



City of Las Vegas

Agenda Item No.: 28.

**AGENDA SUMMARY PAGE PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: SEPTEMBER 23, 2010**

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER

☐ Consent ☒ Discussion

SUBJECT: VAR-39148 - VARIANCE - PUBLIC HEARING - APPLICANT: A CAB TAXI COMPANY -
OWNER: FOUR FOURS LLC - Requesting a Variance TO ALLOW A ZERO-FOOT SIDE
YARD SETBACK WHERE EIGHT FEET IS REQUIRED FOR ACCESSORY STRUCTURES
on 1.94 acres at 4000 S. Flamingo Avenue (APN 139-26-207-004), C-M (Commercial/Industrial)
Zone, Ward 5 (Barry) Staff recommends DENIAL.

MAY GO TO CITY COUNCIL ON 10/20/10 OR MAY BE FINAL ACTION
(Unless Appealed Within 10 Days)

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.

0

City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

1

City Council Meeting

0

RECOMMENDATION:

Staff recommends DENIAL.

BACKUP DOCUMENTATION:

1. Location and Aerial Maps - VAR-39148, SUP-39149 and SDR-39147
2. Conditions and Staff Report - VAR-39148, SUP-39149 and SDR-39147
3. Supporting Documentation
4. Photos - VAR-39148, SUP-39149 and SDR-39147
5. Justification Letter - VAR-39148, SUP-39149 and SDR-39147
6. Support Postcard
7. Revised Site/Landscape Plans VAR-39148, SUP-39149 and SDR-39147

Motion made by GLENN TROWBRIDGE to Approve subject to conditions

Passed For: 4; Against: 0; Abstain: 2; Did Not Vote: 0; Excused: 1

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

NOTE: COMMISSIONER QUINN disclosed that her husband worked with ATTORNEY
CURRAN as a consultant, as they have business dealings on this project. Therefore, she
abstained from voting. CHAIR TRUESDELL disclosed that his daughter serves as Chair of the
Nevada Taxicab Authority which regulates this business. In the abundance of caution, he
abstained from voting.

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Minutes:

COMMISSIONER GOYNES declared the Public Hearing open for Items 28-30.

STEVE GEBEKE, Planning and Development, stated that these requests are needed to accommodate proposed modifications to the subject site, which was previously approved as a Taxicab/Limo Yard. The modifications include an increase in the size, the relocation of the building used for auto repairs, the addition of an accessory structure adjacent to the east property line requiring approval of a Variance, the relocation of storage containers resulting in an encroachment into a required setback area requiring approval of a Special Use Permit, and reductions in the width of a perimeter landscaping area along the east perimeter and the number of required perimeter trees for the site. Staff recommended denial of all requests as the applicant has presented no evidence of a unique or extraordinary circumstance pursuant to Title 19.18.070 that would substantiate the requested Variance and the requested waivers and exceptions could be alleviated by an alternative design that would conform to Title 19 requirements. If denied, site development would be allowed only as approved through the previous Site Development Plan Review (SDR-35195). If approved, MR. GEBEKE noted Condition 10 would be deleted and Conditions 4 and 7 would be amended as read, all under Item 30.

ATTORNEY BEN CURRAN, Ben Curran & Associates, 100 City Parkway, appeared on behalf of the applicant and stated that when a previous site plan was approved, the property was zoned appropriately. At that time, they received a lot of support from the residents and he feels that they are providing an appropriate project. The project conforms to the downtown redevelopment plan, with the exception of two issues. They are short on the number of trees but with revisions, there will be a lot of trees on the east side of the property. The second concern raised is the 81 square-foot supervisor's shelter, which allows the cab drivers to download their information to the computer for billing purposes. If it were shaped differently, there would be design flexibility. All minor repairs will be done inside the proposed 5,000 square-foot building.

TODD FARLOW, Las Vegas resident, verified with ATTORNEY CURRAN that the additional area shown on the plan is a landscaping property that his client has tried to purchase to no avail. Regarding the chain link fence, ATTORNEY CURRAN explained that when his client obtained the property there was wiring along the west property line which has since been removed.

COMMISSIONER TROWBRIDGE noted that the parcel has been vacant for several years and it needs to be treated as an infill project. This project will be a tax generating business, which is desperately needed. The lack of landscaping and the setback variance are of no real concern. The expansion of the building to accommodate indoor maintenance rather than outdoor should be approved. The storage containers are a creative use of building materials. The rendering showed the edge of the parcel on Searles Avenue fairly heavily landscaped and the eastern side of the parcel has the additional landscaping.

COMMISSIONER EVANS discussed with ATTORNEY CURRAN that they are providing 24 trees where 37 were required, and these are in the interior of the project that will not be visible from the street. The property on the north side is parking for Channel 3 and on the south side is a

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car museum, and the surrounding properties support the project. The Commissioner indicated that sufficient amount of landscaping is being provided with no detriment to the surrounding businesses and community. However, the issue is the reduced number of trees which creates more heat. He asked if there were any thoughts on shade canopies. ATTORNEY CURRAN responded they have installed a fabric-type canopy to cover the vehicles but due to the shape of the property, it would be hard to manipulate the cars around more trees. COMMISSIONER WOODY echoed COMMISSIONER EVAN'S comments and added that it may be insignificant to go from 37 to 24 for this season, but it might create a problem for other projects. Although, many will not be able to see the beautiful landscaping, there are benefits to having such landscaping.

COMMISSIONER TROWBRIDGE pointed out that heat islands fall into the category of environmental issues as does the water consumption. A project of this size becomes subservient to the water consumption. Water is necessary for the survival of the trees but also for the existence of the birds, and causes the vehicles to have to be washed far more frequently. COMMISSIONER EVAN'S disagreed that this community has many trees. Lower temperature creates lower water usage for turf, trees, etc. This project is isolated and not in the public right-of-way and can be accommodated. He agreed that by itself, it probably is not so egregious but when multiplied, then there is a big issue. Additionally, there has not been regulation of water usage of existing trees and it is hard to see that they are dying because the turf has been removed. The applicant makes a good point but a precedent should be set where other applicants might want to minimize what the Code requires.

COMMISSIONER GOYNES noted that the applicant committed to 24 trees. He visited the site and on the south side, the Housing Authority actually cut their trees which took away from the area. The Commissioner clarified with MR. RANKIN that building permits have not been obtained for all structures as required from the previous site plan. The paint booth was constructed without permits, and he is not certain about the status of those permits. COMMISSIONER GOYNES remarked that the paint booth is a pre-fabricated building and the applicant informed him he would obtain the permits. ATTORNEY CURRAN stated that his client received contradicting information from the Building Department and Planning Department.

COMMISSIONER GOYNES stated that the structure is of metal material with a blower on the side. The applicant is not doing major repairs on site and oil changes are conducted off site. The applicant moved shipping containers inward from the rear fence but now it has created an alley way for trash collector. The applicant agreed to improve the fence to the west. A wall will be constructed on the south side to match materials similar to the building across the street to help the aesthetics of this corridor. The sidewalk will be significantly wider than the sidewalk to the east. ATTORNEY CURRAN clarified that the containers will remain where they are located, but the wall will be constructed towards the front of the sidewalks.

COMMISSIONER GOYNES would prefer that the applicant address the landscaping issue prior to City Council. Gragson Avenue is a picturesque street and he believes with the width of this



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sidewalk, there is room for additional planters, not necessarily large trees.

COMMISSIONER EVANS remarked that this site has history as it was previously part of the Grant Sawyer Building and before then a park.

COMMISSIONER GOYNES declared the Public Hearing closed for Items 28-30.