

**AGENDA MEMO**

**PLANNING COMMISSION MEETING DATE: OCTOBER 23, 2008**  
**DEPARTMENT: PLANNING AND DEVELOPMENT**  
**ITEM DESCRIPTION: SUP-29743 - APPLICANT: MONEYTREE, INC. - OWNER:**  
**SHADOW HILLS PLAZA, LLC**

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**\*\* 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 Site Development Plan Review (SDR-11639) if approved.
3. A Waiver is hereby approved to allow a Financial Institution, Specified to be located zero feet from a residential use where a 200-foot separation is the minimum required.
4. A Waiver is hereby approved to allow a Financial Institution, Specified to be located 690 feet from a similar use where a 1,000-foot separation is the minimum required.
5. 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.
6. 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 e in the parking lot of the subject property without the appropriate permits.
7. 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 2,687 square-foot Financial Institution, Specified at 10420 West Cheyenne Avenue, Suite #120. The applicant is requesting Waivers to allow a distance separation of approximately zero feet from a residential use where 200 feet is required and to allow a distance separation of approximately 690 feet from another Financial Institution, Specified where 1,000 feet is the minimum required. The proposed location is within an 11.64 acre Shopping Center on the northwest corner of Cheyenne Avenue and Shady Timber Street.

The proposed Financial Institution, Specified fails to meet required Title 19.04 conditions regarding distance separation therefore; staff recommends denial of this application.

**BACKGROUND INFORMATION**

<i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i>	
09/07/94	The City Council approved a request to annex this property as part of a larger request (A-0006-94). The Planning Commission and staff recommended approval.
06/23/97	The City Council approved a request for Rezoning (PD-0001-97) from U (Undeveloped) to PD (Planned Development). The Planning Commission and staff recommended approval.
03/17/04	The City Council approved a Site Development Plan Review (SDR-3651) and a Waiver of the foundation landscaping buffer standards for a proposed 87,890 square-foot Shopping Center. The Planning Commission and staff recommended approval.
03/17/04	The City Council approved a Special Use Permit (SUP-3653) for a Liquor Establishment (Off-Premise Consumption) in conjunction with a proposed grocery store. The Planning Commission and staff recommend approval.
01/27/05	Staff approved a Minor Site Development Plan Review (SDR-5733) for an aesthetic review of approved pad sites A through H and perimeter landscaping on 15.23 acres adjacent to the northwest corner of Cheyenne Avenue and Shady Timber Street. The original Site Development Plan Review (SDR-3651) for this development contained a condition of approval that subsequent Site Development Plan Review plans would be required for all commercial pads proposed in the center.
07/14/05	The Planning Commission approved a Master Sign Plan (MSP-6910) for a Shopping Center. Staff recommended approval.

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03/01/06	The City Council approved a Site Development Plan Review (SDR-10787) for a proposed 4,738 square-foot Financial Institution, General with drive-through on 6.77 acres at the northwest corner of Cheyenne Avenue and Shady Timber Street. The Planning Commission and staff recommended approval.
04/19/06	The City Council approved a Site Development Plan Review (SDR-11639) for the proposed modification of parking, circulation, and pads A, B, C, D, E, F and H of an approved Shopping Center on 6.76 acres of an 11.64 acre site. The Planning Commission and staff recommended approval.
04/19/06	The City Council approved a Special Use Permit (SUP-11640) for a proposed Liquor Establishment (Tavern) on Pad E of an approved Shopping Center on .10 acres of an 11.64 acre site at the northwest corner of Cheyenne Avenue and Shady Timber Street. The Planning Commission and staff recommended approval.
12/21/06	The Planning Commission approved a Major Amendment to an approved Master Sign Plan (MSP-17815) on the subject site. Staff recommended approval of the request.
09/05/07	The City Council approved a request for a Special Use Permit (SUP-22703) to allow a proposed Financial Institution, Specified with a request for Waivers to allow a distance separation of 60 feet between a residential use where 200 feet is required, and 875 feet from another a Financial Institution, Specified where 1000 feet is the minimum distance required 10490 West Cheyenne Avenue. The Planning Commission recommended approval, staff recommended denial of this request.
06/04/08	The City Council approved the first request for an Extension of Time (EOT-27820) of an approved Special Use Permit (SUP-11640) to allow a Liquor Establishment (Tavern) at 10490 West Cheyenne Avenue. Staff recommended approval.
<b><i>Related Building Permits/Business Licenses</i></b>	
11/30/06	A building permit (#06007155) was issued for new shell buildings, Pad H at 10420 West Cheyenne Avenue. Given a final approval on 04/28/08.
12/12/06	A building permit (#06007321) was issued for plumbing for Pad H at 10420 West Cheyenne Avenue. Given a final approval on 03/12/08.
12/13/06	A building permit (#06007358) was issued for electrical for Pad H at 10420 West Cheyenne Avenue. Given a final approval on 02/08/08.
05/14/08	A building permit (#7001578) was issued for heating ventilation and air conditioning for Pad H at 10420 West Cheyenne Avenue.
06/03/08	A building permit (#8000205) was issued for new metal awnings for Pad H at 10420 West Cheyenne Avenue. The permit is currently active.
06/12/08	A building permit (A/P# 117680) was issued for storefront tenant improvements, the permit has not been issued as of 10/10/08.

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<b><i>Pre-Application Meeting</i></b>	
06/30/08	The requirements for a Special Use Permit application were discussed with the applicant.
<b><i>Neighborhood Meeting</i></b>	
A meeting was not held, nor was one required.	

<b><i>Field Check</i></b>	
09/16/08	Staff found the subject property to be vacant with landscaping adequately maintained.

<b><i>Details of Application Request</i></b>	
<b><i>Site Area</i></b>	
Gross Acres	11.64

<b>Surrounding Property</b>	<b>Existing Land Use</b>	<b>Planned Land Use</b>	<b>Existing Zoning</b>
Subject Property	Shopping Center	PCD (Planned Community Development)	Resolution of Intent to PD (Planned Development) Zone [VC (Village Commercial) Lone Mountain Special Land Use Designation]
North	Single-Family Residential	PCD (Planned Community Development)	PD (Planned Development) Zone [MLA (Village Commercial) Lone Mountain Special Land Use Designation]
South	Single-Family Residential	PCD (Planned Community Development)	P-C (Planned Community)
East	Single-Family Residential	PCD (Planned Community Development)	PD (Planned Development) [MLA (Village Commercial) Lone Mountain Special Land Use Designation]
West	CC 215 (Right of Way)	CC 215 (Right of Way)	CC 215 (Right of Way)



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<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
<b>Special Area Plan</b>			
Lone Mountain	X		Y
PD (Planned Development) District	X		Y
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
<b>Special Purpose and Overlay Districts</b>			
PD (Planned Development) District	X		Y
<b>Trails</b>		X	N/A
<b>Rural Preservation Overlay District</b>		X	N/A
<b>Development Impact Notification Assessment</b>		X	N/A
<b>Project of Regional Significance</b>	X		Y*

*Project of Regional Significance / DINA*

\* The subject property is located within 341 feet of unincorporated Clark County. This meets the criteria of a Project of Significant Impact which must be submitted if a Special Use Permit application is made concerning property within 500 feet of the City boundary with Clark County or North Las Vegas. A Project of Significant Impact has been filed and submitted to the appropriate agencies.

**DEVELOPMENT STANDARDS**

*Pursuant to Title 19.10, the following parking standards apply:*

<b>Parking Requirement</b>							
<i>Use</i>	<i>Gross Floor Area or Number of Units</i>	<i>Required Parking Ratio</i>	<i>Required Parking</i>		<i>Provided Parking</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  (2,687 SF, Financial Institution, Specified)	81,493 SF	1:250 SF	326	8	443	9	Y
<b>TOTAL</b>			334		452		

<b>Waiver Information for Distance Separation</b>				
Type of Use	Name (License #)	Address	Required Distance	Distance Provided
Financial Institution, Specified	Check City (F14-00069)	3350 Novat Street, Suite #170	1,000 Feet	690 Feet
Residential Parcel	Spinnaker Village III	10483 Tuscany Rose Court	200 Feet	0 Feet

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## **ANALYSIS**

This is a request for a Special Use Permit to allow a proposed 2,687 square-foot Financial Institution, Specified at 10420 West Cheyenne Avenue, Suite # 120. The applicant is requesting Waivers to allow a distance separation of approximately zero feet from a residential use where 200 feet is required and to allow a distance separation of approximately 690 feet from another Financial Institution, Specified where 1,000 feet is the minimum required. The proposed location is within an 11.64 acre Shopping Center on the northwest corner of Cheyenne Avenue and Shady Timber Street. As this proposed Financial Institution, Specified cannot be approved without a waiver to the distance separation requirement; staff recommends denial of this application.

### **•Land Use and Zoning**

The PD (Planned Development) district is intended to be a flexible district which may be applied to individual properties, larger planning areas or areas with multiple properties for redevelopment, economic development and cultural enrichment. The PD (Planned Development) district may be used for office, retail, entertainment or commercial uses or for mixed-use developments where commercial and residential uses are combined. The PD (Planned Development) district is further intended to buffer small infill tracts and adjacent uses, encourage the conservation of open space, promote creative siting arrangements, preserve prominent natural features, provide for the efficient development of large tracts for multiple uses, and provide for development which enhances neighborhood areas.

The subject property carries a Lone Mountain Special Land Use Designation VC (Village Commercial). The Village Commercial district standards require parcels not to exceed 20 acres with a Floor Area Ratio (FAR) not to exceed 0.30 or 30 percent gross coverage. The district allows low to medium intensity retail, office or other commercial uses that serve primarily local area patrons, and do not include more intense general commercial characteristics. Village Commercial is typically located on the periphery of residential neighborhoods and should be confined to the intersections of major arterials and major freeways.

### **•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 2,687 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 zero feet from a residential use. In addition, Title 19 requires a minimum distance separation of 1,000 feet from another Financial Institution, Specified, Auto Title Loan, or Auto Pawn use. The subject proposal does not meet this requirement as the site is 690 feet from another Financial Institution, Specified located at 3350 Novat Street, Suite #170.

- **Floor Plan**

The applicant proposes a 2,687 square-foot floor plan, with a single customer entrance and a 1,053 square-foot lobby. Two customer restrooms are provided in the lobby area. There is a counter which divides the facility, separating the customer lobby area from the employee/office area. The remaining 1,634 square feet of space is utilized as office space, a break room, two employee restrooms, a safe room and an equipment room. A building permit for tenant improvements for a Certificate of Occupancy for suite #120 will be required prior to issuance of any business license, as no record of such activity exists at this time.

- **Conditions**

Title 19.04.050 lists the following conditions for the Financial Institution, Specified use, adopted by City Council April 21, 2004:

1. The use shall comply with all applicable requirements of 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 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 thirty 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 close.
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 one thousand five hundred square feet, and shall have sufficient interior space to provide for adequate customer waiting areas, customer queuing, and transaction space (such as teller windows or desks).

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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 one thousand feet from any other specified financial institution use, auto title loan use or pawn use. For purposes of this Paragraph (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 number 7 as it is located only 60 feet from a residential parcel where a 200-foot distance separation is required, and 875 feet from an existing Financial Institution, Specified use where a 1,000-foot distance separation is required. A Waiver from each of these conditions would be required as a condition of approval for this request. As this proposed Financial Institution, Specified cannot be approved without a waiver to the distance separation requirement; staff recommends denial of this application.

## **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.**

The proposed land use is not compatible with the surrounding area, as the applicant has requested two Waivers of Title 19.04 distance separation requirements between the use and residentially zoned property and another Financial Institution, Specified use.

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

The subject site is physically suitable for the type of use, however not the intensity of the use as the subject site is adjacent to residentially zoned property to the north, east and south. As well as being within 1,000 feet of another Financial Institution, Specified use to the west. The subject site is surrounded by protected uses and is not physically suitable for the type and intensity of the proposed land 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.**

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The subject site is served by Cheyenne Avenue, a 100-foot Primary Arterial and Shady Timber Street, a 60-foot Collector Street as defined by the Master Plan of Streets and Highways. These roadways have more than adequate capacity to serve this 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 proposed use will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.

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

The use fails to meet the conditions set forth for the use by Title 19.04 regarding distance separation between the proposed use and residentially zoned property and other Financial Institution, Specified uses. The applicant is requesting a zero-foot distance separation to an adjacent residential property and a 690-foot distance separation to another Financial Institution, Specified.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED 7**

**ASSEMBLY DISTRICT 4**

**SENATE DISTRICT 9**

**NOTICES MAILED 470**

**APPROVALS 0**

**PROTESTS 5**