



**AGENDA MEMO**

**PLANNING COMMISSION MEETING DATE: JANUARY 28, 2010**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: SUP-36918 - APPLICANT: CASHBACK TITLE LOANS, INC -  
OWNER: SUSA PROPERTIES, LLC**

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**\*\* CONDITIONS \*\***

**STAFF RECOMMENDATION: APPROVAL**, subject to:

**Planning and Development**

1. All unpermitted signage or signage not in conformance with Title 19.14, shall be removed or permits shall be obtained from the Department of Building and Safety within 30 days of final approval.
2. Conformance to all Minimum Requirements under LVMC Title 19.04.010 for an Auto Title Loan use.
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. 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 to add an Auto Title Loan use to an existing 1,800 square-foot Financial Institution, Specified located at 4811 West Craig Road. The applicant is also requesting a waiver to allow a distance separation of 150 feet from a residential zone where 200 feet is the minimum required. The subject location is appropriate for the intensity of the proposed use and the use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses; therefore, staff recommends approval. If denied, the Auto Title Loan use would not be permitted at the subject location.

**ISSUES**

- The proposed Auto Title Loan use and the existing Financial Institution, Specified use has the same distance separation requirement of 200 feet from a residential use. The addition of the Auto Title Loan use will not negatively impact the surrounding uses.

**BACKGROUND INFORMATION**

| <b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc and Property Sales</i></b> |                                                                                                                                                                                                                                                                                                     |
|---------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 02/19/92                                                                                    | The City Council approved a Special Use Permit (U-0321-91) to allow the sale of beer and wine, and to allow the sale of gasoline in conjunction with a proposed convenience store. The Board of Zoning Adjustment recommended approval for the sale of beer and wine but denial for gasoline sales. |
| 11/05/03                                                                                    | The City Council approved a request for a Special Use Permit (SUP-2911) for a Financial Institution, Specified adjacent to the southwest corner of Craig Road and Decatur Boulevard. The Planning Commission recommended approval.                                                                  |
| 05/27/04                                                                                    | A deed was recorded for change of ownership.                                                                                                                                                                                                                                                        |
| <b><i>Related Building Permits/Business Licenses</i></b>                                    |                                                                                                                                                                                                                                                                                                     |
| 07/22/92                                                                                    | A building permit (#92153698) was issued for a shell building at 4811 West Craig Road. The project was completed on 02/23/93.                                                                                                                                                                       |
| 07/31/92                                                                                    | A building permit (#92154974) was issued for a shell building at 4811 West Craig Road. The project was completed on 01/05/93.                                                                                                                                                                       |
| 11/03/92                                                                                    | A building permit (#92165701) was issued for a new building at 4811 West Craig Road. The project was completed on 01/29/93.                                                                                                                                                                         |
| 07/27/02                                                                                    | A building permit (#92150055) was issued for a new shopping center at 4811 West Craig Road. The project was completed on 02/23/93.                                                                                                                                                                  |
| 12/18/03                                                                                    | A building permit (#3026800) was issued for a tenant improvement in order to obtain a certificate of occupancy at 4811 West Craig Road. The project was completed on 01/15/04.                                                                                                                      |

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|          |                                                                                                                                                                                |
|----------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 02/25/04 | A building permit (#4004059) was issued for a tenant improvement in order to obtain a certificate of occupancy at 4811 West Craig Road. The project was completed on 03/15/04. |
| 03/16/04 | A building license (N02-00121) was issued for a non depository lender at 2399 north 4811 West Craig Road. The license is still active.                                         |

***Pre-Application Meeting***

|          |                                                                                                                                                                                                                                                      |
|----------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 12/04/09 | A pre-application meeting was held and items discussed included: <ul style="list-style-type: none"> <li>• The requirements for a Project of Regional Significance.</li> <li>• The distance separation requirement from a residential use.</li> </ul> |
|----------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

***Neighborhood Meeting***

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

***Field Check***

|          |                                                                                                                                                                                       |
|----------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 12/22/09 | During a routine field check staff observed the following: <ul style="list-style-type: none"> <li>• A well maintained establishment having illegal signage on the windows.</li> </ul> |
|----------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

***Details of Application Request***

***Site Area***

|             |     |
|-------------|-----|
| Gross Acres | .27 |
|-------------|-----|

| Surrounding Property | Existing Land Use         | Planned Land Use                      | Existing Zoning          |
|----------------------|---------------------------|---------------------------------------|--------------------------|
| Subject Property     | Shopping Center           | SC (Service Commercial)               | C-1 (Limited Commercial) |
| North                | Shopping Center           | SC (Service Commercial)               | C-1 (Limited Commercial) |
| South                | Single-Family Residential | DR (Desert Rural Density Residential) | R-E (Residence Estates)  |
| East                 | Commercial                | North Las Vegas                       | North Las Vegas          |
| West                 | Shopping Center           | SC (Service Commercial)               | C-1 (Limited Commercial) |

| <b><i>Special Districts/Zones</i></b>             | <b><i>Yes</i></b> | <b><i>No</i></b> | <b><i>Compliance</i></b> |
|---------------------------------------------------|-------------------|------------------|--------------------------|
| <b>Special Area Plan</b>                          |                   | X                | N/A                      |
| <b><i>Special Districts/Zones</i></b>             | <b><i>Yes</i></b> | <b><i>No</i></b> | <b><i>Compliance</i></b> |
| <b>Special Purpose and Overlay Districts</b>      |                   |                  |                          |
| A-O (Airport Overlay) District (105 Feet)         | X                 |                  | Y                        |
| <b>Trails</b>                                     |                   | X                | N/A                      |
| <b>Rural Preservation Overlay District</b>        |                   | X                | N/A                      |
| <b>Development Impact Notification Assessment</b> | X                 |                  | Y                        |
| <b>Project of Regional Significance</b>           | X                 |                  | Y                        |

AO

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**DEVELOPMENT STANDARDS**

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

| <b>Parking Requirement</b>                        |                                            |                      |                |                 |                |                   |           |
|---------------------------------------------------|--------------------------------------------|----------------------|----------------|-----------------|----------------|-------------------|-----------|
| <b>Use</b>                                        | <b>Gross Floor Area or Number of Units</b> | <b>Required</b>      |                | <b>Provided</b> |                | <b>Compliance</b> |           |
|                                                   |                                            | <b>Parking Ratio</b> | <b>Parking</b> |                 | <b>Parking</b> |                   |           |
|                                                   |                                            |                      | Regular        | Handi-capped    | Regular        | Handi-capped      |           |
| Financial Institution, Specified /Auto Title Loan | 1,800 SF                                   | 1:250                | 7              | 1               | 14             | 2                 | Y         |
| <b>TOTAL</b>                                      |                                            |                      | <b>8</b>       |                 | <b>16</b>      |                   | <b>Y*</b> |

\*The provided parking analysis indicates that 12 spaces will be provided. The submitted site plan depicts a total of 16 spaces on the site

| <b>Waivers</b>                                                                                                                    |                                                                                                 |                             |
|-----------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------|-----------------------------|
| <b>Requirement</b>                                                                                                                | <b>Request</b>                                                                                  | <b>Staff Recommendation</b> |
| Per Title 19.04.010 no Auto Title Loan use may be located closer than 200 feet from any parcel used or zoned for residential use. | To allow a 150-foot distance separation from the South property line where 200 feet is required | Approval                    |

**ANALYSIS**

This is a request for a Special Use Permit for an Auto Title Loan to be allowed within an existing 1,800 square-foot Financial Institution, Specified located at 4811 West Craig Road. According to Title 19 an "Auto Title Loan" is defined 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." There are no other Auto Title Loans uses within 1,000 feet. The hours of operation will be 10:00 a.m. to 6:00 p.m. Monday through Friday and 10:0 a.m. to 4:00 p.m. on Saturday. Title 19.04.010 requires a minimum distance separation of 200 feet from any parcel zoned for residential use. The applicant has requested a waiver to allow a distance separation of 150 feet from the nearest residential use where a minimum distance separation of 200 feet is required.

This request is also a Project of Regional Significance due to the proximity to a boundary with North Las Vegas. An Environmental Impact Assessment was submitted as part of the Special

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Use Permit applications and sent to the affected agencies for comment. The City of North Las Vegas Planning and Zoning Department indicated that upon review of the application, the department cannot support the request for a permit allowing an Auto Title Loan in conjunction with an existing financial institution. The department also indicated that the proposed use does not comply with the City of North Las Vegas separation requirement for like uses currently located within the City of North Las Vegas or from any developed residential districts. The City of North Las Vegas requires a three-mile separation between Auto Title Loan Facilities, a 2,500 foot separation between Deferred Deposit and Short Term Loan Facilities, and a 500-foot separation for both uses from developed residential districts. Furthermore, a similar use is located at 4444 West Craig Road that is approximately 2,000 feet from the proposed facility, and there is a developed residential district east of Decatur Boulevard within 500 feet of the proposed facility.

Staff is recommending approval of this request as the proposed Auto Title Loan use will be operated in conjunction with an existing Financial Institution, Specified, which has the same distance separation requirement. The addition of the Auto Title Loan use will not negatively impact the surrounding land uses, and can be conducted in a manner that is compatible with the surrounding uses.

## **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 Auto Title Loan use is appropriate for the C-1 (Limited Commercial) zone. The proposed use is compatible with the SC (Service Commercial) General Plan land use designation and can be conducted in a manner that is harmonious and compatible with the existing surrounding land uses.

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

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

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**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.”**

Access to the site is via a driveway from Craig Road, which is classified as a 120-foot wide Parkway Arterial, and Decatur Boulevard a 100-foot wide Primary Arterial according to the Master Plan of Streets and Highways; these roadways are adequate to facilitate the traffic generated by 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 this Special Use Permit will not compromise public health, safety, or welfare, as the proposed Auto Title Loan use will be subject to regular inspections.

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

The proposed use is in compliance with all conditions of Title 19.04 except that the site is 150 feet from the nearest residential use where a 200-foot minimum distance separation is required. However, the proposed use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED**

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**NOTICES MAILED** 102

**APPROVALS** 0

**PROTESTS** 0