

AGENDA

CITY PLANNING COMMISSION

MARCH 9, 1978

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 February 9, 1978.

OLD BUSINESS:

1. TENTATIVE MAP
LEWIS HOMES-MEADOW VISTA
UNIT #4 (REVISED)
Property generally located at the northeast
corner of Michael Way and Alaska Avenue, R-1
zone.
Owner/Subdivider: Lewis Homes of Nevada

2. Z-13-78
Application of RON RUDIN for reclassification
of property located on the west side of Lamb
Boulevard between Stewart Avenue and Manor Green
Lane from R-1 to R-PD 6.

3. TENTATIVE MAP
CENTURY PARK
(AMENDED STEWART ARMS #2)
Property generally located on the west side of
Lamb Boulevard between Stewart Avenue and
Charleston Boulevard, R-1 zone (proposed R-PD 6).
Owner: Ron Rudin
Subdivider: Shea Homes, Inc.
No. of Acres: 33.1 No. of Lots: 190

4. Z-29-76
PLOT PLAN REVIEW
Plot Plan Review requested by UNITED OUTDOOR
ADVERTISING COMPANY to allow an off-premise
sign on property located at 2001 West Bonanza
Road, C-M and C-2 zone.

NEW BUSINESS:

1. A-3-78
Petition of Annexation submitted by SPROUL
HOMES OF NEVADA for property generally located
at the southwest corner of Westcliff Drive and
Buffalo Drive containing approximately 41 acres
of land.

2. STREET NAME CHANGE
Request for a Street Name Change submitted by
the property owners on Cobb Lane to change Cobb
Lane to LDS Lane.

3. APPEAL (LD-1-78)
Appeal filed by MRS. MARGARET G. W. JAMES to
the denial of the Department of Community
Planning and Development for a waiver of Parcel
Map requirements for property bounded by Leon
Avenue, Gilbert Lane, Bradley Road and Iron
Mountain Road.

RECEIVED
MAR 6 2 20 PM '78
CITY CLERK

4. TENTATIVE MAP

GREENTREE

Property generally located at the southwest corner of Holly Lane and Simmons Street, R-1 zone.

Owner/Subdivider: Business Development, Inc.
No. of Acres: 23.5+ No. of Lots: 105

5. TENTATIVE MAP

CHARLESTON HEIGHTS #55

Property generally located at the southwest corner of Cheyenne Avenue and Michael Way, R-1 and R-PD 18 zone.

Owner/Subdivider: Becker and Sons
No. of Acres: 38.8 No. of Lots: 114

6. TENTATIVE MAP

CHARLESTON RAINBOW #25

Property generally located on the east side of Buffalo Drive, between Westcliff Avenue and Raincloud Drive, R-1 zone.

Owner/Subdivider: Sproul Homes of Nevada
No. of Acres: 16.98 No. of Lots: 53

7. FINAL MAP

CHARLESTON RAINBOW #25

Property generally located on the east side of Buffalo Drive, between Westcliff Avenue and Raincloud Drive, R-1 zone.

Owner/Subdivider: Sproul Homes of Nevada
No. of Acres: 16.729 No. of Lots: 52

8. FINAL MAP

METROPOLITAN PARK #18

Property generally located on the east side of Lamb Boulevard, south of the Cedar Avenue Drainage Channel, R-1 zone.

Owner/Subdivider: Metropolitan Nevada Corp.
No. of Acres: 14.664 No. of Lots: 60

9. Z-15-78

Application of HORST SCHMIDT, ET AL, for reclassification of property located on the north side of West Charleston Boulevard between Campbell and Shetland Drive from R-A and C-D to C-1.

10. Z-16-78

Application of ROBERT L. MENDENHALL for reclassification of property located at 2918 West Washington Avenue, on the northeast corner of Washington Avenue and Artesia Way from R-1 to P-R.

Proposed Use: Office.

11. Z-17-78

Application of JAMES N. LEWIS for reclassification of property located on the north side of Stewart Avenue between Nellis Boulevard and Page Street from R-E to R-1 and R-3.

12. Z-145-77

PLOT PLAN REVIEW

Plot Plan Review requested by PARK SAHARA ASSOCIATES to allow the conversion of a landscaped area to parking on property located at the northwest corner of Sahara Avenue and Burnham Avenue, ROI to C-1.

13. Z-100-64(105)

• PLOT PLAN REVIEW

Plot Plan Review requested by MARTIN STERN, JR.
AIA, ARCHITECT & ASSOCIATES to allow a two-story
office building on property located at 506 South
4th Street, ROI to C-2.

MINUTES

CITY PLANNING COMMISSION

MARCH 9, 1978

RECEIVED
APR 21 10 12 AM '78
CITY CLERK

CALL TO ORDER:

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

PRESENT:

Chairman Miller, Mrs. Coleman, Dr. Parker, Mr. Guthrie, Mr. Jones and Mr. Swessel

EXCUSED:

Mr. Tiberti

STAFF PRESENT:

Don J. Saylor, AIP, Director, Department
Community Planning and Development
Don W. Brown, Supervisor of Zoning
Howard A. Null, Supervisor of Planning
Ira John Gardner, Planning Assistant
Linda A. McIntosh, Recording Secretary

LEGAL STAFF PRESENT:

Audrey Daines

MINUTES:

MRS. COLEMAN made a Motion for APPROVAL of the Minutes of the City Planning Commission meeting held February 9, 1978. Motion for APPROVAL carried unanimously.

OLD BUSINESS:

1. TENTATIVE MAP

LEWIS HOMES-MEADOW
VISTA UNIT #4
(REVISED)

ABEYANCE

Property generally located at the northeast corner of Michael Way and Alaska Avenue, R-1 zone.

Owner/Subdivider: Lewis Homes of Nevada

MR. NULL presented the staff report and stated this item had been held in abeyance in order for the subdivider to come in with a vacation request. That has not been done and staff would prefer this be continued in abeyance.

MR. SWESSEL made a Motion for ABEYANCE of the Tentative Map of Meadow Vista Unit #4.

Voting was as follows:

"AYES" Mr. Miller, Mrs. Coleman, Dr. Parker,
Mr. Guthrie, Mr. Jones and Mr. Swessel

"NOES" None

Motion for ABEYANCE carried unanimously.

2. Z-13-78

APPROVED

Application of RON RUDIN for reclassification of property located on the west side of Lamb Boulevard between Stewart Avenue and Manor Green Lane from R-1 to R-PD 6.

MR. BROWN presented the staff report and stated this item was held in abeyance in order for the applicant to get with the protestants and neighbors to explain the intent of his development. There seemed to be some misunderstanding at the last hearing.

MEL CLOSE, Attorney at Law, representing the applicant, stated there was a meeting of the home owners association and several agreements were entered into. They have agreed to construct at the outset of the project a 6' block wall along Lamb Boulevard, a 6' block wall that would back up to the Village Green Park and a 6' block wall which backs up to the Treasure Park Unit as the construction proceeds. There is presently a 6' block wall along the Stewart Arms Unit. The property will be completely encompassed by a 6' block wall.

MRS. COLEMAN asked who owned the small piece of property between Village Green and the applicant's property.

MR. CLOSE said that particular piece of property was owned by the homeowners of Charleston Village Green and they have agreed to place a block wall around it and shape it as was shown on the plat. He added he believed they would be acquiring that piece of property.

CHAIRMAN MILLER asked if the piece Mrs. Coleman was referring to would be blocked into the applicants' property.

RON RUDIN replied that it would and added that Shea Homes is working with the Charleston Green Home Owners Association in acquiring that property. It is approximately 1300 sq. ft.

BILL JOHANES, 4241 Wales Green, speaking for the Charleston Village Green Home Owners Association, stated they are not protesting for the development or aesthetics of the area, which they realize is inevitable. He added they are pleased with the quality of the development which planned to go in. He asked for approval on two items; they would like a block wall and through the agreement with Mr. Rudin's lawyer and Shea Developers, to get the block wall; however, there is a question in the home owners by-laws whether they can deed over property to other than a utility or public property and it will take a vote of the home owners. What they are seeking initially, is a condition the wall be built and they'll act on good faith with Shea. If they can get straightened out legally in the Home Owners Association, they will of course deed the property at the corner of Norwood and Manor Green Lane. The second item concerns Betner Street which exits to the south onto Wales Green Lane. He asked that the Commission reconsider access onto Betner Street onto a private street, Wales Green Lane. It will provide another avenue for pedestrian traffic, would probably lose the peace and quiet currently experienced, although staff proposes a crash gate. They are unsure of the liability of a public street entering onto the property.

CHAIRMAN MILLER asked if they wanted the street to deadend.

MR. JOHANES said they would like it turned into a cul-de-sac.

MR. CLOSE said they were agreeable to what they proposed. They would take either way the Commission approves it.

MR. SAYLOR said this had been discussed with the developer and he is willing to go either way. Staff's concern was a piece of property in between Village Green and the Rudin development. The concern is over future access to this piece of land. He described the area by means of a display map. Without knowing the ownership status of the piece of property, staff felt it was necessary to provide future access if it should be developed some day.

MR. JOHANES said that not knowing about this situation, common sense and the best idea would be a crash gate.

CHAIRMAN MILLER asked Mr. Rudin if he could live with a crash gate.

MR. RUDIN replied that they could.

MR. JOHANES asked that an additional condition of the entire east/west portion of the wall from Manor Green to the trailer park be considered in the event they could not complete the contract with Shea Builders.

HOPE JONES, 4310 Gretna Green Court, asked if the wall was built on the property line, who would assume maintenance and liability of the wall since they did not know who owned the property.

MR. RUDIN said it would not be built on the property line. He said they generally run them 3" to 6" on the developers side.

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

MR. SWESSEL made a Motion for APPROVAL of Z-13-78, subject to the following conditions:

1. Dedication of any necessary rights-of-way within 60 days after approval of the zoning.
2. Conformance to the site plan.
3. Securing all necessary permits and licenses and satisfaction of City Code requirements and design standards of all City departments.
4. A 6 ft. high masonry wall along Lamb Boulevard, a 6 ft. high masonry wall along the Village Green property and a 6 ft. high masonry wall to Treasure Park to be provided as construction progresses.

Voting was as follows:

"AYES" Mr. Miller, Mrs. Coleman, Dr. Parker,
Mr. Guthrie, Mr. Jones & Mr. Swessel
"NOES" None

Motion for APPROVAL carried unanimously.

CHAIRMAN MILLER announced this item would be heard by the City Commission on April 5, 1978 at 2:00 P.M.

3. TENTATIVE MAP

CENTURY PARK

(AMENDED STEWART
ARMS #2)

APPROVED

Property generally located on the west side of Lamb Boulevard between Stewart Avenue and Charleston Boulevard, R-1 zone (proposed R-PD 5).

Owner: Ron Rudin

Subdivider: Shea Homes, Inc.

No. of Acres: 33.1 No. of Lots: 190

MR. NULL presented the staff report and stated the applicant is requesting the name be changed to Century Park. There are two waivers that are necessary. One is the length of Block 6 and the other is a waiver from the requirements indicating the location of structures and other details on tentative and final maps in R-PD zoning district. This information has been provided as part of the zoning requirements. Staff does have the following recommendations: that the ownership of this portion of private street, indicated here, be transferred to this development before a final map is recorded, which includes Lot 12, Block 1; approval of Z-13-78 zoning case and subject to the conditions of the zoning case and with the normal conditions, staff would recommend approval.

DR. PARKER made a Motion for APPROVAL of the Tentative Map of Century Park (Amended Stewart Arms #2), subject to the following conditions:

1. 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 the 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.
2. The ownership of that portion of private street indicated in Lot 12, Block 1, be transferred to this development before a final map is recorded which includes this lot.
3. Approval of zoning request Z-13-78.
4. Conformance to the conditions of zoning case Z-13-78.
5. Street names to be provided in accord with the City's Street Name Policy.
6. Subject to all conditions of City departments and State Subdivision Statutes.

Voting was as follows:

"AYES" Mr. Miller, Mrs. Coleman, Dr. Parker,
Mr. Guthrie, Mr. Jones and Mr. Swessel

"NOES" None

Motion for APPROVAL carried unanimously.

CHAIRMAN MILLER announced this item would be heard by the City Commission on April 5, 1978 at 2:00 P.M.

4. Z-29-76

PLOT PLAN REVIEW

APPROVED

Plot Plan Review requested by UNITED OUTDOOR ADVERTISING COMPANY to allow an off-premise sign on property located at 2001 West Bonanza Road, C-M and C-2 zone.

MR. BROWN stated that this item was held in abeyance because the Deputy City Attorney recommended it be held in abeyance. Staff has since talked to the City Attorney and he has confessed an error in that recommendation. They now feel in view of the previously submitted plot plan review that the plot plan be approved inasmuch as because of the abeyance action of the Planning Commission, RONCO came to the staff and received approval of an application for a sign just west of the location that this applicant on his plot plan review requested and in the opinion of the City Attorney, disadvantaged the United Outdoor Sign Company who, because of the action last time, could not do anything as it was held in abeyance. Staff therefore recommends this plot plan be approved with the location of the sign as submitted, with the conditions mentioned last time: Arizona Cypress be planted along the south property line abutting the Freeway, conformance to the plot plan to reflect the above, securing all necessary permits and licenses, and satisfaction of City code requirements and design standards of all City departments. Approval is contingent upon the applicant getting an approved sign application from the State.

MIKE COLIN, United Outdoor, stated the protestor had put up a sign 500' east of his application, but it is far enough away from the parcel in question for property separation.

RON REIGER, 508 Campbell Drive, stated they would like to recommend disapproval of this on Stansberry's property, just adjacent to the property in question, that was clouded by United Outdoor Advertising going in and taking a lease out and take a State permit, which the State had disapproved their permit because of misunderstandings. He added he had a copy of a letter from Stansberry showing they had legal right to the lease. If this is approved, it would kill their plans to build it. He said they had paid rent on the location since 1973. He said the Commissions' denial of the application should have no bearing on this, but on the fact they have a building permit on it.

CHAIRMAN MILLER asked who was constructing a sign in this general area.

MR. REIGER replied RONCO had just built one at A-1 Storage, 500' from the subject location.

MR. COLIN said the State had to approve the sign permit. Their requirements are greater than the City and that is why it is being referred to the State. They will issue the permit accordingly.

MR. GUTHRIE asked Mr. Reiger if he had a State permit.

MR. REIGER stated he did not because of RONCO and United Outdoor's fight over the location. Neither will be issued a permit until he takes the documentation, which he has, down.

MR. JONES said it sounded like both parties had a right to the sign in their own minds and that they wanted to place the Commission in a battle as to who got there first.

MS DAINES said the Commission was being put in a position of making a decision that the State should make. Since this was held in abeyance, it put the City in an awkward position.

MR. JONES asked Mr. Reiger when he obtained his building permit.

MR. SAYLOR stated the day after the Planning Commission meeting.

MS. DAINES said the State was ready to settle this between the two parties and the best move for the Planning Commission would be to allow them to do that.

MR. SWESSEL made a Motion for DENIAL of the Plot Plan Review under Z-29-76.

Voting was as follows:

"AYES" Mr. Miller, Dr. Parker and Mr. Swessel
"NO " Mrs. Coleman, Mr. Guthrie and Mr. Jones

Motion failed to carry by reason of a tie vote.

MR. GUTHRIE made a Motion for APPROVAL of the Plot Plan Review under Z-29-76, subject to the following conditions:

1. Conformance to the plot plan.
2. Securing all necessary permits and licenses and satisfaction of City Code requirements and design standards of all City departments.
3. Receiving a sign permit from the State.

Voting was as follows:

"AYES" Mr. Jones, Dr. Parker, Mr. Guthrie and Mrs. Coleman.
"NOES" Mr. Miller and Mr. Swessel

Motion for APPROVAL carried by a majority vote.

CHAIRMAN MILLER announced this item would be heard by the City Commission on April 5, 1978 at 2:00 P.M.

NEW BUSINESS:

1. A-3-78

APPROVED

Petition of Annexation submitted by SPROUL HOMES OF NEVADA for property generally located at the southwest corner of Westcliff Drive and Buffalo Drive containing approximately 41 acres of land.

MR. NULL stated this is a request to annex a 41-acre piece of land into the City. It has County R-E zoning. Staff has no objection to this annexation request.

CHARLEY JOHNSON, VTN-NEVADA, was present representing the applicant.

MRS. COLEMAN made a Motion for APPROVAL of A-3-78.

Voting was as follows:

"AYES" Mr. Miller, Mrs. Coleman, Dr. Parker,
Mr. Guthrie, Mr. Jones and Mr. Swessel
"NOES" None

Motion for APPROVAL carried unanimously.

CHAIRMAN MILLER announced this item would be heard by the City Commission on April 5, 1978 at 2:00 P.M.

2. Street Name Change

DENIED

Request for a Street Name Change submitted by the property owners on Cobb Lane to change Cobb Lane to LDS Lane.

MR. NULL stated Cobb Lane is a short street located between Hinkle Drive on the south and Owens Avenue on the north. This street name has been around for quite some time. Staff is a little concerned about this and is really not in favor of this request. LDS does sound like some other streets, like Lillis Street, for example, and unless there is a real good reason for asking for this name

change, it would cause quite a bit of effort on the City's part to change its many maps.

LARRY STORJOHANN said he is the developer of the property surrounding Cobb Lane. He added his initials are LDS and additionally it would seem appropriate for the City to have a lane with these initials since there are a great number of Latter Day Saints in the community. There isn't really any reason for the name change other than the fact this lane is very short, only 565'. There will be no major traffic on it as it will be servicing the 4-plexes being built. The development is only one-half complete and they are not all occupied. He said there has never been any pavement on the lane and the only place the name is showing up is on the maps of the City.

MRS. COLEMAN asked if the applicant was building on both sides of the street.

MR. STORJOHANN replied that he is.

MR. JONES said if this was approved the Commission might be seiged with Presbyterian Parkway, Baptist Boulevard and Catholic Drive and he questioned the need for the change.

DR. PARKER asked what the costs would be to change the street names.

MR. NULL replied he could not give the exact figure, but it is an established name. It would be necessary to go through and correct all of the names on the maps.

MR. JONES made a Motion for DENIAL of the Street Name Change from Cobb Lane to LDS Lane.

Voting was as follows:

"AYES" Mrs. Coleman, Dr. Parker, Mr. Guthrie,
Mr. Jones and Mr. Swessel

"NOES" Mr. Miller

Motion for DENIAL carried by a majority vote.

CHAIRMAN MILLER announced this item would be heard by the City Commission on April 5, 1978 at 2:00 P.M.

3. APPEAL (LD-1-78)

APPROVED

Appeal filed by MRS. MARGARET G.W. JAMES to the denial of the Department of Community Planning and Development for a waiver of Parcel Map requirements for property bounded by Leon Avenue, Gilbert Lane, Bradley Road and Iron Mountain Road.

MR. NULL stated this application is an appeal to the Planning Commission from the action of the Department of Community Planning and Development in denying her request for a waiver of proper parcel map requirements. In other words, she wants to submit a land division instead of a parcel map. The request was denied because the Department of Public Services found there is insufficient survey data on the map so there would be no way to have the parcel retraced. There is a representative from the Public Services Department present who can probably expound on this problem. This is a 40-acre tract and it is located almost to the top boundary of the City.

MARGARET JAMES, 7315 LaMadre Way, read a prepared statement to the Commission and stated the property was bought as an investment and in good faith. She added they had dedicated all the roads. She said that through her investigations after denial of her request she discovered the "Ben Sweet" survey, who had been a City employee at the time of the survey and has since been fired. She said the survey was allowed to be recorded and is still on record. Also, it is not only her property involved, but also Sections 1 through 5, Sections 9 through 12, and Sections 13 through 15 of Township 19, Range 68. She said now was the time for the property to provide some cash inflow and she wished to sell the property off

for that purpose, but because of the survey found it impossible. She said she had been informed that no reputable surveyor would work it. Her suggestion to the Commission was to have all the land surveyed by Ben Sweet, resurveyed at the City's cost and recorded properly.

CHAIRMAN MILLER asked if she could do anything with her property.

MS. JAMES stated she could do nothing with her property.

MRS. COLEMAN asked if someone was going to purchase the land from her, wouldn't they want a survey or description.

MS. JAMES stated she should have been able to get a land division, but since it is not accurate, she cannot get that.

BOB WEBER, Field Operations Engineer and Designated Land Surveyor, Public Services Department, stated this is a major problem as far as the area in question is concerned. He stated it was at his request the application was denied because of lack of survey information as required by State law. He said she has request a land division where a parcel map is required by State law. In order to get a land division approved, it takes a waiver by the surveyor of the jurisdiction. He said he understood her wanting to sell the property, but the City's concern is the accurate description of the property in question and further stated there are numerous survey points or monuments installed since 1967 by Ben Sweet. A quarter corner rests on the property in question, but the reference of her land division is improper as far as subdividing of land is required. The State law is very clear. Retraceability is required. Monumentation is required and it is clear that a parcel map is needed. The City currently has a problem in a couple of sections below the property in question. Section 13, where they are having a land dispute and have had for a number of years, and that will have to be resolved in court. If this is approved as a land division, it will probably end up in the same category. He added using the data furnished, it could be off as much as 30' to 40' on Gilbert Avenue. Staff would recommend denial.

CHAIRMAN MILLER said both Ms. James and Mr. Weber had stated major problems and asked what the solutions were.

MR. WEBER stated that basically what he would recommend as a solution is what the law requires in the beginning and that is a parcel map. The parcel map would require that the property be surveyed and be located with respect to the section and then it can be sold off. It can be surveyed. It will have to be brought up and tied into each section corner. That can then be parceled into four parcels.

MRS. COLEMAN asked if the survey performed had been inaccurate.

MR. WEBER said there was no problem with the four corners. The west quarter corner is a problem and is not located according to the Bureau of Land Management standards.

CHAIRMAN MILLER asked who made the survey.

MR. WEBER replied it was a survey of Ben Sweet. He said he was not referring to the record of survey itself. He made the survey, it was recorded and that's where it stands. He added what he was referring to was a subdivision of land in Section 1. There are certain requirements in Section 1 and the top Sections which is 1 through 6 and the Sections on the west that require special handling. He added Ben Sweet's survey had very little to do with this land division. His survey involved the relocation of the Section corners and the problem is the two quarter corners.

CHAIRMAN MILLER asked Ms. James who she bought the property from.

MS. JAMES stated from a Nevada Corporation whose trustees were Martin Gavin and Fred Pinjuv and D. Ray Martini.

CHAIRMAN MILLER asked the applicant how she knew where her property was. Was it just from what the sellers told her.

MS. JAMES replied yes. But the property is out in nowhere. She added the legal description was the Southeast Quarter of the Southwest Quarter of Section 1, Township 19, Range 60 East, MDB&M and that it went through escrow.

MR. SAYLOR said the legal description of the property does give the location of it and that description was common practice. But when you get to the point of breaking it up into smaller parcels, and the demand factor for monumentation comes about, that is what is involved at this time. He added the question before the Commission was whether the applicant be allowed to divide the land with a land division or go through the process of a parcel map. The City is saying in order to meet statutory requirements, that the existing monumentation information is not accurate and the applicant will have to go through a parcel map process.

MR. JONES asked Mr. Weber if, in his professional opinion, the survey done by Mr. Sweet was accurate, with the exception of the one quarter corner.

MR. WEBER replied yes.

MR. JONES asked if Mr. Sweet was an employee of the City at the time of the survey.

MR. WEBER stated he thought he was but he was not sure.

MR. GUTHRIE asked if this was a monument problem.

MR. WEBER replied that was correct.

MR. SWESSEL asked the applicant if she had paid for a survey.

MS. JAMES stated she paid \$176 for a land division map, which she was told was inadequate. She added at this point she was asking for the City to resurvey the area correctly and have it recorded.

MR. WEBER said it was not a question as to whether the City survey was accurate or not. That was not at issue. The applicant is asking for a waiver of the parcel map requirements as specified in State law. What the applicant has submitted is not sufficient to describe the boundaries of her property. It is not properly referenced. He added it is standard practice to file parcel maps for this type of activity.

MRS. COLEMAN asked if the applicant got the proper monumentation if that would be all the City would require outside of possible street dedications.

MR. WEBER said that was correct. The City would not require street improvements in that area.

MS. JAMES said dedications have been made.

CHAIRMAN MILLER asked if correct surveying was necessary and who would pay for it.

MR. WEBER replied that the correct survey information was necessary and it would be at the applicant's expense. He added it was possible to do a correct survey in that area.

AN UNIDENTIFIED MAN stated it is very difficult to get a surveyor to go out to the area in question due to the discrepancies. He urged the Commission to approve the requested waiver.

MR. SAYLOR reiterated the statutory issue before the Commission.

MS. DAINES read the Statutes providing for the Commission's authority. She suggested the Commission deny the matter and a written opinion would be prepared prior to an appeal being heard by the City Commission.

DR. PARKER made a Motion for APPROVAL of the Appeal LD-1-78.

Voting was as follows:

"AYES" Mr. Miller, Dr. Parker, Mr. Guthrie and Mr. Swessel
"NOES" Mrs. Coleman and Mr. Jones

Motion for APPROVAL carried by a majority vote.

RECESS:

CHAIRMAN MILLER declared a recess at 9:00 P.M. and reconvened the meeting at 9:10 P.M.

4. Z-100-64 (105)

PLOT PLAN REVIEW

APPROVED

Plot Plan Review requested by MARTIN STERN, JR. AIA, ARCHITECT & ASSOCIATES to allow a two-story office building on property located at 506 South 4th Street, Resolution of Intent to C-2.

MR. BROWN presented the staff report and stated the property in question is located on Fourth Street between Clark and Bonneville. There are six 25' lots on this parcel which is under ROI to C-2. The plot plan is as submitted. There are offices around the perimeter with an atrium in the middle. The applicant also came in with the 3-story building and did not have sufficient parking. The number of stories is now reduced to two with 56 parking spaces. The square footage is 20,000 and parking is now sufficient. Everything is in order and staff would recommend approval.

JAY BROWN, part-owner of the property, was present.

MR. JONES made a Motion for APPROVAL of the Plot Plan Review under Z-100-64 (105), 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, license or prior to occupancy.
3. All mechanical equipment, air conditioners and trash areas shall be screened from view from the abutting streets.
4. Conformance to the plot plan.
5. Securing all necessary permits and licenses and satisfaction of City Code requirements and design standards of all City departments.

Voting was as follows:

"AYES" Mr. Miller, Mrs. Coleman, Dr. Parker,
Mr. Guthrie, Mr. Jones and Mr. Swessel
"NOES" None

Motion for APPROVAL carried unanimously.

CHAIRMAN MILLER announced this item would be heard by the City Commission on April 5, 1978 at 2:00 P.M.

5. TENTATIVE MAP

GREENTREE

APPROVED

Property generally located at the southwest corner of Holly Lane and Simmons Street, R-1 zone.

Owner/Subdivider: Business Development, Inc.
No. of Acres: 23.5+ No. of Lots: 105

MR. NULL presented the staff report, described the location and stated staff would recommend approval with the normal conditions.

MRS. COLEMAN made a Motion for APPROVAL of the Tentative Map of Greentree, subject to the following conditions:

1. 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 the 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.
2. Street names to be provided in accord with the City's Street Name Policy.
3. Subject to all conditions of City departments and State Subdivision Statutes.

Voting was as follows:

"AYES" Mr. Miller, Mrs. Coleman, Dr. Parker,
Mr. Guthrie, Mr. Jones and Mr. Swessel
"NOES" None

Motion for APPROVAL carried unanimously.

CHAIRMAN MILLER announced this item would be heard by the City Commission on April 5, 1978 at 2:00 P.M.

6. TENTATIVE MAP

CHARLESTON HEIGHTS
#55

APPROVED

Property generally located at the southwest corner of Cheyenne Avenue and Michael Way, R-1 and R-PD 18 zone.

Owner/Subdivider: Sproul Homes of Nevada

No. of Acres: 16.98 No. of Lots: 114

MR. NULL presented the staff report and stated there are two waivers necessary, in Block 1 and Block 2 for the block length. Staff would recommend the following conditions: conformance to the conditions in zoning cases Z-135-77 and Z-4-78. With these conditions plus the normal conditions, staff would recommend approval.

ERNIE BECKER, JR., 4405 West Washington, was present and stated he had no objections to the conditions.

MRS. COLEMAN made a Motion for APPROVAL of the Tentative Map of Charleston Heights #55, subject to the following conditions:

1. 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 the 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.
2. Conformance to conditions of zoning cases Z-135-77 and Z-4-78.
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" Mr. Miller, Mrs. Coleman, Dr. Parker,
Mr. Guthrie, Mr. Jones and Mr. Swessel
"NOES" None

Motion for APPROVAL carried unanimously.

CHAIRMAN MILLER announced this item would be heard by the City Commission on April 5, 1978 at 2:00 P.M.

7. TENTATIVE MAP

CHARLESTON
RAINBOW #25

APPROVED

Property generally located on the east side of Buffalo Drive, between Westcliff Avenue and Raincloud Drive, R-1 Zone.

Owner/Subdivider: Sproul Homes of Nevada
No. of Acres: 16.98 No. of Lots: 53

MR. NULL presented the staff report and stated this is a very long subdivision. Each one of the three blocks will have to be waived as to their length. Staff has the following conditions: no vehicular access to Westcliff or Buffalo from the abutting lots; also the wall provision, then with normal requirements, staff would recommend approval.

CHARLEY JOHNSON, VTN-Nevada, stated they agreed to staff conditions.

MR. SWESSEL made a Motion for APPROVAL of the Tentative Map of Charleston Rainbow #25, subject to the following conditions:

1. 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 the 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.
2. There shall be no vehicular access to Buffalo Drive and Westcliff Avenue from the abutting lots.
3. If a wall is constructed on an exterior boundary street, the CC&R's shall contain wording to the effect that each property owner of a lot backing up to said wall shall be responsible for the continued maintenance of the exterior side of the wall and the ground area at the exterior base of the wall.
4. Street names to be provided in accord with the City's Street Name Policy.
5. Subject to all conditions of City departments and State Subdivision Statutes.

Voting was as follows:

"AYES" Mr. Miller, Mrs. Coleman, Dr. Parker,
Mr. Guthrie, Mr. Jones and Mr. Swessel

"NOES" None

Motion for APPROVAL carried unanimously.

CHAIRMAN MILLER announced this item would be heard by the City Commission on April 5, 1978 at 2:00 P.M.

8. FINAL MAP

CHARLESTON
RAINBOW #25

APPROVED

Property generally located on the east side of Buffalo Drive between Westcliff Avenue and Raincloud Drive, R-1 zone.

Owner/Subdivider: Sproul Homes of Nevada
No. of Acres: 16.729 No. of Lots: 52

MR. NULL presented the staff report and stated the final map is in substantial conformance with the tentative map and staff would recommend approval with the following condition: approval of the tentative map.

MRS. COLEMAN made a Motion for APPROVAL of the Final Map of Charleston Rainbow #25, subject to the following condition:

1. Approval of the tentative map.

Voting was as follows:

"AYES" Mr. Miller, Mrs. Coleman, Dr. Parker,
Mr. Guthrie, Mr. Jones and Mr. Swessel

"NOES" None

Motion for APPROVAL carried unanimously.

9. FINAL MAP

METROPOLITAN
PARK #18

APPROVED

Property generally located on the east side of Lamb Boulevard south of the Cedar Avenue Drainage Channel, R-1 zone.

Owner/Subdivider: Metropolitan Nevada Corp.
No. of Acres: 14.664 No. of Lots: 60

MR. NULL presented the staff report and stated there are two waivers necessary. One is on the length of Block 4 and also from the requirement of the 70' corner lot width for Lot 12, Block 5. Staff has no objections to these waivers. This final map is in substantial conformity to the tentative map and staff would recommend approval.

CHARLEY JOHNSON, VTN-Nevada, agree to staff statements.

MR. SWESSEL made a Motion for APPROVAL of the Final Map of Metropolitan Park #18.

Voting was as follows:

"AYES" Mr. Miller, Mrs. Coleman, Dr. Parker,
Mr. Guthrie, Mr. Jones and Mr. Swessel

"NOES" None

Motion for APPROVAL carried unanimously.

10. Z-15-78

DENIED

Application of HORST SCHMIDT, ET AL, for reclassification of property legally described as the Southeast Quarter (SE $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$) of Section 32, Township 20 South, Range 61 East, MDB&M, and the South Half (S $\frac{1}{2}$) of the Southwest Quarter (SW $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) of Section 32, Township 20 South, Range 61 East, MDB&M and located on the north side of West Charleston Boulevard between Campbell and Shetland Drive, from R-A (Ranch Acres) and C-D (Designed Commercial) to C-1 (Limited Commercial).

MR. BROWN presented the staff report and stated he believed the Commission was familiar with the area in question. He said it was staff's understanding initially the applicant was requesting a shopping center, but has since learned he wants C-1 zoning, not necessary a shopping center. He had staff resurrect the shopping center plan submitted previously and noted that the area outlined in red now not a part of the request. The request is on the front 140'. There are nine letters of protest. This area has been designated as a C-D District and it automatically follows as far as staff is concerned that C-1 uses in a C-D District would not be permitted and would recommend denial.

CHAIRMAN MILLER declared the public hearing open.

JOHN O'BRIAN, Attorney representing the applicant, was present.

HORST SCHMIDT stated he would recreate the history on West Charleston. West Charleston was a two-lane highway when it was first attempted to be zoned from residential to commercial. All of the property owners wanted commercial zoning with the exception of one at that time. The street then became four-lane. The street was then more heavily traveled. It was felt this was no longer a residential area. They then approached the City for commercial zoning. The City had mixed emotions because of the surrounding neighborhood and the pressure that existed not to allow commercial zoning. At a point in time when it was crucial something be done on the street, Mr. Schmidt stated he was approached by several property owners on the street and he became their spokesman. That was in the '60's. Regional Streets and Highways then wanted to build a six-lane highway because of the

traffic count and the tremendous expansion of the City to the west. It was generally recognized the property owners on West Charleston were entitled to commercial zoning. Since 1960 on West Charleston between Rancho and Valley View, only one residence has been built, however a lot of commercial development has taken place. He said that when he became spokesman for the people, a C-D ordinance was not in existence. He added that he, as spokesman for 148 people would not grant the City an assessment district to build the street. The City would have lost 1.8 million in construction funds for that street. It was negotiated out with the City if this street was going to become a raceway with a 45 MPH speed limit, the homes would no longer be viable as residences, but should be converted to commercial use. He added he also bargained a continuous turning lane. He said he worked with the utilities to get them to go away from the street and that he was successful in having the power lines removed from West Charleston. The idea was that once the street was built, it was not to be torn up again. He said he was probably the single most driving force behind the West Charleston project for a period of 15 years. The City agreed to zone West Charleston C-1 from Rancho to Valley View. He said at this particular time he began to backpaddle. He said he went to Mr. Saylor and told him the street was totally unadulterated, not like East Charleston and other streets. They decided it would be a little Wilshire Boulevard. An ordinance was drafted. He added that in the taking of the right-of-way people were cheated, and that he had proof of hundreds of thousands of dollars and other costs which were laid upon them that were totally unjustified. The ordinance was drafted with the understanding that prevailed at that time, that there were two parcels on Charleston that had such a depth that they would require a slightly different treatment. One was the parcel owned by Mrs. Cragin and himself and the other was owned by the Kramer sisters, the depth of which was 1200' and it was agreed the first 600' would go commercial and the balance residential. He stated he had kept good faith with the City and there was a lot of productive input into this project. He came to the City with a developer and a plan. Staff did not like it. It was reworked and refined. All of the costs of improvement come out of the value of the land. C-1 is more expensive than C-D land because it has less restrictions. By making good on his own goals and keeping faith with himself and the City, he made an agreement with the developer for a somewhat diminished price on the land. When it came out, it won the approval of the Planning staff. Everyone knows the outcome of the plan. In the meantime, in the immediate area, a shopping center was approved with C-1 zoning in an area never designated commercial. They asked for C-1 zoning and got it. He added he could demonstrate a history covering 15 years of trying to be constructive and that the City has acted in anything but good faith or good judgment. He said it left him in a position to ask for nothing but C-1 zoning so that forever he could cut himself loose from the arbitrary and capricious action of the City of Las Vegas.

MR. O'BRIAN said his comments were in a legal reference regarding the property. In 1968 the City instituted an action against Cragin Industries, Case #A49589, to condemn certain property on Charleston Boulevard. That condemnation action concerns the subject property with the exception of the part in red, an arm of about 300' on Charleston. As a result of that case, the District Court found that the highest and best use of the property was C-1 or Limited Commercial. He said that was a very important finding and in their opinion, was binding on the City at some future time. To give the applicant anything but C-1 would not only diminish the market value of the property, but deprive him of the beneficial use of it.

CHAIRMAN MILLER asked how the property would be used.

MR. O'BRIAN said the applicant would have to speak to that.

MRS. COLEMAN said the C-D is limited commercial.

MR. SCHMIDT said that at the time of the decision, the C-D ordinance was not a factor. C-1 is identified in the ordinance as limited commercial.

MR. O'BRIAN said C-D is called design commercial and C-1 is called limited commercial.

CHAIRMAN MILLER inquired again as to the applicant's plans for the property.

MR. SCHMIDT said he had always told the truth to the Board. He did not know what the plan were. He would like to build a shopping center because it is the highest and best use. He added he could not do anything with the land until it was zoned.

MR. SWESSEL said C-D does allow retail shops and stores, etc. He said he did not know of any C-1 zoning on West Charleston.

MR. SCHMIDT said there is C-1 on West Charleston east of Rancho and there is C-1 on the west side of Valley View.

DR. ECKLEMAN, 807 Shetland Road, appeared in protest and stated he viewed the application as a harrassment. He said the applicant thought this should be done for his benefit and people are concerned. He added it would not improve the value of their property. He said they objected to being exploited by another subterfuge which he thought the application was.

DR. JAMES JONES, 818 Campbell, stated he was speaking on behalf of the residents on Campbell Drive. He added he would like to support the position of the Commission and the City in the past and oppose the application.

CHUCK SANTELMAN, 2550 Palomino Lane, appeared in protest.

CHAIRMAN MILLER asked those persons present in protest to stand. Eleven persons were present in opposition.

MRS. COLEMAN said she recognized the property did present a problem, she thought the first plan to come before them for a medical/dental center was a good plan and was sorry it did not materialize, but she could not see C-1 in this area.

MRS. COLEMAN made a Motion for DENIAL of Z-15-78 as it was felt by the Commission the proposed C-1 zoning would be compatible.

Voting was as follows:

"AYES" Mr. Miller, Mrs. Coleman, Dr. Parker,
Mr. Guthrie, Mr. Jones and Mr. Swessel

"NOES" None

Motion for DENIAL carried unanimously.

CHAIRMAN MILLER announced this item would be heard by the City Commission on April 5, 1978 at 2:00 P.M.

11. Z-16-78

DENIED

Application of ROBERT L. MENDENHALL for reclassification of property legally described as Lot 1, Block 1B, Twin Lakes Village Unit #1 and located at 2918 West Washington Avenue, on the north-east corner of Washington Avenue and Artesia Way, from R-1 (Single Family Residence) to P-R (Professional Offices and Parking).
Proposed Use: Office

MR. BROWN presented the staff report and indicated the location of the property in question. He stated this request could very easily be called spot zoning. It is a nice residential area. Staff sees no reason to encroach into that residential area with a P-R zoning and would recommend denial. There are three letters of protest.

CHAIRMAN MILLER declared the public hearing open.

BILL CONNODY, representing the applicants, stated the property is directly across from the K-Mart Automotive Center and is also opposite the driveway for loading trucks for K-Mart and the grocery store. He presented pictures of the property in question to the Commission. Directly east of the property is a duplex which is in R-1 zoning. There is a service station on the corner of Rancho Road and Washington. He said the property had been vacant since March of 1977 because it is hard to rent the family property on a street with such a large volume of traffic.

HERMAN HORN stated the use would be for an insurance office.

MR. GUTHRIE asked where the parking would be.

MR. HORN said there would be parking in the back for employees and the driveway in front would be for customers.

DOROTHY CARRIGAN, 905 Oasis, said she agreed this would be spot zoning. She said the property has not been taken care of since it was vacated and that was one reason it could not be rented. She said there are other houses which face K-Mart, not just this one.

DAWN DRISCOLL stated her property backed up to the property in question and that she was in protest of the application.

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

MR. SWESSEL made a Motion for DENIAL of Z-16-78 as it was felt the proposed P-R zoning would not be compatible in the area.

Voting was as follows:

"AYES" Mr. Miller, Mrs. Coleman, Dr. Parker,
Mr. Guthrie, Mr. Jones and Mr. Swessel

"NOES" None

Motion for DENIAL carried unanimously.

12. Z-17-78

APPROVED AS
AMENDED

Application of JAMES N. LEWIS for reclassification of property legally described as the Southwest Quarter (SW $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) of Section 32, Township 20 South, Range 62 East, MDB&M and located on the north side of Stewart Avenue between Nellis Boulevard and Page Street.

MR. BROWN presented the staff report and indicated the location of the property in question. He stated staff has no quarrel with the R-1 in the area, but did not see any reason to grant the R-3 as that would be a slight spot zoning. Staff would recommend that the total area in question be rezoned R-1.

CHAIRMAN MILLER declared the public hearing open.

CLOVIS MCGUIRE, 3110 Watt Avenue, Sacramento, California, stated they had approached the City with this scheme of rezoning to R-1 and R-3 in an effort to develop a multi-family project in the east area of Las Vegas. He said it was his discussion from the staff that they would recommend this. He said they proceeded with this rezoning on the basis of that conversation. If it is against good planning and the City's wishes, they would have no other argument, however, there is some R-3 zoning east of Nellis Boulevard and north of Stewart. He added they felt it was a good location for multi-family and are willing to pursue it on that basis.

MRS. COLEMAN asked what was developing to the west of the property.

MR. BROWN said it is developing R-1.

MRS. COLEMAN asked the applicant if they would be amenable to R-1.

MR. MCGUIRE said that would not be their wish. They have made

quite an effort to produce a multi-family project on the property. He said they would take the decision of the Commission. He also described the type of development proposed.

LARRY CANNORELLI, Metropolitan Nevada, stated they owned the property directly to the north and that their feeling was the Stewart Drainage Channel was a natural boundary and R-3 would not be in conformance with the other development. He added they are in opposition.

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

MR. SWESSEL made a Motion for APPROVAL of Z-17-78, subject to the following conditions:

1. Application to be amended to R-1 zoning only.
2. Dedication of any necessary rights-of-way within 60 days after approval of the zoning.
3. Conformance to the site plan as amended to eliminate the R-3 zoning.

Voting was as follows:

"AYES" Mr. Miller, Mrs. Coleman, Dr. Parker,
Mr. Guthrie, Mr. Jones and Mr. Swessel
"NOES" None

Motion for APPROVAL AS AMENDED carried unanimously.

CHAIRMAN MILLER announced this item would be heard by the City Commission on April 5, 1978 at 2:00 P.M.

13. Z-145-77

PLOT PLAN REVIEW

APPROVED

Plot Plan Review requested by PARK SAHARA ASSOCIATES to allow the conversion of a landscaped area to parking on property located at the northwest corner of Sahara Avenue and Burnham Avenue, Resolution of Intent to C-1.

MR. BROWN presented the staff report and stated that in January the north part of the property in question was rezoned to C-1 and the south part was already ROI to C-1. The applicant have now come in with a slight revision on the plot plan. There is adequate landscaping in the front and staff would recommend approval. They are asking to convert a landscaped area to parking.

GARY MAHON, Park Sahara Associates, 1405 Vegas Valley Drive, stated the reason for the parking not being used in the back is that they do not own that property or the two buildings. There was a pending lawsuit and the parking was barricaded off. The trees will be moved and used at the other buildings. The lender of the project and existing tenant are complaining about lack of parking for the other two buildings. Some of those tenants will be moving to their buildings. He said some of the tenants are complaining about lack of parking now.

MRS. COLEMAN said that was because the trash cans are out in the parking lot and building materials are taking up another large area.

MR. MAHON said that typically on office buildings, they try to have 4 cars per one thousand, which works pretty well. Code is two in Las Vegas and they are going to three which the lenders feel strong about. He said he thought the landscaping would be more than sufficient.

MR. JONES made a Motion for APPROVAL of the Plot Plan Review Under Z-145-77, subject to the following conditions:

1. Conformance to the plot plan.
2. All previous conditions of approval are applicable.
3. Securing all necessary permits and licenses and satisfaction of City Code requirements and design standards of all City departments.

Voting was as follows:

"AYES" Mr. Miller, Mrs. Coleman, Dr. Parker,
Mr. Guthrie, Mr. Jones and Mr. Swessel
"NOES" None

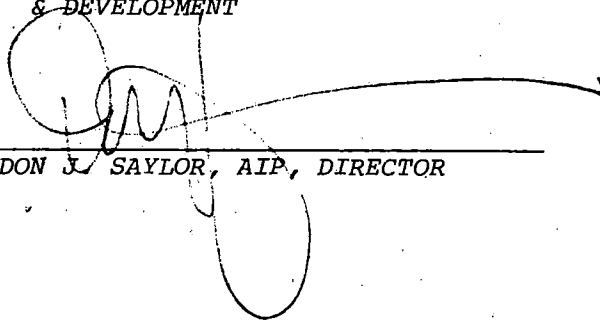
Motion for APPROVAL carried unanimously.

CHAIRMAN MILLER announced this item would be heard by the City Commission on April 5, 1978 at 2:00 P.M.

ADJOURNMENT:

There being no further business to come before the City Planning Commission, the meeting was adjourned at 10:07 P.M.

DEPARTMENT OF COMMUNITY PLANNING
& DEVELOPMENT



DON J. SAYLOR, AIP, DIRECTOR

/lm