



*City of Las Vegas*

Agenda Item No.: 14.

**AGENDA SUMMARY PAGE - PLANNING  
PLANNING COMMISSION MEETING OF: APRIL 12, 2011**

DEPARTMENT: PLANNING  
DIRECTOR: FLINN FAGG, Acting

Consent  Discussion

**SUBJECT:** BEYANET - ZON-40490 - RE ZONING - PUBLIC HEARING - APPLICANT/OWNER: MARY BARTSAS 19, LLC. Request to rezone FROM: R-4 (HIGH DENSITY RESIDENTIAL) TO: R (PROFESSIONAL OFFICE AND PARKING) on 0.14 acres at 528 East Oakey Boulevard (APN: 62-0231-002), Ward 3 (Reese). Staff recommends APPROVAL.

C.C. 05/18/2011

**PROTESTS RECEIVED BEFORE:**

**APPROVALS RECEIVED BEFORE:**

Planning Commission Mtg.

Planning Commission Mtg.

City Council Meeting

City Council Meeting

**RECOMMENDATION:**

Staff recommends APPROVAL.

**BACKUP DOCUMENTATION:**

1. Location and Aerial Maps ZON-40490, VAR-40491 and SDR-40492
2. Conditions and Staff Report - ZON-40490, VAR-40491 and SDR-40492
3. Supporting Documentation
4. Photos - ZON-40490, VAR-40491 and SDR-40492
5. Justification Letter - ZON-40490, VAR-40491 and SDR-40492
6. Protest/Support Postcards - ZON-40490 and VAR-40491

Motion made by GLENN TROWBRIDGE to Approve

Passed For: 5; Against: 0; Abstain: 1; Did Not Vote: 1; Excused: 0  
GUS FLANGAS, RICHARD TRUESDELL, STEVEN EVANS, GLENN TROWBRIDGE, TODD L. MOODY; (Against-None); (Abstain-BYRON GOYNES); (Did Not Vote-VICKI QUINN); (Excused-None)

NOTE: COMMISSIONER GOYNES indicated his abstention due to a pending matter that has not been resolved with ARNOLD STALK.

**Minutes:**

CHAIR EVANS declared the Public Hearing open for Items 14-16.

STEVE GEBEKE, Planning, stated staff supports the rezoning request because it will bring the zoning into conformance with the General Plan and will be compatible with the surrounding commercial zoning. However, the site will have minimal landscaping and less than the required parking. A revised landscape plan was submitted 4/2011 that depicts additional landscaping on the north side of the existing structure that would meet the planting material requirements for the

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north buffer area, but is not sufficient to meet the minimum buffer width requirement along the entire perimeter. No additional landscaping is proposed along the remaining perimeters. Staff recommended denial of the Variance for parking and the Site Development Plan Review because the site does not meet the minimum requirements of Title 19 for landscape materials and buffer requirements. Additionally, the applicant has presented no evidence of a unique or extraordinary circumstance, pursuant to Title 19.18.070, that would substantiate the requested Variance. MR. GEBEKE read and recommended an amendment to Condition 18 of SDR-40492, should the Commission be inclined to approve it.

ARNOLD STALK, representing the applicant/owner, commented that he was retained by the trust owners to bring their properties into conformance with the Planning Codes. He pointed out that the building is 1,490 square feet, and the owners would like to paint it and add as much landscaping as possible. He concurred with the conditions, noting that he met with neighbors, in particular with the neighbor to the west, who agreed to sign a shared-access parking agreement.

TODD FARLOW, Las Vegas resident, felt the proposed landscaping is insufficient.

COMMISSIONER TUDWBRIDGE asked if a signed agreement was obtained. MR. STALK disseminated an unsigned copy for review by the Commission, but it was not submitted as backup.

CHAIR EVANS was pleased that the building is being approved and brought into conformance. MR. STALK remarked that the remaining will not be sold after the improvements are made. The palm trees will remain.

COMMISSIONER QUINN felt that anything done to the property will improve the area, the neighbors' property values and their safety; therefore, she expressed support.

COMMISSIONER TRUESDELL asked where the parking will be accommodated on the shared-access parking agreement. MR. GEBEKE indicated he would not respond without first reviewing the agreement. MR. STALK clarified that the agreement is a shared-access agreement only, not a shared-parking agreement. LUCIEN PAET, Public Works, explained that Public Works staff required access as part of Condition 18 of SDR-40492, and that is the reason for the shared-access agreement.

DEPUTY CITY ATTORNEY JAMES LEWIS found the agreement to be legally insufficient as presented. MR. PAET indicated the agreement would have to be revised and submitted prior to occupancy.

Regarding the square footage of the building, DOUG RANKIN, Planning, explained that according to staff's measurements, the square footage of 1,632 is accurate.

CHAIR EVANS declared the Public Hearing closed for Items 14-16.