

Agenda

City of Las Vegas

PLANNING COMMISSION MEETING

SEPTEMBER 23, 1999

Council Chambers 400 Stewart Avenue

Phone 229-6301 TDD 386-9108

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

Page 1

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: Approval of the minutes of the August 26, 1999 Planning Commission Meeting

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.

Agenda

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PLANNING COMMISSION MEETING

SEPTEMBER 23, 1999

Council Chambers 400 Stewart Avenue
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Page 2

A. CONSENT ITEMS:

CONSENT ITEMS ARE CONSIDERED ROUTINE BY THE PLANNING COMMISSION AND MAY BE ENACTED BY ONE MOTION. HOWEVER, ANY ITEM MAY BE DISCUSSED IF A COMMISSION MEMBER OR APPLICANT SO DESIRES.

- A-1. ABEYANCE - TM-37-98(1) - INSIGHT AIRCENTER RANCHO (A COMMERCIAL SUBDIVISION) - RANCHO CHEYENNE PROFESSIONAL PLAZA - Request for a one year Extension of Time on an approved Tentative Map on property located on the west side of Rancho Drive, approximately 600 feet south of Cheyenne Avenue, R-E (Residence Estates) and C-2 (General Commercial) Zones under Resolution of Intent to O (Office) and C-M (Commercial/Industrial), Size: 30.22 Acres, No of Lots: 2, Ward 4 (Brown).
- A-2. ABEYANCE - VAC-11-98(1) - MOSS FAMILY TRUST - Request for an Extension of Time on an approved petition of Vacation to vacate a portion of Bonanza Way, generally located between Las Vegas Boulevard and Fourth Street, Ward 3 (Reese).
- A-3. ABEYANCE - A-40-99(A) - FLETCHER, NELSON AND NUNN - Petition to Annex property generally located on the northwest corner of Campbell Road and Gilmore Avenue, containing approximately 5 acres of land, Ward 4 (Brown), APN: 138-08-101-020 and 021.
- A-4. TM-42-99 - WASHINGTON DEVELOPMENT - WASHINGTON DEVELOPMENT LIMITED LIABILITY COMPANY - Request for a Tentative Map and waiver of the Subdivision Ordinance (Title 18) TO ALLOW LOTS WITH LESS THAN 100 FEET WIDE TO FRONT ON A SECONDARY STREET (MARION DRIVE) on property located at the southwest corner of the intersection of Washington Avenue and Marion Drive, R-MHP (Residential Mobile/ Manufactured Home Park) Zone under Resolution of Intent to R-PD6 (Residential Planned Development - 6 Units Per Acre), Size: 22.6 Acres, No. of Lots: 140, Ward 3 (Reese).
- A-5. FM-69-99 - MARBELLA RIDGE - NIGRO MARBELLA LIMITED LIABILITY COMPANY - Request for a Final Map on property located adjacent to the southwest corner of the intersection of Alta Drive and Pavilion Center Drive, PC (Planned Community) Zone, Size: 12.27 Acres, No. of Lots: 96, Ward 2 (L. B. McDonald).
- A-6. FM-70-99 - GRAND ESTATES EAST II - AMERICAN WEST HOMES - Request for a Final Map on property located adjacent to the east side of El Capitan Way, approximately 500 feet north of Alexander Road, U (Undeveloped) Zone [DR (Desert Rural Density Residential) General Plan Designation], Size: 5.18 Acres, No. of Lots: 9, Ward 4 (Brown).
- A-7. A-42-99(A) - CLARK COUNTY SCHOOL DISTRICT - Petition to Annex property generally located on the northeast corner of Gilmore Avenue and Tee Pee Lane, containing approximately 10 acres of land, Ward 4 (Brown), APN: 138-07-501-012.

Agenda

City of Las Vegas

PLANNING COMMISSION MEETING

SEPTEMBER 23, 1999

Council Chambers 400 Stewart Avenue
Phone 229-6301 TDD 386-9108

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

Page 3

A-8. A-43-99(A) - TIGER MYNARCIK AND JILL M. CHILDS - Petition to Annex property generally located at 6350 West Cheyenne Avenue, containing approximately 0.87 acres of land, Ward 4 (Brown), APN: 138-11-801-018.

B. NON PUBLIC HEARING ITEMS:

B-1. Z-17-99(1) - PRAIRIE ROSE PARK LIMITED LIABILITY COMPANY - Request for a Review of original Condition of Approval Number 5 regarding off-site traffic capacity improvements on property located east of Durango Drive, approximately 660 feet south of Grand Teton Drive, U (Undeveloped) Zone [PCD (Planned Community Development) General Plan Designation] under Resolution of Intent to R-PD4 (Residential Planned Development - 4 Units Per Acre), Ward 4 (Brown), APN: 125-16-102-001, 002; 125-16-103-001 and 002.

B-2. Z-100-64(169) - CITY OF LAS VEGAS REDEVELOPMENT AGENCY - Request for a Site Development Plan Review on property located on the southeast corner of the intersection of Clark Avenue and Fourth Street FOR A PROPOSED TWELVE-STORY, 97,235 SQUARE FOOT OFFICE AND RETAIL BUILDING WITH A SEVEN-STORY, 345 SPACE PARKING GARAGE (CLARK STREET OFFICE BUILDING), C-1 (Limited Commercial) Zone under Resolution of Intent to C-2 (General Commercial), Size: 0.68 Acres, Ward 1 (McDonald), APN: 139-34-311-126, 127, and 128.

B-3. Z-33-88(6) - 70 LIMITED PARTNERSHIP ON BEHALF OF FURNITURE MART OF AMERICA - Request for a Site Development Plan Review on property located on the northwest corner of the intersection of Alta Drive and Martin L. King Boulevard FOR A PROPOSED SEVEN-STORY 1,312,580 SQUARE FOOT FURNITURE MART AND A SIX-STORY 1,416 SPACE PARKING STRUCTURE TO BE CONSTRUCTED IN TWO PHASES; AND FOR A WAIVER OF LANDSCAPING REQUIREMENTS FOR A TEMPORARY PARKING LOT, C-1 (Limited Commercial) Zone, Size: 24.92 Acres, Ward 1 (McDonald), APN: 139-33-102-020 and 139-33-202-005.

C. PUBLIC HEARING ITEMS:

C-1. ABEYANCE - U-90-99 - MARYLAND VILLAS LIMITED LIABILITY COMPANY - Request for a Special Use Permit on property located adjacent to the northeast corner of the intersection of Maryland Parkway and Wilson Avenue FOR A PROPOSED CHILD CARE CENTER, R-3 (Medium Density Residential) Zone, Ward 3 (Reese), APN: 139-26-412-004.

C-2. ABEYANCE - RENOTIFICATION - Z-49-99 - PSA LAND INVESTMENTS LIMITED LIABILITY COMPANY - Request for a Site Development Plan Review on property located adjacent to the north side of Charleston Boulevard, approximately 424 feet east of the Torrey Pines Drive intersection FOR A PROPOSED 13,000 SQUARE FOOT RETAIL CENTER, C-1 (Limited Commercial), Size: 2.19 Acres, Ward 2 (L. B. McDonald), APN: 138-35-803-001.

C-3. ABEYANCE - NOTIFICATION - Z-49-99(1) - PSA LAND INVESTMENTS LIMITED LIABILITY COMPANY - Request for a Site Development Plan Review on property located adjacent to the north side of Charleston Boulevard, approximately 350 feet east of the Torrey Pines Drive intersection FOR A PROPOSED 94,360 SQUARE FOOT RETAIL CENTER, C-1 (Limited Commercial) Zone, Size: 7.54 Acres, Ward 2 (L. B. McDonald), APN: 138-35-403-003, 138-35-801-001, and 138-35-802-001.

09/17/99 4:18 PM

Agenda

City of Las Vegas

PLANNING COMMISSION MEETING

SEPTEMBER 23, 1999

Council Chambers 400 Stewart Avenue
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<http://www.ci.las-vegas.nv.us>

Page 4

- C-4. VAC-40-99 - MARYLAND VILLAS LIMITED LIABILITY COMPANY - Petition to vacate portions of public rights-of-way generally located east of Maryland Parkway, north of Bonanza Road, Ward 3 (Reese).
- C-5. VAC-41-99 - NEVILLE AND ESTHER POKROY TRUST - Petition to vacate excess public right-of-way generally located south of Smoke Ranch Road, west of Rancho Drive, Ward 4 (Brown).
- C-6. VAC-42-99 - ROMAN CATHOLIC BISHOP OF SOUTHERN NEVADA AND AL MURRAY - Petition to vacate a portion of Lexington Street generally located south of Lake Mead Boulevard, Ward 3 (Reese).
- C-7. U-179-94(1) - HOWARD HUGHES PROPERTIES, LIMITED PARTNERSHIP - Required Five Year Review on an approved Special Use Permit on property located adjacent to the west side of Rancho Drive, between Coran Lane and Lake Mead Boulevard, which allowed two (2) 12 foot x 24 foot and one (1) 14 foot x 48 foot off-premise advertising (billboard) signs, C-2 (General Commercial) Zone, Ward 4 (Brown), APN: 139-19-601-003.
- C-8. U-95-99 - HOWARD HUGHES CORPORATION ON BEHALF OF RUBY TUESDAY'S - Request for a Special Use Permit on property located at the northeast corner of the intersection of Town Center Drive and Covington Cross Drive FOR A TAVERN IN CONJUNCTION WITH A PROPOSED RESTAURANT (RUBY TUESDAY'S), PC (Planned Community) Zone, Ward 2 (L. B. McDonald), APN: 138-30-217-001.
- C-9. U-96-99 - FREMONT STREET EXPERIENCE LIMITED LIABILITY COMPANY ON BEHALF OF RACE ROCK OF LAS VEGAS, LIMITED LIABILITY COMPANY - Request for a Special Use Permit on property located at 425 Fremont Street (Fremont Street Experience Parking Garage) FOR A PROPOSED TAVERN IN CONJUNCTION WITH A PROPOSED (RACE ROCK); AND FOR A WAIVER OF THE 1,500 FOOT DISTANCE SEPARATION REQUIREMENT FROM AN EXISTING TAVERN, C-2 (General Commercial) Zone, Ward 3 (Reese), APN: 139-34-610-045.
- C-10. U-97-99 - MVR CORPORATION - Request for a Special Use Permit on property located at 1624 West Oakey Boulevard FOR THE ON-PREMISES SALE OF BEER AND WINE IN CONJUNCTION WITH A PROPOSED RESTAURANT (LIL' DUCE COUP CAFE), M (Industrial) Zone, Ward 1 (McDonald), APN: 162-04-602-008 and 009.
- C-11. Z-54-99 - COMMUNITY DEVELOPMENT PROGRAMS CENTER OF NEVADA - Request for a Rezoning on property located adjacent to the northwest corner of the intersection of Martin L. King Boulevard and Lake Mead Boulevard, FROM: R-3 (Medium Density Residential) TO: R-PD10 (Residential Planned Development - 10 Units Per Acre) PROPOSED USE: 208 LOT SINGLE FAMILY RESIDENTIAL SUBDIVISION AND 84 UNIT SENIOR APARTMENT COMPLEX, Size: 29.95 Acres, Ward 3 (Reese); APN: 139-21-202-004.

Agenda

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PLANNING COMMISSION MEETING

SEPTEMBER 23, 1999

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

Page 5

D. DIRECTOR'S BUSINESS:

D-1. TA-7-99 - CITY OF LAS VEGAS - Discussion and possible recommendation to amend Title 19A.10 Table 1 - Public or Private School, Junior High, From: 3½ Parking Spaces per classroom To: 2 Parking Spaces per classroom.

D-2. TA-8-99 - CITY OF LAS VEGAS - Discussion and possible action to amend Title 19A.06 and to designate the Las Vegas High School District as a Historic District, consisting of approximately twelve City blocks, on property generally bounded by the Las Vegas High School building and Lewis Avenue to the north, Sixth Street to the west, Gass Avenue to the south, and Ninth Street to the east. The overlay is to include the existing zones: R-1 (Single Family Residential), R-3 (Medium Density Residential), R-4 (High Density Residential) Zone, under Resolution of Intent to P-R (Professional Office and Parking).

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.

PLANNING COMMISSION

MEETING OF
SEPTEMBER 23, 1999

City of Las Vegas

AGENDA & MINUTES

Page 1

COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

ITEM

ACTION

5:15 PM

COMMISSIONERS BRIEFING:

PRESENT:

Michael Buckley - Chairman
Craig Galati - Vice Chairman
Michael Mack
Marilyn Moran
Stephen Quinn
Leni Skaar

EXCUSED:

Hank Gordon

STAFF PRESENT:

Tim Chow - Planning & Development Dept.
Doug Powell - Planning & Development Dept.
David Petrovich - Planning & Development Dept.
Chris Glore - Planning & Development Dept.
Troy Jeschke - Planning & Development Dept.
Matt Pinjuv - Planning & Development Dept.
Bart Anderson - Public Works
Mark Escobedo - Public Works
Steve George - City Attorney's Office
Linda Owens - City Clerk's Office

Chris Glore, Planning and Development Department, called the Briefing to order at 5:30 P.M.

Item No. A-2, VAC-11-98(1):

Commissioner Skaar asked who will be receiving the southern portion of Bonanza Way.

Bart Anderson, Public Works, answered that it will probably be the restaurant on the corner.

Matt Pinjuv, Planning and Development, explained that vacated right-of-way goes back to the property from which it came. Typically it's half of the property to one owner and half to the other owner.

Commissioner Skaar added that the restaurant was recently sold and in the sale the seller agreed to sell the south half of the street to the buyer for \$50,000. Commissioner Skaar was concerned about giving all of the street to the owner for free and then having them sell part of it.

Item No. A-4, TM-42-99:

Mr. Glore said there is a condition to require the triangular lots to be converted to open space. He explained where those lots are located. The applicant may want to pull this item off the Consent agenda.

Item No. A-3, A-40-99(A):

Mr. Glore said there is a group of neighborhood residents that are in approval of this child care/preschool.

Chairman Buckley wondered if there should be a Public Hearing at this meeting since the County has already had a Public Hearing for a Special Use Permit and Annexation.

Mr. Glore responded that there will be a Public Hearing for this property in the future.

Deputy City Attorney Steve George added that if this property is going to become part of the City, this proposal will have to comply with City standards. It may have been consistent with the County, but the City and County look at the same piece of property differently. An Interlocal Agreement should take care of the problem.

PLANNING COMMISSION

MEETING OF
SEPTEMBER 23, 1999

City of Las Vegas

AGENDA & MINUTES

Page 2

COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

ITEM

ACTION

COMMISSIONERS BRIEFING:

Doug Powell, Planning and Development, explained that the City is not obligated to assume the same land uses as the County when a property is annexed into the City.

Item No. B-1, Z-17-99(1):

Mr. Glone said staff is not aware of any concerns on this item.

Item No. B-2, Z-100-64(169):

Mr. Glone stated the applicant may want to discuss some of the conditions on this item.

Tim Chow, Planning and Development, added that the landscaping requirements are the applicant's main concern. They have an alternative plan to offer.

Item No. B-3, Z-33-88(6):

Mr. Glone said there are no problems on this item that the City is aware of.

Bart Anderson responded that there may be a problem with the road configuration from Martin L. King Boulevard to U. S. 95 to this property.

A discussion began of the entire "spaghetti bowl" road layout.

Doug Powell added that the Councilperson for this area met with the neighbors. The neighbors thought the planter should be placed on the outside of the wall. There is a parking area that extends all the way to Shadow Lane. There was a wall and then a landscaping buffer. The neighbors want to see the landscaping first and then the brick wall. The architect has already incorporated that into the plans.

Item No. C-1, U-90-99:

Mr. Glone said this item had been held in abeyance to allow staff and the applicant time to get together and resolve some of their differences. Staff is still recommending denial.

Item No. C-2, Z-49-99, and C-3, Z-49-99(1):

Mr. Glone said these two items should be heard together. The neighbors want an eight foot high wall and Metro has no problem with that request.

PLANNING COMMISSION

MEETING OF
SEPTEMBER 23, 1999

City of Las Vegas

AGENDA & MINUTES

Page 3

COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

ITEM

ACTION

COMMISSIONERS BRIEFING:

Item No. C-8, U-95-99:

Mr. Glore said this item was noticed as a tavern. This item is now listed as a supper club. Within a 1,500 foot radius is a child care and bar.

Item No. C-9, U-96-99:

Mr. Glore said there are several taverns within 1,500 feet. This is a tourist area so this will enhance business along Fremont Street.

Item No. C-11, Z-54-99:

Mr. Glore explained that staff is recommending denial for the entire site. The Senior Apartment site should remain R-3 (Medium Density Residential) and the single family area zoned R-PD8. That would limit the density and require less common open space and a Variance would not have to be for so much deficiency.

Item No. D-1, TA-7-99:

Mr. Glore requested this item be held in abeyance for 30 days to allow time to work with the School District.

Item No. D-2, TA-8-99:

Mr. Glore said this Text Amendment is for the purpose of amending Title 19A.06 to designate the Las Vegas High School District as an Historic District. By doing that it would include the Moulin Rouge Hotel and Casino, Wait House, Green Shack Restaurant, Fifth Street School and the Las Vegas High School Historic District.

Marc Castagnola, Planning and Development, said the only design standards that had been adopted for the area were for the boundaries.

Debbie Abel, Historic Consultant, pointed out that the Planning Commission's role in declaring historical properties is not to re-evaluate what the Historic Commission has propose.

General Discussion:

Doug Powell reminded the Commissioners of the Workshop on Tuesday, September 28th. In addition, he passed out a calendar for November and December of the year 2000.

Mr. Glore adjourned the Briefing at 5:58 P.M.

PLANNING COMMISSION

MEETING OF
SEPTEMBER 23, 1999

City of Las Vegas

AGENDA & MINUTES

Page 4

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:

6:06 P.M., Council Chambers of City Hall, 400 Stewart Avenue, Las Vegas, Nevada.

ROLL CALL:

Michael Buckley - Chairman	Present
Craig Galati - Vice Chairman	Present
Hank Gordon	Excused
Michael Mack	Present
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

MINUTES:

Approval of the minutes of the August 26, 1999 Planning Commission Meeting.

CHAIRMAN BUCKLEY called the meeting to order at 6:05 P.M.

STAFF PRESENT:

Tim Chow, Director,
Planning and Development Department
Doug Powell, Deputy Director,
Planning and Development Department
David Petrovich, Planning Supervisor,
Planning and Development Department
Chris Glore, Senior Planner,
Planning and Development Department
Matt Pinjuv, Planner II,
Planning and Development Department
Troy Jeschke, Planner I,
Planning and Development Department
Tracey Thiros, Planning Technician,
Planning and Development Department
Bart Anderson, Project Engineer,
Public Works
Mark Escobedo, Project Engineer,
Public Works
Steve George, Deputy City Attorney
Linda Owens, Deputy City Clerk

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

Galati -

APPROVED AS AMENDED (Page 2, Item No. C-1, should read: "There is a potential for 20,000 cars on El Capitan." On Page 43 after Carol LeDuc spoke "CHAIRMAN BUCKLEY declared the Public Hearing closed," should be inserted.

Motion carried with QUINN abstaining from voting because he did not attend the meeting.
(Gordon excused)

PLANNING COMMISSION

MEETING OF
SEPTEMBER 23, 1999

City of Las Vegas

AGENDA & MINUTES

Page 5

COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

ITEM

ACTION

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.

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CHAIRMAN BUCKLEY indicated the subdivision items can be appealed by the applicant or aggrieved person or a review requested by a member of the City Council.

PLANNING COMMISSION

MEETING OF
SEPTEMBER 23, 1999

City of Las Vegas

AGENDA & MINUTES

Page 6

COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

24458

ITEM

ACTION

A.

CONSENT ITEMS:

CONSENT ITEMS ARE CONSIDERED ROUTINE BY THE PLANNING COMMISSION AND MAY BE ENACTED BY ONE MOTION. HOWEVER, ANY ITEM MAY BE DISCUSSED IF A COMMISSION MEMBER OR APPLICANT SO DESIRES.

A-1.

ABEYANCE - TM-37-98(1) - INSIGHT AIRCENTER RANCHO (A COMMERCIAL SUBDIVISION) - RANCHO CHEYENNE PROFESSIONAL PLAZA

Request for a one year Extension of Time on an approved Tentative Map on property located on the west side of Rancho Drive, approximately 600 feet south of Cheyenne Avenue, R-E (Residence Estates) and C-2 (General Commercial) Zones under Resolution of Intent to O (Office) and C-M (Commercial/Industrial), Size: 30.22 Acres, No of Lots: 2, Ward 4 (Brown).

STAFF RECOMMENDATION: APPROVAL, subject to:

1. This Tentative Map will expire on July 23, 2000.
2. Construct half-street improvements on Michael Way adjacent to this site concurrent with the first phase of development anywhere on this site as required by the Department of Public Works. Construction of Michael Way improvements shall commence within one year of approval of this action by the Planning Commission. Failure to comply with this condition shall result in this item being reconsidered by the City Council. This condition supersedes Condition #10 of Z-36-97 and Condition #3 of Z-90-95(2).
3. Conformance to all conditions of approval of the original Tentative Map.

NOTICES MAILED: N/A
APPROVALS: 0
PROTESTS: 0

CHAIRMAN BUCKLEY STATED CONSENT ITEMS MAY BE DISCUSSED IF A COMMISSION MEMBER OR APPLICANT SO DESIRES.

Galati -

APPROVED ITEM NOS. A-1, A-2, AND A-5 THROUGH A-8, SUBJECT TO STAFF'S CONDITIONS.

Motion carried with Buckley abstaining from voting on Item No. A-1 because that involves a client of his law firm and Mack abstaining from voting on Item No. A-5 because he has a financial relationship with the applicant. (Gordon excused)

CHAIRMAN BUCKLEY stated this is a Consent item. There has been a request to consider Item Nos. A-3 and A-4 separately.

This is final action.

(6:09 - 6:11) 1 - 119

PLANNING COMMISSION

MEETING OF
SEPTEMBER 23, 1999

City of Las Vegas

AGENDA & MINUTES

Page 7

COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

ITEM

ACTION

A-2.

ABEYANCE - VAC-11-98(1) - MOSS FAMILY TRUST

Request for an Extension of Time on an approved petition of Vacation to vacate a portion of Bonanza Way, generally located between Las Vegas Boulevard and Fourth Street, Ward 3 (Reese).

STAFF RECOMMENDATION: APPROVAL, subject to:

1. This Extension of Time shall expire on June 8, 2000.
2. Conformance to all original conditions of approval for Vacation Application VAC-11-98.

NOTICES MAILED: N/A

APPROVALS: 0

PROTESTS: 0

Galati -
APPROVED ITEM NOS. A-1, A-2, AND A-5 THROUGH A-8, SUBJECT TO STAFF'S CONDITIONS.

Motion carried with Buckley abstaining from voting on Item No. A-1 because that involves a client of his law firm and Mack abstaining from voting on Item No. A-5 because he has a financial relationship with the applicant.
(Gordon excused)

CHAIRMAN BUCKLEY stated this is a Consent item. There has been a request to consider Item Nos. A-3 and A-4 separately.

This is final action.

(6:09 - 6:11) 1 - 119

PLANNING COMMISSION

MEETING OF
SEPTEMBER 23, 1999

City of Las Vegas

AGENDA & MINUTES

Page 8

COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

24409

ITEM

ACTION

A-3.

ABEYANCE - A-40-99(A) - FLETCHER, NELSON AND NUNN

Petition to Annex property generally located on the northwest corner of Campbell Road and Gilmore Avenue, containing approximately 5 acres of land, Ward 4 (Brown), APN's: 138-08-101-020 and 021.

STAFF RECOMMENDATION: APPROVAL, subject to:

1. Any Clark County development approvals granted for this site, including but not limited to Rezonings or Special Use Permits, will not be accepted by the City of Las Vegas upon Annexation. If a child care facility is proposed for this site, the applicant is hereby notified that a Special Use Permit application must be filed in compliance with the City of Las Vegas Zoning Code (Title 19A), and that if said Special Use Permit is denied by the City Council, then a child care facility cannot be constructed on this site.

NOTICES MAILED: N/A

APPROVALS: 2

PROTESTS: 0

Galati -

ABEYANCE TO THE 10/28/99 PLANNING COMMISSION MEETING TO ALLOW TIME FOR THE APPLICANT TO SUBMIT AN APPLICATION FOR A SPECIAL USE PERMIT FOR THE SETON ACADEMY - NOTIFICATION TO BE WITHIN A 750 FOOT RADIUS.

**Unanimous
(Gordon excused)**

CHRIS GLORE, Planning and Development, stated this request was held in abeyance from the September 9, 1999 Planning Commission meeting pending more information on the decision of the Clark County Board of Commissioners regarding an appeal of a County Planning Commission approval of a Special Use Permit for a child care center for up to 160 children with a Variance request to allow the facility on a roadway of less than 80 feet in width. The appeal was denied and the two requests were approved at the September 8, 1999 Clark County Board of Commissioners.

Staff recommended approval of the Annexation with Condition No. 1 that would not bind the City of Las Vegas decision makers to accept the approvals made by Clark County Commissioners for the proposed use and Variance, but would instead require the applicant to appear before the Planning Commission and City Council with a request for a Public Hearing for the Special Use Permit. The Variance does not appear to be an item that would need a Variance application in the City of Las Vegas. Staff recommended approval, subject to the condition.

CARL UNGER, Terra West Realty, 2685 South Rainbow Boulevard, appeared to represent the applicant. They would like to have the Special Use Permit and Annexation approved, subject to the City's approval of the existing conditions placed on this application by Clark County. The property owners that were notified within 330 feet live in the City of Las Vegas. The applicant mailed letters prior to making their application to Clark County. This request was heard at a Public Hearing at the County Planning Commission and County Commission meetings. There was only one individual in the neighborhood that was in opposition.

PLANNING COMMISSION

MEETING OF
SEPTEMBER 23, 1999

City of Las Vegas

AGENDA & MINUTES

Page 9

COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

ITEM

ACTION

ABEYANCE - A-40-99(A) - FLETCHER,
NELSON AND NUNN

DEPUTY CITY ATTORNEY STEVE GEORGE explained that as a result of the Annexation, part of this request would be to bring the property in at its current condition with the County. However, the Planning Commission is not obligated to honor the request as it comes into the City and could amend it.

CARL UNGER was unclear on the process when annexing into the City. He objected to notifying the same residents as those that were notified for the County hearings. He read the conditions that were imposed on this request by the County, which were subject to a minimum 75 foot setback from the existing west property line, building to be residential and Mediterranean in character, stucco tile roof, 15 foot wide minimum B-2 landscaping along the street frontages, 10 foot wide A-3 landscaping along the west property line at the time of development of the westerly parcel, 10 foot wide A-3 landscaping along the north property line of the easterly parcel and on the westerly parcel at the time of development, design review for future development of the westerly parcel, right-of-way dedication - 30 feet for Campbell and Gilmore and construct full off-sites, traffic study in compliance - project may qualify for an exception of the traffic analysis with Public Works approval, as indicated in Title 27 and all applicable standard conditions for this application type.

CHAIRMAN BUCKLEY noted that one of the conditions of approval at the City calls for a right-of-way of 80 feet for Campbell and Gilmore.

MR. UNGER was unaware of that condition. He added that this is a private school that has been in existence since 1963. It operates at full capacity nine and a half months of the year and the remaining months at half capacity. There will not be any ingress/egress on Gilmore, nor any negative impact to Garehime Elementary School. The building coverage on the land is 6%. If a typical R-1 development were on this property, there would be an access onto Gilmore, as well as Campbell, and a great impact on Garehime Elementary School. The property on the north is BLM land that was part of the School District land that was master planned for a park or school. There are R-1 uses up to Alexander. They have a lot of support from the neighborhood.

PLANNING COMMISSION

MEETING OF
SEPTEMBER 23, 1999

City of Las Vegas

AGENDA & MINUTES

Page 10

COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

ITEM

ACTION

ABEYANCE - A-40-99(A) - FLETCHER,
NELSON AND NUNN

COMMISSIONER MACK asked if these types of uses have been approved in the surrounding area.

MR. GLORE responded that there was a similar application that was withdrawn prior to any action being taken on the first Planning Commission agenda in August. A larger child care like this application is becoming problematic in the northwest in terms of the acceptance by established residential neighborhoods. A Special Use Permit application through the City of Las Vegas would require notification at a 750 foot radius, as opposed to the 330 foot radius in the County.

VICE CHAIRMAN GALATI objected to this being annexed without the City's conditions being placed on it. He suggested holding this item in abeyance for thirty days to resolve some of the concerns of the residents and the City. There seems to be a lot of misinformation in regard to this application.

COMMISSIONER SKAAR felt that directly across the street from an elementary school is a good location for a private pre-school. That should take care of a lot of traffic problems by parents only having to go in one direction rather than having to drop off a child at the elementary school and then go in a different direction to drop off another child at the pre-school. She noted that the applicant has agreed to sell the westerly 50 feet of this property to the abutting homeowners, which should be a condition, and the homeowners all signing off indicating they will take the property so that part of the wall won't be torn down and part of the wall stay up. There is no way to place those conditions on this Annexation.

CHAIRMAN BUCKLEY said counsel just mentioned to him that if this is abeyed for thirty days, it could be notified within the 750 foot radius and brought back as a Public Hearing item.

COMMISSIONER SKAAR wants the issue with the westerly 50 feet being sold to the abutting property owners resolved.

MR. UNGER objected to having this item held in abeyance, since there are only four or five additional abutting property owners that would be notified and there is the matter of the contract, etc. There are many issues that need to be worked out after they receive title to the property.

24490

PLANNING COMMISSION

MEETING OF
SEPTEMBER 23, 1999

City of Las Vegas

AGENDA & MINUTES

Page 11

COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

ITEM

ACTION

ABEYANCE - A-40-99(A) - FLETCHER,
NELSON AND NUNN

COMMISSIONER SKAAR felt there are issues such as where the landscaping is placed and when it is required to be done. The County's conditions state that the landscaping on the westerly portion does not have to be done until it is developed.

MR. UNGER said there could be a landscaping condition and even if there is a 75 foot setback, it doesn't mean landscaping could not be done to the end.

CHAIRMAN BUCKLEY felt the issue on the agenda is not in regard to specific conditions, but whether the property should be annexed into the City.

DOUG POWELL, Planning and Development, suggested having the applicant apply for a Special Use Permit and it could be noticed at a 750 foot radius and heard at the same time as the Annexation. However, they would need to apply for the Special Use Permit no later than next week. The Special Use Permit would have to be acted upon after the Annexation at the same meeting.

COMMISSIONER MORAN felt the child care/preschool is a very good proposal for this property, but there are many issues that need to be worked out.

NIEL DEXTER, 3800 Diamond Ridge Street, appeared in favor to represent five of the adjacent homeowners. They will be grading their property as soon as possible and also build the block wall to make their own buffer. There have been three Public Hearings on this proposal.

To be heard by the Planning Commission on 10/28/99.

(6:11 - 6:33) 1 - 176

PLANNING COMMISSION

MEETING OF
SEPTEMBER 23, 1999

24491

City of Las Vegas

AGENDA & MINUTES

Page 12

COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

ITEM

ACTION

A-4.

TM-42-99 - WASHINGTON DEVELOPMENT -
WASHINGTON DEVELOPMENT LIMITED
LIABILITY COMPANY

Request for a Tentative Map and waiver of the Subdivision Ordinance (Title 18) TO ALLOW LOTS WITH LESS THAN 100 FEET WIDE TO FRONT ON A SECONDARY STREET (MARION DRIVE) on property located at the southwest corner of the intersection of Washington Avenue and Marion Drive, R-MHP (Residential Mobile/Manufactured Home Park) Zone under Resolution of Intent to R-PD6 (Residential Planned Development - 6 Units Per Acre), Size: 22.6 Acres, No. of Lots: 140, Ward 3 (Reese).

STAFF RECOMMENDATION: APPROVAL,
subject to:

1. The Final Map shall identify as common open space Lot Nos. 24, 41, 42, 51, 53, 54 and 86 of the Tentative Map.
2. Approval of the Tentative Map shall be for no more than twelve (12) months. If a Final Map is not recorded on all or a portion of the area embraced by the Tentative Map, a new Tentative Map must be filed.
3. Street names must be provided in accord with the City's Street Naming Regulations.
4. All development is subject to the conditions of City Departments and State Subdivision Statutes.
5. 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.

Galati -
**APPROVED, SUBJECT TO STAFF'S CONDITIONS,
DELETING CONDITION NO. 1.**

**Motion carried with Skaar voting "No."
(Gordon excused)**

CHRIS GLORE, Planning and Development, stated this request is the same site plan that was approved with two Rezoning applications in 1998, with the exception that there are some internal roadway changes, particularly to the portion east of the Las Vegas Wash.

The site plan shows 12 lots with widths less than 100 feet fronting onto Marion Drive, which is a designated secondary street. Staff finds the waiver from this requirement is appropriate in this case because this portion of Marion Drive ends at the flood control channel, and therefore, this location does not carry any more than local traffic.

The 1998 City Council approvals for the two Rezoning applications included a waiver of open space requirements for R-PD zones. Staff recommended inclusion of common open space in this project due to the high density, relatively small size of lots (76 out of 140 are 4,000 square feet), and the triangular configuration of seven proposed lots, which is a configuration that staff does not support.

Title 18 of the Subdivision Standards requires that all waivers to standards be forwarded to the City Council; therefore, this item would go before the City Council on November 3rd.

Staff received one recommendation for approval if open space were to be included in the site plan. Staff recommended approval, subject to the conditions.

RUSSELL SKUSE, VTN-Nevada, 2727 South Rainbow Boulevard, appeared to represent the applicant. He objected to Condition No. 1 in regard to the common open space. This site is severely impacted by the flood control facility. The City wants Lots 24, 41, 42, 51, 53, 54 and 86 as common open space lots. Just adjacent to this site is an existing school. The flood control facility has been listed on Clark County's recently adopted Park 2000 as being in an area that is going to be designated for the trails plan.

PLANNING COMMISSION

MEETING OF
SEPTEMBER 23, 1999

City of Las Vegas

AGENDA & MINUTES

Page 13

COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

ITEM

ACTION

TM-42-99 - WASHINGTON DEVELOPMENT -
WASHINGTON DEVELOPMENT LIMITED
LIABILITY COMPANY

6. Vacation Application VAC-37-99 shall record prior to the issuance of any building permits for those parcels affected by the Vacation Application as required by the Department of Public Works.

7. The proposed "Access/Utility Easement" through Lot 27 shall be realigned to provide access to the parcel to the west and shall be identified as a public sewer easement as required by the Department of Public Works.

8. 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. 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.

10. A Drainage Plan and Technical Drainage Study shall 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, 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

COMMISSIONER SKAAR asked why there is an off-set cul-de-sac on Marion instead of just going through.

MR. SKUSE responded that staff did not want a through street from Marion to Washington and no speed humps. There is an existing utility easement that runs along the channel which has City sewer. The curb will be depressed so there will be access into the channel.

VICE CHAIRMAN GALATI asked staff if they want the lots to be open space because they don't work as lots or because more open space should be added to the project.

MR. GLORE replied that staff's recommendation is based on both of those issues. The layout of the lots in a triangular shape would be problematic in terms of building pads and determining setbacks, as well as access. Also, the number of lots and density would be better served by a common open space as in the intent of the R-PD zoning in Title 19A.

DAVID McENTIRE, Amstar Homes, 4570 South Eastern Avenue, Suite 28, appeared to represent the application. They have accommodated all of staff's requests. The corner lots in a subdivision are usually for large families and not parks. They will be improving the 5-plus acres for a flood channel with three quarters of a million dollars so they feel they have exceeded the open space requirement. They have met all the building conditions and requirements. Their clientele does not want private streets or private parks.

COMMISSIONER SKAAR asked if the applicant had to give additional land for the drainage channel and how the trail will be maintained.

MR. McENTIRE replied that they did not have to give any additional land for the drainage channel, but have to participate in its improvement. The funding has not been approved for the upkeep of the trail.

MARTA MINTY, 4740 East Van Buren Avenue, appeared to represent the homeowners association for her neighborhood. She was concerned about the configuration of the streets and the two accesses because it is a safety issue for the children attending the nearby middle school. She lives on horse property.

PLANNING COMMISSION

MEETING OF
SEPTEMBER 23, 1999

City of Las Vegas

AGENDA & MINUTES

Page 14

COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

ITEM

ACTION

TM-42-99 - WASHINGTON DEVELOPMENT -
WASHINGTON DEVELOPMENT LIMITED
LIABILITY COMPANY

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 a Final Map, 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. This site is located within a FEMA Flood Zone. This condition shall supersede conditions of approval #8 of Z-30-98 and #12 of Z-29-98.

11. Site development shall comply with all applicable Conditions of Approval for Z-29-98 and Z-30-98.

12. The approval of all Public Works related improvements shown on this Tentative Map is in concept only. Specific design and construction details relating to size, type and/or alignment of public improvements, including but not limited to street, sewer and drainage improvements, shall be resolved prior to approval of the construction plans by the City. All deviations from adopted City Standards must receive approval from the City Engineer prior to the recordation of a Final Map or the approval of subdivision-related construction plans, whichever may occur first.

NOTICES MAILED: N/A

APPROVALS: 0

PROTESTS: 0

BART ANDERSON, Public Works, replied that the Fire Department wants the two accesses. If a public street enters into a subdivision, Public Works does not dictate whether a street goes through or not, but they request the applicants not to make it a straight shot to discourage cut-through traffic. With a public street subdivision which has public streets entering into it, the final disposition of those streets is something that is proposed by the applicant and then approved by Public Works.

MARIE ROGERS, 861 Marion Drive, appeared to state that part of the development that was agreed to previously was satisfactory to the residents on her block because there were some homes to be constructed across the street that were the same size, which gave it a neighborhood appearance and feel. There is an impact of cars on Marion Drive because of the school. Now this proposal includes more homes across the street which is objectionable. She also spoke for Carol Decker who lives on Witherspoon, and objected to putting the streets through.

MR. ANDERSON explained that the Rezonings that were approved did not require cul-de-sacing.

MR. McENTIRE pointed out the revised plan would include the same number of lots on Marion Drive as the original application. They have tried to create a traffic design to keep the children's safety in mind. By improving this property that will curtail the vagrancy problem.

COMMISSIONER SKAAR noted that there are 50 or 60 children leaving school and crossing the bridge. There are between 12 and 24 cars waiting to pick up their children as they come across the bridge. She wants Marion cul-de-saced or knuckled, with a walkway, instead of going south.

MR. McENTIRE responded that they felt it would be safer the way they have designed the project because of the number of vehicles.

To be heard by the City Council on 11-3-99.

(6:33 - 6:57) 1 - 896

PLANNING COMMISSION

MEETING OF
SEPTEMBER 23, 1999

City of Las Vegas

AGENDA & MINUTES

Page 15

COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

ITEM

ACTION

A-5.

FM-69-99 - MARBELLA RIDGE - NIGRO
MARBELLA LIMITED LIABILITY COMPANY

Request for a Final Map on property located adjacent to the southwest corner of the intersection of Alta Drive and Pavilion Center Drive, PC (Planned Community) Zone, Size: 12.27 Acres, No. of Lots: 96, Ward 2 (L. B. McDonald).

STAFF RECOMMENDATION: APPROVAL,
subject to:

1. This Final Map shall be revised prior to recordation to show proper access to Lots 4, 5, 17, 18, 43, and 44 as required by the Planning and Development Department.
2. The submitted Drainage Plan and Technical Drainage Study shall be accepted by the Department of Public Works prior to the recordation of this Final Map.
3. Site development to comply with all previous Conditions of Approval for the Marbella Ridge Tentative Map.
4. Prior to recordation, this Final Map shall show all required easements and right-of-way dedications, shall coincide with the approved drainage plan/study and construction plans, and the Owner's Certificate shall make specific reference to all easements and right-of-ways noted/offered for public use as required by the Department of Public Works. Appropriate sight visibility restriction easements, if applicable, are also required to be shown on this Final Map at all interior intersections, at all perimeter intersections abutting this subdivision site, at all intersections where an interior subdivision street connects with an abutting public street and at all other locations as required by the Traffic Engineer.

Galati -

**APPROVED ITEM NOS. A-1, A-2, AND A-5 THROUGH A-8,
SUBJECT TO STAFF'S CONDITIONS.**

**Motion carried with Buckley abstaining from voting on Item No. A-1 because that involves a client of his law firm and Mack abstaining from voting on Item No. A-5 because he has a financial relationship with the applicant.
(Gordon excused)**

CHAIRMAN BUCKLEY stated this is a Consent item. There has been a request to consider Item Nos. A-3 and A-4 separately.

This is final action.

(6:09 - 6:11) 1 - 119

PLANNING COMMISSION

MEETING OF
SEPTEMBER 23, 1999

City of Las Vegas

AGENDA & MINUTES

Page 16

24493

COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

ITEM

ACTION

FM-69-99 - MARBELLA RIDGE - NIGRO
MARBELLA LIMITED LIABILITY COMPANY

APPROVED

5. The Final Map (FM-69-99) shall be in conformance with the approved Tentative Map (TM-22-99).

NOTICES MAILED: N/A

APPROVALS: 0

PROTESTS: 0

PLANNING COMMISSION

MEETING OF
SEPTEMBER 23, 1999

City of Las Vegas

AGENDA & MINUTES

Page 17

COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

ITEM

ACTION

A-6.

FM-70-99 - GRAND ESTATES EAST II - AMERICAN WEST HOMES

Request for a Final Map on property located adjacent to the east side of El Capitan Way, approximately 500 feet north of Alexander Road, U (Undeveloped) Zone [DR (Desert Rural Density Residential) General Plan Designation], Size: 5.18 Acres, No. of Lots: 9, Ward 4 (Brown).

STAFF RECOMMENDATION: APPROVAL, subject to :

1. The submitted Drainage Plan and Technical Drainage Study shall be accepted by the Department of Public Works prior to the recordation of this Final Map.
2. Site development to comply with all previous Conditions of Approval for the Grand Estates East II Tentative Map.
3. Prior to recordation, this Final Map shall show all required easements and right-of-way dedications, shall coincide with the approved drainage plan/study and construction plans, and the Owner's Certificate shall make specific reference to all easements and right-of-ways noted/offered for public use as required by the Department of Public Works. Appropriate sight visibility restriction easements, if applicable, are also required to be shown on this Final Map at all interior intersections, at all perimeter intersections abutting this subdivision site, at all intersections where an interior subdivision street connects with an abutting public street and at all other locations as required by the Traffic Engineer.
4. The Final Map (FM-70-99) shall be in conformance with the approved Tentative Map (TM-9-99).

NOTICES MAILED: N/A

APPROVALS: 0
PROTESTS: 0

Galati - APPROVED ITEM NOS. A-1, A-2, AND A-5 THROUGH A-8, SUBJECT TO STAFF'S CONDITIONS.

Motion carried with Buckley abstaining from voting on Item No. A-1 because that involves a client of his law firm and Mack abstaining from voting on Item No. A-5 because he has a financial relationship with the applicant. (Gordon excused)

CHAIRMAN BUCKLEY stated this is a Consent item. There has been a request to consider Item Nos. A-3 and A-4 separately.

This is final action.

(6:09 - 6:11) 1 - 119

PLANNING COMMISSION

MEETING OF
SEPTEMBER 23, 1999

City of Las Vegas

AGENDA & MINUTES

Page 18

24494

COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

ITEM

ACTION

A-7.

A-42-99(A) - CLARK COUNTY SCHOOL DISTRICT

Petition to Annex property generally located on the northeast corner of Gilmore Avenue and Tee Pee Lane, containing approximately 10 acres of land, Ward 4 (Brown), APN: 138-07-501-012.

STAFF RECOMMENDATION: APPROVAL

NOTICES MAILED: N/A

APPROVALS: 0

PROTESTS: 0

Galati -

APPROVED ITEM NOS. A-1, A-2, AND A-5 THROUGH A-8, SUBJECT TO STAFF'S CONDITIONS.

Motion carried with Buckley abstaining from voting on Item No. A-1 because that involves a client of his law firm and Mack abstaining from voting on Item No. A-5 because he has a financial relationship with the applicant. (Gordon excused)

CHAIRMAN BUCKLEY stated this is a Consent item. There has been a request to consider Item Nos. A-3 and A-4 separately.

This item will be forwarded to the City Council in Ordinance form.

(6:09 - 6:11) 1 - 119

PLANNING COMMISSION

MEETING OF
SEPTEMBER 23, 1999

City of Las Vegas

AGENDA & MINUTES

Page 19

COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

ITEM

ACTION

A-8.

A-43-99(A) - TIGER MYNARCIC AND JILL M. CHILDS

Petition to Annex property generally located at 6350 West Cheyenne Avenue, containing approximately 0.87 acres of land, Ward 4 (Brown), APN: 138-11-801-018.

STAFF RECOMMENDATION: APPROVAL.

NOTICES MAILED: N/A

APPROVALS: 0

PROTESTS: 0

Galati -

APPROVED ITEM NOS. A-1, A-2, AND A-5 THROUGH A-8, SUBJECT TO STAFF'S CONDITIONS.

Motion carried with Buckley abstaining from voting on Item No. A-1 because that involves a client of his law firm and Mack abstaining from voting on Item No. A-5 because he has a financial relationship with the applicant. (Gordon excused)

CHAIRMAN BUCKLEY stated this is a Consent item. There has been a request to consider Item Nos. A-3 and A-4 separately.

This item will be forwarded to the City Council in Ordinance form.

(6:09 - 6:11) 1 - 119

PLANNING COMMISSION

MEETING OF
SEPTEMBER 23, 1999

City of Las Vegas

AGENDA & MINUTES

Page 20

COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

ITEM

ACTION

B.

NON PUBLIC HEARING ITEMS:

B-1.

Z-17-99(1) - PRAIRIE ROSE PARK LIMITED LIABILITY COMPANY

Request for a Review of original Condition of Approval Number 5 regarding off-site traffic capacity improvements on property located east of Durango Drive, approximately 660 feet south of Grand Teton Drive, U (Undeveloped) Zone [PCD (Planned Community Development) General Plan Designation] under Resolution of Intent to R-PD4 (Residential Planned Development - 4 Units Per Acre), Ward 4 (Brown), APN's: 125-16-102-001, 002; 125-16-103-001 and 002.

STAFF RECOMMENDATION: APPROVAL, subject to:

1. **Original Condition Number 5 of Z-17-99 shall be revised to read:** 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 street improvements and/or adequate traffic capacity does not exist on the issuance for any and all lots within this rezoning site if adequate intersection capacity does not exist at the Durango/US 95 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.

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

MATT PINJUV, Planning and Development, stated the applicant has made this request in order to clarify a condition regarding the time of off-site traffic improvements at the intersection of Durango and U. S. 95. Since this was originally approved, the standard wording for this type of condition has been updated. This is just a housekeeping matter. Staff recommended approval, subject to the condition.

RUSSELL SKUSE, VTN-Nevada, 2727 South Rainbow Boulevard, appeared to represent the applicant. He concurred with staff's conditions.

To be heard by the City Council on 11-3-99.

(6:57 - 6:59) 1 - 1800

24495

PLANNING COMMISSION

MEETING OF
SEPTEMBER 23, 1999

City of Las Vegas

AGENDA & MINUTES

Page 21

COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

ITEM

ACTION

Z-17-99(1) - PRAIRIE ROSE PARK LIMITED
LIABILITY COMPANY

APPROVED

NOTICES MAILED: N/A

APPROVALS: 0

PROTESTS: 0

PLANNING COMMISSION

MEETING OF
SEPTEMBER 23, 1999

City of Las Vegas

AGENDA & MINUTES

Page 22

COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

24493

ITEM

ACTION

B-2:

Z-100-64(169) - CITY OF LAS VEGAS REDEVELOPMENT AGENCY

Request for a Site Development Plan Review on property located on the southeast corner of the intersection of Clark Avenue and Fourth Street FOR A PROPOSED TWELVE-STORY, 97,235 SQUARE FOOT OFFICE AND RETAIL BUILDING WITH A SEVEN-STORY, 345 SPACE PARKING GARAGE (CLARK STREET OFFICE BUILDING), C-1 (Limited Commercial) Zone under Resolution of Intent to C-2 (General Commercial), Size: 0.68 Acres, Ward 1 (McDonald), APN's: 139-34-311-126, 127, and 128.

STAFF RECOMMENDATION: APPROVAL, subject to:

1. The first floor shall be limited to retail and service type uses as required by the Planning and Development Department.
2. The applicant shall submit a revised plan and parking analysis demonstrating adequate parking will be provided as required by the Planning and Development Department.
3. Planter boxes shall be placed at all openings on all levels of the parking garage as required by the Planning and Development Department.
4. No roof signs shall be allowed on this building.
5. Coordinate with the City Surveyor to determine whether a Reversionary Map to revert the underlying lot lines to acreage is necessary; if such Reversionary Map is required, it shall record prior to the issuance of any building permits for this site as required by the Department of Public Works.

Galati - APPROVED, SUBJECT TO STAFF'S CONDITIONS AND CONDITION NO. 3 AMENDED TO STATE APPLICANT TO WORK WITH STAFF TO DETERMINE APPROPRIATE PLANT LOCATION WITHIN THE GARAGE.
Motion carried with Moran abstaining from voting because she owns property in the area and Quinn abstaining from voting.
(Gordon excused)

MATT PINJUV, Planning and Development, stated the first seven stories of the proposed building will be the parking garage, with retail and restaurant on the first floor. An outdoor cafe is located at the northwest corner of the building near the street intersection. The remaining five stories (8 through 12) are the office space. Access to the main parking garage will be at the driveway from Clark Avenue. There is basement parking with gate restricted access from Fourth Street and the north/south public alley along the east side of the building.

The new building will be contiguous to the existing office building to the south, although physically connected through the parking garage.

The building elevations depict the parking garage portion of the structure will be pre-cast concrete with planter boxes located at openings on each level. The top five stories, which is the office portion of the building, will consist of tinted glass with stainless steel accent bands.

Staff finds the proposed building to be compatible with development in the area. The placement of the building at the sidewalk or property line with retail and service type uses on the ground floor will create an urban streetscape. Staff recommended a condition restricting the use of the first floor to retail and service type uses in order to encourage that type of pedestrian traffic along Fourth Street and Clark Avenue.

In reviewing the plans, there is a discrepancy in the amount of parking that would be provided and what would be required by Code. A condition is being recommended by staff that the applicant submit a revised parking analysis to verify that adequate parking will be provided.

PLANNING COMMISSION

MEETING OF
SEPTEMBER 23, 1999

City of Las Vegas

AGENDA & MINUTES

Page 23

COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

ITEM

ACTION

Z-100-64(169) - CITY OF LAS VEGAS
REDEVELOPMENT AGENCY

6. Coordinate with the Right-of-Way Section to determine the appropriate radius for the southeast corner of Fourth Street and Clark Avenue; dedicate such required right-of-way, if any, prior to the issuance of any permits as required by the Department of Public Works.

7. Construct all incomplete half-street improvements (sidewalk) on Clark Avenue, including a handicap ramp on the southeast corner of Fourth Street and Clark Avenue, concurrent with development of this site as required by the Department of Public Works.

8. 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.

9. 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.

With regard to the building elevations, staff recommended that the planter boxes be located at each of the openings of the parking garage on all of the levels.

Staff recommended approval, subject to the conditions.

DAVID OKA, Manager of Redevelopment Agency, appeared to represent the application. The Agency has entered into an agreement with Clark Street Associates for the development of this site.

TOM SCHOEMAN, JMA Architects, 1150 Covington Cross Drive, appeared to represent the applicant. He objected to Condition No. 3. The building owner is concerned with the maintenance of the planter boxes and viability of plant material surviving on a west elevation. They will be detailing the pre-cast concrete panels. Additionally, the developer would like to invest their landscape budget on the streetscape with tall trees, large canopies and lush pedestrian environment. The two structures will not physically touch, however they will connect at the parking structures. The horizontal banding will be accented with gray/black glass.

DEPUTY CITY ATTORNEY STEVE GEORGE said he will be unable to provide legal advice on this application because of his relationship with Mr. Schuman on a Board.

To be heard by the City Council on 11-3-99.

(6:59 - 7:05) 1 - 1860

PLANNING COMMISSION

MEETING OF
SEPTEMBER 23, 1999

City of Las Vegas

AGENDA & MINUTES

Page 24

COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

ITEM

ACTION

Z-100-64(169) - CITY OF LAS VEGAS
REDEVELOPMENT AGENCY

APPROVED

10. A Traffic Impact Analysis shall 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 Traffic Impact Analysis shall address the proposed circulation of traffic through the parking structure and shall address potential gated security areas, if proposed. 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. 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.

PLANNING COMMISSION

MEETING OF
SEPTEMBER 23, 1999

City of Las Vegas

AGENDA & MINUTES

Page 25

COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

ITEM

ACTION

Z-100-64(169) - CITY OF LAS VEGAS
REDEVELOPMENT AGENCY

APPROVED

11. Landscape and maintain all unimproved right-of-way on Fourth Street and Clark Avenue adjacent to this site as required by the Department of Public Works.

12. Submit an Encroachment Agreement for all private improvements located in the Fourth Street and Clark Avenue public right-of-way adjacent to this site prior to occupancy of this site as required by the Department of Public Works.

13. All development shall be in conformance with the Site Development plan and building elevations.

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

15. All City Code requirements and design standards of all City departments shall be satisfied.

16. Parking and driveway plans shall be approved by the Traffic Engineer prior to the issuance of any permits.

17. 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.

18. 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.

PLANNING COMMISSION

MEETING OF
SEPTEMBER 23, 1999

City of Las Vegas

AGENDA & MINUTES

Page 26

COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

ITEM

ACTION

Z-100-64(169) - CITY OF LAS VEGAS REDEVELOPMENT AGENCY

APPROVED

19. 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 Department of Building and Safety. Accessible routes shall have running slopes and cross slopes in accordance with the applicable code.

NOTICES MAILED: N/A

APPROVALS: 0

PROTESTS: 0

PLANNING COMMISSION

MEETING OF
SEPTEMBER 23, 1999

City of Las Vegas

AGENDA & MINUTES

Page 27

COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

ITEM

ACTION

B-3.

Z-33-88(6) - 70 LIMITED PARTNERSHIP ON
BEHALF OF FURNITURE MART OF AMERICA

Request for a Site Development Plan Review on property located on the northwest corner of the intersection of Alta Drive and Martin L. King Boulevard FOR A PROPOSED SEVEN-STORY 1,312,580 SQUARE FOOT FURNITURE MART AND A SIX-STORY 1,416 SPACE PARKING STRUCTURE TO BE CONSTRUCTED IN TWO PHASES; AND FOR A WAIVER OF LANDSCAPING REQUIREMENTS FOR A TEMPORARY PARKING LOT, C-1 (Limited Commercial) Zone, Size: 24.92 Acres, Ward 1 (McDonald), APN's: 139-33-102-020 and 139-33-202-005.

STAFF RECOMMENDATION: APPROVAL,
subject to:

1. The approval of the waiver for parking lot landscaping shall apply only to 4.67 acres within those areas to be developed with buildings in Phase II and shall lapse within 36 months of the date of this approval. If Phase II construction has not commenced, this waiver shall be reviewed by the Planning Commission.
2. The applicant shall work with the representatives of the existing Sears Home store and Costco store, and City staff, regarding mutual vehicular access between the subject site and the Sears Home store and Costco store sites.
3. The site plan shall be revised to depict all required handicap accessible spaces shall be located to be within 100 feet of a building entrance.
4. Elevations for the parking garage shall be revised to depict that the concrete used for the structure, panels and columns of the parking garage match one or more of the exterior colors on the main building.

Quinn -

**APPROVED, SUBJECT TO STAFF'S CONDITIONS AND
ADDITIONAL CONDITION OF NO REFLECTIVE GLAZING.**

Unanimous

(Gordon excused)

CHRIS GLORE, Planning and Development, stated this project is proposed for a large undeveloped site in a prominent location in relation to U.S. 95, I-15 and downtown Las Vegas. A furniture mart in this location will enhance the identity of the area as the regions retail furniture district and will greatly expand the opportunities for comparison shopping for furniture in one central location within the region.

Elevations for the building depict extensive glass service area with columns of vertical elements to provide contrasting facade design and varied facade planes. There will be full high glass facades at the atriums on four sides of each of the two phases, beneath the two glass domes on top of the roof. Building signage is depicted as one animated wall sign extending the full height of the building front, approximately 165 feet, facing Martin L. King Boulevard and wall signs on the front and back sides.

Landscaping will be within 15 to 20 foot wide planters along the street frontages at Alta Drive and Martin L. King Boulevard and 5 to 10 foot wide planters along the interior side boundaries. All interior planters are depicted as incorporating a mixture of 18 foot high palm trees and 24 inch box trees 20 feet on center. A requested landscape waiver will be for a 4.67 acre surface parking lot area which will comprise the site of the Phase 2 development, including expansion of the main building and construction of the parking garage.

Access will be from three driveways facing Martin L. King Boulevard and one driveway at Alta Drive. The parking plan will include valet operations for customers from the front of the building and designation from the farthest parking lots for employees. Therefore, staff finds the parking will be adequate for the proposed project.

Staff recommended approval, subject to the conditions.

PLANNING COMMISSION

MEETING OF
SEPTEMBER 23, 1999

City of Las Vegas

AGENDA & MINUTES

Page 28

COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

ITEM

ACTION

Z-33-88(6) - 70 LIMITED PARTNERSHIP ON
BEHALF OF FURNITURE MART OF AMERICA

5. Exterior signage shall be limited to wall signage as depicted in submitted building elevations.

6. The wall signage depicted on the west elevations for the main building shall be non-illuminated to reduce light visible from residential areas adjacent to the west and northwest.

7. The existing off-premise signs (billboards) shall be removed, and no off-premise advertising shall be permitted on this site.

8. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.

9. All exterior lighting shall meet the standards of LVMC Section 19A.08.060 (C).

10. Parking lot lighting standards shall be no more than 20 feet in height and shall utilize 'shoe-box' fixtures and downward-directed lights.

11. Landscaping and a permanent underground sprinkler system shall be installed 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.

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

R. J. KRAUS, 7201 Lake Mead Boulevard, appeared to represent the applicant. He concurred with staff's recommendations. They agreed with the neighbors to increase the size of the wall on Shadow Lane at the rear of the site from a 6 foot high wall to an 8 foot wall and place landscaping on the exterior of the wall.

VICE CHAIRMAN GALATI requested that the glass be non-reflective or colored since this project is so close to the freeway.

RICHARD LUKE, Richard Luke Architects, 9061 West Sahara Avenue, appeared to represent the applicant. He felt it would not be a problem to change the type of glass.

COMMISSIONER MACK added that he felt this is a very good project and was glad the applicant had worked with the neighborhood.

COMMISSIONER MORAN wondered if accommodations have been made in case the small section of Alta Drive is widened.

MR. KRAUS responded that they have made accommodations on Alta and Martin L. King in case those streets are widened.

BART ANDERSON, Public Works, added that the City has requested an additional 20 foot right-of-way on Alta and 10 feet on Martin L. King.

COMMISSIONER SKAAR noted that Phase 2 is the portion that is closest to the multi-family directly to the west. She asked how far back the main face of the building on the west is from the west property line.

MR. LUKE responded that it is between 80 and 100 feet. There will not be very much reflective glazing on that side of the building.

This is final action.

(7:05 - 7:14) 1 - 2130

24499

PLANNING COMMISSION

MEETING OF
SEPTEMBER 23, 1999

City of Las Vegas

AGENDA & MINUTES

Page 29

COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

ITEM

ACTION

Z-33-88(6) - 70 LIMITED PARTNERSHIP ON
BEHALF OF FURNITURE MART OF AMERICA

APPROVED

13. The applicant shall have constructed a six foot high decorative block wall, with at least 20 percent contrasting materials, along the entire interior property boundary as depicted on submitted site and landscape plans.

14. Dedicate 20 feet of right-of-way adjacent to this site for Alta Drive and 10 feet of right-of-way adjacent to this site for Martin L. King Boulevard prior to the issuance of any permits as required by the Department of Public Works.

15. 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.

16. 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.

17. All parcels comprising this overall site shall provide perpetual common parking and access rights to all driveways connecting this overall site to the abutting public streets.

PLANNING COMMISSION

MEETING OF
SEPTEMBER 23, 1999

City of Las Vegas

AGENDA & MINUTES

Page 30

COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

ITEM

ACTION

Z-33-88(6) - 70 LIMITED PARTNERSHIP ON
BEHALF OF FURNITURE MART OF AMERICA

APPROVED

18. A Traffic Impact Analysis and Master Driveway and On-Site Circulation Plan shall 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 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.

19. Obtain an Encroachment Agreement for all landscaping and private improvements in the Alta Drive and Martin L. King Boulevard public rights-of-way adjacent to this site as required by the Department of Public Works.

PLANNING COMMISSION

MEETING OF
SEPTEMBER 23, 1999

City of Las Vegas

AGENDA & MINUTES

Page 31

COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

ITEM

ACTION

Z-33-88(6) - 70 LIMITED PARTNERSHIP ON
BEHALF OF FURNITURE MART OF AMERICA

APPROVED

20. Landscape and maintain all unimproved right-of-way on Alta Drive and Martin L. King Boulevard adjacent to this site as required by the Department of Public Works.

21. A Drainage Plan and Technical Drainage Study shall be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, 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, 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.

22. Site development shall comply with all applicable Conditions of Approval for Zoning Reclassification Z-33-88 and all other site-related actions as required by the Department of Public Works.

NOTICES MAILED: N/A

APPROVALS: 0

PROTESTS: 0

PLANNING COMMISSION

MEETING OF
SEPTEMBER 23, 1999

City of Las Vegas

AGENDA & MINUTES

Page 32

COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

ITEM

ACTION

C.

PUBLIC HEARING ITEMS:

C-1.

ABEYANCE - U-90-99 - MARYLAND VILLAS LIMITED LIABILITY COMPANY

Request for a Special Use Permit on property located adjacent to the northeast corner of the intersection of Maryland Parkway and Wilson Avenue FOR A PROPOSED CHILD CARE CENTER, R-3 (Medium Density Residential) Zone, Ward 3 (Reese), APN: 139-26-412-004.

NOTICES MAILED: 131

APPROVALS: 1 Speaker (9-23-99 PC)

PROTESTS: 0

STAFF RECOMMENDATION: DENIAL. If Approved, subject to:

1. A Site Development Plan Review application shall be approved by the Planning and Development staff and Public Works staff prior to the issuance of any permits, any site, grading, and all development activity for the site.
2. A minimum of six parking spaces shall be provided in access off of Wilson Avenue.
3. The materials for fencing around the outdoor play areas shall be concrete block faced with stucco matching one of the predominant building exterior colors.
4. The revised elevations shall eliminate all roll-up doors on the west, north and south walls. The building elevations shall also be redesigned to provide design and colors that are somewhat more consistent with the approved adjacent residential project.
5. All mechanical equipment, air conditioners and trash areas shall be fully screened from public view along all abutting streets.

Moran -

APPROVED, SUBJECT TO STAFF'S CONDITIONS WITH CONDITION NOS. 3 AND 4 DELETED.

Motion carried with Skaar voting "No," Galati abstaining from voting due to a previous relationship with the applicant and Quinn abstaining from voting due to his relationship with the YMCA.

(Gordon excused)

CHRIS GLORE, Planning and Development, stated this item was abeyed by the Planning Commission from the August 26th meeting in order to allow the applicant time to work with staff on issues regarding access, parking and building elevations. The applicant has since submitted a revised site plan which depicts three parking spaces, including the required handicapped accessible space off Wilson Avenue. The applicant intends to have the additional parking in the adjacent apartment complex as in the previous plan. The three spaces will be inadequate for drop-off and pick-up at the proposed child care facility for up to 60 children. The main drop-off and pick-up times would still occur in the morning and evening and most of the parents will still end up parking in the apartment complex parking lot. Because of the 200 foot distance between those spaces and the front door of the child care facility there will be parking for a longer period of time because the parents will want to walk their children to and from the child care facility. Staff finds the revised access and parking problematic and still recommended denial. In addition, the elevations were not revised by the applicant and staff still finds those elevations inconsistent with those approved for the adjacent apartment buildings and present a contrasting design with development in the surrounding neighborhood.

MARJORIE POLLEY appeared to represent the application.

MICHELLE STALK, Architect, appeared to represent the applicant. The original concerns of staff were that the parking lot was over 200 feet from the building, no drop-off for the children, building design should be more consistent with adjacent buildings, and roll-up doors were unsightly.

PLANNING COMMISSION

MEETING OF
SEPTEMBER 23, 1999

City of Las Vegas

AGENDA & MINUTES

Page 33

COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

ITEM

ACTION

ABEYANCE - U-90-99 - MARYLAND VILLAS
LIMITED LIABILITY COMPANY

6. All exterior lighting shall meet the standards of LVMC section 19A.08.060(C).

7. Landscaping and a permanent underground sprinkler system shall be installed 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 shall be submitted prior to or at the same time application is made for a building permit, or prior to occupancy, whichever occurs first.

9. In accordance with Original Condition #7 of Site Development Plan Review SD-40-97, dedicate a 15 foot radius on the southwest corner of Harris Avenue and 13th Street prior to the issuance of any permits for this site as required by the Department of Public Works.

10. An addendum to the previously approved Drainage Plan and Technical Drainage Study shall be submitted to and approved by the Department of Public Works prior to the issuance of any grading or building permits, 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.

11. Site development to comply with all applicable Conditions of Approval for Site Development Plan Review SD-40-97 and all subsequent site-related actions as required by the Department of Public Works.

She objected to comments that were made at the last hearing concerning her professionalism.

There are 208 parking spaces required for the existing facility and 218 provided, but that is inadequate because the required child care takes an additional 12 spaces. With the 218 spaces and three more added, that brings the count to 13 for the child care. Child care centers for preschool children cannot have children walk in by themselves. Parents must walk with them into the facility and sign them in; not drop them off and just pick them up. Since this type of facility is geared for working parents, the times the children are brought and picked up varies. This project was selected by CDBG for funding because it will serve the needs of the immediate neighborhood. On-site there will be 108 one, two and three bedroom apartments. Immediately to the south and east of the site there is an apartment complex that contains 112 apartments. Currently, those apartments are 95% occupied with 130 minors, of which approximately 40 are under the age of five. Those people will not likely drive their children to the child care center. The distance to the parking is within the requirements of all applicable codes. Therefore, the concerns of staff regarding distance is subjective. The suggested parking spaces to be located off Wilson is not substantiated by any building or zoning code.

The design of the building is not consistent with the neighborhood, but the YMCA, CDBG, and the local City Councilman have approved this design.

The roll-up doors are a functional element of the facility. They allow for children to have indoor/outdoor play without the concern of children opening and closing the doors. They also allow the staff more control of the indoors and outdoors at the same time.

The newly-permitted building immediately to the north has roll-up doors.

PLANNING COMMISSION

MEETING OF
SEPTEMBER 23, 1999

City of Las Vegas

AGENDA & MINUTES

Page 34

24502

COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

ITEM

ACTION

ABEYANCE - U-90-99 - MARYLAND VILLAS
LIMITED LIABILITY COMPANY

12. If this Special Use Permit is not exercised within one year after the approval, this Special Use Permit shall be void unless an Extension of Time has been granted.

13. All City Code requirements and all City departments' design standards shall be met.

She itemized the following concerns involving staff's requirements.

1. When this project was submitted for a Special Use Permit the applicant was told they did not need a site plan review.

2. Six parking spaces are subjective.

3. The materials on the proposed fence around the property have been approved without stucco. Now staff wants to add the condition that they be stuccoed.

4. The roll-up doors have been approved previously on this site.

CHAIRMAN BUCKLEY declared the Public Hearing open.

AL GALLEG0, citizen living in the downtown area, appeared in favor. More day care centers are needed in the downtown area. There are no programs for the youth in the downtown area and this facility will be run by the YMCA. He felt they need more parking since he takes his granddaughter to one of them and oftentimes stays for as long as a half hour.

TOM McGOWAN, 720 South Casino Center Boulevard, appeared in favor. He commended the Planning Commission on having their Briefing session open to the public. He felt it would be better for the Planning Commission to error on the side of conservatism.

CHAIRMAN BUCKLEY declared the Public Hearing closed.

COMMISSIONER MORAN felt there might have been a misunderstanding on this item at the previous Planning Commission hearing. The colors will be fun for the children and this type of facility is needed in the area. She asked what the applicant has in mind for the fencing.

MARJORIE POLLEY answered that they want the fencing to be consistent with the fencing for the larger project.

PLANNING COMMISSION

MEETING OF
SEPTEMBER 23, 1999

City of Las Vegas

AGENDA & MINUTES

Page 35

COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

ITEM

ACTION

ABEYANCE - U-90-99 - MARYLAND VILLAS
LIMITED LIABILITY COMPANY

MS. STALK explained that Maryland Villas has a fence going around it that is three feet high block with pillars going six feet high every 20 feet and wrought iron in every three foot section. Staff is recommending that the block wall be stuccoed. That is not consistent with what was approved on the rest of the project. She objected to returning for a site plan review.

MS. POLLEY said that before they applied for the CDBG financing they took the concept and the design to Councilman Reese. Based on his approval, they proceeded with this design with regard to engineering and some monies have already been laid out based on Councilman Reese saying not to change any of it. Had there been issues concerning the elevations and designs, they would have been addressed a year and a half ago. They are concerned about the parking issue because they meet all the code standards.

MR. GLORE explained that the Site Development Plan Review is a requirement of Title 19A for all development aside from single family, outside of an R-PD, so there is no opportunity to waive that requirement.

In regard to Condition No. 3, the fencing is around the outdoor play areas, not the perimeter fencing. The change in the fencing around the perimeter of the project was a request for review of condition that was before the Planning Commission and City Council regarding approval of the Maryland Villas apartment complex.

There is a condition in the Code that allows staff the opportunity to look at the optimal orientation of parking.

DOUG POWELL, Planning and Development, read from the Code as follows: "Distribution of parking spaces for any and all individual uses shall be required to be arranged on-site to insure optimal access and use by the patrons of such use." Staff's position is that they don't have sufficient parking on-site and whether it serves the uses.

PLANNING COMMISSION

MEETING OF
SEPTEMBER 23, 1999

City of Las Vegas

AGENDA & MINUTES

Page 36

24505

COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

ITEM

ACTION

ABEYANCE - U-90-99 - MARYLAND VILLAS
LIMITED LIABILITY COMPANY

MS. POLLEY commented that there will be 60 children coming and going on a rotating basis.

COMMISSIONER MACK said his main concern is for emergency vehicles.

MS. STALK explained that emergency vehicles would come in off Maryland Parkway. The building to the north has the same situation with stairs and access from Maryland Parkway. They met with the Fire Department and received their approval as to what would work for them.

CHAIRMAN BUCKLEY said his main concern is parking. He wondered if there could be parking spaces available on Wilson Avenue.

MR. GLORE responded that Wilson Avenue is an unimproved street and there is an existing apartment complex adjacent to the south which has a fairly high number of tenants and vehicles.

MS. STALK explained that Wilson Avenue is unimproved, but part of the conditions for building the apartments is to improve and widen it.

BART ANDERSON, Public Works, said there is a significant grade from Maryland Parkway to the front of the building.

MR. GLORE said the Site Development Plan Review could be handled administratively, rather than as an item that would go before the Planning Commission. That would shorten the overall review time frame by a matter of one to two weeks potentially.

The City Council will set a date for a Public Hearing on this item at their 10/20/99 meeting. The Public Hearing will be heard by the City Council on 11/3/99.

(7:27 - 8:01) 1 - 3200

PLANNING COMMISSION

MEETING OF
SEPTEMBER 23, 1999

City of Las Vegas

AGENDA & MINUTES

Page 37

COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

ITEM

ACTION

C-2.

ABEYANCE - RENOTIFICATION - Z-49-99 -
PSA LAND INVESTMENTS LIMITED LIABILITY
COMPANY

Request for a Site Development Plan Review on property located adjacent to the north side of Charleston Boulevard, approximately 424 feet east of the Torrey Pines Drive intersection, FOR A PROPOSED 13,000 SQUARE FOOT RETAIL CENTER, C-1 (Limited Commercial), Size: 2.19 Acres, Ward 2 (L. B. McDonald), APN: 138-35-803-001.

NOTICES MAILED: 129 [Mailed with Z-49-99(1)]

APPROVALS: 3 2 Speakers (9-23-99 PC)

PROTESTS: 0

CONCERNS: 24
3 Speakers (9-23-99 PC)

STAFF RECOMMENDATION: APPROVAL,
subject to:

1. The site plan shall be revised to depict all handicap accessible parking and freight loading spaces required by Title 19A for the proposed uses.
2. The landscape plan shall be revised to depict a minimum of sixteen 24-inch box trees along Charleston Boulevard and a minimum of sixteen 24-inch box trees along Blair Way. The landscape plan shall also be amended to depict 36-inch high berms within the 15 foot landscape planters along the entire Charleston Boulevard and Blair Way frontages. If a six foot to eight foot high solid wall is constructed within the landscape planter along the Blair Way frontage, the berm shall not be required in addition to the wall.
3. The proposed elevations shall be revised to depict south elevations for Pad B and Pad C buildings comparable to the Pad B west elevation depicted.

Skaar -

APPROVED, SUBJECT TO STAFF'S CONDITIONS WITH CONDITION NO. 2 AMENDED TO DELETE REFERENCE TO THE 36-INCH HIGH BERMS AND THE THIRD SENTENCE DELETED, AND ADDITIONAL CONDITION TO READ THAT A SIX FOOT HIGH DECORATIVE WALL CONSTRUCTED ALONG THE NORTHERN BORDERS ALONG BISHOP, BLAIR AND CASADA AND TORREY PINES MEASURED ON THE SIDE OF THE LOWEST ELEVATION.

**Unanimous
(Gordon excused)**

CHRIS GLORE, Planning and Development, stated this request was abeyed at the August 26th Planning Commission meeting in order to allow Metro time to review a request made by the neighbors for an eight foot high wall along the entire northern property boundary, which is approximately 1,000 linear feet. Metro has indicated that while they generally do not support walls, they do not have a particular issue with the wall requested by the neighbors.

Staff received a letter with signatures in support of the wall. Staff has also received a telephone call from Bill Crane, Student Housing Director, Community College, expressing support for the proposed commercial center, but opposition to a requested wall. Students living in student housing directly across Casada Way from the project site would benefit by being able to walk to the shopping through the site and to the college library. The wall will require all residents adjacent on the north of this site to drive on Torrey Pines and Charleston Boulevard in order to access this center. Staff finds that if this wall is conditioned for this project, in order to mitigate the light from vehicle headlights, trash concerns and shopping cart concerns the wall should have pedestrian cut-throughs at regular intervals, perhaps with turnstyles to prevent the shopping carts leaving the center.

Staff recommended approval, subject to the conditions.

DAVE GARRISON, World Premier Investments, appeared to represent the application. He objected to the parking lot lighting being 20 feet in height under Condition No. 8 because that is inadequate. He requested that condition to read that the parking lot lighting directly adjacent to Blair Way be at 20 feet and the remainder at 30 or 35 feet in height.

PLANNING COMMISSION

MEETING OF
SEPTEMBER 23, 1999

City of Las Vegas

AGENDA & MINUTES

Page 38

COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

ITEM

ACTION

ABEYANCE - RENOTIFICATION - Z-49-99 -
PSA LAND INVESTMENTS LIMITED LIABILITY
COMPANY

4. Signage along the Charleston Boulevard frontage shall be limited to wall signage, consistent throughout the retail center in size and appearance.

5. The existing off-premise sign (billboard) shall be removed, and no off-premise advertising shall be permitted on this site.

6. All mechanical equipment, air conditioners and trash areas shall be fully screened from public views along all abutting streets.

7. All exterior lighting shall meet the standards of LVMC Section 19A.08.060(C).

8. Parking lot lighting standards shall be no more than 20 feet in height within the two northern parking rows and shall utilize 'shoe-box' fixtures and shields to prevent glare to off-site locations.

9. Landscaping and a permanent underground sprinkler system shall be installed 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 prior to occupancy, whichever occurs first.

MR. GLORE responded that the parking lighting request would be acceptable, but he suggested Condition No. 8 be reworded to indicate that within the first row of parking the lighting standards be restricted to 20 feet.

MR. GARRISON felt the height of the wall is a security issue.

MR. GLORE said the wall condition was not recommended by staff, but a request of the neighbors. However, staff has a condition for 36-inch high berms within the landscape area under Condition No. 2.

CHAIRMAN BUCKLEY declared the Public Hearing open.

GENE LONARDO, 6300 Blair Way, appeared as he was concerned about an increase in crime this center would bring into the neighborhood. He would like to have the wall six feet high from Torrey Pines all the way down. He was also fearful of kidnapping. Another concern was privacy, neon lights, noise and odor pollution. Shrubbery should be placed in such a way that the neighbors will not see the trash area. The dumpsters should have covers. - He was concerned with handicapped parking, shrubbery, trees, and a stucco wall.

JOHN BARRONS, 6440 Casada Way, appeared stating the four-plex buildings that are on Bishop, Blair and Casada are already two stories. He wondered what an eight foot wall would do.

AL LIZOTTE, 1410 Colfax Creek Street, Henderson, Nevada, appeared in favor. This shopping center would be convenient for students to utilize. He rents his property to students and drives them a distance to do their shopping. The wall should have access to people that live in the neighborhood. He is against a long wall with no access.

PEARL LONARDO, 6300 Blair Way, appeared saying she lives across the street and wants the wall. A buffer is needed for noise. She will be living in her home after the students have left.

PLANNING COMMISSION

MEETING OF
SEPTEMBER 23, 1999

City of Las Vegas

AGENDA & MINUTES

Page 39

COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

ITEM

ACTION

ABEYANCE - RENOTIFICATION - Z-49-99 -
PSA LAND INVESTMENTS LIMITED LIABILITY
COMPANY

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

12. Construct all incomplete half-street improvements (sidewalk) on Blair Way and Charleston Boulevard adjacent to this site concurrent with on-site development activities as required by the Department of Public Works.

13. Construct sidewalk on at least one side of all access drives connecting this site to the adjacent public streets as required by the Department of Public Works. The connecting sidewalk shall extend from the sidewalk on the public street to the first intersection of the on-site roadway network; the connecting sidewalk shall be terminated on-site with a handicap ramp.

14. If such has not already been established and because it appears that access and parking may be shared by the parcel to the west, a Joint Access and Parking Agreement shall be recorded against both parcels to allow perpetual, unobstructed intrasite circulation between the two parcels, and a copy of such recorded agreement shall be provided to the City prior to the issuance of any permits for this site.

15. 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.

JUNE INGRAM, Charleston Neighborhood Preservation, 505 North Torrey Pines Drive, appeared in favor. The college students will only have to go an extra couple of blocks if the wall is constructed. Her main concern is there is a need for the wall for the security of the children and to keep the debris out of her neighborhood.

JUANITA CLARK, Charleston Neighborhood Preservation, 137 Lorenzi Boulevard, appeared in favor. The people to the north do not have to get into their cars to go to this shopping center. Many people walk in the neighborhood. Perhaps there should be graffiti resistant block wall with turnstyles. She requested that an odor filter be added.

CHAIRMAN BUCKLEY declared the Public Hearing closed.

MR. GARRISON appeared in rebuttal. The present plan shows a wall. It would be beneficial to have pedestrian access to this type of shopping center. The shopping carts can be prevented from leaving the shopping center with some sort of barrier. Assuming the wall will be constructed, it would be placed five feet behind the sidewalk to allow some landscaping from the back of the sidewalk and the wall. By elimination of vehicular access, vehicles will still have to pass the neighbors' properties to drive to this project. The access will allow the people to quickly get in and out of the project. The project will be better served to have some vehicular access. The people that live in the neighborhood will have to go down Casada Way or Blair to use this project.

COMMISSIONER QUINN said there has consistently been a property line wall on the rear of the shopping centers with landscaping on both sides of the wall. Truck drivers will use Casada Way access if it is available. He suggested a wall with landscaping.

VICE CHAIRMAN GALATI did not feel access on Casada Way is best for the neighborhood. A wall makes a buffer, but it will not stop crime. Visual surveillance through the parking lot will be the best way to stop crime. Having access points defeats the purpose of the wall. He would be in favor of the wall.

PLANNING COMMISSION

MEETING OF
SEPTEMBER 23, 1999

City of Las Vegas

AGENDA & MINUTES

Page 40

24505

COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

ITEM

ACTION

ABEYANCE - RENOTIFICATION - Z-49-99 -
PSA LAND INVESTMENTS LIMITED LIABILITY
COMPANY

16. A Traffic Impact Analysis shall 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 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 or the recordation of a Final Map for this site, whichever may occur first. 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 MACK met with Councilwoman McDonald and she is in favor of the wall.

CHAIRMAN BUCKLEY wondered about a wall that a person can see through.

VICE CHAIRMAN GALATI responded that the neighbors want the wall as a visual barrier.

COMMISSIONER SKAAR felt the berm could be eliminated in Condition No. 2 and the height of the wall measured from the side of the least vertical clearance above the finished grade.

To be heard by the City Council on 11/3/99.

(8:03 - 8:44) 2 - 920

PLANNING COMMISSION

MEETING OF
SEPTEMBER 23, 1999

City of Las Vegas

AGENDA & MINUTES

Page 41

COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

ITEM

ACTION

ABEYANCE - RENOTIFICATION - Z-49-99 -
PSA LAND INVESTMENTS LIMITED LIABILITY
COMPANY

APPROVED

17. 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.

18. A Drainage Plan and Technical Drainage Study shall 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, 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 a Final Map for this site, 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.

PLANNING COMMISSION

MEETING OF
SEPTEMBER 23, 1999

City of Las Vegas

AGENDA & MINUTES

Page 42

24506

COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

ITEM

ACTION

C-3.

ABEYANCE - RENOTIFICATION - Z-49-99(1)
- PSA LAND INVESTMENTS, LIMITED
LIABILITY COMPANY

Request for a Site Development Plan Review on property located adjacent to the north side of Charleston Boulevard, approximately 350 feet east of the Torrey Pines Drive intersection, FOR A PROPOSED 94,360 SQUARE FOOT RETAIL CENTER, C-1 (Limited Commercial) Zone, Size: 7.54 Acres, Ward 2 (L. B. McDonald), APN's: 138-35-403-003, 138-35-801-001, and 138-35-802-001.

NOTICES MAILED: 129 (Mailed with Z-49-99)

APPROVALS: 2 Speakers (9-23-99 PC)

PROTESTS: 4 Speakers (9-23-99 PC)

CONCERNS: 24

STAFF RECOMMENDATION: APPROVAL, subject to:

1. The site plan shall be revised to depict the total building area reduced, or Pad A not to be used for a restaurant, and the site plan parking layout revised and including required handicap accessible and freight loading spaces, to meet the Title 19A parking and loading requirements.

2. The site plan shall be revised to depict no direct vehicular access between the site and Casada Way, Bishop Drive, or Blair Way.

3. The landscape plan shall be revised to depict a minimum of thirty-three 24 inch box trees along Charleston Boulevard and a minimum of twenty-nine 24-inch box trees along Casada Way. In order to further soften the view of expansive parking lots, the landscape plan shall be amended to depict 36-inch high berms within the 15 foot landscape planters along the entire Charleston Boulevard and Casada Way frontages.

Skaar -

APPROVED, SUBJECT TO STAFF'S CONDITIONS AMENDED AS FOLLOWS:

- WITH CONDITION NO. 3 TO DELETE REFERENCE TO 36-INCH HIGH BERMS;
- CONDITION NO. 4 AMENDED SO THAT THE TWO ELEVATIONS MAKE REFERENCE TO THE ARTICULATION ONLY, NOT EXPANSION OF GLASS;
- CONDITION NO. 14 AMENDED TO DELETE THE WORDS "IN EITHER CASADA WAY OR BLAIR WAY";
- AND ADDITIONAL CONDITION TO CONSTRUCT A SIX FOOT HIGH DECORATIVE BLOCK WALL MEASURED SIX FEET FROM THE SIDE THAT HAS THE LEAST VERTICAL CLEARANCE ABOVE THE FINISHED GRADE

- Unanimous
(Gordon excused)

DAVE GARRISON, World Premier Investments, appeared to represent the application. He wanted to confirm that the 25 foot dimension is for the actual copy or architectural attributes which will be placed on the sign in Condition No. 5.

MR. GLORE said that is acceptable to staff.

MR. GARRISON said they would like the opportunity to be able to tie into the sewers on any of the streets that are available. He would like Condition No. 14 to read that they will work with staff to tie the sewer in wherever it is appropriate.

BART ANDERSON, Public Works, responded that would be appropriate. The wording: "shall have a direct lateral connection to public sewer in either Casada Way or Blair Way" could be stricken and replaced with: "within a public street."

MR. GARRISON said that wording would be acceptable. If the residents to the north want to access this facility, they would have to drive there if the wall were constructed. They could restrict the access of the shopping carts leaving the center by placing a barrier in the middle of the walkways.

PLANNING COMMISSION

MEETING OF
SEPTEMBER 23, 1999

City of Las Vegas

AGENDA & MINUTES

Page 43

COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

ITEM

ACTION

ABEYANCE - NOTIFICATION - Z-49-99(1) -
PSA LAND INVESTMENTS, LIMITED LIABILITY
COMPANY

4. The proposed elevations shall be revised to depict a Pad A south elevation comparable to the Pad A west elevation depicted, and to depict building elevations for the Market building west and north walls, and the Line Shop B north wall upon expansion, comparable to the Pad A south elevation depicted.

5. Signage along the Charleston Boulevard frontage shall be limited to one freestanding sign, with a maximum height of 25 feet, identifying the retail center and its tenants, adjacent to the main entrance at Charleston Boulevard. The sign shall utilize materials and colors reflecting the commercial buildings. Wall signage throughout the retail center shall be uniform in size and appearance.

6. The existing off-premise advertising (billboard) signs shall be removed, and no off-premise advertising (billboard) signs shall be permitted on this site.

7. All mechanical equipment shall be fully screened from public view along all adjacent streets.

8. All exterior lighting shall meet the standards of LVMC Section 19A.08.060(C).

9. Parking lot lighting standards shall be no more than 20 feet in height within the two northern parking rows and shall utilize 'shoe-box' fixtures and shields to prevent glare to off-site locations.

CHAIRMAN BUCKLEY declared the Public Hearing open.

APPEARANCES:

GENE LONARDO, 6300 Blair Way

JOHN BARRONS, 6440 Casada Way

AL LIZOTTE, 1410 Colfax Creek Street, Henderson, Nevada,

PEARL LONARDO, 6300 Blair Way

JUNE INGRAM, Charleston Neighborhood Preservation, 505
North Torrey Pines Drive

JUANITA CLARK, Charleston Neighborhood Preservation,
137 Lorenzi Boulevard

CHAIRMAN BUCKLEY declared the Public Hearing closed.

To be heard by the City Council on 11/3/99.

(8:03 - 8:44) 2 - 920

PLANNING COMMISSION

MEETING OF
SEPTEMBER 23, 1999

City of Las Vegas

AGENDA & MINUTES

Page 44

COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

ITEM

ACTION

ABEYANCE - . NOTIFICATION - Z-49-99(1) -
PSA LAND INVESTMENTS, LIMITED LIABILITY
COMPANY

APPROVED

10. Remove all substandard public street improvements, if any, adjacent to this site along Charleston Boulevard, Torrey Pines Drive, Casada Way, Bishop Drive and Blair Way and replace with new improvements meeting current City Standards concurrent with on-site development activities as required by the Department of Public Works.

11. Construct all incomplete half-street improvements (sidewalk) on Torrey Pines Drive, Blair Way, Casada Way and Charleston Boulevard and construct half-street improvements on Bishop Drive adjacent to this site concurrent with on-site development activities. All required improvements on Charleston Boulevard and Torrey Pines Drive shall be constructed concurrent with the first phase of development that abuts those streets as required by the Department of Public Works.

12. Construct sidewalk on at least one side of all access drives connecting this site to the adjacent public streets as required by the Department of Public Works. The connecting sidewalk shall extend from the sidewalk on the public street to the first intersection of the on-site roadway network; the connecting sidewalk shall be terminated on-site with a handicap ramp.

13. If such has not already been established and because it appears that access and parking may be shared by the parcel to the east and west of this site, a Joint Access and Parking Agreement shall be recorded against both parcels to allow perpetual, unobstructed intrasite circulation between the two parcels, and a copy of such recorded agreement shall be provided to the City prior to the issuance of any permits for this site.

PLANNING COMMISSION

MEETING OF
SEPTEMBER 23, 1999

City of Las Vegas

AGENDA & MINUTES

Page 45

COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

ITEM

ACTION

ABEYANCE - NOTIFICATION - Z-49-99(1) -
PSA LAND INVESTMENTS, LIMITED LIABILITY
COMPANY

APPROVED

14. Meet with the Collection Systems Planning Section of Public Works to establish acceptable service laterals to provide public sewer to each pad within this overall site as required by the Department of Public Works. Per the Uniform Plumbing Code, each site shall have a direct lateral connection to public sewer in either Casada Way or Blair Way.

15. 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.

16. A Traffic Impact Analysis shall 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

PLANNING COMMISSION

MEETING OF
SEPTEMBER 23, 1999

City of Las Vegas

AGENDA & MINUTES

Page 46

COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

ITEM

ACTION

ABEYANCE - NOTIFICATION - Z-49-99(1) -
PSA LAND INVESTMENTS, LIMITED LIABILITY
COMPANY

APPROVED

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.

17. Obtain an Occupancy Permit for all landscaping and private improvements (driveways) in the Charleston Boulevard public right-of-way adjacent to this site as required by the Department of Public Works.

18. 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.

19. A Drainage Plan and Technical Drainage Study shall 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, 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

PLANNING COMMISSION

MEETING OF
SEPTEMBER 23, 1999

City of Las Vegas

AGENDA & MINUTES

Page 47

COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

ITEM

ACTION

ABEYANCE - NOTIFICATION - Z-49-99(1) -
PSA LAND INVESTMENTS, LIMITED LIABILITY
COMPANY

APPROVED

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 a Final Map, 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.

20. Site development to comply with all applicable conditions of approval for Z-49-99 and Z-57-60 and all other site-related actions as required by the Department of Public Works.

PLANNING COMMISSION

MEETING OF
SEPTEMBER 23, 1999

City of Las Vegas

AGENDA & MINUTES

Page 48

COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

ITEM

ACTION

C-4.

VAC-40-99 - MARYLAND VILLAS LIMITED
LIABILITY COMPANY

Petition to vacate portions of public rights-of-way generally located east of Maryland Parkway, north of Bonanza Road, Ward 3 (Reese).

NOTICES MAILED: 3

APPROVALS: 0

PROTESTS: 0

STAFF RECOMMENDATION: APPROVAL,
subject to:

1. This Vacation application shall exclude the Maryland Parkway embankment area along the west edge of this site as required by the Department of Public Works.
2. Prior to the recordation of an Order of Vacation, provide a plan for the City's approval indicating how the vacated rights-of-way shall be incorporated into the adjacent properties as required by the Department of Public Works.
3. Retain a 20 foot wide public sewer easement over the existing public sewer line in the Harris Avenue alignment and retain a public sewer easement over the entire width of the Wilson Avenue alignment as required by the Department of Public Works.
4. Grant a 10 foot wide public sewer easement adjacent to the north edge of the area to be vacated in the Wilson Avenue alignment (for a total 20 foot wide easement) prior to the recordation of the Order of Vacation as required by the Department of Public Works.
5. All public improvements, if any, adjacent to and in conflict with this Vacation application are to be modified, as necessary, at the applicant's expense prior to the recordation of an Order of Vacation as required by the Department of Public Works.

Mack -

APPROVED, SUBJECT TO STAFF'S CONDITIONS.

Motion carried with GALATI abstaining from voting due to a previous relationship with the applicant and Quinn abstaining from voting due to his relationship with the YMCA.

**Unanimous
(Gordon excused)**

MATT PINJUV, Planning and Development, stated that vacating the excess rights-of-way at Wilson Avenue and Harris Avenue to be appropriate. No improvements currently exist on these rights-of-way. The Department of Public Works had concerns of vacating the embankment area along the portion of Maryland Parkway that was originally included. that embankment. Since that time conversations with the applicant have concluded that they will be eliminated from the Vacation request as addressed in Condition No. 1. Staff recommended approval, subject to the conditions.

MICHELLE STALK, Architect, Urban Construction, 726 South Casino Center Boulevard, Suite 207, and MARJORIE POLLEY appeared to represent the applicant.

CHAIRMAN BUCKLEY declared the Public Hearing open.

There was no one present wishing to speak on this item.

CHAIRMAN BUCKLEY declared the Public Hearing closed.

The City Council will set a date for a Public Hearing on this item at their 10/20/99 meeting. The Public Hearing will be heard by the City Council on 11/3/99.

(8:01 - 8:03) 2 - 864

PLANNING COMMISSION

MEETING OF
SEPTEMBER 23, 1999

City of Las Vegas

AGENDA & MINUTES

Page 49

COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

ITEM

ACTION

VAC-40-99 - MARYLAND VILLAS LIMITED
LIABILITY COMPANY

APPROVED

6. Reservation of easements for the facilities of the various utility companies together with reasonable ingress thereto and egress therefrom shall be provided if required.

7. All development shall be in conformance with code requirements and design standards of all City departments.

8. The Order of Vacation shall not be recorded until all of the above conditions have been met provided, however, that Condition No. 5 may be fulfilled for purposes of recordation by providing sufficient security for the performance thereof in accordance with the Subdivision Ordinance of the City of Las Vegas. City staff is empowered to modify this application, if necessary, because of technical concerns or because of other related review actions as long as current City right-of-way requirements are still complied with and the intent of the Vacation application is not changed. If applicable, a five foot wide easement for public streetlight and fire hydrant purposes shall be retained on all Vacation actions abutting public street corridors that will remain dedicated and available for public use. Also, if applicable and where needed, public easement corridors and sight visibility or other easements that would/should cross any right-of-way being vacated must be retained.

9. The Order of Vacation shall not be recorded until all of the above conditions have been satisfied.

10. If the Order of Vacation is not recorded within one (1) year after approval by the City Council or an Extension of Time is not granted by the Planning Commission, then approval will terminate and a new petition must be submitted.

PLANNING COMMISSION

MEETING OF
SEPTEMBER 23, 1999

City of Las Vegas

AGENDA & MINUTES

Page 50

COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

ITEM

ACTION

C-5:

VAC-41-99 - NEVILLE AND ESTHER POKROY TRUST

Petition to vacate excess public right-of-way generally located south of Smoke Ranch Road, west of Rancho Drive, Ward 4 (Brown).

NOTICES MAILED: APPLICANT ONLY

APPROVALS: 0

PROTESTS: 0

STAFF RECOMMENDATION: APPROVAL, subject to:

1. All public improvements, if any, adjacent to and in conflict with this Vacation application are to be modified, as necessary, at the applicant's expense prior to the recordation of an Order of Vacation as required by the Department of Public Works.

2. Reservation of easements for the facilities of the various utility companies together with reasonable ingress thereto and egress therefrom shall be provided if required.

3. The Order of Vacation shall not be recorded until all of the above conditions have been met provided, however, that Condition #1 may be fulfilled for purposes of recordation by providing sufficient security for the performance thereof in accordance with the Subdivision Ordinance of the City of Las Vegas. City Staff is empowered to modify this application, if necessary, because of technical concerns or because of other related review actions as long as current City right-of-way requirements are still complied with and the intent of the Vacation application is not changed. If applicable, a five foot wide easement for public streetlight and fire hydrant purposes shall be retained on all Vacation actions abutting public street corridors

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

TROY JESCHKE, Planning and Development, stated this is a request to vacate excess right-of-way along Smoke Ranch Road that is no longer needed. The right-of-way is currently used as part of the landscaping for an existing gas station on the site. Staff finds the Vacation of this excess public right-of-way to be appropriate because of previous Vacation actions along Rancho Drive and Smoke Ranch Road. This is a housekeeping item to clean up unused right-of-way along Smoke Ranch Road. Staff recommended approval, subject to the conditions.

SAM DUNNAM, Dunnam Civil Engineers, Suite 82, 3305 Spring Mountain Road, appeared to represent the applicant. He concurred with staff's conditions.

CHAIRMAN BUCKLEY declared the Public Hearing open.

There was no one present wishing to speak on this item.

CHAIRMAN BUCKLEY declared the Public Hearing closed.

The City Council will set a date for a Public Hearing on this item at their 10/20/99 meeting. The Public Hearing will be heard by the City Council on 11/3/99.

(8:44 - 8:45) 2 - 2550

24510

PLANNING COMMISSION

MEETING OF
SEPTEMBER 23, 1999

City of Las Vegas

AGENDA & MINUTES

Page 51

COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

ITEM

ACTION

VAC-41-99 - NEVILLE AND ESTHER POKROY TRUST

APPROVED

that will remain dedicated and available for public use. Also, if applicable and where needed, public easement corridors and sight visibility or other easements that would/should cross any right-of-way being vacated must be retained.

4. All development shall be in conformance with code requirements and design standards of all City Departments.

5. The Order of Vacation shall not be recorded until all of the above conditions have been satisfied.

6. If the Order of Vacation is not recorded within one (1) year after approval by the City Council or an Extension of Time is not granted by the Planning Commission, then approval will terminate and a new petition must be submitted.

PLANNING COMMISSION

MEETING OF
SEPTEMBER 23, 1999

City of Las Vegas

AGENDA & MINUTES

Page 52

COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

ITEM		ACTION
C-6.	<p><u>VAC-42-99 - ROMAN CATHOLIC BISHOP OF SOUTHERN NEVADA AND AL MURRAY</u></p> <p>Petition to vacate a portion of Lexington Street generally located south of Lake Mead Boulevard, Ward 3 (Reese).</p> <p><u>NOTICES MAILED:</u> 76</p> <p><u>APPROVALS:</u> 0</p> <p><u>PROTESTS:</u> 0</p> <p><u>STAFF RECOMMENDATION:</u> APPROVAL, subject to:</p> <p>1. Prior to or concurrent with the recordation of an Order of Vacation for this application, dedicate or obtain dedication of those portions of Lexington Street needed for the proposed terminating knuckle in accord with current City standards as required by the Department of Public Works. This Vacation Application shall be modified as necessary to conform to the approved knuckle design.</p> <p>2. A Traffic Impact Analysis or other information acceptable to the Traffic Engineering Division must be submitted to and approved by the Department of Public Works prior to the recordation of an Order of Vacation for this site. Comply with the recommendations of the approved Traffic Impact Analysis prior to occupancy of the proposed Senior Housing Project site. The Traffic Impact Analysis or other information shall specifically address the impact of this Vacation on pedestrian movements, particularly for students walking to and from neighborhood schools, and shall make specific recommendations to mitigate this impact. 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</p>	<p>Quinn - APPROVED, SUBJECT TO STAFF'S CONDITIONS AND CONDITION NO. 8 AMENDED TO TWO (2) YEARS. Motion carried with Galati abstaining from voting because his firm has a contract with the Catholic Diocese and Skaar abstaining from voting because of her previous association with the West Las Vegas Executive Board. (Gordon excused)</p> <p>MATT PINJUV, Planning and Development, stated this Vacation is a result of an approval for rezoning on either side of Lexington Street on the south side of Lake Mead Boulevard for a senior apartment development. The Vacation of Lexington will result in a single more cohesive development on the site. Staff recommended approval, subject to the conditions.</p> <p>ERNEST FREGGIARO, Catholic Diocese, 4588 Coachman Circle, appeared to represent the application. This Vacation was conditioned to the applicant by the Planning Commission and City Council. At the Planning Commission hearing, staff had requested a fixed fee of \$5,300 for traffic signalization contribution, which was rescinded at City Council. Staff has come back with a request for a traffic analysis, which will be provided, but there is a condition that says the funds that will be allocated for traffic improvements in this area, or another area, will be determined at that point in time. He did not request the fees to be waived.</p> <p>BART ANDERSON, Public Works, responded that the \$5,300 was unrelated to the Vacation of the street. It was the standard traffic signal mitigation for new development on a parcel. That was waived by the Council, but the Vacation of the street may require the redirection and readjustment of existing traffic patterns that may have some cost. There may be a need for a signal at a new location for pedestrian and vehicular traffic that uses Lexington Street.</p> <p>MR. FREGGIARO said that because this is two distinct projects, the Estelle Neal Housing apartments and the St. James Community Center, they may or may not be built concurrently. One is private funds and one involves public funds. Staff has recommended that if the Order of Vacation is not recorded within one year after approval, they may have to come back for an Extension of Time. He requested two years to be able to record the Order of Vacation.</p>

PLANNING COMMISSION

MEETING OF
SEPTEMBER 23, 1999

City of Las Vegas

AGENDA & MINUTES

Page 53

COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

ITEM

ACTION

VAC-42-99 - ROMAN CATHOLIC BISHOP OF SOUTHERN NEVADA AND AL MURRAY

of any permits for this site or the recordation of an Order of Vacation for the existing right-of-way. 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:

3. All public improvements adjacent to and in conflict with this Vacation application are to be modified, as necessary, at the applicant's expense prior to the recordation of an Order of Vacation as required by the Department of Public Works.

4. Reservation of easements for the facilities of the various utility companies together with reasonable ingress thereto and egress therefrom shall be provided if required.

5. All development shall be in conformance with code requirements and design standards of all City departments.

6. The Order of Vacation shall not be recorded until all of the above conditions have been met provided, however, that Condition No. 3 may be fulfilled for purposes of recordation by providing sufficient security for the performance thereof in accordance with the Subdivision Ordinance of the City of Las Vegas. City staff is empowered to modify this application, if necessary, because of technical concerns or because of other related review actions as long as current City right-of-way requirements are still complied with and the intent of the Vacation application is not changed. If applicable, a five foot wide easement for public streetlight and fire hydrant purposes shall be retained on all Vacation actions abutting public street corridors

MR. PINJUV responded that the requirement generally comes from the Subdivision Ordinance. The Planning Commission has the discretion to allow two years to record the Order of Vacation.

MELVIN GREEN, Melvin Green Architect Limited, 3301 West Spring Mountain Road, Suite 2, appeared to represent the applicant.

CHAIRMAN BUCKLEY declared the Public Hearing open.

There was no one present wishing to speak on this item.

CHAIRMAN BUCKLEY declared the Public Hearing closed.

The City Council will set a date for a Public Hearing on this item at their 10/20/99 meeting. The Public Hearing will be heard by the City Council on 11/3/99.

(8:45 - 8:50) 2 - 2620

PLANNING COMMISSION

MEETING OF
SEPTEMBER 23, 1999

City of Las Vegas

AGENDA & MINUTES

Page 54

COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

ITEM

ACTION

VAC-42-99 - ROMAN CATHOLIC BISHOP OF
SOUTHERN NEVADA AND AL MURRAY

APPROVED

that will remain dedicated and available for public use. Also, if applicable and where needed, public easement corridors and sight visibility or other easements that would/should cross any right-of-way being vacated must be retained.

7. The Order of Vacation shall not be recorded until all of the above conditions have been satisfied.

8. If the Order of Vacation is not recorded within one (1) year after approval by the City Council or an Extension of Time is not granted by the Planning Commission, then approval will terminate and a new petition must be submitted.

PLANNING COMMISSION

MEETING OF
SEPTEMBER 23, 1999

City of Las Vegas

AGENDA & MINUTES

Page 55

COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

ITEM

ACTION

C-7.

U-179-94(1) - HOWARD HUGHES
PROPERTIES, LIMITED PARTNERSHIP

Required Five Year Review on an approved Special Use Permit on property located adjacent to the west side of Rancho Drive, between Coran Lane and Lake Mead Boulevard, which allowed two (2) 12 foot x 24 foot and one (1) 14 foot x 48 foot off-premise advertising (billboard) signs, C-2 (General Commercial) Zone, Ward 4 (Brown), APN: 139-19-601-003.

NOTICES MAILED: 293

APPROVALS: 0

PROTESTS: 0

STAFF RECOMMENDATION: APPROVAL,
subject to:

1. The Special Use Permit shall be reviewed in two years at which time the City Council may require any or all of the signs to be removed.
2. All City Code requirements and design standards of all City Departments must be satisfied.

Quinn -

APPROVED, SUBJECT TO STAFF'S CONDITIONS.

Motion carried with Buckley abstaining from voting because the applicant is a client of his law firm and Galati abstaining from voting because the applicant is a client of his architectural firm.

(Gordon excused)

TROY JESCHKE, Planning and Development, stated this request is for a Five Year Review of an approved Special Use Permit for three billboards. These signs were constructed in 1994. They are located on two contiguous parcels. The northern parcel is currently developed with a convenience store, which has one sign on it. The southern parcel is undeveloped, which has two signs on it. All three signs are oriented toward Rancho Drive.

Even though there has been ample development in the area in the past five years, these billboards are not detrimental to the surrounding area at this point in time, given the fact that the current streetscape is in transition. There is a mix of large and small scale development with intertwined vacant land. Staff recommended approval, subject to the conditions.

RITA CHARLEBOIX, Donrey Outdoor Advertising, 1211 West Bonanza Road, appeared to represent the application. She concurred with staff's conditions.

COMMISSIONER MORAN declared the Public Hearing open.

There was no one present wishing to speak on this item.

COMMISSIONER MORAN declared the Public Hearing closed.

The City Council will set a date for a Public Hearing on this item at their 10/20/99 meeting. The Public Hearing will be heard by the City Council on 11/3/99.

(8:50 - 8:53) 2 - 3030

PLANNING COMMISSION

MEETING OF
SEPTEMBER 23, 1999

City of Las Vegas

AGENDA & MINUTES

Page 56

COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

ITEM		ACTION
C-8.	<p><u>U-95-99 - HOWARD HUGHES CORPORATION ON BEHALF OF RUBY TUESDAY'S</u></p> <p>Request for a Special Use Permit on property located at the northeast corner of the intersection of Town Center Drive and Covington Cross Drive FOR A TAVERN IN CONJUNCTION WITH A PROPOSED RESTAURANT (RUBY TUESDAY'S), PC (Planned Community) Zone, Ward 2 (L. B. McDonald), APN: 138-30-217-001.</p> <p><u>NOTICES MAILED:</u> 113.</p> <p><u>APPROVALS:</u> 0</p> <p><u>PROTESTS:</u> 0</p> <p><u>STAFF RECOMMENDATION:</u> APPROVAL, subject to:</p> <ol style="list-style-type: none"> 1. If this Special Use Permit is not exercised within one year after the approval, this Special Use Permit shall be void unless an Extension of Time has been granted. 2. All City Code requirements and all City departments' design standards shall be met. 3. All mechanical equipment, air conditioners and trash areas shall be fully screened from view of the abutting streets. 4. All exterior lighting shall meet the standards of LVMC Section 19A.08.060(C). 5. Parking lot lighting standards shall be no more than 12 feet in height and shall utilize 'shoe-box' fixtures and downward-directed lights. 	<p>Mack - APPROVED, SUBJECT TO STAFF'S CONDITIONS, AND THE TRASH ENCLOSURE LOCATED IN THE REAR OF THE PROPERTY.</p> <p>Motion carried with Buckley abstaining from voting because the applicant is a client of his law firm and Galati abstaining from voting because the applicant is a client of his architectural firm. (Gordon excused)</p> <p>CHRIS GLORE, Planning and Development, stated the supper club use will be compatible with the proposed restaurant. This area comprises relatively intense office uses. The restaurant and supper club represent the type of use usually found in areas devoted to large-scale office development. Staff recommended approval, subject to the conditions.</p> <p>MICHAEL BYME, Howard Hughes Corporation, 1231 Town Center Drive, Suite 200, appeared to represent the application. He objected to limiting the parking lot lighting standards to no more than 12 feet in height in Condition No. 5. He would prefer to be required to conform to Summerlin standards.</p> <p>MR. GLORE responded that the 12 feet in height is appropriate given the multi-family development directly across Covington Cross Drive. It would reduce overflow lighting from the site. The Summerlin standard is 25 feet.</p> <p>MR. BYME added that there are city streets on three sides of the property that would have streetlights having more impact than the parking lot standards.</p> <p>COMMISSIONER MORAN declared the Public Hearing open.</p> <p>There was no one present wishing to speak on this item.</p> <p>COMMISSIONER MORAN declared the Public Hearing closed.</p>

PLANNING COMMISSION

MEETING OF
SEPTEMBER 23, 1999

City of Las Vegas

AGENDA & MINUTES

Page 57

COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

ITEM

ACTION

U-95-99 - HOWARD HUGHES CORPORATION ON BEHALF OF RUBY TUESDAY'S

6. Landscaping and a permanent underground sprinkler system shall be installed 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.

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

8. 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. Comply with the recommendations of the Traffic Engineering Representative as required by the Department of Public Works.

9. An update to the previously approved Drainage Plan and Technical Drainage Study shall be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits as required by the Department of Public Works. Provide and improve all drainageways recommended in the approved drainage plan/study.

10. Site development shall comply with all applicable Conditions of Approval for The Canyons at Summerlin Commercial Subdivision and all other site-related actions as required by the Department of Public Works.

COMMISSIONER SKAAR asked the height of the pony wall in the bar area on the inside and what is on the other side of that wall.

STEVE MAAHS, 1258 Silver Perch Avenue, appeared to represent Ruby Tuesday's. There is a salad bar, walkway, low pony wall, and then the restaurant in the area in question. The pony wall is approximately four feet high.

COMMISSIONER SKAAR asked where the trash enclosure and loading area are located.

MR. MAAHS responded that they are just in the schematic stage at the present time. The trash enclosures will be located in the rear of the building and an adjacent loading area near the parking lot. The trash enclosure is enclosed with a 13 foot high wall. Summerlin has approved that layout.

COMMISSIONER MACK suggested having lower lighting along Covington Cross and then the design standards for Summerlin on the backside of the remaining portion of the center.

MR. MAAHS replied that they would be willing to consider that suggestion, but wanted the parking lot lighting to be raised. The Summerlin standards for parking lot lighting for this parcel is 20 feet and adjoining commercial development is 30 feet. They would be willing to accept parking lot lighting of no more than 20 feet in height.

COMMISSIONER MORAN declared the Public Hearing open.

There was no one present wishing to speak on this item.

COMMISSIONER MORAN declared the Public Hearing closed.

The City Council will set a date for a Public Hearing on this item at their 10/20/99 meeting. The Public Hearing will be heard by the City Council on 11/3/99.

(8:53 - 9:01) 2 - 3030

PLANNING COMMISSION

MEETING OF
SEPTEMBER 23, 1999

24514

City of Las Vegas

AGENDA & MINUTES

Page 58

COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

ITEM		ACTION
<p>C-9.</p> <p><u>U-96-99 - FREMONT STREET EXPERIENCE LIMITED LIABILITY COMPANY ON BEHALF OF RACE ROCK OF LAS VEGAS, LIMITED LIABILITY COMPANY</u></p> <p>Request for a Special Use Permit on property located at 425 Fremont Street (Fremont Street Experience Parking Garage) FOR A PROPOSED TAVERN IN CONJUNCTION WITH A PROPOSED (RACE ROCK); AND FOR A WAIVER OF THE 1,500 FOOT DISTANCE SEPARATION REQUIREMENT FROM AN EXISTING TAVERN, C-2 (General Commercial) Zone, Ward 3 (Reese), APN: 139-34-610-045.</p> <p><u>NOTICES MAILED:</u> 251</p> <p><u>APPROVALS:</u> 1 Speaker</p> <p><u>PROTESTS:</u> 0</p> <p><u>STAFF RECOMMENDATION:</u> APPROVAL, subject to:</p> <ol style="list-style-type: none"> 1. If such has not already been done, submit an Aerial Encroachment Agreement for all private improvements which overhang the Fremont Street public right-of-way adjacent to this site and submit an application for a Nevada Department of Transportation (N.D.O.T.) Occupancy Permit for all private improvements which overhang the Las Vegas Boulevard South public right-of-way adjacent to this site prior to occupancy of this site as required by the Department of Public Works. 2. Site development to comply with all applicable Conditions of Approval for AR-4-96 and all other site-related actions as required by the Department of Public Works. 	<p>Quinn - APPROVED, SUBJECT TO STAFF'S CONDITIONS WITH THE THREE ADDITIONAL CONDITIONS AS STATED BY STAFF.</p> <p>Motion carried with Buckley abstaining from voting because the applicant is being represented by his law firm and Mack abstaining from voting because he has a business across the street from this property. (Gordon excused)</p> <p>TROY JESCHKE, Planning and Development, stated this business will occupy a portion of the first and second levels of the Fremont Street Experience parking structure and consist of a restaurant with a tavern.</p> <p>Section 19A.040.050 of the Las Vegas Municipal Code requires taverns be a minimum of 1,500 feet away from any church, synagogue, school, day care licensed for 12 or more children, City park, or another tavern as measured from property line to property line. Staff finds that there are 20 taverns, one school, and two churches within 1,500 feet of the proposed establishment.</p> <p>Section 19A.04.050 of the Municipal Code also allows a waiver of the 1,500 foot separation requirement for locations along Fremont Street between Main Street and Las Vegas Boulevard.</p> <p>Staff finds approval of this waiver and Special Use Permit will not adversely affect the surrounding area due to the tourist oriented characteristics of the proposed tavern, nor will the use compromise the public health, safety and welfare.</p> <p>Staff recommended approval, subject to the conditions and three additional conditions as follows:</p> <ol style="list-style-type: none"> 1. This Special Use Permit does not constitute approval of the liquor license. 2. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code. 3. If this Special Use Permit is not exercised within one year after the approval, this Special Use Permit shall be void unless an Extension of Time has been granted. 	

PLANNING COMMISSION

MEETING OF
SEPTEMBER 23, 1999

City of Las Vegas

AGENDA & MINUTES

Page 59

COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

ITEM

ACTION

U-96-99 - FREMONT STREET EXPERIENCE
LIMITED LIABILITY COMPANY ON BEHALF OF
RACE ROCK OF LAS VEGAS, LIMITED
LIABILITY COMPANY

CAROL WETZEL, Jones Vargas, 3773 Howard Hughes Parkway, 3rd Floor South, appeared to represent Race Rock. She concurred with the two conditions originally required by staff and the three additional conditions.

BOBBY MOORE, President, Race Rock, appeared to represent the application.

VICE CHAIRMAN GALATI declared the Public Hearing open.

AL GALLEGO, citizen of Las Vegas, appeared in favor. He went through the entire complex recently. He asked where the tavern and restaurant are located because he was concerned about the teenagers who will be patronizing the businesses and looking at the cars, etc., in this building. It is a beautiful complex, but he wondered how one type of business will be separated from the other.

BOBBY MOORE said both floors will have a bar and restaurant.

VICE CHAIRMAN GALATI declared the Public Hearing closed.

The City Council will set a date for a Public Hearing on this item at their 9/15/99 meeting. The Public Hearing will be heard by the City Council on 10/6/99.

(9:01 - 9:07) 2 - 3470

PLANNING COMMISSION

MEETING OF
SEPTEMBER 23, 1999

City of Las Vegas

AGENDA & MINUTES

Page 60

COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

ITEM	ACTION
<p>C-10. <u>U-97-99 - MVR CORPORATION</u></p> <p>Request for a Special Use Permit on property located at 1624 West Oakey Boulevard FOR THE ON-PREMISE SALE OF BEER AND WINE IN CONJUNCTION WITH A PROPOSED RESTAURANT (LIL' DUCE COUP CAFE), M (Industrial) Zone, Ward 1 (McDonald), APN's: 162-04-602-008 and 009.</p> <p><u>NOTICES MAILED:</u> 110</p> <p><u>APPROVALS:</u> 0</p> <p><u>PROTESTS:</u> 0</p> <p><u>STAFF RECOMMENDATION:</u> APPROVAL, subject to:</p> <ol style="list-style-type: none"> Approval of this Special Use Permit does not constitute approval of a liquor license. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code. If this Special Use Permit is not exercised within one year after the approval, this Special Use Permit shall be void unless an Extension of Time has been granted. All City Code requirements and all City departments' design standards shall be met. 	<p>Quinn - APPROVED, SUBJECT TO STAFF'S CONDITIONS. Unanimous (Gordon excused)</p> <p>MATT PINJUV, Planning and Development, stated the within a commercial center. The tenant space had been operated as a restaurant for several years that served wine in conjunction with meals. That restaurant has been closed for over a year, which is why the Special Use Permit is now required. No changes are being proposed for this site or the tenant's space, other than the interior remodel.</p> <p>The City of Las Vegas Zoning Code establishes the criteria for the approval of alcohol related uses. It does require that a use of this nature be a minimum of 400 feet from any church, synagogue, school, child care facility licensed for more than twelve children, or a City park. There are no such protected uses within that 400 foot distance requirement.</p> <p>Staff recommended approval, subject to the conditions.</p> <p>DANIEL HENDERSON, proprietor, 1624 West Oakey Boulevard, appeared to represent the application. This restaurant was formerly Papa Gar's Cafe. They are trying to redo the site. He concurred with the conditions.</p> <p>CHAIRMAN BUCKLEY declared the Public Hearing open.</p> <p>There was no one present wishing to speak on this item.</p> <p>CHAIRMAN BUCKLEY declared the Public Hearing closed.</p> <p>The City Council will set a date for a Public Hearing on this item at their 10/20/99 meeting. The Public Hearing will be heard by the City Council on 11/3/99.</p> <p>(9:07 - 9:09) 3 - 90</p>

PLANNING COMMISSION

MEETING OF
SEPTEMBER 23, 1999

City of Las Vegas

AGENDA & MINUTES

Page 61

COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

ITEM

ACTION

C-11.

Z-54-99 - COMMUNITY DEVELOPMENT PROGRAMS CENTER OF NEVADA

Request for a Rezoning on property located adjacent to the northwest corner of the intersection of Martin L. King Boulevard and Lake Mead Boulevard, FROM: R-3 (Medium Density Residential) TO: R-PD10 (Residential Planned Development - 10 Units Per Acre) PROPOSED USE: 208 LOT SINGLE FAMILY RESIDENTIAL SUBDIVISION AND 84 UNIT SENIOR APARTMENT COMPLEX, Size: 29.95 Acres, Ward 3 (Reese); APN: 139-21-202-004.

NOTICES MAILED: 181

APPROVALS: 1 Speaker

PROTESTS: 1 Speaker

STAFF RECOMMENDATION: DENIAL of the Rezoning for the 3.43 acre portion of the site proposed for senior citizen apartments. APPROVAL of the Rezoning for the 26.52-acre single-family residential site, subject to the following:

1. The 26.52-acre single-family residential site shall be rezoned to R-PD8 (Residential Planned Development - 8 Units Per Acre).
2. A Site Development Plan Review application shall be approved by the Planning and Development Department staff prior to issuance of any permits, any site grading, and all development activity for the site.
3. The senior citizen apartment buildings shall be set back from the rear lot lines of the adjacent single family lots by a minimum of twenty (20) feet.

Skaar -

APPROVED, SUBJECT TO STAFF'S CONDITIONS AMENDED AS FOLLOWS:

- CONDITION NO. 2 AMENDED TO STATE THE GRADING BE DONE AT RISK PRIOR TO THE SITE DEVELOPMENT PLAN REVIEW;
- CONDITION NOS. 4 AND 5 AMENDED TO CHANGE "SUBMITTAL OF A TENTATIVE MAP" TO "RECORDATION OF A FINAL MAP";
- CONDITION NO. 8 TO DELETE "AND MARTIN L. KING BOULEVARD";
- CONDITION NOS. 12 AND 13 DELETED;
- ADDITIONAL CONDITION THAT STATES "ALL DEVELOPMENT SHALL BE IN CONFORMANCE WITH THE SUBMITTED SITE PLAN AND BUILDING ELEVATIONS AS AMENDED BY THE ABOVE CONDITIONS";
- AND ADDITIONAL CONDITION STATING "A ROUGH GRADING PERMIT MAY BE ISSUED PRIOR TO APPROVAL OF THE TRAFFIC STUDY OR DRAINAGE STUDY. THE APPLICANT ACKNOWLEDGES THAT ANY GRADING DONE PRIOR TO THESE APPROVALS IS AT APPLICANT'S OWN RISK AND AGREES TO HOLD THE CITY BLAMELESS FOR ANY RE-GRADING THAT MAY BE REQUIRED BY EITHER THE DRAINAGE STUDY OR THE TRAFFIC STUDY AT THE TIME THEY ARE APPROVED;.

- Unanimous
(Gordon excused)

CHRIS GLORE, Planning and Development, stated the single family residential portion of this project will consist of 208 single family homes on lots averaging approximately 4,050 square feet. There will also be 84 units of senior housing on the east perimeter of the site. All the streets within the subdivision will be private, behind a gate, and will have vehicular access from an entrance off Lake Mead Boulevard. A neighborhood park comprising 1.5 acres is shown adjacent to the entrance at Lake Mead Boulevard.

PLANNING COMMISSION

MEETING OF
SEPTEMBER 23, 1999

City of Las Vegas

AGENDA & MINUTES

Page 62

COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

ITEM

ACTION

Z-54-99 - COMMUNITY DEVELOPMENT PROGRAMS CENTER OF NEVADA

4. A Variance application to allow approximately 1.5 acres of open space where 3.43 acres of open space is required shall be submitted to and approved by the Board of Zoning Adjustment and the City Council prior to the submittal of a Tentative Map application on this site.

5. A request for a Minor Exception to allow eight foot high walls along Comstock Drive and Balzar Avenue where six foot is the maximum height allowed shall be submitted to and approved by the Director of the Planning and Development Department prior to the submittal of a Tentative Map application on this site.

6. The proposed emergency access to Balzar Avenue shall be designed to provide pedestrian access.

7. Air conditioning units shall not be located on the roof of any building or structure within this site.

8. The applicant shall have constructed a six foot high decorative block wall, with at least 20 percent contrasting materials, along site frontages at Lake Mead Boulevard and Martin L. King Boulevard, behind landscape planters of at least 10 feet in width in addition to five-foot wide public sidewalks.

9. Coordinate with the City Surveyor to determine whether a Parcel Map dividing the Senior Housing portion of this site from the Single Family portion of this project needs to record prior to the recordation of a Final Map or the issuance of any permits for this site as required by the Department of Public Works.

The current General Plan designation of this site under the West Las Vegas Plan is Medium Density Residential with a general density range of 20 units per acre. The project overall will result in a density of 9.75 units per acre, including the single family and multi-family residential average over this site. The 208 unit single family portion on 26.52 acres will result in a density of 7.84 units per gross acre. The densities under either scenario, including the multi-family or excluding the multi-family, will be higher than the current densities in the single family residential neighborhoods surrounding this site, both in the City of Las Vegas and City of North Las Vegas. However, the proposed single family density of 7.84 units per acre is more compatible with the neighborhood and well within the General Plan density range allowed. Staff recommended the density on the single family portion go no higher than 7.84 units per acre.

Staff also recommended denial of the R-PD10 zoning of the entire site and approval of R-PD8 on 26.52 acres with the senior complex portion remaining at its current R-3 zoning. Staff recommended approval of the R-PD8, subject to the conditions.

FRANK HAWKINS, 5420 West Sahara Avenue, appeared to represent the application.

MEL LACQUEMENT, Zoning and Development Consultant, 208 Campbell Drive, appeared to represent the applicant. The multi-family senior housing request is being withdrawn, so this request will only involve the R-PD8 for the single family. The conditions relating to the multi-family will have to be amended to exclude that portion of Martin L. King Boulevard. He pointed out on the monitor how the area is developed.

FRANK HAWKINS added that when they purchased this site from the Las Vegas Housing Authority they made a commitment to the Housing Authority and residents that there would be some multi-family and senior housing on the site. The residents were concerned initially that their land would be taken and they would have to move.

PLANNING COMMISSION

MEETING OF

SEPTEMBER 23, 1999

City of Las Vegas

AGENDA & MINUTES

Page 63

COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

ITEM

ACTION

Z-54-99 - COMMUNITY DEVELOPMENT PROGRAMS CENTER OF NEVADA

10. 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 concurrent with development of this site as required by the Department of Public Works.

11. All active gated access drives shall be designed, located and constructed in accordance with Standard Drawing #222a as required by the Department of Public Works.

12. Obtain an Encroachment Agreement for all landscaping and private improvements in the Martin L. King Boulevard public right-of-way adjacent to this site as required by the Department of Public Works.

13. Landscape and maintain all unimproved right-of-way on Martin Luther King Boulevard adjacent to this site as required by the Department of Public Works.

14. A Traffic Impact Analysis including an Access Analysis Report, or other information acceptable to the City Traffic Engineer, shall 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 final inspection of any units beyond the models 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

MR. LACQUEMENT continued by saying there are 205 existing large trees on this site. They want to save most of the existing trees. The boundary trees and those in the park can be saved. The single family area can be developed and many of the trees saved. The site plan shows 26.52 acres of single family at a density of 7.84 units per acre with lots 43 x 90 feet. The setbacks are standard. The entrance will be off Lake Mead through a gated entrance. The first visual will be a park which will have a pavilion, large swimming pool, trail system, exercise stations, etc. They can save approximately 70% of the trees on the site. The back entrance is on Balzar Avenue.

MR. HAWKINS showed on the monitor the houses that will be built. They will have ten foot high ceilings, instead of the standard eight foot high ceilings. The master bedrooms are 12 x 15 feet and 14 x 15 feet. The prices range from \$95,000 for the 1,100 square foot house up to \$125,000 for the 1,650 square foot house.

MR. LACQUEMENT said they will be having their submittals coming forward with respect to the drainage study, traffic impact study, tentative maps and final maps. Construction is anticipated to commence in January or February. They will not be building inventory. It is a new product in the entry level housing that will be introduced in this project.

In reference to Condition No. 2, they have agreed with the Planning and Development Department to submit the Site Development Plan Review the same time as the Tentative Map.

He requested Condition No. 4 be amended to read as follows: "A Variance application to allow approximately 1.5 acres of open space where 3.43 acres of open space is required shall be submitted to and approved by the Board of Zoning Adjustment and the City Council prior to the *recordation of a Final Map.*" They don't want to slow their Tentative Map process.

PLANNING COMMISSION

MEETING OF
SEPTEMBER 23, 1999

City of Las Vegas

AGENDA & MINUTES

Page 64

COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

ITEM

ACTION

Z-54-99 - COMMUNITY DEVELOPMENT
PROGRAMS CENTER OF NEVADA

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.

15. 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.

16. 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.

In Condition No. 5 they want that amended to read: "Prior to the submittal of a *Final Map* application on this site." The applicant has signatures from the neighboring property owners that abut Comstock Drive indicating they don't have a problem with the eight foot high wall on Comstock and Balzar.

In Condition No. 14 the second portion addresses the mitigation issue. They have asked staff to allow them to contribute the money agreed upon in the mitigation for traffic at a time that would be the first sale after the models.

In Condition No. 17 they do not want to go outside of their area in a neighborhood that is thirty years old to put in a 72 inch storm sewer for 10,000 feet. He wanted to confirm that the condition relates to Nevada Statutes and only the perimeter of the project.

They will provide a three foot sidewalk easement all the way around the property.

They want to be able to build their models prior to recordation of a Final Map of up to six models.

They need to do their grading in December, January and February so they can save approximately 140 trees on the site. The best way to save trees is while they are dormant. They will be submitting their Traffic Impact Analysis and Technical Drainage Study within two weeks. They want to be able to rough grade *at risk* prior to the approval of the TIA, Drainage Study, Site Development Plan, recordation of Final Map, and any Parcel Map that may be required. They plan to beautify Lake Mead with a 16 foot landscape easement with an opening at the entrance.

MR. HAWKINS said the residents requested that the 55 years of age and older be enforced. They also had a concern about trees. Another concern was that the single family is a for-sale project. The Housing Authority cannot put their residents in gated communities.

PLANNING COMMISSION

MEETING OF
SEPTEMBER 23, 1999

City of Las Vegas

AGENDA & MINUTES

Page 65

COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

ITEM

ACTION

Z-54-99 - COMMUNITY DEVELOPMENT
PROGRAMS CENTER OF NEVADA

17. A Drainage Plan and Technical Drainage Study shall 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, 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 a Final Map for this site, 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.

18. Site development to comply with all applicable conditions of approval for Parcel Map PM-52-98 and all other site-related actions as required by the Department of Public Works.

19. The final layout of the subdivision shall be determined at the time of approval of the Tentative Map.

WINSTON HENDERSON, Architect, 1555 East Flamingo Road, Suite 350, appeared to represent the applicant. They have tried to do a higher quality entry-level project that will enhance the neighborhood. They will have tile roofs. The bathrooms are five fixture and larger kitchens.

NELSON STONE, Engineer, WLB Group, 2551 North Green Valley Parkway, Henderson, Nevada appeared to represent the applicant.

CHAIRMAN BUCKLEY declared the Public Hearing open.

JOYCE HARRIS, 1921 Balzar Street, appeared in protest. The density is higher than the surrounding area and the lots smaller. There are no elevators or provisions for the seniors. She felt the R-PD3 zoning should remain on this property.

COMMISSIONER SKAAR commented that there is a lot of square footage that has to be utilized for the streets. The number of houses that are shown is what they are requesting and they could not put any more on this property.

GERALDINE LEWIS, 2104 Lawry Avenue, appeared in favor. She asked what will be taking place surrounding this property and where the entrances will be located. She also asked if the sidewalk is inside or outside the block wall. There is a lot of crime in the area and was fearful that this project could increase crime. She wanted a solid block wall on Comstock and Balzar with no gates

CHAIRMAN BUCKLEY responded that the sidewalk will be on the inside of the block wall. He declared the Public Hearing closed.

PLANNING COMMISSION

MEETING OF
SEPTEMBER 23, 1999

City of Las Vegas

AGENDA & MINUTES

Page 66

COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

ITEM

ACTION

Z-54-99 - COMMUNITY DEVELOPMENT
PROGRAMS CENTER OF NEVADA

FRANK HAWKINS appeared in rebuttal. This property was purchased from the Housing Authority for \$2.5 million and/or equal 25 houses that will not be located on this site. The cost for the single family is approximately \$27 million. The senior units approximately \$5 million. The multi-family is approximately \$5 million. They want to protect the neighborhood. R-3 would allow more units to be built. There will be a Site Plan Review prior to building any of the senior development. There will be a senior community center with facilities on-site. The seniors will have an entrance on Martin L. King Boulevard. On the multi-family site the entrance is on Balzar. No more single family houses can be added to the development. The multi-family comprises two sites with the current site already zoned. They are looking to eliminate the proposed multi-family and build more senior housing. They want to prove that a mixed income community can be built and work successfully. They tore down the Gerson site. There will be a wrought iron fence along the senior and multi-family developments. Along Lake Mead and Comstock there will be a solid block wall, as well as Balzar, except for the gate. There will be an entrance off Balzar and no entrance on Comstock.

COMMISSIONER MORAN asked if there will be landscaping on the outside of the block wall along Comstock.

MR. LACQUEMENT explained that there will be a sidewalk between the curb and the property line. They have set the lots a little deep so some of the trees can be saved on Comstock and Balzar. Along Lake Mead there will be a landscape easement so the trees will be on the outside of the block wall on the applicant's property.

BART ANDERSON, Public Works, said in regard to Condition No. 14, the concerns have already been incorporated so that condition does not need to be changed. Public Works has a policy that when developers grade *at risk* permits can be issued, but there needs to be an approved drainage and traffic study. Rough grading establishes where the streets and pads will be. If there is no approved drainage or traffic study, it is unknown where the drainage easements or approved driveway locations will be so the grading may not line up with what is finally approved. Historically, when the grading is done *at risk* and the City wants a change, the developer says it is graded and the City cannot make them change it. The contribution for the drainage study is intended to protect the applicant's site.

PLANNING COMMISSION

MEETING OF
SEPTEMBER 23, 1999

City of Las Vegas

AGENDA & MINUTES

Page 67

COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

ITEM

ACTION

Z-54-99 - COMMUNITY DEVELOPMENT
PROGRAMS CENTER OF NEVADA

MR. LACQUEMENT commented that on the early grading, sewer and water is usually done with the City Engineers approval to commence prior to approval of infrastructure drawings and land development. That is not what is being requested. They want to do *rough grading at risk*, not early grading. If the City finds any technical issues that would cause the developer to re-grade, they will accommodate the City. If they don't do the rough grading in December, January or February they will lose a year or between 40 and 70% of the trees they are trying to save. Trees are less likely to go into shock when they are in a dormant stage. They will indemnify the City of any problems that may occur after the rough grading.

MR. ANDERSON said it is the City's preference to follow their standard policy.

CHAIRMAN BUCKLEY asked staff if they agreed to submittal of the Tentative Map versus recordation of the Final Map.

MR. GLORE said staff has no problem with the request made by the applicant as long as the record shows that the early submittals will be made *at risk* and if the Variance was not approved, the Tentative Map would have to be re-submitted and go through the process once again.

MR. LACQUEMENT said they do not plan to change the land plan, nor the streets. If they are not successful in receiving approval of a Variance to go to 1.5 acres for open space and they have to accommodate the larger amount, that means they will lose lots.

COMMISSIONER SKAAR read the following: "A rough grading permit may be issued prior to approval of the traffic or drainage studies. The applicant acknowledges that any grading done prior to these approvals is at their own risk and agree to hold the City blameless for any re-grading that may be required by either the drainage study or the traffic study when they are approved."

MR. ANDERSON requested to add to the above statement that the applicant shall continue to work with staff prior to this application going before the City Council.

PLANNING COMMISSION

MEETING OF
SEPTEMBER 23, 1999

City of Las Vegas

AGENDA & MINUTES

Page 68

24519

COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

ITEM

ACTION

Z-54-99 - COMMUNITY DEVELOPMENT
PROGRAMS CENTER OF NEVADA

MR. LACQUEMENT requested that they be allowed to proceed with the *rough grading at risk* before the Site Development Plan and Tentative Map are recorded in Condition Nos. 2 and 9. Rough grading at risk will comprise cutting 3.5 feet below the structure areas, compacting it and putting it back for certified pads, no streets or curbs.

MR. GLORE said the Site Development Plan Review is required, but it can be done administratively with the caveat that it be *at risk*.

NELSON STONE, WLB Group, 2551 North Green Valley Parkway, Henderson, Nevada, appeared to represent the applicant. They have been working on the traffic study for the last month, as well as a drainage study. They will be submitted to the City within two weeks.

COMMISSIONER SKAAR concurred with Mr. Lacquement that if the grading is done in the hot weather more trees will be lost. If the applicant had to wait until the following year to commence, that would be costly and increase the price of the houses.

VICE CHAIRMAN GALATI was concerned that this project does not have a landscape buffer all the way around it between the block wall and the property line, specifically no landscape buffer on Comstock and Balzar between the wall and the property line.

MR. GLORE responded that it is a preference of staff to have a landscape setback between the sidewalk and wall so that the end result is not an unwanted cement canyon, but that is not a requirement of Title 19A.

MR. HAWKINS said they would have a problem with putting in a landscape buffer on Comstock.

COMMISSIONER MORAN thought this is a very good project. A lot of the areas that have a block wall next to the sidewalk have small cutouts with landscaping.

COMMISSIONER SKAAR proceeded to make a motion for approval, subject to staff's conditions as amended. Mr. Lacquement concurred with COMMISSIONER SKAAR's motion.

To be heard by the City Council on 11/3/99.
(9:09 - 10:08) 3 - 160

PLANNING COMMISSION

MEETING OF
SEPTEMBER 23, 1999

City of Las Vegas

AGENDA & MINUTES

Page 69

COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

ITEM

ACTION

D.

DIRECTOR'S BUSINESS:

D-1.

TA-7-99 - CITY OF LAS VEGAS

Discussion and possible recommendation to amend Title 19A.10 Table 1 - Public or Private School, Junior High, From: 3½ Parking Spaces per classroom To: 2 Parking Spaces per classroom.

STAFF HAS REQUESTED THIS ITEM BE ABEYED TO ALLOW STAFF TIME TO WORK WITH THE CLARK COUNTY SCHOOL DISTRICT

Galati -

ABEYANCE TO THE 10-28-99 PLANNING COMMISSION MEETING.

**Unanimous
(Gordon excused)**

CHAIRMAN BUCKLEY stated staff has requested this item be held in abeyance to allow time to work with the Clark County School District.

To be heard by the Planning Commission on 10/28/99.

(6:08 - 6:09) 1 - 80

PLANNING COMMISSION

MEETING OF
SEPTEMBER 23, 1999

24520

City of Las Vegas

AGENDA & MINUTES

Page 70

COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

ITEM

ACTION

D-2.

TA-8-99 - CITY OF LAS VEGAS

Discussion and possible action to amend Title 19A.06 and to designate the Las Vegas High School District as a Historic District, consisting of approximately twelve City blocks, on property generally bounded by the Las Vegas High School building and Lewis Avenue to the north, Sixth Street to the west, Gass Avenue to the south, and Ninth Street to the east. The overlay is to include the existing zones: R-1 (Single Family Residential), R-3 (Medium Density Residential), R-4 (High Density Residential) Zone, under Resolution of Intent to P-R (Professional Office and Parking).

STAFF RECOMMENDATION: It is recommended that the text of Title 19A be amended to include a new subsection, 19A.06.091 H HISTORIC LANDMARK, PROPERTY, OR DISTRICT OVERLAY. The proposed new subsection is reflected in Attachment A.

NOTICES MAILED: NEWSPAPER ONLY

APPROVALS: 0

PROTESTS: 0

Galati -

STRICKEN (Boundaries and Standards to be brought back at the same meeting at a Public Hearing with notification to be a 750 foot radius).

**Unanimous
(Gordon excused)**

MARC CASTAGNOLA, Planning and Development, stated this is the first time since the Historic Ordinance was adopted in 1997 that there is a designation of a new district and proposal of an overlay.

The Historic Preservation Commission, which is made up of experts in the field, evaluates historic properties in the city. It's the Planning Commission's responsibility to make sure that the proper evaluation has been made and that a series of formal and informal meetings have taken place.

On August 25th, a formal Public Hearing was conducted by the Historic Preservation Commission with substantial public input on the merits of including various properties within the boundary. At the conclusion of the meeting, the Commissioner's voted 8 to 1 to forward recommendations of the district to be included on the City's Register of Historic landmarks because of the following reasons:

1. A significant portion of the buildings are 50 years old.
2. The substantial concentration of buildings and structures which individually are significant for the reflection of the City's cultural, social and economic past.
3. It represents an established and familiar visual feature of the City because of its location and physical appearance.

A Designation Report has been prepared to document how the district meets all the criteria. This report was viewed in detail by the Historic Commission and is available if the Planning Commissioners desire.

The primary reason this has been taken forward is that the Historic Commission has determined it has met all the criteria and recommend that the H Overlay District be adopted.

PLANNING COMMISSION

MEETING OF
SEPTEMBER 23, 1999

City of Las Vegas

AGENDA & MINUTES

Page 71

COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

ITEM

ACTION

TA-8-99 - CITY OF LAS VEGAS

TOM McGOWAN, 720 South Casino Center Boulevard, asked if this is a Public Hearing. CHAIRMAN BUCKLEY explained that this item has not been advertised as a Public Hearing. MR. CASTAGNOLA responded that Public Hearings have already been held.

ATTORNEY TED MANOS, 501 South 6th Street, and 502 South 9th Street, appeared in protest. He was opposed to the proposed district as it will severely affect his properties.

MR. CASTAGNOLA said the Design Standards are not part of this application. This is just to adopt the boundaries of the district.

CHAIRMAN BUCKLEY said DEPUTY CITY ATTORNEY STEVE GEORGE advised that this was not scheduled for a Public Hearing, yet the backup sheets state it is a Public Hearing. MR. GLORE explained that this item was not noticed as a Public Hearing. DEPUTY CITY ATTORNEY GEORGE felt that in light of the discrepancy in the backup material in the Staff Report, this item should be held in abeyance until the next meeting.

ATTORNEY MANOS said the property owners involved in the district want to know what the standards are so they can work with them on their own properties.

VICE CHAIRMAN GALATI thought a Public Hearing should be held in regard to the standards, so it would be appropriate to hear the two issues at the same time.

DOUG POWELL, Planning and Development, suggested that the Commissioners may want to consider striking this item and having it brought back with the standards and noticed as a Public Hearing.

PLANNING COMMISSION

MEETING OF
SEPTEMBER 23, 1999

City of Las Vegas

AGENDA & MINUTES

Page 72

COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

ITEM

ACTION

TA-8-99 - CITY OF LAS VEGAS

COMMISSIONER MORAN asked if the meetings that were held showed the guidelines for this district.

MR. CASTAGNOLA responded that there was discussion at those meetings about creating a buffer between Las Vegas Boulevard and 6th Street.

JARED SHAFER, 725 South 6th Street, appeared as a concerned property owner.

ATTORNEY JAMES A. BROWN, owner of property on 6th Street, asked that when this issue comes back on the agenda with the standards if there will be a Public Hearing.

CHAIRMAN BUCKLEY responded there will be a Public Hearing on the district boundaries and the standards.

DOUG POWELL asked that anyone who wishes to be noticed make sure the Planning Department has their name and address on file. The notification area will include properties bordering the historic district.

TOM MCGOWAN asked that he be notified when this item will be back on the agenda.

(7:14 - 7:27) 1 - 2554

PLANNING COMMISSION

MEETING OF
SEPTEMBER 23, 1999

City of Las Vegas

AGENDA & MINUTES

Page 73

COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

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.

JOYCE HARRIS, 1921 Balzar, asked why the neighbors were not taken into consideration with the R-2 and R-3 zoning in Item No. C-11. COMMISSIONER SKAAR answered that the zoning the applicant already had on the property allowed 25 units per acre. Therefore, it has been down zoned to 8 units per acre.

DOUG POWELL, Planning and Development, reminded the Commissioners that next Tuesday, September 28th, at 11:30 A.M. at the Development Services Center is a Planning Commission Workshop.

UNIDENTIFIED GENTLEMAN appeared to state he has property on Hart and Martin L. King and wondered what is being planned for that property. CHAIRMAN BUCKLEY said the project in Item C-11 is across the street from his property and will not affect his property.

ADJOURNMENT:

There being no further business to come before the City Planning Commission, the meeting adjourned at 10:11 P.M.

PLANNING AND DEVELOPMENT DEPARTMENT



CHRIS GLORE, SENIOR PLANNER

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