



*City of Las Vegas*

Agenda Item No.: 74.

**AGENDA SUMMARY PAGE PLANNING & DEVELOPMENT  
CITY COUNCIL MEETING OF: SEPTEMBER 17, 2008**

DEPARTMENT: PLANNING & DEVELOPMENT  
DIRECTOR: M. MARGO WHEELER

Consent  Discussion

**SUBJECT:**  
MOD-285 - MAJOR MODIFICATION PUBLIC HEARING - APPLICANT: RAPINDER CHIMA - OWNER: PICHAI LANE SAIKUMAR POJANSOMBOON, ET AL - Request for a Major Modification of the Town Center Land Use Plan FROM SC-TC (SERVICE COMMERCIAL - TOWN CENTER) TO SC-TC (GENERAL COMMERCIAL - TOWN CENTER) SPECIAL LAND USE DESIGNATION of 7.97 acres at the southwest corner of Durango Drive and Farm Road (APNs 125-17603-000, 010 and 013), Ward 6 (Ross). Staff recommends DENIAL. The Planning Commission (5-0 vote) recommends APPROVAL

**PROTESTS RECEIVED BEFORE:**

**APPROVALS RECEIVED BEFORE:**

Planning Commission Mtg.	21	Planning Commission Mtg.	4
City Council Meeting	22	City Council Meeting	3

**RECOMMENDATION:**

Staff recommends DENIAL. The Planning Commission (5-0 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. Purchase Agreement Addendum No.2
7. Protest/Support Postcards
8. Submitted after Final Agenda - Protest/Support Postcards for Items 74 and 75 and Protest Letter for Items 74-83 and 85
9. Submitted at Meeting - Lists of Existing Area Uses by Virginia Gibson for Items 74-85
10. Backup Referenced from the 08-14-2008 Planning Commission Meeting Item 23

Motion made by STEVEN D. ROSS 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 74-85.

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The applicant, PAVINDER CHIMA, appeared with his wife, ALANJA. MR. CHIMA described the proposed eight-acre project located in Town Center on Durango Drive and Farm Road. It includes an ARCO AM/PM gas station, a Holiday Inn hotel, a restaurant/tavern, retail space and one drive-through. He pointed out that some of the surrounding uses have already been approved: an Albertson's shopping center, a Walgreens and a Love's center. MR. and MRS. CHIMA are ARCO AM/PM and Holiday Inn franchisees. The reason for the many applications is because they are the developers and users of the property. Instead of piecemealing the property, they decided to master plan the entire

MIRGINIA GIBSON resides on Farm Road and she says the site is being over-developed. She indicated that an area within three miles of Durango Drive and Farm Road is already saturated with taverns, car washes and convenience stores with fuel pumps, and she submitted lists of possible locations. The proposed 139-room, five-story hotel is completely out of character for this particular neighborhood as all existing buildings are within the two-story code standard. Additionally, most of the traffic ingress and egress will be off Farm Road, which will actively impact the people who use Farm Road to access US-95. Other completed developments in this area have vacant stores. MS. GIBSON felt the applicant is requesting too many waivers from the standards.

DONNA SAMATULSKI, 8580 Blowing Pines Drive, objected to the five-story hotel because she felt its height will be a bignote on a square corner. She referred to an article that stated the hotel is being built to accommodate family/friends that come to visit residents in the area, but she stated that her family/friends stay with her or on the Strip for the Vegas effect. The entire project will add traffic to the existing traffic congestion, especially during peak hours.

TED RUSSELL, Las Vegas resident, understood the concern about the five-story hotel, but he felt the location would create the least impact for the residents. He loves AM/PM convenience stores because of their inexpensive food. He added that this project will create jobs and recommended approval.

ATTORNEY JUSTIN SMERBER, Moran Law Firm, 630 South Fourth Street, appeared on behalf of Grand Teton Lodge Land, LLC, owner of property located at the corner of Durango Drive and Grand Teton Drive. ATTORNEY SMERBER indicated that his client had previously obtained permission for a tavern, which is already in operation. They have also requested special use permits for uses such as a car wash, convenience store and restaurant. Those applications came before the City Council and were withdrawn in January of 2008, pursuant to indications from the Council that they would be denied because the applicant needed to work more diligently with the adjacent residents. His client has put in time and energy to work with the residents to get the tavern at that location, and he is currently working to bring those special use permit applications back before the Council. His client is satisfied with Service Commercial (SC); however, MR. CHIMA is requesting General Commercial (GC), which is more intense. His client can satisfy the same uses that MR. CHIMA is requesting.



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ATTORNEY SMERBER introduced the owner of the property, STEWART APOLLO. MR. APOLLO stated he was not aware about this matter until he read about it in the newspaper that day. He requested a meeting to discuss this matter, which she scheduled him, especially after he has spent fifteen years negotiating and making compromises with the residents. MAYOR GOODMAN clarified that what MR. APOLLO read in the paper was that the items would be heard by the City Council, but no decisions had been made.

MATT WARNER, Vertical Holdings Company, stated that the only reason the applicant was requesting the modification to ZUC is to build a tavern. MR. WARNER suggested a better process for requesting a tavern would be to talk to the other property owners in the area, not to seek an amendment to the land use plan.

CHRIS ARMSTRONG, Olympic Nevada Group, 1411 Southern Highlands Parkway, stated it was brought to his attention that Olympic Nevada may own a portion of the property that the applicant is seeking to vacate. However, the applicant has agreed to work with Olympic Nevada to resolve any issues.

PAUL and TERESA KAPLAN, 7840 Waverly Lane Drive, appeared in opposition to the hotel, as they believe its height is inappropriate for this area.

ANTHONY HODGES, 123 Silverado Way, stated that these are complicated applications and the Council had to make some difficult decisions.

COUNCILMAN ROSS asked MR. CHIMA to speak about what he has done since the last time they met to try to address the concerns of the residents. MR. CHIMA indicated he held a neighborhood meeting where concerns were expressed about the traffic and the hotel. After the Planning Commission meeting, he met with those residents in opposition and some of their concerns were alleviated. In fact, he received a support letter from JENNIFER TAYLOR, representing the Northwest Residents for Responsible Growth, as well as CHRIS SHEPARD, who represents Briar Hill Homeowners Association. MR. CHIMA indicated that the difference between this particular corner and the one brought up by ATTORNEY SMERBER is that all the uses fit with the designated land use.

MR. CHIMA noted there was hardly any opposition expressed at the neighborhood meeting. The main concern was with the hotel's height. He showed to-scale elevations to depict the hotel's height in comparison to the existing Albertson's supermarket, and explained that the hotel would be against the freeway off ramp and tucked in the back of the property. The freeway off ramp is almost 40 feet high, which is why the hotel was strategically placed at that location.

COUNCILMAN ROSS acknowledged he received protests, but stated that once the protestors were made aware of what the applicant is attempting to do, they no longer had an objection.

COUNCILMAN ROSS asked BART ANDERSON, Public Works, to share what Nevada Department of Transportation (NDOT) plans are for Durango Drive and US-95. MR.



ANDERSON explained that NDOT plans on widening the freeway for better traffic flow. The interchange was well constructed, but the amount of vehicles on the main highway will increase. The major traffic concern is not the freeway but the current improvements on Farm Road, and either this developer or another developer will complete those improvements and make the traffic flow better.

MR. ANDERSON verified that he recalled the requirements and conditions imposed on the Lowes development, which were that they provide access to those portions of the property that are not currently provided with access in the event that the City relinquishes those properties for private development. COUNCILMAN ROSS noted that other conditions included the improvements to those roads and traffic control devices prior to Lowes obtaining Certificates of Occupancy.

Regarding the Albertsons across the street, COUNCILMAN ROSS stated he was under the impression the fascia of the top of the Albertsons is about 42 feet, and verified with MR. CHIMA that the hotel would be 60 feet at the highest point. The Councilman explained that the major modification is needed for the height of the building and for the tavern. He verified with MR. CHIMA his familiarity with the City's supper club requirements, and noted that some of the concerns he received are from parents who want a family-oriented restaurant.

COUNCILMAN ROSS referred to the plan and stated that the applicant has fulfilled all the requirements of the Town Center Standards, with regards to the location of the buildings. MR. CHIMA assured COUNCILMAN ROSS that he is prepared to fulfill all the requirements of a supper club license. The tavern license is for the Baja Rockin Lobster restaurant, whose owner has made a tenant commitment.

COUNCILMAN ROSS was very impressed with the applicants sincerity, and he does not believe they intend to flip the property. He noted that in today's economic conditions, the City is always looking for ways to generate revenue and projects that bring jobs and opportunities to residents.

Regarding the hotel, COUNCILMAN ROSS pointed out that it is 20 feet taller than the Albertsons across the street. There have been great concerns, especially in the northwest, about weekly/monthly types of establishments. MR. CHIMA interjected that his intent is to build a Holiday Inn, not a Holiday Express, where he will be the owner/operator. COUNCILMAN ROSS imposed conditions prohibiting weekly/monthly rentals, no publicly accessible laundry facilities, and no kitchens or kitchenettes in the rooms. MR. CHIMA agreed to the conditions. The Councilman also understood the applicants need for the tavern license, noting that the applicant will adhere to the supper club standards.

COUNCILMAN ROSS acknowledged those residents who sent letters and emails, as well as MR. ARMSTRONG'S comments regarding the easement and noted that the applicant will work with MR. ARMSTRONG to resolve any related issues.



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COUNCILWOMAN TARKANTIAN stated that her office received several calls from people whose initial concerns were assured after meetings held with the Councilman, his staff and the applicant and the elimination of some of the special use permits. They voiced appreciation for COUNCILMAN ROSS and for the attitude of those working on this project.

MARGO WHEELER, Director of Planning and Development, read into the record additional conditions for Items 76 and 79 agreed upon by MR. CHAMA.

COUNCILMAN BARLOW commented that he knows the applicants who have done an outstanding job in Ward 5, and he believes they will do an outstanding job in Ward 6.

COUNCILMAN ROSS commented that the applicants have a golden opportunity to make great friends with the neighbors who have voiced their concerns. He has heard them loud and clear, and he will watch this project very closely.

MAYOR GOODMAN declared the Public Hearing closed for Items 74-85.