



AGENDA MEMO - PLANNING

PLANNING COMMISSION MEETING DATE: JUNE 14, 2016

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT/OWNER: JIM MARSH AMERICAN CORPORATION

** STAFF RECOMMENDATION(S) **

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
MOD-63387	Staff recommends APPROVAL.	
VAC-63563	Staff recommends DENIAL, if approved subject to conditions:	MOD-63387
VAC-64265	Staff recommends DENIAL, if approved subject to conditions:	MOD-63387
SDR-63389	Staff recommends DENIAL, if approved subject to conditions:	MOD-63387 VAC-63563 VAC-64265

** NOTIFICATION **

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

25 - VAC-63265

13 - SDR-63389

23 - MOD-63387 and VAC-63563

NOTICES MAILED

4 - VAC-63563

5 - VAC-64265

37 - MOD-63387 and SDR-63940

APPROVALS

0

PROTESTS

0

**** CONDITIONS ****

VAC-63563 CONDITIONS

1. The limits of this Petition of Vacation shall be the east 30 feet of Riley Street between Centennial Parkway and Regena Avenue and the south 30 feet of Regena Avenue from the west edge of Riley Street to the east edge of Juliano Road, excluding those portions required for an off-set knuckle per Standard Drawing #211 at the northwest intersection of Riley Street and Regena Avenue.
2. Prior to the recordation of the Order of Vacation, a Mapping action that combines Assessor's Parcel Numbers (APN) # 125-29-502-016 through 125-29-502-019 must be recorded.
3. Construct the intersection of Riley Street and Regena Avenue meeting the intent of Standard Drawing #211 as approved by the City Traffic Engineer prior to the recordation of the Order of Vacation. All construction must incorporate the approved construction drawings associated with SDR-57635 at the southwest corner of Regena Avenue and Riley Street. The posting of a performance bond may be used in lieu of construction for recordation purposes.
4. Prior to the recordation of this Order of Vacation, provide proof that a 16-foot access easement in favor of Assessor's Parcel Number (APN) # 125-29-502-009 has been granted and recorded. Construct the asphalt, curb, and gutter for this access path as shown on the approved site plan concurrent with on-site development activities.
5. Provide a plan showing how the right-of-way proposed to be vacated will be incorporated into the abutting properties, including those properties not controlled by the applicant, so that an un-maintained "no-man's land" area is not produced by this action. The required plan shall identify exactly who is responsible to reclaim each portion of right-of-way and exactly how the right-of-way will be reclaimed, and shall provide a schedule of when such reclamation will occur. Such plan shall be approved by the City Traffic Engineer prior to the recordation of the Order of Vacation.
6. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the recordation of the Order of Vacation for this application. Appropriate drainage easements shall be reserved if recommended by the approved Drainage Plan/Study. The drainage study required by SDR-63389 may be used to satisfy this requirement provided that it addresses the area to be vacated.

Conditions Page Two

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7. All public improvements, if any, adjacent to and in conflict with this vacation application are to be modified, as necessary, at the applicant's expense prior to the recordation of an Order of Vacation.
8. The Order of Vacation shall not be recorded until all of the conditions of approval have been met provided, however, the conditions requiring modification of public improvements may be fulfilled for purposes of recordation by providing sufficient security for the performance thereof in accordance with the Subdivision Ordinance of the City of Las Vegas. City Staff is empowered to modify this application if necessary because of technical concerns or because of other related review actions as long as current City right-of-way requirements are still complied with and the intent of the vacation application is not changed. If applicable, a five foot wide easement for public streetlight and fire hydrant purposes shall be retained on all vacation actions abutting public street corridors that will remain dedicated and available for public use. Also, if applicable and where needed, public easement corridors and sight visibility or other easements that would/should cross any right-of-way being vacated must be retained.
9. Reservation of easements for the facilities of the various utility companies together with reasonable ingress thereto and egress there from shall be provided if required.
10. All development shall be in conformance with code requirements and design standards of all City Departments.
11. If the Order of Vacation is not recorded within one (1) year after approval by the City of Las Vegas or an Extension of Time is not granted by the Planning Director, then approval will terminate and a new petition must be submitted.

VAC-64265 CONDITIONS

1. The limits of this Petition of Vacation shall be the U.S. Government Patent Easements located adjacent to Assessor Parcel Numbers 125-29-502-002 as shown on the submitted exhibit for property generally located on the southeast corner of Centennial Parkway and Riley Street.
2. Vacation request VAC-63563 must be approved.
3. Prior to the recordation of this Order of Relinquishment, provide proof that a 16-foot access easement in favor of Assessor's Parcel Number (APN) # 125-29-502-009 has been granted and recorded. Construct the asphalt, curb, and gutter for this access path as shown on the approved site plan concurrent with on-site development activities.

Conditions Page Three

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4. All public improvements, if any, adjacent to and in conflict with this vacation application are to be modified, as necessary, at the applicant's expense prior to the recordation of an Order of Vacation.
5. The Order of Relinquishment of Interest shall not be recorded until all of the conditions of approval have been met provided, however, the conditions requiring modification of public improvements may be fulfilled for purposes of recordation by providing sufficient security for the performance thereof in accordance with the Subdivision Ordinance of the City of Las Vegas. City Staff is empowered to modify this application if necessary because of technical concerns or because of other related review actions as long as current City right-of-way requirements are still complied with and the intent of the vacation application is not changed. If applicable, a five foot wide easement for public streetlight and fire hydrant purposes shall be retained on all vacation actions abutting public street corridors that will remain dedicated and available for public use. Also, if applicable and where needed, public easement corridors and sight visibility or other easements that would/should cross any right-of-way being vacated must be retained.
6. All development shall be in conformance with code requirements and design standards of all City Departments.
7. If the Order of Relinquishment of Interest is not recorded within one (1) year after approval by the City of Las Vegas or an Extension of Time is not granted by the Planning Director, then approval will terminate and a new petition must be submitted.

SDR-63389 CONDITIONS

Planning

1. Approval of and conformance to the Conditions of Approval for Vacation (VAC-63563) and Vacation (VAC-64265) shall be required, if approved.
2. This approval shall be void two years from the date of final approval, unless exercised pursuant to the provisions of LVMC Title 19.16. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. All development shall be in conformance with the site plan, landscape plan, date stamped 05/18/16, except as amended by conditions herein.
4. A Waiver from Town Center Development Standards is hereby approved, to allow no parking lot landscaping.

Conditions Page Four

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5. A Waiver from Title 19.08 is hereby approved, to allow a zero-foot wide landscape buffer along the south perimeter where a 15-foot wide buffer is required.
6. All necessary building permits shall be obtained and final inspections shall be completed in compliance with Title 19 and all codes as required by the Department of Building and Safety.
7. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
8. The applicant shall coordinate with the City Surveyor and other city staff to determine the most appropriate mapping action necessary to consolidate the existing lots. The mapping action shall be completed and recorded prior to the issuance of any building permits.
9. A technical landscape plan, signed and sealed by a Registered Architect, Landscape Architect, Residential Designer or Civil Engineer, must be submitted prior to or at the same time application is made for a building permit. A permanent underground sprinkler system is required, and shall be permanently maintained in a satisfactory manner; the landscape plan shall include irrigation specifications. Installed landscaping shall not impede visibility of any traffic control device.
10. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Public Works

11. Petitions of Vacations, such as VAC-63563 and VAC-64265, shall record prior the issuance of permits for construction of private improvements within the areas requested for vacation. If Petitions of Vacation, such as VAC-63563 and VAC-64265 are not approved, this site plan shall be null and void and a new site plan must be submitted respecting the existing rights-of-way.
12. Construct all incomplete half-street improvements on Centennial Parkway meeting Town Center Development Standards including appropriate transition paving where legally able concurrent with on-site development activities. Additionally, construct the intersection of Riley Street and Regena Avenue meeting the intent of Standard Drawing #211 as approved by the City Traffic Engineer. Provide proof that a 16-foot access easement in favor of Assessor's Parcel Number (APN) # 125-29-502-009 has been granted and recorded. Construct the asphalt, curb, and gutter for this access path as shown on the approved site plan concurrent with on-site development activities.

Conditions Page Five

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13. Landscape and maintain all unimproved right-of-way adjacent to this site. All landscaping and private improvements installed with this project shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.
14. Submit an Encroachment Agreement for landscaping and private improvements in the Centennial Parkway rights-of-way prior to this issuance of permits for these improvements. The applicant must carry an insurance policy for the term of the Encroachment Agreement and add the City of Las Vegas as an additionally insured entity on this insurance policy. If requested by the City, the applicant shall remove property encroaching in the public right-of-way at the applicant's expense pursuant to the terms of the City's Encroachment Agreement. The installation and maintenance of all private improvements in the public right of way shall be the responsibility of the applicant and any successors in interest to the property and assigns pursuant to the terms of the Encroachment Agreement. Coordinate all requirements for the Encroachment Agreement with the Land Development Section of the Department of Building and Safety (229-4836).
15. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits or submittal of any construction drawings, whichever may occur first. Provide and improve all drainageways recommended in the approved drainage plan/study. The developer of this site shall be responsible to construct such neighborhood or local drainage facility improvements as are recommended by the City of Las Vegas Neighborhood Drainage Studies and approved Drainage Plan/Study concurrent with development of this site.

**** STAFF REPORT ****

PROJECT DESCRIPTION

The applicant is requesting to expand an existing Motor Vehicle Sales (New) use at 8575 Centennial Parkway to the west. This expansion will include the Vacation of Riley Street and the addition of an undeveloped five-acre parcel adjacent to the west. In addition, the applicant is requesting that Regena Avenue be Vacated on the south as well as a Vacation of all U.S. Government Patent Easements on the property. For the use to be allowed on the expanded parcel, a Major Modification of the Town Center Land Use Map to rezone the parcel from SX-TC (Suburban Mixed Use - Town Center) to GC-TC (General Commercial - Town Center) is being requested. The proposed expanded area will be used to store inventory for the existing Auto Dealership and to prepare the site for a future new Auto Dealership. Staff supports the request for the Major Modification, but does not support the two Variances and Site Development Plan Review.

ISSUES

- A Major Modification (MOD-63387) of the Town Center Land Use Table is required to allow the Motor Vehicles Sales (New) use on the site. Staff supports this request.
- The Public Works Department is requiring a notarized letter of support for Vacation (VAC-63563) from the owner of the five acre parcel adjacent on the west of this project. The applicant has been unable to secure such a letter and therefore, staff cannot support the two Vacations and Site Development Plan Review applications.
- A Vacation (VAC-63563) of Riley Street between Centennial Parkway and Regena Avenue and Regena Avenue between Riley Street and Julian Road is requested. Staff does not support this request.
- A Vacation (VAC-64265) of all U.S. Government Patent Easements on the site is requested with this project. Staff does not support this request.
- A Wavier is required to allow no parking lot landscaping where such is required in Town Center. Staff does not support this request.
- A Wavier is required to allow a zero-foot wide landscape buffer on the south perimeter, where eight feet is required. Staff does not support this request.

ANALYSIS

The proposed Modification of the Town Center Land Use Map from SX-TC (Suburban Mixed Use - Town Center) to GC-TC (General Commercial - Town Center) to allow for an expansion of an existing Motor Vehicle Sales (New) use is appropriate for the area. This section of Centennial Parkway has a history of being developed for such uses. This request is to expand an existing business that has operated in harmony with adjacent developments for years and can expect to do so with this expansion. Staff supports this request.

The site plan itself is designed to meet the needs of the applicant's current business needs. By designing the parking lot for maximum usage, it will enable the applicant to store larger amounts of inventory on the site. However, this requires a Waiver of the Town Center Development Standards for parking lots. Staff supports this request since the perimeter is well landscaped, obscuring the view from adjacent parcels and how the parking lot will be utilized more for storage than as an active parking lot. This project also requires a Waiver of the perimeter landscape buffer on the south. The applicant is providing a 15-foot wide landscape area along the southern perimeter; however, it is located 16 feet from the property line in order to allow access to the development to the south once Regena Avenue is vacated. However, since a required letter of support of the Regena Avenue Vacation from an impacted neighbor has not been received, staff does not support this request.

The Department of Public Works presents the following information concerning the request to vacate (VAC-63563) certain public street rights-of-way:

- A. Does this vacation request result in uniform or non-uniform right-of-way widths? *N/A as it will completely eliminate Riley Street between Centennial Parkway and Regena Avenue and eliminate Regena Avenue between Riley Street and Julian Road.*
- B. From a traffic handling viewpoint will this vacation request result in a reduced traffic handling capability? *No since these roads currently have little traffic.*
- C. Does it appear that the vacation request involves only excess right-of-way? *No, it is to eliminate public rights-of-way to be incorporated into a proposed development.*
- D. Does this vacation request coincide with development plans of the adjacent parcels? *Yes.*
- E. Does this vacation request eliminate public street access to any abutting parcel? *Yes. Public street access on Regena Avenue to the Assessor's Parcel Number # 125-29-502-009 will be changed to a private access.*
- F. Does this vacation request result in a conflict with any existing City requirements? *Yes. Provide notarized letters of approval from affected properties.*

G. Does the Department of Public Works have an objection to this vacation request? *Yes, a required notarized affidavits of support all affected property owner has not been submitted. One affidavit from the owner of Assessor's Parcel Number # 125-29-502-027 (adjacent on the west) has not been received by staff.*

We note that we have received affidavits of support from all but one of the affected property owners. Since the affidavit has not been provided prior to the Planning Commission meeting, Public Works recommends denial.

The Department of Public Works presents the following information concerning the request to vacate (VAC-64265) U.S. Government Patent Reservations:

This vacation application is a request to relinquish the City's interests in U.S. Government Patent Reservations generally located on the southwest corner of Centennial Parkway and Riley Street. This request should be sent to all the utilities however, as no right-of-way is proposed to be vacated, and thus no franchise rights are involved, it is not necessary to wait for responses from any of the public utilities or other parties interested in preserving a right in this patent easement. Since only City interests are involved; any utility company's interests will need to be addressed with each respective utility company and will not be affected by the City relinquishing its interest.

The Las Vegas Valley Water District (LVVWD) will require this parcel to obtain a separate water service connection. Civil plans will need to be submitted to LVVWD.

FINDINGS (MOD-63387)

The proposed change in land use from SX-TC (Suburban Mixed Use – Town Center) to GC-TC (General Commercial – Town Center) on APN 125-29-502-002 is appropriate, as the Town Center Land Use Plan identifies the adjacent property to the east as GC-TC, the uses that are permitted in this special land use district are compatible with uses on surrounding properties, and the land is adjacent to a streets that is at least 100 feet in width (where such uses are appropriate). Access to the property would be provided by Centennial Parkway, classified as a Town Center Frontage/Loop Road by the Town Center Development Standards Manual. This roadway is adequate in size to meet the traffic demand of the uses that would be allowed by the GC-TC district.

FINDINGS (VAC-63563)

Staff objects to the Vacation of the rights-of-way of Riley Street between Centennial Parkway and Regena Avenue and Regena Avenue between Riley Street and Juliano Road. The applicant has not secured the approval of all impacted neighbors; therefore, Staff recommends denial.

FINDINGS (VAC-64265)

Staff has no objection to the Vacation of U.S. Government Patent Easements on this site, as they are no longer needed by the City in its current configuration. Staff recommends approval with conditions.

FINDINGS (SDR-63389)

In order to approve a Site Development Plan Review application, per Title 19.16.100(E) the Planning Commission and/or City Council must affirm the following:

1.The proposed development is compatible with adjacent development and development in the area;

The proposed Motor Vehicle Sales (New) establishment, vehicle display area is designed and compatible for use with the adjacent Motor Vehicle Sales (New) establishment to the east. The parcel to the west and north are undeveloped. The parcel to the south is currently being developed for an assisted care-type facility.

2.The proposed development is consistent with the General Plan, this Title, the Design Standards Manual, the Landscape, Wall and Buffer Standards, and other duly-adopted city plans, policies and standards;

The development is not consistent with the Town Center Development Standards or Title 19, as evidenced by the Waiver requests. However, the requested Waivers are supported by staff as a result of the proposed use and pending vacations of rights-of-way that accompany this application.

3.Site access and circulation do not negatively impact adjacent roadways or neighborhood traffic;

Access to the site is provided by a drive aisle off of Centennial Parkway, a 100-foot wide Frontage Road as deemed by the Town Center Development Standards Manual and is designed to meet the needs of the proposed use. Site circulation is adequately addressed by previously approved site plans of the primary business.

4.Building and landscape materials are appropriate for the area and for the City;

The proposed landscape materials will match the surrounding properties and are appropriate for the area and for the City.

5. Building elevations, design characteristics and other architectural and aesthetic features are not unsightly, undesirable, or obnoxious in appearance; create an orderly and aesthetically pleasing environment; and are harmonious and compatible with development in the area;

No buildings are proposed with this request.

6. Appropriate measures are taken to secure and protect the public health, safety and general welfare.

The proposed development will be subject to the Uniform Building Code for construction and licensing inspections associated with the Motor Vehicle Sales (New) property to the east, which will ensure the public health, safety and general welfare.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
08/21/02	The City Council approved a request for a General Plan Amendment (GPA-0019-02) to amend a portion of the southern boundary of the Centennial Hills Sector Town Center Plan to match the alignment of the proposed S-Curve; and to amend the future land use within the revised boundary area from ML (Medium Low Density Residential), L (Low Density Residential), GC (General Commercial) and SC-TC (Service Commercial - Town Center) to GC-TC (General Commercial – Town Center), SX-TC (Suburban Mixed Use – Town Center), SC-TC (Service Commercial – Town Center) and PF-TC (Public Facilities – Town Center) on parcels north of the S-Curve, south of Centennial Parkway and west of Durango Drive. The Planning Commission recommended approval.
	The City Council approved a request for a Rezoning (Z-0043-02) from U (Undeveloped) [L (Low Density Residential) General Plan Designation], U (Undeveloped) [ML (Medium Low Density) General Plan Designation], and U (Undeveloped) [ML (Medium Low Density Residential) General Plan Designation] under Resolution of Intent to C-2 (General Commercial) to TC (Town Center) on multiple APNs. The Planning Commission recommended approval.
05/11/16	A Code Enforcement case (#166679) was open for vehicles being stored on the southwest corner of Centennial Parkway and Riley Street, where current zoning does not allow such use. The case remains open.

<i>Most Recent Change of Ownership</i>	
01/20/16	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
02/22/16	A Temporary Commercial Permit (TCP-63415) was issued for a Construction Trailer and Storage Space located at 8555 West Centennial Parkway. The Temporary Commercial Permit is valid from 02/16/16 through 12/31/16.

<i>Pre-Application Meeting</i>	
02/11/16	Staff conducted a pre-application meeting where the submittal requirements for a Major Modification, a Site Development Plan Review, and a Vacation application were discussed.
04/25/16	Staff conducted an additional pre-application meeting to discuss the submittal requirements for a patent easement and right-of-way vacation application with the applicant's representatives.
05/16/16	Staff held an additional meeting with the applicant to resolve access issues as a result of the requested Vacation applications.

<i>Neighborhood Meeting</i>	
3/30/16	A neighborhood meeting was held at Jim Marsh Kia & Mitsubishi at 8555 West Centennial Boulevard. The meeting began at 6:00 p.m. and concluded at 6:40 p.m. In attendance were one neighboring property owner, one representative from the Planning Department, one representative from Mayor Pro Tem Ross' office, and three representatives from Jim Marsh Kia & Mitsubishi. There were no questions or concerns from the neighboring property owner, and no opposition was expressed.

<i>Field Check</i>	
03/31/16	During a routine field check performed by staff, staff observed an undeveloped lot that had been graded and fenced-in with chain link fencing, and was being used to store new motor vehicle inventory. A storage container was also observed on-site. These matters have been reported to Code Enforcement for further investigation and possible action.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	4.88

<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	SX-TC (Suburban Mixed-Use)	T-C (Town Center)
North	Undeveloped	SC-TC (Service Commercial)	U (T-C) Undeveloped (Town Center)
South	Convalescent Care Facility/Nursing Home (Under Construction)	SX-TC (Suburban Mixed-Use)	T-C (Town Center)
East	Motor Vehicle Sales (New)	GC-TC (General Commercial)	T-C (Town Center)
			U (T-C) Undeveloped (Town Center)
West	Undeveloped	SX-TC (Suburban Mixed-Use)	T-C (Town Center)

<i>Master Plan Areas</i>	<i>Compliance</i>
Town Center Master Plan	N*
<i>Special Purpose and Overlay Districts</i>	<i>Compliance</i>
T-C (Town Center District)	N*
<i>Other Plans or Special Requirements</i>	<i>Compliance</i>
Trails – Frontage Road Trail	Y
Las Vegas Redevelopment Plan Area	N/A
Project of Significant Impact (Development Impact Notification Assessment)	N/A
Project of Regional Significance	N/A

*A Major Modification (MOD-63387) has been applied for.

DEVELOPMENT STANDARDS

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

<i>Landscaping and Open Space Standards</i>				
<i>Standards</i>	<i>Required</i>		<i>Provided</i>	<i>Compliance</i>
	<i>Ratio</i>	<i>Trees</i>		
Buffer Trees:				
• North	1 Tree / 20 Linear Feet	14 Trees	14 Trees	Y
• South	1 Tree / 20 Linear Feet	10 Trees	0 Trees	N*
• West	1 Tree / 30 Linear Feet	22 Trees	28 Trees	Y or N
TOTAL PERIMETER TREES		46 Trees	42 Trees	N*

Landscaping and Open Space Standards				
Standards	Required		Provided	Compliance
	Ratio	Trees		
LANDSCAPE BUFFER WIDTHS				
Min. Zone Width				
• North	15 Feet		20 Feet	Y
• South	8 Feet		0 Feet	N*
• East	0 Feet		0 Feet	Y
• West	8 Feet		8 Feet	Y
Wall Height	6 to 8 Feet Adjacent to Residential		N/A	N/A

*Waiver has been requested.

<i>Street Name</i>	<i>Functional Classification of Street(s)</i>	<i>Governing Document</i>	<i>Actual Street Width (Feet)</i>	<i>Compliance with Street Section</i>
Centennial Parkway	Primary Arterial	Master Plan of Streets and Highways	100	Y
	Frontage/Loop Road	Town Center Development Standards		

Town Center Development Standards

<i>Streetscape Standards</i>	<i>Required</i>	<i>Provided</i>	<i>Compliance</i>
Frontage/Loop Road	Four-Foot wide Amenity Zone and a five-foot wide sidewalk	Four-Foot wide Amenity Zone and a five-foot wide sidewalk	Y

<i>Waivers</i>		
<i>Requirement</i>	<i>Request</i>	<i>Staff Recommendation</i>
Provide a landscape island with a 24-inch box tree and five, five-gallon shrubs for every uncovered parking space.	To provide no parking lot landscaping	Approval
To provide an eight-foot wide landscape buffer along the south perimeter.	To provide no landscape buffer along the south perimeter	Approval