Planning Commission Minutes

Council Chambers - 495 South Main Street - Phone 229-6011
City of Las Vegas Internet Address: www.lasvegasnevada.gov

Facilities are provided throughout City Hall for convenience of persons with disabilities. For meetings held in the Council Chambers, sound equipment is available for persons with hearing impairments. Reasonable efforts will be made to assist and accommodate persons with disabilities or impairments. If you need an accommodation to attend and participate in this meeting, please call the DEPARTMENT DESIGNEE at 702-229-6301 and advise of your need at least 48 hours in advance of the meeting. Dial 7-1-1 for Relay Nevada.

March 26, 2019
6:00 PM

ITEMS MAY BE TAKEN OUT OF THE ORDER PRESENTED AT THE DISCRETION OF THE CHAIRPERSON. TWO OR MORE AGENDA ITEMS FOR CONSIDERATION MAY BE COMBINED; AND ANY ITEM ON THE AGENDA MAY BE REMOVED OR RELATED DISCUSSION MAY BE DELAYED AT ANY TIME.

Backup material for this agenda may be obtained from Milagros Escuin, Department of Planning, 333 North Rancho Drive, 3RD Floor, (702)-229-6301 or on the City's webpage at www.lasvegasnevada.gov.

ACTIONS: All actions except general plan amendments, rezonings, and related cases thereto are final unless an appeal is filed by the applicant or an aggrieved person, or a review is requested by a member of the city council within ten days and payment of those costs shall be made upon filing of the application.

PLANNING COMMISSION MEETING RULES OF CONDUCT:

1. Staff will present each item to the Commission in order as shown on the agenda, along with a recommendation and suggested conditions of approval, if appropriate.
2. The applicant is asked to be at the public microphone during the staff presentation. When the staff presentation is complete, the applicant should state his name and address, and indicate whether or not he accepts staff's conditions of approval.
3. If areas of concern are known in advance, or if the applicant does not accept staff's condition, the applicant or his representative is invited to make a brief presentation of his item with emphasis on any items of concern.
4. Persons other than the applicant who support the request are invited to make brief statements after the applicant. If more than one supporter is present, comments should not be repetitive. A representative is welcome to speak and indicate that he speaks for others in the audience who share his view.
5. Objectors to the item will be heard after the applicant and any other supporters. All who wish to speak will be heard, but in the interest of time it is suggested that representatives be selected who can summarize the views of any groups of interested parties.

6. After all objectors' input have been received; the applicant will be invited to respond to any new issues raised.
7. Following the applicant's response, the public hearing will be closed; Commissioners will discuss the item amongst themselves, ask any questions they feel are appropriate, and proceed to a motion and decision on the matter.
8. Letters, petitions, photographs and other submissions to the Commission will be retained for the record. Large maps, models and other materials may be displayed to the Commission from the microphone area, but need not be handed in for the record unless requested by the Commission.

As a courtesy, we would ask those not speaking to be seated and not interrupt the speaker or the Commission. We appreciate your courtesy and hope you will help us make your visit with the Commission a good and fair experience.

BUSINESS ITEMS:

1. Call to Order

Minutes:
CHAIR CHERRY called the meeting to order at 6:00 p.m.

2. Announcement: Compliance with Open Meeting Law

Minutes:
ANNOUNCEMENT MADE: This meeting has been properly noticed and posted at the following locations: City Hall, 495 South Main Street, 1st Floor; Clark County Government Center, 500 South Grand Central Parkway; Grant Sawyer Building, 555 East Washington Avenue; City of Las Vegas Development Services Center, 333 North Rancho Drive.

3. Roll Call

Minutes:
PRESENT: CHAIR CHERRY and COMMISSIONERS DE SALVIO, QUINN, SCHLOTTMAN, TOUSSAINT and WILLIAMS

EXCUSED: COMMISSIONER ROUSH

ALSO PRESENT: ROBERT SUMMERFIELD, Planning Director, PETER LOWENSTEIN, Deputy Planning Director, ERIC McCAMMOND, Sr. Management Analyst, JASON BINKS, Planner II, ROGER BAILEY, Senior Engineering Associate, RICHARD ROZIER, Deputy Fire Marshal, BRYAN SCOTT, Assistant City Attorney, ASHLEY FOSTER, Deputy City Clerk, and GABRIELA PORTILLO-BRENNER, Deputy City Clerk

4. Public Comment during this portion of the Agenda must be limited to matters on the Agenda for action. If you wish to be heard, come to the podium and give your name for the record. The amount of discussion, as well as the amount of time any single speaker is allowed, may be limited.

Minutes:
None.

5. For Possible Action to Approve the Final Minutes for the Planning Commission Meeting of February 12, 2019 and February 26, 2019.

NOTE: ASSISTANT CITY ATTORNEY BRYAN SCOTT advised those not in attendance to abstain.

Motion made by Louis De Salvio to Approve the Final Minutes for the Planning Commission Meeting of February 12, 2019

Passed For: 4; Against: 0; Abstain: 2; Did Not Vote: 0; Excused: 1

For-Donna Toussaint, Trinity Haven Schlottman, Sam Cherry, Louis De Salvio; Abstain-Vicki Quinn, Brenda Williams; Excused-Christina Roush

Motion made by Louis De Salvio to Approve the Final Minutes for the Planning Commission Meeting of February 26, 2019

Passed For: 4; Against: 0; Abstain: 2; Did Not Vote: 0; Excused: 1
For-Donna Toussaint, Trinity Haven Schlottman, Sam Cherry, Louis De Salvio; Abstain-Vicki Quinn, Brenda Williams; Excused-Christina Roush

6. For Possible Action - Any Items from the Planning Commission, staff and/or the applicant wish to be stricken or held in abeyance to a future meeting may be brought forward and acted upon at this time.

Minutes:
There were no items for action.

CONSENT ITEMS:

Consent items are considered routine by the Planning Commission and may be enacted by one motion. However, any item may be discussed if a Commission member or applicant so desires.

7. TMP-75727 - TENTATIVE MAP - 14th STREET CONDOMINIUMS - APPLICANT/OWNER: TAL HAREL - For possible action on a request for a Tentative Map FOR A TWO-UNIT RESIDENTIAL CONDOMINIUM SUBDIVISION on 0.08 acres at 363 North 14th Street (APN 139-35-212-021), R-3 (Medium Density Residential) Zone, Ward 3 (Coffin) [PRJ-75726]. Staff recommends APPROVAL.

Motion made by Louis De Salvio to Approve the Consent Agenda Subject to Condition(s)

Passed For: 6; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 1
For-Donna Toussaint, Trinity Haven Schlottman, Sam Cherry, Louis De Salvio, Vicki Quinn, Brenda Williams; Excused-Christina Roush

8. EOT-75655 - EXTENSION OF TIME - VARIANCE - APPLICANT/OWNER: MABUHAY COMMERCIAL INVESTMENT 4, LLC - For possible action on a request for an Extension of Time of an approved Variance (VAR-66498) TO ALLOW A 10-FOOT RESIDENTIAL ADJACENCY SETBACK WHERE 81 FEET IS REQUIRED on 1.21 acres at the northeast corner of Centennial Parkway and Tenaya Way (APN 125-22-804-001), O (Office) Zone, Ward 6 (Fiore) [PRJ-75552]. Staff recommends APPROVAL.

Motion made by Louis De Salvio to Approve the Consent Agenda Subject to Condition(s)

Passed For: 6; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 1
For-Donna Toussaint, Trinity Haven Schlottman, Sam Cherry, Louis De Salvio, Vicki Quinn, Brenda Williams; Excused-Christina Roush

9. EOT-75656 - EXTENSION OF TIME RELATED TO EOT-75655 - VARIANCE - APPLICANT/OWNER: MABUHAY COMMERCIAL INVESTMENT 4, LLC - For possible action on a request for an Extension of Time of an approved Variance (VAR-68295) TO ALLOW 44 PARKING SPACES WHERE 49 PARKING SPACES ARE REQUIRED on 1.21 acres at the northeast corner of Centennial Parkway and Tenaya Way (APN 125-22-804-001), O (Office) Zone, Ward 6 (Fiore) [PRJ-75552]. Staff recommends APPROVAL.

Motion made by Louis De Salvio to Approve the Consent Agenda Subject to Condition(s)

Passed For: 6; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 1
For-Donna Toussaint, Trinity Haven Schlottman, Sam Cherry, Louis De Salvio, Vicki Quinn, Brenda Williams; Excused-Christina Roush

10. EOT-75657 - EXTENSION OF TIME RELATED TO EOT-75655 AND EOT-75656 - SITE DEVELOPMENT PLAN REVIEW - PUBLIC HEARING - APPLICANT/OWNER: MABUHAY COMMERCIAL INVESTMENT 4, LLC - For possible action on a request for an Extension of Time of an approved Site Development Plan Review (SDR-66499) FOR A PROPOSED 8,800 SQUARE-FOOT MEDICAL OFFICE DEVELOPMENT WITH WAIVERS TO ALLOW A ZERO-FOOT LANDSCAPE BUFFER ALONG THE SOUTH PERIMETER, AN 11-FOOT BUFFER ALONG THE NORTH PERIMETER WHERE 15 FEET IS REQUIRED AND TO NOT ORIENT THE BUILDING TO THE CORNER WHERE SUCH IS REQUIRED on 1.21 acres at the northeast corner of Centennial Parkway and Tenaya Way (APN 125-22-804-001), O (Office) Zone, Ward 6 (Fiore) [PRJ-75552]. Staff recommends APPROVAL.

Motion made by Louis De Salvio to Approve the Consent Agenda Subject to Condition(s)

Passed For: 6; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 1
For-Donna Toussaint, Trinity Haven Schlottman, Sam Cherry, Louis De Salvio, Vicki Quinn, Brenda Williams; Excused-Christina Roush

PUBLIC HEARING ITEMS

11. ABEYANCE - GPA-75219 - GENERAL PLAN AMENDMENT - PUBLIC HEARING - APPLICANT: DR HORTON, INC. - OWNER: ALEKSANDRA BARBIER LIVING TRUST - For possible action on a request for a General Plan Amendment FROM: RNP (RURAL NEIGHBORHOOD PRESERVATION) TO: L (LOW DENSITY RESIDENTIAL) on 5.00 acres at the southwest corner of Centennial Parkway and Jensen Street (APN 125-30-101-006), Ward 6 (Fiore) [PRJ-75024]. Staff recommends DENIAL.

Minutes:
CHAIR CHERRY declared the Public Hearing open for Items 11-15.

ERIC McCAMMOND, Senior Management Analyst, reported that the proposed amendment to the General Plan and associated Rezoning would allow a density of 5.49 units per acre adjacent to some properties that are limited to 3.59 units per acre and to other properties that are limited to 2.0 units per acre. Staff found the proposed density to be incompatible with existing surrounding residential developments. The proposed General Plan Amendment also fails to comply with the Interlocal Agreement which limits residential density in this area to 3.5 units per acre; therefore, staff recommended denial of the General Plan Amendment and Rezoning.

The applicant also requested a Variance and Waivers to not gate a private street or meet public street standards, to not provide required street connectivity, to provide no street lights where required, to defer offsite improvements, and to not provide the minimal external intersection offset distance. Staff has determined the applicant’s hardships to be self-imposed and that the requested Variance and Waivers reinforce the unsuitability of the site design with that of the surrounding residential developments; therefore, staff recommended denial of the Variance and associated Tentative Map.

Staff had no objection to the Vacation request and recommended approval of that application.

He noted that there were additional letters of protest received since publication.

ATTORNEY JENNIFER LAZOVICH appeared representing the applicant, D. R. Horton. Utilizing a site plan of the area, she pointed out the subject site near Centennial Hills Parkway. The site is approximately five acres and the applicant was requesting a General Plan Amendment.

MS. LAZOVICH explained when the applicant had originally applied, they applied for a General Plan Amendment which would allow for a higher density. The original plan showed 18 houses on the subject site; therefore, at that time, a General Plan Amendment with a Low Density designation was required. Three neighborhood meetings have been held and through those meetings, the applicant has decreased the number of lots from 18 to 16. She asked that the General Plan Amendment be changed to Rural which is a lower designation than what was originally applied for. The remaining applications would remain the same, and MS. LAZOVICH provided brief detail about the proposed development utilizing the site plan included as part of the backup. She pointed out the two lots at the bottom portion of the site plan which would be 18,000 square feet and would face out toward Regina Avenue. The remaining 14 lots would be accessible off of a private cul-de-sac on Centennial Parkway.

She explained the two Variances that have been requested pertaining to a private street, the allowance of only one sidewalk and removal of the one to three ratio for connectivity.

The Vacation is for government patent easements and the Tentative Map requested is for no interior or exterior street lights as the applicant wished to remain consistent with the surrounding area. The final Waiver request is for a street offset request of 183 feet; the justification for this was the applicant felt it was best to locate the development's traffic on to and off of Centennial Parkway as it reduces the traffic on Jensen Avenue and Regina Avenue.

Motion made by Louis De Salvio to Approve as R (Rural)

Passed For: 6; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 1
For-Donna Toussaint, Trinity Haven Schlottman, Sam Cherry, Louis De Salvio, Vicki Quinn, Brenda Williams; Excused-Christina Roush

12. ABEYANCE - ZON-75220 - REZONING RELATED TO GPA-75219 - PUBLIC HEARING - APPLICANT: DR HORTON, INC. - OWNER: ALEKSANDRA BARBIER LIVING TRUST - For possible action on a request for a Rezoning FROM: R-E (RESIDENCE ESTATES) TO: R-1 (SINGLE FAMILY RESIDENTIAL) on 5.00 acres at the southwest corner of Centennial Parkway and Jensen Street (APN 125-30-101-006), Ward 6 (Fiore) [PRJ-75024]. Staff recommends DENIAL.

Minutes:
See Item 11 for related discussion and Items 11-15 for related backup.

Motion made by Louis De Salvio to Approve

Passed For: 6; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 1
For-Donna Toussaint, Trinity Haven Schlottman, Sam Cherry, Louis De Salvio, Vicki Quinn, Brenda Williams; Excused-Christina Roush

13. ABEYANCE - VAR-75221 - VARIANCE RELATED TO GPA-75219 AND ZON-75220 - PUBLIC HEARING - APPLICANT: DR HORTON, INC. - OWNER: ALEKSANDRA BARBIER LIVING TRUST - For possible action on a request for a Variance TO ALLOW A 43-FOOT WIDE PRIVATE STREET WITHOUT A GATE, SIDEWALK ON ONE SIDE WHERE A 47-FOOT WIDE STREET WITH SIDEWALK ON BOTH SIDES IS REQUIRED, AND A CONNECTIVITY RATIO OF 1.0 WHERE 1.30 IS REQUIRED on 5.00 acres at the southwest corner of Centennial Parkway and Jensen Street (APN 125-30-101-006), R-E (Residence Estates) Zone [PROPOSED: R-1 (Single Family Residential)], Ward 6 (Fiore) [PRJ-75024]. Staff recommends DENIAL.

Minutes:
See Item 11 for related discussion and Items 11-15 for related backup.

Motion made by Louis De Salvio to Approve Subject to Condition(s)

Passed For: 6; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 1
For-Donna Toussaint, Trinity Haven Schlottman, Sam Cherry, Louis De Salvio, Vicki Quinn, Brenda Williams; Excused-Christina Roush

14. ABEYANCE - VAC-75222 - VACATION RELATED TO GPA-75219, ZON-75220 AND VAR-75221 - PUBLIC HEARING - APPLICANT: DR HORTON, INC. - OWNER: ALEKSANDRA BARBIER LIVING TRUST - For possible action on a request for a Petition to Vacate U.S. Government Patent Easements generally located at the southwest corner of Centennial Parkway and Jensen Street (APN 125-30-101-006), Ward 6 (Fiore) [PRJ-75024]. Staff recommends APPROVAL.

Minutes:
See Item 11 for related discussion and Items 11-15 for related backup.

Motion made by Louis De Salvio to Approve Subject to Condition(s)

Passed For: 6; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 1
For-Donna Toussaint, Trinity Haven Schlottman, Sam Cherry, Louis De Salvio, Vicki Quinn, Brenda Williams; Excused-Christina Roush

15. ABEYANCE - TMP-75223 - TENTATIVE MAP RELATED TO GPA-75219, ZON-75220, VAR-75221 AND VAC-75222 - CENTENNIAL JENSEN 5 - PUBLIC HEARING - APPLICANT: DR HORTON, INC. - OWNER: ALEKSANDRA BARBIER LIVING TRUST - For possible action on a request for a Tentative Map FOR AN 18-LOT SINGLE FAMILY RESIDENTIAL SUBDIVISION WITH WAIVERS TO ALLOW NO INTERIOR OR EXTERIOR STREETLIGHTS WHERE SUCH IS REQUIRED, DEFERRAL OF OFFSITE IMPROVEMENTS ON REGENA AVENUE AND JENSEN STREET AND A 184-FOOT EXTERNAL INTERSECTION OFFSET WHERE 220 FEET IS REQUIRED on 5.00 acres at the southwest corner of Centennial Parkway and Jensen Street (APN 125-30-101-006), R-E (Residence Estates) Zone [PROPOSED: R-1 (Single Family Residential)], Ward 6 (Fiore) [PRJ-75024]. Staff recommends DENIAL.

Minutes:
See Item 11 for related discussion and Items 11-15 for related backup.

Motion made by Louis De Salvio to Approve Subject to Condition(s)

Passed For: 6; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 1
For-Donna Toussaint, Trinity Haven Schlottman, Sam Cherry, Louis De Salvio, Vicki Quinn, Brenda Williams; Excused-Christina Roush

16. WVR-75946 - WAIVER - PUBLIC HEARING - APPLICANT: BRECKENRIDGE GROUP LAS VEGAS NEVADA, LLC - OWNER: CITY PARKWAY V, INC - For possible action on a request for a Waiver of the SYMPHONY PARK DISTRICT DESIGN STANDARDS on 4.2 acres at the northeast corner of Symphony Park Avenue and City Parkway (APN 139-34-110-012), PD (Planned Development) Zone, Ward 5 (Crear) [PRJ-75929]. Staff recommends APPROVAL.

CHAIR CHERRY declared the Public Hearing open.

JASON BINKS, Planner II, reported that the applicant was requesting a Waiver of the Symphony Park District Design Standards to allow a building that is not LEED-certified where such is required. The building is a 290-unit mixed use development that does not meet the 2013 U.S. Green Building Council HVAC standards; however, the proposed HVAC design does meet LEED standards in effect at the time Symphony Park was adopted. Moreover, the current proposal exceeds the standards required by the American Society of Heating, Refrigerating, and Air-Conditioning Engineers. The Symphony Park Design Review Committee recommended approval of the requested Waiver. Consequently, staff recommended approval of the Waiver.

CHAIR CHERRY declared the Public Hearing closed.

Motion made by Brenda Williams to Approve

Passed For: 6; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 1
For-Donna Toussaint, Trinity Haven Schlottman, Sam Cherry, Louis De Salvio, Vicki Quinn, Brenda Williams; Excused-Christina Roush

17. SUP-75722 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: CWNEVADA - OWNER: L'CHAIM 24 FREMONT PROPERTIES, LLC - For possible action on a request for a Special Use Permit FOR A PROPOSED 3,600 SQUARE-FOOT MARIJUANA DISPENSARY USE in a portion of 2424 South Las Vegas Boulevard (APN 162-04-812-002), C-2 (General Commercial) Zone, Ward 3 (Coffin) [PRJ-75666]. Staff recommends APPROVAL.

Minutes:
VICE CHAIR DeSALVIO declared the Public Hearing open.

JASON BINKS, Planner II, reported that the applicant was requesting a Special Use Permit to operate a 3,600 square-foot Marijuana Dispensary in the Downtown Entertainment District. The use meets all of the Special Use Permit requirements in Title 19, and there are no protected uses located within the required minimum separation distances for a proposed Marijuana Dispensary. Staff recommended approval of the Special Use Permit. He noted additional letters of support and protest had been received since publication.

ATTORNEY CHRIS KAEMPFER appeared on behalf of the applicant and, utilizing a zoning map of the subject site, explained that the property is designated C-2 (General Commercial). He noted a marijuana dispensary is permitted in the C-2 zone subject to securing a use permit. As noted by staff, he indicated the subject site meets all separation requirements and is located at a major intersection and high-traffic location. He noted staff recommended approval with 12 conditions and the application meets those requirements.

CHRISTOPHER FIUMARA, Vice President and General Manager of the Stratosphere Hotel, representing the Stratosphere Hotel and its parent company, Golden Entertainment, expressed objection to the proposed project. MR. FIUMARA explained that Golden Entertainment is working hard to clean up the area and felt this was not an appropriate area for this business. He stated that security has had to increase at the Stratosphere Hotel to manage marijuana consumption at the property and reminded the Commission there were several dispensaries already at the location.

MR. KAEMPFER pointed out several other marijuana dispensaries in the area and asserted there was no prohibition or distance separation requirements between marijuana dispensaries. He appreciated MR. FIUMARA'S comments but respectfully requested approval.

COMMISSIONER QUINN informed MR. FIUMARA the application was only for a five-year lease to which he pointed out that with the several marijuana dispensaries in the area, there were no areas to consume marijuana which causes loitering on the Stratosphere Hotel property.

COMMISSIONER TOUSSAINT commented that she was familiar with the area and believed the proposed project met all requirements.

See Item 18 for related discussion.

VICE CHAIR DeSALVIO declared the Public Hearing closed.

NOTE: CHAIR CHERRY abstained from voting on this item as his family is in the cannabis industry. COMMISSIONER SCHLOTTMAN also abstained from voting on this item as he has an ongoing business relationship with the applicant and has constructed several of his facilities and will be constructing the subject facility, if approved.

Motion made by Donna Toussaint to Approve Subject to Condition(s)

Passed For: 4; Against: 0; Abstain: 2; Did Not Vote: 0; Excused: 1
For-Donna Toussaint, Louis De Salvio, Vicki Quinn, Brenda Williams; Abstain-Trinity Haven Schlottman, Sam Cherry; Excused-Christina Roush

CITIZENS PARTICIPATION:

18. Citizens Participation: Public comment during this portion of the agenda must be limited to matters within the jurisdiction of the Planning Commission. No subject may be acted upon by the Planning Commission unless that subject is on the agenda and is scheduled for action. If you wish to be heard, come to the podium and give your name for the record. The amount of discussion on any single subject, as well as the amount of time any single speaker is allowed, may be limited.

Minutes:
ATTORNEY CHRIS KAEMPFER appreciated COMMISSIONER QUINN'S positive comments regarding his firm.

ARMEN YEMENIDJIAN, Founder and CEO of Essence Cannabis Dispensary, and ED BERSTEIN, appeared representing Paradise Wellness, and both appeared representing BRENDA GONZALEZ, Sahara Wellness. They spoke of the over saturation of marijuana dispensaries in specific areas of the city.

COMMISSIONER QUINN reminded everyone to vote and encouraged applications for dispensaries in other areas of the city.

See Item 17 for related discussion.

The meeting was adjourned at 7:00 p.m.

Respectfully submitted:

____
Ashley Foster, Deputy City Clerk

____
Gabriela Portillo-Brenner, Deputy City Clerk

Facilities are provided throughout City Hall for the convenience of persons with disabilities. Reasonable efforts will be made to assist and accommodate persons with disabilities or impairments. If you need an accommodation to attend and participate in this meeting, please call the City Clerk’s office at 702-229-6311 and advise of your need at least 48 hours in advance of the meeting. Dial 7-1-1 for Relay Nevada.

THIS MEETING HAS BEEN PROPERLY NOTICED AND POSTED AT THE FOLLOWING LOCATIONS:
City Hall, 495 South Main Street, 1st Floor
Clark County Government Center, 500 South Grand Central Parkway
Grant Sawyer Building, 555 East Washington Avenue
City of Las Vegas Development Services Center, 333 North Rancho Drive