

City of Las Vegas

Agenda Item No. 113

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT**CITY COUNCIL MEETING OF: DECEMBER 3, 2003****DEPARTMENT: PLANNING & DEVELOPMENT****DIRECTOR: ROBERT S. GENZER**☐**CONSENT**☒**DISCUSSION****SUBJECT:**

SPECIAL USE PERMIT - PUBLIC HEARING - SUP-3114 - SHOW MEDIA ON BEHALF OF PROFESSIONAL INVESTMENT GROUP, LIMITED LIABILITY COMPANY - Appeal filed by Show Media from the Denial by the Planning Commission of a request for a Special Use Permit FOR A 40-FOOT TALL, 14 FOOT BY 48 FOOT OFF-PREMISE ADVERTISING (BILLBOARD) SIGN located at 4545 West Sahara Avenue (APN:162-07-101-005), C-1 (Limited Commercial) Zone, Ward 1 (Moncrief). The Planning Commission (5-1 vote) recommends DENIAL. Staff recommends APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

1

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

RECOMMENDATION:

The Planning Commission (5-1 vote) recommends DENIAL. Staff recommends APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Appeal letter filed by Show Media
5. Submitted after final agenda – Abeyance request by Singer & Brown

MOTION:

REESE – Motion to HOLD IN ABEYANCE Item 117 [ZON-3080], Item 118 [SDR-3082], Item 127 [GPA-3066], Item 128 [ZON-3071], Item 129 [SUP-3073] and Item 130 [SDR-3079] to 12/17/2003 and Item 112 [SUP-2904], Item 113 [SUP 3114], Item 119 [ZON-3031], Item 120 [VAR-3040], Item 121 [SUP-3038] and Item 122 [SDR-3035] to 1/7/2004 - UNANIMOUS with MACK excused

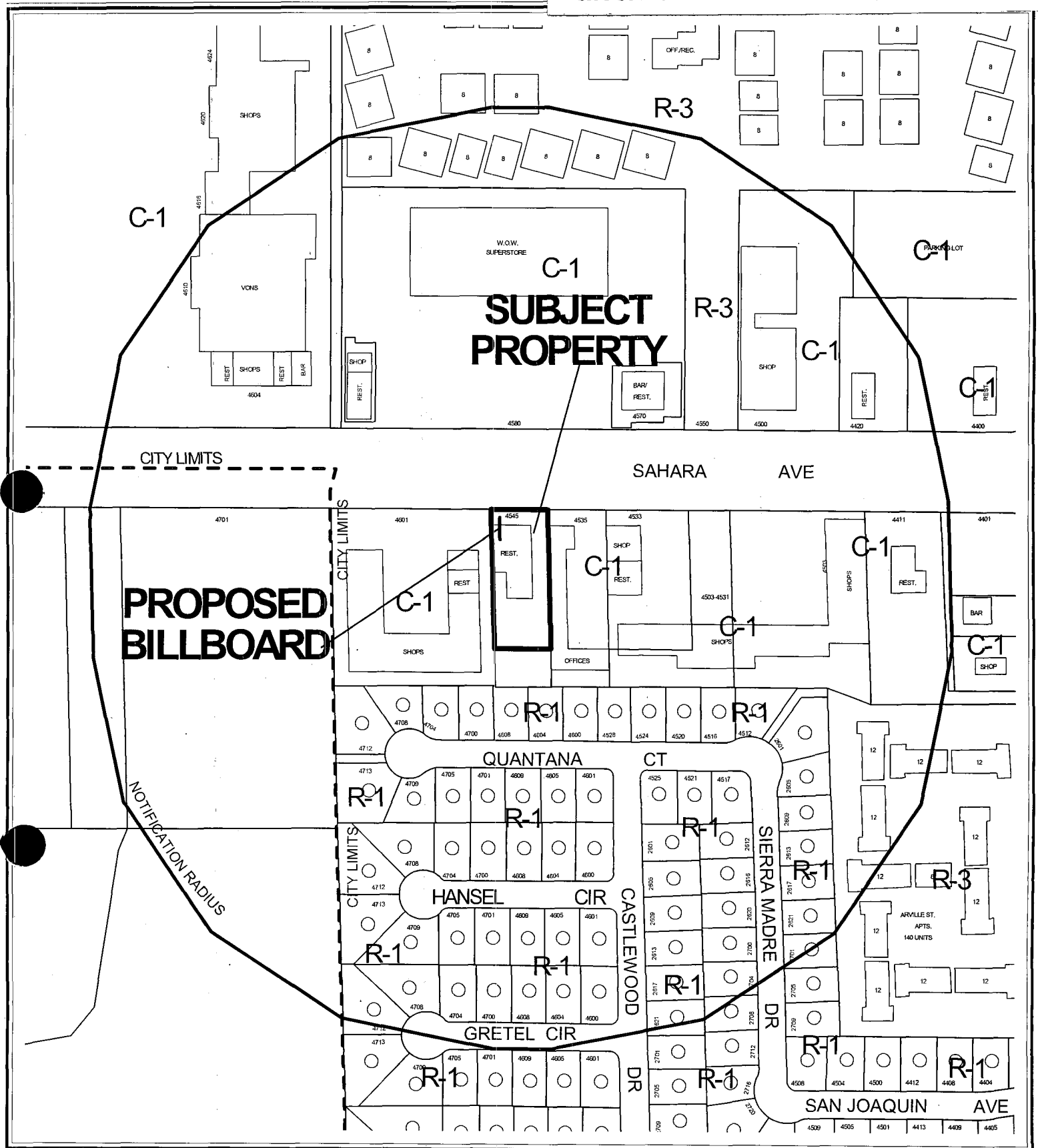
MAYOR GOODMAN disclosed that he would be abstaining on Item 113 [SUP-3114] due to the fact that his law partners are negotiating with a billboard company, which could benefit his law firm.

MINUTES:

There was no discussion.

(1:21-1:27)

4-1

CASE: **SUP-3114**

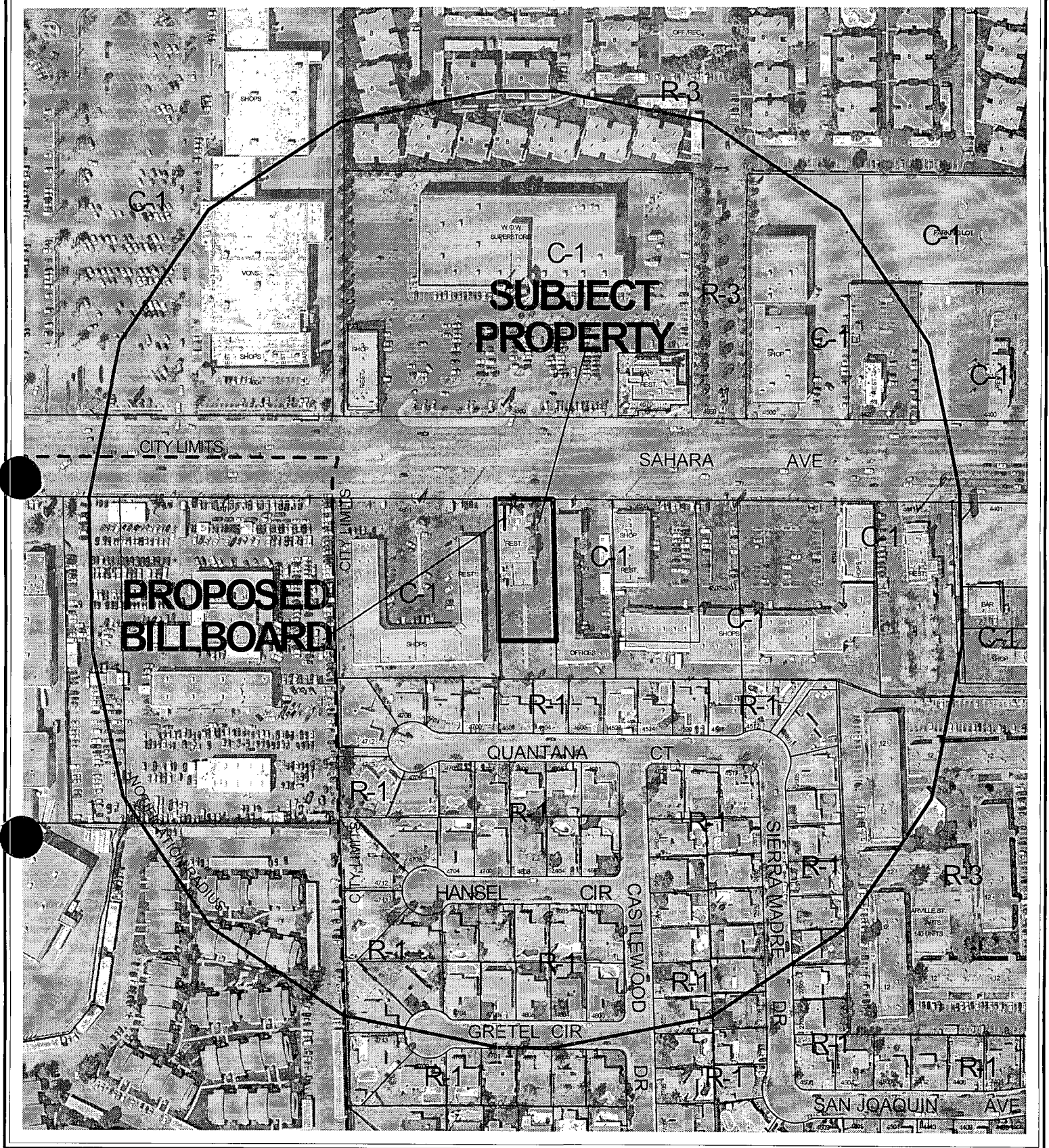
RADIUS: 750 FT

ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL)

0 200 400 Feet

113

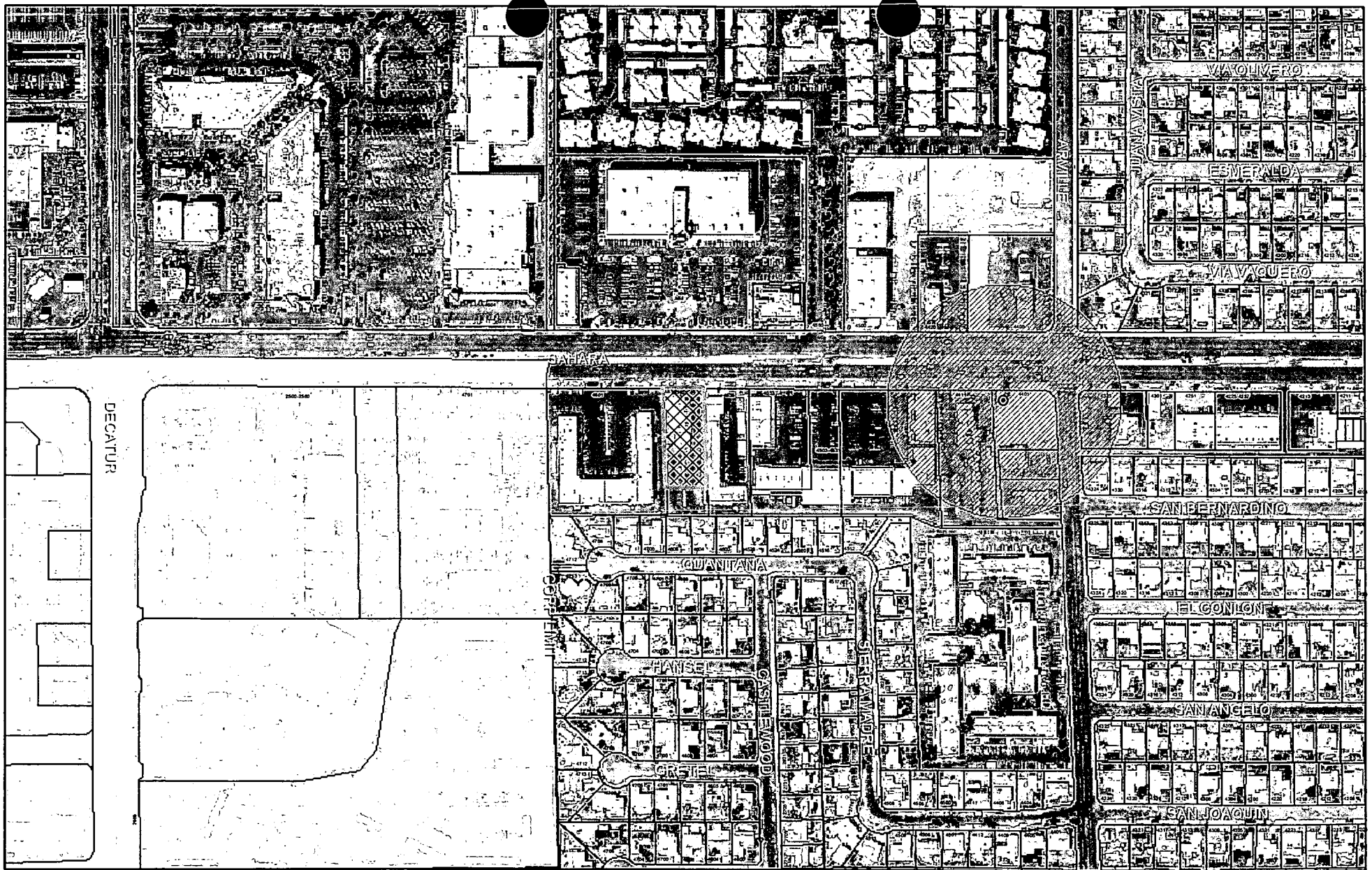




CASE: SUP-3114

RADIUS: 750 FT

ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL)



SUP-3114

City of Las Vegas Billboard Data



Subject Parcel



City of Las Vegas Billboard Location



300 Foot Buffer Around Billboard



750 Foot Buffer Around Freeway Billboard



Outside City Boundary



Off Premise Sign Exclusion Area



Exempt - Off Premise Area Sign Area



City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: DECEMBER 3, 2003
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: SUP-3114 - SHOW MEDIA ON BEHALF OF
PROFESSIONAL INVESTMENT GROUP, LIMITED LIABILITY COMPANY

**** CONDITIONS ****

The Planning Commission (5-1 vote) recommends DENIAL. Staff recommends APPROVAL, subject to:

Planning and Development

1. Conformance to all minimum requirements and provisions under Title 19.14.100 for the off-premise advertising (billboard) sign use and all other applicable sign requirements.
2. The Special Use Permit shall be reviewed in two years, at which time the City Council may require the off-premise sign to be removed. The applicant shall be responsible for notification costs of the review. Failure to pay the City for these costs may result in a requirement that the off-premise sign be removed.
3. If the existing off-premise advertising (billboard) sign structure is removed, this Special Use Permit shall be expunged and a new off-premise sign structure shall not be erected in the same location unless: (1) a new Special Use Permit is approved for the new structure by the City Council; or (2) the location is in compliance with all applicable standards of Title 19 including, but not limited to, distance separation requirements; or (3) a Variance to the applicable standards of Title 19 has been approved for the new structure by the City Council.
4. The off-premise advertising (billboard) sign and its supporting structure shall be properly maintained and kept free of graffiti at all times. Failure to perform the required maintenance may result in fines and/or removal of the off-premise advertising (billboard) sign.
5. The off-premise advertising sign (billboard) supporting structure shall be designed to finish materials to complement the existing on-site building. The entire face-area of both sides of the off-premise advertising (billboard) sign shall comprise signage area or its border framework; none of the supporting structure shall be visible aside from the support pole.
6. All City Code requirements and design standards of all City departments must be satisfied.

Public Works

7. The proposed billboard shall not be located within public right-of-way, existing or proposed public sewer or drainage easements, or interfere with Site Visibility Restriction Zones.

SUP-3114 - Staff Report Page One
December 3, 2003 City Council Meeting

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

This is an Appeal filed by Show Media from the Denial by the Planning Commission of a request for a Special Use Permit for a proposed 40-foot tall, 14-foot by 48-foot off-premise advertising (billboard) sign at 4545 West Sahara Avenue.

B) Applicant's Justification

The applicant justifies this request by stating that the proposed off-premise sign would be located away from existing residential areas and would be compatible with surrounding commercial land uses.

BACKGROUND INFORMATION

A) Previous Actions

- 07/23/81 The Board of Zoning Adjustment approved a request for a Variance (V-0049-81) to allow a reduction in required parking from 128 spaces to 50 spaces on this site and what is now the adjacent parcel to the south.
- 04/28/83 The Board of Zoning Adjustment approved a request for a Variance (V-0018-83) to allow a reduction in required parking from 79 spaces to 50 spaces on this site and what is now the adjacent parcel to the south.
- 11/06/03 The Planning Commission voted 5-1 to recommend DENIAL (PC Agenda Item #37).

B) Pre-Application Meeting

- 09/19/03 Distance separation and other code issues relating to off-premise signs were discussed. The site is within 500 feet of the City's boundary with Clark County; therefore, it is a Project of Regional Significance for which the applicant must submit a questionnaire.

C) Neighborhood Meetings

A neighborhood meeting is not required for a Special Use Permit request.

DETAILS OF APPLICATION REQUEST

A) Site Area

Net Acres: 0.63

SUP-3114 - Staff Report Page Two
December 3, 2003 City Council Meeting

B) Existing Land Use

Subject Property: Restaurant
North: Retail Commercial, Restaurants
South: Parking
East: Offices
West: Retail Commercial

C) Planned Land Use

Subject Property: SC (Service Commercial)
North: SC (Service Commercial)
South: SC (Service Commercial)
East: SC (Service Commercial)
West: SC (Service Commercial)

D) Existing Zoning

Subject Property: C-1 (Limited Commercial)
North: C-1 (Limited Commercial)
South: C-1 (Limited Commercial)
East: C-1 (Limited Commercial)
West: C-1 (Limited Commercial)

E) General Plan Compliance

The subject property is designated SC (Service Commercial) on the Southeast Sector Map of the General Plan. Off-premise advertising (billboard) signs are allowed within this designation and the existing C-1 (Limited Commercial) zoning district with the approval of a Special Use Permit.

SPECIAL DISTRICTS/ZONES	Yes	No
Special Area Plan		X
Special Overlay District		X
Trails		X
Study Area		X
Rural Preservation Neighborhood		X
County/North Las Vegas/HOA Notification	X	
Development Impact Notification Assessment		X
Project of Regional Significance	X	

Special Notification – Property located within the notification radius falls within sections of unincorporated Clark County. The Clark County Planning Department has been notified of the land use application.

Project of Regional Significance – A Special Use Permit application concerning property within 500 feet of the City boundary with Clark County is deemed a Project of Regional Significance. The subject property is located adjacent to West Sahara Avenue which, in this area, serves as a divider line between City and unincorporated Clark County property.

SUP-3114 - Staff Report Page Three
December 3, 2003 City Council Meeting

INTERAGENCY ISSUES

Pursuant to Ordinance No. 5477, the proposed project is deemed to be a "Project of Regional Significance" for the following reasons:

- Any Special Use Permit within 500'

A completed Environmental Impact Assessment questionnaire was circulated to the affected Agencies and Entities for review in the mandated 15-day period. A summary of the comments received, including recommendation for mitigation measures is as follows:

Responding area agencies and entities all found that this project would have a minimal impact on the environmental factors as outlined within the Environmental Impact Assessment questionnaire.

ANALYSIS

A) Zoning Code Compliance

A1) Minimum Distance Separation Requirements

Pursuant to Title 19.04, the following Standards apply to the subject proposal:

Standards	Code Requirement	Provided
Off-Premise Advertisement (Billboard)	Min. 300 Feet from property zoned "U" or "R"	302 Feet from R-1 zone

Pursuant to Title 19.14.100, the following Standards apply to the subject proposal:

Standards	Code Requirement	Provided
Location	• No off-premise signs in the right-of-way • Permitted only in C-1, C-2, C-M, M Zoning Districts	Sign is not in right-of-way Sign is in C-1 Zoning District
Max. off-premise sign area	672 SF	672 SF
Max. off-premise sign height	40 Feet	40 Feet

The proposed project meets all Title 19 requirements for off-premise signs.

SUP-3114 - Staff Report Page Four
December 3, 2003 City Council Meeting

B) General Analysis and Discussion

- Zoning

The subject site is currently zoned C-1 (Limited Commercial). The off-premise advertising (billboard) sign proposed for this site is within the range of uses permitted, with approval of a Special Use Permit, in the C-1 (Limited Commercial) zoning district. The sign is not located within the Off-Premise Sign Exclusionary Zone.

- Use

The proposed off-premise sign would extend flag-style over the top of the existing building, rising to the maximum-allowable 40-foot height. The center of the proposed off-premise sign is more than 300 feet from the nearest property line of a lot located within any "U" or "R" zoning district, which is located to the south of the subject site. The nearest billboard sign is located approximately 850 feet to the east of the proposed site.

- Conditions

There are no waivable conditions of the Special Use Permit for an off-premise advertising (billboard) sign. No off-premise sign certificate of any kind shall be issued for an existing or proposed sign unless the sign is consistent with all requirements of Title 19.14.100. Distance separation requirements may not be varied.

FINDINGS

In order to approve a Special Use Permit application, per Title 19.18.060 the Planning Commission and City Council must affirm the following:

1. **"The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan."**

The proposed off-premise advertising (billboard) sign is allowed in the SC (Service Commercial) General Plan designation and is a permitted use in the C-1 (Limited Commercial) zoning district outside of the Off-Premise Sign Exclusionary Zone. It will be harmonious and compatible with existing and nearby offices and commercial development.

2. **"The subject site is physically suitable for the type and intensity of land use proposed."**

The subject site is located in an established commercial area and is adjacent to a major thoroughfare (Sahara Avenue), making it suitable for placement at the proposed location.

SUP-3114 - Staff Report Page Five
December 3, 2003 City Council Meeting

3. **“Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.”**

This use does not generate traffic on the proposed site and will not negatively affect the surrounding roadways. It will not occupy any required parking spaces.

4. **“Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.”**

The proposed off-premise advertising (billboard) sign will not be a threat to the public health, safety, and welfare, as its license would be subject to ongoing City inspection and enforcement. Future reviews of this billboard will also be required by condition.

PLANNING COMMISSION ACTION

The Planning Commission voted 5-1 to deny the application based upon the proposed sign's contribution to the visual clutter in this area of Sahara Avenue.

NOTICES MAILED 84 by City Clerk

APPROVALS 0

PROTESTS 1



Case Number: SUP-3114 APN: 162-07-101-005

Name of Applicant: Show Media

 Yes X No

City Official: _____

Partner(s): _____

APN: _____

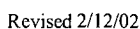
Signature of Property Owner/Authorized Agent: For WSA

Print Name: Ron Waul

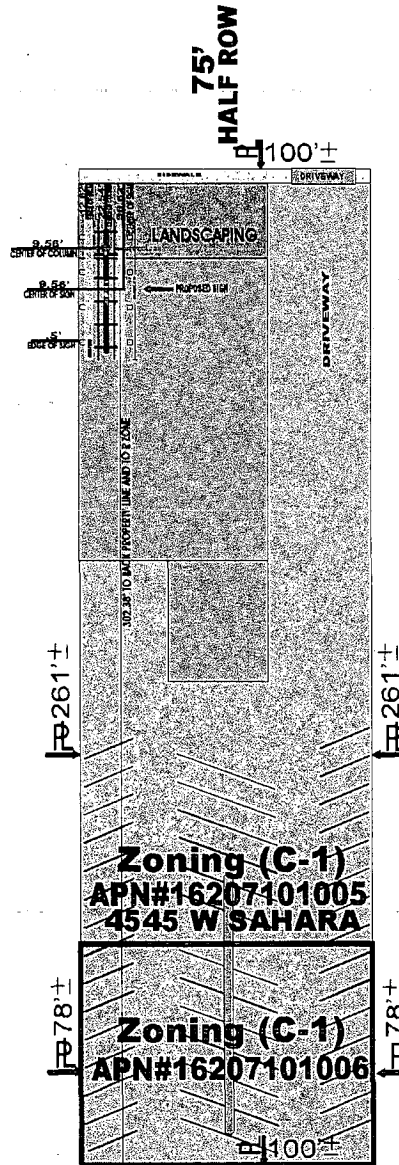
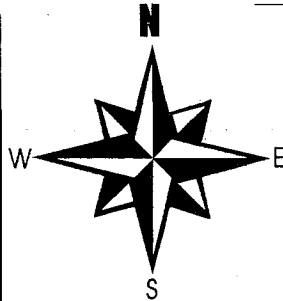
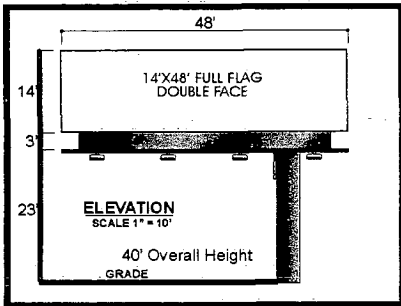
Subscribed and sworn before me

This 23rd day of SEPTEMBER, 2008

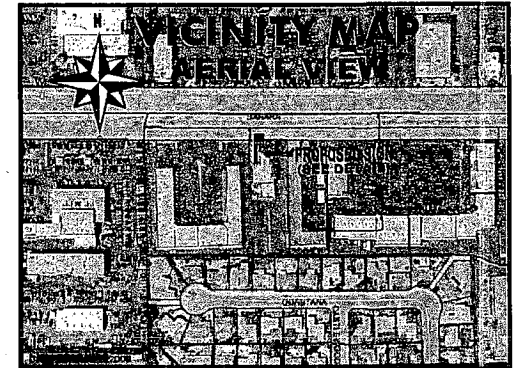
Franci M. Ruby
Notary Public in and for said County and State



SAHARA



TOP VIEW SCALE 1" = 20' DETAIL



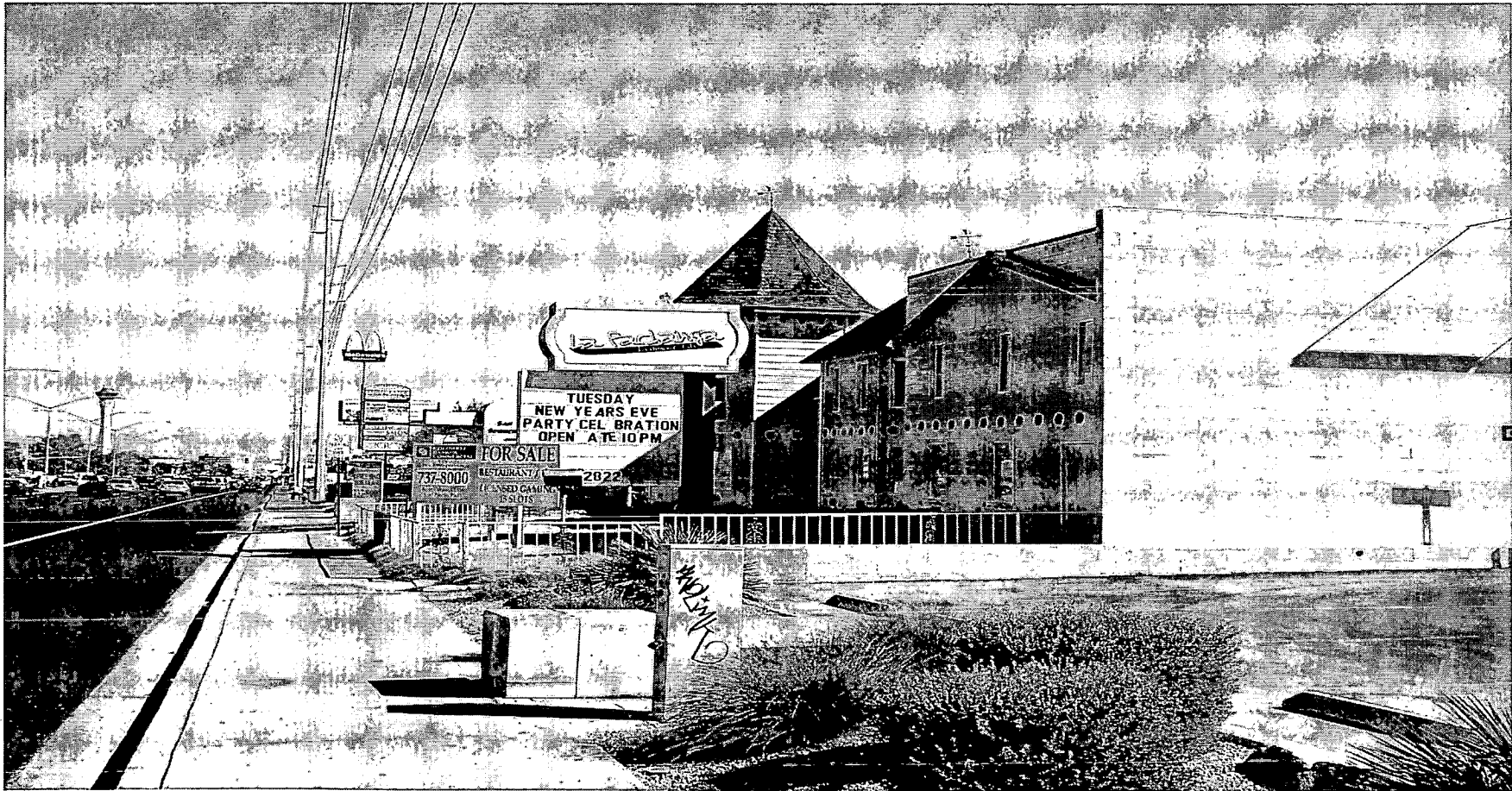
GENERAL NOTES

1. Not within 300 foot radius of another off-premise billboard.
2. Not within 300 foot radius of residential use.
3. No parking spaces will be taken for this location.

SHOW MEDIA
CHRIS YERGENSEN
303-4688

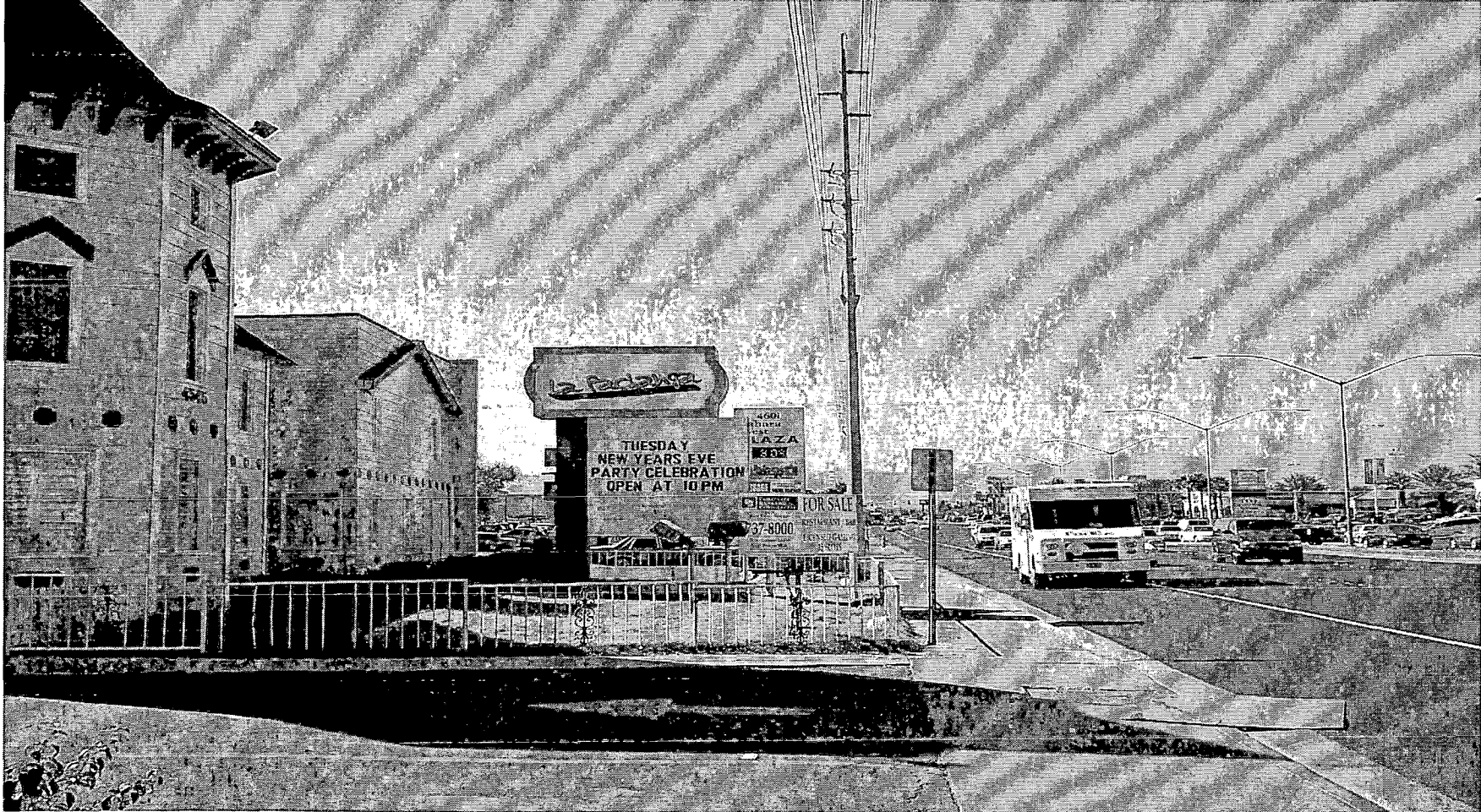
JONES		4145 W IFCO AVE / LAS VEGAS, NV 89118 / 702-445-0072	
OWNER:			
PROFESSIONAL INVEST			
SCALE: NOTED	APPROVED BY:	DRAWN BY: TOM JONES	
DATE: 9-18-03		REVISED:	
LOCATION: 4545 W SAHARA AVE 89102			
APN#16207101005		DRAWING NUMBER: 246	

SUP-3114
11-06-03 PC
REVISED 10-20-03



SUP-3114 - SHOE MEDIA ON BEHALF OF PROFESSIONAL INVESTMENT GROUP, LIMITED LIABILITY
COMPANY
4545 WEST SAHARA AVENUE
NOVEMBER 6, 2003 PLANNING COMMISSION

10/17/03



SUP-3114 - SHOE MEDIA ON BEHALF OF PROFESSIONAL INVESTMENT GROUP, LIMITED LIABILITY
COMPANY
4545 WEST SAHARA AVENUE
NOVEMBER 6, 2003 PLANNING COMMISSION

10/17/03



4577 South Industrial Rd., 1st Floor • Las Vegas, NV 89103 • (702) 739-3002 • FAX (702) 739-0021

November 10, 2003

Ms. Barbara Jo Ronemus
City of Las Vegas City Clerk
City Hall, First Floor
400 Stewart Avenue
Las Vegas, NV 89101

via fax & certified mail:
382-4803

RE: Notice of Appeal of SUP-3114

Dear Ms. Ronemus:

We, as the applicant, hereby give you written notice of our appeal of the Planning Commission's denial of SUP-3114 to the Las Vegas City Council.

Please take appropriate action to schedule the applications for the review and action of the Las Vegas City Council at the next appropriate meeting. We feel that the Planning Commission's action of denial was not reasonably justified nor appropriate given the circumstances of the applications.

You may reach me directly at 303-4688 if there are any questions or concerns.

Sincerely,

A handwritten signature in black ink, appearing to read 'Chris Yergensen'.

Chris Yergensen, Esq.
Show Media, LLC

CC: Eddie Dichter, Senior Planner
Current Planning Division
731 S. Fourth Street
Las Vegas, NV 89101

2003 NOV 17 A 10:01

RECEIVED
CITY CLERK

LAW OFFICES

Singer & Brown

A NEVADA LLC

MICHAEL H. SINGER
JAY H. BROWN

520 SOUTH FOURTH STREET
LAS VEGAS, NEVADA 89101-6593

TELEPHONE (702) 384-5563
FACSIMILE (702) 385-1023
Brownltd@earthlink.net

December 3, 2003

FAX; 382-4803

Las Vegas City Clerk
400 E. Stewart Avenue
Las Vegas, NV 89101
Attn: Barbara Jo Ronemus
City Clerk

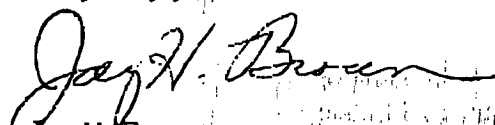
Re: Item No. 113 on December 3, 2003 City Council Agenda
SUP-3114 - Special Use Permit
Show Media on behalf of Professional Investment Group

Dear Ms. Ronemus:

Please be advised that I represent Show Media on behalf of Professional Investment Group, LLC.

On behalf of our client, we respectfully request that this item be held from the December 3, 2003 City Council meeting and be continued to the January 7, 2004 City Council meeting.

Very truly yours,


Jay H. Brown

JHB:cc

2003 DEC -2 P 2:21

RECEIVED
CITY CLERK

Submitted after final agenda

Date 12/2/03 Item #113

City of Las Vegas

Agenda Item No. 114

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: DECEMBER 3, 2003

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☐

CONSENT

☒

DISCUSSION

SUBJECT:

SPECIAL USE PERMIT - PUBLIC HEARING - SUP-3115 - SHOW MEDIA ON BEHALF OF RIVERPARK IV, LIMITED LIABILITY COMPANY - Appeal filed by Show Media from the Denial by the Planning Commission of a request for a Special Use Permit FOR A 40-FOOT TALL, 14 FOOT BY 48 FOOT OFF-PREMISE ADVERTISING (BILLBOARD) SIGN located at 6122 West Sahara Avenue (APN:163-02-802-004), C-1 (Limited Commercial) Zone, Ward 1 (Moncrief). The Planning Commission (5-1 vote) recommends DENIAL. Staff recommends APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

1

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

1

RECOMMENDATION:

The Planning Commission (5-1 vote) recommends DENIAL. Staff recommends APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Appeal letter filed by Show Media

MOTION:

MONCRIEF – Granted the Appeal; thereby APPROVING the Special Use Permit subject to conditions – UNANIMOUS with GOODMAN abstaining as a member of his law firm is negotiating a potential business relationship with a sign company and MACK excused

MINUTES:

MAYOR GOODMAN disclosed his abstention and MAYOR PRO TEM REESE declared the Public Hearing open.

LUCY STEWART, 2754 Highland, appeared with former COMMISSIONER PAUL CHRISTENSEN. MS. STEWART clarified for COUNCILWOMAN MONCRIEF that only one tree will be removed but it will be replaced with three trees.



Agenda Item No. 114

CITY COUNCIL MEETING OF DECEMBER 3, 2003
 Planning and Development Department
 Item 114 – SUP-3115

MINUTES Continued:

TODD FARLOW, 240 19th Street, stated that trees should not be removed to make room for billboards, especially after The National Arbor Association praised Las Vegas for planting trees.

JOHNNY VENTURA, 601 Raintree Lane, supported the application.

No one appeared in opposition.

There was no further discussion.

MAYOR PRO TEM REESE declared the Public Hearing closed.

(2:57 – 2:59)

5-136

CONDITIONS:

Planning and Development

1. Conformance to all minimum requirements and provisions under Title 19.14.100 for the off-premise advertising (billboard) sign use and all other applicable sign requirements.
2. The Special Use Permit shall be reviewed in two years, at which time the City Council may require the off-premise sign to be removed. The applicant shall be responsible for notification costs of the review. Failure to pay the City for these costs may result in a requirement that the off-premise sign be removed.
3. Any required landscaping removed or displaced by erection of the off-premise sign shall be relocated or replanted to comply with the Landscape, Wall, and Buffer Standards and Title 19.12.
4. If the existing off-premise advertising (billboard) sign structure is removed, this Special Use Permit shall be expunged and a new off-premise sign structure shall not be erected in the same location unless: (1) a new Special Use Permit is approved for the new structure by the City Council; or (2) the location is in compliance with all applicable standards of Title 19 including, but not limited to, distance separation requirements; or (3) a Variance to the applicable standards of Title 19 has been approved for the new structure by the City Council.
5. The off-premise advertising (billboard) sign and its supporting structure shall be properly maintained and kept free of graffiti at all times. Failure to perform the required maintenance may result in fines and/or removal of the off-premise advertising (billboard) sign.

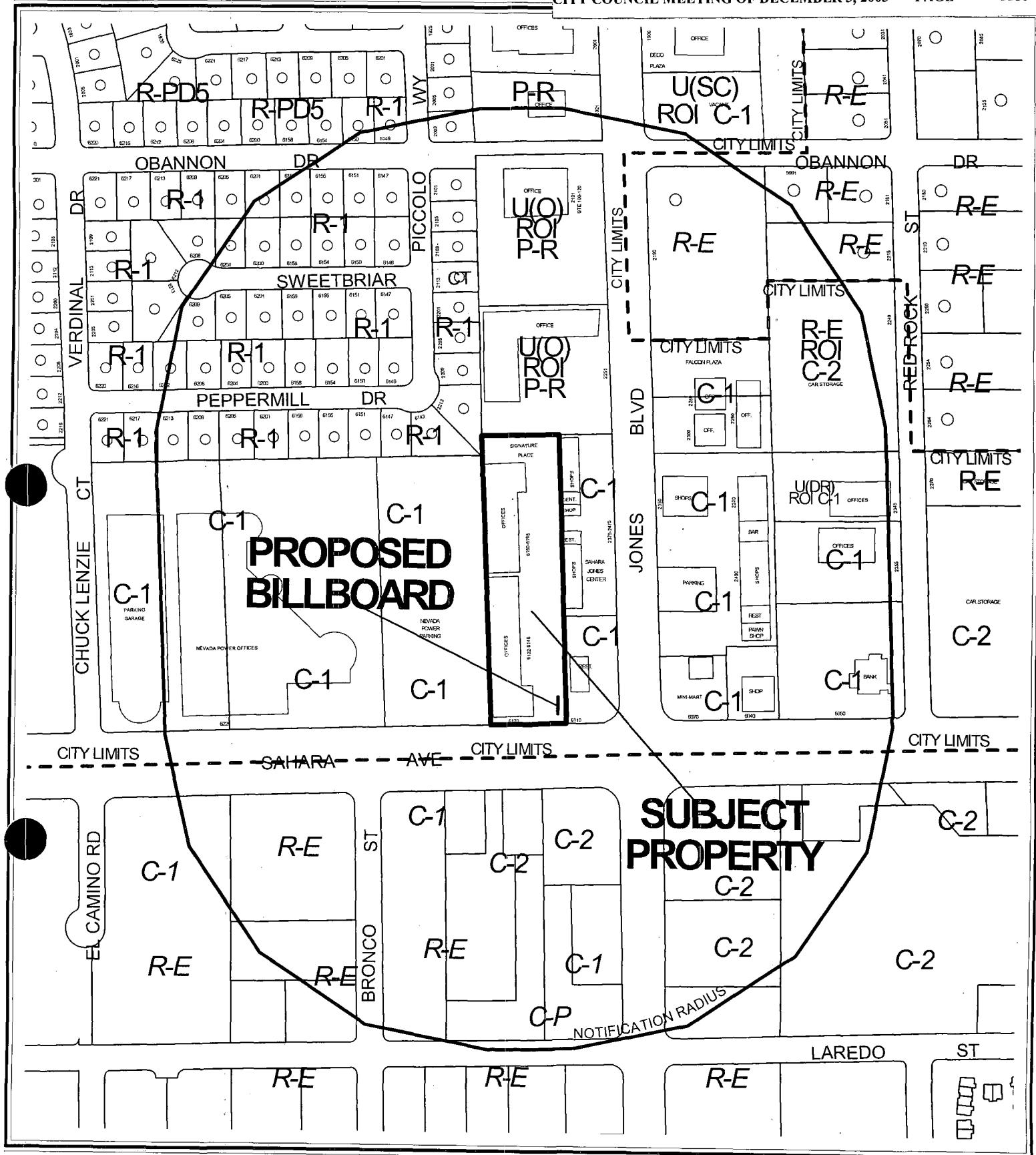
CITY COUNCIL MEETING OF DECEMBER 3, 2003
Planning and Development Department
Item 114 – SUP-3115

CONDITIONS Continued:

6. The off-premise advertising sign (billboard) supporting structure shall be redesigned to finish materials to complement the existing on-site building. The entire face-area of both sides of the off-premise advertising (billboard) sign shall be signage area or its border framework; none of the supporting structure shall be visible aside from the support pole.
7. All City Code requirements and design standards of all City departments must be satisfied.

Public Works

8. The proposed billboard shall not be located within public right-of-way, existing or proposed public sewer or drainage easements, or interfere with Site Visibility Restriction Zones.



CASE: **SUP-3115**

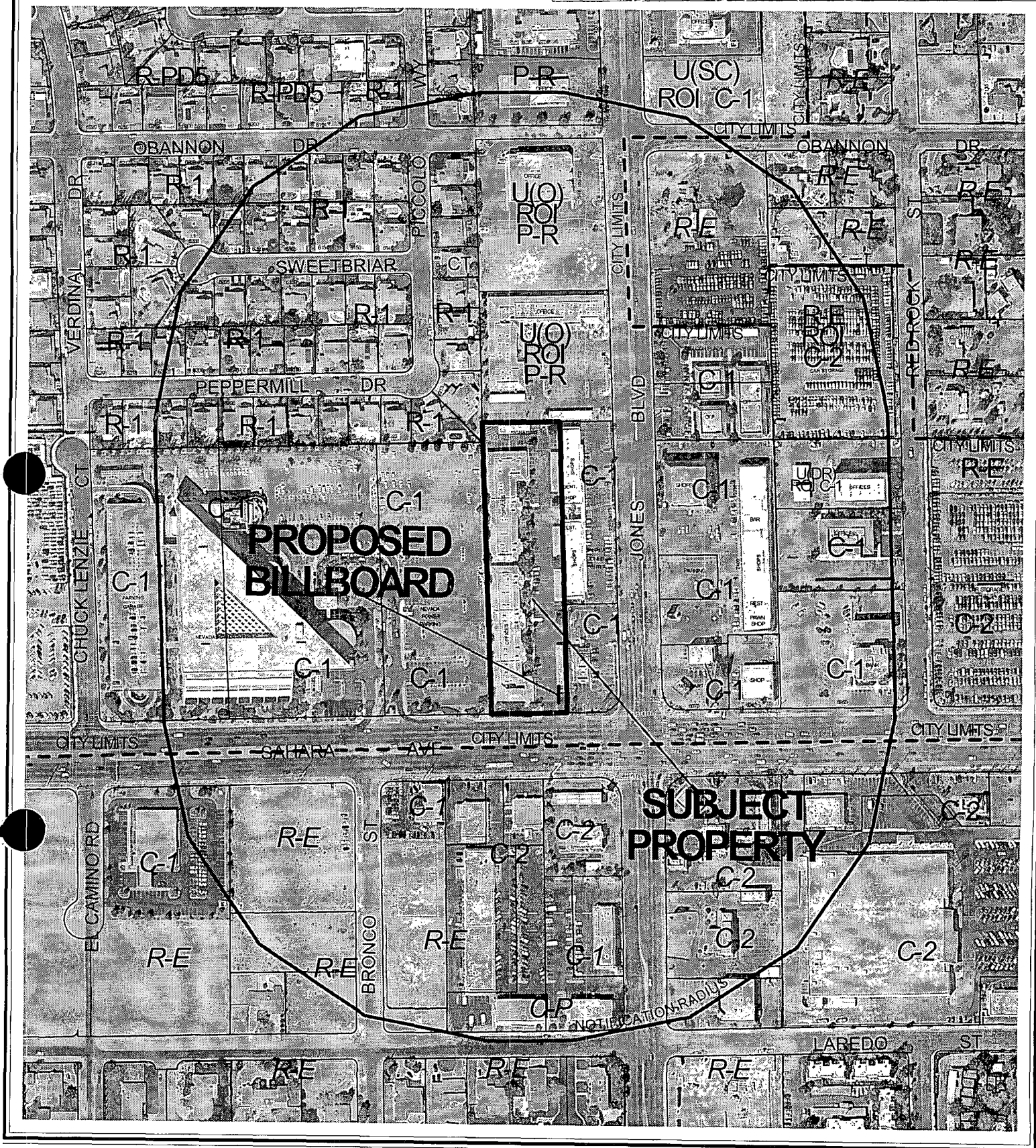
RADIUS: 750 FT

ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL)

0 200 400 Feet



114



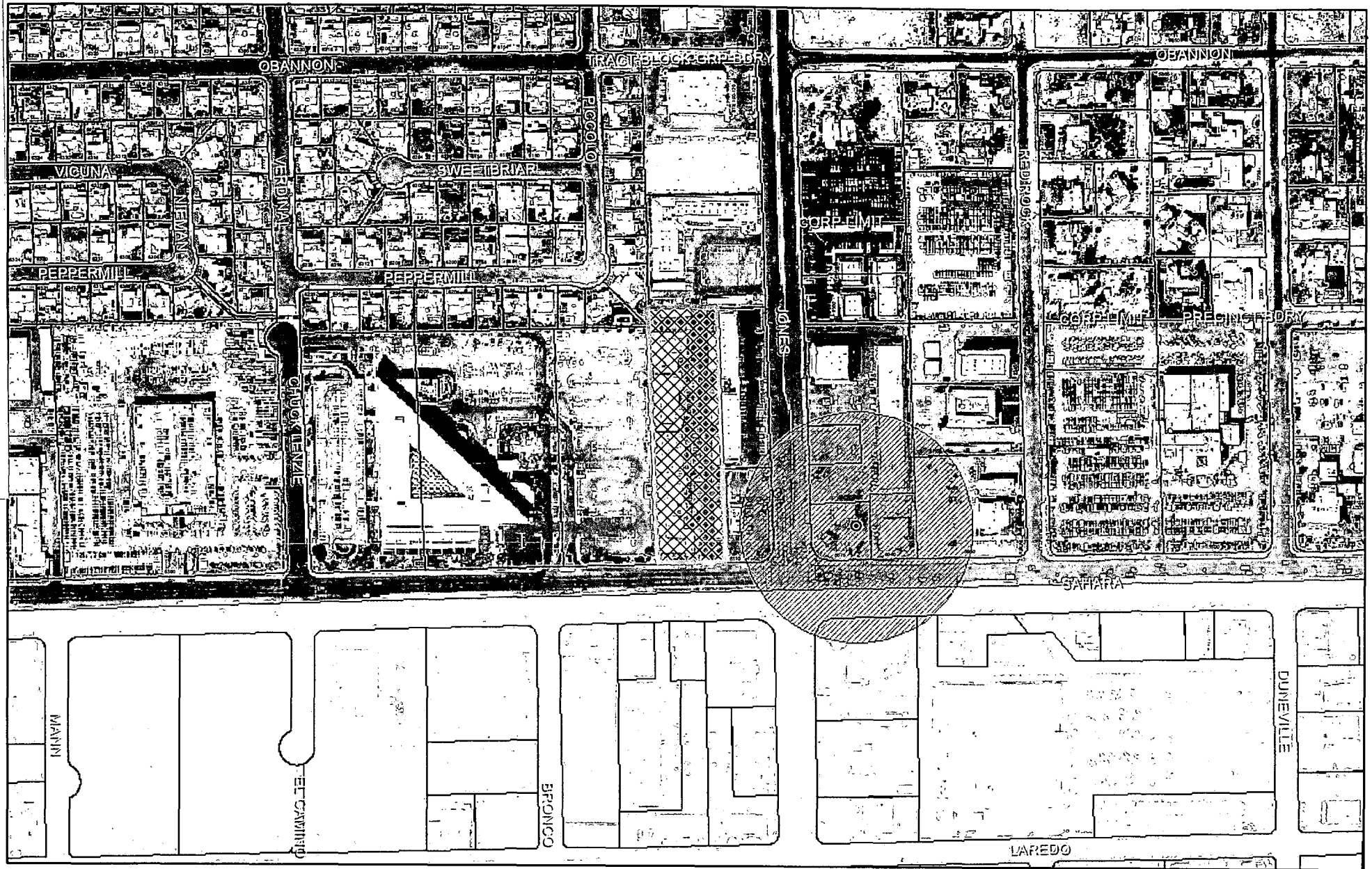
CASE: SUP-3115

RADIUS: 750 FT

ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL)

0 200 400 Feet





SUP-3115

City of Las Vegas Billboard Data

- | | | |
|--|--|---|
|  Subject Parcel |  300 Foot Buffer Around Billboard |  Outside City Boundary |
|  City of Las Vegas Billboard Location |  750 Foot Buffer Around Freeway Billboard |  Off Premise Sign Exclusion Area |
| | |  Exempt - Off Premise Area Sign Area |



City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: DECEMBER 3, 2003
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: SUP-3115 - SHOW MEDIA ON BEHALF OF RIVERPARK IV, LIMITED LIABILITY COMPANY

**** CONDITIONS ****

The Planning Commission (5-1 vote) recommends DENIAL. Staff recommends APPROVAL, subject to:

Planning and Development

1. Conformance to all minimum requirements and provisions under Title 19.14.100 for the off-premise advertising (billboard) sign use and all other applicable sign requirements.
2. The Special Use Permit shall be reviewed in two years, at which time the City Council may require the off-premise sign to be removed. The applicant shall be responsible for notification costs of the review. Failure to pay the City for these costs may result in a requirement that the off-premise sign be removed.
3. Any required landscaping removed or displaced by erection of the off-premise sign shall be relocated or replanted to comply with the Landscape, Wall, and Buffer Standards and Title 19.12.
4. If the existing off-premise advertising (billboard) sign structure is removed, this Special Use Permit shall be expunged and a new off-premise sign structure shall not be erected in the same location unless: (1) a new Special Use Permit is approved for the new structure by the City Council; or (2) the location is in compliance with all applicable standards of Title 19 including, but not limited to, distance separation requirements; or (3) a Variance to the applicable standards of Title 19 has been approved for the new structure by the City Council.
5. The off-premise advertising (billboard) sign and its supporting structure shall be properly maintained and kept free of graffiti at all times. Failure to perform the required maintenance may result in fines and/or removal of the off-premise advertising (billboard) sign.
6. The off-premise advertising sign (billboard) supporting structure shall be redesigned to finish materials to complement the existing on-site building. The entire face-area of both sides of the off-premise advertising (billboard) sign shall be signage area or its border framework; none of the supporting structure shall be visible aside from the support pole.
7. All City Code requirements and design standards of all City departments must be satisfied.

SUP-3115 - Conditions Page Two
December 3, 2003 City Council Meeting

Public Works

8. The proposed billboard shall not be located within public right-of-way, existing or proposed public sewer or drainage easements, or interfere with Site Visibility Restriction Zones.

SUP-3115 - Staff Report Page One
December 3, 2003 City Council Meeting

**** STAFF REPORT ****

APPLICATION REQUEST

A) *Action Requested*

This is an Appeal filed by Show Media from the Denial by the Planning Commission of a request for a Special Use Permit for a proposed 40-foot tall, 14-foot by 48-foot off-premise advertising (billboard) sign at 6122 West Sahara Avenue.

B) *Applicant's Justification*

The applicant justifies this request by stating that the proposed off-premise sign would be located away from existing residential areas and would be compatible with surrounding commercial land uses.

BACKGROUND INFORMATION

A) *Previous Actions*

04/05/89 The City Council approved a request (Z-0008-89) to Rezone the subject property from N-U (Non-Urban) to C-1 (Limited Commercial). The proposal included two office buildings containing 37,400 square feet. The Planning Commission recommended approval on 02/28/89.

11/06/03 The Planning Commission voted 5-1 to recommend DENIAL (PC Agenda Item #38).

B) *Pre-Application Meeting*

09/19/03 Distance separation and other code issues relating to off-premise signs were discussed. The site is within 500 feet of the City's boundary with Clark County; therefore, it is a Project of Regional Significance, for which the applicant must submit a questionnaire.

C) *Neighborhood Meetings*

A neighborhood meeting is not required for a Special Use Permit request.

DETAILS OF APPLICATION REQUEST

A) *Site Area*

Net Acres: 2.63

SUP-3115 - Staff Report Page Two
December 3, 2003 City Council Meeting

B) Existing Land Use

Subject Property: Office
North: Office
South: Commercial
East: Restaurant and Retail
West: Parking Lot

C) Planned Land Use

Subject Property: SC (Service Commercial)
North: O (Office)
South: Commercial – Clark County
East: SC (Service Commercial)
West: SC (Service Commercial)

D) Existing Zoning

Subject Property: C-1 (Limited Commercial)
North: U (Undeveloped) Zone [O (Office) General Plan Designation] under Resolution of Intent to P-R (Professional Office and Parking)
South: C-2 (General Commercial) – Clark County
East: C-1 (Limited Commercial)
West: C-1 (Limited Commercial)

E) General Plan Compliance

The subject property is designated SC (Service Commercial) on the Southwest Sector Map of the General Plan. Off-premise advertising (billboard) signs are allowed within this designation and the existing C-1 (Limited Commercial) zoning district with the approval of a Special Use Permit.

SPECIAL DISTRICTS/ZONES	Yes	No
Special Area Plan		X
Special Overlay District		X
Trails		X
Study Area		X
Rural Preservation Neighborhood		X
County/North Las Vegas/HOA Notification	X	
Development Impact Notification Assessment		X
Project of Regional Significance	X	

Special Notification – Property located within the notification radius falls within sections of unincorporated Clark County. The Clark County Planning Department has been notified of the land use application.

Project of Regional Significance – A Special Use Permit application concerning property within 500 feet of the City boundary with Clark County is deemed a Project of Regional Significance. The subject property is located adjacent to West Sahara Avenue which, in this area, serves as a divider line between City and unincorporated Clark County property.

SUP-3115 - Staff Report Page Three
December 3, 2003 City Council Meeting

INTERAGENCY ISSUES

Pursuant to Ordinance No. 5477, the proposed project is deemed to be a "Project of Regional Significance" for the following reasons:

- Any Special Use Permit within 500'

A completed Environmental Impact Assessment questionnaire was circulated to the affected Agencies and Entities for review in the mandated 15-day period. A summary of the comments received, including recommendation for mitigation measures is as follows:

Responding area agencies and entities all found that this project would have a minimal impact on the environmental factors as outlined within the Environmental Impact Assessment questionnaire.

ANALYSIS

A) Zoning Code Compliance

A1) Minimum Distance Separation Requirements

Pursuant to Title 19.14.100, the following Standards apply to the subject proposal:

Standards	Code Requirement	Provided
Off-Premise Advertisement (Billboard)	Min. 300 Feet from property zoned "U" or "R"	Greater than 300 Feet

Pursuant to Title 19.14.100, the following Standards apply to the subject proposal:

Standards	Code Requirement	Provided
Location	• No off-premise signs in the right-of-way • Permitted only in C-1, C-2, C-M, M Zoning Districts	Sign is not in right-of-way Sign is in C-1 Zoning District
Max. off-premise sign area	672 SF	672 SF
Max. off-premise sign height	40 Feet	40 Feet

The proposed project meets all Title 19 requirements for off-premise signs.

B) General Analysis and Discussion

- Zoning

The subject site is currently zoned C-1 (Limited Commercial). The off-premise advertising (billboard) sign proposed for this site is within the range of uses permitted, with approval of a Special Use Permit, in the C-1 (Limited Commercial) zoning district. The sign is not located within the Off-Premise Sign Exclusionary Zone.

SUP-3115 - Staff Report Page Four
December 3, 2003 City Council Meeting

- Use

The proposed off-premise sign is intended to advertise places, products, goods, services, ideas, or statements that are not located or available on the lot where the sign is erected. The center of the proposed off-premise sign is more than 300 feet from the nearest property line of a lot located within any "U" or "R" zoning district, which is located in unincorporated Clark County. The sign's height does not exceed the 40-foot maximum height restriction. The nearest billboard sign is located approximately 330 feet to the east of the proposed site.

The proposed location of the sign is in an existing landscaping buffer near the Sahara Avenue right-of-way. Any required landscaping removed or displaced by erection of the sign shall be relocated or replanted to comply with the Landscape, Wall, and Buffer Standards and Title 19.12.

- Conditions

There are no waivable conditions of the Special Use Permit for an off-premise advertising (billboard) sign. No off-premise sign certificate of any kind shall be issued for an existing or proposed sign unless the sign is consistent with all requirements of Title 19.14.100. Distance separation requirements may not be varied.

FINDINGS

In order to approve a Special Use Permit application, per Title 19.18.060 the Planning Commission and City Council must affirm the following:

1. **"The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan."**

The proposed off-premise advertising (billboard) sign is allowed in the SC (Service Commercial) General Plan designation and is a permitted use in the C-1 (Limited Commercial) zoning district outside of the Off-Premise Sign Exclusionary Zone. It will be harmonious and compatible with the existing and nearby offices and commercial development in the vicinity.

2. **"The subject site is physically suitable for the type and intensity of land use proposed."**

The subject site is located in an established commercial area and adjacent to a major thoroughfare, making it suitable for placement at the proposed location. Any required landscaping removed or displaced by erection of the sign shall be relocated or replanted to comply with the Landscape, Wall, and Buffer Standards and Title 19.12.

3. **"Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use."**

SUP-3115 - Staff Report Page Five
December 3, 2003 City Council Meeting

This use does not generate traffic on the proposed site and will not negatively affect the surrounding roadways.

4. **“Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.”**

The proposed off-premise advertising (billboard) sign will not be a threat to the public health, safety, and welfare, as its license would be subject to ongoing City inspection and enforcement. Future reviews of this billboard will also be required by condition.

NOTICES MAILED 88 by City Clerk

APPROVALS 1

PROTESTS 1



PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: SUP-3115 APN: 163-02-802-004

Name of Property Owner: RIVER PARK IV LLC

Name of Applicant: SHOWMEDIA

To the best of your knowledge, does the Mayor or any member of the City Council or Planning Commission have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company?

Yes

X No

If yes, please indicate the member of the City Council or Planning Commission who is involved and list the name(s) of the person or persons with whom the City Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official: _____

Partner(s): _____

APN: _____

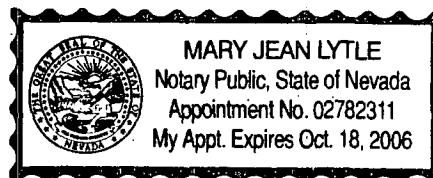
Signature of Property Owner/Authorized Agent: 

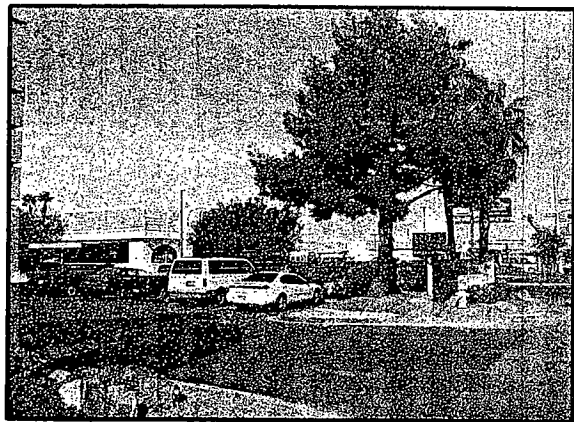
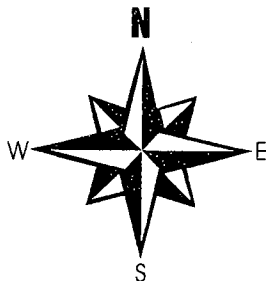
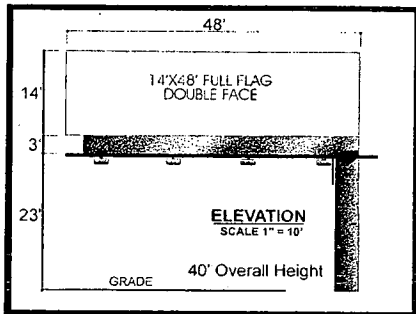
Print Name: KENT Clifford

Subscribed and sworn before me

This 22 day of September, 2003

Mary Jean Lytle
Notary Public in and for said County and State
STATE of NEVADA
County of CLARK

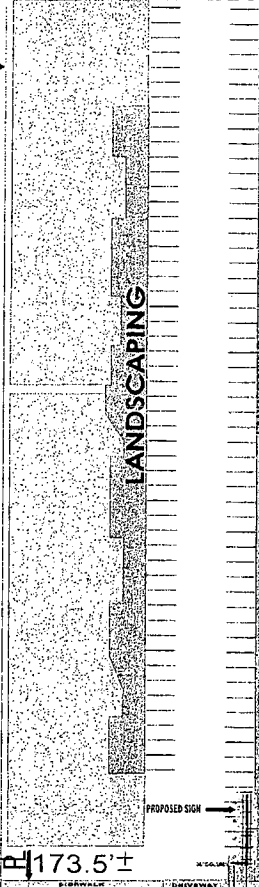




±173.5'
Zoning (C-1)
2.62± acres
APN#16302802004
6122 W SAHARA

±1099'

±1099'



TOP VIEW
SCALE 1" = 40'
DETAIL



GENERAL NOTES

1. Not within 300 foot radius of another off-premise billboard.
2. Not within 300 foot radius of residential use.
3. No parking spaces will be taken for this location.

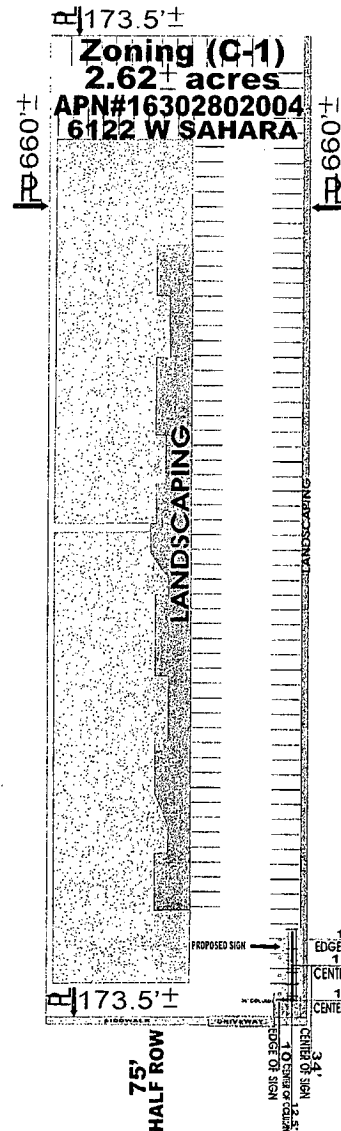
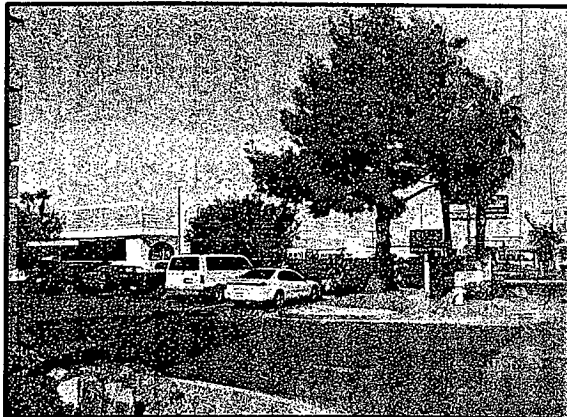
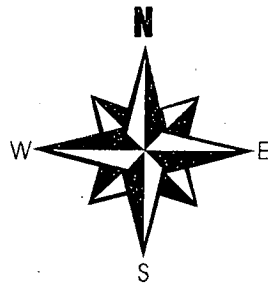
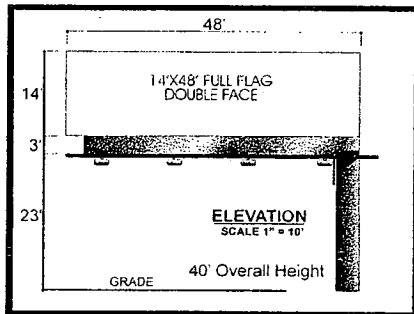
SHOW MEDIA
CHRIS YERGENSEN
303-4688

JONES 4145 W. IECO AVE./LAS VEGAS, NV 89118/702-645-0072	
OWNER: RIVERPARK IVLLC	
SCALE: NOTED	APPROVED BY:
DATE: 9-15-03	DRAWN BY: TOM JONES
LOCATION: 6122 W SAHARA AVE 89146	
APN#16302802004	DRAWING NUMBER: 245

SAHARA

SUP-3115

11-06-03 PC



TOP VIEW
SCALE 1" = 40'
DETAIL



GENERAL NOTES

1. Not within 300 foot radius of another off-premise billboard.
2. Not within 300 foot radius of residential use.
3. No parking spaces will be taken for this location.

SHOW MEDIA
CHRIS YERGENSEN
303-4688

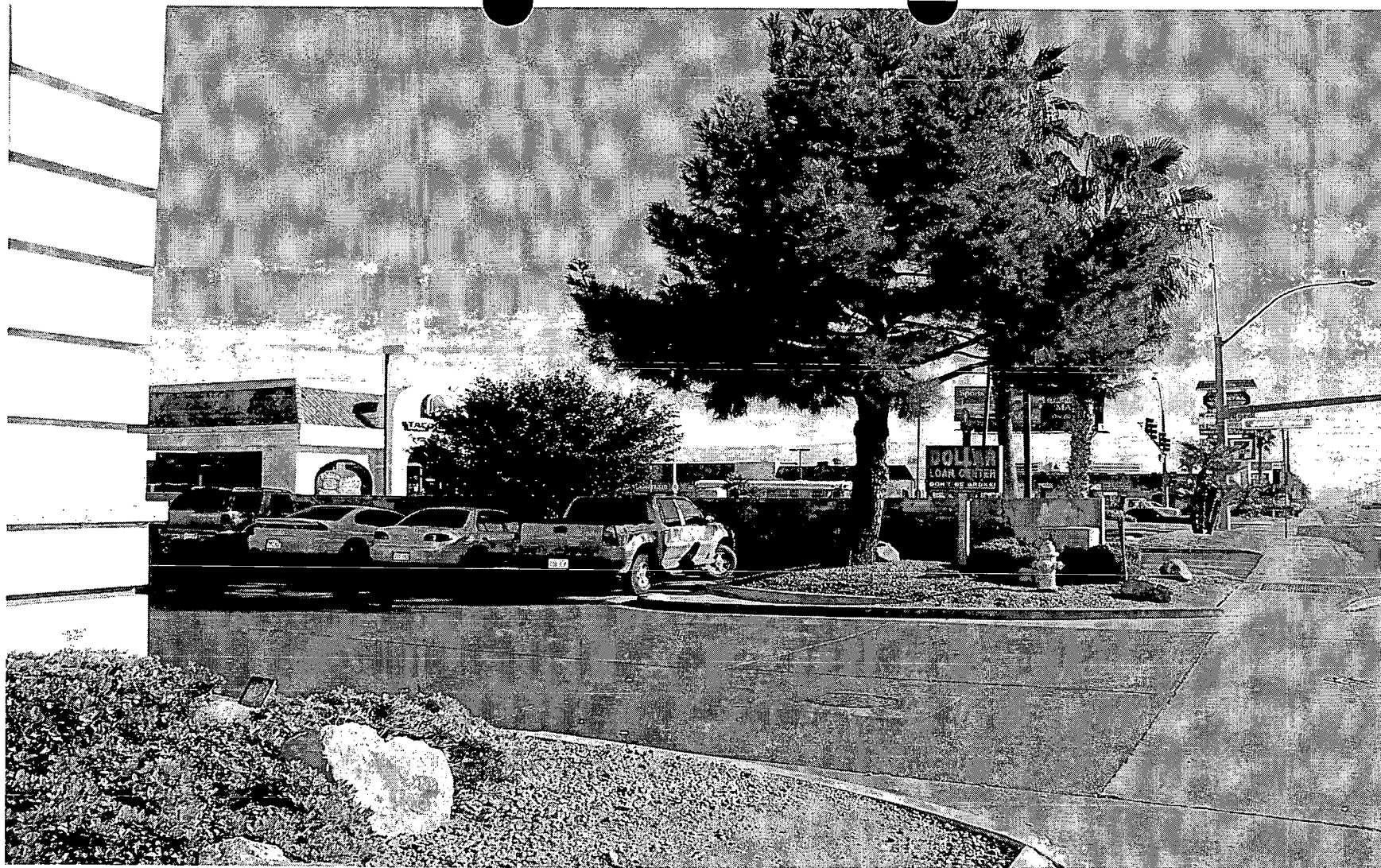
JONES

OWNER: RIVERPARK IVLLC			
SCALE: NOTED	APPROVED BY:	DRAWN BY: TOM JONES	
DATE: 9-15-03		REVISED:	
LOCATION: 6122 W SAHARA AVE 89146			
APN#16302802004		DRAWING NUMBER: 245	

SAHARA

SUP-3115

11-06-03 PC



**SUP-3115 - SHOW MEDIA ON BEHALF OF RIVERPARK IV, LIMITED LIABILITY
COMPANY
6122 West Sahara Avenue
DECEMBER 3, 2003 CITY COUNCIL MEETING**

Picture taken 11/19/03

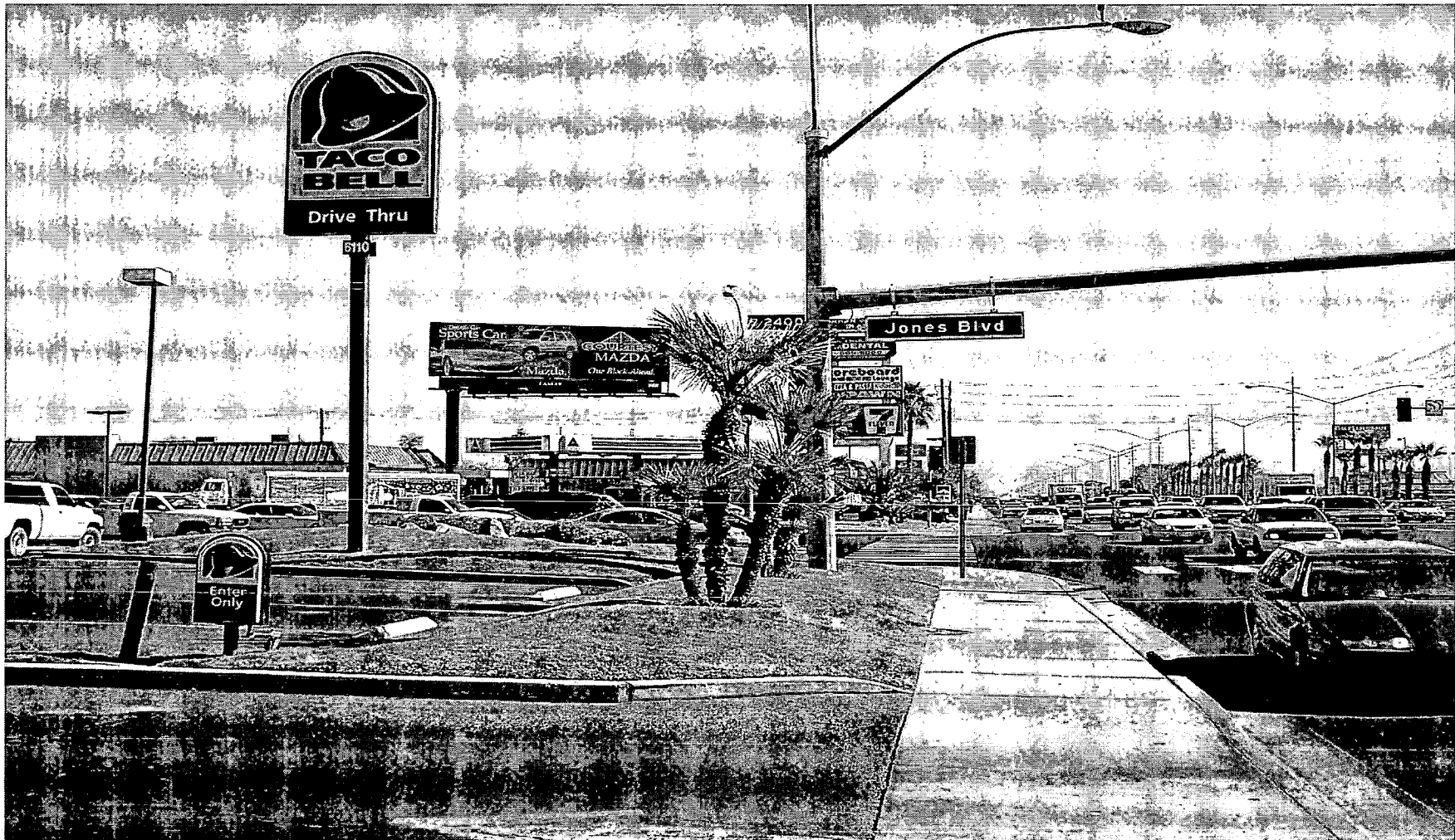


SUP-3115 - SHOW MEDIA ON BEHALF OF RIVERPARK IV, LIMITED LIABILITY COMPANY

6122 West Sahara Avenue

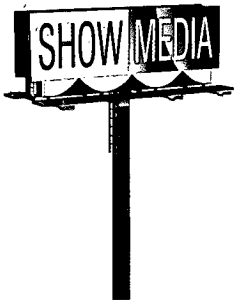
DECEMBER 3, 2003 CITY COUNCIL MEETING

Picture taken 11/19/03



SUP-3115 - SHOE MEDIA ON BEHALF OF RIVERPARK IV, LIMITED LIABILITY COMPANY
6122 WEST SAHARA AVENUE
NOVEMBER 6, 2003 PLANNING COMMISSION

10/17/03



4577 South Industrial Rd., 1st Floor • Las Vegas, NV 89103 • (702) 739-3002 • FAX (702) 739-0021

November 10, 2003

Ms. Barbara Jo Ronemus
City of Las Vegas City Clerk
City Hall, First Floor
400 Stewart Avenue
Las Vegas, NV 89101

via fax & certified mail:
382-4803

RE: Notice of Appeal of SUP-3115

Dear Ms. Ronemus:

We, as the applicant, hereby give you written notice of our appeal of the Planning Commission's denial of SUP-3115 to the Las Vegas City Council.

Please take appropriate action to schedule the applications for the review and action of the Las Vegas City Council at the next appropriate meeting. We feel that the Planning Commission's action of denial was not reasonably justified nor appropriate given the circumstances of the applications.

You may reach me directly at 303-4688 if there are any questions or concerns.

Sincerely,

Chris Yergensen, Esq.
Show Media, LLC

CC: Eddie Dichter, Senior Planner
Current Planning Division
731 S. Fourth Street
Las Vegas, NV 89101

2003 NOV 17 A 10:01
RECEIVED
CITY CLERK

City of Las Vegas

Agenda Item No. 115

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT**CITY COUNCIL MEETING OF: DECEMBER 3, 2003****DEPARTMENT: PLANNING & DEVELOPMENT****DIRECTOR: ROBERT S. GENZER**☐**CONSENT**☒**DISCUSSION****SUBJECT:**

SPECIAL USE PERMIT - PUBLIC HEARING - SUP-3117 - JAMES MARCHESI ON BEHALF OF CENTENNIAL COURT, LIMITED LIABILITY COMPANY - Request for a Special Use Permit for A PROPOSED AUTO TITLE LOAN AND A FINANCIAL INSTITUTION, SPECIFIED (CHECK CASHING) at 6510 North Buffalo Drive (APN: 125-21-812-001), C-2 (General Commercial) Zone and U (Undeveloped) Zone [TC (Town Center) General Plan Designation] under Resolution of Intent to T-C (Town Center) Zone [SX-TC (Suburban Mixed Use – Town Center) Land Use Designation], Ward 6 (Mack). The Planning Commission (5-0-1 vote) and staff recommend APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

RECOMMENDATION:

The Planning Commission (5-0-1 vote) and staff recommend APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report

MOTION:

BROWN – APPROVED subject to conditions – UNANIMOUS with MACK excused

NOTE: MAYOR GOODMAN had been advised that he does not have to abstain even though his son, ERIC GOODMAN, represents Check City and Rapid Cash. However, they are not involved with this application, nor was there any discussion and the application does not concern distance requirements; therefore, he will vote on this item.

MINUTES:

MAYOR GOODMAN declared the Public Hearing open.

TRINA FIERO, 2754 Highland Drive, appeared together with LUCY STEWART. MS. FIERO concurred with staff condition.

TODD FARLOW, 240 North 19th Street, verified with COUNCILWOMAN MONCRIEF that Staff is still working on the financial institution report.

City of Las Vegas

Agenda Item No. 115

CITY COUNCIL MEETING OF DECEMBER 3, 2003
Planning and Development Department
Item 115 SUP-3117

MINUTES - Continued:

No one appeared in opposition.

There was no further discussion.

MAYOR GOODMAN declared the Public Hearing closed.

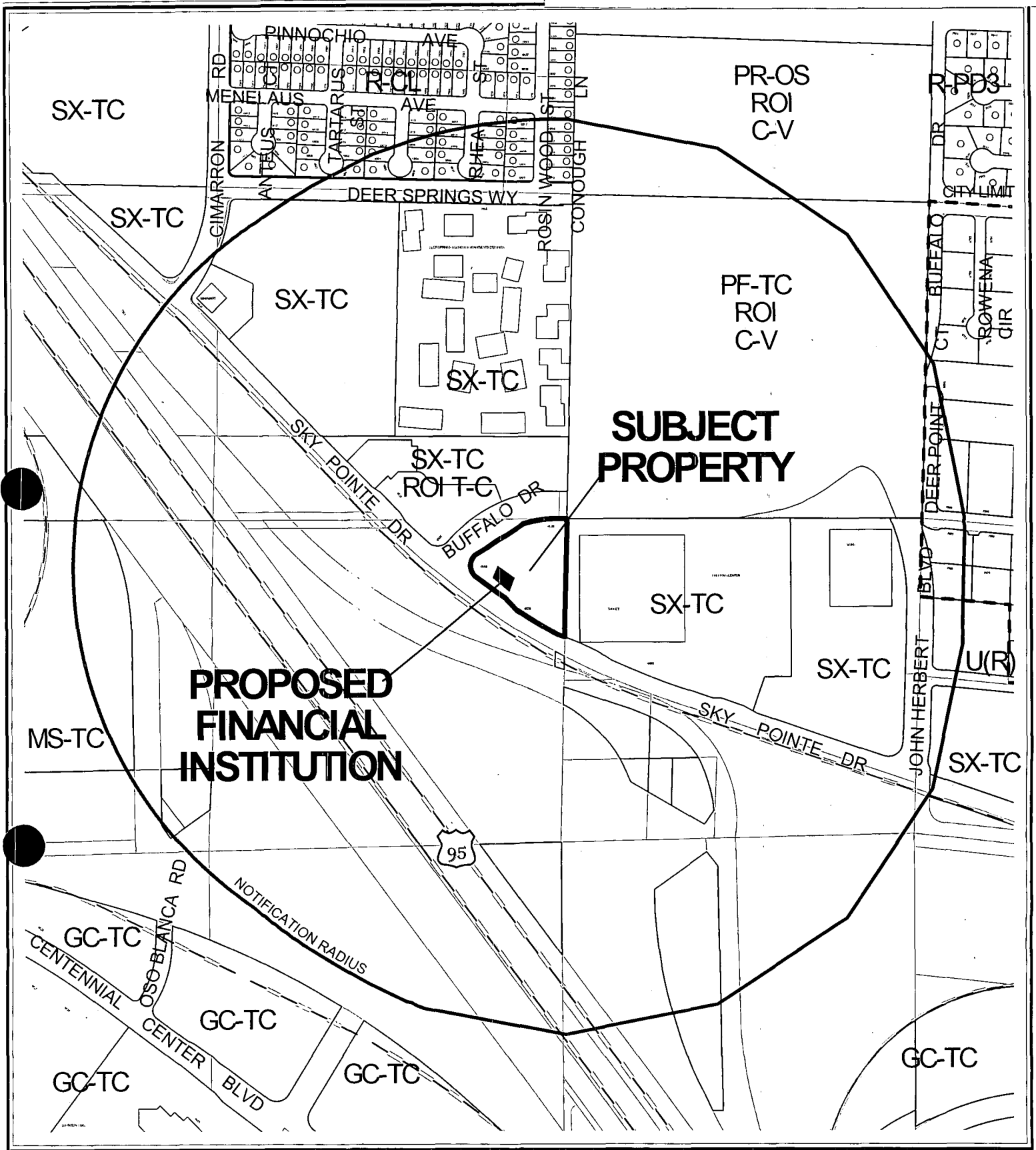
(2:59 – 3:02)

5-236

CONDITIONS:

Planning and Development

1. Conformance to all minimum requirements under Title 19.04.050 for the Financial Institution, Specified and Auto Title Loan uses.
2. Approval of and conformance to all applicable Conditions of Approval for Site Development Plan Review (SDR-2422), Master Sign Plan (CHR-0005-02), and the Town Center Development Standards.
3. This Special Use Permit shall expire one year from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.
4. All City Code requirements and design standards of all City departments must be satisfied.

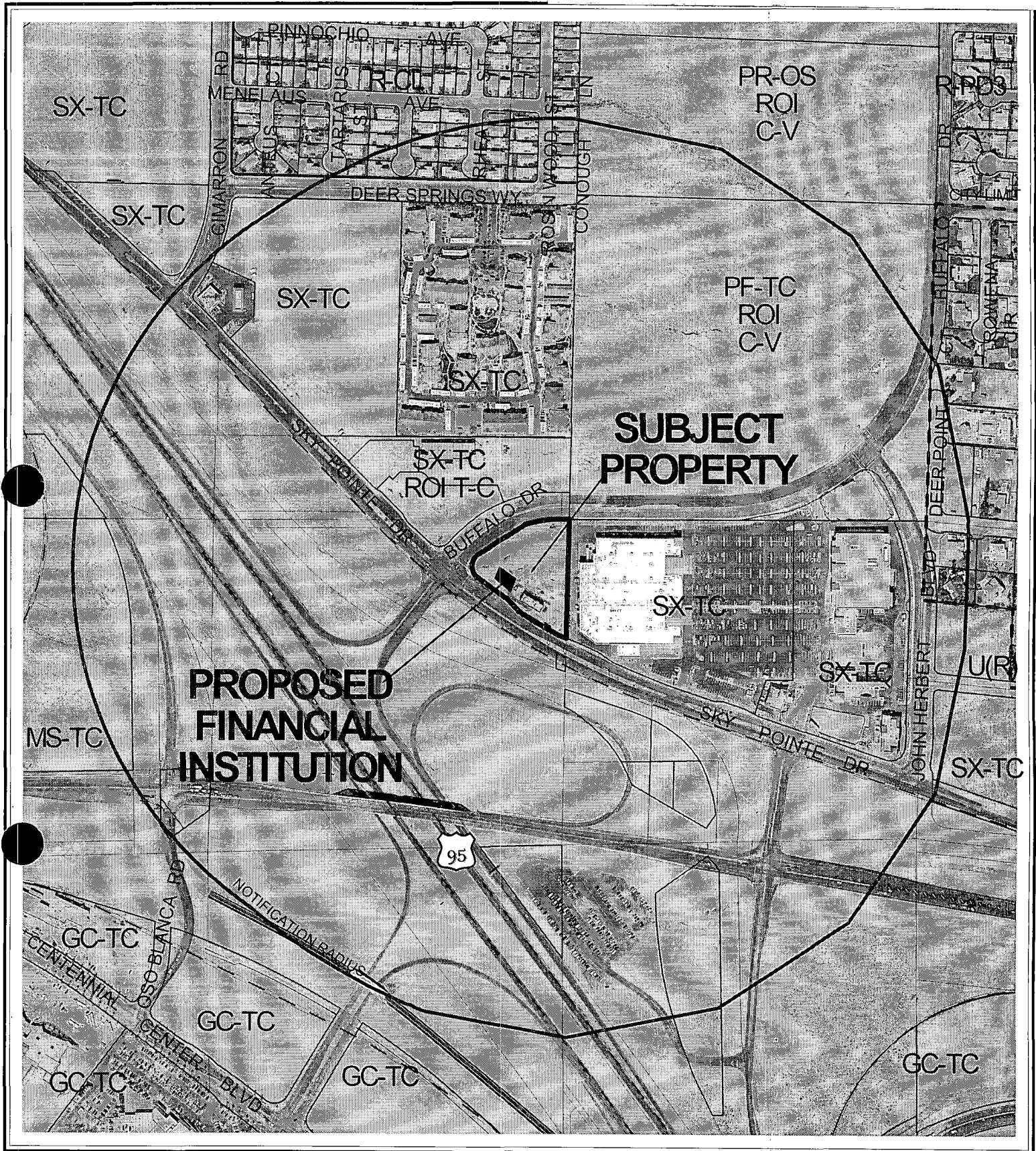


CASE: SUP-3117

RADIUS: 1500 FT

ZONING OF SUBJECT PROPERTY:

T-C (TOWN CENTER) ZONE [SX-TC (SUBURBAN MIXED USE - TOWN CENTER) LAND USE DESIGNATION]



CASE: SUP-3117

RADIUS: 1500 FT

ZONING OF SUBJECT PROPERTY:

T-C (TOWN CENTER) ZONE [SX-TC (SUBURBAN MIXED USE - TOWN CENTER) LAND USE DESIGNATION]

*City of Las Vegas***AGENDA MEMO****CITY COUNCIL MEETING DATE: DECEMBER 3, 2003****DEPARTMENT: PLANNING AND DEVELOPMENT****ITEM DESCRIPTION: SUP-3117 - JAMES MARCHESI ON BEHALF OF
CENTENNIAL COURT, LIMITED LIABILITY COMPANY**

**** CONDITIONS ****

The Planning Commission (5-0-1 vote) and staff recommend APPROVAL, subject to:

Planning and Development

1. Conformance to all minimum requirements under Title 19.04.050 for the Financial Institution, Specified and Auto Title Loan uses.
2. Approval of and conformance to all applicable Conditions of Approval for Site Development Plan Review (SDR-2422), Master Sign Plan (CHR-0005-02), and the Town Center Development Standards.
3. This Special Use Permit shall expire one year from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.
4. All City Code requirements and design standards of all City departments must be satisfied.

SUP-3117 - Staff Report Page One
December 3, 2003 City Council Meeting

**** STAFF REPORT ****

APPLICATION REQUEST

A) *Action Requested*

This request is for approval of a Special Use Permit for a proposed Auto Title Loan and Financial Institution, Specified on property located at 6510 North Buffalo Drive. Approval of this Special Use Permit would allow for both uses on the site.

B) *Applicant's Justification*

The applicant justifies this application by stating that no similar uses occur within 1,000 feet of the property, and there is need for this type of use in the area.

BACKGROUND INFORMATION

A) *Previous Actions*

- 12/15/99 The City Council approved an Annexation [A-37-99(A)] of the 10.22 acres that included the subject site. The Planning Commission recommended approval on 08/12/99. The annexation became effective 12/24/99.
- 03/01/00 The City Council approved a Rezoning (Z-0074-99) from C-2 (General Commercial) and U (Undeveloped) [TC (Town Center) General Plan Designation] to T-C (Town Center) and a Site Development Plan Review [Z-0074-99(1)] for a proposed 40,879 square-foot commercial center on this site as part of a larger request. The Planning Commission recommended approval on 12/16/99.
- 04/05/00 The City Council approved a request for a Site Development Plan Review for two proposed pads totaling 7,000 square feet on this site as part of a larger request [Z-0074-99(1)]. The Planning Commission recommended approval on 12/16/99.
- 07/17/02 The City Council approved a Site Development Plan Review [Z-0074-99(2)] for a proposed 2,577 square-foot fast food restaurant (Taco Bell) on an adjacent portion of the commercial development. The City Council also approved a Special Use Permit (U-0058-02) to allow a drive-through at the restaurant. The Planning Commission recommended approval of both items on 06/13/02.
- 08/06/02 The Centennial Hills Architectural Review Committee (CHARC) approved a Master Sign Plan for the subject site as part of a larger request (CHR-0005-02).

SUP-3117 - Staff Report Page Two
December 3, 2003 City Council Meeting

- 03/27/03 The Planning Commission approved a Site Development Plan Review (SDR-1840) for a 10,339 square-foot financial institution northwest of the subject site. The application revised the previously approved Site Development Plan Review [Z-0074-99(1)] for one pad site located on the northwest corner of Sky Pointe Drive and Buffalo Drive.
- 05/22/03 The Planning Commission tabled a General Plan Amendment (GPA-2046) from SX-TC (Suburban Mixed Use – Town Center) to GC-TC (General Commercial – Town Center) and SC-TC (Service Commercial – Town Center) and a Special Use Permit (SUP-2348) for a Tavern within the commercial subdivision in which the subject site is located.
- 07/10/03 The Planning Commission approved a Site Development Plan Review (SDR-2422) for two pad sites with buildings totaling 13,000 square feet on this site, revising a portion of the previously approved Site Development Plan Review [Z-0074-99(1)].
- 11/06/03 The Planning Commission voted 5-0-1 to recommend APPROVAL (PC Agenda Item #39).

B) Pre-Application Meeting

- 09/02/03 The applicant was reminded that a property owner signature would be needed for this application.

C) Neighborhood Meetings

A neighborhood meeting is not required for a Special Use Permit application.

DETAILS OF APPLICATION REQUEST

A) Site Area

Gross Acres: 2.37 (Block #2 only)

B) Existing Land Use

Subject Property: Retail Commercial and Restaurant
North: Financial Institution
South: U.S. Highway 95 Right-of-Way
East: Retail Commercial
West: U.S. Highway 95 Right-of-Way

C) Planned Land Use

Subject Property: TC (Town Center) [SX-TC (Suburban Mixed-Use – Town Center) Land Use Designation]
North: TC (Town Center) [SX-TC (Suburban Mixed-Use – Town Center) Land Use Designation]

SUP-3117 - Staff Report Page Three
December 3, 2003 City Council Meeting

South: Right-Of-Way (Sky Pointe Drive/U.S. Highway 95)
East: TC (Town Center) [SX-TC (Suburban Mixed-Use – Town Center)
Land Use Designation]
West: Right-Of-Way (Sky Pointe Drive/U.S. Highway 95)

D) Existing Zoning

Subject Property: C-2 (General Commercial) and U (Undeveloped) [TC (Town Center)
General Plan Designation] under Resolution of Intent to T-C (Town
Center)
North: C-2 (General Commercial) and U (Undeveloped) [TC (Town Center)
General Plan Designation] under Resolution of Intent to T-C (Town
Center)
South: Right-Of-Way (Sky Pointe Drive/U.S. Highway 95)
East: T-C (Town Center)
West: Right-Of-Way (Sky Pointe Drive/U.S. Highway 95)

E) General Plan Compliance

The subject site is designated TC (Town Center) on the Centennial Hills Sector Map of the General Plan. The SX-TC (Suburban Mixed Use - Town Center) land use designation within the Town Center area allows low to medium intensity retail, office, or other commercial uses similar to the SC-TC (Service Commercial – Town Center) district and is intended to enable development with imaginative adjacency standards.

<i>SPECIAL DISTRICTS/ZONES</i>	Yes	No
Special Area Plan	X	
Town Center		
Special Overlay District		X
Trails		X
Study Area		X
Rural Preservation Neighborhood		X
County/North Las Vegas/HOA Notification		X
Development Impact Notification Assessment		X
Project of Regional Significance		X

Town Center – The Town Center District was established to permit and encourage the development of a mixed-use employment center that will provide economic stability and diversification for the City of Las Vegas. The primary objective of the Town Center District concept is to provide employment in excess of 100,000 individuals while, at the same time, creating a unique blending of human habitation and economic activity.

ANALYSIS

A) Zoning Code Compliance

The Town Center Development Standards Manual and the previously approved Site Development Plan Review provide the framework under which this application is to be reviewed.

SUP-3117 - Staff Report Page Four
December 3, 2003 City Council Meeting

A1) Parking and Traffic Standards

Pursuant to D.2.G of the Town Center Development Standards Manual, parking requirements in Town Center shall comply with Title 19.10. The following Parking Standards apply to the subject proposal:

Uses	GFA	Ratio	Required Parking		Provided Parking	
			Regular	Handicap	Regular	Handicap
Financial Institution, Specified (Retail Pad #2)	2,150 SF	1/200 SF GFA	10	1	92	5

The subject site is part of a commercial subdivision and therefore enjoys the benefit of shared parking across the entire subdivision. This development is somewhat unique due to the fact that there are two distinct portions of the subdivision, separated by a 100-foot right-of-way. The parking analysis above reviews Block #2 of the subdivision as depicted on the site plan, in which parking is distributed throughout the development. The site plan shows that 97 spaces are provided, which will adequately accommodate the proposed Financial Institution, Specified use.

A2) Minimum Distance Separation Requirements

There are no Minimum Separation Distance Requirements in the Zoning Code that apply to the proposed Financial Institution, Specified use. No similar approved uses exist within the 750-foot notification distance.

B) General Analysis and Discussion

- Zoning

The subject site is currently zoned C-2 (General Commercial) and U (Undeveloped) [TC (Town Center) General Plan Designation] under Resolution of Intent to T-C (Town Center). It is the intent of the Town Center Development Standards to permit Auto Title Loan and Financial Institution, Specified uses within the SX-TC (Suburban Mixed Use – Town Center) land use designation with an approved Special Use Permit, each subject to the five conditions listed below.

- Use

This project will be a 2,150 square-foot tenant improvement within a previously approved building not yet under construction; therefore, no exterior work specific to this use will be performed, ensuring compatibility with the shopping center and surrounding development. Proposed signage on the storefront was not submitted. All building signage is subject to the base conditions for approval of the Special Use Permit and the requirements of the approved Master Sign Plan for this shopping center. Currently, the nearest existing approved Financial Institution, Specified is to the southwest in Centennial Centre.

SUP-3117 - Staff Report Page Five
December 3, 2003 City Council Meeting

- Conditions

Title 19.04.050 lists the following conditions for an Auto Title Loan and Financial Institution, Specified use. (The conditions are the same for each.)

1. The use shall comply with all applicable requirements of Las Vegas Municipal Code Title 6.
2. The building design and color scheme shall be subject to review by the Department to ensure that it will be harmonious and compatible with the surrounding area.
3. No temporary signs (as described in LVMC 19.14.090) such as balloons, inflated devices, searchlights, pennants, portable billboards, portable signs, streamers, trucks parked for signage purposes, or other similar devices are permitted, except that banners announcing a "grand opening" or that a business is "coming soon" may be approved administratively for a period not to exceed thirty days.
4. Window signs shall not cover more than twenty percent (20%) of the area of all exterior windows.
5. The hours of operation shall not extend beyond the hours of 8:00 a.m. to 8:00 p.m.

The proposed auto title loan and check cashing center complies with the listed conditions.

FINDINGS

In order to approve a Special Use Permit application, per Title 19.18.060 the Planning Commission and City Council must affirm the following:

1. **"The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan."**

The proposed Financial Institution, Specified use will be located within an approved building with no external changes to be made except for new wall signage. It will be surrounded by other commercial and retail businesses of a similar physical character. This use is compatible with the intent of the SX-TC (Suburban Mixed Use – Town Center) land use designation.

2. **"The subject site is physically suitable for the type and intensity of land use proposed."**

The existing parking area and suite floor area are adequate to accommodate the proposed Financial Institution, Specified use. No waivers or variances are necessary.

SUP-3117 - Staff Report Page Six
December 3, 2003 City Council Meeting

3. **“Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.”**

Centennial Center is highly accessible from the Beltway, U.S. 95, Tropical Parkway, and Centennial Center Boulevard. Access to this site is from an internal drive within the shopping center, connecting to Centennial Center Boulevard. These streets will be adequate in size and capacity to accommodate the proposed Financial Institution, Specified.

4. **“Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.”**

The public health, safety, and welfare and the objectives of the General Plan would not be compromised as a result of the approval of a Special Use Permit, because the proposed Financial Institution, Specified would be subject to inspections for a Certificate of Occupancy.

NOTICES MAILED 51 by City Clerk

APPROVALS 0

PROTESTS 0



STATEMENT OF FINANCIAL INTEREST

Name of Applicant: James Marchesi

To the best of your knowledge, does the Mayor or any member of the City Council or Planning Commission have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company?

No

If yes, please indicate the member of the City Council or Planning Commission who is involved and list the name(s) of the person or persons with whom the City Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official: _____

Partner(s): _____

APN: _____

Signature of Property Owner/Authorized Agent:

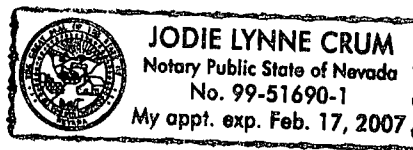
Print Name:

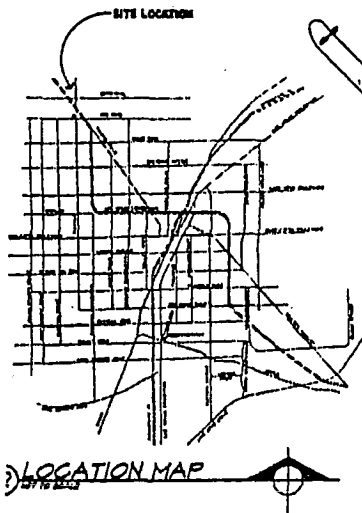

Philip H. DAVIS Managing member
(California)
Covr + LLC

Subscribed and sworn before me

This 3rd day of September, 2003

Notary Public in and for said County and State





BLOCK #1 - SITE DATA

LOT AREA GROSS TOTAL:	223,841 S.F. (5.18 ACRES)
EXISTING ZONING:	C-2
APN:	123-21-711-001
DESCRIPTION	AREA
PROPOSED RETAIL PAD BLDG.	12,000 S.F. TOTAL
PROPOSED TAVERN:	4,030 S.F. TOTAL
PROPOSED FAST FOOD:	2,394 S.F. TOTAL
PROPOSED BANK:	10,334 S.F. TOTAL
PROPOSED RESTAURANT:	5,700 S.F. TOTAL
GRAND TOTAL:	52,418 S.F. TOTAL
ALLOWABLE LOT COVERAGE:	
100% = 223,841 S.F. =	153,585 S.F. (5.11 ACRES)
PROPOSED LOT COVERAGE (14%):	52,418 S.F. (.75 ACRES)

BLOCK #2 - SITE DATA

LOT AREA GROSS TOTAL:	103,236 S.F. (2.37 ACRES)
EXISTING ZONING:	C-2
APN:	123-21-812-001
DESCRIPTION	AREA
PROPOSED PAD BLDG #1:	6,500 S.F. TOTAL
PROPOSED PAD BLDG #2:	9,000 S.F. TOTAL
PROPOSED FAST FOOD:	2,375 S.F. TOTAL
GRAND TOTAL:	14,875 S.F. TOTAL
ALLOWABLE LOT COVERAGE:	
60% = 103,236 S.F. =	61,934 S.F. (1.42 ACRES)
PROPOSED LOT COVERAGE (13%):	14,875 S.F. (.34 ACRES)

BLOCK #1 - PARKING REQUIRED

RETAIL PAD #1	12,000 S.F. @ 1/230 = 48 SPACES
TAVERN:	
SEATING SPACE:	9,030 S.F. @ 1/50 = 61 SPACES
KITCHEN SPACE:	1,000 S.F. @ 1/200 = 5 SPACES
FAST FOOD:	2,394 S.F. @ 1/100 = 24 SPACES
BANK BLDG:	10,334 S.F. @ 1/200 = 52 SPACES
RESTAURANT:	
SEATING SPACE:	2,700 S.F. @ 1/50 = 54 SPACES
KITCHEN SPACE:	1,000 S.F. @ 1/200 = 5 SPACES
TOTAL PARKING REQUIRED:	249 SPACES
(7 HANDICAPPED SPACES)	
TOTAL PARKING PROVIDED	248 SPACES
(INCLUDING 8 HANDICAPPED SPACES)	

BLOCK #2 - PARKING REQUIRED

RETAIL PAD #1	6,500 S.F. @ 1/230 = 28 SPACES
RETAIL PAD #2	9,000 S.F. @ 1/230 = 39 SPACES
OFFICE SPACE:	2,400 S.F. @ 1/300 = 8 SPACES
RESTAURANT SPACE:	
SEATING SPACE:	400 S.F. @ 1/50 = 8 SPACES
KITCHEN SPACE:	300 S.F. @ 1/200 = 2 SPACES
RETAIL SPACE:	2,400 S.F. @ 1/230 = 10 SPACES
FAST FOOD:	2,375 S.F. @ 1/100 = 24 SPACES
TOTAL PARKING REQUIRED:	89 SPACES
(4 HANDICAPPED SPACES)	
TOTAL PARKING PROVIDED	87 SPACES
(INCLUDING 5 HANDICAPPED SPACES)	

TOTAL PARKING DATA

TOTAL PARKING REQUIRED:	558 SPACES
(11 HANDICAPPED SPACES)	
TOTAL PARKING PROVIDED	542 SPACES
(INCLUDING 16 HANDICAPPED SPACES)	

(1) SITE PLAN and DATA

SCALE: 1" = 40'-0"

MARK ROSS JOHNSON
ARCHITECT

DREAMERS III

SKY POINTE DR. NEAR DEER SPRINGS WAY
A.P.N. 123-21-711-001

PLAN 04-27-2003

PROJECT NAME

200253

A-1.



SUP-3117 - JAMES MARCHESI ON BEHALF OF CENTENNIAL COURT, LIMITED LIABILITY COMPANY
6510 NORTH BUFFALO DRIVE
NOVEMBER 6, 2003 PLANNING COMMISSION

10/17/03

City of Las Vegas

Agenda Item No. 116

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: DECEMBER 3, 2003

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☐

CONSENT

☒

DISCUSSION

SUBJECT:

SPECIAL USE PERMIT - PUBLIC HEARING - SUP-3131 - RUBI VALBUENA ON BEHALF OF ANER IGLESIAS TRUST 1997, ET AL - Request for a Special Use Permit FOR A PROPOSED 450 SQUARE-FOOT FINANCIAL INSTITUTION, SPECIFIED located at 840 North Decatur Boulevard, Suite B (APN: 139-30-301-005), C-1 (Limited Commercial) Zone, Ward 5 (Weekly). The Planning Commission (5-0-1 vote) and staff recommend APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

1

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

RECOMMENDATION:

The Planning Commission (5-0-1 vote) and staff recommend APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Back up referenced from 11/6/2003 Planning Commission meeting Item 41

MOTION:

WEEKLY – ABEYANCE to 1/7/2004 – UNANIMOUS with MACK excused

NOTE: MAYOR GOODMAN had been advised that he does not have to abstain even though his son, ERIC GOODMAN, represents Check City and Rapid Cash. However, they are not involved with this application, nor was there any discussion and the application does not concern distance requirements; therefore, he will vote on this item.

MINUTES:

MAYOR GOODMAN declared the Public Hearing open.

The applicant, GINNA CASADIEGO, 2600 South Town Center, Apartment 1032, explained that the request is for a check cashing facility.

COUNCIL MEETING OF DECEMBER 3, 2003
Planning and Development Department
Item 116 – SUP-3131

MINUTES - Continued:

COUNCILMAN WEEKLY requested to hold this item until 1/7/2004 as he received concerns from neighbors in the area. ROBERT GENZER, Director, Planning and Development Department, explained that he reviewed the proposal submitted by the representatives of the industry and was not impressed. Within the next few days he will brief the City Council on what is being proposed and then a decision will need to be made on whether or not to bring forward the original ordinance or a modified version of the ordinance.

COUNCILMAN WEEKLY requested that ATTORNEY PAUL LARSEN, as well as other industry representatives, be a part of the discussion to provide input. MR.. GENZER stated that he was uncertain if the submitted proposal was simply from ATTORNEY LARSEN or the entire industry.

COUNCILMAN WEEKLY asked MR. GENZER if the issue might be resolved by January 7th, 2004. MR. GENZER replied that staff would bring back a recommendation that needs to go to the Recommending Committee. There will not be an ordinance by that date, but staff will have a better idea of what is proposed. Additionally, the Council may not be able to act on this on January 7, 2004.

COUNCILMAN WEEKLY verified with MS. CASADEGO that currently they provide money transfers worldwide and sell telephone cards.

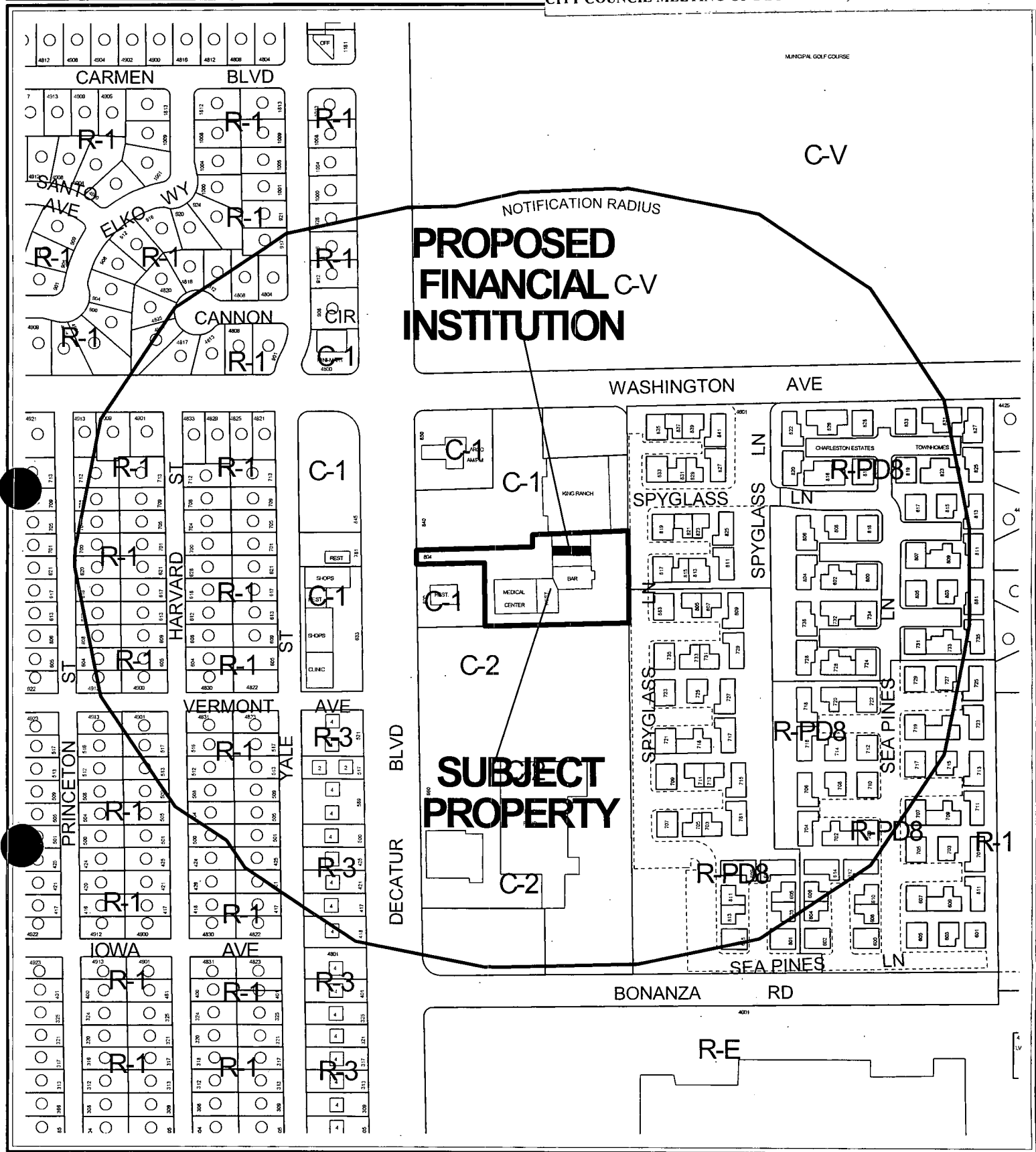
No one appeared in opposition.

There was no further discussion.

MAYOR GOODMAN declared the Public Hearing closed.

(3:02- – 3:05)

5-292

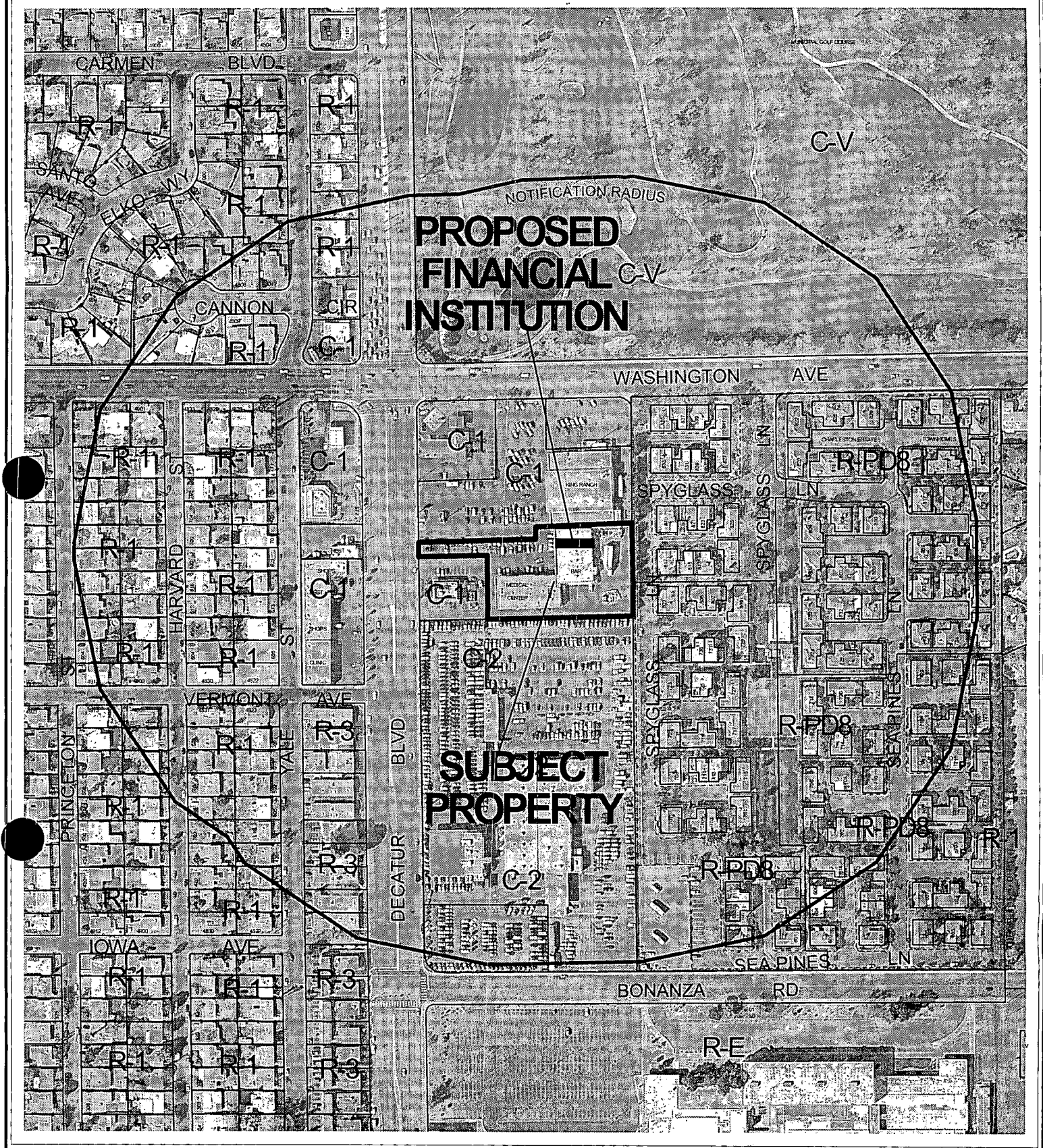


CASE: SUP-3131

RADIUS: 750 FT

ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL)





CASE: SUP-3131

RADIUS: 750 FT

ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL)

0 200 400 Feet





SUP-3131 Financial Business Locations

- Finance Institution, Specified (Check Cashing Service)
- Finance Company
- Finance Institution, Specified (Check Cashing Service with Gross)
- Automobile Title Loan



Subject Property



1000 foot buffer



*City of Las Vegas***AGENDA MEMO**

CITY COUNCIL MEETING DATE: DECEMBER 3, 2003
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: SUP-3131 - RUBI VALBUENA ON BEHALF OF ANER IGLESIAS TRUST 1997, ET AL

**** CONDITIONS ****

The Planning Commission (5-0-1 vote) and staff recommend APPROVAL, subject to:

Planning and Development

1. Conformance to all Minimum Requirements under Title 19.04.050 for Financial Institution, Specified use.
2. The use shall comply with all applicable requirements of LVMC Title 6.
3. The building design and color scheme shall be subject to review by the department to ensure that it will be harmonious and compatible with the surrounding area.
4. No temporary signs (as described in LVMC 19.14.090) such as balloons, inflated devices, searchlights, pennants, portable billboards, portable signs, streamers, trucks parked for signage purposes, or other similar devices are permitted, except that banners announcing a "grand opening" or that a business is "coming soon" may be approved administratively for a period not to exceed thirty days.
5. Window signs shall not cover more than twenty percent of the area of all exterior windows.
6. The hours of operation shall not extend beyond the hours of 8:00 a.m. to 8:00 p.m.
7. Approval of and conformance to the Conditions of Approval for Rezoning Z-0007-68, and all other previous approvals.
8. This Special Use Permit shall expire one year from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.
9. All City Code requirements and design standards of all City departments must be satisfied.

SUP-3131 - Staff Report Page One
December 3, 2003 City Council Meeting

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

The request is for a Special Use Permit for a Financial Institution, Specified, within an existing electronic money transfer business.

B) Applicant's Justification

The applicant believes that the ability to cash checks will result in additional wire transfer revenue, more profits, and increased company growth.

BACKGROUND INFORMATION

A) Previous Actions

08/28/68 The City Council approved a Rezoning (Z-0025-68) to C-1 (Limited Commercial) zone on this site as part of a larger request. The Planning Commission recommended denial on August 8, 1968.

07/14/97 The City Council approved a Rezoning (Z-0045-97) to PD (Planned Development) zone on this site as part of a larger request. The Planning Commission recommended approval on June 12, 1997. The City Council voted to rescind the approval on January 12, 1998, thereby returning the zoning to C-1 (Limited Commercial) zone.

11/06/03 The Planning Commission voted 5-0-1 to recommend APPROVAL (PC Agenda Item #41).

B) Pre-Application Meeting

09/02/03 Items discussed included the need for a detailed justification letter, photos of the interior and exterior of the building, and floor plans with dimensions of the check cashing area.

C) Neighborhood Meetings

A neighborhood meeting is not required for a Special Use Permit application.

DETAILS OF APPLICATION REQUEST

A) Site Area

Gross Acres: 0.02 (852 Square Feet)

SUP-3131 - Staff Report Page Two
December 3, 2003 City Council Meeting

B) Existing Land Use

Subject Property: Commercial Retail Center
North: Golf Course
South: Automobile Dealership
East: Multi-Family Residential
West: Commercial Retail Center

C) Planned Land Use

Subject Property: DTR (Downtown Redevelopment)/SC (Service Commercial)
North: PF (Public Facility)
South: DTR (Downtown Redevelopment)/GC (General Commercial)
East: ML (Medium-Low Density Residential)
West: DTR (Downtown Redevelopment)/SC (Service Commercial)

D) Existing Zoning

Subject Property: C-1 (Limited Commercial)
North: C-V (Civic)
South: C-2 (General Commercial)
East: R-PD8 (Residential Planned Development – 8 Units Per Acre)
West: C-1 (Limited Commercial)

E) General Plan Compliance

The Redevelopment Plan establishes SC (Service Commercial) as the designation for this site. The C-1 (Limited Commercial) zoning on this site is compatible with the SC (Service Commercial) designation. The proposed use complies with both the land use designation and the existing zoning for the site.

SPECIAL DISTRICTS/ZONES	Yes	No
Special Area Plan	X	
Redevelopment Plan Area	X	
Special Overlay District		X
Trails		X
Study Area		X
Rural Preservation Neighborhood		X
County/North Las Vegas/HOA Notification		X
Development Impact Notification Assessment		X
Project of Regional Significance		X

This site is located within Las Vegas Redevelopment Plan Area and is designated as SC (Service Commercial). At this time, no special requirements will affect this application.

ANALYSIS

A) Zoning Code Compliance

A1) Parking and Traffic Standards

Pursuant to Title 19.10, the following Parking Standards apply to the subject proposal:

SUP-3131 - Staff Report Page Three
December 3, 2003 City Council Meeting

Uses	GFA	Ratio	Required		Provided	
			Parking		Parking	
			Regular	Handicap	Regular	Handicap
Financial Institution, Specified	852 Square Feet	1 Space per 250 GFA	4	1	4	1

The proposed project meets all parking requirements.

A2) Minimum Distance Separation Requirements

There are no Minimum Separation Distance Requirements in the Zoning Code that apply to the proposed Financial Institution, Specified use, and there are no similar uses within the required 500-foot notification distance.

B) General Analysis and Discussion

- Zoning

An analysis of the surrounding area found no other Financial Institution, Specified uses within a 1000-foot radius of the subject property. With no other like businesses in the area this use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses.

- Use

The proposed Financial Institution, Specified will be located within an existing shopping center adjacent to the southeast corner of Decatur Boulevard and Washington Avenue. The applicant intends to utilize an existing customer service window to cash checks in conjunction with their existing money transfer/wiring business.

- Conditions

1. The use shall comply with all applicable requirements of LVMC Title 6.
2. The building design and color scheme shall be subject to review by the department to ensure that it will be harmonious and compatible with the surrounding area.
3. No temporary signs (as described in LVMC 19.14.090) such as balloons, inflated devices, searchlights, pennants, portable billboards, portable signs, streamers, trucks parked for signage purposes, or other similar devices are permitted, except that banners announcing a "grand opening" or that a business is "coming soon" may be approved administratively for a period not to exceed thirty days.
4. Window signs shall not cover more than twenty percent of the area of all exterior windows.

SUP-3131 - Staff Report Page Four
December 3, 2003 City Council Meeting

5. The hours of operation shall not extend beyond the hours of 8:00 a.m. to 8:00 p.m.

FINDINGS

In order to approve a Special Use Permit application, per Title 19.18.060 the Planning Commission and City Council must affirm the following:

1. **"The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan."**

The subject site is located within an existing commercial shopping center and is harmonious and compatible with existing and future land uses.

2. **"The subject site is physically suitable for the type and intensity of land use proposed."**

The subject site is located within an existing commercial shopping center and is physically suitable for the type and intensity of land use proposed.

3. **"Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use."**

The abutting street network will be adequate for the traffic generated by the use. Access to the site is via access driveways from Decatur Boulevard, a 100-foot wide Primary Arterial, and Washington Avenue, an 80-foot wide Secondary Collector, on the Master Plan of Streets and Highways.

4. **"Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan."**

The subject site is located within an existing commercial shopping center that will be subject to periodic inspection by regulatory agencies for business licensing, and will therefore not compromise the public health, safety and welfare, or the overall objectives of the General Plan.

NOTICES MAILED 208 by City Clerk

APPROVALS 0

PROTESTS 1

5.10 3



PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: SUP-3131 APN: 139-30-301-005
 Name of Property Owner: M: J Asset Management
 Name of Applicant: _____

To the best of your knowledge, does the Mayor or any member of the City Council or Planning Commission have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company?

_____ Yes

X No

If yes, please indicate the member of the City Council or Planning Commission who is involved and list the name(s) of the person or persons with whom the City Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official: _____

Partner(s): _____

APN: _____

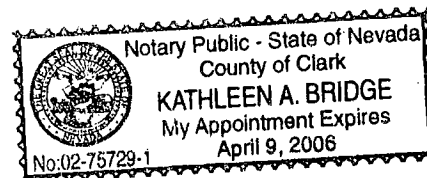
Signature of Property Owner/Authorized Agent: Marna Rondeau

Print Name: Marna Rondeau

Subscribed and sworn before me

This 10th day of September, 2003

Kathleen A. Bridge
 Notary Public in and for said County and State



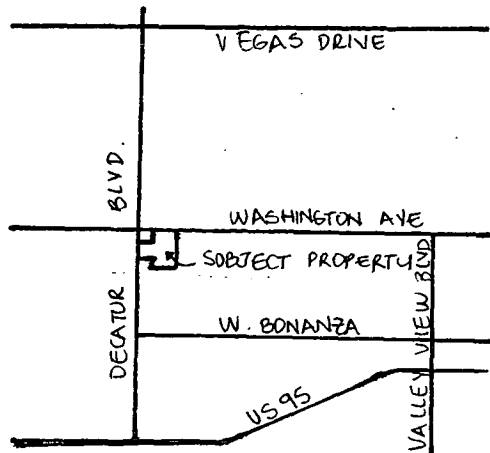
PROJECT DATA

LOT AREAS: Ex Supermarket 86,325¢
Commercial 84,216¢
Cell Site 21,576¢
176,117¢

PARKIN REQUIRED

KING RANCH MARKET	36
DIAMON CUB	40
DISCOS DIANA	30
* GIRD AZTECA	8
RESTAURAT	14
JACK IN THE BOX	25
LAUNDRY	15
GUADALUPE MEDICAL CENTER	10
178 SPACES REQUIRED	
EXISTING SPACES PROVIDED:	246

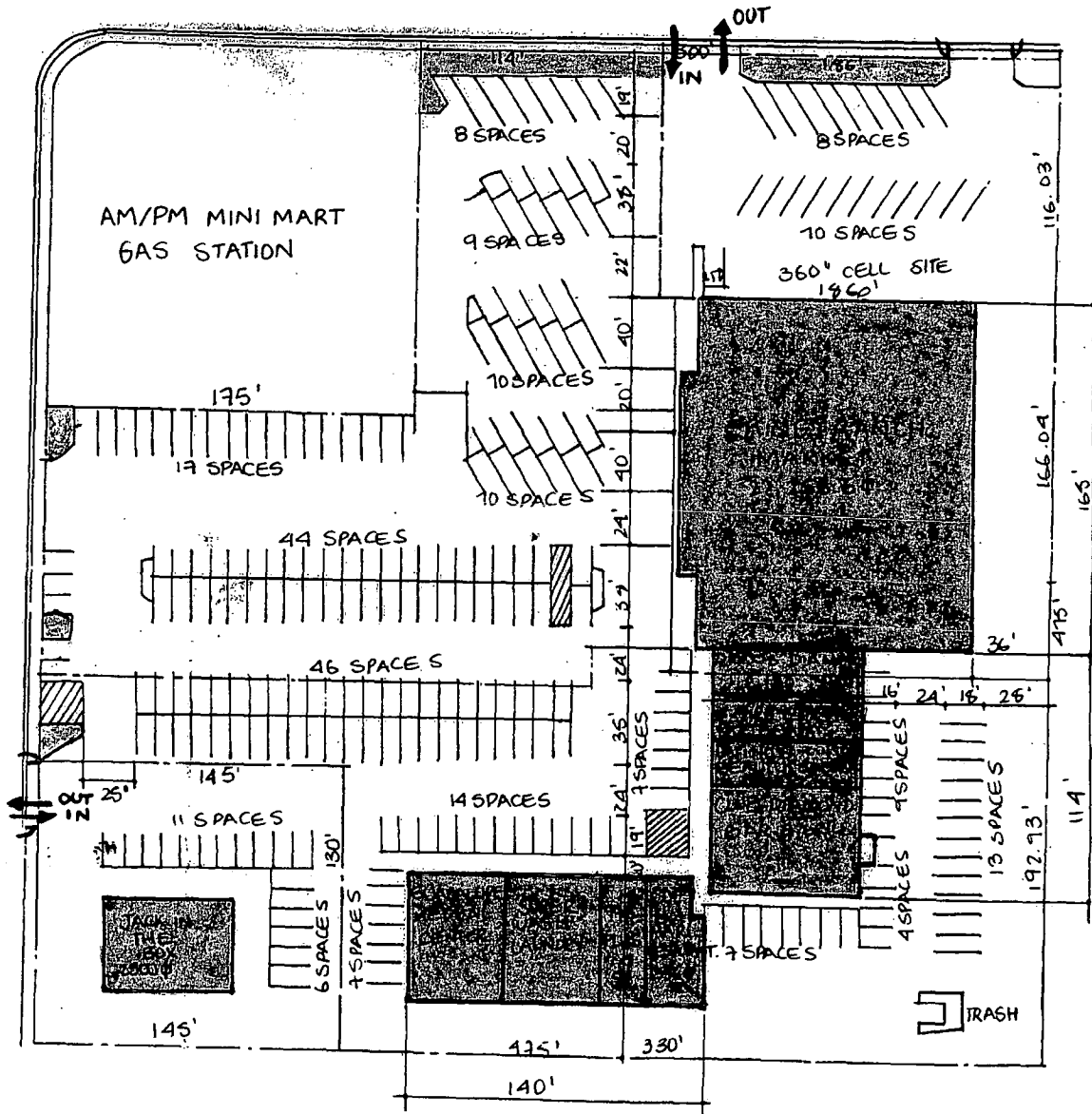
VICINITY MAP



* GIRD AZTECA: EXISTING BUSINESS WHICH IS THE SITE CONCERNING TO THE SPECIAL USE PERMIT WE ARE SOLICITING.



DECATUR BOULEVARD



RESIDENTIAL ZONE

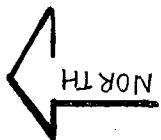
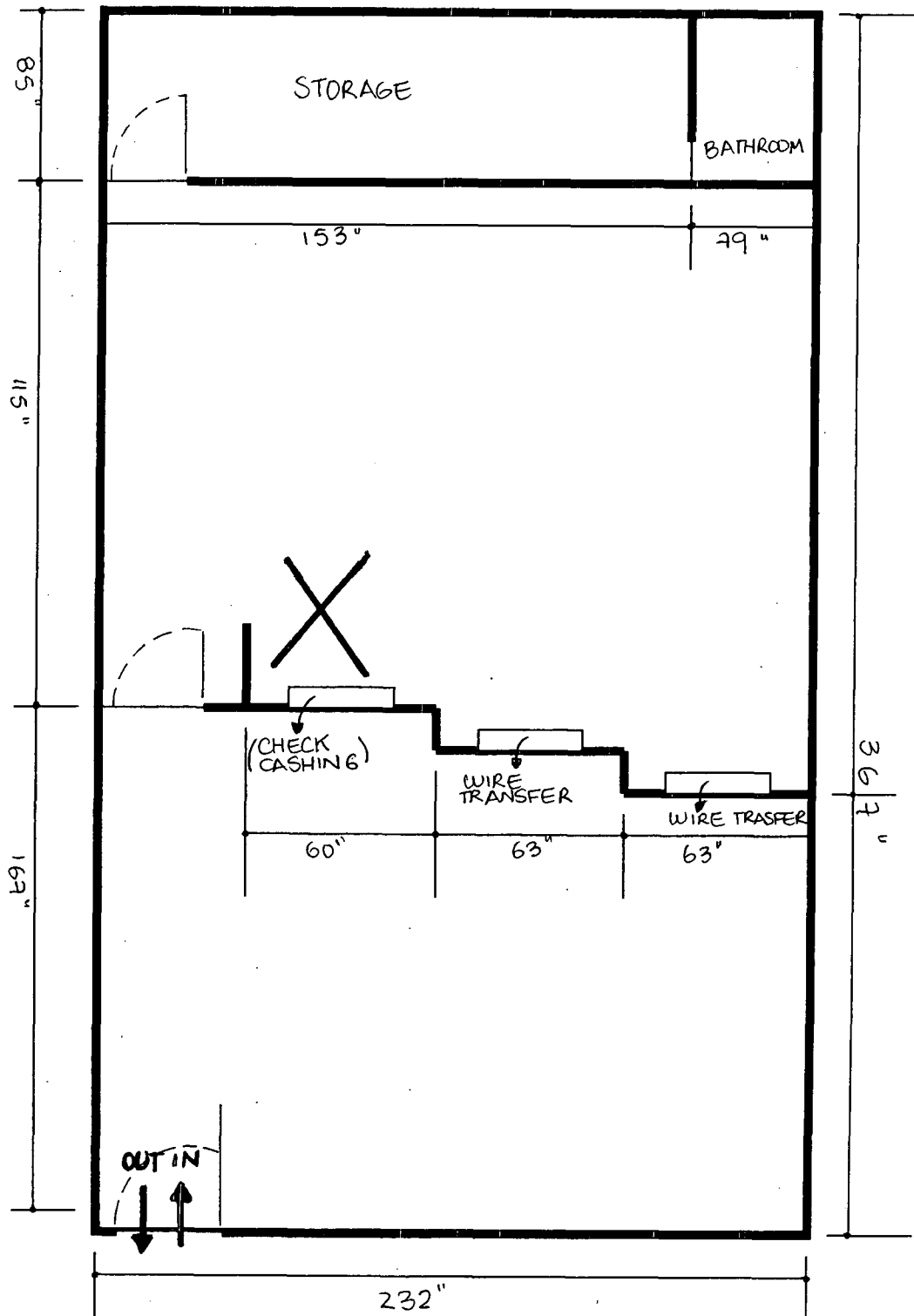
SUP-3131
11-06-03 PC

CARS SALE BUSINESS

SITE PLAN

1" = 30'

FLOOR PLAN



SUP-3131
11-06-03 PC



SUP-3131 - RUBI VALBUENA ON BEHALF OF ANER IGLESIAS TRUST 1997, ET AL
840 NORTH DECATUR BOULEVARD, SUITE B
NOVEMBER 6, 2003 PLANNING COMMISSION

10/17/03

City of Las Vegas

Agenda Item No. 117

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF: DECEMBER 3, 2003

DEPARTMENT: PLANNING & DEVELOPMENT**DIRECTOR: ROBERT S. GENZER**☐**CONSENT**☒**DISCUSSION****SUBJECT:**

ABEYANCE ITEM - REZONING - PUBLIC HEARING - ZON-3080 - CARINA CORPORATION, ET AL - Request for a Rezoning FROM: U (UNDEVELOPED) [DR (DESERT RURAL DENSITY RESIDENTIAL) GENERAL PLAN DESIGNATION] AND R-E (RESIDENCE ESTATES) TO: R-PD2 (RESIDENTIAL PLANNED DEVELOPMENT - 2 UNITS PER ACRE) on 14.01 acres north of Ann Road, west of Torrey Pines Drive (APN: 125-26-402-005 and 125-26-403-013), Ward 6 (Mack). The Planning Commission (6-0 vote) and staff recommend APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

1

RECOMMENDATION:

The Planning Commission (6-0 vote) and staff recommend APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Submitted after final agenda – Abeyance request by Wright Engineers for Items 117 and 118 filed under Item 117
5. Back up referenced from the 11/6/2003 Planning Commission meeting Item 22

MOTION:

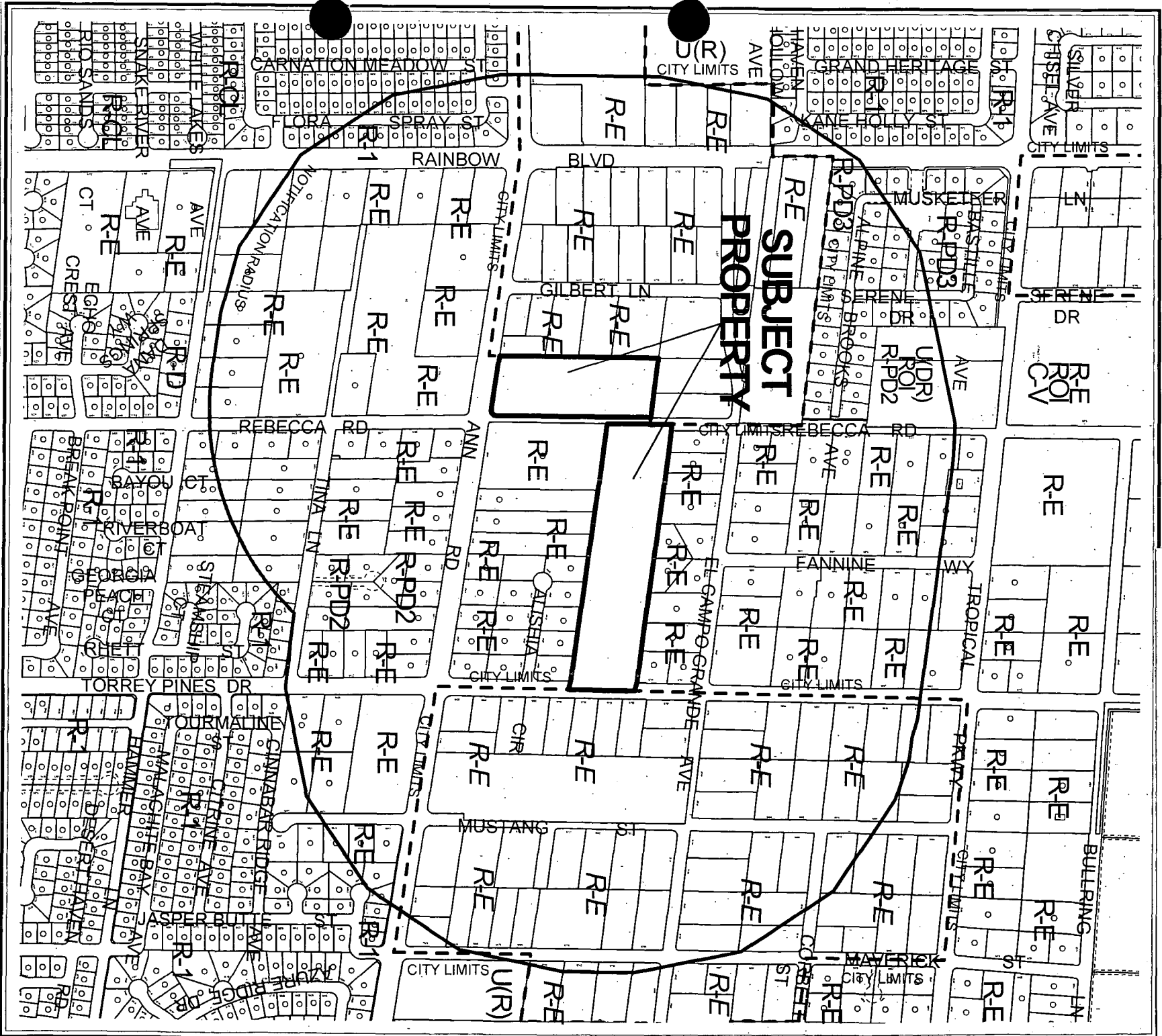
REESE – Motion to HOLD IN ABEYANCE Item 117 [ZON-3080], Item 118 [SDR-3082], Item 127 [GPA-3066], Item 128 [ZON-3071], Item 129 [SUP-3073] and Item 130 [SDR-3079] to 12/17/2003 and Item 112 [SUP-2904], Item 113 [SUP 3114], Item 119 [ZON-3031], Item 120 [VAR-3040], Item 121 [SUP-3038] and Item 122 [SDR-3035] to 1/7/2004 - UNANIMOUS with MACK excused

MINUTES:

There was no discussion.

(1:21-1:27)

4-1



CASE: ZON-3080

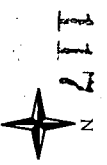
RADIUS: 1320 FT

ZONING OF SUBJECT PROPERTY:

U (UNDEVELOPED) IDR (DESERT RURAL DENSITY RESIDENTIAL) GENERAL PLAN DESIGNATION AND R-E (RESIDENTIAL ESTATES)

PROPOSED ZONING OF SUBJECT PROPERTY:

R-PD2 (RESIDENTIAL PLANNED DEVELOPMENT - 2 UNITS PER ACRE)



City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: DECEMBER 3, 2003
 DEPARTMENT: PLANNING AND DEVELOPMENT
 ITEM DESCRIPTION: ABEYANCE ITEM - ZON-3080 - CARINA CORPORATION,
 ET AL

THIS ITEM WAS HELD IN ABEYANCE FROM THE NOVEMBER 19, 2003 CITY COUNCIL MEETING AT THE APPLICANT'S REQUEST.

**** CONDITIONS ****

The Planning Commission (6-0 vote) and staff recommend APPROVAL, subject to:

Planning and Development

1. A Resolution of Intent with a two-year time limit.
2. A Site Development Plan Review application (SDR-3082) approved by the Planning Commission and City Council prior to issuance of any permits, any site grading, and all development activity for the site.

Public Works

3. Submit a Petition of Vacation for Rebecca Road in both City and Clark County jurisdictions for all rights-of-way in conflict with the proposed site plan. Orders of Vacation for both the City and County properties shall record concurrently and must be recorded prior to recordation of a Final Map abutting or overlying the area to be vacated, and the Final Map must show the Recorder's numbers of the Vacations.
4. Dedicate 40 feet of right-of-way for Torrey Pines Drive adjacent to this site.
5. Construct half-street improvements, including appropriate overpaving, if legally able, on Torrey Pines Drive adjacent to this site concurrent with development of this site. Also, extend a minimum of two lanes of paving from the south edge of this site on Torrey Pines Drive southward to Ann Road concurrent with development of this site. Extend all required underground utilities, such as electrical, telephone, etc., located within public rights-of-way, past the north and south boundary of parcel 125-26-403-013 prior to construction of hard surfacing (asphalt or concrete).
6. 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.
7. A Traffic Impact Analysis must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings 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.

ZON-3080 - Conditions Page Two
December 3, 2003 City Council Meeting

The City shall determine area traffic mitigation 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 #234.2 and #234.3 to determine additional right-of-way requirements for bus turnouts 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 for exclusive right turn lanes and dual left turn lanes shall be dedicated prior to or concurrent with the commencement of on-site development activities unless specifically noted as not required in the approved Traffic Impact Analysis. If additional rights-of-way are not required and Traffic Control devices are or may be proposed at this site outside of the public right-of-way, all necessary easements for the location and/or access of such devices shall be granted prior to the issuance of permits for this site. Phased compliance will be allowed if recommended by the approved Traffic Impact Analysis. No recommendation of the approved Traffic Impact Analysis, nor compliance therewith, shall be deemed to modify or eliminate any condition of approval imposed by the Planning Commission or the City Council on the development of this site.

Alternatively, in lieu of a Traffic Impact Analysis, the applicant may participate in a reasonable alternative mutually acceptable to the applicant and the Department of Public Works.

8. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings or the recordation of a Final Map for this site, whichever may occur first. Provide and improve all drainageways recommended in the approved drainage plan/study. The developer of this site shall be responsible to construct such neighborhood or local drainage facility improvements as are recommended by the approved Drainage Plan/Study. In lieu of constructing improvements, in whole or in part, the developer may agree 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, whichever may occur first, if allowed by the City Engineer.
9. The final layout of the subdivision shall be determined at the time of approval of the Tentative Map.

** STAFF REPORT **

APPLICATION REQUEST

A) Action Requested

This request is for approval of a Rezoning from: U (Undeveloped) [DR (Desert Rural Density Residential) General Plan Designation] and R-E (Residence Estates) to: R-PD2 (Residential Planned Development - 2 Units Per Acre) on 14.01 acres north of Ann Road, west of Torrey Pines Drive.

B) Applicant's Justification

The applicant's justification letter states the proposal is for a gated 32-lot single-family residential subdivision on 14.75 acres. The requested R-PD2 (Residential Planned Development – 2 Units Per Acre) zoning is consistent with those of adjacent properties and compatible with existing and future-surrounding land uses. The housing options will offer a variety of models, sizes and prices to be compatible with the surrounding neighborhood. The development is proposing detached casita and garage options. A vacation map will be submitted requesting Vacation and abandonment of dedicated right-of-way and patent easements including Rebecca Drive, located at the eastern property line of APN: 125-26-304-013. Lastly, it is stated that entitlements previously approved under cases U-0115-02, VAR-1389, and TMP-1854 shall be superceded by the current applications.

BACKGROUND INFORMATION

A) Previous Actions

- 11/06/02 The City Council approved a Special Use Permit (U-0115-02) for private streets within a proposed single-family development on a portion of the subject site. The Planning Commission recommended approval on September 26, 2002.

- 01/23/03 The Planning Commission Approved a Variance (VAR-1389) to allow a reduction of the minimum lot size to range from 16,241 to 18,041 square feet where 20,000 square feet is the minimum lot size required on a portion of the subject site.

- 02/05/03 The City Council approved a Petition to annex (A-0038-02) undeveloped property located in various parts of the city under the provisions of NRS 268.597 No. 1(b) containing approximately 495 acres, including a portion of the subject site. The Planning Commission recommended approval on October 24, 2002 and the annexation effective date was February 14, 2003.

ZON-3080 - Staff Report Page Two
December 3, 2003 City Council Meeting

- 04/10/03 The Planning Commission approved a Tentative Map (TMP-1854) for an 18-Lot Single-Family Residential Subdivision on 8.88 acres adjacent to the west side of Torrey Pines Drive, approximately 300 feet south of El Campo Grande Avenue, which includes a portion of the subject site.
- 10/23/03 The Planning Commission recommended approval of a request for a Site Development Plan Review (SDR-3082) for a 32-lot Single-Family Residential Subdivision on the subject site.
- 10/23/03 The Planning Commission voted 6-0 to recommend APPROVAL (PC Agenda Item #54).

B) Pre-Application Meeting

- 08/29/03 It was determined that the entire subject property is located within a Rural Preservation Neighborhood buffer zone which requires that densities do not exceed three dwelling units per acre. The applicant was applying for an R-PD2 (Residential Planned Development – 2 Units Per Acre) zoning, which allows for a maximum of 2.49 dwelling units per gross acre. In addition required applications were discussed including application submittal requirements.

C) Neighborhood Meetings

A neighborhood meeting is not required for a Rezoning application, nor was one held for this application.

DETAILS OF APPLICATION REQUEST

A) Site Area

Gross Acres: 14.01

B) Existing Land Use

Subject Property: Undeveloped
North: Single Family Dwellings
South: Single Family Dwellings and Undeveloped
East: Single Family Dwellings
West: Single Family Dwellings

C) Planned Land Use

Subject Property: DR (Desert Rural Density Residential)
North: DR (Desert Rural Density Residential) and RNP (Rural Neighborhood Preservation)
South: DR (Desert Rural Density Residential)
East: DR (Desert Rural Density Residential) and RNP (Rural Neighborhood Preservation)
West: DR (Desert Rural Density Residential) and RNP (Rural Neighborhood Preservation)

ZON-3080 - Staff Report Page Three
December 3, 2003 City Council Meeting

D) Existing Zoning

Subject Property: R-E (Residence Estates) and U (Undeveloped)
North: R-E (Residence Estates)
South: R-E (Residence Estates)
East: R-E (Residence Estates)
West: R-E (Residence Estates)

E) General Plan Compliance

The site is designated as DR (Desert Rural Density Residential) on the Centennial Hills Interlocal Land Use Plan of the General Plan. The DR (Desert Rural Density Residential) land use category allows a density range of 0 to 2.49 dwelling units per gross acre, depending upon compatibility with adjacent uses. The proposed R-PD2 (Residential Planned Development – 2 Units Per Acre) zoning designation is in compliance with the DR (Desert Rural Density Residential) General Plan designation.

SPECIAL DISTRICTS/ZONES	Yes	No
Special Area Plan		X
Special Overlay District		X
Trails		X
Study Area		X
Rural Preservation Neighborhood	X	
County/North Las Vegas/HOA Notification	X	
Development Impact Notification Assessment		X
Project of Regional Significance		X

Rural Preservation Neighborhood

The subject site is located within a Rural Preservation Neighborhood buffer zone. The provisions of NRS 278.261 state that residential densities may not exceed three dwelling units per acre without good cause shown. The submitted site plan depicts 2.28 units per acre, which meets Rural Preservation Neighborhood limitations.

Special Notification

Property located within the notification radius falls within sections of Unincorporated Clark County. The Clark County Planning Department and Clark County property owners within the notification radius have been notified of the land use application.

ANALYSIS

An analysis of the surrounding area, including the 1,320-foot notification area radius, found that two developed residential subdivisions currently have an R-PD2 (Residential Planned Development – 2 Units Per Acre) zoning designation, with another residential subdivision that has obtained approval for an R-PD2 (Residential Planned Development – 2 Units Per Acre) zoning designation from City Council May 21, 2003. Therefore, the request is harmonious and compatible with the surrounding area, since it is consistent with the emerging development pattern.

FINDINGS

In order to approve a Rezoning application, pursuant to Title 19.18.040, the Planning Commission or City Council must affirm the following:

1. "The proposal conforms to the General Plan."

The proposed R-PD2 (Residential Planned Development – 2 Units Per Acre) zone conforms to the existing DR (Desert Rural Density Residential) General Plan designation.

2. "The uses which would be allowed on the subject property by approving the rezoning will be compatible with the surrounding land uses and zoning districts."

The R-PD2 (Residential Planned Development – 2 Units Per Acre) zoning, is compatible with the surrounding area, as properties are developed or designated for single family development at the proposed density.

3. "Growth and development factors in the community indicate the need for or appropriateness of the rezoning."

The subject site consists of two parcels, one of which has recently been annexed into the City of Las Vegas. This annexation indicates that more intense development of the site is now appropriate. Development of this site for single-family residential dwellings at a density of less than 2.49 dwelling units per acre indicates that the project will be in scale and compatible with surrounding low-density residential development.

4. "Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed zoning district."

The subject site will have access from Torrey Pines Drive, an 80-foot wide Secondary Collector Street and Ann Road, a 100-foot wide Primary Arterial which will adequately meet the requirements of the proposed R-PD2 (Residential Planned Development – 2 Units Per Acre) zoning district. Due to the inclusion of Rebecca Road into the proposed site development, a condition has been included from the Department of Public Works requiring the Vacation for Rebecca Road in both City and Clark County jurisdictions for all rights-of-way in conflict with the proposed site plan.

NOTICES MAILED 300 by Planning Department

APPROVALS 1

PROTESTS 0



PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **ZON-3080** APN: 126-26-403-013

Name of Property Owner: Carina Corporation

Name of Applicant: Carina Corporation

To the best of your knowledge, does the Mayor or any member of the City Council or Planning Commission have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company?

 Yes No

If yes, please indicate the member of the City Council or Planning Commission who is involved and list the name(s) of the person or persons with whom the City Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official: _____

Partner(s): _____

APN: _____

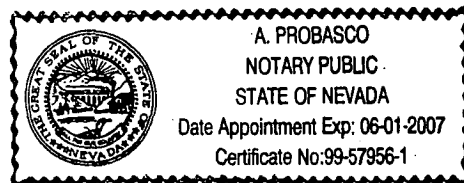
Signature of Property Owner/Authorized Agent: RA McCall

Print Name: R. H. McCarty ✓

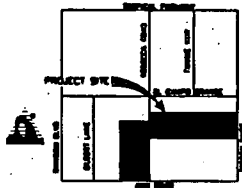
Subscribed and sworn before me

This 2nd day of September, 2003

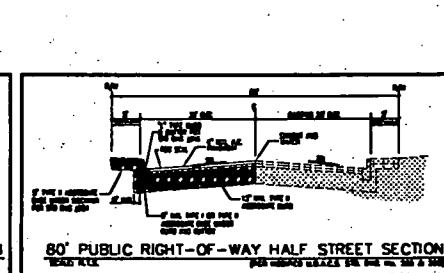
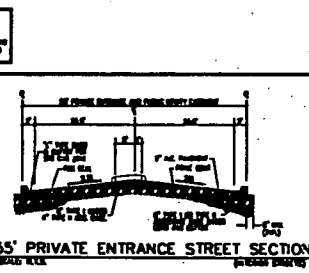
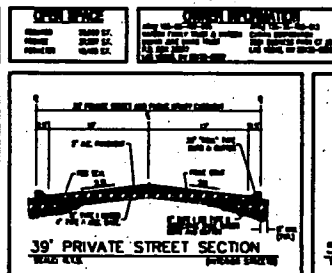
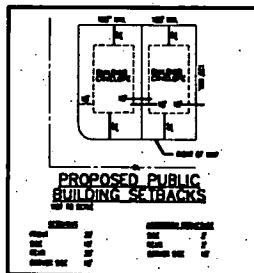
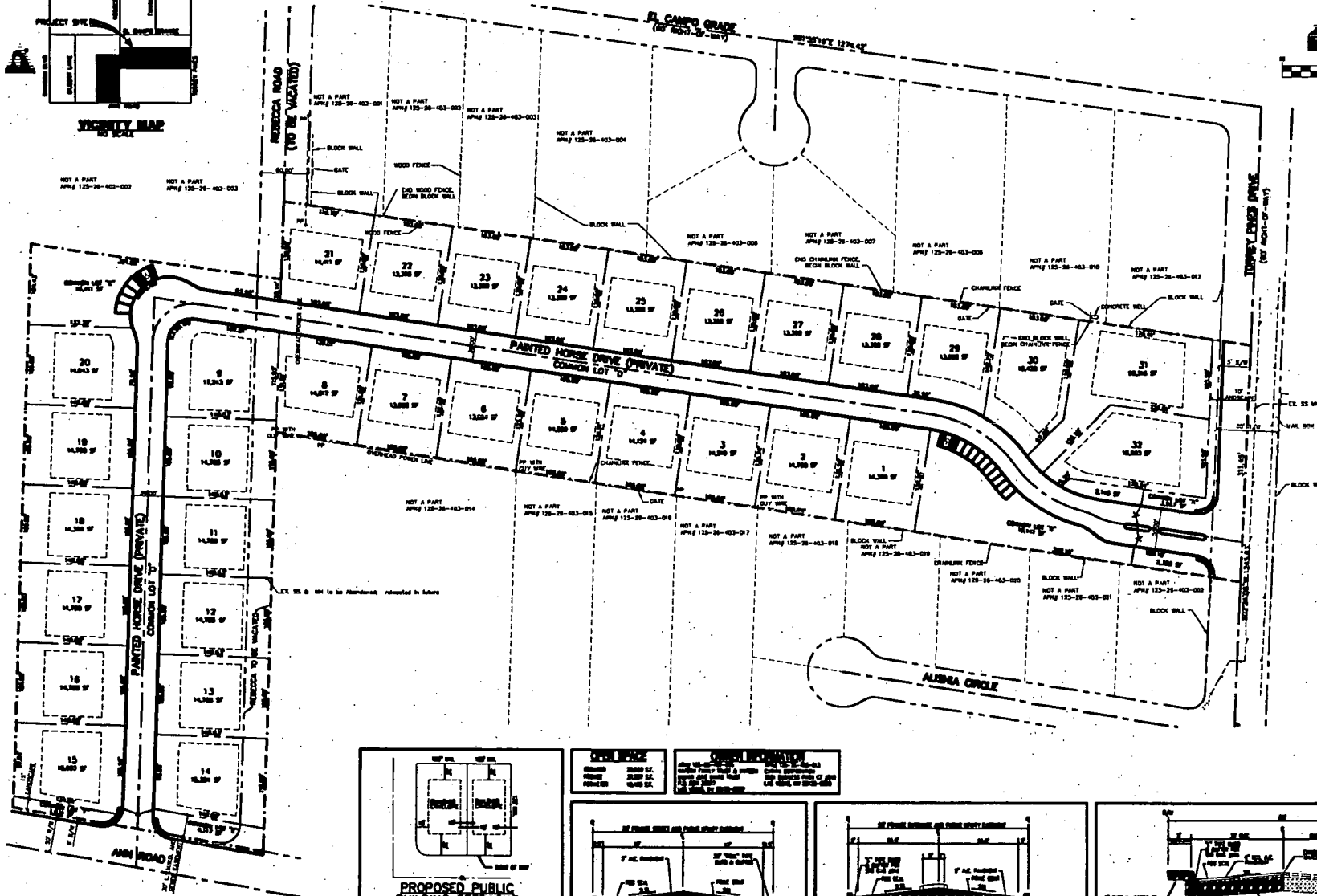
A. Probasco
Notary Public in and for said County and State



SITE PLAN FOR LAMPLIGHT GLEN AT ANN ROAD BY CARINA HOMES



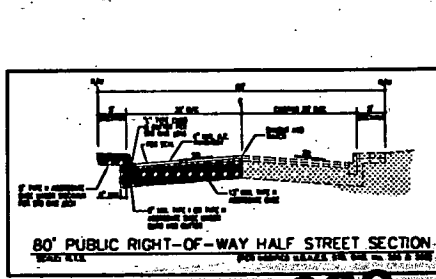
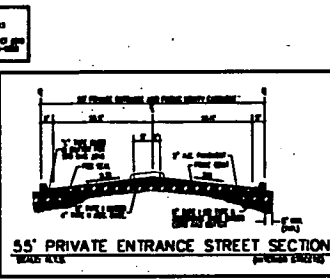
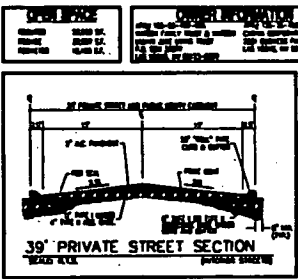
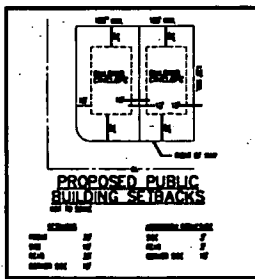
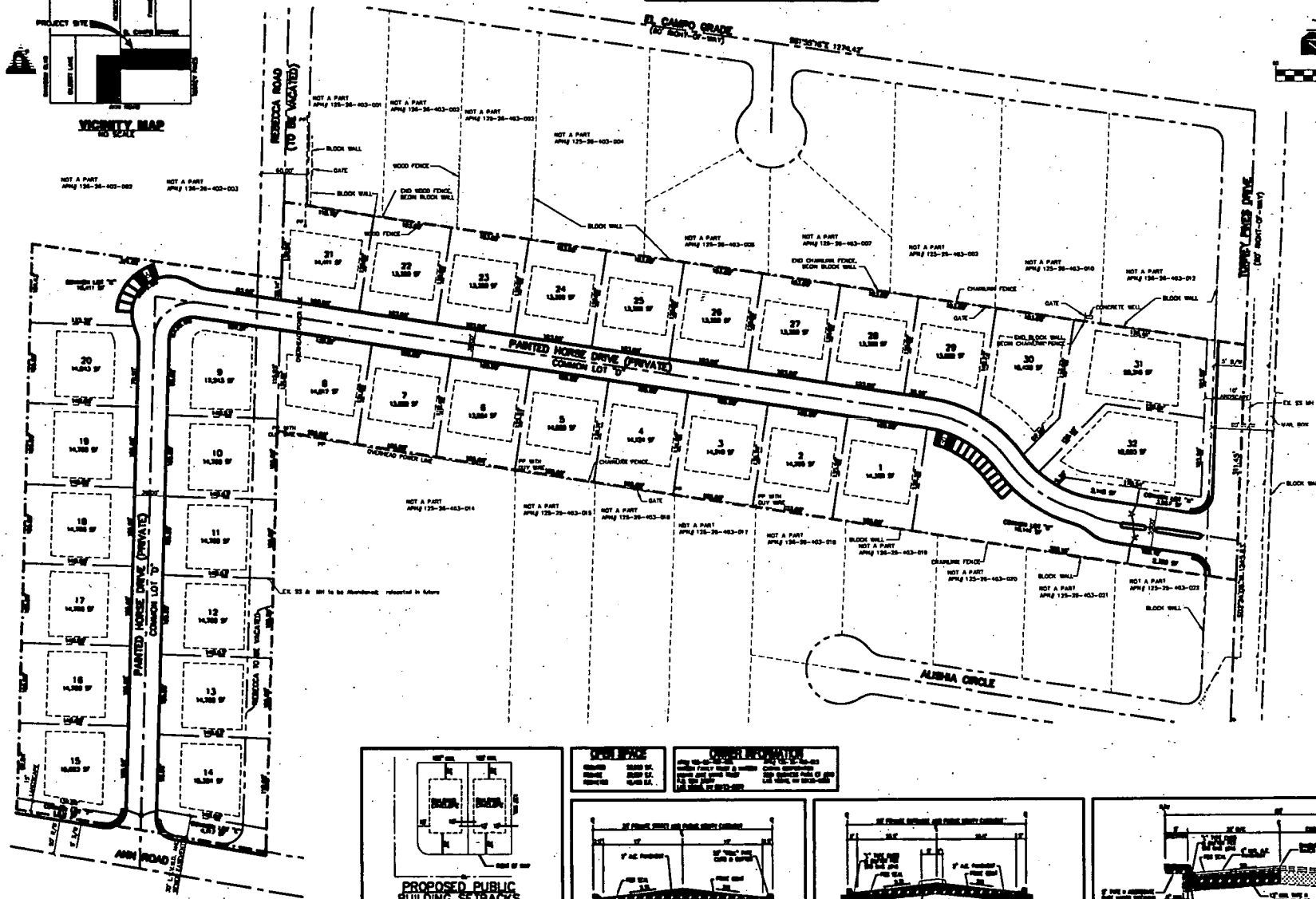
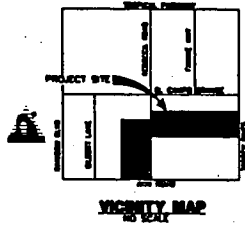
VICINITY MAP
NO SCALE



PROJECT NO.		100-000000
DATE		10/23/03
DRAWN BY		W. H. H. H.
CHECKED BY		W. H. H. H.
APPROVED BY		W. H. H. H.
PROJECT NAME		LAMPLIGHT GLEN AT ANN ROAD
SITE PLAN		
DRAWN BY		W. H. H. H.
CHECKED BY		W. H. H. H.
APPROVED BY		W. H. H. H.
PROJECT NO.		100-000000
DATE		10/23/03
DRAWN BY		W. H. H. H.
CHECKED BY		W. H. H. H.
APPROVED BY		W. H. H. H.

STAFF **ZON-3080**
10-23-03 PC

SITE PLAN FOR LAMPLIGHT GLEN AT ANN ROAD BY CARINA HOMES

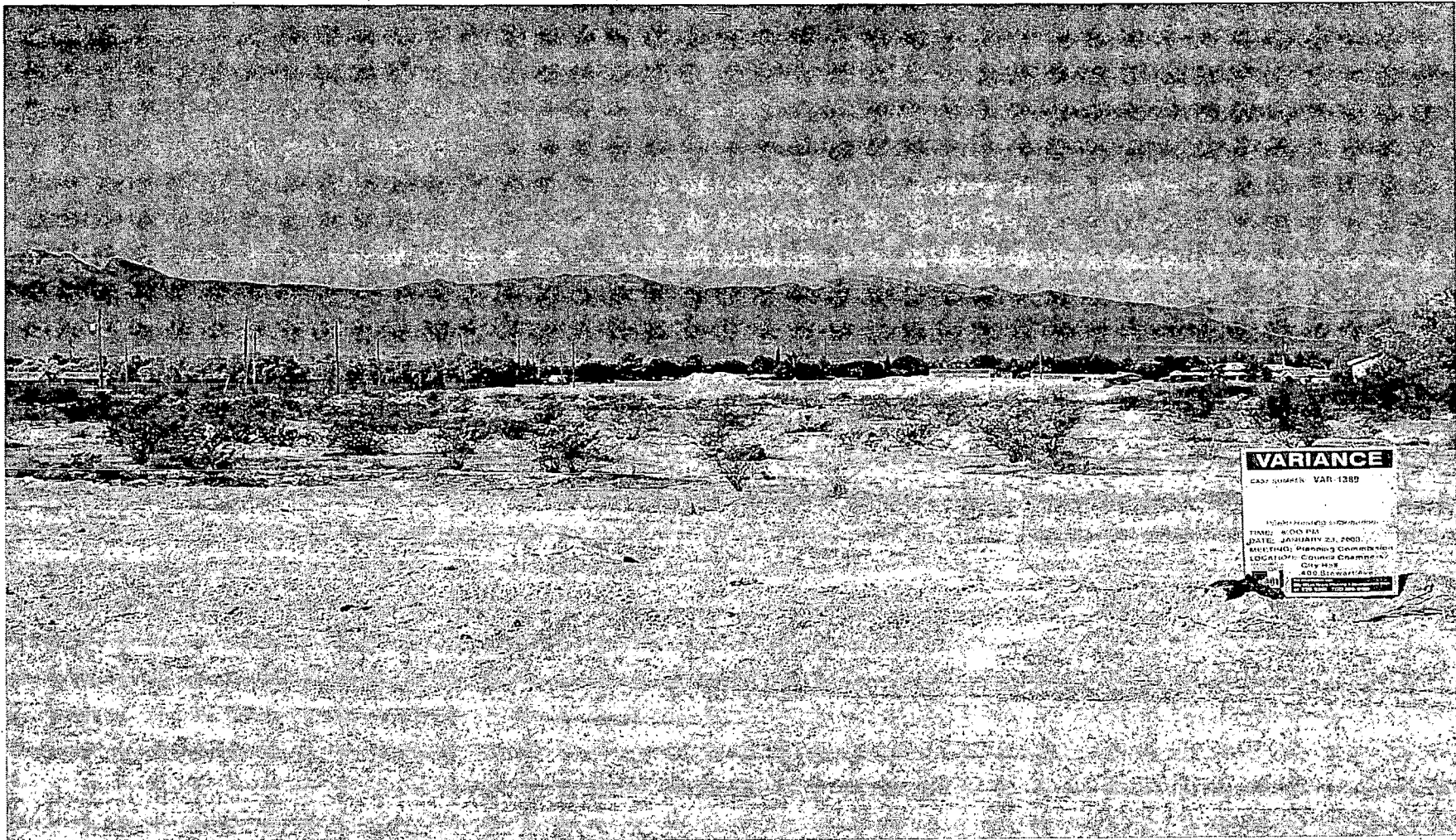


		CARINA HOMES	
		WRIGHT ENGINEERS, INC.	
		VERITAS ENGINEERS	
SITE PLAN		LAMPLIGHT GLEN AT ANN ROAD	
1/4" = 1/4" MI		1/4" = 1/4" MI	

STAFF

ZON-3080

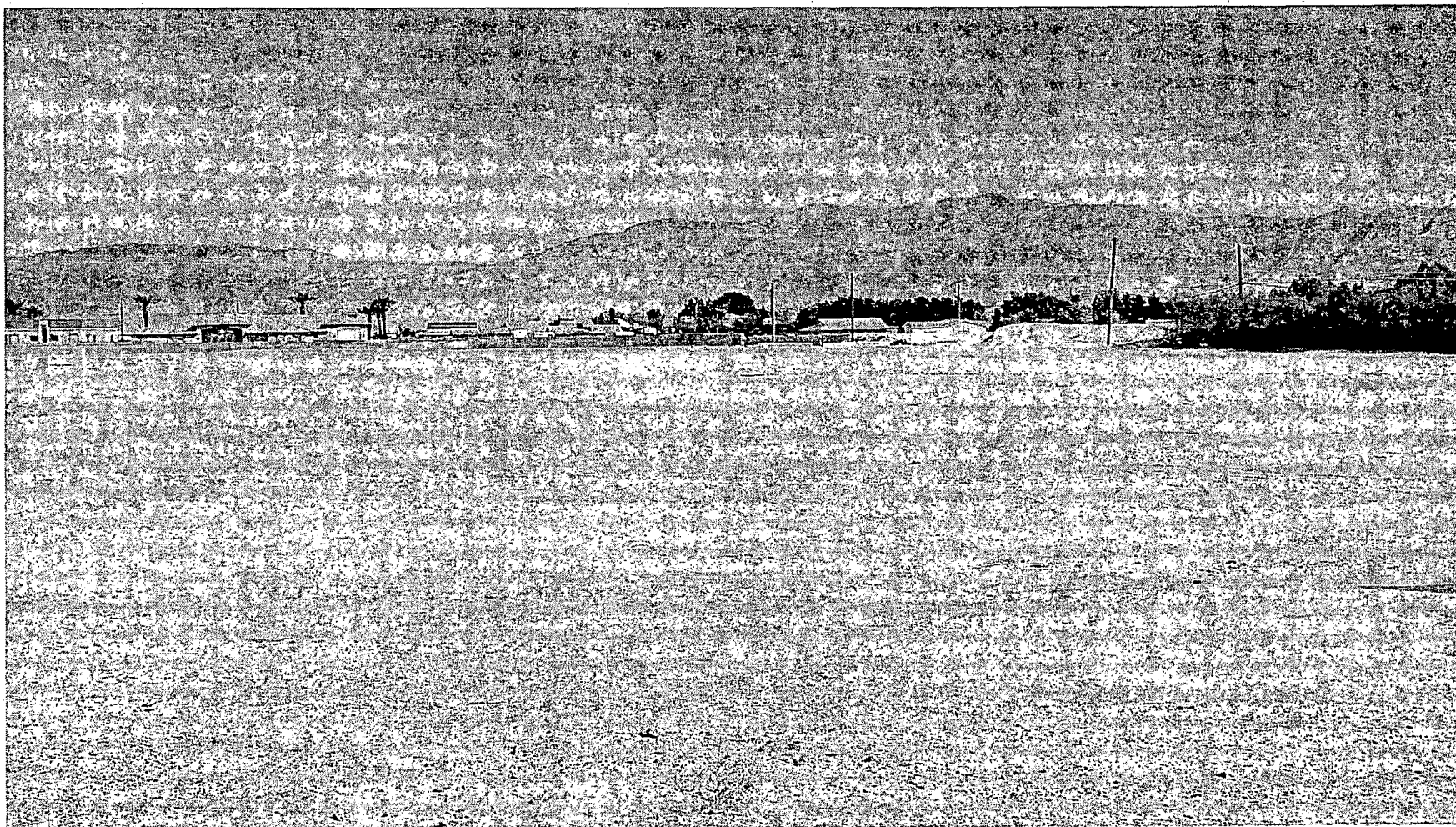
10-23-03 PC



VARIANCE
CASE NUMBER: VAR-1389
PLANNING COMMISSION
TIME: 6:00 PM
DATE: JANUARY 23, 2003
MEETING: PLANNING COMMISSION
LOCATION: COUNCIL CHAMBER
CITY HALL
400 UNIVERSITY
SANTA ANA, CA 92706

ZON-3080 - CARINA CORPORATION, ET AL
NORTH OF ANN ROAD, WEST OF TORREY PINES DRIVE
OCTOBER 23, 2003 PLANNING COMMISSION

10/01/03



ZON-3080 - CARINA CORPORATION, ET AL
NORTH OF ANN ROAD, WEST OF TORREY PINES DRIVE
OCTOBER 23, 2003 PLANNING COMMISSION

10/01/03



December 1, 2003

City of Las Vegas
731 S. Fourth Street
Las Vegas, NV 89101

Attention: City Clerk

Reference: Case No. ZON-3080 and SDR-3082
WCE #CN2317701

On behalf of our client, Carina Corporation, Wright Engineers respectfully requests the City to hold the above case numbers in abeyance until the next City Council meeting of December 17, 2003. We presently have a meeting to discuss concerns of this project with Councilman Michael Mack on December 11, 2003. These case numbers are currently due to be heard at the December 3, 2003 City Council meeting.

Thank you in advance for your assistance. If you have any questions or concerns, please feel free to contact me.

Sincerely,

WRIGHT CIVIL ENGINEERS, INC.

Regina Frederick

Regina Frederick
Project Coordinator

Cc: Adrienne Low, City of Las Vegas Planning Dept.
Amber L. Dolce, Carina Homes
Ron Jackson, Carina Homes
Bill Laubner, Carina Homes
Chris Croft, Project Manager

RECEIVED
CITY CLERK
Dec 1
2003 NOV 31 A 9:17

Submitted after final agenda

Date 12/1/03 Item #117
#118

City of Las Vegas

Agenda Item No. 118

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: DECEMBER 3, 2003

DEPARTMENT: PLANNING & DEVELOPMENT**DIRECTOR: ROBERT S. GENZER**☐**CONSENT**☒**DISCUSSION****SUBJECT:**

ABEYANCE ITEM - SITE DEVELOPMENT PLAN REVIEW RELATED TO ZON-3080 - PUBLIC HEARING - **SDR-3082 - CARINA CORPORATION, ET AL** - Request for a Site Development Plan Review FOR A 32 LOT SINGLE FAMILY RESIDENTIAL SUBDIVISION on 14.01 acres north of Ann Road, west of Torrey Pines Drive (APN: 125-26-402-005 and 125-26-403-013), U (Undeveloped) Zone [DR (Desert Rural Density Residential) General Plan Designation] and R-E (Residence Estates) Zone [Proposed: R-PD2 (Residential Planned Development – 2 Units Per Acre)], Ward 6 (Mack). The Planning Commission (6-0 vote) and staff recommend APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

1

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

1

RECOMMENDATION:

The Planning Commission (6-0 vote) and staff recommend APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Submitted after final agenda – Abeyance request by Wright Engineers for Items 117 and 118 filed under Item 117

MOTION:

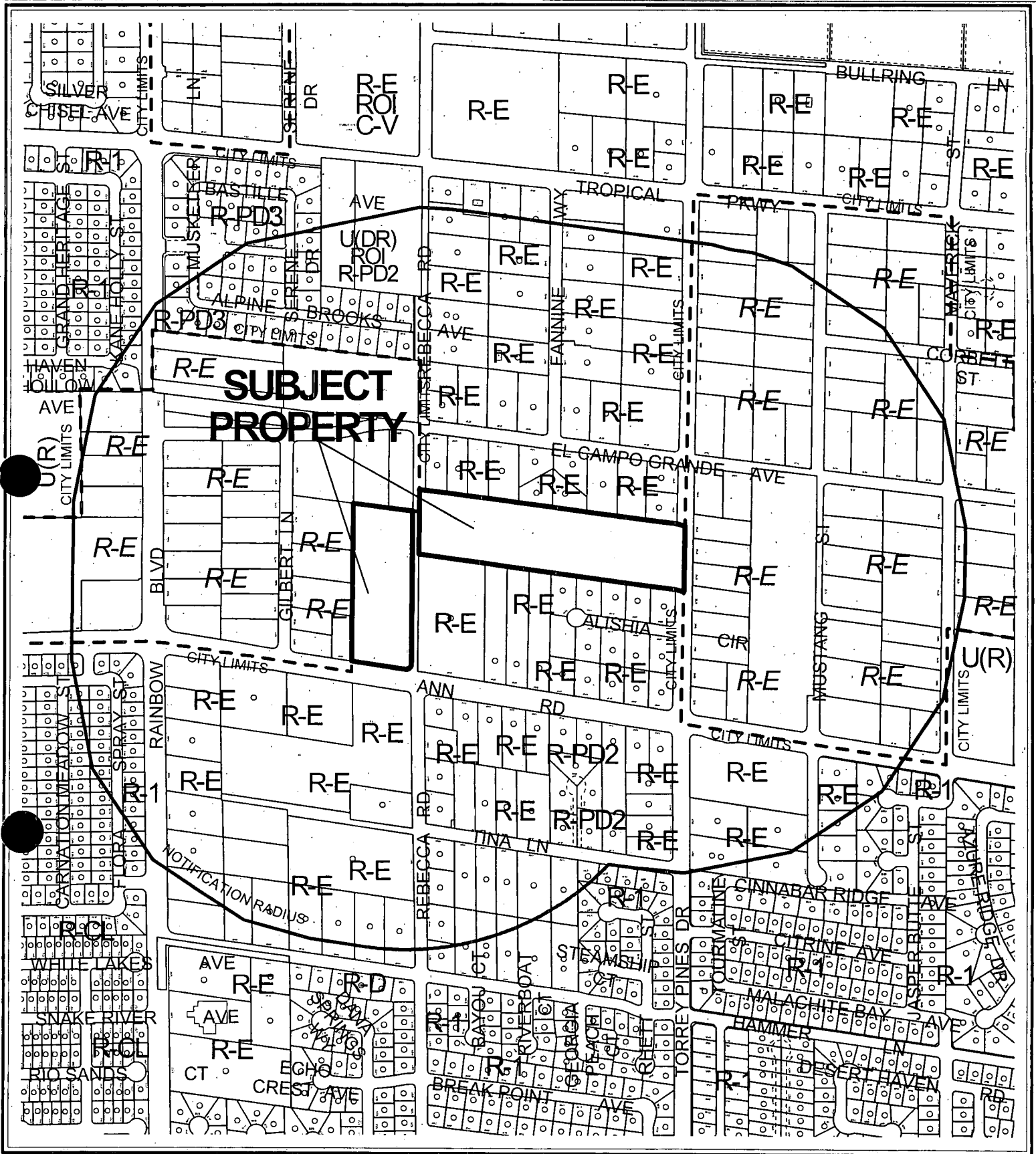
REESE – Motion to HOLD IN ABEYANCE Item 117 [ZON-3080], Item 118 [SDR-3082], Item 127 [GPA-3066], Item 128 [ZON-3071], Item 129 [SUP-3073] and Item 130 [SDR-3079] to 12/17/2003 and Item 112 [SUP-2904], Item 113 [SUP 3114], Item 119 [ZON-3031], Item 120 [VAR-3040], Item 121 [SUP-3038] and Item 122 [SDR-3035] to 1/7/2004 - UNANIMOUS with MACK excused

MINUTES:

There was no discussion.

(1:21-1:27)

4-1



CASE: SDR-3082

RADIUS: 1320 FT

ZONING OF SUBJECT PROPERTY:

U (UNDEVELOPED) [DR (DESERT RURAL DENSITY RESIDENTIAL) GENERAL PLAN DESIGNATION] AND R-E (RESIDENTIAL ESTATES)

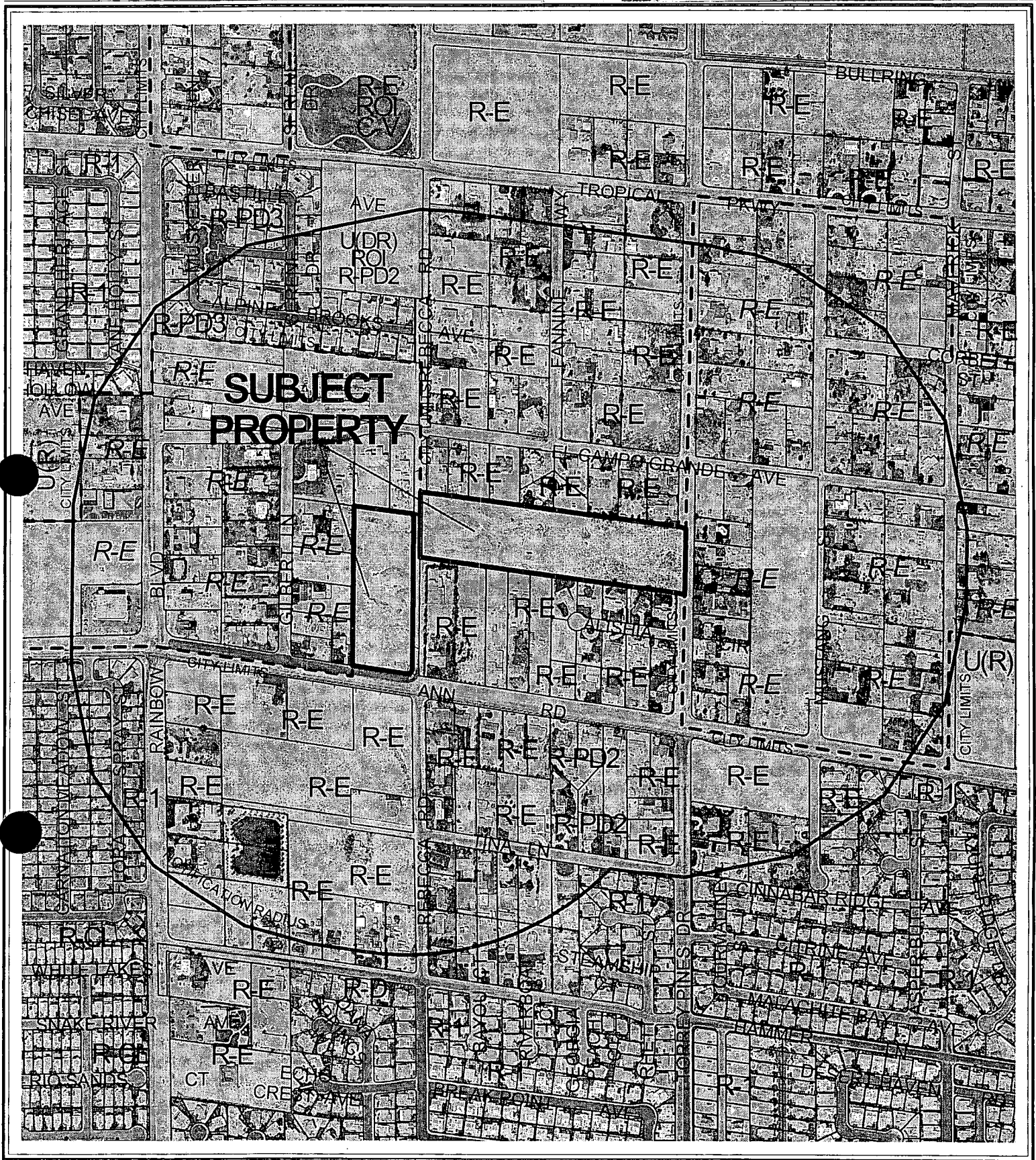
PROPOSED ZONING OF SUBJECT PROPERTY:

R-PD2 (RESIDENTIAL PLANNED DEVELOPMENT - 2 UNITS PER ACRE)

0 400 800 Feet

118





CASE: SDR-3082

RADIUS: 1320 FT

ZONING OF SUBJECT PROPERTY:

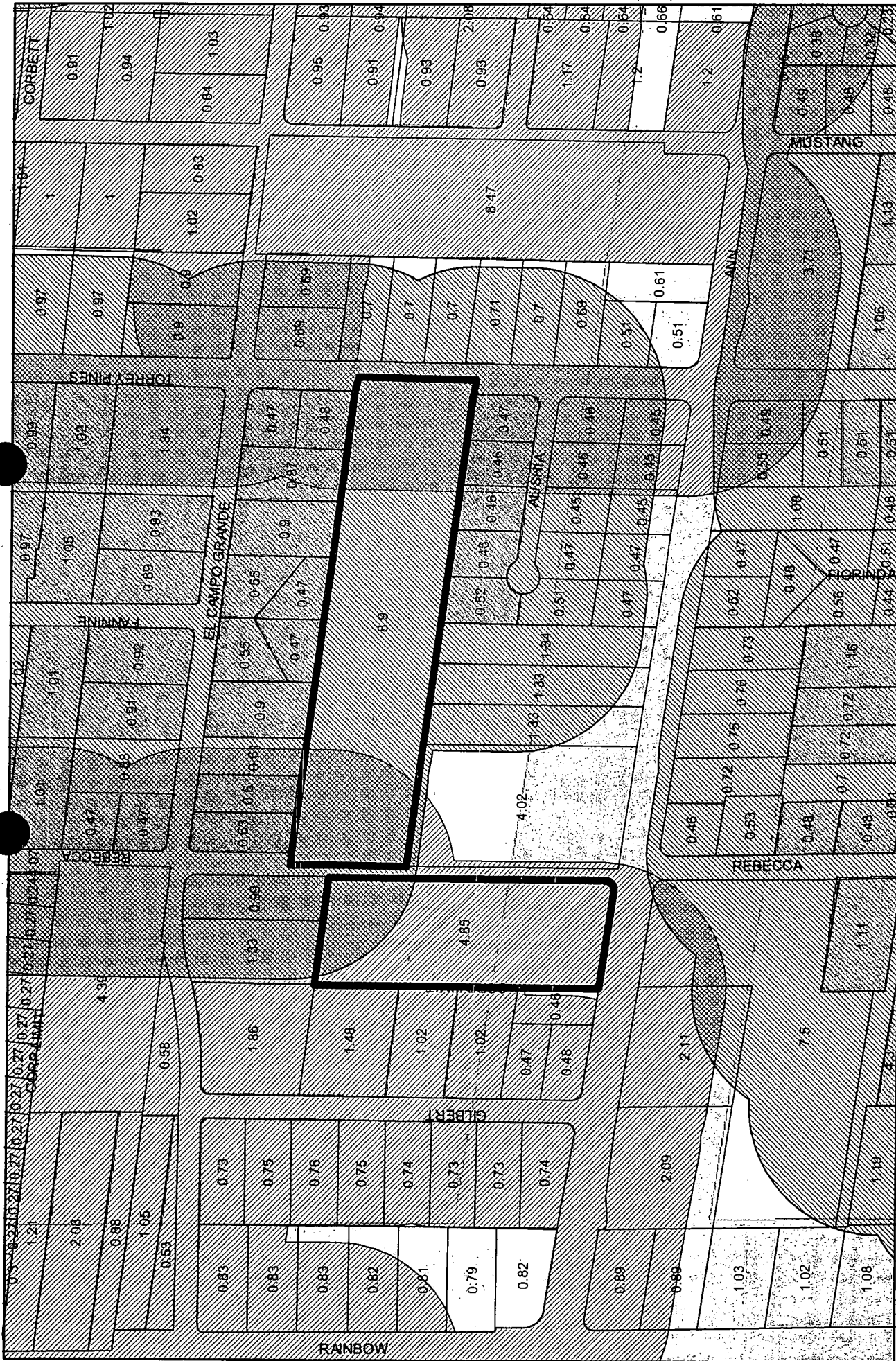
U (UNDEVELOPED) [DR (DESERT RURAL DENSITY RESIDENTIAL) GENERAL PLAN DESIGNATION] AND R-E (RESIDENTIAL ESTATES)

PROPOSED ZONING OF SUBJECT PROPERTY:

R-PD2 (RESIDENTIAL PLANNED DEVELOPMENT - 2 UNITS PER ACRE)

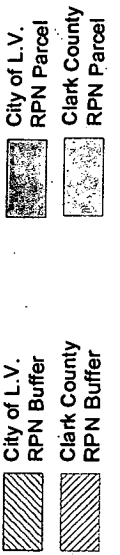
0 400 800 Feet





Case: SDR-3082

Rural Preservation Site Map



330 Buffer from Major Street



Subject Area



0.48 Parcel Size in Net Acres

13.75 Total Subject Area

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: DECEMBER 3, 2003
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: ABEYANCE ITEM - SDR-3082 - CARINA CORPORATION, ET AL

THIS ITEM WAS HELD IN ABEYANCE FROM THE NOVEMBER 19, 2003 CITY COUNCIL MEETING AT THE APPLICANT'S REQUEST.

**** CONDITIONS ****

The Planning Commission (6-0 vote) and staff recommend APPROVAL, subject to:

Planning and Development

1. A Rezoning (ZON-3080) to a R-PD2 (Residential Planned Development – 2 Units per Acre) Zoning District approved by the City Council.
2. This Site Development Plan Review shall expire two years from date of final approval unless it is exercised or an Extension of Time is granted by the City Council.
3. The standards for this development shall include the following: minimum lot size of 13,000 square feet and building height shall not exceed two-stories or 35 feet, whichever is less.
4. The setbacks for this development shall be a minimum of 30 feet to the front of the house as measured from the edge of the private street, 10 feet on the side, 15 feet on the corner side, and 35 feet in the rear.
5. Guest House/Casitas shall conform to the minimum standards of Title 19.04.040.
6. The landscape plan shall reflect minimum 24-inch box trees and a minimum of four five-gallon shrubs for each tree, including groundcover within provided planters. The location and number of required trees shall match the submitted landscape plan.
7. A landscaping plan must be submitted prior to or at the same time application is made for a building permit.
8. Air conditioning units shall not be mounted on rooftops.
9. Any proposed property line wall shall be a decorative block wall, with at least 20 percent contrasting materials. Wall heights shall be measured from the side of the fence with the least vertical exposure above the finished grade, unless otherwise stipulated.
10. All utility boxes exceeding 27 cubic feet in size shall meet the standards of Municipal Code Section 19.12.050.

SDR-3082 - Conditions Page Two
December 3, 2003 City Council Meeting

11. Meet with the Fire Protection Engineering Section of the Department of Fire Services prior to submittal of a Tentative Map for this site. The Design and layout of all onsite private circulation and access drives shall meet the approval of the Department of Fire Services.
12. All City Code requirements and design standards of all City departments must be satisfied.
13. All development shall be in conformance with the site plan and building elevations, except as amended by conditions herein.

Public Works

14. Submit a Petition of Vacation for Rebecca Road in both City and Clark County jurisdictions for all rights-of-way in conflict with the proposed site plan. Orders of Vacation for both the City and County properties shall record concurrently and must be recorded prior to recordation of a Final Map abutting or overlying the area to vacate, and the Final Map must show the Recorder's numbers of the Vacations.
15. Site development plan as shown requires relocation of the public sewer located within Rebecca Road.
16. Meet with the Traffic Engineering Representative in Land Development for assistance in redesigning the proposed driveway layout prior to the submittal of any construction plans or the issuance of any permits, whichever may occur first. Gated access drives if proposed shall be designed, located and constructed in accordance with Standard Drawing #222a. The site plan shows the driveway on Ann Road to be an exit only, therefore it must be a pan type driveway with crash gate.
17. A Homeowner's Association shall be established to maintain all perimeter walls, private roadways, 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.
18. Site development to comply with all applicable conditions of approval for Zoning Reclassification ZON-3080 and all other subsequent site-related actions.
19. The approval of all Public Works related improvements shown on this Site Development Plan Review is in concept only. Specific design and construction details relating to size, type and/or alignment of improvements, including but not limited to street, sewer and drainage improvements, shall be resolved prior to submittal of a Tentative Map or construction drawings, whichever may occur first. No deviations from adopted City Standards shall be allowed unless specific written approval for such is received from the City Engineer prior to the submittal of a Tentative Map or construction drawings, whichever may occur first.

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

This request is for a Site Development Plan Review for a proposed 32-lot Single-Family Residential Subdivision on 14.01 acres north of Ann Road, west of Torrey Pines Drive.

B) Applicant's Justification

The zoning requested, R-PD2 (Residential Planned Development – 2 Units Per Acre), is consistent with those of adjacent properties and compatible with existing and future surrounding land uses. The housing options will offer a variety of models, sizes and prices to be compatible with the surrounding neighborhood. The development is proposing detached casita and garage options. A vacation map will be submitted requesting Vacation and abandonment of dedicated right-of-way and patent easements including Rebecca Drive, located at the eastern property line of APN 125-26-304-013. Lastly, it is stated that entitlements previously approved under cases U-0115-02, VAR-1389, and TMP-1854 shall be superceded by the current applications.

BACKGROUND INFORMATION

A) Previous Actions

- 11/06/02 The City Council approved a Special Use Permit (U-0115-02) for private streets within a proposed single-family development on a portion of the subject site. The Planning Commission recommended approval on 09/26/02.
- 01/23/03 The Planning Commission approved a Variance (VAR-1389) to allow a reduction of the minimum lot size to range from 16,241 to 18,041 square feet where 20,000 square feet is the minimum lot size required on a portion of the subject site.
- 02/05/03 The City Council approved a Petition to annex (A-0038-02) undeveloped property located in various parts of the city under the provisions of NRS 268.597 No. 1(b) containing approximately 495 acres, including a portion of the subject site. The Planning Commission recommended approval on October 24, 2002 and the annexation effective date was February 14, 2003.
- 04/10/03 The Planning Commission approved a Tentative Map (TMP-1854) for an 18-Lot Single-Family Residential Subdivision on 8.88 acres adjacent to the west side of Torrey Pines Drive, approximately 300 feet south of El Campo Grande Avenue, which includes a portion of the subject site.

SDR-3082 - Staff Report Page Two
December 3, 2003 City Council Meeting

- 10/23/03 The Planning Commission recommended approval of a request for a Rezoning (ZON-3080) From: U (Undeveloped) [DR (Desert Rural Density Residential) General Plan Designation] and R-E (Residence Estates) To: R-PD2 (Residential Planned Development - 2 Units Per Acre) on the subject site.
- 10/23/03 The Planning Commission voted 6-0 to recommend APPROVAL (PC Agenda Item #55).

B) Pre-Application Meeting

- 08/29/03 It was determined that the entire subject property is located within a Rural Preservation Neighborhood buffer zone which requires that densities do not exceed three dwelling units per acre. The application presented was for R-PD2 (Residential Planned Development – 2 Units Per Acre) zoning, which allows for a maximum of 2.49 dwelling units per gross acre. In addition, required applications were discussed including submittal requirements.

C) Neighborhood Meetings

A neighborhood meeting is not required for a Site Development Plan Review application, nor was one held for this application.

DETAILS OF APPLICATION REQUEST

A) Site Area

Gross Acres: 14.01

B) Existing Land Use

Subject Property: Undeveloped
North: Single Family Dwellings
South: Single Family Dwellings and Undeveloped
East: Single Family Dwellings
West: Single Family Dwellings

C) Planned Land Use

Subject Property: DR (Desert Rural Density Residential)
North: DR (Desert Rural Density Residential) and RNP (Rural Neighborhood Preservation)
South: DR (Desert Rural Density Residential)
East: DR (Desert Rural Density Residential) and RNP (Rural Neighborhood Preservation)
West: DR (Desert Rural Density Residential) and RNP (Rural Neighborhood Preservation)

SDR-3082 - Staff Report Page Three
December 3, 2003 City Council Meeting

D) Existing Zoning

Subject Property: R-E (Residence Estates) and U (Undeveloped)
North: R-E (Residence Estates)
South: R-E (Residence Estates)
East: R-E (Residence Estates)
West: R-E (Residence Estates)

E) General Plan Compliance

The site is designated as DR (Desert Rural Density Residential) on the Centennial Hills Interlocal Land Use Plan of the General Plan. The DR (Desert Rural Density Residential) land use category allows a density range of 0 to 2.49 dwelling units per gross acre, depending upon compatibility with adjacent uses. The proposed R-PD2 (Residential Planned Development – 2 Units Per Acre) zoning designation is in compliance with the DR (Desert Rural Density Residential) General Plan designation.

SPECIAL DISTRICTS/ZONES	Yes	No
Special Area Plan		X
Special Overlay District		X
Trails		X
Study Area		X
Rural Preservation Neighborhood	X	
Development Impact Notification Assessment		X
Project of Regional Significance		X

Rural Preservation Neighborhood

The subject site is located within a Rural Preservation Neighborhood buffer zone. The provisions of NRS 278.261 state that residential densities may not exceed three dwelling units per acre without good cause shown. The submitted site plan depicts 2.28 units per acre, which meets Rural Preservation Neighborhood limitations.

PROJECT DESCRIPTION

A total of 32 lots will be developed on the subject site. The lots will be located on a 39-foot wide private street with access to Ann Road and Torrey Pines Drive. Lots range in size from 13,390 square feet to 22,316 square feet. Ten to fifteen-foot wide landscape planters are depicted adjacent to the right-of-ways. Two internally located common lots totaling 35,552 square feet provide the majority of open space required for this project. Due to the inclusion of Rebecca Road into the proposed site development, a condition has been included from the Department of Public Works is requiring the vacation of Rebecca Road in both City and Clark County jurisdictions for all rights-of-way in conflict with the proposed site plan.

SDR-3082 - Staff Report Page Four
December 3, 2003 City Council Meeting

ANALYSIS

A) *Zoning Code Compliance*

A1) Development Standards

Pursuant to Title 19.08, the following Development Standards apply to the subject proposal:

Standards	Proposed	Acceptable
Min. Lot Size	13,390 Square Feet	Y
Average Lot Width	103 Feet	Y
Min. Setbacks		
• Front	30 Feet	Y
• Side	10 Feet	Y
• Corner	15 Feet	Y
• Rear	35 Feet	Y
Max. Building Height	2 Stories	Y

While Residential Planned Developments do not have minimum development standards per Title 19, the proposed Residential Development Standards are typical of minimum standards usually found in the R-PD2 (Residential Planned Development – 2 Units Per Acre) zone. The proposed setbacks, building height, and average lot widths match the standards for an R-E (Residence Estates) zoning district, which is comparable to the R-PD2 (Residential Planned Development – 2 Units Per Acre) zone in terms of allowed densities. Minimum lot sizes are lower than minimum standards for an R-E (Residence Estates) zoning district; however, with the inclusion of required internal useable open space, Residential Planned Development standards allow for a reduction in standard lot sizes. The proposed development standards are acceptable for an R-PD2 (Residential Planned Development – 2 Units Per Acre) Zone.

Some of the proposed detached accessory structures do not meet minimum development standards per Title 19 for guest house/casita options, which permit only one occupancy room, a bathroom, and walk in closet, but kitchens are not permitted. There are submitted floor plans for the casita options that depict two story structures with more than one occupancy room. In addition, minimum setbacks for casita options do not meet minimum code requirements. A condition has been added to require proposed guest house/casita options to conform to Title 19.04.040 requirements for guest house/casitas.

A2) Parking and Traffic Standards

Pursuant to Title 19.10, Pursuant to Title 19.10, single-family homes are required to provide two parking spaces per dwelling. The floor plans indicate that each dwelling unit will contain a two-car garage, which meets on-site parking requirements. The 20-foot minimum driveways provide Guest parking.

SDR-3082 - Staff Report Page Five
December 3, 2003 City Council Meeting

A3) Landscape and Open Space Standards

Pursuant to Title 19.12, the following Landscape Standards apply to the subject proposal:

Standards	Required		Provided
	Ratio	Trees	
Buffer:			
• Min. Trees (along ROW)	1 Tree/ 30 Linear Feet	16 Trees	19 Trees
• Min. Zone Width	6 Feet		10-15 Feet
• Maximum Wall height	8 Feet (side and rear) 4 Feet - Top 2 Feet 50% open (front)		none

The submitted landscaping plan indicates a 10-foot wide landscape planter along Torrey Pines Drive and a 15-foot wide landscape planter located along Ann Road, which exceed the minimum six-foot width requirement. A condition has been included requiring the landscaping plan to meet all minimum size requirements of Title 19 and the Landscape, Wall, and Buffer Standards. Internally, the proposed common lot open space areas all include an acceptable amount of landscaping. Wall heights and proposed locations are not depicted on the submitted plan; therefore a condition has been included requiring any new perimeter wall to be constructed of decorative block with 20-percent contrasting material.

Pursuant to Title 19.06, the following Open Space Standards apply to the subject proposal:

Total Acreage	Density	Required			Provided	
		Ratio	Percent	Area	Percent	Area
14.75 acres	2.16	1.65	3.56 %	22,900 SF	5.87 %	37,697

The submitted site plan depicts 37,697 square feet of open space with the majority being located on two common lots, denoted as 'B' and 'C' on the site plan. Common lot 'B' is located on the southern side of the entrance drive adjacent to Torrey Pines Drive containing 19,141 square feet. The landscaping plan identifies this space to contain a recreation building, gazebo, picnic tables and open space with landscaping. Common lot 'C' is located at the northwest corner of the development and is proposed to contain a half court basketball area with picnic tables and landscaping on a 16,411 square foot lot. The proposed 37,697 square feet of internal useable open space exceeds the minimum 22,900 square foot as required per Title 19.06.

B) General Analysis and Discussion

- Zoning

Companion item Rezoning (ZON-3080) proposes to rezone the subject site to an R-PD2 (Residential Planned Development – 2 Units Per Acre) designation. Approval is being recommended for this application on the basis that the proposal is in conformance with the DR

(Desert Rural Density Residential) General Plan designation in addition to requirements as outlined by NRS 278.261 for Rural Preservation Neighborhood Buffer Zone density restrictions. The proposed site plan, at 2.28 dwelling units per acre conforms to the R-PD2 (Residential Planned Development – 2 Units Per Acre) zoning designation.

- Site Plan

The 32-lot single-family residential subdivision meets minimum standards that are comparable with surrounding R-E (Residence Estates) zoned properties. No more than two proposed lots will abut any adjacent developed single-family residential lot with the exception of the five-lots located along Rebecca Road, which is to be vacated. This situation seems unavoidable due to the fact that the configuration of the two perpendicular parcels creates a long but narrow land area, which results in limited options for lot configuration and the location of proposed private streets. The site plan has merged two infill parcels together with minimal impact on surrounding residential properties.

With regards to the proposed gated private street servicing the subdivision, a previously approved Special Use Permit (U-0115-02) on the subject site was approved by City Council on November 6, 2002 with an expiration date of November 2, 2004. The current proposal, however, is for a Residential Planned Development zoning designation that does not require a Special Use Permit for private streets.

- Waivers

No waiver requests are being sought for this Site Development Plan Review application.

- Elevation

Elevations vary in size from single-story to two-story options. The submitted plans do not depict an overall height, therefore a condition has been added limiting the overall height of dwelling units to two-stories or 35-feet, whichever is less, which will match the standards of surrounding R-E zoned properties. In addition, the proposed two-story options including the Guest House and RV Garage would not be permitted if the height of these structures exceeded the height of the main dwelling unit.

- Floor Plan

The proposed single-family dwelling units vary in size from 3,320 square feet for the single-story options to 4,405 square feet for the two-story options. All floor plans maintain internal access throughout the unit and most contain a deck or bonus room option. As noted under the development standards section of this report, some of the proposed guest house/casita options do not meet Title 19.04.040 requirements and a condition has been included to enforce these regulations. Specifically regarding the floor plan, there are guesthouse options that contain more than one occupant room, bathroom and walk-in closet, which violate the restrictions of Title 19.04.040.

FINDINGS

In order to approve a Site Development Plan application, per Title 19.18.050 the Planning Commission and/or City Council must affirm the following:

1. **"The proposed development is compatible with adjacent development and development in the area;"**

The proposed single-family residential subdivision is compatible with surrounding single-family dwelling units. The project maintains a 2.28 dwelling units per acre standard, which is acceptable given the limited design standards due to the infill nature of the project and narrowness of the developing parcels.

2. **"The proposed development is consistent with the General Plan, Title 19, the Design Standards Manual, the Landscape, Wall and Buffer Standards, and other duly-adopted City Plans, policies and Standards;"**

The single-family residential development is consistent in terms of density with the proposed R-PD2 (Residential Planned Development – 2 Units Per Acre) zoning and existing DR (Desert Rural Density Residential) General Plan designation. The plan meets Title 19 requirements for Residential Planned Development open space standards in addition to required perimeter landscaping.

3. **"Site access and circulation do not negatively impact adjacent roadways or neighborhood traffic;"**

The subject site will have access from Torrey Pines Drive, an 80-foot wide Secondary Collector Street and Ann Road, a 100-foot wide Primary Arterial, which will adequately meet the requirements of the proposed single-family residential development. The inclusion of Rebecca Road into the proposed site development has not created a land locked parcel; therefore, a condition has been included on the companion Rezoning (ZON-3080) from the Department of Public Works requiring the Vacation for Rebecca Road in both City and Clark County jurisdictions for all rights-of-way in conflict with the proposed site plan.

4. **"Building and landscape materials are appropriate for the areas and for the City;"**

Building and landscape materials are typical of the greater Las Vegas Valley area and are appropriate in terms of maintaining a rural character and design for the subject site.

5. **"Building elevations, design characteristics and other architectural and aesthetic features are not unsightly, undesirable or obnoxious in appearance; create an orderly and aesthetically pleasing environment; and are harmonious and compatible with development in the area;"**

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December 3, 2003 City Council Meeting

Single and two-story building elevations and varying architectural design characteristics will create an orderly and aesthetically pleasing environment. The inclusion of conditions restricting overall height for both the main dwelling units and detached accessory structures will ensure building masses are harmonious and compatible with surrounding development in the area.

6. "Appropriate measures are taken to secure and protect the public health, safety and general welfare."

The proposed development is subject to all Building and Safety Department requirements for permits and inspections that will ensure that the public health, safety and general welfare are protected.

NOTICES MAILED 300 by Planning Department

APPROVALS 1

PROTESTS 1



Case Number: **SDR-3082** APN: 126-26-403-013

Name of Property Owner: Carina Corporation

Name of Applicant: Carina Corporation

 Yes No

City Official: _____

Partner(s): _____

APN: _____

Signature of Property Owner/Authorized Agent: RH Mc Carthy

Print Name: R. H. McCarty ✓

This 2nd day of September, 2003

Notary Public in and for said County and State





VARIANCE

CASE NUMBER VAR-1389

APPLICANT: CARINA CORPORATION

TIME: 9:00 AM

DATE: JANUARY 23, 2003

MEETING: PLANNING COMMISSION

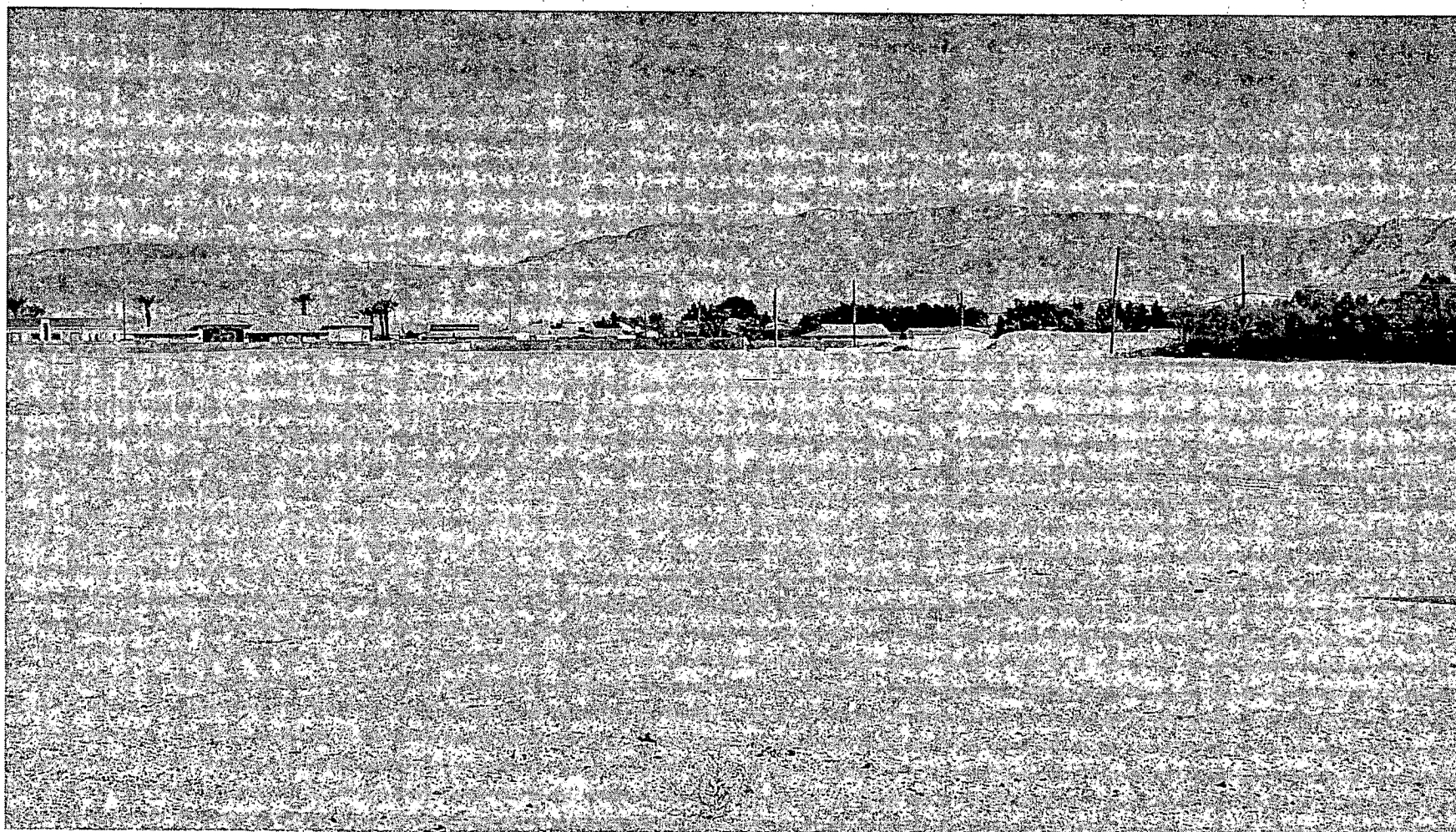
LOCATION: CHANDLER/ANN

CITY: CHANDLER

460 BRADLEY AVE

SDR-3082 - CARINA CORPORATION, ET AL
NORTH OF ANN ROAD, WEST OF TORREY PINES DRIVE
OCTOBER 23, 2003 PLANNING COMMISSION

10/01/03



SDR-3082 - CARINA CORPORATION, ET AL
NORTH OF ANN ROAD, WEST OF TORREY PINES DRIVE
OCTOBER 23, 2003 PLANNING COMMISSION

10/01/03

City of Las Vegas

Agenda Item No. 119

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT**CITY COUNCIL MEETING OF: DECEMBER 3, 2003****DEPARTMENT: PLANNING & DEVELOPMENT****DIRECTOR: ROBERT S. GENZER**☐ **CONSENT** ☒ **DISCUSSION****SUBJECT:**

REZONING - PUBLIC HEARING - ZON-3031 - THOMAS & JUDITH MILLER -
 Request for a Rezoning FROM: U (Undeveloped) [SC (Service Commercial) General Plan Designation] TO: C-1 (Limited Commercial) on 0.93 acres adjacent to the southeast corner of Smoke Ranch Road and Nemeth Road (APN: 138-23-110-014 and 015), Ward 6 (Mack). The Planning Commission (5-0-1 vote) and staff recommend APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

RECOMMENDATION:

The Planning Commission (5-0-1 vote) and staff recommend APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Letter requesting abeyance filed by Thomas & Judith Miller
5. Submitted after final agenda – Protest letter from Cynthia Lane for Items 119 [ZON-3031], 120 [VAR-3040], 121 [SUP-3038] and 122 [SDR-3035] filed under Item 119 [ZON-3031]

MOTION:

REESE – Motion to HOLD IN ABEYANCE Item 117 [ZON-3080], Item 118 [SDR-3082], Item 127 [GPA-3066], Item 128 [ZON-3071], Item 129 [SUP-3073] and Item 130 [SDR-3079] to 12/17/2003 and Item 112 [SUP-2904], Item 113 [SUP 3114], Item 119 [ZON-3031], Item 120 [VAR-3040], Item 121 [SUP-3038] and Item 122 [SDR-3035] to 1/7/2004 - UNANIMOUS with MACK excused

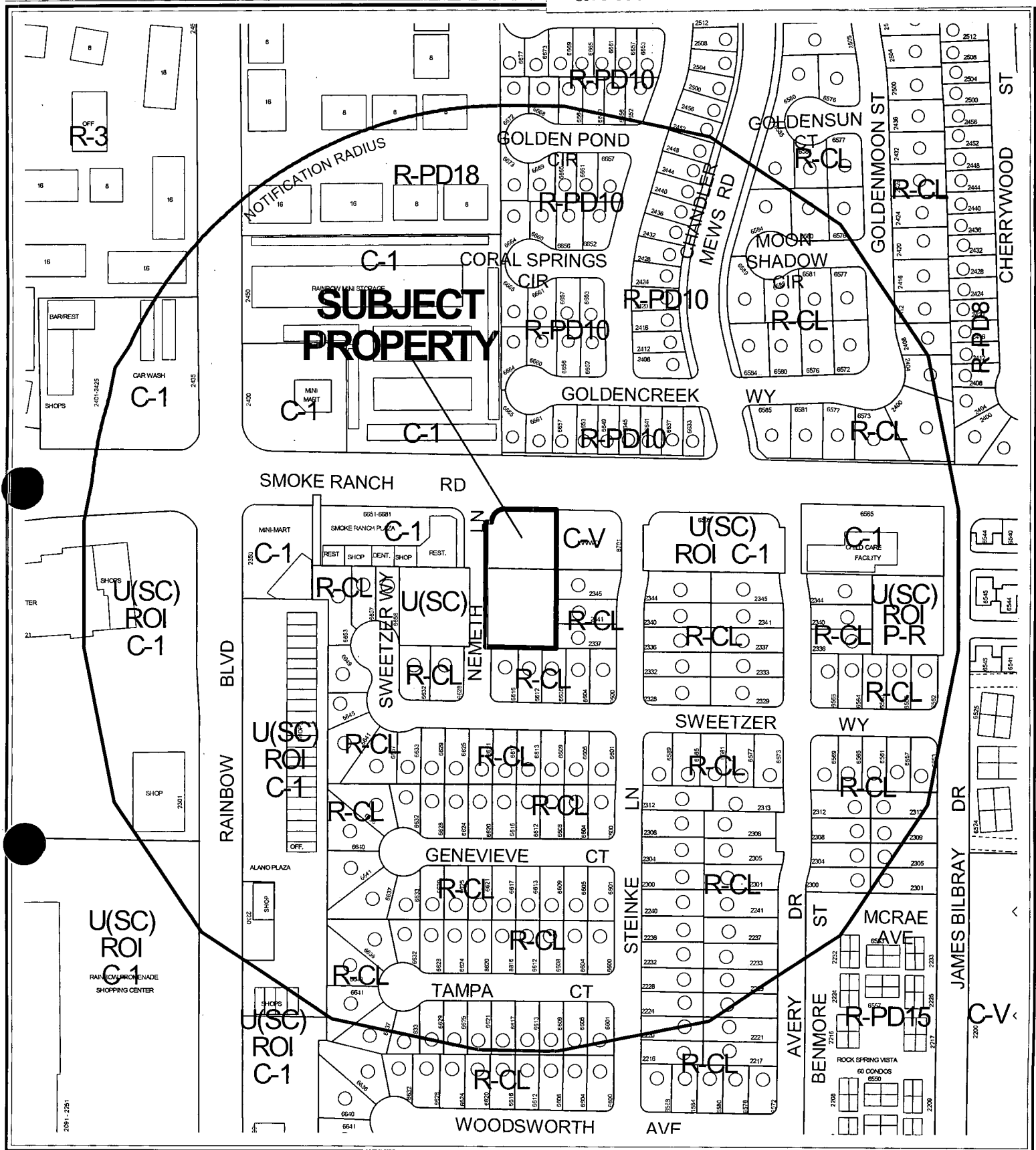
NOTE: The initial motion to abey Items 119 through 122 to 12/17/2003 was modified to 1/7/2004 pursuant to the request of the applicant upon motions by Reese to reconsider and modify, both of which carried unanimously with Mack excused.

MINUTES:

There was no discussion.

(1:21-1:27)

4-1



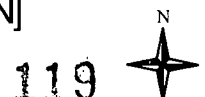
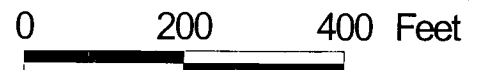
CASE: ZON-3031

RADIUS: 750 FT

ZONING OF SUBJECT PROPERTY:

U (UNDEVELOPED) [SC (SERVICE COMMERCIAL) GENERAL PLAN DESIGNATION]

PROPOSED ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL)





*City of Las Vegas***AGENDA MEMO**

CITY COUNCIL MEETING DATE: DECEMBER 3, 2003
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: ZON-3031 - THOMAS & JUDITH MILLER

**** CONDITIONS ****

The Planning Commission (5-0-1 vote) and staff recommend APPROVAL, subject to:

Planning and Development

1. A Resolution of Intent with a two-year time limit.
2. A Site Development Plan Review application approved by the Planning Commission and City Council prior to issuance of any permits, any site grading, and all development activity for the site.

Public Works

3. Coordinate with the City Surveyor to determine whether a Parcel Map or a Reversionary Parcel Map is necessary; if such map is required it should record prior to the issuance of any building permits for this site.
4. Dedicate an additional 10.5 feet of right-of-way for a total half-street width of 25.5 feet on Nemeth Road adjacent to this site prior to the issuance of any permits.
5. Construct half-street improvements including appropriate overpaving on Nemeth Road and all incomplete improvements on Smoke Ranch Road adjacent to this site concurrent with development of this site. Install all appurtenant underground facilities, if any, adjacent to this site needed for the future traffic signal system concurrent with development of this site. All existing paving damaged or removed by this development shall be restored at its original location and to its original width concurrent with development of this site.
6. 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.
7. A Traffic Impact Analysis must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings. Comply with the recommendations of the approved Traffic Impact Analysis prior to occupancy of the site. The City shall determine area traffic mitigation 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 #234.2 and #234.3 to determine additional right-of-way

ZON-3031 - Conditions Page Two
December 3, 2003 City Council Meeting

requirements for bus turnouts 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 for exclusive right turn lanes and dual left turn lanes shall be dedicated prior to or concurrent with the commencement of on-site development activities unless specifically noted as not required in the approved Traffic Impact Analysis. If additional rights-of-way are not required and Traffic Control devices are or may be proposed at this site outside of the public right-of-way, all necessary easements for the location and/or access of such devices shall be granted prior to the issuance of permits for this site. Phased compliance will be allowed if recommended by the approved Traffic Impact Analysis. No recommendation of the approved Traffic Impact Analysis, nor compliance therewith, shall be deemed to modify or eliminate any condition of approval imposed by the Planning Commission or the City Council on the development of this site. Alternatively, in lieu of a Traffic Impact Analysis, the applicant may participate in a reasonable alternative mutually acceptable to the applicant and the Department of Public Works.

8. Meet with the Flood Control Section of the Department of Public Works for assistance in establishing finished floor elevations and drainage pathways required for this site, prior to the issuance of any building or grading permits or submittal of any construction drawings, whichever may occur first.

** STAFF REPORT **

APPLICATION REQUEST

A) Action Requested

This is a request for a Rezoning from U (Undeveloped) Zone [SC (Service Commercial) General Plan Designation] to C-1 (Limited Commercial) on approximately 0.93 acres located at the southeast corner of Smoke Ranch Road and Nemeth Road. Companion applications for a Site Development Plan Review and related Waivers (SDR-3035) to allow a 6,000 square-foot retail building and a 3,000 square-foot Auto Repair Garage, Minor on the subject site, a Variance (VAR-3040) for insufficient parking and Residential Adjacency Standards, and a Special Use Permit (SUP-3038) to allow the Auto Repair Garage, Minor use will be considered concurrently.

B) Applicant's Justification

The applicant has justified this request by stating that the proposed Rezoning conforms to the land use designation for the subject site, and that the companion site plan will allow a project that has received the support of adjacent property owners.

BACKGROUND INFORMATION

A) Previous Actions

- 05/03/95 The City Council approved a Rezoning (Z-0018-95) from N-U (Non-Urban) Zone to C-1 (Limited Commercial) on the subject site, subject to a 12-month review from the date of approval. The Planning Commission recommended approval on 04/13/95.

- 07/01/96 The City Council approved a request for a Reinstatement and Extension of Time (Z-0018-95(1)) on an approved Rezoning from N-U (Non-Urban) Zone to C-1 (Limited Commercial) and for an 18,000 square-foot office building on the subject site. The Planning Commission recommended approval on 06/13/96. This Reinstatement and Extension of Time was to expire on 05/03/97.

- 07/14/97 The City Council approved a request for a second Reinstatement and Extension of Time (Z-0018-95(2)) on an approved Rezoning from N-U (Non-Urban) Zone to C-1 (Limited Commercial) and for an 18,000 square-foot office building on the subject site. The Planning Commission recommended approval on 06/12/97.

- 11/06/03 The Planning Commission recommended denial of a related Site Development Plan Review and related Waivers (SDR-3035) to allow a 6,000 square-foot retail building and a 3,000 square-foot Auto Repair Garage, Minor on the subject site; recommended denial of a Variance (VAR-3040) for insufficient parking and Residential Adjacency Standards; and recommended denial of a Special Use Permit (SUP-3038) to allow the Auto Repair Garage, Minor use on the site.

ZON-3031 - Staff Report Page Two
December 3, 2003 City Council Meeting

11/06/03 The Planning Commission voted 5-0-1 to recommend APPROVAL (PC Agenda Item #30).

B) Pre-Application Meeting

07/16/03 As the Rezoning request is acceptable given the land use designation of the site, discussion at the initial pre-application meeting centered on the deficiencies of the site plan with respect to residential adjacency, parking, landscaping and access to the site. A second meeting was held on 09/15/03. While some revisions were made to the site plan that resolved some of the issues raised, the major deficiencies of the project remain unaddressed.

C) Neighborhood Meetings

A neighborhood meeting is not required for a Rezoning application, nor was one held.

DETAILS OF APPLICATION REQUEST

A) Site Area

Gross Acres: 0.93

B) Existing Land Use

Subject Property: Undeveloped
North: Commercial and Single Family Dwellings
South: Single Family Dwellings
East: Single Family Dwellings
West: Undeveloped

C) Planned Land Use

Subject Property: SC (Service Commercial)
North: SC (Service Commercial) and ML (Medium-Low Density Residential)
South: ML (Medium-Low Density Residential)
East: ML (Medium-Low Density Residential) and PF (Public Facilities)
West: SC (Service Commercial)

D) Existing Zoning

Subject Property: U (Undeveloped) Zone [SC (Service Commercial) General Plan Designation]
North: C-1 (Limited Commercial) and R-PD10 (Residential Planned Development - 10 Units per Acre)
South: R-CL (Residential - Compact Lot)
East: C-V (Civic) and R-CL (Residential - Compact Lot)
West: U (Undeveloped) Zone [SC (Service Commercial) General Plan Designation] and C-1 (Limited Commercial)

E) General Plan Compliance

The site is currently designated as SC (Service Commercial) on the Southwest Sector Map of the General Plan. The Service Commercial category allows low to medium intensity retail, office, or other commercial uses that serve primarily the local area patrons and do not include more intense general commercial characteristics. The requested C-1 (Limited Commercial) zoning district conforms to the SC land use designation.

SPECIAL DISTRICTS/ZONES	Yes	No
Special Area Plan		X
Special Overlay District		X
Trails		X
Study Area		X
Rural Preservation Neighborhood		X
County/North Las Vegas/HOA Notification		X
Development Impact Notification Assessment		X
Project of Regional Significance		X

There are no special area plans, overlay districts or study areas that affect the subject site.

FINDINGS

In order to approve a Rezoning application, pursuant to Title 19.18.040, the Planning Commission or City Council must affirm the following:

1. "The proposal conforms to the General Plan."

The site is currently designated as SC (Service Commercial) on the Southwest Sector Map of the General Plan. The Service Commercial category allows low to medium intensity retail, office, or other commercial uses that serve primarily the local area patrons and do not include more intense general commercial characteristics. The requested C-1 (Limited Commercial) zoning district is consistent with this land use designation.

2. "The uses which would be allowed on the subject property by approving the rezoning will be compatible with the surrounding land uses and zoning districts."

The proposed C-1 (Limited Commercial) zoning district allows for a range of retail shopping and personal services uses. The retail uses proposed for the site are allowed within this district, and the proposed Auto Repair Garage, Minor use is allowed with the approval of a Special Use Permit, which is a companion application to this request. The design of the proposed development, however, cannot be supported, as it is located too close to two of the four property boundaries on the site, contains insufficient parking and does not meet a number of commercial development standards; in short, the proposal represents overbuilding of the site as currently designed.

ZON-3031 - Staff Report Page Four
December 3, 2003 City Council Meeting

3. "Growth and development factors in the community indicate the need for or appropriateness of the rezoning."

The proposed project, if redesigned to meet current commercial design standards, would be appropriate for this location on Smoke Ranch Road, and would provide an opportunity to place service commercial uses in proximity to residential areas that could take advantage of these services.

4. "Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed zoning district."

The site will be accessed by from Nemeth Road, a local street, approximately 100 feet south of Smoke Ranch Road, which is designated as a Primary (100-foot) Arterial on the Master Plan of Streets and Highways. No direct access to the site from Smoke Ranch Road is proposed. Once Nemeth Road is improved as required pursuant to Public Works conditions of approval, the proposed development of the site will be sufficiently served by the adjacent roadway facilities.

NOTICES MAILED 207 by Planning Department

APPROVALS 0

PROTESTS 0



PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **ZON-3031** APN: 138-23-110-014 & 015

Name of Property Owner: Thomas & Judith Miller

Name of Applicant: Thomas & Judith Miller

To the best of your knowledge, does the Mayor or any member of the City Council or Planning Commission have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company?

 Yes xxxx No

If yes, please indicate the member of the City Council or Planning Commission who is involved and list the name(s) of the person or persons with whom the City Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official: _____

Partner(s): _____

APN: _____

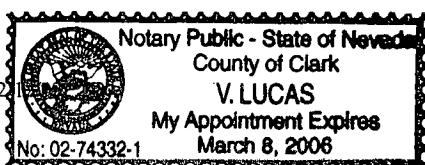
Signature of Property Owner/Authorized Agent: *Thomas J Miller*

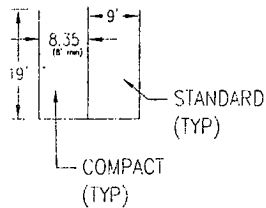
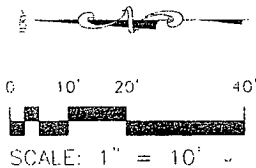
Print Name: Thomas J Miller

Subscribed and sworn before me

This 3rd day of SEPTEMBER 2003

Blues
Notary Public in and for said County and State

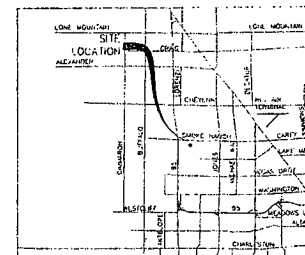




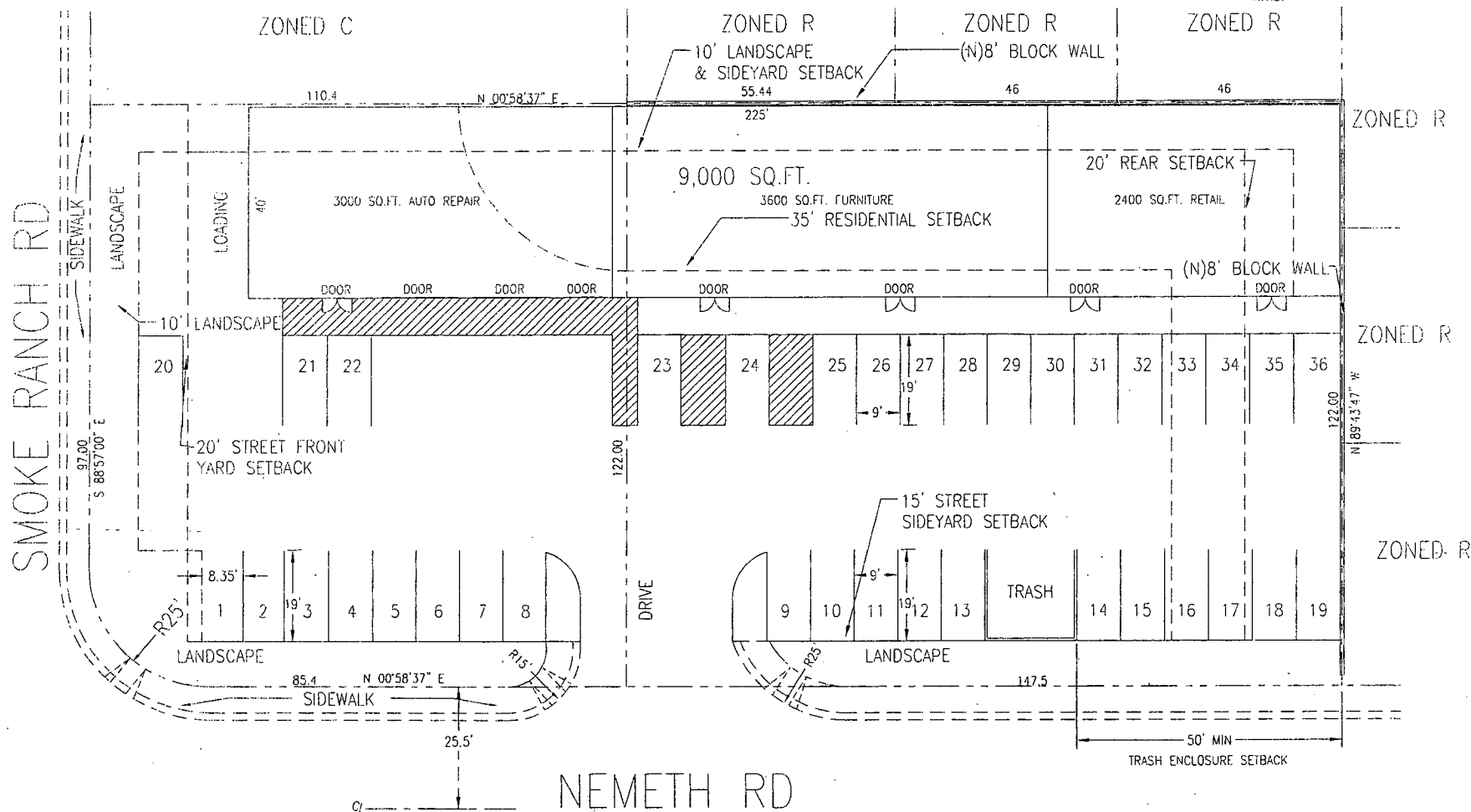
PARKING	
AUTO REPAIR 3000 SQ.FT.	22.1
GENERAL RETAIL 2400 SQ.FT.	9.2
FURNITURE RETAIL 3600 SQ.FT.	7.4
TOTAL REQUIRED	39.0
TOTAL PROVIDED	40.0

BASIS OF BEARING
 NORTH 00° 58' 38" EAST - BEING THE CENTERLINE OF
 NEMETH ROAD IN BOOK 72 OF PLATS, PAGE
 95 OF OFFICIAL RECORDS OF CLARK COUNTY, NEVADA.

BENCHMARK
 B.M. 11V00/23MWW6
 NINET AND PLATE IN CONC. MON SE RETURN
 RAINBOW BLVD. AND BALZAR AVENUE
 ELEV.: 2336.053 FEET, 712.7841 METERS
 NORTH AMERICAN VERTICAL DATUM OF 1988



VISIBILITY MAP
 N.T.S.



ARMSTRONG
 ENGINEERING & DEVELOPMENT, LTD.
 5668 MINERAL CITY CT
 LAS VEGAS, NEVADA 89110
 PH. (702) 453-9373
 FAX (702) 453-2161

SMOKE RANCH RETAIL CENTER
 APN: 138-23-110-014 & 015

TOM & JUDY MILLER
 3550 DANCING WINDS PLACE
 LAS VEGAS, NV 89141-8875

DATE: 09-17-2003
 DRAWN: EAG
 SCALE: 1" = 10'-0"
 JOB No.: 130-03-0330

SHEET
 C-1

**ZON-3031
 VAR-3040
 SUP-3038
 SDR-3035
 11-06-03 PC**



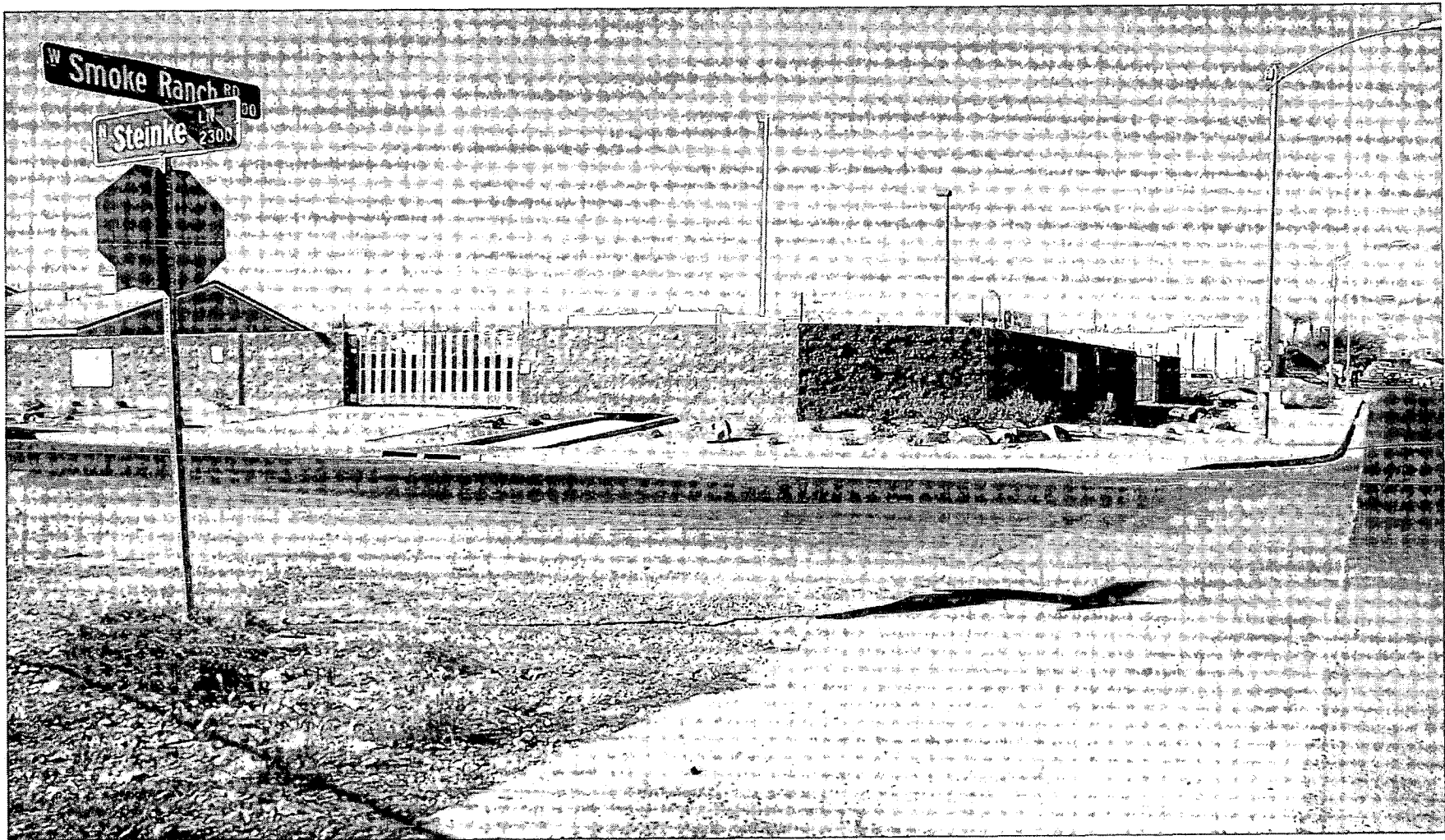
ZON-3031 - THOMAS & JUDITH MILLER
SOUTHEAST CORNER OF SMOKE RANCH ROAD AND NEMETH ROAD
NOVEMBER 6, 2003 PLANNING COMMISSION

10/17/03



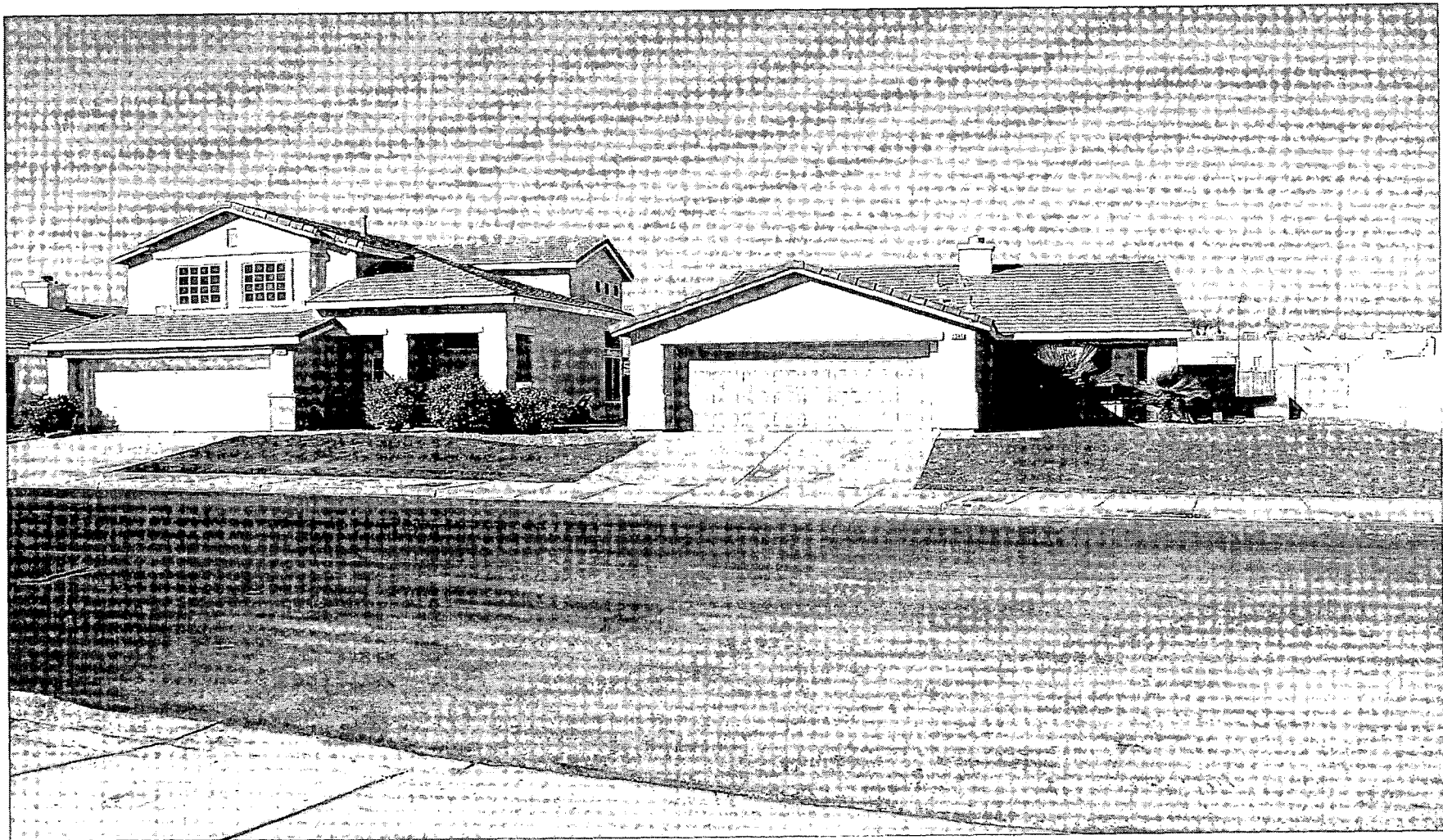
ZON-3031 - THOMAS & JUDITH MILLER
SOUTHEAST CORNER OF SMOKE RANCH ROAD AND NEMETH ROAD
NOVEMBER 6, 2003 PLANNING COMMISSION

10/17/03



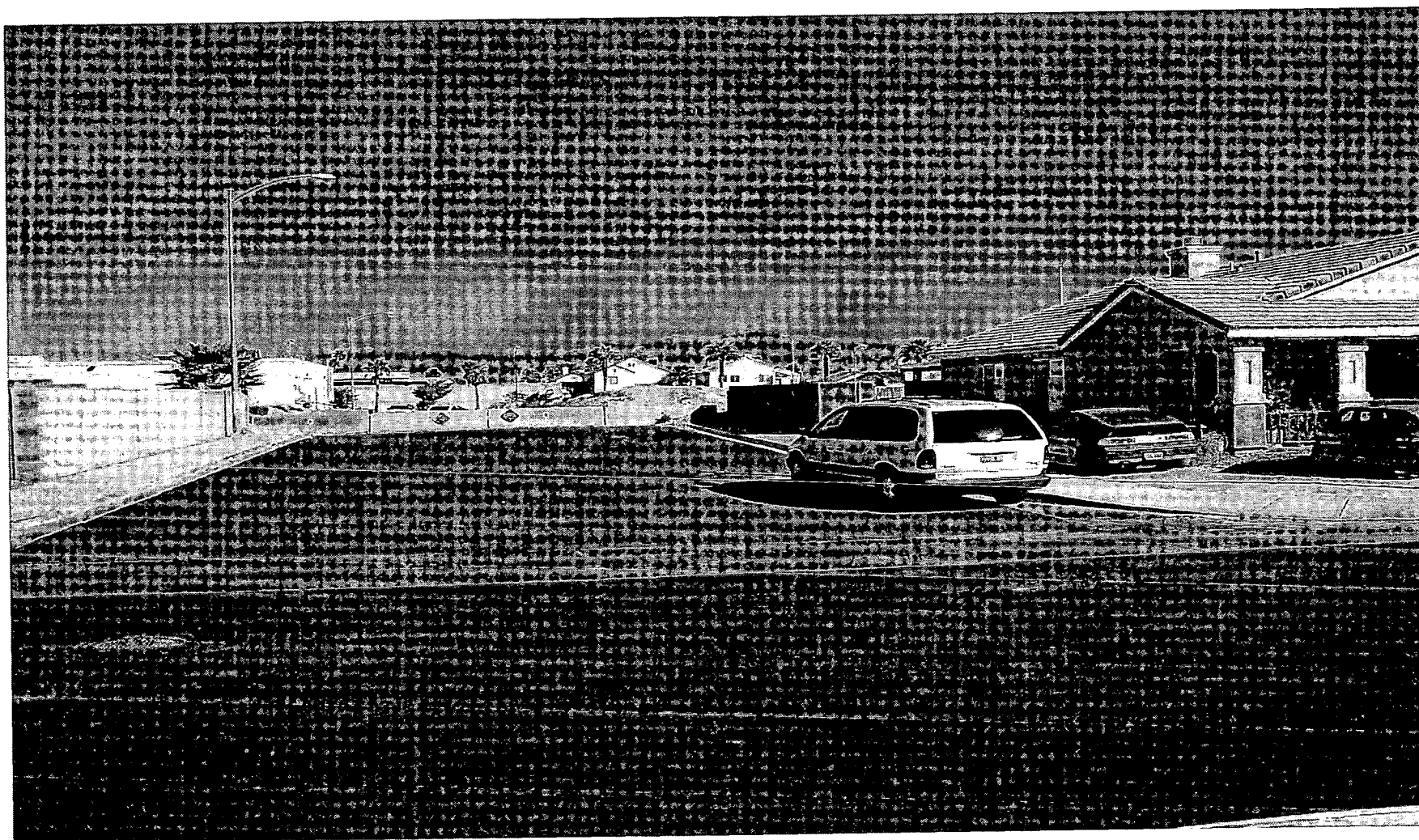
ZON-3031 - THOMAS & JUDITH MILLER
SOUTHEAST CORNER OF SMOKE RANCH ROAD AND NEMETH ROAD
NOVEMBER 6, 2003 PLANNING COMMISSION

10/17/03



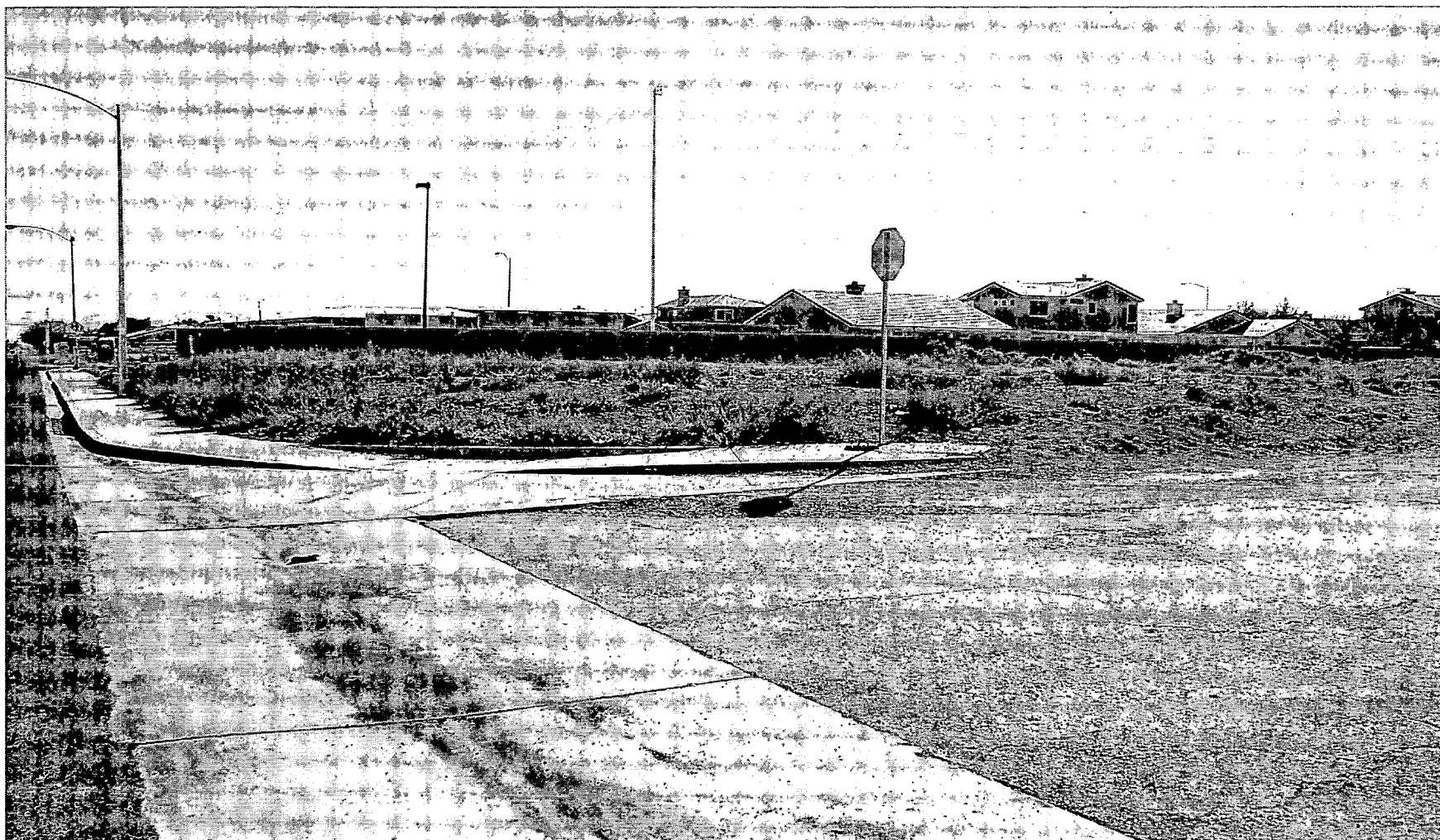
ZON-3031 - THOMAS & JUDITH MILLER
SOUTHEAST CORNER OF SMOKE RANCH ROAD AND NEMETH ROAD
NOVEMBER 6, 2003 PLANNING COMMISSION

10/17/03



ZON-3031 - THOMAS & JUDITH MILLER
SOUTHEAST CORNER OF SMOKE RANCH ROAD AND NEMETH ROAD
NOVEMBER 6, 2003 PLANNING COMMISSION

10/17/03



ZON-3031 - THOMAS & JUDITH MILLER
SOUTHEAST CORNER OF SMOKE RANCH ROAD AND NEMETH ROAD
NOVEMBER 6, 2003 PLANNING COMMISSION

10/17/03

Thomas & Judith Miller

Phone: 702-860-3768

Fax: 702-735-1133

**Gary Leobold, AICP
Senior Planner
Current Planning**

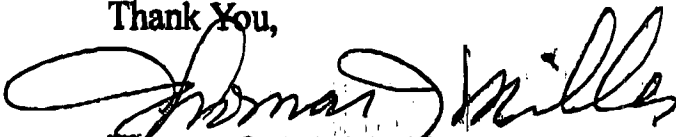
NOV. 12, 2003

RE: Smoke Ranch & Nemeth Project

Item numbers: ZON-3031, VAR-3040, SUP-3038, & SDR-3035

We are requesting that these Items be held in in Abeyance until the December 17, 2003 City Council Meeting due to prior commitments that prevent us from attending the December 3, 2003 meeting.

Thank You,


Thomas & Judith Miller

2003 NOV 13 A 10:50

RECEIVED
CITY CLERK

City Council,

December 2, 2003

Subject: SUP-3038 and VAR-3040

This letter is in reference to these two requests that involve the corner of Smoke Ranch and Nemeth. I know that these have gone before the Planning Commission and they denied the request. Their argument being, first the area is too small for a minor auto repair garage and that with the busy intersection of Smoke Ranch and Rainbow this would only add to the congestion. I agree with both of these concerns and also am concerned about how the repaired and waiting to be repaired cars will be stored. I have seen many auto repair garages develop a small car junkyard on the property. There is also not only busy vehicle traffic but a lot of foot traffic in this area. With senior, junior and elementary schools close by, the foot traffic is probably 50% kids in these age groups. I feel that this presents a safety concern.

On top of those concerns, I feel that if this is to be developed as a commercial property it should be consistent with the strip mall that is around the corner on Rainbow. These businesses need to be developed with some thought as to how they look and how they will effect the neighborhood and the value of the homes in the area. We are a small family community and an older development. We would like to keep the area attractive and desirable to move into.

I am sure there are better locations for an auto repair garage. I strongly oppose these requests and hope that you will vote to deny them.

Concerned Resident
Cynthia Lane
6605 Sweetzer Way
647-3504

Protest

2003 DEC - 3 A 8:08

RECEIVED
CITY CLERK

Submitted after final agenda

Date 12/2/03 Item # 119-122

City of Las Vegas

Agenda Item No. 120

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT**CITY COUNCIL MEETING OF: DECEMBER 3, 2003****DEPARTMENT: PLANNING & DEVELOPMENT****DIRECTOR: ROBERT S. GENZER**☐**CONSENT**☒**DISCUSSION****SUBJECT:**

VARIANCE RELATED TO ZON-3031 - PUBLIC HEARING - VAR-3040 - THOMAS & JUDITH MILLER - Request for a Variance TO ALLOW 36 PARKING SPACES WHERE 51 SPACES ARE REQUIRED and a Variance TO ALLOW ZERO-FOOT SIDE AND REAR SETBACKS WHERE RESIDENTIAL ADJACENCY STANDARDS REQUIRE A 48-FOOT SETBACK FROM RESIDENTIAL PROPERTIES FOR A PROPOSED 6,000 SQUARE-FOOT RETAIL CENTER AND A PROPOSED 3,000 SQUARE-FOOT AUTO REPAIR GARAGE, MINOR adjacent to the southeast corner of Smoke Ranch Road and Nemeth Road (APN: 138-23-110-014 and 015), U(Undeveloped) Zone [SC (Service Commercial) General Plan Designation] [PROPOSED: C-1 (Limited Commercial) Zone], Ward 6 (Mack). The Planning Commission (6-0 vote) and staff recommend DENIAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

RECOMMENDATION:

The Planning Commission (6-0 vote) and staff recommend DENIAL.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Letter requesting abeyance filed by Thomas & Judith Miller
5. Submitted after final agenda – Protest letter from Cynthia Lane for Items 119 [ZON-3031], 120 [VAR-3040], 121 [SUP-3038] and 122 [SDR-3035] filed under Item 119 [ZON-3031]

MOTION:

REESE – Motion to HOLD IN ABEYANCE Item 117 [ZON-3080], Item 118 [SDR-3082], Item 127 [GPA-3066], Item 128 [ZON-3071], Item 129 [SUP-3073] and Item 130 [SDR-3079] to 12/17/2003 and Item 112 [SUP-2904], Item 113 [SUP 3114], Item 119 [ZON-3031], Item 120 [VAR-3040], Item 121 [SUP-3038] and Item 122 [SDR-3035] to 1/7/2004 - UNANIMOUS with MACK excused

NOTE: The initial motion to abey Items 119 through 122 to 12/17/2003 was modified to 1/7/2004 pursuant to the request of the applicant upon motions by Reese to reconsider and modify, both of which carried unanimously with Mack excused.



Agenda Item No. 120

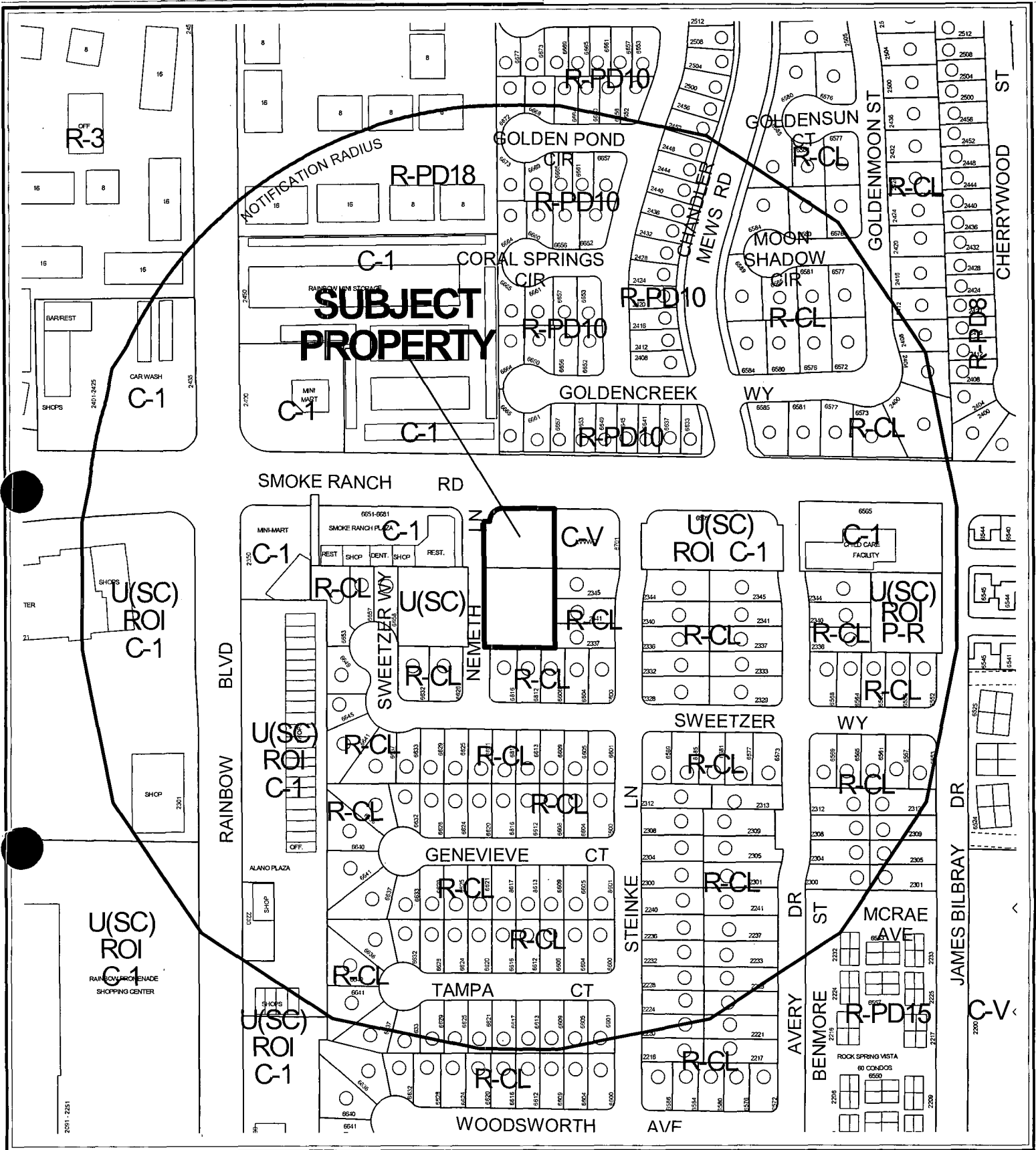
CITY COUNCIL MEETING OF DECEMBER 3, 2003
Planning and Development Department
Item 120 – VAR-3040

MINUTES - Continued:

There was no discussion.

(1:21-1:27)

4-1



CASE: **VAR-3040**

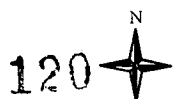
RADIUS: 750 FT

ZONING OF SUBJECT PROPERTY:

U (UNDEVELOPED) [SC (SERVICE COMMERCIAL) GENERAL PLAN DESIGNATION]

PROPOSED ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL)

0 200 400 Feet



*City of Las Vegas***AGENDA MEMO**

CITY COUNCIL MEETING DATE: DECEMBER 3, 2003
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: VAR-3040 - THOMAS & JUDITH MILLER

**** CONDITIONS ****

The Planning Commission (6-0 vote) and staff recommend DENIAL. If Approved, subject to:

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Rezoning (ZON-3031), Special Use Permit (SDR-3038) and Site Development Plan Review [SDR-3035].
2. This Variance shall expire two years from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.

VAR-3040 - Staff Report Page One
December 3, 2003 City Council Meeting

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

This is a request for a Variance to allow 36 parking spaces where 51 spaces are required and to reduce Residential Adjacency Standards to zero feet where 48 feet are required on the south and east sides of the property on approximately 0.93 acres located at the southeast corner of Smoke Ranch Road and Nemeth Road. Companion applications for a Rezoning (ZON-3031) from U (Undeveloped) Zone [SC (Service Commercial) General Plan Designation] to C-1 (Limited Commercial) on the subject site, a Site Development Plan Review (SDR-3035) and related Waivers to allow a 6,000 square-foot retail building and a 3,000 square-foot Auto Repair Garage, Minor, and a Special Use Permit (SUP-3038) to allow the Auto Repair Garage, Minor use will be considered concurrently.

B) Applicant's Justification

The applicant has justified this request by stating that the Variance will allow the proposed site plan that has received the support of adjacent property owners to proceed.

BACKGROUND INFORMATION

A) Previous Actions

- 05/03/95 The City Council approved a Rezoning (Z-0018-95) from N-U (Non-Urban) Zone to C-1 (Limited Commercial) on the subject site, subject to a 12-month review from the date of approval. The Planning Commission recommended approval on 04/13/95.
- 07/01/96 The City Council approved a request for a Reinstatement and Extension of Time (Z-0018-95(1)) on an approved Rezoning from N-U (Non-Urban) Zone to C-1 (Limited Commercial) and for an 18,000 square-foot office building on the subject site. The Planning Commission recommended approval on 06/13/96. This Reinstatement and Extension of Time was to expire on 05/03/97.
- 07/14/97 The City Council approved a request for a second Reinstatement and Extension of Time (Z-0018-95(2)) on an approved Rezoning from N-U (Non-Urban) Zone to C-1 (Limited Commercial) and for an 18,000 square-foot office building on the subject site. The Planning Commission recommended approval on 06/12/97.
- 11/06/03 The Planning Commission recommended approval of a Rezoning (ZON-3031) from U (Undeveloped) Zone [SC (Service Commercial) General Plan Designation] to C-1 (Limited Commercial); recommended denial of a Site

VAR-3040 - Staff Report Page Two
December 3, 2003 City Council Meeting

Development Plan Review (SDR-3035) and related Waivers to allow a 6,000 square-foot retail building and a 3,000 square-foot Auto Repair Garage, Minor; and recommended denial of a Special Use Permit (SUP-3038) to allow the Auto Repair Garage, Minor use on the site.

11/06/03 The Planning Commission voted 6-0 to recommend DENIAL (PC Agenda Item #31).

B) Pre-Application Meeting

07/16/03 The discussion at the initial pre-application meeting centered on the deficiencies of the site plan with respect to residential adjacency, parking, landscaping and access to the site. A second meeting was held on 09/15/03. While some revisions were made to the site plan that resolved some of the issues raised, the major deficiencies of the project remain unaddressed.

C) Neighborhood Meetings

A neighborhood meeting is not required for a Variance application, nor was one held.

DETAILS OF APPLICATION REQUEST

A) Site Area

Gross Acres: 0.93

B) Existing Land Use

Subject Property: Undeveloped
North: Commercial and Single Family Dwellings
South: Single Family Dwellings
East: Single Family Dwellings
West: Undeveloped

C) Planned Land Use

Subject Property: SC (Service Commercial)
North: SC (Service Commercial) and ML (Medium-Low Density Residential)
South: ML (Medium-Low Density Residential)
East: ML (Medium-Low Density Residential) and PF (Public Facilities)
West: SC (Service Commercial)

D) Existing Zoning

Subject Property: U (Undeveloped) Zone [SC (Service Commercial) General Plan Designation]
North: C-1 (Limited Commercial) and R-PD10 (Residential Planned Development - 10 Units per Acre)
South: R-CL (Residential - Compact Lot)

VAR-3040 - Staff Report Page Three
December 3, 2003 City Council Meeting

East: C-V (Civic) and R-CL (Residential - Compact Lot)
West: U (Undeveloped) Zone [SC (Service Commercial) General Plan Designation] and C-1 (Limited Commercial)

E) General Plan Compliance

The site is currently designated as SC (Service Commercial) on the Southwest Sector Map of the General Plan. The Service Commercial category allows low to medium intensity retail, office, or other commercial uses that serve primarily the local area patrons and do not include more intense general commercial characteristics. The requested C-1 (Limited Commercial) zoning district conforms to the SC land use designation. The requested Auto Repair Garage, Minor is allowed in the C-1 zoning district with the issuance of a Special Use Permit. The requested Variance is not directly affected by General Plan policies.

<i>SPECIAL DISTRICTS/ZONES</i>	Yes	No
Special Area Plan		X
Special Overlay District		X
Trails		X
Study Area		X
Rural Preservation Neighborhood		X
County/North Las Vegas/HOA Notification		X
Development Impact Notification Assessment		X
Project of Regional Significance		X

There are no special area plans, overlay districts or study areas that affect the subject site.

ANALYSIS

A) Zoning Code Compliance

A1) Residential Adjacency Standards

Pursuant to Title 19.08, the following Residential Adjacency Standards apply to the subject proposal:

- a) Proximity slope. The subject site is directly adjacent to existing single-family development to the east and south. The proposed one-story, 16-foot commercial building is to be located directly adjacent to these residential properties to the south and east. Residential Adjacency Standards of the Code requires that a 3:1 slope be provided from the top of the building to the base of the wall abutting the residential sites; this would require a 48-foot distance, where zero feet is being proposed. The subject deviation is 100%.

VAR-3040 - Staff Report Page Four
December 3, 2003 City Council Meeting

- b) Building setback. The required setback for this proposed building must match the required setback for the adjacent zoning district, which in this case is the R-CL (Residential - Compact Lot) District. As this site is adjacent to the rear yards of these R-CL lots, the minimum rear yard setback is 10 feet; therefore, the required building setback is 10 feet on the subject site. As a zero-foot setback is proposed, relief from this standard is included in the applicant's Residential Adjacency Standards Variance request. Again, the subject deviation is 100%.

A2) Parking and Traffic Standards

Pursuant to Title 19.10, the following Parking Standards apply to the subject proposal:

Uses	GFA	Ratio	Required Parking		Provided Parking	
			Regular	Handicap	Regular	Handicap
Auto Repair Garage, Minor	3,000 s.f.	5 spaces + 1 space/200 s.f. GFA	20 spaces	2 spaces		
Furniture Store	3,600 s.f.	1 space/500 s.f. of floor display area	8 spaces			
Retail Store	2,400 s.f.	1 space/175 s.f. GFA	14 spaces			
Totals	9,000 s.f.		42 spaces (51 spaces if furniture store is calculated as retail space)		36 spaces	2 spaces

The project as designed does not meet minimum Code standards for parking; if calculated as retail space and the Auto Repair Garage, Minor use, 51 spaces are required. If 3,600 square feet of the retail space is reserved only for a Furniture Store, a total of only 42 spaces is necessary; however, that space could not then be converted later for other retail uses. In either case, the 36 spaces provided are insufficient to meet Code requirements. The subject deviation using the 51-space requirement is 29%.

B) General Analysis and Discussion

Title 19.08 establishes Residential Adjacency Standards for development adjacent to single-family and owner-occupied residential areas. The 3:1 Proximity Slope is intended to minimize impact of non-residential or multi-family residential development on adjacent

VAR-3040 - Staff Report Page Five
December 3, 2003 City Council Meeting

sensitive uses. A deviation of 100% of this standard (i.e. building located on the lot line) is not desirable in terms of impact mitigation. It should also be noted that there will be special Uniform Building Code requirements that will come into play for a building so located.

Title 19.10 establishes minimum parking standards for uses allowed under the Code. When on-site parking needs are not met, patrons and employees will utilize other parking options in the area, including on-street parking and other nearby commercial off-street parking areas. This places a burden on the operators of these other businesses and the owners of these other properties.

FINDINGS

In accordance with the provisions of Title 19.18.070(B), Planning Commission and City Council, in considering the merits of a Variance request, shall not grant a Variance in order to:

1. Permit a use in a zoning district in which the use is not allowed;
2. Vary any minimum spacing requirement between uses;
3. Relieve a hardship which is solely personal, self-created or financial in nature."

Additionally, Title 19.18.070L states:

"Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property, a variance from that strict application may be granted so as to relieve the difficulties or hardship, if the relief may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources and without substantially impairing the intent and purpose of any ordinance or resolution."

No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship by proposing to overbuild the site to the extent that a Variance is needed for both on-site parking requirements and for Residential Adjacency Standards, as well as a series of Waivers to commercial design guidelines and landscaping and buffering requirement of the Code.

An alternative design using a smaller building would allow conformance to the Title 19 requirements. In view of the absence of any hardships imposed by the site's physical characteristics, it is concluded that the applicant's hardship is preferential in nature, and it is thereby outside the realm of NRS Chapter 278 for granting of Variances. Denial of this application is recommended.

VAR-3040 - Staff Report Page Six
December 3, 2003 City Council Meeting

NOTICES MAILED 208 by City Clerk

APPROVALS 0

PROTESTS 0



PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: VAR-3040 APN: 138-23-110-014 & 015

Name of Property Owner: Thomas & Judith Miller

Name of Applicant: Thomas & Judith Miller

To the best of your knowledge, does the Mayor or any member of the City Council or Planning Commission have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company?

 Yes xxxx No

If yes, please indicate the member of the City Council or Planning Commission who is involved and list the name(s) of the person or persons with whom the City Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official: _____

Partner(s): _____

APN: _____

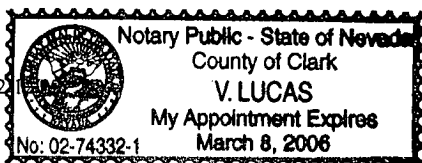
Signature of Property Owner/Authorized Agent: Shenan Miller

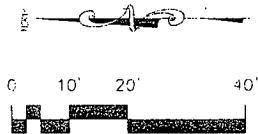
Print Name: Thomas J Miller

Subscribed and sworn before me

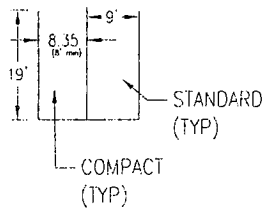
This 3rd day of SEPTEMBER 2003

Notary Public in and for said County and State





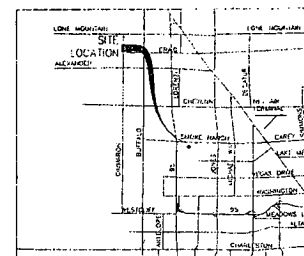
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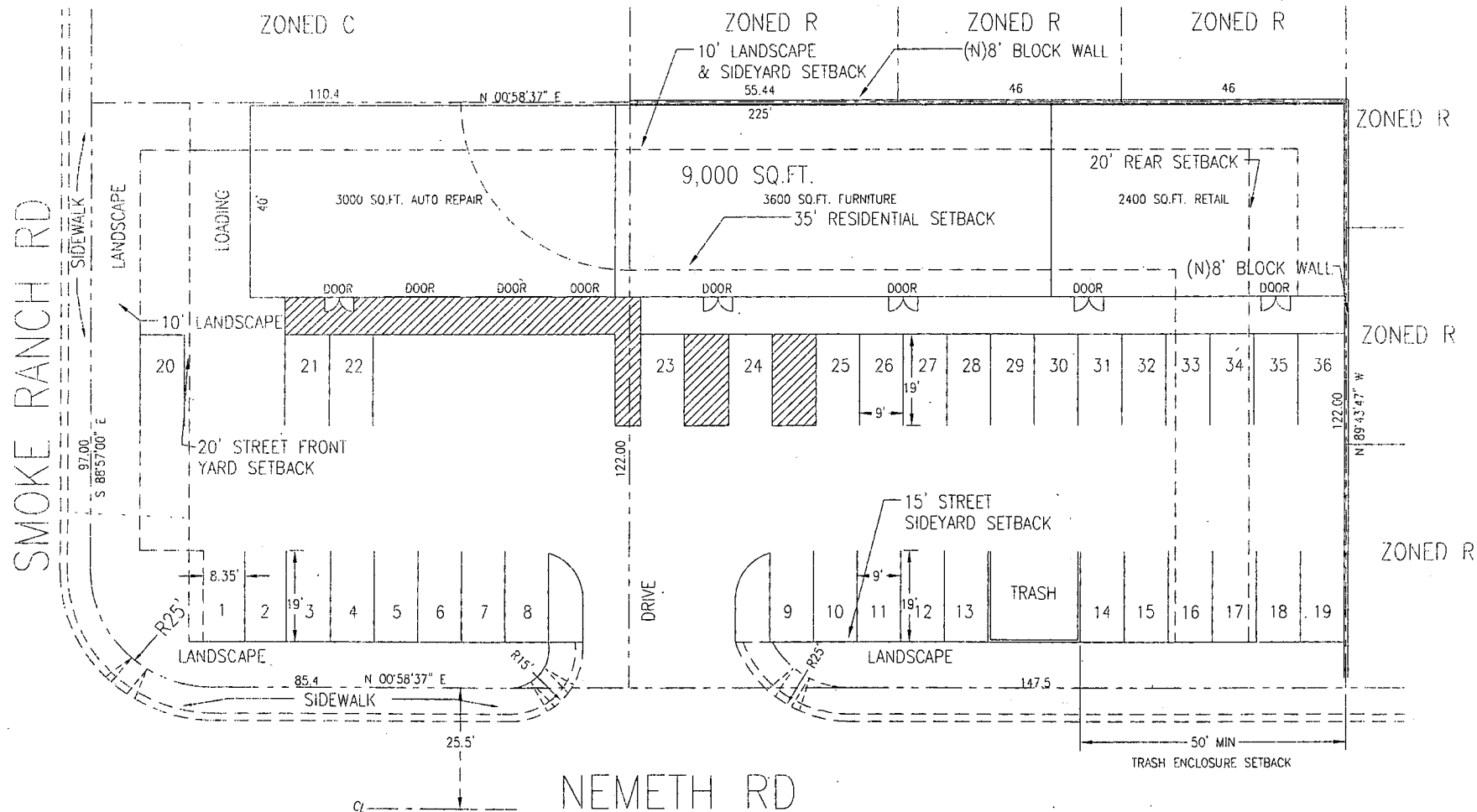
PARKING	
AUTO REPAIR 3000 SQ.FT.	22.1
GENERAL RETAIL 2400 SQ.FT.	9.2
FURNITURE RETAIL 3600 SQ.FT.	7.4
TOTAL REQUIRED	38.0
TOTAL PROVIDED	40.0

BASIS OF BEARING
 NORTH 00° 58' 38" EAST - BEING THE CENTERLINE OF
 NEMETH ROAD IN BOOK 72 OF PLATS, PAGE
 95 OF OFFICIAL RECORDS OF CLARK COUNTY, NEVADA.

BENCHMARK
 8.M. 11W00/23NWM5
 RIVET AND PLATE IN CONC. MON SE RETURN
 RAINBOW BLVD. AND BALZAR AVENUE
 ELEV.: 2336.053 FEET, 712.7841 METERS
 NORTH AMERICAN VERTICAL DATUM OF 1988



VISINITY MAP
 N.T.S.



ARMSTRONG
 ENGINEERING & DEVELOPMENT, LTD.
 5608 MINERAL CITY CT
 LAS VEGAS, NEVADA 89110
 PH. (702) 455-9373
 FAX (702) 453-2161

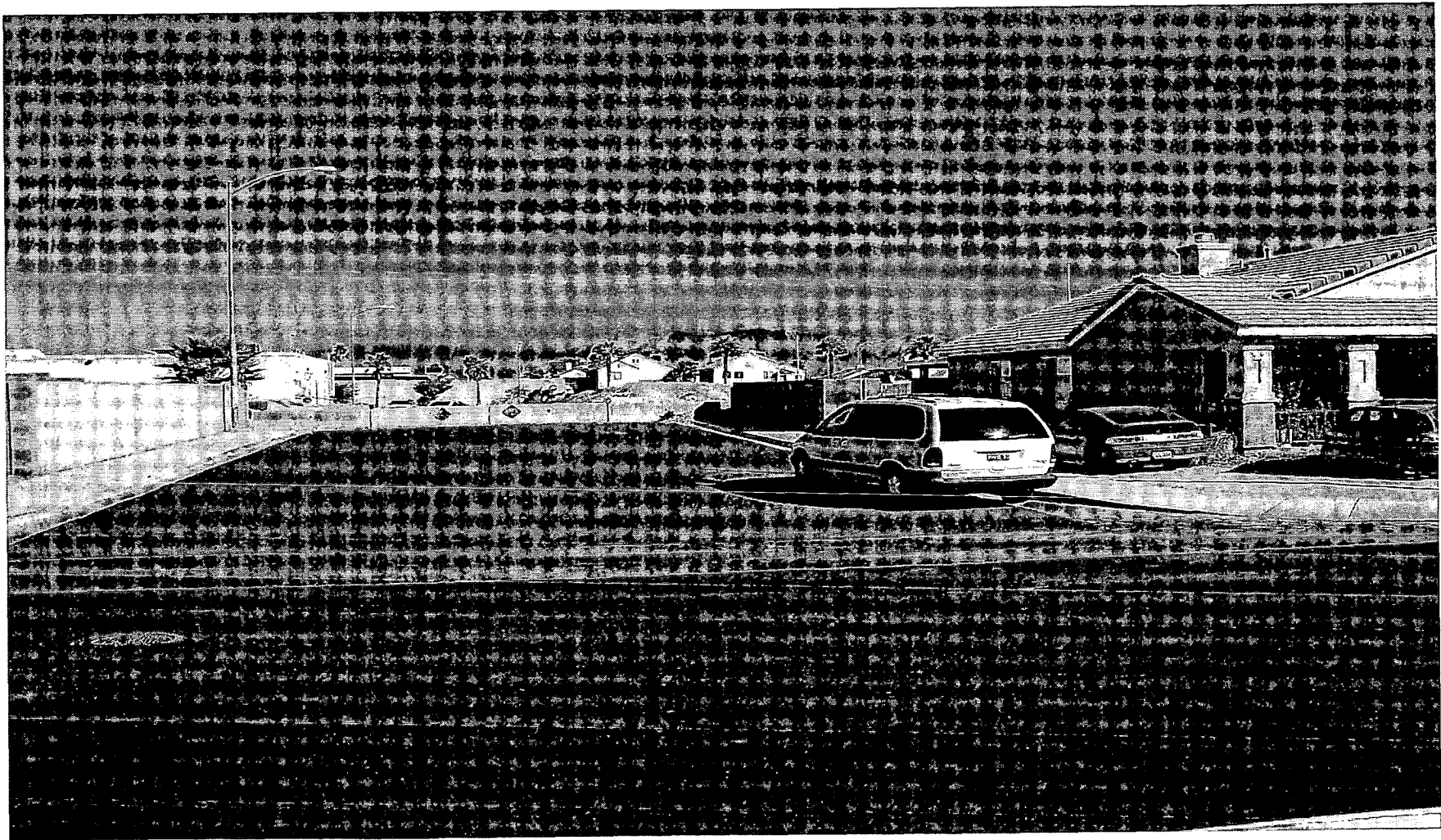
SMOKE RANCH RETAIL CENTER
 APN: 138-23-110-014 & 015

TOM & JUDY MILLER
 3550 DANCING WINDS PLACE
 LAS VEGAS, NV 89141-8875

DATE: 09-17-2003
 DRAWN: EAG
 SCALE: 1" = 10'-0"
 JOB No: 130-03-0330

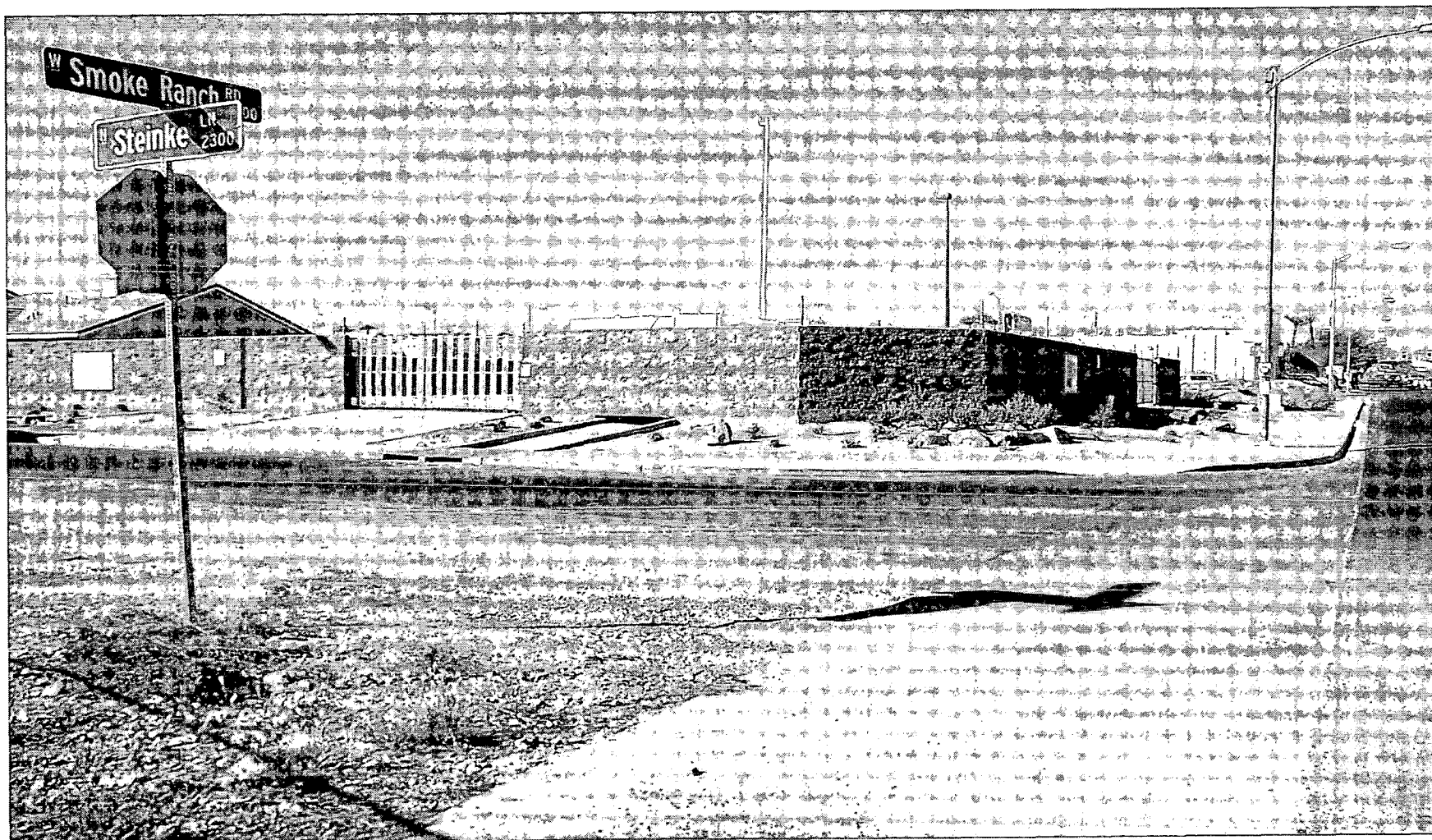
SHEET
 C-1

**ZON-3031
 VAR-3040
 SUP-3038
 SDR-3035
 11-06-03 PC**



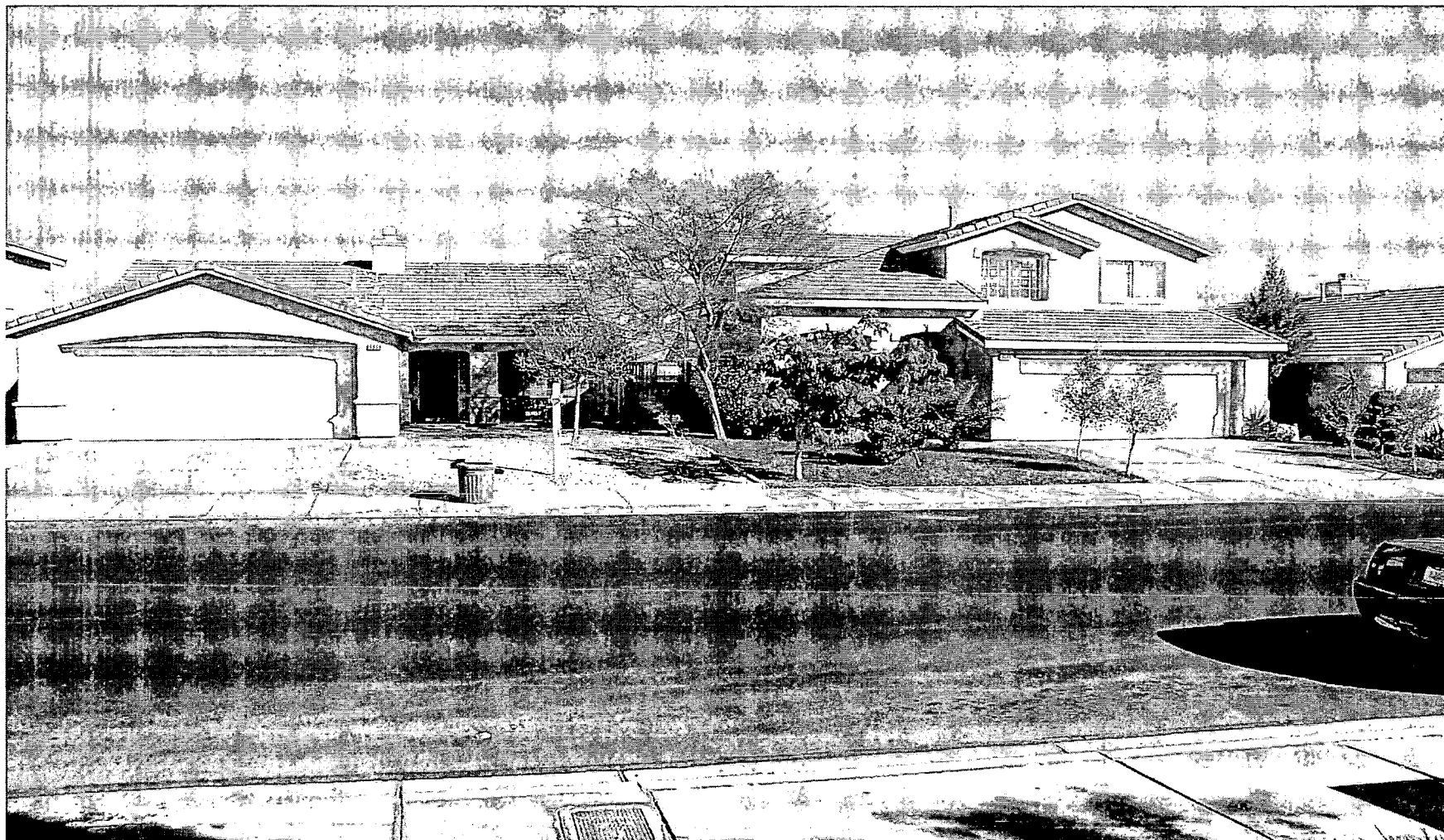
VAR-3040 - THOMAS & JUDITH MILLER
SOUTHEAST CORNER OF SMOKE RANCH ROAD AND NEMETH ROAD
NOVEMBER 6, 2003 PLANNING COMMISSION

10/17/03



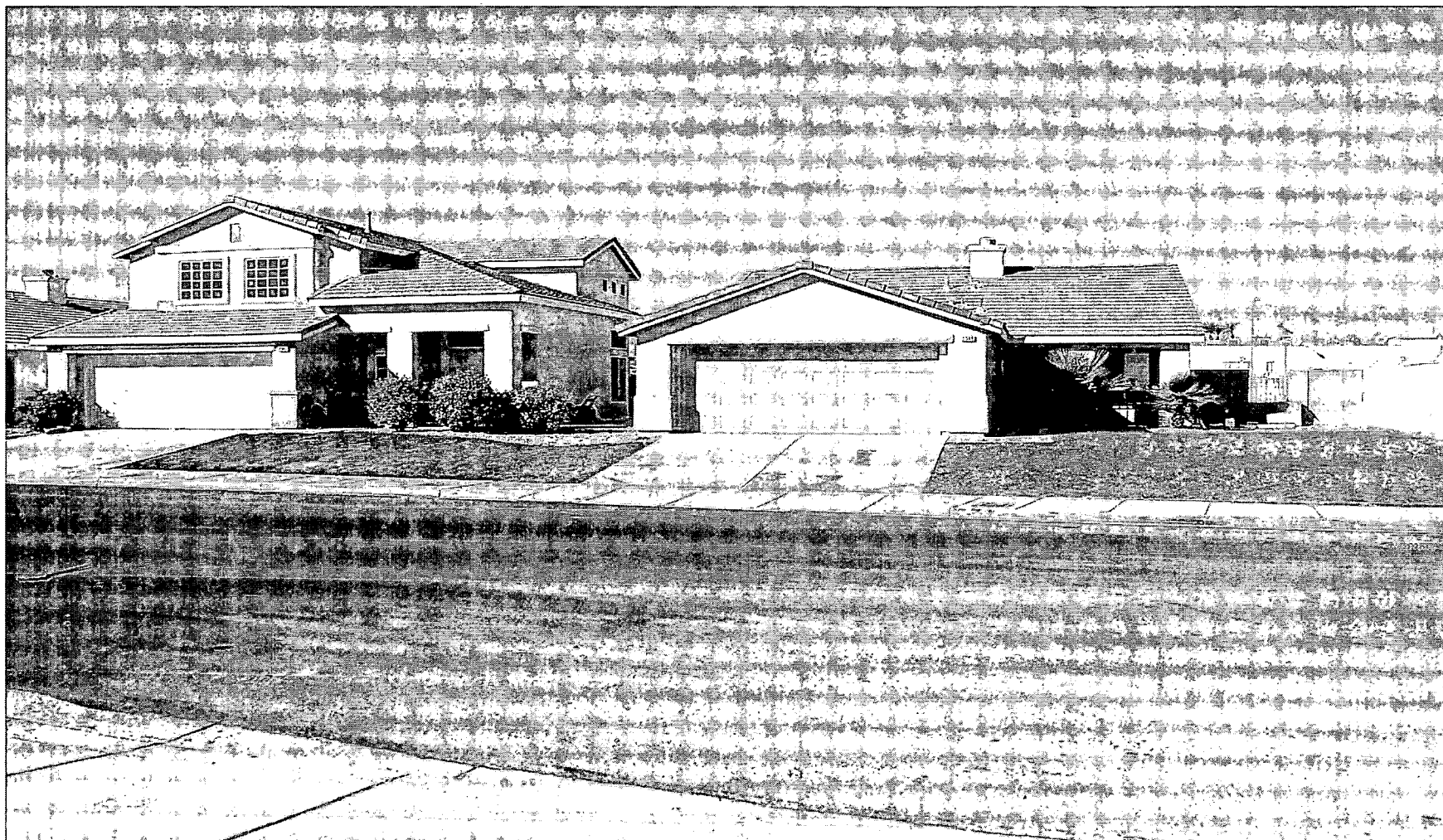
VAR-3040 - THOMAS & JUDITH MILLER
SOUTHEAST CORNER OF SMOKE RANCH ROAD AND NEMETH ROAD
NOVEMBER 6, 2003 PLANNING COMMISSION

10/17/03



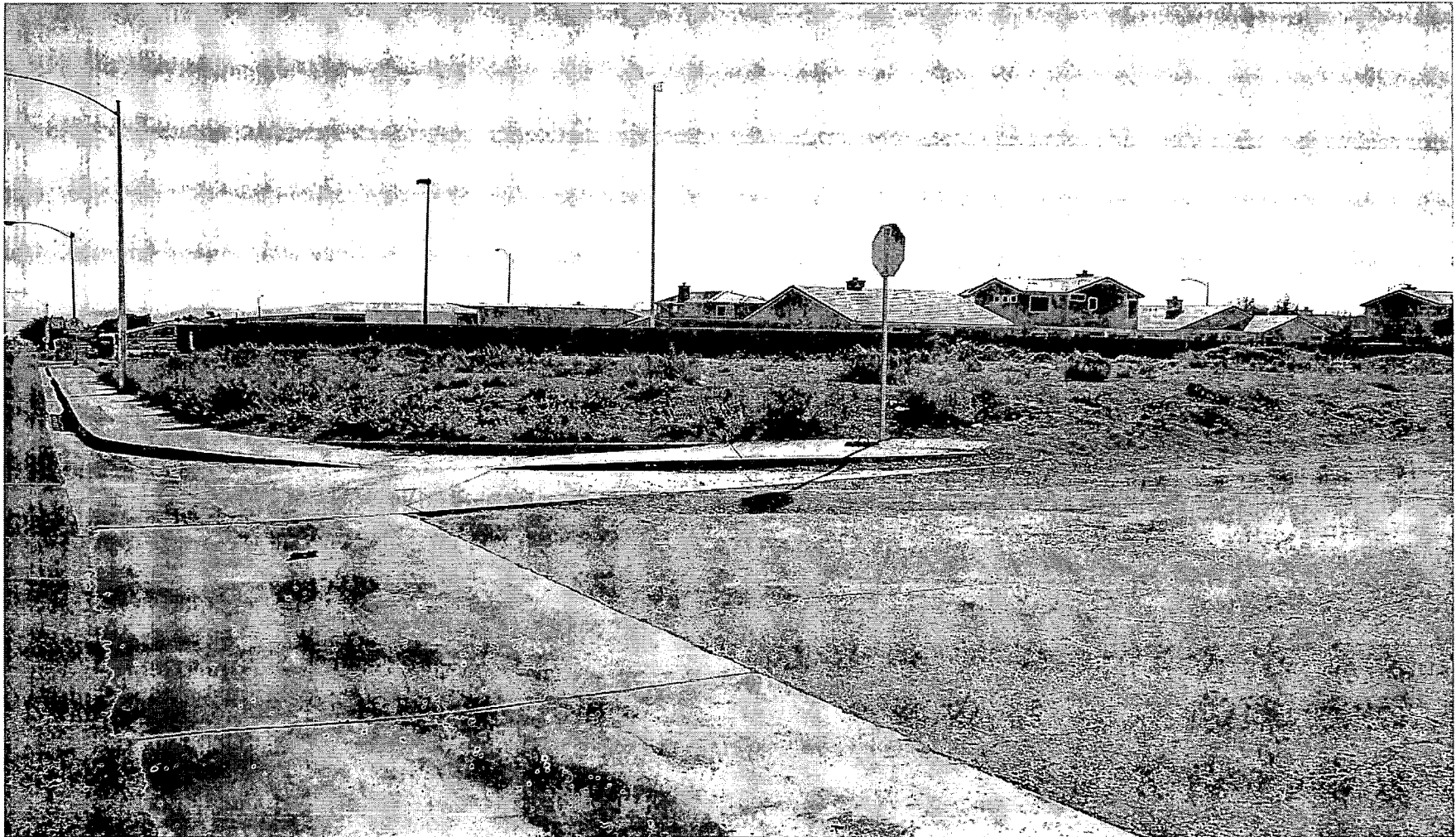
VAR-3040 - THOMAS & JUDITH MILLER
SOUTHEAST CORNER OF SMOKE RANCH ROAD AND NEMETH ROAD
NOVEMBER 6, 2003 PLANNING COMMISSION

10/17/03



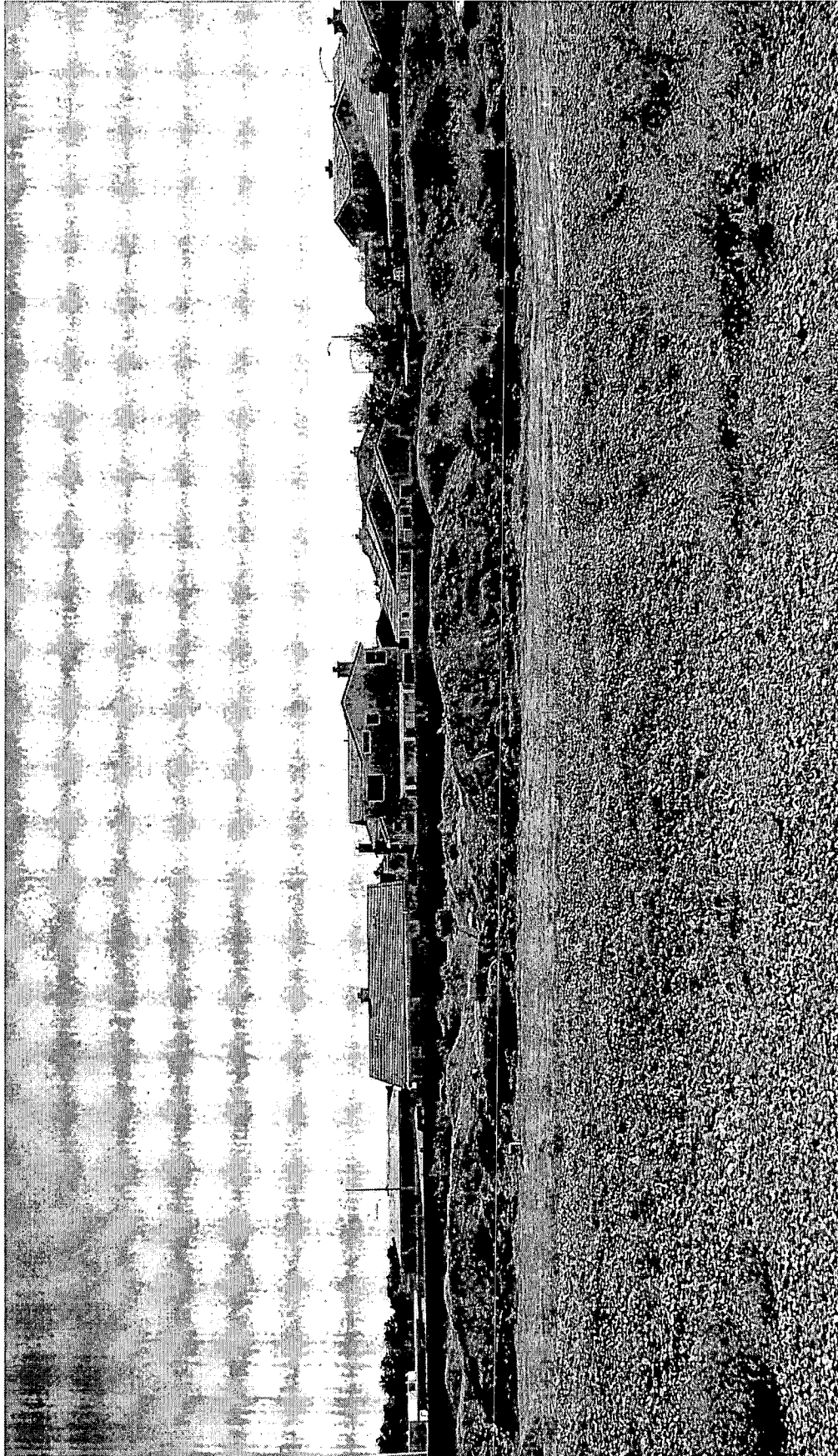
VAR-3040 - THOMAS & JUDITH MILLER
SOUTHEAST CORNER OF SMOKE RANCH ROAD AND NEMETH ROAD
NOVEMBER 6, 2003 PLANNING COMMISSION

10/17/03



VAR-3040- THOMAS & JUDITH MILLER
SOUTHEAST CORNER OF SMOKE RANCH ROAD AND NEMETH ROAD
NOVEMBER 6, 2003 PLANNING COMMISSION

10/17/03



VAR-3040 - THOMAS & JUDITH MILLER
SOUTHEAST CORNER OF SMOKE RANCH ROAD AND NEMETH ROAD
NOVEMBER 6, 2003 PLANNING COMMISSION

10/17/03

Thomas & Judith Miller

Phone: 702-860-3768

Fax: 702-735-1133

**Gary Leobold, AICP
Senior Planner
Current Planning**

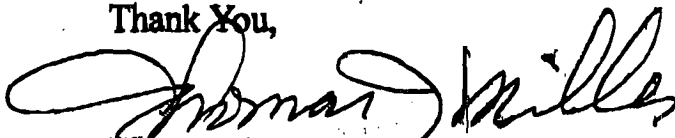
Nov. 12, 2003

RE: Smoke Ranch & Nemeth Project

Item numbers: ZON-3031, VAR-3040, SUP-3038, & SDR-3035

We are requesting that these Items be held in in Abeyance until the December 17, 2003 City Council Meeting due to prior commitments that prevent us from attending the December 3, 2003 meeting.

Thank You,


Thomas & Judith Miller

RECEIVED
CITY CLERK

2003 NOV 13 A 10:50

City of Las Vegas

Agenda Item No. 121

AGENDA SUMMARY PAGE – PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF: DECEMBER 3, 2003

DEPARTMENT: PLANNING & DEVELOPMENT**DIRECTOR: ROBERT S. GENZER**☐**CONSENT**☒**DISCUSSION****SUBJECT:**

SPECIAL USE PERMIT RELATED TO ZON-3031 AND VAR-3040 - PUBLIC HEARING -
SUP-3038 - THOMAS & JUDITH MILLER - Request for a Special Use Permit FOR A
 PROPOSED AUTO REPAIR GARAGE, MINOR on property adjacent to the southeast corner
 of Smoke Ranch Road and Nemeth Road (APN: 138-23-110-014 and 015), U (Undeveloped)
 Zone [SC (Service Commercial) General Plan Designation] [PROPOSED: C-1 (Limited
 Commercial) Zone], Ward 6 (Mack). The Planning Commission (6-0 vote) and staff
 recommend DENIAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

RECOMMENDATION:

The Planning Commission (6-0 vote) and staff recommend DENIAL.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Letter requesting abeyance filed by Thomas & Judith Miller
5. Submitted after final agenda – Protest letter from Cynthia Lane for Items 119 [ZON-3031], 120 [VAR-3040], 121 [SUP-3038] and 122 [SDR-3035] filed under Item 119 [ZON-3031]

MOTION:

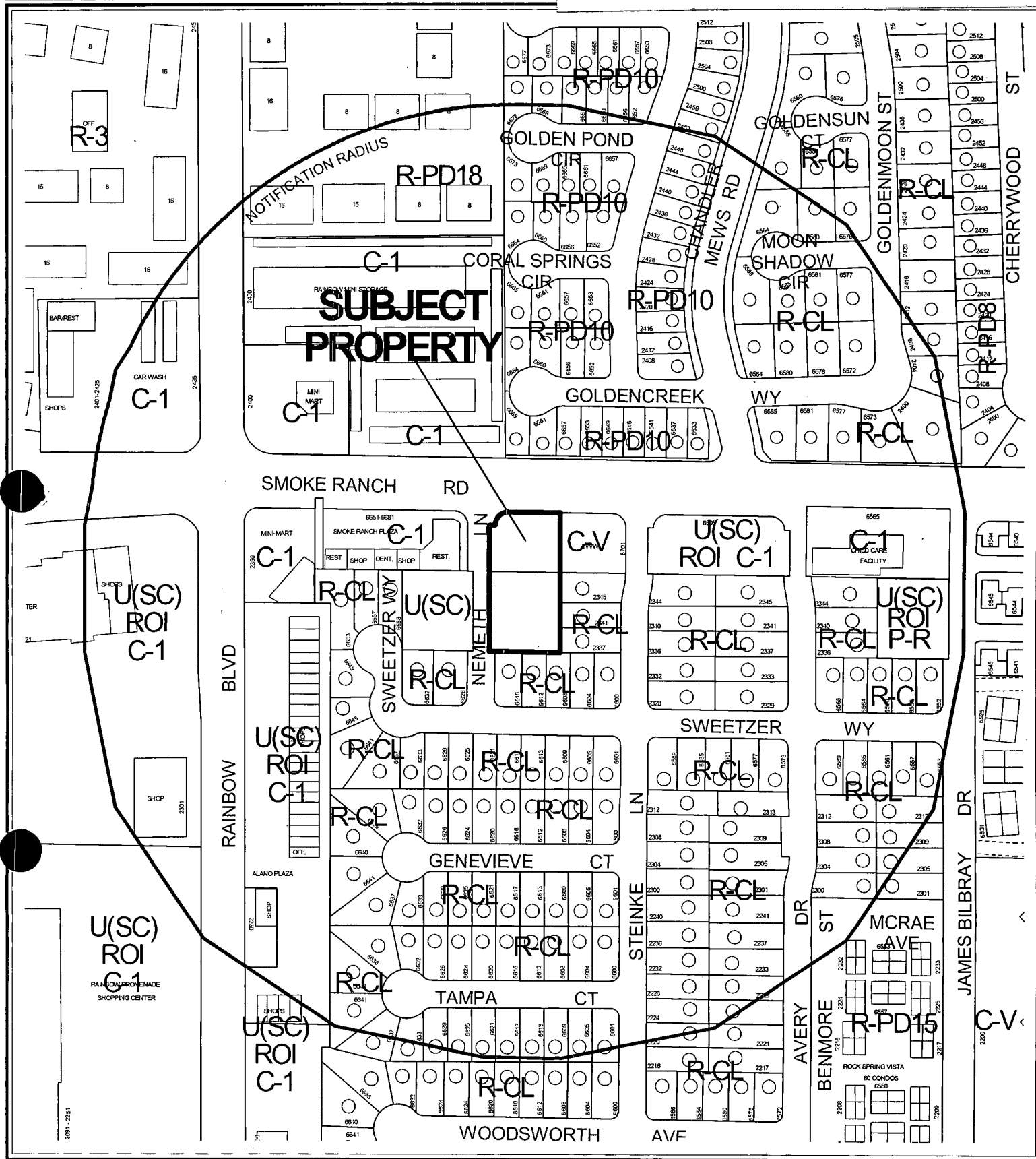
REESE – Motion to HOLD IN ABEYANCE Item 117 [ZON-3080], Item 118 [SDR-3082], Item 127 [GPA-3066], Item 128 [ZON-3071], Item 129 [SUP-3073] and Item 130 [SDR-3079] to 12/17/2003 and Item 112 [SUP-2904], Item 113 [SUP 3114], Item 119 [ZON-3031], Item 120 [VAR-3040], Item 121 [SUP-3038] and Item 122 [SDR-3035] to 1/7/2004 - **UNANIMOUS with MACK excused**

NOTE: The initial motion to abey Items 119 through 122 to 12/17/2003 was modified to 1/7/2004 pursuant to the request of the applicant upon motions by Reese to reconsider and modify, both of which carried unanimously with Mack excused

MINUTES:

There was no discussion.

(1:21-1:27)



CASE: SUP-3038

RADIUS: 750 FT

ZONING OF SUBJECT PROPERTY:

U (UNDEVELOPED) [SC (SERVICE COMMERCIAL) GENERAL PLAN DESIGNATION]

PROPOSED ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL) 121

0 200 400 Feet



City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: DECEMBER 3, 2003

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: SUP-3038 - THOMAS & JUDITH MILLER

**** CONDITIONS ****

The Planning Commission (6-0 vote) and staff recommend DENIAL. If Approved, subject to:

Planning and Development

1. Conformance to all Minimum Requirements under Title 19.04.040 for an Auto Repair Garage, Minor use.
2. Approval of and conformance to the Conditions of Approval for Rezoning (ZON-3031), Variance (VAR-3040) and Site Development Plan Review [SDR-3035].
3. This Special Use Permit shall expire two years from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.
4. All City Code requirements and design standards of all City departments must be satisfied.

SUP-3038 - Staff Report Page One
December 3, 2003 City Council Meeting

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

This is a request for a Special Use Permit to allow an Auto Repair Garage, Minor use on approximately 0.93 acres located at the southeast corner of Smoke Ranch Road and Nemeth Road. Companion applications for a Rezoning (ZON-3031) from U (Undeveloped) Zone [SC (Service Commercial) General Plan Designation] to C-1 (Limited Commercial) on the subject site, a Variance (VAR-3040) for insufficient parking and Residential Adjacency Standards, and a Site Development Plan Review and related Waivers (SDR-3035) to allow a 6,000 square-foot retail building and a 3,000 square-foot Auto Repair Garage, Minor will be considered concurrently.

B) Applicant's Justification

The applicant has justified this request by stating that the proposed use will partially occupy a development that has received the support of adjacent property owners.

BACKGROUND INFORMATION

A) Previous Actions

- 05/03/95 The City Council approved a Rezoning (Z-0018-95) from N-U (Non-Urban) Zone to C-1 (Limited Commercial) on the subject site, subject to a 12-month review from the date of approval. The Planning Commission recommended approval on 04/13/95.
- 07/01/96 The City Council approved a request for a Reinstatement and Extension of Time (Z-0018-95(1)) on an approved Rezoning from N-U (Non-Urban) Zone to C-1 (Limited Commercial) and for an 18,000 square-foot office building on the subject site. The Planning Commission recommended approval on 06/13/96. This Reinstatement and Extension of Time was to expire on 05/03/97.
- 07/14/97 The City Council approved a request for a second Reinstatement and Extension of Time (Z-0018-95(2)) on an approved Rezoning from N-U (Non-Urban) Zone to C-1 (Limited Commercial) and for an 18,000 square-foot office building on the subject site. The Planning Commission recommended approval on 06/12/97.
- 11/06/03 The Planning Commission recommended approval of a Rezoning (ZON-3031) from U (Undeveloped) Zone [SC (Service Commercial) General Plan Designation] to C-1 (Limited Commercial); recommended denial of a Variance (VAR-3040) for insufficient parking and Residential Adjacency Standards; and recommended denial of a Site Development Plan Review and related Waivers (SDR-3035) to allow a 6,000 square-foot retail building and a 3,000 square-foot Auto Repair Garage, Minor use on the site.

SUP-3038 - Staff Report Page Two
December 3, 2003 City Council Meeting

11/06/03 The Planning Commission voted 6-0 to recommend DENIAL (PC Agenda Item #32).

B) Pre-Application Meeting

07/16/03 The discussion at the initial pre-application meeting centered on the deficiencies of the site plan with respect to residential adjacency, parking, landscaping and access to the site. A second meeting was held on 09/15/03. While some revisions were made to the site plan that resolved some of the issues raised, the major deficiencies of the project remain unaddressed.

C) Neighborhood Meetings

A neighborhood meeting is not required for a Special Use Permit application, nor was one held.

DETAILS OF APPLICATION REQUEST

A) Site Area

Gross Acres: 0.93

B) Existing Land Use

Subject Property: Undeveloped
North: Commercial and Single Family Dwellings
South: Single Family Dwellings
East: Single Family Dwellings
West: Undeveloped

C) Planned Land Use

Subject Property: SC (Service Commercial)
North: SC (Service Commercial) and ML (Medium-Low Density Residential)
South: ML (Medium-Low Density Residential)
East: ML (Medium-Low Density Residential) and PF (Public Facilities)
West: SC (Service Commercial)

D) Existing Zoning

Subject Property: U (Undeveloped) Zone [SC (Service Commercial) General Plan Designation]
North: C-1 (Limited Commercial) and R-PD10 (Residential Planned Development - 10 Units per Acre)
South: R-CL (Residential - Compact Lot)
East: C-V (Civic) and R-CL (Residential - Compact Lot)
West: U (Undeveloped) Zone [SC (Service Commercial) General Plan Designation] and C-1 (Limited Commercial)

E) General Plan Compliance

The site is currently designated as SC (Service Commercial) on the Southwest Sector Map of the General Plan. The Service Commercial category allows low to medium intensity

SUP-3038 - Staff Report Page Three
December 3, 2003 City Council Meeting

retail, office, or other commercial uses that serve primarily the local area patrons and do not include more intense general commercial characteristics. The requested C-1 (Limited Commercial) zoning district conforms to the SC land use designation. The requested Auto Repair Garage, Minor is allowed in the C-1 zoning district with the issuance of a Special Use Permit.

SPECIAL DISTRICTS/ZONES	Yes	No
Special Area Plan		X
Special Overlay District		X
Trails		X
Study Area		X
Rural Preservation Neighborhood		X
County/North Las Vegas/HOA Notification		X
Development Impact Notification Assessment		X
Project of Regional Significance		X

There are no special area plans, overlay districts or study areas that affect the subject site.

INTERAGENCY ISSUES

The location of the site and the scale of the project do not meet the criteria of a "Project of Regional Significance" Pursuant to Ordinance No. 5477. As a result, there are no interagency issues to report.

ANALYSIS

A) Zoning Code Compliance

A1) Parking and Traffic Standards

Pursuant to Title 19.10, the following Parking Standards apply to the subject proposal:

Uses	GFA	Ratio	Required Parking		Provided Parking	
			Regular	Handicap	Regular	Handicap
Auto Repair Garage, Minor	3,000 s.f.	5 spaces + 1 space/200 s.f. GFA	20 spaces	2 spaces		
Furniture Store	3,600 s.f.	1 space/500 s.f. of floor display area	8 spaces			

SUP-3038 - Staff Report Page Four
December 3, 2003 City Council Meeting

Retail Store	2,400 s.f.	1 space/175 s.f. GFA	14 spaces			
Totals	9,000 s.f.		42 spaces (51 spaces if furniture store is calculated as retail space)		36 spaces	2 spaces

The project as designed does not meet minimum Code standards for parking; if calculated as retail space and the Auto Repair Garage, 51 spaces are required. If 3,600 square feet of the retail space is reserved only for a Furniture Store, a total of only 42 spaces is necessary; however, that space could not then be converted later for other retail uses. In either case, the 36 spaces provided are insufficient to meet Code requirements. The applicant has requested consideration of companion Variance VAR-3040 to allow the development to proceed as proposed.

The Public Works Department has indicated its support for present City Code parking requirements, and as a result, its lack of support for the companion Variance request (VAR-3040) to allow 36 parking spaces where 51 spaces are the minimum allowed.

A2) Minimum Distance Separation Requirements

There are no Minimum Separation Distance Requirements in the Zoning Code that apply to the proposed Auto Repair Garage, Minor use.

Pursuant to Title 19.04, the following Standards apply to the subject proposal:

Standards	Code Requirement	Provided
Auto Repair Garage, Minor	• All repair and service work within an enclosed building	Y
	• Service bay openings shall not face public rights-of-way/shall minimize intrusion to adjacent sites	N
	• No used/discarded parts in open areas	Y
	• No outside storage of stock/equipment	Y
	• Disabled vehicles must be screened from view/storage limited to 45 days max.	Y

SUP-3038 - Staff Report Page Five
December 3, 2003 City Council Meeting

The project does not comply with the requirement to face service bay entrances away from adjacent public streets, as the bays will face Nemeth Road immediately to the west of the site. There is no indication that outdoor areas will be used for storage of materials or storage of disabled vehicles. The site is too small to allow for such storage without affecting the parking areas provided.

Standards	Code Requirement	Provided
Loading Zone	One space, 15 feet by 25 feet	Y, but substandard width

Although a loading zone is provided, it is shown as 12 feet in width, where a 15-foot width is required. This deficiency is addressed as one of several Waivers requested by the applicant as part of the companion Site Development Plan Review request (SDR-3035).

B) General Analysis and Discussion

- Zoning

The companion Rezoning request (ZON-3031) seeks a zone change to the C-1 (Limited Commercial) zoning district. This district allows for a range of retail shopping and personal services uses, and allows the Auto Repair Garage, Minor use with the approval of a Special Use Permit.

- Use

The proposed Auto Repair Garage, Minor use is intended to occupy 3,000 square feet of a proposed 9,000 square-foot one-story commercial building. The remaining space will be used for retail uses, possibly including a 3,600 square-foot Furniture Store. The Auto Repair Garage will be located at the north end of the building, closest to the Smoke Ranch Road frontage of the site. It will have three service bay doors, facing west towards Nemeth Road.

- Conditions

The development as proposed complies with the requirements of Title 19.04.040, with the exception of the placement of service bay doors towards a public street. The applicant has requested that this requirement be waived as part of a series of Waivers attached to the companion Site Development Plan Review request (SDR-3035).

FINDINGS

In order to approve a Special Use Permit application, per Title 19.18.060 the Planning Commission and City Council must affirm the following:

SUP-3038 - Staff Report Page Six
December 3, 2003 City Council Meeting

1. **"The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan."**

The proposed C-1 (Limited Commercial) zoning district that is the subject of companion Rezoning request ZON-3031 allows for a range of retail shopping and personal services uses. The proposed Auto Repair Garage, Minor use is allowed in the C-1 zoning district with the approval of a Special Use Permit.

The design of the proposed development, however, cannot be supported, as it is located too close to two of the four property boundaries on the site, contains insufficient parking and does not meet a number of commercial development standards; in short, the proposal represents overbuilding of the site as currently designed.

2. **"The subject site is physically suitable for the type and intensity of land use proposed."**

There are no physical constraints to the development of the site for commercial uses, including an Auto Repair Garage, Minor; however, the scale of the proposed development is too intense for a site this size. The building is too large, requiring it to be located too close to the south and east property lines. Also, a sufficient number of parking spaces cannot be located on the site to serve a building of this size, containing the uses as proposed. As a result of this oversized project, a request for a companion Variance (VAR-3040) to parking standards and Residential Adjacency Standards has been made, and a number of Waivers to minimum commercial development standards has been appended to companion Site Development Plan Review (SDR-3035). Due to these conditions, denial is recommended.

3. **"Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use."**

The site will be accessed by from Nemeth Road, a local street, approximately 100 feet south of Smoke Ranch Road, which is designated as a Primary (100-foot) Arterial on the Master Plan of Streets and Highways. No direct access to the site from Smoke Ranch Road is proposed. Once Nemeth Road is improved as required pursuant to Public Works conditions of approval, the proposed development of the site will be sufficiently served by the adjacent roadway facilities.

4. **"Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan."**

The proposed development will be subject to permits and final inspection for a Certificate of Occupancy, and therefore will not compromise the health, safety and general welfare.

SUP-3038 - Staff Report Page Seven
December 3, 2003 City Council Meeting

NOTICES MAILED 208 by City Clerk

APPROVALS 0

PROTESTS 0



PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: SUP-3038 APN: 138-23-110-014 & 015

Name of Property Owner: Thomas & Judith Miller

Name of Applicant: Thomas & Judith Miller

To the best of your knowledge, does the Mayor or any member of the City Council or Planning Commission have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company?

 Yes XXXX No

If yes, please indicate the member of the City Council or Planning Commission who is involved and list the name(s) of the person or persons with whom the City Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official: _____

Partner(s): _____

APN: _____

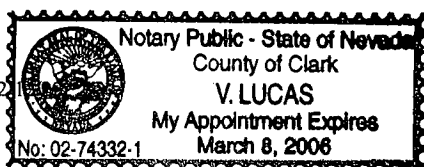
Signature of Property Owner/Authorized Agent: *Thomas Miller*

Print Name: Thomas J Miller

Subscribed and sworn before me

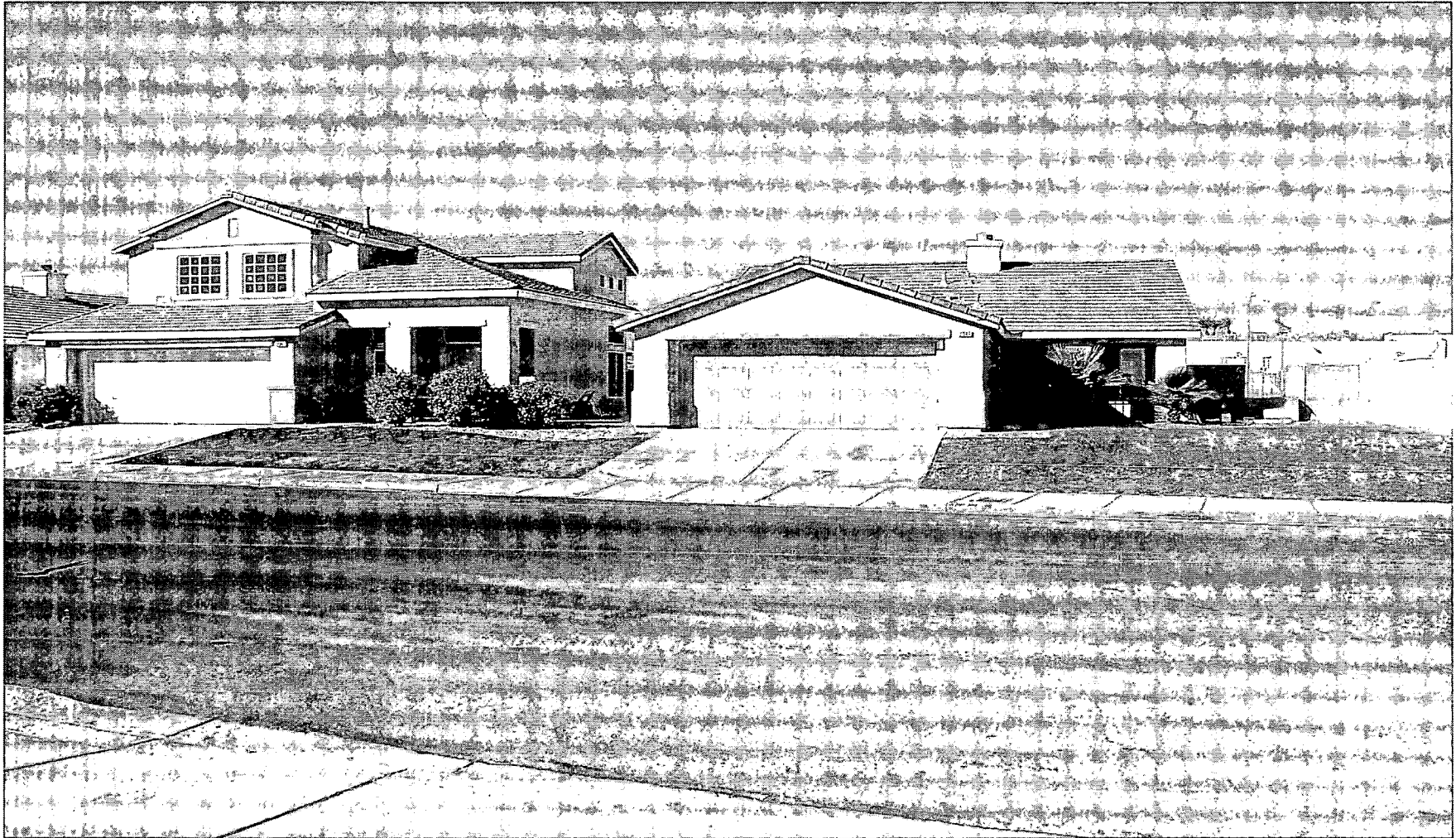
This 3rd day of SEPTEMBER 2003

[Signature]
Notary Public in and for said County and State



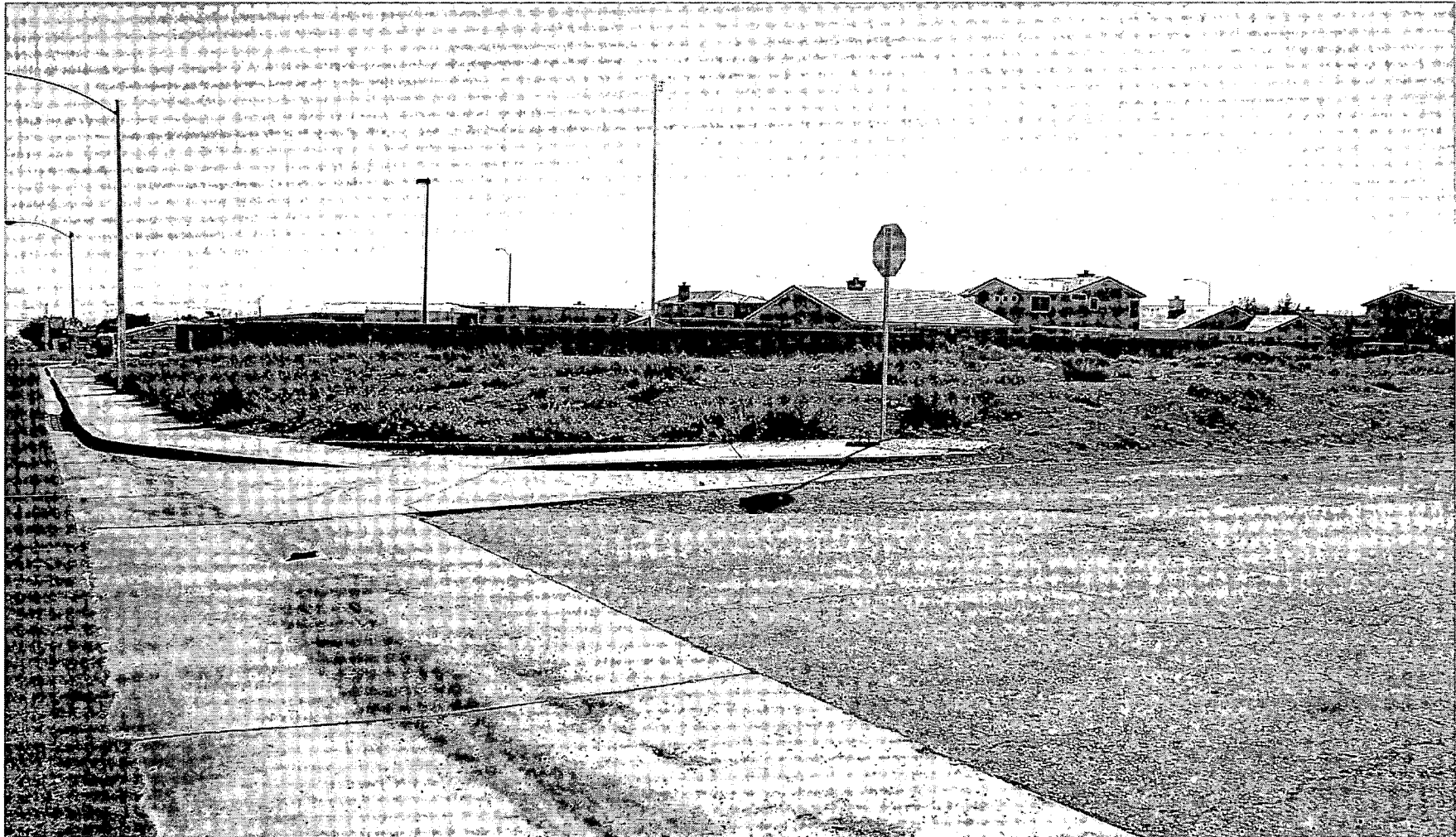
Revised 2

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SUP-3038 - THOMAS & JUDITH MILLER
SOUTHEAST CORNER OF SMOKE RANCH ROAD AND NEMETH ROAD
NOVEMBER 6, 2003 PLANNING COMMISSION

10/17/03



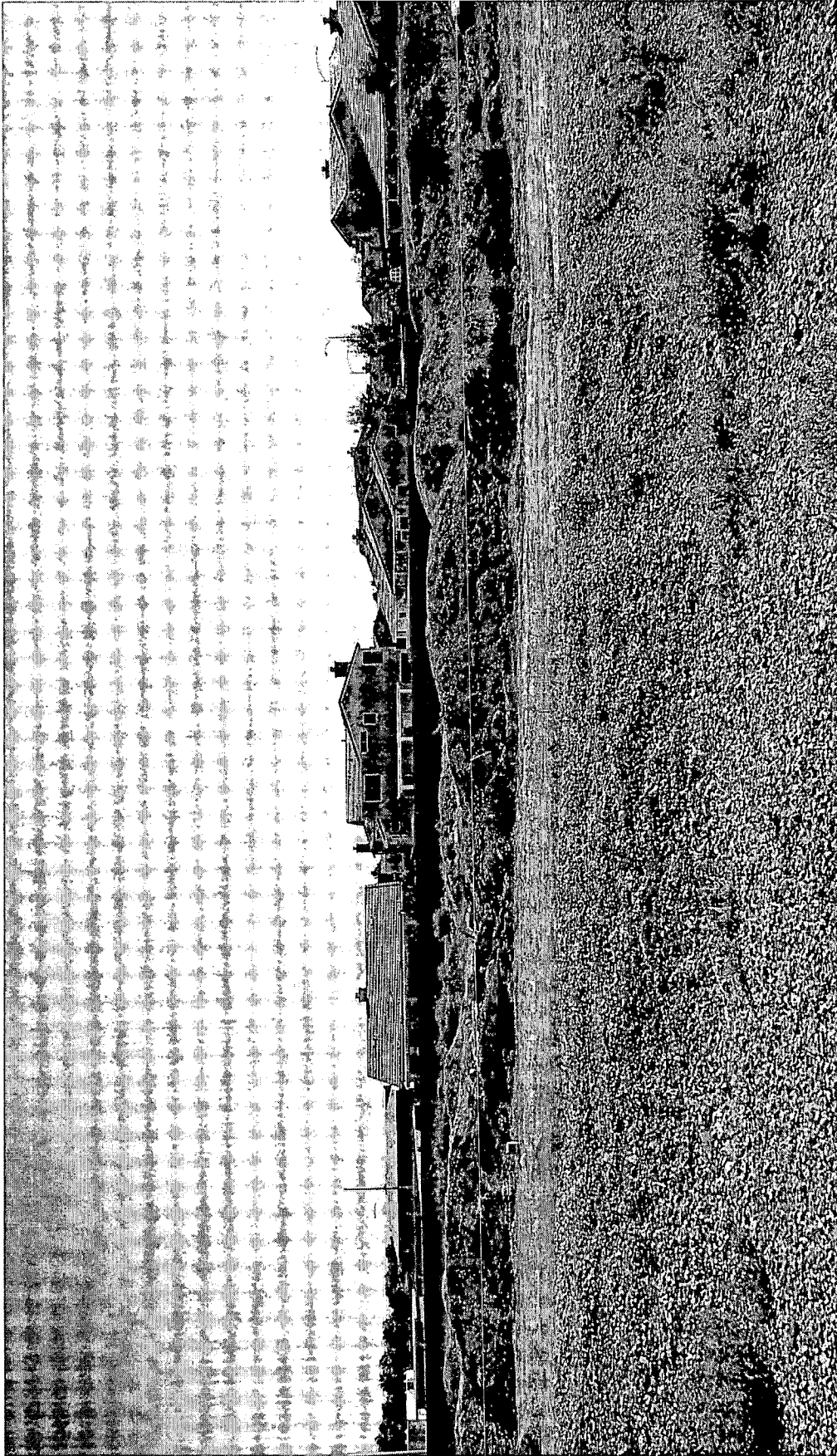
SUP-3038 - THOMAS & JUDITH MILLER
SOUTHEAST CORNER OF SMOKE RANCH ROAD AND NEMETH ROAD
NOVEMBER 6, 2003 PLANNING COMMISSION

10/17/03



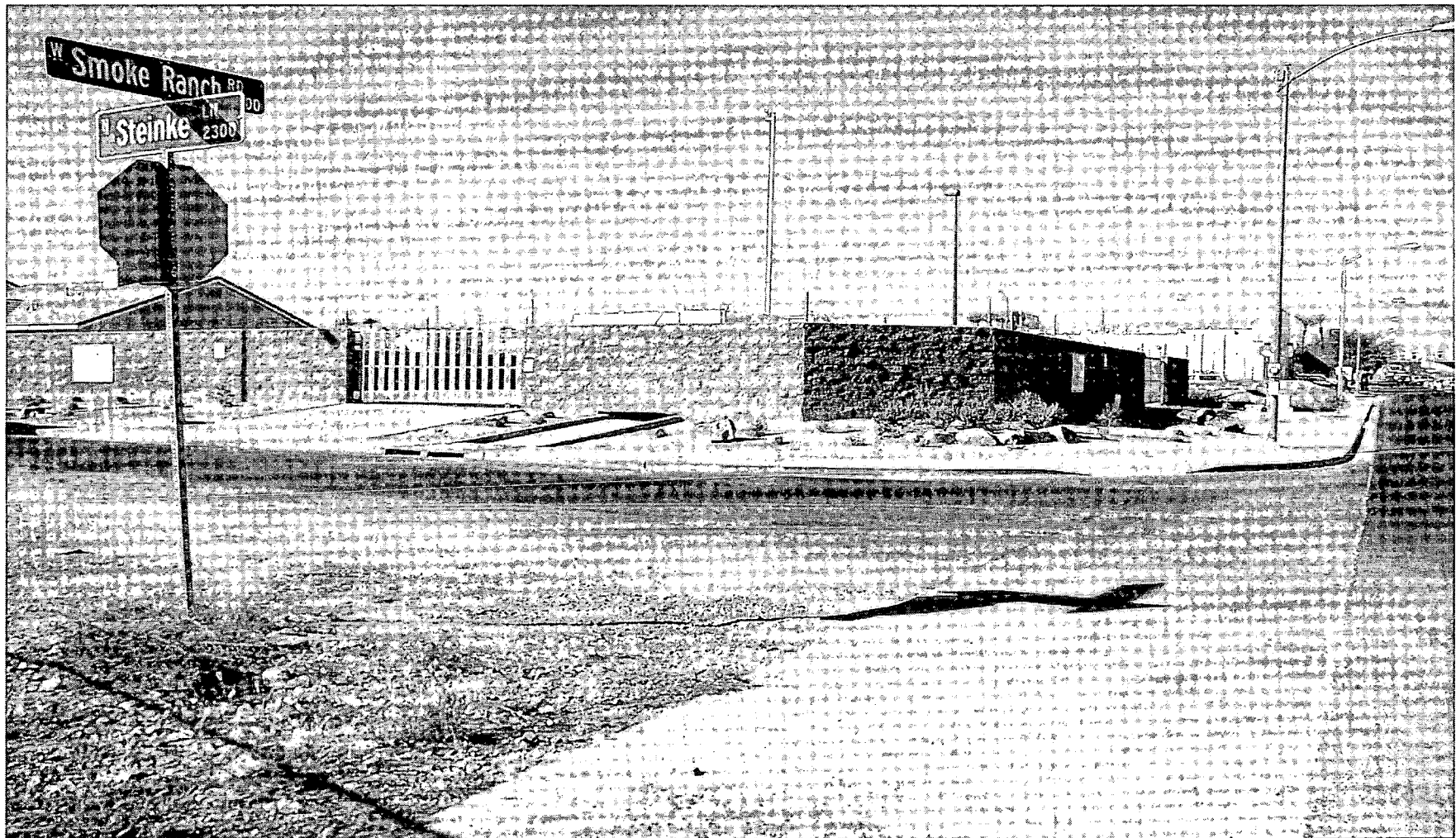
SUP-3038 - THOMAS & JUDITH MILLER
SOUTHEAST CORNER OF SMOKE RANCH ROAD AND NEMETH ROAD
NOVEMBER 6, 2003 PLANNING COMMISSION

10/17/03



SUP-3038 - THOMAS & JUDITH MILLER
SOUTHEAST CORNER OF SMOKE RANCH ROAD AND NEMETH ROAD
NOVEMBER 6, 2003 PLANNING COMMISSION

10/17/03



SUP-3038 - THOMAS & JUDITH MILLER
SOUTHEAST CORNER OF SMOKE RANCH ROAD AND NEMETH ROAD
NOVEMBER 6, 2003 PLANNING COMMISSION

10/17/03



SUP-3038 - THOMAS & JUDITH MILLER
SOUTHEAST CORNER OF SMOKE RANCH ROAD AND NEMETH ROAD
NOVEMBER 6, 2003 PLANNING COMMISSION

10/17/03

Thomas & Judith Miller

Phone: 702-860-3768

Fax: 702-735-1133

**Gary Leobold, AICP
Senior Planner
Current Planning**

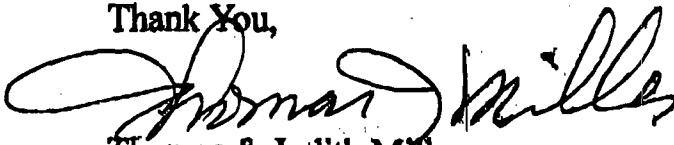
NOV. 12, 2003

RE: Smoke Ranch & Nemeth Project

Item numbers: ZON-3031, VAR-3040, SUP-3038, & SDR-3035

We are requesting that these Items be held in in Abeyance until the December 17, 2003 City Council Meeting due to prior commitments that prevent us from attending the December 3, 2003 meeting.

Thank You,



Thomas & Judith Miller

2003 NOV 13 A 10:50

RECEIVED
CITY CLERK

City of Las Vegas

Agenda Item No. 122

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF: DECEMBER 3, 2003

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☐

CONSENT

☒

DISCUSSION

SUBJECT:

SITE DEVELOPMENT PLAN REVIEW RELATED TO ZON-3031, VAR-3040 AND SUP-3038 - PUBLIC HEARING - **SDR-3035 - THOMAS & JUDITH MILLER** - Request for a Site Development Plan Review FOR A PROPOSED 6,000 SQUARE-FOOT RETAIL BUILDING AND A PROPOSED 3,000 SQUARE-FOOT AUTO REPAIR GARAGE, MINOR; A WAIVER OF SIDE AND REAR SETBACKS TO ZERO FEET WHERE 20 FEET IS REQUIRED IN THE REAR AND 10 FEET ON THE SIDE; A REDUCTION IN THE AMOUNT OF PERIMETER BUFFERING AND LANDSCAPING, PARKING LOT LANDSCAPING, AND A WAIVER OF A NUMBER OF COMMERCIAL DESIGN GUIDELINES on 0.93 acres adjacent to the southeast corner of Smoke Ranch Road and Nemeth Road (APN: 138-23-110-014 and 015), U (Undeveloped) Zone [SC (Service Commercial) General Plan Designation], Ward 6 (Mack). The Planning Commission (6-0 vote) and staff recommend DENIAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
 City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
 City Council Meeting

0

RECOMMENDATION:

The Planning Commission (6-0 vote) and staff recommend DENIAL.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Letter requesting abeyance filed by Thomas & Judith Miller
5. Submitted after final agenda – Protest letter from Cynthia Lane for Items 119 [ZON-3031], 120 [VAR-3040], 121 [SUP-3038] and 122 [SDR-3035] filed under Item 119 [ZON-3031]

MOTION:

REESE – Motion to HOLD IN ABEYANCE Item 117 [ZON-3080], Item 118 [SDR-3082], Item 127 [GPA-3066], Item 128 [ZON-3071], Item 129 [SUP-3073] and Item 130 [SDR-3079] to 12/17/2003 and Item 112 [SUP-2904], Item 113 [SUP 3114], Item 119 [ZON-3031], Item 120 [VAR-3040], Item 121 [SUP-3038] and Item 122 [SDR-3035] to 1/7/2004 - **UNANIMOUS with MACK excused**

NOTE: The initial motion to abey Items 119 through 122 to 12/17/2003 was modified to 1/7/2004 pursuant to the request of the applicant upon motions by Reese to reconsider and modify, both of which carried unanimously with Mack excused

City of Las Vegas

Agenda Item No. 122

CITY COUNCIL MEETING OF DECEMBER 3, 2003
Planning and Development Department
Item 122 – SDR-3035

MINUTES - Continued:

There was no discussion.

(1:21-1:27)

4-1



City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: DECEMBER 3, 2003

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: SDR-3035 - THOMAS & JUDITH MILLER

**** CONDITIONS ****

The Planning Commission (6-0 vote) and staff recommend DENIAL. If Approved, subject to:

Planning and Development

1. A Rezoning [ZON-3031] to a C-1 (Limited Commercial) Zoning District, a Variance (VAR-3040) regarding parking and residential adjacency deficiencies, and a Special Use Permit (SUP-3038) to allow an Auto Repair Garage, Minor approved by the City Council.
2. This Site Development Plan Review shall expire two years from date of final approval unless it is exercised or an Extension of Time is granted by the City Council.
3. All development shall be in conformance with the site plan and building elevations, except as amended by conditions herein.
4. Prior to the submittal of a building permit, the applicant shall meet with Planning and Development Department staff to develop a comprehensive address plan for the subject site. A copy of the approved address plan shall be submitted with any future building permit applications related to the site.
5. Landscaping and a permanent underground sprinkler system shall be installed as required by the Planning Commission or City Council 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.]
6. A landscaping plan must be submitted prior to or at the same time application is made for a building permit.
7. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.
8. Parking lot lighting standards shall be no more than 20 feet in height and shall utilize 'shoe-box' fixtures and downward-directed lights. Wallpack lighting shall utilize 'shoe-box' fixtures and downward-directed lights on the proposed building. Non-residential property lighting shall be directed away from residential property or screened, and shall not create fugitive lighting on adjacent properties.
9. All utility boxes exceeding 27 cubic feet in size shall meet the standards of Title 19.12.050.

SDR-3035 - Conditions Page Two
December 3, 2003 City Council Meeting

10. Any property line wall shall be a decorative block wall, with at least 20 percent contrasting materials. Wall heights shall be measured from the side of the fence with the least vertical exposure above the finished grade, unless otherwise stipulated.
11. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.
12. All City Code requirements and design standards of all City departments must be satisfied.

Public Works

13. 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.
14. The site plan as proposed requires submittal of a recorded Joint Access and Parking Agreement between the two parcels prior to the issuance of any permits.
15. Site development to comply with all applicable conditions of approval for ZON-3031 and all other subsequent site-related actions.

** STAFF REPORT **

APPLICATION REQUEST

A) Action Requested

This is a request for a Site Development Plan Review and related Waivers to allow a 6,000 square-foot retail building and a 3,000 square-foot Auto Repair Garage, Minor on approximately 0.93 acres located at the southeast corner of Smoke Ranch Road and Nemeth Road. Companion applications for a Rezoning (ZON-3031) from U (Undeveloped) Zone [SC (Service Commercial) General Plan Designation] to C-1 (Limited Commercial) on the subject site, a Variance (VAR-3040) for insufficient parking and Residential Adjacency Standards, and a Special Use Permit (SUP-3038) to allow the Auto Repair Garage, Minor use will be considered concurrently.

B) Applicant's Justification

The applicant has justified this request by stating that the proposed site plan will allow a project that has received the support of adjacent property owners.

BACKGROUND INFORMATION

A) Previous Actions

- 05/03/95 The City Council approved a Rezoning (Z-0018-95) from N-U (Non-Urban) Zone to C-1 (Limited Commercial) on the subject site, subject to a 12-month review from the date of approval. The Planning Commission recommended approval on 04/13/95.

- 07/01/96 The City Council approved a request for a Reinstatement and Extension of Time [Z-0018-95(1)] on an approved Rezoning from N-U (Non-Urban) Zone to C-1 (Limited Commercial) and for an 18,000 square-foot office building on the subject site. The Planning Commission recommended approval on 06/13/96. This Reinstatement and Extension of Time was to expire on 05/03/97.

- 07/14/97 The City Council approved a request for a second Reinstatement and Extension of Time [Z-0018-95(2)] on an approved Rezoning from N-U (Non-Urban) Zone to C-1 (Limited Commercial) and for an 18,000 square-foot office building on the subject site. The Planning Commission recommended approval on 06/12/97.

- 11/06/03 The Planning Commission recommended approval of a Rezoning (ZON-3031) from U (Undeveloped) Zone [SC (Service Commercial) General Plan Designation] to C-1 (Limited Commercial); recommended denial of a Variance (VAR-3040) for insufficient parking and Residential Adjacency Standards; and recommended denial of a Special Use Permit (SUP-3038) to allow the Auto Repair Garage, Minor use on the site.

SDR-3035 - Staff Report Page Two
December 3, 2003 City Council Meeting

11/06/03 The Planning Commission voted 6-0 to recommend DENIAL (PC Agenda Item #33).

B) Pre-Application Meeting

07/16/03 The discussion at the initial pre-application meeting centered on the deficiencies of the site plan with respect to residential adjacency, parking, landscaping and access to the site. A second meeting was held on 09/15/03. While some revisions were made to the site plan that resolved some of the issues raised, the major deficiencies of the project remain unaddressed.

C) Neighborhood Meetings

A neighborhood meeting is not required for a Site Development Plan Review application, nor was one held.

DETAILS OF APPLICATION REQUEST

A) Site Area

Gross Acres: 0.93

B) Existing Land Use

Subject Property: Undeveloped
North: Commercial and Single Family Dwellings
South: Single Family Dwellings
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West: Undeveloped

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Subject Property: SC (Service Commercial)
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South: ML (Medium-Low Density Residential)
East: ML (Medium-Low Density Residential) and PF (Public Facilities)
West: SC (Service Commercial)

D) Existing Zoning

Subject Property: U (Undeveloped) Zone [SC (Service Commercial) General Plan Designation]
North: C-1 (Limited Commercial) and R-PD10 (Residential Planned Development - 10 Units per Acre)
South: R-CL (Residential - Compact Lot)
East: C-V (Civic) and R-CL (Residential - Compact Lot)
West: U (Undeveloped) Zone [SC (Service Commercial) General Plan Designation] and C-1 (Limited Commercial)

SDR-3035 - Staff Report Page Three
December 3, 2003 City Council Meeting

E) General Plan Compliance

The site is currently designated as SC (Service Commercial) on the Southwest Sector Map of the General Plan. The Service Commercial category allows low to medium intensity retail, office, or other commercial uses that serve primarily the local area patrons and do not include more intense general commercial characteristics. The requested C-1 (Limited Commercial) zoning district conforms to the SC land use designation.

PROJECT DESCRIPTION

The project as proposed consists of a single story commercial building that will contain approximately 6,000 square feet of retail space and 3,000 square feet of space devoted to use as an Auto Repair Garage. The building is located to the extreme south and east edges of the property, and will be constructed virtually on the property line. The parking lot, which contains a substandard number of parking spaces, is located in front of the building which faces west towards Nemeth Road. The site is accessed by a single entry point to Nemeth Road.

ANALYSIS

A) Zoning Code Compliance

A1) Development Standards

Pursuant to Title 19.08, the following Development Standards apply to the subject proposal:

C-1 Standards	Required	Provided	Compliance
Min. Lot Width	100 Feet	122 Feet	Y
Min. Setbacks			
• Front	20 Feet	32 Feet	Y
• Side	10 Feet	none	N
• Corner	15 Feet	81 Feet	Y
• Rear	20 Feet	none	N
Max. Lot Coverage	50 %	29.6%	Y
Trash Enclosure	50 Feet from Residential	50 Feet from Residential	Y
Loading Zone	One	One	Y (width is 12 Feet where 15 Feet is required)
Mech. Equipment	Screened on Roof	Screened on Roof	Y

The project is deficient with respect to parking, providing 36 spaces where 51 spaces would be required. The site plan indicates that 3,600 square feet of the retail area may be used as a furniture store. If so, a lesser parking standard could apply to that portion of the space, requiring 42 spaces instead. The number of spaces provided is still deficient, and would require approval of companion Variance VAR-3040 to allow the development to proceed as proposed; future uses within the 3,600 square foot area would then be limited to furniture store uses only.

The proposal is also deficient with respect to side and rear yard space, with the building being located virtually on the east and south lot lines. The applicant has indicated that the adjacent residential neighbors support this design, as there will be no space behind the building where individuals could hide and commit crimes. Regardless of this view, the Code requires setbacks and Residential Adjacency Standards to be met; insufficient setbacks are addressed by the applicant in a Waiver request as part of this site plan application, while the Residential Adjacency deficiency is address through companion Variance request VAR-3040.

There are also a number of design deficiencies, including insufficient loading zone width, perimeter buffering and landscaping, and insufficient parking lot landscaping, that the applicant has requested be addressed in Waivers as part of this Site Development Plan Review.

A2) Residential Adjacency Standards

Pursuant to Title 19.08, the following Residential Adjacency Standards apply to the subject proposal:

- a) Proximity slope. The subject site is directly adjacent to existing single-family development to the east and south. The proposed one-story, 16-foot commercial building is to be located directly adjacent to these residential properties to the south and east. Residential Adjacency Standards of the Code requires that a 3:1 slope be provided from the top of the building to the base of the wall abutting the residential sites; this would require a 48-foot distance, where zero feet is being proposed. The applicant has requested a companion Variance (VAR-3040) to address this deficiency.
- b) Building setback. The required setback for this proposed building must match the required setback for the adjacent zoning district, which in this case is the R-CL (Residential - Compact Lot) District. As this site is adjacent to the rear yards of these R-CL lots, the minimum rear yard setback is 10 feet; therefore, the required building setback is 10 feet on the subject site. As a zero-foot setback is proposed, relief from this standard is included in the applicant's Residential Adjacency Standards Variance request. The C-1 (Limited Commercial) zoning district also contains its own setback standards, which are addressed below in the Waivers section of this report.

SDR-3035 - Staff Report Page Five
December 3, 2003 City Council Meeting

A3) Parking and Traffic Standards

Pursuant to Title 19.10, the following Parking Standards apply to the subject proposal:

Uses	GFA	Ratio	Required		Provided	
			Parking		Parking	
			Regular	Handicap	Regular	Handicap
Auto Repair Garage, Minor	3,000 s.f.	5 spaces + 1 space/200 s.f. GFA	20 spaces	2 spaces		
Furniture Store	3,600 s.f.	1 space/500 s.f. of floor display area	8 spaces			
Retail Store	2,400 s.f.	1 space/175 s.f. GFA	14 spaces			
Totals	9,000 s.f.		42 spaces (51 spaces if furniture store is calculated as retail space)		36 spaces	2 spaces

The project as designed does not meet minimum Code standards for parking; if calculated as retail space and the Auto Repair Garage, 51 spaces are required. If 3,600 square feet of the retail space is reserved only for a Furniture Store, a total of only 42 spaces is necessary; however, that space could not then be converted later for other retail uses. In either case, the 36 spaces provided are insufficient to meet Code requirements. The applicant has requested consideration of companion Variance VAR-3040 to allow the development to proceed as proposed.

A4) Landscape and Open Space Standards

Pursuant to Title 19.12, the following Landscape Standards apply to the subject proposal:

Standards	Required		Provided
	Ratio	Trees	
Parking Area	1 Tree/6 Spaces	6 Trees	None

SDR-3035 - Staff Report Page Six
December 3, 2003 City Council Meeting

Buffer: • Min. Trees	1 Tree/30 Linear Feet (330 Feet)	11 Trees (along street frontages)	13 Trees
	1 Tree/20 Linear Feet (380 Feet)	19 Trees (internal property boundaries)	None
• Min. Zone Width	15 Feet along streets, 8 Feet interior		10 Feet along streets, zero feet along the interior
• Wall height	6 Feet		Not indicated (building to replace existing walls)

The project as proposed meets the amount of perimeter landscaping along adjacent streets, but fails to meet the perimeter buffering width requirements, buffering and landscaping requirements along internal property boundaries, and parking lot landscaping requirements of the Zoning Code. The applicant has requested Waivers of the applicable commercial design standards as part of this Site Development Plan Review. The perimeter landscaping depicted consists of 24"-box Japanese Privets, complemented by a range of five-gallon shrubs.

A5) Sign Standards

The elevations provided by the applicant indicate wall sign panels above each commercial space on the west building façade. These panels meet the dimensional requirements of Title 19.14 for wall signs in C-1 zones. No other on-site signage is depicted on either the elevations or the site plan as submitted.

B) General Analysis and Discussion

• Zoning

The proposed C-1 (Limited Commercial) zoning district that is the subject of companion Rezoning request ZON-3031 allows for a range of retail shopping and personal services uses. The retail uses proposed for the site are allowed within this district, and the proposed Auto Repair Garage, Minor use is allowed with the approval of a Special Use Permit, which is a companion application (SUP-3038) to this request.

• Site Plan

The project as proposed consists of a single story commercial building that will contain approximately 9,000 square feet of retail space and 3,000 square feet of space devoted to use as an Auto Repair Garage. The building is located to the extreme south and east

SDR-3035 - Staff Report Page Seven
December 3, 2003 City Council Meeting

edges of the property, and will be constructed virtually on the property line. The parking lot, which contains a substandard number of parking spaces, is located in front of the building which faces west towards Nemeth Road. The site will be accessed by a single entry point to Nemeth Road.

- Waivers

The applicant has requested the following Waivers to various provisions of the Zoning Code as part of this Site Development Plan Review request:

- Waiver of side and rear setbacks to zero feet where C-1 zoning district standards require 10 feet on the side and 20 feet in the rear;
- Reduction in the amount of perimeter buffering and landscaping;
- Waiver of parking lot landscaping;
- Waiver of commercial design standards that require roofing of the trash enclosure and a 12-foot loading zone width where 15 feet is the minimum required; and
- Orientation of service bay doors towards a public street is prohibited.

While the granting of one or two Waivers is often appropriate due to an unusual site configuration or other existing conditions, a large number of Waivers as requested in this instance cannot be supported as they are the cumulative effect of attempting to overbuild a small or constrained site. If granted, there would likely be undesirable negative impacts experienced on adjacent sites.

- Landscape Plan

The landscape plan as submitted depicts perimeter landscaping along the Smoke Ranch Road and Nemeth Road boundaries of the site, consisting of 24"-box Japanese Privets, complemented by a range of five-gallon shrubs. No landscaping is shown within the parking area, and perimeter landscaping cannot be provided along the east and south boundaries of the site, as the building is proposed to be built to the property lines in these areas. The landscaping as proposed does not meet the standards of the Code.

- Elevation

The elevations depict a one-story building with a flat, slightly sloping roof surrounded by a parapet detail. All external walls are solid, with no doors or windows, except for the west-facing façade. The entrances to the two retail portions of the structure and the overhead garage doors to access the garage area are all located on this façade. The placement of the overhead doors towards a public street is in contravention to the regulations of the Zoning Code.

SDR-3035 - Staff Report Page Eight
December 3, 2003 City Council Meeting

FINDINGS

In order to approve a Site Development Plan application, per Title 19.18.050 the Planning Commission and/or City Council must affirm the following:

1. **"The proposed development is compatible with adjacent development and development in the area;"**

The proposed C-1 (Limited Commercial) zoning district that is the subject of companion Rezoning request ZON-3031 allows for a range of retail shopping and personal services uses. The retail uses proposed for the site are allowed within this district, and the proposed Auto Repair Garage, Minor use is allowed with the approval of a Special Use Permit, which is a companion application to this request.

The design of the proposed development, however, cannot be supported, as it is located too close to two of the four property boundaries on the site, contains insufficient parking and does not meet a number of commercial development standards; in short, the proposal represents overbuilding of the site as currently designed.

2. **"The proposed development is consistent with the General Plan, Title 19, the Design Standards Manual, the Landscape, Wall and Buffer Standards, and other duly-adopted City Plans, policies and Standards;"**

The site is currently designated as SC (Service Commercial) on the Southwest Sector Map of the General Plan. The Service Commercial category allows low to medium intensity retail, office, or other commercial uses that serve primarily the local area patrons and do not include more intense general commercial characteristics. Although the requested C-1 (Limited Commercial) zoning district is consistent with this land use designation, the design of the proposed site plan does not meet landscaping and buffering standards, parking lot landscaping standards, nor does it meet the minimum parking and Residential Adjacency Standards of the Code; as a result, denial is recommended.

3. **"Site access and circulation do not negatively impact adjacent roadways or neighborhood traffic;"**

The site will be accessed by from Nemeth Road, a local street, approximately 100 feet south of Smoke Ranch Road, which is designated as a Primary (100-foot) Arterial on the Master Plan of Streets and Highways. No direct access to the site from Smoke Ranch Road is proposed. Once Nemeth Road is improved as required pursuant to Public Works conditions of approval, the proposed development of the site will be sufficiently served by the adjacent roadway facilities.

4. **"Building and landscape materials are appropriate for the areas and for the City;"**

The building and landscape materials are appropriate for this type of development in this portion of the City.

SDR-3035 - Staff Report Page Nine
December 3, 2003 City Council Meeting

5. **“Building elevations, design characteristics and other architectural and aesthetic features are not unsightly, undesirable or obnoxious in appearance; create an orderly and aesthetically pleasing environment; and are harmonious and compatible with development in the area;”**

Building elevations and design characteristics are undesirable as submitted due to the proximity of the proposed building to the property line of existing single-story residential dwellings on two sides of the subject site. The proposal, without adequate separation from these sensitive uses, would result in incompatibility with the existing developed area.

6. **“Appropriate measures are taken to secure and protect the public health, safety and general welfare.”**

The proposed development will be subject to permits and final inspection for a Certificate of Occupancy, and therefore will not compromise the health, safety and general welfare.

PLANNING COMMISSION ACTION

There was one speaker protesting this application at the Planning Commission hearing.

NOTICES MAILED 207 by Planning Department

APPROVALS 0

PROTESTS 0



PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: SDR-3035 APN: 138-23-110-014 & 015

Name of Property Owner: Thomas & Judith Miller

Name of Applicant: Thomas & Judith Miller

To the best of your knowledge, does the Mayor or any member of the City Council or Planning Commission have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company?

_____ Yes _____ xxxx No

If yes, please indicate the member of the City Council or Planning Commission who is involved and list the name(s) of the person or persons with whom the City Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official:

Partner(s):

APN: _____

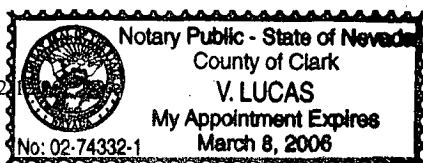
Signature of Property Owner/Authorized Agent: Thomas Miller

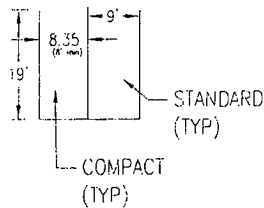
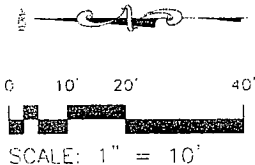
Print Name: Thomas J Miller

Subscribed and sworn before me

This 3rd day of SEPTEMBER 2003

Notary Public in and for said County and State

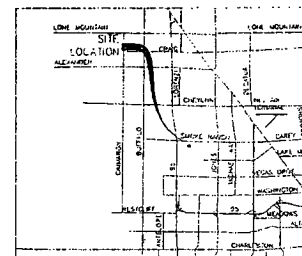




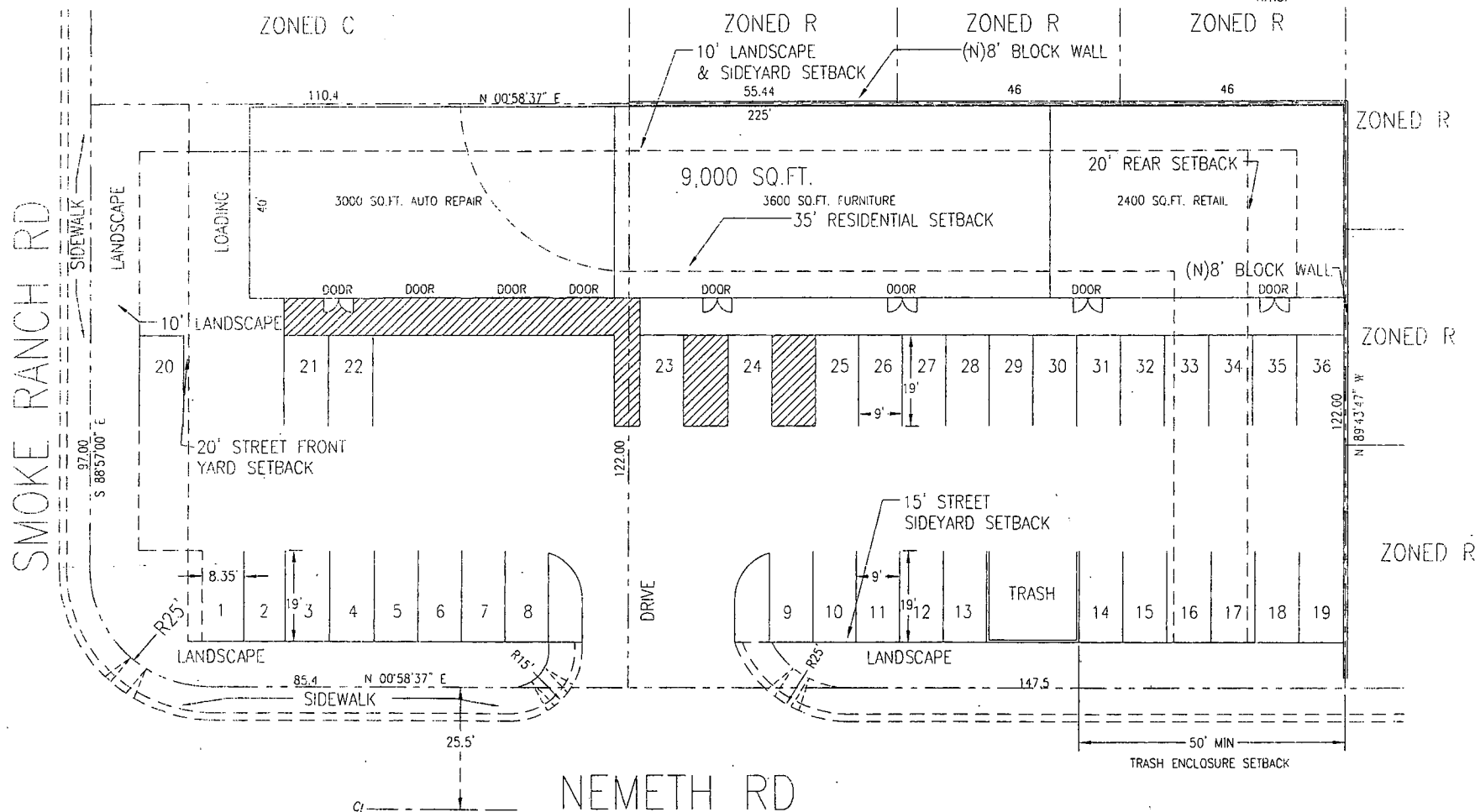
PARKING	
AUTO REPAIR 3000 SQ.FT.	22.1
GENERAL RETAIL 2400 SQ.FT.	9.2
FURNITURE RETAIL 3600 SQ.FT.	7.4
TOTAL REQUIRED	39.0
TOTAL PROVIDED	40.0

BASIS OF BEARING
 NORTH 00° 58' 38" EAST - BEING THE CENTERLINE OF NEMETH ROAD IN BOOK 72 OF PLATS, PAGE 95 OF OFFICIAL RECORDS OF CLARK COUNTY, NEVADA.

BENCHMARK
 B.M. 1LV0D/23MWW6
 RIVET AND PLATE IN CONC. MON. SC. RETURN
 RAINBOW BLVD. AND BALZAR AVENUE
 ELEV.: 2336.053 FEET, 712.7841 METERS
 NORTH AMERICAN VERTICAL DATUM OF 1988



VISINITY MAP
 N.T.S.



ARMSTRONG
 ENGINEERING & DEVELOPMENT, LTD.
 5650 MINERAL CITY CT
 LAS VEGAS, NEVADA 89110
 PH: (702) 453-9373
 FAX: (702) 453-2181

SMOKE RANCH RETAIL CENTER
 APN: 130-23-110-014 & 015

TOM & JUDY MILLER
 3550 DANCING WINDS PLACE
 LAS VEGAS, NV 89111-8875

DATE: 09-17-2003
 DRAWN: EAG
 SCALE: 1" = 10'-0"
 JOB No: 130-03-0330

SHEET
 C-1

**ZON-3031
 VAR-3040
 SUP-3038
 SDR-3035
 11-06-03 PC**



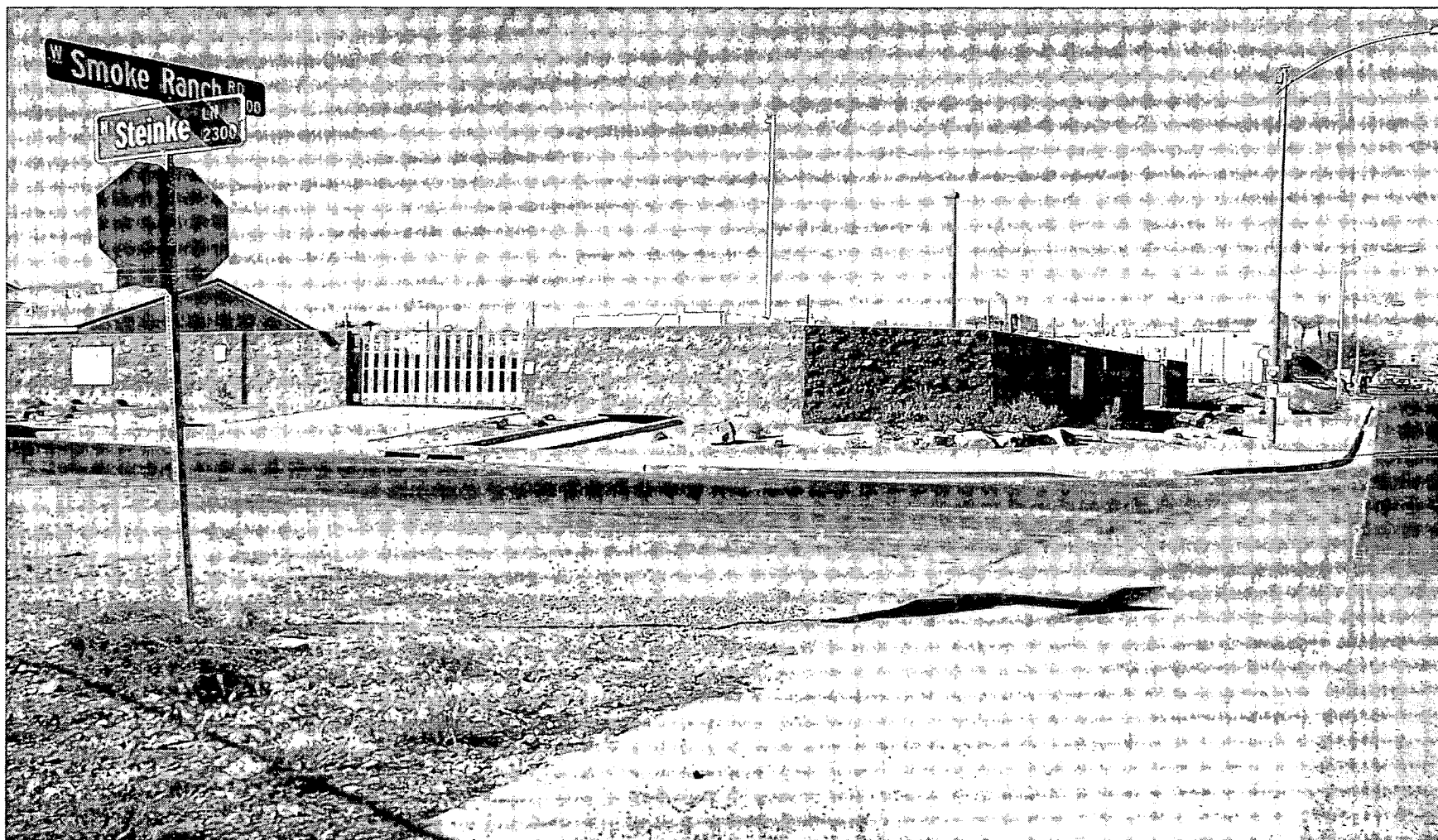
SDR-3035 - THOMAS & JUDITH MILLER
SOUTHEAST CORNER OF SMOKE RANCH ROAD AND NEMETH ROAD
NOVEMBER 6, 2003 PLANNING COMMISSION

10/17/03



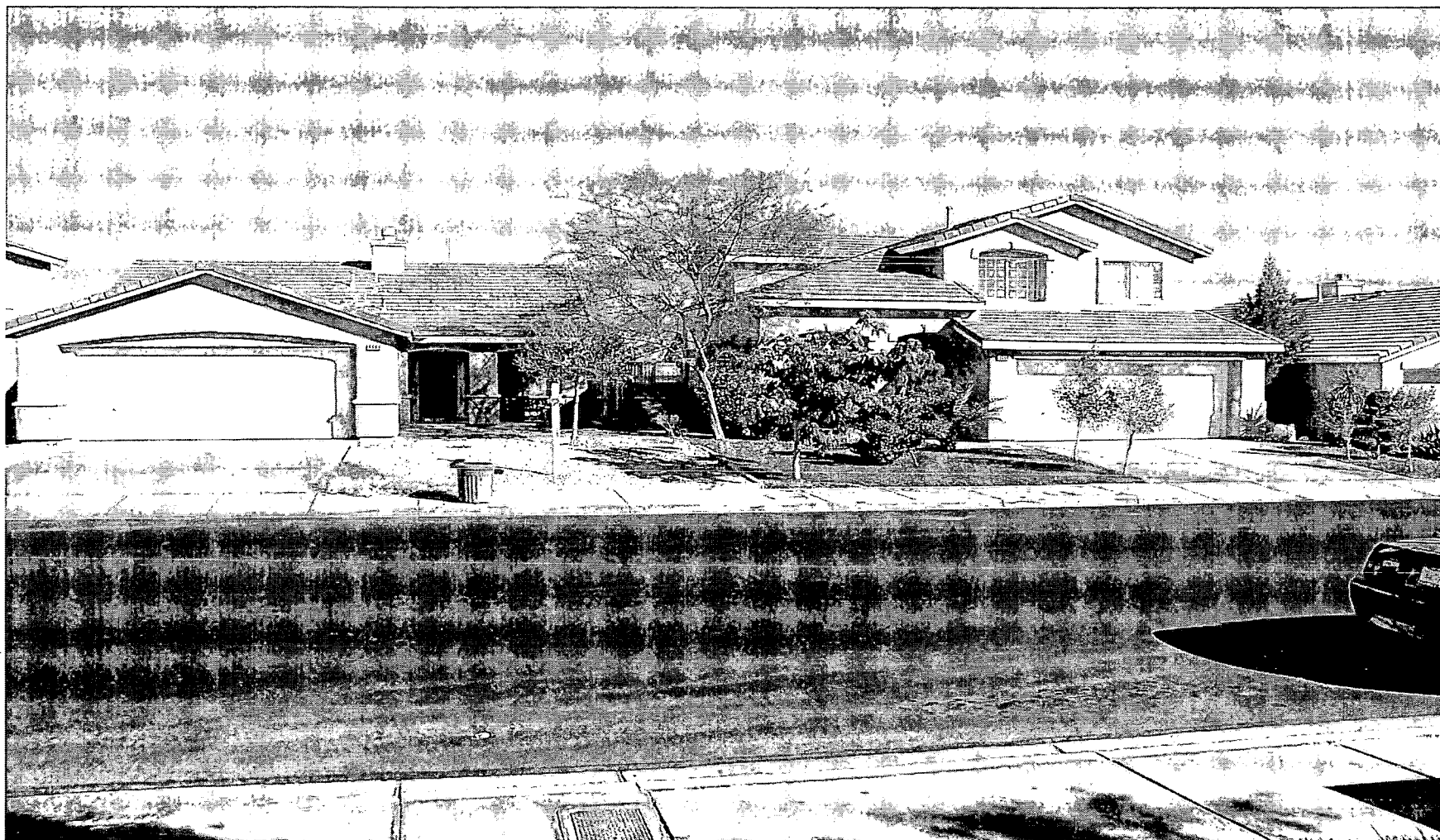
SDR-3035 - THOMAS & JUDITH MILLER
SOUTHEAST CORNER OF SMOKE RANCH ROAD AND NEMETH ROAD
NOVEMBER 6, 2003 PLANNING COMMISSION

10/17/03



SDR-3035 - THOMAS & JUDITH MILLER
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10/17/03



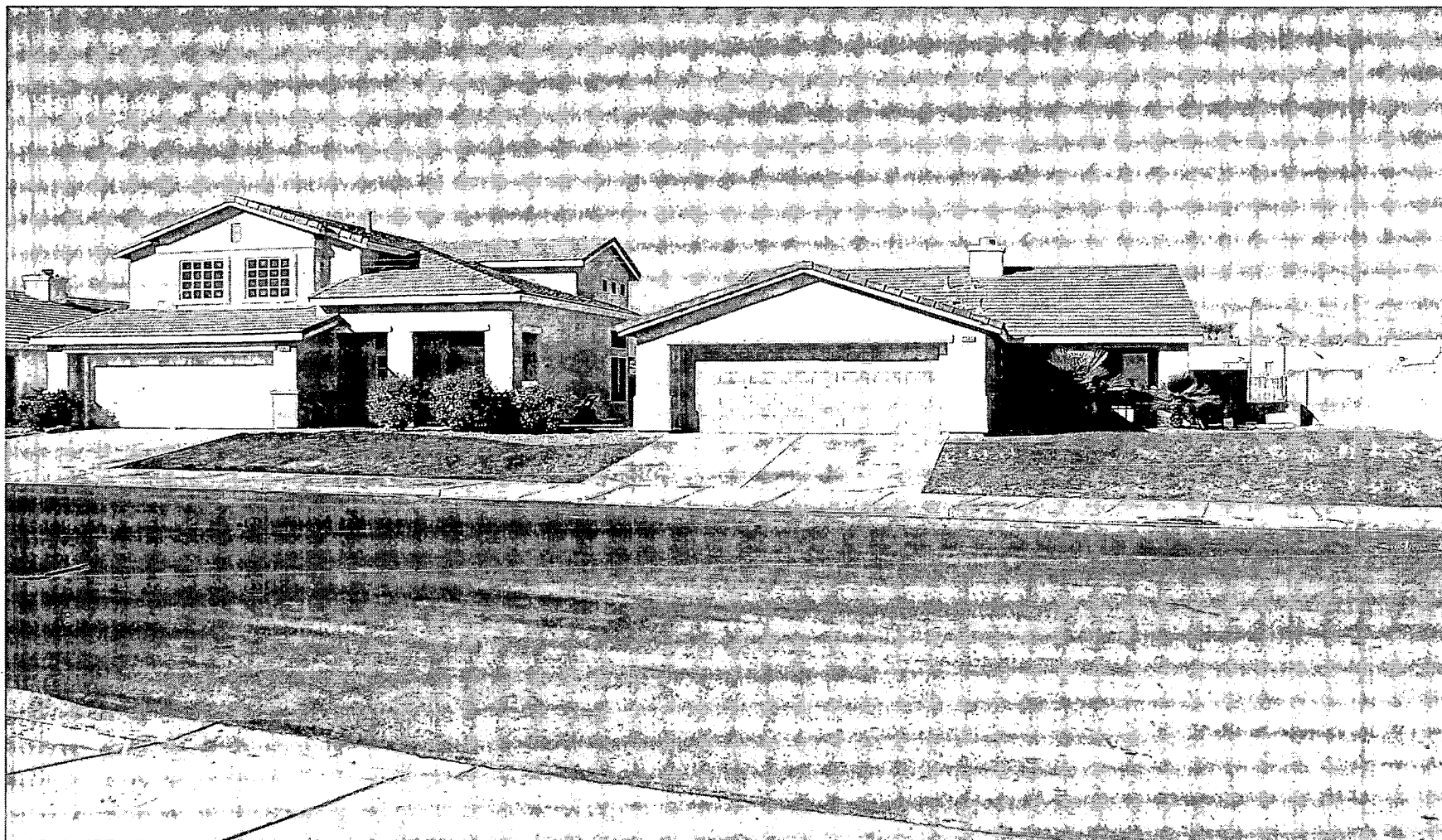
SDR-3035 - THOMAS & JUDITH MILLER
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NOVEMBER 6, 2003 PLANNING COMMISSION

10/17/03



SDR-3035 - THOMAS & JUDITH MILLER
SOUTHEAST CORNER OF SMOKE RANCH ROAD AND NEMETH ROAD
NOVEMBER 6, 2003 PLANNING COMMISSION

10/17/03



SDR-3035 - THOMAS & JUDITH MILLER
SOUTHEAST CORNER OF SMOKE RANCH ROAD AND NEMETH ROAD
NOVEMBER 6, 2003 PLANNING COMMISSION

10/17/03

Thomas & Judith Miller

Phone: 702-860-3768

Fax: 702-735-1133

Gary Leobold, AICP

Senior Planner

Current Planning

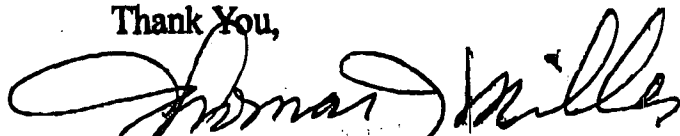
Nov. 12, 2003

RE: Smoke Ranch & Nemeth Project

Item numbers: ZON-3031, VAR-3040, SUP-3038, & SDR-3035

We are requesting that these Items be held in in Abeyance until the December 17, 2003 City Council Meeting due to prior commitments that prevent us from attending the December 3, 2003 meeting.

Thank You,


Thomas & Judith Miller

RECEIVED
CITY CLERK

2003 NOV 13 A 10:50

City of Las Vegas

Agenda Item No. 123

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT**CITY COUNCIL MEETING OF: DECEMBER 3, 2003****DEPARTMENT: PLANNING & DEVELOPMENT****DIRECTOR: ROBERT S. GENZER**☐**CONSENT**☒**DISCUSSION****SUBJECT:**

REZONING - PUBLIC HEARING - ZON-3138 - CITATION HOMES ON BEHALF OF CARL W. & RUTH HEAVIN AND DESERT MOBILE HOME PARK, LIMITED LIABILITY COMPANY - Request for a Rezoning FROM: R-MHP (Residential Mobile Home Park) TO: R-CL (Single-Family Compact-Lot) on 2.46 acres located adjacent to the north side of East Van Buren Avenue, approximately 960 feet east of Lamb Boulevard (APN: 140-29-101-005 and a portion of 140-29-101-002), Ward 3 (Reese). The Planning Commission (6-0 vote) and staff recommend APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0**APPROVALS RECEIVED BEFORE:**

Planning Commission Mtg.
City Council Meeting

0**RECOMMENDATION:**

The Planning Commission (6-0 vote) and staff recommend APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report

MOTION:

REESE - HOLD IN ABEYANCE to 1/7/2004 - UNANIMOUS with MACK excused

NOTE: A previous motion for abeyance by REESE and a motion for reconsideration by REESE, both carried unanimously with MACK excused.

MINUTES:

COUNCILMAN REESE pointed out that he would like to upgrade this particular area and was pleased with residential homes, but would have preferred seeing the project's elevations. ED WEBB, 1977 Verbania, explained that the project consists of one and two-story homes ranging from 1,100 to 1,400 square feet, but was unable to provide elevations. COUNCILMAN REESE requested to hold the item in abeyance for 30 days and asked MR. WEBB to contact his office to discuss this issue further.

COUNCILMAN REESE reconsidered his motion for abeyance to allow the applicant to present the project's elevations. MR. WEBB reiterated that the project consists of one and two-story

City of Las Vegas

Agenda Item No. 123

CITY COUNCIL MEETING OF DECEMBER 3, 2003
Planning and Development Department
Item 123 - ZON-3138

MINUTES - Continued:

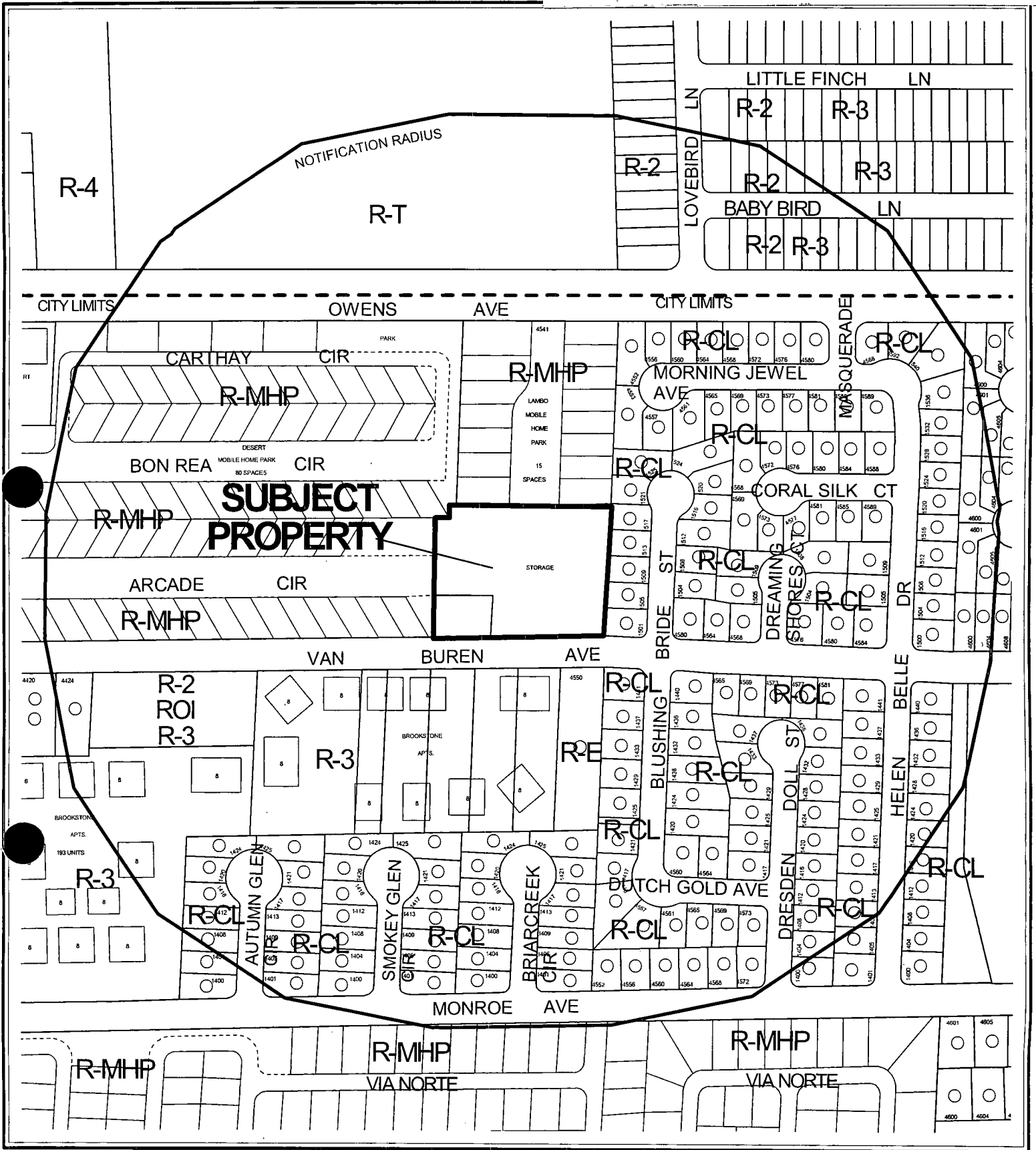
homes ranging from 1,000 to 1,600 square feet. The approximate value of the homes would be in the low \$130,000's. COUNCILMAN REESE was not impressed with the project and requested a meeting with MR. WEBB to discuss the density and the size of the proposed project. Therefore, he moved to hold the item in abeyance to January 7, 2004.

DEBBIE GUMA, Toney Engineering, 4445 South Jones Boulevard, appeared on behalf of the applicant and concurred with conditions.

COUNCILMAN REESE conveyed that the houses were very nice looking.

There was no further discussion.

(3:05-3:09/3:37)
5-433/5-1554



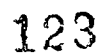
CASE: ZON-3138

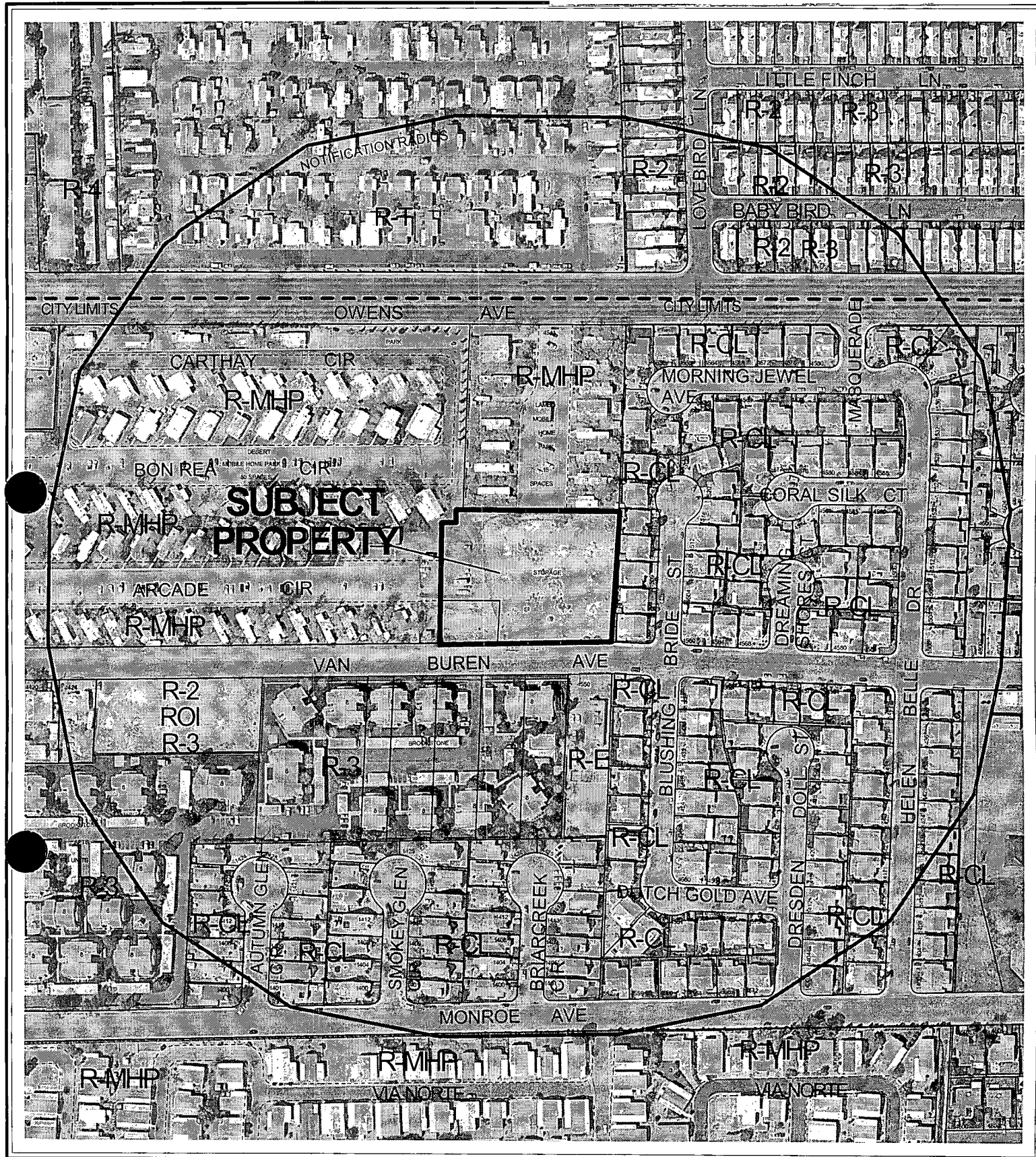
RADIUS: 750 FT

ZONING OF SUBJECT PROPERTY:

R-MHP (RESIDENTIAL MOBILE/MANUFACTURED HOME PARK)

PROPOSED ZONING OF SUBJECT PROPERTY: R-CL (SINGLE FAMILY COMPACT-LOT)





CASE: ZON-3138

RADIUS: 750 FT

ZONING OF SUBJECT PROPERTY:

R-MHP (RESIDENTIAL MOBILE/MANUFACTURED HOME PARK)

PROPOSED ZONING OF SUBJECT PROPERTY: R-CL (SINGLE FAMILY COMPACT-LOT)



*City of Las Vegas***AGENDA MEMO****CITY COUNCIL MEETING DATE: DECEMBER 3, 2003****DEPARTMENT: PLANNING AND DEVELOPMENT****ITEM DESCRIPTION: ZON-3138 - CITATION HOMES ON BEHALF OF CARL W. & RUTH HEAVIN AND DESERT MOBILE HOME PARK, LIMITED LIABILITY COMPANY****** CONDITIONS ****

The Planning Commission (6-0 vote) and staff recommend APPROVAL, subject to:

Planning and Development

1. A Resolution of Intent with a two-year time limit.
2. A Homeowners' Association shall be established to maintain all perimeter walls, private roadways, 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.
3. The proposed project shall be developed as one parcel.

Public Works

4. Coordinate with the City Surveyor to determine whether a Parcel Map or other mapping is necessary; if such map is required it should record prior to the issuance of any building permits for this site or the recordation of any Final Maps overlying or abutting this site.
5. Construct half-street improvements including appropriate overpaving on East Van Buren Avenue adjacent to this site concurrent with development of this site. All existing paving damaged or removed by this development shall be restored at its original location and to its original width concurrent with development of this site.
6. Coordinate with the Collection Systems Planning Section of the Department of Public Works to extend public sanitary sewer to the west edge of this site at a location and depth acceptable to the City Engineer. Provide public sewer easements for all public sewers not located within existing public street right-of-way prior to the issuance of any permits.
7. A Traffic Impact Analysis must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings or the recordation of a Map subdividing this site. Comply with the recommendations of the approved Traffic Impact Analysis prior to occupancy of the site. The City shall determine area traffic mitigation 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 Map subdividing this site. The Traffic Impact Analysis shall also include a section addressing Standard

ZON-3138 - Conditions Page Two
December 3, 2003 City Council Meeting

Drawings #234.1 #234.2 and #234.3 to determine additional right-of-way requirements for bus turnouts 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 for exclusive right turn lanes and dual left turn lanes shall be dedicated prior to or concurrent with the commencement of on-site development activities unless specifically noted as not required in the approved Traffic Impact Analysis. Phased compliance will be allowed if recommended by the approved Traffic Impact Analysis. No recommendation of the approved Traffic Impact Analysis, nor compliance therewith, shall be deemed to modify or eliminate any condition of approval imposed by the Planning Commission or the City Council on the development of this site.

Alternatively, in lieu of a Traffic Impact Analysis, the applicant may participate in a reasonable alternative mutually acceptable to the applicant and the Department of Public Works.

8. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings or the recordation of a Map subdividing this site, whichever may occur first. Provide and improve all drainage ways recommended in the approved drainage plan/study. The developer of this site shall be responsible to construct such neighborhood or local drainage facility improvements as are recommended by the City of Las Vegas Neighborhood Drainage Studies and approved Drainage Plan/Study concurrent with development of this site. In lieu of constructing improvements, in whole or in part, the developer may agree 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 Map subdividing this site, whichever may occur first, if allowed by the City Engineer.

** STAFF REPORT **

APPLICATION REQUEST

A) *Action Requested*

The request is for a Rezoning from R-MPH (Residential Mobile Home Park) Zone to R-CL (Single-Family Compact-Lot) Zone on 2.46 acres, located at 4441 East Van Buren Avenue. Approval of this Rezoning request will allow the applicant to develop an 18-lot residential subdivision.

BACKGROUND INFORMATION

A) *Previous Actions*

There are no recent case actions.

11/06/03 The Planning Commission voted 6-0 to recommend APPROVAL (PC Agenda Item #36).

B) *Pre-Application Meeting*

09/05/03 At the pre-application meeting, it was determined that the site met all R-CL criteria, a Site Development Review would not be required, and that a Homeowners' Association would be required to maintain the perimeter landscaping.

C) *Neighborhood Meetings*

Neighborhood meetings are not required for Rezoning requests.

DETAILS OF APPLICATION REQUEST

A) *Site Area*

Gross Acres:	2.46
Net Acres:	2.21

B) *Existing Land Use*

Subject Property:	Undeveloped
North:	Residential Mobile Home Park
South:	Multi-Family Residential
East:	Single-Family Residential
West:	Residential Mobile Home Park

ZON-3138 - Staff Report Page Two
December 3, 2003 City Council Meeting

C) Planned Land Use

Subject Property: M (Medium Low Density Residential)
North: M (Medium Low Density Residential)
South: M (Medium Low Density Residential)
East: ML (Medium Low Density Residential)
West: M (Medium Low Density Residential)

D) Existing Zoning

Subject Property: R-MHP (Residential Mobile Home Park)
North: R-MHP (Residential Mobile Home Park)
South: R-3 (Medium Density Residential and Apartment District)
East: R-CL (Single Family Compact Lot)
West: R-MHP (Residential Mobile Home Park)

E) General Plan Compliance

The site is located within the Southeast Sector of the General Plan with an M (Medium Density Residential) land use designation. The proposed R-CL (Single Family Compact-Lot) zoning district depicts a density below the maximum of the M General Plan designation. The proposed Single-Family Residential development is a permitted use in the R-CL zoning district.

SPECIAL DISTRICTS/ZONES	Yes	No
Special Area Plan		X
Special Overlay District		X
Trails		X
Study Area		X
Rural Preservation Neighborhood		X
County/North Las Vegas/HOA Notification		X
Development Impact Notification Assessment		X
Project of Regional Significance		X

The proposed project does not fall within any special districts or zones.

A) Zoning Code Compliance

A1) Development Standards

Pursuant to Title 19.08, the following Development Standards apply to the subject proposal:

Standards	Required	Provided	Compliance
Min. Lot Size	3,500 Feet	3,571 Feet	Y
Min. Lot Width	35 Feet	35 Feet	Y

ZON-3138 - Staff Report Page Three
December 3, 2003 City Council Meeting

Min. Setbacks			
• Front	14 Feet	16 Feet	Y
• Side	10 Feet	10 Feet	Y
• Corner	10 Feet	10 Feet	Y
• Rear	10 Feet	10 Feet	Y
Max. Lot Coverage	50 %	<50%	Y
Max. Building Height	2 Stories / 35 Feet	2 Stories	Y

The proposed development meets or exceeds all Title 19 requirements.

B) General Analysis and Discussion

The purpose of the R-CL (Single-family-Compact Lot) zoning district is to provide for single-family units and other customary residential uses on a smaller lot size. Pursuant to Title 19.18.040, properties to be rezoned R-CL are required to be infill parcels with a maximum site area of three acres, be surrounded by R-CL development, and not lend itself to R-PD development. It has been determined that this proposed rezoning request meets all criteria of the R-CL zoning district.

FINDINGS

In order to approve a Rezoning application, pursuant to Title 19.18.040, the Planning Commission or City Council must affirm the following:

1. **"The proposal conforms to the General Plan."**

The existing General Plan designation of the subject site is M (Medium Density Residential), which allows a maximum density of 25 units per acre. The proposed rezoning depicts a density of under 25 units per acre, and the residential use depicted is permitted in the R-CL (Single-Family – Compact Lot) district.

2. **"The uses which would be allowed on the subject property by approving the rezoning will be compatible with the surrounding land uses and zoning districts."**

The proposed R-CL (Single-Family-Compact Lot) zoning district is compatible with the surrounding Single, Multi-family, and Mobile Home residential developments.

3. **"Growth and development factors in the community indicate the need for or appropriateness of the rezoning."**

The subject site represents an infill parcel primarily surrounded by existing Single, Multi-family and Mobile home residential development. The applicant's intent to rezone the property to R-CL (Single-family-Compact Lot) is appropriate for the site in consideration of the surrounding residentially zoned property and the intent for the area to be utilized for residential development.

ZON-3138 - Staff Report Page Four
December 3, 2003 City Council Meeting

4. **“Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed zoning district.”**

The subject site has direct access to East Van Buren Avenue, which will be adequate to meet the requirements of the proposed zoning district.

NOTICES MAILED 151 by Planning Department

APPROVALS 0

PROTESTS 0

**PLANNING & DEVELOPMENT DEPARTMENT****STATEMENT OF FINANCIAL INTEREST**Case Number: ZON-3138 APN: 140-29-101-002Name of Property Owner: Desert Mobile Home Park LLCName of Applicant: Citation Homes

To the best of your knowledge, does the Mayor or any member of the City Council or Planning Commission have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company?

☐ Yes☒ No

If yes, please indicate the member of the City Council or Planning Commission who is involved and list the name(s) of the person or persons with whom the City Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official: _____

Partner(s): _____

APN: 140-29-101-002

Signature of Property Owner/Authorized Agent: _____

Print Name: MILDRED TACEY

Subscribed and sworn before me

This 20 day of Sept, 2003Berta Guzman
Notary Public in and for said County and State

**PLANNING & DEVELOPMENT DEPARTMENT****STATEMENT OF FINANCIAL INTEREST**Case Number: ZON-3138 APN: 140-29-101-005Name of Property Owner: Carl W. & Ruth E. HeavinName of Applicant: Citation Homes

To the best of your knowledge, does the Mayor or any member of the City Council or Planning Commission have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company?

☐ Yes☒ No

If yes, please indicate the member of the City Council or Planning Commission who is involved and list the name(s) of the person or persons with whom the City Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official: _____

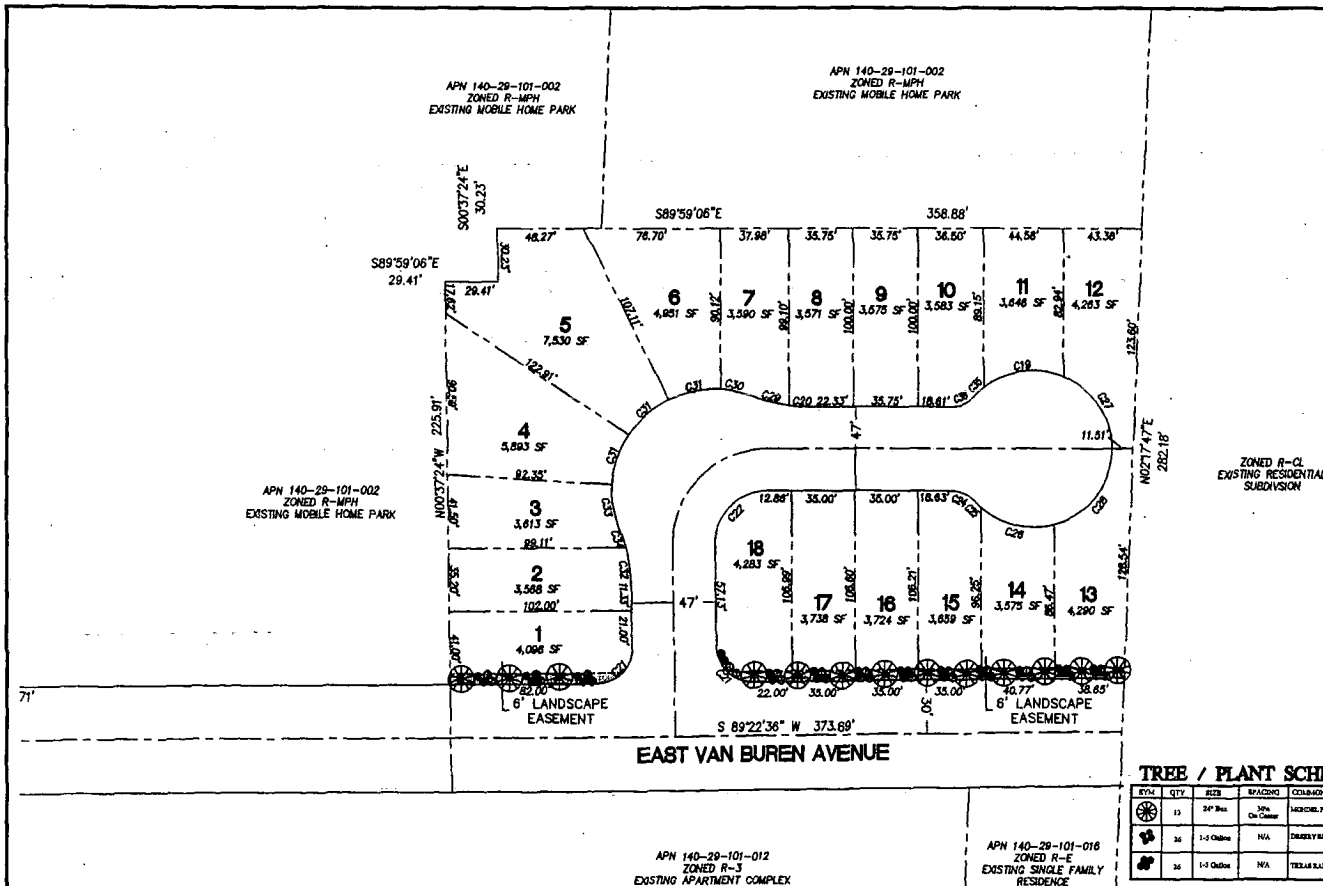
Partner(s): _____

APN: 140-29-101-005Signature of Property Owner/Authorized Agent: Ruth E. Heavin / Carl W. HeavinPrint Name: Ruth E. Heavin / Carl W. Heavin

Subscribed and sworn before me

This 22 day of Sept, 2003Berta Guzman
Notary Public in and for said County and State

ZON-3138
11-06-03 PC



TREE / PLANT SCHEDULE

ITEM	QTY	SIZE	SPACING	COMMON NAME	BOTANICAL NAME
	13	24" Dia.	30% On Center	MICHELLE POWR	Palm plugs
	36	1-3 Oulins	N/A	DREKLY BRIDGM	Deschampsia
	36	1-3 Oulins	N/A	TEXAS SLAMMER	Lamprophyllum

SEWER CONTRIBUTION

18 LOTS x 250 GPD/LOT = 4,500 GPD (AVERAGE)
18 LOTS x 250 GPD/LOT x 3.5 PEAK FACTOR = 15,750 GPD (PEAK)

LANDSCAPING REQUIREMENTS

LANDSCAPE RECOMMENDATIONS PER URBAN DESIGN GUIDELINES & STANDARDS -
LANDSCAPE, WALL & BUFFER STANDARDS ALONG EAST VAN BUREN FRONTAGE &
6 FT LANDSCAPE STRIP WITH WALL
REQUIRED: 14-20-INCH BOM CIRCULARIS TREE OR EQUIVALENT TREE EVERY 30
LINEAR FT OF PLANTER PLUG (1) ADDITIONAL 24-INCH BOX TREE = 3/78 L²
PLANTING - 15 TREES & CURB/COVER COVER OF FLOOR SURFACE OF (S) GAL

PROVIDES 15 INCHES FOR 37 1/2" &
ADJACENT TO STREETS

FLOOD ZONE

SCALE



LEGAL DESCRIPTION

A PORTION OF THE SOUTHEAST QUARTER (SE 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF SECTION 29, TOWNSHIP 20 SOUTH, RANGE 62 EAST, M.D.M.

DEVELOPMENT STANDARDS

PER TITLE 18A FOR R-CL ZONING
DENSITY ALLOWED - 8.00 UNITS/GROSS ACRE
MIN. LOT AREA - 3,800 SQ. FT.
MAX. HEIGHT - 20 FEET OR 2 STORIES WHICHEVER IS LESS

SETBACKS

FRONT YARD - 18 FEET TO GARAGE
- 18 FEET TO GARAGE IN
CLAUDE-DE-SAO ON BRIDGE
- 14 FEET TO HOUSE
REAR YARD
PRINCIPAL STRUCTURE - 6 FEET
ACCESSORY STRUCTURE - 5 FEET

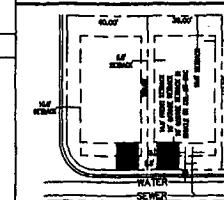
UTILITY COMPANIES

NEVADA POWER COMPANY
8228 N. SAHARA AVE. 387-8808
SPRINT TELEPHONE COMPANY
330 S. VALLEY VIEW BLVD. 844-7400
400X COMMUNICATIONS
121 S. MARTIN L. KING BLVD. 898-2700
SOUTHWEST GAS CORP.

STORM DRAIN NOTE

THIS PROPOSED DEVELOPMENT CONTAINS NO KNOWN EXISTING STORM DRAIN. NO NEW STORM DRAIN IS CURRENTLY PROPOSED BUT MAY BE DETERMINED NECESSARY BASED ON THE DRAINAGE STUDY.

TYPICAL LOT LAYOUT



CURVE TABLE



ENGINEER

TAMEY ENGINEERING
4448 SOUTH JONES BLVD.
LAS VEGAS, NEVADA 89103

SUBDIVIDER/DEVELOPER	OWNERS
1. W. H. & J. E. HARRIS 1000 N. 10th St. Phoenix, Arizona 85003	1. W. H. & J. E. HARRIS 1000 N. 10th St. Phoenix, Arizona 85003

CITATION HOMES, LLC MR. ED 8298 1840 CALAHEM DRIVE LAS VEGAS, NV 89168	AP# 140-23-101-003 DESERT MOBILE HOME PARK, LLC 238 GREENBARIAN TOWNHOUSE WP LAS VEGAS, NV 89111
702-467-0613 PHONE 702-235-0608 FAX	AP# 140-23-101-008 CHAR. B. & EVELYN E. HEAVIN 6821 OGDENSTON A HOME LAS VEGAS, NV 89130

SITE INFORMATION

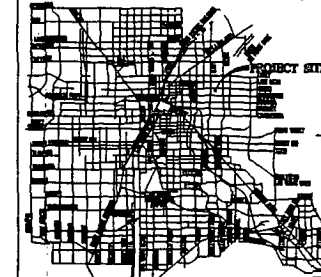
ASSESSORS PARCEL NUMBER	140-23-011-002 & 0
EXISTING ZONING	R-40 (MOBILE HOME PARK)
PROPOSED ZONING	R-C (SINGLE FAMILY RESIDENTIAL)
TOTAL PROPOSED LOTS	18 LO
GROSS ACREAGE	3.4
NET ACREAGE	2.3
DENSITY (BASED ON GROSS ACREAGE)	7.32 LOTS/AC
PAVING REQUIRED	2 PER UNIT = 36 SPACES
PAVING REQUIRED	36 SPACES IN 2 CAR DRIVEWAYS AND ON-ROAD
MINIMUM LOT SIZE	3,500
AVERAGE LOT SIZE	4,172
MINIMUM LOT WIDTH	30 FE

UTILITY DISTRIBUTION SYSTEM

WATER - THE NEAREST WATER CONNECTION IS AN EXISTING 12" PUBLIC MAIN IN EAST VAN BUREN RIGHT-OF-WAY, ADJACENT TO THE PROJECT SITE. RIGHT-OF-WAY EXISTS FOR THE ENTIRE PROPOSED WATER MAIN EXTENSION - LAS VEGAS VALLEY WATER DISTRICT IS THE SURVEYOR

SEWER - THE NEAREST SEWER CONNECTION IS AN EXISTING 40" SEWER MAIN IN EAST VAN BURDEN RIGHT-OF-WAY, ADJACENT TO THE PROPOSED SITE, ABOUT 15' AWAY FROM THE ENTIRE PROPOSED SEWER MAIN EXTENSION - CITY OF LAS VEGAS IS THE PURVEYOR

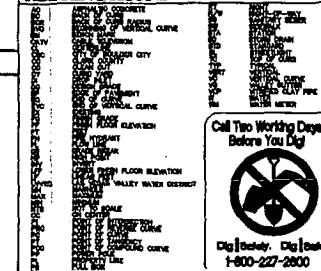
VICINITY MAP

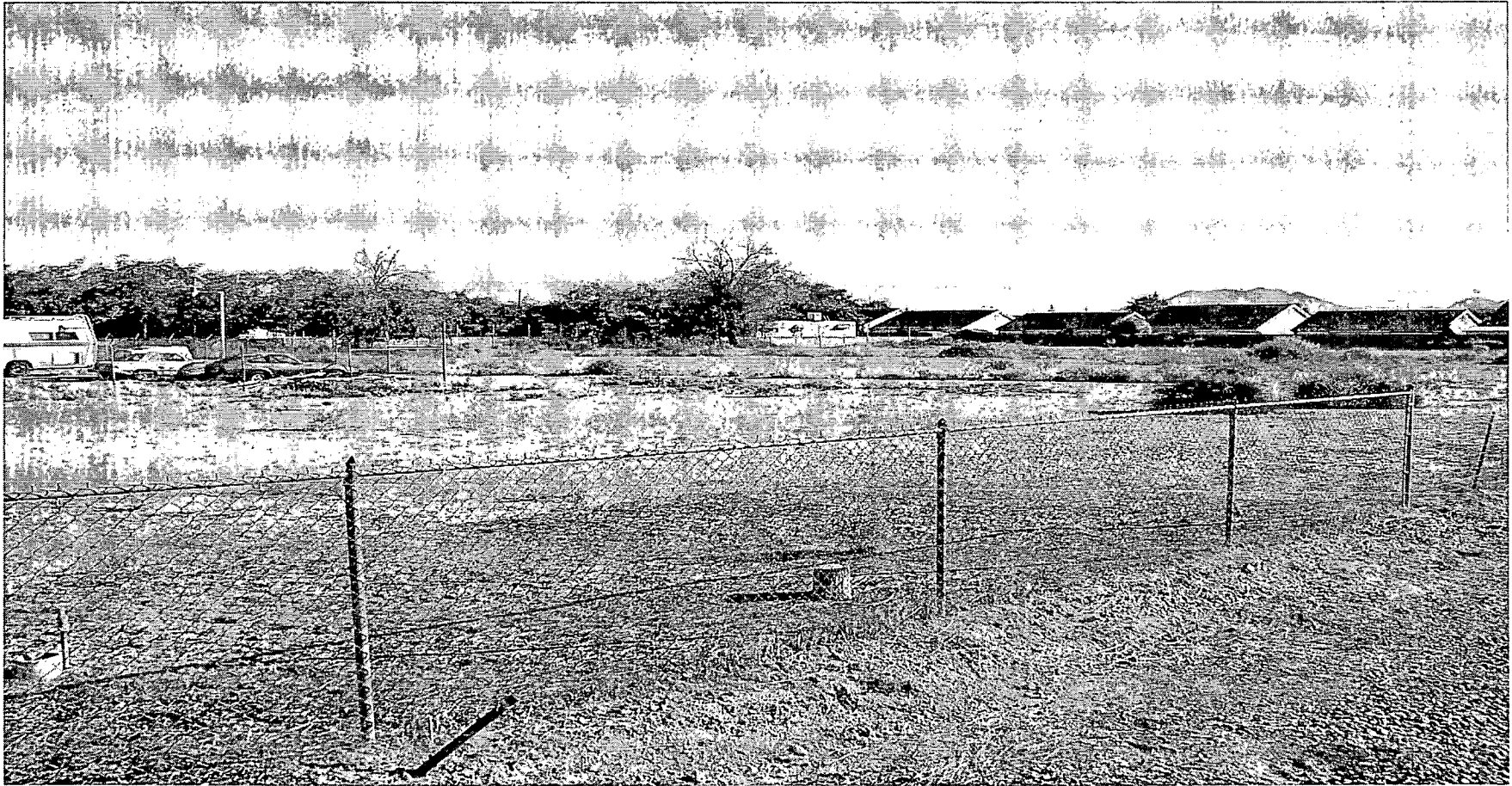


LEGEND

DESIGN ELEVATION	10.00
EXISTING ELEVATION	(10.00)
SCARP (SLOPE VARIES)	
EXISTING CONTOUR (1' INTERVAL)	
EXISTING CONTOUR (6' INTERVAL)	
DIRECTION OF FLOW	
RETAINING WALL	
CENTERLINE	
RIGHT-OF-WAY	
OUT LINE-ARMPHALT	
EASEMENT	
BOUNDARY LINE	
SEWER LINE	
WATER LINE	
PROPERTY LINE	
FIRE HYDRANT	

ABBREVIATIONS

[illegible]



ZON-3138 - CITATION HOMES ON BEHALF OF CARL W. & RUTH HEAVIN AND DESERT MOBILE
HOME PARK, LIMITED LIABILITY COMPANY
ADJACENT TO THE NORTH SIDE OF EAST VAN BUREN AVENUE, APPROXIMATELY 960 FEET EAST OF
LAMB BOULEVARD
NOVEMBER 6, 2003 PLANNING COMMISSION

10/17/03

City of Las Vegas

Agenda Item No. 124

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: DECEMBER 3, 2003

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☐

CONSENT

☒

DISCUSSION

SUBJECT:

TABLED ITEM - GENERAL PLAN AMENDMENT - PUBLIC HEARING - **GPA-2570** - **SF INVESTMENTS ON BEHALF OF MAS TRADING COMPANY** - Request to amend a portion of the Southwest Sector of the General Plan FROM: R (Rural Density Residential) TO: L (Low Density Residential) on 10 acres located adjacent to the north and south sides of Peak Drive, approximately 630 feet east of Torrey Pines Drive (APN: 138-14-601-029, 138-14-601-030, 138-14-602-021, 138-14-701-001 and 002), Ward 5 (Weekly). The Planning Commission (5-0 vote) recommends DENIAL. Staff recommends APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

113

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

RECOMMENDATION:

The Planning Commission (5-0 vote) recommends DENIAL. Staff recommends APPROVAL.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application - Not Applicable
3. Staff Report
4. Submitted after final agenda – Protest letter from David and Jeannine Barneby for Items 124 [GPA-2570], 125 [ZON-3119] and 126 [SDR-3235] filed under Item 124 [GPA-2570]

MOTION:

WEEKLY – APPROVED – UNANIMOUS with MACK excused

MINUTES:

MAYOR GOODMAN declared the Public Hearing open for Items 124 [GPA-2570], Item 125 [ZON-3119] and Item 126 [SDR-3235]

ATTORNEY JENNIFER LAZOVICH, appeared on behalf of the applicant. The applicant agreed with Condition 15 that staff recommended approval for all of the homes, with the exception of 11 odd-numbered lots, which will be two-story. She confirmed that these lots are specifically addressed in Item 126 [SDR-3235], Condition 15. ATTORNEY LAZOVICH further commented that the neighbors do not want streetlights in Cul-de-sac A, B, and C and no sidewalk on Mustang. Additionally, she brought forth that one of the neighbors expressed concerns regarding the height of the block wall along the northern property boundary east of

City of Las Vegas

Agenda Item No. 124

CITY COUNCIL MEETING OF DECEMBER 3, 2003
Planning and Development Department
Item 124 - GPA-2570

MINUTES - Continued:

Maverick. ATTORNEY LAZOVICH also mentioned that another neighbor suggested that there should be only one entrance to the property on Peak, and an entrance should not be allowed on Maverick.

RANDY TINDALL, 6251 Fort West Road, stated that this project is not going to enhance this area, and indicated that people moved into this area believing that it would remain R-E. The Planning Commission has repeatedly denied requests to change the zoning. The developer could build half-acre homes and keep the continuity in the neighborhood. He asked that the City Council deny the application, but if approved, he suggested that there should be only one entrance on Peak Drive, and the Maverick Street entrance should not be allowed.

MARGARET MINSTER, 6221 Fort West Road, stated that since there are two schools in the area, there should be streetlights and sidewalks for the children. She further contends that the developer could make just as much money with half acre-lots. It will be dangerous to have the traffic come out on Maverick Street.

LILLY BURNS, 2880 Mustang Street, stated that she lives on a half-acre lot and has come to accept that the land must be developed to conform to what already exists. She suggested that there be a four way stop at Maverick and Peak. When Peak goes through this will stop a lot of the diversion on Maverick.

ALICE KUKEC, 2860 Mustang Street, which is adjacent to the property, supports the project. She said that Peak should be vacated at Jones because of the heavy traffic already present.

CHAD BLACKHAM, 2870 Maverick, opined that it is quiet in the area and has mixed feelings about putting in half-acre lots and suggested a condition be added to require lampposts to give the project a rural setting.

TODD FARLOW, 240 19th Street, conveyed that the street light issue should be addressed and there should be one streetlight in each of the cul-de-sacs.

ATTORNEY LAZOVICH, 3800 Howard Hughes Parkway, added that the entrance off of Maverick Street makes sense, since Maverick Street to the north stops at Brooks Avenue. She thanked the neighbors for their involvement. She read into the record a condition to be added on the Site Development Plan stating that at the request of the property owners of APN: 138-14-602-026 and 027, the developer shall construct an eight-foot block wall on the southern property line of these parcels. This condition may be satisfied by increasing the height of the existing block wall, if structurally sound, or by constructing a new block wall. The new block wall shall be in a color to match the existing block wall. ATTORNEY LAZOVICH further added a

City of Las Vegas

Agenda Item No. 124

CITY COUNCIL MEETING OF DECEMBER 3, 2003
Planning and Development Department
Item 124 – GPA-2570

MINUTES - Continued:

condition stating that the setback for lot 34 (northwest corner lot) shall be a 40-foot front setback and a 20-foot side setback on the northern boundary.

MARGO WHEELER, Planning and Development, was amenable to the added condition and requested that Lot 34 be confirmed as being the lot in the northwest corner of the development. She expressed that the recommendation has changed because the changed conditions had been adhered to. She added that the action for the Planning Commission to recommend denial of the GPA was taken on July 24 of this year with the previous plan. As the applicant's representatives indicated, the plan has changed substantially; and therefore, on November 6, 2003, the Planning Commission voted for a recommendation of approval on the rezoning and the Site Development Plan.

As an aside, MAYOR GOODMAN mentioned that there will be a joint session between the Planning Commission and the City Council at the Lied Library on Monday, December 8, 2004 at noon, where items such as these will be addressed to determine the best possible procedure for future applications. COUNCILMAN WEEKLY encouraged the public to participate in this discussion.

COUNCILMAN WEEKLY commented that he was concerned with the number of units proposed on the first plan. Looking at how the neighborhood could possibly change, he had the applicant work closely with the residents. He is satisfied with the new plan and the input given by the residents. He asked staff if lampposts have ever been allowed. BART ANDERSON, Public Works Department, replied that the deferral of lights has been allowed but not sub-standard lighting within the right-of-way, and if the lights are deferred, as the Planning Commission recommended, there is a condition that requires the applicant to provide the actual streetlight poles and standards for the future construction. COUNCILMAN WEEKLY asked ATTORNEY LAZOVICH to work with the neighbors to come up with some lighting. She concurred. COUNCILMAN WEEKLY also asked a neighbor to get together with the principal at the school in the area to find out what the school wants to do with Peak.

MR. ANDERSON discussed with COUNCILMAN WEEKLY that Peak Drive is on the Master Plan of the Streets and Highways; therefore, unless removed from the Master Plan, he could not support a vacation request. If it were removed, staff would probably not recommend it because the school is there. The School District adamantly opposes the closure of Peak Drive. He would not endorse the idea of eliminating Peak Drive. COUNCILMAN WEEKLY suggested that MS. KUKEC meet with the school to determine whether the school's vision of Peak Drive has changed. MS. MINSTER added that a speed limit sign should be placed on Maverick Street. COUNCILMAN WEEKLY asked that she send him a letter to that effect so that he could work with the Public Works Department to discuss that issue.

*City of Las Vegas***Agenda Item No. 124**

CITY COUNCIL MEETING OF DECEMBER 3, 2003
Planning and Development Department
Item 124 – GPA-2570

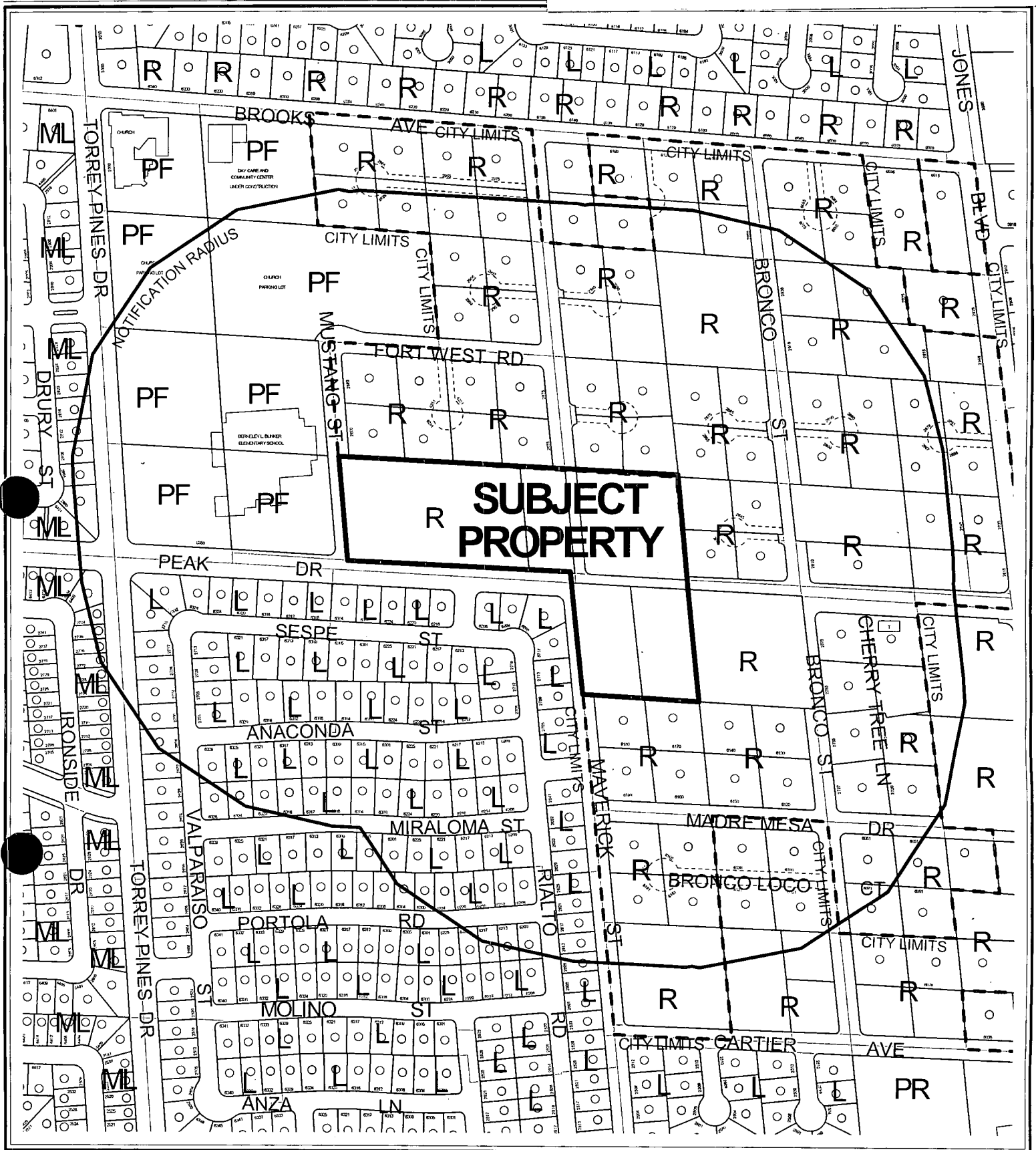
MINUTES - Continued:

MAYOR GOODMAN declared the Public Hearing closed for Items 124 [GPA-2570], Item 125 [ZON-3119] and Item 126 [SDR-3235]

There was no further discussion.

(3:09-3:40)

5-538



CASE: **GPA-2570**

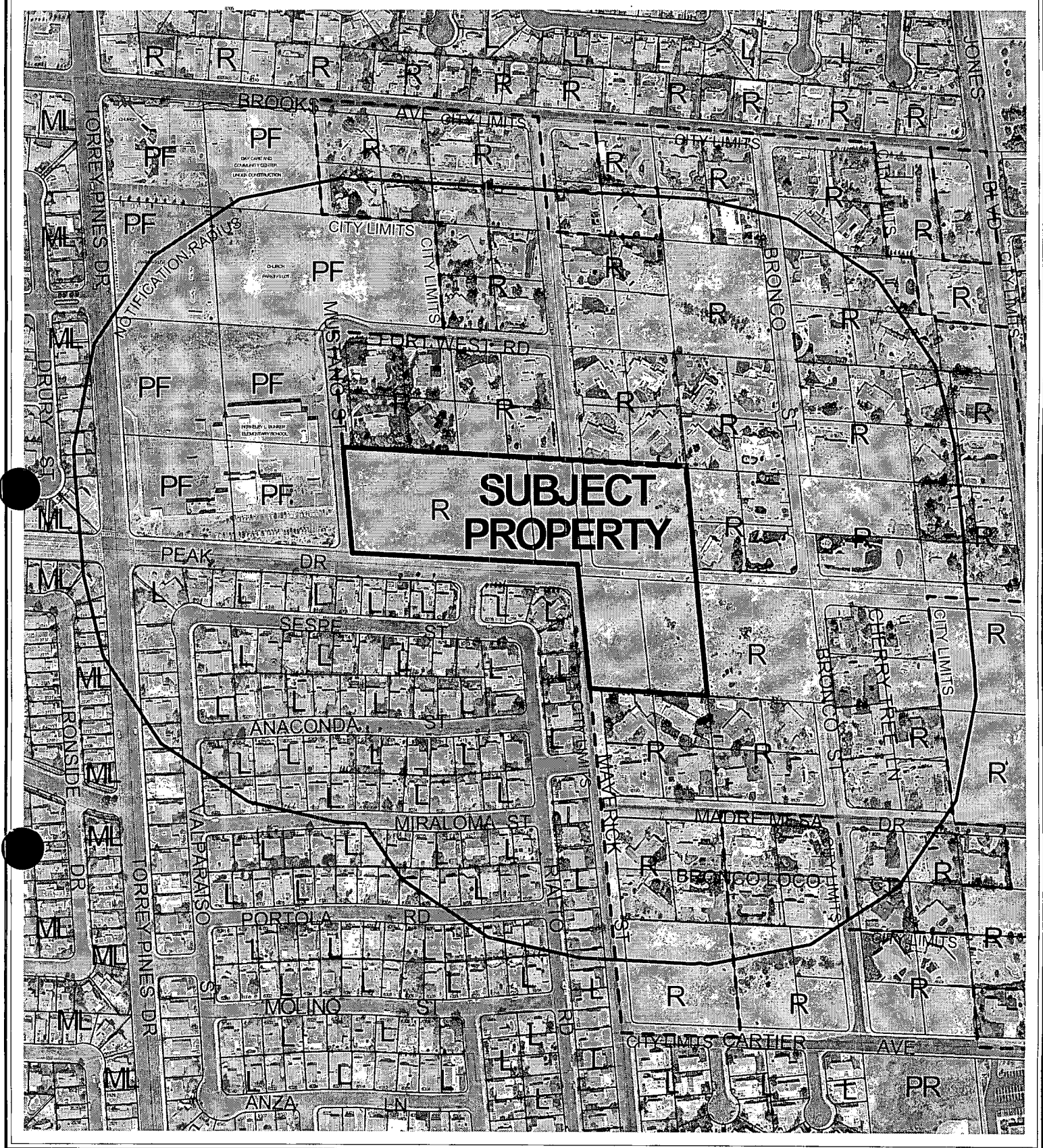
RADIUS: 750 FT

CURRENT LAND USE OF SUBJECT PROPERTY: R (RURAL DENSITY RESIDENTIAL)

PROPOSED LAND USE OF SUBJECT PROPERTY: L (LOW DENSITY RESIDENTIAL)

124





CASE: **GPA-2570**

RADIUS: 750 FT

0 300 600 Feet

CURRENT LAND USE OF SUBJECT PROPERTY: R (RURAL DENSITY RESIDENTIAL)

PROPOSED LAND USE OF SUBJECT PROPERTY: L (LOW DENSITY RESIDENTIAL)



City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: DECEMBER 3, 2003

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: TABLED ITEM - GPA-2570 - SF INVESTMENTS ON
BEHALF OF MAS TRADING COMPANY

*THIS ITEM WAS TABLED AT THE AUGUST 20, 2003 CITY COUNCIL MEETING AT THE
APPLICANT'S REQUEST.*

**** CONDITIONS ****

The Planning Commission (5-0 vote) recommends DENIAL. Staff recommends APPROVAL.

GPA-2570 - Staff Report Page One
December 3, 2003 City Council Meeting

**** STAFF REPORT ****

APPLICATION REQUEST

This application seeks to change the General Plan land use designation of the subject property located on the north and south sides of Peak Drive, 630 feet east of Torrey Pines Drive, from R (Rural Density Residential) to L (Low Density Residential). Approval would permit the construction of a single-family subdivision at up to five and one half dwelling units per acre. Accompanying this request are applications for Rezoning and Site Development Plan Review.

The applicant has justified the request for the following reasons:

1. The adjacent 80-foot arterial provides adequate automobile access.
2. All utilities are available to the site and easily accessible.
3. The proposed project is compatible with surrounding uses and provides needed single-family housing to the area.
4. The project will provide a buffer between the Elementary School to the west and the subdivisions to the north and east.

BACKGROUND DATA:

- 08/07/85 The City Council approved the Community Profiles of the city of Las Vegas General Plan by Resolution. On this plan, the subject properties were designated for Rural Residential land uses with a maximum density of three dwelling units per acre.
- 03/12/92 The Planning Commission approved the three Land Use Sector Maps of the General Plan. On this plan, the parcels were designated as R (Rural Density Residential) with a maximum density of 3.96 dwelling units per acre.
- 08/18/99 The City Council approved GPA-14-99 to amend portions of the Southwest Sector Plan to indicate areas of potential transition, correct errors from GIS data conversion, and match actions since 1996. On this plan, the parcels were designated as R (Rural Density Residential) with a maximum density of 3.5 dwelling units per acre.
- 07/24/03 The Planning Commission recommended denial of formerly related items ZON-2573 and VAR-2578.
- 07/24/03 The Planning Commission voted 5-0 to recommend DENIAL (PC Agenda Item #34). The recommendation for denial had a different accompanying Rezoning and Site Development Plan Review.

GPA-2570 - Staff Report Page Two
December 3, 2003 City Council Meeting

- 08/20/03 The City Council TABLED this application for General Plan Amendment and accepted the applicant's request to withdraw without prejudice the related Rezoning (ZON-2573) and Variance (VAR-2578).
- 11/06/03 The Planning Commission recommended approval of a related Rezoning (ZON-3119) and Site Development Plan Review (SDR-3235) (Item #22 and 23).

DETAILS OF APPLICATION REQUEST

Site Area: 10 Acres

EXISTING LAND USE

Subject Property Undeveloped
North Single-family homes
South Single-family homes
East Single-family homes and undeveloped land
West Single-family homes and Elementary School

PLANNED LAND USE

Subject Property R (Rural Density Residential)
North R (Rural Density Residential)
South L (Low Density Residential) and R (Rural Density Residential)
East PF (Public Facility) and L (Low Density Residential)
West R (Rural Density Residential)

EXISTING ZONING

Subject Property R-E (Residence Estates)
North R-E (Rural Estates) [Clark County Designation]
South R-1 (Single-Family Residential) and R-E (Rural Estates) [Clark County Designation]
East R-E (Rural Estates) [Clark County Designation]
West U (Undeveloped) Zone [PF (Public Facility) General Plan Designation] under resolution of intent to C-V (Civic); and R-1 (Single-Family Residential)

	YES	NO
INTERLOCAL AGREEMENT JOINT LAND USE PLANNING AREA		X
SPECIAL PLAN AREA		X
RURAL PRESERVATION NEIGHBORHOOD		X
RURAL PRESERVATION NEIGHBORHOOD BUFFER	X	
PROJECT OF REGIONAL SIGNIFICANCE		X

DEFINITIONS

R (Rural Density Residential)

(2.1 to 3.5 dwelling units/gross acre). The Rural Density Residential category allows a maximum of 3.5 dwelling units per gross acre. This is a rural or semi-rural environment with a life-style much like that of the Desert Rural, but with a smaller allowable lot size.

L (Low Density Residential)

(3.6 to 5.5 units/gross acre.) This category permits single-family detached homes, manufactured homes on individual lots, gardening, residential planned developments, and planned community developments. Local supporting uses such as parks, other recreation facilities, schools, and churches are allowed in this category.

INTERAGENCY ISSUES

RURAL PRESERVATION NEIGHBORHOOD BUFFER

This site is within an area identified as a buffer for a Rural Preservation Neighborhood. Chapter 278 of the Nevada Revised Statutes stipulates the identification of a 330-foot transitional buffer around Rural Preservation Neighborhoods. Within these buffer areas, residential development density is limited to three dwelling units per acre, unless good cause is shown. Land is disqualified from status as a Rural Preservation Neighborhood, or as a required buffer, if it is closer than 330 feet to a road greater than 99 feet in width. In the case of this application, adjacent development creates a context in which residential density greater than three dwelling units per acre can be justified. The single-family subdivision to the south is built to a density similar that is allowed by this property and to the west is an Elementary School. Access will be directly off of Peak Drive so there will be no automobile intrusion into the lower density development to the north. Further, the site itself allows for design that is sensitive to those homes.

ANALYSIS

The subject parcels are currently undeveloped. Peak Drive, an 80-foot right-of-way, and Maverick Street, a 60-foot right-of-way, provide access to the site. Surrounding development is predominantly single-family residential, with an Elementary School immediately to the west.

Although these parcels are within an area identified as a buffer for a Rural Preservation Neighborhood, existing factors provide good cause to permit density of greater than three units per acre. First, there will be no new or unanticipated land uses introduced. The request will result in a reasonable expansion of the L (Low Density Residential) land use designation, allowing like uses to face each other across Peak Drive and Maverick Street. The L (Low Density Residential) designation is appropriate adjacent to the R (Rural) designation, as it provides for a gradation from higher to lower densities. This request simply moves the boundary line between them. The fact that there is no longer a street separating the designations can be compensated for through sensitive site design and density upon approval of an appropriate zoning designation. There will be no impact to the west as that property is developed with a school.

FINDINGS

Section 19.18.030.I of the Las Vegas Zoning Code requires that the following conditions be met in order to justify a General Plan Amendment:

1. The density and intensity of the proposed General Plan Amendment is compatible with the existing adjacent land use designations;
2. The zoning designations allowed by the proposed amendment will be compatible with the existing adjacent land uses or zoning districts;
3. There are adequate transportation, recreation, utility, and other facilities to accommodate the uses and densities permitted by the proposed General Plan Amendment; and
4. The proposed amendment conforms to other applicable adopted plans and policies, which include approved neighborhood plans.

In regard to "1": The L (Low Density Residential) General Plan Designation will have no impact on the adjacent properties designated as PF (Public Facility) or L (Low Density Residential). It is compatible with the R (Rural) designation as a transition from greater to lesser densities.

In regard to "2": The zoning districts that are supported by the L (Low Density Residential) land use designation will permit densities from 3.5 to 5.5 dwelling units per acre. While the high end of that range would not likely result in a compatible project, development within that range can be accomplished in a manner that is harmonious with the lower density properties to the north and east. For example, discouraging traffic from encroaching into the neighborhood and minimizing the number of lots that abut each half-acre lot will greatly minimize any potential conflict.

In regard to "3": The parcel is located in an area of the city where all utilities, fire, and police services are currently existing and available to the site. The site is serviced by the Northwest Area Command of the Las Vegas Metropolitan Police Department with a substation approximately one and a half miles away at Rancho Drive and Decatur Boulevard. Fire Station #43, which is approximately three-quarters of a mile to the south at Smoke Ranch Road and Torrey Pines Drive, is the closest city facility to the site. Heer's Park, also at Smoke Ranch Road and Torrey Pines Drive, is the closest city park to the site.

In regard to "4": There are no other adopted plans or policies that would be applicable.

GENERAL PLAN AMENDMENT NEIGHBORHOOD MEETING

Per policy set forth in the city of Las Vegas application packet, a neighborhood meeting shall be held with the surrounding property owners. The applicant is requested to hold this meeting within 14 days of the closing date of this application. In accordance with the above, on June 19, 2003, a neighborhood meeting sponsored by the applicant was held. There were eighteen people in attendance, all opposed to the project. Their concerns included density, traffic, building height, and the capacity of the adjacent school.

GPA-2570 - Staff Report Page Five
December 3, 2003 City Council Meeting

A second neighborhood meeting was held on July 14, 2003. The meeting was attended by 29 residents, all adamantly opposed to the request. Concerns raised beyond those offered at the first meeting were in regard to the reduction in property values, the limited amount of parking available, and the variance to reduce open space. The residents also stated that they had been promised by County Commissioners that the property would not be changed from the existing R-E (Rural Estates) zoning district after a previous request was defeated.

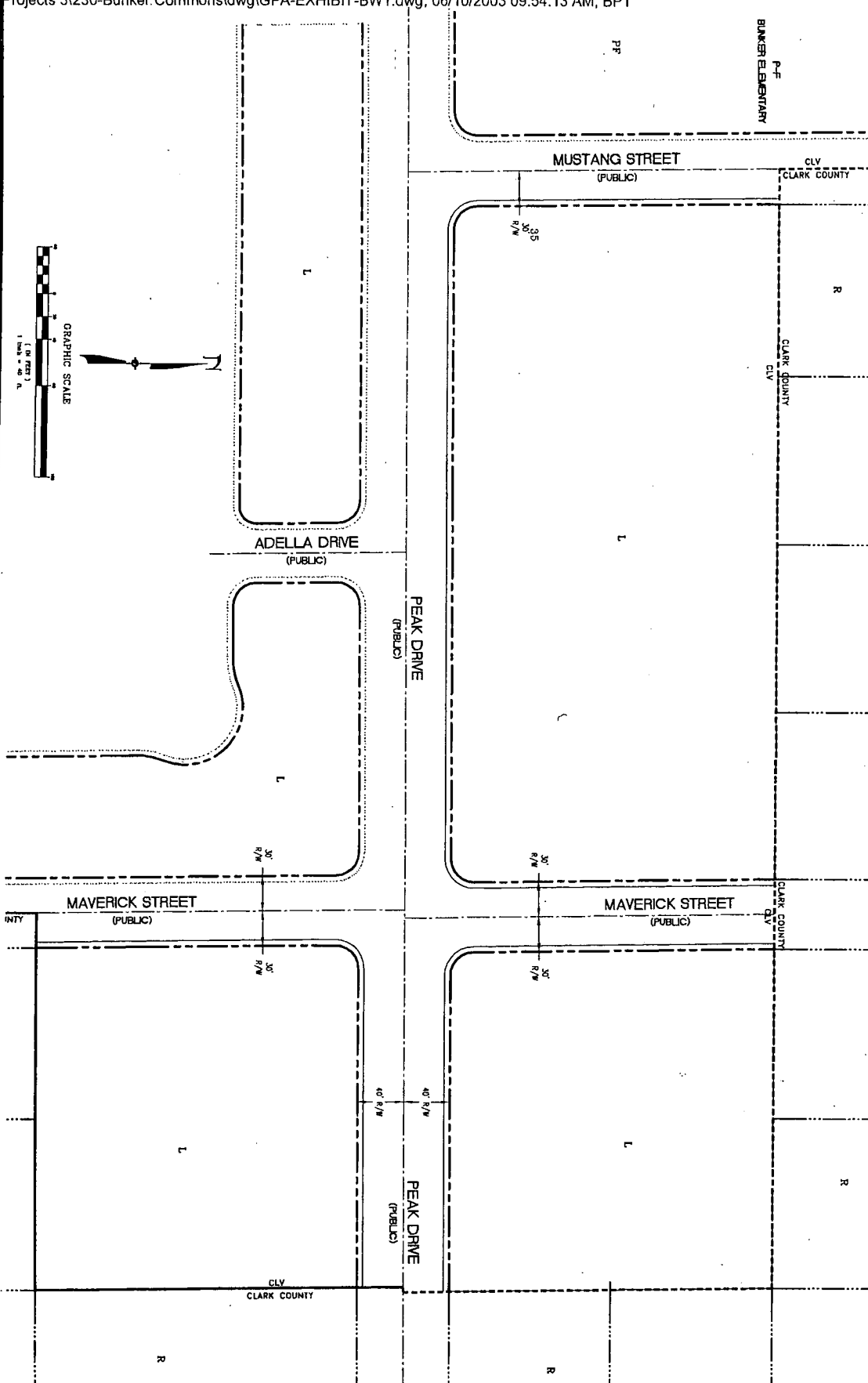
NOTICES MAILED: 208 by Planning Department

APPROVALS: 0

PROTESTS: 113



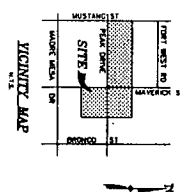
f:\depot\Application Packet\Statement of Financial Interest.doc



PROPOSED USE :	SINGLE FAMILY RESIDENTIAL
AREA :	10 GROSS ACRES
CURRENT ZON. PLAN DESIGNATION:	RURAL RESIDENTIAL (3.5 UNITS/ACRE)
PROPOSED ZON. PLAN DESIGNATION:	LOW DENSITY RESIDENTIAL (3.5 UNITS/ACRE)
PROPOSED UNITS:	45
PROPOSED DENSITY:	450 UNITS/ACRE

SITE DATA

APN NUMBERS
 APN: 136-14-601-029, -030
 APN: 136-14-602-021
 APN: 136-14-701-001, -002

[illegible]

**BUNKER COMMONS
GENERAL PLAN AMENDMENT
SITE PLAN**

DESIGNED: OPS		
CHECKED: OPS		
SCALE	HOR.	1"=
	VER.	N/
FILE No.	DATE:	

DEVELOPER/OWNER:
SPINNAKER HOMES
3320 NORTH BUFFALO DRIVE
SUITE 208
LAS VEGAS, NV 89129
PHONE: (702) 873-7773



Acclaim
ENGINEERING AND ARCHITECTURE

149 W. Glendon Road, Suite K
Henderson, Nevada 89014
Phone: 702-381-7081
Fax: 702-381-7082
Engineering, Planning, Surveying
CIATTS, INC.



GPA-2570 - SF INVESTMENTS ON BEHALF OF MAS TRADING COMPANY
10 acres located adjacent to the north and south sides of Peak Drive, approximately 630 feet east
of Torrey Pines Drive
DECEMBER 3, 2003 CITY COUNCIL MEETING

Picture taken 11/13/03



GPA-2570 - SF INVESTMENTS ON BEHALF OF MAS TRADING COMPANY
10 acres located adjacent to the north and south sides of Peak Drive, approximately 630 feet east
of Torrey Pines Drive
DECEMBER 3, 2003 CITY COUNCIL MEETING



GPA-2570 - SF INVESTMENTS ON BEHALF OF MAS TRADING COMPANY
10 acres located adjacent to the north and south sides of Peak Drive, approximately 630 feet east
of Torrey Pines Drive
DECEMBER 3, 2003 CITY COUNCIL MEETING

Picture taken 11/13/03



GPA-2570 - SF INVESTMENTS ON BEHALF OF MAS TRADING COMPANY
10 acres located adjacent to the north and south sides of Peak Drive, approximately 630 feet east
of Torrey Pines Drive
DECEMBER 3, 2003 CITY COUNCIL MEETING

Picture taken 11/13/03

David & Jeannine Barneby

6180 Madre Mesa Dr.

Las Vegas, NV 89108

(702) 645-4589

E-mail: barnebyd@aol.com

December 1, 2003

Las Vegas City Council
City of Las Vegas
400 S. 4th Street
Las Vegas, NV 89101

CASE: GPA-2570

City Council Meeting December 3, 2003

RECEIVED
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2003 DEC - 3 A 10:53

Dear Mayor and Council Members:

The subject General Plan Amendment is another attempt in a long line of attempts to create an enclave of high density housing in an area of Rural Density Residential development. This continuing tactic by MAS Trading to apply, revise, withdraw, reapply, delay, reapply, etc., is aimed at not only harassing the surrounding neighbors, but causing needless work for the Planning Commission Staff and the City of Las Vegas in general.

Had they developed this property under the existing general plan, they would have earned their profits and the neighborhood would have retained its character.

Attached are copies of our November 3 and October 16, 2003 letters which detail our objections.

We strongly object to any attempts to increase the density of development in this neighborhood and urge you to deny this application.

Thank you for your consideration.

Sincerely,

David S. Barneby

Attachments

Protest

Submitted after final agenda

Date *12/3/03* Item *#124-
#126*

David & Jeannine Barneby

6180 Madre Mesa Dr.
Las Vegas, NV 89108

November 3, 2003

Planning Commission
Planning & Development Department
Current Planning Division, Development Services Center
City of Las Vegas
731 South 4th Street
Las Vegas, NV 89101

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2003 DEC - 3 A 10:53

CASE: **ZON-3119 and SDR-3235**
Planning Commission Hearing – November 6, 2003

Dear Commissioners:

Attached please find our October 16 letter of objection to the above referenced zoning change and site development plan. We want to go on record again in opposition to any change in current zoning for the property located at Peak Drive and Maverick Street.

As stated in our attached letter, attempts to rezone this property have been numerous since 1988 and neighborhood opposition has been strong and consistent. These most recent requests by the current applicant have been most disturbing. Since July, this investment company has applied for zoning changes, changed their site plan, withdrawn their requests, applied again for a zoning change, asked for a delay (just as it was about to be heard by your Commission in October) and are now scheduled again on your upcoming meeting. To date, we have not received word if they plan to delay or withdraw again.

It would appear that this tactic of apply, revise, withdraw, reapply, and delay is aimed at not only harassing the surrounding neighbors, but causing needless work for the Planning Commission staff. It is no wonder we do not want this company or any developer connected with this company as our neighbors. There can be no guarantees that they will develop this property as presented in their latest applications.

The area (except for the 10 acres in question) has been almost completely built out with half-acre homesites. Only the land held by the applicants for speculation has remained undeveloped. This is because of their numerous unsuccessful attempts to break it into tiny parcels and build small houses surrounded by properties on half-acre lots. Please carefully consider the history of this R-E community and the numerous requests by the surrounding neighbors to have this property **remain R-E**.

Sincerely,

David & Jeannine Barneby

David & Jeannine Barneby

6180 Madre Mesa Dr.

Las Vegas, NV 89108

(702) 645-4589

E-mail: barnebyd@aol.com

October 16, 2003

Kyle C. Walton, Senior Planner
Planning & Development Department
Current Planning Division, Development Services Center
City of Las Vegas
731 South 4th Street
Las Vegas, NV 89101

RECEIVED
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2003 DEC - 3 A 10: 53

CASE: ZON - 3119

Planning Commission Hearing – October 23, 2003

Dear Mr. Walton:

Due to other commitments we will not be able to attend the upcoming Planning Commission meeting scheduled for October 23 regarding the above referenced rezoning request. However, we would like our comments and objections to go into the record.

Our home is located directly south of the subject property at 6180 Madre Mesa Dr. A portion of subject property is on the other side of our existing wall. Our home is on a half-acre lot and we have lived there since 1979.

As is exhibited by your city maps, this property is located within and surrounded by R-E lots and homes. Since 1988, owners of this property have applied for General Plan changes and Variances for this property. The most recent attempt was in July 2003, which was subsequently withdrawn by the applicant. I am sure your records indicate that neighborhood opposition is strong against any change in zoning for this property from R-E. Neighborhood property owners have always been present at all Planning and Council meetings through the years. We personally have attended over eight meetings over the years.

Both the Planning Commission and the City Council denied all previous applications for any zoning changes to this property. **In fact, the City Council went on record and voted that this area was to remain zoned R-E and assured the homeowners they would not change the character of this neighborhood from its existing R-E status.** (The last ruling was around 1996.)

To: Las Vegas Planning & Development
Kyle Walton, Senior Planner

Page 1 of 1

It is our understanding that this latest request for zoning change would allow 5.5 dwelling units per acre. In speaking with a member of your staff, it was explained that the site development request is for 34 lots to be developed in this 10-acre parcel. However, we have concerns about allowing this zoning change without strict conditions to the development. **What is the guarantee is that the developer will be held to the promise of 34 lots?** It is obvious that compressing the proposed 34 houses into 10 acres is completely incompatible with the R-E zoning to the north, east, and south. There is no logical reason for this high-density development, especially in light of the fact that our neighborhood continues to develop at a steady pace with new homes on half-acre lots.

Should this development be approved as proposed, there can be no doubt that the current homeowners would see a substantial reduction in their property values. This proposed compressed housing would have a tremendous affect on our quality of life and the economic value of current homes in this area. This request for zoning change is an obvious attempt at "block busting." The developer's financial gain should not come out of the pockets of the current surrounding homeowners. There is a significant demand for larger properties and the developers could easily recoup their investment with an R-E zoned project. In speaking with local realtors, the price for half-acre lots is escalating daily.

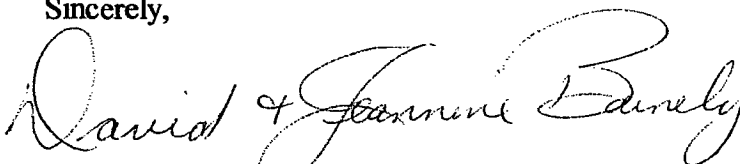
The owner of record, MAS Trading, has not been a good neighbor over the years. The 2 acres directly over our north wall has been a continuous dump for over 10 years; no doubt one of the worst within the City limits. On occasion, they have rented this property to be a construction staging area, which has been a major disruption to the neighborhood with nighttime noise, light, and dust pollution. The property has been left with new areas for dumping and an ever-increasing elevation.

Their plan to compress numerous houses onto tiny lots next to us is evidently their final gift to our neighborhood and us.

Again, we are in total opposition to any zoning changes or variances to the referenced property. We request that these applications be denied and encourage you to agree with previous rulings for our area and keep this property zoned R-E.

Thank you for your consideration and support.

Sincerely,



David and Jeannine Barneby
6180 Madre Mesa Dr.

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cc: Adrian Low – Senior Planner
Clark County Commissioners – David Clapsaddle, Supervisor

Fax: (702) 385-7268

To: Las Vegas Planning & Development
Kyle Walton, Senior Planner

NOTICE OF PUBLIC HEARING**GENERAL PLAN AMENDMENT**

13814701007 Case: GPA-2570
BARNEBY DAVID & JEANNINE FAM TR
3083 E - 3100 N
TWINFALLS ID 83301-0000

MEETING: CITY COUNCIL
DATE: DECEMBER 3, 2003
TIME: 1:00 P.M.
LOCATION: CITY COUNCIL CHAMBERS
400 STEWART AVENUE
LAS VEGAS, NEVADA

RENOTIFICATION**GPA-2570**

REQUEST BY SF INVESTMENTS ON BEHALF OF MAS TRADING COMPANY TO AMEND A PORTION OF THE SOUTHWEST SECTOR OF THE GENERAL PLAN FROM: R (RURAL DENSITY RESIDENTIAL) TO: L (LOW DENSITY RESIDENTIAL) ON 10 ACRES LOCATED ADJACENT TO THE NORTH AND SOUTH SIDES OF PEAK DRIVE, APPROXIMATELY 630 FEET EAST OF TORREY PINES DRIVE (APN: 138-14-601-029, 138-14-601-030, 138-14-602-021, 138-14-701-001 AND 002), WARD 5 (WEEKLY).

THE ABOVE PROPERTY IS LEGALLY DESCRIBED AS BEING A PORTION OF THE SOUTH HALF (S½) OF THE NORTHEAST QUARTER (SE¼) OF SECTION 14, TOWNSHIP 20 SOUTH, RANGE 60 EAST, M.D.M.

Any and all interested persons may appear and be heard at said meeting, or may, prior thereto, file written objections thereto or approvals thereof with the City Clerk, 1st Floor, City Hall, 400 Stewart Avenue, Las Vegas, Nevada 89101. For further information, please call 229-6301 (TDD 386-9108), <http://www.ci.las-vegas.nv.us>.



BARBARA JO RONEMUS
CITY CLERK

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2003 DEC - 3 A 10:53

SEE LOCATION MAP ON REVERSE SIDE

City of Las Vegas

Agenda Item No. 125

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: DECEMBER 3, 2003

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☐

CONSENT

☐

DISCUSSION

SUBJECT:

REZONING RELATED TO GPA-2570 - PUBLIC HEARING - ZON-3119 - SF INVESTMENTS, LIMITED LIABILITY COMPANY - Request for a Rezoning FROM: R-E (Residence Estates) TO: R-1 (Single-Family Residential) AND TO ALLOW 5.5 DWELLING UNITS PER ACRE WITHIN A RURAL PRESERVATION NEIGHBORHOOD BUFFER WHERE 3.0 UNITS PER ACRE IS PERMITTED on 10 acres adjacent to the northeast corner of Peak Drive and Maverick Street (APN: 138-14-601-029, 030; 138-14-602-021, 138-14-701-001, and 002), Ward 5 (Weekly). The Planning Commission (6-0 vote) and staff recommend APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

2

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

2

RECOMMENDATION:

The Planning Commission (6-0 vote) and staff recommend APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Submitted after final agenda – Protest letter from David and Jeannine Barneby for Items 124 [GPA-2570], 125 [ZON-3119] and 126 [SDR-3235] filed under Item 124 [GPA-2570]

MOTION:

WEEKLY – APPROVED subject to conditions – UNANIMOUS with MACK excused

MINUTES:

See Item 124 [GPA-2570] for all related discussion.

(3:09-3:40)

5-538

CONDITIONS:

Planning and Development

1. A General Plan Amendment (GPA-2570) to an L (Low Density Residential) land use designation approved by the City Council.
2. A Resolution of Intent with a two-year time limit.

CITY COUNCIL MEETING OF DECEMBER 3, 2003
Planning and Development Department
Item 125 – ZON-3119

CONDITIONS - Continued:

3. A Site Development Plan Review application approved by the Planning Commission or City Council prior to issuance of any permits, any site grading, and all development activity for the site.

Public Works

4. Dedicate 30 feet of right-of-way adjacent to this site for Mustang Street, an additional 10 feet of right-of-way for a total half-street width of 40 feet on the north side of Peak Drive, 40 feet for the south side of Peak Drive, 30 feet for the west side of Maverick north of Peak Drive, 30 feet for the east side of Maverick Street south of Peak Drive, a 20 foot radius at the northeast corner of Peak Drive & Mustang Street, a 20 foot radius at the northwest corner of Peak Drive & Maverick Street, and a 20 radius at the southeast corner of Peak Drive & Maverick Street prior to the issuance of any permits.
5. Construct half street improvements, including appropriate overpaving, and full street improvements as appropriate on Peak Drive and Maverick Street adjacent to this site. Construct half street improvements on Mustang Street, including appropriate overpaving, adjacent to this site. Also, construct appropriate transitional paving, where legally able, on Peak Drive, Maverick Street and Mustang Street adjacent to this site concurrent with development. Install all appurtenant underground facilities, if any, adjacent to this site needed for the future traffic signal system concurrent with development. All existing paving damaged or removed by this development shall be restored at its original location and to its original width concurrent with development.
6. Coordinate with the Collection Systems Planning Section of the Department of Public Works to extend public sanitary sewer to the north edge of this site in Maverick Street at a location and depth acceptable to the City Engineer. Provide public sewer easements for all public sewers not located within existing public street right-of-way prior to the issuance of any permits.
7. A Traffic Impact Analysis must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings or the recordation of a Map subdividing this site. Comply with the recommendations of the approved Traffic Impact Analysis prior to occupancy of the site. The City shall determine area traffic mitigation 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 or the recordation of a Map subdividing this site. The Traffic Impact Analysis shall also include a section addressing Standard Drawings #234.1 #234.2 and #234.3 to determine additional right-of-way requirements for bus turnouts 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 for exclusive right turn lanes and dual left turn lanes shall be

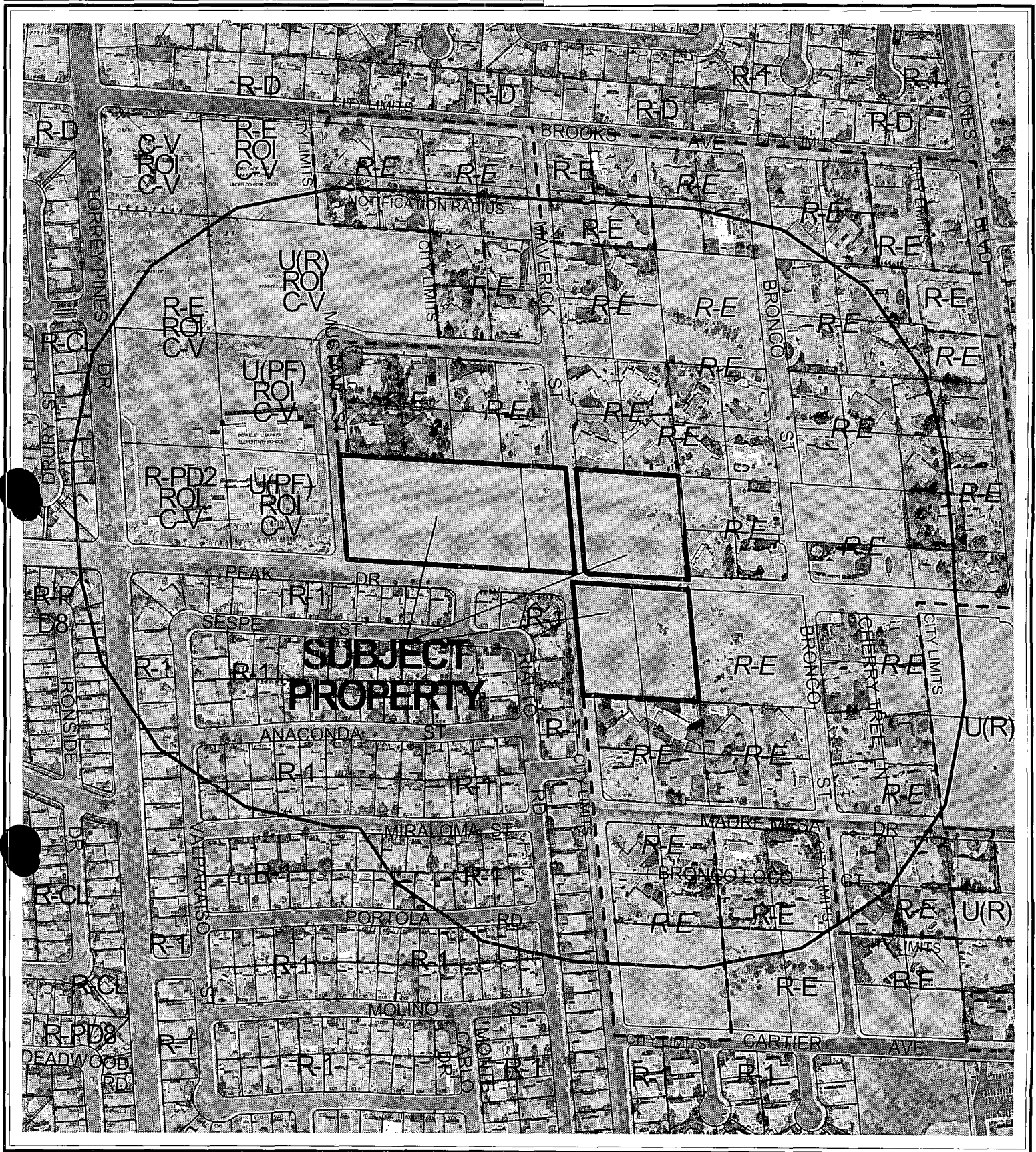
CITY COUNCIL MEETING OF DECEMBER 3, 2003
Planning and Development Department
Item 125 – ZON-3119

CONDITONS - Continued:

dedicated prior to or concurrent with the commencement of on-site development activities unless specifically noted as not required in the approved Traffic Impact Analysis. If additional rights-of-way are not required and Traffic Control devices are or may be proposed at this site outside of the public right-of-way, all necessary easements for the location and/or access of such devices shall be granted prior to the issuance of permits for this site. Phased compliance will be allowed if recommended by the approved Traffic Impact Analysis. No recommendation of the approved Traffic Impact Analysis, nor compliance therewith, shall be deemed to modify or eliminate any condition of approval imposed by the Planning Commission or the City Council on the development of this site.

Alternatively, in lieu of a Traffic Impact Analysis, the applicant may participate in a reasonable alternative mutually acceptable to the applicant and the Department of Public Works.

8. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings or the recordation of a Map subdividing this site, whichever may occur first. Provide and improve all drainageways recommended in the approved drainage plan/study. The developer of this site shall be responsible to construct such neighborhood or local drainage facility improvements as are recommended by the City of Las Vegas Neighborhood Drainage Studies and approved Drainage Plan/Study concurrent with development of this site. In lieu of constructing improvements, in whole or in part, the developer may agree 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 Map subdividing this site, whichever may occur first, if allowed by the City Engineer.



CASE: ZON-3119

RADIUS: 750 FT

ZONING OF SUBJECT PROPERTY: R-E (RESIDENCE ESTATES)

PROPOSED ZONING OF SUBJECT PROPERTY: R-1 (SINGLE FAMILY RESIDENTIAL)

0 300 600 Feet



*City of Las Vegas***AGENDA MEMO**

CITY COUNCIL MEETING DATE: DECEMBER 3, 2003
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: ZON-3119 - SF INVESTMENTS

**** CONDITIONS ****

The Planning Commission (6-0 vote) and staff recommend APPROVAL, subject to:

Planning and Development

1. A General Plan Amendment (GPA-2570) to an L (Low Density Residential) land use designation approved by the City Council.
2. A Resolution of Intent with a two-year time limit.
3. A Site Development Plan Review application approved by the Planning Commission or City Council prior to issuance of any permits, any site grading, and all development activity for the site.

Public Works

4. Dedicate 30 feet of right-of-way adjacent to this site for Mustang Street, an additional 10 feet of right-of-way for a total half-street width of 40 feet on the north side of Peak Drive, 40 feet for the south side of Peak Drive, 30 feet for the west side of Maverick north of Peak Drive, 30 feet for the east side of Maverick Street south of Peak Drive, a 20 foot radius at the northeast corner of Peak Drive & Mustang Street, a 20 foot radius at the northwest corner of Peak Drive & Maverick Street, and a 20 radius at the southeast corner of Peak Drive & Maverick Street prior to the issuance of any permits.
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6. Coordinate with the Collection Systems Planning Section of the Department of Public Works to extend public sanitary sewer to the north edge of this site in Maverick Street at a location and depth acceptable to the City Engineer. Provide public sewer easements for all public sewers not located within existing public street right-of-way prior to the issuance of any permits.

ZON-3119 - Conditions Page Two
December 3, 2003 City Council Meeting

7. A Traffic Impact Analysis must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings or the recordation of a Map subdividing this site. Comply with the recommendations of the approved Traffic Impact Analysis prior to occupancy of the site. The City shall determine area traffic mitigation 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 or the recordation of a Map subdividing this site. The Traffic Impact Analysis shall also include a section addressing Standard Drawings #234.1 #234.2 and #234.3 to determine additional right-of-way requirements for bus turnouts 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 for exclusive right turn lanes and dual left turn lanes 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.

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ZON-3119 - Staff Report Page One
December 3, 2003 City Council Meeting

**** STAFF REPORT ****

APPLICATION REQUEST

A) *Action Requested*

This is a request for a Rezoning from R-E (Residence Estates) to R-1 (Single Family Residential) and to allow 5.5 dwelling units per acre within a rural preservation neighborhood buffer where 3.0 units per acre is permitted on 10 acres adjacent to the northwest, northeast and southeast corners of Peak Drive and Maverick Street. Nine of the proposed lots will be on the southeast corner of this intersection, with eight lots on the northeast corner and the remaining 17 lots on the northwest corner.

B) *Applicant's Justification*

The applicant has justified this request by stating that the development as proposed represents a reasonable transition from the developed R-1 area to the southwest to the R-E area to the north and west of the site, and that access to this development will be solely from Peak Drive and Maverick Street and will not place traffic into the adjacent rural estate areas.

BACKGROUND INFORMATION

A) *Previous Actions*

- 03/16/88 The City Council denied a Rezoning (Z-0133-87) from R-E (Residence Estates) to R-PD3 (Residential Planned Development – 3 Units Per Acre) on a portion of the subject property. The Planning Commission recommended denial.
- 05/02/90 The City Council approved a Rezoning (Z-0032-90) from N-U (Non-Urban) to R-E (Residence Estates) on a portion of the subject property. The Planning Commission recommended denial. The Resolution of Intent expired on May 2, 1991.
- 01/19/94 The City Council denied a Rezoning (Z-0123-93) from R-E (Residence Estates) to R-D (Single Family Residence, Restricted), R-1 (Single Family Residence) R-PD2 (Residential Planned Development – 2 Units Per Acre), and N-U (Non-Urban) and R-CL (Single Family Compact Lot) on the subject properties. The Planning Commission recommended denial.
- 08/03/94 The City Council approved a Rezoning (Z-0065-94) from R-E (Residence Estates) to R-D (Single Family Residence, Restricted) on a portion of the subject property. The Planning Commission recommended approval. The Resolution of Intent expired on August 3, 1995.

ZON-3119 - Staff Report Page Two
December 3, 2003 City Council Meeting

- 11/10/97 The City Council denied the appeal of a Planning Commission denial, thereby denying the request for a Special Use Permit (U-00078-97) for a proposed convalescent care facility on a portion of the subject property.
- 08/20/03 The City Council voted to Table General Plan Amendment (GPA-2570) to amend the General Plan from R (Rural Density Residential) to L (Low Density Residential), and approved the applicant's request to Withdraw without Prejudice a Rezoning (ZON-2573) to amend the zoning designation from R-E (Residence Estates) to R-PD5 (Residential Planned Development – 5 Units Per Acre), Site Development Plan Review (SDR-2580) for a proposed 46-lot single-family development and to allow 4.6 dwelling units per acre within a rural preservation neighborhood buffer where 3.0 dwelling units per acre are permitted and a Variance (VAR-2578) to allow zero square feet of open space where 33,062 square feet is required on the subject property. The Planning Commission recommended denial for all applications on July 24, 2003.
- 10/23/03 The Planning Commission approved staff's request to hold in abeyance the requested Rezoning (ZON-3119) from R-E (Residence Estates) to R-1 (Single-Family Residence) and to allow 5.5 dwelling units per acre within a rural preservation neighborhood buffer where 3.0 units per acre is permitted and Site Development Plan Review (SDR-3235) for a 34-lot single-family residential development on the subject property.
- 11/06/03 The Planning Commission recommended approval of related item Site Development Plan Review (SDR-3235) for a 34-lot single-family residential development on the subject property.
- 11/06/03 The Planning Commission voted 6-0 to recommend APPROVAL (PC Agenda Item #22).
- 12/03/03 The City Council is scheduled to consider tabled General Plan Amendment GPA-2570 concurrently with ZON-3119 and SDR-3235.

B) Pre-Application Meeting

- 05/29/03 A pre-application meeting was held for the original Rezoning (ZON-2573) and Site Development Plan Review (SDR-2580) requests which were withdrawn without prejudice at the August 20, 2003 City Council meeting. The applicant has since revised the Site Development Plan Review request to the present application. The revised Site Development Plan Review request has resulted in staff meetings since the August 20, 2003 City Council meeting, but a new pre-application meeting was not required.

C) Neighborhood Meetings

The following meetings were held as required for General Plan Amendments:

- 06/19/03 A Neighborhood Meeting was held with approximately 18 people in attendance.

ZON-3119 - Staff Report Page Three
December 3, 2003 City Council Meeting

07/14/03 A second neighborhood meeting was held.

The applicant's justification letter states that a meeting was held with surrounding neighbors and it was agreed that the proposal would be limited to R-1 (Single-Family Residential) Zone standards and a maximum of 34 lots as depicted on the submitted site plan.

DETAILS OF APPLICATION REQUEST

A) *Site Area*

Gross Acres: 10.0 Acres

B) *Existing Land Use*

Subject Property: Undeveloped
North: Single Family Dwellings
South: Single Family Dwellings
East: Single Family Dwellings and Undeveloped
West: School

C) *Planned Land Use*

Subject Property: R (Rural Density Residential) [proposed: L (Low Density Residential)]
North: R (Rural Density Residential)
South: L (Low Density Residential)
East: R (Rural Density Residential)
West: PF (Public Facility)

D) *Existing Zoning*

Subject Property: R-E (Residence Estates)
North: Unincorporated Clark County
South: R-1 (Single Family Residential) and Unincorporated Clark County
East: Unincorporated Clark County
West: C-V (Civic) and R-1 (Single Family Residential)

E) *General Plan Compliance*

This site is designated as R (Rural Density Residential) on the Southwest Sector Map of the General Plan. The Rural Density Residential designation allows between 2.1 and 3.5 units per acre. A companion item (GPA-2570) is proposing to change the General Plan to L (Low Density Residential). A second companion item Rezoning (ZON-3119) proposes to change the zoning designation to R-1 (Single-Family Residence) which is compatible with a Low Density Residential Designation, as the Low Density Residential designation allows a density between 3.6 to 5.5 units per acre.

FINDINGS

In order to approve a Rezoning application, pursuant to Title 19.18.040, the Planning Commission or City Council must affirm the following:

ZON-3119 - Staff Report Page Four
December 3, 2003 City Council Meeting

1. **"The proposal conforms to the General Plan."**

The proposed R-1 (Single-Family Residential) zoning district will be compatible with the L (Low Density Residential) land use designation, once approved.

2. **"The uses which would be allowed on the subject property by approving the rezoning will be compatible with the surrounding land uses and zoning districts."**

The proposed single-family lots to be developed on the subject sites as depicted on the companion Site Development Plan Review (SDR-3235) are slightly larger than the existing R-1 lots on the southwest corner of the Peak Drive/Maverick Street intersection. As such, this development will help to provide a transition of intensity of use from the R-1 area to the R-E area to the north and west of the site. The elimination of any vehicular access from the site to adjacent rural estate residential areas will help to prevent any additional traffic impact on these areas.

3. **"Growth and development factors in the community indicate the need for or appropriateness of the rezoning."**

This area is suitable for single-family development of the type proposed. The type and scale of the development should meet the demand for housing that will be permitted through the requested Rezoning.

4. **"Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed zoning district."**

All but three of the 34 lots will be accessed by new public streets terminating in three cul-de-sacs. These three cul-de-sacs will be accessed from Maverick Street, designated as a 60-foot local street in the Master Plan of Streets and Highways, a short distance north and south of Peak Drive, designated as a Secondary (80-foot) Collector in the Master Plan of Streets and Highways. The remaining three lots are accessed directly from Mustang Street, another 60-foot local street. These streets have sufficient capacity to serve the proposed development.

NOTICES MAILED 208 by Planning Department

APPROVALS 2

PROTESTS 2



STATEMENT OF FINANCIAL INTEREST

Name of Applicant: SF INVESTMENTS

✓ No

APN: _____

Print Name: Stephen B. Aizenberg

 **KAREN BARKER**
Notary Public, State of Nevada
Appointment No. 02-76577-1
My Appt. Expires July 24, 2006

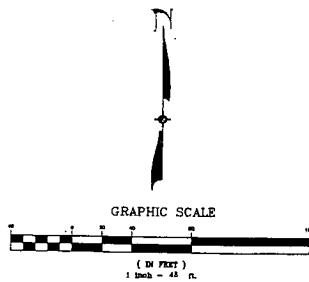
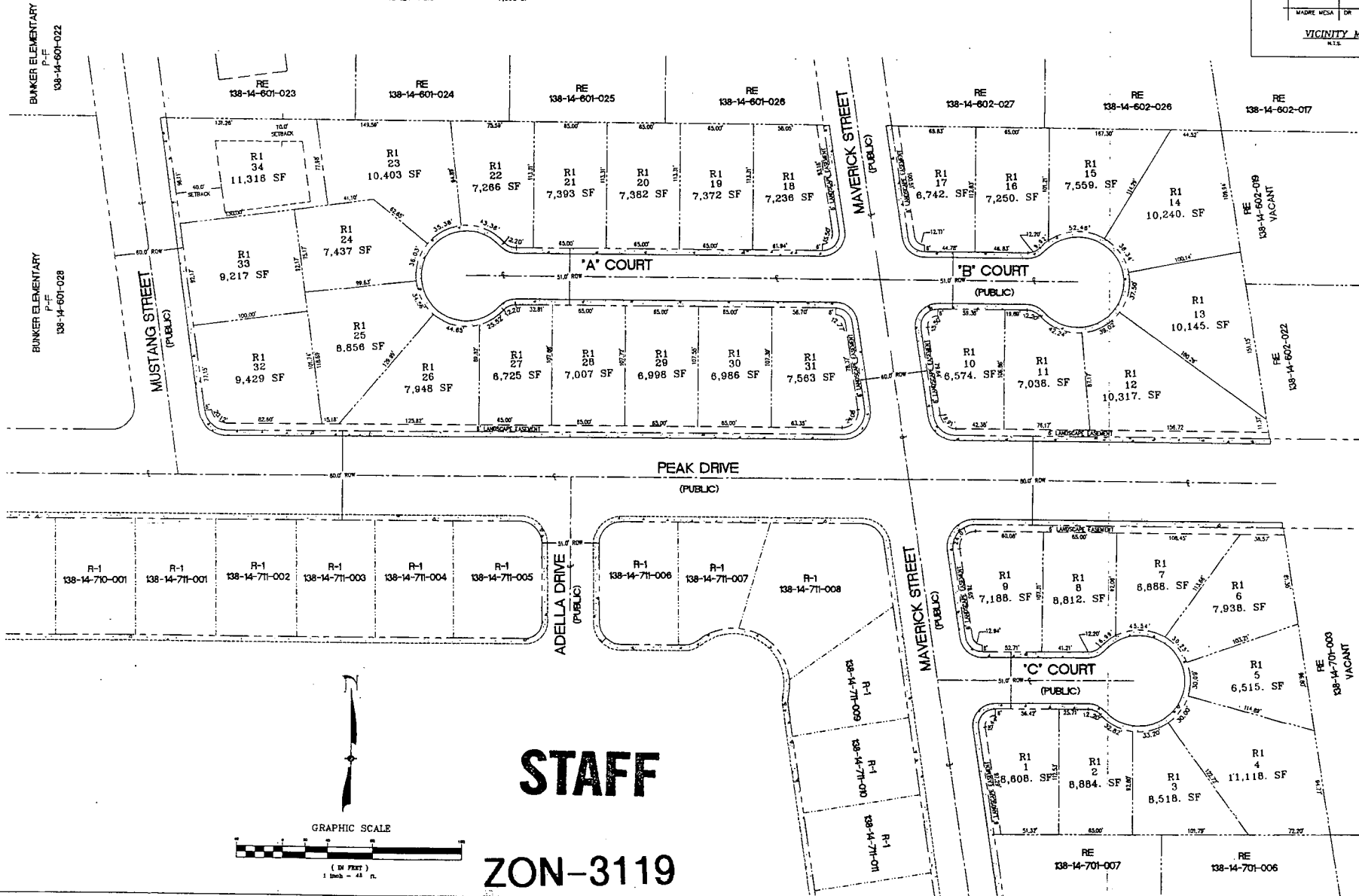
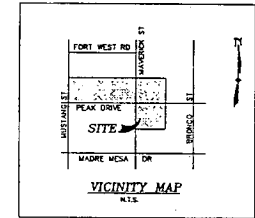
SITE DATA

PROPOSED USE: R1
 AREA: 10 GROSS ACRES (6.17 NET)
 CURRENT GEN. PLAN DESIGNATION: RURAL RESIDENTIAL (3.5 UNITS/ACRE)
 PROPOSED GEN. PLAN DESIGNATION: LOW DENSITY (5.5 UNITS/ACRE)
 PROPOSED UNITS: 34
 PROPOSED DENSITY: 5.5 UNITS/ACRE (NET) 3.4 UNITS/ACRES (GROSS)
 MINIMUM LOT AREA: 8,215 SF
 AVERAGE LOT AREA: 7,808 SF

MIN LOT WIDTH: 65.00'
 MIN FRONT SETBACK: 20'
 MIN SIDE YARD SETBACK: 5'
 MIN CORNER SIDEYARD SETBACK: 15'
 MIN REAR YARD SETBACK: 15'
 MAX BUILDING HEIGHT: 2 STORIES OR 35' MAX

APN NUMBERS

APN: 138-14-601-020 - 030
 APN: 138-14-602-021 - 022
 APN: 138-14-701-001 - 002



STAFF

**ZON-3119
 SDR-3235
 11-06-03 PC**

PROJ NO. 222000
 DESIGN: DPH
 DATE: 06/21/03
 SCALE: AS SHOWN
 CAD FILE: RL-REV

DAVID PATRICK BROWN
 CIVIL ENGINEER
 NO. 15287

3330 N. Buffalo Ave.
 Suite 104
 Las Vegas, NV 89129-2110
 Tel: 702-338-7758
 Fax: 702-338-7758
 Web: aztec.com

AZTEC

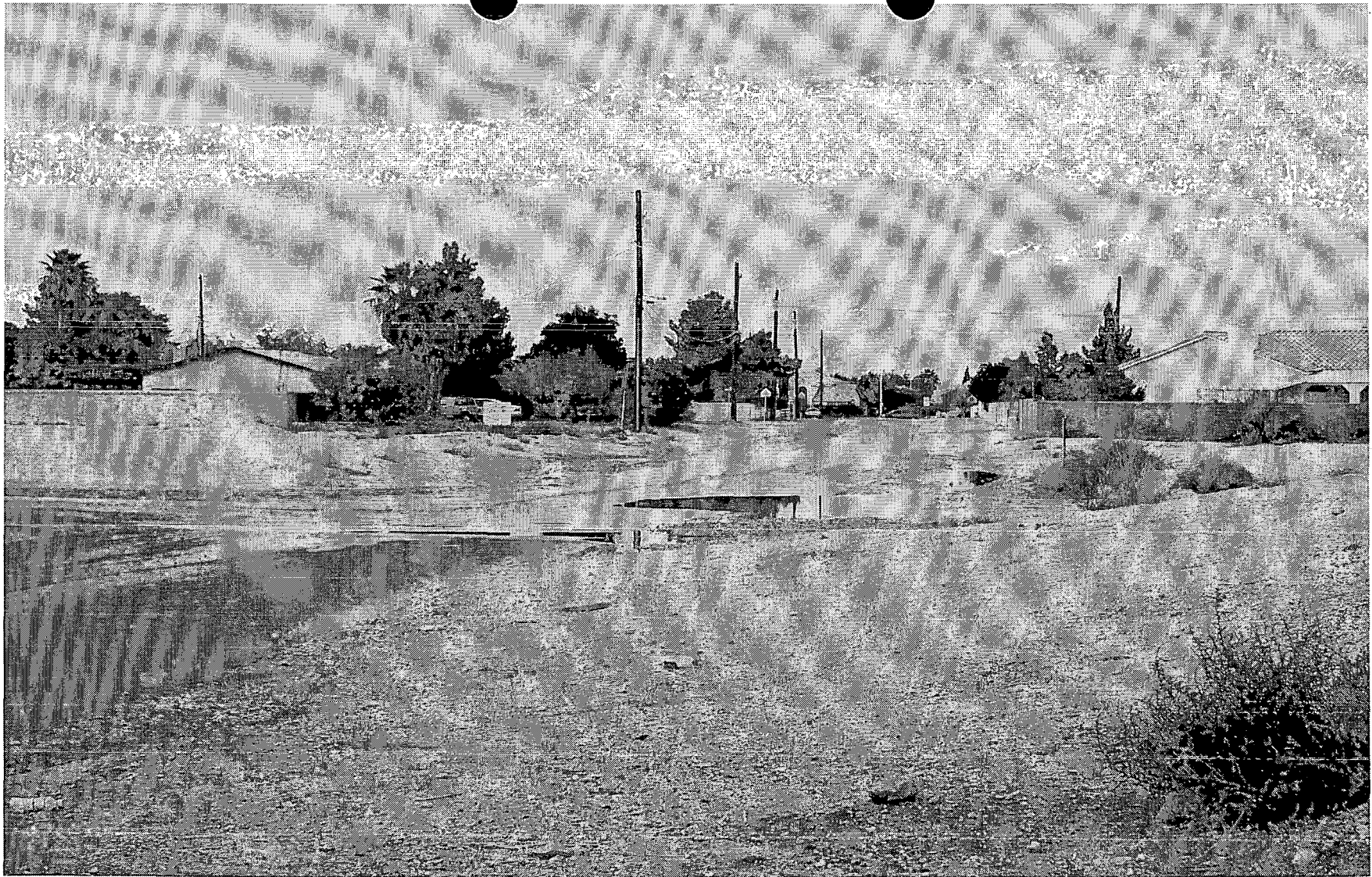
ATLAS
 PEAK DRIVE AND MUSTANG STREET
 BUNKER COMMONS

SHEET
SP
 1 of 1 Sheets



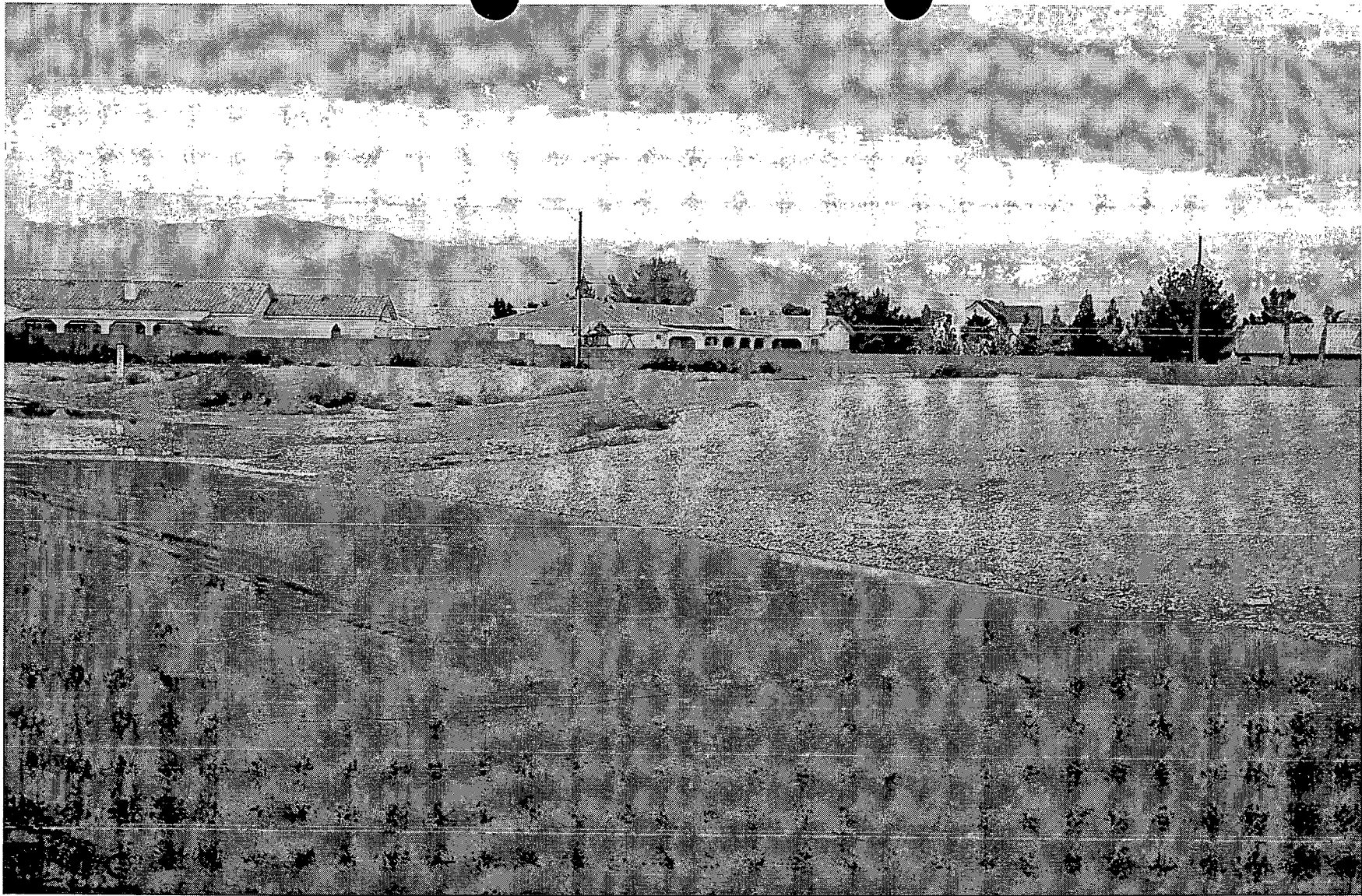
ZON-3119- SF INVESTMENTS, LIMITED LIABILITY COMPANY
10 acres adjacent to the northeast corner of Peak Drive and Maverick Street
DECEMBER 3, 2003 CITY COUNCIL MEETING

Picture taken 11/13/03



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10 acres adjacent to the northeast corner of Peak Drive and Maverick Street
DECEMBER 3, 2003 CITY COUNCIL MEETING

Picture taken 11/13/03

City of Las Vegas

Agenda Item No. 126

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: DECEMBER 3, 2003

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☐

CONSENT

☒

DISCUSSION

SUBJECT:

SITE DEVELOPMENT PLAN REVIEW RELATED TO GPA-2570 AND ZON-3119 - PUBLIC HEARING - **SDR-3235 - SF INVESTMENTS, LIMITED LIABILITY COMPANY** - Request for a Site Development Plan Review FOR A 34-LOT SINGLE-FAMILY RESIDENTIAL DEVELOPMENT on 10 acres adjacent to the northeast, northwest and southwest corners of Peak Drive and Maverick Street (APN: 138-14-601-029, 030; 138-14-602-021, 138-14-701-001, and 002), R-E (Residence Estates) Zone [Proposed: R-1 (Single Family Residential) Zone], Ward 5 (Weekly). The Planning Commission (6-0 vote) and staff recommend APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

2

RECOMMENDATION:

The Planning Commission (6-0 vote) and staff recommend APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Submitted after final agenda – Protest letter from David and Jeannine Barneby for Items 124 [GPA-2570], 125 [ZON-3119] and 126 [SDR-3235] filed under Item 124 [GPA-2570]

MOTION: WEEKLY – APPROVED subject to conditions and adding the following conditions:

- If requested by property owners of APN 138-14-602-026 and 027 developer shall construct an eight-foot block wall on the southern property line of these parcels. This condition may be satisfied by increasing the height of the existing block wall, if structurally sound, or by constructing a new block wall. The new block wall shall be in a color to match the existing block wall.
 - The setbacks for lot 34 (northwest corner) shall be a 40 foot front setback and a 20 foot setback on the northern boundary.
- UNANIMOUS with MACK excused

MINUTES:

MAYOR GOODMAN declared the Public Hearing open.

See Item 124 [GPA-2570] for all related discussion.

City of Las Vegas

Agenda Item No. 126

CITY COUNCIL MEETING OF DECEMBER 3, 2003
Planning and Development Department
Item 126 – SDR-3235

MINUTES - Continued:

(3:09-3:40)

5-538

CONDITIONS:

Planning and Development

1. A Rezoning [ZON-3119] to an R-1 (Single Family Residential) Zoning District approved by the City Council.
2. This Site Development Plan Review shall expire two years from date of final approval unless it is exercised or an Extension of Time is granted by the City Council.
3. Prior to the time an application is made for a Tentative Map, a Waiver of Title 18.12.160 shall be approved by City Council.
4. All development shall be in conformance with the site plan, landscaping plan and building elevations, except as amended by conditions herein.
5. The standards for this development shall include the following: minimum lot size of 6,500 square feet, minimum distance between buildings of 10 feet, lot coverage shall not exceed 50%, and building height shall not exceed two stories or 35 feet, whichever is less.
6. The site plan shall be revised and approved by Planning and Development Department staff, prior to the time application is made for a tentative map, to reflect minimum lot widths of 30 feet for lots located along the circular portion of a cul-de-sacs and 65 feet for all other lots. Lot widths shall be measured at the front setback line (20 feet) as required by Title 19.08.
7. The setbacks for this development shall be a minimum of 20 feet to the front of the house, 20 feet to the front of the garage as measured from back of sidewalk or from back of curb if no sidewalk is provided, 5 feet on the side, 15 feet on the corner side, and 15 feet in the rear.

CITY COUNCIL MEETING OF DECEMBER 3, 2003
Planning and Development Department
Item 126 – SDR-3235

CONDITIONS - Continued:

8. The site plan shall be revised and approved by Planning and Development Department staff, prior to the time application is made for a tentative map, to reflect the six-foot perimeter landscape planter areas to be dedicated as common lots to be maintained by a homeowner's association.
9. A landscaping plan must be submitted prior to or at the same time application is made for a building permit.
10. Air conditioning units shall not be mounted on rooftops.
11. All utility boxes exceeding 27 cubic feet in size shall meet the standards of Municipal Code Section 19.12.050.
12. Any proposed property line wall shall be a decorative block wall, with at least 20 percent contrasting materials. Wall heights shall be measured from the side of the fence with the least vertical exposure above the finished grade, unless otherwise stipulated.
13. 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.
14. All City Code requirements and design standards of all City departments must be satisfied.
15. Only lots numbered 5 to 9, 10 to 13, 29 and 31 on the site development plan shall be allowed to have two-story homes. The remainder of the 23 lots shall be limited to single-story homes. There shall be a maximum of 34 lots in total.

Public Works

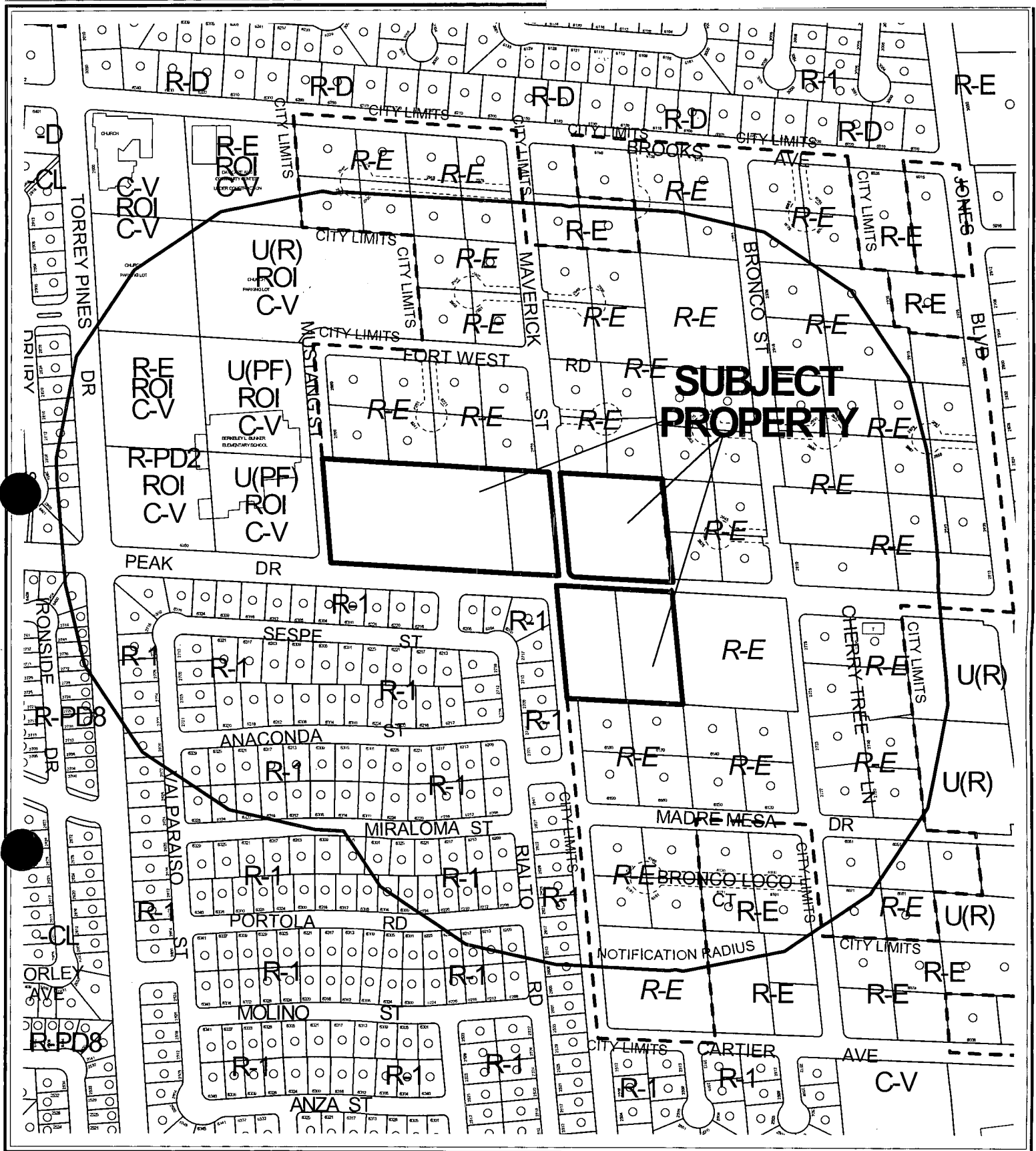
16. Meet with the Traffic Engineering Representative in Land Development for assistance in the possible redesign of the proposed street layout and on site circulation prior to the submittal of any construction plans or the issuance of any permits, whichever may occur first.
17. A Master Streetlight Plan of public streetlights for the overall subdivision shall be approved prior to the submittal of any construction drawings for this site. Installation of public streetlights on the interior cul-de-sacs may be deferred, provided the developer construct all appropriate undergrounds for the future installation of streetlights, and provides to the City the streetlights for future installation, or contributes equivalent monies in lieu of such requirements in accordance with City rural street standards.

**Agenda Item No. 126**

CITY COUNCIL MEETING OF DECEMBER 3, 2003
Planning and Development Department
Item 126 – SDR-3235

CONDITIONS - Continued:

18. The final layout of the subdivision shall be determined at the time of approval of the Tentative Map.
19. Site development to comply with all applicable conditions of approval for ZON-3119 and all other subsequent site-related actions.
20. The approval of all Public Works related improvements shown on this Site Development Plan Review is in concept only. Specific design and construction details relating to size, type and/or alignment of improvements, including but not limited to street, sewer and drainage improvements, shall be resolved prior to submittal of a Tentative Map or construction drawings, whichever may occur first. No deviations from adopted City Standards shall be allowed unless specific written approval for such is received from the City Engineer prior to the submittal of a Tentative Map or construction drawings, whichever may occur first.
21. Meet with the Fire Protection Engineering Section of the Department of Fire Services prior to submittal of a Tentative Map for this site. The Design and layout of all onsite private circulation and access drives shall meet the approval of the Department of Fire Services.
22. Construction of sidewalk shall be deferred on Mustang Street adjacent to this site, provided the developer signs and records a Covenant Running with Land agreement for the future installation of all sidewalk so deferred prior to the issuance of any permits for this site.

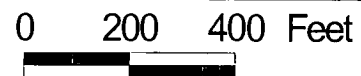


CASE: SDR-3235

RADIUS: 750 FT

ZONING OF SUBJECT PROPERTY: R-E (RESIDENCE ESTATES)

PROPOSED ZONING OF SUBJECT PROPERTY: R-1 (SINGLE FAMILY RESIDENTIAL)



*City of Las Vegas***AGENDA MEMO****CITY COUNCIL MEETING DATE: DECEMBER 3, 2003****DEPARTMENT: PLANNING AND DEVELOPMENT****ITEM DESCRIPTION: SDR-3235 - SF INVESTMENTS, LIMITED LIABILITY COMPANY**

**** CONDITIONS ****

The Planning Commission (6-0 vote) and staff recommend APPROVAL, subject to:

Planning and Development

1. A Rezoning [ZON-3119] to an R-1 (Single Family Residential) Zoning District approved by the City Council.
2. This Site Development Plan Review shall expire two years from date of final approval unless it is exercised or an Extension of Time is granted by the City Council.
3. Prior to the time an application is made for a Tentative Map, a Waiver of Title 18.12.160 shall be approved by City Council.
4. All development shall be in conformance with the site plan, landscaping plan and building elevations, except as amended by conditions herein.
5. The standards for this development shall include the following: minimum lot size of 6,500 square feet, minimum distance between buildings of 10 feet, lot coverage shall not exceed 50%, and building height shall not exceed two stories or 35 feet, whichever is less.
6. The site plan shall be revised and approved by Planning and Development Department staff, prior to the time application is made for a tentative map, to reflect minimum lot widths of 30 feet for lots located along the circular portion of a cul-de-sacs and 65 feet for all other lots. Lot widths shall be measured at the front setback line (20 feet) as required by Title 19.08.
7. The setbacks for this development shall be a minimum of 20 feet to the front of the house, 20 feet to the front of the garage as measured from back of sidewalk or from back of curb if no sidewalk is provided, 5 feet on the side, 15 feet on the corner side, and 15 feet in the rear.
8. The site plan shall be revised and approved by Planning and Development Department staff, prior to the time application is made for a tentative map, to reflect the six-foot perimeter landscape planter areas to be dedicated as common lots to be maintained by a homeowner's association.
9. A landscaping plan must be submitted prior to or at the same time application is made for a building permit.
10. Air conditioning units shall not be mounted on rooftops.

SDR-3235 - Conditions Page Two
December 3, 2003 City Council Meeting

11. All utility boxes exceeding 27 cubic feet in size shall meet the standards of Municipal Code Section 19.12.050.
12. Any proposed property line wall shall be a decorative block wall, with at least 20 percent contrasting materials. Wall heights shall be measured from the side of the fence with the least vertical exposure above the finished grade, unless otherwise stipulated.
13. 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.
14. All City Code requirements and design standards of all City departments must be satisfied.
15. Only lots numbered 5 to 9, 10 to 13, 29 and 31 on the site development plan shall be allowed to have two-story homes. The remainder of the 23 lots shall be limited to single-story homes. There shall be a maximum of 34 lots in total.

Public Works

16. Meet with the Traffic Engineering Representative in Land Development for assistance in the possible redesign of the proposed street layout and on site circulation prior to the submittal of any construction plans or the issuance of any permits, whichever may occur first.
17. A Master Streetlight Plan of public streetlights for the overall subdivision shall be approved prior to the submittal of any construction drawings for this site. Installation of public streetlights on the interior cul-de-sacs may be deferred, provided the developer construct all appropriate undergrounds for the future installation of streetlights, and provides to the City the streetlights for future installation, or contributes equivalent monies in lieu of such requirements in accordance with City rural street standards.
18. The final layout of the subdivision shall be determined at the time of approval of the Tentative Map.
19. Site development to comply with all applicable conditions of approval for ZON-3119 and all other subsequent site-related actions.
20. The approval of all Public Works related improvements shown on this Site Development Plan Review is in concept only. Specific design and construction details relating to size, type and/or alignment of improvements, including but not limited to street, sewer and drainage improvements, shall be resolved prior to submittal of a Tentative Map or construction drawings, whichever may occur first. No deviations from adopted City Standards shall be allowed unless specific written approval for such is received from the City Engineer prior to the submittal of a Tentative Map or construction drawings, whichever may occur first.

SDR-3235 - Conditions Page Three
December 3, 2003 City Council Meeting

21. Meet with the Fire Protection Engineering Section of the Department of Fire Services prior to submittal of a Tentative Map for this site. The Design and layout of all onsite private circulation and access drives shall meet the approval of the Department of Fire Services.
22. Construction of sidewalk shall be deferred on Mustang Street adjacent to this site, provided the developer signs and records a Covenant Running with Land agreement for the future installation of all sidewalk so deferred prior to the issuance of any permits for this site.

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

This is a request for a Site Development Plan Review for a 34-lot single-family residential development on 10 acres adjacent to the northwest, northeast and southeast corners of Peak Drive and Maverick Street. The Planning Commission will also concurrently review a companion Rezoning request (ZON-3119) from R-E (Residence Estates) to R-1 (Single Family Residential) and to allow 5.5 dwelling units per acre within a rural preservation neighborhood buffer where 3.0 units per acre is permitted on the subject sites.

B) Applicant's Justification

The applicant has justified this request by stating that the development as proposed represents a reasonable transition from the developed R-1 area to the southwest to the R-E area to the north and west of the site, and that access to this development will be solely from Peak Drive and Maverick Street and will not place traffic into the adjacent rural estate areas.

BACKGROUND INFORMATION

A) Previous Actions

- 03/16/88 The City Council denied a Rezoning (Z-0133-87) from R-E (Residence Estates) to R-PD3 (Residential Planned Development – 3 Units Per Acre) on a portion of the subject property. The Planning Commission recommended denial.
- 05/02/90 The City Council approved a Rezoning (Z-0032-90) from N-U (Non-Urban) to R-E (Residence Estates) on a portion of the subject property. The Planning Commission recommended denial. The Resolution of Intent expired on May 2, 1991.
- 01/19/94 The City Council denied a Rezoning (Z-0123-93) from R-E (Residence Estates) to R-D (Single Family Residence, Restricted), R-1 (Single Family Residence) R-PD2 (Residential Planned Development – 2 Units Per Acre), and N-U (Non-Urban) and R-CL (Single Family Compact Lot) on the subject properties. The Planning Commission recommended denial.
- 08/03/94 The City Council approved a Rezoning (Z-0065-94) from R-E (Residence Estates) to R-D (Single Family Residence, Restricted) on a portion of the subject property. The Planning Commission recommended approval. The Resolution of Intent expired on August 3, 1995.

SDR-3235 - Staff Report Page Two
December 3, 2003 City Council Meeting

- 11/10/97 The City Council denied the appeal of a Planning Commission denial, thereby denying the request for a Special Use Permit (U-00078-97) for a proposed convalescent care facility on a portion of the subject property.
- 08/20/03 The City Council voted to Table General Plan Amendment (GPA-2570) to amend the General Plan from R (Rural Density Residential) to L (Low Density Residential), and approved the applicant's request to Withdraw without Prejudice a Rezoning (ZON-2573) to amend the zoning designation from R-E (Residence Estates) to R-PD5 (Residential Planned Development – 5 Units Per Acre), Site Development Plan Review (SDR-2580) for a proposed 46-lot single-family development and to allow 4.6 dwelling units per acre within a rural preservation neighborhood buffer where 3.0 dwelling units per acre are permitted and a Variance (VAR-2578) to allow zero square feet of open space where 33,062 square feet is required on the subject property. The Planning Commission recommended denial for all applications on July 24, 2003.
- 10/23/03 The Planning Commission approved staff's request to hold in abeyance the requested Rezoning (ZON-3119) from R-E (Residence Estates) to R-1 (Single-Family Residence) and to allow 5.5 dwelling units per acre within a rural preservation neighborhood buffer where 3.0 units per acre is permitted and Site Development Plan Review (SDR-3235) for a 34-lot single-family residential development on the subject property.
- 11/06/03 The Planning Commission recommended approval of a related item Rezoning (ZON-3119) from R-E (Residence Estates) to R-1 (Single-Family Residence) and to allow up to 5.5 dwelling units per acre within a rural preservation neighborhood buffer where 3.0 units per acre is permitted on the subject property.
- 11/06/03 The Planning Commission voted 6-0 to recommend APPROVAL (PC Agenda Item #23).
- 12/03/03 The City Council is scheduled to consider tabled General Plan Amendment GPA-2570 concurrently with ZON-3119 and SDR-3235.

B) Pre-Application Meeting

- 05/29/03 A pre-application meeting was held for the original Rezoning (ZON-2573) and Site Development Plan Review (SDR-2580) requests which were withdrawn without prejudice at the August 20, 2003 City Council meeting. The applicant has since revised the Site Development Plan Review request to the present application. The revised Site Development Plan Review request has resulted in staff meetings since the August 20, 2003 City Council meeting, but a new pre-application meeting was not required.

C) Neighborhood Meetings

The following meetings were held as required for General Plan Amendments:

- 06/19/03 A Neighborhood Meeting was held with approximately 18 people in attendance.

SDR-3235 - Staff Report Page Three
December 3, 2003 City Council Meeting

07/14/03 A second neighborhood meeting was held.

The applicant's justification letter states that a meeting was held with surrounding neighbors and it was agreed that the proposal would be limited to R-1 (Single-Family Residential) Zone standards and a maximum of 34 lots as depicted on the submitted site plan.

DETAILS OF APPLICATION REQUEST

A) Site Area

Gross Acres: 10.0 Acres

B) Existing Land Use

Subject Property: Undeveloped
North: Single Family Dwellings
South: Single Family Dwellings
East: Single Family Dwellings and Undeveloped
West: School

C) Planned Land Use

Subject Property: R (Rural Density Residential) [proposed: L (Low Density Residential)]
North: R (Rural Density Residential)
South: L (Low Density Residential)
East: R (Rural Density Residential)
West: PF (Public Facility)

D) Existing Zoning

Subject Property: R-E (Residence Estates)
North: Unincorporated Clark County
South: R-1 (Single Family Residential) and Unincorporated Clark County
East: Unincorporated Clark County
West: C-V (Civic) and R-1 (Single Family Residential)

E) General Plan Compliance

This site is designated as R (Rural Density Residential) on the Southwest Sector Map of the General Plan. The Rural Density Residential designation allows between 2.1 and 3.5 units per acre. A companion item (GPA-2570) is proposing to change the General Plan to L (Low Density Residential). A second companion item Rezoning (ZON-3119) proposes to change the zoning designation to R-1 (Single-Family Residence) which is compatible with a Low Density Residential Designation, as the Low Density Residential designation allows a density between 3.6 to 5.5 units per acre.

PROJECT DESCRIPTION

The project consists of a total of 34 single-family lots spread across three separate parcels on each of the three undeveloped corners of the Peak Drive/Maverick Street intersection. Nine of the proposed lots will be on the southwest corner of this intersection, with eight lots on the northwest corner and the remaining 17 lots on the northwest corner. All but three of the lots are accessed from one of three cul-de-sacs, one each of which will serve each of the three development parcels. Three of the lots directly front on to Mustang Street. All lots will be developed with one or two-story homes typical of this area of the Las Vegas Valley.

ANALYSIS

A) Zoning Code Compliance

A1) Development Standards

Pursuant to Title 19.08, the following Development Standards apply to the subject proposal:

Standards	Required	Provided	Compliance
Min. Lot Size	6,000 Feet	6,515 – 11,316 Feet	Y
Min. Lot Width	65 Feet Standard (30 Feet along Cul-de-sac)	55-96 Feet (30 Feet)	N
Min. Setbacks			
• Front	20 Feet	20 Feet	Y
• Side	5 Feet	5 Feet	Y
• Corner	15 Feet	15 Feet	Y
• Rear	15 Feet	15 Feet	Y
Max. Lot Coverage	50 %	50% (min)	Y
Max. Building Height	2 Stories / 35 Feet	2 Stories / 35 Feet	Y

Minimum lot widths for an R-1 (Single-Family Residence) zoning district are 65 feet for standard lots and 30 feet for lots located along the circular portion of a cul-de-sac or a knuckle portion of a street. Lot width measurements are taken from the width of the lot at the front setback line, which for R-1 zoned lots is 20 feet. The submitted site plan depicts two lots, lot 9 and lot 17, which do not meet minimum lot width requirements. The lot area and lot widths do not include perimeter landscape planter areas, as this area will be dedicated as common lots owned and maintained by the homeowner's association. A condition has been included requiring the site plan to be revised showing conformance with minimum lot width requirements of Title 19.08.

A2) Parking and Traffic Standards

Pursuant to Title 19.10, the following Parking Standards apply to the subject proposal:

Uses	Required Ratio	Provided
		Parking Regular
SFD	2 spaces per SFD	2- car garage (2 spaces per SFD)

Each single-family dwelling unit is proposed to include a 2-car garage, which meets the requirement of two on-site parking spaces per single-family dwelling. Each driveway will also be a minimum of 20 feet long, which will provide additional parking area.

B) General Analysis and Discussion

- **Zoning**

A companion item (GPA-2570) is proposing to change the General Plan to L (Low Density Residential). A second companion item Rezoning (ZON-3119) proposes to change the zoning designation to R-1 (Single-Family Residence) which is compatible with a Low Density Residential Designation, as the Low Density Residential designation allows a density up to 5.5 units per acre.

- **Site Plan**

The site plan depicts 34 lots with an average lot size of 7,908 square feet. The proposed average lot size is 1,908 square feet larger than the minimum lot size for an R-1 (Single Family Residence) Zoned parcel. Due to the increased lot sizes the resulted density is 5.5 units per net acre and 3.4 units per gross acre. All but three of the 34 lots will be accessed by public streets terminating in three cul-de-sacs. These three cul-de-sacs will be accessed from Maverick Street, designated as a 60-foot local street in the Master Plan of Streets and Highways. The remaining three lots are accessed directly from Mustang Street, another 60-foot local street.

An average of two lots abut each of the surrounding developed R-E (Residence Estates) lots to the north and east of the subject site. To the southwest of the subject site, across Peak Drive and Maverick Street, exists an R-1 (Single Family Residence) zoned development. The proposed development will create a transition between the existing R-1 development to the southwest and the existing R-E lots to the northeast as lot sizes will gradually increase in size from southwest to northeast across Maverick Street and Peak Drive.

- **Waivers**

A waiver request is being sought to allow 5.5 units per acre where a Rural Preservation Neighborhood buffer zone only allows 3.0 units per acre. The approval of the General Plan Amendment to Low Density Residential makes this waiver appropriate, particularly in light of the established development pattern and the recommendation to limit density to 34 lots under R-1 (Single-Family Residence) development standards.

SDR-3235 - Staff Report Page Six
December 3, 2003 City Council Meeting

The Department of Public Works notes that the proposed site plan is not in compliance with Title 18 Subdivision Ordinance and must obtain a waiver of Subdivision Code 18.12.160 for which any intersection of any street that provides external access from a subdivision to any existing or planned street abutting the subdivision which has a right-of-way of sixty feet or more shall be offset from any other intersection by at least two hundred twenty feet, measured from centerline to centerline.

A condition has been included requiring a Waiver of Title 18.12.160 to be approved by City Council prior to the hearing of a Tentative Map.

- Landscape Plan

Along Peak Drive and Maverick Street, tree spacing is shown at 30-feet on center with approximately four 5-gallon shrubs per tree all located within a 6-foot wide landscape planter. This planter meets the minimum spacing and width requirements for streetscape planters. The landscape planter areas are shown as landscape easements, which means that ownership and maintenance of this area is the responsibility of the individual property owners. In order to ensure proper maintenance of perimeter landscaping, these areas are required to be dedicated as common lots under the ownership of a homeowner's association, which is responsible for overall maintenance of the landscaping; therefore, a condition has been added that requires all areas allocated for streetscape planters to be dedicated as common lots and maintained by a homeowner's association.

- Elevation

Four different elevation models have been submitted, each model contains three different design options. Three of the four models are two-story structures, with the fourth option being single story. Overall heights are not depicted on the elevation plans, however, the site plan notes that all structures will be no more than two stories or 35 feet. All of the models include a two-car garage with stucco elevations finished in earth tones or neutral colors indigenous to the Las Vegas Valley including roofs with brownish-red clay or cement barrel tiles. Several models include an option for decorative brick or stone columns. The submitted elevations appear to be compatible with the surrounding area.

- Floor Plan

Floor plans range in size from 1,382 square feet to 2,467 square feet. The single-story option contains 3 bedrooms, 2 bathrooms, a covered patio, and a two-car garage. The two-story options range from 2 to 5 bedrooms with options including a bonus room, loft, den and patio deck. The submitted floor plans were not to scale; therefore, determining the lot fit analysis was not possible. It was also not possible to determine if the proposed setbacks are sufficient for the submitted floor plans.

SDR-3235 - Staff Report Page Seven
December 3, 2003 City Council Meeting

FINDINGS

In order to approve a Site Development Plan application, per Title 19.18.050 the Planning Commission and/or City Council must affirm the following:

1. **"The proposed development is compatible with adjacent development and development in the area;"**

The proposed development serves as an infill project with developed R-E lots to the northeast and developed R-1 lots to the southwest. The site plan as proposed will help create compatibility for the surrounding area by creating a transition between the adjacent developments of varied densities.

2. **"The proposed development is consistent with the General Plan, Title 19, the Design Standards Manual, the Landscape, Wall and Buffer Standards, and other duly-adopted City Plans, policies and Standards;"**

With approval of General Plan Amendment (GPA-2570) the proposed R-1 (Single Family Residence) will be in conformance with the proposed L (Low Density Residential) General Plan designation. Landscape planter areas and tree sizes and spacing requirements are in conformance with Title 19 standards. The site plan meets or exceeds minimum lot design standards with the exception of minimum lot widths. With recommended conditions the submitted plan will meet all development standards, including minimum lot widths.

3. **"Site access and circulation do not negatively impact adjacent roadways or neighborhood traffic;"**

The proposed lots will be accessed from Right-of-Ways ranging from 51feet to 80 feet. The site access and circulation should have a minimal impact on adjacent roadways and neighborhood traffic.

4. **"Building and landscape materials are appropriate for the areas and for the City;"**

All of the models include stucco elevations finished in earth tones or neutral colors indigenous to the Las Vegas Valley that are appropriate and compatible with the surrounding area. The landscape materials along the perimeter roadways are native species to the area.

5. **"Building elevations, design characteristics and other architectural and aesthetic features are not unsightly, undesirable or obnoxious in appearance; create an orderly and aesthetically pleasing environment; and are harmonious and compatible with development in the area;"**

Building elevations depict single and two story single-family dwelling units with varied architectural designs that will create an aesthetically pleasing environment. The proposed elevations, floor plans, and design characteristics will be compatible with existing single-family dwelling units surrounding the subject site.

SDR-3235 - Staff Report Page Eight
December 3, 2003 City Council Meeting

6. **“Appropriate measures are taken to secure and protect the public health, safety and general welfare.”**

The proposed development will be subject to the Department of Building and Safety requirements for all necessary building permits and inspections; therefore, the development will not compromise the public health, safety or welfare if approved.

PLANNING COMMISSION ACTION

There was one opponent speaking against the proposal at Planning Commission. Restrictions were adopted by the Planning Commission to limit two story structures as shown in Condition #15. Two new Public works Conditions, #17 and #22

NOTICES MAILED 208 by Planning Department

APPROVALS 2

PROTESTS 0



STATEMENT OF FINANCIAL INTEREST

Name of Applicant: SF INVESTMENTS

To the best of your knowledge, does the Mayor or any member of the City Council or Planning Commission have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company?

Yes ☐ No ☒

If yes, please indicate the member of the City Council or Planning Commission who is involved and list the name(s) of the person or persons with whom the City Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official: _____

Partner(s): _____

APN: _____

Signature of Property Owner/Authorized Agent: [Signature]

Print Name: Stephen B. Aizenberg

Subscribed and sworn before me

This 9th day of September, 2003

Karen Barker
Notary Public in and for said County and State



SITE DATA

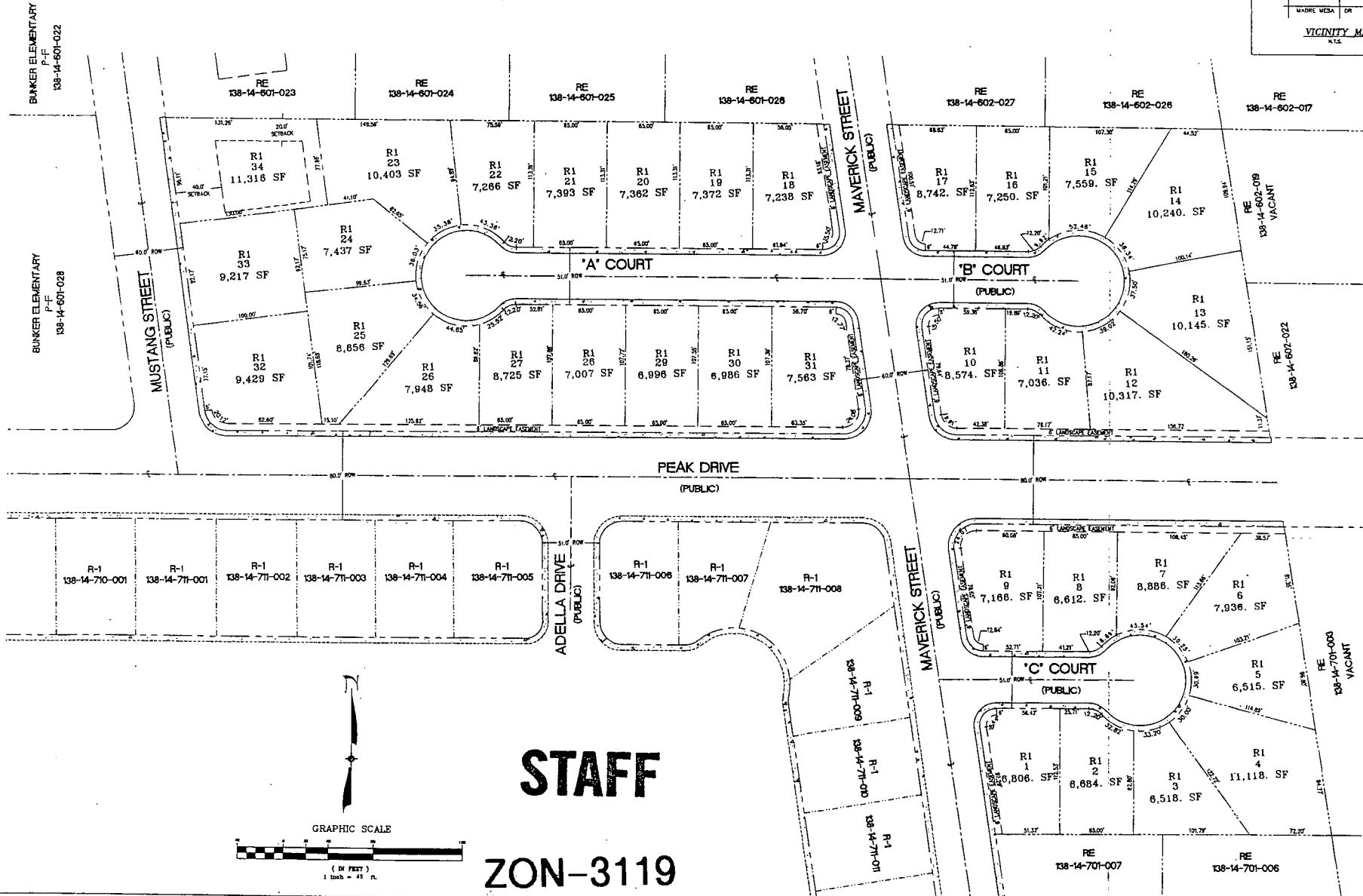
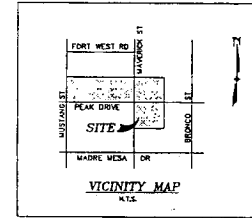
PROPOSED USE:
AREA:
CURRENT GEN. PLAN DESIGNATION:
PROPOSED GEN. PLAN DESIGNATION:
PROPOSED UNITS:
PROPOSED DENSITY:
MINIMUM LOT AREA:
AVERAGE LOT AREA:

R1
10 GROSS ACRES (6.17 NET)
RURAL RESIDENTIAL (3.5 UNITS/ACRE)
LOW DENSITY (5.5 UNITS/ACRE)
34
5.5 UNITS/ACRE (NET) 3.4 UNITS/ACRES (GROSS)
6,515 SF
7,908 SF

MIN LOT WIDTH: 65.00'
MIN FRONT SETBACK: 20'
MIN SIDE YARD SETBACK: 5'
MIN CORNER SIDEYARD SETBACK: 15'
MIN REAR YARD SETBACK: 15'
MAX BUILDING HEIGHT: 2 STORIES OR 35' MAX

APN NUMBERS

APN: 138-14-601-023 -030
APN: 138-14-602-021
APN: 138-14-701-001 -002



STAFF

**ZON-3119
SDR-3235**

11-06-03 PC

PROJECT NO. 230393
DESIGN: EPR
DATE: 09/21/03
SCALE: AS SHOWN
CADD FILE: R1-REV
APPROVED BY: DAVID PATRICK BROWN, CIVIL ENGINEER, No. 15661
STAMP DATE: 12/17/04
1330 S. Bascom Ave.
Suite 100, San Jose, CA 95128-7118
Tel: 408/298-7158
Fax: 408/298-7158
Web: aztec.com

AZTEC

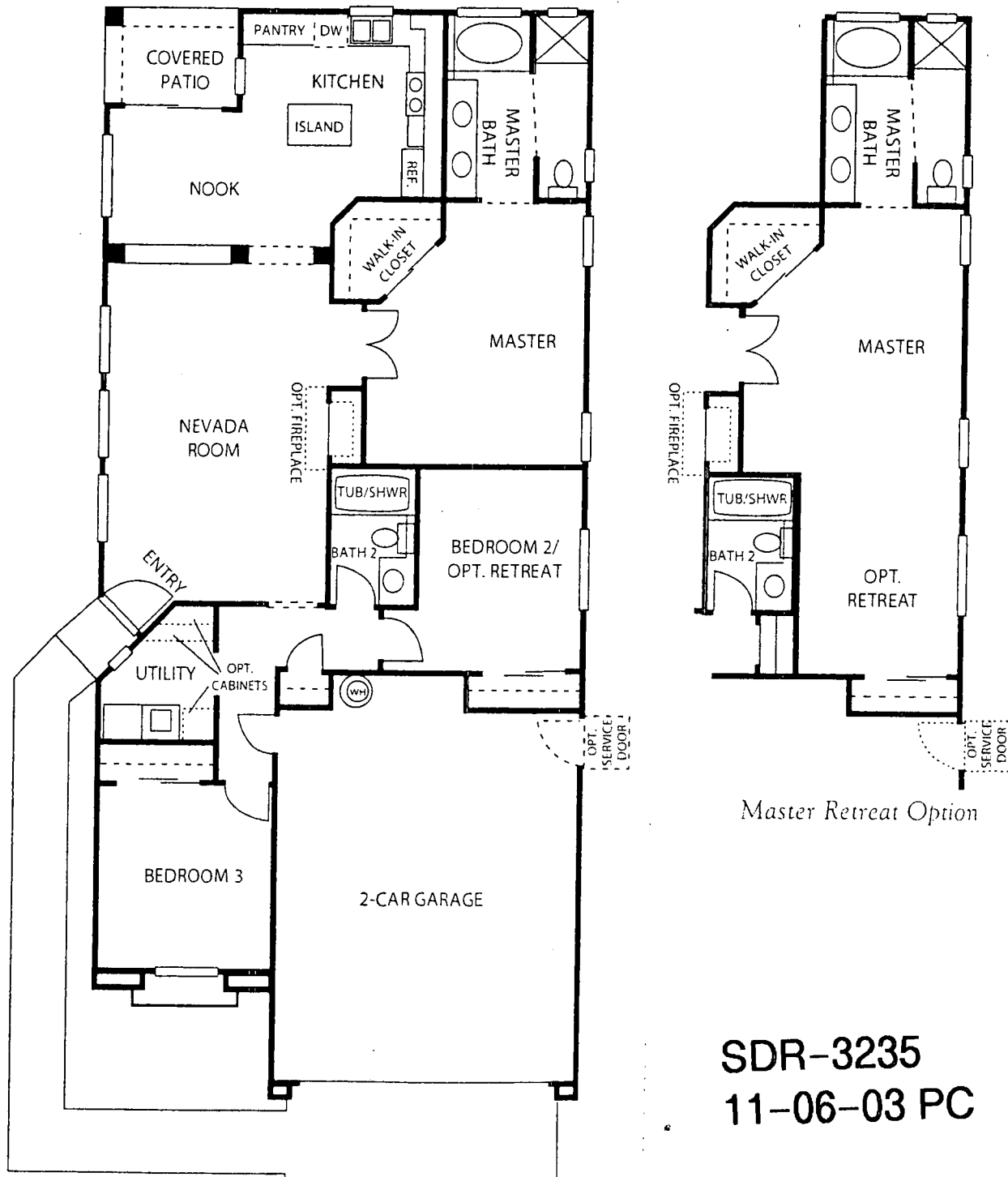
CITY COUNCIL MEETING OF DECEMBER 3, 2003 PAGE 1410

NAPA 3119
PEAK DRIVE AND MUSTANG STREET
BUNKER COMMONS
SHEET SP
1 of 1 Sheets

SPINNAKER HOMES

PARASOL

1,382 Square Feet • 3 Bedrooms • 2 Baths • Covered Patio
2-Car Garage • Master Retreat Option

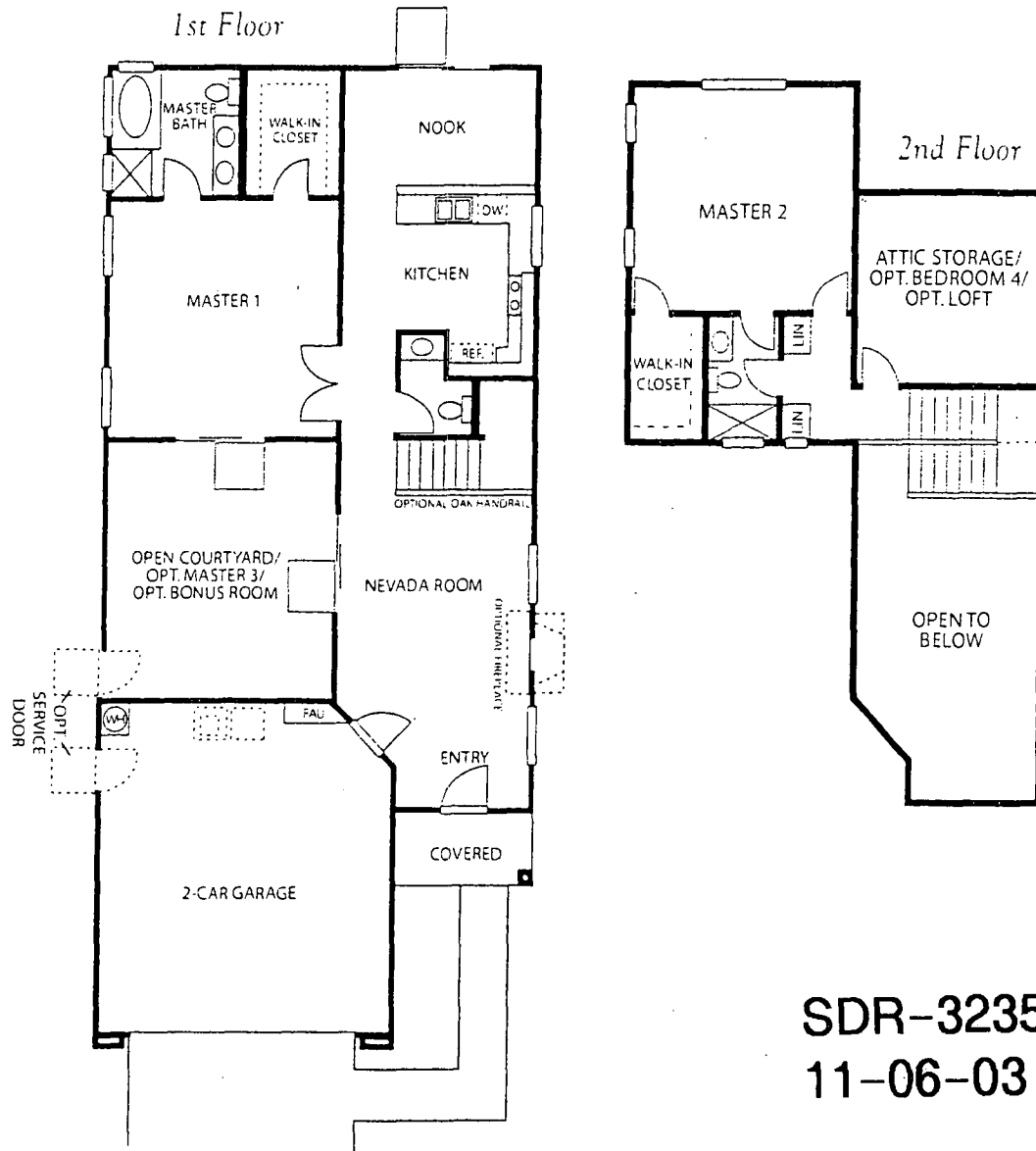


S P I N N A K E R H O M E S

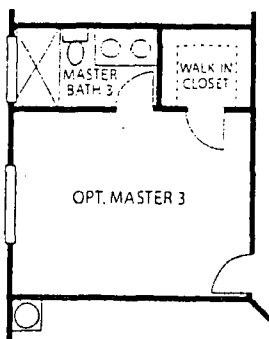
TIFFANY

1,667 Square Feet • 2 Master Bedroom Suites • 2.5 Baths • Open Interior • Yard • 2-Car Garage

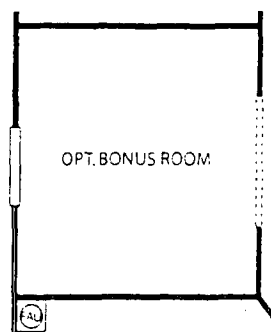
Master Bedroom 3 Option • Bonus Room Option • Bedroom 4 Option • Loft Option



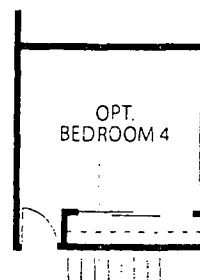
SDR-3235
11-06-03 PC



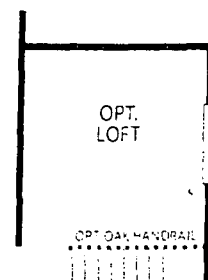
Master Bedroom 3
Option



Bonus Room
Option



Bedroom 4
Option



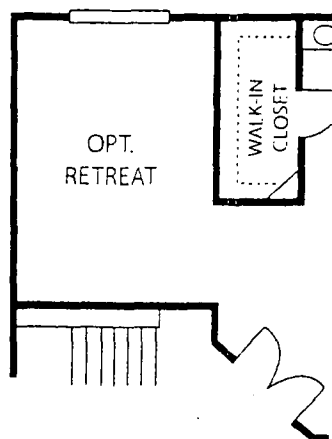
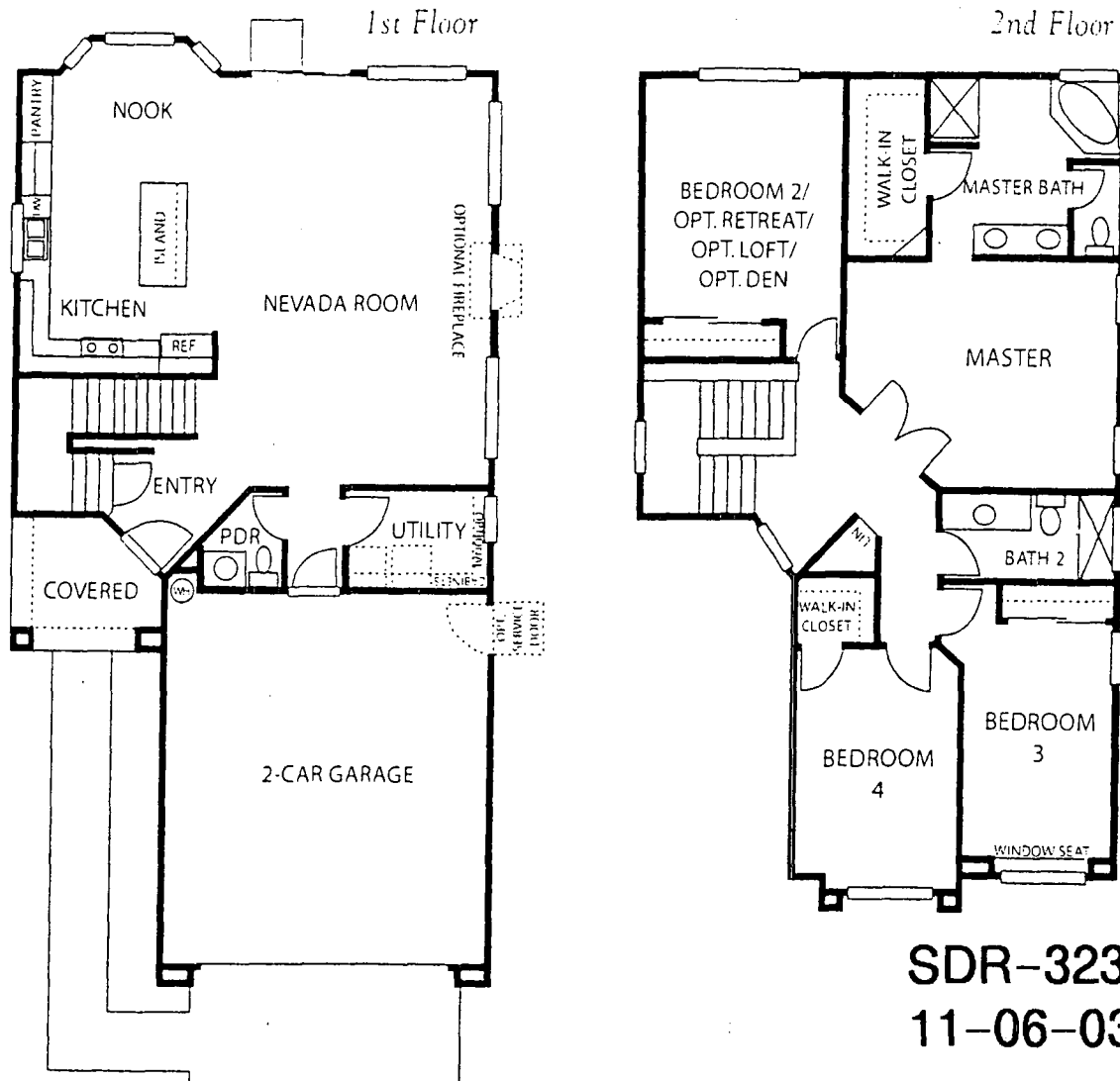
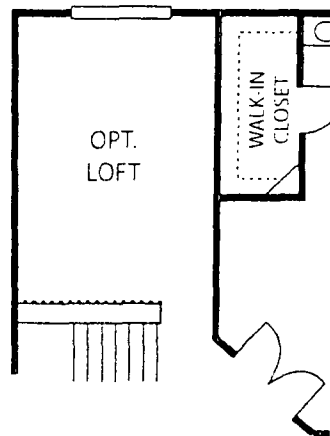
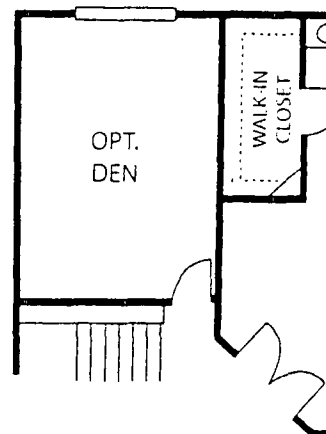
Loft
Option

SPINNAKER HOMES

LAMPLIGHT

2,053 Square Feet • 4 Bedrooms • 2.5 Baths • 2-Car Garage

Master Retreat Option • Loft Option • Den Option

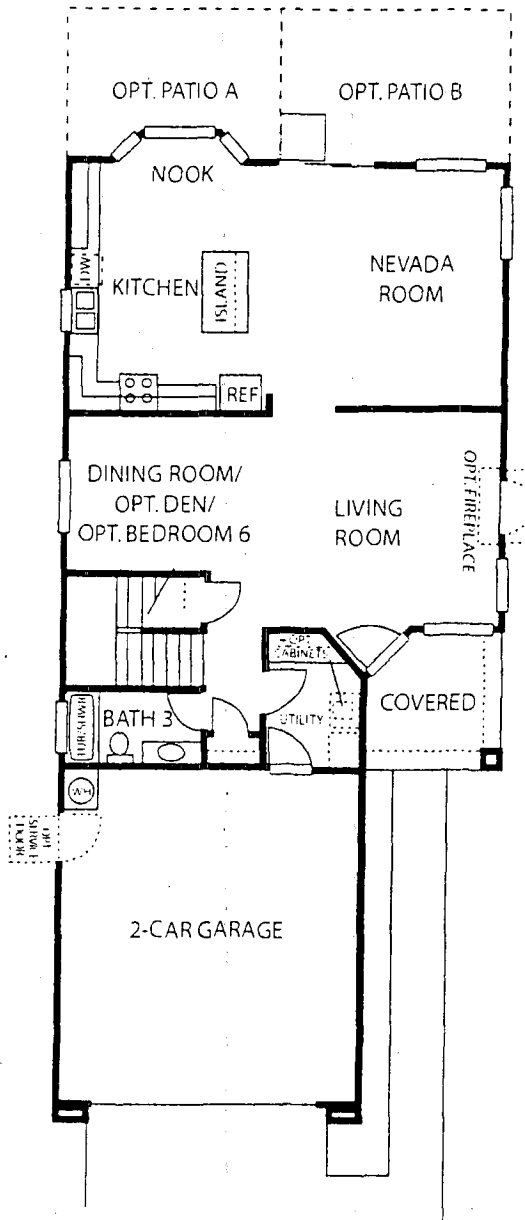
Master Retreat
OptionLoft
OptionDen
Option

S P I N N A K E R H O M E S

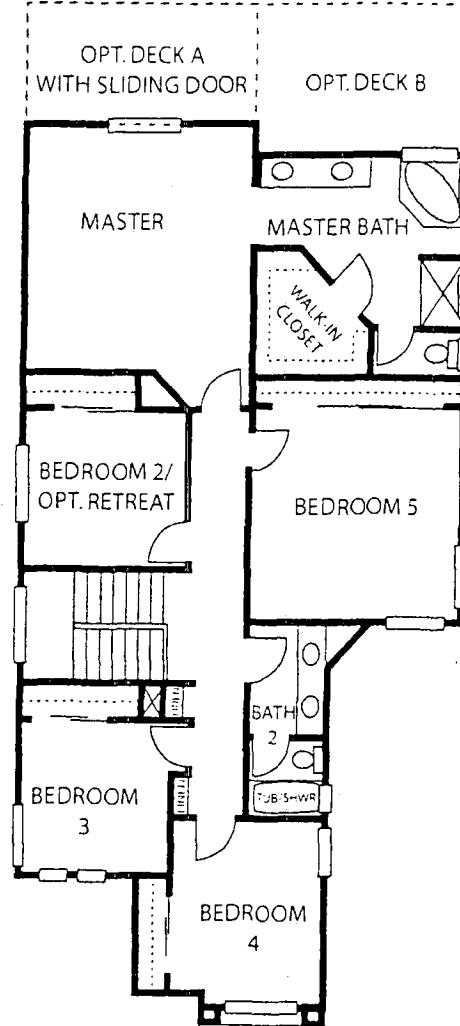
COBBLESTONE

2,467 Square Feet • 5 Bedrooms • 3 Baths • 2-Car Garage • Den Option
 Walk-In Closet • Master Bedroom Option • Loft Option • Patio • Deck Options

1st Floor

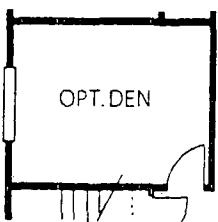


2nd Floor

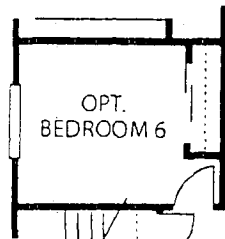


SDR-3235

11-06-03 PC



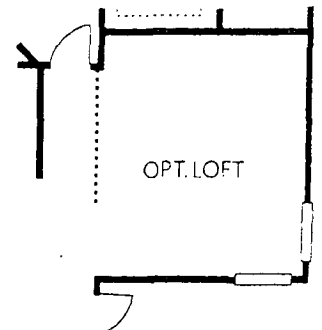
Den Option



Bedroom 6 Option



Master Retreat Option



Loft Option



SDR-3235 - SF INVESTMENTS, LIMITED LIABILITY COMPANY
10 acres adjacent to the northeast corner of Peak Drive and Maverick Street
DECEMBER 3, 2003 CITY COUNCIL MEETING

Picture taken 11/13/03



SDR-3235 - SF INVESTMENTS, LIMITED LIABILITY COMPANY
10 acres adjacent to the northeast corner of Peak Drive and Maverick Street
DECEMBER 3, 2003 CITY COUNCIL MEETING

Picture taken 11/13/03



SDR-3235 - SF INVESTMENTS, LIMITED LIABILITY COMPANY
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Picture taken 11/13/03



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10 acres adjacent to the northeast corner of Peak Drive and Maverick Street
DECEMBER 3, 2003 CITY COUNCIL MEETING

Picture taken 11/13/03

City of Las Vegas

Agenda Item No. 127

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT**CITY COUNCIL MEETING OF: DECEMBER 3, 2003****DEPARTMENT: PLANNING & DEVELOPMENT****DIRECTOR: ROBERT S. GENZER**☐**CONSENT**☒**DISCUSSION****SUBJECT:**

GENERAL PLAN AMENDMENT - PUBLIC HEARING - GPA-3066 - D.R. HORTON, INC. ON BEHALF ROBERT J. WUESTE FAMILY, LIMITED PARTNERSHIP - Request to amend Map 4 of the Centennial Hills Sector Plan FROM: EC-TC (EMPLOYMENT CENTER MIXED-USE-TOWN CENTER) TO: ML-TC (MEDIUM-LOW RESIDENTIAL-TOWN CENTER) on 25.68 acres adjacent to the northwest corner of Gilcrease Avenue and Fort Apache Road (APN: 125-18-501-004, 005, 010, 011, 012 and 013), Ward 6 (Mack). The Planning Commission (3-2-1 vote) and staff recommend DENIAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

1

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

RECOMMENDATION:

The Planning Commission (3-2-1 vote) and staff recommend DENIAL.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application - Not Applicable
3. Staff Report

MOTION:

REESE – Motion to HOLD IN ABEYANCE Item 117 [ZON-3080], Item 118 [SDR-3082], Item 127 [GPA-3066], Item 128 [ZON-3071], Item 129 [SUP-3073] and Item 130 [SDR-3079] to 12/17/2003 and Item 112 [SUP-2904], Item 113 [SUP 3114], Item 119 [ZON-3031], Item 120 [VAR-3040], Item 121 [SUP-3038] and Item 122 [SDR-3035] to 1/7/2004 - UNANIMOUS with MACK excused

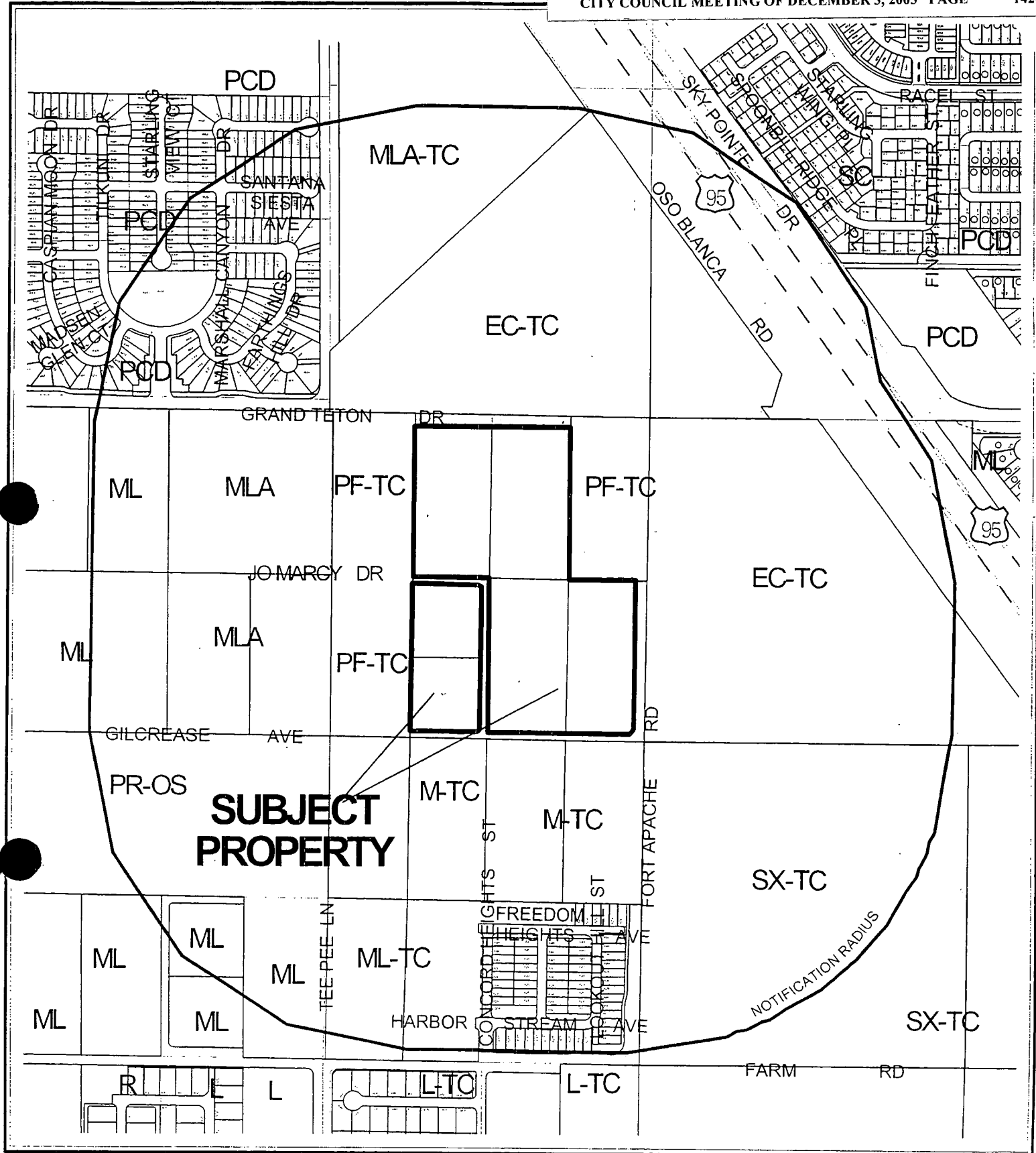
MINUTES:

ROBERT GENZER, Director, Planning and Development Department, indicated that the applicant spoke with COUNCILMAN MACK and requested that Item 127 [GPA-3066], Item 128 [ZON-3071], Item 129 [SUP-3073], and Item 130 [SDR-3079] be held in abeyance to 12/17/2003.

There was no further discussion.

(1:21-1:27)

4-1



CASE: GPA-3066

RADIUS: 1320 FT

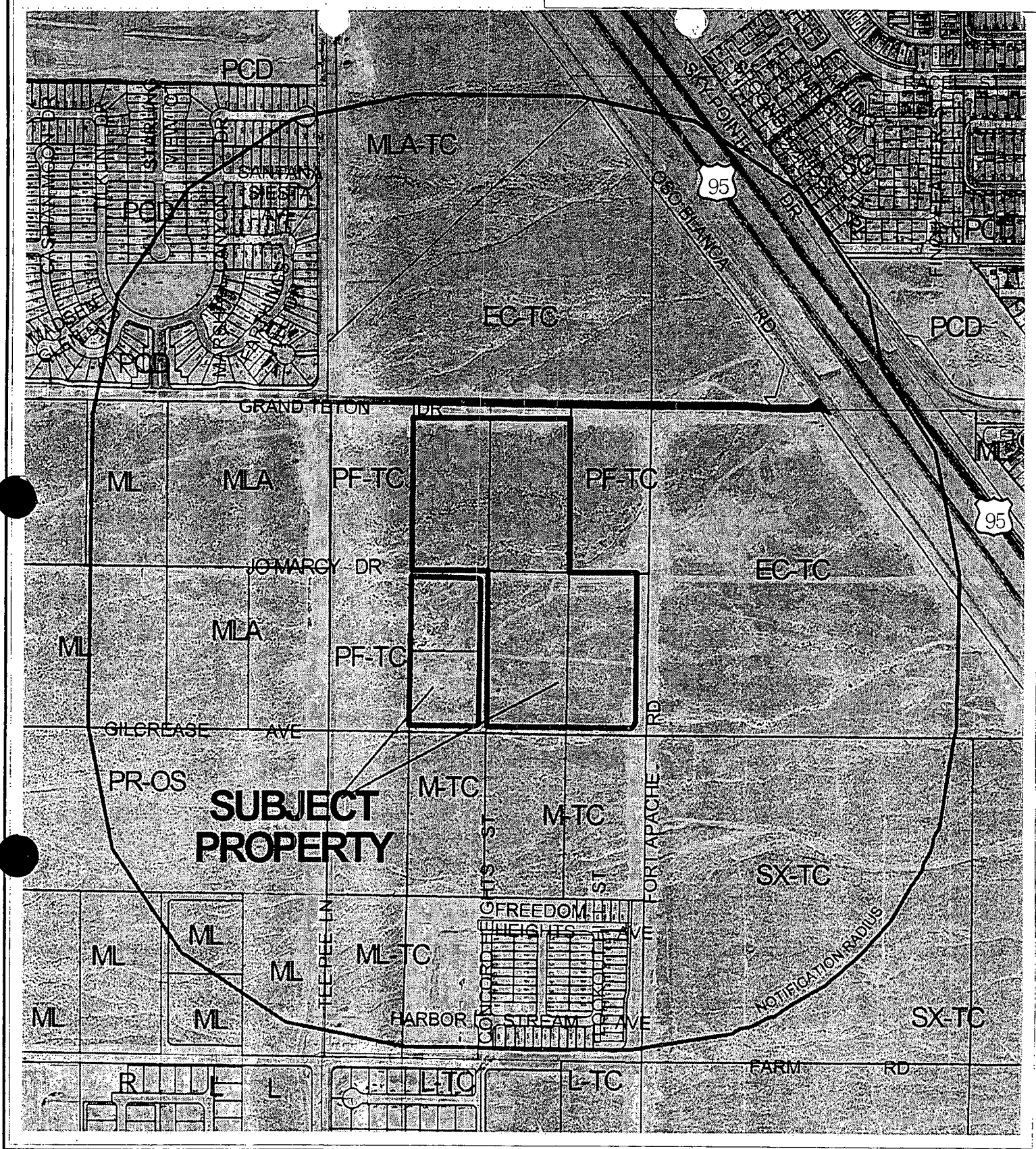
GENERAL PLAN DESIGNATION OF SUBJECT PROPERTY:

EC-TC (EMPLOYMENT CENTER MIXED-USE - TOWN CENTER)

PROPOSED GENERAL PLAN DESIGNATION OF SUBJECT PROPERTY:

ML-TC (MEDIUM-LOW RESIDENTIAL - TOWN CENTER)

00127



CASE: GPA-3066

RADIUS: 1320 FT

GENERAL PLAN DESIGNATION OF SUBJECT PROPERTY:

EC-TC (EMPLOYMENT CENTER MIXED-USE - TOWN CENTER)

PROPOSED GENERAL PLAN DESIGNATION OF SUBJECT PROPERTY:

ML-TC (MEDIUM-LOW RESIDENTIAL - TOWN CENTER)

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: DECEMBER 3, 2003

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: GPA-3066 - D.R. HORTON, INC. ON BEHALF ROBERT J. WUESTE FAMILY, LIMITED PARTNERSHIP

**** CONDITIONS ****

The Planning Commission (3-2-1 vote) and staff recommend DENIAL.

**** STAFF REPORT ****

APPLICATION REQUEST

This application seeks to change the General Plan land use designation of the subject property located at the northwest corner of Gilcrease Avenue and Fort Apache Road from EC-TC (Employment Center Mixed Use – Town Center) to ML-TC (Medium-Low Residential – Town Center). Also requested at this time are a rezoning to TC (Town Center) [ZON-3071]; a Special Use Permit for gated streets [SUP-3073]; and a Site Development Plan Review [SDR-3079].

This application and all other related items were held in abeyance from the October 23, 2003 to the November 6, 2003 Planning Commission meeting to correct a notification error.

BACKGROUND DATA:

- 08/07/85 The City Council approved the Community Profiles of the city of Las Vegas General Plan by Resolution. On this plan, the subject properties were designated for Rural Residential land uses with a maximum density of three dwelling units per acre.
- 03/12/92 The Planning Commission approved the three Land Use Sector Maps of the General Plan. The Northwest Sector Plan designated these parcels as R (Rural) and L (Low Density Residential).
- 05/24/99 The City Council approved the Centennial Hills Sector Map (GPA-01-99) of the city of Las Vegas General Plan, which replaced the Northwest Sector Map. On this plan, the parcels were designated as EC-TC (Employment Center Mixed Use – Town Center).
- 08/18/99 The City Council approved GPA-23-99, which amended the density range for the Low Density Residential land use category to allow a maximum of 5.5 dwelling units per acre, Medium Low Density Residential to allow up to 8 dwelling units per acre, and Medium Density Residential up to 25 dwelling units per acre.
- 09/06/00 The City Council approved the Las Vegas 2020 Master Plan. This site is within the Newly Developing Area as described in the Plan.
- 02/19/03 The City Council adopted the Centennial Hills Interlocal Land Use Plan. On this map, the subject properties were designated for EC-TC (Employment Center – Town Center) land uses.

11/07/01

The City Council approved the Town Center Development Standards Manual through Bill No. 2001-100.

GPA-3066 - Staff Report Page Two
December 3, 2003 City Council Meeting

- 10/23/03 The Planning Commission held this and all other related items to the November 6, 2003 Planning Commission meeting.
- 11/06/03 The Planning Commission recommended approval of a related Rezoning (ZON-3071) and recommended denial of a related Special Use Permit (SUP-3073) and Site Development Plan Review (SDR-3079).
- 11/06/03 The Planning Commission voted 3-2-1 to recommend DENIAL (PC Agenda Item #17).

DETAILS OF APPLICATION REQUEST

Site Area: 25.68 Acres

EXISTING LAND USE

Subject Property Undeveloped
North Undeveloped
South Undeveloped
East Undeveloped
West Undeveloped

PLANNED LAND USE

Subject Property EC-TC (Employment Center Mixed Use – Town Center)
North EC-TC (Employment Center Mixed Use – Town Center)
South M-TC (Medium Density Residential – Town Center)
East EC-TC (Employment Center Mixed Use – Town Center)
West PF-TC (Public Facility – Town Center)

EXISTING ZONING

Subject Property U (Undeveloped) Zone [TC (Town Center) General Plan Designation]
North TC (Town Center)
South U (Undeveloped) Zone [TC (Town Center) General Plan Designation] under resolution of intent to T-C (Town Center)
East TC (Town Center)
West U (Undeveloped) Zone [TC (Town Center) General Plan Designation]

SPECIAL DISTRICTS/ZONES	Yes	No
<i>Special Area Plan</i>	X	
Special Overlay District		X
Trails		X
Study Area		X
Rural Preservation Neighborhood		X
County/North Las Vegas/HOA Notification		X
Development Impact Notification Assessment		X

Project of Regional Significance		X
----------------------------------	--	---

DEFINITIONS

TC (Town Center) The Town Center category is intended to be the principal employment center for the Northwest and is a mixed-use development category. As compatibility allows, a mix of uses can include: mall facilities; shopping centers and other retail facilities; medium to high density residential uses; planned business; office and industrial parks; and recreational uses. The TC (Town Center) suffix to land use designations denotes that stricter design criteria will be used for project approval.

INTERAGENCY ISSUES

SPECIAL PLAN AREA

The subject site is located within the Town Center area. The effect of this Special Plan Area on this application and the area affected by this application is that it strongly discourages amendments that would reduce the amount of commercially designated land in Town Center. The Centennial Hills Sector Plan is based on the premise of concentrating commercial uses in Town Center so that residential areas will be preserved. Converting commercially planned land to residential will lead to the need for commercial uses at other locations thus degrading the Town Center concept.

ANALYSIS

The EC-TC (Employment Center Mixed Use – Town Center) designation is intended to provide for the “broadest spectrum of uses within the Centennial Hills Town Center.” It is the only opportunity for light manufacturing uses in the northwest part of the city. There are currently 103 acres of land with this designation. As proposed, this request will reduce that by 25%. A previous request (GPA-0039-02) has already converted 26 acres from the amount originally allotted to allow them to be developed residentially.

Maintaining an adequate amount of land for commercial uses in Town Center is crucial to the goals of the Centennial Hills Sector Plan. As continued development in the northwest generates an increased demand for services, the city would be forced to locate them elsewhere if land in Town Center is no longer available. Because optional locations for more intensive uses are often difficult to find, they could be either at inconvenient distances or inappropriately close to neighborhoods. The result would be a loss of the intended buffering and preservation of residential developments and the need for increased travel to obtain desired services.

One of the goals of the 2020 Master Plan is to achieve development densities sufficient to support mass transit. Using the subject site for single-family homes rather than commercial uses will greatly detract from Town Center’s ability to achieve that density. It will also make it difficult to require Employment Center type development in the future. Further, it is inequitable to those who have already invested in commercial development the area in anticipation of future similar development. For these reasons, denial of this request is recommended.

FINDINGS

Section 19.18.030.I of the Las Vegas Zoning Code requires that the following conditions be met in order to justify a General Plan Amendment:

1. The density and intensity of the proposed General Plan Amendment is compatible with the existing adjacent land use designations,
2. The zoning designations allowed by the proposed amendment will be compatible with the existing adjacent land uses or zoning districts,
3. There are adequate transportation, recreation, utility, and other facilities to accommodate the uses and densities permitted by the proposed General Plan Amendment; and
4. The proposed amendment conforms to other applicable adopted plans and policies that include approved neighborhood plans.

In regard to "1": The proposed General Plan Amendment could result in development that is compatible with surrounding designations in terms of the direct impact of its adjacency. On a larger scale, however, development of the site at a significantly lower intensity than planned will have a negative impact on the immediate area. Town Center must maintain an adequate amount of land for each of the specified land use areas if it is to support the commercial needs of the northwest. It would be inappropriate and premature to assume that the subject parcels are not needed for that at this time.

In regard to "2": The Town Center area is proposed to come under the general zoning designation of Town Center as well. Therefore, the zoning designation supported by this General Plan Amendment request is appropriate.

In regard to "3": Access to these parcels will be provided by Grand Teton Drive to the north, Fort Apache Road to the east, and Gilcrease Avenue to the south. Construction of these rights-of-way will be required upon development. The Northwest Area Command Substation, of the Las Vegas Metropolitan Police Department, is approximately seven miles away from the subject parcel at the intersection of Rancho Drive and Decatur Boulevard. Fire station #41, located at Elkhorn Road and Buffalo Drive is the closest city facility to the site.

In regard to "4": There are no other plans or policies that would be applicable.

GENERAL PLAN AMENDMENT NEIGHBORHOOD MEETING

Per policy set forth in the city of Las Vegas application packet, a neighborhood meeting shall be held with the surrounding property owners. The applicant is requested to hold this meeting within 14 days of the closing date of this application. In accordance with the above, on September 24, 2003, a neighborhood meeting sponsored by the applicant was held. There were two residents and

GPA-3066 - Staff Report Page Five
December 3, 2003 City Council Meeting

two neighboring developers in attendance. There were concerns raised about eliminating the requirement for high intensity projects on this site when they have been required on others in the area. They wanted the land use designation to remain the same.

NOTICES MAILED: 46 by Planning Department

APPROVALS: 0

PROTESTS: 1



PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **GPA-3066** APN: 125-18-501-004, 005, ~~000~~, 011, 012, & 013

Name of Property Owner: Robert J. Wueste

Name of Applicant: D.R. Horton

To the best of your knowledge, does the Mayor or any member of the City Council or Planning Commission have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company?

Yes ☒ No ☐

If yes, please indicate the member of the City Council or Planning Commission who is involved and list the name(s) of the person or persons with whom the City Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official:

Partner(s): _____

APN: _____

Signature of Property Owner/Authorized Agent: Kent H. Smith

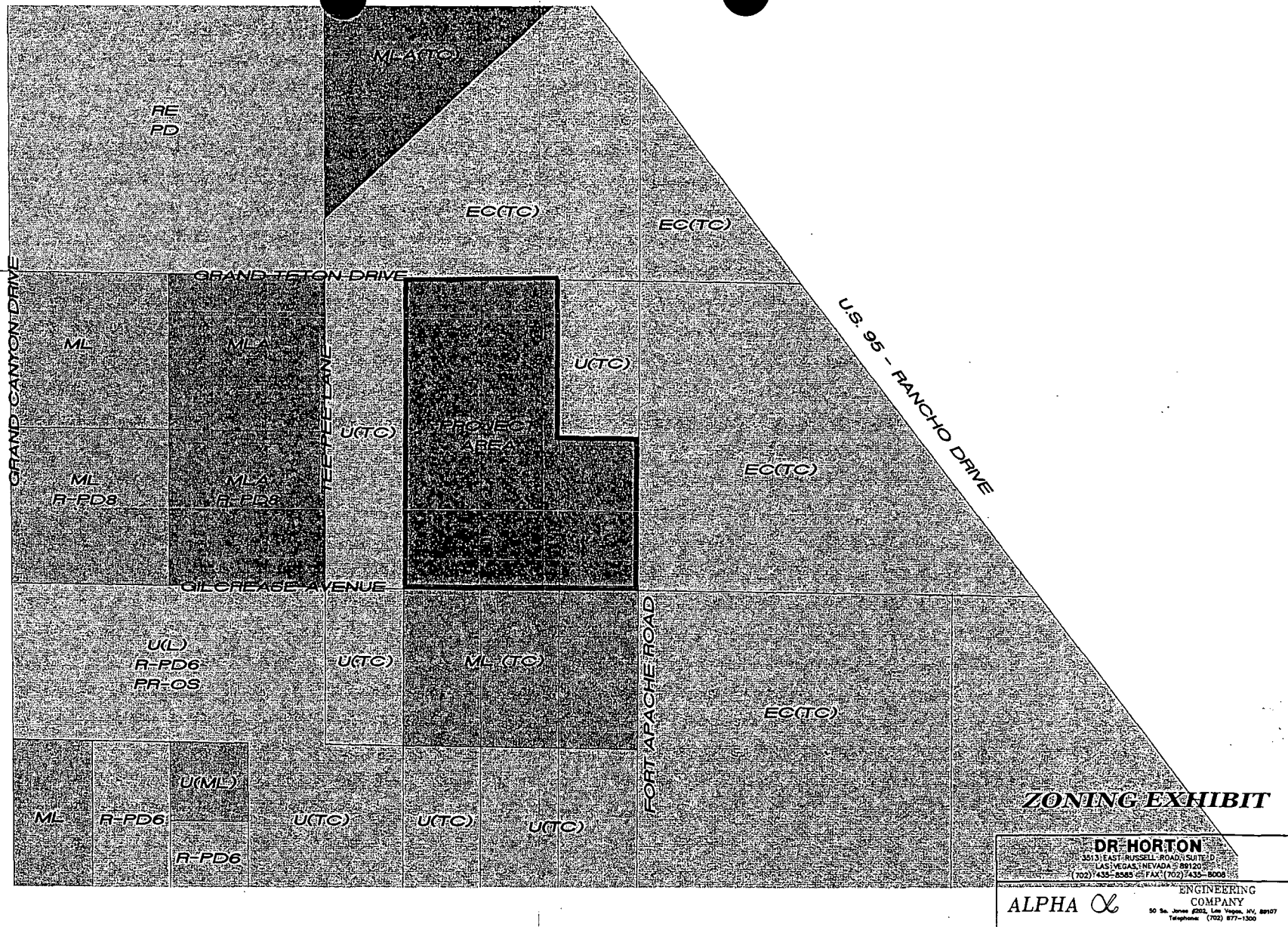
Print Name: ROBERT J. WHELF

Subscribed and sworn before me

This 4th day of AUGUST, 20 03

This 4th day of AUGUST, 2003
Adriana Wells
Adriana Wells Notary Public State of New York
 Notary Public in and for said County and State 61WE6069404

Qualified in Queens County
Commission Expires March 24, 2017



STAFF **GPA-3066**
10-23-03 PC



GPA-3066 - D.R. HORTON, INC. ON BEHALF ROBERT J. WUESTE FAMILY, LIMITED PARTNERSHIP
NORTHWEST CORNER OF GILCREASE AVENUE AND FORT APACHE ROAD
NOVEMBER 6, 2003 PLANNING COMMISSION

10/01/03

City of Las Vegas

Agenda Item No. 128

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: DECEMBER 3, 2003

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☐

CONSENT

☒

DISCUSSION

SUBJECT:

REZONING RELATED TO GPA-3066 - PUBLIC HEARING - ZON-3071 - D.R. HORTON, INC. ON BEHALF ROBERT J. WUESTE FAMILY, LIMITED PARTNERSHIP - Request for a Rezoning FROM: U (UNDEVELOPED) [EC-TC (EMPLOYMENT CENTER MIXED-USE-TOWN CENTER) GENERAL PLAN DESIGNATION] TO: T-C (TOWN CENTER) on 25.68 acres adjacent to the northwest corner of Gilcrease Avenue and Fort Apache Road (APN: 125-18-501-004, 005, 010, 011, 012 and 013), Ward 6 (Mack). The Planning Commission (5-0-1 vote) and staff recommend APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.

1

City Council Meeting

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

0

City Council Meeting

RECOMMENDATION:

The Planning Commission (5-0-1 vote) and staff recommend APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report

MOTION:

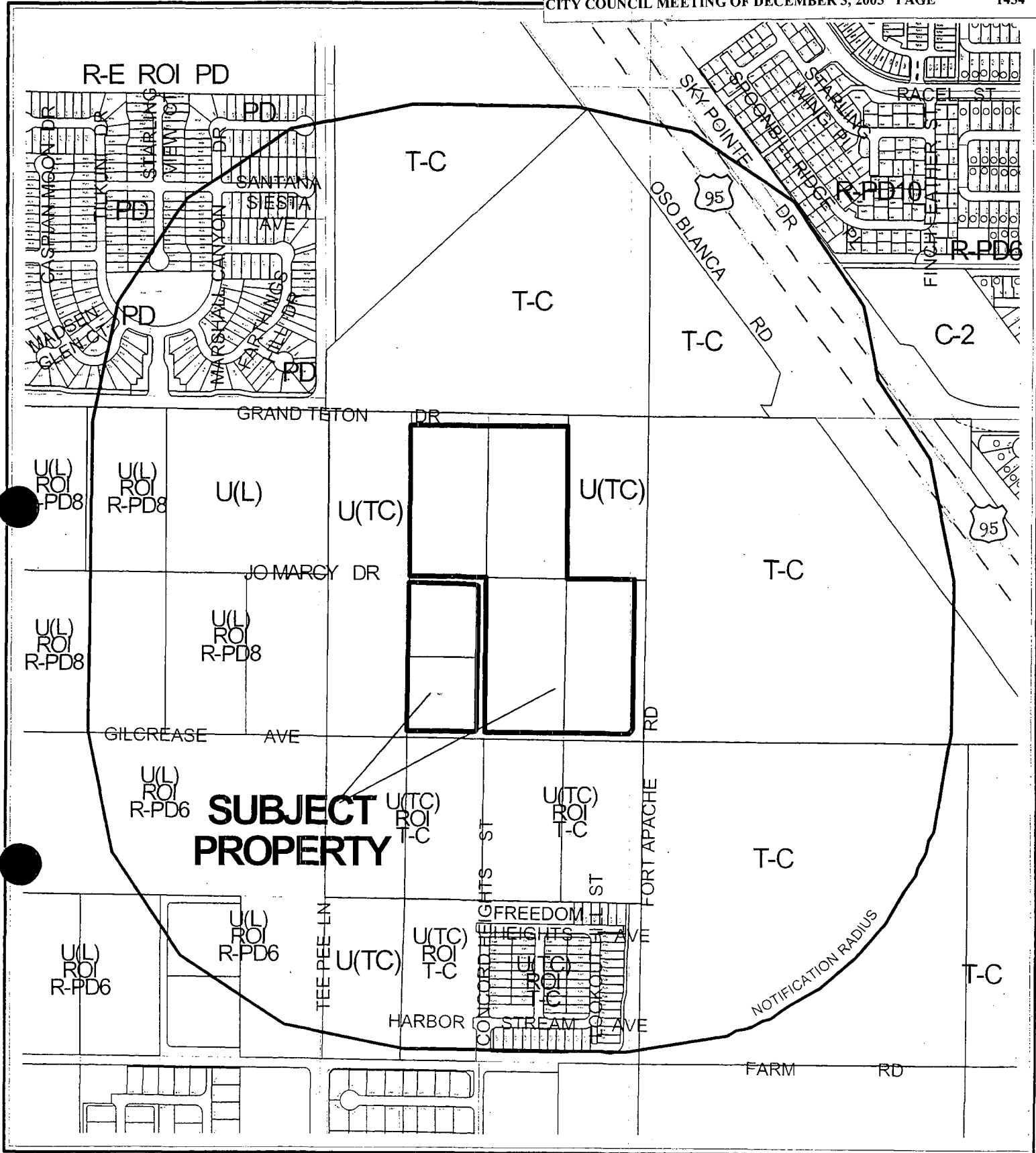
REESE – Motion to HOLD IN ABEYANCE Item 117 [ZON-3080], Item 118 [SDR-3082], Item 127 [GPA-3066], Item 128 [ZON-3071], Item 129 [SUP-3073] and Item 130 [SDR-3079] to 12/17/2003 and Item 112 [SUP-2904], Item 113 [SUP 3114], Item 119 [ZON-3031], Item 120 [VAR-3040], Item 121 [SUP-3038] and Item 122 [SDR-3035] to 1/7/2004 - UNANIMOUS with MACK excused

MINUTES:

ROBERT GENZER, Director, Planning and Development Department, indicated that the applicant spoke with COUNCILMAN MACK and requested that Item 127 [GPA-3066], Item 128 [ZON-3071], Item 129 [SUP-3073], and Item 130 [SDR-3079] be held in abeyance to 12/17/2003.

There was no further discussion.

(1:21-1:27)



CASE: ZON-3071

RADIUS: 1320 FT

ZONING OF SUBJECT PROPERTY:

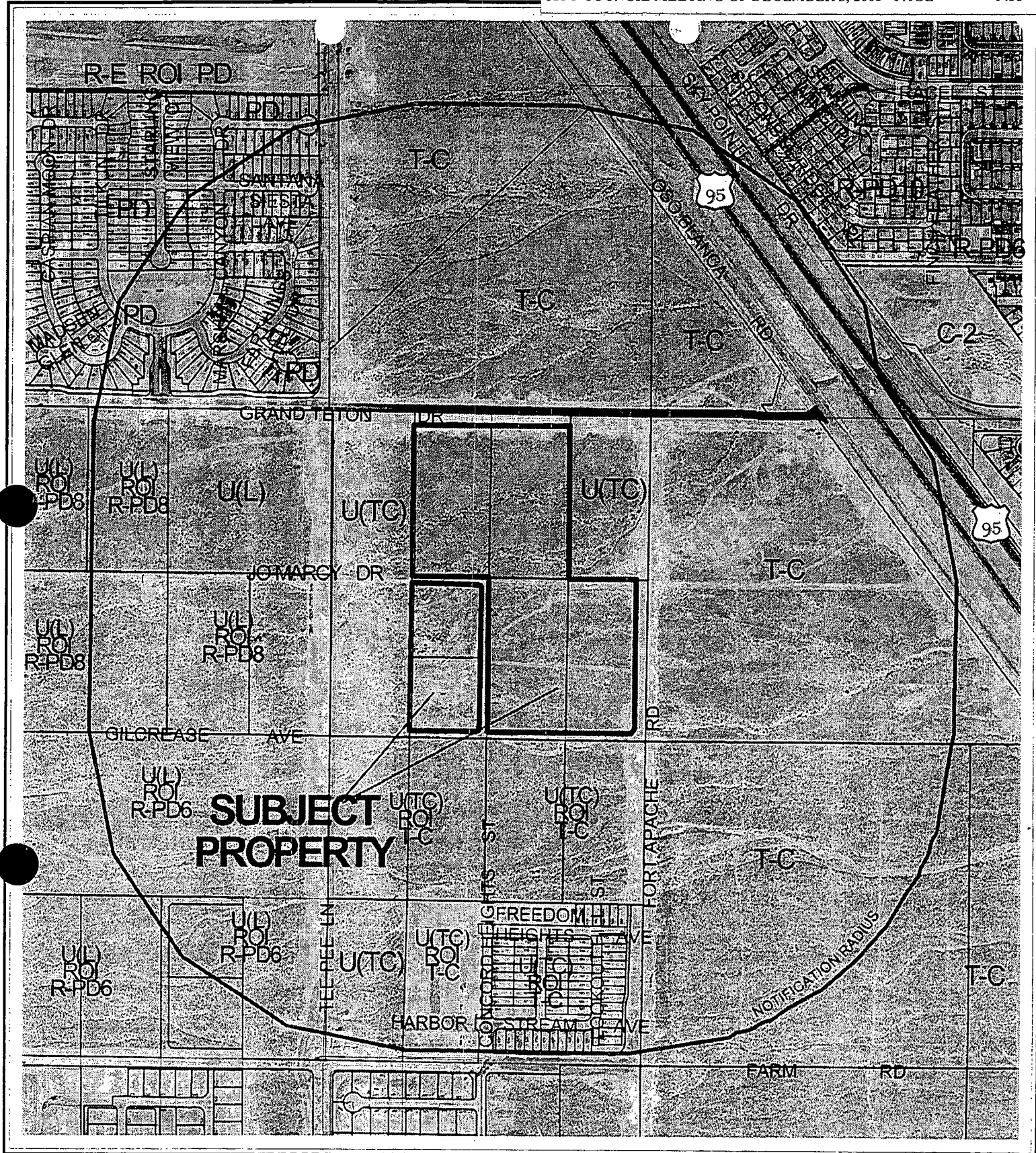
U (UNDEVELOPED) ZONE [EC-TC (EMPLOYMENT CENTER MIXED-USE - TOWN CENTER)
GENERAL PLAN DESIGNATION]

PROPOSED ZONING OF SUBJECT PROPERTY:

T-C (TOWN CENTER)

0 400 800 Feet





CASE: **ZON-3071**

RADIUS: 1320 FT

ZONING OF SUBJECT PROPERTY:

U (UNDEVELOPED) ZONE [EC-TC (EMPLOYMENT CENTER MIXED-USE - TOWN CENTER)
GENERAL PLAN DESIGNATION]

PROPOSED ZONING OF SUBJECT PROPERTY:

T-C (TOWN CENTER)

0 400 800 Feet



*City of Las Vegas***AGENDA MEMO****CITY COUNCIL MEETING DATE: DECEMBER 3, 2003****DEPARTMENT: PLANNING AND DEVELOPMENT****ITEM DESCRIPTION: ZON-3071 - D.R. HORTON, INC. ON BEHALF ROBERT J. WUESTE FAMILY, LIMITED PARTNERSHIP**

**** CONDITIONS ****

The Planning Commission (5-0-1 vote) and staff recommend APPROVAL, subject to:

Planning and Development

1. A Site Development Plan Review application shall be approved by the Planning Commission and City Council prior to approval of a Tentative Map, issuance of any permits, any site grading, and all development activity for the site.

Public Works

2. Submit a Petition of Vacation for Chieftain Street and Jo Marcy Drive for all rights-of-way in conflict with the proposed site plan. The Orders of Vacation must be recorded prior to recordation of a Final Map abutting or overlying the area to be vacated. Provide a plan for approval by the City Engineer indicating how legal access will be provided to Assessor's Parcel Number 125-18-501-010 prior to Recordation of an Order of Vacation. All parcel access issues shall be resolved prior to recordation of an Order of Vacation.
3. Dedicate an additional 10 feet of right-of-way for a total half-street width of 40 feet on Gilcrease Avenue and an additional 29 feet for a total 54 foot radius on the northwest corner of Fort Apache Road and Gilcrease Avenue adjacent to this site. Additional dedications in accordance with Standard Drawing #201.1 shall also be provided unless specifically not required in the approved Traffic Impact Analysis or alternative.
4. Construct half-street improvements, including appropriate overpaving if legally able, on Gilcrease Avenue, Fort Apache Road and Grand Teton Drive adjacent to this site concurrent with development of this site. Also, extend a minimum of two lanes of paving in the Fort Apache Road alignment from the north edge of permanent improvements northward to Grand Teton Drive adjacent to APN 125-18-501-006 and extend two lanes of paving in the Grand Teton Drive alignment from the east edge of permanent improvements eastward to Fort Apache Road adjacent to APN 125-18-501-006, if legally able, concurrent with development of this site. Install all appurtenant underground facilities, if any, adjacent to this site needed for the future traffic signal system concurrent with development of this site. Extend all required underground utilities, such as electrical, telephone, etc., located within public rights-of-way, past the north, east, south and west boundaries of this site as necessary, prior to construction of hard surfacing (asphalt or concrete).

ZON-3071 - Conditions Page Two
December 3, 2003 City Council Meeting

5. 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.
6. A Traffic Impact Analysis must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings 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 area traffic mitigation 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 #234.2 and #234.3 to determine additional right-of-way requirements for bus turnouts 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 for exclusive right turn lanes and dual left turn lanes shall be dedicated prior to or concurrent with the commencement of on-site development activities unless specifically noted as not required in the approved Traffic Impact Analysis. If additional rights-of-way are not required and Traffic Control devices are or may be proposed at this site outside of the public right-of-way, all necessary easements for the location and/or access of such devices shall be granted prior to the issuance of permits for this site. Phased compliance will be allowed if recommended by the approved Traffic Impact Analysis. No recommendation of the approved Traffic Impact Analysis, nor compliance therewith, shall be deemed to modify or eliminate any condition of approval imposed by the Planning Commission or the City Council on the development of this site.

Alternatively, in lieu of a Traffic Impact Analysis, the applicant may participate in a reasonable alternative mutually acceptable to the applicant and the Department of Public Works.

7. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings or the recordation of a Final Map for this site, whichever may occur first. Provide and improve all drainageways recommended in the approved drainage plan/study. The developer of this site shall be responsible to construct such neighborhood or local drainage facility improvements as are recommended by the approved Drainage Plan/Study concurrent with development of this site. In lieu of constructing improvements, in whole or in part, the developer may agree 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, whichever may occur first, if allowed by the City Engineer.
8. The final layout of the subdivision shall be determined at the time of approval of the Tentative Map.

ZON-3071 - Staff Report Page One
December 3, 2003 City Council Meeting

**** STAFF REPORT ****

APPLICATION REQUEST

A) *Action Requested*

This request is for approval of a Rezoning from U (Undeveloped) Zone [EC-TC (Employment Center Mixed Use – Town Center) General Plan Designation] to T-C (Town Center) on 25.68 acres adjacent to the northwest corner of Gilcrease Avenue and Fort Apache Road.

This application and all other related items were held in abeyance from the October 23, 2003 to the November 6, 2003 Planning Commission meeting to correct a notification error.

B) *Applicant's Justification*

The justification letter states that the proposed project will fill a need for housing in the area and that neighboring property owners will prefer this to high density mixed use development.

BACKGROUND INFORMATION

A) *Previous Actions*

- | | |
|----------|---|
| 05/24/99 | The City Council approved the Centennial Hills Sector Map (GPA-01-99) of the city of Las Vegas General Plan, which replaced the Northwest Sector Map. On this plan, the parcels were designated as EC-TC (Employment Center Mixed Use – Town Center). |
| 01/17/01 | The City Council approved the annexation of these parcels as part of a larger request (A-0003-99). |
| 11/06/03 | The Planning Commission recommended denial of a related General Plan Amendment (GPA-3066) and recommended denial of a related Special Use Permit (SUP-3073) and Site Development Plan Review (SDR-3079). |
| 11/06/03 | The Planning Commission voted 5-0-1 to recommend APPROVAL (PC Agenda Item #18). |

ZON-3071 - Staff Report Page Two
December 3, 2003 City Council Meeting

B) Pre-Application Meeting

08/27/03 Because all of the parcels in this area are intended to be zoned T-C (Town Center), discussion at the pre-application meeting was mainly in regard to issues involved with the Site Development Plan Review and the Special Use Permit request.

C) Neighborhood Meetings

A neighborhood meeting is not required with this application.

DETAILS OF APPLICATION REQUEST

A) Site Area

Gross Acres: 25.68

B) Existing Land Use

Subject Property	Undeveloped
North	Undeveloped
South	Undeveloped
East	Undeveloped
West	Undeveloped

C) Planned Land Use

Subject Property	EC-TC (Employment Center Mixed Use - Town Center)
North	EC-TC (Employment Center Mixed Use - Town Center)
South	M-TC (Medium Density Residential - Town Center)
East	EC-TC (Employment Center Mixed Use - Town Center)
West	PF-TC (Public Facilities - Town Center)

D) Existing Zoning

Subject Property	U (Undeveloped) Zone [TC (Town Center) General Plan Designation]
North	T-C (Town Center)
South	U (Undeveloped) Zone [TC (Town Center) General Plan Designation] under Resolution of Intent to T-C (Town Center)
East	T-C (Town Center)
West	U (Undeveloped) Zone [TC (Town Center) General Plan Designation]

E) General Plan Compliance

The Centennial Hills Sector Plan designates the site as EC-TC (Employment Center Mixed Use - Town Center). This category is intended to accommodate "...non-polluting and non-nuisance services that...would not otherwise be found in a Central Business District. The Employment Center Mixed Use district permits the broadest spectrum of uses within the Town Center, however, residential opportunities are minimal." The requested zoning designation of T-C (Town Center) is consistent with General Plan designation, however the proposed development of a single-family subdivision is not.

ZON-3071 - Staff Report Page Three
December 3, 2003 City Council Meeting

SPECIAL DISTRICTS/ZONES	Yes	No
Special Area Plan	X	
Town Center	X	
Special Overlay District		X
Trails	X	
Study Area		X
Rural Preservation Neighborhood		X
County/North Las Vegas/HOA Notification		X
Development Impact Notification Assessment		X
Project of Regional Significance		X

The proposed development is with the Town Center area as defined by the Centennial Hills Sector Plan. The Town Center Development Standards manual provides policy direction for development within the Town Center area.

Trails

A multi-use transportation trail is required where the property fronts Grand Teton Drive to the north, Gilcrease Avenue to the south and Fort Apache road to the east.

ANALYSIS

A) Zoning Code Compliance

A1) Development Standards

If the associated General Plan Amendment request is approved, the proposed T-C (Town Center) zoning will allow development of this property in accordance with the Town Center Development Standards manual. The Development Standards will be addressed as part of the related Site Development Plan Review (SDR-3079) application.

B) General Analysis and Discussion

The applicant is proposing to rezone this site to T-C (Town Center) with the intention of developing a 195 unit residential development. Although a development of this type is not consistent with the existing designation of EC-TC (Employment Center Mixed Use – Town Center), the rezoning to TC (Town Center) is appropriate regardless of the designation of the property. The applicant has submitted a related request to amend the property to ML-TC (Medium Density Residential – Town Center), which would support this development.

ZON-3071 - Staff Report Page Four
December 3, 2003 City Council Meeting

FINDINGS

In order to approve a Rezoning application, pursuant to Title 19.18.040, the Planning Commission or City Council must affirm the following:

1. "The proposal conforms to the General Plan."

This site is within the Town Center are of the Centennial Hills Sector Plan. Therefore the T-C (Town Center) zoning is appropriate.

2. "The uses which would be allowed on the subject property by approving the rezoning will be compatible with the surrounding land uses and zoning districts."

The T-C (Town Center) zoning will allow the property to be developed in accordance with the provisions of the Town Center Development Standards Manual, and therefore compatible with adjacent development. The specific uses that are proposed, however, will require approval of the related General Plan Amendment that is also on this agenda.

3. "Growth and development factors in the community indicate the need for or appropriateness of the rezoning."

The Town Center area is intended to provide the majority of the services needed for the northwest part of the city. The T-C (Town Center) zoning district is the intended designation for all parcels within the Town Center area.

4. "Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed zoning district."

The site will be accessed from a planned roadway system including Grand Teton Drive, Fort Apache Road, and Gilcrease Avenue. The rights-of-way will be adequate for the proposed development, if approved.

NOTICES MAILED 46 by Planning Department

APPROVALS 0

PROTESTS 1



PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **ZON-3071** APN: 125-18-501-004, 005, 010, 011, 012, & 013

Name of Property Owner: Robert J. Wueste

Name of Applicant: D.R. Horton

To the best of your knowledge, does the Mayor or any member of the City Council or Planning Commission have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company?

Yes ☒ No ☐

If yes, please indicate the member of the City Council or Planning Commission who is involved and list the name(s) of the person or persons with whom the City Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official: _____

Partner(s):

APN:

Signature of Property Owner/Authorized Agent: Michael West

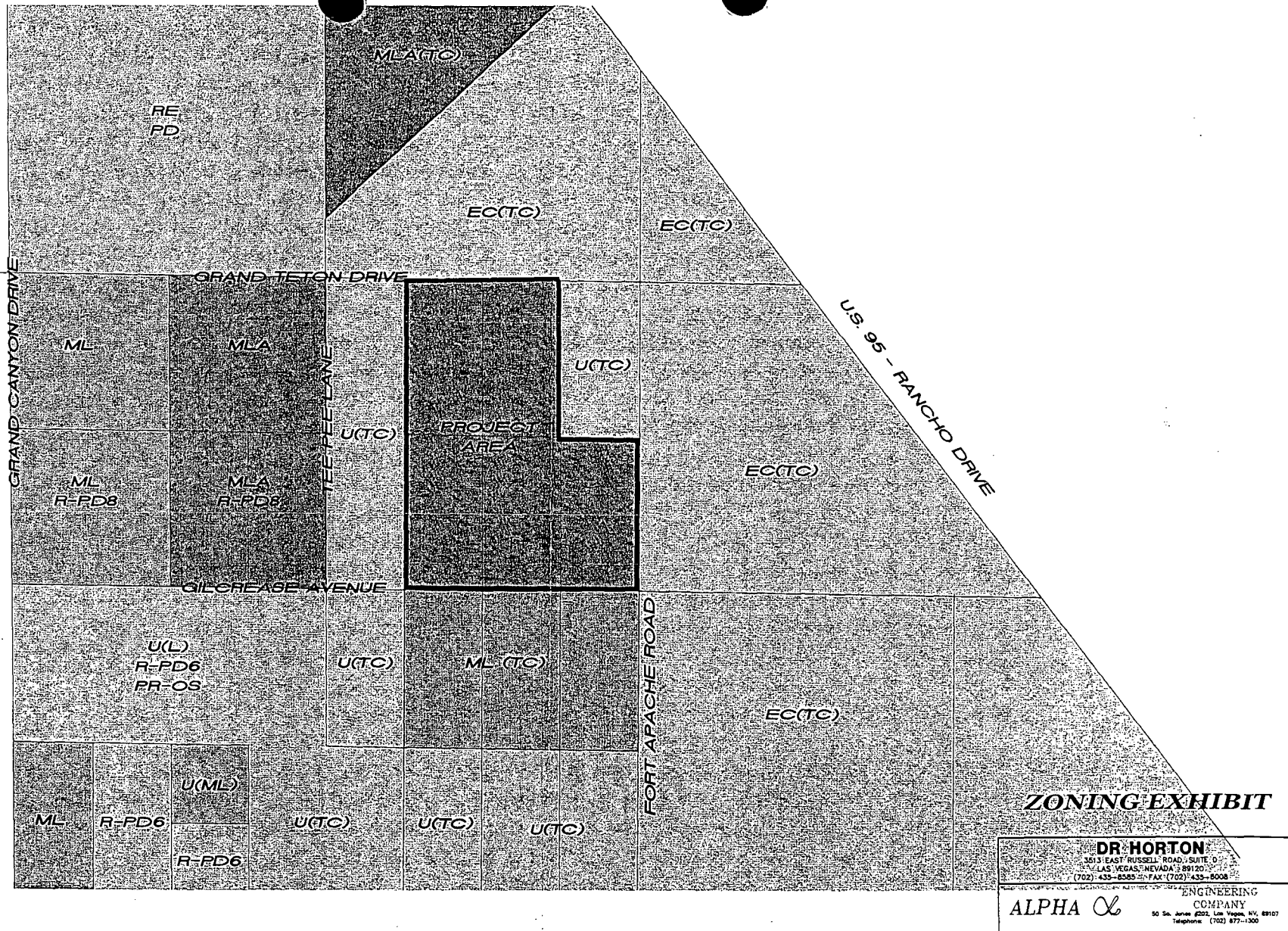
Print Name: ROBERT J. WUESLE

Subscribed and sworn before me

This 1st day of AUGUST, 2008 **Adriana Wells**

Adriana Wells Notary Public State of New York
No 01WE6089404
Notary Public in and for said County and State

Qualified in Queens County
Commission Expires March 24, 20⁰⁷



STAFF **ZON-3071**
10-23-03 PC



ZON-3071 - D.R. HORTON, INC. ON BEHALF ROBERT J. WUESTE FAMILY, LIMITED PARTNERSHIP
NORTHWEST CORNER OF GILCREASE AVENUE AND FORT APACHE ROAD
NOVEMBER 6, 2003 PLANNING COMMISSION

10/01/03

City of Las Vegas

Agenda Item No. 129

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: DECEMBER 3, 2003

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☐

CONSENT

☒

DISCUSSION

SUBJECT:

SPECIAL USE PERMIT RELATED TO GPA-3066 AND ZON-3071 - PUBLIC HEARING - SUP-3073 - D.R. HORTON, INC. ON BEHALF ROBERT J. WUESTE FAMILY, LIMITED PARTNERSHIP - Request for a Special Use Permit FOR A GATED SUBDIVISION WITH PRIVATE STREETS WITHIN TOWN CENTER adjacent to the northwest corner of Gilcrease Avenue and Fort Apache Road (APN: 125-18-501-004, 005, 010, 011, 012 and 013), U (Undeveloped) Zone [EC-TC (Employment Center Mixed-Use - Town Center) General Plan Designation] [Proposed: ML-TC (Medium-Low Residential - Town Center) General Plan Designation], Ward 6 (Mack). The Planning Commission (3-2-1 vote) and staff recommend DENIAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.

1

City Council Meeting

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

0

City Council Meeting

RECOMMENDATION:

The Planning Commission (3-2-1 vote) and staff recommend DENIAL.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report

MOTION:

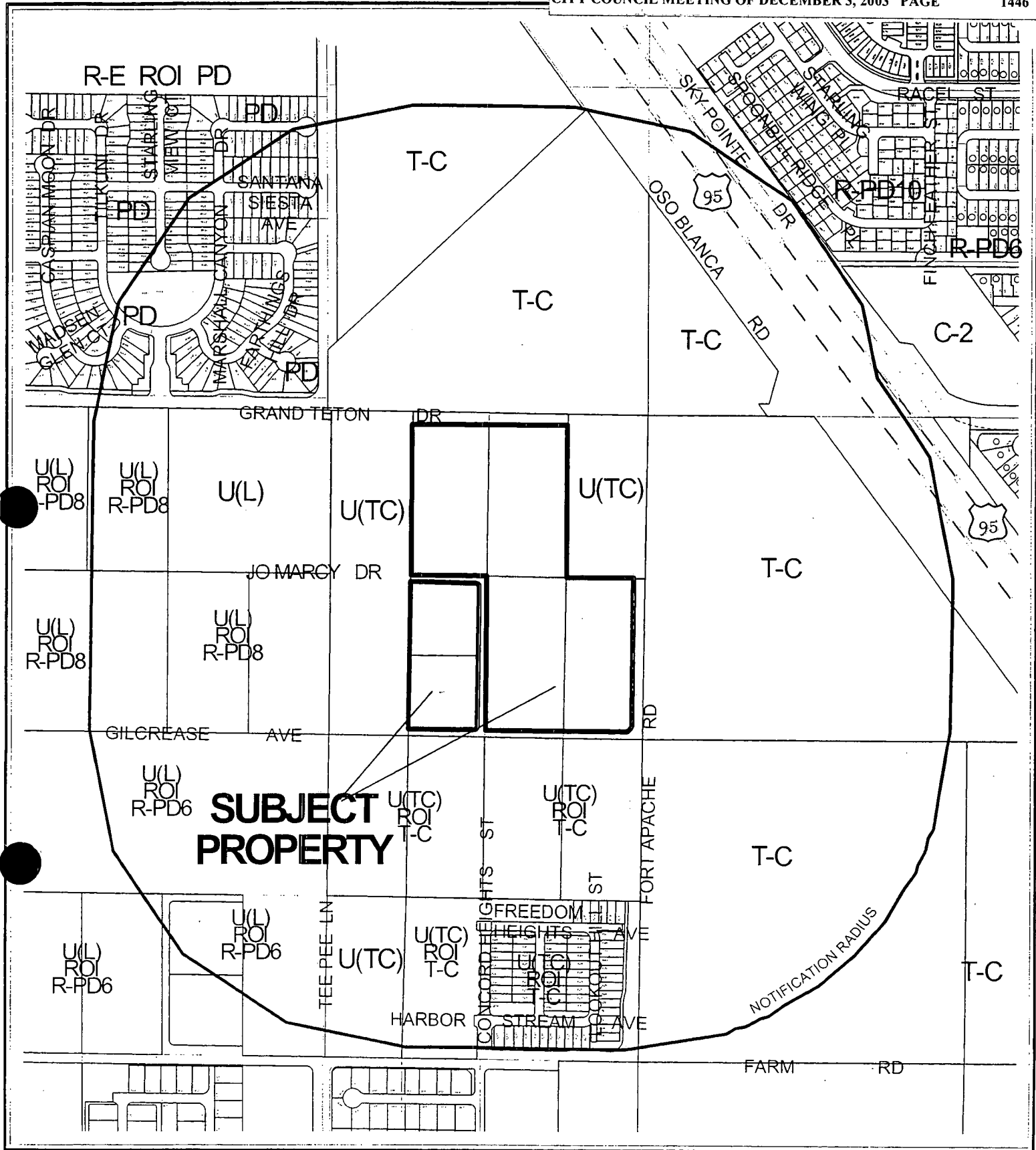
REESE – Motion to HOLD IN ABEYANCE Item 117 [ZON-3080], Item 118 [SDR-3082], Item 127 [GPA-3066], Item 128 [ZON-3071], Item 129 [SUP-3073] and Item 130 [SDR-3079] to 12/17/2003 and Item 112 [SUP-2904], Item 113 [SUP 3114], Item 119 [ZON-3031], Item 120 [VAR-3040], Item 121 [SUP-3038] and Item 122 [SDR-3035] to 1/7/2004 - UNANIMOUS with MACK excused

MINUTES:

There was no discussion.

(1:21-1:27)

4-1



CASE: SUP-3073

RADIUS: 1320 FT

ZONING OF SUBJECT PROPERTY:

U (UNDEVELOPED) ZONE [EC-TC (EMPLOYMENT CENTER MIXED-USE - TOWN CENTER)
GENERAL PLAN DESIGNATION]

PROPOSED ZONING OF SUBJECT PROPERTY:

T-C (TOWN CENTER)

City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: NOVEMBER 6, 2003

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: ABEYANCE - RENOTIFICATION - SUP-3073 - D.R. HORTON, INC. ON BEHALF ROBERT J. WUESTE FAMILY, LIMITED PARTNERSHIP

**** CONDITIONS ****

STAFF RECOMMENDATION: DENIAL. If Approved, subject to:

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Rezoning (ZON-3071), and Site Development Plan Review (SDR-3079) and all other subsequent site-related actions.
2. This Special Use Permit shall expire two years from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.
3. The private streets shall be subject to Title 19.04.050(B) for Private Streets and to Section E.G. of the Town Center Development Standards Manual.
4. All City Code requirements and design standards of all City departments must be satisfied.
5. Consideration must be given to previously approved grading plans and drainage studies, where such plans exist, to assure minimum impact to existing and future developments in the surrounding area.

Public Works

6. Private streets shall be identified as "Public Sewer and Public Drainage Easements to be privately maintained".
7. Site development to comply with all applicable conditions of approval for Zoning Reclassification ZON-3071 and Site Development Plan Review SDR-3079 and all other subsequent site-related actions.
8. A Homeowner's Association shall be established to maintain all private roadways and common areas created with this development.

*City of Las Vegas***AGENDA MEMO****CITY COUNCIL MEETING DATE: DECEMBER 3, 2003****DEPARTMENT: PLANNING AND DEVELOPMENT****ITEM DESCRIPTION: SUP-3073 - D.R. HORTON, INC. ON BEHALF ROBERT J. WUESTE FAMILY, LIMITED PARTNERSHIP**

**** CONDITIONS ****

The Planning Commission (3-2-1 vote) and staff recommend DENIAL. If Approved, subject to:

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Rezoning (ZON-3071), and Site Development Plan Review (SDR-3079) and all other subsequent site-related actions.
2. This Special Use Permit shall expire two years from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.
3. The private streets shall be subject to Title 19.04.050(B) for Private Streets and to Section E.G. of the Town Center Development Standards Manual.
4. All City Code requirements and design standards of all City departments must be satisfied.
5. Consideration must be given to previously approved grading plans and drainage studies, where such plans exist, to assure minimum impact to existing and future developments in the surrounding area.

Public Works

6. Private streets shall be identified as "Public Sewer and Public Drainage Easements to be privately maintained".
7. Site development to comply with all applicable conditions of approval for Zoning Reclassification ZON-3071 and Site Development Plan Review SDR-3079 and all other subsequent site-related actions.
8. A Homeowner's Association shall be established to maintain all private roadways and common areas created with this development.

SUP-3073 - Staff Report Page One
December 3, 2003 City Council Meeting

**** STAFF REPORT ****

APPLICATION REQUEST

A) *Action Requested*

This application is a request for a Special Use Permit for a gated community with private streets within a proposed 195 lot single-family attached residential development adjacent to the northwest corner of Severance Lane and Fort Apache Road.

This application and all other related items were held in abeyance from the October 23, 2003 to the November 6, 2003 Planning Commission meeting to correct a notification error.

B) *Applicant's Justification*

The applicant feels that the gating of the subdivision will enhance the privacy and security as well as control access to the open space.

BACKGROUND INFORMATION

A) *Previous Actions*

- 05/24/99 The City Council approved the Centennial Hills Sector Map (GPA-01-99) of the city of Las Vegas General Plan, which replaced the Northwest Sector Map. On this plan, the parcels were designated as EC-TC (Employment Center Mixed Use – Town Center).
- 01/17/01 The City Council approved the annexation of these parcels as part of a larger request (A-0003-99).
- 11/06/03 The Planning Commission recommended denial of a related General Plan Amendment (GPA-3066) and recommended approval of a related Rezoning (ZON-3071) and recommended denial of a Site Development Plan Review (SDR-3079).
- 11/06/03 The Planning Commission voted 3-2-1 to recommend DENIAL (PC Agenda Item #19).

SUP-3073 - Staff Report Page Two
December 3, 2003 City Council Meeting

B) Pre-Application Meeting

08/27/03 The Department of Public Works stated that the proposed gated entrance must meet Drawing 22A standards, additional dedication may be required for turn lanes on Grand Teton Drive, and a flood study will be required.

C) Neighborhood Meetings

A neighborhood meeting is not required with this application.

DETAILS OF APPLICATION REQUEST

A) Site Area

Gross Acres: 25.68

B) Existing Land Use

Subject Property	Undeveloped
North	Undeveloped
South	Undeveloped
East	Undeveloped
West	Undeveloped

C) Planned Land Use

Subject Property	EC-TC (Employment Center Mixed Use - Town Center)
North	EC-TC (Employment Center Mixed Use - Town Center)
South	M-TC (Medium Density Residential - Town Center)
East	EC-TC (Employment Center Mixed Use - Town Center)
West	PF-TC (Public Facilities - Town Center)

D) Existing Zoning

Subject Property	U (Undeveloped) Zone [TC (Town Center) General Plan Designation]
North	T-C (Town Center)
South	U (Undeveloped) Zone [TC (Town Center) General Plan Designation] under Resolution of Intent to T-C (Town Center)
East	T-C (Town Center)
West	U (Undeveloped) Zone [TC (Town Center) General Plan Designation]

E) General Plan Compliance

The proposed development is with the Town Center area as defined by the Centennial Hills Sector Plan. The Town Center Development Standards manual provides policy direction for development within the Town Center area.

SUP-3073 - Staff Report Page Three
December 3, 2003 City Council Meeting

<i>SPECIAL DISTRICTS/ZONES</i>	Yes	No
Special Area Plan	X	
Town Center	X	
Special Overlay District		X
Trails	X	
Study Area		X
Rural Preservation Neighborhood		X
County/North Las Vegas/HOA Notification		X
Development Impact Notification Assessment		X
Project of Regional Significance		X

Trails

A multi-use transportation trail is required where the property fronts Grand Teton Drive to the north, Gilcrease Avenue to the south and Fort Apache road to the east.

ANALYSIS

A) Zoning Code Compliance

If the related General Plan Amendment request (GPA-3066) is approved, the proposed T-C (Town Center) zoning district will allow development of this property in accordance with the Town Center Development Standards Manual. The development standards will be addressed as part of the related Site Development Plan Review (SDR-3079).

B) General Analysis and Discussion

- Zoning

The site is currently zoned U (Undeveloped) Zone [EC-TC (Employment Center Mixed Use - Town Center) General Plan Designation]. The proposed rezoning (ZON-3071) will change the designation to T-C (Town Center). The related General Plan Amendment request would change the land use designation to ML (Medium-Low Residential - Town Center). The proposed gated community with private streets would be permitted in Town Center with approval of a Special Use Permit by City Council.

- Use

Title 19.04.050 states the Planning Commission may deny the creation of any private street if, in the Commission's judgment, the private street would have any of the following effects:

- Negatively affect traffic circulation on public streets;
- Impair access to property either on-site or off-site to the subdivision;

- c. Impair access to or from public facilities including schools, parks and libraries; or
- d. Delay the response time of emergency vehicles.

The proposed private streets will not negatively affect the public streets or access to the subdivision. In addition, the private streets will not impair access to or from public facilities, nor delay the response time of emergency vehicles. While the proposal meets the base conditions of approval for a private street, staff's main concern is the change in land use from Commercial to Residential.

- Conditions

Section E.G of the Town Center Development Standards Manual provides the following conditions of approval for a Special Use Permit for a gated subdivision with private streets:

- "1. Abutting public street stubs from previously approved adjacent developments shall be terminated in a cul-de-sac or shall be extended to connect to another public street.
2. Gated communities not taking access directly off an arterial roadway shall have a minimum of two active gated entrances. Additional gated entrance may be required to disperse the traffic throughout the street network.
3. Consideration must be given to previously approved grading plans and drainage studies to assure minimum impact to existing and future developments."

The site plan depicts two gated access points, one off of Fort Apache Road to the east and one off of Grand Teton Drive to the north. As the surrounding land is undeveloped, there appears to be no issues with the other conditions.

FINDINGS

In order to approve a Special Use Permit application, per Title 19.18.060 the Planning Commission and City Council must affirm the following:

1. **"The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan."**

This portion of the Centennial Hills Sector Plan is designated as EC-TC (Employment Center Mixed Use – Town Center). The intent of this designation, in part, is to provide for light manufacturing uses for which there are few alternative opportunities. The proposed development would not only further diminish the supply of acreage available for these uses but would also detract from the physical environment anticipated by those who have already invested in the area. Residential uses will not be harmonious in an area intended for commercial uses.

SUP-3073 - Staff Report Page Five
December 3, 2003 City Council Meeting

2. **"The subject site is physically suitable for the type and intensity of land use proposed."**

The subject parcels are undeveloped and appear to have no major constraints to development.

3. **"Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use."**

The site is accessed from Fort Apache Road and Grand Teton Drive, both 100-foot rights-of-way to be constructed per Town Center guidelines. Both streets will be adequate to support the development.

4. **"Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan."**

One of the objectives of the Centennial Hills Sector Plan is to concentrate the majority of services in the Town Center area so that they do not become dispersed into residential areas. Approximately 24 acres, or 23% of the land originally designated as EC-TC (Employment Center Mixed Use - Town Center), has been converted to residential uses already. To convert additional acreage, particularly now when there is a great deal of growth yet to come, would be premature and detrimental to the ability of Town Center to provide services to the area intended.

NOTICES MAILED 65 by City Clerk

APPROVALS 0

PROTESTS 1



Case Number: **SUP-3073** APN: 125-18-501-004, 005, ~~000~~, 011, 012, & 013
Name of Property Owner: Robert J. Wueste
Name of Applicant: D.R. Horton

Yes

X No

City Official:

Partner(s): _____

APN:

Signature of Property Owner/Authorized Agent:

Print Name:

Subscribed and sworn before me

This 1st day of August, 2003

This 1st day of August, 2003
Adriana Wells
Adriana Wells Notary Public State of New York
 Notary Public in and for said County of West No. 013WE6089404

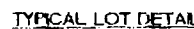
Qualified in Queens County
Commission Expires March 24, 2007

DA HORTON, INC.

FORT APACHE RANCH

ALPHA O₂ ENGINEERING COMPANY

DATE SETAN 9



CLUSTER FEEDBACK

180 TOP OF LOT DISTANCE 1700 FT
RIP CLIMATE CAN

TOTAL:
CARGO NO HANDS 5.12 FT
FROM HIGH OF HOUSE
IF MACHINERY ----- 1.1 FT
4 X 1.000000 ----- 5.12 FT
STK ----- 1.1 FT
SLAK ----- 1.1 FT



SUP-3073 - D.R. HORTON, INC. ON BEHALF ROBERT J. WUESTE FAMILY, LIMITED PARTNERSHIP
NORTHWEST CORNER OF GILCREASE AVENUE AND FORT APACHE ROAD
NOVEMBER 6, 2003 PLANNING COMMISSION

10/01/03

City of Las Vegas

Agenda Item No. 130

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: DECEMBER 3, 2003

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☐

CONSENT

☒

DISCUSSION

SUBJECT:

SITE DEVELOPMENT PLAN REVIEW RELATED TO GPA-3066, ZON-3071 AND SUP-3073 - PUBLIC HEARING - **SDR-3079 - D.R. HORTON, INC. ON BEHALF ROBERT J. WUESTE FAMILY, LIMITED PARTNERSHIP** - Request for a Site Development Plan Review FOR A PROPOSED 195 UNIT SINGSL E FAMILY CLUSTER DEVELOPMENT on 25.68 acres adjacent to the northwest corner of Gilcrease Avenue and Fort Apache Road (APN: 125-18-501-004, 005, 010, 011, 012 and 013), U (Undeveloped) Zone [EC-TC (Employment Center Mixed-Use - Town Center) General Plan Designation] [Proposed: ML-TC (Medium-Low Residential - Town Center) General Plan Designation], Ward 6 (Mack). The Planning Commission (3-2-1 vote) and staff recommend DENIAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

1

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

RECOMMENDATION:

The Planning Commission (3-2-1 vote) and staff recommend DENIAL.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report

MOTION:

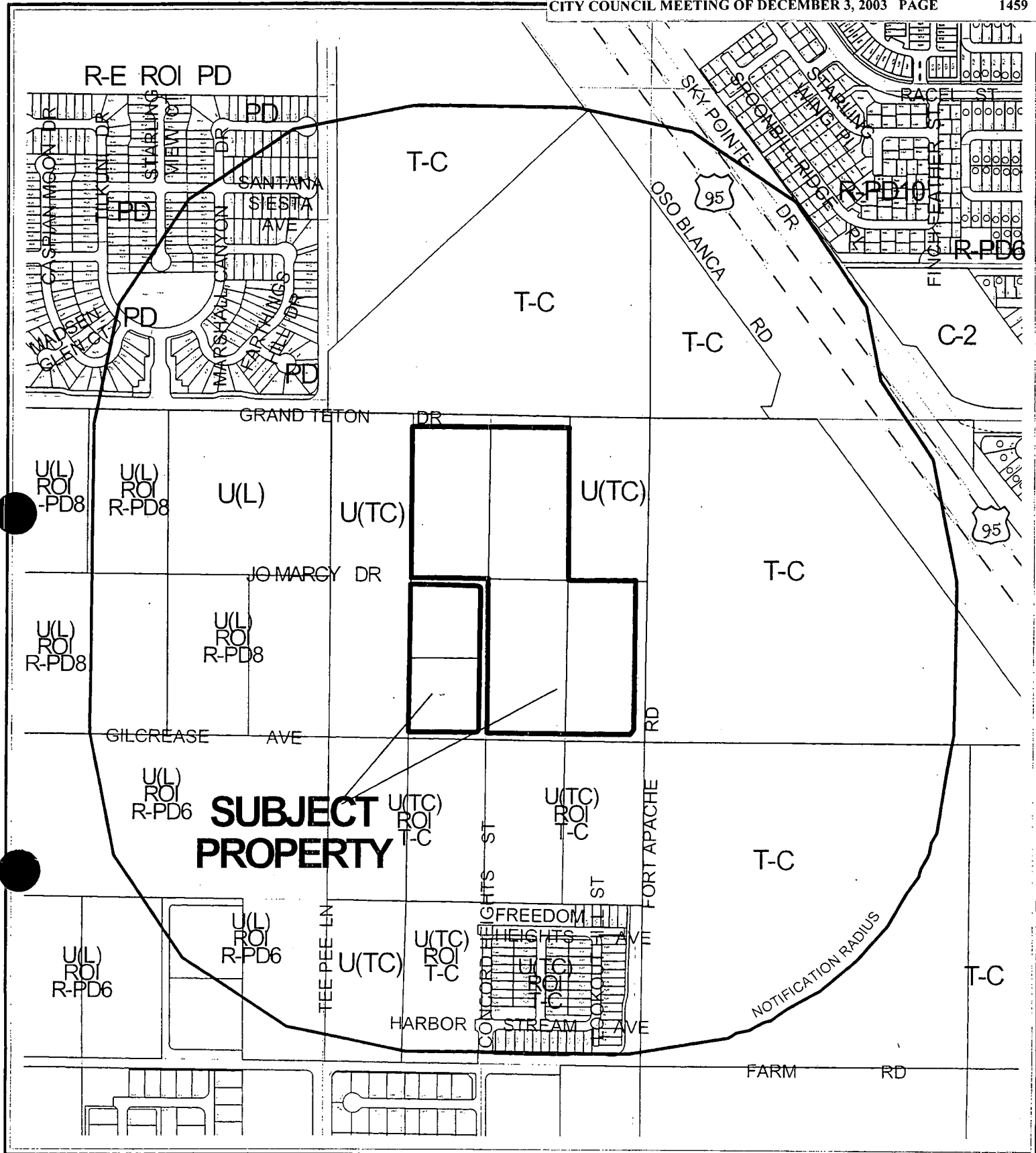
REESE – Motion to HOLD IN ABEYANCE Item 117 [ZON-3080], Item 118 [SDR-3082], Item 127 [GPA-3066], Item 128 [ZON-3071], Item 129 [SUP-3073] and Item 130 [SDR-3079] to 12/17/2003 and Item 112 [SUP-2904], Item 113 [SUP 3114], Item 119 [ZON-3031], Item 120 [VAR-3040], Item 121 [SUP-3038] and Item 122 [SDR-3035] to 1/7/2004 - UNANIMOUS with MACK excused

MINUTES:

There was no discussion.

(1:21-1:27)

4-1



CASE: SDR-3079

RADIUS: 1320 FT

ZONING OF SUBJECT PROPERTY:

U (UNDEVELOPED) ZONE [EC-TC (EMPLOYMENT CENTER MIXED-USE - TOWN CENTER)
GENERAL PLAN DESIGNATION]

PROPOSED ZONING OF SUBJECT PROPERTY:

T-C (TOWN CENTER)

0 400 800 Feet



*City of Las Vegas***AGENDA MEMO****CITY COUNCIL MEETING DATE: DECEMBER 3, 2003****DEPARTMENT: PLANNING AND DEVELOPMENT****ITEM DESCRIPTION: SDR-3079 - D.R. HORTON, INC. ON BEHALF ROBERT J. WUESTE FAMILY, LIMITED PARTNERSHIP**

**** CONDITIONS ****

The Planning Commission (3-2-1 vote) and staff recommend DENIAL. If Approved, subject to:

Planning and Development

1. Approval of General Plan Amendment (GPA-3066) to designate this site as ML-TC (Medium Low Density Residential – Town Center).
2. A Rezoning (ZON-3071) to the T-C (Town Center) Zoning District approved by the City Council.
3. A Special Use Permit (SUP-3073) to allow a gated community with private streets.
4. A revised landscape plan must be submitted prior to the approval of a Final Map depicting perimeter landscaping in conformance the Town Center Development Standards.
5. Perimeter walls along Fort Apache Road, Grand Teton Drive, and Gilcrease Avenue must be constructed in conformance with the Town Center Development Standards. The total height of these walls, including the retaining portion, must not exceed eight feet from the lowest grade.
6. Trails along Fort Apache Road, Grand Teton Drive, and Gilcrease Avenue must be constructed in conformance with the Master Plan Transportation Trails Element.
7. The setbacks to the garage shall be 18 feet or greater or five feet or less.

Public Works

8. Submit a Petition of Vacation for Chieftain Street and Jo Marcy Drive for all rights-of-way in conflict with the proposed site plan. The Orders of Vacation must be recorded prior to recordation of a Final Map abutting or overlying the area to be vacated. Provide a plan for approval by the City Engineer indicating how legal access will be provided to Assessor's Parcel Number 125-18-501-010 prior to Recordation of an Order of Vacation. All parcel access issues shall be resolved prior to recordation of an Order of Vacation.
9. Landscape and maintain all unimproved right-of-way adjacent to this site.
10. Submit an Encroachment Agreement for all landscaping and private improvements located in the public right-of-way adjacent to this site prior to occupancy of this site.

SDR-3079 - Conditions Page Two
December 3, 2003 City Council Meeting

11. Provide public sewers within each cluster to allow for separate service laterals to each property.
12. Meet with the Traffic Engineering Representative in Land Development for assistance in redesigning the proposed driveway layout prior to the submittal of any construction plans or the issuance of any permits, whichever may occur first. Gated access drives if proposed shall be designed, located and constructed in accordance with Standard Drawing #222a.
13. A Homeowner's Association shall be established to maintain all perimeter walls, private roadways, 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.
14. Meet with the Fire Protection Engineering Section of the Department of Fire Services prior to submittal of a Tentative Map for this site. The design and layout of all onsite private circulation and access drives shall meet the approval of the Department of Fire Services. We note that there have been concerns regarding terminations along "E" Street and "F" Street.
15. Site development to comply with all applicable conditions of approval for Zoning Reclassification ZON-3071 and all other subsequent site-related actions.
16. The approval of all Public Works related improvements shown on this Site Development Plan Review is in concept only. Specific design and construction details relating to size, type and/or alignment of improvements, including but not limited to street, sewer and drainage improvements, shall be resolved prior to submittal of a Tentative Map or construction drawings, whichever may occur first. No deviations from adopted City Standards shall be allowed unless specific written approval for such is received from the City Engineer prior to the submittal of a Tentative Map or construction drawings, whichever may occur first.

SDR-3079 - Staff Report Page One
December 3, 2003 City Council Meeting

**** STAFF REPORT ****

APPLICATION REQUEST

A) *Action Requested*

This request is for a Site Development Plan Review of a 195-unit single-family cluster development located on the northwest corner of Gilcrease Avenue and Fort Apache Road. Approval of this project is contingent upon related submittals for a General Plan Amendment (GPA-3066) to designate the site as ML-TC (Medium-Low Density Residential – Town Center); a Rezoning (ZON-3071) to the T-C (Town Center) designation; and a Special Use Permit (SUP-3073) to allow a gated community with private streets. Each of these items will also be heard on this agenda. If any are denied, this application cannot go forward as proposed.

This application and all other related items were held in abeyance from the October 23, 2003 to the November 6, 2003 Planning Commission meeting to correct a notification error.

B) *Applicant's Justification*

The applicant has indicated that the tremendous growth in the area has led to the demand for homes on the west side of U.S. 95, away from master planned communities. The trails and common areas are designed to maintain the character of the Town Center standards.

BACKGROUND INFORMATION

A) *Previous Actions*

- | | |
|----------|---|
| 05/24/99 | The City Council approved the Centennial Hills Sector Map (GPA-01-99) of the city of Las Vegas General Plan, which replaced the Northwest Sector Map. On this plan, the parcels were designated as EC-TC (Employment Center Mixed Use – Town Center). |
| 01/17/01 | The City Council approved the annexation of these parcels as part of a larger request (A-0003-99). |
| 11/06/03 | The Planning Commission recommended denial of a related General Plan Amendment (GPA-3066) and recommended approval of a related Rezoning (ZON-3071) and recommended denial of a Special Use Permit (SUP-3073). |

SDR-3079 - Staff Report Page Two
December 3, 2003 City Council Meeting

11/06/03 The Planning Commission voted 3-2-1 to recommend DENIAL (PC Agenda Item #20).

B) Pre-Application Meeting

08/27/03 The odd shaped lots resulting from the knuckles and hammerheads may require deviations from standards and suggested the possibility of fronting some of the lots onto Gilcrease Avenue. It was also recommended that sidewalks be widened from 3 ½ feet to four or five feet. Areas intended to count towards open space must be clarified, as small pieces will not count. The wall design also needed to be addressed, as it will be required to be part block and part wrought iron. Other items discussed included the need to depict the required trails, guest parking, and a parking diagram to show how cars can maneuver without impacting neighboring properties.

C) Neighborhood Meetings

A neighborhood meeting is not required for this application.

DETAILS OF APPLICATION REQUEST

A) Site Area

Gross Acres: 25.68

B) Existing Land Use

Subject Property	Undeveloped
North	Undeveloped
South	Undeveloped
East	Undeveloped
West	Undeveloped

C) Planned Land Use

Subject Property	EC-TC (Employment Center Mixed Use - Town Center)
North	EC-TC (Employment Center Mixed Use - Town Center)
South	M-TC (Medium Density Residential - Town Center)
East	EC-TC (Employment Center Mixed Use - Town Center)
West	PF-TC (Public Facilities - Town Center)

D) Existing Zoning

Subject Property	U (Undeveloped) Zone [TC (Town Center) General Plan Designation]
North	T-C (Town Center)
South	U (Undeveloped) Zone [TC (Town Center) General Plan Designation] under Resolution of Intent to T-C (Town Center)
East	T-C (Town Center)
West	U (Undeveloped) Zone [TC (Town Center) General Plan Designation]

SDR-3079 - Staff Report Page Three
December 3, 2003 City Council Meeting

E) General Plan Compliance

The Centennial Hills Sector Plan designates the site as EC-TC (Employment Center Mixed-Use - Town Center). This category is intended to accommodate "...non-polluting and non-nuisance services that...would not otherwise be found in a Central Business District. The Employment Center Mixed Use district permits the broadest spectrum of uses within the Town Center, however, residential opportunities are minimal." The requested zoning designation of T-C (Town Center) is consistent with General Plan designation, however the proposed development of a single-family subdivision is not. Approval of the related General Plan Application (GPA-3066) will be necessary for this item to move forward.

PROJECT DESCRIPTION

The site plan depicts a 195 unit single-family attached subdivision. Access is from Fort Apache Road to the east and Grand Teton Drive to the north, both 100-foot rights-of-way. Internal streets are 37 feet wide with access to each cluster of lots provided by hammerheads. Three single-story models will be offered in sizes of 1000, 1200, and 1400 square feet.

ANALYSIS

A) Zoning Code Compliance

A1) Development Standards

Pursuant to Title 19.06.110, the Site Development Plan Review establishes the Development Standards within a T-C (Town Center) zoning district. The development standards that are proposed for this site through this site development plan are as follows:

Proposed Standards	
Min. Setbacks	
• Front	5 Feet
• Side	3.5 Feet
• Corner	3.5 Feet
• Rear	3.5 Feet

The setback from the garage must be a maximum of five feet or a minimum of 18 feet in order to prevent cars from encroaching into the street. The lot detail depicts the setback in this manner, however it is not specifically stated in the proposed setbacks. This requirement will be listed as a condition of approval. The 3.5-foot setbacks for rear and internal side yards are acceptable for this type of cluster development. In conjunction with the 13.5-foot common area, this setback is adequate for the corner side as well.

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December 3, 2003 City Council Meeting

A3) Parking and Traffic Standards

Pursuant to Title 19.10, the following Parking Standards apply to the subject proposal:

Uses	Ratio	Required		Provided	
		Parking		Parking	
		Regular	Handicap	Regular	Handicap
Single-Family Attached Dwellings	Two spaces per dwelling units plus one guest space for six dwelling units	423	0	420	4

All three models are shown to have two-car garages. Title 19 requires each single-family attached dwelling unit to provide a minimum of two parking spaces, plus one guest space for every six units. Although the site plan depicts an adequate amount of parking, the four handicap accessible spaces shown do not meet the city's requirements in that they do not have access aisles on both sides. An additional five-foot access aisle must be provided for each space. Also, the entire guest parking is located in the southern portion of the site, which is not convenient for the majority of homes.

The Department of Public Works has suggested that the applicant meet with the Traffic Engineering Representative in Land Development for assistance in redesigning the proposed driveway layout prior to the submittal of any construction plans or the issuance of any permits, whichever may occur first. Gated access drives if proposed shall be designed, located and constructed in accordance with Standard Drawing #222a.

The applicant should also meet with the Fire Protection Engineering Section of the Department of Fire Services prior to submittal of a Tentative Map for this site. The design and layout of all onsite private circulation and access drives shall meet the approval of the Department of Fire Services. There have been concerns regarding terminations along "E" Street and "F" Street.

A4) Landscape and Open Space Standards

Pursuant to the Town Center Development Standards Manual, the following perimeter Landscape Standards apply to the subject proposal:

SDR-3079 - Staff Report Page Five
December 3, 2003 City Council Meeting

Standards	Required	Meeting
	Ratio	Requirements
Ft Apache Road	Primary Arterial – trees 35 ft on-center, alternating 2 Palm trees and 1 Shade tree. Within the median – see section C.C.3 of the TC standards	NO, palm trees are required but none are shown. The median is also not shown.
Grand Teton Drive	Town Center Parkway Arterial – trees 35 ft on-center, alternating 2 Palm trees and 1 Shade tree. Within the median – see section C.C.3 of the TC standards	NO, palm trees are required but not shown. Median is also not shown.
Gilcrease Avenue	Town Center Collector – alternating shade and flowering trees 30 ft on-center	YES, planting may vary due to trail alignment
Intersections	2 accent trees per amenity zone at intersections	NO, trees not shown at intersection

The landscape plan provides acceptable size amenity zones but does not show the correct types of trees. Primary Arterials and Parkway Arterials are required to alternate two palm trees with one shade tree. No palm trees are shown. A revised landscape plan will have to be submitted prior to the approval of a Final Map. Because trail alignments are required along all three street frontages, spacing of the trees will be permitted to vary.

Because this proposal includes private streets, the following Open Space requirements are required per the R-PD (Residential Planned Development) standards as required in Title 19:

Total Acreage	Density	Required			Provided	
		Ratio	Percent	Area	Percent	Area
25.68 acres	7.59	1.65	12.53 %	3.22 ac	12.88 %	3.31 ac

Open space depicted on the site plan consists of a trail system accessible to all areas of the development and a common area of approximately 180 feet by 60 feet. Also included in the open space are common elements along the internal streets. Although some of these common elements are small the overall open space plan is sufficient to meet the requirements.

B) General Analysis and Discussion

- Zoning

This site is currently zoned U (Undeveloped) zone [EC-TC (Employment Center Mixed Use - Town Center) General Plan Designation]. Upon approval of the related rezoning application (ZON-3071) the site will be given the T-C (Town Center) zoning

SDR-3079 - Staff Report Page Six
December 3, 2003 City Council Meeting

designation. In order for the proposed development to conform to this zoning, the requested General Plan Amendment (GPA-3066) must be approved which will give the site the land use designation of ML-TC (Medium-Low Residential - Town Center).

- Site Plan

The proposed site plan depicts a 195-unit development of semi-detached homes. The units are primarily clustered in groups of four accessed by hammerheads off of 37-foot wide private streets. A 3-½ foot sidewalk is shown on one side of the street throughout the project. There are two gated entries, one off of Fort Apache Road to the east and one off of Grand Teton Drive to the north. Multi-use transportation trails, 20-feet in width, are depicted along the Fort Apache Road, Grand Teton Drive, and Gilcrease Avenue frontages. If this request is approved, a condition will be added stating that these trails will be constructed in conformance with Exhibit 1 of the Master Plan Transportation Trails Element.

Although the proposed site plan is in substantial conformance with requirements associated with the requested General Plan designation, a residential development of this nature is not intended for this portion of Town Center. A residential cluster subdivision will not be harmonious with the adjacent Employment Center uses proposed for the area.

- Waivers

No waivers are requested as part of this application.

- Landscape Plan

As indicated above, a revised landscape plan will have to be submitted prior to the approval of a Final Map. These revisions must show the appropriate Town Center plantings along Fort Apache Road and Grand Teton Drive for the street frontages, the intersections, and the required medians.

The open space shown on the plan is in substantial conformance with the requirements of Title 19.

- Elevation

All elevations depict single-story units with red tile roofs and stucco exterior. Architectural are added to the sides of buildings when facing a public way.

SDR-3079 - Staff Report Page Seven
December 3, 2003 City Council Meeting

- Floor Plan

Three basic floor plans are proposed. These include a 1,000 square-foot unit with two bedrooms as well as 1,200 and 1,400 square-foot units with three bedrooms. Each model has a two-car garage.

FINDINGS

In order to approve a Site Development Plan application, per Title 19.18.050 the Planning Commission and/or City Council must affirm the following:

1. **"The proposed development is compatible with adjacent development and development in the area;"**

This development is in an area proposed for the most intense commercial uses intended for Town Center. A residential development of this type will not be appropriate adjacent to the light manufacturing uses associated with the EC-TC (Employment Center Mixed Use – Town Center) designation. Allowing this development will also be detrimental to those who have already invested in this area with the anticipation of being located amongst similar uses.

2. **"The proposed development is consistent with the General Plan, Title 19, the Design Standards Manual, the Landscape, Wall and Buffer Standards, and other duly-adopted City Plans, policies and Standards;"**

This development is not consistent with the Centennial Hills Sector Plan. If the related General Plan Amendment (GPA-3066) is approved, the site will be designated as ML-TC (Medium Density Residential - Town Center), which supports this request.

3. **"Site access and circulation do not negatively impact adjacent roadways or neighborhood traffic;"**

Access will be provided off of Grand Teton Drive to the north and Fort Apache Road to the east, each having a 100-foot right-of-way width. 37-foot wide private streets provide internal circulation. It does not appear that any negative impacts to adjacent roadways or neighborhood traffic would be generated by this project.

4. **"Building and landscape materials are appropriate for the areas and for the City;"**

Building materials are appropriate and consistent with similar developments throughout the city. The amount of landscaping depicted does not meet perimeter landscaping standards, but will be required to do so by condition of approval prior to issuance of Final Map approval.

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December 3, 2003 City Council Meeting

5. **"Building elevations, design characteristics and other architectural and aesthetic features are not unsightly, undesirable or obnoxious in appearance; create an orderly and aesthetically pleasing environment; and are harmonious and compatible with development in the area;"**

The proposed street and landscaping design as well as the proposed residences will provide an aesthetically appropriate environment with the implementation of the recommended conditions.

6. **"Appropriate measures are taken to secure and protect the public health, safety and general welfare."**

The proposed development will be subject to inspection by the City and will not compromise the health, safety and welfare of the general public.

NOTICES MAILED 46 by Planning Department

APPROVALS 0

PROTESTS 1



Case Number: **SDR-3079** APN: 125-18-501-004, 005, ~~010~~, 011, 012, & 013
Name of Property Owner: Robert J. Wueste
Name of Applicant: D.R. Horton

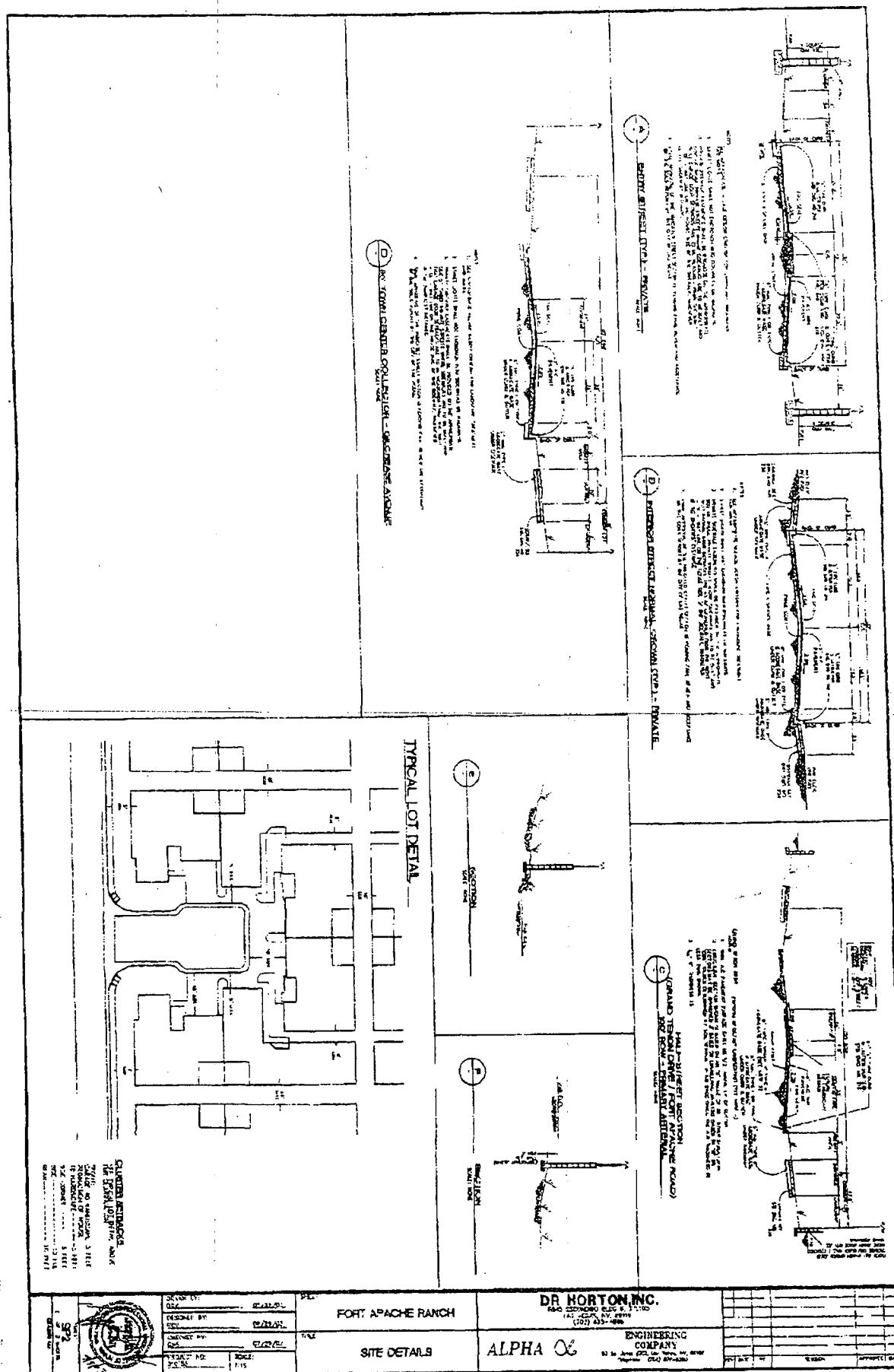
X No

APN: _____

Print Name:

Qualified in Queens County
Commission Expires March 24, 2007

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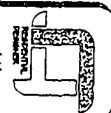


SDR-3079
10-23-03 PC
STAFF

SDR-3079

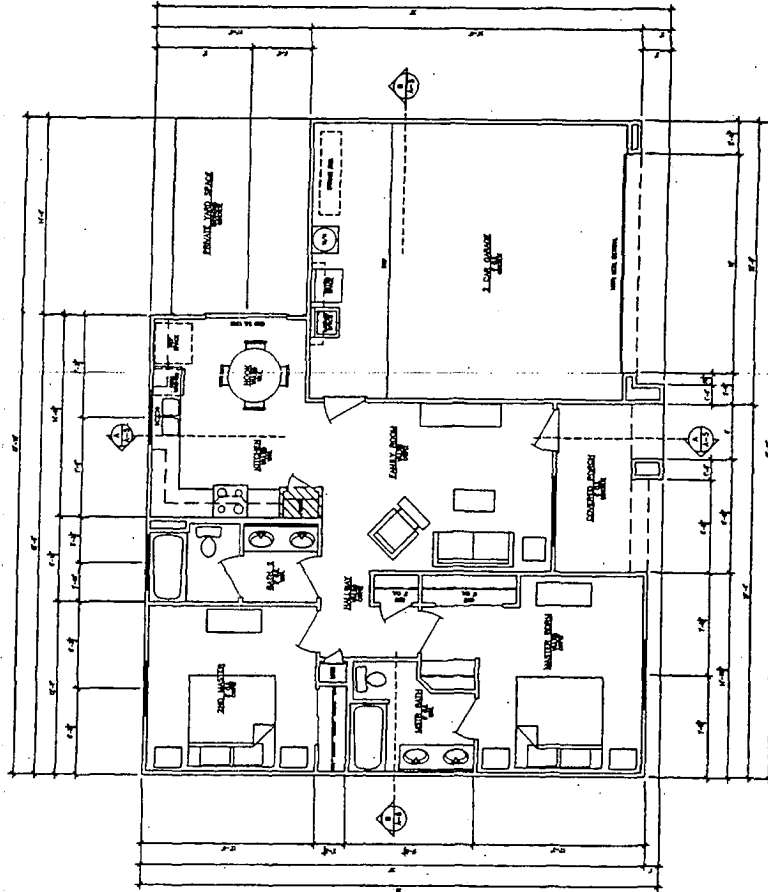
STAFF 10-23-03 PC

LARRY TINDALL
RESIDENTIAL DESIGNER
3531 E. RUSSELL RD., SUITE G
LAS VEGAS, NEVADA 89120
OFFICE: (702) 597-5597
HOME: (702) 597-5598



DR. HORTON, INC.
1000 PLAN

NO.	REVISION	DATE	BY
1	ISSUED FOR PERMIT	10-23-03	LT
2	FOR CITY COUNCIL MEETING	10-23-03	LT
3	FOR CITY COUNCIL MEETING	10-23-03	LT
4	FOR CITY COUNCIL MEETING	10-23-03	LT
5	FOR CITY COUNCIL MEETING	10-23-03	LT
6	FOR CITY COUNCIL MEETING	10-23-03	LT
7	FOR CITY COUNCIL MEETING	10-23-03	LT
8	FOR CITY COUNCIL MEETING	10-23-03	LT
9	FOR CITY COUNCIL MEETING	10-23-03	LT
10	FOR CITY COUNCIL MEETING	10-23-03	LT



SQUARE FOOTAGE
LIVABLE AREA - 1,000 S.F.
GARAGE - 480 S.F.
PORCH - 87 S.F.

☐ FLOOR PLAN

Design Controls and Criteria

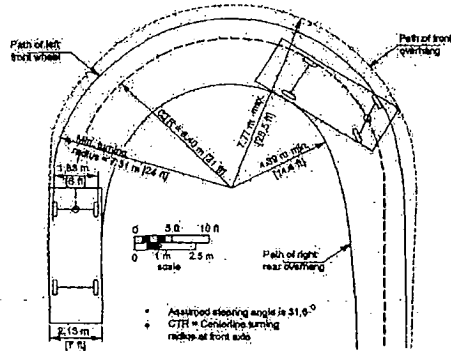
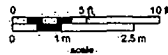
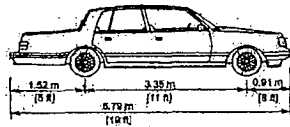
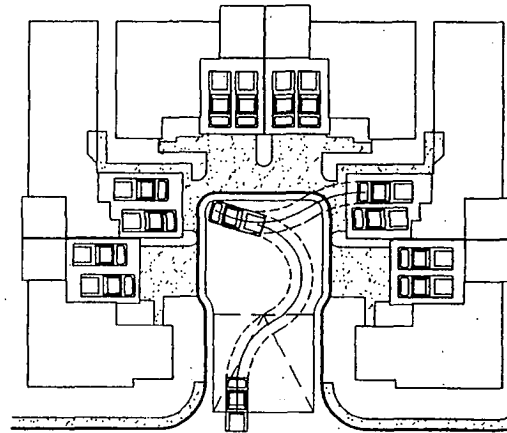


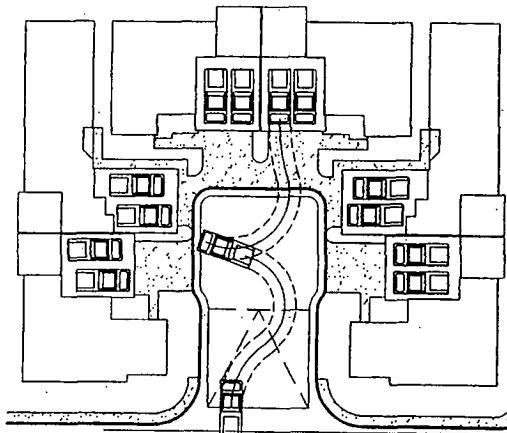
Exhibit 2-3. Minimum Turning Path for Passenger Car (P) Design Vehicle

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Duplication is a violation of applicable law.

21



PLAN 1400 TURNING



PLAN 1000 TURNING

CASE: **SDR-3079**
Sup-3073

OCT 23 2003

PC

ADMIN.

CAR PARKING/ TURNING EXHIBIT

DR HORTON

3513 EAST RUSSELL ROAD, SUITE D
LAS VEGAS, NEVADA 89120
(702) 435-8585 FAX (702) 435-8008

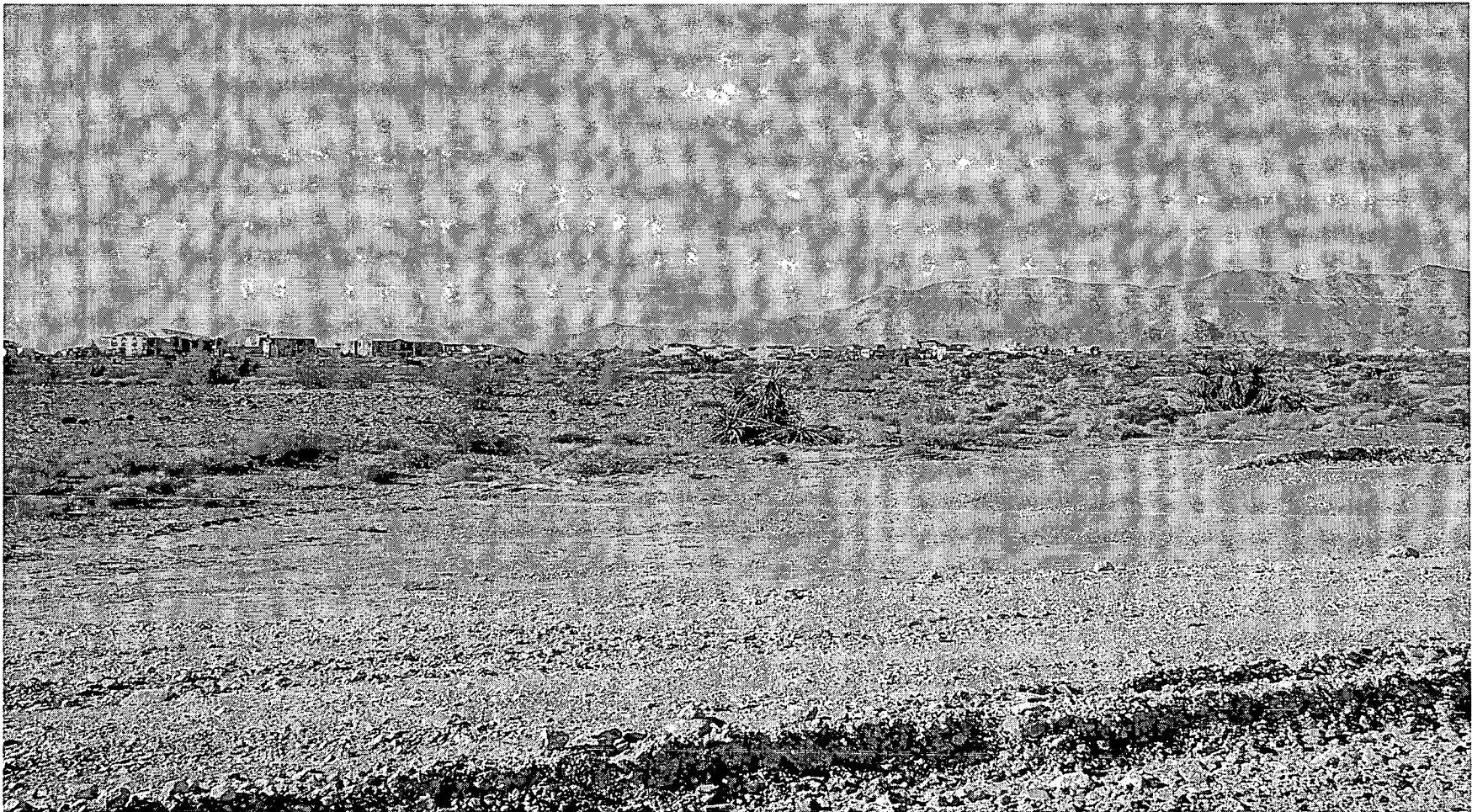
ALPHA 

**ENGINEERING
COMPANY**

50 St. James Street, Las Vegas, NV 89109
Telephone: (702) 877-1300

**STAFF
REVISED**
9.15.03

SDR-3079
10-23-03 PC



SDR-3079 - D.R. HORTON, INC. ON BEHALF ROBERT J. WUESTE FAMILY, LIMITED PARTNERSHIP
NORTHWEST CORNER OF GILCREASE AVENUE AND FORT APACHE ROAD
NOVEMBER 6, 2003 PLANNING COMMISSION

10/01/03

City of Las Vegas

Agenda Item No. 131

AGENDA SUMMARY PAGE**CITY COUNCIL MEETING OF: DECEMBER 3, 2003**

DEPARTMENT: CITY CLERK**DIRECTOR: BARBARA JO (RONI) RONEMUS** ☐ **CONSENT** ☐ **DISCUSSION****SUBJECT:**

SET DATE ON ANY APPEALS FILED OR REQUIRED PUBLIC HEARINGS FROM THE CITY PLANNING COMMISSION MEETINGS, CENTENNIAL HILLS ARCHITECTURAL REVIEW COMMITTEE AND DANGEROUS BUILDING OR NUISANCE/LITTER ABATEMENTS

ROC-3216, SUP-2859, SUP-3128, SUP-3140, SUP-3152, SUP-3153, SUP-3181, SUP-3186, SUP-3190, SUP-3210, SUP-3223, SUP-3304, VAC-3178, VAC-3195, VAC-3203, VAR-3184, VAR-3202, VAR-3204 and VAR-3214 – 12/17/2003 Agenda

City of Las Vegas

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: DECEMBER 3, 2003

DEPARTMENT: CITY CLERK

DIRECTOR: BARBARA JO (RONI) RONEMUS ☐ **CONSENT** ☐ **DISCUSSION**

SUBJECT:

ADDENDUM:

NONE.

City of Las Vegas

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: DECEMBER 3, 2003

CITIZENS PARTICIPATION:

Items raised under this portion of the City Council Agenda cannot be deliberated or acted upon until the notice provisions of the Open Meeting Law have been met. If you wish to speak on a matter not listed on the agenda, please step up to the podium and clearly state your name and address. In consideration of others, avoid repetition, and limit your comments to no more than three (3) minutes. To ensure all persons equal opportunity to speak, each subject matter will be limited to ten (10) minutes.

MINUTES:

JOE MAVIGLIA, 695 Fairhaven, gave the Council a jar of pickled beets. He states that in Detroit, the house where he was born burned down to the ground, and he was concerned that it may happen here because people are being disenfranchised from their jobs and losing their homes. He offered that the mobile home industry has the opportunity to refurbish, and with private donations, these homes could be made affordable.

(3:38-3:42)

5-1669

STEVEN "CAPTAIN TRUTH" DEMPSEY distributed reading materials to the Council for the record. He inquired who on the Council would be indicted next. He considered COUNCILWOMAN BOGGS-McDONALD and COUNCILWOMAN MONCRIEF to be next. It is his understanding that COUNCILWOMAN MONCRIEF is a trauma nurse, and he thought that she should build a trauma center next to the Crazy Horse II so that the injured people can be taken care of. There were 737 Metro calls to the Crazy Horse II. White people who make large political contributions are favored. He again asked for a show cause hearing.

(3:42-3:49)

5-1852

ROY MICHAEL, 1500 Frandosa Lane, stated that he would like to thank the Council for this public forum. He is an expert on identity theft and offered his services for free. He is a patriotic person and stated that Night-Vision Goggles were being purchased by al Qaeda with stolen credit cards. He also submitted literature pertaining to identity theft for the record.

(3:49-3:51)

5-2113

TODD FARLOW, 240 North 19th Street, stated that there have been some serious charges filed against him and if the Council has any questions, he would be glad to meet with each member.

(3:51-3:52)

5-2213

JOHNNY VENTURA, 601 Raintree Lane, asked if there would be a Nativity Scene on Fremont Street. MAYOR GOODMAN replied that to his knowledge there will be a Christmas tree

City of Las Vegas

CITY COUNCIL MEETING OF DECEMBER 3, 2003 Citizens Participation

MINUTES Continued:

lighting ceremony next Tuesday and a Menorah lighting on Fremont Street. As far as the Nativity scene, the Fremont Street Experience will not permit it there. COUNCILMAN REESE indicated that a live Nativity scene would be located at the LDS Church, adjacent to the Water District on West Charleston Boulevard.

(3:52-3:54)

5-2276

MAYOR GOODMAN announced a joint City Council and Planning meeting on Monday 12/8/2003 at the Las Vegas Library at 833 Las Vegas Boulevard North.

(3:54-3:55)

5-2406

MEETING IS ADJOURNED AT 3:57 P.M.

Las Vegas Corruption Derby

Was the Galardi case the cause of an FBI investigation or the result of one?

Here are the embattled officials with current ODDS for their future arrest or indictment. All stats subject to change

Lynette Boggs - McDonald 3 to 1

Easily, the most intellectual of the council, she's smart enough to realize her position as a civil servant does not tolerate a compromised integrity. The 'rollover' issue clearly earns her the honor of co-favorite.

Janet Moncrief 3 to 1

This newest member is highly qualified to join the ranks of these veterans. Her repeated lies and deception are testimony to her ability. Always appearing confused, she has generated communitywide dislike. This is likely to draw sentimental support

Lawrence Weekly 4 to 1

Ranked #2 in smarts and certainly out of place, his position makes him #1 to *abandon the sinking ship*.

Michael Mack 5 to 1

Late money is anticipated and many expect his odds to drop. The likelihood of quickly procuring legal aid and reliance on advice from '*handlers*' should make the price higher and more attractive.

Submitted at City Council

Date

12/3/03 Item

Citizen
Participation

Gary Reese**8 to 1**

With possible long-shot support this dark horse could win. A barber by trade, this unseasoned politician is possibly the weak link. Look for him to testify against the real crooks.

Larry Brown**15 to 1**

Having reached an economic ceiling, his position leaves him nowhere to go but down with the ship. His "I don't understand" angle appears to be true

Mayor Oscar Goodman**30 to 1**

Aka/ Mayor 'Get-the-money-man', this big fish is a natural when it comes to sleeze. Likely to distance himself from any mudslinging, there's little chance he'll get dirty until the final chapter.

Brad Jerbic**1000 to 1**

Little chance here since his backround is ideally suited to adopt the *fabled monkey principal*. He neither sees, hears, and without question, ever speak evil publicly.

IDENTITY THEFT RISK ANALYSIS

1. Is your SSN on your driver's license?
2. When you get offers in the mail for credit cards, do you throw them away?
3. Do you use the same passwords for many different accounts?
4. Does your health card or any other account use your SSN as the account number?
5. When you order new checks, do you have them mailed to you?
6. Do you purchase products or services on the Internet?
7. Do you have more than two credit cards in your wallet?
8. Have you ever sold, given away, or thrown away a personal computer?
9. Does your Internet accessible computer have an updated firewall?
10. Have you reviewed all three major credit reports in the last six months, identifying each entry as a known account or inquiry?



godirectaccess.com

ROY MICHAEL
LOAN OFFICER

The Streamlined Lending Solution

DIRECT ACCESS LENDING
650 WHITE DRIVE, SUITE 200
LAS VEGAS, NV 89119
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CELL: 702.496.9799
E-MAIL: ROYMICHAEL@EARTHLINK.NET



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ROY MICHAEL'S

IDENTITY THEFT NEWSLETTER

Volume 2, Issue 5

December 2003

A Common Email Scam Is Back

The easiest way to steal someone's personal information is to ask them for it! "Phisher" e-mails that appear to be from legitimate businesses like E-Bay, Wells Fargo and others are a common scam on the Internet.



You receive an e-mail you believe to be from the real company and respond to it with the personal information requested, usually confirmation of your social

security number or your credit card info. Some scammers have claimed a 10% return rate on the e-mails. As a warning, a legitimate company will not lose your information in the first place. If you receive one of these e-mails from a company you do business with, call them first, using a phone number that you know is accurate, and inquire regarding any current e-mail campaign.



Inmate Runs ID Theft Scam From Jail

An inmate in a Georgia county jail was arrested for running an identity theft scam from jail. He would contact local businesses from the phone in lock-up and identify himself as a representative from a credit card company with a story saying that the electronic transfers from the credit card terminal were not coming through. He would advise them to give the credit card information to him verbally. He would then use the information to purchase items from catalogs or the Home Shopping Network.

Shouldn't the authorities be listening in on the inmates phone calls?

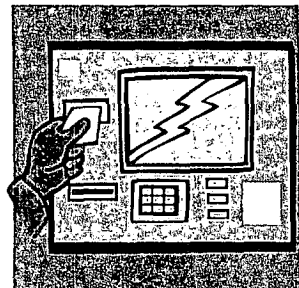
One Stop Reporting For ID Theft Victims

Effective May, 2004, victims of identity theft will be able to alert banks, credit card companies and law enforcement agencies with one phone call. One of the biggest burdens for victims is the numerous calls and letters they must initiate to restore their good name and credit. Wells Fargo is scheduled to begin the program. Other major companies, such as Citicorp, MBNA, and Bank One will also participate.



Hidden Camera Found at ATM

Nevada Police arrested members of an identity theft ring with ties to Las Vegas. Police were alerted to a device attached to a US Bank ATM that held a small pinhole lens camera that was sending video of the ATM cards as they were being inserted into the ATM as well as the PIN numbers as they were being punched in. A silver van parked across the street with the motor running was found to have the computer the camera was broadcasting to. As I have said before, this boogeyman is real and he is getting smarter and better every day.



Submitted at City Council

Date 12/3/03 Item Citizen
Transcription

Beware the Motorized Wheelchair Scam

Numerous reports from across the country show a major Medicare scam involving the motorized wheelchairs you see advertized on TV. The Feds have launched 50 separate investigations of suppliers to stop this. The "salesman" will contact you, and advise that you may be eligible to receive one of the chairs free by using your Medicare benefits. Once he has your Medicare information he



orders a chair in your name, sometimes changing your Medicare status at the same time. The chairs are sold in the open market, the thief pockets the cash, and you are left answering

questions when the Fed's come knocking at your door.

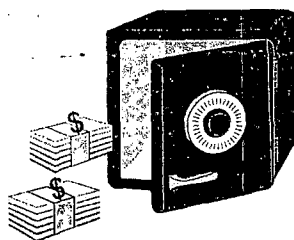
Medicare investigators have identified over \$167 million in fraudulent claims. Due to the thieves changing their victims Medicare benefits to fit the wheelchair claim, many victims have lost eligibility for other claims, costing them money they can ill afford. Please remember, not all ads for wheelchairs are scams.

Affordable Identity Theft Insurance

Kroll Factual Data, the security company that was given the task to recover the gold bullion from the vaults at the base of the Twin Towers, offers what I feel is the best coverage for identity theft.

They offer \$25,000 worth of coverage and monitor all three credits reports daily for a cost of \$12.95 a month.

They will also provide you with a copy of all three of your credit reports. I feel this combination of coverage offers the best security and peace of mind available for potential victims. Please call me if you would like any additional information.



ID Theft Seminars

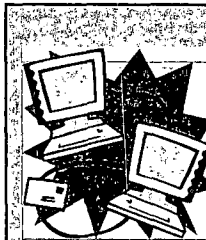
I spoke recently for the Telephoncommunication Professionals of Nevada. I would like to thank Judy

Alvarez for her help in putting this free seminar together. I also spoke to the Sun City MacDonald Ranch Community On Patrol organization, our largest seminar yet with over 110

people. Many thanks to Charlie Goodwin and Ed Gentner for their assistance. I am happy to give a free seminar on identity theft for your group, company or organization. Please call.



ID Theft Newsletter to be Available by Email



I am expanding the newsletter to a monthly issue. This is my personal charity, so I bear all costs. With over 800 people on the mailing list I can see the costs for this getting out of hand. Please send me an email with your name and address to roymichael@earthlink.net so I can drop it from the mailing list and add it to the email list. Those of you without email access will continue to receive the mailed edition.

All 3 Credit Reports for \$13.00 !!

My employer, Direct Access Lending, will allow me to run your credit reports (Experian, Transunion, and Equifax) for only \$13.00. I will also conduct an Identity Theft Credit Report audit at no charge.

CONTACT MR. MICHAEL AT:

(702) 889-9600 Voice
(702) 869-9077 Fax

DIRECT ACCESS LENDING

650 White Dr., Suite 200
Henderson, NV 89119

roymichael@earthlink.net