

**AGENDA MEMO****CITY COUNCIL MEETING DATE: APRIL 7, 2010****DEPARTMENT: PLANNING AND DEVELOPMENT****ITEM DESCRIPTION: SUP-37155 - APPLICANT: CHECK CITY - OWNER: NEWBERG GROUP, LLC**

**** CONDITIONS ****

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

Planning and Development

1. Conformance to all Minimum Requirements under LVMC Title 19.04.010 for a Jewelry Store, Class III use.
2. Approval of and conformance to the conditions for Variance (VAR-37297) 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.

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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 3,308 square-foot Auto Title Loan and Financial Institution, Specified at 2475 South Jones Boulevard, Suite #2. 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 request, as the site cannot accommodate the increased minimum parking requirement 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 a companion Variance (VAR-37297) to allow 85 parking spaces where 91 parking spaces are required is necessary for this request to be approved.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc. and Property Sales</i>	
04/05/89	The City Council approved a Rezoning (Z-0008-89) to C-1 (Limited Commercial on this site. The Planning and Development Department recommendation was for approval.
04/07/04	The City Council accepted the applicant's request to withdraw without prejudice a request for a Special Use Permit (SUP-3479) for a proposed 40 foot tall, 14 foot by 48 foot, Off-Premise sign at 2475 South Jones Boulevard. The Planning Commission and staff recommended denial.
12/07/06	A deed was recorded for change of ownership.
<i>Related Building Permits/Business Licenses</i>	
05/19/99	A building permit (#99009708) was issued for an interior remodel at 2475 South Jones Boulevard Suite 2. The project was completed on 05/20/99.
02/08/02	A building permit (#2002256) was issued for a tenant improvement certificate of occupancy at 2475 South Jones Boulevard Suite 2. The project was completed on 05/15/02.
05/30/02	A business license (C21-00116) was issued for a check cashing establishment at 2475 South Jones Boulevard Suite 2. The license expired on 07/24/09.
05/30/02	A business license (W10-00025) was issued for a wire transfer at 2475 South Jones Boulevard Suite 2. The license was marked out of business on 12/31/09.

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11/26/02	A business license (N02-00086) was issued for a non depository lender at 2475 South Jones Boulevard Suite 2. The license is still marked active.
05/13/09	A business license (W10-00303) was issued for a wire transfer at 2475 South Jones Boulevard Suite 2. The license is still marked active.
02/25/10	The Planning Commission recommended APPROVAL of companion item VAR-37297 concurrently with this application. Staff recommends DENIAL. The Planning Commission (6-0-1 vote/gf) recommends APPROVAL (PC Agenda Item #17)
<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 topics included: • The minimum Special Use Permit Code Requirements. • The application materials and documents. • The meeting dates and deadlines. • No Waivers are required as a part of the request.
<i>Neighborhood Meeting</i>	
A neighborhood meeting is not required for this application, nor was one held.	
<i>Field Check</i>	
01/21/10	Staff conducted a site visit and observed the following: • An existing and well maintained check cashing establishment. • The hours of operation listed on the store front door indicate that the hours of operation were from 7 a.m. to 11 p.m. Title 19.04 requires the operational hours to be 8 a.m. to 11 p.m.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	1.18

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Commercial Center	S-C (Service Commercial)	C-1 (Limited Commercial)
North	Offices	O (Office)	P-R (Professional Offices and Parking)
South	Restaurant	S-C (Service Commercial)	C-1 (Limited Commercial)
East	Commercial Center	S-C (Service Commercial)	C-1 (Limited Commercial)
West	Offices	S-C (Service Commercial)	C-1 (Limited Commercial)

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<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan		X	
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts		X	N
Trails		X	N
Rural Preservation Overlay District		X	N
Development Impact Notification Assessment	X		Y
Project of Regional Significance	X		Y

DEVELOPMENT STANDARDS

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	3440 SF	1:175 SF	20	5			N
Office	6020 SF	1:300 SF					
Beauty Saloon	10 Stations	3:Stations	30				
General Retail	3440 SF	1:175 SF	5				
Office, Medical	1720 SF	1:200 SF	9				
SubTotal			99	5	83	2	N
TOTAL (with handicap spaces)			104*		85		N
Percent Deviation			7 %				N

* The existing site is parking impaired, per Title 19.10.0.0.10 (C).

ANALYSIS

This is a request for a Special Use Permit for a Jewelry Store, Class III use within an existing 3,308 square-foot Auto Title Loan and Financial Institution, Specified at 2475 South Jones Boulevard, Suite #2. 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, as the applicant will buy used jewelry as a way to acquire gold, but no resale of the jewelry is involved.

AO

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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 for the existing site. As the increased number of spaces cannot be accommodated on the site, an associated Variance (VAR-37297) has been requested to address the issue.

As the proposed use is more intense and the existing site cannot accommodate the increased number of parking spaces required, 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 conducted in a manner that is 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 85 parking spaces where 91 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 Jones 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.

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

The proposed use complies with the Minimum Special Use Permit requirements and there are no distance separation requirements for a Jewelry Store, Class III use. However, the proposed use is more parking intensive for a site that is already parking impaired.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 3

NOTICES MAILED 120 (By City Clerk)

APPROVALS 0

PROTESTS 1