

**AGENDA MEMO**

CITY COUNCIL MEETING DATE: MAY 19, 2010

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: APPLICANT: RAPID CASH - OWNER: NELLIS OWENS 48, LLC

**** STAFF RECOMMENDATION(S) ****

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
SUP-37621	Staff recommends APPROVAL, subject to conditions:	N/A

**** CONDITIONS ******SUP-37621 CONDITIONS****Planning and Development**

1. Conformance to all Minimum Requirements under LVMC Title 19.04.010 for a Jewelry Store, Class III use.
2. Conformance to the approved conditions for Special Use Permit (SUP-19671).
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, 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 is a request for a Special Use Permit (SUP-37621) to add a Jewelry Store, Class III use within an existing 2,366 square-foot Auto Title Loan Establishment at 5067 East Owens Avenue. 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 approval of this request, as the proposed use meets all minimum Special Use Permit requirements, and can be conducted in a manner that is compatible with the surrounding uses. If denied, the existing Auto Title Loan would remain as it is.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
04/18/07	The City Council approved a request for Special Use Permit (SUP-19671) for an Auto Title Loan establishment and a Waiver to allow a distance separation of 130 feet from a residential use where a minimum of 200 feet is required at 5067 East Owens Avenue. The Planning Commission recommended approval and staff recommended denial.
04/22/10	The Planning Commission voted to ABEY the companion item (SUP-37620) to the July 29, 2010 Planning Commission meeting. The Planning Commission (5-0 vote) and Staff recommend APPROVAL (PC Agenda Item #43/ao).

<i>Most Recent Change of Ownership</i>	
01/19/05	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
04/11/89	A building permit (#89020957) was issued for an interior remodel at 5067 East Owens Avenue. The project was completed on 06/21/89.
01/11/05	A building permit (#5000178) was issued for a tenant improvement at 5067 East Owens Avenue. The project was completed on 02/10/05.
04/04/07	A Code Enforcement case (#51930) was processed for a vacant building having a broken window. Code Enforcement closed the case on 04/19/07.
07/05/07	A business license application (F14-93848) was submitted for an auto title loan at 5067 East Owens Avenue. The license expired on 06/13/07.
07/05/07	A business license application (N02-00024) was submitted for non depository lender at 5067 East Owens Avenue. The license is still active.

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<i>Pre-Application Meeting</i>	
02/25/10	A pre-application meeting was held with the applicant, where elements of submitting a Special Use Permit were discussed. Topics included: • The applicant needs to revise the site plan indicating the size of the building. A parking analysis should be incorporated onto the site plan. • The applicant was informed that a project of regional significance will be required. • If the applicant uses the same floor plan, then plans would require approval stamps upon submittal for SUP application. • The parking dimensions need to be clearly shown on the site plan. • A waiver to the hours of operation will be required because of the change in hours of operation to 24 hours.

<i>Neighborhood Meeting</i>
A neighborhood meeting is not required for this application, nor was one held.

<i>Field Check</i>	
03/18/10	A site inspection required was conducted by staff with the following observations: • The subject property was noted as a well maintained commercial building. • The building had an unpermitted banner located on the north elevation of the building. The violation has been referred to Code Enforcement.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	0.36

<i>Surrounding Property</i>	<i>Existing Land Use Per Title 19.04</i>	<i>Planned or Special Land Use Designation</i>	<i>Existing Zoning District</i>
Subject Property	Retail	SC (Service Commercial)	C-2 (General Commercial)
North	Retail	Unincorporated Clark County	Unincorporated Clark County
South	Undeveloped	SC (Service Commercial)	C-2 (General Commercial)
East	Service Station, Retail	Unincorporated Clark County	Unincorporated Clark County
West	Child Care Facility	SC (Service Commercial)	C-2 (General Commercial)

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

DEVELOPMENT STANDARDS

Pursuant to Title 19.10, the following parking standards apply:

Available to File 1918, 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	2,366 S.F.	1:175	13		13		
TOTAL SPACES REQUIRED			14		14		
TOTAL (With Handicapped)			13	1	13	1	

ANALYSIS

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 jewelry is involved. Because the proposed use has a more restrictive parking requirement than the existing Auto Title Loan use, the more restrictive requirement will apply. Based on the amount of gross floor area, the site still complies with the new parking requirement.

This request is also a Project of Regional Significance, due to the proximity to a boundary with Unincorporated Clark County. An Environmental Impact Assessment was submitted as part of the Special Use Permit applications and sent to affected agencies for comment. No comments were received at the time of writing of this report. Because the proposed use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, staff recommends approval of SUP-37621.

FINDINGS (SUP-37621)

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 existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.

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

The subject site is physically suitable for the type and intensity of the proposed use. The subject site provides 14 parking spaces, while the required parking is 14 spaces, based upon the site plan provided with this application.

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 Owens Avenue and Nellis Boulevard, both 100-foot Primary Arterials as designated in the Master Plan of Street and Highways. These streets are of sufficient size to accommodate the needs of the proposed Jewelry Store, Class III.

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, 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.

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NEIGHBORHOOD ASSOCIATIONS NOTIFIED 1

NOTICES MAILED 129 (By City Clerk)

APPROVALS 0

PROTESTS 1