



**AGENDA MEMO**

**PLANNING COMMISSION MEETING DATE: NOVEMBER 19, 2009**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: SUP-36243 - APPLICANT: FUNNY'S I - OWNER: JAK PROPERTIES, LLC**

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**\*\* CONDITIONS \*\***

**STAFF RECOMMENDATION:**      **APPROVAL**, subject to:

**Planning and Development**

1.      Site landscaping shall comply with the landscape plan stamped 02/21/95, as approved by Special Use Permit (U-0025-94).
2.      Conformance to all Minimum Requirements under LVMC Title 19.04.010 for Petroleum Gas Installation (Over 288 Gallons) use.
3.      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.
4.      All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

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**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

This is a request for a Special Use Permit for a Liquefied Petroleum Gas Installation (Over 288 Gallons) at 4747 North Rancho Drive. Currently, the site contains an existing convenience store, and fuel pumps, and perimeter landscaping. There is an existing above-ground LPG (Liquefied Petroleum Gas) storage tank on the subject site. 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**

- Existing landscaping does not comply with landscaping plans previously approved by Special Use Permit (U-0025-94). A condition has been added to require compliance.

**BACKGROUND INFORMATION**

| <b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc and Property Sales</i></b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|---------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 02/22/94                                                                                    | The City Council approved a Special Use Permit (U-0025-94) to allow the Sale of Package Liquor within a proposed convenience store; and to allow an automatic car wash facility. The Board of Zoning Adjustment and Staff recommended approval.                                                                                                                                                                                                                                                            |
| 04/02/03                                                                                    | The City Council approved a request General Plan Amendment (GPA-1363) to amend portions of the Centennial Hills Sector Plan and the Southwest Sector Map FROM: GC (General Commercial), SC (Service Commercial) and DR (Desert Rural) 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. |
| <b><i>Related Building Permits/Business Licenses</i></b>                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| 10/10/94                                                                                    | A building permit (#94351360) was issued for onsite improvements. The permit was completed 03/10/95.                                                                                                                                                                                                                                                                                                                                                                                                       |
| 10/10/94                                                                                    | A building permit (#94351361) was issued for convenience store occupancy. The permit was completed 07/10/95.                                                                                                                                                                                                                                                                                                                                                                                               |
| 10/10/94                                                                                    | A building permit (#94351362) was issued for a carwash. The permit was completed 03/10/95.                                                                                                                                                                                                                                                                                                                                                                                                                 |
| 10/11/94                                                                                    | A building permit (#94351479) was issued for a convenience. The permit was completed 03/08/95.                                                                                                                                                                                                                                                                                                                                                                                                             |

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|-----------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------|
| 10/26/94                                                        | A building permit (#94353737) was issued for a new fuel system. The permit expired on 09/23/95.                                                     |
| 11/17/94                                                        | A building permit (#94357150) was issued for a gasoline system. The permit was completed 03/08/95.                                                  |
| <b><i>Pre-Application Meeting</i></b>                           |                                                                                                                                                     |
| 09/25/09                                                        | A pre-application meeting was held to discuss the application submittal requirements for a Liquefied Petroleum Gas Installation (Over 288 Gallons). |
| <b><i>Neighborhood Meeting</i></b>                              |                                                                                                                                                     |
| A neighborhood meeting was not required, nor was one conducted. |                                                                                                                                                     |

|                           |                                                                                                                                                                                                                                                                                                                                                                                        |
|---------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b><i>Field Check</i></b> |                                                                                                                                                                                                                                                                                                                                                                                        |
| 10/15/09                  | A field check was carried out by staff with the following observations: <ul style="list-style-type: none"> <li>There is an existing gas station and convenience store in operation.</li> <li>The existing propane tank is surrounded by ballards. The installation is located on the north side of this property, outside of the traffic isle along the west property line.</li> </ul> |

|                                              |      |
|----------------------------------------------|------|
| <b><i>Details of Application Request</i></b> |      |
| <b><i>Site Area</i></b>                      |      |
| Gross Acres                                  | 1.25 |

| Surrounding Property | Existing Land Use | Planned Land Use        | Existing Zoning          |
|----------------------|-------------------|-------------------------|--------------------------|
| Subject Property     | Convenience Store | GC (General Commercial) | C-2 (General Commercial) |
| North                | Parking Lot       | SC (Service Commercial) | C-2 (General Commercial) |
| South                | Undeveloped       | GC (General Commercial) | C-2 (General Commercial) |
| East                 | Convenience Store | GC (General Commercial) | C-1 (Limited Commercial) |
| West                 | Undeveloped       | GC (General Commercial) | C-2 (General Commercial) |

| <b><i>Special Districts/Zones</i></b> | <b><i>Yes</i></b> | <b><i>No</i></b> | <b><i>Compliance</i></b> |
|---------------------------------------|-------------------|------------------|--------------------------|
| <b><i>Special Area Plan</i></b>       |                   |                  |                          |
| Centennial Hills Sector Plan          | X                 |                  | Y                        |

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| <i>Special Districts/Zones</i>                    | <i>Yes</i> | <i>No</i> | <i>Compliance</i> |
|---------------------------------------------------|------------|-----------|-------------------|
| <b>Special Purpose and Overlay Districts</b>      |            |           |                   |
| A-O (Airport Overlay) District (175 Feet)         | X          |           | Y                 |
| <b>Trails</b>                                     | X          |           | Y                 |
| <b>Rural Preservation Overlay District</b>        |            | X         | N/A               |
| <b>Development Impact Notification Assessment</b> |            | X         | N/A               |
| <b>Project of Regional Significance</b>           |            | X         | N/A               |

**DEVELOPMENT STANDARDS**

| <i>Location</i>                                | <i>Current Title 19 Standards</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | <i>Approved By U -0025-94</i>                     | <i>Existing</i>                           | <i>Compliance By Condition</i> |
|------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------|-------------------------------------------|--------------------------------|
| Rancho Road east perimeter landscaping         | <ul style="list-style-type: none"> <li>- A minimum buffer zone depth-adjacent to the Right-Of-Way is 15 Feet.</li> <li>- There shall be a minimum 24-inch box evergreen or deciduous shade tree 1 per 30 linear feet.</li> <li>- Shrubs are required in all buffer areas with a minimum of four 5-gallon shrubs for each tree.</li> <li>- The landscape islands and landscape buffer shall include a two-inch layer of ground cover or rock mulch.</li> <li>- The landscaping areas shall be irrigated in accordance with LVMC 19.12.030(F)</li> </ul> | Five trees and 39 shrubs                          | Six shrubs and existing concrete drainage | By Condition                   |
| Lone Mountain Road north perimeter landscaping |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 11 trees and 38 shrubs                            | One tree and 10 shrubs                    | By Condition                   |
| West perimeter landscaping                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Perimeter landscaping<br>Four trees and 26 shrubs | One tree and three shrubs                 | By Condition                   |
| South perimeter landscaping                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | No Landscaping                                    | No Existing                               | Y                              |
| <b>Total Landscaping</b>                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 20 trees and 103 shrubs                           | Two trees and 19 shrubs                   | By Condition                   |

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| <b>Parking Requirement</b>                  |                                            |                                 |                |                 |                |                   |   |
|---------------------------------------------|--------------------------------------------|---------------------------------|----------------|-----------------|----------------|-------------------|---|
| <b>Use</b>                                  | <b>Gross Floor Area or Number of Units</b> | <b>Base Parking Requirement</b> |                | <b>Provided</b> |                | <b>Compliance</b> |   |
|                                             |                                            | <b>Parking Ratio</b>            | <b>Parking</b> |                 | <b>Parking</b> |                   |   |
|                                             |                                            |                                 | Regular        | Handi-capped    | Regular        | Handi-capped      |   |
| Service Station (Without Automotive Repair) | 5,264 SF                                   | 1/250                           | 20             | 1               | 20             | 1                 | Y |
| <b>TOTAL</b>                                |                                            |                                 | 21             |                 | 21             |                   |   |

### ANALYSIS

This is a request for a Liquefied Petroleum Gas Installation (Over 288 Gallons) at 4747 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 on two sides by a 12-foot by 14-foot arrangement of eight bollards measuring four-feet in height.

Overall, the subject site does not have all the required landscaping as shown on the approved landscaping plans date stamped 02/21/95; as such, a condition has been added to have all landscaping comply with the approved plan.

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:

- 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.**

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The subject site is physically suitable for that type and intensity of the proposed 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 both Rancho Drive, a 120-foot Primary Arterial, and Lone Mountain Road, a 100-foot Major Street, 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 to 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.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED**

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**NOTICES MAILED**

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**APPROVALS**

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**PROTESTS**

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