City of Las Vegas

AGENDA MEMO - PLANNING

PLANNING COMMISSION MEETING DATE: MAY 10, 2011
DEPARTMENT: PLANNING
ITEM DESCRIPTION: APPLICANT: KOSTER FINANCE, LLC - OWNER: BUFFALO & LAKE MEAD BLVD, LLC

** STAFF RECOMMENDATION(S) **

CASE NUMBER	*RECOMMENDATION*	*REQUIRED FOR APPROVAL*
SUP-41266	Staff recommends DENIAL, if approved subject to conditions:	N/A

** CONDITIONS **

SUP-41266 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 (U-0078-98), Special Use Permit (U-0078-98) and Site Development Plan Review [Z-0053-95(3)].

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 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 nonconforming 1,400 square-foot Financial Institution, Specified at 7421 West Lake Mead Boulevard, Suite #4. 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 requirement and minimum floor area requirement. 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 1,400 square feet of floor area, where 1,500 square feet is required and a 970 -foot distance separation from an existing Financial Institution, Specified 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.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc	
08/04/98	The Board of Zoning Adjustment approved a Variance (V-0041-98) to allow a proposed 21,500 square-foot retail center on the side and rear property lines, where a 10-foot side yard setback and a 20-foot rear yard setback are required.
09/28/98	The City Council approved a request for a Special Use Permit (U-0078-98) for a 16,500 square-foot Package Liquor Store and Rezoning (U-0078-98) from U (Undeveloped) under Resolution of Intent to C-1 (Limited Commercial) on property generally located on the south side of Lake Mead Boulevard and west of Tenaya Way. The Planning Commission recommended approval.
09/28/98	The City Council approved a request for a Site Development Plan Review [Z-0053-95(3)] for a 23,000 square-foot commercial center on property generally located on the south side of Lake Mead Boulevard and west of Tenaya Way. The Planning Commission and staff recommended approval.

Most Recent Change of Ownership	
01/07/99	A deed was recorded for a change in ownership.

Related Building Permits/Business Licenses	
06/30/99	A building permit (99012865) was issued for the Certificate of Completion for a 5,000 square-foot shell building at 7421 West Lake Mead Boulevard. The permit was finaled on 04/20/00.
04/04/00	A building permit (00006174) was issued for a 1,400 square-foot Non-Work Certificate of Occupancy at 7421 West Lake Mead Boulevard, Suite #4. The permit was finaled on 04/24/00.
07/05/00	A business license (N02-00114) was issued for a Financial Institution, Specified use at 7421 West Lake Mead Boulevard, Suite #4. The license is active.

Pre-Application Meeting	
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.

Neighborhood Meeting
A Neighborhood Meeting is not required for this application, nor was one held.

Field Check	
03/31/11	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	1.46

Surrounding Property	*Existing Land Use Per Title 19.04*	*Planned or Special Land Use Designation*	*Existing Zoning District*
Subject Property	Commercial Center	SC (Service Commercial)	C-1 (Limited Commercial)
North	City Park	PF (Public Facilities)	C-V (Civic)

South	Mini-Storage Facility	SC (Service Commercial)	C-1 (Limited Commercial)
East	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)
West	Office / Financial Institution, General (with Drive-Through)	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 (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

DEVELOPMENT STANDARDS

Street Name	*Functional Classification of Street(s)*	*Governing Document*	*Street Width (Feet)*	*Compliance with Street Section*
Lake Mead Boulevard	Primary Arterial	Master Plan of Streets and Highways	100	Y

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

Parking Requirement (Per approved Site Development Plan Review [Z-0053-95(3)]							
Use	*Gross Floor Area or Number of Units*	*Required*			*Provided*		*Compliance*
		Parking Ratio	*Parking*		*Parking*		
			Regular	Handi-capped	Regular	Handi-capped	
Package Liquor Off-Sale Establishment	16,500 SF	1/175 SF	95				

General Retail Store, Other Than Listed (Less than 3,500 square feet)	2,400 SF	1/175 SF	14				
General Personal Service (Nail Salon)	6 Stations	2/station	12				
Auto Title Loan (within an existing Financial Institution, Specified)	1,400 SF	1/250 SF	6				
TOTAL SPACES REQUIRED			127		73*		N
Regular and Handicap Spaces Required			122	5	70	3	N

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

Waivers		
Requirement	***Request***	***Staff Recommendation***
1,500 square feet of floor area	1,400 square feet	Denial
A 1,000-Foot minimum distance separation from another Financial Institution, Specified use.	970 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 existing use is nonconforming as a business license was issued 07/05/00, which was prior to the requirement for a Special Use Permit, and distance separation and minimum floor area requirements did not apply. 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 175-foot height restriction. The application for an Auto Title Loan use proposes no change to the height of the building.

The applicant has requested waivers to allow a 970-foot distance separation from another Financial Institution, Specified and to allow 1,400 square-foot of floor area. 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 waiver of distance separation and gross floor area. The applicant has not provided sufficient evidence that would warrant the granting of waivers to allow reduced distance separation and lack of minimum gross floor area requirement.

FINDINGS (SUP-41266)

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 waiver of the distance separation 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 not 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 1,400 square feet, which is less than 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. This is 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 990-foot distance separation from another Financial Institution, Specified where 1,000 feet is required, and to allow 1,400 square feet of gross floor area, where 1,500 square feet is required.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 12

NOTICES MAILED 306

APPROVALS 0

PROTESTS 1