

AGENDA MEMO

CITY COUNCIL MEETING DATE: NOVEMBER 15, 2006

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: SUP-16483 - APPLICANT: PAWN PLACE - OWNER:
DECATUR REAL ESTATE HOLDINGS, LLC**

**** CONDITIONS ****

The Planning Commission (5-2/bg/rt vote) and staff recommend DENIAL.

Planning and Development

1. Conformance to all Minimum Requirements under LVMC Title 19.04.050 for Pawn Shop use.
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. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.
4. The use shall comply with the applicable requirements of LVMC Chapter 6.60.
5. No outdoor display, sales or storage of any merchandise shall be permitted.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is an appeal of the denial by the Planning Commission of a request for a Special Use Permit for a Pawn Shop and Waivers of the 200-foot distance separation requirement from a residential use and of the 1,000-foot distance separation requirement from six similar uses at 1940 North Decatur Boulevard.

The applicant seeks approval of a Special Use Permit for a Pawn Shop to be located in a commercial building in an existing shopping center on the southeast corner of Lake Mead Boulevard and Decatur Boulevard. The subject site does not meet the minimum distance requirements from residential use as the parcel is located zero feet from the boundary of a single-family residential development to the east. Additionally, six Financial Institution, Specified uses are located less than 1,000 feet from the proposed use.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
04/18/84	The City Council approved a Rezoning (Z-0014-84) on the site from R-E (Residence Estates) to C-1 (Limited Commercial).
03/18/87	The City Council approved a Plot Plan review of the subject site.
12/17/87	The City Council approved a SP-0002-87, a Shared parking agreement between the property owners of the commercial parcels around, and including, and the subject site. The agreement pertains to the commercial development that is located between Lake Mead Boulevard to the north, Decatur Boulevard to the west, and Concord Drive to the south. The parking agreement was approved, but never recorded.
04/06/88	The City Council approved a Reinstatement and Extension of Time for the subject site.
8/22/89	The Planning Commission approved a Review of Condition (conditions #5 and #7 of approved Plot Plan Review to allow a six-foot slump stone wall and 10-foot setbacks adjacent to Concord Village Drive).
02/12/04	The Planning Commission tabled a request for a Site Development Plan Review (SDR-2997) for a 6,500 square-foot general retail building and a reduction of the front yard setback to allow 10 feet where 20 feet is the minimum required, a reduction in the side yard setback to allow 5 feet where 10 feet is the minimum required, and a reduction in the required amount of perimeter landscaping.
04/06/05	The Planning Commission tabled a request for a Site Development Plan Review (SDR-6025) and Waivers of front setback, foundation, buffer, and parking lot landscaping standards on 0.83 acres adjacent to the northeast corner of Decatur Boulevard and Concord Village Drive.

10/19/06	The Planning Commission voted 5-2/bg/rt to recommend DENIAL (PC Agenda Item #60/jm).
Related Building Permits/Business Licenses	
02/01/05	1918 Decatur Decatur Finance
10/01/05	1928 Decatur American General Finance of America
Pre-Application Meeting	
8/15/06	A pre-application meeting was held to discuss the requirements for a Special Use Permit for a pawn shop at the proposed location. In addition, the applicant was informed that this would constitute a project of regional significance, as well as require waivers for the distance requirements for residential uses and financial institution, specified.
Neighborhood Meeting	
	A neighborhood meeting was not held, nor was one required.

Details of Application Request	
Site Area	
Net Acres	2.84

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)
North	Convenience Store w/ gasoline	SC (Service Commercial)	C-1 (Limited Commercial)
South	Single Family Residential	ML (Medium Low Density Residential)	R-CL (Single Family Compact Lot)
East	Single Family Residential	ML (Medium Low Density Residential)	R-CL (Single Family Compact Lot)
West	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)

Special Districts/Zones	Yes	No	Compliance
Special Area Plan		X	Y
Trails		X	Y
Rural Preservation Overlay District		X	Y
Development Impact Notification Assessment		X	Y
Project of Regional Significance		X	Y

DEVELOPMENT STANDARDS

Minimum Distance Separation Requirements

Pursuant to Title 19.04, the following Standards apply to the subject proposal:

Standards	Code Requirement	Provided
Pawn Shop	200-Feet from any parcel zoned or used for residential use. 1,000-Feet from any other pawn shop or specified financial institution.	The subject site does not meet the minimum distance requirements from residential use as the parcel is located zero feet from the boundary of a single-family residential development to the east. Additionally, six financial institution specified are located less than 1,000 feet from the proposed use: <ul style="list-style-type: none"> • 1911 Decatur Vegas Auto Title Loans • 1918 Decatur Decatur Finance • 1928 Decatur American General Finance of America • 1941 Decatur Ace Cash Express • 1967 Decatur Cashland • 4750 W. Lake Mead Rainbow Loan

Pursuant to Title 19.10, the following parking standards apply:

Parking Requirement							
Use	Gross Floor Area or Number of Units	Parking Ratio	Required		Provided		Compliance
			Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Shopping Center	26,100	1 per 250	100	5	145	5	Y
SubTotal			100	5	145	5	
TOTAL			105		150		

ANALYSIS

The applicant seeks approval of a Special Use Permit for a Pawn Shop to be located in a 6,000 square foot commercial building in an existing shopping center on the southeast corner of Lake Mead Boulevard and Decatur Boulevard. The proposed Pawn Shop does not meet the distance separation requirement from residential property nor from a financial institution, specified. A waiver of these requirements has been requested.

- Zoning

The existing zoning is C-1 (Limited Commercial). This zoning is appropriate for the General Plan Land Use designation of C (Commercial). The proposed Pawn Shop use is allowed under that designation with approval of a Special Use Permit.

- Use

Pawn Shop is defined as follows:

A facility (other than a bank, saving and loan or mortgage banking company) used for the business of lending money on the security of pledged goods or for the business of the purchase of tangible personal property on the condition that it may be redeemed or repurchased by the seller for a fixed price within a fixed period of time.

The use as proposed by the applicant will meet this definition as outlined in the Code, and is a permitted use in the C-1 (Limited Commercial) Zoning district with a Special Use Permit as sought by this application.

- Conditions

Pursuant to Title 19.04.050 the following conditions must be met for a Pawn Shop:

- The use shall comply with the applicable requirements of Title 6 of the Las Vegas Municipal Code.
- No outdoor display, sales or storage of any merchandise shall be permitted.
- No pawn shop shall be located on either side of Fremont Street or on Las Vegas Boulevard South, between Charleston Boulevard and Sahara Avenue.

The proposed Pawn Shop use will be established in an existing building and will be compatible with the adjacent commercial uses. The proposed use will not be in conformance with the requirements set forth in Title 19. This request will require a Waiver from the separation requirement from residential land uses.

In addition, the applicant is seeking Waivers from the separation requirement of 1,000 feet from six similar specified financial institution 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 proposed Pawn Shop would be in an existing suite within an existing shopping center, which already has an active cash loan business license, and therefore the proposed use cannot meet the separation requirements from a Financial Institution, Specified. There are five additional Financial Institution, Specified which are also within the 1,000-foot separation buffer creating an additional incompatibility. Furthermore, the parcel is less than the required 200 feet from single-family residential to the east and south. As a result of the failure to meet separation requirements on these many conflicts, staff cannot recommend approval for this Special Use Permit.

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

There are no physical constraints to the location of the proposed Pawn Shop use within the existing building on the 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.**

The primary access to the site is via two access aisles entering off Decatur Boulevard, designated as a (100-foot) Primary Arterial roadway on the Master Plan of Streets and Highways, which will adequately serve the proposed Pawn Shop 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 Special Use Permit for a Pawn Shop requires separation from residential uses as well as from financial institutions, specified. As the subject site fails to meet these separation requirements, the public welfare protections required in Title 19 may be compromised.

PLANNING COMMISSION ACTION

There was one speaker protesting the application at the Planning Commission Meeting.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 8

ASSEMBLY DISTRICT 7

SENATE DISTRICT 4

NOTICES MAILED 586 by City Clerk

APPROVALS 0

PROTESTS 4