



City of Las Vegas

Agenda Item No.: 79.

**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF SEPTEMBER 16, 2009**

**DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER**

☐ Consent ☒ Discussion

SUBJECT: OC-3530 ABEYANNE ITEM REVIEW OF CONDITION - PUBLIC HEARING -
APPLICANT: HARMONY 2 LLC OWNERS: HARMONY 2 LLC AND FARM HUALAPAI
LLC - Request for a Review of Condition to change Condition Number 6 of a previously
approved Site Development Plan Review (SDR-29026) TO ALLOW A SIDE YARD SETBACK
OF THREE FEET WHERE 5 FEET IS THE MINIMUM REQUIRED FOR ALL LOTS OF A
70-LOT RESIDENTIAL SUBDIVISION WITH THE EXCEPTION OF 5, 9, 13, 16, 18, 19, 20,
23, 24, 25, 28, 29, 30, 35, 58, AND 60 on 10.52 acres on the east side of Tonkinese Avenue and
Hualapai Way (APN 120-134-11-001 through 068), R-PD7 (Residential Planned Development-
7 Units per Acre) Zone, Ward 6 (Ross) Staff recommends DENIAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.

0

City Council Meeting

6

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

0

City Council Meeting

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RECOMMENDATION:

Staff recommends DENIAL.

BACKUP DOCUMENTATION:

1. Location and Aerial Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Justification Letter
5. City Council Approval Letter for SDR-29026
6. Protest Postcards
7. Submitted after Meeting Recordation Notices of City Council Action and Conditions of Approval

Motion made by STEVEN D. ROSS to Approve subject to conditions and amending Condition 1 as read for the record:

1. Condition Number 6 of Site Development Plan Review (SDR-29026) shall be changed to read: "The setbacks of this development shall be a minimum of 18 feet to the front of the garage as measured from back of sidewalk or from back of curb if no sidewalk is provided, three feet on the side except for lots 1, 5, 9, 13, 16, 18, 19, 20, 23, 24, 25, 28, 29, 30, 35, 58, 60, and 70 which will have a five-foot side yard setback, 10 feet on the corner side, and five feet in the rear excluding rear lots backing Farm Road and lots backing residential to the west, which shall be 10 feet.

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Passed For: 6; Against: 1; Abstain: 0; Did Not Vote: 0; Excused: 0

RICKI Y. BARLOW, LOIS TARKANIAN, STEVE WOLFSON, OSCAR B. GOODMAN, GARY REESE, STEVEN D. ROSS; (Against-STAVROS S. ANTHONY); (Abstain-None); (Did Not Vote-None); (Excused-None)

Minutes:

MAYOR GOODMAN declared the Public Hearing open.

JOHN RHODES, 7220 Cimarron Road, Suite 100, appeared on behalf of the applicant. He explained that the existing plans have five-foot setbacks and many units have already sold. They would like to add an additional plan with the three-foot setbacks if approved.

MARGO WHEELER, Director of Planning and Development, explained that the original application indicated three-foot setbacks but had expired. The next application indicated five-foot setbacks but is now being amended to request three-foot setbacks. MR. RHODES informed the Council that individuals are requesting larger homes and the only way to get the square footage is to reduce the side yards.

COUNCILMAN ANTHONY could not support three-foot setbacks, as he believed the space is not sufficient, and it creates a concern with privacy issues, aesthetics and fire safety issues.

COUNCILMAN ROSS echoed the same concerns but realized that over half of the units are already sold. He confirmed with MR. RHODES that Lots 1 and 70 need to be removed, in which MS. WHEELER confirmed the amendment to Continuation 1.

MAYOR GOODMAN declared the Public Hearing closed.