City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: NOVEMBER 18, 2010
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: APPLICANT: MONEYTREE, INC. - OWNER: KATSAM, LLC

** STAFF RECOMMENDATION(S) **

CASE NUMBER	*RECOMMENDATION*	*REQUIRED FOR APPROVAL*
SUP-39821	Staff recommends DENIAL, if approved subject to conditions:	N/A

** CONDITIONS **

SUP-39821 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-0108-63) and Site Development Plan Review [Z-0108-63(32)].

3. 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.

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 for an Auto Title Loan use within an existing 3,093 square-foot nonconforming Financial Institution, Specified at 2950 West Sahara Avenue. 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 requirements and hours of operation allowed. 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 90-foot distance separation from a residential property, where 200 feet is required is needed for approval of the Special Use Permit.
- A Waiver to allow a 990-foot distance separation from another Financial Institution, Specified use, where 1,000 feet is required is needed for approval of the Special Use Permit.
- A Waiver to allow hours of operation from: 7:00 a.m. to 11:00 p.m., where 8:00 a.m. to 11:00 p.m. is allowed is needed for approval of the Special Use Permit.
- The existing Financial Institution, Specified is nonconforming as it was established at the location prior to the requirement for a Special Use Permit. As such, it is not subject to the requirements of distance separation and restricted hours of operation.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc	
07/11/63	The City Council approved a request to Rezone (Z-0108-63) from R-1 (Single Family Residence) to C-1 (Limited Commercial) at 2950 West Sahara Avenue. The Planning Commission recommended Approval.
08/26/93	The Planning Commission approved a Plot Plan and Building Elevation Review [Z-0108-63(18)] for a restaurant with drive through at 2950 West Sahara Avenue.
04/05/02	The Planning Commission approved a request for a Site Development Plan Review [Z-0108-63(32)] for the conversion and expansion of an existing building to a Financial Institution, Specified at 2950 West Sahara Avenue.
11/06/02	The City Council approved a Master Sign Plan (MSP-0008-02) for an approved Financial Institution at 2950 West Sahara Avenue.

Most Recent Change of Ownership	
02/04/02	A deed was recorded for a change in ownership.

Related Building Permits/Business Licenses	
12/29/93	A building permit (93213738) was issued for a Certificate of Occupancy at 2950 West Sahara Avenue. The permit was finaled on 03/16/94.
06/14/02	A building permit (02010825) was issued for a Tenant Improvement Certificate of Occupancy at 2950 West Sahara Avenue. The permit was finaled on 10/16/02.
02/28/02	A building permit (02003494) was issued for a wall sign at 2950 West Sahara Avenue. The permit was finaled on 12/02/02.
10/30/02	A business license (C21-00123) Non-Depository Lender was issued at 2950 West Sahara Avenue. The license was reclassified to (N02-00068) on 09/10/09. The license is still active.
10/30/02	A business license (W10-00029) Wire Service was issued at 2950 West Sahara Avenue. The license is still active.
05/19/09	A business license (W10-00029) Wire Service was issued at 2950 West Sahara Avenue. The license is still active.
08/10/09	A business license (M06-03073) for Miscellaneous Sales was issued at 2950 West Sahara Avenue. The license is still active.
03/23/10	A building permit (159249) was issued for a 3.8 square-foot illuminated wall sign at 2950 West Sahara Avenue. The permit was finaled on 06/30/10.

Pre-Application Meeting	
09/13/10	A pre-application meeting was held to discuss the requirements for the submittal of a Special Use Permit for an Auto Title Loan use. It was noted that a Waiver is required for the minimum 200-foot distance separation between the proposed use and a residential property and a Waiver is required for the minimum 1,000-foot distance separation between the proposed use and another Financial Institution, Specified use.

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

Field Check	
10/14/10	During a site visit, staff noted a Financial Institution, Specified to be clean and free of debris.

Details of Application Request	
Site Area	
Net Acres	0.69

Surrounding Property	***Existing Land Use Per Title 19.04***	***Planned or Special Land Use Designation***	***Existing Zoning District***
Subject Property	Financial Institution, Specified	SC (Service Commercial)	C-1 (Limited Commercial)
North	Office	SC (Service Commercial)	C-1 (Limited Commercial)
South	Tavern	SC (Service Commercial)	C-1 (limited Commercial)
	Apartments		R-3 (Medium Density Residential)
East	Restaurant	SC (Service Commercial)	C-1 (Limited Commercial)
West	Bank, Office	SC (Service Commercial)	C-1 (Limited Commercial)

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 (200 feet)	X		Y
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	N/A

DEVELOPMENT STANDARDS

Functional Classification of Street(s)	***Governing Document***	***Street Width (Feet)***	***Compliance with Street Section***
Sahara Avenue: Primary Arterial	Master Plan of Streets and Highways	100	Y
Richfield Boulevard: Local Street	N/A	90	N/A

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

Parking Requirement							
Use	***Gross Floor Area or Number of Units***	***Required***			***Provided***		***Compliance***
		Parking Ratio	*Parking* Regular	*Parking* Handi-capped	*Parking* Regular	*Parking* Handi-capped	
Financial Institution, Specified / Auto Title Loan (Proposed)	3,093 SF	1/250 SF	13		45		
TOTAL SPACES REQUIRED			13		45		
Regular and Handicap Spaces Required			12	1	43	2	Y

Waivers		
Requirement	***Request***	***Staff Recommendation***
A 200-Foot minimum distance separation from a residential property	90 feet	Denial
A 1,000-Foot minimum distance separation from another Financial Institution, Specified.	990 feet	Denial
Hours of operation from 8:00 a.m. to 11:00 p.m.	7:00 a.m. to 11:00 p.m.	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 building where the proposed Auto Title Loan is to be located. The required parking for the proposed use is the same as the existing Financial Institution, Specified, and no additional spaces are required. No vehicular storage is allowed at the site in conjunction with this use. The subject property is located within the Airport Overlay District with a 200-foot height restriction. The application for an Auto Title Loan use proposes no change to the height of the building.

The minimum Special Use Permit requirements for the proposed Auto Title Loan use include a 200-foot distance separation from residential property, 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 90-foot distance separation from residential property, a 990-foot distance separation from another Financial Institution, Specified and to allow hours of operation from 7:00 a.m. to 11:00 p.m. 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 increase in the hours of operation.

FINDINGS (SUP-39821)

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 increase of the hours of operation.

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 3,093 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 Sahara Avenue and Richfield 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.

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 90-foot distance separation from a residential property where 200 feet is required, to allow a 990-foot distance separation from another Financial Institution, Specified where 1,000 feet is required, and to allow hours of operation from 7:00 a.m. to 11:00 p.m., where 8:00 a.m. to 11:00 p.m. is allowed.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 24

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APPROVALS 1

PROTESTS 5