

**AGENDA MEMO**

**CITY COUNCIL MEETING DATE: FEBRUARY 6, 2008**  
**DEPARTMENT: PLANNING AND DEVELOPMENT**  
**ITEM DESCRIPTION: SUP-25476 - APPLICANT: CASHBACK - OWNER: TECH**  
**RETAIL CENTER**

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**\*\* CONDITIONS \*\***

The Planning Commission (5-0 vote) and staff recommend DENIAL.

**Planning and Development**

1. Conformance to all Minimum Requirements under LVMC Title 19.04.050 for the Auto Title Loan use.
2. Conformance to the Conditions of Approval for Rezoning (ZON-2457) and Site Development Plan Review (SDR-2458) shall be required.
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 an appeal filed by the applicant from the denial by the Planning Commission of a request for a Special Use Permit for a proposed Auto Title Loan at 2400 North Buffalo Drive, Suites #135 and 140. This proposed use will occupy 1,500 square feet of an existing 14,244 square feet retail center.

This proposal does not meet all of the Minimum Title 19 requirements for a Special Use Permit for Auto Title Loan. A waiver has been requested to allow 94 feet where 200 feet is the minimum distance separation from a residential parcel. This use is not compatible with the surrounding area due to the proximity to residential parcels; staff recommends denial of this request.

**BACKGROUND INFORMATION**

<b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i></b>	
07/05/01	The City Council approved a Special Use Permit (U-0044-01) and a Site Development Plan Review (SD-0020-01) for a proposed 1.08 acre motor vehicle sales (Used) lot with a 2,250 square foot commercial building and for a waiver of required landscaping on the subject property. The Planning Commission recommended denial on both requests. On July 5, 2003 this approval became void, as construction did not commence on the subject site.
05/05/04	The City Council approved a Site Development Plan Review (SDR-2458) for two 15,300 square feet commercial retail buildings on 3.88 acres adjacent to the northeast and southeast corners of Smoke Ranch Road and Buffalo Drive. The Planning Commission and staff recommended approval of this request. The City Council approved a Rezoning (ZON-2457) from U (Undeveloped [SC (Service Commercial) General Plan] to C-1 (Limited Commercial) on 3.88 acres adjacent to the northeast and southeast corners of Smoke Ranch Road and Buffalo Drive. The Planning Commission and staff recommended approval for this request.
12/20/07	<a href="#">The Planning Commission voted 5-0 to recommend DENIAL (PC Agenda Item #30/ed).</a>
<b><i>Related Building Permits/Business Licenses</i></b>	
12/29/06	A business license (H08-58K130141) was issued for a Health & Fitness Club at 2400 North Buffalo Drive, Suite #110.
01/12/06	A business license (L16-334109) was issued for a Tavern at 2400 North Buffalo Drive, Suite #125.
02/01/06	A business license (C20-22397109) was issued for Conventional Hall Gaming Tax at 2400 North Buffalo Drive, Suite #125.
02/01/06	A business license (G01-22404109) was issued for Gaming Restricted at 2400 North Buffalo Drive, Suite #125.

09/13/07	A business license (R07-7832136671) was issued for a Restaurant Seating Under 45 at 2400 North Buffalo Drive, Suite #145.
11/08/07	A business license (R23-3144137730) was issued for a Recreational Instruction or Lessons at 2400 North Buffalo Drive, Suite #105.
<b>Pre-Application Meeting</b>	
10/16/07	A Pre-Application Meeting was held and the requirements for submitting a Special Use Permit for an Auto Title Loan Use were discussed.

<b>Field Check</b>	
11/30/07	A site visit was conducted to verify the information submitted by the applicant. The two suites in question are currently vacant.

<b>Details of Application Request</b>	
<b>Site Area</b>	
Gross Acres	2.04

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Retail Center	SC (Service Commercial)	C-1 (Limited Commercial)
North	Industrial Offices	LI/R (Light Industrial/Research)	C-PB (Planned Business Park District)
South	Retail Center	SC (Service Commercial)	C-1 (Limited Commercial)
East	Undeveloped	SC (Service Commercial)	U (Undeveloped)
West	Single Family Homes	ML (Medium Low Density Residential)	R-PD5 (Residential Planned Development)

<b>Special Districts/Zones</b>	<b>Yes</b>	<b>No</b>	<b>Compliance</b>
<b>Special Area Plan</b>	X		
Technology Center	X		Yes
<b>Special Districts/Zones</b>	<b>Yes</b>	<b>No</b>	<b>Compliance</b>
<b>Special Purpose and Overlay Districts</b>	X		
A-O (Airport Overlay) District 175 Feet	X		Yes
<b>Trails</b>		X	N/A
<b>Rural Preservation Overlay District</b>		X	N/A
<b>Development Impact Notification Assessment</b>		X	N/A
<b>Project of Regional Significance</b>		X	N/A

**DEVELOPMENT STANDARDS**

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

<b>Parking Requirement</b>							
<b>Use</b>	<b>Gross Floor Area or Number of Units</b>	<b>Parking Ratio</b>	<b>Required</b>		<b>Provided</b>		<b>Compliance</b>
			<b>Parking</b>		<b>Parking</b>		
			Regular	Handi-capped	Regular	Handi-capped	
Auto Title Loan	1,500	1/250	6		6		Yes
Restaurant Public	2,498	1/50	50		50		Yes
Restaurant - Remaining	3,630	1/200	18		18		Yes
Remaining Retail	6,372	1/175	37		45		Yes
<b>SubTotal</b>	14,000		111	5	119	5	Yes
<b>TOTAL</b>			116		126		Yes
Loading Spaces			1		1		Yes

<b>Waivers</b>		
<b>Request</b>	<b>Requirement</b>	<b>Staff Recommendation</b>
To allow a distance separation of 94 feet to a parcel zoned for residential use	No auto title loan use may be located closer than 200 feet from any parcel used or zoned for residential use.	Denial

**ANALYSIS**

- **Zoning**

The subject site on which the use will be located is zoned C-1 (Limited Commercial). This district allows for most retail shopping and personal services. An Auto Title Loan Use is permitted in the C-1 (Limited Commercial) District with approval of a Special Use Permit.

This location is within the Technology Center Phase II, a Special District of the City of Las Vegas. This district has specific design requirements were previously meet when this retail complex was approved March 5<sup>th</sup>, 2004.

This site is within the North Las Vegas Airport Overlay Map portion of the A-O (Airport Overlay) District. The existing structure is below the height limitation of seventy-feet (175) and is in compliance with Title 19.06.080.

- **Parking**

Parking is sufficiently provided for by the 119 spaces provided by this existing Retail Center.

- **Use**

An Auto Title Loan Use is defined by Title 19 as a business whose primary function is to lend money on the security of the title to a motor vehicle rather than on the security of the vehicle itself.

The subject use is to be located within an existing 14,000 square foot Retail Center at 2400 North Buffalo Drive. The proposed Auto Title Loan Use will be located within this retail center in Suites #135 and 140. This location does not meet the minimum conditions required for an Auto Title Loan. The minimum distance separation from a residential parcel is not satisfied. The applicant has requested a waiver for a 94 foot distance separation from a residential parcel, where 200 feet is required.

- **Conditions**

Per Title 19.04.010, the following are minimum Special Use Permit requirements of a Packaged Liquor Off-Sale Establishment use. An asterisk (\*) indicates that a requirement cannot be waived.

- \*1. The use shall comply with all applicable requirements of LVMC 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 LVMC 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 30 days.
4. Window signs shall not:
  - a. Cover more than 20 percent 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 1500 square feet, and shall be designed to have sufficient interior space to provide for adequate customer waiting areas, customer queuing, and transaction space (such as teller windows or desks).
7. No auto title loan use may be located closer than 200 feet from any parcel used or zoned for residential use. In addition, no auto title loan may be located closer than 1000 feet from any other auto title loan use, auto pawn use or specified financial institution use. For purposes of this Requirement 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 property lines of fee interest parcels and not leasehold parcels.

## FINDINGS

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 has a variety of different zoning designations neighboring this location. To the north the property is zoned C-PB (Planned Business Park) with a General Plan Designation of LI/R (Light Industrial/ Research). The parcel to the east of this use is zoned U (Undeveloped) with a General Plan Designation of SC (Service Commercial). To the south there is a zoning designation of C-1 (Limited Commercial) with a General Plan Designation of SC (Service Commercial). To the west there are multiple parcels zoned R-PD5 (Residential Planned Development) with a General Plan Designation of ML (Medium Low Density Residential). The minimum distance separation of this use from residential properties is 200 feet. This proposed location is 94 feet from residential properties, creating a situation where this use cannot be conducted harmoniously with current and future land uses.

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

The proposed use will be located in an existing retail center intended for most retail shopping and personal services. The subject site is physically suitable for this use, including adequate parking facilities and the required square footage.

**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 has access from Smoke Ranch Road, a 100-foot Primary Arterial, and North Buffalo Drive, a 95-foot Primary Arterial, as classified by the Master Plan of Streets and Highways. This site has adequate access provided by both of these Major Streets.

**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 proposed use will be subject to regular inspection for licensing, and will therefore not compromise the public health, safety and welfare. This type of business is supported by the SC (Service Commercial) General Plan land use objectives.

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

Not all of the minimum conditions per Title 19.04 required for the approval of this Special Use Permit are satisfied. The minimum distance separation from a parcel used or zoned for residential use is 200 feet, but this location only provides 94 feet. All other minimum requirements are met by the proposal.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED**

7

**ASSEMBLY DISTRICT** 37

**SENATE DISTRICT** 6

**NOTICES MAILED** 269 by City Clerk

**APPROVALS** 0

**PROTESTS** 12