



City of Las Vegas

Agenda Item No.: 121.

**AGENDA SUMMARY PAGE PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF: JULY 12, 2006**

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER

Consent Discussion

SUBJECT:
MAJOR MODIFICATION

MOD-11449 PUBLIC HEARING APPLICANT/OWNER: GREAT MALL OF LAS VEGAS, LLC Request for a Major Modification of the Town Center Development Plan TO CHANGE THE LAND USE DESIGNATION FROM: GC-TC (GENERAL COMMERCIAL) TO: UC-TC (URBAN CENTER MIXED USE) of 49.82 acres adjacent to the northeast corner of Deer Springs Way and Grand Monticito Parkway (APN 125-20-201-001), T-C (Town Center) Zone [PROPOSED: T-C-2 (Urban Center Mixed Use - Town Center) Special Land Use Designation], Ward 6 (Ross) NOTE: THE APPLICATION HAS BEEN AMENDED TO CHANGE APN 125-20-201-001 TO APN 125-21-201-001 AND TO AMEND TOTAL ACREAGE TO 24.91 ACRES. The Planning Commission (3-3 vote) recommends DENIAL. Staff recommends APPROVAL

PROTESTS RECEIVED BEFORE:

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

10

Planning Commission Mtg.

0

City Council Meeting

122

City Council Meeting

0

RECOMMENDATION:

The Planning Commission (3-3 vote) recommends DENIAL. Staff recommends APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions and Staff Report For This Application
3. Support Documentation
4. Justification Letter
5. Submitted after final agenda - Revised plans by staff
6. Submitted at meeting - Protest petition with 122 signatures by Dottie Miller
7. Backup referenced from the 06/08/06 Planning Commission meeting Item 24

Motion made by STEVEN D. ROSS to Approve subject to conditions

Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

LOIS TARKANIAN, LAWRENCE WEEKLY, LARRY BROWN, OSCAR B. GOODMAN, GARY REESE, STEVE WOLFSON, STEVEN D. ROSS; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-None)

CITY COUNCIL MEETING OF: JULY 12, 2006

NOTE: MAYOR GOODMAN disclosed that a gentlemen associated with his law office was representing a principal of this party but has since received a letter indicating that the previous representation has been completed. DEPUTY CITY ATTORNEY BRYAN SCOTT confirmed that he could vote on the item.

Minutes:

MAYOR GOODMAN declared the Public Hearing open for Item 121 [MOD-11449], Item 122 [VAR-13505], Item 123 [SUP-11444] and Item 124 [SDR-10126].

ATTORNEY PAUL LARSEN, 300 South Fourth Street, appeared on behalf of the applicant together with JAMES GRINDSTAFF, Triple Five; GARY BLACK, Hexigon Transportation; SUE GRAY, Perlman Architects, and DAVID GRAMEZIAN, Triple Five.

ATTORNEY LARSEN began by clarifying that the Planning Commission did not actually vote unanimously in opposition to the project as their vote was tied. He pointed out that staff recommends approval of all associated applications. MR. GRINDSTAFF explained that Anchor One will be a Robinson & Maynor Macy's and Anchor Two is planned for a Dillard's. At the requests of the residents, the mall will be similar to the District as eliminating Anchor Three to incorporate a lifestyle component consisting of 40 loft condominiums over one story of retail. The intent is to create a pedestrian friendly environment enhanced by landscape features.

There will be a drop-off area with speed bumps to allow for window shopping as you drive through. At the end of the shopping center will be a Regal Cinemas movie theater. There will be an enclosed park adjacent to the Las Vegas Mountain Ride park with trees, park benches, fountains but will not have retail other than kiosks for all beverages and snacks. There will be two 15-story condo units planned to be 250 feet in height consisting of 900 units.

MR. GRINDSTAFF noted the issue pertaining to traffic and stated they have worked diligently to come to understandings and agree with most conditions with the exceptions of paragraph six of Condition 37 and Condition 24 of Item 124. BART ANDERSON, Public Works Department, briefly stated that in addition to other conditions needing amendments, Condition 24 would be amended to state 12 months for Grand Montecito Parkway and 24 months for the balance of the street. MR. GRINDSTAFF referenced an exhibit to emphasize the area adjacent to residential that would have large open space and added that a public school bus stop would be provided for school children.

MR. GRINDSTAFF pointed out that the entire parcel consists of two planning areas which is categorized as Town Center standards and Montecito standards. On the Montecito portion of the site, the open space requirement has been exceeded but the Town Center portion of the site is slightly under the required open space. Although there is a variance requested for this requirement, the overall project would have more open space than what is required overall.

SANDRA KAY, 8228 Impatience, supported the project and looks forward to the additional shopping that would be provided. It is an enhancement to have condos rather than single story

CITY COUNCIL MEETING OF: JULY 12, 2006

homes that would not have front or back yards. The condominiums would have open space with trees instead of rows of homes that abut up next to each other.

CHRISTINE WEST, 6513 Alpine Forrest Court, opposed the entire application. She stated that many developers have purchased land with the understanding that they can request variances and zone changes but she would rather the Council consider existing communities first. While in attendance of a neighborhood meeting, she referenced arrogant comments made by the developer who also stated that the condo development is needed to support the mall. She questioned what would happen if the condos do not fully sell as many projects are canceled and delayed due to lack of sales. She noted that traffic is a major consideration since there is no direct access from US95 or from I215 to the project and traffic would become unsafe. With the addition of 900 units, it would be also become unsafe for any youth to get to adjacent parks. MS. WEST noted that the majority of the Timberlake residents object to the proposed project, and many bought into this community believing that the master plan would not be changed. If this project would do just that. She referenced a petition that many signed supporting her argument. Triple Five should choose a more appropriate location! She asked that the City Council deny the requests.

MAYOR GOODMAN confirmed with DEPUTY CITY MANAGER ROBERT JAMES LEWIS that if the developer would want to build something different, they would have to return before the City Council to propose something else as most major modifications need to be before the Council.

DOTTIE MILLER, Timberlake resident, resumed with opposing comments and submitted a protest petition. This project would alter the Town Center plan and she requested that the Council stop accommodating for developers and heavily consider the residents. The traffic is extremely crowded, the density is not at all compatible with the Timberlake subdivision and the residential distance separation is not adequate. MS. MILLER noted that the conceptual drawings were never shared nor discussed at the neighborhood meetings. If the project were approved, relocating her family would not be an option as the inflation of homes is too tremendous. She requested that the Council deny the high-rise and asked COUNCILMAN ROSS to comply with his campaign promise. At the Mayor's request, MS. MILLER confirmed there were about four neighborhood meetings but the recent drawings were not presented.

JANICE TAYLOR, Timberlake resident, stated that the proposed mall would definitely affect her home. She objected to the proposed height of the condo towers and mall and asked that no other variances be granted to Triple Five. She would not object to the mall, but does not want the high rise condos especially since it was not previously presented to nearby residents. She likes what has been developed in Town Center thus far and noted that this would set a precedent. MS. TAYLOR stated that other developers have abided by rules and standards and this developer should do the same. Arrogant comments were made by the developer that if many do not support the proposal, it is their prerogative to relocate. Many are impressed with shopping development that has taken place but many do not want this area to become a mini New York. She asked that the Council deny this development.

CITY COUNCIL MEETING OF: JULY 12, 2006

TODD SCHWARTZ, 9112 Watermelon Seed Avenue, supported the project and stated that it is unfortunate that residents residing two miles away were not properly notified as many more would support this project. He noted that this area is zoned commercial and he prefers a mall at this location. MR. SCHWARTZ visited a sale center nearby and was told about the proposed development. He expressed that there should be flexibility because this development may be of great value. By removing some towers shows that the developer believes that property values will increase. MR. SCHWARTZ reiterated that the developer's other projects are successful and requested approval.

MICKY MOORE, 7616 Route Street, opposed the proposal of condos and noted that traffic is a major concern, especially with the existing ballpark. In his experience, it would be disastrous to have the condos support the mall rather than the community. He pointed out there are no grocery stores proposed in conjunction with this project and there is poor access to the mall from all directions. MR. MOORE supports the mall, but opposes the condominiums.

JULIE SLIGAR, 8113 Danaides Court, expressed concern about combining condos with shopping on the outskirts of town. She objected to the large development project at this location in the valley but supports the idea of a shopping mall. She urged Council to consider the skyline of those who chose to live on the outskirts of town.

TED MILLER, 8213 Mountain Heights, opposed the proposal and stated that the Mall of America has not been too successful. He expressed concern about the lack of buffer area for the existing residents and asked if a security system has been considered to ensure that the youth do not cause trouble.

MAYOR GOODMAN was concerned to hear that the applicant was not responsive to the residents, portrayed arrogance and was vague about the final proposal. MR. GRINDSTAFF replied that the residents were shown a map and explained of the developer's limitations being that the project lies on two separate plans. The towers' location on the site were based on easy access to the frontage road being that they would be on the side least traveled. The placement of the towers would prohibit commercial traffic and pass through traffic that would normally access Grand Montecito Parkway, and the towers closer to the resident were moved.

MR. GRINDSTAFF stated that drawings, site plans and elevations were shared at the neighborhood meeting. Unfortunately, there have been changes discussed at every meeting but the changes were only in an effort to incorporate requests of the neighbors. It was the residents who requested a lifestyle component and, consequently, the third Anchor of Sears was eliminated because of its automotive component. MR. GRINDSTAFF stated there has been an honest effort to explain the development as it progressed. Town Center has greatly changed from what was originally aspired and he briefly listed several developments that altered the original vision.

Regarding the buffer, ATTORNEY LARSEN explained they would create a buffer similar to Boca Park with a berm of approximately 20 feet high. Residents living off Deer Springs Way

CITY COUNCIL MEETING OF: JULY 12, 2006

will view trees. The new site plan demonstrates that the developer has attempted to accommodate the residents' concerns.

COUNCILMAN ROSS acknowledged the challenges this project faces including traffic concerns. He expressed the need to encourage good growth and development. This developer is committed to this project including the residential needs. COUNCILMAN ROSS noted he supports true mixed use developments and verified with MR. GRINDSTAFF that there would also be office use on the third floor. COUNCILMAN ROSS pointed out the many jobs that would be created as a result of this project. COUNCILMAN ROSS specifically requested the developer to meet with the Timberlake Homeowners Association. In addition, he noted that his staff composed four different plans to assist with ingress and egress on Doe Brook Trail, but was disappointed with the lack of response to his survey by Timberlake residents. It is important to note that Oso Blanca Road will be a dead end. Staff has been at neighborhood meetings and though there have been challenging moments, the City needs to grow smart and protect those few.

COUNCILMAN BROWN commented that the Bellway decision by the County was placed during the time the City was trying to develop the Town Center concept. The foundation of the concept was to protect and preserve the rural areas and mandate that all commercial densities be within Town Center. He disagreed with the comment that the City keeps changing the zoning because it is the market that has driven the majority of activity for the last three to four years. It has always been a concern of the City to protect the investment of early buyers, and the sale price of these condos would range from as low as \$500,000 to \$600,000. There is no sense that this will have an adverse impact on existing properties. He pointed out that Queensridge high-rise has not affected the property values of the surrounding residential properties. The community of Timberlake will be a place that others would want to live in rather than in smaller homes or high rises and therefore, believes property values would not decrease.

COUNCILMAN ROSS concurred with COUNCILMAN BROWN that property values will not decrease. COUNCILMAN ROSS mentioned that the proposed bus stop will be safer for all kids of the Timberlake community and has since encouraged the CAT Bus system to stop at this location. He thanked Triple Five for their cooperation with the community, as the live/work and play idea is the focus for this location. The jobs generated by this proposal as well as the sales taxes for the City is what COUNCILMAN ROSS looks forward to. COUNCILMAN REESE commended the developer for including a 20 foot buffer for the residents and because of that amenity, would support the proposal.

COUNCILMAN ROSS thanked the developer for the added amenities to the nearby ball field. He noted concern for the proposed height and requested a maximum height of 200 feet from ground level. The proposed height would not include the subterranean parking that is restricted solely for residents. MR. GRINDSTAFF pointed out that the levels of parking are allowed to be much shorter than any level of retail or living space and requested they not be included in the condition. MARGO WHEELER, Director of Planning and Development, stated that the condition should read that the maximum building height of the two towers shall be 200 feet.

CITY COUNCIL MEETING OF: JULY 12, 2006

COUNCILMAN ROSS noted some amendments to the conditions of Item 124 and clarified the amendments with MR. GRINDSTAFF. MR. GRINDSTAFF agreed to the changes and indicated that the Grand Montecito portion of the project is the first course of business. The developer plans to have that portion of the site built in exactly one year. MR. ANDERSON made reference to seven additional condition changes for Item 124 and submitted the amendments to the applicant, the City Clerk, the Council office and the public at MAYOR GOODMAN'S request. MR. GRINDSTAFF agreed to all changes but requested Condition 37 of Item 124 be further modified. MR. ANDERSON suggested an additional sentence stating, unless otherwise allowed by the City Engineer. MS. WHEELER noted Condition 3 should read the site plan date of 7/11/06 and that the sentence from Condition 8 referencing an 80-foot width for Oso Blanca Road be deleted. MR. GRINDSTAFF concurred with the suggestions and amendments.

MAYOR GOODMAN declared the Public Hearing closed for Item 121 [MOD-11449], Item 122 [VAR-13505], Item 123 [SUP-11444] and Item 124 [SDR-10126].

