



AGENDA MEMO - PLANNING

CITY COUNCIL MEETING DATE: NOVEMBER 20, 2013

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT/OWNER: CM SAGEBRUSH 1-3082, LLC

** STAFF RECOMMENDATION(S) **

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
EOT-51498 EOT-51499 EOT-51500	Staff recommends DENIAL, if approved subject to conditions:	N/A

** CONDITIONS **

EOT-51498 CONDITIONS

Planning

1. This Special Use Permit (SUP-9664) shall expire on November 7, 2015 unless another Extension of Time is approved by the City Council.
2. Conformance to the conditions of approval of the Special Use Permit (SUP-9664) and all other site related actions as required by the Department of Planning and Department of Public Works.

EOT-51499 CONDITIONS

Planning

1. This Special Use Permit (SUP-9665) shall expire on November 7, 2015 unless another Extension of Time is approved by the City Council.
2. Conformance to the conditions of approval of the Special Use Permit (SUP-9665) and all other site related actions as required by the Department of Planning and Department of Public Works.

EOT-51500 CONDITIONS

Planning

1. This Site Development Plan Review (SDR-9666) shall expire on November 7, 2015 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-9666) and all other site related actions as required by the Department of Planning and Department of Public Works.

**** STAFF REPORT ****

PROJECT DESCRIPTION

The subject site is currently undeveloped land with previous approved Site Development Plan Review (SDR-9666) for a proposed 3,710 square-foot Service Station without incidental Auto Repair with an accessory Car Wash, a proposed 5,504 square-foot Tavern and a 3,600 square-foot Retail Building with Waivers of building placement and foundation landscaping requirements. There are two associated Special Use Permits, (SUP-9664) for a proposed Service Station and (SUP-9665) for a proposed Liquor Establishment (Tavern) at the southwest corner of Oso Blanca Road and Kyle Canyon Road. No plans have been submitted for review nor have any building permits been issued for the proposed development. The applicant is requesting an Extension of Time, due to litigation against the former manager of sagebrush, CM Capital Services, LLC, and to allow the applicant additional time to gather information needed to continue the proposed project. As no progress has been made on the development since approved in 2007, staff is recommending denial of the Extensions of Time for Site Development Plan Review (SDR-9666), Special Use Permits, (SUP-9664) and (SUP-9665).

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
06/01/05	The City Council approved a request for a Petition to Vacate (ANX-5528) an area consisting of approximately 529 acres, generally located north of Iron Mountain Road and west of Hualapai Way. The Planning Commission and staff recommended approval. The Annexation became effective on 06/10/05.
11/07/07	The City Council approved a request for Rezoning (ZON-9662) from U (Undeveloped) [SC (Service Commercial) General Plan Designation] to C-1 (Limited Commercial) on 2.48 acres at the southwest corner of Oso Blanca Road and Kyle Canyon Road. The Planning Commission and staff recommended approval.
	The City Council approved a related request for a Special Use Permit (SUP-9664) for a proposed Service Station on 2.48 acres at the southwest corner of Oso Blanca Road and Kyle Canyon Road.
	The City Council approved a related request for a Special Use Permit (SUP-9665) for a proposed Liquor Establishment (Tavern) on 2.48 acres at the southwest corner of Oso Blanca Road and Kyle Canyon Road.
	The City Council approved a related request for a Site Development Plan Review (SDR-9666) for a proposed 3,710 square-foot Service Station without incidental auto repair with an accessory Car Wash, a proposed 5,504 square-foot Tavern, and a 3,600 square-foot Retail Element on 2.48 acres at the southwest corner of Oso Blanca Road and Kyle Canyon Road.

Staff Report Page Two
November 20, 2013 - City Council Meeting

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
12/16/09	The City Council approved a request for an Extension of Time (EOT-36622) of a previously approved Special Use Permit (SUP-9664) for a proposed Service Station at the southwest corner of Oso Blanca Road and Kyle Canyon Road. Staff recommended approval.
	The City Council approved a related request for an Extension of Time (EOT-36618) of a previously approved Special Use Permit (SUP-9665) for a proposed Liquor Establishment (Tavern) on 2.48 acres at the southwest corner of Oso Blanca Road and Kyle Canyon Road.
	The City Council approved a related request for an Extension of Time (EOT-36623) of a previously approved Site Development Plan Review (SDR-9666) for a proposed 3,710 square-foot Service Station without incidental auto repair with an accessory Car Wash, a proposed 5,504 square-foot Tavern, and a 3,600 square-foot Retail Element on 2.48 acres at the southwest corner of Oso Blanca Road and Kyle Canyon Road.
12/07/11	The City Council approved a request for an Extension of Time (EOT-43606) of a previously approved Special Use Permit (SUP-9664) for a proposed Service Station at the southwest corner of Oso Blanca Road and Kyle Canyon Road. Staff recommended approval.
	The City Council approved a related request for an Extension of Time (EOT-43605) of a previously approved Special Use Permit (SUP-9665) for a proposed Liquor Establishment (Tavern) on 2.48 acres at the southwest corner of Oso Blanca Road and Kyle Canyon Road.
	The City Council approved a related request for an Extension of Time (EOT-43603) of a previously approved Site Development Plan Review (SDR-9666) for a proposed 3,710 square-foot Service Station without incidental auto repair with an accessory Car Wash, a proposed 5,504 square-foot Tavern, and a 3,600 square-foot Retail Element on 2.48 acres at the southwest corner of Oso Blanca Road and Kyle Canyon Road.

<i>Most Recent Change of Ownership</i>	
08/27/09	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>
There have not been any plans submitted for review, nor have any building permits been issued for the proposed development.

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

Staff Report Page Three
November 20, 2013 - City Council Meeting

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

Field Check	
10/29/13	Staff conducted a field check of the subject site and found an undeveloped parcel with native vegetation.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	2.48

<i>Surrounding Property</i>	<i>Existing Land Use Per Title 19.12</i>	<i>Planned or Special Land Use Designation</i>	<i>Existing Zoning District</i>
Subject Property	Undeveloped	SC (Service Commercial)	C-1 (Limited Commercial)
North	Undeveloped	SC (Service Commercial)	U (Undeveloped) [SC (Service Commercial) General Plan Designation]
South	Undeveloped	SC (Service Commercial)	U (Undeveloped) [SC (Service Commercial) General Plan Designation]
East	Undeveloped	SC (Service Commercial)	U (Undeveloped) [SC (Service Commercial) General Plan Designation]
West	Undeveloped	PCD (Planned Community Development)	U (Undeveloped) [PCD (Planned Community Development) General Plan Designation]

<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

Staff Report Page Four
November 20, 2013 - City Council Meeting

ANALYSIS

This is the third request for an Extension of Time of a previously approved Site Development Plan Review (SDR-9666) for a 3,710 square-foot Service Station without incidental Auto Repair with an accessory Car Wash, a proposed 5,504 square-foot Tavern, and a 3,600 square-foot Convenience Store with Waivers of building placement and foundation landscaping requirements with two associated Special Use Permits (SUP-9664 and SUP-9665) for the Service Station and Tavern. No plans have been submitted for review nor have any building permits been issued for the proposed development.

Title 19.16.100 and Title 19.110 deems a Site Development Plan Review and Special Use Permit exercised upon the issuance of business license and a building permit for the principal structure.

FINDINGS

The Special Use Permits (SUP-9664 and SUP-9665) and Site Development Plan Review (SDR-9666) have not been exercised in accordance with the requirements of Title 19.16.110 and 19.16.100 as no business licenses or building permits have been issued for the proposed development. The applicant is requesting an Extension of Time, due to litigation against the former manager of sagebrush, CM Capital Services, LLC, and to allow the applicant additional time to gather information needed to continue the proposed project. As no progress has been made on the development since approved in 2007, staff is recommending denial of the Extensions of Time for Site Development Plan Review (SDR-9666), Special Use Permit (SUP-9664) and Special Use Permit (SUP-9665).

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

N/A

NOTICES MAILED

N/A

APPROVALS

0

PROTESTS

0