

**AGENDA MEMO - PLANNING**

CITY COUNCIL MEETING DATE: JULY 20, 2011

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT: CHECK CITY - OWNER: ALECO ENTERPRISES, INC.

**** STAFF RECOMMENDATION(S) ****

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
SUP-41289	Staff recommends DENIAL, if approved subject to conditions:	N/A

**** CONDITIONS ******SUP-42189 CONDITIONS****Planning**

- 1.A waiver is granted to allow hours of operation to be 24 hours per day.
- 2.Conformance to the approved conditions for Special Use Permit (SUP-19645) and Site Development Plan Review (SDR-19648), except as amended herein.
- 3.This approval shall be void two years from the date of final approval, unless exercised pursuant to the provisions of LVMC Title 19.18. 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.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Major Amendment of a previously approved Special Use Permit (SUP-19645) to allow 24-hour operations at an existing Auto Title Loan and Financial Institution, Specified located at 631 North Nellis Boulevard. Staff is recommending denial of this application because the proposed use cannot be conducted in a manner that is harmonious and compatible with existing surrounding land uses, as evidenced by the request to extend the hours of operation from 8:00 a.m. to 11:00 p.m. If this request is denied, the existing Auto Title Loan and Financial Institution, Specified hours of operation will remain from 8:00 a.m. to 11:00 p.m.

ISSUES

- Approval of a Major Amendment of Special Use Permit (SUP-19645) is required to extend the hours of operation to 24 hours at an existing Auto Title Loan and Financial Institution, Specified where the hours of operation allowed are from 8:00 a.m. to 11:00 p.m.
- This item has been deemed a Project of Regional Significance.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
09/06/72	The City Council approved a Rezoning (Z-0062-72) from R-E (Residence Estates) to C-1 (Limited Commercial) on approximately 10 acres on the northwest corner of Bonanza Road and Nellis Boulevard. Planning Commission and staff recommended approval.
08/10/78	The Planning Commission considered a request for a Plot Plan Review (Z-0062-72) to allow a shopping center on property located at the northwest corner of Nellis Boulevard and Bonanza Road.
04/18/07	The City Council approved a Special Use Permit (SUP-19645) for an Auto Title Loan and Financial Institution, Specified, with a Waiver to allow a distance separation of 60 feet from residential zoned property where 200 feet is required and a Waiver to allow a distance separation of 100 feet from an existing financial institution, specified where 1,000 feet is required at 631 North Nellis Boulevard. Planning Commission and staff recommended approval.

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04/18/07	The City Council approved a Major Amendment (SDR-19648) to approved Site Development Plan Review (Z-0062-72) for a 1,500 square foot addition to an existing 2,009 square foot commercial building with drive-through to be sited within an existing shopping center at 631 North Nellis Boulevard. The Planning Commission and staff recommended approval.
05/19/10	The City Council approved a Special Use Permit (SUP-37626) to add a Jewelry Store, Class III use within an existing 3,509 square-foot Auto Title Loan Establishment at 631 North Nellis Boulevard. The Planning Commission and staff recommended approval.
05/10/11	The Planning Commission voted to hold Special Use Permit (SUP-41289) to allow 24-hour operation for an existing Auto Title Loan and Financial Institution, Specified where hours of operation from 8:00 a.m. to 11:00 p.m. are permitted at 631 North Nellis Boulevard in abeyance to the June 14, 2011 Planning Commission meeting at the applicant's request.

Most Recent Change of Ownership

02/27/97	A deed was recorded for a change in ownership.
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Related Building Permits/Business Licenses

12/07/01	A building permit (#01021239) was issued for Certificate of Occupancy - Tenant Improvement for an office building at 631 North Nellis Boulevard. The permit was finaled on 4/02/02.
09/11/01	A business license (C21-01122) was issued for a Check Cashing/Deferred Deposit at 631 North Nellis Boulevard. The license was marked out of business on 8/05/09.
08/20/02	A business license (F14-00047) was issued for an Auto Title Loan at 631 North Nellis Boulevard. The business license was reclassified as (N02-00105) Non-Depository Lender and Auto Title Loan on 09/10/09.
11/01/07	A building permit (#07003121) was issued for Certificate of Completion for a 1,500 square-foot office building addition with drive-through at 631 North Nellis Boulevard. The permit was finaled on 6/25/08.
07/09/08	A building permit (#118085) was issued for a Tenant Improvement at 631 North Nellis Boulevard. The permit was finaled on 1/02/09.
05/28/09	A business license (W10-00316) was issued for a Wire Service at 631 North Nellis Boulevard. The license is currently active.
09/10/09	A business license (N02-00105) was issued for a Non-Depository Lender and Auto Title Loan business at 631 North Nellis Boulevard. The license is currently active.
02/11/10	A Code Enforcement case (#97952) was created for illegal signage and a 24 hour business, where from 8:00 a.m. to 11 p.m. is the minimum requirement at 631 North Nellis Boulevard. The case is currently active.

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<i>Pre-Application Meeting</i>	
03/07/11	A pre-application meeting was held with the applicant where the submittal requirements for a Major Amendment to a Special Use Permit to modify the hours of operation to 24 hours.

<i>Neighborhood Meeting</i>	
A Neighborhood Meeting is not required for this application, nor was one held.	

<i>Field Check</i>	
03/31/11	During a site inspection staff observed the trash dumpster located outside the trash enclosure and the enclosure doors open. All illegal and unpermitted signage has been removed.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	4.56

<i>Surrounding Property</i>	<i>Existing Land Use Per Title 19.04</i>	<i>Planned or Special Land Use Designation</i>	<i>Existing Zoning District</i>
Subject Property	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)
North	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)
South	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)
East	Shopping Center	Clark County	Clark County
West	Single-Family Residential	R (Rural Density Residential)	R-E (Residential Estates)
	Car Wash and Auto Smog Check	SC (Service Commercial)	C-1 (Limited Commercial)

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<i>Master Plan Areas</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Master Plan Area		X	N/A
<i>Special Purpose and Overlay Districts</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
Las Vegas Redevelopment Plan Area		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance	X		Y

DEVELOPMENT STANDARDS

<i>Street Name</i>	<i>Functional Classification of Street(s)</i>	<i>Governing Document</i>	<i>Street Width (Feet)</i>	<i>Compliance with Street Section</i>
Bonanza Road	Primary Arterial	Master Plan of Streets and Highways	100	Y
Nellis Boulevard	Primary Arterial	Master Plan of Streets and Highways	100	Y

Pursuant to Title 19.10, the following parking standards apply:

Pursuant to Title 19A, the following parking standards apply:

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Shopping Center	54,556 SF	1:250 SF	219		266		Y
TOTAL SPACES REQUIRED			219		266		Y
TOTAL (With Handicapped)			212	7	259	7	Y

ANALYSIS

Prior to 2003, a Special Use Permit was not required for Financial Institution, Specified and Auto Title Loan uses and set hours of operation were not part of the requirements. A business license for a Financial Institution, Specified was issued in 2001, and operated on a 24-hour basis. The applicant was subsequently approved for a Special Use Permit (SUP-19645) on 04/18/07 for an Auto Title Loan and Financial Institution, Specified, which limited the applicant's hours from 8:00 a.m. to 11:00 p.m. Waivers of the distance separation from residentially zoned property and

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a similar use were approved as part of this Special Use Permit. The applicant continued to operate as a 24-hour business until a code enforcement case (#97952) was opened and the applicant was informed of the approved hours of operation. The applicant is now requesting a Major Amendment to Special Use Permit (SUP-19645) to allow 24-hour operations at the existing site. As the majority of businesses in the immediate area do not have 24-hour operations and the applicant has provided no adequate justification for this request, staff recommends denial with conditions.

FINDINGS (SUP-41289)

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 use cannot be conducted in a manner that is harmonious and compatible with the uses in the existing site and with the commercial uses on adjacent properties, due to hours of operation requested and the proximity to residential zoned property.

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 and intensity of the proposed use, but the expansion of hours of operation of the existing Financial Institution, Specified and Auto Title Loan uses is not appropriate.

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 accessed by Bonanza Road and Nellis Boulevard. Both streets are sufficient to accommodate the amount of vehicular trips associated with 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.

Approval of the Special Use Permit is consistent with the General Plan, and will not compromise the public health, safety, or welfare.

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

The proposed use does not meet all Minimum Special Use Permit Requirements pursuant to Title 19.04. The applicant is requesting to expand the hours of operation to 24 hours, where 8:00 a.m. to 11:00 p.m. is allowed.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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NOTICES MAILED

224 (By City Clerk)

APPROVALS

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PROTESTS

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