



City of Las Vegas

Agenda Item No.: 39.

**AGENDA SUMMARY PAGE PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: NOVEMBER 5, 2009**

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER

☐ Consent ☒ Discussion

SUBJECT: **VAR-3633 - VARIANCE - PUBLIC HEARING - APPLICANT/OWNER: CAROLINE'S COURT, LLC** - Request for a Variance to ALLOW ZERO LOADING ZONES WHERE ONE IS REQUIRED on a portion of 25.03' ± in the northwest corner of El Capitan Way and Durango Drive (APN 12-001-200) T-C (Town Center) Zone [SC-TC (Service Commercial - Town Center) Special Land Use Designation], Ward 6 (Ross)

C.C.: 12/02/2009

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 Letter
6. Protest/Support Postcards

Motion made by KEEN ELLSWORTH to Approve subject to conditions

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

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

Minutes:

CHAIR TROWBRIDGE declared the Public Hearing open for Items 39-41.

DOUG RANKIN, Planning and Development, referring to the Variance, noted that there will not be a loading zone located next to the pad. He stated this is a self-imposed hardship and recommended redesign of the site to accommodate a loading zone at the location.

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With regard to the Special Use Permit and the Site Development Plan, the applicant intends to locate the drive-thru facility within the required 10-foot setback area of landscaping which would make it non-compliant with the Town Center standards. MR. RANKIN stated that staff could not support the waivers for the Site Plan and recommended denial.

JAMES LOPEZ, 5096 West Post Road, and JACOB KHAKSHOURI appeared. MR. LOPEZ displayed a rendering of the site plan for the proposed project. He stated that if approved, the applicant agrees to all of the conditions.

Regarding some of the concerns expressed by staff, MR. LOPEZ stated that they looked at the adjacencies and the landscaping being provided and determined that the neighboring residences are actually 200 feet away. With regard to the loading zone, MR. LOPEZ pointed out that there are a number of loading zones throughout the site and he did not believe the omission of one loading area would cause a hardship to anyone. Referring to the landscape, he indicated that there is an adjacent 20-foot trail and he believed that would be adequate in lieu of the 10-foot landscape requirement. Lastly, MR. LOPEZ exhibited a rendering of the revised tower and indicated that there was no opposition voiced at the neighborhood meeting.

JENNIFER TAYLOR expressed concern about the height of the tower. She compared the subject tower to the proposed five-story Holiday Inn Hotel located across the street and stated that the neighbors were extremely upset with the proposed five-story building. MS. TAYLOR remarked that approving this request would set a precedent for other businesses to ask for variances.

MR. KHAKSHOURI stated that the subject of the proposed tower and surrounding landscaping was discussed at the neighborhood meeting and the response from the neighbors were positive and supportive.

COMMISSIONER ELLSWORTH questioned the reason for not providing the required parking spaces. MR. LOPEZ replied that in order to meet the parking requirement, the loading zone was eliminated. MR. LOPEZ referred to a soft loading zone which is surrounded by a buffer, a trash area and a little bit of sidewalk and felt this area could possibly meet the loading zone requirement. COMMISSIONER ELLSWORTH felt the tower was aesthetically pleasing but felt the tower was too high.

COMMISSIONER FLANGAS asked whether there was a height restriction associated with the tower. MR. RANKIN explained that Town Center Development Standards indicate that within this zone, the maximum height of any building is two stories; however, no feet are associated with those stories.

CHAIR TROWBRIDGE declared the Public Hearing closed for Items 39-41.