

**AGENDA MEMO****PLANNING COMMISSION MEETING DATE: JUNE 12, 2008****DEPARTMENT: PLANNING AND DEVELOPMENT****ITEM DESCRIPTION: SUP-27961 - APPLICANT: CASHBACK - OWNER: LAKES PLAZA, LLC**

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**\*\* CONDITIONS \*\*****STAFF RECOMMENDATION: DENIAL.** If Approved, subject to:**Planning and Development**

1. Conformance to all minimum requirements under LVMC Title 19.04.010 for Auto Title Loan use, including parking requirements.
2. 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.
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, reader boards, or neon lighting.
5. The hours of operation shall not extend beyond the hours of 8:00 a.m. to 11:00 p.m.
6. The use shall comply with all applicable requirements of Title 6.
7. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

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

**PROJECT DESCRIPTION**

This application is a request for a Special Use Permit for an Auto Title Loan establishment with Waivers to allow a 900-foot distance separation from a similar use where 1,000-feet is required and to allow a zero-foot distance separation from a residential development where 200-feet is required for the property located at 9151 West Sahara Avenue, Suite #103.

**BACKGROUND INFORMATION**

<i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i>	
03/06/85	The City Council approved a reclassification of property (Z-0004-85) legally described as a portion of Section 8, Township 21 South, Range 60 East, M.D.B&M from N-U (Non-Urban) to R-PD23 (Residential Planned Development) and C-1 (Limited Commercial). The Planning Commission and staff both recommended approval.
10/27/94	The Planning Commission approved (final action) a Plot Plan Review and Building Elevation Review [Z-0004-85(2)] for a proposed retail shopping center on property located on the southeast corner of Fort Apache Road and Sahara Avenue. Staff recommended approval.
11/29/94	The Planning Commission approved (final action) a Plot Plan Review and Building Elevation Review [Z-0004-85(3)] for a Plot Plan Building Elevation Review for a proposed office park with commercial on property located on the southeast corner of Fort Apache Road and Sahara Avenue. Staff recommended approval.
07/11/96	The Planning Commission approved (final action) a Plot Plan Review and Building Elevation Review [Z-0004-85(4)] for a proposed 4,426 square foot McDonalds Restaurant on property located on the south side of Sahara Avenue, approximately 900-feet east of Fort Apache Road. Staff recommended approval.
07/25/96	The Planning Commission approved (final action) a Plot Plan Review and Building Elevation Review [Z-0004-85(5)] for a proposed 6,933 square foot retail building including a sit down restaurant on property located on the south side of Sahara Avenue, approximately 800 feet east of Fort Apache Road. Staff recommended approval.
09/26/96	The Planning Commission approved (final action) a Plot Plan Review and Building Elevation Review [Z-0004-85(6)] on property located on the south side of Sahara Avenue, approximately 2,000 feet east of Fort Apache Road for a proposed 5,048 square foot bank. Staff recommended approval.



**SUP-27961 - Staff Report Page Two  
June 12, 2008 - Planning Commission Meeting**

10/16/96	The City Council approved a request for a Special Use Permit (U-0092-96) on property located at 2550 Fort Apache Road for the sale of package liquor in conjunction with a proposed grocery store. The Board of Zoning Adjustment recommended approval.
08/24/98	A Site Development Plan Review [Z-0004-85(7)] was processed by Planning and Development. Staff determined the application was not necessary and the applicant requested a refund on 10/20/98.

***Related Building Permits/Business Licenses***

08/20/96	A building permit (#96017070) was issued for the Fort Apache / Sahara Center shell building at 9151 West Sahara Avenue. The permit was finalized on 10/09/96.
12/29/00	A building permit (#23271) was issued for a tenant improvement / certificate of completion at 9151 West Sahara Avenue, Suite #103. The permit was finalized on 02/06/01.
03/30/01	A building permit (#1005493) was issued for a tenant improvement / remodel at 9151 West Sahara Avenue, Suite #103. The permit was finalized on 04/25/01.
05/11/01	A business license (#S14-00633-3-097174) was issued to allow a sporting goods retail store at 9151 West Sahara Avenue, Suite #103. The business license was marked out on 01/25/08.
12/02/02	A business license (#P35-00105-0-077658) was issued to allow for a pay phone at 9151 West Sahara Avenue.
12/02/02	A business license (#P35-00107-0-077658) was issued to allow for a pay phone at 9151 West Sahara Avenue.

***Pre-Application Meeting***

02/25/08	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 the waivers required.
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***Neighborhood Meeting***

A neighborhood meeting is not required for this application, nor was one held.

***Field Check***

02/08/08	Nothing of note was observed on the site.
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***Details of Application Request***

<b><i>Site Area</i></b>	
Gross Acres	4.89

<b>Surrounding Property</b>	<b>Existing Land Use</b>	<b>Planned Land Use</b>	<b>Existing Zoning</b>
Subject Property	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)
North	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)

NE

SUP-27961 - Staff Report Page Three  
 June 12, 2008 - Planning Commission Meeting

South	Residential	ML (Medium Low Density Residential)	R-CL (Residential Compact Lot)
East	Restaurant/Shopping Center/Offices	SC (Service Commercial)	C-1 (Limited Commercial)
West	Car Wash with Convenience Store and Gasoline	SC (Service Commercial)	C-1 (Limited Commercial)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
<b>Special Area Plan</b>		X	N/A
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
<b>Special Purpose and Overlay Districts</b>		X	N/A
<b>Trails</b>		X	
<b>Rural Preservation Overlay District</b>		X	
<b>Development Impact Notification Assessment</b>		X	
<b>Project of Regional Significance</b>		X	

**DEVELOPMENT STANDARDS**

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

<b>Parking Requirement</b>							
<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	85,720 square feet	1:250	335	8	313	15	Y
<b>SubTotal</b>			335	8	313	15	
<b>TOTAL</b> (including handicap)	85,720 square feet		343		348		

\*The on-site parking requirements for the proposed Auto Title Loan use are one space for each 250 square feet of gross floor area, the same requirements as the shopping center it is proposing to be located in. This use does not add intensity to the proposed location and meets the minimum parking requirements set forth by Title 19.10.

<b>Waivers</b>		
<b>Request</b>	<b>Requirement</b>	<b>Staff Recommendation</b>
A waiver to allow a 900-foot distance separation from a similar use.	Separation of at least 1,000 feet.	Denial

NE

**SUP-27961 - Staff Report Page Four  
June 12, 2008 - Planning Commission Meeting**

A waiver to allow a zero-foot distance separation from a residential development.	Separation of at least 200 feet.	Denial
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**ANALYSIS**

- **Zoning**

The subject site is currently designated SC (Service Commercial), within the southwest sector of the Las Vegas 2020 Master Plan. The sites C-1 (Limited Commercial) zoning designation is in conformance with the Las Vegas 2020 Master Plan, and the Auto Title Loan use is permitted in that designation with the approval of a Special Use Permit.

- **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 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 19.04.010 lists the following conditions for the Auto Title Loan use.

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, 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 (20%) of the area of all exterior windows;
  - b. Include flashing lights or neon lighting; or



**SUP-27961 - Staff Report Page Five**  
**June 12, 2008 - Planning Commission Meeting**

- c. Include any text other than text that indicates the hours of operation and whether the business is open or closed.
- 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 1,500 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 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 to property line, without regard to intervening obstacles. The term property line refers to property lines of fee interest parcels and not leasehold parcels.

**On-site Parking Requirement:** One space for each 250 square feet of gross floor area. Vehicles whose title is serving as security for a loan may not be parked or stored in parking spaces that are designated as required on-site parking. Any parking or storage of such vehicles must occur only in spaces that are in excess of the required minimum parking.

\*The proposed use does not meet the required distance separation requirements for an Auto Title Loan use. The proposed site is zero-feet from a residential development where 200 feet is required, and approximately 900 feet from a similar use where 1,000 feet is required. Therefore, staff recommends denial of this request.

## **FINDINGS**

The following findings must be made for a Special Use Permit:

- 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 within an existing, approved shopping center. However, because the business is proposed to be approximately 900-feet from an existing similar use, and zero-feet from an existing residential neighborhood, staff finds

**SUP-27961 - Staff Report Page Six  
June 12, 2008 - Planning Commission Meeting**

that this use is not harmonious and compatible with existing surrounding land uses and has recommended denial of this application.

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

The proposed site conforms to both the General Plan and the Title 19 land use designations of the site with the approval of a Special Use Permit (SUP). However, the site does not conform to the required minimum distance separations required by Title 19.04.

**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 Sahara Avenue (150-foot arterial) and Fort Apache Road (100-foot arterial). Both are designated as Primary Arterials on the Master Plan of Streets and Highways and are 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 by the Planning & Development Department and subject to inspections by the City of Las Vegas Finance and Business Services for business licensing requirements and will not endanger the public health or general welfare.

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

The proposed use fails to meet the minimum Special Use Permit requirements for an Auto Title Loan use set forth by Title 19.04. The site is zero-feet from the nearest residential use where a 200-foot minimum distance separation is required, and approximately 900-feet from a similar use where a 1,000-foot minimum distance separation is required.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED**

6

**ASSEMBLY DISTRICT** 2

**SENATE DISTRICT** 8

**SUP-27961 - Staff Report Page Seven**  
**June 12, 2008 - Planning Commission Meeting**

**NOTICES MAILED**            809

**APPROVALS**                    2

**PROTESTS**                    13