



*Las Vegas*

Agenda Item No.: 101a.

**AGENDA SUMMARY PAGE PLANNING & DEVELOPMENT  
CITY COUNCIL MEETING OF: JULY 19, 2006**

DEPARTMENT OF PLANNING & DEVELOPMENT  
DIRECTOR: M. MARGO WHEELER

Consent  Discussion

SUBJECT:  
MAJOR MODIFICATION

MOD-11027 ABEYANCE ITEMS PUBLIC HEARING - APPLICANT: ERIC MILLER -  
OWNER: CAVALLO SUDRO STATES, LLC - Request for a Major Modification to the  
Lone Mountain Master Development Plan TO AMEND SECTIONS 2.3.3, 6.1(a), AND  
6.3.1(a) TO ALLOW THREE-STORY BUILDINGS AND ATTACHED SINGLE-FAMILY  
UNITS IN THE I (LOW DENSITY) SPECIAL LAND USE DESIGNATION, Ward 4 (Brown).  
The Planning Commission (6-1 vote) and staff recommend APPROVAL

**PROTESTS RECEIVED BEFORE:**

**APPROVALS RECEIVED BEFORE:**

Planning Commission Mtg.   
City Council Meeting

Planning Commission Mtg.   
City Council Meeting

**RECOMMENDATION:**

The Planning Commission (6-1 vote) and staff recommend APPROVAL, subject to conditions.

**BACKUP DOCUMENTATION:**

1. Location Map
2. Conditions and Staff Report For This Application
3. Support Documentation
4. Justification Letter
5. Backup referenced from the 05/25/06 Planning Commission meeting Item 15

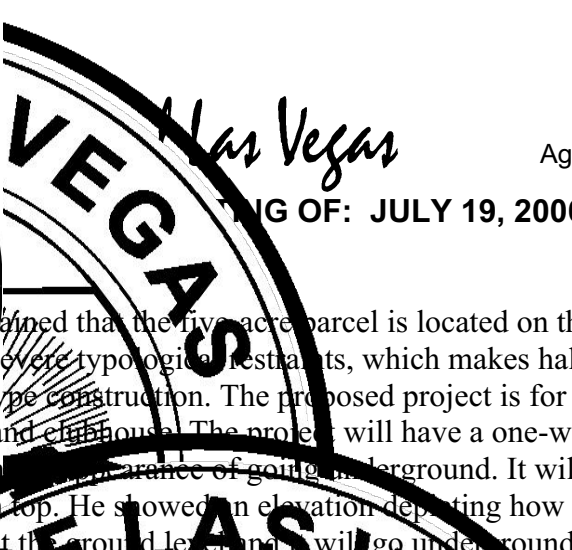
Motion made by LARRY BROWN to Approve subject to conditions

Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0  
LAWRENCE WEEKLY, LARRY BROWN, OSCAR B. GOODMAN, GARY REESE, STEVE  
WOLFSON, STEVEN D. ROSS, LOIS TARKANIAN; (Against-None); (Abstain-None); (Did  
Not Vote-None); (Excused-None)

**Minutes:**

MAYOR GOODMAN declared the Public Hearing open for Item 101a [MOD-11027], Item  
101b [ZON-11031], Item 101c [WVR-12368] Item 101d [VAR-11030] and Item 101f [SDR-  
11034].

ATTORNEY BILL CURRAN, 300 South 4th Street, appeared on behalf of the applicant and  
introduced LAURA REDREN, a student at Green Valley High School, who is an intern for  
JUDGE PROHL.



MEETING OF: JULY 19, 2006

ATTORNEY CURRAN explained that the five-acre parcel is located on the side of Lone Mountain. The property has severe topographic restrictions, which makes half the property unsuitable for conventional type construction. The proposed project is for 30 attached town houses with an outdoor pool and clubhouse. The project will have a one-way circular drive at ground level on the front with a driveway arrangement of going underground. It will have a manmade, fifty-foot wide courtyard on top. He showed an elevation depicting how the units will be staggered. Traffic will enter at the ground level and will go underground creating a private alleyway between the units.

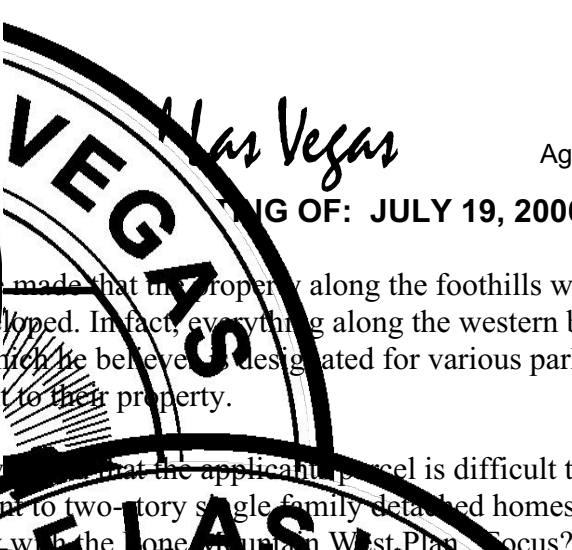
He also illustrated the driveway and each unit will have an enclosed two-car garage reserved for that unit. The request for a Major Modification to the Lone Mountain West Master Plan is to permit attached three-story units. The request for the Waiver of Title 18 is to allow one-way 24-foot streets. The Fire Department has required that the driveway between the units be 14 feet high to allow for fire trucks to get through in case of emergency.

ATTORNEY CURRAN noted that the Focus Group has office buildings immediately adjacent to the proposed project and has expressed concern about the proposed modification to the Master Plan, particularly the three-story request. A number of meetings have been held with ATTORNEY RUSSELL ROWE to see if an accord could be reached that would resolve all the issues. Some significant progress has been made, but not everything has been resolved. They have also met with the Planning staff at COUNCILMAN BROWN'S office on a number of occasions.

ATTORNEY CURRAN asked that the variance be withdrawn in order to comply with the 35 foot height standard for this area. He understands that some changes to the site plan will reduce the height of the buildings, and he is willing to bring back that plan for a final review.

COUNCILMAN BROWN indicated that this project is one of the first to hit the hillside. There are six additional parcels along this corridor in Wards 4, 2 and 3. Some of the issues being discussed have not been defined from a public policy standpoint. The photographs presented give a sense of keeping the integrity of the mountain versus blending densities. The applicant proposes to scalp a little bit further into the hillside, but is leaving over two acres to avoid blasting the mountain. North of this property there are 15 acres that are 30 feet high and privately owned. He wanted to ensure that whatever action is taken today will not have an adverse impact on future applications. He pointed out that MARGO WHEELER, Director of Planning and Development Department, will bring forward an ordinance that will better govern some of these hillside applications that might come forward in the future.

ATTORNEY RUSSELL ROWE, 3800 Howard Hughes Parkway, appeared on behalf of Focus Property Group, who is a neighbor and a designer of the Lone Mountain West Master Plan. He explained that Focus Property Group owned most of the land within the Lone Mountain Plan, and when the plan was created, they brought forward an application through the major projects process to develop the Lone Mountain West Master Plan. It was Focus Property Group that made the commitments to the neighbors that the plan was going to be developed as proposed. In



MEETING OF: JULY 19, 2006

particular, no comments were made that the property along the foothills was going to be protected and not overly developed. In fact, everything along the western boundary is low density of patio facilities, which he believes is designated for various parks. In fact, there will be an equestrian park adjacent to their property.

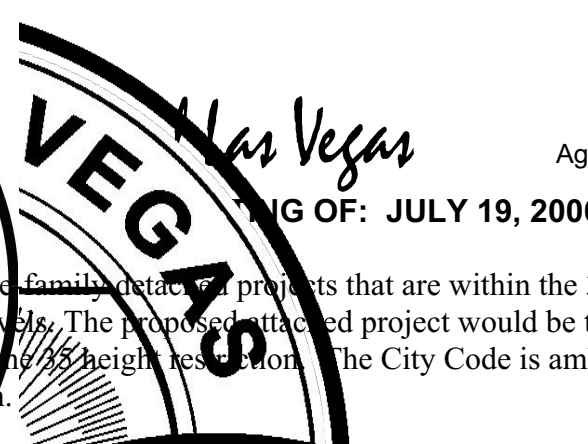
ATTORNEY ROWE acknowledged that the applicant's parcel is difficult to develop, but the low density of units development to two-story single family detached homes. The proposed three-story project does not comply with the Lone Mountain West Plan. Focus? concern is the potential precedent this action would set, especially because there are at least six other properties that are similarly situated that have severe topographical limitations and are all designated as low density. The proposed application would not only change the density of the parcel in question, but also the density of those other six parcels. That type of precedent would make it difficult for the City Council to prevent another project coming through. Some of the parcels north of this site impacted by the mountain have less developable space than what currently exists on the current property today. It will be difficult to protect the rest of the mountain without any hillside ordinance. To his knowledge, this would be the first attached product adjacent to a foothill.

ATTORNEY ROWE pointed out that he has been working with ATTORNEY CURRAN on different variations. His client can live with the project but with the condition that the project be limited to two-story and do further work with the applicant on their design. He asked that the site plan be held until those issues are resolved.

ATTORNEY CURRAN replied that he understands they will be required to come back with the site plan. As far as working with the Property Group, his client has agreed with their color palette, rock face and various other things. The proposed project will be upscale, attractive, high-priced units that will have some unique views of the Valley. The Focus Property Group buildings immediately in front separate the proposed project from other residences. The view towards the south will be extraordinary. ATTORNEY CURRAN added that they have tried to find a way to present a project that would work for everyone. A two-story project cannot be developed, given the severe constraints of the property. Other three-story projects have been approved in Lone Mountain.

COUNCILMAN BROWN discussed with KEITH ROBERTSON, Project Manager, 2595 South Cimarron Road, that the sale cost would be in a range of \$350 per square foot. The units will be 2,400 square feet with a two-car garage.

COUNCILMAN BROWN commented that even town homes on a three-acre parcel at \$800,000 with a 35-foot restriction would be embraced. The first issue that created the conflict is the fact that forty percent of the property is a mountain. The City's land use evaluation should not be contingent upon a hardship. The City would like to preserve as best as it can what currently exists at this location. The intent is not to start blasting the mountain side, but protect the natural contour by allowing the applicant to take the five-acre density of six units per acre for a total of 30 units, and blending it on a developable portion of the parcel. The question remains what needs to be done to protect or allow for the blending. He further stated that within Lone Mountain West



MEETING OF: JULY 19, 2006

there are currently no single family detached projects that are within the 35-foot height restriction, but only three levels. The proposed attached project would be the first, and one condition would be to keep the 35 height restriction. The City Code is ambiguous on that, especially in Lone Mountain.

COUNCILMAN BROWN advised that JOHN RITTER of the Focus Property Group assembled the majority of the land, referred to as the Lone Mountain West Master Planned Community. He has always supported good development and wants to see good quality developments continue. He appreciates both attorneys coming to some agreement. He stated that the first impression someone gets when first seeing the project is very important. The colors and material used go along with the hillside. Visually a single family detached town home would have a great view along the hillside.

COUNCILMAN BROWN complimented MS WHEELER and her staff because this application is being considered without the hillside ordinance. He supports keeping the integrity of the mountain side. Denying the height Variance will force the applicant to take a look at the redesign and footprint to bring back before the City Council.

ATTORNEY CURRAN pointed out that if the site design is not being considered today, one of the conditions of approval is that the applicant agreed to dedicate to the City the remaining part of the property outside their construction footprint. COUNCILMAN BROWN replied that he does not want it dedicated to the City because it would put the liability on the City. DEPUTY CITY ATTORNEY BRYAN also agreed with the Councilmans comment.

COUNCILMAN BROWN pointed to a certain part of a condition limits future phases. MS. WHEELER replied that that is addressed in Condition 4 of the site plan.

COUNCILWOMAN MANKAMA supported COUNCILMAN BROWN'S intent to maintain the integrity of the mountains. Focus Property Group has also shown they care about this particular area.

COUNCILMAN BROWN commented that the spacing between the front and rear of the town homes was initially approved by the Fire Department, but then they asked to have access underneath, which added to the issue of raising the height of the facility. MR. ROBERTSON pointed out that an additional 4.5 feet was added at the request of the Fire Department after the third meeting. It was first identified that they would not want to drive their vehicles underneath, but then decided they would, even though all the buildings will be sprinkled.

COUNCILMAN BROWN encouraged the applicant to continue to work with the Focus Property Group and his office. ATTORNEY CURRAN replied they intend to proceed as expeditiously as possible and will begin to work with staff and Focus Property Group immediately.

MAYOR GOODMAN declared the Public Hearing closed for Item 101a [MOD-11027], Item 101b [ZON-11031], Item 101c [WVR-12368] Item 101d [VAR-11030] and Item 101f [SDR-



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