TXT-35688

City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: SEPTEMBER 10, 2009
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: TXT-35688 - APPLICANT/OWNER: CITY OF LAS VEGAS

** CONDITIONS **

STAFF RECOMMENDATION: APPROVAL

1. Title 19.04.010 is hereby amended by adding a new entry under Retail & Personal Services as follows:

19.04.010 LAND USE TABLES

Table 2 Land Use Table
Retail & Personal Services

USE	RESIDENTIAL												COMMERCIAL						INDUSTRIAL		
Pawn Broker, Auto	U	R-A	R-E	R-D	R-1	R-CL	R-2	R-3	R-4	R-5	R-MH	R-MHP	P-R	N-S	O	C-D	C-1	C-2	C-PB	C-M	M
																	C	C		C	C

Description:
A pawn shop, other than auto pawn, that as an ancillary activity lends money on the security of a motor vehicle, which the pawn shop takes possession of as the pledged property. This use does not include a facility or area used for the storage of any pledged motor vehicle taken into possession.

Conditional Use Regulations:
1. The use shall comply with the applicable requirements of LVMC Chapter 6.60.
2. The use shall be permitted only as an accessory use to an approved pawn shop.
3. No outdoor display, sales or storage of any merchandise shall be permitted.
4. Vehicles that have been pawned may not be parked in parking spaces that are designated as off-street parking necessary to meet the minimum requirements of this Table 2 and LVMC Chapter 19.10. Any parking of such vehicles must occur only in spaces that are in excess of the required minimum parking.
5. No on-site storage of vehicles that have been pawned shall be allowed. Any such vehicle shall be removed to a storage facility within 24-hours of being taken into possession.
6. No auto pawn broker use shall be located on either side of Fremont Street or on Las Vegas Boulevard South, between Charleston Boulevard and Sahara Avenue.
7. Window signs shall not:
   a. Cover more than 20 percent of the area of all exterior windows;
   b. Include flashing lights or neon lighting; or
   c. Include any text other than text that indicates the hours of operation and whether the business is open or closed.
8. The hours of operation shall not extend beyond the hours of 8:00 a.m. to 11:00 p.m.
9. The building or portion thereof that is dedicated to the use shall have a minimum size of 1500 square feet, and shall be designed to have sufficient interior space to provide for adequate customer waiting areas, customer queuing, and transaction space (such as teller windows or desks).
10. No auto pawn broker use may be located closer than 200 feet from any parcel used or zoned for residential use. In addition, no auto pawn broker use may be located closer than 1000 feet from any other auto pawn broker use, auto pawn use, auto title loan use or specified financial institution use. For purposes of this Regulation 10, 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
11. Except with respect to Conditional Use Regulations 7, 8, 9, and 10, the Special Use Permit provisions of Section 19.04.0 40(B) do not apply to this use. In the case of a Special Use Permit application filed as a consequence of not qualifying for conditional use treatment regarding any of the Regulations listed in the preceding sentence, the remaining Regulations shall apply as Minimum Special Use Permit Requirements, and Regulations 1, 2, 3, 4, 5, and 6 above, when imposed as Minimum Special Use Permit Requirements, shall be deemed to be non-waivable.

On-site Parking Requirement: No additional parking requirement beyond that which is required for the principle use(s) on the site.

RTS

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2. Title 19.20.020 Words and Terms Defined is hereby amended by adding a new entry as follows:

   Pawn Broker, Auto. A pawn shop, other than auto pawn, that as an ancillary activity lends money on the security of a motor vehicle, which the pawn shop takes possession of as the pledged property. This use does not include a facility or area used for the storage of any pledged motor vehicle taken into possession.

** STAFF REPORT **

APPLICATION REQUEST

This is a request to add the Pawn Broker, Auto use entry in Table 2 of Title 19.04 to conditionally allow the use in the C-1 (Limited Commercial), C-2 (General Commercial), C-M (Commercial/Industrial) and M (Industrial) zoning districts as an ancillary activity in an approved pawn shop.

BACKGROUND INFORMATION

Under existing use standards the Pawn, Auto use is conditionally permitted in the M (Industrial) zoning district and is permitted in the C-M (Commercial/Industrial) zoning district with the approval of a Special Use Permit. In all cases the use must:

- comply with the applicable requirements of LVMC Chapter 6.60;
- have no outdoor display, sales or storage of any merchandise, except for the parking of automobiles;
- have no vehicles that have been pawned be parked or stored in parking spaces that are designated as off-street parking necessary to meet the minimum requirements of this Table 2 and LVMC Chapter 19.10. Any parking or storage of such vehicles must occur only in spaces that are in excess of the required minimum parking;
- not be located on either side of Fremont Street or on Las Vegas Boulevard South, between Charleston Boulevard and Sahara Avenue;
- have no window signs that cover more than 20 percent of the area of all exterior windows, include flashing lights or neon lighting; or include any text other than text that indicates the hours of operation and whether the business is open or closed;
- have hours of operation that dont extend beyond the hours of 8:00 a.m. to 11:00 p.m.;
- dedicate a minimum 1500 square feet to the use that is designed to have sufficient interior space to provide for adequate customer waiting areas, customer queuing, and transaction space (such as teller windows or desks); and
- not be located closer than 200 feet from any parcel used or zoned for residential use and no closer than 1000 feet from any other auto pawn use, auto title loan use or specified financial institution use.

An applicant may request a deviation of the these requirements via the Special Use Permit process if they can demonstrate to the satisfaction of the City Council that the use can still be performed in a manner that is harmonious and compatible with surrounding present and future land uses; that the site is physically suitable and adequate access for the use exists; and that the approval would not be inconsistent with or compromise the public health, safety, or welfare objectives of the General Plan. However, while the regulations or requirements may be waived, the use is restricted to only the C-M (Commercial/Industrial) and M (Industrial) zoning districts.

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ANALYSIS

The Pawn, Auto use is deemed an intense use of land and thus restricted to the C-M (Commercial/Industrial) and M (Industrial) Districts because the transactions deal with motor vehicles and the storing of the motor vehicles on-site. In addition to the provisions for a pawn shop that engages in auto pawn activities as described above, the Code makes provisions for the Auto Title Loan use. An Auto Title Loan use uses the motor vehicle title as the security instead of the vehicle itself. No allowance is made for a pawn shop to engage in auto pawn activities, that is, the accepting of a motor vehicle as the pledged security for the lending of money, where the vehicle will not be parked, stored, or physically advertised for sale on the premises thus having no greater impact than the existing pawn shop.

The proposed amendment will introduce an allowance for an approved Pawn Shop use, which is conditionally allowed in a M (Industrial) zoning district and permitted in the C-1 (Limited Commercial), C-2 (General Commercial) and C-M (Commercial/Industrial) zoning districts with the approval of a Special Use Permit, to conduct auto pawn activities as an ancillary activity provided that any motor vehicles taken in as security are transported off-site to a proper storage facility and all other conditions are met.

The proposed addition of a Pawn Broker, Auto use would be of a similar intensity as an Auto Title Loan, Auto Broker or Pawn Shop use. All of these uses are minimally permitted by the approval of a Special Use Permit in the C-1 (Limited Commercial); C-2 (General Commercial); C-M (Commercial/Industrial); and M (Industrial) zoning districts. Further, because the use as proposed requires that the Pawn Broker, Auto use be limited to being an accessory use to an approved Pawn Shop use, the well-being of the City and its residents are safeguarded against an increase in pawnbroker related activity.

The proposed Conditional Use Regulations that require compliance with Title 6.60; that the use be ancillary to an approved pawn shop; that there be no outdoor display, sales, or storage; that vehicles be parked in the non-required parking spaces; that no on-site storage of the motor vehicle be permitted; and that the use is not permitted along certain corridors are all non-waivable requirements. Making these conditions non-waivable helps ensure the compatibility of the use by limiting potential locations to existing, approved pawn shops and limiting the impact by requiring that no on-site vehicle storage is permitted. Staff finds that the limitation placed on the use proposed by this amendment are sufficient to meet the land use intent of the Zoning Code and therefore recommends approval of this amendment.

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A comparison of the various similar/related uses used in this analysis is as follows:

Use	Description	Applicable Zoning Districts *	Differentiation From Other Related Uses
Auto Title Loan	A business whose primary function is to lend money on the security of the title to a motor vehicle rather than on the security of the vehicle itself.	<u>O</u>, <u>C-D</u>, <u>C-1</u>, <u>C-2</u>, C-M, and M	Motor vehicle title is the collateral for the lending of money.
Auto Broker	A facility or area used primarily for the wholesaling of used motor vehicles, typically on an intermediary basis between an auction house and a used car dealership. This use does not include a facility or area used for the retail sales of used vehicles.	C-1, C-2, C-M, and M	The facilitation of the wholesaling of used cars is allowed with limited on-site display and storage (up to 2 vehicles).
Pawn Shop	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.	<u>C-1</u>, <u>C-2</u>, <u>C-M</u>, and M	Motor vehicles are not included in the range of pledged property used as collateral under this use
Pawn, Auto	A pawn shop that lends money on the security of a motor vehicle, which the pawn shop takes possession of as the pledged property.	<u>C-M</u> and M	Motor vehicles are specifically indicated as the type of pledged property used as collateral for the lending of money
Pawn Broker, Auto	A pawn shop, other than auto pawn, that as an ancillary activity lends money on the security of a motor vehicle, which the pawn shop takes possession of as the pledged property. This use does not include a facility or area used for the storage of any pledged motor vehicle taken into possession.	C-1, C-2, C-M, and M	Motor vehicles are included as an ancillary type of pledged property used as collateral provided that they are moved off-site for storage

* Zoning districts that are <u>underlined</u> require a Special Use Permit; otherwise, the use in conditional in the indicated districts.

FINDINGS

The proposed text amendment will accomplish the following:

- Add an entry into the use tables for the Pawn Broker, Auto use as a conditional use in the C -1 (Limited Commercial); C-2 (General Commercial); C-M (Commercial/Industrial); and M (Industrial) zoning districts.
- Provide Conditional Use Regulations that ensure that the activities proposed by the use are compatible with existing and future land uses and that the Pawn Broker, Auto use will have no greater impact than the principle Pawn Shop use.

The following table summarizes all proposed changes:

Code Requirements	Existing Regulations	Proposed Regulations
Title 19.04.010 Land Use Tables Pawn Broker, Auto	• No provisions for this more limited version of a Pawn, Auto use	• Specific condition to limit the location to approved pawn shops as an accessory use • Requires that motor vehicles taken in a security on a loan are moved off-site for storage • Re-enforces other conditions generally applicable to this type of use
Title 19.20.020 Words and Terms Defined Pawn Broker, Auto	• Not currently defined	• Definition introduced

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

ASSEMBLY DISTRICT

SENATE DISTRICT

NOTICES MAILED NEWSPAPER ONLY

APPROVALS 0

PROTESTS 0