



AGENDA MEMO - PLANNING

CITY COUNCIL MEETING DATE: JULY 20, 2022

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT: CASH AMERICA WEST, INC. DBA
SUPERPAWN - OWNER: C EAGLE SPIRIT, LLC

** STAFF RECOMMENDATION(S) **

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
22-0207-SUP1	Staff recommends DENIAL, if approved subject to conditions:	

** NOTIFICATION **

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 35

NOTICES MAILED 429 (by City Clerk)

PROTESTS 0

APPROVALS 0

**** CONDITIONS ****

22-0207-SUP1 CONDITIONS

Planning

1. Conformance to all Minimum Requirements under LVMC Title 19.04.010 for a Pawn Shop use.
2. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the new construction. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. 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.
4. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
5. 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 a Special Use Permit for a 4,844 square-foot Pawn Shop use at 2300 East Bonanza Road.

ISSUES

- The Pawn Shop use is permitted in the C-1 (Limited Commercial) zoning district with the approval of a Special Use Permit.
- A Waiver from Title 19.12 is required to allow a zero-foot distance separation from a residential use where 200 feet is required. Staff does not support this request.
- A Waiver from Title 19.12 is required to allow a zero-foot distance separation from any other Pawn Shop use or Specified Financial Institution use where 1,000 feet is required. Staff does not support the request.

ANALYSIS

The subject site is located at 2300 East Bonanza Road. The 8.77-acre subject site is zoned C-1 (Limited Commercial). The subject site operated as a Financial Institution, Specified from 1/28/2004 until the business license became inactive on 3/31/2021. The applicant is requesting a Special Use Permit for a 4,844 square-foot Pawn Shop use to occupy the subject site. The Pawn Shop use is defined by Title 19.12 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 proposed use meets the definition above, as the provided justification letter states that it is the applicant's intent is for all loans offered will be nonrecourse loans based on the marketability and sales value of goods pledged by a customer as part of the pawn transaction and offer no other financial services.

The Minimum Special Use Permit Requirements for this use include:

- *1. The use shall comply with the applicable requirements of LVMC Chapter 6.60.

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The proposed use will meet this requirement, as the proposed site is subject to Business Licensing inspections.

*2. No outdoor display, sales or storage of any merchandise shall be permitted.

The proposed use will meet this requirement, as the submitted documents and plans do not state that there will be outdoor display, sales or storage of any merchandise.

*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.

The subject site is not 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 1000 feet from any other pawn shop use or specified financial institution use.

The proposed use does not meet this requirement, as the proposed site is located zero feet away from a residentially zoned parcel where 200 feet is required and 80 feet from any other pawn shop use or specified financial institution use where 1,000 feet is required. The applicant has requested a Waiver to address these distance requirements.

The proposed location fails to comply with both of the minimum distance separation requirements for the requested Special Use Permit. The zero-foot residential distance separation Waiver represents a 100 percent reduction from the required 200-foot separation required by Title 19. Also, there is an existing Financial Institution, Specified within the same shopping center and a Pawn Shop use located 267 feet away, which was approved via Special Use Permit (SUP-40738) by the Planning Commission on 03/08/11.

Staff does not support the requested waiver to allow a zero-foot separation from any other Pawn Shop, as the impact from the addition of Pawn Shop use to the existing shopping center development will result in an oversaturation of the Pawn Shop use to the surrounding area. Therefore, staff recommends denial of the request.

FINDINGS (22-0207-SUP1)

In order to approve a Special Use Permit application, per Title 19.16.110(L) 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 land use is not harmonious and compatible with existing surrounding land uses, as the proposed use would create an oversaturation of the Pawn Shop use to the surrounding area. The proposed use would also be located zero feet away from parcels zoned for residential use, which is not harmonious and compatible.

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 Pawn Shop use, as there is already existing such uses in this shopping center and in the immediate surrounding area.

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 subject site is accessible through Bonanza Road, which is a 100-foot Primary Arterial and is adequate in size to provide access.

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 Pawn Shop use request at the subject is inconsistent with the overall objectives of the General Plan, as approval of this request will oversaturate a neighborhood and commercial corridor with one particular use that is not part of a Special Area Plan.

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5. The use meets all of the applicable conditions per Title 19.12.

The proposed use does not meet all applicable conditions per Title 19. The use fails to meet Condition #4 of the Pawn Shop Special Use Permit Requirements, which states “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 1000 feet from any other Pawn Shop use or Specified Financial Institution use.” The proposed location fails to comply with both of the minimum distance separation requirements for the requested Special Use Permit. The zero-foot residential distance separation Waiver represents a 100 percent reduction from the required 200-foot separation required by Title 19. Also, there is an existing Financial Institution, Specified within the same shopping center and a Pawn Shop use located 267 feet away.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by Planning, Fire, Bldg., etc.</i>	
05/14/98	The Planning Commission approved Z-0093-64 for Reclassification of Property legally described as the South 150' of the East 667.53' of the North 671.16' of the NE Quarter of Section 35, Township 20 South, Range 61 East, MDB&M.
01/07/04	The City Council approved a Special Use Permit request (SUP-2962) for a Financial Institution, Specified at 2300 East Bonanza Road. The Planning Commission and staff recommended denial.
06/15/11	The City Council approved a Special Use Permit request (SUP-4126) for an Auto Title Loan use at 2300 East Bonanza Road. The Planning Commission and staff recommended denial.
08/12/12	The Planning Commission approved a Site Development Plan Review request (SDR-4582) for a stand-alone drive-through restaurant at 2400 East Bonanza Road. Staff recommended denial.
08/12/12	The Planning Commission approved a Variance request (VAR-45850) to allow 343 parking spaces where 345 were required at 2400 East Bonanza Road. Staff recommended denial.
06/21/22	The Planning Commission (5-1 vote) recommends APPROVAL on a Land Use Entitlement project request FOR A PROPOSED PAWN SHOP USE WITH WAIVERS TO ALLOW A ZERO-FOOT DISTANCE SEPARATION FROM A PARCEL ZONED FOR RESIDENTIAL USE WHERE 200 FEET IS REQUIRED AND TO ALLOW A ZERO-FOOT DISTANCE SEPARATION FROM AN EXISTING SIMILAR USE WHERE 1,000 FEET IS REQUIRED at 2300 East Bonanza Road (APN 139-35-501-001), C-1 (Limited Commercial) Zone, Ward 3 (Diaz)

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Most Recent Change of Ownership	
01/27/03	A deed was recorded for a change in ownership.

Related Building Permits/Business Licenses	
01/28/04	A business license (#N02-00134) was issued to allow Financial Institution, Specified at 2300 East Bonanza Road. The license is inactive as of 03/31/22.

Pre-Application Meeting	
04/07/22	A pre-application meeting was held to discuss the Pawn Shop use request and the application requirements for a Special Use Permit.

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

Field Check	
05/18/22	Staff performed a routine field check and noted that the existing building had several stains throughout all faces of the building.

Details of Application Request	
Site Area	
Net Acres	8.77

Surrounding Property	Existing Land Use Per Title 19.12	Planned or Special Land Use Designation	Existing Zoning District
Subject Property	Shopping Center	TOD-2 (Transit Oriented Development – 2)	C-1 (Limited Commercial)
North	General Retail Store, Other Than Listed Beer/Wine/Cooler Off-Sale Establishment		
South	Single Family Residential, Detached	L (Low Density)	R-1 (Single Family Residential)
East	General Retail Store, Other Than Listed Beer/Wine/Cooler Off-Sale Establishment	TOD-2 (Transit Oriented Development – 2)	C-1 (Limited Commercial)
	Restaurant		
West	Single Family Residential, Detached	L (Low Density)	R-1 (Single Family Residential)

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Master and Neighborhood Plan Areas	Compliance
Master 2050 Area: East Las Vegas	Y
Special Area and Overlay Districts	Compliance
No Applicable Special Area or Overlay Districts	N/A
Other Plans or Special Requirements	Compliance
Trails	N/A
Las Vegas Redevelopment Plan Area – Area 1	Y
Interlocal Agreement	N/A
Project of Significant Impact (Development Impact Notification Assessment)	N/A
Project of Regional Significance	N/A

DEVELOPMENT STANDARDS

Street Name	Functional Classification of Street(s)	Governing Document	Actual Street Width (Feet)	Compliance with Street Section
Bonanza Road	Primary Arterial	Master Plan of Streets and Highways Map	100	Y

Pursuant to VAR-45850, 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	115,311 SF	One space per 250 square feet of GFA	461		328		
TOTAL SPACES REQUIRED			461		328		
Regular and Handicap Spaces Required			452	9	343	15	Y*

*VAR-45850 was approved by the Planning Commission on 08/12/12 to allow 343 parking spaces.