

AGENDA MEMO

CITY COUNCIL MEETING DATE: NOVEMBER 21, 2007
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: SUP-24533 - APPLICANT: KID AROUND - OWNER: WEST SAHARA ASSOCIATES

** CONDITIONS **

Staff recommends DENIAL. The Planning Commission (5-0 vote) recommends APPROVAL, subject to:

Planning and Development

1. This use shall be administratively reviewed by the Planning and Development Department in one-year.
2. Conformance to all Minimum Requirements under LVMC Title 19.04.010 for a Secondhand Dealer use.
3. Conformance to the conditions for Rezoning Z-0016-86 and Site Development Plan Review [Z-0016-86(3)] if approved.
4. This approval shall be void one year from the date of final approval, unless a business license has been issued to conduct the activity, if required, or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.
5. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Special Use Permit for a Secondhand Dealer at 6338 West Sahara Avenue.

Two previous Special Use Permits have been approved for the Secondhand Dealer use on the subject site, and a nonprofit thriftshop also is located on the site. One of the special use permits has expired; however, saturation of this use is not recommended in this area, nor is the concentration of similar uses deemed compatible with other uses in the area. Staff recommends denial.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
03/19/86	The City Council approved a Rezoning (Z-0016-86) from N-U (Non-Urban) to C-1 (Limited Commercial) on this site. The Planning Commission and staff recommended approval. Condition Number 4 of this approval prohibits access to Torrey Pines Drive from the proposed commercial storage facility except for an emergency access gate.
12/22/87	The Planning Commission approved a Site Development Plan Review [Z-0016-86(2)] for proposed retail shops, restaurant and bar, and automobile lube shop on the subject site. Staff recommended approval.
05/24/88	The Planning Commission approved a Plot Plan Review [Z-0016-86(3)] for a revised plot plan of a proposed retail commercial center on this site consisting of 64,854 square feet. Staff recommended approval.
01/03/01	The City Council approved a Special Use Permit (U-0179-00) for a Restaurant Service Bar at 6352-6354 West Sahara Avenue. The Planning Commission and staff recommended approval.
10/17/01	The City Council approved a Special Use Permit (U-0121-01) to allow Secondhand Sales in conjunction with a sporting goods store at 6360 West Sahara Avenue. The Planning Commission and staff recommended approval. Condition Number 1 of this approval states that the Special Use Permit shall run concurrently with the business owner, not the property owner.
02/16/05	The City Council denied an appeal of the Planning Commission denial vote for a Special Use Permit (SUP-3394) for a proposed 40-foot tall, 14-foot by 48-foot Off-Premise Advertising (Billboard) Sign on the subject site. Staff had recommended approval.
04/19/06	The City Council denied an appeal of the Planning Commission denial vote for a Special Use Permit (SUP-10236) for a proposed 40-foot high, 14-foot by 48-foot Off-Premise Advertising (Billboard) Sign at 6390 West Sahara Avenue. Staff had recommended denial.

07/19/06	The City Council approved a Special Use Permit (SUP-13478) for a Secondhand Dealer (Clothing) at 6378 West Sahara Avenue. The Planning Commission and staff recommended approval. By condition, the approval was limited to secondhand sales of clothing and clothing accessories. This Special Use Permit has expired, as it was not exercised within the one-year approval window.
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Related Building Permits/Business Licenses

11/17/99	A business license (N05-00502) was issued for a nonprofit thrift store at 6344 West Sahara Avenue. According to staff records, this operation was originally classified as a retail use and then was reclassified to the current N36-00006 nonprofit thriftshop on 01/26/06.
12/14/01	A business license (S25-00078) was issued for a Secondhand Dealer of sporting equipment at 6360 West Sahara Avenue. The license is still active.
04/05/06	A business license (C07-03510) was issued for a Clothing Store at 6378 West Sahara Avenue. The business ceased operations during September 2006. Business licensing staff marked the business out 10/06/06 after a field inspection.
04/26/06	The applicant submitted an application for a business license (S25-95359) for Secondhand Sales of clothing at 6378 West Sahara Avenue. The primary business ceased operations during September 2006 and this application was withdrawn prior to City Council action on the licensing request.
	There is no previous license history available for 6338 West Sahara Avenue.

Pre-Application Meeting

08/27/07	The tenant space is currently vacant. The applicant stated that the nature of this business is sales of used toys, clothes, strollers, cribs and car seats from 0-12 years. Some new items will be included. The difference between this store and Goodwill is that this store caters primarily to children. Staff stated that hours of operation would be required information in the justification letter.
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Neighborhood Meeting

A neighborhood meeting is not required for this application, nor was one held.

Field Check

09/18/07	Access to the site is from either Torrey Pines Drive or Sahara Avenue. The tenant space is three doors south of the existing Goodwill thrift shop. Signage for the proposed business is already on the door, but the store did not appear to be open. Parking is very tight in this shopping center Big Dogs Restaurant is on the site, as is a nail salon.
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Details of Application Request

Site Area

Net Acres	5.34
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Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Retail and Commercial	SC (Service Commercial)	C-1 (Limited Commercial)
North	Mini-Storage Facility	SC (Service Commercial)	C-1 (Limited Commercial)
South	Financial Institution, Restaurant, Office	CN (Commercial Neighborhood Clark County)	C-1 (Local Business Clark County)
East	Motor Vehicle Sales (New)	GC (General Commercial)	C-2 (General Commercial)
West	Motor Vehicle Sales (New)	GC (General Commercial)	C-2 (General Commercial)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan		X	N/A
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts		X	N/A
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance	X		Y

INTERAGENCY REVIEW

Pursuant to Ordinance #5477, the proposed Special Use Permit request has been deemed a Project of Regional Significance, as it concerns property located within 500 feet of the city boundary with Clark County. A questionnaire describing the impacts of the project to the area was submitted to various regional agencies for review. As of 10/10/07, no comments have been received.

DEVELOPMENT STANDARDS

Pursuant to Title 19.10, the following parking standards apply:

Parking Requirement							
<i>Use</i>	<i>Gross Floor Area or Number of Units</i>	<i>Parking Ratio</i>	<i>Required</i>		<i>Provided</i>		<i>Compliance</i>
			<i>Parking</i>		<i>Parking</i>		
			Regular	Handi-capped	Regular	Handi-capped	
Shopping Center	64,854 SF	1 space per 250 SF GFA	253	7			
SubTotal			253	7	328	12	Y
TOTAL			260		340		Y

The Shopping Center use applies to a structure or group of structures containing a assemblage of retail, personal service, food service and other ancillary uses and having a minimum combined gross floor area of between 25,000 and 350,000 square feet with common parking and access. The proposed Secondhand Dealer use contained within this shopping center will not add additional parking spaces to the existing requirement.

ANALYSIS

- **Zoning**

The site is zoned C-1 (Limited Commercial). Typical uses in this district include retail, restaurants, personal services, and some mixed-use developments. The zoning district and uses in the retail center conform to the existing SC (Service Commercial) General Plan land use designation.

The Secondhand Dealer use is permitted in the C-1 District with approval of a Special Use Permit.

Two previous Special Use Permits have been approved for the Secondhand Dealer use on the subject site, and a nonprofit thriftshop also is located on the site. The most recent Special Use permit approval (SUP-13478) expired 08/19/06, as a business license for the secondhand sales was never issued.

- **Use**

Title 19 defines a Secondhand Dealer as a specialty shop which deals solely in one kind of used commodity with no new commodities, or a business in which the sale of secondhand or used articles is incidental to the sale of new articles of the same kind. For purposes of this description, the sale of secondhand or used articles is deemed to be incidental to the sale of new articles. Used articles may include wearing apparel, furniture, fixtures, appliances, tableware, offices supplies, pictures, paintings, jewelry, cutlery or guns. The definition of the use does not include a Thriftshop or Nonprofit Thriftshop, which are separately defined by the Zoning Code.

The use is located within a 64,854 square foot shopping center at the northeast corner of Torrey Pines Drive and Sahara Avenue. The existing tenant space is 1,236 square feet. Items proposed to be sold are used and new childrens clothing, toys, strollers, books, and other items associated with children. New items would represent about 30 percent of the stock. The submitted floor plan shows a display area, a storage and break room. Restroom facilities are shared with the suite to the north.

- **Conditions**

Pursuant to Title 19.04, Secondhand Dealers requiring a Special Use Permit shall meet the following minimum requirements. An asterisk (*) indicates that a requirement cannot be waived.

- *1. No outdoor display, sales or storage of any merchandise shall be permitted.
- *2. The use shall comply with the applicable requirements of Las Vegas Municipal Code Title 6.
- *3. No secondhand dealer shall be located on either side of Fremont Street or on Las Vegas Boulevard South, between Charleston Boulevard and Sahara Avenue.

In regard to Condition 1, the business will be subject to enforcement of all city codes, including restrictions on outdoor sales and display.

In regard to Condition 2, the business will conform to all business licensing requirements and procedures.

In regard to Condition 3, the proposed use will be located at the northeast corner of Torrey Pines Drive and Sahara Avenue outside of the exclusionary zone for secondhand dealers.

Hours of operation are proposed to be from 10:00 a.m. to 7:00 p.m. daily.

FINDINGS

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.**

Approval of the Special Use Permit would permit a third business in this shopping center site to sell secondhand items. Saturation of this use is not recommended in this area, nor is the concentration of similar uses deemed compatible with other uses in the area.

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

The proposed use will be located in an existing shopping center intended for small retail, office and other commercial developments. This site is physically suitable for the intensity of this use; however, the concentration of such uses in one area may have a negative impact on the surrounding land uses.

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 has access from Sahara Avenue, a 150-foot Primary Arterial street, and Torrey Pines Drive, an 80-foot Secondary Collector street, as classified by the Master Plan of Streets and Highways. These roadways are of adequate capacity to meet the requirements of the proposed Secondhand Dealer 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 use will be subject to regular inspection for licensing, and will therefore not compromise the public health, safety and welfare. This type of business is supported by the SC (Service Commercial) General Plan land use objectives.

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

The business will be subject to enforcement of all code requirements and licensing procedures, and is located outside of the secondhand dealer exclusionary area; therefore, all of the conditions per Title 19.04 required for approval of a Special Use Permit are satisfied. There are no distance separation requirements between similar uses or from a Secondhand Dealer use to any other use.

PLANNING COMMISSION ACTION

The Planning Commission added condition #1 to which the applicant agreed.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 4

ASSEMBLY DISTRICT 5

SENATE DISTRICT 8

NOTICES MAILED 216 by City Clerk

APPROVALS 0

PROTESTS 5