City of Las Vegas

## AGENDA MEMO

**PLANNING COMMISSION MEETING DATE: OCTOBER 21, 2010**
**DEPARTMENT: PLANNING AND DEVELOPMENT**
**ITEM DESCRIPTION: APPLICANT: MONEYTREE, INC. - OWNER: KATSAM, LLC**

## ** STAFF RECOMMENDATION(S) **

| *CASE NUMBER* | *RECOMMENDATION* | *REQUIRED FOR APPROVAL* |
|---|---|---|
| **SUP-39367** | Staff recommends DENIAL, if approved subject to conditions: | N/A |

## ** CONDITIONS **

# SUP-39367 CONDITIONS

***Planning and Development***

1.Conformance to all Minimum Requirements under LVMC Title 19.04.010 for an Auto Title Loan use.

2.Conformance to the approved conditions for Rezoning (Z-0143-89), Site Development Plan Review [Z-0143-89(6)] and Site Development Plan Review [Z-0143-89(8)].

3.All window signage shall be in conformance with LVMC Title 19.14, or shall be removed within 30 days of the date of final approval.

4.This approval shall be void two years from the date of final approval, unless a business license has been issued to conduct the activity. An Extension of Time may be filed for consideration by the City of Las Vegas.

5.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 for an Auto Title Loan use within an existing 2,291 square-foot nonconforming Financial Institution, Specified at 7291 West Lake Mead Boulevard, Suite #120. 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 required waivers of distance separation and hours of operation requirements. If this request is denied, the Auto Title Loan cannot be permitted on this site.

## ISSUES

- An Auto Title Loan Use is permitted in the C-1 (Limited Commercial) zoning district with the approval of a Special Use Permit.
- A waiver to allow a zero-foot distance separation from a residential property, where 200 feet is required.
- A waiver to allow a 970-foot distance separation from another Financial Institution, Specified, where 1,000 feet is required.
- A waiver to allow 24-hour operations, where 8:00 a.m. to 11:00 p.m. is allowed.
- A site visit conducted by staff found that the window signage exceeded the 20 percent of the area of all exterior windows pursuant to Title 19.14.

## BACKGROUND INFORMATION

| ***Related Relevant City Actions by P&D, Fire, Bldg., etc*** | |
|---|---|
| 02/07/90 | The City Council approved the request for reclassification of property (Z-0143-89) located on the southeast corner of Tenaya Way and Lake Mead Boulevard, from N-U (Non-Urban) (under Resolution of Intent to R-CL and C-1) to C-1 (Limited Commercial). The Planning Commission and staff recommended approval. |
| 01/10/91 | The Planning Commission approved a request for a Plot Plan Review [Z-0143-89(1)] for a temporary sales trailer on property located on the southeast corner of Tenaya Way and Lake Mead Boulevard. The Planning and Development Department staff recommended approval. |
| 03/06/91 | The City Council approved the request for a one year Extension of Time [Z-0143-89(2)] on property located on the southeast corner of Tenaya Way and Lake Mead Boulevard. The Planning Commission and staff recommended approval. |

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| 03/04/92 | The City Council approved the request for a one year Extension of Time [Z-0143-89(3)] on property located on the southeast corner of Tenaya Way and Lake Mead Boulevard. The Planning Commission and staff recommended approval. |
| 03/03/93 | The City Council approved a request for a two year Extension of Time [Z-0143-89(4)] on property located on the southeast corner of Tenaya Way and Lake Mead Boulevard. The Planning Commission and staff recommended approval. |
| 03/15/95 | The City Council approved a request for a one year Extension of Time [Z-0143-89(5)] on property located on the southeast corner of Tenaya Way and Lake Mead Boulevard. The Planning Commission and staff recommended approval. |
| 08/10/95 | The Planning Commission approved a request for a Plot Plan and Building Elevation Review [Z-0143-89(6)] for a proposed restaurant with drive-through on property located on the southeast corner of Tenaya Way and Lake Mead Boulevard. The Planning and Development Department staff recommended approval. |
| 09/04/96 | The City Council approved a Site Development Plan Review [Z-0143-89(7)] for a proposed 216,000 square foot, five-story Office Complex on property located on the southeast corner of Tenaya Way and Lake Mead Boulevard. The Planning Commission and staff recommended approval. |
| 08/21/01 | The Planning and Development Department administratively approved a request for a Site Development Plan Review [Z-0143-89(8)] for a proposed 676 square-foot addition to an existing 2,824 square-foot retail building at 7291 West Lake Mead Boulevard. |

| ***Most Recent Change of Ownership*** | |
|---|---|
| 10/31/00 | A deed was recorded for a change in ownership. |

| ***Related Building Permits/Business Licenses*** | |
|---|---|
| 12/07/95 | A building permit (#95389649) was issued for a Restaurant at 7291 West Lake Mead Boulevard. The project was completed on 04/18/96. |
| 09/13/01 | A building permit (#01016461) was issued for a Tenant Improvement addition at 7291 West Lake Mead Boulevard, Suite #120. The project was completed on 01/17/02. |
| 12/28/01 | A business license (C21-00106) was issued for a Check Cashing establishment at 7291 West Lake Mead Boulevard, Suite #120. The business license (C21-00106) was reclassified to (N02-00067) for a Non-Depository Lender without an Auto Title Loan on 06/29/09. |

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|---|---|
| 04/17/07 | A business license (W10-00130) was issued for a Wire Transfer at 7291 West Lake Mead Boulevard, Suite #120. The license is active. |
| 04/23/09 | A business license (W10-00286) was issued for Wire Transfer at 7291 West Lake Mead Boulevard, Suite #120. The license is active. |
| 09/10/09 | A business license (N02-00067) was issued for a Non-Depository Lender at 7291 West Lake Mead Boulevard, Suite #120. The license is active. |

| *Pre-Application Meeting* | |
|---|---|
| 08/12/10 | A pre-application meeting was held for submittal of a Special Use Permit for an Auto Title Loan. The topics included:<br>• A request for a waiver to be applied for the Special Use Permit to allow a 24 hour operation at the subject site, where the hours between 8:00 a.m. to 11:00 p.m. is allowed.<br>• A request for a waiver to allow a 970-foot distance separation from another Financial Institution, Specified at 7421 West Lake Mead Boulevard, Suite #4, where 1,000 is the minimum distance.<br>• A request for a waiver due to the proximity of property zoned for residential use to allow zero feet, where 200 feet is the minimum distance. |

| *Neighborhood Meeting* |
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| A neighborhood meeting was not required, nor was one held. |

| *Field Check* | |
|---|---|
| 09/16/10 | A site visit was conducted by staff that noted that the subject suite contained window signage to be more that 20 percent of the area of all exterior windows. |

| *Details of Application Request* | |
|---|---|
| *Site Area* | |
| Net Acres | 0.7 |

| *Surrounding Property* | *Existing Land Use Per Title 19.04* | *Planned or Special Land Use Designation* | *Existing Zoning District* |
|---|---|---|---|
| Subject Property | Financial Institution, Specified, Restaurant and Office | SC (Service Commercial) | C-1 (Limited Commercial) |
| | | ML (Medium-Low Density Residential) | |
| North | Shopping Center | SC (Service Commercial) | C-1 (Limited Commercial) |
| South | Single Family Residence | ML (Medium-Low Density Residential) | R-CL (Single Family – Compact Lot) |
| East | Shopping Center | SC (Commercial) | C-1 (Limited Commercial) |
| | Undeveloped | M (Medium Density Residential) | U (Undeveloped) |
| | Public School, Primary | PF (Public Facilities) | |
| West | Shopping Center | SC (Service Commercial) | C-1 (Limited Commercial) |
| | Single Family Residence | ML (Medium-Low Density Residential) | R-CL (Single Family – Compact Lot) |

| *Master Plan Areas* | *Yes* | *No* | *Compliance* |
|---|---|---|---|
| **Master Plan Area** | | X | N/A |
| *Special Purpose and Overlay Districts* | *Yes* | *No* | *Compliance* |
| **Special Purpose and Overlay Districts** | | | |
| A-O (Airport Overlay) District (175 feet) | X | | Y |
| **Trails** | X | | Y |
| **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 | N/A |

| *Functional Classification of Street(s)* | *Governing Document* | *Street Width (Feet)* | *Compliance with Street Section* |
|---|---|---|---|
| *Primary Arterial – Lake Mead Boulevard* | Master Plan of Streets and Highways | 100 | Y |
| *Secondary Collector – Tenaya Way* | | 80 | |

***Pursuant to Title 19.04 and 19.10, the following parking standards apply:***

| ***Parking Requirement*** | | | | | | | |
|---|---|---|---|---|---|---|---|
| | | ***Required*** | | | ***Provided*** | | ***Compliance*** |
| | | | *Parking* | | *Parking* | | |
| ***Use*** | ***Gross Floor Area or Number of Units*** | ***Parking Ratio*** | Regular | Handi-capped | Regular | Handi-capped | |
| Financial Institution, Specified / Auto Title Loan (Proposed) | 2,291 SF | 1:250 SF | 10 | | 35 | | |
| Restaurant with Drive-Through | 1,207 SF | 1:100 SF | 13 | | | | |
| **TOTAL SPACES REQUIRED** | | | 23 | | 35 | | Y |
| **Regular and Handicap Spaces Required** | | | 21 | 2 | 33 | 2 | Y |

| ***Waivers*** | | |
|---|---|---|
| ***Requirement*** | ***Request*** | ***Staff Recommendation*** |
| 200-foot distance separation from Residential Use. | Zero feet | Denial |
| 1,000-foot distance separation from Financial Institution, Specified. | 970 feet | Denial |
| Hours of Operation from 8:00 a.m. to 11:00 p.m. | 24 Hours | Denial |

## ANALYSIS

The proposed Auto Title Loan use will allow a business whose primary function is to lend money on the security of the title to a motor vehicle rather than the security of the vehicle itself. A nonconforming Financial Institution, Specified use currently exists within the suite where the proposed Auto Title Loan is to be located. The required parking for the proposed use is the same as the Financial Institution, Specified of one space per 250 square feet of the gross floor area; therefore, the required parking for the entire site is 23 parking spaces. The provided site plan depicts the existing parking lot having 35 parking spaces. A site visit was conducted by staff and noted the window signage appeared to exceed more than 20 percent of the area of all exterior windows pursuant to Title 19.04 and Title 19.14, within the north and west building elevations. A condition of approval has been added to address the window signage.

The subject property is located within the Airport Overlay District with a 175-foot height restriction. The application for an Auto Title Loan use proposes no change to the height of the building. A Pedestrian Path Trail exists along Lake Mead Boulevard; the subject request will not affect the status of the trail.

The minimum Special Use Permit requirements for the proposed Auto Title Loan use include a 200-foot distance separation from residential use, a 1,000-foot distance separation from any other Financial Institution, Specified and hours of operation from 8:00 a.m. to 11:00 p.m. The applicant has requested waivers to allow a zero-foot distance separation from residential use, a zero-foot distance separation from another Financial Institution, Specified and to allow 24-hour operations. Staff is recommending denial of this application because the proposed use cannot be conducted in a manner that is compatible with the surrounding land use, as is evidenced by the requested waivers of distance separation and hours of operation. The applicant has not provided sufficient evidence that would warrant the granting of waivers to allow reduced distance separation and 24-hour operations.

## FINDINGS (SUP-39367)

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 waivers of the distance separation from residentially zoned property, from another Financial Institution, Specified and proposed 24-hour operations.

**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 Auto Title Loan use, as the suite where the proposed Auto Title Loan use is to be located is 2,291 square feet, exceeding the minimum Special Use Permit requirement of 1,500 square feet dedicated to the 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.**

The subject site is accessed by Lake Mead Boulevard and Tenaya Way. 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.

**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. Waivers are required to allow a zero-foot distance separation from a residential use where 200 feet is required, to allow a 970-foot distance separation from another Financial Institution, Specified where 1,000 feet is required, and to allow 24-hour operations where 8:00 a.m. to 11:00 p.m. is allowed.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 13

**NOTICES MAILED** 308

**APPROVALS** 1

**PROTESTS** 1