



City of Las Vegas

Agenda Item No.: 13.

**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: MARCH 26, 2009**

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER

☐ Consent ☒ Discussion

SUBJECT: REBOTIC - RENOTIFICATION - 32873 - VARIANCE - PUBLIC HEARING -
APPLICANT: ANTONIO AND CRISTINA SOSA - Request for a Variance TO
ALLOW 16 PARKING SPACES WHERE 4 ARE REQUIRED FOR THE CONVERSION OF
500 SQUARE FEET OF OFFICE TO A RESTAURANT USE on 0.56 acres at 1499 North Lamb
Boulevard (APN 100-02101-006), N-S (Neighborhood Service) Zone, Ward 3 (Reese)

P.C.: FINAL ACTION (Unless Appealed Within 10 days)

PROTESTS RECEIVED BEFORE:

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

55

Planning Commission Mtg.

3

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 Letter
6. Protest/Support Postcards
7. Submitted after Final Agenda Protest Postcards/Letter with Petition and Support Postcard

Motion made by STEVEN EVANS to Deny

Passed For: 6; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 1

VICKI QUINN, STEVEN EVANS, GLENN TROWBRIDGE, RICHARD TRUESDELL,
BYRON GOYNES, KEEN ELLSWORTH; (Against-None); (Abstain-None); (Did Not Vote-
None); (Excused-MICHAEL E. BUCKLEY)

Minutes:

CHAIR TROWBRIDGE declared the Public Hearing open.

PETER LOWENSTEIN, Planning and Development, confirmed that the item was renoticed in conformance with Nevada State requirements. The proposed conversion from office space to a restaurant will create a 33 percent deficiency in parking. As a result, it is a preferential use and a self-imposed hardship. Staff cannot support the request and recommended denial.

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TIM AYALA, 4600 Sunset Road, appeared on behalf of the applicant and thanked staff for working with them on the project. Referring to the previously approved site plan, he explained there will be a total of 18 parking spaces available on site, which will accommodate the less intense proposed use. The landscaping is sufficient, and the design is compatible with the area. Even with difficult economic times, the applicant continues to invest a great deal of money and is trying to maximize the best use for this site. The 500 square-foot pad will be developed as a carry-out Dunkin' Donuts, as there is no room for a dine-in facility.

MILDRED TACEY, owner of a senior mobile home park across from Van Buren Avenue; MAX and CHARLENE RAILSBACK, 3 Arcade Circle; and MARY LOUISE CRUZ on behalf of her parents who reside adjacent to the subject business, all asked that the request be denied. MS. TACEY stated some of the residents have difficulty exiting the park onto Lamb Boulevard. The proposed development would create an additional traffic hazard, and individuals are already parking against the fence that abuts the mobile homes. Residents have also complained about noise, trash and fumes from vehicles. MS. TACEY informed COMMISSIONER EVANS that the current businesses, which consist of a barber shop/beauty salon/tax services, have not been a problem; however, parking would be an issue should the business take place. The RAILSBACKS showed a photo depicting the subject location is just across the street from where they reside, and added they witness traffic entering the business beyond 9:00 p.m. MS. RAILSBACK believes the proposed business would be a nuisance, as vehicles would travel directly behind their mobile home park, which would further disturb their Pomranian dog. It is their belief that the only support involved on this development is actually the applicants wife, who manages the hair salon. MR. AYALA added that the area is already over-saturated with various residential developments. MS. CRUZ commented that noise is a big issue, and her parents continue to have trash on their property, and their guest house has a broken window. There is a food cart situated on the subject site, which has been operating late at night.

TODD FARLOW, 240 North 19th Street, questioned why there are dining tables in the photos. MR. AYALA responded that the dining tables are no longer part of the site plan, as the photo was from a previous site plan.

MR. AYALA emphasized the area is extremely clean and well maintained. No more than five vehicles have been on the property at one time, and the parking lot has not been full. It appears that the residents are concerned with vehicles parking on the street, but he believed the applicant has no control over public parking. He is not aware of trash issues, and business for the existing beauty salon and tax services is by appointment only. He confirmed that applicants wife manages the beauty salon and asked for the Commissions approval.

COMMISSIONER GOYNES verified with MR. AYALA that the hours of operation would be from 8:00 a.m. to 8:00 p.m., and patrons would carry out their donuts upon purchase. The applicant has had difficulty maintaining his mortgage payments but is committed to his investment.

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COMMISSIONER EVANS appreciated the applicants efforts in developing the site. However, he noticed the substantial number of protests received by residents living close by and was concerned whether or not the applicant had any discussions with these residents. The issue is parking, which is fairly deficient, and would create problems relative to traffic flow. He disagreed with MR. AYALA, in that donut shops usually open earlier to allow for preparation time and patrons normally purchase donuts prior to their business hours. As a result, having early hours could be another disturbance for the residents. MR. AYALA explained that there would not be any preparation on site, as the donuts would be delivered.

MR. AYALA pointed out that the food cart appears to be utilized after business hours, and the individual has been informed to remove the cart. COMMISSIONER TRUSDELL noted that these residents have valid concerns, and this area could be in transition. It is apparent that the residents maintain their neighborhoods, so reducing the parking requirements could have a negative impact on the quality of the neighborhoods and become a burden for the residents. He was not open to MR. AYALA'S suggestion to approve with a one-year review. MR. AYALA clarified for the Commissioner that the delivery van would be parked in the rear of the building. Given the opposition, the Commissioner wished the applicant had held a neighborhood meeting prior to this meeting.

MARGO WHEELER, Director of Planning and Development, clarified that the proposed additional parking spaces do not meet City standards, therefore, they are not counted as parking spaces. In addition, the application indicated a restaurant with equipment and food preparation on site, which is why it is considered a restaurant use. If packaged goods are being delivered and sold on site, then the consideration could be for a retail use, which is an entirely different application. MR. LOWENSTEIN added that the original site plan has been revised to delete the outdoor dining area. MS. WHEELER noted the site plan, dated March 13, 2009, is the applicable one. COMMISSIONER EVANS agreed that if the application was for retail use, there would most likely be issues with early hour deliveries and become a burden for the surrounding neighborhoods. He believed other uses were more suitable for the subject area and could meet Title 19 requirements.

CHAIR TROWBRIDGE declared the Public Hearing closed.

MEETING RECESSED FROM 7:15 P.M. to 7:27 P.M.