

BOARD OF ZONING ADJUSTMENT

MEETING OF
September 7, 1999

Sv ✓

City of Las Vegas

AGENDA & MINUTES

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COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

ITEM

ACTION

PLANNING AND DEVELOPMENT

COMMISSIONERS BRIEFING:

PRESENT:

Elisa Del Prado - Vice Chair
Mark Solomon
Michael Mack

EXCUSED:

Roberta Boyers - Chairperson
Byron Goynes

STAFF PRESENT:

Joel McCulloch - Senior Planner, Planning & Development Dept
Doug Powell - Deputy Director of Planning & Development Dept.
Viola Goodwin, Planning Supervisor, Planning & Development
Deidra Kloberdanz, Planner I, Planning & Development
Gary Reid- Public Works
Steve George - City Attorney's Office
Angela Crolli - City Clerk's Office

Vice Chair Del Prado called the Briefing to order at 5:45 P.M.

Joel McCulloch introduced Viola Goodwin, Planning Supervisor, and Deidra Kloberdanz, Planner I. They will periodically attend the Board of Zoning Adjustment meetings.

Item A-1, V-50-99:

Joel McCulloch explained that staff is requesting that this item be stricken from the agenda as the request to rezone the property to R-PD4 was denied by the City Council on August 18, 1999.

Item A-2, V-61-99:

Mr. McCulloch stated that staff is requesting that this be held in abeyance until the October 5, 1999 meeting. The applicant submitted revised site plans and new elevations on August 31, 1999, which require re-notification of the Variance request. Mr. Mack indicated that the applicant should pay for the renotification.

Item A-3, V-65-99:

Mr. McCulloch explained that at the last Board of Zoning Adjustment Meeting the vote resulted in a tie and it was held in abeyance in order to have a full Board present. The request is for a cell tower to be placed near the YMCA building. He recommended that if it is approved, that it go before the City Council for a final decision.

Item A-5, V-57-99:

Mr. McCulloch noted that the applicant is requesting that this item be withdrawn without prejudice because the corresponding re-zoning application was withdrawn at the September 1, 1999 City Council Meeting.

Item A-7, V-71-99:

Mr. McCulloch stated that the applicant submitted a new justification letter. However, the letter does not hold new merits. The applicant cited two cases: an approved day care center, which met the required setbacks, and adjacent land that has no pertinence to this item.

Item A-8, V-72-99:

Mr. McCulloch indicated that the Board of Zoning Board has already approved a sign at this location.

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

CALL TO ORDER

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

ROLL CALL

Roberta S. Boyers - Excused
Elisa Del Prado - Present
Michael Mack - Present
Mark Solomon - Present
Byron A. Goynes - Excused

ANNOUNCEMENTS

Satisfaction of Open Meeting Law.

All actions by the Board of Zoning Adjustment are
final (except items requiring a decision by the City
Council), unless an appeal, in writing, is filed with
the City Clerk or a review is requested by the City
Council within ten (10) days from the date of the
Board's decision.

NOTICE

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

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

MINUTES

Approval of the Minutes for the August 3, 1999
Board of Zoning Adjustment meeting

Vice Chair Del Prado called the meeting to order at 6:05 PM.

(6:05)
1-1

Mr. Solomon led the audience in the Pledge.

(6:05 - 6:07)
1-62

STAFF PRESENT

Tim Chow, Director, Planning & Development
Doug Powell, Deputy Director, Planning & Development
Joel McCulloch, Senior Planner, Planning & Development
Viola Goodwin, Planning Supervisor, Planning & Development
Deidra Kloberdanz, Planner I, Planning & Development
Tracey Thiros, Planning Technician, Planning & Development
Stephen George, Deputy City Attorney
Gary Reid, Public Works
Angela Crolli, Deputy City Clerk

MACK

ABEYANCE to 10/5/99

Motion carried with Boyers and Goynes excused

Mr. Solomon abstained from voting on this item because he
was not present at the last Board of Zoning Adjustment
meeting. Deputy City Attorney Steve George suggested the
Board hold this item in abeyance until the next Board of
Zoning Adjustment meeting because there would not be a
quorum since Mr. Solomon would be abstaining. He advised
the Planning Director to place this item on the next Board of
Zoning Adjustment agenda.

(6:07 - 6:10)
1-94

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CONSENT ITEMS

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

RULES OF CONDUCT FOR PUBLIC HEARING ITEMS:

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

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

Vice Chair Del Prado referred to the Rules of Conduct adopted by the Board of Zoning Adjustment for the meeting.

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PLANNING AND DEVELOPMENT

PUBLIC HEARING ITEMS

ABEYANCE ITEM

RENOTIFICATION - V-50-99 - STATE OF NEVADA ON BEHALF OF W L HOMES, LIMITED LIABILITY COMPANY

Request for a Variance on property located on the northwest corner of Racel Road and Cimarron Road TO ALLOW 107,070 SQUARE FEET OF PROPOSED OPEN SPACE WHERE 126,760 SQUARE FEET IS THE MINIMUM REQUIRED IN CONJUNCTION WITH A PROPOSED SINGLE-FAMILY DEVELOPMENT, R-E (Residence Estates) Zone, pending R-PD4 (Residential Planned Development - 4 Units Per Acre) Zone, Ward 4 (Brown), APN: 125-09-301-001.

BZA NOTICES MAILED: 24

PROTESTS: 1 Telephone

APPROVALS: 0

Staff Recommendation: ABEYANCE. If heard, DENIAL. If APPROVED, subject to: --

1. All development must be in conformance with the plot plans and elevations.
2. City Code requirements and design standards of all City Departments which are not affected by the approval of this Variance must be satisfied.
3. A sidewalk system must be provided to connect all residential areas to the required open space.
4. The Department of Public Works requires all previous conditions of approval for the Tule Springs Ranch subdivision are ultimately complied with.

MACK
STRIKE
UNANIMOUS with Boyers and Goynes excused

Staff requested that this item be stricken from the agenda as the request to rezone the property to R-PD4 was denied by the City Council on August 18, 1999.

No one appeared in opposition.

There was no further discussion.

(6:11)
1-180

A-1

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ABEYANCE ITEM

V-61-99 - OAKEY BOULEVARD CHURCH OF CHRIST ON BEHALF OF TEMPLETON DEVELOPMENT

A-2

Request for a Variance on property located south of Del Monte Avenue approximately 400 feet west of Valley View Boulevard TO ALLOW A PROPOSED 58,950 SQUARE FOOT CONVALESCENT CARE FACILITY 36.5 FEET FROM THE FRONT PROPERTY LINE WHERE 50 FEET IS REQUIRED AND 27.67 FEET FROM THE REAR PROPERTY LINE WHERE 35 FEET IS REQUIRED; TO ALLOW A 20 FOOT SIDE SETBACK WHERE THE RESIDENTIAL ADJACENCY STANDARDS REQUIRE AN 82 FOOT SETBACK; AND TO ALLOW A THREE-STORY BUILDING WHERE TWO STORIES ARE THE MAXIMUM ALLOWED, R-E (Residence Estates) Zone, Ward 1 (McDonald), APN: 162-06-603-014.

BZA NOTICES MAILED: 169

PROTESTS: 75 (2 Letters, 2 Telephone, 70 Petition, 1 Speaker at meeting)

APPROVALS: 0

Staff Recommendation: DENIAL. If approved, subject to:

1. All development must be in conformance with the plot plans and elevations.
2. City Code requirements and design standards of all City Departments which are not affected by the approval of this Variance must be satisfied.
3. The Variance approval is subject to the approval, and related conditions, of U-71-99. If the Special Use Permit is not approved, this Variance shall be null and void.

SOLOMON

ABEYANCE to 10/5/99

UNANIMOUS with Boyers and Goynes excused

Joel McCulloch, Planning & Development, stated that on August 31, 1999 staff received a revised site plan for this project. The site plans were deemed unreadable and were sent back to the applicant. The new site plan did show that the setbacks have changed from the original application and if this is reviewed with the new site plans, this application would have to be re-notified with the new setbacks.

The applicant was not present.

James Kruger, 4028 Mountain View Boulevard, appeared on behalf of Artegian Estate residents. This project has been a problem since the beginning because it was to be a three story building and now it has been changed to two story. The residents had a meeting with Councilman McDonald and Mayor Goodman and it was recommended that they have other meetings to resolve some of the issues.

Mr. Solomon indicated that this item needs to be held in abeyance because the applicant requested a change in the setbacks and it would have to be renotified. He appreciates Mr. Kruger's concerns and what the residents have experienced in this area. He suggested that he express his concerns at the next meeting.

Mr. Kruger reiterated that the residents are against this project and disappointed that the applicant scheduled two neighborhood meetings and then canceled at the very last minute without any notification. Vice Chair Del Prado noted for the record that four people appeared in opposition to this project. Mr. Solomon added that the renotification cost should be the applicant's responsibility.

Deputy City Attorney Steve George clarified with Mr. McCulloch that the applicant verbally agreed to the abeyance.

There was no further discussion.

(6:11 - 6:15)

1-188

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A-3

ABEYANCE ITEM

V-65-99 - YMCA ON BEHALF OF SPRINT SPECTRUM L.P

Request for a Variance on property located at 4141 Meadows Lane TO ALLOW A PROPOSED 75 FOOT HIGH MONOPOLE 148 FEET FROM A RESIDENTIAL PROPERTY LINE WHERE THE RESIDENTIAL ADJACENCY STANDARDS REQUIRE A 225 FOOT SETBACK, C-1 (Limited Commercial) Zone, Ward 1 (McDonald), APN: 139-31-601-001.

BZA NOTICES MAILED: 181

PROTESTS: 0

APPROVALS: 0

Staff Recommendation: DENIAL. If approved, subject to:

1. All development must be in conformance with the plot plans and elevations.
2. City Code requirements and design standards of all City Departments which are not affected by approval of this Variance must be satisfied.
3. The Variance approval is subject to the approval of the Special Use Permit (U-80-99) by the City Council. If U-80-99 is not approved, this Variance shall be null and void.

SOLOMON

APPROVAL subject to conditions and adding that the enclosure surrounding the monopole and utility cabinets is to be a chain link fence with no barbed wire due to the close proximity of the YMCA building and that the applicant work with staff to try to camouflage the monopole as much as possible with color and landscape.

UNANIMOUS with Boyers and Goynes excused

Joel McCulloch, Planning & Development, stated that this request is for a Variance to allow a proposed 75 foot high monopole 148 feet from a residential property line where the Residential Adjacency Standards require a 225 foot setback. The 75 foot high monopole would encroach into the Residential Adjacency Standards required setback by 77 feet. An R-1 zoned existing single-family subdivision is located 148 feet to the south of the proposed monopole. Section 19A.04.040, of the Zoning Code, requires that wireless communication towers comply with the Residential Adjacency Standards. Therefore, the proposed 75 foot high monopole must be setback 225 feet from its southern property line, if both the residential property line and the grade of the proposed building are at the same elevation.

Staff finds that the applicant could erect a Code conforming 75 foot high monopole elsewhere on the site. Specifically, the northern portion of the site is approximately 370 feet wide with Meadows Lane located to the north and commercial uses to the east. The western property line is adjacent to an R-1 zoned single-family development, but the required setback is 145 feet less than the width of the site. Any parking spaces which would be utilized by locating the monopole at this location could be provided in the rear of the site. Staff finds no evidence of a unique or extraordinary circumstances in that the applicant has created a self-imposed hardship by attempting to construct a monopole too close to a residential subdivision. Since the applicant could erect a 75 foot high monopole elsewhere on the site without the need for a Variance, staff recommended denial.

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ABEYANCE ITEM

V-65-99 - YMCA ON BEHALF OF SPRINT
SPECTRUM L.P.

Chris Wener, Spectrum, 3002 Rigel Avenue, appeared on behalf of the applicant. Staff contention is that the facility could be located near the north end of the property. However, the YMCA does not want it at this location because it is used for other engagements, such as picnics. In an attempt to minimize the setback issue, the facility was revised and a bi-pole or monopole was proposed without extending arms. The height of the pole was brought down to 60 feet.

The RF engineers would accept an absolute height of 55 feet. At 55 feet the setback required is 165 feet, which would only be 17 feet out of the compliance for the setback Variance.

Mr. Solomon clarified with Mr. Wener that he is unable to attach the equipment to the existing poles on the larger portion of the property because they are basically for testing purposes only. Additionally, the lease on that property runs out in approximately three years and it is not economically feasible. The applicant has tried for two years to put the antennas on the AT&T facility located to the east of Valley View on the Water District property, but the Water District did not want additional antennas, even though AT&T agreed to let Sprint co-locate on the facility.

Mr. Wener added that he approached Councilman McDonald with this issue, and was told that he cannot take any action until the item comes before him in order to approach the Water District.

Mr. Solomon noted that there have been some attempts by cell operators to locate their equipment on the roofs of buildings, attached to buildings or hide them into a church bell tower. He asked if any attempts could be made to minimize the visual impact that the tower would have on the adjacent neighbors. Mr. Wener replied that the proposed facility is uniform from top to bottom without arms or antennas sticking out. The diameter at the top is about 22 inches and the bottom is 24 inches. There are other facilities in the Valley that have flags on them to make them look like a flag pole, but the flag is not always directly proportioned to the pole. However, they would be willing to put a flag on this facility if the Board desires.

Mr. Wener clarified with Mr. Solomon that the pole would be painted with a standard Federal gray, which is the utility color. The metal equipment cabinets will be placed behind a chain link fence and relocate the existing landscaping that is against the wall and place it around the facility.

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V-65-99 - YMCA ON BEHALF OF SPRINT
SPECTRUM L.P

Mr. Mack expressed concern about these poles being installed throughout the Valley without any co-location efforts. He asked staff whether during the planning of future General Plan Amendments these types of facilities could be installed on City accessible land. All four of the major communication companies can co-locate on one pole site thus eliminating all these cell towers all over town. This would save time and money for the wireless industries as well as the City. Mr. Wener replied that this is an outstanding idea and that Clark County has adopted a new ordinance where a wireless company receives administrative staff approval if they install their facility on County property. The wireless companies worked on the same type of ordinance with the City, but the ordinance was postponed.

Mr. Solomon noted that there have been meetings with a number of the cellular companies in an effort to coordinate the location of all of their poles and to co-locate the cell tower themselves. Issues such as using camouflage on some poles in other jurisdictions was discussed. He requested staff to look into this issue, as he is not aware of any recent meetings or agreements regarding this issue. Deputy Director Doug Powell, Planning & Development, stated that the last effort to revise the code as it relates to cell towers, stalled at City Council and was referred to the Southern Nevada Regional Planning Coalition. The idea was that the provision of cell towers sites was something that all the entities needed to address in a unified manner versus each entity in the Valley adopting their own regulations. Since that time it has not been acted on by the new Southern Nevada Planning Coalition, but it can be brought back to their attention to see if they can move forward on this issue.

Mr. Solomon indicated that he would like to see the cell tower issue move forward. Mr. Powell noted that the SNPC is currently working on the work program for the upcoming year. They have been waiting to see what happened with the State Legislature to see what kind of mandate they would be given. Mr. Solomon recalled that the direction the City was going with the cell companies seemed to be very positive. It appeared that cell tower companies wanted to co-locate on each others towers. At the time one of the most important thing was to establish a reliable grid for all the companies with the City so that the City knew where the existing poles were because the maps kept changing. It is important in the future to know where to place the cell towers as the service expands. There is a set distance that is needed between towers and it is very difficult to obtain property in which to place these towers.

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V-65-99 - YMCA ON BEHALF OF SPRINT
SPECTRUM L.P

Mr. Wener responded that his company worked on the City ordinance for over a year and it resulted that the City did not agree with the County ordinance regarding the separation distance between cell towers. As a result, former Mayor Jones, requested that the issue go before the SNPC. He indicated that he would be willing to work with staff and anyone that is interested in trying to resolve this issue. It would be beneficial for everyone concerned to remove the discrepancies in the code.

Mr. Solomon moved to approve the Variance with an additional condition that the enclosure surrounding the monopole and the utility cabinets is to be a chain link fence with no barbed wire due to the close proximity to the YMCA building and because many children attend different YMCA activities. He clarified with Mr. Wener that the monopole's height will be reduced to 55 feet. Vice Chair Del Prado added that the applicant work with staff to try to camouflage the pole as much as possible with color and landscape.

Mr. McCulloch requested that the applicant submit a copy of the site plan and that a review of this item was requested by the City Council for the 10/20/99 City Council meeting. Mr. Wener concurred and submitted a site plan to staff.

No one appeared in opposition.

There was no further discussion.

(6:15 - 6:38)

1-451

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ITEM	ACTION
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A-4 <u>V-53-99 - YHIEL SHEBAH</u>	
Request for a Variance on property located at 735 North Las Vegas Boulevard and 721 Bell Drive TO ALLOW A PROPOSED 10,952 SQUARE FOOT COMMERCIAL BUILDING 0 FEET FROM THE SIDE PROPERTY LINE WHERE 10 FEET IS THE MINIMUM REQUIRED, AND TO ALLOW A 0 FOOT REAR YARD SETBACK WHERE THE RESIDENTIAL ADJACENCY STANDARDS REQUIRE AN 82.5 FOOT MINIMUM SETBACK, C-2 (General Commercial) and R-1 (Single Family Residential) Zones pending C-1 (Limited Commercial) Zone, Ward 3 (Reese), APN's: 139-27-811-016 and 139-27-812-001. BZA NOTICES MAILED: 110 PROTESTS: 1 Letter APPROVALS: 2 Speakers at meeting Staff Recommendation: DENIAL. If approved, subject to: 1. All development must be in conformance with the plot plans and elevations. 2. City Code requirements and design standards of all City Departments not affected by approval of this Variance must be satisfied. 3. The Variance approval is subject to the approval of a Site Development Plan Review by the Planning Commission, and possibly the City Council; if the review is not approved, this Variance shall be null and void.	MACK APPROVAL subject to conditions UNANIMOUS with Boyers and Goynes excused Joel McCulloch, Planning & Development, noted that access to the site will be from one driveway from Bell Drive and one driveway from Las Vegas Boulevard. The building is proposed in the northwest corner of this odd shaped lot with the parking located south and east. The subject property is located on the northwest corner of Las Vegas Boulevard and Bell Drive. The applicant is requesting to reduce the setback required by the residential adjacency standards from 82.5 feet to 0 feet and to reduce the required side yard setback from 10 feet to 0 feet. The property to the west is zoned R-1 and the applicant is proposing to build a 27.5 foot high building on the property line between the two uses. Staff believes that this use is one needed by the residents of the area and will provide a needed benefit, however, the site needs to be redesigned so as to not negatively infringe on the property to the west. Staff finds that there is evidence of a unique or extraordinary circumstance associated with the subject site in that it has an odd shape which makes it hard to develop. However, this in itself is not cause for the granting of a Variance, especially when it is at the detriment of the existing residents and other uses in the area. Staff believes that the site could be re-designed, specifically moving the building toward Las Vegas Boulevard and providing the parking in the rear of the building. This change would alleviate the need for the Variance to reduce the residential adjacency standards and the reduction in side yard setback. Staff finds that it would be inappropriate to develop this building directly on the property line of the single family home, with no ability to provide relief to that home. Therefore, staff recommended denial. Jeff Phelps, 6125 W. Sahara Avenue, appeared on behalf of the applicant and explained that the primary purpose for the zero setback is to create a buffer between the building and the side property line. This natural buffer will keep the homeless from congregating in the back. Louis Strawser, 715 Bell Avenue, resident of the adjacent property, appeared in support of the application. All Gallego, Citizen of Las Vegas, Executor for Mr. Strawser's Estate, stated that originally the store was going to be brought

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toward Las Vegas Boulevard, but this would create an alley where garbage would collect and provide access for the homeless.

Mr. Solomon asked Mr. Phelp if he is looking to vacate the portion of the street as he is bringing the building's wall into the street. Mr. Phelp replied that there has been discussions about closing Bell Avenue and installing a gate. Mr. Gallego added that the residents will ask the City to close that street and install a gate because they do not want any traffic from the shopping center going into their neighborhood. Mr. Solomon clarified with Mr. Phelp that once the building is built the owner will extend the wall. Mr. Solomon asked whether it can be conditioned that the applicant come back at a later time if the street is vacated and extend his wall into the street. Deputy City Attorney Steve George replied that the vacation will be placed on the agenda as a public hearing and it will be reviewed at that time and that particular condition would be appropriate to set at that time.

Mr. Solomon clarified with Mr. Phelp that the height of the building will be approximately 24 feet.

Deputy City Attorney Steve George clarified with Mr. McCulloch that this item is Board of Zoning Final Action and that the related Site Development Plan Review will go before the Planning Commission.

There was no further discussion.

(6:38 - 6:49)

1-1096

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PLANNING AND DEVELOPMENT

A-5

V-57-99 - FARMANALI FAMILY TRUST

Request for a Variance on property located on the northwest corner of Elkhorn Road and Leon Avenue TO ALLOW 0 FEET OF OPEN SPACE WHERE 22,216 SQUARE FEET IS THE MINIMUM REQUIRED IN CONJUNCTION WITH A PROPOSED SINGLE-FAMILY DEVELOPMENT, R-E (Residence Estates) Zone pending R-PD3 (Residential Planned Development - 3 Units Per Acre) Zone, Ward 4 (Brown), APN: 125-13-402-009.

BZA NOTICES MAILED: 0

PROTESTS: 2 Telephone

APPROVALS: 0

Staff Recommendation: ON SEPTEMBER 2, 1999, STAFF RECEIVED A REQUEST FROM THE APPLICANT TO HAVE THIS ITEM WITHDRAWN BECAUSE THE REZONING (Z-38-99) WAS WITHDRAWN FROM THE SEPTEMBER 1, 1999 CITY COUNCIL MEETING.

DEL PRADO

WITHDRAWN WITHOUT PREJUDICE

UNANIMOUS with Boyers and Goynes excused

Joel McCulloch, Planning & Development, explained that the applicant requested that this item be withdrawn because at the September 1, 1999 City Council meeting the related zoning application was withdrawn.

Deputy City Attorney Steve George clarified that the item is being withdrawn without prejudice.

The applicant was not present.

No one appeared in opposition.

There was no further discussion.

(6:15)

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A-6

V-69-99 - HORST SCHMIDT

Request for a Variance on property located at 2710 Palomino Lane TO ALLOW A 28 FOOT FRONT YARD SETBACK WHERE 50 FEET IS THE MINIMUM REQUIRED FOR AN EXISTING SINGLE-FAMILY DWELLING, R-A (Ranch Acres) Zone, Ward 1 (McDonald), APN: 139-32-703-008 and 013.

BZA NOTICES MAILED: 70

PROTESTS: 0

APPROVALS: 0

Staff Recommendation: APPROVAL, subject to:

1. All development must be in conformance with the site plan and elevations.
2. City Code requirements and design standards of all City Departments which are not affected by approval of this Variance must be satisfied.
3. Conformance to all applicable Conditions of Approval for V-20-98.

DEL PRADO
APPROVAL subject to conditions
UNANIMOUS

APPEARANCES:

JOEL McCULLOCH, Senior Planner, Planning & Development
HAROLD FOSTER, 3330 Polaris Avenue
MARIKA HYMER

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

NOTE: A date will be set at the 9/15/99 City Council meeting for a public hearing to be held at the 10/20/99 City Council meeting.

(6:49 - 6:58)
1-1495

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V-69-99 - HORST SCHMIDT

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ITEM	ACTION
<u>PLANNING AND DEVELOPMENT</u>	
A-7	
<u>V-71-99 - CHEYENNE PHD, LIMITED PARTNERSHIP ON BEHALF OF RICK TEMPLETON CONSTRUCTION</u>	
Request for a Variance on property located on the southeast corner of Buffalo Drive and Atwood Avenue TO ALLOW A 10 FOOT CORNER SIDE YARD SETBACK WHERE 15 FEET IS THE MINIMUM REQUIRED, AND TO ALLOW A 10 FOOT REAR YARD SETBACK WHERE 20 FEET IS THE MINIMUM REQUIRED IN CONJUNCTION WITH A PROPOSED 5,208 SQUARE FOOT RETAIL CENTER, C-1 (Limited Commercial) Zone, Ward 4(Brown), APN: 138-10-403-026.	SOLOMON APPROVAL subject to conditions and an added condition that the applicant will enhance the landscaping and provide 24 inch box trees at 15 feet on center UNANIMOUS with Boyers and Goynes excused
BZA NOTICES MAILED: 530	
PROTESTS: 2 Letters	
APPROVALS: 0	
Staff Recommendation: DENIAL. If approved, subject to:	Joel McCulloch, Planning & Development, explained that access to the site is by one shared driveway with the property to the south. The proposed building is located in the northeast corner of the site with parking to the south and west. Staff finds no evidence of unique or extraordinary circumstances to warrant approval of this request. Also, the applicant has provided no justification for the proposed setback relief. Further, this is a vacant lot that has no physical hardship related to it, and thus seemingly could have a building constructed on it that meets all the requirements of the City of Las Vegas Zoning Code and the Las Vegas Urban Design Guidelines and Standards.
1. All development must be in conformance with the plot plan and elevations.	Since there is no hardship involved, other than self-created, and the fact that the required setbacks could be met by reducing the size of the building, which would reduce the required parking for the project, staff has no basis in which to support this request. Therefore, staff recommended denial.
2. City Code requirements and design standards of all City Departments which are not affected by the approval of this Variance must be satisfied.	Rick Templeton, Rick Templeton Construction, stated that this particular property is located on a corner lot, which additional setbacks are imposed on the property. Mr. McCulloch clarified that on a regular side yard setback in C-1 zone is 10 feet and if it is on a corner it is 15 feet.
	Mr. Templeton added that the additional hardship is that there is a driveway with a common easement that has to be kept open for the adjacent property owners and the building cannot be pulled back against that property line. There is a mini-storage to the east and a 15 foot high block wall that runs 25 feet into the eastern property line and would not impact any of the neighbors or surrounding community. There would be heavy landscaping which will act as a buffer to the surrounding area and it will not be a detriment to the area. There have been other similar setbacks approved in the area.
	Mr. Solomon asked Mr. Templeton the location of the previous approved setback. Mr. Templeton replied that a 10 foot Variance was granted on the same site for a previous planned development for a day care center off of Atwood. Mr. McCulloch clarified that that item was Z-7-90(3) and it was not a Variance, but a Site Development Plan Review.

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V-71-99 - CHEYENNE PHD, LIMITED
PARTNERSHIP ON BEHALF OF RICK
TEMPLETON CONSTRUCTION

Mr. Templeton continued that they provide a 62 feet setback off of Buffalo, which is enough to see clear traffic on either direction on Buffalo. There is a church on the opposite corner that extends back several 100 feet to the east and there area no residences in the immediate area.

Solomon clarified with Mr. Templeton that the mini storage located to the east of his project has a 35 foot rear setback which was negotiated with the neighbors in order to allow the mini storage. The only thing adjacent to this property to the north is the parking lot of the church. A condition that exists regarding parking is that it does not allow the building to be pulled up against the southerly property line. They have to allow for half of the driveway and the parking has to stack on that side. The 20 foot setback does not accomplish anything as far as the general public and the aesthetics for the area. Mr. Solomon expressed concern about the side setback and the visibility of going around the corner. Mr. Templeton rebutted that is why they pulled it back so far from the front. There is a 62 foot setback from Buffalo Drive to the beginning which would allow the queueing lane of 60 feet. If a parking stall is used as an average length for a car for queueing area, it would allow 20 feet per car, which allows three cars.

Vice Chair Del Prado clarified with Deputy City Attorney Steve George that the Board could approve only part of the Variance request. She does not feel comfortable with the 10 foot setback on the side where 15 feet setback is required.

Phil Davis, 3311 S. Rainbow, owner of the mini-storage, stated that he bought the property five years ago and it was zoned C-1. A 35 foot setback restriction for the mini-storage was imposed on Atwood all the way through Buffalo. The mini-storage being across from the Church at that time caused an hardship. At this same location a Varinace was approved for a day-care center. However, he was unable to come to terms with the day-care operator. Now he is requesting to build a retail shopping center and it seems that now everybody has a problem with the side setback on Atwood.

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V-71-99 - CHEYENNE PHD, LIMITED
PARTNERSHIP ON BEHALF OF RICK
TEMPLETON CONSTRUCTION

Deputy Director Doug Powell, Planning & Development, indicated that staff report shows a picture of the site that shows that on Buffalo there is a channeled median that prevents left turns out of Atwood. The issue of sight visibility is somewhat tempered by the fact that on Atwood people will not try to turn left. They will only be making right turns which does not require as much sight visibility. The issue was whether or not there was sufficient visibility for traffic turning off of Atwood onto Buffalo. It would be greater if there were people trying to make a left turn out of that intersection. A right turn movement is not as critical.

Mr. Solomon asked if staff was satisfied with the site plan and the enhanced landscaping. Mr. McCulloch answered that in case of the Variance they do not review the site plan because it goes through a different process. The requirement would be 15 feet of landscaping along both Atwood and Buffalo.

Mr. Templeton added that on the previous approval there was a requirement that 24 inch box trees at 30 feet on center be installed. He is willing to enhance the landscaping by providing 24 inch box trees at 15 feet on center.

Mr. Solomon moved to approve the application as submitted with an additional condition that the applicant will enhance the landscaping and provide 24 inch box trees at 15 feet on center.

No one appeared in opposition.

There was no further discussion.

(7:02 - 7:19)

1-2028

RECESS 7:19 TO 7:27 P.M.

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ITEM	ACTION
<u>PLANNING AND DEVELOPMENT</u>	
A-8	
<u>V-72-99 - LAKE MEAD MINI STORAGE, LIMITED PARTNERSHIP ON BEHALF OF STORAGE ONE</u>	
Request for a Variance on property located at 2003 Rocksprings Drive TO ALLOW A 50 FOOT TALL POLE SIGN WHERE 40 FEET IS THE MAXIMUM HEIGHT ALLOWED IN CONJUNCTION WITH AN EXISTING MINI-STORAGE FACILITY, U (Undeveloped) Zone [SC (Service Commercial) General Plan Designation] under Resolution of Intent to C-1 (Limited Commercial) Zone, Ward 4 (Brown), APN: 138-22-610-010.	
BZA NOTICES MAILED: 26	
PROTESTS: 0	
APPROVALS: 0	
Staff Recommendation: DENIAL. If approved, subject to:	
1. All development must be in conformance with the plot plan and elevations. 2. City Code requirements and design standards of all City Departments which are not affected by the approval of this Variance must be satisfied.	
	SOLOMON APPROVED subject to conditions UNANIMOUS with Boyers and Goynes excused
	Joel McCulloch, Planning & Development, explained that on 6/3/99 the Board of Zoning Adjustment approved a Variance to allow a second pole sign on a property that is only allowed one sign (V-25-99). Access to the site is by one driveway from Rock Springs Drive. This parcel is landlocked with the exception of the driveway from Rock Springs Drive. The elevations depict a 50 foot tall sign, composed of a black painted metal pole and a 10 foot high by 20 foot wide sign face with yellow, white, and orange lettering on a black background. Staff finds evidence that there are unique or extraordinary circumstances with regard to the site. Specifically, the parcel is virtually landlocked and has poor visibility from Lake Mead Boulevard, which is a Primary Roadway with a designated right-of-way of 100 feet. However, staff finds that a 40 foot high sign at this location should be adequate, as the businesses fronting onto Lake Mead Boulevard are one-story in height and should not block the view of the sign from Lake Mead Boulevard. Therefore, staff recommended denial.
	Jim Meservey, Storage One, 1120 Las Vegas Boulevard South, and Darrell Shock, Vision Sign, 3625 S. Polaris Avenue, appeared on behalf of the applicant.
	Vice Chair Del Prado asked the applicant whether the height of the buildings located in the center have changed since the last Variance approval. Mr. Shock explained that there was a typographical error when this was first proposed. At the time of approval the drawings showed the pole at 50 feet, however it was noted at 40 feet on one drawing. This was discovered by staff when he went to pull the actual permit.
	Vice Chair Del Prado clarified with Deputy Director Doug Powell, Planning & Development that when this was approved in June the issue was whether or not they could have a second sign, but the issue of the height never came up. The standards require a 40 foot high sign and at that time it was assumed that the height of the sign would be 40 feet. Mr. Shock believed that the site was within 200 feet of an off-ramp of a freeway and that a 80 feet high sign was allowed by code. They did not realize that when they applied for this Variance that 40 feet was an issue.

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V-72-99 - LAKE MEAD MINI STORAGE,
LIMITED PARTNERSHIP ON BEHALF OF
STORAGE ONE

Mr. Solomon commented that he initially believed this was a request for a third sign.

No one appeared in opposition.

There was no further discussion.

(7:27 - 7:34)
1-2805

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ACTION

PLANNING AND DEVELOPMENT

A-9

V-73-99 - ANGELO AND CATHIE GURRERI

Request for a Variance on property located at 3020 Meade Avenue TO ALLOW A PROPOSED 16,294 SQUARE FOOT FURNITURE STORE AND WAREHOUSE 0 FEET FROM THE REAR PROPERTY LINE WHERE RESIDENTIAL ADJACENCY STANDARDS REQUIRE A MINIMUM OF 68 FEET, AND 0 FEET FROM THE SIDE PROPERTY LINE WHERE 10 FEET IS THE MINIMUM SETBACK REQUIRED, M (Industrial) Zone, Ward 1 (McDonald), APN: 162-08-301-020.

BZA NOTICES MAILED: 458

PROTESTS: 0

APPROVALS: 0

Staff Recommendation: APPROVAL, subject to:

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

DEL PRADO

APPROVAL subject to conditions

UNANIMOUS with Boyers and Goynes excused

Joel McCulloch, Planning & Development, advised that access to the site is provided by one 24 foot wide driveway from Meade Avenue. The east property line is adjacent to existing shops, zoned M (Industrial). Office buildings, zoned M are located on the parcel to the west, and are developed on the property line between the two parcels. Two storage buildings, zoned R-1 are located on the parcel to the north, and are developed on the property line between the two parcels. Section 19A.08.060 of the City of Las Vegas Zoning Code requires that no building in a non-residential district may exceed the height of a line drawn from a residential property line in a residential district at a 3:1 slope directly into the subject non-residential property. The property located to the north of the subject site is zoned R-1 (Single Family Residential). A literal interpretation of the Code would require compliance with the residential adjacency standards and require that Building #2 be set back 68 feet from the rear property line. However, the property to the north is not developed as residential, and the General Plan calls for the property to be developed as Light Industry/Research, not Residential. The property is developed as boat and RV storage, and the shape and size of the residential property would make it difficult to ever develop for residential uses. Furthermore, the buildings that exist on the property to the north are located on the property lines.

Staff finds evidence of unique or extraordinary circumstances with regard to the site in that it is located in an area with an abundance of structure built on property lines. The granting of this Variance would not be detrimental to the general public's health, safety or welfare. Furthermore, it would not be injurious to other property owners in the vicinity. Staff has no objections to this request and therefore recommended approval.

Architect Ned Cole, 3801 Robart Street, appeared together with the owner Angelo Gurreri, 3754 Violet Rose Court and concurred with staff's conditions.

No one appeared in opposition.

There was no further discussion.

(7:34 - 7:38)
1-3165

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PLANNING AND DEVELOPMENT

A-10

V-75-99 - ALL WESTERN MORTGAGE ON BEHALF OF PAUL WAGNER

Request for a Variance on property located at 1708 and 1709 Jernae Court TO ALLOW AN 18 FOOT FRONT YARD SETBACK WHERE 20 FEET IS THE MINIMUM REQUIRED AND TO ALLOW A 10.5 FOOT REAR YARD SETBACK WHERE 15 FEET IS THE MINIMUM REQUIRED, R-1 (Single Family Residential) Zone, Ward 4 (Brown), APN: 138-24-814-003 and 138-24-814-006.

BZA NOTICES MAILED: 131

PROTESTS: 1 Speaker at meeting

APPROVALS: 0

Staff Recommendation: APPROVAL, subject to:

1. All development must be in conformance with the plot plans and elevations as submitted.

2. City Code requirements and design standards of all City Departments which are not affected by approval of this Variance must be satisfied.

DEL PRADO

APPROVAL subject to conditions

UNANIMOUS with Boyers and Goynes excused

Joel McCulloch, Planning & Development, indicated that access to Jernae Court, an eight lot cul-de-sac, is from Marietta Avenue. The two lots requiring setback relief are located, opposite one another, on the sides of the cul-de-sac bulb. The City Council approved the rezoning to R-D and R-1 on January 18, 1994. The two most northern lots were rezoned to R-D, which have a minimum lot size of 11,000 square feet, to provide a buffer of larger lots for the parcels to the north. The remaining six lots were rezoned to R-1, which has a minimum lot size of 6,500 square feet. Because of how this property was rezoned the applicant is unable to apply for a lot line adjustment and still obtain the minimum lot sizes required by the approved zoning districts. By virtue of having a recorded final map on the subject properties, staff finds that unique or unusual circumstance exists in that the shape of the lots is predetermined and of an unusual shape. Also, because none of the lots are currently developed, relief from the required setbacks should have no detrimental effect on the future homeowners of this subdivision or the surrounding properties. Further, this parcel is an infill site and its development will be a benefit to the surrounding area by filling in a lot that is currently being used for illegal dumping. Therefore, staff recommended approval.

Paul Wagner, 6985 W. Sahara Avenue, #201, concurred with staff's conditions. They plan to build semi-custom homes on extra large lots with 10 foot side yards and 35 to 40 foot side yards on the north side. These superior homes will have tile roofs and have a stucco exterior and pane windows.

Lawrence Krusane, 1770 Leonard Lane, stated that there is a safety problem in the area. The intersection of Marietta Avenue and Anzio Street is a blind corner caused by block walls that go right up to the intersection. Marietta Avenue was not supposed to go through to Leonard Lane. His concern is that a similar development located on Anzio Street will be placed on this property, which will add to the visibility problem. Additionally, on Leonard Lane there is a one foot drop-off from the asphalt down to where the sub-grade is, which during the past storm flooded enough to flip a car.

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V-75-99 - ALL WESTERN MORTGAGE ON
BEHALF OF PAUL WAGNER

Mr. Wagner replied that Mr. Krusane objections do not relate to the Variances on the two lots. He appreciates his concerns regarding Leonard Lane. However, that is a City issue that needs to be addressed by Public Works because there are flooding issues at that location. He is willing to sit down and work with the neighbors. He has already done much for the neighborhood by purchasing the property and clean up the dumping that occurred over the years.

Vice Chair Del Prado clarified for Mr. Krusane that the Board is only reviewing the Variance request and has no control over the roads or the existing buildings. Mr. Krusane noted that his concern is that both of those cul-de-sacs and two lots on Leonard Lane at one time were a single parcel that was set up for development but never completed.

Deputy Director Doug Powell, Planning & Development, clarified that when Anzio Street was built there was no requirement that there be sight visibility at the intersection. However, when the subdivision will be built at the corner of Jernae Court and Marietta Avenue, there will be a restriction that the subdivision cannot impede into the sight visibility triangle and that will protect people exiting out of that street.

There was no further discussion.

(7:38 - 7:47)
1-3379

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PLANNING AND DEVELOPMENT

A-11

V-76-99 - HIPOLITO ANAYA

Request for a Variance on property located at 2085 Buffalo Drive TO ALLOW A SIX FOOT HIGH WROUGHT IRON FENCE WITH A SEVEN AND ONE-HALF FOOT HIGH GATE IN THE FRONT YARD WHERE FOUR FEET IS THE MAXIMUM HEIGHT ALLOWED, R-E (Residence Estates) Zone, Ward 1 (McDonald), APN: 163-03-305-005.

BZA NOTICES MAILED: 97

PROTESTS: 0

APPROVALS: 0

Staff Recommendation: APPROVAL, subject to:

1. All development must be in conformance with the plot plans submitted.
2. City Code Requirements and design standards of all City departments must be satisfied.
3. If the entry gates proposed are to be electrically opened and closed, the gates may be placed immediately behind the street right-of-way line (i.e., on the private property side of where the sidewalk is located). If the entry gate is to manually opened and closed, the gates shall be set back a sufficient distance (a minimum of 18 feet) to allow a vehicle to pull completely out of the public street right-of-way before parking to manually operate the gate as required by the Department of Public Works. The installation of either swing gates or rolling gates are acceptable as long as no part of the gates, either in the opened or closed position, intrude into the public right-of-way.

DEL PRADO

APPROVAL subject to conditions

UNANIMOUS with Boyers and Goynes excused

Joel McCulloch, Planning & Development, stated that the subject lot is located along Buffalo Drive, a Primary Roadway with a designated right-of-way of 100 feet, according to the adopted Master Plan of Streets and Highways. The applicant proposes to construct a decorative block wall, approximately two feet high, topped by a four foot high wrought iron fence. Six foot high columns will be placed approximately twelve feet apart across the front of the property and meet up with the existing walls along the side property lines. The front of the property extends 100 feet along Buffalo Drive.

The elevations depict the proposed block and iron wall to be 6 feet tall. Two twenty-foot wide wrought iron gates are shown along the front property line to allow access to the existing driveway. The gates are 6 feet high, with architectural detailing extending another 1 ½ feet, for a total height of 7 ½ feet. Section 19A.18.070 of the Las Vegas Municipal Code, which regulates Variances, requires that a unique or extraordinary circumstance exist with regard to the size, shape or configuration of a parcel, in order to warrant the granting of a Variance. Staff is of the opinion that the strict or literal interpretation and enforcement of the specific regulation would deprive the applicant of privileges enjoyed by other property owners within this area of the City.

Staff notes that this property is one of the few along this portion of Buffalo Drive which faces Buffalo Drive. The granting of this Variance would not be detrimental to the general public's health, safety or welfare. Furthermore, it would not be injurious to other property owners in the vicinity. Staff has no objections to this request and therefore recommended approval.

Tim Ayala, 4600 Sunset Road, appeared on behalf of Hipolito Anaya, and concurred with staff's conditions. He presented a design showing the placement of the entrance with a wrought iron and concrete block fence.

No one appeared in opposition.

There was no further discussion.

(6:58 - 7:02)
1-1859

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ITEM	ACTION
<u>PLANNING AND DEVELOPMENT</u>	
A-12 <u>V-77-99 - PAIGE YAHRAUS</u>	
Request for a Variance on property located on the northwest corner of Bonanza Road and Leigon Way TO ALLOW A 5 FOOT SIDE YARD SETBACK WHERE 10 FEET IS THE MINIMUM REQUIRED IN CONJUNCTION WITH A PROPOSED 21,940 SQUARE FOOT COMMERCIAL CENTER, R-E (Residence Estates), under Resolution of intent to C-1 (Limited Commercial), Ward 3 (Reese), APN: 140-30-802-004.	SOLOMON APPROVAL subject to conditions UNANIMOUS with Boyers and Goynes excused
BZA NOTICES MAILED: 203	Joel McCulloch, Planning & Development, explained that access to the site is by one two-way driveway from Bonanza Road and one right turn only driveway from Leigon Way. The proposed building is located along the north and west edges of the property with the parking and landscaping proposed on the remainder of the site. Section 19A.08 of the City of Las Vegas Zoning Code requires the minimum side yard setback in a C-1 Zoning District to be 10 feet. Staff finds that there is a unique or extraordinary circumstance, in that by reducing the building from 40 feet in depth to 35 feet in depth, the commercial spaces may be unusable for the proposed use. Also, there is a commercial property to the west, of the subject property, that should not be negatively affected by the requested reduction. Further, the applicant has already reduced the pedestrian walkway in front of the building to accommodate the drive aisles, and the width of the lot minimizes the ability to alternatively re-design the project to meet the setbacks. Therefore, the staff recommended approval.
PROTESTS: 2 Speakers at meeting	Myla Yahraus, 5430 W. Sahara, #200, appeared on behalf of the applicant and concurred with staff's conditions.
APPROVALS: 0	Greg Smith and Mrs. Smith, 4245 Timpani Drive, stated that their house is located on the corner of Leigon Way and Timpani Drive and the back yard is on the property line. If the Board approves the five foot side yard setback they suggested that the applicant install a gate to prevent debris collecting in there and to prevent the homeless and children from congregating in there. Mr. McCulloch noted that the setback is for the western property line and not the northern property line.
Staff Recommendation: APPROVAL, subject to:	Mrs. Smith stated that this is all residential homes and many senior citizens live there. Her father-in-law's home has been broken into few times and if there is no gate to prevent people accessing the alley way, the problem will escalate. Mr. McCulloch explained that the Planning Commission already approved the site plan for this project with the exception of the five foot Variance on the western property line. Ms. Yahraus replied that the applicant would not have a problem with placing the building to the property line, but the City code does not allow it. However, they will be installing a gate because they have the same concerns that the residents have.
1. All development must be in conformance with the plot plan and elevations.	
2. City Code requirements and design standards of all City Departments which are affected by the approval of this Variance must be satisfied.	
3. The Departments of Planning and Development and Public Works require that all applicable Conditions of Approval for Z-90-97 and Z-90-97(1) must ultimately be complied with.	

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V-77-99 - PAIGE YAHRAUS

Deputy City Attorney Steve George verified with Ms. Yahraus that this application is not connected with Triple Five.

Mr. Solomon commented that he is aware that the setback is required and there is a 20 foot setback on the north property line, which is what is on the site plan that the Planning Commission approved. There are some circumstances due to neighborhood's concerns regarding vandalism and allowing vacant space between the rear wall of a house and commercial structures. If the space is not utilized for deliveries it creates serious concerns to a neighborhood. The Board should take a look at allowing the commercial development go to the property line, especially in this situation because of the residents concerns and the applicant willingness to go to the property line. Additionally, this particular project will be a one story building and it could be placed on the property line. It something that the Board should encourage the developers to pursue.

Mr. Solomon asked Deputy Director Doug Powell, Planning & Development about his view on encouraging the elimination of the setback in circumstances like this and encouraging developers to build commercial buildings to the property line in order to make better use of space and land.

Deputy City Director Doug Powell, Planning & Development, explained that there have been several instances where the Board has allowed Variances to go forward due to unique circumstances. There are existing commercial buildings that are built to that property line matching up to other buildings to zero lot line setback because there were built prior to the adoption of Title 19A. In cases such as this where there are adjacent residential areas you might prefer to have a building built on the property line. Staff is of the opinion that they would like to treat those as Variances versus trying to write into code. The problem is one that if you have a building right on the property line, usually they are tall with an excessive wall height and it is appropriate that those applications come before the Board of Zoning Adjustment for review.

Deputy City Attorney Steve George noted that the applicant could either withdraw or table the application and submit a new application or go forward with this application at this time. The biggest issue on this is that the Board has only the jurisdiction to rule within the scope of the item that has been placed on the agenda for this meeting.

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V-77-99 - PAIGE YAHRAUS

Mr. Solomon moved for approval of the Variance request and added that the applicant can come back at some point before the construction of the center and submit an amended application. He clarified for Ms. Yahraus that the application would come back before the Board of Zoning Adjustment and if approved would be sent to City Council for review as the Las Vegas Municipal Code on all Variances has been changed. However, tonight's decision is final action.

Vice Chair Del Prado added no-intrusion lights be placed in the rear of the building.

Mr. McCulloch explained that staff can only review what the applicant submits on the application.

There was no further discussion.

(7:47 - 8:07)

2-168

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ITEM	ACTION
<u>PLANNING AND DEVELOPMENT</u>	
A-13 <u>V-78-99 - CLARK COUNTY</u>	
Request for a Variance on property located on the south side of Kenyon Place approximately 300 feet east of Shadow Lane TO ALLOW 45 PARKING SPACES WHERE 59 IS THE MINIMUM REQUIRED FOR PHASE ONE (FIRST FLOOR), AND TO TEMPORARILY ALLOW 0 PARKING SPACES WHERE 59 IS THE MINIMUM REQUIRED FOR PHASE TWO (SHELL ONLY), PD (Planned Development) Zone Ward 1 (McDonald), APN: 139-33-305-004.	MACK APPROVAL subject to conditions UNANIMOUS with Boyers and Goynes excused
BZA NOTICES MAILED: 62	Joel McCulloch, Planning & Development, stated that this is a proposed campus type area where various Clark County Government facilities will be located. Access will be achieved by the four streets that make up the border of the development area. This building is located approximately in the center of the overall site. Clark County is currently developing a governmental campus bounded by Alta Drive to the north, Pinto Lane to the south, Desert Lane to the east, and Shadow Lane to the west. The subject building is sited on the proposed campus amongst several other Clark County Government facilities. The County is also in the process of procuring the remainder of the privately held parcels within the campus boundaries. They are waiting for the funding, which occurs on a yearly basis, in order to purchase the remaining properties. These remaining properties, when purchased, would then be able to be used for additional parking on the proposed campus. Staff finds that a unique or extraordinary circumstance exists with regard to the request for allowing 45 parking spaces where 59 parking spaces is required for the first floor of this structure. Only about 6,000 square feet of the first floor is to be occupied by employees, the remaining area is computer environs and storage. It has been indicated to staff that there will be 45 employees housed on the first floor and that this is not a customer based division of Clark County. Staff believes that the requested 45 parking spaces will be adequate during phase one of this development.
PROTESTS: 1 Speaker	
APPROVALS: 0	
Staff Recommendation: APPROVAL, subject to:	
1. Provide the parking for the second floor prior to obtaining the building permits for the tenant improvements. 2. All development must be in conformance with the plot plan and elevations. 3. City Code requirements and design standards of all City Departments which are not affected by approval of this Variance must be satisfied. 4. The applicant must submit for review an application for a Site Development Plan Review to the Planning and Development Department.	With regard to the second floor, staff again finds that a unique or extraordinary circumstance exists, in that, because of the funding mechanism involved in purchasing the remaining residential properties located within the campus boundaries, a temporary allowance to allow 0 parking spaces for the second floor building shell is appropriate. However, staff will require that the required 59 parking spaces for the second floor be provided prior to obtaining the building permits for the second floor tenant improvements. Staff recommended approval.
	Donald Barton, Project Manager for Clark County Real Property Management Division, and Architect Mike Perdle, Holmes Sabatini Associates Architects, concurred with staff's conditions.

BOARD OF ZONING ADJUSTMENT

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COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

ITEM	ACTION
<u>PLANNING AND DEVELOPMENT</u>	Edith Williamson, 1916 Quail Point Court, owns property on 501 Shadow Lane and is opposed to eliminating parking in this area. There is no parking on Alta Drive or Shadow Lane. There are many properties in this area that already have a shortage of parking and this would add to the parking problem. There are many medical facilities in the area, including the hospitals, that do not have adequate parking. Hector Valtrande, concurred with Ms. Williamson's concerns. Mr. Barton stated that one of the parking Variance request is temporary. The proposed building will be a center for Enterprise Information Technology, which is the Clark County main frame computer and it will be located on the first floor. There are 59 spaces required for that area and there will be 45 employees. There is no Clark County tenant on the second floor. He is asking for a temporary parking Variance so that the second floor shell can be built. The second floor will not be occupied until additional parcels are obtained in order to provide the required parking for the second floor. No date has been determined of when a tenant will occupy the second floor. It will probably be after the next fiscal year; July of 2000. Ms. Williamson asked whether Kenyon Place will be closed. Vice Chair Del Prado replied that the Board can only take action on what is before them at this time. Mr. Barton replied that they had requested the vacation of a portion of Kenyon Place. However, they pulled it from the agenda because of objections from area residents. He added that he will be glad to meet with Ms. Williamson at the end of the meeting to explain what the County will be doing with this project. There was no further discussion. NOTE: A date will be set at the 9/15/99 City Council meeting for a public hearing to be held at the 10/20/99 City Council meeting.

(7:09 - 7:32)
1-2239

BOARD OF ZONING ADJUSTMENT

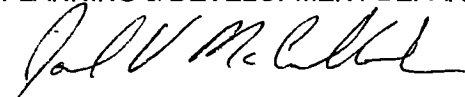
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COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

ITEM	ACTION
<u>PLANNING AND DEVELOPMENT</u>	
B	
<u>CITIZENS PARTICIPATION:</u>	None.
ITEMS RAISED UNDER THIS PORTION OF THE AGENDA CANNOT BE ACTED UPON BY THE BOARD OF ZONING ADJUSTMENT UNTIL THE NOTICE PROVISIONS OF THE OPEN MEETING LAW HAVE BEEN COMPLIED WITH; THEREFORE, ACTION ON SUCH ITEMS WILL HAVE TO BE CONSIDERED AT A LATER TIME.	(8:24) 2-1348
MEETING ADJOURNED AT 8:25 P.M.	
PLANNING & DEVELOPMENT DEPARTMENT	
	
JOEL V. McCULLOCH, SENIOR PLANNER, CURRENT PLANNING DIVISION, PLANNING & DEVELOPMENT DEPARTMENT	
/ac	

