City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: APRIL 24, 2008
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: SUP-27256 - APPLICANT: MONEYTREE, INC. - OWNER: D I PROPERTIES, INC.

** CONDITIONS **

STAFF RECOMMENDATION: **DENIAL.** If Approved, subject to:

Planning and Development

1. Conformance to all Minimum Requirements under LVMC Title 19.04.050 for Financial Institution, Specified use.

2. Conformance to the conditions for Rezoning (ZON-3371), and Site Development Plan Review (SDR-3372).

3. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the principal building on the site. An Extension of Time may be filed for consideration by the City of Las Vegas.

4. No temporary signs such as banners, pennants, inflatable objects, streamers, flags, or other similar attention gaining item or devices shall be displayed upon the subject property or a vehicle displayed for sale in the parking lot of the subject property without the appropriate permits.

5. Window signs shall not cover more than 20% of the area of all exterior windows, include flashing lights or neon lighting or include any text other than the text that indicates the hours of operation and whether the business is opened or closed.

6. The hours of operation shall not extend beyond the hours of 8:00 AM to 11:00 PM

7. 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

This application is a request for a Special Use Permit to allow a proposed Financial Institution, specified and a Waiver to allow zero-feet where there is a 200-foot distance separation requirement from a residential use at 3060 East Bonanza Road. The overall 4.76 acre site is presently under construction per an approved Site Development Plan Review (SDR-3372). The site is adjacent to multi-family residential and a city of Las Vegas Fire Department training facility. Staff has no basis to support the request for a Waiver and therefore is recommending denial.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc.	
02/04/04	The City Council approved a General Plan Amendment (GPA-3370) to amend a portion of the Southeast Sector Plan of the General Plan from PF (Public Facilities) to SC (Service Commercial), a Rezoning (ZON-3371) from C-V (Civic) Zone to C-1 (Limited Commercial) Zone and a Site Development Plan Review (SDR-3372) for a 43,349 square foot retail center. The Planning Commission and staff recommended approval of the requests.
10/18/06	The City Council approved a request for an Extension of Time (EOT-16475) of an approved Rezoning (ZON-3371) from C-V (Civic) to C-1 (Limited Commercial) on the subject site. The Planning Commission and staff recommended approval of the requests.
Related Building Permits/Business Licenses	
04/21/05	A building application (#726675) was submitted to the Planning and Development department for Shell Building A at 3010 East Bonanza Road.
04/21/05	A building application (#726673) was submitted to the Planning and Development Department at 3040 East Bonanza Road. This building was destroyed on 11/29/07.
02/13/07	A budding permit (#7000573) was issued for Shell Building D at 3020 East Bonanza Road.
02/13/07	A building permit (#7000574) was issued for Shell Building E at 3050 East Bonanza Road.
05/15/07	A building permit (#7001594) was issued for the Auto Service Shell Building at 3030 East Bonanza Road. This building permit is currently on hold awaiting approval from the Fire Department. This building permit was renewed on 11/01/07.
Pre-Application Meeting	
2/15/08	Requirements for a Special Use Permit application were discussed, as well the need for a wavier.

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Neighborhood Meeting	
A meeting is not required for this application and no indication has been made from the applicant that one has taken place.	
Field Check	
3/20/08	The commercial center is currently under construction

Details of Application Request	
Site Area	
Net Acres	4.76 acres

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped	SC (Service Commercial)	C-V (Civic) Zone under Resolution of Intent to C-1 (Limited Commercial)
North	City of Las Vegas Fire Station and Training Center	PF (Public Facilities)	C-V (Civic)
South	Multi-Family Housing and a Mini -Mart	M (Medium Density Residential) and SC (Service Commercial)	C-1 (Limited Commercial) and R-3 (Medium Density Residential)
East	City of Las Vegas Maintenance Storage	PF (Public Facilities)	C-V (Civic)
West	Multi-Family Housing	M (Industrial)	R-3 (Medium Density Residential)

Special Districts/Zones	***Yes***	***No***	***Compliance***
Special Area Plan		X	N/A
Special Districts/Zones	***Yes***	***No***	***Compliance***
Special Purpose and Overlay Districts		X	N/A
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

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DEVELOPMENT STANDARDS

Pursuant to Title 19.10, the following parking standards apply:

Parking Requirement							
	Gross Floor Area or Number of Units	***Required***			***Provided***		***Compliance***
			Parking		*Parking*		
Use		***Parking Ratio***	Regular	Handi-capped	Regular	Handi-capped	
Shopping Center	50,513 SF	1/250 SF	195	7	224	8	Yes
TOTAL (including handicap)			202		232		Yes

Waivers		
Request	**Requirement**	**Staff Recommendation**
A zero foot separation between a Financial Institution, Specified and residentially zoned property.	200-foot distance separation between Financial Institution Specified and any parcel zoned for residential use	Denial

ANALYSIS

This application is a request for a Special Use Permit to allow a proposed Financial Institution, specified and a Waiver to allow zero-feet where there is a 200-foot distance separation requirement from a residential use at 3060 East Bonanza Road. The overall 4.76 acre site is presently under construction per an approved Site Development Review (SDR-3372). The site is adjacent to multifamily residential and a City of Las Vegas Fire Department training facility. Staff has no basis to support a request for a Waiver and is recommending denial.

- **Use**

  Title 19.04 defines the Financial Institution Specified use as follows:
  Any business whose primary function is to:
  1. lend money;
  2. cash checks or other negotiable instruments for a fee, service charge or other consideration; or
  3. provide funds in exchange for the acceptance of a check on the post-dated or deferred-deposit basis.

This use includes without limitation a business that provides check cashing, services as a principal service offered, a paycheck advance service, and any business primarily providing cash loans, installment loans or cash advances.

Title 19.04 specifically states that No specified financial institution use may be located closer that 200 feet from any parcel used or zoned for residential use. The applicants justification letter states that the commercial pad in this application pertains to is 672 feet from the nearest residential as justification for this application. The term property line refers to property lines of fee interest parcels and not leasehold parcels, therefore that justification is not considered by the code as valid. Due to the request for a Waiver staff is recommending denial.

FINDINGS

In order to approve a Special Use Permit application, per Title 19.18.060 the Planning Commission and City Council must affirm the following:

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.**

   Due to the proximity of the proposed Financial Institution, Specified to a protected property this use is not compatible or harmonious with the surrounding area as adequate buffering per Title 19 is not provided.

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

   The subject site is physically suitable for this type of land use, this application exceeds the 1,500 square foot commercial pad requirement for this 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.**

   Access to this site is provided by Bonanza Road and Mojave Road both, which are Primary 100-foot Arterials as designated by the Master Plan of Streets and Highways. This proposed Financial Institution, Specified will be sufficiently served by existing roadway facilities.

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 SC (Service Commercial) land use and the C-1 (Limited Commercial) zoning district permits the proposed Financial Institution, Specified. The proposed use is allowable if it meets the standards outlined in Title 19.04. This application does not comply with neighborhood revitalization component of the Master Plan, Policy 2.0 which clearly states that mature neighborhoods will be sustained and improved through appropriate and selective high quality redevelopment and preservation. The distance separation requirement between Financial Institution, Specified is not being met, and thus this application represents an encroachment of a use which requires a buffer between residential uses into a mature residential area. Therefore this application does not meet the standards set forth in the Master Plan.

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

This use does not meet the Title 19.04 requirements as a waiver for a zero-foot separation between a Financial Institution Specified use and residentially zoned property where 200 feet is required.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 8

ASSEMBLY DISTRICT 28

SENATE DISTRICT 2

NOTICES MAILED 119

APPROVALS 1

PROTESTS 0

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