

**AGENDA MEMO**

CITY COUNCIL MEETING DATE: FEBRUARY 16, 2011

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT/OWNER: GARDEN CITY, LLC

**** STAFF RECOMMENDATION(S) ****

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
EOT-40646	Staff recommends APPROVAL, subject to conditions:	None

**** CONDITIONS ****

EOT-40646 CONDITIONS

Planning and Development

1. This request for an Extension of Time of a Non-Conforming use for a Motor Vehicle Dealership at 5750 Sky Pointe Drive shall expire on February 16, 2012 unless another extension of time request is approved by City Council.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for an Extension of Time of a non-conforming use for a former Automobile Dealership within the Town Center zoning district at 5750 Sky Pointe Drive. On January 8, 2010, business license A16-01272 for an Automobile Dealership was classified as out of business with no subsequent licenses applied for at the subject site. On October 6, 2010, the City Council adopted Bill 2010-40, Ordinance 6114 that allowed the owner of property deemed abandoned for a period of time greater than the applicable abandonment period to request the abandonment period extended through an Extension of Time application. If approved, the Extension of Time request is not to exceed the duration of the applicable abandonment period, which is one year.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
12/18/96	The City Council approved a request for an Aesthetic Review (AR-22-96) on property located on the east side of Rancho Road, north of Ann Road for a proposed 43,134 square-foot Auto Dealership. The Planning Commission recommended approval.
10/27/97	The City Council approved a request for Rezoning (Z-0088-97) from R-E (Residence Estates) to C-2 (General Commercial) located at 5750 Sky Pointe Drive. The Planning Commission recommended approval.
12/07/98	The City Council approved a request for Rezoning (Z-0076-98) on property located within the area designated Town Center on the northwest amendment to the General Plan from U, R-E, R-PD7, R-PD11, R-PD13, R-PD18, R-CL, C-1, C-2, C-V, and PD to T-C (Town Center). The Planning Commission recommended approval.
07/26/00	The Planning Commission approved a request for an Administrative Site Development Plan Review [Z-0076-98(8)] on property located approximately 1,320 feet west of US 95 and 1,320 feet south of Centennial Parkway to allow a proposed Auto Dealership.
05/09/02	The Planning Commission approved a request for a Site Development Plan Review and a reduction in the amount of required perimeter and parking lot landscaping [Z-0076-98(32)] for a proposed 48,562 square foot new Auto Dealership on 7.11 acres located adjacent to the west side of Centennial Center Boulevard, approximately 2,400 feet north of Tropical Parkway.

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<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
06/27/02	The Planning Commission approved a request for a Site Development Plan Review [Z-0076-98(33)] for a new Auto Dealership on 3.99 acres located adjacent to the northwest corner of Centennial Center Boulevard and Oso Blanca Road.
06/05/07	The Town Center Architectural Design Committee approved a request for a Master Sign Plan (ARC-22217) for an approved Auto Dealership at 5750 Sky Point Drive.

<i>Most Recent Change of Ownership</i>	
12/02/10	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
There are no active building permits or business licenses for the subject site.	

<i>Pre-Application Meeting</i>	
A pre-application was not required, nor was one held.	

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

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	7.04

<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	Vacant Building	SC-TC (Service Commercial - Town Center)	T-C (Town Center)
North	Single-Family and Multi-Family Residences	ML (Medium-Low Density Residential)	Single Family Compact-Lot and RPD18 (Residential Planned Development- 18 Units Per Acre)

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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>
South	Right-of-Way (95 Freeway)	ROW (Right-of-Way)	ROW (Right-of-Way)
East	Convenience Store and Undeveloped Land	SC-TC (Service Commercial- Town Center)	T-C (Town Center)
West	Right-of-Way (95 Freeway)	ROW (Right-of-Way)	ROW (Right-of-Way)

<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			
T-C (Town Center) District	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	N/A

ANALYSIS

The automobile dealership is considered a non-conforming use within the SC-TC (Service Commercial- Town Center) zoning district as the use pre-dates the creation of Town Center regulations and standards. On January 8, 2010, business license A16-01272 for the existing Automobile Dealership at 5750 Sky Pointe Drive was classified as out of business with no subsequent licenses applied for at the subject site. In accordance with Bill 2010-40, Ordinance 6114, the owner of property deemed abandoned for a period of time greater than the applicable abandonment period may request the abandonment period extended through an Extension of Time application. A public hearing is required so as to notify neighboring homeowners and registered associations the opportunity for comment.

FINDINGS

The applicant cites Chrysler Corporation's revoking the dealership as part of a bankruptcy, and poor economic conditions in the area as reasons for the requested extension of time. Bill 2010-40, Ordinance 6114 allows for an Extension of Time when the request is due to an economic hardship based on market conditions or other circumstances beyond the applicant's control. As the request does not jeopardize public health, safety and welfare and falls within the intent of Bill 2010-10, staff recommends approval with a one-year time limit.

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NEIGHBORHOOD ASSOCIATIONS NOTIFIED 19

NOTICES MAILED 246 (By Planning)

APPROVALS 0

PROTESTS 0