

**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: AUGUST 23, 2007**

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: M. MARGO WHEELER

Consent Discussion

SUBJECT:

ABEYANCE - RENOTIFICATION - GPA-20469 - GENERAL PLAN AMENDMENT - PUBLIC HEARING - APPLICANT/OWNER: LITTLE ACQUISITION GROUP, LLC, ET AL - Request to amend a portion of the Centennial Hills Sector Plan of the General Plan FROM: PCD (PLANNED COMMUNITY DEVELOPMENT) AND SERVICE COMMERCIAL) TO: TND (TRADITIONAL NEIGHBORHOOD DEVELOPMENT) on 7.37 acres on the west side of Oso Blanca Road, approximately 2,190 feet south of Kyle Canyon Road (APNs 125-06-002-005, 006, and 007), Ward 6 (Ross).

C.C.: 09/19/07

PROTESTS RECEIVED BEFORE:

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

Planning Commission Mtg.

1,056

City Council Meeting

City Council Meeting

0

RECOMMENDATION:

APPROVAL

BACKUP DOCUMENTATION:

1. Location and Aerial Maps
2. Conditions (Not Applicable) and Staff Report
3. Supporting Documentation
4. Photos
5. Justification Letter
6. Neighborhood Meeting Comments
7. Submitted after final agenda Protest letter for Items 20-23
8. Submitted at meeting Support petition with 1,056 signatures for Items 20-23 submitted by Mark Fiorentino

Motion made by DAVID STEINMAN to Approve

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

GLENN TROWBRIDGE, DAVID STEINMAN, STEPHEN EVANS, LEO DAVENPORT, RICHARD TRUESDELL, SAM DUNNAM; (Against-None); (Abstain-BYRON GOYNES); (Did Not Vote-None); (Excused-None)

NOTE: COMMISSIONER GOYNES disclosed that he would be abstaining on Items 20-23 as he had been asked by Focus Property Group to submit a proposal for work through his company.



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He stated he was not currently under contract, but felt it would be proper to abstain on these items.

Minutes:

CHAIRMAN DAVENPORT declared the Public Hearing open for Items 20-23.

DOUG RANKIN, Planning and Development Department, stated the requested general plan amendment and the rezoning application, ZON-22351, were in conformance with the Kyle Canyon Development Agreement and recommended approval. With regards to the applications for the Gaming Overlay (G-O) District and related Special Use Permit (SUP), MR. RANKIN stated the applications met the State standards and recommended approval.

MARK FIORENTINO, 3800 Howard Hughes Parkway, appeared on behalf of the applicant and briefly explained the applications. He noted approval of Items 20 and 21 would incorporate outlying parcels into the Kyle Canyon Master Plan by giving them the Traditional Neighborhood Development (TND) designation and the Traditional Development (TD) zoning. MR. FIORENTINO pointed out one of the parcels already zoned for a tavern and related uses which would be rezoned if all applications were approved. Item 21 would create an TD and G-O district in conformance with the Kyle Canyon Master Plan and the SUP would meet the requirements of the Master Plan and the City Code.

MR. FIORENTINO emphasized these applications did not include a site plan and clarified these items would establish the parcels maximum square footage dedicated to casino space and its maximum height. He noted that during the public hearing process for the master plan, concerns had been raised regarding the proposed casino site. He stated a neighborhood meeting had been held, which was not required, and he described the noticing process and how the meeting had been held. MR. FIORENTINO underscored the applicant's efforts to notify the public and address their concerns. He clarified the location of the casino site and emphasized the site's distance from Mount Charleston. He also noted that this proposal will not negatively impact anyone living within 2,500 feet as the closest residents are over 2,600 feet away and highlighted the many benefits the City would receive as a result of this project.

As proof that the proposed casino would not be a negative impact on any existing and potential residents, MR. FIORENTINO submitted a letter of support from the developers and a support petition with approximately 1,000 signatures and explained how the signatures were collected. Stating that anyone choosing to buy a home in the Kyle Canyon, he described how the public would be informed of the casino's location. He concluded by noting staff's recommendation of approval for all applications.

MARGO WHEELER, Director of Planning and Development Department, clarified that these applications did not contain a site plan and would not establish the casino's height or size. She stated that the requested zoning and development agreement restricted height, but underscored the physical development was not being discussed at this time.

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TODD FARLOW, 240 North 19th Street, commended the developer for conforming to the design that was first presented to the public. He expressed his disappointment in the loss of the two water systems for the development and requested confirmation that a mass transit system would also be developed as part of the Master Plan.

LISA MAYO-DOREES, 8322 Jeeves Circle, appeared in opposition to the proposed casino, stating that the area already had a neighborhood casino and another casino would negatively impact the neighborhood and the Mount Charleston area. She also expressed concern with the development and notification process. ALEX MCKYTON, 103 Big Plantation Avenue, appeared in opposition and suggested this site did not meet the minimum requirements for a casino. He also suggested the applicant was attempting to sneak other parcels and other applicants into the development. EILEEN MCKYTON, 1033 Big Plantation Avenue, appeared in opposition and expressed concern with traffic and security within the proposed development. WENDY WARK, 8920 Pine Mission Avenue, appeared in opposition and stated the applicant had not kept his promise to keep all concerned parties informed during the development process. She expressed her opposition to the proposed casino and suggested the land should be used for recreational purposes.

MR. FIORENTINO reiterated the applicant's commitment to integrate a mass transit station and system into the development. He assured the Commission that the applications were in order and that staff was aware of the two parcels that were under discussion. He also apologized to MS. WARK and acknowledged he failed to keep her informed during this process. He promised to remedy the situation.

MR. RANKIN and DEPUTY CITY ATTORNEY JAMES LEWIS explained the Kyle Canyon Master Plan contemplates the possibility that the parcels in question can be developed as a casino site. DEPUTY CITY ATTORNEY LEWIS added that the site exceeds the minimum size requirement for a casino site.

Emphasizing his support for the neighborhood casino concept, COMMISSIONER TRUESDELL stressed the importance of independent access to the non-gaming components so families can access those facilities without having to travel through the gaming areas.

COMMISSIONER EVANS suggested that without neighborhood casinos, the community would have free-standing entertainment facilities with no associated gaming uses and that the State law regarding casino development is full of exceptions. He agreed with COMMISSIONER TRUESDELL that families should not be forced to travel the casino floor to reach non-gaming facilities, but observed that few casinos obeyed the State law requiring that access. COMMISSIONER EVANS stated he had met with MR. FIORENTINO and staff regarding fire, flooding and conservation issues and noted those concerns had been addressed.

COMMISSIONER STEINMAN agreed with COMMISSIONER EVANS' statement that neighborhood casinos discourage the development of free-standing entertainment facilities, but

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he observed that the community has clearly accepted the neighborhood casino concept. He also noted the Gaming Commission did not appear concerned with the idea that children and teenagers must travel the casino floor to reach the entertainment facilities and expressed his support.

DEPUTY CITY ATTORNEY LEWIS informed the Commissioners that in order to obtain a recommendation for approval, the petitioner must prove his case by clear and convincing evidence.

CHAIRMAN DAVENPORT declared the Public Hearing closed for items 20-23.

