



AGENDA MEMO - PLANNING

PLANNING COMMISSION MEETING DATE: JULY 12, 2011

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT: VEGAS EXPRESS GAS MART #2, LLC -
OWNER: PACPROP SERVICE, LLC

** STAFF RECOMMENDATION(S) **

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
SUP-41901	Staff recommends DENIAL, if approved subject to conditions:	N/A

** CONDITIONS **

SUP-41901 CONDITIONS

Planning

1. Conformance to the approved conditions for Rezoning (Z-0032-78), Special Use Permit (SUP-36799) and Site Development Plan Review (U-0069-00).
2. This approval shall be void two years from the date of final approval, unless exercised pursuant to the provisions of LVMC Title 19.16. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. The use shall comply with all applicable requirements of Title 6.
4. No loan, cash advance, or deferred deposit service may be provided in connection with this use.
5. Prior to installation of any signage, all necessary building permits shall be obtained and final inspections shall be completed in compliance with Title 19 and all codes as required by the Department of Building and Safety.

Conditions Page Two
July 12, 2011 - Planning Commission Meeting

6. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.

7. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

Staff Report Page One
July 12, 2011 - Planning Commission Meeting

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Special Use Permit for a Check Cashing Service, Limited use at an existing 2,032 square-foot convenience store at 4401 East Bonanza Road. The Check Cashing Service, Limited use is conditional per Title 19.12; however, a Special Use Permit is required as the applicant is requesting two exterior advertising signs which does not comply with conditional use regulation Number Three, which states that no exterior advertising of the Check Cashing Service, Limited use is permitted. Staff recommends denial. If this request is denied, a business license for a Check Cashing Service, Limited use could be issued, but the use would have to comply with all Conditional Use Regulations of Title 19.12, including the prohibition against external advertising.

ISSUES

- A Check Cashing Service, Limited use is permitted in the C-1 (Limited Commercial) zoning district as a conditional use.
- Check Cashing Service, Limited conditional use Requirement Number Three specifies that no exterior advertising is permitted; as the applicant cannot comply with this requirement, a Special Use Permit is required.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
05/17/78	The Board of City Commissioners approved a request to Rezone (Z-0032-78) from R-E (Residential Estates) to C-1 (Limited Commercial) for property generally located at the southeast corner of Bonanza Road and Lamb Boulevard. The Planning Commission recommended approval.
04/04/79	The City Council approved a request for a Plot Plan Review (Z-0032-78) to relocate the proposed store from the east side of the property to the south side of the property. The Planning Commission recommended approval.
05/02/79	The City Council approved a request for an Extension of Time (Z-0032-78) for property generally located at the southeast corner of Bonanza Road and Lamb.
07/20/00	The City Council approved a request for a Special Use Permit (U-0069-00) for gasoline sales and a Site Development Plan Review (U-0069-00) for a proposed 2,029 square-foot Convenience Store on the southeast corner of Bonanza Road and Lamb Boulevard. The Planning Commission and staff recommended approval of the request.

Staff Report Page Two
July 12, 2011 - Planning Commission Meeting

02/21/01	The City Council approved a request for a Special Use Permit (U-0139-00) for a Beer/Wine/Cooler Off-Sale Establishment on the southeast corner of Bonanza Road and Lamb Boulevard. The Planning Commission and staff recommended approval of the request.
02/17/10	The City Council approved a request for a Special Use Permit (SUP-36779) for a Beer/Wine/Cooler Off-Sale Establishment use at 4401 East Bonanza Road. The Planning Commission recommended approval of the request. The Department of Planning staff recommended denial.
07/06/11	The City Council will hear a Review of Condition (ROC-41902) to delete Condition #5 of approved Special Use Permit (SUP-36779), which requires the sale of single beers, malt beverages, or wine coolers of any size with alcohol by volume greater than 6% shall be prohibited. The sale of wines with an alcohol by volume of greater than 16% shall be prohibited at 4401 East Bonanza Road.

Most Recent Change of Ownership

08/20/09	A deed was recorded for a change in ownership.
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Related Building Permits/Business Licenses

01/22/01	A building permit (#1001199) was issued for underground fuel tanks at 4401 East Bonanza Road. The project was completed on 05/22/01.
01/31/01	A building permit (#1001579) was issued for a convenience store at 4401 East Bonanza Road. The project was completed on 05/22/01.
	A building permit (#1001580) was issued for a fuel pump canopy at 4401 East Bonanza Road. The project was completed on 05/22/01.
05/18/01	A business license (C05-02103) was issued for tobacco sales at 4401 East Bonanza Road. The license was marked out of business on 12/11/08.
	A business license (C15-00273) was issued for a convenience store at 4401 East Bonanza Road. The license was marked out of business on 12/11/08.
	A business license (L10-00220) was issued for Beer/Wine/Cooler Off-Sale at 4401 East Bonanza Road. The license was marked inactive on 12/11/08.
05/22/01	A business license application (C20-02016) was issued for convention hall tax at 4401 East Bonanza Road. The license was marked out of business 12/11/08.
	A business license application (G01-02027) was issued for restricted gaming at 4401 East Bonanza Road. The license was marked out of business 12/11/08.

Staff Report Page Three
July 12, 2011 - Planning Commission Meeting

11/10/09	A business license application (C20-92676) was submitted for convention hall tax at 4401 East Bonanza Road. The application was withdrawn on 04/05/10.
	A business license application (C05-92674) was submitted for tobacco sales at 4401 E Bonanza Road. The application was withdrawn on 04/05/10.
	A business license application (G01-92675) was submitted for restricted gaming at 4401 East Bonanza Road. The application was withdrawn on 04/05/10.
	A business license application (C15-92670) was submitted for a convenience store at 4401 East Bonanza Road. The application was withdrawn on 04/05/10.
	A business license application (S05-92673) was submitted for a service station at 4401 East Bonanza Road. The application was withdrawn on 04/05/10.
	A business license application (L10-92672) was submitted for Beer/Wine/Cooler Off-Sale at 4401 East Bonanza Road. The application was withdrawn on 04/05/10.
03/31/11	A business license application (G01-91498) was submitted for restricted gaming at 4401 East Bonanza Road. The license is in for review.
06/06/11	A business license (C05-02744) was approved for tobacco sales at 4401 East Bonanza Road. The license is currently active.
	A business license (C15-00396) was approved for a convenience store at 4401 East Bonanza Road. The license is currently active.
	A business license (L10-00321) was approved for Beer/Wine/Cooler Off-Sale at 4401 East Bonanza Road. The license is currently active.
	A business license (S05-01133) was approved for a service station at 4401 East Bonanza Road. The license is currently active.
06/23/11	A business license (N02-00174) was approved for a non-depository lender at 4401 East Bonanza Road. The license is currently active.

Pre-Application Meeting

05/19/11	A pre-application meeting was held with the applicant where the submittal requirements for a Special Use Permit were discussed.
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Neighborhood Meeting

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

Field Check

06/06/11	During a site visit, staff noted a Convenience Store with fuel pumps with multiple unpermitted signs, banners and debris in the landscaping.
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Staff Report Page Four
July 12, 2011 - Planning Commission Meeting

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	0.39

<i>Surrounding Property</i>	<i>Existing Land Use Per Title 19.12</i>	<i>Planned or Special Land Use Designation</i>	<i>Existing Zoning District</i>
Subject Property	Convenience Store	SC (Service Commercial)	C-1 (Limited Commercial)
North	Restaurant / Retail	SC (Service Commercial)	C-1 (Limited Commercial)
South	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)
East	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)
West	Convenience Store	SC (Service Commercial)	C-1 (Limited Commercial)

<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	N/A

DEVELOPMENT STANDARDS

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

Staff Report Page Five
July 12, 2011 - Planning Commission Meeting

Pursuant to Title 19.08 and 19.12, 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	
Convenience Store	2,032 SF	1/175 SF	12				
TOTAL SPACES REQUIRED			12		9		N
Regular and Handicap Spaces Required			11	1	8	1	N*

*The site is considered a parking-impaired development, per Title 19.18.030.D(1)

ANALYSIS

The applicant is proposing to establish a Check Cashing Service, Limited use with exterior advertising signage within an existing 2,032 square-foot Convenience Store. A Check Cashing Service, Limited use is defined by Title 19.18.020 as “the service of cashing checks for a fee, service charge or other consideration as a service that is supplemental to a retail business that otherwise does not provide services normally associated with a financial institution. The term does not include a general financial institution, specified financial institution, or any business that provides any kind of loan, cash advance, or deferred deposit.”

Pursuant to Title 19.18.030.D (1), this site is a parking-impaired development and the proposed uses parking requirement is less intense than the existing convenience store; therefore, no additional parking is required.

A Special Use Permit is required, as the applicant is requesting exterior advertising signage as a part of the Check Cashing Service, Limited use, where no exterior advertising is permitted under the Conditional Use Regulations of Title 19.12. Staff is recommending denial of this application, as the proposed Check Cashing Service, Limited use is intended to be ancillary to the retail use, and have no impact to the surrounding adjacent uses. The addition of signage to the exterior of the building would have a negative visual impact.

FINDINGS (SUP-41901)

In order to approve a Special Use Permit application, per Title 19.16.110(L) 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.**

Staff Report Page Six
July 12, 2011 - Planning Commission Meeting

The proposed use cannot be conducted in a manner that is harmonious and compatible with the uses on the existing site and with the commercial uses on adjacent properties, due to the request to allow the external advertising signs.

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

The subject site is physically suitable for the proposed Check Cashing Service, Limited use, but the signage is not appropriate for 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 site is accessed by Lamb Boulevard and Bonanza Road, which 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 19.12.

The proposed use does not meet all Minimum Conditional Use Requirements pursuant to Title 19.12. A Special Use Permit is required for the Check Cashing Service, Limited use with external advertising signage.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

16

NOTICES MAILED 284

APPROVALS 0

PROTESTS 0