



AGENDA MEMO

PLANNING COMMISSION MEETING DATE: OCTOBER 21, 2010
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: APPLICANT: ROI ZALACH - OWNER: URBAN LAND OF NEVADA

** STAFF RECOMMENDATION(S) **

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
SUP-39471	Staff recommends APPROVAL, subject to conditions:	N/A

** CONDITIONS **

SUP-39471 CONDITIONS

Planning and Development

1. Conformance to all Minimum Requirements under LVMC Title 19.04.010 for a Secondhand Dealer use.
2. This approval shall be void two years 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
3. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
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 request is for a Special Use Permit for a proposed Secondhand Dealer use (Jewelry) within an existing 1,200 square-foot Jewelry Store, New use located at 376 West Sahara Avenue. The proposed Secondhand Dealer use (Jewelry) is part of an 8,055 square-foot retail center. The applicant has indicated that the project will not alter the building area of the existing tenant space and will not modify the existing condition of the site. The proposed use is compatible with the surrounding area and meets the minimum Special Use Permit requirements for a Secondhand Dealer use (Jewelry), set forth by Title 19. Therefore, staff recommends approval of this request. If this application is denied, the proposed Secondhand Dealer use (Jewelry) cannot be located within the subject tenant space, nor can a business license be obtained for this use at this location.

ISSUES

- A Secondhand Dealer use is permitted in the C-1 (Limited Commercial) zoning district with the approval of a Special Use Permit.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
03/05/86	The City Council adopted the Redevelopment Plan for the Downtown Las Vegas Redevelopment Area (Ordinance No. 3218), of which the subject site is a part.
07/05/00	The City Council adopted the Downtown Las Vegas Centennial Plan amendment to the General Plan (Ordinance No. 5238), of which the subject site is a part.

<i>Most Recent Change of Ownership</i>	
06/30/93	A deed was recorded for a change in ownership.

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<i>Related Building Permits/Business Licenses</i>	
C.1972	The building was constructed.
05/01/92	A business license (M06-01655) was issued for Miscellaneous Sales at 376 West Sahara Avenue. The license was marked out of business on 06/08/10.
08/25/10	A business license (J01-02147) was issued for Jewelry Sales, New at 376 West Sahara Avenue. The license is still active.
09/15/10	A business license application (S26-98011) was filed for a Secondhand Dealer at 376 West Sahara Avenue. The license application is pending approval of SUP-39471.

<i>Pre-Application Meeting</i>	
08/18/10	A pre-application meeting was held with the applicant, where the submittal requirements for a Special Use Permit were discussed.

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

<i>Field Check</i>	
09/16/10	A site visit was conducted by staff, and noted that there is an existing General Retail Center, with minor trash and debris.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	.44

<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	General Retail / Restaurant	C (Commercial)	C-1 (Limited Commercial)
North	Convenience Store	MXU (Mixed Use)	C-1 (Limited Commercial)
South	Right-of-Way / Sahara Avenue	Right-of-Way / Sahara Avenue	Right-of-Way / Sahara Avenue
East	Parking Lot	C (Commercial)	C-1 (Limited Commercial)
West	General Retail / Sexually Oriented Business (Vacant)	LI/R (Light Industrial / Research)	M (Industrial)

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<i>Master Plan Areas</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Master Plan Area			
Downtown Centennial Plan	X		Y
Special Purpose and Overlay Districts	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
Downtown Centennial Plan Overlay District (Northern Strip Gateway)	X		Y
G-O (Gaming Enterprise Overlay) District	X		Y
A-O (Airport Overlay) District (175 feet)	X		Y
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Las Vegas Redevelopment Plan Area	X		Y
Development Impact Notification Assessment		X	N/A
Project of Regional Significance	X		Y

DEVELOPMENT STANDARDS

<i>Functional Classification of Street(s)</i>	<i>Governing Document</i>	<i>Street Width (Feet)</i>	<i>Compliance with Street Section</i>
Sahara Avenue: Primary Arterial	Master Plan of Streets and Highways	100	Y
Tam Drive: Local Street	N/A	50	Y

<i>Parking Requirement - Downtown</i>							
<i>Use</i>	<i>Gross Floor Area or Number of Units</i>	<i>Base Parking Requirement</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, New / Secondhand Dealer (Proposed)	1,212 SF	1/175 SF	7				
Restaurant (without Drive-Through)	1,178 SF	1/50 SF (Seating) / 1/200 SF Remaining GFA	17				

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General Retail (greater than 3,500 SF)	3,665 SF	1/175 SF	21				
Convenience Store	2,000 SF	1/175 SF	12				
TOTAL SPACES REQUIRED			57		20		
Regular and Handicap Spaces Required			54	3	18	2	N

The proposed Secondhand Dealer use will not result in any increase in the parking requirement for the subject site, which is parking Impaired.

ANALYSIS

A Secondhand Dealer use is defined by Title 19.20.020 as “a specialty shop which deals solely in one kind of used commodity with no new commodities, or a business in which the sale of secondhand or used articles is incidental to the sale of new articles of the same kind. For purposes of this definition, the sale of secondhand or used articles is deemed to be incidental to the sale of new articles. Used articles may include wearing apparel, furniture, fixtures, appliances, tableware, offices supplies, pictures, paintings, jewelry, cutlery or guns. The term includes the sale of jewelry (Class III type) and scrap precious metals as defined in LVMC Chapter 6.74, but does not include the sale of junk as defined in that Chapter, the sale of used cars or the sale of other items which the City Council determines do not fit within the intent of this term. The term does not include the buying and selling of foreign or domestic coins for numismatic purposes or used books, which shall be allowed where retail sales of new merchandise, is permitted. The term also does not include a thriftshop or nonprofit thriftshop.” The applicant meets the definition as they would take in a customer’s old jewelry as trade for new items and to upgrade or repair customer’s stones or settings with replacements, which may have originally used in other jewelry.

Many businesses have been applying for Secondhand Dealer permits due to the high price of gold. These businesses have the potential to be used by certain criminal elements. If approved, Las Vegas Metropolitan Police Department respectfully requests the applicants strictly adhere to Las Vegas Municipal Code 6.74.

The subject property is located in the Downtown Centennial Plan Master Plan Area, Downtown Centennial Plan Overlay District (Northern Strip Gateway), G-O (Gaming Enterprise Overlay) District, A-O (Airport Overlay) District (175 feet), Las Vegas Redevelopment Plan Area and required a Project of Regional Significance Study. The proposed Secondhand Dealer use (Jewelry) will have no impact on the Master Plan Area or any of the Overlay Districts, as no changes to the site are proposed.

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The proposed Secondhand Dealer (Jewelry) use will be operated in conjunction with an existing Jewelry Store, New use. The subject property was constructed in 1972 and is a parking impaired development pursuant to Title 19.10.010. The proposed Secondhand Dealer use requires one space per 250 square feet of gross floor area, or five parking spaces, which is less intense than the existing Jewelry Store, New use. The addition of a Secondhand Dealer within this site can be conducted in a manner that is harmonious and compatible with the surrounding uses; therefore, staff recommends approval.

FINDINGS (SUP-39471)

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 land use is compatible with the C (Commercial) General Plan designation and is located within an existing General Retail Establishment. The proposed use can be conducted in a manner that is harmonious and compatible with the surrounding uses.

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

The proposed Secondhand Dealer (Jewelry) use will be operated in conjunction with a Jewelry Store, New use, which is physically suitable for the type and intensity of the land use proposed.

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.

The site is accessed by Sahara Avenue and Tam Drive. These streets are of sufficient size to accommodate the needs of the proposed Secondhand Dealer (Jewelry) 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 Special Use Permit will not compromise the public health, safety, or welfare, as the proposed Secondhand Dealer 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 Secondhand Dealer use complies with the conditions per Title 19.04, as conditioned.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 16

NOTICES MAILED 330

APPROVALS 0

PROTESTS 0