City of Las Vegas

Agenda Item No.: **33.**

AGENDA SUMMARY PAGE - PLANNING
PLANNING COMMISSION MEETING OF: AUGUST 12, 2014

DEPARTMENT: PLANNING
DIRECTOR: FLINN FAGG ☐**Consent** ☒ **Discussion**

SUBJECT:
SUP-5478[illegible] - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: KOSTER FINANCE, LLC - OWNER: ALTA/MIRA SHOPPING CENTER, LLC - For possible action on a request for a Special Use Permit FOR A PROPOSED 1,[illegible]73 SQUARE-FOOT AUTO TITLE LOAN USE WITH WAIVERS TO ALLOW A ZERO-FOOT DISTANCE SEPARATION FROM A RESIDENTIAL USE WHERE 200 FEET IS REQUIRED AND TO ALLOW A 120-FOOT DISTANCE SEPARATION FROM A SIMILAR USE WHERE 1,000 FEET IS REQUIRED at 4990 West Craig Road, Suite #1 (APN 138-01-619-005), C-1 (Limited Commercial) Zone, Ward 4 (Anthony) [PRJ-54667]. Staff recommends DENIAL.

P.C.: FINAL ACTION (Unless Appealed Within 10 Days)

PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**7**	**Planning Commission Mtg.**	**2**
City Council Meeting	**0**	**City Council Meeting**	**0**

RECOMMENDATION:
Staff recommends DENIAL, if approved, subject to conditions:

BACKUP DOCUMENTATION:
1. Location, Aerial and Special Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Photo
5. Justification Letter
6. Protest Postcards
7. Submitted after Final Agenda - Protest/Support Postcards

Motion made by VICKI QUINN to Deny

Passed For: 5; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 2
TRINITY HAVEN SCHLOTTMAN, VICKI QUINN, BYRON GOYNES, GUS FLANGAS, TODD L. MOODY; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-RICHARD TRUESDELL, RICHARD P. BONAR)

Minutes:

CHAIR FLANGAS declared the Public Hearing open.

GREG KAPOVICH, Planner, stated that the applicant proposes to add an Auto Title Loan use to an existing shopping center use. The proposed location fails to comply with the minimum distance separation requirements from a residentially zoned property and a Financial Institution Specified. The use cannot be conducted in a manner that is harmonious with the surrounding neighborhood therefore, staff recommended denial.

ED GARCIA, Holland and Hart, appeared on behalf of the applicant and clarified that Koster Finance is a more traditional financial institution for a short-term lender. Typically, they do not engage in auto title loans, but under the City code, the auto title loan will allow all types of short-term lending. As per the new state legislation, three years ago they changed all the City locations to reflect auto title locations. He explained that on Decatur Boulevard there is a Title Max location but he is not sure if they offer similar services. He believes the use is appropriate for the area, as it is a significant distance, although under the City code is measured property line to property line. Regarding the waiver of the 200 foot residential separation requirement, there is a block wall which separates the residences from the proposed location and there is no access to any of these homes. The proposed auto title loan is compatible with the area, consistent with the development and there will be no new construction. He agreed to all conditions and asked for approval.

ATTORNEY BILL CURRAN appeared on behalf of Title Max, who objects to the request and pointed out there is a lot of competition between these types of businesses. His client has tried to avoid coming forward and asking for waivers and has tried to remain entirely in locations that have previously been approved. However, in doing so, it has come at a real cost because an approved location with zoning comes at a much higher price than an unapproved location. His client has paid a premium price for the location. His client understands that the purpose of the zoning is not a protection from other business operators, but protecting areas from being saturated with these types of businesses. His client feels he is entitled to protection under that policy because he has paid the premium price. ATTORNEY CURRAN remarked that once this is approved it can be sold, and establish activities included in this classification. ATTORNEY CURRAN urged the Commission to enforce the ordinance and the distance separation.

COMMISSIONER QUINN remarked that the ordinance states 1,000 feet distance separation and it should be followed, otherwise it would set a precedent.

COMMISSIONER SCHLOTTMAN was concerned about the saturation in these particular areas. Pay day loans, short-term loans and auto title loans have been grouped together into one ordinance and all require 1,000 feet distance separation; therefore, he cannot support the request.

CHAIR FLANGAS declared the Public Hearing closed.