City of Las Vegas

PLANNING COMMISSION AGENDA

COUNCIL CHAMBERS · 400 STEWART AVENUE · PHONE 229-6011
CITY OF LAS VEGAS INTERNET ADDRESS: www.lasvegasnevada.gov

LAS VEGAS CITY COUNCIL

Mayor Oscar B Goodman, (At-Large)
Mayor Pro-Tem Gary Reese, (Ward 3)
Councilman Steve Wolfson, (Ward 2)
Councilwoman Lois Tarkanian, (Ward 1)
Councilman Steven D. Ross, (Ward 6)
Councilman Ricki Y. Barlow (Ward 5)
Councilman David W. Steinman, (Ward 4 - Interim)
City Manager Elizabeth N. Fretwell

COMMISSIONERS

Glenn E. Trowbridge, Chair
Richard Truesdell, Vice Chair
Byron Goynes
Steven Evans
Vicki Quinn
Keen Ellsworth
Michael E. Buckley

Facilities are provided throughout City Hall for convenience of persons with disabilities. For meetings held in the Council Chambers, sound equipment is available for persons with hearing impairments. If you need an accommodation to attend and participate in this meeting, please call the DEPARTMENT DESIGNEE at (702) 229-6301 and advise of your need at least 48 hours in advance of the meeting. The City's TDD number is (702) 386-9108.

March 26, 2009
6:00 PM

ALL ITEMS ON THIS AGENDA ARE SCHEDULED FOR ACTION UNLESS SPECIFICALLY NOTED OTHERWISE. UNLESS OTHERWISE STATED, ITEMS MAY BE TAKEN OUT OF THE ORDER PRESENTED AT THE DISCRETION OF THE CHAIRPERSON.

NOTICE: This meeting has been properly noticed and posted at the following locations:

City Clerk's Bulletin Board, City Hall Plaza, 2nd Floor Skybridge
Clark County Government Center, 500 South Grand Central Parkway
Las Vegas Library, 833 Las Vegas Boulevard North
Grant Sawyer Building, 555 East Washington Avenue
Bulletin Board, City Hall Plaza (next to Metro Records)

ACTIONS: ALL ACTIONS ON TENTATIVE AND FINAL SUBDIVISION MAPS ARE FINAL UNLESS AN APPEAL IS FILED BY THE APPLICANT OR AN AGGRIEVED PERSON, OR A REVIEW IS REQUESTED BY A MEMBER OF THE CITY COUNCIL WITHIN SEVEN DAYS OF THE DATE NOTICE IS SENT TO THE APPLICANT. UNLESS OTHERWISE INDICATED DURING THE MEETING, ALL OTHER ACTIONS BY THE PLANNING COMMISSION ARE RECOMMENDATIONS TO THE CITY COUNCIL, IN WHICH CASE ALL FINAL DECISIONS, CONDITIONS, STIPULATIONS OR LIMITATIONS ARE MADE BY THE CITY COUNCIL.

ANY ITEM LISTED IN THIS AGENDA MAY BE TAKEN OUT OF ORDER IF SO REQUESTED BY THE APPLICANT, STAFF, OR A MEMBER OF THE PLANNING COMMISSION. THE PLANNING COMMISSION MAY IMPOSE TIME LIMITATIONS, AS NECESSARY, ON THOSE PERSONS WISHING TO BE HEARD ON ANY AGENDAED ITEM.

PLANNING COMMISSION MEETING RULES OF CONDUCT:

1. Staff will present each item to the Commission in order as shown on the agenda, along with a recommendation and suggested conditions of approval, if appropriate.

2. The applicant is asked to be at the public microphone during the staff presentation. When the staff presentation is complete, the applicant should state his name and address, and indicate whether or not he accepts staff's conditions of approval.

3. If areas of concern are known in advance, or if the applicant does not accept staff's condition, the applicant or his representative is invited to make a brief presentation of his item with emphasis on any items of concern.

4. Persons other than the applicant who support the request are invited to make brief statements after the applicant. If more than one supporter is present, comments should not be repetitive. A representative is welcome to speak and indicate that he speaks for others in the audience who share his view.

5. Objectors to the item will be heard after the applicant and any other supporters. All who wish to speak will be heard, but in the interest of time it is suggested that representatives be selected who can summarize the views of any groups of interested parties.

6. After all objectors' input has been received; the applicant will be invited to respond to any new issues raised.

7. Following the applicant's response, the public hearing will be closed; Commissioners will discuss the item amongst themselves, ask any questions they feel are appropriate, and proceed to a motion and decision on the matter.

8. Letters, petitions, photographs and other submissions to the Commission will be retained for the record. Large maps, models and other materials may be displayed to the Commission from the microphone area, but need not be handed in for the record unless requested by the Commission.

As a courtesy, we would ask those not speaking to be seated and not interrupt the speaker or the Commission. We appreciate your courtesy and hope you will help us make your visit with the Commission a good and fair experience.

BUSINESS ITEMS:

1. CALL TO ORDER

2. ANNOUNCEMENT: COMPLIANCE WITH OPEN MEETING LAW

3. ROLL CALL

4. MINUTES

5. Any Items from the Planning Commission, staff and/or the applicant wish to be stricken or held in abeyance to a future meeting may be brought forward and acted upon at this time.

CONSENT ITEMS:

CONSENT ITEMS ARE CONSIDERED ROUTINE BY THE PLANNING COMMISSION AND MAY BE ENACTED BY ONE MOTION. HOWEVER, ANY ITEM MAY BE DISCUSSED IF A COMMISSION MEMBER OR APPLICANT SO DESIRES.

ONE MOTION - ONE VOTE

THE FOLLOWING ARE ITEMS THAT MAY BE CONSIDERED IN ONE MOTION/ONE VOTE. THEY ARE CONSIDERED ROUTINE NON-PUBLIC AND PUBLIC HEARING ITEMS. ALL PUBLIC HEARINGS AND NON-PUBLIC HEARINGS WILL BE OPENED AT ONE TIME. ANY PERSON REPRESENTING AN APPLICATION OR A MEMBER OF THE PUBLIC OR A MEMBER OF THE PLANNING COMMISSION NOT IN AGREEMENT WITH THE CONDITIONS AND ALL STANDARD CONDITIONS FOR THE APPLICATION RECOMMENDED BY STAFF, SHOULD REQUEST TO HAVE THAT ITEM REMOVED FROM THIS PART OF THE AGENDA.

6. **RQR-33286 - REQUIRED REVIEW - PUBLIC HEARING - APPLICANT: LAMAR CENTRAL OUTDOOR, LLC - OWNER: EWING INVESTMENTS, A PARTNERSHIP** - Required Review of an approved Variance (V-0131-90) WHICH ALLOWED AN 80-FOOT TALL, 14-FOOT BY 48-FOOT OFF-PREMISE SIGN (BILLBOARD) WHERE 40 FEET IS THE MAXIMUM HEIGHT ALLOWED at 1405 "A" Street (APN 139-27-501-003), M (Industrial) Zone, Ward 5 (Barlow)

7. **RQR-33287 - REQUIRED REVIEW - PUBLIC HEARING - APPLICANT: LAMAR CENTRAL OUTDOOR, LLC - OWNER: INTEGRAL PARTNERS PARK PLACE CENTRE-LAS VEGAS, LLC**- Required Review of an approved Special Use Permit (U-0101-95) FOR ONE 14-FOOT BY 48-FOOT OFF-PREMISE SIGN (BILLBOARD) ORIENTED TOWARD INTERSTATE-15 AT A HEIGHT OF 30 FEET ABOVE THE ELEVATED FREEWAY; AND A SECOND 14-FOOT BY 48-FOOT OFF-PREMISE SIGN (BILLBOARD) ORIENTED TOWARD THE DESERT INN ROAD "SUPER ARTERIAL" AT A HEIGHT OF 55 FEET ABOVE GRADE at 3200 South Rancho Drive (APN 162-08-418-002), M (Industrial) Zone, Ward 1 (Tarkanian)

8. **VAR-33415 - VARIANCE - PUBLIC HEARING - APPLICANT: AHERN RENTALS - OWNER: DFA, LLC** - Request for a Variance TO ALLOW A 10-FOOT TALL WALL WHERE EIGHT FEET IS THE MAXIMUM HEIGHT ALLOWED ALONG A PORTION OF THE NORTH AND EAST PROPERTY LINE AND TO ALLOW UNFINISHED BLOCK WHERE DECORATIVE BLOCK WITH 20% CONTRASTING MATERIALS IS REQUIRED on 20.53 acres at 1726 West Bonanza Road (APN 139-28-302-034), R-E (Residence Estates) Zone and R-3 (Medium Density Residential) Zone under Resolution of Intent to C-2 (General Commercial), Ward 5 (Barlow)

PUBLIC HEARING ITEMS

9. **ABEYANCE - RENOTIFICATION - ZON-32514 - REZONING - PUBLIC HEARING - APPLICANT: NEVADA H.A.N.D., INC. - OWNER: SILVER SKY TWO, LP** - Request for a Rezoning FROM: U (UNDEVELOPED) [M (MEDIUM DENSITY RESIDENTIAL) GENERAL PLAN DESIGNATION] TO: R-3 (MEDIUM DENSITY RESIDENTIAL) on 4.71 acres adjacent to the north side of Silver Sky Drive, approximately 500 feet east of Roland Wiley Drive (APNs 138-28-401-017 and 018), Ward 2 (Wolfson)

10. **ABEYANCE - RENOTIFICATION - VAR-33012 - VARIANCE RELATED TO ZON-32514 - PUBLIC HEARING - APPLICANT: NEVADA H.A.N.D., INC. - OWNER: SILVER SKY TWO, LP** - Request for a Variance TO ALLOW A 79-FOOT SETBACK WHERE RESIDENTIAL ADJACENCY STANDARDS REQUIRE 99 FEET on 4.71 acres adjacent to the north side of Silver Sky Drive, approximately 500 feet east of Roland Wiley Drive (APNs 138-28-401-017 and 018), U (Undeveloped) Zone [M (Medium Density Residential) General Plan Designation] [PROPOSED: R-3 (Medium Density Residential)], Ward 2 (Wolfson) NOTE: THIS APPLICATION IS BEING AMENDED TO ALLOW A 79-FOOT SETBACK WHERE RESIDENTIAL ADJACENCY STANDARDS REQUIRE 136 FEET

11. **ABEYANCE - RENOTIFICATION - SDR-33010 - SITE DEVELOPMENT PLAN REVIEW RELATED TO ZON-32514 AND VAR-33012 - PUBLIC HEARING - APPLICANT: NEVADA H.A.N.D., INC. - OWNER: SILVER SKY TWO, LP** - Request for a Site Development Plan Review FOR A PROPOSED TWO AND THREE-STORY, 120-UNIT SENIOR CITIZEN APARTMENT DEVELOPMENT WITH A WAIVER TO ALLOW A ZERO-FOOT LANDSCAPE BUFFER ALONG THE WEST PERIMETER WHERE SIX FEET IS REQUIRED on 4.71 acres adjacent to the north side of Silver Sky Drive, approximately 500 feet east of Roland Wiley Drive (APNs 138-28-401-017 and 018), U (Undeveloped) Zone [M (Medium Density Residential) General Plan Designation] [PROPOSED: R-3 (Medium Density Residential)], Ward 2 (Wolfson)

12. **ABEYANCE - WVR-32158 - WAIVER - PUBLIC HEARING - APPLICANT: ROYAL CONSTRUCTION - OWNER: SPINNAKER HOMES V LLC** - Request for a Waiver of Town Center Development Standards TO ALLOW A FOUR-FOOT SIDEWALK WITHOUT AN AMENITY ZONE ALONG A 40-FOOT AND A 50-FOOT PORTION OF DEER SPRINGS WAY WHERE A FIVE-FOOT SIDEWALK WITH A THREE-FOOT AMENITY ZONE IS REQUIRED on 0.21 acres adjacent to Deer Springs Way, approximately 400 feet east of Fort Apache Road (APNs 125-20-214-040, 041, 059 and 125-20-297-018), T-C (Town Center) Zone [ML-TC (Medium-Low Residential - Town Center) Special Land Use Designation], Ward 6 (Ross)

13. **ABEYANCE - RENOTIFICATION - VAR-32873 - VARIANCE - PUBLIC HEARING - APPLICANT/OWNER: ANTONIO AND CRISTINA SOSA** - Request for a Variance TO ALLOW 16 PARKING SPACES WHERE 24 ARE REQUIRED FOR THE CONVERSION OF 500 SQUARE FEET OF OFFICE TO A RESTAURANT USE on 0.56 acres at 1499 North Lamb Boulevard (APN 140-29-101-006), N-S (Neighborhood Service) Zone, Ward 3 (Reese)

14. **ABEYANCE - SUP-32748 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: MV SPA - OWNER: NORTHSHORE PLAZA, LLC** - Request for a Special Use Permit FOR A PROPOSED MASSAGE ESTABLISHMENT WITH WAIVERS TO ALLOW FOR THE MASSAGE ESTABLISHMENT TO REMAIN OPEN UNTIL 11:00 P.M. WHERE 9:00 P.M. IS THE LATEST ALLOWED AND A ZERO-FOOT DISTANCE SEPARATION TO A RESIDENTIAL USE WHERE 400 FEET IS REQUIRED at 8370 West Cheyenne Avenue, Suite #101 (APN 138-09-420-006), C-1 (Limited Commercial) Zone, Ward 4 (Steinman)

15. **ABEYANCE - SUP-33189 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: BIG MAMAS COOKING OR KITCHEN, INC. - OWNER: BUD HOLDINGS, LLC** - Request for a Special Use Permit FOR A SUPPER CLUB IN AN EXISTING 4,091 SQUARE-FOOT RESTAURANT at 2230 West Bonanza Road (APNs 139-29-704-023 through 025), C-1 (Limited Commercial) Zone, Ward 5 (Barlow)

16. **ABEYANCE - SDR-33191 - SITE DEVELOPMENT PLAN REVIEW RELATED TO SUP-33189 - PUBLIC HEARING - APPLICANT: BIG MAMAS COOKING OR KITCHEN, INC. - OWNER: BUD HOLDINGS, LLC** - Request for a Site Development Plan Review FOR ON-SITE ALTERATIONS FOR AN EXISTING 4,091 SQUARE-FOOT RESTAURANT at 2230 West Bonanza Road (APNs 139-29-704-023 through 025), C-1 (Limited Commercial) Zone, Ward 5 (Barlow)

17. **ZON-33240 - REZONING - PUBLIC HEARING - APPLICANT/OWNER: DEAN HARDY AND ILANA KLYM, ET AL** - Request for a Rezoning FROM: R-1 (SINGLE FAMILY RESIDENTIAL) TO: P-R (PROFESSIONAL OFFICE AND PARKING) on 0.35 acres at 610 South 9th Street (APNs 139-34-810-063 and 064), Ward 3 (Reese)

18. **VAR-33369 - VARIANCE - PUBLIC HEARING - APPLICANT/OWNER: MARCIA D. GEIL** - Request for a Variance TO ALLOW A PROPOSED 4,875 SQUARE-FOOT ACCESSORY STRUCTURE (CLASS II) WHERE 1,325 SQUARE FEET IS THE MAXIMUM SIZE ALLOWED, TO ALLOW FOR THE PROPOSED ACCESSORY STRUCTURE (CLASS II) TO NOT BE AESTHETICALLY COMPATIBLE (METAL) WITH THE PRINCIPAL DWELLING UNIT, AND TO ALLOW THE PROPOSED ACCESSORY STRUCTURE (CLASS II) TO BE 24 FEET IN HEIGHT WHERE A HEIGHT OF 18 FEET IS PERMITTED on 1.05 acres at 5921 Mello Avenue (APN 125-24-302-003), R-E (Residence Estates) Zone, Ward 6 (Ross)

19. **SUP-32171 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: FRANCISCO LARA - OWNER: 7TH STREET PROPERTIES, LLC** - Request for a Special Use Permit FOR A PROPOSED TAVERN-LIMITED ESTABLISHMENT at 115 North 7th Street (APN 139-34-612-086), C-2 (General Commercial) Zone, Ward 5 (Barlow)

20. **SDR-33426 - SITE DEVELOPMENT PLAN REVIEW RELATED TO SUP-32171 - PUBLIC HEARING - APPLICANT: FRANCISCO LARA - OWNER: 7TH STREET PROPERTIES, LLC** - Request for a Site Development Plan Review FOR A PROPOSED TAVERN-LIMITED ESTABLISHMENT IN AN EXISTING TWO-STORY, 7,632 SQUARE-FOOT BUILDING WITH A 6,160 SQUARE-FOOT COMMERCIAL RECREATION/AMUSEMENT FACILITY (OUTDOOR) at 115 North 7th Street (APN 139-34-612-086), C-2 (General Commercial) Zone, Ward 5 (Barlow)

21. **SUP-33388 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: BARGAIN HUNTERS, LLC - OWNER: JACK S. LAIRD, LLC** - Request for a Special Use Permit FOR A PROPOSED 20,457 SQUARE-FOOT SECOND HAND DEALER at 1200 South Rainbow Boulevard (APN 163-02-101-003), C-1 (Limited Commercial) Zone, Ward 1 (Tarkanian)

22. **VAC-30172 - VACATION - PUBLIC HEARING - APPLICANT: FOREST CITY COMMERCIAL DEV, INC. - OWNER: LIVEWORK, LLC., ET AL -** Petition to Vacate an 80-foot wide portion of First Street between Bonneville Avenue and Garces Avenue, Ward 3 (Reese)

23. **SDR-33422 - SITE DEVELOPMENT PLAN REVIEW - PUBLIC HEARING - APPLICANT/OWNER: CARDAN LINDELL NORTH, LLC** - Request for a Major Amendment to an approved Site Development Plan Review (SDR-4551) FOR THE ADDITION OF VEHICLE DISPLAY PARKING SPACES; PARKING LOT SHADE STRUCTURES; FACADE RENOVATIONS; AND TWO PORTE COCHERES ALONG THE SOUTH AND EAST SIDES OF THE BUILDING AT AN EXISTING MOTOR VEHICLE SALES (NEW) FACILITY on 4.01 acres at 5550 West Sahara Avenue (APN 163-01-404-022), C-2 (General Commercial) Zone, Ward 1 (Tarkanian)

DIRECTOR'S BUSINESS:

24. **DIR-33671 - DIRECTOR'S BUSINESS - PUBLIC HEARING - APPLICANT/OWNER: CITY OF LAS VEGAS** - Discussion regarding the March 23rd Joint City Council/Planning Commission workshop on redevelopment

25. **TXT-33303 - TEXT AMENDMENT - PUBLIC HEARING - APPLICANT/OWNER: CITY OF LAS VEGAS** - Discussion and possible action to amend Title 19.10, "Parking, Loading and Traffic Standards," to establish parking requirements for mixed-use developments, All Wards

26. **TXT-33703 - TEXT AMENDMENT - PUBLIC HEARING - APPLICANT/OWNER: CITY OF LAS VEGAS** - Discussion and possible action to amend Title 19.04 Table 2 and 19.20 to revise the regulations, applicable zoning districts, and description for the Small Wind Energy System use, All Wards

CITIZENS PARTICIPATION:

27. CITIZENS PARTICIPATION: PUBLIC COMMENT DURING THIS PORTION OF THE AGENDA MUST BE LIMITED TO MATTERS WITHIN THE JURISDICTION OF THE PLANNING COMMISSION. NO SUBJECT MAY BE ACTED UPON BY THE PLANNING COMMISSION UNLESS THAT SUBJECT IS ON THE AGENDA AND IS SCHEDULED FOR ACTION. IF YOU WISH TO BE HEARD, COME TO THE PODIUM AND GIVE YOUR NAME FOR THE RECORD. THE AMOUNT OF DISCUSSION ON ANY SINGLE SUBJECT, AS WELL AS THE AMOUNT OF TIME ANY SINGLE SPEAKER IS ALLOWED, MAY BE LIMITED

City of Las Vegas Agenda Item No.: **1.**

AGENDA SUMMARY PAGE

PLANNING COMMISSION MEETING OF: MARCH 26, 2009

DEPARTMENT: PLANNING AND DEVELOPMENT
DIRECTOR: M. MARGO WHEELER

SUBJECT:
CALL TO ORDER

City of Las Vegas Agenda Item No.: **2.**

AGENDA SUMMARY PAGE

PLANNING COMMISSION MEETING OF: MARCH 26, 2009

DEPARTMENT: PLANNING AND DEVELOPMENT
DIRECTOR: M. MARGO WHEELER

SUBJECT:
ANNOUNCEMENT: COMPLIANCE WITH OPEN MEETING LAW

City of Las Vegas Agenda Item No.: **3.**

AGENDA SUMMARY PAGE

PLANNING COMMISSION MEETING OF MARCH 26, 2009

DEPARTMENT: PLANNING AND DEVELOPMENT
DIRECTOR: M. MARGO WHEELER

SUBJECT:
ROLL CALL

City of Las Vegas Agenda Item No.: **4.**

AGENDA SUMMARY PAGE

PLANNING COMMISSION MEETING OF MARCH 26, 2009

DEPARTMENT: PLANNING AND DEVELOPMENT
DIRECTOR: M. MARGO WHEELER

SUBJECT:
APPROVAL OF THE FINAL MINUTES FOR THE PLANNING COMMISSION MEETING OF FEBRUARY 26, 2009

City of Las Vegas Agenda Item No.: **5.**

AGENDA SUMMARY PAGE

PLANNING COMMISSION MEETING OF: MARCH 26, 2009

DEPARTMENT: PLANNING AND DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

SUBJECT:

Any items from the Planning Commission, staff and/or the applicant wish to be stricken or held in abeyance to a future meeting may be brought forward and acted upon at this time

City of Las Vegas Agenda Item No.: **6.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: MARCH 26, 2009

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

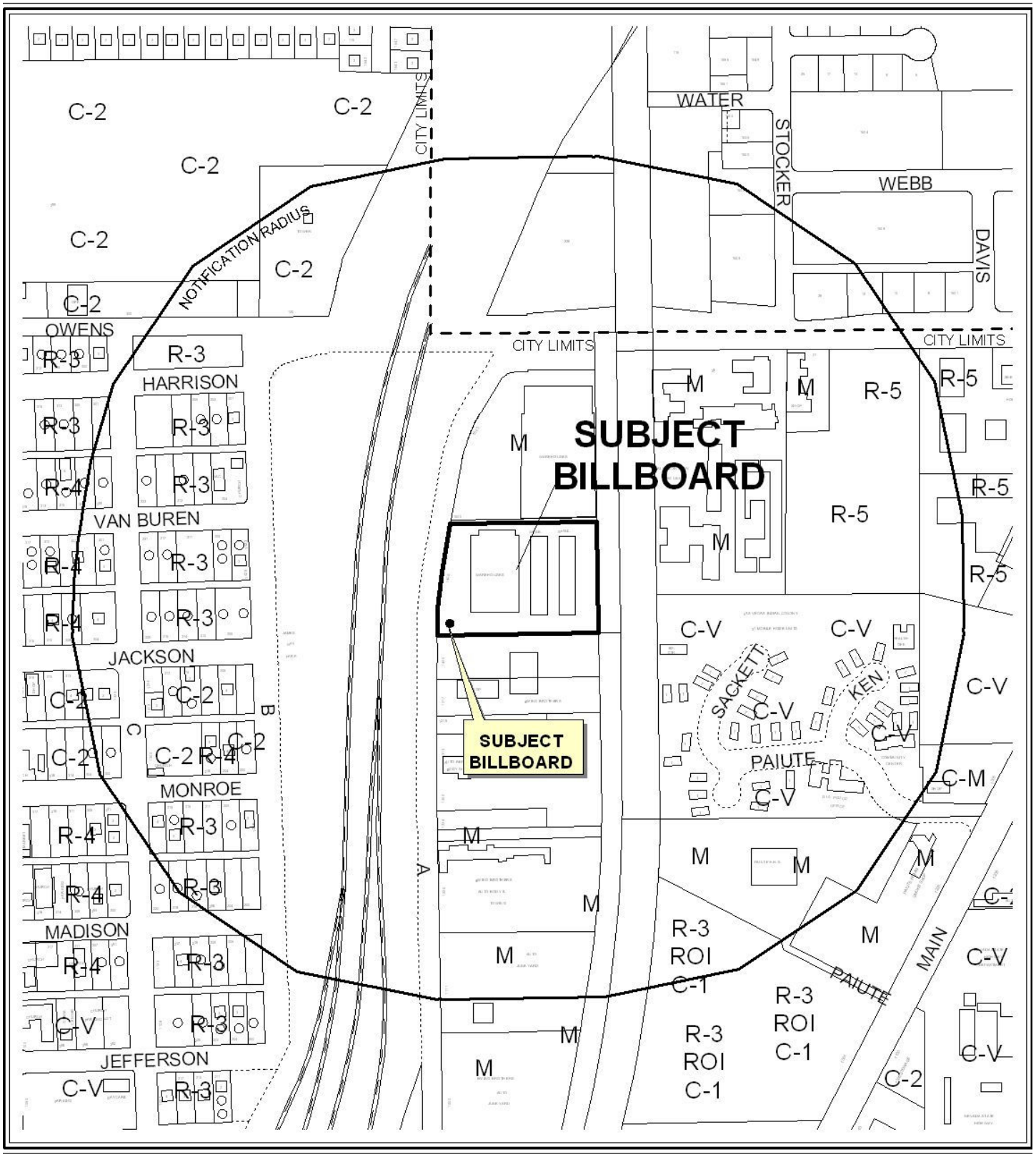
SUBJECT:
RQR-33286 - REQUIRED REVIEW - PUBLIC HEARING - APPLICANT: LAMAR CENTRAL OUTDOOR, LLC - OWNER: EWING INVESTMENTS, A PARTNERSHIP - Required Review of an approved Variance (V-0131-90) WHICH ALLOWED AN 80-FOOT TALL, 14-FOOT BY 48-FOOT OFF-PREMISE SIGN (BILLBOARD) WHERE 40 FEET IS THE MAXIMUM HEIGHT ALLOWED at 1405 "A" Street (APN 139-27-501-003), M (Industrial) Zone, Ward 5 (Barlow)

IF APPROVED, C.C.: 05/06/2009
IF DENIED, P.C.: FINAL ACTION (Unless Appealed Within 10 Days)

PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**0**	**Planning Commission Mtg.**	**0**
City Council Meeting	**0**	**City Council Meeting**	**0**

RECOMMENDATION:
APPROVAL

BACKUP DOCUMENTATION:
1. Location, Aerial and Special Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Photos
5. City Council Approval Letter for RQR-5732



CASE: **RQR-33286**

RADIUS: 1000 FT

0 500 Feet

ZONING OF SUBJECT PROPERTY: M (INDUSTRIAL)

N

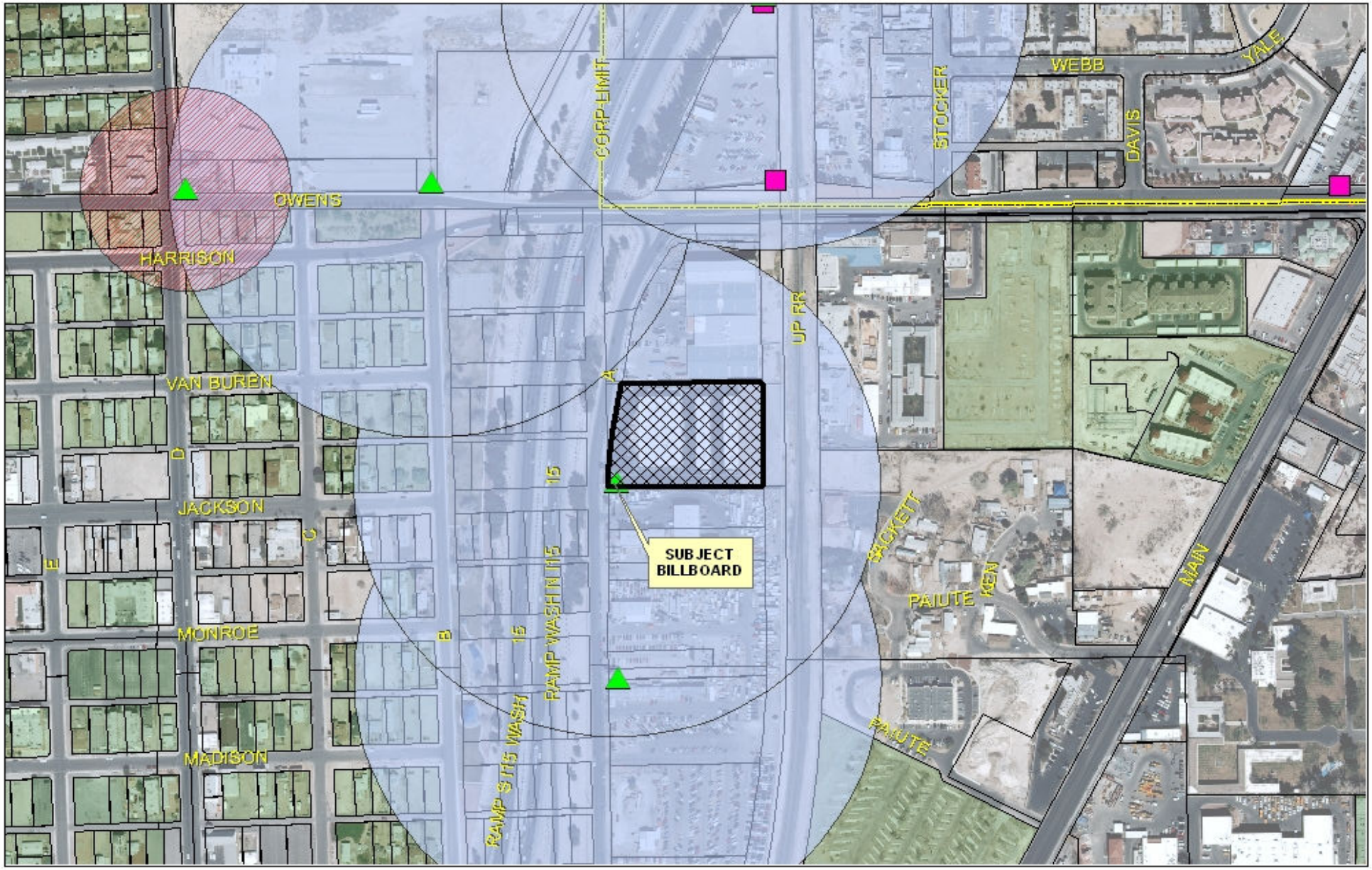
CASE: **RQR-33286**

RADIUS: 1000 FT

0 500 Feet

ZONING OF SUBJECT PROPERTY: M (INDUSTRIAL)

N



RQR-33286

- Subject Parcel
- City of Las Vegas Billboard Location
- North Las Vegas Billboard Location

City of Las Vegas Billboard Data

- 300 Foot Buffer Around Billboard
- 750 Foot Buffer Around Freeway Billboard
- Residential Zoned Property
- Off Premise Sign Exclusion Area
- Exempt - Off Premise Area Sign Area

N

City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: MARCH 26, 2009
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: RQR-33286 - APPLICANT: LAMAR CENTRAL OUTDOOR, LLC - OWNER: EWING INVESTMENTS, A PARTNERSHIP

** CONDITIONS **

STAFF RECOMMENDATION: APPROVAL, subject to:

Planning and Development

1. Conformance to the conditions for Variance (V-0131-90).

2. This Special Use Permit shall be placed on an agenda closest to December 19, 2012 at which time the City Council may require the Off-Premise Sign (Billboard) be removed. The applicant shall be responsible for notification costs of the review. Failure to pay the City for these costs may result in a requirement that the Off-Premise Sign (Billboard) is removed.

3. The Off-Premise Sign (Billboard) and its supporting structure shall be properly maintained and kept free of graffiti at all times. Failure to perform the required maintenance may result in fines and/or removal of the Off-Premise Advertising (Billboard) Sign.

4. If the existing off-premise sign is voluntarily demolished, this Variance (V-0131-90) shall be expunged and a new off-premise sign shall not be permitted in the same location unless a Special Use Permit is approved for the new structure by the City Council.

5. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

DS

RQR-33286 - Staff Report Page One
March 26, 2009 - Planning Commission Meeting

** STAFF REPORT **

PROJECT DESCRIPTION

This application is in response to a Required Review of an approved Variance (V-0131-90) for an 80-foot tall, 14-foot by 48-foot Off-Premise Sign (Billboard) where 40 feet is the maximum height allowed at 1405 "A" Street.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc.	
12/19/90	The City Council approved a request for a Variance (V-0131-90) for a 14-foot by 48-foot Off-Premise Sign (Billboard); and to allow the sign to a height of 80 feet where only 40 feet is permitted. The Board of Zoning Adjustment recommended denial on 11/20/90.
01/17/96	The City Council approved a request for a Required Review [V-0131-90(1)] on an approved Variance (V-0131-90) for a 14-foot by 48-foot Off-Premise Sign (Billboard) at a height of 80 feet. The Board of Zoning Adjustment recommended approval on 12/21/95.
02/21/01	The City Council approved a request for a Required Review [V-0131-90(2)] for a 14-foot by 48-foot Off-Premise Sign (Billboard) at a height of 80 feet on property located at 1405 "A" Street.
03/02/05	The City Council approved a request for a Required Review (RQR-5732) for an 80-foot tall, 14-foot by 48-foot Off-Premise Sign (Billboard) at 1405 "A" Street. The Planning Commission recommended approval on 01/25/05.
Related Building Permits/Business Licenses	
c.1978	The buildings on the subject site were constructed.
03/17/00	A building permit (00004841) was issued for a billboard sign at 1405 "A" Street. The permit was finalized on 03/23/00.
07/19/06	A building permit (69682) was issued for a 220-foot long, 8-foot tall block wall at 1405 "A" Street. The permit was not finalized.
Pre-Application Meeting	
A pre-application meeting was not required, nor was one held.	
Neighborhood Meeting	
A neighborhood meeting was not required, nor was one held.	

Field Check	
02/19/09	Staff conducted a field check of the subject site with the following observations: • The subject billboard had no embellishments, animated signage, or electronic displays and the sign faces appear in good condition. • All structural elements have been properly screened from public view. • The subject property had an eight-foot tall block wall with barbed wire, which is not permitted: Code Enforcement has been notified.

Details of Application Request	
Site Area	
Gross Acres	2.98

Surrounding Property	**Existing Land Use**	**Planned Land Use**	**Existing Zoning**
Subject Property	Warehouses	LI/R (Light Industry/Research)	M (Industrial)
North	Warehouses	LI/R (Light Industry/Research)	M (Industrial)
South	Auto Repair Garage	LI/R (Light Industry/Research)	M (Industrial)
East	Union Pacific Railroad	ROW (Right-of-Way)	ROW (Right-of-Way)
West	I-15 Right-of-Way	ROW (Right-of-Way)	ROW (Right-of-Way)

Special Districts/Zones	*Yes*	*No*	*Compliance*
Special Area Plan		X	N/A
Special Districts/Zones	*Yes*	*No*	*Compliance*
Special Purpose and Overlay Districts	X		Y
A-O (Airport Overlay) District (175 feet)	X		Y
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

DEVELOPMENT STANDARDS

Standards	Code Requirement	Provided	Compliance
Location	No Off-Premise Sign may be located within public right-of-way	Sign is not located in public right-of-way.	Y
Zoning	Off-Premise Signs are permitted in C-1. C-2, C-M, and M zoning districts only	Sign is located in an M (Industrial) zoning district.	Y
Area	No Off-Premise Sign shall have a surface area greater than 672 square feet, except that an embellishment of not to exceed five feet above the regular rectangular surface of the sign may be added if the additional area contains no more than 128 square feet.	Sign is 672 square feet in size and it does not have an embellishment	Y
Height	No higher than 40 feet from grade at the point of construction: may be raised to a maximum of 55 feet with approval of the City Council if significantly obscured from view of travel lanes.	Sign is 80 feet tall	N*
Screening	All structural elements of an Off-Premise Sign to which the display panels are attached shall be screened from view.	Structural elements of the sign are screened from view.	Y
Off-Premise Sign (Billboard)	At least 750 feet to another Off-Premise Sign along US-95 or at least 300 feet to another Off-Premise Sign (if not along US-95)	Sign is approximately 550 feet north of another Off-Premise Sign.	N*
Off-Premise Sign (Billboard)	At least 300 feet to the nearest property line of a lot in any "R" or U" zoned districts.	Sign is at least 300 feet from property zoned for residential use.	Y
Other	All Off-Premise Signs shall be detached and permanently secured to the ground and shall not be located on property used for residential purposes.	Sign is permanently attached to the ground and is not located on property zoned for residential use.	Y

* The City Council approved Variance (V-0131-90) to allow the billboard to a height of 80-feet. Additionally, the Off-Premise Sign (Billboard) approximately 550 feet south of the subject site was in existence when Council approved Variance (V-0131-90).

ANALYSIS

This is the fourth Require Review of an approved Variance (V-0131-90) for an 80-foot tall, 14-foot by 48-foot Off-Premise Sign (Billboard) where 40 feet is the maximum height allowed at 1405 "A" Street. A research of the building permit activity found the billboard was constructed under sign permit (00004841), and received final inspection on 03/23/00 under the address of 1405 "A" Street. During a site inspection, staff found the sign and supporting structure in good condition.

FINDINGS

The sign is located in an M (Industrial) zoning district and is not within the Off-Premise Sign Exclusionary Zone. The sign and supporting structure are in good condition and are being properly maintained. Staff finds there is no adverse impact regarding the continued use of the sign at this time, as there has not been any significant change development or land use since the construction of the billboard; therefore, staff recommends approval, subject to a three-year review.

ASSEMBLY DISTRICT 6

SENATE DISTRICT 4

NOTICES MAILED 83

APPROVALS 0

PROTESTS 0

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **RQR-33286** APN: 139-27-501-003

Name of Property Owner: Ewing Investments, a Partnership

Name of Applicant: Lamar Central Outdoor, LLC

Name of Representative: _____

To the best of your knowledge, does the Mayor or any member of the City Council or Planning Commission have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company?

☐ Yes ☑ No

If yes, please indicate the member of the City Council or Planning Commission who is involved and list the name(s) of the person or persons with whom the City Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official: _____

Partner(s): _____ _____

APN: _____

Signature of Property Owner: Jay T Ewing

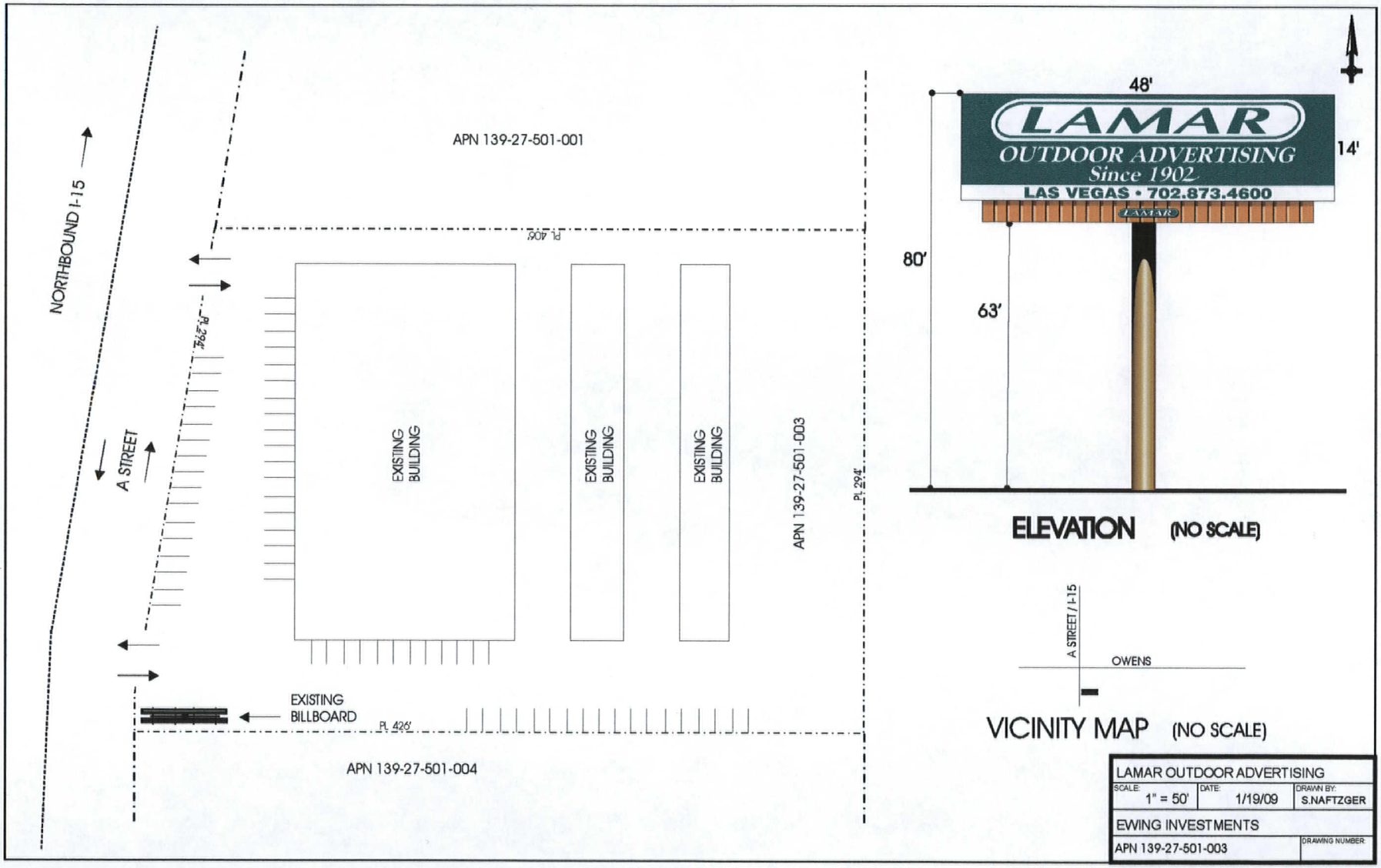
~~Print Name~~: JAY T. EWING PARTNER

Subscribed and sworn before me

This 16 day of JAN, 2009

Notary Public in and for said County and State

NOTARY PUBLIC
STATE OF NEVADA
County of Clark
R. JARVIS
No: 93-3136-1
My Appointment Expires April 13, 2009



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RQR-33286
03/26/09 PC

RQR-33286 - APPLICANT: LAMAR CENTRAL OUTDOOR, LLC - OWNER: EWING INVESTMENTS, A PARTNERSHIP
1405 "A" STREET
MARCH 26, 2009 PLANNING COMMISSION

02/19/09

RQR-33286 - APPLICANT: LAMAR CENTRAL OUTDOOR, LLC - OWNER: EWING INVESTMENTS, A PARTNERSHIP
1405 "A" STREET
MARCH 26, 2009 PLANNING COMMISSION

02/19/09

RQR-33286 - APPLICANT: LAMAR CENTRAL OUTDOOR, LLC - OWNER: EWING INVESTMENTS, A PARTNERSHIP
1405 "A" STREET
MARCH 26, 2009 PLANNING COMMISSION

02/19/09

RQR-33286 - APPLICANT: LAMAR CENTRAL OUTDOOR, LLC - OWNER: EWING INVESTMENTS, A PARTNERSHIP
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MARCH 26, 2009 PLANNING COMMISSION

02/19/09

RQR-33286 - APPLICANT: LAMAR CENTRAL OUTDOOR, LLC - OWNER: EWING INVESTMENTS, A PARTNERSHIP
1405 "A" STREET
MARCH 26, 2009 PLANNING COMMISSION

02/19/09

LAS VEGAS CITY COUNCIL

OSCAR B. GOODMAN
MAYOR

GARY REESE
MAYOR PRO TEM

LARRY BROWN
LAWRENCE WEEKLY
MICHAEL MACK
STEVE WOLFSON
LOIS TARKANIAN

DOUGLAS A. SELBY
CITY MANAGER

March 3, 2005

Mr. Don Rieger
Rieger 1982 Revocable Trust
38 Princeville Lane
Las Vegas, Nevada 89113

RE: RQR-5732 - REQUIRED FOUR YEAR REVIEW
CITY COUNCIL MEETING OF MARCH 2, 2005

Dear Mr. Rieger:

The City Council at a regular meeting held March 2, 2005 APPROVED the Required Four Year Review on an approved Variance (V-0131-90) WHICH ALLOWED AN 80-FOOT TALL, 14-FOOT X 48-FOOT OFF-PREMISE ADVERTISING (BILLBOARD) SIGN WHERE 40 FEET IS THE MAXIMUM HEIGHT ALLOWED at 1405 "A" Street (APN 139-27-501-003), M (Industrial) Zone. The Notice of Final Action was filed with the Las Vegas City Clerk on March 3, 2005. This approval is subject to:

Planning and Development

1. The Variance shall be reviewed in four (4) years at which time the City Council may require the Off-Premise Advertising (Billboard) Sign to be removed. The applicant shall be responsible for notification costs of the review. Failure to pay the City for these costs may result in a requirement that the Off-Premise Advertising (Billboard) Sign is removed.

2. If the existing Off-Premise Advertising (Billboard) Sign structure is removed, this Special Use Permit shall be expunged and a new Off-Premise Advertising (Billboard) Sign structure shall not be erected in the same location unless: (1) a new Special Use Permit is approved for the new structure by the City Council, or (2) the location is in compliance with all applicable standards of the Downtown Centennial Plan and Title 19 of the Las Vegas Municipal Code including, but not limited to, distance separation requirements, or (3) a Variance to the applicable standards of Title 19 has been approved for the new structure by the City Council.

3. The Off-Premise Advertising (Billboard) Sign and its supporting structure shall be properly maintained and kept free of graffiti at all times. Failure to perform the required maintenance may result in fines and/or removal of the Off-Premise Advertising (Billboard) Sign.

CITY OF LAS VEGAS
400 STEWART AVENUE
LAS VEGAS, NEVADA 89101

VOICE 702.229.6011
TTY 702.386.9108
www.lasvegasnevada.gov
18112-001-1-05
CLV 7009

RQR-33286
03/26/09 PC

4. All City Code requirements and design standards of all City Departments shall be satisfied.

Sincerely,

Ydoleena Yturralde
Deputy City Clerk I for
Barbara Jo Ronemus, City Clerk

cc: Planning and Development Dept.
Development Coordination-DPW
Dept. Of Fire Services

Mr. Scott Naftzger
Lamar Outdoor Advertising
1863 Helm Drive
Las Vegas, Nevada 89119

RQR-33286
03/26/09 PC

City of Las Vegas Agenda Item No.: **7.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: MARCH 26, 2009

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

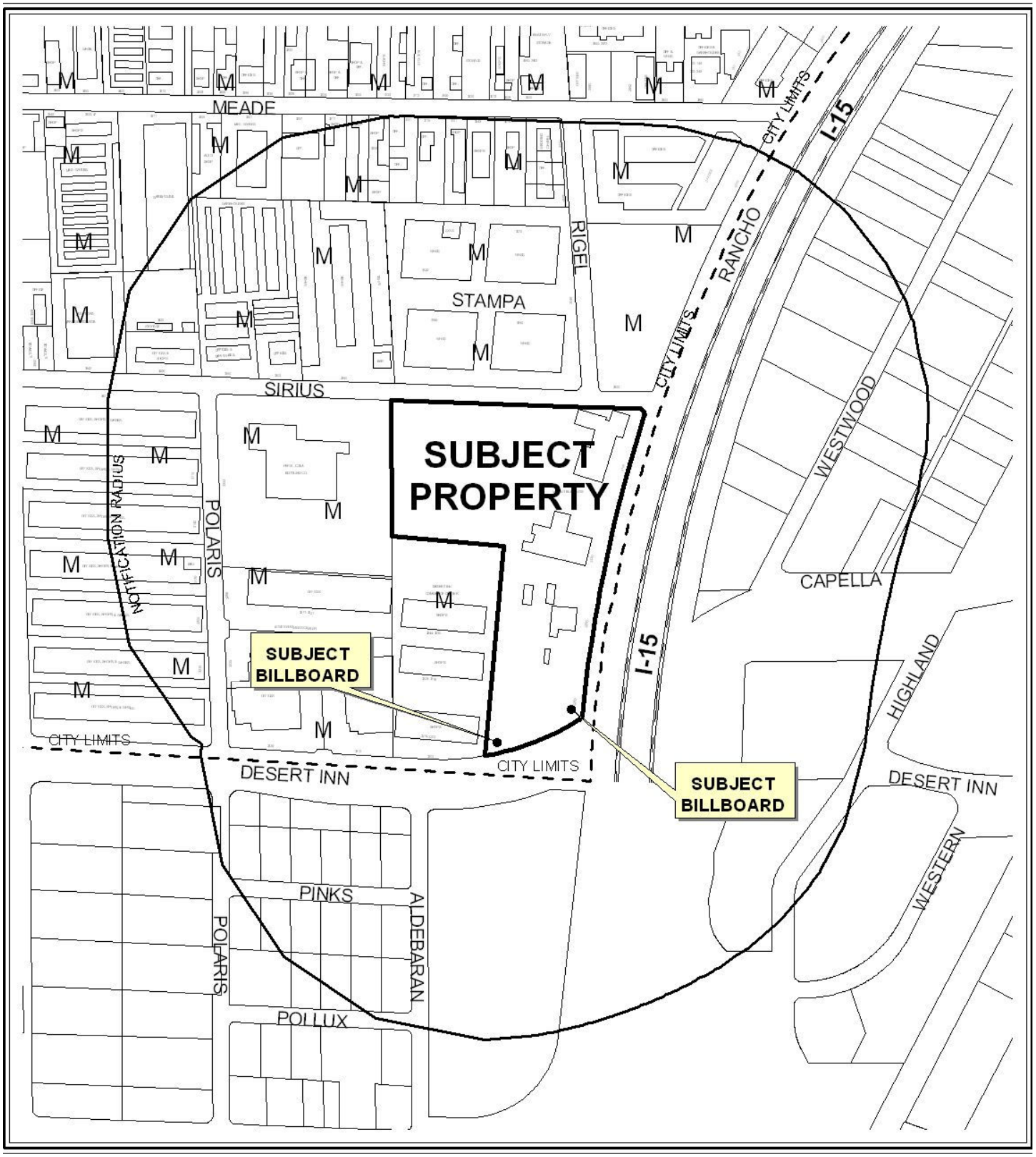
SUBJECT:
RQR-33287 - REQUIRED REVIEW - PUBLIC HEARING - APPLICANT: LAMAR CENTRAL OUTDOOR, LLC - OWNER: INTEGRAL PARTNERS PARK PLACE CENTRE-LAS VEGAS, LLC - Required Review of an approved Special Use Permit (U-0101-95) FOR ONE 14-FOOT BY 48-FOOT OFF-PREMISE SIGN (BILLBOARD) ORIENTED TOWARD INTERSTATE-15 AT A HEIGHT OF 30 FEET ABOVE THE ELEVATED FREEWAY; AND A SECOND 14-FOOT BY 48-FOOT OFF-PREMISE SIGN (BILLBOARD) ORIENTED TOWARD THE DESERT INN ROAD "SUPER ARTERIAL" AT A HEIGHT OF 55 FEET ABOVE GRADE at 3200 South Rancho Drive (APN 162-08-418-002), M (Industrial) Zone, Ward 1 (Tarkanian)

IF APPROVED, C.C.: 05/06/2009
IF DENIED, P.C.: FINAL ACTION (Unless Appealed Within 10 Days)

PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**0**	**Planning Commission Mtg.**	**0**
City Council Meeting	**0**	**City Council Meeting**	**0**

RECOMMENDATION:
APPROVAL

BACKUP DOCUMENTATION:
1. Location, Aerial and Special Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Photos
5. City Council Approval Letter for RQR-5513
6. City Council Approval Letter for U-101-95(1)
7. City Council Approval Letter for U-101-95



CASE: **RQR-33287**

RADIUS: 1000 FT

0 500 1000 Feet

ZONING OF SUBJECT PROPERTY:
M (INDUSTRIAL) UNDER RESOLUTION OF INTENT TO C-1 (LIMITED COMMERCIAL)

N

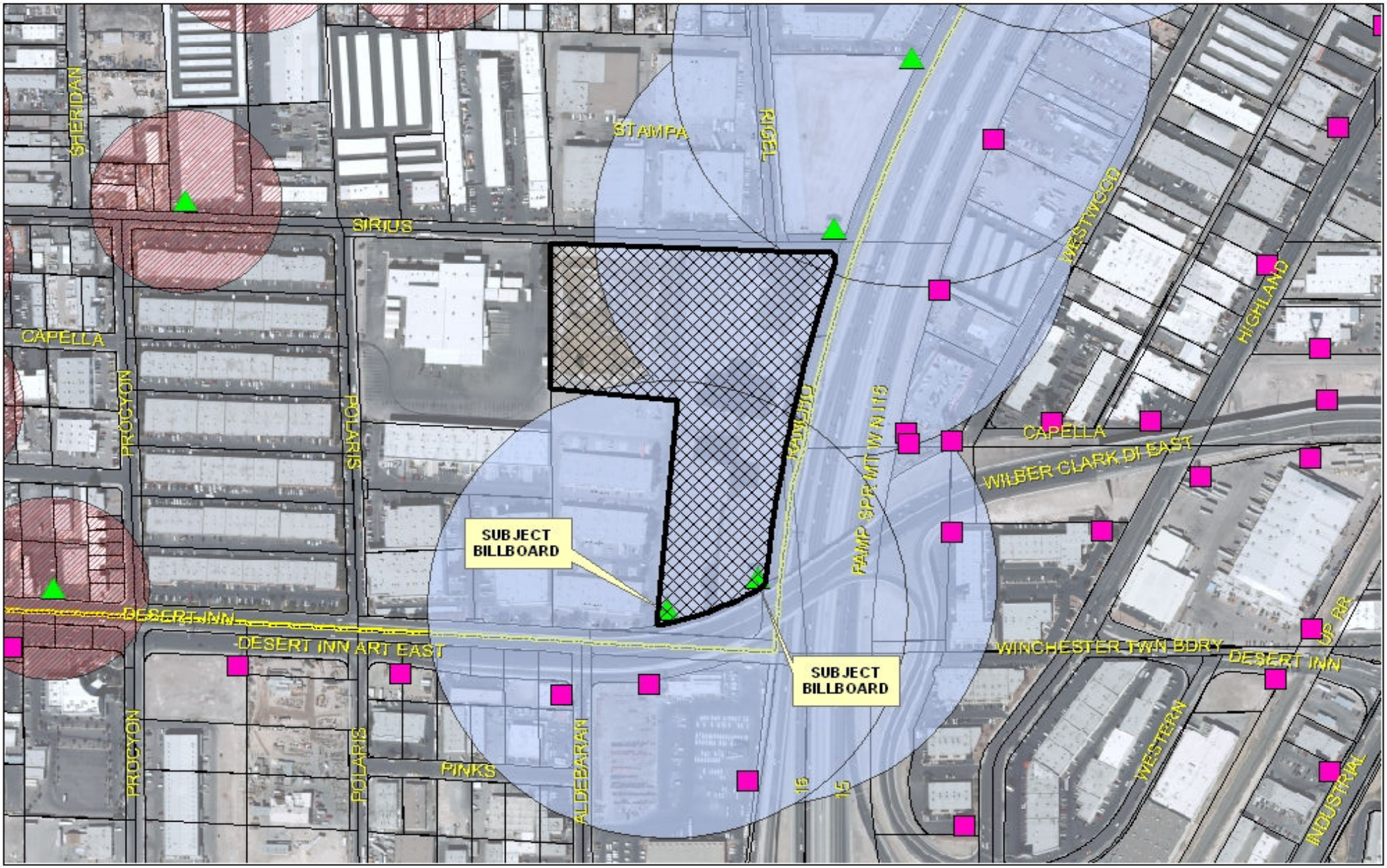
CASE: **RQR-33287**

RADIUS: 1000 FT

0 500 1000 Feet

ZONING OF SUBJECT PROPERTY:
M (INDUSTRIAL) UNDER RESOLUTION OF INTENT TO C-1 (LIMITED COMMERCIAL)

N



RQR-33287

City of Las Vegas Billboard Data

- Subject Parcel
- City of Las Vegas Billboard Location
- Clark County Billboard Location
- 300 Foot Buffer Around Billboard
- 750 Foot Buffer Around Freeway Billboard
- Off Premise Sign Exclusion Area
- Exempt - Off Premise Area Sign Area

N

City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: MARCH 26, 2009
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: RQR-33287 - APPLICANT: LAMAR CENTRAL OUTDOOR, LLC - OWNER: INTEGRAL PARTNERS PARK PLACE CENTRE-LAS VEGAS, LLC

** CONDITIONS **

STAFF RECOMMENDATION: **APPROVAL,** subject to:

Planning and Development

1. Conformance to the conditions for Special Use Permit (U-0101-95).

2. This Special Use Permit shall be placed on an agenda closest to October 18, 2012 at which time the City Council may require the Off-Premise Sign (Billboard) be removed. The applicant shall be responsible for notification costs of the review. Failure to pay the City for these costs may result in a requirement that the Off-Premise Sign (Billboard) is removed.

3. The Off-Premise Sign (Billboard) and its supporting structure shall be properly maintained and kept free of graffiti at all times. Failure to perform the required maintenance may result in fines and/or removal of the Off-Premise Sign (Billboard).

4. If the existing Off-Premise Sign is voluntarily demolished, this Special Use Permit (U-0101-95) shall be expunged and a new off-premise sign shall not be permitted in the same location unless a Special Use Permit is approved for the new structure by the City Council.

5. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

DS

RQR-33287 - Staff Report Page One
March 26, 2009 - Planning Commission Meeting

** STAFF REPORT **

PROJECT DESCRIPTION

This application is in response to a Require Review of a Special Use Permit (U-0101-95) for one 14-foot by 48-foot Off-Premise Sign (Billboard) oriented toward interstate I-15 at a height of 30 feet above the elevated freeway; and a second 14-foot by 48-foot Off-Premise Sign (Billboard) oriented toward the Desert Inn "Super" Arterial at a height of 55 feet above grade at 3200 S. Rancho Drive.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc.	
10/18/95	The City Council approved a request for a Special Use Permit (U-0101-95) for one 14-foot by 48-foot Off-Premise Sign (Billboard) oriented toward interstate I-15 at a height of 30 feet above the elevated freeway; and a second 14-foot by 48-foot Off-Premise Sign (Billboard) oriented toward the Desert Inn "Super" Arterial at a height of 55 feet above grade at 3200 S. Rancho Drive. The Board of Zoning Adjustment recommended approval on 09/26/95.
12/06/00	The City Council approved a request for a Required Review [U-0101-95(1)] of an approved Special Use Permit (U-0101-95) for one 14-foot by 48-foot Off-Premise Sign (Billboard) oriented toward interstate I-15 at a height of 30 feet above the elevated freeway; and a second 14-foot by 48-foot Off-Premise Sign (Billboard) oriented toward the Desert Inn "Super" Arterial at a height of 55 feet above grade at 3200 S. Rancho Drive. The Planning Commission recommended approval on 10/26/00.
08/14/03	The Planning Commission approved a request for a Tentative Map (TMP-2645) for a one-lot commercial subdivision on 21.04 acres located at 3100 and 3200 S. Rancho Drive.
11/05/03	The City Council approved a request to amend a portion of the Southwest Sector Plan of the General Plan (GPA-3005) from LI/R (Light Industry/Research) to SC (Service Commercial) on 21.04 acres adjacent to the northwest corner of Desert Inn Road and Rancho Drive. The Planning Commission recommended approval on 10/09/03.
11/05/03	The City Council approved a request for a Rezoning (ZON-3007) from M (Industrial) to C-1 (Limited Commercial) on 15.97 acres adjacent to the northwest corner of Desert Inn Road and Rancho Drive. The Planning Commission recommended approval on 10/09/03.
11/05/03	The City Council approved a request for a Special Use Permit (SUP-3100) for Multi-Family Residential Units on 15.97 acres adjacent to the northwest corner of Desert Inn Road and Rancho Drive. The Planning Commission recommended approval on 10/09/03.

DS

11/20/03	The Planning Commission approved a request for a Site Development Plan Review (SDR-3101) for a Mixed-Use Residential and Commercial Development on 15.97 acres adjacent to the northwest corner of Desert Inn Road and Rancho Drive.
04/02/04	The Planning and Development Department administratively approved a request for a Final Map Technical Review (FMP-4056) for Fletcher Jones Imports Property (A Commercial Subdivision).
03/02/05	The City Council approved a request for a Required Review (RQR-5513) for one 14-foot by 48-foot Off-Premise Sign (Billboard) oriented toward interstate I-15 at a height of 30 feet above the elevated freeway; and a second 14-foot by 48-foot Off-Premise Sign (Billboard) oriented toward the Desert Inn "Super" Arterial at a height of 55 feet above grade at 3200 S. Rancho Drive. The Planning Commission recommended approval on 12/16/04.
07/07/05	A Code Enforcement case (32282) was processed for vacant building with overgrown weeds, trash/debris, and graffiti at 3100 S. Rancho Drive. The case was closed on 07/11/05.
10/19/05	The City Council approved a request for an Extension of Time (EOT-9267) of an approved Rezoning (ZON-3007) from M (Industrial) to C-1 (Limited Commercial) on 15.97 acres adjacent to the northwest corner of Desert Inn Road and Rancho Drive.
10/19/05	The City Council approved a request for an Extension of Time (EOT-9268) of an approved Special Use Permit (SUP-3100) for Multi-Family Residential Units on property adjacent to the northwest corner of Desert Inn Road and Rancho Drive.
10/20/05	The Planning Commission approved a request for an Extension of Time (EOT-9305) for a proposed Mixed-Use Residential and Commercial development on 15.97 acres adjacent to the northwest corner of Desert Inn Road and Rancho Drive.
05/17/06	The City Council approved a request to change the Future Land Use designation (GPA-9219) to Commercial, Mixed Use, Industrial, or Public facilities on various parcels located within the proposed Las Vegas Redevelopment Plan area and within the proposed Redevelopment Plan expansion area. The Planning Commission recommended approval on 04/13/06.
12/05/07	The City Council approved a request for an Extension of Time (EOT-25183) of an approved Rezoning (ZON-3007) from M (Industrial) to C-1 (Limited Commercial) on 15.97 acres at 3049 Sirius Avenue.
12/05/07	The City Council approved a request for an Extension of Time (EOT-25184) of an approved Site Development Plan Review (SDR-3101) for a proposed Mixed-Use Residential and Commercial Development on 15.97 acres at 3049 Sirius Avenue.
12/05/07	The City Council approved a request for an Extension of Time (EOT-25185) of an approved Special Use Permit (SUP-3100) for a proposed Mixed-Use Development at 3049 Sirius Avenue.

06/18/08	The City Council approved a request for a Special Use Permit (SUP-23285) for a proposed 10-foot extension to an existing 60-foot tall Wireless Communication Facility, Non-Stealth Design at 120 North Jones Boulevard. The Planning Commission recommended denial on 02/28/08.
12/17/08	The City Council approved a request for an Extension of Time (EOT-31493) of an approved Site Development Plan Review (SDR-3101) for a Mixed-Use Residential and Commercial Development on 15.97 acres adjacent to the northwest corner of Desert Inn Road and Rancho Drive.
12/17/08	The City Council approved a request for an Extension of Time (EOT-31495) of an approved Special Use Permit (SUP-3100) for Multi-Family Residential Units on 15.97 acres adjacent to the northwest corner of Desert Inn Road and Rancho Drive.
12/17/08	The City Council approved a request for an Extension of Time (EOT-31496) of an approved Rezoning (ZON-3007) from M (Industrial) to C-1 (Limited Commercial) on 15.97 acres adjacent to the northwest corner of Desert Inn Road and Rancho Drive.
Related Building Permits/Business Licenses	
11/30/95	A building permit (95883298) was issued for the installation of two (2) billboard signs at 3200 S. Rancho Drive. The permit was finalized on 03/26/96.

Pre-Application Meeting
A pre-application meeting was not required, nor was one held.
Neighborhood Meeting
A neighborhood meeting was not required, nor was one held.

Field Check	
02/25/09	Staff conducted a field check of the subject site with the following observations: • The subject billboard had no embellishments, animated signage, or electronic displays. • The sign faces and supporting structures appeared in good condition. • All structural elements have been properly screened from public view.

Details of Application Request	
Site Area	
Gross Acres	14.73

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Vacant buildings	C (Commercial)	M (Industrial)
North	Warehouses	LI/R (Light Industry/Research)	M (Industrial)
South	Desert Inn Super Arterial	Clark County	Clark County
East	I-15 Right-of Way	ROW (Right-of-Way)	ROW (Right-of-Way)
West	Retail Establishments, Offices, Warehouse	LI/R (Light Industry/Research)	M (Industrial)

Special Districts/Zones	*Yes*	*No*	*Compliance*
Special Area Plan	X		Y
Las Vegas Redevelopment Plan	X		Y
Special Districts/Zones	*Yes*	*No*	*Compliance*
Special Purpose and Overlay Districts	X		Y
A-O (Airport Overlay) District (140 feet)	X		Y
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

DEVELOPMENT STANDARDS

Standards	Code Requirement	Provided	Compliance
Location	No Off-Premise Sign may be located within public right-of-way	Signs are not located in public right-of-way.	Y
Zoning	Off-Premise Signs are permitted in C-1. C-2, C-M, and M zoning districts only	Signs are located in an M (Industrial) zoning district.	Y
Area	No Off-Premise Sign shall have a surface area greater than 672 square feet, except that an embellishment of not to exceed five feet above the regular rectangular surface of the sign may be added if the additional area contains no more than 128 square feet.	Signs are 672 square feet in size and do not have embellishments.	Y

Height	No higher than 40 feet from grade at the point of construction: may be raised to a maximum of 55 feet with approval of the City Council if significantly obscured from view of travel lanes.	One sign is 30 feet above the grade of I-15, and the other is 50 feet above grade of the Desert Inn Super Arterial.	N*
Screening	All structural elements of an Off-Premise Sign to which the display panels are attached shall be screened from view.	Structural elements are properly screened from public view.	Y
Off-Premise Sign (Billboard)	At least 750 feet to another Off-Premise Sign along US-95 or at least 300 feet to another Off-Premise Sign (if not along US-95)	Sign is at least 750 feet to another Off-Premise Sign along I-15 and 300 feet to another billboard.	Y
Off-Premise Sign (Billboard)	At least 300 feet to the nearest property line of a lot in any "R" or U" zoned districts.	Signs are at lease 300 feet from the nearest property zoned for residential use.	Y
Other	All Off-Premise Signs shall be detached and permanently secured to the ground and shall not be located on property used for residential purposes.	Signs are permanently secured to the ground and are not located on property zoned for residential use.	Y

* The City Council approved Special Use Permit (U-0101-95) allowing one sign to be 30 feet above grade of I-15 and the other sign at a height of 50 feet above grade of the Desert Inn Super Arterial.

ANALYSIS

This is the third Required Review of an approved Special Use Permit (U-0101-95) for one 14-foot by 48-foot Off-Premise Sign (Billboard) oriented toward interstate I-15 at a height of 30 feet above the elevated freeway; and a second 14-foot by 48-foot Off-Premise Sign (Billboard) oriented toward the Desert Inn "Super" Arterial at a height of 55 feet above grade at 3200 S. Rancho Drive.

Staff conducted a field check of the subject site and found both signs and supporting structures in good condition. A research of the building permit activity revealed a building permit (95883298) was issued on 11/30/95 for two (2) billboards under the address of 3200 S. Rancho Drive, which received a final inspection on 03/26/96.

Since the initial approval of the signs and subsequent reviews, new entitlements for a Multi-Family Residential and Commercial Development (ZON-3007, SUP-3100, and SDR-3101) were approved with subsequent Extension of Times (EOT-31493, EOT-31495, AND EOT-31496).

FINDINGS

The subject site is located in an M (Industrial) zoning district and is not within the Off-Premise Sign Exclusionary Zone. Though the signs received a final building inspection and are in good condition, staff finds that the continuation of these Off-Premise Signs (Billboards) at the location is not encouraged over the long-term, as it is not conducive to the redevelopment and revitalization proposed for the site. Staff recommends approval with a review in three years unless superseded by subsequent action.

ASSEMBLY DISTRICT 10

SENATE DISTRICT 7

NOTICES MAILED 52

APPROVALS 0

PROTESTS 0

PLANNING & DEVELOPMENT

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **RQR-33287** APN: 162-08-418-002

Name of Property Owner: Integral Partners Park PL LV, LLC

Name of Applicant: Lamar Central Outdoor, LLC

Name of Representative: _____

To the best of your knowledge, does the Mayor or any member of the City Council or Planning Commission have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company?

☐ **Yes** ☒ **No**

If yes, please indicate the member of the City Council or Planning Commission who is involved and list the name(s) of the person or persons with whom the City Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official: _____

Partner(s): _____ _____

APN: _____

Signature of Property Owner: _____

Print Name: WILLSTON FISHER

Subscribed and sworn before me

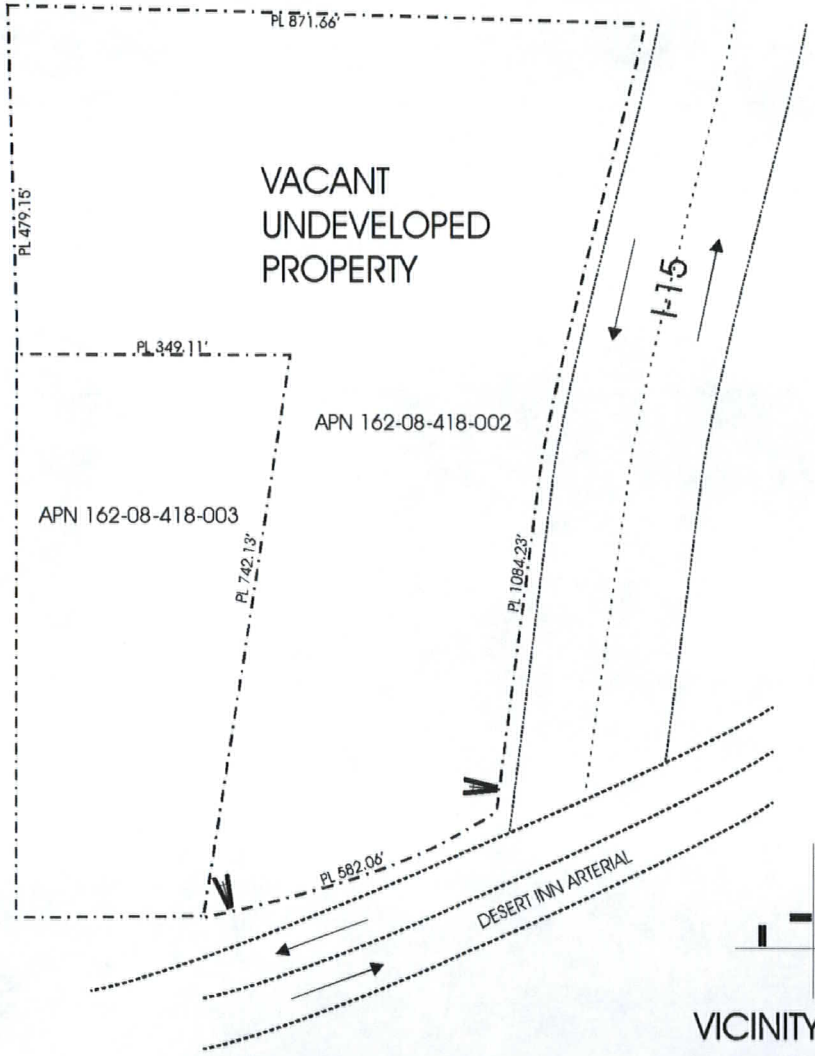
This 27TH day of JANUARY, 2009

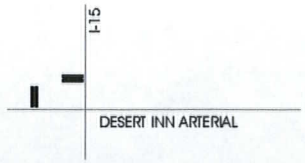
Donald Waldauer

Notary Public in and for said County and State

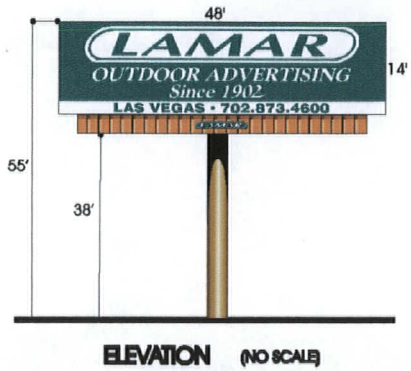
DONALD WALDAUER
Notary Public, State of New York
No. 01WA9502160
Qualified in New York County
Commission Expires June 30, 2010

DONALD WALDAUER
Notary Public, State of New York
No. 01WA9502160

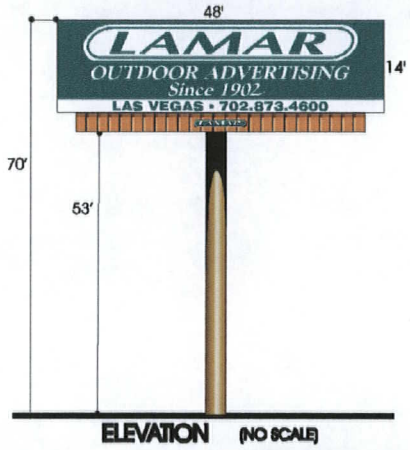




VICINITY MAP (NO SCALE)



ELEVATION (NO SCALE)

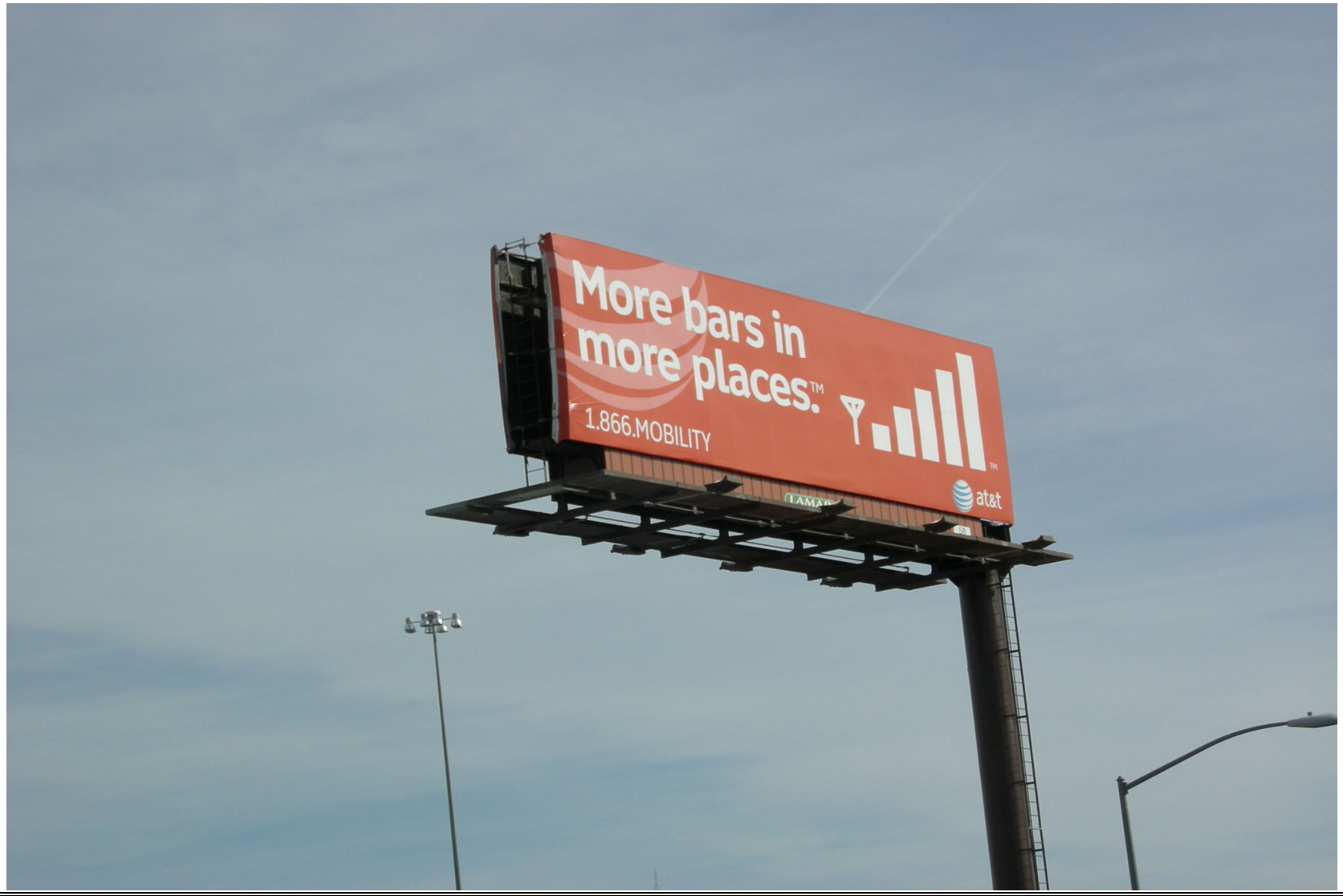


ELEVATION (NO SCALE)

LAMAR OUTDOOR ADVERTISING		
SCALE: 1" = 150'	DATE: 1/19/09	DRAWN BY: S.NAFTZGER
INTEGRAL PARTNERS PLAN		
APN 162-08-418-002		DRAWING NUMBER:

RECEIVED
FEB 03 2009

RQR-33287
03/26/09 PC



RQR-33287 - APPLICANT: LAMAR CENTRAL OUTDOOR, LLC - OWNER: INTEGRAL PARTNERS PARK PLACE CENTRE-LAS VEGAS, LLC
3200 SOUTH RANCHO DRIVE
MARCH 26, 2009 PLANNING COMMISSION

02/25/09

RQR-33287 - APPLICANT: LAMAR CENTRAL OUTDOOR, LLC - OWNER: INTEGRAL PARTNERS PARK PLACE CENTRE-LAS VEGAS, LLC
3200 SOUTH RANCHO DRIVE
MARCH 26, 2009 PLANNING COMMISSION

02/25/09

RQR-33287 - APPLICANT: LAMAR CENTRAL OUTDOOR, LLC - OWNER: INTEGRAL PARTNERS PARK PLACE CENTRE-LAS VEGAS, LLC
3200 SOUTH RANCHO DRIVE
MARCH 26, 2009 PLANNING COMMISSION

02/25/09

RQR-33287 - APPLICANT: LAMAR CENTRAL OUTDOOR, LLC - OWNER: INTEGRAL PARTNERS PARK PLACE CENTRE-LAS VEGAS, LLC
3200 SOUTH RANCHO DRIVE
MARCH 26, 2009 PLANNING COMMISSION

02/25/09

053432

LAS VEGAS CITY COUNCIL

OSCAR B. GOODMAN
MAYOR

GARY REESE
MAYOR PRO TEM

LARRY BROWN
LAWRENCE WEEKLY
MICHAEL MACK
STEVE WOLFSON
LOIS TARKANIAN

DOUGLAS A. SELBY
CITY MANAGER

April 15, 2005

Fletcher Jones, Jr. Trust
7300 West Sahara Avenue
Las Vegas, Nevada 89117

RE: RQR-5513 – REQUIRED REVIEW
CITY COUNCIL MEETING OF MARCH 2, 2005

Dear Applicant:

The City Council at a regular meeting held March 2, 2005 APPROVED the Required Four-Year Review of an approved Special Use Permit (U-0101-95) WHICH ALLOWED ONE 14-FOOT BY 48-FOOT OFF-PREMISE ADVERTISING (BILLBOARD) SIGN ORIENTED TOWARD Interstate-15 AT A HEIGHT OF 30 FEET ABOVE THE ELEVATED FREEWAY; AND A SECOND 14-FOOT BY 48-FOOT OFF-PREMISE ADVERTISING (BILLBOARD) SIGN ORIENTED TOWARD THE DESERT INN ROAD "SUPER ARTERIAL" AT A HEIGHT OF 55 FEET ABOVE GRADE at 3200 South Rancho Drive (APN 162-08-401-004), M (Industrial) Zone under Resolution of Intent to C-1 (Limited Commercial). The Notice of Final Action was filed with the Las Vegas City Clerk on March 3, 2005. This approval is subject to:

Planning and Development

1. The Special Use Permit shall be reviewed in four years at which time the City Council may require the off-premise sign to be removed. The applicant shall be responsible for notification costs of the review. Failure to pay the City for these costs may result in a requirement that the off-premise advertising (billboard) sign is removed.

2. If the existing off-premise advertising sign structure is removed, this Special Use Permit shall be expunged and a new off-premise advertising sign structure shall not be erected in the same location unless: (1) a new Special Use Permit is approved for the new structure by the City Council, or (2) the location is in compliance with all applicable standards of Title 19 including, but not limited to, distance separation requirements, or (3) a Variance to the applicable standards of Title 19 has been approved for the new structure by the City Council.

CITY OF LAS VEGAS
400 STEWART AVENUE
LAS VEGAS, NEVADA 89101

VOICE 702.229.6011
TTY 702.386.9108
www.lasvegasnevada.gov

18112-001-1-05
CLV 7009

RQR-33287
03/26/09 PC

3. The off-premise advertising (billboard) sign and its supporting structure shall be properly maintained and kept free of graffiti at all times. Failure to perform the required maintenance may result in fines and/or removal of the off-premise advertising (billboard) sign.

4. All City Code requirements and design standards of all City Departments shall be satisfied.

5. The two off-premise advertising billboards signs shall be reviewed by the City Council upon commencement of the mixed use residential and commercial development approved for this site by the Site Development Plan Review SDR-3101.

Sincerely,

Ydoleena Yturralde
Deputy City Clerk I for
Barbara Jo Ronemus, City Clerk

M. Margo Wheeler, AICP
Director
Planning and Development Department

cc: Planning and Development Dept.
Development Coordination-DPW
Dept. Of Fire Services

Mr. Scott Naftzger
Lamar Outdoor Advertising
1863 Helm Drive
Las Vegas, Nevada 89119

MAYOR
OSCAR B. GOODMAN

CITY COUNCIL
GARY REESE
(MAYOR PRO-TEM)
MICHAEL J. McDONALD
LARRY BROWN
LYNETTE B. McDONALD
LAWRENCE WEEKLY
MICHAEL MACK

CITY MANAGER
VIRGINIA VALENTINE

December 7, 2000

Fletcher Jones Company
Fletcher Jones Management
170 East Reno Avenue, Suite C-6
Las Vegas, Nevada 89119-1102

RE: U-0101-95(1) - REQUIRED FIVE YEAR REVIEW
CITY COUNCIL MEETING OF DECEMBER 6, 2000

Dear Applicant:

The City Council at a regular meeting held December 6, 2000 APPROVED the Required Five Year Review on an approved Special Use Permit which allowed one 14 foot x 48 foot off-premise advertising (billboard) sign oriented toward I-15 at a height of 30 feet above the elevated freeway; and a second 14 foot x 48 foot off-premise advertising (billboard) sign oriented toward the Desert Inn Road "Super Arterial" at a height of 55 feet above grade both located at 3200 South Rancho Drive (APN: 162-08-401-004), M (Industrial) Zone. The Notice of Final Action was filed with the Las Vegas City Clerk on December 7, 2000. This approval is subject to:

Planning and Development

1. This Special Use Permit shall be reviewed in four (4) years at which time the City Council may require the off-premise advertising (billboard) signs be removed. The applicant shall be responsible for notification costs of the review. Failure to pay the City for these costs may result in a requirement that the off-premise advertising (billboard) signs are removed.

2. The off-premise advertising (billboard) signs and their supporting structure shall be properly maintained and kept free of graffiti at all times. Failure to perform the required maintenance may result in fines and/or removal of the off-premise advertising (billboard) signs.

Sincerely,

Vicky Darling

VICKY DARLING
ASSISTANT DEPUTY CITY CLERK for
BARBARA JO RONEMUS, CITY CLERK

cc: Planning and Development Dept.
Development Coordination-DPW
Dept. of Fire Services
Land Development Services

Ms. Debbie Barone
Lamar Outdoor Advertising
1863 Helm Drive
Las Vegas, Nevada 89119

RQR-33287

CITY OF LAS VEGAS
400 STEWART AVENUE
LAS VEGAS, NEVADA 89101

VOICE 702.229.6011
TDD 702.386.9108

MAYOR
JAN LAVERTY JONES

COUNCILMEN
ARNIE ADAMSEN
MATTHEW Q. CALLISTER
MICHAEL J. MCDONALD
GARY REESE

CITY MANAGER
LARRY K. BARTON

CITY of LAS VEGAS

September 29, 1995

Fletcher Jones Company
c/o Fletcher Jones Jr.
444 South Decatur Boulevard
Las Vegas, Nevada 89107

Re: U-101-95 - SPECIAL USE PERMIT

Dear Applicant:

Your request for a Special Use Permit for the following: a 14 foot x 48 foot off-premise advertising (billboard) sign, oriented toward Interstate 15 and at a height of 30 feet above the elevated freeway; and a second 14 foot x 48 foot off-premise advertising (billboard) sign, oriented toward the proposed Desert Inn Road "Super Arterial" and at a height of 55 feet above grade, on property located at 3200 South Rancho Drive, M Zone, was considered by the Board of Zoning Adjustment on September 26, 1995.

It was voted by the Board of Zoning Adjustment to APPROVE your request as being in accord with the general spirit and purpose of the Ordinance subject to the following conditions:

1. The Board shall review this use in five years at a public hearing and may require the sign to be removed.

2. The applicant obtain an off-premise sign certificate from the Planning and Development Department prior to issuance of a building permit.

3. This action does not constitute a waiver from the Nevada Department of Transportation off-premise sign control regulations or relief from the requirement of obtaining an NDOT building permit.

4. Conformance to the plot plan and elevations.

5. Satisfaction of City Code requirements and design standards of all City departments.

continued

RQR-33287
03/26/09 PC

This item will be considered by the City Council at its meeting scheduled for October 18, 1995 at 2:00 p.m. in the Council Chambers of City Hall, 400 East Stewart Avenue, Las Vegas, Nevada. The Council requests you or your representative be present to answer any pertinent questions which may arise regarding this request.

Sincerely,

PLANNING AND DEVELOPMENT DEPARTMENT
DONNA H. KRISTAPONIS, DIRECTOR

ROD ALLISON, SENIOR PLANNER

DHK:RA:gm

cc: Almar Outdoor Advertising
1315 Frandosa Lane
Las Vegas, Nevada 89117

City of Las Vegas Agenda Item No.: **8.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: MARCH 26, 2009

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

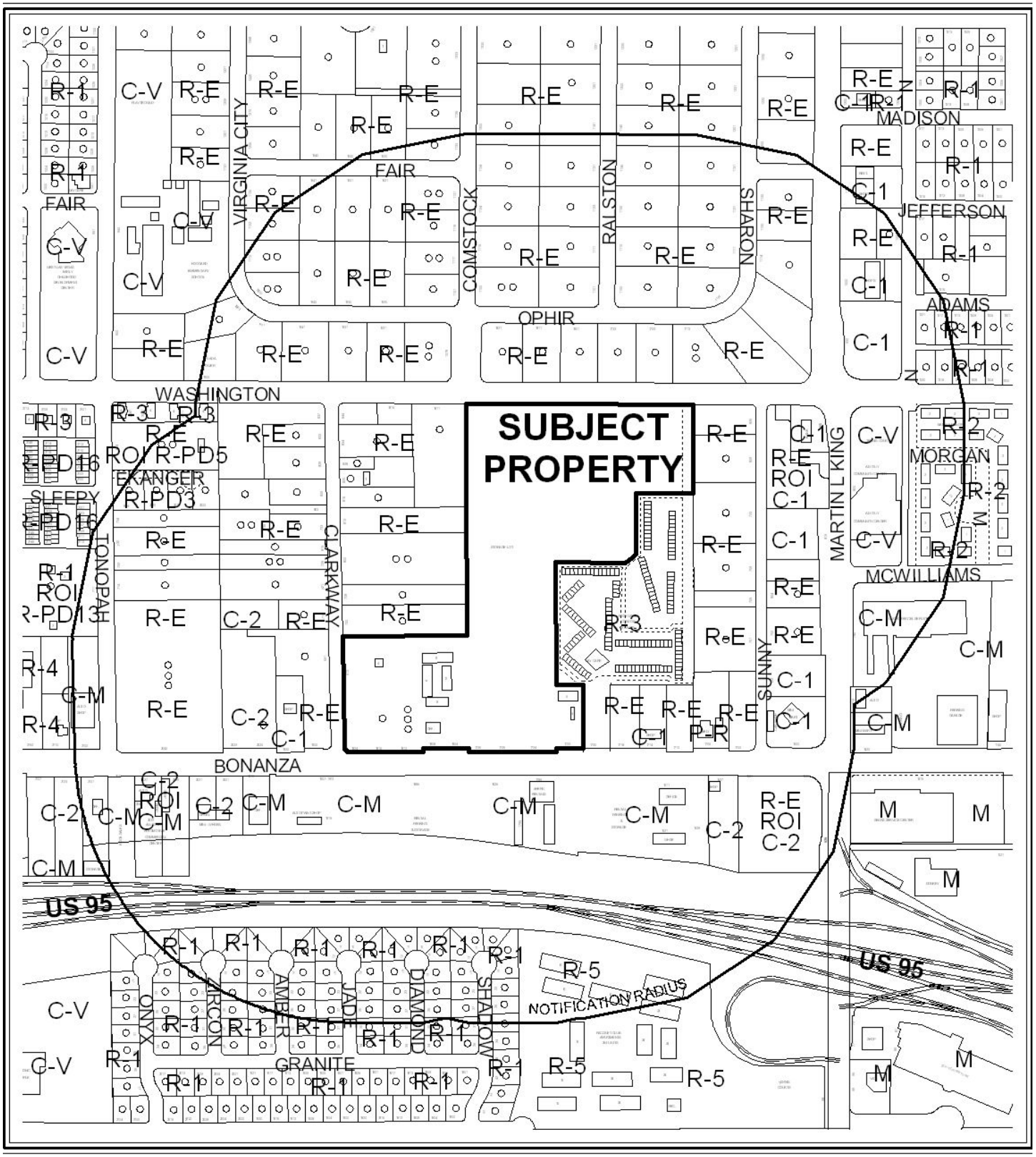
SUBJECT:
VAR-33415 - VARIANCE - PUBLIC HEARING - APPLICANT: AHERN RENTALS - OWNER: DFA, LLC - Request for a Variance TO ALLOW A 10-FOOT TALL WALL WHERE EIGHT FEET IS THE MAXIMUM HEIGHT ALLOWED ALONG A PORTION OF THE NORTH AND EAST PROPERTY LINE AND TO ALLOW UNFINISHED BLOCK WHERE DECORATIVE BLOCK WITH 20% CONTRASTING MATERIALS IS REQUIRED on 20.53 acres at 1726 West Bonanza Road (APN 139-28-302-034), R-E (Residence Estates) Zone and R-3 (Medium Density Residential) Zone under Resolution of Intent to C-2 (General Commercial), Ward 5 (Barlow)

P.C.: FINAL ACTION (Unless Appealed Within 10 Days)

PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**1**	**Planning Commission Mtg.**	**4**
City Council Meeting	**0**	**City Council Meeting**	**0**

RECOMMENDATION:
APPROVAL

BACKUP DOCUMENTATION:
1. Location and Aerial Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Photos
5. Justification Letter
6. Protest/Support Postcards



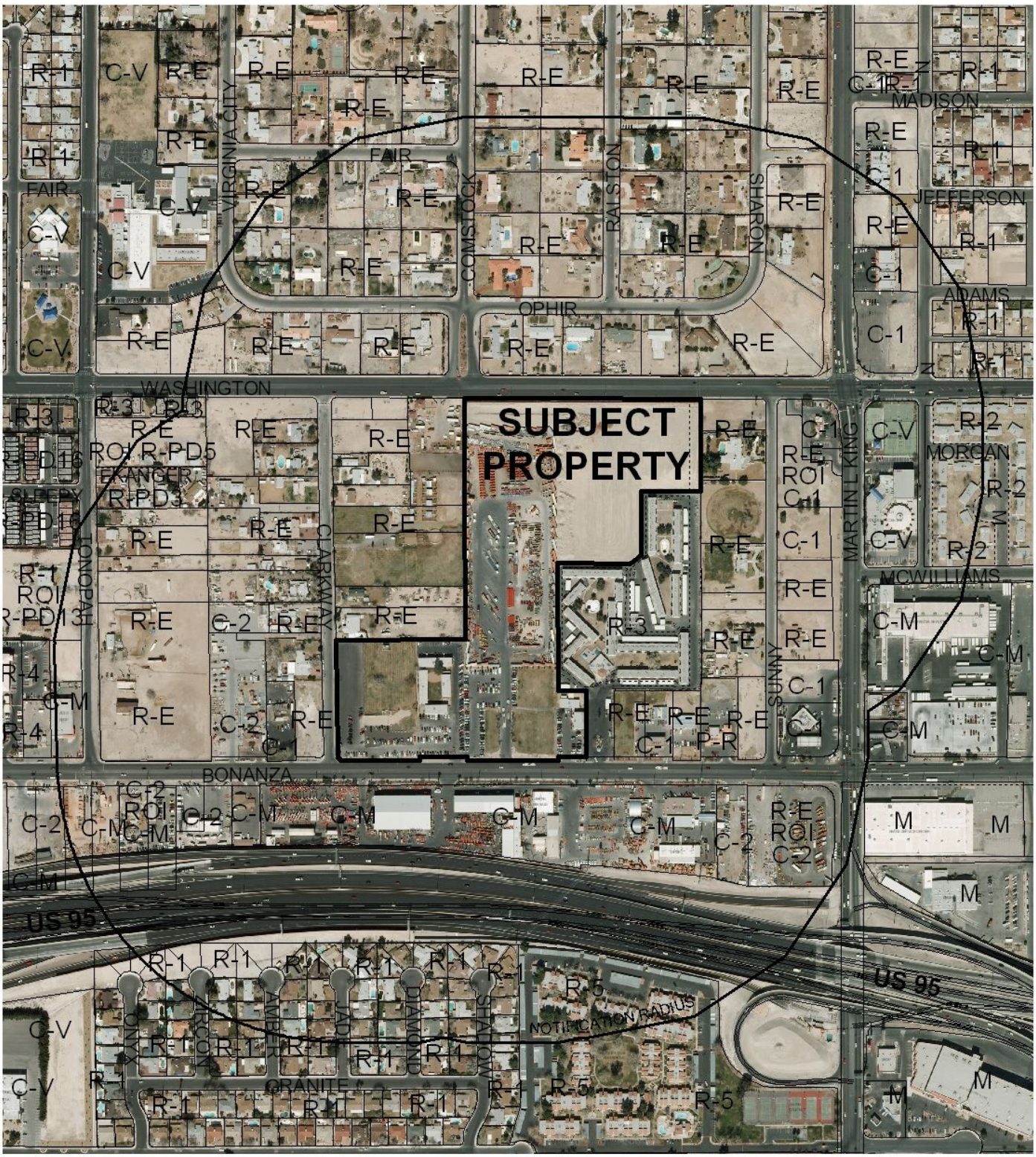
CASE: **VAR-33415**

RADIUS: 1000 FT

0 500 1000 Feet

ZONING OF SUBJECT PROPERTY:
R-3 (MEDIUM DENSITY RESIDENTIAL), R-E (RESIDENCE ESTATES) AND C-1 (LIMITED COMMERCIAL) UNDER RESOLUTION OF INTENT TO C-2 (GENERAL COMMERCIAL)

N



CASE: **VAR-33415**

RADIUS: 1000 FT

0 500 1000 Feet

ZONING OF SUBJECT PROPERTY:

R-3 (MEDIUM DENSITY RESIDENTIAL), R-E (RESIDENCE ESTATES) AND C-1 (LIMITED COMMERCIAL) UNDER RESOLUTION OF INTENT TO C-2 (GENERAL COMMERCIAL)

City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: MARCH 26, 2009
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: VAR-33415 - APPLICANT: AHERN RENTALS - OWNER: DFA, LLC

** CONDITIONS **

STAFF RECOMMENDATION: **APPROVAL,** subject to:

Planning and Development

1. Conformance to the Conditions of Approval for Site Development Plan Review (SDR-22206) shall be required, if approved.

2. This approval shall be void two years from the date of final approval, unless a certificate of occupancy has been issued or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.

JB

VAR-33415 - Staff Report Page One
March 26, 2009 - Planning Commission Meeting

** STAFF REPORT **

PROJECT DESCRIPTION

This is a request for a Variance to allow a 10-foot high perimeter wall where an 8-foot high wall is the maximum allowable along a 650 foot portion of the northern line, and to allow unfinished block where decorative block with 20% contrasting materials is required on a 20.53 acre site located at 1726 West Bonanza Road. There is a previously approved Site Development Plan Review (SDR-22206) for a proposed commercial development with 30,000 square feet of Hardware Store, 30,000 square feet of Office Space, 40,000 square feet of covered Storage Area and 60,000 square feet of Auto Repair Garage (Major) with a Waiver of perimeter landscape requirements to allow a 10 foot wide buffer where 15 feet is required. The site is presently being utilized for equipment rental. Since this request does not jeopardize the health, safety and general welfare of the citizenry and will provide increased screening between the commercial site and the adjacent residential properties, staff is recommending approval of this request for a Variance.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc.	
05/03/72	The Board of City Commissioners approved a request for the Reclassification (Z-0039-71) of property from R-E (Residence Estates) to R-3 (Medium Density Residential) at 1804 and 1808 West Bonanza Road. The Planning Commission recommended approval of this request.
05/21/75	The Board of City Commissioners approved a request for the Reclassification (Z-0012-75) of property from R-E (Residence Estates) to R-3 (Medium Density Residential) generally located on the south side of Washington Avenue between Clarkway Drive and Sunny Place. The Planning Commission recommended approval of this request.
06/28/94	The Board of Zoning Adjustment approved a request for a Variance (V-0086-94) to allow a Residential Security Living Quarters where such is not permitted at 1724 West Bonanza Road.
05/08/97	The Planning Commission accepted the applicant's request to Withdraw Without Prejudice a request for the Reclassification (Z-0023-97) of property from R-E (Residence Estates) to R-PD15 (Residential Planned Development-15 Units per Acre) for a proposed 130-unit townhome development. Located on the south side of Washington Avenue, approximately 1,000 feet west of Martin L. King Boulevard
12/01/98	The Board of Zoning Adjustment approved a request for a Variance (V-0082-98) for a commercial development that requires a zero-foot front, rear, and side setback where 50, 10, and 35 feet are required setbacks on property located at 1824 West Bonanza Road.

JB

12/21/98	The City Council approved a request for the Reclassification (Z-0026-98) of property from R-E (Residence Estates) to C-1 (Limited Commercial). Located on the northeast corner of Bonanza Road and Clarkway Drive. The Planning Commission recommended approval of this request, whereas staff recommended denial.
01/12/99	The City Council approved a Petition to Vacate (VAC-0048-98) a portion of Clarkway Drive north of Bonanza Road.
05/21/03	The City Council approved a request for Rezoning (ZON-1992) from R-3 (Medium Density Residential) to C-1 (Limited Commercial) on 0.57 acres at 1722 West Bonanza Road. The Planning Commission and staff recommended approval of this request.
05/21/03	The City Council approved a request for a Site Development Plan Review (SDR-1991) for a proposed 5,255 square-foot Office Development with a Waiver to allow a reduction of the proposed landscape on 0.57 acres at 1722 West Bonanza Road. The Planning Commission and staff recommended approval of this request.
05/18/04	A Code Enforcement case (#15224) was processed for abandoned vehicles on the property at the northwest corner of Bonanza Road and Clarkway Drive. The case was resolved on 05/26/04.
03/14/06	A Code Enforcement case (#39208) was processed to check for all zoning violations. The case was resolved on 07/06/06.
03/14/06	A Code Enforcement case (#39215) was processed to check for all zoning violations. The case was resolved on 10/15/06.
03/24/06	A Code Enforcement case (#39561) was processed to check for all zoning violations. The case was resolved on 06/05/06.
03/24/06	A Code Enforcement case (#39560) was processed for property being used as a storage lot. The case was resolved on 06/05/06.
04/05/06	The City Council approved a request for a Variance (VAR-11006) to allow an eight-foot wrought iron fence where four feet is the maximum height allowed and a Waiver of the 20 percent contrasting material requirement at 1700, 1710, 1714, 1718, 1722, 1804, 1808 1812, 1816, and 1824 West Bonanza Road. The Planning Commission recommended approval of this request, whereas staff recommended denial.
05/17/06	The City Council approved a General Plan Amendment (GPA-9219) to change the future land use designations to Commercial, Mixed Use, Industrial or Public Facilities on various parcels within the proposed Las Vegas Redevelopment Plan Area and within the proposed Redevelopment Plan expansion area. The Planning Commission and staff recommended approval of this request.
05/25/06	The Planning Commission approved an Appeal of a Director's Decision (DIR-11779) to deny a Temporary Commercial Permit per Title 19.18.100(D) that would allow a temporary Contractor's Construction Yard on 15.54 acres adjacent to the north side of Bonanza Road, approximately 460 feet east of Clarkway Drive. Staff recommended denial of this request.

07/24/06	Code Enforcement cases (#44792 and #44794) were processed for violations of Conditions per Director's Decision (DIR-11779). The cases were resolved on 10/15/06 and 10/18/06.
10/04/06	The City Council approved a request for a Special Use Permit (SUP-14329) for an Auto Repair Garage (Major) on 20.53 acres at the northeast corner of Bonanza Road and Clarkway Drive. The Planning Commission recommended approval of this request, whereas staff recommended denial.
10/04/06	The City Council approved a request for a Special Use Permit (SUP-14324) for a Truck Rental Establishment on 20.53 acres at the northeast corner of Bonanza Road and Clarkway Drive. The Planning Commission recommended approval of this request, whereas staff recommended denial.
10/04/06	The City Council approved a request for a Special Use Permit (SUP-13836) for a Rental Store with Outside Storage on 20.53 acres at the northeast corner of Bonanza Road and Clarkway Drive. The Planning Commission recommended approval of this request, whereas staff recommended denial.
10/04/06	The City Council approved a request for a Variance (VAR-16049) to allow a proposed 10-foot high block wall where eight feet is the maximum allowed on 20.53 acres at the northeast corner of Bonanza Road and Clarkway Drive. The Planning Commission recommended approval of this request, whereas staff recommended denial.
10/04/06	The City Council approved a request for a Variance (VAR-14320) to allow a setback of 73-foot where residential adjacency setback standards require a minimum 84-foot setback, and to allow a zero-foot side yard building setback where 10 feet is the minimum required in conjunction with a Rental Store with Outside Storage on 20.53 acres at the northeast corner of Bonanza Road and Clarkway Drive. The Planning Commission recommended approval of this request, whereas staff recommended denial.
10/04/06	The City Council approved a request for a Site Development Plan Review (SDR-13833) for a proposed Rental Store with Outside Storage; a 99,000 square-foot covered storage area; a 21,600 square-foot Auto Repair Garage, Major; a 25,200 square-foot Hardware Store and Waivers of the perimeter landscape buffer and wall design requirements on 20.53 acres at the northeast corner of Bonanza Road and Clarkway Drive. The Planning Commission recommended approval of this request, whereas staff recommended denial.
10/04/06	The City Council approved a request for Rezoning (ZON-13837) from R-E (Residence Estates), R-E (Residence Estates) under Resolution of Intent to C-1 (Limited Commercial), R-3 (Medium Density Residential), and C-1 (Limited Commercial) to C-2 (General Commercial) on 20.53 acres at the northeast corner of Bonanza Road and Clarkway Drive. The Planning Commission recommended approval of this request, whereas staff recommended denial.

07/12/07	The Planning Commission approved a request for a Major Amendment (SDR-22206) to an approved Site Development Plan Review (SDR-13833) for a Commercial Development consisting of a 30,000 square-foot Hardware store, 30,000 square feet of Office, 40,000 square feet of covered storage area, and 60,000 square feet of Auto Repair Garage, Major with a Waiver of perimeter landscape requirements to allow a 10-foot wide buffer where 15 feet is required along the south property line on 20.53 acres at the northeast corner of Bonanza Road and Clarkway Drive. Staff recommended approval of this request.
07/12/07	The Planning Commission approved a request for a Variance (VAR-22723) to allow a wall to contain no contrasting material where twenty percent contrasting material is required on 20.53 acres at the northeast corner of Bonanza Road and Clarkway Drive. Staff recommended denial of this request.
08/15/07	The City Council approved a request for a Review of Condition Number 6 (ROC-22207) of an approved Rezoning (ZON-13837) which required construction of all half-street improvements on Bonanza Road and Clarkway Drive along with the removal of all substandard public street improvements and unused driveway cuts for replacement with new improvements constructed to current City standards on 20.53 acres at the northeast corner of Bonanza Road and Clarkway Drive. The Planning Commission recommended approval of this request, whereas staff recommend denial.
12/03/08	The City Council approved requests for an Extension of Time (EOT-30014) of an approved Special Use Permit (SUP-13836) for a Rental Store with Outside Storage, an Extension of Time (EOT-30016) of an approved Special Use Permit (SUP-14324) for a Truck Rental Establishment, an Extension of Time (EOT-30017) of an approved Variance (VAR-14320) to allow a setback of 73 feet where Residential Adjacency Standards require a minimum 84-foot setback, and to allow a zero-foot side yard building setback where 10 feet is the minimum setback required in conjunction with a Rental Store with Outside Storage, an Extension of Time (EOT-30019) of an approved Special Use Permit (SUP-14329) for an Auto Repair Garage, Major and an Extension of Time (EOT-30020) of an approved Rezoning (ZON-13837) from R-E (Residence Estates), R-E (Residence Estates) under Resolution of Intent to C-1 (Limited Commercial), R-3 (Medium Density Residential) and C-1 (Limited Commercial) to C-2 (General Commercial) on 20.53 acres at the northeast corner of Bonanza Road and Clarkway Drive.
Related Building Permits/Business Licenses	
05/15/98	A business license was issued (#E02-00031) for Trailer/Equipment Rental. The license is still active.
08/14/03	A building permit (#03017452) was issued for tenant improvements for a Certificate of Occupancy for Building B. The permit was not finalized.
Pre-Application Meeting	
A pre-application meeting is not required for this type of application, nor was one held.	

Neighborhood Meeting	
A neighborhood meeting was not required, nor was one held.	
Field Check	
02/19/09	Staff conducted a field check of the site and noted a well maintained site.

Details of Application Request	
Site Area	
Gross Acres	20.53

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Rental Storage	MXU (Mixed Use) and C (Commercial)	R-E (Residence Estates), R-3 (Medium Density Residential), C-1 (Limited Commercial) under a Resolution of Intent to C-2 (General Commercial)
North	Single-Family Residences	R (Rural Density Residential)	R-E (Residence Estates)
South	Rental Parking and Storage	LI/R (Light Research/Industry)	C-M (Commercial/Industrial)
East	Condominiums	MXU (Mixed Use)	R-3 (Medium Density Residential
	Single-Family Residences and Undeveloped	MXU (Mixed Use)	R-E (Residence Estates)
West	Single-Family Residential and Undeveloped	MXU (Mixed Use)	R-E (Residence Estates)

Special Districts/Zones	*Yes*	*No*	*Compliance*
Special Area Plan	X		Y
West Las Vegas Plan	X		Y
Special Districts/Zones	***Yes***	***No***	***Compliance***
Special Purpose and Overlay Districts	X		
A-O Airport Overlay District (140 feet)	X		Y*
Trails	X		Y**
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

JB

***** The subject property is located within the North Las Vegas Airport Overlay Map within the 140-foot height limitation contour. None of the buildings on the subject property extend beyond this limitation.

** Pioneer's Trail – The subject site has a non-equestrian recreation trail that has already been constructed and therefore conforms to the requirements of this trail.

ANALYSIS

This is a request for a Variance to allow a 10-foot high perimeter wall where an 8-foot high wall is the maximum allowable along a 650 foot portion of the northern line, and to allow unfinished block where decorative block with 20% contrasting materials is required. This is a 20.54 acre site which is located at 1726 West Bonanza Road. There is a previously approved Site Development Plan Review (SDR-22206) for a proposed commercial development with 30,000 square feet of Hardware Store, 30,000 square feet of Office Space, 40,000 square feet of covered Storage Area and 60,000 square feet of Auto Repair Garage (Major) with a Waiver of perimeter landscape requirements to allow a 10 foot wide buffer where 15 feet is required. The site is presently being utilized for equipment rental. Since this request does not jeopardize the health, safety and general welfare of the citizenry and will provide increased screening between the commercial site and the adjacent residential properties, staff is recommending approval of this request for a Variance.

FINDINGS

In accordance with the provisions of Title 19.18.070(B), Planning Commission and City Council, in considering the merits of a Variance request, shall not grant a Variance in order to:

1. Permit a use in a zoning district in which the use is not allowed;
2. Vary any minimum spacing requirement between uses;
3. Relieve a hardship which is solely personal, self-created or financial in nature."

Additionally, Title 19.18.070L states:

> "Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property, a variance from that strict application may be granted so as to relieve the difficulties or hardship, if the relief may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources and without substantially impairing the intent and purpose of any ordinance or resolution."

Evidence of a unique or extraordinary circumstance has been presented, in that the subject site is located within a neighborhood that. Due to growth and development in the surrounding community, is undergoing a transition from predominately single-family residential lots to more intense commercial uses. The site is immediately adjacent to single-family residences, and a higher perimeter wall, as proposed, will provide additional visual and aural screening for the residential properties, while providing increased safety and security for the subject site. In view of the site's physical characteristics, it is concluded that the applicant's hardship is not preferential in nature, and it is thereby within the realm of NRS Chapter 278 for granting of Variances.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 21

ASSEMBLY DISTRICT 6

SENATE DISTRICT 4

NOTICES MAILED 256

APPROVALS 4

PROTESTS 1

PLANNING & DEVELOPMENT

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **VAR-33415** APN: 139-28-401-033

Name of Property Owner: DFA, LLC

Name of Applicant: Don F. Ahern

Name of Representative: APTUS Architecture

To the best of your knowledge, does the Mayor or any member of the City Council or Planning Commission have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company?

☐ **Yes** ☒ **No**

If yes, please indicate the member of the City Council or Planning Commission who is involved and list the name(s) of the person or persons with whom the City Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official: _____

Partner(s): _____ _____

APN: _____

Signature of Property Owner: X Don F Ahern

Print Name: Don F. Ahern

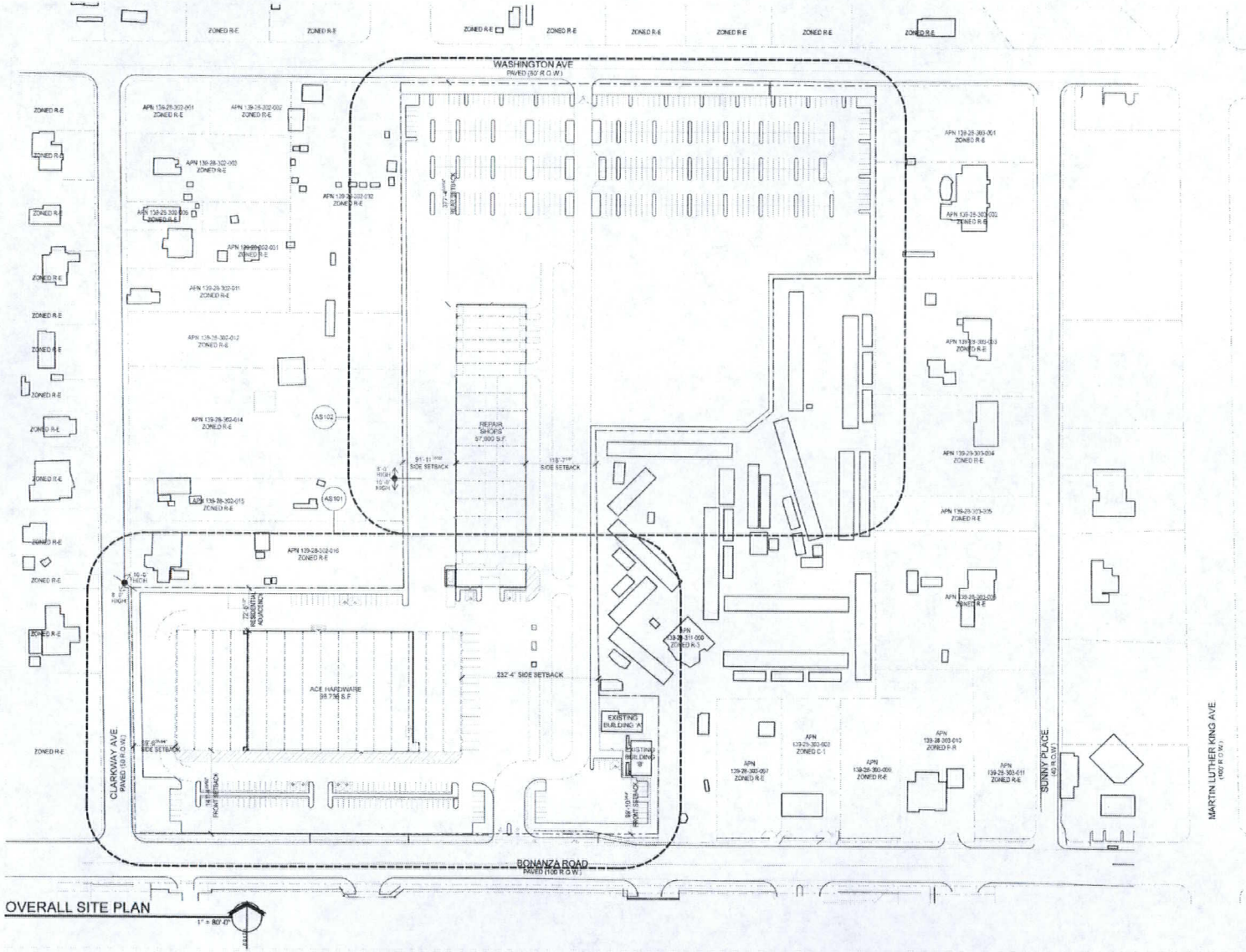
Subscribed and sworn before me

This 3rd day of February, 2009

Cindy Lou Ord

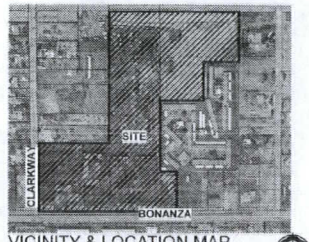
Notary Public in and for said County and State

CINDY LOU ORD
Notary Public State of Nevada
No. 00-63415-1
My appt. exp. July 15, 2012



OVERALL SITE PLAN

1" = 80'-0"



VICINITY & LOCATION MAP

RECEIVED

FEB 19 2009

APTUS Architecture
1200 South 4th Street
Suite 206
Las Vegas, Nevada 89104
P 702.859.1200
F 702.859.1213

Ahern Ace - Bonanza

Variance Submittal

1800 Bonanza Road
Las Vegas, Nevada 89106

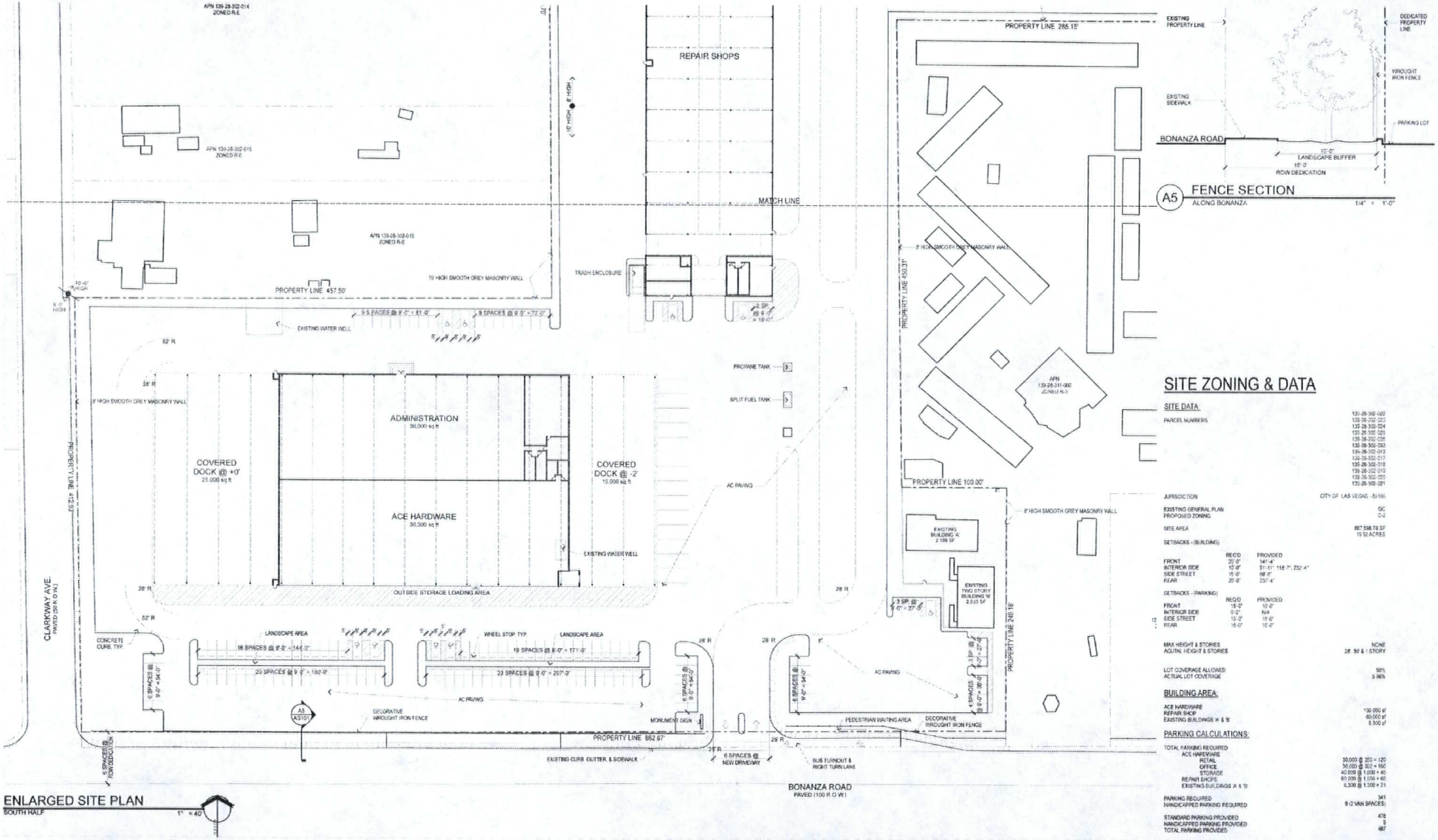
City of Las Vegas VAR Submittal 01.20.09
City of Las Vegas VAR Submittal 02.19.09

VAR-33415
REVISED
03/26/09 PC

OVERALL SITE PLAN

AS100

08.151 Ahern Ace - Bonanza



ENLARGED SITE PLAN
SOUTH HALF
1" = 40'

A5 FENCE SECTION
ALONG BONANZA
1/4" = 1'-0"

SITE ZONING & DATA

SITE DATA:

PARCEL NUMBERS
139-28-302-022
139-28-302-023
139-28-302-024
139-28-302-025
139-28-302-026
139-28-302-033
139-28-302-013
139-28-302-017
139-28-302-018
139-28-302-019
139-28-302-020
139-28-302-021

JURISDICTION: CITY OF LAS VEGAS - B-1/GC

EXISTING GENERAL PLAN: GC
PROPOSED ZONING: C-2

SITE AREA: 867,598.78 SF / 19.92 ACRES

SETBACKS - (BUILDING)

	REQ'D	PROVIDED
FRONT	25'-0"	141'-4"
INTERIOR SIDE	15'-0"	91'-11", 116'-7", 232'-4"
SIDE STREET	15'-0"	68'-0"
REAR	25'-0"	337'-4"

SETBACKS - (PARKING)

	REQ'D	PROVIDED
FRONT	15'-0"	10'-0"
INTERIOR SIDE	0'-0"	N/A
SIDE STREET	15'-0"	15'-0"
REAR	15'-0"	15'-0"

MAX HEIGHT & STORIES: NONE
ACTUAL HEIGHT & STORIES: 28' 30" & 1 STORY

LOT COVERAGE ALLOWED: 50%
ACTUAL LOT COVERAGE: 5.96%

BUILDING AREA:

ACE HARDWARE: 100,000 sf
REPAIR SHOP: 60,000 sf
EXISTING BUILDINGS 'A' & 'B': 6,300 sf

PARKING CALCULATIONS:

TOTAL PARKING REQUIRED
ACE HARDWARE
RETAIL: 30,000 @ 250 = 120
OFFICE: 30,000 @ 300 = 100
STORAGE: 40,000 @ 1,000 = 40
REPAIR SHOPS: 60,000 @ 1,000 = 60
EXISTING BUILDINGS 'A' & 'B': 6,300 @ 1,000 = 21

PARKING REQUIRED: 341
HANDICAPPED PARKING REQUIRED: 9 (2 VAN SPACES)

STANDARD PARKING PROVIDED: 478
HANDICAPPED PARKING PROVIDED: 9
TOTAL PARKING PROVIDED: 487

APTUS Architecture
1300 South 4th Street
Suite 206
Las Vegas, Nevada 89104
P 702.839.1200
F 702.839.1213

Ahern Ace - Bonanza
Variance Submittal
1800 Bonanza Road
Las Vegas, Nevada 89106

City of Las Vegas VAR Submittal 01.30.09
City of Las Vegas VAR Submittal 02.19.09

VAR-33415
REVISED
03/26/09 PC

RECEIVED
FEB 19 2009

ENLARGED SITE PLAN
AS101
06_Ahern Ace - Bonanza

VAR-33415 - APPLICANT: AHERN RENTALS - OWNER: DFA, LLC
1726 WEST BONANZA ROAD
MARCH 26, 2009 PLANNING COMMISSION

02/19/09

VAR-33415 - APPLICANT: AHERN RENTALS - OWNER: DFA, LLC
1726 WEST BONANZA ROAD
MARCH 26, 2009 PLANNING COMMISSION

02/19/09

VAR-33415 - APPLICANT: AHERN RENTALS - OWNER: DFA, LLC
1726 WEST BONANZA ROAD
MARCH 26, 2009 PLANNING COMMISSION

02/19/09

APTUS Architecture

February 19, 2009

City of Las Vegas
Planning and Development Department
731 S. Fourth Street
Las Vegas, NV 89101

APN: 139-28-302-034

Re: VAR – 10' High Masonry Wall for a small portion of the site in lieu of the allowed 8' high masonry wall and a standard grey block wall in lieu of the required decorative wall.

To Whom It May Concern:

We respectfully submit this request for the aforementioned application for a 10' High Masonry Wall for a small portion of the site in lieu of the allowed 8' high masonry wall and a standard grey block wall in lieu of the required decorative wall. This development is located on the north side of Bonanza between Sunny Place and Clarkway Ave. Ahern has teamed up with Ace Hardware to provide a location for customers to rent equipment and to purchase other hardware items. We already have approval for a Site Development Review and the associated Special Use Permits and for this Variance. Extensions of Time were requested for all of the applications last September, but the application for the Extension of Time for VAR-16049 was inadvertently overlooked. Therefore we are now requesting this new application.

This request is to create a 10' High Standard Grey Masonry Wall for approximately 650' linear feet of the site in lieu of the allowed 8' high masonry wall. This occurs only at the west side of the property directly adjacent to two residences whose parcel numbers are APN 13928302016 and 13928302015. This variance, which was at the request of the adjacent homeowners, will help to buffer these residences from the allowed uses for which Ahern will use their site.

In our opinion, this variance request will not negatively impact the design of the proposed project. We have made every attempt to try and follow City of Las Vegas Title 19 as closely as possible in the design and layout of this site. Please join us in our attempt to bring this new project to this area.

Respectfully Submitted,

Kristen G. Neuman, AIA
APTUS Architecture

VAR-33415
REVISED
03/26/09 PC

RECEIVED
FEB 19 2009

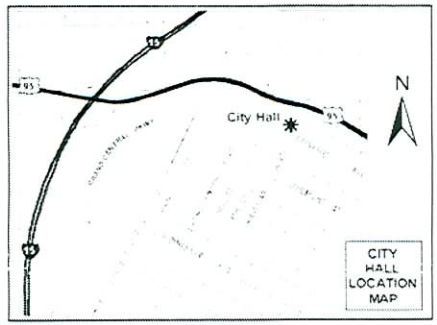
1200 South 4th Street, Suite 206, Las Vegas, Nevada 89104 P 702.839.1200 F 702.839.1213 info@aptusarchitecture.com

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

PRESORTED FIRST CLASS

UNITED STATES POSTAGE PITNEY BOWES
02 1M $ 00.394
0004239954 MAR 13 2009
MAILED FROM ZIP CODE 89101

Return Service Requested
Official Notice of Public Hearing



If you wish to file your protest or support on this request, check the appropriate box below and return this card in an envelope with postage to the Planning & Development Department at the address listed above or fax this side of this card to (702) 385-7268. If you would like to contact your Council Representative, please call (702) 229-6405.

☐ I SUPPORT this Request ☒ I OPPOSE this Request

Please use available blank space on card for your comments.

VAR-33415

Planning Commission Meeting of 3/26/2009

Case: VAR-33415
13928301013
OCLAIRE DICKI
733 CLARKWAY DR
LAS VEGAS NV 89106-3609

AAVDP11 89106

RECEIVED
MAR 17 2009

8P

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

PRESORTED FIRST CLASS

UNITED STATES POSTAGE
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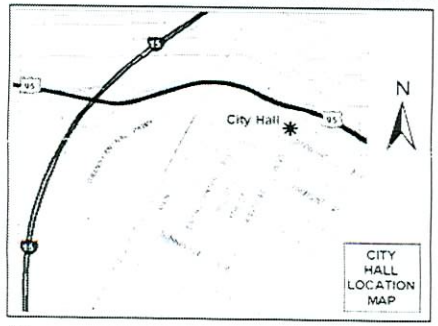
MAR 13 2009
MAILED FROM ZIP CODE 89101

Return Service Requested
Official Notice of Public Hearing



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☒ I SUPPORT this Request

☐ I OPPOSE this Request

Please use available blank space on card for your comments.

VAR-33415

Planning Commission Meeting of 3/26/2009

Case: VAR-33415

13928302031
TAYLOR SHERRY
820 CLARKWAY DR
LAS VEGAS NV 89106-3610

AAUDP11 89106

RECEIVED
MAR 17 2009

A8

PRESORTED FIRST CLASS

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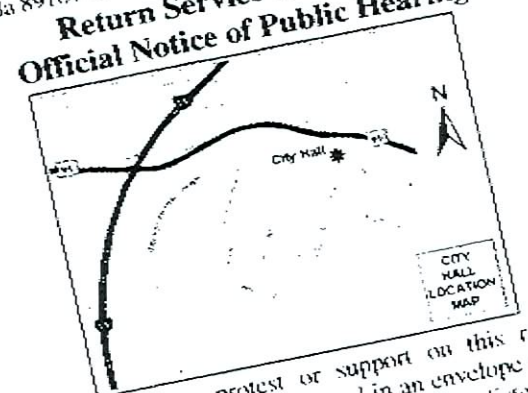
0004238954 MAR 13 2009
MAILED FROM ZIP CODE 89101

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

Return Service Requested
Official Notice of Public Hearing



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☒ I SUPPORT this Request

☐ I OPPOSE this Request

Please use available blank space on card for your comments.

VAR-33415

Planning Commission Meeting of 3/26/2009

RECEIVED
MAR 17 2009

Case: VAR-33415

13928210018
DEASE BOBBIE J
%J BURNS
1217 W MADISON
LAS VEGAS NV 89106-2823

AP1JDR11 89106

8A

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

PRESORTED FIRST CLASS

UNITED PITNEY BOWES

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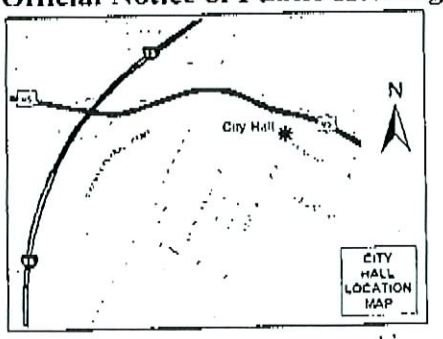
0004239954 MAR 13 2009
MAILED FROM ZIPCODE 89101

Return Service Requested

Official Notice of Public Hearing



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☒ I SUPPORT this Request ☐ I OPPOSE this Request

Please use available blank space on card for your comments.

VAR-33415

Planning Commission Meeting of 3/26/2009

Case: VAR-33415

13928311100
HOFFMAN GINA
20555 PALM WY
TORRANCE CA 90503-3113

RECEIVED
MAR 17 2009

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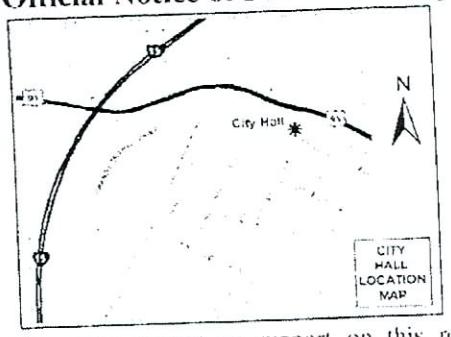
City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

Return Service Requested
Official Notice of Public Hearing



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☒ I SUPPORT this Request ☐ I OPPOSE this Request

Please use available blank space on card for your comments.

VAR-33415
Planning Commission Meeting of 3/26/2009

Case: VAR-33415
13928302015
SLACK ELWIN C
708 CLARKWAY DR
LAS VEGAS NV 89106-3642

RECEIVED
MAR 17 2009

8A

AAVDP11 89106

City of Las Vegas Agenda Item No.: **9.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: MARCH 26, 2009

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

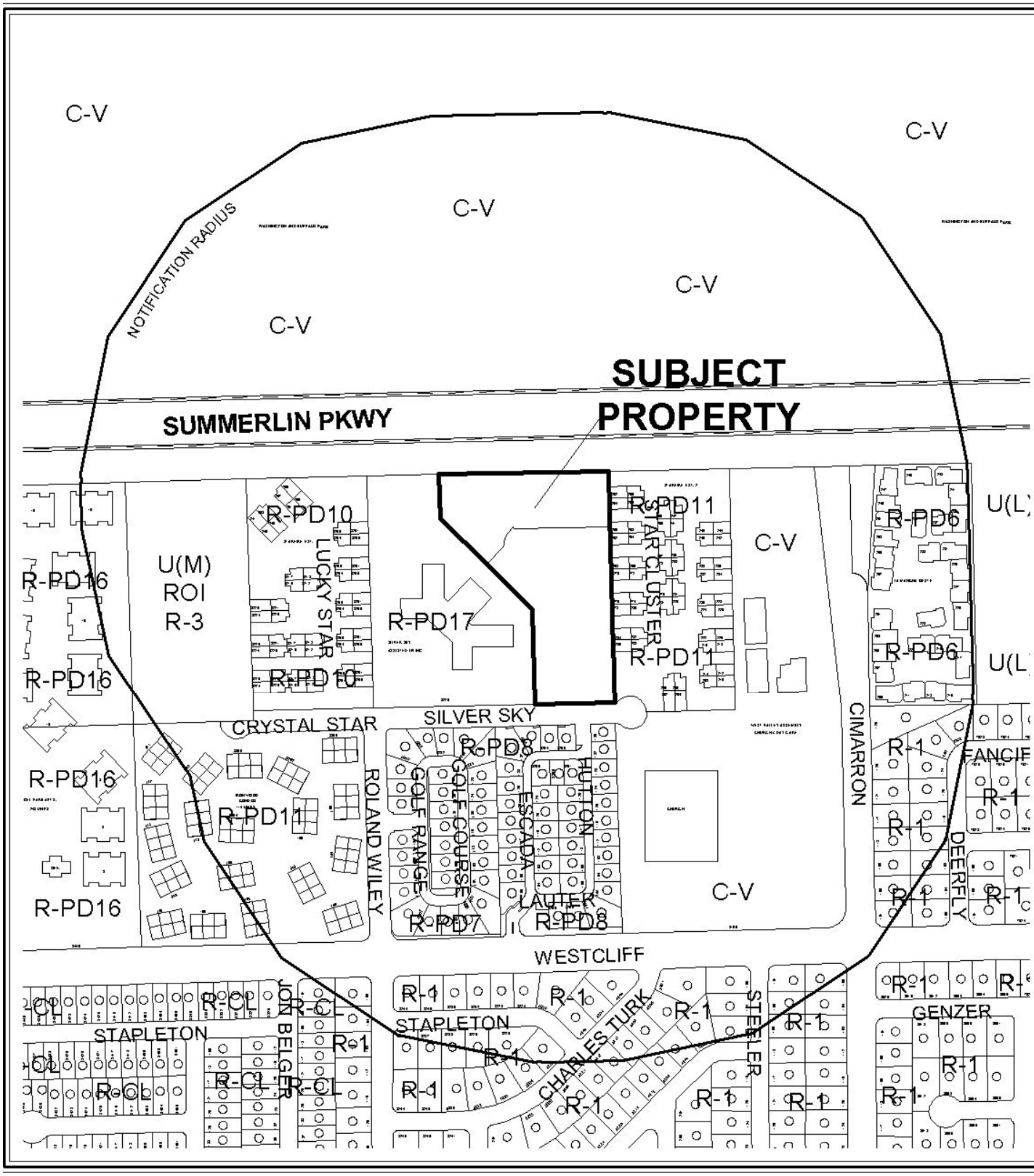
SUBJECT:
ABEYANCE - RENOTIFICATION - ZON-32514 - REZONING - PUBLIC HEARING - APPLICANT: NEVADA H.A.N.D., INC. - OWNER: SILVER SKY TWO, LP - Request for a Rezoning FROM: U (UNDEVELOPED) [M (MEDIUM DENSITY RESIDENTIAL) GENERAL PLAN DESIGNATION] TO: R-3 (MEDIUM DENSITY RESIDENTIAL) on 4.71 acres adjacent to the north side of Silver Sky Drive, approximately 500 feet east of Roland Wiley Drive (APNs 138-28-401-017 and 018), Ward 2 (Wolfson)

C.C.: 05/06/2009

PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**14**	**Planning Commission Mtg.**	**2**
City Council Meeting	**0**	**City Council Meeting**	**0**

RECOMMENDATION:
APPROVAL

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 and Protest Letter



CASE: **ZON-32514**

RADIUS: 1000 FT

0 300 600 Feet

ZONING OF SUBJECT PROPERTY:
U (UNDEVELOPED) ZONE [M (MEDIUM DENSITY RESIDENTIAL) GENERAL PLAN DESIGNATION]

PROPOSED ZONING OF SUBJECT PROPERTY:
R-3 (MEDIUM DENSITY RESIDENTIAL)

N

CASE: **ZON-32514**

RADIUS: 1000 FT

0 300 600 Feet

ZONING OF SUBJECT PROPERTY:
U (UNDEVELOPED) ZONE [M (MEDIUM DENSITY RESIDENTIAL) GENERAL PLAN DESIGNATION]

PROPOSED ZONING OF SUBJECT PROPERTY:
R-3 (MEDIUM DENSITY RESIDENTIAL)

N

City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: MARCH 26, 2009
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: ABEYANCE - ZON-32514 - APPLICANT: NEVADA H.A.N.D., INC. - OWNER: SILVER SKY TWO, LP

** CONDITIONS **

STAFF RECOMMENDATION: APPROVAL.

DC

ZON-32514 - Staff Report Page One
March 26, 2009 - Planning Commission Meeting

** STAFF REPORT **

PROJECT DESCRIPTION

This is a request for a Rezoning of property from U (Undeveloped) [M (Medium Density Residential) General Plan designation] to R-3 (Medium Density Residential) on 4.71 acres adjacent to the north side of Silver Sky Drive, approximately 500 feet east of Roland Wiley Drive. There is an associated request for a Site Development Plan Review (SDR-33010) for a proposed two and three-story 120-unit Senior Citizen Apartment development with a Waiver to allow a zero-foot landscape buffer along the west perimeter where six feet is required and a Variance (VAR-33012) to allow a 79-foot setback where Residential Adjacency Standards require 136 feet. The proposed R-3 (Medium Density Residential) zone will be consistent with the existing M (Medium Density Residential) General Plan designation, as well as bring the proposed use into conformance with Title 19 and the General Plan; therefore, staff is recommending approval of the Rezoning request.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc.	
12/01/03	A Code Enforcement complaint (#7201) was processed for vehicle code violations at the subject property. The case was resolved 12/10/03.
09/15/04	The City Council approved a General Plan Amendment (GPA-4528) to amend a portion of the Southwest Sector Plan of the General Plan from MLA (Medium Low Attached Density Residential) to M (Medium Density Residential) on 10.00 acres adjacent to the northeast corner of Roland Wiley Road and Silver Sky Drive. The Planning Commission recommended denial of this request, whereas staff recommended approval.
12/28/04	A Code Enforcement complaint (#24798) was processed for vehicle code violations at the subject property. The case was resolved 12/30/04.
02/01/05	The Planning and Development Department administratively approved a three-lot Parcel Map (PMP-5277) on property located on the southwest corner of Summerlin Parkway and Cimarron Road. The map was recorded on 02/22/05.

02/26/09	The Planning Commission held in abeyance a request for a Rezoning (ZON-32514) from U (Undeveloped) [M (Medium Density Residential) General Plan designation] to R-3 (Medium Density Residential), a Variance (VAR-33012) to allow a 79-foot setback where Residential Adjacency Standards require 99 feet and a Site Development Plan Review (SDR-33010) for a proposed two and three-story 120-unit Senior Citizen Apartment development with a Waiver to allow a zero-foot landscape buffer along the west perimeter where six feet is required on 4.71 acres adjacent to the north side of Silver Sky Drive, approximately 500 feet east of Roland Wiley Drive. The abeyance was granted in order to allow the applicant to work with staff regarding the conditions placed on the property, as well as the correct setback distance associated with Variance (VAR-33012).
Related Building Permits/Business Licenses	
There are no related building permits associated with this property.	
Pre-Application Meeting	
11/25/08	A pre-application meeting was held with the applicant where the requirements for a Rezoning, Site Development Plan Review and Variance submittal were discussed.
Neighborhood Meeting	
02/09/09	A neighborhood meeting was held on Monday February 9, 2009 at 6:00 pm at the Silver Sky Assisted Living Residence located at 8220 Silver Sky Drive, Las Vegas, Nevada 89145. Four members of the general public, three representatives of the development team and one member of the Planning and Development staff were present. Questions were raised concerning the height of the building, site drainage, parking, noise, traffic and landscape. The four members of the public were generally in support of the proposed development.

Field Check	
01/21/09	A field check was performed by staff at the subject property. The site was noted as undeveloped and ungraded, sloping down from west to east, with some weeds and debris. Several earth mounds were noted at the north end of the site, and offsite improvements consisting of a fully improved right-of-way and sidewalk were noted along Silver Sky Drive.

Details of Application Request	
Site Area	
Gross Acres	4.71

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped	M (Medium Density Residential)	U (Undeveloped) [M (Medium Density Residential) General Plan designation]
North	Summerlin Parkway	R.O.W. (Right-of-Way)	R.O.W. (Right-of-Way)
South	Single-Family Residences	MLA (Medium Low Attached Density Residential)	R-PD8 (Residential Planned Development – 8 Units per Acre)
East	Condominiums	MLA (Medium Low Attached Density Residential)	R-PD11 (Residential Planned Development – 11 Units per Acre)
West	Senior Citizen Apartments	M (Medium Density Residential)	R-PD17 (Residential Planned Development – 17 Units per Acre)

Special Districts/Zones	*Yes*	*No*	*Compliance*
Special Area Plan		X	N/A
Special Districts/Zones	*Yes*	*No*	*Compliance*
Special Purpose and Overlay Districts		X	N/A
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

ANALYSIS

The subject site has a current General Plan designation of M (Medium Density Residential). The Medium Density Residential category includes a variety of multi-family units such as plexes, townhouses, and low-density apartments. This category allow up to 25.49 units per acre.

This is a request to Rezone the site from U (Undeveloped) [M (Medium Density Residential) General Plan designation] to R-3 (Medium Density Residential). The purpose of the proposed R-3 (Medium Density Residential) zoning district is to provide for the development of a variety of multi-family units such as duplexes, townhouses and medium density apartments. The R-3 (Medium Density Residential) district is consistent with the policies of the Medium Density Residential category of the General Plan, and the proposed Senior Citizen Apartment development is a permissible use within the R-3 (Medium Density Residential) zoning district; therefore, staff is recommending approval of the Rezoning request.

FINDINGS

In order to approve a Rezoning application, pursuant to Title 19.18.040, the Planning Commission or City Council must affirm the following:

1. **"The proposal conforms to the General Plan."**

   The proposed R-3 (Medium Density Residential) is consistent with the existing M (Medium Density Residential) General Plan designation.

2. **"The uses which would be allowed on the subject property by approving the rezoning will be compatible with the surrounding land uses and zoning districts."**

   This Rezoning, if approved, would permit multi-family residential uses that are compatible with the existing General Plan designation and the surrounding multi-family residential developments.

3. **"Growth and development factors in the community indicate the need for or appropriateness of the rezoning."**

   The proposed R-3 (Medium Density Residential) zoning district is appropriate for the proposed Senior Citizen Apartment Development, and will be consistent with the existing M (Medium Density Residential) General Plan designation.

4. **"Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed zoning district."**

   The site is accessed via one existing and one proposed driveway onto Silver Sky Drive which in turn accesses Roland Wiley Road, both designated as 60-foot wide Local Streets by the Master Plan of Streets and Highways. Roland Wiley Road provides direct access to Westcliff Drive, a 100-foot Primary arterial as designated by the Master Plan of Streets and Highways. All three roadways will provide adequate access to the site and will not negatively impact adjacent roadways or neighborhood traffic.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 9

ASSEMBLY DISTRICT 34

SENATE DISTRICT 8

NOTICES MAILED 371

APPROVALS 2

PROTESTS 14

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **ZON-32514** APN: 138-28-401-017 & 018

Name of Property Owner: Silver Sky Two LP

Name of Applicant: Nevada H.A.N.D. Inc.

Name of Representative: L.R. Nelson Consulting Engineers, Inc.

To the best of your knowledge, does the Mayor or any member of the City Council or Planning Commission have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company?

☐ **Yes** ☑ **No**

If yes, please indicate the member of the City Council or Planning Commission who is involved and list the name(s) of the person or persons with whom the City Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official: _____

Partner(s): _____ _____

APN: _____

Signature of Property Owner: _____

Print Name: Michael Mullin

Subscribed and sworn before me

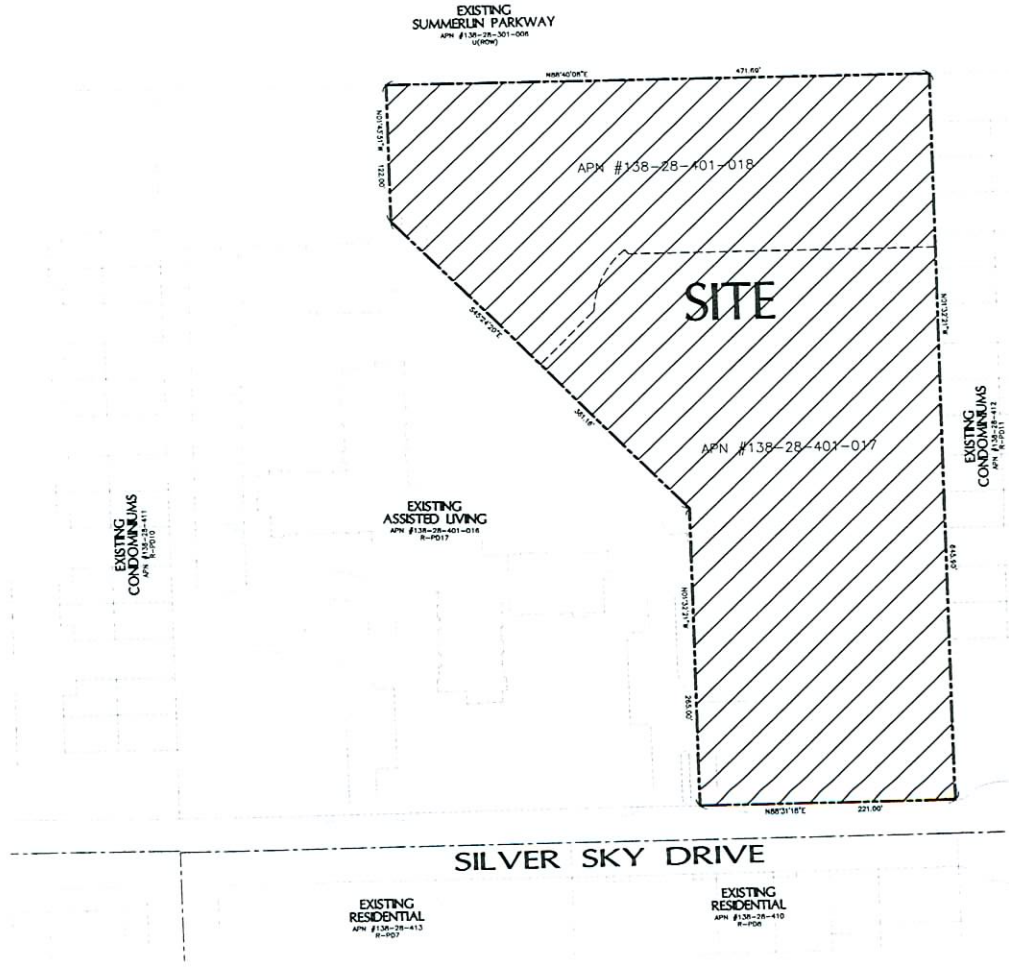
This 8th day of December, 20 08

_____

Notary Public in and for said County and State

ACLYN S. HAAS
Notary Public State of Nevada
No. 03-84818-1
My appt. exp. Oct. 17, 2011

WESTCLIFF PINES
FOR
NEVADA H.A.N.D. INC.



LEGAL DESCRIPTION

BEING A PORTION OF THE NORTHWEST QUARTER (NW¼) OF THE EAST HALF (E½) OF THE SOUTH HALF (S½) OF THE SOUTHWEST QUARTER (SW¼) OF SECTION 28, TOWNSHIP 20 SOUTH, RANGE 60 EAST, M.D.M., CLARK COUNTY, NEVADA

VICINITY MAP

SEC. 28, T. 20 S., R. 60 E. N.T.S.

TABULATION:

ASSESSOR'S PARCEL NUMBER	138-28-401-017 & 018
CURRENT ZONING	M
PROPOSED ZONING	R-3
ACREAGE	4.71 AC.±

OWNER

SILVER SKYTWO LP
295 E. WARM SPRINGS #101
LAS VEGAS, NV 89119
(702) 739-3345

DEVELOPER

NEVADA H.A.N.D. INC.
295 E. WARM SPRINGS #101
LAS VEGAS, NV 89119
(702) 739-3345

DESIGNED BY: VCB	DRAWN BY: VCB	CHKD BY:
JOB NUMBER: 818-018-061	DATE: 11-26-08	
NO.	REVISION	DATE APPR.

L. R. NELSON CONSULTING ENGINEERS, INC.
6765 West Russell Road, Suite 200
Las Vegas, Nevada 89118
(702) 798-7978
(702) 451-2295 FAX

BOUNDARY EXHIBIT FOR ZONING PURPOSES FOR
WESTCLIFF PINES
FOR
NEVADA H.A.N.D. INC.
CITY OF LAS VEGAS NEVADA

SHEET NUMBER
1
OF 1 SHEETS
818-018-061

H:\Land Projects\818018\dwg\Planning\Site Plan\818018 - sp.dwg, 12/8/2008 5:13:02 PM, Mark Bangan

RECEIVED
DEC 09 2008
ZON-32514
01/22/09 PC

ZON-32514 - APPLICANT: NEVADA H.A.N.D., INC. - OWNER: SILVER SKY TWO, LP
NORTH SIDE OF SILVER SKY DRIVE, APPROXIMATELY 500 FEET EAST OF ROLAND WILEY DRIVE
MARCH 26, 2009 PLANNING COMMISSION

01/21/09

ZON-32514 - APPLICANT: NEVADA H.A.N.D., INC. - OWNER: SILVER SKY TWO, LP
NORTH SIDE OF SILVER SKY DRIVE, APPROXIMATELY 500 FEET EAST OF ROLAND WILEY DRIVE
MARCH 26, 2009 PLANNING COMMISSION

01/21/09

ZON-32514 - APPLICANT: NEVADA H.A.N.D., INC. - OWNER: SILVER SKY TWO, LP
NORTH SIDE OF SILVER SKY DRIVE, APPROXIMATELY 500 FEET EAST OF ROLAND WILEY DRIVE
MARCH 26, 2009 PLANNING COMMISSION

01/21/09

ZON-32514 - APPLICANT: NEVADA H.A.N.D., INC. - OWNER: SILVER SKY TWO, LP
NORTH SIDE OF SILVER SKY DRIVE, APPROXIMATELY 500 FEET EAST OF ROLAND WILEY DRIVE
MARCH 26, 2009 PLANNING COMMISSION

01/21/09

ZON-32514 - APPLICANT: NEVADA H.A.N.D., INC. - OWNER: SILVER SKY TWO, LP
NORTH SIDE OF SILVER SKY DRIVE, APPROXIMATELY 500 FEET EAST OF ROLAND WILEY DRIVE
MARCH 26, 2009 PLANNING COMMISSION

01/21/09

LARRY R. NELSON, P.E.
President

Project#: 818-018-081

November 21, 2008

- STRUCTURAL
- CIVIL
- SURVEY
- PLANNING

City of Las Vegas
Planning and Development
731 S. Fourth Street
Las Vegas, Nevada 89101

Reference: Westcliff Pines – Zone Change Justification Letter
APN: 138-28-401-017 & 018

Dear Staff:

On behalf of our client, Nevada H.A.N.D. Inc., we are submitting this letter to request a Zone Change for the above referenced project from U (Undeveloped District) to an R-3 (Medium Density Residential and Apartment District) zoning designation.

We are asking for this request to develop 4.71 acres of property located on the Northeast corner of Silver Sky Drive and Roland Wiley Drive as a Senior Apartment Development. This application is for zoning only and would be required to submit a Site Development Plan Review for the actual development of the property.

We feel this zoning request is compatible with the surrounding area and is in conformance with the masterplan designation for these parcels. These parcels are currently Masterplanned as M (Medium) which allows up to 25.49 dwelling units per acre. Therefore we would respectfully request approval of this re-zoning application.

If you have any further questions, or should require any additional information, please feel free to contact me at 798-7978.

Sincerely,
L. R. NELSON CONSULTING ENGINEERS, INC.

Mark Bangan
Planning Manager

NEVADA

L. R. NELSON CONSULTING ENGINEERS, INC.
6765 West Russell Road, Suite 200
Las Vegas, NV 89118-1811

Phone 702 / 798-7978
FAX 702 / 451-2296
Email lrnelson@lrneng.com

UTAH

L. R. NELSON CONSULTING ENGINEERS, L.L.C.
51 West 9000 South
Sandy, UT 84070-2008

Phone 801 / 565-8580
FAX 801 / 565-9340
Email lrnengineers@lrnslc.com

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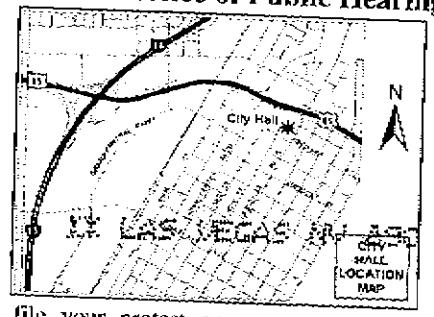
DEC - 9 2008

ZON-32514
01/22/09 PC

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

Return Service Requested
Official Notice of Public Hearing



02-14-09

If you wish to file your protest or support on this request, check the appropriate box below and return this card in an envelope with postage to the Planning & Development Department at the address listed above or fax this side of this card to (702) 385-7268. If you would like to contact your Council Representative, please call (702) 229-6405.

☐ I SUPPORT this Request

☒ I OPPOSE this Request

Please use available blank space on card for your comments.

ZON-32514 & VAR-33012

Planning Commission Meeting of 2/26/2009

PRESORTED FIRST CLASS

UNITED STATES POSTAGE
PITNEY BOWES
02 1M $ 00.39[4]
0004239954 FEB 13 2009
MAILED FROM ZIP CODE 89101

13828415053 Case: ZON-32514
PODORZER ARTHUR
113 EMERALD FOREST ST #201
LAS VEGAS NV 89145-3984

89145@3984 C053

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

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UNITED STATES POSTAGE
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MAILED FROM ZIPCODE 89101

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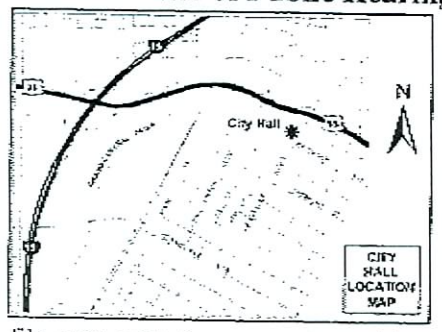

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ZON-32514 & VAR-33012

Planning Commission Meeting of 3/26/2009

Case: ZON-32514

13828411024
FRANK JAMES D & EVELYNE E
257 LUCKY STAR ST
LAS VEGAS NV 89145-3927

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AAUDP11 89145

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City of Las Vegas
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ZON-32514 & VAR-33012

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MAILED FROM ZIPCODE 89101

Case: ZON-32514

13828810014
BRINK CLIFFORD R & ROCHELLE P
215 N CIMARRON RD
LAS VEGAS NV 89145-3917

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PAGE 02/02
RUFO CORONA
7027361354
03/14/2009 20:27

City of Las Vegas
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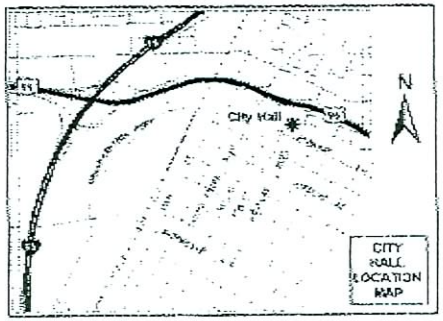

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ZON-32514 & VAR-33012

Planning Commission Meeting of 3/26/2009

Case: ZON-32514

13828411039
CORONA JOSE RUFO
10022 AMBER FIELD ST
LAS VEGAS NV 89178-8901

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City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

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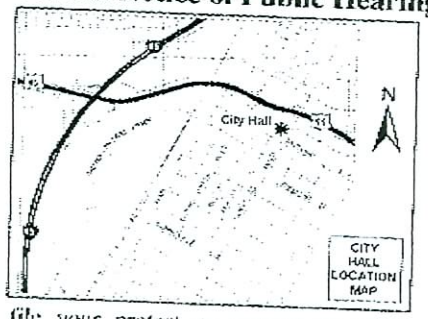
Official Notice of Public Hearing



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Planning Commission Meeting of 3/26/2009

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13828415053
Case: ZON-32514
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113 EMERALD FOREST ST #201
LAS VEGAS NV 89145-3984

AAVDP11 89145

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MAR 16 2009

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City of Las Vegas
Planning & Development Department
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Las Vegas, Nevada 89101-2986

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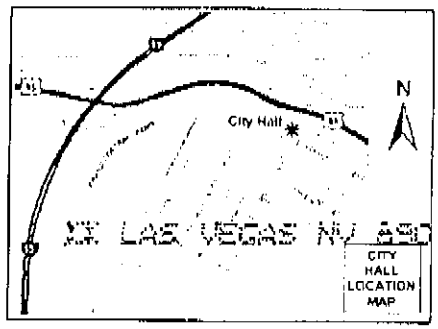

LAS VEGAS NV 889 02-14-09

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ZON-32514 & VAR-33012

Planning Commission Meeting of 2/26/2009

Case: ZON-32514
13828414018
FRANCA SILVANO LIVING TRUST
104 LEMON GLAZE ST #204
LAS VEGAS NV 89145-3975

LAVEP11 45145

LAW OFFICE OF
JACK E. KERR
409 SOUTH FAYETTE STREET
SAGINAW, MICHIGAN 48602
AREA CODE 989 793-7752

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FEB 23 2009

2/19/09

Re: Zon 32514
Var: 33012

Protest

The proposal to rezone the subject property to allow the construction of 120 housing units will simply allow substandard housing in limited space. If allowed there should be provision for drainage of water from the subject property that will not affect any of the adjoining premises.

A variance from the strict enforcement of the zoning ordinance should not be granted. A variance from the strict requirements of the zoning code or ordinance as a modification of the literal provisions of the ordinance when strict enforcement could cause undue hardship owing to circumstances unique to the individual property

Submitted after final agenda

Date 2/23/04 Item 23424

203

granted. Hardships based solely on economic considerations are not grounds for a variance. There is nothing unique about the subject real estate upon which a variance from the lot line set backs requirements should be waived. Set backs from lot lines should be enforced so as not to affect the adjoining property.

If the relief requested is granted, safeguards should be invoked that will prohibit any water drainage to adjoining property.

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

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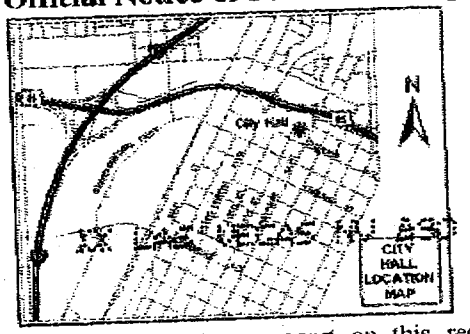
Official Notice of Public Hearing



XX LAS VEGAS NV 89 02-14-09

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☐ I SUPPORT this Request

☒ I OPPOSE this Request

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ZON-32514 & VAR-33012

Planning Commission Meeting of 2/26/2009

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Case: VAR-33012

13828411039
CORONA JOSE RUFO
10022 AMBER FIELD ST
LAS VEGAS NV 89178-8901

LAVDP11 89178

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Planning & Development Department
Development Services Center
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Las Vegas, Nevada 89101-2986

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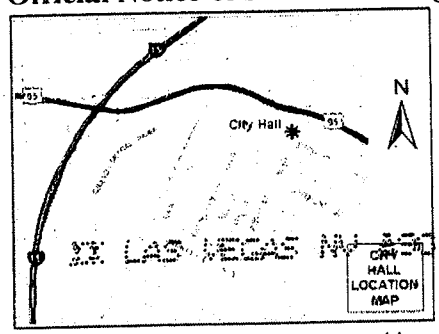

LAS VEGAS NV 02-14-09

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☐ I SUPPORT this Request

☑ I OPPOSE this Request

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ZON-32514 & VAR-33012
Planning Commission Meeting of 2/26/2009

Case: ZON-32514
13828412046
PETERSON WILLIAM L & DONNA M
204 STAR CLUSTER CIR
LAS VEGAS NV 89145-3948

89145C3948 C053

23P

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

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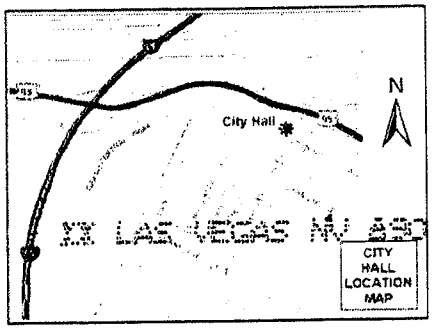

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☒ I OPPOSE this Request

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ZON-32514 & VAR-33012
Planning Commission Meeting of 2/26/2009

Case: VAR-33012
13828413021
ARCHAMBAULT JAMES M & LINDA L
8240 GOLF PLAYER AVE
LAS VEGAS NV 89145-3964

LAVDS11 89145

23P

Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

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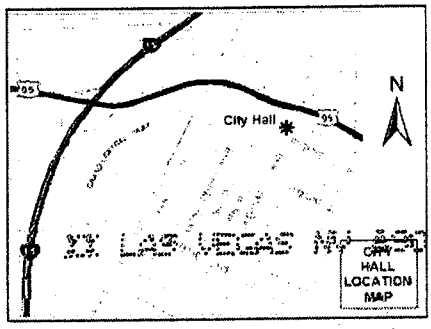

LAS VEGAS NV 850 02-14-09

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ZON-32514 & VAR-33012

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UNITED STATES POSTAL SERVICE PITNEY BOWES

02 1M $ 00.39⁴

0004239954 FEB 13 2009

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Case: ZON-32514

13833114028
SMITH WILLIAM F & MARGARET E
100 S CIMARRON RD
LAS VEGAS NV 89145-4702

23P

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

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UNITED STATES POSTAGE PITNEY BOWES
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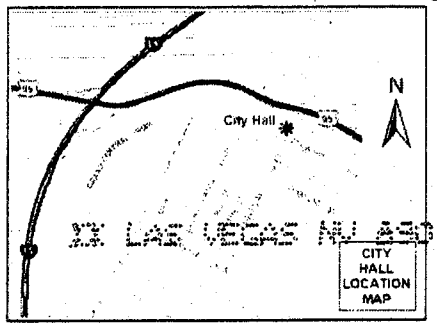

XX LAS VEGAS NV 889 02-14-09

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☐ I SUPPORT this Request

☒ I OPPOSE this Request

Please use available blank space on card for your comments

ZON-32514 & VAR-33012
Planning Commission Meeting of 2/26/2009

Silversky is the only access road to Star Cluster Circle. This will bring too much excess traffic into the area. Also the construction of the first building was a hindrance getting into and out of Star Cluster Circle. The developers have no consideration. Plus the street was constantly dirty from the construction

Case: ZON-32514

13828412004
SPENCER SANDRA L
214 STAR CLUSTER CIR
LAS VEGAS NV 89145-2948

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LAUDP11 89145

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City of Las Vegas
Planning & Development Department
Development Services Center
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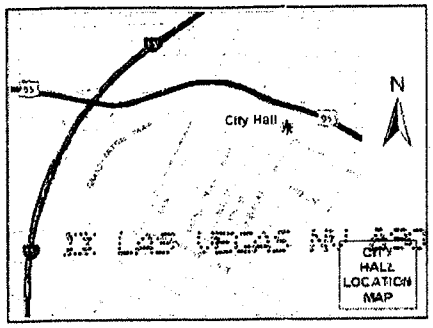

08-14-09

See attached Letter

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ZON-32514 & VAR-33012
Planning Commission Meeting of 2/26/2009

FEB 23 2009

Case: VAR-33012
13828412039
KERR JACK E LIVING TRUST
131 BEYERLEIN ST
FRANKENMUTH MI 48734-1501

183

48734$1501 C003

23P

City of Las Vegas
Planning & Development Department
Development Services Center
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Las Vegas, Nevada 89101-2986

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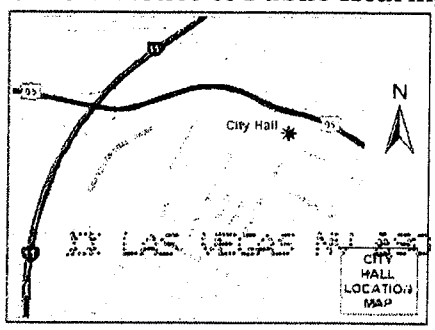

LAS VEGAS NV 890 02-14-09

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ZON-32514 & VAR-33012

Planning Commission Meeting of 2/26/2009

Case: VAR-33012

13828411024
FRANK JAMES D & EVELYNE E
257 LUCKY STAR ST
LAS VEGAS NV 89145-3927

[redacted]

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[redacted]

237

City of Las Vegas
Planning & Development Department
Development Services Center
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Las Vegas, Nevada 89101-2986

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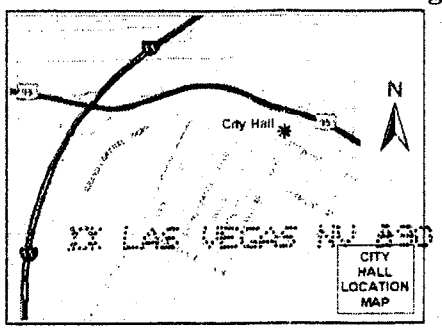

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ZON-32514 & VAR-33012

Planning Commission Meeting of 2/26/2009

Case: ZON-32514
13828410020
DAVIS FAMILY TRUST
BOX 50 P M B 140
LAKE ARROWHEAD CA 92352-0000

9235230050 8900

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City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

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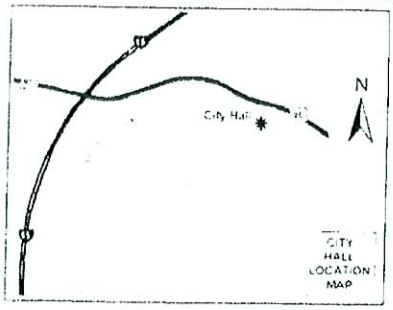

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ZON-32514 & VAR-33012

Planning Commission Meeting of 3/26/2009

13828412045 Case: ZON-32514
ESTERLINE CAROL
7104 CORNFLOWER DR
LAS VEGAS NV 89128-3438

AAVDP11 89128

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

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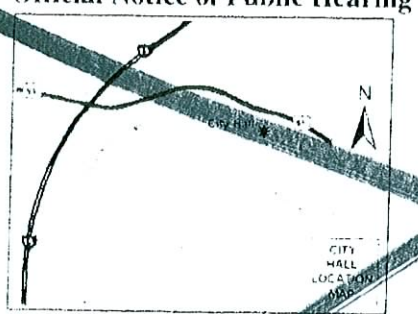
Official Notice of Public Hearing



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SDR-33010

Planning Commission Meeting of 3/26/2009

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MAR 16 2009

13828412045 Case: SDR-33010
ESTERLINE CAROL
7104 CORNFLOWER DR
LAS VEGAS NV 89128-3438

AAVDP11 89128

9A

City of Las Vegas Agenda Item No.: **10.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: MARCH 26, 2009

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

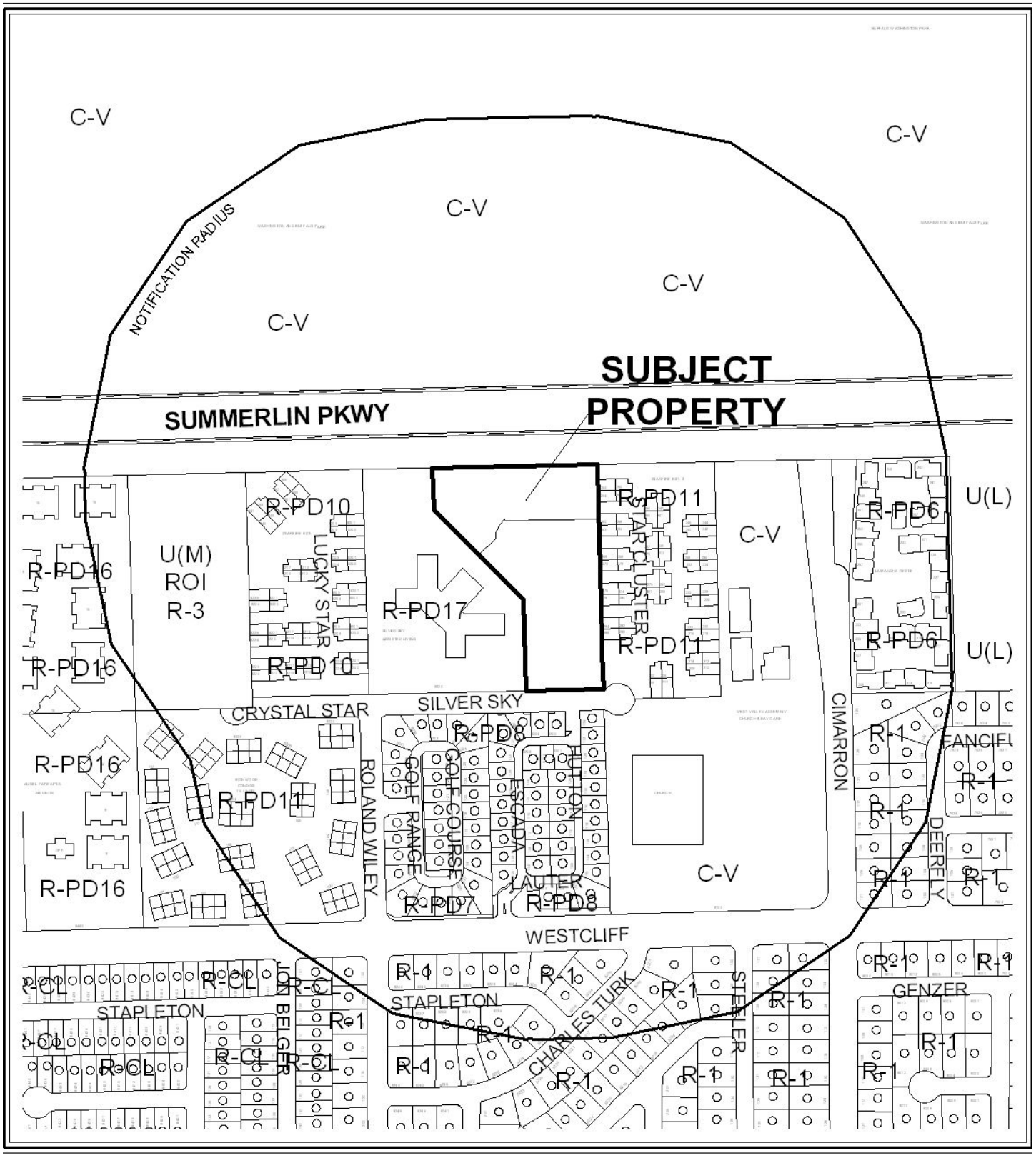
SUBJECT:
ABEYANCE - RENOTIFICATION - VAR-33012 - VARIANCE RELATED TO ZON-32514 - PUBLIC HEARING - APPLICANT: NEVADA H.A.N.D., INC. - OWNER: SILVER SKY TWO, LP - Request for a Variance TO ALLOW A 79-FOOT SETBACK WHERE RESIDENTIAL ADJACENCY STANDARDS REQUIRE 99 FEET on 4.71 acres adjacent to the north side of Silver Sky Drive, approximately 500 feet east of Roland Wiley Drive (APNs 138-28-401-017 and 018), U (Undeveloped) Zone [M (Medium Density Residential) General Plan Designation] [PROPOSED: R-3 (Medium Density Residential)], Ward 2 (Wolfson) **NOTE: THIS APPLICATION IS BEING AMENDED TO ALLOW A 79-FOOT SETBACK WHERE RESIDENTIAL ADJACENCY STANDARDS REQUIRE 136 FEET**

C.C.: 05/06/2009

PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**14**	**Planning Commission Mtg.**	**2**
City Council Meeting	**0**	**City Council Meeting**	**0**

RECOMMENDATION:
APPROVAL

BACKUP DOCUMENTATION:
1. Location and Aerial Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Photos
5. Justification Letter
6. Protest/Support Postcards and Protest Letter



CASE: **VAR-33012**

RADIUS: 1000 FT

0 300 600 Feet

ZONING OF SUBJECT PROPERTY:
U (UNDEVELOPED) ZONE [M (MEDIUM DENSITY RESIDENTIAL) GENERAL PLAN DESIGNATION]

PROPOSED ZONING OF SUBJECT PROPERTY:
R-3 (MEDIUM DENSITY RESIDENTIAL)

N

CASE: VAR-33012

RADIUS: 1000 FT

0 300 600 Feet

ZONING OF SUBJECT PROPERTY:
U (UNDEVELOPED) ZONE [M (MEDIUM DENSITY RESIDENTIAL) GENERAL PLAN DESIGNATION]

PROPOSED ZONING OF SUBJECT PROPERTY:
R-3 (MEDIUM DENSITY RESIDENTIAL)

N

City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: MARCH 26, 2009
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: ABEYANCE - VAR-33012 - APPLICANT: NEVADA H.A.N.D., INC. - OWNER: SILVER SKY TWO, LP

** CONDITIONS **

STAFF RECOMMENDATION: **APPROVAL,** subject to:

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Site Development Plan Review (SDR-33010) shall be required, if approved.

2. This approval shall be void two years from the date of final approval, unless a certificate of occupancy has been issued or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.

DC

VAR-33012 - Staff Report Page One
March 26, 2009 - Planning Commission Meeting

** STAFF REPORT **

PROJECT DESCRIPTION

This is a request for a Variance to allow a 79-foot setback where Residential Adjacency Standards require 136 feet on 4.71 acres adjacent to the north side of Silver Sky Drive, approximately 500 feet east of Roland Wiley Drive. There is an associated request for a Rezoning (ZON-32514) from U (Undeveloped) [M (Medium Density Residential) General Plan designation] to R-3 (Medium Density Residential) and a Site Development Plan Review (SDR-33010) for a proposed two and three-story 120-unit Senior Citizen Apartment development with a Waiver to allow a zero-foot landscape buffer along the west perimeter where six feet is required. The proposed Senior Citizen Apartment development is consistent with Objective 2.2 and Policy 2.2.2 of the Las Vegas 2020 Master Plan and will provide a landscape buffer between the proposed development and the affected two-story Condominium property to the east which is more than twice that required by Title 19; therefore staff recommends approval of this request.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc.	
12/01/03	A Code Enforcement complaint (#7201) was processed for vehicle code violations at the subject property. The case was resolved 12/10/03.
09/15/04	The City Council approved a General Plan Amendment (GPA-4528) to amend a portion of the Southwest Sector Plan of the General Plan from MLA (Medium Low Attached Density Residential) to M (Medium Density Residential) on 10.00 acres adjacent to the northeast corner of Roland Wiley Road and Silver Sky Drive. The Planning Commission recommended denial of this request, whereas staff recommended approval.
12/28/04	A Code Enforcement complaint (#24798) was processed for vehicle code violations at the subject property. The case was resolved 12/30/04.
02/01/05	The Planning and Development Department administratively approved a three-lot Parcel Map (PMP-5277) on property located on the southwest corner of Summerlin Parkway and Cimarron Road. The map was recorded on 02/22/05.

02/26/09	The Planning Commission held in abeyance a request for a Rezoning (ZON-32514) from U (Undeveloped) [M (Medium Density Residential) General Plan designation] to R-3 (Medium Density Residential), a Variance (VAR-33012) to allow a 79-foot setback where Residential Adjacency Standards require 136 feet and a Site Development Plan Review (SDR-33010) for a proposed two and three-story 120-unit Senior Citizen Apartment development with a Waiver to allow a zero-foot landscape buffer along the west perimeter where six feet is required on 4.71 acres adjacent to the north side of Silver Sky Drive, approximately 500 feet east of Roland Wiley Drive. The abeyance was granted in order to allow the applicant to work with staff regarding the conditions placed on the property, as well as the correct setback distance associated with Variance (VAR-33012).
Related Building Permits/Business Licenses	
There are no related building permits associated with this property.	
Pre-Application Meeting	
11/25/08	A pre-application meeting was held with the applicant where the requirements for a Rezoning, Site Development Plan Review and Variance submittal were discussed.

Neighborhood Meeting	
02/09/09	A neighborhood meeting was held on Monday February 9, 2009 at 6:00 pm at the Silver Sky Assisted Living Residence located at 8220 Silver Sky Drive, Las Vegas, Nevada 89145. Four members of the general public, three representatives of the development team and one member of the Planning and Development staff were present. Questions were raised concerning the height of the building, site drainage, parking, noise, traffic and landscape. The four members of the public were generally in support of the proposed development.

Field Check	
01/21/09	A field check was performed by staff at the subject property. The site was noted as undeveloped and ungraded, sloping down from west to east, with some weeds and debris. Several earth mounds were noted at the north end of the site, and offsite improvements consisting of a fully improved right-of-way and sidewalk were noted along Silver Sky Drive.

Details of Application Request	
Site Area	
Gross Acres	4.71

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped	M (Medium Density Residential)	U (Undeveloped) [M (Medium Density Residential) General Plan designation]
North	Summerlin Parkway	R.O.W. (Right-of-Way)	R.O.W. (Right-of-Way)
South	Single-Family Residences	MLA (Medium Low Attached Density Residential)	R-PD8 (Residential Planned Development – 8 Units Per Acre)
East	Condominiums	MLA (Medium Low Attached Density Residential)	R-PD11 (Residential Planned Development – 11 Units Per Acre)
West	Senior Citizen Apartments	M (Medium Density Residential)	R-PD17 (Residential Planned Development – 17 Units Per Acre)

Special Districts/Zones	*Yes*	*No*	*Compliance*
Special Area Plan		X	N/A
Special Districts/Zones	*Yes*	*No*	*Compliance*
Special Purpose and Overlay Districts		X	N/A
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

DEVELOPMENT STANDARDS

Pursuant to Title 19.08.050, the following standards apply:

Standard	*Required/Allowed*	*Provided*	*Compliance*
Min. Lot Size	6,500 SF	206,154 SF	Y
Min. Lot Width	N/A	222 Feet	N/A
Min. Setbacks			
• Front	20 Feet	78 Feet	Y
• Side (West)	5 Feet	5 Feet	Y
• Side (East)	5 Feet	79 Feet	N*
• Rear	20 Feet	79 Feet	Y
Min. Distance Between Buildings	10 Feet	41 Feet	Y
Max. Building Height	3 Stories or 40 Feet, whichever is less	3 Stories/33 Feet	Y**

Trash Enclosure	Screened, Enclosed	Screened, Enclosed	Y
Mech. Equipment	Screened	Screened	Y

* The property to the east of the proposed development meets the Title 19.08.060 requirements for a "protected property" in the Residential Adjacency Standards. For any building proposed on the subject property greater than 15 feet in height, a 3:1 proximity slope must be met. The proposed building is 33 feet in height, thus requiring a 99-foot setback; however, due to the grade change of the subject property in relation to the protected property, this distance has been revised to a 136-foot setback. The applicant has submitted this Variance (VAR-33012) to allow a 79-foot setback where Residential Adjacency Standards require 136 feet.

** The main roof height of the three story building located on site is 33 feet. Staff notes that this building contains three tower elements, 12 feet by 12 feet in width, measuring 43 feet in height, which are setback a sufficient distance which do not impact the Residential Adjacency Variance request.

Pursuant to Title 19.08.060, the following residential adjacency standards apply:

Residential Adjacency Standards	*Required/Allowed*	*Provided*	*Compliance*
3:1 proximity slope	136 Feet	79 Feet	N*
Adjacent development matching setback	15 Feet	79 Feet	Y
Trash Enclosure	50 Feet	50 Feet	Y

* The applicant has submitted this Variance (VAR-33012) to allow a 79-foot setback where Residential Adjacency Standards require 136 feet. The proposed building is 33 feet in height, thus requiring a 99-foot setback; however, due to the grade change of the subject property in relation to the protected property, this distance has been revised to a 136-foot setback.

ANALYSIS

The applicant is requesting a Variance to allow a 79-foot setback where Residential Adjacency standards require 136 feet on 4.71 acres adjacent to the north side of Silver Sky Drive, approximately 500 feet east of Roland Wiley Drive. The subject Variance represents a 42% deviation from the setback distance required by Residential Adjacency standards. The affected property is an existing two-story condominium development to the east of the subject site. The applicant is proposing a two-building, two and three-story Senior Citizen Apartment development on the subject site. The proposed three-story building will measure 33 feet in height, will be located at the northern end of the subject property, and will be setback approximately 79 feet from the property line of the affected condominium development. This building will have three tower elements, measuring 12 feet by 12 feet in width and 43 feet in height; however, these tower elements will be setback a sufficient distance which will not impact this Variance request for Residential Adjacency. While the proposed building is 33 feet in height requiring a 99-foot setback, due to the grade change of the subject property in relation to the protected property, this distance has been revised to a 136-foot setback.

The proposed development furthers the General Plan and is consistent with Objective 2.2 and Policy 2.2.2. Objective 2.2 has been established to ensure that low density residential land uses within mature neighborhoods can exist in close proximity to higher density residential, mixed-use or non-residential land uses by mitigating adverse impacts where feasible. Policy 2.2.2 states that senior citizens' and assisted living housing be encouraged to develop, both to meet the needs of community residents who wish to age in place in their neighborhoods, and as a means of increasing residential densities in these areas.

Additionally, the applicant has provided a 15-foot wide landscape buffer with 24-inch box Mondel Pine trees 20 feet on-center adjacent to the existing condominium development where the development standards of Title 19.12 require a six-foot wide landscape buffer. Staff finds that the proposed Senior Citizen Apartment development will not negatively impact the adjacent existing condominium development, works to further the goals of the General Plan and provides adequate buffering between the proposed and affected property; therefore approval of this request is recommended.

FINDINGS

In accordance with the provisions of Title 19.18.070(B), Planning Commission and City Council, in considering the merits of a Variance request, shall not grant a Variance in order to:

1. Permit a use in a zoning district in which the use is not allowed;
2. Vary any minimum spacing requirement between uses;
3. Relieve a hardship which is solely personal, self-created or financial in nature."

Additionally, Title 19.18.070L states:

> "Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property, a variance from that strict application may be granted so as to relieve the difficulties or hardship, if the relief may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources and without substantially impairing the intent and purpose of any ordinance or resolution."

The applicant demonstrated that the proposed development will further the goals and policies of the General Plan and will not negatively impact the adjacent properties. The relief granted will not create any substantial detriment to the public good, substantial impairment of affected natural resources or substantially impair the intent and purpose of any ordinance or resolution. Therefore, staff recommends approval of this request.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 9

ASSEMBLY DISTRICT 34

SENATE DISTRICT 8

NOTICES MAILED 371

APPROVALS 2

PROTESTS 13

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **VAR-33012** APN: 138-28-401-017 & 018

Name of Property Owner: Silver Sky Two LP

Name of Applicant: Nevada H.A.N.D., Inc.

Name of Representative: Nevada H.A.N.D., Inc.

To the best of your knowledge, does the Mayor or any member of the City Council or Planning Commission have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company?

☐ **Yes** ☑ **No**

If yes, please indicate the member of the City Council or Planning Commission who is involved and list the name(s) of the person or persons with whom the City Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official: _____

Partner(s): _____ _____

APN: _____

Signature of Property Owner: _____

Print Name: Michael Mullin

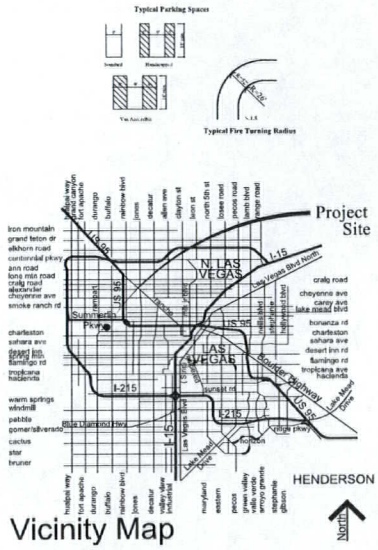
Subscribed and sworn before me

This 13th day of January, 2009

_____

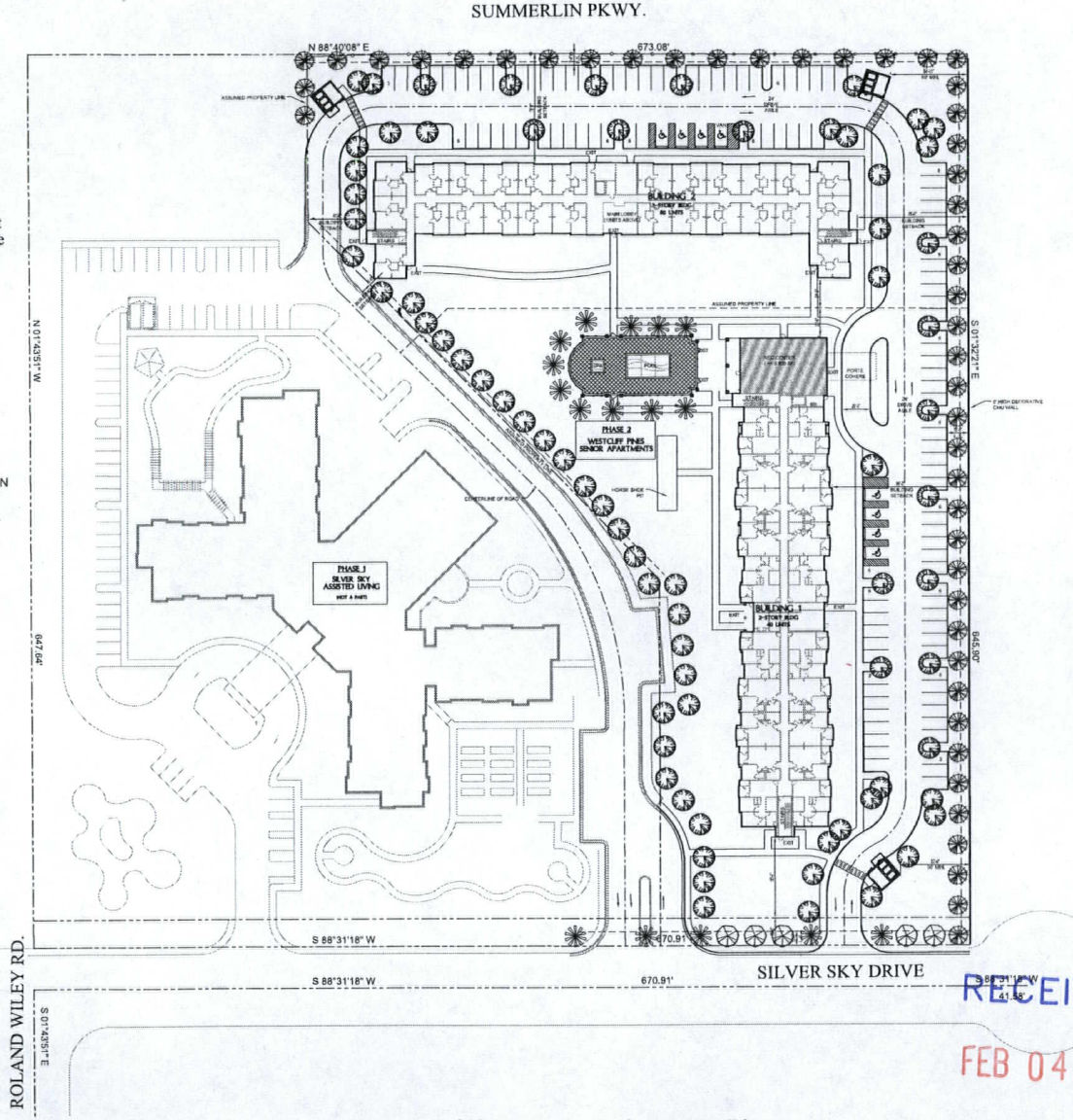
Notary Public in and for said County and State

[illegible] N. HAAS
Notary Public State of Nevada
No. 03-84818-1
My appt. exp. Oct. 17, 2011



TREE / PLANT SCHEDULE

	SYM	SIZE	SPACING	NAME
TREES		24" Box	Varies	FAN-TEX ASH
		24" Box	20' o.c.	MONDEL PINE
		24" Box	N/A	DATE PALM MEXICAN FAN PALM
		24" Box	Varies	CHILEAN MESQUITE
SHRUBS		5 gal	Varies	DESERT BROOM
		5 gal	Varies	SILVERY CASSIA GREEN TEXAS RANGER PINCK LADY INDIAN HAWTHORN SIERRA LINDA SAGE
GROUND COVER		¾"	Varies	MOJAVE GOLD ROCK MULCH
		1 gal	Varies	CREEPING ACACIA



SITE INFORMATION

LOCATION North of Silver Sky and East of Roland Wiley

PARCEL APN #138-28-401-014

CURRENT ZONING U (M) - Undeveloped

PROPOSED ZONING R-3 - Medium Density Residential

PARCEL AREA (Approx. to be verified)

Phase One:	± 5.25 Acres
Phase Two:	± 4.71 Acres
Total Area:	± 9.96 Acres

Setbacks

North Property Line	20 Ft
East Property Line	5 Ft
South Property Line	20 Ft
West Property Line	5 Ft

UNIT COUNT

Building 1 - 2 story

One Bedroom Units	24 units
Two Bedroom Units	16 units
Total # of Units	40 units

Building 1 - 2 story

Total # of One Bedroom Units	80 units
Total # of Units	±120 units

DENSITY

Gross Density	±25.47 DU / Acre

PARKING REQUIRED

.75 per unit x 120 units	90
Guest Parking = 1 per 6 units	20
Total Parking Required	110
Handicapped Parking Required (2%)	4

PARKING PROVIDED

Total Parking Provided	121
Handicapped Parking Provided	8

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FEB 04 2009

Scale: 1" = 40
0 40 80

Conceptual Site & Landscape Plan

Design Modifications without notice. All Colors, Dimensions, Sizes and Architectural Features are Conceptual and subject to Change.

Project # 908012 February 3rd, 2008

Nevada HAND

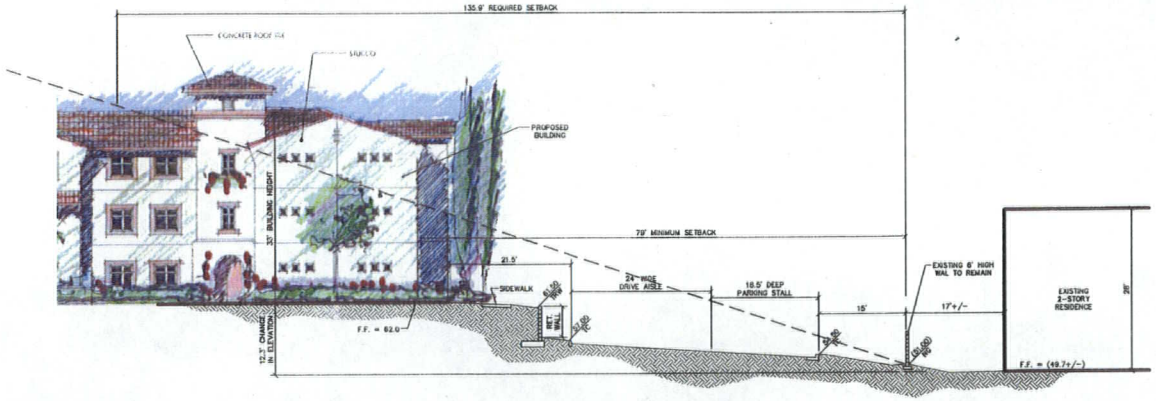
Westcliff Pines

Las Vegas, Nevada

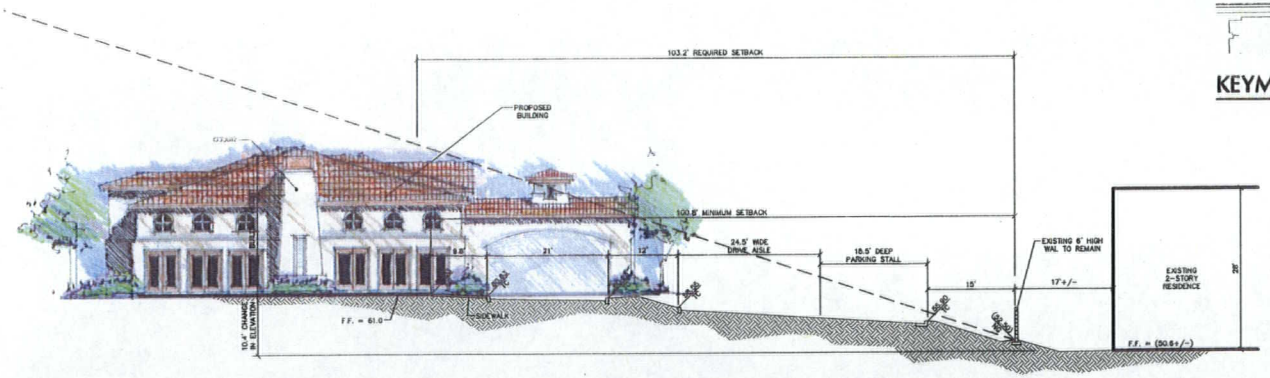
Perlman A1

VAR-33012
REVISED
02/26/09 PC

WESTCLIFF PINES
FOR
NEVADA H.A.N.D. INC.



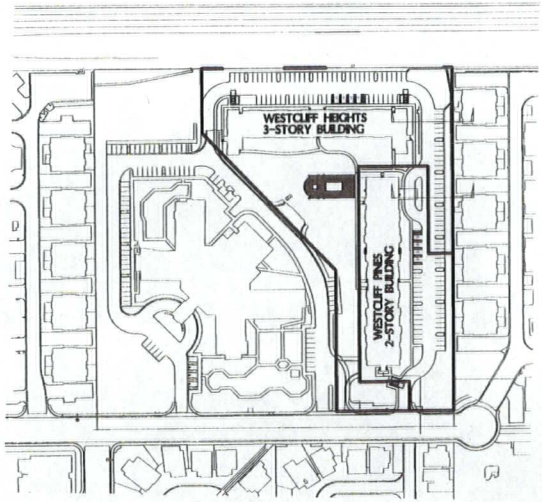
WESTCLIFF HEIGHTS RESIDENTIAL ADJACENCY CROSS-SECTION EXHIBIT



WESTCLIFF PINES RESIDENTIAL ADJACENCY CROSS-SECTION EXHIBIT

VICINITY MAP
SEC 28 T.20S.,R 60E N.T.S

NORTH
GRAPHIC SCALE
(IN FEET)
1 inch = 10 ft.



KEYMAP

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MAR 04 2009

LEGEND

(XX.XX)	EXISTING GRADE
XX.XX	PROPOSED GRADE
F.F.	FINISHED FLOOR
NG	NATURAL GROUND
TC	TOP OF CURB
FG	FINISHED GRADE
TRW	TOP OF RETAINING WALL

DESIGNED BY: MRB | DRAWN BY: MRB | CHKD BY:
JOB NUMBER: 818-018-081 | DATE: 03-05-09 | DATE (APP):
NO. | REVISION | DATE | (APP)

L. R. NELSON CONSULTING ENGINEERS, INC.
STRUCTURAL
CIVIL
PLANNING
SURVEY
6765 West Russell Road, Suite 200
Las Vegas, Nevada 89118
(702) 798-7978
(702) 451-2296 FAX

RESIDENTIAL ADJACENCY CROSS-SECTION EXHIBIT OF
WESTCLIFF PINES
FOR
NEVADA H.A.N.D. INC.
CITY OF LAS VEGAS NEVADA

SHEET NUMBER
1
OF 1 SHEETS
818-018-081

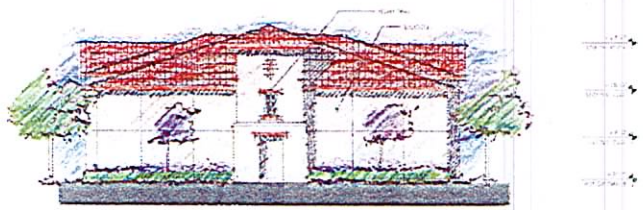
VAR-33012
SUPPLEMENTAL
03/26/09 PC

H:\Land Projects\818018\dwg\Planning\Exhibits\Cross Section.dwg, 3/4/2009 12:57:33 PM, Mark.Bangan

EAST ELEVATION

NORTH ELEVATION

WEST ELEVATION



SOUTH ELEVATION

Scale: 3/32" = 1'

Conceptual Building 1 Elevations

Project No. 908012 / Jan. 13th, 2009

Nevada HAND

Westcliff Pines

Perlman A4

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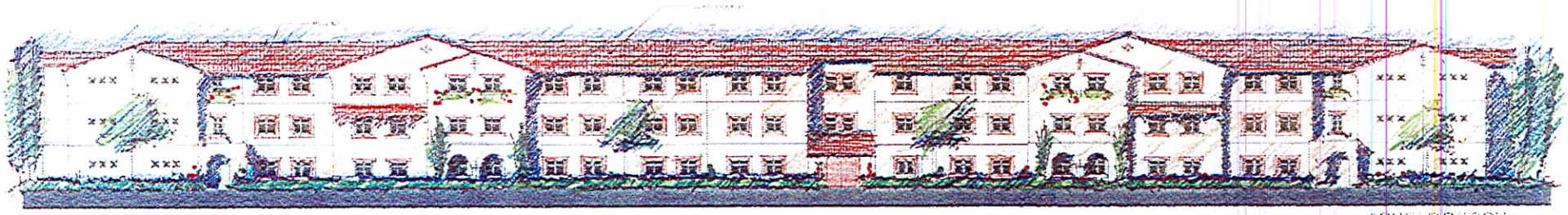
JAN 13 2009

VAR-33012
SDR-33010
02/26/09 PC



SOUTH ELEVATION

TYPICAL SIDE ELEVATION

NORTH ELEVATION

SCALE: 3/32" = 1'

CONCEPTUAL BUILDING 2 ELEVATIONS

WESTCLIFF PINES

PROJECT NO. 908012 / JAN. 13TH, 2009

NEVADA HAND

Perlman A5

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JAN 13 2009

VAR-33012
SDR-33010
02/26/09 PC

VAR-33012 - APPLICANT: NEVADA H.A.N.D., INC. - OWNER: SILVER SKY TWO, LP
NORTH SIDE OF SILVER SKY DRIVE, APPROXIMATELY 500 FEET EAST OF ROLAND WILEY DRIVE
MARCH 26, 2009 PLANNING COMMISSION

01/21/09

VAR-33012 - APPLICANT: NEVADA H.A.N.D., INC. - OWNER: SILVER SKY TWO, LP
NORTH SIDE OF SILVER SKY DRIVE, APPROXIMATELY 500 FEET EAST OF ROLAND WILEY DRIVE
MARCH 26, 2009 PLANNING COMMISSION

01/21/09

VAR-33012 - APPLICANT: NEVADA H.A.N.D., INC. - OWNER: SILVER SKY TWO, LP
NORTH SIDE OF SILVER SKY DRIVE, APPROXIMATELY 500 FEET EAST OF ROLAND WILEY DRIVE
MARCH 26, 2009 PLANNING COMMISSION

01/21/09

VAR-33012 - APPLICANT: NEVADA H.A.N.D., INC. - OWNER: SILVER SKY TWO, LP
NORTH SIDE OF SILVER SKY DRIVE, APPROXIMATELY 500 FEET EAST OF ROLAND WILEY DRIVE
MARCH 26, 2009 PLANNING COMMISSION

01/21/09

VAR-33012 - APPLICANT: NEVADA H.A.N.D., INC. - OWNER: SILVER SKY TWO, LP
NORTH SIDE OF SILVER SKY DRIVE, APPROXIMATELY 500 FEET EAST OF ROLAND WILEY DRIVE
MARCH 26, 2009 PLANNING COMMISSION

01/21/09

Nevada H.A.N.D., Inc.

HOUSING AND NEIGHBORHOOD DEVELOPMENT

295 E. Warm Springs Road, Suite 101 • Las Vegas, NV 89119
Office (702) 739-3345 Fax (702) 739-3305

January 13, 2009

City of Las Vegas
Planning and Development
731 S. Fourth Street
Las Vegas, NV 89101

Re: Westcliff Pines Senior Apartments – Residential Adjacency Variance Justification Letter
APN: 138-28-401-017 & 018

Dear Staff:

Please accept this correspondence as our Residential Adjacency Variance submittal for our newest development, Westcliff Pines Senior Apartments located at 8206 & 8238 Silver Sky Drive, Las Vegas, Nevada.

We are proposing to develop a total of 120 one and two bedroom rental apartments in two buildings specifically designed for low-income senior citizens in the Las Vegas valley. This property is located on the Northeast corner of Silver Sky Drive and Roland Wiley.

Due to the odd shape of these parcels as well as the existing site topography, a variance for Residential Adjacency is needed. Therefore we respectfully request approval of this Variance, which accompanies our Site Development Plan Review application.

If you have any questions, please feel free to contact me at 739-3345 ext. 243. Thank you.

Sincerely,

Jacque Haas
Real Estate Development Manager

VAR-33012
02/26/09 PC

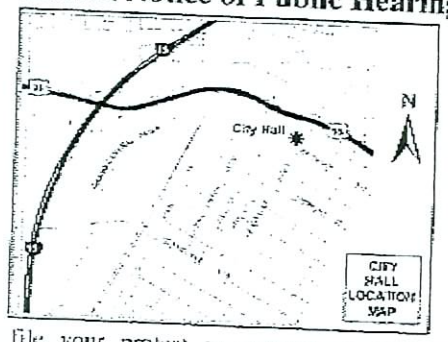
City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

PRESORTED
FIRST CLASS

UNITED STATES POSTAGE
PITNEY BOWES
02 1M
0004239954
$ 00.39⁴
MAR 13 2009
MAILED FROM ZIP CODE 89101

Return Service Requested

Official Notice of Public Hearing



If you wish to file your protest or support on this request, check the appropriate box below and return this card in an envelope with postage to the Planning & Development Department at the address listed above or fax this side of this card to (702) 385-7268. If you would like to contact your Council Representative, please call (702) 229-6405.

☐ I SUPPORT this Request

☒ I OPPOSE this Request

Please use available blank space on card for your comments.

ZON-32514 & VAR-33012

Planning Commission Meeting of 3/26/2009

13828411024 Case: ZON-32514
FRANK JAMES D & EVELYNE E
257 LUCKY STAR ST
LAS VEGAS NV 89145-3927

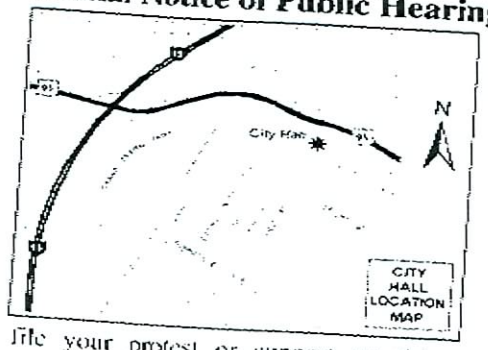
RECEIVED
MAR 16 2009

10P

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

Return Service Requested

Official Notice of Public Hearing



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☐ I SUPPORT this Request

☒ I OPPOSE this Request

Please use available blank space on card for your comments.

ZON-32514 & VAR-33012

Planning Commission Meeting of 3/26/2009

PRESORTED FIRST CLASS

UNITED STATES POSTAGE PITNEY BOWES

02 1M 0004239954 **$ 00.39**4 MAR 13 2009

MAILED FROM ZIPCODE 89101

13828810014 Case: ZON-32514
BRINK CLIFFORD R & ROCHELLE P
215 N CIMARRON RD
LAS VEGAS NV 89145-3917

RECEIVED MAR 16 2009

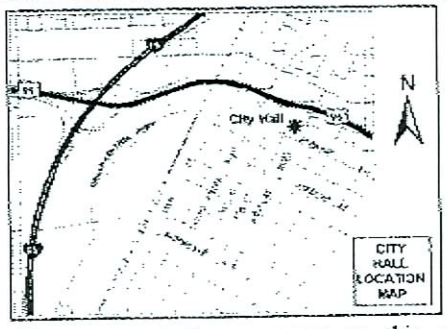
AACOP11 89145

10f

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

Return Service Requested

Official Notice of Public Hearing



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☐ I SUPPORT this Request

☒ I OPPOSE this Request

Please use available blank space on card for your comments.

ZON-32514 & VAR-33012

Planning Commission Meeting of 3/26/2009

Case: ZON-32514

13828411039
CORONA JOSE RUFO
10022 AMBER FIELD ST
LAS VEGAS NV 89178-8901

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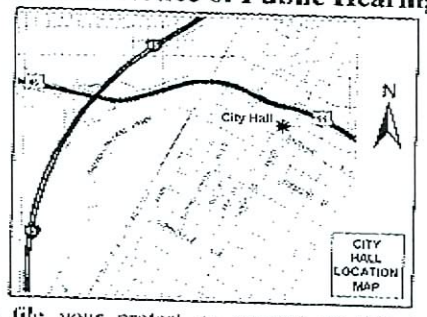
MAR 16 2009

03/14/2009 20:27 7027361354 RUFO CORONA

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

Return Service Requested
Official Notice of Public Hearing



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☐ I SUPPORT this Request

☒ I OPPOSE this Request

Please use available blank space on card for your comments.

ZON-32514 & VAR-33012

Planning Commission Meeting of 3/26/2009

PRESORTED FIRST CLASS

UNITED STATES POSTAGE
PITNEY BOWES
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MAILED FROM ZIP CODE 89101

13828415053 Case: ZON-32514
PODORZER ARTHUR
113 EMERALD FOREST ST #201
LAS VEGAS NV 89145-3984

AAVDP11 89145

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Planning & Development Department
Development Services Center
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Las Vegas, Nevada 89101-2986

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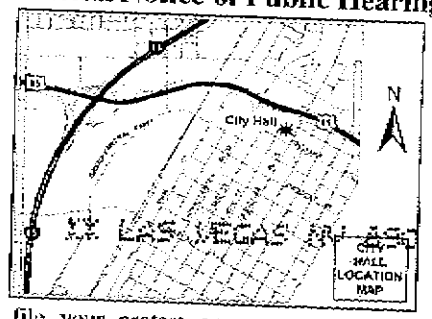

LAS VEGAS NV 89 02-14-09

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ZON-32514 & VAR-33012

Planning Commission Meeting of 2/26/2009

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13828415053 Case: ZON-32514
PODORZER ARTHUR
113 EMERALD FOREST ST #201
LAS VEGAS NV 89145-3984

89145-3984 C053

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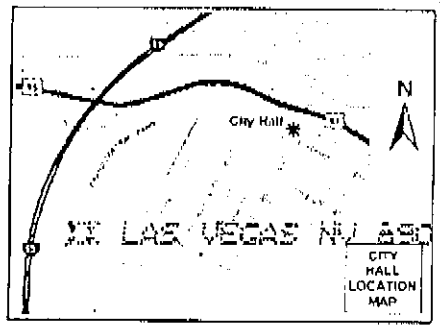

XX LAS VEGAS NV 889 02-14-09

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ZON-32514 & VAR-33012

Planning Commission Meeting of 2/26/2009

Case: ZON-32514
13828414018
FRANCA SILVANO LIVING TRUST
104 LEMON GLAZE ST #204
LAS VEGAS NV 89145-3975

LASVEGAS 11 45145

LAW OFFICE OF
JACK E. KERR
409 SOUTH FAYETTE STREET
SAGINAW, MICHIGAN 48602
AREA CODE 989 793-7752

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FEB 23 2009

2/19/09

Re: Zon 32514
Var: 33012

Protest

The proposal to rezone the subject property to allow the construction of 120 housing units will simply allow substandard housing in limited space. If allowed there should be provision for drainage of water from the subject property that will not affect any of the adjoining premises.

A variance from the strict enforcement of the zoning ordinance should not be granted. A variance from the strict requirements of the zoning code or ordinance as a modification of the literal provisions of the ordinance when strict enforcement could cause undue hardship owing to circumstances unique to the individual property

Submitted after final agenda

Date 2/23/04 Item 23424

203

granted. Hardships based solely on economic considerations are not grounds for a variance. There is nothing unique about the subject real estate upon which a variance from the lot line set backs requirements should be waived. Set backs from lot lines should be enforced so as not to affect the adjoining property.

If the relief requested is granted, safeguards should be invoked that will prohibit any water drainage to adjoining property.

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

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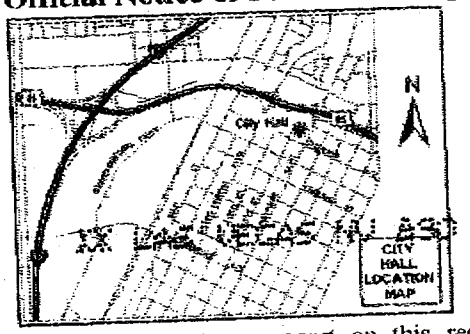
Official Notice of Public Hearing



XX LAS VEGAS NV 89 02-14-09

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ZON-32514 & VAR-33012

Planning Commission Meeting of 2/26/2009

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Case: VAR-33012

13828411039
CORONA JOSE RUFO
10022 AMBER FIELD ST
LAS VEGAS NV 89178-8901

LAVDP11 89178

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City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

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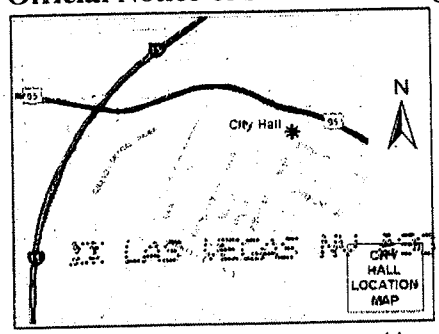

LAS VEGAS NV 02-14-09

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☑ I OPPOSE this Request

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ZON-32514 & VAR-33012
Planning Commission Meeting of 2/26/2009

Case: ZON-32514
13828412046
PETERSON WILLIAM L & DONNA M
204 STAR CLUSTER CIR
LAS VEGAS NV 89145-3948

89145C3948 C053

23P

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

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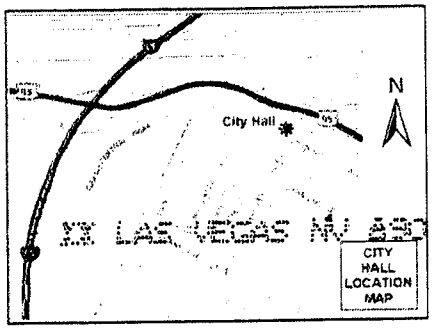

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☒ I OPPOSE this Request

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ZON-32514 & VAR-33012
Planning Commission Meeting of 2/26/2009

Case: VAR-33012
13828413021
ARCHAMBAULT JAMES M & LINDA L
8240 GOLF PLAYER AVE
LAS VEGAS NV 89145-3964

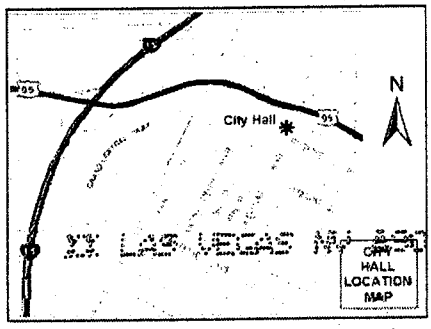
LAVDS11 89145

23P

Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

Return Service Requested

Official Notice of Public Hearing



LAS VEGAS NV 850 02-14-09

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ZON-32514 & VAR-33012

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UNITED STATES POSTAL SERVICE PITNEY BOWES

02 1M $ 00.39⁴

0004239954 FEB 13 2009

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Case: ZON-32514

13833114028
SMITH WILLIAM F & MARGARET E
100 S CIMARRON RD
LAS VEGAS NV 89145-4702

23P

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

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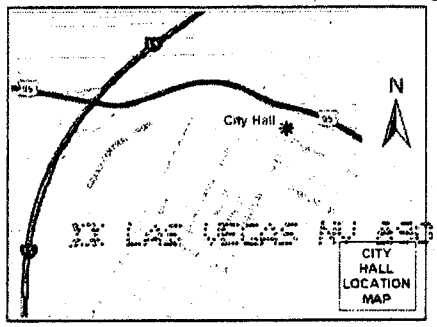

XX LAS VEGAS NV 889 02-14-09

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☐ I SUPPORT this Request

☒ I OPPOSE this Request

Please use available blank space on card for your comments

ZON-32514 & VAR-33012
Planning Commission Meeting of 2/26/2009

Silversky is the only access road to Star Cluster Circle. This will bring too much excess traffic into the area. Also the construction of the first building was a hindrance getting into and out of Star Cluster Circle. The developers have no consideration. Plus the street was constantly dirty from the construction

Case: ZON-32514

13828412004
SPENCER SANDRA L
214 STAR CLUSTER CIR
LAS VEGAS NV 89145-2948

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LAUDP11 89145

23P

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

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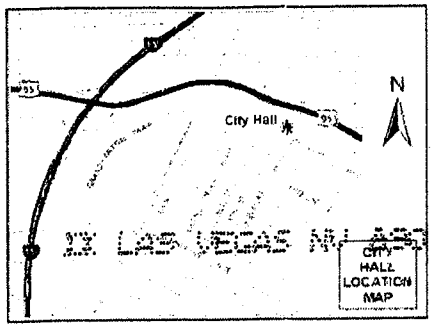

08-14-09

See attached Letter

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ZON-32514 & VAR-33012
Planning Commission Meeting of 2/26/2009

FEB 23 2009

Case: VAR-33012
13828412039
KERR JACK E LIVING TRUST
131 BEYERLEIN ST
FRANKENMUTH MI 48734-1501

183

48734$1501 C003

23P

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

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UNITED STATES POSTAGE PITNEY BOWES
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MAILED FROM ZIP CODE 8910

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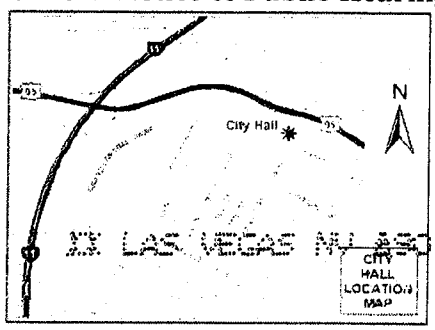

LAS VEGAS NV 890 02-14-09

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☐ I SUPPORT this Request

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Please use available blank space on card for your comments.

ZON-32514 & VAR-33012

Planning Commission Meeting of 2/26/2009

Case: VAR-33012

13828411024
FRANK JAMES D & EVELYNE E
257 LUCKY STAR ST
LAS VEGAS NV 89145-3927

[redacted]

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FEB 2 2009

[redacted]

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City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

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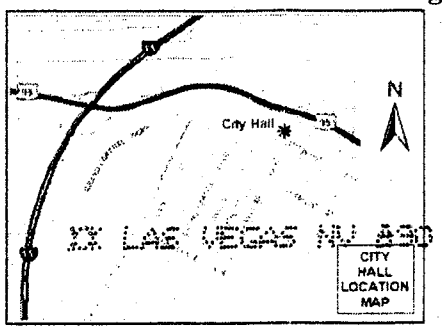

XX LAS VEGAS NV 890 02-14-09

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ZON-32514 & VAR-33012

Planning Commission Meeting of 2/26/2009

Case: ZON-32514
13828410020
DAVIS FAMILY TRUST
BOX 50 P M B 140
LAKE ARROWHEAD CA 92352-0000

9235230050 8900

23A

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

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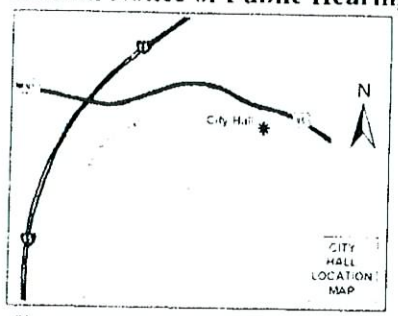

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ZON-32514 & VAR-33012

Planning Commission Meeting of 3/26/2009

13828412045 Case: ZON-32514
ESTERLINE CAROL
7104 CORNFLOWER DR
LAS VEGAS NV 89128-3438

APR 11 2009

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

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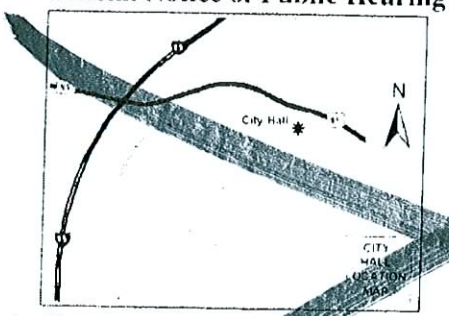

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SDR-33010

Planning Commission Meeting of 3/26/2009

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MAR 16 2009

13828412045 Case: SDR-33010
ESTERLINE CAROL
7104 CORNFLOWER DR
LAS VEGAS NV 89128-3438

APR 11 2009

10A

City of Las Vegas Agenda Item No.: **11.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: MARCH 26, 2009

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

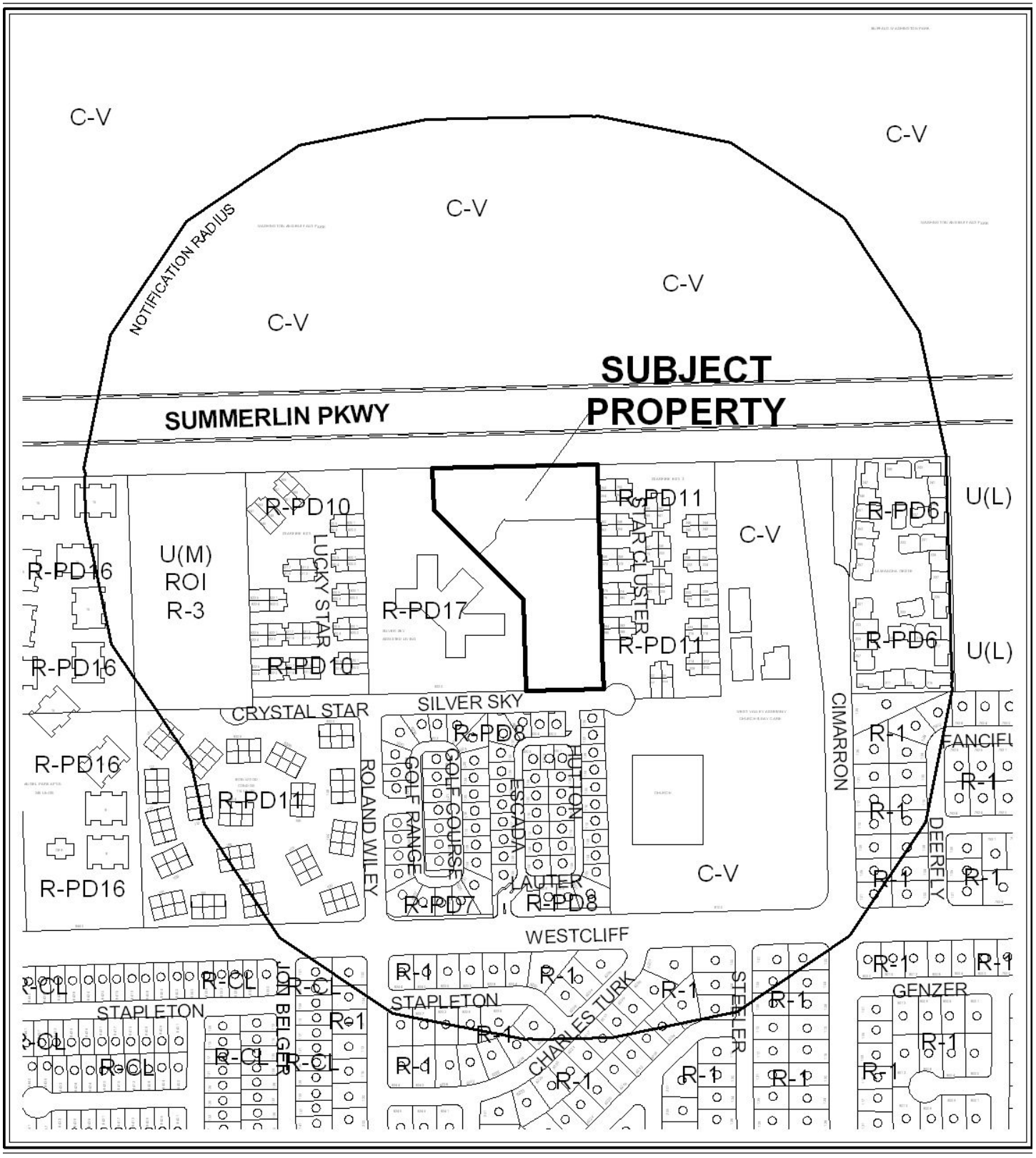
SUBJECT:
ABEYANCE - RENOTIFICATION - SDR-33010 - SITE DEVELOPMENT PLAN REVIEW RELATED TO ZON-32514 AND VAR-33012 - PUBLIC HEARING - APPLICANT: NEVADA H.A.N.D., INC. - OWNER: SILVER SKY TWO, LP - Request for a Site Development Plan Review FOR A PROPOSED TWO AND THREE-STORY, 120-UNIT SENIOR CITIZEN APARTMENT DEVELOPMENT WITH A WAIVER TO ALLOW A ZERO-FOOT LANDSCAPE BUFFER ALONG THE WEST PERIMETER WHERE SIX FEET IS REQUIRED on 4.71 acres adjacent to the north side of Silver Sky Drive, approximately 500 feet east of Roland Wiley Drive (APNs 138-28-401-017 and 018), U (Undeveloped) Zone [M (Medium Density Residential) General Plan Designation] [PROPOSED: R-3 (Medium Density Residential)], Ward 2 (Wolfson)

C.C.: 05/06/2009

PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**13**	**Planning Commission Mtg.**	**3**
City Council Meeting	**0**	**City Council Meeting**	**0**

RECOMMENDATION:
APPROVAL

BACKUP DOCUMENTATION:
1. Location and Aerial Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Photos
5. Justification Letter
6. Protest/Support Postcards



CASE: **SDR-33010**

RADIUS: 1000 FT

0 300 600 Feet

ZONING OF SUBJECT PROPERTY:
U (UNDEVELOPED) ZONE [M (MEDIUM DENSITY RESIDENTIAL) GENERAL PLAN DESIGNATION]

PROPOSED ZONING OF SUBJECT PROPERTY:
R-3 (MEDIUM DENSITY RESIDENTIAL)

N

CASE: **SDR-33010**

RADIUS: 1000 FT

0 300 600 Feet

ZONING OF SUBJECT PROPERTY:
U (UNDEVELOPED) ZONE [M (MEDIUM DENSITY RESIDENTIAL) GENERAL PLAN DESIGNATION]

PROPOSED ZONING OF SUBJECT PROPERTY:
R-3 (MEDIUM DENSITY RESIDENTIAL)

N

City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: MARCH 26, 2009
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: ABEYANCE - SDR-33010 - APPLICANT: NEVADA H.A.N.D., INC. - OWNER: SILVER SKY TWO, LP

** CONDITIONS **

STAFF RECOMMENDATION: **APPROVAL,** subject to:

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Variance (VAR-33012) shall be required, if approved.

2. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the principal building on the site. An Extension of Time may be filed for consideration by the City of Las Vegas.

3. Submit a Reversionary Map or other acceptable mapping method which combines APNs 138-28-401-017 and 138-28-401-018 into a single parcel.

4. All development shall be in conformance with the site plan, landscape plan date stamped 02/04/09, building elevations date stamped 01/13/09 and Residential Adjacency cross section date stamped 03/04/09, except as amended by conditions herein.

5. The minimum distance between buildings shall be 10 feet.

6. A technical landscape plan, signed and sealed by a Registered Architect, Landscape Architect, Residential Designer or Civil Engineer, must be submitted prior to or at the same time application is made for a building permit. A permanent underground sprinkler system is required, and shall be permanently maintained in a satisfactory manner; the landscape plan shall include irrigation specifications. The technical landscape plan shall include the following changes from the conceptual landscape plan: A total of 33, 24-inch box trees shall be provided within the landscape buffer along the east perimeter; Provide four, five gallon shrubs for each required tree.

7. No turf shall be permitted in the non-recreational common areas, such as medians and amenity zones in this development.

8. Pre-planting and post-planting landscape inspections are required to ensure the appropriate plant material, location, size of planters, and landscape plans are being utilized. The Planning and Development Department must be contacted to schedule an inspection prior to the start of the landscape installation and after the landscape installation is completed. A certificate of occupancy will not be issued or the final inspection will not be approved until the landscape inspections have been completed.

9. Reflective glazing at the pedestrian level is prohibited. Glazing above the pedestrian level shall be limited to a maximum reflectance rating of 22% (as defined by the National Institute of Standards and Technology).

10. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.

11. All utility boxes exceeding 27 cubic feet in size shall meet the standards of LVMC Title 19.12.040.

12. Parking lot lighting standards shall be no more than 30 feet in height and shall utilize downward-directed lights with full cut-off luminaries. Lighting on the exterior of buildings shall be shielded and shall be downward-directed. Non-residential property lighting shall be directed away from residential property or screened, and shall not create fugitive lighting on adjacent properties.

13. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.

14. Prior to the submittal of a building permit application, the applicant shall meet with Planning and Development Department staff to develop a comprehensive address plan for the subject site. A copy of the approved address plan shall be submitted with any future building permit applications related to the site.

15. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Public Works

16. Contact the City Engineer's Office at 229-6272 to coordinate the development of this project with the Summerlin Parkway Widening project and any other public improvement projects adjacent to this site. Comply with the recommendations of the City Engineer.

17. Remove all substandard public street improvements, if any, adjacent to this site and replace with new improvements meeting current City Standards concurrent with on-site development activities.

18. Meet with the Fire Protection Engineering Section of the Department of Fire Services to discuss fire requirements for the proposed use of this facility. The design and layout of all onsite private circulation and access drives shall meet the approval of the Department of Fire Services.

19. All landscaping and private improvements installed with this project shall be situated and maintained so as not to create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.

20. Comply with the requirements of Las Vegas Municipal Code Chapter 4.32 Traffic Signal Impact Fee prior to the issuance of permits for this site.

21. An update to the previously approved Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any grading or building permits, or the submittal of any construction drawings, whichever may occur first. Provide and improve all drainageways as recommended in the approved drainage plan/study.

SDR-33010 - Staff Report Page One
March 26, 2009 - Planning Commission Meeting

** STAFF REPORT **

PROJECT DESCRIPTION

This is a request for a Site Development Plan Review for a proposed two and three-story 120-unit Senior Citizen Apartment development with a Waiver to allow a zero-foot landscape buffer along the west perimeter where six feet is required on 4.71 acres adjacent to the north side of Silver Sky Drive, approximately 500 feet east of Roland Wiley Drive. There is an associated request for a Rezoning (ZON-32514) from U (Undeveloped) [M (Medium Density Residential) General Plan designation] to R-3 (Medium Density Residential) and a Variance (VAR-33012) to allow a 79-foot setback where Residential Adjacency Standards require 136 feet. This proposal is compatible with the scale and massing of the surrounding development, will not negatively impact the surrounding area and will further the goals of the General Plan by encouraging senior housing; therefore staff recommends approval of this request.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc.	
12/01/03	A Code Enforcement complaint (#7201) was processed for vehicle code violations at the subject property. The case was resolved 12/10/03.
09/15/04	The City Council approved a General Plan Amendment (GPA-4528) to amend a portion of the Southwest Sector Plan of the General Plan from MLA (Medium Low Attached Density Residential) to M (Medium Density Residential) on 10.00 acres adjacent to the northeast corner of Roland Wiley Road and Silver Sky Drive. The Planning Commission recommended denial of this request, whereas staff recommended approval.
12/28/04	A Code Enforcement complaint (#24798) was processed for vehicle code violations at the subject property. The case was resolved 12/30/04.
02/01/05	The Planning and Development Department administratively approved a three-lot Parcel Map (PMP-5277) on property located on the southwest corner of Summerlin Parkway and Cimarron Road. The map was recorded on 02/22/05.

02/26/09	The Planning Commission held in abeyance a request for a Rezoning (ZON-32514) from U (Undeveloped) [M (Medium Density Residential) General Plan designation] to R-3 (Medium Density Residential), a Variance (VAR-33012) to allow a 79-foot setback where Residential Adjacency Standards require 99 feet and a Site Development Plan Review (SDR-33010) for a proposed two and three-story 120-unit Senior Citizen Apartment development with a Waiver to allow a zero-foot landscape buffer along the west perimeter where six feet is required on 4.71 acres adjacent to the north side of Silver Sky Drive, approximately 500 feet east of Roland Wiley Drive. The abeyance was granted in order to allow the applicant to work with staff regarding the conditions placed on the property, as well as the correct setback distance associated with Variance (VAR-33012).
Related Building Permits/Business Licenses	
There are no related building permits associated with this property.	
Pre-Application Meeting	
11/25/08	A pre-application meeting was held with the applicant where the requirements for a Rezoning, Site Development Plan Review and Variance submittal were discussed.
Neighborhood Meeting	
02/09/09	A neighborhood meeting was held on Monday February 9, 2009 at 6:00 pm at the Silver Sky Assisted Living Residence located at 8220 Silver Sky Drive, Las Vegas, Nevada 89145. Four members of the general public, three representatives of the development team and one member of the Planning and Development staff were present. Questions were raised concerning the height of the building, site drainage, parking, noise, traffic and landscape. The four members of the public were generally in support of the proposed development.

Field Check	
01/21/09	A field check was performed by staff at the subject property. The site was noted as undeveloped and ungraded, sloping down from west to east, with some weeds and debris. Several earth mounds were noted at the north end of the site, and offsite improvements consisting of a fully improved right-of-way and sidewalk were noted along Silver Sky Drive.

Details of Application Request	
Site Area	
Gross Acres	4.71

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped	M (Medium Density Residential)	U (Undeveloped) [M (Medium Density Residential) General Plan designation]
North	Summerlin Parkway	R.O.W. (Right-of-Way)	R.O.W. (Right-of-Way)
South	Single-Family Residences	MLA (Medium Low Attached Density Residential)	R-PD8 (Residential Planned Development – 8 Units per Acre)
East	Condominiums	MLA (Medium Low Attached Density Residential)	R-PD11 (Residential Planned Development – 11 Units per Acre)
West	Senior Citizen Apartments	M (Medium Density Residential)	R-PD17 (Residential Planned Development – 17 Units per Acre)

Special Districts/Zones	*Yes*	*No*	*Compliance*
Special Area Plan		X	N/A
Special Districts/Zones	*Yes*	*No*	*Compliance*
Special Purpose and Overlay Districts		X	N/A
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

DEVELOPMENT STANDARDS

Pursuant to Title 19.08.050, the following standards apply:

Standard	*Required/Allowed*	*Provided*	*Compliance*
Min. Lot Size	6,500 SF	206,154 SF	Y
Min. Lot Width	N/A	222 Feet	N/A
Min. Setbacks			
• Front	20 Feet	78 Feet	Y
• Side (West)	5 Feet	5 Feet	Y
• Side (East)	5 Feet	79 Feet	N*
• Rear	20 Feet	79 Feet	Y
Min. Distance Between Buildings	10 Feet	41 Feet	Y
Max. Building Height	3 Stories or 40 Feet, whichever is less	3 Stories/33 Feet	Y**

Trash Enclosure	Screened, Enclosed	Screened, Enclosed	Y
Mech. Equipment	Screened	Screened	Y

* The property to the east of the proposed development meets the Title 19.08.060 requirements for a "protected property" in the Residential Adjacency Standards. For any building proposed on the subject property greater than 15 feet in height, a 3:1 proximity slope must be met. The proposed building is 33 feet in height, thus requiring a 99-foot setback; however, due to the grade change of the subject property in relation to the protected property, this distance has been revised to a 136-foot setback. The applicant has submitted a Variance (VAR-33012) to allow a 79-foot setback where Residential Adjacency Standards require 136 feet.

** The main roof height of the three story building located on site is 33 feet. Staff notes that this building contains three tower elements, 12 feet by 12 feet in width, measuring 43 feet in height, which are setback a sufficient distance which do not impact the Residential Adjacency Variance request.

Pursuant to Title 19.08.060, the following residential adjacency standards apply:

Residential Adjacency Standards	*Required/Allowed*	*Provided*	*Compliance*
3:1 proximity slope	136 Feet	79 Feet	N*
Adjacent development matching setback	15 Feet	79 Feet	Y
Trash Enclosure	50 Feet	50 Feet	Y

* The applicant has submitted a Variance (VAR-33012) to allow a 79-foot setback where Residential Adjacency Standards require 136 feet. The proposed building is 33 feet in height, thus requiring a 99-foot setback; however, due to the grade change of the subject property in relation to the protected property, this distance has been revised to a 136-foot setback.

Pursuant to Title 19.12.040, the following landscape standards apply:

Landscaping and Open Space Standards				
Standards	*Required*		*Provided*	*Compliance*
	Ratio	*Trees*		
Parking Area	1 Tree/6 Spaces	21 Trees	24 Trees	Y
Buffer:				
Min. Trees				
(North)	1 Tree/30 Linear Feet	16 Trees	16 Trees	Y
(South)	1 Tree/20 Linear Feet	9 Trees	9 Trees	Y
(East)	1 Tree/20 Linear Feet	33 Trees	29 Trees	N*
(West)	1 Tree/20 Linear Feet	38 Trees	35 Trees	N**
TOTAL		117 Trees	113 Trees	N*

Min. Zone Width			
(North)	6 Feet	8 Feet	Y
(South)	15 Feet	20 Feet	Y
(East)	5 Feet	15 Feet	Y
(West)	5 Feet	Zero Feet	N**
Wall Height	6-8 Feet	6 Feet	Y

* A condition has been added requiring the applicant to provide a total 33, 24-inch box trees within the east landscape buffer.

** The applicant has requested a Waiver to allow a zero-foot landscape buffer along the west perimeter where five feet is required. While requesting this Waiver, the applicant has provided 35 of the 38 required 24-inch box trees within planter areas adjacent to the west perimeter.

Pursuant to Title 19.10, the following parking standards apply:

Parking Requirement							
	Gross Floor Area or Number of Units	***Required***			***Provided***		***Compliance***
			Parking		*Parking*		
Use		***Parking Ratio***	Regular	Handi-capped	Regular	Handi-capped	
Senior Citizen Apartments	120 Units	0.75 Spaces/ Unit	86	4	113	8	
TOTAL			90		121		Y

Waivers		
Request	**Requirement**	**Staff Recommendation**
To allow a zero-foot landscape buffer along the west perimeter	A six-foot landscape buffer	Approval

Exception		
Request	**Requirement**	**Staff Recommendation**
To allow 35, 24-inch box trees along the west perimeter	38, 24-inch box trees	Approval

ANALYSIS

- **Land Use and Zoning**

The subject site is located in the Southwest Sector of the General Plan and has a current designation of M (Medium Density Residential). The Medium Density Residential category includes a variety of multi-family units such as plexes, townhouses, and low-density apartments. This category allow up to 25.49 units per acre.

A companion item to Rezone (ZON-32514) the site from U (Undeveloped) [M (Medium Density Residential) General Plan designation] to R-3 (Medium Density Residential) has also been submitted by the applicant. The purpose of the R-3 (Medium Density Residential) district is to provide for the development of a variety of multi-family units such as duplexes, townhouses and medium density apartments. The R-3 (Medium Density Residential) zoning district is consistent with the policies of the Medium Density Residential category of the General Plan.

Additionally, this development is consistent with Objective 2.2 and Policy 2.2.2 of the General Plan:

Objective 2.2: To ensure that low density residential land uses within mature neighborhoods can exist in close proximity to higher density residential, mixed-use or non-residential land uses by mitigating adverse impacts where feasible.

Policy 2.2.2: That senior citizens' and assisted living housing be encouraged to develop, both to meet the needs of community residents who wish to age in place in their neighborhoods, and as a means of increasing residential densities in these areas.

With the approval of the proposed Rezoning (ZON-32514) to the R-3 (Medium Density Residential) zoning district, the proposed Senior Citizen Apartment development will be a permissible use on the subject property.

- **Site Plan**

The site is located adjacent to the north side of Silver Sky Drive, approximately 500 feet east of Roland Wiley Drive. The site is surrounded by an existing Assisted Living Facility to the west, condominiums to the east, Summerlin Parkway to the north and single-family residential to the south. The site plan indicates that two proposed buildings will be located on the subject property. Building one will be a two-story 40-unit building located on the southern half of the site containing both one and two bedroom Senior Citizen Apartments. Building two will be a three-story 80-unit building located on the northern half of the site containing only one bedroom Senior Citizen Apartments.

Building two is a three-story, 33-foot high building which is setback approximately 79 feet from the east property line. The condominiums to the east of the subject site meet the qualifications of a protected use; therefore the subject site must comply with the Residential Adjacency requirements of Title 19.08.060. The applicant has submitted a Variance (VAR-33012) to allow Building two to be setback 79 feet where Residential Adjacency standards require 136 feet. While the proposed building is 33 feet in height, requiring a 99-foot setback, due to the grade change of the subject property in relation to the protected property, this distance has been revised to a 136-foot setback.

Access to the site is provided via one existing and one proposed driveway fronting Silver Sky Drive. A total of 121 parking spaces are provided where 90 are required, including eight handicapped accessible spaces. Internal site access flows in a horseshoe configuration, with parking provided along the east and north perimeters of the site. The west perimeter of the site consists of an existing driveway that is shared with the Assisted Living Facility to the west of the subject site. A cross access agreement is in place with the adjacent parcel, and a copy of that agreement has been placed in the Site Development Plan Review (SDR-33010) file.

- **Landscape Plan**

The landscape plan submitted depicts a 20-foot landscape buffer along the south perimeter where 15 feet is required, a 15-foot buffer along the east perimeter where six feet is required, and an eight-foot landscape buffer along the north perimeter where six feet is required. The applicant has requested a Waiver to allow a zero-foot landscape buffer along the west perimeter where six feet is required. The west perimeter of the subject property currently serves as an existing driveway and sidewalk for the Assisted Living Facility located to the west of the subject property, and much of the six-foot buffer lies within the existing driveway and sidewalk area. The applicant is proposing to retain the existing driveway and sidewalk in their current configuration, and provide the requisite landscape material behind the existing hardscape, portions of which are outside of the required six-foot buffer area. Staff can support this request as approval of this Waiver will allow the existing driveway to remain in its current configuration, while the proposed landscape adjacent to the existing driveway will appear to be in a buffer area while not physically on the property line.

The applicant is proposing a six-foot tall decorative block wall along the east perimeter. Staff notes that there the subject property slopes from south to east and has met with the applicant to determine if a wall greater than the heights permitted by code is necessary along the east perimeter. The applicant will construct a six-foot tall wall, and mitigate the slope of the subject property by utilizing the 15-foot landscape buffer adjacent to the east perimeter for any necessary site grade changes. The remaining north, south and west perimeters of the subject property will remain open without a decorative block wall.

The landscape plan contains notations regarding five varieties of five-gallon shrubs proposed to be utilized throughout the development; however the quantity and locations of the shrubs are not provided on the plans. A condition has been added requiring the applicant to provide four, five-gallon shrubs for each required tree. The landscape plan also proposes a horseshoe pit and a pool and spa area to be located near the center of the site adjacent to the recreation center located in Building one. The patio area surrounding the pool and spa is lined with 11 palm trees while the area surrounding the horseshoe pit is devoid of plant material.

The remainder of the common areas surrounding Building one, two and the pool, spa and horseshoe pit are also devoid of trees and landscape material. The lack of landscape within these areas is in direct conflict with the recently adopted Urban Forestry Initiative. The City of Las Vegas adopted an Urban Forestry Initiative on May 7, 2008 guided by the Conservation Element of the 2020 Master Plan. The intent of this resolution is to contribute to the City's long-term sustainability, as trees clean the air, improve stormwater management, conserve energy, improve public health and increase property values. Additionally, the City has identified strategic priorities to create, integrate and manage orderly and sustainable development and growth in the community, to support and encourage sustainability, livability, and pride in the City's neighborhoods and to promote healthy lifestyles for all segments of the community. As the subject property will provide housing to senior citizens, staff finds that the long-term benefit of placing additional landscape around the buildings will encourage future residents to engage in outdoor activities, take walks, socialize, and act as a common element that will draw residents outside of their homes. By achieving this, the applicant will create a long lasting impact and give greater emphasis to the Urban Forestry Initiative.

- **Elevations**

The elevations submitted depict both buildings proposed for the site. Building one will be a two-story structure measuring 24 feet in height, located on the southern half of the subject property. Building two will be a three-story structure measuring 33 feet in height, located along the northern half of the property. This building will have three tower elements, measuring 12 feet by 12 feet in width and 43 feet in height; however, these tower elements will be setback a sufficient distance which will not impact the Variance request for Residential Adjacency. The architecture of both buildings will be Spanish Colonial, and each building will be similar to one another. The structures will feature fully round arch elements on some windows and entryways, decorative iron grille-work, enhanced window surrounds, tower elements, and concrete tile roofs. Additionally, each building will incorporate design elements that include varied roof lines consisting of both hip and gable roofs, relief changes in the vertical planes of the facades and decorative tower elements.

Façade elements that are unique to Building one include patios for each apartment, a porte cochere with a decorative tower element, an architecturally enhanced chimney along the north elevation and a pergola at the northwest corner of the building. Unique façade elements on Building two include the use of smaller, square windows on the gable ends on the north and south elevations of the building and the use of decorative beams below selected third level window openings. The elevations submitted depict an architecturally pleasing façade with a variety of visual interest and subtle visual cues which will complement the surrounding environment.

- **Floor Plan**

The floor plans submitted depict the first floor of each building, with no plans provided for the second or third floors. Full floor plans will be required to be submitted at the time building permits are submitted for this project, if approved. The first floor plan for Building one depicts a large recreation center at the north end of the building. No details have been provided for this space. Details will be required to be provided at the time building permits are submitted for this project, if approved. The remainder of the building features a long, linear interior corridor with an elevator located at the far north end of the building and internal stairwells at each end of the corridor. A centrally located laundry room, storage room, and electrical room are accessed off of this corridor, along with each individual apartment unit. The apartments feature one or two bedrooms, contain a single bathroom, feature a large living/dining/kitchen area, and private patios with a storage room. A total of 16 two-bedroom units and 24 one-bedroom units will be located within this building.

The floor plans for Building two indicate that a main lobby will be centrally located within the first floor of this building. Surrounding the main lobby will be an elevator and associated mechanical room, laundry room and an electrical room. An internal corridor is accessed from the main lobby which provides access to the apartment units. All of the apartment units in this building will feature one bedroom, one bathroom and a large open kitchen/dining/living room. A total of 80 one-bedroom units will be housed within this building.

FINDINGS

In order to approve a Site Development Plan application, per Title 19.18.050 the Planning Commission and/or City Council must affirm the following:

1. **"The proposed development is compatible with adjacent development and development in the area;"**

The proposed Senior Citizen Apartment development is compatible with the three-story Assisted Living Facility to the west, the two-story condominiums to the west, and will provide a buffer between the Summerlin Parkway to the north and the single-family homes to the south.

2. **"The proposed development is consistent with the General Plan, this Title, the Design Standards Manual, the Landscape, Wall and Buffer Standards, and other duly-adopted city plans, policies and standards;"**

   The proposed development is consistent with the existing General Plan designation of M (Medium Density Residential) and is a permissible use within the proposed R-3 (Medium Density Residential) zoning district.

3. **"Site access and circulation do not negatively impact adjacent roadways or neighborhood traffic;"**

   The site is accessed via one existing and one proposed driveway onto Silver Sky Drive which in turn accesses Roland Wiley Road, both designated as 60-foot wide Local Streets by the Master Plan of Streets and Highways. Roland Wiley Road provides direct access to Westcliff Drive, a 100-foot Primary arterial as designated by the Master Plan of Streets and Highways. All three roadways will provide adequate access to the site and will not negatively impact adjacent roadways or neighborhood traffic.

4. **"Building and landscape materials are appropriate for the area and for the City;"**

   The proposed building materials are appropriate for the area and for the City. The landscape materials are drought-tolerant and typical of that found throughout the Las Vegas Valley. The sizes of the materials are adequate, and a condition has been added to ensure that trees and shrubs are provided in quantities to meet the minimum requirements of Title 19.12.

5. **"Building elevations, design characteristics and other architectural and aesthetic features are not unsightly, undesirable, or obnoxious in appearance; create an orderly and aesthetically pleasing environment; and are harmonious and compatible with development in the area;"**

   The building elevations depict design and materials that will provide an aesthetically pleasing building and are compatible with the neighboring single-family and multi-family development.

6. **"Appropriate measures are taken to secure and protect the public health, safety and general welfare."**

The proposed development will not impact public health, safety or welfare since the development will be subject to the International Building Code and City inspections during construction.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 9

ASSEMBLY DISTRICT 34

SENATE DISTRICT 8

NOTICES MAILED 371

APPROVALS 3

PROTESTS 13

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **SDR-33010** APN: 138-28-401-017 & 018

Name of Property Owner: Silver Sky Two LP

Name of Applicant: Nevada H.A.N.D., Inc.

Name of Representative: Nevada H.A.N.D., Inc.

To the best of your knowledge, does the Mayor or any member of the City Council or Planning Commission have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company?

☐ **Yes** ☑ **No**

If yes, please indicate the member of the City Council or Planning Commission who is involved and list the name(s) of the person or persons with whom the City Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official: _____

Partner(s): _____ _____

APN: _____

Signature of Property Owner: _____

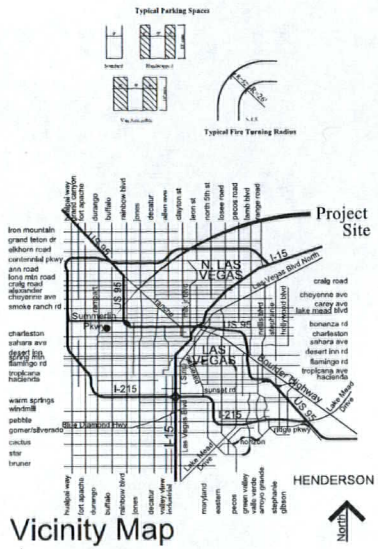
Print Name: Michael Mullin

Subscribed and sworn before me

This 13th day of January, 20 09

_____
Notary Public in and for said County and State

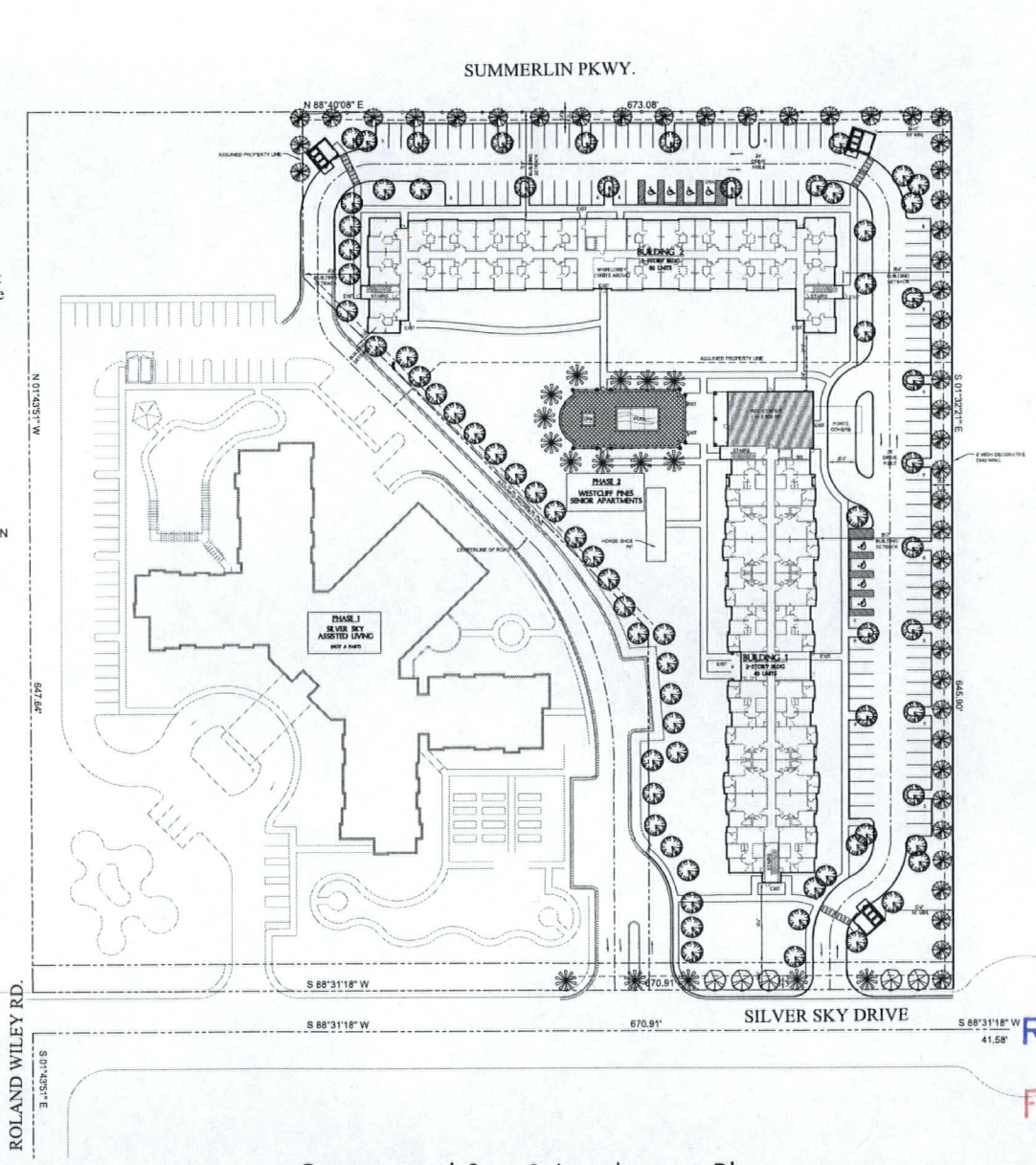
JACLYN S. HAAS
Notary Public State of Nevada
No. 03-81818-1
My appt. exp. Oct. 17, 2011



Vicinity Map

TREE / PLANT SCHEDULE

	SYM	SIZE	SPACING	NAME
TREES		24" Box	Varies	FAN-TEX ASH
		24" Box	20' o.c.	MONDEL PINE
		24" Box	N/A	DATE PALM MEXICAN FAN PALM
		24" Box	Varies	CHILEAN MESQUITE
SHRUBS		5 gal	Varies	DESERT BROOM
		5 gal	Varies	SILVERY CASSIA GREEN TEXAS RANGER PINCK LADY INDIAN HAWTHORN SIERRA LINDA SAGE
GROUND COVER		¾"	Varies	MOJAVE GOLD ROCK MULCH
		1 gal	Varies	CREEPING ACACIA



SITE INFORMATION

LOCATION
North of Silver Sky and East of Roland Wiley

PARCEL APN #138-28-401-014

CURRENT ZONING U (M) - Undeveloped

PROPOSED ZONING
R-3 - Medium Density Residential

PARCEL AREA (Approx. to be verified)

Phase One:	± 5.25 Acres
Phase Two:	± 4.71 Acres
Total Area:	± 9.96 Acres

Setbacks

North Property Line	20 Ft
East Property Line	5 Ft
South Property Line	20 Ft
West Property Line	5 Ft

UNIT COUNT

Building 1 - 2 story

One Bedroom Units	24 units
Two Bedroom Units	16 units
Total # of Units	40 units

Building 1 - 2 story

Total # of One Bedroom Units	80 units
Total # of Units	±120 units

DENSITY
Gross Density ±25.47 DU / Acre

PARKING REQUIRED

.75 per unit x 120 units	90
Guest Parking = 1 per 6 units	20
Total Parking Required	110
Handicapped Parking Required (2%)	4

PARKING PROVIDED

Total Parking Provided	121
Handicapped Parking Provided	8

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FEB 04 2009

Scale: 1" = 40
0 40 80

Conceptual Site & Landscape Plan

Design Modifications without notice. All Colors, Dimensions, Sizes and Architectural Features are Conceptual and subject to Change.

Project # 908012 February 3rd, 2008

Nevada HAND

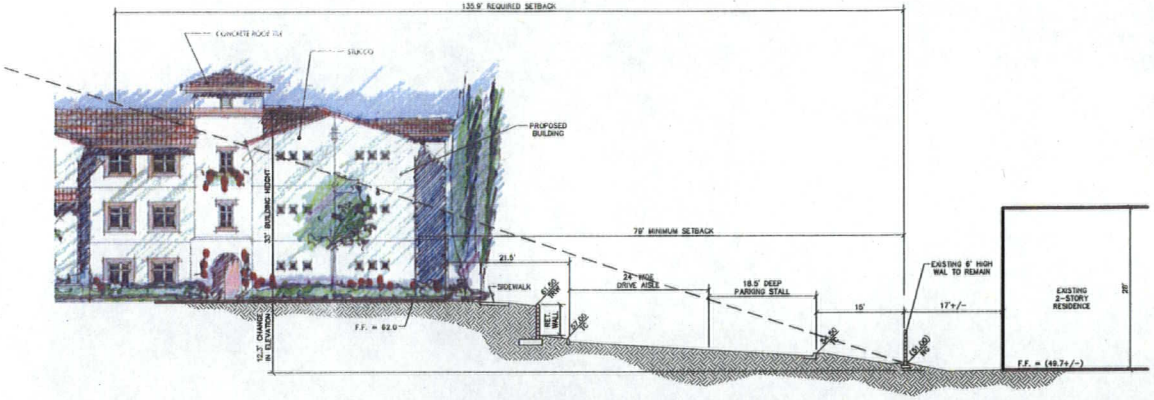
Westcliff Pines

Las Vegas, Nevada

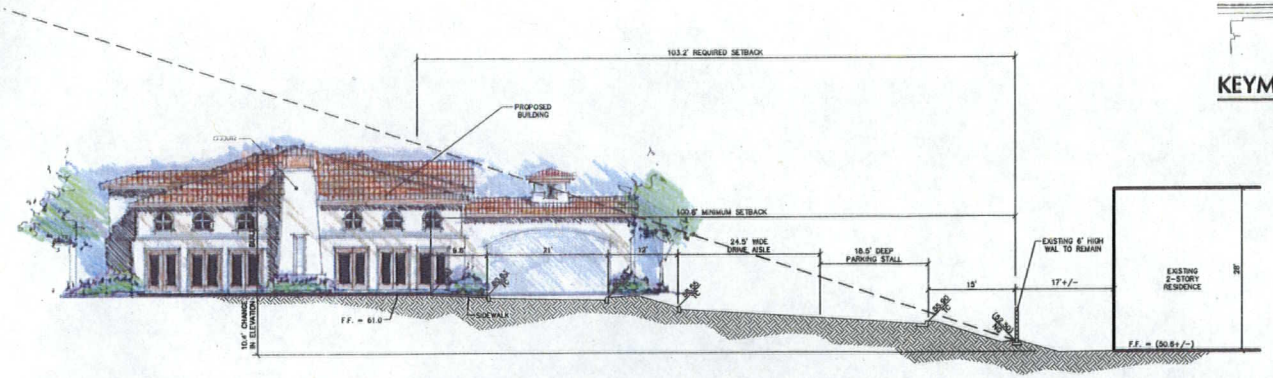
Perlman A1

SDR-33010
REVISED
02/26/09 PC

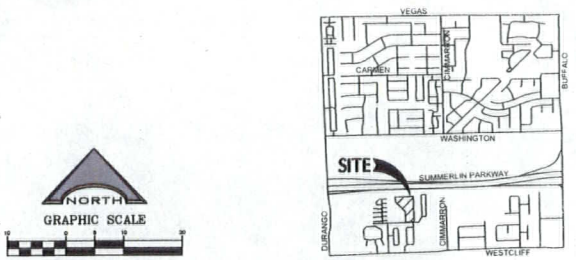
WESTCLIFF PINES
FOR
NEVADA H.A.N.D. INC.



WESTCLIFF HEIGHTS RESIDENTIAL ADJACENCY CROSS-SECTION EXHIBIT

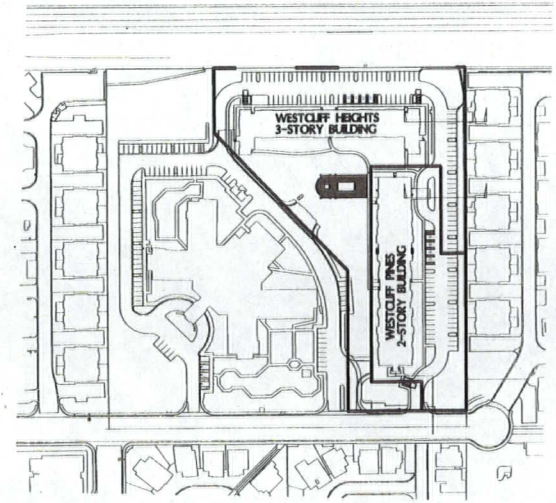


WESTCLIFF PINES RESIDENTIAL ADJACENCY CROSS-SECTION EXHIBIT



VICINITY MAP

SEC 28, T. 20 S., R. 60 E N.T.S



KEYMAP

NORTH

GRAPHIC SCALE

(IN FEET)
1 inch = 10 ft.

LEGEND

(XX.XX)	EXISTING GRADE
XX.XX	PROPOSED GRADE
F.F.	FINISHED FLOOR
NG	NATURAL GROUND
TC	TOP OF CURB
FG	FINISHED GRADE
TRW	TOP OF RETAINING WALL

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MAR 04 2009

SDR-33010
SUPPLEMENTAL
03/26/09 PC

DESIGNED BY: MSB | DRAWN BY: MSB | CHKD BY:
JOB NUMBER: 818-018-081 | DATE: 03-02-09
NO. | REVISION | DATE | APPR.

L. R. NELSON CONSULTING ENGINEERS, INC.
STRUCTURAL
CIVIL
PLANNING
SURVEY
6765 West Russell Road, Suite 200
Las Vegas, Nevada 89118
(702) 798-7978
(702) 451-2296 FAX

RESIDENTIAL ADJACENCY CROSS-SECTION EXHIBIT OF
WESTCLIFF PINES
FOR
NEVADA H.A.N.D. INC.
CITY OF LAS VEGAS NEVADA

SHEET NUMBER
1
OF 1 SHEETS
818-018-081

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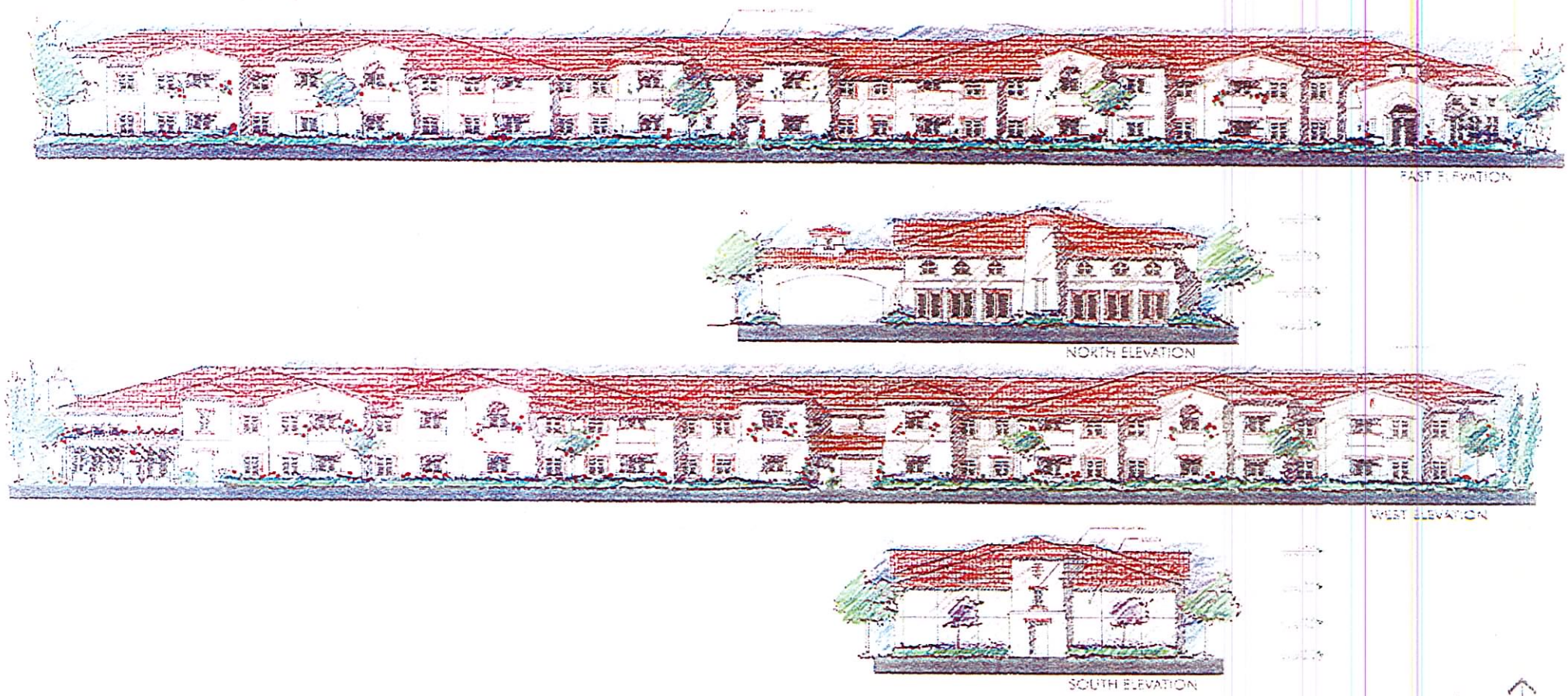

CONCEPTUAL BUILDING 1 ELEVATIONS

WESTCLIFF PINES

NEVADA HAND

Perlman A4

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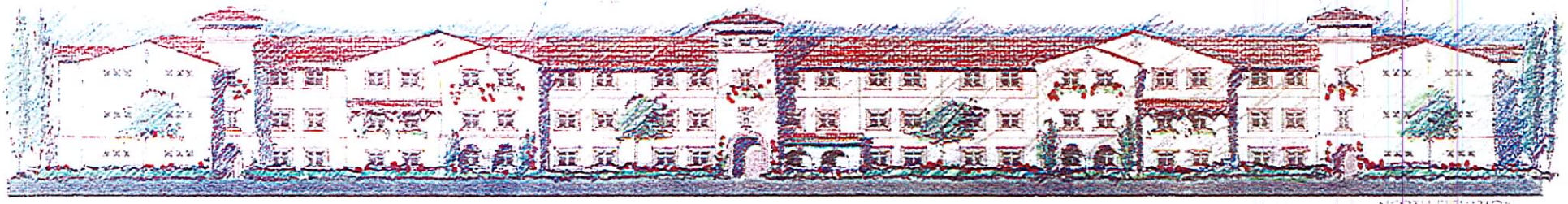
JAN 13 2009

VAR-33012
SDR-33010
02/26/09 PC

SOUTH ELEVATION

TYPICAL SIDE ELEVATION



NORTH ELEVATION

CONCEPTUAL BUILDING 2 ELEVATIONS

WESTCLIFF PINES

NOADA HAND

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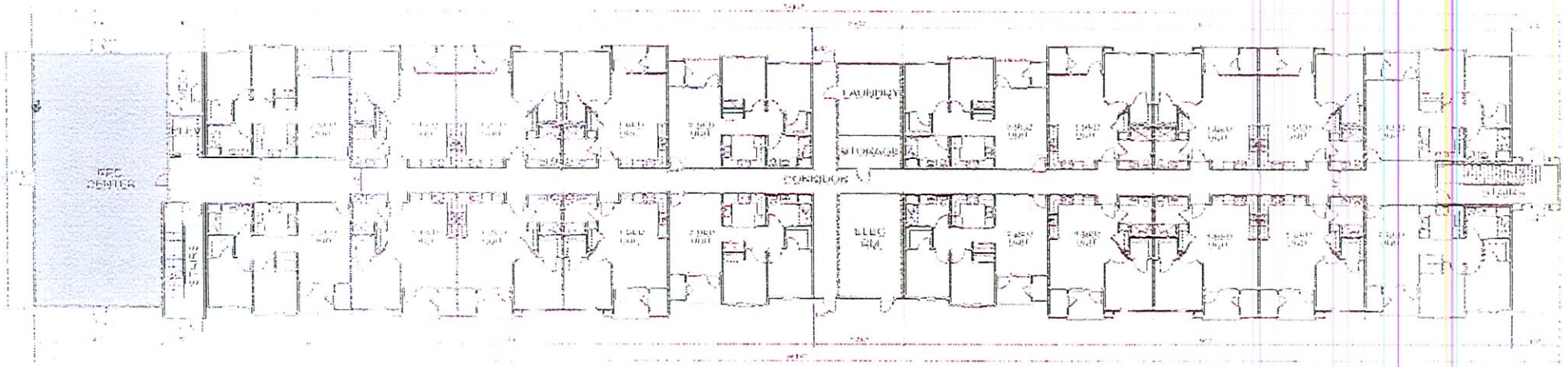
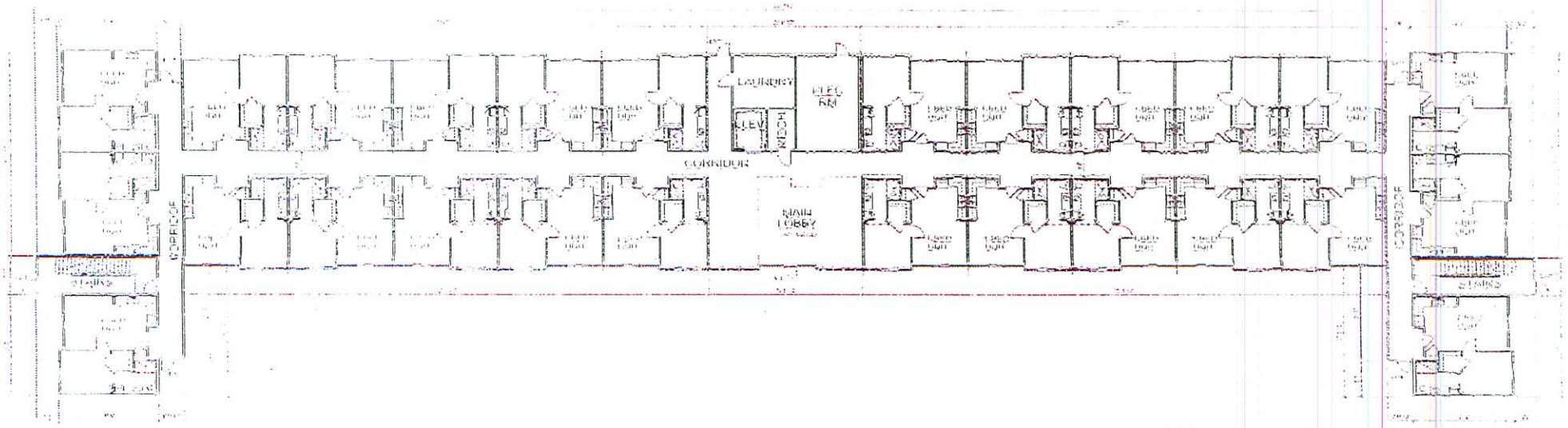
JAN 13 2009

VAR-33012
SDR-33010
02/26/09 PC





CONCEPTUAL BUILDING FLOOR PLANS

WESTCLIFF PINES

NEVADA HAND

Perlman A3

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JAN 13 2009

VAR-33012
SDR-33010
02/26/09 PC

SDR 33010

Nevada H.A.N.D., INC.

8206 Silver Sky Dr.

Proposed 120-unit senior citizen apartment development.

Traffic produced by proposed development:

New Use	DESCRIPTION	#UNIT	RATE/# UNIT	TOTAL
Average Daily Traffic (ADT)	SENIOR ADULT HOUSING-ATTACHED [OCC.DWELL]	120	3.48	418
AM Peak Hour			0.08	10
PM Peak Hour			0.11	13
(heaviest 60 minutes)				

Existing traffic on all nearby streets: Count data unavailable for Silver Sky Dr.

Westcliff Dr.	
Average Daily Traffic (ADT)	7,250
PM Peak Hour	580
(heaviest 60 minutes)	

Durango Dr.	
Average Daily Traffic (ADT)	32,616
PM Peak Hour	2,609
(heaviest 60 minutes)	

Cimarron Rd.	
Average Daily Traffic (ADT)	2,822
PM Peak Hour	226
(heaviest 60 minutes)	

Traffic Capacity of adjacent streets:

	Existing Street Capacity
Westcliff Dr.	32775
Durango Dr.	51800
Cimarron Rd.	17745

This project will add approximately 418 trips per day on Westcliff Dr., Durango Dr., and Cimarron Rd. This will increase expected volumes by about 6 percent on Westcliff, by about 1 percent on Durango, and by about 15 percent on Cimarron. Currently Westcliff is at about 22 percent of capacity, Durango is at about 63 percent of capacity, and Cimarron is at about 16 percent of capacity. Count data was unavailable for Silver Sky Dr., but it is believed to under capacity

Based on Peak Hour use, this development will add roughly 13 additional cars into the area; which works out to about 1 every 5 minutes.

Note that this report assumes all traffic from this development uses all named streets.

SDR-33010 - APPLICANT: NEVADA H.A.N.D., INC. - OWNER: SILVER SKY TWO, LP
NORTH SIDE OF SILVER SKY DRIVE, APPROXIMATELY 500 FEET EAST OF ROLAND WILEY DRIVE
MARCH 26, 2009 PLANNING COMMISSION

01/21/09

SDR-33010 - APPLICANT: NEVADA H.A.N.D., INC. - OWNER: SILVER SKY TWO, LP
NORTH SIDE OF SILVER SKY DRIVE, APPROXIMATELY 500 FEET EAST OF ROLAND WILEY DRIVE
MARCH 26, 2009 PLANNING COMMISSION

01/21/09

SDR-33010 - APPLICANT: NEVADA H.A.N.D., INC. - OWNER: SILVER SKY TWO, LP
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MARCH 26, 2009 PLANNING COMMISSION

01/21/09

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MARCH 26, 2009 PLANNING COMMISSION

01/21/09

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NORTH SIDE OF SILVER SKY DRIVE, APPROXIMATELY 500 FEET EAST OF ROLAND WILEY DRIVE
MARCH 26, 2009 PLANNING COMMISSION

01/21/09

Nevada H.A.N.D., Inc.

HOUSING AND NEIGHBORHOOD DEVELOPMENT

295 E. Warm Springs Road, Suite 101 • Las Vegas, NV 89119
Office (702) 739-3345 Fax (702) 739-3305

January 13, 2009

City of Las Vegas
Planning and Development
731 S. Fourth Street
Las Vegas, NV 89101

Re: Westcliff Pines Senior Apartments – Site Development Plan Review Justification Letter
APN: 138-28-401-017 & 018

Dear Staff:

Please accept this correspondence as our Site Development Plan Review submittal for our newest development, Westcliff Pines Senior Apartments located at 8206 & 8238 Silver Sky Drive, Las Vegas, Nevada.

We are proposing to develop a total of 120 one and two bedroom rental apartments in two buildings specifically for low-income senior citizens in the Las Vegas valley. This property is located on the Northeast corner of Silver Sky Drive and Roland Wiley.

We feel this development will be compatible and benefit the surrounding are, and is in conformance with the masterplan designation for these parcels. These aforementioned parcels are currently Masterplanned as M (Medium) which allows up to 25.49 dwelling units per acre. Therefore we respectfully request approval of this Site Development Plan Review application.

If you have any questions, please feel free to contact me at 739-3345 ext. 243. Thank you.

Sincerely,

Jacque Haas
Real Estate Development Manager

SDR-33010
02/26/09 PC

02/17/2009 19:41 7029409956 ART-PODORZER #0056 P.001 /001

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

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UNITED STATES POSTAGE
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02 1M $ 00.39[4]
0004239954 FEB 13 2009
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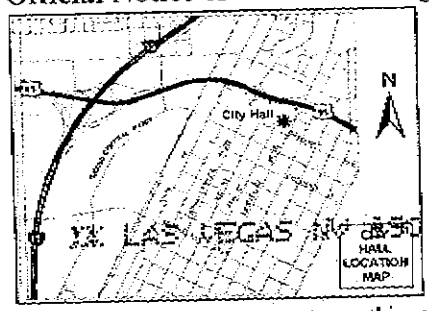
Official Notice of Public Hearing



LAS VEGAS NV 02-14-09

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☐ I SUPPORT this Request

☒ I OPPOSE this Request

Please use available blank space on card for your comments.

SDR-33010

Planning Commission Meeting of 2/26/2009

Case: SDR-33010
13828415053
PODORZER ARTHUR
113 EMERALD FOREST ST #201
LAS VEGAS NV 89145-3984

89145C004 C053

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

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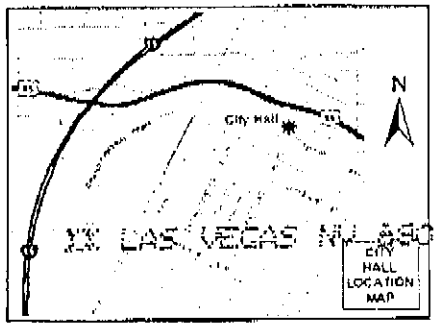
Official Notice of Public Hearing



VS LAS VEGAS NV 890 02-14-09

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☐ I SUPPORT this Request ☒ I OPPOSE this Request

Please use available blank space on card for your comments.

SDR-33010

Planning Commission Meeting of 2/26/2009

Case: SDR-33010
13828414018
FRANCA SILVANO LIVING TRUST
104 LEMON GLAZE ST #204
LAS VEGAS NV 89145-3975

LASVEGAS 890 45

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

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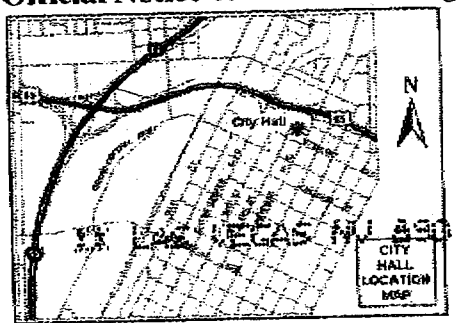

LAS VEGAS NV 890 02-14-09

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☐ I SUPPORT this Request

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Planning Commission Meeting of 2/26/2009

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Case: SDR-33010
13828411039
CORONA JOSE RUFO
10022 AMBER FIELD ST
LAS VEGAS NV 89178-8901

89178$8901 H321

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Submitted after final agenda
Date 2/23/09 Item 25

City of Las Vegas
Planning & Development Department
Development Services Center
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Las Vegas. Nevada 89101-2986

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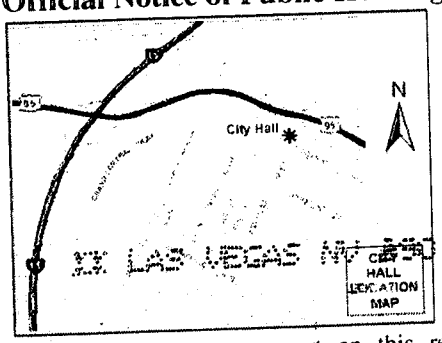

LAS VEGAS NV 02-14-09

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FEB 23 2009

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☐ I SUPPORT this Request

☑ I OPPOSE this Request

Please use available blank space on card for your comments.

SDR-33010

Planning Commission Meeting of 2/26/2009

Case: SDR-33010
13828412046
PETERSON WILLIAM L & DONNA M
204 STAR CLUSTER CIR
LAS VEGAS NV 89145-3948

89145C3948 C053

25P

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

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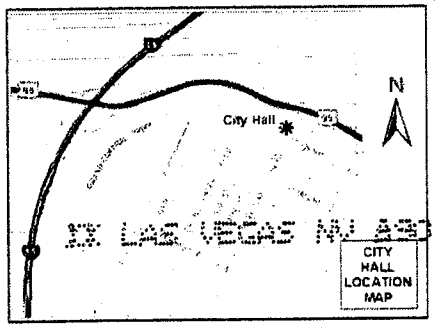

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LAS VEGAS NV 893 02-14-09

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☐ I SUPPORT this Request

☒ I OPPOSE this Request

Please use available blank space on card for your comments.

SDR-33010

Planning Commission Meeting of 2/26/2009

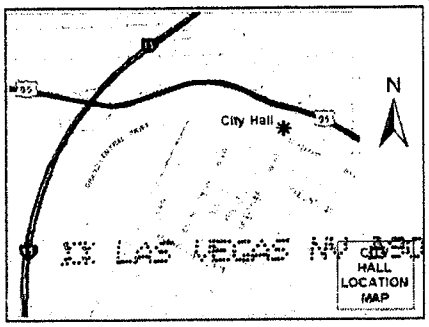
Case: SDR-33010
13828413021
ARCHAMBAULT JAMES M & LINDA L
8240 GOLF PLAYER AVE
LAS VEGAS NV 89145-3964

LAVDP11 89145

25P

Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

Return Service Requested
Official Notice of Public Hearing



02-14-09

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☐ I SUPPORT this Request

☒ I OPPOSE this Request

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0004239954 FEB 13 2009
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FEB 23 2009

Case: SDR-33010
13833114028
SMITH WILLIAM F & MARGARET E
100 S CIMARRON RD
LAS VEGAS NV 89145-4702

25P

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

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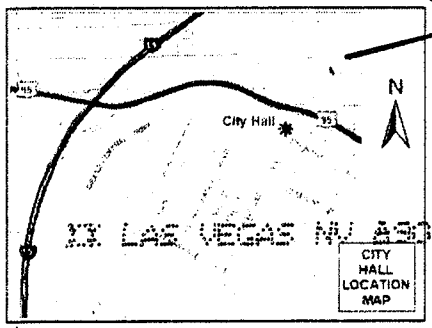

Silver Sky St is the only access road to Star Cluster Cir. This will bring too much excess traffic into the area. Also the construction of the first building was a hindrance getting into and out of Star Cluster Circle. The developers have no consideration. They often had the area blocked. If there was an emergency we have no other route out but on to Silver Sky and the construction people are never in a hurry to get out of the way.

If you wish to file your protest or support on this request, check the appropriate box below and return this card in an envelope with postage to the Planning & Development Department at the address listed above or fax this side of this card to (702) 385-7268. If you would like to contact your Council Representative, please call (702) 229-6405.

Case: SDR-33010
13828412004
GRENCER SANDRA L
214 STAR CLUSTER CIR
LAS VEGAS NV 89145-3948

☐ I SUPPORT this Request

☒ I OPPOSE this Request

Please use available blank space on card for your comments.

SDR-33010
Planning Commission Meeting of 2/26/2009

89145$3948$0158

25P

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

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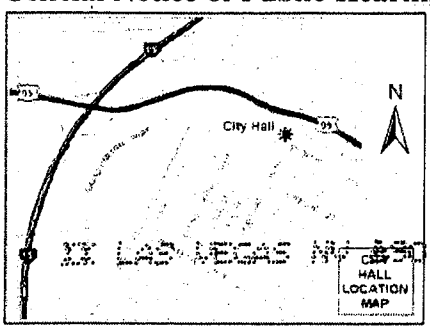

LAS VEGAS NV 02-14-09

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☐ I SUPPORT this Request

☒ I OPPOSE this Request

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SDR-33010

Planning Commission Meeting of 2/26/2009

Case: SDR-33010
13828411024
FRANK JAMES D & EVELYNE E
257 LUCKY STAR ST
LAS VEGAS NV 89145-3927

89145$3927 C053

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FEB 2 2009

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City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

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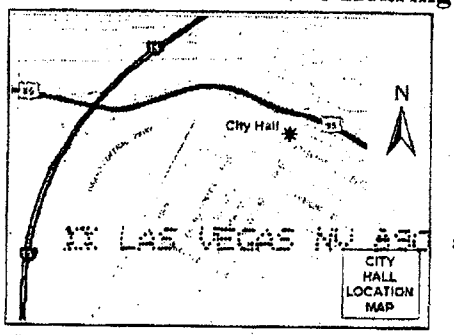

LAS VEGAS NV 890 02-14-09

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☐ I SUPPORT this Request ☒ I OPPOSE this Request

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SDR-33010

Planning Commission Meeting of 2/26/2009

Case: SDR-33010

13828415040
GENTILE MICHELLE
121 EMERALD FOREST ST #201
LAS VEGAS NV 89145-3989

LAVDP11 89145

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City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

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0004239954 MAR 13 2009
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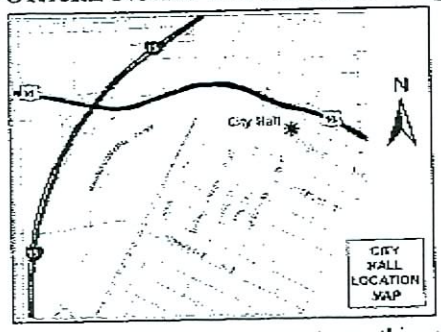

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☐ I SUPPORT this Request ☒ I OPPOSE this Request

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SDR-33010

Planning Commission Meeting of 3/26/2009

Case: SDR-33010
13828411024
FRANK JAMES D & EVELYNE E
257 LUCKY STAR ST
LAS VEGAS NV 89145-3927

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MAR 19 2009

AAVDP11 89145

11

03/14/2009 15:47 7029409956 ART-PODORZER #0058 P.001 /001

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

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0004239954 MAR 13 2009
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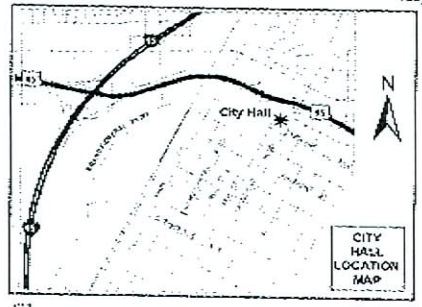

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☐ I SUPPORT this Request

☒ I OPPOSE this Request

Please use available blank space on card for your comments.

SDR-33010

Planning Commission Meeting of 3/26/2009

Case: SDR-33010
13828415053
PODORZER ARTHUR
113 EMERALD FOREST ST #201
LAS VEGAS NV 89145-3984

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MAR 16 2009

89145

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

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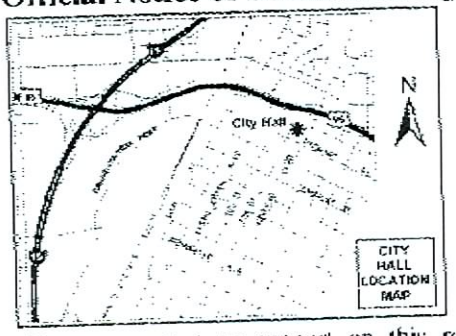
Official Notice of Public Hearing



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☐ I SUPPORT this Request

☒ I OPPOSE this Request

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SDR-33010

Planning Commission Meeting of 3/26/2009

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0804239954 MAR 13 2009
MAILED FROM ZIP CODE 89101

Case: SDR-33010

13828411039
CORONA JOSE RUFO
10022 AMBER FIELD ST
LAS VEGAS NV 89178-8901

AAVDP11 89178

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MAR 16 2009

IIP

FROM :CLIFF BRINK FAX NO. :7028694064 Mar. 15 2009 08:54AM P1

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

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MAR 13 2009
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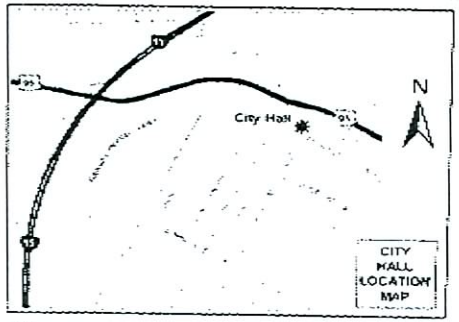

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☐ I SUPPORT this Request

☒ I OPPOSE this Request

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SDR-33010

Planning Commission Meeting of 3/26/2009

13828810014 Case: SDR-33010
BRINK CLIFFORD R & ROCHELLE P
215 N CIMARRON RD
LAS VEGAS NV 89145-3917

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MAR 16 2009
PLANNING DEPARTMENT

AAV0511 89145

Mar. 15 2009 08:38AM P1
FAX NO. : 7025622992
FROM : JohnSarahKim

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

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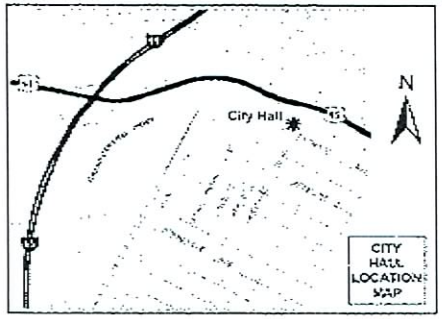
Official Notice of Public Hearing



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☑ I SUPPORT this Request ☐ I OPPOSE this Request

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SDR-33010

Planning Commission Meeting of 3/26/2009

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MAILED FROM ZIP CODE 89101

Case: SDR-33010
13828413017
KIM JOHN J & SARAH S
8224 GOLF PLAYER
LAS VEGAS NV 89145-3964

RECEIVED MAR 16 2009

11A

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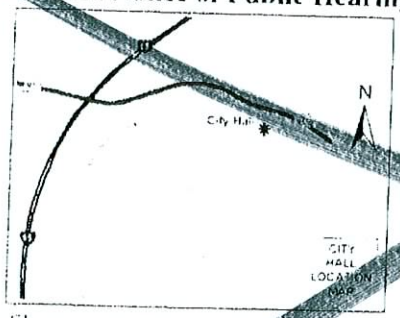
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

Return Service Requested
Official Notice of Public Hearing



If you wish to file your protest or support on this request, check the appropriate box below and return this card in an envelope with postage to the Planning & Development Department at the address listed above or fax this side of this card to (702) 385-7268. If you would like to contact your Council Representative, please call (702) 229-6405.

[X] I SUPPORT this Request [ ] I OPPOSE this Request

Please use available blank space on card for your comments.

ZON-32514 & VAR-33012

Planning Commission Meeting of 3/26/2009

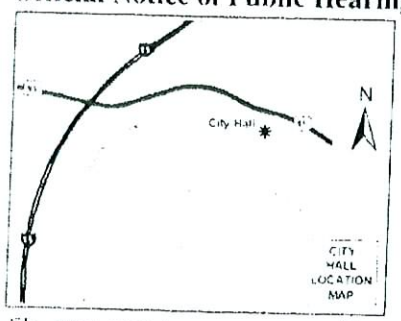
13828412045
ESTERLINE CAROL
7104 CORNFLOWER DR
LAS VEGAS NV 89128-3438

Case: ZON-32514

AAUDP11 A3128

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

Return Service Requested
Official Notice of Public Hearing



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[X] I SUPPORT this Request [ ] I OPPOSE this Request

Please use available blank space on card for your comments.

SDR-33010

Planning Commission Meeting of 3/26/2009

13828412045
ESTERLINE CAROL
7104 CORNFLOWER DR
LAS VEGAS NV 89128-3438

Case: SDR-33010

RECEIVED
MAR 16 2009

AAUDP11 A3128

11A

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

PRESORTED FIRST CLASS

UNITED STATES POSTAGE PITNEY BOWES
02 1M $ 00.39⁴
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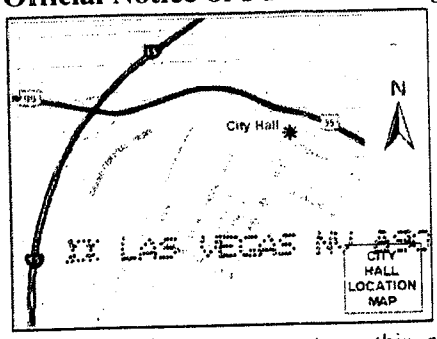
MAILED FROM ZIP CODE 89101

Return Service Requested

Official Notice of Public Hearing



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☑ I SUPPORT this Request ☐ I OPPOSE this Request

Please use available blank space on card for your comments.

SDR-33010

Planning Commission Meeting of 2/26/2009

Case: SDR-33010
13828410020
DAVIS FAMILY TRUST
BOX 50 P M B 140
LAKE ARROWHEAD CA 92352-0000

25A

City of Las Vegas Agenda Item No.: **12.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: MARCH 26, 2009

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

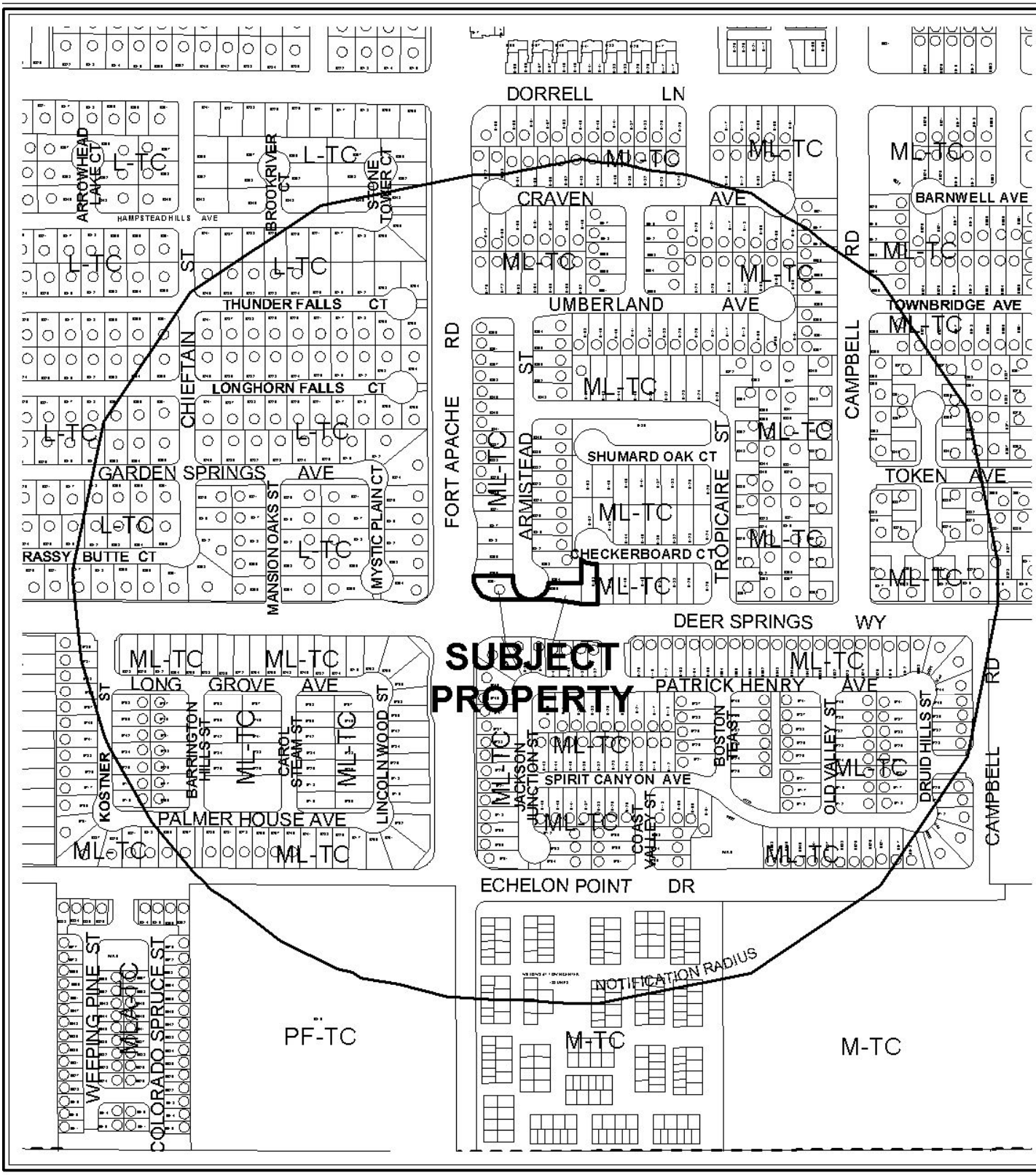
SUBJECT:
ABEYANCE - WVR-32158 - WAIVER - PUBLIC HEARING - APPLICANT: ROYAL CONSTRUCTION - OWNER: SPINNAKER HOMES V LLC - Request for a Waiver of Town Center Development Standards TO ALLOW A FOUR-FOOT SIDEWALK WITHOUT AN AMENITY ZONE ALONG A 40-FOOT AND A 50-FOOT PORTION OF DEER SPRINGS WAY WHERE A FIVE-FOOT SIDEWALK WITH A THREE-FOOT AMENITY ZONE IS REQUIRED on 0.21 acres adjacent to Deer Springs Way, approximately 400 feet east of Fort Apache Road (APNs 125-20-214-040, 041, 059 and 125-20-297-018), T-C (Town Center) Zone [ML-TC (Medium-Low Residential - Town Center) Special Land Use Designation], Ward 6 (Ross)

P.C.: FINAL ACTION (Unless Appealed Within 10 Days)

PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**4**	**Planning Commission Mtg.**	**3**
City Council Meeting	**0**	**City Council Meeting**	**0**

RECOMMENDATION:
DENIAL

BACKUP DOCUMENTATION:
1. Location and Aerial Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Photos
5. Justification Letter
6. Protest/Support Postcards



0 300 600 Feet

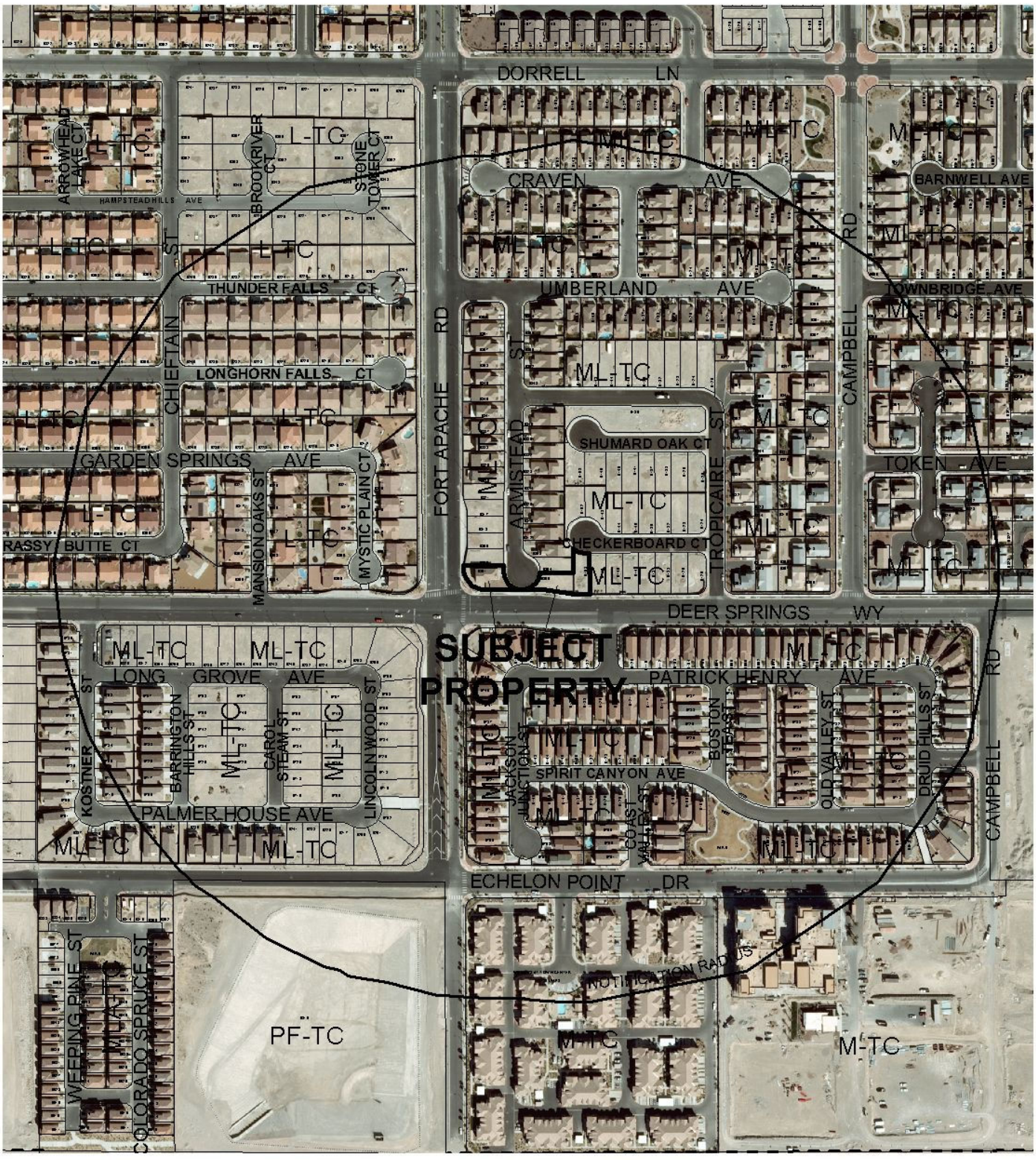
CASE: **WVR-32158**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY:

T-C (TOWN CENTER) ZONE [ML-TC (MEDIUM LOW DENSITY RESIDENTIAL - TOWN CENTER) TOWN CENTER SPECIAL LAND USE DESIGNATION]

N



0 300 600 Feet

CASE: **WVR-32158**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY:

T-C (TOWN CENTER) ZONE [ML-TC (MEDIUM LOW DENSITY RESIDENTIAL - TOWN CENTER) TOWN CENTER SPECIAL LAND USE DESIGNATION]

N

City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: MARCH 26, 2009
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: ABEYANCE - WVR-32158 - APPLICANT: ROYAL CONSTRUCTION - OWNER: SPINNAKER HOMES V LLC

** CONDITIONS **

STAFF RECOMMENDATION: **DENIAL.** If Approved, subject to:

Planning and Development

1. Conformance to the conditions for Rezoning (Z-0048-01) and Site Development Plan Review [Z-0048-01(1)], if approved, except as amended herein.

2. This approval shall be void one year from the date of final approval, unless a business license has been issued to conduct the activity, if required, or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.

3. All development shall be in conformance with the landscape plan date stamped 02/26/09, except as amended by conditions herein.

DC

WVR-32158 - Staff Report Page One
March 26, 2009 - Planning Commission Meeting

** STAFF REPORT **

PROJECT DESCRIPTION

This is a request for a Waiver of the Town Center Development Standards to allow a four-foot sidewalk without an amenity zone along a 40-foot and a 50-foot portion of Deer Springs Way where a five-foot sidewalk with a three-foot amenity zone is required on 0.21 acres adjacent to Deer Springs Way, approximately 400 feet east of Fort Apache Road. The applicant has submitted this request to allow for two segments of existing constructed sidewalk adjacent to Deer Springs Way to remain in their current configurations.

The first 50-foot sidewalk segment, which occurs approximately 150 feet east of Fort Apache Road, was constructed adjacent to Deer Springs Way without an amenity zone to allow for site drainage from the adjacent cul-de-sac to the north, Armistead Street. The second 40-foot sidewalk segment, approximately 400 feet east of Fort Apache Road, was constructed adjacent to Deer Springs Way with a sidewalk that narrows to four feet in width, to allow for an existing utility box and pad to remain in its current configuration.

The applicant has allowed for the utility box, pad and site drainage to be constructed in a manner which is not in conformance with the Town Center Development Standards Manual, the conditions of the approved Rezoning (Z-0048-01) or the conditions of the approved Site Development Plan Review [Z0048-01(1)], all of which were established at a time that preceded any development on the subject parcel. In addition, the applicant has already constructed the sidewalks which are not in conformance with the approved Civil Improvement Plans (#107y4711-4) dated 01/24/07. Staff finds the requested Waiver is not in conformance with the requirements of the Town Center Development Standards Manual, the approved Civil Improvement Plans (#107y4711-4), the approved Rezoning (Z-0048-01) or the approved Site Development Plan Review [Z0048-01(1)]; therefore, denial of this request is recommended.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc.	
01/17/01	The City Council approved a Petition to Annex (A-0003-99) property generally located west of El Capitan Way and east of Hualapai Way between Grand Teton Drive and Rome Avenue, containing approximately 615 acres. The effective date of this Annexation was 01/26/01. The Planning Commission and staff recommended approval of this request.
09/05/01	The City Council approved a Rezoning (Z-0048-01) from U (Undeveloped) [ML-TC (Medium Low - Town Center) and L (Low Density Residential) General Plan Designation] to T-C (Town Center) on approximately 15 acres on the northeast corner of the intersection of Fort Apache Road and Deer Springs Way. The Planning Commission and staff recommended approval of this request.

DC

09/19/01	The City Council approved a Site Development Plan Review [Z0048-01(1)] for a proposed 83-lot Single-Family Residential subdivision on 15 acres on the east side of Fort Apache Road, between Deer Springs Way and Dorrell Lane. The Planning Commission and Staff recommended approval of this request.
09/19/01	The City Council accepted a Withdrawal Without Prejudice for a Variance (V-0060-01) to allow 44,866 square feet of open space where the Town Center Development Standards require 130,680 square feet on the east side of Fort Apache Road, between Deer Springs Way and Dorrell Lane. The Planning Commission and staff recommended approval of this request.
10/04/01	The Planning Commission approved a Variance (V-0067-01) to allow 30,056 square feet of open space where 133,294 square feet is the minimum amount required for an approximately 15.28-acre site, located adjacent to the northeast corner of Fort Apache Road and Deer Springs Way. Staff recommended approval of this request.
10/04/01	The Planning Commission approved a Tentative Map (TM-0039-01) for a 300-lot Single-Family Residential Subdivision on 45.95 acres located adjacent to the northeast corner of Fort Apache Road and Deer Springs Way. Staff recommended approval of this request.
08/05/04	Civil Improvement Plans (#107y4711-4) of the Spinnaker at Town Center Unit 4 Subdivision were submitted to the City of Las Vegas for review. These plans dictated the original civil design of the subject subdivision.
10/11/04	The Planning and Development Department approved a Final Map (FMP-3931) for an 89-lot for Single-Family Residential subdivision on 14.64 acres located adjacent to the southeast corner of Fort Apache Road and Dorrel Lane. The Final Map was recorded on 10/13/04.
01/05/05	The City Council approved a Variance (VAR-5484) to allow a 17-foot front yard setback where 18 feet is required for a proposed residential development on Lot 24 of the Spinnaker at Town Center 1 Unit 4 Subdivision located approximately at the southeast corner of Dorrell Lane and Fort Apache Road. The Planning Commission recommended approval of this request, whereas staff recommended denial.
03/26/06	Civil Improvement Plans (#107y4711-4 First Revision) of the Spinnaker at Town Center Unit 4 Subdivision were submitted to the City of Las Vegas for review. These plans revised the sight visibility zone and retaining walls for lot 73, adjacent to the northwest corner of Deer Springs Way and Tropicaire Street.
01/24/07	Civil Improvement Plans (#107y4711-4 Second Revision) of the Spinnaker at Town Center Unit 4 Subdivision were submitted to the City of Las Vegas for review. These plans were revised to reflect the location of a utility box, located on Deer Springs Way, approximately 400 feet east of Fort Apache Road.

02/12/09	The Planning Commission abeyed a request for a Waiver (WVR-32158) of the Town Center Development Standards to allow a four-foot sidewalk without an amenity zone along a 40-foot and a 50-foot portion of Deer Springs Way where a five-foot sidewalk with a three-foot amenity zone is required on 0.21 acres adjacent to Deer Springs Way, approximately 400 feet east of Fort Apache Road. The applicant requested this abeyance to allow for additional time to coordinate the design of the landscaping of the amenity zones in Deer Springs Way.
03/12/09	The Planning Commission abeyed a request for a Waiver (WVR-32158) of the Town Center Development Standards to allow a four-foot sidewalk without an amenity zone along a 40-foot and a 50-foot portion of Deer Springs Way where a five-foot sidewalk with a three-foot amenity zone is required on 0.21 acres adjacent to Deer Springs Way, approximately 400 feet east of Fort Apache Road. The Planning Commission requested this abeyance to allow the applicant to meet with Nevada Energy regarding the existing utility box on site.
Related Building Permits/Business Licenses	
12/27/04	A building permit (#32836) was issued for a perimeter block wall for s single-family subdivision at 9119 Dorrell Lane. The permit was failed upon inspection by the Planning and Development Department on 04/07/08 and is still open awaiting final approvals.
09/09/05	A building permit (#48728) was issued for interior subdivision walls at 9119 Dorrell Lane. The permit received an inspection on 10/12/07; however this was not a final inspection. The permit is still open awaiting final approvals.
Pre-Application Meeting	
10/21/08	A pre-application meeting was held with the applicant where the requirements for submitting a Waiver application to allow an attached sidewalk adjacent to Deer Springs Way.
Neighborhood Meeting	
A neighborhood meeting was not held, not was one required.	

Field Check	
12/08/08	A field check was performed by staff at the subject property. Staff noted a large utility box and concrete pad located on the north side of Deer Springs Way. An existing concrete sidewalk has been constructed around the utility box, adjacent to Deer Springs Way, without the required amenity zone. To the west of the utility box a second portion of Deer Springs Way has been constructed with an attached sidewalk, adjacent to Armistead Street. The landscape surrounding the community was in average condition; however, a cut-down tree was noted adjacent to Deer Springs Way.

Details of Application Request	
Site Area	
Gross Acres	0.21

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	R.O.W.	R.O.W	R.O.W
North	Single-Family Residences	TC (Town Center)	T-C (Town Center) [ML-TC (Medium Low Residential – Town Center) Special Land Use designation]
South	Single-Family Residences	TC (Town Center)	T-C (Town Center) [ML-TC (Medium Low Residential – Town Center) Special Land Use designation]
East	Single-Family Residences	TC (Town Center)	T-C (Town Center) [ML-TC (Medium Low Residential – Town Center) Special Land Use designation]
West	Single-Family Residences	TC (Town Center)	T-C (Town Center) [L-TC (Low Density Residential – Town Center) Special Land Use designation]

Special Districts/Zones	*Yes*	*No*	*Compliance*
Special Area Plan			
T-C Town Center District	X		N*
Special Districts/Zones	***Yes***	***No***	***Compliance***
Special Purpose and Overlay Districts		X	N/A
T-C Town Center District	X		N*
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

* The applicant has requested this Waiver of the Town Center Development Standards Manual to allow a four-foot sidewalk without an amenity zone along a 40-foot and a 50-foot portion of Deer Springs Way where a five-foot sidewalk with a three-foot amenity zone is required.

DEVELOPMENT STANDARDS

Per the Town Center Development Standards Manual, the following is required:

Streetscape Standards	*Required*	*Provided*	*Compliance*
Town Center Arterial – Deer Springs Way	Five-foot detached sidewalk with a three-foot amenity zone; Large canopy street trees 30 feet on center; Ground cover consisting of a minimum of one-third, five-gallon plant material to reach 75% coverage within three years	Four to five-foot attached sidewalk without an amenity zone; No trees or shrubs have been provided in areas without amenity zones	N

ANALYSIS

This is a request for a Waiver of the Town Center Development Standards to allow a four-foot sidewalk without an amenity zone along a 40-foot and a 50-foot portion of Deer Springs Way where a five-foot sidewalk with a three-foot amenity zone is required on 0.21 acres adjacent to Deer Springs Way, approximately 400 feet east of Fort Apache Road. The applicant has submitted this request to allow for two segments of existing constructed sidewalk adjacent to Deer Springs Way to remain in their current configurations.

The first 50-foot sidewalk segment, which occurs approximately 150 feet east of Fort Apache Road, was constructed adjacent to Deer Springs Way without an amenity zone to allow for site drainage from the adjacent cul-de-sac to the north, Armistead Street. The second 40-foot sidewalk segment, approximately 400 feet east of Fort Apache Road, was constructed adjacent to Deer Springs Way with a sidewalk that narrows to four feet in width, to allow for an existing utility box and pad to remain in its current configuration. This has created gaps in the required streetscape and landscape requirements, which break the patterns established by existing surrounding landscape.

The utility box and pad and the site drainageway were both originally not shown on the approved civil improvement plans (#107y4711-4) dated 08/04/04. The applicant did submit revisions to the City of Las Vegas dated 01/24/07 which detail a utility box and pad located on Deer Springs Way approximately 400 feet east of Fort Apache Road; however these revisions were never submitted to the Planning and Development for approval. Additionally, these revisions do not accurately reflect how the adjacent sidewalk interacts with the utility box and pad, nor do they represent how the sidewalk interacts with the site drainage adjacent to Armistead Street, as both are shown as five-foot wide sidewalks with a three-foot amenity zone adjacent to Deer Springs Way.

The applicant has submitted perimeter landscape plans which reflect conformance with the streetscape requirements of the Town Center Development Standards Manual, with the exception of the areas affected by this Waiver request. For these areas, the applicant has provided additional shrubbery within the amenity zones on the east and west sides of the utility pad, which consist of a 15-gallon Texas Olive shrub and five, five-gallon Texas Rangers shrubs, in order to better screen the utility box as required by Title 19.12.040(E). For the 50-foot portion of sidewalk without an amenity zone adjacent to Deer Springs Way and Armistead Street, the applicant has provided 11, five-gallon shrubs and one 15-gallon Mexican Grass Tree, placed within a three-foot wide planter located behind the sidewalk.

The applicant has allowed for the utility box, pad and site drainageway to be constructed in a manner which is not in conformance with the Town Center Development Standards Manual, the conditions of the approved Rezoning (Z-0048-01) or the conditions of the approved Site Development Plan Review [Z0048-01(1)], all of which were established at a time that preceded any development on the subject parcel. In addition, the applicant has already constructed the sidewalks which are not in conformance with the approved Civil Improvement Plans (#107y4711-4) dated 01/24/07. Staff finds the requested Waiver is not in conformance with the requirements of the Town Center Development Standards Manual, the approved Civil Improvement Plans (#107y4711-4), the approved Rezoning (Z-0048-01) or the approved Site Development Plan Review [Z0048-01(1)]; therefore, denial of this request is recommended.

FINDINGS

No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship due to over-development of the subject site. Alternatively, relocating existing undeveloped lot lines would allow conformance to the Title 19 requirements. In view of the absence of any hardships imposed by the site's physical characteristics, it is concluded that the applicant's hardship is preferential in nature.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 9

ASSEMBLY DISTRICT 13

SENATE DISTRICT 9

NOTICES MAILED 436

APPROVALS 3

PROTESTS 4

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **WVR-32158** APN: 125-20-214-041

Name of Property Owner: SPINNAKER HOMES V L L C

Name of Applicant: Royal Construction

Name of Representative: TCE

To the best of your knowledge, does the Mayor or any member of the City Council or Planning Commission have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company?

☐ **Yes** ☒ **No**

If yes, please indicate the member of the City Council or Planning Commission who is involved and list the name(s) of the person or persons with whom the City Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official: _____

Partner(s): _____

APN: _____

Signature of Property Owner: _____

Print Name: STEPHEN B. KIZENBERG, PRESIDENT

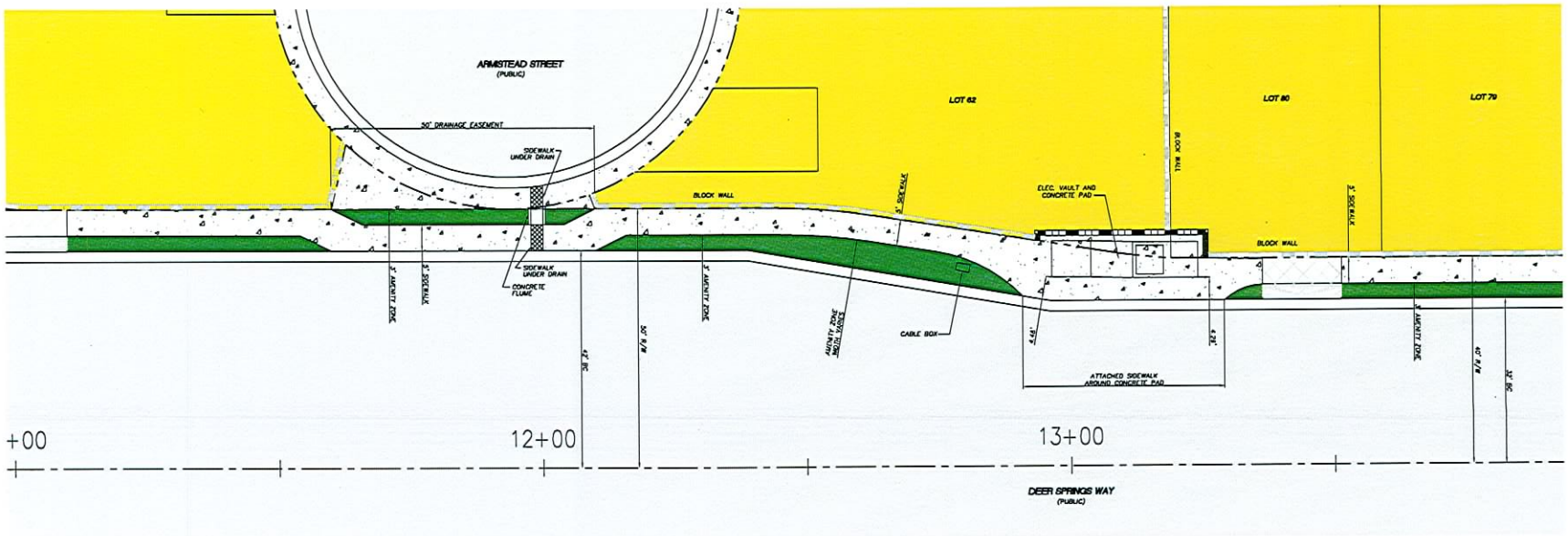
Subscribed and sworn before me

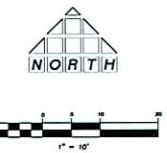
This 22nd day of May, 2008

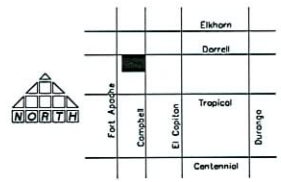
Bonnie Furnell

Notary Public in and for said County and State

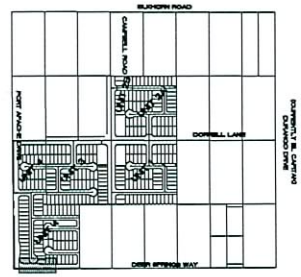
Bonnie Furnell
Notary Public
State of Nevada
Date Appointment Exp: 12-12-2010
Certificate No: 07-1682-1







VICINITY MAP
NOT TO SCALE



KEYMAP
NOT TO SCALE

DRAWN BY:	SCALE:
DESIGNED BY:	BY
CHECKED BY:	BY
COMMENTS ADDRESSED BY:	
PROJECT NO.	011.06008

NO.	DATE	BY
REVISION		

THOMASON CONSULTING ENGINEERS
1327 E. WARM SPRINGS ROAD, SUITE 400
LAS VEGAS, NEVADA 89120
702-932-8125 FAX: 702-932-8123

ROYAL CONSTRUCTION
431 W. CHEYENNE AVENUE, SUITE 105 LAS VEGAS, NV 89032
PH: (702) 873-7773 FAX: (702) 873-7778

SPINNAKER • TOWNCENTER - UNIT 4
SIDEWALK EXHIBIT

SHEET 1
1 OF 1
DRAWING NO.

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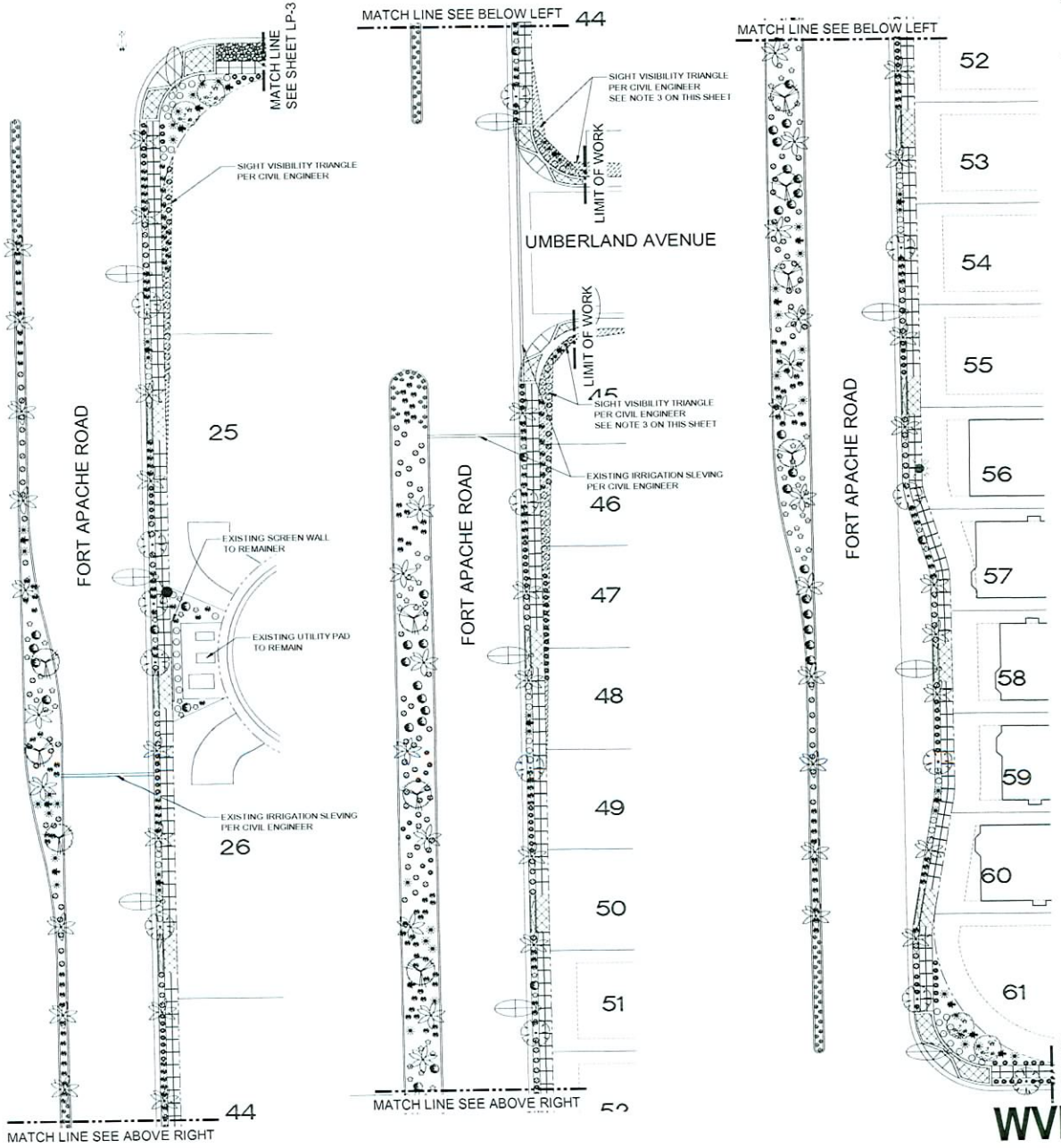
NOV 25 2008

WVR-32158
01/08/09 PC



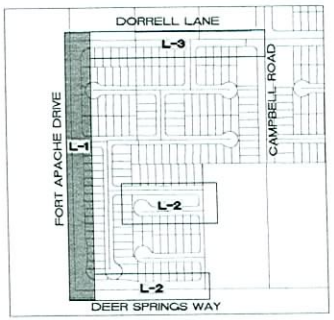
PLANTING LEGEND:

SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	QTY
TREES:				
	CHITALPA TASKENTENSIS 'PINK DAWN'	PINK DAWN CHITALPA	36" BOX	4
	FRAXINUS VELUTINA 'RIO GRANDE'	FAN-TEX ASH (VERIFY EXISTING TREES & LOCATION; RELOCATE AS NEEDED)	36" BOX	14
	ROBINIA AMBIGUA 'PURPLE ROBE'	PURPLE ROBE LOCUST	36" BOX	10
	WASHINGTONIA ROBUSTA	MEXICAN FAN PALM	25 BTH	52
SHRUBS:				
	CORDIA BOISSIERI	TEXAS OLIVE	15 GAL	1
	DASYLIRION LONGISSIMUM	MEXICAN GRASS TREE	15 GAL	48
	HESPERALOE PARVIFLORA	RED YUCCA	5 GAL	78
	LANTANA MONTEVIDENSIS	TRAILING LANTANA	5 GAL	99
	LEUCOPHYLLUM FRUTESCENS 'GREEN CLOUD'	GREEN CLOUD TEXAS RANGER	5 GAL	40
	MUHLENBERGIA RIGENS	DEER GRASS	5 GAL	49
	MYRTUS COMMUNIS 'COMPACTA'	DWARF MYRTLE	5 GAL	217
	ROSMARINUS OFFICINALIS 'TUSCAN BLUE'	UPRIGHT ROSEMARY	5 GAL	186
	SALVIA NEMOROSA 'OSTFRIESLAND'	PURPLE SPIKE SAGE	1 GAL	94
	TEUCRIUM CHAMAEDRYS	GERMANDER	5 GAL	117

NOTES:
1. ALL PLANTING AREAS TO RECEIVE MOJAVE GOLD DECOMPOSED GRANITE COBBLE; SIZE 3" TO 5" AT 6" DEPTH
2. REMOVE ONLY DEAD LEAVES, LIMBS AND FRONDS FROM PLANTS; DO NOT PRUNE OR SHAPE. CONTRACTOR WILL BE RESPONSIBLE FOR REPLACING ANY AND ALL PLANTS DEEMED NOT ACCEPTABLE BY LANDSCAPE ARCHITECT.
3. SIGHT VISIBILITY RESTRICTIONS WILL MAKE IMPOSSIBLE TO FULFILL THE TOWN CENTER STANDARDS FOR CORNER CONDITIONS; NO ACCENT TREE WILL BE PLACED AT THE FOLLOWING LOCATIONS: FORT APACHE & UMBERLAND CORNERS AND DEER SPRINGS& TROPICAIRE CORNER.
4. 18" THICK RIP-RAP INSTALLATION ALONG DORRELL LANE PER TOWN CENTER DEVELOPMENT ELIMINATES THE POSSIBILITY OF ANY SHRUB INSTALLATION.
5. CONTRACTOR TO VERIFY LOCATION OF EXISTING LANDSCAPE AND RELOCATE ACCORDING TO PLAN.

RECEIVED
FEB 26 2009

GRAPHIC SCALE



KEY MAP
NOT TO SCALE

WVR-32158
03/12/09 PC
REVISED

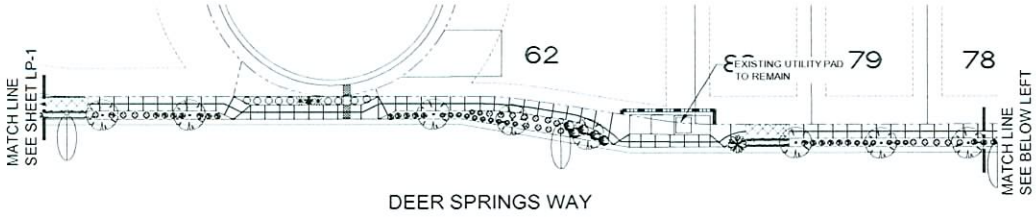
Studio VBM, LLC
Land Planning | Landscape Architecture
10678 Res Town Bld #260
Las Vegas, Nevada 89135
T 702.395.1544
F 702.255.5466
www.vbmlv.com

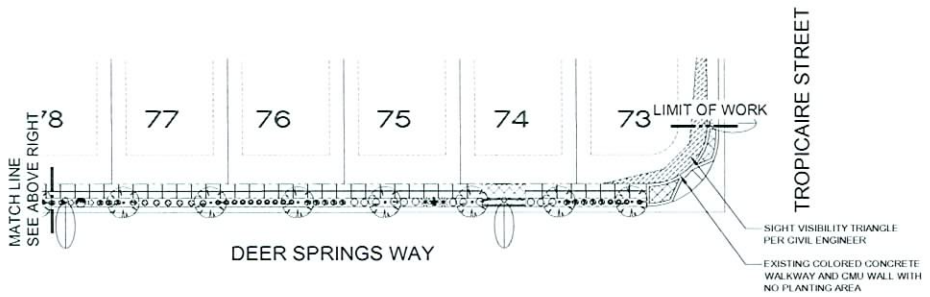
SPINNAKER HOMES
AT TOWN CENTER
NORTH LAS VEGAS, NEVADA 89119

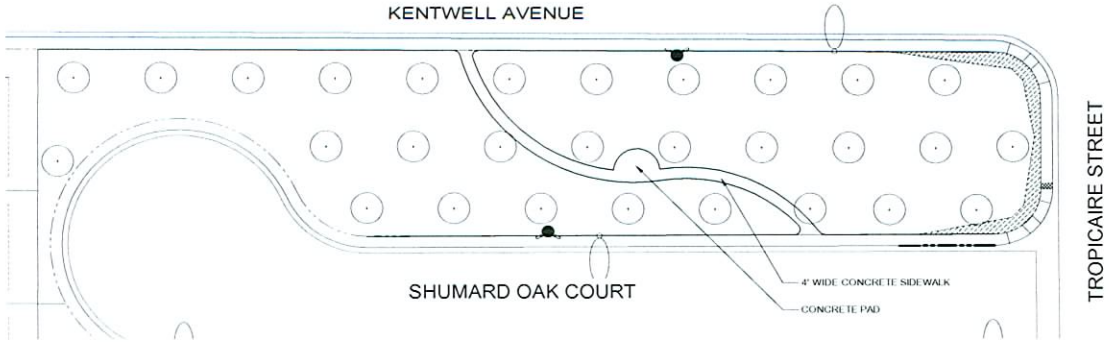
SHEET TITLE: PLANTING PLAN

PROJECT #	VBM 856
PREPARED BY	HV
REVIEWED BY	JV
DATE	1-27-09
SHEET #	LP-1

SUBMITTAL SET







WVR-32158
03/12/09 PC
REVISED

PLANTING LEGEND:

SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	QTY
TREES:				
	CHITALPA TASKENTENSIS 'PINK DAWN'	PINK DAWN CHITALPA	36" BOX	0
	EXISTING TREE RELOCATED FROM OTHER AREAS WITHIN THE PROJECT			29
	FRAXINUS VELUTINA 'RIO GRANDE'	FAN-TEX ASH (VERIFY EXISTING TREES & LOCATION; RELOCATE AS NEEDED)	36" BOX	15
	ROBINIA AMBIGUA 'PURPLE ROBE'	PURPLE ROBE LOCUST	36" BOX	0
	WASHINGTONIA ROBUSTA	MEXICAN FAN PALM	25 BTH	0
SHRUBS:				
	CORDIA BOISSIERI	TEXAS OLIVE	15 GAL	1
	DASYLIRION LONGISSIMUM	MEXICAN GRASS TREE	15 GAL	2
	HESPERALOE PARVIFLORA	RED YUCCA	5 GAL	2
	LANTANA MONTEVIDENSIS	TRAILING LANTANA	5 GAL	21
	LEUCOPHYLLUM FRUTESCENS 'GREEN CLOUD'	GREEN CLOUD TEXAS RANGER	5 GAL	6
	MUHLENBERGIA RIGENS	DEER GRASS	5 GAL	4
	MYRTUS COMMUNIS 'COMPACTA'	DWARF MYRTLE	5 GAL	34
	ROSMARINUS OFFICINALIS 'TUSCAN BLUE'	UPRIGHT ROSEMARY	5 GAL	28
	SALVIA NEMOROSA 'OSTFRIESLAND'	PURPLE SPIKE SAGE	1 GAL	0
	TEUCRIUM CHAMAEDRYS	GERMANDER	5 GAL	32

NOTES:
1. ALL PLANTING AREAS TO RECEIVE MOJAVE GOLD DECOMPOSED GRANITE COBBLE; SIZE 3" TO 5" AT 6" DEPTH
2. REMOVE ONLY DEAD LEAVES, LIMBS AND FRONDS FROM PLANTS; DO NOT PRUNE OR SHAPE. CONTRACTOR WILL BE RESPONSIBLE FOR REPLACING ANY AND ALL PLANTS DEEMED NOT ACCEPTABLE BY LANDSCAPE ARCHITECT.
3. SIGHT VISIBILITY RESTRICTIONS WILL MAKE IMPOSSIBLE TO FULFILL THE TOWN CENTER STANDARDS FOR CORNER CONDITIONS; NO ACCENT TREE WILL BE PLACED AT THE FOLLOWING LOCATIONS: FORT APACHE & UMBERLAND CORNERS AND DEER SPRINGS& TROPICAIRE CORNER.
4. 16" THICK RIP-RAP INSTALLATION ALONG DORRELL LANE PER TOWN CENTER DEVELOPMENT ELIMINATES THE POSSIBILITY OF ANY SHRUB INSTALLATION.
5. CONTRACTOR TO VERIFY LOCATION OF EXISTING LANDSCAPE AND RELOCATE ACCORDING TO PLAN.

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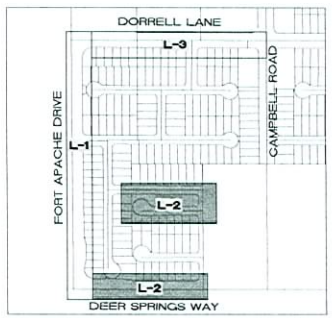
FEB 26 2009



KEY MAP

NOT TO SCALE

STUDIO VBM, LLC
Land Planning | Landscape Architecture
1601 S. Rainbow Blvd. Suite 250
Las Vegas, Nevada 89146
T 702 358 1044
F 702 255 0456
www.vbmlv.com

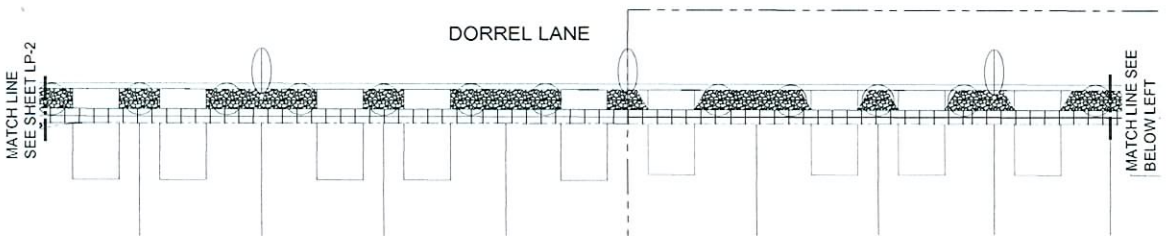
DELTA	DATE	DESCRIPTION

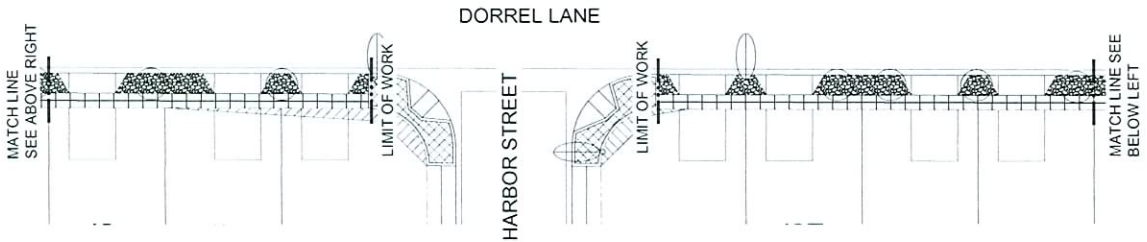
SPINNAKER HOMES
AT TOWN CENTER
NORTH LAS VEGAS, NEVADA 89119

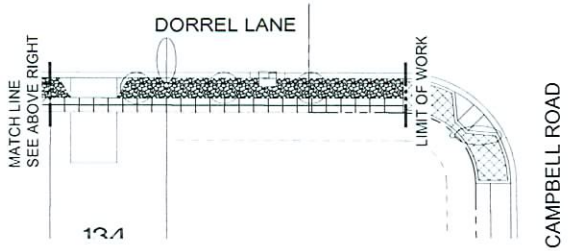
SHEET TITLE
PLANTING PLAN

PROJECT #	VBM 858
PREPARED BY	HV
REVIEWED BY	JV
DATE	1-27-09
SHEET #	LP-2

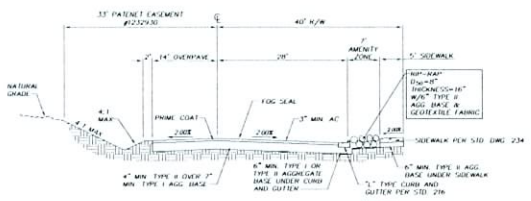
SUBMITTAL SET







RIP-RAP; SEE DETAIL BELOW; PER CIVIL ENGINEER



A DORRELL LANE
60' TOWNCENTER RESIDENTIAL COLLECTOR
PER TOWN CENTER DEVELOPMENT STANDARDS
NOT TO SCALE

WVR-32158
03/12/09 PC
REVISED

PLANTING LEGEND:

SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	QTY
TREES:				
	CHITALPA TASKENTENSIS 'PINK DAWN'	PINK DAWN CHITALPA	36" BOX	0
	EXISTING TREE TO REMAIN			21
	FRAXINUS VELUTINA 'RIO GRANDE'	FAN-TEX ASH (VERIFY EXISTING TREES & LOCATION RELOCATE AS NEEDED)	36" BOX	0
	ROBINIA AMBIGUA 'PURPLE ROBE'	PURPLE ROBE LOCUST	36" BOX	0
	WASHINGTONIA ROBUSTA	MEXICAN FAN PALM	25 BTH	0
SHRUBS:				
	CORDIA BOISSIERI	TEXAS OLIVE	15 GAL	0
	DASYLIRION LONGISSIMUM	MEXICAN GRASS TREE	15 GAL	0
	HESPERALOE PARVIFLORA	RED YUCCA	5 GAL	0
	LANTANA MONTEVIDENSIS	TRAILING LANTANA	5 GAL	0
	LEUCOPHYLLUM FRUTESCENS 'GREEN CLOUD'	GREEN CLOUD TEXAS RANGER	5 GAL	0
	MUHLENBERGIA RIGENS	DEER GRASS	5 GAL	0
	MYRTUS COMMUNIS 'COMPACTA'	DWARF MYRTLE	5 GAL	0
	ROSMARINUS OFFICINALIS 'TUSCAN BLUE'	UPRIGHT ROSEMARY	5 GAL	0
	SALVIA NEMOROSA 'OSTFRIESLAND'	PURPLE SPIKE SAGE	1 GAL	0
	TEUCRIUM CHAMAEDRYS	GERMANDER	5 GAL	0

NOTES:
1. **ALL PLANTING AREAS TO RECEIVE MOJAVE GOLD DECOMPOSED GRANITE COBBLE; SIZE 3" TO 5" AT 6" DEPTH**
2. **REMOVE ONLY DEAD LEAVES, LIMBS AND FRONDS FROM PLANTS; DO NOT PRUNE OR SHAPE. CONTRACTOR WILL BE RESPONSIBLE FOR REPLACING ANY AND ALL PLANTS DEEMED NOT ACCEPTABLE BY LANDSCAPE ARCHITECT.**
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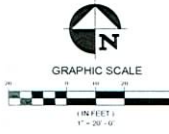
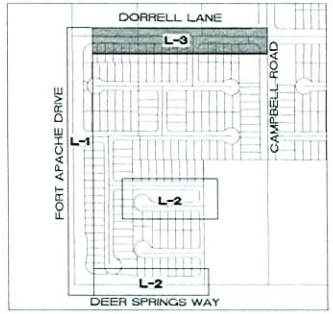
4. **16" THICK RIP-RAP INSTALLATION ALONG DORRELL LANE PER TOWN CENTER DEVELOPMENT ELIMINATES THE POSSIBILITY OF ANY SHRUB INSTALLATION.**
5. **CONTRACTOR TO VERIFY LOCATION OF EXISTING LANDSCAPE AND RELOCATE ACCORDING TO PLAN.**

RECEIVED
FEB 26 2009





KEY MAP
NOT TO SCALE

STUDIO VBM, LLC
Land Planning • Landscape Architecture
1501 S. Rainbow Blvd. Suite 250
Las Vegas, Nevada 89146
T 702.255.0450
F 702.255.0456
www.vbmllc.com

SPINNAKER HOMES
AT TOWN CENTER
NORTH LAS VEGAS, NEVADA 89119

SHEET TITLE
PLANTING PLAN

PROJECT #	VBM 856
PREPARED BY	HV
REVIEWED BY	JV
DATE	1-27-09
SHEET #	LP-3

SUBMITTAL SET

WVR-32158 - APPLICANT: ROYAL CONSTRUCTION - OWNER: SPINNAKER HOMES V LLC
ADJACENT TO DEER SPRINGS WAY, EAST OF FORT APACHE ROAD
MARCH 26, 2009 PLANNING COMMISSION

12/04/08

WVR-32158 - APPLICANT: ROYAL CONSTRUCTION - OWNER: SPINNAKER HOMES V LLC
ADJACENT TO DEER SPRINGS WAY, EAST OF FORT APACHE ROAD
MARCH 26, 2009 PLANNING COMMISSION

12/04/08

WVR-32158 - APPLICANT: ROYAL CONSTRUCTION - OWNER: SPINNAKER HOMES V LLC
ADJACENT TO DEER SPRINGS WAY, EAST OF FORT APACHE ROAD
MARCH 26, 2009 PLANNING COMMISSION

12/04/08

WVR-32158 - APPLICANT: ROYAL CONSTRUCTION - OWNER: SPINNAKER HOMES V LLC
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MARCH 26, 2009 PLANNING COMMISSION

12/04/08

WVR-32158 - APPLICANT: ROYAL CONSTRUCTION - OWNER: SPINNAKER HOMES V LLC
ADJACENT TO DEER SPRINGS WAY, EAST OF FORT APACHE ROAD
MARCH 26, 2009 PLANNING COMMISSION

12/04/08

WVR-32158 - APPLICANT: ROYAL CONSTRUCTION - OWNER: SPINNAKER HOMES V LLC
ADJACENT TO DEER SPRINGS WAY, EAST OF FORT APACHE ROAD
MARCH 26, 2009 PLANNING COMMISSION

12/04/08

THOMASON
CONSULTING
ENGINEERS

October 9, 2008

City of Las Vegas
Planning & Development
731 S. 4th Street
Las Vegas, NV 89101

Reference: Spinnaker at Towncenter I unit 4
Major Modification to an approved SDR

On behalf of Royal Construction, we respectfully request your consideration for a Major Modification to an approved SDR and a waiver from Towncenter Standards.

Location: The proposed site is located on Fort Apache Road and Deer Springs Way within Section 20 Township 19south Range 60east

Request: This letter is to request a Major Modification to an approved SDR for the Spinnaker at Towncenter I unit 4 project and a waiver from the City of Las Vegas Town Center Standards for a detached sidewalk on an 80 foot secondary collector. This Major Modification to an approved SDR is requested to allow an existing Nevada Power equipment pad that was located in the Deer Springs Way alignment prior to the adoption of the Town Center Standards by the City of Las Vegas to be partially visible from the right-of-way. Due to the location of the existing power equipment pad, the sidewalk was attached to the back of curb adjacent to the pad, thus eliminating the landscape area needed to screen the equipment pad from the right-of-way. The request for a waiver from Towncenter Standards is to allow approximately 40 feet of sidewalk to be attached to the back of curb due to an existing Nevada Power equipment pad that was located in the Deer Springs Way alignment prior to the adoption of the Town Center Standards by the City of Las Vegas and to allow approximately 50 feet of sidewalk to be attached to the back of curb along a drainage easement and for the landscaped amenity zone to be located behind the sidewalk to allow for a grade difference in the drainage easement. The improvement plans for Spinnaker Village 1 Unit 4 were revised to show the attached sidewalk and the modified left turn lane due to the location of the Nevada Power equipment in January of 2007. This revision was approved by the city of Las Vegas on 1/29/07.

If you need additional information or have any questions, please feel free to call me at 932-6125

Sincerely,

Sonia Macias
Project Coordinator

3277 East Warm Springs Road, Suite 400
Las Vegas, Nevada 89120
Phone (702) 932-6125 • Fax (702) 932-6129

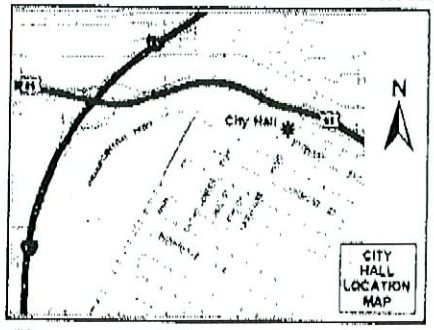
WVR-32158
01/08/09 PC

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

PRESORTED FIRST CLASS

UNITED STATES POSTAGE
$ 00.39
0004239954 DEC 26 2008
MAILED FROM ZIP CODE 89101

Return Service Requested
Official Notice of Public Hearing



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DEC 30 2008

Too large ya mjk
Street to have
Small sidewalks
Kids in the area
Kim Morantes

If you wish to file your protest or support on this request, check the appropriate box below and return this card in an envelope with postage to the Planning & Development Department at the address listed above or fax this side of this card to (702) 385-7268. If you would like to contact your Council Representative, please call (702) 229-6405.

☐ I SUPPORT this Request

☒ I OPPOSE this Request

Please use available blank space on card for your comments.

WVR-32158

Planning Commission Meeting of 1/8/2009

12/28/08

12520310025 Case: WVR-32158
MORANTES FAMILY TRUST
8656 CACTUS CREEK DR
LAS VEGAS NV 89129-2205

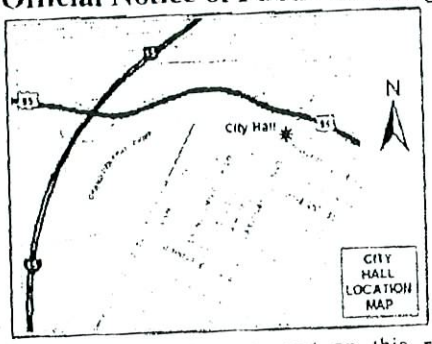
JAVDS11 89129

#41
P

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

Return Service Requested

Official Notice of Public Hearing



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☐ I SUPPORT this Request

☒ I OPPOSE this Request

Please use available blank space on card for your comments.

WVR-32158

Planning Commission Meeting of 1/8/2009

Case: WVR-32158

12519610111
HEVLE SCOTT
9317 GRASSY BUTTE CT
LAS VEGAS NV 89149-0113

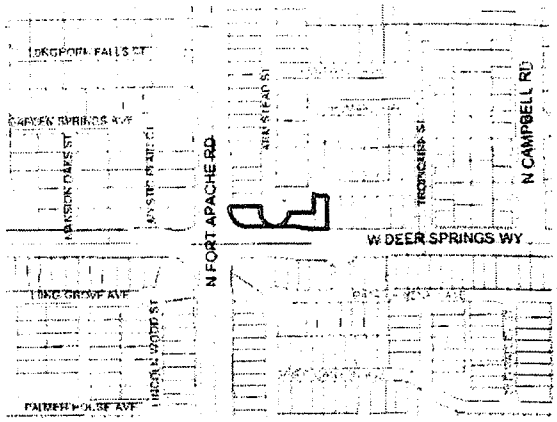
#41
P

Application Information

WVR-32158 - WAIVER - PUBLIC HEARING - APPLICANT: ROYAL CONSTRUCTION - OWNER: SPINNAKER HOMES V LLC - Request for a Waiver of Town Center Development Standards TO ALLOW A FOUR-FOOT SIDEWALK WITHOUT AN AMENITY ZONE ALONG A 40-FOOT AND A 50-FOOT PORTION OF DEER SPRINGS WAY WHERE A FIVE-FOOT SIDEWALK WITH A THREE-FOOT AMENITY ZONE IS REQUIRED on 0.21 acres adjacent to Deer Springs Way, approximately 400 feet east of Fort Apache Road (APNs 125-20-214-040, 041, 059 and 125-20-297-018), T-C (Town Center) Zone [ML-TC (Medium-Low Residential - Town Center) Special Land Use Designation], Ward 6 (Ross)

I oppose. Why should this be any different than the rest of the areas?

Application Location



The proposed project may not pertain to the entire highlighted project site.

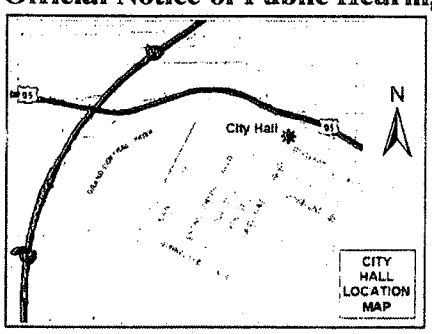
Public Hearing Information

Meeting:	Planning Commission
Date:	***January 08, 2009***
Time:	6:00 P.M.
Location:	City Council Chambers 400 Stewart Avenue Las Vegas, Nevada

Any and all interested persons may appear before the City Planning Commission either in person or by representative and object to or express approval of this request; or may, prior to this meeting, file a written objection thereto or approval thereof with the Planning and Development Department, Development Services Center, 731 South Fourth Street, Las Vegas, Nevada 89101. Final Action on General Plan Amendments and Rezonings will be determined by the City Council. Other public hearing items may be deemed Final Action by the Planning Commission or forwarded to the City Council. The date of the City Council meeting, if applicable, will be announced at the Planning Commission meeting after the discussion of the item. You may not receive an additional notice for the City Council meeting. For further information, please call (702) 229-6301 (TDD 386-9108) http://www.lasvegasnevada.gov.

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

Return Service Requested
Official Notice of Public Hearing



If you wish to file your protest or support on this request, check the appropriate box below and return this card in an envelope with postage to the Planning & Development Department at the address listed above or fax this side of this card to (702) 385-7268. If you would like to contact your Council Representative, please call (702) 229-6405.

☐ I SUPPORT this Request ☒ I OPPOSE this Request

Please use available blank space on card for your comments.

WVR-32158
Planning Commission Meeting of 1/8/2009

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JAN 05 2009

Case: WVR-32158
12520310039
HETZEL JAMES
909 S SPRING MEADOW DR
WEST COVINA CA 91791-3441

Submitted after final agenda
Date P Item 41

1-8-09 41

JAV0511 31751

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

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DEC 26 2008

MAILED FROM ZIPCODE 89101

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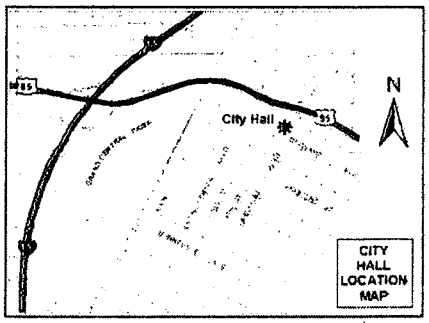

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☐ I SUPPORT this Request

☒ I OPPOSE this Request

Please use available blank space on card for your comments.

WVR-32158

Planning Commission Meeting of 1/8/2009

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JAN 02 2009

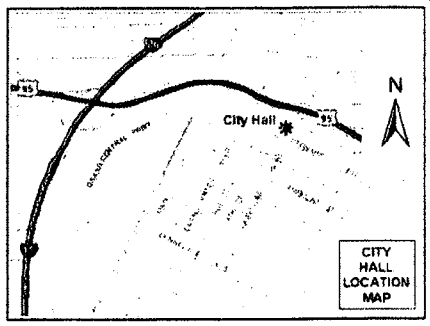
Case: WVR-32158
12519614052
HEARDMANN KENNETH E & CAROL A
9229 THUNDER FALLS CT
LAS VEGAS NV 89149-1673

Submitted after final agenda

Date 1/8 Item 41

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

Return Service Requested
Official Notice of Public Hearing



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[X] I SUPPORT this Request [ ] I OPPOSE this Request

Please use available blank space on card for your comments.

WVR-32158

Planning Commission Meeting of 1/8/2009

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JAN 02 2009

Case: WVR-32158
12520313054
TOWNE VISTAS L L C
4511 W CHEYENNE AVE #105
NO LAS VEGAS NV 89032-2439

JAVDS11 89032

Submitted after final agenda
Date A Item 41

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

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UNITED STATES POSTAGE PITNEY BOWES

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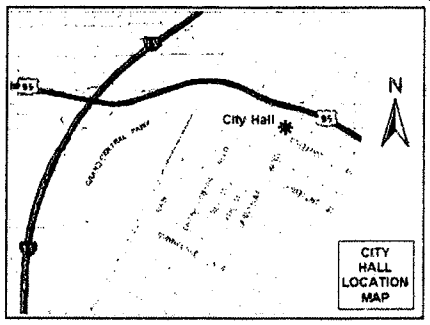
0004239954 DEC 26 2008
MAILED FROM ZIPCODE 89101

Return Service Requested
Official Notice of Public Hearing



RECEIVED
JAN 02 2009

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Case: WVR-32158
12520214084
AIZENBERG STEPHEN B
4511 W CHEYENNE AVE #105
NO LAS VEGAS NV 89032-2439

☒ I SUPPORT this Request ☐ I OPPOSE this Request

Please use available blank space on card for your comments.

WVR-32158
Planning Commission Meeting of 1/8/2009

JAV0511 A8032

Submitted after final agenda
Date A Item 41

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

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UNITED STATES POSTAGE

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DEC 26 2008
MAILED FROM ZIP CODE 89101

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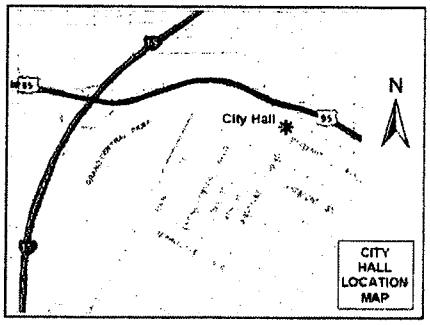
Official Notice of Public Hearing



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[X] I SUPPORT this Request

[ ] I OPPOSE this Request

Please use available blank space on card for your comments.

WVR-32158

Planning Commission Meeting of 1/8/2009

RECEIVED
JAN 02 2009

Case: WVR-32158

12520301006
SPINNAKER HOMES V L L C
4511 W CHEYENNE AVE #105
NO LAS VEGAS NV 89032-2439

JAV0511 89032

Submitted after final agenda

Date A Item 41

City of Las Vegas Agenda Item No.: **13.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: MARCH 26, 2009

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

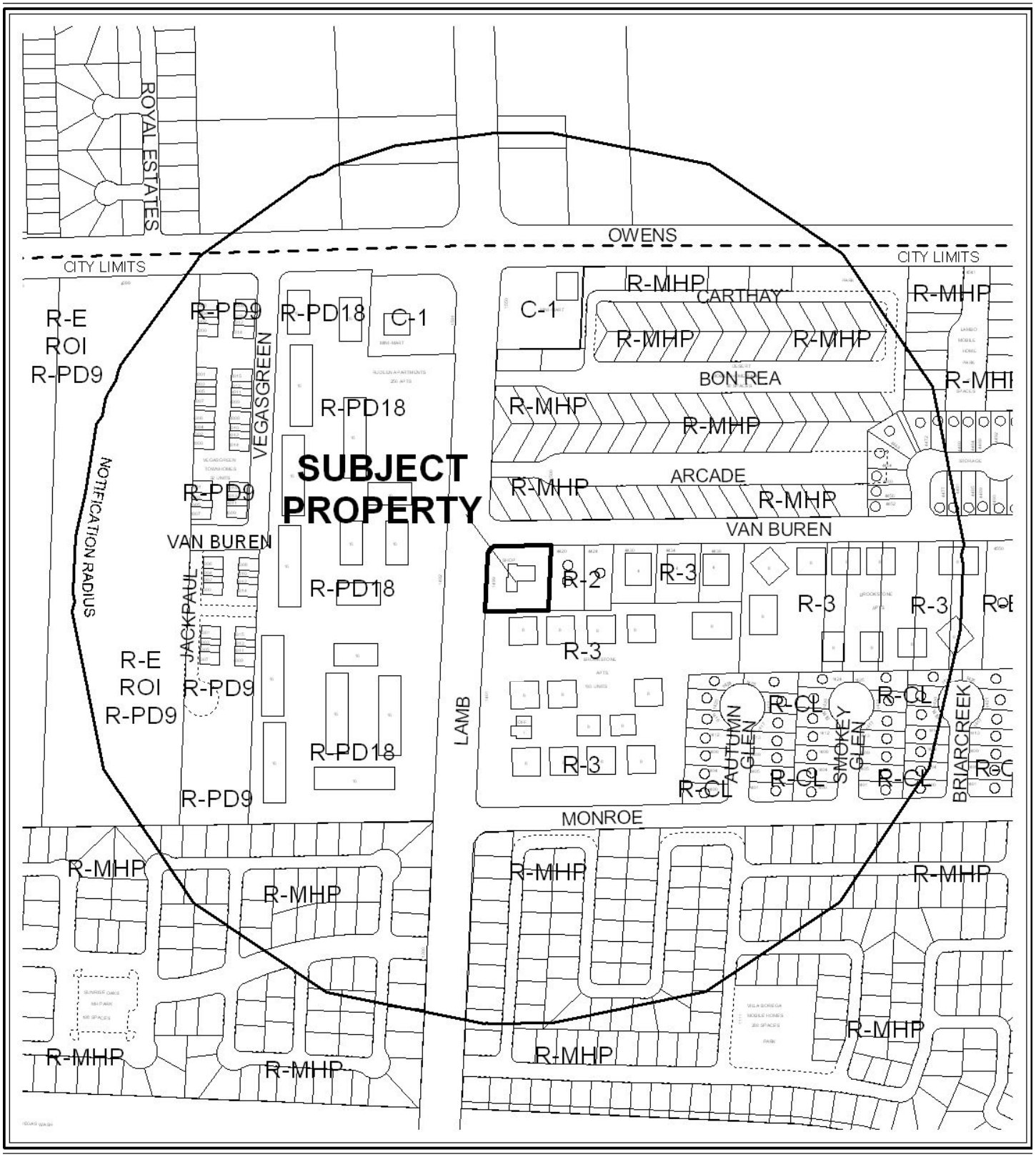
SUBJECT:
ABEYANCE - RENOTIFICATION - VAR-32873 - VARIANCE - PUBLIC HEARING - APPLICANT/OWNER: ANTONIO AND CRISTINA SOSA - Request for a Variance TO ALLOW 16 PARKING SPACES WHERE 24 ARE REQUIRED FOR THE CONVERSION OF 500 SQUARE FEET OF OFFICE TO A RESTAURANT USE on 0.56 acres at 1499 North Lamb Boulevard (APN 140-29-101-006), N-S (Neighborhood Service) Zone, Ward 3 (Reese)

C.C.: 05/06/2009

PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**2**	**Planning Commission Mtg.**	**2**
City Council Meeting	**0**	**City Council Meeting**	**0**

RECOMMENDATION:
DENIAL

BACKUP DOCUMENTATION:
1. Location and Aerial Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Photos
5. Justification Letter
6. Protest/Support Postcards



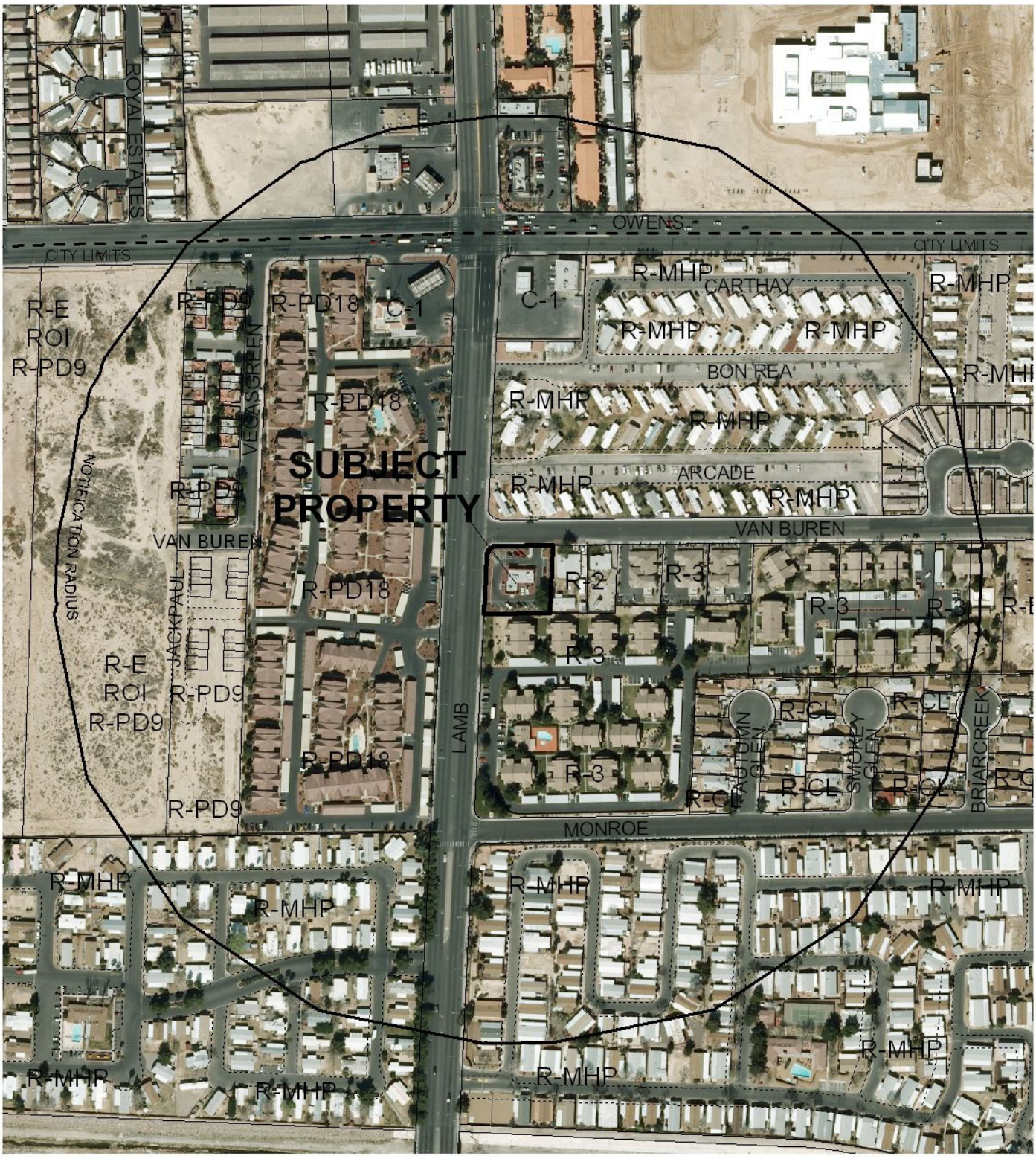
CASE: **VAR-32873**

RADIUS: 1000 FT

0 500 Feet

ZONING OF SUBJECT PROPERTY: N-S (NEIGHBORHOOD SERVICE)

N



CASE: VAR-32873

RADIUS: 1000 FT

0 500 Feet

ZONING OF SUBJECT PROPERTY: N-S (NEIGHBORHOOD SERVICE)

N

City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: MARCH 26, 2009
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: ABEYANCE - RENOTIFICATION - VAR-32873 -
APPLICANT/OWNER: ANTONIO AND CRISTINA SOSA

** CONDITIONS **

STAFF RECOMMENDATION: **DENIAL.** If Approved, subject to:

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Rezoning (ZON-9895) and Site Development Plan Review (SDR-9894) shall be required, if approved.

2. This approval shall be void one year from the date of final approval, unless a business license has been issued to conduct the activity, if required, or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.

VAR-32873 - Staff Report Page One
March 26, 2009 - Planning Commission Meeting

** STAFF REPORT **

PROJECT DESCRIPTION

This is a request for a Variance to allow 16 parking spaces where 24 are required for the conversion of 500 square feet of Office to a Restaurant use on 0.56 acres at 1499 North Lamb Boulevard. This represents a 33.3% deviation from the standard. The proposed conversion of 500 square feet of Office to a Restaurant use represents a significant increase in the amount of required parking. Staff finds that this request is the result of a self-imposed hardship as the applicant is proposing a new use which is too intense for the subject site; therefore, denial of this request is recommended.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc.	
07/28/83	The Board of Zoning Adjustment approved a request for a Variance (V-0069-83) to allow a Child Care Facility with a maximum of 40 children at 4400 East Van Buren Avenue.
09/22/83	The Board of Zoning Adjustment approved a Review of Condition [V-0069-83(1)] to delete Condition #4 of an approved Variance which requires a sprinkler system for landscaping at 4400 East Van Buren Avenue.
09/22/88	The Board of Zoning Adjustment approved a Variance (V-0114-88) to change the legal frontage of the property from Van Buren Avenue to Lamb Avenue and a Plot Plan Review [V-0114-88(1)] for a proposed building addition located at 4400 East Van Buren Avenue.
11/20/90	The Board of Zoning Adjustment approved a Review of Condition [V-0114-88 (2)] to reduce required parking on property located at 1499 North lamb Boulevard.
02/01/06	The City Council approved a request for a Rezoning (ZON-9895) from R-E (Residence Estates) to N-S (Neighborhood Service) and a Site Development Plan Review (SDR-9894) for an existing 1,929 square-foot commercial building and a Waiver to allow a trash enclosure eight feet from a residential property line where 50 feet is the minimum distance allowed at 1499 North Lamb Boulevard. The Planning Commission and staff recommended approval of these requests.
03/12/09	The Planning Commission abeyed a request for a for a Variance (VAR-32873) to allow 16 parking spaces where 24 are required for the conversion of 500 square feet of Office to a Restaurant use on 0.56 acres at 1499 North Lamb Boulevard.. The abeyance was granted to allow for individual residences within a neighboring mobile home park to be notified of this request.

Related Building Permits/Business Licenses	
c. 1957	A single-family residence was constructed on the subject property.
08/25/06	A building permit (#06005527) was issued for a tenant improvement at 1499 North Lamb Boulevard, consisting of both suites on-site. The permit received final approval 04/11/07.

08/25/06	A building permit (#06005526) was issued for a façade addition at 1499 North Lamb Boulevard. The permit received final approval 03/23/07.
12/13/06	A building permit (#06007356) was issued for a trash enclosure with roof. The permit received final approval on 04/04/07.
12/13/06	A building permit (#06007355) was issued for onsite improvements and hardscapes at 1499 North Lamb Boulevard. The permit expired 09/29/07 without receiving final approval.
02/15/07	A building permit (#07000621) was issued for a sign at 1499 North Lamb Boulevard. The permit received final approval on 02/23/07.
04/27/07	A business license (#C07-03683) was issued for a clothing store at 1499 North Lamb Boulevard Suite #110. The license was marked out on 06/27/07.
05/03/07	A business license (#B05-03402) was issued for a two-station nail salon at 1499 North Lamb Boulevard Suite #120. The license is still active.
05/03/07	A business license (#B08-01189) was issued for beauty product sales at 1499 North Lamb Boulevard Suite #120. The license is still active.
05/04/07	A business license (#B05-03044) was issued for a six-chair beauty salon at 1499 North Lamb Boulevard Suite #120. The license is still active.
05/04/07	A business license (#B08-01192) was issued for beauty product sales at 1499 North Lamb Boulevard Suite#120. The license is still active.
08/03/07	A business license (#I04-03455) was issued for an insurance office at 1499 North Lamb Boulevard Suite #110. The license was marked out on 11/05/08.
11/19/07	A business license (#R05-00563) was issued for a hot dog stand at 1499 North Lamb Boulevard Suite #120. The license is still active.
Pre-Application Meeting	
12/30/08	A pre-application meeting was held with the applicant where the submittal requirements of a Parking Variance were discussed.
Neighborhood Meeting	
A neighborhood meeting was not held, nor was one required.	

Field Check	
02/18/09	A field check was conducted by staff at the subject site. The subject property was observed to currently house a beauty salon, nail shop and an accounting office. No business license was found for the accounting firm. Several non-permitted temporary signs (advertising flags and a portable sign) were noted on-site. Additionally, the employee patio at the southeast corner of the building has been converted into two parking spaces which do not meet the requirements of Title 19.10.

Details of Application Request	
Site Area	
Gross Acres	0.56

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Retail	SC (Service Commercial)	N-S (Neighborhood Service)
North	Mobile Home Park	M (Medium Density Residential)	R-MHP (Residential Mobile/Manufactured Home Park)
South	Multi-Family Residential	M (Medium Density Residential)	R-3 (Medium Density Residential)
East	Duplex	M (Medium Density Residential)	R-2 (Medium-Low Density Residential)
West	Multi-Family Residential	M (Medium Density Residential)	R-PD18 (Residential Planned Development – 18 Units per Acre)

Special Districts/Zones	*Yes*	*No*	*Compliance*
Special Area Plan		X	N/A
Special Districts/Zones	*Yes*	*No*	*Compliance*
Special Purpose and Overlay Districts		X	N/A
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

DEVELOPMENT STANDARDS

Pursuant to Title 19.10, the following parking standards apply:

Parking Requirement							
	Gross Floor Area or Number of Units	***Required***			***Provided***		***Compliance***
			Parking		*Parking*		
Use		***Parking Ratio***	Regular	Handi-capped	Regular	Handi-capped	
General Personal Service – Barber/ Beauty Shop	6 Chairs	2 spaces/barber chair	12				
General Personal Service – Nail Salon	2 Stations	2 spaces/ station	4				
Restaurant, Less than 2,000 square feet (without Drive-Through)	500 SF	1 space/50 sf of public seating and waiting, 1 space/each 200 sf of remaining floor area with a min. of 10 spaces required	10				
*(Office, Other than Listed)*****	*(500 SF)*****	*(1 space/300 SF)*****	*(2)*****				
SubTotal			23	1	15	1	N*
TOTAL			24***		16		N*
Loading Spaces			0		0		Y**
Percent Deviation					33.3%		N*

* The applicant has submitted this Variance to allow 16 parking spaces where 24 are required.

** Site Development Plan Review (SDR-9894) was approved to allow zero loading zones on the subject property.

*** When calculating the required parking for the subject site, staff followed the guidelines of Title 19.10.010(C)(1) which states, "for any change of use that requires an increase in the number of required parking spaces, only the increased number of parking spaces shall be required." There are 16 existing parking spaces. The proposed Restaurant use has a current parking requirement of 10 parking spaces; two of the spaces are already provided on-site for the previous Office use, leaving a deficiency of 8 spaces for the proposed Restaurant use, and an overall requirement of 24 spaces for the center.

**** These figures represent the required parking for the previous office use on site. The required spaces from this use are subtracted from the parking requirements of the existing and proposed uses.

ANALYSIS

This is a request for a Variance to allow 16 parking spaces where Title 19.04.010 requires 24 spaces for the conversion of an existing 500 square feet of Office space to a Restaurant use. The 500 square-foot suite proposed for the conversion is located within an existing 1,929 square-foot commercial building, which currently houses an existing beauty salon and nail salon. A previous Site Development Plan Review (SDR-9894) approved 16 parking spaces for a beauty salon and 729 square feet of office at the subject property. The applicant has since reduced the Office area from 729 square feet to 500 square feet, and placed a nail salon within the 229 square feet of former Office space. The applicant is now proposing to convert the remaining 500 square feet of Office space to a Restaurant use.

The proposed Restaurant requires 10 parking spaces, at a ratio of one parking space per 50 square feet of public seating and waiting area and one parking space for each 200 square feet of remaining floor area with a minimum of 10 spaces required. As the proposed Restaurant is only 500 square feet, 10 parking spaces are required. When calculating the required parking for the subject site, staff followed the guidelines of Title 19.10.010(C)(1) which states, "for any change of use that requires an increase in the number of required parking spaces, only the increased number of parking spaces shall be required." There are 16 existing parking spaces. The proposed Restaurant use has a current parking requirement of 10 parking spaces; two of the spaces are already provided on-site for the previous Office use, leaving a deficiency of 8 spaces for the proposed Restaurant use, and an overall requirement of 24 spaces for the center.

Staff notes that the applicant has indicated two additional 90-degree parking spaces at the southeast corner of the existing building. A field check confirmed that two parking spaces have been constructed in this area; however, these parking spaces do not meet the minimum requirements of Title 19.10 and can not be counted as additional parking. The driveway aisle which serves these parking spaces was verified as being only 15 feet in width, whereas Title 19.10 requires a minimum width of 24 feet for 90-degree parking spaces accessed by a one-way driveway aisle. Additionally, no modification to the approved Site Development Plan Review

was performed to permit these parking spaces, and this area had originally been designated as an employee patio at the time this building was approved. As these parking spaces at the southeast corner of the building do not meet the minimum requirements of Title 19.10, they cannot be counted towards the required site parking.

Staff finds that the proposed conversion of 500 square feet of Office to a Restaurant use to be a much more intense use than what was originally approved for the existing site. This conversion creates the need for an additional eight parking spaces within a commercial center that only offers a total of 16 parking spaces for all of its' tenants. Staff finds that this request is the result of a self-imposed hardship as the applicant is proposing a new use which is too intense for the subject site; therefore, denial of this request is recommended.

FINDINGS

In accordance with the provisions of Title 19.18.070(B), Planning Commission and City Council, in considering the merits of a Variance request, shall not grant a Variance in order to:

1. Permit a use in a zoning district in which the use is not allowed;
2. Vary any minimum spacing requirement between uses;
3. Relieve a hardship which is solely personal, self-created or financial in nature."

Additionally, Title 19.18.070L states:

> "Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property, a variance from that strict application may be granted so as to relieve the difficulties or hardship, if the relief may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources and without substantially impairing the intent and purpose of any ordinance or resolution."

No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship by reallocating approved office space to a more-intense restaurant use. Utilizing the building within the parameters as to which it was originally approved would allow conformance to the Title 19 requirements. In view of the absence of any hardships imposed by the site's physical characteristics, it is concluded that the applicant's hardship is preferential in nature, and it is thereby outside the realm of NRS Chapter 278 for granting of Variances.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 2

ASSEMBLY DISTRICT 14

SENATE DISTRICT 2

NOTICES MAILED 662

APPROVALS 2

PROTESTS 2

PLANNING & DEVELOPMENT

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Numbe **VAR-32873** APN: 140-29-101-006

Name of Property Owner: ANTONIO SOSA

Name of Applicant: TIM C. AYALA

Name of Representative: SAME AS ABOVE

To the best of your knowledge, does the Mayor or any member of the City Council or Planning Commission have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company?

_____Yes _____V_____No

If yes, please indicate the member of the City Council or Planning Commission who is involved and list the name(s) of the person or persons with whom the City Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official: _____

Partner(s): _____ _____

APN: _____

Signature of Property Owner: Antonio Sosa

Print Name: ANTONIO SOSA

Subscribed and sworn before me

This 24 day of NOVEMBER, 2008

_____

Notary Public in and for said County and State

Notary Public - State of Nevada
County of Clark
ZENIA CARRASCO
My Appointment Expires
August 18, 2009
No: 01-70864-1

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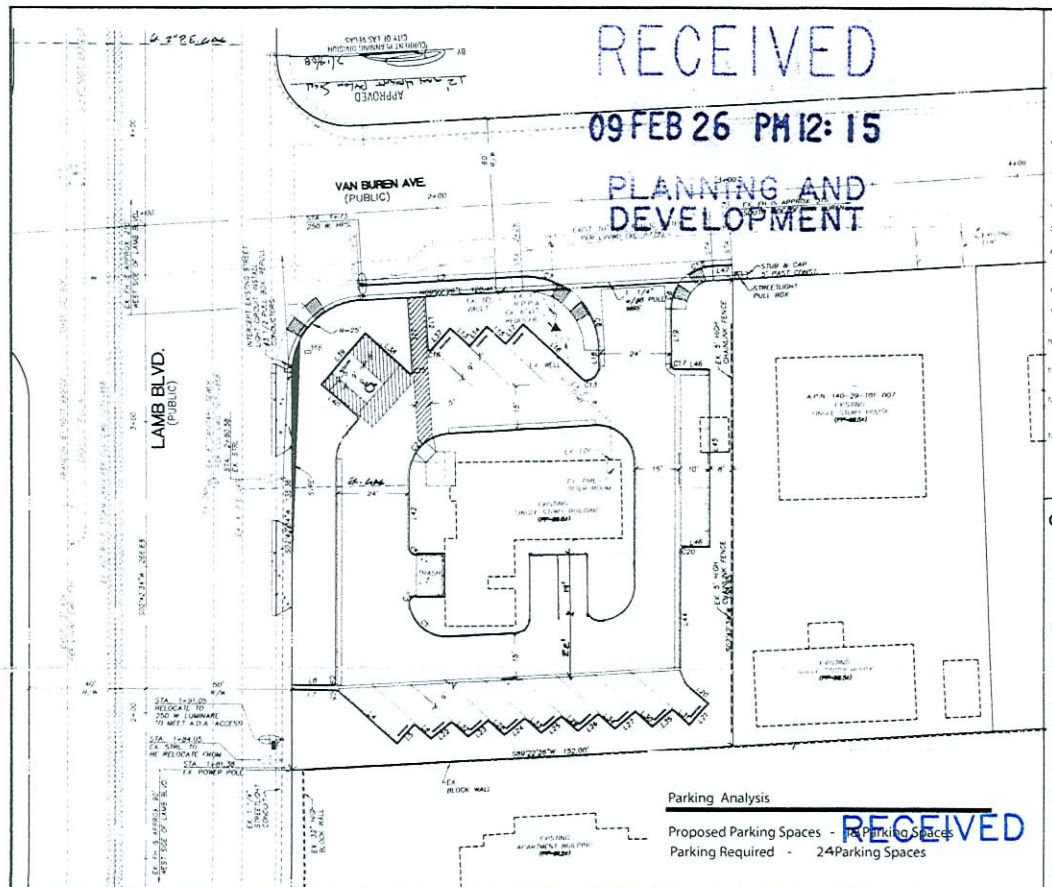
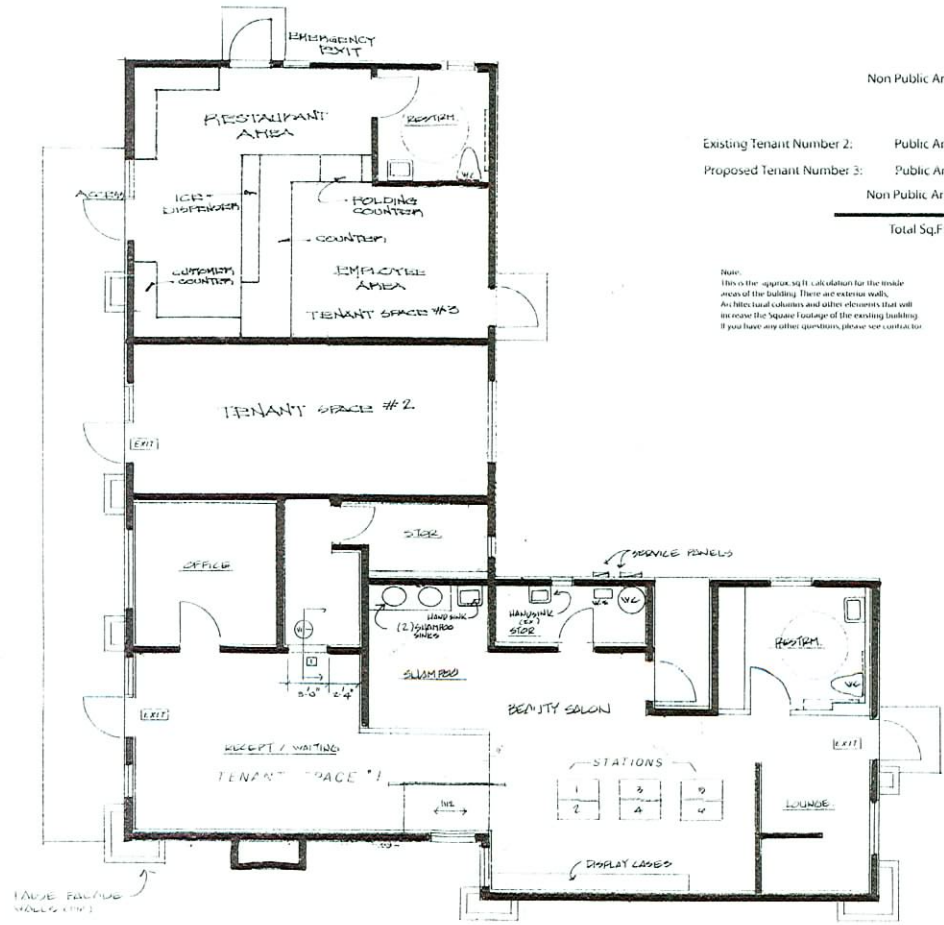
09 FEB 26 PM 12:15
PLANNING AND DEVELOPMENT



Existing Building Analysis

Existing Tenant Number 1:	Public Area:	364 Sq.Ft.	Lobby
		100 Sq.Ft.	Office
		45 Sq.Ft.	Shampoo Area
		320 Sq.Ft.	Beauty Salon
		160 Sq.Ft.	Customer Restroom
	Non Public Area:	112 Sq.Ft.	Lounge
		66 Sq.Ft.	Storage
		72 Sq.Ft.	Hallway
Existing Tenant Number 2:	Public Area:	250 Sq.Ft.	Office Area
Proposed Tenant Number 3:	Public Area:	166 Sq.Ft.	Restaurant donut shop
	Non Public Area:	334 Sq.Ft.	Restaurant Equipment
	Total Sq.Ft.:	1,989 Sq.Ft.	Inside area

Note:
This is the approx sq ft calculation for the inside areas of the building. There are exterior walls, Architectural columns and other elements that will increase the square footage of the existing building. If you have any other questions, please see contractor



NEW CONSTRUCTION

	FRAME EXTERIOR OPENINGS

DEMO'S

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PLANNING AND DEVELOPMENT

VAR-32873
03/12/09 PC
REVISED

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FEB 05 2009
PAGE ..... OF .....

REVISIONS	BY

PROPOSED IMPROVEMENT
495 LAMB BLVD. STE. 1
NEW FLOOR PLAN

Date
Scale
Drawn
Job
Sheet 3
Of Sheets

VAR-32873 - APPLICANT/OWNER: ANTONIO AND CRISTINA SOSA
1499 NORTH LAMB BOULEVARD
MARCH 26, 2009 PLANNING COMMISSION

02/18/09

VAR-32873 - APPLICANT/OWNER: ANTONIO AND CRISTINA SOSA
1499 NORTH LAMB BOULEVARD
MARCH 26, 2009 PLANNING COMMISSION

02/18/09

VAR-32873 - APPLICANT/OWNER: ANTONIO AND CRISTINA SOSA
1499 NORTH LAMB BOULEVARD
MARCH 26, 2009 PLANNING COMMISSION

02/18/09

VAR-32873 - APPLICANT/OWNER: ANTONIO AND CRISTINA SOSA
1499 NORTH LAMB BOULEVARD
MARCH 26, 2009 PLANNING COMMISSION

02/18/09

VAR-32873 - APPLICANT/OWNER: ANTONIO AND CRISTINA SOSA
1499 NORTH LAMB BOULEVARD
MARCH 26, 2009 PLANNING COMMISSION

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VAR-32873 - APPLICANT/OWNER: ANTONIO AND CRISTINA SOSA
1499 NORTH LAMB BOULEVARD
MARCH 26, 2009 PLANNING COMMISSION

02/18/09

VAR-32873 - APPLICANT/OWNER: ANTONIO AND CRISTINA SOSA
1499 NORTH LAMB BOULEVARD
MARCH 26, 2009 PLANNING COMMISSION

02/18/09

TC Ayala Planning & Development
4600 Sunset Rd. Ste. 148
Henderson, Nevada 89014

Phone (702) 275-3784
Fax (702) 407-7744

City of Las Vegas
Planning Department
Las Vegas, Nevada

RECEIVED
FEB 20 2009

February 20, 2009

Parcel # 140-29-101-006

To Whom It May Concern:

I am writing this letter in order to have a Restaurant in an existing building located on the above parcel. We will have approx. 166 Sq.Ft. of public area, 334 Sq.Ft. for employees and an Equipment area with a total of 500 Sq.Ft. We request to be allowed 19 parking spaces where 26 are required. Also we have added three parking spaces at a 90 degree angle, therefore we request to be allowed a 22' driveway aisle where 24' is required. We are submitting a survey plan done by a Civil Engineer.

Thank you for your time and your input regarding this application.

Sincerely,

Tim C. Ayala
Architectural,
Planning & Zoning Consultant

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09 FEB 20 PM 12:20
PLANNING AND
DEVELOPMENT

VAR-32873
03/12/09 PC
REVISED

City of Las Vegas
Planning & Development Department
Development Services Center
333 N. Fourth Street
Las Vegas, Nevada 89101-2986

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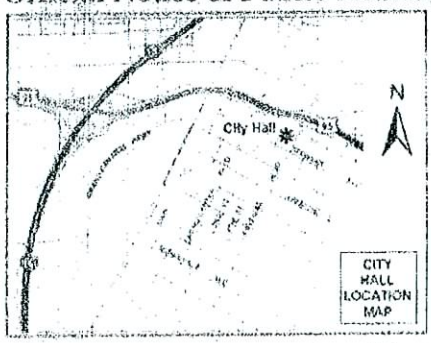
MAR 05 2009

$00.39

Return Service Requested

Official Notice of Public Hearing



The requirement for 24 parking spaces should be maintained. To accommodate parking that would exceed the capabilities of the existing parking lot would force patrons to park along Van Buren Ave, which is a residential street. This condition is not conducive to a residential environment. Therefore, we are AGAINST granting the variance as applied for. We do not want our neighborhood to suffer from the congestion that granting this variance would cause.

If you wish to file your protest or support on this request, check the appropriate box below and return this card in an envelope with postage to the Planning & Development Department at the address listed above or fax this side of this card to (702) 385-7268. If you would like to contact your Council Representative, please call (702) 229-6405.

☐ I SUPPORT this Request

☑ I OPPOSE this Request

Please use available blank space on card for your comments.

Case: VAR-32873

140291120 26
HUTH WILLIAM A & LANITA B
1409 SMOKEY GLEN CIR
LAS VEGAS NV 89110-1313

VAR-32873
Planning Commission Meeting of 3/12/2009

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#21
P

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

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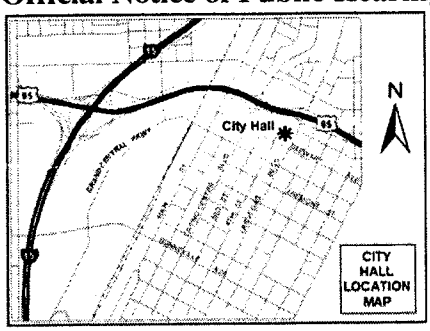
Official Notice of Public Hearing



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☐ I SUPPORT this Request ☒ I OPPOSE this Request

Please use available blank space on card for your comments.

VAR-32873
Planning Commission Meeting of 3/12/2009

Case: VAR-32873
14029101007
SOKOLIK THOMAS J
4420 E VAN BUREN AVE
LAS VEGAS NV 89110-1305

LAVDP11 89110

Submitted after final agenda

Date 3/6/09 Item #21
P

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

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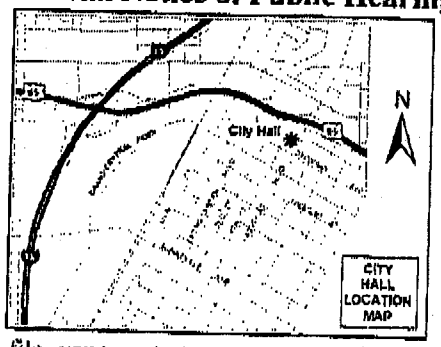
Official Notice of Public Hearing



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[X] I SUPPORT this Request

[ ] I OPPOSE this Request

Please use available blank space on card for your comments.

VAR-32873

Planning Commission Meeting of 3/12/2009

14030520008 Case: VAR-32873
PETRELLA RUTH C
1208 BENICIA HILLS ST
LAS VEGAS NV 89144-1234

89144$1234 C080

Submitted after final agenda

Date 3/11/09 Item #21 A

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

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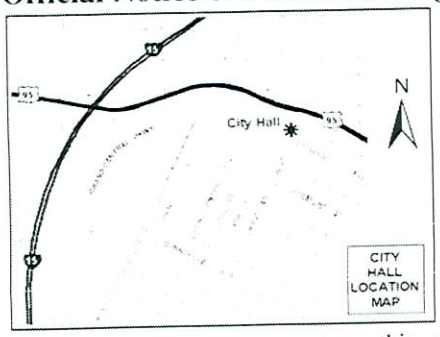
Return Service Requested
Official Notice of Public Hearing



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☒ I SUPPORT this Request

Albert Kopatschek
1111 N Lamb Blvd. Spc 7
Las Vegas, NV 89110-1330

Please use available blank spa

VAR-32873
Planning Commission Meeting of 3/26/2009

NEW BUSINESS IS ALWAYS GOOD!!

VAR-32873 OCCUPANT
Villa Borega Mobile Home Park
1111 North Lamb Boulevard, Space 7
Las Vegas, Nevada 89110

Albert Kopatschek

AAVDP11 89110

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MAR 17 2009

13A

City of Las Vegas Agenda Item No.: **14.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: MARCH 26, 2009

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

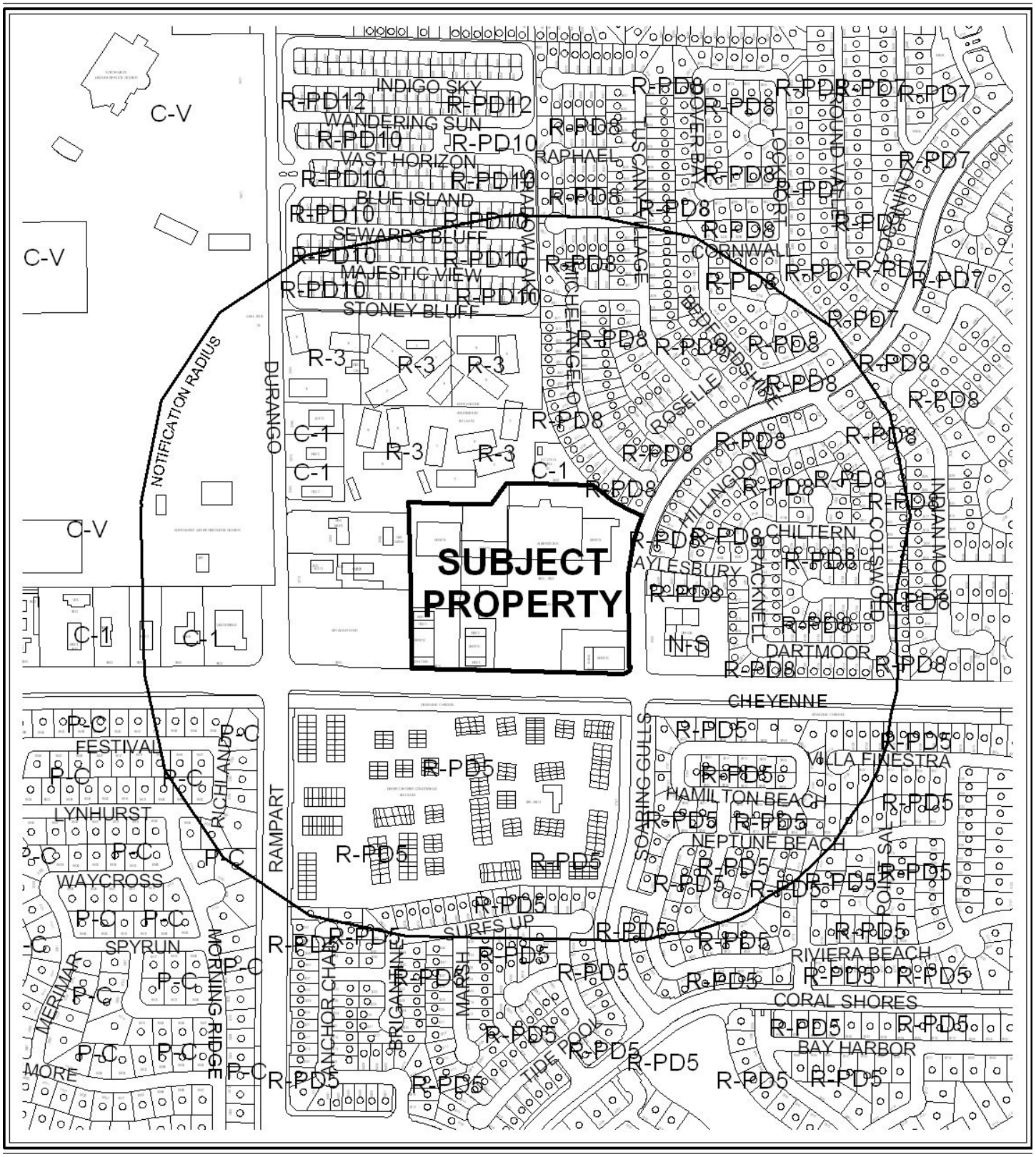
SUBJECT:
ABEYANCE - SUP-32748 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: MV SPA - OWNER: NORTHSHORE PLAZA, LLC - Request for a Special Use Permit FOR A PROPOSED MASSAGE ESTABLISHMENT WITH WAIVERS TO ALLOW FOR THE MASSAGE ESTABLISHMENT TO REMAIN OPEN UNTIL 11:00 P.M. WHERE 9:00 P.M. IS THE LATEST ALLOWED AND A ZERO-FOOT DISTANCE SEPARATION TO A RESIDENTIAL USE WHERE 400 FEET IS REQUIRED at 8370 West Cheyenne Avenue, Suite #101 (APN 138-09-420-006), C-1 (Limited Commercial) Zone, Ward 4 (Steinman)

IF APPROVED, C.C.: 05/06/2009
IF DENIED, P.C.: FINAL ACTION (Unless Appealed Within 10 Days)

PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**36**	**Planning Commission Mtg.**	**1**
City Council Meeting	**0**	**City Council Meeting**	**0**

RECOMMENDATION:
DENIAL

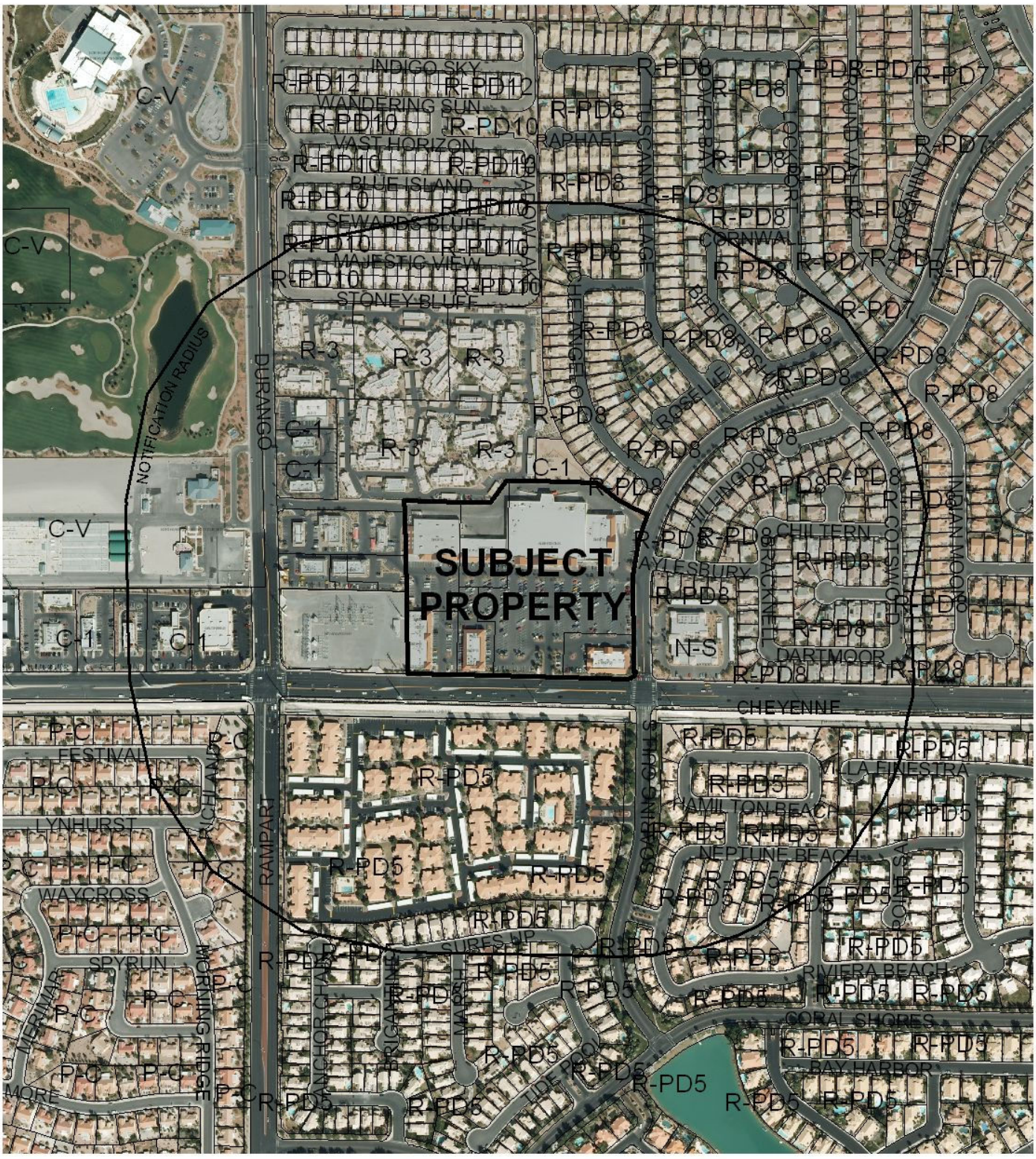
BACKUP DOCUMENTATION:
1. Location, Aerial and Special Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Photos
5. Justification Letter
6. Protest Postcards, Letter/Phone Protest and Support Postcard



CASE: **SUP-32748**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL)



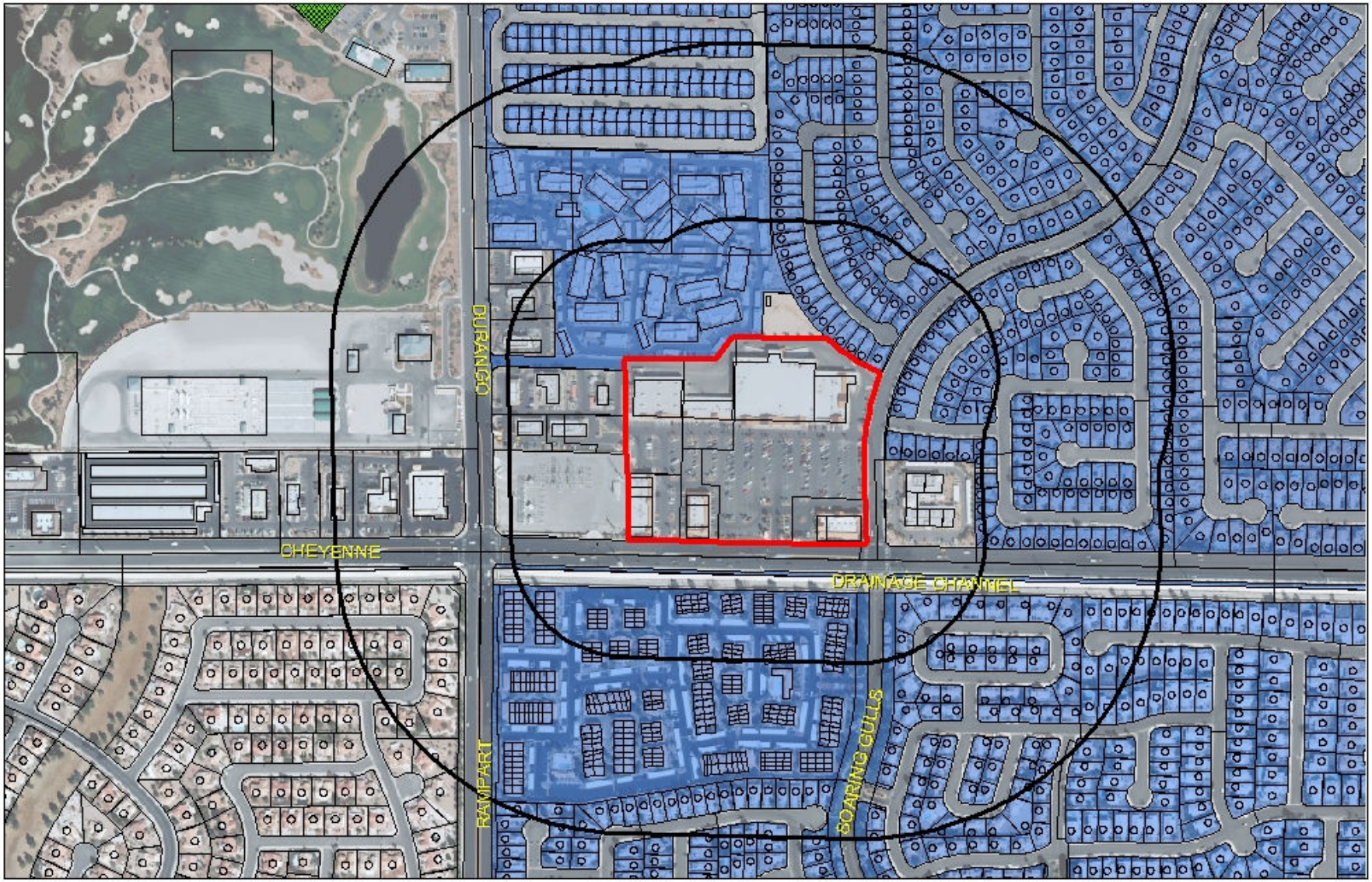
CASE: **SUP-32748**

RADIUS: 1000 FT

0 500 Feet

ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL)

N



SUP-32748
Massage Establishment

Business Licenses
- Massage Establishment
- Child Care/ Children Facility

Protected Landuses
- RELIGIOUS
- CITY PARKS
- SCHOOLS

Subject Property
Residential Property
400' & 1000' Buffer

0 285 570 1,140 Feet

N

City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: MARCH 26, 2009
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: ABEYANCE - SUP-32748 - APPLICANT: JULIA LIV - OWNER: NORTHSHORE PLAZA, LLC

** CONDITIONS **

STAFF RECOMMENDATION: **DENIAL.** If Approved, subject to:

Planning and Development

1. Conformance to all minimum requirements under LVMC Title 19.04.010 for Massage Establishment use, including parking requirements.

2. This approval shall be void one year from the date of final approval, unless a business license has been issued to conduct the activity, if required, or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.

3. The use shall comply with all applicable requirements of LVMC Title 6.

4. A Waiver from Title 19.04.010 is hereby approved, to allow a zero-foot distance separation between a Massage Establishment and a residential use where 400 feet is required.

5. A Waiver from Title 19.04.010 is hereby approved, to allow hours of operation to be between 8:00 a.m. and 11:00 p.m.

6. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

JB

SUP-32748 - Staff Report Page One
March 26, 2009 - Planning Commission Meeting

** STAFF REPORT **

PROJECT DESCRIPTION

This is a request for a Special Use Permit for a proposed Massage Establishment at 8370 West Cheyenne Avenue, Suite #101. The subject location is within a 133,930 square-foot Shopping Center. A request has been made by the applicant for a Waiver of the minimum Special Use Permit Requirements regarding the hours of operation limitations for the Massage Establishment use, seeks to allow hours of operation from 8:00 a.m. to 11:00 p.m. The applicant has also requested a zero-foot distance separation from a residentially zoned property where 400 feet is required. Though situated along a 100-foot primary Arterial roadway, the subject Shopping Center is surrounded by residential uses of various types and densities including Apartments, Condominiums and Single-Family Residences. The subject location is not appropriate for the intensity of the proposed use, due to the proximity of the subject site to residential property combined with the request to extend the hours of operation; therefore, staff recommends denial.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc.	
03/16/94	The City Council approved a request for a General Plan Amendment (GPA-0004-94) to change the land use designation from ML (Medium Low Density Residential) to SC (Service Commercial). The Planning Commission and staff recommended approval.
03/16/94	The City Council approved a Rezoning (Z-0007-94) from N-U (Non-Urban) zone to C-1 (Limited Commercial) and R-PD8 (Residential Planned Development - 8 Units per Acre) zone. The Planning Commission and staff recommended approval.
01/04/95	The City of Las Vegas approved a Site Development Plan Review [Z-0027-94(01)] for single-family homes on the subject site. The Planning Commission and staff recommended approval.
09/14/95	The Planning Commission approved a request for a Site Development Plan Review [Z-0007-94(3)] for a 137,674 square-foot Shopping Center on the northwest corner of Cheyenne Avenue and Soaring Gulls Drive. Staff recommended approval.
11/15/95	The City Council approved a request for a Special Use Permit for a proposed Tavern. The Board of Zoning recommended approval
07/28/97	The City Council approved a request for a Special Use Permit (U-0056-97) for a Beer/Wine/Cooler On-Sale Establishment at 8380 West Cheyenne Avenue. The Planning Commission and staff recommended approval.
08/11/97	The City Council approved a request for a Special Use Permit (U-0059-97) for a Beer/Wine/Cooler On-Sale Establishment at 8410 West Cheyenne Avenue. The Planning Commission and staff recommended approval.

JB

06/08/98	The City Council approved a request for a Special Use Permit for a Secondhand Dealer for the buying a selling of used jewelry in conjunction with an existing jewelry store. The Planning Commission and staff recommended approval.
06/19/00	The City Council approved a request for a Site Development Plan Review (Z-0007-94(6) for a proposed 8,065 square foot commercial center. The Planning Commission and staff recommended approval.
07/15/02	The City Council approved a request for a Site Development Plan Review (Z-0007-94(8) for a proposed 13,680 square foot Minor Auto Repair Facility. The Planning Commission and staff recommended approval
01/21/04	The City Council approved a request for a Special Use Permit (SUP-3333) for a Financial Institution, Specified at 8410 West Cheyenne Avenue, Suite #100. The Planning Commission and staff recommended approval.
06/15/05	The City Council approved a request for a Special Use Permit (SUP-6378) for a proposed Auto Title Loan with Waivers of the 200 foot separation from residential zoning and the 1500 foot minimum area requirement between similar uses at 8410 West Cheyenne Avenue, Suite #101. The Planning Commission and staff recommended approval.
03/12/09	The Special Use Permit (SUP-32748) was held in abeyance at the 03/12/09 Planning Commission meeting at the request of the applicant and has been re-scheduled for 03/26/09.

Related Building Permits/Business Licenses	
01/24/06	A business license (#Q07-00331) was issued for a Chiropractor at 8370 West Cheyenne Avenue, Suite #101. The business license was marked out of business on 03/06/08.
12/03/08	A business license (#M03-95843) application was received for a Massage Establishment, and is pending a Metropolitan Police Department Review and the outcome of the subject Special Use Permit application.
12/03/08	A business license (#R03-95844) application for a Reflexology Establishment was received. The license application was routed to the Planning and Development Department on 01/13/09 and planning approved the use on 01/14/09, but it has not been issued yet.
12/03/08	A business license (#R11-95845) application was received for a Reflexology Practitioner, this license has yet to be routed to the Planning and Development Department for review.
Pre-Application Meeting	
12/11/08	The requirements for a Special Use Permit application were discussed with the applicant.
Neighborhood Meeting	
A neighborhood meeting was not held, nor was one required.	

SUP-32748 - Staff Report Page Three
March 26, 2009 - Planning Commission Meeting

Field Check	
01/08/09	Staff conducted a site visit and found the subject location to be a vacant suite within an existing commercial shopping center.

Details of Application Request	
Site Area	
Gross Acres	13.71

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)
North	Apartments	M (Medium Density Residential)	R-3 (Medium Density Residential)
South	Condominiums	M (Medium Density Residential)	R-PD5 (Residential Planned Development – 5 Units per Acre)
East	Single-Family Residences	ML (Medium Low Density Residential)	R-PD8 (Residential Planned Development – 8 Units per Acre)
West	Golf Course/ Recreational Center	PR-OS (Parks/Recreation/Open Space)	C-V (Civic)

Special Districts/Zones	*Yes*	*No*	*Compliance*
Special Area Plan		X	N/A
Special Districts/Zones	*Yes*	*No*	*Compliance*
Special Purpose and Overlay Districts		X	N/A
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

DEVELOPMENT STANDARDS

Pursuant to Title 19.10, the following parking standards apply:

Parking Requirement							
	Gross Floor Area or Number of Units	*Required*			*Provided*		*Compliance*
			Parking		*Parking*		
Use		*Parking Ratio*	Regular	Handi-capped	Regular	Handi-capped	
Shopping Center	133,930 SF	1:250 SF	525	11	584	32	Y*
TOTAL			536		620		

**The subject site is located within a 133,930 square-foot Shopping Center which requires one space per 250 square feet of gross floor area.*

JB

Waivers		
Request	**Requirement**	**Staff Recommendation**
To allow a distance separation of zero feet to a parcel zoned for residential use.	Per Title 19.04 the use may not be located within 400 feet of any church, synagogue, school, city park, child care facility or any parcel zoned for residential use.	Denial
To allow hours of operation from 8:00 a.m. to 11:00 p.m.	Per Title 19.04 the use is restricted to hours of operation between 8:00 AM and 9:00 PM unless further limited by the City Council on a case-by-case basis.	Denial

ANALYSIS

This is a request for a Special Use Permit for a proposed Massage Establishment at 8370 West Cheyenne Avenue, Suite #101. A request has been made by the applicant for a Waiver of Title 19.04 hours of operation limitations for the Massage Establishment use from 8:00 a.m. to 9:00 p.m. to 8:00 a.m. to 11:00 p.m. The applicant has also requested a zero-foot distance separation from a residentially zoned property where 400 feet is required.

The subject location is within a 133,930 square-foot Shopping Center which accesses Cheyenne Avenue, Soaring Gulls Drive and has indirect access to Durango Drive via an adjacent property. The site has adequate parking provided, with 620 spaces, including 32 handicapped spaces.

- **Zoning**

  The subject site is within the Southwest Sector of the General Plan with the land use designation of SC (Service Commercial). The subject site is zoned C-1 (Limited Commercial) zoning district which is in conformance with the General Plan, and the Massage Establishment use is permitted in that district with the approval of a Special Use Permit.

  The C-1 (Limited Commercial) district is intended to provide most retail shopping and personal services, and may be appropriate for mixed use developments. This proposed site is located along a primary thoroughfare (Cheyenne Avenue) and is part of a major retail corridor.

- **Floor Plan**

  The proposed 1,050 square-foot in-line site consists of a reception area, an employee room/office, four massage rooms ranging in size from approximately 100 square feet to 70 square feet and a restroom area with two shower stalls.

- **Minimum Special Use Permit Requirements**

  Title 19.04.010 defines the Massage Establishment use as "a facility which is occupied and used for the purpose of practicing massage therapy as defined in LVMC Chapter 6.52."

  Title 19.04.010 lists the following conditions for the Massage Establishment use:

  1. The use shall comply with all applicable requirements of LVMC Title 6.
  2. The use must be located on a secondary thoroughfare or larger.
  3. The use may not be located within 400 feet of any church, synagogue, school, City park, child care facility, or any parcel zoned for residential uses.
  4. The use may not be located within 1,000 feet of any other massage establishment.
  5. The hours of operation shall be limited to the period between 8:00 a.m. and 9:00 p.m., unless further restricted by the City Council on a case-by-case basis.

  The proposed use fails to meet the Title 19.04.010 Massage Establishment Special Use Permit requirement #3 and #5. Staff finds that the use is not appropriate within the subject commercial center as it is in close proximity to protected uses. In addition, the request to extend the hours of operation are intense for an area that is surrounded by residential use; therefore, staff recommends denial.

FINDINGS

The following findings must be made for a Special Use Permit:

1. **"The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan."**

   The proposed location is inappropriate as it is located within an area that is surrounded by residential property. In addition to proposing the use within close proximity to protected residential use the applicant also proposes to extend the hours of operation beyond that which is required under Title 19.04.010 which restricts hours of operation from 8:00 a.m. to 9:00 p.m. to allow hours to extend to 11:00 p.m. Staff finds that the use is not appropriate within the subject commercial center due to the close proximity to residential

uses and that combined with the request to extend hours of operation to 11:00 p.m. that this request is not appropriate, and would not be compatible nor harmonious with the surrounding residential area.

2. **"The subject site is physically suitable for the type and intensity of land use proposed."**

   The subject site is physically suitable for the Massage Establishment use, however the proposed location is not suitable for the intensity of the use as proposed. The applicant proposes to locate within a Shopping Center that directly abuts residential uses. Additionally, the applicant proposes to have hours of operation extending to 11:00 PM. Staff finds the use to be too intense for the proposed location.

3. **"Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use."**

   The subject site is accessed via two driveways from Cheyenne Avenue, three driveways from Soaring Gulls Drive and has indirect access to Durango Drive via an adjacent property to the west. According to the Master Plan of Streets and Highways, Cheyenne Avenue and Durango Drive are both designated as 100-foot Primary Arterials. Soaring Gulls Drive is designated a 60-foot Collector by the Master Plan of Streets and Highways. All of these roadways provide more than adequate access and capacity for the proposed use.

4. **"Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan."**

   The subject use would be required to undergo periodic inspection by the State of Nevada, Southern Nevada Health District, and City of Las Vegas business and licensing and therefore would not compromise public health, safety or welfare.

5. **The use meets all of the applicable conditions per Title 19.04.**

   The use fails to meet two of the minimum Special Use Permit requirements for the Massage Establishment use. Requirement #3 calls for a minimum 400-foot distance between the use and any church, synagogue, school, city park, child care facility, or any parcel zoned for residential uses. There are two separate residential parcels adjacent to the subject Shopping Center. Requirement #5 limits the hours of operation for the use to the period between 8:00 a.m. and 9:00 p.m., unless further restricted by the City Council on a case-by-case basis; the applicant is proposing to extend hours of operation from 8:00 a.m. to 11:00 p.m.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 11

ASSEMBLY DISTRICT 37

SENATE DISTRICT 6

NOTICES MAILED 882

APPROVALS 1

PROTESTS 36

JB

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **SUP-32748** APN: 138-09-420-006

Name of Property Owner: Northshore Plaza, LLC

Name of Applicant: Julia Liu - V.I.M. Spa

Name of Representative: _____

To the best of your knowledge, does the Mayor or any member of the City Council or Planning Commission have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company?

_____ Yes ✓ No

If yes, please indicate the member of the City Council or Planning Commission who is involved and list the name(s) of the person or persons with whom the City Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official: N/A

Partner(s): _____

APN: _____

Signature of Property Owner: Northshore Plaza LLC By: Northshore Plaza mgmt Co. Inc.

Print Name: Richard Gordon

Subscribed and sworn before me

This 17 day of Dec, 2008

Notary Public in and for said County and State

Notary Public State of Nevada
County of Clark
CHRISTINE REEVES-BARTH
My Appointment Expires
January 18, 2010
No: 93-4056-1

NOTARY PUBLIC
STATE OF NEVADA
County of Clark
LAURA GROSETH
Appt. No. 98-3646-1
My Appt. Expires July 1, 2010

M. V. SPA

NORTHSHORE PLAZA
8370 WEST CHEYENNE AVENUE, SUITE 101
LAS VEGAS, NEVADA 89129

PROJECT DATA

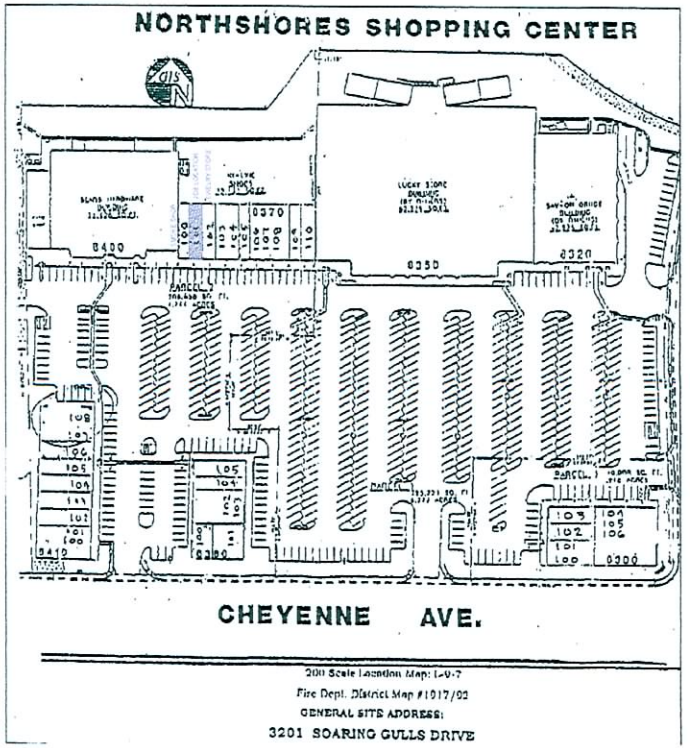
CODE ANALYSIS / PROJECT DATA

BUILDING DEPARTMENT :	CITY OF LAS VEGAS
CONSTRUCTION TYPE :	V-B
FIRE SPRINKLERS:	YES
OCCUPANCY CLASSIFICATION:	B-OFFICE
AREA:	1050 SF
OCCUPANT LOAD:	MASSAGE (1000SF/100) = 10 PEOPLE WAITING(50SF/15) = 3 PEOLPLE TOTAL = 213 PEOPLE
EXIT ANALYSIS	(1) EXITS REQUIRED UNDER 50 PEOPLE (2) EXITS PROVIDED
BUILDING CODES :	2006 IBC, UPC, UMC, NEC, NFPA, IECC & 2005 NEC CITY OF LAS VEGAS AND SOUTH NEVADA CODE AMMENDMENTS, THE 2003 ANSI 117-1, AND 2005 FIRE CODE

DRAWING INDEX

A-1	TITLE SHEET
A-2	FLOOR AND REFLECTED CEILING PLAN
M-1	HVAC PLAN, SCHEDULES, SYMBOLS AND NOTES
P-1	PLUMBING PLAN, SCHEDULES, SYMBOLS AND NOTES
E-1	ELECTRICAL SCHEDULES, SYMBOLS AND NOTES
E-2	ELECTRICA PLAN
EC-1	2006 IECC REPORT

VICINITY MAP



SITE PLAN
NTS

RECEIVED
DEC 23 2008

SUP-32748
02/12/09 PC

PANDA
CONSTRUCTION
8297 PEARL OASIS CT
Las Vegas, NV 89102
Tel: (702) 476-6621
Fax (702) 476-6662
LIC. # 0039554

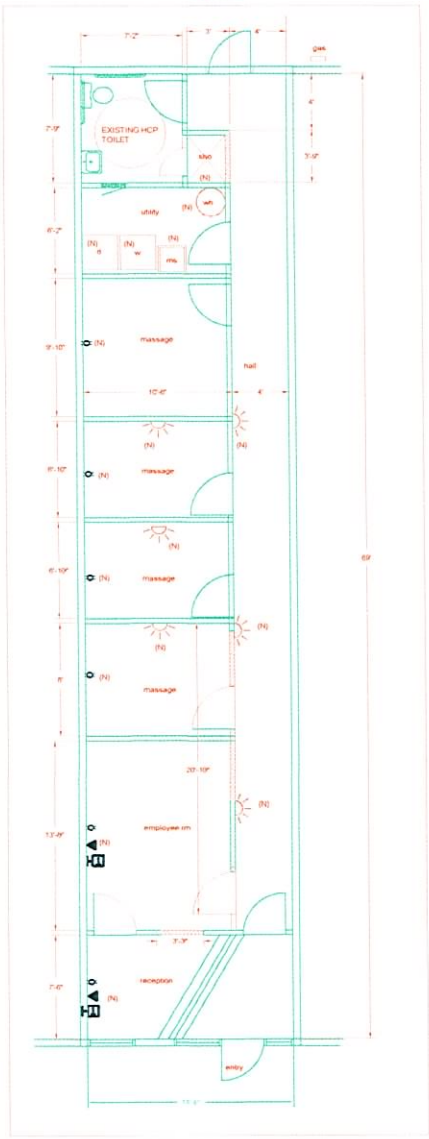
TITLE: COVER SHEET
PROJECT: M. V. SPA
8370 WEST CHEYENNE AVENUE, SUITE 101
LAS VEGAS, NEVADA 89129

REVISIONS

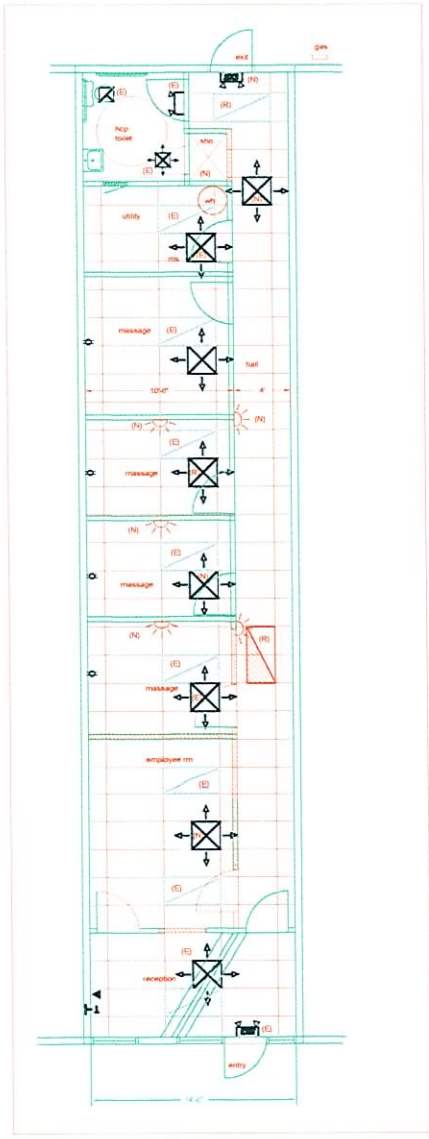
SEAL

DRAWN BY:	HL
DESIGNED BY:	HL
CHECKED BY:	K
DATE:	12.23.08
STATUS:	100%
SCALE:	AS SHOWN

A-1



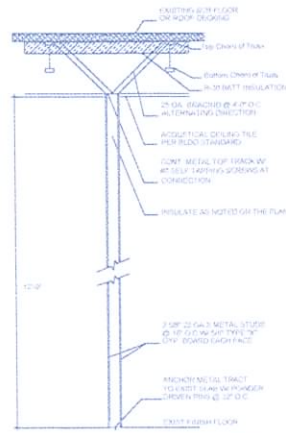
FLOOR PLAN
1/4" = 1'-0"



REFLECTED CEILING PLAN
1/4" = 1'-0"

SYMBOLS

- EXHAUST FAN
- CEILING DIFFUSER
- (E)2'X4' FLOURESCENT LAMP 3BULBS, 32WATTS EACH
- EMERGENCY LIGHT
- EXIT LIGHT
- DOWNLITE, 50WATTS INCANDESCENT WITH DIMMER SWITCH
- EXISTING WALL PARTITION
- NEW WALL PARTITION
- WALL LIGHTS INCANDESCENT WITH DIMMER SWITCH



INTERIOR WALL AT OFFICE
NTS

INTERIOR FINISH SCHEDULE				
ROOM NAME	FLOOR	WALL	CLG. MAT'L	CLG. HT.
OFFICE	CARPET	GYP. BD. DRY WALL	2'X4' ACOUSTIC TILE	12'-0"
MASSAGE	CARPET	GYP. BD. DRY WALL	2'X4' ACOUSTIC TILE	12'-0"
RESTROOMS	CERAMIC	GYP. BD. DRY WALL WASHABLE LT. COLOR ENAMEL PAINT (SMOOTH)	GYP. BD. CEILING . WHITE COLOR SEMI GLOSS OIL BASE PAINT	8'-0"
SHOWERS	CERAMIC	GYP. BD. DRY WALL WASHABLE LT. COLOR ENAMEL PAINT (SMOOTH)	GYP. BD. CEILING . WHITE COLOR SEMI GLOSS OIL BASE PAINT	8'-0"

SUP-32748
02/12/09 PC

PANDA
CONSTRUCTION
8297 PEARL OASIS CT
Las Vegas, NV 89102
Tel (702) 476-6621
Fax (702) 476-6662
LIC. # 0039554

TITLE: FLOOR PLAN AND REFLECTED CEILING PLAN

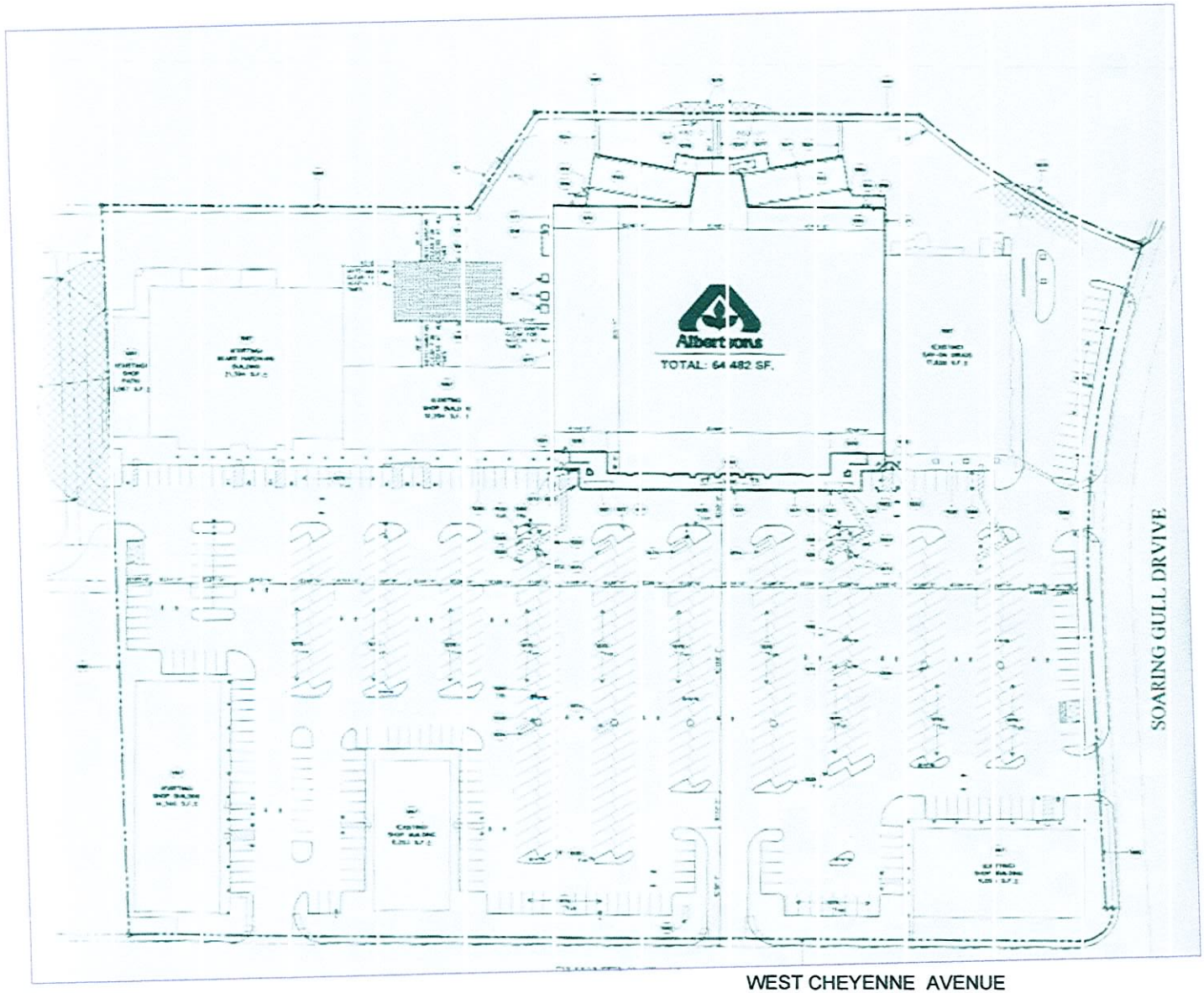
PROJECT: M. V. SPA
8370 WEST CHEYENNE AVENUE, SUITE 101
LAS VEGAS, NEVADA 89129

REVISIONS

SEAL

DRAWN BY:	HL
DESIGNED BY:	HL
CHECKED BY:	JL
DATE:	12-29-08
STATUS:	100%
SCALE:	AS SHOWN

A-2



SITE PLAN
1" = 40'-0"

PANDA
CONSTRUCTION
8297 PEARL OASIS CT
Las Vegas, NV 89102
Tel: (702) 476-6621
Fax (702) 476-6662
LIC. # 0039554

TITLE SITE PLAN

PROJECT M. V. SPA
8370 WEST CHEYENNE AVENUE, SUITE 101
LAS VEGAS, NEVADA 89129

REVISIONS

SEAL

DRAWN BY:	HL
DESIGNED BY:	HL
CHECKED BY:	JL
DATE:	12-29-08
STATUS:	100%
SCALE:	AS SHOWN

A-3

SUP-32748
02/12/09 PC

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SUP-32748
02/12/09 PC

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02/12/09 PC

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SUP-32748
02/12/09 PC

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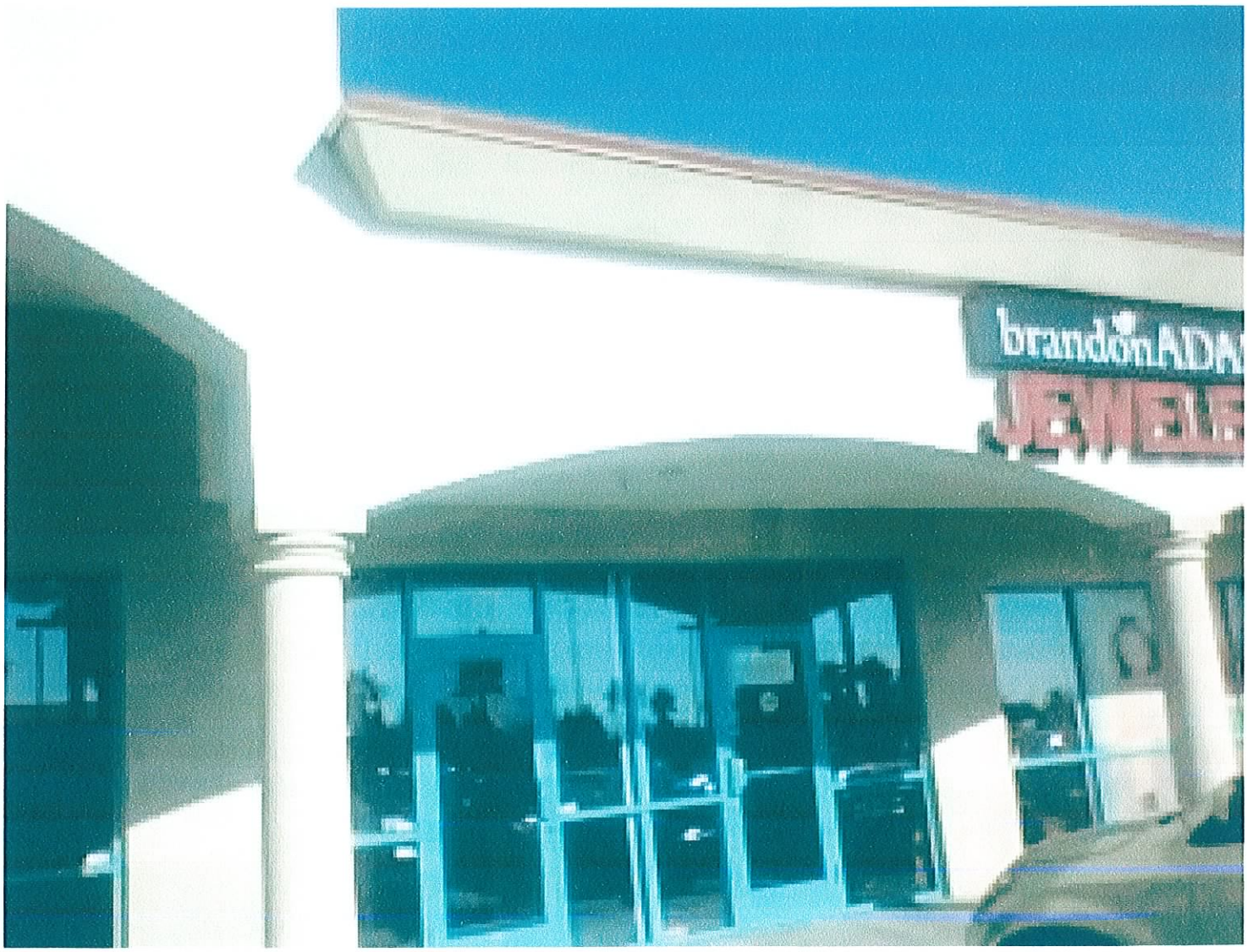

SUP-32748
02/12/09 PC

SUP-32748 - APPLICANT: MV SPA - OWNER: NORTHSHORE PLAZA, LLC
8370 WEST CHEYENNE AVENUE, SUITE #101
FEBRUARY 12, 2009 PLANNING COMMISSION

01/08/09

USE PERMIT JUSTIFICATION LETTER

November 18, 2008

To: City Of Las Vegas
Planning and Development Dept.

Re: Proposed business at Northshore Plaza

V. M. Spa
8370 W. Cheyenne #101
Las Vegas, NV 89129

RECEIVED
DEC 23 2008

To Whom It May Concern:

I am proposing the opening of a massage therapy business at the above referenced location. The hours of operation will be from 10:00am to 11:00pm.

The proposed massage therapy spa will not have any negative or adverse impact on the vehicular traffic. This business will have three massage therapy rooms and tables and one room with two chairs for reflexology (see attached floor plan) and will therefore be able to serve only a maximum of five therapy customers at one time.

The business is to be located within the existing building at 8370 W. Cheyenne and will therefore be compatible in appearance with the surrounding businesses. There will be no changes to the exterior of the building to accommodate the proposed business.

The previous tenant was a chiropractor who had an interior design very similar to the plans I have. Because if this I will only need to make a few alterations to the existing layout.

This use is in accordance with the zoning ordinances in the area.

The proposed business will have little or no impact on the capacity of public services in the area.

Sincerely,

Julia Liu
Owner- M. V. Spa

SUP-32748
02/12/09 PC

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

PRESORTED
FIRST CLASS

UNITED STATES POSTAGE
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JAN 30 2009
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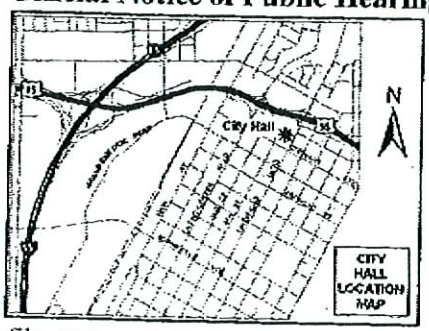
Return Service Requested
Official Notice of Public Hearing



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If you wish to file your protest or support on this request, check the appropriate box below and return this card in an envelope with postage to the Planning & Development Department at the address listed above or fax this side of this card to (702) 385-7268. If you would like to contact your Council Representative, please call (702) 229-6405.

☐ I SUPPORT this Request

☒ I OPPOSE this Request

Please use available blank space on card for your comments.

SUP-32748

Planning Commission Meeting of 2/12/2009

Case: SUP-32748

13816120115
TULL JOHN
335 E HARMON AVE #134
LAS VEGAS NV 89169-7057

KAVDSS1 89169

P 32

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

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FIRST CLASS

UNITED STATES POSTAGE
PITNEY BOWES
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$ 00.39⁴
JAN 30 2009
MAILED FROM ZIP CODE 89101

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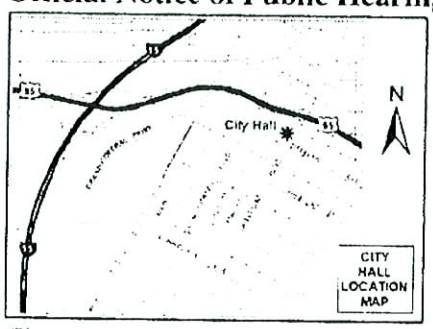

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☐ I SUPPORT this Request ☒ I OPPOSE this Request

Please use available blank space on card for your comments.

ACP 2/2/09

Case: SUP-32748

13816120251
CERVANTES-PAREDES ANNA R
2856 E 221ST PL
CARSON CA 90810-1843

SUP-32748
Planning Commission Meeting of 2/12/2009

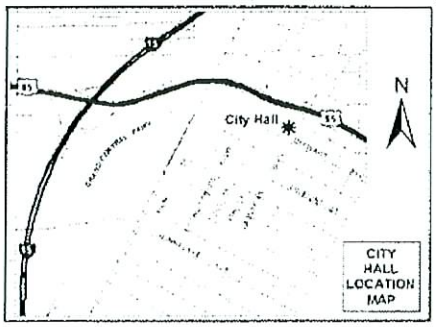
KAVD811 90810

Feb 02 09 09:05p Anna Cervantes 866-804-2847 p.1

P 32

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

Return Service Requested
Official Notice of Public Hearing



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☐ I SUPPORT this Request ☐ I OPPOSE this Request

Please use available blank space on card for your comments.

SUP-32748
Planning Commission Meeting of 2/12/2009

Case: SUP-32748
13817512016
WEISROCK CARL J REVOCABLE TRUST
8508 FESTIVAL DR
LAS VEGAS NV 89134-8610

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City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

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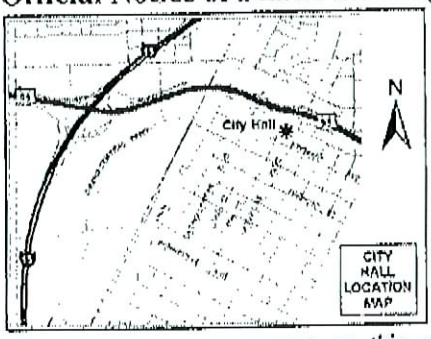

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☐ I SUPPORT this Request

☒ I OPPOSE this Request

Please use available blank space on card for your comments.

SUP-32748

Planning Commission Meeting of 2/12/2009

Case: SUP-32748

13809417014
WADA BRIAN T
94-252 PUPUOLE ST #A
WAIPAHU HI 96797-2372

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FEB-03-2009 04:54PM FROM- 702 295 4776 T-132 P.001/001 F-180

of Las Vegas
ning & Development Department
elopment Services Center
S. Fourth Street
Vegas, Nevada 89101-2986

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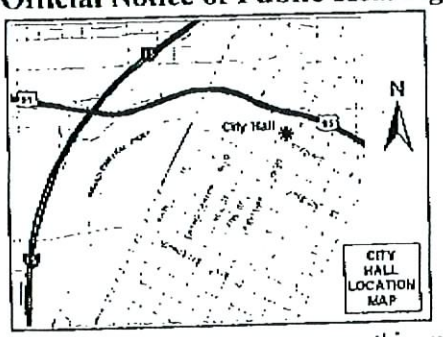
Official Notice of Public Hearing



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☐ I SUPPORT this Request

☒ I OPPOSE this Request

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UP-32748

lanning Commission Meeting of 2/12/2009

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FEB 03 2009

PLEASE KEEP ME INFORMED.
Avvakoum

Case: SUP-32748

13809417016
AVVAKOUM GINA
8276 ROSHELLE CT
LAS VEGAS NV 89129-2155

KAVDS11 89129

P
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City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

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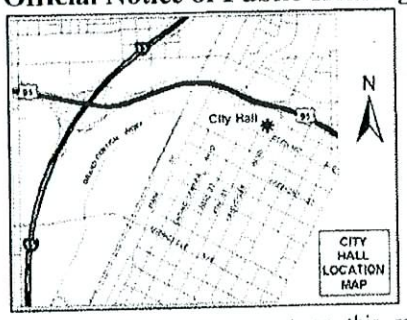

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☐ I SUPPORT this Request

☒ I OPPOSE this Request

Please use available blank space on card for your comments.

SUP-32748
Planning Commission Meeting of 2/12/2009

Case: SUP-32748
13816120231
STERN KEVIN REVOCABLE TRUST
13111 BASSETT ST
NORTH HOLLYWOOD CA 91605-4726

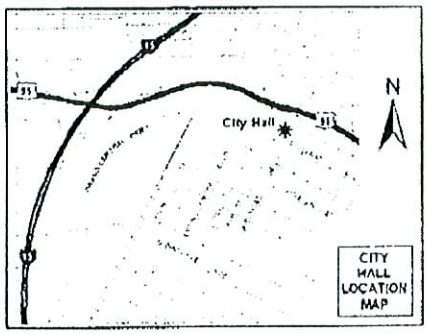
KAVOS11 91605

P
32

p.2
702 396 5551
Jan 31 09 06:04p Ron Lisiewski

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

Return Service Requested
Official Notice of Public Hearing



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☐ I SUPPORT this Request

☐ I OPPOSE this Request

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SUP-32748
Planning Commission Meeting of 2/12/2009

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Case: SUP-32748
13809313026
LISIEWSKI RONALD
9748 BOOTSTRAP CIR
LAS VEGAS NV 89117 5637

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City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

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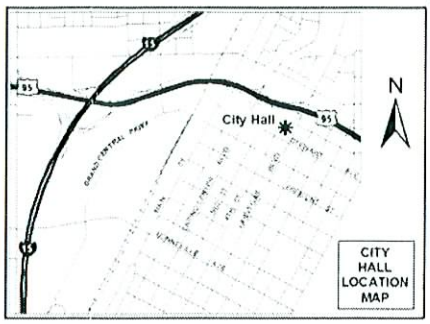
Official Notice of Public Hearing



THERE IS NO REASON FOR A LEGIT MASSAGE PARLOR TO BE OPEN THIS LATE!

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☐ I SUPPORT this Request ☒ I OPPOSE this Request

Please use available blank space on card for your comments.

SUP-32748
Planning Commission Meeting of 2/12/2009

Case: SUP-32748
13809411006
ANDRETTI DON & JENNIFER D
3401 PAINTED RIVER LN
LAS VEGAS NV 89129-7301

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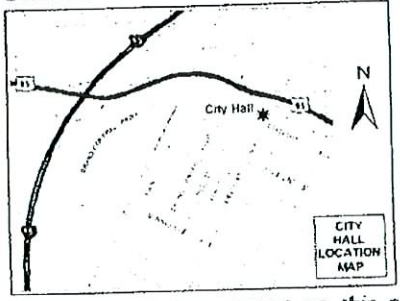
City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

Return Service Requested

Official Notice of Public Hearing



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☐ I SUPPORT this Request ☒ I OPPOSE this Request

Please use available blank space on card for your comments.

SUP-32748

Planning Commission Meeting of 2/12/2009

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Case: SUP-32748

13816111015
GOLDBERG MURRAY & BERNICE S
8228 NEPTUNE BEACH AVE
LAS VEGAS NV 89128-7077

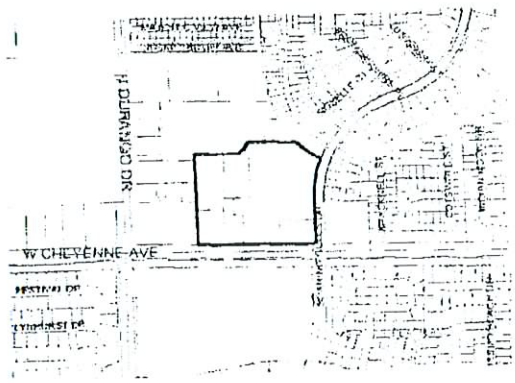
KAVDS11 89128

Application Information

SUP-32748 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: MV SPA - OWNER: NORTHSHORE PLAZA, LLC - Request for a Special Use Permit FOR A PROPOSED MASSAGE ESTABLISHMENT WITH WAIVERS TO ALLOW FOR THE MASSAGE ESTABLISHMENT TO REMAIN OPEN UNTIL 11:00 P.M.. WHERE 9:00 P.M. IS THE LATEST ALLOWED AND A ZERO-FOOT DISTANCE SEPARATION TO A RESIDENTIAL USE WHERE 400 FEET IS REQUIRED at 8370 West Cheyenne Avenue, Suite #101 (APN 138-09-420-006), C-1 (Limited Commercial) Zone, Ward 4 (Steinman)

WE HAVE A SPA IN THIS AREA AT DESERT SHORES COMMUNITY THAT IS ADEQUATE AND REGULATED WITH A BUSINESS LICENSE AND CLOSES AT REGULAR BUSINESS HOURS. THIS ESTABLISHMENT INDICATES MORE THAN A SPA. WHY UNTIL 11:00 PM WHEN ALL OTHER STORES ARE CLOSED

Application Location



The proposed project may not pertain to the entire highlighted project site.

Public Hearing Information

Meeting:	Planning Commission
Date:	*February 12, 2009*
Time:	6:00 P.M.
Location:	City Council Chambers 400 Stewart Avenue Las Vegas, Nevada

Any and all interested persons may appear before the City Planning Commission either in person or by representative and object to or express approval of this request; or may, prior to this meeting, file written objection thereto or approval thereof with the Planning and Development Department, Development Services Center, 731 South Fourth Street, Las Vegas, Nevada 89101. Final Action on General Plan Amendments and Rezonings will be determined by the City Council. Other public hearing items may be deemed Final Action by the Planning Commission or forwarded to the City Council. The date of the City Council meeting, if applicable, will be announced at the Planning Commission meeting after the discussion of the item. You may not receive an additional notice for the City Council meeting. For further information, please call (702) 229-6301 (TDD 386-9108) http://www.lasvegasnevada.gov.

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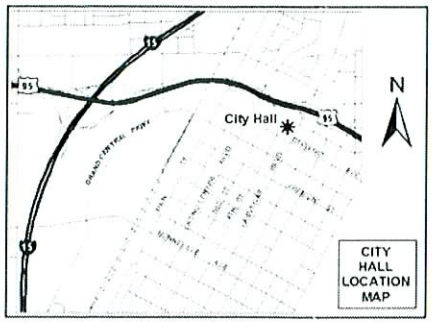
City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

Return Service Requested
Official Notice of Public Hearing



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☐ I SUPPORT this Request

☒ I OPPOSE this Request

Please use available blank space on card for your comments.

SUP-32748

Planning Commission Meeting of 2/12/2009

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FEB 05 2009

Case: SUP-32748

13816111069
FEE FAMILY TRUST
3029 DRAWBRIDGE LN
LAS VEGAS NV 89128-7058

KAVDS11 89128

P
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City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

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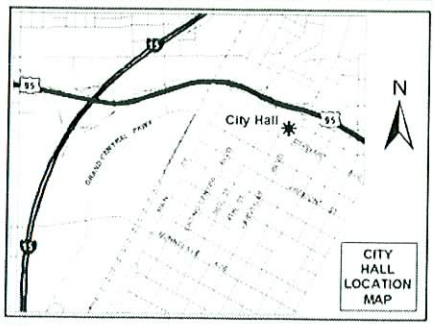
Official Notice of Public Hearing



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☒ I OPPOSE this Request

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SUP-32748

Planning Commission Meeting of 2/12/2009

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Case: SUP-32748

13809315005
MULLEN JOSEPH W & RENA R FAM TR
8216 CORNWALL AVE
LAS VEGAS NV 89129-7362

KAVOS11 A9129

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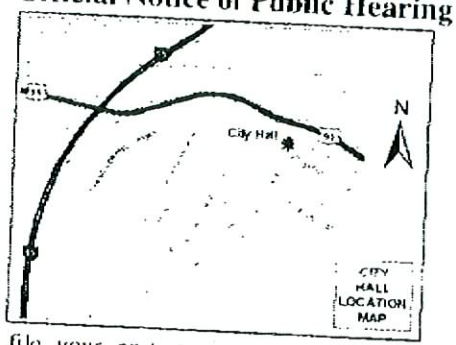
City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

Return Service Requested
Official Notice of Public Hearing



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☐ I SUPPORT this Request

☒ I OPPOSE this Request

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SUP-32748

Planning Commission Meeting of 2/12/2009

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FEB 05 2009

13816111075 Case: SUP-32748
MINO CARLOS
P O BOX 151234
LOS ANGELES CA 90015-8234

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City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

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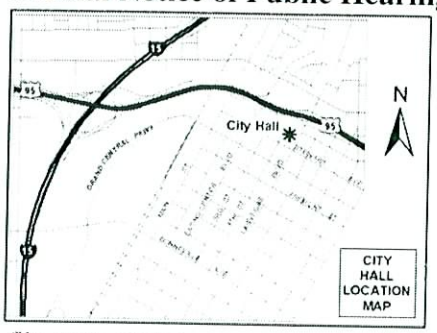
2/2/09



We do not think a massage business would benefit our community, and would not welcome it in our neighborhood. The potential for increased traffic and congestion in an already busy and over-crowded environment, is alarming!

If you wish to file your protest or support on this request, check the appropriate box below and return this card in an envelope with postage to the Planning & Development Department at the address listed above or fax this side of this card to (702) 385-7268. If you would like to contact your Council Representative, please call (702) 229-6405.

☐ I SUPPORT this Request

☒ I OPPOSE this Request

Please use available blank space on card for your comments.

SUP-32748

Planning Commission Meeting of 2/12/2009

13809313089 Case: SUP-32748
DAIGLE CLIFTON & LORNA FAM TR
8445 MAJESTIC VIEW AVE
LAS VEGAS NV 89129-2101

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FEB 05 2009

Lorna + Clifton Daigle

KAVDS11 89129

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Application Information

SUP-32748 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: MV SPA - OWNER: NORTHSHORE PLAZA, LLC - Request for a Special Use Permit FOR A PROPOSED MASSAGE ESTABLISHMENT WITH WAIVERS TO ALLOW FOR THE MASSAGE ESTABLISHMENT TO REMAIN OPEN UNTIL 11:00 P.M. WHERE 9:00 P.M. IS THE LATEST ALLOWED AND A ZERO-FOOT DISTANCE SEPARATION TO A RESIDENTIAL USE WHERE 400 FEET IS REQUIRED at 8370 West Cheyenne Avenue, Suite #101 (APN 138-09-420-006), C-1 (Limited Commercial) Zone, Ward 4 (Steinman)

The Massage Establishment should not have rights that supercede other business establishments in the area. 9pm is certainly late enough for extra traffic / noise next to established neighborhoods or residential houses!

Application Location

The proposed project may not pertain to the entire highlighted project site.

Public Hearing Information

Meeting:	Planning Commission
Date:	***February 12, 2009***
Time:	6:00 P.M.
Location:	City Council Chambers 400 Stewart Avenue Las Vegas, Nevada

Any and all interested persons may appear before the City Planning Commission either in person or by representative and object to or express approval of this request; or may, prior to this meeting, file a written objection thereto or approval thereof with the Planning and Development Department, Development Services Center, 731 South Fourth Street, Las Vegas, Nevada 89101. Final Action on General Plan Amendments and Rezonings will be determined by the City Council. Other public hearing items may be deemed Final Action by the Planning Commission or forwarded to the City Council. The date of the City Council meeting, if applicable, will be announced at the Planning Commission meeting after the discussion of the item. You may not receive an additional notice for the City Council meeting. For further information, please call (702) 229-6301 (TDD 386-9108) http://www.lasvegasnevada.gov.

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

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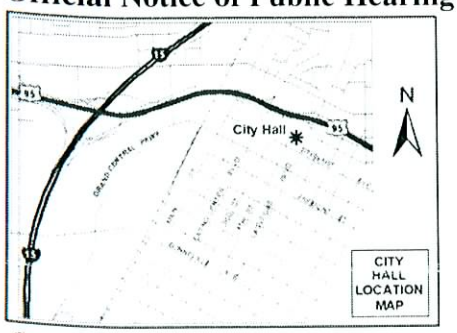

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☐ I SUPPORT this Request ☑ I OPPOSE this Request

Please use available blank space on card for your comments.

SUP-32748
Planning Commission Meeting of 2/12/2009

Case: SUP-32748
13809413029
SHIPMAN REVOCABLE FAMILY TRUST
759 SHAWNEE LN
SAN JOSE CA 95123-4030

B2

KAV0511 95123

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City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

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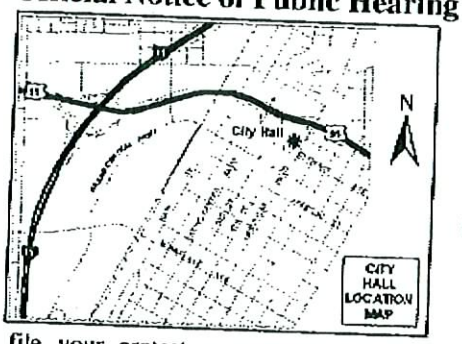

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☐ I SUPPORT this Request

☑ I OPPOSE this Request

Please use available blank space on card for your comments.

SUP-32748

Planning Commission Meeting of 2/12/2009

Dear Planning Commission —
We are so opposed to this! If it were a legitimate Spa then fine, but open til 11pm? Please lets just call it what it's .... "happending massage."

Case: SUP-32748

13809417013
PITARO ELANA
8264 ROSELLE CT
LAS VEGAS NV 89129-2155

Please do not let this happen.

02/05/2009 10:27 FAX

P 32

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

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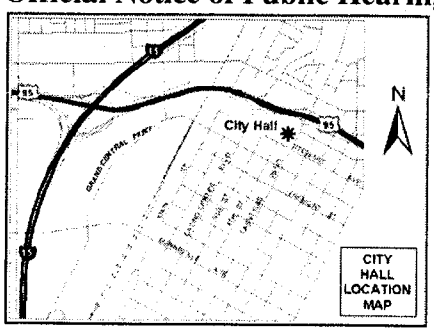

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☐ I SUPPORT this Request

☒ I OPPOSE this Request

Please use available blank space on card for your comments.

SUP-32748

Planning Commission Meeting of 2/12/2009

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FEB 12 2009

Case: SUP-32748

13816111039
MCALEARNEY SHARON M REVOCABLE
8208 NEPTUNE BEACH AVE

LAS VEGAS NV 89128-7076

Submitted after final agenda
Date 2/12/09 P Item 32

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

PRESORTED FIRST CLASS

UNITED STATES POSTAGE PITNEY BOWES
02 1M $ 00.39⁴
0004239954 JAN 30 2009
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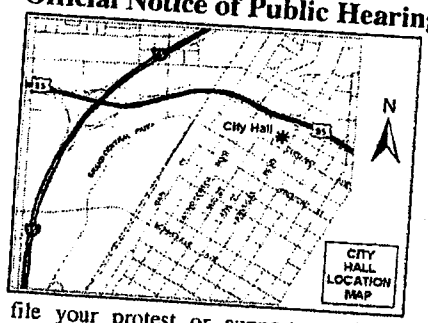

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☐ I SUPPORT this Request

☒ I OPPOSE this Request

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SUP-32748

Planning Commission Meeting of 2/12/2009

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13809413057 Case: SUP-32748
GLASSER JOAN B
3325 HILLINGDON CT
LAS VEGAS NV 89129-7328

KAUDS11 A9129

Submitted after final agenda

Date P Item 32

1/2 02-11-2009 12:10:29 TOWBIN AUTOMOTIVE 702 252 0105

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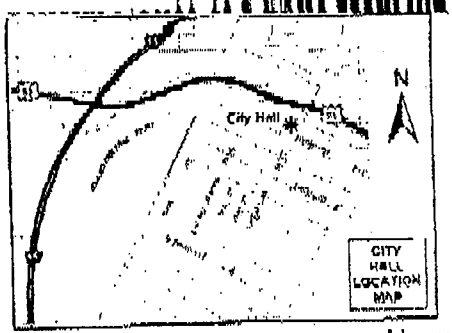

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☐ I SUPPORT this Request ☒ I OPPOSE this Request

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SUP-32748

Planning Commission Meeting of 2/12/2009

Case: SUP-32748
13809313067
MURRIN 2003 FAMILY TRUST
1160 SOMERSET DR
SAN JOSE CA 95132-3043

Submitted after final agenda
Date Item 32

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
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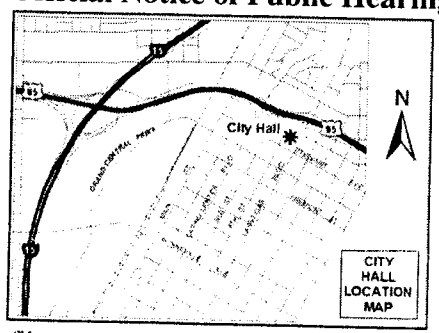

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SUP-32748

Planning Commission Meeting of 2/12/2009

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Case: SUP-32748

13809413006
FOSTER DAVID S & LINDA S
3345 HILLINGDON CT
LAS VEGAS NV 89129-7328

KAUDE11 A9123

Submitted after final agenda

Date P Item 32

City of Las Vegas
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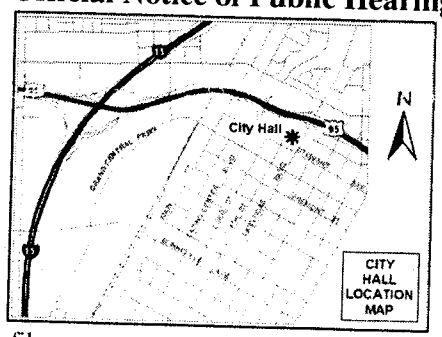

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☐ I SUPPORT this Request

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SUP-32748

Planning Commission Meeting of 2/12/2009

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13809315013 Case: SUP-32748
KADISH ROBERT M & CHARLEAN E
3420 BEDFORDSHIRE PL
LAS VEGAS NV 89129-7353

KAVDS11 A9123

Submitted after final agenda
Date P Item 32

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Planning & Development Department
Development Services Center
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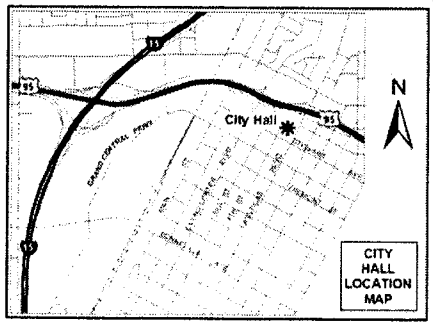

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☐ I SUPPORT this Request

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SUP-32748

Planning Commission Meeting of 2/12/2009

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Case: SUP-32748

13809419022
LENZIE ELIZABETH SEP PPTY TR
9409 VILLA RIDGE DR
LAS VEGAS NV 89134-8996

KAUDS11 89134

Submitted after final agenda
Date P Item 32

City of Las Vegas
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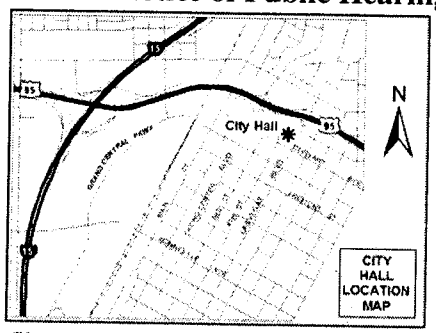

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☐ I SUPPORT this Request ☑ I OPPOSE this Request

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SUP-32748

Planning Commission Meeting of 2/12/2009

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Case: SUP-32748

13809313106
SIMON COKI L L C
1652 MANNING AVE
LOS ANGELES CA 90024-5810

KAVOS11 90024

Submitted after final agenda
Date P Item 32

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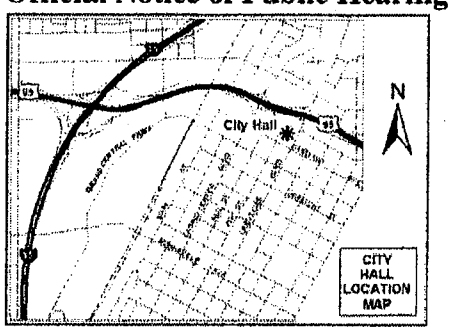

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☐ I SUPPORT this Request ☒ I OPPOSE this Request

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SUP-32748
Planning Commission Meeting of 2/12/2009

Case: SUP-32748
13809419017
GOORE DAN
3365 MICHELANGELO CT
LAS VEGAS NV 89129-2185

Submitted after final agenda
Date P Item 32

02/10/2009 11:06 7028556672 CCSD EQ REPAIR PAGE 01/01

12:10:42 02-11-2009 2/2
TOWBIN AUTOMOTIVE
702 252 0105

City of Las Vegas
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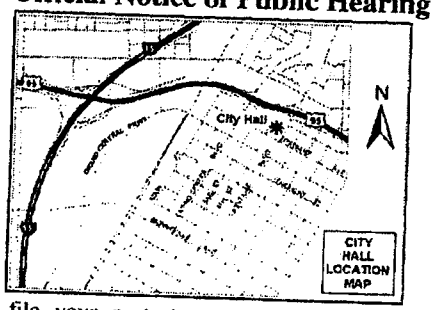

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SUP-32748

Planning Commission Meeting of 2/12/2009

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13809413010 Case: SUP-32748
GLASSER JOAN B
3325 HILLINGTON CT
LAS VEGAS NV 89129-7328

REQUEST 89129

Submitted after final agenda

Date P Item 32

City of Las Vegas
Planning & Development Department
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Las Vegas, Nevada 89101-2986

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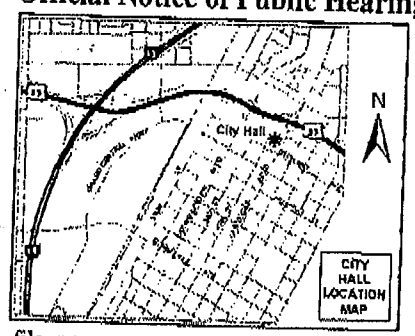

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SUP-32748

Planning Commission Meeting of 2/12/2009

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13609413026 Case: SUP-32748
ERICKSON RICK & VICTORIA
8113 KEMPSTON CT
LAS VEGAS NV 89129-6708

Submitted after final agenda
Date 2 Item 32

City of Las Vegas
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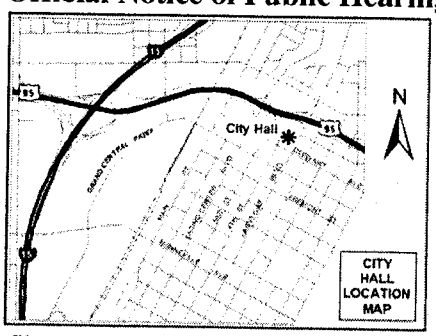

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☐ I SUPPORT this Request

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SUP-32748

Planning Commission Meeting of 2/12/2009

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Case: SUP-32748

13809322004
B P REVOCALE LIVING TRUST 2007
8308 LA STRADA AVE
LAS VEGAS NV 89129-2178

KAUDS11 A3123

Submitted after final agenda

Date P Item 32

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

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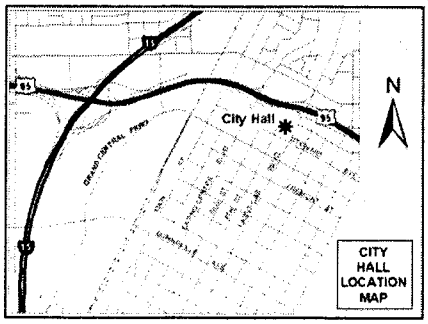

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☐ I SUPPORT this Request ☒ I OPPOSE this Request

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SUP-32748
Planning Commission Meeting of 2/12/2009

Case: SUP-32748
13809418018
REES JOHN A III & JEAN G
3200 COTSWOLD ST
LAS VEGAS NV 89129-2107

KAVD511 A9123

Submitted after final agenda

Date P Item 32

Feb 05 09 07:10p 702-395-4893 P.1

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

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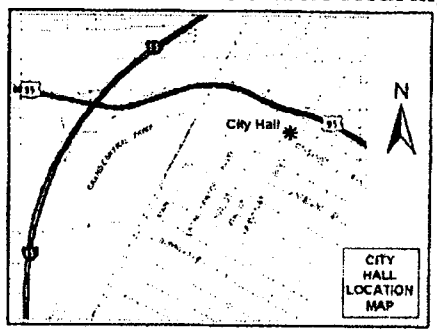

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SUP-32748

Planning Commission Meeting of 2/12/2009

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A spa is fine but it should close at 9:00 pm! There is no reason it should be open til 11:00 pm that is asking for problems!

Case: SUP-32748

13809322008
AQUI KERRIE REVOCABLE LIVING TR
8305 DONATELLO CT
LAS VEGAS NV 89129-2176

Submitted after final agenda
Date 2 Item 32

City of Las Vegas
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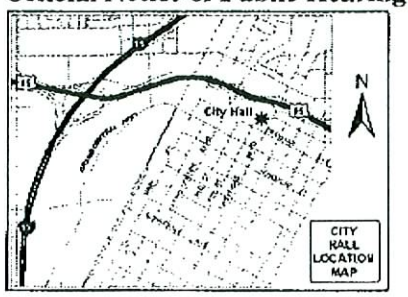

If you Google "MV SPA", you get a couple of search results for a business call MV SPA of Mountain View, CA that was busted for prostitution in 1998. Also a reference to an article about them failing a health inspection. If these are the same people, I am opposed. If the name is just a coincidence and they are unrelated, then I have no objection. Thank You,

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☐ I SUPPORT this Request
☒ I OPPOSE this Request

Please use available blank space on card for your comments.
SUP-32748
Planning Commission Meeting of 2/12/2009

Case: SUP-32748
13809419013
CACERES KEITH A
3349 MICHELANGELO CT
LAS VEGAS NV 89129-2185

Keith Caceres

KAVDS11 89129

#13
P

City of Las Vegas
Planning & Development Department
Development Services Center
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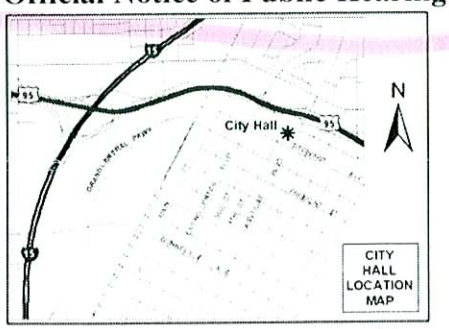

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☐ I SUPPORT this Request

☒ I OPPOSE this Request

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SUP-32748

Planning Commission Meeting of 2/12/2009

Case: SUP-32748

13809318009
SAUTER GAIL M TRUST
2620 REGATTA DR #102
LAS VEGAS NV 89128-6892

KAUDE11 A9128

#13
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City of Las Vegas
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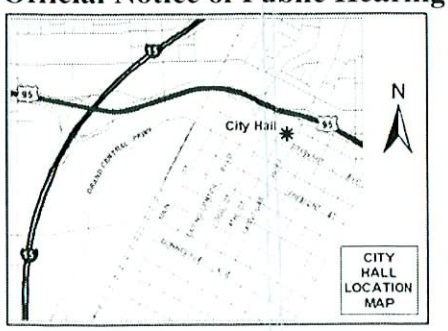

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☐ I SUPPORT this Request ☒ I OPPOSE this Request

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SUP-32748
Planning Commission Meeting of 2/12/2009

Case: SUP-32748

13816120017
COVINGTON TRUST
353 GLEN ELLEN DR
VENTURA CA 93003-1732

KAVOS11 93003

#13
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City of Las Vegas
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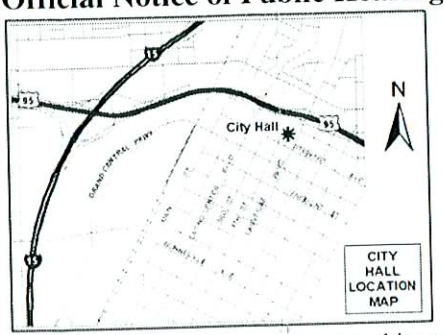

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☐ I SUPPORT this Request

☒ I OPPOSE this Request

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SUP-32748

Planning Commission Meeting of 2/12/2009

Case: SUP-32748
13816120085
COVINGTON STEPHEN D & CAROL J
353 GLEN ELLEN DR
VENTURA CA 93003-1732

KAVDS11 93003

#13
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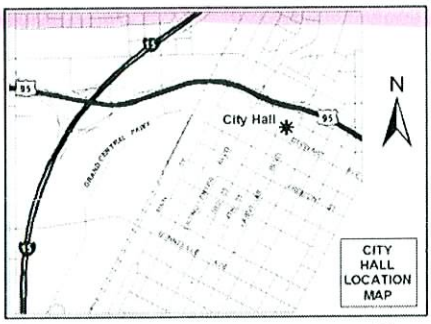

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SUP-32748
Planning Commission Meeting of 2/12/2009

Case: SUP-32748
13809318055
G M S HORIZONS I L L C
%G SAUTER
2620 REGATTA DR #102
LAS VEGAS NV 89128-6892

#13
P

City of Las Vegas
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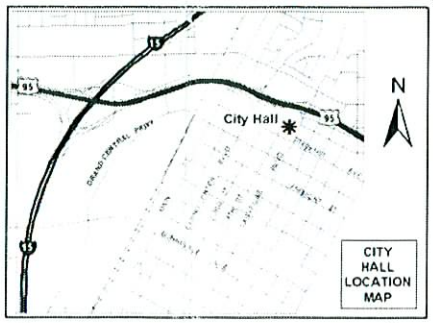
Return Service Requested
Official Notice of Public Hearing



RECEIVED
FEB 25 2009

If you wish to file your protest or support on this request, check the appropriate box below and return this card in an envelope with postage to the Planning & Development Department at the address listed above or fax this side of this card to (702) 385-7268. If you would like to contact your Council Representative, please call (702) 229-6405.

☐ I SUPPORT this Request

☒ I OPPOSE this Request

Please use available blank space on card for your comments.

SUP-32748

Planning Commission Meeting of 2/12/2009

Case: SUP-32748
13809313093
BADALAMENTI MARIA
3313 CASTLEBERRY VILLAGE DR
CUMMING GA 30040-2353

KAVDS11 30040

#13
P

Telephone Protest/ Approval Log

Meeting Date: 02.12.09 **Case Number:** SUP - 32748

Date: 02.12.09
Name: Sanga Smith
Address: 3300 Barnstaple Ct
Las Vegas NV 89129
Phone: 952-6058
[X] **PROTEST** [ ] **APPROVE**

Date:
Name:
Address:
Phone:
[ ] **PROTEST** [ ] **APPROVE**

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Phone:
[ ] **PROTEST** [ ] **APPROVE**

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Date:
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Address:
Phone:
[ ] **PROTEST** [ ] **APPROVE**

Submitted after final agenda
Date 2/12/09 Item #32

#32
P

CHARLESTON NEIGHBORHOOD PRESERVATION

"Doing things today that will improve tomorrow"

Phone/Fax: 702-877-2438

11 February 2009

FROM: CNP

TO: Planning Commission Chairman TROWBRIDGE, Vice Chair, TRUESDELL and Commissioners GOYNES, EVANS, QUINN, ELLSWORTH, and BUCKLEY

Please consider our comments and concerns as you determine your vote on the following agenda items tomorrow evening.

#12 GPA-27003 We ask that our ward representatives have additional time and request one more abeyance.

#14 SUP 32148 We request your NO vote on both waivers. Know that the hour of 9 PM was not established carelessly. Regarding the 2nd, this brings to mind the former 'hole in the wall gang'.

#15-#20 inclusive We request your APPROVAL of this asset to our town.

#26 ZON-32740 We request your APPROVAL of this additional enhancement for this LV community.

#32 SUP-32748 We request your NO vote on both the 11PM request—see comments on #14. Please add a NO vote on the distance separation also.
We have visited both the W.Cheyenne and Ft.Apache/Charleston sites.

#36 SDR-32732 We consider this project with the waiver should receive your YES vote.

#38 SDR-32826 We ask for your YES vote, but are concerned about the number of parking spaces—we trust that at least 1/3 of those vehicles will be cruising our neighborhoods—not parked at the site.

President, June Ingram
Secretary, Vicki Arnold and Board

June Ingram
CNP President

BOARD & ADVISORY MEMBERS
Dennis Ardine-Vicki Arnold-Dick Bratton-Juanita Clark- Miriam Een-Danielle Hanslip- Rose Honrath- June Ingram-Rick Johnson-

#32 P

FEB-12-2009 04:00 FROM: TO:4740352 P.1/1

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

PRESORTED FIRST CLASS

UNITED STATES POSTAGE
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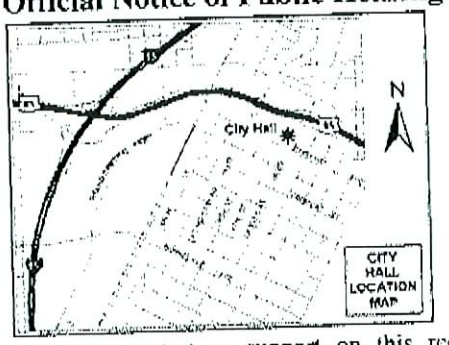
MAILED FROM ZIPCODE 89101

Return Service Requested

Official Notice of Public Hearing



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☒ I SUPPORT this Request ☐ I OPPOSE this Request

Please use available blank space on card for your comments.

SUP-32748

Planning Commission Meeting of 2/12/2009

RECEIVED
FEB 02 2009

Case: SUP-32748

13809318005
MILKIE JOHN A & CHRISTINE N
2812 LAKECREST DR
LAS VEGAS NV 89128-6921

32
A

City of Las Vegas Agenda Item No.: **15.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: MARCH 26, 2009

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

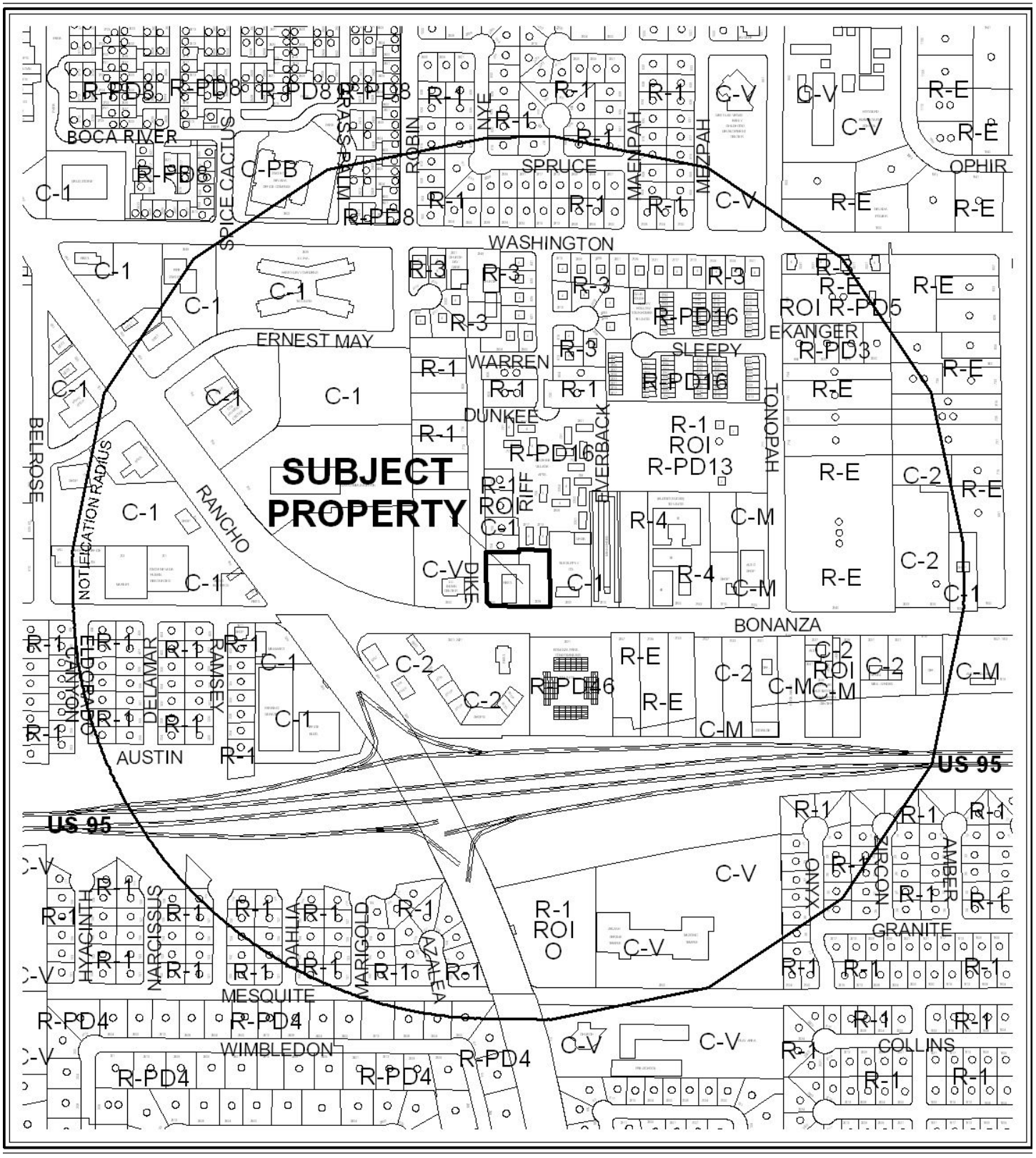
SUBJECT:
ABEYANCE - SUP-33189 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: BIG MAMAS COOKING OR KITCHEN, INC. - OWNER: BUD HOLDINGS, LLC - Request for a Special Use Permit FOR A SUPPER CLUB IN AN EXISTING 4,091 SQUARE-FOOT RESTAURANT at 2230 West Bonanza Road (APNs 139-29-704-023 through 025), C-1 (Limited Commercial) Zone, Ward 5 (Barlow)

C.C.: 05/06/2009

PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**0**	**Planning Commission Mtg.**	**4**
City Council Meeting	**0**	**City Council Meeting**	**0**

RECOMMENDATION:
APPROVAL

BACKUP DOCUMENTATION:
1. Location, Aerial and Special Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Photos
5. Justification Letter
6. Support Postcards



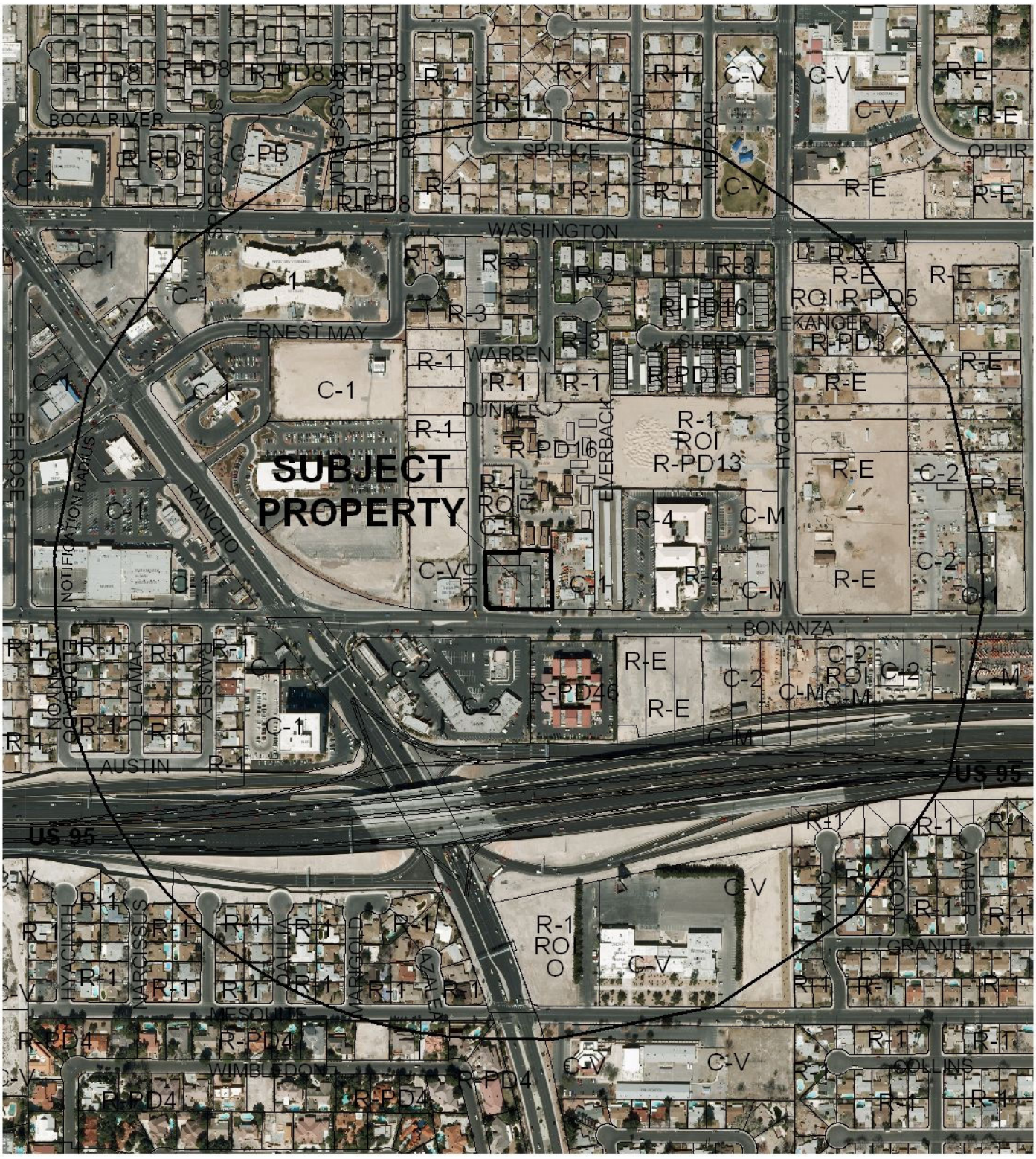
CASE: **SUP-33189**

RADIUS: 1500 FT

0 500 1000 Feet

ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL)

N



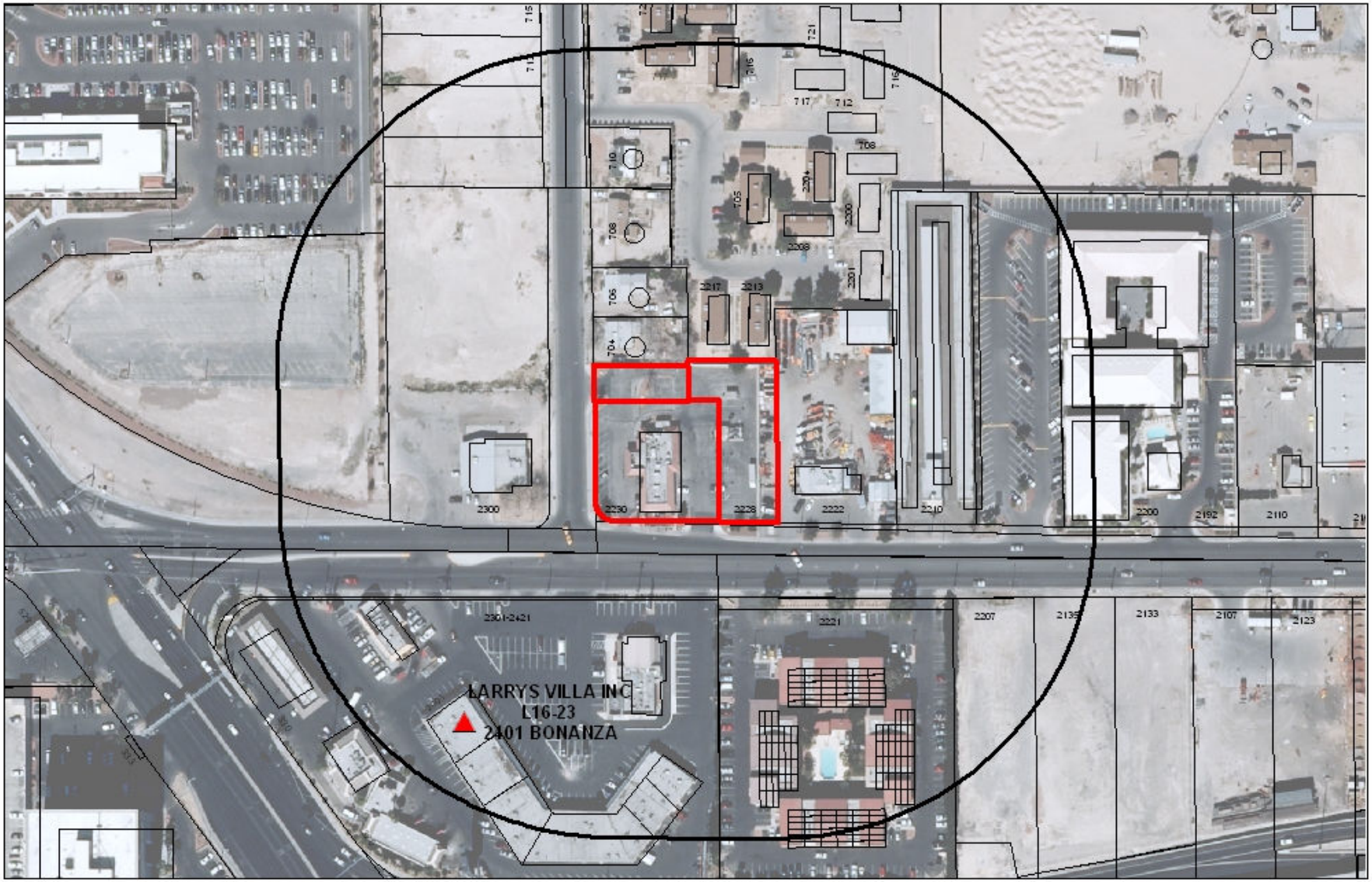
CASE: **SUP-33189**

RADIUS: 1500 FT

0 500 1000 Feet

ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL)

N



SUP-33189
Supper Club

Business Licenses

- Tavern
- Supper Club/ Restaurant Service Bar
- Child Care/ Children Facility

- RELIGIOUS
- CITY PARKS
- SCHOOLS

- Subject Property
- 400 foot buffer

N

City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: MARCH 26, 2009
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: ABEYANCE - SUP-33189 - APPLICANT: BIG MAMAS COOKING OR KITCHEN, INC. - OWNER: BUD HOLDINGS, LLC

** CONDITIONS **

STAFF RECOMMENDATION: **APPROVAL,** subject to:

Planning and Development

1. Conformance to all minimum requirements under LVMC Title 19.04.010 for a Supper Club use, including parking requirements.

2. Approval of and conformance to the Conditions of Approval for Site Development Plan Review (SDR-33191) shall be required.

3. This approval shall be void one year from the date of final approval, unless a business license has been issued to conduct the activity, if required, or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.

4. Approval of this Special Use Permit does not constitute approval of a liquor license.

5. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.

6. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

SUP-33189 - Staff Report Page One
March 26, 2009 - Planning Commission Meeting

** STAFF REPORT **

PROJECT DESCRIPTION

This is a request for a Special Use Permit for a Supper Club in conjunction with an existing 4,091 square-foot restaurant at 2230 West Bonanza Road. An associated request has been submitted for a Site Development Plan Review (SDR-33191) for on-site alterations. The proposed use is compatible with the surrounding adjacent uses, is allowed in the C-1 (Limited Commercial) zoning district with the approval of a Special Use Permit and is consistent with the SC (Service Commercial) General Plan designation; therefore, staff is recommending approval of this request.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc.	
07/28/97	The City Council approved a request for a rezoning (Z-0046-97) on property located at 706 Dike Lane, from: R-1 (Single Family Residential) to R-2 (Medium-Low Density Residential). The Planning Commission and staff recommended approval.
07/06/99	The Board of Zoning Adjustment approved a request for a Variance (V-0051-99) on property located at 2230 West Bonanza Road to allow an existing 90-foot high freestanding ground sign where 40 feet is the maximum height allowed in conjunction with an existing restaurant.
10/05/05	The City Council approved a request for an approved Vacation (VAC-7679) to vacate the east five feet of a portion of Dike Lane north of Bonanza Road. The Planning Commission and Staff recommended denial.
10/05/05	The City Council approved the following cases: A General Plan Amendment (GPA-6273) to amend the land-use designation on a portion of the subject property from ML (Medium-Low Density Residential) to SC (Service Commercial); a Rezoning (ZON-6510) from R-1 (Single Family Residential) and R-1 (Single Family Residential) under Resolution of Intent to R-2 (Medium-Low Density Residential) to C-1 (Limited Commercial); a Variance (VAR-6506) from the step-back requirements listed in Title 19.08.030(C); a Variance (VAR-7665) to allow a reduction in the number of parking spaces provided; a Special Use Permit (SUP-6504) for a proposed Mixed-Use Development; a Special Use Permit (SUP-8067) to allow a 350-foot tall building where 140 feet is the maximum height allowed in the Airport Overlay Zone; and a Site Development Plan Review (SDR-6507) for a proposed mixed use development including: a 38-story tower containing 311 residential units, a 32-story tower containing 160 residential units and 40,000 square feet of commercial space adjacent to the approved vacation. Staff and the Planning Commission had recommended denial.

SG

03/23/06	The City Council approved a Site Development Plan Review (SDR-11707) for a proposed 12-story Mixed-Use development consisting of 300 residential units and 10,000 square feet of commercial space, with Waivers to allow a reduction of perimeter landscape requirements, and to allow a 2.3-foot Residential Adjacency setback where 540 feet is the minimum setback required, a Variance (VAR-11712) to allow 400 parking spaces where 493 are required, and a Variance (VAR-11714) to allow a 6.8-foot rear-yard setback where 20 feet is the minimum setback required, to allow a 2.3-foot side-yard setback where ten feet is the minimum setback required, to allow a five-foot corner-yard setback where 15 feet is the minimum setback allowed, to allow a maximum lot coverage of 83.6 percent where 50 percent is the maximum lot coverage allowed, and to allow a reduction of building step-back requirements adjacent to the approved vacation. Planning Commission recommended approval and staff recommended denial.
05/17/06	The City Council approved a request (GPA-9219) to Amend the Future Land Use designation to Commercial, Mixed Use, Industrial or Public Facilities on various parcels located within the proposed Las Vegas Redevelopment Plan area and within the proposed Redevelopment Plan expansion area. Planning Commission recommended approval.
12/07/06	The Planning and Development Department administratively approved a request for an Extension of Time (EOT-17438) of an approved Petition (VAC-7679) to Vacate the east five feet of a portion of Dike Lane, north of Bonanza Road.
10/17/07	The City Council approved requests for Extensions of Time (EOT-24417, EOT-24419, EOT-24420 and EOT-24422, respectively) for an approved Rezoning (ZON-6510) from R-1 (Single Family Residential), and R-1 (Single Family Residential) under resolution of intent to R-2 (Medium-Low Density Residential) to C-1 (Limited Commercial); a Site Development Plan Review (SDR-11707) for a proposed 12-story mixed-use development consisting of 300 residential units and 10,000 square feet of commercial space, with Waivers to allow a reduction of perimeter landscape requirements, and to allow a ten-foot residential adjacency setback where 540 feet is the minimum setback required; an approved Variance (VAR-11712) to allow 400 parking spaces where 493 parking spaces is the minimum number of parking spaces required for a proposed mixed-use development; and an approved Variance (VAR-11714) to allow a 6.8-foot rear-yard setback where 20 feet is the minimum setback required, to allow a 2.3-foot side-yard setback where ten feet is the minimum setback required, to allow a five-foot corner-yard setback where 15 feet is the minimum setback allowed, to allow a maximum lot coverage of 83.6 percent where 50 percent is the maximum lot coverage allowed, and to allow a reduction of building step-back requirements for a proposed mixed-use development on 1.88 acres at 2228 and 2230 West Bonanza Road, and 704, 706, 708, and 710 Dike Lane. Staff recommended approval for all requests.

10/25/07	The Planning and Development Department administratively approved an Extension of Time (EOT-24421) for an approved Petition (VAC-7679) to Vacate the east five feet of a portion of Dike Lane, north of Bonanza Road. The Vacation expired on 10/05/08 as no additional Extension of Time was requested.
02/05/08	A Code Enforcement complaint was processed for trash and debris at 2230 W. Bonanza Road. The complaint was resolved on 02/15/08.
06/04/08	The City Council approved requests for Extensions of Time (EOT-27831, EOT-27832 and EOT-27833, respectively) for an approved Site Development Plan Review (SDR-11707) for a proposed 12-story mixed-use development consisting of 300 residential units and 10,000 square feet of commercial space, with Waivers to allow a reduction of perimeter landscape requirements, and to allow a ten-foot residential adjacency setback where 540 feet is the minimum setback required; an approved Variance (VAR-11712) to allow 400 parking spaces where 493 parking spaces is the minimum number of parking spaces required for a proposed mixed-use development; and an approved Variance (VAR-11714) to allow a 6.8-foot rear-yard setback where 20 feet is the minimum setback required, to allow a 2.3-foot side-yard setback where ten feet is the minimum setback required, to allow a five-foot corner-yard setback where 15 feet is the minimum setback allowed, to allow a maximum lot coverage of 83.6 percent where 50 percent is the maximum lot coverage allowed, and to allow a reduction of building step-back requirements for a proposed mixed-use development on 1.88 acres at 2228 and 2230 West Bonanza Road, and 704, 706, 708, and 710 Dike Lane. Staff recommended approval for all requests.
03/12/09	The Planning Commission held in abeyance requests for a Special Use Permit (SUP-33189) for a Supper Club in conjunction with an existing 4,091 square-foot restaurant and a Site Development Plan Review (SDR-33191) for on-site alterations at 2230 West Bonanza Road.

Related Building Permits/Business Licenses	
c. 1967	Original construction for the existing structure at 2230 W. Bonanza Road.
05/21/98	A building permit (#98010772) was issued for a non-work certificate of occupancy for a restaurant at 2230 W. Bonanza Road. The permit expired on 03/25/00.
07/09/98	A building permit (#98014137) was issued for demolition at a restaurant at 2230 W. Bonanza Road. The permit expired on 03/25/00.
12/11/98	A building permit (#98024166) was issued for an interior remodel for a restaurant at 2230 W. Bonanza Road. The permit was finaled on 10/20/99.
12/29/98	Building permits (#98025183 and 4) were issued for interior remodels for a restaurant at 2230 W. Bonanza Road. The permits expired on 03/25/00.
03/22/99	A building permit (#99005583) was issued for an interior remodel for a restaurant at 2230 W. Bonanza Road. The permit was finaled on 10/20/99.

07/20/99	A building permit (#99014171) was issued for a pole sign (tag #3865) for a restaurant at 2230 W. Bonanza Road. The permit was finaled on 10/20/99.
03/27/02	A business license (R09-00934) was issued for a restaurant at 2230 W. Bonanza Road. The license was expired on 01/15/09.

Pre-Application Meeting	
01/13/09	A pre-application meeting was held to discuss the requirements for a Special Use Permit for a Supper Club. Also discussed were issues related to preserving existing entitlements for a mixed-use project at the subject site.

Neighborhood Meeting
A neighborhood meeting was neither required nor held for this application request.

Field Check	
02/05/09	A field check was conducted by staff. The site is an existing restaurant with parking lot. There was some trash and debris, unpermitted signage attached to the patio structure, sign pole, and in the landscape buffers along Bonanza Road, and a catering trailer with flat tires at the site.

Details of Application Request	
Site Area	
Gross Acres	1.12 Acres

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Restaurant	SC (Service Commercial) and MXU (Mixed Use)	C-1 (Limited Commercial)
North	Single-Family Residences	MXU (Mixed Use)	R-1 (Single Family Residential) Under Resolution of Intent to C-1 (Limited Commercial)
	Apartments	ML (Medium Low Density Residential	R-PD16) Residential Planned Development – 16 Units per Acre)
South	Shopping Center	LI/R (Light Industry / Research)	C-2 (General Commercial)
	Condominiums	MXU (Mixed Use)	R-PD46) Residential Planned Development – 46 Units per Acre)
East	Commercial	MXU (Mixed Use)	C-1 (Limited Commercial)
West	Las Vegas Indian Center	SC (Service Commercial)	C-V (Civic)

Special Districts/Zones	*Yes*	*No*	*Compliance*
Special Area Plan			
West Las Vegas Plan	X		Y

Special Districts/Zones	*Yes*	*No*	*Compliance*
Special Purpose and Overlay Districts			
A-O Airport Overlay District (140 Feet)	X		Y
Trails	X		Y*
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

**A Pedestrian Path is required along the north side of Bonanza Road, and consists of the existing five-foot sidewalk and five feet of the required landscape buffer. This proposal will add landscaping along the sidewalk in front of the existing patio, and will complete the Pedestrian Path for the segment fronting the subject site.*

DEVELOPMENT STANDARDS

Pursuant to Title 19.04, the following parking standards apply:

Parking Requirement							
	Gross Floor Area or Number of Units	***Required***			***Provided***		***Compliance***
		Parking Ratio	*Parking*		*Parking*		
Use			Regular	Handi-capped	Regular	Handi-capped	
Restaurant	2,394 SF Public Waiting / Seating, plus 1,984 SF Remaining GFA	1 per 50 SF of public waiting/ seating area, plus 1 per 200 SF for the remain-ing GFA	56	3	57	3	Y
TOTAL			59		60		Y
Loading Spaces	4,091 SF	1 / Less Than 10,000 SF	1		1		Y

ANALYSIS

This is a request for a Special Use Permit for a Supper Club in conjunction with an existing 4,091 square-foot restaurant at 2230 West Bonanza Road. An associated request has been submitted for a Site Development Plan Review (SDR-33191) for on-site alterations. The proposed use is compatible with the surrounding adjacent uses, is allowed in the C-1 (Limited Commercial) zoning district with the approval of a Special Use Permit and is consistent with the SC (Service Commercial) General Plan designation; therefore, staff is recommending approval of this request.

- **Zoning**

  The subject site is located within the Southeast Sector Plan of the General Plan with land use designations of MXU (Mixed Use) and SC (Service Commercial). The MXU (Mixed Use) category allows for a mix of uses that are normally allowed within the L (Low Density Residential), ML (Medium Low Density Residential), M (Medium Density Residential), H (High Density Residential), O (Office), SC (Service Commercial), and GC (General Commercial) General Plan land use categories. The SC (Service Commercial) category allows low to medium intensity retail, office, or other commercial uses that serve primarily local area patrons, and that do not include more intense general commercial characteristics. Examples include neighborhood shopping centers, theaters, and other places of public assembly and public and semi-public uses. This category also includes offices either singly or grouped as office centers with professional and business services. The Service Commercial category may also allow mixed-use development with a residential component where appropriate.

  The subject site is currently zoned C-1 (Limited Commercial), which is intended to provide most retail shopping and personal services, and may be appropriate for mixed-use developments. This district should be located on the periphery of residential neighborhoods and should be confined to the intersections of primary and secondary thoroughfares along major retail corridors. The C-l (Limited Commercial) district is consistent with the Service Commercial and the Neighborhood Center categories of the General Plan.

- **Use**

  A Supper Club is defined by Title 19.04 as a restaurant and bar operation with alcoholic beverage sales in which:

  1. The bar area is separated from the restaurant area by a barrier sufficient to prevent access to the bar by minors;
  2. The actual seating available at all times within the restaurant area will accommodate at least one hundred twenty-five persons;
  3. Alcoholic beverages are served in the restaurant area only in conjunction with the service of food;
  4. Full-course meals are available during all hours the bar area is open to the public;

5. A cook and food server, other than a bartender, are available at all times the bar area is open to the public; and
6. The restaurant operation is the principal portion of the business.

- **Minimum Special Use Permit Requirements**

Title 19.04.010 lists the following Minimum Special Use Requirements for the Supper Club use:

1. No supper club use shall be located within 400-feet of any church, synagogue, school, child care facility licensed for more than 12 children, or City Park.
2. Except as otherwise provided in Requirement 3 below, the minimum distances referred to in Requirement 1 shall be determined with reference to the shortest distance between two property lines, one being the property line of the proposed Supper Club which is closest to the existing use to which the measurement pertains, and the other being the property line of that existing use which is closest to the proposed Supper Club. The distance shall be measured in a straight line without regard to intervening obstacles. For purposes of measurement, the term "property line" refers to property lines of fee interest parcels and does not include the property line of:
    a. Any leasehold parcel; or
    b. Any parcel which lacks access to a public street or has no area for on-site parking and which has been created so as to avoid the distance limitation described in Requirement 1.
3. In the case of a Supper Club proposed to be located on a parcel of at least 80 acres in size, the minimum distances referred to in Requirement 1 shall be measured in a straight line:
    a. From the nearest property line of the existing use to the nearest portion of the structure in which the Supper Club will be located, without regard to intervening obstacles, or nearest property line of a leasehold or occupancy parcel in which the Supper Club will be located, without regard to intervening obstacles.
    b. In the case of a proposed Supper Club which will be located within a shopping center or other multiple-tenant structure, from the nearest property line of the existing use to the nearest property line of a leasehold or occupancy parcel in which the Supper Club will be located, without regard to intervening obstacles.
4. When considering a Special Use Permit application for a Supper Club which also requires a waiver of the distance limitation in Requirement 1, the Planning Commission shall take into consideration the distance policy and shall, as part of its recommendation to the City Council, state whether the distance requirement should be waived and the reasons in support of the decision.

*5. In the O District, a Supper Club is permitted only as an accessory use.

*6. All businesses which sell alcoholic beverages shall conform to the provisions of LVMC Chapter 6.50.

**Any condition marked with an asterisk cannot be waived.*

The proposed use meets the minimum requirements of a Supper Club use, and staff finds that the public health, safety, and welfare will not be compromised.

FINDINGS

The following findings must be made for a Special Use Permit:

1. **"The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan."**

   The proposed Supper Club can be conducted in a manner that is compatible and harmonious with the existing surrounding land uses, and with future surrounding land uses. The proposed Supper Club will be operated in conjunction with an existing restaurant, and will have minimal, if any, impact on the adjacent properties.

2. **"The subject site is physically suitable for the type and intensity of land use proposed."**

   The subject site is physically suitable for the proposed Supper Club use as it will be operated in conjunction with an existing restaurant with adequate parking and access.

3. **"Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use."**

   Site access is existing, with two driveways onto Bonanza Road, designated as a 100-foot Primary Arterial, and Dike Lane, designated a Local street by the Master Plan of Streets and Highways. The proposed use will not increase the intensity of the existing use, and therefore, the roadways are adequate in size.

4. **"Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan."**

   The site will be subject to permitting, annual inspections and licensing by the City of Las Vegas, and will not compromise the public health, safety, and welfare, or the overall objectives of the General Plan.

5. **The use meets all of the applicable conditions per Title 19.04.**

   The proposed use meets all applicable conditions of Title 19.04.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 20

ASSEMBLY DISTRICT 6

SENATE DISTRICT 4

NOTICES MAILED 371

APPROVALS 4

PROTESTS 0

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **SUP-33189** APN: 139-29-704-023, 024, 025

Name of Property Owner: Bud Holdings, LLC

Name of Applicant: Big Mama's Cooking or Kitchen, Inc.

Name of Representative: Demetrius McWhorter/Dargin McWhorter

To the best of your knowledge, does the Mayor or any member of the City Council or Planning Commission have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company?

☐ **Yes** ☒ **No**

If yes, please indicate the member of the City Council or Planning Commission who is involved and list the name(s) of the person or persons with whom the City Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official: _____

Partner(s): _____ _____

APN: _____

Signature of Property Owner: Demetrius McWhorter

Print Name: Demetrius McWhorter

Subscribed and sworn before me

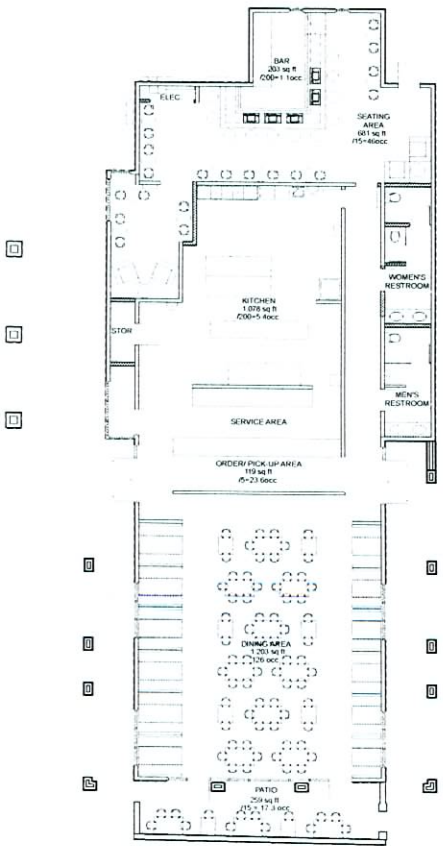
This 27th day of January, 2009

Cindy Lou Ord

Notary Public in and for said County and State

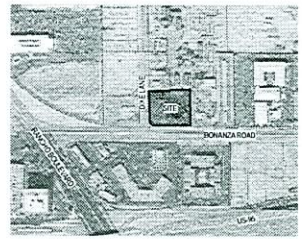
CINDY LOU ORD
Notary Public State of Nevada
No. 00-63415-1
My appt. exp. July 15, 2012

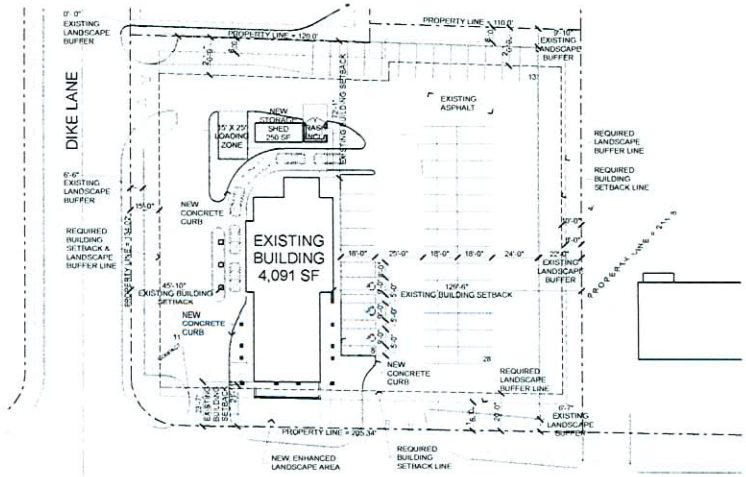
RECEIVED
JAN 23 2009



FLOOR PLAN

VICINITY MAP NTS





SITE PLAN

Site and Project Information

SITE DATA

PARCEL NUMBER	139-29-704-023, 139-29-704-024, 139-29-704-025
JURISDICTION	CITY OF LAS VEGAS - 89106
EXISTING ZONING	C-1
PROPOSED USE	SUPPER CLUB
SITE AREA	49,195 SF 1.13 GROSS ACRES

SETBACKS - (BUILDING)	REQ'D	PROVIDED
FRONT	20'-0"	23'-7" (existing)
INTERIOR SIDE	10'-0"	129'-6" (existing)
SIDE STREET	15'-0"	45'-10" (existing)
REAR	20'-0"	72'-1" (existing)

MAX HEIGHT	150'-0" / 10 STORIES
ACTUAL HEIGHT	+/- 16'-0" (EXISTING)
LOT COVERAGE ALLOWED	50%
ACTUAL LOT COVERAGE	4,091 SF / 49,195 SF = 8.4%

BUILDING INFORMATION

CODE	2006 INTERNATIONAL BUILDING CODE
CONSTRUCTION TYPE	VB
OCCUPANCY	A-2
FIRE SPRINKLERS PROVIDED	NO

BUILDING AREAS	
RESTAURANT / BAR (A-2)	2,187 SF
KITCHEN (B)	1,274 SF
OTHER	700 SF
TOTAL SQUARE FOOTAGE	4,091 SF

PARKING AREA

BUILDING AREA	REQUIRED PARKING	PROVIDED
RESTAURANT / BAR	2,187 SF @ 1:50 = 43	
PATIO	287 SF @ 1:50 = 6	
KITCHEN / OTHER	1,984 SF @ 1:200 = 10	
TOTAL	59	

STANDARD PARKING SPACES PROVIDED	57
HANDICAPPED SPACES PROVIDED	3
TOTAL PARKING	60
LOADING ZONE (15' X 25')	1

LANDSCAPE BUFFERS

	REQ'D	PROVIDED
FRONT	15'-0"	6'-7" (existing)
INTERIOR SIDE	8'-0"	22'-6" (existing)
SIDE STREET	15'-0"	6'-6" (existing)
REAR	8'-0"	8'-6" (existing)

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APTUS Architecture
1700 South 4th Street
Suite 206
Las Vegas, Nevada 89104
P 702.839.1300
F 702.839.1213

Big Mama's Supper Club
Special Use Permit
2230 W. Bonanza Road
Las Vegas, Nevada 89106

SUP-33189
SDR-33191
03/12/09 PC

City of Las Vegas SUP Submittal 01.27.09

SITE PLAN
AS100

08.144 Big Mama's Supper Club

SUP-33189 - APPLICANT: BIG MAMAS COOKING OR KITCHEN, INC. - OWNER: BUD HOLDINGS, LLC
2230 WEST BONANZA ROAD
MARCH 26, 2009 PLANNING COMMISSION

02/05/09

SUP-33189 - APPLICANT: BIG MAMAS COOKING OR KITCHEN, INC. - OWNER: BUD HOLDINGS, LLC
2230 WEST BONANZA ROAD
MARCH 26, 2009 PLANNING COMMISSION

02/05/09

SUP-33189 - APPLICANT: BIG MAMAS COOKING OR KITCHEN, INC. - OWNER: BUD HOLDINGS, LLC
2230 WEST BONANZA ROAD
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02/05/09

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2230 WEST BONANZA ROAD
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2230 WEST BONANZA ROAD
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02/05/09

SUP-33189 - APPLICANT: BIG MAMAS COOKING OR KITCHEN, INC. - OWNER: BUD HOLDINGS, LLC
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SUP-33189 - APPLICANT: BIG MAMAS COOKING OR KITCHEN, INC. - OWNER: BUD HOLDINGS, LLC
2230 WEST BONANZA ROAD
MARCH 26, 2009 PLANNING COMMISSION

02/05/09

SUP-33189 - APPLICANT: BIG MAMAS COOKING OR KITCHEN, INC. - OWNER: BUD HOLDINGS, LLC
2230 WEST BONANZA ROAD
MARCH 26, 2009 PLANNING COMMISSION

02/05/09

SUP-33189 - APPLICANT: BIG MAMAS COOKING OR KITCHEN, INC. - OWNER: BUD HOLDINGS, LLC
2230 WEST BONANZA ROAD
MARCH 26, 2009 PLANNING COMMISSION

02/05/09

December 30, 2008

City of Las Vegas
Planning and Development Department
731 S. Fourth Street
Las Vegas, NV 89101

RE: **APN: 139-29-704-023 thru 139-29-704-025**
Subject: Special use Permit-Supper Club

Dear Sirs:

We respectfully submit this application for a Special Use Permit for a Supper Club for our existing restaurant called Big Mama's Cooking. We have been opened and operating at this location for over ten years. Due to the current economic conditions, we need to renovate our property to add additional income streams to stay in business. Our plan is to remodel and renovate our entire building and to convert an old storage area into a new bar area. We are not adding any additional square footage to the building footprint. We are located within the Downtown Redevelopment Overlay. With this project we are trying renovate, remodel and upgrade our restaurant and building to revitalize the neighborhood and provide an upgraded/updated project along Bonanza Road.

We hope that you will join us in our attempt to bring a much-needed renovation project to this immediate area, which has been in a state of decay for several decades now. Please consider this project as a positive impact on the City of Las Vegas and the surrounding area

Respectfully Submitted,

Demetrius McWhorter
Big Mama's Cooking or Kitchen, Inc.

RECEIVED
JUN 2 3 2009

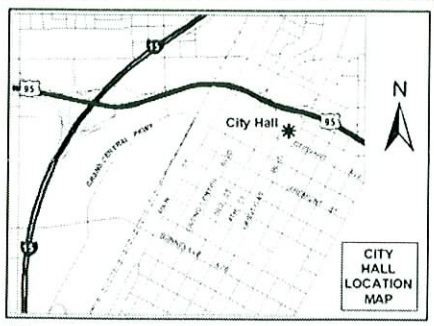
SUP-33189
SDR-33191
03/12/09 PC

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

PRESORTED FIRST CLASS

UNITED STATES POSTAGE
PITNEY BOWES
02 1M $ 00.39⁴
0004239954 FEB 27 2009
MAILED FROM ZIPCODE 89101

Return Service Requested
Official Notice of Public Hearing



If you wish to file your protest or support on this request, check the appropriate box below and return this card in an envelope with postage to the Planning & Development Department at the address listed above or fax this side of this card to (702) 385-7268. If you would like to contact your Council Representative, please call (702) 229-6405.

[X] I SUPPORT this Request
[ ] I OPPOSE this Request

Please use available blank space on card for your comments.

SUP-33189 & SDR-33191
Planning Commission Meeting of 3/12/2009

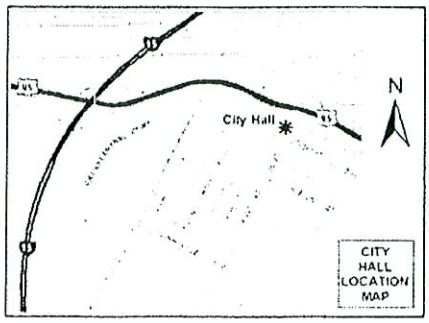
RECEIVED
MAR 03 2009

Case: SUP-33189
13928301030
DEMARCO ANGELO THOMAS & JANET L
651 CLARKWAY DR
LAS VEGAS NV 89106-3629

#22
A

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

Return Service Requested
Official Notice of Public Hearing



RECEIVED
MAR 04 2009

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☒ I SUPPORT this Request ☐ I OPPOSE this Request

Please use available blank space on card for your comments.

SUP-33189 & SDR-33191
Planning Commission Meeting of 3/12/2009

Case: SUP-33189
13929613019
JONES WILLIAM R & IRENE J FAM TR
9715 PHOENICIAN AVE
LAS VEGAS NV 89147-8337

LASDP11 45147

#22
A

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

PRESORTED FIRST CLASS

UNITED STATES POSTAGE PITNEY BOWES
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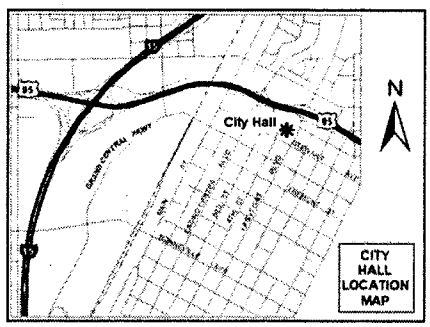
MAILED FROM ZIPCODE 89101

Return Service Requested
Official Notice of Public Hearing



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☒ I SUPPORT this Request ☐ I OPPOSE this Request

Please use available blank space on card for your comments.

SUP-33189 & SDR-33191
Planning Commission Meeting of 3/12/2009

RECEIVED
MAR 11 2009

Case: SUP-33189
13929811097
COFRANCESCO JANICE L & MARK J
936 MIDPRIDE ST
LAS VEGAS NV 89144-1304

Submitted after final agenda

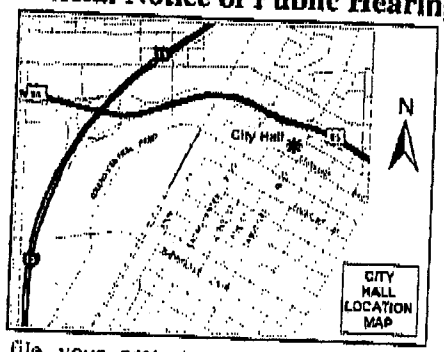
Date 3/11/09 Item #22 & 23 A

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

PRESORTED FIRST CLASS

UNITED STATES POSTAGE PITNEY BOWES
02 1M $ 00.39⁴
0004239954 FEB 27 2009
MAILED FROM ZIP CODE 89101

Return Service Requested
Official Notice of Public Hearing



RECEIVED
MAR 11 2009

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[X] I SUPPORT this Request [ ] I OPPOSE this Request

Please use available blank space on card for your comments.

SUP-33189 & SDR-33191

Planning Commission Meeting of 3/12/2009

13928301012 Case: SUP-33189
PETRELLA RUTH C
1208 BENICIA HILLS ST
LAS VEGAS NV 89144-1234

Submitted after final agenda

Date 3/11/09 Item #22&23 A

City of Las Vegas Agenda Item No.: **16.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: MARCH 26, 2009

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

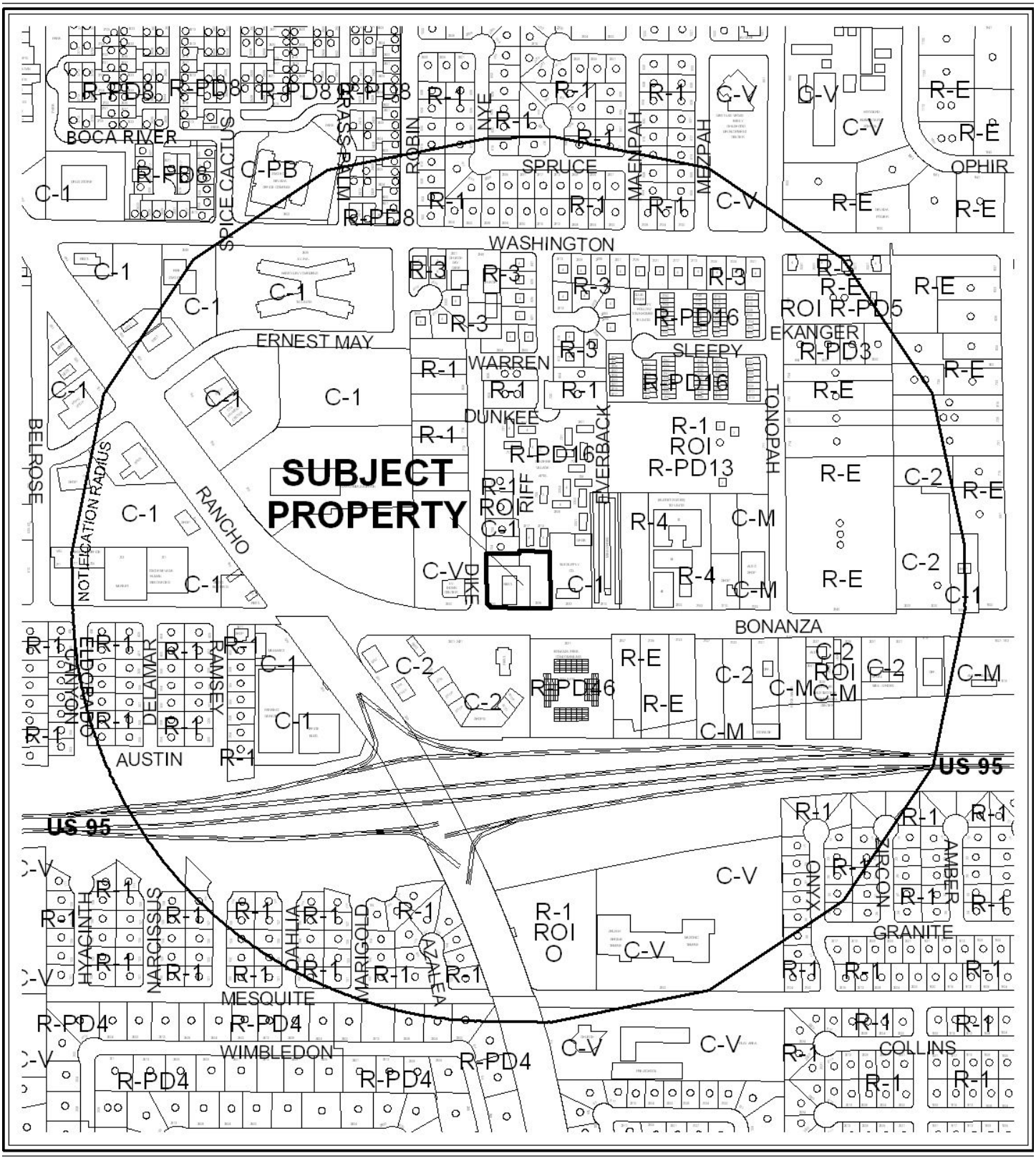
SUBJECT:
ABEYANCE - SDR-33191 - SITE DEVELOPMENT PLAN REVIEW RELATED TO SUP-33189 - PUBLIC HEARING - APPLICANT: BIG MAMAS COOKING OR KITCHEN, INC. - OWNER: BUD HOLDINGS, LLC - Request for a Site Development Plan Review FOR ON-SITE ALTERATIONS FOR AN EXISTING 4,091 SQUARE-FOOT RESTAURANT at 2230 West Bonanza Road (APNs 139-29-704-023 through 025), C-1 (Limited Commercial) Zone, Ward 5 (Barlow)

C.C.: 05/06/2009

PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**0**	**Planning Commission Mtg.**	**4**
City Council Meeting	**0**	**City Council Meeting**	**0**

RECOMMENDATION:
APPROVAL

BACKUP DOCUMENTATION:
1. Location and Aerial Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Photos
5. Justification Letter
6. Support Postcards



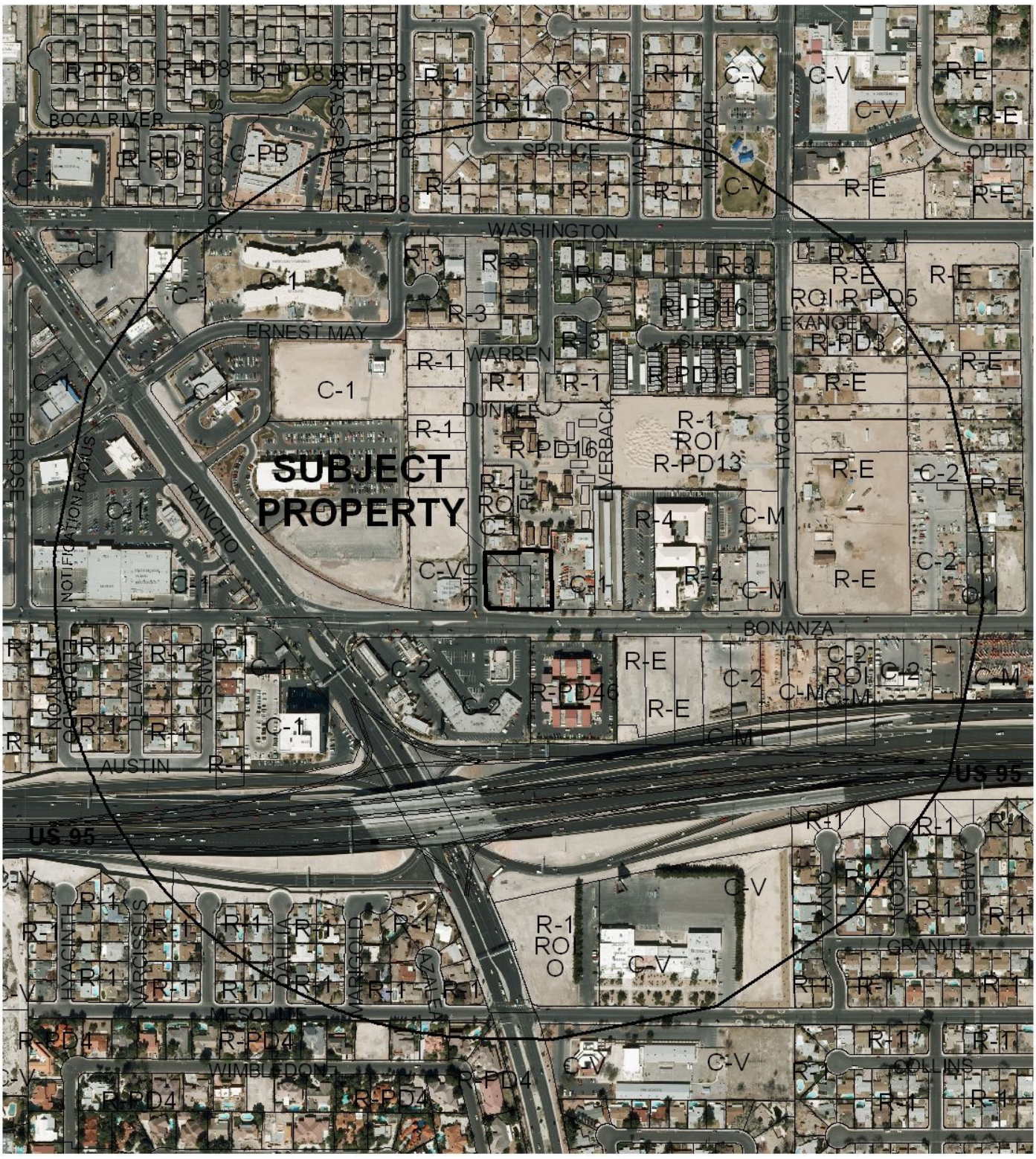
CASE: **SDR-33191**

RADIUS: 1500 FT

0 500 1000 Feet

ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL)

N



CASE: **SDR-33191**

RADIUS: 1500 FT

0 500 1000 Feet

ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL)

N

City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: MARCH 26, 2009
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: ABEYANCE - SDR-33191 APPLICANT: BIG MAMAS COOKING OR KITCHEN, INC. - OWNER: BUD HOLDINGS, LLC

** CONDITIONS **

STAFF RECOMMENDATION: **APPROVAL,** subject to:

Planning and Development

1. Conformance to the conditions for Special Use Permit (SUP-33189), if approved.

2. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the principal building on the site. An Extension of Time may be filed for consideration by the City of Las Vegas.

3. All development shall be in conformance with the site plan and floor plans, date stamped 01/28/09, and the landscape plan and building elevations, date stamped 02/09/09, except as amended by conditions herein.

4. The trash enclosure shall be gated and roofed to meet the minimum requirements of Title 19.08, and shall be placed in a location at least 50 feet from residentially zoned property, as required by the Residential Adjacency standards.

5. Permits and a final inspection shall be required for all signage located on the subject site.

6. The applicant shall work with city staff to determine the most appropriate mapping action necessary to consolidate the three existing parcels. The mapping action shall be completed and recorded prior to the adoption of the zoning ordinance.

7. A technical landscape plan, signed and sealed by a Registered Architect, Landscape Architect, Residential Designer or Civil Engineer, must be submitted prior to or at the same time application is made for a building permit. A permanent underground sprinkler system is required, and shall be permanently maintained in a satisfactory manner; the landscape plan shall include irrigation specifications.

8. Pre-planting and post-planting landscape inspections are required to ensure the appropriate plant material, location, size of planters, and landscape plans are being utilized. The Planning and Development Department must be contacted to schedule an inspection prior to the start of the landscape installation and after the landscape installation is completed. A certificate of occupancy will not be issued or the final inspection will not be approved until the landscape inspections have been completed.

9. Reflective glazing at the pedestrian level is prohibited. Glazing above the pedestrian level shall be limited to a maximum reflectance rating of 22% (as defined by the National Institute of Standards and Technology).

10. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.

11. All utility boxes exceeding 27 cubic feet in size shall meet the standards of LVMC Title 19.12.040.

12. Parking lot lighting standards shall be no more than 30 feet in height and shall utilize downward-directed lights with full cut-off luminaires. Lighting on the exterior of buildings shall be shielded and shall be downward-directed. Non-residential property lighting shall be directed away from residential property or screened, and shall not create fugitive lighting on adjacent properties.

13. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.

14. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Public Works

15. Submit a Petition of Vacation to vacate existing right-of-way beyond back of sidewalk along the eastern edge of Dike Lane adjacent to this site and extending northward to Van Busch Way; such vacation application shall be acted upon by the City Council prior to the issuance of any permits for this site. Alternatively, submit an encroachment agreement for all landscaping and private improvements within the public right-of-way adjacent to this site.

16. Coordinate with the City Surveyor to determine the appropriate mapping method for this site prior to the issuance of any permits; comply with the recommendations of the City Surveyor.

17. Remove all substandard public street improvements, if any, adjacent to this site and replace with new improvements meeting current City Standards concurrent with on-site development activities.

18. Meet with the Fire Protection Engineering Section of the Department of Fire Services to discuss fire requirements for the proposed use of this facility. The design and layout of all onsite private circulation and access drives shall meet the approval of the Department of Fire Services.

19. All landscaping and private improvements installed with this project shall be situated and maintained so as not to create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.

20. As appropriate, submit an Encroachment Agreement to the City of Las Vegas and/or obtain an Occupancy Permit from the Nevada Department of Transportation for all landscaping and private improvements in the Bonanza Road public right-of-way adjacent to this site.

SDR-33191 - Staff Report Page One
March 26, 2009 - Planning Commission Meeting

** STAFF REPORT **

PROJECT DESCRIPTION

This is a request for a Site Development Plan Review for on-site alterations for an existing 4,091 square-foot restaurant at 2230 West Bonanza Road. An Exception to allow zero parking lot landscape islands and trees is requested for the existing parking lot. An associated request has been submitted for a Special Use Permit (SUP-33189) for a Supper Club in conjunction with the existing restaurant. The proposed changes to the site are minor in nature, will aid in site circulation, add landscaping and generally improve the aesthetic appearance of the site; therefore, staff is recommending approval of this request.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc.	
07/28/97	The City Council approved a request for a Rezoning (Z-0046-97) on property located at 706 Dike Lane, from R-1 (Single Family Residential) to R-2 (Medium-Low Density Residential). The Planning Commission and staff recommended approval.
07/06/99	The Board of Zoning Adjustment approved a request for a Variance (V-0051-99) on property located at 2230 West Bonanza Road to allow an existing 90-foot high freestanding ground sign where 40 feet is the maximum height allowed in conjunction with an existing restaurant.
10/05/05	The City Council approved a petition of Vacation (VAC-7679) to vacate the east five feet of a portion of Dike Lane north of Bonanza Road. The Planning Commission and Staff recommended denial.
10/05/05	The City Council approved the following cases: A General Plan Amendment (GPA-6273) to amend the land-use designation on a portion of the subject property from ML (Medium Low Density Residential) to SC (Service Commercial); a Rezoning (ZON-6510) from R-1 (Single Family Residential) and R-1 (Single Family Residential) under Resolution of Intent to R-2 (Medium-Low Density Residential) to C-1 (Limited Commercial); a Variance (VAR-6506) from the step-back requirements listed in Title 19.08.030(C); a Variance (VAR-7665) to allow a reduction in the number of parking spaces provided; a Special Use Permit (SUP-6504) for a proposed Mixed-Use Development; a Special Use Permit (SUP-8067) to allow a 350-foot tall building where 140 feet is the maximum height allowed in the Airport Overlay Zone; and a Site Development Plan Review (SDR-6507) for a proposed mixed-use development including: a 38-story tower containing 311 residential units, a 32-story tower containing 160 residential units and 40,000 square feet of commercial space adjacent to an approved Vacation (VAC-7679) located at the northeast corner of Bonanza Road and Dike Lane. Staff and the Planning Commission had recommended denial.

03/23/06	The City Council approved a Site Development Plan Review (SDR-11707) for a proposed 12-story Mixed-Use development consisting of 300 residential units and 10,000 square feet of commercial space, with Waivers to allow a reduction of perimeter landscape requirements, and to allow a 2.3-foot Residential Adjacency setback where 540 feet is the minimum setback required, a Variance (VAR-11712) to allow 400 parking spaces where 493 are required, and a Variance (VAR-11714) to allow a 6.8-foot rear-yard setback where 20 feet is the minimum setback required, to allow a 2.3-foot side-yard setback where ten feet is the minimum setback required, to allow a five-foot corner-yard setback where 15 feet is the minimum setback allowed, to allow a maximum lot coverage of 83.6 percent where 50 percent is the maximum lot coverage allowed, and to allow a reduction of building step-back requirements adjacent to an approved Vacation (VAC-7679) located at the northeast corner of Bonanza Road and Dike Lane. Planning Commission recommended approval and staff recommended denial.
05/17/06	The City Council approved a General Plan Amendment (GPA-9219) to amend the future land use designation to Commercial, Mixed Use, Industrial or Public Facilities on various parcels located within the proposed Las Vegas Redevelopment Plan area and within the proposed Redevelopment Plan expansion area. Planning Commission recommended approval.
12/07/06	The Planning and Development Department administratively approved a request for an Extension of Time (EOT-17438) of an approved Petition to Vacate (VAC-7679) the east five feet of a portion of Dike Lane, north of Bonanza Road.
10/17/07	The City Council approved requests for Extensions of Time (EOT-24417, EOT-24419, EOT-24420 and EOT-24422, respectively) for an approved Rezoning (ZON-6510) from R-1 (Single Family Residential), and R-1 (Single Family Residential) under resolution of intent to R-2 (Medium-Low Density Residential) to C-1 (Limited Commercial); a Site Development Plan Review (SDR-11707) for a proposed 12-story mixed-use development consisting of 300 residential units and 10,000 square feet of commercial space, with Waivers to allow a reduction of perimeter landscape requirements, and to allow a ten-foot residential adjacency setback where 540 feet is the minimum setback required; an approved Variance (VAR-11712) to allow 400 parking spaces where 493 parking spaces is the minimum number of parking spaces required for a proposed mixed-use development; and an approved Variance (VAR-11714) to allow a 6.8-foot rear-yard setback where 20 feet is the minimum setback required, to allow a 2.3-foot side-yard setback where ten feet is the minimum setback required, to allow a five-foot corner-yard setback where 15 feet is the minimum setback allowed, to allow a maximum lot coverage of 83.6 percent where 50 percent is the maximum lot coverage allowed, and to allow a reduction of building step-back requirements for a proposed mixed-use development on 1.88 acres at 2228 and 2230 West Bonanza Road, and 704, 706, 708, and 710 Dike Lane. Staff recommended approval for all requests.

10/25/07	The Planning and Development Department administratively approved an Extension of Time (EOT-24421) for an approved Petition to Vacate (VAC-7679) the east five feet of a portion of Dike Lane, north of Bonanza Road. The Vacation expired on 10/05/08 as no additional Extension of Time was requested.
02/05/08	A Code Enforcement complaint was processed for trash and debris at 2230 W. Bonanza Road. The complaint was resolved on 02/15/08.
06/04/08	The City Council approved requests for Extensions of Time (EOT-27831, EOT-27832 and EOT-27833, respectively) for an approved Site Development Plan Review (SDR-11707) for a proposed 12-story mixed-use development consisting of 300 residential units and 10,000 square feet of commercial space, with Waivers to allow a reduction of perimeter landscape requirements, and to allow a ten-foot residential adjacency setback where 540 feet is the minimum setback required; an approved Variance (VAR-11712) to allow 400 parking spaces where 493 parking spaces is the minimum number of parking spaces required for a proposed mixed-use development; and an approved Variance (VAR-11714) to allow a 6.8-foot rear-yard setback where 20 feet is the minimum setback required, to allow a 2.3-foot side-yard setback where ten feet is the minimum setback required, to allow a five-foot corner-yard setback where 15 feet is the minimum setback allowed, to allow a maximum lot coverage of 83.6 percent where 50 percent is the maximum lot coverage allowed, and to allow a reduction of building step-back requirements for a proposed mixed-use development on 1.88 acres at 2228 and 2230 West Bonanza Road, and 704, 706, 708, and 710 Dike Lane. Staff recommended approval for all requests.
03/12/09	The Planning Commission held in abeyance requests for a Special Use Permit (SUP-33189) for a Supper Club in conjunction with an existing 4,091 square-foot restaurant and a Site Development Plan Review (SDR-33191) for on-site alterations at 2230 West Bonanza Road.

Related Building Permits/Business Licenses	
c. 1967	Original construction for the existing structure at 2230 W. Bonanza Road.
05/21/98	A building permit (#98010772) was issued for a non-work certificate of occupancy for a restaurant at 2230 W. Bonanza Road. The permit expired on 03/25/00.
07/09/98	A building permit (#98014137) was issued for demolition at a restaurant at 2230 W. Bonanza Road. The permit expired on 03/25/00.
12/11/98	A building permit (#98024166) was issued for an interior remodel for a restaurant at 2230 W. Bonanza Road. The permit was finaled on 10/20/99.
12/29/98	Building permits (#98025183 and 4) were issued for interior remodels for a restaurant at 2230 W. Bonanza Road. The permits expired on 03/25/00.
03/22/99	A building permit (#99005583) was issued for an interior remodel for a restaurant at 2230 W. Bonanza Road. The permit was finaled on 10/20/99.

07/20/99	A building permit (#99014171) was issued for a pole sign (tag #3865) for a restaurant at 2230 W. Bonanza Road. The permit was finaled on 10/20/99.
03/27/02	A business license (R09-00934) was issued for a restaurant at 2230 W. Bonanza Road. The license was expired on 01/15/09.

Pre-Application Meeting	
01/13/09	A pre-application meeting was held to discuss the requirements for a Special Use Permit for a Supper Club. Also discussed were issues related to preserving existing entitlements for a mixed-use project at the subject site.

Neighborhood Meeting
A neighborhood meeting was neither required nor held for this application request.

Field Check	
02/05/09	A field check was conducted by staff. The site is an existing restaurant with parking lot. There was some trash and debris, unpermitted signage attached to the patio structure, sign pole, and in the landscape buffers along Bonanza Road, and a catering trailer with flat tires at the site.

Details of Application Request	
Site Area	
Gross Acres	1.12 Acres

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Restaurant	SC (Service Commercial) and MXU (Mixed Use)	C-1 (Limited Commercial)
North	Single-Family Residences	MXU (Mixed Use)	R-1 (Single Family Residential) Under Resolution of Intent to C-1 (Limited Commercial)
	Apartments	ML (Medium Low Density Residential	R-PD16) Residential Planned Development – 16 Units per Acre)
South	Shopping Center	LI/R (Light Industry / Research)	C-2 (General Commercial)
	Condominiums	MXU (Mixed Use)	R-PD46) Residential Planned Development – 46 Units per Acre)
East	Commercial	MXU (Mixed Use)	C-1 (Limited Commercial)
West	Las Vegas Indian Center	SC (Service Commercial)	C-V (Civic)

Special Districts/Zones	*Yes*	*No*	*Compliance*
Special Area Plan			
West Las Vegas Plan	X		Y
Special Districts/Zones	*Yes*	*No*	*Compliance*
Special Purpose and Overlay Districts			
A-O Airport Overlay District (140 Feet)	X		Y
Trails	X		Y*
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

**A Pedestrian Path is required along the north side of Bonanza Road, and consists of the existing five-foot sidewalk and five feet of the required landscape buffer. This proposal will add landscaping along the sidewalk in front of the existing patio, and will complete the Pedestrian Path for the segment fronting the subject site.*

DEVELOPMENT STANDARDS

Pursuant to Title 19.08, the following standards apply:

Standard	*Required/Allowed*	*Provided*	*Compliance*
Min. Lot Size	N/A	46,019 SF	Y
Min. Lot Width	100 Feet	230 Feet	Y
Min. Setbacks – Principle Structure			
• Front	20 Feet	23 Feet	Y
• Side	10 Feet	129 Feet	Y
• Corner	15 Feet	45 Feet	Y
• Rear	20 Feet	72 Feet	Y
Max. Lot Coverage	50%	8.4%	Y
Max. Building Height	N/A	16.5 Feet	Y
Min. Setbacks – Accessory Structures			
• Front	20 Feet	151 Feet	Y
• Side	8 Feet	145 Feet	Y
• Corner	15 Feet	65 Feet	Y
• Rear	8 Feet	44 Feet	Y
Trash Enclosure	Roofed, Gated	Not Indicated	N*
Mech. Equipment	Screened	Not Indicated	N**

**A condition has been added to require that the proposed trash enclosure meet the minimum requirements of Title 19.08.*
***A condition has been added to require that any proposed mechanical equipment must comply with the minimum requirements of Title 19.08.*

Residential Adjacency Standards	*Required/Allowed*	*Provided*	*Compliance*
3:1 proximity slope	20 Feet	72 Feet	Y
Adjacent development matching setback	5 Feet	72 Feet	Y
Trash Enclosure	50 Feet	44 Feet	N*

**A condition has been added to relocate the proposed trash enclosure to meet the minimum Residential Adjacency requirements of Title 19.08.060.*

Pursuant to Title 19.12, the following standards apply:

Landscaping and Open Space Standards				
Standards	*Required*		*Provided*	*Compliance*
	Ratio	*Trees*		
Parking Area	1 Tree / 6 Spaces	10 Trees	Zero Trees	N*
Buffer: Min. Trees	1 Tree / 20 Linear Feet	6 Trees	6 trees	Y**
TOTAL		16 Trees	6 Trees	N*
Min. Zone Width • North • South • East • West	8 Feet 15 Feet 8 Feet 15 Feet		Zero Feet 6 Feet Zero Feet Zero Feet	N** N** N** N**
Wall Height	6 to 8 Feet		Existing	Y

**There are no existing parking lot trees / landscape islands, nor are any proposed. An Exception to Title 19.10 Parking Lot Landscape Island and Planting standards has been requested.*

***The perimeter landscape buffers are existing. The proposed reduction of the patio area will result in additional perimeter buffer area, which will require two 24-inch box trees and four 5-gallon shrubs.*

Pursuant to Title 19.04, the following parking standards apply:

Parking Requirement							
	Gross Floor Area or Number of Units	*Required*			*Provided*		*Compliance*
		Parking Ratio	*Parking*		*Parking*		
Use			Regular	Handi-capped	Regular	Handi-capped	
Restaurant	2,394 SF Public Waiting / Seating, plus 1,984 SF Remaining GFA	1 / 50 SF of public waiting/ seating area, plus 1 / 200 SF for the remain-ing GFA	56	3	57	3	Y

TOTAL			59	60	Y
Loading Spaces	4,091 SF	1 / Less Than 10,000 SF	1	1	Y

Exceptions		
Request	**Requirement**	**Staff Recommendation**
To allow zero landscape islands and trees.	10 Landscape islands and trees.	Approval

ANALYSIS

This is a request for a Site Development Plan Review for on-site alterations for an existing 4,091 square-foot restaurant at 2230 West Bonanza Road. An Exception to allow zero parking lot landscape islands and trees is requested for the existing parking lot. An associated request has been submitted for a Special Use Permit (SUP-33189) for a Supper Club in conjunction with the existing restaurant. The proposed changes to the site are minor in nature, will aid in site circulation, add landscaping and generally improve the aesthetic appearance of the site; therefore, staff is recommending approval of this request.

- **Existing Entitlements**

  There are existing entitlements that are associated with subject site for a mixed-use development. The applicant has submitted this application to make interim improvements to the subject site that are needed to better utilize the existing facility while the necessary financing is sought for the proposed mixed-use development. If approved, this application will not impact the existing entitlements, which shall remain in effect until exercised or allowed to expire.

- **Zoning**

  The subject site is located within the Southeast Sector Plan of the General Plan with land use designations of MXU (Mixed Use) and SC (Service Commercial). The MXU (Mixed Use) category allows for a mix of uses that are normally allowed within the L (Low Density Residential), ML (Medium Low Density Residential), M (Medium Density Residential), H (High Density Residential), O (Office), SC (Service Commercial), and GC (General Commercial) General Plan land use categories. The SC (Service Commercial) category allows low to medium intensity retail, office, or other commercial uses that serve primarily local area patrons, and that do not include more intense general commercial characteristics. Examples include neighborhood shopping centers, theaters, and other places of public assembly and public and semi-public uses. This category also includes offices either singly or grouped as office centers with professional and business services. The Service Commercial category may also allow mixed-use development with a residential component where appropriate.

The subject site is currently zoned C-1 (Limited Commercial), which is intended to provide most retail shopping and personal services, and may be appropriate for mixed-use developments. This district should be located on the periphery of residential neighborhoods and should be confined to the intersections of primary and secondary thoroughfares along major retail corridors. The C-l (Limited Commercial) district is consistent with the Service Commercial and the Neighborhood Center categories of the General Plan.

- **Site Plan**

Minor changes are proposed for the existing site, and include restriping of the parking lot to add three handicap parking spaces that comply with the current Title 19.10 standards, the relocation of the trash enclosure, the addition of an accessory structure, and the reduction of the patio area. The proposed accessory structure is located 18 feet to the north of the restaurant, across the drive-through aisle. The proposed location of the trash enclosure will not meet the minimum 50-foot separation from residentially zoned property as required by Title 19.08.060 Residential Adjacency Standards; a condition has been added to require that the enclosure to be placed in an appropriate location.

- **Landscape Plan**

Although perimeter landscape buffer areas are existing and will not be increased in size (with the exception of the area created by reducing the patio area), the landscape plan indicates that all existing landscaping will be removed and replaced with 24-inch box size Shoestring Acacia trees and five-gallon shrubs to include Sago Palms, Regal Mist Fountain Grass and Creeping Jasmine. Additional landscaping consisting of the listed shrubs will also be added to areas around the perimeters of the existing restaurant building. The proposed landscaping materials will meet the minimum requirements of Title 19.12.

An Exception to Title 19.10 Parking Lot Landscape Island and Planting standards has been requested to allow zero landscape islands and trees where 10 are required. Staff can support the request as the parking lot is existing and the addition of the required islands and trees would result in a parking deficiency for the site.

- **Elevations**

Elevations indicate that no changes will be made to the existing building itself, but a 14'-6" architectural wall will be constructed within the buildable area of the site to wrap around the front and both sides of the structure, creating a more aesthetically pleasing street façade. Indicated on the architectural wall are areas for additional signage. Signs are permitted separately from other structures and must meet the size and coverage restrictions of Title 19.14. A condition has been added to require that all signage located on the site have the appropriate permits and inspections. No elevations were submitted for the accessory structure; however, the structure will require permitting, and it will have to meet the minimum development standards of Title 19.08, including the requirement to be

architecturally compatible in color and materials with the primary structure. The structure over the existing patio will be removed, and the patio will be reduced in size to create a landscape area. A stone veneer is indicated on the new patio wall, which is depicted at three feet in height. As it is located within the front yard setback area, it must meet the requirements of Title 19.12.075, which limits walls in the front yard area to no more than five feet in height, with the top three feet open to permit visibility. As walls are permitted separately from other structures, the applicant may choose to revise the design of the wall to pilasters with wrought iron inserts, or pursue a request for a Variance to allow the additional solid wall height prior to obtaining the appropriate building permits.

- **Floor Plan**

  The floor plan depicts an existing 4,091 square-foot structure that will be remodeled to include: an 884 square-foot bar area at the rear, with seating for 46; two restrooms; a 1,197 square-foot kitchen/service/order and pick-up area; storage; a 1,203 square-foot main dining room with seating for 126; and a patio area with seating for 14 at the front of the building.

FINDINGS

The following findings must be made for an SDR:

1. **The proposed development is compatible with adjacent development and development in the area;**

   The existing restaurant is compatible with the adjacent development and development in the area. The proposed on-site alterations will improve the utility and visual aesthetics of the site.

2. **The proposed development is consistent with the General Plan, this Title, the Design Standards Manual, the Landscape, Wall and Buffer Standards, and other duly-adopted city plans, policies and standards;**

   The proposed development is consistent with the General Plan, Title 19 and the West Las Vegas Plan.

3. **Site access and circulation do not negatively impact adjacent roadways or neighborhood traffic;**

   Site access is existing, with two driveways onto Bonanza Road, designated as a 100-foot Primary Arterial, and Dike Lane, designated a Local street by the Master Plan of Streets and Highways. The proposed on-site alterations will aid on-site circulation.

4. **Building and landscape materials are appropriate for the area and for the City;**

The building and landscape materials are appropriate for the area and the city, and meet the minimum requirements of Title 19.

5. **Building elevations, design characteristics and other architectural and aesthetic features are not unsightly, undesirable, or obnoxious in appearance; create an orderly and aesthetically pleasing environment; and are harmonious and compatible with development in the area;**

   The existing building façade will not be altered; however, the addition of the architectural wall in front of the building will improve the visual aesthetics of the building.

6. **Appropriate measures are taken to secure and protect the public health, safety and general welfare.**

   The proposed development is subject to permit review and inspection; therefore, appropriate measures will be taken to protect the health, safety and general welfare.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 20

ASSEMBLY DISTRICT 6

SENATE DISTRICT 4

NOTICES MAILED 371

APPROVALS 4

PROTESTS 0

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **SDR-33191** APN: 139-29-704-023, 024, 025

Name of Property Owner: Bud Holdings, LLC

Name of Applicant: Big Mama's Cooking or Kitchen, Inc.

Name of Representative: Demetrius McWhorter/Dargin McWhorter

To the best of your knowledge, does the Mayor or any member of the City Council or Planning Commission have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company?

☐ **Yes** ☒ **No**

If yes, please indicate the member of the City Council or Planning Commission who is involved and list the name(s) of the person or persons with whom the City Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official: _____

Partner(s): _____ _____

APN: _____

Signature of Property Owner: Demet McWhort

Print Name: Demetrius McWhorter

Subscribed and sworn before me

This 27th day of January, 2009

Cindy Lou Ord

Notary Public in and for said County and State

CINDY LOU ORD
Notary Public State of Nevada
No. 00-63475-1
My appt. exp. July 15, 2012

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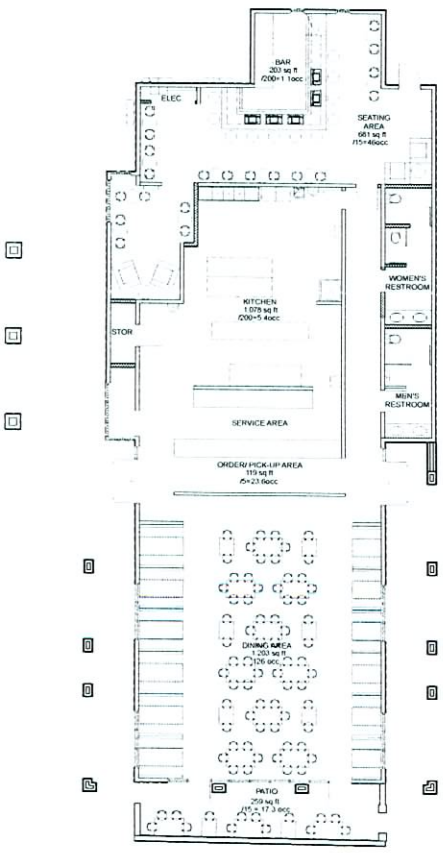
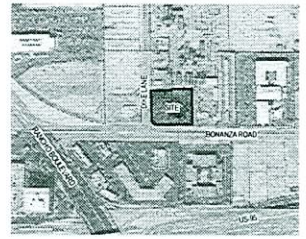
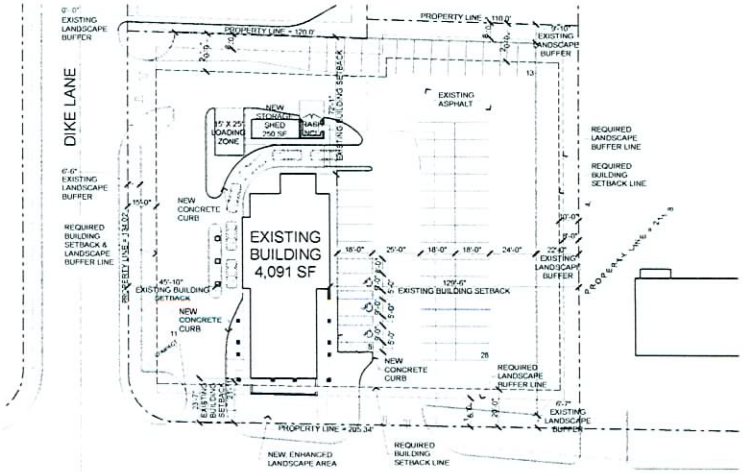


FLOOR PLAN



VICINITY MAP N.T.S.



SITE PLAN

Site and Project Information

SITE DATA

PARCEL NUMBER	139-29-704-023, 139-29-704-024, 139-29-704-025
JURISDICTION	CITY OF LAS VEGAS - 89106
EXISTING ZONING	C-1
PROPOSED USE	SUPPER CLUB
SITE AREA	49,105 SF 1.13 GROSS ACRES

SETBACKS - (BUILDING)

	REQ'D	PROVIDED
FRONT	20'-0"	23'-7" (existing)
INTERIOR SIDE	10'-0"	129'-4" (existing)
SIDE STREET	15'-0"	45'-10" (existing)
REAR	20'-0"	72'-1" (existing)

MAX HEIGHT	150'-0" / 10 STORIES
ACTUAL HEIGHT	+/- 18'-0" (EXISTING)
LOT COVERAGE ALLOWED	50%
ACTUAL LOT COVERAGE	4,091 SF / 49,105 SF = 8.4%

BUILDING INFORMATION

CODE	2006 INTERNATIONAL BUILDING CODE
CONSTRUCTION TYPE	VB
OCCUPANCY	A-2
FIRE SPRINKLERS PROVIDED	NO
BUILDING AREAS	
RESTAURANT / BAR (A-2)	2,107 SF
KITCHEN (B)	1,284 SF
OTHER	700 SF
TOTAL SQUARE FOOTAGE	4,091 SF

PARKING AREA

BUILDING AREA	REQUIRED PARKING	PROVIDED
RESTAURANT / BAR	2,107 SF @ 1:50 = 43	
PATIO	287 SF @ 1:50 = 6	
KITCHEN / OTHER	1,984 SF @ 1:200 = 10	
TOTAL	59	

STANDARD PARKING SPACES PROVIDED	57
HANDICAPPED SPACES PROVIDED	3
TOTAL PARKING	60
LOADING ZONE (15' X 25')	1

LANDSCAPE BUFFERS

	REQ'D	PROVIDED
FRONT	15'-0"	6'-7" (existing)
INTERIOR SIDE	8'-0"	22'-6" (existing)
SIDE STREET	15'-0"	6'-6" (existing)
REAR	8'-0"	8'-0" (existing)

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APTUS Architecture
1200 South 4th Street
Suite 206
Las Vegas, Nevada 89104
P 702.839.1200
F 702.839.1213

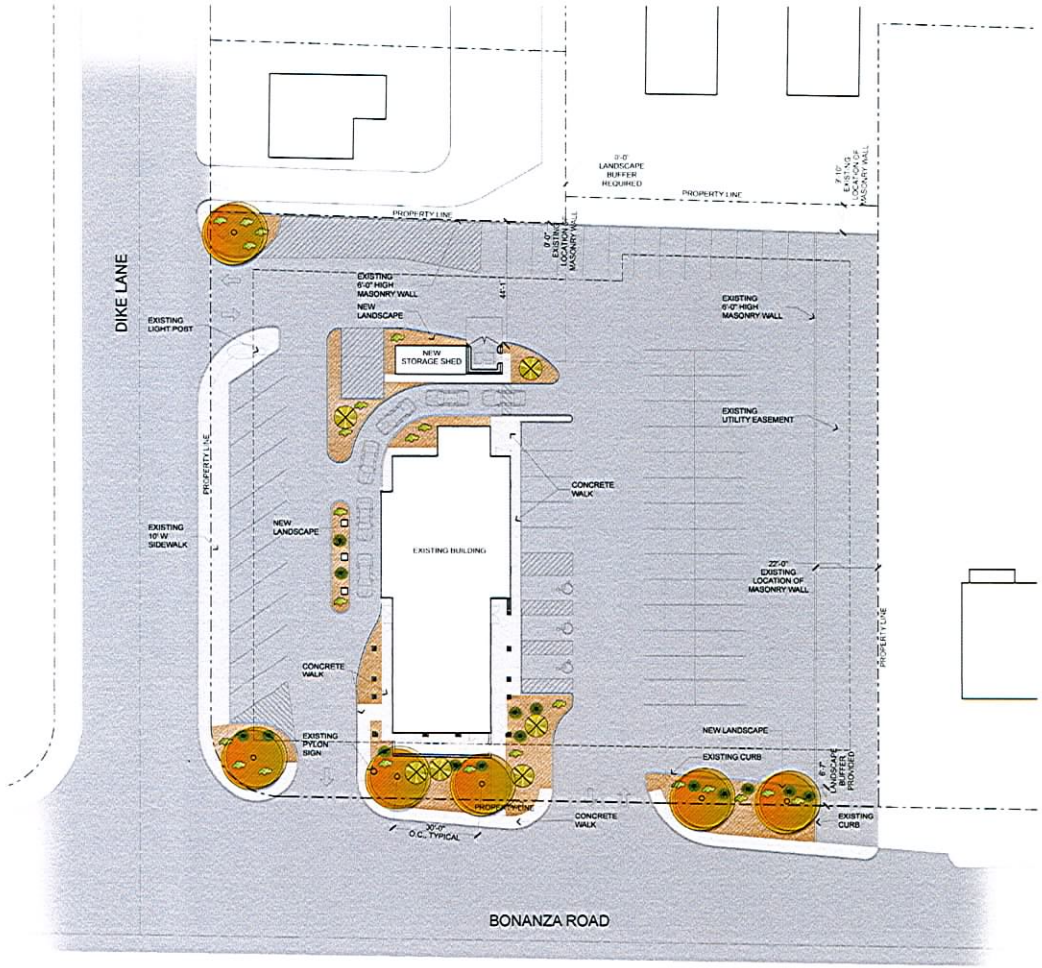
Big Mama's Supper Club
Special Use Permit
2230 W. Bonanza Road
Las Vegas, Nevada 89106

SUP-33189
SDR-33191
03/12/09 PC

City of Las Vegas SUP Submittal 01.27.09

SITE PLAN
AS100

08.144 Big Mama's Supper Club



LANDSCAPE PLAN

1" = 20'

LANDSCAPE SCHEDULE

SYMBOL	COMMON NAME	BOTANICAL NAME	SIZE
TREES			
	SHOESTRING ACACIA	acacia stenophylla	24" Box
SHRUBS			
	SAGO PALM	metroxylon sagu	5 gal
	REGAL MIST FOUNTAIN GRASS	muhlenbergia capillaris 'regal mist'	5 gal
	CREEPING JASMINE	jasminum sambac	5 gal
GROUND COVER			
	SIZE	COLOR	DEPTH
	ROCK MULCH	TO BE SELECTED BY ARCHITECT FROM MANUFACTURERS STD COLORS	MIN. 2" DEEP

LANDSCAPE NOTES

1. ALL EXISTING LANDSCAPE SHALL BE REMOVED.
2. DRIP IRRIGATION SHALL BE PROVIDED AT ALL LIVING LANDSCAPE

LANDSCAPE BUFFERS

	REQUIRED	PROVIDED
FRONT	15'-0"	0'-7" (existing)
INTERIOR SIDE	8'-0"	0'-0" (existing)
SIDE STREET	15'-0"	0'-0" (existing)
REAR	8'-0" and 15'-0"	0'-0" (existing)

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Big Mama's Supper Club

Design Review

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City of Las Vegas DR Submittal 02.04.09

PLANTING PLAN

L100

08.144 Big Mama's Supper Club

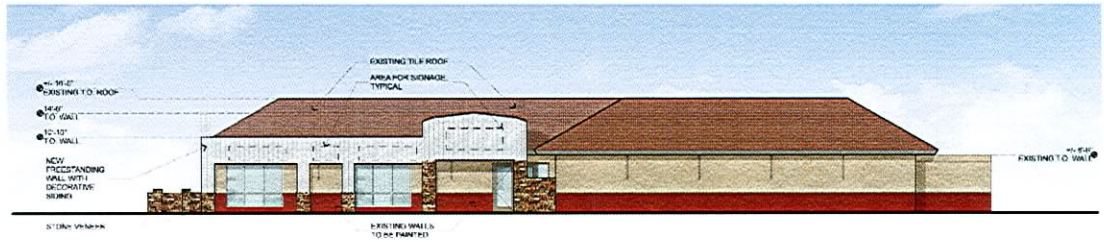
SDR-33191
REVISED
03/12/09 PC

EXISTING SOUTHEAST STREET VIEW

EXISTING SOUTHWEST STREET VIEW

EXISTING SOUTHEAST STREET VIEW

EXISTING SOUTHWEST STREET VIEW



D3 EAST ELEVATION

1/8" = 1'-0"

C3 SOUTH ELEVATION

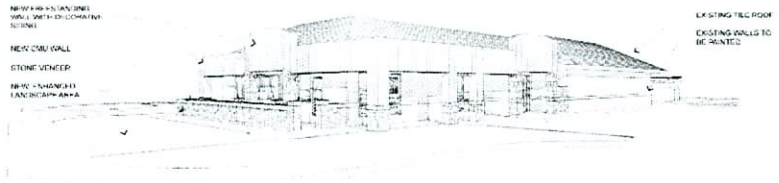
1/8" = 1'-0"

B3 WEST ELEVATION

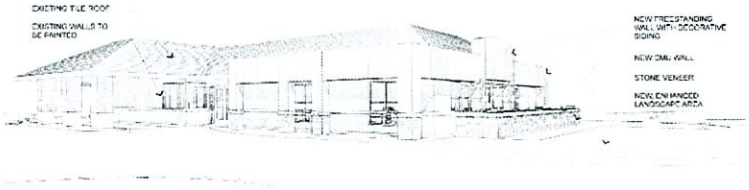
1/8" = 1'-0"

A3 NORTH ELEVATION

1/8" = 1'-0"



B1 PROPOSED SOUTHEAST STREET VIEW



A1 PROPOSED SOUTHWEST STREET VIEW

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Big Mama's Supper Club
Design Review
2230 W. Bonanza Road
Las Vegas, Nevada 89106

BUILDING ELEVATIONS

A200

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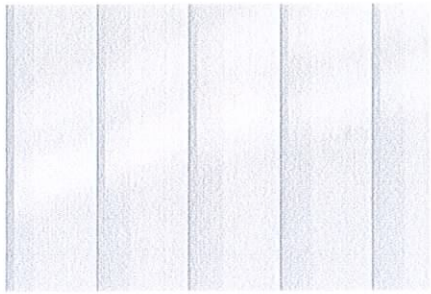
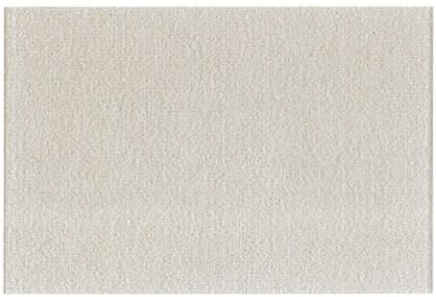
Field Color 1

Stone Veneer

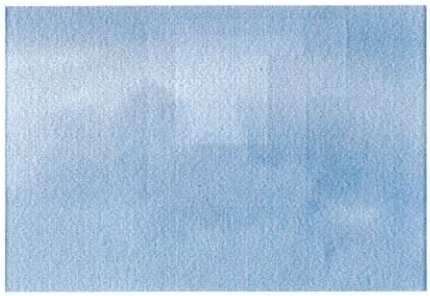
Field Color 2



Decorative Siding



Field Color 3



Glazing

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info@aptusarchitecture.com

Big Mama's Supper Club

Design Review

2230 West Bonanza Road
Las Vegas, Nevada 89106

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SDR-33191 - APPLICANT: BIG MAMAS COOKING OR KITCHEN, INC. - OWNER: BUD HOLDINGS, LLC
2230 WEST BONANZA ROAD
MARCH 26, 2009 PLANNING COMMISSION

02/05/09

SDR-33191 - APPLICANT: BIG MAMAS COOKING OR KITCHEN, INC. - OWNER: BUD HOLDINGS, LLC
2230 WEST BONANZA ROAD
MARCH 26, 2009 PLANNING COMMISSION

02/05/09

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02/05/09

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2230 WEST BONANZA ROAD
MARCH 26, 2009 PLANNING COMMISSION

02/05/09

December 30, 2008

City of Las Vegas
Planning and Development Department
731 S. Fourth Street
Las Vegas, NV 89101

RE: **APN: 139-29-704-023 thru 139-29-704-025**
Subject: SDR-Remodel to Existing Building

Dear Sirs:

We respectfully submit this application for an administrative Minor Site Development Review for a renovation of our existing restaurant called Big Mama's Cooking and to allow the proposed upgrades to proceed as a building permit review only. . We have been opened and operating at this location for over ten years. Due to the current economic conditions, we need to renovate our property to add additional income streams to stay in business. Our plan is to remodel and renovate our entire building and to convert an old storage area in the rear portion of the restaurant into a new bar area. We are not adding any additional square footage to the building footprint nor are we doing any major changes to our already approved and operating restaurant. We are located within the Downtown Redevelopment Overlay. With this project we are trying renovate, remodel and upgrade our restaurant building and to enhance the existing landscaping to revitalize the neighborhood and provide an upgraded/updated project along Bonanza Road.

We hope that you will join us in our attempt to bring a much-needed renovation project to this immediate area, which has been in a state of decay for several decades now. Please consider this project as a positive impact on the City of Las Vegas and the surrounding area.

Respectfully Submitted,

Demetrius McWhorter
Big Mama's Cooking or Kitchen, Inc.

RECEIVED
JAN 26 2009

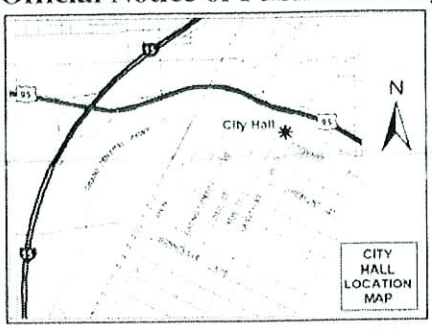
SUP-33189
SDR-33191
03/12/09 PC

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas. Nevada 89101-2986

PRESORTED FIRST CLASS

UNITED STATES POSTAGE
PITNEY BOWES
02 1M $ 00.39⁴
0004239954 FEB 27 2009
MAILED FROM ZIPCODE 89101

Return Service Requested
Official Notice of Public Hearing



If you wish to file your protest or support on this request, check the appropriate box below and return this card in an envelope with postage to the Planning & Development Department at the address listed above or fax this side of this card to (702) 385-7268. If you would like to contact your Council Representative, please call (702) 229-6405.

☒ I SUPPORT this Request ☐ I OPPOSE this Request

Please use available blank space on card for your comments.

SUP-33189 & SDR-33191
Planning Commission Meeting of 3/12/2009

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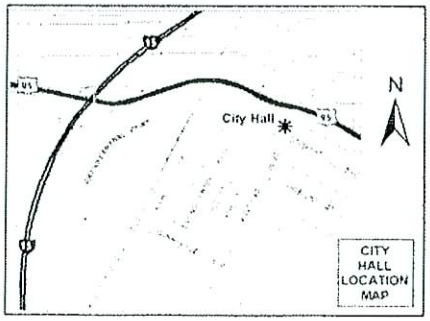
MAR 03 2009

Case: SUP-33189
13928301030
DEMARCO ANGELO THOMAS & JANET L
651 CLARKWAY DR
LAS VEGAS NV 89106-3629

#23
A

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

Return Service Requested
Official Notice of Public Hearing



If you wish to file your protest or support on this request, check the appropriate box below and return this card in an envelope with postage to the Planning & Development Department at the address listed above or fax this side of this card to (702) 385-7268. If you would like to contact your Council Representative, please call (702) 229-6405.

☒ I SUPPORT this Request ☐ I OPPOSE this Request

Please use available blank space on card for your comments.

SUP-33189 & SDR-33191
Planning Commission Meeting of 3/12/2009

RECEIVED
MAR 04 2009

Case: SUP-33189
13929613019
JONES WILLIAM R & IRENE J FAM TR
9715 PHOENICIAN AVE
LAS VEGAS NV 89147-8337

LAUDP11 A5147

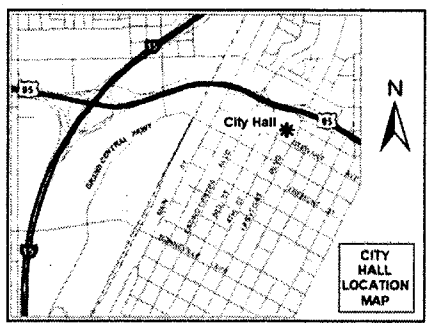
#23
A

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

PRESORTED FIRST CLASS

UNITED STATES POSTAGE PITNEY BOWES
02 1M $ 00.39[4]
0004239954 FEB 27 2009
MAILED FROM ZIPCODE 89101

Return Service Requested
Official Notice of Public Hearing



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☒ I SUPPORT this Request ☐ I OPPOSE this Request

Please use available blank space on card for your comments.

SUP-33189 & SDR-33191
Planning Commission Meeting of 3/12/2009

RECEIVED
MAR 11 2009

Case: SUP-33189
13929811097
COFRANCESCO JANICE L & MARK J
936 MIDPRIDE ST
LAS VEGAS NV 89144-1304

Submitted after final agenda

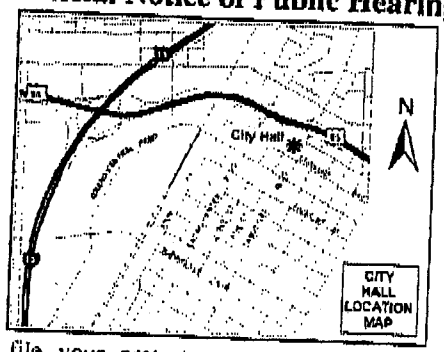
Date 3/11/09 Item #22 & 23 A

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

PRESORTED FIRST CLASS

UNITED STATES POSTAGE PITNEY BOWES
02 1M $ 00.39⁴
0004239954 FEB 27 2009
MAILED FROM ZIP CODE 89101

Return Service Requested
Official Notice of Public Hearing



RECEIVED
MAR 11 2009

If you wish to file your protest or support on this request, check the appropriate box below and return this card in an envelope with postage to the Planning & Development Department at the address listed above or fax this side of this card to (702) 385-7268. If you would like to contact your Council Representative, please call (702) 229-6405.

[X] I SUPPORT this Request [ ] I OPPOSE this Request

Please use available blank space on card for your comments.

SUP-33189 & SDR-33191

Planning Commission Meeting of 3/12/2009

13928301012 Case: SUP-33189
PETRELLA RUTH C
1208 BENICIA HILLS ST
LAS VEGAS NV 89144-1234

Submitted after final agenda

Date 3/11/09 Item #22&23 A

City of Las Vegas Agenda Item No.: **17.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: MARCH 26, 2009

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

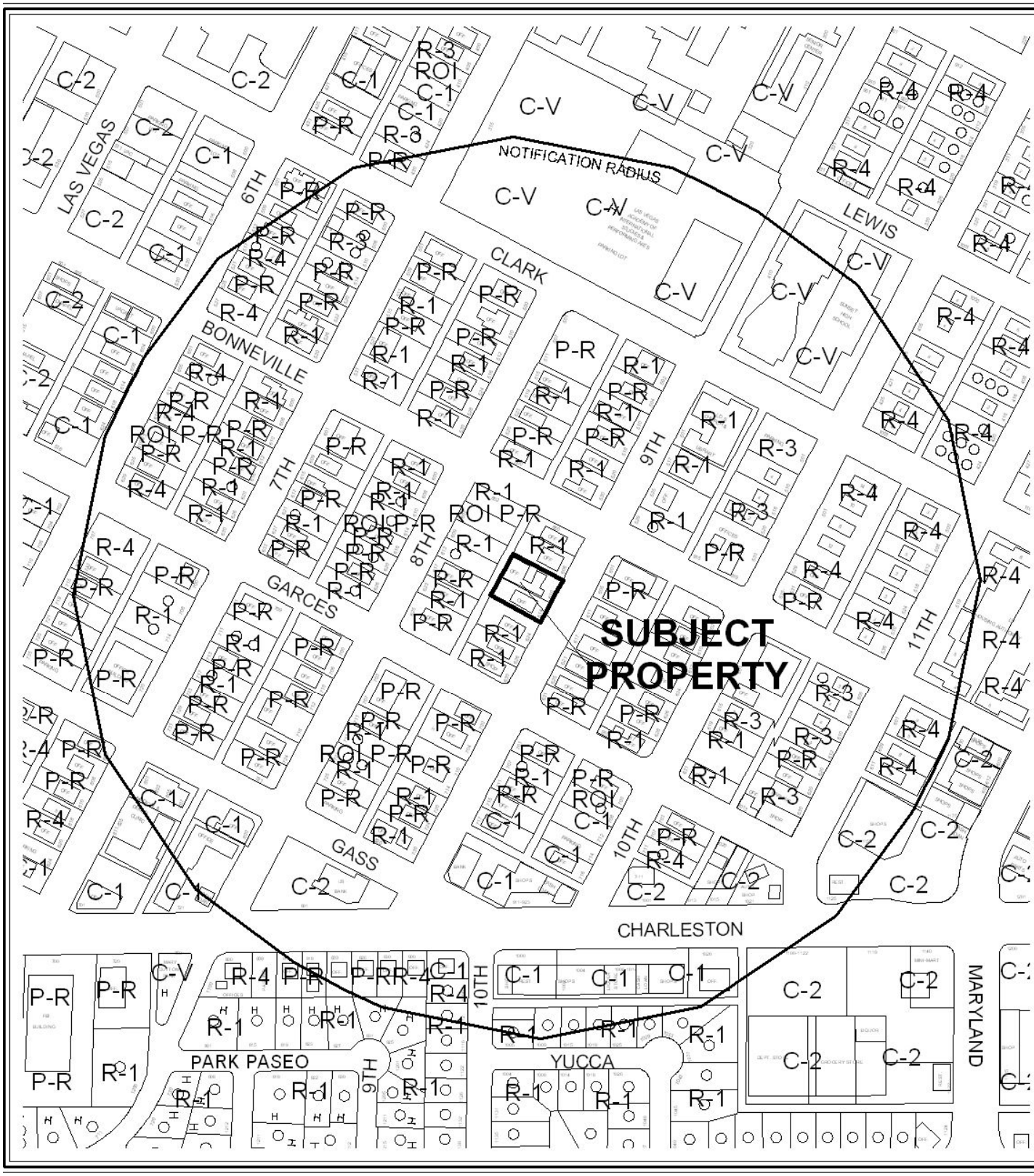
SUBJECT:
ZON-33240 - REZONING - PUBLIC HEARING - APPLICANT/OWNER: DEAN HARDY AND ILANA KLYM, ET AL - Request for a Rezoning FROM: R-1 (SINGLE FAMILY RESIDENTIAL) TO: P-R (PROFESSIONAL OFFICE AND PARKING) on 0.35 acres at 610 South 9th Street (APNs 139-34-810-063 and 064), Ward 3 (Reese)

C.C.: 05/06/2009

PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**0**	**Planning Commission Mtg.**	**1**
City Council Meeting	**0**	**City Council Meeting**	**0**

RECOMMENDATION:
APPROVAL

BACKUP DOCUMENTATION:
1. Location and Aerial Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Photos
5. Justification Letter
6. Support Postcard



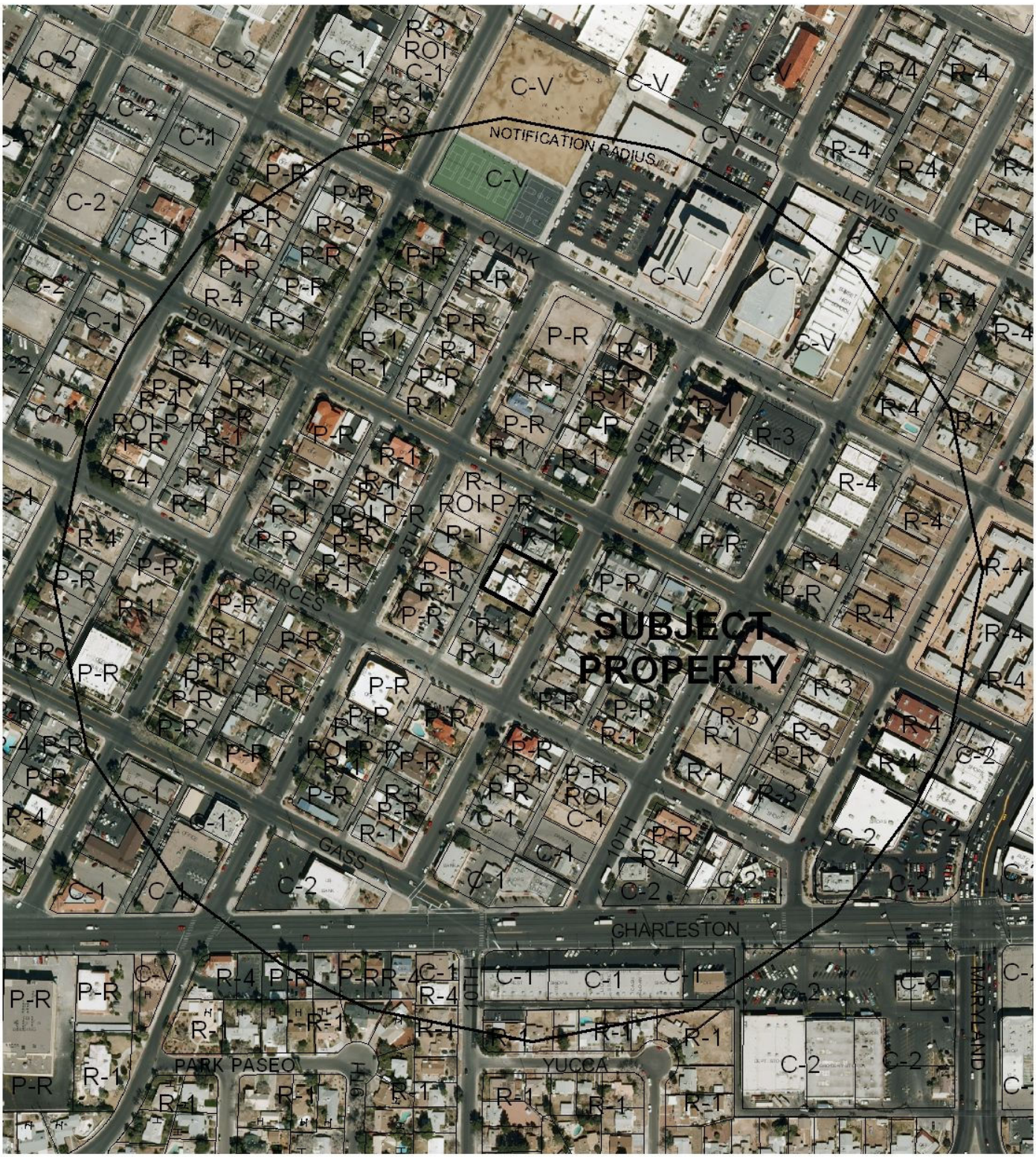
CASE: **ZON-33240**

RADIUS: 1000 FT

0 500 Feet

ZONING OF SUBJECT PROPERTY:
R-1 (SINGLE FAMILY RESIDENTIAL)

PROPOSED ZONING OF SUBJECT PROPERTY:
P-R (PROFESSIONAL OFFICE AND PARKING)



CASE: **ZON-33240**

RADIUS: 1000 FT

0 500 Feet

ZONING OF SUBJECT PROPERTY:
R-1 (SINGLE FAMILY RESIDENTIAL)

PROPOSED ZONING OF SUBJECT PROPERTY:
P-R (PROFESSIONAL OFFICE AND PARKING)

N

City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: MARCH 26, 2009
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: ZON-33240 - APPLICANT/OWNER: DEAN HARDY AND ILANA KLYM, ET AL

** CONDITIONS **

STAFF RECOMMENDATION: **APPROVAL,** subject to:

Planning and Development

1. Reversionary Final Map (FMP-33197) shall be recorded prior to the adoption of the zoning ordinance.

DC

ZON-33240 - Staff Report Page One
March 26, 2009 - Planning Commission Meeting

** STAFF REPORT **

PROJECT DESCRIPTION

This is a request for the Rezoning of property from R-1 (Single Family Residential) to P-R (Professional Office and Parking) on 0.35 acres located at 610 South 9th Street. The existing office use was permitted as a use within the R-1 (Single Family Residential) zoning district through Variances (V-0085-84 and V-0014-90) approved on 07/26/84 and 03/22/90, respectively. The subject property currently consists of one office building on two parcels, APNs 139-34-810-063 and 064. The applicant has submitted and received approval of the technical review for a Reversionary Final Map (FMP-33197), which will facilitate the combining of both parcels into one single parcel and eliminating the parcel line which runs through the center of the property. As the requested Rezoning to the P-R (Professional Office and Parking) district is consistent with the existing Mixed Use (MXU) General Plan designation, and the existing use will conform to both Title 19 and the General Plan, staff recommends approval of this request.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc.	
07/26/84	The Board of Zoning Adjustment approved a request for a Variance (V-0085-84) to allow law offices in an R-1 (Single Family Residential) Zone at 610 South 9th Street.
03/22/90	The Board of Zoning Adjustment approved a request for a Variance (V-0014-90) to allow a general business office and to allow a proposed two-story addition five feet from the south property line where a minimum of nine feet is required on properties located at 610 and 614 South 9th Street. Staff recommended approval of the general business office and denial of the setback reduction request.
04/03/90	The Planning and Development Department administratively approved a Plot Plan and Elevation Review [V-0014-90(1)] of an office building at 610 and 614 South 9th Street.
01/28/09	The Planning and Development Department administratively approved a request for a Reversionary Final Map (FMP-33197) for reversion to acreage of approximately 0.35 acres at 610 and 614 South 9th Street.
Related Building Permits/Business Licenses	
09/19/90	A building permit (#90083253) was issued for the demolition of an existing building at 614 South 9th Street. The permit was never finalized was and deemed inactive on 11/18/92.
10/10/90	A building permit (#90087289) was issued for a building addition at 610 South 9th Street. The permit received final approval on 05/17/91.

10/29/90	A building permit (#90087288) was issued for onsites for a building addition at 610 South 9th Street. The permit received final approval on 05/09/91.
05/21/01	A building permit (#01009045) was issued for patio cover/carport additions at 610 South 9th Street. The permit received final approval on 06/18/01.
08/29/05	A business license (#Q13-00256) was issued for a law office at 610 South 9th Street. The business license is still active.
01/06/09	A business license (#M18-04602) was issued for consulting at 610 South 9th Street. The business license is still active.
Pre-Application Meeting	
01/06/09	A pre-application meeting was held where the submittal requirements of a Rezoning were discussed with the applicant.
Neighborhood Meeting	
A neighborhood meeting was not held, nor was one required.	

Field Check	
02/19/09	A field check was conducted by staff at the subject site. The subject property was observed to be a well-maintained two-story office building with a residential character.

Details of Application Request	
Site Area	
Gross Acres	0.35

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Office	MXU (Mixed Use)	R-1 (Single Family Residential)
North	Office	MXU (Mixed Use)	R-1 (Single Family Residential)
South	Office	MXU (Mixed Use)	R-1 (Single Family Residential)
East	Single-Family Residence and Undeveloped Lot	MXU (Mixed Use)	R-1 (Single Family Residential)
	Office	MXU (Mixed Use)	P-R (Professional Office and Parking)
West	Office	MXU (Mixed Use)	P-R (Professional Office and Parking)
	Office	MXU (Mixed Use)	R-1 (Single Family Residential)

Special Districts/Zones	*Yes*	*No*	*Compliance*
Special Area Plan			
Las Vegas High School Neighborhood Historic District	X		Y*
Downtown Redevelopment Area	X		Y
Special Districts/Zones	*Yes*	*No*	*Compliance*
Special Purpose and Overlay Districts	X		Y
Live/Work Overlay District	X		Y
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

* There are no current design standards or guidelines which have been approved for this district.

DEVELOPMENT STANDARDS

Pursuant to Title 19.08, the following standards apply:

Standard	*Required/Allowed*	*Provided*	*Compliance*
Min. Lot Size	N/A	15,236 SF	Y*
Min. Lot Width	60 Feet	115 Feet	Y*
Min. Setbacks			
• Front	20 Feet	20 Feet	Y*
• Side	5 Feet	5 Feet	Y*
• Rear	15 Feet	55 Feet	Y*
Max. Lot Coverage	50 %	35%	Y*
Max. Building Height	N/A	Existing	Y

* These figures represent both APNs 139-34-810-063 and 064 combined. A condition has been added requiring the applicant to record the Reversionary Final Map (FMP-33197) prior to the adoption of the zoning ordinance, which will join the two existing parcels.

ANALYSIS

This is a request for the Rezoning of property from R-1 (Single Family Residential) to P-R (Professional Office and Parking) on 0.35 acres located at 610 South 9th Street. The P-R (Professional Office and Parking) district is intended to allow for office uses in an area which is predominately residential but because of traffic and other factors is no longer suitable for the continuation of low density residential uses. This district is designed to be a transitional zone to allow low intensity administrative and professional offices. These uses are characterized by a low volume of direct daily client and customer contact. To decrease the impact to adjacent residential uses, single-family structures should be retained or new development in the P-R (Professional Office and Parking) district should be constructed to maintain a residential character. The P-R (Professional Office and Parking) district is consistent with the O (Office) category of the General Plan.

The subject property has a current General Plan designation of Mixed Use (MXU). The MXU (Mixed Use) designation allows for commercial uses that are normally allowed within the L (Low Density Residential), ML (Medium-Low Density Residential), M (Medium Density Residential), H (High Density Residential), O (Office), SC (Service Commercial) and GC (General Commercial) General Plan land use categories. The existing office building is compatible with this land use designation and the neighboring land uses, which are intended for lower intensity office related uses.

The existing office use on the subject property was permitted as a use within the R-1 (Single Family Residential) zone through Variances (V-0085-84 and V-0014-90) approved on 07/26/84 and 03/22/90, respectively. While the existing use Variance (V-0085-84) is legally valid, the proposed Rezoning of these parcels will further bring this existing use into compliance with the current requirements of Title 19. Additionally, the subject property consists of two parcels, APNs 139-34-810-063 and 064. The applicant has submitted and received approval of the technical review for a Reversionary Final Map (FMP-33197), which will facilitate the combining of both parcels into one single parcel and eliminating the parcel line which runs through the center of the property. A condition has been added requiring the applicant to record the Reversionary Final Map (FMP-33197) prior to the adoption of the zoning ordinance. Staff finds that the proposed Rezoning is consistent with the existing MXU (Mixed Use) General Plan designation and the existing P-R (Professional Office and Parking) zoning districts to the east and west and recommends approval of this Rezoning application.

FINDINGS

In order to approve a Rezoning application, pursuant to Title 19.18.040, the Planning Commission or City Council must affirm the following:

1. **"The proposal conforms to the General Plan."**

   The requested Rezoning to the P-R (Professional Office and Parking) is consistent with the existing MXU (Mixed Use) General Plan designation, and the existing use will conform to both Title 19 and the General Plan.

2. **"The uses which would be allowed on the subject property by approving the rezoning will be compatible with the surrounding land uses and zoning districts."**

   The uses allowed by the requested zoning district will be compatible with the surrounding office uses to the north, south, east and west. The existing office use has been in existence on the subject site since 1984.

3. **"Growth and development factors in the community indicate the need for or appropriateness of the rezoning."**

Growth and development factors indicate a need for low intensity commercial and professional office activities to locate in this area. Given the existing General Plan designation of MXU (Mixed Use) on the subject site, the rezoning to the P-R (Professional Office and Parking) zoning district is appropriate for the area.

4. "Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed zoning district."

The site is accessed by 9th Street, a 60-foot Local Street, as denoted by the Master Plan of Streets and Highways, which is adequate for the existing use on site.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 18

ASSEMBLY DISTRICT 9

SENATE DISTRICT 3

NOTICES MAILED 195

APPROVALS 1

PROTESTS 0

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **ZON-33240** APN: 139-34-810-063 & 064

Name of Property Owner: Wayne Dean & Nancy M. Somers 50% and Dean & Ilana Kylm Hardy

Name of Applicant: Hardy Hardy & McNicholas Law Offices

Name of Representative: Advanced Engineering Attn: Aimee Ignatowicz

To the best of your knowledge, does the Mayor or any member of the City Council or Planning Commission have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company?

☐ Yes ☒ No

If yes, please indicate the member of the City Council or Planning Commission who is involved and list the name(s) of the person or persons with whom the City Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official:

Partner(s):

APN:

Signature of Property Owner: [signature]

Print Name: DEAN A. HARDY

Subscribed and sworn before me

This 14th day of January, 20 09

[signature]

Notary Public in and for said County and State

STATE OF NEVADA
County of Clark
WINDREM
No: 96-2435-1
Expires: Aug 24, 2012

City of Las Vegas

Zoning

Parcels
13934810063
13934810064

From R-1 To P-R

U	P-R
R-A	N-S
R-E	O
R-D	C-D
R-PD	C-1
R-1	C-2
R-MH	C-M
R-CL	M
R-2	C-V
R-3	C-PB
R-4	P-C
R-5	PD
R-MHP	TC

RECEIVED

JAN 29 2009

GIS maps are normally produced only to meet the needs of the City. Due to continuous development activity this map is for reference only. Geographic Information System Planning & Development Dept. 702-229-6301

Printed January 29, 2009

PLANNING & DEVELOPMENT

ZON-33240
03/26/09 PC

ZON-33240 - APPLICANT/OWNER: DEAN HARDY AND ILANA KLYM, ET AL
610 SOUTH 9TH STREET
MARCH 26, 2009 PLANNING COMMISSION

02/19/09

ZON-33240 - APPLICANT/OWNER: DEAN HARDY AND ILANA KLYM, ET AL
610 SOUTH 9TH STREET
MARCH 26, 2009 PLANNING COMMISSION

02/19/09

ZON-33240 - APPLICANT/OWNER: DEAN HARDY AND ILANA KLYM, ET AL
610 SOUTH 9TH STREET
MARCH 26, 2009 PLANNING COMMISSION

02/19/09

ZON-33240 - APPLICANT/OWNER: DEAN HARDY AND ILANA KLYM, ET AL
610 SOUTH 9TH STREET
MARCH 26, 2009 PLANNING COMMISSION

02/19/09

HARDY & HARDY
A PROFESSIONAL CORPORATION
ATTORNEYS AT LAW

WAYNE J. HARDY
DEAN A. HARDY
NANCY M. SOMERS, OF COUNSEL

610 SOUTH NINTH STREET
LAS VEGAS, NEVADA 89101

PHONE:(702) 366-1366
FAX:(702) 384-6016
www.hardylawlv.com

December 22, 2008

City of Las Vegas
Planning and Development Department
731 South Fourth Street
Las Vegas, Nevada 89101

REZONING JUSTIFICATION LETTER

This letter is being submitted in connection with our rezoning application for the property located at 610 South Ninth Street. We are requesting that the zoning be changed from the current designation of R-1 to P-R (Professional). We have been the owners of this property since 1989. The property has been used as a law office since that time. In 1990, we acquired the adjacent property at 614 South Ninth Street and expanded our offices into that location.

In connection with the expansion of our offices, we were granted a variance to allow a general business office use at this location. See attached City of Las Vegas letter dated March 27, 1990 (V-14-90).

Both properties have been continuously used to conduct a law office business since the variance was granted in 1990.

We currently have the property listed for sale. Our realtor has informed us that the property would be more marketable if the zoning designation was changed to Professional.

The prevailing use for property in the surrounding area of the site address is Professional/ Commercial. In the three blocks on Ninth Street between Charleston and Clark, which includes the subject site address, there are approximately 35 separate properties. Of those properties, only two appear to be used as single family residences. Therefore, the zone change for this location will be consistent with almost all use of property in the surrounding area and will also be consistent with the use that has been made of this location since 1990 pursuant to the variance granted on March 27, 1990.

RECEIVED
JAN 29 2009

Sincerely,

HARDY & HARDY
A Professional Corporation

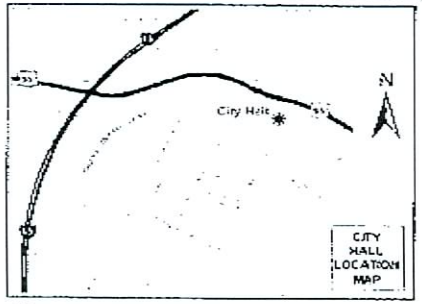
Wayne J. Hardy

WJH/ka
Enclosure

ZON-33240
03/26/09 PC

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

Return Service Requested
Official Notice of Public Hearing



If you wish to file your protest or support on this request, check the appropriate box below and return this card in an envelope with postage to the Planning & Development Department at the address listed above or fax this side of this card to (702) 385-7268. If you would like to contact your Council Representative, please call (702) 229-6405.

☒ I SUPPORT this Request ☐ I OPPOSE this Request

Please use available blank space on card for your comments.

ZON-33240

Planning Commission Meeting of 3/26/2009

PRESORTED FIRST CLASS

UNITED STATES POSTAGE
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RECEIVED
MAR 16 2009
NITZ WALTON & HEATON, LTD.

Case: ZON-33240

13934810120
601 BUILDING L L C
601 S 10TH ST
LAS VEGAS NV 89101-7027

AAVDP11 89101

RECEIVED
MAR 17 2009

17A

City of Las Vegas Agenda Item No.: **18.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: MARCH 26, 2009

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

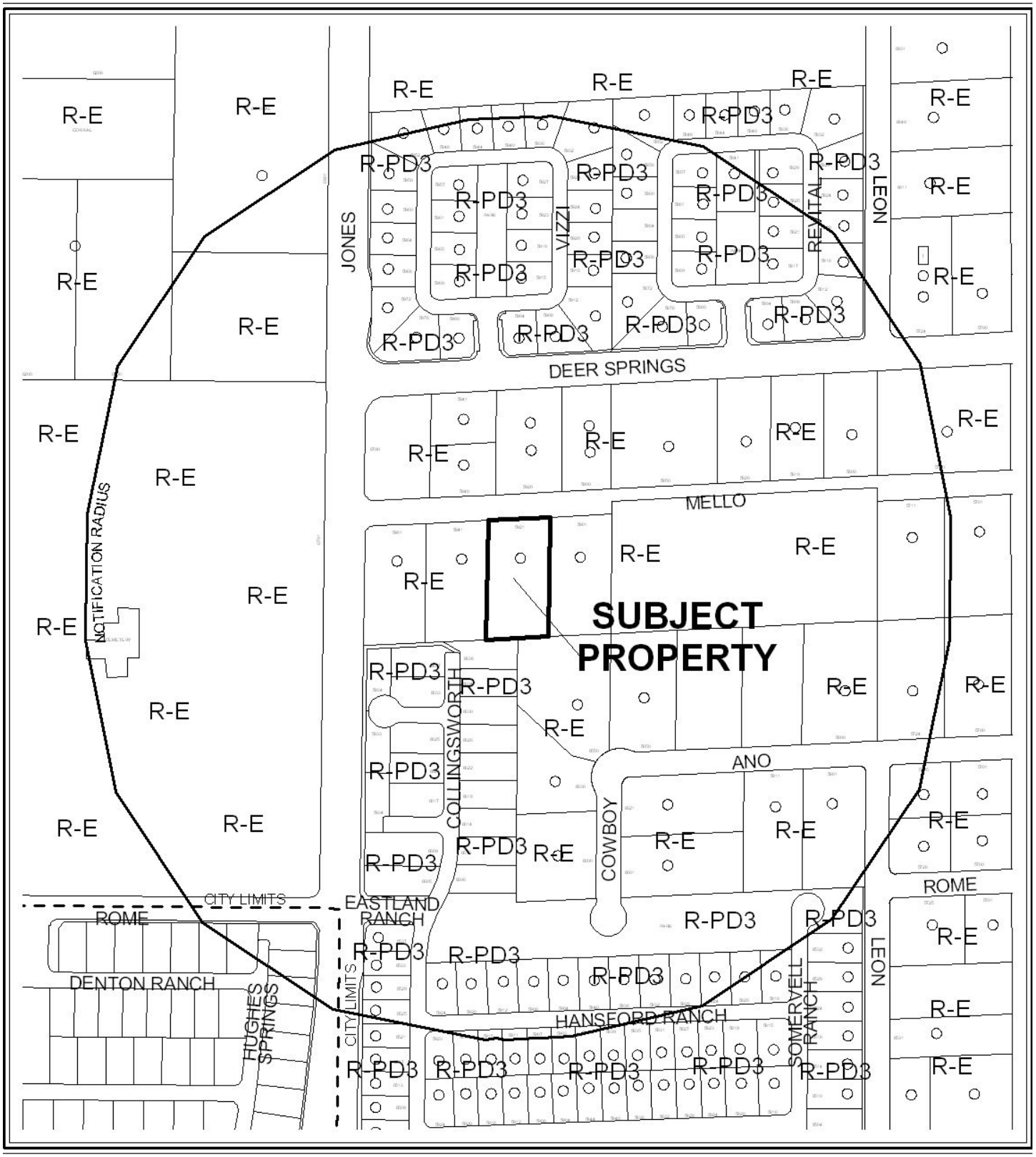
SUBJECT:
VAR-33369 - VARIANCE - PUBLIC HEARING - APPLICANT/OWNER: MARCIA D. GEIL - Request for a Variance TO ALLOW A PROPOSED 4,875 SQUARE-FOOT ACCESSORY STRUCTURE (CLASS II) WHERE 1,325 SQUARE FEET IS THE MAXIMUM SIZE ALLOWED, TO ALLOW FOR THE PROPOSED ACCESSORY STRUCTURE (CLASS II) TO NOT BE AESTHETICALLY COMPATIBLE (METAL) WITH THE PRINCIPAL DWELLING UNIT, AND TO ALLOW THE PROPOSED ACCESSORY STRUCTURE (CLASS II) TO BE 24 FEET IN HEIGHT WHERE A HEIGHT OF 18 FEET IS PERMITTED on 1.05 acres at 5921 Mello Avenue (APN 125-24-302-003), R-E (Residence Estates) Zone, Ward 6 (Ross)

P.C.: FINAL ACTION (Unless Appealed Within 10 Days)

PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**2**	**Planning Commission Mtg.**	**1**
City Council Meeting	**0**	**City Council Meeting**	**0**

RECOMMENDATION:
DENIAL

BACKUP DOCUMENTATION:
1. Location and Aerial Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Photos
5. Justification Letter
6. Protest/Support Postcards



CASE: **VAR-33369**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: R-E (RESIDENCE ESTATES)

0 500 Feet

N

CASE: VAR-33369

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: R-E (RESIDENCE ESTATES)

0 500 Feet

N

City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: MARCH 26, 2009
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: VAR-33369 - APPLICANT/OWNER: MARCIA D. GEIL

** CONDITIONS **

STAFF RECOMMENDATION: **DENIAL.** If Approved, subject to:

Planning and Development

1. This approval shall be void two years from the date of final approval, unless a certificate of occupancy has been issued or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.

2. Trees planted within the perimeter of the accessory structure are to be 24-inch box trees planted every 20 linear feet on-center to provide adequate buffering to adjacent residential properties.

Public Works

3. If this structure will be plumbed for water and/or sewer, coordinate with the Southern Nevada Health District to determine if the existing septic system permit will accommodate the additional square footage of the proposed structure; if not coordinate with the City of Las Vegas Collection Systems Planning Section of the Department of Public Works regarding connection to the City of Las Vegas sewer system prior to the issuance of any permits.

4. Meet with the Fire Protection Engineering Section of the Department of Fire Services to discuss fire requirements for the proposed use of this facility.

VAR-33369 - Staff Report Page One
March 26, 2009 - Planning Commission Meeting

** STAFF REPORT **

PROJECT DESCRIPTION

This is a request for a Variance to allow a 4,875 square-foot Accessory Structure (Class II) where 1,325 square feet is the maximum size allowed on an R-E (Residence Estates) zoned property at 5921 Mello Avenue. This represents a 368 percent deviation from the Code standard. The applicant is also requesting a Variance to allow the proposed accessory structure to be 24 feet in height, where 18 feet is the maximum permitted. In addition, the applicant is requesting a Variance to allow the accessory structure to not be aesthetically compatible with the primary residence.

This is a self-imposed hardship created by the applicant by proposing an accessory structure that exceeds the allowable square-footage by 3,550 square feet, as well as the height of the main building by six feet, and is not aesthetically compatible to the primary residence. Due to the excessive size and incompatibility of the proposed Accessory Structure (Class II), staff can not support this application and is recommending denial of this Variance request.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc.	
No related relevant City actions for the subject site.	
Related Building Permits/Business Licenses	
05/25/94	A building permit (#94333364) was issued for a pool at 5921 Mello Avenue. The permit was finaled on 08/18/94.
10/24/94	A building permit (#94353467) was issued for a wall at 5921 Mello Avenue. The permit was finaled on 04/03/95.
Pre-Application Meeting	
01/28/09	A pre-application meeting was held where the submittal requirements for a Variance were discussed.
Neighborhood Meeting	
A neighborhood meeting was not required, nor was one held.	

Field Check	
02/19/09	Staff performed a routine field check where a well-maintained single-family residence was observed. Staff was not able to observe the rear yard where the proposed accessory structure is to be constructed.

Details of Application Request	
Site Area	
Net Acres	1.07

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Single-Family Residence	R (Rural Density Residential)	R-E (Residence Estates)
North	Single-Family Residence	R (Rural Density Residential)	R-E (Residence Estates)
South	Single-Family Residence	R (Rural Density Residential)	R-PD3 (Residential Planned Development – 3 Units per Acre)
	Single-Family Residence	R (Rural Density Residential)	R-E (Residence Estates)
East	Single-Family Residence	R (Rural Density Residential)	R-E (Residence Estates)
West	Single-Family Residence	R (Rural Density Residential)	R-E (Residence Estates)

Special Districts/Zones	*Yes*	*No*	*Compliance*
Special Area Plan	X		Y
Centennial Hills Sector Plan	X		Y
Northwest Open Space Plan	X		Y
Special Districts/Zones	***Yes***	***No***	***Compliance***
Special Purpose and Overlay Districts		X	N/A
Trails		X	N/A
Rural Preservation Overlay District	X		Y
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

DEVELOPMENT STANDARDS

Per Title 19.08.040(B)(1) for Accessory Structures

Standard	*Required/Allowed*	*Provided*	*Compliance*
Min. Lot Size	20,000 SF	45,868 SF	Y
Min. Lot Width	100 FT	154 FT	Y
Min. Setbacks			
• Front	N/A	N/A	N/A
• Side	3 FT	10 FT	Y
• Corner	N/A	N/A	N/A
• Rear	3 FT	10 FT	Y
Min. Distance Between Buildings	6 FT	109 FT	Y

NE

Max. Lot Coverage	50%	16%	Y
Max. Building Height	2 Stories or 35 Feet, or the Height of the Main Building, Whichever is Less	24 FT	N*

**The applicant is requesting a Variance to allow the proposed accessory structure to be 24 feet in height where 18 feet is the maximum height allowed. The main building (residence) is 18 feet in height; the proposed accessory structure would exceed the allowable height of 18 feet by six feet.*

VARIANCE			
Standard	***Required/Allowed***	***Provided***	***Percent of Deviation***
The total floor area of all accessory structures shall not exceed fifty (50) percent of the floor area of the principal dwelling unit constructed on the same lot.	1,325 SF	4,875 SF	368%
Standard	***Required/Allowed***	***Provided***	***Compliance***
An accessory structure must be aesthetically compatible with the principal dwelling unit.	Stucco, Painted Same Color as Primary Residence.	Corrugated Metal	N
Standard	***Required/Allowed***	***Provided***	***Compliance***
A detached accessory structure shall not exceed two stories in height (with a maximum of 35 feet), or the height of the main building, whichever is less.	18 Feet	24 Feet	N

ANALYSIS

The applicant is requesting a Variance to allow an Accessory Structure (Class II) to exceed the allowable square footage, height, and aesthetics standard set forth by Title 19.08:

- **Size and Coverage *[19.08.040(B)(1)(c)]***

  The proposed accessory structure is 4,875 square feet. Title 19.08 states, "The total floor area of all accessory structures shall not exceed fifty percent of the floor area of the principal dwelling unit constructed on the same lot." The principal dwelling on the subject site is 2,650 square feet, allowing for a total of 1,325 square feet in accessory structures. The proposed accessory structure exceeds this standard by 3,550 square feet, a 368 percent deviation from code standard.

- **Height** ***[19.08.040(B)(1)(b)]***

  Title 19.08 states, "A detached accessory structure shall not exceed two stories in height (with a maximum of 35 feet), or the height of the main building, whichever is less." The main building on the subject site is a single-story single-family residence with a maximum height of 18 feet, allowing for an accessory structure to be 18 feet in height. The proposed accessory structure is 24 feet tall, exceeding the allowable height by six feet. This is a 33 percent deviation from code standard.

- **Aesthetics** ***[19.08.040(B)(1)(f)]***

  The applicant has proposed a corrugated metal accessory structure. Title 19.08 requires an accessory structure to be "aesthetically compatible with the principal dwelling unit." The principal dwelling unit on the subject site is a single-family home with a beige/tan stucco finish. The proposed accessory structure is not aesthetically compatible with the principal dwelling unit on the subject site.

- **Site Plan**

  The proposed site plan demonstrates a 2,650 square-foot single-family residence located on an R-E (Residence Estates) zoned, 1.07 acre parcel. The proposed 4,875 square-foot Accessory Structure (Class II) would be used for storage, and is located in the far southwest corner of the subject site adjacent to residentially zoned properties. The applicant has proposed installing seven trees within the 10-foot setback adjacent to the south and west perimeters of the proposed accessory structure providing screening to the adjacent residentially zoned properties. The size of the trees proposed were not indicated on the site plan; a condition has been added requiring these trees to be 24-inch box size, planted every 20 linear feet on-center in order to provide adequate buffering for the neighboring properties. The site also indicates a well house, which serves as protection from the elements to the applicants well. The subject site is enclosed by a six-foot CMU perimeter wall.

- **Elevation**

  The elevation indicates a 24-foot tall, manufactured, corrugated metal accessory structure. The south elevation would have no windows or doorways, with the north elevation having one, eight-foot tall doorway. The west elevation demonstrates no windows, and a typical 14-foot tall, 20-foot wide (double) roll-up doorway. The east elevation demonstrates the majority of the accessory structures access with one eight-foot tall doorway, a typical 14-foot tall by 14-foot wide (single) roll-up doorway, and an additional typical 14-foot tall by 20-foot wide (double) roll-up doorway.

This is a self-imposed hardship created by the applicant by proposing an accessory structure that exceeds the allowable square-footage by 3,550 square feet, as well as the height of the main building by six feet, and is not aesthetically compatible to the primary residence. Due to the excessive size and incompatibility of the proposed Accessory Structure (Class II), staff can not support this application and is recommending denial of this Variance request.

FINDINGS

In accordance with the provisions of Title 19.18.070(B), Planning Commission and City Council, in considering the merits of a Variance request, shall not grant a Variance in order to:

1. Permit a use in a zoning district in which the use is not allowed;
2. Vary any minimum spacing requirement between uses;
3. Relieve a hardship which is solely personal, self-created or financial in nature."

Additionally, Title 19.18.070L states:

"Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property, a variance from that strict application may be granted so as to relieve the difficulties or hardship, if the relief may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources and without substantially impairing the intent and purpose of any ordinance or resolution."

No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship by proposing an accessory structure that exceeds the allowable square-footage, height requirements, and is incompatible with the aesthetic requirement set forth by Title 19. Alternative design for the proposed accessory structure would allow conformance to the Title 19 requirements. In view of the absence of any hardships imposed by the site's physical characteristics, it is concluded that the applicant's hardship is preferential in nature, and it is thereby outside the realm of NRS Chapter 278 for granting of Variances.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 12

ASSEMBLY DISTRICT 13

SENATE DISTRICT 9

NOTICES MAILED 120

APPROVALS 1

PROTESTS 2

PLANNING & DEVELOPMENT

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **VAR-33369** APN: 125243020003

Name of Property Owner: MARCIA D. GEIL

Name of Applicant: MARCIA D. GEIL

Name of Representative: MARCIA D. GEIL

To the best of your knowledge, does the Mayor or any member of the City Council or Planning Commission have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company?

☐ **Yes** ☒ **No**

If yes, please indicate the member of the City Council or Planning Commission who is involved and list the name(s) of the person or persons with whom the City Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official: _____

Partner(s): _____ _____

APN: _____

Signature of Property Owner: Marcia D. Geil

Print Name: MARCIA D GEIL

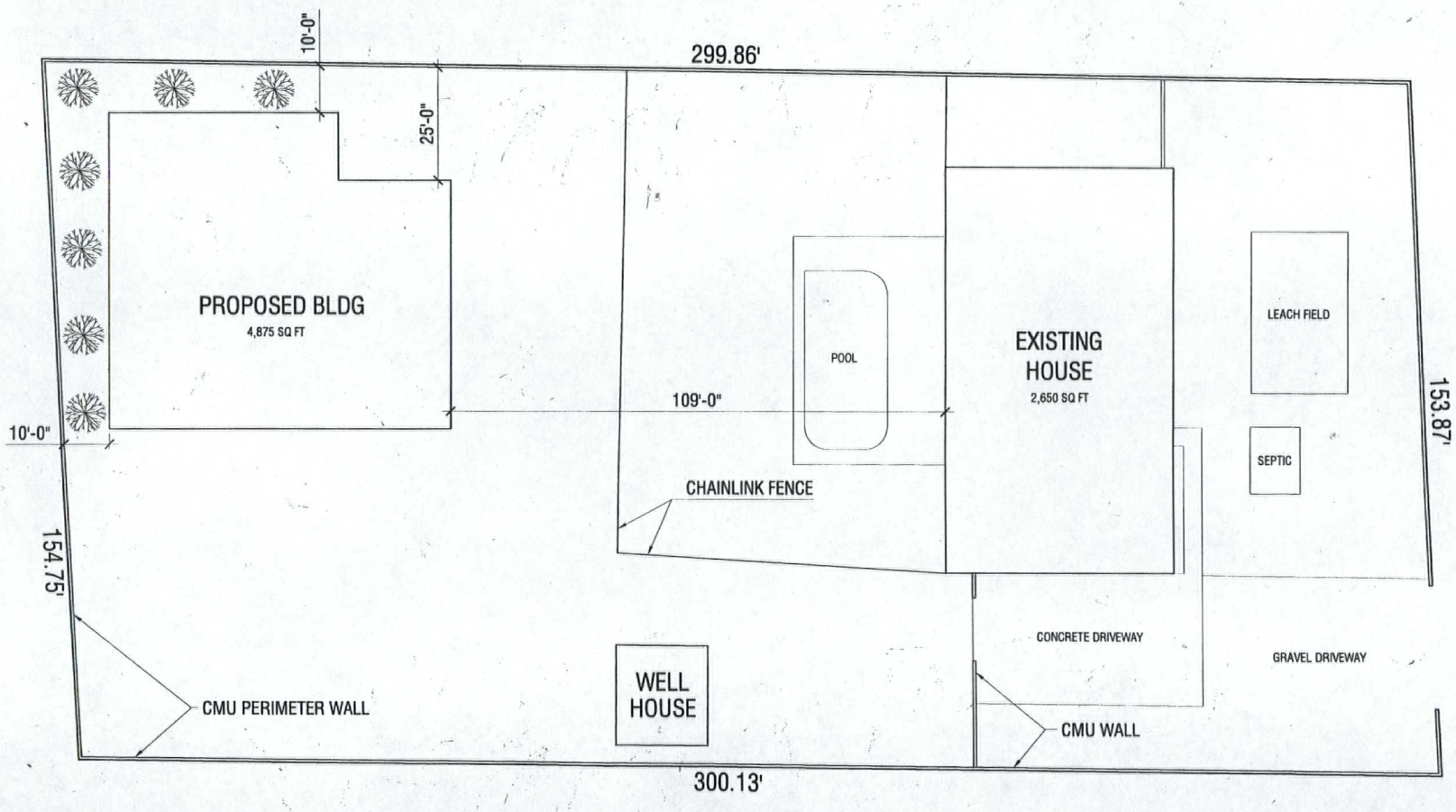
Subscribed and sworn before me

This 5th day of FEBRUARY, 2009

Peter F. Redondo Jr

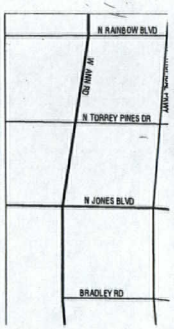
Notary Public in and for said County and State

Peter F. Redondo Jr
Notary Public
State of Nevada
Date Appointment Exp: 09-19-2011
Certificate No: 09-60561-1



SITE PLAN

SCALE: 1" = 30'



VAR-33369
03/26/09 PC

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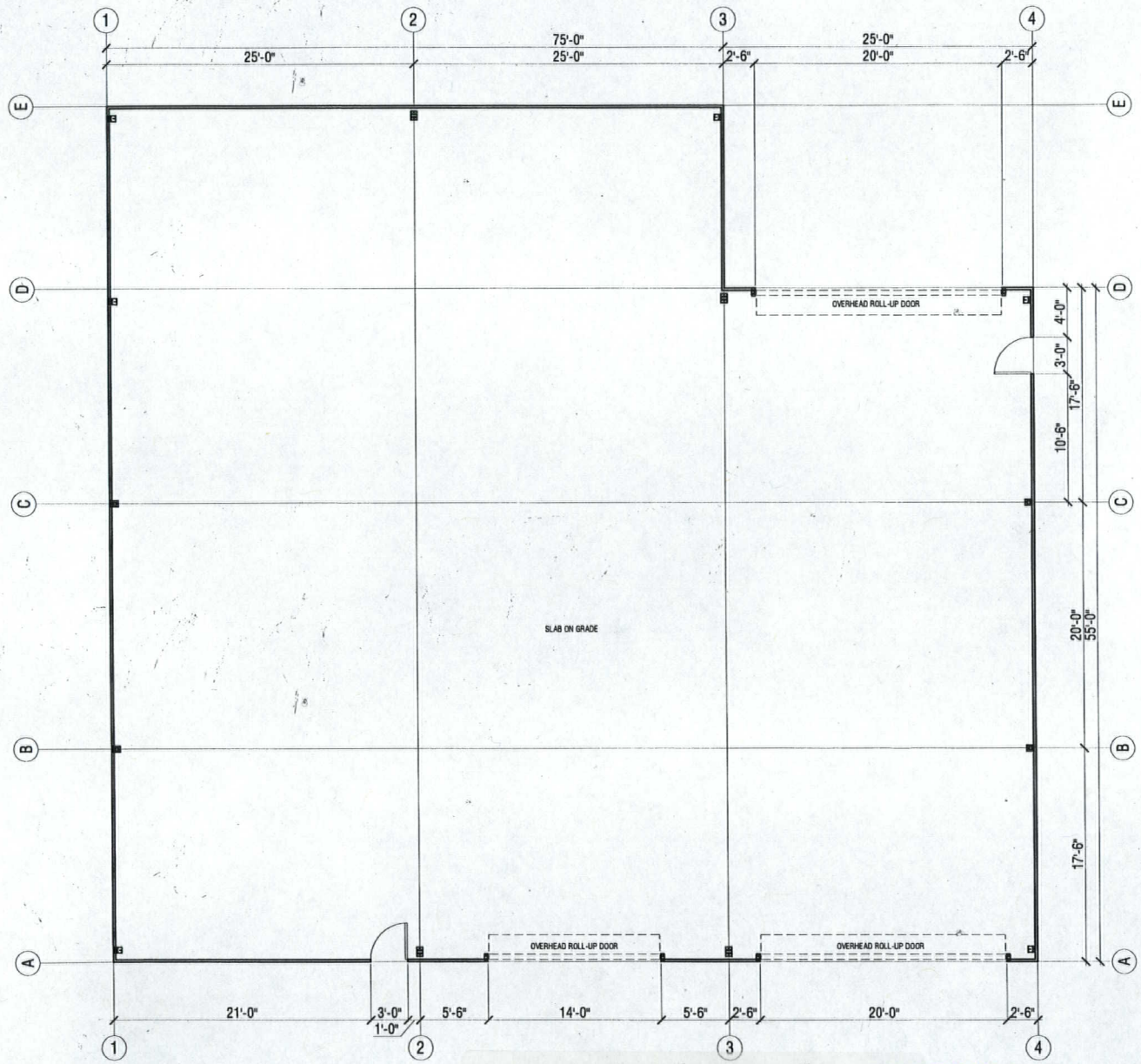
FEB 05 2009



VAR-33369
03/26/09 PC

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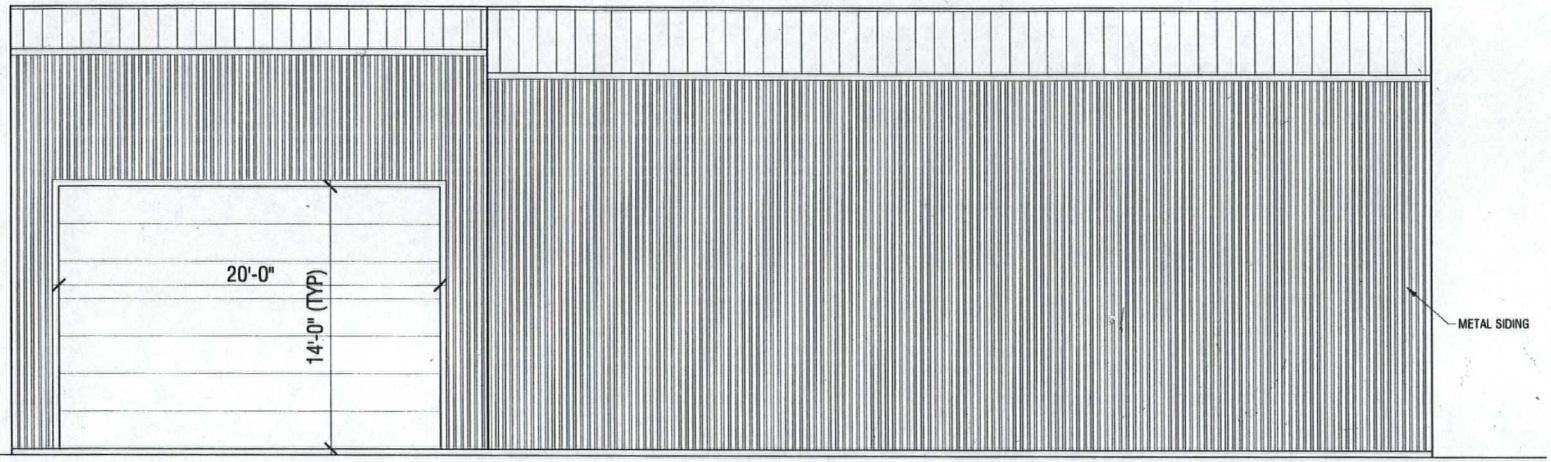
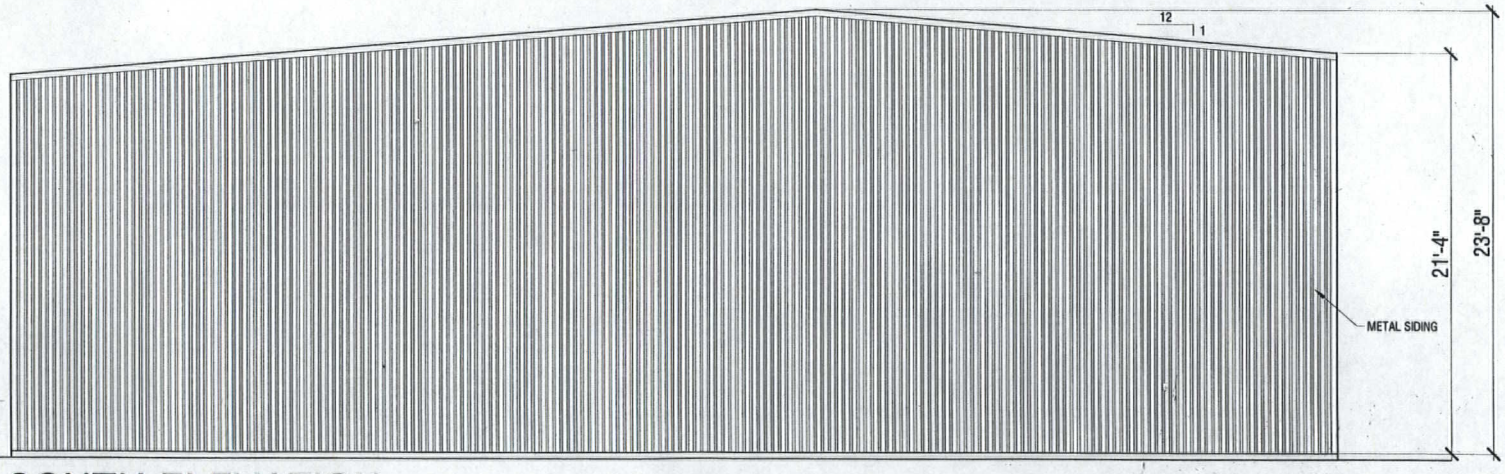


WEST ELEVATION

SCALE: 1/8" = 1'-0"



SOUTH ELEVATION

SCALE: 1/8" = 1'-0"

GEIL RESIDENCE - STORAGE BUILDING

5921 MELLO AVENUE, LAS VEGAS, NV

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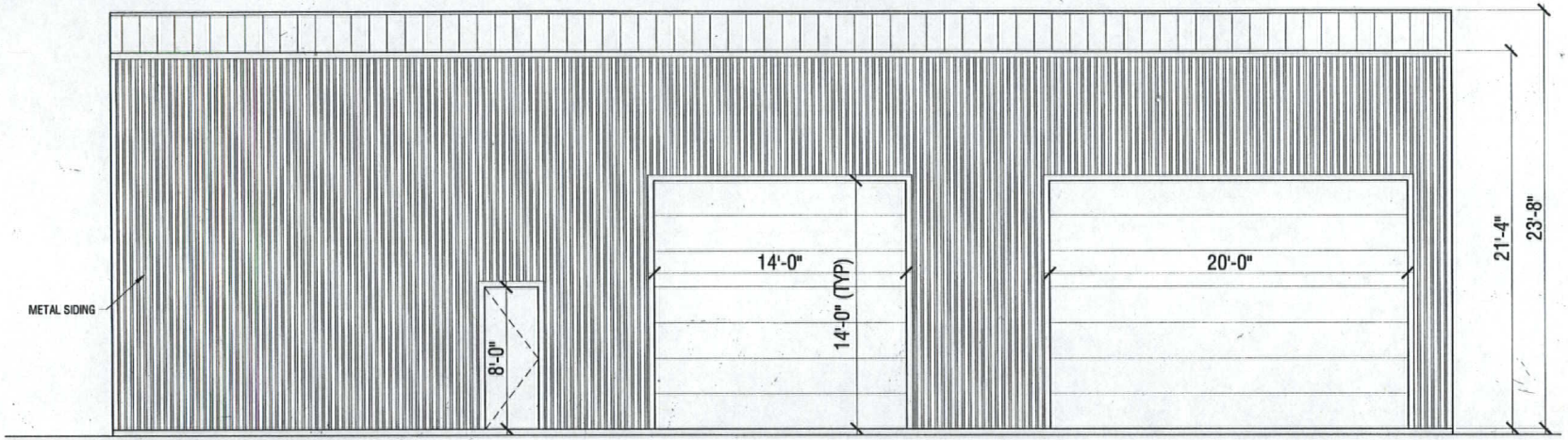
FEB 05 2009

VAR-33369

03/26/09 PC



EAST ELEVATION

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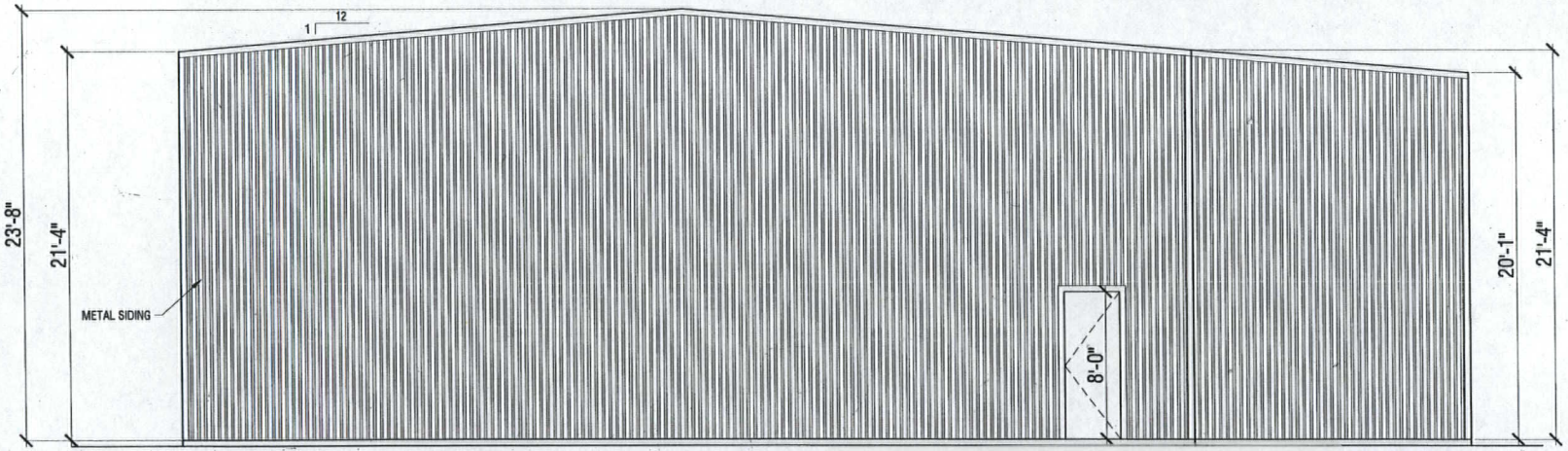

NORTH ELEVATION

VAR-33369
03/26/09 PC

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FEB 05 2009

VAR-33369 - APPLICANT/OWNER: MARCIA D. GEIL
5921 MELLO AVENUE
MARCH 26, 2009 PLANNING COMMISSION

02/19/09

VAR-33369 - APPLICANT/OWNER: MARCIA D. GEIL
5921 MELLO AVENUE
MARCH 26, 2009 PLANNING COMMISSION

02/19/09

VAR-33369 - APPLICANT/OWNER: MARCIA D. GEIL
5921 MELLO AVENUE
MARCH 26, 2009 PLANNING COMMISSION

02/19/09

JUSTIFICATION LETTER

I wish to construct a metal storage building on the back half of the property. The proposed storage building will be over the 50% allowable square footage and is also a different construction type from the existing principal dwelling. I am seeking a variance on these two issues.

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FEB - 5 2009

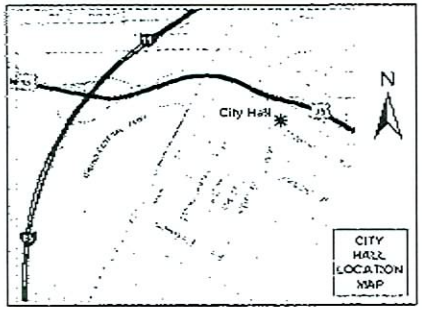
VAR-33369
03/26/09 PC

T-341 P001/001 F-981

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

Return Service Requested

Official Notice of Public Hearing



If you wish to file your protest or support on this request, check the appropriate box below and return this card in an envelope with postage to the Planning & Development Department at the address listed above or fax this side of this card to (702) 385-7268. If you would like to contact your Council Representative, please call (702) 229-6405.

☐ I SUPPORT this Request ☒ I OPPOSE this Request

Please use available blank space on card for your comments.

VAR-33369

Planning Commission Meeting of 3/26/2009

RECEIVED
MAR 17 2009

S-904

Case: VAR-33369
12524411027
ACOSTA PETER J & PAMELA M
5940 HANSFORD RANCH AVE
LAS VEGAS NV 89131-2974

5904 Hansford.

03-17-'09 08:12 FROM-

181

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

PRESORTED FIRST CLASS

UNITED STATES POSTAGE
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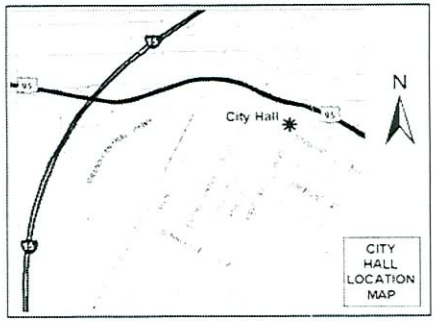
MAR 13 2009
MAILED FROM ZIP CODE 89101

Return Service Requested
Official Notice of Public Hearing



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☐ I SUPPORT this Request

☒ I OPPOSE this Request

Please use available blank space on card for your comments.

VAR-33369

Planning Commission Meeting of 3/26/2009

Case: VAR-33369
12524302017
ARTUSA MARCELLO
5770 EL CAPITAN WY
LAS VEGAS NV 89149-3313

AADC 891 89149

RECEIVED
MAR 17 2009

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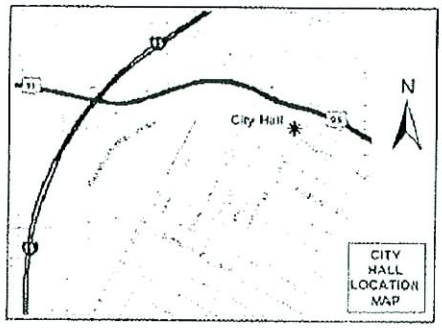
City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

Return Service Requested

Official Notice of Public Hearing



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Case: VAR-33369

12524303001
COUNCIL MICHAEL & RONNI
6621 COWBOY TRL
LAS VEGAS NV 89131-2915

☑ I SUPPORT this Request ☐ I OPPOSE this Request

Please use available blank space on card for your comments.

VAR-33369

Planning Commission Meeting of 3/26/2009

APPOINTMENT

RECEIVED
MAR 16 2009

18A

City of Las Vegas Agenda Item No.: **19.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: MARCH 26, 2009

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

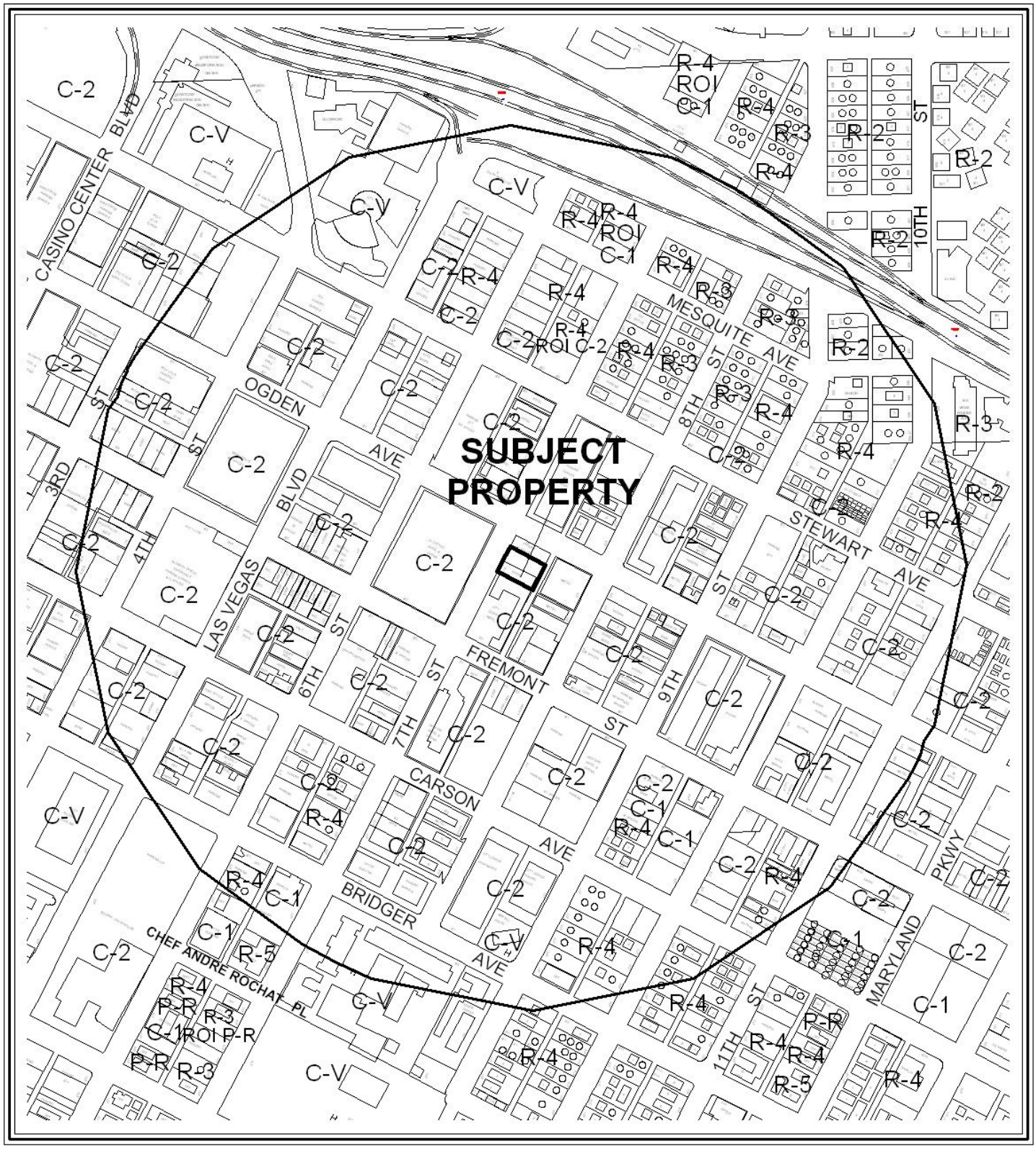
SUBJECT:
SUP-32171 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: FRANCISCO LARA - OWNER: 7TH STREET PROPERTIES, LLC - Request for a Special Use Permit FOR A PROPOSED TAVERN-LIMITED ESTABLISHMENT at 115 North 7th Street (APN 139-34-612-086), C-2 (General Commercial) Zone, Ward 5 (Barlow)

C.C.: 05/06/2009

PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**0**	**Planning Commission Mtg.**	**2**
City Council Meeting	**0**	**City Council Meeting**	**0**

RECOMMENDATION:
APPROVAL

BACKUP DOCUMENTATION:
1. Location, Aerial and Special Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Photos
5. Justification Letter
6. Support Postcards



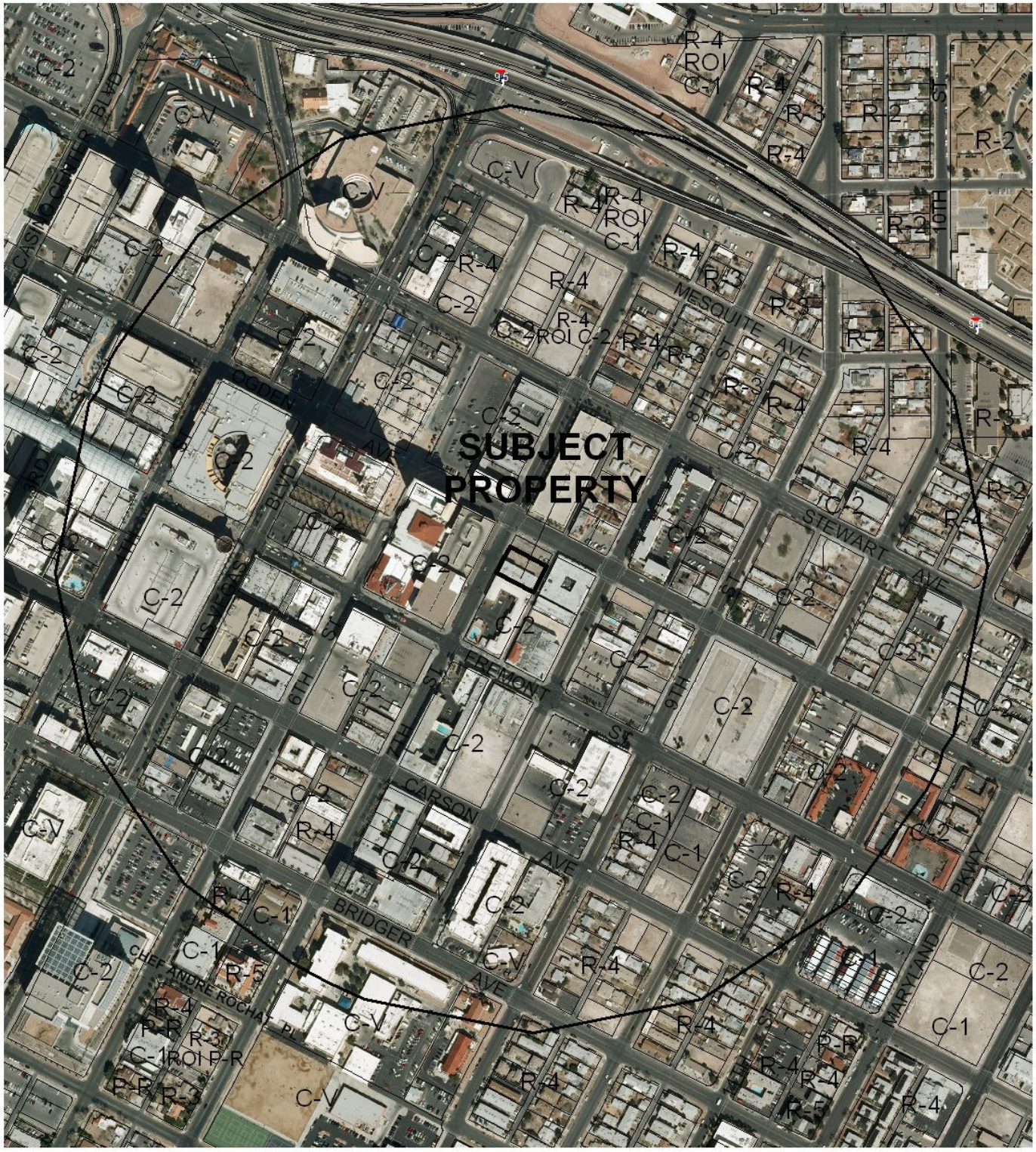
CASE: **SUP-32171**

RADIUS: 1500 FT

0 500 1000 Feet

ZONING OF SUBJECT PROPERTY: C-2 (GENERAL COMMERCIAL)

N



CASE: **SUP-32171**

RADIUS: 1500 FT

0 500 1000 Feet

ZONING OF SUBJECT PROPERTY: C-2 (GENERAL COMMERCIAL)

N

SUP-32171
Taverns

Business Licenses

Child Care/ Children Facility

Tavern

RELIGIOUS

CITY PARKS

SCHOOLS

Subject Property

1500 Foot buffer

Residential Zoning

N

City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: MARCH 26, 2009
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: SUP-32171 - APPLICANT: FRANCISCO LARA - OWNER: 7TH STREET PROPERTIES, LLC

** CONDITIONS **

STAFF RECOMMENDATION: **APPROVAL,** subject to:

Planning and Development

1. Conformance to the conditions for Site Development Plan Review (SDR-33426) if approved.

2. Conformance to all Minimum Requirements under LVMC Title 19.04.010 for Tavern-Limited Establishment use.

3. This approval shall be void one year from the date of final approval, unless a business license has been issued to conduct the activity, if required, or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.

4. Approval of this Special Use Permit does not constitute approval of a liquor license.

5. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.

6. All commercial signage shall receive approval from the Downtown Design Review Committee (DDRC) prior to the issuance of sign permits.

7. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

MH

SUP-32171 - Staff Report Page One
March 26, 2009 - Planning Commission Meeting

** STAFF REPORT **

PROJECT DESCRIPTION

This is a request for a Special Use Permit for a proposed Tavern-Limited establishment at 115 North 7th Street. The proposed project is a 7,219 square-foot Tavern-Limited with an accessory Commercial Recreation/Amusement Facility (Outdoor) use that serves as an outdoor performance venue. Parking for this project is available in the public parking garage located in a casino across 7th Street.

An associated Site Development Plan Review (SDR-33426) for the proposed modifications to the existing building and the proposed addition of the outdoor performance area will be heard with this request concurrently.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc.	
12/16/64	The City Council approved a Rezoning to C-2 (General Commercial) on the subject site as part of a larger request (Z-0100-64).
12/20/06	The City Council approved a request for a Special Use Permit (SUP-17310) for a proposed Tavern-Limited Establishment at 115 North 7th Street. The Planning Commission and staff recommended approval. NOTE: This entitlement expired on 12/20/07.
03/02/09	A Final Map (FMP-33456) technical review was approved and an action letter was sent for a reversion to acreage of approximately 0.32 acres at the Southeast corner of 7th Street and East Ogden Street. This map has not yet recorded.
Related Building Permits/Business Licenses	
03/06/07	Plan check #L-0833-07 was created for a tenant improvement to 115 North 7th Street but no building permits have been issued against this property.
03/28/07	Civil improvement plans (#CLV-18158) were issued for a fire riser addition to 115 North 7th Street. The plans were finaled on 04/09/07 and will expire on 04/09/09.
Pre-Application Meeting	
11/05/09	A pre-application meeting was held with the applicant to discuss the submittal requirements for a Site Development Plan Review for a proposed Tavern-Limited with an accessory outdoor performance area located in the Entertainment Overlay. The pre-application requirements for the related Special Use Permit (SUP-32171) were revisited to ensure coordination between both application requests.

Neighborhood Meeting
A neighborhood meeting is not required nor was one held.

Field Check	
02/12/09	A field check was made by staff with the following observations: • Existing two story building currently unoccupied and in generally good condition. • Undeveloped northern portion of lot is fenced off from public access. • Alleyway in suitable condition. • There are 10 metered on-street parking spaces in front of subject property.

Details of Application Request	
Site Area	
Net Acres	0.32 acres

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Commercial	C (Commercial)	C-2 (General Commercial)
North	Vacant	C (Commercial)	C-2 (General Commercial)
South	Motel	C (Commercial)	C-2 (General Commercial)
East	Motel	C (Commercial)	C-2 (General Commercial)
West	Hotel & Casino	C (Commercial)	C-2 (General Commercial)

Special Districts/Zones	*Yes*	*No*	*Compliance*
Special Area Plan	X		Y
Redevelopment Plan Area	X		Y
Downtown Centennial Plan	X		Y
Special Districts/Zones	*Yes*	*No*	*Compliance*
Special Purpose and Overlay Districts	X		Y
Downtown Entertainment Overlay District	X		Y
Downtown Overlay - District Fremont East	X		Y
Trails		X	Y
Rural Preservation Overlay District		X	Y
Development Impact Notification Assessment		X	Y
Project of Regional Significance		X	Y

DEVELOPMENT STANDARDS

Pursuant to the Downtown Centennial Plan, this project is exempt from the automatic application of Title 19.10 parking requirements. The table provided below shows the potential parking loads that may be generated by this proposal.

Use	*Gross Floor Area or Number of Units*	*Base Parking Requirement*			*Provided*	
			Parking		*Parking*	
		Parking Ratio	Regular	Handi-capped	Regular	Handi-capped
Tavern Limited Establishment	4,000 SF	1:50 (Public Seating and Waiting Area)	80			
	1,845 SF	1:200 (Remaining GFA)	10			
Office	1,374 SF	1:300	5			
Commercial Recreation/Amusement Facility (Outdoor)	5,352 SF	1:200	27			
			117	5		
TOTAL			122		0*	

*The proposed use would typically require 122 parking spaces. The justification letter states that parking for this proposal is available in three public parking garages all located within a short walking distance. There are also 10 metered parking spaces located in front of the property, with additional on-street metered parking spaces available throughout the Downtown Entertainment Overlay District.

ANALYSIS

- **Land Use and Zoning**

  Redevelopment Plan Area
  The parcel is within the boundaries of the Las Vegas Redevelopment Area, with a C (Commercial) land use designation. The C (Commercial) land use designation accommodates the proposed uses, which are also in conformance with the Redevelopment Plan.

Downtown Overlay District
Properties within the Downtown Overlay District are encouraged to develop complex, visually interesting and urbane walkable mixed-use environments. Therefore, proposals located within this overlay are exempt from the automatic application of the mandatory maximum building height, required building setback, maximum lot coverage, residential adjacency, standard landscaping requirements, and standard parking requirements in Section 19.08.040, Section 19.08.050, Section 19.08.060, Chapter 19.10, and Chapter 19.12.

Downtown Entertainment Overlay District
The subject property is located within the Downtown Entertainment Overlay District, which is intended to further the City's downtown redevelopment plans in the spirit of restoring downtown Las Vegas as a dynamic, vibrant center for the entire Las Vegas Valley. Creation of the district is also intended to adjust the zoning and licensing restrictions to encourage non-gaming blues and jazz nightclubs, comedy clubs, and other musical entertainment venues and sets forth signage requirements per the Downtown Design Review Committee (DDRC).

- **Use**

A Tavern-Limited Establishment with an accessory Commercial Recreation/Amusement Facility (Outdoor) that provides an outdoor performance venue is a permitted use in the C-2 (General Commercial) zoning district with the approval of a Special Use Permit. Specifically, the use complies with the intent of the Downtown Entertainment Overlay District of encouraging musical entertainment venues.

- **Site Plan**

The site is located on a 0.32 acre parcel, adjacent to the east side of 7th Street, approximately 50 feet south of Ogden Drive. The proposal consists of the addition of a 5,352 square-foot outdoor performance area enclosed by ten-foot high wall to an existing two-story building. Direct access is provided to the site from 7th Street, where 10 on-street metered parking spaces are provided with service access provided from a rear alley. The applicant is seeking to accommodate the parking requirements with the public parking garages located in the immediate area. The provided site plans show a 10-foot wide sidewalk along the front of the building with a five-foot wide amenity area showing shade trees planted at 30-foot intervals along 7th Street.

- **Floor Plan**

  The submitted floor plans depict an open floor plan, with the exception of the two restroom located near the front entry. A bar service area is located at the rear of the building and a stage is shown at the center of the building. A second floor provides space for two offices, a small conference room, some storage area, and two restrooms. Three rolling doors are proposed between the enclosed Tavern area and the outdoor performance area. There are additional access doors located at the front and rear of the existing building with emergency egress for the outdoor performance area located at streetside and into the alleyway

- **Conditions**

  The use shall conform to, and is subject to, the provisions of Title 19.04.010 for the Tavern-Limited Use. It is important to note that, pursuant to Title 19.06.120, the distance separation requirements shall not apply for any liquor establishment (tavern), supper club, restaurant service bar, or other liquor-serving establishment that is approved by means of a Special Use Permit.

FINDINGS

In order to approve a Special Use Permit application, per Title 19.18.060 the Planning Commission and City Council must affirm the following:

1. **"The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan."**

   The proposed land use can be conducted in a manner that is harmonious and compatible with the surrounding land uses. This area is intended for this and other similar type uses that offer food, drink, and entertainment. The proposal is in compliance with the area and the General Plan.

2. **"The subject site is physically suitable for the type and intensity of land use proposed."**

   The subject site is physically suitable for the type and intensity of land use proposed.

3. **"Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use."**

The subject property is primarily accessed via 7th Street pedestrian. Parking is provided from surrounding public parking. Service access is adequately provided from an existing alley located at the rear of the proposal. this type of development.

4. **"Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan."**

   This Special Use Permit request is in compliance with all applicable plans and policies and will not adversely affect the public health or the general welfare.

5. **The use meets all of the applicable conditions per Title 19.04.**

   This Special Use Permit request is in compliance with all the conditions of Title 19.04.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 16

ASSEMBLY DISTRICT 9

SENATE DISTRICT 3

NOTICES MAILED 255

APPROVALS 2

PROTESTS 0

PLANNING & DEVELOPMENT

DEVELOPMENT SERVICES CENTER

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **SUP-32171** APN: 139-34-612-007, 008

Name of Property Owner: FRANKLIN J. Elam

Name of Applicant: FRANCISCO LARA

Name of Representative: FRANCISCO LARA

To the best of your knowledge, does the Mayor or any member of the City Council or Planning Commission have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company?

____ Yes X No

If yes, please indicate the member of the City Council or Planning Commission who is involved and list the name(s) of the person or persons with whom the City Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official: _____

Partner(s): _____ _____

APN: _____

Signature of Property Owner: [signature]

Print Name: FRANKLIN J. Elam
MANAGING PARTNER

Subscribed and sworn before me

This 24th day of Nov., 2008

[signature]
Notary Public in and for said County and State

NOTARY PUBLIC
STATE OF NEVADA
County of Clark
MARIE MURPHY
No: 06-108770-1
My Appointment Expires Sept. 27, 2010

State of Nevada
County of Clark

OGDEN STREET

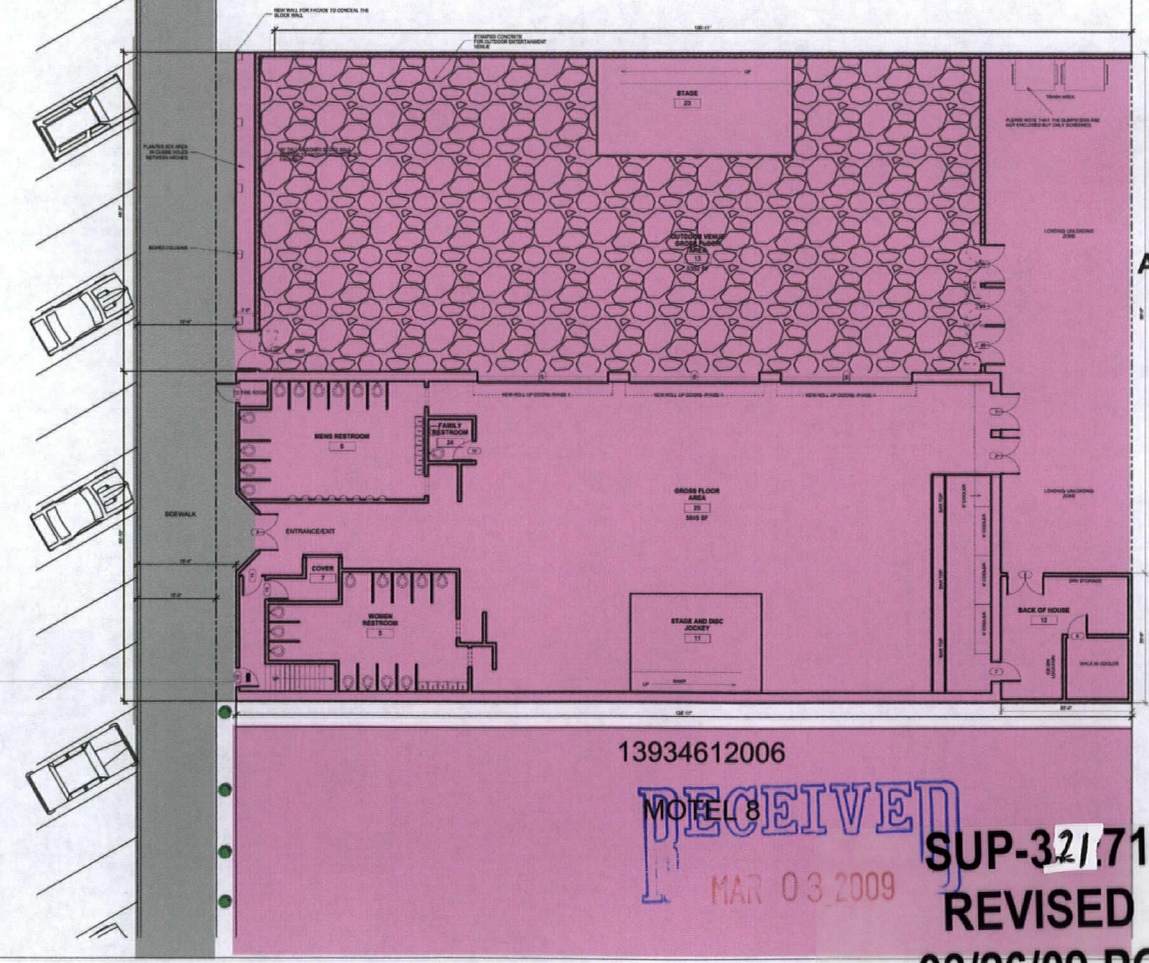
13934612009

VACANT LOT

7TH STREET

ALLEYWAY

ORTEZ
GARAGE



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SUP-32171
REVISED
03/26/09 PC

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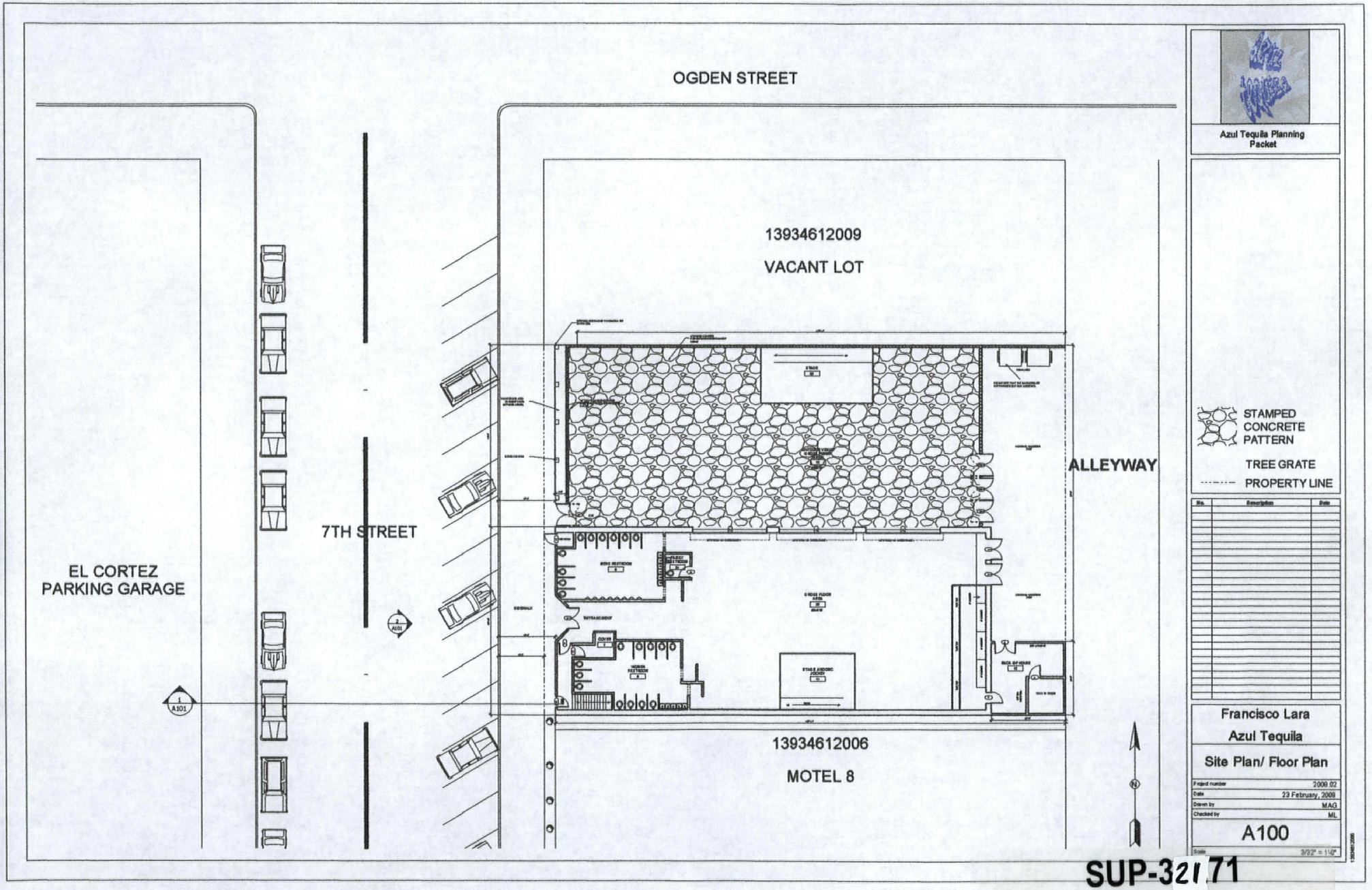
Franci
Azul
Site Plan

Project number
Date
Drawn by
Checked by

A

Scale



Azul Tequila Planning Packet

STAMPED CONCRETE PATTERN

TREE GRATE

PROPERTY LINE

No.	Description	Date

Francisco Lara

Azul Tequila

Site Plan/ Floor Plan

Project number	2008.02
Date	23 February, 2008
Drawn by	MAG
Checked by	ML

A100

Scale 3/32" = 1'-0"

SUP-32171
REVISED
03/26/09 PC

Francisco Lara
115 N. 7th St.
Las Vegas, Nevada
Downtown Centennial
Entertainment District

Azul Tequila Nightclub

Azul Tequila Nightclub is a very innovative nightclub which is going to offer one of a kind entertainment and an experience unique to the Downtown Centennial entertainment district. The Azul Tequila experience is going to differ from other nightclubs in the way that Azul Tequila is going to offer outdoor entertainment with live band and disc jockeys. The outdoor entertainment is going to be a first to the Downtown Entertainment District and will attract plenty of people to the Downtown Centennial area.

Azul Tequila will operate 7 days a week and the hours of operation are projected to be from 7 P.M. to 7 A.M. The entertainment venue will be diverse in order to cater to a diverse public. The outdoor venue is projected to be a year round experience to be enjoyed under the stars. Azul Tequila will offer 2 distinct dance floors, one dance floor will be indoors, and the other dance floor will be outdoors. Azul Tequila will offer two permanent stages which are going to be A.D.A. accessible and offering two shows at the same time.

The project will be all in one phase. New restroom facilities will accommodate our guests, a full service bar, and a new addition to the rear of the building which is going to accommodate our back of house operations such as the handling of deliveries, a walk in cooler, ice bins, and a dry storage. A 10 foot tall masonry block wall all around the perimeter will aid in maintain privacy and providing some acoustical control. To the front of our building along 7th Street we will provide landscaping in our amenity zone to pedestrians and a building façade which is going to be one of a kind and unique to the Downtown Centenial Area. A new façade with a unique Architectural style will be carried out along the 7th street.

Our outdoor entertainment venue is going to be located on private property, and does not extend into other adjacent properties and or obstruct the public right of way. Seating areas do not interfere with egress and ingress in any way shape or form. One of the waivers that we request are concerning the barriers. Instead of providing a railing system we would like to match our existing building façade to a 10 foot high masonry block wall which will be decorated in such a fashion that it will conceal our block wall. The block wall will be stuccoed to match the existing building theme and painted to match the existing building facade. Our outdoor venue flooring will be a stamped concrete which will have a very unique finish of its own. We are going to simulate a unique style of stamped concrete. All of our exterior furniture will be made of sturdy, durable and commercial grade materials which will match the theme of elegant outdoor entertainment. Exterior Lighting will be shielded and of low wattage meant to illuminate the outdoor seating areas. Our 10' wall which we are proposing will shield light and serve as a sound barrier to avoid disturbances to adjacent properties. The exterior seating areas will be designed for maximum cleanliness and ease of maintenance. Any item of furniture equipment that is broken, rusting, or degraded will be removed promptly. All

SUP-32171
REVISED
03/26/09 PC

alcoholic beverage services in outdoor areas will conform to LVCM title 6. We are also requesting a minor review of site development plans under title 19.18.05.
We do plan on having Deciduous Shade Trees or palm trees every 30 feet on center as called out in the Downtown Centennial Plan page 49. We At Azul Tequila are willing to conform with all of your conditions and thank you for all your support in assisting us with the realization of the project.

Sincerely,
Francisco Lara

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NEED FP

SUP-32171
03/26/09 PC

SUP-32171 - APPLICANT: FRANCISCO LARA - OWNER: 7TH STREET PROPERTIES, LLC
115 NORTH 7TH STREET
MARCH 26, 2009 PLANNING COMMISSION

02/12/09

SUP-32171 - APPLICANT: FRANCISCO LARA - OWNER: 7TH STREET PROPERTIES, LLC
115 NORTH 7TH STREET
MARCH 26, 2009 PLANNING COMMISSION

02/12/09

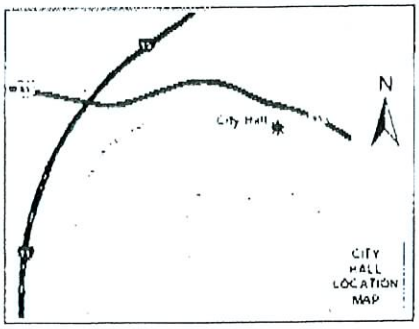
SUP-32171 - APPLICANT: FRANCISCO LARA - OWNER: 7TH STREET PROPERTIES, LLC
115 NORTH 7TH STREET
MARCH 26, 2009 PLANNING COMMISSION

02/12/09

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

Return Service Requested

Official Notice of Public Hearing



If you wish to file your protest or support on this request, check the appropriate box below and return this card in an envelope with postage to the Planning & Development Department at the address listed above or fax this side of this card to (702) 385-7268. If you would like to contact your Council Representative, please call (702) 229-6405.

☒ I SUPPORT this Request ☐ I OPPOSE this Request

Please use available blank space on card for your comments.

SUP-32171 & SDR-33426

Planning Commission Meeting of 3/26/2009

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Case: SUP-32171
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ROBERTS BRADFORD
1810 E SAHARA AVE #100
LAS VEGAS NV 89104-3735

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Toyoda Roberts Realty 7028669854 >>

2009-03-17 16:16

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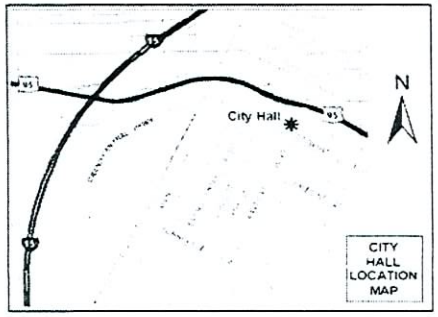
City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

Return Service Requested
Official Notice of Public Hearing



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☒ I SUPPORT this Request ☐ I OPPOSE this Request

Please use available blank space on card for your comments.

SUP-32171 & SDR-33426

Planning Commission Meeting of 3/26/2009

PRESORTED FIRST CLASS

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0004239954 MAR 13 2009
MAILED FROM ZIP CODE 89101

Case: SUP-32171

13935211052
PELLICCIA UGO & LINDA
3055 S BRONCO ST
LAS VEGAS NV 89146-6601

AAVDS11 89146

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MAR 17 2009

19A

City of Las Vegas Agenda Item No.: **20.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: MARCH 26, 2009

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

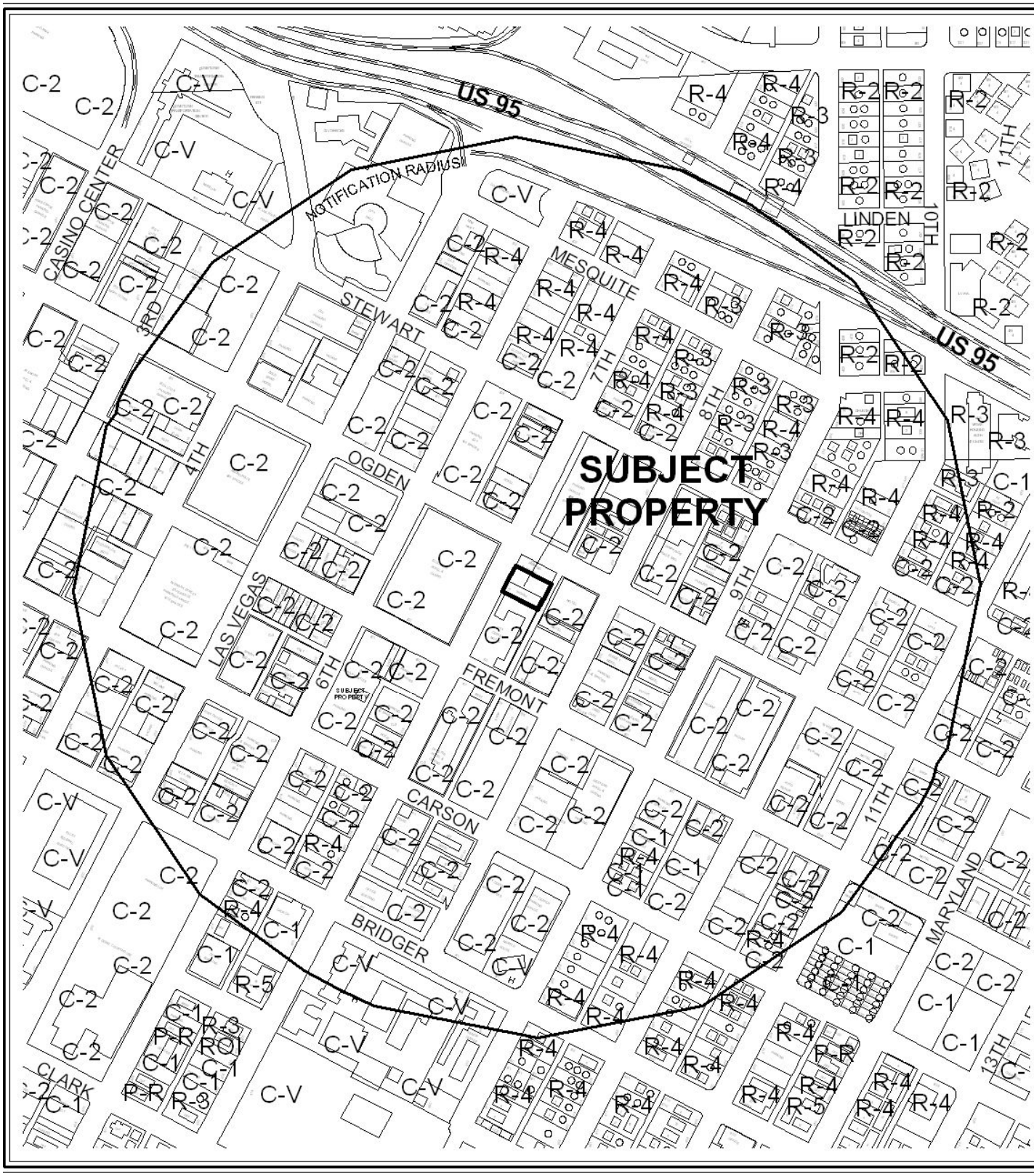
SUBJECT:
SDR-33426 - SITE DEVELOPMENT PLAN REVIEW RELATED TO SUP-32171 - PUBLIC HEARING - APPLICANT: FRANCISCO LARA - OWNER: 7TH STREET PROPERTIES, LLC - Request for a Site Development Plan Review FOR A PROPOSED TAVERN-LIMITED ESTABLISHMENT IN AN EXISTING TWO-STORY, 7,632 SQUARE-FOOT BUILDING WITH A 6,160 SQUARE-FOOT COMMERCIAL RECREATION/AMUSEMENT FACILITY (OUTDOOR) at 115 North 7th Street (APN 139-34-612-086), C-2 (General Commercial) Zone, Ward 5 (Barlow)

C.C.: 05/06/2009

PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**0**	**Planning Commission Mtg.**	**2**
City Council Meeting	**0**	**City Council Meeting**	**0**

RECOMMENDATION:
APPROVAL

BACKUP DOCUMENTATION:
1. Location and Aerial Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Photos
5. Justification Letter
6. Support Postcards



CASE: **SDR-33426**

RADIUS: 1500 FT

0 500 1000 Feet

ZONING OF SUBJECT PROPERTY: C-2 (GENERAL COMMERCIAL)

N

CASE: **SDR-33426**

RADIUS: 1500 FT

0 500 1000 Feet

ZONING OF SUBJECT PROPERTY: C-2 (GENERAL COMMERCIAL)

N

City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: MARCH 26, 2009
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: SDR-33426 - APPLICANT: FRANCISCO LARA - OWNER: 7TH STREET PROPERTIES, LLC

** CONDITIONS **

STAFF RECOMMENDATION: **APPROVAL,** subject to:

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Special Use Permit (SUP-32171) shall be required, if approved.

2. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the principal building on the site. An Extension of Time may be filed for consideration by the City of Las Vegas.

3. All development shall be in conformance with the site plan, landscape plan, and building elevations, date stamped 03/03/09, except as amended by conditions herein.

4. The Reversionary Map (FMP-33456) must be recorded prior to the issuance of building permits.

5. A technical landscape plan, signed and sealed by a Registered Architect, Landscape Architect, Residential Designer or Civil Engineer, must be submitted prior to or at the same time application is made for a building permit. A permanent underground sprinkler system is required, and shall be permanently maintained in a satisfactory manner; the landscape plan shall include irrigation specifications and specify 15-foot Southern Live Oak, Shoestring Acacia or African Sumac tree species only.

6. Pre-planting and post-planting landscape inspections are required to ensure the appropriate plant material, location, size of planters, and landscape plans are being utilized. The Planning and Development Department must be contacted to schedule an inspection prior to the start of the landscape installation and after the landscape installation is completed. A certificate of occupancy will not be issued or the final inspection will not be approved until the landscape inspections have been completed.

7. All commercial signage shall receive approval from the Downtown Design Review Committee (DDRC) prior to the issuance of sign permits.

8. Reflective glazing at the pedestrian level is prohibited. Glazing above the pedestrian level shall be limited to a maximum reflectance rating of 22% (as defined by the National Institute of Standards and Technology).

9. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.

10. All utility boxes exceeding 27 cubic feet in size shall meet the standards of LVMC Title 19.12.040.

11. Lighting on the exterior of buildings shall be shielded and shall be downward-directed. Non-residential property lighting shall be directed away from residential property or screened, and shall not create fugitive lighting on adjacent properties.

12. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.

13. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Public Works

14. Sign and record a Covenant Running with Land agreement for the possible future installation of half-street improvements (including curb and gutter, sidewalks, street lighting, permanent paving and possibly fire hydrants and sewers) on Seventh Street adjacent to this site prior to the issuance of any permits for this site.

15. Meet with the Fire Protection Engineering Section of the Department of Fire Services to discuss fire requirements for the proposed use of this facility.

16. Submit an Encroachment Agreement for all landscaping and private improvements, if any, located in the 7th Street public right-of-way adjacent to this site prior to occupancy of this site.

SDR-33426 - Staff Report Page One
March 26, 2009 - Planning Commission Meeting

** STAFF REPORT **

PROJECT DESCRIPTION

This application is a request for a Site Development Plan Review (SDR-33426) for a proposed Tavern-Limited Establishment in an existing two-story, 7,632 square-foot building with an accessory 6,160 square-foot Commercial Recreation/Amusement Facility (Outdoor) that will serve as an outdoor performance venue.

There is a related request for a Special Use Permit (SUP-32171) for the Tavern-Limited Establishment use that will be heard concurrently with this proposal.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc.	
12/16/64	The City Council approved a Rezoning to C-2 (General Commercial) on the subject site as part of a larger request (Z-0100-64).
12/20/06	The City Council approved a request for a Special Use Permit (SUP-17310) for a proposed Tavern-Limited Establishment at 115 North 7th Street. The Planning Commission and staff recommended approval. NOTE: This entitlement expired on 12/20/07.
03/02/09	A Final Map (FMP-33456) technical review was approved and an action letter was sent for a reversion to acreage of approximately 0.32 acres at the Southeast corner of 7th Street and East Ogden Street. This map has not yet recorded.
Related Building Permits/Business Licenses	
03/06/07	Plan check #L-0833-07 was created for a tenant improvement to 115 North 7th Street but no building permits have been issued against this property.
03/28/07	Civil improvement plans (#CLV-18158) were issued for a fire riser addition to 115 North 7th Street. The plans were finaled on 04/09/07 and will expire on 04/09/09.
Pre-Application Meeting	
11/05/09	A pre-application meeting was held with the applicant to discuss the submittal requirements for a Site Development Plan Review for a proposed Tavern-Limited with an accessory outdoor performance area located in the Entertainment Overlay. The pre-application requirements for the related Special Use Permit (SUP-32171) were revisited to ensure coordination between both application requests.
Neighborhood Meeting	
A neighborhood meeting is not required nor was one held.	

Field Check	
02/12/09	A field check was made by staff with the following observations: • Existing two story building currently unoccupied and in generally good condition. • Undeveloped northern portion of lot is fenced off from public access. • Alleyway in suitable condition. • There are 10 metered on-street parking spaces in front of subject property.

Details of Application Request	
Site Area	
Net Acres	0.32 acres

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Commercial	C (Commercial)	C-2 (General Commercial)
North	Vacant	C (Commercial)	C-2 (General Commercial)
South	Motel	C (Commercial)	C-2 (General Commercial)
East	Motel	C (Commercial)	C-2 (General Commercial)
West	Hotel & Casino	C (Commercial)	C-2 (General Commercial)

Special Districts/Zones	*Yes*	*No*	*Compliance*
Special Area Plan	X		Y
Redevelopment Plan Area	X		Y
Downtown Centennial Plan	X		Y
Special Districts/Zones	***Yes***	***No***	***Compliance***
Special Purpose and Overlay Districts	X		Y
Downtown Entertainment Overlay District	X		Y
Downtown Overlay - District Fremont East	X		Y
Trails		X	Y
Rural Preservation Overlay District		X	Y
Development Impact Notification Assessment		X	Y
Project of Regional Significance		X	Y

DEVELOPMENT STANDARDS

Pursuant to Title 19.06.060, the Downtown Centennial Plan area exempts properties from the automatic application of building height limitations, setbacks, lot coverage, and standard parking requirements. The following development standards apply to this subject proposal:

Standard	*Provided*
Setbacks • Front • Side • Corner • Rear	 2'-6" 0' 0' 0'
Building Height	24 feet
Trash Enclosure	Located in an area adjacent to the rear of the alley with screening from the public right-of-way.
Mech. Equipment	Roof-mounted and screened from view. Additional equipment is located within an enclosure located adjacent to the rear alley.

Streetscape Standards	*Required*	*Provided*	*Compliance*
North-South Streets (Non-Major) 7th Street	10-foot wide sidewalk with a five-foot wide amenity zone landscaped with 15-foot tall shade trees placed at 30-foot increments.	10-foot wide sidewalk with a five-foot wide amenity zone landscaped with 15-foot tall shade trees placed at 30-foot increments.	N*

*A condition of approval has been added requiring a covenant running with land to install the appropriate streetscape when determined appropriate by the City of Las Vegas.

Pursuant to the Downtown Centennial Plan, this project is exempt from the automatic application of Title 19.10 parking requirements. The table provided below shows the potential parking loads that may be generated by this proposal.

Use	*Gross Floor Area or Number of Units*	*Base Parking Requirement*			*Provided*	
			Parking		*Parking*	
		Parking Ratio	Regular	Handi-capped	Regular	Handi-capped
Tavern Limited Establishment	4,000 SF	1:50 (Public Seating and Waiting Area)	80			
	1,845 SF	1:200 (Remaining GFA)	10			

MH

Office	1,374 SF	1:300	5			
Commercial Recreation/Amusement Facility (Outdoor)	5,352 SF	1:200	27			
			117	5		
TOTAL			122		0*	

*The proposed use would typically require 122 parking spaces. The justification letter states that parking for this proposal is available in three public parking garages all located within a short walking distance. There are also 10 metered parking spaces located in front of the property, with additional on-street metered parking spaces available throughout the Downtown Entertainment Overlay District.

ANALYSIS

- **Land Use and Zoning**

  Redevelopment Plan Area
  The parcel is within the boundaries of the Las Vegas Redevelopment Area, with a C (Commercial) land use designation. The C (Commercial) land use designation accommodates the proposed uses, which are also in conformance with the Redevelopment Plan.

  Downtown Overlay District
  Properties within the Downtown Overlay District are encouraged to develop complex, visually interesting and urbane walkable mixed-use environments. Therefore, proposals located within this overlay are exempt from the automatic application of the mandatory maximum building height, required building setback, maximum lot coverage, residential adjacency, standard landscaping requirements, and standard parking requirements in Section 19.08.040, Section 19.08.050, Section 19.08.060, Chapter 19.10, and Chapter 19.12.

  Downtown Centennial Plan Area (Fremont East)
  The parcel is located within the East Fremont District of the Downtown Centennial Plan. The East Fremont District is the logical extension of the Fremont Street Experience eastward and includes casinos and supporting commercial, motel, and some residential uses. This transitional district is bound by the centerline of Las Vegas Boulevard on the west, the centerline of Ogden Avenue on the north, the centerline crossing of Eastern Avenue and Charleston Boulevard on the east and the centerline of Carson Avenue on the south.

Downtown Entertainment Overlay District
The subject property is located within the Downtown Entertainment Overlay District, which is intended to further the City's downtown redevelopment plans in the spirit of restoring downtown Las Vegas as a dynamic, vibrant center for the entire Las Vegas Valley. Creation of the district is also intended to adjust the zoning and licensing restrictions to encourage non-gaming blues and jazz nightclubs, comedy clubs, and other musical entertainment venues and sets forth signage requirements per the Downtown Design Review Committee (DDRC).

- **Site and Landscape Plan**

The site is located on a 0.32 acre parcel, adjacent to the east side of 7th Street, approximately 50 feet south of Ogden Drive. The proposal consists of the addition of a 5,352 square-foot outdoor performance area enclosed by ten-foot high wall to an existing two-story building with a gross floor area of 7,632 square feet.

Direct access is provided to the site from 7th Street, where 10 on-street metered parking spaces are provided with service access provided from a rear alley. The applicant is seeking to accommodate the parking requirements with the local hotel and casino parking garages and public parking garages located in the immediate area. The provided site plans do not show the required 10-foot wide sidewalk along with a five-foot wide amenity area showing shade trees planted at 30-foot intervals along 7th Street. A condition has been added requiring a covenant running with land to install the proper streetscape in the future

Staff has added a condition to specify the size and species of trees in concordance with the Downtown Centennial Requirements (15-foot tall Southern Live Oak, Shoestring Acacia, or African Sumac shade trees).

- **Elevations**

The provided elevations depict a 24-foot tall, two-story building with an adjoining outdoor performance area enclosed by a ten-foot wall. The existing flat-roofed building is proposing to add a cornice, wooden simulated vigas extending from the exterior walls, and band of Spanish tiles that tie into the adjoining performance area. The exterior walls of the adjoining outdoor performance area will have a series of arches finished with smooth stucco consisting of three earth-toned colors and stained wood trim. The existing glass storefront will be refinished with an arched arcade while the windows on the second floor will have window box planters. The elevations and architectural detailing of the proposal provide a positive contribution to the area.

- **Floor Plan**

  The submitted floor plans depict an open floor plan, with the exception of the two restroom located near the front entry. A bar service area is located at the rear of the building and a stage is shown at the center of the building. A second floor provides space for two offices, a small conference room, some storage area, and two restrooms. Three rolling doors are proposed between the enclosed Tavern-Limited use and the outdoor performance area.

  There are additional access doors located at the front and rear of the existing building with emergency egress for the outdoor performance area located at streetside and into the alleyway.

FINDINGS

In order to approve a Site Development Plan application, per Title 19.18.050 the Planning Commission and/or City Council must affirm the following:

1. **The proposed development is compatible with adjacent development and development in the area;**

   The proposed development is compatible with the casino located across 7th Street to the west, the motels adjacent to the east and south, and the parking lot adjacent to north of the subject property.

2. **The proposed development is consistent with the General Plan, this Title, the Design Standards Manual, the Landscape, Wall and Buffer Standards, and other duly-adopted city plans, policies and standards;**

   The proposed development is consistent with the C (Commercial) land use designation and the Tavern-Limited use with the accessory Commercial Recreation/Amusement Facility (Outdoor) is allowed upon approval of the related Special Use Permit (SUP-32171).

3. **Site access and circulation do not negatively impact adjacent roadways or neighborhood traffic;**

   Site access is provided directly from 7th Street, an 80-foot wide right-of-way, with service access provided from an alley way located at the rear of the building. The proposed development will operate mostly from pedestrian traffic that is generated in the Downtown Entertainment Overlay District and supported by multiple parking garages located in close proximity.

4. Building and landscape materials are appropriate for the area and for the City;

The proposed building materials are appropriate for the area and for the City. A condition has been added to ensure that the provided street trees meet the minimum requirements of the Downtown Centennial Plan Streetscape Standards.

5. Building elevations, design characteristics and other architectural and aesthetic features are not unsightly, undesirable, or obnoxious in appearance; create an orderly and aesthetically pleasing environment; and are harmonious and compatible with development in the area;

The provided elevations show an aesthetic improvement to the existing building that ties in seamlessly to the accessory commercial Recreation/Amusement Facility (Outdoor) use. Staff finds that the proposal will create an orderly and aesthetically pleasing contribution to the surrounding area.

6. Appropriate measures are taken to secure and protect the public health, safety and general welfare.

The proposed development will not impact public health, safety or welfare as the development will be subject to City inspections during construction and business operations.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 16

ASSEMBLY DISTRICT 9

SENATE DISTRICT 3

NOTICES MAILED 255

APPROVALS 2

PROTESTS 0

PLANNING & DEVELOPMENT

DEVELOPMENT SERVICES CENTER

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **SDR-33426** APN: 139-34-612-007, 008

Name of Property Owner: FRANKLIN J. Elam

Name of Applicant: FRANCISCO LARA

Name of Representative: FRANCISCO LARA

To the best of your knowledge, does the Mayor or any member of the City Council or Planning Commission have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company?

____ Yes X No

If yes, please indicate the member of the City Council or Planning Commission who is involved and list the name(s) of the person or persons with whom the City Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official: _____

Partner(s): _____ _____

APN: _____

Signature of Property Owner: _____

Print Name: FRANKLIN J. Elam
MANAGING PARTNER

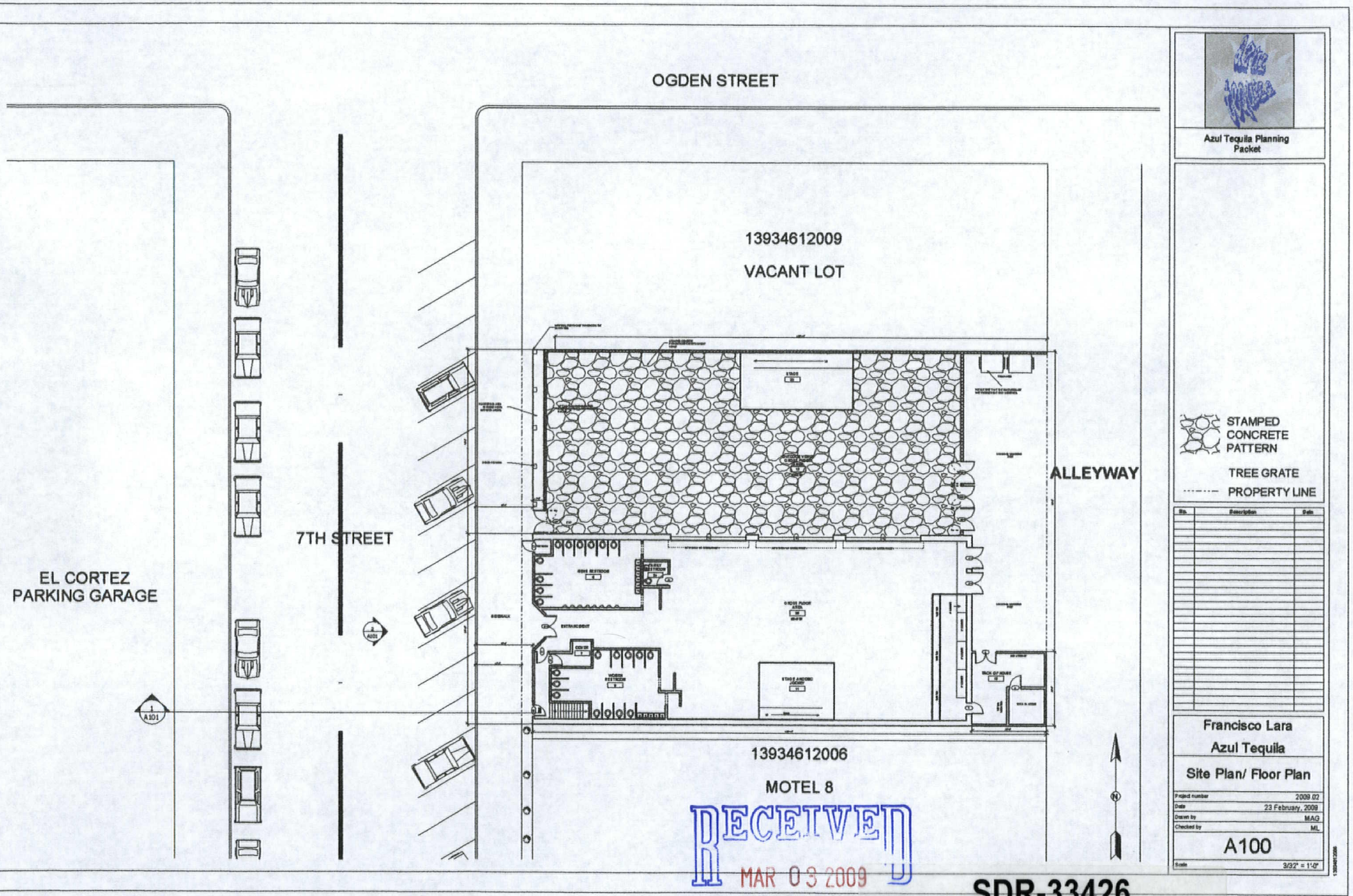
Subscribed and sworn before me

This 24th day of Nov., 2008

Notary Public in and for said County and State

NOTARY PUBLIC
STATE OF NEVADA
County of Clark
MARIE MURPHY
No: 06-108770-1
My Appointment Expires Sept. 27, 2010

State of Nevada
County of Clark



Azul Tequila Planning Packet

No.	Description	Date

Francisco Lara

Azul Tequila

Site Plan/ Floor Plan

Project number	2009.02
Date	23 February, 2009
Drawn by	MAG
Checked by	ML

A100

Scale 3/32" = 1'-0"

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MAR 03 2009

SDR-33426
REVISED
03/26/09 PC

OGDEN STREET

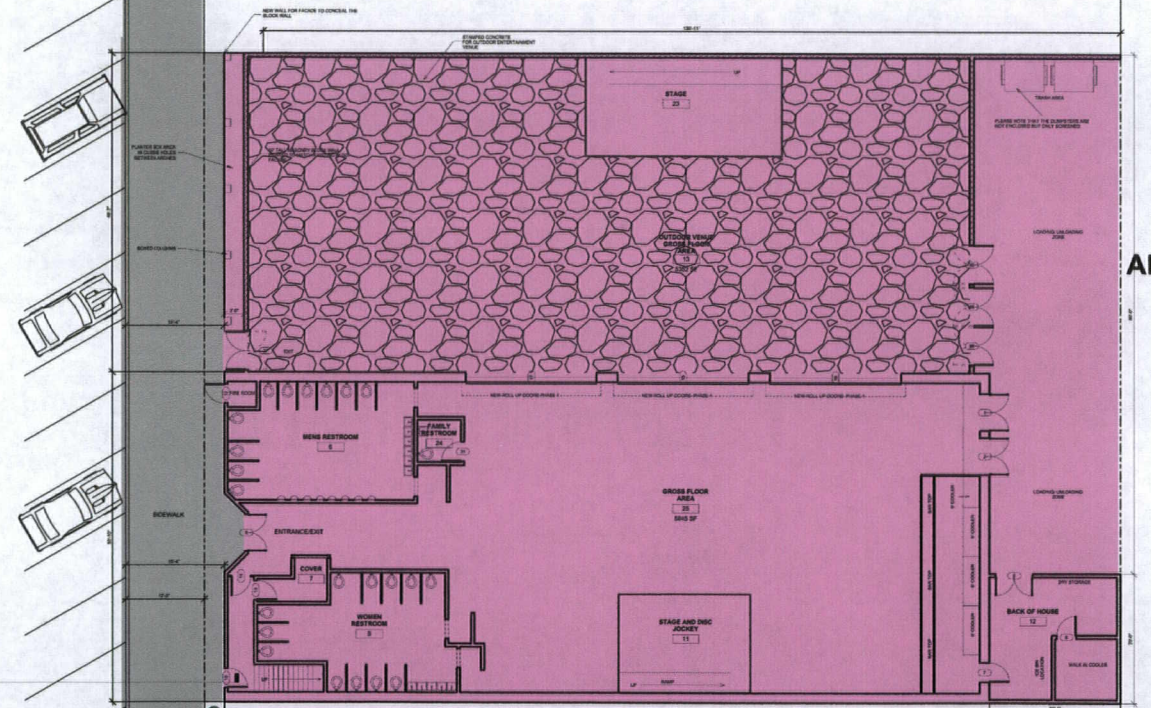
13934612009

VACANT LOT

7TH STREET

ALLEYWAY

ORTEZ
GARAGE



13934612006

MOTEL 8

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MAR 03 2009

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REVISED
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Azul Tequ
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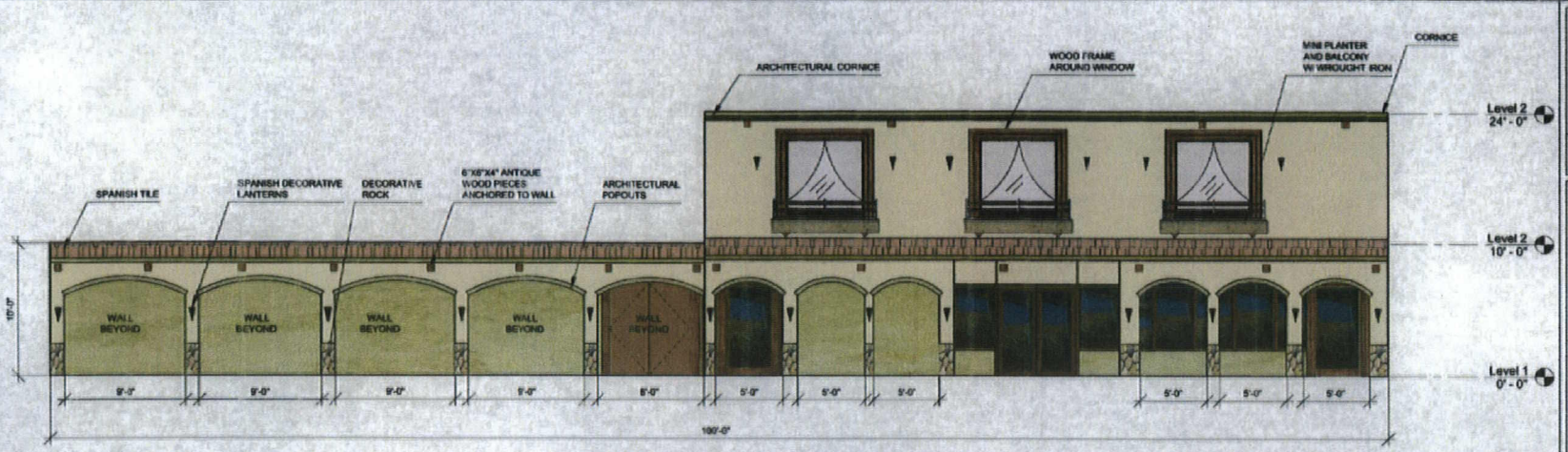
No. Desc

Franci
Azul
Site Plan

Project number
Date
Drawn by
Checked by
A
Scale



MATERIALS

- STUCCO WITH A LUGANO TEXTURE
- SPANISH TILE
- EXTERIOR FINISH PAINT ON STUCCO FINISH SMOOTH
- EXTERIOR FINISH PAINT ON STUCCO FINISH SMOOTH
- 6X6X4 ANTIQUE WOOD PIECES ANCHORED TO WALL
- RIVER STONE
- SPANISH DECORATIVE LANTERN
- ARCHITECTURAL CORNICE STEPPED
- DARK ANTIQUE WOOD STAIN FINISH
- SECOND STORY PLANTER/ BALCONY

Azul Tequila Planning Packet

No.	Description	Date

Francisco Lara

Azul Tequila

COLORED ELEVATION

Project number	2009.02
Date	23 February, 2009
Drawn by	MAG
Checked by	ML

A102

Scale

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SDR-33426
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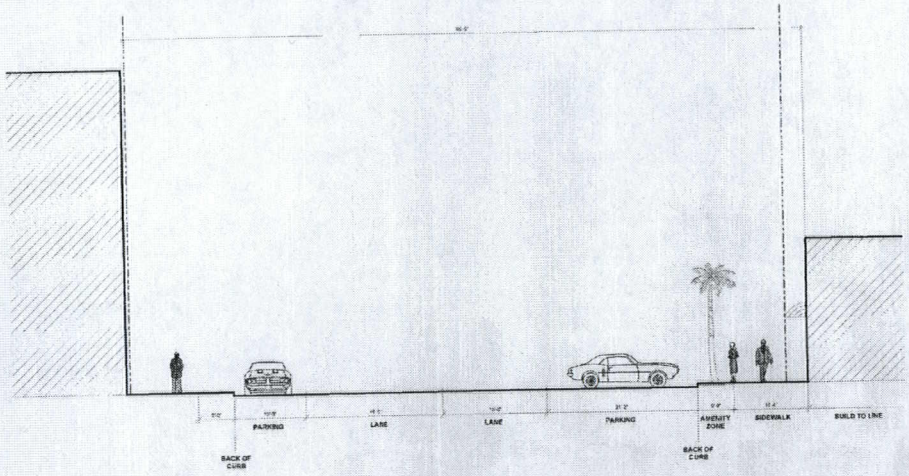
03/26/09 PC



1 STREET SECTION
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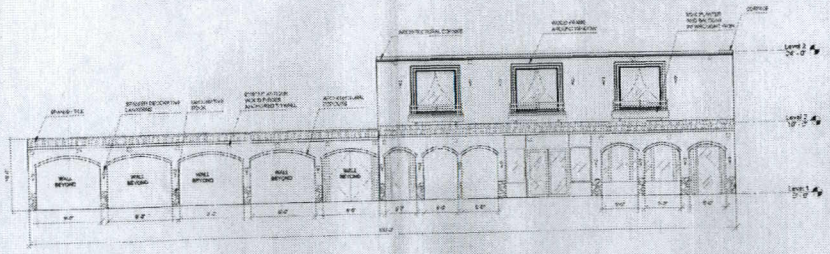
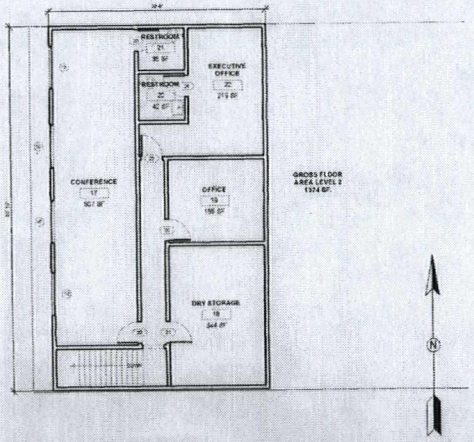


2 ELEVATION LOOKING FROM 7TH STREET
Scale: 1/8" = 1'-0"



3 FLOORPLAN LEVEL 2
Scale: 1/16" = 1'-0"

Azul Tequila Planning Packet

PLEASE NOTE THAT OUR NEW MASONRY WALL AT THE OUTDOOR VENUE WILL MATCH THE EXISTING BUILDING FACADE.

No.	Description	Date

Francisco Lara

Azul Tequila

SECTIONS, LEVEL 2 & ELEVATIONS

Project number	2009.02
Date	23 February, 2009
Drawn by	MAG
Checked by	ML

A101

Scale: 3/32" = 1'-0"

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SDR-33426
REVISED

RECEIVED
MAR 03 2009

400-33426-Revised (P+E) Stamped 3-3-09

SDR 33426

Francisco Lara

115 North 7th St.

Proposed 7.6-thousand square foot tavern and venue.

Traffic produced by proposed development:

New Use	DESCRIPTION	#UNIT	RATE/# UNIT	TOTAL
Average Daily Traffic (ADT)	DRINKING PLACE [1000SF]	7.6	141.75	1,077
AM Peak Hour			0.00	0
PM Peak Hour			11.34	86
(heaviest 60 minutes)				

Existing traffic on all nearby streets:

Ogden Ave.	
Average Daily Traffic (ADT)	3,300
PM Peak Hour	264
(heaviest 60 minutes)	

7th St.	
Average Daily Traffic (ADT)	3,088
PM Peak Hour	247
(heaviest 60 minutes)	

Traffic Capacity of adjacent streets:

	Existing Street Capacity
Ogden Ave.	23775
7th St.	15000

This project will add approximately 1,077 trips per day on Ogden Ave. and 7th St. This will increase expected volumes by 33 percent on Ogden and by about 35 percent on 7th. Currently Ogden is at about 14 percent of capacity and 7th is at about 21 percent of capacity.

Based on Peak Hour use, this development will add roughly 86 additional cars into the area; which works out to about 3 every 2 minutes.

Note that this report assumes all traffic from this development uses all named streets.

SDR-33426 - APPLICANT: FRANCISCO LARA - OWNER: 7TH STREET PROPERTIES, LLC
115 NORTH 7TH STREET
MARCH 26, 2009 PLANNING COMMISSION

02/12/09

SDR-33426 - APPLICANT: FRANCISCO LARA - OWNER: 7TH STREET PROPERTIES, LLC
115 NORTH 7TH STREET
MARCH 26, 2009 PLANNING COMMISSION

02/12/09

SDR-33426 - APPLICANT: FRANCISCO LARA - OWNER: 7TH STREET PROPERTIES, LLC
115 NORTH 7TH STREET
MARCH 26, 2009 PLANNING COMMISSION

02/12/09

Francisco Lara
115 N. 7th St.
Las Vegas, Nevada
Downtown Centennial
Entertainment District

Azul Tequila Nightclub

Azul Tequila Nightclub is a very innovative nightclub which is going to offer one of a kind entertainment and an experience unique to the Downtown Centennial entertainment district. The Azul Tequila experience is going to differ from other nightclubs in the way that Azul Tequila is going to offer outdoor entertainment with live band and disc jockeys. The outdoor entertainment is going to be a first to the Downtown Entertainment District and will attract plenty of people to the Downtown Centennial area.

Azul Tequila will operate 7 days a week and the hours of operation are projected to be from 7 P.M. to 7 A.M. The entertainment venue will be diverse in order to cater to a diverse public. The outdoor venue is projected to be a year round experience to be enjoyed under the stars. Azul Tequila will offer 2 distinct dance floors, one dance floor will be indoors, and the other dance floor will be outdoors. Azul Tequila will offer two permanent stages which are going to be A.D.A. accessible and offering two shows at the same time.

The project will be all in one phase. New restroom facilities will accommodate our guests, a full service bar, and a new addition to the rear of the building which is going to accommodate our back of house operations such as the handling of deliveries, a walk in cooler, ice bins, and a dry storage. A 10 foot tall masonry block wall all around the perimeter will aid in maintain privacy and providing some acoustical control. To the front of our building along 7th Street we will provide landscaping in our amenity zone to pedestrians and a building façade which is going to be one of a kind and unique to the Downtown Centenial Area. A new façade with a unique Architectural style will be carried out along the 7th street.

Our outdoor entertainment venue is going to be located on private property, and does not extend into other adjacent properties and or obstruct the public right of way. Seating areas do not interfere with egress and ingress in any way shape or form. One of the waivers that we request are concerning the barriers. Instead of providing a railing system we would like to match our existing building façade to a 10 foot high masonry block wall which will be decorated in such a fashion that it will conceal our block wall. The block wall will be stuccoed to match the existing building theme and painted to match the existing building facade. Our outdoor venue flooring will be a stamped concrete which will have a very unique finish of its own. We are going to simulate a unique style of stamped concrete. All of our exterior furniture will be made of sturdy, durable and commercial grade materials which will match the theme of elegant outdoor entertainment. Exterior Lighting will be shielded and of low wattage meant to illuminate the outdoor seating areas. Our 10' wall which we are proposing will shield light and serve as a sound barrier to avoid disturbances to adjacent properties. The exterior seating areas will be designed for maximum cleanliness and ease of maintenance. Any item of furniture equipment that is broken, rusting, or degraded will be removed promptly. All

SUP-32171 SDR-33426
REVISED 03/26/09 PC

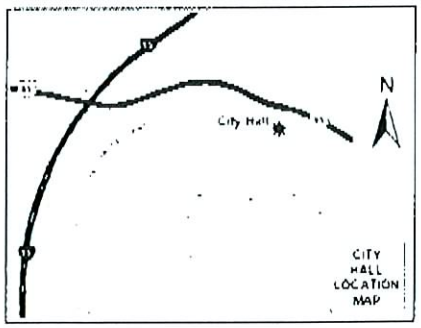
alcoholic beverage services in outdoor areas will conform to LVCM title 6. We are also requesting a minor review of site development plans under title 19.18.05.
We do plan on having Deciduous Shade Trees or palm trees every 30 feet on center as called out in the Downtown Centennial Plan page 49. We At Azul Tequila are willing to conform with all of your conditions and thank you for all your support in assisting us with the realization of the project.

Sincerely,
Francisco Lara

SUP-32171 SDR-33426
REVISED 03/26/09 PC

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

Return Service Requested
Official Notice of Public Hearing



If you wish to file your protest or support on this request, check the appropriate box below and return this card in an envelope with postage to the Planning & Development Department at the address listed above or fax this side of this card to (702) 385-7268. If you would like to contact your Council Representative, please call (702) 229-6405.

☒ I SUPPORT this Request ☐ I OPPOSE this Request

Please use available blank space on card for your comments.

SUP-32171 & SDR-33426

Planning Commission Meeting of 3/26/2009

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17 2009

Case: SUP-32171

13934512093
ROBERTS BRADFORD
1810 E SAHARA AVE #100
LAS VEGAS NV 89104-3735

20A

AAVDS11 89104

P 1/1

2009-03-17 16:16 Toyoda Roberts Realty 7028669854 >>

City of Las Vegas
Planning & Development Department

Development Services Center

731 S. Fourth Street
Las Vegas, Nevada 89101-2986

PRESORTED FIRST CLASS

UNITED STATES POSTAGE
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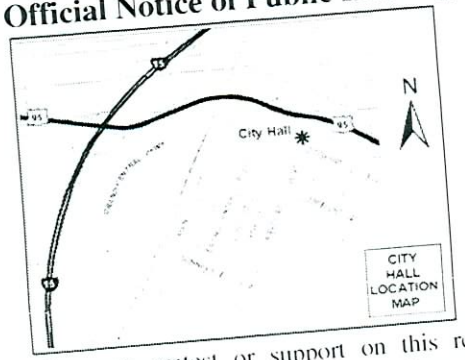
MAILED FROM ZIP CODE 89101

Return Service Requested

Official Notice of Public Hearing



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☒ I SUPPORT this Request

☐ I OPPOSE this Request

Please use available blank space on card for your comments.

SUP-32171 & SDR-33426

Planning Commission Meeting of 3/26/2009

Case: SUP-32171

13935211052
PELLICCIA UGO & LINDA
3055 S BRONCO ST
LAS VEGAS NV 89146-6601

AAVDS11 89146

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MAR 17 2009

City of Las Vegas Agenda Item No.: **21.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: MARCH 26, 2009

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

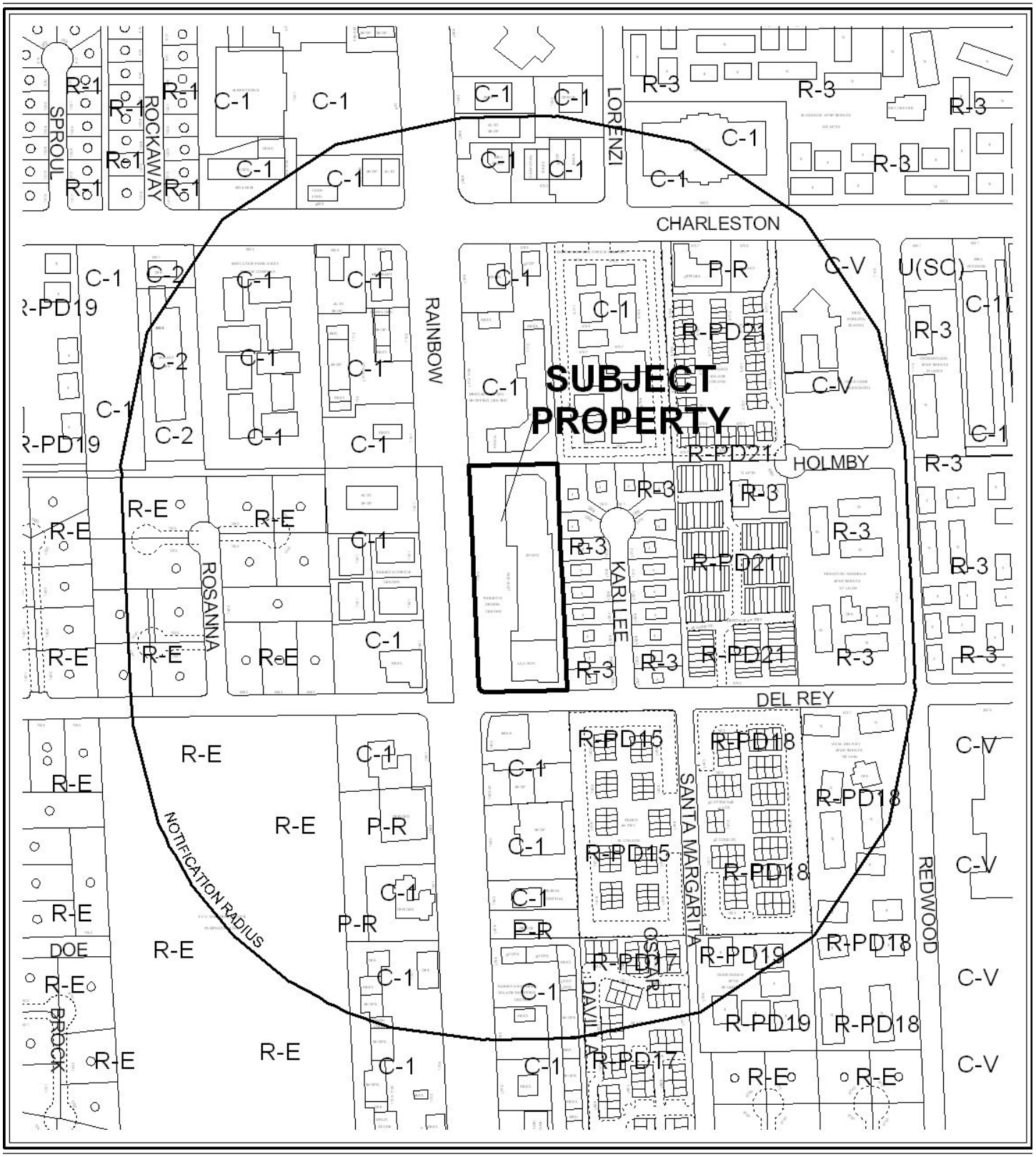
SUBJECT:
SUP-33388 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: BARGAIN HUNTERS, LLC - OWNER: JACK S. LAIRD, LLC - Request for a Special Use Permit FOR A PROPOSED 20,457 SQUARE-FOOT SECOND HAND DEALER at 1200 South Rainbow Boulevard (APN 163-02-101-003), C-1 (Limited Commercial) Zone, Ward 1 (Tarkanian)

IF APPROVED, C.C.: 05/06/2009
IF DENIED, P.C.: FINAL ACTION (Unless Appealed Within 10 Days)

PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**0**	**Planning Commission Mtg.**	**0**
City Council Meeting	**0**	**City Council Meeting**	**0**

RECOMMENDATION:
APPROVAL

BACKUP DOCUMENTATION:
1. Location, Aerial and Special Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Photos
5. Justification Letter



CASE: **SUP-33388**

RADIUS: 1000 FT

0 500 Feet

ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL)

N

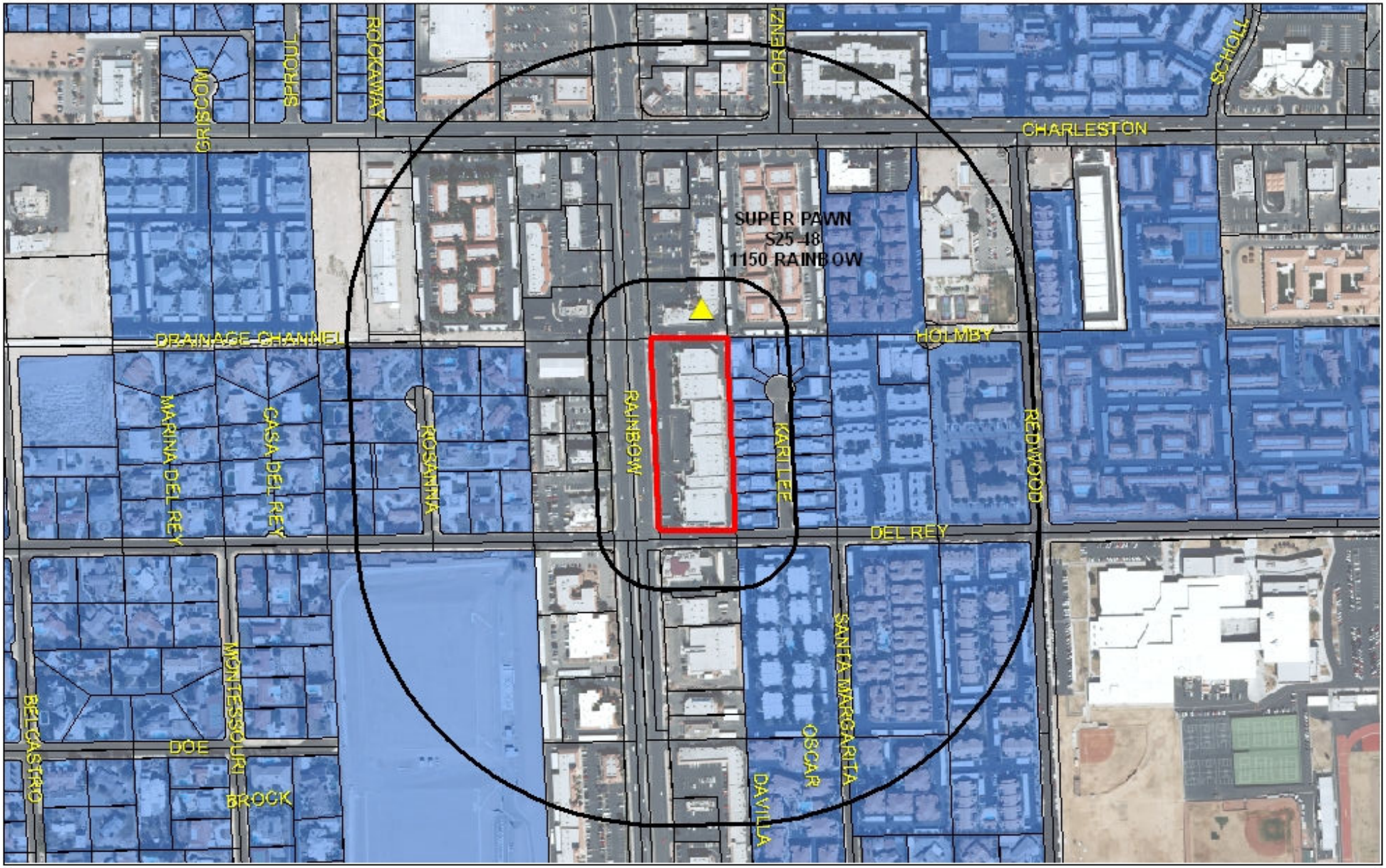
CASE: **SUP-33388**

RADIUS: 1000 FT

0 500 Feet

ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL)

N



SUP-33388
Second Hand Dealers

Business Locations
- Second Hand Dealers
- Residential Zoning

Subject Property

200 FT &
1000 FT Buffer

0 287.5 575 1,150 Feet

N

City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: MARCH 26, 2009
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: SUP-33388 - APPLICANT: BARGAIN HUNTERS, LLD - OWNER: JACK LAIRD S, LLC

** CONDITIONS **

STAFF RECOMMENDATION: **APPROVAL,** subject to:

Planning and Development

1. Conformance to all Minimum Requirements under LVMC Title 19.04.010 for a Secondhand Dealer use.

2. This approval shall be void one year from the date of final approval, unless a business license has been issued to conduct the activity, if required, or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.

3. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

SUP-33388 - Staff Report Page One
March 26, 2009 - Planning Commission Meeting

** STAFF REPORT **

PROJECT DESCRIPTION

This request is for a Special Use Permit for a proposed 20,457 square-foot Secondhand Dealer use within an existing building on 3.65 acres at 1200 South Rainbow Boulevard. The applicant has indicated that the project is a tenant improvement and will not alter the square footage of the existing building and will not modify the existing condition of the site. The proposed use is compatible with the surrounding area and meets the minimum Special Use Permit requirements for a Secondhand Dealer use; therefore, staff recommends approval of this request.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc.	
03/19/86	The City Council approved a request for Annexation (A-0009-85) of property described generally as located south of Charleston Boulevard between Torrey Pines Drive and Fort Apcahe Road.
07/20/88	A request for a Reclassification (Z-0055-88) of property from N-U (Non-Urban) to C-1 (Limited Commercial), located at 1200 South Rainbow Boulevard The Planning Commission also recommended approval.
Related Building Permits/Business Licenses	
02/10/89	A building permit (#89023103) was issued for Phase I – New Shell Building at 1200 South Rainbow Boulevard. This permit was finalized on 02/23/90
04/28/89	A building permit (#89023104) was issued for on-site improvements and hardscapes at 1200 South Rainbow Boulevard. This permit expired on 02/23/08.
03/20/90	A building permit (#90058949) was issued for Phase II – New Shell Building at 1200 South Rainbow Boulevard. This permit was finalized on 08/07/90.
03/20/90	A building permit (#90058950) was issued for on-site improvements and hardscapes for Phase II at 1200 South Rainbow. This permit expired on 02/23/08
04/09/94	A building permit (#92139707) was issued for 2 illuminated pole signs at 1200 South Rainbow Boulevard. This permit expired on 04/09/94.
01/16/96	A building permit (#96000959) was issued for a Tenant Improvement at 1200 South Rainbow Boulevard for a furniture store. This permit was finalized on 03/29/96.
03/01/96	A building permit (#96004136) was issued for 3-sided monument sign and 2-wall signs at 1200 South Rainbow Boulevard. This permit expired on 09/28/96.
03/22/02	A building permit (#2005034) was issued for 135 square-foot wall sign at 1200 South Rainbow Boulevard. This permit expired on 09/21/02.

07/28/03	A building permit (#3016057) was issued to replace a damaged block wall at 1200 South Rainbow Boulevard. This permit was finalized on 08/12/03
08/29/03	A business license (F07-01718) was issued for a Furniture Store at 1200 South Rainbow Boulevard. This license was marked out on 05/16/08
12/18/07	A business license (D02-0093) was issued for Distressed Merchandise Sales at 1200 South Rainbow Boulevard. This license was marked out on 05/16/08
11/26/08	A business license (F07-01999) was issued for a Furniture Store at 1200 South Rainbow Boulevard. This license is still active.

Pre-Application Meeting	
01/29/09	A pre-application meeting was held where the submittal requirements for a Special Use Permit were discussed.
Neighborhood Meeting	
A neighborhood meeting was not required, nor was one held.	

Field Check	
02/19/09	During a routine field check staff observed a well-maintained retail center.

Details of Application Request	
Site Area	
Gross Acres	3.65

Surrounding Property	**Existing Land Use**	**Planned Land Use**	**Existing Zoning**
Subject Property	Retail Development	SC (Service Commercial)	C-1 (Limited Commercial)
North	Retail Development	SC (Service Commercial)	C-1 (Limited Commercial)
South	Financial Institution	SC (Service Commercial)	C-1 (Limited Commercial)
East	Medium Density Residential	M (Medium Density Residential)	R-3 (Medium Density Residential)
West	Retail / Office Development	SC (Service Commercial)	C-1 (Limited Commercial)

Special Districts/Zones	***Yes***	***No***	***Compliance***
Special Area Plan		X	N/A
Special Districts/Zones	***Yes***	***No***	***Compliance***
Special Purpose and Overlay Districts		X	N/A
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

JB

DEVELOPMENT STANDARDS

Pursuant to Title 19.10, the following parking standards apply:

Parking Requirement							
	Gross Floor Area or Number of Units	***Required***			***Provided***		***Compliance***
			Parking		*Parking*		
Use		***Parking Ratio***	Regular	Handi-capped	Regular	Handi-capped	
General Personal Service (Martial Arts Studio)	2,000 SF	1: 250	8				
General Retail	41,750	1: 250	167				
Secondhand Dealer	20,457 SF	1: 250	82				
Sub-Total	64,207 SF		257	7	121	5	*N
TOTAL			264		126		

*The proposed use will be located within an existing retail building site approved by (Z-55-88) with associated surface parking and no expansion of the existing facility is proposed. The project location is considered parking impaired pursuant to Title 19.10.010(c).

ANALYSIS

This is a request for a Special Use Permit for a proposed 20,457 square-foot Secondhand Dealer at 1200 South Rainbow Boulevard. The subject site is an existing furniture store and is located within an existing shopping center capable of accommodating a variety of uses. The addition of a Secondhand Dealer within this center is compatible with the existing and future land uses. Therefore, staff recommends approval.

- **Zoning**

  The subject site is located on the Southwest Sector Map of the General Plan. The site is designated as SC (Service Commercial). This category allows for a low to medium intensity retail, office, or other commercial uses that serve primarily local area patrons and do not include more intense general commercial characteristics. Examples include neighborhood shopping centers, theaters, and other places of public assembly and public and semi-public uses. This category also includes offices either singly or grouped as office centers with professional and business services. The Service Commercial category may also allow Mixed-Use development with a residential component where appropriate.

The subject site is currently within a C-1 (Limited Commercial) zoning district and will utilize 20,457 square feet of space. The C-1(Limited Commercial) district is intended to provide most retail shopping and personal services, and may be appropriate for mixed use developments. This district should be located on the periphery of residential neighborhoods and should be confined to the intersections of primary and secondary thoroughfare along major retail corridors. The C-1 (Limited Commercial) district is consistent with the Service Commercial and the Neighborhood Center categories of the General Plan. The use will not change the physical appearance or characteristics of the subject site and is compatible with the surrounding uses in the area. The proposed Secondhand Dealer use is permissible with the approval of this request and would then be consistent with the established SC (Service Commercial) General Plan designation and C-1 (Limited Commercial) zoning district.

- **Use**

Secondhand Dealer is defined by Title 19 as a specialty shop which deals solely in one kind of used commodity with no new commodities, or a business in which the sale of secondhand or used articles is incidental to the sale of new articles of the same kind. For purposes of this description, the sale of secondhand or used articles is deemed to be incidental to the sale of new articles. Used articles may include wearing apparel, furniture, fixtures, appliances, tableware, offices supplies, pictures, paintings, jewelry, cutlery or guns. This use includes the sale of jewelry (Class III type) and scrap precious metals as defined in LVMC Chapter 6.74, but does not include the sale of junk as defined in that Chapter, the sale of used cars or the sale of other items which the City Council determines do not fit within the intent of this term. This use does not include the buying and selling of foreign or domestic coins for numismatic purposes, which shall be allowed where retail sales of new merchandise is permitted. This use also does not include a thriftshop or nonprofit thriftshop. The applicant has indicated that they will be selling used home furnishing and appliances which is incidental to the sell of new articles.

The floor plan indicates that there will be two showrooms, a storage room, two offices, a cashiers counter, four restrooms and area located in the back of the building for shipping and receiving goods. Staff finds that the required parking for this site is 264 parking spaces with seven handicapped designated spaces. A staff site visit determined that this location has a total of 126 parking spaces, with five designated handicap spaces. This center was built in 1990 to applicable parking standards and therefore is considered a parking impaired development. Although parking is a noted concern, this is mitigated by this commercial center's parking impaired status and the fact that the proposed Secondhand Dealer use has the same parking requirements as the existing general retail use.

- **Minimum Special Use Requirements**

  Minimum Special Use Permit Requirements for a Secondhand Dealer use in a C-1 (Limited Commercial) zoning district are:

  *1. No outdoor display, sales or storage of any merchandise shall be permitted.
  *2. The use shall comply with the applicable requirements of LVMC Title 6.
  *3. No secondhand dealer shall be located on either side of Fremont Street or on Las Vegas Boulevard South, between Charleston Boulevard and Sahara Avenue.

  Pursuant to Title 19.04.050, these are the Minimum Special Use Permit Requirements, and are not Waivable. The proposed Secondhand Dealer use meets the Minimum Special Use Permit Requirements per Title 19.04. Therefore, staff is recommending approval of this Special Use Permit.

FINDINGS

In order to approve a Special Use Permit application, per Title 19.18.060 the Planning Commission and City Council must affirm the following:

1. **"The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan."**

   The proposed land use is compatible with the SC (Service Commercial) General Plan designation and is located within an existing shopping center. The use can be conducted in a manner that is harmonious and compatible with the surrounding uses.

2. **"The subject site is physically suitable for the type and intensity of land use proposed."**

   The proposed Secondhand Dealer use will be in conjunction with three existing General Retail Stores, Other Than Listed and a General Personal Service (Martial Arts Studio) within a shopping center, which is physically suitable for the type and intensity of the land use proposed.

3. **"Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use."**

   Site access is provided from Rainbow Boulevard Avenue, a 100-foot Primary Arterial, and Del Rey Avenue, a 60-foot Local Collector, as designated in the Master Plan of Streets and Highways. These streets provide adequate access to and from the subject property.

4. **"Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan."**

   Approval of this special use permit should not compromise public health, safety, or welfare as the proposed Secondhand Dealer use will be subject to regular inspections.

5. **The use meets all of the applicable conditions per Title 19.04.**

   The proposed Secondhand Dealer use complies with the conditions per Title 19.04.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 8

ASSEMBLY DISTRICT 3

SENATE DISTRICT 3

NOTICES MAILED 494

APPROVALS 0

PROTESTS 0

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **SUP-33388** APN: 163-02-101-003

Name of Property Owner: Jack S. Laird, LLC

Name of Applicant: Bargain Hunters, LLD

Name of Representative: Neil Lyxenburg

To the best of your knowledge, does the Mayor or any member of the City Council or Planning Commission have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company?

☐ **Yes** ☒ **No**

If yes, please indicate the member of the City Council or Planning Commission who is involved and list the name(s) of the person or persons with whom the City Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official: _____

Partner(s): _____ _____

APN: _____

Signature of Property Owner: _____

Print Name: Jack S. Laird

Subscribed and sworn before me

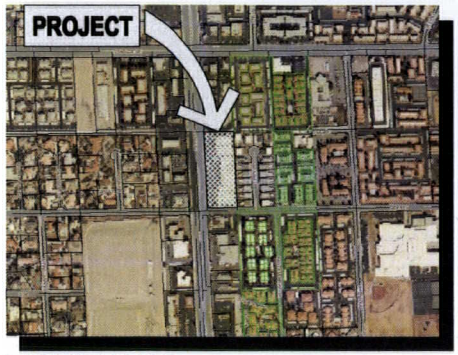
This 9 day of January, 2009

_____

Notary Public in and for said County and State

Nevada County, CA

R. BERGTHOLD
Commission # 1693526
Notary Public - California
Nevada County
My Comm. Expires Oct 10, 2010



VICINITY MAP

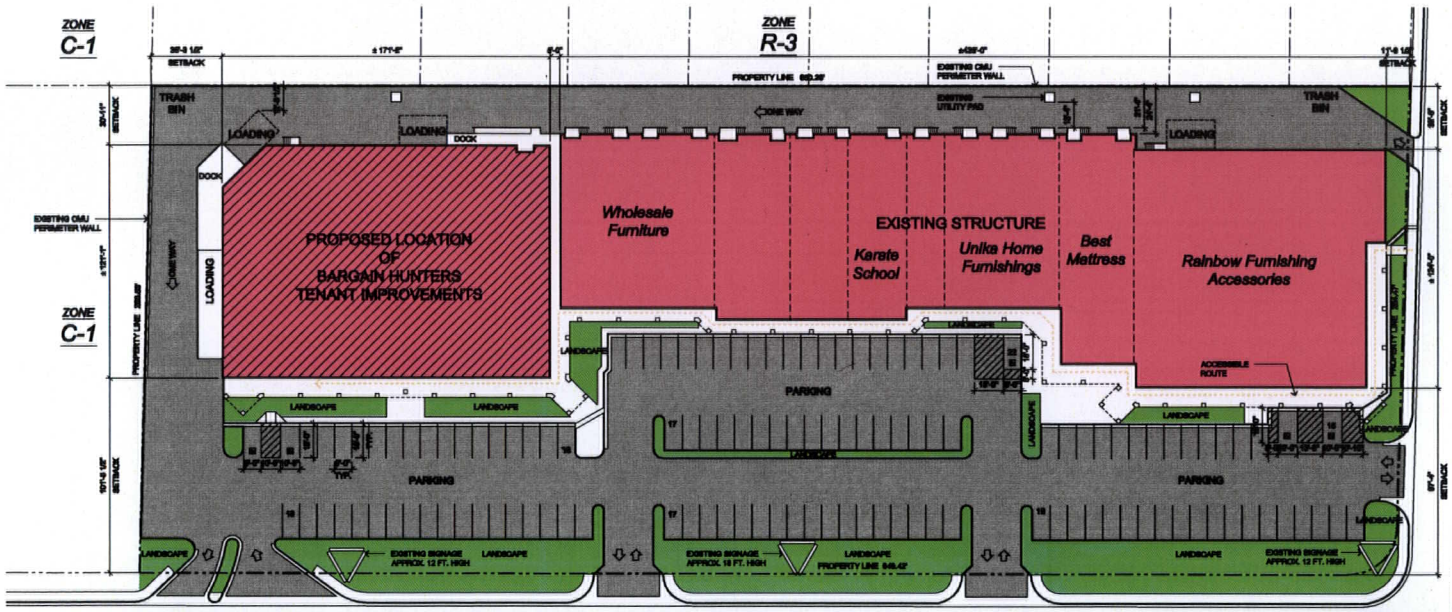
SITE DATA

JURISDICTION	LAS VEGAS
PARCEL NO.	163-02-101-003
ZONING	C-1
LAND USE DESIGNATION	COMMERCIAL
LOT SIZE	3.85 ACRES 168,994 SF
BARGAIN HUNTERS T.I.	20,457 SF
SHOPPING CENTER	11,314 SF
WHOLESALE SHOWROOM FACILITY	32,436 SF
STORAGE	8,457 SF (20% OF GROSS FLR. AREA)
TOTAL BUILDING AREA	64,207 SF
LOT COVERAGE	40.38 %

PARKING ANALYSIS

PARKING REQUIRED	
SHOPPING CENTER AT 1 SPACE PER 250 SF	257 SPACES
CURRENT USE	182 SPACES
SECONDHAND DEALER AT 1 SPACE PER 250 SF	81.83 SPACES
SHOPPING CENTER AT 1 SPACE PER 250 SF	45.26 SPACES
WHOLESALE SHOWROOM AT 1 SPACE PER 600 SF	51.90 SPACES
STORAGE AT 1 SPACE PER 2,500 SF	2.89 SPACES
PARKING PROVIDED	128 SPACES
HANDICAP ACCESSIBLE SPACES REQUIRED	7 SPACES
HANDICAP ACCESSIBLE SPACES PROVIDED	5 SPACES
VAN ACCESSIBLE SPACE REQUIRED	1 SPACE
VAN ACCESSIBLE SPACE PROVIDED	1 SPACE
LOADING SPACES (10X25) REQUIRED	4 SPACES
LOADING SPACES (10X25) PROVIDED	4 SPACES

8965 s. eastern
suite 100
las vegas, nv 89123
p 702.456.1070
f 702.456.7020



RECEIVED
FEB 06 2009

DRAWING APPROVED:
DATE:

ethos three ARCHITECTURE

BARGAIN HUNTERS T.I.
1200 S. RAINBOW BLVD. LAS VEGAS, NV. 89146

SITE PLAN

north

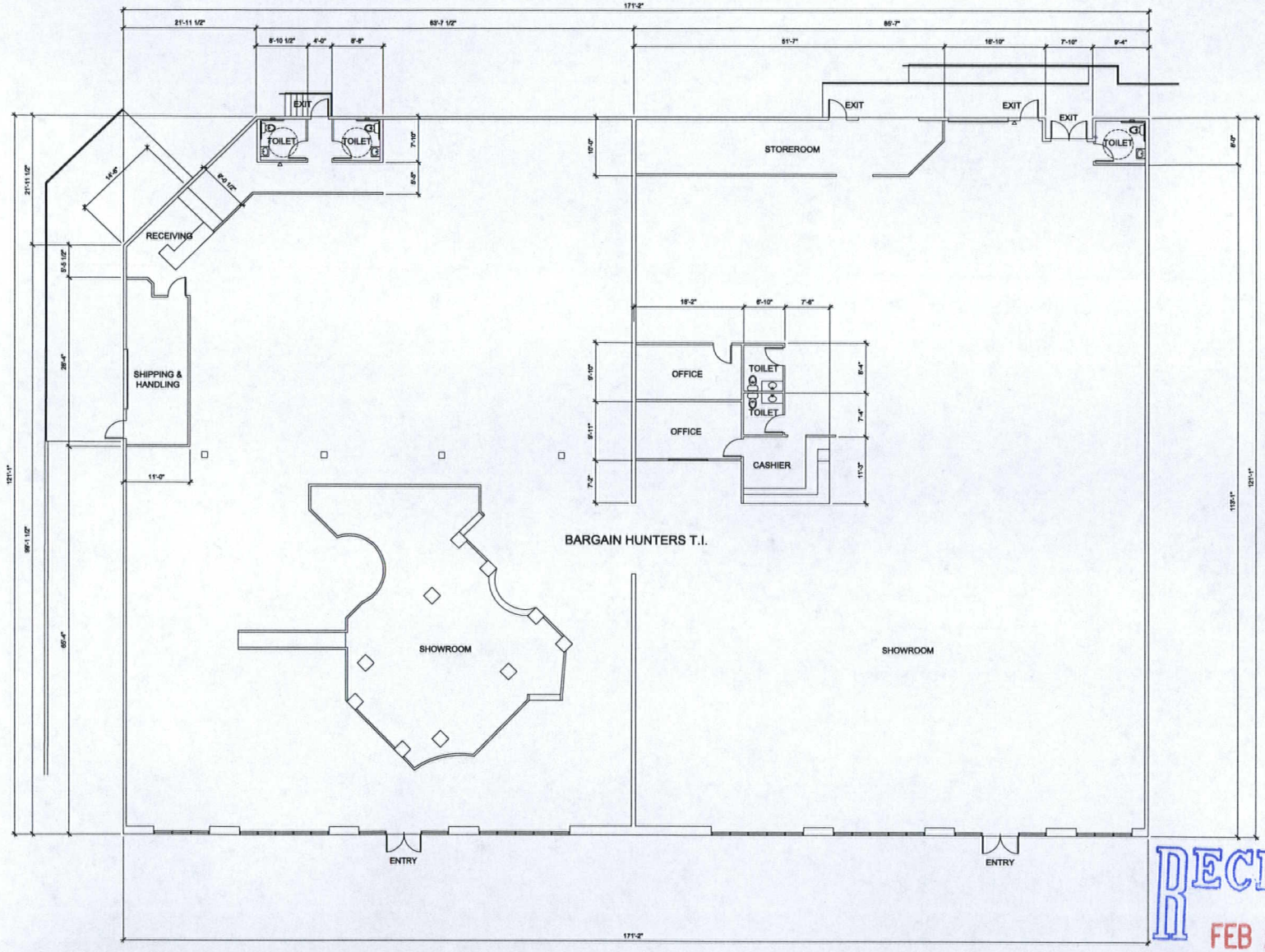
0 15' 30' 60'

FEBRUARY 4, 2009

A1.00

SITE PLAN
SCALE : 1" = 30'-0"

SUP-33388
03/26/09 PC



8965 s. eastern
suite 100
las vegas, nv 89123
p 702.456.1070
f 702.456.7020

DRAWING APPROVED:
DATE:

ethos three ARCHITECTURE

BARGAIN HUNTERS T.I.
1200 S. RAINBOW BLVD. LAS VEGAS, NV. 89146

FLOOR PLAN

RECEIVED
FEB 06 2009

north

0 4' 8' 16'

FEBRUARY 4, 2009

A2.00

FLOOR PLAN

SCALE : 1/8" = 1'-0"

SUP-33388
03/26/09 PC

SUP-33388
03/26/09 PC

RECEIVED
FEB 06 2009

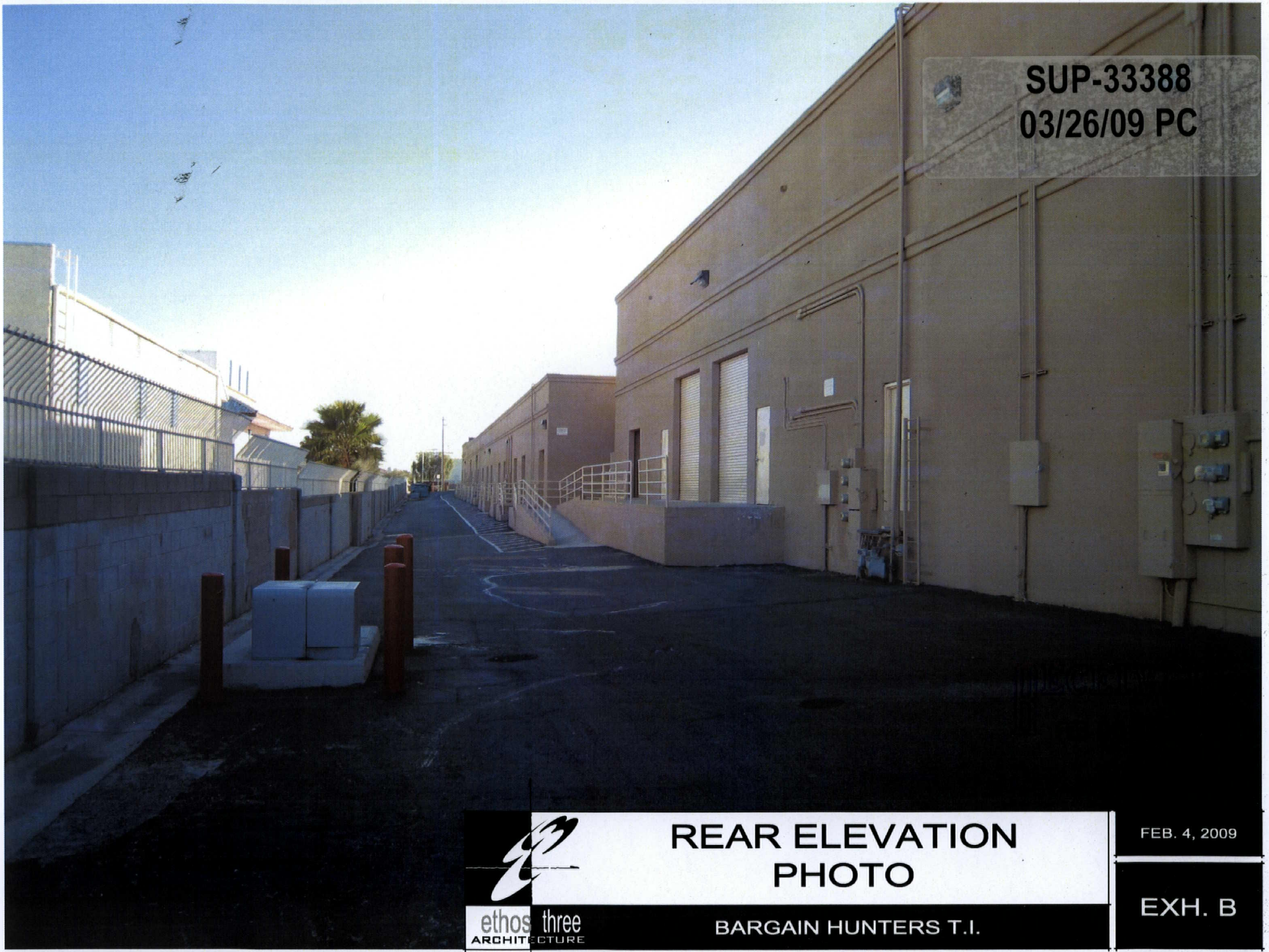
FRONT ELEVATION PHOTO

ethos three ARCHITECTURE

BARGAIN HUNTERS T.I.

FEB. 4, 2009

EXH. A



REAR ELEVATION PHOTO

ethos three ARCHITECTURE

BARGAIN HUNTERS T.I.

FEB. 4, 2009

EXH. B

SUP-33388 - APPLICANT: BARGAIN HUNTERS, LLC - OWNER: JACK S. LAIRD, LLC
1200 SOUTH RAINBOW BOULEVARD
MARCH 26, 2009 PLANNING COMMISSION

02/19/09

SUP-33388 - APPLICANT: BARGAIN HUNTERS, LLC - OWNER: JACK S. LAIRD, LLC
1200 SOUTH RAINBOW BOULEVARD
MARCH 26, 2009 PLANNING COMMISSION

02/19/09

SUP-33388 - APPLICANT: BARGAIN HUNTERS, LLC - OWNER: JACK S. LAIRD, LLC
1200 SOUTH RAINBOW BOULEVARD
MARCH 26, 2009 PLANNING COMMISSION

02/19/09

SUP-33388 - APPLICANT: BARGAIN HUNTERS, LLC - OWNER: JACK S. LAIRD, LLC
1200 SOUTH RAINBOW BOULEVARD
MARCH 26, 2009 PLANNING COMMISSION

02/19/09

ethos three
ARCHITECTURE

February 4, 2009

Planning and Development Department
City of Las Vegas
731 South Fourth Street
Las Vegas, Nevada 89101

RE: Bargain Hunters Retail Center – Justification Letter

Dear Planning Staff,

We are requesting a Special Use Permit for a 20,457 square foot Second Hand Dealer (Bargain Hunters) in an existing retail structure located at 1200 South Rainbow. The site is zoned C-1. The project is a tenant improvement and will not alter the square footage of the existing building and will not modify the existing condition of the site.

The parking requirements were analyzed based on the shopping center parking ratio (1/250) and current individual use as indicated on the Parking Analysis. The results are parking requirements of 257 spaces or 182 spaces. Therefore, the existing complex does not meet the current Title 19 parking requirements. However, a parking variance as part of this application is not required because this is a replacement of similar use previously approved.

Sincerely,

Dan Ballard, AIA

RECEIVED
FEB - 6 2009

SUP-33388
03/26/09 PC

8965 S. Eastern Avenue, Suite 100 | Las Vegas, Nevada 89123 | P 702.456.1070 | F 702.456.7020

City of Las Vegas Agenda Item No.: **22.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: MARCH 26, 2009

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

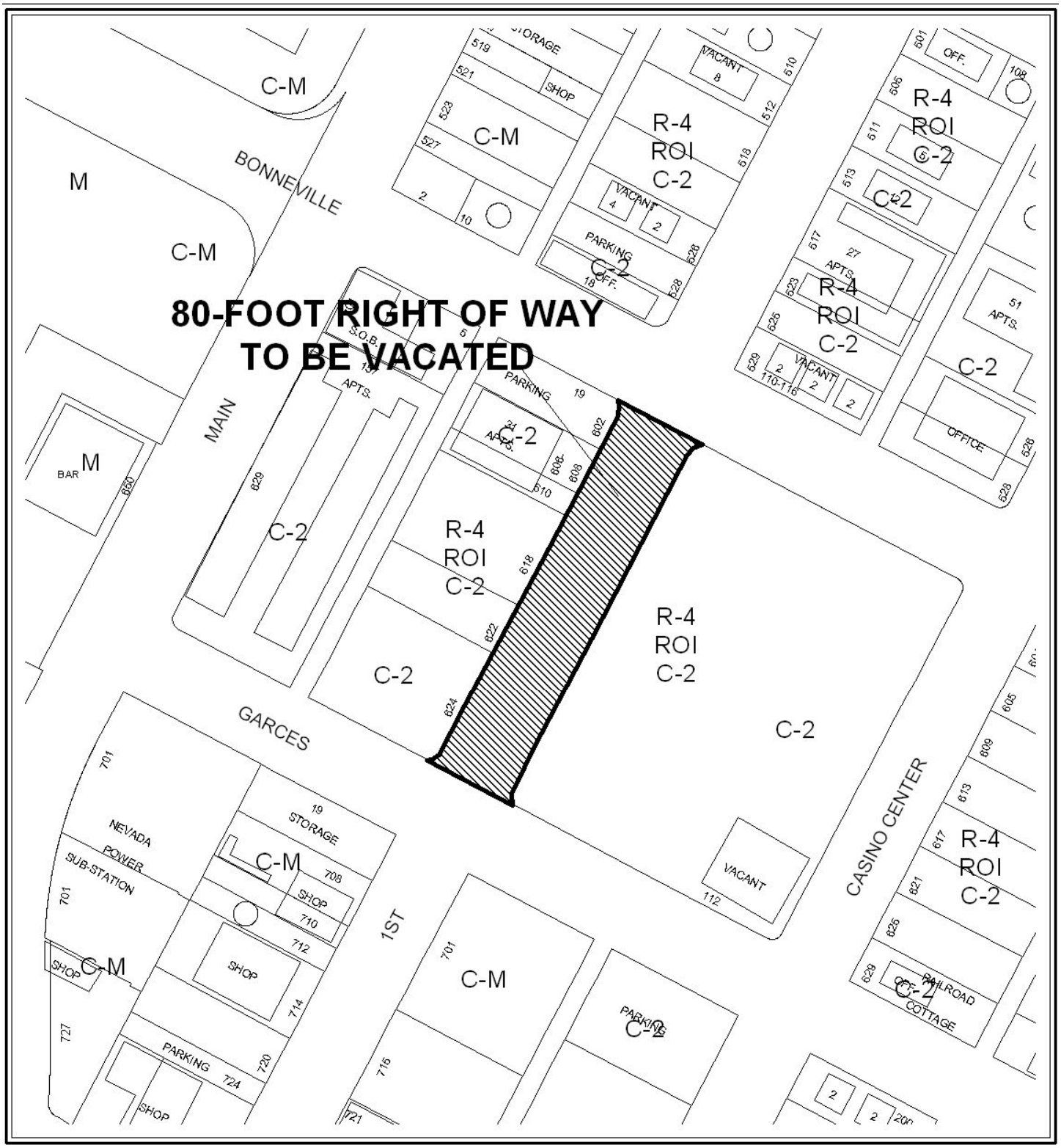
SUBJECT:
VAC-30172 - VACATION - PUBLIC HEARING - APPLICANT: FOREST CITY COMMERCIAL DEV, INC. - OWNER: LIVEWORK, LLC, ET AL - Petition to Vacate an 80-foot wide portion of First Street between Bonneville Avenue and Garces Avenue, Ward 3 (Reese)

C.C.: 05/06/2009

PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**0**	**Planning Commission Mtg.**	**0**
City Council Meeting	**0**	**City Council Meeting**	**0**

RECOMMENDATION:
APPROVAL

BACKUP DOCUMENTATION:
1. Location and Aerial Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Photos
5. Justification Letter



CASE: **VAC-30172**

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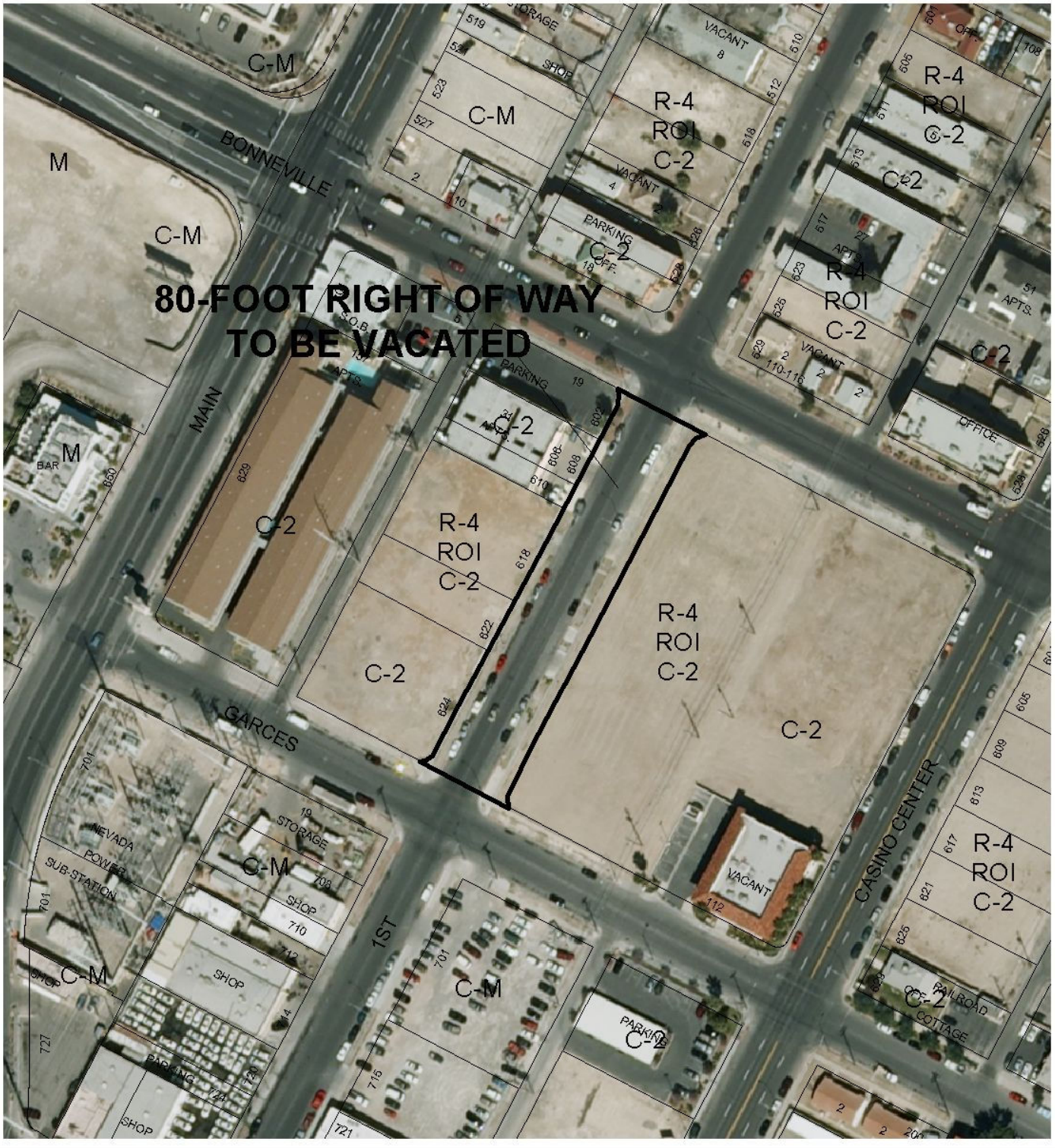
N



0 100 200 Feet

CASE: **VAC-30172**

N

City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: MARCH 26, 2009
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: VAC-30172 - APPLICANT: FOREST CITY COMMERCIAL DEV, INC. - OWNER: LIVEWORK, LLC., ET AL

** CONDITIONS **

STAFF RECOMMENDATION: APPROVAL, subject to:

1. Reservation of easements for the facilities of the various utility companies together with reasonable ingress thereto and egress there from shall be provided if required.

2. All development shall be in conformance with code requirements and design standards of all City Departments.

3. If the Order of Vacation is not recorded within one (1) year after approval by the City of Las Vegas or an Extension of Time is not granted by the Planning Director, then approval will terminate and a new petition must be submitted.

4. The limits of this Petition of Vacation shall be defined as the complete width of 1st Street, including the southern spandrel areas, between Garces Avenue northward to a point 24 feet south of Bonneville Avenue or to a location acceptable to the Director of Public Works.

5. Contact the City Engineer's Office at 229-6272 to coordinate the development of this project with the Bonneville/Clark One-way Couplet project and any other public improvement projects adjacent to this site. Comply with the recommendations of the City Engineer.

6. This Petition of Vacation shall be modified to retain a Public Drainage Easement and a Pedestrian Access Easement within the area proposed to be vacated.

7. Prior to or concurrent with the recordation of the Order of Vacation, dedicate those portions of right-of-way necessary along the south side of Bonneville Avenue and east of 1st Street in accordance with the Bonneville/Clark One-way Couplet.

8. An update to the previously approved Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the recordation of the Order of Vacation.

9. All public improvements, if any, adjacent to and in conflict with this vacation application are to be modified, as necessary, at the applicant's expense prior to the recordation of an Order of Vacation.

MH

10. The Order of Vacation shall not be recorded until all of the above conditions have been met provided, however, those modifications to public improvements may be fulfilled for purposes of recordation by providing sufficient security for the performance thereof in accordance with the Subdivision Ordinance of the City of Las Vegas. City Staff is empowered to modify this application if necessary because of technical concerns or because of other related review actions as long as current City right-of-way requirements are still complied with and the intent of the vacation application is not changed. If applicable, a five foot wide easement for public streetlight and fire hydrant purposes shall be retained on all vacation actions abutting public street corridors that will remain dedicated and available for public use. Also, if applicable and where needed, public easement corridors and sight visibility or other easements that would/should cross any right-of-way being vacated must be retained.

VAC-30172 - Staff Report Page One
March 26, 2009 - Planning Commission Meeting

** STAFF REPORT **

PROJECT DESCRIPTION

This application is a petition to Vacate 1st Street, an 80-foot wide public right of way, commencing at Garces Avenue and continuing northeast with the exception of the last 24-feet towards Bonneville Avenue. The proposed area to be vacated consists of a 376-foot long by 80-foot wide section of 1st Street, containing approximately 30,123 square feet.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc.	
06/06/79	The Board of Zoning Adjustment approved a Site Development Plan Review [Z-0100-64(109)] to allow a 31-unit apartment building on property generally located at 610 South 1st Street. The Planning Commission recommended approval on 5/10/79.
06/23/94	The Planning Commission approved a Site Development Plan Review [Z-0100-64(155)] for a second story addition to an existing office building and to waiver for additional parking.
08/20/03	Code Enforcement Case #3117 was issued for excessive weeds located around the perimeter of the site. The issue was resolved on 09/02/03.
09/15/04	The City Council approved a Site Development Plan Review (SDR-4604) for a proposed parking lot and Waivers from the Downtown Centennial Plan Parking Lot Screening Requirements, Parking Lot Landscaping Requirements, and Title 19 perimeter wall and buffer requirements on 0.72 acres adjacent to the southwest corner of Bonneville Avenue and Casino Center Boulevard. The Planning Commission recommended approval on 08/12/04.
12/16/94	The City Council approved a Rezoning (Z-0100-64) from R-1 (Single Family Residential), R-4 (High Density Residential), C-1 (Limited Commercial), C-2 (General Commercial) and C-V (Civic) to C-2 (General Commercial) for approximately 230 acres generally located on the property bounded by Main Street to the west, Bonanza Road on the north, Las Vegas Boulevard on the east, and Charleston on the south. The Planning Commission recommended approval on 12/10/94.
01/12/98	The City Council approved a Special Use Permit (U-0124-97) for a Bail Bond Service located at 111 E. Bonneville Avenue. The Planning Commission recommended approval on 12/04/97.
09/19/03	Code Enforcement Case #4516 issued for a broken swamp cooler at 611 S. 1st Street. The issue was resolved on 10/28/03.

12/05/03	Code Enforcement Case #7381 was issued for broken concrete at 611 S. 1st Street. The issue was resolved on 12/23/03.
09/10/04	Code Enforcement Case #21465 issued for excessive debris adjacent to the alleyway at 619 S. 1st Street. The issue was resolved on 10/01/04.
04/06/05	Code Enforcement Case #28283 issued for excessive debris and trash at 611 S. 1st Street. The issue was resolved on 04/26/05
12/01/06	Code Enforcement Case #48329 issued for an odor problem and utility maintenance issues at 611 S. 1st Street. The issue was resolved on 10/18/07.
04/04/07	The City Council approved a Vacation (VAC-19234) of a 20-foot wide section of public right-of-way generally located south of Bonneville Avenue, north of Garces Avenue between Main Street and 1st Street. The Planning Commission recommended approval on 03/08/07.
04/06/07	Staff administratively approved a Temporary Commercial Permit (TCP-21014) to allow a Temporary Commercial Parking Lot located on the northwest corner of Garces Avenue and 1st Street. The permit expired on 04/08/07.
06/20/07	Code Enforcement Case #54626 issued for illegal storage at 623 S. 1st Street. The issue was resolved on 09/25/07.
06/20/07	Code Enforcement Case #54623 issued for illegal storage at 623 S. 1st Street. The issue was resolved on 09/25/07.
08/30/07	A Final Map (FMP-24316) was submitted review for a reversion to acreage of approximately 2.75 acres of the city block located from Bonneville Ave to Garces Ave, and from 1st Street to Casino Center Blvd. The Final Map has not been recorded.
09/05/07	The City Council approved a Vacation (VAC-22542) for a 20-foot wide section of public right-of-way generally located 140 feet west of Casino Center Boulevard, between Bonneville Avenue and Garces Avenue. The Planning Commission recommended approval on 07/26/07.
06/04/08	Staff administratively approved an Extension of Time (EOT-27761) for a Petition to Vacate (VAC-19234) a 20-foot wide section of public right-of-way generally located south of Bonneville Avenue, north of Garces Avenue between Main Street and 1st Street.
08/06/08	The City Council approved a Site Development Plan Review (SDR-27948) for a proposed Transit Passenger Facility with Waivers of the Downtown Centennial Plan Build-to-Line and Streetscape Standards on 2.75 acres at the southwest corner of Bonneville Avenue and Casino Center Boulevard. The Planning Commission recommended approval on 07/18/08.
01/08/09	The Planning Commission recommended approval of an amendment (TXT-32131) to the Downtown Centennial Plan to update and revise trail alignments in the downtown area. NOTE: A 400-foot long section of the designated Art Trail located along 1st Street was removed.

2/18/09	The City Council approved a request to amend (GPA-32130) the trail alignment maps of the Master Plan Transportation Trails and Recreation Trails Elements in order to revise all trail alignments. The Planning Commission and staff recommended approval on 01/08/09.
Related Building Permits/Business Licenses	
07/25/02	Business License #Q17-00026 issued for a court reporting firm at 112 Garces Avenue. The license was marked out on 12/20/07.
09/24/04	Business License #MO1-08299 issued for maintenance services – janitorial at 623 S. 1st Street. The license expired on 11/15/07.
01/30/06	Business License #M08-00168 issued for a motel or rooming house at 608 S. 1st Street.
05/01/06	Business License #A07-00181 issued for an apartment house at 619 S. 1st Street. The license was marked out on 07/17/07.
07/20/07	Business License #A07-00293 issued for an apartment house at 611 S. 1st Street. The license was marked out on 11/01/07.
Pre-Application Meeting	
A pre-application meeting is not required for Vacation applications.	
Neighborhood Meeting	
A neighborhood meeting was not required, nor was one held.	
Field Check	
10/20/08	A field check was performed by staff with the following observations: • Area to be vacated currently has on-street parking being utilized. • Relatively low amount of vehicular traffic on 1st Street was observed. • Vacant office building located on southeastern adjacent parcel with remaining property undeveloped. • Northwestern parcels are undeveloped with the exception of a small apartment building located at 608 South 1st Street.

Details of Application Request	
Site Area	
Gross Acres	Approximately 0.73 acres

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	R.O.W. (Right-of-Way) 1st Street	R.O.W. (Right-of-Way)	R.O.W. (Right-of-Way) 1st Street
North	R.O.W. (Right-of-Way) 1st Street	R.O.W. (Right-of-Way)	R.O.W. (Right-of-Way) 1st Street
South	R.O.W. (Right-of-Way) 1st Street	R.O.W. (Right-of-Way)	R.O.W. (Right-of-Way) 1st Street

East	Proposed Transit Passenger Facility (SDR-27948)	C (Commercial)	R-4 (High Density Residential) under Resolution of Intent to C-2 (Limited Commercial)
West	Multi-Family Housing	C (Commercial)	C-2 (Limited Commercial) and R-4 (High Density Residential) under Resolution of Intent to C-2 (Limited Commercial)

Special Districts/Zones	***Yes***	***No***	***Compliance***
Special Area Plan			
Downtown Centennial Plan	X		N/A
Special Districts/Zones	***Yes***	***No***	***Compliance***
Special Purpose and Overlay Districts			
Downtown Overlay District – Office Core District	X		N/A
A-O Airport Overlay District	X		N/A
Live/Work Overlay District	X		N/A
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

Downtown Centennial Plan (Office Core District) – The subject site is located within the boundaries of the Office Core District of the Centennial Plan and is considered the central business district of the valley. It is home to both governmental and corporate office uses and supports retail, restaurant, and other service uses necessary to complete an active Office Core. A vacation of 1st Street will aid in the consolidation of two city blocks for future development.

A-O (Airport Overlay) District - The subject site is located within the 200-foot contour of the North Las Vegas Airport Overlay Map. The requested Vacation does not affect the height limitations of the Airport Overlay District.

Live/Work Overlay District - The subject site is within the Live/Work Overlay District. The requested Vacation does not affect the Live/Work standards as outlined in Title 19.06.130.

Trails – There are no trails adjacent to the area to be vacated. A recently approved General Plan Amendment (GPA-32130) removed a portion of the previous Art Trail alignment along 1st Street, between Bonneville Avenue and Garces Avenue.

ANALYSIS

A) Planning discussion

The applicant is proposing a Vacation of 1st Street to remove a 376-foot long section of 80-foot wide public right-of-way from the Office Core District. 1st Street is designated as Minor Street by the Master Plan of Streets and Highways Map and classified as a Local Street. In the provided justification letter, it is the applicant's intent to consolidate two city blocks for future development. The total area of the proposed vacation consists of approximately 30,123 square feet of public right of way.

A Site Development Plan Review (SDR-27948) was approved by the City Council on 08/06/08 for a proposed 2.75 acre Transit Passenger Facility immediately south of the requested Vacation. This project is for the relocation of the Downtown Transportation Center. The approved site plan shows access points at Bonneville Avenue and Garces Avenue only. It is anticipated that the vacation of 1st Street will have minimal impact on the site circulation as all buses that would have used this right-of-way would now use Main Street, the next closest north/south street. There is a 24-foot adjustment to the north end of the proposed area to be vacated to allow for the possibility of the future widening of Bonneville Avenue.

Staff recommends approval of this petition to Vacate 1st Street, between Garces Avenue and Bonneville Avenue.

B) Public Works discussion

The following information is presented concerning this request to vacate certain public street right of ways:

A. Does this vacation request result in uniform or non-uniform right-of-way widths? *N/A as it will completely vacate 1st Street between Garces Avenue and Bonneville Avenue.*

B. From a traffic handling viewpoint will this vacation request result in a reduced traffic handling capability? *Somewhat as traffic which currently travels uninterrupted on 1st Street will be diverted to the adjacent streets.*

C. Does it appear that the vacation request involves only excess right-of-way? *No, it is to vacate right-of-way to be incorporated into adjacent development.*

D. Does this vacation request coincide with development plans of the adjacent parcels? *Yes, the new downtown transportation facility.*

E. Does this vacation request eliminate public street access to any abutting parcel? *No.*

F. Does this vacation request result in a conflict with any existing City requirements? *No.*

G. Does the Department of Public Works have an objection to this vacation request? *No.*

ASSEMBLY DISTRICT 6

SENATE DISTRICT 3

NOTICES MAILED 2

APPROVALS 0

PROTESTS 0

MH

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: VAC-30172 APN: 139-34-311-011-016

Name of Property Owner: LIVEWORK, LLC

Name of Applicant: FOREST CITY COMMERCIAL DEV. INC.

Name of Representative: DAVID MITCHELL

To the best of your knowledge, does the Mayor or any member of the City Council or Planning commission have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company?

☐ Yes ☒ No

If yes, please indicate the member of the City Council or Planning Commission who is involved and list the names(s) of the person or persons with whom the city Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official: _____

Partner(s) _____ _____

APN: _____

Signature of Property Owner: _____

Print Name: David Mitchell

Subscribed and sworn before me

This 12 day of September, 20 08

Shiloh D Ballantyne

Notary Public in and for said County and State

SHILOH D BALLANTYNE
Notary Public - State of New York
NO. 01BA6140624
Qualified in Queens County
My Commission Expires 1/30/10

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **VAC-30172** APN: 139-34-311-011-016

Name of Property Owner: WINK ONE, LLC

Name of Applicant: FOREST CITY COMMERCIAL DEV. INC.

Name of Representative: DAVID MITCHELL

To the best of your knowledge, does the Mayor or any member of the City Council or Planning commission have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company?

☐ Yes ☒ No

If yes, please indicate the member of the City Council or Planning Commission who is involved and list the names(s) of the person or persons with whom the city Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official: _____

Partner(s) _____ _____

APN: _____

Signature of Property Owner: _____

Print Name: David Mitchell

Subscribed and sworn before me

This 12 day of September, 20 08

Notary Public in and for said County and State

SHILOH D BALLANTYNE
Notary Public - State of New York
NO. 01BA6140624
Qualified in Queens County
My Commission Expires 1/30/10

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: VAC-30172 APN: 139-34-311-011-016

Name of Property Owner: FC VEGAS 20, LLC

Name of Applicant: FOREST CITY COMMERCIAL DEV. INC.

Name of Representative: DIMITRI VAZELAKIS

To the best of your knowledge, does the Mayor or any member of the City Council or Planning commission have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company?

☐ Yes ☒ No

If yes, please indicate the member of the City Council or Planning Commission who is involved and list the names(s) of the person or persons with whom the city Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official: _____

Partner(s) _____ _____

APN: _____

Signature of Property Owner: _____

Print Name: Dimitri Vazelakis, Vice President

Subscribed and sworn before me

This 10 day of 9 ,2008

_____

Notary Public in and for said County and State

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California
County of Los Angeles }

On Sept. 12, 2008 (Date) before me, Lisa M. Stevens, Notary Public (Here Insert Name and Title of the Officer),
personally appeared Dimitri Vazelakis (Name(s) of Signer(s)),

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/~~are~~ subscribed to the within instrument and acknowledged to me that he/~~she/they~~ executed the same in his/~~her/their~~ authorized capacity(~~ies~~), and that by his/~~her/their~~ signature(~~s~~) on the instrument the person(~~s~~), or the entity upon behalf of which the person(~~s~~) acted, executed the instrument.

LISA M. STEVENS
Commission # 1575735
Notary Public - California
Los Angeles County
My Comm. Expires May 3, 2009

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Lisa M. Stevens (Signature of Notary Public)

Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: Application/Petition Form

Document Date: — Number of Pages: 2

Signer(s) Other Than Named Above: —

Capacity(ies) Claimed by Signer(s)

Signer's Name: Dimitri Vazelakis
☐ Individual
☑ Corporate Officer — Title(s): Vice President
☐ Partner — ☐ Limited ☐ General
☐ Attorney in Fact
☐ Trustee
☐ Guardian or Conservator
☐ Other:
Signer Is Representing:

RIGHT THUMBPRINT OF SIGNER
Top of thumb here

Signer's Name:
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☐ Corporate Officer — Title(s):
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PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: VAC-30172 APN: 139-34-301-008

Name of Property Owner: FC RTC 20, LLC

Name of Applicant: FOREST CITY COMMERCIAL DEV. INC.

Name of Representative: DIMITRI VAZELAKIS

To the best of your knowledge, does the Mayor or any member of the City Council or Planning commission have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company?

☐ Yes ☒ No

If yes, please indicate the member of the City Council or Planning Commission who is involved and list the names(s) of the person or persons with whom the city Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official: _____

Partner(s) _____ _____

APN: _____

Signature of Property Owner: _____

Print Name: Dimitri Vazelakis, Vice President

Subscribed and sworn before me

This 10 day of 9 ,2008

_____

Notary Public in and for said County and State

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California
County of Los Angeles }

On Sept. 12, 2008 (Date) before me, Lisa M. Stevens, Notary Public (Here Insert Name and Title of the Officer),

personally appeared Dimitri Vazelakis (Name(s) of Signer(s))

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LISA M. STEVENS
Commission # 1575735
Notary Public - California
Los Angeles County
My Comm. Expires May 3, 2009

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PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **VAC-30172** APN: 139-34-301-008

Name of Property Owner: FC RTC 39, LLC

Name of Applicant: FOREST CITY COMMERCIAL DEV. INC.

Name of Representative: DIMITRI VAZELAKIS

To the best of your knowledge, does the Mayor or any member of the City Council or Planning commission have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company?

☐ **Yes** ☒ **No**

If yes, please indicate the member of the City Council or Planning Commission who is involved and list the names(s) of the person or persons with whom the city Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official: _____

Partner(s) _____ _____

APN: _____

Signature of Property Owner: _____

Print Name: Dimitri Vazelakis, Vice President

Subscribed and sworn before me

This 12 day of 9 ,2008

_____

Notary Public in and for said County and State

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California
County of Los Angeles }

On Sept. 12, 2008 (Date) before me, Lisa M. Stevens, Notary Public (Here Insert Name and Title of the Officer),
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LISA M. STEVENS
Commission # 1575735
Notary Public - California
Los Angeles County
My Comm. Expires May 3, 2009

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PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **VAC-30172** APN: 139-34-311-011-016

Name of Property Owner: FC VEGAS 39, LLC

Name of Applicant: FOREST CITY COMMERCIAL DEV. INC.

Name of Representative: DIMITRI VAZELAKIS

To the best of your knowledge, does the Mayor or any member of the City Council or Planning commission have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company?

☐ **Yes** ☒ **No**

If yes, please indicate the member of the City Council or Planning Commission who is involved and list the names(s) of the person or persons with whom the city Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official: _____

Partner(s) _____ _____

APN: _____

Signature of Property Owner: _____

Print Name: Dimitri Vazelakis, Vice President

Subscribed and sworn before me

This 10 day of 9 ,2009

_____

Notary Public in and for said County and State

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California
County of Los Angeles }

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WITNESS my hand and official seal.

LISA M. STEVENS
Commission # 1575735
Notary Public - California
Los Angeles County
My Comm. Expires May 3, 2009

Signature Lisa M. Stevens (Signature of Notary Public)

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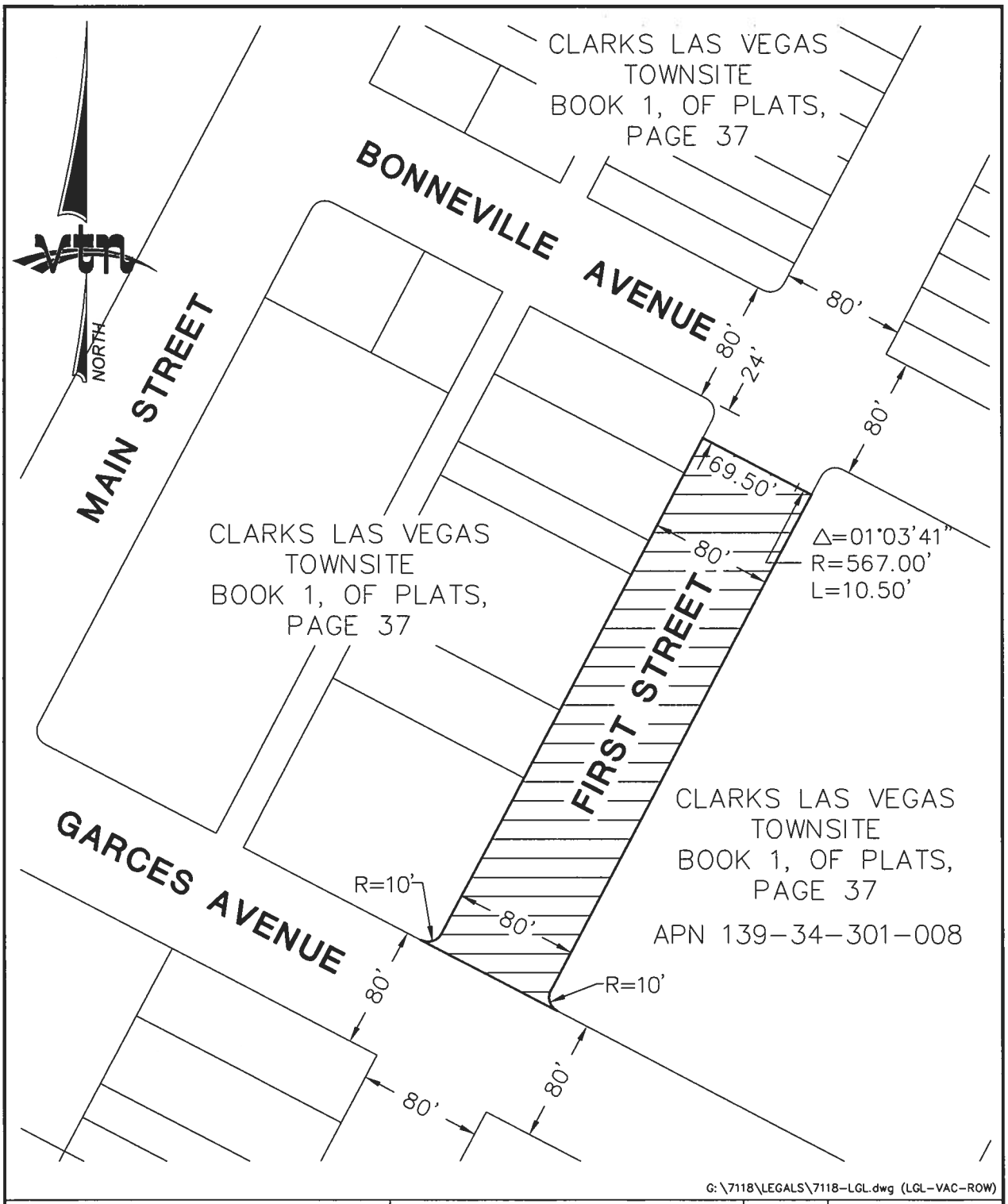

G:\7118\LEGALS\7118-LGL.dwg (LGL-VAC-ROW)

2727 S. RAINBOW BOULEVARD
LAS VEGAS, NEVADA 89146-5148

VACATION
RIGHT-OF-WAY
FIRST STREET

EXHIBIT TO ACCOMPANY
LEGAL DESCRIPTION

SCALE	HORZ. **NONE**
	VERT. **NA**
W.O. NO.	**7118**
DRAWN BY:	**BT**
DATE:	**03/02/09**
SHEET	**1** OF **1**

VAC-30172 - APPLICANT: FOREST CITY COMMERCIAL DEV, INC. - OWNER: LIVEWORK, LLC, ET AL
MARCH 26, 2009 PLANNING COMMISSION

02/19/09

VAC-30172 - APPLICANT: FOREST CITY COMMERCIAL DEV, INC. - OWNER: LIVEWORK, LLC, ET AL
MARCH 26, 2009 PLANNING COMMISSION

02/19/09

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MARCH 26, 2009 PLANNING COMMISSION

02/19/09

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MARCH 26, 2009 PLANNING COMMISSION

02/19/09

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SERVICES SINCE 1960

9/16/2008
W.O. 7118

City of Las Vegas Planning & Development Department
Current Planning Division
731 South Fourth Street
Las Vegas, Nevada 89101

RE: JUSTIFICATION FOR VACATION OF FIRST STREET

On behalf of our client, Forest City Commercial Development Inc., VTN Nevada respectfully submits this vacation application to vacate First Street between Bonneville Avenue and Garces Avenue.

Forest City intends to master plan the entire 2 city blocks bisected by First Street between Bonneville Avenue and Garces Avenue. The vacation will allow for continuity throughout the project located within the downtown re-development area. Forest City has been working with City staff on this proposed project and the processing of the requested vacation has been requested at this time.

We appreciate your consideration of this request. Should you have any questions or concerns please contact me at 702-873-7550.

Sincerely,

VTN NEVADA

David Edwards, P.E.
Principal

VAC-30172
03/26/09 PC

2727 SOUTH RAINBOW BOULEVARD LAS VEGAS, NEVADA 89146-5148
TEL. (702) 873-7550 FAX: 362-2597

City of Las Vegas Agenda Item No.: **23.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: MARCH 26, 2009

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

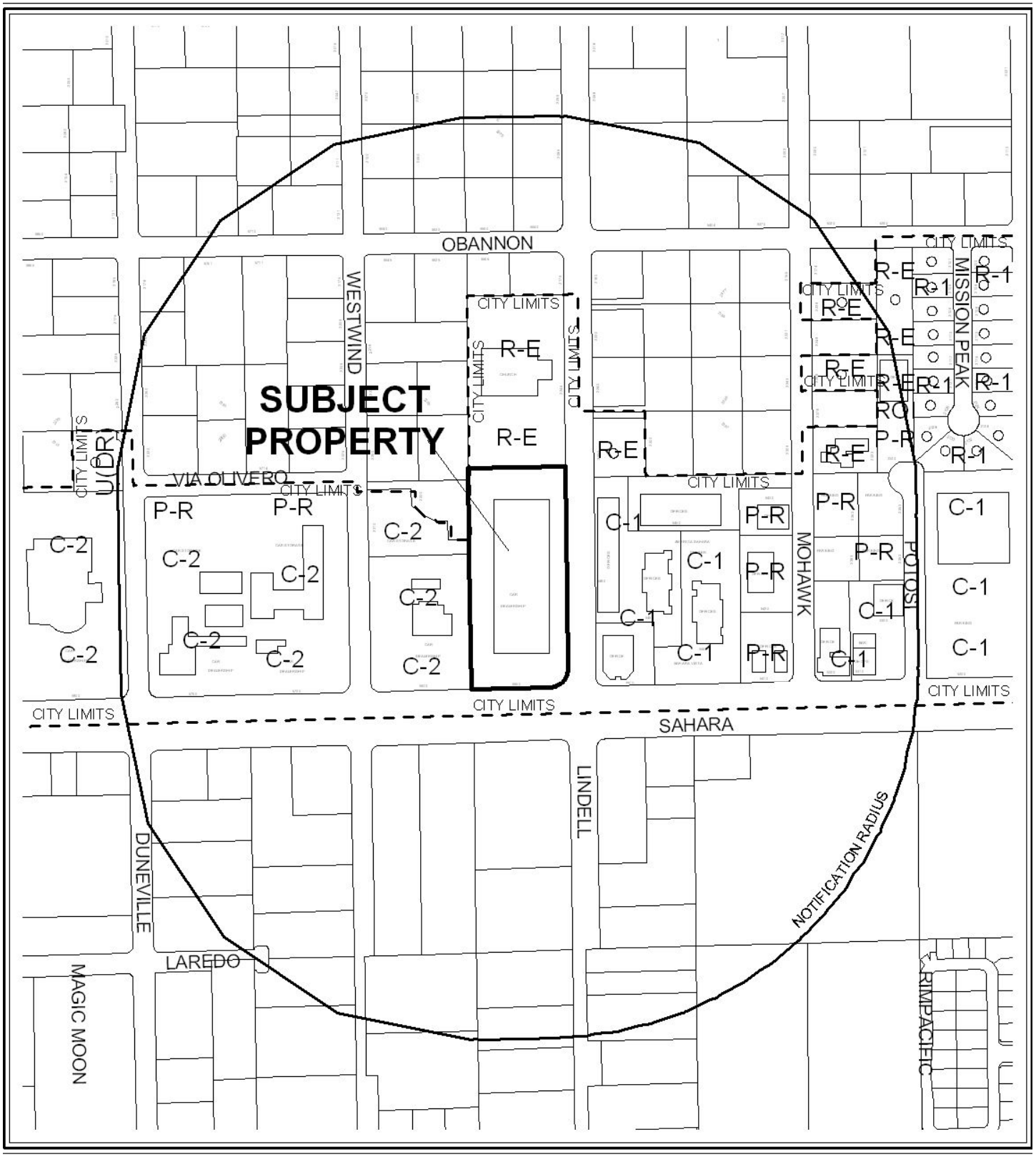
SUBJECT:
SDR-33422 - SITE DEVELOPMENT PLAN REVIEW - PUBLIC HEARING - APPLICANT/OWNER: CARDAN LINDELL NORTH, LLC - Request for a Major Amendment to an approved Site Development Plan Review (SDR-4551) FOR THE ADDITION OF VEHICLE DISPLAY PARKING SPACES; PARKING LOT SHADE STRUCTURES; FACADE RENOVATIONS; AND TWO PORTE COCHERES ALONG THE SOUTH AND EAST SIDES OF THE BUILDING AT AN EXISTING MOTOR VEHICLE SALES (NEW) FACILITY on 4.01 acres at 5550 West Sahara Avenue (APN 163-01-404-022), C-2 (General Commercial) Zone, Ward 1 (Tarkanian)

C.C.: 05/06/2009

PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**0**	**Planning Commission Mtg.**	**0**
City Council Meeting	**0**	**City Council Meeting**	**0**

RECOMMENDATION:
APPROVAL

BACKUP DOCUMENTATION:
1. Location and Aerial Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Photos
5. Justification Letter



CASE: **SDR-33422**

RADIUS: 1000 FT

0 500 Feet

ZONING OF SUBJECT PROPERTY:

C-2 (GENERAL COMMERCIAL) AND P-R (PROFESSIONAL OFFICES AND PARKING)

N

CASE: **SDR-33422**

RADIUS: 1000 FT

0 500 Feet

ZONING OF SUBJECT PROPERTY:

C-2 (GENERAL COMMERCIAL) AND P-R (PROFESSIONAL OFFICES AND PARKING)

City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: MARCH 26, 2009
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: SDR-33422 - APPLICANT/OWNER: CARDAN LINDELL NORTH, LLC

** CONDITIONS **

STAFF RECOMMENDATION: **APPROVAL,** subject to:

Planning and Development

1. Payment of the required public hearing notification and recordation fees of $530 within ten days of City Council action.

2. Approval of and conformance to the Conditions of Approval for Rezoning (ZON-4550) , Site Development Plan Review (SDR-4551), and Variances (VAR-4553 and VAR-8348) shall be required, if approved.

3. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the principal building on the site. An Extension of Time may be filed for consideration by the City of Las Vegas.

4. All development shall be in conformance with the site plan, landscape plan, and building elevations, date stamped 02/10/09, except as amended by conditions herein.

5. A revised site plan shall be submitted to and approved by the Planning and Development Department, prior to the time application is made for a building permit, to reflect the changes herein. Setbacks along the east perimeter of the site shall reflect conformance with the requirements of the C-2 (General Commercial) zoning district. All Setbacks for the existing building shall be indicated, and the setbacks for the existing structure shall reflect conformance to Variance (VAR-4553) and the Residential Adjacency Protection Standards of Title 19.08.060.

6. A technical landscape plan, signed and sealed by a Registered Architect, Landscape Architect, Residential Designer or Civil Engineer, must be submitted prior to or at the same time application is made for a building permit. A permanent underground sprinkler system is required, and shall be permanently maintained in a satisfactory manner; the landscape plan shall include irrigation specifications. The technical landscape plan shall include the following changes from the conceptual landscape plan: Revise the landscape plans to indicate the landscape material provided for the entire site, including existing areas. The revised landscape plans shall reflect conformance with the required landscape material quantities as approved through Site Development Plan Review (SDR-4551). Revise the landscape plans to indicate the landscape buffer widths as approved through Site Development Plan Review (SDR-4551). Revise the landscape plans to ensure that no vehicle display will occur within the required landscape buffer areas.

7. Pre-planting and post-planting landscape inspections are required to ensure the appropriate plant material, location, size of planters, and landscape plans are being utilized. The Planning and Development Department must be contacted to schedule an inspection prior to the start of the landscape installation and after the landscape installation is completed. A certificate of occupancy will not be issued or the final inspection will not be approved until the landscape inspections have been completed.

8. Revised elevations shall be submitted to and approved by the Planning and Development Department prior to the time application is made for a building permit to reflect the materials utilized for the proposed shade structures and porte cocheres.

9. Reflective glazing at the pedestrian level is prohibited. Glazing above the pedestrian level shall be limited to a maximum reflectance rating of 22% (as defined by the National Institute of Standards and Technology).

10. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.

11. All utility boxes exceeding 27 cubic feet in size shall meet the standards of LVMC Title 19.12.040.

12. Parking lot lighting standards shall be no more than 30 feet in height and shall utilize downward-directed lights with full cut-off luminaries. Lighting on the exterior of buildings shall be shielded and shall be downward-directed. Non-residential property lighting shall be directed away from residential property or screened, and shall not create fugitive lighting on adjacent properties.

13. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.

14. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Public Works

15. Remove all substandard public street improvements and unused driveway cuts adjacent to this site, if any, and replace with new improvements meeting current City Standards concurrent with development of this site.

16. An update to the previously approved Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any grading or building permits or the submittal of any construction drawings, whichever may occur first. Provide and improve all drainageways as recommended in the approved drainage plan/study.

17. Site development to comply with all applicable conditions of approval for SDR-4551 and all other site-related actions.

SDR-33422 - Staff Report Page One
March 26, 2009 - Planning Commission Meeting

** STAFF REPORT **

PROJECT DESCRIPTION

This is a request for a Major Amendment to an approved Site Development Plan Review (SDR-4551) for the addition of vehicle display parking spaces; parking lot shade structures; façade renovations; and two porte cocheres along the south and east sides of the building at an existing Motor Vehicle Sales (New) Facility on 4.01 acres at 5550 West Sahara Avenue. Staff is recommending approval of this request as the proposed modifications to the existing site will be in compliance with the previously approved Site Development Plan Review.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc.	
05/16/90	The City Council approved a request for Rezoning (Z-0038-90) from R-E (Residence Estates) to P-R (Professional Office and Parking) on property located at 2333 Lindell Road. Staff recommended approval of this request.
06/15/94	The City Council approved a Variance (V-0061-94) to allow a Beauty Salon where such use is not allowed on property located at 2333 Lindell Road. The Board of Zoning Adjustment recommended approval of this application, whereas staff recommended denial.
09/14/95	The City Council approved a Review of Condition [V-0061-94(1)] for an approved Variance (V-0061-94) which required that any deviation from the Beauty Salon use be reviewed by the City Council at 2333 Lindell Road. Staff recommended approval of this request.
06/14/99	The City Council denied a Review of Condition [V-0061-94(2)] for an approved Variance (V-0061-94) to revise Conditions of Approval to allow a change in hours of operation and to allow parking in the front parking area where previously prohibited at 2333 Lindell Road. The Board of Zoning Adjustment and staff recommended approval of this request.
08/10/00	The Planning Commission approved a request for a Site Development Plan Review (SD-0043-00) for a proposed 7,979 square-foot addition to an existing 12,521 square-foot Auto Dealership at 5550 West Sahara Avenue.
09/25/03	A Code Enforcement complaint (#4751) was processed for non-permitted temporary signs (banners) and trash and debris within the landscape areas at 5550 West Sahara Avenue. The case was resolved 03/16/04.
06/04/04	A Code Enforcement complaint (#15966) was processed for removal of the light shields on the parking lot lighting at 5550 West Sahara Avenue. The case was resolved 07/22/04.

08/04/04	The City Council approved a General Plan Amendment (GPA-4549) to amend a portion of the Southwest Sector Plan of the General Plan from O (Office) and DR (Desert Rural Density Residential) to GC (General Commercial), a Rezoning (ZON-4550) from P-R (Professional Office) and R-E (Residence Estates) Zone to C-2 (General Commercial) Zone, a Variance (VAR-4553) to allow a 83-foot 1-inch Residential Adjacency setback where 100 feet is required, a Site Development Plan Review (SDR-4551) for a proposed 37,950 square-foot Motor Vehicle Sales (New) facility on 4.15 acres adjacent to the northwest corner of Sahara Boulevard and Lindell Road. The Planning Commission and staff recommended approval of these requests.
07/13/05	The Planning and Development Department administratively approved a Parcel Map (PMP-6652) for a one-lot property located at the northwest corner of Sahara Avenue and Lindell Road. The map was recorded 10/26/05.
07/20/05	The City Council denied a Review of Condition (ROC-6575) Number 21 of an approved Site Development Plan Review (SDR-4551) to eliminate the Condition which prohibits parking and display of vehicles in the landscape buffer area for an approved 37,950 square-foot Motor Vehicle Sales (New) facility on 4.15 acres adjacent to the northwest corner of Sahara Boulevard and Lindell Road. Staff recommended denial of this request.
09/08/05	The Planning Commission approved a Variance (VAR-8348) to allow a proposed 55-foot Freestanding Sign where 40 feet is the maximum height allowed on 4.15 acres at the northwest corner of Sahara Avenue and Lindell Road. The City Council struck this request, which permitted the approval by the Planning Commission to stand. Staff recommended denial of this request.
09/16/05	A Code Enforcement complaint (#33919) was processed for zoning violations at 5550 West Sahara Avenue. The case was resolved 01/02/06.
05/03/06	The City Council approved a Variance (VAR-11759) to allow a proposed 130-foot tall Flagpole where 40 feet is the maximum height allowed on 4.15 acres at 5550 West Sahara Avenue. The Planning Commission recommended approval of this request, whereas staff recommended denial.
06/19/06	A Code Enforcement complaint (#43563) was processed for parking violations at 5550 West Sahara Avenue. The case was resolved 07/31/07.
04/24/07	A Code Enforcement complaint (#52451) was processed for graffiti on the south wall of 5550 West Sahara Avenue. The case was resolved 04/30/07.
06/05/07	A Code Enforcement complaint (#53564) was processed for failure to maintain adequate parking lot driveway aisle widths. The case was resolved 08/07/07.
08/01/07	The City Council denied a Required Review (RQR-20054) of a Variance (VAR-11759) to allow a proposed 100-foot tall Flagpole where 40 feet is the maximum height allowed at 5550 West Sahara Avenue. Staff recommended denial of this request.
08/07/07	A Code Enforcement complaint (#56505) was processed for a flag pole in excess of the permissible height. The case was resolved 12/22/08.

11/07/07	A Code Enforcement complaint (#59647) was processed for the test driving of new vehicles on O'Bannon Drive. The case was resolved 04/24/08.
Related Building Permits/Business Licenses	
06/09/89	A building permit (#89027975) was issued for a tenant improvement at 5550 West Sahara Avenue. The permit received final approval on 10/02/89.
07/07/89	A building permit (#89030748) was issued for a tenant improvement at 5550 West Sahara Avenue. The permit received final approval on 08/08/89.
04/20/05	A building permit (#05002454) was issued for a new building at 5550 West Sahara Avenue. The permit received final approval on 01/10/07.
04/20/05	A building permit (#05002453) was issued for onsite improvements at 5550 West Sahara Avenue. The permit expired 10/22/05 without receiving final approval.
12/21/05	A building permit (#55373) was issued for a block wall at 5550 West Sahara Avenue. The permit received final approval on 07/21/06.
04/10/06	A building permit (#06002614) was issued for a sign at 5550 West Sahara Avenue. The permit expired 11/04/06 without receiving final approval.
04/28/06	A building permit (#06003130) was issued for a 100-foot tall flagpole at 5550 West Sahara Avenue. The permit received final approval on 06/07/06.
05/22/06	A business license (#A16-01267) was issued for new and used car sales at 5550 West Sahara Avenue. The license is currently active.
07/21/06	A building permit (#06004804) was issued for a neon bordered sign at 5550 West Sahara Avenue. The permit received final approval 01/10/07.
04/12/07	A building permit (#84241) was issued for the addition of pilasters and additional height to an existing block wall at 5550 West Sahara Avenue. The permit received final approval on 07/01/07.
08/07/08	A building permit (#118841) was issued for a tenant improvement at 5550 West Sahara Avenue. The permit received final approval 09/15/08.
08/11/08	A building permit (#121843) was issued for the installation of two sets of channel letter signs at 5550 West Sahara Avenue. The permit is still open awaiting final inspections.
08/29/08	A business license (#A16-01296) was issued for auto sales at 5550 West Sahara Avenue. The permit is currently active.

Pre-Application Meeting	
01/28/09	A pre-application meeting was held with the representative where the submittal requirements of a Major Amendment to an approved Site Development Plan Review were discussed.

Neighborhood Meeting
A neighborhood meeting was not held, nor was one required

Field Check	
02/19/09	A field check was conducted by staff at the subject property. At the time a field check was conducted, a vehicle was observed partially parked within the south landscape buffer fronting Sahara Avenue, which was a violation of Condition #21 of Site Development Plan Review (SDR-4551). Additionally, a second vehicle was observed parked entirely within a parking lot landscape island and graffiti was noted along the east perimeter wall fronting Lindell Road. Several required trees and shrubs were noted as missing or removed from the north landscape buffer, and several required trees were noted as missing or removed from the parking lot landscape islands within the north (rear) parking lot area of the subject property.

Details of Application Request	
Site Area	
Gross Acres	4.01

Surrounding Property	**Existing Land Use**	**Planned Land Use**	**Existing Zoning**
Subject Property	Motor Vehicle Sales (New)	GC (General Commercial)	C-2 (General Commercial) and P-R (Professional Office and Parking)
North	Church/House of Worship	DR (Desert Rural Density Residential)	R-E (Residence Estates)
South	Motor Vehicle Sales (New)	CG (Commercial General) – Clark County	C-1 (Local Business) – Clark County
East	Office	SC (Service Commercial)	C-1 (Limited Commercial)
	Single-Family Residence	DR (Desert Rural Density Residential)	R-E (Residence Estates)
West	Motor Vehicle Sales (New)	GC (General Commercial)	C-2 (General Commercial)
	Single-Family Residences	RN (Rural Neighborhood) – Clark County	R-E (Rural Estates Residential) – Clark County

Special Districts/Zones	*Yes*	*No*	*Compliance*
Special Area Plan		X	N/A
Special Districts/Zones	*Yes*	*No*	*Compliance*
Special Purpose and Overlay Districts		X	N/A
Trails		X	N/A
Rural Preservation Overlay District		X	N/A

Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

DEVELOPMENT STANDARDS

Pursuant to Title 19.08, the following standards apply:

Standard	*Required/Allowed*	*Provided*	*Compliance*
Min. Lot Size	N/A	182,951 SF	Y
Min. Lot Width	100 Feet	278 Feet	Y
Min. Setbacks			
• Front	20 Feet	222 Feet	Y
• Side	10 Feet	83 Feet	Y*
• Corner	15 Feet	14 Feet	N**
• Rear	20 Feet	176 Feet	Y
Max. Lot Coverage	50%	18.3 %	Y
Max. Building Height	35 feet or two stories, whichever is less	33.25 Feet	Y
Trash Enclosure	Screened, Enclosed	Screened, Enclosed	Y
Mech. Equipment	Screened	Screened	Y

* A condition has been added requiring the applicant to comply with the Residential Adjacency Variance (VAR-4553) which approved an 83-foot setback along the west perimeter where 100 feet is required. The scale of the submitted plans indicates an 83-foot setback; however, the plans do not specifically indicate the setback distance as 83 feet. The applicant has been conditioned to label all building setbacks.

** A condition has been added requiring the applicant to submit revised site plans which conform to the required minimum 15-foot corner side yard setback.

Pursuant to Title 19.08.060, the following Residential Adjacency Standards apply:

Residential Adjacency Standards	*Required/Allowed*	*Provided*	*Compliance*
3:1 proximity slope	83 Feet	83 Feet	Y*
Adjacent development matching setback	30 Feet	83 Feet	Y*
Trash Enclosure	50 Feet	55 Feet	Y

* A condition has been added requiring the applicant to comply with the Residential Adjacency Variance (VAR-4553) which approved an 83-foot setback along the west perimeter where 100 feet is required. The scale of the submitted plans indicates an 83-foot setback; however, the plans do not specifically indicate the setback distance as 83 feet. The applicant has been conditioned to label all building setbacks to ensure compliance with the approved Variance (VAR-4553).

Pursuant to Title 19.12, the following standards apply:

Landscaping and Open Space Standards				
Standards	***Required***		***Provided***	***Compliance***
	Ratio	***Trees***		
Parking Area	1 Tree/6 Spaces	26 Trees*	28 Trees	Y**
Buffer:				
Min. Trees				
(South)	1 Tree/20 Linear Feet	13 Trees*	7 Trees	N**
(East)	1 Tree/30 Linear Feet	25 Trees*	7 Trees; not indicated	N**
(West)	1 Tree/20 Linear Feet	26 Trees*	7 Trees; not indicated	N**
(North)	1 Tree/20 Linear Feet	11 Trees*	Not indicated	N**
TOTAL		101 Trees	49 Trees	N**
Min. Zone Width				
(South)	9.5 Feet		Not Indicated***	N***
(East)	8.75 Feet		Not Indicated***	N***
(West)	14 Feet		Not Indicated***	N***
Wall Height	6-8 Feet		Existing	Y

* As approved through Site Development Plan Review (SDR-4551).

** The submitted landscape plans do not indicate the landscape provided for the entire site, only the portions to be renovated. A condition has been added requiring the applicant to revise the landscape plans to indicate the landscape material provided for the entire site, and to reflect conformance with the required quantities as approved through Site Development Plan Review (SDR-4551).

*** The submitted landscape plans do not indicate the landscape buffers widths as approved through Site Development Plan Review (SDR-4551). A condition has been added requiring the applicant to revise the landscape plans to indicate the landscape buffer widths as approved through Site Development Plan Review (SDR-4551).

Pursuant to Title 19.10, the following parking standards apply:

Parking Requirement							
	Gross Floor Area or Number of Units	***Required***			***Provided***		***Compliance***
			Parking		*Parking*		
Use		***Parking Ratio***	Regular	Handi-capped	Regular	Handi-capped	
Motor Vehicle Sales (New)	42,809	1/500 SF of GFA	82	4	198	5	
TOTAL			86		203		Y

DC

ANALYSIS

This is a request for a Major Amendment to an approved Site Development Plan Review (SDR-4551) for the addition of vehicle display parking spaces; parking lot shade structures; façade renovations; and two porte cocheres along the south and east sides of the building at an existing Motor Vehicle Sales (New) Facility on 4.01 acres at 5550 West Sahara Avenue. Staff is recommending approval of this request as the proposed modifications to the existing site will be in compliance with the previously approved Site Development Plan Review.

- **Zoning**

  The subject site has a General Plan land use designation of GC (General Commercial), which generally allows retail, service, wholesale, office and other general business uses of a more intense commercial character. These uses may include outdoor storage or display of products or parts, noise, lighting or other characteristics not generally considered compatible with adjoining residential areas without significant transition. Examples include new and used car sales, recreational vehicle and boat sales, car body and engine repair shops, mortuaries, and other highway uses such as hotels, motels, apartment hotels and similar uses. The General Commercial category allows Service Commercial uses, and may also allow Mixed-Use development with a residential component where appropriate.

  The subject site is zoned C-2 (General Commercial) and P-R (Professional Office and Parking). The C-2 (General Commercial) district is designed to provide the broadest scope of compatible services for both the general and traveling public. The category allows retail, service, automotive, wholesale, office and other general business uses of an intense character, as well as Mixed-Use developments. This district should be located away from low and medium density residential development and may be used as a buffer between retail and industrial uses. The C-2 (General Commercial) district is also appropriate along commercial corridors. The C-2 (General Commercial) district is consistent with the existing GC (General Commercial) General Plan land use designation.

  The northern 30 feet of the subject property is zoned P-R (Professional Offices and Parking), as required by a Condition of Approval placed upon Rezoning (ZON-4550). The P-R (Professional Office and Parking) district is intended to allow for office uses in an area which is predominately residential but because of traffic and other factors is no longer suitable for the continuation of low density residential uses. This district is designed to be a transitional zone to allow low intensity administrative and professional offices. These uses are characterized by a low volume of direct daily client and customer contact. To decrease the impact to adjacent residential uses, single-family structures should be retained or new development in the P-R (Professional Office and Parking) district should be constructed to maintain a residential character. The P-R (Professional Office and Parking) district is consistent with the O (Office) category of the General Plan.

- **Site Plan**

  The site plan depicts a new hard surface vehicle display area along the southern portion of the site, and along portions of the east and west perimeters of the site. These vehicle display areas will replace existing asphalt paving, and add four circular display pads. The existing off road test track along the east perimeter of the site will be removed and replaced with landscaping and vehicle display areas. The site plan indicates that enhanced paving and vehicle display areas will be added within the existing southern parking area, and enhanced paving will be added at the driveway entrances fronting Sahara Avenue and Lindell Road, as well as two new porte cocheres to be added to the southern and eastern façades of the building.

  The southern porte cochere is proposed to be added directly in front of the main entry to the existing building and will measure eighteen feet in height, follow the oval shape of the proposed drop-off area measuring approximately 64 feet by 44 feet, and be modern in design. A total of seven additional shade structures will be added to the southern parking lot area of the site, all visible from Sahara Avenue. Three shade structures will be located above vehicle display areas along the west perimeter of the site, while the remaining four will be placed above four new vehicle display pads to be located within the center of the southern parking lot. These seven structures will shade three vehicle display parking areas each, measure approximately 34 feet by 17 feet, and are also modern in design.

  Additionally, the site plan indicates that a new porte cochere will be added to the east side of the existing building, near the southeast corner of the building. This porte cochere will measure approximately 80 feet by 35 feet in width, be constructed over the existing vehicle service drive, and will be metal, painted and designed to match the existing roofline of the building. The submitted site plan does not indicate the setback of this porte cochere; therefore, a condition has been added requiring the applicant to submit revised site plans which conform to the required minimum 15-foot corner side yard setback.

- **Landscape Plan**

  The landscape plan indicates that new landscape material will be added to the southern buffer area, portions of the west and east landscape buffers, along the new porte cochere and within the southern parking lot area. No plans were submitted indicating what modifications, if any, will take place with the remaining portions of the site. The plans submitted indicate that California Fan Palms will be placed within the southern and eastern landscape buffer areas and place 24-inch box Grecian Laurel and Holly Oak trees within the southern parking lot landscape islands. One, five and fifteen-gallon size shrubs and ground cover will be utilized within the landscape buffers and parking lot landscape islands.

The landscape plans submitted do not indicate the existing landscape material on the remaining portions of the site, and the new proposed landscape represents a decrease over that which was approved through Site Development Plan Review (SDR-4551). A condition has been added requiring the applicant to revise the landscape plans to indicate the landscape material provided for the entire site, and to reflect conformance with the required quantities as approved through Site Development Plan Review (SDR-4551).

In addition, the landscape buffer widths shown on the plans do not include specific dimensions, only the notation "Existing". Condition of Approval #21 of Site Development Plan Review (SDR-4551) prohibited the display of vehicles within the landscape buffer areas. A condition has been added requiring the applicant to revise the landscape plans to indicate the landscape buffer widths as approved through Site Development Plan Review (SDR-4551), and to indicate that no vehicle display will occur the required landscape buffers.

- **Elevations**

The elevations submitted depict the portions of the southern and eastern façades to be remodeled, as well as the new shade structures to be added. The southern façade of the existing building will receive an updated metal entry element, constructed of a curved black metal panel system with red accents, revise portions of the existing storefront glazing, and place a new metal porte cochere at the east portion of the building. The new metal porte cochere will mirror the curved angle of the existing roof line, be painted to match the existing metal roof and measure 17 feet in height. The east façade of the existing building will also be affected by the new porte cochere, with the placement of four new red colored columns to support the structure. This shade structure will cover the existing service drive area and proposed vehicle display pads, and will be architecturally compatible with the existing building on site. Additionally, a new showroom entry door will be added to the east façade.

The proposed porte cochere along the southern façade of the building will measure 18 feet in height, utilize an oval shaped canopy supported from a central pole and be located directly in front of the southern main entry. The elevations submitted do not indicate the materials utilized for this structure; therefore, a condition has been added requiring the applicant to provide revised elevations indicating the materials utilized for the southern porte cochere. The seven vehicle shade structures to be placed within the southern parking lot area will measure 18.5 feet in height, be supported by a central column at the back of the structures, and be minimal in design. The elevations submitted do not indicate the materials utilized for these structures; therefore, a condition has been added requiring the applicant to provide revised elevations indicating the materials utilized for the shade structures. The remaining portions of the east, west and north facades will remain as approved through Side Development Plan Review (SDR-4551), and the existing building height will not be affected by the proposed improvements.

- **Floor Plans**

  The floor plans submitted depict minor modifications made to the existing interior space, featuring an expanded showroom area. Renovations include relocated sales offices, management offices, and reception areas. The square-footage of the existing building will remain as approved through Site Development Plan Review (SDR-4551), and no expansions will be made.

FINDINGS

In order to approve a Site Development Plan application, per Title 19.18.050 the Planning Commission and/or City Council must affirm the following:

1. **The proposed development is compatible with adjacent development and development in the area;**

   The proposed Major Amendment to an approved Site Development Plan Review (SDR-4551) is compatible with the surrounding uses and development in the area.

2. **The proposed development is consistent with the General Plan, this Title, the Design Standards Manual, the Landscape, Wall and Buffer Standards, and other duly-adopted city plans, policies and standards;**

   The proposed development is consistent with the General Plan, Title 19 and the previously approved Site Development Plan Review (SDR-4551), as conditioned.

3. **"Site access and circulation do not negatively impact adjacent roadways or neighborhood traffic;"**

   The site is accessed from Sahara Avenue, a 100-foot Primary Arterial, and Lindell Road, an 80-foot Secondary Collector, according to the Master Plan of Streets and Highways. This proposal will not negatively impact adjacent roadways or neighborhood traffic.

4. **"Building and landscape materials are appropriate for the area and for the City;"**

   The building and landscape materials are appropriate for the area and for the City as conditioned. Compliance with the quantity of landscape material provided through Site Development Plan Review (SDR-4551) has been conditioned, as well as the requirement to indicate the materials utilized for the proposed shade structures and porte cocheres.

5. **Building elevations, design characteristics and other architectural and aesthetic features are not unsightly, undesirable, or obnoxious in appearance; create an orderly and aesthetically pleasing environment; and are harmonious and compatible with development in the area;**

   The proposed building elevations and design characteristics are aesthetically pleasing and architecturally compatible with the existing building and the surrounding neighborhood.

6. **Appropriate measures are taken to secure and protect the public health, safety and general welfare.**

   This proposal will not impact public health, safety or welfare since the development will be subject to the International Building Code and City inspections during construction.

ASSEMBLY DISTRICT 3

SENATE DISTRICT 11

NOTICES MAILED 110

APPROVALS 0

PROTESTS 0

PLANNING & DEVELOPMENT

CITY OF LAS VEGAS

DEVELOPMENT SERVICES CENTER

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: SDR-33422 APN: 16301404022

Name of Property Owner: CARDAN LINDELL NORTH LLC

Name of Applicant: VEDELAGO PETSCH ARCHITECTS

Name of Representative: S. MARK PETSCH

To the best of your knowledge, does the Mayor or any member of the City Council or Planning Commission have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company?

_____Yes __X__No

If yes, please indicate the member of the City Council or Planning Commission who is involved and list the name(s) of the person or persons with whom the City Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official: _____

Partner(s): _____ _____

APN: _____

Signature of Property Owner: _____

Print Name: DANIEL TOWBIN

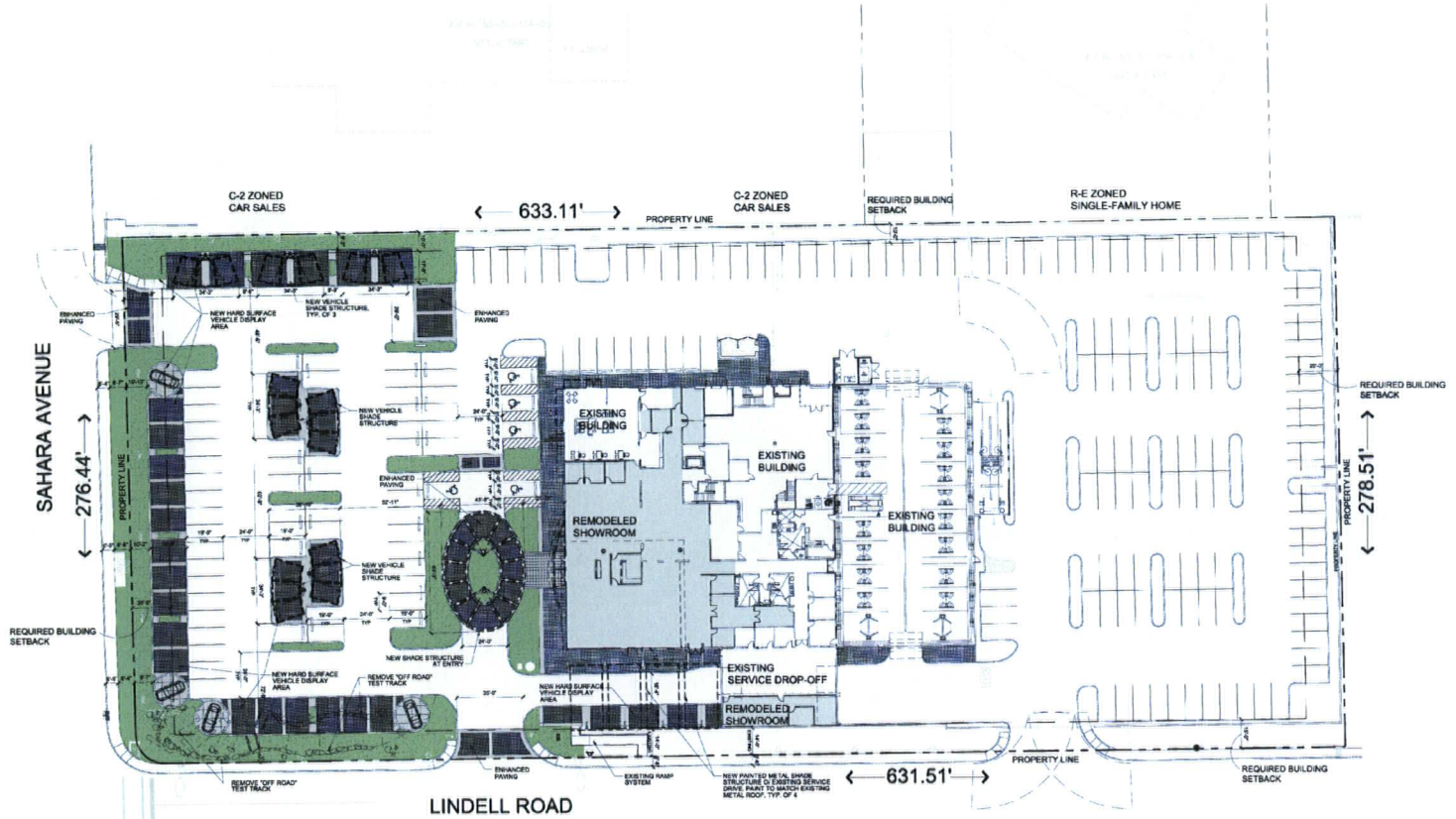
Subscribed and sworn before me

This 9th day of February, 2009

Sonia Quinones

Notary Public in and for said County and State

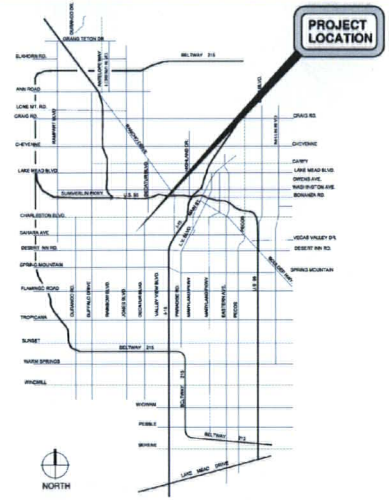
SONIA QUINONES
Notary Public, State of Nevada
Appointment No. 96-1033-1
My Appt. Expires Aug 29, 2009



SITE INFORMATION

ASSESSORS PARCEL NUMBER (APN)	163-01-404-022
CURRENT ZONING	C-2
SITE AREA	+/- 4.15 ACRES - 182,951 S.F.
SITE COVERAGE	18.3%
F.A.R.	23.5%
EXISTING BUILDING	
LEVEL 1	33,487 S.F.
LEVEL 2	9,322 S.F.
	42,809 S.F.
PARKING REQUIRED	
AUTO DEALERSHIP - 1 / 500 S.F. (42,809 S.F.)	85 SPACES
TOTAL ACCESSIBLE PARKING REQUIRED	5 SPACES
PARKING PROVIDED	
PARKING PROVIDED	198 SPACES
ACCESSIBLE PARKING PROVIDED	5 SPACES
TOTAL PARKING PROVIDED	203 SPACES
CAR DISPLAY PARKING PROVIDED	42 SPACES

VICINITY MAP



TOWBIN MOTORCARS LAS VEGAS

5550 WEST SAHARA AVENUE - LAS VEGAS, NV.

SDR-33422
03/26/09 PC

NORTH

SITE PLAN

0 15 30 60 90

RECEIVED
FEB 10 2009

Date: 02/05/09
Project No: 2008112
Scale: 1" = 30'-0"

Vedelago Petsch AIA architects
3535 Executive Terminal Drive
Suite 310
Henderson, NV 89052
Phn (702)-651-0300
Fax (702)-651-0302

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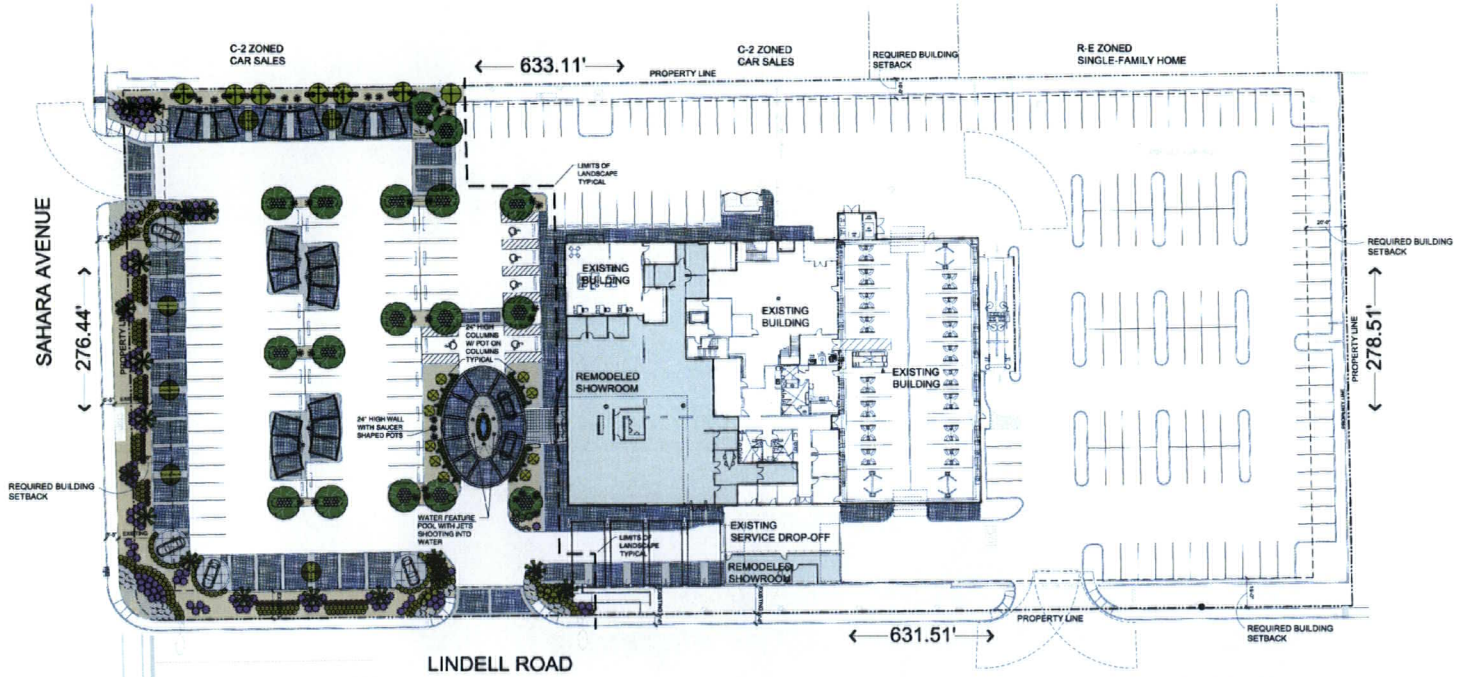

PLANT SCHEDULE

SYMBOL	BOTANICAL NAME	COMMON NAME	QTY.	SIZE	REMARKS
TREES					
	LAURUS NOBILIS	GRECIAN LAUREL	34	36" BOX	STD. TRUNK - 3' CLEAR TRUNK
	ELAEOCARPUS DECIPIENS	JAPANESE BLUEBERRY	10	24" BOX	STD. TRUNK - 4' CLEAR TRUNK
	QUERCUS ILEX	HOLLY OAK	17	24" BOX	
	WASHINGTONIA FILIFERA	CALIFORNIA FAN PALM	17	EXISTING & NEW PALMS 15'-0" MIN. HT	SKINNED TRUNK. QUANTITIES INCLUDE EXISTING PALMS. SEE NOTE 4
SHRUBS					
	BUXUS MICROPHYLLA JAPONICA 'COMPACTA'	DWARF JAPANESE BOXWOOD	332	5 GAL	
	EUONYMUS FORTUNII	EUONYMUS		5 GAL	APPROX. 1,158 FT²
	PITTOSPORUM TOBIRA 'WHEELERS'	WHEELERS DWARF PITTOSPORUM	59	5 GAL	
	RAPHIOLEPIS INDICA 'PINK DANCER'	DWARF INDIAN HAWTHORN	118	5 GAL	

GROUNDCOVERS					
	ASPARAGUS DENSIFLORUS 'SPRENGER'	SPRENGER ASPARAGUS	62	5 GAL	
	GAZANIA	CLUMPING GAZANIA		1 GAL	APPROX. 242 FT²
	LANTANA SPECIES 'NEW GOLD'	NEW GOLD LANTANA	59	5 GAL	
	TEUCRIUM CHAMAEDRYS	BUSH GERMANDER	262	1 GAL	
	TRACHELOSPERMUM ASIATICUM	ASIATIC JASMINE		5 GAL	APPROX. 275 FT²
	TRACHELOSPERMUM JASMINOIDES	STAR JASMINE	131	5 GAL	
ACCENTS					
	CYCAS REVOLUTA	SAGO PALM	12	15 GAL	
	DASYLIRION QUADRANGULATUM	TOOTHLESS DESERT SPOON	29	5 GAL	
	DIETES BICOLOR	EVERGREEN IRIS	54	5 GAL	

NOTES
1. CONTRACTOR IS RESPONSIBLE TO VERIFY ALL PLANT QUANTITIES. THE PLANT SCHEDULE IS INTENDED AS A REFERENCE ONLY.
2. PLANT MATERIAL IS TO HAVE IDENTIFICATION TAGS ON 10% OF THE TOTAL QUANTITY OF EACH SPECIES, SHOWING GENUS, SPECIES, VARIETY, ETC.
3. CONTRACTOR TO PROVIDE MATCHING SIZES AND FORMS OF LIKE SHRUB SPECIES AS SHOWN ON DRAWINGS.
4. CALIFORNIA FAN PALM NOTES:
   A. TREE TRUNKS TO BE STRAIGHT, EVEN AND MATCHING WITH THE OTHER PALM TRUNKS OF SIMILAR TYPE. 30" MIN WIDTH OR TO MATCH EXISTING PALMS WHICHEVER IS GREATER.
   B. PALMS TO BE SKINNED
   C. PAINT ALL PALMS TRUNKS WITH BROWN HORTICUTURAL PAINT
5. CRUSHED ROCK TYPICAL IN ALL PLANTING BEDS.
   SUBMITTAL REQUIREMENTS:
   A. SUBMIT ROCK SAMPLES TO THE ARCHITECT FOR APPROVAL PRIOR TO THE START OF CONSTRUCTION.
   B. APPROVED SOURCES: KALAMAZOO MATERIALS-PALOMINO CORAL
   C. ROCK DEPTH 2-INCH MINIMUM.
   D. SEE SHEET L3.01 DETAIL '6' FOR ROCK INSTALLATION REQUIREMENTS.
   E. REFER TO CRUSHED ROCK PLAN BELOW FOR ROCK SIZES AND LOCATIONS.
6. PRIOR TO SHIPPING THE DATE PALM TREES PRE-DIG THE PALM TREE HOLES TO VERIFY DEPTH AND LOCATION OF THE UNDERGROUND UTILITIES. THE PALM TREE LOCATIONS MAY CHANGE DUE TO THE UNDERGROUND UTILITIES. DIGGING NEW HOLES DUE TO THE UTILITIES SHALL BE PART OF THE BASE BID.

TOWBIN MOTORCARS LAS VEGAS

5550 WEST SAHARA AVENUE - LAS VEGAS, NV.

NORTH

LANDSCAPE PLAN

Date: 02/05/09

Project No: 2008112

Scale: 1" = 30'-0"

0 15 30 60 90

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3535 Executive Terminal Drive
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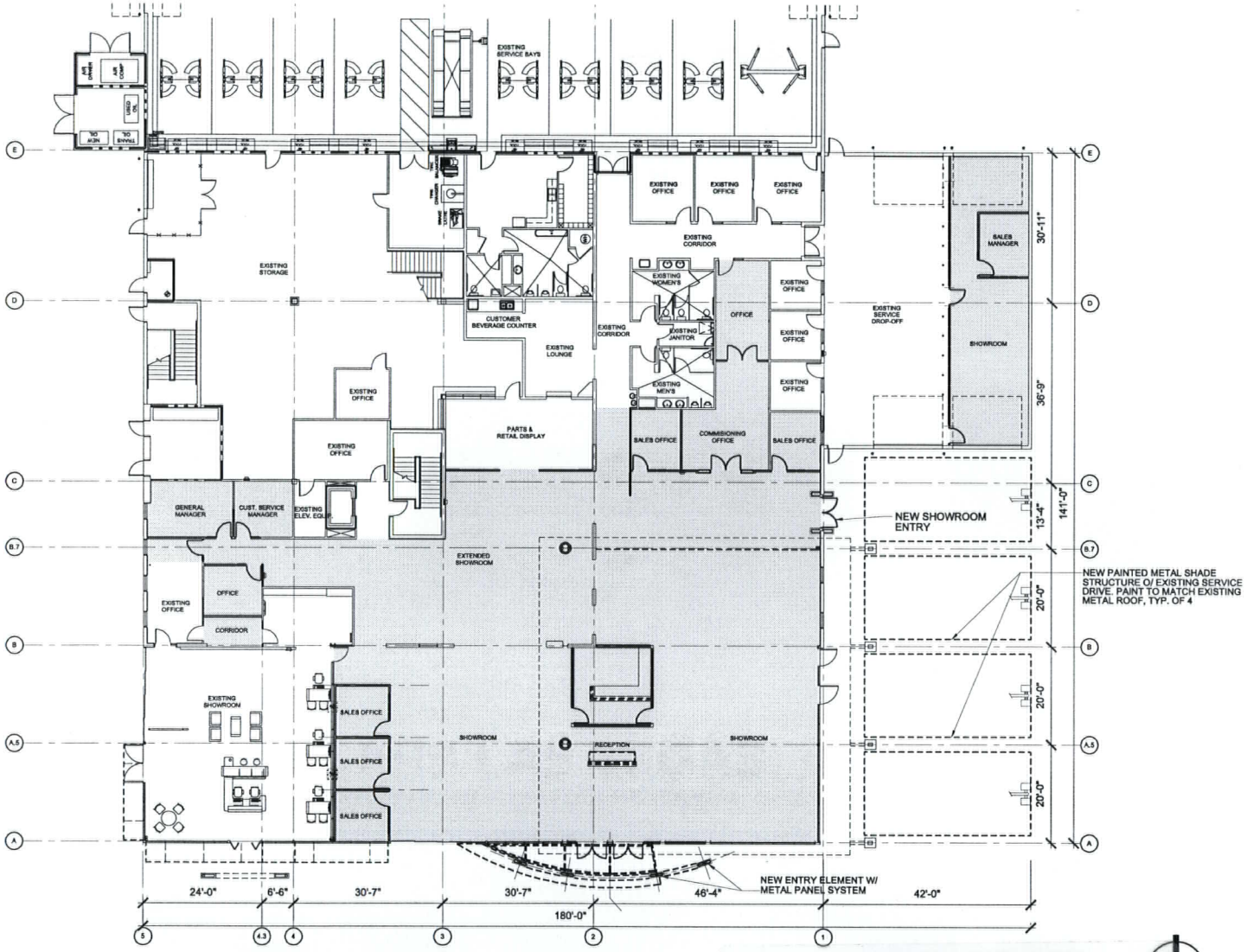

FLOOR PLAN INFORMATION

REMODEL AREA (SHADED): 10,300 S.F.

SDR-33422

03/26/09 PC

NORTH

Date: 02/05/09

Project No: 2008112

Scale: 1" = 10'-0"

0 5 10 20 30

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TOWBIN MOTORCARS LAS VEGAS

5550 WEST SAHARA AVENUE - LAS VEGAS, NV.

PARTIAL FLOOR PLAN

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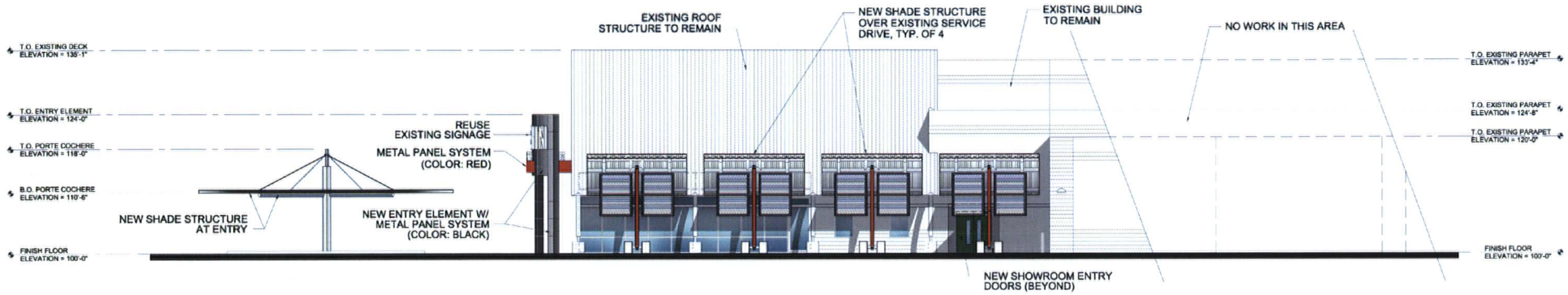
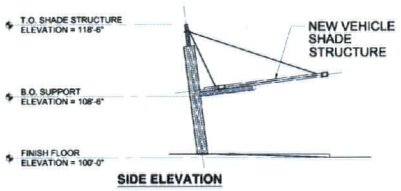
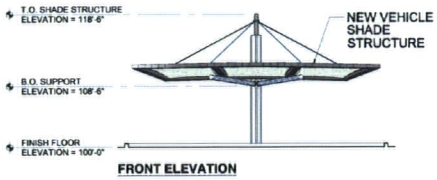
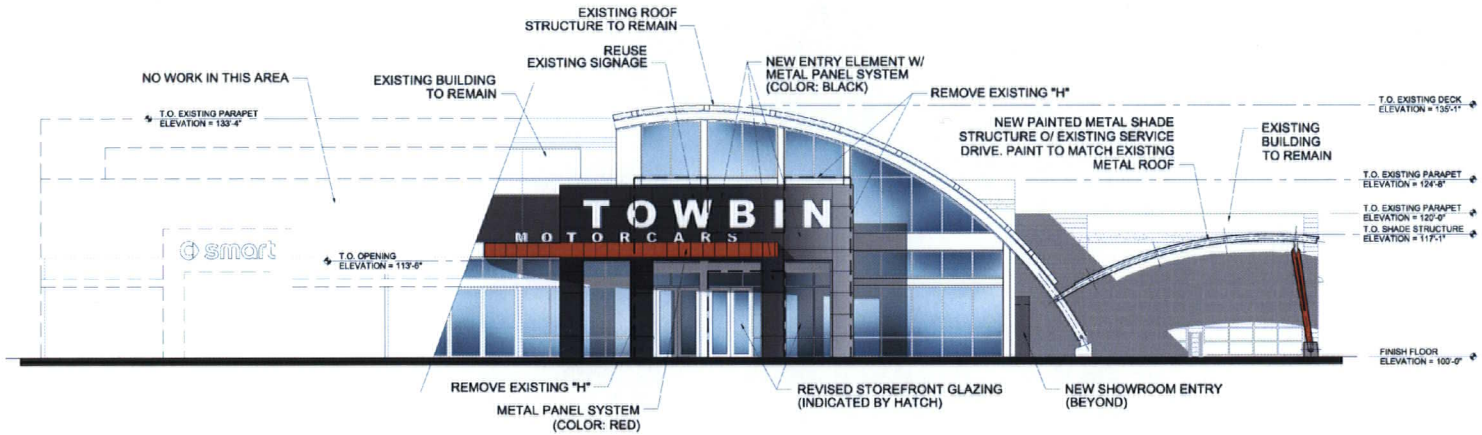


EXTERIOR ELEVATION - EAST





NEW VEHICLE SHADE STRUCTURE



EXTERIOR ELEVATION - SOUTH

Date: 02/05/09

Project No: 2008112

Scale: 1/8" = 1'-0"

0 4 8 16 24

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TOWBIN MOTORCARS LAS VEGAS

5550 WEST SAHARA AVENUE - LAS VEGAS, NV.

ELEVATIONS

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FEB 10 2009

SDR-33422
03/26/09 PC

SDR-33422 - APPLICANT/OWNER: CARDAN LINDELL NORTH, LLC
5550 WEST SAHARA AVENUE
MARCH 26, 2009 PLANNING COMMISSION

02/19/09

SDR-33422 - APPLICANT/OWNER: CARDAN LINDELL NORTH, LLC
5550 WEST SAHARA AVENUE
MARCH 26, 2009 PLANNING COMMISSION

02/19/09

SDR-33422 - APPLICANT/OWNER: CARDAN LINDELL NORTH, LLC
5550 WEST SAHARA AVENUE
MARCH 26, 2009 PLANNING COMMISSION

02/19/09

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5550 WEST SAHARA AVENUE
MARCH 26, 2009 PLANNING COMMISSION

02/19/09

SDR-33422 - APPLICANT/OWNER: CARDAN LINDELL NORTH, LLC
5550 WEST SAHARA AVENUE
MARCH 26, 2009 PLANNING COMMISSION

02/19/09

SDR-33422 - APPLICANT/OWNER: CARDAN LINDELL NORTH, LLC
5550 WEST SAHARA AVENUE
MARCH 26, 2009 PLANNING COMMISSION

02/19/09

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MARCH 26, 2009 PLANNING COMMISSION

02/19/09

VEDELAGO - PETSCH ARCHITECTS

February 5, 2009

City of Las Vegas
Planning & Development Department
731 S. Fourth St.
Las Vegas, NV 89101

Re: Justification Letter – **Towbin Motorcars Remodel**
Vedelago Petsch Architects Project No. 2008112

To Whom It May Concern:

This justification letter is provided to explain the request and intended changes to the property.

The proposed project consists of a remodel to existing space & minor exterior improvements to an existing automotive dealership, zoned C-2, located at 5550 West Sahara Avenue, Las Vegas, NV 89146 (APN 163-01-404-022).

The proposed improvements consist of the remodel of approx. 10,300 sf of existing automotive showroom space, the addition of an architectural element at the entry & the service drive, the addition of decorative shade structures in the parking area & the addition of vehicle display pads at the south & east edges of the front parking areas.

If you have any questions regarding this project or the content of this letter, please don't hesitate to contact me.

Sincerely,

S. Mark Petsch, AIA, NCARB

CC: file
H:\2008112\Docs\Justification.doc

3535 EXECUTIVE TERMINAL DRIVE. • SUITE 310 • HENDERSON, NEVADA • 89052
PHONE (702) 951-0300 • FAX: (702) 951-0302

SDR-33422
03/26/09 PC

City of Las Vegas Agenda Item No.: **24.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: MARCH 26, 2009

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

SUBJECT:
DIR-33671 - DIRECTOR''S BUSINESS - PUBLIC HEARING - APPLICANT/OWNER: CITY OF LAS VEGAS - Discussion regarding the March 23rd Joint City Council/Planning Commission workshop on redevelopment

P.C.: FINAL ACTION

PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**0**	**Planning Commission Mtg.**	**0**
City Council Meeting	**0**	**City Council Meeting**	**0**

RECOMMENDATION:
NO RECOMMENDATION

BACKUP DOCUMENTATION:

City of Las Vegas Agenda Item No.: **25.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: MARCH 26, 2009

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

SUBJECT:
TXT-33303 - TEXT AMENDMENT - PUBLIC HEARING - APPLICANT/OWNER: CITY OF LAS VEGAS - Discussion and possible action to amend Title 19.10, "Parking, Loading and Traffic Standards," to establish parking requirements for mixed-use developments, All Wards

THIS ITEM WILL BE FORWARDED TO CITY COUNCIL IN ORDINANCE FORM

PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**0**	**Planning Commission Mtg.**	**0**
City Council Meeting	**0**	**City Council Meeting**	**0**

RECOMMENDATION:
APPROVAL

BACKUP DOCUMENTATION:
1. Conditions and Staff Report
2. Supporting Documentation

City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: MARCH 26, 2009
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: TXT-33303 - APPLICANT/OWNER: CITY OF LAS VEGAS

** CONDITIONS **

STAFF RECOMMENDATION: APPROVAL, subject to:

1. Title 19.10.010 is hereby amended as follows:

19.10.010 ON-SITE PARKING STANDARDS

H. Parking Alternatives

3. Mixed-Use Parking Requirements. Mixed-use developments, which are approved in accordance with the requirements of Title 19.04, may utilize the following table for determining parking requirements.

Table 3 Mixed-Use Parking Requirements

General Land Use	Weekdays			Weekends		
Classification	Mid-7am	7am-6pm	6pm-Mid	Mid-7am	7am-6pm	6pm-Mid
Office &Professional	5%	100%	5%	0%	60%	10%
Retail & Personal Services	0%	100%	80%	0%	100%	60%
Residential	100%	55%	85%	100%	65%	75%
Restaurant	50%	70%	100%	45%	70%	100%
Hotel	100%	65%	90%	100%	65%	80%
Theaters	0%	70%	100%	5%	70%	100%

a. Calculation of Parking Requirement. Calculate the number of spaces required for each use based on the gross square footage utilizing the minimum parking requirements contained in Title 19.04. Applying the general land use category listed above to each proposed use, utilize the percentages to calculate the number of parking spaces required for each time period (six time periods per use). Add the number of spaces required for all applicable land uses to obtain a total parking requirement for each time period. Select the time period with the highest total parking requirement, and utilize that total as the mixed-use parking requirement.

RTS

b. Changes of Use. Any change in the commercial uses for an existing approved mixed-use development shall be reviewed by the Planning and Development Department for consistency with the parking requirements listed in the table above. Where the change of use increases the number of parking spaces required, the additional number of spaces shall be provided.

3. Title 19.10.010 Tables 3 and 4 are hereby renumbered as Tables 4 and 5, respectively.

4. Title 19.10.020 Table 5 is hereby renumbered as Table 6.

TXT-33303 - Staff Report Page One
March 26, 2009 - Planning Commission Meeting

** STAFF REPORT **

APPLICATION REQUEST

This is a request to amend Title 19.10 to add provisions for the calculation of parking requirements for Mixed-Use developments.

BACKGROUND INFORMATION

Related Actions	
11/03/99	The City Council approved a Text Amendment (TA-0004-99) to allow mixed-use development within the boundaries of the Redevelopment Area. The Planning Commission recommended approval of the text amendment on 08/12/99.
01/24/04	The City Council adopted Ordinance 5662, which was introduced as Bill No. 2003-111, to extend the mixed-use development area to be coterminous with the boundaries of the Neighborhood Revitalization Area. The Planning Commission and staff recommended approval of this Text Amendment (TXT-3227).
12/15/04	The City Council adopted Ordinance 5738, which was introduced as Bill No. 2004-74, to allow mixed-use development within all commercial districts within the city of Las Vegas. The Planning Commission and staff recommended approval of this Text Amendment (TXT-5260).
11/19/08	The City Council adopted Ordinance 6013, which was introduced as Bill No. 2008-49, to allow distance separation waivers for taverns when proposed as a part of a mixed-use development. The Planning Commission and staff recommended approval of this Text Amendment (TXT-29629).
02/12/09	The Planning Commission recommended approval a Text Amendment (TXT-29629) that in part modifies the definition and applicable standards for a mixed-use development. This amendment will go forward to the City Council in ordinance form.

Currently, the parking requirement for Mixed-Use developments is "to be determined on a case-by-case basis, depending on the requirements of the individual uses represented on the site." This standard is inadequate to address the appropriate level of parking that a developer should plan for in the preparation of their development plans. Title 19.10.010 (E)(3) provides that parking shall be calculated separately for each different use area in a building or on a site, including any ancillary

use as currently required. While this standard may give clear direction regarding the amount of parking to plan for when proposing a new mixed-use development, it fails to consider the potential for reduced vehicle trip generation that this type of development promotes.

ANALYSIS

The proposed amendment will create parking standards for mixed-use developments which are clearly defined, context oriented and sustainable. Neither Title 19.04 nor Title 19.10 currently allows any reductions in parking requirements for mixed-use developments. Consequently, mixed-use developments are held to the same parking standards as single-use developments, which in turn has necessitated a number of Variance applications for mixed-use projects proposed outside of the Downtown Centennial Plan area.

In reviewing mixed-use parking requirements that have been adopted by other municipalities, it has been deemed appropriate to use the peak-hour parking model currently in use by Clark County. This determination was made because this model seems to be the most accurate method to determine the necessary parking for mixed-use developments. Further, the adoption of a common methodology will assist in the standardization of regulations between jurisdictional bodies within the valley. The peak-hour parking tabulation requires the applicant to provide the maximum parking required for each use on the site, based on the percentage of occupancy for weekday and weekend time periods. The following scenario outlines how the calculations are meant to work:

> *Example:* A new mixed-use development which meets the Title 19 definition of Mixed-Use is proposed. Individual uses consist of: offices, general retail, multiple restaurants, a health club, and condominiums. The development is proposing to provide 3,955 parking spaces.
>
> Parking Required per Title 19.04 and 19.10:

Bldg.	*Use*	*Gross Floor Area or Number of Units*	*Base Parking Requirement*		
			Parking Ratio	*Parking*	
				Regular	Handi-capped
1	Office, Other Than Listed	272,507 SF	1 Space / 300 SF	890 Spaces	19 Spaces
	General Retail, Other Than Listed	269,738 SF	1 Space / 250 SF	1058 Spaces	21 Spaces
	Temporary Real Estate Sales Office	2,700 SF	5 Spaces (1 of which is HC)	4 Spaces	1 Space
	Health Club	36,000 SF	1 Space / 200 SF	174 Spaces	6 Spaces
	Restaurant				
	Waiting/Seating	87,500 SF	1 Space / 50 SF	1718 Spaces	32 Spaces

	Back of House	32,708 SF	1 Space / 200 SF	157 Spaces	6 Spaces
	Condominium	97 Units	1.25 Spaces / 1 Bedroom Unit	119 Spaces	3 Spaces
		128 Units	1.75 Spaces / 2 Bedroom Unit	220 Spaces	4 Spaces
		115 Units	2 Spaces / 3 Bedroom Unit	225 Spaces	5 Spaces
		340 Units	1 Space / 6 Units	53 Spaces	3 Spaces
	Sub-TOTAL	701,153 SF / 340 Units		4,618 Spaces	100 Spaces
	TOTAL (including handicap)			4,718 Spaces *	

* Under the existing standards the proposed 3,955 parking spaces would not meet the required amount and would necessitate a Variance.

Parking Required per Proposed Title 19.10.010 (H)(3):

Land Use Classification	**Parking Requirement per Title 19.04**	**Weekdays**			**Weekends**		
		Mid-7am	**7am-6pm**	**6pm-Mid**	**Mid-7am**	**7am-6pm**	**6pm-Mid**
Office & Professional	914 Spaces	46 Spaces	914 Spaces	46 Spaces	0 Spaces	549 Spaces	92 Spaces
Retail & Personal Services	1,259 Spaces	0 Spaces	1,259 Spaces	1,008 Spaces	0 Spaces	1,259 Spaces	756 Spaces
Residential	632 Spaces	632 Spaces	348 Spaces	538 Spaces	632 Spaces	411 Spaces	474 Spaces
Restaurant	1,913 Spaces	957 Spaces	1,340 Spaces	1,913 Spaces	861 Spaces	1,340 Spaces	1,913 Spaces
Theaters	---	---	---	---	---	---	---
TOTAL per Period	4,718 Spaces	1,635 Spaces	3,861 Spaces *	3,505 Spaces	1,493 Spaces	3,559 Spaces	3,235 Spaces
TOTAL Parking Required	4,718 Spaces	2,314 Spaces (of which 24 HC Spaces)					

* Under the standards proposed here the "Weekdays: 7am-6pm" time period has the highest parking demand for this mixed-use development. The 3,861 space requirement is 857 spaces fewer than if the parking was calculated separately for each different use area as currently required. Further, at 94 spaces less than what the developer purposed, no Variance would be needed under the proposed standards.

This method of calculating the parking requirement benefits the developer and future buyers by reducing the number of parking spaces that would otherwise be required, thus reducing the material cost of development and future purchase or lease costs. Of potentially greater benefit, is the benefit to the community by the advancement of the city's sustainability and related "Green" goals. Right-sizing parking (structures and lots) and promoting mixed-use development generally leads to reductions in impermeable surfaces, allows more efficient delivery of services, decreases the number of automotive trips, and promotes alternative modes of travel. This reduces municipal costs, improves air and water quality, promotes healthier lifestyles, and reduces the likelihood of unsightly, underutilized parking facilities.

FINDINGS

The proposed text amendment will accomplish the following:

- Adopt new parking standards for mixed-use development that are based on specific uses within the development and the ability to share parking between uses;

The following table summarizes all proposed changes:

Code Requirements	Existing Regulations	Proposed Regulations
Title 19.10.010 On-Site Parking Standards	• Minimum Parking Space Size table denoted as Table 3 • Angle Parking/Access Aisle Dimensions table denoted as Table 4	• Minimum Parking Space Size table renumbered as Table 4 • Angle Parking/Access Aisle Dimensions table renumbered as Table 5
Title 19.10.010 (H) Parking Alternatives	• No mixed-use parking standard in place	• New mixed-use parking standard proposed
Title 19.10.020 On-Site Loading Standards	• On-Site Loading Requirements table denoted as Table 5	• On-Site Loading Requirements table renumbered as Table 6

NOTICES MAILED NEWSPAPER ONLY

APPROVALS 0

PROTESTS 0

City of Las Vegas Agenda Item No.: **26.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: MARCH 26, 2009

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

SUBJECT:
TXT-33703 - TEXT AMENDMENT - PUBLIC HEARING - APPLICANT/OWNER: CITY OF LAS VEGAS - Discussion and possible action to amend Title 19.04 Table 2 and 19.20 to revise the regulations, applicable zoning districts, and description for the Small Wind Energy System use, All Wards

THIS ITEM WILL BE FORWARDED TO CITY COUNCIL IN ORDINANCE FORM

PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**0**	**Planning Commission Mtg.**	**0**
City Council Meeting	**0**	**City Council Meeting**	**0**

RECOMMENDATION:
APPROVAL

BACKUP DOCUMENTATION:
1. Conditions (Not Applicable) and Staff Report

City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: MARCH 26, 2009
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: TXT-33703 - APPLICANT/OWNER: CITY OF LAS VEGAS

** CONDITIONS **

STAFF RECOMMENDATION: APPROVAL.

1. Title 19.04.010 is hereby amended as follows:

19.04.010 LAND USE TABLES

Table 2 – Land Use Table
Utilities, Communications & Transportation

USE	RESIDENTIAL												COMMERCIAL						INDUSTRIAL		
	U	R-A	R-E	R-D	R-1	R-CL	R-2	R-3	R-4	R-5	R-MH	R-MHP	P-R	N-S	O	C-D	C-1	C-2	C-PB	C-M	M
Small Wind Energy System *(Ord. 5934 – 09/19/07)*		C	C	C											C		C	C	C	C	C
	Description: A wind energy conversion system consisting of a wind turbine, a tower and associated control or conversion electronics, which has a rated capacity of not more than 100kW and which is intended primarily to reduce on-site consumption of utility power. The use is not to be deemed an accessory structure.																				
	Conditional Use Regulations: 1. The minimum parcel size shall be two acres (net). *2. No small wind energy system is eligible for approval if all or part of the property is within a conservation easement or scenic highway corridor, or is listed on the State or National Registers of Historic Places, unless the applicant submits satisfactory evidence that the addition of a small wind energy system is not a violation of the rules that govern the development of the property. 3. The tower height (meaning the height above grade of the fixed portion of the tower, excluding the wind turbine itself) may not exceed the lesser of the following: a. The maximum height recommended by the manufacturer or distributor of the system, as demonstrated by evidence included with the application; or b. A height of 90 feet for a parcel ~~less than 2~~ two net acres or greater, but less than five net acres in size, or a height of 110 feet on a parcel of ~~5~~ five net acres or more in size. 4. In the R-D Zoning District, the entire system must be set back at least 30 feet from the front property line and at least 10 feet from the side and rear property lines. In the R-A and R-E Zoning Districts, the entire system must be set back at least 50 feet from the front and side property lines, and at least 10 feet from the rear property line. 5. In the O, C-1, C-2, C-PB, C-M, and M Zoning Districts, the entire system must be set back a minimum of 1.5 times the tower height from the front and corner side (if applicable) property lines and 1.1 times the tower height from the side and rear property lines. Further, the entire system must be set back a minimum of 1.5 times the tower height from any occupied structure on an adjacent property. 6. No part of a system, including guy wire anchors, may be closer to any structure ~~residential building or outbuilding that the sum of the following distances: the length of the tower, plus half the length of the blade diameter, plus an additional~~ than 10 feet. ~~6~~ *7. A system shall not exceed 60dBA, as measured by a sound level meter at the closest neighboring inhabited dwelling. However, this level may be exceeded during short term events such as utility outages or sever windstorms. ~~7~~ *8. The applicant must submit proof of turbine certification approved under the Emerging Technologies program of the California Energy Commission or any other small wind certification program recognized by the American Wind Energy Association. ~~8~~ *9. A system must comply with applicable FAA regulations, including any necessary approvals for installations close to airports. Necessary approvals must be received prior to submittal to city for a building permit. For locations within the Airport Overlay District, the system must comply with all regulations and requirements applicable to that district. ~~9~~ *10. A system must comply with all applicable fire codes and building codes.																				

RTS

TXT-33703 - Conditions Page Two
March 26, 2009 - Planning Commission Meeting

	~~10~~ *11. A building permit application for a system must be accompanied by: a. Standard drawings of the wind turbine structure including base, tower and footings; b. An engineering analysis of the tower showing compliance with the International Building Code and certified by a licensed professional engineer; and c. A line drawing of the electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the National Electrical Code. ~~11. Before the installation of a system, the applicant must provide satisfactory evidence that the electrical utility provider has been informed of the applicant's intent to install a system. An off-grid system shall be exempt from this requirement if the property is not served by an electrical utility provider.~~ *12.No system shall be erected or moved onto any lot prior to construction of the main building unless a building permit has been issued for the construction of the main building. ~~13. The Special Use Permit provision of Section 19.04.040(B) do not apply to this use.~~
	On-site Parking Requirement: No additional parking required beyond that which is required for the principal use(s) on the site.

TXT-33703 - Staff Report Page One
March 26, 2009 - Planning Commission Meeting

** STAFF REPORT **

APPLICATION REQUEST

This is a request to amend the Small Wind Energy System use entry in Table 2 of Title 19.04 to make corrections and provide provisions for the use in appropriate non-residential districts.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc.	
06/14/05	Assembly Bill 236 was signed into law. This bill prohibits municipal governments from prohibiting in their zoning code or subdivision ordinance "Systems which use solar or wind energy to reduce the costs of energy for a structure if such systems and structures are otherwise in compliance with applicable building codes and zoning ordinances, including those relating to the design, location and soundness of such systems and structures, to the extent the local climate allows for the use of such materials, technologies, resources and systems." [NRS 278.580 (4)(b)].
01/17/07	The City Council adopted Ordinance 5885, which was introduced as Bill No. 2006-97, to conditionally permit the Small Wind Energy System use in the R-A (Ranch Acres), R-E (Rural Estates), and R-D (Single Family Residential-Restricted) zoning districts. The Planning Commission and staff recommended approval of this Text Amendment (TXT-13719).

ANALYSIS

Title 19 has previously been amended to comply with the 2005 amendment to NRS 278.580. This change to the Nevada Revised Statutes required that Title 19 delineate how small wind energy systems would be implemented in the city. The zoning code amendment proposed here further clarifies the Small Wind Energy System conditional use regulations and increases the districts where the use is deemed appropriate. This is intended to encourage the use of wind-based energy generation as an ancillary use to the principle activity performed on-site in the R-A (Ranch Acres), R-E (Rural Estates), R-D (Single Family Residential-Restricted), O (Office), C-1 (Limited Commercial), C-2 (General Commercial), C-PB (Planned Business Park), C-M (Commercial/Industrial), and M (Industrial) zoning districts. Provided the conditional use regulations are met, the addition of a small wind energy generating system to a qualifying site may be approved as a part of the building permit process and will not require additional planning related approvals, public hearings, or interfere with established building height limitations.

Previously, there were provisions for small wind energy generating systems only within the R-A (Ranch Acres), R-E (Rural Estates), and R-D (Single Family Residential-Restricted) zoning districts. This amendment continues to restrict the use to larger sites (two plus net acre parcels) in an effort to ensure that the tower structure, supports, guy wires and turbines do not encroach into the required setbacks. Restrictions are also included to ensure that the distance to the nearest on-site structure is at least 10 feet.

This amendment continues to further the objectives and policies of the Conservation Element of the Las Vegas Master Plan 2020. It does this by addressing the implementation actions that call for the promotion and use of alternative sources of energy (EC.6). Wind energy is an abundant, renewable, and nonpolluting energy resource and its conversion to electricity reduces our local dependence on nonrenewable energy resources and decreases air and water pollution that results from the use and production of conventional energy sources. The expansion of the districts where small wind energy systems are conditionally permitted helps to promote the use of this alternative source of energy.

The intensity of development typical in the O (Office), C-1 (Limited Commercial), C-2 (General Commercial), C-PB (Planned Business Park), C-M (Commercial/Industrial), and M (Industrial) zoning districts has prompted more stringent setback requirements than allowed in the R-A (Ranch Acres), R-E (Rural Estates), and R-D (Single Family Residential-Restricted) residential zones. The setbacks established for these non-residential zoning districts are consistent with standards discussed in the available literature and proposed under a number of model ordinances from various advocacy organizations, federal agencies and state and local government jurisdictions.

These changes to the Small Wind Energy System use will more clearly spell out the appropriate zoning districts for such systems and the basic standards to which such systems must comply. The recommendations are generally consistent with the standards endorsed by the American Wind Energy Association (AWEA) for Small Wind Energy Systems.

FINDINGS

The proposed text amendment will accomplish the following:

- Increase the applicable zoning districts where small wind energy systems can conditionally be permitted to include the O (Office), C-1 (Limited Commercial), C-2 (General Commercial), C-PB (Planned Business Park), C-M (Commercial/Industrial), and M (Industrial) zoning districts
- Requires compliance with applicable setbacks, with additional protection to existing neighboring structures for systems on non-residential parcels.
- Maintains requirements for the submission of proof of compliance with International Building Code, National Electrical Code, necessary approvals from the Federal Aviation Administration and/or the Clark County Department of Aviation, and system certification approved by the American Wind Energy Association.

- Removes requirements for the submittal of notification to the utility provider.
- Allows, if all conditions are met, for approval as a part of the building permit review process. Pursuant to Title 19.04.040 (B), conditions related to qualifying lot size, tower height limitations, and setback provisions that are not met may be reviewed by application of a Special Use Permit.

The following table summarizes all proposed changes:

Code Requirements	Existing Regulations	Proposed Regulations
Title 19.04.010 Land Use Tables – Small Wind Energy System	• Condition 3, Subparagraph (b) indicates: A height of 90 feet for a parcel less than 2 net acres in size, or a height of 110 feet on a parcel of 5 net acres or more in size. *This regulation conflicts with Condition 1 which requires a minimum net area of 2 acres and, per Condition 1,3 can't be waived.*	• Condition 3, Subparagraph (b) clarifies: A height of 90 feet for a parcel 2 net acres or greater, but less than 5 net acres in size, or a height of 110 feet on a parcel of 5 net acres or more in size.
	• No allowance is made for the use in any non-residential districts.	• The use is conditionally allowed in the O, C-1, C-2, C-PB, C-M, and M Zoning Districts • Setbacks are established that require that the entire system must be set back a minimum of 1.5 times the tower height from the front and corner side (if applicable) property lines and 1.1 times the tower height from the side and rear property lines. Further, the entire system must be set back a minimum of 1.5 times the tower height from any structure on an adjacent property.
	• Condition 5 indicates: No part of a system, including guy wire anchors, may be closer to any residential building or outbuilding that the sum of the following distances: the length of the tower, plus half the length of the blade diameter, plus an additional 10 feet.	• Condition 6 proposes: No part of a system, including guy wire anchors, may be closer to any structure than 10 feet.

	• Before the installation of a system, the applicant must provide satisfactory evidence that the electrical utility provider has been informed of the applicant's intent to install a system. An off-grid system shall be exempt from this requirement if the property is not served by an electrical utility provider.	• Condition deleted.
	• The Special Use Permit provisions of Section 19.04.040(B) do not apply to this use.	• Condition deleted. • If Conditions 1, 3, 4, 5, and 6 can not be met a Special Use Permit may be applied for pursuant to Section 19.04.040(B). • Conditions 2, 7, 8, 9, 10, 11, and 12 may not be waived or reduced as a part of a Special Use Permit application.

NOTICES MAILED NEWSPAPER ONLY

APPROVALS 0

PROTESTS 0

City of Las Vegas Agenda Item No.: **27.**

AGENDA SUMMARY PAGE

PLANNING COMMISSION MEETING OF MARCH 26, 2009

DEPARTMENT: PLANNING AND DEVELOPMENT
DIRECTOR: M. MARGO WHEELER

SUBJECT:

CITIZENS PARTICIPATION: PUBLIC COMMENT DURING THIS PORTION OF THE AGENDA MUST BE LIMITED TO MATTERS WITHIN THE JURISDICTION OF THE PLANNING COMMISSION. NO SUBJECT MAY BE ACTED UPON BY THE PLANNING COMMISSION UNLESS THAT SUBJECT IS ON THE AGENDA AND IS SCHEDULED FOR ACTION. IF YOU WISH TO BE HEARD, COME TO THE PODIUM AND GIVE YOUR NAME FOR THE RECORD. THE AMOUNT OF DISCUSSION ON ANY SINGLE SUBJECT, AS WELL AS THE AMOUNT OF TIME ANY SINGLE SPEAKER IS ALLOWED, MAY BE LIMITED