

**VERBATIM
TRANSCRIPT
ATTACHED
AFTER
MEETING
MINUTES**

Agenda

City of Las Vegas

QUARTERLY PLANNING COMMISSION MEETING

July 15, 1999

Council Chambers

400 Stewart Avenue

Phone 229-6301

TDD 386-9108

<http://www.ci.las-vegas.nv.us>

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COMMISSIONERS

MICHAEL BUCKLEY, CHAIRMAN

CRAIG GALATI, VICE CHAIRMAN

HANK GORDON

MICHAEL MACK

MARILYN MORAN

STEPHEN QUINN

LENI SKAAR

ALL ITEMS ON THIS AGENDA ARE SCHEDULED FOR ACTION UNLESS SPECIFICALLY NOTED OTHERWISE

COMMISSIONERS BRIEFING:

5:15 P.M. in Council Chambers of City Hall, 400 Stewart Avenue, Las Vegas, Nevada

It is the intent of the Planning Commission to be briefed by staff and that all items on the agenda shall be available for open discussion during the briefing session. Applicants and other interested parties may be asked for information or presentations by the Planning Commission. Applicants may not participate in the discussion unless at the specific request of the Commission. All interested parties are invited to attend.

CALL TO ORDER:

6:00 P.M. in Council Chambers of City Hall, 400 Stewart Avenue, Las Vegas, Nevada

ROLL CALL:

ANNOUNCEMENT:

Satisfaction of Open Meeting Law Requirements

NOTICE:

This meeting has been properly noticed and posted at the following locations:

Clark County Government Center, 500 South Grand Central Parkway
Senior Citizen Center, 450 East Bonanza Road
Clark County Courthouse, 200 East Carson Avenue
Court Clerk's Office Bulletin Board, City Hall Plaza
City Hall Plaza, Special Outside Posting Bulletin Board

MINUTES:

ACTIONS:

ALL ACTIONS ON TENTATIVE AND FINAL SUBDIVISION MAPS ARE FINAL UNLESS AN APPEAL IS FILED BY THE APPLICANT OR AN AGGRIEVED PERSON, OR A REVIEW IS REQUESTED BY A MEMBER OF THE CITY COUNCIL WITHIN SEVEN DAYS OF THE DATE NOTICE IS SENT TO THE APPLICANT. UNLESS OTHERWISE INDICATED DURING THE MEETING, ALL OTHER ACTIONS BY THE PLANNING COMMISSION ARE RECOMMENDATIONS TO THE CITY COUNCIL, IN WHICH CASE ALL FINAL DECISIONS, CONDITIONS, STIPULATIONS OR LIMITATIONS ARE MADE BY THE CITY COUNCIL.

ANY ITEM LISTED IN THIS AGENDA MAY BE TAKEN OUT OF ORDER IF SO REQUESTED BY THE APPLICANT, STAFF, OR A MEMBER OF THE PLANNING COMMISSION. THE PLANNING COMMISSION MAY IMPOSE TIME LIMITATIONS, AS NECESSARY, ON THOSE PERSONS WISHING TO BE HEARD ON ANY AGENDAED ITEM.

06/23/99 12:26 PM

Agenda

City of Las Vegas

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PUBLIC HEARING ITEMS

A. WARD 2:

- A-1. GPA-23-99 - CITY OF LAS VEGAS - Request to Amend the General Plan of the City of Las Vegas to add MLA (Medium Low Attached) 8.1 to 12 Dwelling Units Per Acre as a land use category and amend the densities allowed for the L (Low Density Residential) to allow a maximum of 5.5 Dwelling Units Per Acre, ML (Medium-Low Density Residential) to allow a maximum of 8 Dwelling Units Per Acre, M (Medium Density Residential) to allow a maximum of 25 Dwelling Units Per Acre, and High land use categories for the land use maps of the Southwest and Southeast Sectors of the General Plan, Ward 1 (McDonald), Ward 2 (Adamsen), Ward 3 (Reese) and Ward 4 (Brown).

PUBLIC HEARING

C.C.: 8/23/99

- A-2. GPA-14-99 - CITY OF LAS VEGAS - Request to Amend the Southwest Sector Map of the General Plan for an area generally located south of Cheyenne Avenue and west of Decatur Boulevard, Ward 1 (McDonald), Ward 2 (Adamsen), and Ward 4 (Brown).

PUBLIC HEARING

C.C.: 8/23/99

B. WARD 3:

- B-1. GPA-19-99 - YHIEL SHEBAH - Request to Amend a portion of the Downtown Redevelopment Plan on property located at 721 Bell Drive, From: PF (Public Facility) To: SC (Service Commercial), Ward 3 (Reese), APN: 139-27-811-016.

PUBLIC HEARING

C.C.: 8/23/99

- B-2. Z-34-99 - YHIEL SHEBAH - Request for a Rezoning on property located at 721 Bell Drive From: R-1 (Single Family Residential) To: C-1 (Limited Commercial), PROPOSED USE: A MARKET AND PROFESSIONAL OFFICES, Size: 0.93 Acres, Ward 3 (Reese), APN: 139-27-811-016.

PUBLIC HEARING

C.C.: 8/23/99

- B-3. GPA-20-99 - JUDY K. WARNER - Request to Amend a portion of the Southeast Sector of the General Plan on property located at 140 North Lamb Boulevard, From: L (Low Density Residential) To: O (Office), Ward 3 (Reese), APN: 140-32-310-011.

PUBLIC HEARING

C.C.: 8/23/99

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- B-4. Z-35-99 - JUDY K. WARNER - Request for a Rezoning on property located at 140 North Lamb Boulevard, From: R-1 (Single Family Residential) To: P-R (Professional Office and Parking), PROPOSED USE: A 1,584 SQUARE FOOT OFFICE, Size: 0.17 Acres, Ward 3 (Reese), APN: 140-32-310-011.

PUBLIC HEARING

C.C.: 8/23/99

- B-5. GPA-21-99 - MALIBU DEVELOPMENT CORPORATION - Request to Amend a portion of the West Las Vegas Plan on property located at 2200 West Bonanza Road, From: SC (Service Commercial) and ML (Medium Low Density Residential) To: H (High Density Residential), Size: 3.80 Acres, Ward 3 (Reese), APN: 139-29-704-028, 029 and 030.

PUBLIC HEARING

C.C.: 8/23/99

- B-6. Z-36-99 - MALIBU DEVELOPMENT CORPORATION - Request for a Rezoning on property located at 2200 West Bonanza Road, From: R-E (Residence Estates), R-1 (Single Family Residential) and R-5 (Apartment) To: R-4 (High Density Residential), PROPOSED USE: 90 ADDITIONAL APARTMENTS TO AN EXISTING 102 UNIT APARTMENT COMPLEX, Size: 3.80 Acres, Ward 3 (Reese), APN: 139-29-704-028, 029 and 030.

PUBLIC HEARING

C.C.: 8/23/99

C. WARD 4:

- C-1. GPA-44-98 - NORTHSHORE 252 LIMITED PARTNERSHIP - Request to Amend a portion of the Northwest General Plan on property located at 3350 North Durango Drive, From: SC (Service Commercial) To: M (Medium Density Residential), Ward 4 (Brown), APN: 138-09-401-001, 002, 003 and 016.

PUBLIC HEARING

C.C.: 8/23/99

- C-2. Z-80-98 - NORTHSHORE 252 LIMITED PARTNERSHIP - Request for a Rezoning on property located at 3350 North Durango Drive, FROM: C-1 (Limited Commercial) TO: R-3 (Medium Density Residential) PROPOSED USE: PREVIOUSLY APPROVED AND PRESENTLY UNDER CONSTRUCTION 252 UNIT APARTMENT COMPLEX, Size: 13.9 Acres, Ward 4 (Brown) APN: 138-09-401-001, 002, 003, and 016.

PUBLIC HEARING

C.C.: 8/23/99

- C-3. GPA-12-99 - CITY OF LAS VEGAS - WYKOFF-NEWBERG CORPORATION AND CAROL, HARRY AND JOHN PAPPAS - Request to amend a portion of the Town Center Land Use Plan on property located north of Elkhorn Road and west of U. S. Highway 95, From: PF-TC (Public Facility) To: UC-TC (Urban Center Mixed Use), Ward 4 (Brown), APN: 125-17-801-002 and 003.

PUBLIC HEARING

C.C.: 8/23/99

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- C-4. GPA-13-99 - SAN MICHELE APARTMENTS, LIMITED LIABILITY COMPANY ON BEHALF OF CASTLE PROPERTY COMPANY - Request to Amend a portion of the Southwest Sector of the General Plan on property located on the north side of Lake Mead Boulevard, approximately 540 feet east of Jones Boulevard, From: SC (Service Commercial) To: H (High Density Residential), Ward 4 (Brown), APN: 138-24-215-005.

PUBLIC HEARING

C.C.: 8/23/99

- C-5. Z-28-99 - SAN MICHELE APARTMENTS, LIMITED LIABILITY COMPANY - Request for a Rezoning on property located on the north side of Lake Mead Boulevard, approximately 540 feet east of Jones Boulevard, From: C-1 (Limited Commercial) To: R-4 (High Density Residential), Ward 4 (Brown), APN: 138-24-215-005.

PUBLIC HEARING

C.C.: 8/23/99

- C-6. GPA-16-99 - STATE OF NEVADA ON BEHALF OF W.L. HOMES, LIMITED LIABILITY COMPANY - Request to Amend a portion of the Northwest Amendment to the General Plan on property located on the northwest corner of Racel Street and Cimarron Road, From: P (Park/Recreation/Open Space) To: L (Low Density Residential), Ward 4 (Brown), APN: 125-09-301-001.

PUBLIC HEARING

C.C.: 8/23/99

- C-7. Z-31-99 - STATE OF NEVADA ON BEHALF OF W.L. HOMES, LIMITED LIABILITY COMPANY - Request for a Rezoning on property located on the northwest corner of Racel Street and Cimarron Road, From: R-E (Residence Estates) To: R-PD4 (Residential Planned Development - 4 Units Per Acre) PROPOSED USE: 176 LOT SINGLE FAMILY SUBDIVISION, Size: 44.28 Acres, Ward 4 (Brown), APN: 125-09-301-001.

PUBLIC HEARING

C.C.: 8/23/99

- C-8. GPA-18-99 - EMERALD DEVELOPMENT - Request to Amend a portion of the Northwest Amendment to the General Plan on property located on the southeast corner of Hickam Avenue and Bradley Road, From: DR (Desert Rural Density Residential) To: R (Rural Density Residential), Ward 4 (Brown), APN: 138-01-706-002.

PUBLIC HEARING

C.C.: 8/23/99

- C-9. Z-33-99 - EMERALD DEVELOPMENT - Request for a Rezoning on property located on the southeast corner of Hickam Avenue and Bradley Road, From: R-E (Residence Estates) To: R-PD3 (Residential Planned Development - 3 Units per Acre), PROPOSED USE: EXPANSION OF A PREVIOUSLY APPROVED RESIDENTIAL SUBDIVISION, Size: 3.99 Acres, Ward 4 (Brown), APN: 138-01-706-002.

PUBLIC HEARING

C.C.: 8/23/99

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- C-10. GPA-22-99 - NICK AND KATHLEEN MICAS, ET AL - Request to Amend a portion of the Southwest Sector of the General Plan on property located on the south side of Lake Mead Boulevard, approximately 550 feet east of Decatur Boulevard, From: L (Low Density Residential) To: O (Office), Size: 0.76 Acres, Ward 4 (Brown), APN: 139-19-202-002 through 005.

PUBLIC HEARING

C.C.: 8/23/99

D. WARD 1:

- D-1. GPA-15-99 - BYRON AND LUELLA THORNTON TRUST - Request to Amend a portion of the Southeast Sector of the General Plan on property located at 1210 Shadow Lane, From: R (Rural Density Residential) To: O (Office), Ward 1 (McDonald), APN: 162-04-112-004.

PUBLIC HEARING

C.C.: 8/23/99

- D-2. Z-30-99 - BYRON AND LUELLA THORNTON TRUST - Request for a Rezoning on property located at 1210 Shadow Lane, From: R-E (Residence Estates) To: P-R (Professional Office and Parking), PROPOSED USE: 9,811 SQUARE FOOT OFFICE BUILDING, Size: 0.92 Acres, Ward 1 (McDonald), APN: 162-04-112-004.

PUBLIC HEARING

C.C.: 8/23/99

- D-3. GPA-17-99 - SCHNEIDER FAMILY TRUST AND WILLIAM CULLINGS - Request to Amend a portion of the Southwest Sector of the General Plan on property located on the east side of Buffalo Road, approximately 660 feet south of Charleston Boulevard, From: DR (Desert Rural Density Residential) To: O (Office), Ward 1 (McDonald), APN: 163-03-101-002 and 003.

PUBLIC HEARING

C.C.: 8/23/99

- D-4. Z-32-99 - SCHNEIDER FAMILY TRUST AND WILLIAM CULLINGS ON BEHALF OF LARRY GOLDMAN - Request for a Rezoning on property located on the east side of Buffalo Road, approximately 660 feet south of Charleston Boulevard, From: R-E (Residence Estates) To: P-R (Professional Offices and Parking), PROPOSED USE: A 43,484 SQUARE FOOT OFFICE COMPLEX, Size: 4.26 Acres, Ward 1 (McDonald), APN: 163-03-101-002 and 003.

PUBLIC HEARING

C.C.: 8/23/99

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E. CITIZENS PARTICIPATION:

ITEMS RAISED UNDER THIS PORTION OF THE AGENDA CANNOT BE ACTED UPON BY THE PLANNING COMMISSION 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.

QUARTERLY PLANNING COMMISSION

MEETING OF
JULY 15, 1999

City of Las Vegas

AGENDA & MINUTES

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COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

ITEM	ACTION
5:15 PM	
<u>COMMISSIONERS BRIEFING:</u>	
<u>PRESENT:</u>	
Craig Galati - Vice Chairman Hank Gordon Marilyn Moran Stephen Quinn Leni Skaar	ANDREW REED, Planning and Development Department, called the Briefing to order at 5:37 P.M.
<u>EXCUSED:</u>	<u>Item No. B-2, Z-34-99:</u> ANDREW REED, Planning and Development Department, noted this request is just for the west portion of the site. A separate site plan will be required prior to development. The only issue to consider in regard to this application is whether C-1 zoning is appropriate for the western-most portion of the overall site. The applicant has been advised of this issue and understands a separate application will be required.
Michael Buckley - Chairman Michael Mack	<u>Item Nos. C-1, GPA-44-98, C-2, Z-80-98, C-4, GPA-13-99, and C-5, Z-28-99:</u> MR. REED stated that both sites were approved for apartments by means of a Special Use Permit in 1995. In 1997 the Zoning Ordinance was changed, rendering these non-conforming uses in a C-1 district. Because these applications were filed in order to ensure that the use and General Plan designation of the property are consistent, staff has no issues to raise and will make the presentations for these items as brief as possible, unless the Planning Commission has concerns.
<u>STAFF PRESENT:</u>	DEPUTY CITY ATTORNEY STEVE GEORGE announced he will be abstaining from providing legal advice on these items.
Bob Genzer - Planning & Development Dept. David Petrovich - Planning & Development Dept. Andrew Reed - Planning & Development Dept. Joel McCulloch - Planning & Development Dept. Scott Albright - Planning & Development Dept. Cheri Edelman - Public Works Rick Schroder - Public Works Steve George - City Attorney's Office Linda Owens - City Clerk's Office	<u>Item No. C-3, GPA-12-99:</u> SCOTT ALBRIGHT, Planning and Development Department, noted the applicant is the City of Las Vegas on this application. BOB GENZER, Planning and Development, added that when the Downtown Development Plan was adopted these two parcels were described as PF (Public Facility). <u>Item Nos. C-6, GPA-16-99, and C-7, Z-31-99:</u> MR. REED said the report packets distributed to the Commissioners earlier this week indicated a staff recommendation of approval, with no change to the density as proposed by the applicant. However, staff has reviewed the approval for the property to the west and determined that it was for a maximum density of 3.49 units per acre. Staff revised its recommendation to reflect the same density.

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COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

ITEM

ACTION

COMMISSIONERS BRIEFING:

Item Nos. C-8, GPA-18-99, and C-9, Z-33-99:

CHERI EDELMAN, Public Works, said NARA are concerned with the new subdivision. Two subdivisions are being incorporated into one subdivision. The problem is very bad drainage on Hickam. NARA doesn't want zoning approval until the Drainage Study is completed, which is not typically done that way. Also, the City has a project that is under design to put a pipe in Hickam. They talked about designing the south end of this site. That would force all the water to stay on Alexander.

COMMISSIONER MORAN asked if these items should be held until the Drainage Study is completed.

COMMISSIONER GORDON felt they cannot do any work on the site until the Drainage Study is completed. This zoning is subject to having a Drainage Study approved. It would be costly to do a Drainage Study and then not get the zoning approved.

GENERAL DISCUSSION:

MR. GENZER explained that rather than open up both the General Plan and Rezoning, only the General Plan should be opened. If that is denied, then the Rezoning would automatically be denied.

Mr. Reed adjourned the Briefing at 5:46 P.M.

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COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

ITEM

ACTION

6:00 PM

ALL ITEMS ON THIS AGENDA ARE SCHEDULED FOR ACTION UNLESS SPECIFICALLY NOTED OTHERWISE.

CALL TO ORDER:

6:01 P.M., Council Chambers of City Hall, 400 Stewart Avenue, Las Vegas, Nevada.

ROLL CALL:

Michael Buckley -	Present
Chairman	(Arrived 6:28 PM)
Craig Galati -	Present
Vice Chairman	
Hank Gordon	Present
Michael Mack	Excused
Marilyn Moran	Present
Stephen Quinn	Present
Leni Skaar	Present

ANNOUNCEMENT:

Satisfaction of Open Meeting Law Requirements.

This meeting has been properly noticed and posted at the following locations:

Clark County Government Center,
500 South Grand Central Parkway
Senior Citizens Center,
450 East Bonanza Road
Clark County Courthouse,
200 East Carson Avenue
Court Clerk's Office Bulletin Board,
City Hall Plaza
City Hall Plaza, Special Outside Posting
Bulletin Board

VICE CHAIRMAN GALATI called the meeting to order at 6:01 P.M.

STAFF PRESENT:

Tim Chow, Director,
Planning and Development Department
Bob Genzer, Current Planning Supervisor,
Planning and Development Department
Andrew Reed, Senior Planner,
Planning and Development Department
Joel McCulloch, Planner II,
Planning and Development Department
Scott Albright, Planner II,
Planning and Development Department
Jason Allswang, Planning Technician,
Planning and Development Department
Cheri Edelman, Project Engineer,
Public Works
Rick Schroder, Project Engineer,
Public Works
Steve George, Deputy City Attorney
Linda Owens, Deputy City Clerk

MR. REED announced this meeting is in compliance with the Open Meeting Law.

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ITEM

ACTION

ANY ITEM LISTED IN THIS AGENDA MAY BE TAKEN OUT OF ORDER IF SO REQUESTED BY THE APPLICANT, STAFF, OR A MEMBER OF THE PLANNING COMMISSION. THE PLANNING COMMISSION MAY IMPOSE TIME LIMITATIONS, AS NECESSARY, ON THOSE PERSONS WISHING TO BE HEARD ON ANY AGENDAED ITEM.

VICE CHAIRMAN GALATI announced any item in this agenda may be taken out of order if requested by the applicant, staff, or a member of the Planning Commission.

QUARTERLY PLANNING COMMISSION

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COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

ITEM

ACTION

A.

A-1.

PUBLIC HEARING ITEMS:

WARD 2:

GPA-23-99 - CITY OF LAS VEGAS

Request to Amend the General Plan of the City of Las Vegas to add MLA (Medium Low Attached) 8.1 to 12 Dwelling Units Per Acre as a land use category and amend the densities allowed for the L (Low Density Residential) to allow a maximum of 5.5 Dwelling Units Per Acre, ML (Medium-Low Density Residential) to allow a maximum of 8 Dwelling Units Per Acre, M (Medium Density Residential) to allow a maximum of 25 Dwelling Units Per Acre, and High land use categories for the land use maps of the Southwest and Southeast Sectors of the General Plan, Ward 1 (McDonald), Ward 2 (L. B. McDonald), Ward 3 (Reese) and Ward 4 (Brown).

NOTICES MAILED: NEWSPAPER ONLY

APPROVALS: 0

PROTESTS: 0

CONCERNS: 1 Speaker

STAFF RECOMMENDATION: APPROVAL.

**Skaar -
APPROVED
Unanimous
(Buckley and Mack excused)**

SCOTT ALBRIGHT, Planning and Development Department, stated this General Plan Amendment would result in a land use classification and density that is consistent with that of the more recently adopted Northwest Sector classification system. The intent is to make the following amendments/additions to the Southwest and Southeast Sector maps:

- Amend the density range for the L (Low Density Residential) land use category to allow a maximum of 5.5 dwelling units per acre. The current range is 3.51 to 4.50 dwelling units per acre;
- Amend the density range for the ML (Medium-Low Density Residential) land use category to allow a maximum of 8 dwelling units per acre. The current range is 4.51 to 11.49 dwelling units per acre;
- Add the MLA (Medium-Low Attached) residential land use category, with a density range of 8.1 to 12 dwelling units per acre;
- Amend the density range for the M (Medium Density Residential) land use category to allow a maximum of 25 dwelling units per acre. The current range is from 11.5 to 20.49 units per acre;
- Amend the density range of the H (High Density Residential) land use category to include residential development in excess of 25 dwelling units per gross acre. Currently that density range is in excess of 20.49 dwelling units per acre.

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ITEM

ACTION

GPA-23-99 - CITY OF LAS VEGAS

When the Northwest General Plan was adopted in 1996, aside from the addition of a number of new land use categories, including MLA (Medium-Low Attached Density Residential), the density ranges for a number of the existing residential land use categories were altered. What resulted was a set of land use categories and applicable standards created exclusively for the Northwest Sector. This action has led to some confusion, particularly when a similar residential land use category has different density regulations within the different sectors. This amendment would correct this situation and allow for a uniform set of categories and density standards to be applied citywide. Also, the addition of the MLA (Medium-Low Attached) land use category would be utilized to categorize those attached multi-family residential projects that were previously at the higher end of the Medium-Low Density Residential range. This action would enable the adopted Sector maps to more clearly indicate the type of dwelling that could be expected on vacant parcels.

Staff finds this amendment to the City of Las Vegas General Plan appropriate for the following reasons:

1. This amendment will result in a consistent and uniform set of land use guidelines that would be applicable city-wide.
2. The addition of the MLA land use category provides clarity as to the type of housing that has been or will be constructed on individual parcels.

A neighborhood meeting was held by staff at the end of June, which was lightly attended. No concerns were raised regarding this amendment.

Staff recommended approval.

VICE CHAIRMAN GALATI declared the Public Hearing open.

DOROTHY MILLER, 8213 Mountain Heather Court, asked if a map is available indicating the location of the area involved in this application.

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ACTION

GPA-23-99 - CITY OF LAS VEGAS

VICE CHAIRMAN GALATI responded that this is an Amendment to the General Plan that is based on what has already been approved in the Northwest Plan. It takes what has been approved and makes it city-wide. It's not on a designated piece of property.

MR. ALBRIGHT clarified that this is affecting the Southwest and Southeast Sector maps. The Northwest Sector is not being affected by this amendment.

COMMISSIONER SKAAR commented that in the past when public comment was being taken as to whether or not some changes would be made in Title 19A, one concern was that it did not address the Medium-Low Attached. If someone purchased property that backed up to a piece of vacant property that was Medium-Low, they had no idea whether it was going to be detached single family homes or apartments. This will address that situation.

To be heard by the City Council on 8/18/99.

(6:03 - 6:10) 1 - 77

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COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

ITEM

ACTION

A-2.

GPA-14-99 - CITY OF LAS VEGAS

Request to Amend the Southwest Sector Map of the General Plan for an area generally located south of Cheyenne Avenue and west of Decatur Boulevard, Ward 1 (McDonald), Ward 2, (L. B. McDonald) and Ward 4 (Brown).

NOTICES MAILED: NEWSPAPER ONLY

APPROVALS: 0

PROTESTS: 0

STAFF RECOMMENDATION: APPROVAL.

Quinn -
APPROVED
Unanimous
(Buckley and Mack excused)

SCOTT ALBRIGHT, Planning and Development Department, stated this amendment was filed by City staff for the purpose of updating the Southwest Sector map in order to reflect previous amendments to the plan as approved by the City Council, and to accurately reflect the existing development patterns that have occurred since the Southwest Sector map was last updated.

This General Plan Amendment is beneficial to the City as it would result in a land use plan that accurately reflects the development patterns that are occurring or have occurred within the Southwest Sector.

According to the currently adopted Southwest Sector map, the last revision date was on March 31, 1997. Since that time, numerous revisions have been approved by the City Council, but these have not been reflected. This amendment would update the Southwest Sector map to show these past approvals, and thus basically constitutes a "housekeeping" measure for this map.

Another aspect of this amendment is to update the Southwest Sector map to accurately reflect existing development patterns. The currently adopted map has a number of inaccuracies that contradict actual development patterns. This General Plan Amendment involves 123 amendments.

These inaccuracies are mainly the result of "street centerline errors," which is where the land use classification was mistakenly drawn to the street centerline when it was mapped.

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GPA-14-99 - CITY OF LAS VEGAS

Staff finds this amendment appropriate for the following reasons:

1. Objective C of the Land Use Element of the City of Las Vegas General Plan indicates that it is desirable to "achieve a compatible balance of land uses throughout the City by providing appropriate and compatible locations for all land uses";

2. This amendment would bring the General Plan into conformance with the existing development patterns that have occurred within the Southwest Sector.

Staff held a neighborhood meeting in late June, which was lightly attended. Some of the concerns raised were in the Charleston Heights area regarding some of the vacant parcels, but they were addressed at that meeting. This General Plan Amendment was noticed through the newspaper only. Staff recommended approval.

VICE CHAIRMAN GALATI declared the Public Hearing open.

There was no one present to speak in favor or opposition.

VICE CHAIRMAN GALATI declared the Public Hearing closed.

To be heard by the City Council on 8/18/99.

(6:10 - 6:15) 1 - 282

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COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

ITEM

ACTION

B.

B-1.

WARD 3:

GPA-19-99 - YHIEL SHEBAH

Request to Amend a portion of the Downtown Redevelopment Plan on property located at 721 Bell Drive, From: PF (Public Facility) To: SC (Service Commercial), Ward 3 (Reese), APN: 139-27-811-016.

NOTICES MAILED: 100 (Mailed with Z-34-99)

APPROVALS: 3 Speakers

PROTESTS: 0

STAFF RECOMMENDATION: DENIAL.

Moran -

APPROVED

Unanimous

(Buckley and Mack excused)

ANDREW REED, Planning and Development Department, stated this amendment was filed in conjunction with a Rezoning request from R-1 (Single Family Residential) to C-1 (Limited Commercial) by the applicant for the purpose of developing a market and professional offices on this site.

The C-1 (Limited Commercial) zoning proposed for the west portion of the site would allow uses such as retail, services and offices.

Staff believes that the existing PF (Public Facilities) land use designation is the appropriate category for this site. The property to the north is also designated PF (Public Facilities) and is developed with a civic-related use. There are also public facility uses on the east side of Las Vegas Boulevard.

Staff recommended denial.

TOM CHIATOVICH, Chiatovich Engineering, 10 Yew Avenue, appeared to represent the applicant. They want to get an existing abandoned house rezoned in this project. A market is needed in this area. It will be more attractive than what is presently at this location. There was a meeting with the residents and a question was raised as to whether Bell Drive would be vacated and closed off. That is not planned at this time. This property is currently in private hands. The City has acquired some property directly across the street.

VICE CHAIRMAN GALATI declared the Public Hearing open.

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ITEM

ACTION

GPA-19-99 - YHIEL SHEBAH

AL GALLEG0, resident of the neighborhood, appeared in favor. He asked why the City is recommending denial.

MR. REED answered that it is not compatible with the public facility land uses to the north and east. In addition, it would begin an encroachment into the residential area to the west.

MR. GALLEG0 noted that a few years ago the City had the vacant lot in escrow, which did not materialize. He felt the owner of the property should have an opportunity to develop it since the City will not be developing it. This will be an asset to the neighborhood.

SHAFIK ZVULUN, 726 Encanto Drive, appeared in favor. There is no market in this area. Most of the residents rent their houses and some of them do not have a vehicle.

JEFF PHELPS, 6125 West Sahara Avenue, appeared in favor. He asked how long this property has been vacant and when something will be done about it. Meanwhile, the owners across the street in a small store are trying to make a living who also own this land.

VICE CHAIRMAN GALATI declared the Public Hearing closed.

ANITA SHEBAH appeared to represent this application. They have owned this property for ten years and are trying to improve it. They were in escrow with the City and also with another company, but neither deal materialized. A lot of the people living in the area are poor and retired.

COMMISSIONER QUINN said he was in favor of this project. Perhaps there should be a cul-de-sac on Bell Drive so the value of the neighborhood could be secured. He would like to see the building moved farther away from the single family residence.

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GPA-19-99 - YHIEL SHEBAH

COMMISSIONER SKAAR noted that this site is by itself since it is north of Bell Drive. It is the only parcel north of Bell Drive that is vacant. All the existing homes have a designation of (PF) Public Facility. She asked if a public entity had plans for this property.

BOB GENZER, Planning and Development Department, responded that at the time of the General Plan for this area it was designated as part of the City's cultural corridor.

COMMISSIONER SKAAR felt that if the City was serious about having a use on this site they would have gone in that direction.

COMMISSIONER MORAN thought this is a good location for a market.

To be heard by the City Council on 8/18/99.

(6:15 - 6:28) 1 - 420

24726

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ITEM

ACTION

B-2.

Z-34-99 - YHIEL SHEBAH

Request for a Rezoning on property located at 721 Bell Drive From: R-1 (Single Family Residential) To: C-1 (Limited Commercial), PROPOSED USE: A MARKET AND PROFESSIONAL OFFICES, Size: 0.93 Acres, Ward 3 (Reese), APN: 139-27-811-016.

NOTICES MAILED: 100 (Mailed with GPA-19-99)

APPROVALS: 1 Speaker

PROTESTS: 0

STAFF RECOMMENDATION: DENIAL. If Approved, subject to:

1. Approval of a General Plan Amendment to SC (Service Commercial).
2. Approval of this request does not constitute approval of the submitted site plan. The applicant shall submit a separate Site Plan Review for consideration by the Planning Commission.
3. Construct all incomplete half-street improvements on Bell Drive adjacent to this site, concurrent with development of this site as required by the Department of Public Works.
4. Remove all substandard public street improvements and unused driveway cuts adjacent to this site on Bell Drive, if any, and replace with new improvements meeting current City Standards prior to occupancy of this site as required by the Department of Public Works.

Quinn -

APPROVED, SUBJECT TO STAFF'S CONDITIONS.

Unanimous

(Mack excused)

ANDREW REED, Planning and Development Department, stated a Rezoning request was submitted only for the west portion of this site. A separate Site Plan Review will be required prior to development. Because there are no commercially developed parcels within the residential area located north of Bonanza Road and west of Las Vegas Boulevard, approval of this request would constitute "spot" zoning. The existing homes within this residential area are zoned R-1 (Single Family Residential) and most of them are in a well-maintained condition. If this property were to convert to a commercial use, it would set a negative precedent whereby other single family dwellings in the area would also be requested for conversion. Staff recommended denial.

TOM CHIATOVICH, Chiatovich Engineering, 10 Yew Avenue, appeared to represent the applicant. The neighborhood supports a market at this location. This will provide a parcel large enough to make this project feasible.

VICE CHAIRMAN GALATI declared the Public Hearing open.

AL GALLEGGO, resident of neighborhood, appeared in favor. This store is needed in the area. There is a small grocery area in the L. A. Clothing store, but that is not enough. The adjacent neighbor would prefer this building be located on the property line so there would not be an alley between the neighbor's property line and the store. The neighbors want Bell Drive closed, but the residents would need a locked pedestrian gate that would only be used by the residents. The only vehicular entrance to the subdivision would be from Veterans Memorial Drive.

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ACTION

Z-34-99 - YHIEL SHEBAH

5. Meet with the Traffic Engineering Representative in Land Development for assistance in the possible redesign of the proposed driveway access, on-site circulation and parking lot layout prior to the submittal of any construction plans or the issuance of any permits, whichever may occur first. Driveways shall be designed, located and constructed in accordance with Standard Drawing #222a as required by the Department of Public Works.

6. A Traffic Impact Analysis must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits. Comply with the recommendations of the approved Traffic Impact Analysis prior to occupancy of the site. The City shall determine traffic signal contribution requirements based upon information provided in the approved Traffic Impact Analysis; such monies shall be contributed prior to the issuance of any permits. The Traffic Impact Analysis shall also include a section addressing Standard Drawings #234.1 and #234.2 to determine additional right-of-way requirements adjacent to this site, if any; dedicate all areas recommended by the approved Traffic Impact Analysis. All additional rights-of-way required by Standard Drawing #201.1 shall be dedicated prior to or concurrent with the commencement of on-site development activities unless specifically noted as not required in the approved Traffic Impact Analysis. Phased compliance will be allowed if recommended by the approved Traffic Impact Analysis. No recommendation of the approved Traffic Impact Analysis, nor compliance therewith, shall be deemed to modify or eliminate any Condition of Approval imposed by the Planning Commission or the City Council on the development of this site.

COMMISSIONER QUINN asked MR. GALLEGO if the neighborhood would be interested in changing from residential to urban and developed with high-rise buildings, etc.

MR. GALLEGO responded that originally the City had a designation in the area of PF (Public Facility), but it was difficult to get building permits primarily for remodeling. That designation was minimized so the residents could remodel their homes. He was unsure of how the residents would feel about converting the area to be more urban.

VICE CHAIRMAN GALATI declared the Public Hearing closed.

COMMISSIONER GORDON noted that there is a door shown where the building would be up against the property line. He felt there is only enough parking for the market. Perhaps the second floor professional should be limited and put in retail stores.

COMMISSIONER SKAAR asked the situation concerning Bonanza Way.

MR. GENZER explained that Bonanza Way has not been vacated in terms of the recordation of the Vacation. However, it has been approved. The street has been cut off between the neighborhood and the commercial property that fronts onto Las Vegas Boulevard. It can be accessed from Veterans Memorial Drive. In addition, Tiffany Lane has been blocked off.

COMMISSIONER SKAAR thought the Fire Department will want to have another access into this area.

MR. GENZER said accesses would be addressed at the time of the Vacation of Bell Drive.

MR. GALLEGO felt only one vehicular access would make it difficult for emergency vehicles to access the area.

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ACTION

Z-34-99 - YHIEL SHEBAH

7. Landscape and maintain all unimproved right(s)-of-way on Bell Drive adjacent to this site as required by the Department of Public Works.

8. Submit an Encroachment Agreement for all landscaping and private improvements located in the Bell Drive public right(s)-of-way adjacent to this site prior to occupancy of this site as required by the Department of Public Works.

9. A Resolution of Intent.

10. All City Code requirements and design standards of all City departments must be satisfied.

11. All damage to the existing street improvements resulting from this development must be repaired as required by the Department of Public Works.

12. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.

13. Where new water mains are extended along streets and fire hydrants are not needed for protection of structures, hydrants shall be spaced at a maximum distance of 1,000 feet to provide for transportation hazards.

14. Provide plans showing accessible exterior routes from public transportation stops, accessible parking, passenger loading zones and public sidewalks to the accessible building entrance(s) with submittal of plans for building permits as required by the Planning and Development Department. Accessible routes shall have running slopes and cross slopes in accordance with the applicable code.

CHERI EDELMAN, Public Works, stated that the Fire Department needs two accesses, one actively open and another access could be a crash gate. Secondly, the applicant needs to submit a Vacation application if they plan to block off Bell Drive.

COMMISSIONER SKAAR objected to the aesthetics of the north side of the building.

NOTE: CHAIRMAN BUCKLEY arrived at 6:28 P.M.

To be heard by the City Council on 8/18/99.

(6:28 - 6:42) 1 - 880

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ITEM

ACTION

B-3.

GPA-20-99 - JUDY K. WARNER

Request to Amend a portion of the Southeast Sector of the General Plan on property located at 140 North Lamb Boulevard, From: L (Low Density Residential) To: O (Office), Ward 3 (Reese), APN: 140-32-310-011.

NOTICES MAILED: 312 (Mailed with Z-35-99)

APPROVALS: 1 Speaker

PROTESTS: 0

STAFF RECOMMENDATION: DENIAL.

Skaar -

DENIED (Appropriate only if properties fronting Lamb Boulevard, between Stewart and Charleston, are included) Motion carried with Moran and Quinn voting "No" and Galati abstaining from voting due to his relationship with the applicant's architect (Mack excused)

ANDREW REED, Planning and Development Department, stated this Amendment to the General Plan was filed in conjunction with a rezoning request from R-1 (Single Family Residential) to P-R (Professional Offices and Parking) by the applicant for the purpose of developing an office building on this site.

The P-R (Professional Offices and Parking) zoning designation proposed for this site would allow such as offices, museums and copy centers. Other more intensive land uses are permitted conditionally or with the grant of a Special Use Permit.

The properties to the north, south and east of the site are designated L (Low Density Residential) and developed with single family dwellings. There is also residential development on the west side of Lamb Boulevard. Because this is the only property along this portion of Lamb Boulevard where a General Plan Amendment is sought, staff believes this request is premature and that the existing L (Low Density Residential) land use designation is the appropriate category for this site.

Staff recommended denial.

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ACTION

GPA-20-99 - JUDY K. WARNER

SCOTT CARTER, P. O. Box 50388, Henderson, Nevada, appeared to represent the applicant. There are only a total of 17 homes fronting on Lamb Boulevard. The homes on the west side of Lamb Boulevard are bounded by a wall, as well as the homes to the south of these 17 homes. Lamb Boulevard is a 45 mile per hour road that is four lanes with an emergency lane. It could be increased to six lanes because of the traffic volume. She is the first applicant out of the 17 homes to make this request. They would like to take a single family lot and put in a professional office. This is not a situation where the 300 homes in the neighborhood would transition because only 17 homes front on a public street.

CHAIRMAN BUCKLEY pointed out that staff feels the 17 lots should make an application together rather than just one homeowner.

MR. CARTER responded that in the 1960's Lamb Boulevard was a two-lane road when these homes were built. At that time it made sense to have the homes front on Lamb Boulevard. This is not conducive to family living.

CHAIRMAN BUCKLEY declared the Public Hearing open.

CAROL WALDMAN, 224 North Lamb Boulevard, appeared in favor. There is too much traffic and noise on Lamb Boulevard. It is on a bus line and not a residential neighborhood.

CHAIRMAN BUCKLEY declared the Public Hearing closed.

COMMISSIONER GORDON asked if there are any other houses along Lamb Boulevard that are used for commercial between Stewart and Charleston.

MR. CARTER responded in the negative.

COMMISSIONER QUINN felt this design is not compatible with the traffic on Lamb Boulevard. To change this area would change the problems that began twenty years ago, as well as keep the integrity of the neighborhood.

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ACTION

GPA-20-99 - JUDY K. WARNER

COMMISSIONER SKAAR noted this is a lovely home. She was fearful that there may be residents who want to live in their houses for a few more years. In the past there have been applications where several of the residents have applied for a General Plan Amendment and Rezoning under one application. Frequently, if the first office goes in, then it makes it more difficult for the rest of the properties to remain residential.

MR. CARTER responded that they had a local meeting with representation from staff and no one objected to this request.

COMMISSIONER MORAN felt this type of proposal can work in a neighborhood as long as the residential appearance is maintained. A similar situation happened along a portion of Jones Boulevard.

COMMISSIONER QUINN said if any of the neighbors object to this proposal, they can voice their objection when this item is heard before the City Council.

CHAIRMAN BUCKLEY felt the idea of a General Plan is that there is a plan and in this case the plan would be to make the entire 17 homes offices.

COMMISSIONER GORDON wondered if there were any deed restrictions filed against commercial uses on these properties.

MR. GENZER was unsure whether staff would be opposed to a General Plan Amendment for the 17 lots. However, the concern with this property is that only one property is the subject. That limits the design of this particular lot. According to the design being proposed, the existing building would have to be torn down and a new one constructed in a residential nature. Changing all the lots at one time would lend itself to joint access driveways, reciprocal parking between lots, etc.

MR. CARTER indicated that some of the owners own more than one lot. Some of the residents don't have the desire, nor the funds, to participate in a joint application.

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ACTION

GPA-20-99 - JUDY K. WARNER

CHAIRMAN BUCKLEY stated that the City could initiate an application.

COMMISSIONER SKAAR added that an application initiated by the City would not cost the residents anything. This is the direction these homes need to go, but not just one house in the middle.

JUDY K. WARNER, 140 North Lamb Boulevard, asked why Jones Boulevard received approval to do "spot" zoning.

CHAIRMAN BUCKLEY explained that Jones Boulevard had a global General Plan Amendment.

MR. GENZER added that the majority of those homes were done under one application, although it began as one home at a time, but it was found that was not desirable.

To be heard by the City Council on 8/18/99.

(6:42 - 7:03) 1 - 1390

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ITEM

ACTION

B-4.

Z-35-99 - JUDY K. WARNER

Request for a Rezoning on property located at 140 North Lamb Boulevard, From: R-1 (Single Family Residential) To: P-R (Professional Office and Parking), PROPOSED USE: A 1,584 SQUARE FOOT OFFICE, Size: 0.17 Acres, Ward 3 (Reese), APN: 140-32-310-011.

NOTICES MAILED: 312 (Mailed with GPA-20-99)

APPROVALS: 1 Speaker

PROTESTS: 0

STAFF RECOMMENDATION: DENIAL. If Approved, subject to:

1. Dedicate an additional 10 feet of right-of-way for a total radius of 25 feet on the northeast corner of Lamb Boulevard and Berkley Avenue prior to the issuance of any permits as required by the Department of Public Works.

2. Remove all substandard public street improvements, if any, adjacent to this site and replace with new improvements meeting current City Standards concurrent with on-site development activities as required by the Department of Public Works.

3. Meet with the Traffic Engineering Representative in Land Development for assistance in the possible redesign of the proposed driveway access, on-site circulation and parking lot layout prior to the submittal of any construction plans or the issuance of any permits, whichever may occur first. All new or modifications to existing driveways shall be designed, located and constructed to meet the intent of Standard Drawing #222a as required by the Department of Public Works.

Skaar -

DENIED (Appropriate only if properties fronting Lamb Boulevard, between Stewart and Charleston, are included) Motion carried with Moran and Quinn voting "No" and Galati abstaining from voting due to his relationship with the applicant's architect (Mack excused)

SCOTT CARTER, P. O. Box 50388, Henderson, Nevada, appeared to represent the applicant.

CHAIRMAN BUCKLEY declared the Public Hearing open.

No one appeared in favor or in opposition.

CHAIRMAN BUCKLEY declared the Public Hearing closed.

MR. GENZER said staff's comments should be incorporated on this application.

CHAIRMAN BUCKLEY felt the public comments could be incorporated as well.

NOTE: See Item No. B-3, GPA-20-99, for further discussion.

To be heard by the City Council on 8/18/99.

(7:03 - 7:04) 1 - 2240

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ITEM

ACTION

Z-35-99 - JUDY K. WARNER

DENIED

4. A Traffic Impact Analysis must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits. Comply with the recommendations of the approved Traffic Impact Analysis prior to occupancy of the site. The City shall determine traffic signal contribution requirements based upon information provided in the approved Traffic Impact Analysis; such monies shall be contributed prior to the issuance of any permits. The Traffic Impact Analysis shall also include a section addressing Standard Drawings #234.1 and #234.2 to determine additional right-of-way requirements adjacent to this site, if any; dedicate all areas recommended by the approved Traffic Impact Analysis. All additional rights-of-way required by Standard Drawing #201.1 shall be dedicated prior to or concurrent with the commencement of on-site development activities unless specifically noted as not required in the approved Traffic Impact Analysis. Phased compliance will be allowed if recommended by the approved Traffic Impact Analysis. No recommendation of the approved Traffic Impact Analysis, nor compliance therewith, shall be deemed to modify or eliminate any Condition of Approval imposed by the Planning Commission or the City Council on the development of this site. Alternatively, in lieu of a Traffic Impact Analysis, the applicant may contribute \$1,000.00 for general neighborhood traffic mitigation prior to the issuance of building or off-site permits, whichever may occur first, as required by the Department of Public Works. Install all appurtenant underground facilities, if any, adjacent to this site needed for the future traffic signal system concurrent with development of this site. The City reserves the right to utilize the contributed traffic monies for the installation of traffic signals at any intersection within this general vicinity which is impacted by this development.

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ACTION

Z-35-99 - JUDY K. WARNER

DENIED

5. A Resolution of Intent.

6. All development shall be in conformance with the site plan and building elevations.

7. 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.

8. A landscaping plan must be submitted prior to or at the same time application is made for a building permit or license, or prior to occupancy, whichever occurs first.

9. All mechanical equipment, air conditioners and trash areas shall be screened from view from the abutting streets (excluding single family development).

10. All City Code requirements and design standards of all City departments must be satisfied.

11. All damage to the existing street improvements resulting from this development must be repaired as required by the Department of Public Works.

12. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.

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ACTION

Z-35-99 - JUDY K. WARNER

DENIED

13. Where new water mains are extended along streets and fire hydrants are not needed for protection of structures, hydrants shall be spaced at a maximum distance of 1,000 feet to provide for transportation hazards.

14. Provide plans showing accessible exterior routes from public transportation stops, accessible parking, passenger loading zones and public sidewalks to the accessible building entrance(s) with submittal of plans for building permits as required by the Planning and Development Department. Accessible routes shall have running slopes and cross slopes in accordance with the applicable code.

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ITEM	ACTION
B-5. <u>GPA-21-99 - MALIBU DEVELOPMENT CORPORATION</u> Request to Amend a portion of the West Las Vegas Plan on property located at 2200 West Bonanza Road, From: SC (Service Commercial) and ML (Medium Low Density Residential) To: H (High Density Residential), Size: 3.80 Acres, Ward 3 (Reese), APN's: 139-29-704-028, 029 and 030. <u>NOTICES MAILED:</u> 156 (Mailed with Z-36-99) <u>APPROVALS:</u> 0 <u>PROTESTS:</u> 1 Speaker <u>CONCERNS:</u> 1 Speaker <u>STAFF RECOMMENDATION:</u> DENIAL.	Quinn - APPROVED Motion carried with Galati voting "No." (Mack excused) JOEL McCULLOCH, Planning and Development Department, stated that this request is to amend the West Las Vegas Neighborhood Plan on property located at 2200 West Bonanza Road. The application was filed in conjunction with a rezoning request from R-E (Residence Estates), R-1 (Single Family Residential), and R-5 (Apartment) to R-4 (High Density Residential) for the purpose of adding an additional 90 apartments to an existing 102-unit apartment complex and to provide additional parking for the entire project. The applicant did not provide any justification for the amendment. This project is a continuation of a previously-approved multi-family project with direct access to Bonanza Road. An attempt to enlarge this project was undertaken in September, 1998, when a Rezoning (Z-42-98) to R-4 (High Density Residential) and General Plan Amendment (GPA-25-98) to H (High Density Residential) were heard by the City Council regarding the property directly to the north of this application. Those applications were unanimously denied citing resident concerns regarding the lack of services in the vicinity of the project, the impact to the street network, impact to schools, and the effect this will cause on the lower density apartments and single family projects in the area. Staff believes that these are all still valid concerns, and cannot support this request. One of the primary goals of the West Las Vegas Plan is to maintain and improve property values throughout West Las Vegas. As one of the mechanisms to achieve this goal of "spot" Rezoning of an individual lot, or several lots, to commercial uses or higher density uses which are not compatible with adjacent uses, and which are not in conformance with the future land use plan, should not be allowed. This application is in fact a "spot" request and does not meet this goal of the West Las Vegas Plan.

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ACTION

GPA-21-99 - MALIBU DEVELOPMENT CORPORATION

This is also an area that is under transition with the neighborhood trying to upgrade the properties. This influx of studio and one bedroom apartments could have negative impacts on this redevelopment.

The West Las Vegas Plan also encourages the development of owner occupied housing rather than rental properties. Staff supports that recommendation as this will benefit the whole area and specifically the area in the vicinity of this property.

Staff recommended denial.

DEWEY JONES, 3185 South Highland Drive, appeared to represent the application. About two months ago they met with a member of Comprehensive Planning and Deputy City Attorney George and thought they had a workable solution by down zoning the existing properties. That would increase the zoning for the neighboring properties that they had acquired previously, merely for the purpose of parking, to R-4, which would accommodate this development and allow the last 90 units to be built. He was surprised that staff's recommendation is for denial. This is the best use for this property along Bonanza Road.

DEPUTY CITY ATTORNEY STEVE GEORGE stated that at the conclusion of the meeting with the applicants, they were informed that it was unknown at that time whether staff would recommend denial or approval.

GARY LEE, Malibu Development Corporation, 700 East Naples, Suite 106, appeared to represent the application. Highway I-95 goes past this property just to the west. Right across the street is a warehouse. This will increase the value of Bonanza Road. He showed photos on the monitor of the surrounding area. There is commercial around this property. There will not be any single family residences going up along Bonanza Road. They will not be using any services, such as schools and parks, because most of the tenants are professionals. They want to finish this project with 90 units in the back, a swimming pool, spa, etc. There is a need for one-bedroom units in this area.

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ITEM

ACTION

GPA-21-99 - MALIBU DEVELOPMENT
CORPORATION

MONTY LOCHNER, Vice President, Bonanza Village Homeowners Association, appeared in protest. There are 200 homes in a quadrant surrounded by Martin L. King, Washington, Vegas and Tonopah. He was concerned whether there would be an entrance on Tonopah. Small apartment units in the Bonanza Road area is an invitation to a ghetto. There is no need for this project.

GARY LEE answered that this property does not border Tonopah nor have an entrance on Tonopah.

SHONDRA SUMMERS ARMSTRONG, Bonanza Village, 1931 Fair Avenue, appeared as a concerned citizen. This will impact her community. They are trying to upgrade the area. She was unsure if the other residents in Bonanza Village are in favor of this request. Other developers in the area have contacted Bonanza Village in the past.

CHAIRMAN BUCKLEY declared the Public Hearing closed.

MR. LEE appeared in rebuttal. They held a meeting on the site. There was no one in attendance at the meeting that objected to this proposal.

COMMISSIONER GORDON noticed that the property is surrounded by apartments, a veterinarian clinic, auto shop, mini warehouse, etc. This property is trapped on all sides. He did not feel this property should be developed with single family dwellings.

VICE CHAIRMAN GALATI was concerned about the density.

MR. LEE said the apartments will be furnished.

MR. JONES added that they met all the parking requirements in the first phase and have maintained about 98% occupancy and not utilized 60% of the parking.

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ITEM

ACTION

GPA-21-99 - MALIBU DEVELOPMENT
CORPORATION

MR. McCULLOCH said the current density of the existing development is 46.3 units per acre. With this proposal, the density will be 50.5 units per acre.

MR. GENZER pointed out that the middle parcel, which is the developed site, where they want to add the building on the north part of the property, is presently designated H on the West Las Vegas Plan. The parcels where the amendment is being requested is the SC and ML on the west side of the middle parcel and the ML on the northeast side of that parcel.

MR. LEE said they are not requesting a different zoning to be able to construct more buildings.

VICE CHAIRMAN GALATI confirmed that the H abuts against the ML on the north side.

To be heard by the City Council on 8/18/99.

(7:04 - 7:30) 1 - 2300

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ITEM

ACTION

B-6.

Z-36-99 - MALIBU DEVELOPMENT CORPORATION

Request for a Rezoning on property located at 2200 West Bonanza Road, From: R-E (Residence Estates), R-1 (Single Family Residential) and R-5 (Apartment) To: R-4 (High Density Residential), PROPOSED USE: 90 ADDITIONAL APARTMENTS TO AN EXISTING 102 UNIT APARTMENT COMPLEX, Size: 3.80 Acres, Ward 3 (Reese), APN's: 139-29-704-028, 029 and 030.

NOTICES MAILED: 156 (Mailed with GPA-21-99)

APPROVALS: 0

PROTESTS: 1 Speaker

STAFF RECOMMENDATION: DENIAL. If Approved, subject to:

1. Approval of a General Plan Amendment to H (High Density Residential).
2. Submit revised elevations reducing the building height to two-stories unless approval of a Variance is granted by the Board of Zoning Adjustment to allow three stories.
3. Parcel Map (CLV PM#62-98) shall record prior to the issuance of permits for this site as required by the Department of Public Works.
4. Dedicate appropriate right-of-way adjacent to this site for a total half-street width of 50 feet on Bonanza Road prior to the issuance of any permits as required by the Department of Public Works.
5. Remove all substandard public street improvements and unused driveway cuts adjacent to this site, if any, and replace with new improvements meeting current City Standards prior to occupancy of this site as required by the Department of Public Works.

Quinn -

APPROVED, SUBJECT TO STAFF'S CONDITIONS (not to exceed 90 units).

Motion carried with Galati voting "No." (Mack excused)

JOEL McCULLOCH, Planning and Development Department, stated this request is for Rezoning on property located at 2200 West Bonanza Road for the development of an additional 90 apartment units to an existing 102-unit apartment complex on 3.8 acres, for an overall density of 50.5 dwelling units per acre. A similar addition to this project was proposed on the property to the north last year and was denied by the City Council.

Access to this site is by an existing two-way driveway and two proposed one-way drives from Bonanza Road.

Staff has recommended Denial of that General Plan Amendment to H (High Density Residential) based on the incompatibility of the request with the surrounding area, the preference of owner occupied housing, the fact that the West Las Vegas Plan should not be changed without sufficient justification, and the negative impact to existing services and facilities.

The plot plan as submitted meets the requirements of the Las Vegas Zoning Code and the Las Vegas Urban Design Guidelines and Standards. However, there is a two-story height limitation on apartments in this district and the applicant has proposed three stories, which will require approval of a Variance from the Board of Zoning Adjustment.

Staff recommended denial.

GARY LEE, Malibu Development Corporation, 700 East Naples, Suite 106, appeared to represent the application. He concurred with staff's conditions.

DEWEY JONES, 3185 South Highland Drive, appeared to represent the applicant. The parcel that was denied, which staff alluded to, was the parcel that fronted on Tonopah and would have adversely impacted the neighborhood.

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Z-36-99 - MALIBU DEVELOPMENT CORPORATION

6. Meet with the Traffic Engineering Representative in Land Development for assistance in the possible redesign of the proposed driveway access, on-site circulation and parking lot layout prior to the submittal of any construction plans or the issuance of any permits, whichever may occur first. Opposing driveways shall be located opposite or offset a minimum of 220 feet unless an alternate plan is submitted to and accepted by the City Traffic Engineer. Driveways shall be designed, located and constructed in accordance with Standard Drawing #222a as required by the Department of Public Works.

7. If such has not already been established and because it appears that access and parking may be shared by the existing Malibu Bay Apartments in the middle of this site, a Joint Access and Parking Agreement shall be recorded against the three affected parcels to allow perpetual, unobstructed intra-site circulation between the three parcels, and a copy of such recorded agreement shall be provided to the City prior to the issuance of any permits for this site.

8. A Traffic Impact Analysis must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits. Comply with the recommendations of the approved Traffic Impact Analysis prior to occupancy of the site. The City shall determine traffic signal contribution requirements based upon information provided in the approved Traffic Impact Analysis; such monies shall be contributed prior to the issuance of any permits. No recommendation of the approved Traffic Impact Analysis, nor compliance therewith, shall be deemed to modify or eliminate

CHAIRMAN BUCKLEY declared the Public Hearing open.

MONTY LOCHNER, Vice President, Bonanza Village Homeowners Association, appeared in protest. He objected to the density.

CHAIRMAN BUCKLEY declared the Public Hearing closed.

COMMISSIONER QUINN asked the applicant if it is 50.5 units per acre or 48.5. He was concerned as to how this project will look in future years.

MR. JONES responded that the civil engineer quoted approximately 48 units per acre and when he computed it from the Assessor's Parcel Map he came up with about 50 units per acre. He is more inclined to follow the survey rather than the Assessor's Parcel Map.

MR. LEE said he has been a developer in Las Vegas for over twenty years and those projects are still kept up very well. He has a staff that maintains his properties.

COMMISSIONER GORDON noted that Condition No. 15 indicates that if the property is not maintained properly the business license could be revoked.

MR. GENZER said the density is determined as to whether it is calculated on the gross or net, which makes the figures change.

To be heard by the City Council on 8/18/99.

(7:30 - 7:37) 1 - 3630

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ACTION

Z-36-99 - MALIBU DEVELOPMENT CORPORATION

APPROVED

any Condition of Approval imposed by the Planning Commission or the City Council on the development of this site. Alternatively, in lieu of a Traffic Impact Analysis, the applicant may contribute \$3,000.00 for neighborhood traffic mitigation prior to the issuance of building or off-site permits, whichever may occur first, as required by the Department of Public Works. Install all appurtenant underground facilities, if any, adjacent to this site needed for the future traffic signal system concurrent with development of this site. The City reserves the right to utilize the contributed traffic monies for the installation of traffic signals at any intersection within this general vicinity which is impacted by this development.

9. Submit an application for an Occupancy Permit for all landscaping and private improvements (driveways) in the Bonanza Road public right-of-way adjacent to this site prior to the issuance of any permits as required by the Department of Public Works.

10. A Resolution of Intent.

11. All landscaping installed with this project shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.

12. The design and layout of all on-site private circulation and access drives shall meet the approval of the Department of Fire Services prior to the issuance of any permits.

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Z-36-99 - MALIBU DEVELOPMENT CORPORATION

APPROVED

13. An addendum to the previously approved Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any grading or building permits or submittal of any construction drawings whichever may occur first, as required by the Department of Public Works. Provide and improve all drainageways as recommended in the approved Drainage Plan/Study.

14. All development shall be in conformance with the Site Development plan and building elevations as amended by the above conditions.

15. 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. For non-residential developments, failure to properly maintain required landscaping and underground sprinkler systems shall be cause for revocation of a business license.

16. A landscaping plan must be submitted prior to or at the same time application is made for a building permit or license, or prior to occupancy, whichever occurs first.

17. All City Code requirements and design standards of all City departments must be satisfied.

18. Fence heights shall be measured from the side of the fence with the least vertical exposure above the finished grade.

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ITEM

ACTION

C.

C-1.

WARD 4:

GPA-44-98 - NORTSHORE 252 LIMITED PARTNERSHIP

Request to Amend a portion of the Northwest General Plan on property located at 3350 North Durango Drive, From: SC (Service Commercial) To: M (Medium Density Residential), Ward 4 (Brown), APN's: 138-09-401-001, 002, 003 and 016.

NOTICES MAILED: 387 (Mailed with Z-80-98)

APPROVALS: 0

PROTESTS: 0

STAFF RECOMMENDATION: APPROVAL.

Galati -

APPROVED

**Motion carried with Gordon abstaining from voting because he owns the adjacent shopping center.
(Mack excused)**

ANDREW REED, Planning and Development Department, stated this request is to amend a portion of the Northwest Sector Plan for the purpose of allowing an apartment complex currently under construction to conform to the General Plan. Staff finds this amendment is appropriate and recommended approval.

CHARLES MOSER, 4222 North 12th Street, Suite 100, Phoenix, Arizona, appeared to represent the applicant. Fourteen acres is being taken out of SC (Service Commercial) to a nicer residential neighborhood. With the advent of all the Service Commercial on the north side of Cheyenne, he did not see it going north along Durango Drive. This provides an adequate transitional buffer between the commercial on Cheyenne and the residential north on Durango Drive.

CHAIRMAN BUCKLEY declared the Public Hearing open.

There was no one present in favor or opposition.

CHAIRMAN BUCKLEY declared the Public Hearing closed.

To be heard by the City Council on 8/18/99.

(7:37 - 7:39) 2 - 204

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ITEM	ACTION
C-2. <u>Z-80-98 - NORTSHORE 252 LIMITED PARTNERSHIP</u> Request for a Rezoning on property located at 3350 North Durango Drive, FROM: C-1 (Limited Commercial) TO: R-3 (Medium Density Residential) PROPOSED USE: PREVIOUSLY APPROVED AND PRESENTLY UNDER CONSTRUCTION 252 UNIT APARTMENT COMPLEX, Size: 13.9 Acres, Ward 4 (Brown) APN's: 138-09-401-001, 002, 003, and 016. <u>NOTICES MAILED:</u> 387 (Mailed with GPA-44-98) <u>APPROVALS:</u> 0 <u>PROTESTS:</u> 0 <u>STAFF RECOMMENDATION:</u> APPROVAL, subject to: 1. Approval of a General Plan Amendment to M (Medium Density Residential). 2. A Resolution of Intent. 3. Grant a 20 foot wide public sewer easement over the public sewer line as built to service the adjacent parcel to the south of this site, and submit an application to Vacate the existing public sewer easement where such does not align with the existing sewer line within 60 days of approval of this action as required by the Department of Public Works. 4. Site development to comply with applicable imposed Conditions of Approval for U-32-95, Z-7-94, and all other site-related actions as required by the Planning and Development Department and the Department of Public Works.	Galati - APPROVED, SUBJECT TO STAFF'S CONDITIONS. Motion carried with Gordon abstaining from voting because he owns the adjacent shopping center. (Mack excused) BOB GENZER, Planning and Development Department, stated staff will not be making a presentation on this item. This project is already under construction. The zoning is appropriate, so staff recommended approval, subject to the conditions. CHARLES MOSER, 4222 North 12th Street, Suite 100, Phoenix, Arizona, appeared to represent the applicant. He concurred with staff's conditions. CHAIRMAN BUCKLEY declared the Public Hearing open. There was no one present in favor or opposition. CHAIRMAN BUCKLEY declared the Public Hearing closed. To be heard by the City Council on 8/18/99. (7:39 - 7:40) 2 - 270

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ITEM

ACTION

C-3.

GPA-12-99 - CITY OF LAS VEGAS - WYKOFF-
NEWBERG CORPORATION AND CAROL,
HARRY AND JOHN PAPPAS

Request to amend a portion of the Town Center Land Use Plan on property located north of Elkhorn Road and west of U. S. Highway 95, From: PF-TC (Public Facility) To: UC-TC (Urban Center Mixed Use), Ward 4 (Brown), APN's: 125-17-801-002 and 003.

NOTICES MAILED: 34

APPROVALS: 0

PROTESTS: 3 Speakers

STAFF RECOMMENDATION: APPROVAL.

Gordon -

APPROVED

**Motion carried with Moran voting "No."
(Mack excused)**

SCOTT ALBRIGHT, Planning and Development Department, stated this amendment to the Northwest Sector Plan was filed by City staff, for the purpose of redesignating two (2) properties located on the northeast corner of Riley Street and Elkhorn Road, from PF-TC (Public Facility - Town Center) to UC-TC (Urban Center Mixed Use - Town Center). This amendment is necessary for the following reason:

- The currently adopted Town Center Land Use plan designates the parcels in question as Public Facility - Town Center (PF-TC) for the purpose of constructing a loop ramp connection between Elkhorn Road and the west frontage road of U.S. 95. Public Works staff has indicated that this loop ramp will not be necessary at this time.

Based on that, staff believes it may not be appropriate to have two privately held parcels designated for public uses.

The applicants are not making a proposal at this time. This is merely an amendment by staff since Public Works has found the loop ramp is unnecessary.

Chapter 19A18.030 of the Las Vegas Zoning Code requires the following four conditions be met in order to justify a General Plan Amendment:

a. *The density and intensity of the proposed General Plan Amendment is compatible with the existing adjacent land use designations.* This property is located within the northwest portion of Town Center where a majority of the parcels are designated as Urban Center Mixed Use;

b. *The zoning designations allowed by the proposed amendment will be compatible with the existing adjacent land uses or zoning designations.* The zoning district will not be changing. All parcels that are within Town Center (within the city limits) are zoned TC (Town Center).

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GPA-12-99 - CITY OF LAS VEGAS - WYKOFF-
NEWBERG CORPORATION AND CAROL,
HARRY AND JOHN PAPPAS

c. *There are adequate transportation, recreation, utility and other facilities to accommodate the uses and densities permitted by the proposed General Plan designation.* The area is currently serviced (or proposed to be serviced) by all of the major utilities; the City has recently constructed a new park immediately south of this site (temporarily referred to as Elkhorn/Durango Park), and the Master Plan of Streets and Highways was recently amended to ensure the transportation demands resulting from the development of Town Center will be adequately addressed.

d. *The proposed amendment conforms to other applicable adopted plans and policies.* This parcel will remain within the Town Center area as called for in the Northwest General Plan Amendment and would further the intent of the City of Las Vegas General Plan Objective E and its related policies, which encourages creative land use planning and the mixing of land uses.

Staff believes that because all of these conditions are being met or adequately addressed, support for this amendment would be appropriate.

A neighborhood meeting was held by staff on June 17, 1999, but none of the property owners were in attendance.

Staff recommended approval, subject to the conditions.

CHAIRMAN BUCKLEY declared the Public Hearing open.

DOROTHY MILLER, Timberlake, appeared in protest. She did not receive a notice of this request. There were not supposed to be any changes to the Town Center Standards.

CAROL LeDUC, 7575 Rome Boulevard, appeared in protest. This is not a housekeeping item, but a public facility which was intended to be used as a roadway that is going back to a dense use next to a ball field. She objected to the density. A Suburban Mixed Use or Service Commercial would be more appropriate. In the Town Center Standards a minimum of two stories is required in the land use category being requested. There is other land use of that nature in the surrounding area and it is inappropriate adjacent to the ball field.

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ACTION

GPA-12-99 - CITY OF LAS VEGAS - WYKOFF-
NEWBERG CORPORATION AND CAROL,
HARRY AND JOHN PAPPAS

BRUCE HAMILTON, President, Tule Springs Community Association, 8524 Maggie Avenue, appeared in protest. His Association feels that this density is inappropriate because it is between the ballpark and highway. He felt Service Commercial or Suburban Mixed Use is obtrusive. This is a small corner.

CHAIRMAN BUCKLEY declared the Public Hearing closed. He asked if the City considered the Suburban Mixed Use category.

MR. ALBRIGHT responded that because of its location with the ball fields, park, Main Street Mixed Use, and Urban Center Mixed Use on the west side of Riley, it is appropriate adjacent to this site.

VICE CHAIRMAN GALATI felt a dense development is appropriate next to a highway.

To be heard by the City Council on 8/18/99.

(7:40 - 7:51) 2 - 320

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ITEM

ACTION

C-4.

GPA-13-99 - SAN MICHELE APARTMENTS,
LIMITED LIABILITY COMPANY ON BEHALF OF
CASTLE PROPERTY COMPANY

Request to Amend a portion of the Southwest Sector of the General Plan on property located on the north side of Lake Mead Boulevard, approximately 540 feet east of Jones Boulevard, From: SC (Service Commercial) To: H (High Density Residential), Ward 4 (Brown), APN: 138-24-215-005.

NOTICES MAILED: 193 (Mailed with Z-28-99)

APPROVALS: 0

PROTESTS: 0

STAFF RECOMMENDATION: APPROVAL.

Quinn -
APPROVED
Unanimous
(Mack excused)

NOTE: COMMISSIONER GALATI made a motion for APPROVAL amending the application to M, but a vote was not posted. Subsequently, COMMISSIONER QUINN made a motion for approval, which carried unanimously.

JOEL McCULLOCH, Planning and Development Department, stated this request is to amend a portion of the Southwest Sector Map of the General Plan on property located on the north side of Lake Mead Boulevard, approximately 540 feet east of Jones Boulevard for the purpose of allowing an existing apartment complex to conform to the General Plan.

In March of 1992 the City of Las Vegas adopted the General Plan. This property was designated as Service Commercial. In March of 1995 the Board of Zoning Adjustment approved 216 apartments for this project.

The City of Las Vegas, under a previous Zoning Code, allowed apartments to be constructed by a Special Use Permit in a C-1 (Limited Commercial) zoning district. When the new Zoning Code was adopted in 1997, this was no longer the case, and previously approved projects became non-conforming uses. The applicant is now requesting that his previously approved project be allowed to obtain conforming status with the Zoning Code and General Plan. Staff has no objection to either request.

Staff recommended approval.

JOHN DAVISON, Castle Property Company, 3311 Jones Boulevard, Suite 210, appeared to represent the applicant.

CHAIRMAN BUCKLEY declared the Public Hearing open.

There was no one present in favor or opposition.

CHAIRMAN BUCKLEY declared the Public Hearing closed.

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ACTION

GPA-13-99 - SAN MICHELE APARTMENTS,
LIMITED LIABILITY COMPANY ON BEHALF OF
CASTLE PROPERTY COMPANY

VICE CHAIRMAN GALATI asked if it would be appropriate to wait until the surrounding properties are approved.

MR. McCULLOCH felt that is a good suggestion.

BOB GENZER, Planning and Development Department, stated that if this item is abeyed, it could be agendaed to a regular meeting and amended downward.

VICE CHAIRMAN GALATI made a motion for Approval, amending the application to M.

COMMISSIONER SKAAR asked if the application would have to remain H since this request is over 25 units per acre.

MR. GENZER advised that this density is 25.12 units per acre. Therefore, this application needs to stay at H (High Density Residential).

VICE CHAIRMAN GALATI rescinded his motion, since the vote was not posted.

DEPUTY CITY ATTORNEY STEVE GEORGE quoted from N.R.S. 278.250, Subsection 2, that states the Commission can do zoning approvals that are in conformance with the General Plan.

COMMISSIONER QUINN then made a motion for Approval.

To be heard by the City Council on 8/18/99.

(7:51 - 7:57) 2 - 650

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COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

ITEM	ACTION
C-5.	<u>Z-28-99 - SAN MICHELE APARTMENTS, LIMITED LIABILITY COMPANY</u> Request for a Rezoning on property located on the north side of Lake Mead Boulevard, approximately 540 feet east of Jones Boulevard, From: C-1 (Limited Commercial) To: R-4 (High Density Residential), Ward 4 (Brown), APN: 138-24-215-005. <u>NOTICES MAILED:</u> 193 (Mailed with GPA-13-99) <u>APPROVALS:</u> 0 <u>PROTESTS:</u> 0 <u>STAFF RECOMMENDATION:</u> APPROVAL, subject to: 1. Approval of a General Plan Amendment to H (High Density Residential). 2. A Resolution of Intent. 3. Conformance to all Conditions of Approval for U-24-95 and any other site-related actions. Galati - APPROVED, SUBJECT TO STAFF'S CONDITIONS, AND ADDITIONAL CONDITION THAT NO ADDITIONAL UNITS BE ADDED. Unanimous (Mack excused) JOEL McCULLOCH, Planning and Development Department, stated this request is for Rezoning from C-1 (Limited Commercial) to R-4 (High Density Residential) on property located on the north side of Lake Mead Boulevard, approximately 540 feet east of Jones Boulevard for the purpose of bringing the zoning designation into conformance with the existing use. Access to the site is provided by one driveway from Lake Mead Boulevard. The existing apartment elevations depict two-story stucco exteriors with asphalt shingle roofs. Landscaping is provided throughout the site. Since this is an existing project, staff recommended that the previously approved site plan be adhered to. Staff recommended approval, subject to the conditions. JOHN DAVISON, Castle Property Company, 3311 Jones Boulevard, Suite 210, appeared to represent the applicant. CHAIRMAN BUCKLEY declared the Public Hearing open. There was no one present in favor or opposition. CHAIRMAN BUCKLEY declared the Public Hearing closed. VICE CHAIRMAN GALATI asked the maximum density allowed in an R-4 zoning district. BOB GENZER, Planning and Development Department, responded that it is in the neighborhood of 48 units per acre. VICE CHAIRMAN GALATI said he does not want to see any buildings added to this project. To be heard by the City Council on 8/18/99. (7:57 - 7:59) 2 - 860

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ITEM

ACTION

C-6.

GPA-16-99 - STATE OF NEVADA ON BEHALF
OF W.L. HOMES, LIMITED LIABILITY
COMPANY

Request to Amend a portion of the Northwest Amendment to the General Plan on property located on the northwest corner of Racel Street and Cimarron Road, From: P (Park/Recreation/Open Space) To: L (Low Density Residential), Ward 4 (Brown), APN: 125-09-301-001.

NOTICES MAILED: 24 (Mailed with Z-31-99)

APPROVALS: 0

PROTESTS: 3 Speakers

STAFF RECOMMENDATION: APPROVAL, subject to:

1. This application be amended to R (Rural Density Residential) with an overall maximum density of 3.49 dwelling units per acre.

Skaar -

NO RECOMMENDATION

Motion did not carry due to the failure of the Planning Commission to establish a super majority vote on a motion for approval with the application amended to R [3.49 units per acre], with Moran voting "No" and Gordon abstaining from voting because the law firm that represents this application is also the firm that handles the legal work for his business (Mack excused)

JOEL McCULLOCH, Planning and Development Department, stated this amendment to the Northwest Sector Plan of the General Plan was filed in conjunction with a Rezoning request from R-E (Residence Estates) to R-PD4 (Residential Planned Development - 4 Units Per Acre) by the applicant for the purpose of developing a 176 lot single family residential subdivision on property located adjacent to the northwest corner of the intersection of Racel Street and Cimarron Road.

Staff notes that the property immediately to the west recently had its General Plan Designation changed to R (Rural Density Residential). Objective C of the Land Use Element of the General Plan states that the City should achieve a compatible balance of land uses throughout the City by providing appropriate and compatible locations for all land use categories. In order to ensure that this Objective is met, staff is recommending that this request be amended to R (Rural Density Residential).

Policy A2 of the General Plan encourages the use of vacant land adjacent to developed land in order to efficiently use infrastructure and protect undeveloped land or spaces from unnecessary encroachment. The proposed residential development of the subject site, adjacent to on-going residential development on two sides of the parcel, will be consistent with this policy.

Staff recommended approval, subject to the condition.

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ITEM

ACTION

GPA-16-99 - STATE OF NEVADA ON BEHALF
OF W.L. HOMES, LIMITED LIABILITY
COMPANY

ATTORNEY MARK FIORENTINO, Kummer Kaempfer Bonner & Renshaw, 3800 Howard Hughes Parkway, 7th Floor, appeared to represent W. L. Homes, LLC. He submitted a letter from the State of Nevada, Division of State Lands, in regard to an exchange of land. There has been a privately-held parcel in the middle of the Floyd Lamb State Park. The privately-held parcel and the applicant's parcel, which is currently held by the State, will be an exchange that is beneficial to all parties. This will allow the State to continue the park and not have a section in the middle not being utilized and allows the property farther north to be used as open space and park and transfer that density. They feel the density being proposed is appropriate. The densities increase going south on Durango Drive. There is not a great deal of difference between 3.49 units per acre and 3.97 units per acre that is being proposed. South of Racel there are commercial uses. At the corner of Grand Teton and Durango there is C-2 and C-1 zoning. Finally, this is not a situation whereby this density will set a precedent because of the park.

CHAIRMAN BUCKLEY declared the Public Hearing open.

CAROL LeDUC, Sheep Mountain Homeowners Association, 7575 Rome Boulevard, appeared in protest. They met with Paul Kenner, Vice President, who was representing the applicant. She was concerned about this area because it is adjacent to the Tule Springs Park area. She objected to the density of both staff and the applicant. There is an application before the Board of Zoning Adjustment to reduce the open space from 126 to 107 square feet. This is a rural area with animals.

LOUISE RUSKAMP, Tule Springs Community Association, 8500 Log Cabin Way, appeared in protest. The closest fire station was just approved by the City Council. The closest station at the present time is at Lone Mountain, just south of the Santa Fe Hotel. There is a demand for high quality Desert Rural. Floyd Lamb State Park is a wilderness park. To the north of the park is 2.49 units per acre recently approved by the City Council, Desert Rural on the east and west sides of the State Park, and one area bordering the Mountain Spa project. It would be more appropriate if the General Plan were amended to Desert Rural.

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ACTION

GPA-16-99 - STATE OF NEVADA ON BEHALF
OF W.L. HOMES, LIMITED LIABILITY
COMPANY

BRUCE HAMILTON, Tule Springs Community Association, 8524 Maggie Avenue, appeared in protest. It is misleading to indicate that there are commercial uses being approved since they are all between rural and ultra-rural use. There is a nature sanctuary, C.K. Farm is a landscape plant growing farm, Silk Purse Ranch, residences and an obscure restaurant, all of which are on 40 acres. To increase the density along the edge of the park would not be appropriate. He felt a density no higher than 2.49 units per acre, or D-R (Desert Rural), is appropriate.

CHAIRMAN BUCKLEY declared the Public Hearing closed.

ATTORNEY FIORENTINO appeared in rebuttal. The vast majority of the northwest area is planned for D-R.

COMMISSIONER MORAN commented that the letter from the State of Nevada refers to a land swap, but she was unsure if the State is concerned as to what is placed on the land. The properties across the street are not being utilized as commercial. This will cut up a very nice area which needs to be preserved.

COMMISSIONER SKAAR added that the previous application received a Variance to have less open space because it was going to be next to the park. This is a new proposal. This current application calls for a reduction in open space because it is always going to be next to a park so there is no need for landscaping to buffer homes from a park. The density being requested is inappropriate.

VICE CHAIRMAN GALATI did not feel L is appropriate for this parcel.

JOEL McCULLOCH noted that if this request is reduced to 3.49 units per acre, there will be less open space and more land available for open space.

To be heard by the City Council on 8/18/99.

(7:59 - 8:26) 2 - 930

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ITEM

ACTION

C-7.

Z-31-99 - STATE OF NEVADA ON BEHALF OF
W.L. HOMES, LIMITED LIABILITY COMPANY

Request for a Rezoning on property located on the northwest corner of Racel Street and Cimarron Road, From: R-E (Residence Estates) To: R-PD4 (Residential Planned Development - 4 Units Per Acre) PROPOSED USE: 176 LOT SINGLE FAMILY SUBDIVISION, Size: 44.28 Acres, Ward 4 (Brown), APN: 125-09-301-001.

NOTICES MAILED: 24 (Mailed with GPA-16-99)

APPROVALS: 0

PROTESTS: 2 Speakers

STAFF RECOMMENDATION: APPROVAL, subject to:

1. Approval of a General Plan Amendment to R (Rural Density Residential).
2. The application shall be amended to R-PD3 (Residential Planned Development - 3 units per acre) with a maximum overall density of 3.49 dwelling units per acre.
3. The site plan shall be revised to show the required amount of open space unless a Variance is approved by the Board of Zoning Adjustment.
4. A Resolution of Intent with a one year time limit.
5. Dedicate an additional 10 feet of right-of-way for a total half-street width of 40 feet on Racel Street adjacent to this site as required by the Department of Public Works.

Quinn -

APPROVED, SUBJECT TO STAFF'S CONDITIONS AND TENTATIVE MAP BE A PUBLIC HEARING ITEM BEFORE THE PLANNING COMMISSION.

Motion carried with Moran voting "No" and Gordon abstaining from voting because the law firm that represents this application is also the firm that handles the legal work for his business.

(Mack excused)

JOEL McCULLOCH, Planning and Development Department, stated this request is for a Rezoning from R-E (Residence Estates) to R-PD4 (Residential Planned Development - 4 Units Per Acre) for the purpose of developing a proposed 176 lot single family residential subdivision on 44.28 acres. The parcel is located adjacent to the northwest corner of the intersection of Racel Street and Cimarron Road. The proposed density of the development is 3.97 units per acre.

The subject site is designated P (Park/Recreation/Open Space) on the Northwest Amendment to the General Plan. The applicant has requested an Amendment to change the Plan to L (Low Density Residential). Staff recommended R (Rural Density Residential), which was not approved.

In order to ensure that this site is developed in a manner compatible with the surrounding properties, staff is recommending that this request be amended to R-PD3 (Residential Planned Development - 3 Units Per Acre). Additionally, with the density currently proposed, the site plan provides less usable open space than required for the proposed development. Based on these issues, staff recommended that the site plan be revised to indicate a density not to exceed 3.49 dwelling units per acre, and to indicate the additional required usable open space added into the neighborhood park or another common-use feature.

Staff recommended approval, subject to the conditions.

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6. Construct half-street improvements including appropriate overpaving on Racel Street adjacent to this site concurrent with the first phase of development anywhere on this site as required by the Department of Public Works. Install all appurtenant underground facilities, if any, adjacent to this site needed for the future traffic signal system concurrent with development of this site. All existing overpaving damaged or removed by this development shall be restored at its original location and to its original width concurrent with development of this site.

7. All private streets shall be gated; gated entries shall be designed, located and constructed in accordance with Standard Drawing #222a as required by the Department of Public Works.

8. Provide a public sewer stub to the north edge of this site in the Unnamed Street on the east edge of this site; provide public sewer easements for all public sewers not located within existing public street right-of-way prior to the issuance of any permits as required by the Department of Public Works. Improvement Drawings submitted to the City for review shall not be approved for construction until all required public sewer easements necessary to connect this site to the existing public sewer system have been granted to the City.

9. A Traffic Impact Analysis and Access Analysis Letter (to determine the adequacy of the single active access drive proposed) must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits or the recordation of a Final Map, whichever may occur first. Comply with the recommendations of the approved Traffic Impact

ATTORNEY MARK FIORENTINO, Kummer Kaempfer Bonner & Renshaw, 3800 Howard Hughes Parkway, 7th Floor, appeared to represent the applicant. He did not recall stating this parcel would be forever surrounded by a park, but it is immediately adjacent. The open space is for recreation and view. When adjacent to a park the residents can derive some benefit so there is no need for the same amount of open space on the interior of the project. Another reason they want to reduce the open space is that it allows the ability to achieve the same density, but make the lots larger. Since the General Plan Amendment application did not carry, he requested R-PD3.

CHAIRMAN BUCKLEY declared the Public Hearing open.

LOUISE RUSKAMP, Tule Springs Community Association, 8500 Log Cabin Way, appeared in protest. At the Board of Zoning Adjustment meeting in regard to the Variance she indicated her Association objected to the open space and would like to see larger and fewer lots. The Gilcrease Nature Sanctuary is trying to create more of a natural habitat. Starting at the Spring Mountain Ranch project there is R-PD12, R-PD6, R-PD3 and then Desert Rural. In this area it goes from R-PD12 to an R-PD6, to an R-PD4, to an R-PD3. It would make sense for this application to go to R-PD2. Some of the above-mentioned densities may not be developed as indicated. She requested that the following conditions be addressed if this request is approved:

1. Dust abatement created by the development of this parcel.
2. Applicant provide to staff at the time of the Tentative Map a final acreage.
3. Implement rural standards for all streetlighting throughout the project.
4. Limit the elevation of the grade so as not to create view lots, but not exceed the elevation to the north and south and follow the lay of the land.
5. Construct exterior walls before construction commences to complement the rural nature of the area.

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Analysis and Access Analysis Letter prior to occupancy of the site. The City shall determine traffic signal contribution requirements based upon information provided in the approved Traffic Impact Analysis; such monies shall be contributed prior to the issuance of any permits or the recordation of a Final Map for this site. The Traffic Impact Analysis shall also include a section addressing Standard Drawings #234.1 and #234.2 to determine additional right-of-way requirements adjacent to this site, if any; dedicate all areas recommended by the approved Traffic Impact Analysis. All additional rights-of-way required by Standard Drawing #201.1 shall be dedicated prior to or concurrent with the commencement of on-site development activities unless specifically noted as not required in the approved Traffic Impact Analysis. If additional rights-of-way are not required and Traffic Control devices are or may be proposed at this site outside of the public right-of-way, all necessary easements for the location and/or access of such devices shall be granted prior to the issuance of permits for this site. Phased compliance will be allowed if recommended by the approved Traffic Impact Analysis. No recommendation of the approved Traffic Impact Analysis, nor compliance therewith, shall be deemed to modify or eliminate any Condition of Approval imposed by the Planning Commission or the City Council on the development of this site. Alternatively, in lieu of a Traffic Impact Analysis, the applicant may Contribute \$66,000 for neighborhood traffic mitigation prior to the issuance of building or off-site permits, or the recordation of a Final Map for this site, whichever may occur first. Install all appurtenant underground facilities, if any, adjacent to this site needed for the future traffic signal system

6. Provide full disclosure to all homeowners of the proximity of the Las Vegas Gun Club and Trap Shooting Club in the State Park.

She requested this item be approved at R-PD 2 at a maximum density of 2.49 units per acre.

BRUCE HAMILTON, Tule Springs Community Association, 8524 Maggie Avenue, appeared in protest. There is a mandatory meeting when General Plan Amendments are being requested. He attended a meeting in regard to this application and the developers did not seem to be able to provide any details of what they are proposing. The developer has not made any attempt to meet with the Tule Springs or Sheep Mountain Associations. The State Park is fenced and there is an admission fee required. The property value in his community has increased since the land is becoming scarce. In regard to the commercial pieces to the south at Grand Teton, they were approved in the County.

CHAIRMAN BUCKLEY declared the Public Hearing closed.

ATTORNEY FIORENTINO appeared in rebuttal. It is inaccurate that the densities get lower going east until they get rural. This developer will not develop this parcel as Desert Rural. He would provide any information that the residents would request. It would not be beneficial to meet with the Tule Springs Community Association since the applicant will not be developing this parcel at 2 units per acre. They will review the list of conditions from the Tule Springs Association. The State of Nevada and the applicant are trying to arrive at an equal value for the trade. The actual acreage will have to be known before maps are recorded.

CHERI EDELMAN, Public Works, added that if the condition requiring rural streetlighting is implemented, that would only be on the interior streets, so there would not be a problem with that condition

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concurrent with development of this site. The City reserves the right to utilize the contributed traffic monies for the installation of traffic signals at any intersection within this general vicinity which is impacted by this development.

10. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits or the recordation of a Final Map, whichever may occur first, as required by the Department of Public Works. The required Drainage Plan/Study shall also address what off-project improvements, if any, may be necessary to mitigate any negative impacts to the properties and neighborhoods surrounding and downstream from this rezoning site based on this site's proposed discharge flow rates and discharge locations. Provide and improve all on-site drainage corridors and provide all on-site and off-project street, channel and pipe improvements as recommended in the approved Drainage Plan/Study. The developer of this site may also be responsible to contribute monies for the construction of neighborhood or local drainage improvements. The amount of such monies shall be determined by the approved Drainage Plan/Study and shall be contributed prior to the issuance of any building or grading permits, whichever may occur first. In lieu of monetary contributions, in whole or in part, the developer may agree to construct such drainage facility improvements as are recommended by the approved Drainage Plan/Study concurrent with development of this site if allowed by the Planning Engineer.

VICE CHAIRMAN GALATI was disturbed that the Variance would not be heard at the same time as the General Plan Amendment and Rezoning. He opposed the open space proposal for this project.

ATTORNEY FIORENTINO agreed that all three applications should be heard at the same time. It is a costly and unnecessary delay.

BOB GENZER, Planning and Development Department, added that staff would review the conditions just submitted by the Tule Springs Community Association to see whether they are all enforceable. He suggested the applicant work with the Tule Springs Association prior to the City Council hearing on the conditions, submit those conditions to staff, and they can be included in the City Council meeting report.

ATTORNEY FIORENTINO suggested the Tule Springs Association provide the conditions to the applicant and they will try to work them out prior to the City Council meeting.

MS. EDELMAN was concerned as to whether the site plan is to be a public hearing item.

MR. GENZER responded that if the zoning is approved, the site plan would be determined at the time of the approval of the Tentative Map, if a Variance will not be required.

COMMISSIONER SKAAR suggested that a condition could be added to this Rezoning that the Tentative Map would be a Public Hearing item.

To be heard by the City Council on 8/18/99.

(8:26 - 8:49) 2 - 1970

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W.L

APPROVED

11. A Homeowner's Association shall be established to maintain all private drives, perimeter walls, landscaping, and common areas created with this development. All landscaping shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.

12. The design and layout of all on-site private circulation and access drives shall meet the approval of the Department of Fire Services prior to the issuance of any permits.

13. The City reserves the right to withhold building permit issuance for any and all lots within this rezoning site if adequate street improvements and/or adequate traffic capacity does not exist on the access corridors leading to this rezoning site as determined by the Director of the Department of Public Works. The City also reserves the right to withhold building permit issuance for any and all lots within this rezoning site if adequate intersection capacity does not exist at the Durango/US95 intersection as determined by the Director of the Department of Public Works. These rights shall be exercised based on the traffic capacity conditions that exist at the time of the developer's request for the issuance of each building permit. In the event of a dispute with the decision of the Director of the Department of Public Works, the developer may appeal directly to the City Council for final resolution.

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W.L

APPROVED

14. The final layout of this subdivision and the required setbacks shall be determined at the time of approval of the Tentative Map.

15. Conformance to the building elevations.

16. 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.

17. A landscaping plan must be submitted prior to or at the same time application is made for a building permit or license, or prior to occupancy, whichever occurs first.

18. All City Code requirements and design standards of all City departments must be satisfied.

19. Where new water mains are extended along streets and fire hydrants are not needed for protection of structures, hydrants shall be spaced at a maximum distance of 1,000 feet.

20. Fence heights shall be measured from the side of the fence with the least vertical exposure above the finished grade.

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ITEM	ACTION
C-8.	<u>GPA-18-99 - EMERALD DEVELOPMENT</u> Request to Amend a portion of the Northwest Amendment to the General Plan on property located on the southeast corner of Hickam Avenue and Bradley Road, From: DR (Desert Rural Density Residential) To: R (Rural Density Residential), Ward 4 (Brown), APN: 138-01-706-002. <u>NOTICES MAILED:</u> 273 (Mailed with Z-33-99) <u>APPROVALS:</u> 0 <u>PROTESTS:</u> 2 <u>STAFF RECOMMENDATION:</u> APPROVAL. Galati - APPROVED Unanimous (Mack excused) JOEL McCULLOCH, Planning and Development Department, stated this request is to amend a portion of the Northwest Sector Plan on property located on the southeast corner of Hickam Avenue and Bradley Road for the purpose of adding eleven lots to a previously approved single family residential subdivision. This is a proposed expansion of a developing R (Rural Density Residential) subdivision. The existing approved subdivision is currently surrounded by DR (Desert Rural Density Residential) development. The houses to the north, east, and west of this proposal are developed on minimum 0.50 acre lots. This is a vacant lot within an area that is substantially developed, and is proposed to be developed at a density similar to existing development as suggested by the General Plan (Program B1.3). The Concept Map that is part of the Northwest Sector Plan to the General Plan has designated this parcel and the surrounding area as R (Rural Density Residential). The equivalent General Plan categories are DR (Desert Rural Density Residential) and R (Rural Density Residential). The Concept Map is designed to provide a visual reference for the community about the direction of future growth. Staff believes that the future growth of this area is a mixture of DR (Desert Rural) and R (Rural) densities. Approval of this amendment should have no negative effect on existing utilities, facilities, or services.

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Staff finds this amendment appropriate for the following reasons:

1. Policy B1 of the Northwest Amendment to the General Plan states that the City should provide a variety of residential environments having urban, suburban, and rural character.
2. Program B1.3 of the Northwest Amendment to the General Plan encourages infilling of random vacant lots in substantially developed, single family neighborhoods at densities similar to existing development.
3. Program B1.4 of the Northwest Amendment to the General Plan encourages that section interiors be developed with higher density single family development and compatible uses such as parks and schools.
4. This area is designated as Rural Development on the Northwest Amendment to the General Plan Concept Map, which desires a mix of Desert Rural and Rural Densities.

Staff recommended approval.

BRIAN NICHOLAS, Project Developer, Willowdale Park and Emerald Development, appeared to represent the application. This is a continuation of a project that will go from Alexander to Hickam. The past developer had problems with flooding on Lake Tahoe Street. Recently they finished paving Alexander and Bradley. There was no flooding on Lake Tahoe after the last rainstorm. Some of the homeowners in Rancho San Miguel, just east of this project, had concerns about a block wall that was going to be needed to be built in order to take care of elevation changes, which meant the difference between a ten foot and six foot wall. The drainage of this project will go down to Hickam. The lots will be lowered adjoining Rancho San Miguel so there will be no need for a new wall.

CHAIRMAN BUCKLEY declared the Public Hearing open.

There was no one present in favor or opposition.

CHAIRMAN BUCKLEY declared the Public Hearing closed.

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COMMISSIONER SKAAR asked how many units are in the remainder of the subdivision.

MR. NICHOLAS responded that it is two units per acre. Staff suggested the applicant apply for R-PD3 zoning.

MR. McCULLOCH explained that R-PD's are based on gross acreage. Adding in the right-of-way that has already been dedicated, they have 4.8 acres instead of 3.99 acres. Computing the density of 11 units at 4.8, they qualify for R-PD2, which the Rezoning is being amended to conform to the remainder of the project.

To be heard by the City Council on 8/18/99.

(8:49 - 8:57) 2 - 3060

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ACTION

C-9.

Z-33-99 - EMERALD DEVELOPMENT

Request for a Rezoning on property located on the southeast corner of Hickam Avenue and Bradley Road, From: R-E (Residence Estates) To: R-PD3 (Residential Planned Development - 3 Units per Acre), PROPOSED USE: EXPANSION OF A PREVIOUSLY APPROVED RESIDENTIAL SUBDIVISION, Size: 3.99 Acres, Ward 4 (Brown), APN: 138-01-706-002.

NOTICES MAILED: 273 (Mailed with GPA-18-99)

APPROVALS: 2 Speakers

PROTESTS: 2

STAFF RECOMMENDATION: APPROVAL, subject to:

1. This application shall be amended to R-PD2 (Residential Planned Development-2 Units Per Acre).
2. Approval of a General Plan Amendment to R (Rural Density Residential).
3. A Resolution of Intent with a one year time limit.
4. Conformance to all applicable Conditions of Approval for Z-130-94 and all other site-related actions.
5. An Amended Final Map for Willowdale Park shall be recorded prior to the recordation of a new Final Map for this site. Submit a Vacation Application to vacate the existing sewer and drainage easements created by the Willowdale Park Subdivision which are no longer required per the additional lots created by this Zoning Application; such Vacations shall record prior to the recordation of such amended Final Map as required by the Department of Public Works.

Galati -

APPROVED, SUBJECT TO STAFF'S CONDITIONS AND DEVELOPERS WORK WITH THE NEIGHBORHOOD AT LAKE TAHOE AND HICKAM TO RESOLVE DRAINAGE ISSUES.

**Unanimous
(Mack excused)**

JOEL McCULLOCH, Planning and Development Department, stated this request is for Rezoning for the purpose of expanding a previously approved subdivision by 11 lots.

Access to the subdivision is from Alexander Road. The applicant proposes to incorporate this additional four plus acres, with 11 lots, into an existing subdivision with 46 lots.

The Northwest Concept Map designates the area surrounding this property as Rural Density Residential, which allows a mix of Rural and Desert Rural Density single family development.

The applicant is requesting a Rezoning to R-PD3 (Residential Planned Development - 3 Units Per Acre). This request is compatible with the existing surrounding land uses and those land uses proposed by the Northwest Amendment to the General Plan. However, staff would request that this application be amended to R-PD2, as the number of lots requested would be allowable under that designation, based on gross acreage.

Staff has no objection to this request and feels that it is compatible with the existing surrounding development of the area. The Las Vegas Zoning Code only requires the open space regulations to apply to subdivisions with 12 or more units. This application has only 11 lots, thus the open space regulations do not apply, and a Variance is not required. Staff can support the request for a waiver of the five acre minimum size for an R-PD (Residential Planned Development) application.

Staff recommended approval, subject to the conditions.

BILL CROCKETT, Delta Engineering, 3131 Meade Avenue, Suite D, appeared to represent the application. He concurred with staff's conditions.

CHAIRMAN BUCKLEY declared the Public Hearing open.

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6. Construct half-street improvements on Bradley Road, Hickam Avenue and Lake Tahoe Street, including appropriate overpaving and including paving of the full cul-de-sac on Lake Tahoe Street, adjacent to this site concurrent with development of this site as required by the Department of Public Works.

7. Construct a minimum of paving and curb and gutter on the private streets internal to this subdivision site as required by the Department of Public Works.

8. Provide public sewer easements for all public sewers not located within public street rights-of-way as required by the Department of Public Works.

9. A Traffic Impact Analysis must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, or the recordation of a Final Map for this site. Comply with the recommendations of the approved Traffic Impact Analysis prior to occupancy of the site. The City shall determine traffic signal contribution requirements based upon information provided in the approved Traffic Impact Analysis; such monies shall be contributed prior to the issuance of any permits or the recordation of a Final Map for this site. The Traffic Impact Analysis shall also include a section addressing Standard Drawings #234.1 and #234.2 to determine additional right-of-way requirements adjacent to this site, if any; dedicate all areas recommended by the approved Traffic Impact Analysis. All additional rights-of-way required by Standard Drawing #201.1 shall be dedicated prior to or concurrent with the commencement of on-site development activities unless specifically noted as not required in the approved Traffic Impact

MIKE MALONE, 3660 Thom Boulevard, appeared in favor. There are 610 homes in his community. He was in agreement with R-PD2 zoning.

NICHOLAS PUNNETT, 5161 Hickam Avenue, appeared in favor. He was also in agreement with R-PD2 zoning. He spoke with the applicant and reached an agreement with R-PD2, and the drainage from the entire Willowdale development. The drainage would be exiting at the corner of Lake Tahoe and Hickam. That intersection needs to be revised so the drainage would go down Hickam to eliminate any flooding problems. That would take the water away from the homes.

MR. NICHOLAS responded that they are concerned about drainage and are willing to work with the existing residents in order to alleviate water going into the neighbors' homes. They will have reduced the 30 cubic feet per minute runoff to 28 cubic feet when the development is finished.

CHERI EDELMAN, Public Works, added that there is a condition in place stipulating the applicant has to complete a Drainage Study. The City has plans for a storm drain system in Hickam between Bradley and Thom going north to Craig. A sentence could be added to the Drainage Study to direct the drainage down Hickam.

CHAIRMAN BUCKLEY declared the Public Hearing closed.

To be heard by the City Council on 8/18/99.

(8:57 - 9:06) 2 - 3490

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ACTION

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APPROVED

Analysis. Phased compliance will be allowed if recommended by the approved Traffic Impact Analysis. No recommendation of the approved Traffic Impact Analysis, nor compliance therewith, shall be deemed to modify or eliminate any Condition of Approval imposed by the Planning Commission or the City Council on the development of this site. Alternatively, the applicant may contribute \$2,500 for general neighborhood traffic mitigation prior to the issuance of building or off-site permits or the recordation of a Final Map for this site as required by the Department of Public Works. Install all appurtenant underground facilities, if any, adjacent to this site needed for the future traffic signal system concurrent with development of this site. The City reserves the right to utilize the contributed traffic signal monies for the installation of traffic signals at any other intersection within this general vicinity which is impacted by this development and which has a more immediate need for signalization.

10. A Homeowner's Association shall be established to maintain all private streets, perimeter walls, landscaping and common areas created with this development. All landscaping shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.

11. The design and layout of all on-site private circulation and access drives shall meet the approval of the Department of Fire Services prior to the issuance of any permits.

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APPROVED

12. An addendum to the previously approved Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits or the recordation of a Final Map for this site as required by the Department of Public Works. This Drainage Study shall specifically address the possibility of re-locating the drainage exiting this site at Lake Tahoe Street directly to Hickam Avenue. Provide and improve all drainageways recommended in the approved Drainage Plan/Study. The developer of this site shall be responsible to contribute monies for the construction of neighborhood or local drainage improvements. The amount of such monies shall be determined by the approved Drainage Plan/Study and shall be contributed prior to the issuance of any building or grading permits, whichever may occur first. In lieu of monetary contributions, in whole or in part, the developer may agree to construct such drainage facility improvements as are recommended by the approved Drainage Plan/Study concurrent with development of this site if allowed by the Planning Engineer.

13. The final layout of the subdivision and the required setbacks shall be determined at the time of approval of the Tentative Map.

14. All City Code requirements and design standards of all City departments must be satisfied.

15. Where new water mains are extended along streets and fire hydrants are not needed for protection of structures, hydrants shall be spaced at a maximum distance of 1,000 feet to provide transportation hazards.

16. Fence heights shall be measured from the side of the fence with the least vertical exposure above the finished grade.

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ITEM

ACTION

C-10.

GPA-22-99 - NICK AND KATHLEEN MICAS,
ET AL

Request to Amend a portion of the Southwest Sector of the General Plan on property located on the south side of Lake Mead Boulevard, approximately 550 feet east of Decatur Boulevard, From: L (Low Density Residential) To: O (Office), Size: 0.76 Acres, Ward 4 (Brown), APN's: 139-19-202-002 through 005.

NOTICES MAILED: 368

APPROVALS: 0

PROTESTS: 0

STAFF RECOMMENDATION: APPROVAL.

Gordon -

APPROVED

**Motion carried with Skaar not voting.
(Mack excused)**

ANDREW REED, Planning and Development Department, stated the applicant indicates the intended use of the property is professional offices. The applicant justified the request for the following reasons:

1. The level of traffic which constantly passes the subject site is unsafe and unsuitable for the current residential use of the property.

2. Because it is located on a cul-de-sac off Lake Mead Boulevard, the subject property is isolated from the rest of the neighborhood. Therefore, if the site were to be developed as an office use, it would have no adverse effect on the surrounding residential land uses.

The P-R (Professional Office and Parking) zoning designation that would be allowed under the proposed General Plan Amendment allows such uses as offices, museums and copy centers.

Staff finds that the low-intensity office use proposed by the applicant will provide a transition between the intense traffic along Lake Mead Boulevard and the residential areas immediately to the south of the subject site. Staff agrees with the applicants assertion that this property is unique due to its isolation from the rest of the neighborhood, and that development of this property for office use would have no adverse effect on the surrounding residential properties.

Staff recommended approval.

NICK MICAS, 4609 West Lake Mead Boulevard, appeared and represented the application. The four families in the area concur with this request.

CHAIRMAN BUCKLEY declared the Public Hearing open.

There was no one present in favor or opposition.

CHAIRMAN BUCKLEY declared the Public Hearing closed.

To be heard by the City Council on 8/18/99.
(9:06 - 9:09) 3 - 180

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COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

ITEM

ACTION

D.

WARD 1:

D-1.

GPA-15-99 - BYRON AND LUELLA
THORNTON TRUST

Request to Amend a portion of the Southeast Sector of the General Plan on property located at 1210 Shadow Lane, From: R (Rural Density Residential) To: O (Office), Ward 1 (McDonald), APN: 162-04-112-004.

NOTICES MAILED: 96 (Mailed with Z-30-99)

APPROVALS: 0

PROTESTS: 0

STAFF RECOMMENDATION: APPROVAL.

**Gordon -
APPROVED
Unanimous
(Mack excused)**

ANDREW REED, Planning and Development Department, stated this amendment to the General Plan was filed in conjunction with a rezoning request from R-E (Residence Estates) to P-R (Professional Offices and Parking) for the purpose of developing an office building on this site.

The P-R (Professional Office and Parking) zoning designation that would be allowed under the proposed General Plan Amendment allows such uses as offices, museums and copy centers.

Staff finds that the low-intensity office use proposed by the applicant will provide a transition between the more intense office/commercial development along Charleston Boulevard and the residential areas south of Ellis Avenue. The type and intensity of use proposed under this application is compatible with the existing office development located on the east side of Shadow Lane between Charleston and Ellis. Because visitors to the office building will utilize Charleston Boulevard to access Shadow Lane, there should be no additional traffic generated within the residential areas south of Ellis Avenue.

Staff recommended approval.

ATTORNEY CONNIE AKRIDGE, 3841 West Charleston Boulevard, Suite 203, appeared to represent the application.

CHAIRMAN BUCKLEY declared the Public Hearing open.

There was no one present in favor or opposition.

CHAIRMAN BUCKLEY declared the Public Hearing closed.

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ITEM

ACTION

GPA-15-99 - BYRON AND LUELLA
THORNTON TRUST

COMMISSIONER SKAAR asked what is being planned in regard to gating Shadow Lane in the vicinity of this request. This General Plan Amendment would allow a more intense use.

ATTORNEY AKRIDGE responded that this parcel is surrounded on two sides by commercial property, a parking lot and day-care center. The only residents in close proximity are on the south side. A neighbor has requested this plan be flipped so the building would be close to her property rather than the parking lot. ATTORNEY AKRIDGE said she would prefer that plan as it would create better traffic circulation.

COMMISSIONER SKAAR was concerned that the gates would be constructed where the traffic island is located.

BOB GENZER, Planning and Development Department, explained that this application has nothing to do with the Scotch 80's community. That was the diversion that was required when the VA clinic was in the Charleston Tower project and in order to get access to Shadow Lane, they were prohibited from making left-hand turns out of that driveway to go south toward the neighborhood.

To be heard by the City Council on 8/18/99.

(9:09 - 9:16) 3 - 280

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COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

ITEM

ACTION

D-2.

Z-30-99 - BYRON AND LUELLA THORNTON TRUST

Request for a Rezoning on property located at 1210 Shadow Lane, From: R-E (Residence Estates) To: P-R (Professional Office and Parking), PROPOSED USE: 9,811 SQUARE FOOT OFFICE BUILDING, Size: 0.92 Acres, Ward 1 (McDonald), APN: 162-04-112-004.

NOTICES MAILED: 96 (Mailed with GPA-15-99)

APPROVALS: 0

PROTESTS: 0

STAFF RECOMMENDATION: APPROVAL, subject to:

1. Approval of a General Plan Amendment to O (Office).
2. Remove all substandard public street improvements, if any, adjacent to this site and replace with new improvements meeting current City Standards concurrent with on-site development activities as required by the Department of Public Works.
3. Meet with the Traffic Engineering Representative in Land Development for assistance in the possible redesign of the proposed driveway access, on-site circulation, parking lot layout and the median openings on Shadow Lane prior to the submittal of any construction plans or the issuance of any permits, whichever may occur first. Driveways shall be designed, located and constructed to meet the intent of Standard Drawing #222a as required by the Department of Public Works.

Gordon -
APPROVED, SUBJECT TO STAFF'S CONDITIONS.
Unanimous
(Mack excused)

ANDREW REED, Planning and Development Department, stated the applicant proposes to demolish the existing single family dwelling on this site and construct an office building. Access to the site will be provided by a single driveway to Shadow Lane. Landscaping is provided along the property lines, within the parking lots, and adjacent to the building.

The elevations indicate the building will have a stucco exterior with a decorative stone wainscot along the base of the structure. A concrete tile roof is depicted.

Staff finds that the business, professional and financial offices as well as offices for individuals, civic, social, fraternal and other non-profit organizations typically found in a P-R (Professional Office and Parking) zoning district will not have an adverse impact on the residential properties on the south side of Ellis Avenue.

The submitted site plan meets the landscaping requirements of the Urban Design Guidelines and Standards.

On July 7, 1999 the applicant submitted a letter signed by the property owner to the south indicating that property owner would like the building placed on the south portion of the site instead of the north. That would require a Variance to the Residential Adjacency Standards.

Staff recommended approval, subject to the conditions.

ATTORNEY CONNIE AKRIDGE, 3841 West Charleston Boulevard, Suite 203, appeared to represent the application. She showed a photo of the proposed building. They have tried to make the building have a residential appearance so it will fit in with the area. There will be lush landscaping.

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ACTION

Z-30-99 - BYRON AND LUELLA THORNTON TRUST

4. A Traffic Impact Analysis must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits. Comply with the recommendations of the approved Traffic Impact Analysis prior to occupancy of the site. The City shall determine traffic signal contribution requirements based upon information provided in the approved Traffic Impact Analysis; such monies shall be contributed prior to the issuance of any permits. The Traffic Impact Analysis shall also include a section addressing Standard Drawings #234.1 and #234.2 to determine additional right-of-way requirements adjacent to this site, if any; dedicate all areas recommended by the approved Traffic Impact Analysis. All additional rights-of-way required by Standard Drawing #201.1 shall be dedicated prior to or concurrent with the commencement of on-site development activities unless specifically noted as not required in the approved Traffic Impact Analysis. Phased compliance will be allowed if recommended by the approved Traffic Impact Analysis. No recommendation of the approved Traffic Impact Analysis, nor compliance therewith, shall be deemed to modify or eliminate any Condition of Approval imposed by the Planning Commission or the City Council on the development of this site. Alternatively, in lieu of a Traffic Impact Analysis, the applicant may contribute \$1,500.00 for neighborhood traffic mitigation prior to the issuance of building or off-site permits, whichever may occur first, as required by the Department of Public Works. Install all appurtenant underground facilities, if any, adjacent to this site needed for the future traffic signal system concurrent with development of this site. The City reserves the right to utilize the contributed traffic monies for the installation of traffic signals at any intersection within this general vicinity which is impacted by this development.

CHAIRMAN BUCKLEY declared the Public Hearing open.

There was no one present in favor or opposition.

CHAIRMAN BUCKLEY declared the Public Hearing closed.

BOB GENZER, Planning and Development Department, clarified that a Variance will have to be obtained and a site plan reviewed if the building is flipped.

JANET AVANCE, 5000 West Oakey Boulevard, Suite A4, appeared to represent the application. Perhaps a Variance would not be needed since only one home would be affected by flipping the building.

MR. GENZER responded that the Code requires a Variance in this situation so there is no way around it.

COMMISSIONER SKAAR wondered if there should be an additional condition to this application stating a Variance would be required if the building is flipped.

MR. GENZER did not feel a condition to that affect would be necessary. The first thing that needs to happen is for the applicant to show staff the new plan and then it will be determined whether a Variance is required.

To be heard by the City Council on 8/18/99.

(9:16 - 9:21) 3 - 490

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ITEM

ACTION

Z-30-99 - BYRON AND LUELLA THORNTON TRUST

APPROVED

5. A Resolution of Intent.
6. All development shall be in conformance with the site plan and building elevations.
7. 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.
8. A landscaping plan must be submitted prior to or at the same time application is made for a building permit or license, or prior to occupancy, whichever occurs first.
9. All mechanical equipment, air conditioners and trash areas shall be screened from view from the abutting streets (excluding single family development).
10. All City Code requirements and design standards of all City departments must be satisfied.
11. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.

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ACTION

Z-30-99 - BYRON AND LUELLA THORNTON TRUST

APPROVED

12. Where new water mains are extended along streets and fire hydrants are not needed for protection of structures, hydrants shall be spaced at a maximum distance of 1,000 feet to provide for transportation hazards.

13. Fence heights shall be measured from the side of the fence with the least vertical exposure above the finished grade.

14. Provide plans showing accessible exterior routes from public transportation stops, accessible parking, passenger loading zones and public sidewalks to the accessible building entrance(s) with submittal of plans for building permits as required by the Planning and Development Department. Accessible routes shall have running slopes and cross slopes in accordance with the applicable code.

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ITEM	ACTION
D-3.	<u>GPA-17-99 - SCHNEIDER FAMILY TRUST AND WILLIAM CULLINGS</u> Request to Amend a portion of the Southwest Sector of the General Plan on property located on the east side of Buffalo Road, approximately 660 feet south of Charleston Boulevard, From: DR (Desert Rural Density Residential) To: O (Office), Ward 1 (McDonald), APN's: 163-03-101-002 and 003. <u>NOTICES MAILED:</u> 1,735 (Mailed with Z-32-99) <u>APPROVALS:</u> 1 1 Speaker <u>PROTESTS:</u> 12 <u>STAFF RECOMMENDATION:</u> DENIAL. Gordon - DENIED (Incompatible with surrounding residential development) Unanimous (Mack excused) ANDREW REED, Planning and Development Department, stated that on November 23, 1998 the City Council accepted the previous applicants request for Withdrawal without prejudice of a General Plan Amendment from R (Rural Density Residential) to O (Office) (GPA-33-98) and a rezoning request from R-E (Residence Estates) to O (Office) (Z-56-98) for the purpose of developing an office building on this site Also on November 23, 1998 the City Council approved a staff initiated request to amend the General Plan designation of this parcel from R (Rural Density Residential) to DR (Desert Rural Density Residential). This Amendment to the General Plan was filed in conjunction with a Rezoning request from R-E to P-R by the applicant for the purpose of developing a six building office complex on this site. The zoning designation that would be allowed under this proposed General Plan Amendment allows such uses as offices, museums, and copy centers. Staff believes the Desert Rural Density Residential, which allows a maximum of two units per acre to be the most appropriate designation for this property because the vast majority of developed properties in the area have been built with single family homes at this density. There have been several attempts in the past to commercialize this corridor and all of those applications, without exception, have been denied by both the Planning Commission and the City Council. There are no similar developments or approvals to this classification adjacent to the subject parcel. There has been no substantial changes to the character or physical environment in the surrounding area that would justify a change to the General Plan.

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ITEM

ACTION

GPA-17-99 - SCHNEIDER FAMILY TRUST
AND WILLIAM CULLINGS

Approval of this amendment would be detrimental to the lifestyle that is currently enjoyed by the existing residents, as it would set a negative precedent for the future conversion of single family homes to commercial uses and the future commercialization of the Buffalo Corridor.

Staff recommended denial.

LUCY STEWART, 3100 West Sahara Avenue, Suite 110, appeared to represent the applicant. A larger request has been seen by the Planning Commission in the past. The neighbors have always been concerned about the corridor along Buffalo between West Charleston and Oakey and down to Sahara being commercialized. She felt there are unique considerations for this property because there is multi-family to the north, BLM property to the east that has a 99 year lease for a communications tower, McDonald's and convenience store to the northwest, Buffalo to the west, which has 28,000 vehicle trips per day, and Del Rey to the south. This property is not suitable for residential because it is segregated from the rest of the neighborhood and not quite five acres.

CHAIRMAN BUCKLEY declared the Public Hearing open.

CLETA THOMPSON, 1710 South Buffalo, appeared in protest. She objected to professional offices built in a residential area. This will set a precedent. Professional offices should be built on Sahara, Charleston or areas zoned for professional. Professional offices will bring more traffic into the area.

CHAIRMAN BUCKLEY declared the Public Hearing closed.

COMMISSIONER SKAAR commented that on the parcel on the other side of Del Rey a sign is posted indicating a Dust Abatement County Permit Control Number for the grading. It specifically states that property will be developed as estates, which is in conformance with the General Plan for that portion of Buffalo. This application would be placing an office use between two residential uses. Therefore, she could not support this General Plan Amendment.

KENNY YOUNG, Strategic Solutions, 2300 South Jones, Suite 100B, appeared to represent the application. The Dust Abatement sign is not referencing the property directly to the south on Buffalo, but a residential parcel.

To be heard by the City Council on 8/18/99.
(9:21 - 9:29) 3 - 670

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ITEM

ACTION

D-4.

Z-32-99 - SCHNEIDER FAMILY TRUST AND
WILLIAM CULLINGS ON BEHALF OF LARRY
GOLDMAN

Request for a Rezoning on property located on the east side of Buffalo Road, approximately 660 feet south of Charleston Boulevard, From: R-E (Residence Estates) To: P-R (Professional Offices and Parking), PROPOSED USE: A 43,484 SQUARE FOOT OFFICE COMPLEX, Size: 4.26 Acres, Ward 1 (McDonald), APN's 163-03-101-002 and 003.

NOTICES MAILED: 1,735 (Mailed with
GPA-17-99)

APPROVALS: 1

PROTESTS: 12

STAFF RECOMMENDATION: DENIAL. If
Approved, subject to:

1. Approval of a General Plan Amendment to O (Office).

2. Submit an application to Vacate all rights of way in conflict with this plan (Del Rey Avenue and Holmby Avenue); such Vacation application shall have been acted upon by the City Council prior to the issuance of any building or grading permits, or the recordation of any maps further dividing this site, whichever may occur first, as required by the Department of Public Works. We note that communication with the Buffalo Traffic Calming Committee indicate opposition to any request to vacate Del Rey Avenue. If such Vacation action is not approved by the City Council, a new Site Development Plan Review that acknowledges the existing rights-of-way shall be submitted for review by the Planning Commission; required construction of improvements on Del Rey Avenue shall be determined at the time of such Site Development Plan Review.

Gordon -
DENIED (Incompatible with surrounding residential development)
Unanimous
(Mack excused)

ANDREW REED, Planning and Development Department, stated staff finds the proposed zoning reclassification to be inconsistent with the R-E (Residence Estates) zoning of the single family dwellings in the vicinity of this request. Approval of this request would lead to a corridor of non-residential zoning being created along this portion of Buffalo Drive. Staff recommended denial.

LUCY STEWART, 3100 West Sahara Avenue, Suite 110, appeared to represent the applicant.

CHAIRMAN BUCKLEY declared the Public Hearing open.

There was no one present in favor or opposition.

CHAIRMAN BUCKLEY declared the Public Hearing closed.

To be heard by the City Council on 8/18/99.

(9:29 - 9:30) 3 - 940

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ITEM

ACTION

Z-32-99 - SCHNEIDER FAMILY TRUST AND
WILLIAM CULLINGS ON BEHALF OF LARRY
GOLDMAN

DENIED

3. A Traffic Impact Analysis must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, or the recordation of any maps further subdividing this site. Comply with the recommendations of the approved Traffic Impact Analysis prior to occupancy of the site. The City shall determine traffic signal contribution requirements based upon information provided in the approved Traffic Impact Analysis; such monies shall be contributed prior to the issuance of any permits for this site. The Traffic Impact Analysis shall also include a section addressing Standard Drawings #234.1 and #234.2 to determine additional right-of-way requirements adjacent to this site, if any; dedicate all areas recommended by the approved Traffic Impact Analysis. All additional rights-of-way required by Standard Drawing #201.1 shall be dedicated prior to or concurrent with the commencement of on-site development activities unless specifically noted as not required in the approved Traffic Impact Analysis. Phased compliance will be allowed if recommended by the approved Traffic Impact Analysis. No recommendation of the approved Traffic Impact Analysis, nor compliance therewith, shall be deemed to modify or eliminate any Condition of Approval imposed by the Planning Commission or the City Council on the development of this site. Alternatively, contribute \$6,400.00 for general neighborhood traffic mitigation prior to the issuance of building or off-site permits or the recordation of any maps further subdividing this site, whichever may occur first, as required by the Department of Public Works. Install all appurtenant underground facilities, if any, adjacent to this site needed for the future traffic signal system concurrent with development of this site. The City reserves the right to utilize the contributed traffic monies for the installation of traffic signals at any intersection within this general vicinity which is impacted by this development.

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ACTION

Z-32-99 - SCHNEIDER FAMILY TRUST AND
WILLIAM CULLINGS ON BEHALF OF LARRY
GOLDMAN

DENIED

4. Meet with the Traffic Engineering Representative in Land Development for assistance in the possible redesign of the proposed driveway access, on-site circulation and parking lot layout prior to the submittal of any construction plans or the issuance of any permits, whichever may occur first. Driveways shall be designed, located and constructed in accordance with Standard Drawing #222a as required by the Department of Public Works. Driveways shall be located opposite opposing driveways or offset a minimum of 220 feet, unless otherwise specifically allowed in writing by the City Traffic Engineer.

5. Remove all substandard public street improvements and unused driveway cuts adjacent to this site, if any, and replace with new improvements meeting current City Standards prior to occupancy of this site as required by the Department of Public Works.

6. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, or the recordation of any maps further subdividing this site, whichever may occur first, as required by the Department of Public Works. Provide and improve all drainageways recommended in the approved Drainage Plan/Study. The developer of this site shall be responsible to contribute monies for the construction of neighborhood or local drainage improvements. The amount of such monies shall be determined by the approved Drainage Plan/Study and shall be contributed prior to the issuance of any building or grading permits, or the recordation of any maps further subdividing this site, whichever may occur first.

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COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

ITEM

ACTION

Z-32-99 - SCHNEIDER FAMILY TRUST AND
WILLIAM CULLINGS ON BEHALF OF LARRY
GOLDMAN

DENIED

In lieu of monetary contributions, in whole or in part, the developer may agree to construct such drainage facility improvements as are recommended by the approved Drainage Plan/Study concurrent with development of this site if allowed by the Planning Engineer.

7. A Resolution of Intent.

8. All development shall be in conformance with the plot plan and building elevations.

9. 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.

10. A landscaping plan must be submitted prior to or at the same time application is made for a building permit or license, or prior to occupancy, whichever occurs first.

11. All mechanical equipment, air conditioners and trash areas shall be screened from view from the abutting streets.

12. All City Code requirements and design standards of all City departments must be satisfied.

13. All damage to the existing street improvements resulting from this development must be repaired as required by the Department of Public Works.

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ITEM

ACTION

Z-32-99 - SCHNEIDER FAMILY TRUST AND
WILLIAM CULLINGS ON BEHALF OF LARRY
GOLDMAN

DENIED

14. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.

15. Where new water mains are extended along streets and fire hydrants are not needed for protection of structures, hydrants shall be spaced at a maximum distance of 1,000 feet to provide for transportation hazards.

16. Fence heights shall be measured from the side of the fence with the least vertical exposure above the finished grade.

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ITEM

ACTION

E.

CITIZENS PARTICIPATION:

ITEMS RAISED UNDER THIS PORTION OF THE AGENDA CANNOT BE ACTED UPON BY THE PLANNING COMMISSION 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.

There was no one present to speak under this portion of the agenda.

ADJOURNMENT:

There being no further business to come before the City Planning Commission, the meeting adjourned at 9:31 P.M.

PLANNING AND DEVELOPMENT DEPARTMENT



ANDREW REED, SENIOR PLANNER

/lo

**PLANNING COMMISSION MINUTES
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**COMBINED VERBATIM TRANSCRIPT - ITEM D-1 – GPA-15-99 & ITEM D-2 - Z-30-99
BYRON AND LUELLA THORNTON TRUST**

CHAIRMAN BUCKLEY

Item D-1, GPA-15-99, Byron and Luella Thornton Trust; request to amend a portion of the Southwest Sector of the General Plan on property located at 1210 Shadow Lane from R (Rural Density Residential) to O (Office), Ward 1 (McDonald). Staff.

ANDREW REED, PLANNING &
DEVELOPMENT

This amendment to the General Plan was filed in conjunction with a rezoning request from R-E (Residence Estates) to P-R (Professional Offices and Parking) for the purpose of developing an office building on this site. The zoning designation that would be allowed under the proposed General Plan Amendment allows such uses as offices, museums and copy centers. Staff finds that the low intensity office use proposed by the applicant will provide a transition between the more intense office/commercial development along Charleston Boulevard and the residential areas south of Ellis Avenue.

The type and intensity of use proposed under this application is compatible with the existing office development located on the east side of Shadow Lane between Charleston and Ellis. Because visitors to the office building will utilize Charleston Boulevard to access Shadow Lane, there should be no additional traffic generated within the residential areas south of Ellis. Staff's recommendation is for approval. Ninety six notices were mailed. We have no approvals, no protests.

CHAIRMAN BUCKLEY

Thank you. Applicant. Good evening.

ATTORNEY CONNIE AKRIDGE

Chairman, Commissioners, my name is Connie Akridge. I'm a partner with the Watison and Akridge law firm. We are the applicant. I'm at 3841 West Charleston, Suite 203, currently. We're asking that the recommendations of the staff be – followed, except for a slight variation which I'll describe in the moment. I have --

CHAIRMAN BUCKLEY

Now, we're just on the General Plan, so this, so the only issue before us now is just to change the R to Office.

ATTORNEY CONNIE AKRIDGE

Okay. Then I'll get – into that.

CHAIRMAN BUCKLEY

So then there are no conditions other than just the staff

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**COMBINED VERBATIM TRANSCRIPT - ITEM D-1 – GPA-15-99 & ITEM D-2 - Z-30-99
BYRON AND LUELLA THORNTON TRUST**

recommendation for approval.

ATTORNEY CONNIE AKRIDGE

Okay.

CHAIRMAN BUCKLEY

Let, so let me see if there's anybody that wishes to speak on this matter. This has been advertised as a public hearing. Is there anybody that wishes to speak for or against the General Plan Amendment, Item D-1? Seeing no one, the public hearing is closed. Commissioners, any questions of the applicant or the staff on this item? If not, motion?

COMMISSIONER SKAAR

I'd like to just ask one question and that is, and I – realize this probably doesn't pertain, but whatever happened to the theory of gating, put – I notice there's an island right in front of that, this parcel, where it looks like the island was put there with the intent to have gates. And my question is if we would approve a General Plan Amendment which would allow a more intense use, how would this affect the gates? Are the gates not going to be put up or would, is, would the driveways on this somehow be in a manner that did not affect the gates? Would it be inside the gates or outside the gates that we would be allowing a more intense use?

ATTORNEY CONNIE AKRIDGE

Commissioner, while I can't speak for the Scotch 80's Homeowners Association, I do have information from their newsletter that they were considering putting a gate on Ellis, which is south of where we're planning to build on Shadow Lane, Shadow and Ellis, which is really kind of more of a natural entrance into the Scotch 80's community. The place that we're building is surrounded on two sides by commercial property. One is a parking lot across the street and on the north of us would be a daycare center. Behind us there's a trailer park, which is very unsightly.

COMMISSIONER SKAAR

Yeah.

ATTORNEY CONNIE AKRIDGE

And then the only residence that's near us is – on the south side and we've already talked with the resident there, Mrs. Ellis, and she's, has no problems. In fact, she's signed a – written approval of the plan, but she wants our plan flopped, which would mean she wants her house to be close to our building rather than our parking lot. And that

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**COMBINED VERBATIM TRANSCRIPT - ITEM D-1 – GPA-15-99 & ITEM D-2 - Z-30-99
BYRON AND LUELLA THORNTON TRUST**

would be the only change that we would ask, because we – agree with that. We think the parking lot on the other side of the street, the north side of the street rather than the south side of the street would also make traffic flow better, because that median is there. So we don't have a problem with complying with that one. That was the only request that we really had. And we don't have a problem with that. In fact, we prefer that.

COMMISSIONER SKAAR

Okay. I had noticed the law office is actually south from you, it's just I had not noticed that island before and I thought if that was where the gates were going to go, I didn't want to approve too many higher uses.

CHAIRMAN BUCKLEY

Mr. Genzer, can – It's a public street though, isn't it?

ROBERT GENZER, PLANNING &
DEVELOPMENT

Has nothing to do with the Scotch 80's. That – was, I believe, a diversion that was – required when the V.A. clinic was in the Charleston Tower project and in order to get access off of Shadow, they were prohibited from making left-hand turns out of that driveway to – go south toward the neighborhood. And, Rick, might be able to correct me if I'm wrong on that.

RICK SCHRODER

That's my understanding, yes.

COMMISSIONER MORAN

And then how does this affect this new building?

ROBERT GENZER, PLANNING &
DEVELOPMENT

It's probably not going to affect it at all when the plan is flipped, but we'll have to take a look at that.

COMMISSIONER MORAN

And not at this time?

ROBERT GENZER, PLANNING &
DEVELOPMENT

Right.

COMMISSIONER MORAN

Okay.

CHAIRMAN BUCKLEY

There is a condition in the, with the zoning, that the traffic study address.

COMMISSIONER GORDON

Is this Mrs. Ellis of Ellis Avenue?

ATTORNEY CONNIE AKRIDGE

Yes, I think so.

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BYRON AND LUELLA THORNTON TRUST

COMMISSIONER MORAN

It is. Yes.

ATTORNEY CONNIE AKRIDGE

She's been there for a long time.

COMMISSIONER GORDON

Mr .Chairman, I'd like to make a **motion to approve GPA-15-99.**

CHAIRMAN BUCKLEY

Motion's for approval, on the General Plan Amendment. Please cast your votes. And that is approved for City, it goes onto City Council August 18th. **(Motion carried unanimously with Mack excused.)**

The zoning action, Z – D-2, Z-30-99, Byron and Luella Thornton Trust. Request for rezoning on property located at 1210 Shadow Lane from R-E to P-R, proposed use 9,811 square foot office building, size 0.92 acres, Ward 1.

ANDREW REED, PLANNING &
DEVELOPMENT

The applicant proposes to demolish the existing single-family dwelling on this site and construct an office building. Access to the site will be provided by a single driveway to Shadow Lane. Landscaping is provided along the property lines, within the parking lots and adjacent to the building. The elevations indicate the building will have a stucco exterior with a decorative stone wainscot along the base of the structure. A concrete tile roof is depicted.

Staff finds that the business, professional and financial offices as well as offices for individuals, civic, social, fraternal and other non-profit organizations typically found in the P-R zoning district will not have an adverse impact on the residential properties on the south side of Ellis Avenue. The submitted site plan meets the landscaping requirements of the Urban Design Guidelines and Standards.

Just a note that on July 7th, the applicant submitted a letter signed by the property owner to the south. As has been indicated earlier, that property owner would like the building placed on the south portion of the site instead of the north. Staff has no objection, but we would just like to make the applicant aware that that would require a Variance to the Residential Adjacency Standards. Our recommendation is for approval, subject to the fourteen conditions as written.

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Ninety-six notices were mailed; we have no approvals, no protests.

CHAIRMAN BUCKLEY

Thank you. Ms. Akridge, you have anything to add on this?

ATTORNEY CONNIE AKRIDGE

I have a photo of the proposed building, if you'd like to see that. It's, you can see it looks, we've tried to make it sort of residential looking so it would fit in with the area. We're going to have some lush landscaping. You can see, this is Shadow Lane on the footprint of the building, and you can see that Mrs. Ellis' house would be over here. And that's why she wants the building flipped, because she'd rather have it, the office building closer to her rather than the parking lot.

CHAIRMAN BUCKLEY

This has once again been advertised as a public hearing. Is there anybody that wishes to speak for or against this item? The public hearing is closed. Commissioners?

COMMISSIONER GORDON

I'd like to make a **motion to approve Z-30-99, subject to the conditions recommended by the staff.**

CHAIRMAN BUCKLEY

Motion's for approval. Any questions?

ROBERT GENZER, PLANNING &
DEVELOPMENT

Mr. Chairman, I just want to clarify before you vote again, and – based on the proposal to flip this building, the Variance will have to be obtained before we can now review the site plan. So the way the conditions are set up, they are – pertaining to this site plan that you have on your screen. If they flip it, it will cause the applicant to come back for an additional site plan review, once the Variance is approved.

CHAIRMAN BUCKLEY

And that would --

JANET AVANCE

Hi. I'm Janet Avance from 5000 West Oakey Boulevard. I've helped Connie and the law firm do the submittal on this. And I visited Mrs. Ellis and I think the general contractor spoke to Bob about, Mr. Genzer about maybe not having a Variance on this because there's only one home that's going to be affected, in flipping the property. And we're really, we're doing this for her as – her request. Because we realize she's a long time residence and I was just asking if there's any way that we can bypass the

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Variance.

ROBERT GENZER, PLANNING & DEVELOPMENT No, that's – incorrect. The exact thing that I told him was that it will cause a Variance to kick in potentially and there is no way around the code, if the code requires a Variance, --

JANET AVANCE Right. Okay.

ROBERT GENZER, PLANNING & DEVELOPMENT -- it requires a Variance.

JANET AVANCE All right.

CHAIRMAN BUCKLEY All right. So --

COMMISSIONER SKAAR Can they achieve the Variance before they go before City Council?

ROBERT GENZER, PLANNING & DEVELOPMENT No.

COMMISSIONER SKAAR No.

ATTORNEY CONNIE AKRIDGE I guess what we're trying to --

COMMISSIONER SKAAR Is get moving.

ATTORNEY CONNIE AKRIDGE Right. And I – don't know how often the next, I don't know when the next Variance meeting is, but we --

COMMISSIONER SKAAR Would that be just BZA?

ROBERT GENZER, PLANNING & DEVELOPMENT At this point, September would be the first time that they could get on for a Variance.

COMMISSIONER SKAAR Okay. Could I ask a question, please? Would it then be appropriate for us to have an additional condition on here that says that they should request a Variance in order to flip the site plan or something to that affect. If we know that that's their intention?

ROBERT GENZER, PLANNING & DEVELOPMENT I don't really think you need that. I think it's been made quite clear that they're going to have to apply for that. But the first thing that needs to happen is they need to show staff exactly what the new plan is and at that point we'll

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determine whether or not a Variance is in fact required.
We don't – have that at this point.

ATTORNEY CONNIE AKRIDGE

I see. So it'll be --

CHAIRMAN BUCKLEY

All right.

COMMISSIONER SKAAR

Okay. Thanks, Bob.

CHAIRMAN BUCKLEY

We all clear? I think there was a motion on the --

COMMISSIONER GORDON

Yes.

CHAIRMAN BUCKLEY

There is a motion for approval. And that is approved.
Goes onto City Council August 18th. **(Motion carried
unanimously with Mack excused.)**

ATTORNEY CONNIE AKRIDGE

Thank you.

JANET AVANCE

Thank you.

CHAIRMAN BUCKLEY

Thank you. Good night.

(END OF DISCUSSION)

/vwd