



City of Las Vegas

Agenda Item No.: 81.

**AGENDA SUMMARY PAGE PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF: APRIL 2, 2008**

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER

Consent Discussion

SUBJECT:
GENERAL PLAN AMENDMENT

CPA-25892 PUBLIC HEARING APPLICANT/OWNER: SF INVESTMENTS, LLC - Request to Amend a portion of the Centennial Hills Sector of the General Plan FROM: MLA (MEDIUM-LOW ATTACHED RESIDENCY RESIDENTIAL) TO: MD (MEDIUM DENSITY RESIDENTIAL) on 11.45 acres at the southeast corner of Lone Mountain Road and U.S. 95 (APNs 138-03-510-001 through 003, 023, 024, 025 and 031), Ward 4 (Brown). Staff recommends DENIAL. The Planning Commission (5-1-1 vote) recommends APPROVAL

PROTESTS RECEIVED BEFORE:

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.	<input type="text" value="13"/>	Planning Commission Mtg.	<input type="text" value="6"/>
City Council Meeting	<input type="text" value="2"/>	City Council Meeting	<input type="text" value="1"/>

RECOMMENDATION:

Staff recommends DENIAL. The Planning Commission (5-1-1 vote) recommends APPROVAL.

BACKUP DOCUMENTATION:

1. Location and Aerial Maps
2. Conditions (Not Applicable) and Staff Report
3. Supporting Documentation
4. Photos
5. Justification Letter
6. Backup referenced from the 02-28-08 Planning Commission Meeting Item 19

Motion made by LARRY BROWN to Approve

Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0
RICKI Y. BARLOW, LOIS TARKANIAN, 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 for Items 81-84.

ATTORNEY BOB GRONAUER, 3800 Howard Hughes Parkway, appeared on behalf of the applicant. He gave an overview of the site, reflecting Lone Mountain to the north and across the street where the Santa Fe Hotel is situated. The US 95 is located along the western border, and

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on the southern/eastern portion are County parcels that are currently zoned residential but are planned for office uses. He pointed out that pursuant to the Interlocal Agreement, the area shown on the map is planned for office uses. Back in March 2005, a portion of the property was zoned for four-plexes, for sale, for density up to 10 dwelling units per acre. The current plan is much better and allows multi-family uses.

To the south of Red Coach, there are commercial uses. There are higher densities further to the east of the subject site. ATTORNEY GRONAUER stated that the zone change is compatible with the General Plan Amendment.

He explained that there will be residents in opposition who reside on Balsam Street, as they have been in opposition since the original request. By purchasing the properties in the area, a portion of Balsam Street would be vacated so there will not be traffic coming into the location of the remaining single family homes. The only ingress/egress is what is depicted on the site plan. In addition, the emergency access is to the south on Red Coach and will be gated at all times. The developer has committed to not having ingress/egress on Red Coach.

From the original plan, some changes include building setbacks. The resident most impacted from the proposal now supports the project. In addition, the number of proposed units has decreased from 256 units to 248 units, and they are now required to be 70 feet where 91 feet is required. The closest setback from any property line is approximately 70 feet. The plan is much better relative to design than the original. He believed the issues have been addressed, including the stock piling and the ADA requirements.

Regarding the variance and legal description, he showed a picture depicting the lot being irregular and odd shaped. The buildings have been placed along the freeway and flows well within the project. He asked that the Council follow Planning Commission's recommendation and asked for approval.

In opposition, ROBERT EAGLE, 4686 Balsam Street, commended ATTORNEY GRONAUER on his presentation, but he felt the developer knew what the CC&R's and the City's plans were for the subject site and believed he manipulated the Council by requesting changes to the CC&R's and the Master Plan. MR. EAGLE stated he was not aware of any residents who supported the proposed project. For the past two years, he has had to sandbag his driveway. He noted that he had tried numerous times to reach City staff regarding his concerns but to no avail. In speaking with ATTORNEY GRONAUER, he asked whether the developer could mitigate the traffic concerns regarding Lone Mountain Road and Balsam Road. ATTORNEY GRONAUER felt the vacation of Balsam Road would be appropriate and would restrict the flow of traffic through that residential area. In closing, MR. EAGLE stated that the proposed project would not work within their community.

KEN ROGERS, 4668 Balsam Street, indicated on the map the location of his residence. He opposed the project yet believed it looked much better than the previous one. It did not appear that the project complied with Americans with Disability Act (ADA) requirements relative to

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parking, thresholds, and steps. ATTORNEY GRONAUER replied that the building code requires ADA compliance prior to construction and the developer will ensure those requirements are met.

MAYOR GOODMAN confirmed with MARGO WHEELER, Director of Planning and Development Department, that parking is a requirement and will be in conformance prior to permits.

FRANK COMPAGNONI, 4614 Balsam Street, has resided at the location for 35 years and stated his support. There is much traffic on Balsam Street and individuals are conducting business without a license. He understands change will happen. COUNCILMAN BROWN acknowledged that the situation with conducting business without a license is being addressed.

ANTHONY HODGES asked that the project be looked at and reviewed carefully prior to voting.

ATTORNEY GRONAUER explained that many conversations have taken place with MR. EAGLE regarding his concerns. With regard to the traffic and ingress/egress, ATTORNEY GRONAUER affirmed the developer's commitment to have access from the proposed development onto Balsam Street. In addition, he asked if the residents are successful in obtaining the vacation making Balsam Street a private street, the developer would agree to pay for the legal description for the vacation submittal.

Responding to COUNCILMAN BROWN, ATTORNEY GRONAUER confirmed that the proposed wall located at the northern end of Balsam Street would be solid block and at the southern tip of the development off of Red Rock will be the emergency access. BART ANDERSON, Public Works Department, confirmed that Traffic Engineering considers the fire access adequate and in addition, the drainage study and the grading study were undertaken to prevent any impact to the existing residents.

At the request of COUNCILMAN BROWN, a condition was added addressing the height along the eastern portion of the development. He asked that the wall be raised to eight feet for security purposes and was comfortable with allowing the developer to decide whether it would be solid block or decorative wall.

In response to earlier comments, COUNCILMAN BROWN encouraged MR. EAGLE to contact his office so he could personally address his concerns. COUNCILMAN BROWN reiterated that should the residents succeed in acquiring the vacation, they need to be aware that maintenance of Balsam Street becomes their responsibility.

ASSISTANT CITY ATTORNEY BRYAN SCOTT confirmed with MS. WHEELER that the eight-foot wall did not require a variance. MS. WHEELER read into the record an added condition regarding the height of the wall.

MAYOR GOODMAN declared the Public Hearing closed for Items 81-84.