

**AGENDA MEMO****PLANNING COMMISSION MEETING DATE: APRIL 22, 2010****DEPARTMENT: PLANNING AND DEVELOPMENT****ITEM DESCRIPTION: APPLICANT: CHECK CITY - OWNER: FREANEL & SON
CHEYENNE, LLC**

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

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
SUP-37624	Staff recommends APPROVAL, subject to conditions:	



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**** CONDITIONS ****

SUP-37624 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-18691).
3. All unpermitted signage and signage not meeting the requirements of Title 19 shall be removed within 10 days of final approval.
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. 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.

Staff Report Page One
April 22, 2010 - Planning Commission Meeting

**** 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 2,000 square-foot Auto Title Loan Establishment at 7350 West Cheyenne Avenue, Suite #112. 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 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 Establishment would remain as it is.

ISSUES

- The business contains various unpermitted window signs in violation of Minimum Special Use Permit Requirement # 4.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
07/19/89	The City Council approved a request for Rezoning (Z-0061-89) from R-E (Residence Estates) to C-1 (Limited Commercial) for this site as part of a larger request. The Planning Commission recommended approval and staff recommended denial.
03/24/94	The Planning Commission approved a Plot Plan and Building Elevation Review [Z-0061-89(5)] for a restaurant on a portion of the overall site. Staff recommended approval
04/26/94	The Board of Zoning Adjustment approved a Variance (V-0046-94) to allow 92 parking spaces where 136 parking spaces are the minimum required for a commercial property at this location. Staff recommended denial.
03/09/95	The Planning Commission approved a Plot Plan and Building Elevation Review [Z-0061-89(7)] for a proposed retail commercial center on the northeast corner of Cheyenne Avenue and Pioneer Way. Staff recommended approval.
03/07/07	The City Council approved a Special Use Permit (SUP-18691) for a proposed Auto Title Loan and a Waiver to allow an Auto Title Loan to be located 660-foot from another financial institution where a 1,000-foot separation is required. The Planning Commission recommended approval and staff recommended denial.

Staff Report Page Two
April 22, 2010 - Planning Commission Meeting

<i>Most Recent Change of Ownership</i>	
03/01/05	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
06/14/96	A building permit (#96011894) was issued for a TI buildout for a retail building at 7350 West Cheyenne Avenue. The permit was finalized 10/30/96.
09/20/96	A building permit (#96019068) was issued for a Non-work Certificate of Occupancy for Best Mattress at 7350 West Cheyenne Avenue, Suites 111 and 112. The permit was finalized 10/01/96.
09/24/96	A business license (F07-01452) was issued for a Furniture Store at 7350 West Cheyenne Avenue, Suites 111 and 112. The license was marked out of business on 11/05/07.
08/31/07	A building permit (#97156) was issued for a Certificate of Occupancy for Check City at 7350 West Cheyenne Avenue, Suites 111 and 112. The suites were combined into Suite 112. The permit was finalized 12/07/07.
11/13/07	A business license (C21-00183) was issued for a Non-Depository Lender at 7350 West Cheyenne Avenue, Suite 112. The license was marked out of business on 11/05/07.
11/13/07	A business license (N02-00100) was issued for a Non-Depository Lender and Auto Title Loan at 7350 West Cheyenne Avenue, Suite 112.
04/14/09	A business license (W10-00229) was issued for a Wire Service at 7350 West Cheyenne Avenue, Suite #112.

<i>Pre-Application Meeting</i>	
02/25/10	A pre-application meeting was held. Submittal requirements were discussed, the applicant was informed that a detailed parking analysis would be required, and a revised site plan that indicates size of the building and suite would be required and a revised justification letter detailing the suite number.

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

<i>Field Check</i>	
03/18/10	During a routine site inspection staff observed: • Various unpermitted signs attached to the store windows in violation of Minimum Special Use Permit Requirement # 4.

Staff Report Page Three
April 22, 2010 - Planning Commission Meeting

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	1.30

<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	Auto Title Loan, Financial Institution, Specified	SC (Service Commercial)	C-1 (Limited Commercial)
North	Outdoor Storage	SC (Service Commercial)	C-1 (Limited Commercial)
South	Park/Undeveloped	PF (Public Facilities)	C-V (Civic)
East	Retail	SC (Service Commercial)	C-1 (Limited Commercial)
West	Restaurant	SC (Service Commercial)	C-1 (Limited Commercial)

<i>Master Plan Areas</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Master Plan Area		X	
<i>Special Purpose and Overlay Districts</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
A-O (Airport Overlay) District (175 feet)	X		Y
Trails (Multi-Use, Non-Equestrian)	X		Y
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	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	8,640	1:500 sf	18		18		Y
Dry Cleaner	1,080	1:250 sf	5		5		Y
Nail Salon	8 stations		16		16		Y

		2 per station					
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Staff Report Page Four**April 22, 2010 - Planning Commission Meeting**

Jewelry Store, Class III	2,000	1:175 sf	12		12		Y
Tavern	3,600	1:50 sf	72		44		Y
	1,400	1:200 sf	7				
TOTAL SPACES REQUIRED*			130		95		Y
TOTAL (With Handicapped)			125	5	91	4	Y

*Per approved Variance (V-0046-94) to allow 92 parking spaces where 136 parking spaces are the minimum required.

ANALYSIS

The applicant is requesting a Special Use Permit for a Jewelry Store, Class III use within an existing Auto Title Loan Establishment at 7350 West Cheyenne Avenue, Suite #112. 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 is one space per 250 square feet. The proposed Jewelry Store, Class III use has a more intense parking requirement of one space per 175 square feet, which the existing location can meet. A Variance (V-0046-94) approved in 1994 which allows 92 parking spaces on the site, where 136 were required. The subject site contains 95 spaces, which can accommodate the proposed use on the site. Therefore, staff recommends approval.

FINDINGS (SUP-37624)

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.

Staff Report Page Five
April 22, 2010 - Planning Commission Meeting

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

The retail center has an existing parking variance that allows 92 spaces where the mix of uses required 136 spaces; however, the subject site contains 95 spaces. With the proposed Jewelry Store, Class III use included, the site now requires 130 spaces, which is within the limits established by V-0046-94. The proposed use will be operated in conjunction with the existing Auto Title Loan Establishment. The subject site is physically suitable for the type and intensity of the proposed use.

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 Cheyenne Avenue, a 100-foot Primary Arterial and Pioneer Way, a 50-foot Local Street as designated in the Master Plan of Streets and Highways. These streets are adequate in size to accommodate the proposed use.

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 use complies with the Minimum Special Use Permit requirements for a Jewelry Store, Class III use. There are no distance separation requirements for a Jewelry Store, Class III use.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

13

NOTICES MAILED

118

APPROVALS

1

PROTESTS

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