

*City of Las Vegas***AGENDA MEMO - PLANNING**

CITY COUNCIL MEETING DATE: NOVEMBER 18, 2020

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT/OWNER: JUAN'S, LLC

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

<b>CASE NUMBER</b>	<b>RECOMMENDATION</b>	<b>REQUIRED FOR APPROVAL</b>
<b>20-0132-GPA1</b>	Staff recommends APPROVAL.	
<b>20-0132-SDR1</b>	Staff recommends APPROVAL, subject to conditions:	20-0132-GPA1

**\*\* NOTIFICATION \*\*****NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 14**NOTICES MAILED** 203 (By City Clerk)**PROTESTS** 3**APPROVALS** 1

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

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## 20-0132-SDR1 CONDITIONS

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### Planning

1. 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.
2. All development shall be in conformance with the site and landscape plan date stamped 09/29/20, and building elevations date stamped 08/17/20, except as amended by conditions herein.
3. A Waiver from Title 19.08 is hereby approved, to allow a zero-foot wide landscape buffer adjacent to the north property line where eight feet is required.
4. A Waiver from Title 19.08 is hereby approved, to allow a zero-foot wide landscape buffer adjacent to the west property line where eight feet is required.
5. A Waiver from Title 19.08 is hereby approved, to allow a 10-foot wide landscape buffer adjacent to the east property line where 15 feet is required.
6. A Waiver from Title 19.08 is hereby approved, to allow a 10-foot wide landscape buffer adjacent to the south property line where 15 feet is required.
7. A Waiver from Title 19.08 is hereby approved, to allow the south façade to not be coherently designed and treated.
8. An Exception from Title 19.08 is hereby approved, to allow zero parking lot trees where one landscape island with a shade tree is required at the end of each row of parking.
9. 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.
10. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.

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11. Pursuant to LVMC Title 19.08.040.G for commercial and industrial properties, a perimeter wall shall be constructed adjacent to any residential zoning district or property used solely for residential purposes. The wall or fence is intended to screen the commercial or industrial activity from the residential property, and shall be of a solid decorative material that is a minimum of six feet in height measured from the side of the commercial or industrial property. In no case shall the wall or fence exceed the overall height limitation applicable to the adjacent zoning district or property unless approved through a Variance or other applicable means. The overall height of a wall or fence shall be measured from the side with the greatest vertical exposure above finished grade.
12. 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, which 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.
13. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.
14. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

**Public Works**

15. Concurrent with development, construct all half street improvements meeting current City Standards, including appropriate transition paving, on Leon Avenue and Duncan Drive. All existing paving damaged or removed by this development shall be restored at its original location and to its original width concurrent with development of this site.
16. Upon development, this site shall connect to the public sewer system.
17. 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.

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18. This site is in a Federal Emergency Management (FEMA) Area “A” flood zone. 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. Clark County Regional Flood Control concurrence will also be required. Additionally, a Conditional Letter of Map Revision (CLOMR) must be submitted to and approved by FEMA and a Letter of Map Revision (LOMR) from FEMA is required prior to the issuance of any permits.

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

**PROJECT DESCRIPTION**

The applicant is proposing to build and operate a landscape maintenance company within the subject 0.56 acres located at the northwest corner of Duncan Drive and Leon Avenue.

**ISSUES**

- The subject site is zoned C-2 (General Commercial), which is not supported by its current land use designation of SC (Service Commercial). A General Plan Amendment is requested, which staff supports.
- A Waiver is requested to allow a zero-foot wide landscape buffer adjacent to the north and west property lines where eight feet is required. Staff supports this request.
- A Waiver is requested to allow a 10-foot wide landscape buffer adjacent to the east and south property lines where 15 feet is required. Staff supports this request.
- A Waiver is requested to not coherently design the south façade of the proposed structure. Staff supports the request.
- An Exception is requested to allow zero parking lot landscape islands with trees where four are required. Staff supports this request.

**ANALYSIS**

The subject site is a 0.56-acre undeveloped lot at the northwest corner of Duncan Drive and Leon Avenue. The subject site directly abuts C-2 zoned property to the north and west; C-2 zoned property to the south, separated by Duncan Drive; and an undeveloped R-E zoned lot to the east, separated by Leon Avenue.

***General Plan Amendment***

The subject site is currently designated SC (Service Commercial), and zoned C-2 (General Commercial). The Service Commercial category allows low to medium intensity retail, office, or other commercial uses that serve primarily local area patrons, and that do not include more intense general commercial characteristics. Examples include neighborhood shopping centers, theaters, and other places of public assembly and public and semi-public uses. This category also includes offices either singly or grouped as office centers with professional and business services. The Service Commercial land use designation supports the P-O (Professional Office), O (Office), and C-1 (Limited Commercial) zoning districts and not the existing C-2 (General Commercial) zoning district.

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In order to bring the current zoning district [C-2 (General Commercial)] in alignment with the land use designation, the applicant is proposing to amend the General Plan Designation from the existing SC (Service Commercial) to GC (General Commercial). The General Commercial category generally allows retail, service, wholesale, office and other general business uses of a more intense commercial character. These uses may include outdoor storage or display of products or parts, noise, lighting or other characteristics not generally considered compatible with adjoining residential areas without significant transition. Examples include new and used car sales, recreational vehicle and boat sales, car body and engine repair shops, mortuaries, and other highway uses such as hotels, motels, apartment hotels and similar uses. The General Commercial category allows Service Commercial uses, and may also allow mixed-use development with a residential component where appropriate.

The proposed General Plan Amendment will align the current zoning designation [C-2 (General Commercial)] with the appropriate General Plan Designation [GC (General Commercial)]; therefore, staff recommends approval of the requested General Plan Amendment.

***Site Development Plan Review***

The applicant is proposing to build and operate a landscape maintenance company or as Title 19 describes the use, “a facility or area for contracting services such as building repair and maintenance, the installation of plumbing, electrical, air conditioning and heating equipment, janitorial services, and exterminating services. The retail sale of supplies is permitted as an accessory use [*Building Maintenance Service and Sales*].” The land use is permitted by right in the C-2 (General Commercial) zoning district.

The proposed site plan depicts a 1,052 square-foot office building and a 978 square-foot storage building. The office building contains a lobby, open office area with a unisex restroom facility and a single office with a private restroom. The rest of the site contains seven parking spaces for customers and staff, with an open outdoor storage area for the parking of service vehicles and equipment. These vehicles are standard “pick-up” trucks that staff utilize during the day to perform landscape maintenance duties for both residential and commercial customers.

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The subject site was originally mapped as a one-acre residential lot that has since been subdivided and zoned to the half-acre, C-2 lot we have today. The applicant is proposing no access to the site from Leon Avenue to minimize any impact to the existing residential land uses adjacent to the east side of Leon Avenue along with a 10-foot wide landscape buffer adjacent to Leon Avenue and Duncan Drive. Landscape buffers adjacent to right-of-way are required to be 15 feet in width. Staff finds the reduced width does not eliminate required landscape materials such as shade trees and shrubbery, and will adequately buffer the proposed commercial development from the residential neighborhood to the east, and provide a pedestrian friendly shaded sidewalk pathway adjacent to Duncan Drive and recommends approval of the requested Waivers. In addition, the applicant is requesting to Waive the interior lot line landscape buffers adjacent to the north and west property lines, which are also adjacent to commercially zoned property with a wall separating the land uses. Staff finds the lack of landscaping along these property lines will have no negative impact to the adjacent properties and recommend approval of these Waivers as well.

Title 19.08 requires projects on the edges of zoning districts should be developed in a manner that minimizes the adverse impacts resulting from incongruous height, bulk and scale of large buildings. Alternatives to mitigate such impacts include, but are not limited to, siting and design, additional building setbacks or stepping back of upper floors, and the actual physical reduction of the height, bulk and scale of a project. The subject C-2 zoned lot is adjacent to residentially zoned R-E lots to the east. The applicant has proposed a single-story 19-foot tall structure that mimics the height and scale of a residential home. The office and storage buildings are aligned with Leon Avenue to minimize any negative impact an outdoor storage area might have to residential uses by locating the outdoor storage areas adjacent to the commercial use to the west. The proposed buildings are “modern” in nature with varying colors and materials to break the monotony of a single-story “square-shaped” structure.

Title 19.08 requires all sides of a building shall be coherently designed and treated with a consistent level of detailing and finish. The applicant has proposed a building that meets this requirement with the exception of the southwestern building façade. This façade faces the outdoor storage area and is not visible from the right-of-way of other properties as it is also buffered with a proposed screen wall. The applicant is requesting a Waiver to allow this façade to not be treated similar, which staff supports as it will not have a negative impact to the area or area residents.

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Rows of parking are required by Title 19.08 to provide a parking lot landscape island with a shade tree at the end of each row of parking. The proposed two rows of parking contain four and three parking spaces and do not provide parking lot landscape islands. The row of three parking spaces are adjacent to the southern landscape buffer which will provide shade for the three parking spaces, and the row of four parking spaces are adjacent to the southern and eastern landscape buffer which will provide adequate shading for those. Staff finds the lack of parking lot landscape islands in this instance will have little to no negative impact to the proposed parking areas and recommend approval of the requested Exception.

Staff finds the proposed development is compatible with both the existing commercial land uses to the west, and the residential land uses to east and recommends approval of the Site Development Plan Review with conditions.

**FINDINGS (20-0132-GPA1)**

Section 19.16.030(I) of the Las Vegas Zoning Code requires that the following conditions be met in order to justify a General Plan Amendment:

- 1. The density and intensity of the proposed General Plan Amendment is compatible with the existing adjacent land use designations,**

The intensity of the proposed General Plan Amendment is compatible with existing C-2 zoned properties to the north, south and west of the subject site. The residentially zoned properties to the east are separated from the subject site by Leon Avenue.

- 2. The zoning designations allowed by the proposed amendment will be compatible with the existing adjacent land uses or zoning districts,**

The proposed GC (General Commercial) Land Use Designation supports the existing C-2 (General Commercial) zoning district.

- 3. There are adequate transportation, recreation, utility, and other facilities to accommodate the uses and densities permitted by the proposed General Plan Amendment; and**

There are adequate utilities to accommodate the uses permitted by the proposed General Plan Amendment, and Duncan Drive will be improved adjacent to the subject site with the installation of curb, gutter and sidewalk.



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**4. The proposed amendment conforms to other applicable adopted plans and policies.**

The proposed amendment conforms to the 2020 Master Plan as it will align the existing zoning district with the appropriate General Plan Designation.

**FINDINGS (20-0132-SDR1)**

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 development is an office and storage area for service vehicles (pick-up trucks) with business hours that will be of low impact to the neighboring commercial and residential land uses and is compatible with adjacent development and development in the area.

**2. The proposed development is consistent with the General Plan, this Title, and other duly-adopted city plans, policies and standards;**

The proposed development is consistent with the General Plan as it proposes a commercial development with design elements that are sensitive to neighboring residential properties and will not negatively impact the residential land uses in the area.

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

Site access is provided by Duncan Drive, which also serves commercial properties in the area. No access is provided by Leon Avenue which will eliminate commercial traffic for the residential properties that front Leon Avenue. Site access and circulation will not negatively impact adjacent roadways or neighborhood traffic.

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

Building materials include stucco and stone veneer, with desert friendly landscape materials such as the ‘Palo Verde’ tree and ‘Heavenly Cloud’ shrubbery. All materials proposed are appropriate for the City and the area.

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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;**

The building elevations and design characteristics create an orderly and aesthetically pleasing environment that also provides a harmonious transition between the residential land uses to the east and the commercial land uses to the west, and is harmonious and compatible with all development in the area.

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

If approved, the proposed development is subject to building permit review as well as regular inspections during the construction phase. Once in operation, the proposed landscape maintenance facility is subject to all code requirements for such operations in order to secure and protect the public health, safety and general welfare.

## BACKGROUND INFORMATION

<b><i>Related Relevant City Actions by Planning, Fire, Bldg., etc.</i></b>	
10/13/20	<p>The Planning Commission unanimously voted to recommend APPROVAL on the following Land Use Entitlement project requests on 0.56 acres at 3800 Leon Avenue (APN 138-12-110-051), Ward 5 (Cear).</p> <ul style="list-style-type: none"> <li>• <b>20-0132-GPA1</b> - FROM: SC (SERVICE COMMERCIAL) TO: GC (GENERAL COMMERCIAL).</li> <li>• <b>20-0132-SDR1</b> - FOR A PROPOSED 2,030 SQUARE-FOOT BUILDING MAINTENANCE SERVICE AND SALES DEVELOPMENT WITH WAIVERS OF THE PERIMETER LANDSCAPE BUFFER REQUIREMENTS, TO NOT TREAT ALL SIDES OF THE BUILDING COHERENTLY AND NOT ORIENT THE BUILDING TO THE CORNER WHERE SUCH IS REQUIRED.</li> </ul>

<b><i>Most Recent Change of Ownership</i></b>	
04/17/20	A deed was recorded for a change in ownership.

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

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<b>Pre-Application Meeting</b>	
08/10/20	A pre-application meeting was held via email and telephone to discuss the submittal requirements for the proposed development.

<b>Neighborhood Meeting</b>	
09/23/20	<p>Time: 5:30 p.m.  Location: City Hall Training Rooms.  Attendees: Two representatives for the applicant;  Two representatives for the Department of Planning;  One representative for the Ward 5 Office; and  One neighbor and representative of NARA (Northwest Area Residents Association).</p> <p>The resident in attendance had some questions for the applicant:</p> <ol style="list-style-type: none"> <li>1. What will you be storing?  <i>Small pick-up trucks that employees use to service customers.</i></li> <li>2. What are your hours of operation?  <i>The facility will be open from 6:30 a.m. to 6:30 p.m. for employees to come and pick-up/drop-off service vehicles (pick-up trucks), with office hours of 8:00 a.m. to 4:00 p.m.</i></li> <li>3. Where will the trash be stored, as there is a homeless problem in the area?  <i>The facility will have a trash compactor rather than a traditional trash receptacle that people will not be able to access and rummage through.</i></li> </ol> <p>The applicant was satisfied with the applicant's responses and expressed support for the project.</p>

<b>Field Check</b>	
09/02/20	Staff observed the subject undeveloped lot during a routine field check. Staff did not note anything of concern during the visit.

<b>Details of Application Request</b>	
<b>Site Area</b>	
Net Acres	0.56

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<b><i>Surrounding Property</i></b>	<b><i>Existing Land Use Per Title 19.12</i></b>	<b><i>Planned or Special Land Use Designation</i></b>	<b><i>Existing Zoning District</i></b>
Subject Property	Undeveloped	SC (Service Commercial)	C-2 (General Commercial)
North	Single Family, Detached	SC (Service Commercial)	C-2 (General Commercial)
South	Individual Care Center	SC (Service Commercial)	C-2 (General Commercial)
East	Undeveloped	DR (Desert Rural Density Residential)	R-E (Residence Estates)
West	Auto Repair Garage, Major	SC (Service Commercial)	C-2 (General Commercial)

<b><i>Master and Neighborhood Plan Areas</i></b>	<b><i>Compliance</i></b>
No Applicable Master Plan Area	N/A
<b><i>Special Area and Overlay Districts</i></b>	<b><i>Compliance</i></b>
A-O (Airport Overlay) District – 105 Feet	Y
RP-O (Rural Preservation Overlay) District	Y
<b><i>Other Plans or Special Requirements</i></b>	<b><i>Compliance</i></b>
Northwest Open Space Plan	Y
Trails	N/A
Las Vegas Redevelopment Plan Area	N/A
Interlocal Agreement	N/A
Project of Significant Impact (Development Impact Notification Assessment)	N/A
Project of Regional Significance	N/A

## DEVELOPMENT STANDARDS

***Pursuant to Title 19.08, the following standards apply:***

<b><i>Standard</i></b>	<b><i>Required/Allowed</i></b>	<b><i>Provided</i></b>	<b><i>Compliance</i></b>
Min. Lot Width	100 Feet	133 Feet	Y
Min. Setbacks			
• Front	10 Feet	62 Feet	Y
• Side	10 Feet	78 Feet	Y
• Corner	10 Feet	15 Feet	Y
• Rear	20 Feet	72 Feet	Y
Max. Lot Coverage	50 %	8 %	Y

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<b>Standard</b>	<b>Required/Allowed</b>	<b>Provided</b>	<b>Compliance</b>
Max. Building Height	Residential Adjacency Standards (31 Feet)	19 Feet	Y
Trash Enclosure	Trash Compactor	Y	
Mech. Equipment	Screened	By Condition	

**Pursuant to Title 19.08, the following standards apply:**

<b>Landscaping and Open Space Standards</b>				
<b>Standards</b>	<b>Required</b>		<b>Provided</b>	<b>Compliance</b>
	<b>Ratio</b>	<b>Trees</b>		
Buffer Trees:				
• North	1 Tree / 20 Linear Feet	2 Trees	2 Trees	Y
• South	1 Tree / 20 Linear Feet	4 Trees	3 Trees	Y
• East	1 Tree / 20 Linear Feet	10 Trees	14 Trees	N*
• West	1 Tree / 20 Linear Feet	2 Trees	2 Trees	Y
<b>TOTAL PERIMETER TREES</b>		<b>18 Trees</b>	<b>21 Trees</b>	<b>Y</b>
Parking Area Trees	1 Tree / 6 Uncovered Spaces, plus 1 tree at the end of each row of spaces	4 Trees	0 Trees	N**
<b>LANDSCAPE BUFFER WIDTHS</b>				
Min. Zone Width				
• North	8 Feet		0 Feet	N***
• South	15 Feet		10 Feet	N***
• East	15 Feet		10 Feet	N***
• West	8 Feet		0 Feet	N***
Wall Height	6 to 8 Feet Adjacent to Residential		6-Foot Tall	Y

\*Additional trees proposed for the eastern perimeter to account for the missing tree.

\*\* An Exception is requested to allow zero parking lot landscape islands.

\*\*\*Waivers are requested to reduce the width of each landscape buffer.

<b>Street Name</b>	<b>Functional Classification of Street(s)</b>	<b>Governing Document</b>	<b>Actual Street Width (Feet)</b>	<b>Compliance with Street Section</b>
Duncan Drive	Local Street	Title 13	25	N
Leon Avenue	Local Street	Title 13	30	N

\*Half street improvements such as curb, gutter and sidewalk are required as part of the proposed project.

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**Pursuant to Title 19.08 and 19.12, the following parking standards apply:**

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Building Maintenance Service and Sales	2,030 SF	1:300 SF	7				
TOTAL SPACES REQUIRED			7		7		Y
Regular and Handicap Spaces Required			6	1	6	1	Y

<b>Waivers</b>		
<b>Requirement</b>	<b>Request</b>	<b>Staff Recommendation</b>
An eight-foot wide landscape buffer adjacent to interior property lines.	To allow a zero-foot wide landscape buffer adjacent to the north property line.	Approval
An eight-foot wide landscape buffer adjacent to interior property lines.	To allow a zero-foot wide landscape buffer adjacent to the west property line.	Approval
A 15-foot wide landscape buffer adjacent to right-of-way.	To allow a 10-foot wide landscape buffer adjacent to the south property line.	Approval
A 15-foot wide landscape buffer adjacent to right-of-way.	To allow a 10-foot wide landscape buffer adjacent to the east property line.	Approval
All sides of a building shall be coherently designed and treated.	To allow the south façade to not be treated coherently.	Approval

<b>Exceptions</b>		
<b>Requirement</b>	<b>Request</b>	<b>Staff Recommendation</b>
One tree at the end of each row of parking.	To allow zero landscape islands at the end of each row of parking, or four trees.	Approval

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**Department of Public Works Traffic Study**

Proposed 2.03 Thousand Square-foot Landscaping Service Building				
Proposed Use				
Average Daily Traffic (ADT)	SPECIALTY TRADE CONTRACTOR [1000 SF]	2.030	24.63	50
AM Peak Hour			1.66	3
PM Peak Hour			1.97	444
Existing Traffic on Nearby Streets				
Leon Avenue				
Average Daily Traffic (ADT)			180	
PM Peak Hour (Heaviest 60 Minutes)			14	
Rancho Drive				
Average Daily Traffic (ADT)			29,037	
PM Peak Hour (heaviest 60 minutes)			2,323	
Alexander Road				
Average Daily Traffic (ADT)			4,986	
PM Peak Hour (heaviest 60 minutes)			399	
Traffic Capacity of Adjacent Streets:				
Adjacent Street ADT Capacity				
Leon Avenue			15,600	
Rancho Drive			50,900	
Alexander Road			24,700	
Summary				
This project will add approximately 50 trips per day on Duncan Drive, Leon Avenue, Rancho Drive and Alexander Road. Currently, Leon Avenue is at about one percent of capacity, Rancho Drive is at about 57 percent of capacity and Alexander Road is at about 20 percent of capacity. With this project, these capacities are expected to remain unchanged. Counts are not available for Duncan Drive in this vicinity, but it is believed to be under capacity.				
Based on Peak Hour use, this development will add into the area roughly four additional cars, or about one every four15 minutes.				