



AGENDA MEMO

CITY COUNCIL MEETING DATE: JUNE 16, 2010

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: APPLICANT: CASH AMERICA/SUPER PAWN - OWNER:
FREMONT WEST, LLC

THIS ITEM WAS HELD IN ABEYANCE FROM THE JUNE 2, 2010 CITY COUNCIL MEETING AT THE REQUEST OF COUNCIL

** STAFF RECOMMENDATION(S) **

Staff recommends DENIAL. The Planning Commission (5-0 vote) recommends APPROVAL, subject to conditions:

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
SUP-37576	Staff recommends DENIAL, if approved subject to conditions:	

** CONDITIONS **

SUP-37576 CONDITIONS

Planning and Development

1. The hours of operation shall be Monday through Saturday, 9:00 a.m. to 7:00 p.m., and Sunday, noon to 5:00 p.m.
2. There shall be no firearm sales.
3. There shall be no check cashing or payday loan services provided on-site.
4. There shall be no banner signs or temporary signage allowed on the building or premises.
5. There shall be a one-year administrative review after issuance of a business license.

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6. Conformance to all Minimum Requirements under LVMC Title 19.04.010 for a Pawn Shop use.
7. Conformance to the approved conditions for Site Development Plan Review (SDR-37577).
8. This approval shall be void one year from the date of final approval, unless a business license has been issued to conduct the activity, or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.
9. Prior to occupancy, all necessary building permits shall be obtained and final inspections shall be completed in compliance with Title 19 and all codes as required by the Building and Safety Department.
10. 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

The is a request for a Special Use Permit for a Pawn Shop within an existing building with waivers to allow a zero-foot distance separation from residentially zoned property and a Financial Institution, Specified where 200 feet and 1,000 feet, respectively, are required at 307 South Decatur Boulevard. The proposed Pawn Shop will occupy 6,000 square feet of the building space. Staff is recommending denial of this application because the proposed use cannot be conducted in a manner that is compatible with the surrounding land uses, as is evidenced by the requested waivers of distance separation requirements. If denied, the use will not be permitted at this location.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
09/27/72	The Board of City Commissioners approved a request for reclassification (Z-0072-72) of property generally located on the east side of South Decatur Boulevard between Mayflower Lane and the Las Vegas Expressway, 500 north of Mayflower Lane, from R-1 (Single Family Residential) to C-2 (General Commercial). The Planning Commission recommended approval.
08/07/78	The Board of City Commissioners approved a request for reclassification (Z-0065-78) of property generally located on the southeast corner of Meadows Lane and Decatur Boulevard, from R-1 (Single Family Residential) to C-2 (General Commercial). The Planning Commission recommended approval.
10/23/78	The Board of City Commissioners approved a request for a review of conditions (Z-0065-78) to rescind condition #1 (resolution of intent condition) on an approved reclassification request from R-1 to C-2 on property generally located at the southeast corner of Meadows Lane and Decatur Boulevard. The Planning Commission recommended approval.
04/22/10	The Planning Commission (5-0 vote) recommended APPROVAL (PC Agenda Item #40/rg).

<i>Most Recent Change of Ownership</i>	
05/29/07	A deed was recorded for a change in ownership for release and forever quitclaim to Fremont West LLC, a Nevada limited liability company from Fremont West Shopping Center, a General Partnership.

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<i>Related Building Permits/Business Licenses</i>	
01/01/51	A business license (L09-00017) was issued for a Beer/Wine/Cooler On-Sale at 307 South Decatur Boulevard. The license is inactive as of 06/02/09.
01/01/51	A business license (R09-00011) was issued for a Restaurant at 307 South Decatur Boulevard. The license is inactive as of 10/30/08.
09/14/79	A building permit (#6950) was issued for a Restaurant at 307 South Decatur Boulevard. The project was completed on 01/15/80.
04/12/89	A building permit (#89021186) was issued for an addition of 876 square feet of the existing restaurant at 307 South Decatur Boulevard. The project was completed on 02/14/90.

<i>Pre-Application Meeting</i>	
03/02/10	A pre-application meeting with the applicant was held where elements of submitting the Administrative Site Development Plan Review for exterior remodel and Special Use Permit for Pawn Shop use were discussed. The topics included: • The submittal of application materials, meeting dates, and deadlines were discussed. • Waiver of the distance separation from residentially zoned property and Financial Institution, Specified.

<i>Neighborhood Meeting</i>	
04/08/2010	A neighborhood meeting was held at 6:00 pm at Bill and Lillie Heinrich YMCA Classroom #2 at 4141 Meadows Lane Las Vegas, Nevada 89107. Five members of the public, 3 members of the development team and two members of staff (council liaison, planning) were in attendance at the meeting. There were no concerns expressed at this meeting by the public.

<i>Field Check</i>	
03/18/10	A parking space located at the northeast corner of the property is being utilized as a trash enclosure. During the site inspection revealed a trash bin within the enclosure. The trash enclosure does not meet the Title 19 requirement. Original site plan per Z-0065-78 indicates as a parking space.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	1.04

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<i>Surrounding Property</i>	<i>Existing Land Use Per Title 19.04</i>	<i>Planned or Special Land Use Designation</i>	<i>Existing Zoning District</i>
Subject Property	Vacant Restaurant	SC (Service Commercial)	C-2 (General Commercial)
North	Regional Mall	SC (Service Commercial)	C-1 (Limited Commercial)
South	Auto Center	SC (Service Commercial)	C-2 (General Commercial)
East	Single Family, Detached	L (Low Density Residential)	R-1 (Single Family Residential)
West	Shopping Center	SC (Service Commercial)	C-2 (General Commercial)

<i>Master Plan Areas</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Master Plan Area		X	N/A
<i>Special Purpose and Overlay Districts</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
A-O (Airport Overlay) District (140 feet)	X		Y
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Las Vegas Redevelopment Plan Area		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:

<i>Parking Requirement</i>							
<i>Use</i>	<i>Gross Floor Area or Number of Units</i>	<i>Required</i>			<i>Provided</i>		<i>Compliance</i>
		<i>Parking Ratio</i>	<i>Parking</i>		<i>Parking</i>		
			Regular	Handi-capped	Regular	Handi-capped	
Pawn Shop	6,000 SF	1:250 SF	24		56		
TOTAL SPACES REQUIRED			24		56		
TOTAL (With Handicapped)			21	3	53	3	

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<i>Waivers</i>		
<i>Requirement</i>	<i>Request</i>	<i>Staff Recommendation</i>
200-foot distance separation from residentially zoned property.	154 feet	Denial
1000-foot distance separation from a Financial Institution, Specified.	250 feet	Denial

ANALYSIS

This is a request for a Special Use Permit for a Pawn Shop use within an existing 6,000 square-foot building. The subject site has adequate parking spaces for the proposed Pawn Shop use, which requires one space for each 250 square feet of gross floor area. The Site Plan indicates 24 parking spaces are required, whereas 56 parking spaces are provided. The proposed Pawn Shop is a less intense use compared to the Restaurant use that was previously located on this site.

The minimum Special Use Permit requirements for the proposed Pawn Shop use are the 200-foot distance and a 1,000-foot distance separation from a residentially zoned property and a Financial Institution, Specified use, respectively. The applicant has requested 154-foot and 250-foot distance separation waivers residentially zoned property and Financial Institution, Specified, respectively. Staff is recommending denial of this application because the proposed use cannot be conducted in a manner that is compatible with the surrounding land uses, as is evidenced by the requested waivers of distance separation requirements.

FINDINGS (SUP-37576)

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 use cannot be conducted in a manner that is harmonious and compatible with the existing site due to the waiver requests to allow a 154-foot distance and 250-foot separation distance from residentially zoned property and Financial Institution, Specified uses; respectively.

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

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The proposed use is located directly adjacent to a residential property, and a Financial Institution Specified use is located within 250 feet south of the property. The subject site does not meet the minimum standard set forth in Title 19.04 for a Pawn Shop within a C-1 (Limited Commercial) zoned property. The subject site is not physically suitable for the intensity of the proposed land use, due to the need for waivers of 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.

Site access is provided from Decatur Boulevard, a 100-foot Primary Arterial as designated in the Master Plan of Streets and Highways. This street is adequate in size to accommodate 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.

Approval of the proposed Special Use Permit will not be inconsistent with or compromise the public health, safety and general welfare, as the use will be subject to regular inspections for business licensing.

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

The proposed Pawn Shop use does not comply with the minimum Special Use Permit requirements. The proposed use will be located within 200 feet of a parcel used or zoned for residential use. In addition, the use will be located within 1,000 feet of a Financial Institution, Specified use. A waiver has been requested from these requirements.

PLANNING COMMISSION ACTION

There were three speakers in favor and three opposed. The Planning Commission added conditions one through five.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

15

NOTICES MAILED

165 (By City Clerk)

APPROVALS

7

PROTESTS

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