



AGENDA MEMO

CITY COUNCIL MEETING DATE: OCTOBER 1, 2008
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: SUP-29027 - APPLICANT: EZ PAWN NEVADA, INC. - OWNER:
CRAIG 95, LLC

**** CONDITIONS ****

Staff recommends DENIAL. The Planning Commission (6-0 vote) recommends APPROVAL, subject to:

Planning and Development

1. The signage must be in conformance with the balance of the center.
2. The hours of operation shall be limited to 9 a.m. to 9 p.m.
3. Conformance to all Minimum Requirements under LVMC Title 19.04.010 for Pawn Shop use.
4. Conformance to all of the conditions for Site Development Plan Review (SDR-25484) if approved.
5. 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.
6. Compliance with all LVMC Title 6 requirements.
7. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Special Use Permit for a Pawn Shop on the southwest corner of Craig Road and US 95. The Pawn Shop is proposed within an approved 41,097 square-foot commercial center. The applicant has requested a Waiver to the Minimum Special Use Permit Requirements listed in Title 19.04.010 to allow a zero-foot separation where a 1,000-foot minimum separation is required from another Financial Institution, Specified use located at 7157 West Craig Road. Due to the request for waivers staff is recommending denial of this application.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
11/06/96	The City Council accepted a request to Withdraw Without Prejudice an application for General Plan Amendment (GPA-0042-96) from SC (Service Commercial) to GC (General Commercial) and a Rezoning (Z-0094-96) from U (Undeveloped) [SC (Service Commercial) General Plan designation] to C-2 (General Commercial) on the subject site as part of a larger request.
01/12/98	The City Council voted to Withdraw Without Prejudice a Rezoning (Z-0115-97) from U (Undeveloped) [SC (Service Commercial) General Plan designation] to PD (Planned Development) for a proposed commercial development on the subject site. The Planning Commission recommended denial of the Rezoning request.
12/20/01	The Planning Commission voted to Table a Rezoning (Z-0074-01) from U (Undeveloped) [SC (Service Commercial) General Plan designation] to C-1 (Limited Commercial) and a Site Development Plan Review [Z0074-01(1)] for a proposed office/retail complex on the subject site. The staff recommended approval of the requests.
01/21/04	The City Council approved a Rezoning (ZON-3197) from U (Undeveloped) [[SC (Service Commercial) General Plan designation] to C-1 (Service Commercial) for the subject site. This application expired on 01/21/06. The Planning Commission and staff recommended approval.
11/17/04	The City Council approved a Special Use Permit (SUP-4694) for a proposed 40-foot tall, 14-foot by 48-foot OffPremise (Billboard) Sign. The Planning Commission and staff recommended approval.

08/01/07	The City Council approved a Rezoning (ZON-19647) from U (Undeveloped) [SC (Service Commercial) General Plan designation] to C-1 (Limited Commercial) and a Site Development Plan Review (SDR-19643) for a 37,925 square-foot commercial center and Waivers of perimeter landscape buffer standard to allow no landscaping along the south and east property lines where an 8-foot wide buffer is required and a 2-foot wide buffer along a portion of the north property line where an 8-foot wide buffer is required on 3.53 acres on the south side of Craig Road, west of U.S. 95. The Planning Commission and staff recommended approval.
02/28/08	The Planning Commission approved a request for a Site Development Plan Review (SDR-25484) for a 41,097 square-foot commercial shopping center on the subject site. Staff recommended approval of the request.
08/28/08	The Planning Commission voted 6-0 to recommend APPROVAL (PC Agenda Item #38/lh).
Pre-Application Meeting	
07/03/08	Application requirements for a Special Use Permit were explained to the applicant.
Neighborhood Meeting	
A meeting was not required, nor was one held	

Field Check	
07/10/08	The parcel is presently undeveloped with a billboard located near the center of the site. There is a temporary chain link fence along the western and southern property lines.

Details of Application Request	
Site Area	
Gross Acres	3.53

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped with existing billboard Proposed 41,097 SF Shopping Center (SDR-25484)	SC (Service Commercial)	U (Undeveloped) General Plan designation [SC (Service Commercial)] under Resolution of Intent to C-1 (Limited Commercial)
North	Undeveloped	SC (Service Commercial)	SC (Service Commercial)
South	Retail/Restaurants	SC (Service Commercial)	SC (Service Commercial)
East	U.S. 95	ROW (Right of Way)	ROW (Right of Way)
West	Retail/Restaurants	SC (Service Commercial)	SC (Service 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		X	N/A
Airport Overlay (175 Feet)	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

*The subject property is located within the North Las Vegas Airport Overlay within the 175-foot height limitation contour. None of the buildings on the subject property extend beyond its limitations.

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	
Shopping center	39,305 SF	1/250 SF	152	6	166	6	Y
TOTAL			158		172		Y

Waivers		
Request	Requirement	Staff Recommendation
A Waiver of Title 19.04 to allow a zero-foot distance separation where the required separation between the Pawn Shop use and any other Pawn Shop or Financial Institution, Specified use is 1000 feet.	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 use or Financial Institution, Specified use.	Denial

ANALYSIS

The subject site borders a commercial development to the south and west, Craig Road to the north and US 95 to the east. The approved 41,097 square-foot commercial center includes three retail buildings 28,380 square feet, 6,425 square feet and 4,500 square feet respectively in size. The proposed location for the Pawn Shop is within the 28,380 square-foot building located toward the center of the site. The minimum Special Use Permit requirements for this application require a 1000-foot distance separation requirement between the Pawn Shop use and the Financial Institution Specified use. The subject site is zero-feet from an adjacent commercial center which has a Financial Institution Specified use in it. The applicant has requested a waiver of the distance separation requirements. Due to the waiver request staff finds this proposed development to be to intense for the area and incompatible with this commercial center and the surrounding area and denial is recommended.

- **General Plan and Zoning**

The subject property is located within the Centennial Hill Sector of the General Plan, and has a SC (Service Commercial) land use designation. The SC (Service Commercial) land use designation allows for low to medium intensity retail, office or other uses and that do not include more intense general commercial characteristics. Examples include more neighborhood shopping centers and areas, theaters, bowling alleys and other places of public assembly and public and semi-public uses. This category also includes offices either singly or grouped as office centers with professional and business services. The site is currently zoned U (Undeveloped) [SC (Service Commercial) General Plan designation] under Resolution of Intent to C-1 (Limited Commercial) and is in conformance with the SC (Service Commercial) General Plan designation.

The proposed Pawn Shop use is permissible in a C-1 (Limited Commercial) zoning district with a Special Use Permit. The C-1 District is intended to provide most retail shopping and personal services, and may be appropriate for mixed use developments. This district should be located on the periphery of residential neighborhoods and should be confined to the intersections of primary and secondary thoroughfares along major retail corridors.

- **Use**

Title 19.04 defines the Pawn Shop use as follows: A facility (other than a bank, savings 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 condition that it may be redeemed or repurchased by the seller for a fixed price within a fixed period of time. A Pawn Shop use is permissible within a C-1 (Limited Commercial) zoning district with a Special Use Permit.

- **Minimum Special Use Permit Requirements:**

The following Minimum Requirements, listed below, are necessary in order to prevent the over saturation of a restricted use.

- *1. The use shall comply with the applicable requirements of LVMC Chapter 6.60
- *2. No outdoor display, sales or storage of any merchandise shall be permitted.
- *3. No pawn shop use 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 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 use 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.

- **Waiver to Minimum Requirements**

The applicant is requesting a Waiver to allow a zero-foot separation where a 1000-foot distance separation is required between the proposed Pawn Shop and a Financial Institution, Specified located within the adjacent commercial center. Due to the Waiver request, staff finds the intensity of use and site location to contribute to the over saturation of a restricted use. Therefore staff recommends denial.

- **Floor Plan**

The provided floor plan depicts a 6,488 square-foot commercial pad within a 41,097 retail commercial development. The proposed floor plan is for 3,400 square feet of floor area for display and 3,088 square feet of area for storage and associated office use. The display area depicts a single entrance, with display counters and shelves for merchandise. The storage area is dedicated to shelving for storage. Within the storage area there is also a 120 square-foot administrative office and an employee restroom.

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 use is permitted within a C-1 zoning district. However, staff finds this request to be incompatible with the surrounding area due to a request for a zero-foot waiver of the separation requirements between the proposed Pawn Shop and a Financial Institution, Specified use.

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

The site is located directly adjacent to a commercial center with a Financial Institution, Specified use located within it. The subject site does not meet the minimum standards set forth in Title 19.04 for a Pawn Shop within a C-1 (Limited Commercial) zoned property. Staff finds the subject site is not physically suitable for the intensity of the proposed land use, due to the need for Waivers from Title 19.04 standards.

- 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 site is adjacent to Craig Road, which is designated by the Master Plan of Streets and Highways as a 100-foot Primary Arterial and will not be adversely impacted by this request.

- 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.**

Public health safety and welfare will not be compromised by this proposed use, as the business would be subject to state law, city municipal code, and inspection by both the City of Las Vegas and the State of Nevada.

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

The subject site does not meet the minimum standards set forth by Title 19.04.010 for a Pawn Shop. The subject site is located zero-feet from a commercial center with an existing Financial Institution, Specified use. The applicant has requested a waiver of the Title 19.04.010 requirement for a 1000-foot distance separation between the Pawn Shop use and the Financial Institution, Specified use.

PLANNING COMMISSION ACTION

The Planning Commission added conditions 1 and 2 as shown to which the applicant agreed.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 7

ASSEMBLY DISTRICT 37

SENATE DISTRICT 4

NOTICES MAILED 203 by City Clerk

APPROVALS 0

PROTESTS 2