



City of Las Vegas

Agenda Item No.: 29.

AGENDA SUMMARY PAGE - PLANNING
PLANNING COMMISSION MEETING OF: JULY 12, 2016

DEPARTMENT: PLANNING
DIRECTOR: TOM PERRIGO

☐ Consent ☒ Discussion

SUBJECT: BEYANCA - GPA-62387 - GENERAL PLAN AMENDMENT - PUBLIC HEARING -
APPLICANT/OWNER: SHENYI WACHS, LLC - For possible action on a request for a General
Plan Amendment FROM: PR-OS (PARKS/RECREATION/OPEN SPACE) TO: H (HIGH
DENSITY RESIDENTIAL) on 17.40 acres at the southwest corner of Alta Drive and Rampart
Boulevard (APN 433-2301-005), Ward 2 (Beers) [PRJ-62226]. Staff has NO
RECOMMENDATION.

C.C.: 8/17/2016

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.

11

City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

73

City Council Meeting

0

RECOMMENDATION:

Staff has NO RECOMMENDATION

BACKUP DOCUMENTATION:

1. Location and Aerial Maps - GPA-62387, ZON-62392 and SDR-62393 [PRJ-62226]
2. Conditions and Staff Report - GPA-62387, ZON-62392 and SDR-62393 [PRJ-62226]
3. Supporting Documentation - GPA-62387, ZON-62392 and SDR-62393 [PRJ-62226]
4. Photo(s) - GPA-62387, ZON-62392 and SDR-62393 [PRJ-62226]
5. Justification Letter - GPA-62387, ZON-62392 and SDR-62393 [PRJ-62226]
6. Protest Email and Protest/Support Postcards and Letters of Support - GPA-62387, ZON-62392 and SDR-62393 [PRJ-62226]
7. Letter of Disclosure for GPA-62387, ZON-62392 and SDR-62393 [PRJ-62226]
8. Submitted after Final Agenda Opposition Email, Support Petition, Letter and Email for GPA-62387, ZON-62392, SDR-62393 [PRJ-62226], MOD-63600, DIR-63602, GPA-63599 and ZON-63601 [PRJ-63491]
9. Submitted at Meeting Written Comments by George Garcia and Julie Gilday Shaffer, District Court Complaint and Summary of Unlawful Acts Regarding PRJ-63491 by Bob Peccole for GPA-62387, ZON-62392, SDR-62393 [PRJ-62226], MOD-63600, DIR-63602, GPA-63599 and ZON-63601 [PRJ-63491]

Motion made by VICKI QUINN to Hold in abeyance Items 29-35 to 10/11/2016

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

CEDRIC CREAR, GLENN TROWBRIDGE, VICKI QUINN, GUS FLANGAS, SAM CHERRY; (Against-TODD L. MOODY, TRINITY HAVEN SCHLOTTMAN); (Abstain-None); (Did Not Vote-None); (Excused-None)

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NOTE: CHAIR MOODY disclosed, as he had in the past, that he has no pecuniary interest in this project and that his law office, which is located near Queensridge, would not be affected; therefore, he would vote. He submitted an Opinion from the City Attorney's Office; however, a copy had previously been attached as backup. CITY ATTORNEY JERBIC also disclosed that although he lives in Queensridge, property values do not affect him because he rents.

Minutes:

CHAIR MOODY declared the Public Hearing open for Items 29-35 and stressed that he would strictly enforce a two-minute speaking limit to each individual and limited to the abeyance request and not the merits of the items.

PETER LOEWENSTEIN, Planning Section Manager, requested Items 29-35 be held in abeyance to 8/9/2016 for the reasons cited by CITY ATTORNEY BRAD JERBIC under Item 6.

ATTORNEY CHRIS KAEMPFER, appearing on behalf of the applicant, stated that following the City-sponsored neighborhood meeting, he received calls from several representatives asking him to concede to a 30-day abeyance in order to allow time to hold additional meetings with the residents to go over the latest developments on this project. This was mainly due to the concern by COUNCILMAN BARRIS, who wanted to make sure the residents were fully informed. ATTORNEY KAEMPFER assured the Planning Commission that the applicant was prepared to go forward with this matter, should the Commission be willing to proceed; however, the applicant was personally asked by COUNCILMAN BARRIS to accept a 30-day abeyance.

COMMISSIONER QUINN discussed with ATTORNEY KAEMPFER that initially a few neighborhood meetings were held, and then approximately three big meetings.

ATTORNEY TOLDO BICE, 411 North 7th Street, commented that no one seriously believes that 30 days will accomplish anything else, because the residents think new issues will be raised at the last minute, like many times before. He asserted that there is a requirement for showing good cause for holding an item in abeyance a third time. He alleged this is just another way of wearing out the residents to keep them from showing up repeatedly. He urged the Commission to hear out those present to speak.

GEORGE GARCIA, representing Concerned Citizens of Queensridge, DAVID MASON, KEVIN BUCKLEY, DALE and ELAINE ROESENER, FRANK SCHRECK, IRENE and DUNCAN LEE, JACK BINION, CLYDE TURNER, JULIE GILDAY SHAFFER on behalf of BETTY and KRIS ENGELSTAD and TIM McGARRY, TOM LOVE, DARIN and ROXANNE KAJIOKA, ELISE CANONICO, CLYDE SPITZE, RICK KOST, FRANCISCO AGUILAR, General Counsel for Agassi Enterprises, SCOTT KREEGER, CHUCK BOWLING, DICK and MARTY SPARKS, MICHELE COMEAU, LARRY STADOFF, BOB PECCOLE, STEVE and JOAN KARIA, LEONARD SWIMMER, CAMILLE LEAVITT, RON IVERSEN, STEVEN SHAW, CAROL STYLES, TERRY HOLDEN, PAT SPILOTRO, JOHN MORSEY, PETER GARRITY and JULIETTA BAUMAN were present in opposition to the related applications being held for 30 days. They requested a 90-day abeyance or tabling the applications until everything is finalized and submitted in final for the residents to view all the documents and a final plan. They were tired of things changing at the last minute and believed this to be a tool to discourage them from showing up at the meetings. They also requested the residents receive

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renotification of the meeting, and some of them thought tabling would require renotification. Some of them alleged that they were threatened by the developer about not having any obligation. Most of them were concerned about the negative impact this project may have on property values.

MR. GARCIA read a portion of his comments, a copy of which he submitted. MS. SHAFFER also read a statement and submitted a copy. MR. STADOFF explained that it was very difficult to submit comments on the website. MR. PEECHOT submitted a copy of a lawsuit and insisted this project be held until it is settled, and some of the residents agreed with him. MR. SHAW pointed out that a judge already denied the City's request to dismiss the case. MR. SPITZE was concerned with how more residential units might affect the drainage, given that there are already flooding concerns in the area. MS. STYLES said more residential will add stress to the power grid. MR. TURNER urged the Commission to raise the bar on this project because it is in the middle of an established residential area.

ATTORNEY KAEMPFER stated that if the application were not complete, staff would not have accepted it or recommended approval. He said that changes are made on projects at the request of the residents, staff, commissioners or the Council, and that is mostly for the benefit of the residents. If changes were not allowed, the Planning Commission would not be doing its job. He insisted that the applicant was asked by COUNCILMAN BROWN to hold this project for 30 days.

COMMISSIONERS QUINN and CREAR were in support of a 90-day abeyance, stating that the residents needed time to receive more information and to give input. COMMISSIONER CREAR said that some of the people he spoke with were clueless about the project, and he would not want the residents to be bothered with an unwanted project. The applicant also needs a fair chance to recoup his investment and make it better. He indicated studies were needed to not disrupt the beautiful views.

COMMISSIONER TROWBRIDGE commented that the role of the Planning Commission is to bring everyone together, and he agreed that this is a difficult situation because it involves a project in the middle of an established development, much like an infill project. The development agreement lacks specificity, and he was concerned, in particular, with providing only one egress/ingress point, with the traffic impact and with the lack of a joint parking agreement. The project agreement gives the developer a period to do whatever he wants, which seems ambitious. More time is needed to notify the snowbirds who reside in Las Vegas for part of the year. He mentioned that more meetings should be held to go over the changes made in response to complaints by the homeowners. However, he advised the residents that more meetings will probably require more changes to the plan. He supported a 90-day abeyance.

CHAIR MOODY said the Planning Commission has a responsibility to make an up/down vote and indicated that he could only support a 60-day abeyance because 90 days was too long.

COMMISSIONER SCHLOTTMAN clarified that tabling does not require renotification and that the Planning Commission had to base its decision on land use. He regarded a 60-day abeyance as a good middle point. COMMISSIONER CHERRY also supported 60 days.

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COMMISSIONER FLANGAS was opposed to tabling the applications, given that one of the biggest issues was uncertainty on property values, as well as lives and grief on the developer. It is necessary to remain on track. He mentioned that any abeyance should be final and not delay the project any longer, particularly by requesting more time before the scheduled meeting. He advised that lawsuits have no affect; the Planning Commission is a land-use body and cannot consider the lawsuit in making a recommendation. He urged the people to come together and resolve some of the issues.

COMMISSIONER CREAM related his belief that a 90 day abeyance would be more appropriate so that people are not rushed.

Considering the summer season, when people are vacationing right before school starts, COMMISSIONER QUINN said it would be better to hold this matter for 90 days. She made such a motion, including a condition that staff notify at least the residents of Queensridge Tower. She emphasized that she would not support another abeyance. TOM PERRIGO, Planning Director pointed out that it was unusual to place a condition on an abeyance motion; however, it would be taken into consideration for when the project comes back. COMMISSIONER QUINN stated that at least the Queensridge Towers residents will be notified of any City-sponsored meeting.

CITY ATTORNEY JEFFRIC submitted a protest petition for Zens 32-35 (MCD-63600, GPA-63599, ZON-63601 and MAP-63599) he was given at the meeting held at the Suncoast Hotel and Casino. He then announced that future meetings would probably be held by staff before the next Planning Commission meeting. The matter is held to and in the Council Chambers, for which notification would be provided via email. He therefore, asked that the residents of Queensridge provide information to receive notification.

COMMISSIONER SCHLOTTMAN said it would be nice if staff could also notify the Planning Commissioners of any interim meetings. MR. PERRIGO indicated that he was working with the City Attorney on how to allow the Commissioners to participate in the meetings without violating the Open Meeting Law.

See Items 4 and 6 for related discussion.

CHAIR MOODY declared the Public Hearing closed for Items 29-35.