



*City of Las Vegas*

Agenda Item No.: 18.

**AGENDA SUMMARY PAGE PLANNING & DEVELOPMENT  
PLANNING COMMISSION MEETING OF: AUGUST 28, 2008**

DEPARTMENT: PLANNING & DEVELOPMENT  
DIRECTOR: M. MARGO WHEELER

Consent  Discussion

**SUBJECT:** BEYANEE - WVR-18533 - MAJER PUBLIC HEARING - APPLICANT/OWNER: TBG DEVELOPMENT 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="2"/>
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 Letters
6. Protest Postcards and Support Letters
7. Submitted after Final Agenda Revised Site Plan
8. Submitted at Meeting Support Letter by Bruce Isaacson
9. Submitted after Meeting Recordation Notice of Planning Commission Action and Conditions of Approval

Motion made by SAM DUNNAM to Approve subject to conditions

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

NOTE: COMMISSIONER TROWBRIDGE disclosed that his son is a Merryhill alumni, but stated he did not feel there was a conflict and would vote on this matter

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Minutes:

CHAIR GOYNES declared the Public Hearing open.

PETER LOWENSTEIN, Planning and Development Department, stated that the applicant had not presented any evidence of a unique or extraordinary circumstance and had created a self-imposed hardship by over-building the site. He recommended denial of the application.

BRUCE ISAACSON, 11920 Southern Highlands Parkway, appeared on behalf of the applicant. He noted this item had been held and described the applicant's efforts to address the Commission's concerns. He went over in detail the applicant's attempts to contact the neighbors, including knocking on their doors at different times throughout the day and sending letters through regular mail and FedEx. Using a map on the overhead MR. ISAACSON pointed out the neighbors in support and submitted their approval letters for the record.

MR. ISAACSON described the site plan revisions, which had reduced the encroachment into the landscape buffer to 24 inches. He explained that the applicant was able to obtain smaller play structures and the encroachment would be a portion of the concrete path for the teachers. He noted that the proposed play areas exceeded the requirements necessary for licensure.

COMMISSIONER EVANS requested that the applicant explain why the waiver request should be granted. RONALD HUTCHINS, 9570 West Sahara Avenue, project architect, appeared on behalf of the applicant. He explained that the applicant had been required to raise the building four feet above grade to accommodate flood water flow. Going over the site plan, he reiterated the site plan's revisions, emphasizing the alternative play area layout only encroached 24 inches into the landscape buffer.

CHAIR GOYNES observed that the applicant had overbuilt the site by placing both an office building and school on the site, resulting in the requested landscape waiver. He expressed his surprise that the school wanted to reduce the size of the playgrounds.

MR. HUTCHINS explained that a safer walkway for parents and students was the driving concern and pointed out the school had provided adequate play areas. He stated that the waiver resulted from the project being located in a flood zone.

TODD FARLOW, 240 North 19th Street, observed that it was the applicant's responsibility to obtain the approval of the homeowners most affected by this project.

CHAIR GOYNES noted that seven notices of opposition had been submitted.

COMMISSIONER DUNNAM disclosed that he had met with MR. ISAACSON and MR. HUTCHINS and stated that they had made every effort to contact the affected homeowners. He acknowledged the site plan's revisions, noting the encroachment would be a concrete walk. He pointed out that the applicant is providing the required number of trees and observed that the

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applicant would have been required to provide hardscape and had chosen to provide concrete instead of rocks. He expressed his support, noting the play area would be adequate.

COMMISSIONER DUNNAM informed COMMISSIONER EVANS that the concrete walk, which intruded into the landscape waiver, would have no impact on the sites final number of trees.

COMMISSIONER EVANS expressed concern with the impact the waiver request would have on the projects aesthetics. MR. HUTCHINS assured COMMISSIONER EVANS that the project was providing the required number of trees. He explained that the trees had been grouped, but noted they could be spaced out if necessary.

COMMISSIONER TROWBRIDGE stated his support for the concrete sidewalk, but expressed his concern with the height of the shade structure and its impact on neighboring homes. MR. HUTCHINS did not know the height of the shade structure.

DOUG LANKIN, Planning and Development Department, noted that the shade structure had not been submitted for approval of any permits. He explained that it could be treated as an accessory structure in a commercial district and would be required to comply with height restrictions and setback standards.

MR. HUTCHINS informed COMMISSIONER EVANS that the shade structure would be constructed from a canvas material. COMMISSIONER EVANS suggested that the City investigate different methods for reducing the heat island effect.

CHAIR GOYNES declared the Public Hearing closed.

