



City of Las Vegas

Agenda Item No.: 99.

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

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER

Consent Discussion

SUBJECT: ZOC-2168 STABLED ITEM - PUBLIC HEARING - APPLICANT/OWNER: NORTH CANYON STATES OWNERS ASSOCIATION, INC - Request for a Review of Condition to remove Condition Number 1 of an approved Site Development Plan Review [Z-0048-02(1)] WHICH STATES THAT A PEDESTRIAN PASSAGE WILL BE PROVIDED TO CONNECT THE CUL-DE-SAC OF LISA LANE for an approved 66-lot single family residential development on 21.25 acres adjacent to the south side of Washburn Road approximately 600 feet east of Durango Drive R-PD3 (Residential Planned Development - 3 Units per Acre) Zone, Ward 4 (Brown) Staff recommends DENIAL

PROTESTS RECEIVED BEFORE:

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.	0	Planning Commission Mtg.	0
City Council Meeting	11	City Council Meeting	2

RECOMMENDATION:

Staff recommends DENIAL.

BACKUP DOCUMENTATION:

1. Location and Aerial Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Justification Letter
5. City Council approval letter for Z-0048-02(1)
6. Documentation from 2007 Hearings
7. Support Postcards
8. Submitted after Final Agenda - Protest/Support Postcards
9. Submitted at Meeting - Written Comments by Peter Atkinson
10. Submitted after Meeting - Protest Postcard and Recordation Notice of City Council Action and Conditions of Approval

Motion made by LARRY BROWN to Approve subject to conditions, deleting Condition 1 and adding the following condition as read for the record:

A. There shall be a review at a non-public hearing at the City Council meeting of December 17, 2008.



Passed for: 7, Against: 0, Abstain: 0, Did Not Vote: 0, Excused: 0
 RICHY Y. FARLOW, LOIS TARKANIAN, LARRY BROWN, OSCAR B. GOODMAN,
 GARY REESE, STEVE WOJESON, STEVEN D. ROSS: (Against-None); (Abstain-None);
 (Did Not Vote-None); (Excused-None)

Minutes:

CITY MANAGER GOODMAN declared the Public Hearing open.

COUNCILMAN BROWN stated that he received a number of calls and e-mails in his office with the information that the reason this item is being brought to the council is because of the campaign season. He could hear this item today or after the campaign season and he asked MR. KOERBER and MR. ATKINSON if they would rather wait. DAVID KOERBER, 5007 Crown Cypress Street, Board President for the North Canyon Estates Owners Association, and PETER ATKINSON, 5036 North Lisa Lane, had not yet begun moving forward.

MR. KOERBER stated that this issue was brought before the City Council more than a year ago due to a rash of break-ins occurring in the vicinity of the pedestrian gate. After many investigations, the association found that the gate was unattended and being left propped open with a rock. There is no way to monitor whether or not the gate stays open or closed. The association felt it necessary to bring this issue before the City Council and have the condition removed. At that time, COUNCILMAN BROWN tabled the item until the association could gather the concerned residents for a town meeting. A meeting was held where residents expressed their concerns and, at the end of the meeting, there was a consensus to permanently secure the gate. Since the gate has been secured, there have been no incidents of vandalism in the neighborhood. Therefore, the request is to have the condition removed.

MR. ATKINSON submitted an information packet dating back to when D.R. Horton bought the property to develop it rural preservation with 66 homes, but it never passed. Toll Brothers then acquired the property and agreed to build one story homes, which COUNCILMAN BROWN supported. The Councilman felt it was good for the neighborhood, but in order to do what they wanted, Toll Brothers had to build a gated community. There were two-acre parcels, and the only connection would have been one empty lot on Lisa Lane. During the application process there was discussion with regard to the pedestrian gate, which would allow students north of the pedestrian gate access and not have them cross onto Durango Drive, a very busy and congested roadway. In the spring of 2007 the homeowners association put locks on the gate, and he immediately called Code Enforcement, who removed the lock. MR. ATKINSON indicated that both the residents on Lisa Lane and residents of North Canyon Estates were pleased that the gate was reopened.

MR. ATKINSON expressed concern about his family, especially his young grandchildren having to cross busy streets when going to school if the gate is closed. During the town meeting, not everyone agreed to have the gate closed. At that time, COUNCILMAN BROWN was going to speak to the school board to see if the bus route could be changed to the corner of Lisa Lane and La Madre Way. He understands the security issues and is sympathetic towards that, but pointed



SEPTEMBER 17, 2008

out that gated communities are targeted throughout the Valley. He cannot believe that this gate is the only encouragement that a robber had to invade the area. MR. ATKINSON added that sometime in August of 2007, the association welded the gate shut, and he has been trying ever since to have the gate reopened so that his kids can use it again.

ANTHONY HODGES, 123 St. David Way, stated that this is a difficult issue, especially when dealing with locked gates. He hopes a resolution could be reached.

CHRISTINA BROWN, Community Manager, Real Management, stated that her office did not receive any complaints from the North Canyon owners and received only one from MR. ATKINSON. She indicated that 98 percent of the North Canyon Estates homeowners are in favor of the closed gates.

COUNCILMAN BROWN remarked that there is no easy solution, as there are righteous arguments on both sides. The problem occurred during the building peak when home builders were trying to build everywhere. There are no longer RPD-4 developments along Durango Drive. This is a great product that will maintain property values in the neighborhood. The concessions that the neighborhood worked out with Tom B. others are the best they are going to get.

Although the school district did not respond last year, it is now willing to move the bus stop and will review what impact this will have on other walkers. In the scenario presented, it would actually impact the furthest walker to the north, who has to walk maybe 300 feet but it helps the furthest walker to the south about 400 feet. From the school district's perspective, this is a good compromise. MR. ATKINSONS daughter walks about 1,400 feet, according to the school district. The scenario to move the bus stop south on Durango Drive puts that walking distance to about 1,800 feet. Therefore, she would have to walk an additional 400 feet instead of 2,400 feet if the bus stop remained on that corner.

MR. ATKINSON responded that it was never a matter of how far his daughter had to walk on Durango Drive, but rather safety if the gate remains closed. He insisted that he was promised when this project was developed that the pedestrian walkway would be available.

COUNCILMAN BROWN replied that a developer is going to make agreements to get the project built. There was validity to the condition being placed because other people wanted the access as well. The condition was imposed on homeowners who knew nothing about it through documents they signed when they bought their homes. He noted that the fear and concern for home invasions is as real as MR. ATKINSONS concern for his daughter and grandchildren.

COUNCILMAN BROWN stated he would have to make a difficult decision. Therefore, he moved to remove the condition and review that removal in six months to assess the impact it will have, not only on MR. ATKINSON and his children, but also to ensure other safety issues do not develop. Since school started, there should be some pedestrian school patterns starting to develop.



DECEMBER 17, 2008

MAYOR GOODMAN remarked that he would support the Councilman's motion, but if he were voting on somebody who is a good father, a great grandfather, and a great husband, he would vote for MR. ATKINSON. COUNCILMAN BROWN added that MR. ATKINSON does outreach for the community, especially for children in need.

COUNCILMAN REESE commented that the City Council imposes conditions, and he asked why the association locked the gate without permission. COUNCILMAN BROWN replied that the association was cited. MR. KOERBER explained that the membership was not aware of the condition regarding the gate, and thought the gate belonged to the development and then only found out about the conditions when the city was notified. The lock was removed and an application was made to remove the condition.

MARGO WHEELER, Director of Planning and Development, confirmed with COUNCILMAN BROWN that the review will be held at a non-public hearing before the City Council on December 17, 2008.

MAYOR GOODMAN declared the Public Hearing closed.