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Bill Curran
curranb@ballardspahr.com

May 27, 2010

By Fax (702) 385-7268

Carmen Burney
Agenda Technician
Planning & Development Department
City of Las Vegas
731 S. Fourth Street
Las Vegas, Nevada 89101

Re: **AMENDED REQUEST TO HOLD --**
SDR-37613 – May 27, 2010 Planning Commission Agenda, Item #28

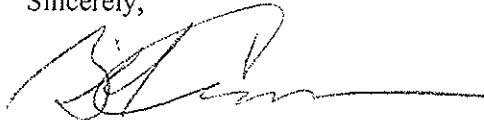
Dear Ms. Burney:

I am writing to amend my earlier request for an abeyance of the above referenced hearing before the Planning Commission scheduled for Thursday, May 27, until the Commission's regularly scheduled meeting on August 26, 2010.

It has become necessary to make revisions to the pending application in this matter which may require further analysis by the City's staff. Further, we are continuing to work with our adjacent property owner on a possible joint flood control solution that could supply flood control on both properties. Unfortunately, the adjacent property is occupied by a commercial tenant but controlled by a bank trustee and this has slowed progress on the possible joint effort. Additionally, my client is compelled to be in Germany for his employment on the currently scheduled May 27 hearing date.

I do not believe the requested abeyance will pose any inconveniences to any member of the general public. There are no known protests to the application. Thank you.

Sincerely,



Bill Curran

WPC:cw

cc: Margo Wheeler, Director - Planning & Development
Doug Rankin, Planning Manager – Planning & Development
Jay Nady – A Cab Taxi Co.
Kristen Neuman – Aptus Architecture

Submitted after final agenda

Date 5/27/10 Item 28

PC MINUTES AND COUNCIL APPROVAL LETTERS FOR ITEMS RELATED TO ITEM #28 (SDR-37613)

SDR-37613 - SITE DEVELOPMENT PLAN REVIEW - PUBLIC HEARING - APPLICANT: A CAB TAXI, CO. - OWNER: FOUR FOURS, LLC - Request for a Major Amendment to a previously approved Site Development Plan Review (SDR-35195) FOR A PROPOSED TAXICAB/LIMO YARD TO INCREASE THE AREA OF BUILDING C FROM 3,000 SQUARE FEET TO 5,000 SQUARE FEET WITH WAIVERS OF THE PERIMETER LANDSCAPE BUFFER STANDARDS TO ALLOW BUFFER WIDTHS OF ZERO FEET ALONG THE EAST AND SOUTH PERIMETERS WHERE EIGHT FEET AND SIX FEET, RESPECTIVELY, WERE PREVIOUSLY APPROVED, AND TO ALLOW EIGHT PERIMETER TREES WHERE 39 TREES WERE PREVIOUSLY APPROVED on 1.89 acres at 1500 Searles Avenue (APN 139-26-201-004), C-M (Commercial/Industrial) Zone, Ward 5 (Barlow)

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: SEPTEMBER 10, 2009**DEPARTMENT: PLANNING & DEVELOPMENT****DIRECTOR: M. MARGO WHEELER**☐ Consent ☒ Discussion**SUBJECT:**

VAC-35193 - VACATION - PUBLIC HEARING - APPLICANT: A CAB TAXI CO. - OWNER: 4444 SOUTH VALLEY VIEW DRIVE, LLC - Petition 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, Ward 5 (Barlow)

C.C.: 10/07/2009**PROTESTS RECEIVED BEFORE:**

Planning Commission Mtg.

0

City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

54

City Council Meeting

0

RECOMMENDATION:**DENIAL****BACKUP DOCUMENTATION:**

1. Location and Aerial Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Justification Letter
5. Submitted after Final Agenda – Support Postcards
6. Submitted at Meeting - Support Petition with 52 Signatures for Items 19 and 20

Motion made by RICHARD TRUESDELL to Approve subject to conditions deleting Condition 2 and amending Condition 1 as follows:

1. The limits of this Petition of Vacation shall be defined as a portion of right-of-way abutting APN #139-26-201-004 such that a minimum 60-foot right-of-way is maintained.

Passed For: 5; Against: 0; Abstain: 0; Did Not Vote: 1; Excused: 1

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

NOTE: COMMISSIONER QUINN abstained from voting on Items 19 and 20 as her husband has a business relationship with the property owner.

NOTE: CHAIR TROWBRIDGE disclosed that he is acquainted with the owner but that relationship has no impact on his ability to vote on this matter.

PLANNING COMMISSION MEETING OF: SEPTEMBER 10, 2009

Minutes:

CHAIR TROWBRIDGE declared the Public Hearing open for Items 19 and 20.

DOUG RANKIN, Planning and Development, briefly summarized both applications and noted that the existing structures were built in the 1960's without building permits. He indicated that the applicant has failed to comply with landscape and sidewalk width requirements, therefore, staff could not support the application as it is not compatible with adjacent developments.

If the applications are approved, MR. RANKIN read an amendment to Condition 8 of the site development plan review. LUCIEN PAET, Public Works, read additional conditions and revisions to existing conditions on both Items 19 and 20.

ATTORNEY BILL CURRAN, 100 North City Parkway, appeared on behalf of the applicant and accepted the revised conditions as read for the record. He provided a detailed description of the proposed development including structural improvements, zoning and landscaping. ATTORNEY CURRAN submitted a signature petition from adjacent neighbors indicating support of the project.

CHAIR TROWBRIDGE expressed concern about removal of the large palm tree in order to accommodate the sidewalk. He suggested landscaping features similar to the adjacent business. COMMISSIONER GOYNES asked whether the neighbors were queried regarding their preference to have Gragson Avenue used as a walking corridor. ATTORNEY CURRAN remarked that the matter was not brought up, but he recognized that much of the support voiced by the adjacent tenants stemmed from their concern for the safety of the neighborhood.

There was additional discussion between the Commissioners and ATTORNEY CURRAN regarding the composition and construction of the block walls, the possibility of installing sidewalks, cab parking, ingress/egress and vehicle repairs.

MR. PAET clarified the recommendation to require the covenant running with the land agreement. MR. CURRAN acknowledged acceptance.

CHAIR TROWBRIDGE declared the Public Hearing closed for Items 19 and 20.

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: SEPTEMBER 10, 2009

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: M. MARGO WHEELER

☐ Consent ☒ Discussion

SUBJECT:

SDR-35195 - SITE DEVELOPMENT PLAN REVIEW RELATED TO VAC-35193 - PUBLIC HEARING - APPLICANT: A CAB TAXI, CO. - OWNER: 4444 SOUTH VALLEY VIEW DRIVE, LLC - Request for a Site Development Plan Review 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 (APN 139-26-201-004), C-M (Commercial/Industrial) Zone, Ward 5 (Barlow)

C.C.: 10/07/2009

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.

0

City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

55

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. Submitted after Final Agenda - Support Postcards

Motion made by BYRON GOYNES to Approve subject to conditions, amending Conditions 8, 19 and 20 and adding the following conditions as read for the record:

8. An Exception from Title 19.12 Landscape and Buffer Standards is hereby approved, to allow 39 overall trees where 75 are required.

PLANNING COMMISSION MEETING OF: SEPTEMBER 10, 2009

19. Construct half-street improvements including appropriate overpaving on Gragson Avenue adjacent to this site concurrent with development of this site other than Tenant Improvements for Building A or Building B. 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.

20. Prior to submittal of construction plans or the issuance of any building or grading permits, whichever may occur first, for any construction other than Tenant Improvements for Building A or Building B, meet with the Flood Control Section of the Department of Public Works for assistance with establishing final grade elevations, drainage patterns, and required flood protection for this site, and comply with the recommendations of the Flood Control Section. Alternatively, a Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any grading or building permits, whichever may occur first, other than Tenant Improvements for Building A or Building B.

A. Submit an Encroachment Agreement for all landscaping and private improvements, if any, in the Gragson Avenue public right-of-way adjacent to this site prior to occupancy of this site.

B. Sign and record a Covenant Running with Land agreement for the possible future installation of sidewalk on Gragson Avenue waived or deferred by this action adjacent to this site prior to occupancy of this site.

Passed For: 5; Against: 0; Abstain: 0; Did Not Vote: 1; Excused: 1

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

Minutes:

See Item 19 for related backup and discussion.



LAS VEGAS CITY COUNCIL

OSCAR B. GOODMAN
MAYOR

GARY REESE
MAYOR PRO TEM

STEVE WOLFSON
LOIS TARKANIAN
STEVEN D. ROSS
RICKI Y. BARLOW
STAVROS S. ANTHONY

ELIZABETH N. FRETWELL
CITY MANAGER



CITY OF LAS VEGAS
400 STEWART AVENUE
LAS VEGAS, NEVADA 89101

VOICE 702.229.6011
TTY 702.386.9108
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October 12, 2009

Mr. Jay Nady
4444 South Valley View Drive, LLC
4444 South Valley View Boulevard
Las Vegas, Nevada 89103

RE: VAC-35193 - VACATION
CITY COUNCIL MEETING OF OCTOBER 7, 2009
RELATED TO SDR-35195

Dear Mr. Nady:

The City Council at a regular meeting held October 7, 2009, APPROVED the Petition 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. The Notice of Final Action was filed with the Las Vegas City Clerk on October 8, 2009. This approval is subject to:

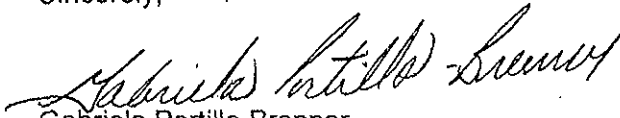
1. The limits of this Petition of Vacation shall be defined as a portion of right-of-way abutting APN #139-26-201-004 such that a minimum 60-foot right-of-way is maintained.
2. All public improvements, if any, adjacent to and in conflict with this vacation application are to be modified, as necessary, at the applicant's expense prior to the recordation of an Order of Vacation.
3. Reservation of easements for the facilities of the various utility companies together with reasonable ingress thereto and egress there from shall be provided if required.
4. All development shall be in conformance with code requirements and design standards of all City Departments.
5. The Order of Vacation shall not be recorded until all of the above conditions have been met provided, however, that conditions requiring modification of public improvements may be fulfilled for purposes of recordation by providing sufficient security for the performance thereof in accordance with the Subdivision Ordinance of the City of Las Vegas. City Staff is empowered to modify this application if necessary because of technical concerns or because of other related review actions as long as current City right-of-way requirements are still complied with and the intent of the vacation application is not changed. If applicable, a five foot wide easement for public streetlight and fire hydrant purposes shall be retained on all vacation actions abutting public street corridors that will remain dedicated and available for public use. Also, if applicable and where needed, public easement

Mr. Jay Nady
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October 12, 2009

corridors and sight visibility or other easements that would/should cross any right-of-way or easement being vacated must be retained.

6. If the Order of Vacation is not recorded within one (1) year after approval by the City of Las Vegas or an Extension of Time is not granted by the Planning Director, then approval will terminate and a new petition must be submitted.

Sincerely,



Gabriela Portillo-Brenner
Deputy City Clerk II for
Beverly K. Bridges, MMC, City Clerk

cc: Ms. Maren Parry
Ballard Spahr Andrews & Ingersoll
100 City Parkway, Suite #1750
Las Vegas, Nevada 89106

Mr. Jay Nady
A Taxi Cab Company
4444 South Valley View Boulevard
Las Vegas, Nevada 89103



CORRECTED LETTER

December 10, 2009

LAS VEGAS CITY COUNCIL

OSCAR B. GOODMAN
MAYOR

GARY REESE
MAYOR PRO TEM

STEVE WOLFSON

LOIS TARKANIAN

STEVEN D. ROSS

RICKI Y. BARLOW

STAVROS S. ANTHONY

ELIZABETH N. FRETWELL
CITY MANAGER



Mr. Jay Nady
4444 South Valley View Drive, LLC
4444 South Valley View Boulevard
Las Vegas, Nevada 89103

RE: SDR-35195 - SITE DEVELOPMENT PLAN REVIEW
CITY COUNCIL MEETING OF OCTOBER 7, 2009
RELATED TO VAC-35193

Dear Mr. Jay Nady:

The City Council at a regular meeting held October 7, 2009, APPROVED the request for a Site Development Plan Review 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 (APN 139-26-201-004), C-M (Commercial/Industrial) Zone. The Notice of Final Action was filed with the Las Vegas City Clerk on October 8, 2009. This approval is subject to:

Added Condition

A. No barbed, razor or concertina wire shall be allowed on site.

Planning and Development

1. Submit an Encroachment Agreement for all landscaping and private improvements, if any, in the Gragson Avenue public right-of-way adjacent to this site prior to occupancy of this site.
2. Deleted at City Council
3. Approval and conformance to the conditions for Vacation (VAC-35193), if approved.

CITY OF LAS VEGAS
400 STEWART AVENUE
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4. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the principal building on the site. An Extension of Time may be filed for consideration by the City of Las Vegas.
5. All development shall be in conformance with the site plan, landscape plan, and building elevations, date stamped 08/03/09, except as amended by conditions herein.
6. The applicant shall obtain all required building permits and final inspections for all buildings/structures on the subject site, prior to occupancy of the structures.
7. A Waiver from Title 19.12 Landscape and Buffer Standards is hereby approved, to allow a six-foot landscape buffer where 15 feet is required adjacent to Gragson Avenue and a zero-foot landscape buffer along the west property line and a zero-foot buffer along a portion of the east property line where eight feet is required along the west and east property lines.
8. Deleted at City Council
9. An Exception from Title 19.10 Landscape and Buffer Standards is hereby approved, to allow zero parking lot fingers where 23 are required.
10. An Exception from Title 19.12 Landscape and Buffer Standards is hereby approved, to allow 39 overall trees where 75 are required.
11. 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.
12. 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.
13. 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).
14. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.

15. All utility boxes exceeding 27 cubic feet in size shall meet the standards of LVMC Title 19.12.040.
16. 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.
17. 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.
18. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

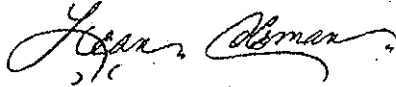
Public Works

19. A Petition of Vacation such as (VAC-35193) shall be recorded prior to the issuance of any permits overlying or abutting the proposed vacated area.
 20. Remove all substandard public street improvements and unused driveway cuts on Searles Avenue adjacent to this site concurrent with development, if any, and replace with new improvements meeting current City Standards.
 21. Construct half-street improvements including appropriate overpaving on Gragson Avenue adjacent to this site concurrent with development of this site other than Tenant Improvements for Building A or Building B. 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.
 22. Prior to submittal of construction plans or the issuance of any building or grading permits, whichever may occur first, for any construction other than Tenant Improvements for Building A or Building B, meet with the Flood Control Section of the Department of Public Works for assistance with establishing final grade elevations, drainage patterns, and required flood protection for this site, and comply with the recommendations of the Flood Control Section. Alternatively, a Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any grading or building permits, whichever may occur first, other than Tenant Improvements for Building A or Building B.
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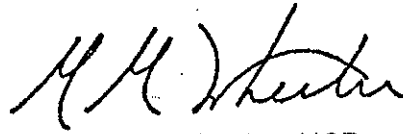
Mr. Jay Nady
SDR-35195 – Page Four
December 10, 2009

23. Deleted at City Council

Sincerely,



Lean Coleman
Deputy City Clerk II for
Beverly K. Bridges, MMC, City Clerk



M. Margo Wheeler, AICP
Director
Planning and Development Department

cc: Ms. Maren Parry
Ballard Spahr Andrews & Ingersoll
100 City Parkway, Suite #1750
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