



AGENDA MEMO

CITY COUNCIL MEETING OF: DECEMBER 16, 2009

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: SUP-36241 - APPLICANT: FUNNY'S II - OWNER: RANCHO DEL MAR, LLC

**** CONDITIONS ****

The Planning Commission (5-0-1/ke vote) and staff recommend APPROVAL, subject to conditions.

Planning and Development

1. Conformance to all Minimum Requirements under LVMC Title 19.04.010 for a Liquefied Petroleum Gas Installation (Over 288 Gallons) use.
2. This approval shall be void one year from the date of final approval, unless a business license has been issued to conduct the activity, if required, or upon approval of a final inspection. 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.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Special Use Permit to allow a 1,000-gallon Liquefied Petroleum Gas Installation (Over 288 Gallons) at 3550 North Rancho Drive. Currently, the site contains an existing convenience store, fuel pumps, and perimeter landscaping. The applicant is requesting to replace the existing 250 gallon propane tank and dispenser with a new 1,000 gallon unit. The proposed use is compatible with the surrounding area and meets the minimum Special Use Permit requirements for a Liquefied Petroleum Gas Installation (Over 288 Gallons) use; therefore, staff recommends approval of this request. Should the request be denied, the subject site would remain unaltered.

ISSUES

- The applicant had previously been approved for a Special Use Permit (SUP-24772) for a Liquefied Petroleum Gas Installation (Over 288 Gallons), but it was not exercised and expired on 12/05/08.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc and Property Sales</i>	
03/28/95	The City Council approved a Special Use Permit (U-0030-95) for a Tavern in conjunction with a proposed restaurant; and a request for waivers for the 1,500 foot distance separation required from another tavern and a church.
02/27/96	The City Council approved a Special Use Permit (U-0001-96) to allow the sale of off-premise beer and wine in conjunction with a proposed convenience store. The Board of Zoning Adjustment and Staff recommended approval.
02/27/96	The City Council approved a Special Use Permit (U-0002-96) to allow an automated car wash in conjunction with a lube and tune shop. The Board of Zoning Adjustment and staff recommended approval.
04/01/97	The Board of Zoning Adjustment approved an Extension of Time [U-0002-96(1)] for an approved Special Use Permit (U-0002-96). Staff recommended approval.
04/22/97	A deed was recorded for a change of ownership at 3550 North Rancho Drive.
04/28/97	The City Council approved an Extension of Time [U-0001-96(1)] for an approved Special Use Permit (U-0001-96). Staff had no objection with this request. The Board of Zoning Adjustment recommended approval.

04/02/03	The City Council approved a Rezoning (ZON-1364) from C-2 (General Commercial), R-E (Residence Estates), R-MHP (Residential Mobile/Manufactured Home Park), and U (Undeveloped) to C-2 (General Commercial), C-1 (Limited Commercial), O (Office), C-V (Civic), R-E (Residence Estates), R-1 (Single Family Residential) and U (Undeveloped) to GC (General Commercial), O (Office), PF (Public Facility), ML (Medium-Low Density Residential) and DR (Desert Rural) on property located on, or in close proximity to, both sides of Rancho Drive from Vegas Drive to the northern City limits at Moccasin Road. The Planning Commission and staff recommended approval.
10/01/03	The City Council approved a General Plan Amendment (GPA-2516) to amend portions of the Centennial Hills Sector Plan Map from GC (General Commercial), SC (Service Commercial) and DR (Desert Rural) to GC (General Commercial), O (Office), SC (Service Commercial), PF (Public Facility) and DR (Desert Rural) on property located on both sides (or close proximity) of Rancho Drive from Cheyenne Avenue to Gowan Road. The Planning Commission and staff recommended approval.
12/05/07	The City Council approved a request for a Special Use Permit (SUP-24772) for a proposed Liquefied Petroleum Gas Installation (over 288 gallons) to an existing service station (without automobile repair) located at 3550 North Rancho Drive. The Planning Commission and Staff recommended approval.
04/09/08	A Code Enforcement case (#64327) was processed for someone performing mobile detailing on a commercial property; the citizen was concerned because fluids are draining into the residential area and causing smells in the gutter located at the southwest corner behind the gas station. The case was closed by Code Enforcement on 04/16/08.
11/19/09	The Planning Commission voted 5-0-1/ke to recommend APPROVAL (PC Agenda Item #16/ao).
<i>Related Building Permits/Business Licenses</i>	
08/14/97	A building permit (#97016712) was issued for a convenience store. The permit was completed on 04/28/98.
08/14/97	A building permit (#97016713) was issued for a gas canopy at a convenience store. The permit expired on 10/10/98.
08/14/97	A building permit (#97016714) was issued for on-site improvements. The permit expired on 10/10/98.
10/09/07	A building permit (#142144) was issued for a Liquefied Petroleum Gas tank installation. The permit was never finalized.
06/25/09	A building permit (#142144) was issued for a 250-gallon Liquefied Petroleum Gas tank. The permit was finalized on 06/30/09.
<i>Pre-Application Meeting</i>	
09/25/09	A pre-application meeting was held to discuss the application submittal requirements for a Liquefied Petroleum Gas Installation (Over 288 Gallons).

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

Field Check	
10/15/09	A field check was carried out by staff with the following observations: • There is an existing gas station and convenience store in operation. • The existing propane tank is surrounded by existing ballards. The installation location is on the north side of this property, outside of the traffic isle and not occupying any existing parking spaces.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	1.00

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Convenience Store	GC (General Commercial)	C-2 (General Commercial)
North	Office	GC (General Commercial)	C-2 (General Commercial)
South	Tavern	GC (General Commercial)	C-2 (General Commercial)
East			
West	Garden Supply/ Plant Nursery	GC (General Commercial)	C-2 (General Commercial)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan			
Centennial Hills Sector Plan	X		Y
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
A-O (Airport Overlay) District (70 Feet)	X		Y
Trails	X		Y
Rural Preservation Overlay District		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	
Service Station (Without Automotive Repair)	3,916 SF	1/250	15	1	28	1	Y
TOTAL			16		29		Y

ANALYSIS

This is a request for a Liquefied Petroleum Gas Installation (Over 288 Gallons) at 3550 North Rancho Drive. According to Title 19, a “Liquefied Petroleum Gas Installation (Over 288 Gallons)” is defined as “a facility or system including tanks, piping or gas equipment (or any combination); that is used or intended to be used for the storage, dispensing or other utilization of liquefied petroleum gas.” In the case of this establishment, the proposal is to install a new 1,000-gallon propane tank and dispenser. The subject use is to be located in conjunction with an existing Service Station (Without Automotive Repair) and will be located on the north side of the property. The new 1,000 gallon propane tank and dispenser will have a height of five feet one-inch, a width of three feet six-inches and an overall length of eighteen feet. This tank will be protected by a 12-foot by 26-foot arrangement of eighteen bollards measuring four-feet in height.

The hours of operation will be 9:00am to 8:00pm seven days a week. Title 19 does not contain any minimum separation distance requirements that apply to the proposed Liquefied Petroleum Gas Installation (Over 288 Gallons) use. As such, the project complies with all Title 19.04 requirements; therefore, staff recommends approval of this Special Use Permit.

FINDINGS

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 use is surrounded by properties that are zoned C-2 (General Commercial) and have a General Plan designation of GC (General Commercial). The installation of a Liquid Petroleum Gas Tank is compatible with the existing and future surrounding land use.

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

The proposed Liquid Petroleum Gas Tank is a compatible accessory use to a Service Station (Without Auto Repair). The placement of the Liquid Petroleum Gas Tank will not obstruct traffic and is physically suitable.

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.”

This property has driveway access from Rancho Drive, a 120-foot Primary Arterial and Gowan Road, a 60-foot Collector, as designated by the Master Plan of Streets and Highways. Access is 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.”

Approval of the Special Use Permit will not compromise the overall health, safety and public welfare. This development is consistent with the objectives of the General Plan.

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

This use meets all applicable conditions per Title 19.04.

PLANNING COMMISSION ACTION

There was one speaker in opposition of this project at the Planning Commission Meeting.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

9

NOTICES MAILED

223 by City Clerk

APPROVALS

0

PROTESTS

0