



AGENDA MEMO - PLANNING

CITY COUNCIL MEETING DATE: MAY 4, 2011

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT: ACE LOAN COMPANY - OWNER: B F TRUST

THIS ITEM WAS HELD IN ABEYANCE FROM THE APRIL 20, 2011 CITY COUNCIL MEETING AT THE REQUEST OF THE APPLICANT

**** STAFF RECOMMENDATION(S) ****

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
SUP-40739	Staff recommends DENIAL, if approved subject to conditions:	N/A

**** CONDITIONS ****

SUP-40739 CONDITIONS

Planning

1. Conformance to all Minimum Requirements under LVMC Title 19.04.010 for a Pawn Shop use.
2. Conformance to the approved conditions for Rezoning (Z-0050-76).
3. This approval shall be void two years 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
4. Prior to issuance of a business license, a revised site plan shall be submitted to the Department of Planning depicting the handicapped parking space pursuant to the standards of Title 19.10. Access aisles shall be provided on both sides of the parking space that extends the full length of the space, without extending into the public rights-of-way.
5. 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.

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6. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.

7. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This application is a request for a Special Use Permit for a proposed 1,606 square-foot Pawn Shop at 519 East Saint Louis Avenue. The application includes requests for Waivers to allow a 50-foot distance separation from a residential use where 200 feet is required and to allow a 20-foot distance separation from an existing Financial Institution, Specified where 1,000 feet is required. This project is located on a 0.19 acre parcel. Based upon the requested Waivers, denial of this request is recommended. If denied, the applicant may not operate a Pawn Shop use from this location.

ISSUES

- A Pawn Shop use is permitted in the C-1 (Limited Commercial) zoning district with the approval of a Special Use Permit.
- Waivers are required to allow a 50-foot distance separation from a residential use where 200 feet is required and a 20-foot distance separation from an existing Financial Institution, Specified where 1,000 feet is required.
- Unpermitted Off-Premise Signage is located on the building.
- The applicant is proposing to move an existing Pawn Shop from 215 North 3rd Street to the proposed location.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
09/01/76	The Board of City Commissioners approved an application for the reclassification (Z-0050-76) of property located at 519 East St. Louis Avenue from R-4 to C-1. The Planning Commission recommended approval.
08/09/78	The Board of City Commissioners denied the request for a Plot Plan Review (Z-0050-76) to allow an Off-Premise Sign on property located on the northwest corner of St. Louis Avenue and Weldon Place. The Planning Commission and staff recommended denial.
09/27/84	The Board of Zoning Adjustment approved the request for a Variance (V-0100-84) to allow a wedding chapel where such use is not permitted at 519 East St. Louis Avenue. The Variance was not exercised and expired on 09/27/86.
03/19/86	The City Council denied the plot plan review to allow an Off-Premise Sign on property located on the northwest corner of St. Louis Avenue and Weldon Place (Z-0050-76). The Planning Commission recommended approval and the Planning and Development Department staff recommended denial.

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06/20/07	The applicant requested to table at City Council a Special Use Permit (SUP-15442) for a proposed Package Liquor Off-Sale Establishment at 519 St. Louis Avenue. The Planning Commission and staff recommended denial.
03/08/11	The Planning Commission voted (6-0-1/rt) to recommend DENIAL (PC Agenda Item 35/jg).
03/09/11	The applicant filed an appeal of the Planning Commission's denial with the Office of the City Clerk.

<i>Most Recent Change of Ownership</i>	
06/28/02	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
C.1950	The building at 519 East Saint Louis Avenue was constructed.
07/10/87	A business license (Q01-00052) was issued for a Real Estate Firm at 519 East Saint Louis Avenue. The license was marked out of business on 0/11/09.
11/01/01	A business license (C05-01099) was issued for a Tobacco Dealer at 519 East Saint Louis Avenue. The license was marked out of business on 05/12/08.
11/01/01	A business license (L15-00013) was issued for a Package Liquor at 519 East Saint Louis Avenue. The license was marked out of business on 05/12/08.
09/04/03	A building permit (#03019166) was issued for a Tenant Improvement at 519 East Saint Louis Avenue. The permit was finalized on 09/24/03.
06/14/07	A business license (G01-93893) was issued for Restricted Gaming at 519 East Saint Louis Avenue. The license was marked out of business on 02/28/09.

<i>Pre-Application Meeting</i>	
01/10/11	<p>A pre-application meeting was held with the applicant where the submittal requirements for a Special Use Permit were discussed.</p> <ul style="list-style-type: none"> • Waivers of the distance separation from residentially zoned property and Financial Institution, Specified.

<i>Neighborhood Meeting</i>	
A neighborhood meeting was not required, nor was one held.	

<i>Field Check</i>	
01/26/11	During a site visit, staff noted a vacant building with graffiti, trash, weeds and unpermitted signage.

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<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	0.16

<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	Office, Other than Listed (Vacant)	C (Commercial)	C-1 (Limited Commercial)
North	Parking Lot	C (Commercial)	C-1 (Limited Commercial)
South	Apartments	C (Commercial)	R-5 (Apartment)
East	Apartments	C (Commercial)	R-5 (Apartment)
West	Pawn Shop	C (Commercial)	C-2 (General Commercial)

<i>Master Plan Areas</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Master Plan Area			
Beverly Green / Southridge Neighborhood	X		Y
Special Purpose and Overlay Districts	Yes	No	Compliance
Special Purpose and Overlay Districts			
A-O (Airport Overlay) District (175 feet)	X		Y
Trails	X		Y
Rural Preservation Overlay District		X	N/A
Las Vegas Redevelopment Plan Area	X		Y
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

DEVELOPMENT STANDARDS

<i>Street Name</i>	<i>Functional Classification of Street(s)</i>	<i>Governing Document</i>	<i>Street Width (Feet)</i>	<i>Compliance with Street Section</i>
<i>Saint Louis Avenue</i>	Secondary Collector	Master Plan of Streets and Highways	80	Y
<i>Weldon Place</i>	N/A	N/A	50	N/A

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Pursuant to Title 19.04 and 19.10, the following parking standards apply:

Parking Requirement							
<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	1,606 SF	1/250 SF	7				
TOTAL SPACES REQUIRED			7		4		Y*
Regular and Handicap Spaces Required			6	1	3	1	Y*

**The subject site meets the Title 19.10.010(C) requirements for a Parking Impaired Development.*

Waivers		
<i>Requirement</i>	<i>Request</i>	<i>Staff Recommendation</i>
A 200-Foot minimum distance separation from a residentially zoned property.	To allow a 50-foot distance separation.	Denial
A 1,000-Foot minimum distance separation from a Financial Institution, Specified.	To allow a 20-foot distance separation.	Denial

ANALYSIS

A Pawn Shop use is defined by Title 19.20.020 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. “

The applicant proposes to locate a Pawn Shop use within a 1,606 square-foot vacant building, at 519 East Saint Louis Avenue. The existing building was constructed in 1950 and is a parking impaired development pursuant to Title 19.10.010. Previously a General Retail Establishment use occupied the building, and required 10 parking spaces. The proposed Pawn Shop use requires one space for each 250 square feet of gross floor area, or seven parking spaces. As the proposed Pawn Shop use requires fewer parking spaces than the General Retail Establishment use, no parking variance is required. The submitted Site Plan indicates five parking spaces, but the existing handicapped parking is partially located within the right-of-way and does not comply with Title 19.10 parking requirements. A condition has been added to revise the Site Plan to depict a handicapped parking space to be in compliance with Title 19.10 requirements.

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The subject site is located in the Beverly Green/Southridge Neighborhood Plan, the A-O (Airport Overlay) District with 175-foot height restriction and the Las Vegas Redevelopment Plan Area. An existing on-street bike trail and an off-street bike path are located along the south property line. The proposed use would not have a negative impact relating to the above mentioned Special Area Plans. The Pawn Shop use, as proposed, does not meet all of the minimum Title 19 requirements. The applicant has requested Waivers to allow the use to be located within 50 feet from residentially zoned property where a 200-foot separation distance is required and to allow a 20 feet where 1,000-Foot minimum distance separation from a Financial Institution, Specified. The requested Waivers indicate that the use cannot be conducted in manner that is compatible with the surrounding uses; staff recommends denial. If denied, the applicant may not operate the Pawn Shop use from this location.

FINDINGS (SUP-40739)

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 compatible with the surrounding land uses due to the requested Waivers.

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

The subject site is not physically suitable for the type and intensity of the proposed use, as is evident by the requested Waivers.

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 accessed by Saint Louis Avenue and Weldon Place. These streets are of sufficient size to accommodate the needs of 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 a Special Use Permit for this use at this location will not compromise the public health, safety, or welfare, as the use is subject to licensing and inspections by the City of Las Vegas.

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

Pursuant to Title 19.04, the Minimum Special Use Permit Requirements for a Pawn Shop use mandate that the use not be located within 200 feet of residential property or located within 1,000-feet from a Financial Institution, Specified. Denial of this application is recommended, based upon non-conformance to Title 19.04 requirements.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 20

NOTICES MAILED 168 (By City Clerk)

APPROVALS 1

PROTESTS 2