

**AGENDA MEMO****CITY COUNCIL MEETING DATE: MARCH 3, 2010****DEPARTMENT: PLANNING AND DEVELOPMENT****ITEM DESCRIPTION: SUP-36956 - 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 for Variance (VAR-37081) shall be required.
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.

**** 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 1,988 square-foot Auto Title Loan and Financial Institution, Specified at 25 North Lamb Boulevard. The use will allow the option to buy broken or discarded gold jewelry on premise. There is no resale of the jewelry; it is not a loan, but a purchase of the jewelry for gold. Staff recommends denial of the proposed use, as it does not meet the minimum parking requirements for a Jewelry Store, Class III use. If denied the Auto Title Loan and Financial Institution, Specified would remain as it is.

ISSUES

- Approval of parking Variance (VAR-37081) is required to approve this project.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc and Property Sales</i>	
05/22/63	The Board of City Commissioners approved a request for Reclassification of Property (Z-0083-63) from R-1 (Single Family Residential) to R-3 (Medium Density Residential) and C-1 (Limited Commercial) on the west side of Lamb Boulevard between Charleston Boulevard and Stewart Avenue, and on the northeast corner of Charleston Boulevard and Lamb Boulevard. The Planning Commission recommended approval on 05/09/63.
03/28/78	The Planning Commission recommended approval of a request for a Plot Plan Review (Z-0083-63(1)) for a proposed neighborhood shopping center on 9.8 acres, generally located at the northeast corner of Charleston Boulevard and Lamb Boulevard, across the street from the subject site.
07/16/03	The City Council approved a Rezoning (ZON-2277) from R-3 (Medium Density Residential) Zone to C-1 (Limited Commercial) Zone on 0.29 acres adjacent to the west side of Lamb Boulevard, approximately 200 feet north of Charleston Boulevard. The Planning Commission and staff recommended approval on 06/12/03.
07/16/03	The City Council approved a Special Use Permit (SUP-2279) for an Auto Title Loan and a Financial Institution, Specified on 0.29 acres adjacent to the west side of Lamb Boulevard, approximately 200 feet north of Charleston Boulevard. The Planning Commission and staff recommended denial on 06/12/03.

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07/16/03	The City Council approved a Site Development Plan Review (SDR-2278) and a Reduction in the amount of required perimeter Landscaping for a proposed 2,016 square-foot Auto Title Loan and Financial Institution, Specified on 0.29 acres adjacent to the west side of Lamb Boulevard, approximately 200 feet north of Charleston Boulevard. The Planning Commission and staff recommended denial on 06/12/03.
08/13/08	A Code Enforcement case (#68657) was processed to ensure that the business does not operate before 8 a.m. or after 11 p.m. The business was opening at 7 a.m. The case was closed by Code Enforcement on 08/21/08.
11/24/09	A Code Enforcement case (#84343) was processed for the business to remove graffiti at the parking lot. The case was closed by Code Enforcement on 12/2/09.
01/28/10	The Planning Commission recommended approval of companion item VAR-37081 concurrently with this application. The Planning Commission voted 6-0 to recommend APPROVAL (PC Agenda Item #32/rg)
<i>Related Building Permits/Business Licenses</i>	
09/10/04	A building permit (#04019730) was issued for Rapid Cash Center at 25 North Lamb Boulevard. The project was completed on 04/21/05.
06/30/06	A business license (C21-00157) was issued for a Check Cashing Service at 25 North Lamb Boulevard. The license was marked out of business on 02/19/09.
01/14/09	A business license (W10-00215) was issued for a Wire Service at 25 North Lamb Boulevard. The license is still active.
10/05/09	A business license (N02-00027) was issued for a Non-Depository Lender at 25 North Lamb Boulevard. The license is still active.
<i>Pre-Application Meeting</i>	
12/2/09	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. • Variance application is required due to the Jewelry Store, Class III; is an intense use than the Auto Title Loan and Financial Institution, Specified; which requires one space per 175 sq. ft. Only ten parking spaces provided for entire site.
<i>Neighborhood Meeting</i>	
A neighborhood meeting was not required, nor was one held.	

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Field Check	
12/22/09	A Field check was made by staff with the following observations: • There are 10 parking spaces provided at the existing Financial Institution, Specified. • Graffiti was observed at the rear of the building on the utility box door. • At least four trees are missing from the western and southeast corner perimeter landscaping buffers.

Details of Application Request	
Site Area	
Gross Acres	0.29

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Financial Institution, Specified	SC (Service Commercial)	C-1 (Limited Commercial)
North	Apartments	SC (Service Commercial)	R-3 (Medium Density Residential)
South	Service Station with Convenience Store	SC (Service Commercial)	C-1 (Limited Commercial)
East	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)
West	Single Family Residential	L (Low Density Residential)	R-1 (Single Family Residential)

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		Y

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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	
Jewelry Store, Class III	1,988 SF	1/175	12		10		N
SubTotal			11	1	9	1	N
TOTAL			12		10		N
Percent Deviation			17%				

ANALYSIS

This is a request for a Special Use Permit for a Jewelry Store, Class III use within an existing 1,988 square-foot Auto Title Loan and Financial Institution, Specified at 25 North Lamb Boulevard. 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, but no resale of the jewelry is involved.

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 two spaces for the existing site. As the increased number of spaces cannot be accommodated on the site, an associated Variance (VAR-37081) has been requested to address the issue.

As the proposed use will be located within an established Auto Title Loan and Financial Institution, Specified, and the proposed use is more parking intensive, staff recommends denial.

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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 harmonious and compatible with the uses in the existing site and with the commercial uses on adjacent properties.

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

The subject site is not physically suitable for the type and intensity of the proposed, as is evidenced by the request for a Variance to allow 10 parking spaces where 12 spaces are required. The proposed use will be operated in conjunction with the existing 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 Lamb Boulevard, a 100-foot Primary Arterial as designated in the Master Plan of Streets and Highways. This street provides 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. There are no distance separation requirements for a Jewelry Store, Class III use.

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NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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NOTICES MAILED 215 (By City Clerk)

APPROVALS 0

PROTESTS 0