



*City of Las Vegas*

Agenda Item No.: 19.

**AGENDA SUMMARY PAGE PLANNING & DEVELOPMENT  
PLANNING COMMISSION MEETING OF: NOVEMBER 20, 2008**

DEPARTMENT: PLANNING & DEVELOPMENT  
DIRECTOR: M. MARGO WHEELER

Consent  Discussion

**SUBJECT:**  
BEYANEE - ZON-29661 - R-ZONE - PUBLIC HEARING - APPLICANT:  
MAGEANTY HOMES- OWNER BARUCHO PARI RESIDENTIAL, LLC - Request for a  
Rezoning From: C-M (COMMERCIAL INDUSTRIAL) UNDER RESOLUTION OF INTENT  
TO R-PD16 (RESIDENTIAL PLANNED DEVELOPMENT - 16 UNITS PER ACRE) TO: R-  
PD20 (RESIDENTIAL PLANNED DEVELOPMENT - 20 UNITS PER ACRE) on 33.47 acres at  
the northwest corner of Smoke Drive and Smoke Ranch Road (APN 139-18-410-012), Ward 5  
(Barlow)

C.C.: 12/17/2008

**PROTESTS RECEIVED BEFORE:**

**APPROVALS RECEIVED BEFORE:**

Planning Commission Mtg.	<input type="text" value="8"/>	Planning Commission Mtg.	<input type="text" value="3"/>
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 (Not Applicable) and Staff Report
3. Supporting Documentation
4. Photos
5. Justification Letter
6. Protest/Support Postcards

Motion made by DAVID STEINMAN to Approve

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

Minutes:  
CHAIR GOYNES declared the Public Hearing open for Items 19-22.

DOUG RANKIN, Planning and Development Department, stated the two related variances are self-imposed hardships and, as the site plan cannot function without the requested variances, he recommended denial of all applications.

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TONY CELESTE and CHRIS KAEMPFER, 3800 Howard Hughes Parkway, appeared on behalf of the applicant. MR. CELESTE described the area and explained that the project is a unique mixture of condominiums and rental units. He pointed out that the developers have great reputations for building successful condominium and apartment projects.

MR. CELESTE stated that the applicant would like to increase the number of units to 19 units per acre, emphasizing the density is below the 25 units per acre currently allowed by the General Plan. He also pointed out that the amount of open space had been substantially increased. Regarding the parking variance request, MR. CELESTE noted the parcel has adequate access to mass transit and major employment centers. He remarked that the changes to the project had improved its quality and respectfully requested approval.

MR. CELESTE requested clarification of some conditions on the site development plan review. He explained that Condition 7 addressed the minimum distance between buildings and requested the condition be modified to reflect a 9-foot distance separation between the condominium units and a 20-foot distance separation between the rental units. He requested that Condition 12 be amended to allow a planting plan for the landscaping. Regarding Condition 26, he requested that the Homeowners Association be required only for the common use.

TODD FARLOW, 2400 North 19th Street, voiced his staff's support for the project given the reduction in required open space. He also expressed concern about the proposed 9-foot distance separation between the condominium units. MR. REYNOLDS explained that the project does not meet the open space requirements and staff recommended denial of the project. He added that the applicant had erroneously included the area between buildings as open space, which is not permitted by code. MR. CELESTE replied that the project is a quality development and pointed out the revised plans reflect the increase in the amount of open space compared to the original project.

MR. CELESTE informed COMMISSIONER EVANS that a neighborhood meeting had been held and only one person had attended. MR. CELESTE quoted the amount of open space that would be provided. MARGO WHEELER, Director of the Planning and Development Department, clarified that the project would provide 29 percent of open space where 32 percent of the site is required.

COMMISSIONER TROWBRIDGE observed that this project has been before the Commissioners several times. He stated that the developer is a premier builder who has made several improvements to the plan. He pointed out the neighbors have not raised many concerns and the variance requests are minimal. He acknowledged the access to public transit and the price of the units are favorable factors. He expressed support for the project.

CHAIR GOYNES acknowledged that this project has been in the system for a long time. He stated that he had attended the neighborhood meeting and heard the neighbors' concerns. He expressed his preference for a project with no variances, noting that the shortage of parking and open space would negatively impact the area. He expressed his opposition, stating the applicant could present a better project.

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In response to COMMISSIONER TROWBRIDGES question regarding the different setbacks for the apartment and condominiums, MR. RANKIN explained that the developer established the setbacks in the site plan. COMMISSIONER TROWBRIDGE observed that some homes have setbacks of less than nine feet and MR. CELESTE concurred.

COMMISSIONER QUINN stated she had met with MR. CELESTE prior to this hearing and wondered if he had more information regarding disabled units. MR. CELESTE assured her that the complex would meet the Americans with Disabilities Act (ADA) standards.

CHAIR GOYNES observed that this project would be very similar to the Budget Suites, a short-term lease development, pointing out no elevators would be provided. MR. CELESTE explained the apartments would have six-month to yearly leases and suggested adding a condition requiring longer leases for the apartments. CHAIR GOYNES suggested that the economy would probably determine the lengths of the leases.

In response to COMMISSIONER EVANS questions, MR. CELESTE stated that the applicant would be contributing funds in lieu of providing the required open space. MS. WHEELER noted that the application is limited to apartment use and that city council approval would prohibit any extended stay use on the site. COMMISSIONER EVANS expressed his support of the project.

MS. WHEELER assisted COMMISSIONER STEINMANN in crafting the amended conditions.

CHAIR GOYNES declared the hearing closed for Items 19-22.

