

AGENDA MEMO

CITY COUNCIL MEETING DATE: SEPTEMBER 20, 2006
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: EOT-15595 - APPLICANT/OWNER: GALTAR, LLC

**** CONDITIONS ****

STAFF RECOMMENDATION: APPROVAL, subject to:

Planning and Development

1. This Extension of Time will expire on August 21, 2008 unless another Extension of Time is approved by the City Council.
2. Conformance to the Conditions of Approval for Site Development Plan Review (Z-0049-02) and Extension of Time (EOT-5088) as required by the Planning and Development Department and Department of Public Works.

**** STAFF REPORT ****

APPLICATION REQUEST

This is a request for an Extension of Time of an approved Rezoning (Z-0049-02) from R-E (Residence Estates) to C-2 (General Commercial) on 3.10 acres adjacent to the east side of Rancho Drive, approximately 1,130 feet south of Lone Mountain Road.

EXECUTIVE SUMMARY

This is the second Extension of Time proposed for Rezoning (Z-0049-02). The related Special Use Permit (U-0076-02) and Site Development Plan Reviews [Z-0049-02(1)] have expired. No extensions of time have been granted for any of the before mentioned land use applications. The Site Development Plan Review (SDR-1413) expired on 02/19/05. Special Use Permit (U-0076-02) and Site Development Plan Review [Z-0049-02(1)] expired on 08/21/04.

The applicant has submitted civil improvement plans to the City. The plans cannot be reviewed as no entitlements exist on the subject parcels, except for the subject case. Therefore, staff is recommending approval of the subject Extension of Time as conditioned.

BACKGROUND INFORMATION

A) Related Actions

- 08/21/02 The City Council approved a General Plan Amendment (GPA-0024-02) to GC (General Commercial), a Rezoning (Z-0049-02) to C-2 (General Commercial), and a Special Use Permit (U-0076-02) and Site Development Plan Review [Z-0049-02(1)] for a used vehicle sales lot on this site. The Planning Commission and staff recommended denial on July 25, 2002.
- 02/19/03 The City Council approved a Rezoning, a revised Site Development Plan Review (SDR-1413) for a used vehicle sales lot on this site which included the parcel to the south of this site. The Planning Commission and staff recommended approval on January 23, 2003.
- 10/06/04 The City Council approved an Extension of Time (EOT-5088) for a Reinstatement and Extension of Time of an approved Rezoning (Z-0049-02) from R-E (Residence Estates) to C-2 (General Commercial) on 3.10 acres adjacent to the east side of Rancho Drive, approximately 1,130 feet south of Lone Mountain Road.

B) *Pre-Application Meeting*

A pre-application meeting is not required for an Extension of Time request.

C) *Neighborhood Meetings*

A neighborhood meeting is not required for an Extension of Time request, nor was one held.

D) *Building Permit History*

Civil improvements plans were submitted in July of 2006. The plans cannot be reviewed as no entitlements exist on the subject parcels, with the exception of the subject Rezoning. A new Site Development Plan Review and Special Use Permit will be required before the civil improvement plans can be approved.

DETAILS OF APPLICATION REQUEST

A) *Site Area*

Gross Acres: 3.10

B) *Existing Land Use*

Subject Property: Undeveloped
North: Undeveloped
South: Undeveloped and Retail Commercial
East: Undeveloped
West: Undeveloped and Retail Commercial

C) *Planned Land Use*

Subject Property: GC (General Commercial)
North: GC (General Commercial)
South: SC (Service Commercial) and GC (General Commercial)
East: SC (Service Commercial)
West: SC (Service Commercial)

D) *Existing Zoning*

Subject Property: R-E (Residence Estates) under Resolution of Intent to C-2 (General Commercial)
North: C-2 (General Commercial)
South: R-E (Residence Estates) under Resolution of Intent to C-1 (Service Commercial), R-E (Residence Estates) under Resolution of Intent to C-2 (General Commercial) and C-1 (Service Commercial)
East: C-1 (Service Commercial)
West: C-2 (General Commercial)

E) General Plan Compliance

The subject site is designated as GC (General Commercial) on the Centennial Hills Interlocal Land Use Plan (Map 3) of the Centennial Hills Sector Plan of the General Plan. The approved C-2 (General Commercial) zoning on the property is consistent with this designation.

<i>SPECIAL DISTRICTS/ZONES</i>	Yes	No
Special Area Plan		X
Special Overlay District		X
Trails		X
Study Area		X
Rural Preservation Neighborhood		X
County/North Las Vegas/HOA Notification		X
Development Impact Notification Assessment		X
Project of Regional Significance		X

This site is not affected by any special plan areas or districts.

ANALYSIS

A) General Analysis and Discussion

The previous Extension of Time (EOT-5088) was approved by the City Council on 10/06/04. At the time of the previous approval the subject site was entitled with a Site Development Plan Review (SDR-1413) and a Special Use Permit (U-0076-02) for a used vehicle sales lot on this site which included the parcel to the south of this site. These items have since expired, except for the subject Rezoning. The applicant will be required to submit a new Site Development Plan Review and Special Use Permit in order to develop the subject property. The Extension of Time on the subject site is appropriate as the C-2 (General Commercial) zoning conforms to the GC (General Commercial) land use designation.

B) Previous Conditions of Approval from Extension of Time (EOT-5088) and Rezoning (Z-0049-02)

(EOT-5088)

1. This Extension of Time will expire on August 21, 2006 and the Rezoning (Z-0049-02) shall be void unless another Extension of Time is approved by the City Council.
2. Conformance to all applicable conditions of approval for Rezoning (Z-0049-02) and Site Development Plan Review (SDR-1413).

(Z-0049-02)

1. A General Plan Amendment (GPA-0024-02) to a GC (General Commercial) land use designation approved by the City Council.
2. A Resolution of Intent with a two-year time limit.
3. A Site Development Plan Review application approved by the Planning Commission or City Council prior to issuance of any permits, any site grading, and all development activity for the site.
4. Construct all incomplete half-street improvements on Rancho Drive adjacent to this site concurrent with development of this site. Install all appurtenant underground facilities, if any, adjacent to this site needed for the future traffic signal system concurrent with development of this site. All existing paving damaged or removed by this development shall be restored at its original location and to its original width concurrent with development of this site.
5. Grant a 20 foot wide public sewer easement along the eastern edge of this property and provide necessary offsite sewer easements to connect this site to the existing sewer line in Torrey Pines Drive prior to the submittal of sewer related construction drawings or the issuance of any building or grading permits, whichever may occur first. Improvement Drawings submitted to the City for review shall not be approved for construction until all required public sewer easements necessary to connect this site to the existing public sewer system have been granted to the City.
6. A Traffic Impact Analysis must be submitted to and approved by the Nevada Department of Transportation and a copy submitted for review to the Department of Public Works prior to the issuance of any building or grading permits. Include a section addressing the test drive patterns proposed from this site. Comply with the recommendations of the approved Traffic Impact Analysis prior to occupancy of the site. The City shall determine traffic signal contribution requirements based upon information provided in the approved Traffic Impact Analysis; such monies shall be contributed prior to the issuance of any for this site. The Traffic Impact Analysis shall also include a section addressing Standard Drawings #234.1 and #234.2 to determine additional right-of-way requirements adjacent to this site, if any; dedicate all areas recommended by the approved Traffic Impact Analysis. All additional rightsofway required by Standard Drawing #201.1 shall be dedicated prior to or concurrent with the commencement of onsite development activities unless specifically noted as not required in the approved Traffic Impact Analysis. If additional rightsofway are not required and Traffic Control devices are or may be proposed at this site outside of the public rightofway, all necessary easements for the location and/or access of such devices shall be granted prior to the issuance of permits for this site. Phased compliance will be allowed if recommended by the approved Traffic Impact Analysis. No recommendation of the approved Traffic Impact Analysis, nor compliance therewith, shall be deemed to modify or eliminate any condition of approval imposed by the Planning Commission or the City Council on the development of this site.

Alternatively, in lieu of a Traffic Impact Analysis, the applicant may participate in a reasonable alternative mutually acceptable to the applicant and the Department of Public Works.

7. Landscape and maintain all unimproved rightsofway on Rancho Drive adjacent to this site.
8. Submit an application for an Occupancy Permit for all landscaping and private improvements (driveways) in the Rancho Drive public rightofway adjacent to this site prior to the issuance of any permits.
9. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, or the submittal of any construction drawings, whichever may occur first. Provide and improve all drainageways recommended in the approved drainage plan/study. The developer of this site shall be responsible to construct such neighborhood or local drainage facility improvements as are recommended by the approved Drainage Plan/Study concurrent with development of this site. In lieu of constructing improvements, in whole or in part, the developer may agree to contribute monies for the construction of neighborhood or local drainage improvements, the amount of such monies shall be determined by the approved Drainage Plan/Study and shall be contributed prior to the issuance of any building or grading permits, whichever may occur first, if allowed by the City Engineer.

FINDINGS

In order to approve a Rezoning application, pursuant to Title 19.18.040, the Planning Commission or City Council must affirm the following:

1. The proposal conforms to the General Plan.

The property is currently zoned R-E (Residence Estates) under Resolution of Intent to C-2 (General Commercial). The C-2 (General Commercial) conforms to the GC (General Commercial) land use designation.

2. The uses which would be allowed on the subject property by approving the rezoning will be compatible with the surrounding land uses and zoning districts.

The intended use as Motor Vehicle Sales (Used) would require a new Special Use Permit and Site Development Plan Review. The subject extension of time also needs to be approved to allow the intended use.

3. Growth and development factors in the community indicate the need for or appropriateness of the rezoning.

The previously approved C-2 (General Commercial) zoning designation remains appropriate for the subject site. The zoning designation conforms to the General Plan designation of GC (General Commercial).

4. Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed zoning district.

The abutting street, Rancho drive, is a Major Arterial Street with adequate capacity for traffic generated by commercial uses of the subject site.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED N/A

ASSEMBLY DISTRICT N/A

SENATE DISTRICT N/A

NOTICES MAILED N/A

APPROVALS 0

PROTESTS 0