

BOARD OF ZONING ADJUSTMENT

MEETING OF
June 1, 1999

S.V.

City of Las Vegas

AGENDA & MINUTES

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COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

ITEM	ACTION
PLANNING AND DEVELOPMENT	
<u>COMMISSIONERS BRIEFING:</u>	
<u>PRESENT:</u>	
Roberta Boyers - Chairperson Elisa Del Prado - Vice Chair Byron Goynes Michael Mack	Chairperson Boyers called the Briefing to order at 5:35 P.M.
<u>EXCUSED:</u>	
Mark Solomon	<u>Item No. A-1, V-24-99:</u> Susan Barton noted that the staff report indicates a recommendation for approval. However, in light of new information, staff amended that recommendation to denial.
<u>STAFF PRESENT:</u>	
Tim Chow - Planning & Development Dept. Tambri Heyden- Planning & Development Dept. Susan Barton - Planning & Development Dept. David Petrovich - Planning & Development Dept. Doug Powell - Planning & Development Dept. Bart Anderson - Public Works Steve George - City Attorney's Office Angela Crolli - City Clerk's Office	<u>Item No. A-8, V-34-99:</u> Ms. Barton stated that staff received a letter from the applicant requesting that the item be held in abeyance to 7/6/99. Mr. Mack noted that he received considerable positive feedback on this project.
	<u>Item A-9, V-35-99:</u> Ms. Barton indicated that the site will be overbuilt.
	<u>Item A-10, V-36-99:</u> Ms. Barton advised that the jungle gym is visible from the street and is an eyesore.
	<u>Item No. A-12, V-38-99:</u> Ms. Barton explained that the applicant is proposing to build a detached garage which will encroach into the corner side yard setback.
	<u>Item No. A-13, V-39-99:</u> Ms. Barton stated that the pool enclosure to provide for year-round swimming will encroach into the rear yard setback.
	<u>Item No. A-15, V-41-99:</u> Ms. Barton indicated that the requested addition will encroach five feet into the corner side yard.
	<u>Item No. A-16, V-42-99:</u> Ms. Barton stated that the applicant intends to purchase BLM land adjacent to the proposed project.
	<u>Item No. A-17, V-43-99:</u> Ms. Barton explained that the applicant plans to demolish the existing building and that the replacement building will create a setback and parking problem. Letters of protests were received from area residents, including letters from the Fremont Street Experience and City Centre Development Corporation. Staff has recommended denial on this application.

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COMMISSIONERS BRIEFING:

Item No. A-18, V-45-99:

Ms. Barton stated that staff has recommended denial because the proposed project, adjacent to a child care facility with a large play area, would be too intrusive.

Doug Powell, Deputy Director of Planning & Development, reminded the Board that official pictures will be taken on June 8, 1999.

(5:35 - 6:01)

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<u>PLANNING AND DEVELOPMENT</u>	
ALL ITEMS ON THIS AGENDA ARE SCHEDULED FOR ACTION UNLESS SPECIFICALLY NOTED OTHERWISE	
<u>CALL TO ORDER</u>	Chairperson Boyers called the meeting to order at 6:04 PM.
6:00 P.M. in the Council Chambers of the City Hall, 400 East Stewart Avenue, Las Vegas, Nevada.	Vice-Chair Del Prado led the audience in the Pledge.
<u>ROLL CALL</u>	<u>STAFF PRESENT</u>
Roberta S. Boyers - Present	Tim Chow, Director, Planning & Development
Elisa Del Prado - Present - Excused at 7:15 p.m.	Doug Powell, Deputy Director, Planning & Development
Michael Mack - Present	Tambri Heyden, Current Planning Manager, Planning & Development
Mark Solomon - Present	David Petrovich, Planning Supervisor, Planning & Development
Byron A. Goynes - Present - Excused at 7:00 p.m.	Susan Barton, Planner II, Planning & Development
	Tracey Thiros, Planning Technician, Planning & Development
	Stephen George, Deputy City Attorney
	Bart Anderson, Civil Engineer, Public Works
	Angela Crolli, Deputy City Clerk
<u>ANNOUNCEMENTS</u>	(6:04) 1-1
Satisfaction of Open Meeting Law.	
All actions by the Board of Zoning Adjustment are final (except items requiring a decision by the City Council), unless an appeal, in writing, is filed with the City Clerk or a review is requested by the City Council within ten (10) days from the date of the Board's decision.	(6:05) 1-30
<u>NOTICE</u>	
This meeting has been properly noticed and posted at the following locations:	
Clark County Government Center, 500 S. Grand Central Parkway	
Senior Citizen Center, 450 East Bonanza Road	
Clark County Courthouse, 200 E. Carson Avenue	
Court Clerk's Office Bulletin Board, City Hall Plaza	
City Hall Plaza, Special Outside Posting Bulletin Board	
<u>MINUTES</u>	<u>DEL PRADO APPROVAL UNANIMOUS</u>
Approval of the Minutes for the April 6, 1999 Board of Zoning Adjustment meeting	(6:06) 1-42

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20250

ITEM

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PLANNING AND DEVELOPMENT

CONSENT ITEMS

Consent Items are considered routine by the Board of Zoning Adjustment and may be enacted by one motion. However, any item may be discussed if a Board member or applicant so desires.

RULES OF CONDUCT FOR PUBLIC HEARING ITEMS:

There may be items on this agenda for which a public hearing is scheduled. For the purposes of conducting the public hearing in an orderly manner, the Board of Zoning Adjustment has established the following rules of conduct:

1. When you hear your item being read, please come forward as soon as possible.
2. Begin your testimony by clearly stating your name and address.
3. Direct all comments and questions to the Chair, who is in charge of conducting the meeting. Do not engage the staff, the applicant, or the public in a dialogue. The Chair will direct them to respond as necessary.
4. Please avoid repeating testimony already provided and be brief and to the point. Spokespersons for groups are encouraged. Please return to your seat after your testimony. The Chair will close the public testimony if discussion becomes repetitious.
5. When the public hearing is closed, the Board will then begin discussion and have questions answered that were directed to the Chair. Applicants will be asked to be seated and will refrain from additional testimony at this time. Applicants may be asked to answer additional questions directed by the Chair. Additional questions or comments from the public will be discouraged due to the time constraints of the lengthy meetings.
6. The Chair will then determine the close of discussion and request a motion.

Chairperson Boyers referred to the Rules of Conduct adopted by the Board of Zoning Adjustment for the meeting.

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PUBLIC HEARING ITEMS:

ABEYANCE ITEM

V-24-99 - KFC CORPORATION ON BEHALF OF CREATIVE OUTDOOR ADVERTISING

Request for a Variance on property located at 4420 West Sahara Avenue TO ALLOW A 298 FOOT SEPARATION BETWEEN A BILLBOARD AND A RESIDENTIAL USE WHERE 300 FEET IS THE MINIMUM SEPARATION DISTANCE REQUIRED, C-1 (Limited Commercial) Zone, Ward 1 (McDonald), APN: 162-06-402-006.

BZA NOTICES MAILED: 88

PROTESTS: 1 (Letter – Charleston Neighborhood Preservation)

APPROVALS: 0

Staff Recommendation: APPROVAL, subject to:

1. Submit complete building plans to the Building and Safety Department for review and permit.
2. All development must be in conformance with the plot plans and elevations.
3. Submit an application for a Special Use Permit for the proposed off-premise sign to the Planning and Development Department for review and subsequent consideration by the Planning Commission and approval by the City Council.
4. City Code requirements and design standards of all City Departments which are not affected by approval of this Variance must be satisfied.

DEL PRADO
DENIAL
UNANIMOUS

Susan Barton, Planning & Development, stated that the proposed billboard will encroach 1.75 feet into the residential separation distance required. The staff report actually shows a recommendation for approval. However, in light of new information, staff amended that recommendation to denial. There will be a request for a Special Use Permit for this application. The residential property in question is a multi-family development located to the west of the proposed sign. The separation encroachment would occur at the driveway leading into that development. Staff reminded the Board that the Variance process is not available to vary any minimum separation distances between uses. Therefore staff recommended denial.

Attorney Bob Gronauer, Kummer, Kaempfer, Bonner & Renshaw, 3800 Howard Hughes Parkway, appeared on behalf of Creative Outdoor Advertising. This Variance request is to allow a proposed sign to be located approximately 298 feet from a residential multi-family dwelling. The justification and legal hardship are that the long and narrow property shape does not allow the maximum setback required. This property is also surrounded by commercial property. There are extraordinary circumstances. The request is not for the separation of 2 feet, but 298 feet and there is justification for an approval.

Mr. Solomon asked Attorney Gronauer what the setback had to do with the billboard. Attorney Gronauer replied that the code requirement is for a 300 foot setback from residentially zoned property and that the driveway, residentially zoned, which goes into the multi-family dwelling falls within 1.75 feet of that distance restriction, necessitating a Variance. Mr. Solomon pointed out the proposed sign's proximity to single-family homes on Via Vaquero Avenue and Juana Vista Street. Attorney Gronauer stated that they are within the 300 foot code requirement from those homes. Mr. Solomon rebutted that it is still extremely close and clarified with Attorney Gronauer that the sign is an off-premise billboard sign, not a commercial sign for a business located on the property.

A-1

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V-24-99 - KFC CORPORATION ON BEHALF
OF CREATIVE OUTDOOR ADVERTISING

Mr. Solomon discussed the proliferation of billboards along Sahara Avenue, creating an eye sore. As a result of this proliferation, aesthetic impact and the proximity to the single family homes to the east, he would not support this application. Attorney Gronauer added that approval of this Variance would not necessarily approve an off-premise sign at this location because the billboard would still require a Special Use Permit. This is the first step needed before a Special Use Permit application could be made for this location.

VICE-CHAIR DEL PRADO stated that granting this Variance would set a precedent for waiving the 300 feet distance requirement.

No one appeared in opposition.

There was no discussion.

(6:12 - 6:19)
1-257

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	<u>PUBLIC HEARING ITEMS:</u>	
	<u>ABEYANCE ITEM</u>	
A-2	<p><u>V-25-99 - LAKE MEAD MINI-STORAGE, LIMITED PARTNERSHIP ON BEHALF OF STORAGE ONE</u></p> <p>Request for a Variance on property located at 2101 Rock Springs Drive TO ALLOW A SECOND PROPOSED FREE-STANDING GROUND SIGN WHERE ONE FREE-STANDING GROUND SIGN IS ALLOWED IN CONJUNCTION WITH AN EXISTING PUBLIC STORAGE FACILITY, U (Undeveloped) Zone [SC (Service Commercial) General Plan Designation] under Resolution of Intent to C-1 (Limited Commercial), Ward 4 (Brown), APN: 138-22-610-010.</p> <p>BZA NOTICES MAILED: 26</p> <p>PROTESTS: 0</p> <p>APPROVALS: 0</p> <p>Staff Recommendation: DENIAL. If approved, subject to:</p> <ol style="list-style-type: none"> 1. Submit complete building plans to the Building and Safety Department for review and permit. 2. All development must be in conformance with the plot plans and elevations. 3. City Code requirements and design standards of all City Departments which are not affected by approval of this Variance must be satisfied. 4. The Department of Public Works requires that all applicable conditions of approval for Z-74-84, the Lake Mead Rock Springs Commercial Subdivision and all other subsequent site related actions are ultimately complied with. 	<p>SOLOMON APPROVAL subject to conditions UNANIMOUS</p> <p>Susan Barton, Planning & Development, explained that this item was held in abeyance so that the applicant could provide an exhibit of the proposed sign within the context of the surrounding area. This exhibit was provided and given to the Board for their review. Currently, the facility shares advertising space with three neighboring properties on an 80 foot consolidated sign set back 20 feet from Rock Springs Drive. The eastern elevation of the storage facility has an existing wall sign. The code provides that a parcel with up to 200 feet of street frontage is permitted one freestanding sign, but this mini-storage facility does not have any street frontage. The purpose of the second freestanding sign is to identify the location of Storage One to traffic on Lake Mead Boulevard. Staff notes that an existing conforming wall sign on the storage facility's eastern elevation already achieves that effect. The approval of this request may set a precedent for the area. Staff found no evidence of any extraordinary circumstances other than the mini-storage facility does not contain any street frontage. However, the lack of frontage does not necessitate granting of the Variance request since the mini-storage facility already has extensive advertising exposure from the 80 foot high shared sign and its own wall sign. Therefore, staff recommended denial.</p> <p>Darrell Shock, Vision Sign Company, 3625 S. Polaris and Jim Messervey, Storage One, 1120 Las Vegas Blvd. South, were present. Mr. Shock provided photographs of the area businesses and a superimposed design to clear up what the proposed sign would look like. He still believes that the sign is needed for visibility. The Big O Tires building towers over the Storage One building and eliminates any visibility of the front of the building onto Rock Springs Drive. The proposed sign would be placed on the back of Storage One property. Again, he clarified for Chairperson Boyers that Storage One is 76% occupied.</p>

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PLANNING AND DEVELOPMENT

V-25-99 - LAKE MEAD MINI-STORAGE,
LIMITED PARTNERSHIP ON BEHALF OF
STORAGE ONE

Mr. Solomon thanked Mr. Shock and Mr. Messervey for the photographs and for superimposing in the sign, which helped to demonstrate the need for the proposed sign. The sign does not appear to be intrusive.

No one appeared in opposition.

There was no further discussion.

(6:19 - 6:26)
1-481

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A-3	<p><u>ABEYANCE ITEM</u></p> <p><u>V-32-99 - WL HOMES, LIMITED LIABILITY COMPANY</u></p> <p>Request for a Variance on property located on the northeast corner of Durango Drive and Racel Street TO ALLOW 181,767 SQUARE FEET OF PROPOSED OPEN SPACE WHERE 213,114 SQUARE FEET IS THE MINIMUM REQUIRED IN CONJUNCTION WITH A PROPOSED SINGLE-FAMILY DEVELOPMENT, R-E (Residence Estates) Zone under Resolution of Intent to R-PD3 (Residential Planned Development - 3 Units Per Acre), Ward 4 (Brown), APN's: 125-09-201-001 and 125-09-301-001.</p> <p>BZA NOTICES MAILED: 46</p> <p>PROTESTS: 1 Telephone</p> <p>APPROVALS: 0</p> <p>Staff Recommendation: DENIAL. If approved, subject to:</p> <ol style="list-style-type: none"> 1. Site Development to comply with all applicable conditions of approval for Z-86-98, all other applicable site-related actions. 2. All development must be in conformance with the plot plans and elevations submitted. 3. City Code requirements and design standards of all City Departments which are not affected by approval of this Variance must be satisfied. 4. The Department of Public Works requires that all applicable conditions of approval for Z-86-98, the Tule Springs Ranch Subdivision and all other subsequent site related actions are ultimately complied with. 	<p>MACK</p> <p>APPROVAL subject to conditions and deleting Condition No. 5 UNANIMOUS with Del Prado voting NO</p> <p>Susan Barton, Planning & Development, explained that this item was held in abeyance since a majority vote could not be obtained. The City of Las Vegas Zoning Code was amended in 1998 to require open space based upon the density proposed for R-PD (Residential Development) developments. The applicant is proposing 127,465 square feet of trails and 54,302 square feet of separately platted open spaces, for a total of 181,767 square feet of open space. The proposed open space does conform to the code's requirements in terms of use and location, but not in terms of size. Therefore, staff cannot support a Variance request that provides less than the minimum amount of open space. No unique or extraordinary circumstances exist which prevent the developer from providing the minimum amount of space. Therefore, staff recommended denial. Ms. Barton added that if the application were approved, Condition No. 5 should be deleted.</p> <p>Attorney Bob Gronauer, Kummer, Kaempfer, Bonner & Renshaw, 3800 Howard Hughes Parkway, appeared on behalf of WL Homes, Limited Liability Company. In January 1999 the applicant was granted by the City Council a zone change for an R-PD3 development. Subsequently, in March 1999, the developer's Site Development Plan Review before the Planning Commission was approved with the support of the Tule Springs Homeowners Association. At that hearing, the open space requirements were discussed and those issues addressed.</p> <p>Attorney Grounauer added that the Tule Springs Homeowners Association put on the record at the Planning Commission meeting that they supported the application as proposed because of the larger lots and open space. The applicant has already been approved for the zoning, a Site Development Plan Review and a Tentative Map. This Variance is the last portion of the condition imposed by the Planning Commission.</p> <p>Mr. Solomon stated that some people may not be happy with the exact design layout of the site plan, but the applicant has gone through enough obstacles on this project and should be approved.</p>

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V-32-99 - WL HOMES, LIMITED LIABILITY COMPANY

5. A sidewalk system must be provided to connect all residential areas to required open space and common recreational facilities.

Chairperson Boyers noted that she is very concerned about this particular area as one of the few horse areas left in Nevada. Property providing sheltered areas of recreation regarding horses seem to be diminishing. She asked Mr. Solomon why he felt that certain regulations should be compromised. Mr. Solomon replied that this property was involved in a land swap with the State which included a very sensitive parcel as well as the support from the Tule Springs Homeowners Association. Chairperson Boyers noted that a representative from the Association present at the last Board of Zoning Adjustment meeting stated that there was misrepresentation from the developer. Attorney Gronauer submitted a copy of the Planning Commission minutes for the Site Development Plan Review which reflect that Louise Ruskamp and the Tule Springs Homeowners Association supported the application. The residents can live with the amount of open space being provided because it allows for larger lots.

Attorney Gronauer added that this has been a very long, difficult process working with the neighbors. The applicant has not substantially deviated from his plan since these issues were raised during the Site Development Plan Review in March, but he believed those issues were resolved. The Tule Springs Homeowners Association was aware of what open space the applicant was providing under the plan.

Mr. Mack confirmed Attorney Gronauer's comments as he was present at the Planning Commission meeting.

No one appeared in opposition.

There was no further discussion.

(6:26 - 6:36)
1-712

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ITEM	ACTION
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<p>A-4 <u>SCD-4-99 - CLARK COUNTY SCHOOL DISTRICT</u></p> <p>Appeal of a Summerlin Certificate of Deviation on property located on Pavilion Center Drive, approximately 880 feet south of Sageberry Drive TO ALLOW 120 PROPOSED PARKING SPACES WHERE 224 PARKING SPACES ARE REQUIRED; AND TO ALLOW 5 HANDICAP PARKING SPACES WHERE 7 ARE REQUIRED IN CONJUNCTION WITH A PROPOSED MIDDLE SCHOOL, P-C (Planned Community) Zone, Ward 2 (Adamsen), APN: 137-26-801-001.</p> <p>BZA NOTICES MAILED: 85</p> <p>PROTESTS: 1-Telephone</p> <p>APPROVALS: 0</p> <p>Staff Recommendation: APPROVAL, subject to:</p> <ol style="list-style-type: none"> 1. All development must be in conformance with the plot plans and elevations as amended by this Variance. 2. City Code requirements and design standards of all City Departments which are not affected by approval of this Variance must be satisfied. 3. The applicant shall submit a revised site plan depicting the addition of at eight least more standard parking spaces for a total of 128 spaces. 	<p>BOYERS ABEYANCE to 7/6/99 UNANIMOUS</p> <p>Susan Barton, Planning & Development, indicated that the Variance is to allow 120 parking spaces where 224 are required in conjunction with a middle school. The total parking provided on the site is not adequate for the use according to the Summerlin Development Standards. A sports park which is also parking-impaired is located directly south of the subject property. Therefore, a shared parking agreement would not be an option. Planning & Development intends to amend the zoning code to reduce the parking requirement for middle schools from 3.5 to 2 spaces per classroom. There are 64 classrooms and therefore staff would recommend a parking reduction to 128 parking spaces. The additional eight spaces could be provided in three ways: 1) the three extra handicap spaces could be re-striped to provide at least four more standard spaces; 2) two more standard spaces could be obtained by reducing the landscape planter island at the eastern end of the double parking row; and 3) staff parking could be provided near the area designated for school bus parking at the back of the site. Staff recommended approval of 128 spaces including 5 handicap spaces.</p> <p>Rob Stepke, Clark County School District, stated that the proposed school is similar in size to the Molaski Middle School, which the Board of Zoning Adjustment granted a parking variance for 121 parking spaces based on the 3.5 parking requirement. It has been the School District's experience that there is no parking problem at middle schools which consist of grades six through eight. He would support staff's recommendations, except for placing staff parking within a bus area because of the potential safety issue. An option to the parking deficit would be to remove some of the landscaping in the parking islands. He offered to work with staff to find other alternatives.</p>

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SCD-4-99 - CLARK COUNTY SCHOOL DISTRICT

Mr. Stepke clarified for Mr. Solomon that he did not have an accurate number of parking used on a daily basis for the middle school by teaching and non-teaching staff. Mr. Solomon requested that Mr. Stepke obtain that information so that the Board could evaluate the proposed 120 parking spaces versus staff's 224 required spaces. Another concern is the insufficient handicap parking spaces. Mr. Stepke noted that when the Clark County School District visited the parking issue for Molasky Middle School, the 3.5 parking spaces per classroom was derived from American Pioneer Association Planning and Advisory Services, as a number used nationally and subsequently adopted by the City. Ms. Barton added that the 3.5 calculation is included in Title 19A, but staff will be proposing an amendment to 2 parking spaces per classroom.

Mr. Stepke suggested that the item be held in abeyance so that he can obtain the requested statistics.

No one appeared in opposition.

There was no further discussion.

(6:36 - 6:43)
1-1052

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ITEM		ACTION
	<u>PLANNING AND DEVELOPMENT</u>	
A-5	<p><u>V-46-92(2) - UNION PACIFIC RAILROAD COMPANY</u></p> <p>Required Two Year Review of an approved Variance on property located on the north side of Oran K. Gragson Highway (U. S. 95), between Bonanza Road and Grand Central Parkway, 150 feet west of the centerline of the Union Pacific railroad tracks which allowed a 14 foot by 48 foot off-premise sign (billboard) 690 feet from an existing off-premise sign (billboard) where 750 feet is the minimum separation distance required, M (Industrial) Zone, Ward 3 (Reese), APN: 139-27-401-024.</p> <p>BZA NOTICES MAILED: 32</p> <p>PROTESTS: 0</p> <p>APPROVALS: 0</p> <p>Staff Recommendation: APPROVAL, subject to:</p> <ol style="list-style-type: none"> 1. The Board of Zoning Adjustment shall hold a public hearing to review this use in November 2000 and at that time may require the off-premise sign (billboard) be removed. 2. The Department of Public Works requires that all previous conditions of approval for Variance Request V-46-92 and subsequent site-related actions are ultimately complied with. 3. City Code requirements and design standards of all City Departments which are not affected by approval of this Variance must be satisfied. 	<p>DEL PRADO APPROVAL subject to conditions UNANIMOUS</p> <p>Susan Barton, Planning & Development, stated that this is a required two-year review of an approved Variance to allow a 14 foot by 48 foot off-premise sign 690 feet from an existing billboard where 750 feet is the minimum distance required. The Planning Commission approved a required two-year review for the related Special Use Permit with a condition that it be revisited in November 2000. The existing billboard encroaches into the required distance separation by 60 feet, but a recent inspection of the billboard revealed that it is in compliance with the approved plans and conditions of approval. The use continues to be compatible with the character of the surrounding industrial area. Therefore, staff recommended approval. However, staff would suggest an 18-month review in November 2000 be imposed to coincide with a series of existing billboards located on the proposed Union Pacific site to be heard by the City Council.</p> <p>Attorney Bob Gronauer, Kummer, Kaempfer, Bonner & Renshaw, 3800 Howard Hughes Parkway, appeared on behalf of the applicant. This two-year review is for a billboard that has been in existence on the property since 1992. The billboard is located adjacent to I-95 in an industrial area and the circumstances in this area have not changed since the original approval. He concurred with staff's conditions.</p> <p>No one appeared in opposition.</p> <p>There was no further discussion.</p> <p>NOTE: A date will be set at the 6/28/99 City Council meeting for a public hearing to be held at the 7/12/99 City Council meeting.</p> <p style="text-align: right;">(6:43 - 6:47) 1-1325</p>

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<p>A-6</p> <p><u>V-133-88(2) - HOWARD HUGHES PROPERTIES</u></p> <p>Required Five Year Review of an approved Variance on property located on the east side of Decatur Boulevard, approximately 1,000 feet south of Rancho Drive which allowed a 12 foot x 24 foot off-premise sign (billboard) in an R-E (Residence Estates) Zone where such use is not permitted, R-E (Residence Estates) and C-2 (General Commercial) Zones, Ward 4 (Brown), APN: 139-18-302-004.</p> <p>BZA NOTICES MAILED: 25</p> <p>PROTESTS: 0</p> <p>APPROVALS: 0</p> <p>Staff Recommendation: <u>ABEYANCE</u> if approved, subject to:</p> <ol style="list-style-type: none"> 1. The Board of Zoning Adjustment shall hold a public hearing to review this use in two years and at that time may require the off-premise sign (billboard) be removed. 2. Conformance to the plot plan and elevations. 3. City Code requirements and design standards of all City Departments which are not affected by approval of this Variance must be satisfied. 4. The Department of Public Works requires that all previous conditions of V-133-88 are ultimately complied with. 	<p>DEL PRADO ABEYANCE to 1/4/2000 UNANIMOUS</p> <p>NOTE: Subsequent to the meeting it was determined that the February 28, 2000 abeyance date given is for the subsequent City Council meeting. The correct date for the appropriate Board of Zoning Adjustment meeting will be January 4, 2000.</p> <p>Susan Barton, Planning & Development, stated that there are three existing billboards on this parcel of land. The billboard in question is situated on the southwestern portion of the subject property. On 2/22/99 the City Council held in abeyance until February 28, 2000 a required five-year review for two other billboards located directly north of this sign. The City Council requested that the applicant provide a proposal for the entire acreage.</p> <p>Ms. Barton added that 95% of the parcel on which the existing billboard is located is zoned C-2 with a small portion zoned R-E, requiring the original Variance request. The billboard is in compliance with the approved plans and conditions of approval. The use is compatible with the character of the area along the eastern side of Rancho Drive at this time. Staff requested that this item be held in abeyance until 2/28/2000 City Council meeting so that it may be reviewed at the same time as the Special Use Permits for the other two billboards located on that parcel.</p> <p>R. Van Nostrand, appeared on behalf of Donrey Outdoor Advertising, 1211 West Bonanza Road, and concurred with staff's recommendation.</p> <p>No one appeared in opposition.</p> <p>There was no further discussion.</p> <p style="text-align: right;">(6:47 - 6:50) 1-1455</p>

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COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

ITEM

ACTION

PLANNING AND DEVELOPMENT

A-7

V-33-99 - J.W.M. INVESTMENTS INC.

Request for a Variance on property located at 808 Sunny Place TO ALLOW A PROPOSED 31.5 FOOT HIGH OFFICE BUILDING TO BE 36 FEET FROM THE SOUTH PROPERTY LINE WHERE THE RESIDENTIAL ADJACENCY STANDARDS REQUIRE A MINIMUM SETBACK OF 94.5 FEET IN CONJUNCTION WITH A PROPOSED 43,010 SQUARE FOOT COMMERCIAL BUILDING, R-E (Residence Estates) Zone, Ward 3 (Reese), APN: 139-28-304-002.

BZA NOTICES MAILED: 41

PROTESTS: 1 Speaker at Meeting

APPROVALS: 0

Staff Recommendation: APPROVAL, subject to:

1. All development must be in conformance with the plot plans and elevations.
2. City Code requirements and design standards of all City Departments which are not affected by approval of this Variance must be satisfied.
3. The Variance approval is subject to 808 Sunny Place being rezoned from R-E to C-1 (Z-23-99). If the site is not rezoned to C-1, this Variance shall be null and void.

SOLOMON
APPROVAL subject to conditions
UNANIMOUS

Susan Barton, Planning & Development, explained that the applicant is proposing to construct a 43,010 square foot two-story office building which would encroach into its southern side yard setback by 58.5 feet. The West Las Vegas Plan designated the site as Service Commercial and the proposed office use is in conformance with that land use designation. It is highly probably that the lot located to the south of the site, currently zoned residential, will eventually be developed as a commercial use. Staff recommended approval.

Lee Bigelow, Acumen Corporation, 2700 West Sahara, appeared on behalf on the applicant and concurred with staff's conditions.

Thomas Albanese, 804 Sunny Place, appeared in opposition of the Variance request because his adjacent property would be affected by the proposed office building. He asked for clarification about the size of the proposed commercial building which was reflected as 11,000 square feet at the 6/10/99 Planning Commission meeting. Mr. Bigelow verified that the building will be approximately 11,000 square feet and that the entire parcel is 43,000 square feet. He also clarified with Mr. Albanese that the two-story stuccoed and tile roofed office building will have three offices on the first floor and two offices on the second floor. Mr. McDonald intends to have his corporate offices on the second floor but is uncertain whether he will be occupy or lease all or a portion of the first floor.

Doug Powell, Deputy Director of Planning & Development, clarified that although the notices reflected a 43,010 square foot building, the site plan does indicate that the total square footage of the building as 11,173 square feet.

Mr. Albanese also questioned whether the Enterprise Federal Credit Union would be leasing the property. He is concerned because he found no such business licensed in the City. Mr. Bigelow indicated that he was unable to respond because he is only the architect for this project and does not have any other information. Chairperson Boyers explained to Mr. Albanese that the Board would only be able to address the Variance request for the property.

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V-33-99 - J.W.M. INVESTMENTS INC.

Mr. Bigelow clarified for Chairperson Boyers that the building will front Martin Luther King Boulevard. The house immediately to the south is vacant and approximately 175 feet away from this proposed office building.

Mr. Albanese questioned why Mr. McDonald does not build the proposed office building on the property at the corner of Washington and Martin Luther King, a better piece of property. Mr. Bigelow answered that he is only involved with this piece of property.

Mr. Solomon discussed with Mr. Bigelow the issues addressed by Gene Collins of the West Las Vegas Neighborhood Executive Board and the applicant's willingness to comply with some of those requests, including additional landscaping and a fence during the Site Development Plan Review before the Planning Commission. Mr. Solomon indicated his familiarity with the area and support for this and other new construction in the area. This building would not detract from Martin Luther King Boulevard.

Chairperson Boyers expressed concern that parking was not addressed. Mr. Solomon replied that any parking issue would be addressed by the Planning Commission. Mr. Bigelow added that the development would provide 11 more parking spaces than required by staff. Mr. Solomon stated that the zoning for this entire stretch fronting Martin Luther King Boulevard is appropriate.

There was no further discussion.

(6:50 - 6:12)
1-1566

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ITEM	ACTION
<u>PLANNING AND DEVELOPMENT</u>	
A-8	<u>V-34-99 - ALSTATE ENTERPRISES, INC.</u>
<p>Request for a Variance on property located at 1901 North Rancho Drive TO ALLOW THE REPLACEMENT OF AN EXISTING, 7,100 SQUARE FOOT, NON-CONFORMING USE (ERNIE'S CASINO AND TAVERN) WITH A PROPOSED 49,440 SQUARE FOOT, NON-CONFORMING USE (ERNIE'S CASINO AND TAVERN), AND TO TEMPORARILY ALLOW 122 PROPOSED PARKING SPACES WHERE 162 ARE THE MINIMUM REQUIRED, C-2 (General Commercial) Zone, Ward 4 (Brown), APN: 139-19-703-032.</p>	<p>DEL PRADO ABEYANCE to 7/6/99 UNANIMOUS</p>
BZA NOTICES MAILED: 221	<p>Staff received a letter from the applicant requesting that the item be held in abeyance. Mr. Solomon noted that prior to the meeting the applicant told him that he had to leave to attend a Lyons Club Installation meeting. Since only the abeyance issue would be discussed, the applicant left.</p>
PROTESTS: 7 (6 Letters, 1 Speaker at meeting)	<p>Deputy City Attorney Steve George confirmed Mr. Solomon's comments and recommended that the residents hold their comments until the item is heard at the next Board of Zoning Adjustment meeting.</p>
APPROVALS: 0	<p>Christine Hicks, 1937 Catalpa Trail, submitted a letter from the Eastland Heights Water Association outlining concerns with the proposed Variance request and indicated that she will attend the next meeting to express her own concerns.</p>
Staff Recommendation: DENIAL. If approved, subject to:	<p>Vice-Chair Del Prado asked how many people were present to speak on this item. A show of hands reflected eight potential speakers.</p>
1. All development must be in conformance with the plot plans and elevations subsequently approved in accordance with this Variance.	There was no further discussion.
2. City Code requirements and design standards of all City Departments which are not affected by approval of this Variance must be satisfied.	(6:12) 1-112
3. Approval for the temporary reduction in parking from 162 to 122 total spaces shall expire six months after the issuance of a building permit for the new structure or upon issuance of a certificate of occupancy for the new structure, whichever occurs first.	
4. The Variance approval is subject to the approval, and related conditions, of Special Use Permit U-49-99. If that Special Use Permit is not approved, this Variance shall be null and void.	

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V-34-99 - ALSTATE ENTERPRISES, INC.

ABEYANCE to 7/6/99

5. The Department of Public Works requires that all site-related conditions of approval are complied with.

6. The applicant must submit for review an application for a Site Development Plan Review to the Planning and Development Department.

7. Effective upon the date of issuance of a Certificate of Occupancy on the new structure, all public access to the existing structure shall be terminated.

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ACTION

PLANNING AND DEVELOPMENT

A-9

V-35-99 - NICHOLAS AND KERI LORDS

Request for a Variance on property located at 2110 Shenley Court TO ALLOW A PROPOSED SINGLE-FAMILY DWELLING 15 FEET FROM THE FRONT PROPERTY LINE WHERE 20 FEET IS THE MINIMUM SETBACK REQUIRED, R-E (Residence Estates), Zone, Ward 1 (McDonald), APN: 163-04-316-006.

BZA NOTICES MAILED: 84

PROTESTS: 0

APPROVALS: 0

Staff Recommendation: DENIAL IF APPROVED, subject to:

1. All development must be in conformance with the plot plans and elevations, specifically the minimum driveway length of 18 feet.
2. City Code requirements and design standards of all City Departments which are not affected by approval of this Variance must be satisfied.

SOLOMON

APPROVAL subject to conditions
UNANIMOUS with Goynes excused

Susan Barton, Planning & Development, advised that the applicant is proposing to construct a 4,907 square foot, two-story, single-family dwelling on a cul-de-sac known as Bromley Place. The subdivision contains private streets. The proposed dwelling would encroach into the required front yard setback by a maximum of five feet due to a side-loading garage. Although that encroachment would be minimal, there is sufficient space to relocate the single-family dwelling further to the east so that the front yard setback encroachment would be non-existent or greatly reduced. Furthermore, a slightly smaller house, properly aligned within the lot, could be constructed to conform to the Code. Staff finds no unique or extraordinary circumstances in that the applicant has created the self-imposed hardship by attempting to overbuild the site. Therefore, staff recommended denial.

Stacy Slade, 8209 Gillette Avenue, appeared on behalf of the applicant. This particular encroachment is on a cul-de-sac lot and set well beyond the other houses on the street. There is an identical situation across the street for which this Board granted a Variance a couple of months ago. Mr. Solomon agreed that there have been numerous Variances granted on setbacks in this particular area.

No one appeared in opposition.

There was no further discussion.

(7:00 - 7:03)

1-1988

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ITEM	ACTION
PLANNING AND DEVELOPMENT	
A-10	
<u>V-36-99 - MARK AND ZANETTE CLARK</u>	BOYERS APPROVAL subject to conditions Motion carried with Solomon Voting No and Goynes excused
Request for a Variance on property located at 201 Janice Estelle Drive TO ALLOW AN EXISTING DETACHED GAZEBO ZERO FEET FROM THE SIDE AND REAR PROPERTY LINES WHERE THREE FEET IS THE MINIMUM SETBACK REQUIRED AND ZERO FEET FROM THE EXISTING SINGLE-FAMILY DWELLING WHERE SIX FEET IS THE MINIMUM SEPARATION DISTANCE REQUIRED; AND TO ALLOW AN EXISTING JUNGLE GYM TO BE TWO AND ONE-HALF FEET FROM THE SIDE AND REAR PROPERTY LINES WHERE THREE FEET IS THE MINIMUM SETBACK REQUIRED AND THREE AND ONE-HALF FEET FROM THE EXISTING SINGLE-FAMILY DWELLING WHERE SIX FEET IS THE MINIMUM SEPARATION DISTANCE REQUIRED, R-CL (Residential Compact Lot) Zone, Ward 1 (McDonald), APN: 138-36-111-036.	Susan Barton, Planning & Development, indicated that the request is for a Variance to allow an existing gazebo and jungle gym structure to encroach into the required setbacks and into the minimum separation distances from the single-family dwelling. The applicant was cited for a Code violation by Neighborhood Services on 2/5/99 which prompted this Variance request. Staff is particularly concerned about the visual impact of the jungle gym from the street. The Building and Safety Department require that permanent accessory structures which are located within three feet of the property line must have one hour fire resistive construction. Additionally, any existing construction must conform to the current Uniform Building Code. If the existing gazebo does not conform to Code, it must be corrected or removed. Staff finds no extraordinary circumstances and notes negative aesthetic impact and related safety issues as a result of the detached accessory structures on the neighborhood. Therefore, staff recommended denial.
BZA NOTICES MAILED: 242	
PROTESTS: 1 Letter	Mark Clark, 201 Janice Estelle Drive, stated that he built a gazebo around a spa about five years ago. He built the jungle gym last summer without being aware that permits were required. The gazebo is not visible from the front and the neighbors are happy with the screening of the jungle gym by trees.
APPROVALS: 0	
Staff Recommendation: DENIAL. If approved, subject to:	Vice-Chair Del Prado asked Mr. Clark which neighbor sent the letter of protest. Mr. Clark responded that he only received a notice attached to his door of the violation and had no idea who protested. He approached his immediate neighbors prior to building the structures and was told of no opposition. He confirmed with Chairperson Boyers that he was unaware that the neighbor to the north of his property had sent a letter of protest. Jennifer Clark, 201 Janice Estelle Drive, Mr. Clark's young daughter, stated that she likes the jungle gym.
1. All development must be in conformance with the plot plans and elevations.	
2. City Code requirements and design standards of all City Departments which are not affected by approval of this Variance must be satisfied.	
3. Submit complete plans to the Building and Safety Department for review and permit.	
4. If the Building and Safety Department requires the removal of the gazebo, which is the subject of this request, this Variance becomes null and void.	Mr. Solomon clarified with Mr. Clark that the gazebo is approximately three to four inches away from the wall. The Building Department is concerned about fire safety codes and the proximity to the wall.

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PLANNING AND DEVELOPMENT

V-36-99 - MARK AND ZANETTE CLARK

Chairperson Boyers suggested that the applicant try not to make too much noise disturbing his northern neighbor. Mr. Mack suggested that the planting of another tree might appease his neighbors.

Chairperson Boyers suggested that Mr. Clark speak to the neighbor to seek recommendations to make the situation more pleasing or acceptable and obtain a letter of approval to bring to the City Council meeting.

No one appeared in opposition.

There was no further discussion.

NOTE: A date will be set at the 6/28/99 City Council meeting for a public hearing to be held at the 7/12/99 City Council meeting.

(7:03 - 7:15)
1-2121

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A-11	<p><u>V-37-99 - FORT ALEXANDER REAL ESTATE TRUST</u></p> <p>Request for a Variance on property located on the north side of Gilmore Avenue, approximately 320 feet west of Fort Apache Road TO ALLOW 0 SQUARE FEET OF OPEN SPACE WHERE 21,385 SQUARE FEET IS THE MINIMUM AMOUNT REQUIRED IN CONJUNCTION WITH A PROPOSED SINGLE-FAMILY DEVELOPMENT, U (Undeveloped) Zone, [ML (Medium-Low Density Residential) General Plan Designation], Ward 4 (Brown), APN: 138-07-501-013.</p> <p>BZA NOTICES MAILED: 169</p> <p>PROTESTS: 0</p> <p>APPROVALS: 0</p> <p>Staff Recommendation: APPROVAL, subject to:</p> <ol style="list-style-type: none"> 1. All development must be in conformance with the plot plans and elevations. 2. Prior to the sale of any lot, the applicant shall plant 24"-box street trees at the ratio of one tree per street frontage per lot on all lots. In the case of lots with more than one street frontage, each frontage shall receive a tree. This requirement shall be made a part of the covenants, conditions, and restrictions privately created and enforced for this development. 3. City Code requirements and design standards of all City Departments which are not affected by approval of this Variance must be satisfied. 4. The Variance approval is subject to the approval of the Rezoning (Z-22-99) request from U to R-PD6 to be heard by the City Council on June 14, 1999. If the site is not rezoned to R-PD6, this Variance shall be null and void. 	<p>SOLOMON APPROVAL subject to conditions UNANIMOUS with Del Prado and Goynes excused</p> <p>Susan Barton, Planning & Development, stated that the staff report detailed the method of calculating the required open space. Staff recognizes that the surrounding residential development does not contain the Code's required open space, and that this subject site is adjacent to a proposed school to the west. The earlier phases were approved prior to the current open space requirement. Staff notes that this small in-fill location virtually precludes providing usable open space as intended by the Code. Therefore, staff finds that these circumstances warrant approval of the request, provided additional landscaping is installed as conditioned.</p> <p>Rick Magness, VTN Nevada, 2727 South Rainbow Boulevard, appeared on behalf of the applicant and concurred with staff's conditions.</p> <p>No one appeared in opposition.</p> <p>There was no further discussion.</p> <p style="text-align: right;">(7:15 - 7:18) 1-2656</p>

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ITEM	ACTION
PLANNING AND DEVELOPMENT	
A-12	<u>V-38-99 - GARY N. AND CYNTHIA S. EAVES</u>
<p>Request for a Variance on property located at 6101 Camas Canyon Avenue TO ALLOW A PROPOSED DETACHED GARAGE 5 FEET FROM THE CORNER SIDE PROPERTY LINE WHERE 15 FEET IS THE MINIMUM SETBACK REQUIRED IN CONJUNCTION WITH AN EXISTING SINGLE-FAMILY DWELLING, R-1 (Single Family Residential) Zone, Ward 4 (Brown), APN: 125-26-810-042.</p> <p>BZA NOTICES MAILED: 122</p> <p>PROTESTS: 0</p> <p>APPROVALS: 10 Petition</p> <p>Staff Recommendation: DENIAL. If approved, subject to:</p> <ol style="list-style-type: none">1. All development must be in conformance with the plot plans and elevations.2. City Code requirements and design standards of all City Departments which are not affected by approval of this Variance must be satisfied.	<p>MACK APPROVAL subject to conditions</p> <p>Motion carried with Solomon voting No and Del Prado and Goynes excused</p> <p>Susan Barton, Planning & Development, advised that the proposed 840 square foot garage encroaches into the corner side yard setback by 10 feet and matches the existing single-family dwelling in terms of materials and color. The Code requires that detached accessory structures must be located three feet from the side and rear property line and six feet from the main dwelling. In addition, corner side encroachment must be located 15 feet from the property line. The proposed garage conforms to the building separation requirements, but not the corner side setback requirement of 15 feet. The proposed 18 foot garage would not create a vehicular sight visibility problem at the right-of-way intersection. However, the encroachment would have a negative impact on Sligo Street as it would be too close to the sidewalk. The applicant has sufficient space to relocate the proposed garage 10 feet to the west. This alternative location would be in compliance with all setback and separation requirements. Staff recommended denial.</p> <p>Gary Eaves, 6101 Camas Canyon, appeared together with his wife, Cynthia Eaves. His home has a 19 foot, three-car garage which is not deep enough. He installed an RV gate installed on the east side of the property in 1996. The placement of landscaping, the pool and rear patio have been designed to accommodate the proposed garage. He was not aware of the 15 foot restriction on the 11,000 square foot lot. He has discussed his intentions with his immediate neighbors. The garage will match the house and the space is needed to protect his vehicle from the weather environment.</p> <p>Mr. Solomon asked Mr. Eaves about moving the building to comply with the setback requirements. Mr. Eaves reiterated that there is existing landscaping and that the pool deck has already been poured. Also the building would not line up with the gates installed in 1996 if it were moved. Mr. Solomon explained that the purpose of setbacks is so that the proposed garage will not encroach into his neighbors' properties.</p>

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PLANNING AND DEVELOPMENT

V-38-99 - GARY N. AND CYNTHIA S. EAVES

Cynthia S. Eaves, 6101 Camas Canyon Avenue, indicated that their neighbors were aware of the proposed garage and the abutting neighbor most affected had no objection to the proposed garage.

Mr. Solomon questioned Ms. Barton as to the south property line setback, which is the neighbor's house, and required to be 15 feet. Ms. Barton replied that only three feet is required with which the applicant is in conformance. The only issue remaining is the side corner encroachment on the street side.

Chairperson Boyers pointed out that the average garage is 19 feet deep. Mr. Eaves noted that he cannot pull straight into his existing garage with his 1997 Monte Carlo because it is not deep enough.

Doug Powell, Deputy Director of Planning & Development, stressed that this item is Board of Zoning Adjustment final action.

No one appeared in opposition.

There was no further discussion.

(7:18 - 7:29)
1-2832

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ITEM	ACTION
<p data-bbox="232 386 652 415">PLANNING AND DEVELOPMENT</p> <p data-bbox="133 464 602 493">A-13 <u>V-39-99 - SHIRLEY G. BELL</u></p> <p data-bbox="241 525 830 806">Request for a Variance on property located at 5620 Silver Bell Street TO ALLOW A PROPOSED ADDITION 3 FEET FROM THE REAR PROPERTY LINE WHERE 15 FEET IS THE MINIMUM SETBACK REQUIRED IN CONJUNCTION WITH AN EXISTING SINGLE-FAMILY DWELLING, R-1 (Single-Family Residential) Zone, Ward 4 (Brown), APN: 125-28-412-029.</p> <p data-bbox="241 842 598 871">BZA NOTICES MAILED: 143</p> <p data-bbox="241 907 735 936">PROTESTS: 4 (2 Letters, 2 Telephone)</p> <p data-bbox="241 972 546 1001">APPROVALS: 4 Petition</p> <p data-bbox="241 1037 830 1094">Staff Recommendation: DENIAL. If approved subject to:</p> <ol data-bbox="241 1129 830 1346" style="list-style-type: none">1. All development must be in conformance with the plot plans and elevations.2. City Code requirements and design standards of all City Departments which are not affected by approval of this Variance must be satisfied.	<p data-bbox="855 464 1462 552">SOLOMON DENIAL UNANIMOUS with Del Prado and Goynes excused</p> <p data-bbox="855 588 1602 1062">Susan Barton, Planning & Development, advised that the proposed 1,150 square foot pool enclosure would encroach into the site's rear yard setback by 12 feet and would have internal access into the existing single-family dwelling. The Code requires the minimum rear yard setback of 15 feet. Furthermore, the Code requires that the maximum lot coverage in the R-1 Zone is 50%. The proposed addition would establish a lot coverage of 46%. The lot coverage within the rear yard is 60%. The proposed addition would be visually intrusive to current and future property owners adjacent to this parcel. The visual intrusion is exaggerated by the addition not matching the dwelling in terms of materials or color. This Variance request cannot be viewed in isolation of the surrounding area and staff finds no extraordinary circumstances. Therefore, staff recommended denial.</p> <p data-bbox="855 1098 1602 1283">Shirley G. Bell, 5620 Silver Bell Street, stated that she would like to enclose the existing swimming pool so that she would be able to swim year-round. She obtained approval from the neighbors on both sides of her property and across the street. She is a retired contractor and would personally see that the cover would be well built and attractive.</p> <p data-bbox="855 1318 1602 1444">Ms. Barton clarified with Mr. Solomon that there is a three foot setback from the proposed enclosure to the rear property line and then .75 foot from the enclosure to the pool. The structure would enclose both the pool and the patio.</p> <p data-bbox="855 1480 1602 1696">Chairperson Boyers noted that two letters of protests were received from residents of Bolingbrook Avenue and asked the relationship of that street in comparison to the proposed project. Ms. Bell replied that she is not familiar with that particular street. She added that her homeowners association received telephone inquiries but no protests about her proposal.</p> <p data-bbox="855 1732 1602 1917">Mr. Solomon expressed concern about the size of the structure taking up most of the backyard. Ms. Bell rebutted that there is quite a bit of space on both sides of the structure. Mr. Solomon repeated that the enclosure is too large for the R-1 lot and the surrounding neighborhood. This enclosure would be more appropriate on a larger lot.</p>

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ACTION

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V-39-99 - SHIRLEY G. BELL

Chairperson Boyers suggested that the applicant cover only a portion of the pool. Ms. Bell responded that she wants to enclose the entire pool.

No one appeared in opposition.

There was no further discussion.

(7:29 - 7:39)
1-3435/4-1

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ACTION

PLANNING AND DEVELOPMENT

A-14

V-40-99 - MACE J. YAMPOLSKY

Request for a Variance on property located at 625 South 6th Street TO ALLOW SEVEN EXISTING PARKING SPACES WHERE EIGHT ARE THE MINIMUM REQUIRED IN CONJUNCTION WITH THE PROPOSED EXPANSION OF AN EXISTING COMMERCIAL BUILDING, P-R (Professional Offices and Parking) Zone, Ward 3 (Reese), APN: 139-34-410-218.

BZA NOTICES MAILED: 143

PROTESTS: 0

APPROVALS: 0

Staff Recommendation: APPROVAL, subject to:

1. All development must be in conformance with the plot plans and elevations.
2. City Code requirements and design standards of all City Departments which are not affected by approval of this Variance must be satisfied.

BOYERS

APPROVAL subject to conditions

UNANIMOUS with Del Prado and Goynes excused

Susan Barton, Planning & Development, explained that the applicant is proposing to add to the second story of an existing office building. The legally non-conforming office building meets setbacks, landscaping and parking requirements. The Code requires 1 parking space per 300 square feet of gross floor area for office use. Currently, the existing parking area is located at the rear of the property and accessed from an abutting alley. The site is located within the Las Vegas High School Historic District and the alternative of constructing a two-story parking garage is not practical or in keeping with the neighborhood. The Code permits the Director of the Planning & Development Department to approve additions to non-conforming buildings provided the addition conforms to certain requirements.

The proposed addition meets those requirements. Staff notes that a more intensive use than the existing and proposed office uses would increase the parking deficiency. Therefore, any change in use intensity shall require a parking analysis. The reduction of one parking space below the minimum required would not be detrimental to the health, safety or general welfare of the public in that on-street parking is available along the site's street frontage and on-street parking is encouraged over off-street parking in front yards within the Historic District. Therefore, staff recommended approval.

Contractor Gary Rosa, appeared on behalf of the applicant. Mr. Solomon verified with Mr. Rosa that the request is for a reduction of only one parking space.

No one appeared in opposition.

There was no further discussion.

NOTE: A date will be set at the 6/28/99 City Council meeting for a public hearing to be held at the 7/12/99 City Council meeting.

(7:39 - 7:42)
2-192

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<p>A-15 <u>V-41-99 - JOSEPH D. AND ELIZABETH R. WILLIAMS</u></p> <p>Request for a Variance on property located at 2225 Juana Vista Street TO ALLOW A PROPOSED ADDITION 10 FEET FROM THE CORNER SIDE PROPERTY LINE WHERE 15 FEET IS THE MINIMUM SETBACK REQUIRED IN CONJUNCTION WITH AN EXISTING SINGLE-FAMILY DWELLING, R-1 (Single-Family Residential) Zone, Ward 1 (McDonald), APN: 162-06-812-048.</p> <p>BZA NOTICES MAILED: 147</p> <p>PROTESTS: 0</p> <p>APPROVALS: 0</p> <p>Staff Recommendation: DENIAL. If approved, subject to:</p> <ol style="list-style-type: none"> 1. All development must be in conformance with the plot plans and elevations. 2. City Code requirements and design standards of all City Departments which are not affected by approval of this Variance must be satisfied. 3. The Department of Public Works requires that the applicant meet with the Traffic Engineering Representative in Land Development to ensure that proper Site Visibility Restriction Areas are maintained prior to the issuance of any permits as required by the Department of Public Works. 	<p>SOLOMON APPROVAL subject to conditions UNANIMOUS with Del Prado and Goynes excused</p> <p>Susan Barton, Planning & Development, stated that the proposed 850 square foot single-family dwelling addition with matching construction materials and color encroaches into the corner side yard setback by 5 feet. The proposed addition would be utilized as an office, living room, dining room and an expansion of the family room. The Code requires a minimum corner side yard setback of 15 feet and a maximum lot coverage of 50% in R-1 zoning. The proposed addition would result in a 38% lot coverage. The location at the rear and side of the existing dwelling would not create a vehicular sight visibility problem at the intersection. However, the proposed addition would visually encroach into the building line along the street where the existing single-family dwellings have 20 foot front yard setbacks. Therefore, staff recommended denial.</p> <p>Joseph D. Williams, 2225 Juana Vista Street, indicated that the 5 foot reduction in the setback would not be a problem because the property is located on a side street. The front and rear setbacks are in compliance with the Code. None of his immediate neighbors are opposed the proposed project. He has resided at this property for seven years and is in need of the extra rooms in order to remain in this area.</p> <p>Mr. Solomon clarified with Mr. Williams that there is a wall approximately eight foot in height along the south side of the property which will not be removed. The proposed addition would be approximately 10 feet from that wall. The block wall will continue to the west to the corner of the house but not extend to the sidewalk.</p> <p>No one appeared in opposition.</p> <p>There was no further discussion.</p> <p style="text-align: right;">(7:42 - 7:52) 2-291</p>

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<p>A-16 <u>V-42-99 - PARKWAY RETAIL CENTER ON BEHALF OF LAURICH PROPERTIES, INC.</u></p> <p>Request for a Variance on property located on the south side of Washington Avenue, approximately 320 feet east of Buffalo Drive TO ALLOW A PROPOSED COMMERCIAL BUILDING 7 FEET FROM THE REAR PROPERTY LINE WHERE 20 FEET IS THE MINIMUM SETBACK REQUIRED, C-1 (Limited Commercial) Zone, Ward 2 (Adamsen), APN: 138-27-312-002.</p> <p>BZA NOTICES MAILED: 48</p> <p>PROTESTS: 1 Letter (Charleston Neighborhood Preservation)</p> <p>APPROVALS: 0</p> <p>Staff Recommendation: DENIAL. If approved, subject to:</p> <ol style="list-style-type: none"> 1. All development must be in conformance with the plot plans and elevations. 2. City Code requirements and design standards of all City Departments which are not affected by approval of this Variance must be satisfied. 	<p>SOLOMON ABEYANCE to 7/6/99</p> <p>Motion carried with Mack abstaining because his brother leases property at the same location and with Del Prado and Goynes excused</p> <p>NOTE: The initial motion for approval by Solomon carried with Mack abstaining because his brother leases property at the same location and Del Prado and Goynes excused but was rescinded as a result of a subsequent motion by Solomon which carried with Mack abstaining because his brother leases property at the same location and Del Prado and Goynes excused.</p> <p>Susan Barton, Planning & Development, stated that on 2/22/99 the City Council approved a Site Development Plan Review for this development. The applicant is proposing to construct a 20,800 square foot retail building, which would encroach into the rear yard setback by 13 feet. This building is part of an approved 137,567 square foot commercial development. The Code requires a 20 foot minimum rear yard setback in C-1 zoning. Staff notes that the approved Site Development Plan Review depicted a 7 foot rear yard setback. There is a conflict between the 60 foot building depth depicted on the approved site plan versus the 65 foot deep building reflected in the Variance request. A 19.5 foot wide covered walkway attached to the north side of the building was approved which is shown in the Variance site plan with a width of 14.5 feet. Staff recommends that the building width be 60 feet with a 6.5 foot wide covered walkway attached to the north side of the building, thereby complying with the 20 foot rear yard setback requirement.</p> <p>Alternatively, staff recommends that the applicant proceed with his announced plans to acquire the vacant BLM land located to the south. Staff finds no evidence of unique or extraordinary circumstances in that the applicant has created a self-imposed hardship by attempting to overbuild the site. Therefore, staff recommended denial.</p> <p>Mr. Mack disclosed that he would abstain from voting on this item because his brother leases property at the same location. Deputy City Attorney Steve George verified that there is quorum as the abstention counts as a vote.</p>

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V-42-99 - PARKWAY RETAIL CENTER ON
BEHALF OF LAURICH PROPERTIES, INC.

Attorney Bob Gronauer, Kummer, Kaempfer, Bonner & Renshaw, 3800 Howard Hughes Parkway, appeared on behalf of Hank Gordon, Laurich Properties, Inc. The property is located in the vicinity of Summerlin Parkway, off Buffalo Drive and Washington Avenue. A Site Development Plan Review was approved earlier this year for the retail center. The Variance request is for a 7 foot rear yard setback where 20 feet is required. The unusual shape of the property is due to extra dedications for the Summerlin Parkway, Washington Avenue and a result of the drainage channel. The property adjacent to the proposed parcel is owned by BLM and is proposed for commercial uses. Mr. Gordon intends to purchase that adjacent property when it comes up for sale and incorporate it into this approved commercial development.

Mr. Solomon discussed with Attorney Gronauer that the covered walkway would be reduced from a 20 foot width to a 14 foot width which is sufficient for people to walk. Other retail centers have covered walkways with widths ranging from 15 to 20 feet.

Mr. Solomon pointed out the unusual rear setback for this particular lot. Normally, he would recommend a zero lot line to prevent creating any dead space in a commercial area. The applicant's request is reasonable with regard to this particular lot, especially because of the Summerlin Parkway ramp. He suggested that some kind of setback be provided if the BLM land is purchased and developed.

NOTE: Deputy City Attorney Steve George explained that as a result of the NRS standard for calculating a quorum, the Board was not able to act at this time. He recommended that the Board reconsider the prior vote and move to hold in abeyance until the next meeting in order to maintain a clear record. The reconsideration would allow attendance by those members currently missing. He directed that a record be made for the next meeting that there had been two votes in favor of this item despite the need to hold the item and that the public hearing had been concluded.

No one appeared in opposition.

There was no further discussion.

(7:52 - 7:55)
2-442

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A-17

V-43-99 - DENVER SQUARE TRUST

Request for a Variance on property located at 1141 South Las Vegas Boulevard TO ALLOW A PROPOSED 16,780 SQUARE FOOT COMMERCIAL CENTER 0 FEET FROM THE SIDE PROPERTY LINE WHERE 10 FEET IS THE MINIMUM SETBACK REQUIRED, 12 FEET FROM THE REAR PROPERTY LINE WHERE 20 FEET IS THE MINIMUM SETBACK REQUIRED, AND 10 FEET FROM THE CORNER SIDE PROPERTY LINE WHERE 15 FEET IS THE MINIMUM SETBACK REQUIRED; TO ALLOW 52 PROPOSED PARKING SPACES WHERE 67 ARE THE MINIMUM REQUIRED; AND TEMPORARILY ALLOW 25 PROPOSED PARKING SPACES WHERE 67 ARE THE MINIMUM REQUIRED; AND TO ALLOW THE REPLACEMENT OF AN EXISTING, 1200 SQUARE FOOT, NON-CONFORMING USE (BOULEVARD BOOKS AND VIDEO), WITH A PROPOSED 4,300 SQUARE FOOT NON-CONFORMING USE (BOULEVARD BOOKS AND VIDEO), C-2 (General Commercial) Zone, Ward 3 (Reese), APN: 162-03-112-021.

BZA NOTICES MAILED: 106

PROTESTS: 12 (4 Letters, 8 Speakers at meeting)

APPROVALS: 0

Staff Recommendation: DENIAL. If approved, subject to:

1. All development must be in conformance with the plot plans and elevations subsequently approved in accordance with this Variance.
2. City Code requirements and design standards of all City Departments which are not affected by approval of this Variance must be satisfied.

SOLOMON
DENIAL

UNANIMOUS with Del Prado and Goynes excused

APPEARANCES:

Susan Barton, Planning & Development
Attorney Peter Alpert, 630 S. 6th Street
James Deroy, MSI Development, 3175 Ali Baba
Mary Hausch, 1139 S. 5th Place
Bob Bellus, 823 Park Paseo Street, President of the John S. Park Neighborhood Association
Walter Coffin, 1139 S. 5th Place
Amy Coffin, 1139 S. 5th Place
Jim Mills, 1108 S. 6th Street
C.T. Wong, 1133 Las Vegas Boulevard

NOTE: A Verbatim Transcript is made part of the Final Minutes.

(7:55 - 8:17)
.2-691

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V-43-99 - DENVER SQUARE TRUST

DENIAL

3. Approval for the temporary reduction in parking from 162 to 122 total spaces shall expire six months after the issuance of a building permit for the new structure or upon issuance of a certificate of occupancy for the new structure, whichever occurs first.

4. The Variance approval is subject to the approval, and related conditions, of Special Use Permit U-49-99. If that Special Use Permit is not approved, this Variance shall be null and void.

5. The Department of Public Works requires that all site-related conditions of approval are complied with.

6. The applicant must submit for review an application for a Site Development Plan Review to the Planning and Development Department.

7. Effective upon the date of issuance of a Certificate of Occupancy on the new structure, all public access to the existing structure shall be terminated.

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PLANNING AND DEVELOPMENT

A-18

V-45-99 - LONE MOUNTAIN DEVELOPERS LTD.

Request for a Variance on property located approximately 300 feet east of the northeast corner of Jones Boulevard and Lone Mountain Road TO ALLOW A PROPOSED MINI-STORAGE FACILITY 0 FEET FROM THE SIDE PROPERTY LINE WHERE 10 FEET IS THE MINIMUM SETBACK REQUIRED, R-E (Residence Estates) Zone, Ward 4 (Brown), APN: 125-36-403-001/4.

BZA NOTICES MAILED: 141

PROTESTS: 1 Speaker at meeting

APPROVALS: 0

Staff Recommendation: DENIAL. If approved, subject to:

1. All development must be in conformance with the plot plans and elevations.
2. City Code requirements and design standards of all City Departments which are not affected by approval of this Variance must be satisfied.
3. The Variance approval is subject to the approval, and related conditions, of U-59-99. If the Special Use permit is not approved, this Variance shall be null and void.
4. All conditions of approval for GPA-5-99 and U-59-99 must be complied with.
5. The applicant must submit a site plan in conjunction with a Special Use Permit to the Planning and Development Department.

SOLOMON

APPROVAL subject to conditions

UNANIMOUS with Del Prado and Goynes excused

Susan Barton, Planning & Development, stated that on 5/24/99 the City Council approved a General Plan Amendment and rezoning to C-1 for this site. The southwestern boundaries of the site wrap around an existing convenience store on the corner of Jones and Lone Mountain Road. The east property line is adjacent to an existing child care center. The child care facility and the subject site are separated by a six foot high block wall. The Code requires a 10 foot minimum side yard setback in R-E and C-1 zoning. Staff is aware that the Variance request is limited to the issues specified in the application, but there are other issues regarding the Site Development Plan that need to be considered.

First, there is no landscaping along the east or west property line. The existing child care center and convenience store do not have landscaping adjacent to the encroachment area. This lack of landscaping on the eastern side of the site will have a negative impact due to the high visibility from Lone Mountain. The play area of the adjacent child care facility would not have any landscape buffer. The site should be redesigned to provide the required setback and landscaping buffers along the east and west property lines. Second, no internal landscaping has been depicted on the site plan. Third, the Adjacency Standards of the Code apply to all non-residential properties. There is a 24 foot high office and caretaker residence building on the north property line which should comply with a 72 foot setback to buffer adjacent single-family dwellings. The site plan depicts only a 63 foot setback. Therefore, the two level office/ residence must be reduced in height or relocated within the site to conform to the Residential Adjacency Standards.

Staff finds no evidence of unique or extraordinary circumstances and that the applicant has created a self-imposed hardship by attempting to overbuild the site. Staff is required to take into consideration the effect of this Variance request on the neighboring convenience store, child care facility and the streets, as well as single-family dwellings along the north property line. Staff recommended denial.

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V-45-99 - LONE MOUNTAIN DEVELOPERS LTD.

Attorney Chis Kaempfer, Kummer Kaempfer Bonner & Renshaw, 3800 Howard Hughes Parkway, 7th Floor, appeared on behalf of the applicant. The application relates to a small portion of the site on the east boundary between the existing child care facility and the mini-storage facility. The issue regarding the two-story building being 63 feet instead of 72 feet away, will be addressed by flipping the building so that it will be immediately adjacent to the convenience store and not to the residential properties. Sufficient landscaping has been provided on the west side of the site at the request of Councilman Brown during the Site Development Plan Review. Another condition of approval was that an enhanced 15 foot landscape buffer be installed along Lone Mountain. The only remaining issue to be addressed is the Variance request itself.

Attorney Kaempfer added that this Variance request was designed based on experience with the needs of the child care facility immediately adjacent to this project. If the rear of the mini-storage facility is not used as the block wall along the property line for the child care facility, dead space will be created between the child care and the mini-storage facilities.

The child care facility does not want that dead space where both garbage and people could collect. The child care facility supports this Variance as designed, but suggested that a couple of the mini-storage facilities move back from the street so as not to impact visibility. The applicant is willing to work with the child care facility on that issue before the Special Use Permit is reviewed by the Planning Commission on 6/24/99. This Variance makes good sense and will benefit the applicant, the site and the child care facility. Most jurisdictions prefer that such a wall serve as the common boundary wall to avoid the creation of dead space.

William Wise, 4005 San Joaquin Avenue, owns an undeveloped site at Leon Avenue and Verde Way. He was present at the last Planning Commission meeting and understood that the original zoning Variance was to be addressed at that time. However, it was held in abeyance until 6/24/99. He received another notice on the setback and asked for clarification of these applications.

Attorney Kaempfer clarified that the plan was presented to the City Council and unanimously approved. However, both a Special Use Permit and Site Development Plan Review are required for the mini-storage facility before the Planning Commission. The Special Use Permit was scheduled for 5/27/99 and staff requested that it be held until 6/24/99 so that the Variance could be addressed. If the Variance is not

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V-45-99 - LONE MOUNTAIN DEVELOPERS LTD.

approved, the 6/24/99 Planning Commission Site Development Plan Review will show 10 feet of landscaping and the dead space along the east boundary line. The zoning is already in place and the plan has already been seen and approved by the City Council.

Chairperson Boyers verified with Ms. Barton that it is common that a General Plan Amendment and rezoning are heard by the City Council before a Site Development Plan Review, a Special Use Permit or a Variance. This confusion might have been a result of four different applications for the one site.

Mr. Solomon discussed with Mr. Wise his objections to rezoning from R-E to C-1 because of the potential precedent. Mr. Solomon noted that Mr. Wise's property would not be affected, but the zoning for the property to the south might change in the future. Attorney Kaempfer indicated that the City Council agreed that the convenience store is unique because it and the child care facility were already approved and exist. There have been applications to develop apartments and commercial on this same site. The applicant is proposing a single story mini-storage facility with no impact on crime or traffic. Councilman Brown has made it clear that this is not precedent setting unless there is another application with an existing convenience store on the corner.

Mr. Solomon stated that could be changed to office or service commercial rather than C-1. The City Council will take a very hard look at the site development plan to keep the building elevations very modest.

Ms. Barton clarified that the General Plan Amendment for the property located south of Mr. Wise's property is presently for single-family dwellings. Chairperson Boyers pointed out that Leon Avenue is a very small street, surrounded by residential zoning and is pretty secure from any rezoning to commercial. Mr. Solomon added that there are low impact uses in the area such as the mini-storage facility and the child care center before agreeing with Mr. Kaempfer about the zero property line on this type of development.

Attorney Kaempfer stated that he will address staff's other concerns during the Site Development Plan Review on 6/24/99.

There was no further discussion.

(8:17 - 8:35)
2-1516

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A-19

V-46-99 - GILBERT FAMILY TRUST

Request for a Variance on property located at 821 North Lamb Boulevard TO ALLOW 81 EXISTING PARKING SPACES WHERE 87 ARE THE MINIMUM REQUIRED IN CONJUNCTION WITH A PROPOSED ADDITION (BAKERY) TO AN EXISTING COMMERCIAL CENTER, C-1 (Limited Commercial) Zone, Ward 3 (Reese), APN: 140-29-301-010.

BZA NOTICES MAILED: 1,014

PROTESTS: 0

APPROVALS: 9 Letters

Staff Recommendation: APPROVAL, subject to:

1. All development must be in conformance with the plot plans and elevations.
2. City Code requirements and design standards of all City Departments which are not affected by approval of this Variance must be satisfied.

BOYERS

APPROVAL subject to conditions

UNANIMOUS with Del Prado and Goynes excused

Susan Barton, Planning & Development, stated that the Code provides that total required parking shall be the sum of the parking calculated for each individual use on a site. The calculations have been made available to the Board. Any change in the intensity of the uses within the entire commercial center will require a parking analysis before any new business licenses or building permits are issued. Staff notes that the Code does not specifically address a bakery, which is a less intense use than a restaurant and typically has fewer employees. To reflect this, staff has utilized 1 space per 100 square feet of eating area and 1 space per 250 square feet of baking area to calculate the parking for this proposed use. The existing commercial center currently has two driveways onto Lamb Boulevard. Planning staff suggested that one of the driveways be closed to provide room to construct at least five additional parking spaces. However, the Department of Public Works discourages the removal of either driveway, both of which provide vehicular and pedestrian traffic circulation safety. Therefore, a unique or extraordinary circumstance exists in that the applicant cannot provide the additional parking by closing one of the existing driveways and staff recommended approval.

Don Gilbert, 9131 Ivory Beach Drive, submitted a petition from all the tenants in the shopping center in favor of the proposed addition. There has never been a parking problem at this shopping center. The bakery operated by a father and son with only one part-time employee has been in existence for nine years. Currently the bakery is a walk-in type of business but the applicant intends to add five tables with chairs for coffee and donuts.

No one appeared in opposition.

There was no further discussion.

NOTE: A date will be set at the 6/28/99 City Council meeting for a public hearing to be held at the 7/12/99 City Council meeting.

(8:35 - 8:40)
2-2197

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B

CITIZENS PARTICIPATION:

None.

ITEMS RAISED UNDER THIS PORTION OF THE AGENDA CANNOT BE ACTED UPON BY THE BOARD OF ZONING ADJUSTMENT UNTIL THE NOTICE PROVISIONS OF THE OPEN MEETING LAW HAVE BEEN COMPLIED WITH; THEREFORE, ACTION ON SUCH ITEMS WILL HAVE TO BE CONSIDERED AT A LATER TIME.

(8:40)
2-2439

MEETING ADJOURNED AT 8:40 P.M.

PLANNING & DEVELOPMENT DEPARTMENT



DAVID PETROVICH, PLANNING SUPERVISOR,
CURRENT PLANNING DIVISION
PLANNING & DEVELOPMENT DEPARTMENT

/ac

