



City of Las Vegas

Agenda Item No.: 25.

**AGENDA SUMMARY PAGE PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: MAY 27, 2010**

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER

☐ Consent ☒ Discussion

SUBJECT: BEYANET - GPA-37823 - GENERAL ZONING AMENDMENT - PUBLIC HEARING -
APPLICANT/OWNER: CTR. LLC Request to Amend a portion of the Centennial Hills Sector
Plan of the General Plan FROM: L-12 (LOW DENSITY RESIDENTIAL) TO: SC (SERVICE
COMMERCIAL) - 60 acres at 7204 West Craig Road (APN 138-03-201-009), Ward 4
(Anthony). Staff recommends APPROVAL.

C.C.: 07/07/2010

PROTESTS RECEIVED BEFORE:

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

4

Planning Commission Mtg.

0

City Council Meeting

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City Council Meeting

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RECOMMENDATION:

Staff recommends APPROVAL.

BACKUP DOCUMENTATION:

1. Location and Aerial Maps
2. Conditions and Staff Report GPA-37823, ZON-37824 and SDR-37940
3. Supporting Documentation
4. Photos - GPA-37823, ZON-37824 and SDR-37940
5. Justification Letter - GPA-37823, ZON-37824 and SDR-37940
6. Protest Postcards, Email Protest and Concern Letter - GPA-37823, ZON-37824 and SDR-37940
7. Submitted after Final Agenda - Protest Letter

Motion made by GUS FLANGAS to Hold in abeyance Items 25-27 to 6/24/2010

Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

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

Minutes:

CHAIR TRUESDELL declared the Public Hearing open for Items 25-27.

DOUG RANKIN, Planning and Development, stated the request is compatible and harmonious with the existing surrounding land uses. The proposed 4,195 square-foot building meets all Title 19 requirements, except for one parking lot tree and four perimeter trees. Staff supports the

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exception for the one parking lot tree as this is minimal in nature. The applicant has agreed to plant four additional trees in the perimeter landscape buffer areas, and a condition of approval has been added to address this issue. Staff supports the waiver along the south perimeter, as it is minor in nature, and it meets the intent of Title 19.12.040G for Street Landscaping along major arterials. The proposal is for 15 feet of landscaping, but due to a conflict in the code, it had to be noticed as zero feet. Therefore, it actually meets all of the requirements, as well as requirements for a detached sidewalk along a 100-foot arterial. Staff recommended approval of all applications.

WARREN HARDY, 5141 East Charleston Boulevard, Suite 230, appeared on behalf of the applicant and stated that a year ago application was made for a fast-food restaurant that was withdrawn due to significant community opposition. His client retained a canvass firm to conduct interviews of the neighbors as to what they wanted to see on this property. Some wanted the existing house removed and would support light commercial use. An in-depth economic analysis revealed that some residents wanted a bar, a car wash, and a convenience store. An overwhelming response came back wanting a full-service bank. Thus, his client began to pursue a bank for that location and has entered into negotiations with a national bank. As part of the contract, his client is required to fulfill the zoning amendment process. MR. HARDY thanked Planning staff for its help and favorable recommendations.

TODD RUSH thanked the applicant for his due diligence in finding out what the community really wants. MR. RUSH asked what would happen to the property if the bank does not locate on this site. He wanted assurance that if the rezoning is approved and the bank deal fails, that any other use would come back before the Planning Commission. CHAIR TRUESDELL remarked that if another use fits within the site plan and there are no changes, the use will not have to come back before the Planning Commission.

ASSISTANT CITY ATTORNEY BRIAN SCOTT clarified that it would have to come back if it requires a special use permit. MR. RUSH stated that with the presentation made by the applicant, the use would be good for the neighborhood. Currently, the property is an eyesore and he would like to see the property developed.

MARGO WHEELER, Director of Planning and Development, explained that if the zoning change occurs, any use that is permitted in that zoning, by right, can be located there. A public hearing would only be required if a special use permit is needed. Any use that would use this building, as approved, would be able to move into that building. Only if there was an entirely different site plan, would it be required to come back at a public hearing. There are a multitude of uses that could go into building that would not require a public hearing. MR. HARDY thanked the residents who participated and agreed with all conditions.

COMMISSIONER FLANGAS commented that the corner is not appropriate for residential. He likes the idea of a bank; however, he does not support amending the application to Service Commercial nor to C-1. It would alleviate the concern expressed by MR. RUSH by designating this as O (Office). MR. HARDY responded that the original intent was to apply for Office but

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the potential tenant would not accept the property without the C-1. If this opportunity is lost, it would be a while until a suitable use for this property is found.

COMMISSIONER FLANGAS insisted that there is no difference between what this bank can do with Office or C-1. If the applicant does not enter into a contract with the bank, this property would remain C-1 zoning. MR. HARDY agreed to come back and go through the process to satisfy the Commission and the residents, should the bank deal fail.

CHAIR TRUESDALE stated there is no mechanism to unravel the General Plan Amendment (GPA). MR. HARDY pointed out that this property is not appropriate for residential and whatever proposal goes forward, it would require another GPA or zoning. Negotiations are in the final stage, and he does not think the current GPA and zoning is appropriate.

COMMISSIONER QUINN stated that whatever area they canvassed, many were not aware of these applications and not enough people were informed about these applications coming back.

COMMISSIONER GOYNES verified with MR. RANKIN that this property was originally in the County and was annexed into the City of Las Vegas. The caretaker's quarters of the pet cemetery, and it was annexed with the zoning and used as a one-family residence.

ASSISTANT CITY ATTORNEY SCOTT clarified for COMMISSIONER GOYNES that the general designation denotes a national bank or a regular bank. The specified uses are pay-day loans or auto loans. MS. WILSON added that the uses of a financial institution are permitted uses under C-1 and O.

COMMISSIONER ELLSWORTH expressed concern about the contractual obligation because the City's zoning of C-1 is not intended for a bank. He does not understand the reason for the potential client to demand this particular zoning. MR. HARDY did not have those details, but he assured the Commissioner that he did go back to the bank and asked that same question and the answer was that it is a national contract that is not alterable.

In response to COMMISSIONER GOYNES comments regarding what would happen if the deal fell through, MR. HARDY indicated another bank would be sought, given that there is any other viable use for this property.

BRAD SHULTIS, 4365 South Polaris Avenue, indicated the mailing list provided by Planning was used to send out postcards regarding the town hall meeting, which was attended by approximately 20 people. Many of the concerns were addressed during the canvassing by asking the questions of what the residents wanted to see on the property. The house will remain, as is it surrounded by commercial uses and the cemetery. It was to be a fast-food restaurant but it was heavily contested. There is misinformation about the applicants intent. This is the best use for this property, and the bank requested the C-1.

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COMMISSIONER QUINN acknowledged MS. WHEELERS clarification that the residents were renotified.

COMMISSIONER ELLSWORTH suggested looking at approving the Office zoning and then if the bank does not work out, maybe look at a different bank that is not so rigid. MR. SHULTIS responded that the deal will be lost without the C-1.

MR. HARDY stated the residents were contacted and their questions and concerns were addressed. CHAIR TRUESDELL acknowledged the applicant's due diligence in reaching out to the neighborhood. The bank use is appropriate, but when looking at the fine line between Office and C-1, he is concerned that the applicant will not get to where he needs to be.

COMMISSIONER FLANGAS was concerned about the C-1 and having a national bank dictate on how a property should be zoned. The Office designation allows exactly what the bank wants to do. He asked if the applicant would accept approval of Office. MR. SHULTIS could not accept that as it would mean losing the client.

MS. WHEELER reminded that the Planning Commission has the option of making a motion for approval, denial or to approve the Office designation as a use of lesser intensity than what was applied for.

COMMISSIONER TROTTENBERRY stated he would support a bank but with an Office designation. MR. HARDY stated he has the option to talk the items to discuss further with the bank. CHAIR TRUESDELL suggested an adjournment for 30 days. MR. HARDY appreciated the offer to Office but agreed to the 30-day adjournment for the opportunity to consider other options.

CHAIR TRUESDELL declared the Public Hearing closed for Items 24-27.