-family residential to the southwest. The subject business has been operating from the adjacent suite, 282 South Decatur Boulevard, since 1995 providing check cashing services without a Special Use Permit, as one was not required in 1995, and Auto Title Loans under a Special Use Permit issued in 2005. That business was recently purchased by the applicant in 2007 and the Auto Title Loan practice was ceased.

The applicant has chosen to expand the Check Cashing business by relocating to the adjacent suite, 280 South Decatur Boulevard. When the applicant attempted to obtain a business license reflecting the new address adjacent to the previous address, the license was denied because a Special Use permit did not exist for the subject suite. As the applicant is expanding an existing business which has been at the subject property since 1995, staff recommends approval of this request.

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•Conditions

Title 19.04.050 lists the following conditions for the Financial Institution, Specified use:

1. The use shall comply with all applicable requirements of LVMC Title 6.
2. The building design and color scheme shall be subject to review by the Department to ensure that it will be harmonious and compatible with the surrounding area.
3. No temporary signs (as described in LVMC Title 19.14.090) such as balloons, inflated devices, searchlights, pennants, portable billboards, portable signs, streamers, trucks parked for signage purposes, or other similar devices are permitted, except that banners announcing a grand opening or that a business is coming soon may be approved administratively for a period not to exceed 30 days.
4. Window signs shall not:
 - a. Cover more than twenty percent (20%) of the area of all exterior windows;
 - b. Include flashing lights or neon lighting; or
 - c. Include any text other than text that indicates the hours of operation and whether the business is open or closed.
5. The hours of operation shall not extend beyond the hours of 8:00 a.m. to 11:00 p.m.
6. The building or portion thereof that is dedicated to the use shall have a minimum size of 1,500 square feet, and shall be designed to have sufficient interior space to provide for adequate customer waiting areas, customer queuing, and transaction space (such as teller windows or desks).
7. No specified financial institution use may be located closer than two hundred feet from any parcel used or zoned for residential use. In addition, no specified financial institution use may be located closer than 1000 feet from any other specified financial institution use, auto title loan use or pawn use. For purposes of this Requirement (7), distances shall be measured in a straight line from property line to property line, without regard to intervening obstacles. The term property line refers to lines of fee interest parcels and not leasehold parcels.

The proposed Financial Institution, Specified fails to meet condition #7 as it is located 81 feet from multi-family residential to the west and 90 feet from multi-family residential to the southwest where 200 feet is required. A Waiver from this condition is required as a condition of approval for this request. The applicant states that a move 15 feet laterally to the adjacent suite will have no added impact to the surrounding residential community or neighboring businesses. As this proposed Financial Institution, Specified at 280 South Decatur Boulevard has been in business since 1995 at 282 South Decatur Boulevard without significant issues staff recommends approval of this application.

FINDINGS

The following findings must be made for a Special Use Permit:

- 1. The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.**

The proposed use is located within a commercial center which has operated legally in an adjoining suite without a Special Use Permit as the license for such use was issued prior to such requirements. The move to the adjacent suite will result in a use that will continue to be compatible with the existing surrounding Shopping Center use and future surrounding land uses as projected by the General Plan.

- 2. The subject site is physically suitable for the type and intensity of land use proposed.**

The site is physically suitable for the proposed use. The Shopping Center use and C-1 (Limited Commercial) zoning create a suitable environment for the Financial Institution, Specified use.

- 3. Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.**

The subject site is served by Decatur Boulevard, a 100-Foot Primary Arterial on the Master Plan of Streets and Highways, and Meadows Lane, an 80-Foot Secondary Collector on the Master Plan of Streets and Highways, which are of adequate capacity to serve the proposed use.

- 4. Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.**

The proposal will not be inconsistent with or compromise the public health, safety, and welfare of the overall objective of the General Plan. Additionally, this site will be subject to inspections and business licensing requirements.

- 5. The use meets all of the applicable conditions per Title 19.04.**

The proposed Financial Institution, Specified use does not meet condition seven of the minimum Special Use Permit Requirements listed in Title 19.04.010 for a Financial Institution, Specified. As this use has been operating in the adjacent suite without major incident since 1995, staff recommends approval of this request.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 24

ASSEMBLY DISTRICT 3

SENATE DISTRICT 3

NOTICES MAILED 347

APPROVALS 1

PROTESTS 14