

**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: OCTOBER 11, 2007**

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: M. MARGO WHEELER

Consent Discussion

SUBJECT:

GPA-24245 - GENERAL PLAN AMENDMENT - PUBLIC HEARING - APPLICANT: BRIAN J. HORNER - OWNER: BRIAN J. HORNER, ET AL. Request to Amend a portion of the Southwest Sector Plan of the Master Plan FROMER (RURAL DENSITY RESIDENTIAL) TO: O (OFFICE) on 1.40 acres adjacent to the south side of O'Casey Boulevard approximately 360 feet east of Rainbow Boulevard (APNs 163-02-310-001 through 003) Ward 1 (Tarkanian)

C.C.: 11/07/2007

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.

5

City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

0

City Council Meeting

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RECOMMENDATION:

DENIAL

BACKUP DOCUMENTS:

1. Location and Aerial Map
2. Conditions (Not Applicable) and Staff Report
3. Supporting Documentation
4. Photos
5. Justification Letter
6. Protest postcard and protest letters
7. Submitted after final agenda. Protest postcards and protest petition from Wildwood Ranch Estates for Items 34 and 35

Motion made by BYRON GOYNES to Deny

Passed For: 6; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 1
RICHARD TRUESDELL, STEVEN EVANS, SAM DUNNAM, LEO DAVENPORT, BYRON GOYNES, DAVID STEINMAN; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-GLENN TROWBRIDGE)

Minutes:

CHAIRMAN DAVENPORT declared the Public Hearing open for Items 34-36.

DOUG RANKIN, Planning and Development Department, stated the intrusion of commercial-office into the neighborhood is not compatible with the General Plan or the current zoning and land uses and recommended denial of all applications.

BOB GENZER, Genzer Consulting, appeared on behalf of the applicant. BRYAN HORNER was also present. MR. GENZER stated that the basis of the denial is the fact that the area is shown on the Rural Preservation Overlay map and the subject lots do not have the same characteristics because they do not allow the keeping of horses. He stated that the three lots front Oakey Boulevard and because of the size of the lots, it is possible to create parking areas in the front of these lots without affecting the properties to the south. MR. GENZER pointed out that the lots are directly across the street from a multi-family project. With regard to the Site Development Plan Review, he indicated that only the center lot is being considered for the conversion and noted that the applicant is agreeable to making any elevation changes necessary.

BECKY ALONZA, 6840 Adobe Court, explained that her property backs the subject property. Her major concern is the two other properties and not knowing whether they would be converted to commercial. She stated that she has spoken with MR. HORNER who has indicated that he would be willing to make adjustments to keep the neighborhood. She also expressed concern with having a potential two-story building overlooking her property.

MARY JOHNSON, 6840 Adobe Court, stated that her property backs up to the rear of the center house. She concurred with the previous speaker and was also concerned about safety and security.

RAOUL TAPIER, 1849 Casa Vista Drive, mentioned the parking situation that currently exists. He predicted that those parking issues will continue if the proposed project is approved.

RUSS KLAUVENSTEIN, 1887 Casa Vista Drive, appeared in opposition. He stated his confusion with the applicant's method of application since he does not own all three properties and there is no representation from the other owners. MR. KLAUVENSTEIN noted the CC&R's that were established for the homes in this rural residential area.

JANET ABNEY, 6823 Adobe Court, commented that she has lived in that residential area for 27 years. Her neighborhood is very close knit and the majority have expressed opposition to the proposed project. She stated that she doesn't blame the applicant for trying but the community is a well-maintained neighborhood of half-acre estate lots and the residents would like it to remain that way.

JOHN SASSEY, 6809 Adobe Court, appeared in opposition and stated this development will disrupt the integrity of the neighborhood and worsen the traffic conditions.

DON WILLIAMS, 6991 El Parque Avenue, appeared in opposition and stated that there have been similar attempts to convert residential to commercial. Citing the traffic on Oakey

Boulevard, he has seen motorists completely disregard traffic barriers fronting the subject property. MR. WILLIAMS questioned the purpose of laws and restrictions when there are constant requests for rezoning.

MIKE CONDER spoke on behalf of Randy Warren, 6810 Adobe Court, and echoed the same concerns of the neighbors with regard to traffic problems and property safety.

JOAN STACKER, 1997 Redwood Street, stated that she attended the neighborhood meeting where MR. HORNER threatened to sell his property at a very low price, which would result in devaluation of the surrounding properties. She voiced her opposition against the intended project.

ASSISTANT CITY ATTORNEY BRYAN SCOTT clarified that CC&R's supercede Title 19.

MR. GENZER stated that the CC&R's are a private covenant which will have to be reviewed. He clarified that the application is for professional office and not commercial and emphasized that retail uses are prohibited in a PR zone. He reiterated that MR. HORNER is willing to agree to a condition limiting the height of the building to one story as well as change the height of the rear wall to eight feet. Security is an issue with the height marking requirements have been met and accessing the rear of the yard would not be necessary. MR. GENZER stated the applicant did receive authorization to speak on behalf of the other adjacent property owners as noted by their signature on the application form.

With regard to security lighting, COMMISSIONER COYNES expressed concern as to how the applicant proposes to ensure the lighting for the adjacent neighbors yet provide enough security for his property. MR. HORNER explained that the plans call for motion lighting and eight-foot high gates.

In response to COMMISSIONER TRUESDELL'S question, MR. GENZER clarified that the Rezoning and the General Plan Amendment are for all three lots, but the Site Plan is only for the middle lot. COMMISSIONER TRUESDELL stated this request could be considered spot zoning. He added that there are a lot of concerns with applications in this area and he believed the neighbors are present because they want to protect their homes.

COMMISSIONER STEINMAN stated that it is apparent that the property had been neglected. He understood why the neighbors want to retain the rural preservation feel of the area and stated that approval is especially challenging since the site development for all three properties had not been presented.

After hearing the testimony of several neighbors, CHAIRMAN DAVENPORT stressed that the applicant would benefit by working closely with the residents with regard to the landscaping, walls and security.

CHAIRMAN DAVENPORT declared the Public Hearing closed.