



AGENDA MEMO

CITY COUNCIL MEETING DATE: NOVEMBER 5, 2008
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: SUP-29655 APPLICANT/OWNER: RUSTAM ROOHANI AND
SHAHNAZ TRUST

**** CONDITIONS ****

Staff recommends DENIAL. The Planning Commission (7-0 vote) recommends APPROVAL, 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. Conformance to the conditions of approval for Rezoning (Z-0138-97) and Site Development Plan Review (SDR-2766), if approved.
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 Waivers to allow a distance separation of approximately 100 feet from a residential use where 200 feet is required and to allow a distance separation of approximately 765 feet from another Financial Institution, specified where 1,000 feet is the minimum required at 625 North Lamb Boulevard.

The proposed Financial Institution, Specified fails to meet condition number seven as it is located only 100 feet from a residential lot where a 200-foot distance separation is required, and 765 feet from an existing Financial Institution, Specified where a 1,000-foot distance separation is required. A Waiver from each of these conditions is required as a condition of approval for this request. As this proposed Financial Institution, Specified use does not satisfy the minimum requirements for a Special Use Permit and will promote over-saturation of this use; staff recommends denial of this request.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
02/28/98	The City Council approved a Rezoning (Z-0138-97) from R-E (Residence Estates) to C1 (Limited Commercial) for a proposed 14,485 square-foot retail development and a 1,200 square-foot Mini Lube and Car Wash Facility which included this site. The Planning Commission and staff recommended approval of this request.
06/08/98	The City Council approved a Special Use Permit (U-0033-98) for a mini-lube and Car Wash on the property to the southwest of this site, which was part of the Rezoning (Z-0138-97) application. The Planning Commission and staff recommended approval of this request.
10/01/03	The City Council approved a Site Development Plan Review (SDR-2766) for a 10,500 square-foot retail building and for a reduction in perimeter and parking lot landscaping. The Planning Commission and staff recommended approval of this request.
05/21/08	The City Council approved a Variance (VAR-27096) to allow 60 parking spaces where 69 are required for a proposed Beauty Salon within an existing retail center at 625 North Lamb Boulevard. The Planning Commission recommended approval, whereas staff recommended denial of this request.
10/09/08	The Planning Commission voted 7-0 to recommend APPROVAL (PC Agenda Item #38/ed).
<i>Related Building Permits/Business Licenses</i>	
11/07/05	A building permit (#5007761) was issued for a shell building at 625 North Lamb Boulevard. This building permit received its final on 01/11/08.

10/17/07	A building permit (#7002920) was issued for a Monument Sign at 625 North Lamb Boulevard. This sign has not yet received its final inspection.
03/06/07	An application has been received by the Building Department (#758011) for Tenant Improvements for a Pharmacy at 625 North Lamb Boulevard, Suite #110.
06/05/08	Business licenses (B05-03099, B08-01280) were issued for a Cosmetological Establishment and Beauty/Cosmetic sales at 625 North Lamb, Suite #130.
<i>Pre-Application Meeting</i>	
08/14/08	A pre-application was held to discuss the requirements for submitting an application for a Financial Institution, Specified at 625 North Lamb Boulevard, including two required Waivers.
<i>Neighborhood Meeting</i>	
A neighborhood meeting is not required, nor was one held.	

<i>Field Check</i>	
09/02/08	A field check was conducted at the subject site. The subject location is currently vacant and without any tenant improvements. A non-permitted banner is above the Beauty Salon that recently opened for business.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	0.92

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Retail Center	SC (Service Commercial)	C-1 (Limited Commercial)
North	Vacant Land	SC (Service Commercial)	R-E (Residential Estates)
South	Convenience Store, Gas Station and Auto Repair Garage, Minor	SC (Service Commercial)	C-1 (Limited Commercial)
East	Restaurant, Retail and Single-Family Residential homes	SC (Service Commercial) and MLA (Medium Low Density Residential)	C-1 (Limited Commercial) and RPD9 (Residential Planned Development 9 Units per Acre)
West	Union Training Facility	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
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:

Parking Requirement							
<i>Use</i>	<i>Gross Floor Area or Number of Units</i>	<i>Required</i>			<i>Provided</i>		<i>Compliance</i>
		<i>Parking Ratio</i>	<i>Parking</i>		<i>Parking</i>		
			Regular	Handi-capped	Regular	Handi-capped	
Retail, less than 25,000 SF	9,324 SF	1/175 SF	51	3	51	3	Y
General Personal Service	1,176 SF	3 spaces / station	15	0	6	0	Y*
SubTotal	10,500 SF		66	3	57	3	Y*
TOTAL	10,500 SF		69 Spaces		60 Spaces		Y*
Loading Spaces		1	1		1		Y

* A Variance (VAR-27096) was approved to allow 60 parking spaces where 69 are the minimum required.

Waivers		
Request	Requirement	Staff Recommendation
To allow a Financial Institution, Specified to be 100 feet from an existing Residential Use.	200 Foot distance separation requirement	Denial
To allow a Financial Institution, Specified to be 765 feet from an existing Financial Institution, Specified at 625 North Lamb, Suite #110.	1,000 Foot distance separation requirement	Denial

ANALYSIS

•Zoning

The subject property is located in a C-1 (Limited Commercial) zoning district. The C-1 (Limited Commercial) district is intended to provide most retail shopping and personal services, and may be appropriate for mixed-use developments. This district should be located on the periphery of residential neighborhoods and should be confined to the intersections of primary and secondary thoroughfares along major retail corridors as is this project. The C-1 (Limited Commercial) district is consistent with the SC (Service Commercial), and the NC (Neighborhood Center) categories of the General Plan. The subject property has a SC (Service Commercial) General Plan Designation and is thereby consistent with the C-1 (Limited Commercial) Zoning district. The proposed Financial Institution, Specified use is permissible in the C-1 district with approval of a Special Use Permit. This application will satisfy this requirement.

•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 2,339 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 100 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. This request does not meet this requirement as the subject property is 675 feet from another Financial Institution, Specified. As such, staff cannot support this request as the close proximity is in direct contradiction to the intent of the Title 19 distance separation requirements.

•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 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 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).
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 #7 as it is located only 100 feet from a residential lot where a 200-foot distance separation is required, and 765 feet from an existing Financial Institution, Specified 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

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 site is not entirely incompatible with surrounding uses as it is located within an existing commercial center. However, it is not compatible with surrounding residential uses due to the request for Waivers to allow a distance separation of 100 feet where 200 feet is required and 765 feet from another Financial Institution, Specified use where 1000 feet is required

- 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. However, as this proposed Financial Institution, Specified cannot be approved without a Waiver to the distance separation requirement; staff recommends denial of this application.

- 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 Lamb Boulevard, a 100-Foot Primary Arterial on the Master Plan of Streets and Highways, which is 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 use does not satisfy condition number seven of the minimum Special Use Permit Requirements listed in Title 19.04.010 for a Financial Institution, Specified. The inability of this proposal to satisfy these minimum conditions requires the submittal of Waivers of the required distance separation for a residential parcel and another Financial Institution, Specified use.

PLANNING COMMISSION ACTION

The Planning Commission amended condition #2 as shown.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 4

ASSEMBLY DISTRICT 28

SENATE DISTRICT 10

NOTICES MAILED 379 by City Clerk

APPROVALS 2

PROTESTS 1