



AGENDA MEMO - PLANNING

PLANNING COMMISSION MEETING DATE: AUGUST 12, 2014

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT: KOSTER FINANCE, LLC - OWNER: ALTA MIRA SHOPPING CENTER, LLC

** STAFF RECOMMENDATION(S) **

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
SUP-54783	Staff recommends DENIAL, if approved subject to conditions:	

** CONDITIONS **

SUP-54783 CONDITIONS

Planning

1. Conformance to all Minimum Requirements under LVMC Title 19.12 for a Auto Title Loan use.
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. 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.
4. Approval of this Special Use Permit does not constitute approval of an Auto Title Loan business license
5. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit, as well as submitted as part of any business license application.
6. 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

The applicant is requesting a Special Use Permit for a proposed 1,573 square-foot Auto Title Loan use within an existing shopping center at 4990 West Craig Road, Suite #1. This application is accompanied with a Waiver request to allow a zero-foot distance separation from a residential property where a 200-foot distance separation is required and to allow a 120-foot distance separation from a Financial Institution, Specified where a 1,000-foot minimum distance separation is required. Staff recommends denial of the requested Special Use Permit and accompanying Waivers, as the proposed Auto Title Loan use cannot be conducted in a manner that is harmonious and compatible with the surrounding land uses, as exemplified by the requested Waivers.

ISSUES

- The Auto Title Loan use is permitted in the C-1 (Limited Commercial) zoning district with the approval of a Special Use Permit.
- A distance separation Waiver is required to allow the Auto Title Loan use zero feet from a residentially protected property where 200 feet is the minimum required and to allow a 120-foot distance separation from a Financial Institution, Specified where a 1,000-foot minimum distance separation is required. Staff does not support the distance separation as the required Waiver reinforces the incompatibility of the proposed Auto Title Loan Use with the surrounding neighborhood.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
10/16/96	The City Council accepted the withdrawal request by the applicant for Special Use Permit (U-0036-96) for a tavern in conjunction with a proposed restaurant in a proposed retail shopping center; and a request for a waiver of the 1,500 foot distance separation from a child care facility.
02/26/98	The Planning Commission approved a request for a Special Use Permit (U-0011-98) for a liquor establishment (off-premise consumption - packaged liquor) in conjunction with a proposed 60,818 square-foot grocery store (Lucky's) on property located on the northwest corner of Craig Rd and Decatur Blvd.

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<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
03/09/98	The City Council approved a request for a Rezoning [Z-0108-88(12)] for a Site Development Plan Review on property located on the northwest corner of Craig Road and Decatur Boulevard for a proposed 144,807 square-foot retail center. The Planning Commission recommended approval of the request 02/12/98.
	The City Council approved a request for a Special Use Permit (U-0137-97) to allow packaged liquor sales in conjunction with a proposed 17,157 square-foot Sav-On drug store on property located on the northwest corner of Craig Road and Decatur Boulevard. The Planning Commission recommended approval of the request 02/12/98.
06/02/98	The Board of Zoning Adjustment approved Variance (V-0015-98) to allow a proposed 21,690 square-foot retail building to be 20 feet from the side yard setback where 54 feet is the minimum required side yard setback.
05/17/00	The City Council approved a request for a Rezoning [Z-0108-88(14)] for a Site Development Plan Review for a proposed 123,221 square-foot shopping center located on the northwest corner of Craig Road and Decatur Boulevard. The Planning Commission recommended approval of the request 04/13/00.
	The City Council approved a request for a Special Use Permit (U-0029-00) for the sale of gasoline in conjunction with a proposed Albertson's convenience store on the northwest corner of Craig Road and Decatur Boulevard. The Planning Commission recommended approval of the request 04/13/00.
	The City Council approved a request for a Special Use Permit (U-0030-00) for an automated car wash in conjunction with a proposed Albertson's convenience store on property located on the northwest corner of Craig Road and Decatur Boulevard. The Planning Commission recommended approval of the request 04/13/00.
06/13/00	The Hearing Officer approved Variance [V-0015-98(1)] for an Extension of Time on an approved Variance that allowed a commercial building to have a 20 foot side yard setback where residential adjacency standards require the building be setback 54 feet at the northwest corner of Craig Road and Decatur Boulevard.
07/05/01	The City Council approved a request for a Special Use Permit (U-0032-00) for the sale of packaged liquor in conjunction with a proposed Albertson's supermarket and a Waiver of the 400-foot separation requirement between a liquor establishment and a protected use (daycare) on the northwest corner of Craig Road and Decatur Boulevard. The Planning Commission recommended approval of the request 04/13/00.

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<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
11/21/01	The City Council approved a request for a Special Use Permit (U-0130-01) for the secondhand sales of children's clothing, furniture, toys and related items in conjunction with a proposed retail store (just kid's stuff) at 4990 West Craig Road. The Planning Commission recommended approval of the request 10/04/01.
05/01/02	The City Council approved a request for a Special Use Permit (U-0031-00) for the off-premise sale of beer and wine in conjunction with a proposed Albertson's convenience store on the northwest corner of Craig Road and Decatur Boulevard. The Planning Commission recommended approval of the request 04/13/00.

<i>Most Recent Change of Ownership</i>	
05/07/03	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
05/08/01	A building permit (#1008112) was issued for commercial buildings and on-site improvements at 4990 West Craig Road. The permit was finalized 12/10/2001.
10/09/01	A building permit (#1017921) was issued for a tenant improvement for a speculative suite at 4990 West Craig Road, Suite #1. The permit has not been finalized.
12/07/01	A building permit (#1021271) was issued for a sign (Dairy Queen) at 4990 West Craig Road, Suite #1. The permit has not been finalized.
03/04/02	A building permit (#2003698) was issued for a sign (Dairy Queen) at 4990 West Craig Road, Suite #1. The permit was finalized 06/14/02.
03/18/02	A building permit (#2004733) was issued for tenant improvement for certificate of occupancy (Dairy Queen) at 4990 West Craig Road, Suite #1. The permit was finalized 06/17/02.

<i>Pre-Application Meeting</i>	
06/19/14	A pre-application meeting was held with the applicant to discuss the submittal requirements for a proposed Special Use Permit for an Auto Title Loan. Staff identified the need of waivers to allow a distance separation of zero feet from a residential property where 200 feet is required and to allow a 120-foot distance separation from a Financial Institution, Specified where 1,000 feet is required.

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

<i>Field Check</i>	
07/0314	Staff conducted a field check of the subject property and noted the site was well maintained shopping center.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	12.55

<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	Single Family Residential	ML (Medium Low Density Residential)	R-PD7 (Residential Planned Development – 7 Units per Acre)
South	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)
East	General Retail	Mixed Use Commercial - North Las Vegas Designation	C-1 (Neighborhood Commercial) – North Las Vegas Designation
West	Single-Family Residential	ML (Medium Low Density Residential)	R-PD7 (Residential Planned Development – 7 Units per Acre)

<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>
No Applicable Special Purpose or Overlay Districts	N/A
A-O (Airport Overlay) District (105 Feet)	Y
<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

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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>
Decatur Boulevard	Primary Arterial	Planned Streets and Highways Map	100 Feet	Y
Craig Road	Parkway Arterial	Planned Streets and Highways Map	120 Feet	Y

Pursuant to Title 19.08 and 19.12, the following parking standards apply:

Parking Requirement							
<i>Use</i>	<i>Gross Floor Area or Number of Units</i>	<i>Required</i>		<i>Provided</i>		<i>Compliance</i>	
		<i>Parking Ratio</i>	<i>Parking</i>		<i>Parking</i>		
			Regular	Handi-capped	Regular	Handi-capped	
Shopping Center	115,131 SF	1:250 SF	461				
TOTAL SPACES REQUIRED			461		557		Y
Regular and Handicap Spaces Required			452	9	542	15	Y

Waivers		
<i>Requirement</i>	<i>Request</i>	<i>Staff Recommendation</i>
A 200-foot minimum distance separation is required from any residentially zoned property.	To allow a zero-foot distance separation from a residentially zoned property. (north/west)	Denial
A 1,000-foot minimum distance separation is required from any other Financial Institution, Specified uses.	To allow a 120-foot distance separation from a Financial Institution, Specified. (south)	Denial

ANALYSIS

The Auto Title Loan use is defined by Title 19.18 as, “A business whose primary function is to lend money on security of the title to a motor vehicle rather than on the security of the vehicle itself.”

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The Minimum Special Use Permit Requirements for this use include:

- *1. The use shall comply with all applicable requirements of LVMC Title 6.

The proposed use will meet this requirement as the proposed site is subject to business licensing inspections.

- *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.

The proposed use meets this standard as the use will be located in a Shopping Center use that is aesthetically compatible with remaining stores located in the general retail building.

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.

The proposed use meets this condition, as the existing location is vacant and any sign or temporary signs will require a permit.

4. Windows shall not:

- a. Cover more than 20 percent of the area of all interior 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.

The proposed use meets this condition, as the proposed location is vacant and will have a number of inspections throughout the building permit and business licensing process. Additionally, the site will undergo ongoing annual inspections through licensing.

5. The hours of operation shall not extend beyond the hours of 8:00 a.m. to 11:00 p.m.

The proposed use meets this requirement, as the applicant states in the justification letter that they will operate the use at 8:00 a.m. and close at 11:00 p.m. on Mondays – Sunday.

6. The building or portion thereof that is dedicated to the use shall have a minimum size of 1,500 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).

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The proposed use meets this requirement, as the proposed Auto Title Loan use operates with 1,573 square feet of floor area.

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 use may be located closer than 1,000 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, without regard to intervening obstacles. The term “property line” refers to property lines of fee interest parcels and not leasehold parcels.

The proposed use does not meet this requirement, as the proposed site is located zero feet away from a residentially zoned parcel and within 120 feet of a Financial Institution, Specified use. The applicant has requested a Waiver from these distance requirements.

The applicant proposes to add an Auto Title Loan use to an existing Shopping Center use at 4990 West Craig Road, Suite #1. The applicant has indicated that the proposed Auto Title Loan use will open for business at 8:00 a.m. and close at 11:00 p.m., which adheres to the operating hours listed in Title 19.12 for the Auto Title Loan use. The proposed use is located zero feet from a residentially-zoned property to the north and west where a 200-foot minimum distance separation is required and is located 120 feet from a Financial Institution, Specified use to the south where a minimum 1,000-foot distance separation is required.

The proposed location of this use fails to comply with the minimum distance separation requirements for a Special Use Permit. The requested Waivers to allow a zero-foot residential distance separation and 120-foot Financial Institution, Specified distance separation, represent a 100% and 12% reduction respectively from the required 200 and 1,000-foot separation mandated by Title 19. As such, the required distance separation Waiver reinforces the unsuitability of this site, for the Auto Title Loan use, with the surrounding neighborhood therefore; staff recommends denial of the Special Use Permit.

FINDINGS (SUP-54783)

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.**

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The proposed Auto Title Loan use is compatible with the SC (Service Commercial) General Plan land use designation and is located within an existing shopping center. However, the proposed use requires Waivers of the Residential and Financial Institution, Specified distance separation requirement, reinforces the unsuitability of this site for the proposed Auto Title Loan use. The use cannot be conducted in a manner that is harmonious or compatible with the surrounding uses.

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

The proposed use will be located within an established shopping center. There is no evidence of a physical constraint to the proposed uses on the subject site.

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.

Primary site access is from North Decatur Boulevard, a 100-foot wide Primary Arterial and West Craig Road, a 120-foot Parkway Arterial. The rights-of-way provide adequate capacity to serve 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.

The proposed Auto Title Loan use will be subject to regular inspections by regulatory agencies for business licensing and will therefore not compromise the public's health, safety or general welfare, or the overall objectives of the General Plan.

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

The use does not comply with the minimum distance separation requirements required per Title 19.12, as the applicant has requested Waivers of residential and Financial Institution, Specified distance separation. Staff does not support the applicant's request for a Waiver.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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NOTICES MAILED

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APPROVALS

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PROTESTS

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