

Mayor Carolyn G. Goodman (At-Large)
Mayor Pro-Tem Michele Fiore (Ward 6)
Councilman Brian Knudsen (Ward 1)
Councilwoman Victoria Seaman (Ward 2)
Councilwoman Olivia Diaz (Ward 3)
Councilman Stavros S. Anthony (Ward 4)
Councilman Cedric Crear (Ward 5)



Commissioner Sam Cherry, Chair
Commissioner Louis De Salvio, Vice Chair
Commissioner Trinity Haven Schlottman
Commissioner Donna Toussaint
Commissioner Anthony Williams
Commissioner Jeff Rogan
Commissioner Sigal Chattah

Planning Commission Minutes

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

August 27, 2019
6:00 PM

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, SCHLOTTMAN, TOUSSAINT, WILLIAMS, ROGAN and CHATTAH

ALSO PRESENT: PETER LOWENSTEIN, Deputy Planning Director, ERIC McCAMMOND, Sr. Management Analyst, JASON BINKS, Planner II, ROGER BAILEY, Sr. Engineering Associate, STEVEN TAULBEE, Assistant Fire Protection Engineer; BRYAN SCOTT, Assistant City Attorney, ASHLEY FOSTER and GABRIELA PORTILLO-BRENNER, Deputy City Clerks

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 July 23, 2019.

Motion made by Louis De Salvio to Approve

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

For-Jeff Rogan, Donna Toussaint, Trinity Haven Schlottman, Sam Cherry, Louis De Salvio, Sigal Chattah, Anthony Williams;

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:

ERIC McCAMMOND, Sr. Management Analyst, listed the items requested for action, noting a second abeyance request for Items 16 and 17.

LINDA FIONDA did not understand the reason for the abeyance and wished to know how many times an applicant can request abeyance when there have been no changes to the original application and no neighborhood meeting held.

MS. FIONDA stressed September 24th is inconvenient for her as she has a prior commitment for that day. She wondered if the abeyance date could be changed to October 5th for 90 days so that she could attend. She wished to encourage the developer to revamp his map because 10,000-square-foot properties were not acceptable to the neighbors.

PETER LOWENSTEIN, Deputy Planning Director, stated that under the Unified Development Code, an applicant has the ability to request abeyance up to three times. On the third request, the Planning Commission must find good cause to grant the abeyance. If the duration of requests goes for an extended period of time, the Planning Department asks that the item be Tabled, which would mean the item is no longer on an agenda and the applicant would have to re-notice the item when they are ready to come back.

MS. FIONDA submitted a letter of opposition, which has been attached as backup, in the event the items are abeyed to September 24th.

MATTHEW DELOE also submitted a letter for Items 16 and 17, which has been attached as backup, expressing his opinion of the application.

Motion made by Louis De Salvio to Hold in Abeyance Items 16 and 17 to 9/24/2019

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

For-Jeff Rogan, Donna Toussaint, Trinity Haven Schlottman, Sam Cherry, Louis De Salvio, Sigal Chattah, Anthony Williams;

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. EOT-76915 - EXTENSION OF TIME - VARIANCE - APPLICANT/OWNER: SAMARITAN HOUSE, INC. - For possible action on a request for a first Extension of Time of an approved Variance (VAR-67949) TO ALLOW SIX PARKING SPACES WHERE 11 SPACES ARE REQUIRED on 0.19 acres at the northeast corner of Adams Avenue and 4th Street (APN 139-27-603-014), C-V (Civic) Zone, Ward 5 (Cear). Staff recommends APPROVAL.

Minutes:

See Items 8 and 9 for related backup.

Motion made by Louis De Salvio to Approve the Consent Agenda except Item(s) None

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

For-Jeff Rogan, Donna Toussaint, Trinity Haven Schlottman, Sam Cherry, Louis De Salvio, Sigal Chattah, Anthony Williams;

8. EOT-76938 - EXTENSION OF TIME RELATED TO EOT-76915 - VARIANCE - APPLICANT/OWNER: SAMARITAN HOUSE, INC. - For possible action on a request for a first Extension of Time of an approved Variance (VAR-69804) TO ALLOW THE BACKING OF A MOTOR VEHICLE ONTO A PUBLIC STREET FROM A PARKING AREA WHERE SUCH IS NOT ALLOWED on 0.19 acres at the northeast corner of Adams Avenue and 4th Street (APN 139-27-603-014), C-V (Civic) Zone, Ward 5 (Crear). Staff recommends APPROVAL.

Minutes:

See Items 7-9 for related backup.

Motion made by Louis De Salvio to Approve the Consent Agenda except Item(s) None

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

For-Jeff Rogan, Donna Toussaint, Trinity Haven Schlottman, Sam Cherry, Louis De Salvio, Sigal Chattah, Anthony Williams;

9. EOT-76937 - EXTENSION OF TIME RELATED TO EOT-76915 AND EOT-76938 - SITE DEVELOPMENT PLAN REVIEW - APPLICANT/OWNER: SAMARITAN HOUSE, INC. - For possible action on a request for a first Extension of Time of an approved Site Development Plan Review (SDR-67950) FOR A PROPOSED 3,060 SQUARE-FOOT BUILDING on 0.19 acres at the northeast corner of Adams Avenue and 4th Street (APN 139-27-603-014), C-V (Civic) Zone, Ward 5 (Crear). Staff recommends APPROVAL.

Minutes:

See Items 7-9 for related backup.

Motion made by Louis De Salvio to Approve the Consent Agenda except Item(s) None

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

For-Jeff Rogan, Donna Toussaint, Trinity Haven Schlottman, Sam Cherry, Louis De Salvio, Sigal Chattah, Anthony Williams;

ONE MOTION - ONE VOTE

The following are items that may be considered in one motion/one vote. They are considered routine non-public and public hearing items. All public hearings and non-public hearings will be opened at one time. Any person representing an application or a member of the public or a member of the Planning Commission not in agreement with the conditions and all standard conditions for the application recommended by staff, should request to have that item removed from this part of the agenda.

10. SUP-76974 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: EL DORADO TIVOLI 55, LLC - OWNER: GREAT WASH PARK, LLC - For possible action on a request for a Special Use Permit FOR A PROPOSED 6,266 SQUARE-FOOT RESTAURANT WITH ALCOHOL USE INCLUDING 447 SQUARE FEET OF OUTDOOR SEATING WITH A WAIVER TO ALLOW A 141-FOOT DISTANCE SEPARATION FROM A CITY PARK WHERE 400 FEET IS REQUIRED at 430 South Rampart Boulevard, Suite #110 (APN 138-32-615-001), C-2 (General Commercial) Zone, Ward 2 (Seaman) [PRJ-76899]. Staff recommends APPROVAL.

Minutes:

CHAIR CHERRY declared the Public Hearing open.

There being no one present to speak, he declared the Public Hearing closed.

Motion made by Louis De Salvio to Approve the One Motion One Vote Agenda subject to condition(s) except Item(s) None

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

For-Jeff Rogan, Donna Toussaint, Trinity Haven Schlottman, Sam Cherry, Louis De Salvio, Sigal Chattah, Anthony Williams;

PUBLIC HEARING ITEMS

11. ABEYANCE - GPA-75954 - GENERAL PLAN AMENDMENT - PUBLIC HEARING - APPLICANT/OWNER: GOLD LT RE, LLC - For possible action on a request for a General Plan Amendment FROM: DR (DESERT RURAL DENSITY RESIDENTIAL) TO: SC (SERVICE COMMERCIAL) on 1.06 acres at 5445 North Rainbow Boulevard (APN 125-35-101-007), Ward 4 (Anthony) [PRJ-75934]. Staff recommends APPROVAL.

Minutes:

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

ERIC McCAMMOND, Sr. Management Analyst, reported the Rainbow Boulevard North Corridor Plan recommends commercial development near the Ann Road and Rainbow Boulevard intersection and on vacant parcels most accessible to the surrounding residential subdivisions. The subject parcel is along Rainbow Boulevard, a 100-foot Primary Arterial, and has no other access except Rainbow Boulevard. Staff has found the proposed General Plan Amendment and Rezoning request to be compatible with surrounding development and recommended approval of these requests. However, as evident by the requested Variances and Waivers, staff has found the proposed development to be too intense for the subject parcel and recommended denial of the Site Development Plan Review and Variance requests.

He noted there was an updated Staff Report with neighborhood meeting information in the Commissioners' supplemental information packet, a copy of which has been attached as backup, and additional letters of protest were received since publication.

JAMES SMITH, representative of the applicant, stated that the item has been held in abeyance many times as the applicant was trying to work with the neighbors and staff to develop a plan that mitigates many of the issues. At a recent neighborhood meeting, the landscaping buffer at the rear of the property and near the residential neighborhood has been increased to 15 feet, and the size of the building has been decreased to 5,500 square feet. Changes have also been made to the drive-through speaker. Additionally, the proposed building will be 20 feet from the property line.

COMMISSIONER TOUSSAINT confirmed she had met with MR. SMITH and a neighborhood meeting was held. She believed the applicant has gone above and beyond the call of duty by making changes to the landscaping at the back of the property to shield from any light or sound. The Commissioner asked if there would be specific hours of operation as she did not think people would want to hear noise from the speaker late at night. MR. SMITH believed the design of the property is for a coffee-type use with a drive-through and would like to see the use operate from 6:00 a.m. to 9:00 p.m.

COMMISSIONER TOUSSAINT said that she changed her original opinion to be in favor of the application after having met with MR. SMITH and staff.

MR. SMITH agreed to the added condition pertaining to the hours of operation, which PETER LOWENSTEIN, Deputy Planning Director, read for the record.

See Items 12-15 for related backup.

CHAIR CHERRY declared the Public Hearing closed for Items 11-15.

Motion made by Donna Toussaint to Approve

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

For-Jeff Rogan, Donna Toussaint, Trinity Haven Schlottman, Sam Cherry, Louis De Salvio, Sigal Chattah, Anthony Williams;

12. ABEYANCE - ZON-75955 - REZONING RELATED TO GPA-75954 - PUBLIC HEARING - APPLICANT/OWNER: GOLD LT RE, LLC - For possible action on a request for a Rezoning FROM: R-E (RESIDENCE ESTATES) TO: C-1 (LIMITED COMMERCIAL) on 1.06 acres at 5445 North Rainbow Boulevard (APN 125-35-101-007), Ward 4 (Anthony) [PRJ-75934]. Staff recommends APPROVAL.

Minutes:

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

Motion made by Donna Toussaint to Approve

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

For-Jeff Rogan, Donna Toussaint, Trinity Haven Schlottman, Sam Cherry, Louis De Salvio, Sigal Chattah, Anthony Williams;

13. ABEYANCE - VAR-76696 - VARIANCE RELATED TO GPA-75954 AND ZON-75955 - PUBLIC HEARING - APPLICANT/OWNER: GOLD LTRE, LLC #6 - For possible action on a request for a Variance TO ALLOW 36 PARKING SPACES WHERE 65 ARE REQUIRED on 1.06 acres at 5445 North Rainbow Boulevard (APN 125-35-101-007), R-E (Residence Estates) Zone [PROPOSED: C-1 (Limited Commercial)], Ward 4 (Anthony) [PRJ-75934]. Staff recommends DENIAL.

Minutes:

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

Motion made by Donna Toussaint to Approve subject to condition(s)

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

For-Jeff Rogan, Donna Toussaint, Trinity Haven Schlottman, Sam Cherry, Louis De Salvio, Sigal Chattah, Anthony Williams;

14. ABEYANCE - VAR-76697 - VARIANCE RELATED TO GPA-75954, ZON-75955 AND VAR-76696 - PUBLIC HEARING - APPLICANT/OWNER: GOLD LTRE, LLC #6 - For possible action on a request for a Variance TO ALLOW A 10-FOOT RESIDENTIAL ADJACENCY SETBACK WHERE 75 FEET IS REQUIRED on 1.06 acres at 5445 North Rainbow Boulevard (APN 125-35-101-007), R-E (Residence Estates) Zone [PROPOSED: C-1 (Limited Commercial)], Ward 4 (Anthony) [PRJ-75934]. Staff recommends DENIAL.

Minutes:

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

Motion made by Donna Toussaint to Approve subject to condition(s)

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

For-Jeff Rogan, Donna Toussaint, Trinity Haven Schlottman, Sam Cherry, Louis De Salvio, Sigal Chattah, Anthony Williams;

15. ABEYANCE - SDR-76698 - SITE DEVELOPMENT PLAN REVIEW RELATED TO GPA-75954, ZON-75955, VAR-76696 AND VAR-76697 - PUBLIC HEARING - APPLICANT/OWNER: GOLD LTRE, LLC #6 - For possible action on a request for a Site Development Plan Review FOR A PROPOSED 7,632 SQUARE-FOOT GENERAL RETAIL BUILDING AND A 1,400 SQUARE-FOOT RESTAURANT WITH DRIVE THROUGH LANE WITH WAIVERS TO ALLOW THE BUILDING NOT TO BE ORIENTED TO THE STREET FRONTAGE WHERE SUCH IS REQUIRED; A FIVE-FOOT LANDSCAPE BUFFER ALONG THE NORTH AND EAST PROPERTY LINES WHERE EIGHT FEET IS REQUIRED; A SIX-FOOT LANDSCAPE BUFFER ALONG THE SOUTH PROPERTY

LINE WHERE EIGHT FEET IS REQUIRED; AND A 10-FOOT LANDSCAPE BUFFER ALONG THE WEST PROPERTY LINE WHERE 15 FEET IS REQUIRED on 1.06 acres at 5445 North Rainbow Boulevard (APN 125-35-101-007), R-E (Residence Estates) Zone [PROPOSED: C-1 (Limited Commercial)], Ward 4 (Anthony) [PRJ-75934]. Staff recommends DENIAL.

Minutes:

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

Motion made by Donna Toussaint to Approve subject to condition(s) and adding the following condition as read for the record:

A. The hours of operation shall be from 6:00 a.m. to 9:00 p.m. for the drive through restaurant.

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

For-Jeff Rogan, Donna Toussaint, Trinity Haven Schlottman, Sam Cherry, Louis De Salvio, Sigal Chattah, Anthony Williams;

16. ABEYANCE - GPA-76723 - GENERAL PLAN AMENDMENT - PUBLIC HEARING - APPLICANT/OWNER: LONE MOUNTAIN ESTATES, LLC - For possible action on a request for a General Plan Amendment FROM: RNP (RURAL NEIGHBORHOOD PRESERVATION) AND DR (DESERT RURAL DENSITY RESIDENTIAL) TO: R (RURAL DENSITY RESIDENTIAL) on 22.46 acres generally located on the south side of Helena Avenue, approximately 620 feet east of Jensen Street (APNs 138-06-801-010 and a portion of 138-06-301-013), Ward 4 (Anthony) [PRJ-76649]. Staff recommends DENIAL.

Minutes:

See Item 6 for related discussion and Items 16 and 17 for related backup.

Motion made by Louis De Salvio to Hold in Abeyance Items 16 and 17 to 9/24/2019

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

For-Jeff Rogan, Donna Toussaint, Trinity Haven Schlottman, Sam Cherry, Louis De Salvio, Sigal Chattah, Anthony Williams;

17. ABEYANCE - ZON-76724 - REZONING RELATED TO GPA-76723 - PUBLIC HEARING - APPLICANT/OWNER: LONE MOUNTAIN ESTATES, LLC - For possible action on a request for a Rezoning FROM: R-E (RESIDENCE ESTATES) AND U (UNDEVELOPED) [DR (DESERT RURAL DENSITY RESIDENTIAL)] GENERAL PLAN DESIGNATION TO: R-D (SINGLE FAMILY RESIDENTIAL-RESTRICTED) on 22.46 acres generally located on the south side of Helena Avenue, approximately 620 feet east of Jensen Street (APNs 138-06-801-010 and a portion of 138-06-301-013), Ward 4 (Anthony) [PRJ-76649]. Staff recommends DENIAL.

Minutes:

See Item 6 for related discussion and Items 16 and 17 for related backup.

Motion made by Louis De Salvio to Hold in Abeyance Items 16 and 17 to 9/24/2019

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

For-Jeff Rogan, Donna Toussaint, Trinity Haven Schlottman, Sam Cherry, Louis De Salvio, Sigal Chattah, Anthony Williams;

18. ZON-76993 - REZONING - PUBLIC HEARING - APPLICANT/OWNER: EL CAPITAN PARTNERSHIP, ET AL - For possible action on a request for a Rezoning FROM: U (UNDEVELOPED) [TC (TOWN CENTER) GENERAL PLAN DESIGNATION] TO: T-C (TOWN CENTER) on 9.19 acres on the south side of Deer Springs Way,

approximately 250 feet west of Durango Drive (APNs 125-20-301-008 and 020), Ward 6 (Fiore) [PRJ-76906]. Staff recommends APPROVAL.

Minutes:

CHAIR CHERRY declared the Public Hearing open for Items 18-20.

ERIC McCAMMOND, Sr. Management Analyst, reported that the proposed rezoning conforms to the existing Town Center General Plan designation and staff has found the proposed development meets the goals and objectives of the Urban Center Mixed Use District of Town Center by providing multi-family development that is compatible with the adjacent single-family homes to the west as well as the existing commercial land uses to the east; therefore, staff recommended approval of all applications. He noted additional letters of protest were received since publication.

ATTORNEY BOB GRONAUER, representative of Ovation Development, displayed an aerial map of the subject property and explained that the property was approximately 10 acres south of Deer Springs Way which runs east to west to the north of the property. To the south is the 215 Beltway, and he pointed out Durango Road. The property is located within Town Center and is planned for very intense uses, and MR. GRONAUER mentioned that a project was proposed 12 years ago for a higher density use.

He spoke of Ovation Developments stating that their properties are top-notch. He noted staff's recommendation for approval, and although it was not required, the applicant held a voluntary neighborhood meeting in which about 14 people were in attendance. One of the issues discussed were concern about Echelon Point Drive which bisects the property; neighbors would like the applicant to vacate the street and not allow access into the neighborhood itself. The applicant was agreeable to vacating the street but wished to move forward with the application as proposed.

MR. GRONAUER believed the project itself was most important, and he pointed out on a diagram the 300 units being proposed. Because the applicant understood some of the sensitivity in regards to the single-family residential homes that abut to the west of the property, he has increased the height of the development from two stories to four stories stepped away from the single-family residential homes. He displayed images of the elevations and although the code does not require it, the applicant wished to address the matter. He also asked the application be approved subject to adding additional landscaping along the west property line. This would include placing 36-inch box trees, 20 feet on center.

In conclusion, MR. GRONAUER pointed out that the project before the Planning Commission was a lower intensity than what has already been projected for the area.

JASON COBEN, CURT NEWELL, HEATHER SAUNDERS, and DANIEL SPARGAR spoke in opposition citing concerns of building elevation, the desire to not see apartments, traffic speed and congestion, increased crime, and a possible decrease in property values. MR. SPARGAR submitted a letter of some of these concerns for the record.

MR. GRONAUER rebutted the neighbors' comments by saying the property would be lower than the existing properties to the west and the buildings would be moved away from the property line as much as possible with respect to distance separation requirements. Lastly, he reminded the area had originally been intended for higher density uses. He thought the project fit perfectly and, in closing, shared several images of the interior design of a similar project completed by the applicant. MR. GRONAUER asserted this was a quality development and the applicant was more than willing to meet with the neighbors to continue to address additional concerns.

COMMISSIONER DE SALVIO appreciated the comments of the neighbors and acknowledged MR. GRONAUER'S statement of the project being of a less intense use. After meeting with the applicant, the Commissioner stated that several scenarios were brought up and are still being vetted. He felt the project was a good fit and did not believe the neighbors would appreciate a more intense use in the area. COMMISSIONER DE SALVIO did not see anything that would affect property values and noted a lengthy meeting was held in regards to traffic and he had a plan to make some type of cul-de-sac so that there is no intrusion into the neighborhood. He wished for another neighborhood meeting to be held in conjunction with

traffic staff to understand any consequences that may arise from changes made to Echelon Point Drive. The Commissioner supported the application and believed the developer was being considerate of the neighbors.

Prior to the vote of Item 20, COMMISSIONER DE SALVIO directed the applicant to hold another neighborhood meeting and invite traffic staff to attend. PETER LOWENSTEIN, Deputy Planning Director, amended Condition 6, which he read into the record and MR. GRONAUER agreed to the amended condition.

See Items 19 and 20 for related backup.

CHAIR CHERRY declared the Public Hearing closed for Items 18-20.

Motion made by Louis De Salvio to Approve

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

For-Jeff Rogan, Donna Toussaint, Trinity Haven Schlottman, Sam Cherry, Louis De Salvio, Sigal Chattah, Anthony Williams;

19. SUP-76994 - SPECIAL USE PERMIT RELATED TO ZON-76993 - PUBLIC HEARING - APPLICANT/OWNER: EL CAPITAN PARTNERSHIP, ET AL - For possible action on a request for a Special Use Permit FOR HIGH DENSITY (25+ DWELLING UNITS PER ACRE) - SINGLE USE on the south side of Deer Springs Way, approximately 250 feet west of Durango Drive (APNs 125-20-301-008 and 020), U (Undeveloped) Zone [TC (Town Center) General Plan Designation] [PROPOSED: T-C (Town Center)], Ward 6 (Fiore) [PRJ-76906]. Staff recommends APPROVAL.

Minutes:

See Item 18 for related discussion and Items 18-20 for related backup.

Motion made by Louis De Salvio to Approve subject to condition(s)

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

For-Jeff Rogan, Donna Toussaint, Trinity Haven Schlottman, Sam Cherry, Louis De Salvio, Sigal Chattah, Anthony Williams;

20. SDR-76995 - SITE DEVELOPMENT PLAN REVIEW RELATED TO ZON-76993 AND SUP-76994 - PUBLIC HEARING - APPLICANT/OWNER: EL CAPITAN PARTNERSHIP, ET AL - For possible action on a request for a Site Development Plan Review FOR A PROPOSED FOUR STORY, 334-UNIT MULTI-FAMILY RESIDENTIAL DEVELOPMENT WITH WAIVERS OF THE TOWN CENTER URBAN ZONE DEVELOPMENT STANDARDS on 9.18 acres on the south side of Deer Springs Way, approximately 250 feet west of Durango Drive (APNs 125-20-301-008 and 020), U (Undeveloped) Zone [TC (Town Center) General Plan Designation] [PROPOSED: T-C (Town Center)], Ward 6 (Fiore) [PRJ-76906]. Staff recommends APPROVAL.

Minutes:

See Item 18 for related discussion and Items 18-20 for related backup.

Motion made by Louis De Salvio to Approve subject to condition(s) and amending Condition 6 as read for the record:

A. The western perimeter landscape buffer shall include 36" box trees.

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

For-Jeff Rogan, Donna Toussaint, Trinity Haven Schlottman, Sam Cherry, Louis De Salvio, Sigal Chattah, Anthony Williams;

21. VAR-76991 - VARIANCE - PUBLIC HEARING - APPLICANT/OWNER: SQUARE TRADE HOLDINGS, LLC - For possible action on a request for a Variance TO ALLOW THREE PARKING SPACES WHERE 17 ARE

REQUIRED on 0.19 acres at 1821 Santa Paula Drive (APN 162-03-313-010), R-4 (High Density Residential) Zone, Ward 3 (Diaz) [PRJ-76966]. Staff recommends DENIAL.

Minutes:

CHAIR CHERRY declared the Public Hearing open for Items 21 and 22.

ERIC McCAMMOND, Sr. Management Analyst, reported that no evidence of a unique or extraordinary circumstance has been presented in that the applicant has created a self-imposed hardship by proposing a development that is too large for the subject site; therefore, staff recommended denial of both applications. He noted additional letters of protest and support were received since publication.

NATHAN TAYLOR, representative of the applicant, stated that the project was an infill project in the downtown area, and he hoped this project would spur other developments in the downtown area and encourage older properties to renovate. In an effort to bring more affordable housing to the downtown area, MR. TAYLOR believed this project to be a great addition to the area. He was also in support of the City's efforts to create more walkable communities.

MR. TAYLOR pointed out the request for five feet of landscaping on the north and south property lines, where he believed six feet was required; 20 feet of landscaping along the street frontage along Santa Paula Drive, where he believed it was double than what was required by code. It was expressed by some of the neighborhood stakeholders that they would prefer to see more landscaping as opposed to parking. In addition, while there were four parking spaces on site, there is plenty of parking spaces along Santa Paula Drive. He submitted a letter of support from the Beverly Green Neighborhood Association for the record.

HEIDI SWANK asked for approval of the project as she would love to have the project in the neighborhood. The neighborhood is urban and is high-density. She believed the price point is just right. The location is currently an empty lot, and the neighbors wished to see something built there. She agreed there are plenty of parking spaces around the site and was supportive of the increased landscaping.

MARK KAUFMAN, Vice President of the Beverly Green Neighborhood Association, commented that he also wished to see the application go forward. A presentation was made at a neighborhood meeting and the applicant was open to addressing concerns the neighbors might have. There was a lengthy question and answer session, and no one expressed concern. The neighbors are for the application, as they wished to see more pedestrian use, and would like to see other developers rehabilitate blighted properties and homes within the area.

COMMISSIONER SCHLOTTMAN was surprised to receive an e-mail from MS. SWANK in support. The Commissioner had reservations regarding the parking; however, after hearing the support of the neighbors and reviewing the backup material, he considered the building may have been built larger than what was on the site in the past. He thought the project was a big improvement to what was currently in the neighborhood. He pointed out that the north and south landscaping buffers are near a trash enclosure to the north and where the sidewalk connects from a parking lot in the back to an interior courtyard. For these reasons, the Commissioner could support the project.

CHAIR CHERRY remembered a similar application at a prior meeting that differed from the proposed application. He also could support this application.

See Item 22 for related backup.

CHAIR CHERRY declared the Public Hearing closed for Items 21 and 22.

Motion made by Trinity Haven Schlottman to Approve subject to condition(s)

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

For-Jeff Rogan, Donna Toussaint, Trinity Haven Schlottman, Sam Cherry, Louis De Salvio, Sigal Chattah, Anthony Williams;

22. SDR-76992 - SITE DEVELOPMENT PLAN REVIEW RELATED TO VAR-76991 - PUBLIC HEARING - APPLICANT/OWNER: SQUARE TRADE HOLDINGS, LLC - For possible action on a request for a Site Development Plan Review FOR A PROPOSED TWO-STORY, 12-UNIT MULTI-FAMILY RESIDENTIAL DEVELOPMENT WITH WAIVERS OF THE PERIMETER LANDSCAPE BUFFER STANDARDS on 0.19 acres at 1821 Santa Paula Drive (APN 162-03-313-010), R-4 (High Density Residential) Zone, Ward 3 (Diaz) [PRJ-76966]. Staff recommends DENIAL.

Minutes:

See Item 21 for related discussion and Items 21 and 22 for related backup.

Motion made by Trinity Haven Schlottman to Approve subject to condition(s)

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

For-Jeff Rogan, Donna Toussaint, Trinity Haven Schlottman, Sam Cherry, Louis De Salvio, Sigal Chattah, Anthony Williams;

23. VAR-76984 - VARIANCE - PUBLIC HEARING - APPLICANT/OWNER: D.R. HORTON, INC - For possible action on a request for a Variance TO ALLOW A 21-FOOT FRONT YARD SETBACK WHERE 25 FEET IS REQUIRED at 7012 Arabian Ridge Street (APN 125-22-511-048), R-D (Single Family Residential-Restricted) Zone, Ward 6 (Fiore) [PRJ-76540]. Staff recommends DENIAL.

Minutes:

Items 23 and 24 were heard together.

CHAIR CHERRY declared the Public Hearing open for Items 23 and 24.

ERIC McCAMMOND, Sr. Management Analyst, reported that no evidence of a unique or extraordinary circumstance has been presented in that the applicant has created a self-imposed hardship by proposing a single-family dwelling with a floor plan that does not fit the required setbacks; therefore, staff recommended denial of both applications. He noted additional letters of protest were received since publication.

COMMISSIONER DE SALVIO stated that he visited the subject property and understood the request for the Variances. He had no issue with the application and had not received any phone calls regarding these matters.

CHAIR CHERRY declared the Public Hearing closed for Items 23 and 24.

Motion made by Louis De Salvio to Approve subject to condition(s)

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

For-Jeff Rogan, Donna Toussaint, Trinity Haven Schlottman, Sam Cherry, Louis De Salvio, Sigal Chattah, Anthony Williams;

24. VAR-76985 - VARIANCE - PUBLIC HEARING - APPLICANT/OWNER: D.R. HORTON, INC - For possible action on a request for a Variance TO ALLOW A 21-FOOT FRONT YARD SETBACK WHERE 25 FEET IS REQUIRED at 7024 Falabella Ridge Avenue (APN 125-22-511-025), R-D (Single Family Residential-Restricted) Zone, Ward 6 (Fiore) [PRJ-76910]. Staff recommends DENIAL.

Minutes:

See Item 23 for related discussion.

Motion made by Louis De Salvio to Approve subject to condition(s)

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

For-Jeff Rogan, Donna Toussaint, Trinity Haven Schlottman, Sam Cherry, Louis De Salvio, Sigal Chattah, Anthony Williams;

25. VAR-77083 - VARIANCE - PUBLIC HEARING - APPLICANT/OWNER: SETH T. FLOYD - For possible action on a request for a Variance TO ALLOW A FIVE-FOOT SIDE YARD SETBACK WHERE 10 FEET IS REQUIRED FOR A PROPOSED ADDITION TO AN EXISTING SINGLE FAMILY DWELLING; AND A FIVE-FOOT CORNER SIDE SETBACK WHERE 15 FEET IS REQUIRED WITH A ZERO-FOOT DISTANCE SEPARATION FROM THE PRIMARY DWELLING WHERE SIX FEET IS REQUIRED FOR A PROPOSED ACCESSORY STRUCTURE (CLASS II) [GARAGE] on 0.54 acres at 1760 Belcastro Street (APN 163-03-605-005), R-E (Residence Estates) Zone, Ward 1 (Knudsen) [PRJ-77082]. Staff recommends DENIAL.

Minutes:

CHAIR CHERRY declared the Public Hearing open.

JASON BINKS, Planner II, reported that staff has found no evidence of a unique or extraordinary circumstance in that the applicant has created a self-imposed hardship by building home additions that encroach in the required setback area of the residential lot; therefore, staff recommended denial of the proposed Variance request. He noted additional letters of support were received since publication.

ELANA GRAHAM submitted letters of support, which have been attached as backup, and stated that she and her husband moved into the house followed by their three sons. They wished to add a guestroom. MS. GRAHAM noted the neighbor to the east of the subject site, as well as the other neighbors on the cul-de-sac, were in support of the application.

COMMISSIONER ROGAN stated that he has reviewed the application and was familiar with the subject site. Based upon the condition of this specific lot, the Commissioner believed the Variance was appropriate.

CHAIR CHERRY declared the Public Hearing closed.

NOTE: COMMISSIONER ROGAN disclosed he has known ELANA LEE GRAHAM and SETH T. FLOYD for quite some time; however, this would not affect his recommendation.

Motion made by Jeff Rogan to Approve subject to condition(s)

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

For-Jeff Rogan, Donna Toussaint, Trinity Haven Schlottman, Sam Cherry, Louis De Salvio, Sigal Chattah, Anthony Williams;

26. SUP-76975 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT/OWNER: DECATUR CONCORD, LLC - For possible action on a request for a Special Use Permit FOR AN OPEN AIR VENDING/TRANSIENT SALES LOT USE at 1934 North Decatur Boulevard (APN 139-19-301-007), C-1 (Limited Commercial) Zone, Ward 5 (Cear) [PRJ-76909]. Staff recommends DENIAL.

Minutes:

CHAIR CHERRY declared the Public Hearing open for Items 26 and 27.

JASON BINKS, Planner II, reported that the subject site is a partially-developed corner parcel zoned C-2 (General Commercial) and is subject to Title 19 development standards. The applicant is requesting to locate four food trailers on new pavers at the center of the parcel and is requesting a Special Use Permit so that more than two vendors can operate on a single parcel for more than four hours within a 24-hour period.

Staff has found that the hours of operation until 2:00 a.m. is incompatible with the surrounding area. The mobile trucks will be in direct line of sight of several homes and will have no buffer to the noise associated with mobile food vending such as generators, compressors, idling vehicles, patron queuing, and grilling operations; therefore, staff recommended denial of the proposed entitlements.

He noted additional location, aerial and special maps were in the Commissioners' supplemental information packet, and additional letters of support and protest were received since publication.

SAM ZEER submitted a letter of support for the record and was given to COMMISSIONER WILLIAMS to review. He did not believe he could comply with Condition 4 and believed the comments made by the Public Works Department in the Staff Report conflict with the actual circumstances at the subject site. MR. ZEER asserted he has tried to get in touch with staff to clarify some matters but has had no success. He believed many of the issues discussed in the Staff Report were not brought to his attention in the preliminary meeting.

COMMISSIONER WILLIAMS stated that the proposed use does not conform to the operating hours. He asked MR. ZEER if he was requesting to operate from 8:00 a.m. to 2:00 a.m., to which MR. ZEER replied in the affirmative adding that it is not the intent of the food trailers to leave in the evening to return again the next morning. He noted the food trailers are self-contained and are licensed by the health department, and he believed it was not practical for the food trailers to be removed from the property each night.

COMMISSIONER WILLIAMS thought typically the food trailers pull into the lot, service a meal period or an event for several hours and then pull away. MR. ZEER confirmed this was correct but pointed out that some of the food trailers are not mobile in and of themselves and may be pulled by another trailer.

Subsequent to the vote, MR. ZEER requested a meeting with Planning staff to review the associated conditions. See Items 26 and 27 for related backup.

CHAIR CHERRY declared the Public Hearing closed for Items 26 and 27.

Motion made by Anthony Williams to Deny

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

For-Jeff Rogan, Donna Toussaint, Trinity Haven Schlottman, Sam Cherry, Louis De Salvio, Sigal Chattah, Anthony Williams;

27. SDR-76976 - SITE DEVELOPMENT PLAN REVIEW RELATED TO SUP-76975 - PUBLIC HEARING - APPLICANT/OWNER: DECATUR CONCORD, LLC - For possible action on a request for a Site Development Plan Review FOR A PROPOSED OPEN AIR VENDING/TRANSIENT SALES LOT DEVELOPMENT on 0.44 acres at 1934 North Decatur Boulevard (APN 139-19-301-007), C-1 (Limited Commercial) Zone, Ward 5 (Crear) [PRJ-76909]. Staff recommends DENIAL.

Minutes:

See Item 26 for related discussion and Items 26 and 27 backup.

Motion made by Anthony Williams to Deny

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

For-Jeff Rogan, Donna Toussaint, Trinity Haven Schlottman, Sam Cherry, Louis De Salvio, Sigal Chattah, Anthony Williams;

28. SUP-77155 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: RG HIGHLAND ENTERPRISES, INC. - OWNER: 1916 HIGHLAND PROPERTIES, LTD. - For possible action on a request for a Special Use Permit FOR A PROPOSED 17,754 SQUARE-FOOT MARIJUANA CULTIVATION FACILITY USE at 3020 and 3030 South Valley View Boulevard (APN 162-08-302-003), M (Industrial) Zone, Ward 1 (Knudsen) [PRJ-77140]. Staff recommends APPROVAL.

Minutes:

VICE CHAIR DE SALVIO declared the Public Hearing open.

JASON BINKS, Planner II, reported that the proposed Marijuana Cultivation Facility is permitted within the Industrial Zoning district and meets all minimum distance separation requirements. The subject site is located within 300 feet of an existing martial arts studio, but the applicant has submitted a signed affidavit that indicates

less than 50 percent of the studio's clients are 17 years old or younger; therefore, staff recommended approval of the proposed entitlement. He noted additional letters of protest were received since publication.

AMY SUGDEN, representative of RG Highland Enterprises, Inc. who was present, stated that the applicant was displaced from their property in Ward 3 where he was operating a fully functional cultivation facility. Because of Project Neon, the applicant was forced to shut down and acquire a new property. MS. SUGDEN pointed out that no variances were being requested and everything is compliant. Regarding the distance requirements, an affidavit had been received from the nearby martial arts studio confirming all requirements have been met and there will be no youth nearby.

COMMISSIONER ROGAN said he reviewed the property and believed it was in an appropriate area. He asked if the applicant had any problems or concerns about an odor from the previous location. MS. SUGDEN said the applicant had complied with odor requirements and would ensure compliance at the new location.

VICE CHAIR DE SALVIO declared the Public Hearing closed.

NOTE: CHAIR CHERRY abstained from voting on this item as he is the owner of a cultivation facility. COMMISSIONER SCHLOTTMAN also abstained from voting on this item as he has worked with AMY SUGDEN and RICHARD GINOCCHI in the past.

Motion made by Jeff Rogan to Approve subject to condition(s)

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

For-Jeff Rogan, Donna Toussaint, Louis De Salvio, Sigal Chattah, Anthony Williams; Abstain-Trinity Haven Schlottman, Sam Cherry;

29. SDR-77057 - SITE DEVELOPMENT PLAN REVIEW - PUBLIC HEARING - APPLICANT/OWNER: HELLFIRE MEDIA, LLC - For possible action on a request for a Major Amendment to a previously approved Site Development Plan Review (SDR-76062) TO AMEND A PREVIOUSLY APPROVED WAIVER TO ALLOW A FIVE-FOOT CORNER SIDE YARD SETBACK WHERE 10 FEET WAS APPROVED on 0.78 acres at 600 East Charleston Boulevard (APN 162-03-501-001), P-R (Professional Office and Parking) Zone, Ward 3 (Diaz) [PRJ-77039]. Staff recommends APPROVAL.

Minutes:

CHAIR CHERRY declared the Public Hearing open.

JASON BINKS, Planner II, reported that the proposed building addition was previously approved by the Planning Commission, but during the preparation of construction documents, an incorrect property line was identified. To correct the issue, the applicant is requesting a five-foot setback where 10 feet was previously approved. The proposed building supports the goals of the Vision 2045 Downtown Master Plan which encourages higher density development to deliver an energetic urban way of life and a high-quality physical environment for residents and visitors alike; therefore, staff recommended approval. He noted additional letters of protest were received since publication.

JASON MEHEU, representative of the owner, explained that during the preparation of the construction documents, a survey of the property was completed and it was realized the property line was not at the back of the sidewalk as was assumed.

COMMISSIONER SCHLOTTMAN confirmed the proposed building has not changed and confirmed MR. MEHEU'S and staff's comments regarding the property line.

CHAIR CHERRY declared the Public Hearing closed.

NOTE: CHAIR CHERRY disclosed that he lives within the notification area but would not be affected any greater or lesser. Therefore, he would be voting on this item.

Motion made by Trinity Haven Schlottman to Approve subject to condition(s)

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

For-Jeff Rogan, Donna Toussaint, Trinity Haven Schlottman, Sam Cherry, Louis De Salvio, Sigal Chattah, Anthony Williams;

Citizens Participation:

30. 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:

COMMISSIONER TOUSSAINT wished COMMISSIONER SCHLOTTMAN a happy birthday.

The meeting was adjourned at 7:17 p.m.

Respectfully submitted:

Ashley Foster, Deputy City Clerk

Gabriela Portillo-Brenner, Deputy City Clerk

THIS MEETING WAS 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