

AGENDA

CITY PLANNING COMMISSION

OCTOBER 26, 1976

CALL TO ORDER:

7:30 P.M. in the Commission Chambers of City Hall,
400 East Stewart Avenue, Las Vegas, Nevada.

ROLL CALL:

MINUTES:

Approval of the Minutes for the City Planning Commission
meeting held September 9, 1976.

NEW BUSINESS:

1. Z-73-76

Application of WALTER JACK ROSS for reclassifi-
cation of property generally located on the south
side of Miller Avenue, between Concord Street and
LaSalle Street, from R-2 to C-2.
Proposed Use: Retail Stores.

2. Z-74-76

Application of HELEN M. CLARK for reclassification
of property located at 712 South 8th Street, between
Garces Avenue and Gass Avenue, from R-1 to P-R.
Proposed Use: Offices.

3. Z-75-76

Application of DASCO, INC. for reclassification
of property generally located on the south side of
Pennwood Avenue, between Valley View Boulevard and
Wing Street, 300 Ft. east of Wing Street, from
C-1 and "M" to R-3.
Proposed Use: 76 Unit apartment project.

4. Z-76-76

Application of SHOWBOAT, INC. for reclassification
of property generally located on the northeast
corner of Atlantic Street and East Oakey Boulevard,
from R-1 to C-2.
Proposed Use: Patron & employee parking.

5. Z-78-76

Application of ERNEST A. BECKER for reclassifica-
tion of property generally located on the south
side of Cheyenne Avenue, between North Rancho Drive
and a point 1,300 ft. east of North Jones Boulevard
to a depth of 1,250 ft. off Cheyenne Avenue.
From: R-E to R-D, R-3 and C-1.

6. AV-14-76

Request for an Administrative Variance by
EMERSON D. WILLIAMS to allow the construction
of a 5-plex apartment complex on the southeast
corner of Bruce Street and East Bonanza Road,
R-3 zone.

7. TENTATIVE MAP

CHARLESTON HEIGHTS
TRACT No. 54

Property generally located on Michael Way, south
of West Cheyenne Avenue, R-E zoning (proposed R-D).
Owner/Subdivider: Ernest A. Becker
No. of Lots: 47
No. of Acres: 21.01

RECEIVED
CITY MANAGER

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AM 7, 8, 9, 10, 11, 12, 1, 2, 3, 4, 5, 6 PM

8. FINAL MAP

CHARLESTON HEIGHTS
TRACT NO. 54-A

Property generally located on the east side of
Michael Way, south of West Cheyenne Avenue,
R-E zoning, (proposed R-D)
Owner/Subdivider: Ernest A. Becker
No. of Lots: 26
No. of Acres: 11.723

9. FINAL MAP

CHARLESTON HEIGHTS
TRACT NO. 51-C

Property generally located on the west side of
Maverick Street, between Guadalupe Avenue and
Cambria Avenue, R-1 zoning.
Owner/Subdivider: Ernest A. Becker
No. of Lots: 61
No. of Acres: 11.743

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MINUTES

CITY PLANNING COMMISSION

OCTOBER 26, 1976

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CITY MANAGERS
OFFICE

CALL TO ORDER:

A regular meeting of the City Planning Commission was called to order by Vice-Chairman Parker at 7:30 P.M. in the Commission Chambers of City Hall, 400 East Stewart Avenue, Las Vegas, Nevada.

PRESENT:

Vice-Chairman Parker, Mrs. Coleman, Mr. Miller, Mr. Busch, Mr. Ward and Mr. Tiberti.

EXCUSED:

Chairman Jenkins.

STAFF PRESENT:

Don J. Saylor, AIP, Director, Department of Community Planning & Development.
Howard A. Null, Supervisor of Planning & Zoning.
Ira J. Gardner, Planning Assistant.
Kathleen M. Tighe, Recording Secretary.

MINUTES:

MRS. COLEMAN made a Motion for APPROVAL of the Minutes of the City Planning Commission meeting held September 9, 1976. Motion carried unanimously.

NEW BUSINESS:

1. Z-73-76

APPROVED

Application of WALTER JACK ROSS for reclassification of property legally described as Lots 128D, 128E, and 128F, Vegas Heights Tract #4, generally located on the south side of Miller Avenue, between Concord Street and LaSalle Street, from R-2 to C-2.

Proposed Use: Retail stores.

MR. SAYLOR gave the staff report recommending that the application be amended to C-1 zoning which would still allow the applicant his proposed development. He stated there were no protests on record.

VICE-CHAIRMAN PARKER declared the public hearing open and asked to hear from the applicant.

MR. WALTER JACK ROSS, 720 McWilliams, appeared and stated he was the applicant. He said he did not plan on living in the residence on the property and would like the entire parcel commercial.

MRS. COLEMAN asked Mr. Ross if he knew the difference between the C-1 and C-2 zones since it was the recommendation of staff that the request be amended to C-1.

MR. ROSS stated he would agree as long as it was commercial and would allow his development.

MR. FRED B. HOUGHTON, 5446 West Smoke Ranch Road, appeared. He asked the zoning for the property on the southwest corner of Miller and Rivera.

MR. SAYLOR indicated it was commercial.

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

MR. WARD made a Motion for APPROVAL of Z-73-76, subject to the following conditions:

1. Application be amended to C-1 zoning.
2. Resolution of Intent be restricted to a twelve (12) month time limit.

3. Landscaping and a permanent underground sprinkler system shall be provided as required by the Planning Commission and shall be permanently maintained in a satisfactory manner. Failure to properly maintain required landscaping and underground sprinkler systems shall be cause for revocation of a business license.
4. Submittal of a landscaping plan prior to or at the same time application is made for a building permit.
5. The existing residence on the property to be removed.
6. All mechanical equipment, air conditioners and trash areas shall be screened from view from the abutting streets.
7. Conformance to the plot plan to reflect the above conditions.
8. Conformance to code requirements and design standards of City departments.

Voting was as follows:

- "AYES" - Ward, Tiberti, Parker, Coleman, Miller and Busch.
- "NOES" - None.

Motion for APPROVAL carried unanimously.

VICE-CHAIRMAN PARKER announced this would be considered by the City Commission on November 17, 1976, at 9:00 A.M.

2. Z-74-76

APPROVED

Application of HELEN M. CLARK for reclassification of property legally described as Lots 19 and 20, Block 12, Wardie Addition, located at 712 South 8th Street, between Garces Avenue and Gass Avenue, from R-1 to P-R.

Proposed Use: Offices

MR. SAYLOR gave the staff report recommending approval subject to the landscaping being refurbished as required by the Department of Community Planning and Development and the other normal conditions. There were no protests.

VICE-CHAIRMAN PARKER declared the public hearing open and asked to hear from the applicant.

MRS. HELEN CLARK appeared and stated she was the applicant. She stated she agreed to the conditions of staff.

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

MR. BUSCH made a Motion for APPROVAL of Z-74-76, subject to the following conditions:

1. Landscaping and a permanent underground sprinkler system shall be provided as required by the Planning Commission and shall be permanently maintained in a satisfactory manner. Failure to properly maintain required landscaping and underground sprinkler systems shall be cause for revocation of a business license.
2. Submittal of a landscaping plan prior to or at the same time application is made for a building permit.

3. All mechanical equipment, air conditioners and trash areas shall be screened from view from the abutting streets.
4. Signing of an Assessment District Agreement for alley paving and street lighting as required by the Department of Public Services.
5. Conformance to the plot plan to reflect the above conditions.
6. Conformance to code requirements and design standards of City departments.

Voting was as follows:

- "AYES" - Busch, Coleman, Ward, Tiberti, Miller and Parker.
 "NOES" - None.

Motion for APPROVAL carried unanimously.

VICE-CHAIRMAN PARKER announced this would be considered by the City Commission on November 17, 1976, at 9:00 A.M.

3. Z-75-76

APPROVED

Application of DASCO, INC. for reclassification of property legally described as being a portion of the West Half ($W\frac{1}{2}$) of the Northeast Quarter ($NE\frac{1}{4}$) of the Southeast Quarter ($SE\frac{1}{4}$) of Section 7, Township 21 South, Range 61 East, MDB&M, being more particularly described as follows: Commencing at the northwest corner of Bradford Place, Unit #1; Thence North $89^{\circ}41'02''$ East 301.15 feet; thence South $2^{\circ}06'54''$ East 40.02 feet to the true point of beginning; thence North $89^{\circ}41'02''$ East 359.71 feet; thence South $1^{\circ}50'34''$ East 404.36 feet; thence South $88^{\circ}09'26''$ West 142.79 feet; thence North $1^{\circ}50'34''$ West 57.00 feet; thence South $88^{\circ}09'26''$ West 215.09 feet; thence North $2^{\circ}06'54''$ West 356.95 feet to the true point of beginning, generally located on the south side of Pennwood Avenue, between Valley View Boulevard and Wing Street, 300 feet east of Wing Street, from C-1 and "M" to R-3.

Proposed Use: 76 unit apartment project.

MR. SAYLOR gave the staff report. He stated this parcel was originally part of the overall proposal of Bradford Place but was not developed and has been sold to the applicant. They are now requesting an apartment project on the property. He said there is a Resolution of Intent for townhouse development, but the zoning is commercial and industrial. He stated at the present time, they could either put commercial or industrial on the property. He pointed out this was before the Planning Commission four months earlier and was denied and at that time, the Bradford Place Homeowners Association strongly opposed the application. He stated the homeowners had instituted legal action against the original developer because they felt he had an obligation to finish the development as was originally proposed. He stated they felt this materially effected them because the cost of the common areas involved would be higher if there were less units in the development. Mr. Saylor informed the Commission, the City had no way of forcing the developer to complete this particular development. He stated the City does insist on each unit of development being self-sufficient and this was done. He said by this parcel being left out of the original plan, it would not materially effect the traffic or common areas, etc. Mr. Saylor presented the proposed development indicating the buildings would be on the interior with parking around the perimeter with a block wall and traffic circulation from Pennwood.

MR. SAYLOR stated staff recommended approval on the previous application and does so again. He said staff feels sympathetic with the homeowners, but does not feel staff can rectify that situation and felt if this were not developed this way, it could be used for commercial or industrial which would be much more incompatible with the residential area. Mr. Saylor pointed out there was a protest on record for this proposal from the homeowners association.

MRS. COLEMAN asked where the parking would be and if there would be a pool in the center.

MR. SAYLOR said "yes" and pointed out the parking.

MR. BUSCH asked if access would only be from Pennwood.

MR. SAYLOR said "yes".

VICE-CHAIRMAN PARKER declared the public hearing open and asked to hear from the applicant.

MR. DUDLEY SMITH, DASCO, appeared. He said he came before the Planning Commission about four months ago and was denied and the application was then heard by the City Commission and was denied by a 3-2 vote. He said they were reapplying for the same reasons as before and would stand on that position.

MRS. COLEMAN asked if these would be two story.

MR. SMITH indicated a portion of them would be two story. He said there would be one section of two-story on each side and one section of two-story on the rear with one-story on the front.

VICE-CHAIRMAN PARKER asked for a show of hands from people in the audience opposed to this request. About 18 persons raised their hands.

MR. KIRK LENHARD, Attorney at Law, appeared representing the Homeowners Association. He said he concurred with the objections which were raised when this was first heard. He stated if approved, this would add to the nuisance for these homeowners. He said about 42 units have not been built on this parcel and they now want an apartment complex with a wall separating these apartments from the townhouses. He stated the people in the townhouses would then be facing a wall from their front windows. He said it was pointed out at the previous meeting this would over-populate the area and felt the situation would be worse if the apartment complex were permitted. He stated he realized the Commission could not act on the court action, but felt this request could be denied and then the property would have to be developed with either commercial or industrial. He said the members of the association would prefer the commercial or industrial development to the apartments. He pointed out the CC&R's were filed with the County Clerk. He pointed out when Dasco bought this property, they were aware of the legal action taking place when they purchased.

MR. SAYLOR pointed out a reversionary map was filed for this portion of Bradford Place.

MRS. COLEMAN asked Mr. Saylor the population projection for this area according to the master plan.

MR. SAYLOR stated when the word "area" is used without definition, it could mean anything, within two blocks or

a mile. He said he would use "area" in this case basing it upon a vicinity of several blocks. He stated they do have a greater population than that which is recommended by the General Plan; however, you cannot necessarily translate the number of apartment units proposed into a greater population factor than the townhouse development which was to have been built. He said at the last meeting, it was represented that these apartments would be adult oriented and it was felt the occupancy of the 76 apartments would not have any more effect than the occupancy of 42 townhouses.

MR. RICHARD SHENBERGER, 3154 Blackford Court, appeared in protest. He stated he was a resident and stated at the last meeting, Mr. Smith presented some figures showing the number of renters in the proposed 76 units compared to the number of persons that would live in the 42 townhouses which came out about the same. He said Mr. Smith concluded then that this would not adversely effect the population. He stated the one thing he would like to point out was that he would rather have 100 property owners as neighbors as compared to 20 renters. He stated a property owner has values and takes care of his property. He stated one other point Mr. Smith made was that townhouses were not economically feasible because there was no market for them. He asked the applicant if he had re-evaluated the market and would possibly reconsider finishing this development with townhouses. He said there were 171 home owners in the association and he would have their complete support for a townhouse development.

MR. SMITH reappeared and stated the matter of the 6 ft. high wall was brought out between the apartment project and the existing townhouses. He stated this was done so that the cars could park behind the wall and they would not be seen. He also stated the buildings would be set back a considerable distance. He pointed out if commercial or industrial goes in, they could put up a 16 or 20 ft. high wall on that same property line and did not feel this argument was feasible. He said if the project is developed with townhouses there would be 42 with approximately 3 persons in each unit for a total of 126 persons. The 76 unit apartments would consist of 38 with no bedroom, and 38 with one bedroom and felt with this type of apartment unit, the population would only be 114, so he felt their argument on population had no basis. He said it was further mentioned that the CC&R's had been filed. He pointed out he received a title report from Stewart Title and First American and no CC&R's had been filed on this unit. He said the reversionary map was filed and approved and no Resolution exists on this unit presently. He stated the property had now reverted back to the C and M zoning. He said he felt this had gotten out of hand and could not believe the people in the area would really want this developed with an auto body shop or something of that nature. He said they had evaluated the situation and would not build the townhouses.

MR. LENHARD reappeared and stated there is a legal dispute over the CC&R's and pointed out again that Mr. Smith was under notice that there was a potential problem on this piece of property.

MR. PAUL REISING, 3169 Marsford Place, appeared in protest. He stated the people in the area would prefer a body shop or mini-warehouses, etc., where the property owners would take care of the property rather than apartments. He

pointed out he felt the schools in the area were overcrowded and felt apartments would make matters worse and there was a high security risk. He said this association consisted of 171 property owners asking that this be denied.

MR. NORMAN VonRUEDEEN, 3120 Chadford Place, appeared in protest. He said as was mentioned, there was a serious question on the CC&R's and by-laws which tie in this unit. He stated when the homeowners were deeded the common areas, this was fee simple ownership of all common area including this section which made him owner of 1/213 of all of the common area. He said it was his understanding that only people within 300 ft. of this application were notified.

MR. SAYLOR pointed out the City was not legally bound to send notice to the property owners, but did this as a matter of courtesy within 300 feet minimum distance. He stated this was done in addition to publishing in the newspapers. Mr. Saylor stated he felt the 68 people notified would get word out to the rest of the property owners and it would probably come at the association meeting, so everyone would have been aware of this.

MR. VonRUEDEEN stated when this came up previously, all 171 property owners were notified.

MR. SAYLOR stated he was sure the association would make the property owners aware of this proposal.

MR. VonRUEDEEN stated he felt everyone should have been notified.

MR. DAN STOKES, 3109 Chadford, appeared in protest. He said the point of whether they want to look at the 6 ft. high wall or an 18 ft. high wall was not the point. He said he spent his money to buy this type of house and in this particular location. He stated this was a quiet area. He stated if this proposal is allowed, he would be looking at a parking lot with cars going in and out all night long. He stated this apartment complex would not be designed for families and felt his entire property would be destroyed if this were permitted.

VICE-CHAIRMAN PARKER stated it was difficult for him to understand, not speaking for or against this proposal, that the people living in this area would rather have something like a steel or foundry there rather than some apartments. He said he could not understand this with the kinds of trash and noise this would cause.

MR. STOKES stated at least with industrial or commercial, it would be quiet at night when they close.

VICE-CHAIRMAN PARKER stated this would depend on the operation.

MR. STOKES stated another use would come before the Planning Commission.

MRS. COLEMAN asked if it was true that the homeowners in the area have in their deed that they own 1/213 of all of the common area in all four sections.

MR. LENHARD stated they don't have a deed as such, but the CC&R's were filed and the original covered section #1 with 2 and 3 annexed. He stated the legal question is whether section 4 is covered. He stated he did not know what decision the District Court would make, but it was their position that this unit was covered.

MRS. COLEMAN asked if they do in fact own these common areas and if so, if the Commission had the right to rezone this parcel.

MR. LENHARD stated this legal question was between Mr. Smith and the homeowners and the Court would have to decide on this, but the Commission had the right to rezone and this would have no effect on these proceedings.

MR. MILLER asked what time limitation they were talking about.

MR. LENHARD said this had been going for six months now and it could take years.

MR. BILL BIANCHI, 3913 Hartford, appeared in protest. He stated he felt it was the owners of Bradford Place homes that should have the right to determine what type of project should be there. He said if they felt industrial should be there, it should be their decision to make since they had more at stake. He asked that the Commission consider the owners feelings since they lived there.

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

MR. TIBERTI stated it had never been the policy to make judgments based on what might happen in a law suit. He stated he makes judgments based on his experience and on what he feels is best for the area. He said he lives within a half-block of multi-housing units and was involved in industrial plant developments and knowing both, he would have to make a Motion for APPROVAL of Z-75-76, subject to the following conditions, because he felt the apartment use would be much more compatible with the area than industrial.

1. A 6 ft. masonry wall shall be constructed on the south and west property lines. An emergency access gate shall be provided on the southeast corner of the property to allow access for emergency vehicles in alignment with the existing driveway to the south.
2. Expunge the existing Resolution of Intent to R-3 PUD which pertains to the portion of the property under this development as provided for under Z-83-70.
3. All mechanical equipment, air conditioners and trash areas shall be screened from view from the abutting streets.
4. Conformance to the plot plan to reflect the above conditions.
5. Conformance to code requirements and design standards of City departments.

Voting was as follows:

"AYES" - Tiberti, Busch, Parker & Miller.
"NOES" - Coleman.
"ABSTENTION" - Ward.

Motion for APPROVAL carried.

VICE-CHAIRMAN PARKER announced this would be considered by the City Commission on November 17, 1976; at 9:00 A.M.

4. Z-76-76

APPROVED

Application of the SHOWBOAT, INC. for reclassification of property legally described as that portion of the Southeast Quarter (SE $\frac{1}{4}$) of the Northwest Quarter (NW $\frac{1}{4}$) of Section 1, Township 21 South, Range 61 East, MDB&M, described as follows: Beginning at the southwest corner of the Southeast Quarter (SE $\frac{1}{4}$) of the Northwest Quarter (NW $\frac{1}{4}$) of said Section 1; thence North 0 $^{\circ}$ 15'25" West 477.78 feet; thence North 89 $^{\circ}$ 56'35" East 560.71 feet; thence South 42 $^{\circ}$ 27'00" East 653.26 feet; thence South 89 $^{\circ}$ 56'35" West to the true point of beginning, excepting therefrom the South 40 feet and the West 30 feet thereof, from R-1 to C-2.

Proposed Use: Patron & employee parking.

MR. SAYLOR gave the staff report indicating the hotel property was zoned commercial and they requesting commercial zoning on this parcel to allow patron and employee parking until a later date when expansion of the hotel would take place. He stated staff would recommend approval and there was one protest on record.

VICE-CHAIRMAN PARKER declared the public hearing open and asked to hear from the applicant.

MR. GREG NASKY, Attorney at Law, appeared representing the Showboat. He stated Mr. Frank Modica, Manager of the Hotel was also present.

MR. BUSCH asked if the applicant would conform to the required conditions.

MR. MODICA indicated they would.

VICE-CHAIRMAN PARKER asked if anyone in the audience wished to be heard.

MR. RICHARD McGOUGH, 2404 E. Oakey, appeared and presented a petition from the surrounding property owners containing 17 signatures. He stated they were not protesting this parking lot, but wanted to make sure there would be no access to Oakey and the block wall would be required. He stated they also did not want this to be used for recreation vehicles.

MR. TERRY PREATOR, 2320 E. Oakey, appeared and presented a petition signed by six property owners indicating the same requirements as the previous petition. He stated with these conditions they had no objection.

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

MR. BUSCH made a Motion for APPROVAL of Z-76-76, subject to the following conditions:

1. A 6 ft. masonry wall to be constructed along Atlantic Street extending approximately 237 feet north, and the entire Oakey Boulevard frontage.
2. There shall be no access to Oakey Boulevard.
3. Installation of 1,100 sq. ft. of sidewalk along Atlantic Street and replacement of 700 sq. ft. of sidewalk along Oakey Boulevard frontage as required by the Department of Public Services.

4. Landscaping and a permanent underground sprinkler system shall be provided as required by the Planning Commission and shall be permanently maintained in a satisfactory manner. Failure to properly maintain required landscaping and underground sprinkler systems shall be cause for revocation of a business license.
5. Submittal of a landscaping plan prior to or at the same time application is made for a building permit.
6. Conformance to the plot plan to reflect the above conditions.
7. Conformance to code requirements and design standards of City departments.

Voting was as follows:

"AYES" - Busch, Coleman, Tiberti, Parker, Miller and Ward.
 "NOES" - None.

Motion for APPROVAL carried unanimously.

VICE-CHAIRMAN PARKER announced this would be considered by the City Commission on November 17, 1976, at 9:00 A.M.

5. Z-78-76
 APPROVED

Application of ERNEST A. BECKER for reclassification of property legally described as: Parcel 1 - The Northeast Quarter (NE $\frac{1}{4}$) of the Northwest Quarter (NW $\frac{1}{4}$) of Section 13, Township 20 South, Range 60 East, MDB&M and that portion of the North Half (N $\frac{1}{2}$) of the Northeast Quarter (NE $\frac{1}{4}$) of Section 13, Township 20 South, Range 60 East, MDB&M, described as follows: Beginning at the southwest corner of the Northwest Quarter (NW $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) of said Section 13; thence North 06 $^{\circ}$ 42'43" West 803.92 feet; thence North 88 $^{\circ}$ 56'48" East 911.06 feet; thence South 36 $^{\circ}$ 26'00" East 981.20 feet; thence South 88 $^{\circ}$ 56'48" West 1,399.4 feet to the point of beginning. Parcel 2 - That portion of the Northwest Quarter (NW $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) of Section 13, Township 20 South, Range 60 East, MDB&M, described as follows: Beginning at the northwest corner of the Northwest Quarter (NW $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) of said Section 13; thence North 87 $^{\circ}$ 47'55" East 605.14 feet; thence South 36 $^{\circ}$ 26'00" East 60.48 feet; thence South 06 $^{\circ}$ 42'43" East 451.80 feet; thence South 88 $^{\circ}$ 56'48" West 636.32 feet; thence North 06 $^{\circ}$ 42'43" West 489.50 feet to the point of beginning. Parcel 3 - That portion of the Northwest Quarter (NW $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) of Section 13, Township 20 South, Range 60 East, MDB&M, described as follows: Commencing at the northwest corner of the Northwest Quarter (NW $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) of said Section 13; thence North 87 $^{\circ}$ 47'55" East 605.14 feet; thence South 36 $^{\circ}$ 26'00" East 60.48 feet to the true point of beginning; thence continuing South 36 $^{\circ}$ 26'00" East 551.43 feet; thence South 88 $^{\circ}$ 56'48" West 274.74 feet; thence North 06 $^{\circ}$ 42'43" West 451.80 feet to the true point of beginning, generally located on the south side of Cheyenne Avenue, between North Rancho Drive and a point 1,300 ft. east of North Jones Boulevard to a depth of 1,250 ft. off Cheyenne Avenue, from R-E to R-D, R-3 and C-1.

Proposed Use: Single Family Residence, Restricted,
 Limited Multiple Residence and Limited
 commercial.

MR. SAYLOR gave the staff report recommending approval. He stated there were no protests on record.

VICE-CHAIRMAN PARKER declared the public hearing open and asked to hear from the applicant.

MR. ERNEST BECKER appeared and stated he was the applicant. He said the small piece of commercial in this request would simply square off the existing commercial on the other parcel which he owns.

MR. FRED B. HOUGHTON, 5446 Smoke Ranch Road, appeared. He asked if Mr. Mossman still owned any property in this area.

MR. BECKER stated Mr. Mossman owns 25 acres on the east side of the highway.

MR. HOUGHTON asked the size of the commercial portion under this request.

MR. SAYLOR pointed out this was a small portion only to square off the commercial existing to the east of this.

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

MR. BUSCH made a Motion for APPROVAL of Z-78-76, subject to the following conditions:

1. Dedication of 50' (half street) of right-of-way on the Cheyenne Avenue alignment, 80' (full street) on the Michael Way alignment and two (2) 22.5 ft. minimum radius corners at the intersection as required by the Department of Public Services.
2. Resolution of Intent be restricted to a twelve (12) month time limit.
3. Conformance to the plot plan to reflect the above conditions.
4. Conformance to code requirements and design standards of City departments.

Voting was as follows:

"AYES" - Busch, Parker, Coleman, Tiberti, Miller and Ward.

"NOES" - None.

Motion for APPROVAL carried unanimously.

VICE-CHAIRMAN PARKER announced this would be considered by the City Commission on November 17, 1976, at 9:00 A.M.

6. AV-14-76

APPROVED

Request for an Administrative Variance by EMERSON D. WILLIAMS to allow the construction of a five-plex apartment complex on the southeast corner of Bruce Street and East Bonanza Road, R-3 zone.

MR. NULL stated this was a request to allow an additional unit on the property. He said this request was in conformity with code provisions and staff would recommend approval.

MRS. COLEMAN made a Motion for APPROVAL of AV-14-76, subject to the following conditions:

1. Dedication of a 20 ft. radius corner at Bruce Street and East Bonanza Road, as required by the Department of Public Services.
2. Conformance to the plot plan to reflect the above condition.
3. Conformance to code requirements and design standards of City departments.

Voting was as follows:

"AYES" - Coleman, Busch, Parker, Tiberti, Miller and Ward.

"NOES" - None.

Motion for APPROVAL carried unanimously.

7. TENTATIVE MAP

CHARLESTON HEIGHTS
TRACT NO. 54

APPROVED

Property generally located on Michael Way, south of West Cheyenne Avenue, R-E zoning (proposed R-D).

Owner/Subdivider: Ernest A. Becker.

No. of Lots: 47 No. of Acres: 21.01

MR. NULL gave the staff report indicating case Z-78-76 heard previously at this meeting was the zoning request for this portion of the property. He stated this tentative map did conform to code requirements and staff would recommend approval.

MRS. COLEMAN asked Mr. Becker if the homes in this area would be priced about the same as the adjacent development.

MR. BECKER said "yes". He stated the lots would be 90' x 170'. Mr. Becker stated he thought with R-D he could have horses. He pointed out he has R-D with horses on the other portion of his development.

MR. SAYLOR pointed out the other portion was zoned in the County and the City does not permit horses on R-D lots. He informed the applicant he could apply for a variance to allow horses.

After discussion, MR. BUSCH made a Motion for APPROVAL of the Tentative Map of Charleston Heights Tract No. 54, subject to the following conditions:

1. Subject to approval of the R-D zoning.
2. Approval of the tentative map shall be for no more than twelve (12) months. If a final map is not recorded on all or a portion of the area embraced by the tentative map within twelve months of approval of the tentative map, a new tentative map must be filed. If a final map is recorded within twelve months of approval of the tentative map for only a portion of the area embraced by the tentative map, the Planning Commission may require that a new tentative map be filed and approved prior to any further final maps being approved.
3. Street names shall be provided in accord with the City's Street Name Policy.
4. Subject to all conditions of City departments and State Subdivision Statutes.

Voting was as follows:

"AYES" - Busch, Coleman, Parker, Ward, Miller and Tiberti.

"NOES" - None.

Motion for APPROVAL carried unanimously.

VICE-CHAIRMAN PARKER announced this item would be considered by the City Commission on November 17, 1976, at 9:00 A.M.

8. FINAL MAP

CHARLESTON HEIGHTS
TRACT NO. 54-A

APPROVED

Property generally located on the east side of Michael Way, south of West Cheyenne Avenue, R-E zoning (proposed R-D).

Owner/Subdivider: Ernest A. Becker

No. of Lots: 26 No. of Acres: 11.723

MR. NULL gave the staff report indicating this subdivision final map was the south portion of the tentative map just approved. He stated staff would recommend approval, subject to approval of the zoning and the tentative map.

MRS. COLEMAN made a Motion for APPROVAL of the Final Map of Charleston Heights Tract No. 54-A, subject to the following conditions:

1. Street names shall be provided in accord with the City's Street Name Policy.
2. Subject to code requirements and design standards of all City departments.
3. Subject to proper zoning and approval of the Tentative Map.
4. Meet the requirements of State Subdivision Statutes.

Voting was as follows:

"AYES" - Coleman, Parker, Busch, Miller, Ward and Tiberti.

"NOES" - None.

Motion for APPROVAL carried unanimously.

9. FINAL MAP

CHARLESTON HEIGHTS
TRACT #51-C

APPROVED

Property generally located on the west side of Maverick Street, between Guadalupe Avenue and Cambria Avenue, R-1 zoning.

Owner/Subdivider: Ernest A. Becker

No. of Lots: 61 No. of Acres: 11.743

MR. NULL gave the staff report indicating the tentative map was approved December 3, 1975. Staff would recommend approval subject to the usual conditions and the conditions of approval under the zoning action Z-49-75.

MR. TIBERTI made a Motion for APPROVAL of the final map of Charleston Heights #51-C, subject to the following conditions:

1. Subject to the conditions of approval under the zoning action Z-49-75.
2. Street names shall be provided in accord with the City's Street Name Policy.
3. Subject to code requirements and design standards of all City departments.

4. Meet the requirements of State Subdivision Statutes.

Voting was as follows:

"AYES" - Tiberti, Coleman, Parker, Ward, Miller and
Busch.

"NOES" - None.

Motion for APPROVAL carried unanimously.

10. Z-31-73

PLOT PLAN REVIEW

APPROVED

Plot Plan Review requested by BELCHER/HESS ARCHITECTS for property located at 1310 South Maryland Parkway, P-R zone.

MR. NULL gave the staff report indicating this property was under a Resolution of Intent which required approval of a plot plan by the Planning Commission and City Commission. He said staff would recommend approval subject to a 6 ft. masonry wall on the west (rear) property line, redesign of the parking layout on the front and the normal requirements of staff.

MR. JACK BELCHER appeared on behalf of the applicant. He said there was a block wall on the north and a 6 ft. chain link fence on the left side with partial slats. He said the owner would like to leave the existing fence and put slats through the chain link to make it solid.

MR. NULL stated staff only required the block wall on the rear.

MR. BELCHER stated they would agree to this.

MRS. COLEMAN asked about the landscaping.

MR. NULL stated they could redesign the front parking layout to provide for landscaping and still have sufficient parking.

MR. BELCHER stated they plan to refurbish the landscaping.

MRS. COLEMAN made a Motion for APPROVAL of Z-31-73, subject to the following conditions:

1. A 6 ft. high masonry wall shall be constructed on the rear (west) property line as required by the Department of Community Planning and Development.
2. All mechanical equipment, air conditioners and trash areas shall be screened from view from the abutting streets.
3. Redesign of the parking layout on the front portion of the property as required by the Department of Community Planning and Development.
4. Landscaping to be provided as required by the Department of Community Planning and Development, including submittal of a landscaping plan prior to or at the same time application is made for a building permit.
5. Conformance to the plot plan to reflect the above conditions.
6. Conformance to code requirements and design standards of City departments.

Voting was as follows:

"AYES" - Coleman, Parker, Miller, Busch, Tiberti and Ward.

"NOES" - None.

Motion for APPROVAL carried unanimously.

VICE-CHAIRMAN PARKER announced this would be considered by the City Commission on November 3, 1976, at 9:00 A.M.

11. Z-40-74

EXTENSION OF TIME

APPROVED
For Ordinance

Extension of Time requested by JOHN E. KENNEY, JR. on property generally located on the southeast corner of East Bonanza Road and Pecos Drive, extending south 709 feet in zoning district C-1.

MR. NULL gave the staff report indicating there had been previous extensions totaling two years on this request. He stated staff had no objection and there was a fair amount of development taking place in this area.

MR. JACK KENNEY appeared and stated he was the applicant. He said with development taking place in the area now, he felt he could obtain financing.

MRS. COLEMAN made a Motion for APPROVAL of Z-40-74 and that the zoning be effected by Ordinance, subject to the following conditions:

1. All other conditions of approval be applicable, including submission of a plot plan prior to construction.
2. All requirements imposed by ordinances adopted subsequent to the initial approval of this application shall be adhered to.

Voting was as follows:

"AYES" - Coleman, Ward, Miller, Tiberti, Parker and Busch.

"NOES" - None.

Motion for APPROVAL carried unanimously.

VICE-CHAIRMAN PARKER announced this would be considered by the City Commission on November 3, 1976, at 9:00 A.M.

12. AV-15-76

APPROVED

Administrative Variance requested by RICHARD J. DUNN to allow a carport 10'8" from the rear property line on property located at 1200 Smoke Tree Avenue, R-1 zone.

MR. NULL gave the staff report indicating this was an odd shaped lot. He said staff recommends approval since it meets code requirements.

MR. DUNN appeared and stated he was the applicant. He said he had lived here since 1954 and had not been able financially to build this addition until now.

MRS. COLEMAN made a Motion for APPROVAL of AV-15-76, subject to the following conditions:

1. Conformance to the plot plan.
2. Conformance to design standards and code requirements of City departments.

Voting was as follows:

"AYES" - Coleman, Ward, Busch, Tiberti, Parker and Miller.

"NOES" - None.

Motion for APPROVAL carried unanimously.

13. Z-6-66

PLOT PLAN REVIEW

ABEYANCE

Plot Plan Review for RON RUDIN CONSTRUCTION to allow an office building at the southwest corner of Brush Street and Alpine, C-1 zone.

VICE-CHAIRMAN PARKER indicated the applicant requested this matter be held until the next meeting and advised that it would be heard at the November 16th Planning Commission meeting.

DIRECTOR'S BUSINESS:

1. MEETING DATES

Discussion of meeting date, December 28, 1976, during the Christmas Holiday.

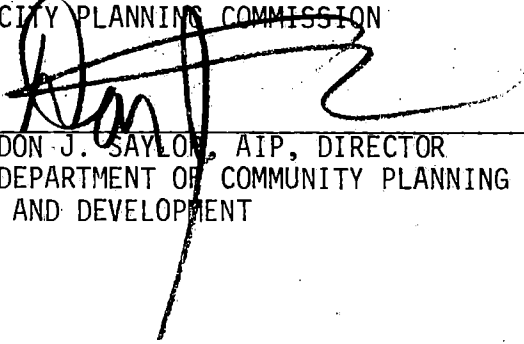
MR. NULL pointed out this was on the agenda because it was felt the Commission may wish to cancel this meeting due to the Christmas Holidays.

After discussion by the Commission, it was unanimously voted to cancel the Planning Commission meeting scheduled for December 28, 1976.

ADJOURNMENT:

There being no further business before the City Planning Commission, the meeting was adjourned at 8:55 P.M.

CITY PLANNING COMMISSION


DON J. SAYLOR, AIP, DIRECTOR
DEPARTMENT OF COMMUNITY PLANNING
AND DEVELOPMENT

DJS:kt