

**AGENDA MEMO****PLANNING COMMISSION MEETING DATE: MARCH 27, 2008****DEPARTMENT: PLANNING AND DEVELOPMENT****ITEM DESCRIPTION: ABEYANCE - SUP-26417 - APPLICANT: CASHBACK -  
OWNER: DURANGO STRUCTURES**

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**\*\* CONDITIONS \*\*****STAFF RECOMMENDATION: DENIAL.** If Approved, subject to:**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 for Rezoning [(Z-0076-98(11)], Special Use Permit and Site Development Plan Review (SDR-17735) if approved.
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. No temporary signs (as described in Title 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 thirty days.
5. Window signs shall not:
  - a. Cover more than twenty percent (20%) of the area of all exterior windows;
  - b. Include flashing lights or neon lighting.
6. The hours of operation shall not extend beyond the hours of 8:00 a.m. to 11:00 p.m.
7. The use shall comply with all applicable requirements of Title 6.
8. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**SUP-26417 - Staff Report Page One**  
**March 27, 2008 - Planning Commission Meeting**

**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

This is a request for a Special Use Permit application to allow Auto Title Loan at 6410 North Durango Drive, Building E, and for waivers to allow an 105-foot distance separation from a residential use where 200-feet is the minimum required and for a 1,215 square foot building where 1,500 square feet is required for property located at the northeast corner of Durango Drive and Centennial Parkway.

**BACKGROUND INFORMATION**

<b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i></b>	
12/07/98	The City Council approved a Rezoning (Z-0076-98) to TC (Town Center) of a 1,468-acre portion of the Northwest. The subject site was not included within the 1998 Rezoning area. Planning Commission recommended approval, staff also recommended approval (11/5/1998).
11/07/01	The City Council approved the Town Center Development Standards Manual through Bill No. 2001-100.
05/01/02	The City Council approved Extension of Time applications U-0149-99(1) for a Supper Club and U-0156-99(1) for a Liquor Establishment (Off Premise Consumption) with two year time limits. Planning Commission and staff recommended approval (4/13/00)
02/07/07	City Council approved Site Development Review (SDR-17735) on the subject site. Planning Commission recommended approval, staff recommended denial (1/11/07).
<b><i>Pre-Application Meeting</i></b>	
08/23/06	A pre-application meeting was held regarding a Special Use Permit for an Auto Title Loan establishment. The requirements of the Special Use Permit were discussed, as well as all the waivers the proposal required.
<b><i>Neighborhood Meeting</i></b>	
12/21/07	A neighborhood meeting is not required for this application, nor was one held.

<b><i>Field Check</i></b>	
02/01/08	Nothing of note was observed on the site.

SUP-26417 - Staff Report Page Two  
 March 27, 2008 - Planning Commission Meeting

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Retail Center, Under construction	SC-TC (Service Commercial Town Center)	T-C (Town Center)
North	Clark County 215 Beltway	ROW	T-C (Town Center)
South	Commercial & Single Family Dwellings	SC-TC (Service Commercial Town Center) SX-TC (Suburban Mixed Town Center)	T-C (Town Center)
East	Undeveloped	SC-TC (Suburban Mixed Town Center)	T-C (Town Center)
West	Undeveloped	SC-TC (Service Commercial Town Center)	T-C (Town Center)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
T-C Town Center District	X		Y*
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
<b>Special Purpose and Overlay Districts</b>			
T-C (Town Center) District	X		Y
<b>Trails</b>	X		Y
<b>Rural Preservation Overlay District</b>			N/A
<b>Development Impact Notification Assessment</b>			N/A
<b>Project of Regional Significance</b>			N/A

**\*Town Center**

Development within Town Center will be subject to the Town Center Development Standards and the Town Center Land Use chapter of the Centennial Hills Sector Plan. The applicant is request a waiver to the Town Center Development Standards and is therefore not in compliance.

**Trails**

There are two trails that affect this proposal: A Town Center Parkway Trail and a Multi Use Transportation Trail, as shown on Map 6 of the Master Plan Transportation Trails Element adjacent to this northern edge of this site. The Site Development Review (SDR-17735) complies with the trail requirements.

**DEVELOPMENT STANDARDS**

*The following Town Center Development Standards apply:*

<b>Standard</b>	<b>Required/Allowed</b>	<b>Provided</b>	<b>Compliance</b>
Min. Lot Size	N/A	166,784 square feet	N/A
Min. Lot Width	N/A	600 Feet	N/A
Min. Setbacks <ul style="list-style-type: none"> <li>• Front</li> <li>• Side</li> <li>• Corner</li> <li>• Rear</li> </ul>	15 foot max 10 feet 15 feet 20 feet	20 feet 35 feet 20 feet 13 feet	Y*
Min. Distance Between Buildings	N/A	42	N/A
Max. Lot Coverage	N/A	26%	N/A
Max. Building Height	2 Stories	39 feet, three inches (2 stories)	Y
Trash Enclosure	50 feet from residential/screened	Screened	Y
Mech. Equipment	Screened	Screened	Y

*\*Per approved Site Development Plan Review (SDR-17735)*

*Pursuant to Title 19.08.060 the following standards apply*

<b>Residential Adjacency Standards</b>	<b>Required/Allowed</b>	<b>Provided</b>	<b>Compliance</b>
3:1 proximity slope	118 feet	210 feet	Y
Trash Enclosure	50 feet from residentially zoned property	450 feet	Y

*Per approved Site Development Plan Review (SDR-17735)*

*Pursuant to Title 19.12 the following standards apply.*

<b>Landscaping and Open Space Standards</b>				
<b>Standards</b>	<b>Required</b>		<b>Provided</b>	<b>Compliance</b>
	<b>Ratio</b>	<b>Trees</b>		
Parking Area	1 Tree/ 6 Space	24 Trees	34	Y
Buffer:				
Min. Trees	1 Trees/ 30 Linear Feet	29 Trees	40	Y
<b>TOTAL</b>		53	74	Y
Min. Zone Width		15 Feet	20 Feet	Y

*Per approved Site Development Plan Review (SDR-17735)*

SUP-26417 - Staff Report Page Four  
 March 27, 2008 - Planning Commission Meeting

*Pursuant to the Town Center Development Standards Manual, the following standards apply.*

<i>Streetscape Standards</i>	<i>Required</i>	<i>Provided</i>
Town Center Parkway Arterial	9-foot, 6-inch sidewalk, w/ 5 foot amenity zone	20-foot sidewalk w/ 20-foot landscape area
Frontage Road	20 foot sidewalk w/ 4-foot amenity zone	20-foot sidewalk w/ 20-foot landscape area

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

<i>Parking Requirement</i>							
<i>Use</i>	<i>Gross Floor Area or Number of Units</i>	<i>Parking Ratio</i>	<i>Required</i>		<i>Provided</i>		<i>Compliance</i>
			<i>Parking</i>		<i>Parking</i>		
			Regular	Handi-capped	Regular	Handi-capped	
Retail Center*	42,790	1:250 Square Feet	172	7	284	11	Y*
<b>TOTAL</b> (including handicap)			172	7	284	11	Y*

*\*Per approved Site Development Plan Review (SDR-17735)*

*Pursuant to Title 19.04, the following waivers have been requested:*

<i>Waivers</i>		
<i>Request</i>	<i>Requirement</i>	<i>Staff Recommendation</i>
(1) To allow a distance separation of 105 feet from a parcel zoned for residential use	Separation of at least 200 feet	Denial
(2) To allow floor area of 1454 square feet	Minimum 1,500 SF	Denial

**ANALYSIS**

•**Zoning**

The subject site is currently designated SX-TC (Service Commercial Town Center) land uses. The Auto Title Loan use is permitted in that designation with the approval of a Special Use Permit. This application, if approved, will satisfy this requirement.

**SUP-26417 - Staff Report Page Five**  
**March 27, 2008 - Planning Commission Meeting**

•**Use**

An Auto Title Loan 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. An Auto Title Loan establishment is also permitted to provide services such as payday loans and check cashing typically associated with the Financial Institution, Specified or Check Cashing, Limited uses which fall below Auto Title Loan in the use hierarchy. An Auto Title Loan establishment may not provide the services of Auto Pawn or Pawn shop establishments, in which the Pawn shop takes possession of the pledged property, and are considered more intensive uses.

•**Conditions**

Title 19.04.050 lists the following conditions for the Auto Title Loan use, adopted by City Council April 21, 2004.

1. The use shall comply with all applicable requirements of 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 Title 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 thirty days.
4. Window signs shall not:
  - a. Cover more than twenty percent (20%) of the area of all exterior windows;
  - b. Include flashing lights or neon lighting; or
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 designated 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 may be located closer than 200 feet away from any parcel used or zoned for residential use. In addition, no auto title loan use 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.

**SUP-26417 - Staff Report Page Six**  
**March 27, 2008 - Planning Commission Meeting**

The proposed use does not meet the required minimum square footage requirement for Auto Title Loan. The proposed floor plan is 1,215 square feet where a minimum area of 1,500 square feet is required. The subject site is located 80 feet from the nearest residential use where a minimum distance separation of 200 feet is required, and the nearest financial institution is more than the required minimum separation distance of 1,000 feet away.

**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 Auto Title Loan use is located in an approved pad site under construction in an existing shopping center. However, because the amount of square footage provided for the business is approximately 46 square feet less than required, and because the business is proposed to be 80 feet from single family residential, staff finds that this use is not harmonious and compatible with existing surrounding land uses.

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

The proposed site plan conforms to both the General Plan and the Title 19 land use designations for the site. The size of the proposed space for the Auto Title Loan, within the shopping center, does not meet the minimum 1500 square foot requirement of Title 19.

- 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 served by Centennial Parkway and Durango Drive, designated as 100-Foot Primary Arterials on the Master Plan of Streets and Highways and of 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.**

This site will be subject to inspections and business licensing requirements and will not endanger the public health or general welfare.

**SUP-26417 - Staff Report Page Seven**  
**March 27, 2008 - Planning Commission Meeting**

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

The proposed use is not compliance with all conditions of Title 19.04. The site is 105 feet from the nearest residential use where a 200-foot minimum distance separation is required, and the proposed space within the shopping center is only 1,215 square feet where 1,500 square feet is required. Therefore, staff recommends denial. The proposed location is over 1,000-feet from the nearest Auto Title Loan or other Financial Institution Specified, which complies with Title 19.04.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED**                      5

**ASSEMBLY DISTRICT**                      13

**SENATE DISTRICT**                                      9

**NOTICES MAILED**                                      76

**APPROVALS**    1

**PROTESTS**    1