



City of Las Vegas

Agenda Item No.: 57.

**AGENDA SUMMARY PAGE PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: JANUARY 22, 2009**

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER

Consent Discussion

SUBJECT:
UP-3249 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: CASH AMERICA INTERNATIONAL, INC. OWNER: CHEYENNE FAIRWAYS BUSINESS CENTER - Request for a Special Use Permit FOR A PROPOSED 5,000 SQUARE-FOOT PAWVN SHOP. REQUEST FOR A WAIVER TO ALLOW A ZERO-FOOT DISTANCE SEPARATION FROM RESIDENTIALLY ZONED PROPERTY WHERE 200 FEET IS THE MINIMUM DISTANCE REQUIRED. 42680 West Cheyenne Avenue (APN 138-08-801-019), C-1 (Limited Commercial) Zone, Ward 4 (Steinman)

IF APPROVED, C.C.: 02/16/2009
IF DENIED, P.C.: FINAL ACTION (Unless Appealed Within 10 Days)

PROTESTS RECEIVED BEFORE:

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.	34	Planning Commission Mtg.	0
City Council Meeting	0	City Council Meeting	0

RECOMMENDATION:
DENIAL

BACKUP DOCUMENTATION:

1. Location, Aerial and Special Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Photos
5. Amended Justification Letter
6. Protest Postcards
7. Submitted after Final Agenda Protest Postcards/Letters

Motion made by VICKI QUINN to Approve subject to conditions and adding the following condition as read for the record:

- A. There shall be no exterior signage regarding pay day advance.
- B. The hours of operation shall be Monday through Saturday, 9:00 a.m. to 7:00 p.m. and Sunday from 12:00 p.m. to 5:00 p.m.
- C. There shall be no gun sales from this facility.

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Passed For: 4; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 2

VICKI QUINN, BYRON GOYNES, GLENN TROWBRIDGE, RICHARD TRUESDELL;
(Against-None); (Abstain-None); (Did Not Vote-None); (Excused-STEVEN EVANS, KEEN
ELLSWORTH)

Minutes:

CHAIR TROWBRIDGE declared the Public Hearing open.

PETER LOWENSTEIN, Planning and Development, recommended denial as the proposed pawn shop does not comply with the minimum special use permit requirements of Title 19.04.

ATTORNEY JENNIFER LAZOVICH, 3800 Howard Hughes Parkway, appeared on behalf of the applicant. She showed photos and gave a description of the existing site noting that the building will remain the same; the applicant is simply adding the use within the building. The use is more retail and in fact, many are located within residential areas and not just in the downtown area. The hours of operation are Monday through Saturday, 9:00 a.m. to 7:00 p.m. and Sunday, 12:00 p.m. to 5:00 p.m. At a neighborhood meeting, two people were in opposition.

DIANE McCARTHY, 210 Epton Street, commented on the history of the subject property. This use is not what was intended for this property and it is a grievance having a zero setback. Given the economy and the number of foreclosures, there is concern for residents' property values.

CHAIR TROWBRIDGE clarified that this is not new construction or a zone change. It is an existing building and there will be no impact on the golf course. The zero setbacks are in reference to the property lines abutting each other, and there is a major improvement between this existing structure and adjacent homes.

COMMISSIONER BUCKLEY noted that pawn shops are becoming more and more of a retail use and the buildings look great. His only concern is the signage for the building. ATTORNEY LAZOVICH showed a sample of signage on one of the properties located on Durango Drive. She would agree with no signage referencing "payday advance". COMMISSIONER QUINN confirmed that no guns will be sold from this location. ATTORNEY LAZOVICH pointed out that they work extremely close with the Las Vegas Metropolitan Police Department (Metro). They do not take ammunition and safety locks are required. Guns are not sold, and the serial numbers are ran and forwarded to Metro. To address the security issue, they believe that crime can be solved by having a camera on an ATM machine as it sees beyond the parking lot. Therefore, in working with Metro, cameras will be installed outside of the building.

MARGO WHEELER, Director of Planning and Development, verified with DEPUTY CITY ATTORNEY JIM LEWIS the re-wording on signage. The Constitution does not allow regulation of content. If an applicant volunteers to remove language then it is acceptable as a condition. ATTORNEY LAZOVICH agreed that there will be no signage on any of the

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elevations of the buildings stating "payday advance". MS. WHEELER read into the record additional conditions.

CHAIR TROWBRIDGE declared the Public Hearing closed.

