



**AGENDA SUMMARY PAGE PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF OCTOBER 3, 2007**

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER

Consent Discussion

SUBJECT: SITE DEVELOPMENT PLAN REVIEW

SOR-15747 ABEBYANCE ITEM - PUBLIC HEARING - APPLICANT/OWNER: TWIN LAKES BAPTIST CHURCH - Request for a Site Development Plan Review FOR A PROPOSED 31,120 SQUARE FOOT CHURCH/HOUSE OF WORSHIP AND A WAIVER OF THE PERIMETER LANDSCAPING REQUIREMENTS on 8.55 acres at the northwest corner of Rainbow Boulevard and Westcliff Drive (a portion of APN 138-27-802-004), U (Undeveloped Zone [C-1 (Service Commercial) General Plan Designation] under Resolution of Intent to C-1 (Limited Commercial) Zone, Ward 1 (Tarkanian). Staff recommends DENIAL. The Planning Commission (7-0 vote) recommends APPROVAL

PROTESTS RECEIVED BEFORE:

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.	<input type="text" value="0"/>	Planning Commission Mtg.	<input type="text" value="0"/>
City Council Meeting	<input type="text" value="1"/>	City Council Meeting	<input type="text" value="1"/>

RECOMMENDATION:

Staff recommends DENIAL. The Planning Commission (7-0 vote) recommends APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

1. Location and Aerial Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Justification Letter
5. Submitted after final agenda Bonanza Trail Plan

Motion made by LOIS TARKANIAN to Approve subject to conditions, deleting Condition 4 and amending Conditions 3, 19, 20 and 22 as read for the record:

3. A Waiver from Title 19.12 is hereby approved, to allow a minimum zero perimeter landscape buffer where a fifteen-foot buffer is required along the southern property line along Westcliff Drive, 563 inch wide landscape fingers where 60 inch wide landscape fingers are required and to allow no parking lot landscape fingers along the foundation parking area. All other landscaping shall be in conformance to Title 19.12.

19. Coordinate with the Right-of-Way Section of the Department of Public Works to determine the application submittal requirements for Bureau of Land Management (BLM) applications for any portions of the trail path across BLM Parcel #138-27-802-006. A copy of the plant survey

CITY COUNCIL MEETING OF: OCTOBER 3, 2007

(if applicable), approved right-of-way grant issued by BLM, receipt for tortoise mitigation fee payment and notice to proceed issued by BLM (if applicable) shall be submitted to the Right-of-Way Section prior to approval of construction drawings for this site or the issuance of any permits, whichever may occur first.

20. The developer of this site is responsible to grant a multi-use transportation trail easement and construct a multi-use transportation trail along the eastern and northern boundaries of this site and along the eastern and northern boundary of Assessor's Parcel Number 138-27-802-001 per the adopted Transportation Trails Element of the City of Las Vegas Master Plan. If the trail easement is granted within 30 days of approval of this action by the City Council, the City shall incorporate the construction of the trail into the City's Bonanza Trail project and fund the construction. However, if the trail easement is not granted within 30 days, then the developer shall grant the required multi-use transportation trail easement prior to the issuance of any permits, and the developer shall construct, concurrent with onsite development, the multi-use transportation trail in accordance with the Master Plan Transportation Trails Element, with a modified cross section as determined by the City Engineer. Coordinate with the City Engineer's Office to ensure that the trail is designed to connect with the portions of the trail being constructed by the City west and east of this site. Alternatively, the developer may pursue an alternative trail alignment that encroaches into Nevada Department of Transportation (NDOT) right-of-way and/or Bureau of Land Management north of the subject site, however all costs related to such relocation shall be borne by the applicant, if the applicant provides proof acceptable to the City Engineer that such relocation is allowed by NDOT and/or BLM.

22. Site development to comply with all applicable conditions of approval for Zoning Reclassification ZON-3995 and all other applicable site-related actions.

Passed For: 6; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 1
LOIS TARKANIAN, LARRY BROWN, OSCAR B. GOODMAN, GARY REESE, STEVE WOLFSON, STEVEN D. ROSS; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-RICKI Y. BARLOW)

Minutes:

MAYOR GOODMAN declared the Public Hearing open.

ATTORNEY HANNAH IRSFELD, 340 East Warm Springs Road, felt that progress has been made since the last meeting to look for a win-win situation for everybody concerned. The applicant wants to build the church; the City wants the applicant to complete the trail and address the bridge issue. The proposal from the City of Las Vegas, regarding the easements, is that the City would fund the trail and make it part of the Bonanza Trail funding. But if they pursue the alternate plan, they would have to pay for it. They are looking at amending the language of paragraph 20 so they can coordinate with the City to ensure that the Bonanza Trail is built. The public land proposal involved some basin problems unacceptable to the Nevada Department of Transportation (NDOT). ATTORNEY IRSFELD added that they are willing to give half of their land to accommodate the building of the trail, within the provided funding constraints, and

CITY COUNCIL MEETING OF: OCTOBER 3, 2007

work with the City for an alternate proposal on the bridge. The current proposal would be less expensive than the City's proposal. She indicated that they did not receive the proposal's details.

ATTORNEY IRSFELD reiterated that the church does not agree with the alternative language and asked that it be stricken. ASSISTANT CITY ATTORNEY BRYAN SCOTT remarked that the church does not have to agree to the alternative language. The City Council can impose any condition they deem appropriate and relevant to this particular application. He hopes the proposed condition is less ambiguous than the current condition because he does not know what "coordinate" means.

MAYOR GOODMAN reiterated that the Councilwoman wanted to make a motion concerning the site plan review on the church itself. He also commented that the City Council will be taking action on the site plan pertaining to the church. COUNCILWOMAN TARKANIAN added she had not heard about the applicant completing half of the trail and the City the other half.

ATTORNEY IRSFELD reiterated they will continue to work with the City and accommodate what the church is trying to accomplish. COUNCILWOMAN TARKANIAN explained that the bridge is not part of the application.

MAYOR GOODMAN explained that the item was abeyed numerous times and is aware that diligent efforts have been made between staff and the applicant, but the Councilwoman wants to move forward with this application.

COUNCILWOMAN TARKANIAN added that any additional negotiations or concerns about the bridge can be discussed later. JORGE CERVANTES, Public Works Department, disagreed that they came to an understanding. Staff could support the fact they can get into the basin, but they do not support the change in design of the bridge. The City's design is 100 percent complete and ready to move forward with the project; an 8 million dollar project an if redesigned and additional \$300,000 would be required.

DEPUTY CITY ATTORNEY JIM LEWIS pointed out that once the site plan is approved and the applicant is given the building permits to move forward, there is no way to control whether they have stopped coordinating with the City. ATTORNEY IRSFELD suggested a condition that the applicant would coordinate with the City.

MAYOR GOODMAN asked ASSISTANT CITY ATTORNEY SCOTT whether the City would build the bridge as designed, if the Council votes for the site plan and the applicant cannot come to an accord. ASSISTANT CITY ATTORNEY SCOTT replied that the applicant would have to comply with all conditions of approval on the site plan pertaining to the trail. Therefore, if they could not work out another agreement, the City would be made whole with the current conditions on the site plan.

GINA VENGLASS, Public Works Department, referred to the site plan showing the trail on the applicant's property and gave a brief history of the application and previous site plans. When

CITY COUNCIL MEETING OF: OCTOBER 3, 2007

this project first came before the City Council in 2004, one of the conditions of the site plan, that has since expired, was that any additional phases that came before the City Council would have the requirement to dedicate and construct the trail. MS. VENGLASS also indicated that the bridge is within the right-of-way grant for NDOT and not reflected on the site plan provided by the applicant. MAYOR GOODMAN suggested the Council vote on the site plan as presented and the applicant can work out the bridge and trail issues with staff. MS. VENGLASS added that the applicant was unhappy with the City's bridge location. Staff has spent numerous hours coordinating with the developer on the bridge, and staff received a new proposal for an alternative location. Unfortunately, staff has not had time to sit and meet with the applicant; that is how this is pertinent to this project. However, it is not a part of what the City Council would be voting on today.

ATTORNEY IRSFELD verified with MS. VENGLASS that the conditions she received specifically refer to the trail and the bridge. MS. VENGLASS remarked that staff is willing to work with the applicant in relocating the trail on the north side over their property line and into the basin as the Bureau of Land Management (BLM) and NDOT would allow.

PAT KELLY, Twin Lakes Baptist Church, gave a brief history of the trail and the ongoing issues. The congregation did not like the bridge as designed by the City and has always disagreed with its design. After meeting with staff, the applicant came up with a viable option, similar in cost, which would work for the church and the City. ASSISTANT CITY ATTORNEY SCOTT intervened and stated the bridge is not part of the site plan. MR. KELLY interjected and pointed out that if the trail is to be located on their land, they need to know where the bridge will be located.

COUNCILWOMAN TARKANIAN commented that if the bridge is higher or lower, it would still come into their trail. MR. CERVANTES replied that staff shows the trail as being on the applicant's property but they are showing it inside the detention basin. Staff's proposal has not changed. Staff looked at it and based on NDOT's response, the City cannot place the trail there. Additionally, staff is ready to construct an end point and the applicant would then come in with a trail and tie into it. If they are going to delay and negotiate with NDOT, staff cannot wait due to higher construction costs. This is part of the master plan that the City has for trail alignments.

PASTOR LORENCO, Twin Lakes Baptist Church, 5700 Vegas Drive, commented that this conversation was held a year ago. Staff was told to build the bridge, but once again the same situation exists. He pointed out they have a cheaper proposal. Eventually the trail will tie to the bridge and their proposal would work for both the church and staff.

COUNCILWOMAN TARKANIAN stated that, according to the figures she received from staff, it would cost the City more money to go with the applicant's proposal. The City is proposing the same as with any other trail project within the City. She confirmed with MS. VENGLASS that the applicant has not agreed to all the conditions. ATTORNEY IRSFELD rebutted they only received the conditions shortly before the meeting. If they could have confirmation that the proposed condition does not address the bridge, it would ease their concerns. MS. VENGLASS

CITY COUNCIL MEETING OF: OCTOBER 3, 2007

read the amended condition. MARGO WHEELER, Director of Planning and Development Department, informed ATTORNEY IRSFELD that the bridge is not in the Trail Master Plan. ASSISTANT CITY ATTORNEY SCOTT remarked that the applicant could always ask for a review of condition.

TOM McGOWAN, Las Vegas resident, asked that the City Council to deny the application.

TEDDY RUSSELL, Las Vegas resident, stated that the congregation is suffering unnecessarily financially with continued abeyances. The essential thing is that the sanctuary will be a great asset to the community.

COUNCILWOMAN TARKANIAN commented that the Public Works Department, as well as her staff and the Mayor have met and worked with the applicant to address the concerns of both parties. She thanked staff for their due diligence in this matter. She believes they tried to reach an agreement. She asked MS. VENGLASS to read the amendments to Conditions 19, 20 and 22. MS. WHEELER also read an amendment to Condition 3 and deletion of Condition 4. ATTORNEY IRSFELD stated for the record they agree with all conditions, with the exception of Condition 20.

MAYOR GOODMAN declared the Public Hearing closed.