



## AGENDA MEMO

**PLANNING COMMISSION MEETING DATE: SEPTEMBER 23, 2010**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: APPLICANT: A CAB TAXI COMPANY - OWNER: FOUR  
FOURS, LLC**

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

| <i>CASE<br/>NUMBER</i> | <i>RECOMMENDATION</i>                                       | <i>REQUIRED FOR<br/>APPROVAL</i> |
|------------------------|-------------------------------------------------------------|----------------------------------|
| <b>VAR-39148</b>       | Staff recommends DENIAL, if approved subject to conditions: |                                  |
| <b>SUP-39149</b>       | Staff recommends DENIAL, if approved subject to conditions: | VAR-39148                        |
| <b>SDR-39147</b>       | Staff recommends DENIAL, if approved subject to conditions: | VAR-39148<br>SUP-39149           |

### \*\* CONDITIONS \*\*

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## VAR-39148 CONDITIONS

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### *Planning and Development*

- 1.Approval of and conformance to the Conditions of Approval for Special Use Permit (SUP-39149) and Site Development Plan Review (SDR-39147) shall be required, if approved.
- 2.This approval shall be void two years from the date of final approval, unless a final inspection has been completed. An Extension of Time may be filed for consideration by the City of Las Vegas.
- 3.Prior to occupancy, all necessary building permits shall be obtained and final inspections shall be completed in compliance with Title 19 and all codes as required by the Building and Safety Department.
- 4.These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
- 5.All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

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## SUP-39149 CONDITIONS

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### Planning and Development

1. Conformance to all Minimum Requirements under LVMC Title 19.04.010 for the Outdoor Storage, Accessory use.
2. Approval of and conformance to the Conditions of Approval for Variance (VAR-39148) and Site Development Plan Review (SDR-39147) shall be required.
3. This approval shall be void two years from the date of final approval, unless a final inspection has been completed. An Extension of Time may be filed for consideration by the City of Las Vegas.
4. Prior to occupancy, all necessary building permits shall be obtained and final inspections shall be completed in compliance with Title 19 and all codes as required by the Building and Safety Department.
5. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
6. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

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## SDR-39147 CONDITIONS

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### Planning and Development

1. Approval of and conformance to the Conditions of Approval for Variance (VAR-39148) and Special Use Permit (SUP-39149) shall be required, if approved.
2. Conformance to the approved conditions for Site Development Plan Review (SDR-35195), except as amended herein.
3. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the auto repair garage building on the site. An Extension of Time may be filed for consideration by the City of Las Vegas.

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4. All development shall be in conformance with the site plan and landscape plan, date stamped 08/24/10 and building elevations, date stamped 08/10/10, except as amended by conditions herein.
5. A Waiver from Title 19.12.040 is hereby approved, to allow a zero-foot perimeter landscape buffer along a portion of the east property line where eight feet is required.
6. An Exception from Title 19.12.040(B) is hereby approved, to allow 24 trees within perimeter landscape buffers where 37 trees were approved by SDR-35195.
7. Any changes based upon right-of-way, traffic or drainage studies or street improvements required by the city or public utilities shall not reduce the widths of perimeter landscape buffers, height of walls or quantities of plant materials from that on submitted landscape plans date stamped 08/24/10. Any changes based upon subsequently submitted studies must be accommodated elsewhere on the site.
8. Prior to occupancy, all necessary building permits shall be obtained and final inspections shall be completed in compliance with Title 19 and all codes as required by the Building and Safety Department.
9. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
10. A revised site plan shall be submitted to and approved by the Planning and Development Department, prior to the issuance of a building permit, to extend the sidewalk adjacent to Gragson Avenue to abut the proposed wall along the south property line.
11. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

**Public Works**

12. Prior to submittal of construction plans or the issuance of any building or grading permits for amendments to this Site Plan, whichever may occur first, 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.
13. Site development to comply with all applicable conditions of approval for Site Development Plan Review SDR-35195 and all other subsequent site-related actions.

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

**PROJECT DESCRIPTION**

The site is currently approved for a Taxicab/Limo Yard with a 4,400 square-foot existing office, 1,100 square-foot existing storage building, 300 square-foot existing paint spray booth and a proposed 3,000 square-foot auto maintenance facility. The remainder of the site consists of parking and outside storage containers along the north, south and west perimeters of the site. As part of a request for a Major Amendment to the approved Site Development Plan Review (SDR-35195), the applicant proposes to increase the approved auto maintenance facility from a 30-foot tall, single story 3,000 square-foot building to a 29-foot, two-story 5,000 square-foot facility and move it 76 feet to the north. In addition, a nine-foot by nine-foot supervisor office has been located along the east property line. The applicant also proposes to shift existing storage containers to form a wall along the north side of the site from the west property line to the east. Existing containers along the south property line will be removed from the site. Self-imposed deviations from Title 19 exceeding the approved Site Development Plan Review (SDR-35195) will require an additional variance, waiver, exception and Special Use Permit. Staff recommends denial, as the applicant has provided no evidence of unique or extraordinary circumstances pursuant to Title 19.18.070 that would substantiate the required variance, and the additional waiver, exception and Special Use Permit requested will not be compatible with the adjacent commercial and residential land uses. If denied, the site will remain as previously approved.

**ISSUES**

- A Special Use Permit for the Outdoor Storage, Accessory use on this site is required because a minimum use condition disallowing storage within required setbacks or buffer yards cannot be met. The applicant proposes that storage containers be located within the west side yard.
- Prior to approval of a Major Amendment to the previously approved Site Development Plan Review, a Variance from Title 19.08.050 is required to allow a zero-foot setback from the east property line where eight feet is required for an existing 81 square-foot accessory building.
- Waivers of Title 19.12.040 are required to allow a zero-foot perimeter landscape buffer for a portion of the east property line where eight feet is required and along the south property line where six feet is required. The City Council approved a previous waiver of this standard through SDR-35195; however, this current request is beyond the scope of that waiver, and buffering will be further reduced along the east property line than was previously approved.
- Permits have not been obtained for the existing 81 square-foot supervisor office. Permits and inspections will be required prior to occupancy of any new buildings.

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**BACKGROUND INFORMATION**

| <i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc</i> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|-------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 05/21/03                                                          | The City Council approved a General Plan Amendment (GPA-2249) to amend the Southeast Sector Plan by adopting the Downtown North Land Use Plan. The Planning Commission and staff recommended approval.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 05/17/06                                                          | The City Council approved a General Plan Amendment (GPA-9219) changing the future land use designation to Industrial on this property as part of an update to the Las Vegas Redevelopment Plan. The Planning Commission and staff recommended approval.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 06/18/09                                                          | Code Enforcement processed a complaint (79197) that electrical, plumbing and concrete work was being done without a permit at 1500 Searles Avenue. Code Enforcement closed the case on 02/10/10.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 10/07/09                                                          | The City Council approved a Petition to Vacate (VAC-35193) 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 Planning Commission recommended approval. Staff recommended denial. The Order of Vacation, which only included 2,305 square feet of public right-of-way, was recorded 12/30/09.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| 10/07/09                                                          | The City Council approved 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. The Planning Commission recommended approval. Staff recommended denial. As conditions of the City Council's approval, no barbed wire was to be allowed on site and the waiver of the requirement for a sidewalk along Gragson Avenue was deleted. |
| 04/20/10                                                          | Code Enforcement processed a complaint (89642) that a taxicab company is working on its own vehicles without a license and sending out vehicles without seatbelts and license plates at 1500 Searles Avenue. Code Enforcement resolved the case on 04/22/10, determining that this was not a Code Enforcement issue.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 08/26/10                                                          | The Planning Commission accepted the applicant's request to withdraw a request for a Major Amendment (SDR-37613) to a previously approved Site Development Plan Review (SDR-35195) 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 a buffer width of zero feet along the east perimeter where eight feet was previously approved and to allow eight perimeter trees where 39 trees were previously approved on 1.89 acres at 1500 Searles Avenue. Staff had recommended denial.                                                                                                                                                                                                                                                                                                             |

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| <b><i>Most Recent Change of Ownership</i></b> |                                                                            |
|-----------------------------------------------|----------------------------------------------------------------------------|
| 08/07/08                                      | A deed was recorded for a change in ownership.                             |
| 12/29/09                                      | A deed was recorded for a change in name but retaining the same ownership. |

| <b><i>Related Building Permits/Business Licenses</i></b> |                                                                                                                                                                                                                                |
|----------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 12/28/61                                                 | A building permit (#7174) was issued for an office building and storage building at 1500 Searles Avenue. A final inspection was approved on 05/09/62.                                                                          |
| 04/30/63                                                 | A building permit (#19801) was issued for a 1,024 square-foot service garage at 1500 Searles Avenue. A final inspection was approved on 11/04/64.                                                                              |
| 07/30/73                                                 | A building permit (#12364) was issued for a loading dock at 1500 Searles Avenue.                                                                                                                                               |
| 12/01/83                                                 | A building permit (#4641) was issued for a single-faced electric freestanding sign on the interior of the site at 1500 Searles Avenue. A final inspection was approved on 01/27/84.                                            |
| Pre-1993                                                 | A business license (I02-00081) was issued for product delivery at 1500 Searles Avenue. The license was marked out of business on 06/01/09.                                                                                     |
| 03/02/93                                                 | A business license (D01-00001) was issued for dairy products and sales at 1500 Searles Avenue after this business changed ownership. The original license pre-dated 1993. This license was marked out of business on 10/18/07. |
| 03/05/02                                                 | A building permit (#02003896) was issued for replacement of a four-inch sewer line at 1500 Searles Avenue. A final inspection was completed on 03/06/02.                                                                       |
| 10/09/09                                                 | A building permit (146417) was issued for a tenant improvement remodel for certificate of occupancy for a 4,400 square-foot building at 1500 Searles Avenue. A final inspection was completed on 02/11/10.                     |
| 10/09/09                                                 | A building permit (149327) was issued for demolition work at 1500 Searles Avenue. A final inspection was completed on 10/28/09.                                                                                                |
| 01/05/10                                                 | A building permit (154090) was issued for installation of low voltage electrical with conduit for data transmission at 1500 Searles Avenue. A final inspection was completed on 01/20/10.                                      |
| 08/05/10                                                 | An application for a building permit (169266) was submitted for a 10-foot combined retaining and screen wall along the south property line at 1500 Searles Avenue. The permit has not yet been issued.                         |
| 08/05/10                                                 | An application for a building permit (169262) was submitted for existing paint mixing and spray booths at 1500 Searles Avenue. This permit has not been issued and is pending approval of SDR-39147.                           |

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| <b><i>Pre-Application Meeting</i></b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|---------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 07/20/10                              | <p>A pre-application meeting was held with the applicant's representative. The following issues were discussed:</p> <ul style="list-style-type: none"> <li>• Submittal requirements for a Major Amendment to the approved Site Development Plan Review, a Variance for accessory building setback and a Special Use Permit to allow Outdoor Storage within required setback and buffer yards.</li> <li>• Unless the proposed wall along the south property line meets Title 19.12.075 requirements, a Variance will be required.</li> <li>• Barbed and concertina wire shall be removed from the site per condition of approval of SDR-35195. Chain link gates at the two access points of the site are expected to remain.</li> <li>• A new plan was discussed in which an accessory check-in supervisor booth would be placed along the east property line, requiring a setback variance.</li> <li>• The wall along the east property line was constructed by the property to the east and will remain.</li> <li>• The landscape buffer along the east property line would be reduced further from the approved landscape plan; this will require a waiver of Title 19.12.</li> <li>• The City Council struck the previous request for a waiver of sidewalk requirements along Gragson Avenue; however, the new sidewalk will either need to span the full distance from the curb to the proposed wall or the area in front of the wall, if wide enough, should contain decomposed granite and/or shrubs.</li> <li>• Replacement of palm trees in the parking lot planter islands with shade trees.</li> </ul> |

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

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| <b>Field Check</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|--------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 08/19/10           | <p>A field check was performed at the site, where the following items were noted:</p> <ul style="list-style-type: none"> <li>• Storage containers exist along the north and south perimeters and within the interior of the subject site.</li> <li>• The site is surrounded by chain link fencing with the exception of the south perimeter; however, a portion of the chain link fencing along the east side has been dismantled. Barbed wire along the property lines and gates has been removed.</li> <li>• Along the south property line, the site is at a lower grade than Gragson Avenue.</li> <li>• There is little or no landscaping along rights-of-way.</li> <li>• A series of telephone poles are located along the east property line.</li> </ul> |

| <b>Details of Application Request</b> |      |
|---------------------------------------|------|
| <b>Site Area</b>                      |      |
| Net Acres                             | 1.94 |

| <b>Surrounding Property</b> | <b>Existing Land Use Per Title 19.04</b>            | <b>Planned or Special Land Use Designation</b> | <b>Existing Zoning District</b>  |
|-----------------------------|-----------------------------------------------------|------------------------------------------------|----------------------------------|
| Subject Property            | Taxicab/Limo Yard                                   | LI/R (Light Industry/Research)                 | C-M (Commercial/Industrial)      |
| North                       | TV Broadcasting & Other Communication Service       | LI/R (Light Industry/Research)                 | C-M (Commercial/Industrial)      |
| South                       | Museum (Private)                                    | C (Commercial)                                 | C-1 (Limited Commercial)         |
| East                        | Multi-Family Residential (apartments)               | ML (Medium Low Density Residential)            | R-3 (Medium Density Residential) |
| West                        | Museum (Private)                                    | LI/R (Light Industry/Research)                 | C-M (Commercial/Industrial)      |
|                             | Building Maintenance Service and Sales              | LI/R (Light Industry/Research)                 | C-M (Commercial/Industrial)      |
|                             | Commercial, Other than listed (Armored Car Service) | LI/R (Light Industry/Research)                 | C-M (Commercial/Industrial)      |

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| <b>Master Plan Areas</b>                          | <b>Yes</b> | <b>No</b> | <b>Compliance</b> |
|---------------------------------------------------|------------|-----------|-------------------|
| <b>Master Plan Area</b>                           |            |           |                   |
| Downtown North Plan                               | X          |           | Y                 |
| <b>Special Purpose and Overlay Districts</b>      | <b>Yes</b> | <b>No</b> | <b>Compliance</b> |
| <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>Las Vegas Redevelopment Plan Area</b>          | X          |           | Y                 |
| <b>Development Impact Notification Assessment</b> |            | X         | N/A               |
| <b>Project of Regional Significance</b>           |            | X         | N/A               |

## DEVELOPMENT STANDARDS

| <b>Standard/Requirement</b>            | <b>Previously Approved (SDR-35195)</b>                                         | <b>Proposed (SDR-39147)</b>               | <b>Change</b>           |
|----------------------------------------|--------------------------------------------------------------------------------|-------------------------------------------|-------------------------|
| Lot size                               | 82,283 SF                                                                      | 84,588 SF                                 | 2,305 SF                |
| Building size                          | 8,800 SF                                                                       | 10,800 SF                                 | 2,000 SF                |
| Lot coverage (N/A)                     | 10.7%                                                                          | 12.8%                                     | 2.1%                    |
| Wall height (10' max)                  | 8 feet along north and south property lines                                    | 8 feet along north<br>10 feet along south | 0 feet N<br>2 feet S    |
| Parking Required                       | 66 employees on largest shift;<br>67 taxis at maximum capacity<br>(133 spaces) | 133 spaces                                | None                    |
| Parking Provided                       | 66 employees on largest shift;<br>67 taxis at maximum capacity<br>(133 spaces) | 133 spaces                                | None                    |
| Height of new Building 'C'             | 30 feet                                                                        | 29 feet                                   | -1 foot                 |
| <b>Setbacks (Building 'A')</b>         |                                                                                |                                           |                         |
| • Front (north PL) – 10'               | 277 feet                                                                       | 277 feet                                  | None                    |
| • Side (west PL) – 10'                 | 36 feet                                                                        | 36 feet                                   | None                    |
| • Side (east PL) – 10'                 | 44 feet                                                                        | 44 feet                                   | None                    |
| • Rear (south PL) – 20'                | 168 feet                                                                       | 149 feet                                  | -19 feet                |
| <b>Setbacks (Accessory Structures)</b> |                                                                                |                                           |                         |
| • Front (north PL) – 10'               | 395 feet                                                                       | 204 feet                                  | -191 feet               |
| • Side (west PL) – 8'                  | 8 feet                                                                         | 10 feet                                   | 2 feet                  |
| • Side (east PL) – 8'                  | 32 feet                                                                        | 0 feet                                    | -32 feet<br>(100% dev.) |
| • Rear (south PL) – 8'                 | 8 feet                                                                         | 11 feet                                   | 3 feet                  |

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| Perimeter landscape buffers                 |                                                        |                                                              |                      |
|---------------------------------------------|--------------------------------------------------------|--------------------------------------------------------------|----------------------|
| • North – 10'                               | 10 feet                                                | 10 feet                                                      | None                 |
| • South – 15'                               | 6 feet                                                 | 0 feet                                                       | -6 feet (100% dev.)  |
| • East – 8'                                 | 0 feet (portion) 472 feet provided                     | 0 feet (portion) 133 feet provided                           | -339 feet (72% dev.) |
| • West – 8'                                 | 0 feet                                                 | 0 feet                                                       | None                 |
| Sidewalk along Gragson Avenue               | 6 feet                                                 | 5 feet                                                       | -1 foot              |
| Parking lot trees                           | Exception to allow 0 trees where 23 trees are required | Exception to allow 7 shade trees where 23 trees are required | 7 trees/islands      |
| Perimeter buffer trees<br>75 trees required | Exception to allow 37 trees                            | Exception to allow 24 trees                                  | -13 trees (35% dev.) |
| Storage containers                          | 8-foot setback from side PL                            | 0-foot setback                                               | -8 feet (100% dev.)  |

| Functional Classification of Street(s) | Governing Document | Street Width (Feet) | Compliance with Street Section |
|----------------------------------------|--------------------|---------------------|--------------------------------|
| <i>Searles Avenue – Collector</i>      | N/A                | 60                  | N/A                            |
| <i>Gragson Avenue – Collector</i>      | N/A                | 60                  | N/A                            |

Pursuant to Title 19.04 and 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 on largest shift;<br>67 taxis at maximum capacity | One space per employee plus one space per taxi | 133     |              | 133     |              | Y |
| TOTAL SPACES REQUIRED                |                                                                |                                                | 133     |              | 133     |              | Y |
| Compact Spaces (max. 30%)            |                                                                |                                                | 40      |              | 37      |              | Y |
| Regular and Handicap Spaces Required |                                                                |                                                | 128     | 5            | 128     | 5            | Y |

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| <b><i>Waivers</i></b>                                                                                                                  |                                                                                                                                |                                    |
|----------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------|------------------------------------|
| <b><i>Requirement</i></b>                                                                                                              | <b><i>Request</i></b>                                                                                                          | <b><i>Staff Recommendation</i></b> |
| <u>LVMC 19.12.040(A)</u> : Perimeter Landscape Buffer – 8 feet along interior property lines                                           | To allow zero feet along a 377-foot portion of the east perimeter where a 38-foot portion was previously approved at zero feet | Denial                             |
| <u>LVMC 19.12.040(A)</u> : Perimeter Landscape Buffer – 8 feet along interior property lines (waiver for 6 feet approved by SDR-35195) | To allow zero feet                                                                                                             | Denial                             |

| <b><i>Exceptions</i></b>                                                           |                       |                                    |
|------------------------------------------------------------------------------------|-----------------------|------------------------------------|
| <b><i>Requirement</i></b>                                                          | <b><i>Request</i></b> | <b><i>Staff Recommendation</i></b> |
| <u>LVMC 19.12.040(B)</u> : Perimeter tree spacing – 37 trees approved by SDR-35195 | To allow 24 trees     | Denial                             |

## **ANALYSIS**

The site is located within the Downtown North Land Use Plan area. The site is also located within the Downtown Redevelopment Area, which designates this site as appropriate for industrial land uses. The Taxicab/Limo Yard use is a permitted use within the C-M (Commercial/Industrial) zoning district, which conforms to the LI/R (Light Industry/Research) land use category. The Land Use Plan Strategy outlined in the Downtown North Land Use Plan emphasizes enhancement of existing commercial properties through the implementation of commercial design standards. In the absence of specific design standards for the Downtown North area, Title 19 development standards will be used to evaluate commercial properties.

An Order of Vacation was recorded in December 2009 that added 2,305 square feet of existing right-of-way in Gragson Avenue to the existing 82,283 square-foot lot. This ensured that existing construction within that portion of right-of-way would be located completely on private property. The grade of the property adjacent to Gragson Avenue is lower than the current right-of-way. In order to adequately screen and protect the property, the applicant has proposed a maximum 10-foot tall decorative block wall spanning the length of the south property line. The

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wall meets Title 19.12 retaining, screening and design standards. The sidewalk that was required by the City Council as part of the approval of SDR-35195 is depicted as five feet wide and between one to four feet from the proposed wall. It is recommended that the sidewalk be extended onto the site up to the proposed wall to eliminate the creation of a narrow zone where landscaping cannot survive and hardscaping such as decomposed granite would create maintenance problems. A condition of approval addresses this issue.

The originally approved site plan showed four existing 320 square-foot storage containers on the north side of the site. The amended plan shows three such containers extending from the west property line to the site's north entrance. Accessory Outdoor Storage is a conditional use in a C-M (Commercial/Industrial) zoning district; however, a Special Use Permit is required to allow this configuration of containers, as a Title 19.04 minimum use requirement prohibits all outdoor storage located within required setbacks or buffer yards. Title 19.04 also limits outdoor accessory storage to five percent of the total lot area. Four other shipping containers are located on the site adjacent to the proposed auto repair garage. The total outdoor storage area would increase from 1,280 square feet to 2,240 square feet, still less than the maximum five percent allowed. The shipping containers will be screened by a proposed eight-foot decorative block wall behind the required 10-foot landscape buffer along the north property line. Per Title 19.04, no screening is required from the adjacent C-M-zoned property. The existing approved chain link fence along the west property line will remain. However, all barbed wire has been removed from this fence and all other sections of chain link fencing throughout the property. Staff recommends denial of the Special Use Permit, as it supports Title 19.04 requirements and the encroachment in the side yard is not compatible with the uses on the adjacent property to the west.

The site plan as amended either meets Title 19 development standards or adheres to the previously approved plan, with the exception of an 81 square-foot supervisor office that is proposed to be located along the east property line. Title 19.08 requires accessory structures in a C-M zone to be at least eight feet from the side property line. The request represents a 100 percent deviation from the standard. Because the hardship due to the code requirement is self-imposed, staff recommends denial of the associated Variance (VAR-39148) request.

The amended site plan contains some minor changes from the approved plan. Although the number of parking spaces required and provided have not changed, the location of several of the spaces has shifted. The employee parking area in the center of the site will be covered by a canopy. The trash enclosure has moved from the west property line to a place south of the existing outdoor shipping containers. The proposed auto repair garage (Building 'C') has moved 76 feet to the north. The canopy that had covered the garage and the existing spray booths has been removed. The booths have also shifted slightly from their original positions. These changes are allowed by and compliant with Title 19.

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The applicant has requested waivers of perimeter landscape buffer standards along the east and south property lines. A Waiver had been granted through SDR-35195 to allow zero feet of buffer along a portion of the east property line where eight feet was required; however, the new request is beyond the scope of that waiver, as the buffer is proposed to be further reduced along the east property line than was previously approved to allow for parking and placement of the proposed supervisor office. The proposed landscaping does not provide the buffering required for commercial properties adjacent to a residential use. The waiver along the south property line would reduce the previously approved six-foot buffer to zero feet to allow for parking of taxicabs. Staff supports Title 19.12 buffer requirements and does not support the placement of the supervisor office in the proposed location. Therefore, denial of the waivers is recommended.

The exception of Title 19.12 tree spacing requirements is the result of the proposed further reduction of landscape buffer area along the east property line; therefore, staff recommends denial. The reduction in the number of trees is a 35 percent deviation from the amount approved by SDR-35195. There is no exception for parking lot landscaping, as the site was previously approved for zero trees and islands, and the applicant is adding seven trees and islands with this request.

The proposed accessory auto repair garage consists of the same materials as previously approved (painted metal siding), but the height has decreased approximately 1.5 feet from the previously approved structure and it contains a flat, rather than sloped, roof. The large canopy has been removed and there are now two 10-foot tall roll-up bay doors on the east elevation where three 16-foot doors had been approved on the north elevation. Though the proposed building is of similar height to the approved structure, a second floor is proposed for storage purposes. An open floor plan is proposed, similar to the previously approved garage floor plan. The structure is proposed to be shifted 76 feet north of its previous location. The result of this arrangement is a more compact and aesthetically superior building.

### **FINDINGS (VAR-39148)**

In accordance with the provisions of Title 19.18.070(B), Planning Commission and City Council, in considering the merits of a Variance request, shall not grant a Variance in order to:

1. Permit a use in a zoning district in which the use is not allowed;
2. Vary any minimum spacing requirement between uses;
3. Relieve a hardship which is solely personal, self-created or financial in nature.”

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Additionally, Title 19.18.070(L) states:

“Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property, a variance from that strict application may be granted so as to relieve the difficulties or hardship, if the relief may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources and without substantially impairing the intent and purpose of any ordinance or resolution.”

No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship by constructing an accessory structure on the east property line without a building permit. Moving the structure out of the eight-foot side yard would allow conformance to the Title 19 requirements. In view of the absence of any hardships imposed by the site’s physical characteristics, it is concluded that the applicant’s hardship is preferential in nature, and it is thereby outside the realm of NRS Chapter 278 for granting of Variances.

### **FINDINGS (SUP-39149)**

In order to approve a Special Use Permit application, per Title 19.18.060 the Planning Commission and City Council must affirm the following:

**1.The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.**

The Outdoor Storage, Accessory use can be conducted in a way that is harmonious and compatible with the neighboring properties; however, the encroachment of outdoor shipping containers into the side yard adjacent to the west property line as proposed creates the possibility of a nuisance to the adjoining property and the use is therefore made incompatible.

**2.The subject site is physically suitable for the type and intensity of land use proposed.**

There is adequate space on the site for storage. Less than three percent of the site is proposed to be occupied by the Outdoor Storage, Accessory use. The site is zoned C-M (Commercial/Industrial), which allows this use within certain parameters.

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**3. Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.**

Both Gragson Avenue and Searles Avenue are 60-foot rights-of-way, and are adequate for the primary use, which is for a Taxicab/Limo Yard. These streets are also adequate for any needs concerning the Outdoor Storage, Accessory use.

**4. Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.**

Location of the proposed storage within required setbacks and buffer yards may compromise the health and safety of the public; this proposal defeats the purpose of setbacks.

**5. The use meets all of the applicable conditions per Title 19.04.**

The proposed use cannot meet a condition that requires all storage to be located outside of required setbacks or buffer yards. Failure to meet this condition requires approval of a Special Use Permit to conduct the use. The proposal conforms to all other applicable conditions of the use.

**FINDINGS (SDR-39147)**

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 applicant proposes to place storage and a small office structure along the west and east property lines, as well as reduce required landscape buffer areas from residential property, thereby reducing the amount of landscaping overall.

**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 as amended does not meet Title 19.08.050 accessory setback standards for commercial properties, nor does it adhere to Title 19.12 landscape buffer zone or tree spacing standards. A Special Use Permit is required for the Outdoor Storage, Accessory use, as storage containers are not proposed to be located within side yard buffers as required by Title 19.04. The use is compatible with the LI/R (Light Industry/Research) land use designation of the Las Vegas Redevelopment Plan Area. The proposed supervisor building, which has already been added to the site, has not yet been permitted by the Department of Building and Safety.

**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. Existing gates restrict traffic from entering the site during non-business hours. Traffic in the area should not be negatively impacted.

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

Building materials are typical for industrial accessory structures, which are appropriate in this area of the city. The proposed landscape materials are appropriate for this area, but are insufficient in number to adequately buffer this property from neighboring parcels. The applicant is requesting a number of Waivers and Exceptions of Title 19.12 and 19.10.

**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;**

Although building materials are acceptable for the type of development, the proposed auto repair garage building will not be aesthetically compatible with the other existing buildings on the site. Outdoor storage areas will be screened from view of the adjoining residential property and from public rights-of-way.

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

Several buildings are still in need of building permits or are in the process of being permitted. As a condition of approval, all necessary building permits shall be obtained and final inspections shall be completed in compliance with Title 19 and all codes as required by the Building and Safety Department in order to ensure the public health, safety and welfare.

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**NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 13

**NOTICES MAILED** 76

**APPROVALS** 1

**PROTESTS** 0