



City of Las Vegas

Agenda Item No.: 6.

**AGENDA SUMMARY PAGE PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: JANUARY 14, 2010**

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER

☐ Consent ☒ Discussion

SUBJECT: BEYANEE - VAR-15528 - VARIANCE PUBLIC HEARING - APPLICANT/OWNER:
BODYFLYING US, LLC - Request for Variance TO ALLOW 59 PARKING SPACES
WHERE 69 WERE REQUIRED FOR PROPOSED COMMERCIAL
RECREATION/ENTERTAINMENT (INDOOR) USE on 0.81 acres on the north side of Sahara
Avenue, approximately 140 feet east of Sixth Street (APNs 162-03-801-088 and 137), C-1
(Limited Commercial) Zone, Ward 3 (Reese)

C.C.: 02/17/2010

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.

146

City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

126

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 Postcards/Letters and Support Postcards/Letter/Phone Log
7. Submitted after Final Agenda Letter by Assemblyman Tick Segerblom, Letters and Documentation by Tiger Lily Flower Shop, Letter by Dr. Firooz Mashhood, eMails by Michael Hanratty and Protest Petitions and eMails for Items 6 and 7
8. Submitted at Meeting Sound Level Study and Support Petition by Attorney Jennifer Lazovich, Traffic Study by Roger Freeman, the Beverly Green/Southridge by Pam Hartley and eMail by Gregory Brown from Commissioner Chris Giunchigliani for Items 6 and 7

Motion made by BYRON GOYNES to Approve subject to conditions

Passed For: 5; Against: 2; Abstain: 0; Did Not Vote: 0; Excused: 0

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

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NOTE: COMMISSIONER TRUESDELL disclosed that he owns property in the notification area but that would have no affect on his views of this development and he would be supporting the applications.

Minutes:

CHAIR TROWBRIDGE declared the Public Hearing open for Items 6 and 7.

DOUG RANKIN, Planning and Development, stated that a portion of the site contains a medical office building. Because of the requested waivers, exceptions and parking variances, he remarked that the proposed configuration will result in overbuilding of the site. He recommended denial of both applications; however, if approved, he read the recommended changes for the record.

ATTORNEY STEENIFER LAZOVICH and ECE GRONAUER, 8345 West Sunset Road, appeared along with property owner and operator, GARY SPEER. ATTORNEY LAZOVICH, referring to the site plan, indicated the various zoning districts and the commercial establishments on and adjacent to the subject property. In detail, she described the proposed types of uses and illustrated the exterior features of the building.

ATTORNEY LAZOVICH spoke of the neighborhood meeting attended by 20 persons who voiced concerns about noise, vibration, traffic, acrobatics signage and the height of the building. She remarked that one-third were in favor of the project, one-third opposed it and one-third had no comments.

Addressing the neighbors concerns about the noise from the wind tunnel, ATTORNEY LAZOVICH advised that a sound level study was prepared comparing existing noise generated from Sahara Avenue and any noise that might be emitted from the wind tunnel that would add to that level. ATTORNEY LAZOVICH noted that the applicant has agreed to the specific condition regarding the sound levels as read into the record by MR. RANKIN. Additionally, ATTORNEY LAZOVICH remarked that the entire indoor facility will be enclosed and because the wind tunnel will have no vents, sound will not resonate to the outside. With regard to the signage, she confirmed that there is a condition that disallows any signage on the north face of the building.

She described the bodyflying experience as a form of entertainment and spoke of the cost, how many people could be accommodated per hour and included the number of staffers who would be on premise during the hours of operation.

With the limit of customers per hour and the sharing of uses with the adjacent businesses, taking into account their varying hours of operation, ATTORNEY LAZOVICH stated that there would be more than adequate access parking available.

With regard to the landscaping, ATTORNEY LAZOVICH stated that it will be provided in certain areas; however, a waiver has been requested. In total, the applicant will provide the required 22 trees with 14 of them placed along Sahara Avenue and along the east property line.

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Prior to hearing comments from the audience, CHAIR TROWBRIDGE acknowledged receipt of several letters of opposition which were submitted for the record.

ROGER FREEMAN, STAN ZUROSKEY, PAM HARTLEY, SCOTT SWAIN, PETER FRIGERI, JOHN DELIKANAKIS, JONELL THOMAS and GREGORY BROWN spoke in opposition to the proposed use. Summarized, their comments included varying concerns related to noise intrusion, the height of the tower exceeding the height of existing structures and parking encroachment. Although some of the individuals did not oppose an entertainment development such as a racquetball club, they did not consider this an entertainment venture. Because many of the business operators and residents are known for their community involvement and being fairly close to the proposed use, there was concern that there would be a severe parking shortage. Several speakers did not consider this development compatible with the community and they feared it would drastically harm the local retail.

Supporting approval of the project were DONNA NELSON, TIMOTHY KELLER, JOSHUA DEMARCO, EUGENE CODINA and TODD FARLOW. MS. NELSON did not understand why people were opposing the project. Supporting remarks included a comment that this type of center is far better than actual skydiving because it is safe, contained and there is a desire for this type of amusement.

Hearing the comments, ATTORNEY LAZOVICH replied to each concern. She also remarked that this facility would result in increased patronage for the adjacent businesses along Sahara Avenue.

CHAIR TROWBRIDGE felt that the issues were properly addressed and would be mitigated with the revision or addition of conditions. Responding to comments regarding the failure of this undertaking, CHAIR TROWBRIDGE remarked that any business has a potential not to succeed.

COMMISSIONER EVANS remarked that he had met with ATTORNEYS LAZOVICH and GRONAUER and also with MR. SPEER. Although he heard the comments of the residents and business owners, he was most concerned that this project is situated within the redevelopment area. He stated that the City has focused on creating and expanding the area in order to attract solid businesses that would contribute to the economy and to the neighborhoods. He remarked that this project fails to accomplish that goal.

COMMISSIONER GOYNES acknowledged the comments of several of the young speakers who expressed their support and felt that they would probably be the individuals who would patronize this type of establishment. ATTORNEY LAZOVICH confirmed for the Commissioner that there might be vending machines but no on-site food preparation will exist.

COMMISSIONER QUINN believed that once people start utilizing this facility, it will not only increase the patronage but will make people aware of the many other businesses up and along Sahara Avenue and add to the revitalization of the entire area.

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With regard to the parking, COMMISSIONER ELLSWORTH asked whether at any given time, there would be 300 patrons in the building. ATTORNEY LAZOVICH replied that it would physically be impossible to service that many people. She reiterated that only 16 people per hour could be accommodated.

COMMISSIONER TRUESDELL remarked that in order to encourage the success of urban retail development, it constitutes the combination of office, restaurant, retail and recreational facilities.

CHAIR TROWBRIDGE declared the Public Hearing closed for Items 6 and 7.

