



AGENDA MEMO

CITY COUNCIL MEETING DATE: MAY 7, 2008
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: SUP-26857 - APPLICANT: ANTONIO TEIXEIRA - OWNER:
LEONARD & ELIZABETH CAPRI TRUST

**** CONDITIONS ****

The Planning Commission (6-0 vote) and staff recommend APPROVAL, subject to:

Planning and Development

1. Conformance to all Minimum Requirements under LVMC Title 19.04.050 for the Secondhand Dealer use.
2. 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.
3. No outdoor display, sales or storage of any merchandise is permitted.
4. 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 1,650 square-foot Secondhand Dealer at 4331 West Charleston Boulevard. The subject site is located in an existing 15,840 square-foot commercial center which was constructed in 1954. The overall commercial subdivision is approximately 37,600 square feet in size. A previous Special Use Permit (U-0043-01) was approved for the Secondhand Dealer use on the subject site but has since expired. The submitted floor plan shows a display area, a storage and break room, two offices and restroom facilities. The applicant would like to sell clothing, home furnishings, artwork and other household goods. No waivers are requested and the use is compatible with the general plan, zoning and surrounding area, therefore staff recommends approval.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
02/11/71	Z-0002-71, The City Council approved rezoning from R-E (Residence Estates) to C-1 (Limited Commercial) on a portion of the subject site and an addition to the existing commercial subdivision.
06/06/01	The City Council approved a request for a Special Use Permit for a Second Hand Dealer (U-0043-01), The Planning Commission and staff recommended approval.
03/27/08	The Planning Commission voted 6-0 to recommend APPROVAL (PC Agenda Item #22/leh).
<i>Pre-Application Meeting</i>	
02/01/08	The requirements for a Special Use Permit for a Secondhand Dealer were discussed, including provisions prohibiting outdoor display of merchandise.
<i>Neighborhood Meeting</i>	
A meeting was not required nor was one held.	
<i>Field Check</i>	
2/14/08	The subject site is presently vacant, presently there are several uses ranging from automotive repair to tavern to other retail uses.
<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	2.17

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Retail Center	SC (Service Commercial)	C-1 (Limited Commercial)
North	Professional Office	SC (Service Commercial)	P-R (Professional Office) and C-1 (Limited Commercial)
South	Office/Church	SC (Service Commercial)	C-D (Designed Commercial) and R-E (Residence Estates)
East	Retail Center	SC (Service Commercial)	C-1 (Limited Commercial)
West	Retail Center	SC (Service Commercial)	C-1 (Limited Commercial)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts		X	N/A
A-O (Airport Overlay) District	X		Yes
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

DEVELOPMENT STANDARDS

Pursuant to Title 19.10, the following Parking Standards apply to the subject proposal:

Parking Requirement							
<i>Use</i>	<i>Gross Floor Area or Number of Units</i>	<i>Required</i>			<i>Provided</i>		<i>Compliance</i>
		<i>Parking Ratio</i>	<i>Parking</i>		<i>Parking</i>		
			Regular	Handi-capped	Regular	Handi-capped	
General Retail	37,600 SF	1 per 250SF	151	5	117	5	Y*
TOTAL			151	5	117	5	Y*

**Per Title 19.10, this development is considered a parking impaired development.*

ANALYSIS

This is a request for a Special Use Permit for a 1,650 square-foot Secondhand Dealer at 4331 West Charleston Boulevard. The subject site is located in an existing 15,840 square foot commercial center which was constructed in 1954. The overall commercial subdivision is approximately 37,600 square feet in size. A previous Special Use Permit (U-0043-01) was approved for the Secondhand Dealer use on the subject site but has since expired. The submitted floor plan shows a display area, a storage and break room, two offices and restroom facilities. The applicant would like to sell clothing, home furnishings, artwork and other household goods.

No waivers are requested with this application the use is compatible with the general plan, zoning and surrounding area, therefore staff recommends approval.

- **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. A previous Special Use Permit was approved for the Secondhand Dealer (U-0043-01) use on the subject site which has expired. Currently the commercial center is occupied by an automotive repair use, a tavern and other retail outlets.

- **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 Title 19.

- **Parking Analysis**

The existing retail development is deficient in the required number of parking stalls, as 151 parking stalls are required and the site only has 117 spaces. According to Title 19.10.010, this retail site is a parking impaired-development. A parking impaired development is defined by Title 19 as; A land use or building which is existing on the effective date of this Title and which complied with the applicable parking standards at the time the use or building was established, but which does not comply with the requirements of this section, shall not be considered a non-conforming use or non-conforming building; but rather, it shall be considered a parking-impaired development. The proposed use is considered a retail use, and thus does not change the use of this commercial center; therefore additional parking spaces are not required. Because the retail use is not a non-conforming use within the C-1 (Limited Commercial) zone district and the proposed use is locating within the existing development no additional parking stalls are required.

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.**

This use is allowable by code in the C-1 (Limited Commercial) zone, the use will be in an existing center which was built in 1954 and continuously operating as a commercial center since that time. The other commercial uses in this commercial center and surrounding area will not be adversely impacted by this use.

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

The subject site is a commercial center that has been in use since 1954, and is physically suitable for the intensity of the proposed use.

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 located at the southeast corner of Arville Street which is a 60 foot wide Secondary Collector and Charleston Boulevard which is a 100 foot wide Primary Arterial. Access to the site is adequate and this proposed use will have no adverse impact on adjacent roadways.

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 subject site is located within the Southeast Sector of the General Plan in an SC (Service Commercial) land use category. The existing C-1 (Limited Commercial) Zone is consistent with the SC (Service Commercial) land use category, and the proposed Secondhand Dealer is permitted in the C-1 (Limited Commercial) Zone with the approval of a Special Use Permit, subject to meeting the base conditions for the Special Use.

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

The use conforms with all Special Use Permit requirements under Title 19.04 pertaining to Secondhand Dealer. A condition of approval has been added to restrict any outdoor display, sales or storage of materials associated with this proposed use.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 19

ASSEMBLY DISTRICT 3

SENATE DISTRICT 11

NOTICES MAILED 223 by City Clerk

APPROVALS 0

PROTESTS 2