

**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT  
CITY COUNCIL MEETING OF: FEBRUARY 7, 2007**

**DEPARTMENT: PLANNING & DEVELOPMENT**

**DIRECTOR: M. MARGO WHEELER**

Consent  Discussion

**SUBJECT:**

GENERAL PLAN AMENDMENT

GPA-16578 ABEYANCE ITEM - PUBLIC HEARING - APPLICANT: JOHN DAVID BURKE ARCHITECT - OWNER: NEW VISTA RANCH, INC. - Request to Amend a portion of the Centennial Hills Sector Plan of the Master Plan FROM: DR (DESERT RURAL DENSITY RESIDENTIAL) TO: PCD (PLANNED COMMUNITY DEVELOPMENT) on 15.05 acres at 7875 North Rainbow Boulevard (APN 125-15-501-002), Ward 6 (Ross). NOTE: NEW VISTA RANCH, INC. IS THE APPLICANT/OWNER. Staff recommends DENIAL. The Planning Commission (6-0-1 vote) recommends APPROVAL

**PROTESTS RECEIVED BEFORE:**

**APPROVALS RECEIVED BEFORE:**

Planning Commission Mtg.

11

Planning Commission Mtg.

0

City Council Meeting

7

City Council Meeting

3

**RECOMMENDATION:**

Staff recommends DENIAL. The Planning Commission (6-0-1 vote) recommends APPROVAL, subject to conditions.

**BACKUP DOCUMENTATION:**

1. Location and Aerial Maps
2. Conditions (Not Applicable) and Staff Report
3. Supporting Documentation
4. Justification Letter
5. Submitted after final agenda Protests letters for Items 95-97 and New Vista Community Master Development Plan and Developments Standards

Motion made by STEVEN D. ROSS to Approve

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)

**Minutes:**

MAYOR GOODMAN declared the Public Hearing open on Item 95 [GPA-16578], Item 96 [ZON-16580] and Item 97 [SDR-16581].

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ATTORNEY CHRIS KAEMPFER, Kummer Kaempfer Bonner Renshaw & Ferrario, 3800 Howard Hughes Parkway, appeared on behalf of the applicant together with JOHN BURKE, Architect. ATTORNEY KAEMPFER indicated that New Vista owns the property on the southwest corner of Rainbow Boulevard and Grand Teton Drive. To the west is the Gilcrease Ranch and further east is some vacant land. Across Grand Teton are single-story homes on approximately one sixth-acre lots located within the Silverstone Golf Club. Since these homes are single-story and because of the project's significant setbacks, it represents no site impairment for those residents across Grand Teton Drive. New Vista has been on this property for 20 years serving the intellectually-challenged, most with Down Syndrome. The property was donated by the Gilcrease family for this particular use. The vision is to create a place where intellectually-challenged adults can live, work and play, as there is no place for them to go once family members can no longer care for them. New Vista is the first step to providing that care.

ATTORNEY KAEMPFER indicated that the proposed development consists not only of the existing ranches, but a new assisted care facility for approximately 60 adults, a community center, a basketball court, swimming pool and a studio where they can learn a trade. He stressed that this facility is not open to the general public; there is no retail component and nothing is sold from this site. There were three neighborhood meetings and numerous conditions were agreed by New Vista, in which the neighbors were provided a written list of these conditions. He outlined the conditions as discussed during the neighborhood meeting, which were incorporated in the approval by the Planning Commission.

ATTORNEY KAEMPFER indicated that they will install a trail as required. BART ANDERSON, Public Works Department, stated there is a non-equestrian multi-use trail requirement along the south side of Grand Teton Drive. The City has standards for trails, so it would be for pedestrian and not equestrian use. Staff is willing to work with the applicant to ensure what they propose meets the City's standards. ATTORNEY KAEMPFER commented that they want an equestrian trail for those residents south of the project. He verified that the flood channel would be a concrete channel.

ATTORNEY KAEMPFER confirmed there is no desire for New Vista to sell the property and it is outlined in the Development Agreement. ASSISTANT CITY ATTORNEY BRYAN SCOTT recommended a condition that the document would be recorded with the County Recorder so that any subsequent purchasers would have notice of that agreement. ATTORNEY KAEMPFER was amenable to the recommendation.

During the neighborhood meetings, residents expressed opposition regarding this project and felt it could be accomplished without the General Plan Amendment and zone change. Other concerns were expressed that this might become a commercial project, such as a 24-hour fitness center. MR. BURKE verified with staff that this will not happen because of the required condition that any change would require a public hearing. This project will not set a precedent for other commercial developments in the area. The project was reduced from the original proposal, but it still needs to be as large as requested because of the indoor basketball court and swimming pool.

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MR. BURKE discussed with the Mayor that they have begun a campaign to raise funding for the project. The project's estimated cost is 30 million dollars. COUNCILWOMAN TARKANIAN pointed out that it takes time to start a charity, but she believes it can be accomplished.

ATTORNEY KAEMPFER pointed out that the fear that it this will become something different is not justified by the facts. He requested approval and recognized the New Vista residents who were in the audience.

ASSISTANT CITY ATTORNEY SCOTT indicated the changes to the development agreement; on page 9 it should refer to Title 19 and a condition be added at the bottom of the agreement to state that Title 19 shall govern any subject matter not specifically provided for in this Master Development Plan. ATTORNEY KAEMPFER agreed.

TOM McGOWAN, Las Vegas resident, asked how are the mentally challenged residents protected from the surrounding community. He supported the project as it is highly overdue and commendable. ATTORNEY KAEMPFER replied they are not worried about members of the community because they harbor no ill will towards the New Vista residents.

TED RUSSELL, Las Vegas resident, supports the project. It is a model that will be replicated throughout the nation.

PAM BAILEY, 6665 Joe Marcy Drive, expressed concern about the project's impact on her community and does not support the zoning change because it might set a precedent. The project is too large for the small number of residents. She clarified that at the Planning Commission it was agreed to do chat at the south portion and pave the northern parking area. In addition, it was discussed to do a water retention basin with overflow parking to eliminate the majority of the paved parking spaces shown on the site plan. MR. BURKE replied that staff requested that a preliminary study be done. The Regional Flood Control facility has to be concrete and tied into a future Special Improvement District on Rainbow Boulevard. The overflow parking will be made of gravel as approved by staff.

NEAL GALLETTS, 7315 North Rainbow Boulevard, appeared in support and verified that family members will also be welcome. He hopes that it will remain as approved and not become commercial.

GERALD GILLOCK, 6600 Via Provenza Avenue, stated that concrete flood channel is an excellent provision, but asked that the flood channel along Rainbow Boulevard be revisited. He thanked the applicant for all the conditions.

COUNCILMAN ROSS thanked the residents for their support of this project and appreciated the positive comments. There has been a lot of misinformation, and he apologized for rude and inappropriate comments made during the neighborhood meetings. He showed an aerial picture depicting an area not appropriate for commercial. He guaranteed that while he is on the Council,

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he will make every effort to maintain this area residential. New Vista makes the lives of others better and it will be a disservice to the community not to provide this type of service.

MARGO WHEELER, Director of Planning and Development Department, recommended an amendment to Condition 7 and an added condition. In addition, MS. WHEELER amended Section 4.3 and 7.0 of the Master Development Plan. ATTORNEY KAEMPFER concurred with the amendments.

MAYOR GOODMAN declared the Public Hearing closed on Item 95 [GPA-16578], Item 96 [ZON-16580] and Item 97 [SDR-16581].