

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

October 22, 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, CHATTAH and ROGAN

Also Present: ROBERT SUMMERFIELD, Planning Director, PETER LOWENSTEIN, Deputy Planning Director, ERIC McCAMMOND, Senior Management Analyst, NICOLE EDDOWES, Senior Planner, LUCIEN PAET, Engineering Project Manager, STEVEN TAULBEE, Assistant Fire Protection Engineer, SETH FLOYD, Deputy City Attorney, DEBRA A. OUTLAND, Deputy City Clerk, CHEYENNE LaRANCE, Deputy City Clerk, and JACQUIE MILLER, 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 September 24, 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, Senior Management Analyst, stated Item 7 must be pulled from the One Motion One Vote portion of the agenda because the applicant had not agreed to the conditions.

He also read those items requested to be abeyed into the record, noting that it was the first abeyance request for Items 41-44 as well as Item 46.

Motion made by Louis De Salvio to Hold in Abeyance Item 41 to 11/12/2019, Items 42-44 to 11/26/2019 and Item 46 to 12/10/2019

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;

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.

7. TMP-77350 - TENTATIVE MAP - DECATUR AND ALTA - APPLICANT/OWNER: D AND A REAL PROPERTIES, LLC - For possible action on a request for a Tentative Map FOR A ONE-LOT COMMERCIAL SUBDIVISION on 19.62 acres at 400 South Decatur Boulevard (APN 138-36-601-009), C-2 (General Commercial) Zone, Ward 1 (Knudsen) [PRJ-77324]. Staff recommends APPROVAL.

Minutes:

Prior to hearing this item, ROBERT SUMMERFIELD, Planning Director, stated that due to an error, VAR-77179, which was abeyed at the September 24, 2019 meeting to the October 22, 2019 meeting, was not published on this agenda and would therefore be heard at the November 12, 2019 Planning Commission meeting. DEPUTY CITY ATTORNEY SETH FLOYD advised that no vote could be taken but MR. SUMMERFIELD'S announcement was acceptable for it to be heard at the next available meeting. MR. SUMMERFIELD apologized to the applicant for this error.

MR. SUMMERFIELD also verified for MARK BANGAN, KB Home, that Items 22, 23 and 25 were final action. He reiterated Item 24 was final action unless appealed within seven days, Items 17, 18, 20-23 and 25 were final action unless appealed within 10 days and Items 8-13 and 19 would be heard at the December 4, 2019 City Council meeting.

At this point, CHAIR CHERRY announced he was bringing forward Item 48. Subsequent to the vote for Item 48, CHAIR CHERRY declared the Public Hearing open for Item 7.

ERIC McCAMMOND, Senior Management Analyst, stated the proposed Tentative Map conforms to Title 19 zoning and Nevada Revised Statutes technical requirements for Tentative Maps. Therefore, staff recommended approval.

GEORGE GEKAKIS, George Gekakis Inc., stated they object to Condition 4 regarding granting perpetual common access and parking across the entire subdivision. He explained this is a 20-acre development of which 10 acres is mixed use with senior housing with its own gated access and entry, and the adjacent 10 acres is a family development. He stated this was a new condition that was added, and he reiterated their objection stating there was enough parking for both developments and that they do not want cross-access on the properties. While they want their maintenance staff to be able to cross back and forth, they do not want children entering the senior development and vice versa.

MR. GEKAKIS confirmed for COMMISSIONER ROGAN that Nevada HAND (Housing and Neighborhood Development) was associated with this project at which time the Commissioner stated he would be abstaining on this matter.

CHAIR CHERRY did not believe Condition 4 was a new condition; MR. GEKAKIS disagreed stating such is typical on a one-lot subdivision but that this project involves a family development and a senior development. CHAIR CHERRY stated he did not have an issue deleting the condition.

To avoid any unintended consequences, ROBERT SUMMERFIELD, Planning Director, asked that he be given the opportunity to review the site plan to verify there was nothing that would necessitate the perpetuation of the cross-access and that each site was independently parked and could receive fire access, etc. He explained this condition is generally placed to ensure parking can be met in the entire commercial subdivision, but he acknowledged that this project was being developed in a unique manner.

After commenting on what he remembered about this project, CHAIR CHERRY trailed this item, and discussion continued subsequent to the motion and vote on Items 14-16.

MR. SUMMERFIELD stated he conferred with his team and explained the reason Condition 4 was placed as a condition of approval related to deviations regarding the pedestrian access between the two developments shown on the approved site plan and the parking variance. However, since the parking variances identify specific deviations for each development separate and apart, staff had no objections to the removal of that condition.

See Item 6 for related discussion.

CHAIR CHERRY declared the Public Hearing closed.

Motion made by Sam Cherry to Approve subject to condition(s) and deleting Condition 4

NOTE: COMMISSIONER ROGAN abstained from voting as his mother-in-law works for Nevada HAND.

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

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

8. GPA-77202 - GENERAL PLAN AMENDMENT - PUBLIC HEARING - APPLICANT: SC EAST LANDCO, LLC, ET AL - OWNER: EASTLAND, LLC - For possible action on a request for a General Plan Amendment FROM: PCD (PLANNED COMMUNITY DEVELOPMENT) AND SC (SERVICE COMMERCIAL) TO: TND (TRADITIONAL NEIGHBORHOOD DEVELOPMENT) on 0.46 acres generally located west of Sky Pointe Drive, approximately 635 feet south of Kyle Canyon Road (APN 125-06-401-006), Ward 6 (Fiore) [PRJ-77148]. Staff recommends APPROVAL.

Minutes:

CHAIR CHERRY declared the Public Hearing open for Items 8-25.

JEREMIAH and MARILYN OEHLER spoke on Items 14 through 16. Referencing the plans in the backup, they expressed concern that the plan as proposed would take away their access. CHAIR CHERRY indicated he would pull these items off of the One Motion One Vote agenda to be heard during the Public Hearing portion in order to address their concerns.

See Item 7 for related discussion and Item 9 for related backup.

CHAIR CHERRY declared the Public Hearing closed for Items 8-25.

Motion made by Louis De Salvio to Approve the One Motion One Vote subject to condition(s) except Item(s) 7 and 14-16

NOTE: The video does not reflect the vote accurately in that Commissioner Schlottman abstained from voting on Items 17 and 18 because his client owns the subject property and Item 21 because of his work on this project. Chair Cherry disclosed that he lives within the notification area of Items 14-16 and that his company has a project within the notification area of Item 21, but as this does not affect him any greater or lesser, he would be voting on all of these items.

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. ZON-77203 - REZONING RELATED TO GPA-77202 - PUBLIC HEARING - APPLICANT: SC EAST LANDCO, LLC, ET AL - OWNER: EASTLAND, LLC - For possible action on a request for a Rezoning FROM: U (UNDEVELOPED) [PCD (PLANNED COMMUNITY DEVELOPMENT) AND SC (SERVICE COMMERCIAL) GENERAL PLAN DESIGNATIONS] TO: T-D (TRADITIONAL DEVELOPMENT) on 0.46 acres generally located

west of Sky Pointe Drive, approximately 635 feet south of Kyle Canyon Road (APN 125-06-401-006), Ward 6 (Fiore) [PRJ-77148]. Staff recommends APPROVAL.

Minutes:

See Items 7 and 8 for related discussion and Item 8 for related backup.

Motion made by Louis De Salvio to Approve the One Motion One Vote subject to condition(s) except Item(s) 7 and 14-16

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;

10. GPA-77369 - GENERAL PLAN AMENDMENT - PUBLIC HEARING - APPLICANT: NEW QUICK LANE - OWNER: DAF, LLC AND LATULIPPE TRUST - For possible action on a request for a General Plan Amendment FROM: SC (SERVICE COMMERCIAL) TO: GC (GENERAL COMMERCIAL) on 1.33 acres on the west side of Rancho Drive, 215 feet north of Red Coach Avenue (APNs 138-02-101-010 and 011), Ward 4 (Anthony) [PRJ-77061]. Staff recommends APPROVAL.

Minutes:

See Items 7 and 8 for related discussion and Items 11-13 for related backup.

Motion made by Louis De Salvio to Approve the One Motion One Vote subject to condition(s) except Item(s) 7 and 14-16

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;

11. VAC-77370 - VACATION RELATED TO GPA-77369 - PUBLIC HEARING - APPLICANT: NEW QUICK LANE - OWNER: DAF, LLC AND LATULIPPE TRUST - For possible action on a request for a Petition to Vacate public drainage easements located on the west side of Rancho Drive, 215 feet north of Red Coach Avenue (APNs 138-02-101-009, 010 and 011), Ward 4 (Anthony) [PRJ-77061]. Staff recommends APPROVAL.

Minutes:

See Items 7 and 8 for related discussion and Items 10-13 for related backup.

Motion made by Louis De Salvio to Approve the One Motion One Vote subject to condition(s) except Item(s) 7 and 14-16

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. SDR-77371 - SITE DEVELOPMENT PLAN REVIEW RELATED TO GPA-77369 AND VAC-77370 - PUBLIC HEARING - APPLICANT: NEW QUICK LANE - OWNER: DAF, LLC AND LATULIPPE TRUST - For possible action on a request for a Site Development Plan Review FOR A PROPOSED 27,687 SQUARE-FOOT AUTO REPAIR GARAGE (MAJOR) AND AUTO PARTS (ACCESSORY INSTALLATION) FACILITY WITH TWO AUTO DEALER INVENTORY STORAGE BUILDINGS WITH A WAIVER TO NOT PROVIDE A CONSISTENT LEVEL OF DETAILING AND FINISH ON ALL SIDES OF THE BUILDING WHERE SUCH IS REQUIRED on 2.71 acres located on the west side of Rancho Drive, 215 feet north of Red Coach Avenue (APNs 138-02-101-009, 010 and 011), C-2 (General Commercial) Zone, Ward 4 (Anthony) [PRJ-77061]. Staff recommends APPROVAL.

Minutes:

See Items 7 and 8 for related discussion and Items 10-13 for related backup.

Motion made by Louis De Salvio to Approve the One Motion One Vote subject to condition(s) except Item(s) 7 and 14-16

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. TMP-77372 - TENTATIVE MAP RELATED TO GPA-77369, VAC-77370 AND SDR-77371 - QUICK LANE AT

RANCHO - PUBLIC HEARING - APPLICANT: NEW QUICK LANE - OWNER: DAF, LLC AND LATULIPPE TRUST - For possible action on a request for a Tentative Map FOR A ONE-LOT COMMERCIAL SUBDIVISION on 2.71 acres located on the west side of Rancho Drive, 215 feet north of Red Coach Avenue (APNs 138-02-101-009, 010 and 011), C-2 (General Commercial) Zone, Ward 4 (Anthony) [PRJ-77061]. Staff recommends APPROVAL.

Minutes:

See Items 7 and 8 for related discussion and Items 10-13 for related backup.

Motion made by Louis De Salvio to Approve the One Motion One Vote subject to condition(s) except Item(s) 7 and 14-16

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. SUP-76715 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT/OWNER: 305 LAS VEGAS, LLC - For possible action on a request for a Special Use Permit FOR A MIXED-USE DEVELOPMENT at the southwest corner of Charleston Boulevard and 4th Street (APNs 162-03-115-001 and 002), C-1 (Limited Commercial) Zone, Ward 3 (Diaz) [PRJ-76646]. Staff recommends APPROVAL.

Minutes:

Items 14-16 were pulled from the One Motion One Vote portion of the agenda and heard subsequent to partial discussion of Item 7.

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

ATTORNEY TONY CELESTE appeared on behalf of the applicant and provided an overview of the location of the subject property. He stated the applicant is requesting to repurpose the property as an eight-story mixed-used development with commercial retail and residential units. He spoke of the importance of the easement that bisects the property, which they are requesting to be vacated while still maintaining public access from 4th Street back through to 3rd Street. He pointed out the alleyway and described the intended improvements. With respect to JEREMIAH and MARILYN OEHLER'S property on 3rd Street, he agreed to a condition that their trash enclosures would not be blocked.

MR. OEHLER noted the site plan they had was different than what MR. CELESTE presented. NICOLE EDDOWES, Senior Planner, explained that the proposal went through many revisions, and it appeared there was an error in the backup material whereas an older version of the site plan did not get deleted. She noted, however, that staff had a copy of the current plan.

MR. OEHLER asked about access being maintained in the future. CHAIR CHERRY pointed out that the applicant stated they agreed to a condition not to block the trash enclosure. MS. OEHLER asked if there would always be access from 4th Street. MR. CELESTE confirmed access would be maintained on 4th Street to be able to get directly to 3rd Street. He pointed out the vacation exhibit noting they are seeking to vacate a 20-foot wide easement so they can consolidate the two properties and build their project. He read the purpose of the Petition of Vacation from the Staff Report summarizing staff's analysis of the Vacation. MR. CELESTE also mentioned the protected turn lanes in and out of the site.

COMMISSIONER SCHLOTTMAN wished to make sure the OEHLER'S comments were addressed. MS. OEHLER stated their main concern was access to their building. The Commissioner stated it sounded as if access was going to be maintained but asked staff if a condition was needed. He added it was a beautiful project, and he looked forward to bringing more people to the Arts District. PETER LOWENSTEIN, Deputy Planning Director, read Condition 2 on the Vacation which he noted was sufficient to secure the access to the rear of the property.

COMMISSIONER SCHLOTTMAN asked when they planned to break ground. MR. CELESTE responded he was unsure of the timing with regard to the applicant getting their financing in place. Generally from the date of the final action letter it takes anywhere from eight to 12 months before any construction begins due to the various technical studies that are required prior to permitting.

See Item 8 for related discussion and Items 15 and 16 for related backup.

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

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

NOTE: Chair Cherry disclosed that he lives within the notification area of Items 14-16 and that his company has a project within the notification area of Item 21, but this does not affect him any greater or lesser and he would be voting on all of these items.

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. VAC-76736 - VACATION RELATED TO SUP-76715 - PUBLIC HEARING - APPLICANT/OWNER: 305 LAS VEGAS, LLC - For possible action on a request for a Petition to Vacate a public access easement east of the existing alley, south of Charleston Boulevard, Ward 3 (Diaz) [PRJ-76646]. Staff recommends APPROVAL.

Minutes:

See Items 8 and 14 for related discussion and Items 14-16 for related backup.

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

NOTE: Chair Cherry disclosed that he lives within the notification area of Items 14-16 and that his company has a project within the notification area of Item 21, but this does not affect him any greater or lesser and he would be voting on all of these items.

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. SDR-76716 - SITE DEVELOPMENT PLAN REVIEW RELATED TO SUP-76715 AND VAC-76736 - PUBLIC HEARING - APPLICANT/OWNER: 305 LAS VEGAS, LLC - For possible action on a request for a Site Development Plan Review FOR A PROPOSED EIGHT-STORY MIXED-USE DEVELOPMENT CONSISTING OF 501 RESIDENTIAL UNITS AND 20,313 SQUARE FEET OF COMMERCIAL SPACE WITH A WAIVER OF THE 70 PERCENT BUILD-TO-LINE REQUIREMENT on 2.67 acres at the southwest corner of Charleston Boulevard and 4th Street (APNs 162-03-115-001 and 002), C-1 (Limited Commercial) Zone, Ward 3 (Diaz) [PRJ-76646]. Staff recommends APPROVAL.

Minutes:

See Items 8 and 14 for related discussion and Items 14-16 for related backup.

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

NOTE: Chair Cherry disclosed that he lives within the notification area of Items 14-16 and that his company has a project within the notification area of Item 21, but this does not affect him any greater or lesser and he would be voting on all of these items.

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. SUP-77365 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT/OWNER: 900 FREMONT, LLC - For possible action on a request for a Special Use Permit FOR AN OPEN AIR VENDING/TRANSIENT SALES LOT USE at 916 Fremont Street (APN 139-34-601-008), C-2 (General Commercial) Zone, Ward 3 (Diaz) [PRJ-77256]. Staff recommends APPROVAL.

Minutes:

See Items 7 and 8 for related discussion and Item 18 for related backup.

Motion made by Louis De Salvio to Approve the One Motion One Vote subject to condition(s) except Item(s) 7 and 14-16

NOTE: The video does not reflect the vote accurately in that Commissioner Schlottman abstained from voting on Items 17 and 18 because his client owns this property and Item 21 because he is working on this project.

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

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

18. SDR-77366 - SITE DEVELOPMENT PLAN REVIEW RELATED TO SUP-77365 - PUBLIC HEARING - APPLICANT/OWNER: 900 FREMONT, LLC - For possible action on a request for a Site Development Plan Review FOR A PROPOSED PARKING LOT AND COMMERCIAL RECREATION/AMUSEMENT (OUTDOOR) FACILITY WITH WAIVERS OF THE INTERIM DOWNTOWN LAS VEGAS DEVELOPMENT STANDARDS on 2.75 acres at 916 Fremont Street (APN 139-34-601-008), C-2 (General Commercial) Zone, Ward 3 (Diaz) [PRJ-77256]. Staff recommends APPROVAL.

Minutes:

See Items 7 and 8 for related discussion and Item 17 for related backup.

Motion made by Louis De Salvio to Approve the One Motion One Vote subject to condition(s) except Item(s) 7 and 14-16

NOTE: The video does not reflect the vote accurately in that Commissioner Schlottman abstained from voting on Items 17 and 18 because his client owns this property and Item 21 because he is working on this project.

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

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

19. SUP-77300 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: PAYMON RAOUF - OWNER: KAP HOLDINGS, LLC - For possible action on a request for a Special Use Permit FOR A PROPOSED 6,571 SQUARE-FOOT LIQUOR ESTABLISHMENT (TAVERN) [TAVERN-RESTRICTED] USE, WITH 1,215 SQUARE FEET OF OUTDOOR SEATING AREA WITH WAIVERS TO ALLOW A 330-FOOT DISTANCE SEPARATION FROM A CHURCH/HOUSE OF WORSHIP AND 1,150 FEET FROM A SIMILAR USE WHERE 1,500 FEET IS REQUIRED at 8380 West Sahara Avenue, Suite #150 (APN 163-04-416-003), C-1 (Limited Commercial) Zone, Ward 1 (Knudsen) [PRJ-76607]. Staff recommends APPROVAL.

Minutes:

See Items 7 and 8 for related discussion.

Motion made by Louis De Salvio to Approve the One Motion One Vote subject to condition(s) except Item(s) 7 and 14-16

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. SUP-77363 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: NICK LOPEZ - OWNER: REALKEN, LLC - For possible action on a request for a Special Use Permit FOR A PROPOSED 486 SQUARE-FOOT TATTOO PARLOR/BODY PIERCING STUDIO USE at 2213 Paradise Road (APN 162-03-413-019), C-1 (Limited Commercial) Zone, Ward 3 (Diaz) [PRJ-77270]. Staff recommends APPROVAL.

Minutes:

See Items 7 and 8 for related discussion.

Motion made by Louis De Salvio to Approve the One Motion One Vote subject to condition(s) except Item(s) 7 and 14-16

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. SUP-77368 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: HMB, LLC - OWNER: 1301 COMMERCE, LLC - For possible action on a request for a Special Use Permit FOR A PROPOSED 2,112 SQUARE-FOOT URBAN LOUNGE USE WITH 379 SQUARE FEET OF OUTDOOR SEATING AREA at the southeast corner of Colorado Avenue and Commerce Street (APN 162-03-110-123), C-M (Commercial/Industrial) Zone, Ward 3 (Diaz) [PRJ-77220]. Staff recommends APPROVAL.

Minutes:

See Items 7 and 8 for related discussion.

Motion made by Louis De Salvio to Approve the One Motion One Vote subject to condition(s) except Item(s) 7 and 14-16

NOTE: The video does not reflect the vote accurately in that Commissioner Schlottman abstained from voting on Items 17 and 18 because his client owns this property and Item 21 because he is working on this project. Chair Cherry disclosed that he lives within the notification area of Items 14-16 and that his company has a project within the notification area of Item 21, but this does not affect him any greater or lesser and he would be voting on all of these items.

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

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

22. SCD-77381 - PUBLIC HEARING - APPLICANT: KB HOMES, INC. - OWNER: HOWARD HUGHES COMPANY, LLC - For possible action on a request for a Summerlin Major Deviation TO ALLOW A THREE-FOOT TO EIGHT-FOOT OR 18-FOOT GARAGE DOOR SETBACK WHERE THREE FEET TO FIVE FEET OR 18 FEET IS REQUIRED ON LOT 53 OF A 137-LOT SINGLE-FAMILY RESIDENTIAL DEVELOPMENT on 11.74 acres on the southwest corner of Kindle Corner Way and Carriage Hill Drive (APN 137-26-112-002), P-C (Planned Community) Zone [SFSD (Single Family Special Lot Development - Special Land Use Designation)], Ward 2 (Seaman) [PRJ-77153]. Staff recommends APPROVAL.

Minutes:

See Items 7 and 8 for related discussion and Items 23 and 24 for related backup.

Motion made by Louis De Salvio to Approve the One Motion One Vote subject to condition(s) except Item(s) 7 and 14-16

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. VAC-77374 - VACATION RELATED TO SCD-77373 - PUBLIC HEARING - APPLICANT: KB HOMES, INC. - OWNER: HOWARD HUGHES COMPANY, LLC - For possible action on a request for a Petition to Vacate a public access easement generally located at the southwest corner of Kindle Corner Way and Carriage Hill Drive (APN 137-26-112-002), Ward 2 (Seaman) [PRJ-77153]. Staff recommends APPROVAL.

Minutes:

See Items 7 and 8 for related discussion and Items 22-24 for related backup.

Motion made by Louis De Salvio to Approve the One Motion One Vote subject to condition(s) except Item(s) 7 and 14-16

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. TMP-77375 - TENTATIVE MAP RELATED TO SCD-77373 AND VAC-77374 - SUMMERLIN VILLAGE 21 PARCEL J - ASCENT - PUBLIC HEARING - APPLICANT: KB HOMES, INC. - OWNER: THE HOWARD HUGHES COMPANY, LLC - For possible action on a request for a Tentative Map FOR A 137-LOT SINGLE-FAMILY RESIDENTIAL SUBDIVISION on 11.74 acres at the southwest corner of Kindle Corner Way and Carriage Hill Drive (APN 137-26-112-002), P-C (Planned Community) Zone [SFSD (Single Family Special Lot Development - Summerlin Special Land Use Designation)], Ward 2 (Seaman) [PRJ-77153]. Staff recommends APPROVAL.

Minutes:

See Items 7 and 8 for related discussion and Items 22-24 for related backup.

Motion made by Louis De Salvio to Approve the One Motion One Vote subject to condition(s) except Item(s) 7 and 14-16

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. SDR-77388 - SITE DEVELOPMENT PLAN REVIEW - PUBLIC HEARING - APPLICANT/OWNER: TRIPLE M3 HOLDING LIMITED PARTNERSHIP - For possible action on a request for a Site Development Plan Review FOR A PROPOSED TWO-STORY, 7,174 SQUARE-FOOT COMMERCIAL BUILDING WITH A 1,295 SQUARE-FOOT ROOF DECK AND A 422 SQUARE-FOOT OUTDOOR PATIO on 0.31 acres at 801 South Main Street (APN 139-34-310-010), C-M (Commercial/Industrial) Zone, Ward 3 (Diaz) [PRJ-77344]. Staff recommends APPROVAL.

Minutes:

See Items 7 and 8 for related discussion.

Motion made by Louis De Salvio to Approve the One Motion One Vote subject to condition(s) except Item(s) 7 and 14-16

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

26. ABEYANCE - VAR-77252 - VARIANCE - PUBLIC HEARING - APPLICANT: GREAT AMERICAN CAPITAL - OWNER: JAZZ TRUST - For possible action on a request for a Variance TO ALLOW 11 PERCENT OPEN SPACE WHERE 20 PERCENT IS REQUIRED on 5.86 acres on the north side of Centennial Center Boulevard, approximately 1,710 feet west of Azure Drive (APN 125-28-510-001), T-C (Town Center) Zone, Ward 6 (Fiore) [PRJ-77038]. Staff recommends DENIAL.

Minutes:

CHAIR CHERRY declared the Public Hearing open for Items 26-35.

NICOLE EDDOWES, Senior Planner, reported the applicant is proposing to construct a commercial shopping center that does not support the goals of Town Center nor meet the minimum development standards. The proposed shopping center is over parked, and the applicant is requesting Waivers of the minimum landscape buffer requirements and parking lot island requirements in addition to a Variance to allow less open space than what is required. Additionally, the applicant is proposing a site plan that is vehicle centric and does not enhance or encourage pedestrian activity as desired by the Town Center Development Standards. Staff did not support these self-imposed hardships or an overall development that does not further the goals of the Town Center Development Standards and recommended denial of all applications. MS. EDDOWES read an amendment to Condition 4 if the Commission voted to approve this item.

ATTORNEY TONY CELESTE appeared on behalf of Great American Capital. He oriented the Commissioners to the area, describing the location along with the north, west and south property lines. He noted the property is planned for General Commercial under the Town Center Guidelines in which convenience stores, mini storage, fast-food restaurants and taverns are allowable uses, and of which staff was supportive. He thought the first impression might be that they are trying to put too much on the property, but that there are two critical issues to consider. These are with respect to open space and how the site is designed regarding the placement of buildings on the frontage or the right-of-ways.

He explained the unique circumstances regarding the physical constraints and restrictions of the property. With respect to open space, the Town Center Guidelines require 20 percent of open space. This property is 5.6 acres which would require 1.2 acres of open space. However, along the northern property line there is a public drainage easement that equates to about .88 acres which cannot be touched so they cannot provide open space on that large swath of land. Additionally, Oso Blanca Road will be built out to its full capacity to connect to north of U.S. Highway 95. As a result, the applicant will have to dedicate a right-hand turn pocket the length of the property to their drive isle which equates to seven feet. Nearly an acre is lost due to restrictions, not being allowed to use the drainage easement and the additional dedication for the turn lane, yet the open space requirement is still based on 20 percent of the overall 5.6 acres. He felt these were valid hardships and justifications.

He displayed the site plan pointing out that they are not building to the street frontage. The buildings are set back from all of the surrounding right-of-ways because of the deed restriction on the property which was

recorded in 1999. He showed an exhibit pulled from that deed restriction which states they cannot exceed the building footprint as shown which means the area adjacent to the right-of-way is not usable. He stated the deed restriction is in conflict with the Town Center Guidelines which were adopted in 2001. When the area was first contemplated, it was developed for car dealerships, and the building envelope was to mandate that cars be parked on the front with the building in the back. Things have since evolved and changed and the properties are now coming in for commercial development. This is one of the other reasons why the Variance is being requested. The hardships and restrictions mentioned put them in a situation where they are confined to a specific area on the property but still need to get building square footages and uses on the overall site.

He explained the proposal includes a convenience store with gas pumps, a fast-food restaurant with a drive-thru with open space and dining area, two tavern uses, mini storage and an auto use.

MR. CELESTE agreed to all conditions including amended Condition 4 and displayed a revised site plan, which was not yet submitted to staff, to show for illustration purposes how they can achieve 15 percent of open space. CHAIR CHERRY asked that the new site plan be submitted for the record.

COMMISSIONER DE SALVIO stated they worked for over a month with the applicant on this project which started out very different from where it is now. He referenced now having landscape islands and 36-inch box trees, and he also requested that the revised site plan be submitted for the record.

COMMISSIONER ROGAN asked which had control when there was both a deed restriction and design guidelines. DEPUTY CITY ATTORNEY SETH FLOYD explained the Commission's concern would relate to the Town Center Guidelines as the deed restrictions could only be enforced privately, similar to other restrictive covenants or a Homeowners Association, and that the Commission would not be involved with that component.

MR. CELESTE added his position is that since the deed restriction is a private agreement between two parties, the City would not get involved. Additionally, that private agreement does not allow them any flexibility to move the build-to line; otherwise they would be in breach of that agreement. With respect to the guidelines, there is the ability to make requests to allow some flexibility.

COMMISSIONER DE SALVIO commented the revised illustration is more harmonious and compatible with the surrounding businesses currently in the area.

Subsequent to the vote on these items, MR. CELESTE stated he appreciated COMMISSIONER DE SALVIO and staff, particularly PETER LOWENSTEIN, Deputy Planning Director, and MS. EDDOWES, working with them to get the project to where it is today.

See Items 27-35 for related backup.

CHAIR CHERRY declared the Public Hearing closed for Items 26-35.

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;

27. ABEYANCE - SUP-77188 - SPECIAL USE PERMIT RELATED TO VAR-77252 - PUBLIC HEARING - APPLICANT: GREAT AMERICAN CAPITAL - OWNER: JAZZ TRUST - For possible action on a request for a Special Use Permit FOR A PROPOSED 3,009 SQUARE-FOOT BEER/WINE/COOLER OFF-SALE ESTABLISHMENT USE on the north side of Centennial Center Boulevard, approximately 1,710 feet west of Azure Drive (APN 125-28-510-001), T-C (Town Center) Zone, Ward 6 (Fiore) [PRJ-77038]. Staff recommends DENIAL.

Minutes:

See Item 26 for related discussion and Items 26-35 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;

28. ABEYANCE - SUP-77189 - SPECIAL USE PERMIT RELATED TO VAR-77252 AND SUP-77188 - PUBLIC HEARING - APPLICANT: GREAT AMERICAN CAPITAL - OWNER: JAZZ TRUST - For possible action on a request for a Special Use Permit FOR A PROPOSED 3,009 SQUARE-FOOT CONVENIENCE STORE (WITH FUEL PUMPS) USE on the north side of Centennial Center Boulevard, approximately 1,710 feet west of Azure Drive (APN 125-28-510-001), T-C (Town Center) Zone, Ward 6 (Fiore) [PRJ-77038]. Staff recommends DENIAL.

Minutes:

See Item 26 for related discussion and Items 26-35 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;

29. ABEYANCE - SUP-77190 - SPECIAL USE PERMIT RELATED TO VAR-77252, SUP-77188 AND SUP-77189 - PUBLIC HEARING - APPLICANT: GREAT AMERICAN CAPITAL - OWNER: JAZZ TRUST - For possible action on a request for a Special Use Permit FOR A PROPOSED MINI-STORAGE FACILITY USE on the north side of Centennial Center Boulevard, approximately 1,710 feet west of Azure Drive (APN 125-28-510-001), T-C (Town Center) Zone, Ward 6 (Fiore) [PRJ-77038]. Staff recommends DENIAL.

Minutes:

See Item 26 for related discussion and Items 26-35 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;

30. ABEYANCE - SUP-77193 - SPECIAL USE PERMIT RELATED TO VAR-77252, SUP-77188, SUP-77189 AND SUP-77190 - PUBLIC HEARING - APPLICANT: GREAT AMERICAN CAPITAL - OWNER: JAZZ TRUST - For possible action on a request for a Special Use Permit FOR A PROPOSED 5,000 SQUARE-FOOT LIQUOR ESTABLISHMENT (TAVERN) USE on the north side of Centennial Center Boulevard, approximately 1,710 feet west of Azure Drive (APN 125-28-510-001), T-C (Town Center) Zone, Ward 6 (Fiore) [PRJ-77038]. Staff recommends DENIAL.

Minutes:

See Item 26 for related discussion and Items 26-35 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;

31. ABEYANCE - SUP-77315 - SPECIAL USE PERMIT RELATED TO VAR-77252, SUP-77188, SUP-77189, SUP-77190 AND SUP-77193 - PUBLIC HEARING - APPLICANT: GREAT AMERICAN CAPITAL - OWNER: JAZZ TRUST - For possible action on a request for a Special Use Permit FOR A PROPOSED 5,000 SQUARE-FOOT GAMING ESTABLISHMENT, RESTRICTED LICENSE USE on the north side of Centennial Center

Boulevard, approximately 1,710 feet west of Azure Drive (APN 125-28-510-001), T-C (Town Center) Zone, Ward 6 (Fiore) [PRJ-77038]. Staff recommends DENIAL.

Minutes:

See Item 26 for related discussion and Items 26-35 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;

32. ABEYANCE - SUP-77194 - SPECIAL USE PERMIT RELATED TO VAR-77252, SUP-77188, SUP-77189, SUP-77190, SUP-77193 AND SUP-77315 - PUBLIC HEARING - APPLICANT: GREAT AMERICAN CAPITAL - OWNER: JAZZ TRUST - For possible action on a request for a Special Use Permit FOR A PROPOSED 5,010 SQUARE-FOOT LIQUOR ESTABLISHMENT (TAVERN) USE on the north side of Centennial Center Boulevard, approximately 1,710 feet west of Azure Drive (APN 125-28-510-001), T-C (Town Center) Zone, Ward 6 (Fiore) [PRJ-77038]. Staff recommends DENIAL.
- Minutes:
See Item 26 for related discussion and Items 26-35 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;
33. ABEYANCE - SUP-77314 - SPECIAL USE PERMIT RELATED TO VAR-77252, SUP-77188, SUP-77189, SUP-77190, SUP-77193, SUP-77315 AND SUP-77194 - PUBLIC HEARING - APPLICANT: GREAT AMERICAN CAPITAL - OWNER: JAZZ TRUST - For possible action on a request for a Special Use Permit FOR A PROPOSED 5,010 SQUARE-FOOT GAMING ESTABLISHMENT, RESTRICTED LICENSE USE on the north side of Centennial Center Boulevard, approximately 1,710 feet west of Azure Drive (APN 125-28-510-001), T-C (Town Center) Zone, Ward 6 (Fiore) [PRJ-77038]. Staff recommends DENIAL.
- Minutes:
See Item 26 for related discussion and Items 26-35 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;
34. ABEYANCE - SDR-77191 - SITE DEVELOPMENT PLAN REVIEW RELATED TO VAR-77252, SUP-77188, SUP-77189, SUP-77190, SUP-77193, SUP-77315, SUP-77194 AND SUP-77314 - PUBLIC HEARING - APPLICANT: GREAT AMERICAN CAPITAL - OWNER: JAZZ TRUST - For possible action on a request for a Site Development Plan Review FOR PROPOSED 33,470 SQUARE-FOOT SHOPPING CENTER WITH A 1,200 SQUARE-FOOT OUTDOOR SEATING AREA AND A 445-UNIT, 69,000 SQUARE-FOOT MINI-STORAGE FACILITY WITH WAIVERS OF THE TOWN CENTER DEVELOPMENT STANDARDS MANUAL on 5.86 acres on the north side of Centennial Center Boulevard, approximately 1,710 feet west of Azure Drive (APN 125-28-510-001), T-C (Town Center) Zone, Ward 6 (Fiore) [PRJ-77038]. Staff recommends DENIAL.
- Minutes:
See Item 26 for related discussion and Items 26-35 for related backup.
- Motion made by Louis De Salvio to Approve subject to condition(s) and amending Condition 4 as read for the record:
4. A Waiver from the Town Center Development Standards Manual is hereby approved, to allow 15 percent open space where 20 percent is required. A revised site plan and landscape plan allowing a minimum of 15 percent open space must be submitted to and approved by the Department of Planning prior to the issuance of any building permit.
- 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;
35. ABEYANCE - TMP-77192 - TENTATIVE MAP RELATED TO VAR-77252, SUP-77188, SUP-77189, SUP-77190, SUP-77193, SUP-77315, SUP-77194, SUP-77314 AND SDR-77191 - CENTENNIAL 215 PLAZA - APPLICANT: GREAT AMERICAN CAPITAL - PUBLIC HEARING - OWNER: JAZZ TRUST - For possible action on a request for a Tentative Map FOR A ONE-LOT COMMERCIAL SUBDIVISION on 5.86 acres on the north side of Centennial Center Boulevard, approximately 1,710 feet west of Azure Drive (APN 125-28-510-001), T-C (Town Center) Zone, Ward 6 (Fiore) [PRJ-77038]. Staff recommends DENIAL.

Minutes:

See Item 26 for related discussion and Items 26-35 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;

36. GPA-77383 - GENERAL PLAN AMENDMENT - PUBLIC HEARING - APPLICANT: TOWER INDUSTRIES, LLC - OWNER: PACIFIC LAND FUND I, LLC, ET AL - For possible action on a request for a General Plan Amendment FROM: PCD (PLANNED COMMUNITY DEVELOPMENT) AND SC (SERVICE COMMERCIAL) TO: GC (GENERAL COMMERCIAL) on 12.63 acres at the northwest corner of Iron Mountain Road and Skye Village Road (APNs 126-01-801-009, 018 and 019), Ward 6 (Fiore) [PRJ-77343]. Staff recommends DENIAL.

Minutes:

CHAIR CHERRY declared the Public Hearing open for Items 36-40.

NICOLE EDDOWES, Senior Planner, reported the applicant is requesting to rezone 12.63 acres adjacent to residentially-zoned property within a master planned community to C-2 (General Commercial), which would allow very intense uses such as automobile dealerships and major automotive repairs. Additionally, the proposed shopping center is over parked, the applicant is requesting waivers of the minimum landscape buffer requirements and parking lot island requirements as well as requesting that the fuel pumps and parking spaces be aligned with the street frontage and corner rather than as required by Title 19. As the site plan does not comply with the minimum development standards set forth by Title 19, and the applicant has created self-imposed hardships, staff recommended denial of all applications. .

ATTORNEY JOHN SULLIVAN appeared on behalf of the applicant and oriented the Commissioners to the site by explaining the location and surrounding land. He stated the applicant is willing to amend the General Plan Amendment (GPA) and Zone change request to Service Commercial and C-1 (Limited Commercial), respectively, which should address some of staff's concerns. Originally, a more intense use required the latter, but the applicant has chosen to develop a lesser use.

As far as the Special Use Permit (SUP) for the tavern on the north part of the parcel, MR. SULLIVAN stated the use is appropriate, but there are concerns regarding how the building is situated on the site in relation to the requirements of Title 19. He spoke of architectural concerns regarding having depth and movement in the parking lot versus Title 19.09 requiring that everything be pulled to the street. The applicant would like to maintain the waivers related to the placement of the gas pumps but agreed to eliminate all landscaping waivers after reviewing staff's comments and meeting with Toll Brothers to the south of the subject property. He went on to describe some of the planned landscaping and offered to submit a landscape plan to staff for approval prior to moving forward.

COMMISSIONER DE SALVIO noted he worked with the applicant on this project who agreed to a lesser use, to bring back the landscaping and to submit a set of landscape plans as soon as possible. MR. SULLIVAN explained the plans were done, but they still referenced C-2 so he was simply waiting for that to be changed to C-1. The Commissioner stated he could support the project now that the applicant met the desired set of standards.

ROBERT SUMMERFIELD, Planning Director, asked that the motion include the reduced designations to Service Commercial and C-1 for the GPA and Zoning requests, respectively. Additionally, he requested that the applicant submit revised plans by Tuesday, October 29th, in order for them to be included in the backup for City Council. MR. SULLIVAN stated they would be submitted by then.

COMMISSIONER DE SALVIO asked about the timeframe in which the applicant had to activate the use if approved at City Council. MR. SUMMERFIELD explained the GPA and Zoning requests would become effective immediately following action by the City Council and that the applicant would have two years in which to effectuate the SUP and Site Development Plan Review entitlements, which includes Items 38-40. MR. SULLIVAN acknowledged this and thanked COMMISSIONER DE SALVIO and staff for working with them to figure out what worked best commercially for the developer as well as the neighborhood.

When making the motion on Items 38-40, COMMISSIONER DE SALVIO stated he would not support any extensions. MR. SUMMERFIELD clarified this was simply an admonishment as the stated condition is set at two

years.

See Items 37-40 for related backup.

CHAIR CHERRY declared the Public Hearing closed for Items 36-40.

Motion made by Louis De Salvio to Approve to SC (Service Commercial)

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;

37. ZON-77384 - REZONING RELATED TO GPA-77383 - PUBLIC HEARING - APPLICANT: TOWER INDUSTRIES, LLC - OWNER: PACIFIC LAND FUND I, LLC, ET AL - For possible action on a request for a Rezoning FROM: U (UNDEVELOPED) [PCD (PLANNED COMMUNITY DEVELOPMENT) AND SC (SERVICE COMMERCIAL) GENERAL PLAN DESIGNATIONS] TO: C-2 (GENERAL COMMERCIAL) on 12.63 acres at the northwest corner of Iron Mountain Road and Skye Village Road (APNs 126-01-801-009, 018 and 019), Ward 6 (Fiore) [PRJ-77343]. Staff recommends DENIAL.

Minutes:

See Item 36 for related discussion and Items 36-40 for related backup.

Motion made by Louis De Salvio to Approve to C-1 (Limited Commercial)

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;

38. SUP-77385 - SPECIAL USE PERMIT RELATED TO GPA-77383 AND ZON-77384 - PUBLIC HEARING - APPLICANT: TOWER INDUSTRIES, LLC - OWNER: PACIFIC LAND FUND I, LLC, ET AL - For possible action on a request for a Special Use Permit FOR A PROPOSED 5,525 SQUARE-FOOT LIQUOR ESTABLISHMENT (TAVERN) USE at the northwest corner of Iron Mountain Road and Skye Village Road (APNs 126-01-801-009, 018 and 019), U (Undeveloped) [PCD (Planned Community Development) and SC (Service Commercial) General Plan Designations] Zone [PROPOSED: C-2 (General Commercial)], Ward 6 (Fiore) [PRJ-77343]. Staff recommends DENIAL.

Minutes:

See Item 36 for related discussion and Items 36-40 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;

39. SUP-77386 - SPECIAL USE PERMIT RELATED TO GPA-77383, ZON-77384 AND SUP-77385 - PUBLIC HEARING - APPLICANT: TOWER INDUSTRIES, LLC - OWNER: PACIFIC LAND FUND I, LLC, ET AL - For possible action on a request for a Special Use Permit FOR A PROPOSED 5,175 SQUARE-FOOT BEER/WINE/COOLER OFF-SALE ESTABLISHMENT USE at the northwest corner of Iron Mountain Road and Skye Village Road (APNs 126-01-801-009, 018 and 019), U (Undeveloped) [PCD (Planned Community Development) and SC (Service Commercial) General Plan Designations] Zone [PROPOSED: C-2 (General Commercial)], Ward 6 (Fiore) [PRJ-77343]. Staff recommends DENIAL.

Minutes:

See Item 36 for related discussion and Items 36-40 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;

40. SDR-77387 - SITE DEVELOPMENT PLAN REVIEW RELATED TO GPA-77383, ZON-77384, SUP-77385 AND

SUP-77386 - PUBLIC HEARING - APPLICANT: TOWER INDUSTRIES, LLC - OWNER: PACIFIC LAND FUND I, LLC, ET AL - For possible action on a request for a Site Development Plan Review FOR A PROPOSED 108,584 SQUARE-FOOT SHOPPING CENTER WITH WAIVERS OF THE PERIMETER LANDSCAPE BUFFER STANDARDS AND TO NOT ORIENT THE BUILDINGS TO THE CORNER OR THE STREET FRONTAGE WHERE SUCH IS REQUIRED on 12.63 acres at the northwest corner of Iron Mountain Road and Skye Village Road (APNs 126-01-801-009, 018 and 019), U (Undeveloped) [PCD (Planned Community Development) and SC (Service Commercial) General Plan Designations] Zone [PROPOSED: C-2 (General Commercial)], Ward 6 (Fiore) [PRJ-77343]. Staff recommends DENIAL.

Minutes:

See Item 36 for related discussion and Items 36-40 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;

41. GPA-77367 - GENERAL PLAN AMENDMENT - PUBLIC HEARING - APPLICANT: HARMONY HOMES NEVADA, LLC - OWNER: UNITED STATES OF AMERICA - For possible action on a request for a General Plan Amendment FROM: PCD (PLANNED COMMUNITY DEVELOPMENT AND PF (PUBLIC FACILITIES) TO: M (MEDIUM DENSITY RESIDENTIAL) on 30.00 acres at the northeast corner of Tropical Parkway and Puli Road (APN 126-25-201-010), Ward 6 (Fiore) [PRJ-77251]. Staff recommends APPROVAL.

Minutes:

See Item 6 for related discussion.

Motion made by Louis De Salvio to Hold in Abeyance Item 41 to 11/12/2019, Items 42-44 to 11/26/2019 and Item 46 to 12/10/2019

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;

42. VAR-76939 - VARIANCE - PUBLIC HEARING - APPLICANT/OWNER: LAND CAPITAL PARTNERS, LLC - For possible action on a request for a Variance TO ALLOW 23 PARKING SPACES WHERE 29 PARKING SPACES ARE REQUIRED on 0.37 acres at the southwest corner of Charleston Boulevard and Hillside Place (APNs 162-02-111-040 and 041), C-1 (Limited Commercial) Zone, Ward 3 (Diaz) [PRJ-75615]. Staff recommends DENIAL.

Minutes:

See Item 6 for related discussion and Items 43 and 44 for related backup.

Motion made by Louis De Salvio to Hold in Abeyance Item 41 to 11/12/2019, Items 42-44 to 11/26/2019 and Item 46 to 12/10/2019

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;

43. VAR-76940 - VARIANCE RELATED TO VAR-76940 - PUBLIC HEARING - APPLICANT/OWNER: LAND CAPITAL PARTNERS, LLC - For possible action on a request for a Variance TO ALLOW A 90-FOOT RESIDENTIAL ADJACENCY SETBACK FROM THE SOUTH PROPERTY LINE WHERE 138 FEET IS REQUIRED on 0.37 acres at the southwest corner of Charleston Boulevard and Hillside Place (APNs 162-02-111-040 and 041), C-1 (Limited Commercial) Zone, Ward 3 (Diaz) [PRJ-75615]. Staff recommends DENIAL.

Minutes:

See Item 6 for related discussion and Items 42-44 for related backup.

Motion made by Louis De Salvio to Hold in Abeyance Item 41 to 11/12/2019, Items 42-44 to 11/26/2019 and Item

46 to 12/10/2019

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;

44. SDR-76941 - SITE DEVELOPMENT PLAN REVIEW RELATED TO VAR-76939 AND VAR-76940 - PUBLIC HEARING - APPLICANT/OWNER: LAND CAPITAL PARTNERS, LLC - For possible action on a request for a Site Development Plan Review FOR A PROPOSED 5,031 SQUARE-FOOT COMMERCIAL SHELL BUILDING WITH WAIVERS OF THE PERIMETER LANDSCAPE BUFFER STANDARDS on 0.37 acres at the southwest corner of Charleston Boulevard and Hillside Place (APNs 162-02-111-040 and 041), C-1 (Limited Commercial) Zone, Ward 3 (Diaz) [PRJ-75615]. Staff recommends DENIAL.

Minutes:

See Item 6 for related discussion and Items 42-44 for related backup.

Motion made by Louis De Salvio to Hold in Abeyance Item 41 to 11/12/2019, Items 42-44 to 11/26/2019 and Item 46 to 12/10/2019

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;

45. VAR-77320 - VARIANCE - PUBLIC HEARING - APPLICANT: EVEL PIE - OWNER: ARTEMUS W HAM, III PROPERTY TRUST AGREEMENT - For possible action on a request for a Variance TO ALLOW A PROPOSED 49 SQUARE-FOOT PROJECTING SIGN WHERE 32 SQUARE FEET IS ALLOWED; A SEVEN-FOOT PROJECTION FROM A BUILDING FACE WHERE SIX FEET IS ALLOWED; AND SIX FEET ABOVE THE EAVE WHERE ONE-FOOT IS ALLOWED on 0.07 acres at 508 Fremont Street (APN 139-34-611-006), C-2 (General Commercial) Zone, Ward 3 (Diaz) [PRJ-76946]. Staff recommends DENIAL.

Minutes:

CHAIR CHERRY declared the Public Hearing open.

ERIC McCAMMOND, Senior Management Analyst, reported no evidence of a unique or extraordinary circumstance was presented in that the applicant created a self-imposed hardship by requesting a projecting sign that does not meet Title 19 sign standards. Therefore, staff recommended denial of the application. He noted additional letters of protest were received since publication.

MIKE WEBER appeared representing the LEV Group. He explained the square footage of the Evel Knievel Pizzeria sign was increased to make it more visible, particularly when going towards Fremont Street. A depiction of the sign showed four neon motorcycles jumping over three buses along with an attraction panel. He stated the sign is flush mounted to the wall and that they were looking to add a little bit of pizzazz because they open at 10:00 a.m. While the sign could be reduced to 32 square feet, the applicant wanted the extra square footage for the attraction panel underneath. Additionally, the sign is 90 percent neon which the City promotes. MR. WEBER also displayed pictures of some of the other signs in the area and provided their square footage. He informed the Commission that the property owner, ARTEMUS HAM, signed off on what was being proposed.

COMMISSIONER SCHLOTTMAN commented it was not that bad of a sign and pointed out if the arrow was not taken into consideration, the square footage would be closer to the 32 square feet that is allowed, but he was not suggesting that the arrow be removed. The sign is higher than the parapet and the building, but it does not block the Vanguard sign. A lot of the signs on Fremont East are unique, and this sign is not so big that it would detract from anything in the area or cause issues with pedestrians as he thought the signs in the middle of Fremont Street did. He indicated he could support it.

CHAIR CHERRY declared the Public Hearing closed.

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;

46. SUP-77274 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: NEVADA CRT, LLC - OWNER: PALENSKY PROPERTIES I, LTD - For possible action on a request for a Special Use Permit FOR A PROPOSED 4,800 SQUARE-FOOT MARIJUANA DISPENSARY USE at 9140 West Sahara Avenue (APN 163-05-410-030), C-1 (Limited Commercial) Zone, Ward 2 (Seaman) [PRJ-77173]. Staff recommends APPROVAL.

Minutes:

See Item 6 for related discussion.

Motion made by Louis De Salvio to Hold in Abeyance Item 41 to 11/12/2019, Items 42-44 to 11/26/2019 and Item 46 to 12/10/2019

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;

47. SDR-77330 - SITE DEVELOPMENT PLAN REVIEW - PUBLIC HEARING - APPLICANT/OWNER: DOUMANI HOLDINGS, LLC - For possible action on a request for a Major Amendment of a previously approved Site Development Plan Review (SDR-73504) FOR A PROPOSED 4,037 SQUARE-FOOT RESTAURANT WITH DRIVE THROUGH AND WAIVERS OF THE BUILDING ORIENTATION REQUIREMENT AND PERIMETER LANDSCAPE BUFFER STANDARDS on 1.50 acres at the northwest corner of Lake Mead Boulevard and Decatur Boulevard (APNs 138-24-611-060 through 062), C-1 (Limited Commercial) Zone, Ward 5 (Cear) [PRJ-77248]. Staff recommends DENIAL.

Minutes:

VICE CHAIR DE SALVIO declared the Public Hearing open.

ERIC McCAMMOND, Senior Management Analyst, reported because the proposed development requires waivers without evidence of hardship, staff recommended denial of this request. He noted there were additional letters of support and protest received since publication.

GEORGE GARCIA wished to make clear that the date stamp referenced under Condition 3 of the Site Development Plan Review did not match the one that is in the backup and clarified what was being considered was the one date stamped September 25, 2019.

He stated he appreciated working with COMMISSIONER WILLIAMS' office on this project and that the property sat largely vacant since its annexation in the mid-80s. He displayed a rendering of the proposed McDonalds which will be a prototype with wood accent architecture along with a picture of the building that the 7-Eleven and the McDonalds will be replacing. He explained their request is to reduce the landscaping from 15 feet down to 11 feet and 10 feet on two sides and from eight feet down to five feet on the west side. He also mentioned an additional condition that the Commissioner may wish to add.

COMMISSIONER WILLIAMS stated he visited the site and has had subsequent conversations with the applicant. The only concern he had was with the type of egress from the lot adjacent to neighborhoods, and he wished for there to be traffic controls in place that would prevent cars from speeding or impeding upon those neighborhoods. As such, he asked that a condition be added requiring a no left turn sign on the north egress lot onto Sawyer Avenue. ROBERT SUMMERFIELD, Planning Director, read the added condition into the record to which MR. GARCIA agreed.

VICE CHAIR DE SALVIO declared the Public Hearing closed.

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

A. "No Left Turn" signage shall be installed at the northern point ingress/egress.

NOTE: CHAIR CHERRY abstained from voting on this item as he works with the applicant's representative.

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

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

DIRECTOR'S BUSINESS:

48. TXT-77439 - TEXT AMENDMENT - PUBLIC HEARING - APPLICANT/OWNER: CITY OF LAS VEGAS - For possible action on a request to repeal LVMC Title 19.16.105 Repurposing of Certain Golf Courses or Open Spaces in its entirety, and to provide for other related matters. Staff has NO RECOMMENDATION.

Minutes:

CHAIR CHERRY declared the Public Hearing open.

ERIC McCAMMOND, Senior Management Analyst, reported the proposed Text Amendment would amend Las Vegas Municipal Code Title 19 by repealing Section 19.16.105, "Repurposing of Certain Golf Courses or Open Spaces." He noted staff had no recommendation.

See Item 7 for related discussion.

CHAIR CHERRY declared the Public Hearing closed.

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;

Citizens Participation:

49. 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:

CHAIR CHERRY welcomed new DEPUTY CITY CLERK CHEYENNE LARANCE.

COMMISSIONER SCHLOTTMAN stated it seems as though the Commission is constantly considering waivers in Town Center for buildings that are not pulled up to the street. The Town Center Plan has been in place since 2001, and with more and more projects coming forward, he wondered if the plan needed to be revisited. He also asked staff to comment why properties are being developed where convenience centers are pulled up to the corner of a major intersection as he thought it created an awkward site. While this shields the pumps, it also creates an area where things can happen that cannot be seen from the street.

ROBERT SUMMERFIELD, Planning Director, explained the plan has been mangled over the course of its lifetime to where a lot of the principles and ideals that were incorporated into the original Town Center Plan are no longer followed, resulting in some disjointed development patterns in Town Center. In some areas, the plan was followed very closely while in other areas, a lot of commercial has turned into residential. He noted one of the applications the Commission considered at this meeting was originally planned as an auto dealership which is why the applicant had mentioned the existing covenant on the land as the expectation was that it would be a vehicle franchise location and the idea was not to impede the other vehicle franchises along the roadway. It was never contemplated that the country would go through a recession and that many car dealerships would be lost and not return. He agreed the Town Center Plan needed to be revisited, and noted the current master planning effort provides a great opportunity to do so.

Gas stations have been a problem for planners since their inception because people want the convenience factor but do not want the associated aesthetic of gas pumps on their street corner, which is where they are invariably located. He stated in some places, they work really hard to shield the gas pumps from the adjacent pedestrian ways, and in other places, it is more expedient to request waivers of the orientation requirements.

Taking into account the desire to build walkable communities, COMMISSIONER SCHLOTTMAN liked the idea of having a building front of a convenience station downtown along Las Vegas Boulevard or Fremont Street so people would not be looking at gas pumps.

On another topic, the Commissioner stated for years they have been trying to figure out a way to get RPDAs (Reduced Pressure Detector Assemblies) and backflow devices off the sidewalks downtown, and after talking with the City and the Las Vegas Valley Water District (LVVWD), they are going to start discussions regarding

how to do just that. He asked that the Commissioners share any input they may have so he can bring it forward to the upcoming meetings later in the week.

COMMISSIONER DE SALVIO stated there is no perfect fix, and he compared this to short-term rentals that are considered on a case-by-case basis as to whether they fit the location or not. He spoke of the effects of the recession in Ward 6 and that they do the best they can with what they have.

CHAIR CHERRY agreed and commented on the gas stations on Town Center Drive that look more finished because of how they are situated, but pointed out that does not work in every scenario. He stated he would share with COMMISSIONER SCHLOTTMAN a video that was developed showing how RPDAs located in different locations of the building and not out in front of the building could work. He mentioned a project in which the LVVWD seemed amenable to this during initial discussions.

The meeting was adjourned at 7:29 p.m.

Respectfully submitted:

Debra A. Outland, Deputy City Clerk

Jacquie Miller, 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