

**AGENDA MEMO****CITY COUNCIL MEETING DATE: MARCH 3, 2010****DEPARTMENT: PLANNING AND DEVELOPMENT****ITEM DESCRIPTION: SUP-36951 - APPLICANT: RAPID CASH - OWNER:
DIMENSIONS REAL ESTATE GROUP, LLC**

**** CONDITIONS ****

Staff recommends DENIAL. The Planning Commission (6-0 vote) recommends APPROVAL, subject to conditions:

Planning and Development

1. Conformance to all Minimum Requirements under LVMC Title 19.04.050 for Jewelry Store Class, III use.
2. Approval of and conformance to the conditions of approval for Variance (VAR-37080), if approved.
3. 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.
4. 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

This application is a request for a Special Use Permit to add a Jewelry Store, Class III use within an existing 2,113 square-foot Auto Title Loan and a Financial Institution, Specified at 2801 West Washington Avenue, Suite #110. The use will allow the option to buy broken or discarded gold jewelry on the premises. There is no resale of the jewelry; it is not a loan, but a purchase of the jewelry for the gold. Staff recommends denial of this request, as the proposed use does not meet the parking requirements for a Jewelry Store, Class III, which are more restrictive than for a Financial Institution, Specified use. If denied, the existing Auto Title Loan and a Financial Institution, Specified would remain as it is.

ISSUES

- Approval of a parking Variance (VAR-37080) is required to approve this request.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc and Property Sales</i>	
01/19/00	The City Council approved a Variance (V-0088-99) for a second freestanding ground sign at 2801 West Washington Avenue, where one freestanding ground sign is the maximum allowed. The Zoning Board of Adjustment recommended approval.
11/21/02	The Planning Commission accepted the applicant's request to withdraw without prejudice a request for a Site Development Plan Review [Z-0047-56(1)] for a reduction of the on-site landscape requirements for a proposed 5,800 square foot office building at 2801 West Washington Avenue.
04/07/04	The City Council approved a Special Use Permit (SUP-3772) for a Financial Institution, Specified at 2801 West Washington Avenue. The Planning Commission and staff recommended denial.
04/07/04	The City Council approved a Site Development Plan Review (SDR-3766) for a 3,960 square-foot building with Waivers of the Commercial Development Standards and of the Perimeter and Parking Lot Landscaping Standards at 2801 West Washington Avenue. The Planning Commission and staff recommended denial.
09/07/05	The City Council approved a Special Use Permit (SUP-6808) for a proposed Auto Title Loan and a Financial Institution, Specified and to allow a zero-foot separation from a similar use where 1,000 feet is required and a 160-foot separation from residential where 200 feet is required at 2801 West Washington Avenue. The Planning Commission and staff recommended denial.

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03/09/06	The Planning Commission approved a Master Sign Plan (MSP-11131) for an existing commercial development at 2801 West Washington Avenue. Staff recommended approval.
01/28/10	The Planning Commission recommended approval of companion item VAR-37080 concurrently with this application. The Planning Commission voted 6-0 to recommend APPROVAL (PC Agenda Item #30/jg).

<i>Related Building Permits/Business Licenses</i>	
01/02/04	A building permit (#4000002) was issued for demolition of the existing gas station at 2801 West Washington Avenue. A final inspection was completed on 1/28/04.
04/11/05	A building permit (#5002139) was issued for a Certificate of Completion for an office building at 2801 West Washington Avenue. No final inspection was completed.
04/11/05	A building permit (#5002140) was issued for a Certificate of Occupancy for an office building at 2801 West Washington Avenue, Suite #110. No final inspection was completed.
12/02/05	A business license (N02-00022) was issued for a Non-Depository Lender at 2801 West Washington Avenue, Suite #110. The license is still active.
12/16/05	A business license (W10-00101) was issued for a Wire Service at 2801 West Washington Avenue, Suite #110. The license is still active.
12/16/05	A business license (C21-00163) was issued for a Check Cashing Service at 2801 West Washington Avenue, Suite #110. The license was marked out of business on 12/31/08.
<i>Pre-Application Meeting</i>	
12/02/09	A pre-application meeting with the applicant was held where elements of submitting a Special Use Permit for a Jewelry Store, Class III were discussed. The topics included: • The submittal of application materials, meeting dates, and deadlines were discussed at the pre-application meeting. • A Variance for parking, where 23 spaces are required and 20 are provided.
<i>Neighborhood Meeting</i>	
A neighborhood meeting was not required, nor was one held.	

<i>Field Check</i>	
12/22/09	During a routine site inspection staff observed: • Various unpermitted banners, attached to the rear of the building.

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<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	0.48

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Auto Title Loan, Financial Institution, Specified/Retail	SC (Service Commercial)	C-1 (Limited Commercial)
North	Convenience Store	SC (Service Commercial)	C-1 (Limited Commercial)
South	Swap meet	SC (Service Commercial)	C-1 (Limited Commercial)
East	Restaurant	SC (Service Commercial)	C-1 (Limited Commercial)
West	Restaurant	SC (Service Commercial)	C-1 (Limited 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 (Multi-Use)	X		Y
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:

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
General Retail Store, Other Than Listed (Less than 3500 Square Feet)	1,931 SF	1/175 SF	11		11		Y

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Financial Institution, Specified, Auto Title Loan, Jewelry Store, Class III	2,037 SF	1/175 SF	12		9		N
SubTotal			22	1	19	1	N
TOTAL	3,968 SF	1/175 SF	23		20		N
Percent Deviation			15%				

ANALYSIS

This is a request for a Special Use Permit for a Jewelry Store, Class III use within an existing Auto Title Loan and a Financial Institution, Specified at 2801 West Washington Avenue, Suite #110. A Jewelry Store, Class III use is defined by Title 19.20.020 as a “store which buys and sells scrap precious metals for marketing as a commodity in bar form or in other than jewelry form, or which buys and sells precious metal bars and coins that are sold as a commodity rather than for numismatic purposes. This may include operations similar to a new jewelry store.” The proposed use is within the guideline of the permissible use definition. The applicant will buy used jewelry as a way to acquire gold, with no resale of the acquired items to the general public.

The parking requirement for the existing Auto Title Loan and Financial Institution, Specified, is one space per 250 square feet. The proposed Jewelry, Class III use has a more intense parking requirement of one space per 175 square feet, which will result in a net increase of three spaces for the existing site. As the increased number of spaces cannot be accommodated on the site, an associated Variance (VAR-37080) has been requested to address the issue.

A Pedestrian Path, as classified by the 2020 Las Vegas Master Plan Trails Element, has been dedicated and constructed along the south side of Washington Avenue. This Special Use Permit request will not have an adverse impact on the established Pedestrian Trail.

Although the proposed Jewelry Store, Class III use is located within an established Auto Title Loan and a Financial Institution, Specified, the proposed use does not meet the more restrictive parking requirements; therefore, staff recommends denial.

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 proposed Jewelry Store Class III use can be conducted in a manner that is harmonious and compatible with the uses in the existing shopping center and with the uses on adjacent properties.

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

The applicant has requested a Variance to allow 20 parking spaces where 23 spaces are required, which indicates that the use is too intense for the site to accommodate. The requested use will be operated in conjunction with the main business.

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 Washington Avenue, an 80-foot Secondary Collector and Rancho Drive, a 100-foot Primary Arterial 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 the proposed Special Use Permit will not compromise the public health, safety and general welfare, as the use will be subject to regular inspections for business licensing.

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

The proposed store complies with the Minimum Special Use Permit requirements for the use; however, approval of a Variance to allow 20 parking spaces where 23 spaces is required for the proposed use to be approved. There are no distance separation requirements for a Jewelry Store Class III use.

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NEIGHBORHOOD ASSOCIATIONS NOTIFIED 20

NOTICES MAILED 170 (By City Clerk)

APPROVALS 0

PROTESTS 0