



Agenda Item No.: 21.

AGENDA SUMMARY PAGE PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: JUNE 11, 2009

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER

☐ Consent ☒ Discussion

SUBJECT: BEYANCE - VAR-34008 - VARIANCE PUBLIC HEARING - APPLICANT:
AMERICAN WEST PETROLEUM - OWNER: PHAM CAPITAL, LLC - Request for a
Variance TO ALLOW ZERO-FOOT SIDE YARD SETBACK WHERE 10 FEET IS THE
MINIMUM REQUIRED AND TO ALLOW A RESIDENTIAL ADJACENCY SETBACK OF 20
FEET WHERE 32 FEET IS REQUIRED on 0.58 acres at the southwest corner of Sahara Avenue
and Valley View Boulevard (PN 162-07-512-010), C-1 (Limited Commercial) Zone, Ward 1
(Tarkanian)

C.C.: 07/15/2009

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.

10

City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

0

City Council Meeting

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RECOMMENDATION:

DENIAL

BACKUP DOCUMENTATION:

1. Location and Aerial Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Photos
5. Justification Letter
6. Protest Postcards

Motion made by VICKI QUINN to Deny

Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

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

Minutes:

CHAIR TROWBRIDGE declared the Public Hearing open for Items 21-23.

DOUG RANKIN, Planning and Development, explained that the applicant is proposing to
demolish the existing structure on the site and replace it with a new convenience store with fuel
pumps. It will be located with a zero foot side yard setback and will provide a 20-foot setback

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from the residential properties located to the south. Additionally, the applicant is requesting waivers of landscaping buffer widths and building placement. He noted that the applicant could move the location of the building and reduce the square footage in order to eliminate the variances. Staff found that the requested variance is a self-imposed hardship and recommended denial.

KEN BALLARD, 1950 East Warm Springs Road, appeared on behalf of the applicant and explained that orienting the building on the corner is not feasible. The proposed convenience store will be in compliance with existing uses. The new owner will clean the site and replace the four drive cuts with adequate circulation.

TODD FARLOW verified that the alley is 20 feet wide.

COMMISSIONER QUINN stated she visited the site and was concerned about the encroachment into the neighborhood buffer, as well as a safety concern on San Bernardino Street where children might climb the wall that leads into the alley. There are two similar businesses on two other corners that adequately provide services for area residents. The Commissioner was concerned about traffic increasing in an already congested area. The only positive observation is that the new project will improve the corner.

MR. BALLARD replied that the alley is a concern and the building will not keep traffic away. The trash trucks will access off of Valley View Boulevard or Sahara Avenue and not come down the alley.

COMMISSIONER TRUESDELL agreed that this would be an improvement to the corner; however, he expressed concern about the fueling island and the lack of space for queuing. MR. BALLARD stated they meet all the setbacks and require permits and there is enough room for proper circulation. The Commissioner stated there is a high volume of traffic eastbound and he asked staff to explain how the traffic coming into that driveway from the west will circulate.

LUCIEN PAET, Public Works, responded that the access for this site is as far as it could possibly be, and he is cognizant of the queuing problems. COMMISSIONER TRUESDELL indicated that the only access is through a canopy designed for parking and pumping fuel. MR. PAET indicated there is adequate room for drive lanes. Public Works typically is not concerned about on-site circulation unless it refers to a public street.

COMMISSIONER GOYNES asked about peak hours and how vehicles might stack up. MR. BALLARD replied they have two drive lanes but are only providing one on each street. MR. PAET indicated that a traffic study resulted in 55 vehicles during peak, which is a one percent increase. Therefore, from a traffic capacity standpoint, this particular site would not overburden Sahara Avenue or Valley View Boulevard.

COMMISSIONER TRUESDELL opined that the site as designed is betting on the traffic being there and questioned whether this is the best solution, the safest for the customers, and that it has

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the best ingress and egress where all the traffic is directed to the canopy. MR. BALLARD replied that the architect who designed the layout is obligated to think about public safety. He believes this is the best layout and to orientate the canopy in any other direction would not work for the site.

COMMISSIONER ELLSWORTH suggested centering the four canopies. MR. BALLARD responded that the requirement for this site is six fuel pumps. He stated they are improving the site and not eliminating the number of pumps.

COMMISSIONER QUINN felt the layout is inappropriate for public safety. MR. BALLARD questioned what the real concern was, as he thought it was the variance. COMMISSIONER QUINN noted that she saw four fuel pumps which appeared to provide more circulation.

CHAIR TROWBRIDGE expressed concern about the waiver of landscaping and the site's circulation. With regard to the landscaping, MR. BALLARD stated that they are providing the landscaping in other locations to meet the requirements of square footage and the tree count.

CHAIR TROWBRIDGE declared the Public Hearing closed at 21-23.

