



## AGENDA MEMO

PLANNING COMMISSION MEETING DATE: APRIL 22, 2010

DEPARTMENT: PLANNING AND DEVELOPMENT

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

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### \*\* STAFF RECOMMENDATION(S) \*\*

| <i>CASE<br/>NUMBER</i> | <i>RECOMMENDATION</i>                                       | <i>REQUIRED FOR<br/>APPROVAL</i> |
|------------------------|-------------------------------------------------------------|----------------------------------|
| <b>SUP-37620</b>       | Staff recommends DENIAL. If approved subject to conditions: | N/A                              |
| <b>SUP-37621</b>       | Staff recommends APPROVAL, subject to conditions:           | N/A                              |



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### **\*\* CONDITIONS \*\***

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## **SUP-37620 CONDITIONS**

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### **Planning and Development**

1. Conformance to the approved conditions for Special Use Permit (SUP-19671), except as amended herein.
2. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

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## **SUP-37621 CONDITIONS**

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### **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**

The applicant is requesting two separate Special Use Permit applications. The first application requests 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.

The second application is for a Special Use Permit (SUP-37620) Major Amendment of a previously approved Special Use Permit (SUP-19671) of an existing Auto Title Loan Establishment to allow unlimited 24-hour operations where hours of operation are limited to 8:00 a.m. to 11:00 p.m. Staff recommends denial of this request, as the proposed extension in operational hours does not meet minimum Special Use Permit requirements of the existing use, and cannot be conducted in a manner that is compatible with the surrounding uses. If denied, hours of operation of the existing Auto Title Loan would be limited to 8:00 a.m. to 11:00 p.m.

**BACKGROUND INFORMATION**

| <b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc</i></b> |                                                                                                                                                                                                                                                                                                                                          |
|--------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 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. |

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

| <b><i>Related Building Permits/Business Licenses</i></b> |                                                                                                                                    |
|----------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------|
| 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. |

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|          |                                                                                                                                             |
|----------|---------------------------------------------------------------------------------------------------------------------------------------------|
| 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.  |

***Pre-Application Meeting***

|          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|----------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 02/25/10 | <p>A pre-application meeting was held with the applicant, where elements of submitting a Special Use Permit were discussed. Topics included:</p> <ul style="list-style-type: none"> <li>• The applicant needs to revise the site plan indicating the size of the building. A parking analysis should be incorporated onto the site plan.</li> <li>• The applicant was informed that a project of regional significance will be required.</li> <li>• If the applicant uses the same floor plan, then plans would require approval stamps upon submittal for SUP application.</li> <li>• The parking dimensions need to be clearly shown on the site plan.</li> <li>• A waiver to the hours of operation will be required because of the change in hours of operation to 24 hours.</li> </ul> |
|----------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

***Neighborhood Meeting***

|                                                                                |
|--------------------------------------------------------------------------------|
| A neighborhood meeting is not required for this application, nor was one held. |
|--------------------------------------------------------------------------------|

***Field Check***

|          |                                                                                                                                                                                                                                                                                                                                                                               |
|----------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 03/18/10 | <p>A site inspection required was conducted by staff with the following observations:</p> <ul style="list-style-type: none"> <li>• The subject property was noted as a well maintained commercial building.</li> <li>• The building had an unpermitted banner located on the north elevation of the building. The violation has been referred to Code Enforcement.</li> </ul> |
|----------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

***Details of Application Request***

***Site Area***

|           |      |
|-----------|------|
| Net Acres | 0.36 |
|-----------|------|

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| <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            | Vacant 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)        |

| <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:*

| <i>Parking Requirement</i>      |                                            |                      |                |                 |                |                   |  |
|---------------------------------|--------------------------------------------|----------------------|----------------|-----------------|----------------|-------------------|--|
| <i>Use</i>                      | <i>Gross Floor Area or Number of Units</i> | <i>Required</i>      |                | <i>Provided</i> |                | <i>Compliance</i> |  |
|                                 |                                            | <i>Parking Ratio</i> | <i>Parking</i> |                 | <i>Parking</i> |                   |  |
|                                 |                                            |                      | Regular        | Handi-capped    | Regular        | Handi-capped      |  |
| Jewelry Store, Class III        | 2,366 S.F.                                 | 1:175                | 13             |                 | 13             |                   |  |
| <b>TOTAL SPACES REQUIRED</b>    |                                            |                      | 14             |                 | 14             |                   |  |
| <b>TOTAL (With Handicapped)</b> |                                            |                      | 13             | 1               | 13             | 1                 |  |

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| <i><b>Waivers (SUP-37620)</b></i>                                 |                                                                                          |                                    |
|-------------------------------------------------------------------|------------------------------------------------------------------------------------------|------------------------------------|
| <i><b>Requirement</b></i>                                         | <i><b>Request</b></i>                                                                    | <i><b>Staff Recommendation</b></i> |
| The hours of operation shall not extend beyond 8:00am to 11:00pm. | The applicant requests that the hours of operation be 24 hours a day, seven days a week. | Denial                             |

## **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.

The applicant is also requesting a Major Amendment to a previously approved Special Use Permit (SUP-19671) to extend hours of operation from the Title 19.04 requirement of 8:00 a.m. to 11:00 p.m. to a 24-hour, seven days a week facility. The adjacent commercial properties hours of operation are similar to the existing Auto Title Loan establishment’s current hours of operation, and therefore a change to 24 hours would not be compatible with the adjacent uses. In addition, the applicant has presented no evidence of a unique or extraordinary circumstance as to necessitate the need to extend the hours of operation; therefore, staff recommends denial.

## **FINDINGS (SUP-37620)**

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.**

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The proposed extended hours of operation are out of character with those of the adjacent uses.  
Therefore the use cannot be conducted in a manner that is harmonious and compatible with existing surrounding land uses 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 physically suitable for the type and intensity of the existing Auto Title Loan 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 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 existing Auto Title Loan 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.**

The existing 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 extended hours of operation do not comply with the applicable conditions per Title 19.04. The Auto Title Loan use limits the hours of operation between the hours 8:00 a.m. and 11:00 p.m.

**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.**

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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.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED**

1

**NOTICES MAILED**

129

**APPROVALS**

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**PROTESTS**

1