



AGENDA MEMO

PLANNING COMMISSION MEETING DATE: MAY 8, 2008

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: SUP-27448 - APPLICANT: JADE TREE MONEY STORES -

OWNER: M V R CORPORATION

**** CONDITIONS ****

STAFF RECOMMENDATION: DENIAL. If Approved, subject to:

Planning and Development

1. Conformance to all minimum requirements under LVMC Title 19.04.010 for Financial Institution, Specified use, including parking requirements.
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.
3. 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 minimum size of 1,120 square feet where 1,500 square feet is required at 1610 West Oakey Boulevard. The subject site is within a commercial shopping center with several retail and restaurant establishments in individually addressed suites. As the proposed use does not satisfy the minimum requirements for a Financial Institution, Specified use, staff recommends denial of this request.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
11/17/99	The City Council approved a Special Use Permit (U-0097-99) for the on-premises sale of beer and wine in conjunction with a proposed restaurant at 1624 West Oakey Boulevard. The Planning Commission and staff recommended approval of this request.
04/05/00	The City Council approved a Special Use Permit (U-0146-99) for the Off-Premise Sale of Beer and Wine in conjunction with a proposed 2,400 square foot convenience store at 1602 West Oakey. The Planning Commission and staff recommended denial of this request.
05/02/01	The City Council approved a Required Review [U-0146-99(1)] on an approved Special Use Permit (U-0146-99) which prohibited the sale of individual containers larger than 16 fluid ounces in size of beer, wine coolers or screw cap wine at 1602 West Oakey Boulevard. The Planning Commission and staff recommended denial of this request.
01/21/04	The City Council approved a Review of Condition (ROC-3313) of Condition #2 of an approved Special Use Permit (U-0146-99) which prohibited the sale of individual containers of beer, wine or screw cap wine larger than 16 ounces in size at 1602 West Oakey Boulevard.
02/21/06	A business license (#M06-02833) was marked out of business at 1610 West Oakley Boulevard.
05/17/06	The City Council approved a General Plan Amendment (GPA-9219) to change the future land use designation to Commercial, Mixed Use, Industrial or Public Facilities on various parcels located within a proposed Las Vegas Redevelopment Plan area and within the proposed Redevelopment Plan expansion area. The Planning Commission and staff recommended approval of this request.
<i>Related Building Permits/Business Licenses</i>	
07/10/96	A business license (#B04-00079) was issued for a Barber Shop at 1620 West Oakey Boulevard.

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07/11/97	A business license (#N06-00276) was issued for an Administrative office at 1616 West Oakey Boulevard.
10/10/00	A business license (#H13-00029) was issued for First Aid Safety at 1618 West Oakey Boulevard.
04/04/02	Business licenses (#C05-02033, #C20-01967, #L10-00208 and #C15-00257) were issued for a Tobacco Dealer Retail, Convention Hall Gaming Tax, Beer/Wine/Cooler Off-Sale and a Convenience Store at 1602 West Oakey Boulevard.
04/18/05	Business licenses (#C20-01524, L16-00094, M06-00854 and G01-01524) were issued for Convention Hall Gaming Tax, Tavern, Miscellaneous Sales and Gaming Restricted at 1604 West Oakey Boulevard.
01/09/07	A business license (#G01-01978) was issued for Restricted Gaming at 1602 West Oakey Boulevard.
02/16/07	A business license (#C08-00228) was issued for Amusement Machines at 1604 West Oakey Boulevard.
<i>Pre-Application Meeting</i>	
02/06/08	A pre-application meeting was held to discuss the requirements for submitting a Special Use Permit for Financial Institution, Specified.
<i>Neighborhood Meeting</i>	
A neighborhood meeting is not required, nor was one held for this request.	
<i>Field Check</i>	
04/03/08	A field check was conducted and found that this subject location is nearly void of landscaping. The subject location is currently vacant.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	2.18

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Shops, Restaurant and Convenience Store	C (Commercial)	M (Industrial)
North	S.O.B (Sexually Oriented Business)	LI/R (Light Industrial/Research)	M (Industrial)
South	Gas Station	C (Commercial)	M (Industrial)
East	Gas Station, Offices and Shops	C (Commercial) and LI/R (Light Industrial/Research)	M (Industrial)
West	I-15	ROW (Right of Way)	ROW (Right of Way)

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Special Districts/Zones	Yes	No	Compliance
Special Area Plan		X	
Special Districts/Zones	Yes	No	Compliance
Special Purpose and Overlay Districts			
A-O Airport Overlay 200 Feet	X		Y*
Live/Work Overlay District	X		Y**
Trails	X		N***
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

* A-O Airport Overlay District The subject site is located in the McCarran International Airport Overlay within the 200 hundred feet height limitation contour. As the existing building is below this height limitation, the requirements for this overlay district are satisfied.

** Live/Work Overlay District - The subject site is located within the Live/Work Overlay District, which promotes the establishment of a combination of business and accessory housing for the owners or their employees. This overlay enables the ability to promote Live/Work developments, but is not a requirement.

*** Pedestrian Path Trail The subject site has a Pedestrian Path that has already been constructed and therefore conforms to the requirements of this Trail.

DEVELOPMENT STANDARDS

Pursuant to Title 19.10, the following parking standards apply:

Parking Requirement							
Use	Gross Floor Area or Number of Units	Parking Ratio	Required		Provided		Compliance
			Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Existing Retail Shops, Restaurants and Convenience Store	22,340 SF		111	0	115	5	Y*
TOTAL			111		122		Y*

* This commercial center was built in 1965 to applicable parking standards of the time and is considered a parking impaired development.

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Waivers		
Request	Requirement	Staff Recommendation
To allow a 1,120 square feet of floor area where 1,500 square feet is required	A minimum 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)	Denial

ANALYSIS

•Zoning

This property is located within the M (Industrial) zoning district. This district is intended provide for heavy manufacturing industries in locations where they will be compatible with and not adversely impact adjacent land uses. This district is intended to be located away from all residential development. The M District is consistent with the LI/R (Light Industry/Research) category of the General Plan, but not the current General Plan Designation of C (Commercial), which allows for commercial uses that are normally allowed within the O (Office), SC (Service Commercial), and GC (General Commercial) Master Plan land use categories.

•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.

For Financial Institution, Specified uses, Title 19 requires a minimum of 1,500 square feet. The subject proposal does not meet this requirement, as the proposed location has 1,120 square feet. The applicant has requested a waiver from this requirement, but this proposal is a 25% deviation from Title 19 standards. Since this site does not satisfy the minimum standards, staff recommends denial of this request.

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•**Parking**

The subject site was constructed in 1965 with the intent of being a commercial center. This center does not satisfy current Title 19.10 requirements for parking, including handicap standards. Of the five handicap parking spaces provided by this center, zero meets the minimum requirements for an accessible or van accessible space. This commercial development was built in 1965 to applicable parking standards of the time; therefore it is considered a parking impaired development.

A land use or building which is existing on the effective date of Title 19 and which complied with the applicable parking standards at the time the use or building was established, but which does not comply with the requirements of Title 19.10, shall not be considered a nonconforming use or non-conforming building; but rather, it shall be considered a parking-impaired development.

•**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.

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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.

- **Waiver**

For Financial Institution, Specified uses, Title 19 requires a minimum of 1,500 square feet. The subject proposal does not meet this requirement, as the proposed location has 1,120 square feet of space. The applicant has requested a Waiver from this requirement, which is a 25% deviation from Title 19 standards. Since this site does not satisfy the minimum requirements for this use, staff recommends denial of this request.

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 an existing commercial center. This proposal does not require Waivers for residential adjacency or from another Financial Institution, Specified use. Unfortunately, this proposal of 1,120 square feet is unable to satisfy the minimum 1,500 square-foot requirement, a 25.3% deviation from Title 19 requirements and therefore is not compatible with the surrounding current and future land uses.

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

The subject site is not physically suitable for the proposed Financial Institution, Specified use due to the inability to satisfy the minimum Title 19 standards.

- 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 West Oakey Boulevard, and Western Avenue, both 80-Foot Secondary Collectors, 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.**

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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 satisfy condition six of the minimum Special Use Permit Requirements listed in Title 19.04.010 for a Financial Institution, Specified.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 16

ASSEMBLY DISTRICT 9

SENATE DISTRICT 10

NOTICES MAILED 110

APPROVALS 0

PROTESTS 1