Agenda Item No.: **42.**

AGENDA SUMMARY PAGE - PLANNING
PLANNING COMMISSION MEETING OF: MAY 14, 2013

DEPARTMENT: PLANNING
DIRECTOR: FLINN FAGG

☐**Consent** ☒ **Discussion**

SUBJECT:
VAR-49041 - VARIANCE - PUBLIC HEARING - APPLICANT: A CAB TAXI - OWNER: FOUR FOURS, LLC - For possible action on a request for a Variance TO NOT INSTALL REQUIRED OFF-SITE IMPROVEMENTS ALONG GRAGSON AVENUE on 1.94 acres at 1500 Searles Avenue (APN 139-26-701-004), C-M (Commercial/Industrial) Zone, Ward 5 (Barlow) [PRJ-48917] - Staff recommends DENIAL.

C.C.: 06/19/2013

PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**0**	**Planning Commission Mtg.**	**2**
City Council Meeting	**0**	**City Council Meeting**	**0**

RECOMMENDATION:
Staff recommends DENIAL.

BACKUP DOCUMENTATION:
1. Location and Aerial Maps - VAR-49041 and SDR-48917
2. Conditions and Staff Report - VAR-49041 and SDR-48917
3. Supporting Documentation
4. Photos - VAR-49041 and SDR-48917
5. Justification Letter - VAR-49041 and SDR-48917
6. Submitted after Final Agenda Support Postcards VAR-49041 and SDR-48917
7. Submitted at Meeting Correspondence from Anderson Dairy by Bill Curran VAR-49041 and SDR-48917

Motion made by BYRON GOYNES to Approve subject to conditions

Passed For: 6; Against: 1; Abstain: 0; Did Not Vote: 0; Excused: 0
TRINITY HAVEN SCHLOTTMAN, VICKI QUINN, BYRON GOYNES, GUS FLANGAS, RICHARD TRUESDELL, RICHARD P. BONAR; (Against-TODD L. MOODY); (Abstain-None); (Did Not Vote-None); (Excused-None)

Minutes:
CHAIR FLANGAS declared the Public Hearing open for Items 42 and 43.

PETER LOWENSTEIN, Planning, read the staff report and stated staff recommended denial of the site plan because elimination of the landscaping would have a negative audio and visual impact on the adjacent residential property. Staff also recommended denial of the variance because the applicant has created a self-imposed hardship by not providing a required streetscape and off-site improvements.

ATTORNEY BILL CURRAN, Ballard Spahr Law Firm, representing the applicant, explained that his client's previous location was acquired by Clark County for development of City Centre, requiring his client to vacate the property under duress. It was very difficult to find this property. He pointed out there is no opposition from the neighbors. The applicant is trying to improve the property to the best of his ability, given the circumstances. He described the property as well as the surrounding properties, and showed pictures depicting the non-conventional property. He assured the Commission that, if approved, his client will comply with all conditions, with the exception of Public Works' Conditions 6 and 12 [illegible] variance, for which he read modifications. He requested approval.

TODD FARLOW, Las Vegas resident, stated that the property has never come up at a Housing Authority meeting and the Housing Authority is very vigilant.

COMMISSIONER TRUESDELL stated the property has long-time unfinished off-sites. While he understands what the City wants to accomplish in this area, he agreed that it is a difficult area. Therefore, he supported the request. COMMISSIONER QUINN concurred, adding that the area has been taken over by the homeless, who destroy the landscaping.

CHAIR FLANGAS declared the Public Hearing closed for Items 42 and 43.