

BOARD OF ZONING ADJUSTMENT

S. ✓

MEETING OF
October 5, 1999

City of Las Vegas

AGENDA & MINUTES

Page 1

COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

ITEM

ACTION

PLANNING AND DEVELOPMENT

COMMISSIONERS BRIEFING:

PRESENT:

Roberta Boyers - Chairperson
Elisa Del Prado - Vice Chair
Byron Goynes
Mark Solomon

EXCUSED:

Michael Mack

STAFF PRESENT:

Tim Chow, Director of Planning & Development
Joel McCulloch - Senior Planner, Planning &
Development Dept
Gary Reid- Public Works
Steve George - City Attorney's Office
Angela Crolli - City Clerk's Office

Chairperson Boyers called the Briefing to order at 5:50 P.M.

Item A-1, V-61-99:

Joel McCulloch stated that the applicant has reduced the structure to a two-story building but the number of rooms have remained the same. The residents are still opposed to this project as being too massive for a two-acre parcel. There are also concerns regarding egress and ingress.

Item A-2, SCD-16-99:

Mr. McCulloch explained that staff determined during the review process that the application was not required. Therefore, he requested that this item be stricken from the agenda.

Item A-3, V-68-99:

Mr. McCulloch indicated that staff met with the applicant on 9/30/99 at which time the applicant advised that they would be withdrawing the rear yard setback portion of the request. They also advised that they would be willing to accept a condition that the front yard setback be limited to 50 percent of the lots in the subdivision.

Item A-6, V-81-99:

Mr. McCulloch requested that this item be held in abeyance until the 11/2/99 Board of Zoning Adjustment meeting. This application is within a commercial subdivision and requires the signature or written approval of all property owners affected by the request. Since two of the property owners have not submitted their approval, the applicant has not furnished staff with the required information.

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

CALL TO ORDER

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

ROLL CALL

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

ANNOUNCEMENTS

Satisfaction of Open Meeting Law.

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

NOTICE

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

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

MINUTES

Approval of the Minutes for the August 3, 1999 and September 7, 1999 Board of Zoning Adjustment meeting

Chairperson Boyers called the meeting to order at 6:00 PM.

(6:07)
1-1

Mr. Goynes led the audience in the Pledge.

(6:07 - 6:11)
1-7

STAFF PRESENT

Tim Chow, Director, Planning & Development
Joel McCulloch, Senior Planner, Planning & Development
Tracey Thiros, Planning Technician, Planning & Development
Stephen George, Deputy City Attorney
Gary Reid, Public Works
Angela Crolli, Deputy City Clerk

DEL PRADO
APPROVAL
UNANIMOUS with Mack excused

(6:11 - 6:14)
1-47

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CONSENT ITEMS

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

RULES OF CONDUCT FOR PUBLIC HEARING ITEMS:

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

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

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

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PLANNING AND DEVELOPMENT

PUBLIC HEARING ITEMS

ABEYANCE ITEM

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

Request for a Variance on property located south of Del Monte Avenue, approximately 400 feet west of Valley View Boulevard TO ALLOW A PROPOSED 58,950 SQUARE FOOT CONVALESCENT CARE FACILITY 12 FEET FROM THE FRONT PROPERTY LINE WHERE 30 FEET IS THE MINIMUM FRONT SETBACK REQUIRED, AND 6 FEET FROM THE SIDE PROPERTY LINE WHERE 10 FEET IS THE MINIMUM SIDE YARD SETBACK REQUIRED; AND TO ALLOW A 57 FOOT REAR YARD SETBACK WHERE RESIDENTIAL ADJACENCY STANDARDS REQUIRE A 69 FOOT MINIMUM SETBACK, R-E (Residence Estates) Zone, Ward 1 (McDonald), APN: 162-06-603-014.

BZA NOTICES MAILED: 169

PROTESTS: 10 (3 Letters, 1 Telephone, 6 Speakers at Meeting) October 5, 1999 Meeting

74 (2 Letters, 2 Telephone, 70 Petition) - Previous Meetings

APPROVALS: 4 Speakers at Meeting
October 5, 1999

CONCERNS: 1 Speaker at Meeting
October 5, 1999

Staff Recommendation: DENIAL. If Approved, subject to:

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

SOLOMON

Motion for approval failed and as a result of the tie vote, the motion ended in an action equaling a denial which may be appealed

Boyers and Goynes voting NO and Mack excused

Joel McCulloch, Planning & Development, stated that the proposed convalescent care facility would be located to the west of an existing age-restricted (55 and above) apartment complex, also operated by Carefree Congregate Housing. The apartment complex was constructed in 1995. This site has no public street frontage. Access is by one driveway through the senior apartments to the east, and by one driveway from Oakley Boulevard, through the church parking lot to the south. The proposed building takes up the majority of the site, has three wings, two of which have "T" ends, and has parking to the north, south, and east. The applicant is proposing to construct a 71,104 square foot two-story convalescent care facility, with 52,984 square feet of living area, which would encroach into its rear setback by 12 feet as required by the Residential Adjacency Standards. Additionally, the proposed facility would encroach by 18 feet into its required front yard setback, and by four feet into its required side yard setback. Existing single-family dwellings are located to the west of the proposed facility.

The parcel size of this project is 2.1 acres, which is more than the minimum requirement of 20,000 square feet. The applicant is requesting to have 45.7 beds per acre, where 25 is the maximum allowed; this will require a waiver. This parcel is not located on a collector street or larger. Staff is aware that the Variance request is limited to the issues specified in the application, but the resulting impacts of the Variance approval on the site are inseparable from the overall design of the site. Consequently, staff has identified the following negative impacts that the approval of this Variance request would have on the Site Development Plan Review for this development:

1. No internal parking lot landscaping has been depicted on the site plan.
2. The proposed use cannot be conducted in a manner that is harmonious and compatible with the surrounding existing land uses and those proposed by the General Plan. This project is too massive for the surrounding area.
3. Staff finds that the ingress/egress of this project is insufficient for this type of use.

A-1

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

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

3. The Variance approval is subject to the approval, and related conditions, of U-71-99. If the Special Use Permit is not approved, this Variance shall be null and void.

This subject site is currently an unimproved relatively flat parcel of land with no physical hardships associated with it. Staff finds no evidence of unique or extraordinary circumstances, and that the applicant has a viable alternative to ensure setback Code compliance which is to reduce the size of the project and request fewer beds. Staff finds the applicant's justification for the Variance does not warrant its approval since no appropriate hardships are cited. Therefore, staff recommended denial.

Bill Quinn, 3311 S. Rainbow, presented the final site plan depicting a two-story building which has been pushed towards the existing Carefree Senior Apartments to better buffer neighbors directly to the west. The structure will be integrated into that existing project to create a next step for residents as they age within the Carefree Senior Apartments. The Variance request is on the side and front setbacks abutting Templeton's property. He submitted a support letter from the owner most affected by this project. This addition to the project is for a congregate care where meals will be provided for residents 82 years old and older. Those residents will depend on transportation provided by the facility for trips to the doctor or stores. Light housekeeping will also be provided. This facility would allow these residents to remain within the neighborhood in which they have lived in for a number years.

Jose Ananias, 1600 S. Valley View, #1027, stated that he has resided at the Carefree Senior Apartments for four years and been afforded a quality of living he did not find in New York City. The complex is beautiful, well landscaped and offers conveniences such as a washer and dryer. Residents of Carefree have come from all over the world and found the quality of living they desire at Carefree. He asked that the Board approve the Variance request.

Edward L. Wellich, 1600 S. Valley View, #1027, stated he also resides at the Carefree Senior Apartments. There are not many places that provide the same quality of care as Carefree. It is a comfort to know that Las Vegas has these facility available for those senior citizens who cannot fully care for themselves.

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

James H. Kruger, 4028 Mountain View Boulevard, stated that his neighborhood is against the proposed project. The applicant is trying to build something that the residents do not want. The project is too dense and will devalue their properties. The applicant should be responsible and abide with all the required rules and regulations.

Jane England, 3901 Valley View, indicated that there is not enough space for the proposed building. The project will create more traffic in this area and questioned whether a traffic impact analysis was ever done. Her concern is that this project will become an apartment complex without the convalescent care. Another concern is with the already at-risk safety of the children attending a middle school located near this project by further increased traffic at Valley View and Oakley. The convalescent care facility will require different types of employees to take care of the senior citizens and parking would become a problem. This building is too big and too close to the existing neighborhood.

Lester Emerson, 3911 Mountain View Boulevard, agreed as a resident of this neighborhood for 30 years and owner of a lot adjacent to this project that it is too dense. The residents would like to see a maximum of 64 units per acre. Mr. Templeton is a good builder and the residents love the kind of work that he does.

J.P. Mulholl, 4021 Mountain View Boulevard, concurred with Mr. Emerson's statements regarding the density and asked that a previously submitted petition in opposition remain for consideration. He added that this area is not zoned for this type of project and should remain as zoned. He asked the Board to deny the Variance request.

Doug Bryan, 3910 Mountain View Boulevard, has resided in this area since 1958 and feels that the zoning in this area should not change.

Rebecca Burdick, Manager of Carefree Senior Living, 1600 S. Valley View, has been the manager of the property for approximately three years. Approximately 100 residents have moved to assisted care facilities or with family members in the last nine months. This project would give current Carefree Senior Living residents a place to go within the neighborhood after they cannot fully care for themselves at a price they can afford.

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

Madeleine Subczach, 1600 South Valley View, Carefree Senior Apartments, is a retired teacher from Kansas who moved in Las Vegas with her parents who reside at Carefree Senior Apartments. Her parents can take care of themselves at the present time, but in the future will need someone to cook and clean for them. She is in favor of this project because it will help all of the current Carefree residents. Templeton Development has developed beautiful properties with great maintenance.

Anne Bryant 3910 Mountain View Boulevard, has resided in this area since 1954. The proposed project would have an elevator at one end of the building which would be laborious for older residents to reach. She expressed concern about the residents' safety in case of a fire and with the increase in traffic. She also expressed concern about parking availability. At the present time residents use the church's property for parking. She questioned what would happen if the church would no longer allow such parking privilege or were to sell the property.

Fernando Vialle, 2150 North Tenaya, Manager of the County Club Valley View Senior Homes, adjacent to the Carefree Senior Apartments. This preferred project in the area would attract the least volume of traffic.

Mr. Bedding, 3901 El Cedro, expressed concern that one elevator will not be sufficient for a building this size and the Variance should not be granted. Chairperson Boyers replied that the applicant would have to meet all fire codes.

Johnny Babcock, 4124 Del Monte, stated that area residents have accommodated Mr. Templeton's requests when he first brought the existing project into the community. The complex would fit the area and maintain some continuity. He wants to retain the quality of life he enjoys at this time. He likes living in a neighborhood where there are no sidewalks with a feeling of a rural lifestyle.

Ken Templeton, 3311 S. Rainbow, noted that the 600 seniors living at the Carefree Senior Apartments have an average age of 74 years. Approximately 100 seniors have left because they needed other facilities with a different type of care. This project would give those people an opportunity to remain in their neighborhood within an affordable senior housing.

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

Chairperson Boyers stressed that area residents do not oppose seniors residing in the area. They are concerned about the density of the project as well as ingress and egress. Mr. Templeton explained that the existing units average 644 square feet. The average square feet in the proposed congregate facility units will be approximately 600 square feet. There are not enough affordable senior housing in Las Vegas and the proposed congregate care will provide that along with transportation, meals, housekeeping and maintenance workers to take care of the lush landscaping. This can be done with a two-story elevated building which meets all required fire codes.

Chairperson Boyers clarified with Mr. Templeton that this type of development does not have a limit requirement as to the number of caregivers. Current the people who reside in this congregate facility must be able to take care of themselves. Any personal care they need must currently be obtained from a licensed home care agency or they are forced to move to an assisted living facility.

Chairperson Boyers stressed that the main concern is the density of the project. The applicant is request double the maximum allowed of 25 units per acre in an area currently zoned Residential Estates. Mr. Templeton replied that none of the congregate facilities in the Valley adhere to 25 units per acre. An R-2 zoning and a special use permit are required for this type of facility. The average senior housing project in Las Vegas is 33 units to the acre but some are as much as 50 units to the acre.

Mr. Quinn addressed some of the concerns that were brought forward by the residents. The project meets all the City of Las Vegas Codes for convalescent care, parking is not an issue and convalescent care is allowed in an R-E zone. The proposed development is adjacent to 344 existing units whose residents will transfer into this addition to the project. He reiterated that the project has been downsized to two stories and moved away from residential properties. Again, those most affected are not opposed to the addition to the project. The density was not an issue when this project was first brought before the Board. Chairperson Boyers replied that the residents assumed that the density went hand in hand with the height of the building.

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ABEYANCE ITEM

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

Mr. Babcock stated that Mr. Templeton would not require a Variance if he adhered to all code requirements.

Mr. Solomon pointed out that the Board should only address three items at this time: Whether to allow the building to be 12 feet from the front property line where 30 feet is the minimum setback required; to allow a 57 foot rear yard setback where Residential Adjacency Standards require a 69 foot minimum setback, and whether to allow a six-foot side yard setback where 10 feet is the minimum side yard setback required. The amount of units and beds was already approved by the Planning Commission, including the original site plan and landscaping as well as ingress and egress. The City Council will make the final decision based on the recommendations from both the Planning Commission and the Board of Zoning Adjustment.

Mr. Solomon noted that Mr. Babcock made a very good argument, but that it needed to be made before the City Council. He moved to approve the Variance because the request is proper with this type of development and the setbacks will not encroach into the neighborhood.

Deputy City Attorney Steve George clarified that the tie vote on the item was technically a denial because it required a majority of votes to pass. Under the new ordinance, the applicant would have to appeal the denial in order to be heard by the City Council.

There was no further discussion.

(6:24 - 7:29)

1-439

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ITEM

ACTION

PLANNING AND DEVELOPMENT

A-2

SCD-16-99 - SELENA YENSAN, ET AL. ON BEHALF OF CHRISTOPHER HOMES

Request for a Major Deviation of the Summerlin Development Standards on property located at 10221 Orkiney Drive and 10301 Orkiney Drive TO ALLOW A THREE FOOT SIDE YARD SETBACK WHERE SIX FEET IS THE MINIMUM SIDE YARD SETBACK REQUIRED IN CONJUNCTION WITH TWO EXISTING HOMES WITH STAIRWAYS TO A STUDIO OPTION, PC (Planned Community) Zone, Ward 2 (L. B. McDonald), APN: 137-36-514-012 and 014.

BZA NOTICES MAILED: 169

PROTESTS: 0

APPROVALS: 0

Staff Recommendation: STRIKE

BOYERS
STRIKE
UNANIMOUS with Mack excused

Staff requested that this item be stricken from the agenda because the application is not required.

No one appeared in opposition.

There was no discussion.

(6:14/7:39)
1-127/1-3653

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A-3

V-68-99 - ELKHORN/BRADLEY, LIMITED PARTNERSHIP ON BEHALF OF GREYSTONE HOMES

Request for a Variance on property located at the northwest corner of Elkhorn Road and Bradley Road TO ALLOW 10 FOOT REAR YARD SETBACKS WHERE 15 FEET IS THE MINIMUM REAR YARD SETBACK REQUIRED ON ALL PERIMETER LOTS AND TO ALLOW A 16 FOOT FRONT YARD SETBACK WHERE A 20 FOOT FRONT YARD SETBACK IS THE MINIMUM REQUIRED, R-E (Residence Estates) pending R-1 (Single Family Residence), Ward 4 (Brown), APN: 125-13-402-011.

BZA NOTICES MAILED: 51

PROTESTS: 0

APPROVALS: 0

Staff Recommendation: DENIAL. If Approved, subject to"

1. All development must be in conformance with the submitted site plan.
2. City Code Requirements and design standards of all City Departments which are not affected by approval of this Variance must be satisfied.
3. The distance from the face of the garage door to the back of sidewalk (or curb, if no sidewalk is proposed) shall be a minimum distance of 18 feet to prevent a car in the driveway from encroaching into the vehicular or pedestrian travel corridor as required by the Department of Public Works.
4. Site Development to comply with all applicable conditions of approval for Zoning Reclassification Z-46-99 and all other site-related actions as required by the Departments of Planning and Development and Public Works.

SOLOMON

APPROVAL of the amended application deleting the rear yard setback portion of the request, subject to conditions and adding that only 66% of the front yard lots will have the 16 foot front yard setback

UNANIMOUS with Mack excused

Joel McCulloch, Planning & Development, explained that access to the proposed subdivision is by one gated entry from both Severance Lane and Bradley Road. The subdivision layout is straight roads and cul-de-sacs with no open space provided within the gated community. Currently, this property is a vacant undeveloped parcel with no physical hardships associated with it. The parcel is surrounded by RPD-5 to the north, R-1 to the west, and R-E to the south and east. The parcel to the west was rezoned to R-1 in 1998. A Variance is not allowable to relieve a hardship which is solely personal, self-created or financial in nature. Since this is a vacant, undeveloped parcel of land in which the site layout has not yet been approved, staff is of the opinion that the applicant has created a self-imposed hardship by attempting to overbuild the site, therefore, staff finds that this request does not meet the merits for granting of a Variance. In addition, staff finds that there are no unique or unusual circumstances associated with this site and recommends that the applicant downsize the single-family dwellings or decrease the number of lots so that the encroachments are not needed. Further, granting of the request for a 10 foot rear yard setback will necessitate further requests for Variances to allow patio covers, accessory buildings, and swimming pools to encroach into this 10 foot rear yard setback. Therefore staff recommended denial.

Mr. McCulloch added that the report was based on the original site plan. However, the applicant will present a revised plan.

Rose Milner, Pentacore Engineering, 6763 W. Charleston Boulevard, appeared on behalf of Greystone Homes. The original site plan was revised and a tentative map submitted with 81 lots. Greystone Homes has met with the neighbors who are happy with the revised plan. The front setback reduction is requested because the single story ranch style homes have an architectural feature where the bedroom sticks out four feet. Public Works is satisfied that the driveways will remain 18 feet in the knuckles and cul-de-sacs and 20 feet along the straight street. The applicant has amended the Variance request to delete rear yard setback portion.

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V-68-99 - ELKHORN/BRADLEY, LIMITED
PARTNERSHIP ON BEHALF OF GREYSTONE
HOMES

Mr. Solomon indicated that he met with the applicant and reviewed the new site plan reflecting the five lot reduction to density. He noted that the architectural feature will break up the streetscape for variety down the street.

Mr. McCulloch requested that a condition be added permitting only 66% of the front yard lots to have the 16 foot front yard setback. Jeremy Parness, 3765 East Sunset, Greystone Homes, concurred with that condition.

Steve Young, Pentacore Engineering, requested that the record clearly indicate that the driveways on knuckles and cul-de-sacs be a minimum 18 feet where 20 feet is required. Gary Reid, Public Works, clarified that the length has been addressed in Condition No. 3.

No one appeared in opposition.

There was no further discussion.

NOTE: A date will be set at the 11/3/99 City Council meeting for a public hearing to be held at the 11/17/99 City Council meeting.

(7:49 - 7:39)
1-3107

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ITEM	ACTION
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<p>A-4 <u>V-79-99 - RODERICK AND VIRGINIA GARRISON</u></p> <p>Request for a Variance on property located at 1904 South Birch Street TO ALLOW A PROPOSED PORTE-CO-CHERE 14 FEET FROM THE FRONT PROPERTY LINE WHERE 20 FEET IS THE MINIMUM SETBACK REQUIRED, R-1 (Single Family Residential) Zone, Ward 1 (McDonald), APN: 162-04-312-036.</p> <p>BZA NOTICES MAILED: 120</p> <p>PROTESTS: 0</p> <p>APPROVALS: 0</p> <p>Staff Recommendation: APPROVAL, subject to:</p> <ol style="list-style-type: none"> 1. All development must be in conformance with the site plan and elevations. 2. City Code requirements and design standards of all City Departments which are not affected by approval of this Variance must be satisfied. 3. The porte-cochere must remain open on all sides such as not to create sight visibility problems, as required by the Department of Public Works. 	<p>DEL PRADO</p> <p>APPROVAL subject to conditions UNANIMOUS with Mack excused</p> <p>Joel McCulloch, Planning & Development, noted that the proposed porte-cochere extends from the existing front entryway over an existing horseshoe driveway. One of the outermost support posts will be setback 18 feet from the front property line and the second post will be located approximately 14 feet from the front property line. There are multiple properties in the vicinity of this request that have either added carports or porte-cocheres to their homes. Section 19A.08 Table 1 of the City of Las Vegas Zoning Code determines that the front yard setback in an R-1 Zoning District shall be 20 feet. The applicant is requesting to allow one support pole to encroach into that setback by six feet and the other pole to encroach by two feet. Staff, conducted a field inspection of the subject property and surrounding area on September 23, 1999, and determined that this porte-co-chere would be an improvement to the subject property and the neighborhood as a whole. Many of the other properties in this residential neighborhood have added similar type enhancements and approval of this Variance will in no way infringe upon the rights of the surrounding property owners or jeopardize their health, safety, or welfare. Section 19A.18.070 of the Las Vegas Zoning Code, which regulates Variances, requires that a unique or extraordinary circumstance exist with regard to the size, shape or configuration of a parcel, in order to warrant the granting of a Variance. Staff is of the opinion that the strict or literal interpretation and enforcement of this specific regulation would deprive the applicant of privileges enjoyed by other property owners within this area of the City. Therefore, staff recommended approval.</p> <p>Roderick Garrison, 1904 Birch, concurred with staff's conditions.</p> <p>No one appeared in opposition.</p> <p>There was no further discussion.</p> <p>NOTE: A date will be set at the 11/3/99 City Council meeting for a public hearing to be held at the 11/17/99 City Council meeting.</p> <p style="text-align: right;">(7:39 - 7:42) 1-3671</p>

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PLANNING AND DEVELOPMENT

V-80-99 - ATRIUM ONE LIMITED ON BEHALF OF HUNT PACIFIC MANAGEMENT CORPORATION

A-5

Request for a Variance on property located at 7401 West Washington Avenue TO ALLOW AN 11 FOOT TALL BLOCK WALL WHERE 6 FEET IS THE MAXIMUM HEIGHT ALLOWED, R-PD 14 (Residential Planned Development - 14 Units Per Acre) and R-PD20 (Residential Planned Development - 20 Units Per Acre) Zones, Ward 2 (L.B. McDonald), APNs: 138-27-301-003, 004, 005, 009.

BZA NOTICES MAILED: 486

PROTESTS: 0

APPROVALS: 0

Staff Recommendation: APPROVAL, subject to:

1. Submit complete plans and structural calculations to the Department of Building and Safety for review and permit.
2. All City Code requirements and design standards of all City departments must be satisfied.
3. Conformance to all applicable original conditions of approval of Z-71-94, all subsequent actions and all ordinance amendments enacted subsequent to the original approval.
4. All development shall be in conformance with the submitted site plan and elevations.
5. Fence heights shall be measured from the side of the fence with the least vertical exposure above the finished grade, unless otherwise stipulated.

DEL PRADO
APPROVAL subject to conditions
UNANIMOUS with Mack excused

Joel McCulloch, Planning & Development, explained that the proposed wall will be located approximately 75 feet north of the Summerlin Parkway right-of-way. The nearest apartment buildings are located 25 feet north of the proposed location. The existing wrought iron fencing will be removed and replaced with the proposed wall. The wall will consist of concrete block with stucco on both sides, decorative concrete caps on each pilaster, and will be painted to match the existing perimeter wall. The close proximity of Summerlin Parkway to the subject site is an exceptional hardship to the property owner and the tenants of the apartment buildings located adjacent to the south property line. Throughout the Las Vegas Valley the Nevada Department of Transportation has been installing similar barriers to deflect noise from area residential and civic uses. The applicant proposes to construct a barrier which is aesthetically pleasing and consistent with the overall development. Therefore, staff recommended.

Mike Johnson, 3615 Broadway, appeared on behalf of the applicant.

No one appeared in opposition.

There was no further discussion.

NOTE: A date will be set at the 11/3/99 City Council meeting for a public hearing to be held at the 11/17/99 City Council meeting.

(7:42 - 7:44)
2-104

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COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

ITEM	ACTION
PLANNING AND DEVELOPMENT	
A-6	
<u>V-81-99 - SAM VENTURA, ET AL ON BEHALF OF D. W. STRAIT</u>	SOLOMON ABEYANCE to 11/2/99 UNANIMOUS with Mack excused
Request for a Variance on property located on the west side of Rainbow Boulevard, north of the intersection of Rainbow Boulevard and Rancho Drive TO ALLOW 674 PARKING SPACES WHERE 780 PARKING SPACES ARE THE MINIMUM REQUIRED, C-2 (General Commercial), Ward 4 (Brown), APN: 125-34-712-002, 004, 006, 007, 009, 010, 011, and 012.	This application is within a commercial subdivision and requires the signature or written approval of all property owners affected by the request. Since two of the property owners have not submitted their approval, the applicant has not furnished staff with the required information.
BZA NOTICES MAILED:	David Strait, 101 West Brooks Avenue, noted that he has submitted a completed application and is ready to proceed.
PROTESTS:	Deputy City Attorney Steve George clarified that an applicant cannot proceed with the Variance request without all of the property owners' consent. Since not all of the property owners have authorized this Variance to go forward, action cannot be taken until such authorization is submitted.
APPROVALS:	
Staff Recommendation:	Sam Ventura appeared as the owner of 60% of the property and controls the CC&RS for this particular development. He understood that most of the tenants support this requested Variance which is for property that he owns. Mr. Solomon clarified with Mr. Strait that the site was subdivided into eight parcels and sold. Mr. McCulloch, explained that this particular site is a commercial subdivision that has a master site plan approved for a set amount of parking under the original site plan. Since the applicant is asking for a Variance to that site plan, all property owners within that site plan must be notified.
	Mr. Solomon confirmed with Mr. Strait that he has not received a response from the theater owner based in California or the owner of a convenience store who has been out of town. Mr. Solomon discussed with Mr. Strait the eight parcels on this site, three of which remain undeveloped, except for parking previously installed. On those three parcels there are five pads which the applicant would like to develop. There are over 160 existing parking spaces on the undeveloped parcels which are available to the rest of the commercial subdivision. However, the applicant was told that he cannot construct a building larger than 13,000 square feet on these three parcels without a Variance.

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V-81-99 - SAM VENTURA, ET AL ON BEHALF
OF D. W. STRAIT

Mr. Solomon reiterated to Mr. Strait that he must provide the consent from each of the owners within the commercial subdivision. Deputy City Attorney Steve George verified that the Las Vegas Municipal Code Title 19A, Chapter 18, Section 070, Subchapter C2 provides that the owner, their designee or authorized agent must sign the application for the Variance to go forward. In order to allow Mr. Strait to secure the signatures of approval from the remaining owners, Mr. Solomon moved to hold the item in abeyance.

No one appeared in opposition.

There was no further discussion.

(6:14 - 6:24)
1-156

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COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

	ITEM	ACTION
	<u>PLANNING AND DEVELOPMENT</u>	
A-7	<p>V-82-99 - GORDON KINARD ON BEHALF OF WESTPOINT DEVELOPMENT GROUP INCORPORATED</p> <p>Request for a Variance on property located at 7909 Rockwind Court, TO ALLOW A 16.5 FOOT FRONT YARD SETBACK WHERE 20 FEET IS THE MINIMUM FRONT YARD SETBACK REQUIRED, R-E (Residence Estates) Zone, Ward 1, (McDonald), APN: 163-04-813-008.</p> <p>BZA NOTICES MAILED: 57</p> <p>PROTESTS: 0</p> <p>APPROVALS: 0</p> <p>Staff Recommendation: APPROVAL, subject to:</p> <ol style="list-style-type: none"> 1. The distance from the face of the garage door to the back of sidewalk (or curb, if no sidewalk is proposed) shall be a minimum distance of 18 feet and shall prevent a vehicle parked in the driveway from encroaching into the vehicular or pedestrian travel corridor, as required by the Department of Public Works. 2. Site Development to comply with all applicable conditions of approval for the Via Olivero Springs subdivision, all other site-related actions, and all ordinance amendments enacted subsequent to the original approval, as required by the Planning and Development Department and the Department of Public Works. 3. All development shall be in conformance with the submitted site plan and elevations. 4. City Code requirements and design standards of all City Departments which are not affected by approval of this Variance must be satisfied. 	<p>DEL PRADO</p> <p>APPROVAL subject to conditions UNANIMOUS with Mack excused</p> <p>Joel McCulloch, Planning & Development, explained that the applicant is proposing to construct a 3,605 square foot, one-story, single-family dwelling on a cul-de-sac lot. The proposed dwelling has previously been approved for a 25 foot rear yard setback. The site plan submitted for that request depicted the structure maintaining a 20 foot front yard setback. The subject parcel is located on the bulb of a private street cul-de-sac, and is thus entitled to a reduction of 30 feet, thereby allowing a minimum 20 foot front yard setback. Although the odd shape of the parcel is offset by the reduced front yard setback and the previously approved reduced rear yard setback, the minimum setback requirements create a reduced and narrow building envelope width of 24 feet. The Department of Public Works has determined 18 feet to be the minimum acceptable driveway length which prevents vehicles from encroaching into pedestrian and vehicular corridors. The submitted site plan depicts a driveway leading into the garage in excess of 18 feet, thus alleviating potential encroachment of the travel corridors. Substantial evidence of extraordinary circumstance and hardship has been presented. Staff concurs the reduced building envelope hinders the construction of a dwelling comparable to existing dwellings located in the surrounding area. Therefore, staff recommended approval.</p> <p>Steve Yank, West Point Development, 3930 West Ali Baba, concurred with staff's conditions.</p> <p>No one appeared in opposition.</p> <p>There was no further discussion</p> <p>NOTE: A date will be set at the 11/3/99 City Council meeting for a public hearing to be held at the 11/17/99 City Council meeting.</p> <p style="text-align: right;">(7:44 - 7:46) 2-184</p>

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ACTION

PLANNING AND DEVELOPMENT

V-83-99 - DR. LEON STEINBERG ON BEHALF OF JMA ARCHITECTURE STUDIOS

A-8

Request for a Variance on property located at 2200 and 2300 Rancho Drive TO ALLOW TWO PARKING STRUCTURES TO BE THREE AND ONE-HALF STORIES TALL WHERE TWO STORIES IS THE MAXIMUM HEIGHT ALLOWED, AND TO ALLOW TWO OFFICE BUILDINGS TO BE FIVE STORIES TALL WHERE TWO STORIES IS THE MAXIMUM HEIGHT ALLOWED, P-R (Professional Office and Parking), C-1 (Limited Commercial) and R-3 (Medium Density Residential) Zones, pending O (Office) Zone, Ward 1 (McDonald), APN: 162-04-401-001, 002 and 003.

BZA NOTICES MAILED: 191

PROTESTS: 2 Telephone

APPROVALS: 0

Staff Recommendation: APPROVAL, subject to:

1. All development shall be in conformance with the submitted site plans and elevations.
2. City Code requirements and design standards of all City Departments not affected by approval of this Variance must be satisfied.
3. Conformance to all Conditions of Approval for Z-41-99.

GOYNES

APPROVAL subject to conditions
UNANIMOUS with Mack excused

Joel McCulloch, Planning & Development, indicated that on 09/15/99 the City Council approved a Rezoning this entire project to Office. Access to this site will be provided via three driveways from Rancho Drive on the west. Parking will be located throughout the site, at the surface and within garages, and will all be oriented at 90 degrees. The scale of the proposed project is consistent with existing office and commercial development surrounding the intersection of Sahara Avenue and Rancho Drive. To some extent, the proposed office use will provide a transition between the intensive commercial and resort development adjacent to the Rancho Boulevard/Sahara Avenue intersection and the residential neighborhoods to the north of this site. Section 19A.18.070 of the Las Vegas Zoning Code, which regulates Variances, requires that a unique or extraordinary circumstance exist with regard to the size, shape or configuration of a parcel, in order to warrant the granting of a Variance. Staff is of the opinion that the strict or literal interpretation and enforcement of this specific regulation would deprive the applicant of privileges enjoyed by other property owners within this area of the City. The property directly to the west has an office building that is 160 feet high, the highest building on this site is 87 feet. In addition, this property is between I-15 and Rancho Drive and would warrant a higher intensity office use than would ordinarily be appropriate on the subject site. Further, the applicant was willing to accommodate the City request to downgrade the zoning application to O (Office).

Sean McGowan, Schreck & Morris Law Firm, 300 S. 4th Street, Suite 1200, appeared on behalf of the applicant. In an effort to accommodate the proposed project, the original zoning request was amended to Office for the entire site which requires a height Variance.

Ed Vance, JMA Architects, 10150 Coventry Cross, clarified for Mr. Solomon that the existing buildings will remain and be renovated to match the two new five-story buildings. Mr. Solomon recalled that at one time there was a proposal for 30-story buildings on this site.

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V-83-99 - DR. LEON STEINBERG ON BEHALF
OF JMA ARCHITECTURE STUDIOS

Ray Parker, 2201 Glen Heather Way, appeared on behalf of Glen Heather Estates Homeowner's Association who oppose the proposed project. The residents do not want high rises into this neighborhood including a three and one-half story parking structure. The residents will be able to see the structure from their homes. A petition in opposition with 92 signatures was submitted against the project. However, it was clarified that the petition pertained to the zoning application and Deputy City Attorney Steve George clarified that any petition must specify the specific application. Mr. Parker replied that he will obtain another petition to reflect this Variance request. He added that Peter Thomas, Thomas & Mack, owner of the building across from this project, would support the project if a traffic signal were installed.

Peter Urema, 1520 Kirkman, expressed concern that in the future the applicant might increase the height of the parking structure and add to the existing traffic problem on Rancho. Chairperson Boyers asked whether a traffic study was done for this area. Mr. McCulloch replied that only the height issue is to be addressed at this time. The traffic, landscaping and wall issues will be reviewed during the Site Development Plan Review. He further clarified that there is no C-1 zoning left on this property and that the entire site is now designated as Office.

Chairperson Boyers advised Mr. Urema that the new buildings will have a majority of offices and that adult businesses are not allowed in Office zone.

Vicky Miller, 2117 Glen Heather, asked how much digging will have to be done for the parking structure and the length of the construction period, especially if caliche is found during that construction. She expressed concern with the problems to be faced by area residents during that construction. Mr. Vance replied that the parking structure will be located 75 feet away from the residents' block wall. The geological study has not been done but this particular site should be a softer type-of caliche which can be removed without blasting or jackhammering. He would accept a condition to that effect.

Mr. Vance confirmed with Chairperson Boyers that the top of parking structure will not be visible from beyond the residents' back walls.

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V-83-99 - DR. LEON STEINBERG ON BEHALF
OF JMA ARCHITECTURE STUDIOS

Mr. Goynes discussed with Mr. Vance that the phases of construction for this project will begin with the renovation of the existing buildings and construction will be performed during the day.

There was no further discussion.

NOTE: A date will be set at the 11/3/99 City Council meeting for a public hearing to be held at the 11/17/99 City Council meeting.

(7:46 - 8:08)
2-256

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<u>DIRECTOR'S BUSINESS</u>	
B-1	
<u>DB-8-99</u> - Discussion and possible action to approve the Board of Zoning Adjustment meeting dates for the calendar year 2000.	BOYERS ABEYANCE to 11/2/99 UNANIMOUS with Mack excused Joel McCulloch, Planning & Development, requested that this item be held because the dates have not been finalized. There was no further discussion. (8:08 - 8:09) 2-969

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ACTION

PLANNING AND DEVELOPMENT

C

CITIZENS PARTICIPATION:

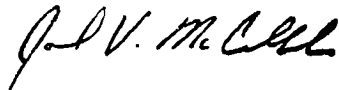
None.

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

(8:09)
2-1003

MEETING ADJOURNED AT 8:09 P.M.

PLANNING & DEVELOPMENT DEPARTMENT



JOEL V. McCULLOCH, SENIOR PLANNER,
CURRENT PLANNING DIVISION, PLANNING &
DEVELOPMENT DEPARTMENT

/ac