



AGENDA MEMO - COMMUNITY DEVELOPMENT

PLANNING COMMISSION MEETING DATE: APRIL 11, 2023

DEPARTMENT: COMMUNITY DEVELOPMENT

ITEM DESCRIPTION: APPLICANT/OWNER: CHETAK DEVELOPMENT

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

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
23-0087-SUP1	Staff recommends DENIAL, if approved subject to conditions:	

**** NOTIFICATION ****

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 16

NOTICES MAILED 1301

PROTESTS 0

APPROVALS 0

**** CONDITIONS ****

23-0087-SUP1 CONDITIONS

Planning

1. The approved Special Use Permit (SUP-15440) at 2230 Paradise Road shall be expunged upon exercising of this Special Use Permit (23-0087-SUP1).
2. Conformance to all Minimum Requirements under LVMC Title 19.12 for a Pawn Shop use, except as waived herein.
3. A Waiver from Title 19.12.070 for the Pawn Shop use is hereby approved, to allow a zero-foot distance separation from a parcel zoned for residential use where 200 feet is required.
4. Conformance to the approved conditions for Plot Plan Review (Z-0020-77).
5. This approval shall be void two years from the date of final approval, unless exercised pursuant to the provisions of LVMC Title 19.16. An Extension of Time may be filed for consideration by the City of Las Vegas.
6. 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 Division.
7. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit, as well as submitted as part of any business license application.
8. 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 relocate an existing 1,950 square-foot Pawn Shop from 2230 Paradise Road into a 3,400 square-foot building on a separate parcel within the same commercial center at 2206 Paradise Road.

ISSUES

- A Special Use Permit (SUP-15440) was approved for the existing Pawn Shop use at 2230 Paradise Road with Waivers of required distance separation from a parcel zoned for residential use and separation from similar uses. As the floor area increase is more than 50 percent of the original approval, the proposed relocation of the use is on a separate parcel and a new, more intense Waiver of distance separation between the Pawn Shop use and a parcel zoned for residential use is requested, approval of a major Special Use Permit is required for the new location. The applicant has opted to request a new Special Use Permit rather than amend the existing approval.
- The proposed location meets the 1,000-foot distance separation requirement from any other Pawn Shop or Financial Institution, Specified use.
- If approved, a condition of approval states that the prior Special Use Permit (SUP-15440) for the Pawn Shop use will be expunged when the new Special Use Permit (23-0087-SUP1) is exercised. Pursuant to Title 19.16.110.P, a Special Use Permit for which a building permit for new construction is not required is exercised by issuance of a temporary or permanent business license to conduct the activity.

ANALYSIS

An existing 1,950 square-foot Pawn Shop is currently located at 2230 Paradise Road. The tenant is seeking a larger, 3,400 square-foot space to occupy at 2206 Paradise Road within the same commercial center as the existing location. The current location is operating under an exercised Special Use Permit (SUP-15440) for a Pawn Shop use with Waivers to allow a 160-foot separation from a parcel zoned for residential use where 200 feet is required and a 958-foot separation from an existing Financial Institution, Specified use where 1,000 feet is required. This was a nondepository lender at 432 East Sahara Avenue that has been out of business since 2018.

The shopping center consists of three legal lots that are not part of a commercial subdivision. In order to qualify for a minor amendment of the approved Special Use

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Permit (SUP-15440) pursuant to Title 19.16.110.M, at least one of the following criteria must be met and no waivers of any minimum Special Use Permit requirement or increase of a previous Waiver can be required:

- a. A reduction of the use allowed by the Special Use Permit.
- b. An expansion of the use allowed by the Special Use Permit that represents an increase of less than 50 percent of the square footage of the original approval.
- c. Relocation of the use on the same legal parcel as originally approved, where (a) or (b) above qualifies.

The proposed Pawn Shop use does not meet Criterion (b) above, as the original Special Use Permit approval was for 1,500 square feet of gross floor area and the new location is 3,400 square feet, a 126 percent increase. Furthermore, even if Criterion (b) qualified for consideration, the use is proposed to be relocated onto a different legal parcel than for which it was originally approved. Third, this proposal requires a zero-foot distance separation from a residentially zoned parcel where 160 feet had previously been approved. Therefore, this request is not eligible for a minor amendment of the approved Special Use Permit.

The Pawn Shop use is defined 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, as the primary business activity is to lend money on security of goods.

The Minimum Special Use Permit Requirements for this use include:

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

The proposed use meets this requirement. Title 6.60 regulates pawnbrokers. The minimum code requirements for a pawnbroker license must be satisfied before a license for change of location can be approved. This is a nonwaivable requirement.

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

The proposed meets this requirement, as all merchandise will be stored within an enclosed building. This is a nonwaivable requirement.

- *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.

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The proposed use meets this requirement, as the proposed Pawn Shop location is neither located on Fremont Street nor Las Vegas Boulevard. This is a nonwaivable requirement.

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 parcel on which it would be located is zero feet from a parcel zoned R-4 (High Density Residential) containing an existing multi-family residential condominium development. There are no other Pawn Shops or Financial Institution, Specified uses within 1,000 feet of the subject parcel. Distance separation measurement is taken pursuant to Title 19.18.030(F) requirements. The applicant has requested a Waiver of this Special Use Permit requirement.

The proposed location for this use is in an existing standalone building near the north property line. The space between the building and the adjacent multi-family residential property is gated and screened by an eight-foot block wall. An exit door leads to this space; however, there is no direct access to the residential property from this site. The building will be remodeled to accommodate retail and storage areas as well as restrooms. The site contains adequate parking to support this use; as this is a shopping center and no additional floor area is being added, no additional parking spaces are required.

Staff has consistently recommended denial of Waivers of the distance separation requirement between Pawn Shop uses and residentially zoned properties due to the possibility of negative impacts to the protected use. The request is similar to past requests for pawn shops requiring Waivers of the distance separation.

As the subject site is located less than 500 feet from the city's boundary with Clark County and pertains to a Special Use Permit request, the request is deemed to be Project of Regional Significance as defined by Title 19.18.020. No comments from affected agencies have been received as of March 20, 2023.

Due to the proposed zero-foot separation between the property containing the use and the existing multi-family residential property to the north, staff cannot support the request for a Special Use Permit for a Pawn Shop at this location. If approved, the previous Special Use Permit (SUP-15440) will be expunged upon exercising of this Special Use Permit (23-0087-SUP1), which would occur with issuance of a business license for a pawn shop at the proposed location.

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FINDINGS (23-0087-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 Pawn Shop use cannot be harmoniously and compatibly conducted with the surrounding uses in the vicinity, as it would be located closer to a parcel zoned for residential use than currently approved. The Zoning Code aims to protect residential properties from proximate intrusion of Pawn Shop uses.

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

The proposed location is located within the same shopping center as the currently approved location, which contains adequate parking and access.

- 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.**

Access to the site is provided by Sahara Avenue and Paradise Drive, both of which are classified as Primary Arterial streets by the city's Master Plan of Streets and Highways. These roadways are sufficient in size to meet the requirements 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.**

The proposed Pawn Shop use will be subject to licensing review and inspection, thereby protecting the public health, safety and welfare.

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

The proposed use does not meet Minimum Special Use Permit Requirement 4, as it would be located zero feet from a parcel zoned for residential use where 200 feet is the minimum required separation distance.

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BACKGROUND INFORMATION

<i>Related Relevant City Actions by Planning, Fire, Building, Code Enforcement, etc.</i>	
05/18/77	The Board of City Commissioners approved a request for a Rezoning (Z-0020-77) from R-4 (Apartment Residence) to C-1 (Limited Commercial) on 2.34 acres at the northwest corner of Sahara Avenue and Paradise Road. The Planning Commission and staff recommended approval.
09/03/86	The City Council approved a request for a Plot Plan Review (Z-0020-77) for a proposed 35,600 square-foot retail center with restaurant on 2.34 acres at the northwest corner of Sahara Avenue and Paradise Road. The Planning Commission and staff recommended approval.
09/20/06	The City Council approved a request for a Special Use Permit (SUP-15440) for a proposed 1,500 square-foot Pawn Shop use with Waivers of the minimum distance separation requirements from a residential use and from a Financial Institution, Specified at 2230 Paradise Road. The Planning Commission recommended approval; staff recommended denial. This entitlement remains active.
05/21/14	The City Council approved a request for a Rezoning (ZON-53065) from C-1 (Limited Commercial) to C-2 (General Commercial) on 2.34 acres at 2202 to 2252 (even numbered addresses) Paradise Road. The Planning Commission and staff recommended approval.
07/11/17	The Planning Commission approved a Tentative Map (TMP-70689) for a one-lot commercial subdivision on 2.34 acres at the northwest corner of Sahara Avenue and Paradise Road. The approval expired 07/11/21.
06/07/21	A Code Enforcement Case (CE21-02371) was opened to investigate a complaint regarding a homeless encampment in the landscape area near 2202 Paradise Road. The case was resolved 06/08/21.

<i>Most Recent Change of Ownership</i>	
02/28/20	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
1986	A shopping center was constructed at the northwest corner of Sahara Avenue and Paradise Road.
Pre-1991	A business license (P04-00014) was issued for a Pawn Shop. A change of location of this license from 128 South 1st Street to 2230 Paradise Road was made in October 2006. The license remains active.

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<i>Related Building Permits/Business Licenses</i>	
Pre-1991	A business license (S25-00007) was issued for a Secondhand Dealer Class II. A change of location of this license from 128 South 1st Street to 2230 Paradise Road was made in October 2006. The license remains active.
01/21/94	A business license (P08-00022) was issued for an Auto Pawnbroker. A change of location of this license from 128 South 1st Street to 2230 Paradise Road was made in October 2006. The license remains active.
12/02/09	A business license (N02-00152) was issued for a nondepository lender (Star Loan Centers) at 432 East Sahara Avenue. The license was marked out of business on 11/27/18.

<i>Pre-Application Meeting</i>	
02/13/23	A pre-application meeting was held with the applicant to discuss submittal requirements for a Special Use Permit application. Staff determined that either a major amendment of the existing Special Use Permit or a new Special Use Permit would be required, due to the size of the expansion and relocation nearer to a residentially zoned parcel.

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

<i>Field Check</i>	
03/02/23	The proposed location for the Pawn Shop use is in a standalone vacant building within an existing shopping center. The building is separated from a multi-family residential property with a condominium by a CMU block wall and approximately four-foot wide gated area. The existing Pawn Shop at 2230 Paradise Road was in operation.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	0.40

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<i>Surrounding Property</i>	<i>Existing Land Use Per Title 19.12</i>	<i>Planned or Special Land Use Designation</i>	<i>Existing Zoning District</i>
Subject Property	Shopping Center	TOD-1 (Transit-Oriented Development - High)	C-2 (General Commercial)
North	Multi-Family Residential (Condominiums)	TOD-1 (Transit-Oriented Development - High)	R-4 (High Density Residential)
South	Shopping Center	TOD-1 (Transit-Oriented Development - High)	C-2 (General Commercial)
	Off-Premise Sign		
East	Office, Other Than Listed	TOD-1 (Transit-Oriented Development - High)	C-1 (Limited Commercial)
West	Multi-Family Residential	C (Commercial)	C-2 (General Commercial)

<i>Master and Neighborhood Plan Areas</i>	<i>Compliance</i>
Las Vegas 2050 Master Plan Area: Downtown South	Y
Beverly Green/Southridge Neighborhood Plan	Y
<i>Special Area and Overlay Districts</i>	<i>Compliance</i>
A-O (Airport Overlay) District (175 Feet)	Y
G-O (Gaming Enterprise Overlay) District	Y
<i>Other Plans or Special Requirements</i>	<i>Compliance</i>
Trails	N/A
Las Vegas Redevelopment Plan Area – Area 1	Y
Interlocal Agreement	N/A
Project of Significant Impact (Development Impact Notification Assessment)	Y
Project of Regional Significance	Y

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DEVELOPMENT STANDARDS

Pursuant to Title 19.08 and 19.12, 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	30,880 SF	1 space per 250 SF GFA	124				
TOTAL SPACES REQUIRED			124		137		Y
Regular and Handicap Spaces Required			119	5	132	5	Y

Waivers		
Requirement	Request	Staff Recommendation
200-foot distance separation from a parcel used or zoned for residential use	To allow a zero-foot separation from a parcel zoned R-4	Denial