



## **AGENDA MEMO**

**CITY COUNCIL MEETING DATE: JULY 15, 2009**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: SUP-34014 - APPLICANT/OWNER:EZPAWN NEVADA INC.**

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***THIS ITEM WAS HELD IN ABEYANCE FROM THE JUNE 17, 2009 CITY COUNCIL MEETING AT THE REQUEST OF THE APPLICANT.***

### **\*\* CONDITIONS \*\***

The Planning Commission (6-0 vote) and staff recommend APPROVAL, subject to conditions.

#### **Planning and Development**

1. Conformance to all minimum requirements under LVMC Title 19.04.010 for a Pawn Shop use, including parking requirements.
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.

**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

This is a request for a Major Amendment to an approved Special Use Permit (SUP-8255) for a 1,656 square-foot expansion of an existing Pawn Shop with a Waiver to allow a zero-foot distance separation from residentially zoned property where 200 feet is the minimum required at 2200 South Rainbow Boulevard. The proposed expansion of the use can be conducted in a compatible and harmonious manner with the surrounding development and land uses, as the use has been conducted at this location for more than three years without incident; therefore, staff recommends approval of this request.

**BACKGROUND INFORMATION**

| <b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc. and Property Sales</i></b> |                                                                                                                                                                                                                               |
|----------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 07/06/88                                                                                     | The City Council approved a Rezoning (Z-0045-88) to C-1 (Limited Commercial) on the subject site as part of a larger request. The Planning Commission recommended approval on 06/28/88.                                       |
| 03/21/90                                                                                     | The City Council approved a request for a Site Development Plan Review (V-0057-89) to allow a proposed home improvement retail store on the subject site. The Board of Zoning Adjustment recommended approval of the request. |
| 07/16/03                                                                                     | The City Council approved a Special Use Permit (SUP-2255) for a Secondhand Sales (Clothing, Accessories, and Jewelry) on 1.07 acres at 2206 South Rainbow. The Planning Commission recommended approval of the request.       |
| 08/20/03                                                                                     | The City Council approved a Special Use Permit (SUP-2530) for a Secondhand Dealer in conjunction with a retail Gun Store at 2216 South Rainbow Boulevard. The Planning Commission recommended approval of the request.        |
| 12/21/05                                                                                     | The City Council approved a Special Use Permit (SUP-8255) for a proposed Pawn Shop at 2200 South Rainbow Boulevard. The Planning Commission recommended approval of the request.                                              |
| 05/14/09                                                                                     | The Planning Commission voted 6-0 to recommend APPROVAL (PC Agenda Item #32/jb).                                                                                                                                              |
| <b><i>Related Building Permits/Business Licenses</i></b>                                     |                                                                                                                                                                                                                               |
| 12/01/89                                                                                     | A building permit (#89048424) was issued for a New Shell Building A at 2200 South Rainbow Boulevard. The permit was finalized on 07/31/90.                                                                                    |
| 08/03/90                                                                                     | A building permit (#90077459) was issued for an Interior Remodel at 2200 South Rainbow Boulevard. The permit was marked inactive on 11/18/92.                                                                                 |
| 06/06/06                                                                                     | A building permit (#6003930) was issued for a Tenant Improvement at 2200 South Rainbow Boulevard. The permit was finalized on 10/17/06.                                                                                       |
| 08/22/06                                                                                     | A building permit (#6005428) was issued for a Sign at 2200 South Rainbow Boulevard. The permit was expired on 02/24/07.                                                                                                       |

|                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 08/30/06                                                   | A business license (P04-00011) was issued for a Pawnbroker service at 2200 South Rainbow Boulevard. The license was expired on 12/17/08.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 02/27/09                                                   | A temporary business license (P04-95110) was issued for a Pawnbroker service at 2200 South Rainbow Boulevard. The license is still active.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <b>Pre-Application Meeting</b>                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 03/16/09                                                   | <p>A pre-application meeting was held where the submittal requirements for a Special Use Permit were discussed topics include:</p> <ul style="list-style-type: none"> <li>• Minimum Special Use Permit Code Requirements</li> <li>• Application Materials and Documents</li> <li>• Meeting Dates and Deadlines</li> </ul>                                                                                                                                                                                                                                                                                                     |
| <b>Neighborhood Meeting</b>                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| A neighborhood meeting was not required, nor was one held. |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| <b>Field Check</b>                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 04/09/09                                                   | <p>During a routine site inspection Staff observed:</p> <ul style="list-style-type: none"> <li>• All of the nine required trees per the approved landscape plans adjacent to the Rainbow Boulevard frontage have been removed.</li> <li>• Required trees per the approved landscape plans from the rear of the property (near the northeast corner) have been removed.</li> <li>• Required trees per the approved landscape plans within the parking lot finger islands have been removed.</li> </ul> <p>All landscaping deficiencies were forwarded to Code Enforcement for compliance to the approved landscaping plan.</p> |

|                                       |      |
|---------------------------------------|------|
| <b>Details of Application Request</b> |      |
| <b>Site Area</b>                      |      |
| Gross Acres                           | 1.07 |

| Surrounding Property | Existing Land Use       | Planned Land Use              | Existing Zoning                            |
|----------------------|-------------------------|-------------------------------|--------------------------------------------|
| Subject Property     | General Retail          | SC (Service Commercial)       | C-1 (Limited Commercial)                   |
| North                | Restaurant              | SC (Service Commercial)       | C-1 (Limited Commercial)                   |
| South                | Retail Shopping Center  | SC (Service Commercial)       | C-1 (Limited Commercial)                   |
| East                 | Single-Family Residence | R (Rural Density Residential) | R-D (Single Family Residential-Restricted) |
| West                 | General Retail          | SC (Service Commercial)       | C-1 (Limited Commercial)                   |

| <b>Special Districts/Zones</b>               | <b>Yes</b> | <b>No</b> | <b>Compliance</b> |
|----------------------------------------------|------------|-----------|-------------------|
| <b>Special Area Plan</b>                     |            | X         | N/A               |
| <b>Special Districts/Zones</b>               | <b>Yes</b> | <b>No</b> | <b>Compliance</b> |
| <b>Special Purpose and Overlay Districts</b> |            | X         | N/A               |
| <b>Trails</b>                                |            | X         | N/A               |

|                                                   |  |   |     |
|---------------------------------------------------|--|---|-----|
| <b>Rural Preservation Overlay District</b>        |  | X | N/A |
| <b>Development Impact Notification Assessment</b> |  | X | N/A |
| <b>Project of Regional Significance</b>           |  | X | N/A |

## DEVELOPMENT STANDARDS

*Pursuant to Title 19.10, the following parking standards apply:*

| Parking Requirement |                                     |                         |         |              |          |              |            |
|---------------------|-------------------------------------|-------------------------|---------|--------------|----------|--------------|------------|
| Use                 | Gross Floor Area or Number of Units | Required                |         |              | Provided |              | Compliance |
|                     |                                     | Parking Ratio           | Parking |              | Parking  |              |            |
|                     |                                     |                         | Regular | Handi-capped | Regular  | Handi-capped |            |
| Shopping Center     | 221,051 SF                          | 1 Space / 250 SF of GFA | 867     | 18           | 1,131    | 41           | Y          |
| TOTAL               |                                     |                         | 885     |              | 1172     |              |            |

| <b>Waivers</b>                                                                                            |                                                                                   |                             |
|-----------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------|-----------------------------|
| <b>Requirement</b>                                                                                        | <b>Request</b>                                                                    | <b>Staff Recommendation</b> |
| No pawn shop use shall be located closer than 200 feet from any parcel used or zoned for residential use. | Zero-foot distance separation from a parcel used and zoned for a residential use. | Approval                    |

## ANALYSIS

This is a request for a Major Amendment to an approved Special Use Permit (SUP-8255) for a 1,656 square-foot expansion of an existing Pawn Shop with a Waiver to allow a zero-foot distance separation from residentially zoned property where 200 feet is the minimum required at 2200 South Rainbow Boulevard. The applicant has indicated that the proposed 1,656 square-foot expansion will provide additional storage space for the existing Pawn Shop and will not affect the existing sales floor area. The subject site is located within a larger commercial subdivision that enjoys the benefits of shared parking. The parking requirements for the proposed Pawn Shop are the same as for a retail use; therefore the current amount of parking for the site is adequate. The addition of the proposed 1,656 square-foot expansion of an existing Pawn Shop within the shopping center is compatible with the existing and future land uses. Therefore, staff recommends approval.

•USE

Title 19.04 defines a Pawn Shop as: 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.

•MINIMUM SPECIAL USE REQUIREMENTS

Title 19.04.050 lists the following Minimum Special Use Permit Requirements for a Pawn Shop:

- \*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 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 1,000 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.

The proposed expansion of the Pawn Shop use fails to meet Condition number 4 as the subject site shares a parcel line with property to the east that is zoned R-D (Single Family Residential-Restricted). The applicant has requested a Waiver for this requirement. The Pawn Shop use is an existing use on the subject site, and expansion of this use will not negatively affect the adjacent residential properties. Since the proposed use can be conducted in a compatible and harmonious manner with the surrounding development and land uses; staff recommends approval of this request.

**FINDINGS**

The following findings must be made for a Special Use Permit:

- 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 applicant has requested a Waiver of the Title 19.04 minimum distance separation requirement between the use and residentially zoned property. Since the proposed land use is currently in operation and this request will result in expansion of storage area only, staff finds the use can continue to operate in a harmonious and compatible fashion with the existing surrounding land uses.

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

The proposed Pawn Shop use will be in conjunction within an existing shopping center, which is physically suitable for the type and intensity of the land use proposed.

**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.**

Access to the site is via driveways from Sahara Avenue and Rainbow Boulevard, both of which are 100-foot wide Primary Arterials, according to the Master Plan of Streets and Highways which is adequate to facilitate all traffic generated by the proposed 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.**

Approval of this special use permit will not compromise public health, safety, or welfare as the proposed Pawn Shop expansion use will be subject to regular inspections.

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

The use fails to meet minimum Special Use Permit number 4 of Title 19.04., which requires a 200-foot distance separation between the proposed use and residentially zoned property where zero feet is provided. Since the proposed land use is currently in operation and this request will result in expansion of storage area only, staff finds the use can continue to operate in a harmonious and compatible fashion with the existing surrounding land uses.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED**

**SENATE DISTRICT** 8

**NOTICES MAILED** 215 by City Clerk

**APPROVALS** 0

**PROTESTS** 3