

**AGENDA MEMO****PLANNING COMMISSION MEETING DATE: APRIL 22, 2010****DEPARTMENT: PLANNING AND DEVELOPMENT****ITEM DESCRIPTION: APPLICANT: A CAB TAXI, CO. - OWNER: FOUR FOURS, LLC**

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**\*\* STAFF RECOMMENDATION(S) \*\***

| <i><b>CASE<br/>NUMBER</b></i> | <i><b>RECOMMENDATION</b></i>                                | <i><b>REQUIRED FOR<br/>APPROVAL</b></i> |
|-------------------------------|-------------------------------------------------------------|-----------------------------------------|
| <b>SDR-37613</b>              | Staff recommends DENIAL, if approved subject to conditions: |                                         |

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**\*\* CONDITIONS \*\***

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**SDR-37613 CONDITIONS**

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**Planning and Development**

1. Conformance to the conditions for Vacation (VAC-35193) and Site Development Plan Review (SDR-35195), except as amended herein.
2. This approval shall be void two years from the date of final approval, unless a building permit has been issued for Building C, as indicated on the site plan date stamped 03/26/10. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. All development shall be in conformance with the landscape plan, date stamped 03/09/10 and the site plan, floor plan and building elevations, date stamped 03/26/10, except as amended by conditions herein.
4. The applicant shall obtain all required building permits and final inspections for all buildings/structures on the subject site, within 30 days of final approval of Site Development Plan Review (SDR-37613).
5. A Waiver from Title 19.12 Landscape and Buffer Standards is hereby approved, to allow zero-foot landscape buffers along the east and south perimeters where eight feet and six feet, respectively, were previously approved.
6. An Exception from Title 19.12 Landscape and Buffer Standards is hereby approved, to allow eight overall trees where 39 trees were previously approved.
7. An Exception from Title 19.10 is hereby approved to allow zero parking lot landscape trees where 23 trees are required.
8. These Conditions of Approval shall be affixed to the cover sheet of the plan set submitted for building permit.

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9. A technical landscape plan, signed and sealed by a Registered Architect, Landscape Architect, Residential Designer or Civil Engineer, must be submitted prior to or at the same time application is made for a building permit. A permanent underground sprinkler system is required, and shall be permanently maintained in a satisfactory manner; the landscape plan shall include irrigation specifications.
10. Pre-planting and post-planting landscape inspections are required to ensure the appropriate plant material, location, size of planters, and landscape plans are being utilized. The Planning and Development Department must be contacted to schedule an inspection prior to the start of the landscape installation and after the landscape installation is completed. A certificate of occupancy will not be issued or the final inspection will not be approved until the landscape inspections have been completed.
11. Reflective glazing at the pedestrian level is prohibited. Glazing above the pedestrian level shall be limited to a maximum reflectance rating of 22% (as defined by the National Institute of Standards and Technology).
12. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.
13. All utility boxes exceeding 27 cubic feet in size shall meet the standards of LVMC Title 19.12.040.
14. Parking lot lighting standards shall be no more than 30 feet in height and shall utilize downward-directed lights with full cut-off luminaires. Lighting on the exterior of buildings shall be shielded and shall be downward-directed. Non-residential property lighting shall be directed away from residential property or screened, and shall not create fugitive lighting on adjacent properties.
15. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.
16. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

**Public Works**

17. Remove all substandard public street improvements and unused driveway cuts, if any, on Searles Avenue adjacent to this site concurrent with development and replace with new improvements meeting current City Standards. The existing "pan" style driveway may remain.

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18. Construct half-street improvements including appropriate transition paving on Gragson Avenue adjacent to this site concurrent with development of this site. All existing paving damaged or removed by this development shall be restored to its original location and to its original width concurrent with development of this site.
19. Meet with the Fire Protection Engineering Section of the Department of Fire Services to discuss fire requirements for the proposed use of this facility.
20. All landscaping and private improvements installed with this project shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.
21. Meet with the Flood Control Section of the Department of Public Works for assistance with establishing finished floor elevations and drainage patterns for this site prior to submittal of construction plans or the issuance of any building or grading permits, whichever may occur first. Provide and improve all drainageways as recommended.

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**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

This is a request for a Major Amendment to a previously approved Site Development Plan Review (SDR-35195) for a proposed Taxicab/Limo Yard on 1.89 acres at 1500 Searles Avenue. The request will increase the square-footage of Building C from 3,000 square feet to 5,000 square feet, as well as relocate the building within the same site. The request includes Waivers of the Title 19 Perimeter Landscape Buffer Requirements. Additionally, the previously approved 30-foot tall Building C is requested to be lowered to a height of 28 feet. The indicated deviations from standards will result in a development that is not compatible or harmonious with adjacent development. An alternate design and adherence to minimum landscape requirements would facilitate the elimination of Waivers, which would create a development that would be appropriate for this area of the City; therefore staff is recommending denial of the subject application. If denied, the site will remain as previously approved.

**ISSUES**

- The applicant is requesting a zero-foot landscape buffer along the east perimeter where eight feet was previously approved.
- The applicant is requesting a zero-foot landscape buffer along the south perimeter where six feet was previously approved.
- The applicant is requesting an Exception to allow eight perimeter landscape trees where 39 were previously approved.

**BACKGROUND INFORMATION**

| <i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc</i> |                                                                                                                                                                                                                                                                                                                                                                                                    |
|-------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 05/17/06                                                          | The City Council approved a request for a General Plan Amendment (GPA-9219) to change the Future Land Use designation to Commercial, Mixed Use, Industrial or Public Facilities on various parcels located within the proposed Las Vegas Redevelopment Plan area and within the proposed Redevelopment Plan expansion area. The Planning Commission and staff recommended approval of the request. |
| 06/18/09                                                          | A Code Enforcement citation (#79197) was issued for electrical, plumbing and concrete work being done without a permit at 1500 Searles Avenue. Code Enforcement has not closed the case.                                                                                                                                                                                                           |
| 10/07/09                                                          | The City Council approved a Vacation (VAC-35193) to Vacate a 3,126 square-foot portion of public right-of-way generally located on the north side of Gragson Avenue, approximately 580 feet west of Bruce Street. Planning Commission recommended approval. Staff recommended denial.                                                                                                              |

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|          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|----------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 10/07/09 | The City Council approved a request for a Site Development Plan Review (SDR-35195) for a proposed 8,800 square-foot taxicab/limo yard with ancillary vehicle service and auto repair within 5,800 square feet of existing buildings and a proposed 3,000 square-foot building with Waivers of the perimeter landscape requirements to allow a zero-foot buffer along the west and a portion of the east perimeters where eight feet is required, a six-foot buffer along the south perimeter where 15 feet is required, to allow a zero-foot sidewalk where five feet is required and to allow barbed wire fencing on 1.89 acres at 1500 Searles Avenue. Planning Commission recommended approval. Staff recommended denial. |
|----------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

| <b><i>Most Recent Change of Ownership</i></b> |                                                |
|-----------------------------------------------|------------------------------------------------|
| 08/07/08                                      | A deed was recorded for a change in ownership. |

| <b><i>Related Building Permits/Business Licenses</i></b> |                                                                                                                                                                                                            |
|----------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 03/02/93                                                 | A Business License (#D01-00001) was issued for a dairy at 1500 Searles Avenue. The license was reclassified to (#G03-01846) on 06/03/98. The license was marked out of business on 10/18/07.               |
| 09/17/97                                                 | A Building Permit (#97019201) was issued to replace a riser at 1500 Searles Avenue. The permit expired on 03/21/98.                                                                                        |
| 03/05/02                                                 | A Building Permit (#2003896) was issued for a repair to a sewer line at 1500 Searles Avenue. The permit was finaled on 03/06/02.                                                                           |
| 05/29/08                                                 | A Business License (#I02-00081) was issued for an ice cream parlor at 1500 Searles Avenue. The license was reclassified from (#D01-00015) on 02/19/88. The license was marked out of business on 06/01/09. |
| 10/09/09                                                 | A Building Permit (#146417) was issued for an interior tenant improvement at 1500 Searles Avenue. The permit was finaled on 02/12/10.                                                                      |
| 10/09/09                                                 | A Building Permit (#149327) was issued to demolish interior portions of an existing building in relation to permit (#146417) at 1500 Searles Avenue. The permit was finaled on 11/04/09.                   |
| 10/12/09                                                 | A Building Permit (#149428) was issued for electrical improvements at 1500 Searles Avenue. The permit has not been finaled.                                                                                |
| 10/14/09                                                 | A Building Permit (#149566) was issued for plumbing improvements at 1500 Searles Avenue. The permit was finaled on 10/14/09.                                                                               |

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| <b><i>Pre-Application Meeting</i></b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|---------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 02/25/10                              | <p>A pre-application meeting was held on the indicated date. The following items were discussed:</p> <ul style="list-style-type: none"> <li>• A Major Amendment to SDR-35195 is required.</li> <li>• Applicant is requesting a zero-foot landscape buffer along the east perimeter where 8 feet was previously approved.</li> <li>• Applicant is requesting to allow a zero-foot landscape buffer along the south perimeter where 6 feet was previously approved.</li> <li>• The square-footage of Building C will change from 3,000 square feet of enclosed space and 3,000 square feet of covered space to 5,000 square feet of enclosed space.</li> <li>• The overall height of Building C will be reduced from 30 feet to 28 feet.</li> <li>• Parking provided will not change.</li> </ul> |

| <b><i>Neighborhood Meeting</i></b>                         |
|------------------------------------------------------------|
| A neighborhood meeting was not required, nor was one held. |

| <b><i>Field Check</i></b> |                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|---------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 03/18/10                  | <p>A field check was completed on the indicated date. The following items were observed by Planning and Development staff:</p> <ul style="list-style-type: none"> <li>• Four buildings are located on subject site, but only one building has permits.</li> <li>• Several storage containers exist on the subject site.</li> <li>• An eight-foot wall, chain-link and razor wire exists on portions of the subject site.</li> </ul> |

| <b><i>Details of Application Request</i></b> |            |
|----------------------------------------------|------------|
| <b><i>Site Area</i></b>                      |            |
| Net Acres                                    | 1.89 acres |

| <b>Surrounding Property</b> | <b>Existing Land Use</b> | <b>Planned Land Use</b>        | <b>Existing Zoning</b>      |
|-----------------------------|--------------------------|--------------------------------|-----------------------------|
| Subject Property            | Vacant Building          | LI/R (Light Industry/Research) | C-M (Commercial/Industrial) |
| North                       | TV Broadcasting          | LI/R (Light Industry/Research) | C-M (Commercial/Industrial) |
| South                       | Museum (Private)         | C (Commercial)                 | C-1 (Limited Commercial)    |

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|      |                   |                                     |                                  |
|------|-------------------|-------------------------------------|----------------------------------|
| East | Housing Authority | ML (Medium Low Density Residential) | R-3 (Medium Density Residential) |
| West | TV Broadcasting   | LI/R (Light Industry/Research)      | C-M (Commercial/Industrial)      |

| <i>Special Districts/Zones</i>                    | <i>Yes</i> | <i>No</i> | <i>Compliance</i> |
|---------------------------------------------------|------------|-----------|-------------------|
| <b>Special Area Plan</b>                          |            |           |                   |
| Downtown North Land Use Plan                      | X          |           | Y                 |
| <i>Special Districts/Zones</i>                    | <i>Yes</i> | <i>No</i> | <i>Compliance</i> |
| <b>Special Purpose and Overlay Districts</b>      |            | X         | N/A               |
| <b>Trails</b>                                     |            | X         | N/A               |
| <b>Rural Preservation Overlay District</b>        |            | X         | N/A               |
| <b>Development Impact Notification Assessment</b> |            | X         | N/A               |
| <b>Project of Regional Significance</b>           |            | X         | N/A               |

**DEVELOPMENT STANDARDS**

*Pursuant to Title 19.08 Development Standards, the following standards apply*

| <i>Standard</i>               | <i>Required/Allowed</i>               | <i>Provided</i> | <i>Compliance</i> |
|-------------------------------|---------------------------------------|-----------------|-------------------|
| Min. Lot Width                | 100 Feet                              | 163 Feet        | Y                 |
| Min. Setbacks                 |                                       |                 |                   |
| • Front (north property line) | 10 Feet                               | 384 Feet        | Y                 |
| • Side (east property line)   | 10 Feet                               | 52 Feet         | Y                 |
| • Side (west property line)   | 10 Feet                               | 50 Feet         | Y                 |
| • Rear (south property line)  | 20 Feet                               | 76 Feet         | Y                 |
| Max. Lot Coverage             | N/A                                   | 10%             | N/A               |
| Max. Building Height          | N/A                                   | 28 Feet         | N/A               |
| Trash Enclosure               | Screened, Gated, w/ a Roof or Trellis | As Conditioned  | As Conditioned    |
| Mech. Equipment               | Screened                              | As Conditioned  | As Conditioned    |

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*Pursuant to Title 19.12, the following landscaping standards apply:*

| <b>Landscaping and Open Space Standards</b> |                                                                           |                 |                 |                   |
|---------------------------------------------|---------------------------------------------------------------------------|-----------------|-----------------|-------------------|
| <b>Standards</b>                            | <b>Required</b>                                                           |                 | <b>Provided</b> | <b>Compliance</b> |
|                                             | <b>Ratio</b>                                                              | <b>Trees</b>    |                 |                   |
| Buffer Trees:                               |                                                                           |                 |                 |                   |
| • North                                     | 1 Tree / 20 Linear Feet                                                   | 9 Trees         | 8 Trees         | N                 |
| • South                                     | 1 Tree / 20 Linear Feet                                                   | 9 Trees         | Zero Trees      | N                 |
| • East                                      | 1 Tree / 30 Linear Feet                                                   | 17 Trees        | Zero Trees      | N                 |
| • West                                      | 1 Tree / 30 Linear Feet                                                   | 17 Trees        | Zero Trees      | N                 |
| <b>TOTAL PERIMETER TREES</b>                |                                                                           | <b>52 Trees</b> | <b>8 Trees</b>  | <b>N</b>          |
| Parking Area Trees                          | 1 Tree / 6 Uncovered Spaces, plus 1 tree at the end of each row of spaces | 23 Trees        | Zero Trees      | N                 |
| <b>LANDSCAPE BUFFER WIDTHS</b>              |                                                                           |                 |                 |                   |
| Min. Zone Width                             |                                                                           |                 |                 |                   |
| • North                                     | 15 Feet                                                                   |                 | 15 Feet         | Y                 |
| • South                                     | 15 Feet                                                                   |                 | Zero Feet       | N                 |
| • East                                      | 8 Feet                                                                    |                 | Zero Feet       | N                 |
| • West                                      | 8 Feet                                                                    |                 | Zero Feet       | N                 |
| Wall Height                                 |                                                                           |                 | 8 Feet          | Y                 |

| <b>Standard Category</b>         | <b>Approved SDR-35195</b>                                                                 | <b>Proposed SDR-37613</b>                                      |
|----------------------------------|-------------------------------------------------------------------------------------------|----------------------------------------------------------------|
| Building C – use                 | Auto Repair Garage, Minor                                                                 | Auto Repair Garage, Minor                                      |
| Building C Building Size         | 3,000 SF enclosed,<br>3,000 SF covered patio                                              | 5,000 SF enclosed                                              |
| Building C Building Height       | 30 feet                                                                                   | 28 feet                                                        |
| Parking Required                 | 133 spaces                                                                                | 133 spaces                                                     |
| Parking Provided                 | 133 spaces                                                                                | 133 spaces                                                     |
| East perimeter landscape buffer  | 8 feet with zero feet along a portion                                                     | Zero feet                                                      |
| South perimeter landscape buffer | 6 feet                                                                                    | Zero feet                                                      |
| Perimeter trees provided         | 39 trees                                                                                  | 8 trees                                                        |
| Sidewalk                         | Zero-foot sidewalk adjacent to Gragson Avenue, 5-foot sidewalk adjacent to Searles Avenue | 5-foot sidewalks adjacent to Gragson Avenue and Searles Avenue |

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*Pursuant to Title 19.10, the following parking standards apply:*

| Parking Requirement        |                                     |               |         |              |          |              |            |
|----------------------------|-------------------------------------|---------------|---------|--------------|----------|--------------|------------|
| Use                        | Gross Floor Area or Number of Units | Required      |         |              | Provided |              | Compliance |
|                            |                                     | Parking Ratio | Parking |              | Parking  |              |            |
|                            |                                     |               | Regular | Handi-capped | Regular  | Handi-capped |            |
| Taxicab/Limo Yard          | 66 Employees<br>67 Taxis            | N/A           | 129     | 4            | 128      | 5            | Y          |
| TOTAL (including handicap) | 133                                 |               | 133     |              | 133      |              | Y          |

| <b>Waivers</b>                                                                                                                              |                                                                           |                             |
|---------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------|-----------------------------|
| <i>Requirement</i>                                                                                                                          | <i>Request</i>                                                            | <i>Staff Recommendation</i> |
| 15-foot landscape buffer along the north and south property lines and an eight-foot landscape buffer along the west and east property lines | Zero-foot landscape buffers along the east, west and south property lines | Denial                      |

| <b>Exceptions</b>                                                 |                                                     |                             |
|-------------------------------------------------------------------|-----------------------------------------------------|-----------------------------|
| <i>Requirement</i>                                                | <i>Request</i>                                      | <i>Staff Recommendation</i> |
| One tree shall be planted for every six uncovered parking spaces. | To allow zero trees where 23 trees are required     | Denial                      |
| 75 total perimeter trees are required in the landscape buffers    | To allow 8 trees in the perimeter landscape buffers | Denial                      |

## **ANALYSIS**

As proposed, the Taxicab/Limo Yard will increase the square-footage of Building C from 3,000 square feet to 5,000 square feet, as well as relocate the building within the same site, with subsequent changes in site design. Site design changes include eliminating the east and south perimeter landscape buffers, as well as providing a five-foot wide sidewalk along Gragson Avenue.

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The site complies with all Title 19 requirements with the exception of required landscaping. The applicant has requested a Waiver and two Exceptions as a part of the subject application. The requested Waiver is from Title 19.12.040 Perimeter Landscape Buffer Standards for deviations from buffer widths on the east and south property lines. The first Exception is to allow no parking lot trees where one is required for every six parking spaces. The second Exception is to allow eight trees in the perimeter landscaping where 39 were previously approved. The requested Waivers and Exceptions are not appropriate and could be mitigated through a better overall design.

The landscape plan indicates the following: 24-inch box Honey Locust, Shoestring Acacia, Purple Robe Locust and Mediterranean Fan Palm. The landscape plan fails to conform to all Perimeter Landscape Buffer Requirements with the exception of the north property line buffer. The landscape plan also fails to meet all parking lot landscaping and seeks a reduction in the overall required tree count.

Pursuant to Title 19.04 Permissible Use, the parking requirement for a Taxicab/Limo Yard is one space for each employee on the largest shift, plus one space per taxi or limo when the facility is at maximum capacity. The applicant indicates that there will be 66 employees for the largest shift and 67 taxis when the facility is at maximum capacity. The subject site contains 133 parking spaces with five handicapped spaces, thereby complying with the proposed Taxicab/Limo Yard use. Primary access to the site is provided from both Searles Avenue and Gragson Avenue. Searles Avenue and Gragson Avenue are designated as 60-foot Local Streets by the Master Plan of Streets and Highways.

**FINDINGS (SDR-37613)**

In order to approve a Site Development Plan application, per Title 19.18.050 the Planning Commission and/or City Council must affirm the following:

**1. The proposed development is compatible with adjacent development and development in the area;**

The proposed development is not compatible with adjacent residential, commercial and industrial development in the area. The number of additional requested landscape Waivers further demonstrates the incompatible nature of the proposed development.

**2. The proposed development is consistent with the General Plan, this Title, the Design Standards Manual, the Landscape, Wall and Buffer Standards, and other duly-adopted city plans, policies and standards;**

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The proposed development is inconsistent with Title 19.12 Landscape and Buffer Standards. This is seen in the number of Waivers and Exceptions, which are requested as a part of the subject application. These deviations highlight the incompatibility with adjacent developments. The proposed development is both undesirable and obnoxious with regard to its overall design and adherence to minimum requirements.

**3.Site access and circulation do not negatively impact adjacent roadways or neighborhood traffic;**

Adequate site access is provided from both Searles Avenue and Gragson Avenue. Searles Avenue and Gragson Avenue are designated as 60-foot Local Streets by the Master Plan of Streets and Highways.

**4.Building and landscape materials are appropriate for the area and for the City;**

The proposed building and landscape materials are not appropriate for this area and for the City. The applicant is requesting a number of Waivers and Exceptions of Title 19.10 and 19.12. The provided landscape materials are lacking in quantity. Only one of the existing buildings has proper building permits, which is not appropriate for this or any area of the City.

**5.Building elevations, design characteristics and other architectural and aesthetic features are not unsightly, undesirable, or obnoxious in appearance; create an orderly and aesthetically pleasing environment; and are harmonious and compatible with development in the area;**

The buildings fail to create an orderly and aesthetically pleasing environment. The non-permitted structures and overall lack of landscaping is not compatible with adjacent commercial and residential developments in the area. Inadequate mitigation measures have been taken to create an aesthetically pleasing environment.

**6.Appropriate measures are taken to secure and protect the public health, safety and general welfare.**

The subject site contains several buildings and structures, which do not have proper building permits. The applicant has not taken appropriate action to protect the public health, safety and general welfare.

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**NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 10

**NOTICES MAILED** 76

**APPROVALS** 0

**PROTESTS** 0