



AGENDA MEMO - COMMUNITY DEVELOPMENT

CITY COUNCIL MEETING DATE: DECEMBER 6, 2023

DEPARTMENT: COMMUNITY DEVELOPMENT

ITEM DESCRIPTION: APPLICANT: CASH AMERICA WEST, INC. - OWNER: TTR PROPERTIES, LLC

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

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
23-0527-ROC1	Staff recommends DENIAL, if approved subject to conditions:	

**** NOTIFICATION ****

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

NOTICES MAILED

PROTESTS 0

APPROVALS 0

**** CONDITIONS ****

23-0527-ROC1 CONDITIONS

Planning

1. Condition Number Six (6) of the approved Special Use Permit (U-0091-98) shall be deleted.
2. Conformance to the approved conditions for Special Use Permit (U-0091-98), except as amended herein.
3. 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 applicant is requesting to delete Condition Number Six (6) of a previously approved Special Use Permit (U-0091-98) for Pawn Shop, Secondhand Sales and Check Cashing uses to allow for the sale of weapons at 4111 North Rancho Drive where this condition specifically prohibited such sales.

ISSUES

- Condition Number Six (6) of the approved Special Use Permit (U-0091-98) states, "The sale of weapons is prohibited."
- The subject condition of approval was in staff's original "if approved" conditions recommended to the Planning Commission. Staff supports the City Council's decision to affirm the conditions as imposed.
- The existing Pawn Shop is located within a commercial subdivision that is adjacent to low density single-family residential development. Staff notes that the use is nonconforming at this location, as current distance separation requirements from protected uses were established after approval of the subject Special Use Permit.

ANALYSIS

The subject Pawn Shop has been licensed at this location since 1999. It is located within a commercial subdivision with a variety of commercial retail, office, educational and automotive uses. Direct access from Rancho Drive is available from a driveway adjacent to, but not located on, this site.

Staff had originally recommended denial of the Special Use Permit in 1998 based on incompatibility of the use with single-family residential development adjacent to the commercial subdivision. Additionally, staff also objected to aspects of the exterior building design and lack of conformance to perimeter landscape buffer standards. The applicant at the time agreed with all staff conditions of approval.

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The site is zoned C-2 (General Commercial), which allows Pawn Shop uses with approval of a Special Use Permit. Current Title 19 Special Use Permit requirements include minimum distance separations of 200 feet from any parcel used or zoned for residential use and 1,000 feet from any other Pawn Shop or Financial Institution, Specified use. These requirements were adopted after the Special Use Permit (U-0091-98) was approved. The boundary of the commercial subdivision is located adjacent (zero feet) to residential properties zoned R-E (Residence Estates) to the west. Title 19.18.030 further describes the conditions in which a parcel established by a record of survey may be used to satisfy the minimum distance separation requirements. As there is no direct access from the subject parcel to a 100-foot public right-of-way, the boundary of the parcel may not be used to satisfy the separation requirement. The use is therefore considered to be nonconforming with respect to distance separation.

According to city records, the representative for the Special Use Permit applicant stated that guns were intended to be accepted for pawn at this location and kept in a safe on the premises, but not sold at this location. The condition to prohibit the sale of weapons was imposed by Department staff and affirmed by the Planning Commission and City Council after some discussion on the matter. Other conditions also prohibited the use of the site for Auto Pawn and any outdoor display, sales or storage of merchandise. According to the applicant, other Pawn Shops operated by the applicant without the prohibition on the sale of weapons have operated safely and without incident for years. There are no Code Enforcement actions associated with this particular location.

Staff conducted a field check and noted a well maintained pawn shop building with no trash or debris present. Staff noted a Church/House of Worship located in the building to the west (4085 North Rancho Drive, Suites #110 and #120). A Certificate of Occupancy was issued 03/13/07 for a seminary in this suite and periodic Fire and Rescue inspections have been conducted there, but no Certificates of Occupancy have since been issued.

FINDINGS (23-0527-ROC1)

Staff defers to the City Council decision to uphold the condition of approval to prohibit the sale of weapons at this location. Staff therefore recommends denial of the Review of Condition request, subject to conditions if approved.

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BACKGROUND INFORMATION

<i>Related Relevant City Actions by Planning, Fire, Building, Code Enforcement, etc.</i>	
02/07/97	A Final Map (FM-0052-96) for a one-lot commercial subdivision (Town and Country Shopping Center) on 18.58 acres at the northwest corner of Alexander Road and Rancho Drive was recorded.
04/23/98	The Planning Commission approved a request for a Site Development Plan Review (SD-0010-98) for a proposed one-story, 200,510 square-foot commercial retail center on 18.58 acres at the northwest corner of Alexander Road and Rancho Drive. Staff recommended approval.
09/28/98	The City Council approved a request for a Special Use Permit (U-0091-98) for a proposed 5,443 square-foot Pawn Shop, Secondhand Sales and Check Cashing on property located west of Rancho Drive, approximately 675 feet north of Alexander Road. The Planning Commission recommended approval; staff recommended denial.
06/26/99	The City Council approved a change of location from 515 East St. Louis Avenue to 4111 North Rancho Drive for a Pawnbroker License/Class II Secondhand Dealer License / Firearms Permit (Camco, Inc. dba Super Pawn) subject to the provisions of the Planning and Fire codes. (related to license P04-00026). The license was marked out of business on 03/22/23, due to change of ownership.
05/02/12	The City Council approved a request for a Review of Condition of a previously approved Special Use Permit (U-0091-98) to amend Condition Number 3 to read, "The hours of operation shall be from 9:00 a.m. to 9:00 p.m., seven days a week" at 4111 North Rancho Drive. The original condition imposed by the City Council read "The hours of operation shall be from 9:00 a.m. to 7:00 p.m., and may be extended to 9:00 p.m. during holidays." Staff recommended approval.

<i>Most Recent Change of Ownership</i>	
07/08/02	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
05/17/99	A building permit (#99009427) was issued for a retail/pawn shop at 4111 North Rancho Drive. A final inspection was approved 09/03/99.
08/20/99	A business license (S25-00064) was issued for a Secondhand Dealer at 4111 North Rancho Drive. The license is active.
03/22/23	A business license (P71-00024) was issued for a Pawnbroker at 4111 North Rancho Drive. The license is active.

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Pre-Application Meeting	
10/02/23	A pre-application checklist was provided to the applicant containing requirements for a Review of Condition application.

Neighborhood Meeting	
A neighborhood meeting was not required, nor was one held.	

Field Check	
10/31/23	The site contains a standalone building with parking on the east side of the building. The site was clean and well maintained with no graffiti noted.

Details of Application Request	
Site Area	
Net Acres	0.54

Surrounding Property	Existing Land Use Per Title 19.12	Planned or Special Land Use Designation	Existing Zoning District
Subject Property	Pawn Shop	TOC-2 (Transit Oriented Corridor - Low)	C-2 (General Commercial)
North	Auto Repair Garage, Minor	TOC-2 (Transit Oriented Corridor - Low)	C-2 (General Commercial)
	General Retail Store, Other Than Listed		
South	Undeveloped	TOC-2 (Transit Oriented Corridor - Low)	C-1 (Limited Commercial)
East	Undeveloped	GC (General Commercial)	C-2 (General Commercial)
West	Public or Private School, Primary [Charter School]	TOC-2 (Transit Oriented Corridor - Low)	C-2 (General Commercial)
	General Personal Service		

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<i>Master and Neighborhood Plan Areas</i>	<i>Compliance</i>
Las Vegas 2050 Master Plan Area: Rancho	Y
<i>Special Area and Overlay Districts</i>	<i>Compliance</i>
A-O (Airport Overlay) District (140 Feet)	Y
RP-O (Rural Preservation Overlay) District	Y
<i>Other Plans or Special Requirements</i>	<i>Compliance</i>
Trails	N/A
Las Vegas Redevelopment Plan Area	N/A
Interlocal Agreement	N/A
Project of Significant Impact (Development Impact Notification Assessment)	N/A
Project of Regional Significance	N/A