



City of Las Vegas

Agenda Item No.: 25.

AGENDA SUMMARY PAGE - PLANNING
PLANNING COMMISSION MEETING OF: SEPTEMBER 13, 2016

DEPARTMENT: PLANNING
DIRECTOR: TOM PERRIGO

☐ Consent ☒ Discussion

SUBJECT: BEYANCA - VAR-63577 - MAJIA - PUBLIC HEARING - APPLICANT: DR HORTON
OWNER: LEXINGTON PARTNERS, LLC ET AL - For possible action on a request for a
Variance TO ALLOW TO AMEND ZONE WHERE SUCH IS REQUIRED FOR A
PROPOSED RESIDENTIAL SUBDIVISION on 11.89 acres adjacent to the north side of Dorrell
Lane, approximate 150 feet west of Decatur Boulevard (APNs Multiple), R-1 (Single Family
Residential) Zone, Ward 2, [PRJ-63479]. Staff recommends DENIAL.

C.C.: 10/19/2016

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.

42

City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

5

City Council Meeting

0

RECOMMENDATION:

Staff recommends DENIAL, if approved, subject to conditions:

BACKUP DOCUMENTATION:

1. Location and Aerial Maps - VAR-63577, WVR-63579 and TMP-63580 [PRJ-63479]
2. Conditions and Staff Report - VAR-63577, WVR-63579 and TMP-63580 [PRJ-63479]
3. Supporting Documentation - VAR-63577, WVR-63579 and TMP-63580 [PRJ-63479]
4. Photo(s) - VAR-63577, WVR-63579 and TMP-63580 [PRJ-63479]
5. Justification Letter - VAR-63577, WVR-63579 and TMP-63580 [PRJ-63479]
6. Telephone Protest/Support Log for VAR-63577, WVR-63579 and TMP-63580 [PRJ-63479]
and Protest/Support Postcards for VAR-63577 and WVR-63579 [PRJ-63479]
7. Release Letter from DR Horton - VAR-63577, WVR-63579 and TMP-63580 [PRJ-63479]
8. Submitted after Final Agenda - Protest Email by Susan Haas for VAR-63577, WVR-63579
and TMP-63580 [PRJ-63479], VAR-63584, WVR-63585 and TMP-63586 [PRJ-63482] and
VAR-63587, WVR-63588 and TMP-63589 [PRJ-63483]
9. Submitted at Meeting - Letter of Support by Art and June Lowe, Official Notice of
Neighborhood Meeting, Email from James Limerick, and Protest Petition for VAR-63577, WVR-
63579 and TMP-63580 [PRJ-63479]

Motion made by GLENN TROWBRIDGE to Approve subject to conditions

Passed For: 6; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 1

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

Minutes:

PLANNING COMMISSION MEETING OF: SEPTEMBER 13, 2016

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

STEVE SWANTON, Senior Planner, reported that these items had been held in abeyance several times to allow the owner time to organize and meet with the surrounding neighbors. Revised plans were received in July indicating a new pocket park between Lots 53 and 54 while still maintaining the requested 57 residential lots. In August, staff received additional plans which replaced the sidewalk with a decomposed granite surface, but otherwise, the requests had not changed. As no evidence of a unique or extraordinary circumstance related to the property was presented to warrant the requested waivers and variances, staff recommended denial of all items.

RON PORTARO, 7958 Lookout Rock Circle, appeared on behalf of the applicant. He raised key points which he thought deserved consideration by the Commission. He commented that with all of the submittals, the question of density got lost. Being sensitive to the community, the applicant requested fewer units than the number allowed. Two meetings were held within the last 60 days with over 1,000 notices sent out. The August 3rd meeting was attended by six households, and the August 23rd meeting was attended by five households. MR. PORTARO stated he personally visited the projects and spoke with other neighbors as well. After August 3rd, staff informed the applicant that their changes were needed by August 11th. The second neighborhood meeting had not yet taken place by this time, so the applicant went forward with the changes and took the sidewalk out. The 6,000 square foot open space lot was added, the sidewalk was replaced with the crushed granite, and the crash gate was added on Dorrell Lane, which changed the circulation element and access for Fire and Rescue. The couple most severely impacted by these projects provided MR. PORTARO with a letter of support, which indicated that, although a variance and waiver were needed, there was support for the project; this letter was submitted for the record.

MICHAEL ADAMS appeared as a representative of the neighborhood. He thanked MR. PORTARO and stated that the neighbors took the Planning Commission suggestions seriously in working with the owner. To address the low attendance at the neighborhood meetings, MR. ADAMS pointed out that the meeting notice contained a typo regarding the day/date and that people may not have gotten home from work in time to attend a meeting at 5:30 p.m. This was submitted for the record, along with a petition with names from the neighborhood adjacent to the 11 acres and an email from MR. PORTARO to JAMES LIMERICK pointing out a second meeting on August 23rd.

MARK CHRISTIANSON, neighborhood representative and Executive National Director for Veterans in Politics, appeared in opposition stating disabled veterans purchased in that area because of the single story homes, and there was no guarantee that the homes involved with this project would be single story, that there would be a Homeowners Association, or flood plain control. There were also concerns involving 2,000 veterans that an approval would set a precedent for other land that the property owner currently had in the area to develop.

PLANNING COMMISSION MEETING OF: SEPTEMBER 13, 2016

DR. ALFRED POZOS, BRIAN FORTNER, KIM CLANTON-GREEN, JOHN DERRICA, MARISA KIMBER, DALE GREEN, SANNENE GAREHIME, ANTHONY and KIM GIROD, MARY ADAMS and HEIDI and JAMES LIMERICK also appeared in opposition, noting that they were not against working with the builder but that the applicant should be held to the standards already in place and should maintain consistency with what had already been built in the area. Concerns voiced included adding lots for profit, the objection of the large surrounding community, the impact on the community, whether these would be two-story homes, vehicles backing out onto Dorrell Lane, increased traffic, safety, density, losing the rural atmosphere, the block wall and the size of the lots.

With regard to the neighbors statements regarding making the applicant adhere to the standards, MR. PORTARO responded that the removal of the sidewalks and interior lighting requested by the neighbors were not part of the standards. The backing out on both sides of the street was not unique to this development; it could be found throughout the northwest. He indicated that at the neighborhood meetings, he was willing to wait past 5:30 p.m. if he knew someone was coming. He believed that regardless of compromises made by the developer, the neighbors would not be satisfied.

CHAIR MOODY indicated that the applicants and neighbors comments seemed to relate to all three projects submitted by the applicant, but his comments were applicable to this specific project. Not hearing any objections to the waiver of the amenity zone or the interior streetlights, he indicated he could support Items 25 and 26. Although there were questions about what would be built, that was not part of the consideration for approval of the tentative map - Item 27; the Planning Commission makes decisions about land use. While he heard the neighbors concerns with regard to density and traffic flow as it related to backing out onto Dorrell Lane, he disagreed stating that compromises had been made, and this, although not ideal, was a good fit with the existing neighborhoods. He could, therefore, also support Item 27.

In response to COMMISSIONER TROWBRIDGES question, MR. SWANTON indicated 65 would be the maximum number of units permitted on that parcel. LUCIEN PAET, Engineering Project Manager, also informed COMMISSIONER TROWBRIDGE that the code did not prohibit backing out onto streets that were 60-feet wide or less, such as Dorrell Lane. If approved, MR. PAET indicated a condition would need to be added to Item 25 and a condition amended on Item 27; these were read into the record.

After it became questionable whether or not the removal of the lights was at the request of the neighbors, CHAIR MOODY asked MR. ADAMS to respond. MR. ADAMS stated that the neighbors wanted to have lights. MR. PORTARO acknowledged the applicants willingness to install lights.

COMMISSIONER CREAR wondered why the original design included backing out onto Dorrell Lane and what kind of hardship it would create to change this. MR. PORTARO explained that the original design was proposed by DR Horton, but that developer had backed out of the project; any change would place the applicant back at square one and would result in the whole project being scrapped.

PLANNING COMMISSION MEETING OF: SEPTEMBER 13, 2016

COMMISSIONER TROWBRIDGE asked for clarification as to whether this project was rejected four times as stated by one of the neighbors or continued four times. MR. SWANTON indicated it had been abeyed four times.

COMMISSIONER SCHLOTTMAN asked who bore the expense of the covenant running with the land if an amenity zone was required in the future. MR. PAET explained that the process would involve the neighbors petitioning the City, the City doing a Special Improvement District and then assessing all of the property owners attached to the parcels as they sit today. As a developer himself, COMMISSIONER SCHLOTTMAN stated that he could not support pushing costs off to homeowners in the future even if the no amenity zone was at the request of the neighbors.

Noting her sensitivity to the needs of the disabled, COMMISSIONER QUINN asked MR. CHRISTIANSON if it was the sidewalks that had him upset. MR. CHRISTIANSON confirmed this.

PETER LOWENSTEIN, Planning Section Manager, explained that Item 25 was to allow no amenity zone where one was required. As the item was not noticed for removal of the sidewalk, it could not be part of the motion unless renoticed. COMMISSIONER SCHLOTTMAN asked for clarification as to whether the amenity zone included the sidewalk. MR. LOWENSTEIN explained that the amenity zone was the transition between the back of curb to the sidewalk. So in this instance, there would be the curb, the sidewalk and then the landscaping buffer, basically a landscape transition strip. COMMISSIONER SCHLOTTMAN asked if the sidewalk would still be required if the deletion of the amenity zone was approved. MR. LOWENSTEIN stated that the sidewalk would still be required; it would simply be at back of curb. If the deletion of the amenity zone was not approved, there would be a three-foot transition strip from the curb before the sidewalk. MR. LOWENSTEIN further stated that Item 26 allowed for the intersection offset waiver and no interior streetlights where such were required. Item 27 related to the tentative map.

COMMISSIONER CREAR asked why an amenity zone was not wanted. MR. PORTARO explained an exhibit showing what the landscape coming off the curb would look like. He indicated that the project, as submitted, did not include sidewalks, which was believed to be the desire of the neighbors. Although the plan submitted by the applicant showed decomposed granite in lieu of a sidewalk, MR. LOWENSTEIN reiterated that the variance did not include the ability to eliminate the sidewalk; therefore, an approval would still require a sidewalk at back of curb. Taking this into account, MR. PAET indicated the conditions he read into the record earlier would no longer be needed.

See Item 28 for related backup.

CHAIR MOODY declared the Public Hearing closed for Items 25-27.