



City of Las Vegas

Agenda Item No.: 23.

**AGENDA SUMMARY PAGE PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: AUGUST 14, 2008**

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER

Consent Discussion

SUBJECT:
MOD-285 - MAJOR MODIFICATION - PUBLIC HEARING - APPLICANT:
KAPINDEE CHIMA - OWNER: RUCHI AND SAMAN POJANSOMBOON, ET AL -
Request for a Major Modification of the Town Center Land Use Plan FROM: SC-TC (SERVICE
COMMERCIAL - TOWN CENTER) TO: GC-TC (GENERAL COMMERCIAL - TOWN
CENTER) SPECIAL LAND USE DESIGNATION of 7.97 acres at the southwest corner of
Durango Drive and Park Road (APNs 125-17-601-007, 010 and 013), Ward 6 (Ross)

C.C.: 09/17/2008

PROTESTS RECEIVED BEFORE:

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.	21	Planning Commission Mtg.	4
City Council Meeting	0	City Council Meeting	0

RECOMMENDATION:

DENIAL

BACKUP DOCUMENTATION:

1. Location and Aerial Maps
2. Conditions (Not Applicable) and Staff Report
3. Supporting Documentation
4. Photos
5. Justification Letter
6. Purchase Agreement Addendum No.2
7. Protest/Support Postcards
8. Submitted after Final Agenda Protest/Support Postcards for Items 23 and 24

Motion made by DAVID STEINMAN to Approve

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

Minutes:

CHAIR GOYNES declared the Public Hearing open for Items 23-34.

PETER LOWENSTEIN, Planning and Development, stated that since the inception of the Town Center Special Area Plan in 1999, the overall acreage designated for Service Commercial (SC)

PLANNING COMMISSION MEETING OF: AUGUST 14, 2008

zoning has been reduced by half, and this trend would be exacerbated by the proposed application to modify the land use designation to General Commercial (GC) to allow for the entitlement of a tavern use where one would not be permitted. Approval of the proposed Major Modification (MOD) would create spot zoning. Therefore, he recommended the application be denied, which would also necessitate denial of associated SUP-28542 and SUP-28712.

Additionally, MR. LOWENSTEIN commented that the numerous distance separation Waivers requested for the companion Special Use Permits and the associated Residential Adjacency Variance applications indicated that the site would be overbuilt. He concluded by stating that the proposed development would not be conducted in a compatible and harmonious manner with the surrounding development and recommended denial of the Site Development Plan Review and all associated applications.

RAPINDER CHIMA and his wife, 3067 Palace Gate Court, were present. MR. CHIMA described the proposed project, which included an ARCO AM/PM, a tavern, a five-story Holiday Inn Hotel, and approximately 50,000 square feet of retail space. He also listed some of the existing uses on the southeast portion of the site and on the surrounding properties.

Regarding staff's statement that the overall acreage designated for GC has been reduced by half, MR. CHIMA alleged that the overall acreage for commercial increased by 25 percent due to residential developers acquiring commercial properties to build homes and mixed-use projects during the housing boom from 2002 to 2004.

MICKEY MOORE, Roop Street, stated that more commercial was needed in the area; however, he expressed his opposition to the proposed project, because it would create more traffic for the area and bring in more liquor establishments. He pointed out that the increased traffic would require a traffic signal in order to exit his neighborhood and to access the freeway.

CHRIS SHEPARD, 7908 Breezy Meadow, appeared on behalf of the Briar Hill Neighborhood Association and expressed its opposition. He stated that the membership received notification about this hearing, but it did not provide sufficient information regarding the project. He requested another neighborhood meeting to give the residents the opportunity to give their input, as they feel the hotel is too large and would prefer more family-oriented businesses.

JENNIFER TAYLOR, 8158 Hawk Clan Court, appeared in opposition, noting that this project digresses from the purpose of the Town Center (TC) District to provide employment while creating a unique blend of residential and economic opportunities. Instead, the area has been saturated with taverns and service retail, diminishing the opportunity for better paying jobs for the residents.

MS. TAYLOR disagreed with the applicants justification for this project, that the hotel would be of great benefit to the people residing in Centennial Hills and those who might be using the nearby hospital, pointing out that the area already has the Santa Fe Hotel and other nearby properties zoned for hotel uses. She stressed that the residents' biggest fear is that this developer

PLANNING COMMISSION MEETING OF: AUGUST 14, 2008

might flip the property, noting that the only reason for the MOD was for the tavern. She also argued that the residents comments from the neighborhood meeting had not been addressed by the applicant.

In response to some of the issues raised, MR. CHIMA commented that the liquor use was being requested for the ARCO AM/PM and for the tavern, Room in Baja Lobster Restaurant, which is more a restaurant than a tavern. The neighborhood meeting was well noticed and was attended by the restaurant owner, who discussed his business plan in detail. MR. CHIMA mentioned that the project would include office and retail space, and, although he would like to provide a bookstore, he could not make such a promise. He asserted that this would be the highest and best use for the property. The project would create approximately 400 jobs in the area, create competition for the existing two full-service gas stations in the area and provide a place to stay for people driving from Reno to Las Vegas.

At the request of CHAIR GOYNES, MR. CHIMA addressed MR. MOORE'S issue regarding commercial backing up to residential. The five-story hotel would have rooms facing east/west; therefore, the guests would not be able to look into the residents' backyards. The loading areas would be located adjacent to the hotel and not to the residences.

Regarding traffic issues, MR. CHIMA stated that the residents currently have to turn left into the Albertsons not because they cannot make a right-hand turn from Durango Drive onto Farm Road. To help with this issue, a center divider lane would be installed and Farm Road would be expanded to include a slow lane for bus turn-in lane, and MR. CHIMA also offered to put in a traffic light. MR. CHIMA noted that many of the current traffic issues are due to Farm Road not being fully developed and that this project would help traffic movement.

In response to MS. TAYLOR'S question about what would make this project stand out from others in the area, MR. CHIMA explained that the hotel is an expensive component that is necessary for business travelers and where college students can work. He committed to trying to bring in retailers that the residents might need and want in the neighborhoods, but pointed out that the eight-acre parcel has its limitations. He noted that a live/work project would not be feasible, as already proven with the failed live/work project on the adjacent property. He pointed out that even the area restaurants and retail shops were struggling.

MR. CHIMA presented a to-scale elevation plan of the five-story Holiday Inn Hotel and the Albertsons to illustrate the actual height of the two buildings, noting that the Albertsons is almost 38 feet in height and the hotel would be 61 feet at its highest point, but tucked in the back of the site. He added that the Holiday Inn will be constructed in accordance with the new prototype and have 7,000 square feet of banquet space.

COMMISSIONER DUNNAM commented that he had an opportunity to speak with some of the surrounding residents, and they mainly expressed concern about a major modification in land use when it was being sought solely for a tavern that would be constructed later. He suggested moving forward with the convenience store first in order to get the off-sites in, and then the

PLANNING COMMISSION MEETING OF: AUGUST 14, 2008

applicant could seek approval of the other components, although that would result in a piecemealed project instead of a master-planned one, which is more desirable in most cases.

COMMISSIONER EVANS stated that he had a meeting with MR. CHIMA, during which he received the same presentation. COMMISSIONER EVANS commented he is generally very hesitant about projects in Town Center because the area has been an incredible source of frustration. He agreed with MR. CHIMA's comment that many commercial areas in Town Center were developed as residential, which has made it very difficult to determine where certain uses should be placed. However, given the proximity to major road and freeways, he was uncertain as to whether or not this project would be bad for the area. COMMISSIONER EVANS said he did not like the idea of the project being piecemealed and noted that stores such as bookstores are very difficult and expensive to operate.

Regarding the applicant's request for a reduction in landscape fingers in the parking area, COMMISSIONER EVANS stressed that he is not opposed to smaller parking areas, because the current parking requirements generate large areas of asphalt that intensify the heat. To resolve this issue, he would like the City to work with developers on possible amendments to the design standards that would encourage permeable surfaces in parking and landscape areas to help reduce the heat-island effect.

COMMISSIONER EVANS informed MR. CHIMA that he would prefer the maximum amount of landscaping for this project to provide some shading for the patrons cars. MR. CHIMA assured COMMISSIONER EVANS that he intends to meet the landscaping standards.

COMMISSIONER TROWBRIDGE took the position on some of the issues raised by the residents. Traffic problems could be mitigated as much as possible through a traffic study conducted by traffic engineers. This project might not create executive positions, but it would bring a number of jobs that might employ college students in the area. This project is economically viable because the Holiday Inn group puts a lot of thought and analysis into its projects. Flipping the property should not be a concern because any different proposal would have to be reviewed by staff and approved by the Planning Commission and the City Council.

COMMISSIONER STEINMAN said his only concern with this project is the gaming and tavern aspects and expressed his preference for a restaurant with no gaming.

CHAIR GOYNES confirmed with MR. CHIMA that the tavern was being requested instead of a supper club because of the number of machines allowed with that use.

CHAIR GOYNES mentioned that some of the residents' desired uses do not always pencil out; developers envision their projects, conduct feasibility studies and opt for projects that pencil out. Although he would not like the approval of this project to set a precedent for the area, he conceded that some type of development is needed in the area and that the development would more than likely be commercial. CHAIR GOYNES pointed out that there must have not been a lot of opposition to this development, as approximately 500 notices were mailed about the

PLANNING COMMISSION MEETING OF: AUGUST 14, 2008

neighborhood meeting, but only about 20 people attended. He expressed his support for this project, noting that it is a good fit for the subject corner and an improvement for the area.

COMMISSIONER DUNNAM reiterated his support for the project because of the master plan aspect.

Regarding Item 25, COMMISSIONER STEEDMAN stated that he could not support the application because he felt strongly that the gaming was not necessary and that any good restaurant could succeed without 25 gaming machines.

CHAIR GOYNEES declared the Public Hearing closed for Items 13, 31.

