



City of Las Vegas

Agenda Item No.: 17.

**AGENDA SUMMARY PAGE PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: OCTOBER 23, 2008**

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER

Consent Discussion

SUBJECT:
BEYANET - VAR-20443 - VARIANCE PUBLIC HEARING - APPLICANT/OWNER: ECT HOLDING LLC - Request for a VARIANCE TO ALLOW 136 PARKING SPACES WHERE 158 ARE REQUIRED, AND TO EXIST ONE LOADING ZONE WHERE TWO ARE REQUIRED in 2006 zones at 1208 East Charleston Boulevard (APN 162-02-110-014), C-2 (General Commercial Zone, Ward 3 Reese)

C.C.: 11/19/2008

PROTESTS RECEIVED BEFORE:

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.	6	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 Postcards, Protest Email and Support Postcards

Motion made by STEVEN EVANS to Approve subject to conditions

Passed For: 5; Against: 2; Abstain: 0; Did Not Vote: 0; Excused: 0
STEVEN EVANS, VICKI QUINN, DAVID STEINMAN, RICHARD TRUESDELL, KEEN ELLSWORTH; (Against-BYRON GOYNES, GLENN TROWBRIDGE); (Abstain-None); (Did Not Vote-None); (Excused-None)

Minutes:

CHAIR GOYNES declared the Public Hearing open for Items 17-19.

DOUG RANKIN, Planning and Development Department, stated that these items had been held to allow the applicant to address concerns regarding the sites cell tower. He noted the variance requests were self-imposed hardships and, as the site plan was based on the variances, he recommended denial of all applications.

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ELI MIZRACHI, owner and applicant, was present. He explained that this project was an attempt to redevelop and preserve the Huntridge Theatre site and requested approval.

TODD FARLOW, 240 North 19th Street, concurred with staffs recommendation of denial, stating the project had too many problems.

BRYAN PACO ALVAREZ, 801 Las Vegas Boulevard South, appeared on behalf of the Save the Huntridge Group and expressed his support. MARY JOY ALDERMAN, Las Vegas resident, and PAM HARTLEY, 1700 Rexford Drive, also appeared in support.

COMMISSIONER TROWBRIDGE supported the majority of the project, but expressed his opposition to a drive-through restaurant in front of the Huntridge Theatre. CHAIR GOYNES suggested that the fast-food restaurant would lead to the deterioration of the site and stated the theatre should be the focus of the project.

COMMISSIONER EVANS stressed that the area needs revitalization and that the structure is historically significant. Regarding the cell tower, he suggested that the cell tower can remain as it is until construction commences and at that time, convert it to a stealth model. He recognized the applicant's efforts to protect the building from vandalism and suggested that temporary fencing be provided around the perimeter of the building to also discourage vandalism and potential fire hazard. Regarding the billboard on the site, COMMISSIONER EVANS observed that the revenue could be used to maintain and protect the Huntridge Theatre. While he noted that the projects details still needed work, he stated he would like the project to move forward and thanked the people who worked with the applicant.

MR. MIZRACHI agreed that the cell tower was unattractive and stated that he was working with his architect on possibly shielding the cell tower because the cell phone company had a 32-year lease and had not been interested in converting the tower into a stealth model. He also agreed to install signage on the Mary and Parkway driveway. Regarding COMMISSIONER EVANS request to fence the property, he stated fencing the property would be detrimental because it would reduce the buildings visibility and access. In response to the suggestion to install lighting, he explained that the site had no electricity.

COMMISSIONER QUINN noted that addressing the cell tower had prevented approval of an inferior project. She supported COMMISSIONER EVANS requests to fence and light the property, expressing her concern with fire safety.

Expressing his support, COMMISSIONER TRUESDELL stated the project is exciting solution, but acknowledged that cell tower is a valid concern. He observed that stealth design would have helped and an architectural feature was not the solution. He suggested that an outside cafe would be more attractive than a fast-food restaurant and pointed out the Huntridge sign presented an opportunity for creative advertising. He also expressed his concern with public safety and requested that the building be secured.

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Using a rendering displayed on the overhead, MR. MIZRACHI described and pointed out the trash enclosure area. COMMISSIONER TROWBRIDGE expressed concern with the proposed trash enclosure area, suggesting its layout was impractical. COMMISSIONER STEINMAN concurred and COMMISSIONER TRUESDELL observed that another trash enclosure might be needed in the future.

During the crafting of the motion for Item 19, MARGO WHEELER, Director of the Planning and Development Department, suggested additional conditions addressing security lighting and fencing as well as an option for an alternative trash enclosure location. COMMISSIONER EVANS suggested requiring additional landscaping adjacent to the drive-through lane, but MS. WHEELER noted the proposed landscaping appeared adequate. MR. MIZRACHI accepted the additional trash enclosure conditions, but stated he might not be able to afford the cost of lighting the property.

COMMISSIONER EVANS also suggested adding a condition requiring the cell tower be converted to a stealth design and CHAIR GOYNES suggested incorporating the cell components into the building design. MR. MIZRACHI pointed out the tower and the building had existed in their current condition prior to his ownership of the property. WHEELER noted that the cell tower had been constructed in 1997 and had no visible permits. She added that the Commissioners had the ability to require the removal of the cell tower. DEPUTY CITY ATTORNEY JIM LEVINE observed that the cell tower operator had a legal right to operate within that space and the city did not have the right to interfere with its operation. He noted that screening the tower was an option. COMMISSIONER EVANS suggested that future construction on the site might be done around the tower.

CHAIR GOYNES declared the Public Hearing closed for Items 17-19.

