



City of Las Vegas

Agenda Item No.: 31.

**AGENDA SUMMARY PAGE PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: NOVEMBER 18, 2010**

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

☐ Consent ☒ Discussion

SUBJECT: DR-3981 - SITE DEVELOPMENT LA REVIEW - PUBLIC HEARING -
APPLICANT/OWNER: RANCHO ALAMO HILLS HOMEOWNERS ASSOCIATION - Request
for a Major Amendment to previously approved Rezoning (Z-0108-88) and (Z-0037-93) TO
ALLOW 191 TREES IN THE PERMITS PER LANDSCAPE BUFFER WHERE 418 TREES ARE
REQUIRED at the southwest corner of Lone Mountain Road and Decatur Boulevard (APNs
Multiple), R-PD5 (Residential Planned Development - 5 Units Per Acre) and R-PD7 (Residential
Planned Development - 7 Units Per Acre) Zone, Ward 6 (Ross). Staff recommends DENIAL.

**MAY GO TO CITY COUNCIL ON 12/15/10 OR MAY BE FINAL ACTION
(Unless Appealed within 10 Days)**

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.

31

City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

50

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. Photos
5. Justification Letters
6. Protest/Support Postcards and Support Telephone Log

Motion made by TODD L. MOODY to Hold in abeyance to 1/25/2011

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

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

Minutes:

CHAIR TRUESDELL declared the Public Hearing open.

DOUG RANKIN, Planning and Development, paraphrased staffs report.

ATTORNEY MICHAEL SHILLMAN, 3556 East Jost Road, appeared with CHRIS
JARAMILLO, Jaramillo Landscape and Maintenance, LLC, 9275 South Jones Boulevard, and

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the President of the homeowners association. ATTORNEY SHILLMAN explained that the association consists of 1,300 homes and is 22 years old. When the developer built the community, only 191 trees were planted. These pine trees have grown substantially and need to be removed, due to the walls and sidewalks being uprooted. If the applicant is required to plant the previously approved number of trees, it would substantially increase the associations water bill from \$4,500 to \$16,000 per year and its landscaping bill from \$3,000 to \$9,000 per month. The residents assessments would increase by 70 percent annually. ATTORNEY SHILLMAN felt that the applicant was being penalized for the deficiency in trees, which was the developers responsibility.

The President of the association pointed out the existing gaps of trees and gave some statistical information regarding trees. MR. JARAMILLO added that the current arrangement of Pine trees are four to seven, with large gaps between each section filled with shrubbery and decorative rock. The proposed landscape would spread the trees out even more so than the current placement. MR. JARAMILLO gave examples for CHAIR TRUESDELL of the types of proposed trees, which will include smaller stature trees based upon the sun and roadway heat exposure. The President of the association then gave a brief account of residents who have expressed concern and pointed out that approximately 160 feet of the wall are in need of repair. The number of opposition is approximately the residents of the neighborhood association.

BILL TIDELL, CHARLES BUCKLEY, LYNNE SMITH, GEORGE WEST, GINA HEARN, EVA WEST and SHARON LANGBERG did not want to see the existing trees removed and wanted to maintain their neighborhood. Residents do not want to incur increased water bills but thought that in abeyance may have found a compromise. MR. WEST pointed out that Pine trees provide a noise barrier and add to the aesthetic view of the neighborhood. MS. HEARN noted that only the trees creating the problem should be removed and replaced.

ATTORNEY SHILLMAN reiterated the burden that would be placed upon the applicant to fulfill the developers responsibility. MR. JARAMILLO stated that the Mondale pine trees are considered adolescence and will grow in due time. The roots that are already causing damage and cracks are going to accelerate as the existing trees mature. The trees are beautiful but when they began to cause damage to the development, the board has to be prudent and forward thinking relative to the liability these trees can cause. The plan is a three-year plan and will be phased one section at a time as each section starts to grow. The best long-term approach is uniformity for these trees, and he asked that the application be supported.

CHAIR TRUESDELL asked about a process of root pruning. MR. JARAMILLO stated a considerable amount has already been done. As they mature, the issue is the ultimate height of the trees and lack of stability.

COMMISSIONER EVANS and MARGO WHEELER, Director of Planning and Development, recalled some history of the trees on site and the fact that not even half of the originally approved number of trees were planted. The Commissioner was unsure of the applicant's argument with using an alternate tree. Because the turf was changed, watering should have been corrected to ensure the trees were properly watered. Efforts are being made to create communities all around town that is exactly like this community, so he was baffled and suggested dealing with the specific trees that are causing problems. COMMISSIONER EVANS did not support cutting down trees with 20 years of growth, and from an environmental perspective, the Mondale Pine

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trees do a great job in cleaning the air.

ATTORNEY SHILLMAN stated that this is a board for the homeowners association. Experts have brought to their attention the potential danger and damage to the walls from these trees. The law says that the board has a duty to follow the experts and that is what the applicant is attempting to do. COMMISSIONER EVANS rebutted that this Commission has a duty as well. ATTORNEY SHILLMAN agreed the trees were beautiful but were causing too much damage. COMMISSIONER EVANS disagreed and believed it was the way they were being maintained and positioned.

CHAIR TRUESDELL questioned the reason for the application and could not support a waiver for the number of trees. He recommended an abeyance, in an effort to get a better understanding of the issue and work on an amenable solution. The President of the association informed the Chairman that a homeowner complained about the deficiency in trees.

COMMISSIONER TROWBRIDGE noted his experience in this field. The pictures shown depict a 20-year planing, and the water consumption is due to the angle in which the trees are planted. He pointed out the potential damage that can ultimately happen, which will place liability on the homeowners association. He recalled the same incident in his community, whereby trees were replaced in increments. It is difficult to see the long-term solution here, seeing that the original site plan was approved based upon the standard at that time. What is being proposed now makes perfect sense to him.

COMMISSIONER MOODY read a protest posted with comments relating to a lawsuit won by the homeowners association. The President of the association explained that the association was awarded \$700,000 for construction delays. He informed COMMISSIONER MOODY that not all of the damaged walls have been repaired. COMMISSIONER MOODY believed that if the applicant wanted to be prudent and forward thinking, they use the original number of approved trees should ultimately be planted once the project is completed. The neighborhood is absolutely beautiful, and the Commission is not here to address the costs involved.

ATTORNEY SHILMAN and the President of the association supported an abeyance. MS. WHEELER and ASSISTANT CITY ATTORNEY BRYAN SCOTT discussed that this item was a Code Enforcement issue; thereafter, the matter was forwarded to Planning and Development, and the matter at hand is a non-conforming issue.

COMMISSIONER QUINN pointed out that the applicant needs to be mindful of what exists on site at this time and be cost effective when considering the amount of trees that need to be planted.

COMMISSIONER EVANS agreed that the cost to uproot the trees was surmountable.

See Item 16 for related backup.

CHAIR TRUESDELL declared the Public Hearing closed.