



*City of Las Vegas*

Agenda Item No.: 29.

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

DEPARTMENT: PLANNING & DEVELOPMENT  
DIRECTOR: M. MARGO WHEELER

Consent  Discussion

**SUBJECT:**  
VAR-2944 - VARIANCE - PUBLIC HEARING - APPLICANT/OWNER: ECT HOLDINGS, LLC - Request for a Variance TO ALLOW 136 PARKING SPACES WHERE 158 ARE REQUIRED AND TO ALLOW A BUFFER ZONE WHERE TWO ARE REQUIRED on 2.62 acres on East Charleston Boulevard (APN 162-02-110-014), C-2 (General Commercial) Zone, Ward 3 (Reese)

C.C.: 11/05/2008

PROTESTS RECEIVED BEFORE:

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.	1	Planning Commission Mtg.	2
City Council Meeting	0	City Council Meeting	0

RECOMMENDATION:

**DENIAL**

BACKUP DOCUMENTATION:

1. Location and Aerial Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Photos
5. Justification Letters
6. Protest/Support Postcards
7. Submitted after Final Agenda Protest Postcards for Items 29 and 30 and Protest Email for Items 29-31
8. Submitted at meeting Support Letter by Jennifer Lazovich for Items 29-31

Motion made by STEVEN EVANS to Hold in abeyance Items 29-31 to 10/23/2008

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

NOTE: An initial motion for approval subject to conditions by EVANS carried unanimously and was rescinded upon a motion by EVANS which carried with DUNNAM voting no.

Minutes:

CHAIR GOYNES declared the Public Hearing open for Items 29-31

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DOUG RANKIN, Planning and Development Department, stated the project does not conform to Title 19 requirements and recommended denial of all items. He noted additional protest postcards and a protest letter had been received and pointed out the additional renderings included in the backup materials.

JENNIFER LAZOVICH, 3800 Howard Hughes Parkway, appeared on behalf of the applicant. She gave a brief history of the Huntridge Theatre and explained the owner was trying to redevelop the building. Displaying renderings overhead, she went over the site plan which included a restaurant with a drive-through, retail and office space.

MS. LAZOVICH explained that the retail square footage was needed to make this project feasible and that the waivers and variances resulted from the historic nature of the building. She acknowledged the project was deficient 14 parking spaces, but pointed out the areas high foot traffic and direct bus access. She also pointed out the parking area to the south of the Huntridge and suggested it could be used for employee parking.

Regarding the landscape variance, she noted that a portion of the variance was caused by the existing buildings placement along the Maryland Parkway and Commission Boulevard. She stated additional landscaping would be provided along Maryland Parkway and Commission Boulevard and requested that palm trees be placed in those locations to maintain visibility along those streets. She added that all the required trees would be provided in a variety of trees being used throughout the site.

MS. LAZOVICH stated she had previously worked with the Save the Huntridge Theatre group and those meetings had been very productive. She pointed out the architectural elements on the new buildings which would match the Huntridge Theatre. She also submitted a support letter from the Nevada Department of Cultural Affairs.

MS. LAZOVICH informed COMMISSIONER TROWBRIDGE that Building C was intended for additional retail and not a convenience store or bar.

OWEN MESSINGER, 1301 Francis Avenue, appeared in opposition and stated that he had not been included in any discussions with the owner. He pointed out that the owners have been non-compliant for years and requested that no waivers or variances because of the history of non-compliance.

BRYAN PACO ALVAREZ, 801 Las Vegas Boulevard South, appeared on behalf of the Save the Huntridge Group and expressed their support. He stated this project was a way to save the building as it was clear it could not succeed as a theatre. PAM HARTLEY, 1700 Rexford Drive, Save the Huntridge Group, appeared in support, stating the project would be a wonderful adaptive reuse of a beautiful building. MARY JOY ALDERMAN, 1550 Bracken Avenue, expressed her support of the proposal and its potential revitalization of the area. JACK LEVINE, 1818 8th Place, appeared in support. He stated this project would be major boon to the redevelopment of the area and would help preserve the Huntridge.

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TODD FARLOW, 240 North 19th Street, agreed that the project was beautiful, but suggested that the applicant could not be trusted.

MS. LAZOVICH pointed out that the signage problem on the site had been addressed and noted that the building was being maintained in compliance with the Code. She thanked the speakers for their support and confirmed that this project would preserve the Huntridge while allowing the owner to redevelop the site into a successful center.

COMMISSIONER QUINN expressed her trust in MS. LAZOVICH and the owners and stated she believed they would keep their commitment.

COMMISSIONER BRUESDELL agreed with the neighbors comments that the project would be an improvement and acknowledged that the applicant had a history of being disingenuous. He observed that the applicant had presented several plans and the condition of the property had not changed. He pointed out there is no guarantee that this project would be developed and noted that it would be difficult to obtain the necessary financing. He also expressed concern that the property will continue to deteriorate and the community would eventually lose the Huntridge Theatre as an icon.

COMMISSIONER EVANS acknowledged the inherent challenges in redeveloping the site and the neighbors efforts to preserve the building. He suggested that the project was not the best possible design, but conceded that it may be the best option for saving building. He disclosed that he had met with MS. LAZOVICH and the property owner and expressed his public safety concerns regarding the proposed driveway through and the blind alley.

COMMISSIONER EVANS agreed that the smaller casino concert venue had contributed to the failure of the Huntridge. He described some of his personal experiences at the Huntridge theatre and agreed that the lobby and the sign were the most memorable aspects of the building. He supported placing historic photographs of the building in the library and believed uplighting the tower would be appropriate, if it could be done without light spillover into the adjacent homes. COMMISSIONER EVANS also suggested up-lighting trees and retaining the billboard, since the billboard income could make the project more viable. He also stated he would not support any Special Use Permits for check-cashing or pay-day loan businesses on this site.

COMMISSIONER TROWBRIDGE stated that he was skeptical that this project would be successfully developed. He acknowledged that the site was challenging and stressed the importance of keeping the buildings architecturally consistent. He echoed COMMISSIONER EVANS comments that swap meets, fast food restaurants and check cashing services be avoided and recommended that all signage remain consistent. He suggested placing a shorter review time on the billboard as a way to encourage the owner to comply with the City's regulations. He also invited the neighbors to partner with the City to make sure this property stayed in compliance.

MS. LAZOVICH stated that the sites billboard might not have a review period and disagreed with the suggestion of placing a review period on the billboard. She pointed out the proposed

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site plan would have no impact on the billboard, but she recognized the concerns regarding architectural consistency. She stated the architects had worked hard to incorporate the architectural details of the Huntridge into the other buildings and noted that any signage would be addressed in a Master Sign Plan for the site, which would address sign consistency.

MR. RANKIN noted that the site's billboard has a five-year review and was last reviewed in 2006. COMMISSIONER TROWBRIDGE suggested using the billboards review as a method for ensuring the applicant maintained the property according to the Code.

COMMISSIONER STAINMAN remarked that the placement of the cell tower is inappropriate and unattractive and observed that Building B detracts from the beauty of the site. He expressed his ambivalence towards the use of palm trees and observed that the use of shorter trees would be more appropriate for this site. He agreed with COMMISSIONER TROWBRIDGE that a review period was appropriate for the billboard and stated this project was needed by the neighborhood.

MS. LAZOVICH suggested removing the billboard review condition from the site plan since the billboard already had a review period condition. ASSISTANT CITY ATTORNEY BRYAN SCOTT disagreed, stating the condition should remain as scheduled site development review because the billboard was part of the development. MS. LAZOVICH clarified that the Commissioners supported the continued presence of the billboard, but would like to use its review period as a way to enforce the development compliance with all conditions. ASSISTANT CITY ATTORNEY SCOTT responded that using the review period would be very difficult as a method of enforcement, but COMMISSIONER TROWBRIDGE stated he preferred a difficult method of enforcement rather than no method of enforcement at all.

COMMISSIONER TRUESDALE suggested that the site plan proposed a structural change that might now be feasible and MS. LAZOVICH explained that the applicant had done his due diligence and the second floor addition to the former Cima Building could be done.

In response to COMMISSIONER QUINNS request, MS. LAZOVICH pointed out the existing cell tower and its location on the proposed site plan. MS. LAZOVICH added that the second floor addition to the former Cima Building would help shield the cell tower.

MR. ALVAREZ informed COMMISSIONER EVANS that he had not found any historic photographs of the Huntridge Theatre, but noted his collection had thousands of digitized images. He assured COMMISSIONER EVANS that he would continue to look and added that he was also researching other archives.

During the crafting of the motion for Item 31, COMMISSIONER EVANS attempted to add several additional conditions crafted by MARGO WHEELER, Director of the Planning and Development Department, to address the property's maintenance and security, the cell phone tower and the billboard review concerns raised by the Commissioners. MS. LAZOVICH noted that the applicant does not own the cell tower and might not have the ability to fulfill the cell

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tower condition. ASSISTANT CITY ATTORNEY SCOTT suggested holding the site plan application in abeyance until the applicant had a chance to discuss the condition with the cell towers owner. MS. LAZOVICH stated she could not agree to additional conditions regarding the cell phone tower or a possible chain link fence.

ELI MIZRACHI, the applicant, acknowledged that previous attempts to redevelop the site had been unsuccessful and agreed that it would be challenging to complete this project. He described his efforts to maintain and improve the site and stated the City and the State of Nevada were not giving him any assistance. He explained that he had two potential tenants and stressed that the site could not be redeveloped without approval by the Commissioners. He emphasized his sincerity in his dealings with the City and the neighbors.

MR. MIZRACHI expressed concern with placing a fence around the property because it would interfere with the ability of the police to monitor and access the property. COMMISSIONER TRUESDELL explained that the fence would prevent further graffiti and COMMISSIONER EVANS expressed concern that, without the fence, the building was a fire risk. COMMISSIONER EVANS suggested holding the applications to allow the applicant time to address the Commissioners concerns.

CHAIR GOYNES declared the Public Hearing closed for Item 29-31.

