



City of Las Vegas

**AGENDA SUMMARY PAGE PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: MARCH 13, 2008**

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER

Consent Discussion

SUBJECT: BEYANET ZONING - REZONING - PUBLIC HEARING - APPLICANT: EXCEED PROPERTIES, INC. - OWNER: EXCEED PROPERTIES, INC., ET AL. - Request for a Rezoning FROM RPD25 (RESIDENTIAL PLANNED DEVELOPMENT - 25 UNITS PER ACRE) AND R1 (SINGLE FAMILY RESIDENTIAL) TO: C1 (LIMITED COMMERCIAL) on 4.35 acres adjacent to the east side of 6th Street, approximately 360 feet north of Sahara Avenue (APNs: 162-03-811-001 through 084; 162-03-801-011, 013, and 014 - Ward 4 (Reese))

C.C.: 04/14/2008

PROTESTS RECEIVED BEFORE:

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg. 32
City Council Meeting 0

Planning Commission Mtg.
City Council Meeting

**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. Protest letters, protest/support postcards and telephone protests
7. Submitted after final agenda - Protest Letters for Items 21-25
8. Submitted at meeting - FAA letter and neighborhood meeting information by Todd Pesavento and protest petition by Gregory Brown for Items 21-25

Motion made by STEVEN EVANS to Deny

Passed For: 5; Against: 2; Abstain: 0; Did Not Vote: 0; Excused: 0
SAM DUNNAM, DAVID STEINMAN, STEVEN EVANS, VICKI QUINN, GLENN TROWBRIDGE; (Against-BYRON GOYNES, RICHARD TRUESDELL); (Abstain-None); (Did Not Vote-None); (Excused-None)

Minutes:
CHAIR GOYNES declared the Public Hearing open for Items 21-25.

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FLINN FAGG, Planning and Development Department, explained that the massing and scale of the development are not consistent with the adjacent neighborhood and recommended denial.

TODD VISAVANO, 3783 Barrelwood Drive, appeared on behalf of the applicant. He gave a brief history of the neighborhood meetings that were held. He submitted informational packets, a letter from the FAA and signed petitions of support. MR. VISAVANO described the various modifications that were incorporated as a result of the feedback from the meetings.

CHRIS RICHARDSON, 900 South Pavilion Drive, appeared on behalf of the applicant. Using the overhead, he indicated the location of the project and briefly described the ground floor interior. MR. RICHARDSON enumerated the various amenities and demonstrated how traffic would flow through the site.

JOHN DELIKANAKIS, 548 Barbara Way, Vice-President of the Bevelly Neighborhood Association, appeared in opposition. He stated several reasons why the applications should be denied including the density and scope being inappropriate for the area, approval would set a dangerous precedent, it would drive the residents out, and the increased traffic would have a major negative impact on the neighborhood. He commended the developer for trying to work with the neighbors but emphasized that the monumental height of the structure should not be situated next to a residential neighborhood.

In response to COMMISSIONER TRUTSDELL'S question regarding the boundary of the Gaming Overlay District, DEPUTY CITY ATTORNEY JIM LEWIS clarified that it is established at 1500 feet from the center line of Las Vegas Boulevard to St. Louis in the north and south directions.

GREGORY BROWN, 606 Bevelly Avenue, spoke on behalf of his neighbors. He noted that several neighborhood meetings were held with the residents encouraging smart development. He explained that the neighbors oppose the current proposal because the density and height are too intense on a street of single-family residential homes.

LYNN TINEN, 2216 S. 6th Street, appeared in opposition. Representing 36 of her neighbors who reside directly across the street from the proposed project, MS. TINEN stated that none of the traffic studies had been completed and despite the several meetings that were held, the developer has been evasive about providing information. She expressed concern for the children walking to and from school who would be affected by the increased traffic from the project.

SCOTT SWANK, 546 Barbara Way, appeared in opposition. He stated that he walked the entire neighborhood and only one property owner supported the project. He felt this development would negatively impact property values.

A number of residents who live on or adjacent to 6th Street addressed issues concerning parking, increased traffic, dangerous conditions for the children who walk to and from schools in the community, commercial encroachment, and negative impact to property values. The majority of

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speakers remarked that they oppose the project because of the density and height. The community was well represented by officers of the various Homeowners Associations. Residents who spoke against the proposed development included: RICHARD REED, 548 Canosa Avenue; PHYLIS SILVESTRI, 610 Canosa Avenue; LANCE KIRK, 1060 Griffith Avenue; JACK LEVINE, 1818 8th Place; IONELL THOMAS, 1509 South 5th Place; JACLYN MALOY, 1404 South 6th Street; MIK SEGERBLOOM, Assemblyman for this area; ANNETTE MARCUS, resident of 50 years; JESSICA BROWN, 606 Bonita Avenue; PAM HARTLEY, 1700 Rexford; and LEONARD FERRIS, Owner of Café Heidelberg.

STEVEN CHAMOISE, 2019 Beverly Way, appeared in support. He expressed concern with traffic and the homeless, but felt that this project would have a positive impact on property values.

TODD FARLOW, 240 North 19th Street, encouraged the applicant to consider building this project in another location.

COMMISSIONER TRUESDELL stated that the project was interesting and mentioned that the density, building height, and traffic were not the criteria he was worried about. He doubted that the applicant really listened to the neighbors and questioned whether the developer actually has the financial resources for this project. COMMISSIONER TRUESDELL stated that there is a need to infill the city and it's necessary to compete for better projects.

COMMISSIONER TROWER remarked that the developer has made a lot of concessions and presented a very nice looking project. However, listening to the residents, he stated the location is wrong. He suggested the project be moved to a more appropriate site on the west side of Las Vegas Boulevard, north of Sahara where there is a need for this type of development.

COMMISSIONER EVANS noted that the neighborhoods are doing great and he emphasized that that sector is the revitalization portion of the downtown area. As a resident of one of those neighborhoods, it troubled him to realize that over a period of seven years, it has been a constant battle for residents each time a developer proposed to develop within their neighborhoods. He stressed that the people are passionate about good development, but developers owe them the respect of not only meeting with them to determine their needs and wants, but designing a project that would benefit the goals of the communities.

COMMISSIONER EVANS mentioned that he had met with SENATOR BRYAN and TREVOR HAYES regarding this project but was disappointed at the outcome.

COMMISSIONER QUINN remarked that she sat in on the meeting with COMMISSIONER EVANS and SENATOR BRYAN. She stated that she could not support the project and was convinced that this neighborhood is something that the City wants to preserve. She stated that this is a wonderful project; however, it does not belong in this location.

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CHAIR GOYNES voiced his approval of the product viewed the problem as being a lack of communication between the developer and the neighbors. Considering the number of residents who were present to state their opposition, he declared that he liked the product and would support it, but because the development was not compatible with the neighborhood, he believed this was not the area for this project.

GREG TRIPANNI, President of Exceed International, appreciated the comments and explained that this is a better project than what was presented several years ago. He expressed concern that the neighbors felt the meetings were futile as they have looked at all avenues to mitigate the impact this project would have on the neighbors. MR. TRIPANNI clarified that a traffic study was completed and submitted to the City.

ED VANCE, Ed Vance & Associates, 900 Pavilion Center Drive, stated that at one of the neighborhood meetings, there was a substantial number of residents who supported this project. Unfortunately, they were not present. He remarked that the developer has listened intently to the neighbors and has tried to incorporate those comments in their design and structural elements. He believed that some parts of the neighborhood were in need of help. MR. VANCE explained that rental units are the only way to pencil the project because condominiums are difficult to finance. He concluded by stating that development creates vitality.

CHAIR GOYNES objected that traffic impact is caused by transportation issues that result in vehicular movement through the neighborhood. MR. VANCE responded that as part of the plans to develop a live/work housing development, they will also provide a bus stop. When questioned by COMMISSIONER EVANS about rental rates for the units, MR. VANCE offered to meet for further discussion.

CHAIR GOYNES declared the Public Hearing closed for items 21-25.

