



*City of Las Vegas*

Agenda Item No.: 42.

**AGENDA SUMMARY PAGE PLANNING & DEVELOPMENT  
PLANNING COMMISSION MEETING OF: JULY 24, 2008**

DEPARTMENT: PLANNING & DEVELOPMENT  
DIRECTOR: M. MARGO WHEELER

Consent  Discussion

**SUBJECT:**  
MVR-285 - WAIVER - PUBLIC HEARING - APPLICANT/OWNER: TBG DEVELOPMENT I, LLC. Request for a waiver TO ALLOW A ZERO-FOOT LANDSCAPING BUFFER ALONG A 37-FOOT PORTION AND TO ALLOW A 1.5-FOOT LANDSCAPING BUFFER ON A 44-FOOT PORTION OF THE WEST PROPERTY LINE WHERE EIGHT FEET IS REQUIRED on 1.88 acres at 7605 Grand Teton Drive (APN 125-16-502-003), U (Undeveloped) Zone [SC (Service Commercial) General Plan Designation] under Resolution of Intent to C-1 (Limited Commercial) Zone, Ward 6 (Ross)

**P.C.: FINAL ACTION (Unless Appealed Within 10 Days)**

**PROTESTS RECEIVED BEFORE:**

**APPROVALS RECEIVED BEFORE:**

Planning Commission Mtg.	<input type="text" value="7"/>	Planning Commission Mtg.	<input type="text" value="0"/>
City Council Meeting	<input type="text" value="0"/>	City Council Meeting	<input type="text" value="0"/>

**RECOMMENDATION:**  
**DENIAL**

**BACKUP DOCUMENTATION:**

1. Location and Aerial Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Photos
5. Justification Letter
6. Protest Postcard
7. Submitted after Final Agenda Protest Postcards

Motion made by SAM DUNNAM to Hold in abeyance to 8/28/2008

Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0  
SAM DUNNAM, DAVID STEINMAN, RICHARD TRUESDELL, BYRON GOYNES, GLENN TROWBRIDGE, STEVEN EVANS, VICKI QUINN; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-None)

Minutes:  
CHAIR GOYNES declared the Public Hearing open.

DOUG RANKIN, Planning and Development Department, stated that the requested waivers indicated that the applicant is attempting to overbuild the site and recommended denial.

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BRUCE ISAACSON, 11920 Southern Highlands Parkway, appeared on behalf of the applicant. He stated that the applicant was building a Merryhill school and daycare facility and noted the building would be completed before the end of the year. He stressed that the tenant was a high-quality operator and the project would be a benefit to the neighborhood. He explained that this request resulted from moving and raising the buildings location to accommodate peak floodwaters. MR. ISAACSON noted the wall had been raised to eight feet rather than six feet and argued it would provide an additional buffer to the neighbors and also pointed out the locations of proposed additional trees. He explained that the applicant would like to encroach upon the landscape buffer to provide rubber-padded play areas. He stated that the applicant was confident that anything smaller than the play area size requested would result in a sub-standard project.

MR. ISAACSON pointed out no other waivers had been requested and emphasized the applicants understanding of the importance of landscape buffers. He stated that the applicant was not attempting to overbuild the site and suggested that the unusual nature of the floodwaters on the property had created a challenging situation for the applicant and warranted the need for the waiver. He respectfully requested approval.

COMMISSIONER TROVBRIDGE echoed MR. ISAACSON'S concerns regarding the encroachment on the residential homes and the possibility of sub-standard play areas. MR. ISAACSON assured COMMISSIONER TROVBRIDGE that the play areas met the State size requirements and noted the building would be 38 feet from the block wall.

MR. ISAACSON informed COMMISSIONER DUNNAM that he had not been involved in the projects original zoning application.

COMMISSIONER DUNNAM noted the many concessions by the neighbors when this project had been originally proposed and wondered how the site plan had been amended. MR. RANKIN explained that the building's new location met the setback requirements and added that buildings sometimes move within site plans based upon drainage and traffic studies.

COMMISSIONER DUNNAM stated that the applicants decision to not come up with a creative solution for the handicapped ramps, to encroach upon the landscape buffer and to make that lot smaller was the applicants problem and expressed his opposition to the request.

In response to COMMISSIONER DUNNAM'S questions, MR. ISAACSON stated he had been informed that the neighbors had not responded to the applicant's efforts to meet with them and discuss this project. COMMISSIONER DUNNAM expressed his doubts in the applicant's veracity.

COMMISSIONER TRUESDELL pointed out that the size of the play areas was regulated by the State and that not meeting the play area requirements would impact the applicants ability to obtain licensure and operate. He suggested that MR. ISAACSON research the potential consequences of failing to obtain this waiver would have on the applicant. MR. ISAACSON

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stated that the school would be in compliance with the play area requirements without the waiver. COMMISSIONER TRUESDELL observed that the play areas had been compressed and had lost functionality as a result. He noted that compression placed an additional burden on the neighbors.

PIERRETTE McCORD, 7180 Dean Martin Drive, project architect, attempted to explain the applicants intention behind clustering the trees and moving the play areas against the block, stating the design was based on her interpretation of the Code. COMMISSIONER DUNNAM confirmed that her understanding was correct, but stated the neighbors had agreed to the previous site plan and had not been consulted in the design of this revised site plan.

MS. McCORD explained that she had not been involved with the original application, but emphasized that the applicant had never intended to disregard the neighbors. She suggested providing additional trees to provide shade to the children and an additional buffer to the residents.

In response to COMMISSIONER EVANS request for clarification, MARGO WHEELER, Director of the Planning and Development Department, stated that the landscape buffer adjacent to the residential homes was being discussed as the applicant was requesting to move the play areas into that buffer.

COMMISSIONER QUINN stated she would not support the application without the applicant contacting the neighbors.

MS. McCORD requested that the hearing be held to allow the applicant to meet with the neighbors and research the answers to the questions raised by the Commissioners. She also requested a meeting with COMMISSIONER DUNNAM to address his concerns.

COMMISSIONER TROWBRIDGE suggested the applicant examine the height of the shade shelter which appeared to be encroaching on the residential homes.

CHAIR GOYNES declared the Public Hearing closed.