



City of Las Vegas

Agenda Item No.: 33.

**AGENDA SUMMARY PAGE PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: APRIL 22, 2010**

**DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARCO WHEELER**

☐ Consent ☒ Discussion

SUBJECT: VAR-37276 - VARIANCE - PUBLIC HEARING - APPLICANT/OWNER: CHABAD OF SOUTHERN NEVADA, INC. - Requests for a Variance to ALLOW A TEN-FOOT REAR YARD SETBACK WHERE 55 FEET IS REQUIRED on 4.04 acres at 1312 Vista Drive and 1261 Arville Street (APNs 504-06-504-004 and 504-06-510-017), P/R (Professional Office and Parking) and R-E (Residential Estate) Zones, Ward 1 (Tarkanian). Staff recommends DENIAL.

C.C.: 06/02/2010

PROTESTS RECEIVED BEFORE:

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

6

Planning Commission Mtg.

9

City Council Meeting

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City Council Meeting

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RECOMMENDATION:

Staff recommends DENIAL.

BACKUP DOCUMENTATION:

1. Location and Aerial Maps
2. Conditions and Staff Report for VAR-37276, VAR-37277 and SDR-36050
3. Supporting Documentation
4. Photos for VAR-37276, VAR-37277, SDR-36050, VAR-37627 and SDR-37579
5. Justification Letter
6. Support Postcards for VAR-37276 and VAR-37277
7. Submitted after Final Agenda Protest/Support Postcards for VAR-37276 and VAR-37277

Motion made by VICKI QUINN to Approve subject to conditions and deleting Condition 2

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

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

Minutes:

CHAIR TRUESDELL declared the Public Hearing open for Items 33-37.

STEVE GEBEKE, Planning and Development, indicated that the first of three requests is for a Site Development Plan Review and the modular building was installed for use as a construction trailer, but has since been used to provide three classrooms for the existing Chabad on Arville Street until the new school on Vista Drive opens in August 2010. Staff cannot support the

PLANNING COMMISSION MEETING OF: APRIL 22, 2010

requests as the structure does not meet the minimum rear yard setback requirement, and adequate parking has not been provided for the proposed use. No evidence of unique or extraordinary circumstances has been presented pursuant to Title 19.18.070 that would substantiate the requested variances. If denied, the structure may only be used as a temporary construction trailer.

The second request is for a Variance to allow a second attached sign on the front façade of a previously approved private school where only one attached sign is allowed. Staff is recommending denial as the applicant has provided no evidence of unique or extraordinary circumstances pursuant to Title 19.18.070 that would substantiate the request.

The last request is to amend the previously approved Site Development Plan Review for the school that is under construction to remove 15 trees from a landscape buffer required along a portion of the west perimeter in order to facilitate drainage and to prevent any conflict with overhead power lines; required shrubs would still be planted in conformance with the landscape plan that was previously approved. Staff is recommending denial as the trees will not negatively affect drainage of the site or adjacent sites, and there are trees that could be planted that would not interfere with the power lines. If denied, the site shall be developed in conformance with the approved Site Development Plan Review (SDR-181-2).

RABI YCHOSHUA HARLIG, Chabad of Southern Nevada, explained that the modular trailer that was supposed to be used for construction was used as a classroom when demolition left them short of classrooms during construction. The end of the school year is approaching and the general contractor has indicated completion is on schedule for 8/16/2010, at which time the modular trailer will be removed. The trailer was set at its current position in order to accommodate the utilities. Regarding the trees, one of them will be placed at the entryway, and another along the building to honor the major contributor. Removal of the trees, which are primarily located to the interior, would only affect the school. The parking issue will cease once construction is completed and the modular trailer can be removed.

TODD FARLOW, Las Vegas resident, noted that there is nothing so permanent as a temporary structure, but he did feel the modular trailer would only remain temporarily.

JUANITA CLARK, Charleston Neighborhood Preservation, expressed her support because she is excited about bringing a school of this caliber to the neighborhood.

LIZ and THOMAS McGRATH, owners of property on Vista Drive, opposed the applications. MS. McGRATH commended RABI HARLIG for being responsive to all issues, but expressed opposition to all related items because of the continued request for the waivers, the irregularities with the parcel map posted on the Internet and the variance for parking on the Arville property. The school should have ample parking and numerous trees for the size of the school.

SCOTT RAY expressed his opposition because of the dirt piled up and the sewer running in front of his property. He has nothing against the school.

PLANNING COMMISSION MEETING OF: APRIL 22, 2010

RABI HARLIG rebutted that the lack of parking has nothing to do with the permanent structure. The variance is tied to the modular trailer, which will be removed upon completion of construction. The trees are on the west side and are not visible from the McGRATHS' property. Regarding the dirt, he was not certain, but he did indicate that a small berm was put up to keep people from driving through the property. If it is an issue, it can be removed. He offered to have the general contractor look into the sewer issue raised by MR. RAY.

COMMISSIONER CHINN stated that she met with RABI HARLIG and her concerns regarding the trees and the modular trailer were assuaged, agreeing that the trees will not be seen by anyone except the school personnel and the students. She suggested a six-month review to ensure removal of the modular trailer. She is very excited about this fabulous project.

COMMISSIONER TROWBRIDGE confirmed with RABI HARLIG that the dirt would be removed once construction is completed.

Regarding the school zone, BART ANDERSON, Public Works, indicated that typically the school zone flashers would be required on larger streets; in this case, along Arville Street, but an independent study will be conducted. The school zone was on Arville Drive.

BRANDON SCOTT, Neon Signs, indicated for CHAIR TRUESDELL that the drawing with the sign on the northern end of the site is the wrong end. He took over the project for someone else, and he just grabbed the most current drawings he had. He pointed to a drawing depicting the correct placement of the sign, which will be on the south end of the building.

CHAIR TRUESDELL expressed a preference for more trees in order to create a living environment for the students. MR. GEBERLE clarified that the plan shows the trees completely removed, not just relocated.

CHAIR TRUESDELL asked RABI HARLIG to commit to having the modular trailer removed prior to obtaining the certificate of occupancy. RABI HARLIG requested he be given 30 days from the issuance of the certificate. MR. RANKIN assured CHAIR TRUESDELL that staff would work with RABI HARLIG.

CHAIR TRUESDELL declared the Public Hearing closed for Items 33-37.