



AGENDA MEMO - PLANNING

PLANNING COMMISSION MEETING DATE: MAY 10, 2011

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT: NORTHWEST ARMS - OWNER: SHREE GANESHA, INC.

** STAFF RECOMMENDATION(S) **

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
SUP-41263	Staff recommends APPROVAL, subject to conditions:	N/A

** CONDITIONS **

SUP-41263 CONDITIONS

Planning

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 exercised pursuant to the provisions of LVMC Title 19.18. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. 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 to allow a Secondhand Dealer use (Firearms) at 4450 North Tenaya Way, Suite #100. The suite for the proposed Secondhand Dealer use (Firearms) is currently vacant. The proposed use would allow the sale of used firearms in conjunction with the sales of sporting goods. The proposed use complies with the requirements of Title 19.04 and can be conducted in a manner that is compatible with the surrounding uses. Therefore, staff recommends approval. If this application is denied, the Secondhand Dealer use (Firearms) will not be permitted 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.
- This application has been deemed a Project of Regional Significance and there were no comments from other entities.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
02/15/06	The City Council approved the request for a Site Development Plan Review (SDR-10259) for a 53,531 square-foot Commercial Development and a waiver of the parking lot landscape requirements on the northwest corner of Craig Road and U.S. 95. The Planning Commission and staff recommended approval.

<i>Most Recent Change of Ownership</i>	
10/27/05	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
10/01/07	A building permit (#07002795) was issued for an Office/Retail shell building #2 at 4450 North Tenaya Way. The building permit was finalized on 03/06/09.
	A building permit (#07002796) was issued for an Office/Retail shell building #1 at 4450 North Tenaya Way. The building permit was finalized on 03/06/09.

Pre-Application Meeting

03/16/11	A pre-application meeting was held with the applicant where the submittal requirements for a Special Use Permit for Secondhand Dealer use (Firearms) were discussed.
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Neighborhood Meeting

A neighborhood meeting is not required, nor was one held.

Field Check

03/31/11	A field check was conducted by staff, which noted a Shopping Center to be clean and free of debris.
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Details of Application Request***Site Area***

Net Acres	3.42
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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	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)
North	Vacant	SC (Service Commercial)	C-1 (Limited Commercial)
South	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)
East	U.S. 95	Right-of-Way	Right-of-Way
West	Single Family, Detached	L (Low Density Residential)	R-CL (Single Family Compact-Lot)
		O (Office)	O (Office)
	Clark County-Cemetery	L (Low Density Residential)	R-E (Rural Estates Residential) (Clark County Designation)

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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			
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	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance	X		Y

DEVELOPMENT STANDARDS

<i>Street Name</i>	<i>Functional Classification of Street(s)</i>	<i>Governing Document</i>	<i>Street Width (Feet)</i>	<i>Compliance with Street Section</i>
Craig Road	Primary Arterial	Master Plan of Streets and Highways	100	Y
Tenaya Way	N/A	N/A	60	N/A

Pursuant to Title 19.04 and 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	
Shopping Center	68,838 SF	1/250 SF	276				
TOTAL SPACES REQUIRED			276		299		Y
Regular and Handicap Spaces Required			269	7	292	7	Y

ANALYSIS

The Shopping Center is located within the Airport Overlay District with a 175-foot height restriction. The proposed use would not have a negative impact relating to the above overlay. The applicant is proposing a Secondhand Dealer use (Firearms) within an existing Shopping Center. 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

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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 junk as defined in that Chapter, the sale of used cars or the sales 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 proposed Secondhand Dealer use (Firearms) is for the sale of used firearms in conjunction with the sale of sporting goods and requires approval of a Special Use Permit in the C-1 District prior to issuance of a business license. The Department of Finance has no issues regarding this request. The license is subject to Federal Firearms License (FFL) approval prior to issuance. The selling of firearms is considered a General Retail Store use and is a permitted use in a C-1 (Limited Commercial) zoning district. The proposed use can be conducted in a manner that is harmonious and compatible with the surrounding land uses; therefore, staff recommends approval with conditions.

FINDINGS (SUP-41263)

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 Secondhand Dealer use (Firearms) is permitted in the C-1 (Limited Commercial) zoning district with the approval of a Special Use Permit. It will be conducted in conjunction with a General Retail Store, and can be conducted in a manner that is harmonious and compatible with the surrounding land uses, and with the future surrounding land uses.

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

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

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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.

Access to the site is provided by Craig Road, and Tenaya Way. Both of these streets are adequate in size to meet the requirements of 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.

The proposed use is subject to permit review and inspection; therefore, appropriate measures will be taken to protect the health, safety and general welfare.

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

The use meets all applicable conditions of Title 19.04.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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NOTICES MAILED 366

APPROVALS 1

PROTESTS 3