



Agenda Item No.: 26.

AGENDA SUMMARY PAGE PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: APRIL 23, 2009

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER

☐ Consent ☒ Discussion

SUBJECT: MVR-3375 - WAIVER - PUBLIC HEARING - APPLICANT/OWNER: CAROLINE'S COURT, LLC - Request for a Waiver of Town Center Development Standards TO ALLOW NO AMENITY ZONE ALONG A 233' PORTION OF DURANGO DRIVE WHERE A 2.5-FOOT AMENITY ZONE IS REQUIRED adjacent to the northwest corner of Durango Drive and El Capitan Way (A-125-17-001-012 and 017), T-C (Town Center) Zone [SC-TC (Service Commercial - 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.

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 Letters
6. Letter by the Department of Transportation
7. Support Postcards
8. Submitted after Final Agenda Protest Postcards
9. Submitted after Meeting Recordation Notices of Planning Commission Action and Conditions of Approval

Motion made by MICHAEL E. BUCKLEY to Approve subject to conditions

Passed For: 5; Against: 2; Abstain: 0; Did Not Vote: 0; Excused: 0

MICHAEL E. BUCKLEY, VICKI QUINN, STEVEN EVANS, GLENN TROWBRIDGE, KEEN ELLSWORTH; (Against-RICHARD TRUESDELL, BYRON GOYNES); (Abstain-None); (Did Not Vote-None); (Excused-None)

Minutes:

CHAIR TROWBRIDGE declared the Public Hearing open.

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PETER LOWENSTEIN, Planning and Development, stated the applicant offered no compelling justification as to why the 2.5 foot amenity zone cannot be provided. Staff finds the requested waiver preferential in nature and a self-imposed hardship. Therefore, staff recommended denial.

WILLIAM BAGLEY, Red Neck Enterprises, 5501 Desert Spring Road, appeared on behalf of Caroline's Court and showed various photos of the site and the subject rail. MR. BAGLEY stated that their intent is to deviate from what a normal Town Center Standards and get to where they can meet both the City's requirements and the State of Nevada Department of Transportation (NDOT). He showed photos of the current site and what they intend to achieve, something similar to what exists at Ann Road and US 95.

MR. BAGLEY discussed with COMMISSIONER TRUESDELL that they are being asked to remove the entire barrier rail northerly 2.5 feet in order to allow placement of the barrier for safety and put in a 2.5-foot amenity zone at the back of curb. They are only asking for the waiver of the westerly portion of their proposed drive approach and desire to maintain the Town Center Standards throughout the property.

JACOB KHAKSHOURI, Caroline's Court, pointed out that the Town Center requirement is 15 feet of landscaping between the walkway to the buildings but they are placing 60 feet of landscaping. NDOT is against it because of safety concerns. He does not see the need to relocate the City lights or duct nor shifting existing 14-foot walkway 2.5 feet just to create an area that is readily used by pedestrians.

CHAIR TROWBRIDGE remarked that it would be difficult to keep any plant material alive in the amenity zone. For COMMISSIONER TRUESDELL, DOUG RANKIN, Planning and Development, explained that the original site plan showed a two-foot amenity zone and a sidewalk. Thereafter, the engineer indicated a jersey rail was present which led to the waiver request. The Commissioner noted this is a uphill grade coming in and out of the center, which creates a safety concern. He felt the plan could work and having the amenity zone would soften the area.

MR. KHAKSHOURI informed the Commission that the engineering firm relocated from California to Guam, which has caused delays. The lights on site exist for a particular purpose. CHAIR TROWBRIDGE suggested hiring a local firm.

COMMISSIONER BUCKLEY believed amenity zones are great and protect pedestrians. He felt the waiver was justifiable, given the existing configuration.

CHAIR TROWBRIDGE declared the Public Hearing closed.