

**AGENDA MEMO****CITY COUNCIL MEETING DATE: APRIL 7, 2010****DEPARTMENT: PLANNING AND DEVELOPMENT****ITEM DESCRIPTION: SUP-37153- APPLICANT: CHECK CITY - OWNER: BECKER & SONS**

**** CONDITIONS ****

Staff recommends DENIAL. The Planning Commission (6-0-1 vote/gf) recommends APPROVAL, subject to conditions:

Planning and Development

1. Compliance with all conditions of previously approved Special Use Permit (SUP-19296) shall be required.
2. Conformance to all Minimum Requirements under LVMC Title 19.04.010 for a Jewelry Store, Class III use.
3. Approval of and conformance to the conditions for Variance (VAR-37296) shall be required.
4. 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.
5. 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 is a request for a Special Use Permit to add a Jewelry Store, Class III use within an existing 3,240 square-foot Auto Title Loan and Financial Institution, Specified at 1990 North Rainbow 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 of Title 19.04. If denied the Auto Title Loan and Financial Institution, Specified would remain as it is.

ISSUES

- Approval of an associated Variance (VAR-37296) to allow 119 parking spaces where 132 are required is necessary to approve this request.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc. and Property Sales</i>	
10/03/84	The City Council approved a Rezoning (Z-0042-84) from N-U (Non-Urban) to C-1 (Limited Commercial) on the subject property as part of a larger request. The Planning Commission recommended
02/05/86	The City Council approved an extension of time [Z-0042-84(1)] for an approved Rezoning (Z-0042-84) on the subject site. The Planning Commission recommended approval.
02/04/87	The City Council approved an extension of time [Z-0042-84(2)] for an approved Rezoning (Z-0042-84) on the subject site. The Planning Commission recommended approval.
04/20/88	The City Council approved an extension of time [Z-0042-84(3)] for an approved Rezoning (Z-0042-84) on the subject site. The Planning Commission recommended approval.
10/12/89	The Planning Commission approved a request for a Plot Plan and Building Elevation Review [Z-0042-84(4)] for a proposed Gas Station Convenience Store on the subject site.
04/08/90	The City Council approved an extension of time [Z-0042-84(5)] for an approved Rezoning (Z-0042-84) on the subject site. The Planning Commission recommended approval.
07/22/91	The City Council approved a request for a Variance (V-0111-91) to allow 110 parking spaces where 121 parking spaces are required on property located at the southeast corner of Lake Mead Boulevard.

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01/19/07	The City Council approved a Special Use Permit (SUP-19296) request for a proposed Auto Title Loan Establishment and a Waiver of the 200-foot distance separation requirement from residentially zoned property. The Planning Commission recommended approval, whereas staff recommended denial.
04/01/09	The City Council approved a Variance (VAR-32995) request for a Variance to allow 119 parking spaces where 126 are required on a parking impaired site. The Planning Commission recommended approval, whereas staff recommended denial.
02/25/10	The Planning Commission recommended approval of companion item SUP-37153 concurrently with this application. Staff recommends DENIAL. The Planning Commission (6-0-1 vote/gf) recommends APPROVAL.

<i>Related Building Permits/Business Licenses</i>	
08/22/07	A building permit (#92503) for a Tenant Improvement to an existing commercial building was issued for the subject Auto Title Loan and Financial Institution, Specified at 1990 North Rainbow Boulevard. The project was completed on 12/21/07.
11/08/07	A business license (C21-00182) was issued for a Check Cashing Service at 1990 North Rainbow Boulevard. The license was marked out of business on 07/24/09.
04/17/09	A business license (W10-00266) was issued for a Wire Service at 1990 North Rainbow Boulevard. The license is still active.
10/13/09	A business license (N02-00087) was issued for a Non-Depository Lender at 1990 North Rainbow Boulevard. The license is still active.
<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 application is required due to the parking requirement for the Jewelry Store, Class III use.
<i>Neighborhood Meeting</i>	
A neighborhood meeting was not required, nor was one held.	
<i>Field Check</i>	
01/21/10	Window signage exceeds 20 percent of the window area. The hours of operation are posted on the storefront window, and indicate 7:00 a.m. to 11:00 p.m.

Site Area

Gross Acres	1.66
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Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)
North	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)
South	Restaurant	SC (Service Commercial)	C-1 (Limited Commercial)
East	Single-Family Residence	ML (Medium Low Residential)	R-CL (Single Family Compact-Lot)
West	Shopping Center	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			
A-O (Airport Overlay) District (140-foot)	X		Y
Trails			
Pedestrian Path	X		Y
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

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	
Restaurant, with Service Bar	1,485 SF	1:50 SF Public Area	30				
	1,515 SF	1:200 SF Non-Public	8				
Jewelry Store, Class III	3,240 SF	1:175 SF	18				

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Dry Cleaners	1,000 SF	1:250 SF	4				
Nail Salon	8 stations	2 per station	16				
Liquor Establishment (Tavern)	2,330 SF	1:50 SF Public Area	47				
	1,700 SF	1:200 SF Non-Public	9				
SubTotal			127	5	114	5	
TOTAL			132		119		N

ANALYSIS

This is a request for a Special Use Permit for a Jewelry Store, Class III use within an existing 3,240 square-foot Auto Title Loan and Financial Institution, Specified. 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 six spaces. As the increased number of spaces cannot be accommodated on the site, an associated Variance (VAR -37296) has been requested to address the issue. 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.

FINDINGS

The following findings must be made for a Special Use Permit:

- 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.

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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 119 parking spaces where 132 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 Lake Mead Boulevard, a 100-foot Primary Arterial and Rainbow Boulevard, an 80-foot Secondary 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.”

The proposed use is consistent with the General Plan and will be subject to state and City of Las Vegas business and licensing requirements and will be monitored to ensure public safety and welfare is protected.

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.

PC ACTION

The Planning Commission added condition #1 as shown.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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NOTICES MAILED

251 (By City Clerk)

APPROVALS

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PROTESTS

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