

AGENDA

BOARD OF ZONING ADJUSTMENT

SPECIAL MEETING

FEBRUARY 9, 1976

CALL TO ORDER:

3:00 P.M. in the Commission Chambers of City Hall,
400 East Stewart Avenue, Las Vegas, Nevada.

ROLL CALL:

PLEDGE OF ALLEGIANCE:

MINUTES:

Approval of the Minutes for the Board of Zoning
Adjustment meeting held December 1, 1975.

OLD BUSINESS:

1. V-42-74

(Abeyance Item
from 1-22-76)

Request by ARNOLD A. BARTZ to revise his approved
plot plan under an approved variance to allow a
second-story addition to the rear of his resi-
dence on property located at 1017 Vaughn Street
in zoning district R-1.

NEW BUSINESS:

1. U-2-76

Application of GEORGE CROCKETT for a Use Permit
to allow a 118-unit apartment complex in a
commercial zone on property generally located on
the west side of Rancho Drive, between West Bonanza
Road and the Las Vegas Expressway, 180 ft. south
of Bonanza Road, extending south along Rancho Drive
400 ft. in zoning district C-1.

74

MINUTES

BOARD OF ZONING ADJUSTMENT

SPECIAL MEETING

FEBRUARY 9, 1976

CALL TO ORDER: A Special Meeting of the Board of Zoning Adjustment was called to order by Chairman Reinhardt at 3:00 P.M. in the Commission Chambers of City Hall, 400 East Stewart Avenue, Las Vegas, Nevada.

PLEDGE OF ALLEGIANCE:

PRESENT: Chairman Reinhardt, Mr. Duncan and Mr. Jenkins.

EXCUSED: Mrs. Segretti and Mrs. Emmett.

STAFF PRESENT: Harold P. Foster, Deputy Director, Department of Community Development.
John Herbert, Planning Assistant.
Kathleen M. Tighe, Recording Secretary.

OLD BUSINESS:

1. V-42-74 Request by ARNOLD A. BARTZ to revise his approved plot plan under an approved Variance to allow a second-story addition to the rear of his residence on property located at 1017 Vaughn Street in zoning district R-1.
(Abeyance Item from 1-22-76)

APPROVED

MR. FOSTER stated this application was held in abeyance from the last meeting of the Board so that staff could renotify the surrounding property owners of the request. He stated the request was to allow a second-story addition to the rear portion of the residence which had been previously approved by the Board. He said there was one letter of protest on record from the property owner to the south and this property owner also objected to the original variance; however, when the addition was added originally there were no windows on the south side of the addition so it did not intrude on this property owner's privacy. He stated in this letter of protest, the property owner to the south stated he felt this property might be used as a two-family residence and also that this would reduce his privacy in the rear yard.

CHAIRMAN REINHARDT asked if there were any letters of approval.

MR. FOSTER said "no".

CHAIRMAN REINHARDT declared the public hearing open and asked to hear from the applicant.

MR. ARNOLD A. BARTZ appeared and stated he was the applicant. He said this was not to be used as a two-family residence and it would be just for his family. He said the second-story would be for his master bedroom.

MR. JENKINS asked the applicant if he discussed this matter with his neighbor to the south.

MR. BARTZ indicated he had not discussed the second-story addition; however, previously he had discussed the original addition, and the property owner to the south indicated he would have no objection if there were no windows on the south side. He stated he would not have any windows on the south side of the second-story addition either.

MR. JENKINS asked where the windows would be.

MR. BARTZ said the only windows would be on the west side of the addition, but towards the north portion of that side. He said there would be no way he could see the yard of the property owner to the south so this would not intrude on his privacy.

CHAIRMAN REINHARDT asked if anyone else wished to be heard and there being no one, he declared the public hearing closed.

MR. JENKINS made a Motion for APPROVAL of V-42-74 for a second-story addition to this residence, subject to the following conditions:

1. Conformance to the plot plan.
2. Conformance to the code requirements and design standards of City departments.
3. No window or other openings shall be allowed on the south side of this proposed addition.

Voting was as follows:

Mr. Jenkins - yes.
Mr. Duncan - yes.
Chairman Reinhardt - yes.

Motion for APPROVAL carried unanimously.

MR. FOSTER pointed out since there was a protest on record, there would be a 14-day waiting period for an appeal to be filed or a review by the City Commission.

NEW BUSINESS:

1. U-2-76
DENIED

Application of GEORGE CROCKETT for a Use Permit to allow a 118-unit apartment complex in a commercial zone on property legally described as that portion of the Southwest Quarter (SW $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) of Section 29, Township 20 South, Range 61 East, MDB&M, described as follows: Commencing at the northwest corner of the Southwest Quarter (SW $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) of said Section 29; Thence South 89°17'25" East 753.07 feet; Thence South 0°02'40" East 180 feet to the true point of beginning; Thence continuing South 0°02'40" East 341.66 feet; Thence South 89°32'20" East 452.43 feet; Thence from a tangent whose bearing is North 41°10'21" West turning to the left along a curve having a radius of 3,900 feet and subtending a central angle of 4°28'10" an arc length of 304.23 feet; Thence North 36°42'11" West 118.28 feet; Thence South 89°57'20" West 209.87 feet to the true point of beginning, and generally located on the west side of Rancho Drive, between West Bonanza Road and the Las Vegas Expressway, 180' south of Bonanza Road extending south along Rancho Drive 400 ft. in zoning district C-1.

MR. FOSTER pointed out the area in question on the screen indicating there were single family homes to the west which back up to this proposed development, the Las Vegas Expressway is to the south, a car wash and other commercial zoning to the east, and a service station at the corner of Bonanza and Rancho Drive to the north with commercial zoning and development further north on both sides of Rancho Drive. He stated the request was for a 118-unit, three-story apartment complex; and the ordinance provides for apartments on C-1 zoned property by means of a Use Permit which allows the Board to determine whether the proposed use would be compatible with the surrounding area. He stated there is a stipulation in the Ordinance that apartment developments in the C-1 zone must adhere to the R-4 zoning regulations, and he indicated the 118-unit request exceeds the limitation by 3 units so these would have to be eliminated. He stated this would be a three-story complex, and the R-4 provisions allow either a two-story building or a height limitation of 35 ft., whichever is appropriate and this project does not exceed the height limitation. He pointed to the plot plan indicating the location of the buildings on the property with landscaping and a swimming pool in the central portion and parking around the periphery. He said in evaluating the request, staff felt if approved it should conform to the R-4 requirements. The Public Works Department has indicated they felt there were too many driveway openings on Rancho. He indicated there were four driveway openings shown and Public Works felt they should be relocated and reduced to two openings because of the heavy traffic on Rancho.

He stated it was approximately 76 feet to the single family homes to the rear, and the rear portion would be used for parking.

CHAIRMAN REINHARDT asked if eliminating two of the driveway openings would effect traffic circulation on the property.

MR. FOSTER said it would not because the traffic can only go south since there is a median on Rancho.

MR. JENKINS asked if there would be access from the north end of the property.

MR. FOSTER pointed out the service station was to the north. Staff would recommend if approved it meet the requirements of the R-4 zone regulations, meet the requirements of Public Works on the driveway openings, and also that they relocate the trash containers from the west portion of the property to the rear of the building or to the north and that all mechanical equipment and trash containers be screened. He said there were two billboards shown, and the one to the south would have to be in accord with the State and local requirements. Staff also felt more landscaping should be provided on the frontage of the property. He indicated if two of the driveway openings were closed off, more landscaping could be provided. He said from the notices sent out, there was one protest on record. He stated they received two letters; however, they were from the same address.

CHAIRMAN REINHARDT asked for the recommendation of staff.

MR. FOSTER stated staff didn't see any problem with the proposal, and it was a decision for the Board to determine if they felt this was a proper location.

CHAIRMAN REINHARDT declared the public hearing open and asked to hear from the applicant.

MR. BOB BIGELOW appeared and stated he was the contractor and the developer for this property. He stated Mr. Crockett was the owner of record. He said they tried to contact some of the neighbors to discuss the plans since they felt there would be people who would be concerned about what was going in there, particularly the homes to the west. He said there were six homes to the west and indicated he would like to hear from the people in the audience and then answer their questions. He said there was an 80 ft. distance between the back of the last building and the property line. He stated there was a great deal of time and thought spent in laying out this project so that it would minimize the effect to anyone in the area. He said there would be no families occupying the units and the buildings were geared to single occupancy and consisted of 100 one-bedroom apartments and 18 two-bedroom apartments, so he did not feel there would be any children.

CHAIRMAN REINHARDT asked Mr. Bigelow if he could eliminate the additional units as requested by staff to meet the requirements.

MR. BIGELOW said he discussed that with staff. He said they arrived at their figures from the square footage; however, there would be a final survey and they would conform to the requirements of staff since the building that faces the street is flexible.

CHAIRMAN REINHARDT asked to hear from the protestants.

MR. HERMAN WEISS, 309 Ramsey appeared in protest. He said he lived in the immediate area and was protesting the change from commercial to apartments. He presented a petition of protest to the Board containing approximately 95 signatures consisting of 89 properties.

CHAIRMAN REINHARDT said since the property was commercial, a service station or restaurant could go in there, and he felt possibly this would be more detrimental than an apartment complex.

MR. WEISS said the rear wall was 6 ft. and his property would be next to this. He said he was a transportation expert and owned many trucks in New York. He said he had lived here for 16 years, and he felt with the traffic from this proposed apartment project it would further congest the intersection at Rancho and Bonanza. He said motorists would have to go south, make a U-turn and then go north to the shopping area and he felt this would interfere with the traffic flow and cause accidents. He said the northbound traffic going into this project would also have to go to Bonanza for a U-turn. He felt this was not the place for apartments.

CHAIRMAN REINHARDT asked Mr. Weiss if he didn't feel there would be just as many cars if a shopping center was constructed on this property.

MR. WEISS said he felt there was not enough space for as many cars as a 118-unit apartment complex would require.

MR. BEECHER AVANTS, 200 Delmar, appeared in protest. He said he had been there about 5 years and this was a very quiet residential area with fairly modest homes. He felt to allow a three-story apartment complex would intrude on the privacy of the homes to the rear. He felt an apartment complex of this type also would burden the area with residents of a character not in keeping with the other residences and would bring in pimps, prostitutes, narcotic users and peeping-toms. He said this area did not have this type of use in it and felt this should be taken into consideration.

MR. LIBRADO RAMOS, 304 Ramsey, appeared in protest. He also felt there would be a bad element of people coming into the area, and he was also concerned about the traffic problems. He said even now there is a patrol car assigned to Bonanza and Rancho to control the traffic. He said there were times it took 35 minutes to get onto West Bonanza from Ramsey Street, and he pointed out on the map the traffic problems in the area. He said he was also concerned about the garbage cans, and he felt there would be many of them for an apartment complex of this size. He indicated if this were a night meeting instead of being held in the afternoon, there would be more people to protest.

MR. PHIL VARVA, 300 Ramsey, appeared in protest. He said if this were allowed to be constructed, it would cut off the view and sunlight for the homes to the rear. He said he had lived there for 15 years and he had a very nice garden with a lot of fruit trees. He felt also the kids from this building would get at his fruit trees. He also said there was a traffic problem in the area and this apartment complex would make it worse.

MR. JENKINS asked Mr. Varva what he would like to see on the property.

MR. VARVA said he would rather see some type of one-story business.

MRS. HENRY DUKES, 300 El Dorado, appeared in protest. She said she was three blocks behind this proposed building, but she had lived there for 15 years. She said there was a traffic problem in the area at 8:00 A.M., noon, 1:00 P.M., 4:00 P.M. and 5:00 P.M. with people going to and from the Welfare buildings. She stated the State had taken away part of the Twin Lakes subdivision for the freeway by removing nine homes. She indicated they were promised cul-de-sacs on the three streets to the rear of this proposal, and they promised a park on the excess land. She said the State sold the property and they did not get the park or the cul-de-sacs. She also stated there was a serious traffic problem and felt the only thing that should go on the property would be garden type apartments or something for senior citizens or convalescents since there would be fewer cars. She said they were also promised a buffer when Safeway was removed, and she indicated there was a lot of trash behind the buildings there. She further indicated the landscaping which went in is now dying, and she felt they got a raw deal.

MR. JENKINS indicated they could have staff investigate the traffic situation.

MR. BOB BIGELOW reappeared and stated he was familiar with the area since he had lived at 308 Delmar previously. He said most of what he had heard at this meeting did not apply to this property. He felt the people in this building would not just be shopping at Rancho and Bonanza, but they would probably use the new Dayton-Hudson Center to the south and also use the facilities at Decatur and West Charleston. He reiterated that this building would be for adults, and he presently had other units which had no children in them. He said this would not be designed for people with families and the price range would be rent starting at \$205.00 per month for a one-bedroom. He said this was not a government or HUD project so it was not low-income housing. He stated he did not feel this additional amount of traffic would cause any more problem to the area. He stated he was required to have one and one-half spaces for each unit, but there would only be one car to an apartment since they would be mainly single units. He felt if a restaurant and lounge were constructed on this property, this would cause much more of a traffic problem. He felt the only people really concerned in this matter were the people on Ramsey Street directly to the rear. He indicated one remark was made by a protestant about this building cutting off his sunlight, but he pointed out the building would be setback 80 ft. from the rear line. He said he would be willing to do whatever he could to help out the neighborhood on this project. He indicated he would also meet the requirements of staff. Mr. Bigelow pointed out he was not constructing these apartments for resale, and they would be quality structures. He said he would relocate the trash enclosures and would provide probably 6 or 7 dumpsters so there would be no trash cans.

MR. DUNCAN stated he was concerned about the traffic situation and reiterated the route they would have to take.

MR. BIGELOW said the point he was making was that it would be inconvenient for the people who would live in the buildings, but he did not feel the people to the west would be affected. He felt if they completely wanted to eliminate any more traffic problems, the City would have to condemn the property to preclude any development on it.

The matter of using Bonanza Road was brought up and Mr. Foster stated there was no access to this property from Bonanza Road and the only access would be Rancho. He said there may be a traffic problem in the area, but what the Board had to evaluate was whether they felt this type of use would be more compatible with the area, keeping in mind there is commercial zoning on the property.

MR. BIGELOW stated he felt this traffic situation should have been brought up 15 years ago.

CHAIRMAN REINHARDT asked staff if there was a wall requirement to the south.

MR. FOSTER said staff didn't really feel the need for one there, but there is a 6 ft. high wall to the west.

CHAIRMAN REINHARDT asked if an 8 ft. high wall would be more suitable.

MR. FOSTER said the Board could consider it if they so desired.

MR. BIGELOW said they had considered a wall or landscaping on the south. He said there would be a 6 ft. high wall near the service station, but felt if a wall were required on the other side, it should be open so the landscaping would show.

CHAIRMAN REINHARDT heard rebuttal from the protestants who already spoke who reiterated their feelings on the proposal. He then declared the public hearing closed and declared a five-minute recess at 4:15 P.M. and reconvened the meeting at 4:20 P.M.

MR. JENKINS said the main objective of the Board, he felt, was to protect the residents in the immediate area. He felt there was a traffic problem in the area, and he felt the height of the buildings would interfere with the privacy of the home owners to the rear. He made a Motion for DENIAL of U-2-76.

Voting was as follows:

Mr. Jenkins - yes.
Mr. Duncan - yes.
Chairman Reinhardt - no.

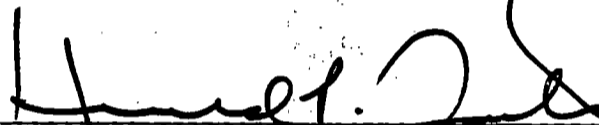
Motion for DENIAL carried.

CHAIRMAN REINHARDT informed the applicant there was an 11-day appeal period in which he could appeal the matter to the City Commission.

ADJOURNMENT:

There being no further business before the Board of Zoning Adjustment, the meeting was adjourned at 4:30 P.M.

BOARD OF ZONING ADJUSTMENT



HAROLD P. FOSTER, DEPUTY DIRECTOR
DEPARTMENT OF COMMUNITY DEVELOPMENT

HPF:kt