

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: FEBRUARY 12, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☐

CONSENT

☒

DISCUSSION

SUBJECT:

NON-PUBLIC HEARING - SDR-3631 - APPLICANT: CITY OF LAS VEGAS -
Request for a Site Development Plan Review FOR A PROPOSED FIRE STATION on a portion of 5.52 acres adjacent to the northwest corner of Harris Avenue and Mojave Road (APN: 139-25-303-014), C-V (Civic) Zone, Ward 3 (Reese).

C.C. 03/17/04

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

RECOMMENDATION:

Staff recommends APPROVAL

BACKUP DOCUMENTATION:

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

MOTION:

NIGRO – APPROVED Item 11 [SUP-3542], Item 16 [VAC-3467], Item 17 [VAC-3555], Item 18 [VAC-3643], Item 19 [VAC-3654], and Item 20 [SDR-3631] subject to conditions – **UNANIMOUS** with McSWAIN abstaining on Item 16 [VAC-3467] as her firm is awaiting final payment for work performed for Signature Homes and on Item 17 [VAC-3555] as her firm is currently doing work for the sister company of Centex Homes.

To be heard by the City Council on 3/17/2004

MINUTES:

NOTE: See Item 11 [SUP-3542] for related discussion.

(6:17 – 6:25)

1-259

CONDITIONS:

Planning and Development

1. 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.

PLANNING COMMISSION MEETING OF FEBRUARY 12, 2004
Planning and Development Department
Item 20 – SDR-3631

CONDITIONS – Continued:

2. All development shall be in conformance with the site plan, landscape plan and building elevations, except as amended by conditions herein.
3. The provided trash enclosure shall be walled and roofed according to Title 19.08.045.
4. All mechanical equipment, air conditioners and trash areas shall be fully screened from the abutting streets.
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.
6. A landscaping plan must be submitted prior to or at the same time application is made for a building permit.
7. 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.
8. All utility boxes exceeding 27 cubic feet in size shall meet the standards of Title 19.12.050.
9. 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.
10. All City Code requirements and design standards of all City departments must be satisfied.

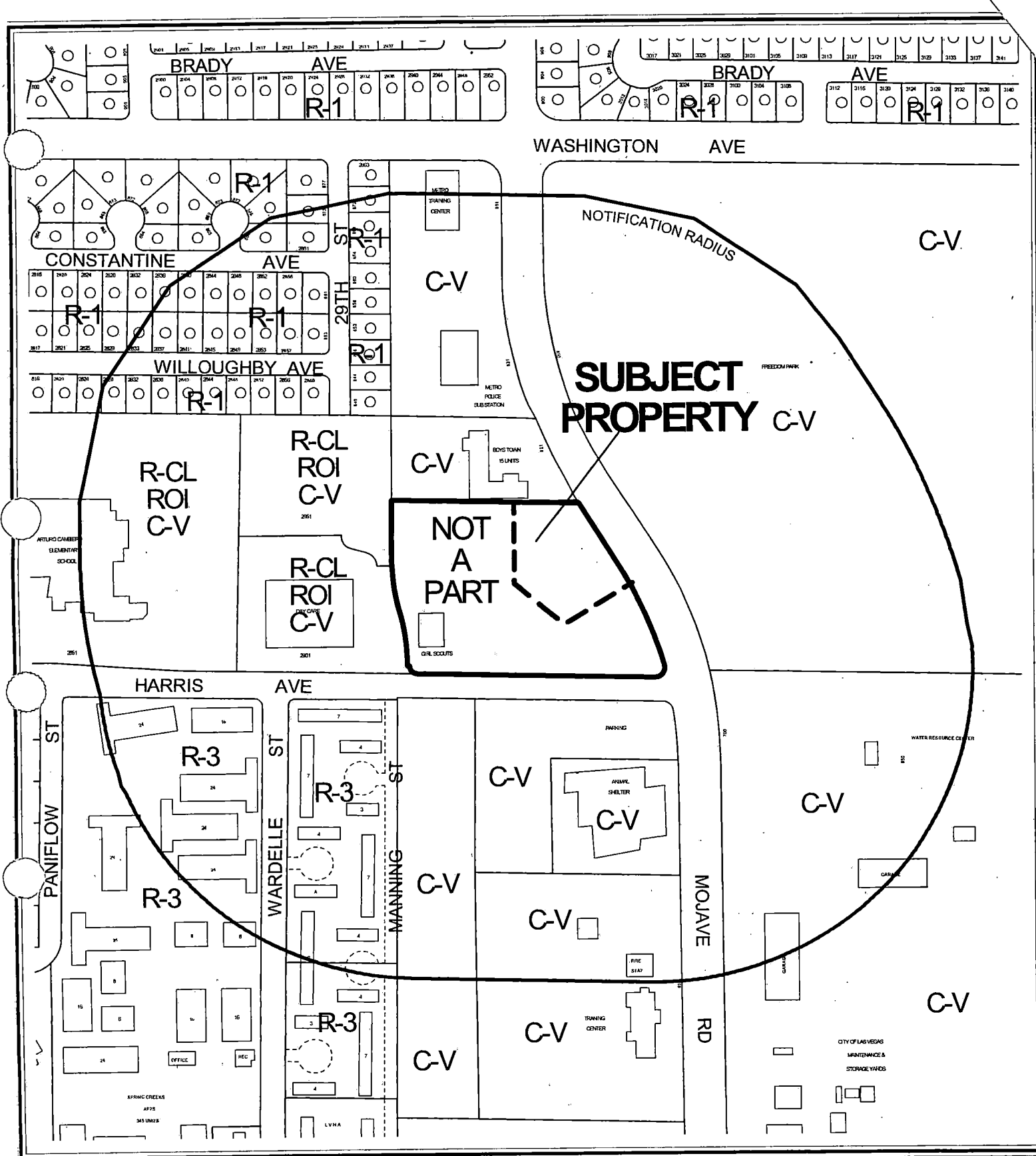
Public Works

11. Construct half-street improvements on Harris Street adjacent to this site and extending westward to existing improvements 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. All new or modifications to existing driveways shall be designed, located and constructed in accordance with Standard Drawing #222a.

PLANNING COMMISSION MEETING OF FEBRUARY 12, 2004
Planning and Development Department
Item 20 – SDR-3631

CONDITIONS – Continued:

12. 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.
13. A Traffic Impact Analysis or other information acceptable to the Traffic Engineering Section of Public Works must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits or submittal of any construction drawings. Comply with the recommendations of the approved Traffic Impact Analysis prior to occupancy of the 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.
14. A Drainage Plan and Technical Drainage Study or other information acceptable to the Flood Control Section of Public Works must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits.



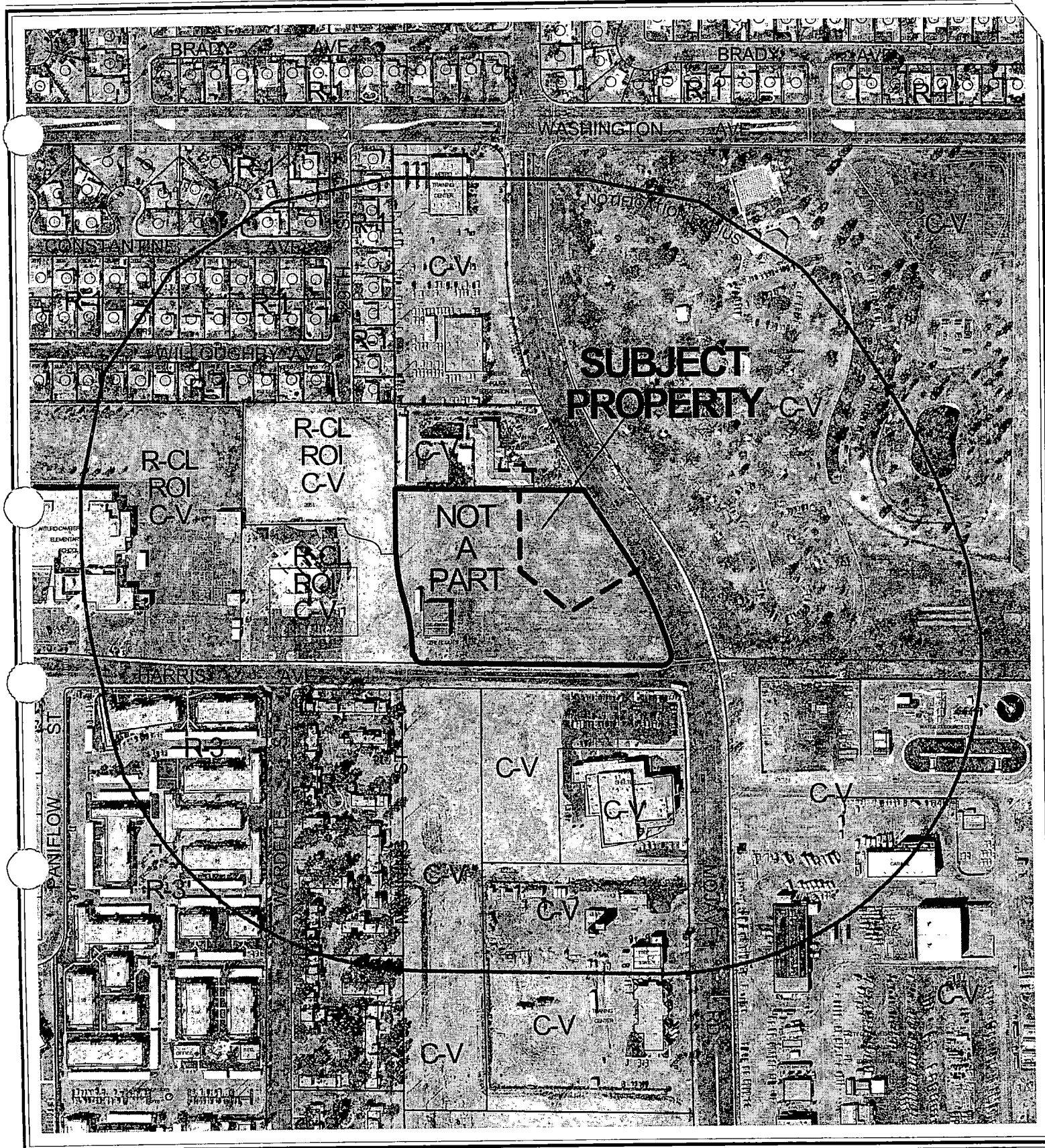
CASE: SDR-3631

RADIUS: 750 FT

ZONING OF SUBJECT PROPERTY: C-V (CIVIC)

0 200 400 Feet





CASE: **SDR-3631**

RADIUS: 750 FT

ZONING OF SUBJECT PROPERTY: C-V (CIVIC)

0 200 400 Feet



AGENDA MEMO

PLANNING COMMISSION MEETING DATE: FEBRUARY 12, 2004

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: SDR-3631 - NON-PUBLIC HEARING - APPLICANT: CITY OF LAS VEGAS

**** CONDITIONS ****

STAFF RECOMMENDATION: APPROVAL, subject to:

Planning and Development

1. 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.
2. All development shall be in conformance with the site plan, landscape plan and building elevations, except as amended by conditions herein.
3. The provided trash enclosure shall be walled and roofed according to Title 19.08.045.
4. All mechanical equipment, air conditioners and trash areas shall be fully screened from the abutting streets.
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6. A landscaping plan must be submitted prior to or at the same time application is made for a building permit.
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9. 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.
10. All City Code requirements and design standards of all City departments must be satisfied.

Public Works

11. Construct half-street improvements on Harris Street adjacent to this site and extending westward to existing improvements 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. All new or modifications to existing driveways shall be designed, located and constructed in accordance with Standard Drawing #222a.
12. 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.
13. A Traffic Impact Analysis or other information acceptable to the Traffic Engineering Section of Public Works must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits or submittal of any construction drawings. Comply with the recommendations of the approved Traffic Impact Analysis prior to occupancy of the 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.
14. A Drainage Plan and Technical Drainage Study or other information acceptable to the Flood Control Section of Public Works must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits.

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

This request is for approval of a Site Development Plan Review for a proposed 10,738 square-foot fire station on a portion of 5.52 acres adjacent to the northwest corner of Harris Avenue and Mojave Road.

B) Applicant's Justification

A new station is required to replace the existing Fire Station No. 8 at 633 North Mojave Road, which is inadequate as a full service facility. Public Fire and Rescue services will better be able to respond to emergencies and will be close enough to the existing facility to stay within the existing coverage area.

BACKGROUND INFORMATION

A) Previous Actions

There is no recent case history on the subject site.

01/07/04 The City Council approved a request for a Site Development Plan Review for a proposed Animal Shelter and Veterinary Complex on 9.5 acres adjacent to the southwest corner of Mojave Road and Harris Avenue, adjacent to the subject site. Staff recommended approval. The Planning Commission recommended approval on 12/04/03.

B) Pre-Application Meeting

12/09/03 The applicant was asked to revise several items on the site plan and to acknowledge the proposed parking and landscaping to be installed by others along the north side of Harris Avenue within the justification letter. Public Works specified the preferred location of stop bars on Mojave Road in order to avoid traffic congestion in case of emergency.

C) Neighborhood Meetings

A neighborhood meeting is not required for this Site Development Plan Review request.

DETAILS OF APPLICATION REQUEST

A) Site Area

Net Acres: 1.72 acres (a portion of a 5.52 acre parcel)

B) Existing Land Use

Subject Property: Girl Scout Temporary Offices and Parking
North: Girls and Boys Town
South: Public Animal Shelter
East: Freedom Park
West: Child Care Center - Preschool

C) Planned Land Use

Subject Property: PF (Public Facilities)
North: PF (Public Facilities)
South: PF (Public Facilities)
East: PR-OS (Parks/Recreation/Open Space)
West: PF (Public Facilities)

D) Existing Zoning

Subject Property: C-V (Civic)
North: C-V (Civic)
South: C-V (Civic)
East: C-V (Civic)
West: R-CL (Single-Family Compact-Lot) under Resolution of Intent to C-V (Civic)

E) General Plan Compliance

The subject property is designated PF (Public Facilities) on the Southeast Sector Map of the General Plan. This category allows large governmental building sites and complexes, police and fire facilities, non-commercial hospitals and rehabilitation sites, sewage treatment and storm water control facilities, and other uses considered public or semi-public, such as libraries and public utility facilities. The subject site is currently zoned C-V (Civic), which conforms to the PF (Public Facilities) General Plan designation. The activities proposed on this site conform both to the zoning and land use type currently designated for this site.

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

No special districts, zones, or studies are related to this Site Development Plan Review request.

PROJECT DESCRIPTION

The proposal is for a 10,738 square foot public fire station to be constructed on the east central portion of a 5.52-acre City parcel just north of an existing fire station. The facility will be accessed via three driveways from Mojave Road. Emergency vehicles exiting the fire station building will use the center 21-foot wide driveway. Forty-three parking spaces are provided, two of which are handicap-accessible. The southern portion of the parcel (outside of the subject area) will be striped for parking and landscaped by the developers of a newly approved addition to the public animal shelter on the adjacent parcel to the south. The parking is intended to accommodate overflow demand from the expanded animal shelter and Freedom Park. An existing structure used as an administrative office for Girl Scouts of America is located on the southwestern corner of the parcel.

Landscaping consists of a 15- to 40-foot perimeter buffer containing clustered 36-inch box Fan-Tex Ash, Mondel Pine, Moraine Honey Locust, African Sumac and Flowering Pear trees and an assortment of 5-gallon shrubs, including Red/Orange Lantana, Regal Mist Deer Grass, Fraser's Photinia and Dwarf India Hawthorn. Decorative boulders and decomposed granite will provide adequate groundcover. Parking lot landscaping is not provided; however, foundational landscaping is provided so that no parking spaces abut the building, and most spaces are located around the perimeter of the site adjacent to the provided landscape planter. Mechanical equipment is located in the perimeter planter and screened by landscaping materials.

The elevations depict a flat metal roof with parapets. Both ends of the building feature tall emergency vehicle service doors under pitched roofs. Exterior walls will be finished in champagne-colored metal siding, off-white painted stucco and glazed block accents displaying Fire Engine Red.

ANALYSIS

A) *Zoning Code Compliance*

A1) Development Standards

Pursuant to Title 19.06, Development Standards for a C-V (Civic) zoning district shall be established by an approved site development plan. The following standards are proposed for this development:

Standards	Provided
Min. Setbacks	
• Front	52 Feet
• Side	72 Feet
• Corner	212 Feet
• Rear	357 Feet
Max. Lot Coverage	4 %
Max. Building Height	30.8 Feet
Trash Enclosure	Screened
Loading Zone	Not provided
Mech. Equipment	Screened by parapets and landscaping

The proposed standards in most cases meet the Commercial Development Standards of the Zoning Code. Loading zones are not required for uses that do not need frequent pickup and delivery services. The trash enclosure depicted on the site plan does not indicate whether it is walled or contains a roof. A condition of approval will require the trash enclosure to meet the current commercial standard of six-foot high walls and a roof matching the design theme of the building.

A2) Residential Adjacency Standards

Residential Adjacency Standards do not apply to the subject property, as there are no residential properties developed for sale that are adjacent to the subject property.

A3) Parking and Traffic Standards

Pursuant to Title 19.10, the following Parking Standards will be applied to the subject proposal:

Uses	GFA	Ratio	Required		Provided	
			Parking		Parking	
			Regular	Handicap	Regular	Handicap
Other Uses Than Listed (Fire Station)	10,738 SF	1 space per 250 SF of GFA	41	2	41	2

Title 19.10 does not provide specific parking standards for the proposed fire station. Minimum parking requirements for this project are based upon a standard commercial parking ratio of one space per 250 square feet of gross floor area, resulting in 43 spaces. The developer will provide an equal number of parking spaces to meet the requirement, including two handicapped spaces.

A Traffic Impact Analysis or other information acceptable to the Traffic Engineering Section of Public Works must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits or submittal of any construction drawings.

A4) Landscape and Open Space Standards

Pursuant to Title 19.12.010, Landscape Standards as presented in Title 19.12 do not apply to special purpose zoning districts (such as C-V) containing special landscaping standards. The proposed project provides sufficient perimeter buffering with 15- to 40-foot wide planters on all sides. Thirty-six-inch box trees are primarily clustered in groups of three or four within the planter and are accompanied by shrubs and groundcover. No parking lot landscaping is provided; however, foundational landscaping is provided so that no parking spaces abut the building, and most spaces are located adjacent to the perimeter planter in the rear.

A5) Sign Standards

Pursuant to Title 19.14, the following Sign Standards apply to the subject proposal:

**Freestanding Signs:
Standards**

	Allowed	Provided
Maximum Number	1 / Street frontage or per lot less than 43,000 SF 1 total	None
Maximum Area	48 SF	
Maximum Height	12 Feet	
Minimum Setback	5 Feet	
Illumination	Internal and/or Direct External	

**Monument Signs:
Standards**

	Allowed	Provided
Maximum Number	1 / Street frontage 1 total	None
Maximum Area	75 SF	
Maximum Height	10 Feet	
Minimum Setback	5 Feet	
Illumination	Internal and or/Direct External	

**Wall Signs:
Standards**

	Allowed	Provided
Maximum Number	1 / Elevation facing street or on-site parking lot 2 total	None
Maximum Area	10 % of Elevation	
Maximum Projection	2 Feet	
Illumination	Internal and/or Direct External	

No freestanding or wall signs are depicted on the submitted plans. Signage must meet the criteria established in Title 19.14.060 for the C-V zoning district.

B) General Analysis and Discussion

- Zoning

The subject property is zoned C-V (Civic), which allows various types of public and semi-public uses. The proposed public fire station is appropriate for this zoning district and conforms to the PF (Public Facilities) General Plan land use category.

- Site Plan

The site plan depicts an orderly arrangement of the building, parking, vehicle driveways and access points. Parking should be adequate to meet the needs of the Fire and Rescue staff, which will occupy as many as 13 dormitories.

- Waivers

No Waivers of Zoning Code requirements were requested as part of the application, nor were any required.

- Landscape Plan

Landscaping on the subject site generally meets the intent of the Landscape, Wall, and Buffer Standards. Perimeter landscaping will adequately separate the proposed fire station from the proposed overflow parking area to the south. Foundational and perimeter landscaping on the site compensate for the lack of parking lot landscaping.

- Elevation

The submitted elevations are appropriate for a fire station. They display sufficient contrasts of texture and color, with varied materials providing enhanced visual interest. The architectural style and coloring is consistent with other fire stations approved within the City of Las Vegas.

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 fire station is located in the current C-V (Civic) zoning district, which is intended for such public uses. Neighboring parcels are zoned and used for similar public services. No residential development directly abuts the site. It is, therefore, compatible with existing development in the area.

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 the implementation of conditions of approval regarding trash enclosures and signage, the proposed fire station site agrees with the intent and either meets or exceeds the standards contained in Title 19, the General Plan, and the Landscape, Wall and Buffer Standards.

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

Mojave Road, a 100-foot wide Primary Arterial as depicted on the Master Plan of Streets and Highways, will be adequate in size to serve the proposed fire station site in addition to current neighborhood traffic. Sufficient space on site is provided to ensure circulation without congestion

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

Building and landscape materials will enhance the aesthetic appeal of the area and will serve the needs of the 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;"**

The building elevations proposed depict appropriate site and building design and architectural features to provide visual interest.

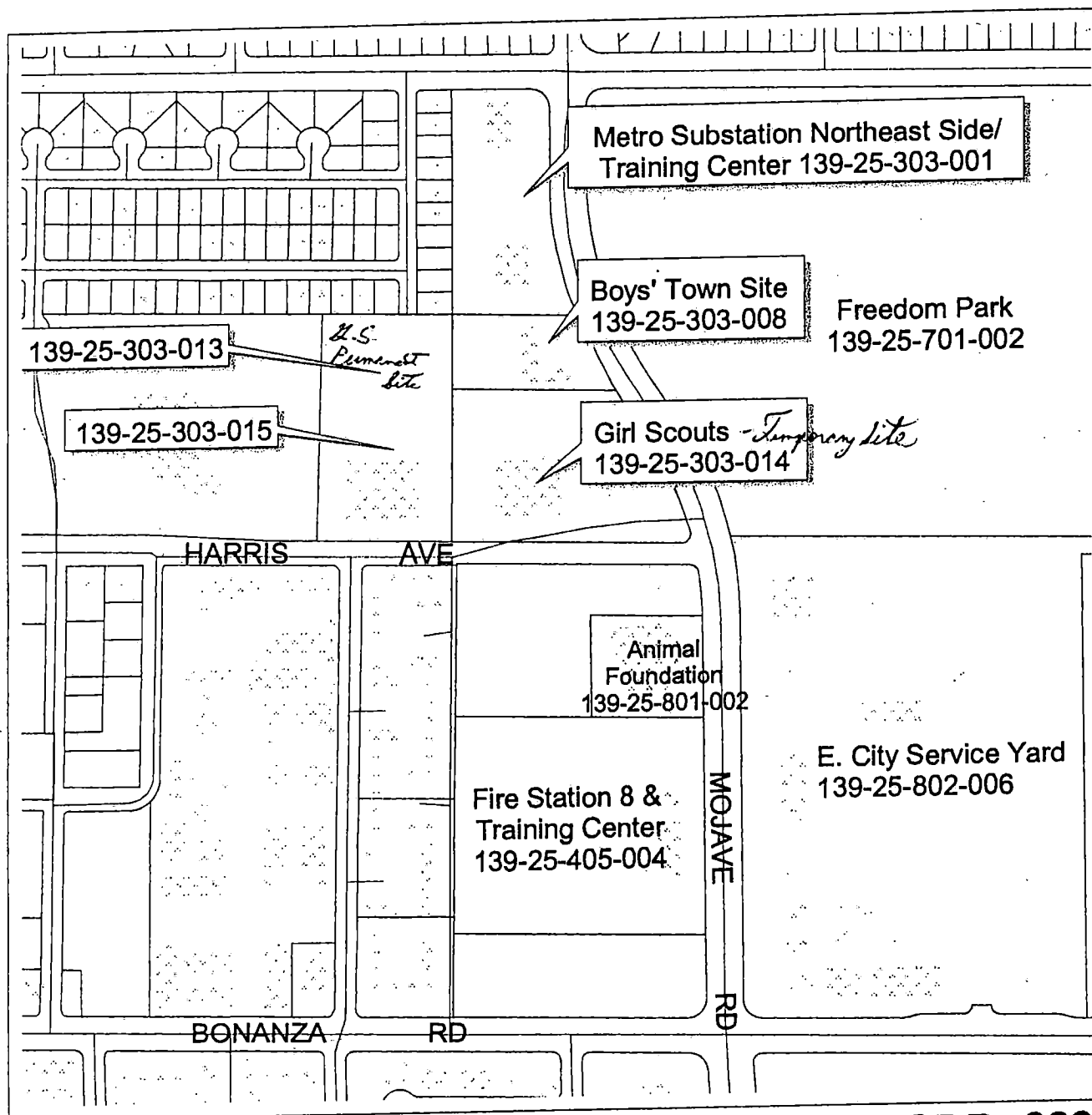
6. "Appropriate measures are taken to secure and protect the public health, safety and general welfare."

The proposed development will be subject to inspections for Certificate of Occupancy and for Emergency Preparedness, and therefore the development will not compromise the public health, safety or welfare.

NOTICES MAILED N/A

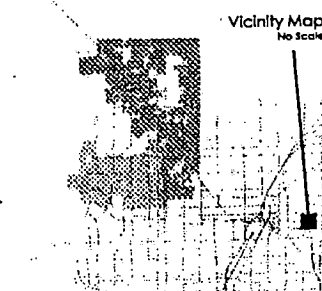
APPROVALS 0

PROTESTS 0



Site Map

-  Street Centerline
-  Building Footprints
-  City of Las Vegas
-  Parcels

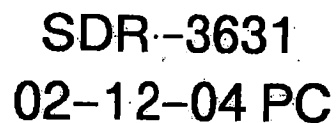


Real Estate & Asset Management



Date of Data: 2001/03/28

SDR-3631
02-12-04 PC



1. Contractor shall be responsible for all permits, coordination, scheduling, utility verification and damage to others and/or utilities, as per contract general conditions
2. Contractor shall verify all the conditions and report any and all discrepancies to the Landscape Architect and Construction Project Representative prior to starting construction
3. Contractor shall verify locations of existing underground utilities prior to start of construction. See drawing for utility (440-223-2500).
4. Contractor shall first locate utilities that are shown on the drawings.
5. Contractor shall perform final grading measurements to assure required grading, or as directed by the Construction Project Representative, of grade to assure means to minimize irregularities and low spots.
6. Removal of all plants material to planting areas shall be approved by the Construction Project Representative prior to installation. Coordinate these areas with irrigation layout.
7. Plant quantities are for convenience only. CONTRACTOR IS RESPONSIBLE TO VERIFY.
8. See details and specifications for planting procedures.
9. See details and specifications for decomposed granite procedures.
10. Contractor shall remove and remove all culch and debris during planting operations. Encourage to the required depth as indicated on the drawings and remove and properly dispose of all removed culch from site.



before you
1-800-227-2600



DEPARTMENT OF PUBLIC WORKS

CITY OF LAS VEGAS, NEVADA
FIRE STATION #8

Udeld øverspø

OWNER: CITY OF LAS VEGAS
DEPARTMENT OF PUBLIC WORKS
ARCHITECTURAL SERVICES

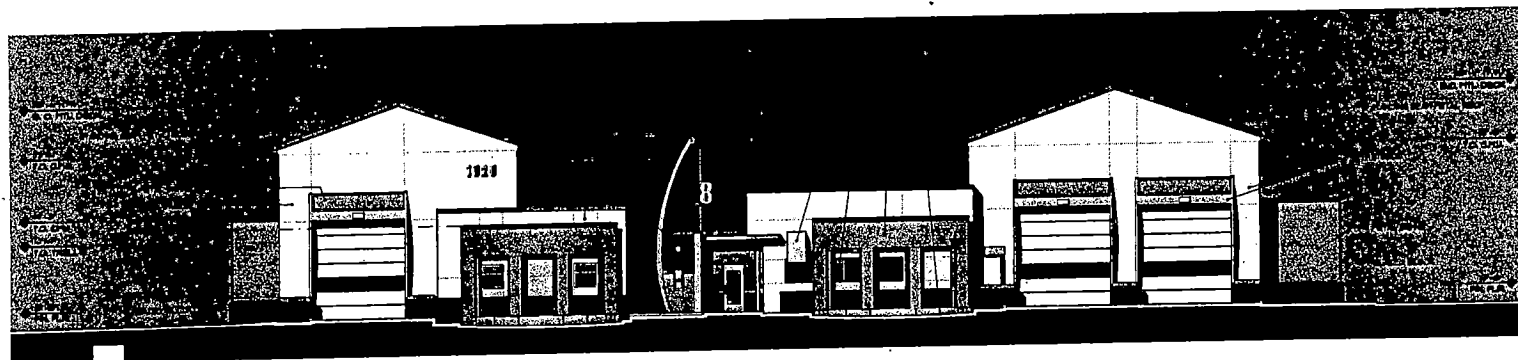
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PHONE: 772/22 05-25
P/S (704) 222-2222
T/O (704) 222-2222

DATE	11/19/85
FILE	100-102
BY	12/11/85

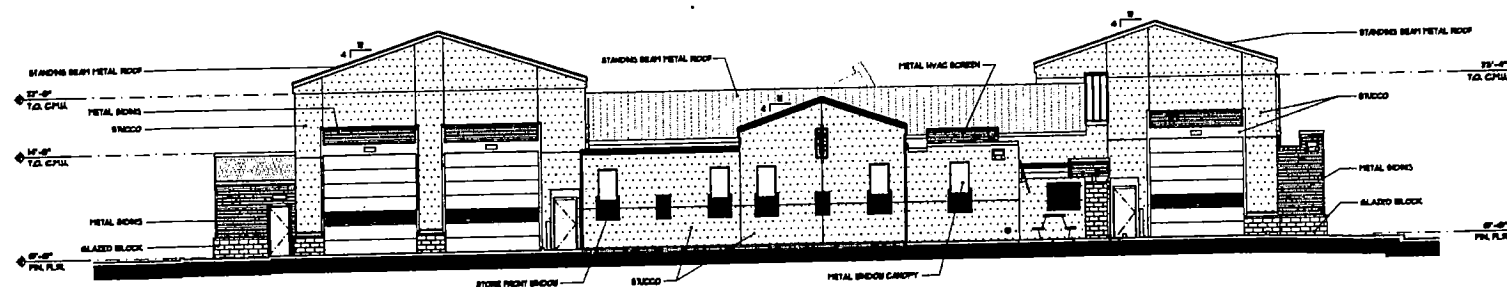
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12



① East Elevation
Scale: 1/8" = 1'-0"



② West Elevation
Scale: 1/8" = 1'-0"

SDR-3631
02-12-04 PC



DEPARTMENT OF PUBLIC WORKS

CITY OF LAS VEGAS, NEVADA
FIRE STATION 9

Exterior Elevations

OWNER: CITY OF LAS VEGAS
DEPARTMENT OF PUBLIC WORKS
ARCHITECTURAL SERVICES

A2



SDR-3631
02-12-04 PC



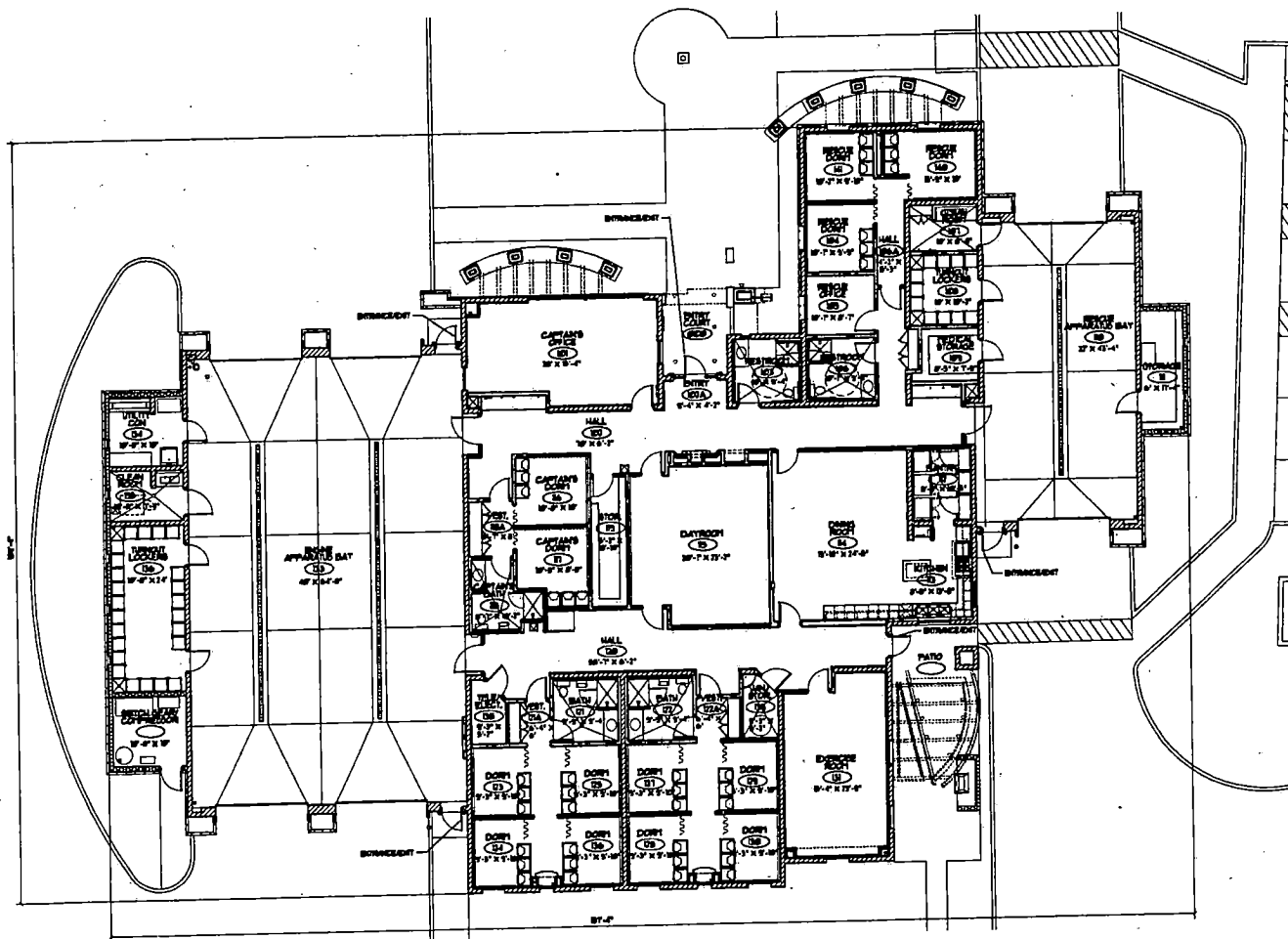
DEPARTMENT OF PUBLIC WORKS

CITY OF LAS VEGAS, NEVADA
FIRE STATION #8

Explor Elevations

OWNER: CITY OF LAS VEGA
DEPARTMENT OF PUBLIC WORKS
ARCHITECTURAL SERVICES

A3



Floor Plan - Total Occupancy per the 1997 UBC = 10627
Scale 1/8" = 1'-0"

Project North



SDR-3631
02-12-04 PC



DEPARTMENT OF PUBLIC WORKS

CITY OF LAS VEGAS, NEVADA
FIRE STATION 19

Floor Plan

OWNER: CITY OF LAS VEGAS
DEPARTMENT OF PUBLIC WORKS
ARCHITECTURAL SERVICES

NO.	DATE	DESCRIPTION
1	02-12-04	Final Plan
2	02-12-04	02-12-04

A1



NON-PUBLIC HEARING - SDR-3631 - APPLICANT: CITY OF LAS VEGAS
NORTHWEST CORNER OF HARRIS AVENUE AND MOJAVE ROAD
FEBRUARY 12, 2004 PLANNING COMMISSION

01/23/04

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: FEBRUARY 12, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

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CONSENT

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DISCUSSION

SUBJECT:

PUBLIC HEARING - ABEYANCE - VAR-3288 - APPLICANT: PAUL AND SANDY BROSSEAU - Request for a Variance to ALLOW A 5 FOOT SIDE SETBACK WHERE 10 FEET IS REQUIRED FOR an addition to an existing single family dwelling at 304 Canyon Drive (APN: 139-32-211-031), R-E (Residence Estates) Zone, Ward 1 (Moncrief).

C.C. 03/17/04

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

1

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

RECOMMENDATION:

Staff recommends DENIAL

BACKUP DOCUMENTATION:

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

MOTION:

EVANS – APPROVED subject to conditions – UNANIMOUS

To be heard by the City Council on 3/17/2004.

MINUTES:

CHAIRMAN TRUESDELL declared the Public Hearing open.

DAVID CLAPSADDLE, Planning and Development Department, explained that this item was held in abeyance to allow the applicants to meet with the neighbor. As a result of this meeting, a mutual agreement was reached. MR. CLAPSADDLE stated that staff did not believe the standards of the Code for granting a Variance had been met and therefore recommended denial.

PAUL BROSSEAU 304 Canyon Drive, explained that a compromise was reach with the adjoining neighbor, JOHN BOYER, which addressed all the concerns MR. BOYER has stated at the last meeting.

PLANNING COMMISSION MEETING OF FEBRUARY 12, 2004
Planning and Development Department
Item 21 – VAR-3288

MINUTES – Continued:

JOHN BOYER, 300 Canyon Drive, concurred with MR. BROSSEAU'S representations and confirmed that a restricted covenant agreement was drafted and will record with both properties if approved by the Planning Commission and the City Council. He added that a finalized document would be presented at the time of the City Council meeting.

CHAIRMAN TRUESDELL commended both parties for working out the issues.

With regard to the restricted covenant agreement, COMMISSIONER McSWAIN asked if a copy would be provided for the record. DEPUTY CITY ATTORNEY BRYAN SCOTT stated that the City does not take a position in enforcing an agreement between two private parties. COMMISSIONER McSWAIN felt that because of the deviation from the Code, it would be feasible for a copy to be submitted. DEPUTY CITY ATTORNEY SCOTT explained that perhaps a copy could be provided when the agreement is actually recorded.

Prior to taking a vote and based on MR. CLAPSADDLE'S comments, CHAIRMAN TRUESDELL stated that the motion would include the corrected condition indicating that the plans were submitted at the Planning Commission meeting of 2/12/2004. NOTE: No modification was made to Condition 2 nor included in the letter of approval to the applicant.

No one appeared in opposition

There was no further discussion.

CHAIRMAN TRUESDELL declared the Public Hearing closed.

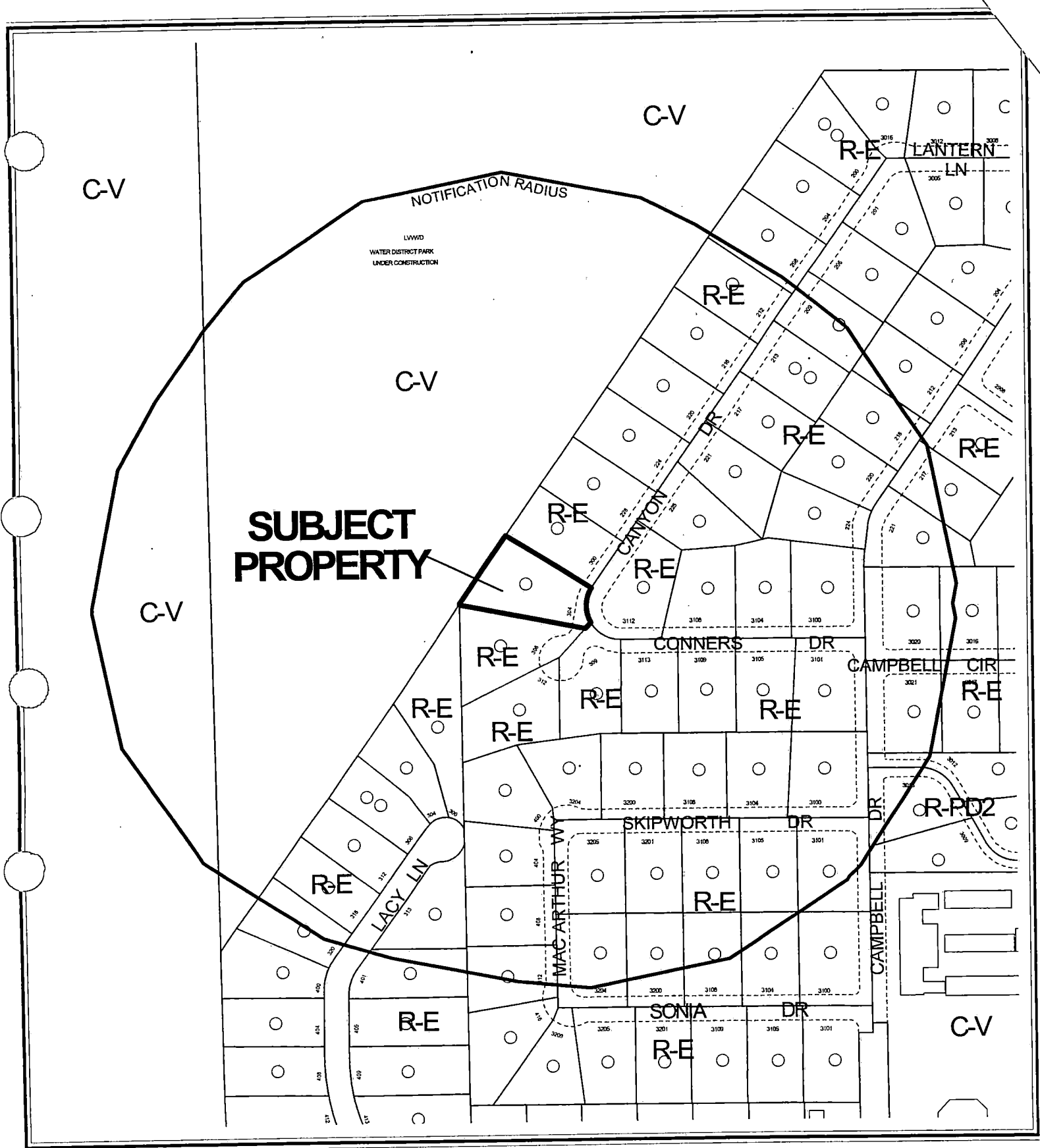
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1-2377

CONDITIONS:

Planning and Development

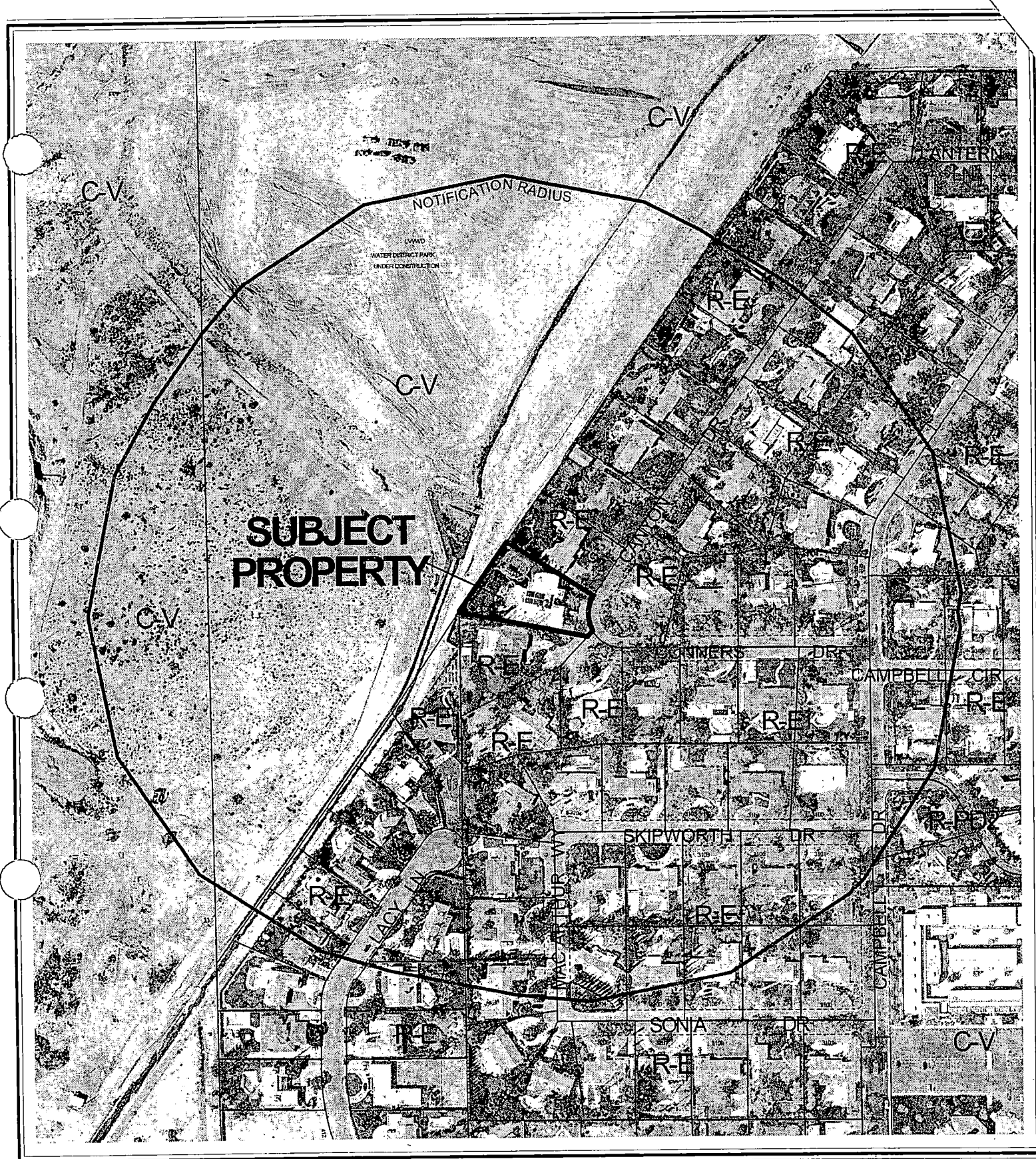
1. This Variance shall expire two years from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.
2. Conformance to the site plan as submitted.
3. All necessary permits shall be obtained from the Building and Safety Department prior to start of construction.



CASE: **VAR-3288**

RADIUS: 750 FT

ZONING OF SUBJECT PROPERTY: R-E (RESIDENCE ESTATES)



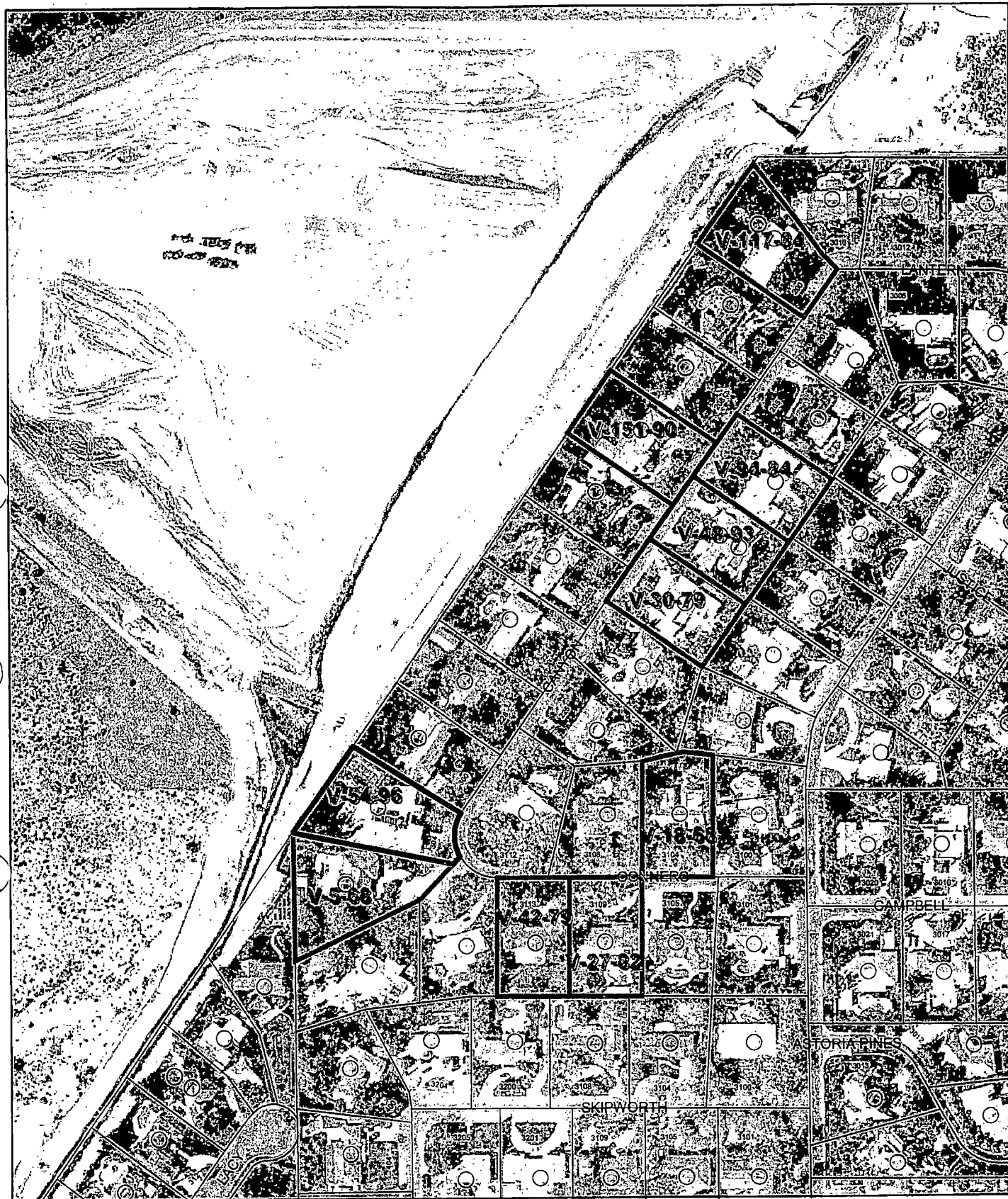
CASE: **VAR-3288**

RADIUS: 750 FT

ZONING OF SUBJECT PROPERTY: R-E (RESIDENCE ESTATES)

0 200 400 Feet





VAR-3288

Legend



Subject Property



Other Properties
with Variances

Variances

0 187.5 375 750 Feet



AGENDA MEMO

PLANNING COMMISSION MEETING DATE: FEBRUARY 12, 2004
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: VAR-3288 - PAUL AND SANDY BROSSAU

**** CONDITIONS ****

STAFF RECOMMENDATION: **DENIAL.** If Approved, subject to:

Planning and Development

1. 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.
2. Conformance to the site plan as submitted.
3. All necessary permits shall be obtained from the Building and Safety Department prior to start of construction.

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

This request is for a Variance to allow a proposed addition to an existing single family dwelling to be 5 feet from the side property line where 10 feet is required at 304 Canyon Drive.

This item was abeyed from the 12/18/03 Planning Commission meeting in order for the applicant to meet with surrounding property owners.

B) Applicant's Justification

The applicant's justification letter states that the optimal solution to design considerations in matching the new addition floor plan to the existing house and meeting the desired space requirements is to place the new addition 5 feet off the property line and many developments do not have the full 10-foot side yard setback.

BACKGROUND INFORMATION

A) Previous Actions

- | | |
|----------|---|
| 03/28/68 | The Board of Zoning Adjustment approved a Variance (V-0005-68) to allow a single family dwelling 38 feet from the front property line where 50 feet is required at 308 Canyon Drive. |
| 07/03/68 | The Board of City Commissioners granted an appeal of a Board of Zoning Adjustment denial of a Variance (V-0018-98) thereby allowing a walk-in closet addition 4 feet from the side property line where 10 is required at 304 Connors Drive. |
| 05/24/79 | The Board of Zoning Adjustment approved a Variance (V-0030-79) to allow a room addition 8 feet from the side property line where 10 feet is required at 217 Canyon Drive. |
| 07/26/79 | The Board of Zoning Adjustment approved a Variance (V-0042-79) to allow a carport 38 feet from the front property line where 50 feet is required at 217 Canyon Drive. |

VAR-3288 - Staff Report Page Two
February 12, 2004 - Planning Commission Meeting

- 04/22/82 The Board of Zoning Adjustment approved a Variance (V-0027-82) to allow an addition 41 feet from the front property line where 50 feet is required at 3109 Conners Drive.
- 08/23/04 The Board of Zoning Adjustment approved a Variance (V-0094-84) to allow room additions 5.5 feet from the side property line where 10 feet is required and 30 feet from the rear property line where 35 feet is required at 209 Canyon Drive.
- 10/25/84 The Board of Zoning Adjustment approved a Variance (V-0117-84) to allow an addition 5 feet from the side property line where 10 feet is required at 200 Canyon Drive.
- 12/27/90 The Board of Zoning Adjustment approved a Variance (V-0151-90) to allow an addition 5.5 feet from the side property line where 10 feet is required at 212 Canyon Drive. An Extension of Time was granted for this Variance on January 28, 1992.
- 07/21/93 The City Council granted an appeal of a Board of Zoning Adjustment denial of a Variance (V-0048-93) thereby allowing a patio cover 5 feet from the side property line where 10 feet is required at 213 Canyon Drive.
- 05/28/96 The Board of Zoning Adjustment approved a Variance (V-0054-96) to allow room additions 6 feet from the side property line where 10 feet is required and 35 feet from the front property line where 50 feet is required and to allow a 2-foot wrought-iron extension to an existing 6-foot high block wall along the side and rear property line where 6 feet is the maximum height allowed on the subject site.
- 07/01/97 The Board of Zoning Adjustment approved an Extension of Time [V-0054-96(1)] for an approved Variance on the subject site.
- 12/18/03 The Planning Commission held this item in abeyance to allow the applicant time to meet with the neighbors.

B) Pre-Application Meeting

- 10/17/03 No outstanding issues were noted at the pre-application meeting.

C) Neighborhood Meetings

The applicant has engaged in ongoing discussions with the protesting parties and has stated a compromise has been reached.

DETAILS OF APPLICATION REQUEST

A) Site Area

Gross Acres: 0.68

VAR-3288 - Staff Report Page Three
February 12, 2004 - Planning Commission Meeting

B) Existing Land Use

Subject Property: Single Family Dwelling
North: Single Family Dwelling
South: Single Family Dwelling
East: Single Family Dwelling
West: Future Las Vegas Springs Preserve

C) Planned Land Use

Subject Property: DR (Desert Rural Density Residential)
North: DR (Desert Rural Density Residential)
South: DR (Desert Rural Density Residential)
East: DR (Desert Rural Density Residential)
West: PF (Public Facilities)

D) Existing Zoning

Subject Property: R-E (Residence Estates)
North: R-E (Residence Estates)
South: R-E (Residence Estates)
East: R-E (Residence Estates)
West: C-V (Civic)

E) General Plan Compliance

The DR (Desert Rural Density Residential) category of the Southeast General Plan allows a maximum of two dwelling units per gross acre. The predominant residential lifestyle is single-family homes on large lots.

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

VAR-3288 - Staff Report Page Four
February 12, 2004 - Planning Commission Meeting

Rancho/Charleston Study Area

The Planning and Development Department performed a land use study on the Rancho/Charleston Area beginning in 2001. The goal of the study was to identify a means of preserving the integrity of the subject neighborhoods through land use planning. The plan recommended that the city begin to promote Charleston Boulevard as an office corridor throughout the Study Area, and allow only very low-density single-family development in the areas that are currently developed at this density. The study resulted in a city initiated General Plan Amendment (GPA-0047-01) to modify land use designations on a large portion of the Southeast Sector Plan. The General Plan Amendment was approved by the City Council on January 10, 2002.

ANALYSIS

A) Zoning Code Compliance

A1) Development Standards

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

Standards	Required	Requested	Compliance
Min. Lot Size	20,000 SF	29,137 SF	Y
Min. Lot Width	30' Feet (for lots along circular portion of a cul-de-sac)	59 Feet	Y
Min. Setbacks			
• Front	50 Feet	38 Feet	N
• Side	10 Feet	5 Feet	N
• Corner	15 Feet	N/A	N/A
• Rear	35 Feet	65 Feet	Y
Max. Lot Coverage	N/A	N/A	N/A
Max. Building Height	2 Stories /35 Feet	26 Feet (overall ht. of dwelling)	Y

The existing single-family dwelling does not meet the front or side yard setbacks due to a previous Variance (V-0054-96), which allowed reductions for a proposed addition that has since been constructed. The addition proposed at this time, will allow encroach into the north side yard setback by 5 feet.

B) General Analysis and Discussion

As detailed in the background information, a survey of the immediate area surrounding the subject site revealed ten variances concerning setbacks within a one-block radius. However, the Planning and Development Department's recommendation is based upon the merits of each application. Previous variances can be considered in determining the appropriateness of a variance, but is not determinative. The burden of proof for approval of a Variance requires the presence of a hardship that is not solely personal, self-created or financial in nature. The lack of such hardship, as the site has no inherent topographical constrictions or extraordinary situations, on this site does not warrant a recommendation of approval.

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 attempting to overbuild the site. Alternative designs would allow conformance to the Title 19 requirements as the applicant has ample area in the rear yard for additional living space. 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.

VAR-3288 - Staff Report Page Six
February 12, 2004 - Planning Commission Meeting

NOTICES MAILED 67 (December 18, 2003 PC Meeting)

APPROVALS 0

PROTESTS 1



STATEMENT OF FINANCIAL INTEREST

Name of Applicant: PAUL BROSSÉAU & SANDRA BROSSÉAU

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: Paul Brosnan

Print Name: PAUL BROSSÉAU

Subscribed and sworn before me

This 21st day of October, 2003

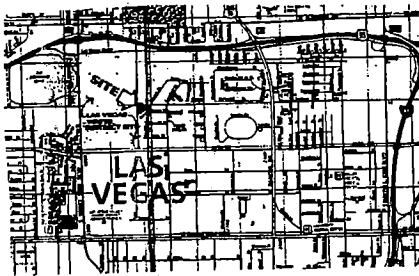
Kelley Delora
Notary Public in and for said County and State



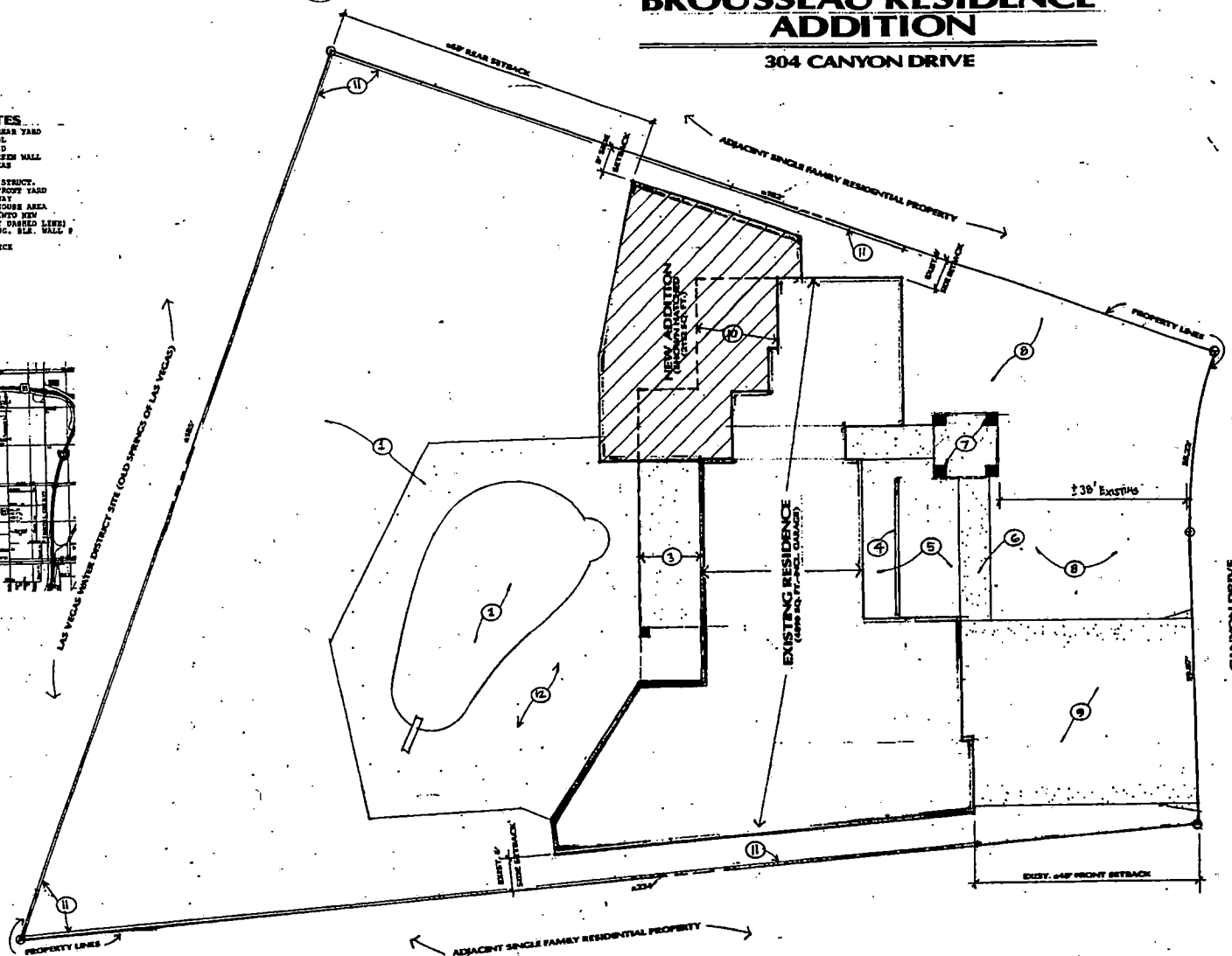
BROUSSEAU RESIDENCE ADDITION

304 CANYON DRIVE

- KEYNOTES**
1. EXISTING LANDSCAPED REAR YARD
 2. EXISTING SWIMMING POOL
 3. EXISTING COVERED PATIO
 4. EXISTING STUCCOED SCREEN WALL
 5. EXISTING PLANTING AREAS
 6. EXISTING CONC. WALL
 7. EXISTING ENTRY PORCH STRUCTURE
 8. EXISTING LANDSCAPED FRONT YARD
 9. EXISTING CONC. DRIVEWAY
 10. EXTENT OF EXISTING HOUSE AREA TO BE INCORPORATED INTO NEW ADDITION (DEPICTED BY DASHED LINES)
 11. EXISTING 6" HIGH CONC. BLK. WALL & PROPERTY LINES
 12. EXIST. CONC. POOL DECK



VICINITY MAP



SITE PLAN

SQ. FOOTAGE
 EXIST. HOUSE-4876 SQ. FT. (INCL. GARAGE)
 NEW ADDITION-2192 SQ. FT.
 TOTAL SQ. FT. (INCL. GARAGE)-7068

REVISIONS

BROUSSEAU RESIDENCE
ADDITION
304 CANYON DRIVE

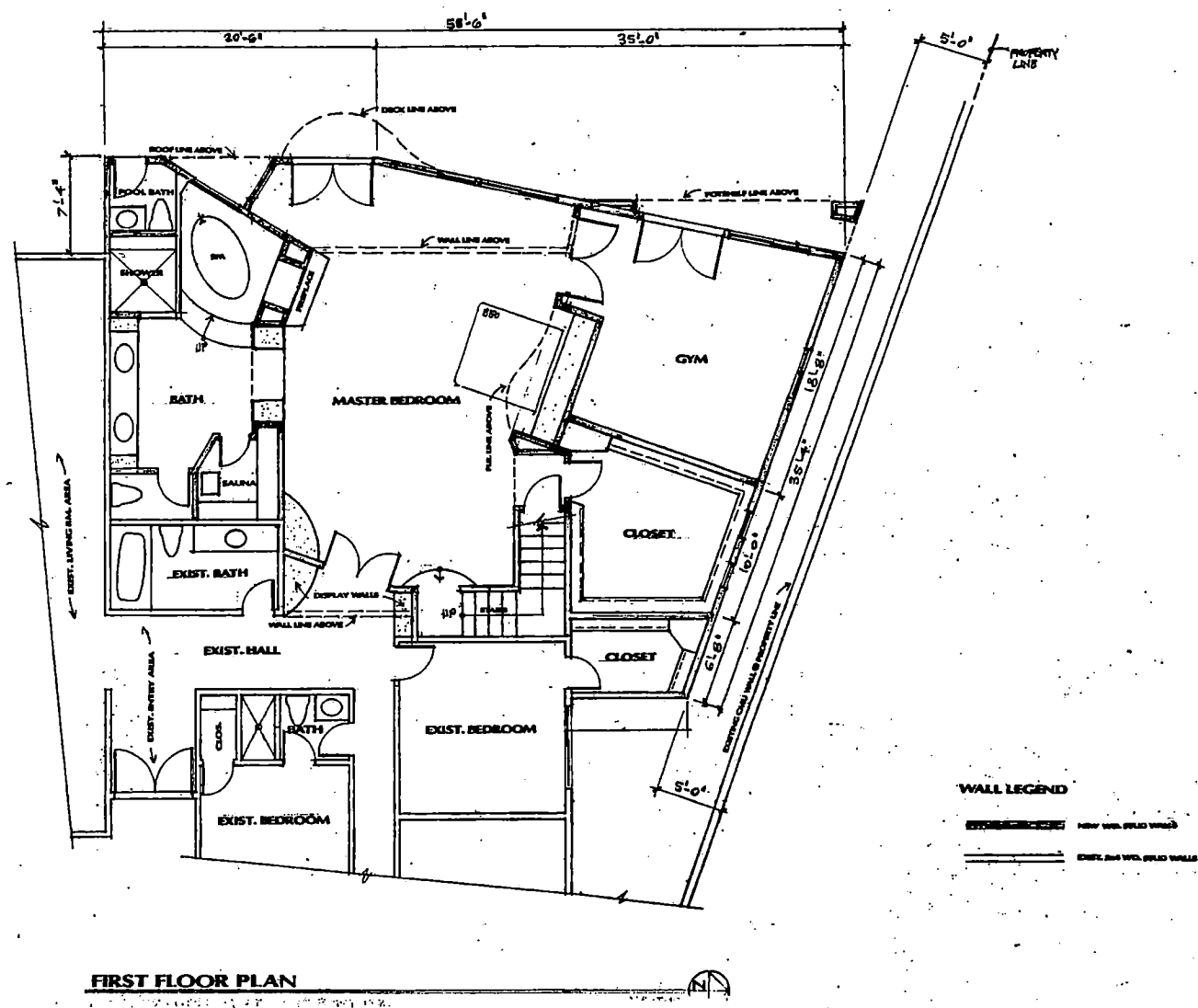


10-05-02
10-12-02
10-12-02

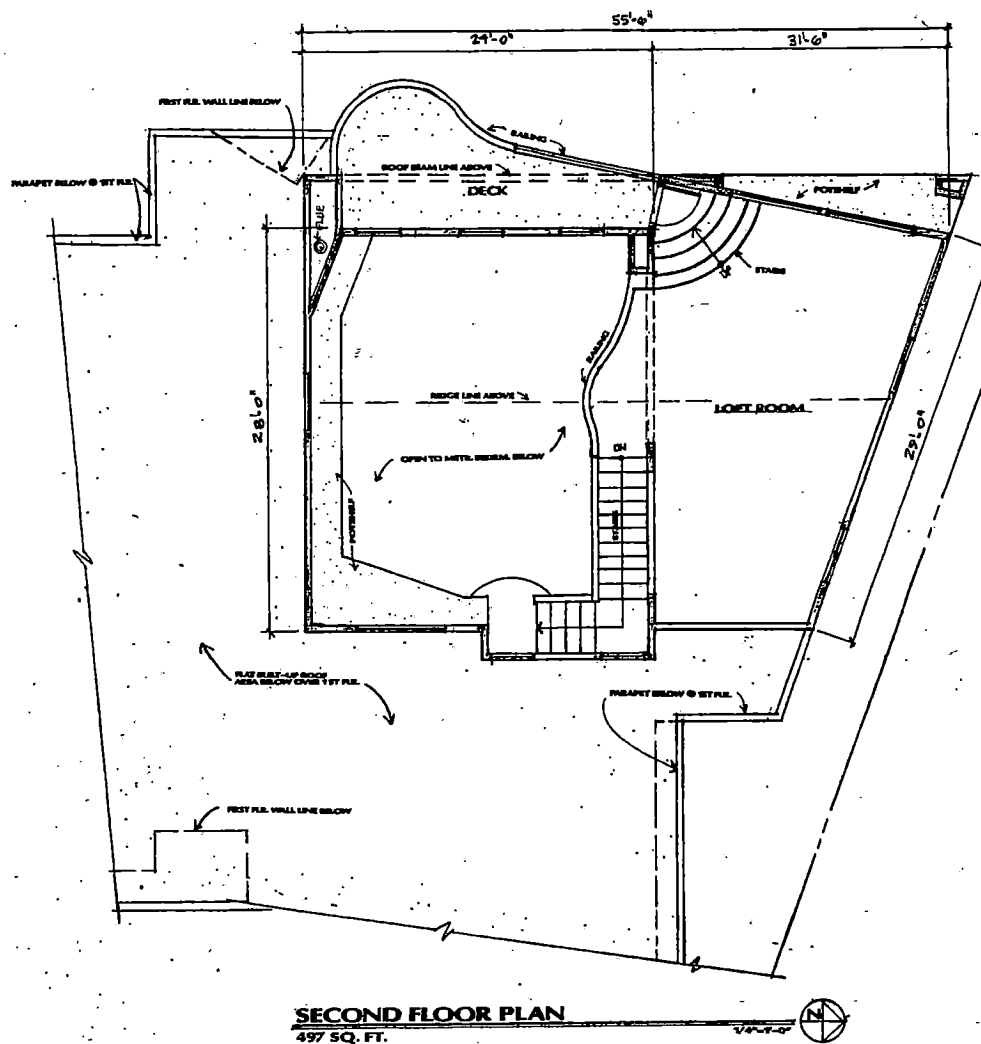
SITE PLAN

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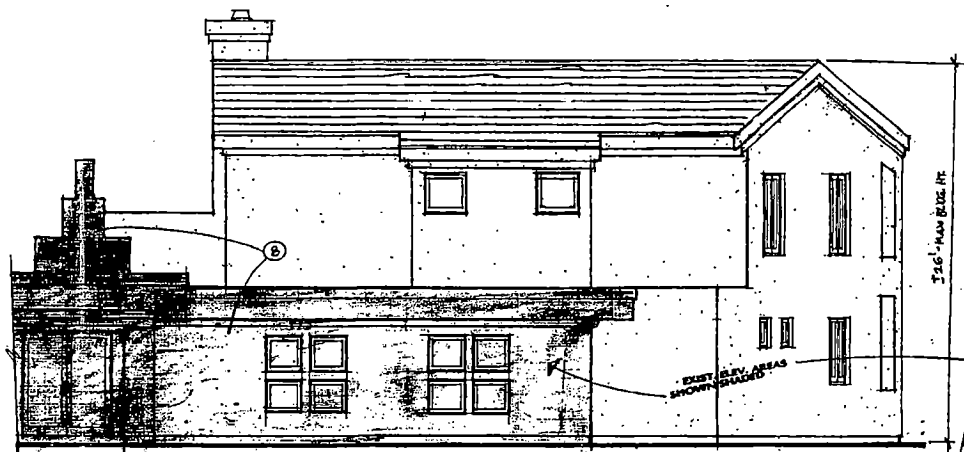
STAFF VAR-3288
12-18-03 PC



VAR-3288
STAFF 12-18-03 PC



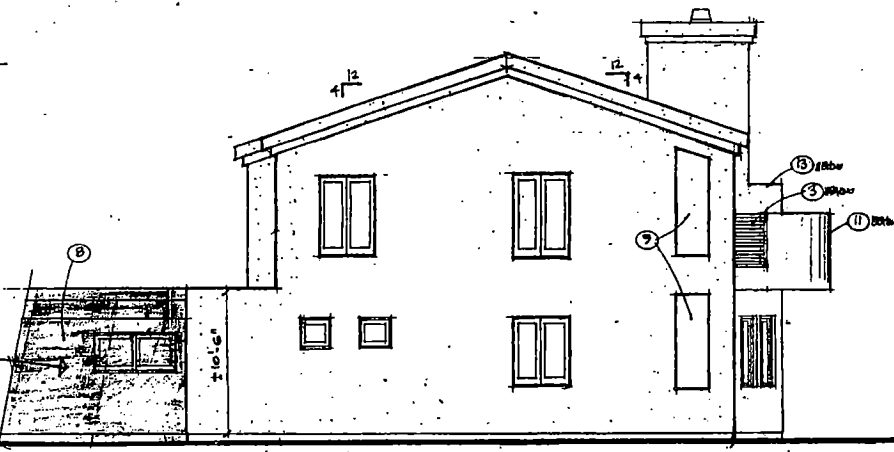
STAFF **VAR-3288**
12-18-03 PC



KEYNOTES SAME AS ELEV. BELOW-LINQ.

FRONT ELEVATION

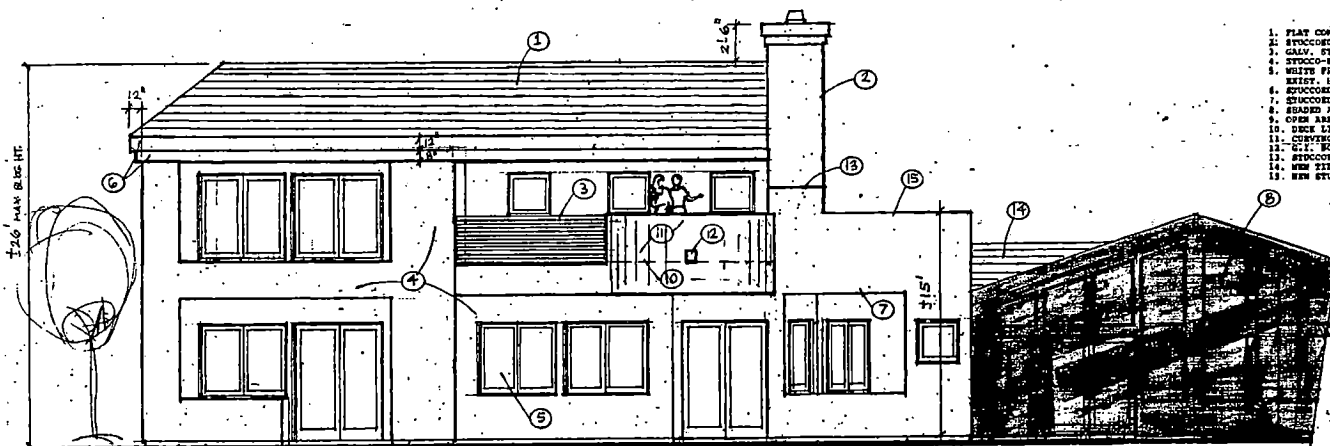
VAR-3288



KEYNOTES SAME AS ELEV. BELOW-LINQ.

RIGHT ELEVATION

VAR-3288



REAR ELEVATION

VAR-3288

- KEYNOTES**
1. FLAT CONC. TILE ROOF ON CHIMNEY AND EXIST. PORCH
 2. STUCCO CHIMNEY
 3. GALV. STEEL PIPE RAILS (UNPAINTED)
 4. STUCCO-BAND FENCES, MATCH EXIST. HOUSE COLORS (MATCH TO EXIST. HOUSE)
 5. WHITE FRAMED WINDOWS (12'-0" ON EXIST. HOUSE)
 6. EXIST. HOUSE) CHIMNEY CHIMNEY (ON EXIST. HOUSE) NO MATCH (EXIST. HOUSE)
 7. STUCCO FASCIA & TRIM BAND
 8. STUCCO SOFFIT
 9. SHADED AREAS SHOWN EXISTING HOUSE ELEVATIONS (STUCCO WALLS)
 10. OPEN AREAS
 11. DECK LINE BEYOND
 12. CHIMNEY STUCCOED ROCK RAIL
 13. GUT. SCUPPER
 14. STUCCOED PORCHES
 15. NEW TILED ROOF (EXIST. & 4112 ELEV.)
 16. NEW STUCCO PARAPET WALL

REVISIONS

BROSSEAU RESIDENCE
ADDITION

SEE EXISTING HOUSE

Architect
Engineer
Surveyor

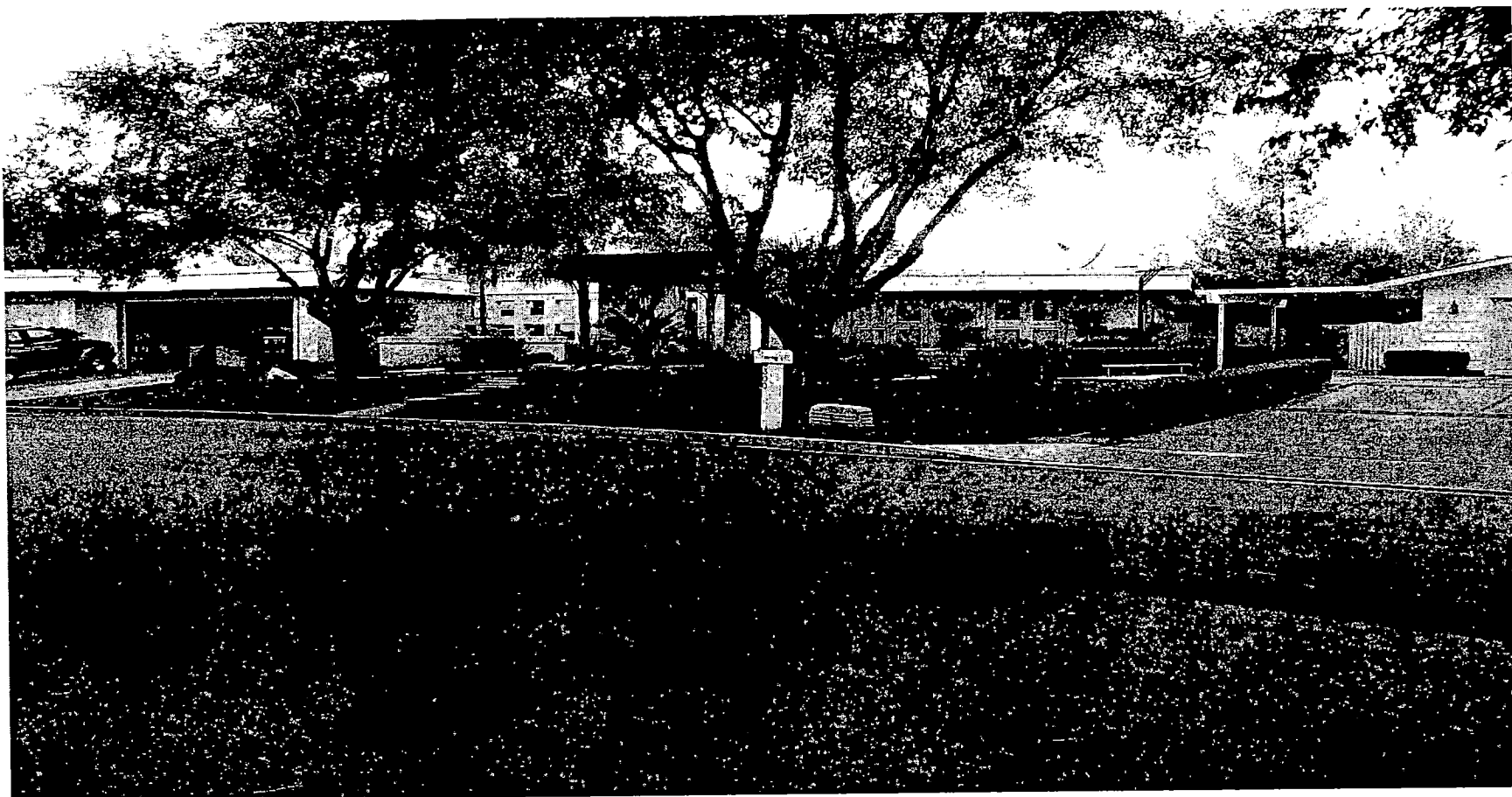
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12-18-03
12-18-03

ELEVATIONS

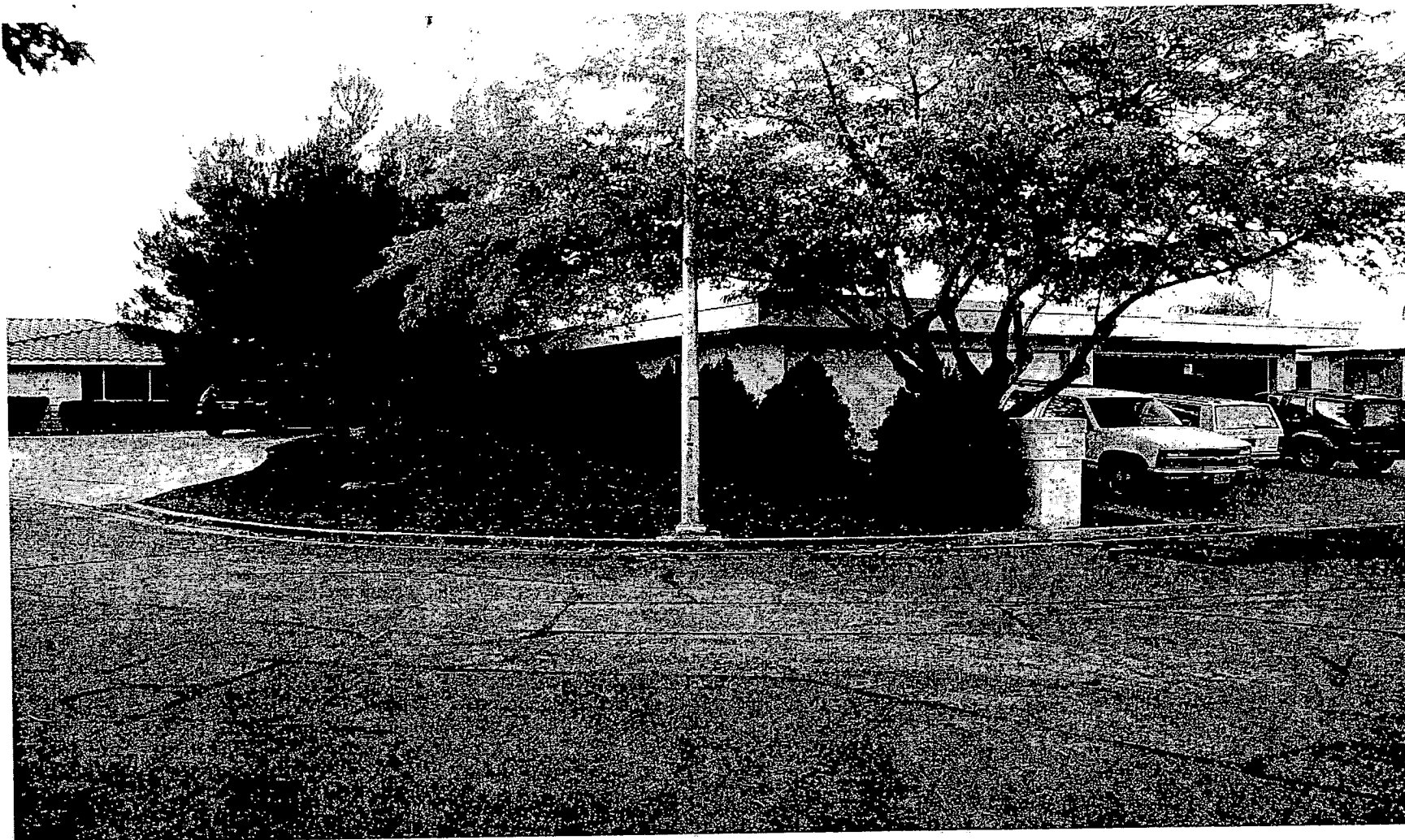
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VAR-3288
STAFF 12-18-03 PC



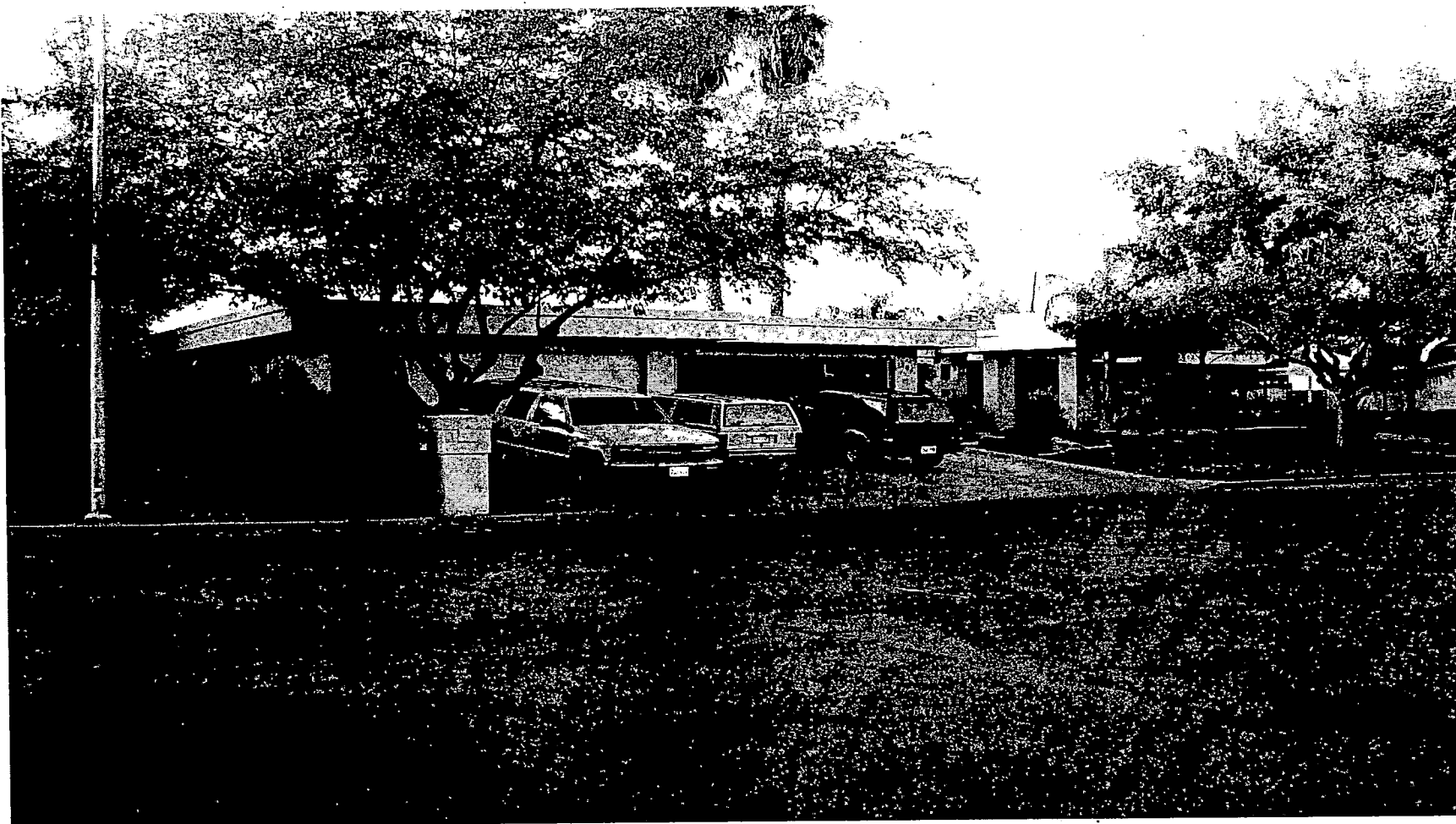
VAR-3288 - PAUL AND SANDY BROSEAU
304 CANYON DRIVE
FEBRUARY 12, 2004 PLANNING COMMISSION

11/25/03



VAR-3288 - PAUL AND SANDY BROSSAU
304 CANYON DRIVE
FEBRUARY 12, 2004 PLANNING COMMISSION

11/25/03



VAR-3288 - PAUL AND SANDY BROSSEAU
304 CANYON DRIVE
FEBRUARY 12, 2004 PLANNING COMMISSION

11/25/03

Telephone: 8773040

3109 Skipworth Drive
Las Vegas
Nevada 89107
03 05 December, 2003
4:30
RECEIVED
PLANNING AND
DEVELOPMENT

Attention: Mr. Kyle C. Walton, Senior Planner
Planning Commission
City of Las Vegas
731 South Fourth Street
Las Vegas 89101

Dear Mr. Walton

Re: VAR - 3288

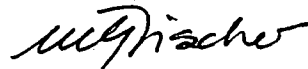
While I am not familiar with Paul and Sandy Brosseau's particular hardship requiring a variance of the 10 foot setback, I am concerned about the precedent that such a variance would set for the rest of our neighborhood, should it be granted.

We very much value the fact that the homes in this neighborhood are not built "on top of each other", as is the case in most new developments. It would be most regrettable should a 5 foot setback become the "norm".

Please take this into careful consideration when you review this or any other similar case in Rancho Nevada Estates.

Please note that I bare the Brosseau's no ill will and certainly compliment them on what they have already done to renovate their home.

Sincerely



Mary Fischer
Paul and Mary G. Fischer Revocable Family Trust

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: FEBRUARY 12, 2004

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

PUBLIC HEARING - ABEYANCE - SDR-2997 - APPLICANT: UNION LAND & DEVELOPMENT - OWNER: HAROLD-RIYOKO LIVING TRUST - Request for a Site Development Plan Review for a 6,500 square foot general retail building and a reduction of the front yard setback to allow 10 feet where 20 feet is the minimum required, a reduction in the side yard setback to allow 5 feet where 10 feet is the minimum required, and a reduction in the required amount of perimeter landscaping on 0.44 acres adjacent to the east side of Decatur Boulevard, approximately 275 feet south of Lake Mead Boulevard (APN: 139-19-301-007), C-1 (Limited Commercial) Zone, Ward 5 (Weekly).

TABLE**PROTESTS RECEIVED BEFORE:**

Planning Commission Mtg.
City Council Meeting

1

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

RECOMMENDATION:

Staff recommends TABLE

BACKUP DOCUMENTATION:

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

MOTION:

NIGRO – TABLED – UNANIMOUS with McSWAIN abstaining on Item 3 [TMP-3466] as her firm is awaiting final payment for work done for Signature Homes

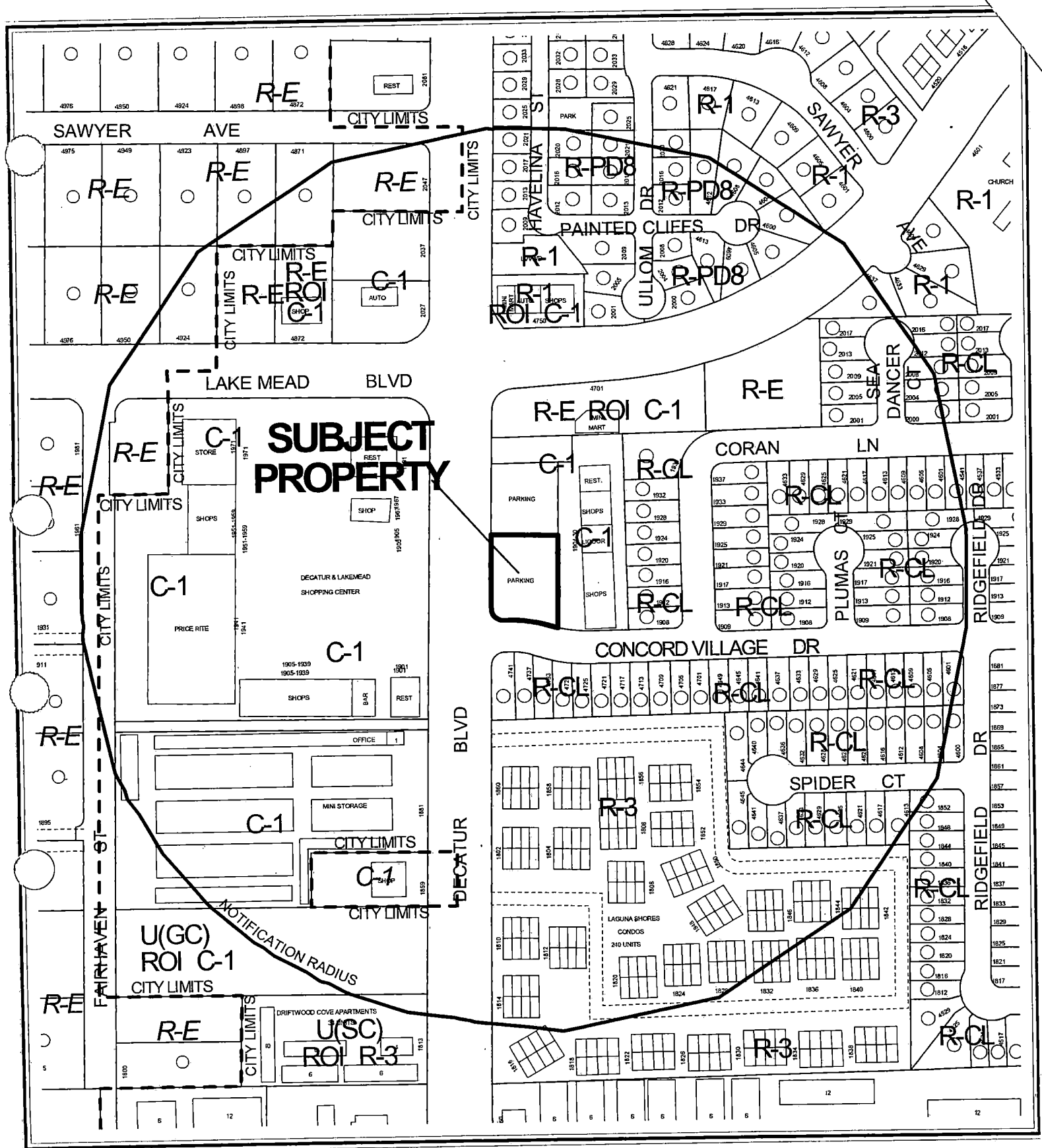
MINUTES:

CHAIRMAN TRUESDELL stated that the applicant requested approval to Table the Side Development Plan Review.

DAVID CLAPSADDLE, Planning and Development Department, stated that tabling this item does not require the applicant to submit a new application but will require a new re-notification if the applicant desires to reactivate the case.

(6:11)

1-61



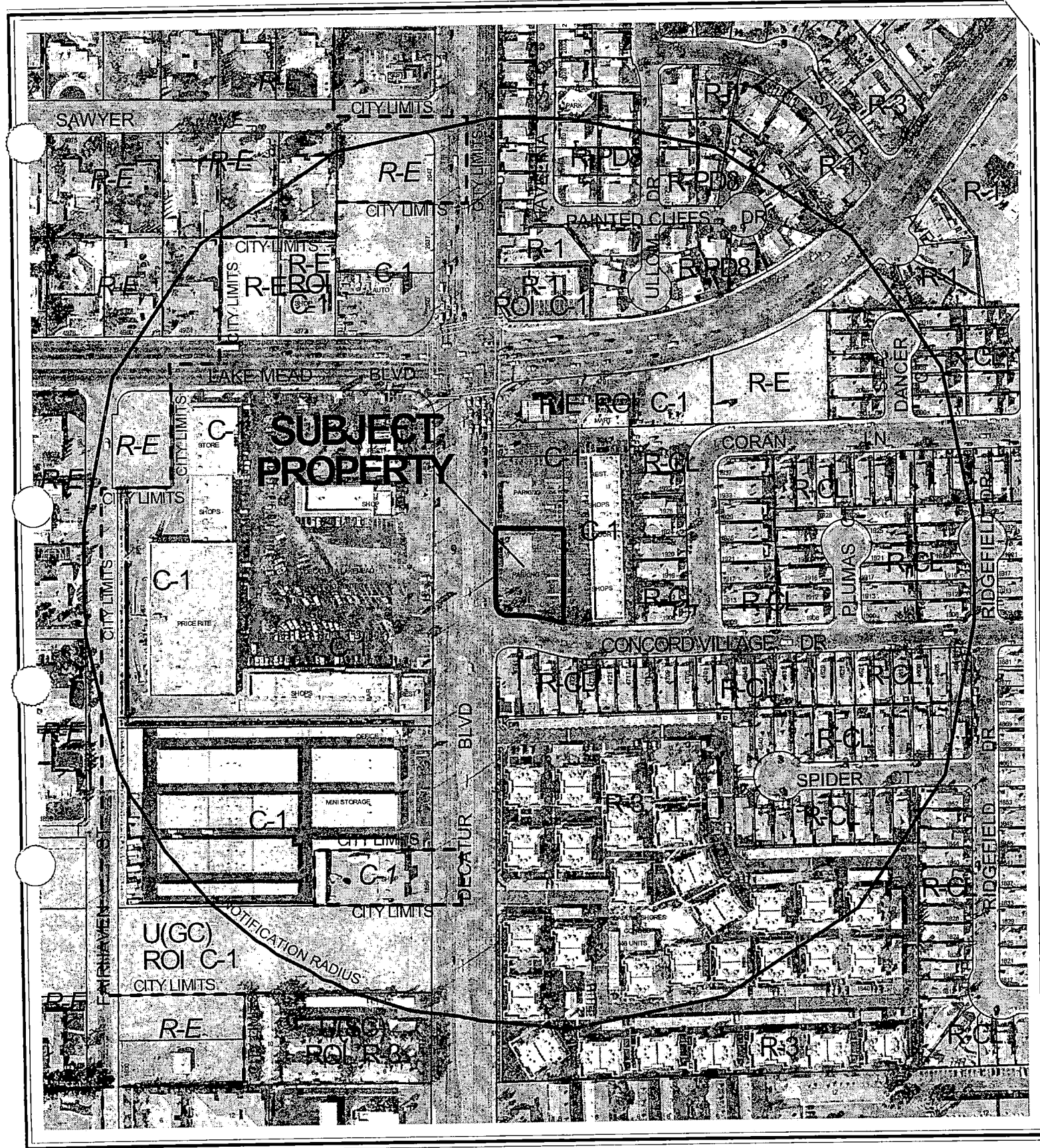
CASE: **SDR-2997**

RADIUS: 750 FT

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

GENERAL PLAN DESIGNATION OF SUBJECT PROPERTY: SC (SERVICE COMMERCIAL)





0 200 400 Feet

CASE: SDR-2997

RADIUS: 750 FT

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

GENERAL PLAN DESIGNATION OF SUBJECT PROPERTY: SC (SERVICE COMMERCIAL)



City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: FEBRUARY 12, 2004

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: ABEYANCE - SDR-2997 - UNION LAND & DEVELOPMENT
ON BEHALF OF HAROLD-RIYOKO LIVING TRUST

***ON JANUARY 22, 2004 THE APPLICANT
REQUESTED THIS ITEM BE TABLED.***

**PLANNING & DEVELOPMENT DEPARTMENT**

STATEMENT OF FINANCIAL INTEREST

Case Number: **SDR-2997** APN: 139-19-301-007

Case Number: _____

Name of Property Owner: DeCATure Lk mead / Harold Ryko Trust

Name of Applicant: SAM Zeer

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: SAM Zeer

Subscribed and sworn before me

This 26th day of Aug, 2003

Alice Butler
Notary Public in and for said County and State

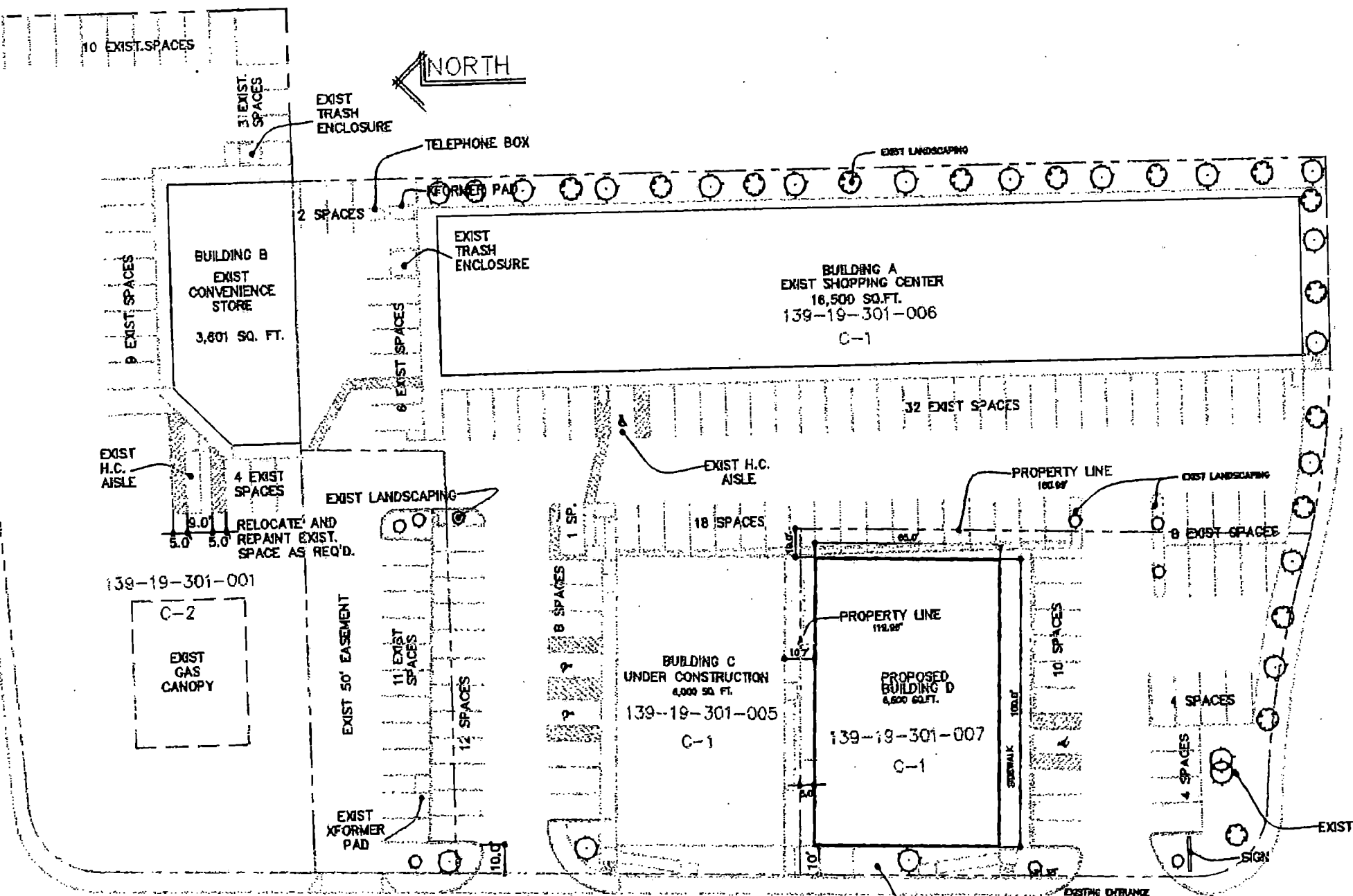


NOTARY PUBLIC
STATE OF NEVADA
County of Clark
ALICIA L. BUTLER

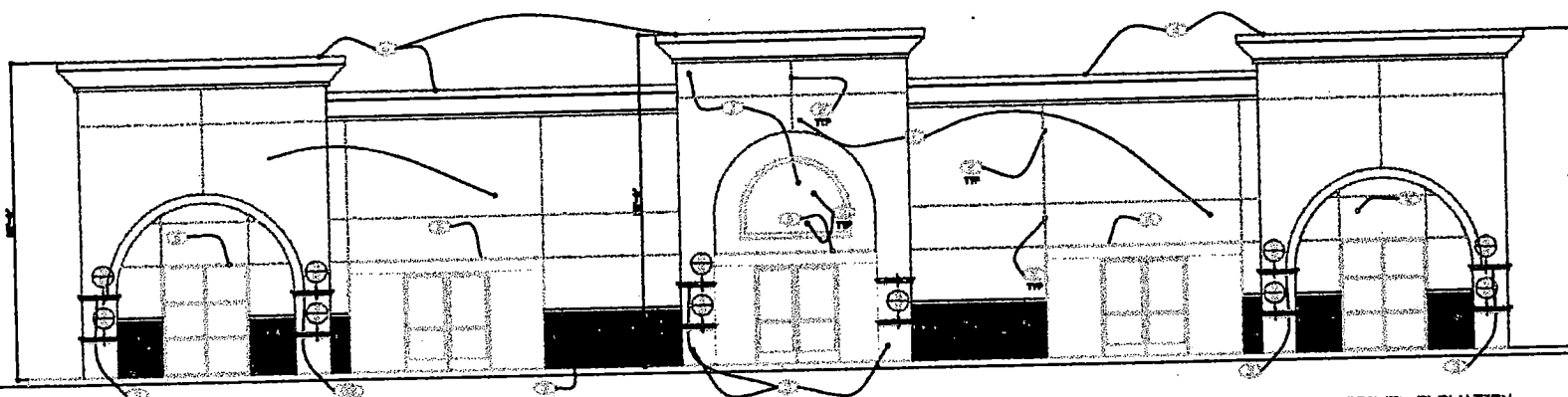
Revised 2/1

My Appointment Expires Nov. 1, 2006

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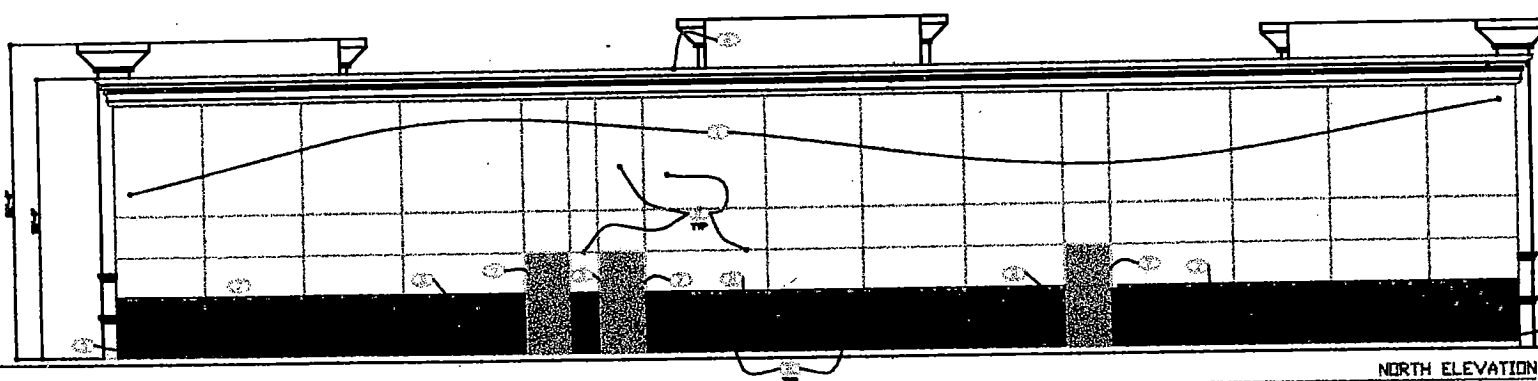


STAFF **REVISED** **SDR-2997**
 9.8.03 01-08-04 PC



SOUTH (FRONT) ELEVATION
P-14

- KEY NOTES**
- 1. 1/2" CHALK STICKS OVER SIDE WALL
 - 2. DECORATIVE STICKS OVER SIDE WALL
 - 3. 1/2" CHALK STICKS OVER SIDE WALL
 - 4. 1/2" CHALK STICKS OVER SIDE WALL
 - 5. 1/2" CHALK STICKS OVER SIDE WALL
 - 6. 1/2" CHALK STICKS OVER SIDE WALL
 - 7. 1/2" CHALK STICKS OVER SIDE WALL
 - 8. 1/2" CHALK STICKS OVER SIDE WALL
 - 9. 1/2" CHALK STICKS OVER SIDE WALL
 - 10. 1/2" CHALK STICKS OVER SIDE WALL



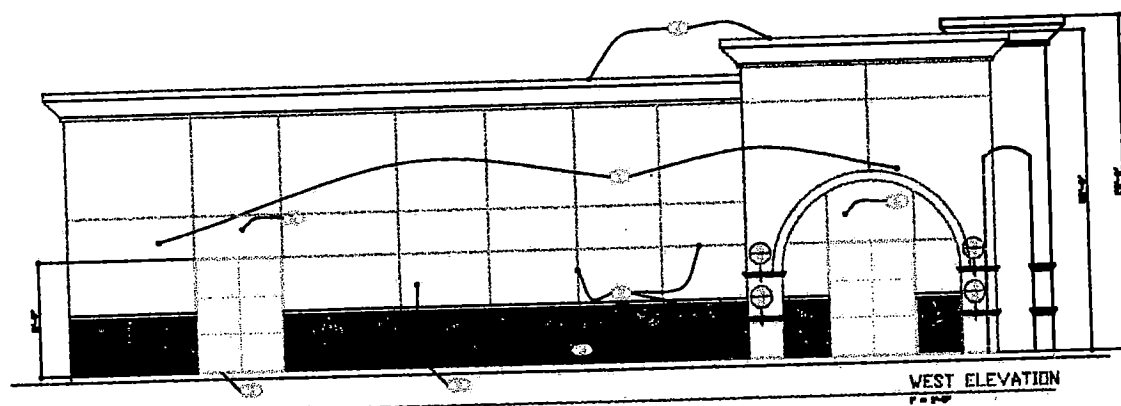
NORTH ELEVATION
P-15

EXPRESS BUILDING & DEVELOPMENT
NEW RETAIL SALES BUILDING
SEC DECATUR & LAKE MEAD

AUGUST 2000

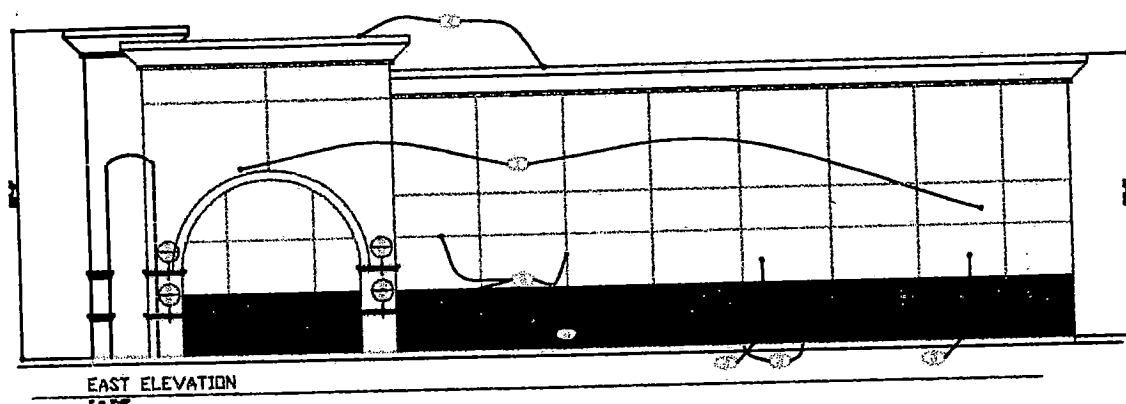
3.

STAFF **SDR-2997**
01-08-04 PC



KEY NOTES

- 1. BOND COLOR STUCKS OVER STUD WALL
- 2. INTERIORITY STUCKS OVER STUD WALL
- 3. BOND COLOR STUCKS OVER STUD WALL
- 4. STUCKS OVER INTERIORITY POLYETHYLENE CHIMNEY
- 5. STUCKS OVER STUD WALL
- 6. INTERIORITY STUCKS OVER STUD WALL

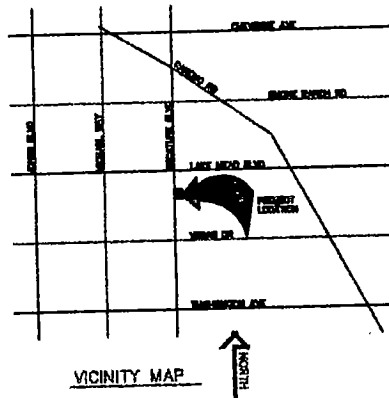


EXPRESS BUILDING & DEVELOPMENT

NEW RETAIL SALES BUILDING
SEC DECATUR & LAKE MEAD

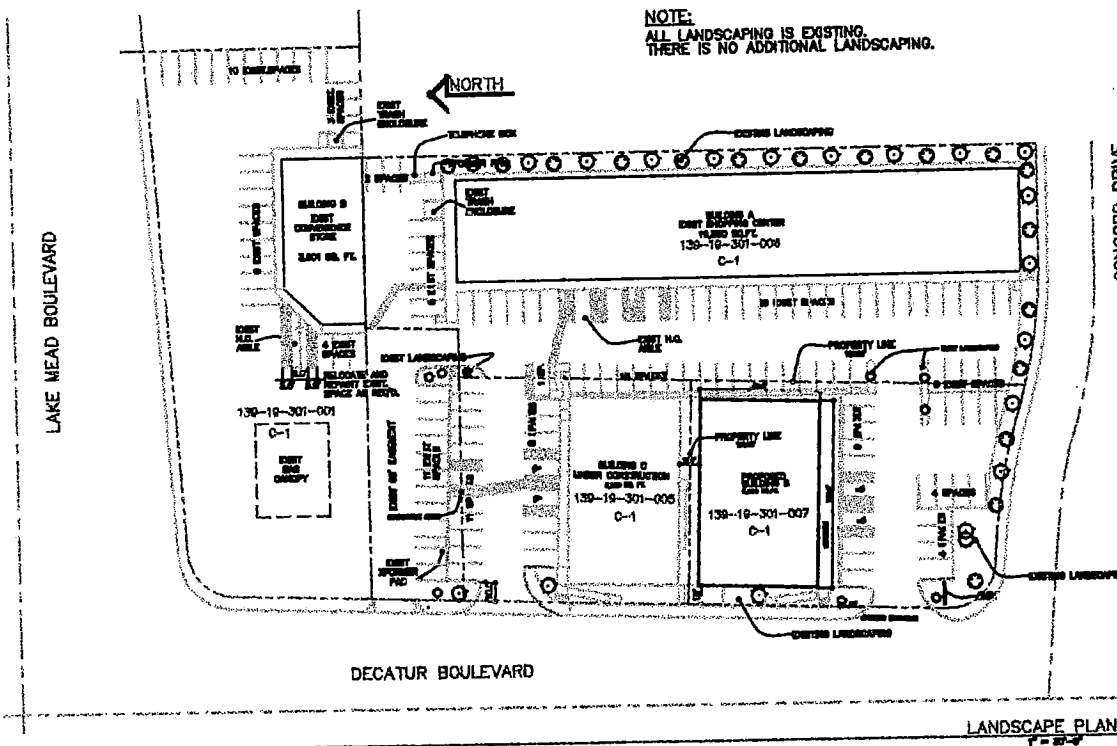
4.

STAFF SDR-2997
01-08-04 PC



EXISTING LANDSCAPE PLAN

NOTE:
ALL LANDSCAPING IS EXISTING.
THERE IS NO ADDITIONAL LANDSCAPING.

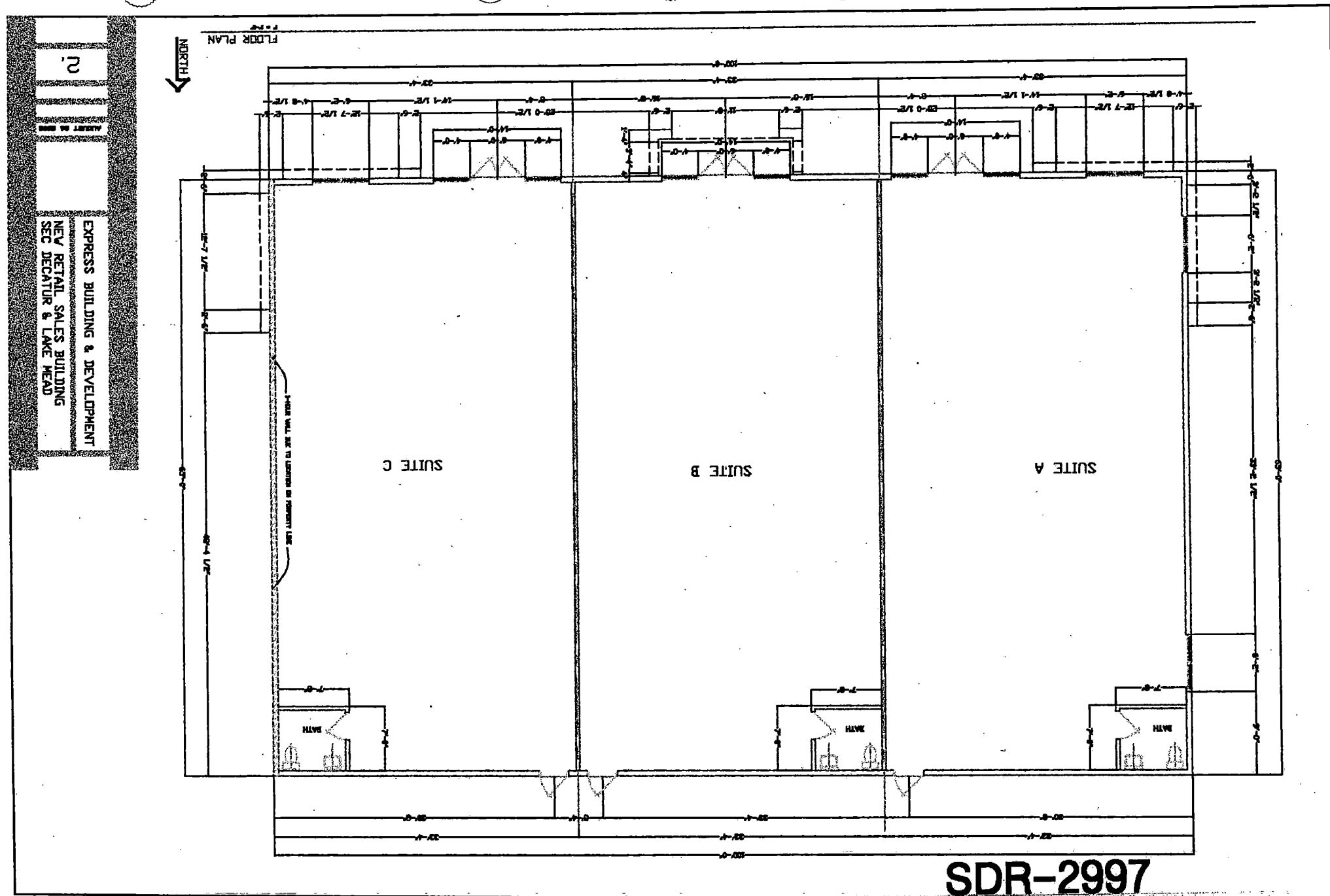


EXPRESS BUILDING & DEVELOPMENT 5800 MEIKLE LANE LAS VEGAS, NEVADA 89156 (702) 437-0001
NEW RETAIL SALES BUILDING @ SEC LAKE MEAD BLVD AND DECATUR BLVD SAM ZEER - DEVELOPER

AUGUST 28, 2003

5.

STAFF SDR-2997
01-08-04 PC



STAFF

01-08-04 PC

Decatur Square
1900 North Decatur Boulevard
M-19-5

	Suite	Address	Business Name	Use	Information	Parking Required
Building A	1	1930 N. Decatur Blvd.	Fairview Chinese Restaurant	Restaurant (25,000 sf or greater)	750 SF	15
	2	1930 N. Decatur Blvd.	Fairview Chinese Restaurant		850 SF	4.25
	3	1928 N. Decatur Blvd.	American General Finance	Office, Other than Listed (25,000 sf or greater)	1100 SF	3.6
	4	1926 N. Decatur Blvd.	Richard's Barber Shop	Barber/Beauty Parlor (25,000 sf or greater)	1100 SF	5.5
	5	1922 N. Decatur Blvd.	New U	Barber/Beauty Parlor (25,000 sf or greater)	1100 SF	5.5
	6	1920 N. Decatur Blvd.	Vacant	General Retail Store (25,000 sf or greater)	1100 SF	4.4
	7	1918 N. Decatur Blvd.	Decatur Finance	Office, Other than Listed (25,000 sf or greater)	1100 SF	3.6
	8	1916 N. Decatur Blvd.	H & H Discount Liquor	Liquor Establishment, Off-Premise	2200 SF	7.3
	9	1916 N. Decatur Blvd.	H & H Discount Liquor	(25,000 sf or greater)		
	10	1912 N. Decatur Blvd.	Use the Experts	Office, Other than Listed (25,000 sf or greater)	1100 SF	3.6
	11	1910 N. Decatur Blvd.	Vacant	General Retail Store (25,000 sf or greater)	1100 SF	4.4
	12	1908 N. Decatur Blvd.	Vacant	General Retail Store (25,000 sf or greater)	1100 SF	4.4
	13	1906 N. Decatur Blvd.	Bob Chaney's Karate	General Personal Service (25,000 sf or greater)	2200 SF	7
	14	1906 N. Decatur Blvd.	Bob Chaney's Karate	1 Employee, 12 Students		
	15	1904 N. Decatur Blvd.	All Weapons Plus	General Retail Store (25,000 sf or greater)	1100 SF	4.4
Building B		4701 W. Lake Mead Blvd.	Fasty's	Convenience Store (25,000 sf or greater)	3601 SF	14.4
Building C		1950 N. Decatur Blvd.	Vacant	General Retail Store (25,000 sf or greater)	6000 SF	24
Building D		New Proposed		General Retail Store (25,000 sf or greater)	6500 SF	26

Total = 32,001 SF 137.35

Total Sq. Ftg. Of Buildings	32,001
(Not Qualified for General Retail)	<u>-3,800</u>
Net Qualified for General Retail	28,201

Total Required Parking	137.35
Regular Parking Provided	136
Handicap Parking Provided	<u>5</u>
Total Parking Provided	141

SDR-2997

ELLIS REALTY
2330 Paseo del Prado, C307
Las Vegas, Nevada 89102
Telephone (702)873-4145
Fax (702)876-7614

July 31, 1998

Katherine Ellis Sax
% KB Morris & Associates
2920 N. Green Valley Pkwy, Ste. 711
Henderson, Nevada 89014

RE: 98120275-071-SR Escrow ("Land Purchase")

Dear Ms. Sax,

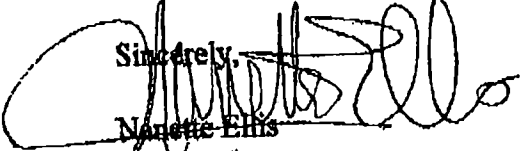
Information recently received reveals a competing and inappropriate use under zone application # Z-14-84 (smog inspection station) on Lot 4 of Parcel Map 57-79.

The Land Purchase contemplated in the above Escrow is not possible and must necessarily be canceled if the zone application referenced above is granted. Therefore, we urge you to expeditiously initiate steps to terminate the planned use and parking space confiscation. More specifically, any taking or use of parking spaces which are previously granted for the common use of all owners or tenants, such as an elimination of parking as requested in zone application #Z-14-84, violates the Joint Parking Agreement dated October 21, 1987. It is our view that an inconsistent use or elimination is prohibited absent authorization by the respective owners. The application is being made by a Mr. David Sanzo (U-Passed Smog), to open a smog inspection station on Lot 4.

We would greatly appreciate your immediate assistance. An Administrative decision shall be rendered on or by, August 13, 1998. This type of application does not warrant a public hearing and the decision is made Administratively at the City Planning Department. The person at the City handling this application is Mr. Andy Reed, telephone # 229-6882. I am enclosing a copy of the Satellite Parking Agreement which the City of Las Vegas required in 1987, due to the limited parking of the entire parcel. I have been informed that the City requested this Agreement to protect Lot 3 and Lot 4, ensuring future adequate parking. Therefore, eliminating even one parking space on Lot 4 is injurious to your property.

Should you need any additional information regarding this issue or if there is any way that I may assist you, please do not hesitate to contact me at 702-375-6672 or 702-873-4145.

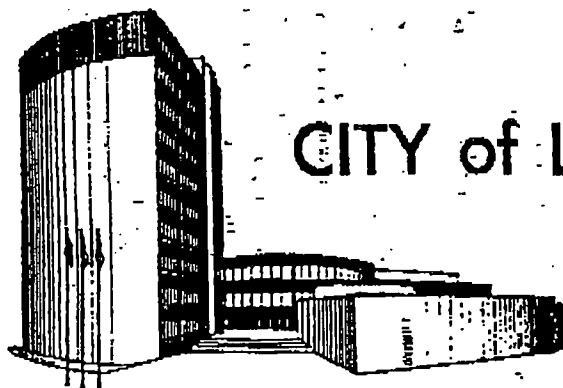
Sincerely,


Nanette Ellis
Ellis Realty

copy: Andy Reed
copy: Ghassan Merhi

SDR-2997

MAYOR RON LURIE

COUNCILMEN
BOB NOLEN
W. WAYNE BUNKER
STEVE MULLER
ARNIE ADAMSENCITY MANAGER
ASHLEY HALL

CITY of LAS VEGAS

December 31, 1987

Mr. Jack Schwartz
Decatur Square General Partnership
6020 W. Flamingo Road - #A-14
Las Vegas, Nevada 89103

RE: SATELLITE PARKING
SP-2-87

Dear Mr. Schwartz:

The City Council at a Recessed Meeting held December 17, 1987, APPROVED the Satellite Parking for a proposed commercial building on property located on the east side of Decatur Boulevard, south of Lake Mead Boulevard, R-E ZONE (under Resolution of Intent to C-1), subject to the following conditions:

1. Conformance with the conditions of approval for Zoning Application Z-14-84.
2. Record a provision in the Deeds to insure joint parking and access between the parcels as required by the Department of Community Planning and Development.

Sincerely,

KATHLEEN M. TIGHE
City Clerk

KMT:jp

cc: Dept. of Community Planning and Development
Dept. of Public Works
Dept. of Building and Safety
Dept. of Fire Services
Land Development Services
Mr. Brian Walsh, Kennedy/Jenks/Chilton
3233 W. Charleston Blvd., #110
Las Vegas, Nev. 89102

SDR-2997



AGENDARECESSED CITY COUNCIL MEETING - DECEMBER 17, 1987
AND
December 16, 1987*City of Las Vegas*CITY COUNCIL
COUNCIL CHAMBERS • 400 EAST STEWART AVENUE
PHONE 386-6011

Page 41

ITEM		Council Action	Department Action
	X. <u>COMMUNITY PLANNING AND DEVELOPMENT DEPARTMENT (CONTINUED)</u>		
	F. <u>SATELLITE PARKING</u>		
1503	1. <u>SP-2-87 - Decatur Square General Partnership</u> Request to allow satellite parking for a proposed commercial building on property located on the east side of Decatur Boulevard, south of Lake Mead Boulevard, R-E Zone (under Resolution of Intent to C-1). Planning Commission voted (4-1) to recommend APPROVAL, subject to: 1. Conformance with the conditions of approval for Zoning Application Z-14-84. 2. Record a provision in the Deeds to insure joint parking and access between the parcels as required by the Department of Community Planning and Development. Staff Recommendation: APPROVAL	NOLEN - APPROVED as recommended. Unanimous	Clerk to Notify and Planning to proceed.

SDR-2997

To: The City Council
Re: Community Planning and Development Agenda Item
December 17, 1987 City Council Agenda

X.

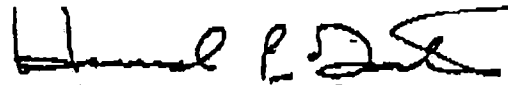
F. SATELLITE PARKING

1. SP-2-87 - Decatur Square General Partnership

The request is to allow satellite parking within a proposed shopping center at the southeast corner of Lake Mead Boulevard and Decatur Boulevard. This is needed because the shopping center is being divided into several parcels and some of the required parking for a use that is proposed at the street corner will be on an adjoining parcel that was created by a recently approved parcel map. There will be a joint use agreement as recommended by staff and the Planning Commission to ensure perpetual use of these properties.

Planning Commission Recommendation: APPROVAL

Staff Recommendation: APPROVAL


HAROLD P. FOSTER, DIRECTOR
DEPARTMENT OF COMMUNITY PLANNING
AND DEVELOPMENT

SDR-2997

PHASE I

That portion of land over and across a portion of Section 19⁸ Township 20 South; Range 61 East; M.D.M.; more particularly described by metes and bounds as follows:

BEGINNING at the West one-quarter corner of said Section 19 lying on the centerline of Decatur Boulevard;

Thence South 02°21'33" West along said centerline a distance of 490.53 feet to a point;

Thence South $87^{\circ}38'27''$ East a distance of 60.00 feet to a point;

Thence North 02°21'33" East a distance of 55.00 feet to the TRUE POINT
BEGINNING;

Thence continuing North 02°21'33" East along the easterly right-of-way distance of 312.46 feet to a point;

Thence South $89^{\circ}30'46''$ East a distance of 145.96 feet to a point;

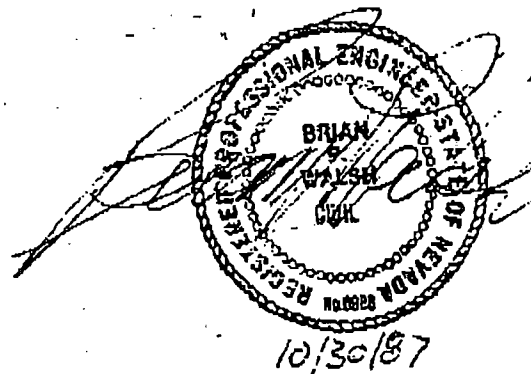
Thence South $00^{\circ}29'14''$ West a distance of 365.00 feet to a point;

Thence North 89°30'46" West a distance of 61.25 feet to a point;

Thence from a tangent which bears North $89^{\circ}30'46''$ West curving to the right through a central angle of $17^{\circ}20'38''$ with a radius of 270.00 feet and an arc length of 81.73 feet to a point;

Thence from a tangent which bears North $72^{\circ}10'08''$ West curving to the left through a central angle of $14^{\circ}39'57''$ with a radius of 330.00 feet and an arc length of 84.46 feet to a point;

Thence from a tangent which bears North $86^{\circ}50'05''$ West curving to the right through a central angle of $89^{\circ}11'38''$ with a radius of 25.00 feet and an arc length of 38.92 feet to the TRUE POINT OF BEGINNING.



SDR-2997

PHASE II

That portion of land over and across a portion of Section 19; Township 20 South; Range 61 East; M.D.M.; more particularly described by metes and bounds as follows:

BEGINNING at the West one-quarter corner of said Section 19 lying on the centerline of Decatur Boulevard;

Thence North $02^{\circ}21'33''$ East a distance of 19.67 feet to a point;

Thence North $86^{\circ}39'30''$ East a distance of 77.94 feet along the centerline of Lake Mead Boulevard to a point;

Thence South $03^{\circ}20'30''$ East a distance of 50.00 feet to the TRUE POINT OF BEGINNING;

Thence North $86^{\circ}39'30''$ East a distance of 294.93 feet to a point;

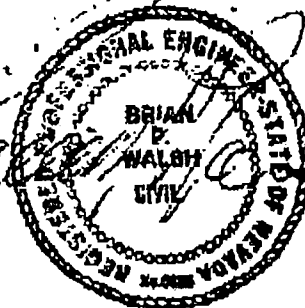
Thence from a tangent which bears North $86^{\circ}39'30''$ East curving to the left through a central angle of $7^{\circ}43'51''$ with a radius of 555.00 feet and an arc length of 74.89 feet to a point;

Thence South $02^{\circ}21'33''$ West a distance of 129.75 feet to a point;

Thence North $89^{\circ}30'46''$ West a distance of 389.99 feet to a point;

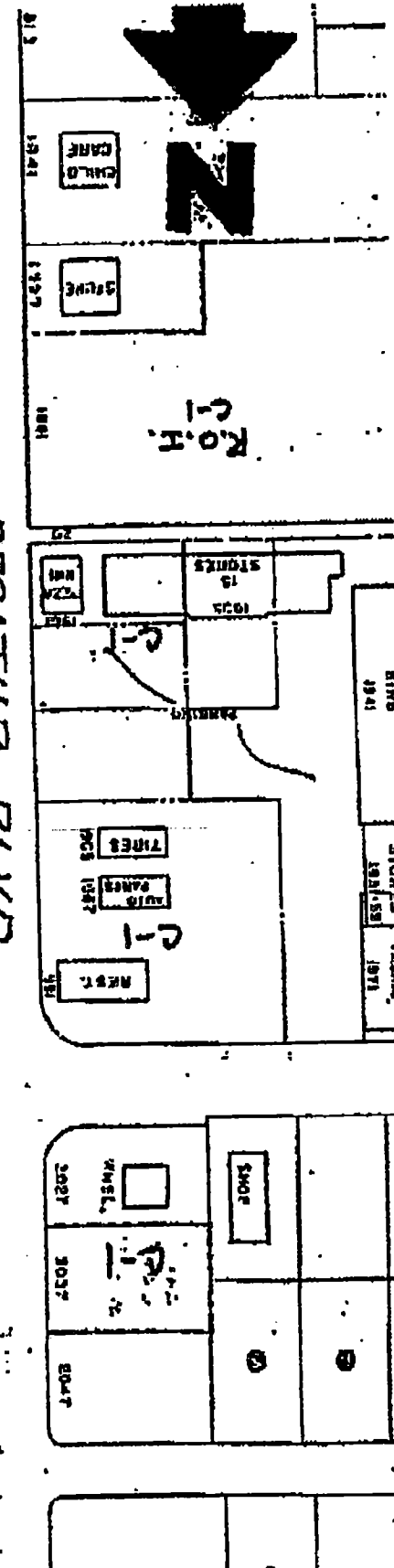
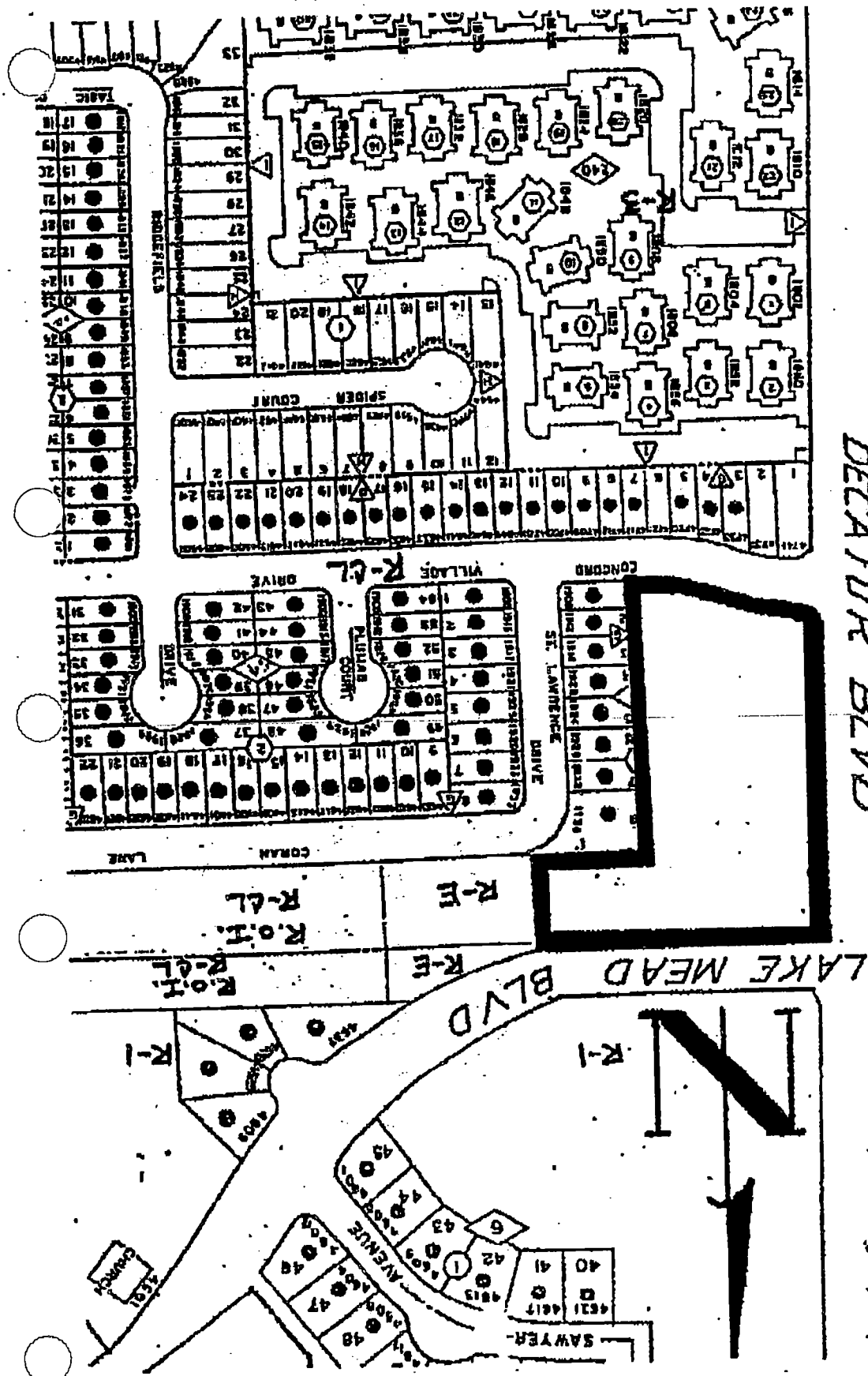
Thence North $02^{\circ}21'33''$ East a distance of 75.85 feet to a point;

Thence from a tangent which bears North $02^{\circ}21'33''$ East curving to the right through a central angle of $84^{\circ}18'30''$ with a radius of 25.00 feet and an arc length of 36.79 feet to the TRUE POINT OF BEGINNING.



10/30/87

SDR-2997



SDR-2997

JOINT USE PARKING AND DRIVEWAY AGREEMENT

This agreement, entered into this 21st day of October, 1987, between DECATUR SQUARE LIMITED PARTNERSHIP (Phase I), a Nevada Partnership, hereinafter referred to as "Phase I" and DECATUR SQUARE GENERAL PARTNERSHIP (Phase II), a Nevada Partnership, hereinafter referred to as "Phase II".

That "Phase I" owns or controls a parcel of land described

SEE ATTACHED LEGAL DESCRIPTION

That "Phase II" owns or controls a parcel of land described

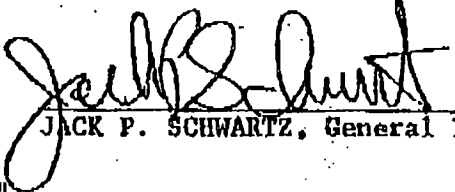
SEE ATTACHED LEGAL DESCRIPTION

Whereas, "Phase I", and "Phase II" intend to or have developed the said parcels with commercial buildings and parking lots, and desire to merge the parking and driveway facilities together with joint use of the parking spaces and driveways, in general conformance with the plan prepared by Kennedy/Jenks/Cilton, attached hereto as "Exhibit A" and made a part hereof;

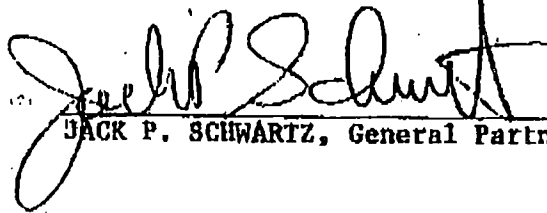
Now, therefore, the parties hereto do mutually agree and grant, each to the others, a mutual easement for ingress, egress, and use of the areas designated as driveways and parking spaces on the said "Exhibit A".

In witness whereof, the parties hereto have set their hands the day first above indicated in Las Vegas, Nevada.

DECATUR SQUARE LIMITED PARTNERSHIP
a Nevada Partnership (Phase I)


JACK P. SCHWARTZ, General Partner

DECATUR SQUARE GENERAL PARTNERSHIP
a Nevada Partnership (Phase II)


JACK P. SCHWARTZ, General Partner

STATE OF NEVADA

: SS

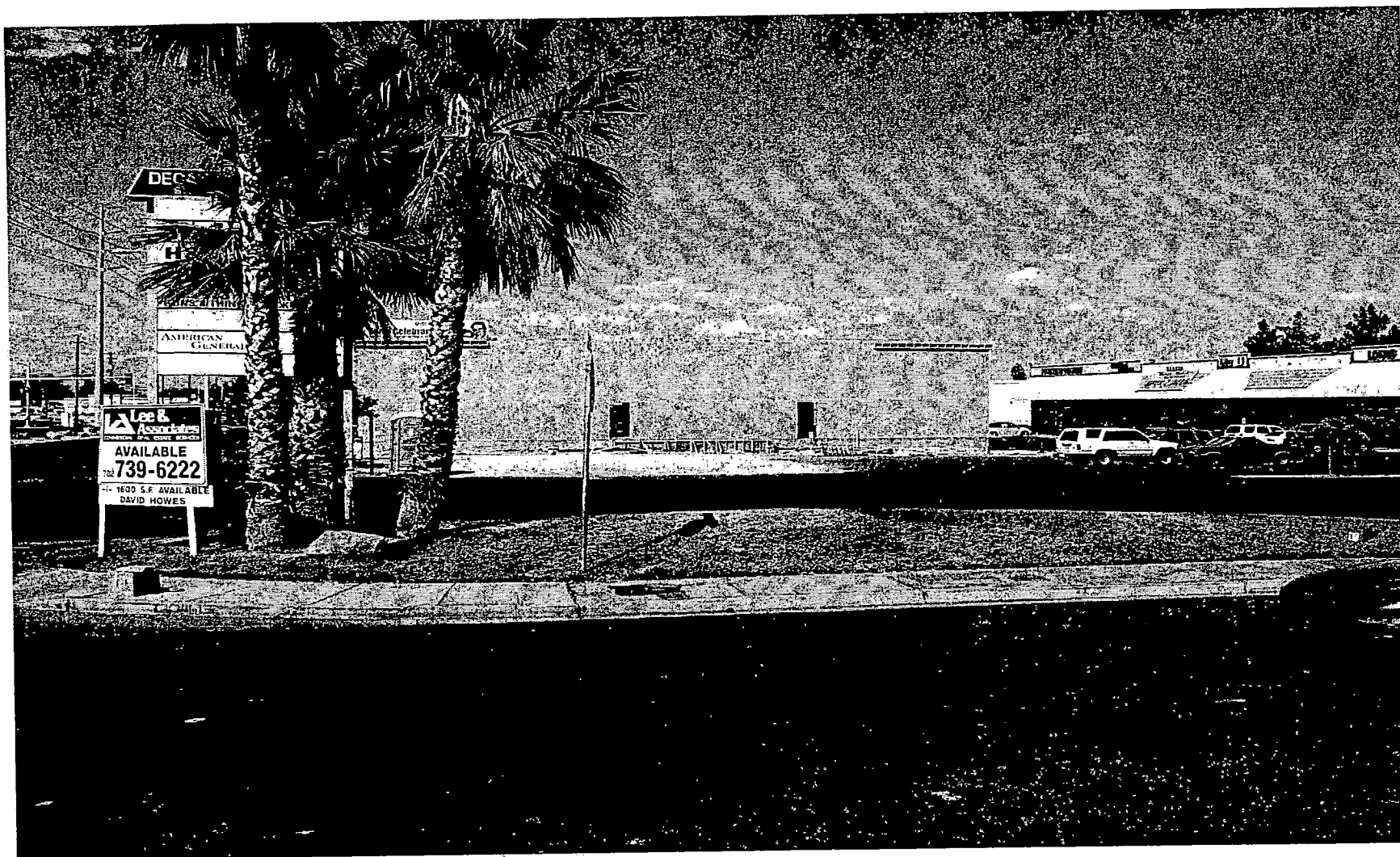
COUNTY OF CLARK

On this 21 day of

October

SDR-2997

personally appeared before me



SDR-2997 - UNION LAND & DEVELOPMENT ON BEHALF OF HAROLD-RIYOKO LIVING TRUST
EAST SIDE OF DECATUR BOULEVARD, APPROXIMATELY 275 FEET SOUTH OF LAKE MEAD BOULEVARD
FEBRUARY 12, 2004 PLANNING COMMISSION

9/30/03

Telephone Protest/ Approval Log

Meeting Date: 10/23

Case Number: SDR-2997

Date: 10-14-03
Name: Alice Wilson, WLVNA
Address: 1325 Hewitt Dr
Las Vegas 89106
Phone: 646-3504
☒ PROTEST ☐ APPROVE

Date: _____
Name: _____
Address: _____
Phone: _____
☐ PROTEST ☐ APPROVE

Date: _____
Name: _____
Address: _____
Phone: _____
☐ PROTEST ☐ APPROVE

Date: _____
Name: _____
Address: _____
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☐ PROTEST ☐ APPROVE

Date: _____
Name: _____
Address: _____
Phone: _____
☐ PROTEST ☐ APPROVE

Date: _____
Name: _____
Address: _____
Phone: _____
☐ PROTEST ☐ APPROVE

EXPRESS BUILDING & DEVELOPMENT

5800 Meikle Lane
SUITE A
Las Vegas, NV 89156

Phone: (702) 437-0001
Fax: (702) 437-2955

January 22, 2004

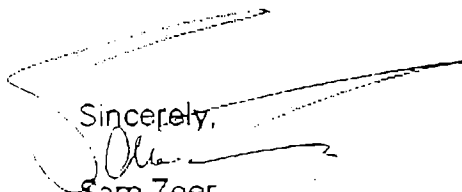
Attn: Gary Leobold
City of Las Vegas
Fax: (702) 385-7268

From: Sam Zeer
Tel: (702) 437-0001
Fax: (702) 437-2955

RE: Application # SDR 2997
Decatur Center
APN: 139-19-301-007

Based on your recent meeting with adjoining property owners and due to your request to change design, we are hereby asking to adjourn indefinitely our application # SDR 2997, so owners may explore all options and designs.

Sincerely,


Sam Zeer

Express Building & Development

SDR-2997

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: FEBRUARY 12, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☐

CONSENT

☒

DISCUSSION

SUBJECT:

PUBLIC HEARING - ABEYANCE - SDR-3386 - APPLICANT: FM PARKING FACILITIES, LIMITED LIABILITY COMPANY - OWNER: JERRY J. KAUFMAN, ET AL - Request for a Site Development Plan Review and a Waiver of the Downtown Centennial Plan Transportation and Parking Standards FOR A COMMERCIAL PARKING LOT (VALET) on 0.97 acres located at 601 South Casino Center Boulevard (APN: 139-34-311-058 through 063), R-4 (High Density Residential) Zone under Resolution of Intent to C-2 (General Commercial) Zone, Ward 1 (Moncrief).

C.C. 03/17/04

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

RECOMMENDATION:

Staff recommends DENIAL

BACKUP DOCUMENTATION:

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

MOTION:

McSWAIN - DENIED - UNANIMOUS

To be heard by the City Council on 3/17/2004

Note: ROBERT GENZER, Director of Planning and Development Department, disclosed that property owned by his wife and mother-in-law is located within the notification area of this particular proposal and he has not been involved in any staff recommendations.

MINUTES:

CHAIRMAN TRUESDELL declared the Public Hearing open.

MARGO WHEELER, Deputy Director, Planning and Development Department, briefly summarized the site development plan and the waiver request. She noted that denial is based upon the fact that the use of the property within the office core sub-district of the Downtown Centennial Plan is not in compliance with the goals of that plan.

PLANNING COMMISSION MEETING OF FEBRUARY 12, 2004
Planning and Development Department
Item 23 – SDR-3386

MINUTES – Continued:

MS. WHEELER stated that the project would include a surface-level parking lot. Staff determined that the proposed development is not consistent with the office core and additionally, the proposed project would triple the existing parking without providing adequate fencing or landscaping on either the east or the south property lines. MS. WHEELER noted that, should the application be approved, staff has enumerated several conditions to ensure that the development is in compliance with the requirements of the Code.

RICHARD GALLEGOS, 10 Commerce Center Drive, and JERRY KAUFMAN, the property owner, 8380 Turtle Creek Circle, represented this application. Also present was RAY LISKIN, the proposed parking operator. MR. GALLEGOS agreed to the conditions as listed but asked for clarification of Conditions 4 and 5. He briefly described the location and components of the proposed development. With regard to Condition 4, he pledged to donate the cottages and incur reasonable relocation costs of those structures. Regarding Condition 5 pertaining to the landscaping, MR. GALLEGOS noted that along the east is an alley and at the south end, there exists two commercial structures. He was willing to accept the condition requiring fencing per City standards but did not concur with the landscaping requirements.

TODD FARLOW, 240 North 19th Street, expressed his disappointment, stating that a multi-use facility with parking, commercial and residential is what is needed in the Downtown corridor.

MR. GALLEGOS substantiated the waiver request by stating that the development is only temporary and within two years, the applicant hopes to come back in with plans for a multi-use facility.

COMMISSIONER EVANS expressed his appreciation for the effort to ensure the preservation of the cottages although he was not moved by the proposed development. Questioning the landscaping, he asked for staff to clarify the applicant's intent. MS. WHEELER replied that there is landscaping on the north and west segments of the property and the indication is that the applicant prefers not to have landscaping on the south and the east portions.

Responding to COMMISSIONER McSWAIN, MS. WHEELER stated that the applicant has offered to have a two-year review. Consequently, she believed it would be possible at that time to determine whether the site plan was still appropriate. DEPUTY CITY ATTORNEY BRYAN SCOTT questioned the validity of a two-year review inasmuch as it would technically be reviewing a parking lot.

PLANNING COMMISSION MEETING OF FEBRUARY 12, 2004
Planning and Development Department
Item 23 – SDR-3386

MINUTES – Continued:

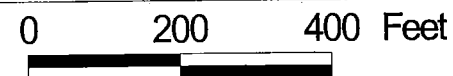
CHAIRMAN TRUESDELL referenced the limited amount of parking spaces available at the Justice Center in addition to a proposed transportation hub that will eventually be up for bid. He considered the subject lot to be a long-term parking lot and most importantly felt the long-term design standards warranted for this site need to also be taken into account. Considering the monies being spent to improve the downtown district, he felt this particular project is the wrong approach for downtown.

There was no further discussion.

CHAIRMAN TRUESDELL declared the Public Hearing closed.

(7:22 – 7:39)

1-2727/2-1

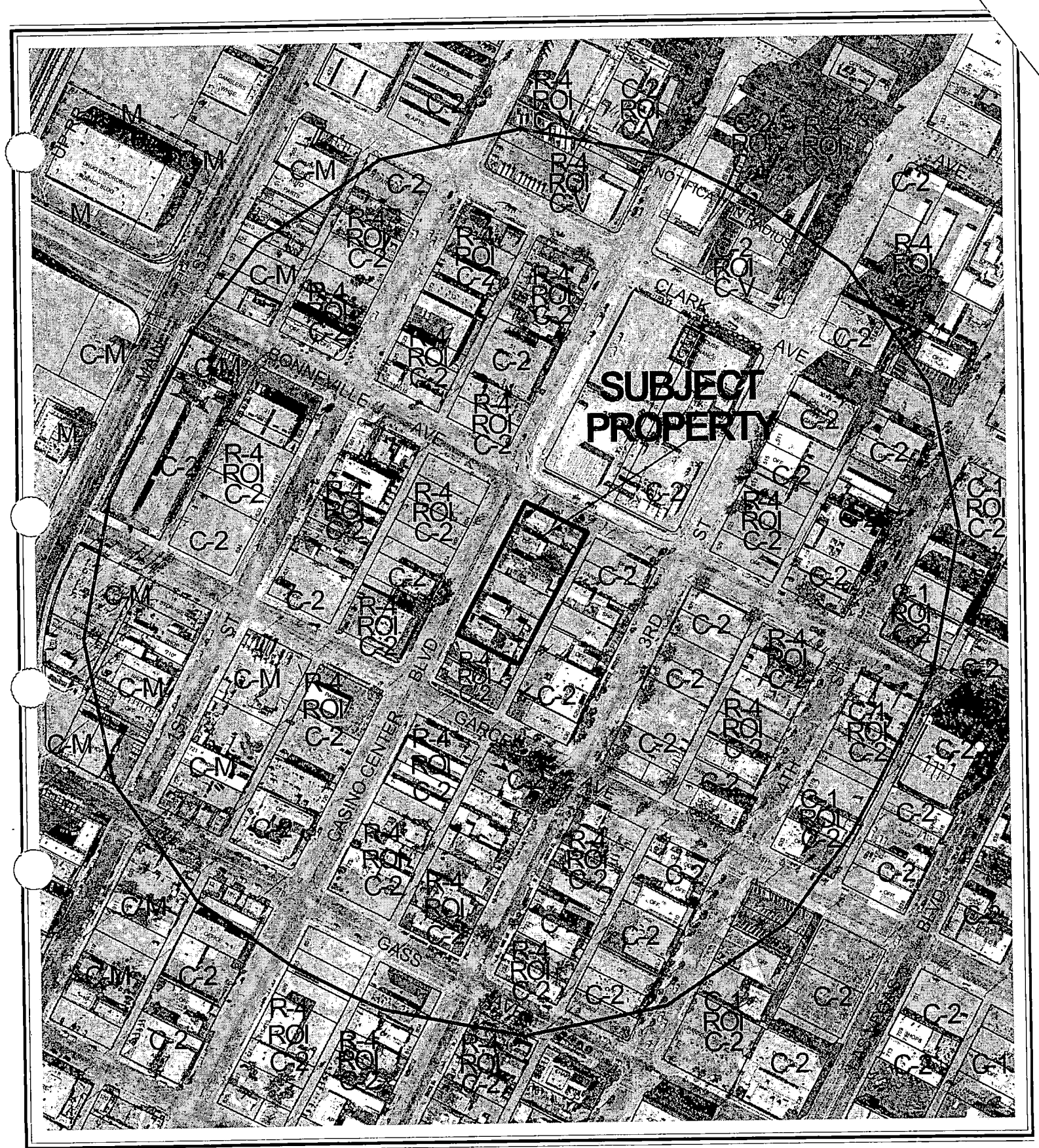


RADIUS: 750 FT

ZONING OF SUBJECT PROPERTY:

R-4 (HIGH DENSITY RESIDENTIAL) UNDER RESOLUTION OF INTENT TO
C-2 (GENERAL COMMERCIAL)





0 200 400 Feet

CASE: SDR-3386

RADIUS: 750 FT

ZONING OF SUBJECT PROPERTY:

R-4 (HIGH DENSITY RESIDENTIAL) UNDER RESOLUTION OF INTENT TO
C-2 (GENERAL COMMERCIAL)



AGENDA MEMO

PLANNING COMMISSION MEETING DATE: FEBRUARY 12, 2004

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: SDR-3386 - FM PARKING FACILITIES, LIMITED LIABILITY COMPANY ON BEHALF OF JERRY J. KAUFMAN, ET AL

**** CONDITIONS ****

STAFF RECOMMENDATION: DENIAL. If APPROVED, subject to:

Planning and Development

1. This Site Development Plan Review shall expire two years from date of final approval unless it is exercised.
2. All development shall be in conformance with the site plan documentation, except as amended by conditions herein.
3. This Site Development Plan Review shall be reviewed in two (2) years at which time the City Council may require the installation of streetscape improvements in accordance with the Downtown Centennial Plan at the applicant's expense. The applicant shall be responsible for notification costs of the review.
4. The railroad cottages shall be relocated to a new site and preserved. The applicant shall allow the City's Historic Preservation Officer to inspect and survey the houses prior to their relocation.
5. A fence and eight-foot deep landscape buffer shall be provided along the east property line, and an eight-foot deep landscape buffer shall be added along the south property line in order to buffer the parking lot from adjacent multifamily properties.
6. 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.
7. 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.

SDR-3386 - Conditions Page Two
February 12, 2004 Planning Commission Meeting

8. 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.
9. Any new utility or power service line provided to the parcel shall be placed underground from the property line to the point of on-site connection or service panel location.
10. All City Code requirements and design standards of all City departments must be satisfied.

Public Works

11. Dedicate a 20-foot radius and grant a traffic chord easement on the southeast corner of Bonneville Avenue and Casino Center Boulevard prior to the issuance of any permits. Coordinate with the Right-of-Way Section of the Department of Public Works for assistance in the preparation of appropriate documents prior to the issuance of any permits for this site.
12. Remove all substandard public street improvements and unused driveway cuts adjacent to this site, if any, and replace with new improvements meeting current City Downtown Centennial Plan Development Standards concurrent with development of this site. All new driveways or modifications to existing driveways should be designed, located and constructed in accordance with Standard Drawing #222a.
13. Landscape and maintain all unimproved rights-of-way on Bonneville Avenue and Casino Center Boulevard adjacent to this site.
14. Submit an Encroachment Agreement for all landscaping and private improvements located in the Bonneville Avenue and Casino Center Avenue public rights-of-way adjacent to this site prior to occupancy of this site.
15. Meet with the Flood Control Section of the Department of Public Works for assistance with establishing drainage patterns for this site prior to the issuance of any building or grading permits, whichever may occur first. Provide and improve all drainageways as recommended.

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

This is a request for a Site Development Plan Review and a Waiver of the Downtown Centennial Plan Transportation and Parking Standards for a Commercial Parking Lot (Valet) on 0.97 acres located at 601 South Casino Center Boulevard.

B) Applicant's Justification

The applicant has stated that there is a need for additional parking in the downtown area, and that the surface lot is only temporary, and that a parking structure will be built on the site in two years.

BACKGROUND INFORMATION

A) Previous Actions

- 12/16/64 The City Council approved a Resolution of Intent (Z-0100-64) to reclassify 230 acres in the downtown area to C-2 (General Commercial). The Planning Commission recommended approval of the reclassification on 12/10/64.
- 09/15/99 The City Council approved a Special Use Permit (U-0082-99) to allow a Bail Bond Service on the property at 605 South Casino Center Boulevard. The Planning Commission recommended approval of the request on 08/12/99. Staff recommended Denial.
- 01/08/04 The Planning Commission voted to hold this item in abeyance at the request of the applicant until the February 12, 2004 Planning Commission meeting.

B) Pre-Application Meeting

- 10/23/03 The applicant was informed a ten square feet of landscape area would be required per parking space, additional information would be required relative to the operation of the business and the proposed kiosk on the site, and that all substandard improvements abutting the site would need to be brought up to code. In addition, issues relative to the preservation of the railroad cottages were discussed, including their listing on the National Register of Historic Properties and possibility of the moving the cottages to a new site.

C) Neighborhood Meetings

A neighborhood meeting was not required as part of this application.

DETAILS OF APPLICATION REQUEST

A) *Site Area*

Net Acres: 0.97

B) *Existing Land Use*

Subject Property: Residential Use, Office Use, Multifamily Residential Use,
Undeveloped

North: Regional Justice Center parking lot

South: Multifamily Use, Office Use

East: Office Use, Multifamily Residential Use

West: Office Use, Undeveloped

C) *Planned Land Use*

Subject Property: Downtown Redevelopment Area

North: Public Facility

South: Commercial (Office, Service Commercial, General Commercial)

East: Commercial (Office, Service Commercial, General Commercial)

West: Commercial (Office, Service Commercial, General Commercial)

D) *Existing Zoning*

Subject Property: R-4 (High Density Residential) under Resolution of Intent to C-2
(General Commercial)

North: R-4 (High Density Residential) under Resolution of Intent to C-2
(General Commercial)

South: R-4 (High Density Residential) under Resolution of Intent to C-2
(General Commercial)

East: R-4 (High Density Residential) under Resolution of Intent to C-2
(General Commercial); C-2 (General Commercial)

West: R-4 (High Density Residential) under Resolution of Intent to C-2
(General Commercial); C-2 (General Commercial)

E) *General Plan Compliance*

The subject property is designated Commercial by the Las Vegas Redevelopment Plan. The Commercial designation allows uses comparable to the following designations: O (Office), SC (Service Commercial), and GC (General Commercial). The proposed use is generally in compliance with the land use designation.

SPECIAL DISTRICTS/ZONES	Yes	No
Special Area Plan		
Downtown Centennial 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

The development site is subject to the requirements of the Downtown Centennial Plan, and is located within the boundaries of the Office Core District. The site is not part of any additional Overlay District or Study Area, and there are no trails abutting the site. The development is not a Project of Regional Significance, nor does it require the submittal of a Development Impact Notification Assessment.

PROJECT DESCRIPTION

The scope of the project includes the removal of five existing railroad cottages on the site and the construction of a 179-stall commercial parking lot. The parking lot is designed with tandem spaces to maximize the quantity of cars that can be parked on the site, and on-site staff will be retained to park the cars and collect parking fees. A pre-fabricated kiosk building will be installed on the site for the staff attendants. An eight-foot wide landscape buffer will be provided along the north and west sides of the property, with a 42-inch high decorative fence to screen the lot from the abutting streets.

The applicant has pledged to preserve the railroad cottages if possible; however, no plan is currently in place to move the cottages to a new location. These cottages are listed on the National Register of Historic Properties, and their demolition or removal will seriously impact preservation efforts in the City of Las Vegas.

ANALYSIS

A) Zoning Code Compliance

A1) Development Standards

Title 19.06.060 exempts properties within the Downtown Centennial Plan area from the automatic application of building height limitations, setbacks, lot coverage, residential adjacency, standard landscaping requirements, and standard parking requirements. The Downtown Centennial Plan addresses certain site development standards, which are detailed as applicable in the table below:

Standards	Required	Provided
Min. Lot Size	N/A	.97 acres
Min. Lot Width	N/A	300 Feet
Min. Setbacks		
• Front	0 Feet	55 Feet
• Side	N/A	105 Feet
• Corner	0 Feet	175 Feet
• Rear	N/A	78 Feet
Building Step-backs	N/A	N/A
Max. Lot Coverage	Up to 100%	93%
Max. Building Height	N/A	N/A
Trash Enclosure	Must be screened from public view	None provided

The parking kiosk is the only habitable structure that will be located on the site, and will conform to all required setbacks.

A2) Residential Adjacency Standards

Title 19.06.060 exempts properties within the Downtown Centennial Plan from the automatic application of Residential Adjacency Standards. There is a multifamily residential property immediately abutting the southern border of the site, and another multifamily property immediately east of the site.

A3) Parking and Traffic Standards

Minimum parking space requirements do not apply to commercial parking lots. Three handicap parking spaces will be provided on the site.

A4) Landscape and Open Space Standards

The property is subject to the landscape standards of the Downtown Centennial Plan, as listed below:

Standards	Required		Provided
	Ratio	Trees	
Parking Area	1 Tree/6 Spaces	30 Trees	15 Trees
Buffer:			
• Min. Square Footage	10 SF/Parking Space	1,790 SF	3,110 SF
• Min. Zone Width	8 Feet		8 Feet
• Wall height	42 Inches		42 Inches

The site plan as submitted will comply with the minimum landscape area, minimum buffer width, and street-side screen wall requirements. An insufficient number of trees are provided in the landscape buffer area, no landscape islands have been provided in the interior of the parking lot, and no buffers are provided at the south or east property lines. In addition, no streetscape treatment has been provided as required by the Downtown Centennial Plan. The applicant has requested a waiver from the interior landscaping and streetscape treatment requirements.

A5) Sign Standards

The applicant is proposing to locate a small freestanding sign at each driveway entrance to the parking lot. The proposed signage will be subject to the requirements listed in Title 19.14.

B) General Analysis and Discussion

- Zoning

Commercial parking facilities are a permitted use in the C-2 (General Commercial) district. The only structure proposed for the site, a valet kiosk, will conform with all required setbacks.

- Site Plan

The design of the parking spaces abutting the Bonneville Avenue driveway provides no area for vehicular stacking, which may result in impacts to the flow of traffic on Bonneville Avenue as vehicles wait to enter the parking lot. The design of the Casino Center driveway provides sufficient on-site stacking room so that no impacts should result. The easternmost row of parking spaces will exit directly to the public alley behind the property, with no fence or landscape buffer to separate the parking lot from the alleyway. Allowing all of the parking spaces on the eastern side of the lot to exit onto the alley may overburden the use of the alley and pose impacts to other alley users.

- Waivers

The applicant has requested waivers from the Downtown Centennial Plan requirements for interior landscaping and buffer areas, and from the provision of streetscape improvements.

- Landscape Plan

A conforming landscape buffer is provided adjacent to the Bonneville Avenue and Casino Center Boulevard rights-of-way. No buffers are proposed along the east and south property lines; consequently, the parking lot is not adequately screened from adjacent parcels. No landscaping will be provided at the interior of the parking lot. As previously mentioned, the applicant has requested a waiver from providing the streetscape improvements that are required by the Downtown Centennial Plan along Bonneville Avenue and Casino Center Boulevard. The required streetscape improvements would include an 11-foot wide sidewalk and a five-foot deep amenity zone along both streets, with palm trees in the amenity zone along Casino Center, and shade trees in the amenity zone along Bonneville Avenue.

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 will remove the largest collection of historic railroad cottages in one block and replace them with a parking lot. While providing needed parking facilities in the downtown area, the proposed surface parking lot is inconsistent with intended development of the surrounding Office Core.

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 proposed development is inconsistent with goals and objectives of the Office Core District of the Downtown Centennial Plan, which seeks to minimize gaps in the urban fabric caused by surface parking lots. The Plan encourages a dense, pedestrian-oriented district, with widened sidewalks, street-level retail uses, and parking in structured facilities. No buffers will be provided at the south or east property lines, contrary to Code requirements, nor will streetscape treatments be installed as part of the development plan. In addition, no landscape islands will be provided within the parking lot. The applicant has requested waivers from the landscaping and streetscape requirements.

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

The design of the parking spaces adjacent to the Bonneville driveway may result in impacts to the flow of traffic on Bonneville Avenue. In addition, the easternmost row of parking spaces will exit directly to the public alley behind the property, which will impact other users of the alley.

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

The landscape materials proposed for the buffer areas are consistent with the streetscape materials specified by the Downtown Centennial Plan, and the perimeter buffer abutting Bonneville and Casino Center conforms with minimum requirements.

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 only structure proposed for the site is a pre-fabricated valet kiosk, which will be located adjacent to the Casino Center driveway. The structure is of a generic character.

SDR-3386 - Staff Report Page Seven
February 12, 2004 Planning Commission Meeting

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

The proposed development will be subject to Code requirements, and therefore will not compromise public health, safety or welfare.

NOTICES MAILED 118 (January 8, 2004 PC Meeting)

APPROVALS 0

PROTESTS 0

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: SDR-3386 APN: 139-34-311-058 thru 063
Name of Property Owner: JERRY S. KAUFMAN, INDIV. & AS TRUSTEE
JERRY S. KAUFMAN FAMILY TRUST
Name of Applicant: FM PARKING FACILITIES LLC

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: _____

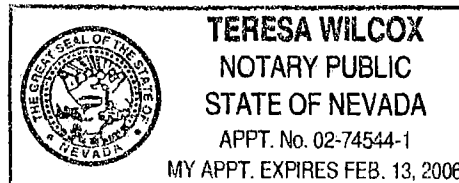
Signature of Property Owner/Authorized Agent:

Print Name: OF THE JERRY J. KAUFMAN FAMILY TRUST.

Subscribed and sworn before me

This 17 day of November, 2013

Notary Public in and for said County and State



KAUFMAN FM PARKING FACILITIES PROPOSAL

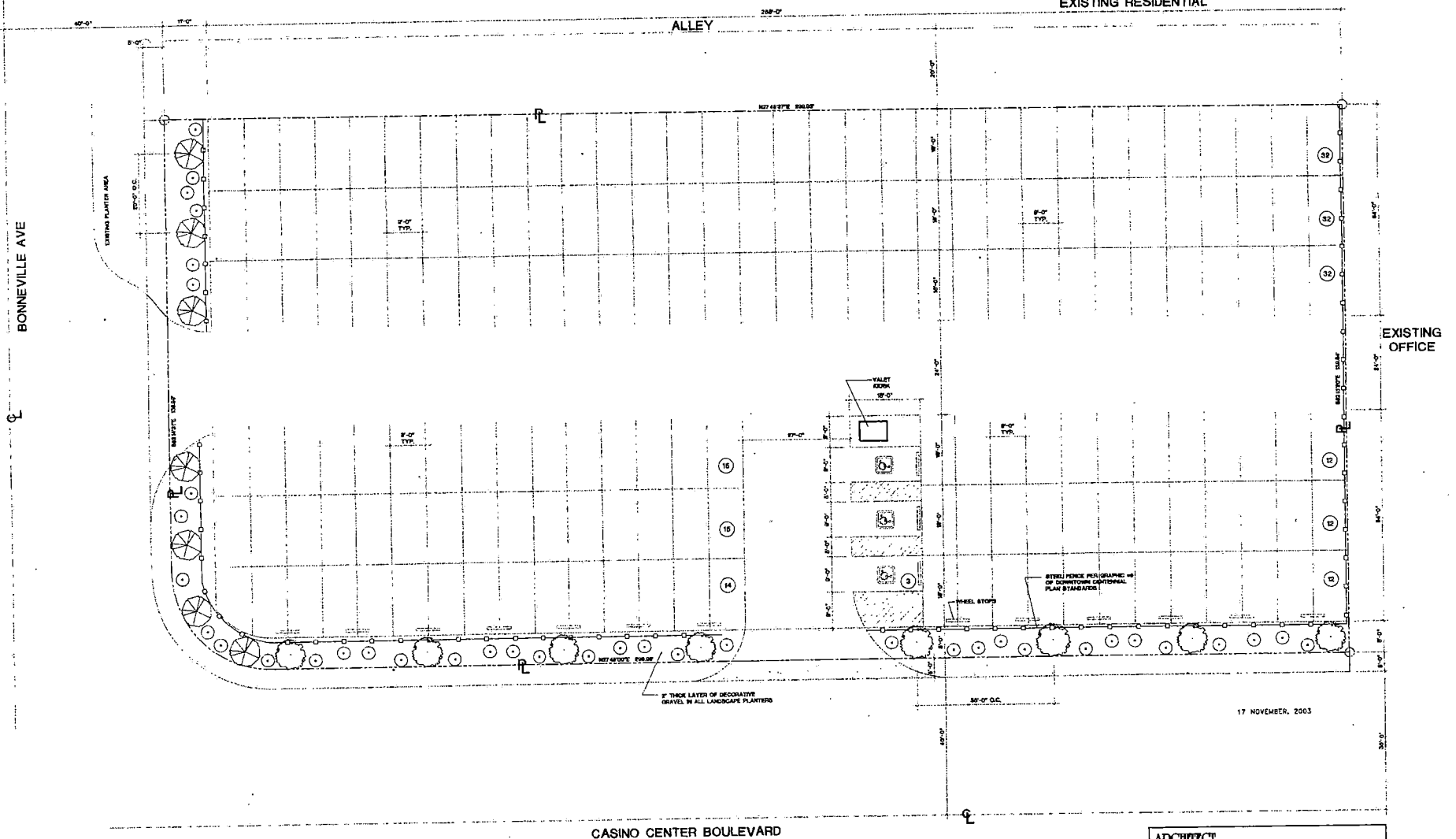
PLANT LEGEND

SIZE	QUANTITY	BOTANICAL NAME	COMMON NAME
2" HIGH 36" O.C.	8	WASHINGTONIA ROBUSTA	MEXICAN FAN PALM
6" HIGH 36" O.C.	8	PLATANUS HYBRID	EVERGREEN ASH
TREES / GROUND COVERS			
1" GAL	18	RAVENSBRUGIA	PINK HAWTHORN

MISCELLANEOUS NOTES

1. ALL EXPOSED SOIL TO BE COVERED BY 2" THICK LAYER OF DECORATIVE GRAVEL.
2. ALL TREES AND SHRUBS TO BE SPACED ACCORDING TO CITY OF LAS VEGAS REQUIREMENTS.
3. ASSORTED 8" GAL. TREES TO COVER MORE THAN 50% OF LANDSCAPE AREA.
4. TREES SHALL BE PLANTED WITHIN 5' OF A DEDICATED RIGHT-OF-WAY PAVED SURFACE.
5. ANY TREE WITHIN 5' OF A SIDEWALK / PAVED SURFACE AND/OR WALL SHALL BE PLANTED WITH A ROOT BARRIER DESIGNED TO DIRECT ROOT GROWTH DOWNWARD.
6. NOT USED.
7. DECORATIVE GRAVEL - COLOR: RED SANDSTONE 3/4" DECOMPOSED GRAVEL - COLOR: PALM SPRING CORAL 1/2" DECOMPOSED GRAVEL SOURCE: VISTA ROCK LAS VEGAS, NEVADA
8. ALL LANDSCAPE AREAS TO RECEIVE COMPLETE ANTI-IRRADIATION UNDERGROUND Drip Irrigation System.

VICINITY MAP

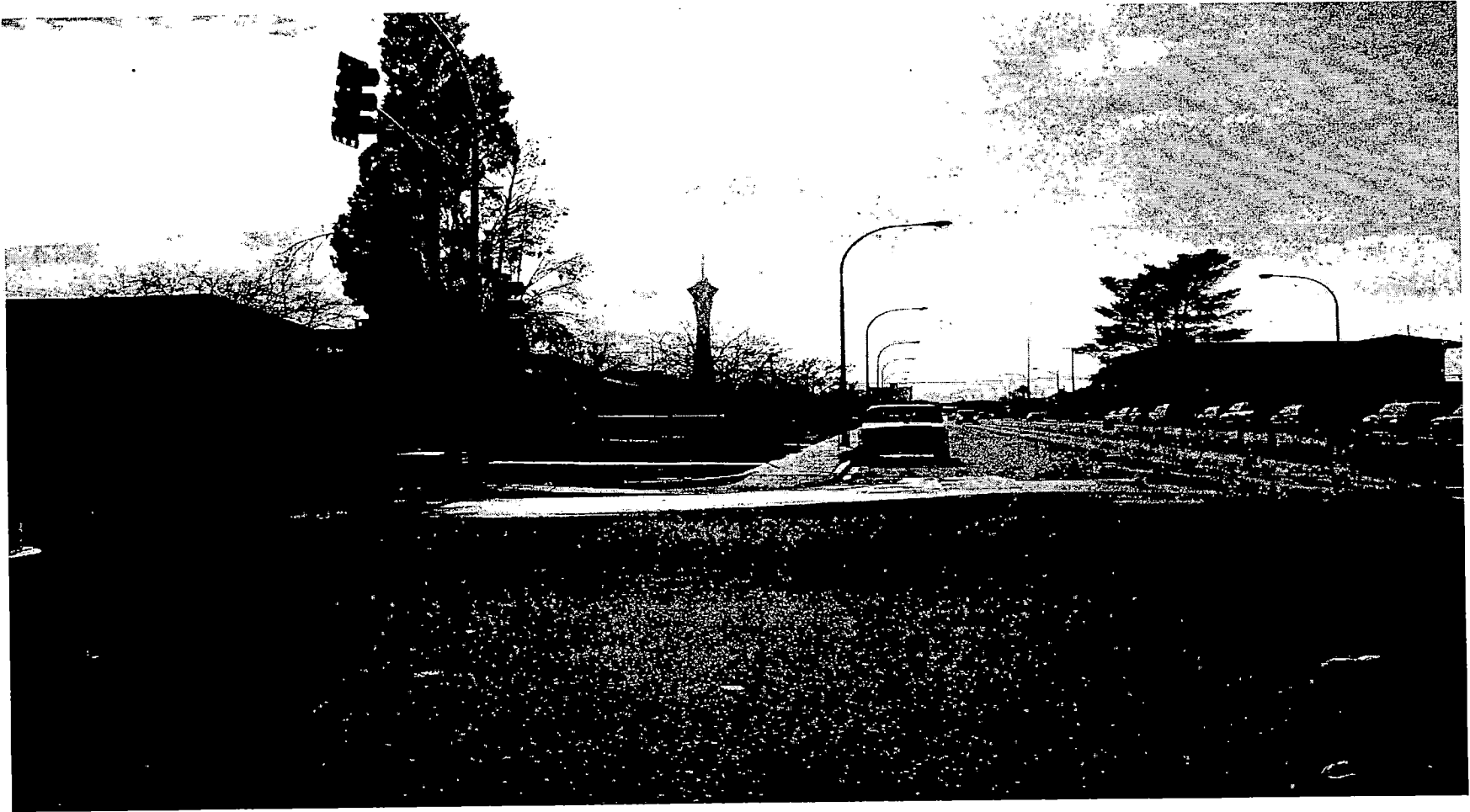


SITE PLAN - 179 STALLS

1" = 10'-0"

SDR-3386
01-08-04 PC

ARCHITECT
GEOFF GARDNER • AIA • LLC
10 COMMERCE CENTER DRIVE
HENDERSON, NEVADA 89014
(702) 454-5542 FAX (702) 454-7882



SDR-3386 - FM PARKING FACILITIES, LIMITED LIABILITY COMPANY ON BEHALF OF JERRY J.
KAUFMAN, ET AL
601 SOUTH CASINO CENTER BOULEVARD
FEBRUARY 12, 2004 PLANNING COMMISSION

12/29/03



SDR-3386 - FM PARKING FACILITIES, LIMITED LIABILITY COMPANY ON BEHALF OF JERRY J.
KAUFMAN, ET AL
601 SOUTH CASINO CENTER BOULEVARD
FEBRUARY 12, 2004 PLANNING COMMISSION

12/29/03

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: FEBRUARY 12, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☐

CONSENT

☒

DISCUSSION

SUBJECT:

PUBLIC HEARING - VAR-3736 - APPLICANT: DURANGO AND ELKHORN, LIMITED LIABILITY COMPANY - OWNER: DURANGO ELK HOLDING COMPANY, LIMITED LIABILITY COMPANY - Request for a Variance TO ALLOW 109 PARKING SPACES WHERE 138 PARKING SPACES ARE THE MINIMUM REQUIRED in conjunction with a proposed office/retail development on 1.75 acres adjacent to the west side of Durango Drive, approximately 350 feet south of Elkhorn Road (portion of APN: 125-20-101-008 and 009), T-C (Town Center) Zone [UC-TC (Urban Center Mixed Use) Land Use Designation], Ward 6 (Mack).

C.C. 03/17/04

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
 City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
 City Council Meeting

0

RECOMMENDATION:

Staff recommends APPROVAL

BACKUP DOCUMENTATION:

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

MOTION:

McSWAIN – APPROVED subject to conditions and the added condition as follows:

- *The applicant will ensure that a shared access and parking agreement is entered into for this site that covers the entirety of both parcels (APN 125-20-101-008 and 009) and that this agreement is registered on the titles of these parcels, prior to the issuance of any building permits.*

– UNANIMOUS with TRUEDELL abstaining as his firm is currently representing property located next to this proposed development.

To be heard by the City Council on 3/17/2004

PLANNING COMMISSION MEETING OF FEBRUARY 12, 2004
Planning and Development Department
Item 24 – VAR-3736

MINUTES – Continued:

VICE CHAIRMAN NIGRO declared the Public Hearing open on Item 24 [VAR-3736] and Item 25 [SDR-3657].

GARY LEOBOLD, Planning and Development Department, summarized both the Variance Request and the Site Development Plan Review, stating that the proposal calls for a mixed-use retail and office development. He noted that the 1.75-acre portion was previously a part of an overall 3.94-acre project that occupied the land to the north. Eventually, it will be integrated into the overall site. He noted that the applicant has taken steps to design the project so that the buildings are taller than most single-story structures and will include architectural elements that will reflect a two-story appearance. MR. LEOBOLD also noted that Town Center standards have a 20 percent open space requirement that the applicant is meeting. Staff recommended approval of both applications subject to conditions.

ATTORNEY JENNIFER LAZOVICH, 3800 Howard Hughes Parkway, appeared on behalf of the applicant and concurred with staff recommendations and conditions.

COMMISSIONER McSWAIN asked if the applicant would consider a shared parking agreement. ATTORNEY LAZOVICH agreed. MR. LEOBOLD suggested that if such a condition is added, it be recorded on title.

No one appeared in opposition

There was no further discussion.

VICE CHAIRMAN NIGRO declared the Public Hearing closed on Item 24 [VAR-3736] and Item 25 [SDR-3657].

NOTE: All discussion for Item 24 [VAR-3736] and Item 25 [SDR-3657] was held under Item 24 [3736].

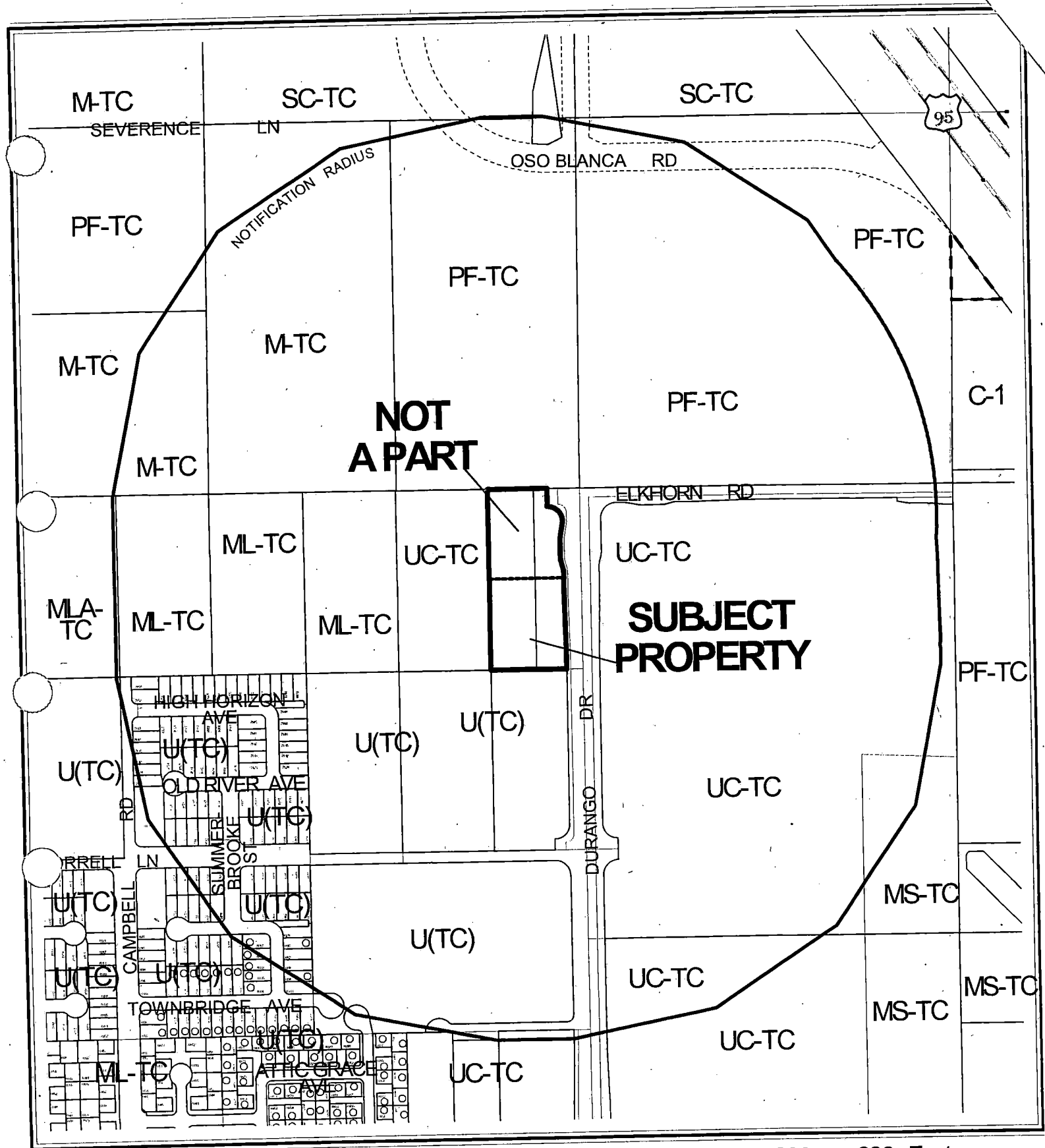
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1-3726/2-35

CONDITIONS:

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Site Development Plan Review (SDR-3657).
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.

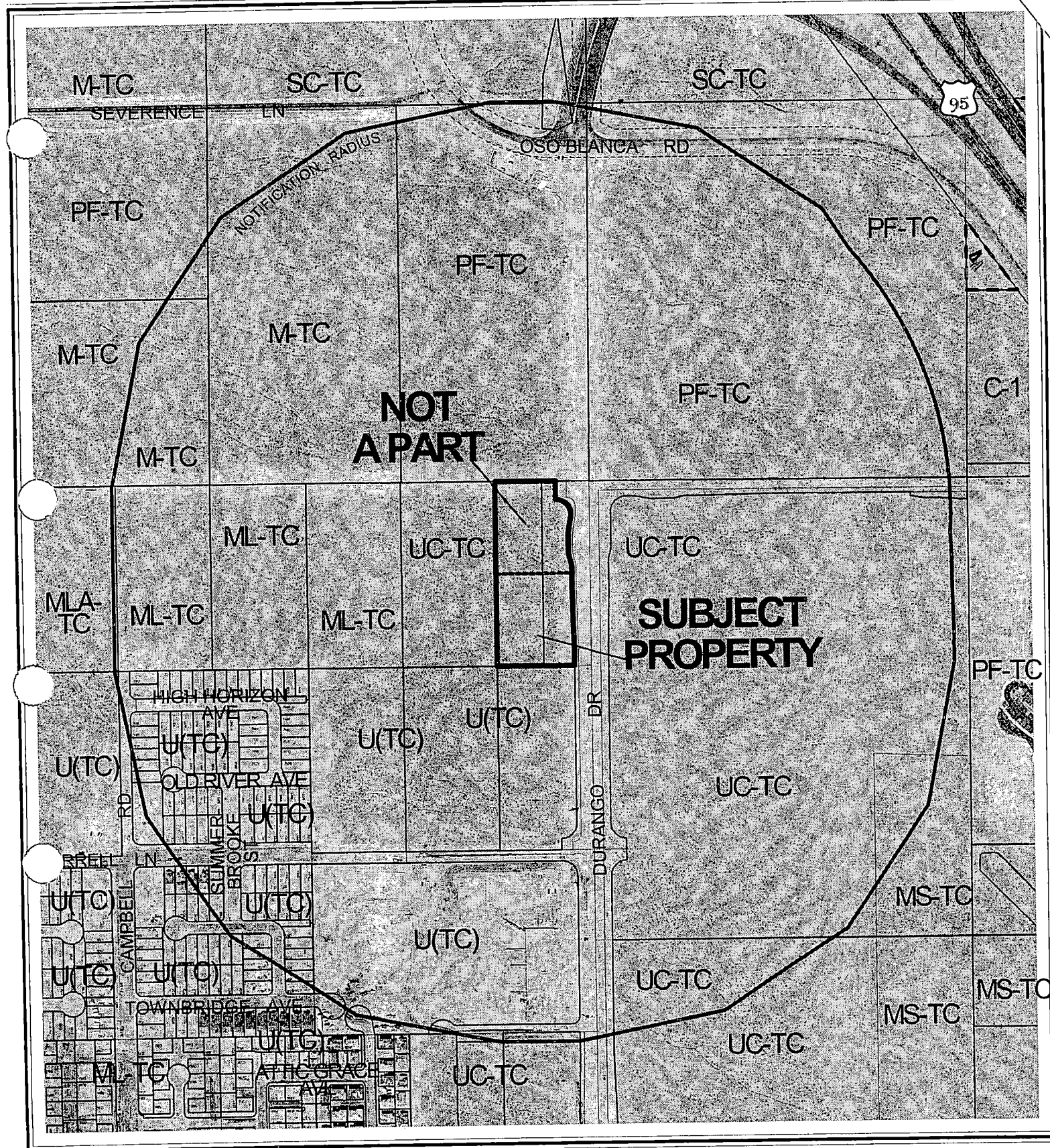


CASE: **VAR-3736**

RADIUS: 1350 FT

ZONING OF SUBJECT PROPERTY:

T-C (TOWN CENTER) ZONE [UC-TC (URBAN CENTER MIXED USE - TOWN CENTER)
LAND USE DESIGNATION]



CASE: **VAR-3736**

RADIUS: 1350 FT

ZONING OF SUBJECT PROPERTY:

T-C (TOWN CENTER) ZONE [UC-TC (URBAN CENTER MIXED USE - TOWN CENTER)
LAND USE DESIGNATION]

0 300 600 Feet



City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: FEBRUARY 12, 2004
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: VAR-3736 - APPLICANT: DURANGO AND ELKHORN,
LIMITED LIABILITY COMPANY - OWNER: DURANGO ELK HOLDING COMPANY,
LIMITED LIABILITY COMPANY

**** CONDITIONS ****

STAFF RECOMMENDATION: APPROVAL, Subject to:

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Site Development Plan Review (SDR-3657).
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.

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

This request is for approval of a Variance to allow 109 parking spaces where 138 spaces are the minimum required in conjunction with a mixed-use commercial development on 1.75 acres adjacent to the west side of Durango Drive, approximately 350 feet south of Elkhorn Road.

A request for a Site Development Review (SDR-3657) for a 17,000 square foot mixed-use commercial development, including office, retail and restaurant uses, on the same property, will be heard concurrently by the Planning Commission.

B) Applicant's Justification

The applicant justifies this request by stating that the site was originally designed to contain more than 25,000 square feet of retail floor area; thus, a 1:250 parking ratio was used. The applicant later scaled back the project, leaving the development with less than 25,000 square feet of retail floor area. This resulted in the requirement to use a stricter 1:175 parking ratio, which it could not meet given space limitations.

BACKGROUND INFORMATION

A) Previous Actions

01/17/01 The City Council approved a petition to annex approximately 615 acres generally located west of El Capitan Way and east of Hualapai Way between Grand Teton Drive and Rome Avenue (A-0003-99). The Planning Commission and Staff recommended approval on 03/25/99. The annexation became effective on 01/26/01.

11/20/02 The City Council accepted the applicant's request to Withdraw Without Prejudice the amendment of a portion of the Centennial Hills Sector Plan of the General Plan (GPA-0038-02) from ML-TC (Medium Low Residential – Town Center) and UC-TC (Urban Center Mixed Use – Town Center) to GC-TC (General Commercial – Town Center) on 15 acres adjacent to the southwest corner of Elkhorn Road and El Capitan Way [now Durango Drive]. The Planning Commission recommended approval of the west five acres of the subject request to UC-TC (Urban Center Mixed Use –Town Center) on 10/24/02. Staff recommended denial.

VAR-3736 - Staff Report Page Two
February 12, 2004 Planning Commission Meeting

- 11/20/02 The City Council approved a Rezoning (Z-0085-02) from U (Undeveloped) [TC (Town Center) General Plan Designation] to T-C (Town Center) on 5.00 acres adjacent to the southwest corner of Elkhorn Road and El Capitan Way [now Durango Drive]. The property was brought into the Town Center Master Plan Area with a land use designation of UC-TC (Urban Center Mixed Use – Town Center). The City Council also approved a related Special Use Permit (U-0129-02) for a Tavern on the subject site. Staff recommended approval of both requests. The Planning Commission recommended approval on 10/24/02.
- 03/11/03 The Planning Commission will hear requests for a Rezoning and a Major Modification (MOD-3763) to the Montecito Town Center Development Agreement to add five acres to the overall plan and to adjust square footages and the number of residential units allowed accordingly on property abutting the south property line of the subject development. In addition, a Site Development Plan Review (SDR-3764) for a 587,750 square foot mixed-use commercial development and five Special Use Permits will be heard in relation to the proposed Rezoning and Modification.

B) Pre-Application Meeting

- 12/10/03 Several of the Town Center Development Standards were discussed as they relate to this site. Chief among them was the requirement for a minimum of two story buildings in the UC-TC (Urban Center Mixed Use – Town Center) District. The applicant met with the Planning Director to discuss the height issue, with the result that single-story structures would be acceptable as long as an effort was made to increase building heights and to incorporate elements similar to multi-story buildings. Drive-thru restaurants are not a permitted use in the Urban Center Mixed Use District. The applicant indicated that all references to the drive-thru would be eliminated from the plans. The applicant was also made aware that signage on the site would be subject to a Master Sign Plan review and approval by the Centennial Hills Town Center Architectural Review Committee (CHARC). The need to provide necessary right-of-way improvements and open space was also discussed.

C) Neighborhood Meetings

A neighborhood meeting is not required for a Variance request.

DETAILS OF APPLICATION REQUEST

A) Site Area

Gross Acres: 1.75

B) Existing Land Use

Subject Property: Undeveloped
North: Undeveloped
South: Undeveloped
East: Undeveloped
West: Undeveloped

C) Planned Land Use

Subject Property: UC-TC (Urban Center Mixed Use)
North: UC-TC (Urban Center Mixed Use) and PF-TC (Public Facilities – Town Center)
South: UC-TC (Urban Center Mixed Use)
East: UC-TC (Urban Center Mixed Use)
West: UC-TC (Urban Center Mixed Use)

D) Existing Zoning

Subject Property: T-C (Town Center) Zone [UC-TC (Urban Center Mixed Use – Town Center) Land Use Designation]
North: T-C (Town Center) Zone [UC-TC (Urban Center Mixed Use – Town Center) and PF-TC (Public Facilities – Town Center) Land Use Designation]
South: T-C (Town Center) Zone [UC-TC (Urban Center Mixed Use – Town Center) Land Use Designation]
East: T-C (Town Center) Zone [UC-TC (Urban Center Mixed Use – Town Center) Land Use Designation]
West: T-C (Town Center) Zone [UC-TC (Urban Center Mixed Use – Town Center) Land Use Designation]

E) General Plan Compliance

This site is designated TC (Town Center) on the Centennial Hills Sector Plan Map of the General Plan. The Town Center Land Use Map further identifies this site as having a UC-TC (Urban Center Mixed Use – Town Center) land use designation. The intent of the Urban Center Mixed Use District is to enable development with imaginative site and building design and maximize the use of the property. These developments should have a compatible mixture of land uses and encourage employment opportunities and the provision of goods and services to the Centennial Hills area of the City. The proposed retail and office complex employs a mix of uses with a unique design that is compatible with the Town Center concept. These uses are permitted within the UC-TC (Urban Center Mixed Use – Town Center) District.

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
Development Impact Notification Assessment		X
Project of Regional Significance		X

Centennial Hills Town Center – Town Center is intended to be the principal employment center for the Northwest. It is also a mixed-use development land use 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.

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
Restaurant, Tavern	3,550 SF public seating area, including outdoor seating; 4,450 SF of remaining area	1 space/50 SF of public seating/waiting areas + 1 space/200 SF of remaining GFA	94			
General Retail, Less than 25,000 SF	4,800 SF	1 space/175 SF	28			
Office, other than listed	4,800 SF	1 space/300 SF	16			
TOTAL			138	5	109	5

The proposal would provide 109 parking spaces, including five handicapped spaces, where 138 spaces are required. The subject deviation is 21 percent. The Department of Public Works has included a condition requiring the submittal of a recorded Joint Access Agreement between the parcels comprising this site prior to the issuance of any permits.

B) General Analysis and Discussion

The proposal depicts a 1.75-acre mixed-use retail and office development that is part of a 3.94-acre overall site at the southwest corner of Elkhorn Road and Durango Drive. The current proposal will eventually link to this overall site and to the proposed mixed-use site to the south. Parking is deficient 29 spaces because the site was originally designed on the full 3.94 acres to the parking ratio of one space per 250 square feet of gross retail floor area. When the development was scaled back to the current proposal, the code required a stricter parking ratio of one space per 175 square feet of gross retail floor area.

The request is justified because the overall site will provide adequate parking when the northern portion is built out. In addition, the site meets code requirements in regard to loading zones and parking lot landscaping, which serve important functions but also take up space that could be used for additional parking. A new parking analysis should be submitted when this development is submitted for review, in order to verify that the overall site will meet current parking code requirements. This Variance request must be approved prior to the approval of the companion Site Development Plan Review.

FINDINGS

In accordance with the provisions of Title 19.18.070(B) of the Las Vegas Municipal Code, the 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 19.18.070(L) of the Las Vegas Municipal Code states:

“L. Determinations

1. In order to recommend approval of, or to approve a Variance application, the Planning Commission and City Council must determine that the Variance is warranted both under State law and this subchapter. The minimum State law standards are set forth in Subsection 2 below.

2. Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property . . . or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition . . . 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.”

In this case, the strict application of the parking standard of one parking space per 175 square feet of gross retail floor area has increased the parking requirements in an overall site area where the normal parking ratio would have been one space per 250 square feet of gross retail floor area. As the future development of the site will include at least some retail uses, the overall site will contain sufficient retail area to meet the code requirements. Therefore, the Variance is acceptable.

NOTICES MAILED 35 (Mailed with SDR-3657)

APPROVALS 0

PROTESTS 0

**PLANNING & DEVELOPMENT DEPARTMENT**

STATEMENT OF FINANCIAL INTEREST

Case Number: VAR-3736 APN: 125-20-101-008 & 009

Name of Property Owner: DUNANGO ELL* HOLDING CO. LLC.

Name of Applicant: DURANGO AND ELKHORN, LLC

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: _____

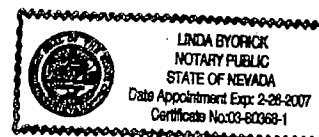
Signature of Property Owner/Authorized Agent:

Print Name:

Subscribed and sworn before me

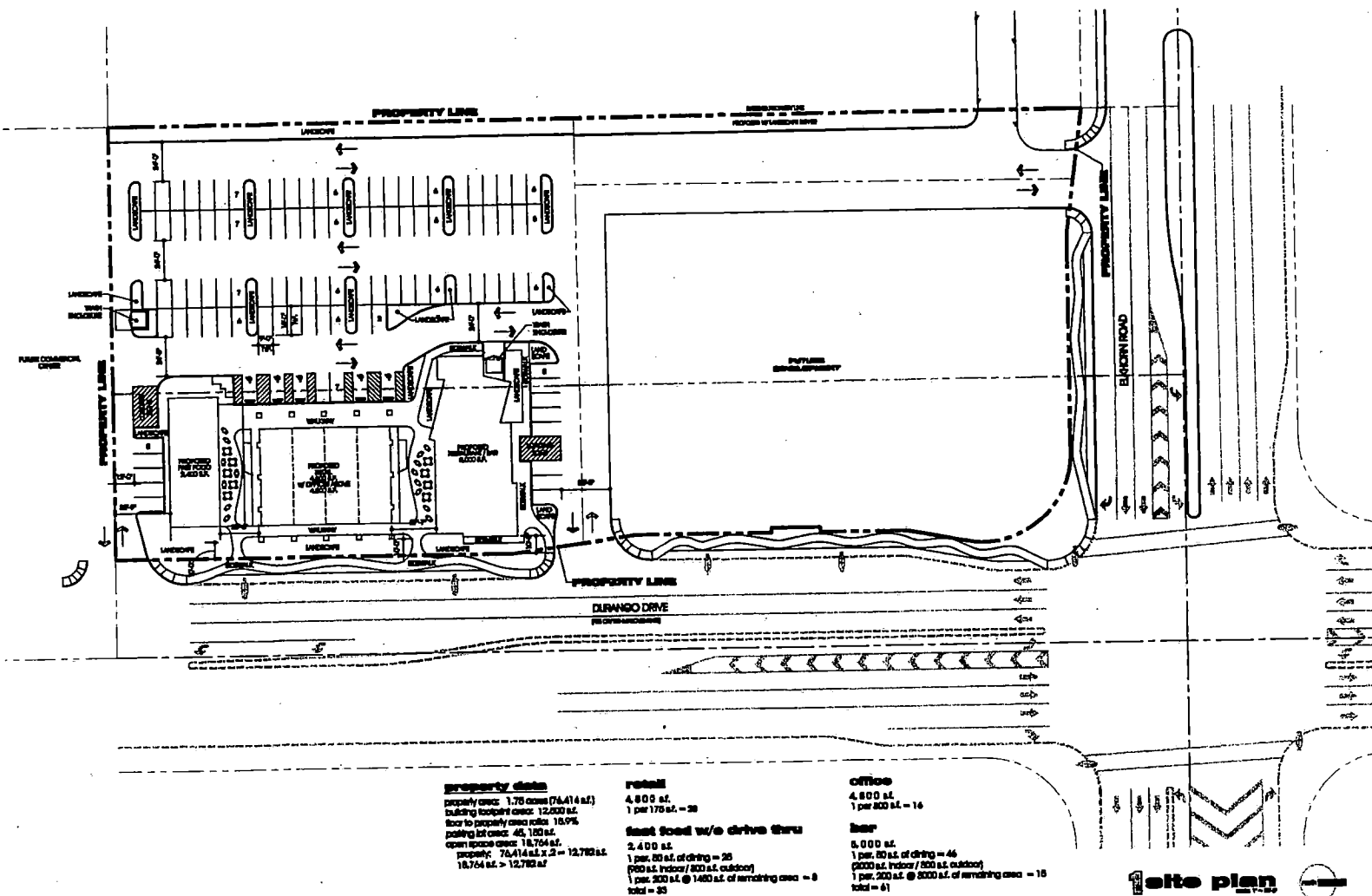
This 23rd day of December, 2003

Deane Byrnes
Notary Public in and for said County and State



town center plaza

elkhorn & durango



property data
 property area: 1.78 acres (76,414 sq. ft.)
 building footprint area: 12,000 sq. ft.
 floor to property area ratio: 15.9%
 parking lot area: 45,180 sq. ft.
 open space area: 18,704 sq. ft.
 property: 76,414 sq. ft. @ 12.782 sq. ft./acre
 18,704 sq. ft. @ 12.782 sq. ft./acre

retail
 4,800 sq. ft.
 1 per 175 sq. ft. = 28
fast food w/o drive thru
 2,400 sq. ft.
 1 per 20 sq. ft. of dining = 20
 (500 sq. ft. indoor / 500 sq. ft. outdoor)
 1 per 200 sq. ft. @ 1,400 sq. ft. of remaining area = 8
 total = 35
 total required = 188 (includes 6 handicap spaces)
 total provided = 109 (includes 6 handicap spaces)

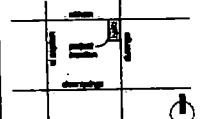
office
 4,800 sq. ft.
 1 per 200 sq. ft. = 16
bar
 5,000 sq. ft.
 1 per 20 sq. ft. of dining = 46
 (500 sq. ft. indoor / 500 sq. ft. outdoor)
 1 per 200 sq. ft. @ 500 sq. ft. of remaining area = 10
 total = 61

site plan

VAR-3736
 SDR-3657
 02-12-04 PC

REVISED
 1-16-04

vicinity map



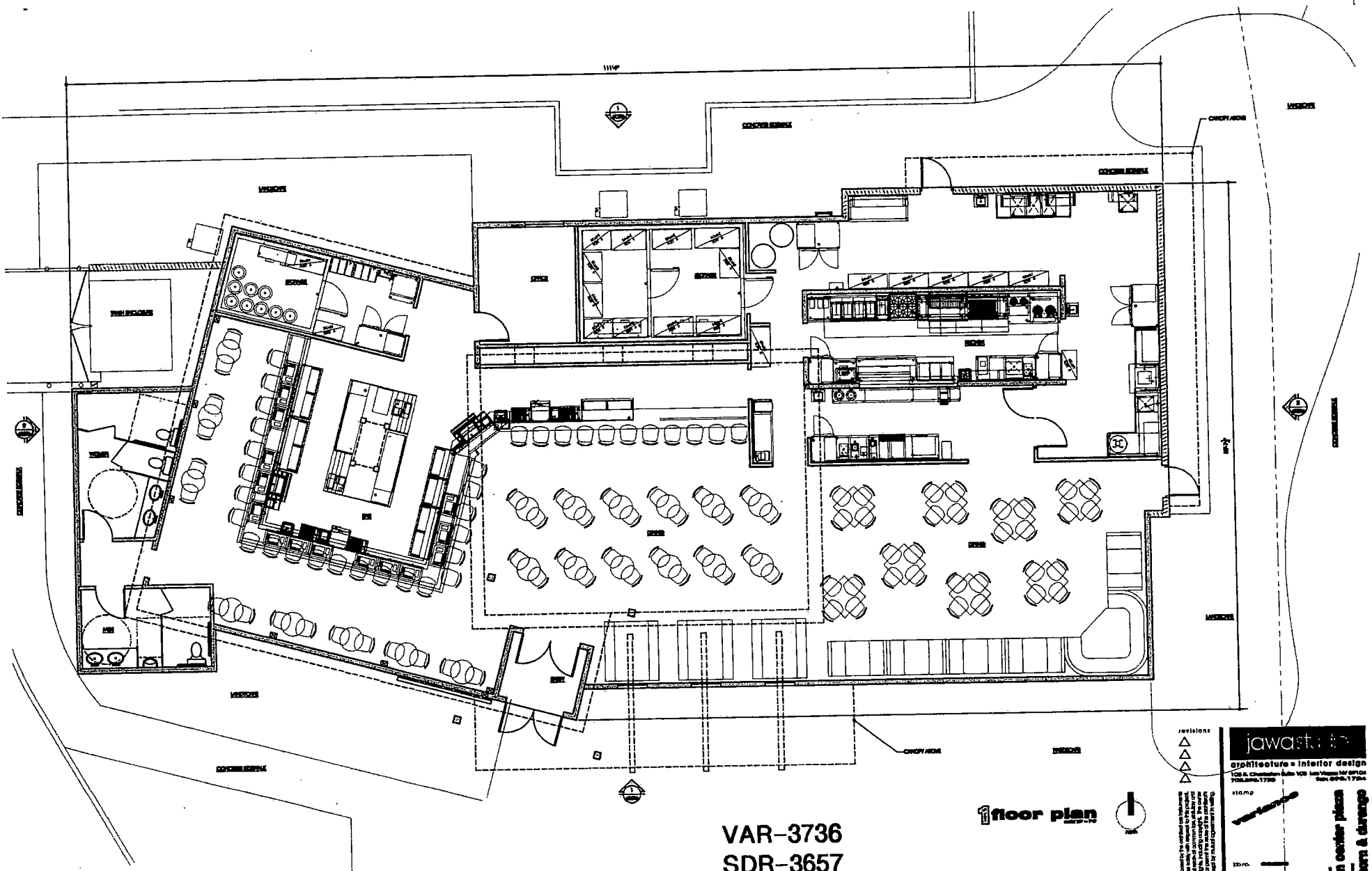
javara
 architecture • interior design
 100 E. Commercial Ave. 100 East Springs, CO 80908
 TEL: 303.779.1700 FAX: 303.779.1700

stamp

overall site plan 80.01

**town center plaza
 elkhorn & durango**

job no. _____
 date _____
 drawn by _____



VAR-3736
SDR-3657
02-12-04 PC

REVISED
1-16-04

1 floor plan



revisions
▲
▲
▲
▲

jawaski
architecture + interior design
120 & Chambers Street, 10th Floor, New York, NY 10038
Tel: 212.675.1725

stamp
drawn by
date
checked by

1st floor plan
restaurant/cafeteria
a1.01



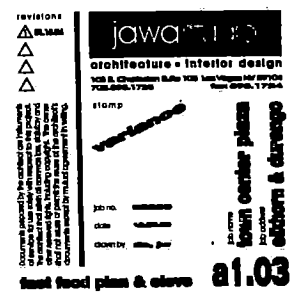
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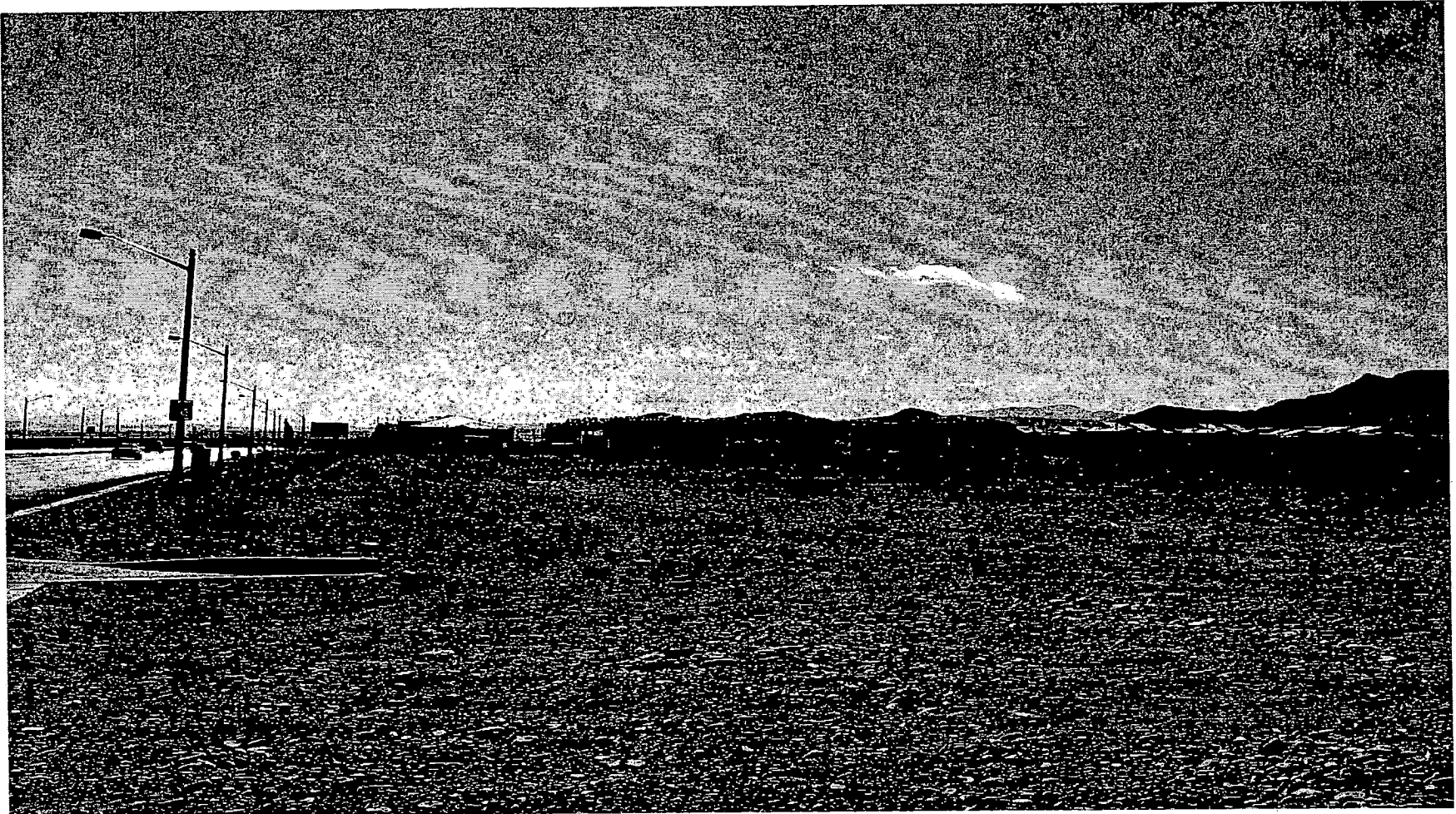
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1-16-04

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REVISED
1-16-04





PUBLIC HEARING - VAR-3736 - APPLICANT: DURANGO AND ELKHORN, LIMITED LIABILITY
COMPANY - OWNER: DURANGO ELK HOLDING COMPANY, LIMITED LIABILITY COMPANY
WEST SIDE OF DURANGO DRIVE, APPROXIMATELY 350 FEET SOUTH OF ELKHORN ROAD
FEBRUARY 12, 2004 PLANNING COMMISSION

01/23/04

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

PLANNING COMMISSION MEETING OF: FEBRUARY 12, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☐

CONSENT

☒

DISCUSSION

SUBJECT:

PUBLIC HEARING - SDR-3657 - APPLICANT: DURANGO AND ELKHORN, LIMITED LIABILITY COMPANY - OWNER: DURANGO ELK HOLDING COMPANY, LIMITED LIABILITY COMPANY - Request for a Site Development Plan Review and Waivers of the Town Center Development Standards for the two-story minimum height requirement in the Urban Center Mixed Use District and the 70 percent clear glazing requirement at the ground floor level along primary pedestrian routes FOR A 17,000 SQUARE-FOOT COMMERCIAL DEVELOPMENT on 1.75 acres adjacent to the west side of Durango Drive, approximately 350 feet south of Elkhorn Road (portion of APN: 125-20-101-008 and 009), T-C (Town Center) Zone [UC-TC (Urban Center Mixed Use) Land Use Designation], Ward 6 (Mack).

C.C. 03/17/04

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

RECOMMENDATION:

Staff recommends APPROVAL

BACKUP DOCUMENTATION:

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

MOTION:

McSWAIN - APPROVED subject to conditions -- UNANIMOUS with TRUESDELL abstaining as his firm is currently representing property located next to this proposed development.

To be heard by the City Council on 3/17/2004

MINUTES:

NOTE: See Item 24 [VAR-3736] for related discussion.

(7:39 – 7:46)

1-3726/2-35

PLANNING COMMISSION MEETING OF FEBRUARY 12, 2004
Planning and Development Department
Item 25 – SDR-3657

CONDITIONS:

Planning and Development

1. Approval of and conformance to the Conditions of Approval for a Variance (VAR-3736) to allow 109 parking spaces where 138 parking spaces are the minimum required on this site.
2. A Master Sign Plan shall be submitted for approval by the Centennial Hills Town Center Architectural Review Committee (CHARC) prior to the issuance of a Certificate of Occupancy for any building on the site. Prior to the submittal of a Master Sign Plan, the sign standards established for the SC-TC (Service Commercial – Town Center) District shall be applicable and must be approved as a Special Use Permit.
3. This Site Development Plan Review 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 development shall be in conformance with the site plan, landscape plan and building elevations, except as amended by conditions herein.
5. Trash enclosures shall be gated, walled, and roofed to match the architectural theme of buildings on the site.
6. 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.
7. 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.]
8. A landscaping plan must be submitted prior to or at the same time application is made for a building permit.
9. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.
10. 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.

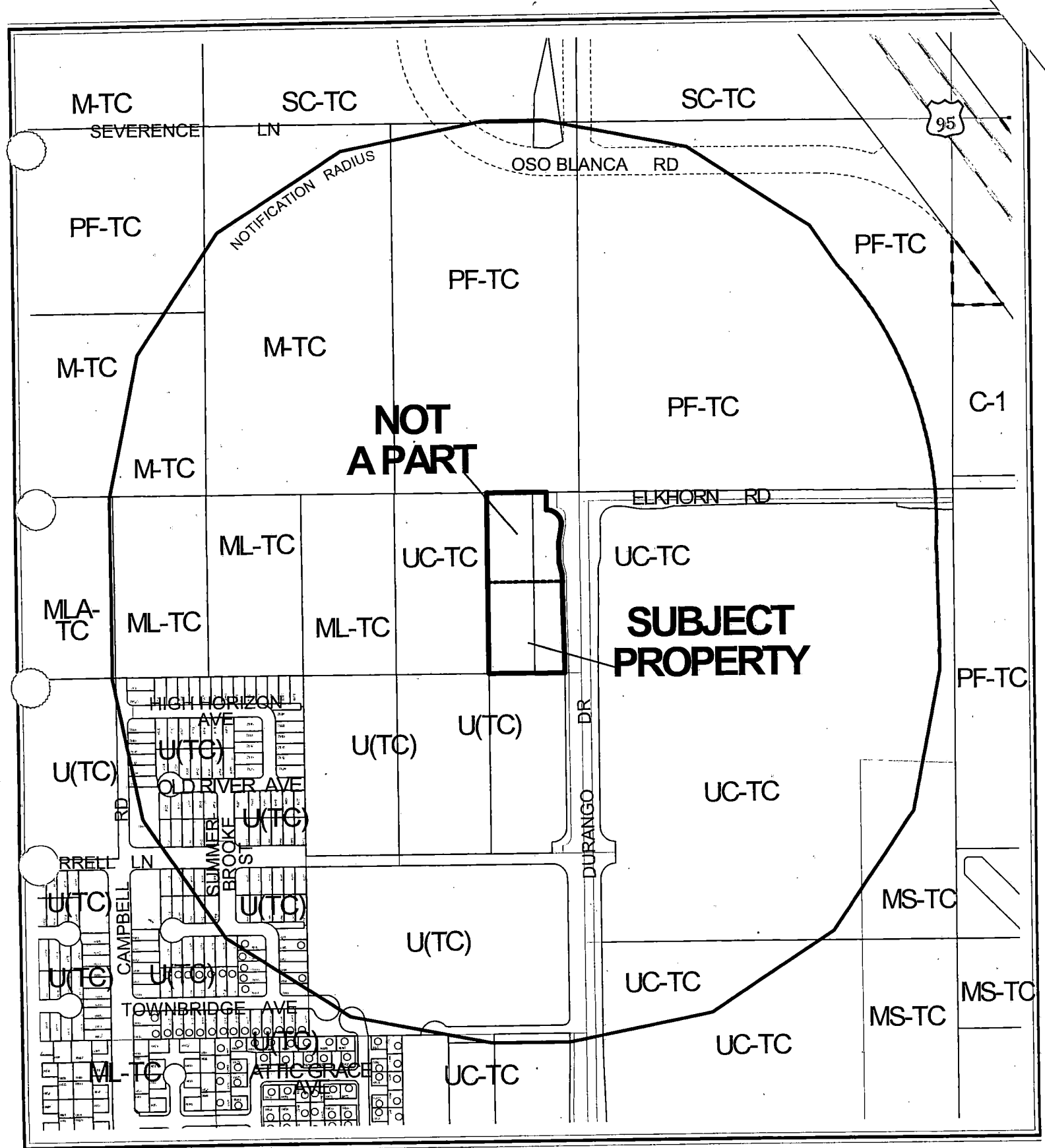
PLANNING COMMISSION MEETING OF FEBRUARY 12, 2004
Planning and Development Department
Item 25 – SDR-3657

CONDITIONS - Continued:

11. All utility boxes exceeding 27 cubic feet in size shall meet the standards of Title 19.12.050.
12. 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.
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.

Public Works

15. Coordinate with the City Surveyor to determine whether an Administrative Joining or mapping is necessary; if such map is required, it should record prior to the issuance of any permits for this site.
16. Provide a copy of a recorded Joint Access Agreement between the parcels comprising this site prior to the issuance of any permits.
17. Construct sidewalk on at least one side of all access drives connecting this site to the adjacent public streets concurrent with development of this site; the connecting sidewalk shall extend from the sidewalk on the public street to the first intersection of the on-site roadway network; the connecting sidewalk shall be terminated on-site with a handicap ramp.
18. Landscape and maintain all unimproved rights-of-way on Durango Drive and Elkhorn Road adjacent to this site.
19. Submit an Encroachment Agreement for all landscaping and private improvements located in the Durango Drive and Elkhorn Road public right-of-way adjacent to this site prior to occupancy of this site.
20. Site development to comply with all applicable conditions of approval for Z-0085-02 and all other subsequent site-related actions.

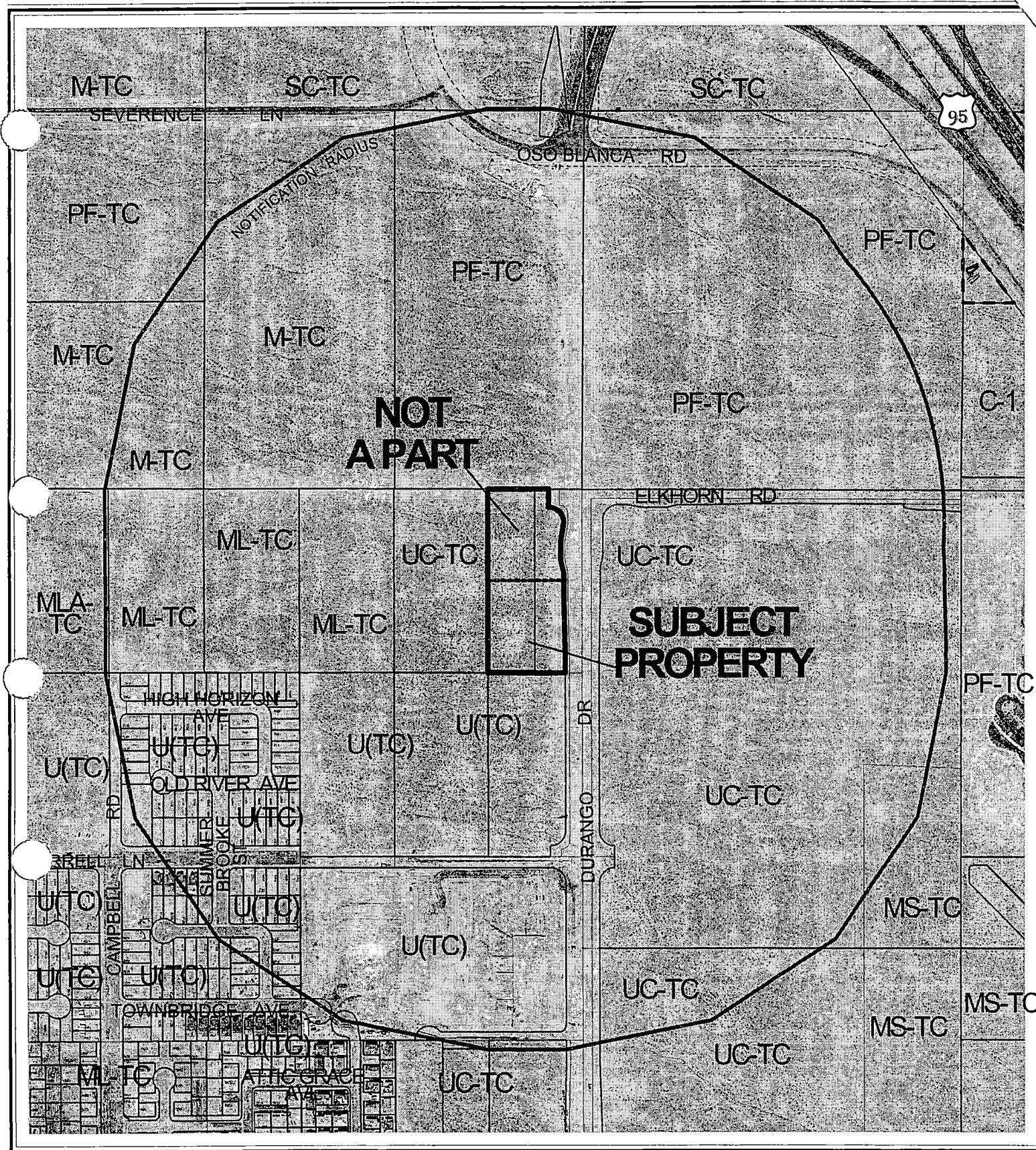


CASE: **SDR-3657**

RADIUS: 1350 FT

ZONING OF SUBJECT PROPERTY:

T-C (TOWN CENTER) ZONE [UC-TC (URBAN CENTER MIXED USE - TOWN CENTER)
LAND USE DESIGNATION]



CASE: **SDR-3657**

RADIUS: 1350 FT

ZONING OF SUBJECT PROPERTY:

T-C (TOWN CENTER) ZONE [UC-TC (URBAN CENTER MIXED USE - TOWN CENTER)
LAND USE DESIGNATION]

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: FEBRUARY 12, 2004

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: SDR-3657 - PUBLIC HEARING - APPLICANT: DURANGO AND ELKHORN, LIMITED LIABILITY COMPANY - OWNER: DURANGO ELK HOLDING COMPANY, LIMITED LIABILITY COMPANY

**** CONDITIONS ****

STAFF RECOMMENDATION: APPROVAL, subject to:

Planning and Development

1. Approval of and conformance to the Conditions of Approval for a Variance (VAR-3736) to allow 109 parking spaces where 138 parking spaces are the minimum required on this site.
2. A Master Sign Plan shall be submitted for approval by the Centennial Hills Town Center Architectural Review Committee (CHARC) prior to the issuance of a Certificate of Occupancy for any building on the site. Prior to the submittal of a Master Sign Plan, the sign standards established for the SC-TC (Service Commercial – Town Center) District shall be applicable and must be approved as a Special Use Permit.
3. This Site Development Plan Review 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 development shall be in conformance with the site plan, landscape plan and building elevations, except as amended by conditions herein.
5. Trash enclosures shall be gated, walled, and roofed to match the architectural theme of buildings on the site.
6. 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.
7. 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.]
8. A landscaping plan must be submitted prior to or at the same time application is made for a building permit.

SDR-3657 - Conditions Page Two
February 12, 2004 Planning Commission Meeting

9. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.
10. 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.
11. All utility boxes exceeding 27 cubic feet in size shall meet the standards of Title 19.12.050.
12. 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.
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.

Public Works

15. Coordinate with the City Surveyor to determine whether an Administrative Joining or mapping is necessary; if such map is required, it should record prior to the issuance of any permits for this site.
16. Provide a copy of a recorded Joint Access Agreement between the parcels comprising this site prior to the issuance of any permits.
17. Construct sidewalk on at least one side of all access drives connecting this site to the adjacent public streets concurrent with development of this site; the connecting sidewalk shall extend from the sidewalk on the public street to the first intersection of the on-site roadway network; the connecting sidewalk shall be terminated on-site with a handicap ramp.
18. Landscape and maintain all unimproved rights-of-way on Durango Drive and Elkhorn Road adjacent to this site.
19. Submit an Encroachment Agreement for all landscaping and private improvements located in the Durango Drive and Elkhorn Road public right-of-way adjacent to this site prior to occupancy of this site.
20. Site development to comply with all applicable conditions of approval for Z-0085-02 and all other subsequent site-related actions.

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

This request is for approval of a Site Development Review for a 17,000 square foot commercial development, including office, retail and restaurant uses, on 1.75 acres adjacent to the west side of Durango Drive, approximately 350 feet south of Elkhorn Road.

Two Waivers from the Town Center Development Standards are requested in conjunction with this application: the requirement for two-story structures in the Urban Center Mixed Use District and the 70 percent clear glazing requirement at the ground floor level along primary pedestrian routes. A request for a Variance (VAR-3736) to allow 109 parking spaces where 138 spaces are required will be heard concurrently by the Planning Commission.

B) Applicant's Justification

The proposed development is compatible with planned land uses for the area and complies with applicable code standards, with the approval of the waiver requests. The waiver of the 70 percent glazing requirement is requested in order to allow reduced natural lighting in the proposed tavern. Two of the three proposed buildings on the site will be single-story, but will be designed to create the appearance of two-story structures.

BACKGROUND INFORMATION

A) Previous Actions

01/17/01 The City Council approved a petition to annex approximately 615 acres generally located west of El Capitan Way and east of Hualapai Way between Grand Teton Drive and Rome Avenue (A-0003-99). The Planning Commission and staff recommended approval on 03/25/99. The annexation became effective on 01/26/01.

11/20/02 The City Council accepted the applicant's request to Withdraw Without Prejudice the amendment of a portion of the Centennial Hills Sector Plan of the General Plan (GPA-0038-02) from ML-TC (Medium Low Residential – Town Center) and UC-TC (Urban Center Mixed Use – Town Center) to GC-TC (General Commercial – Town Center) on 15 acres adjacent to the southwest corner of Elkhorn Road and El Capitan Way [now Durango Drive]. The Planning Commission recommended approval of the west five acres of the subject request to UC-TC (Urban Center Mixed Use –Town Center) on 10/24/02. Staff recommended denial.

- 11/20/02 The City Council approved a Rezoning (Z-0085-02) from U (Undeveloped) [TC (Town Center) General Plan Designation] to T-C (Town Center) on 5.00 acres adjacent to the southwest corner of Elkhorn Road and El Capitan Way [now Durango Drive]. The property was brought into the Town Center Master Plan Area with a land use designation of UC-TC (Urban Center Mixed Use – Town Center). The City Council also approved a related Special Use Permit (U-0129-02) for a Tavern on the subject site. The Planning Commission and staff recommended approval of both requests on 10/24/02.
- 03/11/03 The Planning Commission will hear requests for a Rezoning and a Major Modification (MOD-3763) to the Montecito Town Center Development Agreement to add five acres to the overall plan and to adjust square footages and the number of residential units allowed accordingly on property abutting the south property line of the subject development. In addition, a Site Development Plan Review (SDR-3764) for a 587,750 square foot mixed-use commercial development and five Special Use Permits will be heard in relation to the proposed Rezoning and Modification.

B) Pre-Application Meeting

- 12/10/03 Several of the Town Center Development Standards were discussed as they relate to this site. Chief among them was the requirement for a minimum of two story buildings in the UC-TC (Urban Center Mixed Use – Town Center) District. The applicant met with the Planning Director to discuss the height issue, with the result that single-story structures would be acceptable as long as an effort was made to increase building heights and to incorporate elements similar to multi-story buildings. Drive-thru restaurants are not a permitted use in the Urban Center Mixed Use District. The applicant indicated that all references to the drive-thru would be eliminated from the plans. The applicant was also made aware that signage on the site would be subject to a Master Sign Plan review and approval by the Centennial Hills Town Center Architectural Review Committee (CHARC). The need to provide necessary right-of-way improvements and open space was also discussed.

C) Neighborhood Meetings

A neighborhood meeting is not required for a Site Development Plan Review request.

DETAILS OF APPLICATION REQUEST

A) Site Area

Gross Acres: 1.75

B) Existing Land Use

Subject Property: Undeveloped
North: Undeveloped
South: Undeveloped
East: Undeveloped
West: Undeveloped

C) Planned Land Use

Subject Property: UC-TC (Urban Center Mixed Use)
North: UC-TC (Urban Center Mixed Use) and PF-TC (Public Facilities – Town Center)
South: UC-TC (Urban Center Mixed Use)
East: UC-TC (Urban Center Mixed Use)
West: UC-TC (Urban Center Mixed Use)

D) Existing Zoning

Subject Property: T-C (Town Center) Zone [UC-TC (Urban Center Mixed Use – Town Center) Land Use Designation]
North: T-C (Town Center) Zone [UC-TC (Urban Center Mixed Use – Town Center) and PF-TC (Public Facilities – Town Center) Land Use Designation]
South: T-C (Town Center) Zone [UC-TC (Urban Center Mixed Use – Town Center) Land Use Designation]
East: T-C (Town Center) Zone [UC-TC (Urban Center Mixed Use – Town Center) Land Use Designation]
West: T-C (Town Center) Zone [UC-TC (Urban Center Mixed Use – Town Center) Land Use Designation]

E) General Plan Compliance

This site is designated TC (Town Center) on the Centennial Hills Sector Plan Map of the General Plan. The Town Center Land Use Map further identifies this site as having a UC-TC (Urban Center Mixed Use – Town Center) land use designation. The intent of the Urban Center Mixed Use District is to enable development with imaginative site and building design and maximize the use of the property. These developments should have a compatible mixture of land uses and encourage employment opportunities and the provision of goods and services to the Centennial Hills area of the City. The proposed retail and office complex employs a mix of uses with a unique design that is compatible with the Town Center concept. These uses are permitted within the UC-TC (Urban Center Mixed Use – Town Center) District.

PROJECT DESCRIPTION

The proposal calls for a 2,400 square foot single-story fast food restaurant with no drive-thru, a two-story 9,600 square foot building with retail uses on the ground level and offices on the second floor, and a 5,000 square foot single-story tavern and restaurant. The buildings occupy the eastern portion of the site and are oriented toward the interior of the development. Access to the site will be to Durango Drive. An entrance is also planned from Elkhorn Road as part of a future retail project adjacent to the north that will eventually link to this site. This project is deficient in parking, supplying 109 parking spaces where 138 are required. A Variance (VAR-3736) will be heard concurrently with this review to allow the reduction in parking. Walkways connect the three buildings with each other and to the meandering sidewalk in the Durango Drive right-of-way.

The site meets Code requirements with respect to parking lot landscaping, providing finger islands and the requisite number of trees and shrubs within the planters. Perimeter landscaping is provided along Durango Drive and the west property line, leaving the north and south edges open so that proposed commercial and mixed-use developments adjacent to the site can be attached.

The tavern elevations depict a single-story structure approximately 26 feet in height. Visual interest is promoted by variation in rooflines and roof types. Facades consist of brick veneers, concrete block, wood siding, and corrugated metal. Tall windows in the side and rear and smaller windows reminiscent of clerestory windows give the appearance of a two-story building. A decorative water tower rises approximately 32 feet in front of the building (south elevation).

The two-story office/retail building features a flat roof with a parapet screening element. Columns support a balcony and create a covered walkway on the ground level. Stairwells on both sides lead to the balcony. Exterior walls consist of a reddish brown brick veneer with aluminum and plaster accents.

The fast food restaurant elevations depict a 21-foot single-story structure with a flat roof and varied rooflines. Beige-colored stucco is accented with a brick veneer at the base. Windows and doors are trimmed in aluminum and covered by canopies.

ANALYSIS

A) *Zoning Code Compliance*

A1) Development Standards

Pursuant to Title 19.06.110, the Development Standards within a T-C (Town Center) District are established by the Site Development Plan. The development standards that are proposed for this site through this Site Development Plan are as follows:

Standards	Provided
Min. Setbacks	340 Feet
• Front (Elkhorn Road)	167 Feet
• Side	10 Feet
• Corner Side (Durango Drive)	34 Feet
• Rear	16 %
Lot Coverage	2 Stories / 27 Feet
Max. Building Height	Walled, gated
Trash Enclosure	2 provided
Loading Zone	Screened by parapets
Mech. Equipment	

The proposed development standards are adequate for mixed-use projects in the Town Center area. The proposed tavern and fast food restaurant do not meet the two-story minimum height requirement in the UC-TC (Urban Center Mixed Use – Town Center) District; however, they are built to the same scale and contain architectural elements characteristic of two-story structures.

A2) Residential Adjacency Standards

Residential Adjacency Standards do not apply to the subject proposal.

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
Restaurant, Tavern	3,550 SF public seating area, including outdoor seating; 4,450 SF of remaining area	1 space/50 SF of public seating/waiting areas + 1 space/200 SF of remaining GFA	94			
General Retail, Less than 25,000 SF	4,800 SF	1 space/175 SF	28			
Office, other than listed	4,800 SF	1 space/300 SF	16			
TOTAL			138	5	109	5

The proposal would provide 109 parking spaces, including five handicapped spaces, where 138 spaces are required. An application for a Variance (VAR-3736) to allow the reduction in parking will be heard concurrently with this Site Development Plan Review.

The Department of Public Works has included a condition requiring the submittal of a recorded Joint Access Agreement between the parcels comprising this site prior to the issuance of any permits.

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 – min. 24" Box Tree Tree/6 Spaces	19 Trees	21 Trees

The proposal exceeds the Town Center parking lot landscaping requirements, providing a sufficient number of trees. Adequate groundcover is provided. Additional landscaping in the UC-TC (Urban Center Mixed Use – Town Center) District is covered under the Open Space Standards detailed below.

Pursuant to Title 19.06.110, the following Open Space Standards apply to the subject proposal:

A minimum of 20 percent of the gross property area proposed to be developed must consist of any combination of open space, recreation facilities, multi-purpose trails, pedestrian and bikeway facilities, other common community facilities, and landscaped areas in public rights-of-way. According to Subsection D.2.B. of the Town Center Development Standards, combinations of features such as open air courtyards, plazas, open space, patios, fountains, arcades, landscaped corridors or lanes are required of all projects and, along with parking lot landscaping, landscape buffers, and landscaping in setback areas, may account for the 20 percent open space requirement. The proposed mixed-use commercial development will contain outdoor patios and walkways that connect the buildings. Landscaping will be provided along the east and west property lines in minimum eight-foot planters that sometimes encroach into the Durango Drive right-of-way. The Department of Public Works will require the submittal of an Encroachment Agreement prior to occupancy of the site.

Total Acreage	Required Open Space	Provided
76,414 SF	15,283 SF	18,764 SF

The proposed development complies with Title 19 and the 20 percent open space requirement.

A5) Sign Standards

Pursuant to Subsection D.1.G.3 of the Town Center Development Standards, signage shall be determined within the context of a Development Agreement with the City including, but not limited to, the submittal of a master sign plan and approval by the Centennial Hills Town Center Architectural Review Committee (CHARC). In the absence of a Development Agreement, the sign standards established for the SC-TC (Service Commercial – Town Center) District will apply and must be approved as a Special Use Permit. At the present time, the proposal area is not under a Development Agreement, and no signage is indicated on the site plans or elevations other than in conceptual form. The applicant has indicated that a master sign plan will be submitted prior to development of the site.

B) General Analysis and Discussion

- **Zoning**

The current zoning of the property is T-C (Town Center), with a UC-TC (Urban Center Mixed Use – Town Center) land use designation within the Centennial Hills Town Center Plan. The site plan as proposed conforms with the requirements of the UC-TC (Urban Center Mixed Use – Town Center) District, with the exception of the two-story building height and 70 percent clear glazing requirements, which are discussed below in the Waivers section of this report.

- **Site Plan**

The proposal depicts a 1.75-acre mixed-use retail and office development that is part of a 3.94-acre overall site at the southwest corner of Elkhorn Road and Durango Drive. The current proposal will eventually link to this overall site and to the proposed mixed-use site to the south. Parking is deficient 29 spaces because the site was originally designed on the full 3.94 acres to the parking ratio of one space per 250 square feet of gross retail floor area. When the development was scaled back to the current proposal, the code required a stricter parking ratio of one space per 175 square feet of gross retail floor area. A Variance (VAR-3736) has been requested for the reduction in parking, and must be approved prior to the approval of this Site Development Plan Review.

The proposed fast food building has been moved back 10 feet from the proposed minimum setback along Durango Drive in compliance with Town Center Development Standards.

- Waivers

Two waivers are requested for approval in conjunction with this Site Development Plan Review:

Waiver of Subsection A.3.C of the Town Center Development Standards to allow single-story buildings in the UC-TC (Urban Center Mixed Use – Town Center) District. This waiver request is appropriate, as the two proposed single-story structures are taller than most single-story buildings and contain architectural elements characteristic of two-story structures.

Waiver of Subsection D.1.B of the Town Center Development Standards to allow less than the 70 percent minimum clear glazing requirement at ground floor level on walls facing primary pedestrian routes. The waiver applies only to the proposed tavern, which is a type of business in which outside light is not preferred. The rest of the facades along Durango Drive provide clear glazing, and at least 70 percent of all walls along Durango Drive will consist of glazing of any kind. For these reasons, the waiver request is acceptable.

- Landscape Plan

The site meets Code requirements with respect to parking lot landscaping, providing finger islands and the requisite number of trees and shrubs within the planters. Perimeter landscaping is provided along Durango Drive and the west property line, leaving the north and south edges open so that proposed commercial and mixed-use developments adjacent to the site may be attached. The parcel to the south is proposed to be added to the Montecito Town Center Master Plan area, which would be governed by standards contained within a Development Agreement.

The proposed mixed-use commercial development on this site will contain outdoor patios and walkways that connect the buildings. Landscaping will be provided along the east and west property lines in eight- to thirty-foot planters that sometimes encroach into the Durango Drive right-of-way. The Department of Public Works will require the submittal of an Encroachment Agreement prior to occupancy of the site. The parking lot and perimeter landscaping, along with the walkways and outdoor patios, will satisfy the 20 percent open space requirement in Title 19.06.110.E

- Elevation

The elevations depict structures that attempt successfully to simulate the look of two-story buildings in a single-story. All three buildings are compatible with scale of development planned for this area of Town Center. Visual interest is promoted by variation in rooflines and roof types. Exterior materials vary and are appropriate and welcome in the Town Center area. Per the Town Center Development Standards, the design of the fast food building should be integrated with the other two structures along Durango Drive within this development, in terms of general architectural detail.

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 mixed-use retail and office development is compatible with the surrounding development pattern, which includes developing mixed uses to the south, west and east, and public facility uses to the north.

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 proposed development is consistent with the provisions of the UC-TC (Urban Center Mixed-Use – Town Center) designation and other requirements of the Town Center Development Standards Manual and Title 19, with the exception of the two-story height requirement, the 70 percent clear glazing requirement at ground level, and the provision of the required number of parking spaces. The applicant has requested a waiver of the Town Center Development Standards and a Variance for the parking reduction, which are acceptable in the context of the design of this portion of the overall site.

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

Direct access to this site will only be available from Durango Drive, classified as a 120-foot Town Center Parkway Arterial street, although access through the overall site (part of which is not under review at this time) will also eventually be available through other pad sites from Elkhorn Road, a 100-foot Primary Arterial street. These adjacent streets will be sufficient to meet the demands of the proposed uses. Circulation through the site and access to adjacent properties is adequate.

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

Exterior materials proposed for this development are appropriate and welcome in the Town Center area. Landscape materials are also appropriate for 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;"**

The elevations depict structures that attempt successfully to simulate the look of two-story buildings in a single-story. All three buildings are compatible with scale of development planned for this area of Town Center. Visual interest is promoted by variation in rooflines and roof types. Per the Town Center Development Standards, the design of the fast food building should be integrated with the other two structures along Durango Drive within this development, in terms of general architectural detail.

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

The proposed development will be subject to inspections for Certificate of Occupancy, and therefore the development will not compromise the public health, safety or welfare.

NOTICES MAILED 35 (Mailed with VAR-3736)

APPROVALS 0

PROTESTS 0



STATEMENT OF FINANCIAL INTEREST

Name of Applicant: DURANGO AND ELKHORN, LLC

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: _____

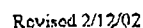
Signature of Property Owner/Authorized Agent: _____

Print Name: _____

Subscribed and sworn before me

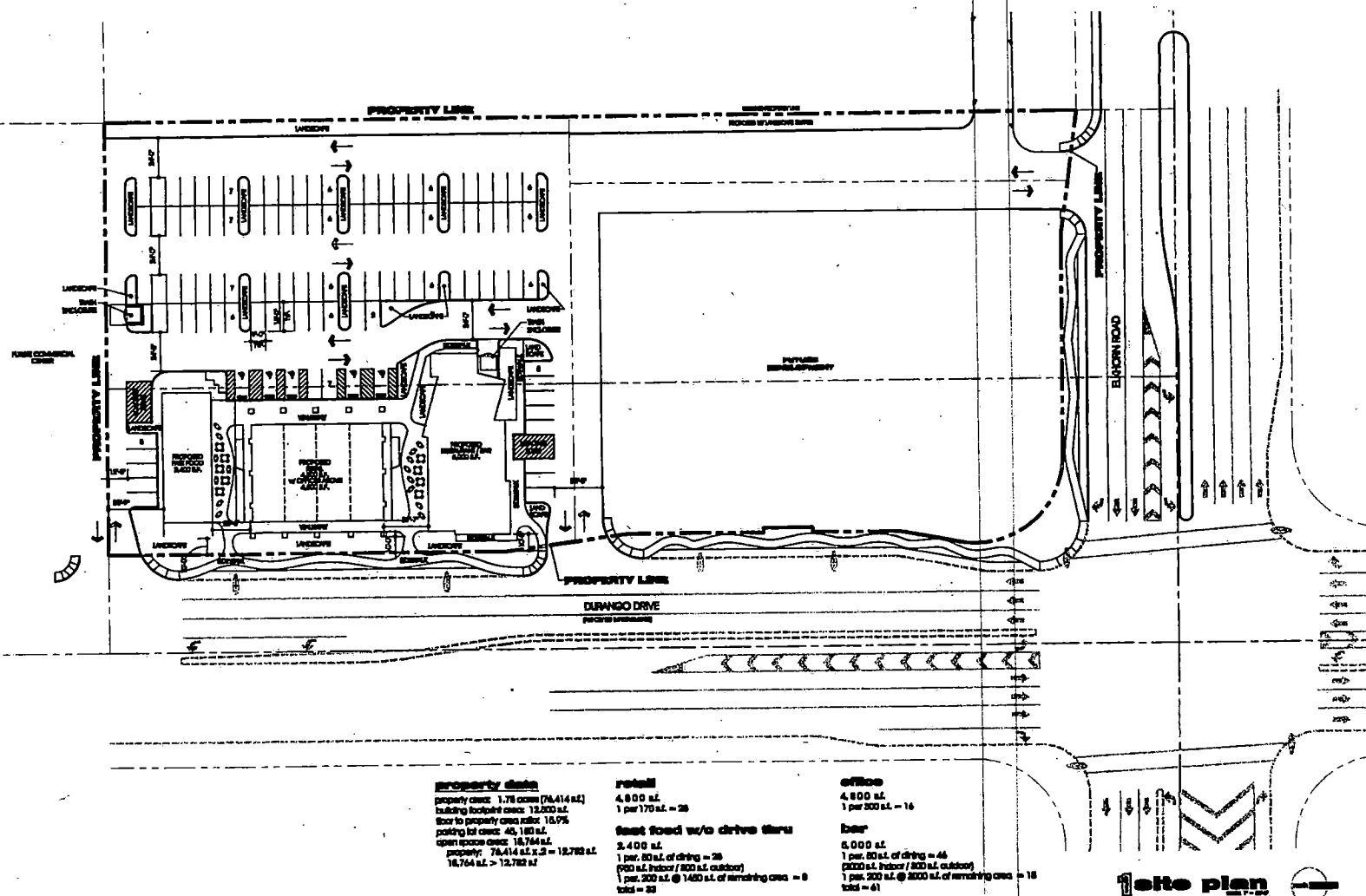
This 23rd day of December, 2003

Deane Byrnes
Notary Public in and for said County and State



town center plaza

elkhorn & durango



property data
 property area: 1.76 acres (76,414 sq ft)
 building footprint area: 12,522 sq ft
 area to property area ratio: 15.07%
 parking lot area: 46,180 sq ft
 open space area: 18,764 sq ft
 property: 76,414 sq ft x 2 = 15,282 sq ft
 18,764 sq ft > 15,282 sq ft

retail
 4,800 sq ft
 1 per 170 sq ft = 28
fast food w/o drive thru
 2,400 sq ft
 1 per 80 sq ft of dining = 30
 (600 sq ft interior / 800 sq ft outdoor)
 1 per 200 sq ft @ 1450 sq ft of remaining area = 8
 total = 38
 total required = 126 (includes 6 handicap spaces)
 total provided = 109 (includes 6 handicap spaces)

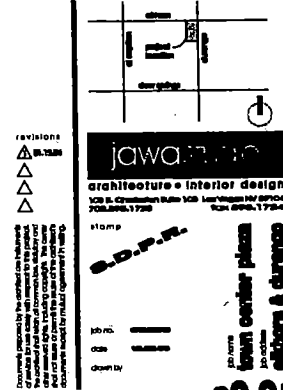
office
 4,800 sq ft
 1 per 300 sq ft = 16
bar
 6,000 sq ft
 1 per 80 sq ft of dining = 44
 (3000 sq ft interior / 800 sq ft outdoor)
 1 per 300 sq ft @ 2000 sq ft of remaining area = 18
 total = 41

site plan

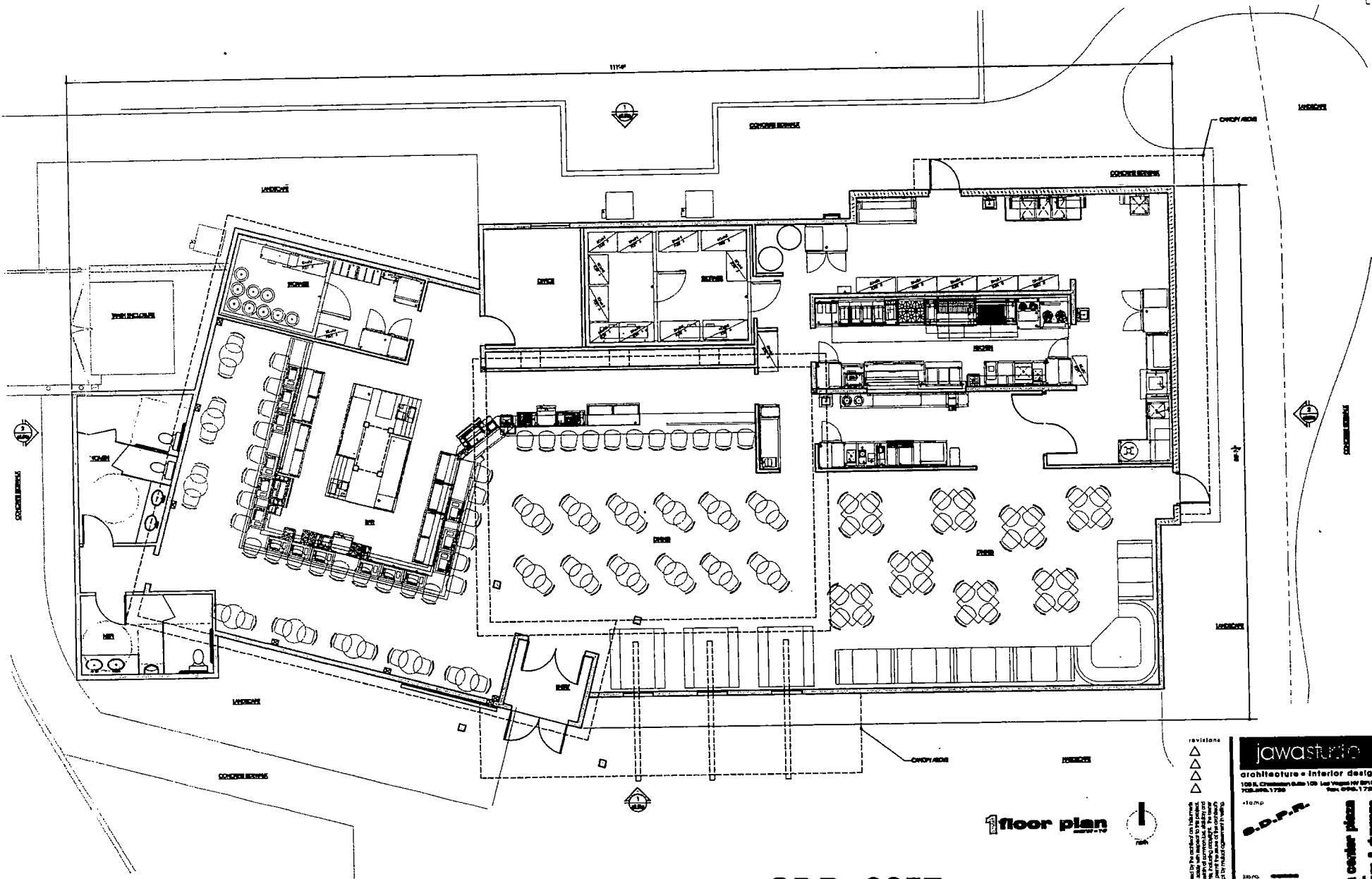
VAR-3736
 SDR-3657
 02-12-04 PC

REVISED
 1-16-04

vicinity map



overall site plan 80.01



1 floor plan

SDR-3657
02-12-04 PC

revisions
 ▲
 ▲
 ▲
 ▲
 ▲

jawastudio
 architecture • interior design
 100 S. Christopher Blvd 100 Los Angeles, CA 90015
 TEL: 213.177.1720 FAX: 213.177.1720

S.D.P.A.
 S.D.P.A. is a registered professional organization of architects and interior designers. It is the only organization of its kind in the United States. It is the only organization of its kind in the United States. It is the only organization of its kind in the United States.

plan no. _____
 date _____
 drawn by _____

plan name
town center plaza
cafeteria & lounge

floor plan - restaurant/cafeteria **a1.01**

[illegible]



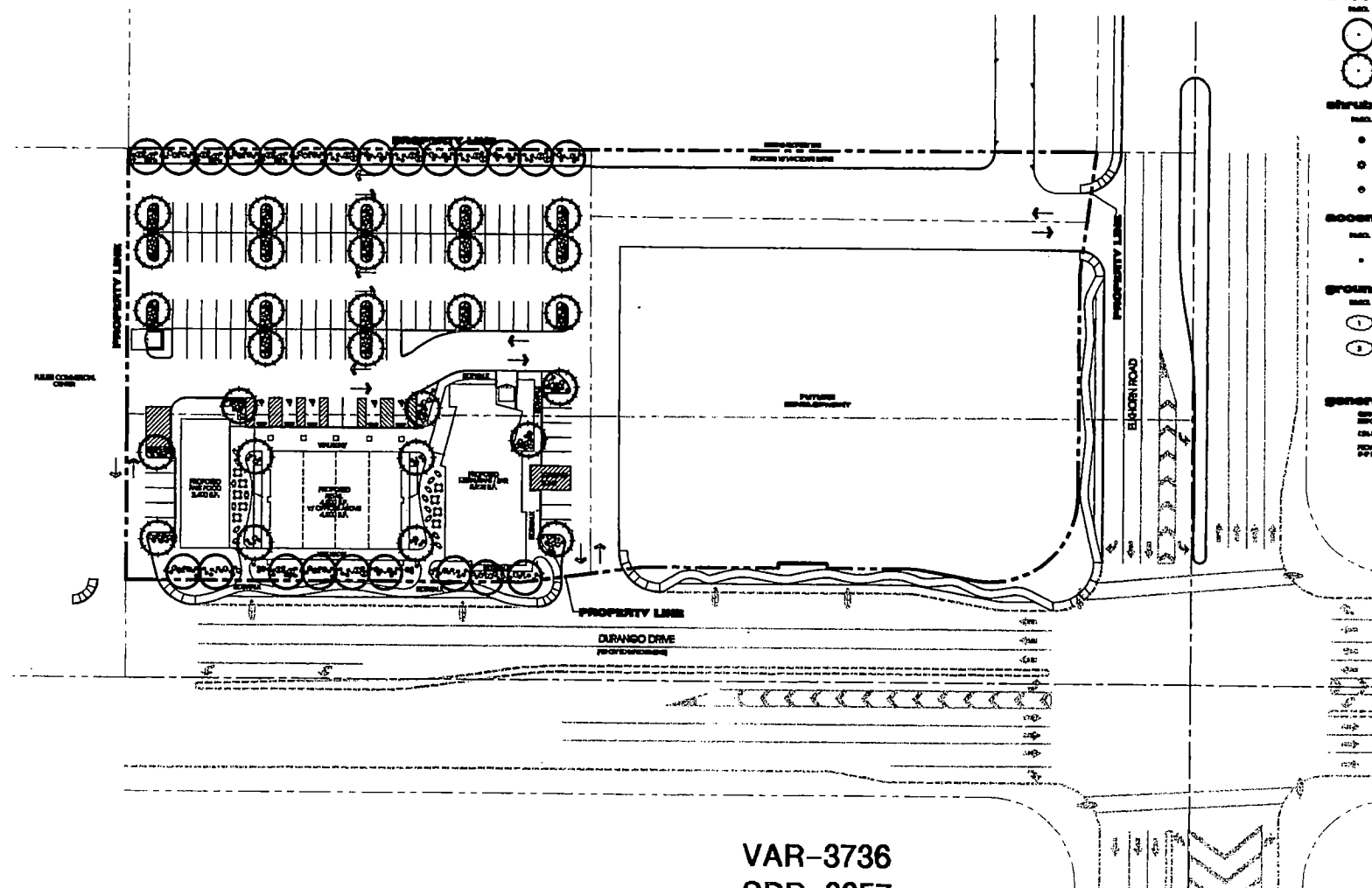
variations
 ▲
 ▲
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Drawings prepared by the architect for the purpose of illustrating the proposed work are not to be construed as a contract. The architect and contractor shall be jointly and severally responsible for the accuracy of the drawings and specifications. The architect shall not be responsible for the accuracy of the data furnished by the contractor. The contractor shall be responsible for the accuracy of the data furnished by the architect. The architect shall not be responsible for the accuracy of the data furnished by the contractor. The contractor shall be responsible for the accuracy of the data furnished by the architect.



REVISED
1-16-04



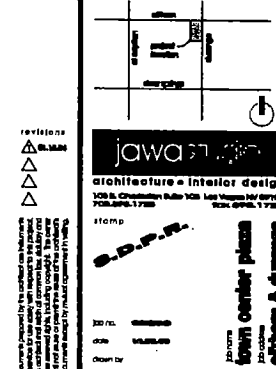


trees				
NO.	SYMBOL	COMMON NAME	HEIGHT	SPACING
1		REDWOOD	80' - 100'	10' x 10'
2		WESTERN WHITE PINE	60' - 80'	10' x 10'
3		WESTERN DOUGLASS FIR	60' - 80'	10' x 10'
shrubs				
NO.	SYMBOL	COMMON NAME	HEIGHT	SPACING
4		YUCCA	4' - 6'	10' x 10'
5		CEANOIDEA	4' - 6'	10' x 10'
6		YUCCA	4' - 6'	10' x 10'
succulent plants				
NO.	SYMBOL	COMMON NAME	HEIGHT	SPACING
7		AGAVE	4' - 6'	10' x 10'
groundcovers				
NO.	SYMBOL	COMMON NAME	HEIGHT	SPACING
8		SPERMATOPHYTES	1' - 2'	10' x 10'
9		SPERMATOPHYTES	1' - 2'	10' x 10'

GENERAL NOTES:
 1. ALL PLANTINGS SHALL BE DONE BY THE CONTRACTOR.
 2. ALL PLANTINGS SHALL BE DONE BY THE CONTRACTOR.
 3. ALL PLANTINGS SHALL BE DONE BY THE CONTRACTOR.
 4. ALL PLANTINGS SHALL BE DONE BY THE CONTRACTOR.

landscape legend

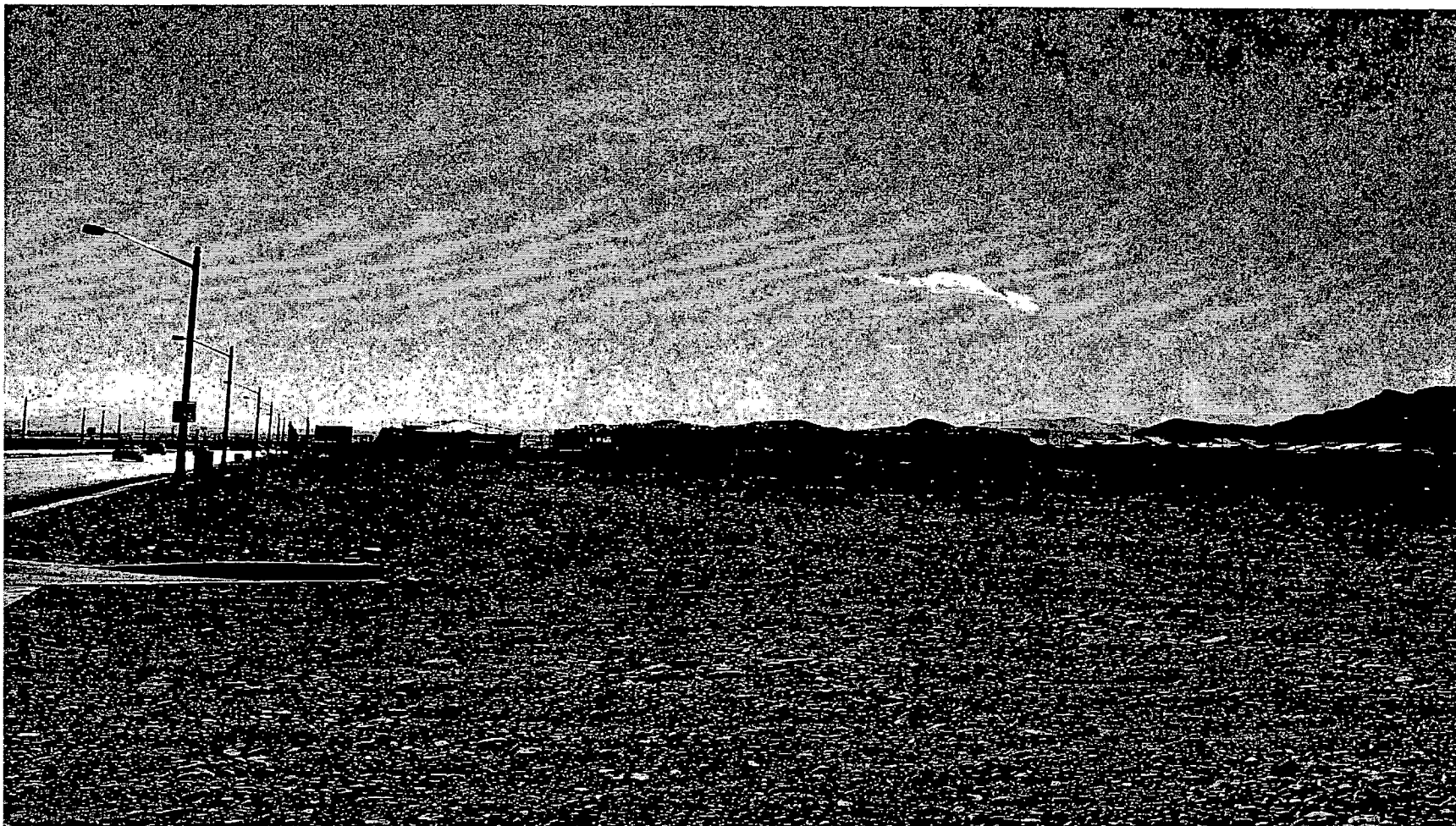
vicinity map



VAR-3736
 SDR-3657
 02-12-04 PC
REVISED
 1-16-04

1 site plan

landscape plan la1.01



PUBLIC HEARING - SDR-3657 - APPLICANT: DURANGO AND ELKHORN, LIMITED LIABILITY
COMPANY - OWNER: DURANGO ELK HOLDING COMPANY, LIMITED LIABILITY COMPANY
WEST SIDE OF DURANGO DRIVE, APPROXIMATELY 350 FEET SOUTH OF ELKHORN ROAD
FEBRUARY 12, 2004 PLANNING COMMISSION

01/23/04

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT**PLANNING COMMISSION MEETING OF: FEBRUARY 12, 2004****DEPARTMENT: PLANNING & DEVELOPMENT****DIRECTOR: ROBERT S. GENZER**☐**CONSENT**☒**DISCUSSION****SUBJECT:**

PUBLIC HEARING - MOD-3652 - APPLICANT: MONTECITO COMPANIES, LIMITED LIABILITY COMPANY - OWNER: AZURE SOUTH, INC. - Request for a Major Modification to the Town Center Development Standards TO ALLOW AUTO PARTS (NEW AND REBUILT) (ACCESSORY SALES AND SERVICE) AS A PERMITTED USE IN THE SX-TC (SUBURBAN MIXED USE – TOWN CENTER) DISTRICT with the approval of a Special Use Permit and Conditions of approval, Ward 6 (Mack).

C.C. 03/17/04**PROTESTS RECEIVED BEFORE:**

Planning Commission Mtg.
City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

RECOMMENDATION:

Staff recommends DENIAL

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Submitted at meeting: Acoustical Study for Discount Tire Company (attached to Item 26 [MOD-3652]).

MOTION:

DAVENPORT – APPROVED subject to conditions – Motion carried with TRUESDELL abstaining as his firm is currently in negotiation on a separate piece of property with Montecito Companies and GOYNES voting No.

To be heard by the City Council on 3/17/2004.**MINUTES:**

VICE CHAIRMAN NIGRO declared the Public Hearing open on Item 26 [MOD-3652], Item 27 [SUP-3650], and Item 28 [SDR-3648].

GARY LEOBOLD, Planning and Development Department, explained that the Modification would allow auto parts (new and rebuilt) (accessory sales and service) with a special use permit in the SX-TC (Suburban Mixed Use – Town Center) District. He noted that approval of this request would set a precedent for auto-related uses and would be counter-productive in this area.

PLANNING COMMISSION MEETING OF FEBRUARY 12, 2004
Planning and Development Department
Item 26 – MOD-3652

MINUTES – Continued:

MR. LEOBOLD explained that approval of this request would set a precedent for auto-related uses to develop in SX-TC-designated areas, where the intent of that use designation was to act as a transitional mixed-use area to surrounding lower density residential areas. MR. LEOBOLD stated that there are other land use categories in Town Center that do allow these types of auto-related uses and it would be proper to re-designate this site to one of those categories in order to allow such a use. Based on those criteria, staff recommended denial.

With regard to the special use permit, approval would be based on the approval of the major modification to the Town Center Design Standards manual in order to allow it within the SX-TC.

The proposed use as designed in the site plan review would comply with the suggested conditions that accompany the major modification. However, with a denial of the major modification, the special use permit will also require a denial.

ATTORNEY JENNIFER LAZOVICH, 3800 Howard Hughes Parkway, appeared on behalf of the applicant on all three applications. Using the overhead, she pointed out the chart of uses permitted in the Town Center Development Standards. She emphasized that the proposed project is less intense than an auto repair garage for a minor use. ATTORNEY LAZOVICH detailed the applicant's proposal to modify the Town Center Standards to include suburban mixed-use, which she noted is very similar to Service Commercial because it services the general neighborhood with service-type uses. She explained the advantages of adding another category in conjunction with a special use permit versus doing a general plan amendment to get this to Service Commercial.

TODD FARLOW, 240 North 19th Street, asked to see the site elevation that reflected lush trees and shrubbery. Comparing this proposal to other Discount Tire Centers, he was certain the end result would be a site void of landscaping similar in appearance to the other Centers.

COMMISSIONER McSWAIN stated she would not support the proposed use against this neighborhood. She added that the tire repair is not performed within an enclosed building and she felt the location is inappropriate for this use.

Referencing the Site Plan, ATTORNEY LAZOVICH, described the development area and the adjacent businesses across the street. She noted that one of the requirements of the modification, if approved, is the separation from existing or potential residential area by a trail with a minimum width of 30 feet or a 330-foot distance. Acknowledging the existing residential, ATTORNEY LAZOVICH noted that the applicant went one step further to ensure there was substantial buffering between the residential and the proposed commercial.

PLANNING COMMISSION MEETING OF FEBRUARY 12, 2004
Planning and Development Department
Item 26 – MOD-3652

MINUTES – Continued:

COMMISSIONER GOYNES expressed his concern regarding the modification of the Town Center Development Standards. Taking into consideration the details of the modification, he noted that the main purpose of the Town Center Master Plan was to provide unique and innovative uses and suggested the proposed development be moved to an area already designated for the project's intended use.

COMMISSIONER DAVENPORT felt the modification allows the ability to consider a project that would be a special use with set limitations and subject to review.

VICE CHAIRMAN NIGRO stated that similar businesses in older areas should not necessarily be a factor in determining that a tire store in this location would be a negative thing. He referenced a tire store located in the hub of Summerlin that, like the proposed project, is part of a commercial center yet completely surrounded by residential. He stated he could support a project that is upscale with enhanced landscaping and elevations and adequately buffered.

Prior to making a motion on the special use permit, COMMISSIONER EVANS asked for further clarification of the applicant's plans to provide buffering. ATTORNEY LAZOVICH noted that Pad G has a separation distance of 122 feet away from the residential property lines. Within that area, Montecito plans to develop a 30-foot wide trail that will include three rows of trees to provide adequate buffering between the proposed project and the residences. Responding to further questions, MR. LEOBOLD stated that initially there was a deficiency in the amount of landscaping proposed; however, that situation was subsequently resolved.

With regard to questions relative to the noise, ATTORNEY LAZOVICH submitted a study of distance comparisons and emission levels. Based on the report, it was determined that the sound level at 90 feet would be comparable to normal conversation.

There was no further discussion.

VICE CHAIRMAN NIGRO declared the Public Hearing closed on Item 26 [MOD-3652], Item 27 [SUP-3650], and Item 28 [SDR-3648].

NOTE: All discussion on Item 26 [MOD-3652], Item 27 [SUP-3650], and Item 28 [SDR-3648] was held under Item 26 [MOD-3652].

(7:46 – 8:10)

PLANNING COMMISSION MEETING OF FEBRUARY 12, 2004
Planning and Development Department
Item 26 – MOD-3652

CONDITIONS:

Planning and Development

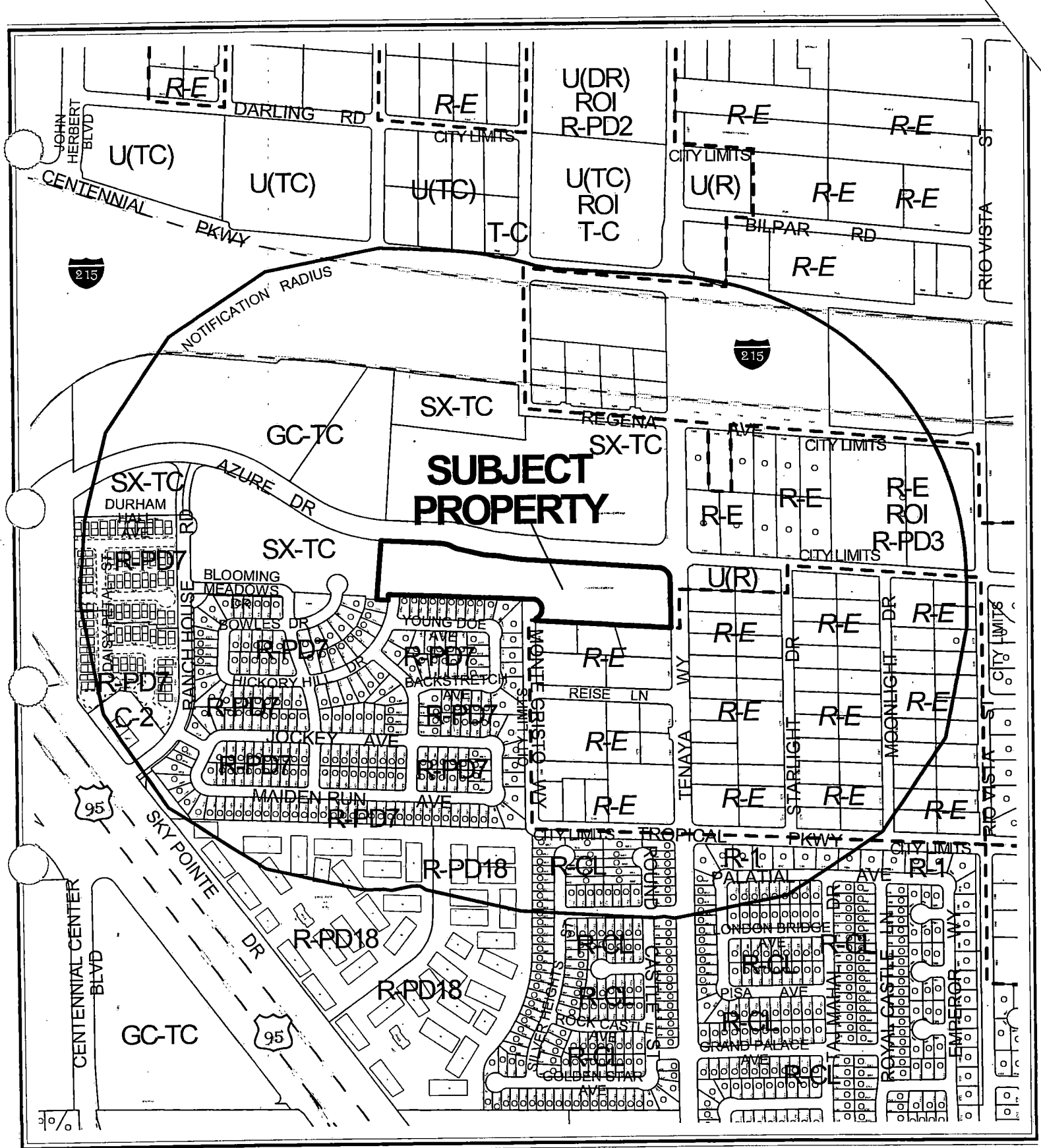
1. A Site Development Plan Review (SDR-3648) and a Special Use Permit (SUP-3650) shall be approved by the City Council at a Public Hearing.
2. Conformance to the Centennial Hills Town Center Development Standards Manual, except as amended by this request.
3. Add the following to the Centennial Hills Town Center Development Standards Manual:

Add “Auto Parts (New and Rebuilt) (Accessory Sales and Service)” as a Special Use Permit to the SX-TC (Suburban Mixed Use - Town Center) column only of the Permitted Uses Matrix under Section B.2 of the Manual; and

Add the following text as a new Subsection 1a) under Section B.4.b of the Manual:

“ 1a) Auto Parts (New and Rebuilt) (Accessory Sales and Service)

- a. All conditions for this use as specified under Title 19.04.040 must be satisfied for the issuance of a Special Use Permit for this use. In addition, the following conditions must also be satisfied.
- b. The building occupied by the Auto Parts use must be at least 330 feet from the property boundary of any adjacent land containing existing single-family or condominium residential development, or any land designated to allow the development of single-family or condominium residential development, or be separated from such existing or potential residential areas by an existing trail/buffer area with a minimum width of 30 feet.
- c. Any vehicular doors must not face any adjacent land containing existing single-family or condominium residential development, or any land designated to allow the development of single-family or condominium residential development.”



CASE: MOD-3652

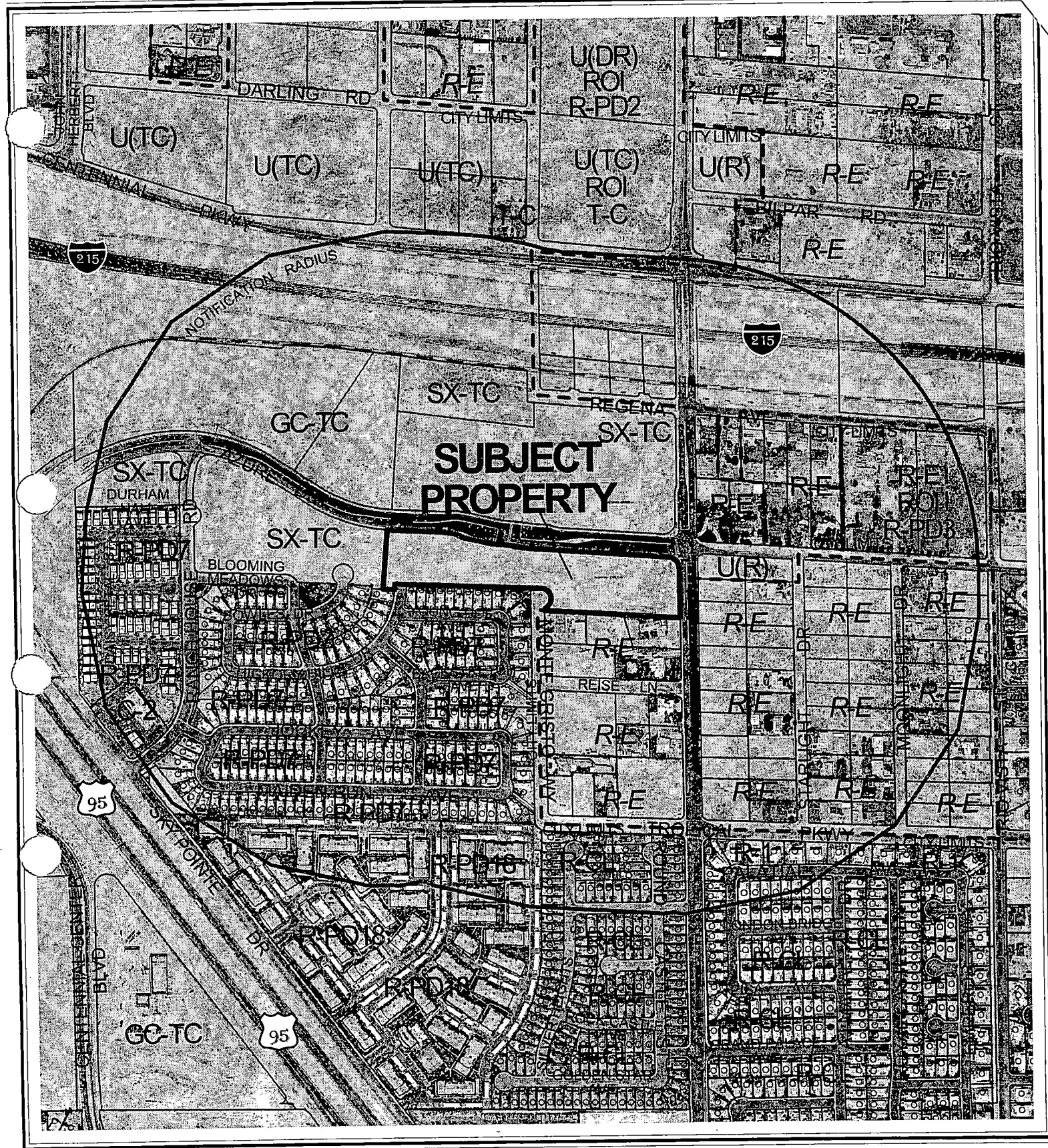
RADIUS: 1320 FT

ZONING OF SUBJECT PROPERTY:

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

0 300 600 Feet





0 300 600 Feet

CASE: MOD-3652

RADIUS: 1320 FT

ZONING OF SUBJECT PROPERTY:

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



AGENDA MEMO

PLANNING COMMISSION MEETING DATE: FEBRUARY 12, 2004

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: MOD-3652 - PUBLIC HEARING - APPLICANT:
MONTECITO COMPANIES, LIMITED LIABILITY COMPANY - OWNER: AZURE
SOUTH, INC.**

**** CONDITIONS ****

STAFF RECOMMENDATION: DENIAL If APPROVED, Subject to:

Planning and Development

1. A Site Development Plan Review (SDR-3648) and a Special Use Permit (SUP-3650) shall be approved by the City Council at a Public Hearing.
2. Conformance to the Centennial Hills Town Center Development Standards Manual, except as amended by this request.
3. Add the following to the Centennial Hills Town Center Development Standards Manual:
 - Add "Auto Parts (New and Rebuilt) (Accessory Sales and Service)" as a Special Use Permit to the SX-TC (Suburban Mixed Use - Town Center) column only of the Permitted Uses Matrix under Section B.2 of the Manual; and
 - Add the following text as a new Subsection 1a) under Section B.4.b of the Manual:
 - " 1a) Auto Parts (New and Rebuilt) (Accessory Sales and Service)
 - a. All conditions for this use as specified under Title 19.04.040 must be satisfied for the issuance of a Special Use Permit for this use. In addition, the following conditions must also be satisfied.
 - b. The building occupied by the Auto Parts use must be at least 330 feet from the property boundary of any adjacent land containing existing single-family or condominium residential development, or any land designated to allow the development of single-family or condominium residential development, or be separated from such existing or potential residential areas by an existing trail/buffer area with a minimum width of 30 feet.
 - c. Any vehicular doors must not face any adjacent land containing existing single-family or condominium residential development, or any land designated to allow the development of single-family or condominium residential development."

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

This application is a request for a Major Modification to the Centennial Hills Town Center Development Standards Manual to allow Auto Parts (New and Rebuilt) (Accessory Sales and Service) with the approval of a Special Use Permit within the SX-TC (Suburban Mixed Use - Town Center) land use designation, where separated from adjacent residential development by either a 30-foot Town Center pedestrian trail/buffer or a 330-foot separation distance. Approval of this Major Modification request will allow the applicant to develop an Auto Parts store on the subject site.

Companion applications for a Site Development Plan Review and perimeter buffering and landscaping Waivers (SDR-3648) and a Special Use Permit (SUP-3650) for a proposed 7,852 square-foot Auto Parts store will be considered concurrently with this application.

B) Applicant's Justification

The applicant has justified this request by stating that the proposed amendment would be appropriate, subject to the requirement for a review through the Special Use Permit process and where appropriately buffered from residential development.

BACKGROUND INFORMATION

A) Previous Actions

- | | |
|----------|--|
| 12/07/98 | The City Council approved a Rezoning (Z-0076-98) to T-C (Town Center) on the subject property as part of a larger request. The Planning Commission and Staff had recommended approval of this request on 11/05/98. |
| 04/04/01 | The City Council approved a Site Development Plan Review [Z-0076-98(20)] for the overall commercial development. Associated requests for Special Use Permits (U-0006-01 through U-0013-01, U-0015-01, U-0016-01, and U-0019-01 through U-0023-01) to allow seven supper clubs, one restaurant with drive-up, one restaurant service bar, two restricted gaming locations, and two requests for the sale of packaged liquor on the larger subject site were also approved at that time. The Planning Commission had voted to recommend denial of requests for Special Use Permits (U-0013-01, U-0014-01, and U-0022-01) for two supper clubs and one restaurant service bar, but had recommended approval of all of the other applications. Staff recommended approval of these requests. |

MOD-3652 - Staff Report Page Two
February 12, 2004 Planning Commission Meeting

- 06/18/03 The City Council approved an Extension of Time for the approved Site Development Plan Review (EOT-2152) for the site. The Council also approved related Extensions of Time for approved Special Use Permits (EOT-2153, EOT-2154, EOT-2155, EOT-2156, EOT-2157, EOT-2158, EOT-2159, EOT-2160, EOT-2162, EOT-2163, EOT-2164, and EOT-2165) for seven supper clubs, one restaurant with drive-up, two restricted gaming locations, one restaurant service bar, and two requests for the sale of packaged liquor on the subject site. The Planning Commission had recommended approval of the requests. Staff recommended approval of these requests.
- 01/08/04 The Planning Commission recommended approval of a request for a Master Sign Plan (DIR-3572) for an approved retail center on 14.16 acres adjacent to the northwest corner of Tenaya Way and Azure Drive, and on 16.66 acres on the south side of Azure Drive between Tenaya Way and approximately 520 feet east of Rancho Drive/US 95. Staff recommended approval. The City Council is scheduled to consider this request on 02/04/04.
- 02/12/04 The Planning Commission will consider companion requests for a Site Development Plan Review and perimeter buffering and landscaping Waivers (SDR-3648) and a Special Use Permit (SUP-3650) for a proposed Auto Parts store on a 0.92-acre parcel that is part of the 16.66-acre SX-TC designated site on the south side of Azure Drive west of Tenaya Way.

B) Pre-Application Meeting

- 12/05/03 At the pre-application meeting, the issues discussed included the conditions under which the proposed use would be appropriate in the SX-TC (Suburban Mixed Use - Town Center) land use designation. It was proposed by the applicant that appropriate conditions would include approval by Special Use Permit, and only where the proposed Auto Parts use would be separated from adjacent residential development by either a 30-foot Town Center pedestrian trail/buffer or a 330-foot separation distance. Other issues discussed pertained to the site planning details of the companion applications.

C) Neighborhood Meetings

A neighborhood meeting is not required with respect to a Major Modification application.

DETAILS OF APPLICATION REQUEST

This request will potentially affect any land within the Centennial Hills Town Center area that is, or will in the future be, designated as SX-TC (Suburban Mixed Use - Town Center). The proposed Major Modification seeks to add the Auto Parts (New and Rebuilt) (Accessory Sales and Service) with the approval of a Special Use Permit within the SX-TC (Suburban Mixed Use - Town Center) land use designation, under certain separation distance conditions.

ANALYSIS

A) *Zoning Code Compliance*

A1) Development Standards

The Major Modification will have no effect on zoning regulations or other development standards, other than those contained within the SX-TC (Suburban Mixed Use - Town Center) land use designation.

B) *General Analysis and Discussion*

The proposed Major Modification is inappropriate in that it will add an auto-related use to a Town Center land use designation that currently does not allow any form of auto-related activity. The allowance of this use within the SX-TC designation, even with the suggested separation conditions, will set the stage to allow other auto-related uses within this category in the future. The presence of such auto-related uses is contrary to the intent of the SX-TC designation, which is to create a buffer of low-intensity commercial and office uses, or vertically integrated mixed-use residential/commercial projects, as a transitional area between robust Town Center commercial activities and surrounding low-density residential areas. As a result, it is recommended that this request be denied.

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."**

All land designated as SX-TC (Suburban Mixed Use - Town Center) within the Town Center area is designated in the General Plan as TC (Town Center). The subject request is neither consistent nor inconsistent with this 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 Major Modification would allow auto-related uses within the SX-TC (Suburban Mixed Use - Town Center) land use designation. Even with the suggested separation distances, the proposed use would not be compatible with single-family residential development, if such development existed on adjacent or nearby sites. Additionally, approval of the request will lead to future requests for the addition of other incompatible auto-related uses to the SX-TC land use designation.

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

The applicant has indicated no information to support the need for the addition of the Auto Parts use category to the SX-TC designation. An examination of the Town Center Development Standards Manual reveals that, where auto-related uses are allowed within Town Center land use designations, these are concentrated in the GC-TC (General Commercial - Town Center) and EC-TC (Employment Center Mixed Use - Town Center) classifications. It is suggested that if there is evidence to support the need for Auto Parts uses in the Town Center area, that these uses should be added to one of the two categories that already are designed to support such uses.

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."

This request will affect all areas designated as SX-TC (Suburban Mixed Use - Town Center) on Map 4 of the Centennial Hills Sector Plan. These areas are served by a wide variety of street and highway facilities, which will be adequate to serve these SX-TC areas, if the Auto Parts use is added to these areas as requested by the applicant, and such projects are then developed on these sites so designated.

NOTICES MAILED Newspaper Only

APPROVALS 0

PROTESTS 0

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: MOD-3452 APN: 125-27-222-002

Name of Property Owner: AZURE SOUTH, INC

Name of Applicant: Montecito Companies, LLC

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: _____

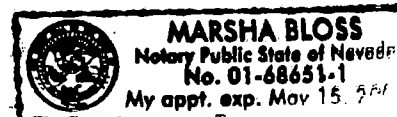
Signature of Property Owner/Authorized Agent: [Signature]

Print Name: Frank Nielsen.

Subscribed and sworn before me

This 19 day of December, 2003

Marsha Bloss
Notary Public in and for said County and State



ROBERT A. LARABELL

Acoustical Consultant

ACOUSTICAL STUDY FOR DISCOUNT TIRE COMPANY

As an independent acoustical consultant practicing in the State of Arizona over forty years, I have studied Discount Tire stores around the United States and I have compiled the following report relative to the noise emission impact of their stores.

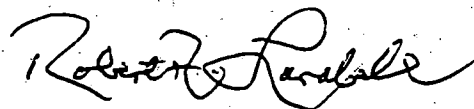
Having performed numerous on-site sound level readings at operating Discount Tire stores, we can plot within a decibel or two what the residual noise emission levels of a typical facility will be at any given distance from the open bay service doors. These studies were conducted to isolate such extraneous factors as prevailing traffic noise, landscaping, and adjacent parked vehicles.

With these factors taken into consideration, the attached generic study shows that within 30' of the open service bay doors, the noise levels can reach 75 decibels, within 48' the noise will be attenuated to 62 decibels, and at about 90' distance the residual level will be 59 decibels.

As illustrated on the attached color graphic of Relative Sound Levels, the 30' noise level is about the same as would be experienced in a noisy office or cafeteria, at the 48' distance the noise level would be about the same as arterial road traffic 100' away, and at the 90' distance, levels would be less than a normal conversation at a distance of a few feet.

We trust that this factual data will assist you in evaluating the relatively low-level noise emissions from any typical Discount Tire facility. Please feel free to contact us should you have any questions on this report or if you desire additional acoustical information.

Respectfully,



Robert A. Larabell
Acoustical Consultant

Submitted at Planning Commission

Date 2/12/04 Item # 26-28

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

PLANNING COMMISSION MEETING OF: FEBRUARY 12, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☐

CONSENT

☒

DISCUSSION

SUBJECT:

PUBLIC HEARING - SUP-3650 - APPLICANT: MONTECITO COMPANIES, LIMITED LIABILITY COMPANY - OWNER: AZURE SOUTH, INC. - Request for a Special Use Permit FOR AN AUTO PARTS (NEW AND REBUILT) (ACCESSORY SALES AND SERVICE) USE on a 0.92 acre portion of 7.24 acres adjacent to the south side of Azure Drive, approximately 1,100 feet west of Tenaya Way (APN: 125-27-222-002), T-C (Town Center) Zone [SX-TC (Suburban Mixed Use – Town Center) Land Use Designation], Ward 6 (Mack).

C.C.: 03/17/04 - IF DENIED: P.C.: FINAL ACTION (Unless appealed within 10 days)

PROTESTS RECEIVED BEFORE:

**Planning Commission Mtg.
City Council Meeting**

0

APPROVALS RECEIVED BEFORE:

**Planning Commission Mtg.
City Council Meeting**

0

RECOMMENDATION:

Staff recommends DENIAL

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Submitted at meeting: Acoustical Study for Discount Tire Company (attached to Item 26 [MOD-3652]).

MOTION:

GOYNES – DENIED – Motion carried with TRUESDELL abstaining as his firm is currently in negotiation on a separate piece of property with Montecito Companies and NIGRO and DAVENPORT voting No.

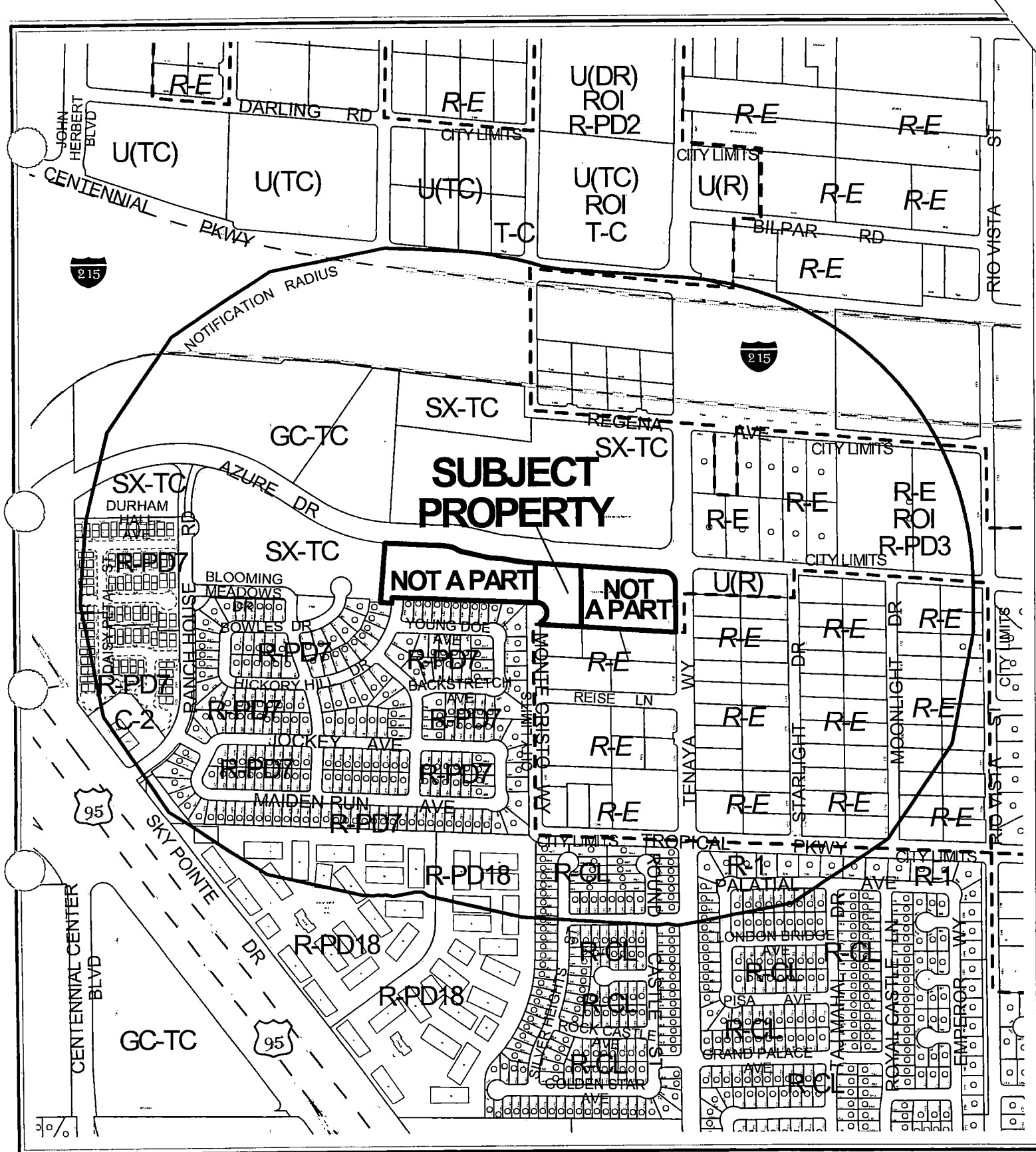
This is Final Action.

MINUTES:

NOTE: See Item 26 [MOD-3652] for related discussion.

(7:46 – 8:10)

2-236



CASE: SUP-3650

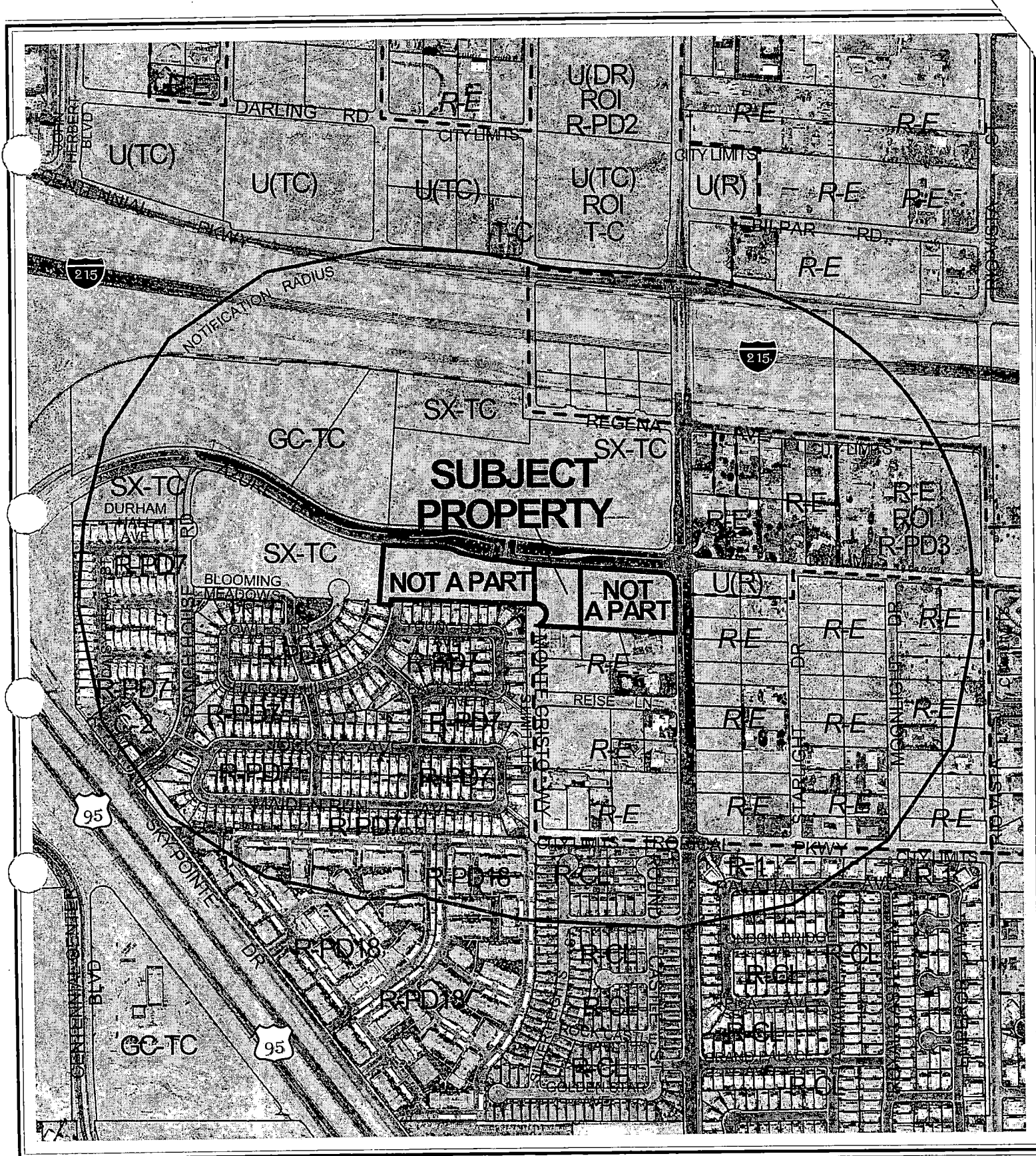
RADIUS: 1320 FT

ZONING OF SUBJECT PROPERTY:

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

0 300 600 Feet





CASE: SUP-3650

RADIUS: 1320 FT

ZONING OF SUBJECT PROPERTY:

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

0 300 600 Feet



AGENDA MEMO

PLANNING COMMISSION MEETING DATE: FEBRUARY 12, 2004

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: SUP-3650 - PUBLIC HEARING - APPLICANT: MONTECITO COMPANIES, LIMITED LIABILITY COMPANY - OWNER: AZURE SOUTH, INC.

**** CONDITIONS ****

STAFF RECOMMENDATION: DENIAL If APPROVED, Subject to:

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Major Modification (MOD-3652) and Site Development Plan Review [SDR-3648].
2. Conformance to all Minimum Requirements under Title 19.04.040 for an Auto Parts (New and Rebuilt) (Accessory Sales and Service) use.
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.

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

This application is a request for a Special Use Permit for a proposed Auto Parts store on the subject site on the south side of Azure Drive, approximately 660 feet west of Tenaya Way. Approval of this Special Use Permit request will allow the applicant to develop a 7,852 square-foot Auto Parts store on the subject site.

Companion applications for a Major Modification (MOD-3652) to the Centennial Hills Town Center Development Standards Manual to allow the Auto Parts (New and Rebuilt) (Accessory Sales and Service) use with the approval of a Special Use Permit within the SX-TC (Suburban Mixed Use - Town Center) land use designation, where separated from adjacent residential development by either a 30-foot Town Center pedestrian trail/buffer or a 330-foot separation distance, and a Site Development Plan Review and perimeter buffering and landscaping Waivers (SDR-3648) for the proposed Auto Parts store, will be considered concurrently with this application.

B) Applicant's Justification

The applicant has justified this request by stating that the proposed development would be appropriate within the context of a master planned commercial development as approved on the subject site, subject to review through the Special Use Permit process, and where appropriately buffered from residential development.

BACKGROUND INFORMATION

A) Previous Actions

12/07/98 The City Council approved a Rezoning (Z-0076-98) to T-C (Town Center) on the subject property as part of a larger request. The Planning Commission and Staff had recommended approval of this request on 11/05/98.

04/04/01 The City Council approved a Site Development Plan Review [Z-0076-98(20)] for the overall commercial development. Associated requests for Special Use Permits (U-0006-01 through U-0013-01, U-0015-01, U-0016-01, and U-0019-01 through U-0023-01) to allow seven supper clubs, one restaurant with drive-up, one restaurant service bar, two restricted gaming locations, and two requests for the sale of packaged liquor on the larger subject site were also approved at that time. The Planning Commission had voted to recommend denial of requests for Special Use Permits (U-0013-01, U-0014-01, and U-0022-01) for two supper clubs and one restaurant service bar, but had recommended approval of all of the other applications. Staff recommended approval of these requests.

SUP-3650 - Staff Report Page Two
February 12, 2004 Planning Commission Meeting

- 06/18/03 The City Council approved an Extension of Time for the approved Site Development Plan Review (EOT-2152) for the site. The Council also approved related Extensions of Time for approved Special Use Permits (EOT-2153, EOT-2154, EOT-2155, EOT-2156, EOT-2157, EOT-2158, EOT-2159, EOT-2160, EOT-2162, EOT-2163, EOT-2164, and EOT-2165) for seven supper clubs, one restaurant with drive-up, two restricted gaming locations, one restaurant service bar, and two requests for the sale of packaged liquor on the subject site. The Planning Commission and Staff had recommended approval of the requests.
- 01/08/04 The Planning Commission recommended approval of a request for a Master Sign Plan (DIR-3572) for an approved retail center on 14.16 acres adjacent to the northwest corner of Tenaya Way and Azure Drive, and on 16.66 acres on the south side of Azure Drive between Tenaya Way and approximately 520 feet east of Rancho Drive/US 95. Staff recommended approval.
- 02/12/04 The Planning Commission will consider companion requests for a Major Modification (MOD-3652) to the Centennial Hills Town Center Development Standards Manual to allow Auto Parts (New and Rebuilt) (Accessory Sales and Service) with the approval of a Special Use Permit within the SX-TC (Suburban Mixed Use - Town Center) land use designation, where separated from adjacent residential development by either a 30-foot Town Center pedestrian trail/buffer or a 330-foot separation distance, and a Site Development Plan Review and perimeter buffering and landscaping Waivers (SDR-3648) for a proposed Auto Parts store on a 0.92-acre parcel that is part of a 16.66-acre SX-TC designated site on the south side of Azure Drive, west of Tenaya Way.

B) Pre-Application Meeting

- 12/05/03 At the pre-application meeting, the issues discussed included the conditions under which the proposed use would be appropriate in the SX-TC (Suburban Mixed Use - Town Center) land use designation. It was proposed by the applicant that appropriate conditions would include approval by Special Use Permit, and only where the proposed Auto Parts use would be separated from adjacent residential development by either a 30-foot Town Center pedestrian trail/buffer or a 330-foot separation distance. Other issues discussed pertained to the site planning details of the companion applications.

C) Neighborhood Meetings

A neighborhood meeting is not required with respect to a Special Use Permit application.

DETAILS OF APPLICATION REQUEST

A) *Site Area*

Gross Acres: 16.66
Net Acres: 0.92

B) *Existing Land Use*

Subject Property: Undeveloped
North: Retail Shopping Center (under construction)
South: Single Family Dwellings
East: Retail Shopping Center (under construction)
West: Retail Shopping Center (under construction)

C) *Planned Land Use*

Subject Property: SX-TC (Suburban Mixed Use - Town Center)
North: SX-TC (Suburban Mixed Use - Town Center)
South: ML (Medium-Low Density Residential) - Clark County
East: SX-TC (Suburban Mixed Use - Town Center)
West: SX-TC (Suburban Mixed Use - Town Center)

D) *Existing Zoning*

Subject Property: T-C (Town Center)
North: T-C (Town Center)
South: R-E (Rural Estates Residential) - Clark County
East: T-C (Town Center)
West: T-C (Town Center)

E) *General Plan Compliance*

The site is located within the Town Center area of the Centennial Hills Sector Plan. The Town Center area is designated as TC (Town Center) in that Sector Plan. Within Town Center, the site has an SX-TC (Suburban Mixed Use - Town Center) special land use designation. An Auto Parts use is not currently allowed within this designation, but a companion Major Modification (MOD-3652), if approved, will add that use to the SX-TC designation, subject to the approval of this Special Use Permit, and subject to certain conditions.

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

SUP-3650 - Staff Report Page Four
February 12, 2004 Planning Commission Meeting

Trails

A 30-foot Multi-use Transportation Trail is required along the southern boundary of the subject pad site and through the overall commercial development, in accordance with the requirements of Map 6 of the Transportation Trails Element of the Las Vegas 2020 Master Plan. This trail has been factored into the site plan for the project.

Rural Preservation Neighborhood

Although much of the site falls within a rural preservation neighborhood buffer created by the proximity of rural properties in Clark County to the immediate south of the site, the SX-TC land use designation and the approval of the use of the site for commercial activities predates RPN legislation.

Project of Regional Significance

This application is deemed to be a Project of Regional Significance, pursuant to state law, as the application is for a Special Use Permit on a site that is within 500 feet of Clark County. This issue is outlined below.

INTERAGENCY ISSUES

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

- 1) Any Special Use Permit within 500 feet of Clark County lands.

An Environmental Impact Assessment questionnaire was circulated to the affected Agencies and Entities for the mandated 15-day period. None of the comments received to date reflect any concerns with the project. The Department of Public Works has indicated that a drainage study will be required for this project.

The Planning Commission shall consider the Environmental Impact Assessment and the proposed mitigation measures prior to make a decision on the proposal.

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		Provided	
			Parking		Parking	
			Regular	Handicap	Regular	Handicap
Auto Parts (New and Rebuilt) (Accessory Sales and Service)	7,852 s.f.	5 spaces + one space/200 s.f. of g.f.a.	45 spaces	2 spaces	46 spaces	2 spaces

The revised site plan identifies an amount of parking which exceeds Code requirements. The project contains the required two handicap spaces; however, the design of these spaces does not meet current city Code requirements. A condition of approval will require that these spaces be reconfigured to meet current standards.

A2) Minimum Distance Separation Requirements

There are no Minimum Separation Distance Requirements in the Zoning Code that apply to the proposed Auto Parts Store use. There are no similar approved uses within the 750-foot notification distance.

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

Standards	Code Requirement	Provided
Trash Enclosure	50 feet from residential areas	N

The revised site plan as submitted depicts a trash enclosure that meets Code requirements.

B) General Analysis and Discussion

- Zoning

This site is currently zoned as T-C (Town Center). Although specific uses are not listed in the T-C zoning district, the SX-TC (Suburban Mixed Use - Town Center) special land use designation of Map 4 of the Centennial Hills Sector Plan does not currently allow the proposed Auto Parts use. A companion Major Modification (MOD-3652) to the Permitted Uses Matrix of the Town Center Development Standards Manual, if approved, will allow this use in the SX-TC designation, with approval of a Special Use Permit and subject to specified conditions.

- Use

The proposed Auto Parts use would be allowed by Special Use Permit and subject to a number of conditions, should companion Major Modification MOD-3652 be approved.

- Conditions

The proposed Major Modification will impose the following existing conditions for Auto Parts uses from Title 19.04.040:

1. If an installation service is offered, the service shall be restricted to the installation of minor parts only, including batteries, windshield wipers, hoses, fuses, lights, radios and similar minor elements, but excluding engine, transmission and differential service, repair or installation.
2. All installation work shall be done within a completely enclosed building.
3. Access doors to the installation bays shall not face public rights-of-way and shall be designed to minimize the visual intrusion into adjoining properties.
4. No dismantling, remanufacturing or rebuilding shall be permitted.
5. No used or discarded minor automotive parts shall be located or stored in any open area outside of an enclosed building.

Section B.4.B of the Town Center Development Standards Manual will have the following text amended through Major Modification MOD-3652, if approved, to include the above Title 19 conditions, as well as specific conditions within the SX-TC special land use designation, where Auto Parts development is approved:

“ 1a) Auto Parts (New and Rebuilt) (Accessory Sales and Service)

- a. All conditions for this use as specified under Title 19.04.040 must be satisfied for the issuance of a Special Use Permit for this use. In addition, the following conditions must also be satisfied.
- b. The building occupied by the Auto Parts use must be at least 330 feet from the property boundary of any adjacent land containing existing single-family or condominium residential development, or any land designated to allow the development of single-family or condominium residential development, or be separated from such existing or potential residential areas by an existing trail/buffer area with a minimum width of 30 feet.
- c. Any vehicular doors must not face any adjacent land containing existing single-family or condominium residential development, or any land designated to allow the development of single-family or condominium residential development.”

The application as currently submitted would be in compliance with these proposed 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 Auto Parts store is not currently allowed anywhere in the Town Center area, but through a companion Major Modification (MOD-3652), if approved, will be permitted with approval of a Special Use Permit within the SX-TC (Suburban Mixed Use - Town Center) special land use designation. Given the proximity of this site to low-density residential development, despite the separation of the site from residential uses by a 30-foot trail, the proposed use is likely to have a detrimental impact on these adjacent residential sites, and denial is therefore recommended.

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

The site is relatively flat and level and contains no impediments to commercial development; however, the size of building proposed does not allow for sufficient parking on the site. The site plan needs to be revised to reduce the size of the building, or additional site area must be added to the project, or a parking variance would have to be applied for and approved, in order for the project as currently proposed to proceed.

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 proposed site access will not negatively impact adjacent roadways, as the proposed development will have direct access to Azure Drive, a 90-foot wide Town Center Loop Road.

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 project will be consistent with Title 19, the Town Center Development Standards Manual and applicable City plans, policies and standards, with the approval of the companion Major Modification MOD-3652 and Site Development Plan Review SDR-3648; however, it is recommended that it is inappropriate to add auto-related uses to the SX-TC special land use designation. There are minor deficiencies in required perimeter landscaping that is addressed by the applicant by a Waiver request. A deficiency in the handicap parking design is addressed through a condition of approval.

SUP-3650 - Staff Report Page Eight
February 12, 2004 Planning Commission Meeting

NOTICES MAILED 484 (Mailed with SDR-3648)

APPROVALS 0

PROTESTS 0

STATEMENT OF FINANCIAL INTEREST

Name of Property Owner: AZURE SOUTH, INC

Name of Applicant: Montecito Companies, LLC

 Yes X No

City Official: _____

Partner(s): _____

APN: _____

Signature of Property Owner/Authorized Agent:

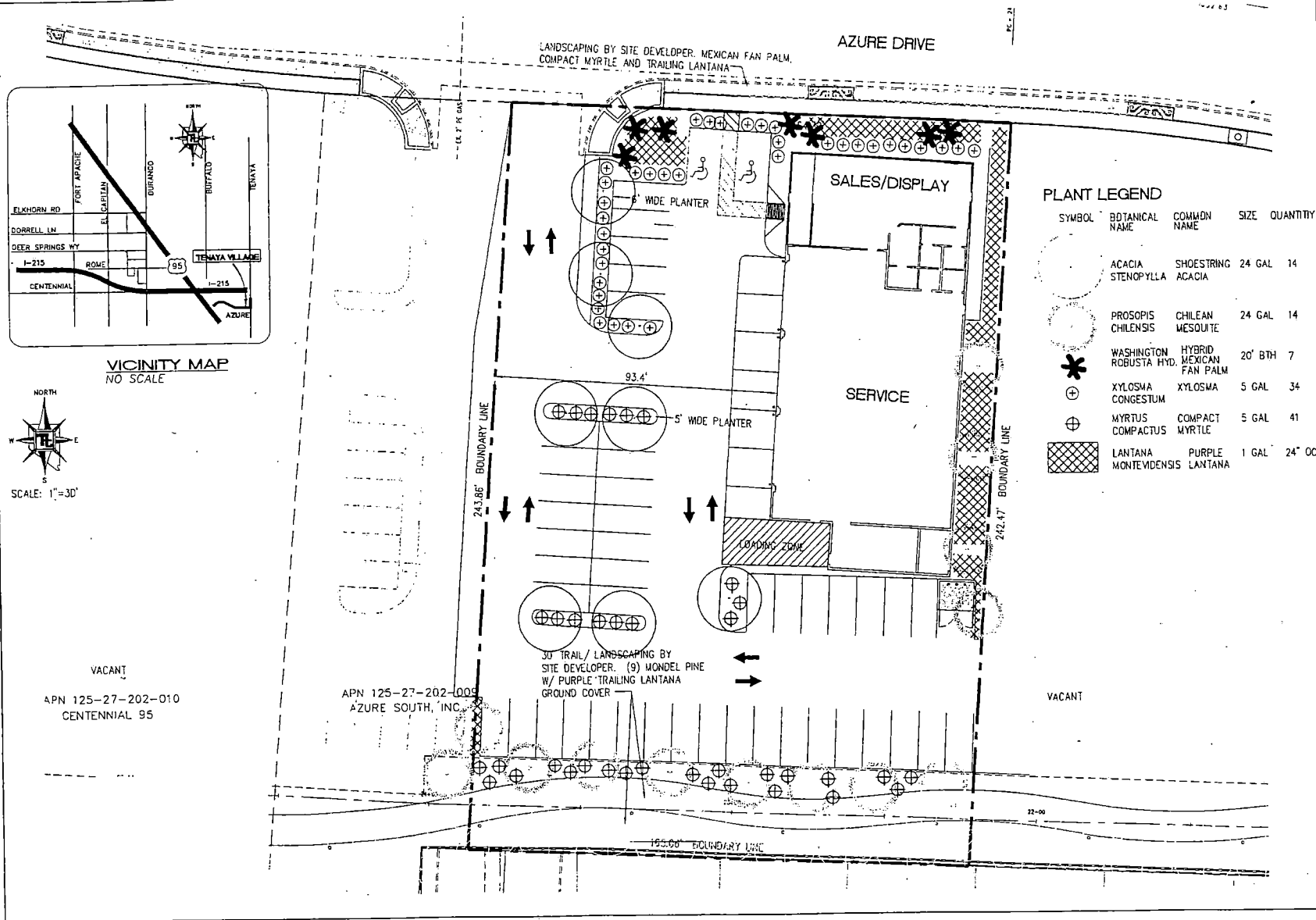
Print Name: frank Nielsen

Subscribed and sworn before me

This 19 day of December, 2002

Marsha Bloss
Notary Public in and for said County and State





TETRA TECH, INC.
INFRASTRUCTURE SOUTH WEST GROUP
401 N. Buffalo Dr., Suite 100, Las Vegas, Nevada 89120 (702) 242-1800

DISCOUNT TIRE

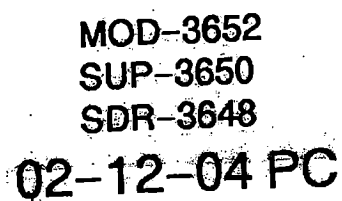
LANDSCAPE PLAN - CITY OF LAS VEGAS

SHEET 1 OF 1

SUP-3650
SDR-3648
02-12-04 PC
REVISED 01-22-04

1. CMU BASE COURSE - INTERNAL COLOR
2. CMU WATERTABLE COURSE - INTERNAL COLOR
3. CMU MAIN BODY - PAINTED.
4. ALUMINUM STONEFRONT TO BE FACTORY FINISH
5. EIFS - PAINTED PER PAINT NOTE.
6. STEEL TRUSS / ALL EXPOSED STRUCTURAL STEEL TO BE FACTORY PRIMED - FINISHED PAINTED ON THE JOB SITE.

- ◆ MANUFACTURER'S STANDARD COLOR - TO MATCH "BARNER RED"
- ◆ INTERNAL COLOR SPLIT-FACE CPUL - TO MATCH "BURNED TAN"
- ◆ INTERNAL COLOR SPLIT-FACE CPUL - TO MATCH "COCOA"
- ◆ GREY SPLIT-FACE CPUL - PAINTED - "PEACH LITE"
- ◆ SLPA - PAINTED - "PEACH LITE"
- ◆ SLPA - PAINTED - "BURNDUNT"
- ◆ STEEL FLASHING / METAL FLASHING - PAINTED - "PAINE HARBOR"
- ◆ PAINTED "BURNED TAN"

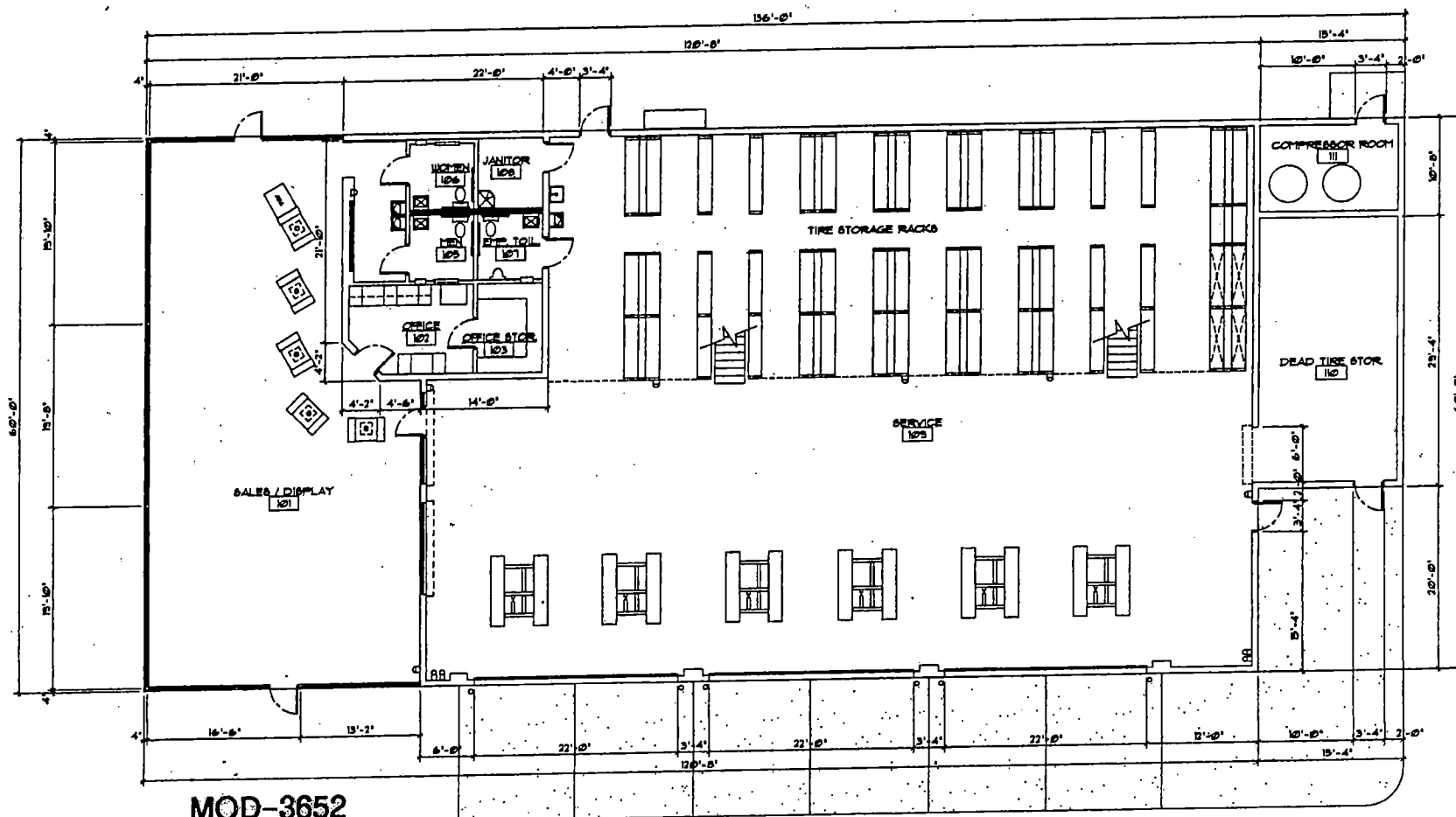


PROPOSED: 1,853 S.F.

OCCUPANCY LOAD:
 OLD TIRE STORAGE: - 418 S.F. @ 1 PERSON / 300 S.F. = 1 PERSON
 SHOWROOM / OFFICE: - 1,730 S.F. @ 1 PERSON / 30 S.F. = 58 PERSONS
 SERVICE AREA - 4,888 S.F. @ 1 PERSON / 300 S.F. = 16 PERSONS
 INCL. TIRE STORAGE: - 503 S.F. @ 1 PERSON / 300 S.F. = 2 PERSONS
 MEZZANINE STORAGE: - 1,268 S.F. @ 1 PERSON / 300 S.F. = 4 PERSONS
 TIRE BACK WALKING GRATE: - 1,268 S.F. @ 1 PERSON / 300 S.F. = 4 PERSONS
 TOTAL - 84 PERSONS



PROTOTYPE 6-BAY FLOOR PLAN
 3 - SIDED SHOWROOM
 136' X 60'
 7,853 S.F.



MOD-3652
 SUP-3650
 SDR-3648
 02-12-04 PC



PUBLIC HEARING - SUP-3650 - APPLICANT: MONTECITO COMPANIES, LIMITED LIABILITY
COMPANY - OWNER: AZURE SOUTH, INC.
SOUTH SIDE OF AZURE DRIVE, APPROXIMATELY 1,100 FEET WEST OF TENAYA WAY
FEBRUARY 12, 2004 PLANNING COMMISSION

01/23/04



PUBLIC HEARING - SUP-3650 - APPLICANT: MONTECITO COMPANIES, LIMITED LIABILITY
COMPANY - OWNER: AZURE SOUTH, INC.
SOUTH SIDE OF AZURE DRIVE, APPROXIMATELY 1,100 FEET WEST OF TENAYA WAY
FEBRUARY 12, 2004 PLANNING COMMISSION

01/23/04

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

PLANNING COMMISSION MEETING OF: FEBRUARY 12, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☐

CONSENT

☒

DISCUSSION

SUBJECT:

PUBLIC HEARING - SDR-3648 - APPLICANT: MONTECITO COMPANIES, LIMITED LIABILITY COMPANY - OWNER: AZURE SOUTH, INC. - Request for a Site Development Plan Review and a Waiver of the perimeter and buffering landscaping requirements FOR A 7,852 SQUARE FOOT AUTO PARTS (NEW AND REBUILT) (ACCESSORY SALES AND SERVICE) STORE on a 0.92 acre portion of 7.24 acres adjacent to the south side of Azure Drive, approximately 1,100 feet west of Tenaya Way (APN: 125-27-222-002), T-C (Town Center) Zone [SX-TC (Suburban Mixed Use – Town Center) Land Use Designation], Ward 6 (Mack).

C.C.: 03/17/04 - IF DENIED: P.C.: FINAL ACTION (Unless appealed within 10 days)

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

RECOMMENDATION:

Staff recommends DENIAL

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Submitted at meeting: Acoustical Study for Discount Tire Company (attached to Item 26 [MOD-3652]).

MOTION:

GOYNES – DENIED – Motion carried with TRUESDELL abstaining as his firm is currently in negotiation on a separate piece of property with Montecito Companies and NIGRO and DAVENPORT voting No.

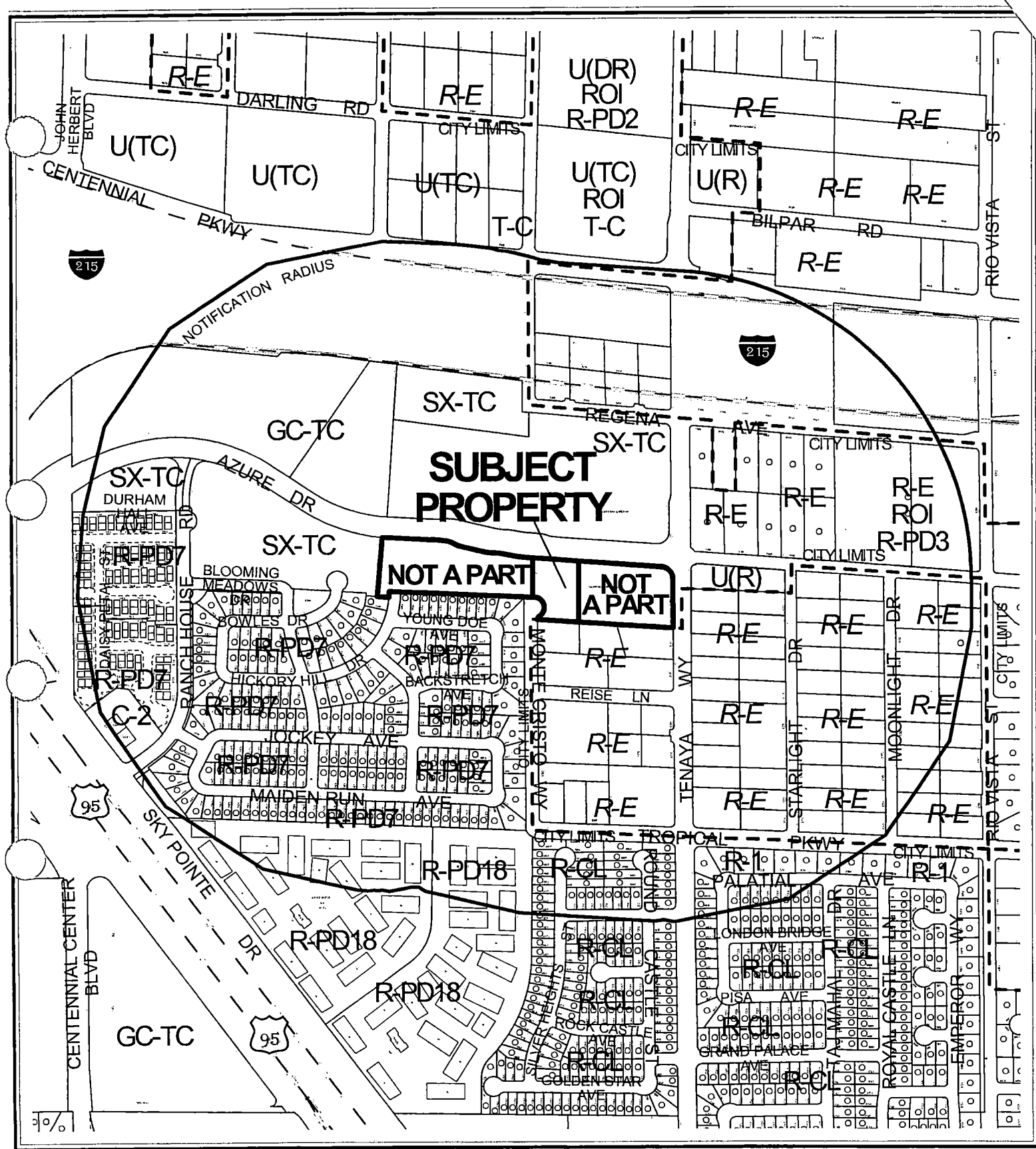
This is Final Action.

MINUTES:

NOTE: See Item 26 [MOD-3652] for related discussion.

(7:46 – 8:10)

2-236



CASE: **SDR-3648**

RADIUS: 1320 FT

ZONING OF SUBJECT PROPERTY:

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

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: FEBRUARY 12, 2004

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: SDR-3648 - PUBLIC HEARING - APPLICANT: MONTECITO COMPANIES, LIMITED LIABILITY COMPANY - OWNER: AZURE SOUTH, INC.

**** CONDITIONS ****

STAFF RECOMMENDATION: DENIAL If APPROVED, subject to:

Planning and Development

1. 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.
2. All development shall be in conformance with the site plan and building elevations, except as amended by conditions herein.
3. The site plan shall be revised and approved by Planning and Development Department staff, prior to the time application is made for a building permit, to reflect handicap spaces that meet current Code requirements.
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, if not already done as part of the master development. A copy of the approved address plan shall be submitted with any future building permit applications related to the site.
5. The landscape plan shall be revised and approved by Planning and Development Department staff, prior to the time application is made for a building permit, to reflect minimum 24-inch box trees planted a maximum of 20 feet on-center and a minimum of four five-gallon shrubs for each tree within provided planters, other than as reduced through a specific Waiver request.
6. 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.]
7. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.

SDR-3648 - Conditions Page Two
February 12, 2004 Planning Commission Meeting

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. A Master Sign Plan shall be submitted for approval of the Planning Commission or City Council prior to the issuance of a Certificate of Occupancy for any building on the site.
10. All utility boxes exceeding 27 cubic feet in size shall meet the standards of Municipal Code Section 19.12.050.
11. 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.
12. 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.
13. All City Code requirements and design standards of all City departments must be satisfied.

Public Works

14. If not already constructed by the master developer, construct the full width of the driveway and sufficient onsite paving to allow two-way traffic to this site concurrent with development of this site. Driveways shall be designed, located and constructed in accordance with Standard Drawing #222a.
15. Provide a copy of a recorded Joint Access Agreement between this site and the adjoining parcel to the west prior to the issuance of any permits.
16. 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.

SDR-3648 - Conditions Page Three
February 12, 2004 Planning Commission Meeting

17. Site development to comply with all applicable conditions of approval for Z-0076-98(20), the Montecito East Commercial Subdivision, the approved Traffic Impact Analysis and all other applicable site-related actions.

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

This application is a request for a Site Development Plan Review with waivers of the perimeter buffering and perimeter landscaping requirements, that will allow a 7,852 square-foot Auto Parts store on the subject site.

Companion applications for a Major Modification (MOD-3652) to the Centennial Hills Town Center Development Standards Manual to allow Auto Parts (New and Rebuilt) (Accessory Sales and Service) with the approval of a Special Use Permit within the SX-TC (Suburban Mixed Use - Town Center) land use designation, where separated from adjacent residential development by either a 30-foot Town Center pedestrian trail/buffer or a 330-foot separation distance, and a Special Use Permit (SUP-3650) for the proposed Auto Parts store, will be considered concurrently with this application.

B) Applicant's Justification

The applicant has justified this request by stating that the proposed development would be appropriate within the context of a master planned commercial development as approved on the subject site, subject to review through the Special Use Permit process, and where appropriately buffered from residential development.

BACKGROUND INFORMATION

A) Previous Actions

- 12/07/98 The City Council approved a Rezoning (Z-0076-98) to T-C (Town Center) on the subject property as part of a larger request. The Planning Commission had recommended approval of this request on 11/05/98.
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SDR-3648 - Staff Report Page Two
February 12, 2004 Planning Commission Meeting

- 06/18/03 The City Council approved an Extension of Time for the approved Site Development Plan Review (EOT-2152) for the site. The Council also approved related Extensions of Time for approved Special Use Permits (EOT-2153, EOT-2154, EOT-2155, EOT-2156, EOT-2157, EOT-2158, EOT-2159, EOT-2160, EOT-2162, EOT-2163, EOT-2164, and EOT-2165) for seven supper clubs, one restaurant with drive-up, two restricted gaming locations, one restaurant service bar, and two requests for the sale of packaged liquor on the subject site. The Planning Commission and Staff had recommended approval of the requests.
- 01/08/04 The Planning Commission recommended approval of a request for a Master Sign Plan (DIR-3572) for an approved retail center on 14.16 acres adjacent to the northwest corner of Tenaya Way and Azure Drive, and on 16.66 acres on the south side of Azure Drive between Tenaya Way and approximately 520 feet east of Rancho Drive/US 95. Staff recommended approval.
- 02/12/04 The Planning Commission will consider companion requests for a Major Modification (MOD-3652) to the Centennial Hills Town Center Development Standards Manual to allow Auto Parts (New and Rebuilt) (Accessory Sales and Service) with the approval of a Special Use Permit within the SX-TC (Suburban Mixed Use - Town Center) land use designation, where separated from adjacent residential development by either a 30-foot Town Center pedestrian trail/buffer or a 330-foot separation distance, and a Special Use Permit (SUP-3650) for a proposed Auto Parts store on a 0.92-acre parcel that is part of the 16.66-acre SX-TC designated site on the south side of Azure Drive west of Tenaya Way.

B) Pre-Application Meeting

- 12/05/03 At the pre-application meeting, the issues discussed included the conditions under which the proposed use would be appropriate in the SX-TC (Suburban Mixed Use - Town Center) land use designation. It was proposed by the applicant that appropriate conditions would include approval by Special Use Permit, and only where the proposed Auto Parts use would be separated from adjacent residential development by either a 30-foot Town Center pedestrian trail/buffer or a 330-foot separation distance. Other issues discussed pertained to the site planning details of the companion applications.

C) Neighborhood Meetings

A neighborhood meeting is not required with respect to a Site Development Plan Review application.

DETAILS OF APPLICATION REQUEST

A) Site Area

Gross Acres: 16.66

Net Acres: 0.92

B) Existing Land Use

Subject Property: Undeveloped

North: Retail Shopping Center (under construction)

South: Single Family Dwellings

East: Retail Shopping Center (under construction)

West: Retail Shopping Center (under construction)

C) Planned Land Use

Subject Property: SX-TC (Suburban Mixed Use - Town Center)

North: SX-TC (Suburban Mixed Use - Town Center)

South: ML (Medium-Low Density Residential) - Clark County

East: SX-TC (Suburban Mixed Use - Town Center)

West: SX-TC (Suburban Mixed Use - Town Center)

D) Existing Zoning

Subject Property: T-C (Town Center)

North: T-C (Town Center)

South: R-E (Rural Estates Residential) - Clark County

East: T-C (Town Center)

West: T-C (Town Center)

E) General Plan Compliance

The site is located within the Town Center area of the Centennial Hills Sector Plan. The Town Center area is designated as TC (Town Center) in that Sector Plan. Within Town Center, the site has an SX-TC (Suburban Mixed Use - Town Center) special land use designation. An Auto Parts use is not allowed within this designation, but a companion Major Modification (MOD-3652), if approved, will add that use to the SX-TC designation, subject to the approval of a Special Use Permit (also a companion application, SUP-3650), and subject to certain conditions. The site plan as proposed meets the conditions proposed for the Special Use Permit request.

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

Trails

A 30-foot Multi-use Transportation Trail is required along the southern boundary of the subject pad site and through the overall commercial development, in accordance with the requirements of Map 6 of the Transportation Trails Element of the Las Vegas 2020 Master Plan. This trail has been factored into the site plan for the project.

Rural Preservation Neighborhood

Although much of the site falls within a rural preservation neighborhood buffer created by the rural properties in Clark County to the immediate south of the site, the SX-TC land use designation and the approval of the use of the site for commercial activities predates RPN legislation.

Project of Regional Significance

This application is deemed to be a Project of Regional Significance, pursuant to state law, as the site is within 500 feet of Clark County and requires approval of a companion Special Use Permit to be approved. This issue is discussed in greater detail in the case report for companion Special Use Permit SUP-3650. The Department of Public Works has indicated that a drainage study will be required for this project.

PROJECT DESCRIPTION

The project consists of a 7,852 square-foot, one-story auto parts building. The building is designed as a retail tire store and service center. It contains six service bays oriented west towards future commercial land on the overall site. A sales/display area is located at the front of the building which faces north towards Azure Drive. The exterior of the building is composed of split-faced CMU with EIFS cornice and column details, with bands of metal coping. The building will also feature a wrap around aluminum storefront with glazing panels that predominantly face north, and three west-facing overhead sectional doors to conceal the service bays.

ANALYSIS

A) Zoning Code Compliance

A1) Development Standards

Pursuant to Title 19.06.110, the Development Standards within a T-C District are established by the Site Development Plan. The development standards that are proposed for this site through this Site Development Plan are as follows:

Proposed Standards

Min. Setbacks	
• Front	12.5 Feet
• Side	11.6 Feet
• Rear	94 Feet
Max. Lot Coverage	19.6 %
Max. Building Height	1 Story / 26 Feet
Trash Enclosure	Provided, but within 50 Feet of residential
Loading Zone	Y
Mech. Equipment	Screened on roof

The proposed development is planned to match the setbacks and appearance of other commercial development projects within the Montecito East development site. The applicant has submitted a revised site plan that clearly identifies the on-site loading zone, and locates the trash enclosure away from the residential area to the south, to a location adjacent to the building in accordance with Code requirements.

A2) Residential Adjacency Standards

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

- a) Proximity slope. The proposed development will be 26 feet in height, and is directly adjacent to County lands designated for low-density residential development; as a result, a setback of at least 78 feet is required to the south of the building to meet the 3:1 slope requirement. Since this proposed setback is 94 feet, the project exceeds proximity slope requirements.
- b) Building setback. The adjacent County R-E (Rural Estates Residential) land has a 30-foot rear yard setback. The proposed development easily exceeds this matching setback requirement.

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 Parts (New and Rebuilt) (Accessory Sales and Service)	7,852 s.f.	5 spaces + one space/200 s.f. of g.f.a.	45 spaces	2 spaces	46 spaces	2 spaces

The revised site plan identifies an amount of parking which exceeds Code requirements.

The project contains the required two handicap spaces; however, the design of these spaces does not meet current city Code requirements. A condition of approval will require that these spaces be reconfigured to meet current standards.

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 (45 spaces required)	8 Trees	9 Trees
Buffer:			
• Min. Trees	1 Tree/ 20 Linear Feet (adjacent to street [140 Feet] or residential [164 Feet])	7 Trees adjacent to street, 9 Trees adjacent to residential	7 Trees 9 Trees
	1 Tree/ 30 Linear Feet (adjacent to commercial [485 Feet])	17 Trees	3 Trees
• Min. Zone Width	Town Center Loop Road street section requirements (4-foot amenity zone, 5-foot sidewalk) 0 to 15 Feet on-site adjacent to street 8 Feet on other perimeters		Y 12.5 Feet 11.6 Feet east of building, none elsewhere
• Wall height	6 Feet		Y

The initial application was deficient with respect to perimeter buffering on the sides of the site and perimeter landscaping on the front and sides of the site. The applicant has indicated that the appropriate amount of landscaping will be provided to the front of the site, and has requested a Waiver from the other deficient standards. These Waiver requests are appropriate, given the small size of the parcel and its integration into a larger commercial subdivision with a significant amount of site landscaping. Much of the landscaping that is provided in conjunction with this development is to be located in the 30-foot trail right-of-way to the south of the site. Technically, the required landscaping should be provided within the developed portion of the site.

A5) Sign Standards

Pursuant to the Centennial Hills Town Center Development Standards Manual, the Planning Commission recommended approval of a request for a Master Sign Plan (DIR-3572) for the overall retail center located on this site. The signage for the proposed development will comply with the Master Sign Plan.

B) General Analysis and Discussion

- **Zoning**

This site is currently zoned as T-C (Town Center). Although specific uses are not listed in the T-C zoning district, the SX-TC (Suburban Mixed Use - Town Center) special land use designation of Map 4 of the Centennial Hills Sector Plan does not currently allow the proposed Auto Parts use, but a companion Major Modification to the Permitted Uses Matrix of the Town Center Development Standards Manual, if approved, will allow this use in the SX-TC designation with approval of a Special Use Permit.

- **Site Plan**

The site plan illustrates the development of a 7,852 square-foot single-story building on the subject site, which although a separate parcel, is functionally part of a larger overall commercial site. Deficiencies on the original submission with respect to perimeter buffering and landscaping, trash enclosure location, handicap parking specifications and the amount of on-site parking have been satisfactorily addressed through the submission of a revised site plan and Waiver requests by the applicant.

- **Waivers**

The applicant has requested Waivers of side yard perimeter buffering and perimeter landscaping requirements. These Waiver requests are appropriate given the small size of the parcel and its integration into a larger commercial subdivision with a significant amount of site landscaping.

- **Landscape Plan**

The landscape plan depicts eleven 24"-box Shoestring Acacia trees and fourteen 24"-box Chilean Mesquite trees, as well as a number of five-gallon and one-gallon shrubs. A total of 41 trees of this size are required for the perimeter and parking lot landscaping requirements of the Code. If 41 trees are provided at the 24"-box size, the Code requirement is for 164 five-gallon shrubs and 164 one-gallon shrubs. Reduction of these overall landscaping requirements should be proportional to the reduction in the perimeter buffering and landscaping areas, as shown on the submitted conceptual landscaping plan. The applicant has provided a letter indicating that the number of ground cover plants to be provided will meet Code requirements.

- Elevation

The exterior of the building is composed of split-faced CMU with EIFS cornice and column details, with bands of metal coping. The building will also feature a wrap around aluminum storefront with glazing panels that predominantly face north, and three west-facing overhead sectional doors to conceal the service bays.

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 original concept for the Town Center area was to limit the presence of auto-related uses, particularly in the transitional areas around the edge of the Town Center area where it borders on to low-density residential development. Although the project will be somewhat buffered from the residential area to the south by the presence of a perimeter wall and a 30-foot wide trail between the subject site and these residential uses, the project is incompatible with the these low-density residential uses to the immediate south of the site.

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 proposed project will be consistent with Title 19, the Town Center Development Standards Manual and applicable City plans, policies and standards, with the approval of the companion Major Modification MOD-3652 and Special Use Permit SUP-3650 except as noted below; however, it is recommended that it is inappropriate to add auto-related uses to the SX-TC special land use designation. There are deficiencies in required perimeter landscaping and parking lot landscaping, as well as on-site parking, handicap parking design, loading zone location and trash enclosure location that need to be addressed.

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

The proposed site access will not negatively impact adjacent roadways, as the proposed development will have direct access to Azure Drive, a 90-foot wide Town Center Loop Road.

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

The proposed building elevations and landscaping with implementation of the recommended conditions will be appropriate for a commercial development of this type.

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 building elevations proposed are comparable to similar developments within the overall commercial site, and appear to meet the standards contained in the Town Center Development Standards Manual.

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

The proposed development will be subject to inspections for Certificate of Occupancy and for Emergency Preparedness, and therefore the development will not compromise the public health, safety or welfare.

NOTICES MAILED 484 (Mailed with SUP-3650)

APPROVALS 0

PROTESTS 0

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: SPR-3648 APN: 125-27-222-002

Name of Property Owner: AZURE SOUTH, INC

Name of Applicant: Montecito Companies, LLC

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: _____

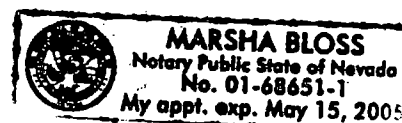
Signature of Property Owner/Authorized Agent: _____

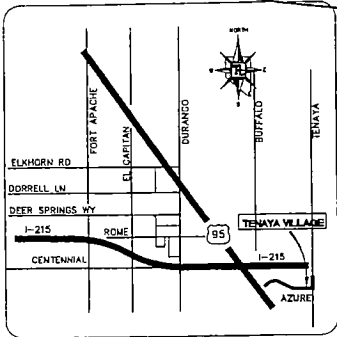
Print Name: Frank Nielsen

Subscribed and sworn before me

This 19 day of December, 2002

Marta Bloss
Notary Public in and for said County and State





VACANT
APN 125-27-202-010
CENTENNIAL 95

APN 125-27-202-005
AZURE SOUTH, INC.

LANDSCAPING BY SITE DEVELOPER, MEXICAN FAN PALM,
COMPACT MYRTLE AND TRAILING LANTANA

AZURE DRIVE

SALES/DISPLAY

SERVICE

LOADING ZONE

JO TRAIL / LANDSCAPING BY
SITE DEVELOPER, (9) MONDEL PINE
W/ PURPLE TRAILING LANTANA
GROUND COVER

PLANT LEGEND

SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	QUANTITY
	ACACIA STENOPYLLA	SHOESTRING ACACIA	24 GAL	14
	PROSOPIS CHILENSIS	CHILEAN MESQUITE	24 GAL	14
	WASHINGTONIA ROBUSTA	HYBRID MEXICAN FAN PALM	20" BTH	7
	XYLOSMA CONGESTUM	XYLOSMA	5 GAL	34
	MYRTUS COMPACTUS	COMPACT MYRTLE	5 GAL	41
	LANTANA MONTEVIDENSIS	PURPLE LANTANA	1 GAL	24" OC

TETRA TECH, INC.
INFRASTRUCTURE SOUTH WEST GROUP
401 N. Buffalo Dr. Suite 100, Las Vegas, Nevada 89120 (702) 542-4200

DISCOUNT TIRE
LANDSCAPE PLAN - CITY OF LAS VEGAS

SHEET
1
1 OF 1

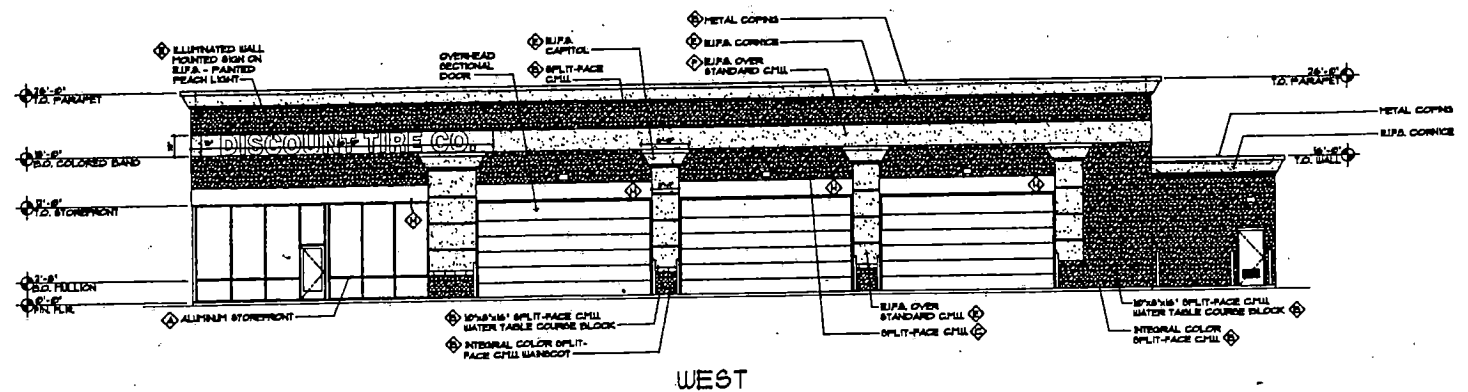
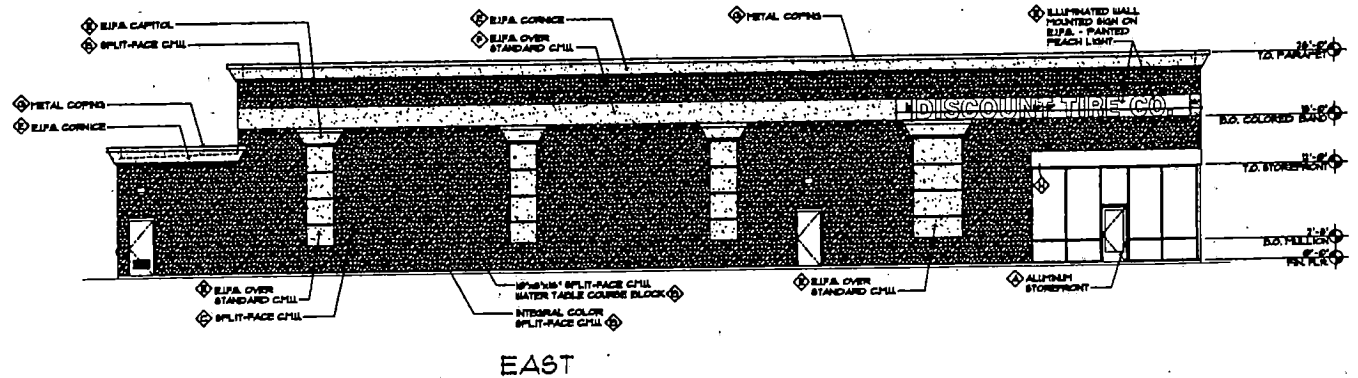
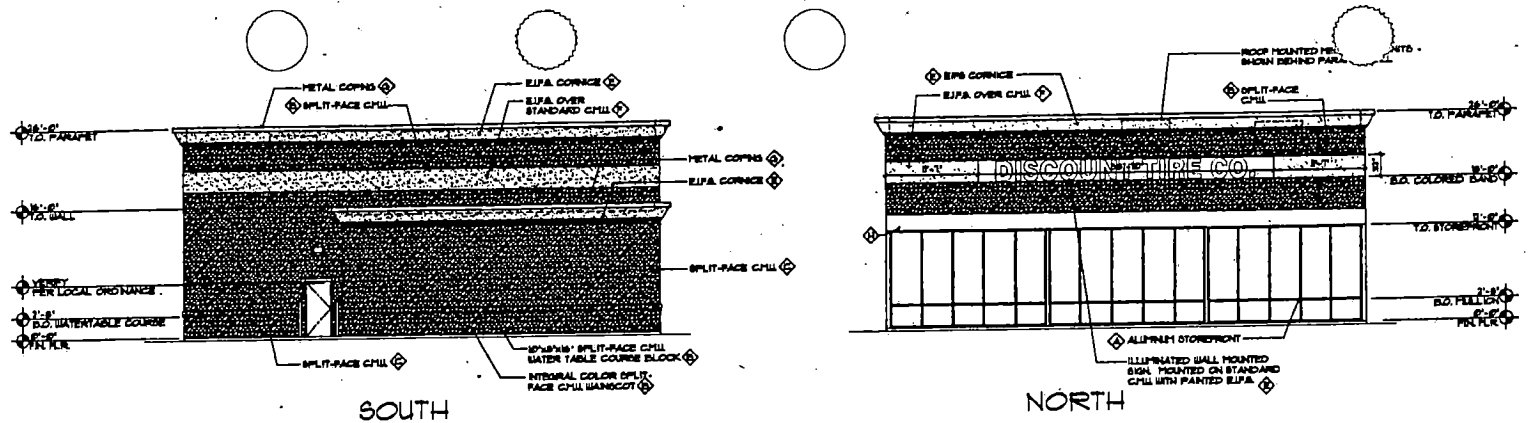
SUP-3650
SDR-3648
02-12-04 PC
REVISED 01-22-04

GENERAL FINISH NOTES

1. CHILL BASE COURSE - INTEGRAL COLOR
2. CHILL WATER TABLE COURSE - INTEGRAL COLOR
3. CHILL MAIN BODY - PAINTED
4. ALUMINUM STOREFRONT TO BE FACTORY FINISH
5. ELFA - PAINTED PER PANT NOTES
6. STEEL TRELLIS / ALL EXPOSED STRUCTURAL STEEL TO BE FACTORY FINISH - FINISHED PAINTED ON THE JOB SITE

COLOR / PAINT NOTES

- MANUFACTURER'S STANDARD COLOR - TO MATCH "BANNER RED"
- INTEGRAL COLOR, SPLIT-FACE CHILL - TO MATCH "WORSTED TAN"
- INTEGRAL COLOR, SPLIT-FACE CHILL - TO MATCH "COCOA"
- GREY SPLIT-FACE CHILL - PAINTED - "PEACH LITE"
- ELFA - PAINTED - "PEACH LITE"
- ELFA - PAINTED - "BURGUNDY"
- STEEL FRAMING / METAL FLASHING - PAINTED - "HARBOR HARBOR"
- PAINTED "WORSTED TAN"



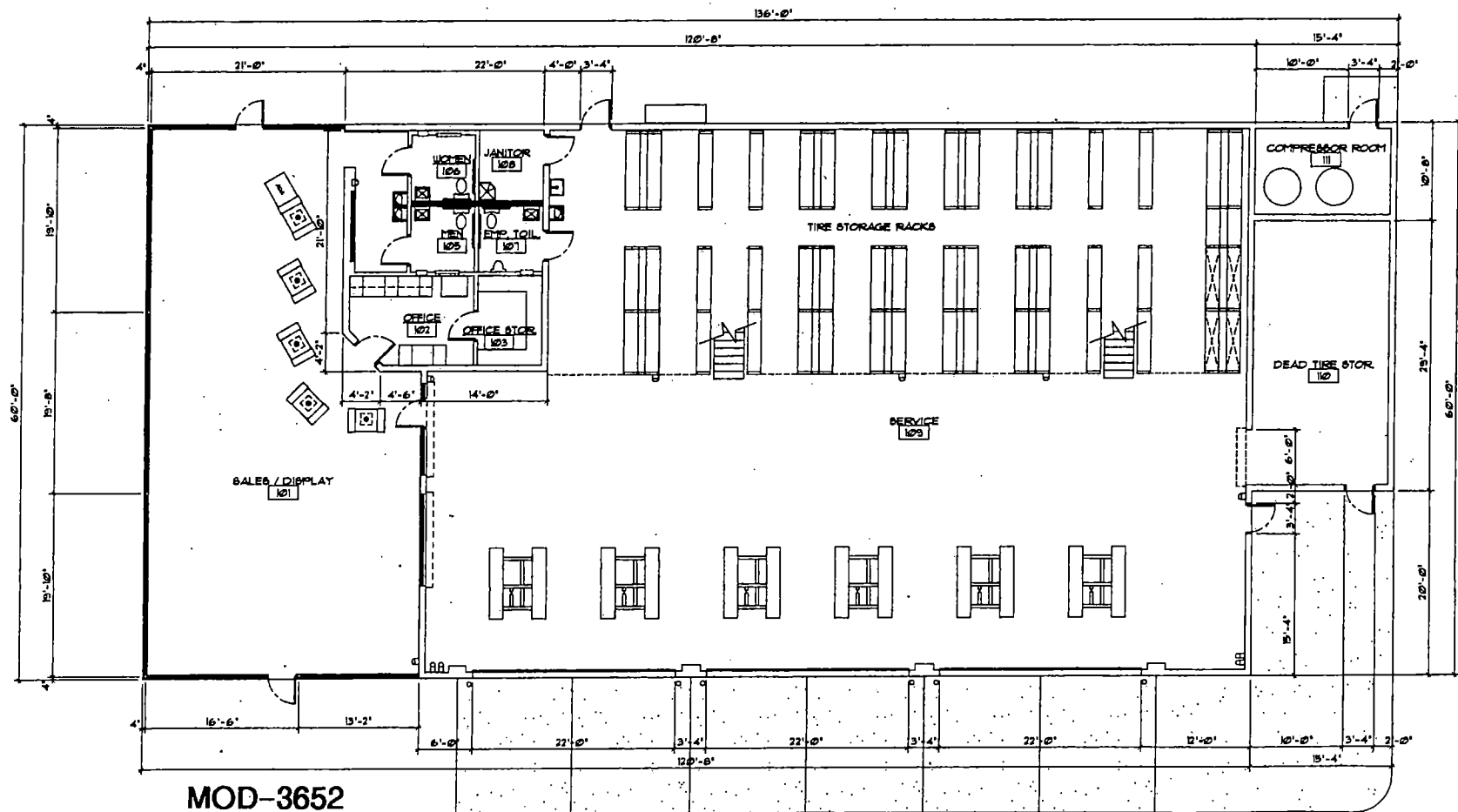
MOD-3652
SUP-3650
SDR-3648
02-12-04 PC

PROPOSED: 1853 SF.

OCCUPANCY LOAD:
 OLD TIRE STORAGE: - 420 SF. * 1 PERSON / 300 SF. = 2 PERSONS
 SHOWROOM / OFFICE: - 1730 SF. * 1 PERSON / 300 SF. = 58 PERSONS
 SERVICE AREA -
 INCL. TIRE STORAGE: - 4,000 SF. * 1 PERSON / 300 SF. = 11 PERSONS
 MEZZANINE STORAGE - 503 SF. * 1 PERSON / 300 SF. = 2 PERSONS
 TIRE RACK WALKING GRATE: - 1262 SF. * 1 PERSON / 300 SF. = 5 PERSONS
 TOTAL - 84 PERSONS



PROTOTYPE 8-BAY FLOOR PLAN
 3 - SIDED SHOWROOM
 136' X 60'
 7,853 S.F.

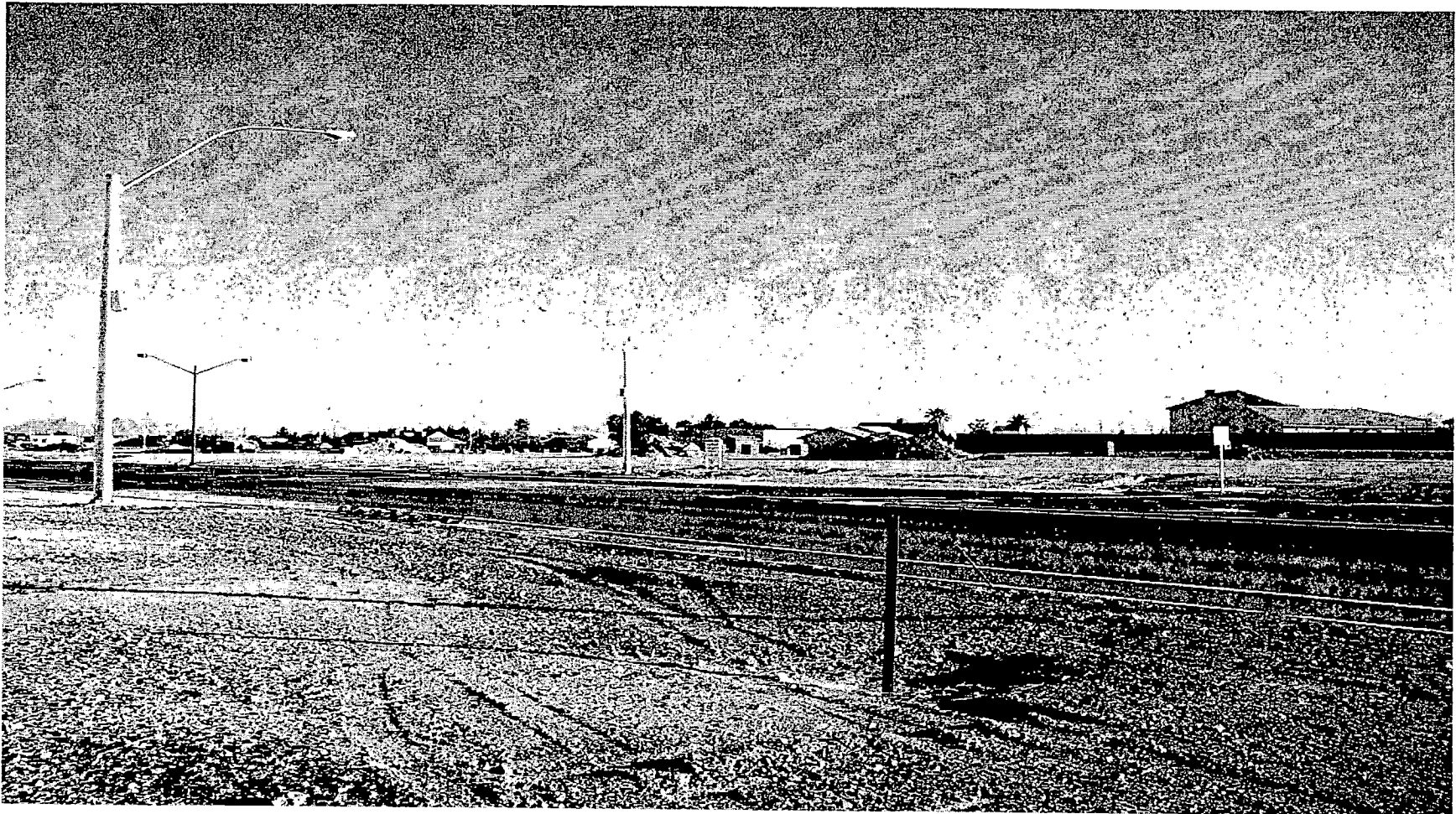


MOD-3652
 SUP-3650
 SDR-3648
 02-12-04 PC



PUBLIC HEARING - SDR-3648 - APPLICANT: MONTECITO COMPANIES, LIMITED LIABILITY
COMPANY - OWNER: AZURE SOUTH, INC.
SOUTH SIDE OF AZURE DRIVE, APPROXIMATELY 1,100 FEET WEST OF TENAYA WAY
FEBRUARY 12, 2004 PLANNING COMMISSION

01/23/04



PUBLIC HEARING - SDR-3648 - APPLICANT: MONTECITO COMPANIES, LIMITED LIABILITY
COMPANY - OWNER: AZURE SOUTH, INC.
SOUTH SIDE OF AZURE DRIVE, APPROXIMATELY 1,100 FEET WEST OF TENAYA WAY
FEBRUARY 12, 2004 PLANNING COMMISSION

01/23/04

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: FEBRUARY 12, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☐

CONSENT

☒

DISCUSSION

SUBJECT:

PUBLIC HEARING - VAR-3575 - APPLICANT: CARL AND ANGELA ANDERSON
 - Request for a Variance TO ALLOW AN 8-FOOT CORNER SIDE YARD SETBACK WHERE 15 FEET IS REQUIRED FOR A PROPOSED 312 SQUARE-FOOT DETACHED ACCESSORY STRUCTURE on 0.20 acres located at 5601 Desert Eagle Court (APN: 125-13-412-001), R-1 (Single-Family Residential) Zone, Ward 6 (Mack).

P.C. FINAL ACTION

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
 City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
 City Council Meeting

0

RECOMMENDATION:

Staff recommends DENIAL

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Submitted at meeting: Site Plan of submitted by Carl Anderson
5. Submitted at meeting: Letter from Heritage Estates Community Association dated 11/21/03
6. Submitted at meeting: Statement of Approval from four adjoining neighbors dated 11/13/03

MOTION:

McSWAIN – APPROVED subject to conditions – UNANIMOUS

This is Final Action.

MINUTES:

CHAIRMAN TRUESDELL declared the Public Hearing open.

GARY LEOBOLD, Planning and Development Department, explained that the setback reduction would enable the applicant to build a detached accessory structure. The structure will extend seven feet into the corner side yard where 15 feet is required. Staff determined that the existing home is constructed to the limits of all applicable setbacks on the other sides of the building and leaves very little space for additional expansion. As there are no unique or extraordinary circumstances evident, staff recommended denial.

PLANNING COMMISSION MEETING OF FEBRUARY 12, 2004
Planning and Development Department
Item 29 – VAR-3575

MINUTES – Continued:

CARL ANDERSON, applicant, 5601 Desert Eagle Court, described his plans to construct a hobby shop adjacent to his existing residence. He submitted a letter from the Homeowner's Association, granting permission to construct the additional structure as well as support documents from the adjoining neighbors. MR. ANDERSON concurred with staff's recommendations and conditions.

MARVIN KASS, 7320 Rustic Meadow, appeared in support of the proposed project.

No one appeared in opposition.

There was no further discussion.

CHAIRMAN TRUESDELL declared the Public Hearing closed.

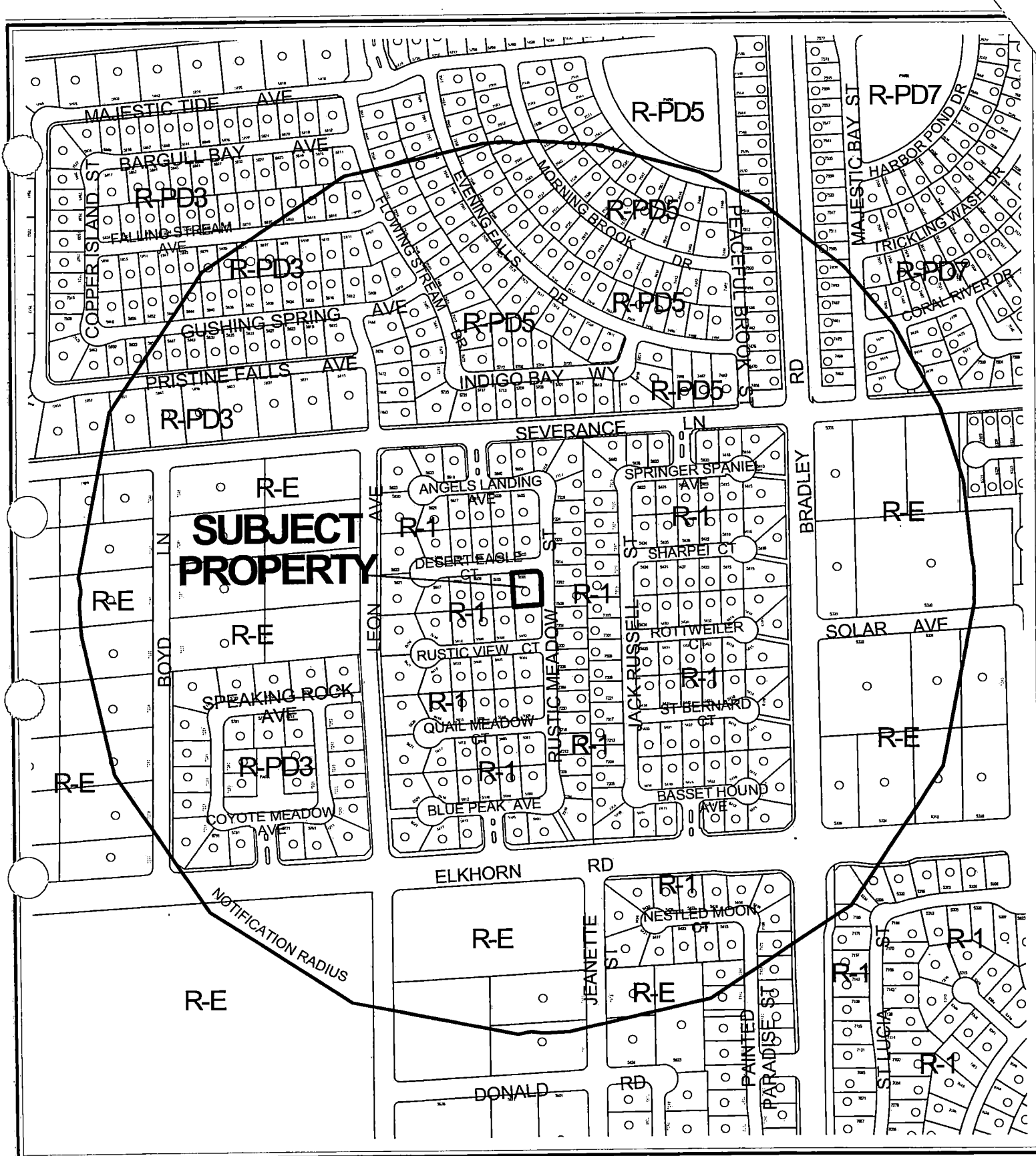
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2-1042

CONDITIONS:

Planning and Development

1. 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.
2. All development shall be in conformance with the site plan and building elevations, except as amended by conditions herein.
3. All City Code requirements and design standards of all City departments must be satisfied.



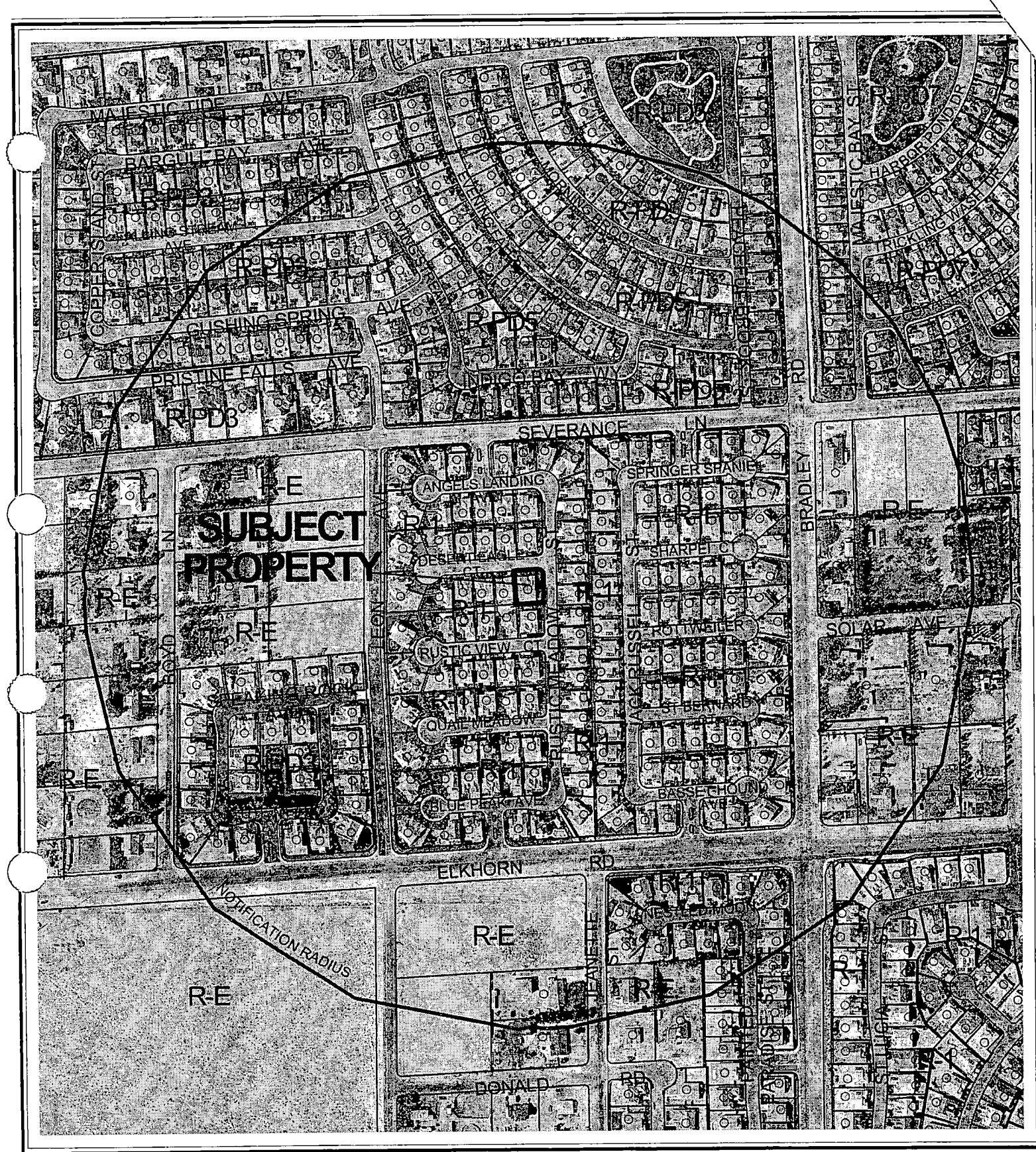
CASE: **VAR-3575**

RADIUS: 1320 FT

ZONING OF SUBJECT PROPERTY: R-1 (SINGLE FAMILY RESIDENTIAL)

0 200 400 Feet





CASE: **VAR-3575**

RADIUS: 1320 FT

ZONING OF SUBJECT PROPERTY: R-1 (SINGLE FAMILY RESIDENTIAL)

0 200 400 Feet



City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: FEBRUARY 12, 2004

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: VAR-3575 - PUBLIC HEARING - APPLICANT: CARL AND ANGELA ANDERSON

**** CONDITIONS ****

STAFF RECOMMENDATION: DENIAL If APPROVED, Subject to:

Planning and Development

1. 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.
2. All development shall be in conformance with the site plan and building elevations, except as amended by conditions herein.
3. All City Code requirements and design standards of all City departments must be satisfied.

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

This request is for a Variance to allow an eight foot side yard setback where 15 feet is allowed for a proposed 312 square-foot detached accessory structure located at 5601 Desert Eagle Court.

B) Applicant's Justification

The applicant's justification letter states that the setback reduction is intended to allow a hobby shop to be built. The property was purchased with a large side yard for this purpose without the knowledge of this setback requirement. Changes were made to the original design to accommodate the neighbors concerns and to keep the height of the structure very low and match the design of the home. No water, sewer or gas will be hooked up to the structure, only power.

BACKGROUND INFORMATION

A) Previous Actions

01/25/99 The City Council approved a Rezoning (Z-0075-98) From: R-E (Residence Estates) To: R-1 (Single Family Residential) and a Special Use Permit (U-0126-98) for Private Streets in conjunction with a proposed Single-Family Subdivision on property located at the Northeast corner of Elkhorn Road and Leon Avenue, including the subject site. The Planning Commission recommended denial on November 5, 1998.

03/05/00 The City Council approved a Variance (V-0104-99) to allow a 16-foot front yard setback where 20 feet is the minimum front yard setback allowed on properties located at the southeast corner of Severance Lane and Leon Avenue. The 10-lots that were subject to this review are located adjacent to the cul-de-sacs west of the subject site. The Board of Zoning Adjustment recommended approval on February 1, 2000. The Planning and Development Department recommended denial.

B) Pre-Application Meeting

12/03/03 Variance regulations per Title 19 requirements were discussed in addition to submittal requirements and a review of the application packet. A follow-up pre-application meeting was required when it was determined that the applicant did not have all the necessary plans to conduct a full review. The follow-up pre-application meeting was held on December 23, 2003, and it was determined that a Variance request would be required based on the applicants proposal.

C) Neighborhood Meetings

A neighborhood meeting is not required for a Variance application; however, the applicant has submitted a letter from the Heritage Estates Community Association – Desert Homeowners Association Management, stating that the association has given preliminary approval to the plan as long as the City grants the required Variance. An approval letter from the surrounding neighbors was attached to the Associations letter.

DETAILS OF APPLICATION REQUEST

A) Site Area

Net Acres: 0.20

B) Existing Land Use

Subject Property: Single-Family Dwelling
North: Single-Family Dwellings
South: Single-Family Dwellings
East: Single-Family Dwellings
West: Single-Family Dwellings

C) Planned Land Use

Subject Property: L (Low Density Residential)
North: L (Low Density Residential)
South: L (Low Density Residential)
East: L (Low Density Residential)
West: L (Low Density Residential)

D) Existing Zoning

Subject Property: R-1 (Single-Family Residence)
North: R-1 (Single-Family Residence)
South: R-1 (Single-Family Residence)
East: R-1 (Single-Family Residence)
West: R-1 (Single-Family Residence)

E) General Plan Compliance

The subject site is designated at L (Low Density Residential) within the Centennial Hills Sector Plan of the General Plan. This category allows for single-family development at a density of 3.6 to 5.5 dwelling units per gross acre. The current R-1 (Single-Family Residential) zoning designation is in compliance with the L (Low 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

The subject site is not located within any special district or planned development zoned area.

ANALYSIS

A) Zoning Code Compliance

A1) Development Standards

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

Standards	Required	Requested	Compliance
Min. Setbacks for Detached Accessory Structure			
• Distance from SFD	6 Feet	6 Feet	Y
• Side	3 Feet	63 Feet	Y
• Corner	15 Feet	8 Feet	N
• Rear	3 Feet	9 Feet	Y
Max. Lot Coverage (Rear)	50 % Max	6 %	Y
Max. Building Height	Not to exceed height of SFD	11 Feet (Less than height of SFD)	Y

The proposed detached accessory structure is located in the corner side yard area, towards the rear of the property. The structure meets minimum distance separation requirements from the main dwelling, side, and rear yard property lines. In addition, the structure meets maximum lot coverage and building height

restrictions. However, because the structure is proposed eight feet from corner side property line, the structure does not meet minimum corner side yard setback requirements of 15 feet. The proposed setback reduction represents a 47-percent deviation from code requirements.

B) General Analysis and Discussion

The existing single-family dwelling on the subject site was constructed to the limits of applicable setback requirements on three of the four sides of the lot. The dwelling unit was built up to the minimum 20-foot front yard setback limit, the five foot side yard limit, and 21 feet from the rear where 20-foot minimum is permitted. The dwelling unit was constructed 28 feet from the corner side yard area where 15 feet minimum is permitted. The effect of this lot layout was to maximize the dwelling unit floor area, leaving little or no useable yard space for further expansions or accessory structures.

The corner side yard area where the detached accessory structure is proposed contains 13 feet of buildable space before the setback limit is reached. The applicant is proposing a structure that extends seven feet into the required setback limits. Part of the reason for this setback encroachment is due to the detached design of the building, which requires six feet of separation between the detached building and the main dwelling unit. Attaching the structure to the main dwelling unit and creating a room addition would not alleviate any design issues due to the proposed nine-foot rear yard setback, where if attached, the setback would have to match the setback of the main dwelling unit of 20 feet. For these reasons, it appears as though the applicant is attempting to overbuild the single-family lot.

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."

VAR-3575 - Staff Report Page Five
February 12, 2004 Planning Commission Meeting

No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship by attempting to overbuild the single-family lot. Alternative site plans 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.

NOTICES MAILED 412

APPROVALS 0

PROTESTS 0



PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: VAR-3575 APN: _____

Name of Property Owner: CARL A. ANDERSON & ANGELA M. ANDERSON

Name of Applicant: CARL A. ANDERSON & ANGELA M. ANDERSON

To the best of your knowledge, does the Mayor or any member of the City Council, Planning Commission, or a Hearings Officer 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, Planning Commission or Hearings Officer 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: Carl A. Anderson

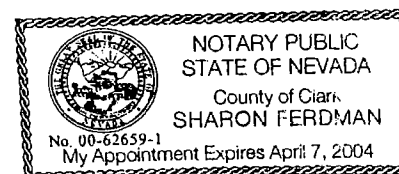
Angela M. Anderson

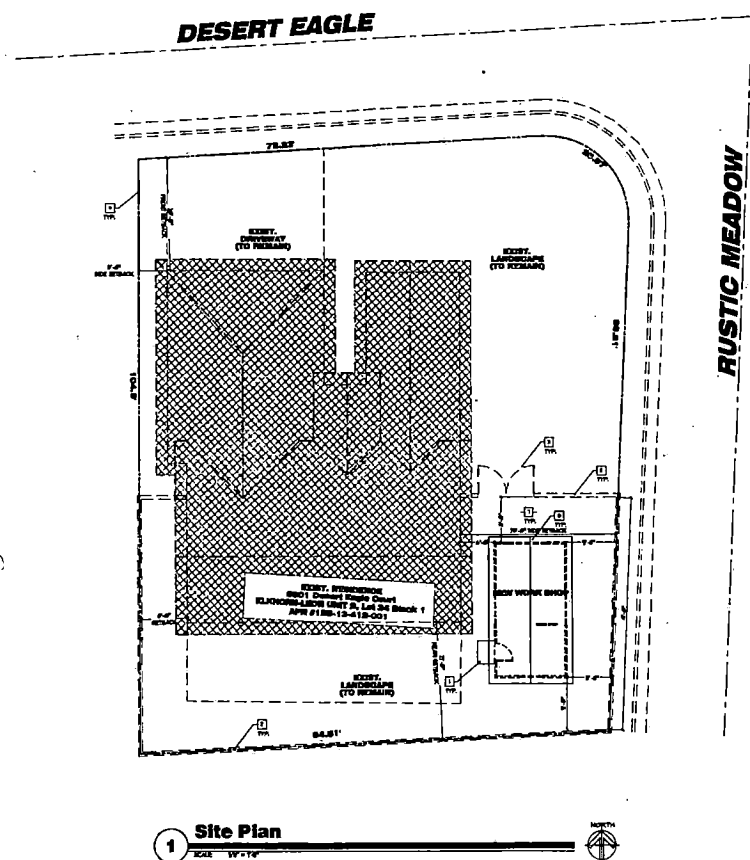
Subscribed and sworn before me

This 10th day of December, 2003

Sharon Ferdman

Notary Public in and for said County and State

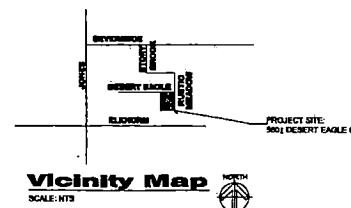




keynotes	
#	DESCRIPTION
1	CONTRACTOR TO VERIFY EXIST. FLOOR CONDITIONS AND RETRACTOR, TYP.
2	SLOPE AWAY FROM BUILDING 1/4" PER FOOT MINIMUM
3	EXISTING ON SILL, TO REMAIN - CONTRACTOR TO VERIFY
4	EXIST. SL. GATE - TO REMAIN
5	NOT USED.
6	PROPERTY LINE
7	PROPOSED HONEY BUILDING - REFER TO SHEET A2
8	EXIST. LANDSCAPE AREA - CONTRACTOR TO VERIFY LANDSCAPE DESIGN AND SCOPE OF WORK

Revised	Date	Comment

SEA VALLEY DESIGN
ARCHITECTS, P.C. 81710
CONSTRUCTION, INC.
A Full Service Construction
Firm
818001
818-7841
www.prowestconstruction.com



NEW WORK SHOP
For Carl and Angela Anderson
Site Plan
3001 DESERT EAGLE COURT, LAS VEGAS, NV 89121

Date:	11/04/03
Drawn:	AF
Job No.:	3270

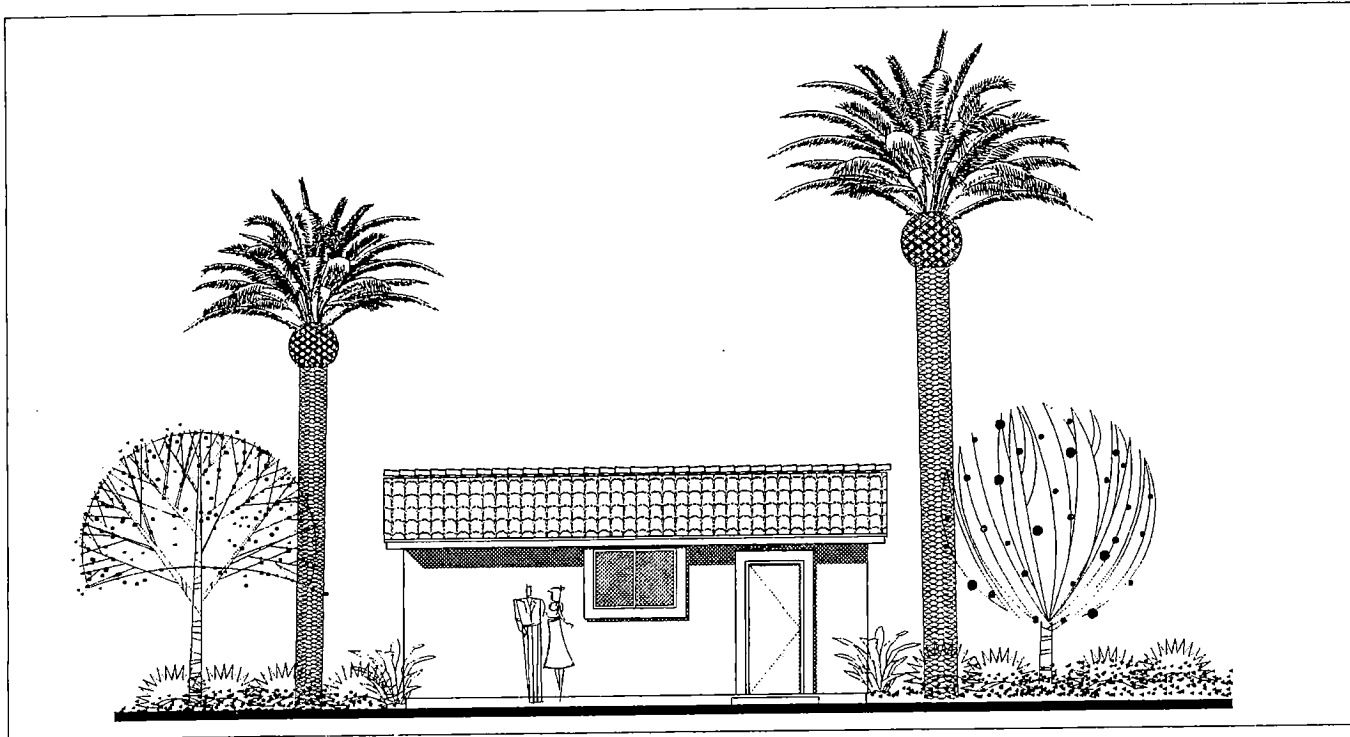
A2.1

VAR-3575
02-12-04 PC

REVISED
01-22-04

Proposed Work Shop For Carl and Angela Anderson

**5601 Desert Eagle Court
ELKHORN-LEON UNIT 2, Lot 34 Block 1
Single Family Resident District (R-1)
Las Vegas, NV - 89131
APN #125-13-412-001**



VAR-3575
02-12-04 PC

Consultants:
Structural Engineering
TO BE DETERMINED

Mechanical Engineering
TO BE DETERMINED

Electrical Contractor
TO BE DETERMINED

Index to Drawings.	
Architectural Drawings	
CVR	COVER SHEET
A1.1	PLANS, ELEVATIONS, AND SECTION
A2.1	SITE PLAN
A3.1	ARCHITECTURAL DETAILS
Variance Drawings	
A1.2	BUILDING ELEVATIONS: MATERIALS AND COLORS
A2.2	FORMATTED SITE PLAN
A2.3	COLORIZED SITE PLAN

Code Analysis	
OCCUPANCY	2003 INO
CODES:	2003 INO W/ LOCAL AMENDMENTS 2003 UPO 2000 UMC 2002 NEO 1999 NEO 2002 ISO STRUCTURAL

Residential Model Energy Code and Notes:

STITCHES OR WELDS OF ANY KIND SHALL BE SUBMITTED TO LIGHT AND LEAKAGE
TESTS ON FILMS FROM THE BEULING ENVELOPE. MANUFACTURER'S DOORS AND WINDINGS
SHALL HAVE AN INFILTRATION RATER NOT EXCEEDING THOSE GIVEN IN
TABLE NO. 206-4.5. STEEL-CONCRETE DOORS AND WINDINGS SHALL BE
SEALING IN ACCORDANCE WITH SECTION 206-4.5.

FETTER ON JOINTS OF THE BUILDING ENVELOPE THAT ARE SOURCES OF AIR LEAKAGE, SUCH AS ARCHES, WINDOWS AND DOOR FRAMES, BETWEEN WALL CAVITIES AND VENTILATION OR OTHER PASSAGES, BETWEEN WALLS AND FLOOR FIRM, BETWEEN WALL AND ROOF/CEILING AND BETWEEN WALL, FASCIA, CEILING AND OR PENETRATIONS OF UTILITY SERVICES THROUGH WALLS, PLACES AND ROOFS, AND ALL OTHER SUCH OPENINGS OF THE BUILDING ENVELOPE SHALL BE CAULKED, GASKETED, WEATHER-STRIPPED OR OTHERWISE SEALED BY AN APPROVED SLABBER.

8.2.5. GAS- AND OIL-FIRED COMFORT HEATING EQUIPMENT SHALL HAVE A MINIMUM COMBUSTION EFFICIENCY NOT LESS THAN THE VALUES SHOWN IN TABLE 8.2.5.

HEAT PUMPS WHICH RECEIVE INPUT OR ENTIRELY ELECTRIC SHALL HAVE A COEFFICIENT OF PERFORMANCE (COP) HEATING, NOT LESS THAN THE VALUES GIVEN IN TABLE NO. 906-A-2. HEAT PUMPS SHALL BE INSTALLED WITH A CONTROL TO PREVENT UNNECESSARY HEATER OPERATION WHEN THE DESIGNING LOAD CAN BE MET BY THE HEAT PUMP ALONE.

NACH MECHANICAL VENTILATION SYSTEM (SHUFFLE AIR/66 RICHARD) SHALL BE PROVIDED WITH A READY ACCESSIBLE SYSTEM OR OTHER MEANS FOR SHUTTING OFF FUEL GAS INTRODUCTION AND SHUTTING OFF VENTILATION IF NOT OPERATING. AUTOMATICALLY SHUTTING DOWN THE SYSTEM SHALL BE THE SYSTEM'S RESPONSIBILITY.

HYDRA SYSTEM EQUIPMENT WHICH IS BEST IN THE COOLING MONITORING SYSTEMS IN THE WORLD. WATER AND AIR COOLING SYSTEMS FOR THE COOLING MONITORING SYSTEM.

ENTIRELY ELECTRIC SHALL HAVE AN ENERGY EFFICIENCY RATION (EER) OF 8.0
A COEFFICIENT OF PERFORMANCE (COP) EQUALS OR MORE THAN THE VALUES
SHOWN IN TABLE 2.2.4.2.

THE SPAS SYSTEM DOES NOT PROVIDE MEANS FOR BALANCING AIR AND WATER SYSTEMS. IN ADDITION, THE COMMUNICATIONS SHALL INCLUDE, BUT NOT BE LIMITED TO, AIRFLOW, TEMPERATURE AND PRESSURE TEST

CORRECTIONS AND REMAINING VALUES.
 EACH SYSTEM SHALL BE PROVIDED WITH AT LEAST ONE ADJUSTABLE
 THERMOSTAT FOR THE REGULATION OF TEMPERATURE. EACH THERMOSTAT
 SHALL BE CAPABLE OF BEING SET BY ADJUSTMENT OF ONE OR
 FOLLOWING: HEATING ONLY 54-70 DEG F, COOLING ONLY 70-86 DEG F,

HEATING AND COOLING 95-95 WTS F AND SHALL BE CAPABLE OF OPERATING THE SYSTEMS HEATING AND COOLING IN ACCORDANCE. THE TEMPERATURES AND/OR CONTROL SYSTEMS SHALL HAVE AN ADJUSTABLE RANGE OF 0 UP TO 10 WTS F. NO MORE EXCEPT AN ALLISON HYDRO SECOND PARAGRAPH OF SECTION 95-9.5. A READILY ACCESSIBLE MANUAL OR AUTOMATIC TRIP SHALL BE

FOOTPRINT TO PARTIALLY DESTROY OR CRUSH OFF THE HEATING AND/OR COOLING UNIT TO EACH ZONE OR FLOOR. A RECENT ACCIDENTAL FIRE ON AN AUTO IN A GALE FOR BRUISING THE CREDIT SYSTEM FOR HEATING OR COOLING DURING PERIOD OF SERVICE FOR SERVICE A FEW MINUTES, BUT NOT LIMITED TO UNDESIRABLE PERSONS AND BURNING OF THEM.

AIR HANDLING DUCT SYSTEM INSULATION, DUCT SUBSTITUTION AND FIVE
INSULATION SHALL BE ACCORDING TO CURRENTS M.S.S. Sec.10 AND Sec.11,
RESPECTIVELY.

SECTION 3-VALUE SLABING (TYPICAL): -17
SECTION 4-VALUE SLABING (TYPICAL): -18
-19

DENVER DENVER D-VALLEY BLVD		4 - M/A
MONTGOMERY D-VALLEY BLVD.		4 - JH
SUNSHINE P-VALLIN WALK:		N - TO
DENVER DENVER D-VALLEY BLVD		V - H
KELLYDEN P-VALLIN BLVD.		V - ME

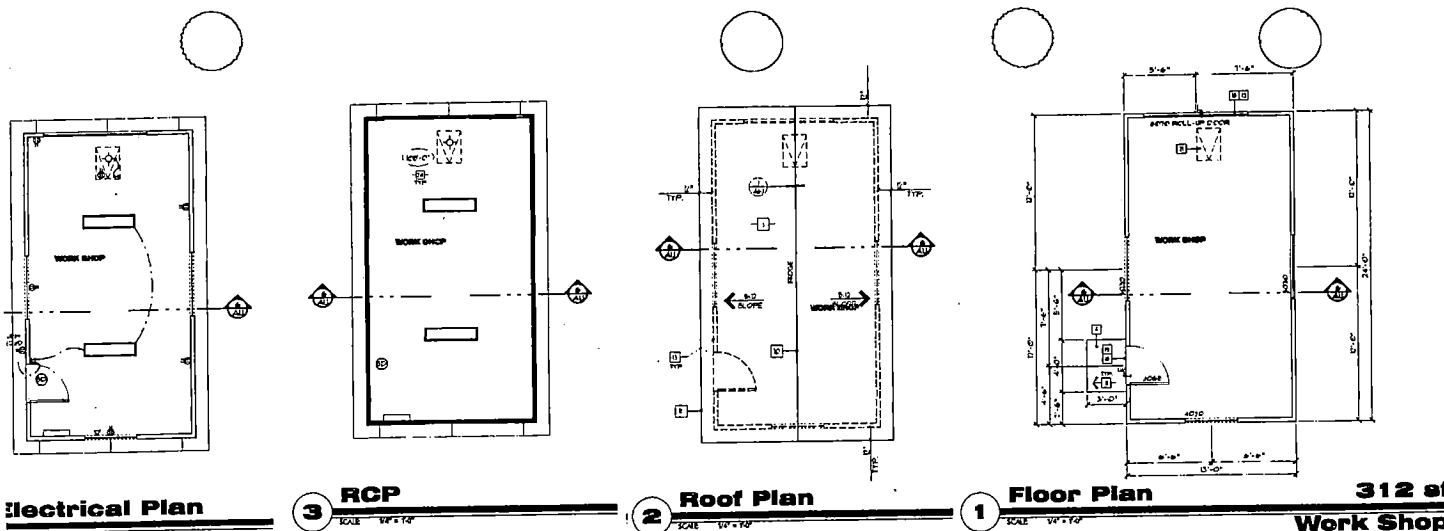
NEW WORK SHOP
For Carl and Angela Anderson

Cover Sheet
5601 DESERT EAGLE

8001 DEBENTH BLAINE COURT, LOS ANGELES, CA 90013

Date: 11/04/03
Drawn: AF
Job No. 101D

CVR



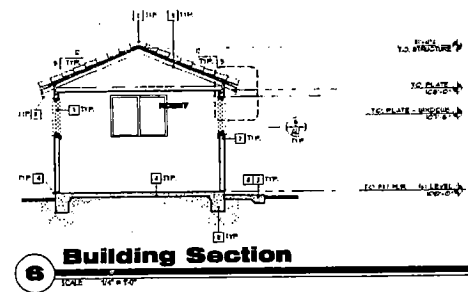
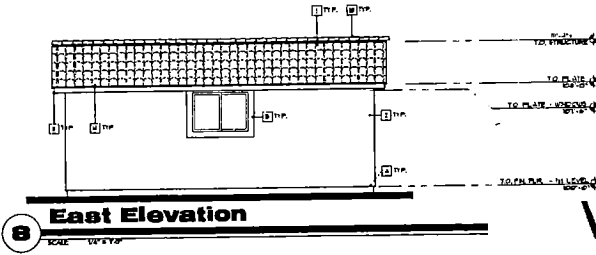
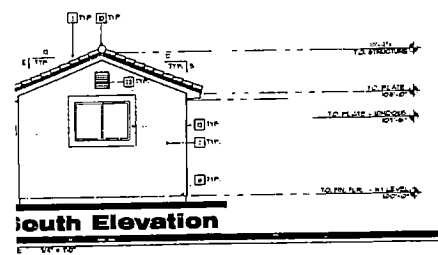
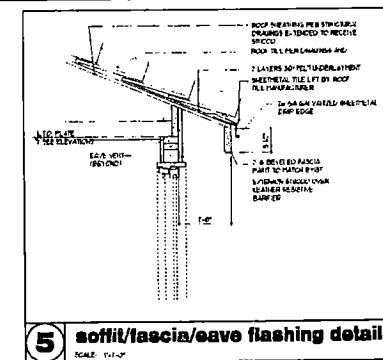
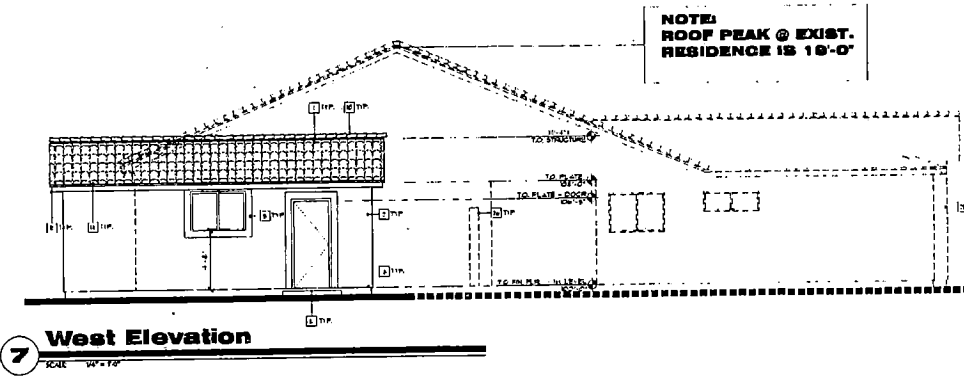
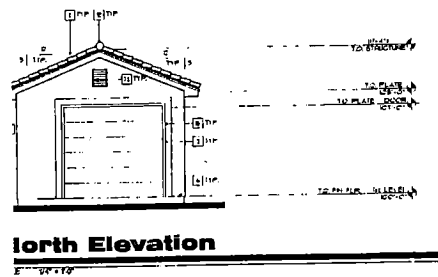
Keynotes

#	DESCRIPTION
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wall types

NOTE: 1" MIN. INSULATION ON EXTERIOR SIDE OF WALL. 1" MIN. INSULATION ON INTERIOR SIDE OF WALL. 1" MIN. INSULATION ON EXTERIOR SIDE OF WALL. 1" MIN. INSULATION ON INTERIOR SIDE OF WALL.

NOTE: 1" MIN. INSULATION ON EXTERIOR SIDE OF WALL. 1" MIN. INSULATION ON INTERIOR SIDE OF WALL. 1" MIN. INSULATION ON EXTERIOR SIDE OF WALL. 1" MIN. INSULATION ON INTERIOR SIDE OF WALL.



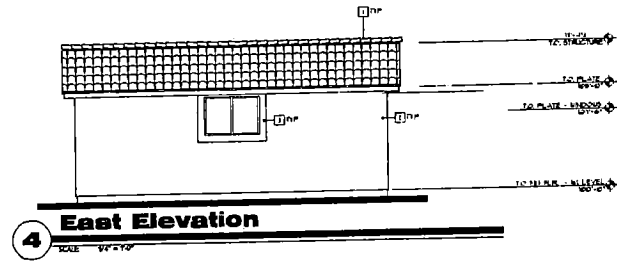
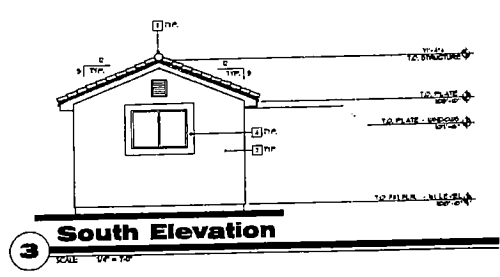
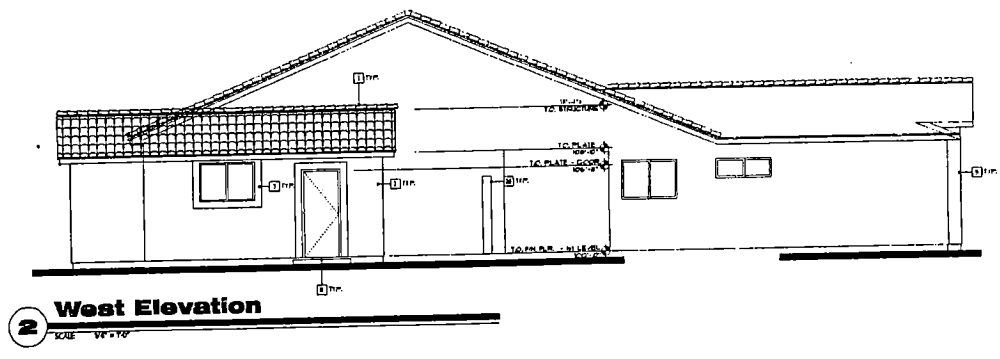
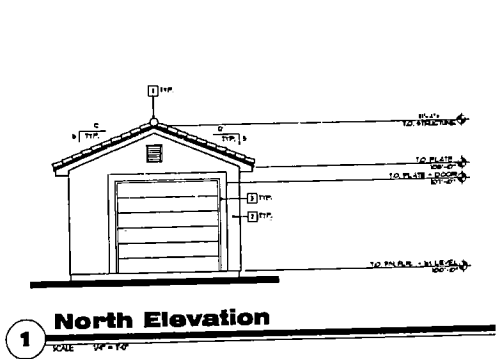
VAR-3575
02-12-04 PC

NEW WORK SHOP
For Carl and Angela Anderson
Floor Plan
3601 DESERT EAGLE COURT, LAS VEGAS, NV 89131

Date: 11/04/03
Drawn: AF
Job No: 1010

A1.1

Materials/Color Legend	
#	DESCRIPTION
1	COOL ROOFING: TYPED BY WRITER
2	BODY: FAIRFAX VILLA BY BERNI MILLER
3	TRIM: CLIP BRUSH BY BERNI MILLER
4	PAINT: RESIDUE (BY OWNER TO REPAIR)

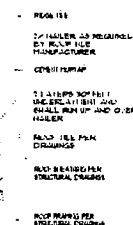


VAR-3575
02-12-04 PC

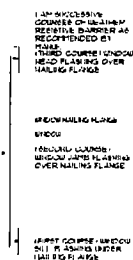
NEW WORK SHOP
For Carl and Angela Anderson

Date: 11/11/04
Drawn: A1
Job No: 10

A1



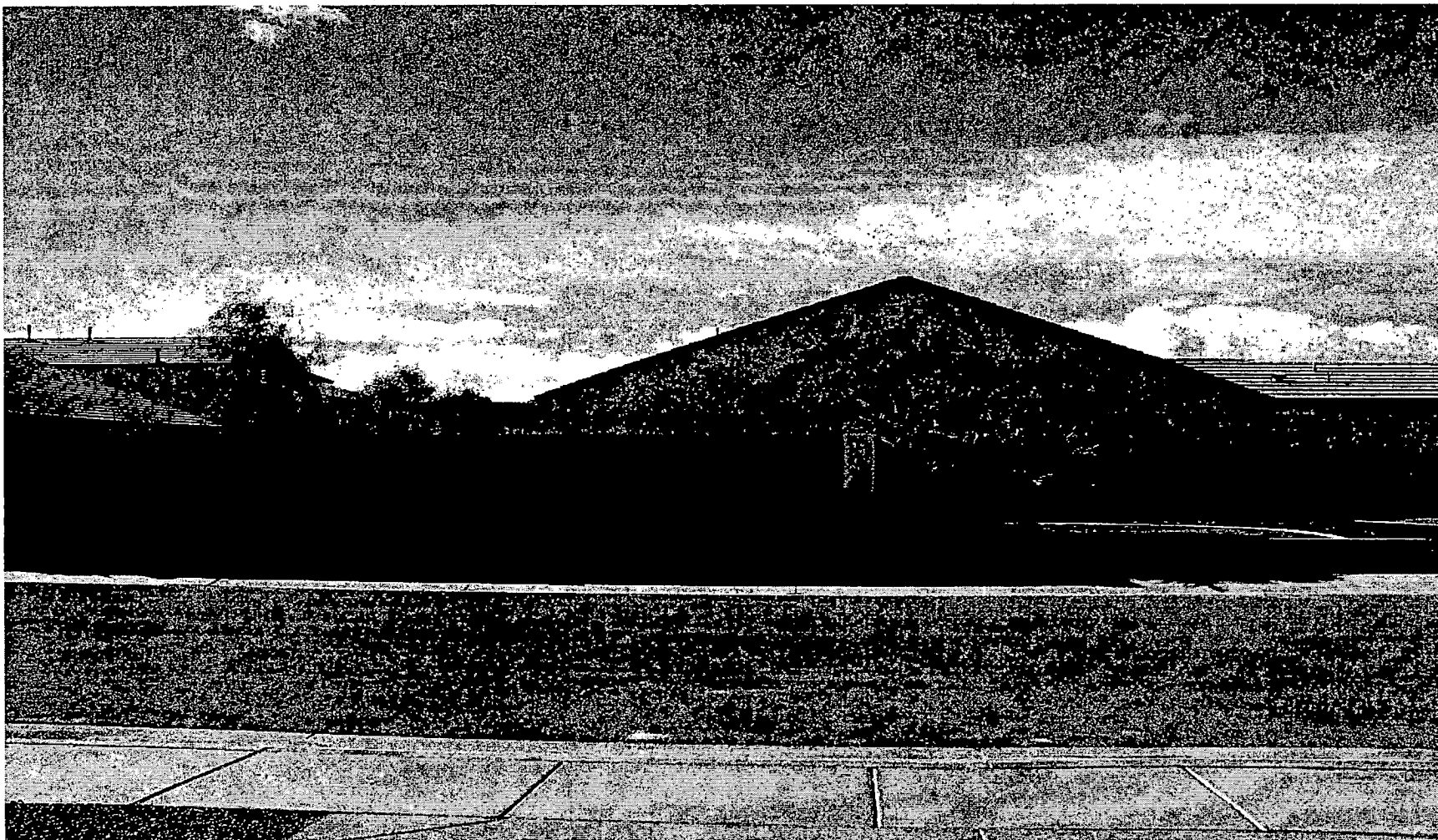
SCALE 10-0



TYPE 1.5

A6.1

VAR-3575
02-12-04 PC



PUBLIC HEARING - VAR-3575 - APPLICANT: CARL AND ANGELA ANDERSON
5601 DESERT EAGLE COURT
FEBRUARY 12, 2004 PLANNING COMMISSION

01/23/04



PUBLIC HEARING - VAR-3575 - APPLICANT: CARL AND ANGELA ANDERSON
5601 DESERT EAGLE COURT
FEBRUARY 12, 2004 PLANNING COMMISSION

01/23/04

Submitted at Planning Commission

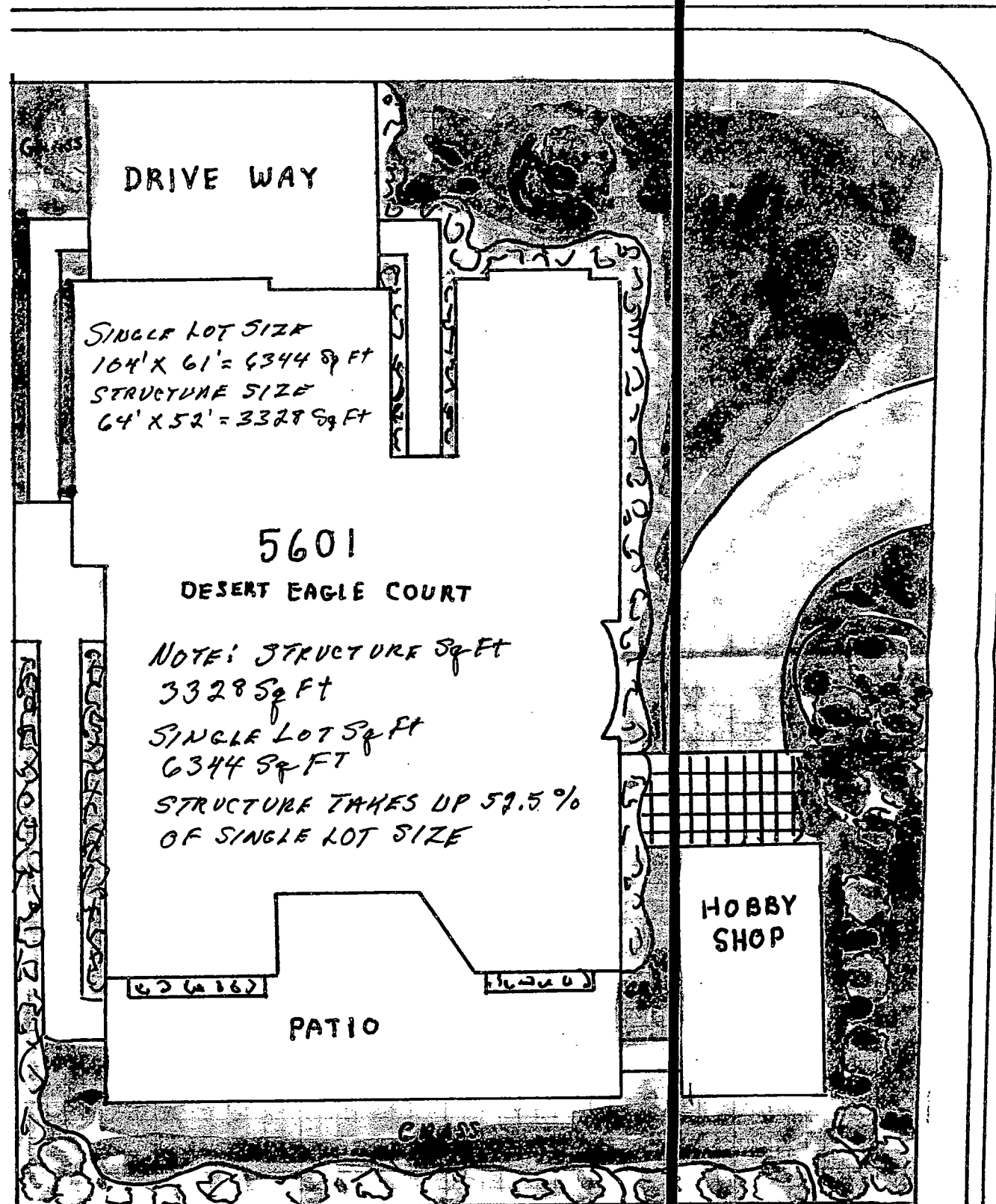
(N)

Date 2/12/04 Item # 29

DESERT EAGLE COURT

TO THIS LINE IS THE SAME AS SINGLE LOT →

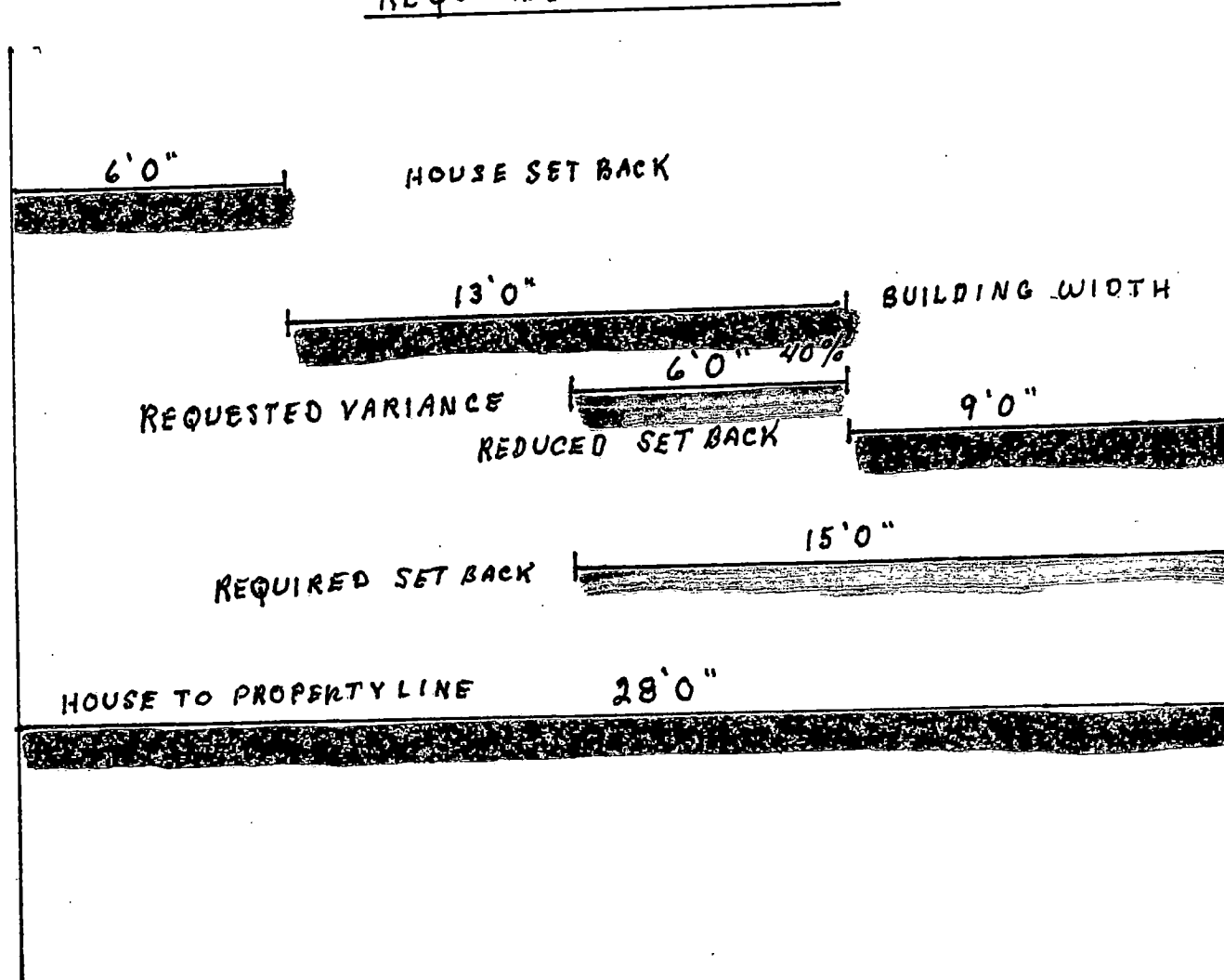
ADDITIONAL SIDE AREA
 LAND AREA $104' \times 24' = 2496 \text{ Sq. Ft.}$
 STRUCTURE $24' \times 13' = 312 \text{ Sq. Ft.}$
 STRUCTURE IS 12.5%
 OF LAND AREA



(W)

(S)

REQUIRED DISTANCES



HERITAGE ESTATES COMMUNITY ASSOCIATION
c/o DESERT HOA MANAGEMENT
8370 W. Cheyenne Ave. #109-55
Las Vegas, NV 89129
Phone & Fax: 702-396-6042
E-mail: deserthoamgmt@cox.net

November 21, 2003

City of Las Vegas
Planning Commission

Re: Hobby Shop for Mr. Carl Anderson, 5601 Desert Eagle Court

The Board of Directors has seen a preliminary draft for the hobby shop Mr. Anderson is proposing to build on his side yard. The Board of Directors has given preliminary approval to his plan as long as the city gives him a variance for the location on his lot.

Please take this letter as our approval of his project. We believe this project will enhance Mr. Anderson's property and will not have any negative impact on our community.

Thank you,


Mary West
President

cc: Homeowner's file

**HERITAGE ESTATES HOMEOWNERS ASSOCIATION
NEIGHBOR AWARENESS STATEMENT**

On (date) 13 Nov 03, the attached plans for a Hobby Building were made available to all neighbors as required and noted below for their review. They have been notified that I am submitting these plans for Architectural and Landscape Review Committee approval.

MARK KRAUSS
Signature of front facing neighbor: [Signature]
Address: 5600 DESERT EAGLE CT

APPROVE: ✓ DISAPPROVE: _____

BARBARA PORTMAN "NOTE: WAS CONTACTED BY DESERT HOA MGMT"
Signature of back facing neighbor: _____
Address: 5600 RUSTIC VIEW CT

APPROVE: _____ DISAPPROVE: _____

LEX DUTSON
Signature of side neighbor: [Signature]
Address: 5605 DESERT EAGLE CT

APPROVE: ✓ DISAPPROVE: _____

JAMES CRISP
Signature of side neighbor: [Signature]
Address: 7308 RUSTIC MEADOW STREET

APPROVE: ✓ DISAPPROVE: _____

Carl A. Anderson 13 November 2003
HOMEOWNER SIGNATURE DATE
5601 DESERT EAGLE CT LAS VEGAS NV 89131
HOMEOWNER ADDRESS

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

PLANNING COMMISSION MEETING OF: FEBRUARY 12, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☐

CONSENT

☒

DISCUSSION

SUBJECT:

PUBLIC HEARING - VAR-3658 - APPLICANT: BOBBYE EVANS - Request for a Variance TO ALLOW AN 8-FOOT REAR YARD SETBACK WHERE 10 FEET IS REQUIRED FOR AN EXISTING ROOM ADDITION on 0.15 acres located at 5528 Green Willow Street (APN: 125-34-511-064); R-CL (Single Family Compact-Lot) Zone, Ward 6 (Mack).

C.C. 03/17/04

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

RECOMMENDATION:

Staff recommends DENIAL

BACKUP DOCUMENTATION:

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

MOTION:

McSWAIN – APPROVED subject to conditions – Motion carried with **TRUESDELL** voting No

To be heard by the City Council on 3/17/2004.

MINUTES:

CHAIRMAN TRUESDELL declared the Public Hearing open.

GARY LEOBOLD, Planning and Development Department, noted that the existing room addition was previously a patio. A building permit application was submitted and is currently pending.

BOBBYE EVANS, the applicant, 5528 Green Willow Street, explained that she contracted with a builder to construct an extension to her existing residence. Subsequently, the contractor moved forward with the project, unbeknownst to the applicant, that a permit was required.

PLANNING COMMISSION MEETING OF FEBRUARY 12, 2004
Planning and Development Department
Item 30 – VAR-3658

MINUTES – Continued:

JOSEPH KOSUDA, 5303 East Twain, considering the circumstances that have occurred, he recommended approval of the applicant's request.

COMMISSIONER McSWAIN asked whether the contractor was licensed. MS. EVANS stated that she has since hired a licensed contractor to complete the extension of the patio as advised by staff to meet the requirements of the code.

No one appeared in opposition.

There was no further discussion.

CHAIRMAN TRUESDELL declared the Public Hearing closed.

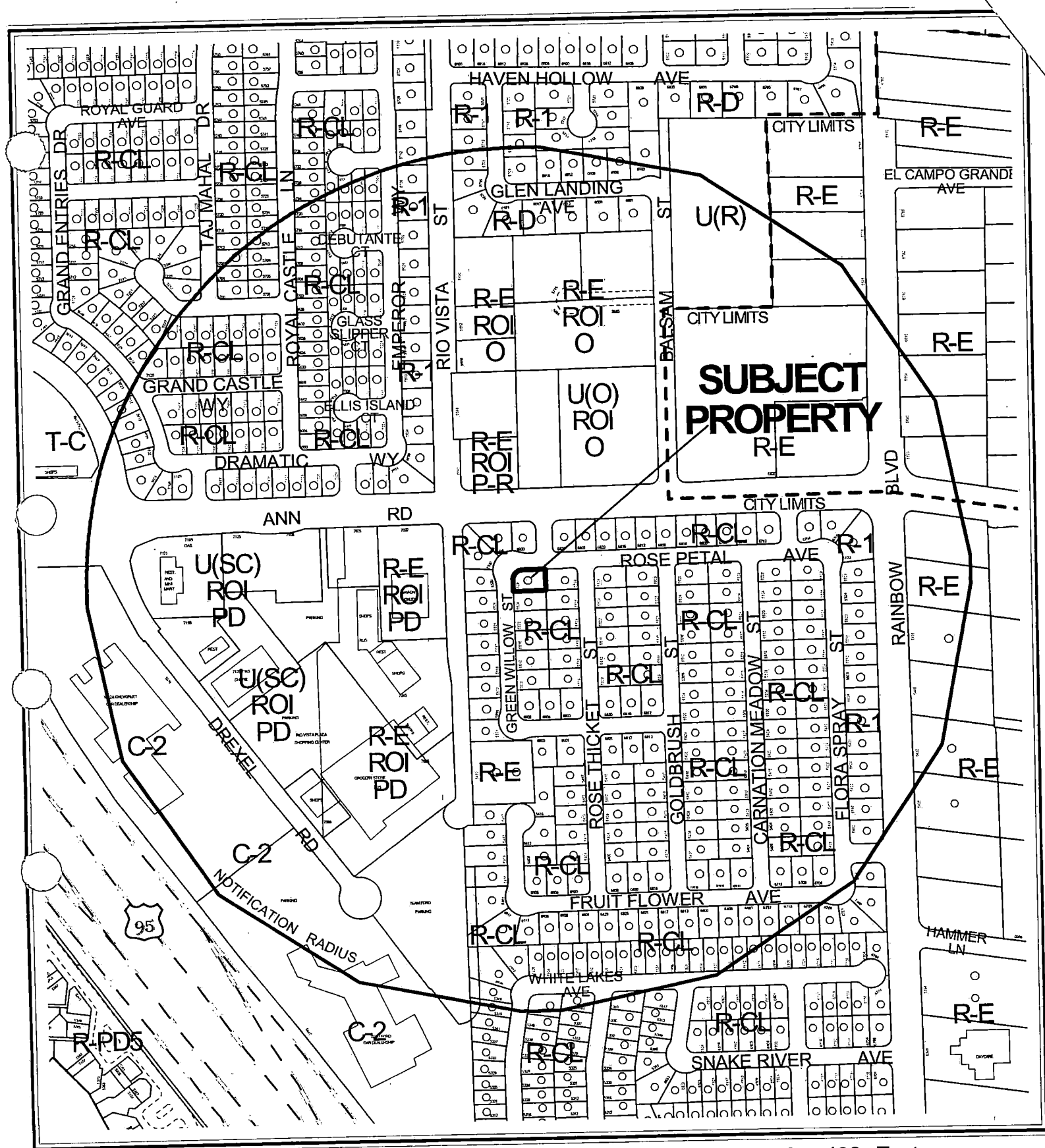
(8:17 – 8:22)

2-1272

CONDITIONS:

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Rezoning (Z-0073-92).
2. This Variance 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.



CASE: **VAR-3658**

RADIUS: 1320 FT

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

0 200 400 Feet





CASE: **VAR-3658**

RADIUS: 1320 FT

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

0 200 400 Feet



City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: FEBRUARY 12, 2004

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: VAR-3658 - PUBLIC HEARING - APPLICANT: BOBBYE EVANS

**** CONDITIONS ****

STAFF RECOMMENDATION: DENIAL If APPROVED, Subject to:

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Rezoning (Z-0073-92).
2. This Variance 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.

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

The request is for a Variance to allow an 8-foot rear yard setback where 10 feet is required for an existing addition to a single family residence on a 6,545 square foot lot at 5528 Green Willow Street.

B) Applicant's Justification

The applicant was not aware of setback requirements when it was decided to transform an existing patio into an enclosed addition to the existing residence. The room will be used as a climate controlled play area for the applicant's foster children.

BACKGROUND INFORMATION

A) Previous Actions

11/18/92 The City Council approved a rezoning request (Z-0073-92) to R-CL (Single Family Residential – Compact Lot). The Planning Commission and Staff recommended denial on 10/08/92.

B) Pre-Application Meeting

12/11/03 It was acknowledged that an after-the-fact Variance would be required for the existing room addition in order to comply with Title 19.

C) Neighborhood Meetings

A neighborhood meeting is not required for Variance applications.

DETAILS OF APPLICATION REQUEST

A) Site Area

Gross Acres: 0.15

B) Existing Land Use

Subject Property: Single Family Residence
North: Single Family Residence
South: Single Family Residence
East: Single Family Residence
West: Single Family Residence

C) Planned Land Use

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

D) Existing Zoning

Subject Property: R-CL (Single Family Residential-Compact Lot)
North: R-CL (Single Family Residential-Compact Lot)
South: R-CL (Single Family Residential-Compact Lot)
East: R-CL (Single Family Residential-Compact Lot)
West: R-CL (Single Family Residential-Compact Lot)

E) General Plan Compliance

The subject site is located within the Centennial Hills Sector of the General Plan with a ML (Medium – Low Density Residential) land use designation, which allows residential uses with up to eight units per acre. The existing R-CL (Single Family Residential – Compact Lot) zoning district is consistent with the General Plan designation, and the proposed house expansion is a permitted use.

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

The subject site is not located 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	Requested	Compliance
Min. Setbacks • Rear	10 Feet	8 Feet	N

The proposed 8-foot side yard setback for the room addition does not meet the minimum code requirement of 10 feet. The applicant has submitted this after-the-fact Variance request to allow the addition to the existing residence.

B) General Analysis and Discussion

The request is for an after-the-fact Variance for an 8-foot rear yard setback where 10 feet is required. The existing room addition was previously a patio before being enclosed to add living space to the existing residence. The applicant was not aware of zoning regulations and has submitted this application in order to comply with Title 19 requirements.

A building permit application was submitted on 11/26/03 and is currently pending, and there have been no Code Enforcement citations issued in relation to this case.

There have been no similar variance requests in the immediate area.

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."

VAR-3658 - Staff Report Page Four
February 12, 2004 Planning Commission Meeting

No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship by placing the house addition in a location where it does not meet the 10-foot setback requirement. Alternative design 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.

NOTICES MAILED 377

APPROVALS 0

PROTESTS 0

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: VAR-3458 APN: _____

Name of Property Owner: Bobbie Evans

Name of Applicant: Bobbie Evans

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: _____

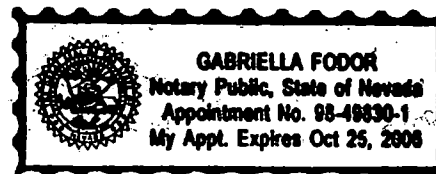
Signature of Property Owner/Authorized Agent: Bobbie Evans

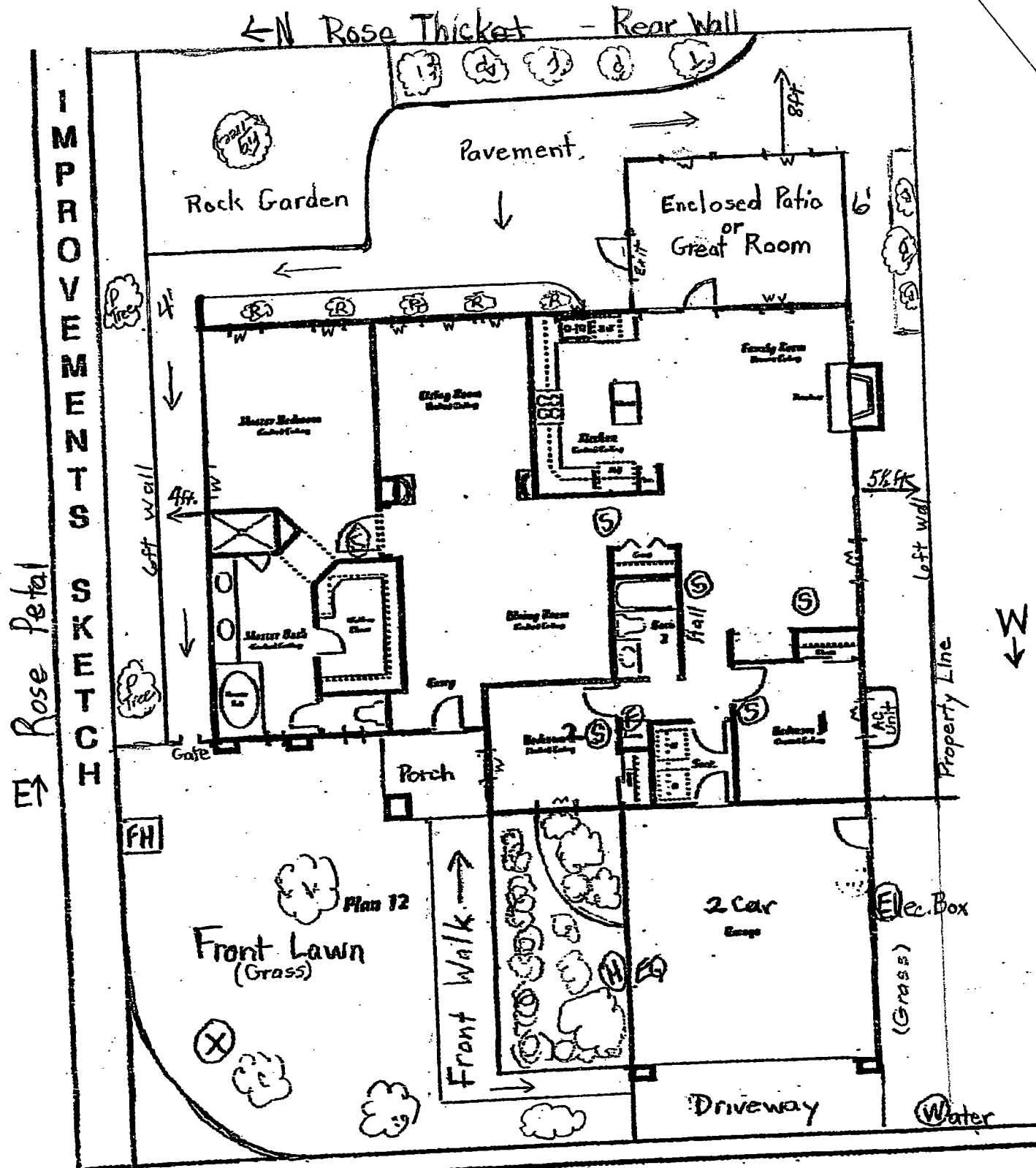
Print Name: Bobbie Evans

Subscribed and sworn before me

This 17th day of DECEMBER, 2003

Gabriella Fodor, Clark, NV
Notary Public in and for said County and State

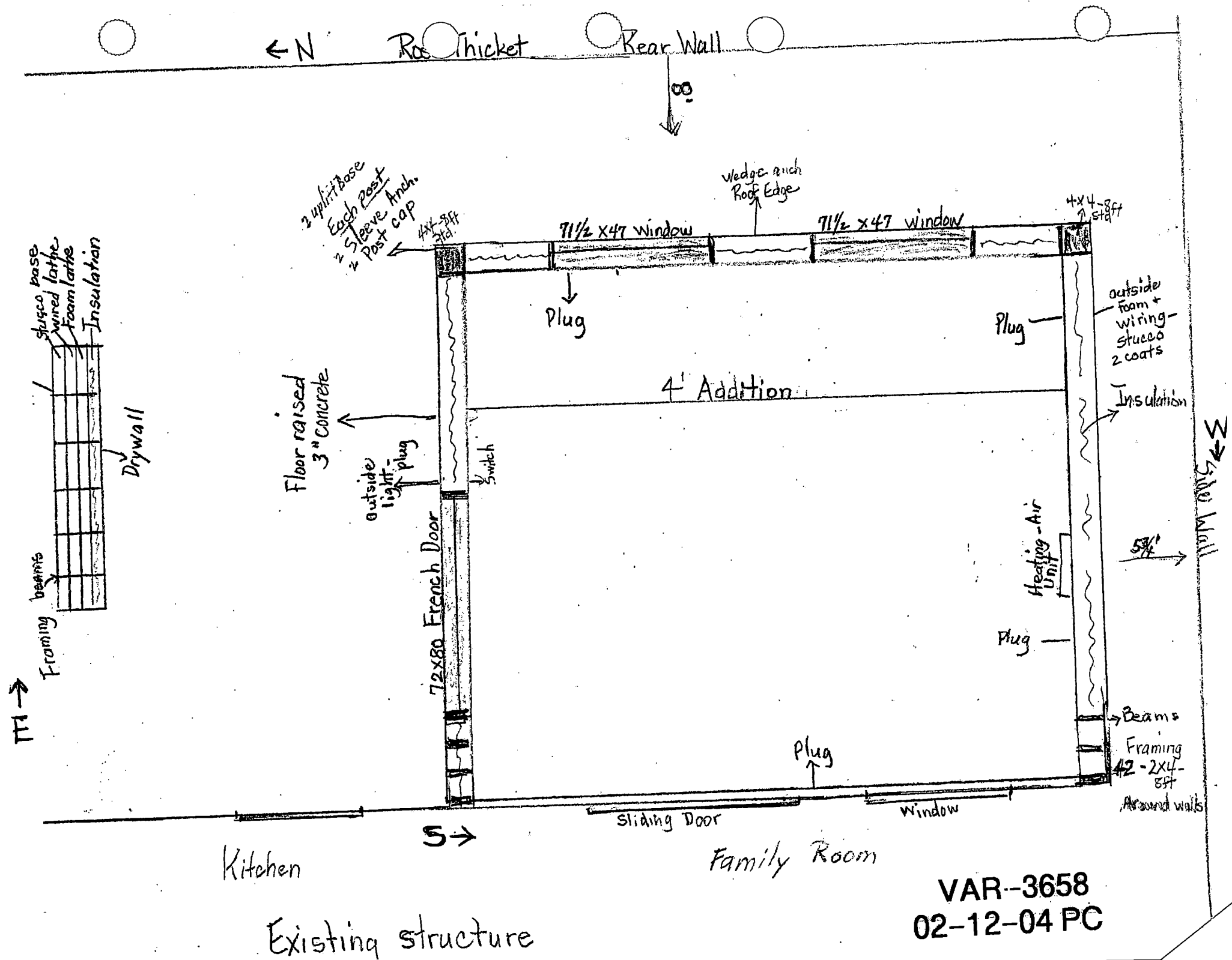


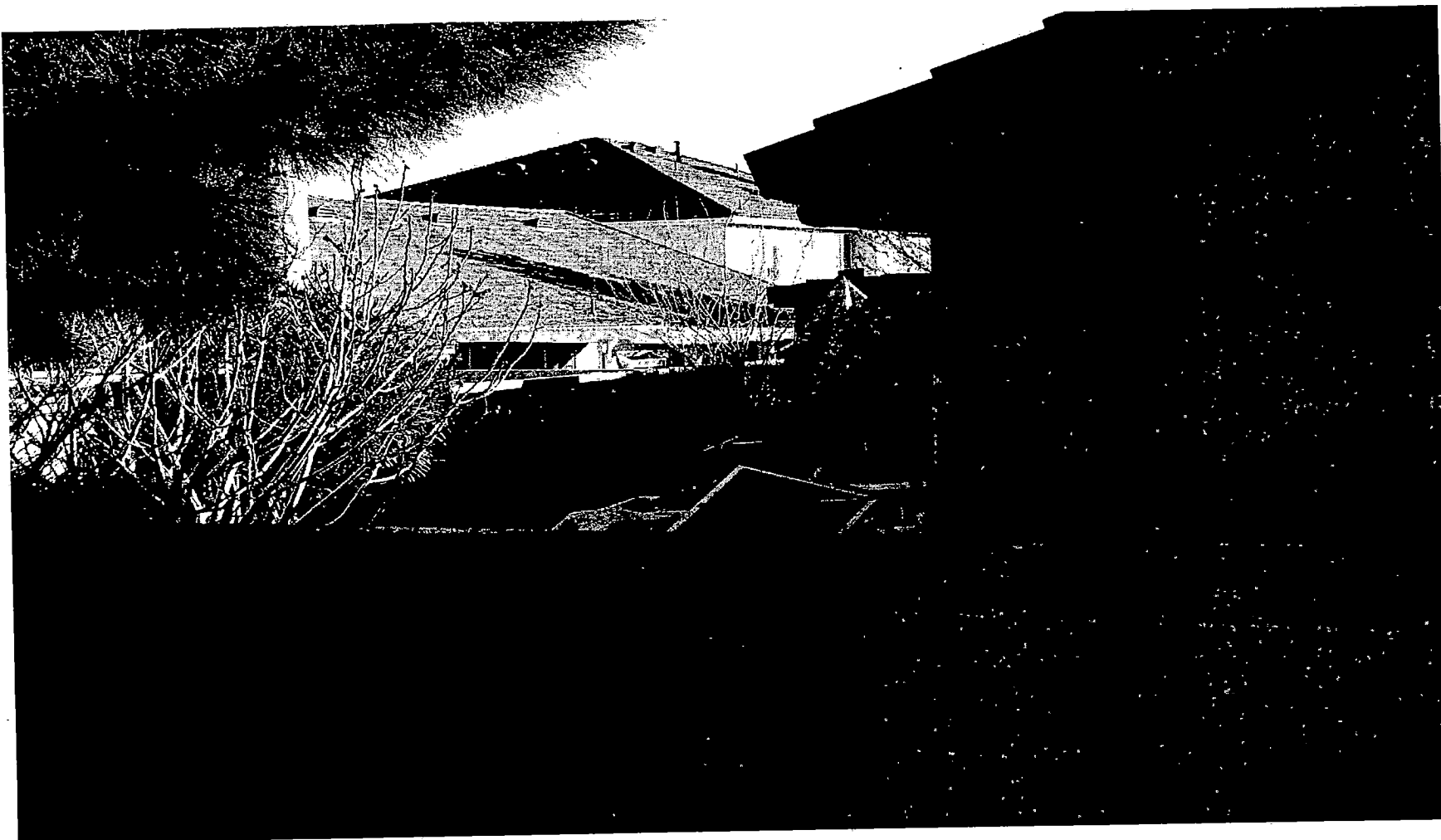


AREA CALCULATIONS SUMMARY

Area	Name of Area	Size	Totals
GLA1	LIVING AREA	1882.50	1882.50
GAR	Garage	410.00	410.00

VAR-3658
02-12-04 PC





PUBLIC HEARING - VAR-3658 - APPLICANT: BOBBYE EVANS
5528 GREEN WILLOW STREET
FEBRUARY 12, 2004 PLANNING COMMISSION

01/23/04



PUBLIC HEARING - VAR-3658 - APPLICANT: BOBBYE EVANS
5528 GREEN WILLOW STREET
FEBRUARY 12, 2004 PLANNING COMMISSION

01/23/04

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

PLANNING COMMISSION MEETING OF: FEBRUARY 12, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☐

CONSENT

☒

DISCUSSION

SUBJECT:

PUBLIC HEARING - SUP-3635 - APPLICANT: LOUIS SELIGMAN - OWNER: PARAMOUNT INVESTMENTS COMPANY - Request for a Special Use Permit FOR OPEN AIR VENDING (HOT DOG CART) at 1924 East Charleston Boulevard (APN: 162-02-512-005), C-1 (Limited Commercial) Zone, Ward 3 (Reese).

C.C.: 03/17/04 - IF DENIED: P.C.: FINAL ACTION (Unless appealed within 10 days)

PROTESTS RECEIVED BEFORE:

**Planning Commission Mtg.
City Council Meeting**

0

APPROVALS RECEIVED BEFORE:

**Planning Commission Mtg.
City Council Meeting**

0

RECOMMENDATION:

Staff recommends DENIAL

BACKUP DOCUMENTATION:

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

MOTION:

EVANS – APPROVED subject to conditions and adding a condition as follows:

- *The Special Use Permit is subject to a one-year review.*

– Motion carried with TRUESDELL and GOYNES voting No

To be heard by the City Council on 3/17/2004.

MINUTES:

CHAIRMAN TRUESDELL declared the Public Hearing open.

GARY LEOBOLD, Planning and Development Department, explained that the submitted site plan shows the location of the hot dog cart indicating that it will be set back about 20 feet from the property line and 4 feet from the west property line. He noted that mobile vending operations are intended to serve large gathering spaces whereas this location is on a site approved for office uses. Staff determined that the proposal is inappropriate for the location and recommended denial.

PLANNING COMMISSION MEETING OF FEBRUARY 12, 2004
Planning and Development Department
Item 31 – SUP-3635

MINUTES – Continued:

LOUIS SELIGMAN, applicant, 6930 South Paradise Road, concurred with staff conditions.

TODD FARLOW, 240 North 19th Street, objected to the applicant's proposal.

Responding to CHAIRMAN TRUESDELL query, COMMISSIONER EVANS stated that the majority of properties along Eastern to Burnham have signs that do not conform to the code. With regard to the application, he asked why staff recommended denial. MR. LEOBOLD explained that this type of operation should be at a location set back from the road. Specifically, this location is approved for office use. MR. CLAPSADDLE added that most vendors cater to heavy foot traffic whereas this location is mid block and does not have good access for potential customers. Being as this is a special use permit, COMMISSIONER EVANS felt it appropriate to add a one-year review to the conditions.

COMMISSIONER McSWAIN was puzzled by the applicant's site selection. MR. SELIGMAN explained that although he does not live in the immediate vicinity, he felt the foot traffic was ample seeing as this area is largely commercial.

There was no further discussion.

CHAIRMAN TRUESDELL declared the Public Hearing closed.

(8:22 – 8:35)

2-1466

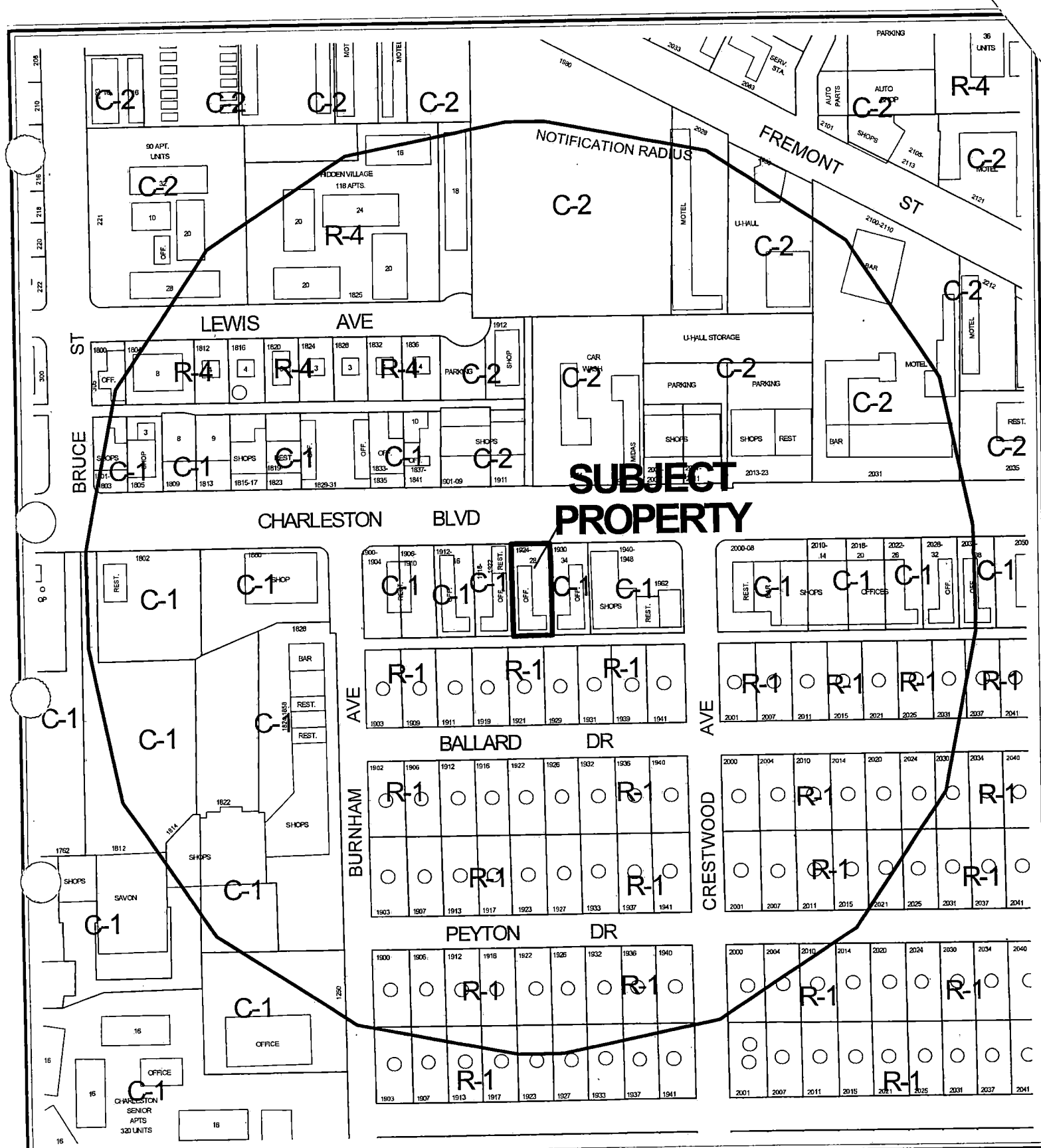
CONDITIONS:

Planning and Development

1. 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.
2. This business shall operate in conformance with Chapter 6.55 of the City of Las Vegas Municipal Code.
3. All City Code requirements and design standards of all City departments must be satisfied.

Public Works

4. The proposed hot dog cart shall not be located within the existing public right-of-way, interfere with Site Visibility Restriction Zones or cause an obstruction to vehicular or pedestrian travel corridors.



CASE: SUP-3635

RADIUS: 750 FT

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

City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: FEBRUARY 12, 2004
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: SUP-3635 - PUBLIC HEARING - APPLICANT: LOUIS
SELIGMAN - OWNER: PARAMOUNT INVESTMENTS COMPANY

** CONDITIONS **

STAFF RECOMMENDATION: DENIAL If APPROVED, Subject to:

Planning and Development

1. 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.
2. This business shall operate in conformance with Chapter 6.55 of the City of Las Vegas Municipal Code.
3. All City Code requirements and design standards of all City departments must be satisfied.

Public Works

4. The proposed hot dog cart shall not be located within the existing public right-of-way, interfere with Site Visibility Restriction Zones or cause an obstruction to vehicular or pedestrian travel corridors.

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

This request is for the approval of a Special Use Permit for Open Air Vending (Hot Dog Cart) on property located at 1924 East Charleston Boulevard.

B) Applicant's Justification

The proposed vending cart will provide hot dogs, knishes, chips, coffee, donuts and soda to the public daily. It will be located so as not to obstruct access to parking spaces on the site or access to the building.

BACKGROUND INFORMATION

A) Previous Actions

05/21/58 The Board of City Commissioners approved a Rezoning from R-4 (High Density Residential) to C-1 (Limited Commercial) on this property as part of a larger request (Z-0046-56). The Planning Commission recommended approval on 02/14/57.

09/20/00 The City Council approved a request for a Special Use Permit (U-0125-00) to allow a Psychic Arts business at 1924 East Charleston Boulevard. The Planning Commission and staff recommended approval on 08/10/00.

B) Pre-Application Meeting

12/08/03 Issues discussed included the need for the hot dog cart to be located away from required parking spaces, clear of parking lot drive aisles, and outside of site visibility restriction zones. Staff and the applicant agreed on a suitable location near an existing sign in the northwest corner of the parcel.

C) Neighborhood Meetings

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

DETAILS OF APPLICATION REQUEST

A) Site Area

Net Acres: 0.26

B) Existing Land Use

Subject Property: Offices
North: Car Wash, Auto Parts Store
South: Single-Family Dwellings
East: Offices
West: Office and Retail

C) Planned Land Use

Subject Property: C (Commercial – Redevelopment Area) [SC (Service Commercial)
General Plan Designation]
North: MXU (Mixed Use – Redevelopment Area) [GC (General Commercial)
General Plan Designation]
South: L (Low Density Residential)
East: C (Commercial – Redevelopment Area) [SC (Service Commercial)
General Plan Designation]
West: C (Commercial – Redevelopment Area) [SC (Service Commercial)
General Plan Designation]

D) Existing Zoning

Subject Property: C-1 (Limited Commercial)
North: C-2 (General Commercial)
South: R-1 (Single-Family Residential)
East: C-1 (Limited Commercial)
West: C-1 (Limited Commercial)

E) General Plan Compliance

The Las Vegas Redevelopment Plan establishes SC (Service Commercial) as the designation for this site. As defined by the Plan, the Service Commercial category allows low to medium intensity retail, office or other commercial uses that serve primarily local area patrons and that do not include more intense general commercial characteristics. It may also include offices either singly or grouped as office centers with professional and business services. The C-1 (Limited Commercial) zoning on this site is compatible with the SC (Service Commercial) designation. The proposed Open Air Vending use complies with both the land use designation and the existing zoning for the site.

SPECIAL DISTRICTS/ZONES	Yes	No
Special Area Plan	X	
<i>Redevelopment Plan Area</i>	<i>X</i>	
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

Las Vegas Redevelopment Plan – Ordinance No. 5652, adopted by the City Council on December 17, 2003, establishes the C (Commercial) designation for this and neighboring sites along Charleston Boulevard as appropriate for uses permissible in the current C-1 (Limited Commercial) zoning district. The Plan is intended to establish a framework for the gradual redevelopment, rehabilitation, and revitalization of targeted areas within the City of Las Vegas. Other than an exemption from applicable Residential Adjacency Standards, no additional planning considerations are made as a result of this property's status in the Las Vegas Redevelopment Area.

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
Office, Other Than Listed	2,960 SF	1/300 SF GFA	9	1	9	1

The site is in compliance with the minimum parking standards of the Code. The addition of the proposed vending cart will have little or no impact on the on-site parking. In addition, no upgrades to the overall site are proposed; therefore, no changes to the current parking configuration are necessary.

The Department of Public Works had included a condition restricting the location of the proposed vending cart to an area outside of the public right-of-way and away from all sight visibility restriction zones. The site plan indicates compliance with these restrictions.

A2) Minimum Distance Separation Requirements

There are no Minimum Separation Distance Requirements in the Zoning Code that apply to the proposed Open Air Vending use, and there are no similar approved uses within the 750-foot notification distance.

B) General Analysis and Discussion

- Zoning

The subject site is zoned C-1 (Limited Commercial). Open Air Vending is a permitted use in this district with the approval of a Special Use Permit.

- Use

The submitted site plan identifies the location of the proposed hot dog cart to be in the northwest portion of the subject parcel, set back 20 feet from the front property line and approximately four feet from the west property line. The cart is located here in order to avoid obstructing required on-site parking spaces, drive aisles, and restricted sight visibility zones, and yet still be visible to pedestrians and motorists.

An Open Air Vending/Transient Sales Lot is defined by Title 19 as "an area that is used exclusively for the sale or taking of orders for any merchandise where such merchandise is displayed or sold in the open area; such activities are not part of the operation of an established business; and no permanent physical structures or facilities are used as integral parts of the sales of order-taking operations. The term includes the display or sale of merchandise in or in connection with a truck, trailer, or movable building of any type." Hot dog vending carts are considered vehicles where merchandise is displayed and/or sold.

Such mobile vending operations are intended to serve large gathering spaces such as big-box retail, strip developments or private business plazas. The subject hot dog cart is proposed in a mid-block location on property approved for office uses, a site where heavy pedestrian traffic is not desirable, anticipated or easily accessible.

If approved, signage for this use must conform to the criteria for signs in the C-1 (Limited Commercial) zoning district.

- Conditions

Title 19.04.050 does not establish base conditions for approval of an Open Air Vending use. Compliance with all City code requirements, including licensing of mobile food vendors (Title 6.55), is a standard condition of approval of the Special Use Permit.

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."**

Mobile vending operations such as the proposed hot dog cart are intended to serve large gathering spaces such as big-box retail, strip developments or private business plazas. The subject hot dog cart is proposed in a mid-block location on property approved for office uses—a site where crowds are not desirable. The proposed location would not be easily accessible to pedestrian traffic from nearby businesses. The proposed vending cart is therefore inappropriate in this location.

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

The subject property currently used for office purposes is large enough to accommodate the proposed hot dog stand, which would generate little or no traffic and would be located so as not to impede traffic circulation or required on-site parking.

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."**

Charleston Boulevard, designated as a 100-foot Primary Arterial on the Master Plan of Streets and Highways, is sufficient in size to meet the traffic demands of the proposed Open Air Vending use.

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 Open Air Vending use will not compromise the public health, safety, and welfare, since commercial sales are subject to ongoing City licensing and enforcement.

NOTICES MAILED 109

APPROVALS 0

PROTESTS 0

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: SUP-3435 APN: _____

Name of Property Owner: PARAMOUNT INVESTMENTS CO.

Name of Applicant: LOUIS SELIGMAN

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): N/A

APN: _____

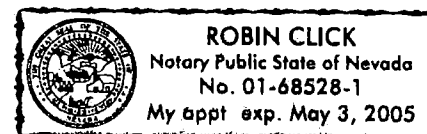
Signature of Property Owner/Authorized Agent: [Signature]

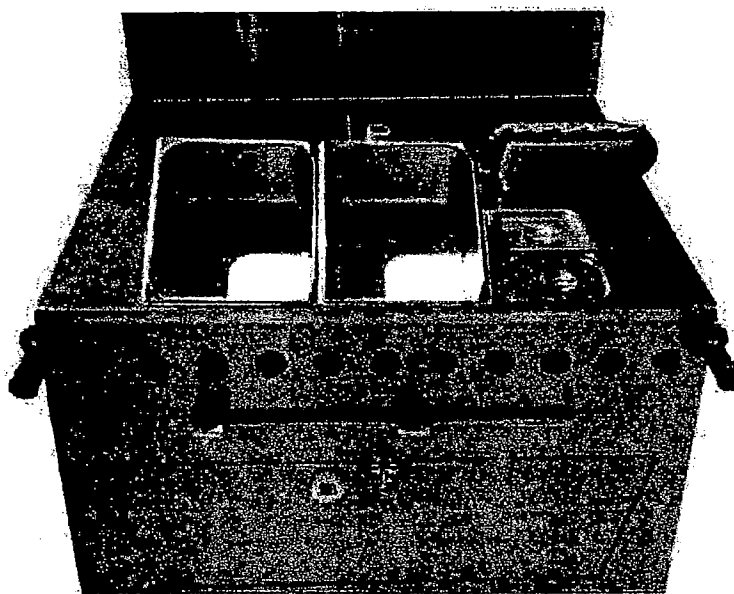
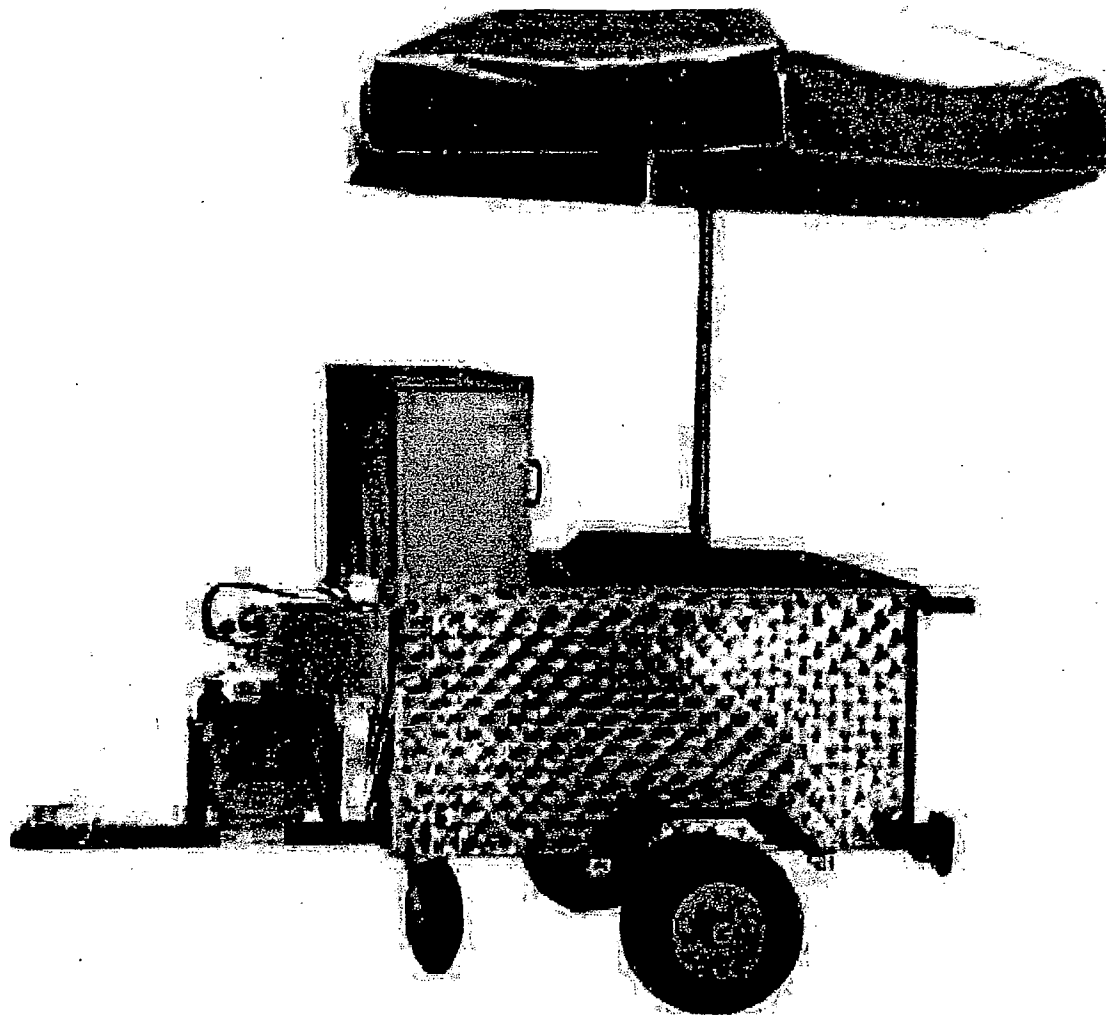
Print Name: AVI BARASHI

Subscribed and sworn before me

This 1st day of December, 2003

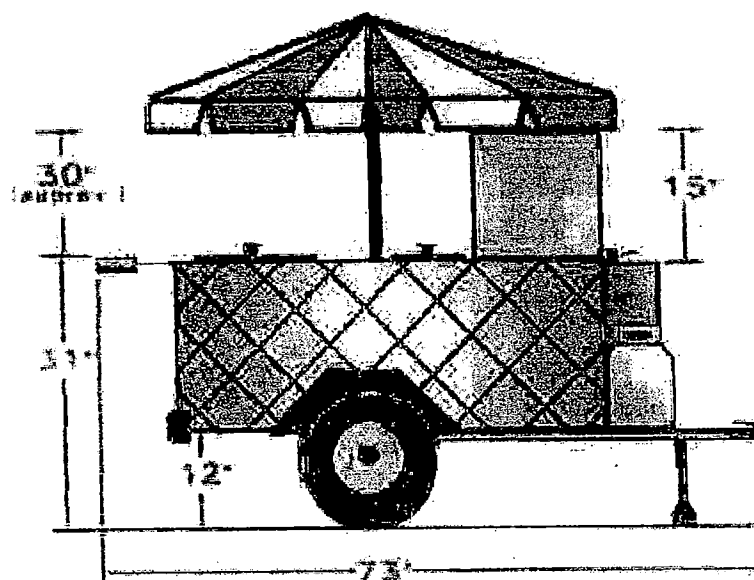
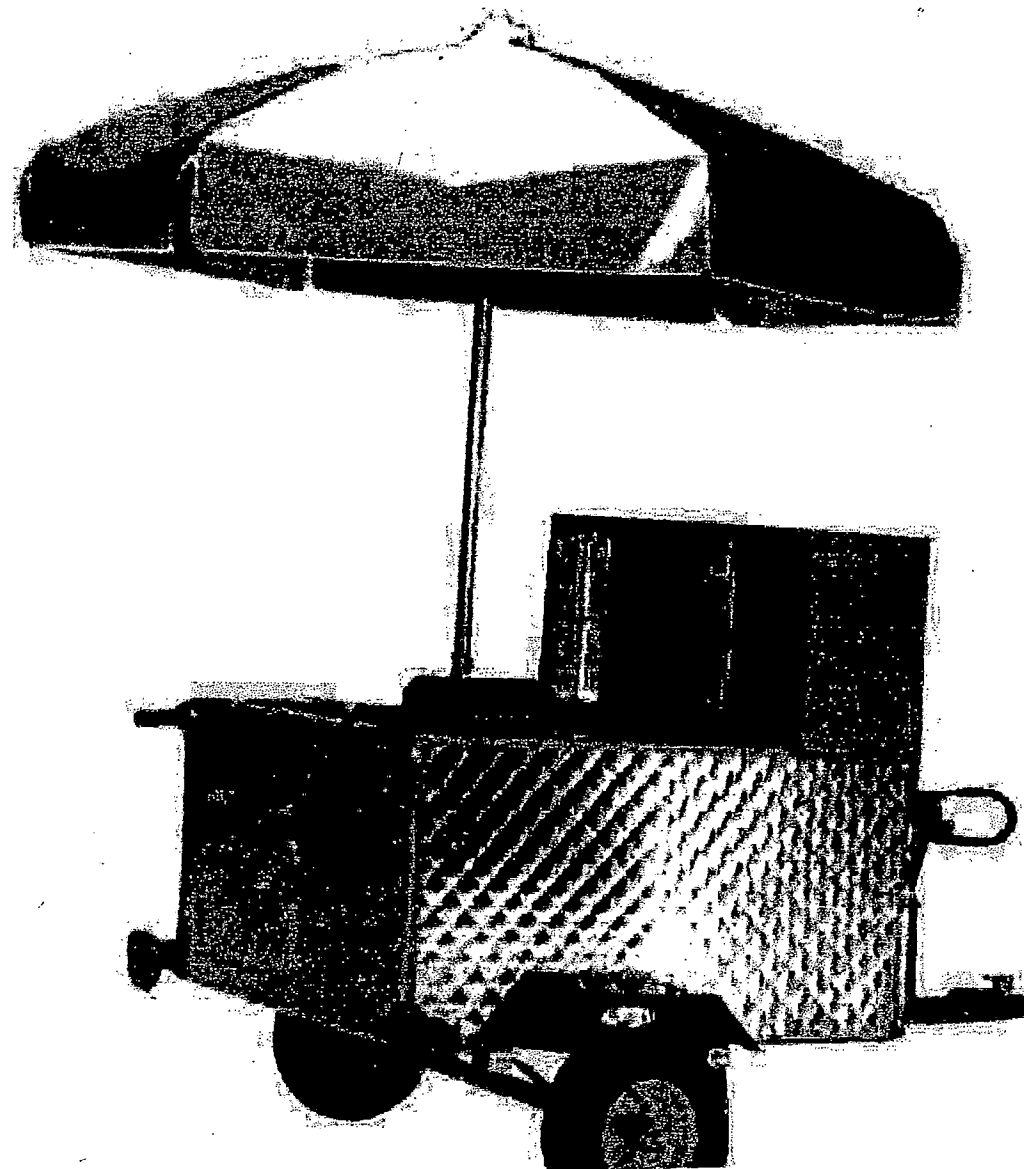
Robin Click
Notary Public in and for said County and State





SUP-3635
02-12-04 PC

SUP-3635 2/12/4 P.L.: PJB

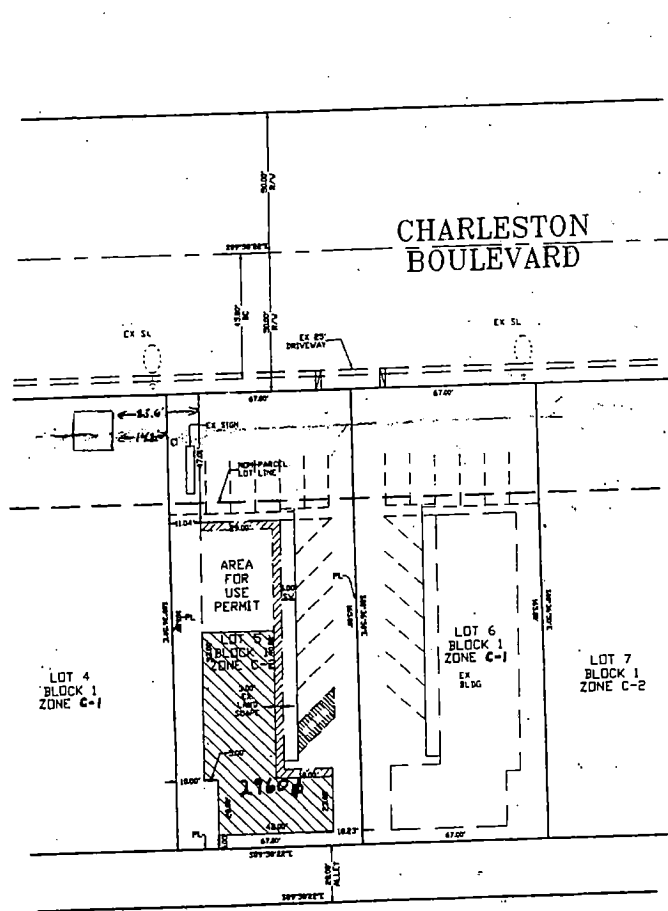
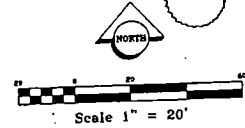


SIDE VIEW

SUP-3635
02-12-04 PC

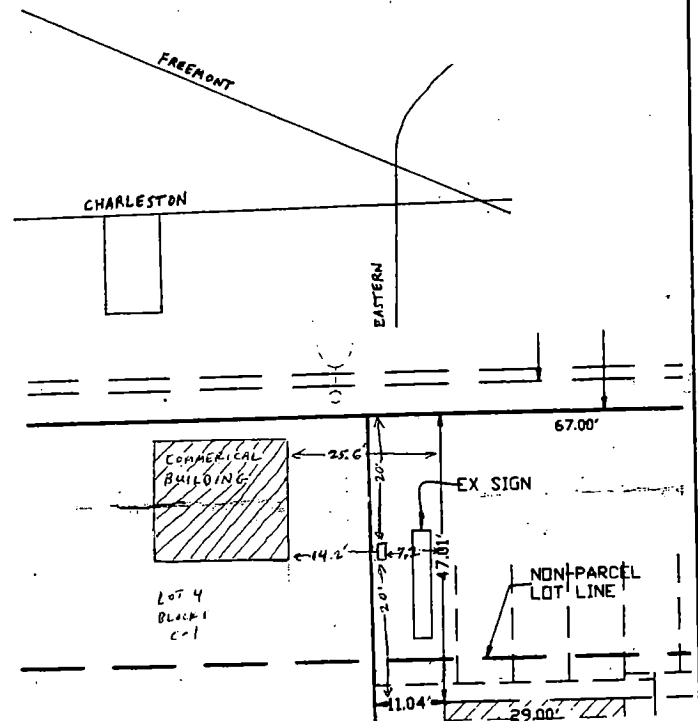
SUP-3635
2/12/4
P.L. PUBLIC

CRESTWOOD HOMES, TRACT #5
BOOK 3, PAGE 3, OF PLATS
CLARK COUNTY, NEVADA RECORDS.
LOT 5
APN 162-02-512-005



NOT A PART OF "CRESTWOOD HOMES SUBDIVISION"
RESIDENTIAL

R-1



PARKING
OFFICE BLDG. 2,960 SQ. FT.
PARKING READ. 1/300 10 SPACES
PARKING PROVIDED 10 SPACES
LOT SIZE 11,055 SQ. FT.

APPROVAL	DATE	BY



LOT 5, BLOCK 1
CRESTWOOD HOMES TRACT 5
SITE PLAN
162-02-512-005

DATE	BY	DATE	BY

1

SUP-3635
02-12-04 PC



PUBLIC HEARING - SUP-3635 - APPLICANT: LOUIS SELIGMAN - OWNER: PARAMOUNT
INVESTMENTS COMPANY
1924 EAST CHARLESTON BOULEVARD
FEBRUARY 12, 2004 PLANNING COMMISSION

01/23/04

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: FEBRUARY 12, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☐ **CONSENT** ☒ **DISCUSSION**

SUBJECT:

PUBLIC HEARING - SUP-3636 - APPLICANT: ACOSTA ENTERPRISE - OWNER: VRAAM LIMITED LIABILITY COMPANY - Request for a Special Use Permit FOR A LIQUOR ESTABLISHMENT (OFF-PREMISE CONSUMPTION) in conjunction with a proposed grocery store adjacent to the east side of Eastern Avenue 150 feet north of Mesquite Avenue (APN: 139-36-110-002, 003), C-1 (Limited Commercial) Zone and R-E (Residence Estates) Zone under Resolution of Intent to C-1 (Limited Commercial) Zone, Ward 3 (Reese).

C.C.: 03/17/04 - IF DENIED: P.C.: FINAL ACTION (Unless appealed within 10 days)

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
 City Council Meeting

1

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
 City Council Meeting

0

RECOMMENDATION:

Staff recommends APPROVAL

BACKUP DOCUMENTATION:

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

MOTION:

McSWAIN – APPROVED subject to conditions – UNANIMOUS

To be heard by the City Council on 3/17/2004.

MINUTES:

CHAIRMAN TRUESDELL declared the Public Hearing open.

GARY LEOBOLD, Planning and Development Department, using a video clip, explained the applicant's intent to sell beer and wine products within a market. Staff recommended approval subject to conditions.

RENALDO MORALES, applicant, 1241 Dutch Plat Street, appeared along with LEO GARCIA, the operator, 573 East Twain Avenue, who will occupy one-third of the plaza. MR. MORALES stated that MR. GARCIA operates a similar successful business in the County.

PLANNING COMMISSION MEETING OF FEBRUARY 12, 2004
Planning and Development Department
Item 32 – SUP-3636

MINUTES – Continued:

TODD FARLOW, 240 North 19th Street, asked whether the conditions address the limitation of alcoholic beverage sales contingent upon square footage. MR. LEOBOLD replied affirmatively. MR. FARLOW added that should the grocery store cease to exist, the liquor store must also be removed. MR. MORALES explained that the liquor sales are part of the grocery store operation.

No one appeared in opposition.

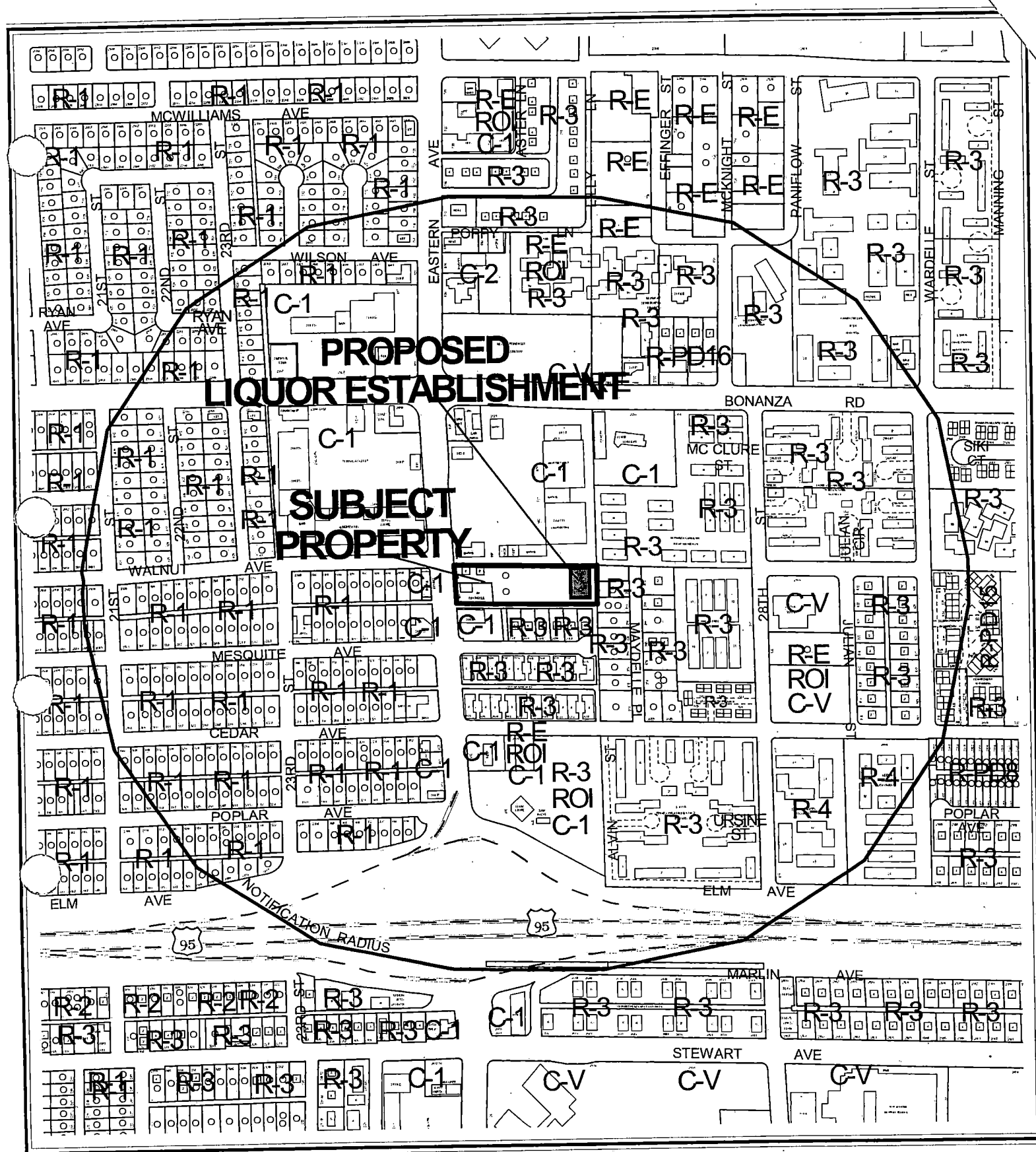
There was no further discussion.

CHAIRMAN TRUESDELL declared the Public Hearing closed.
(8:35 – 8:41)
2-2008

CONDITIONS:

Planning and Development

1. Conformance to all Minimum Requirements under Title 19.04.050 for a Liquor Establishment (Off-Premise Consumption) use.
2. Approval of and conformance to the Conditions of Approval for Rezoning (Z-0062-02) and Site Development Plan Review [Z-0062-02(1)].
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.
5. Approval of this Special Use Permit does not constitute approval of a liquor license.
6. The sale of alcoholic beverages shall be limited to the sale of beer and wine only, and is limited to a 200 square-foot cooler area.
7. The sale of individual containers of any size of beer, wine coolers or screw cap wine is prohibited. All such products shall remain in their original configurations as shipped by the manufacturer. Further, no repackaging of containers into groups smaller than the original shipping container size shall be permitted.
8. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.



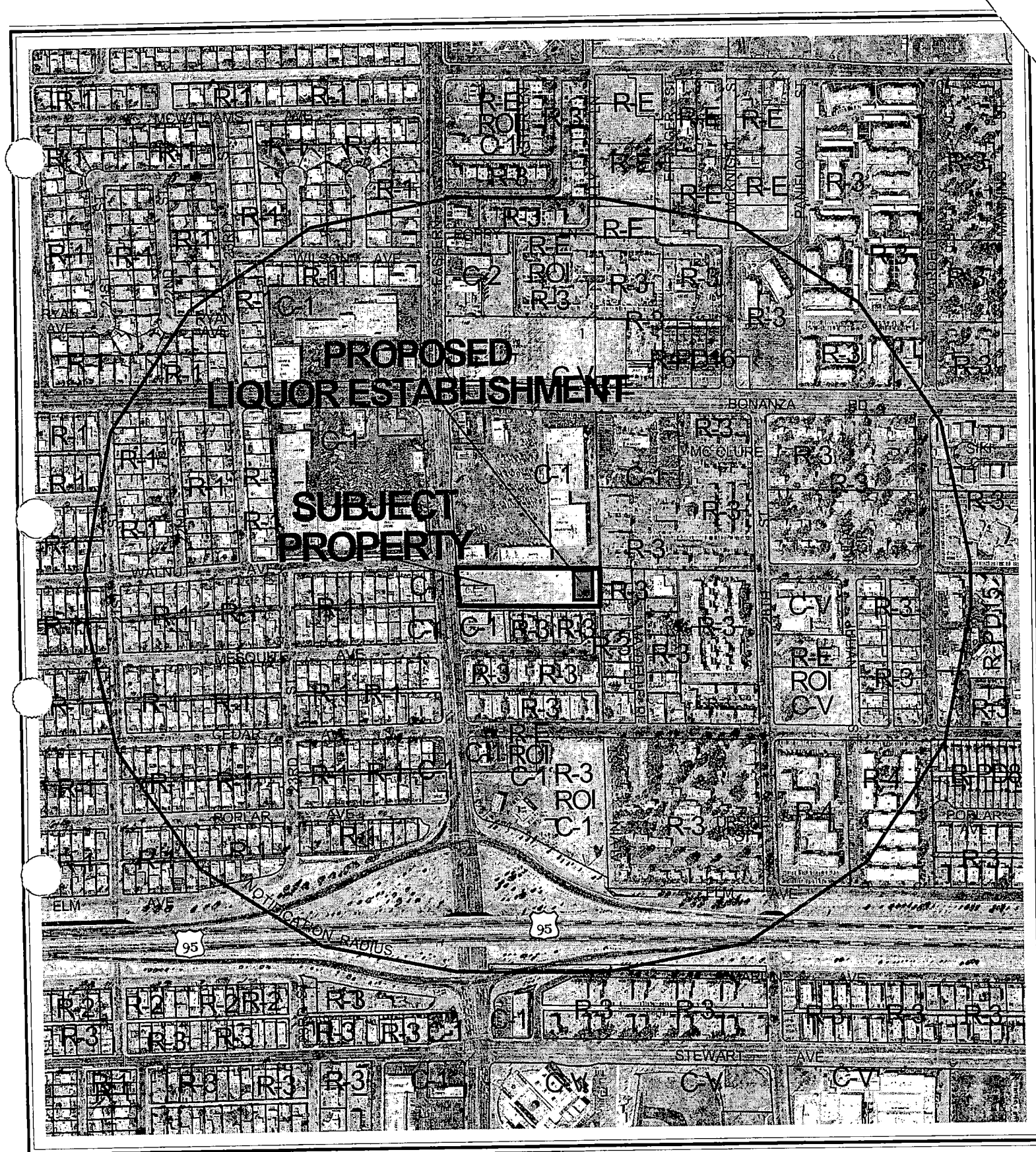
CASE: SUP-3636

RADIUS: 1500 FT

ZONING OF SUBJECT PROPERTY:

C-1 (LIMITED COMMERCIAL) AND R-E (RESIDENCE ESTATES) UNDER RESOLUTION OF INTENT TO C-1 (LIMITED COMMERCIAL)





CASE: SUP-3636

RADIUS: 1500 FT

ZONING OF SUBJECT PROPERTY:

C-1 (LIMITED COMMERCIAL) AND R-E (RESIDENCE ESTATES) UNDER RESOLUTION OF
INTENT TO C-1 (LIMITED COMMERCIAL)

0 300 600 Feet



AGENDA MEMO

PLANNING COMMISSION MEETING DATE: FEBRUARY 12, 2004
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: SUP-3636 - PUBLIC HEARING - APPLICANT: ACOSTA
ENTERPRISE - OWNER: VRAAM LIMITED LIABILITY COMPANY

**** CONDITIONS ****

STAFF RECOMMENDATION: APPROVAL, Subject to:

Planning and Development

1. Conformance to all Minimum Requirements under Title 19.04.050 for a Liquor Establishment (Off-Premise Consumption) use.
2. Approval of and conformance to the Conditions of Approval for Rezoning (Z-0062-02) and Site Development Plan Review [Z-0062-02(1)].
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8. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

This is a request for a Special Use Permit for a Liquor Establishment (Off-Premise Consumption) in conjunction with a proposed 8,000 square-foot grocery store (El Ricon Latino Supermarket) on 2.09 acres adjacent to the east side of Eastern Avenue, 150 feet north of Mesquite Avenue. Although this request was advertised to include APNs 139-36-110 002 and 003, the use is proposed to occur only on one of the parcels, APN 139-36-110-003.

B) Applicant's Justification

The applicant has justified this request by stating that the proposed grocery store would form an intrinsic part of the services that are being provided to the local Latin community by the shops and store in this commercial center. The sale of beer and wine for off-premise consumption is necessary for the grocery store to offer a full range of supermarket goods and services.

BACKGROUND INFORMATION

A) Previous Actions

09/18/02 The City Council approved a request for a Rezoning (Z-0062-02) from R-E (Residence Estates) to C-1 (Limited Commercial) on 1.79 acres at 540 North Eastern Avenue. The Planning Commission and staff recommended approval on 08/22/02.

09/18/02 The City Council approved a request for a Site Development Plan Review and a Reduction of the Perimeter Landscaping Requirements (Z-0062-02(1)) to allow a five-foot wide landscape planter on the north property line where an eight-foot wide landscape planter is required for a proposed 25,200 square-foot commercial center on 2.09 acres at 530 and 540 North Eastern Avenue. The Planning Commission and staff recommended approval on 08/22/02.

B) Pre-Application Meeting

12/18/03 The applicant explained the range of goods and services proposed to be offered at the proposed market, including the sale of beer and wine for off-premise consumption, the placement of a number of gaming machines in the store and a small area within the store devoted to a check-cashing and payday loan facility. It was determined that the latter two would be allowed as ancillary activities to the principal market function, but that a Special Use Permit was required for the off-premise liquor sales activity.

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: 1.79 (APN: 139-36-110-003 only)

B) Existing Land Use

Subject Property: Undeveloped
North: Retail Shopping Center
South: Pawn Shop and Four-plex Dwellings
East: Single Family Dwellings
West: Retail Shops

C) Planned Land Use

Subject Property: SC (Service Commercial)
North: SC (Service Commercial)
South: SC (Service Commercial) and M (Medium Density Residential)
East: M (Medium Density Residential)
West: SC (Service Commercial)

D) Existing Zoning

Subject Property: R-E (Residence Estates) under Resolution of Intent to C-1 (Limited Commercial)
North: C-1 (Limited Commercial)
South: C-1 (Limited Commercial) and R-3 (Medium Density Residential)
East: R-3 (Medium Density Residential)
West: C-1 (Limited Commercial)

E) General Plan Compliance

The subject site is located within the Southeast Sector of the General Plan with an SC (Service Commercial) land use designation. The existing C-1 (Limited Commercial) zoning district is consistent with the SC designation, and the proposed Liquor Establishment (Off-Premise Consumption) is a permitted use 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

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

INTERAGENCY ISSUES

This project did not meet the criteria for a Project of Regional Significance, pursuant to Ordinance No. 5477. As a result, no Environmental Impact Assessment questionnaire was required.

ANALYSIS

A) Zoning Code Compliance

A1) Parking and Traffic Standards

There are no specific Zoning Code development standards applicable to a Liquor Establishment (Off-Premise Consumption), where accessory to a grocery store use, other than Minimum Distance Separation requirements, and a limit on the percentage of overall floor space used for liquor sales. These conditions are found in Title 19.04.050, and are listed below.

A2) Minimum Distance Separation Requirements

Title 19.04.050 requires that a Liquor Establishment (Off-Premise Consumption) has to be a minimum of 400 feet from any church, synagogue, school, child care facility licensed for more than 12 children, or a city park. The closest of any such uses is a church, the La Luz del Mundo, located approximately 420 feet to the southeast of the subject site. Although the church owns a separate and unconnected lot closer to the subject site, this lot does not contain any structures and is only used for surface parking.

B) General Analysis and Discussion

- **Zoning**

The development of a Liquor Establishment (Off-Premise Consumption) is a permitted use in the C-1 (Limited Commercial) zoning district with the approval of a Special Use Permit.

- **Use**

Title 19.04.050 establishes the criteria for the approval of alcohol-related uses within the city. The Code requires this Liquor Establishment (Off-Premise Consumption) use to be a minimum of 400 feet from any church, synagogue, school, childcare facility licensed

for more than twelve children, or City park as measured from property line to property line. In this case, there are no sensitive uses to be within the minimum 400 foot distance separation requirement. The use is proposed within a proposed 8,000 square-foot grocery store as part of an approximately 25,000 square-foot retail commercial center on the site. It would appear that this use can be conducted in a manner that is harmonious and compatible with the surrounding development and is appropriate at this location.

- Conditions

The following conditions are stipulated for the development of a Liquor Establishment (Off-Premise Consumption) within a C-1 zoning district. The conditions with asterisks are non-waivable:

- *1. Except as otherwise provided in this Chapter, no liquor establishment (on-sale/off-sale/on-off-sale) use (hereinafter "liquor establishment") shall be located within four hundred feet of any church, synagogue, school, child care facility licensed for more than twelve children, or City park.
- *2. Except as otherwise provided in Subsection (3) below, the distances referred to in Subsection 1 shall be determined with reference to the shortest distance between two property lines, one being the property line of the proposed liquor establishment which is closest to the existing use to which the measurement pertains, and the other being the property line of that existing use which is closest to the proposed liquor establishment. The distance shall be measured in a straight line without regard to intervening obstacles. For purposes of measurement, the term "property line" refers to property lines of fee interest parcels and does not include the property line of:
 - a. Any leasehold parcel; or
 - b. Any parcel which lacks access to a public street or has no area for on-site parking and which has been created so as to avoid the distance limitation described in Subsection 1.
- *3. In the case of a liquor establishment proposed to be located on a parcel of at least eighty acres in size, the minimum distances referred to in Paragraph 1 shall be measured in a straight line:
 - a. From the nearest property line of the existing use to the nearest portion of the structure in which the liquor establishment will be located, without regard to intervening obstacles; or
 - b. In the case of a proposed liquor establishment which will be located within a shopping center or other multiple-tenant structure, from the nearest property line of the existing use to the nearest property line of a leasehold or occupancy parcel in which the liquor establishment will be located, without regard to intervening obstacles.

4. When considering a Special Use Permit application for a liquor establishment which also requires a waiver of the distance limitation in Subsection 1, the Planning Commission shall take into consideration the distance policy and shall, as part of its recommendation to the City Council, state whether the distance requirement should be waived and the reasons in support of the decision.
5. The minimum distance requirements in Subsection 1 do not apply to:
 - a. An establishment which has a non-restricted gaming license in connection with a hotel having 200 or more guest rooms on or before July 1, 1992 or in connection with a resort hotel having in excess of 200 guest rooms after July 1, 1992; or
 - b. A proposed retail establishment having more than 50,000 square feet or retail floor space.
- *6. All businesses, which sell alcoholic beverages, shall conform to the provisions of Chapter 6.50 of the Las Vegas Municipal Code.
7. The minimum distance requirements set forth in Subsection 1, which are otherwise non-waivable under the provisions of this subdivision, may be waived:
 - a. In accordance with the provisions of Subsection 19.040.050(A)(4) for any liquor establishment, which is proposed to be located on a parcel within the Downtown Casino Overlay District;
 - b. In accordance with the applicable provisions of the "Town Center Development Standards Manual" for any liquor establishment which is proposed to be located within the T-C (Town Center) Zoning District and which is designated MS-TC (Main Street Mixed Use) in the Town Center Land Use Plan; or
 - c. In connection with a proposed retail establishment having between 20,000 square feet and 50,000 square feet of retail floor space, if no more than 10% of the retail floor space is regularly devoted to the display or merchandising of alcoholic beverages; or
 - d. In connection with a retail establishment having less than 20,000 square feet of retail floor space, if the area to be used for the sale, display or merchandising of alcoholic beverages and each use to be protected are separated by a highway or a right-of-way with a width of at least 100 feet.

The application as proposed appears to meet all the applicable conditions of Title 19.04.050.

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 Liquor Establishment (Off-Premise Consumption) use will be an accessory use to the proposed grocery store. The fact that this use is an ancillary function within a proposed Latino market, which itself is to be a component of a proposed retail commercial center which will contain uses catering to the local Hispanic community, indicates that this use can be conducted in a manner that is harmonious and compatible with the surrounding development and is appropriate at this location.

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

The subject site is physically suitable for the type and intensity of land use proposed. The addition of a Liquor Establishment (Off-Premise Consumption) use does not affect the parking requirement for the proposed grocery store in which it is to be located, or the parking for the overall retail center 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 abutting street network will be adequate for the traffic generated by the use since it is to be an accessory use to the proposed grocery store proposed for this site. Access to the site is via access a driveway from Eastern Avenue, a Primary (100-foot) Arterial 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 proposed Liquor Establishment (Off-Premise Consumption) use will be an accessory use to the proposed grocery store on this site that will be subject to periodic inspection by regulatory agencies for business licensing, and will therefore not compromise the public health, safety and welfare.

NOTICES MAILED 467

APPROVALS 0

PROTESTS 1



PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: SUP-3636 APN: _____

Name of Property Owner: VRAM, LLC (Renato B Morales Jr. & Vicki L Morales)

Name of Applicant: Acosta Enterprise DBA El Rincon Latino

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: _____

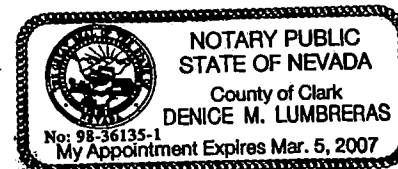
Signature of Property Owner/Authorized Agent: Vicki L Morales

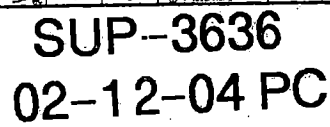
Print Name: Vicki L Morales

Subscribed and sworn before me

This 22 day of December, 2003

Denice M. Lumberras
Notary Public in and for said County and State







PUBLIC HEARING - SUP-3636 - APPLICANT: ACOSTA ENTERPRISE - OWNER: VRAAM LIMITED
LIABILITY COMPANY
EAST SIDE OF EASTERN AVENUE 150 FEET NORTH OF MESQUITE AVENUE
FEBRUARY 12, 2004 PLANNING COMMISSION

01/23/04

To: Gary M. Leobold, Senior Planner

02/01/04

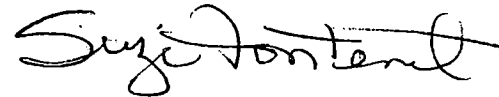
I'm writing in concern over the proposed liquor establishment case #SUP-3636 on 02/12/04 at 6:00 pm. Personally, our family will be affected in a very serious way. We are the last house on Maydelle Place; our backyard looks on this property. We struggle now, trying to keep people from hopping our fences, cutting through our yard, etc. Now if there's a liquor store there, we'll never keep them out. We have lived in this house over 20 years. We used to board horses on 28th & Cedar! The neighborhood has greatly changed over the years. We want to stay here, but it's getting harder to justify. Our grandchildren play in our backyard. But with liquor being sold a few feet away, is very troubling to say the least.

Socially, this would not help the current community that lives in this neighborhood. I work in one of the neighborhood elementary schools; I know the hardships the children from around here go through. Making alcohol readily available to their parents is definitely not a good idea. These children live with poverty, unstable homes, poor parental involvement etc. This would only add another blow to their circumstances.

So please what this neighborhood needs is businesses to enhance and lift up the community, not add to its woes. Like the new church being built on 28th & Cedar.

Please consider the neighborhood community before making this decision. We firmly believe that a liquor store would devastate an already troubled neighborhood.

Thank you,



Mrs. Suzi Fontenot
395 Maydelle Pl.
Las Vegas, NV 89101
(702) 387-6335

Email: fontenotcs@juno.com

Cc - Gary Reese and Oscar Goodman

RECEIVED
04 FEB - 3 PM 4:10
PLANNING AND
DEVELOPMENT

SUP-3636 P

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: FEBRUARY 12, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☐ **CONSENT** ☒ **DISCUSSION**

SUBJECT:

PUBLIC HEARING - SDR-3638 - APPLICANT: STATE OF NEVADA PUBLIC WORKS BOARD - Request for a Site Development Plan Review FOR A 101,600 SQUARE-FOOT PSYCHIATRIC HOSPITAL on a portion of 67 acres adjacent to the northwest corner of Jones Boulevard and Oakey Boulevard (APN: 163-02-601-007), C-V (Civic) Zone, Ward 1 (Moncrief).

C.C. 03/17/04

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg. **2**
 City Council Meeting

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg. **0**
 City Council Meeting

RECOMMENDATION:

Staff recommends APPROVAL

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Submitted at meeting: Written comments by Dan Musgrove and Marcia Nulmberg
5. Submitted at meeting: Written comments submitted by Susan Brna

MOTION:

NIGRO – APPROVED subject to conditions and amending Conditions 13 and 16 as follows:

13. Dedicate an additional 29 feet of right-of-way or provide roadway easement rights for a total radius of 54 feet on the northwest corner of Jones Boulevard and Oakey Boulevard.

16. 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 offsite permits*. 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

PLANNING COMMISSIONER MEETING OF FEBRUARY 12, 2004
Planning And Development Department
Item 33 – SDR-3638

MOTION – Continued:

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 *offsite permits*, if allowed by the City Engineer.

And adding the following condition:

- *The development of the remaining future pod will be subject to an administrative review by the Planning and Development Department.*

– Motion carried with EVANS abstaining as he is employed by the State of Nevada and precluded from voting on this matter and GOYNES voting No.

To be heard by the City Council on 3/17/2004 – NOT TO BE HEARD BEFORE 4:00 P.M.

MINUTES:

CHAIRMAN TRUESDELL declared the Public Hearing open.

Using the overhead, DAVID CLAPSADDLE, Planning and Development Department, presented a detailed recap of the Site Development Plan Review. He explained that the Site Plan indicates a facility 101,600 square feet in size, comprised of one and two stories structures with the two-story component attaining a maximum height of 35 feet 7 inches at its highest peak. The landscape plan shows trees in the parking and perimeter areas with specific placement, tree heights and positioning that meet the standards of the Code. With regard to parking, the number of spaces projected meet Code requirements; however, MR. CLAPSADDLE noted that handicap parking needs to be provided according to the Code and the applicant is aware that that must be accomplished prior to submittal of the Final Plan. Additionally, the applicant has concurred with construction of a 20-foot wide multi-use trail along Oakey Boulevard.

MR. CLAPSADDLE described the various features of the building elevations and stated that they are architecturally designed to portray residential features of look, feel and character. Inasmuch as there are a number of conditions, he read each and noted that staff has recommended modifications to Conditions 13 and 16, which will be subsequently addressed. MR. CLAPSADDLE affirmed that based on the applicant's agreement to the conditions pertaining to the loading zone, parking lot landscaping, perimeter landscaping, and covered trash enclosure, staff recommended approval based on these and on the size and scale of the project being appropriate and compatible with the surrounding area.

PLANNING COMMISSION MEETING OF FEBRUARY 12, 2004
Planning and Development Department
Item 33 – SDR-3638

MINUTES – Continued:

In conclusion, MR. CLAPSADDLE presented a video overview of the subject site pointing out the proposed project as well as the adjacent properties.

DAN O'BRIEN, Manager of the Nevada State Public Works Board, Carson City, Nevada, appeared on behalf of the applicant along with JERRY IKE, HMC Architects.

MR. IKE stated that all of staff's Conditions of Approval, including the revisions to Conditions 13 and 16, were thoroughly reviewed and agreed upon. Referencing the condition pertaining to compliance with all City Code requirements relative to design standards of all City departments, he accentuated the fact that this site is State of Nevada land, consequently, the State Public Works Board is the building official for State land and all building code provisions and similar items fall under their jurisdiction.

MR. IKE requested consideration to include as an additional condition, that the fourth pod, proposed for the future, be included as part of the Site Development Plan Review, noting that when it comes time to construct that fourth pod, that staff would have the review and approval capabilities to do this administratively.

Referring to the overhead, MR. IKE pointed out each designated section indicating the location of the gymnasium, to be used for recreational therapy for patients and the primary entrance and lobby area of the main two-story building. Giving a virtual tour of the proposed project, he pointed out the snack bar, the administrative area, psychiatric observation space for walk-in and outpatient services and the four pods where patient beds will be contained. To present a clearer picture of the proposed facility, MR. IKE showed photographs of the existing facility in Sparks, Nevada that has been in operation for the past three and a half years. Using the photos he pointed out the building entrance, the emergency area, the lobby section and the interior courtyard for outdoor therapy and recreation. MR. IKE also pointed out the dining facilities and emphasized that its architectural design provides the appropriate environment for all of its patients.

Before opening up the Public Hearing, DEPUTY CITY ATTORNEY BRYAN SCOTT, asked each Commissioner to carefully consider only the criteria as provided for in the Las Vegas Municipal Code that pertain to the appropriateness of reviewing a Site Plan. With copies provided to all Commissioners, he read each of the criteria for the record.

Addressing the audience, CHAIRMAN TRUESDELL stated that it is pertinent to hear each comment and gather information but emphasized the importance of focusing only on the issues pertaining to the site and not the use. CHAIRMAN TRUESDELL proceeded to first invite all speakers in favor of the proposed project to approach the podium.

PLANNING COMMISSION MEETING OF FEBRUARY 12, 2004
Planning and Development Department
Item 33 – SDR-3638

MINUTES – Continued:

The following citizens appeared in support of the proposed psychiatric hospital: DIANE MILES, 6054 Judson; JOSEPH KOSUDA, 5303 East Twain; CLAIRE BOUTIN, 6150 Transverse Drive, #204; JOE TYLER, State of Nevada NAMI President; LOIS GOLDBERG, 5366 Via De Polma Drive; BRIDGET KIDDLE, 2385 East Windmill Lane; INGRID WHIPPLE, Administrator of Montevista Hospital; REVEREND PAUL HANSEN, 7405 Court Wilkins Drive; TOM MAHER, 991 Courtney Valley Street; DAN MUSGROVE, Clark County and University Medical Center; GLEN ROARK, 3836 South Torrey Pines; ROBERT BURNHAM, 9804 Concord Downes; MAURICE BOUTIN, 704 Cypress Meadows Lane; ALEXANDER BLUMS, 2385 East Windmill Lane; ROBERT KAUFMAN, 1700 English Oak Street; MARY MONTAGO, 3810 Willgan Bay Street; and DAVE SCHMIDT, 11745 Cashmere Mist Avenue.

Supporters of the Psychiatric Hospital thanked the Commission for the opportunity to speak on behalf of the proposed project with several comments focusing on the need for such a facility in order to provide much needed services for the mentally ill. All of the speakers felt the location is appropriate for the area, being adjacent to the existing facility that has been on that site since 1975. Speakers included former patients, relatives of patients and doctors and counselors who work constantly to help individuals who are afflicted with this disease. One speaker likened mental illness to any physical illness but stated that many people misunderstand mental illness and do not realize the urgency of providing services and much needed medication to those who are suffering.

A number of speakers expressed their appreciation to the State of Nevada for their plans to construct a beautiful facility. Those who have worked with mentally ill patients relayed that these people are legally entitled to a full range of civil and human rights and that would include the right to be treated for their illness as any person having cancer or diabetes or heart disease. Speakers closely affiliated with the Sparks, Reno facility and the Montevista Hospital expressed their hopes that this proposed facility would meet with approval not only because it is a state-of-the-art facility surrounded by lush landscaping but it provides the security to safeguard the patients who will eventually take residence within its walls.

One individual related to the lack of funds and services and favored the psychiatric facility being built on this site stating that if disapproved, it would be another four years for an alternate location to be found. The Administrator of the Montevista Hospital facility, a private hospital, stated her support noting that mental health services as well as bed accommodations are very much needed. A former CEO for two psychiatric hospitals stated that the demand for psychiatric services is extremely high as is the need for a hospital. Another supporter of this project felt the planned hospital would bring skilled jobs into the community and this in itself would enhance the neighborhood. A former civil structural engineer and planner stated that the site is in perfect harmony with the existing hospital and because of its centralized location, would be able to

PLANNING COMMISSION MEETING OF FEBRUARY 12, 2004
Planning and Development Department
Item 33 – SDR-3638

MINUTES – Continued:

utilize not only the services of the Metropolitan Police Department but also the ambulance services. He further added that the site plan is perfect for the site and the State of Nevada has gone great lengths to provide the appropriate landscaping, setbacks, parking, etc. to comply with Code requirements. Another speaker agreed with the previous comment related to location particularly in regards to cutting down the commute time for various professionals who provide the much-needed services.

Speaking in opposition to the proposed project were: TODD FARLOW, 240 North 19th Street; FRANK PERNA, 4398 Fernbrook Road; DENNIS CASE, 5780 Del Rey Avenue; GILBERT MEDINA, 1912 Eliminator Drive; DENISE REITZ, 1912 Blue Jay Circle; BRIAN PACKER, 5313 Doe; SUSAN BRNA, representing the Neighborhood Association Groups; SUSAN SAVALA, 1913 Eliminator Drive; LEE HAYNES, 1236 Las Vegas Boulevard South; JUANITA CLARK, representing Charleston Neighborhood Preservation; DOTTIE SILVER, 1916 South Torrey Pines; GINA ANGELONE, 2004 Springview Drive; DENNY KRAUSE, 6001 West Oakey Boulevard; PAUL CLARK, 1676 Red Rock; JEAN (INAUDIBLE), 3359 Pageland Court; TARA YOUNG, 1935 Redwood; CELESTE DOWNEY, 2100 Diamond Bar Drive; MARK CINOTTO, 5437 Del Rey Avenue; JANE RHEES, 1660 Duneville; and ANDREW REITZ, 1912 Blue Jay Circle.

Several of the comments made by opponents of the proposed psychiatric hospital included disapproval of the location as an appropriate site and recommendations to move the facility out of the City to a more remote vicinity or consider converting the former VA Clinic into a psychiatric facility. Opponents argued that the facility would be inadequate to accommodate the number of people who suffer from mental illness and stated that the location was selected as a means to save the State of Nevada money. Several speakers compared the facility to a prison compound further on implying that the facility would house criminally ill patients that are very dangerous should they happen to get out. One of the major concerns expressed dealt with the close proximity of an elementary school and although several speakers felt the hospital is needed, they opposed having it located in their neighborhood.

One citizen, speaking on behalf of several neighborhood associations, stated that several discussions were had between the associations representatives and the Mayor and City Council members, County Commissioners, MARK JAMES and CHIP MAXFIELD, U.S. Senators HARRY REID and JOHN ENSIGN, University Regents and PRESIDENT GIANNI, JR., State Assembly Representatives WIENER, MORTENSON, and WEBER, and finally State Senators TIFFANY, CEGAVSKE, MABEY, JR. and SCHNEIDER. Additionally, meetings were held with the State Of Nevada's Public Works, the State Planning Board and the Bureau of Land Management.

PLANNING COMMISSION MEETING OF FEBRUARY 12, 2004
Planning and Development Department
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MINUTES – Continued:

Commenting further on whether the project was in compliance with the General Plan, one individual stated his concern related to safety issues in regards to the number of children who reside in the area, including those who attend Opportunity Village, the adjacent childcare facility and the Kindercare Daycare facility, the Seventh Day Adventist Academy and the nearby Bonanza High School. Additional comments were heard regarding the Community College desiring to obtain the property for their expansion based on their enrollment projections.

In regards to site issues, one of the speakers asked how the fire department would address egress and ingress to the property. Another opponent stated that the State of Nevada, Division of Lands and State Public Works, for the last twelve years, determined that there were no plans for this property. With regard to City Code and Design Standards, one opponent argued that the proposed psychiatric facility does not meet any of the standards. Further, addressing the water channel that runs through the property, one of the speakers maintained that this would cause major drainage problems resulting in exorbitant costs and would adversely affect some of the planned amenities such as the gym, the snack bar and the parking area. With regard to traffic, comments were heard regarding the Nevada Department of Transportation's stance not to permit any additional exit traffic onto Charleston Boulevard.

Inasmuch as most of the opposing comments were focused on neighborhood concerns such as safety, decrease in property values, perception that the facility would become a facility for the criminally insane and that the proposed project will generate more jobs which would in turn adversely affect the traffic, CHAIRMAN TRUESDELL repeated his request that only site plan issues need to be addressed.

At the conclusion of the Public Hearing, MR. IKE was prepared to address some of the issues brought up by the concerned residents.

CHAIRMAN TRUESDELL stated that with the various issues at hand, he noted that there were virtually no legitimate site item issues raised by those in opposition to the psychiatric hospital.

MR. O'BRIEN responded to the comments made by the neighbors. He clarified the access issue noting that the State avoided any access off of Jones and Oakey specifically because of the existing traffic conditions and chose to have their primary entrance come off of College Parkway and onto a signalized intersection at Oakey. He stated that with regard to fire access, the applicant entered into a Joint Access Agreement with the adjacent neighbor, therefore, enabling the fire department access through three access points. MR. O'BRIEN stated that the facility maintains a food service program that will provide three meals a day for all of the patients. The meals will be carted from the Desert Willows facility to the new campus, so this in itself would have no impact at all on College Parkway. MR. O'BRIEN - thoroughly reviewed the hours of

PLANNING COMMISSION MEETING OF FEBRUARY 12, 2004
Planning and Development Department
Item 33 – SDR-3638

MINUTES – Continued:

operation, comparison of the building size to medical office or civic center facilities, and the drainage issue. He responded to the comment regarding no special use permit being required and clarified that the State applied for a zone change, which was subsequently approved by the City, so that eliminated the need for a special use permit.

MR. O'BRIEN provided additional information pertaining to the 12-foot wall, the design of the site, placement of the air conditioning units and other rooftop mounted equipment, parking and landscaping.

Questions were raised by COMMISSIONER McSWAIN that pertained to the kitchen facilities at both the existing facility and the proposed psychiatric hospital, the building elevations, landscaping and the anticipated number of employees who would support this 24/7 operation. She remarked that had this been a special use permit application, she would have had a number of questions to ask and was disappointed at not having that opportunity. COMMISSIONER McSWAIN additionally asked the applicant to clarify whether the proposed psychiatric hospital is considered a lockdown facility and whether people, sentenced and found guilty for reasons of insanity would be housed at this facility. Referring to the standards by which the Commission would base their final recommendation, COMMISSIONER McSWAIN asked staff if, pertinent to the criteria that a proposed development must be compatible with adjacent development in the area and with staff's referral to zoning, and building design, whether those were the only issues that could be considered. MR. CLAPSADDLE replied affirmatively stating that with regard to compatibility, elevations, traffic, landscaping and parking, these are looked at to ensure that a site plan conforms to the standards of the code.

COMMISSIONER GOYNES noted that ten years ago, there was a question of whether the existing facility would even materialize, but over time and with staff's recommendations that there were no significant changes in the area, the then proposed facility was determined to be compatible with the surrounding area. He likened this project to existing situations in the area he represents and agreed with a previous opponent that this type of use should be put into a district away from neighborhoods where the end result would significantly impact the lifestyles of the residents and their property investments.

DR. JOHNNA TREGGS responded to the COMMISSIONERS' queries and clarified that the Desert Willows campus has been in existence since 1975. She explained that none of the patients are people who have been charged for a crime. The patients are individuals who are mentally ill and have either voluntarily been placed at the facility or involuntarily placed because of serious emotional problems. She stressed, they are not criminally insane, they are mentally ill.

PLANNING COMMISSION MEETING OF FEBRUARY 12, 2004
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MINUTES – Continued:

DR. TREGGS summarized the process followed when a person is in need of help and noted the various groups of people that play a major role in this process. She also addressed security as it relates to the design of the facility, the patient's average length of stay at the facility and the amount of funds allocated for medication, community services, outpatient counseling and staffing.

COMMISSIONER NIGRO stated that based on staff's recommendation for approval and the significant effort the applicant has undertaken to work with City staff with regard to windows, walls, elevations, emergency access, egress, ingress and aesthetic issues, he would support the application. He further stated that he believed every effort was made to ensure that the proposed site plan would have the least impact on the community although in comparison, it would obviously be more intense than vacant land. He stated that his support of the site plan review is based solely on the site plan itself independent of whatever opinion he might have relative to the use.

COMMISSIONER DAVENPORT concurred with COMMISSIONER NIGRO'S statements.

CHAIRMAN TRUESDELL asked the applicant to explain the food service in regards to where it is prepared, how it is carted. He asked about the future plans for the existing facility once the beds are taken out of service. CHAIRMAN TRUESDELL explained that he toured the facility located in Sparks and was quite impressed with the layout that did not in the least look like a mental health facility. He stated the same concerns regarding fire access and parking accessibility for families. Relative to the site, CHAIRMAN TRUESDELL remarked that this site was long proposed by the University and the State of Nevada as a campus for their facilities; long before any of the adjacent houses were built south of Oakey in the 1970's. He stated his support, and after looking at every aspect of the site plan and considering the site constraints felt the psychiatric hospital was residentially compatible.

GINA VENGLASS, Public Works Department stated that both Conditions 13 and 16 required modification and went on to read the amendments for the record. With the modification defined, DEPUTY CITY ATTORNEY SCOTT stated it would be appropriate to determine whether the applicant agreed to the stated changes. MR. IKE concurred with the modifications.

There was no further discussion.

CHAIRMAN TRUESDELL declared the Public Hearing closed.

(8:41 – 10:58)

2-2343-4-390

PLANNING COMMISSION MEETING OF FEBRUARY 12, 2004
Planning and Development Department
Item 33 – SDR-3638

CONDITIONS:

Planning and Development

1. 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.
2. All development shall be in conformance with the site plan and building elevations, except as amended by conditions herein. PLANNING COMMISSION MEETING OF FEBRUARY 12, 2004
3. The site plan shall be revised and approved by the Planning and Development Department, to reflect an adequate amount of handicap parking, to reflect the required trail along Oakey Boulevard that is designed to conform to the Transportation Trails Element of the Las Vegas 2020 Master Plan and to identify the location of loading zones which meet the requirements of the Code.
4. 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. The landscape plan shall be submitted and revised and approved by Planning and Development Department staff, to reflect minimum 24-inch box trees planted a maximum of 20 feet on-center and a minimum of four five-gallon shrubs for each tree within provided planters in perimeter locations.
6. 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.]
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.

PLANNING COMMISSION MEETING OF FEBRUARY 12, 2004
Planning and Development Department
Item 33 – SDR-3638

CONDITIONS– Continued:

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.

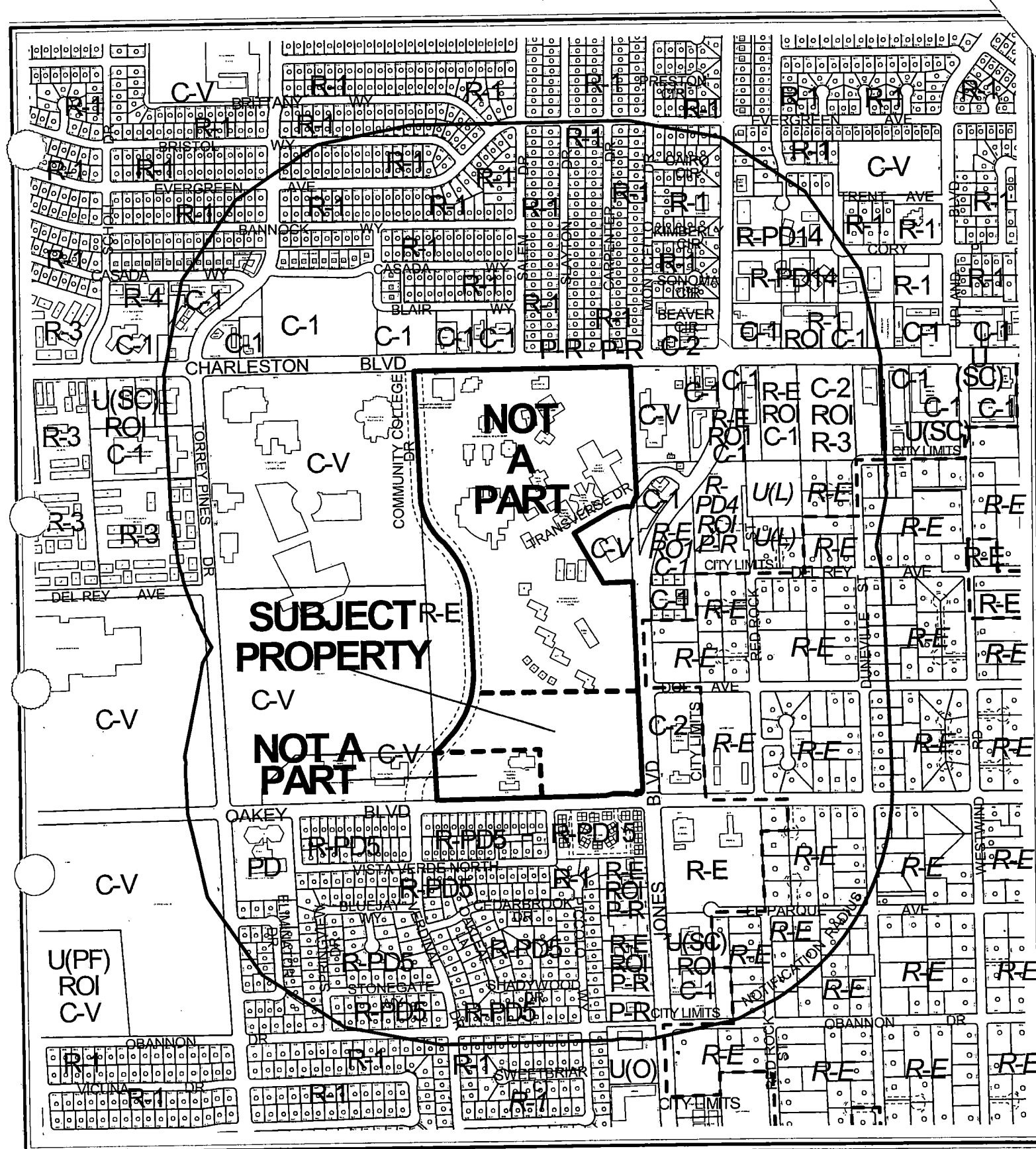
Public Works

13. Dedicate an additional 29 feet of right-of-way for a total radius of 54 feet on the northwest corner of Jones Boulevard and Oakey Boulevard concurrent with development of this site.
14. Construct all incomplete half-street improvements (sidewalk) on Jones Boulevard and 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.
15. This site shall be required to connect to the 30-inch public sewer line in Oakey Boulevard, due to insufficient capacity in other existing sewer lines.
16. 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.

PLANNING COMMISSION MEETING OF FEBRUARY 12, 2004
Planning and Development Department
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CONDITIONS– Continued:

17. Site development to comply with all applicable conditions of approval for ZON-1905 and all other subsequent site-related actions.



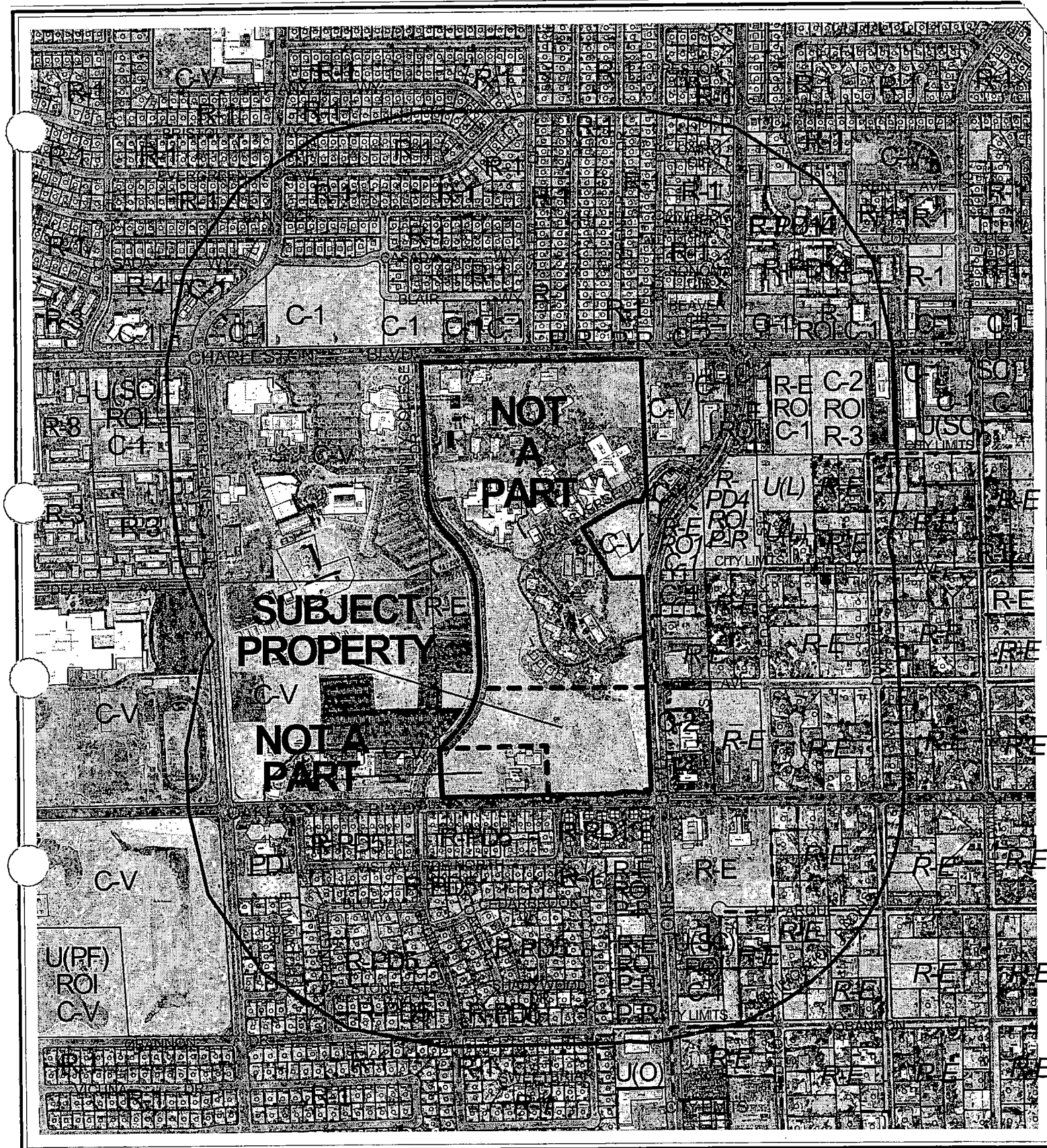
CASE: SDR-3638

RADIUS: 1500 FT

ZONING OF SUBJECT PROPERTY: C-V (CIVIC)

0 500 1000 Feet





CASE: SDR-3638

RADIUS: 1500 FT

ZONING OF SUBJECT PROPERTY: C-V (CIVIC)

City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: FEBRUARY 12, 2004

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: SDR-3638 - PUBLIC HEARING - APPLICANT: STATE OF NEVADA PUBLIC WORKS BOARD

**** CONDITIONS ****

STAFF RECOMMENDATION: **APPROVAL, subject to:**

Planning and Development

1. 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.
2. All development shall be in conformance with the site plan and building elevations, except as amended by conditions herein.
3. The site plan shall be revised and approved by the Planning and Development Department, to reflect an adequate amount of handicap parking, to reflect the required trail along Oakey Boulevard that is designed to conform to the Transportation Trails Element of the Las Vegas 2020 Master Plan and to identify the location of loading zones which meet the requirements of the Code.
4. 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. The landscape plan shall be submitted and revised and approved by Planning and Development Department staff, to reflect minimum 24-inch box trees planted a maximum of 20 feet on-center and a minimum of four five-gallon shrubs for each tree within provided planters in perimeter locations.
6. 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.]
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.

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February 12, 2004 Planning Commission Meeting

9. All utility boxes exceeding 27 cubic feet in size shall meet the standards of Title 19.12.050.
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. Dedicate an additional 29 feet of right-of-way for a total radius of 54 feet on the northwest corner of Jones Boulevard and Oakey Boulevard concurrent with development of this site.
14. Construct all incomplete half-street improvements (sidewalk) on Jones Boulevard and 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.
15. This site shall be required to connect to the 30-inch public sewer line in Oakey Boulevard, due to insufficient capacity in other existing sewer lines.
16. 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.
17. Site development to comply with all applicable conditions of approval for ZON-1905 and all other subsequent site-related actions.

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

This is a request for a Site Development Plan Review of a 101,600 square-foot psychiatric hospital on a portion of 67 acres adjacent to the northwest corner of Jones Boulevard and Oakey Boulevard. This facility is to be developed and operated by the State of Nevada.

B) Applicant's Justification

The applicant has justified this request by stating that the State of Nevada ranks 43rd nationally in publicly funded psychiatric beds, and the demand for additional psychiatric beds is overwhelming emergency rooms in the Las Vegas Valley and compromising the ability of these emergency rooms to handle life-threatening acute trauma cases.

BACKGROUND INFORMATION

A) Previous Actions

04/28/92 The Board of Zoning Adjustment approved a request for a Variance (V-0042-92) for a six-foot high decorative screen wall with a 13-foot high entry gate along the front property line (where four feet with the top two feet 50% open is the maximum height permitted), and to allow a 90 square-foot freestanding ground sign where only 15 square feet is permitted, and to allow an all-day Day Care Facility where a previous Variance was approved for an after school care operation limited.

10/18/00 The City Council approved a request for a Special Use Permit (U-0078-00) and Site Development Plan Review for a proposed 2,893 square-foot Child Care Facility on the east side of Community College Drive, approximately 500 feet south of Charleston Boulevard. The Planning Commission and Staff recommended approval on 09/14/00.

05/07/03 The City Council approved a request for a Rezoning (ZON-1905) from R-E (Residence Estates) to C-V (Civic) on 69.09 acres located at 1309 South Jones Boulevard and 6171 West Charleston Boulevard. The Planning Commission and Staff recommended approval on 04/10/03.

B) Pre-Application Meeting

06/30/03 The specific elements of the design were discussed at the pre-application meeting.

C) Neighborhood Meetings

12/04/03 Approximately 70 persons attended the meeting. Virtually all those in attendance objected to the development of a psychiatric hospital at this location. Concerns included (i.e. escaping patients), potential negative impact on house values in the area, a preference for community college expansion on the site, not a psychiatric hospital, and the potential impact of additional traffic generated by the project. No comments were received regarding the design of the project. All but four or five of those persons in attendance at the meeting did not favor the project.

DETAILS OF APPLICATION REQUEST

A) Site Area

Gross Acres: 67.0
Net Acres: 12.6

B) Existing Land Use

Subject Property: Mental Health Center and related facilities
North: Mental Health Center and related facilities
South: Mental Health Center and related facilities
East: Office Park
West: Community College

C) Planned Land Use

Subject Property: PF (Public Facilities)
North: PF (Public Facilities)
South: PF (Public Facilities)
East: PF (Public Facilities) and SC (Service Commercial)
West: PF (Public Facilities)

D) Existing Zoning

Subject Property: C-V (Civic)
North: C-V (Civic)
South: C-V (Civic)
East: C-1 (Limited Commercial) and R-E (Residence Estates) under
Resolution of Intent to C-1 (Limited Commercial)
West: R-E (Residence Estates)

E) General Plan Compliance

The site is located on the Southwest Sector Plan map of the General Plan. The site is designated as PF (Public Facilities) on that map. The PF (Public Facility) land use category allows large governmental building sites and complexes, police and fire facilities, non-commercial hospitals and rehabilitation sites, sewage treatment and storm water control facilities, and other uses considered public or semi-public such as libraries and public utility facilities. The current zoning of C-V (Civic) on the site conforms to the PF land use designation. Title 19.06.010.B states that any use operated or controlled by the state government, among other entities, is a permitted use in the C-V zoning district. This application is therefore in conformance with these requirements.

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

Trails – A twenty-foot wide multi-use transportation trail is designated on the north side of Oakey Boulevard in the Master Plan Transportation Trails Element. The proposed development of the site recognizes the installation of this trail, but does not show it developed to the required width along the entire edge of the site. A condition of approval will require that the trail be designed to conform to the Transportation Trails Element of the Las Vegas 2020 Master Plan.

PROJECT DESCRIPTION

The project is to consist of approximately 101,600 square feet of hospital and related office space intended to treat psychiatric patients. The project will contain 150 beds located in a complex of five interconnected buildings. The complex will be located on land adjacent to the Community College of Southern Nevada, which has been acquired and held for many years by the Nevada State Public Works Board for state-owned and operated health facilities.

ANALYSIS

A) Zoning Code Compliance

A1) Development Standards

Pursuant to Title 19.06.020.E, the C-V (Civic) District states the minimum development standards for property in a C-V (Civic) District shall be established by the City Council in connection with the approval of a rezoning application or administratively in connection with the approval of a site development plan. The standards shall be designed to ensure compatibility of the development with existing and planned development in the surrounding area.

In this case, the proposed site plan is in conformance with the standards and conditions outlined in the Rezoning of this site to the C-V district (ZON-1905). The following Development Standards will apply to the subject proposal:

Proposed C-V Standards	
Min. Setbacks	
• From Jones Blvd.	85 Feet
• From Oakley Blvd.	46 Feet
• From Community College Dr.	330 Feet
Max. Lot Coverage	18 %
Max. Building Height	2 Stories / 35 Feet
Trash Enclosure	Yes
Loading Zone	Not indicated

A condition of approval will require the identification of loading zones within the project to meet Code requirements.

A2) Residential Adjacency Standards

The proposed psychiatric hospital development is distant enough from residential development or residentially designated lands that it meets all Residential Adjacency Standards.

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
Hospital	101,600 s.f. (150 beds)	1.5 spaces/ patient bed	225 spaces	20%, or 45 spaces	340 spaces	10 spaces

The parking provided exceeds Code requirements, but there is an insufficient percentage of the space designated for handicap use. A condition of approval will require the provision of adequate handicap parking to meet Code requirements.

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	57 Trees	169 Trees
Buffer: • Min. Trees	1 Tree/20 Linear Feet along the street (approx. 1,620 ft.)	81 Trees	55 Trees
• Min. Zone Width • Wall height	15 Feet along the street 6 Feet		Varies No wall proposed

A sufficient number of trees are proposed for the parking areas. Perimeter landscaping is shown at approximately 35 feet on-center, where the Code calls for 20 feet on-center. A condition of approval will require an adjustment to meet Code requirements.

A5) Sign Standards

The site plans and elevations as submitted do not indicate any signage as part of the project.

B) General Analysis and Discussion

- Zoning

The current C-V (Civic) zoning district is intended for public and quasi-public uses including schools, libraries, public parks and other public facilities. Projects developed by the State of Nevada (other than expansion of pre-1971 facilities) are required to conform to local zoning regulations. The proposed psychiatric hospital is in conformance with the existing C-V (Civic) zoning district and the existing land use designation of PF (Public Facilities).

- **Site Plan**

As part of the approval of C-V zoning for the site (ZON-1905), the applicant agreed on behalf of the State of Nevada to a condition that states that any future development of the site will be considered at the Planning Commission and City Council as a public hearing item. Also, a condition of approval of the proposed development will require the installation of the 20-foot wide multi-use transportation trail along Oakey Boulevard. The applicant has indicated that a revised site plan will be presented to the Planning and Development Department that shows the trail in full compliance with the Code. The applicant has also agreed to modify the amount of handicap parking or justify the portions of the site where the hospital standard need not be met.

- **Waivers**

No waivers have been requested as part of this application.

- **Landscape Plan**

The landscape plan depicts a variety of 24"-box tree species, including Rio Grande Ash, Chinese Pistache, Chilean Mesquite, Desert Museum Palo Verde, Drake Elm, Chitalpa, Swan Hill Fruitless Olive and Mondel Pine, as well as a wide variety of five-gallon and one-gallon shrubs. A total of 81 trees of this size are required for the perimeter and 57 for the parking lot landscaping requirements of the Code. The landscaping plan as presented contains an adequate number of trees for the parking lot areas, but is deficient with respect to perimeter requirements, as these trees are depicted 35 feet on-center instead of 20 feet on-center as required by Code. The applicant has indicated that the conceptual landscaping plan will be revised to reflect Code requirements.

- **Elevation**

The exterior of the building complex is composed of multi-hued, split-face CMU with an acrylic finish, with wainscoting and light yellow, green and red accent trim. The building complex will also feature a reddish concrete tile roof. The roof of the complex is predominantly a low-angle pitched roof design, with the roof ridge height of the mostly one-story complex being 21 feet for some sections and 28 feet for others, with a limited two-story element reaching to 34 feet.

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 low scale and residential appearance of this building with its sloping roof design and pod-style layout separates this design from that often utilized for public and quasi-public uses including schools, libraries, public parks and other public facilities allowable under the current C-V (Civic) zoning district; as a result, the design of this proposed development shows it to be compatible with any existing residential and public land uses in the surrounding area.

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 project as proposed is consistent with the meaning and intent of the existing C-V (Civic) zoning district, and with the General Plan designation of PF (Public Facilities). This project meets all design standards of the Code, other than those called out in the report, dealing with handicap parking, loading zones, perimeter landscaping and trail design along Oakey Boulevard; the applicant has indicated the site plan will be revised to address these identified concerns.

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

Access to this site is provided via Charleston Boulevard (through the developed portion of the site) and Jones Boulevard, both designated as Primary (100-foot) Arterials, and by Oakey Boulevard, designated as a Secondary (80-foot) Collector on the Master Plan of Streets and Highways. Both the existing and proposed development on the site will be sufficiently served by existing roadway facilities.

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

The use of the proposed building materials and the appearance of the elevations and landscaping, with implementation of the recommended conditions, will be appropriate for a public facility development of this type.

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 building elevations are proportional and well-designed, and will be complementary to existing and future developments within the overall campus site. The project appears to be harmonious with and compatible to other development on the site and in nearby areas, and appears to meet all design standards contained in the Code.

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February 12, 2004 Planning Commission Meeting

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

The proposed development will be subject to inspections for Certificate of Occupancy and for Emergency Preparedness, and therefore the development will not compromise the public health, safety or welfare.

NOTICES MAILED 827

APPROVALS 0

PROTESTS 2

**PLANNING & DEVELOPMENT DEPARTMENT**

STATEMENT OF FINANCIAL INTEREST

Case Number: SDR-3638 APN: 163-02-601-007

Name of Property Owner: State of Nevada

Name of Applicant: State of Nevada, Public Works Board

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: _____

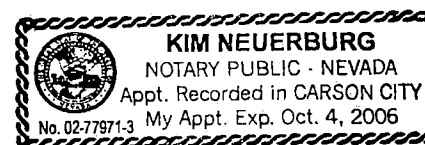
Signature of Property Owner/Authorized Agent: _____

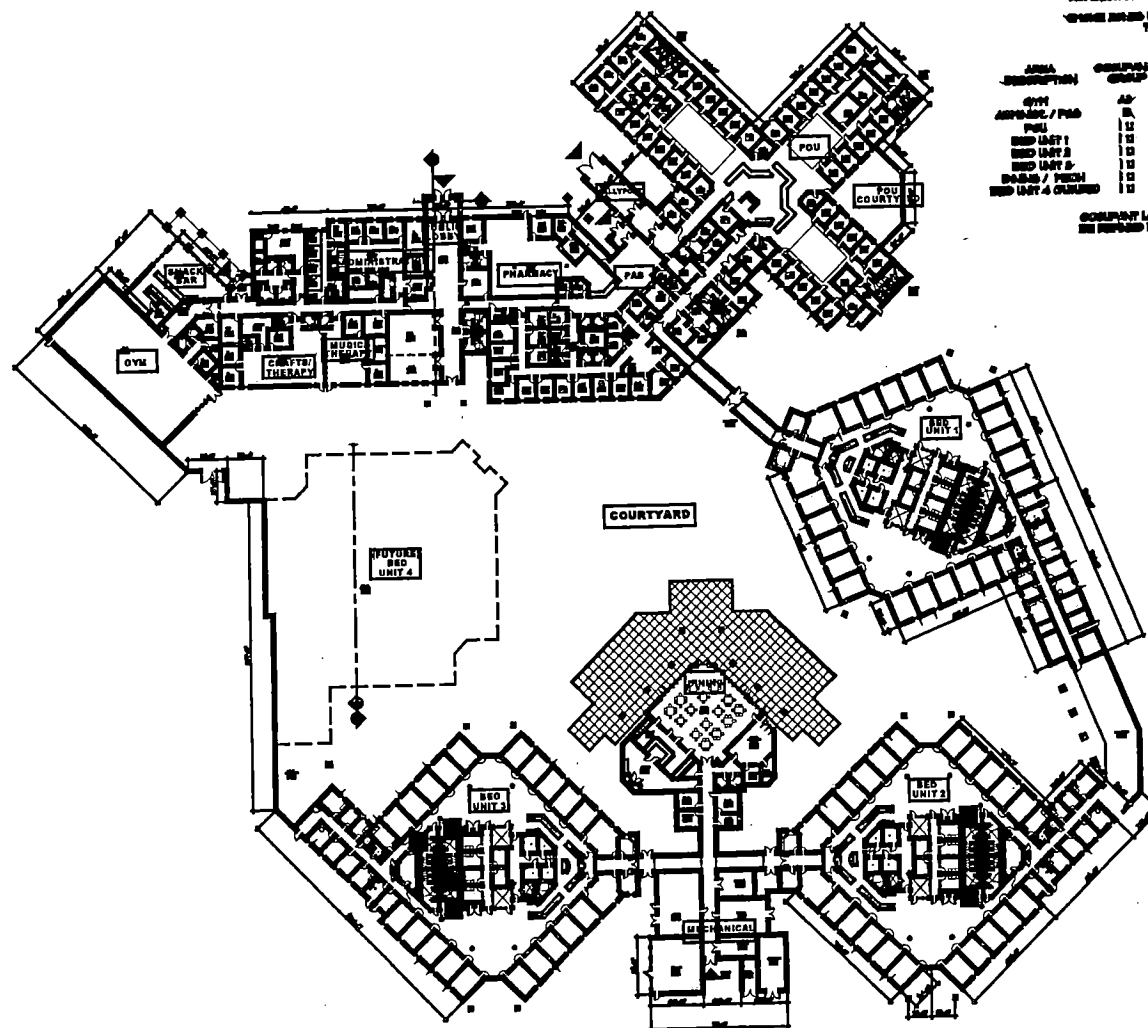
Print Name: _____

Subscribed and sworn before me

This 26th day of November, 2023

Notary Public in and for said County and State





PRELIMINARY CODE EVALUATION

BUILDING TYPE 1-4 HS

ALLOWABLE AREA BASED ON 212 PERMANENT

ALL-BEDS IN 2 PERMANENT + 2500-SF

OCCUPANCY GROUP, AS - EQUIPMENT IN

APPROXIMATE AREA, 1 IS PERMANENT HOSPITAL

SPACE BASED PERMANENT AT EVERY BASED OF IN

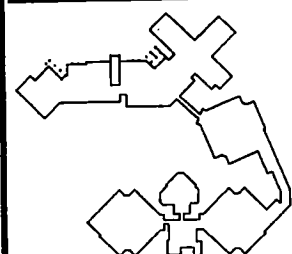
THE 1 IS OCCUPANCY

AREA DESCRIPTION	OCCUPANCY GROUP	AREA	CODE	LOAD	EST. FEET	EST. PERMANENT
GYM	AS	2,400	240	400	100	100
APPROX. / PAB	AS	2,400	240	400	100	100
PAB	AS	2,400	240	400	100	100
BED UNIT 1	AS	2,400	240	400	100	100
BED UNIT 2	AS	2,400	240	400	100	100
BED UNIT 3	AS	2,400	240	400	100	100
BED UNIT 4	AS	2,400	240	400	100	100
BED UNIT 5	AS	2,400	240	400	100	100

COMPLANT LOADS ARE BASED ON 400 LBS
IN PERMANENT BASED THE DESIGN EVALUATION

HMC Architects of Nevada
Architecture, Planning, Interior
50 West Liberty, Suite 600
Reno, Nevada 89501
Telephone: 775.322.9475
Fax: 775.322.3816
email: www.hmcgroup.com

KEY PLAN



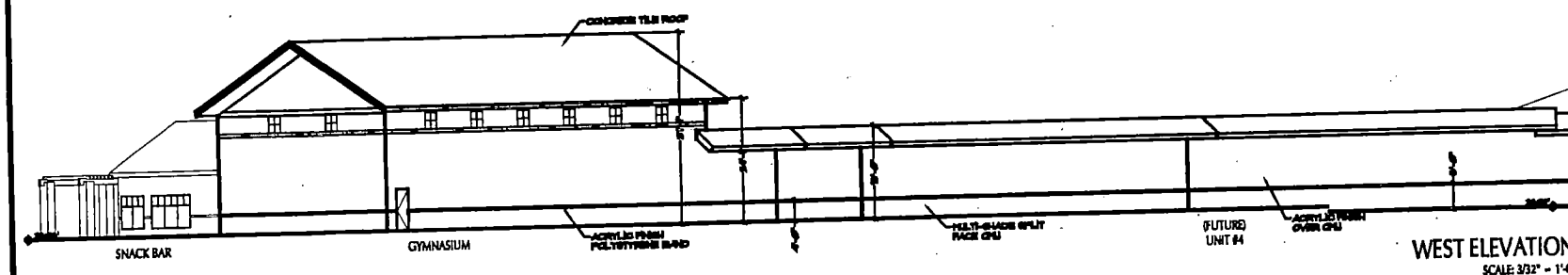
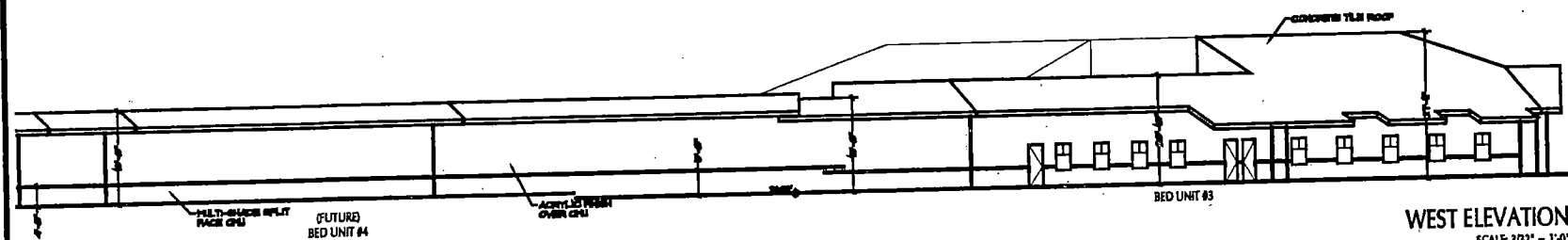
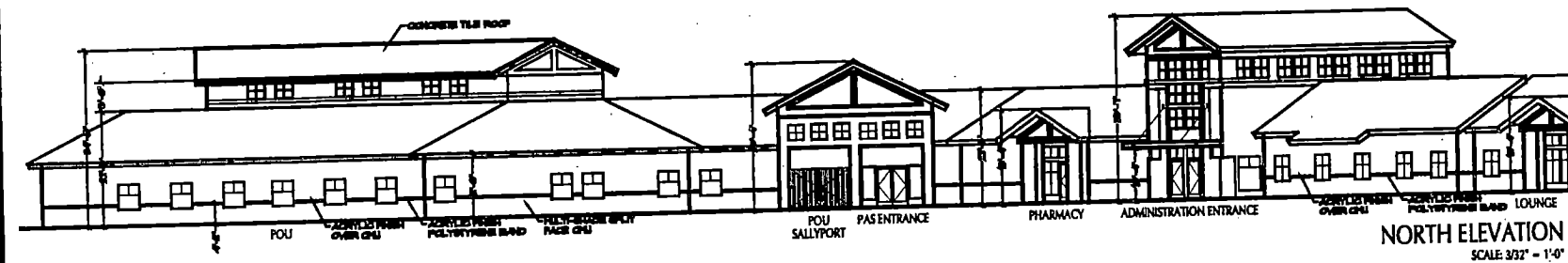
NEVADA STATE PUBLIC WORKS BOARD
SOUTHERN NEVADA ADULT MENTAL
HEALTH SERVICES
NEW 150 BED PSYCHIATRIC HOSPITAL
FOR LAS VEGAS

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BY: [Signature]	DATE: 11/11/04

Consultant: [Signature]	Consultant: [Signature]
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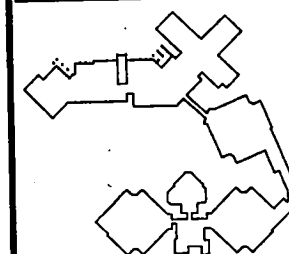
SDR-3638
02-12-04 PC



PRELIMINARY - SCHEMATIC DESIGN

HMC Architects of Nevada
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 Fax: 775.322.3816
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KEY PLAN



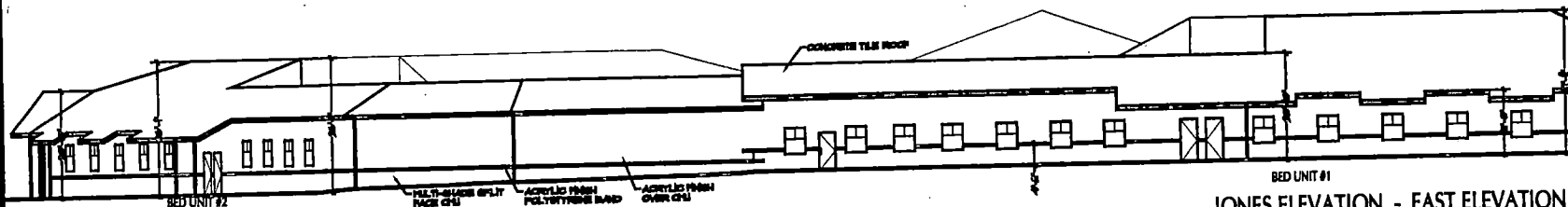
NEVADA STATE PUBLIC WORKS BOARD
 SOUTHERN NEVADA ADULT MENTAL
 HEALTH SERVICES
 NEW 150 BED PSYCHIATRIC HOSPITAL
 FOR LAS VEGAS

DATE ISSUED:	PROJECT DATE:
By: [Signature]	By: [Signature]
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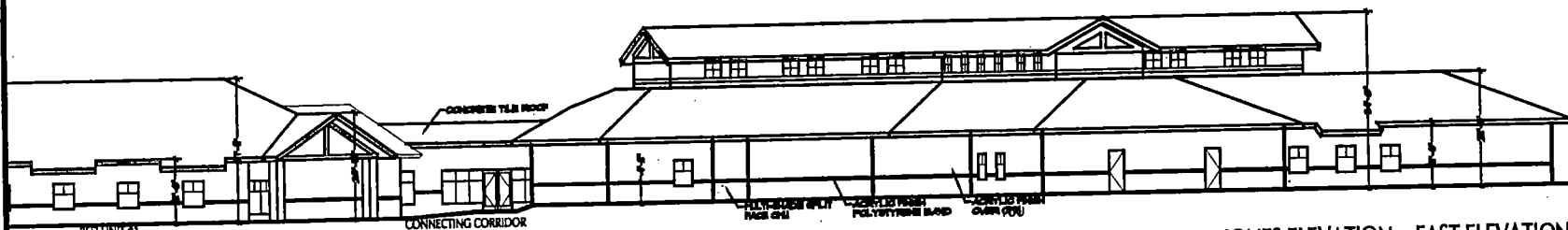
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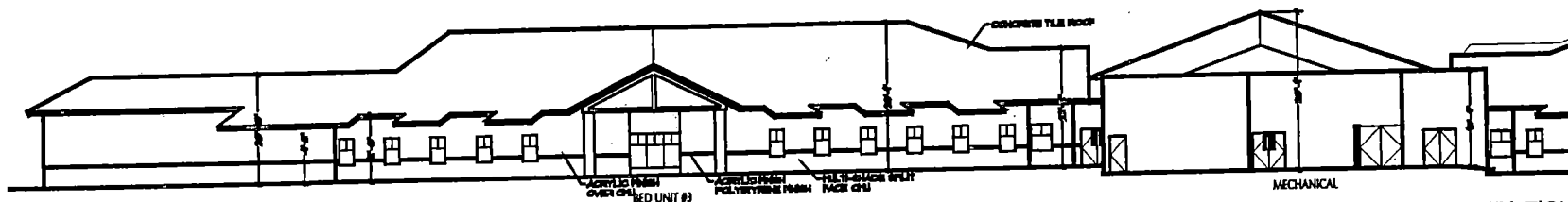
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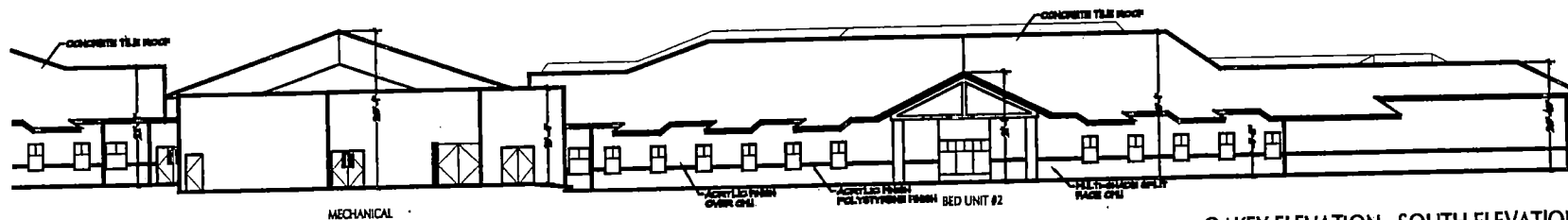
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JONES ELEVATION - EAST ELEVATION
 SCALE: 3/32" = 1'-0"



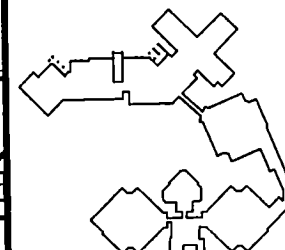
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 SCALE: 3/32" = 1'-0"



Oakey ELEVATION - SOUTH ELEVATION
 SCALE: 3/32" = 1'-0"

PRELIMINARY - SCHEMATIC DESIGN

KEY PLAN



NEVADA STATE PUBLIC WORKS BOARD
 SOUTHERN NEVADA ADULT MENTAL
 HEALTH SERVICES
 NEW 150 BED PSYCHIATRIC HOSPITAL
 FOR LAS VEGAS

DATE ISSUED: _____	DATE: _____
By: [Signature]	Date: _____
Consent: _____	Consent: _____
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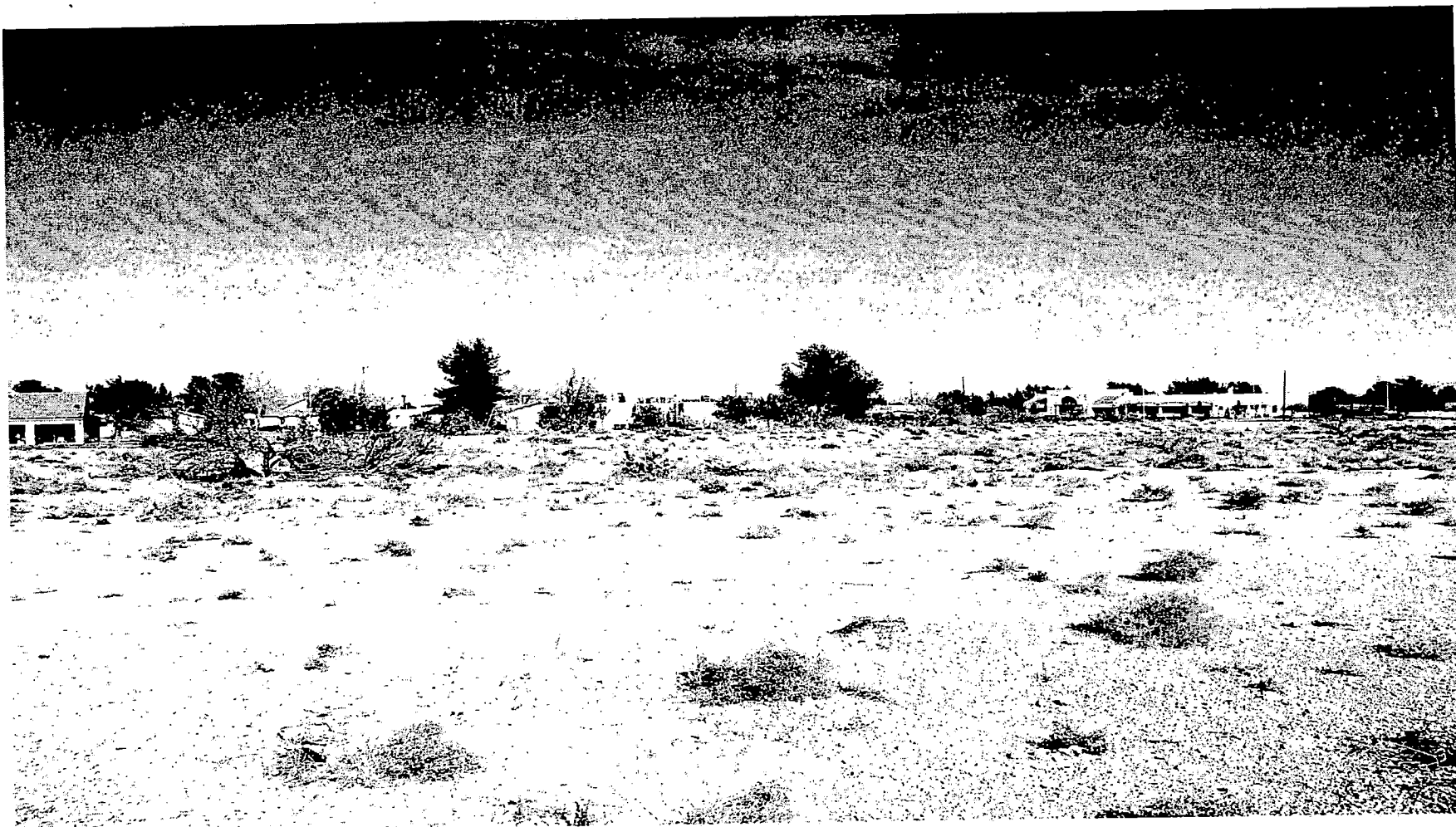
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SDR-3638
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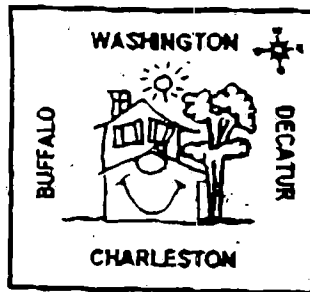
PUBLIC HEARING - SDR-3638 - APPLICANT: STATE OF NEVADA PUBLIC WORKS BOARD
NORTHWEST CORNER OF JONES BOULEVARD AND OAKLEY BOULEVARD
FEBRUARY 12, 2004 PLANNING COMMISSION

01/23/04



PUBLIC HEARING - SDR-3638 - APPLICANT: STATE OF NEVADA PUBLIC WORKS BOARD
NORTHWEST CORNER OF JONES BOULEVARD AND OAKLEY BOULEVARD
FEBRUARY 12, 2004 PLANNING COMMISSION

01/23/04



CHARLESTON NEIGHBORHOOD PRESERVATION, CORPORATION

"Doing things today that will make a difference tomorrow"

ph/fx: 702-877-2438

10 December 2003

To Whom This May Concern:

We provide this page & the following 2 pages For Your Information on behalf of Torrey Pines/Oakey Central Neighborhood Assn., Artesian Heights, Neighborhood Alliance Assn., Charleston Heights South Neighborhood Assn., Charleston Neighborhood Preservation and others.

With Pleasant Holiday Wishes,

Vicki Arnold
Vicki Arnold --CNP secretary

Wednesday, December 10, 2003
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Psychiatric hospital opposed

reviewjournal.com

Neighbors speak out against building 150-bed facility next to inpatient unit

By MICHAEL SOLIREN
REVIEW-JOURNAL

Living with a psychiatric facility in their neighborhood for nearly three decades, most longtime residents near Jones and Oakey boulevards can tell a story about escaped patients.

Jim Schimick remembers one walking naked through an open field near his home. Sue Brna recalls them peering into neighbors' windows. And Judy DuBois recounts how a friend broke her leg in a scuffle to protect her 9-year-old son from one escapee.

"They're always getting out," DuBois said. Which is the primary reason she and other residents have banded together to oppose Nevada's plan to build another psychiatric facility — a 150-bed, \$33 million hospital — at Jones and Oakey, next door to the 103-bed Southern Nevada Adult Inpatient Psychiatric Unit.

"I think it's the wrong location for the right idea," resident Mark Cinotto said. "You're putting a lockdown mental facility in the middle of a residential neighborhood."

But state officials, up against a January 2006 deadline to complete the hospital, brush off residents' safety concerns. In the past four years, four patients have escaped from the facility, according to officials.

BOARD MEMBERS

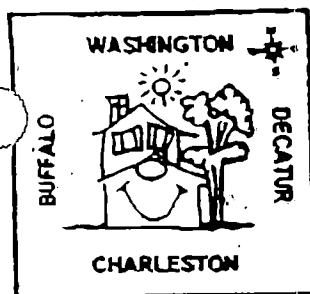
Dennis Ardine - Vicki Arnold - Sue Brna - Juanita Clark - Miriam Een - Rose Honrath
June Ingram - Rick Johnson - Gene & Pearl Lonardo - Ray Merchant - Jo O'Neil - Dorothy Orr

ADVISORY BOARD

Marcus Gobel - Barbara Roth - Layne Rushforth - Janine Sweany - Jean Withers

and others

SDR-3638



CHARLESTON NEIGHBORHOOD PRESERVATION, CORPORATION

"Doing things today that will make a difference tomorrow"

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"It's a nonissue," said Carlos Brandenburg, administrator for the state's Division of Mental Health and Development Services. "We've been there since 1975, and none of my patients has ever walked away from the hospital and done anything in the neighborhood. ... That's the myth. The mentally ill are no more violent than the general population. They (residents) are trying to sensationalize it."

Although state officials and residents are at odds on the best location, few disagree the hospital is needed.

The national average of psychiatric hospital beds per 100,000 population is more than 50. Las Vegas has just over four. When the facility is built that number will rise to only eight.

"It's a critical issue," said Dr. Rena Nora, former chief of psychiatry at the Guy Ambulatory Care Center and a member of the Commission on Mental Health and Developmental Services. "These patients are highly dangerous to themselves. They have special requirements and need a secure environment."

Without adequate beds available, psychiatric patients end up taking up space in overcrowded valley emergency rooms.

"It's long overdue," said Sen. Barbara Cegavske, who represents the area. But Cegavske wants the state to look for another site.

State officials said they did, though residents question how earnest the search was.

The Guy Center, which was abandoned by federal officials because of structural defects, still has the same issues, said Gus Nunez, deputy manager of the state's Public Works board.

Land at Alta Drive and Martin Luther King Boulevard was also evaluated, according to Nunez. A company was in the process of buying the site at the time and there were questions about the soil's suitability, he said.

Were another site available, the Jones and Oakley location still is the most economical and logical, Brandenburg said.

With a kitchen at the psychiatric facility next door, the state won't need to duplicate kitchen facilities at the new hospital. Plus, the state already owns the land.

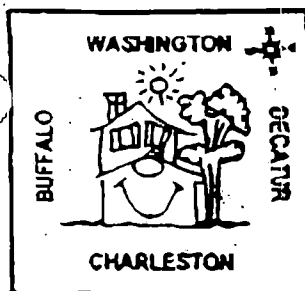
BOARD MEMBERS

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and others



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"The last thing I wanted to do is present a plan for a hospital on the outskirts of town, where we had to buy land and pay for a kitchen," Brandenburg said.

Other sites also would add to the cost of transporting patients between facilities, Brandenburg said. "Who's going to pay for the transport? The taxpayers. I'm trying to be a good guardian of the public trust," he said.

One neighborhood already is home to a slew of state and private social service agencies, including Opportunity Village, Easter Seals of Southern Nevada and a center for juvenile offenders. Residents argue that the hospital will further burden the neighborhood and hurt property values. They would prefer the land be used for expansion of the Community College of Southern Nevada.

"I told them (state officials) my constituents were opposed to anything more in the neighborhood," Cegavske said. "Now it's up to the City Council to make the decision."

The state plans to file this week for zoning approval from the city of Las Vegas.

State officials met with residents last week in an attempt to alleviate their concerns.

At the meeting, Brandenburg said he believed the one-story hospital, which would be similar in appearance to the Dini-Townsend State Psychiatric Hospital in Northern Nevada, would blend into the neighborhood. As a teaching facility, he argued, it could become a source of pride.

Unconvinced, some residents laughed.

To which Brandenburg replied, "I'm not going to convince you, and you're not going to convince me. So we'll see you at the Las Vegas Planning Commission."

The matter will be heard by the Planning Commission Feb. 12 and the City Council March 17.

Find this article at:
http://www.reviewjournal.com/fvn_home/2003/Dec-10-Wed-2003/news/22787968.html

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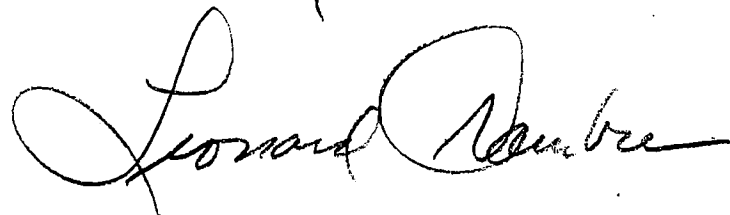
and others

○ RE: SDR 3638

PSYCHIATRIC HOSPITAL FOR SNAMH -

○ I AM OPPOSED TO THIS FACILITY
BEING CONSTRUCTED IN THIS RESIDENTIAL
NEIGHBORHOOD —

○ LEONARD CAMBRA
6151 O'BANNON DR
— LAS VEGAS, NEV. 89146 —

○ 

○ SDR-3638 P

**Comments by Dan Musgrove on behalf of Clark County
Supporting the Building of a State Mental Health Hospital at
Oakey & Jones**

Chairman Truesdell, members of the Planning Commission, on behalf of Clark County, I would like to put on the record our support of the State and their hopes to build a new mental health hospital in Las Vegas. I won't re-iterate the comments made by the Metropolitan Police, or University Medical Center but I cannot stress enough how important it is to get the mentally ill out of our hospital emergency rooms, so that they can get the proper treatment they desperately need.

As has been already said, Clark County is a region woefully underserved in regards to the treatment of the mentally ill. As this valley has grown, so has the population of mentally ill individuals and more and more our emergency rooms have become the caretakers of the mentally ill. Clark County has been steadfast in our support of state staff, the Governor's office, and key legislators who have worked very hard over the last few years to increase the resources to treat the mentally ill in our community, and with the Legislature appropriating funds to build a new facility in Las Vegas – we finally have begun to see some light at the end of the tunnel.

Our greatest fear has always been that something might come along to derail this necessary tool in the treatment of our mentally ill. As it stands right now, with a best case scenario – the hospital will not be open and operational until 2006, and if for some improper reason it is not allowed to be built at this site, there is no telling when or if we will get the chance to have another hospital built in this community. The reality is this. This site, using state land, and using the existing services already available is the cheapest and most efficient use of taxpayer resources. We all have to admit that the state has many challenges facing it during the next

Submitted at Planning Commission

Date 2-12-04 Item # 33

legislative session and there is no way to know whether or not additional resources can be found to purchase land, and to build a different type of hospital that cannot share the existing facilities that have been present at this site since the early 70's.

We would ask that the Planning commission to approve this site review and send it on to the City Council so that construction can begin as soon as possible.

COMMENTS BY MARCIA NULMBERG
WITH UNIVERSITY MEDICAL CTR

- Good evening Chairman Truesdall, and members of the Planning Commission. On behalf of University Medical Center I would like to voice our support for the development of a new State-run mental health hospital in Las Vegas.
- Because of the current lack of available mental health hospital beds, psychiatric patients end up waiting for hours in area acute care hospitals, waiting to be transferred to an appropriate psychiatric care facility, which is not in the best interest of these patients.
- As a result of the large number of psychiatric patients being held in acute care hospitals, there is less Emergency Room and inpatient bed capacity, which can significantly delay the provision of care for patients who are in need of emergent and acute medical care.
- For instance:
 - On any given day, UMC can have 7-8 psychiatric patients in the E.R. who have been cleared medically awaiting transfer to an inpatient psychiatric facility. There is no clinical reason for them to be admitted to an acute care hospital, yet they are occupying precious emergency beds that are needed for the emergent or critically ill patient. They are held in the E.R. for long durations because there are no available beds in an appropriate psychiatric facility.
 - On average, these psychiatric patients are held in the ER for an average of 36-48 hours due to the lack of bed availability. This impacts the emergency room and the community directly by delaying care for other patients who need emergency care, increases and exacerbates the divert issues, and amounts to approximately 84 patients per day that could have been cared for in those beds.

Submitted at Planning Commission

Date 2/12/04 Item # 33

- Additionally, on average, the hospital has approximately 5-10 patients per day who have been admitted for medical problems associated with a psychiatric illness; have been cleared medically for discharge; and are now waiting in cue for an inpatient psych bed. Many times the wait for a bed stretches for a week or two and this impacts the availability of beds for other patients who have a greater medical need.
- So it is for these reasons that we would like to voice our support for the development of additional mental health hospitals beds in Las Vegas.

Letter to the Las Vegas City Planning Commissioners

The neighborhood associations totaling more than 56,000 residents, listed below, and others would like you to stop and carefully rethink your current proposed mental hospital in Southern Nevada.

This project will be a huge financial loss for the State of Nevada, the taxpayers and the mental patients we are supposed to be helping.

- **Currently the project is over budget 1-2 million dollars with only the (stamped 2-12-04) schematic drawings in place.**
 1. The severe drainage problems and cost over runs will cause the architect to reduce amenities and the size of the gym. A significant part of the property can not be used with their original designs because they now have to accommodate for drainage.
- **The City of Las Vegas has not voted on this project and won't until March 17, 2004. This project is not compatible with the surrounding area.** There are 6 requirements the City planners and City Council must address before they will vote for approval or denial. Of these requirements we believe the City Council can not in any good conscience vote for approval on the selected site.
 1. State Planning has been quoted saying, "why should we throw good money after bad when there is so much opposition to this project and the City Council of Las Vegas must still vote on this item".
 2. It is to be built in the middle of Bonanza High School, CCSN campus, and two elementary schools.
 3. It is a high security facility that will have escapees.
 4. The patients to be locked in and treated have been deemed homicidal and suicidal by Medical Professionals.
 5. It was mentioned in State Planning that the project would have a 14' wall surrounding the premises.
 6. The only access road to this proposed hospital is *College Dr.*, which has 5 large speed humps for speed control. College and high school students use this road to get to the campus parking lot and the West Charleston Public Library. College Dr. is the hospital's only ingress and egress to the property. This is the only way ambulances, police and fire dept. can enter the property. This is an extreme traffic hazard for everyone.
 7. The hospital when completed will house 190 patients, 340 employees and will have no kitchen facility. SNMH intends to use golf carts to transport food from the 40 year old kitchen, not much larger than a four car garage, one half mile away. If this project succeeds in being built at this location we will find it necessary to inform the Board of Health and OSHA.
 8. This is a 24 hour 7 day a week facility being placed in a densely populated residential area.

Submitted at Planning Commission

Date 2/12/04 Item # 33

- **The project plans on only supplying 150 beds by the year 2006. The estimated need, from SNMH proposal is presently 511 beds.**
 1. The mental hospital proposed does not even come close to serving the needs of the mental patients in Southern Nevada.
 2. The proposed hospital cost for brick and mortar only is estimated at 32 million dollars. The SNMH must request additional funds at the next legislative session to buy; beds, equipment, furniture, to hire psychiatrists, nurses, staff, maintenance, and on site security (340 employees to start). They must also request funds for an addition of one more pod of 40 beds.
 3. The location selected does not allow for any further expansion of this facility.
- **The University Regents are against this proposed hospital being built at this location.**
 1. The building of this hospital will land lock the Community College of Southern Nevada. Finding land elsewhere has proven in the past to cost the state outrageous prices. The taxpayer's expense to expand the campus elsewhere is ridiculous, when the college already has this land set aside in the permanent school fund. NRS 322.160.
 2. CCSN's enrollment projections will establish a need to triple their campus size in just seven years. (See attached documents).
 3. BLM land is the most suitable land for this project. It will allow the project to have room to expand and can be had for no fees, from the Federal Government. Mental illness is a regional problem and a Federal Mandate. This project does not belong on State land that has been set aside for college campus expansion.
- **We do need more regional access to prescription medications, so these ill individuals can get treatment before they become a murderous headline.**
- **We need help in the streets with easy access to care so these folks don't have to sit on a bus for three hours connecting to get to one location.**
- **Memphis Police Dept., Long Beach, CA as well as New York have far better programs with proven results. Any of these programs are extremely better than what we are currently proposing in the State of Nevada.**
- **This proposal is in direct conflict with the Olmsted act, United States Supreme Courts decision.**
- **Building a place to incarcerate people is not the solution to the problem that exists here. It is the last resort when all else has failed. We should not be proud to build such asylums; we should feel disappointed that all efforts to help the mentally ill have failed. They are now inmates of the state.**
- **What we need here is more meds, not beds, and more psychiatrists to dispense these meds regionally not at just one location.**
- **You could help the mentally ill immediately by contracting beds in 11 of the existing hospitals in the valley and with the valley wide facilities that already provide psychiatric care.**

Stop! Please reconsider this proposed hospitals location and we will all be ahead of the problems financially. This project has not been well thought out and will be a most costly mistake to proceed without further investigation. The political fall out over this one can only imagine. We have not met one senator or assemblyman who has investigated this project and thinks this is the right location. We also know our city and county officials do not agree with this location based on their zoning ordinances.

This project smacks of Yucca Mountain procedures, where higher governmental bodies make decisions without any regard to the people and municipalities they affect by their decisions.

The more serious issue is that your intentions to help the seriously mentally ill will not be addressed and the money in their limited funds will be so severely wasted.

If you like we can present more facts and information, we have acquired over the past four months, to assist you at anytime. Please do not hesitate to ask.

Thank you for your consideration on this matter. We look forward to hearing from you before the City of Las Vegas Planning Meeting on Feb. 12, 2004.

Charleston Neighborhood Preservation, President: Juanita Clark
Charleston Heights South, President: Mark Cinotto
Neighborhood Alliance, President: Mark Adair
Desert Inn Homeowner Association, President: Dee Gatliff
Northwest Area Residents Association, President: Brian Packer
Torrey Pines Oakey Central, President: Susan Savala

Susan Brna,
Member of the Board, Charleston Neighborhood Preservation

Tel: 702-259-7677 fax: 702-880-8864 or scbrna@netzero.net

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: FEBRUARY 12, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☐

CONSENT

☒

DISCUSSION

SUBJECT:

PUBLIC HEARING - TXT-2450 - CITY OF LAS VEGAS - Discussion and possible action to add a new Scenic Byway Overlay District in Title 19.06, to define the boundaries and intent of the District, and to add language regarding on-site and off-site signage within the District.

THIS WILL BE SENT TO CITY COUNCIL IN ORDINANCE FORM

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

RECOMMENDATION:

Staff recommends NO RECOMMENDATION

BACKUP DOCUMENTATION:

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

MOTION:

NIGRO – ABEYANCE to 2/26/2004 Planning Commission meeting – UNANIMOUS with McSWAIN abstaining on Item 3 [TMP-3466] as her firm is awaiting final payment for work done for Signature Homes

MINUTES:

CHAIRMAN TRUESDELL stated that staff recommended holding the Text Amendment in abeyance to the 2/26/2004 Planning Commission for additional review.

(6:11)

1-61

City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: FEBRUARY 12, 2004

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: TXT-2450 - CITY OF LAS VEGAS

**** CONDITIONS ****

STAFF RECOMMENDATION: **APPROVAL**, subject to:

Title 19.06.140 LAS VEGAS BOULEVARD SCENIC BYWAY OVERLAY DISTRICT

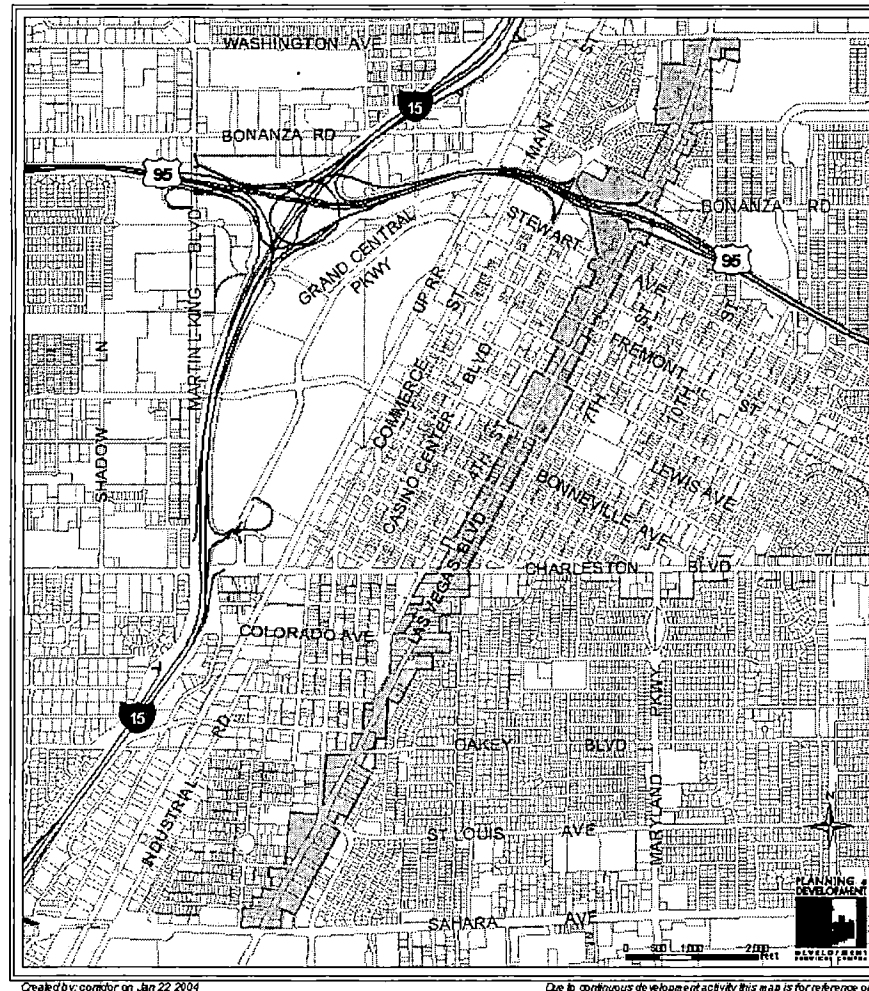
A. Intent

The Las Vegas Boulevard Scenic Byway was designated by the State of Nevada in 2002 in order to preserve the character of this nighttime urban scenic Byway. The intent of the Las Vegas Boulevard Scenic Byway Overlay District is to provide signage standards that will maintain and enhance the scenic qualities of this historic highway in accordance with the Byway designation.

B. Boundaries

The boundaries of the Las Vegas Boulevard Scenic Byway Overlay District are generally described as the portion of Las Vegas Boulevard between Sahara Avenue on the south and Washington Avenue on the north, and applies only to the properties that front directly on Las Vegas Boulevard. The boundaries of the district are depicted in the map below:

SCENIC BYWAY OVERLAY DISTRICT



 SCENIC BYWAY CORRIDOR

C. Special Sign Standards

1. **Relationship to Other Provisions.** Signage on parcels within the Las Vegas Boulevard Scenic Byway Overlay District are subject to the regulations of Title 19.14, the Downtown Casino Overlay District, or the Downtown Entertainment Overlay District, whichever is applicable, except as amended herein.
2. **Illumination.** Of all signage to be located in the Scenic Byway Overlay District, at least 75% of the total sign surface areas must consist of neon signs or animated signs, or a combination thereof. Awning Signs, Menu Boards and Window Signs, where permitted, are exempt from this illumination requirement.
3. **Off-Premise Signs.** Off-premise signs shall be framed by a decorative faceplate or frame that is at least 18 inches in width and that includes at least one band of illuminated neon tubing or a continuous double row of incandescent bulbs spaced no further than eight inches on center.
4. **Maintenance.** The owner and operator of each sign is responsible for ensuring that appropriate sign maintenance occurs and that repairs of damaged signs and lighting are accomplished promptly.

D. Approval Procedures

Approvals for signage within the Las Vegas Boulevard Scenic Byway Overlay District are subject to the requirements of Title 19.14, the Downtown Casino Overlay District, or the Downtown Entertainment Overlay District, whichever is applicable.

**** STAFF REPORT ****

APPLICATION REQUEST

Discussion and possible action to amend Title 19.06 of the Las Vegas Zoning Code to include the following:

- 1) Title 19.06.140 LAS VEGAS BOULEVARD SCENIC BYWAY OVERLAY DISTRICT

The proposed amendment will create the Scenic Byway Overlay District and establish sign standards for properties within the district.

BACKGROUND INFORMATION

The State of Nevada designated Las Vegas Boulevard a Scenic Byway in 2002. The designation was based on the nighttime character of the highway and the abundance of neon signage, and mandates the preservation of the scenic, historic and cultural qualities of the streetscape.

ANALYSIS

The proposed amendment will create the Las Vegas Boulevard Scenic Byway Overlay District in accordance with State of Nevada designation and the associated Las Vegas Boulevard Scenic Byway Corridor Management Plan. The State of Nevada designation was based on the scenic character of the highway at night, due to the quantity and variety of neon signage along the roadway. The intent of the Overlay District is to maintain and enhance the unique character of Las Vegas Boulevard at night.

The Overlay District regulations apply only to signage, and will require 75% of the total surface area of new signs to consist of neon or animated lighting features. This requirement is similar to the requirement that has already been adopted in the Downtown Casino Overlay District. The types of signage and amount of signage allowed for each property will still be based on the underlying zoning and the requirements of Title 19.14. No new committee will be formed to review the sign permit requests for properties in the district; all permits for conforming signs will be issued by City staff.

A portion of the new Scenic Byway Overlay District overlaps the Downtown Casino Overlay District and the Downtown Entertainment Overlay District, which have their own separate sign regulations. The amount and type of signage permitted within that overlap area will be determined by the Casino Overlay and Entertainment Overlay regulations; the requirement for 75% neon/animated illumination mandated by the Scenic Byway Overlay regulations will also apply.

TXT-2450 - Staff Report Page Two
February 12, 2004 Planning Commission Meeting

The Las Vegas Boulevard Scenic Byway Corridor Management Plan recommends the removal of all billboards within the Overlay District in order to enhance the application for a national Scenic Byway designation. As it may prove difficult to prohibit the billboard signs, the proposed regulations would require a decorative surround and the addition of neon or continuous incandescent lighting around the sign face.

FINDINGS

Please note the following:

1. The proposed amendment will maintain and enhance the lighting and signage that is characteristic of the Las Vegas Boulevard Scenic Byway;
2. The proposed overlay district is consistent with the recommendations of the Las Vegas Boulevard Scenic Byway Corridor Management Plan; and
3. The proposed district is consistent with the State of Nevada Scenic Byway designation.

NOTICES MAILED NEWSPAPER ONLY

APPROVALS .0

PROTESTS 0

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

PLANNING COMMISSION MEETING OF: FEBRUARY 12, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☐

CONSENT

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DISCUSSION

SUBJECT:

PUBLIC HEARING - DIR-3733 - APPLICANT: HORIZON SURVEY'S - OWNER: RONALD H AND ROSE M RIEGER - Appeal of Director's decision per Title 18.16.010 to deny a Parcel Map (PMP-3730) for failure to comply with Title 18.06.070.

C.C. 03/17/04

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

RECOMMENDATION:

Staff recommends DENIAL

BACKUP DOCUMENTATION:

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

MOTION:

GOYNES – DENIED – UNANIMOUS with TRUESDELL abstaining because Horizon Surveys is doing work for his firm and McDonald's is a client of his on that site and EVANS excused

This is Final Action

MINUTES:

VICE CHAIRMAN declared the Public Hearing open.

DAVID CLAPSADDLE, Planning and Development Department, stated that normal Parcel Maps are administratively processed. In this case, the Planning Department denied a previous request for a Parcel Map; however, the applicant did not file an appeal on time. Subsequently, another application was filed showing two lots; one with a McDonalds on the larger lot and a billboard on the smaller lot. In summary, the smaller lot does not meet the standards of the code with regard to lot width requirement. MR. CLAPSADDLE stated there are alternatives available.

PLANNING COMMISSION MEETING OF FEBRUARY 12, 2004
Planning and Development Department
Item 35 – DIR-3733

MINUTES – Continued:

PAUL BURN, 9901 Covington Cross Drive, appeared on behalf of the applicant. He stated that the applicant was requested by the City to come up with a parcel map, so subsequently he was tasked with doing an independent research on the history of the lot and determining the accurate boundaries of that parcel. He acknowledged that Lot 2 of this parcel does not meet the standards of the code but more significantly, this lot is not owned by his client.

COMMISSIONER McSWAIN asked how long a commercial subdivision would take. MR. CLAPSADDLE replied it would take 90 days for the tentative map process. But he re-emphasized that that second lot does not meet the standards and this application has been ongoing for several months. DEPUTY CITY ATTORNEY BRYAN SCOTT stated that had the applicant made the effort to conform to the requirements at the start, it would not have taken this long.

No one appeared in opposition.

There was no further discussion.

VICE CHAIRMAN NIGRO declared the Public Hearing closed.

(10:58 – 11:07)

4-694

City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: FEBRUARY 12, 2004

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: DIR-3733 - APPLICANT: HORIZON SURVEY'S - OWNER:
RONALD H AND ROSE M RIEGER

**** CONDITIONS ****

STAFF RECOMMENDATION: DENIAL. If Approved, subject to:

1. A waiver to the C-1 (Limited Commercial) lot width standards by the Planning Commission and City Council prior to recordation of this Parcel Map.

**** STAFF REPORT ****

APPLICATION REQUEST

This application is the applicant's appeal of a denial by the Planning and Development Department of a two-lot commercial subdivision located on the southwest corner of Sahara Avenue and Arville Street. This appeal is pursuant to Title 18.16.010 of the City of Las Vegas Subdivision Ordinance.

APPLICANT'S JUSTIFICATION

The applicant states the map's configuration represents a logical solution to rectify a history of unclear title due to conflicting deed descriptions and past transfers. A Mc Donald's restaurant is planned for the property; the small lot, which is the subject of this appeal, has a long-standing billboard that is administered and maintained by a separate and cooperating owner.

BACKGROUND INFORMATION

06/06/03: The Planning and Development Department denied a previous request for a Parcel Map on this site (PMP-2531). The applicant did not file an appeal within ten days of the denial.

01/16/04: The Planning and Development Department denied a request for a two-lot commercial parcel map for this site. (PMP-3730).

ANALYSIS

NRS Chapter 278 defines parcel maps as minor subdivisions with four lots or less. The standard process is for these to be reviewed and approved on an administrative basis. On rare occasions, a parcel map is denied and an appeal is filed for Planning Commission review.

Title 18.16.010 of the Subdivision Ordinance states:

"Any person aggrieved by a decision of the Director or the Director of Public Works to approve or deny a parcel map may appeal to the Planning Commission in writing within fifteen days after receiving written notice of the decision. All appeals of parcel map decisions shall be filed with the Director and be accompanied by a nonrefundable fee as set forth in the fee schedule. The Planning commission shall hear the appeal within thirty days after the appeal is filed. If the appeal is denied, the applicant shall have seven days in which to file an appeal with the City Council. The City Council shall hear the appeal within thirty days after the appeal to the City

DIR-3733 - Staff Report Page Two
February 12, 2004 Planning Commission Meeting

Council is filed. All appeals granted by the Planning Commission shall be forwarded automatically to the City Council for final action."

Lot 2 of the proposed parcel map does not meet the minimum lot width of the Code. One alternative suggested to the applicant is to subdivide the site via a commercial subdivision, which could be approved and the process move forward. However, it is the understanding of staff that the property owner does not want to do a commercial subdivision due to the length of time involved.

There is no basis for granting the appeal, as it would create an illegal lot, which is contrary to the Code. Also, there are alternatives available for the applicant to pursue without approval of a substandard parcel map.

NOTICES MAILED NEWSPAPER ONLY

APPROVALS 0

PROTESTS 0

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: FEBRUARY 12, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☐

CONSENT

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DISCUSSION

SUBJECT:

PUBLIC HEARING - DIR-3803 - CITY OF LAS VEGAS - Election of Planning Commission Officers for 2004.

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

RECOMMENDATION:

Staff recommends NO RECOMMENDATION

BACKUP DOCUMENTATION:

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

MOTION:

EVANS – Motion to REAPPOINT RICHARD TRUESDELL as Chairman and TODD NIGRO as Vice Chairman – Motion carried with DAVENPORT voting No.

This is Final Action.

MINUTES:

CHAIRMAN TRUESDELL declared the Public Hearing open.

COMMISSIONER EVANS recommended the reappointment of COMMISSIONER RICHARD TRUESDELL as Chairman and COMMISSIONER TODD NIGRO as Vice Chairman.

No one appeared in opposition.

CHAIRMAN TRUESDELL declared the Public Hearing closed.

(8:41)

2-2244

PLANNING COMMISSION AGENDA
PLANNING COMMISSION MEETING OF: FEBRUARY 12, 2004

CITIZENS PARTICIPATION:

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

MINUTES:

TODD FARLOW, 240 North 19th Street, commended COMMISSIONER GOYNES on his comments regarding Item 33 related to the proposed psychiatric hospital.

He was disappointed that none of the Commissioners had the opportunity again to attend the Sustainable Architectural lectures.

(11:07 – 11:09)

4-1027

SUSAN SAVALLA, 1913 Eliminator, expressed her frustration with the State of Nevada and how the issue of acquiring a special use permit was not handled appropriately to enable residents to have a public hearing.

(11:09 – 11:13)

4-1080

LEE HAYNES, 1236 Las Vegas Boulevard South, expressed his disappointment at the outcome related to the State of Nevada's proposed psychiatric facility.

(11:13)

4-1214

BRIAN PACKER, referring to the State of Nevada's proposed psychiatric facility, asked whether the comments made by those in opposition were not considered valid. CHAIRMAN TRUESDELL stated that the Commission based their recommendations on the fact that the project is a hospital and not a prison as alluded to by those in opposition. COMMISSIONER McSWAIN agreed that the neighbors should have had an opportunity to address not only the Site Plan Review but the Special Use Permit as well. Unfortunately, the process did not allow that. DEPUTY CITY ATTORNEY BRYAN SCOTT remarked that the City Council will not have any greater authority in considering this application and will have to deal with the issues in the same way as the Commission was tasked to do.

(11:16 – 11:17)

4-1296

City of Las Vegas

PLANNING COMMISSION MEETING OF FEBRUARY 12, 2004
Planning and Development Department
Citizens Participation

MINUTES – Continued:

JUNE INGRAM, representing the Charleston Heights Preservation, also addressed the State of Nevada's application for a psychiatric hospital. She commented on the kitchen facilities and services.

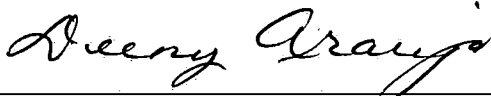
(11:17 – 11:18)

4-1372

MEETING ADJOURNED AT 11:18 P.M.

Respectfully submitted:


ANGELA CROLLI, DEPUTY CITY CLERK


DEENY ARAUJO, DEPUTY CITY CLERK