



AGENDA MEMO - PLANNING

PLANNING COMMISSION MEETING DATE: MAY 14, 2013

DEPARTMENT: PLANNING

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

** STAFF RECOMMENDATION(S) **

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
VAR-49041	Staff recommends DENIAL, if approved subject to conditions:	
SDR-48917	Staff recommends DENIAL, if approved subject to conditions:	VAR-49041

** CONDITIONS **

VAR-49041 CONDITIONS

Planning

1. Approval of and conformance to the Conditions of Approval for Site Development Plan Review (SDR-48917).
2. This approval shall be void two years from the date of final approval, unless exercised pursuant to the provisions of LVMC Title 19.16. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. 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 Department of Building and Safety.
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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Public Works

6. Sign and record a Covenant Running with Land agreement for the possible future installation of half-street improvements in accordance with City Standards (L-curb, sidewalk and streetlights, etc.) not required to be constructed at this time as a result of the requested Variance. Such Covenant Running with Land agreement shall record prior to the issuance of any permits.

SDR-48917 CONDITIONS

Planning

1. Approval of and conformance to Variances (VAR-49041, VAR-39148 & VAR-43989); Special Use Permits (SUP-43990 & SUP-39149), except as modified herein shall be required, if approved.
2. Conformance to the Conditions of Approval for Site Development Plan Review (SDR-35195) shall be required, if approved, except as modified herein.
3. This approval shall be void two years from the date of final approval, unless exercised pursuant to the provisions of LVMC Title 19.16. An Extension of Time may be filed for consideration by the City of Las Vegas.
4. All development shall be in conformance with the site plan, landscape plan, and building elevations, date stamped 04/17/13, except as amended by conditions herein.
5. A Waiver of Title 19.08.090 to allow no landscape buffer along the entire east perimeter where a minimum 8-foot wide landscape buffer is required is approved.
6. An Exception of Title 19.08.110 to allow no parking lot shade trees where a minimum of one shade tree per every six uncovered parking spaces is required is approved.
7. 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 Department of Building and Safety.
8. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.

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9. 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. Installed landscaping shall not impede visibility of any traffic control device.
10. 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.
11. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Public Works

12. An Update to the previously approved 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, submittal of construction drawings or the submittal of a Final Map for this site, whichever may occur first. Provide and improve all drainageways as recommended in the approved drainage plan/study.

**** STAFF REPORT ****

PROJECT DESCRIPTION

The applicant is requesting a Site Development Plan Review to reduce the size of a previously approved 5,000 square-foot building by 72 feet in order to not have to fire sprinkle the building. Included in this application is a request for a Waiver and an Exception. In addition, the applicant has applied for a Variance in order to not be required to install off-site improvements along Gragson Avenue. This has been a requirement on the past six applications approved on this site over the past three years. This site is zoned C-M (Commercial/Industrial) and is being used as a Taxicab/Limo Yard. Staff recommends denial of both applications due to previously approved conditions not being met, and the negative impact this project would have on the surrounding properties. If denied, the applicant would be required to meet all conditions of the previously approved applications.

ISSUES

- Conditions of Site Development Plan Review (SDR-35195) approved by City Council on 12/10/09 have not been met.
- This project requires a Variance to not install the off-site improvements required along Gragson Avenue. Staff does not support this request.
- This project requires a Waiver to allow a zero-foot landscape buffer along the entire east perimeter. Staff does not support this request.
- This project requires an Exception to allow no parking lot landscaping. Staff does not support this request.
- Existing building “B” does not have a Certificate of Occupancy and is being used by the applicant.
- Auto repairs are taking place within structures that do not have building permits as well as outside of enclosed buildings.
- The applicant states that the second floor of the proposed building “C” will only be used for storage.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&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.

YK

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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 was 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.
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.
10/20/10	The City Council approved a Variance (VAR-39148) to allow a zero-foot side yard setback where eight feet is required for an accessory structure on 1.94 acres at 1500 Searles Avenue. Staff recommended denial.
	The City Council approved a Special Use Permit (SUP-39149) for Outdoor Storage, Accessory within the required setback and landscape buffer area along the west perimeter at 1500 Searles Avenue. Staff recommended denial.

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10/20/10	The City Council approved a Major Amendment (SDR-39147) to a previously approved Site Development Plan Review (SDR-35195) for a proposed 10,800 square-foot Taxicab/Limo Yard with ancillary vehicle service and auto repair where an 8,800 square-foot Taxicab/Limo Yard was approved, a proposed 5,000 square-foot Auto Repair Garage where a 3,000 square-foot building was approved, for waivers of perimeter landscape requirements along the east and south property lines and to allow 24 trees within perimeter landscape buffers where 37 trees were approved on 1.94 acres at 1500 Searles Avenue. Staff recommended denial.
01/10/12	The Planning Commission approved a request for a Variance (VAR-43989) to allow 113 parking spaces where 133 spaces are required on 1.94 acres at 1500 Searles Avenue. Staff recommended denial.
	The Planning Commission approved a request for a Special Use Permit (SUP-43990) for Outdoor Storage, Accessory with Waivers to allow storage within the required side and rear yard setback areas and to allow no screening from a public street where eight-foot tall screening is required at 1500 Searles Avenue. Staff recommended denial.
11/28/12	Code Enforcement processed a complaint (122780) that a taxicab company was working on its own vehicles in structures that do not have building permits at 1500 Searles Avenue. The case remains active.

<i>Most Recent Change of Ownership</i>	
12/29/09	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
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.

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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.
02/11/10	The Building and Safety Department issued a Certificate of Occupancy for building "A" at 1500 Searles Avenue.
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 an existing paint mixing and spray booths at 1500 Searle's Avenue. This permit has not been issued.

<i>Pre-Application Meeting</i>	
03/14/13	Staff met with the applicant and determined a Site Development Plan Review and Variance applications would be required for a proposed 4,985 square-foot building and to not be required to install off-site improvements on Gragson Avenue.

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

<i>Field Check</i>	
04/04/13	Staff visited the site and found an active taxi cab company in operation. There were several vehicles being repaired outside of an enclosed building. The property was clean and well maintained. Most of the landscaping required by previous applications has not been installed. Structures without proper building permits and/or Certificates of Occupancy were being utilized.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	1.89

YK

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<i>Surrounding Property</i>	<i>Existing Land Use Per Title 19.12</i>	<i>Planned or Special Land Use Designation</i>	<i>Existing Zoning District</i>
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		
	Commercial, Other than listed (Armored Car Service)		

<i>Master Plan Areas</i>	<i>Compliance</i>
Downtown North Plan	Y
<i>Special Purpose and Overlay Districts</i>	<i>Compliance</i>
No Applicable Special Purpose or Overlay Districts	N/A
<i>Other Plans or Special Requirements</i>	<i>Compliance</i>
Trails	N/A
Las Vegas Redevelopment Plan Area	Y
Project of Significant Impact (Development Impact Notification Assessment)	N/A
Project of Regional Significance	N/A

DEVELOPMENT STANDARDS

Pursuant to Title 19.08.090, the following standards apply:

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Width	100 Feet	160 Feet	Y
Min. Setbacks			
• Front	10 Feet	390 Feet	Y
• Side	10 Feet	50 Feet	Y
• Corner	10 Feet	N/A	N/A
• Rear	20 Feet	76 Feet	Y

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

Pursuant to Title 19.08 and 19.12, the following parking standards apply:

<i>Parking Requirement</i>							
<i>Use</i>	<i>Gross Floor Area or Number of Units</i>	<i>Required</i>			<i>Provided</i>		<i>Compliance</i>
		<i>Parking Ratio</i>	<i>Parking</i>		<i>Parking</i>		
			Regular	Handi-capped	Regular	Handi-capped	
Taxicab/Limo Yard	66 employees on largest shift; 67 taxis at maximum capacity	1 space per employee plus one space per taxi	133				
TOTAL SPACES REQUIRED			133		113		Y*
Regular and Handicap Spaces Required			128	5	108	5	Y*

*Per VAR-43989

<i>Waivers</i>		
<i>Requirement</i>	<i>Request</i>	<i>Staff Recommendation</i>
To provide an 8-foot wide landscape buffer along interior perimeters.	To allow a zero-foot wide landscape buffer along the entire east perimeter.	Denial

<i>Exceptions</i>		
<i>Requirement</i>	<i>Request</i>	<i>Staff Recommendation</i>
To provide one shade tree for every six uncovered parking spaces.	To provide no shade trees in the parking lot.	Denial

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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 are used to evaluate commercial properties.

The applicant is proposing to reduce a previously approved 5,000 square-foot building, known as building "C" to 4,928 square feet. The purpose of this reduction is to remain under the threshold requirement for fire sprinkle the building. The first floor will have two vehicle repair bays, three separate storage areas and a restroom, while the second floor will be devoted to all storage. The applicant states in the justification letter that no tires will be stored on the second floor, only extra parts for general maintenance of the taxis.

The applicant is also requesting a Waiver to allow a zero-foot wide landscape buffer along the entire length of the east perimeter, where an eight-foot wide buffer is required. Over the past three years and several applications, the landscape buffer along the east perimeter has slowly been reduced, to the point that if this application is successful there will be no landscape buffer between this industrial land use and the multi-family land use to the east. This would result in no landscaping between this high intensity land use site and the lower intensity residential land use to the east. Staff does not support this request.

The applicant is also requesting an Exception to allow no landscaping in the parking lot. Code requires one landscape finger island for every six uncovered parking spaces. For this property, nineteen landscape finger islands would be required. If this application is successful, no landscape would be provided in the parking lot. The only landscaping that would remain on this property, if this application is approved, is along the front perimeter adjacent to Searles Avenue. Staff does not support this request.

Since December 5, 2009, there have been six planning-related applications approved for this property. All of these applications had conditions attached to them. The applicant has not met all the conditions on any of the applications. This has resulted in several structures on the property being occupied and/or utilized without approved building permits or certificates of occupancy; vehicle repairs being conducted outside of an enclosed building; and none of the previously required landscaping having been installed. In addition, the required off-site improvements have not been completed.

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The applicant has now come forward with a variance request to not be required to install the off-site improvements that have been required on all previous applications. If these off-site improvements are not required at this time, they are likely to never be installed. The applicant has stated that since the adjacent properties do not have sidewalks, then they should not be required to put them in. If this logic were applied throughout the City, then the City would have no sidewalks. Staff does not support this request.

Due to the applicant's unwillingness to adhere to conditions of approval on all previously approved applications; the negative impact that the lack of landscaping will have on the adjacent residential property; and the negative impact that the lack of off-site improvements would have on the surrounding area, staff recommends denial of both applications.

FINDINGS (VAR-49041)

In accordance with the provisions of Title 19.16.140(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."

Additionally, Title 19.16.140(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 proposing to not install off-site improvements along Gragson Avenue. The applicant could install the off-site improvements, which 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 (SDR-48917)

In order to approve a Site Development Plan application, per Title 19.16.100(E) 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;

This project is not compatible with the adjacent residentially zoned property to the east. The lack of any type of landscape buffer between this high impact commercial use and the residential use to the east creates a non-harmonious environment.

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;

This project is not consistent with the General Plan as evidenced by the requested variance, waiver and exceptions being requested.

3. Site access and circulation do not negatively impact adjacent roadways or neighborhood traffic;

The site is accessed off both Searles Avenue on the north and Gragson Avenue on the south. The addition of the proposed building will not have a negative impact on these roadways.

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

The building materials are appropriate for the commercial/industrial use of the property. However, the lack of any landscaping with the exception of the few trees along Searles Avenue is inappropriate for the area.

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;

The lack of a landscape buffer along the east perimeter creates an aesthetically unpleasant and non-harmonious environment and is not compatible.

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

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.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 32

NOTICES MAILED 78

APPROVALS 0

PROTESTS 0