



*City of Las Vegas*

Agenda Item No.: 45.

**AGENDA SUMMARY PAGE PLANNING & DEVELOPMENT  
PLANNING COMMISSION MEETING OF: OCTOBER 21, 2010**

DEPARTMENT: PLANNING & DEVELOPMENT  
DIRECTOR: M. MARGO WHEELER

Consent  Discussion

**SUBJECT:**  
VAR-39099 - VARIANCE - PUBLIC HEARING - APPLICANT/OWNER: CLARK COUNTY LEGAL SERVICES PROGRAM - Request for a Variance TO ALLOW ZERO PARKING SPACES WHERE 18 PARKING SPACES ARE REQUIRED on 0.71 acres at 721 East Charleston Boulevard (PNS# 39-39410-244 and 245), C-1 (Limited Commercial) Zone, Ward 3 (Re-use). Staff recommends DENIAL.

**P.C. FINAL ACTION (Unless Appealed Within 10 Days)**

**PROTESTS RECEIVED BEFORE:**

**APPROVALS RECEIVED BEFORE:**

<b>Planning Commission Mtg.</b>	<b>4</b>	<b>Planning Commission Mtg.</b>	<b>2</b>
<b>City Council Meeting</b>	<b>0</b>	<b>City Council Meeting</b>	<b>0</b>

**RECOMMENDATION:**

Staff recommends DENIAL.

**BACKUP DOCUMENTATION:**

1. Location and Aerial Maps - VAR-39099, VAR-39100 and SDR-39098
2. Conditions and Staff Report - VAR-39099, VAR-39100 and SDR-39098
3. Supporting Documentation
4. Photos - VAR-39099, VAR-39100 and SDR-39098
5. Justification Letter - VAR-39099, VAR-39100 and SDR-39098
6. Protest/Support Postcard - VAR-39099 and VAR-39100
7. Recordation Notices of Planning Commission Action and Conditions of Approval for VAR-39099, VAR-39100, SDR-39098, VAR-39458 and SDR-39457
8. Submitted at Meeting Projects Comparison and Proposed Condition to SDR-39098 by Attorney Russell Rowe for Items VAR-39099, VAR-39100, SDR-39098, VAR-39458 and SDR-39457

Motion made by STEVEN EVANS to Approve subject to conditions

Passed For: 6; Against: 0; Abstain: 1; Did Not Vote: 0; Excused: 0  
GUS FLANGAS, GLENN TROWBRIDGE, RICHARD TRUESDELL, STEVEN EVANS, BYRON GOYNES, TODD L. MOODY; (Against-None); (Abstain-VICKI QUINN); (Did Not Vote-None); (Excused-None)

NOTE: COMMISSIONER QUINN disclosed that she would have to abstain because she is a court-appointed advocate for ASSEMBLYWOMAN BARBARA BUCKLEY'S program for foster children and her husband has done some work for her.

## PLANNING COMMISSION MEETING OF: OCTOBER 21, 2010

Minutes:

CHAIR TRUESDELL declared the Public Hearing open for Items 45-49.

Regarding Items 45-47, DOUG RANKIN, Planning and Development, reported that Phase I does not include any parking and requires a parking variance. Additionally, there is a variance for setbacks of the east, west and south sides of the building. Waivers are also being requested to reduce or eliminate the required landscape buffers. This project is currently overbuilt for the parcel. Phase II is also being submitted and includes 92 space parking garage. There is no timetable provided, nor any guarantee that it will be built. If the project is approved as presented, there is a possibility that no parking will be provided. The proposed office building is not consistent with Title 19. Staff recommends denial.

With respect to Items 48 and 49, MR. RANKIN indicated it entails Phase II and the destruction of the existing office building and the construction of a three-story, 92-space parking garage. It will require the two parcels be mapped into one, a variance for setbacks and lot coverage, as well as waivers to the landscape buffer requirements. The project does not conform to Title 19 requirements. Staff is recommending denial.

ATTORNEY RUSSELL ROWE, 10700 West Charleston Avenue, appeared representing Legal Aid Center of Southern Nevada, a non-profit organization devoted to providing free or low-cost legal services to local residents. He indicated that this project was presented to the Commission two years ago as one project and was placed at the request of staff. He submitted a Project Comparison Table, which is now part of the backup documentation, so that the Commissioners could see how the project has diminished in waiver, variance, height, square footage, etc. He noted that in every respect the standards of this project are better than the standards approved two years ago.

ATTORNEY ROWE indicated that the only remaining issue of concern is that two separate applications were submitted, but, he reiterated, it was done at the request of staff. The concern is that the office building will be constructed and not the parking garage, as part of Phase II. But he assured the Commissioners that that will not happen, and that the entire project will be financed as one. Already the applicant has attained \$9 million of the \$12.5 million cost of the project. He offered to agree to a condition that proof of financing will be provided prior to issuance of any building permits. He noted that the parking is necessary for those clients that come by vehicle.

During construction of the parking garage, several locations have been identified for temporary parking, such as US Bank, and the old FBI building, through an agreement.

BRIAN BERMAN said his property is the most affected by this project, and he fully supports legal services and regards this proposal as a needed development, for which the very competent developer, Martin Harris, has been contracted. His initial concern of sufficient landscaping for the parking garage was addressed by the applicant.

TODD FARLOW, Las Vegas resident, indicated that there will be adequate temporary parking.

**PLANNING COMMISSION MEETING OF: OCTOBER 21, 2010**

DEPUTY CITY ATTORNEY JAMES LEWIS interjected that the condition suggested by ATTORNEY ROWE is not enforceable. If the Commissioners approve the applications, they have to trust that the applicant will follow through.

Regarding staff's direction to separate the project, ATTORNEY ROWE deferred to staff to answer for COMMISSIONER EVANS. MARGO WHEELER, Director of Planning and Development, explained that the project had to be separated because the existing building will be occupied while the new building is under construction.

COMMISSIONER EVANS observed that parking is the biggest issue, especially because on the face of the application the applicant is requesting zero parking spaces, when 119 are required, which is excessive. However, as ATTORNEY ROWE explained, more than adequate parking will be provided through agreements with other entities. The Commissioner confirmed with ATTORNEY ROWE that 22 spaces are currently provided on the site, and that construction of the parking garage will be started immediately upon completion of the new office building. The intent is to work out of the current building while the new building is being constructed. This leaves zero parking for the office building during the four to six months of construction of the parking garage.

COMMISSIONER EVANS suggested providing sufficient designated parking in the area for staff so as to not impose on nearby businesses, especially with the addition of parking meters in the downtown area.

CHAIR TRUESDELL and COMMISSIONERS TROWBRIDGE and MOONEY stated that this is a nice, scaled-down project and that the project makes perfect sense. Although not enforceable, CHAIR TRUESDELL said the offered condition of proof of financing speaks to the commitment of the applicant.

Regarding handicap parking, ATTORNEY ROWE stated that it will be available in the new parking garage. During construction of the garage, arrangements are being made.

COMMISSIONER EVANS said that too much parking deters dense pedestrian activity.

COMMISSIONER GOYNES suggested demanding that the employees use alternate commuting choices and use mass transportation.

Regarding Item 47, ATTORNEY ROWE agreed to work with staff on providing adequate landscaping along Gass Avenue, to satisfy MR. BERMAN'S concern.

CHAIR TRUESDELL declared the Public Hearing closed for Items 45-49.