



AGENDA MEMO - PLANNING

PLANNING COMMISSION MEETING DATE: FEBRUARY 11, 2014

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT/OWNER: BUFFALO SQUARE, LLC

** STAFF RECOMMENDATION(S) **

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
SUP-52442	Staff recommends APPROVAL, subject to conditions:	

** CONDITIONS **

SUP-52442 CONDITIONS

Planning

1. Conformance to all Minimum Requirements under LVMC Title 19.12 for a Motorcycle/Motor Scooter Sales use.
2. Conformance to the approved conditions for Site Development Plan Review [Z-0002-92(6)].
3. All accessory repairs and alterations associated with the Motorcycle/Motor Scooter use shall be conducted within the enclosed building. Furthermore, all doors shall remain closed during accessory repairs or alterations.
4. The display of motorcycles or motor scooters shall not occur outside of the enclosed building.
5. 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.
6. A Waiver from Title 19.12 is hereby approved, to allow a minimum gross floor area of 4,795 square feet where 7,000 square feet is the minimum required.

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7. 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.
8. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
9. No temporary signs such as banners, pennants, inflatable objects, streamers, flags, or other similar attention gaining item or devices shall be displayed upon the subject property or a vehicle displayed for sale in the parking lot of the subject property without the appropriate permits.
10. 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 a proposed 4,795 square-foot Motorcycle/Motor Scooter Sales use at 990 North Buffalo Drive. The existing vacant building is a stand-alone pad site within an existing 150,380 square-foot shopping center. The shopping center provides shared parking and access throughout the 18.44 acre site. As proposed, the use does not comply with all Title 19.12 requirements. The applicant is requesting a Waiver to provide 4,795 square feet of floor area dedicated to the use where 7,000 square feet is the minimum required. Staff can support the waiver request, as the provided square footage is adequate to display all of the motorcycles and motor scooters within the enclosed building. A condition of approval has been added prohibiting display areas outside of the enclosed building. As such, staff recommends approval of the Special Use Permit request. If denied, the Motorcycle/Motor Scooter Sales use would not be able to locate at the subject site.

ISSUES

- A Motorcycle/Motor Scooter Sales use is permissible in the C-1 (Limited Commercial) zoning district with the approval of a Special Use Permit.
- The applicant is requesting a Waiver to allow a floor area of 4,795 square feet where Title 19.12 requires a minimum of 7,000 square feet dedicated to the Motorcycle/Motor Scooter Sales use.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
03/04/92	The City Council approved a Rezoning (Z-0002-92) request from N-U (Non-Urban) to C-1 (Limited Commercial) for a 178,850 square-foot shopping center located at the northeast corner of Washington Avenue and Buffalo Drive. Planning Commission and staff recommended denial.
05/19/93	The City Council approved an Extension of Time [Z-0002-92(1)] for an approved 178,850 square-foot shopping center on property under Resolution of Intent to C-1 (Limited Commercial) zone located at the northeast corner of Washington Avenue and Buffalo Drive. Planning Commission and staff recommended approval.

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<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
09/20/95	The City Council approved an Extension of Time [Z-0002-92(2)] for an approved 178,850 square-foot shopping center on property under Resolution of Intent to C-1 (Limited Commercial) zone located at the northeast corner of Washington Avenue and Buffalo Drive. Planning Commission and staff recommended approval.
01/22/97	The City Council approved an Extension of Time [Z-0002-92(3)] for an approved 178,850 square-foot shopping center on property under Resolution of Intent to C-1 (Limited Commercial) zone located at the northeast corner of Washington Avenue and Buffalo Drive. Planning Commission and staff recommended approval.
03/23/98	The City Council approved an Extension of Time [Z-0002-92(4)] for an approved 178,850 square-foot shopping center on property under Resolution of Intent to C-1 (Limited Commercial) zone located at the northeast corner of Washington Avenue and Buffalo Drive. Planning Commission and staff recommended approval.
07/23/98	The Department of Planning and Development administratively approved a Site Development Plan Review [Z-0002-92(5)] for a 150,380 square-foot shopping center at the northeast corner of Washington Avenue and Buffalo Drive.
01/28/99	The Planning Commission approved a Site Development Plan Review [Z-0002-92(6)] for a 150,380 square-foot shopping center located at the northeast corner of Washington Avenue and Buffalo Drive. Staff recommended approval.

<i>Most Recent Change of Ownership</i>	
01/09/03	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
10/15/99	A building permit (#99020120) was issued for construction of a new building at 990 North Buffalo Drive. The permit received a final inspection on 12/14/99.
06/23/10	A code enforcement citation (92189) was issued for graffiti at 990 North Buffalo Drive. The citation was resolved and closed by Code Enforcement on 06/25/10.
08/29/11	A business license (G50-7975) was issued for a general retail use (Blockbuster) at 990 North Buffalo Drive. The license was marked out of business on 05/22/13.

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<i>Pre-Application Meeting</i>	
12/10/13	Staff conducted a pre-application meeting with the representative to discuss the proposed Motorcycle/Motor Scooter Sales use at 990 North Buffalo Drive. Staff concluded that the use was permissible in the C-1 (Limited Commercial) zoning district with approval of a Special Use Permit. The submittal requirements for a Special Use Permit were also discussed.

<i>Neighborhood Meeting</i>
A neighborhood meeting is not required, nor was one held.

<i>Field Check</i>	
01/02/14	Staff conducted a site visit and noted a vacant building within a well maintained shopping center free of trash or debris.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	18.44

<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	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)
North	Multi-Family Residential	M (Medium Density Residential)	R-PD14 (Residential Planned Development – 14 Units per Acre)
South	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)
East	Single-Family Residences	ML (Medium Low Density Residential)	R-CL (Single Family Compact-Lot)
West	Single-Family Residences	ML (Medium Low Density Residential)	R-CL (Single Family Compact-Lot)

<i>Master Plan Areas</i>	<i>Compliance</i>
No Applicable Master Plan Area	N/A
<i>Special Purpose and Overlay Districts</i>	<i>Compliance</i>
A-O (Airport Overlay) District (200 Feet)	Y

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<i>Other Plans or Special Requirements</i>	<i>Compliance</i>
Trails	N/A
Las Vegas Redevelopment Plan Area	N/A
Project of Significant Impact (Development Impact Notification Assessment)	N/A
Project of Regional Significance	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>
Buffalo Drive	Primary Arterial	Master Plan of Streets and Highways	100	Y
Washington Avenue	Major Collector	Master Plan of Streets and Highways	80	Y

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	
Shopping Center	150,380 SF	1:250	602				
TOTAL SPACES REQUIRED			602		936	Y	
Regular and Handicap Spaces Required			13	589	20	916	Y

ANALYSIS

The applicant is proposing to establish a Motorcycle/Motor Scooter Sales use within an existing 4,795 square-foot vacant commercial building. The existing building is a stand-alone pad site within an existing 150,380 square-foot shopping center. The shopping center provides shared parking and access throughout the 18.44 acre site. The proposed use is permissible in the C-1 (Limited Commercial) zoning district with approval of a Special Use Permit.

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The Motorcycle/Motor Scooter Sales use is defined as “a facility or area for the display and sale of motorcycles and motor scooters, whether new or used, but excluding mopeds. This use includes service bays which are incidental and accessory to the sales use. The term “Motorcycle/Motor Scooter Sales” is used for the sole purpose of allowing the use by means of Special Use Permit in the C-1 District. For all other purposes, the use described here shall be treated under the appropriate category of motor vehicle sales.”

According to the justification letter and site plan, the proposed use meets the definition as the applicant is proposing to sell new motorcycles only. However, the proposal does not adhere to all Title 19.12 requirements. The applicant has requested a Waiver to allow 4,795 square feet of gross floor area where 7,000 square feet is the minimum required. According to the submitted floor plan and justification letter, the existing square footage is adequate to display all of the motorcycles within the enclosed building. Staff has added a condition of approval prohibiting display areas outside of the enclosed building.

In an effort to reduce noise concerns, the applicant has submitted a test drive route limiting motorcycle test drives to freeway patterns only. The subject site is located in close proximity to U.S. 95, approximately 500 feet north of the freeway entrance. The on-street portion of the test drive route is limited to this 500-foot distance along Buffalo Drive. To further reduce noise concerns, staff has added a condition of approval requiring all accessory repair and alterations to occur within the enclosed building while all doors are closed. The use will only operate during the conventional business hours of 9 a.m. to 6 p.m. on Mondays through Saturdays and 10 a.m. to 4 p.m. on Sundays. Please note that Title 19 does not include residential separation requirements for a Motorcycle/Motor Scooter Sales use. The applicant is illustrating good faith by agreeing to the additional noise precautions and hours of operations. For these reasons, staff is recommending approval. If denied, the proposed Motorcycle/Motor Scooter Sales use will not be permitted to locate at the subject site and the existing commercial building will remain vacant.

FINDINGS (SUP-52442)

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.**

The proposed floor plan and justification letter detail the motorcycle display areas within the enclosed building only. Furthermore, with the added conditions of approval for noise concerns, the use can be conducted in a manner that is harmonious with the surrounding land uses.

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

The existing shopping center site is physically suitable and can accommodate the proposed Motorcycle/Motor Scooter Sales use, as adequate parking, access and circulation are provided..

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 18.44-acre site is accessed by Washington Avenue, an 80-foot wide Major Collector and Buffalo Drive, a 100-foot wide Primary Arterial as classified by the Master Plan of Streets and Highways. Both right-of-ways are adequate to meet the needs of the proposed Motorcycle/Motor Scooter Sales 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.

The proposed Motorcycle/Motor Scooter Sales use is subject to ongoing City inspections for licensing; therefore, the public health, safety, and general welfare will not be compromised.

5.The use meets all of the applicable conditions per Title 19.12.

The use meets all applicable conditions according to Title 19.12 with the exception of minimum gross floor area. The applicant has requested a Waiver to allow a floor area of 4,795 square feet where 7,000 square feet is required. Staff supports the waiver request as the proposed square footage is adequate to display all motorcycles indoors. A condition of approval has been added prohibiting outside display areas of motorcycles/Motor Scooters.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

39

NOTICES MAILED

847

APPROVALS

0

PROTESTS

1