



City of Las Vegas

Agenda Item No.: 26.

**AGENDA SUMMARY PAGE PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: SEPTEMBER 25, 2008**

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER

Consent Discussion

SUBJECT:
VAR-2942 - VARIANCE - PUBLISHING - APPLICANT/OWNER: ROBERT D. LAWSON
Request for a Variance to allow an eight-foot rear yard setback where 15 feet is required, to allow a two-foot side yard setback where 10 feet is required, and to allow a 40-foot setback where residential accessory standards require 50 feet on 0.17 acres at 1148 South Maryland Parkway (Lot 15 - 03-514-021), R-1 (Single Family Residential) Zone under Resolution of Intent to P-R (Professional Office and Parking), Ward 3 (Reese)

C.C.: 11/05/2008

PROTESTS RECEIVED BEFORE:

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.	<input type="text" value="2"/>	Planning Commission Mtg.	<input type="text" value="1"/>
City Council Meeting	<input type="text" value="0"/>	City Council Meeting	<input type="text" value="0"/>

RECOMMENDATION:
DENIAL

BACKUP DOCUMENTATION:

1. Location and Aerial Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Photos
5. Justification Letter
6. Protest/Support Postcards
7. Submitted after Final Agenda Protest Postcards for Items 26 and 27
8. Submitted at meeting Site Plan by Stephen P. Quinn for Items 26-28

Motion made by STEVEN EVANS to Approve subject to conditions

Passed For: 6; Against: 0; Abstain: 1; Did Not Vote: 0; Excused: 0
SAM DUNNAM, BYRON GOYNES, GLENN TROWBRIDGE, RICHARD TRUESDELL, STEVEN EVANS, DAVID STEINMAN; (Against-None); (Abstain-VICKI QUINN); (Did Not Vote-None); (Excused-None)

NOTE: COMMISSIONER QUINN abstained as she is related to the applicants representative.

Minutes:
CHAIR GOYNES declared the Public Hearing open for Items 26-28.

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ASSISTANT BRYAN SCOTT clarified that COMMISSIONER QUINN was abstaining because she is related to the applicants representative and not the applicant.

PETER LOWENSTEIN, Planning and Development Department, stated the proposed development of the currently vacant site requires multiple waivers of landscape buffer requirements as well as variances for setback requirements, residential adjacency standards and parking standards. He recommended denial of all applications as the applicant has created a self-imposed hardship and is attempting to overcome the site. He noted additional protest letters had been received.

STEPHEN P. QUINN, Precision Construction, appeared on behalf of the applicant, ROBERT LAWSON, who was also present. MR. QUINN explained that MR. LAWSON would like to develop an office building for his use rather than use an existing residential home. MR. QUINN noted that he had met with CHAIR GOYNES, COMMISSIONER EVANS and the surrounding neighborhood associations and, as a result of those discussions, deciduous trees would be planted rather than palm trees to maintain the neighborhood's character.

MR. QUINN submitted a site plan and pointed out that if landscape requirements were followed, the applicant would be limited to 2,894 square feet of area to develop. He also noted the unusual shape of the parcel, making it more challenging to develop, and stated that the parking variance would not be an issue as the property had ample access to mass transit.

MR. QUINN noted that staff had previously stated that this project would generate 1686 vehicle trips per day and explained that the employees, as private investigators, were very discrete and unobtrusive. He also requested that the existing driveway width be allowed to remain.

Regarding compatibility with the neighborhood, MR. QUINN pointed out that no protests had been received from the area neighborhood associations and stressed that this project would be part of Maryland Parkway and not the neighborhood. He concluded by noting that the proposed sign, which was not a part of this application, was much shorter than what was permitted by the Code.

TODD FARLOW, 240 North 19th Street, appeared in support, stating this would be a nice project for the neighborhood.

OWEN MESSINGER, 1301 Francis Avenue, appeared in opposition and suggested the project was inappropriate. He stated that there are no two-story buildings in the neighborhood and expressed concern with the lack of parking.

Using elevations displayed on the overhead, MR. QUINN clarified that the proposed building is not two stories, explaining that it would be a single story building with a subterranean level. He stated the building's height would be similar to the height of a single-story residential home and noted the building would face away from the neighborhood.

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COMMISSIONER TROWBRIDGE expressed concerned with the buildings proximity to Maryland Parkway and suggested moving the building closer to the western property line. MARGO WHEELER, Director of the Planning and Development Department, observed that moving the building would increase the variance needed along the western property line, requiring renotification to reflect the increased setback request. MR. QUINN explained that 12.5 feet of landscaping would be provided adjacent to Maryland Parkway.

MR. LAWSON described his efforts to meet with the neighbors and stressed that he had no intention to change the neighborhood. He informed the Commissioner that he is a private investigator with primarily court-appointed work, stating that he had four employees and his business generated minimal traffic.

In response to COMMISSIONER EVANS questions, MR. QUINN described the blighted nature of the some of the surrounding properties, reiterated the lack of opposition from the neighborhood associations, and emphasized this project would improve the area. COMMISSIONER EVANS complimented MR. QUINN on the high quality of other projects he had successfully constructed and observed this development would serve the neighborhood well.

COMMISSIONER TROWBRIDGE complimented the buildings appearance, but questioned staff regarding the feasibility of the driveway. BART ANDERSON, Public Works Department, acknowledged that the placement of the driveway was not ideal, but its proposed location would meet all City requirements. He suggested deleting the first sentence in Condition 15 to allow the use of a palm-style driveway. MR. QUINN agreed to work with staff on the driveway and, regarding the parking, added that the applicant would be willing to lease parking spaces from the nearby commercial development.

PETER LOWENSEN, Planning and Development Department, noted that the proposed monument sign was not part of this application, but clarified that the applicant would not be eligible for a sign taller than 8 feet.

CHAIR GOYNES declared the Public Hearing closed for Items 26-28.