

**AGENDA MEMO****CITY COUNCIL MEETING DATE: MARCH 3, 2010****DEPARTMENT: PLANNING AND DEVELOPMENT****ITEM DESCRIPTION: SUP-36950 - APPLICANT: J & N DEVELOPMENT - OWNER: ISAAH 54:17, LLC**

**** CONDITIONS ****

Staff recommends DENIAL. The Planning Commission (6-0 vote) recommends APPROVAL, subject to conditions:

Planning and Development

1. Conformance to all Minimum Requirements under the Town Center Development Standards Manual for an Auto Repair Garage (Minor) use, except those modified by the approval and conditions herein.
2. Approval of Major Modification (MOD-36955) and Rezoning (ZON-36949), and approval of and conformance to the Conditions of Approval for Variances (VAR-36954 and VAR-37101), Petition of Vacation (VAC-37100) and Site Development Plan Review (SDR-36953) shall be required, if approved.
3. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the principal building on the site. 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.

**** STAFF REPORT ****

PROJECT DESCRIPTION

The subject site is currently undeveloped and abuts the north side of the Las Vegas Beltway right-of-way. The request is for a Special Use Permit for a proposed 6,126 square-foot Auto Repair Garage (Minor) with service bay openings facing a public right-of-way on the south side of Rome Boulevard, approximately 640 feet west of Riley Street. Staff recommends denial, as the use is incompatible with existing and planned uses in the surrounding area, and the site is not suitable for the intensity of the land use proposed. If denied, the Auto Repair Garage (Minor) cannot be built on the subject site as proposed.

ISSUES

- Modification (MOD-36955) of the Centennial Hills Town Center Land Use Plan to change the Special Land Use Designation from UC-TC (Urban Center Mixed-Use – Town Center) to SC-TC (Service Commercial – Town Center) is required to allow the use on the subject site.
- Rezoning from U (Undeveloped) [TC (Town Center) General Plan Designation] to T-C (Town Center) prior to development of the site is required. ZON-36949 has been submitted for this request.
- An Auto Repair Garage (Minor) is a conditional use in the SC-TC (Service Commercial – Town Center) District, which the applicant proposes for the site. As a conditional use, service bay openings may not be allowed to face public rights-of-way; since the proposed use cannot meet this minimum requirement, approval of a Special Use Permit is required.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
07/03/96	The City Council approved the Annexation (A-0002-96) of approximately 115.72 acres generally located south of Deer Springs Way between El Capitan Way and Durango Drive, including current APN 125-20-801-005. The Planning Commission and staff recommended approval. The annexation became effective 07/12/96.
02/05/03	The City Council approved the Annexation (A-0038-02) of approximately 495 acres, including current APN 125-20-802-003. The Planning Commission and staff recommended approval. The annexation became effective 02/14/03.
06/10/09	A deed was recorded indicating change of ownership of the property.

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01/28/10	The Planning Commission recommended approval of companion items MOD-36955, ZON-36949, VAR-36954, VAR-37101, VAC-37100 and SDR-36953 concurrently with this application. The Planning Commission voted 6-0 to recommend APPROVAL (PC Agenda Item #17/ss.
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Related Building Permits/Business Licenses

There are no building permits or business licenses associated with the subject site.

Pre-Application Meeting

11/17/09	A pre-application meeting was held to discuss development of the subject site, with the following topics addressed: • Rezoning to T-C (Town Center) is required. • A Modification (MOD) of the Town Center Land Use Plan from UC-TC (Urban Center Mixed Use – Town Center) to SC-TC (Service Commercial – Town Center) or GC-TC (General Commercial – Town Center) or EC-TC (Employment Center Mixed Use – Town Center) is required. • A Special Use Permit is required for an Auto Repair Garage (Minor) because the proposed use does not meet Condition B: Openings to the service bays shall not face public rights-of-way and shall be designed to minimize the visual intrusion into adjoining properties. • A Variance will be required for building setbacks; the proposed structure does not meet the required 20-foot rear setback. • Waivers are required for building placement (build-to-line standards), which require 80% of the building façade to abut the build-to-line on the side of the building facing the street. • The development must comply with Town Center and Title 19 landscaping requirements, or a waiver will be required. • A Waiver is required for the 20% open space requirement. • A Vacation of portions of adjacent public right-of-way in conflict with the development is required. • Minimum 24-foot drive aisles are required.
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Neighborhood Meeting

A neighborhood meeting was neither required nor held.

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Field Check	
12/22/09	During a routine site visit, it was noted that the site was undeveloped. Completed half-street improvements and a perimeter wall exist along Rome Boulevard, with weeds growing adjacent.

Details of Application Request	
Site Area	
Net Acres	0.35
Gross Acres	0.52 (including rights-of-way to be vacated)

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped	UC-TC (Urban Center Mixed Use – Town Center) [PROPOSED: SC-TC (Service Commercial – Town Center)]	U (Undeveloped) [PROPOSED: T-C (Town Center)]
North	Shopping Center	UC-TC (Urban Center Mixed Use – Town Center)	T-C (Town Center)
South	ROW (CC 215)	ROW (CC 215)	ROW (CC 215)
East	Undeveloped	UC-TC (Urban Center Mixed Use – Town Center) and MS-TC (Main Street Mixed Use – Town Center)	T-C (Town Center)
West	ROW (CC 215)	ROW (CC 215)	ROW (CC 215)

Special Districts/Zones	Yes	No	Compliance
Special Area Plan			
T-C Town Center District	X		N
Special Districts/Zones	Yes	No	Compliance
Special Purpose and Overlay Districts			
T-C Town Center District	X		N
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

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DEVELOPMENT STANDARDS

Pursuant to the Town Center Development Standards Manual, the following standards apply:

Standard	Required/Allowed	Provided	Compliance
Min. Lot Size	N/A	22,840 SF	N/A
Min. Setbacks			
• Front	15 Feet	77 Feet	Y
• Side	10 Feet	35 Feet	Y
• Rear	20 Feet	1 Foot	N
Build-to-line ratio	80%	0%	N
Max. Building Height	5 Stories	1 Story (24 Feet)	Y
Stepback	4-8 Feet	N/A	N/A
Open Space Requirement	20%	20.8%	Y

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	
Auto Repair Garage (Minor)	6,126 SF	5 Spaces, plus 1 space / 200 SF GFA	34	2	23	2	N
TOTAL			36		25		N
Percent Deviation			31%				
Loading space	GFA less than 10,000 SF		1		1		Y

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Waivers		
Requirement	Request	Staff Recommendation
TCDSM, Section B.3.B: Auto Repair Garage (Minor)— Openings to service bays shall not face public rights-of-way and shall be designed to minimize visual intrusion into other properties	To allow ten (10) service bay openings to face the Rome Boulevard right-of-way	Denial

ANALYSIS

The subject site is located within the boundaries of the Centennial Hills Town Center Land Use Plan, and is currently designated UC-TC (Urban Center Mixed Use – Town Center). The applicant has requested a Major Modification (MOD-36955) of the Land Use Plan to amend the special land use designation to SC-TC (Service Commercial – Town Center) on this site, which would allow an Auto Repair Garage (Minor) use.

The site plan, elevations and floor plans indicate that 10 service bays will face the Rome Boulevard right-of-way. This is prohibited under the conditional use requirements of the Town Center Development Standards Manual; however, a Special Use Permit may be approved that allows a waiver of this condition. Staff recommends denial of the waiver and the Special Use Permit, as the use is incompatible with existing and planned uses in the surrounding area, and the site is not suitable for the intensity of the land use proposed.

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 Auto Repair Garage (Minor) use is not compatible with existing mixed use land designations to the north and east within the Town Center and Montecito Town Center areas and future uses in the surrounding area, which are less intense than the proposed use.

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

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The subject site is not large enough to accommodate the proposed 6,126 square foot Auto Repair Garage (Minor) and also meet Title 19 and Town Center Development Standards. The use is not allowed in the current UC-TC (Urban Center Mixed Use – Town Center) District. Staff does not support modification of the Town Center Land Use Plan to a district that would introduce more intense uses, such as an Auto Repair Garage (Minor), into this area, as the proposed use is not compatible with surrounding planned uses.

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 from Rome Boulevard, a 60-foot Collector street, from a cul-de-sac bulb. One driveway is located on a proposed private drive that also accommodates a portion of the parking on the site. These streets will be adequate in size to meet the requirements of the proposed Auto Repair Garage (Minor) 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 Auto Repair Garage (Minor) use at the proposed location will not compromise the public health, safety or welfare, as it is subject to ongoing inspection. However, siting of this use in the proposed location is not consistent with the planned land uses of the Town Center Land Use Plan, part of the Land Use Element of the Las Vegas 2020 Master Plan.

5. The use meets all of the applicable conditions per the Town Center Development Standards Manual.

The proposal does not meet Condition (b) of the minimum requirements for an Auto Repair Garage (Minor) use contained in the Town Center Development Standards Manual, which requires that “openings to the service bays shall not face public rights-of-way and shall be designed to minimize the visual intrusion into adjoining properties.” Special Use Permit approval is required to allow the use without meeting this condition.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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NOTICES MAILED

163 (By City Clerk)

APPROVALS

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PROTESTS

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