



AGENDA MEMO

CITY COUNCIL MEETING DATE: NOVEMBER 19, 2008
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: SUP-29844 - APPLICANT: ZIA RECORD EXCHANGE -
OWNER: SAHARA WESTLAKE ASSOCIATES

**** CONDITIONS ****

The Planning Commission (7-0 vote) and staff recommend APPROVAL, subject to:

Planning and Development

1. Conformance to all Minimum Requirements under LVMC Title 19.04.050 for a 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. 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 proposed Secondhand Dealer in an approved General Retail Store, Other Than Listed located at 4503 West Sahara Boulevard. This request would allow the existing music store to sell secondhand or used articles which are incidental to the sale of new articles of the same kind in the C-1 (Limited Commercial) zoning district.

The justification letter indicates that the applicant intends the store to offer used music (CDs), movies (DVDs) and video games as an affordable opportunity for home entertainment. Sufficient on-site parking is adjacent to this building and throughout the shopping center parking lot. The approved General Retail Store, Other Than Listed meets the Title 19 requirements for a Secondhand Dealer use; therefore, staff recommends approval of this request.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
08/16/2000	City Council approved a request for a Special Use Permit (U-0071-00) for the Sale Of Beer And Wine For On-Premise Consumption In Conjunction With An Existing 3,264 square-foot Restaurant at 4533 West Sahara Avenue. Planning Commission recommended approval.
10/06/04	City Council approved a request for a Special Use Permit (SUP-4822) for a Liquor Establishment (On-Sale/Off-Sale/ On-Off-Sale) at 4505 West Sahara Avenue. Planning Commission and staff recommended approval.
10/23/08	The Planning Commission voted 7-0 to recommend APPROVAL (PC Agenda Item #10/sg).
<i>Related Building Permits/Business Licenses</i>	
07/21/94	Building permits (C-65-94) were issued for a building addition, including electrical (expired 03/11/95), HVAC (completed 08/31/94) and a tenant improvement (completed 09/21/94) at 4503 W. Sahara Avenue.
11/27/07	A building permit (L-1427-07) was issued for wall signs at 4503 W. Sahara Avenue. The permit is still active.
03/27/08	A building permit (108065) was issued for disaster repair at 4503 W. Sahara Avenue. A certificate of occupancy was issued on 05/07/08.
05/22/08	A business license (M-17-00242) was issued for a Music Store, Sales, Service and Rental at 4503 W Sahara Avenue.
<i>Pre-Application Meeting</i>	
08/19/08	A pre-application meeting was held to discuss Special Use Permit requirements and conditions.

Field Check	
09/16/08	The Department of Planning and Development conducted a site visit that found that this was a fully developed site and that the General Retail Store, Other Than Listed is open for business.

Details of Application Request	
Site Area	
Gross Acres	3.69

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)
North	Commercial/Bar/Restaurant	SC (Service Commercial)	C-1 (Limited Commercial)
	Apartments	M (Medium Density Residential)	R-3 (Medium Density Residential)
South	Single Family Residences	L (Low Density Residential)	R-1 (Single Family Residential)
	Apartments	M (Medium Density Residential)	R-3 (Medium Density Residential)
East	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)
West	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)

Special Districts/Zones	Yes	No	Compliance
Special Area Plan		X	N/A
Special Districts/Zones	Yes	No	Compliance
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	N/A

DEVELOPMENT STANDARDS

Pursuant to Title 19.04 and Title 19.10, the following parking standards apply:

Parking Requirement							
Use	Gross Floor Area or Number of Units	Parking Ratio	Required		Provided		Compliance
			<i>Parking</i>		<i>Parking</i>		
			Regular	Handi-capped	Regular	Handi-capped	
Shopping Center	46,241	1 / 250	192		232		
TOTAL			192 Spaces		232 Spaces		Y*

** The request is to allow Secondhand Dealer use within a General Retail Store, Other Than Listed that is currently operating. The General Retail Store, Other Than Listed does not cause the shopping center to be out of compliance with current parking standards and the addition of the Secondhand Dealer use will not increase the number of spaces required above what has been approved.*

ANALYSIS

The subject site is located on the Southwest Sector Map of the General Plan. The site is designated as SC (Service Commercial). This category allows for a low to medium intensity retail, office, or other commercial uses that serve primarily local area patrons and do not include more intense general commercial characteristics. Examples include neighborhood shopping centers, theaters, and other places of public assembly and public and semi-public uses. This category also includes offices either singly or grouped as office centers with professional and business services. The Service Commercial category may also allow Mixed-Use development with a residential component where appropriate. The site is within a C-1 (Limited Commercial) zoning district. The proposed Secondhand Dealer use is permissible with the approval of this request and would then be consistent with the established SC (Service Commercial) General Plan designation and C-1 (Limited Commercial) zoning district.

In accordance with Title 19.04.010, a Secondhand Dealer is 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 definition, 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. This use includes the sale of jewelry (Class III type) and scrap precious metals as defined in LVMC Chapter 6.74, but does not include the sale of junk as defined in that Chapter, the sale of used cars or the sale of other items which the City Council determines do not fit within the intent of this term. This use does not include the buying and selling of foreign or domestic coins for numismatic purposes, which shall be allowed where retail sales of new merchandise, is permitted.

This use also does not include a thriftshop or nonprofit thriftshop. A Secondhand Dealer is permitted in the C-1 (Limited Commercial) zoning district with the approval of a Special Use Permit.

Minimum Special Use Permit Requirements for a Secondhand Dealer use in a C-1 (Limited Commercial) zoning district are:

- *1. No outdoor display, sales or storage of any merchandise shall be permitted.
- *2. The use shall comply with the applicable requirements of LVMC 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.

Pursuant to Title 19.04.050, these are the Minimum Special Use Permit Requirements, and are not Waivable. The proposed Secondhand Dealer use meets the Minimum Special Use Permit Requirements per Title 19.04. Therefore, staff is recommending approval of this Special Use Permit.

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.**

The project is compatible with the General Plan designation and is located within an existing shopping center. The proposed use can be conducted in a manner that is harmonious and compatible with the surrounding uses.

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

The proposed Secondhand Dealer use will be located in an operating General Retail Store, Other Than Listed within a shopping center. There is no evidence of a physical constraint to the proposed use on the subject site.

- 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.**

Site access is provided from West Sahara Avenue, a 100-foot Primary Arterial, and Arville Street, a 60-foot Local Collector, as designated in the Master Plan of Streets and Highways. These streets provide adequate access to and from the subject property.

- 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 this special use permit should not compromise public health, safety, or welfare as the proposed Secondhand Dealer use will be subject to regular inspections.

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

The proposed Secondhand Dealer use in conjunction with an existing General Retail Store, Other Than Listed complies with the conditions per Title 19.04.

PLANNING COMMISSION ACTION

Conditions 1 and 2 may be deleted as it is in operation.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 10

ASSEMBLY DISTRICT 42

SENATE DISTRICT 11

NOTICES MAILED 252 by City Clerk

APPROVALS 0

PROTESTS 0