

**AGENDA MEMO - PLANNING**

CITY COUNCIL MEETING DATE: MAY 18, 2011

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT: LUIS GUTIERREZ - OWNER: WATER SHEET CENTER, LLC

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

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
EOT-41383	Staff recommends APPROVAL, subject to conditions:	None

**** CONDITIONS ****

EOT-41383 CONDITIONS

Planning

- 1.This Site Development Plan Review (SDR-32837) shall expire on April 1, 2013 unless another extension of time is approved by the City Council.
- 2.Conformance to the conditions of approval of the Site Development Plan Review (SDR-32837) and all other site related actions as required by the Department of Planning and Department of Public Works.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

The subject site is currently undeveloped land with previous approval for a Site Development Plan Review (SDR-32837) for a 5,375 square-foot restaurant with drive-through and a retail establishment. Plans (plan check #27902) were submitted on 08/14/09 for a shell building at the subject site, but due to discrepancies noted by various city departments, the applicant had to prepare revised plans, which were submitted on 03/17/11. The applicant is requesting an extension of time to allow city departments to review and approved the revised plans, so that building permits can be issued.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
10/18/00	The City Council approved a request for a Petition to Vacate (VAC-0026-00) a public ingress/egress easement generally located on the south side of Bonanza Road, approximately 500 feet east of Pecos Road. The Planning Commission and staff recommended approval.
03/02/05	The City Council approved a request to amend a portion of the Southeast Sector Plan of the general Plan (GPA-5082) from L (Low Density Residential) to SC (Service Commercial) on 1.58 acres and to MLA (Medium Low Attached Density Residential) on 4.4 acres south of Bonanza Road and east of Pecos Road. The Planning Commission and staff recommended approval.
	The City Council approved a related request for Rezoning (ZON-5092) from C -1 (Limited Commercial) to R-PD9 (Residential Planned Development-9 Units Per Acre). The Planning Commission recommended denial; staff recommended approval.
	The City Council approved a related request for a Variance (VAR-5300) to allow zero acres of open space where 0.68 acres is the minimum required. The Planning Commission recommended denial; staff recommended approval.
	The City Council approved a related request for a Petition to Vacate (VAC-5101) a portion of a 10-foot wide public drainage easement and ingress/egress easements. The Planning Commission and staff recommended approval.
	The City Council approved a related request for a Site Development Plan Review (SDR-5093) for a supper club. The Planning Commission and staff recommended approval.

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<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
07/14/05	The Planning Commission approved a request for a Tentative Map (TMP-6927) for a 41-lot single family residential subdivision and a waiver of Title 18.08.110 to allow a six-foot retaining wall where four feet is the maximum height allowed on 4.4 acres adjacent to the northeast corner of Diamond Head Drive and Pecos Road. Staff recommended approval.
12/07/05	The City Council approved a request for a Variance (VAR-9726) to allow a residential adjacency separation of 80 feet where 99 feet is the minimum separation required for a proposed office building on 1.50 acres along the south side of Bonanza Road, approximately 300 feet east of Pecos Road. The Planning Commission recommended approval; staff recommended denial.
	The City Council approved a related request for a Site Development Plan Review (SDR-9421) for a proposed 19,602 square-foot office building and a waiver of the building placement, parking lot, foundation and perimeter landscaping requirements.
11/07/07	The City Council approved a request for a Site Development Plan Review (SDR-24023) for a 4,350 square-foot commercial building comprised of 2,45 square feet of retail floor space and a 1,900 square-foot restaurant on 0.44 acres located on the south side of Bonanza Road, approximately 460 feet east of Pecos Road. The Planning Commission and staff recommended approval.
04/02/08	The City Council approved a request for a Review of Condition (ROC-26882) to remove condition #15 of an approved Site Development Plan Review (SDR-24023) which required that the developer contribute the remaining traffic signal contribution monies on 0.44 acres located on the south side of Bonanza Road, approximately 420 feet east of Pecos Road. Staff recommended denial.
04/01/09	The City Council approved a request for a Site Development Plan Review (SDR-32837) for a 5,375 square-foot restaurant with drive-through and retail building on 2.59 acres generally located on the south side of Bonanza Road, approximately 450 feet east of Pecos Road. The Planning Commission and staff recommended approval.

<i>Most Recent Change of Ownership</i>	
07/31/07	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
08/14/09	A building permit (118603) was issued for grading at 3595 East Bonanza Road. The permit was finalized on 10/05/09.
04/24/08	Plan Check 27902 was processed for a shell building at 3595 East Bonanza Road. New plans were submitted on 03/17/11 to address concerns by various departments. City departments are still in the process of reviewing the plans for compliance.

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<i>Pre-Application Meeting</i>
A pre-application meeting 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 2.59

<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	Undeveloped Land-Proposed Restaurant with Drive-Through and Retail Establishment	SC (Service Commercial)	C-1 (Limited Commercial)
North	Service Station, Retail Establishment, Restaurant	SC (Service Commercial)	C-1 (Limited Commercial)
South	Single Family Residences	MLA (Medium Low Attached Density Residential)	R-PD9 (Residential Planned Development- 9 Units Per Acre)
East	Restaurant	L (Low Density Residential)	C-1 (Limited Commercial)
West	Offices	SC (Service Commercial)	C-1 (Limited Commercial)

<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		X	N/A
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

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ANALYSIS

This is the first request for an Extension of Time of a previously approved Site Development Plan Review (SDR-32837) for a 5,375 square-foot restaurant with drive-through and a retail establishment at 3595 East Bonanza Road. Building permit #118603 was issued on 08/14/09 for grading, and later finalized on 10/05/09. The applicant did submit plans for review (plan check 27902) in April 2008, but due to discrepancies noted by various departments, the applicant submitted revised plans on 03/17/11 for review and approval.

Title 19.16.100 of the Unified Development Code deems a Site Development Plan Review exercised upon the issuance of a building permit for the principal structure on site.

FINDINGS

The Site Development Plan Review has not met the requirements of Title 19.16.100 of the Unified Development Code to exercise the entitlement as no building permits have been issued for the principal structure. The applicant is requesting an extension of time to allow city departments time to review the revised plans so that building permits can be issued for the proposed project. Staff is recommending approval of this request with a two-year time limit. Conformance to the conditions of approval of the Site Development Plan Review shall be required.

APPROVALS 0

PROTESTS 0