



City of Las Vegas

Agenda Item No.: 28.

AGENDA SUMMARY PAGE - PLANNING
PLANNING COMMISSION MEETING OF: SEPTEMBER 12, 2017

DEPARTMENT: PLANNING

DIRECTOR: ROBERT SUMMERFIELD ACTING

☐ Consent ☒ Discussion

SUBJECT:

BEYANES - VAR-70259 - MAJIA E. PUBLIC HEARING - APPLICANT: CONCRETE SOLUTIONS - OWNER: JAMIE AND VALEZIO ESPINOZA LOPEZ - For possible action on a request for a variance TO ALLOW SIDE WALK, CURB AND GUTTER, WHERE SUCH ARE REQUIRED on 0.6 acres at 4460 Balsam Street (APN 138-03-602-007), M (Industrial) Zone, Ward 4 (Amended PRJ-70051). Staff recommends DENIAL.

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

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.

4

City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

2

City Council Meeting

0

RECOMMENDATION:

Staff recommends DENIAL, if approved, subject to conditions:

BACKUP DOCUMENTATION:

1. Location and Aerial Maps - VAR-70259, VAR-70472 and SDR-70261 [PRJ-70051]
2. Conditions and Staff Report - VAR-70259, VAR-70472 and SDR-70261 [PRJ-70051]
3. Supporting Documentation - VAR-70259, VAR-70472 and SDR-70261 [PRJ-70051]
4. Photo(s) - VAR-70259, VAR-70472 and SDR-70261 [PRJ-70051]
5. Justification Letter
6. Comments from Southern Nevada Health District - VAR-70259, VAR-70472 and SDR-70261 [PRJ-70051]
7. Protest/Support Postcards for VAR-70259 and VAR-70472 [PRJ-70051]
8. Submitted at Meeting - Proposals for Sewer Main Extensions from Byrd Underground and Letters Regarding Inspection Results from Hardin & Sons, Inc. Submitted by Jeff Donato for VAR-70259, VAR-70472 and SDR-70261 [PRJ-70051]

Motion made by DONNA TOUSSAINT to Approve subject to conditions

Passed For: 6; Against: 1; Abstain: 0; Did Not Vote: 0; Excused: 0

DONNA TOUSSAINT, CEDRIC CREAR, VICKI QUINN, SAM CHERRY, CHRISTINA ROUSH, LOUIS DE SALVIO; (Against-TRINITY HAVEN SCHLOTTMAN); (Abstain-None); (Did Not Vote-None); (Excused-None)

Minutes:

CHAIR SCHLOTTMAN declared the Public Hearing open for Items 28-30.

PLANNING COMMISSION MEETING OF: SEPTEMBER 12, 2017

NICOLE EDDOWES, Sr. Planner, gave the staff report. The subject site originally obtained land entitlements in 2008 for the conversion of a single-family residence to a commercial use, but these entitlements have since expired. Since 2008, the immediate surrounding area has undergone redevelopment that includes the required sidewalks, curb and gutter. In addition, the existing individual septic disposal system (ISDS) has been paved and used for parking in violation of the ISDS permit. Staff does not support the requested variances and waiver as the lack of such elements as a solid screen wall, curb and sidewalk and landscape buffers will legalize a commercial property that is not compatible or harmonious with the existing commercial and residential use in the immediate area. Staff recommended denial of these applications.

DAVID TURNER, Daughman & Turner Engineering, and JEFF DONATO, Argentum Partners, appeared representing the applicant. MR. TURNER described the location of the site and surrounding streets. The first application includes deletion of the requirement for off-site improvements, given that the three properties directly to the north are Clark County properties with no off-site improvements, which, if necessary in the future, should all be done at the same time. Additionally, the relocation of power poles would be required and would be very costly. He mentioned that the City Council previously approved the applications because they saw merit in the project. Regarding the variance for a 14-foot setback, MR. TURNER stated that the existing building sits 14 feet from the property line; therefore, the 50-foot setback cannot be maintained. However, the existing property to the north contains a paved surface for storage of trailers and other vehicles, it is not a residential use. A variance for outdoor storage is needed because the area is very narrow making it difficult to rotate any vehicles.

MR. TURNER mentioned that the subject sites were purchased in 2012 and had already been converted to office use. The owners had the business license six months before they realized there was an issue with Code Enforcement because the buildings were not properly converted. The applications expired while the applicant was undergoing the building permit process.

MR. DONATO stated that connecting to sewer would be cost prohibitive because, as he showed on the site plan, it would have to be pulled too far. He submitted proposals received of approximately \$140,000. He reiterated that these applications were approved in 2015 with removal of the sewer connection condition; therefore, he requested the Commissions approval.

COMMISSIONER TOUSSAINT mentioned that these are small business owners who are tight for money. If the properties had not been purchased and the applications not previously approved, she would not be inclined to support it; however, she truly believed that something fell through and agreed that off-site improvements would be an undue hardship. She supported the requested applications.

Regarding the condition for sewer connection under Item 30 (SDR-70261), CHAIR SCHLOTTMAN deferred to Public Works for a recommendation. LUCIEN PAET, Engineering Project Manager, clarified that the property has a long history related to sewer connection. A previous project that fell through would have taken the sewer line from Rainbow Boulevard to

PLANNING COMMISSION MEETING OF: SEPTEMBER 12, 2017

Balsam Street, making it more accessible; however, that project failed. Staff is still in the process of calling the bond in order to run sewer to Balsam Street. Nevertheless, staff received communication from the Southern Nevada Health District (SNHD) indicating that they cannot support a septic tank. The applicant, therefore, does not have an option.

MR. PAET advised COMMISSIONER DE SALVIO that Condition 14 of Item 30 requires the sewer line extension and Condition 13 requires abandonment of the septic tank.

COMMISSIONER TOUSSAINT asked if the septic tank could be addressed if they were to fail. In the meantime, this matter could be approved with the use of the septic tank. MR. PAET reiterated SNHDS communication that they will not issue a permit for a commercial property. The septic tank was approved when the property had a residential use. MR. DONATO stated that he met with the SNHD, who does not require sewer connection because this property is over 400 feet from the nearest connection site. He submitted reports showing the tanks are in working order.

CHAIR SCHLOTTMAN thought approval could be granted subject to approval by the SNHD for the sewer system. COMMISSIONER TOUSSAINT said a few months could be granted. MR. PAET said the issue is complicated and therefore, suggests a reprieve to allow him to confer with the applicant and the SNHD to better assess and analyze the situation.

MR. TURNER said the applicant could connect to a commercial system if necessary. He was not opposed to a condition requiring compliance with the SNHD. At the Chair's request, MR. PAET crafted an amendment for Conditions 13 and 14 of SDR-70261. COMMISSIONER DE SALVIO asked if more time could be allowed, however, MR. PAET commented that he did not have a timeframe.

See Item 31 for related discussion.

CHAIR SCHLOTTMAN declared the Public Hearing closed for Items 28-30.