City of Las Vegas

COUNCIL CHAMBERS • 400 STEWART AVENUE

ITEM	ACTION
PLANNING AND DEVELOPMENT COMMISSIONERS BRIEFING: PRESENT: Elisa Del Prado - Vice Chair Michael Mack Byron Goynes Mark Solomon EXCUSED: Roberta Boyers - Chairperson STAFF PRESENT: Tim Chow, Director of Planning & Development Joel McCulloch - Senior Planner, Planning & Development Dept Viola Goodwin, Planning Supervisor, Planning & Development Dept Sean Robertson, Planner II, Planning & Development Dept Gary Reid- Public Works Tom Green – City Attorney's Office Vicky Darling – City Clerk's Office	Vice-Chair Del Prado called the Briefing to order at 5:42 P.M. Item A-1, V-81-99: Joel McCulloch explained that the applicant submitted a revised site plan on 10/29/99 which will take the staff time to review. Staff has recommended that the item be held in abeyance until 12/7/99 with renotification at the applicant's expense. The applicant has concurred with the recommendation. Item A-3, V-70-99: Mr. McCulloch made a correction to the staff report to reflect common area of 10,402 square feet. Mr. Solomon confirmed that staff's recommendation remains unchanged despite the reduction in open space. Mr. McCulloch responded that the higher densities associated with downtown redevelopment usually mean less open space. Vice-Chair Del Prado adjourned the briefing at 5:45 p.m.

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BOARD OF ZONING ADJUSTMENT

MEETING OF
November 2, 1999

City of Las Vegas

AGENDA & MINUTES

COUNCIL CHAMBERS • 400 STEWART AVENUE

ITEM	ACTION
PLANNING AND DEVELOPMENT	
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.	Vice-Chair Del Prado called the meeting to order at 6:03 PM. (6:03) 1-1
ROLL CALL Roberta S. Boyers - Excused Elisa Del Prado - Present Michael Mack - Present Mark Solomon - Present Byron A. Goynes - Present	STAFF PRESENT Tim Chow, Director, Planning & Development Joel McCulloch, Senior Planner, Planning & Development Viola Goodwin, Planning Supervisor, Planning & Development Sean Robertson, Planner II, Planning & Development Tracey Thiros, Planning Technician, Planning & Development Tom Green, Deputy City Attorney Gary Reid, Public Works Vicky Darling, Assistant Deputy City Clerk
ANNOUNCEMENTS Satisfaction of Open Meeting Law. Variance requests approved by the Board of Zoning Adjustment are forwarded to City Council for final consideration. City Council may or may not concur with the Board of Zoning Adjustment recommendation. City Council approval may result in different or additional conditions, stipulations, or limitations. Variance requests denied by the Board of Zoning Adjustment are appealable to City Council by the applicant, any aggrieved person, or if a review is requested by Council. Decisions made by the Board of Zoning Adjustment on Summerlin/Sun City Major Deviation requests are appealable by the applicant, any aggrieved person, or the Planning Director.	
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 October 5, 1999 Board of Zoning Adjustment meeting	MACK APPROVAL UNANIMOUS with Boyers excused (6:05) 1-38

ITEM	ACTION
PLANNING AND DEVELOPMENT	
CONSENT ITEMS Consent Items are considered routine by the Board of Zoning Adjustment and may be enacted by one motion. However, any item may be discussed if a Board member or applicant so desires.	
RULES OF CONDUCT FOR PUBLIC HEARING ITEMS: There may be items on this agenda for which a public hearing is scheduled. For the purposes of conducting the public hearing in an orderly manner, the Board of Zoning Adjustment has established the following rules of conduct: 1. When you hear your item being read, please come forward as soon as possible. 2. Begin your testimony by clearly stating your name and address. 3. Direct all comments and questions to the Chair, who is in charge of conducting the meeting. Do not engage the staff, the applicant, or the public in a dialogue. The Chair will direct them to respond as necessary. 4. Please avoid repeating testimony already provided and be brief and to the point. Spokespersons for groups are encouraged. Please return to your seat after your testimony. The Chair will close the public testimony if discussion becomes repetitious. 5. When the public hearing is closed, the Board will then begin discussion and have questions answered that were directed to the Chair. Applicants will be asked to be seated and will refrain from additional testimony at this time. Applicants may be asked to answer additional questions directed by the Chair. Additional questions or comments from the public will be discouraged due to the time constraints of the lengthy meetings. 6. The Chair will then determine the close of discussion and request a motion.	Vice-Chair Del Prado referred to the Rules of Conduct adopted by the Board of Zoning Adjustment for the meeting.

	ITEM	ACTION
	PLANNING AND DEVELOPMENT	
	PUBLIC HEARING ITEMS	
	ABEYANCE ITEM	
A-1	V-81-99 - SAM VENTURA, ET AL ON BEHALF OF D. W. STRAIT	DEL PRADO ABEYANCE to 12/7/99 UNANIMOUS with Boyers 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.	Joel McCulloch, Planning & Development, explained that the applicant submitted a revised site plan on 10/29/99 which will take the staff a month to review. David W. Strait, 101 West Brooks, was present and concurred with the abeyance requested by staff. No one appeared in opposition.
	BZA NOTICES MAILED: 486	There was no further discussion.
	PROTESTS: 3 Letters (10/5/99 Meeting)	(6:08 - 6:10) 1-120
	APPROVALS: 0	
	Staff Recommendation: DENIAL. If approved, subject to:	
	1. A Site Development Plan Review will be required before the City of Las Vegas Planning Commission.	
	2. City Code requirements and design standards of all City Departments which are not affected by approval of this Variance must be satisfied.	
	3. Site development to comply with all applicable Conditions of Approval for Z-4-92 and all other site related actions as required by the Departments of Planning and Development and Public Works.	

	ITEM	ACTION
	PLANNING AND DEVELOPMENT	
A-2	V-70-98(1) - S & W ENTERPRISES ON BEHALF OF HQ RECYCLED STEREO One Year Required Review on an approved Variance on property located at 2116 East Charleston Boulevard which allowed 18 parking spaces where 40 is the minimum allowed, C-2 (General Commercial) Zone, Ward 3 (Reese), APN: 162-01-101-003 BZA NOTICES MAILED: 108 PROTESTS: 0 APPROVALS: 0 Staff Recommendation: APPROVAL, subject to: 1. Conformance to the original site plan for V-70-98. 2. A one year review will be required.	DEL PRADO APPROVED subject to Condition No. 1 and deleting Conditions No. 2 UNANIMOUS with Boyers excused Joel McCulloch, Planning & Development, advised that last year the Board approved a Variance which allowed 18 on site parking spaces where 40 are required. The tenant space is part of a larger retail center which is located on the southeast corner of Charleston Boulevard and Eastern Avenue. The Variance was originally required due to the fact that this building, which was built in 1952, does not conform to present parking standards. Site visits were made on three separate occasions and at varying times of day: Tuesday, October 12, 1999 at 2:00 P.M.; Wednesday, October 13, 1999 at 10:00 A.M.; and Tuesday, October 19, 1999 at 5:00 P.M. On each visit, Staff found that parking spaces were readily available and that there was no indication that vehicles were being parked in areas not designated as parking spaces. However, due to concerns of neighboring business owners and the fact that the center is not fully leased out at this point, another one year review will be necessary. Bobby Hang, hq Recycled Stereo, 7527 West Diablo Drive, pointed out that the building has been on this site since 1952 and the businesses within it have always required parking. He submitted a letter from the adjacent neighbor tenants in support of his Variance. Because of the nature of the business which is perfect for this site, people stay no more than 10 to 15 minutes. The constant reviews create a hardship, especially since the Variance would not be required except for the used sales portion of his business. He stressed that he has a five year lease with additional options. Mr. Solomon raised a concern that the Variance is attached to the land and not the business. If this lessee should vacate the premises, a future more intense use could benefit from the Variance if the review condition were removed. Mr. McCulloch clarified that only a similar business would be allow to use the Variance. Any other business with a more intense use would be subject to an automatic review. Mr. Mack discussed with Mr. McCulloch that there are no problems with Metro of which staff is aware. Vice-Chair Del Prado concurred that the use is good in this area because it does not have a significant parking requirement and that the applicant made a good argument against continued reviews.

25836

ITEM	ACTION
PLANNING AND DEVELOPMENT	
V-70-98(1) - S & W ENTERPRISES ON BEHALF OF HQ RECYCLED STEREO	No one appeared in opposition. There was no further discussion. NOTE: A date will be set at the 12/1/99 City Council meeting for a public hearing to be held at the 12/15/99 City Council meeting. (6:10 - 6:20) 1-196

	ITEM	ACTION
	PLANNING AND DEVELOPMENT	
A-3	V-70-99 - NEVADA H.A.N.D. Request for a Variance on property located on the northwest corner of Stewart Avenue and Fourteenth Street TO ALLOW 10,402 SQUARE FEET OF OPEN SPACE WHERE THE MINIMUM OPEN SPACE REQUIRED IS 35,270 SQUARE FEET IN CONJUNCTION WITH A 49 UNIT SENIOR APARTMENT COMPLEX, R-PD29 (Residential Planned Development - 29 Units Per Acre) Zone, Ward 3 (Reese), APN: 139-35-212-125 BZA NOTICES MAILED: 141 PROTESTS: 1 APPROVALS: 0 Staff Recommendation: APPROVAL, subject to: 1. Approval of a Site Development Plan Review, administratively by staff is required prior to any construction on the site. 2. Conformance to all Conditions of Approval for Z-48-99 and any other site related actions. 3. City Code requirements and design standards of all City Departments which are not affected by approval of this Variance must be satisfied.	MACK APPROVED subject to conditions UNANIMOUS with Boyers excused Joel McCulloch, Planning & Development, stated that the access to the site will be from one driveway from Stewart Avenue and one internal driveway with the property to the north, there is a crash gate proposed at Fourteenth Street. A 15 foot wide landscape planter is proposed along Fourteenth Street and a 25 foot wide planter is proposed along Stewart Avenue. The proposed project is to be integrated into the existing senior apartment complex to the north. There will be common driveways, parking areas, and open space. A shared parking agreement with the parcel to the north will satisfy the City's parking requirements. Staff believes that a unique or extraordinary circumstance exists with regard to granting of this Variance. The proposed project is within the boundaries of the redevelopment area for the City of Las Vegas. Within this area, parcels tend to be smaller and increased densities are preferential allowing for less open space. Staff finds that the health, safety, and welfare of the general public will not be jeopardized by approval of this Variance. In fact, staff believes that this project will benefit the community and the neighborhood and supports the request. Bob Fiffleman, Nevada H.A.N.D., 2450 East Chandler, was present and concurred with the conditions. Rose Lewis, 313 North Fifteenth Street, and Daniel Eaton, 313 North Fifteenth Street, protested that seniors still need room to move and people need to look after their interests. Variances are being granted for every new project in the area and this request is for one-third of the requirement, which is quite drastic. Standards have been set which should be followed. Is the reduction to allow for additional units in the future? The higher densities are changing the area and although Mr. Eaton appreciated the development of downtown, area property values need to be preserved as well. Mr. Mack commented that these projects are necessary for development downtown. While he shared some of the concerns outlined, this project will hopefully increase property values and have less impact due to the senior aspect. There is a growing senior population in the City requiring this type of project.

ITEM	ACTION
PLANNING AND DEVELOPMENT	
V-70-99 - NEVADA H.A.N.D.	There was no further discussion. NOTE: A date will be set at the 12/1/99 City Council meeting for a public hearing to be held at the 12/15/99 City Council meeting. (6:20 - 6:26) 1-526

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	ITEM	ACTION
	PLANNING AND DEVELOPMENT	
	DIRECTOR'S BUSINESS	
	ABEYANCE ITEM	
B-1	DB-8-99 - Discussion and possible action to approve the Board of Zoning Adjustment meeting dates for the calendar year 2000.	DEL PARDO APPROVED UNANIMOUS with Boyers excused Vice-Chair Del Prado confirmed with the members of the Board that there were no objections to the dates as presented. There was no further discussion. (6:27) 1-732

25840

	ITEM	ACTION
	PLANNING AND DEVELOPMENT	
	DIRECTOR'S BUSINESS	
	ABEYANCE ITEM	
B-1	DB-8-99 - Discussion and possible action to approve the Board of Zoning Adjustment meeting dates for the calendar year 2000.	DEL PARDO APPROVED UNANIMOUS with Boyers excused Vice-Chair Del Prado confirmed with the members of the Board that there were no objections to the dates as presented. There was no further discussion. (6:27) 1-732

	ITEM	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.	(6:28) 1-786

MEETING ADJOURNED AT 6:28 P.M.

PLANNING & DEVELOPMENT DEPARTMENT

Joel V. McCulloch

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

/vwd