



## AGENDA MEMO

**PLANNING COMMISSION MEETING DATE: NOVEMBER 20, 2008**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: TXT-31179 - APPLICANT/OWNER: CITY OF LAS VEGAS**

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### \*\* CONDITIONS \*\*

**STAFF RECOMMENDATION: APPROVAL**, subject to:

1. Subsection B.4.B. of the Town Center Development Standards Manual, Special Use Permits - Minimum Requirements, is hereby amended as follows:

#### **51) SECONDHAND DEALER**

- a. Except as otherwise provided in Paragraph (c), the use may be operated for consignment sales only.
- b. ~~and such consignment sales shall be limited to the following merchandise: Only the following merchandise may be sold:~~ jewelry (Class III), furniture, fixtures, tableware, pictures and paintings.
- c. ~~b.~~ Payment to the consignor for consigned merchandise may not be made until after the merchandise has been sold.
- c. The following (and only the following) secondhand merchandise may be sold on a non-consignment basis to customers of the operation: personal computers, laptop computers, and other similar computer devices.
- d. No outdoor displays, sales or storage of any merchandise shall be permitted.
- e. The hours of operation shall be limited to the hours between 8:00 a.m. and 10:00 p.m., unless otherwise specified by the City Council.
- f. The use shall comply with the applicable requirements of LVMC Title 6.
- g. The conditions listed above are not waivable development standards under the provisions of the Town Center Development Standards Manual.

**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

This is a request to amend the Town Center Development Standards Manual to update the standards for the Secondhand Dealer use. The proposed amendment would allow an exception to the consignment requirement to allow the purchase and re-selling of personal computers, laptop computers, and other similar computer devices.

**BACKGROUND INFORMATION**

| <i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i> |   |
|--|---|
| 05/16/07   | The City Council adopted Ordinance #5905 which amended the Town Center Development Standards Manual to allow the Secondhand Dealer use within the GC-TC (General Commercial) and SC-TC (Service Commercial) districts upon approval of a Special Use Permit. The Planning Commission and staff recommended approval of the Text Amendment (TXT-19912) which was heard at the City Council as Bill Number 2007-17. |

The Town Center Development Standards Manual establishes the list of permitted uses in the Town Center area. Provisions to allow consignment sales in the Town Center area, which was not permitted prior to the adoption of Ordinance #5905, were made as a part of the standards of the Secondhand Dealer use.

Per Title 6 and Title 19 requirements, consignment operations are permitted and licensed under the Secondhand Dealer use and licensing category. Under Title 19 requirements, the use is allowed in the C-1 (Limited Commercial) and C-2 (General Commercial) zoning districts upon approval of a Special Use Permit application, and is allowed in the C-M (Commercial/Industrial) and M (Industrial) zoning districts as a Conditional Use.

In order to avoid confusion in the zoning and licensing process, it was proposed that the consignment use continue to be permitted under the title of Secondhand Dealer. It was also proposed that the use be allowed in the GC-TC (General Commercial) and SC-TC (Service Commercial) districts upon approval of a Special Use Permit, similar to the areas allowed under Title 19 standards.

**TXT-31179 - Staff Report Page Two  
November 20, 2008 - Planning Commission Meeting**

**ANALYSIS**

In order to address some of the concerns associated with the Secondhand Dealer use, the typical minimum conditions were modified to be more restrictive in the Town Center area. While maintaining the prohibition against outdoor display areas and requiring conformance with licensing and reporting requirements, the following additional standards were added as a part of Ordinance #5905:

- The hours of operation will be restricted to 8:00 a.m. to 10:00 p.m.;
- Payment for the consigned merchandise shall not be offered until the merchandise is sold;
- The merchandise to be offered for consignment shall be restricted to Class III jewelry, furniture, fixtures, tableware, pictures, and paintings;
- The minimum standards specified are deemed non-waivable.

This amendment would expand these standards to make an allowance for secondhand personal computers, laptop computers, and other similar computer devices to be sold on a non-consignment basis.

**FINDINGS**

The proposed text amendment will achieve the following:

- Allow the sale of refurbished and secondhand personal computers, laptop computers, and other similar computer device sales in the Town Center area subject to Special Use Permit approval;
- Maintain more restrictive standards for the Secondhand Dealer use so as to prevent any impacts to surrounding homes or businesses.

The following table summarizes all proposed changes:

| Code Requirements   | Existing Regulations   | Proposed Regulations  |
|---|--|---|
| Town Center Development Standards Manual Development Uses: Special Use Permits Minimum Requirements | <ul style="list-style-type: none"> <li>• Allows only consignment sale operations.</li> </ul> | <ul style="list-style-type: none"> <li>• Expands the use to allow secondhand personal computers, laptop computers, and other similar computer devices to be sold on a non-consignment basis.</li> </ul> |

**NOTICES MAILED**

NEWSPAPER ONLY

**APPROVALS**

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**PROTESTS**

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