

**AGENDA MEMO - PLANNING**

CITY COUNCIL MEETING DATE: JUNE 15, 2011

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT: KOSTER FINANCE, LLC - OWNER: C EAGLE SPIRIT, LLC

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

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
SUP-41267	Staff recommends DENIAL, if approved subject to conditions:	N/A

**** CONDITIONS ****

SUP-41267 CONDITIONS

Planning

- 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-0093-64), Special Use Permit (SUP-2962) and Site Development Plan Review (Z-0093-64).
- 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 unpermitted signage and signage not meeting the requirements of Title 19 shall be brought into compliance or removed within 10 days of final approval.
- 5.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 Special Use Permit for an Auto Title Loan use within an existing 4,845 square-foot nonconforming Financial Institution, Specified at 2300 East Bonanza Road. 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 waivers of distance separation 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 no distance separation from a residential use where 200 feet is required and a 100-foot distance separation from an existing Auto Title Loan use where 1,000 feet is required is needed for approval of the Special Use Permit.
- No vehicular storage is allowed at the site in conjunction with this use.
- At the time Special Use Permit (SUP-2962) was approved, no minimum distance separations were required for a Financial Institution, Specified use.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
12/02/64	The Board of City Commissioners approved a request to Rezone (Z-0093-64) from R-2 (Medium-Low Density Residential) to C-1 (Limited Commercial) on property generally located on the northwest corner of Walnut Avenue and 25 th Street.
06/16/65	The Board of City Commissioners approved a request for a Plot Plan Review (Z-0093-64) for a shopping center on property generally located on the northwest corner of Walnut Avenue and 25 th Street.
10/25/84	The Board of Zoning Adjustments approved a Variance (V-0106-84) to allow an additional 15,000 square-foot of future food service / restaurant uses with the existing 408 parking spaces in the shopping center where 648 spaces are required.
01/12/98	The City Council approved a Special Use Permit (U-0121-97) to allow a Pawn Shop and Second-Hand Dealership within an existing shopping center at 2300 East Bonanza Road. The Planning Commission recommended approval.

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01/07/04	The City Council approved a Special Use Permit (SUP-2962) to allow a Financial Institution, Specified within an existing shopping center at 2300 East Bonanza Road. The Planning Commission and staff recommended denial.
05/10/11	The Planning Commission voted (5-1/vq) to recommend DENIAL PC Agenda Item 35/jg).

<i>Most Recent Change of Ownership</i>	
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01/27/03	A deed was recorded for a change in ownership.
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<i>Related Building Permits/Business Licenses</i>	
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C.1966	The shopping center at 2320 East Bonanza Road was constructed.
01/21/98	A building permit (98001097) was issued for Certificate of Occupancy at 2300 East Bonanza Road for a 4,845 square-foot E-Z Cash, Super Pawn. The permit was finalized on 03/09/98.
01/28/04	A business license (N02-00134) was issued for a Non-Depository Lender at 2300 East Bonanza Road. The license is active.

<i>Pre-Application Meeting</i>	
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02/15/11	A pre-application meeting was held with the applicant where the submittal requirements for a Special Use Permit for an Auto Title Loan use were discussed.
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<i>Neighborhood Meeting</i>	
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A Neighborhood Meeting is not required for this application, nor was one held.	
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<i>Field Check</i>	
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03/31/11	During a site visit, staff noted a Financial Institution, Specified to be clean and free of debris, with an unpermitted banner located on the metal railing.
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<i>Details of Application Request</i>	
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<i>Site Area</i>	
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Net Acres	8.77
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<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	Single Family Residential	L (Low Density Residential)	R-1 (Single Family Residential)
East	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)
West	Single Family Residential	L (Low Density Residential)	R-1 (Single Family Residential)
	General Personal Service		P-R (Professional Office and Parking)

<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		Y
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>Street Width (Feet)</i>	<i>Compliance with Street Section</i>
Bonanza Road	Primary Arterial	Master Plan of Streets and Highways	105	Y*
Eastern Avenue	Primary Arterial	Master Plan of Streets and Highways	100	Y

*Per the Master Plan of Streets and Highways Bonanza Road is a 100-foot Primary Arterial.

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

Parking Requirement [Per approved Variance (V-0106-84)]							
Use	Gross Floor Area or Number of Units	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Shopping Center	106,127 SF	1/250 SF	425				
TOTAL SPACES REQUIRED			425		408*		N
Regular and Handicap Spaces Required			416	9	388	20	N

*Pursuant to Title 19.10.010(C), the subject site is a Parking Impaired Development.

Waivers		
Requirement	Request	Staff Recommendation
A 200-Foot minimum distance separation from a residential property.	No distance separation	Denial
A 1,000-Foot minimum distance separation from another Auto Title Loan use.	100 feet	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 Las Vegas Redevelopment Plan Area and would not have a negative impact on the Las Vegas Redevelopment Plan Area.

The applicant has requested waivers to allow a 90-foot distance separation from residential property, and to allow a 100-foot distance separation from another Financial Institution, Specified. 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. The applicant has not provided sufficient evidence that would warrant the granting of waivers to allow reduced distance separation requirements.

FINDINGS (SUP-41267)

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.

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 4,845 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 Bonanza Road and Eastern Avenue. 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 no distance separation from a residential property where 200 feet is required, to allow a 100-foot distance separation from another Financial Institution, Specified where 1,000 feet is required,

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NEIGHBORHOOD ASSOCIATIONS NOTIFIED 40

NOTICES MAILED 386 (By City Clerk)

APPROVALS 0

PROTESTS 0