

A G E N D A
CITY PLANNING COMMISSION

February 11, 1971

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CITY CLERK

CALL TO ORDER:

7:30 P.M. in the Commission Chambers
of the Reed Whipple Center, 821 Las
Vegas Boulevard North, Las Vegas, Nevada.

ROLL CALL:

MINUTES:

Approval of the Minutes of the regular
meeting of January 26, 1971.

NEW BUSINESS:

1. Z-1-71

Application of ROBERT MURRAY for reclas-
sification of property generally located
on the west side of Concord Street
between Blankenship Avenue and Bartlett
Avenue, from R-2 to R-3.

Proposed Use: Apartments

Eleven lots are involved. The property
is presently zoned R-2. The owner pro-
poses to develop the property with apart-
ments in phases. Master Plan calls for
low density.

2. Z-2-71

Application of STEVEN W. ALLEN, TRUSTEE
AND LEONARD W. CARPI for reclassification
of property generally located on the
southeast corner of Charleston Boulevard
and Arville Street, from R-E to C-1.

Proposed Use: Shopping Center

This involves some of the lots in the
Hinson Heights area. These lots front
on Charleston and a portion of them are
already zoned commercial. The proposal
is to extend the commercial to the entire
depth of the north/south lots which
would abut it immediately against the
residential lots fronting on the north/
south streets. The present situation
with only a portion of the lots zoned
commercial means that a portion of the
lots are not being used for anything.
The term "shopping center" is used to
describe the construction of a building
along the south property line with off-
street parking in between that building
and the buildings that presently front
on Charleston. The Master Plan calls
for commercial zoning along Charleston;
however, it does not indicate the speci-
fic depth the commercial should be.

3. Z-3-71

Application of SECURITY HOUSING CORPORA-
TION for reclassification of property
generally located on Miller Avenue between
Concord Street and Lexington Street, from
C-2 to R-2.

Proposed Use: Single Family Dwellings

Property is presently zoned C-2 and
Master Plan calls for commercial. There
is a fire station in this block and some

commercial at the west end of the block. It would appear that the proposed use would be in conflict with the existing zoning pattern and the Master Plan. If both sides of the street for the entire block could be zoned residential, it would make the proposed rezoning compatible, assuming the Master Plan would then be amended.

4. Z-4-71

Application of PANDA DEVELOPMENT COMPANY INC. for reclassification of property generally located at 2915 West Charleston Boulevard, from R-E to C-D.

Proposed Use: Professional Office

This is in accord with the Master Plan and the policy established allowing C-D zoning. The use is for real estate offices.

5. Z-5-71

Application of JACK B. BINION for reclassification of property generally located on the southeast corner of Washington Avenue and Lorenzi Boulevard, from R-E to R-2.

Master Plan calls for low density residential. The property to the south is zoned R-4. Property to the east is zoned R-E; however, it would appear logical that it would be zoned R-1. There is single family development in close proximity. The ultimate purpose of the rezoning is for a Planned Unit Development; however, the developers are not able to provide the necessary detailed plans at this time to submit an application for a Planned Unit Development. Consequently, they are asking for the R-2 zoning to establish the density. If it is approved for R-2, they will then proceed to develop specific plans for a Planned Unit Development.

6. Z-6-71

Application of JACK E. BUSHELL for reclassification of property generally located on the west side of Highland Drive between Alta Drive and Pinto Lane, from C-1 to C-2.

Proposed Use: Pie Shop

The proposal is to utilize a portion of an existing commercial building for the production, wholesaling, and retailing of pies. This type of use is first permitted in the C-2 zone. The Master Plan calls for neighborhood commercial.

7. Final Map
Glenwood Place #1

Property generally located at Pennwood and Wing.

8. Discussion

Request of Board of Zoning Adjustment relative to height of fences.

9. Z-78-70
Plot Plan Review

Approved application of FRANK J. VLACH for reclassification of property generally located on the north side of Stewart between Lamb Boulevard and the northerly prolongation of Prince Lane, R-T Zone.

M I N U T E S
CITY PLANNING COMMISSION

February 11, 1971

A regular meeting of the Las Vegas City Planning Commission was called to order by Chairman Johnston at 7:30 P.M. in the Commission Chambers of the Reed Whipple Center, Las Vegas, Nevada.

PRESENT:

Chairman Johnston, Vice-Chairman O'Brien, Messrs. Willard, Ward, Uehling and City Commissioner Coblentz.

ABSENT:

Messrs. McGarry, Tiberti and Trelease.

STAFF PRESENT:

Don J. Saylor, AIP, Director of Planning
Betty Jo Winter, Recording Secretary

MINUTES:

Mr. Willard moved the Minutes of the regular meeting of January 26, 1971, be APPROVED as mailed. The motion was seconded by Mr. Ward and carried by unanimous vote.

NEW BUSINESS:

1. Z-5-71

TABLED

Application of JACK B. BINION for reclassification of property legally described as the Northwest Quarter (NW $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$) of Section 26, Township 20 South, Range 60 East, MDB&M, and generally located on the southeast corner of Washington Avenue and Lorenzi Boulevard from R-E to R-2.

Mr. Saylor stated this item is out of order; however, we know there are people here on this item. It involves the 40 acre parcel at Washington and Lorenzi near Torrey Pines Gardens Subdivision. The people that are here live in the Torrey Pines Garden area. The proposed developer of the 40 acre parcel has just recently acquired the adjoining 40 acre parcel also and wants to work out an overall development plan on the 80 acres. We would like to have this application tabled until such time as a new application is submitted superceding the one on the agenda and encompassing the 80 acres. The property owners would again be notified.

MR. FRANKLIN BILLS, the Developer's representative, appeared and stated that would be agreeable with them.

Mr. O'Brien moved the application of JACK B. BINION for reclassification of property generally located on the southeast corner of Washington Avenue and Lorenzi Boulevard, from R-E to R-2 be TABLED. The motion was seconded by Mr. Ward and carried by unanimous vote.

2. Z-1-71

APPROVED

Application of ROBERT MURRAY for reclassification of property legally described as Lots 109-A; 109-B; 109-C; 109-D; 109-E; 109-F; 110-D; 110-E; and 110-F of Vegas Heights #4 and generally located on the west side of

Concord Street between Blankenship Avenue and Bartlett Avenue, from R-2 to R-3.

Mr. Saylor stated this involves property located on the west side of Concord between Blankenship and Bartlett. It is in the Vegas Heights neighborhood. The lots are 40 X 135. Six lots on Blankenship and three on Bartlett are all under the same ownership. The request is for a change from R-2 to R-3 to permit the development of apartments. The plot plan indicates the preliminary proposal is to put a building on the westerly lots, a double row of apartments with parking in the center. There are several new single family homes in this immediate vicinity and we hope they all received notices of this proposed action. Some of them have been purchased recently and their name may not have shown on the assessor's roles. We also tried to hand deliver in those cases. We have indicated higher density than single family in the Vegas Heights neighborhood by means of the R-2 zoning. Over the past two or three years, there have been 200 new single family homes built. This pattern will probably continue. Consequently, we think the determination for the Board to make is to whether or not you feel the advent of apartments would be compatible with the existing and potential future development of the area. We have received no protests on this application. If you do approve it, we would suggest that you require the installation of a wall along the westerly property line.

MR. ROBERT MURRAY, the applicant, appeared and in answer to a question by Chairman Johnston, stated he does have financing available and would be willing to put the wall up.

Mr. Ward stated we are interested in seeing Vegas Heights area go up. He asked if the property would be kept up.

Mr. Murray replied that it would. In answer to a question by Mr. Saylor, Mr. Murray further stated he has trailers there, but not on the lots he is asking to be changed.

Chairman Johnston declared the public hearing closed.

Mr. Ward stated he felt any investment in Vegas Heights area is an asset and moved the application of ROBERT MURRAY for reclassification of property generally located on the west side of Concord Street between Blankenship Avenue and Bartlett Avenue, from R-2 to R-3, be APPROVED subject to the following conditions:

1. Resolution of Intent be restricted to a twelve (12) month time limit.
2. Conformance to the plot plan.
3. Dedication of necessary rights-of-way and signing an agreement and posting a

bond for the installation of off-site improvements as required by the Department of Public Works.

4. Conformance to the requirements of the Fire and Building Departments.
5. Landscaping as required by the Planning Department.
6. A 6' block wall to be constructed along the westerly property line.

The motion was seconded by Mr. O'Brien and carried by unanimous vote.

3. Z-2-71

APPROVED

Application of STEVEN W. ALLEN, TRUSTEE AND LEONARD W. CARPI for reclassification of property legally described as the west 75 feet of Lot 2 and all of Lots 15 and 16 in Block 2 of Hinson Heights, save and excepting the north 200 feet and generally located on the southwest corner of Charleston Boulevard and Arville Street, from R-E to C-1.

Mr. Saylor stated this involves property located in the Hinson Heights area. He pointed out the location on the plot plan. The Hyde Park school is in the area. There are a series of shops that front on Charleston. The lots fronting on Charleston are a little over 300' deep. The commercial zoning line only goes back to about 200'. This is a request to extend back on these 3 lots to the north line of the lots that front on Arville. All of this is zoned R-E. The proposed use, if it is zoned commercial, is to construct a row of shops along the south line and then to have parking in the middle and rear access into the stores that front on Charleston. You remember, you did, on the east end of this tract, extend commercial zoning down into this depth. It is one lot deeper than what is proposed here. We feel this would be a logical pattern of development. They propose an alley along the south line and we feel there should be a wall on the north line of these residential properties. We have made some changes in the plot plan to provide more landscaping. They have adequate parking and adequate access from Charleston and Arville.

Chairman Johnston declared the public hearing open.

MR. WATSON, 1201 Arville, appeared in protest. He stated he owns property immediately south of this proposed shopping center. At the present moment, he is looking at the backs of stores and garbage cans of the Westland Mall. He is awakened by garbage trucks in the morning. If this is approved, he would have garbage cans there also.

Mr. Saylor stated the plot plan shows a 25' alley and 20' of parking before the building starts. There would be 45' between this building and the south property line.

Mr. Watson also stated whenever there is a heavy wind, the garbage blows over into his yard. He asked if any kind of stipulation could be made to have these garbage cans covered.

MR. JACK BELCHER, the architect, appeared and stated there will be a 6' wall clear across the back of the property, then the alley and the parking. Any trash containers will be metal containers at the back of the buildings and properly covered. He further stated he likes the addition of the landscaping and wants to enhance the rear entrances to the buildings. There will be no entrance into the proposed shopping center through the alley.

Mr. Watson reappeared and stated if they want to use his wall as the 6' wall along the north property line, he still protests.

Mr. Saylor stated the intent was the wall be put at the south line of the alley which would be the north line of his property. He asked if he would require another wall up against his wall?

Mr. Belcher stated his client will see there is a 6' wall there. They would be happy to build it up higher if necessary.

Mr. Watson stated if they would put another two feet to make it an 8' wall from his grade, he would withdraw his protest.

Mr. Saylor stated the Board could put in a condition of an 8' wall and we would get an opinion from the attorney.

Chairman Johnston declared the public hearing closed.

Mr. Willard moved the application of STEVEN W. ALLEN, TRUSTEE AND LEONARD W. CARPI for reclassification of property generally located on the southwest corner of Charleston Boulevard and Arville Street, from R-E to C-1 be APPROVED subject to the following conditions:

1. Resolution of Intent be restricted to a twelve (12) month time limit.
2. Conformance to the plot plan amended to provide a landscaped strip and walkway running north/south through the center of the parking area.
3. Dedication of necessary rights-of-way and signing an agreement and posting a bond for the installation of off-site improvements as required by the Department of Public Works.
4. Conformance to the requirements of the Fire and Building Departments.
5. Landscaping as required by the Planning Department.

6. Provision of an 8' high block wall along south side of property subject to approval of Attorney's office (height to be measured from grade on south side of wall.)

The motion was seconded by Mr. Uehling and carried by unanimous vote.

4. Z-3-71

APPROVED

Application of SECURITY HOUSING CORP. for reclassification of property legally described as Lots 134D, 134E, 134F, 132D, 132E, 132F, 131D, 131E, 131F, 149A, and 149B of Vegas Heights Tract #4 and generally located on Miller Avenue between Concord Street and Lexington Street, from C-2 to R-2.

Mr. Saylor stated this is a request for a change from C-2 to R-2 for the express purpose of building single family homes in the Vegas Heights neighborhood. He pointed out the location on the plot plan. Two blocks on Miller from Highland are zoned C-2. The Master Plan calls for commercial zoning on the remainder of the blocks on Miller going east. There have been permits issued for new homes in those two blocks, although under our ordinance, you can't build homes in C-2 areas. The Master Plan in itself does not change any zoning. Security has acquired these six lots and then there is the Fire station, and then these three lots on the south of Miller and two lots on the north side in this block zoned commercial. They are requesting residential zoning so they can build houses. There is commercial development at the west end of both sides of Miller. The remainder of this is all residential, or vacant with the exception of the fire station property. This is one of those real tough ones. We don't really know which way to go. We don't anticipate an increased or continuing demand for commercial development on Miller and there is a proposed use now for residential; however, if you do change these lots, it would mean these would still be commercial and would be subject to the possibility of commercial development at a later time. Also, if you change the zoning, we then should go back and amend the Master Plan to exclude this area from the classification of commercial. We frankly don't know what to recommend. Construction has started on this development, the footings are in on these six. Through a mistake, somebody inadvertently issued the permits. When we found out, we immediately stopped it. We don't think the investment is substantial, but it may be an arguing point on the part of the applicant. There has been a tremendous number of new homes built in this area and as far as we know, this pattern will continue for quite some time. We have no way of knowing when and if there would be a demand for commercial use or whether or not the residential use would continue. It is not the best pattern to have single family homes immediately adjacent to a fire station, but we have the same situation in other neighborhoods and there hasn't been too much of a problem. We have to rely on the solemn judgment of the

Board. We have protests from four property owners.

Chairman Johnston declared the public hearing open.

MRS. GRACE MC DONALD, 1916 Boulder Highway, Henderson, appeared in protest. She stated she has three lots on Miller and had talked with Mr. Bailey when she received this letter. He told her he felt it should stay C-2 and that's what she thinks also. She has three adjoining lots and she feels it would make a very good location for a commercial business of some kind.

H. D. SMITH, 1156 West Miller, appeared in protest. He stated it has been 15 years since they zoned this commercial. There are already four businesses operating in the area besides the fire station. He feels these businesses will be hurt by this change. The lots are not large enough to build on. He feels to rezone it back would hurt the price of the property and hurt the selling of the property.

EVALINE TERRY appeared in protest. She stated she doesn't want it rezoned because it would hinder her if she wanted to put a business there. It would lower the property value.

MR. LOYCE NEAL appeared in protest. He stated when he bought his property, he paid commercial prices. He feels this would lower the value of his property to rezone it.

Chairman Johnston stated this will not change his zoning even if the Board were to change those lots. The only lots that would change would be the ones applied for. You will still have the C-2 zoning on your lot.

MR. JIM STUHMER, Security Housing, appeared and stated he certainly agrees they have no intention of attempting to rezone the adjoining properties. They are only interested in building eleven single family dwellings in this particular area.

Chairman Johnston asked if the homes are contracted for or being built on speculation.

Mr. Stuhmer stated they are building on speculation.

Chairman Johnston asked if, when they acquired the lots, did anyone check the zoning?

Mr. Stuhmer stated they have been building in Vegas Heights since 1964. Perhaps when you get too familiar with an area, you overlook these types of things. There is a variety of uses within Vegas Heights from lumber yards to garages, trailers, bars, etc. They assumed this was spot zoning because there is so much of it. Through their ignorance, they acquired the property under the

assumption they could build single family residences. It was somewhat compounded by the Planning Department. They have put footings in and done some surveying work and soil testing, etc.

Chairman Johnston asked if they had looked at the need for commercial in there.

Mr. Stuhmer stated this is an unusual situation in requesting a lower density and giving up a commercial use to a property that has C-2 zoning. They don't feel it is a commercially viable area. In answer to a question asked by Chairman Johnston, he stated he doesn't think the fire station would hinder his sales. He is accustomed to seeing fire stations located in residential areas.

Mr. Ward stated some time ago, part of Miller Street was zoned for a car lot in the near vicinity.

Mr. Saylor stated it was approved, but they never went ahead.

Mr. Ward stated the traffic circulation is quite heavy in that area.

Mr. Stuhmer stated with the freeway coming through here, Kinsella will be the main artery going east and west. Miller will be dead-ended when it goes down the hill. This traffic pattern is going to change drastically once this happens. The Colony Club located their building here, but they face these lots north toward Kinsella. Obviously, they are thinking of the traffic pattern this way as opposed to the present. To their way of thinking, the economics of the area means the future development is not going to be commercial. It can stagnate or we can help somewhat to improve the area. When we go into these places and clean off these lots and take down the substandard dwellings, etc., we are adding to the property values of every single owner in Vegas Heights.

Chairman Johnston stated if you were to be able to go ahead with this project and sell homes, how would you let the people know they are buying in a commercial area? The people here are protesting on the basis they don't want the property changed to residential.

Mr. Stuhmer stated Mr. Neal purchased his property for the purpose of commercial development. Economics will determine whether that development is useful. It doesn't appear to be now. This zoning was started in 1952 and here we are, 18 years later, and what do we have. Ten commercial developments and 8 out of those 10 are reconverted to residential structures. There doesn't seem to be financing available for a commercial type of development.

Chairman Johnston stated it appears they are ready to develop, but he feels it would be

less than fair for the City to allow residential homes, residential construction, in there if the people who were to purchase it were not fully aware they were buying homes in a commercial area. On that basis, he would feel as Mr. Ward stated earlier, any development that is going ahead is an improvement and of benefit to the area. If you felt you could sell it and would advertise it was in a commercial zone and people wanted to buy it knowing full well there may be a grocery store or liquor store or anything else allowed in the C-1 zone, we could come up with a compatible situation.

Mr. Ward stated the people who would buy would not be the kind that would know their rights.

Mr. O'Brien stated the individual who is going to buy these lots could visually see that he is buying into commercial area.

Mr. Stuhmer stated they have an example on the corner of "H" and Hart in Vegas Heights where they built three homes that are directly opposite a market and a liquor store. We had a great selection of homes throughout the area and they specifically wanted this property. He further stated the houses would range from \$22,500 in price.

After additional discussion, Chairman Johnston declared the public hearing closed.

Mr. O'Brien moved the application of SECURITY HOMES CORP. for reclassification of property generally located on Miller Avenue between Concord Street and Lexington Street from C-2 to R-2 be APPROVED. The motion was seconded by Mr. Willard and carried by majority vote. Mr. Ward voted No.

5. Z-4-71

APPROVED

Application of PANDA DEVELOPMENT COMPANY INC. for reclassification of property legally described as Lot 8, Block 2, Resubdivision of Block 1, 2, and 3, of McNeil Tract and located at 2915 West Charleston Boulevard from R-E to C-D.

Mr. Saylor stated this is for C-D zoning. The property on both sides is zoned C-D. The proposed use is a real estate office. It exists already. They were issued a permit through a misunderstanding. The whole front yard is asphalted. Under the C-D, there are requirements of landscaping and several other provisions relative to the wall and screening of air conditioning, etc. We find the proposal in accord with the C-D and would recommend approval subject to staff approval of the proposed landscaping along Charleston and conformance to the plot plan.

Chairman Johnston declared the public hearing open and there being no comments, declared the public hearing closed.

Mr. O'Brien moved the application of PANDA DEVELOPMENT COMPANY INC. for reclassification of property located at 2915 West Charleston Boulevard, from R-E to C-D, be APPROVED subject to the following conditions:

1. Resolution of Intent be restricted to a twelve (12) month time limit.
2. Conformance to the plot plan.
3. Dedication of necessary rights-of-way and signing an agreement and posting a bond for the installation of off-site improvements as required by the Department of Public Works.
4. Landscaping as required by the Planning Department.
5. Conformance to the requirements of the Fire and Building Departments.
6. Conformance to the requirements of the C-D Zone.

The motion was seconded by Mr. Ward and carried by unanimous vote.

6. Z-6-71

APPROVED

Application of JACK E. BUSHELL for reclassification of property legally described as the south 180 feet of the east 150 feet of the Northeast Quarter (NE $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$) of Section 33, Township 20 South, Range 61 East, MDB&M, and generally located on the west side of Highland Drive between Alta Drive and Pinto Lane, from C-1 to C-2.

Mr. Saylor stated this is one of those little things that come along every once in a while that causes problems but aren't of much magnitude except to the person involved. The property is on the west side of Highland, south of Alta. This is all C-1 along here and developed for commercial businesses. There are a series of shops in here and they want to put a pie shop where they are going to manufacture pies and the wholesale and retail requires the C-2 zoning. The particular area is zoned C-1. We have no record of any protests.

Chairman Johnston declared the public hearing open.

DON CARR, representing the applicant, appeared and stated he is a tenant in that building. He owns 900, 910, 920 Highland Drive and he is one of the principal property owners in the area. He has no protest. The property directly behind the proposed pie shop is apartments, separated by a rather large alley. In reply to a question by Chairman Johnston, he stated he doesn't feel the odor would be offensive to anyone in the area.

Chairman Johnston stated he is more interested in not seeing the west side of Highland go into C-2 uses. The first thing you know, we will have more and more uses in C-2 and it

is not a C-2 neighborhood. It is C-1. We stretched it there; we were going to keep it R-4.

Mr. Saylor stated this particular proposal for the pie shop only occupies one of the buildings. Conceivably you could approve by resolution of intent subject to approval of each use in case they proposed a C-2 use in any of the other buildings and it would have to come back before you. If it were a hard core C-2 use, you could deny it and control it.

Mr. Carr stated he would be adamant against the C-2 also, because he has property in the R-4 zone also. The neighborhood shopping concept has kind of been destroyed on the east side of Highland.

Chairman Johnston declared the public hearing closed.

Mr. Uehling moved the application of JACK E. BUSHELL for reclassification of property generally located on the west side of Highland Drive between Alta Drive and Pinto Lane, from C-1 to C-2, be APPROVED subject to the following condition:

1. Resolution of Intent subject to Planning Commission and City Commission approval of proposed uses.

The motion was seconded by Mr. Ward and carried by unanimous vote.

7. Final Map
Glenwood Place #1

APPROVED

Property generally located at Pennwood and Wing.

Mr. Saylor stated this is a planned unit development located east of Clark High School. The Tentative Map was approved at a previous meeting and now they are coming in with a final map on the first phase which includes the open area, and the recreation area. We would recommend approval in accord with all of the stipulations of the zoning and the Tentative Map. They are proposing some of the interior streets be dedicated. I am not prepared to discuss that with you specifically at this time. It is something we will have to work out with Right-of-Way Department. We would recommend approval with the stipulation that any of the interior streets which Public Works and Planning agree to could be dedicated for public streets.

Mr. O'Brien moved the Final Map of Glenwood Place #1 be APPROVED subject to the following conditions:

1. Conformance to the conditions of the zoning.
2. Conformance to the conditions of the Tentative Map.

The motion was seconded by Mr. Willard and carried by unanimous vote.

8. Z-78-70
Plot Plan Review

APPROVED

Approved application of FRANK J. VLACH for reclassification of property generally located on the north side of Stewart Avenue between Lamb Boulevard and the northerly prolongation of Prince Lane, R-T Zone.

Mr. Saylor stated this involves the mobile home park recently approved at Lamb and Stewart. At that time, it was approved with the proposed block wall, 6' in height, set back 25'. Now they are proposing to move it within 8' of the front. This requires a plot plan review. Staff feels it is even a better arrangement to have the wall moved forward.

Mr. O'Brien moved the Plot Plan Review concerning property generally located on the north side of Stewart between Lamb Boulevard and the northerly prolongation of Prince Lane, R-T zone, be APPROVED as submitted. The motion was seconded by Mr. Willard and carried by unanimous vote.

9. Tentative Map
Charleston Heights
#50 (Revised)

APPROVED

Property generally located at Smoke Ranch Road and Jeanne Drive.

Mr. Saylor stated this was the subdivision of Mr. Becker's which was submitted at the last meeting. He proposed lots of only some 60' in width and you recommended denial. It went before the City Commission and the developer indicated he would go to the 65' lot. However, they returned it back to you to give him an opportunity to submit plans showing the 65' or larger lot. This is what he has done. He has submitted a tentative map showing all lots are a minimum of 65' in width, 6500 sq. ft. in size. He shows the street going out to Smoke Ranch Road. Staff recommends approval.

Mr. O'Brien moved the Tentative Map of Charleston Heights #50 (Revised), be APPROVED. The motion was seconded by Mr. Uehling and carried by unanimous vote.

10. Discussion

Held for
Further Study

Request of Board of Zoning Adjustment relative to height of fences.

Mr. Saylor stated as you know, we have a maximum height in residential zones on fences of 6'. The Board of Zoning Adjustment had two requests recently before it for fences higher than 6'. They have asked the Planning Commission to review the situation to see if they feel that a 7' height should be permitted. I think part of the reasoning was one of the applicants indicated people are growing taller nowadays and whereas 6' used to provide privacy, it no longer does to a large number of people that may be over 6' in height. The 6' is an arbitrary determination. It is somewhat historical in nature. As far as I know, it is a common practice. I am not prepared to make recommendation one way or the other. We can research it through our national foundation to see if other cities have been going toward a trend of higher fences or if you feel 6' is sufficient, you

can throw it back with that position.

Chairman Johnston stated when he sat on the Board of Zoning Adjustment, they had a number of applications for higher fences.

Mr. O'Brien stated they are constantly having a fight over this. From an engineering standpoint, when you go over 6', you have a wind problem.

Chairman Johnston stated he felt there probably should be a trend to higher fences. He would like to take a survey and bring it back.

Mr. Saylor indicated he would take a survey through the American Society of Planning Officials and bring it back for another review.

11. Review

Appointed
Committee
of
O'Brien and
Willard

Uses permitted under P-R Zoning.

Mr. Saylor stated we came up with the P-R classification a few years ago for the express purpose of allowing residential areas that front on major streets to transition to semi-commercial types of uses. We limited it to professional offices. It is quite difficult to exactly define a professional office. Our present ordinance does define it to a certain extent. The ordinance states:

"Professional Office: A building of more or less residential but not commercial character and containing one (1) or more offices, in which or where there is no display of stock or wares in trade, nor commodity sold, nor any commercial use conducted other than the professional services as herein defined. For the purpose of this Chapter, professional offices shall include the office of a doctor, dentist, lawyer, architect, engineer, minister of religion, insurance agent, realtor, or similar professionals or professional services, but shall not include barber shops, beauty parlors, nor similar services or general business offices."

It seems we draw the line where you are utilizing it for office use as compared to selling a product or performing a service to the client or to some goods or articles of that nature. Since 1963, we have made requests on specific items to the attorney's office and they have ruled that these following uses should be considered as professional offices: bail bondsman (insurance to courts), tax service business (not accountant or CPA), reading clinic (1-1 pupil/teacher ratio), mobile home listing service, bookkeeping service, detective (subject to no repossessions), travel agency, reservation services, auto driving school, recording studio, veterinarian (out patient), interior decorator (no goods sold), franchise sales, denture repair by patient's dentist only, accounting office (data processing, inventories and bookkeeping). Several times the question has come up on a contractor using an office in a P-R zone for

his particular office. Generally speaking, we feel a contractor is going to have a storage yard, a service yard in connection with his business and when he does have that facility, he will locate his office there. However, there are some contractors that have a need for an office use only. There would be no storage of goods, equipment, supplies, etc. This has come up in terms of building contractors, electrical contractors, etc. We put it to you to see if you want to include those uses with the stipulation that no storage of any materials or equipment in the P-R zone be allowed.

Chairman Johnston stated there are a couple of categories that should not be allowed in the P-R; for instance, a driving school. This would create a situation of policing. How are you going to know if somebody is selling something once you give them the zone?

Mr. Saylor stated we would send to the attorney's office for a ruling when these uses came in. If the Planning Commission takes umbrage to any of these, I am sure we can correct it by amending the ordinance.

Chairman Johnston stated he felt they should have a committee and study it. He appointed Mr. O'Brien and Mr. Willard to the committee.

12. Street Dedication

APPROVED

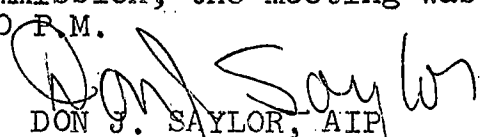
Homestead Street, located between Log Cabin Way and Moccasin Road.

Mr. Saylor stated this is a street way out in the northwest area of the City. He pointed out the location on the plot plan. Some of this area is in the county. In most cases, the streets have been graded. There has been some fragmentation of larger parcels into smaller parcels. Our position is, we won't issue building permits in the City unless there are dedicated streets. They are proposing to dedicate this 60' right-of-way which is in the City. It seems to line up with existing street pattern and we recommend approval subject to approval of the Public Works Department.

Mr. O'Brien moved the Street Dedication of Homestead Street, located between Log Cabin Way and Moccasin Road, be APPROVED subject to approval of the Public Works Department. The motion was seconded by Mr. Ward and carried by unanimous vote.

ADJOURNMENT:

There being no further business before the City Planning Commission, the meeting was adjourned at 8:50 P.M.


DON J. SAYLOR, AIP
Director of Planning
Coordinator of Urban Renewal

DJS:bjw