



AGENDA MEMO

PLANNING COMMISSION MEETING DATE: MARCH 27, 2008
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: ABEYANCE - SUP-26383 - APPLICANT/OWNER: BRENT LEAVITT

**** CONDITIONS ****

STAFF RECOMMENDATION: DENIAL. If Approved, subject to:

Planning and Development

1. Conformance to all Minimum Requirements under LVMC Title 19.04.050 for Pawn Shop use.
2. Approval of and conformance to the Conditions of Approval for Site Development Plan Review (SDR-26386) and Variance (VAR-26385) shall be required.
3. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the principal building on the site. 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 request is for a Special Use Permit for a proposed Pawn Shop to be located on 0.52 acres at 4077 Charleston Boulevard. This request includes a Waiver of the 1,000-foot distance separation requirement from two existing Financial Institution, Specified located at 4030 Charleston Boulevard and 904 Valley View Boulevard. Currently the existing building is leased as an office for auto title loan and check cashing businesses.

It is the intent of the applicant to demolish the existing structure and construct a two-story, 10,000 square-foot building. The proposed Pawn Shop will occupy 3,000 square feet on the first floor of the proposed building. An unspecified retail use will occupy the remaining 2,000 square feet. On the second floor 5,000 square feet will provide space for office use and storage for the Pawn Shop.

Because of the proximity of two Financial Institutions within the required 1000 foot distance separation between these types of uses, staff recommends denial of this request.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
1982	V-29-82
03/13/08	The Planning Commission held this item in abeyance until 03/27/08 at the applicants request.
<i>Related Building Permits/Business Licenses</i>	
05/04/00	KC Capital of Nevada Inc Check Cashing (C21-00064) Active
05/05/00	Rainbow Loan Company Auto Title Loan (F14-00031) Active
<i>Pre-Application Meeting</i>	
01/04/08	Advised applicant of procedure to submit applications for a Site Development Plan Review, a Special Use Permit and a Variance for the parking deficiency.
<i>Neighborhood Meeting</i>	
A neighborhood meeting is not required nor was one held.	
<i>Field Check</i>	
01/28/08	Existing one-story building on parcel adjacent to the south side of Charleston Boulevard. Existing business in building.
<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	0.52

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Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Commercial	SC(Service Commercial)	C-1 (Limited Commercial)
North	Commercial	SC(Service Commercial)	C-2 (General Commercial)
South	Commercial	SC(Service Commercial)	C-1 (Limited Commercial)
East	Commercial	SC(Service Commercial)	C-1 (Limited Commercial)
West	Commercial	SC(Service Commercial)	C-1 (Limited Commercial)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan		X	N/A
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
A-O (Airport Overlay) District (175)	X		Y
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

DEVELOPMENT STANDARDS

Pursuant to Title 19.10, the following parking standards apply:

Parking Requirement							
<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	
Pawn Shop	3000 S.F.	1/250	12		12		
Retail	2000 S.F.	1/175	12		12		
Office	5000 S.F.	1/300	15	2	11	2	
TOTAL (including handicap)	10,000 S.F.		41		37		N
Percent Deviation (VAR only)					9.75%		

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Waivers		
Request	Requirement	Staff Recommendation
To allow 100 and 770 feet of separation from established Financial Institutions, Specified.	1,000 foot from existing Financial Institutions, Specified.	Denial

ANALYSIS

- **Zoning**

The existing zoning on the site is C-1 (Limited Commercial). This zoning is appropriate for the General Plan Land Use designation of SC (Service 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, meets 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 the following minimum Special Use Permit requirements must be met for a Pawn Shop:

1. The use shall comply with the applicable requirements of the Las Vegas Municipal Code Chapter 6.60.
2. No outdoor display, sales or storage of any merchandise shall be permitted
3. No pawn shop shall be located on either side of Fremont Street or on Las Vegas Boulevard South, between Charleston Boulevard and Sahara Avenue.
4. No pawn shop use may be located closer than 200 feet from any parcel used or zoned for residential use. In addition, no pawn shop use may be located closer than 1000 feet from any other pawn shop or specified financial institution use. For purposes of this Regulation 4, 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.

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The proposed use as a Pawn Shop does not meet the minimum requirements listed in Title 19.04. Located within the 1,000 foot radius from the proposed Pawn Shop are two Financial Institutions, Specified at a distance of 100 feet and 770 feet respectively. The applicant has requested a waiver from the distance separation of 1,000 feet, which is not compatible with adjacent commercial uses. Therefore, staff recommends denial.

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 Pawn Shop is to be located in a proposed two story, 10,000 square-foot building. The subject parcel is 100 feet and 770 feet from existing Financial Institutions. Therefore, the proposed use does not meet the requirements for a Special Use Permit as set forth in Title 19.04. As a result of the failure to meet separation requirements from other Financial Institutions, Specified, 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.**

The site is physically constrained due to the location of the existing Financial Institutions, within the 1,000-foot separation requirement from the proposed Pawn Shop.

- 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 served via Charleston 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 an established Financial Institution. As the subject site fails to meet this separation requirement, the public welfare protections required in Title 19 would be compromised.

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

The proposed location for a Pawn Shop requires separation from an established Financial Institution. As the subject site fails to meet this condition as set forth by Title 19.04.050, it is not in total compliance.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 19

ASSEMBLY DISTRICT 9

SENATE DISTRICT 11

NOTICES MAILED 69

APPROVALS 0

PROTESTS 8