

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF: MARCH 17, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☐

CONSENT

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DISCUSSION

SUBJECT:

VACATION - PUBLIC HEARING - VAC-3467 - **APPLICANT: SIGNATURE HOMES**
- **OWNER: PLASTER DEVELOPMENT COMPANY** - Petition to Vacate a portion of the west half of Thom Boulevard, south of Horse Drive, Ward 6 (Mack). The Planning Commission (5-0-1 vote) and staff recommend APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

RECOMMENDATION:

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

BACKUP DOCUMENTATION:

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

MOTION:

MACK – APPROVED subject to conditions – UNANIMOUS

MINUTES:

MAYOR GOODMAN declared the Public Hearing open.

KATHRYN L. GRIDER, Orion Engineering, 3068 East Sunset Road, Suite #9, appeared on behalf of the applicant and concurred with all conditions.

No one appeared in opposition.

MAYOR GOODMAN declared the Public Hearing closed.

(2:40)

4-1042

CONDITIONS:

1. This proposed vacation shall vacate the westerly most 4.5-feet of right-of-way along Thom Boulevard adjacent to this site.
2. Retain rights-of-way and dedicate any additional rights-of-way needed to provide a 20-foot radius corner at the southwest corner of Horse Drive and Thom Boulevard.

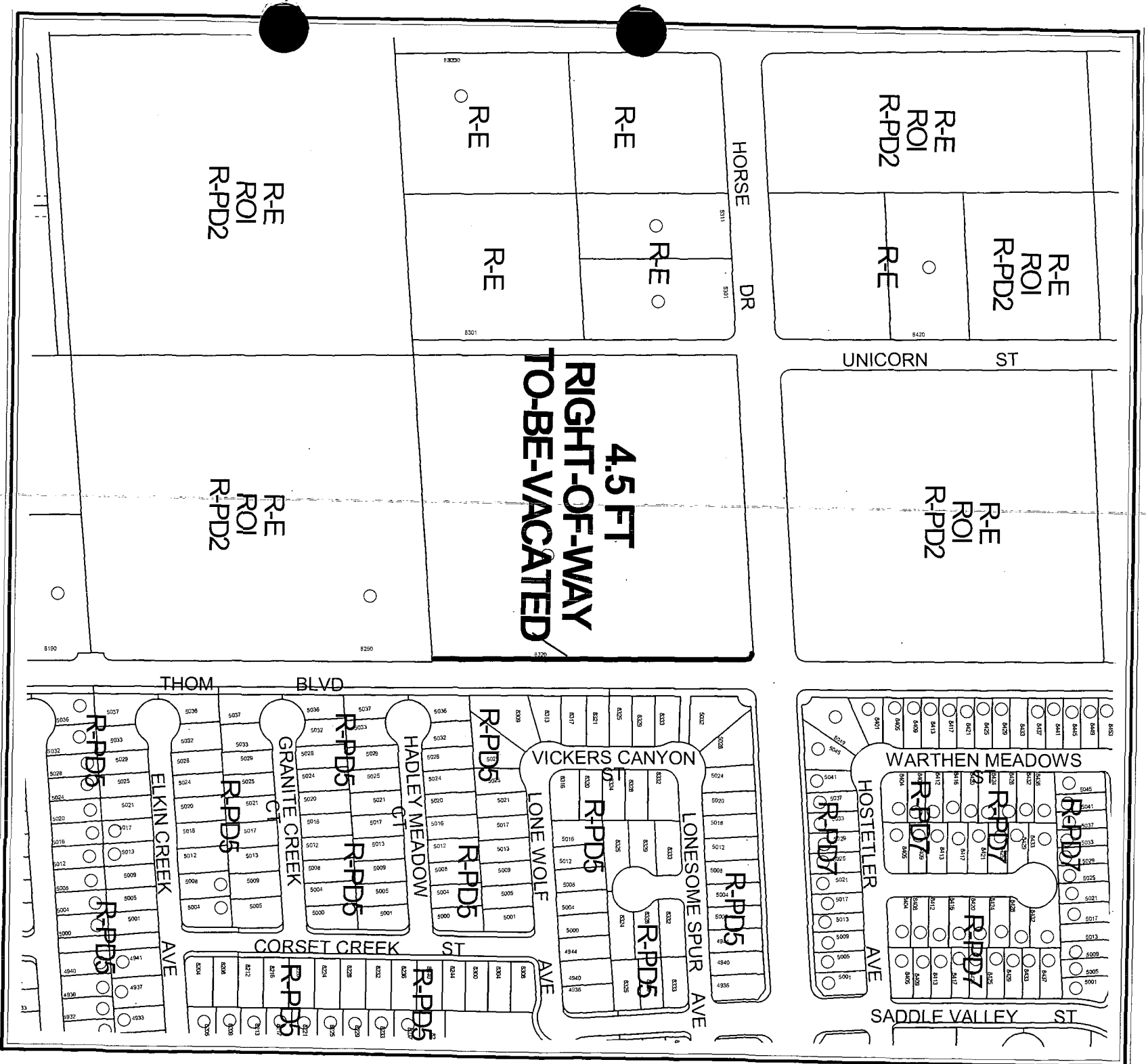
CITY COUNCIL MEETING OF MARCH 17, 2004
Planning and Development Department
Item 118 – VAC-3467

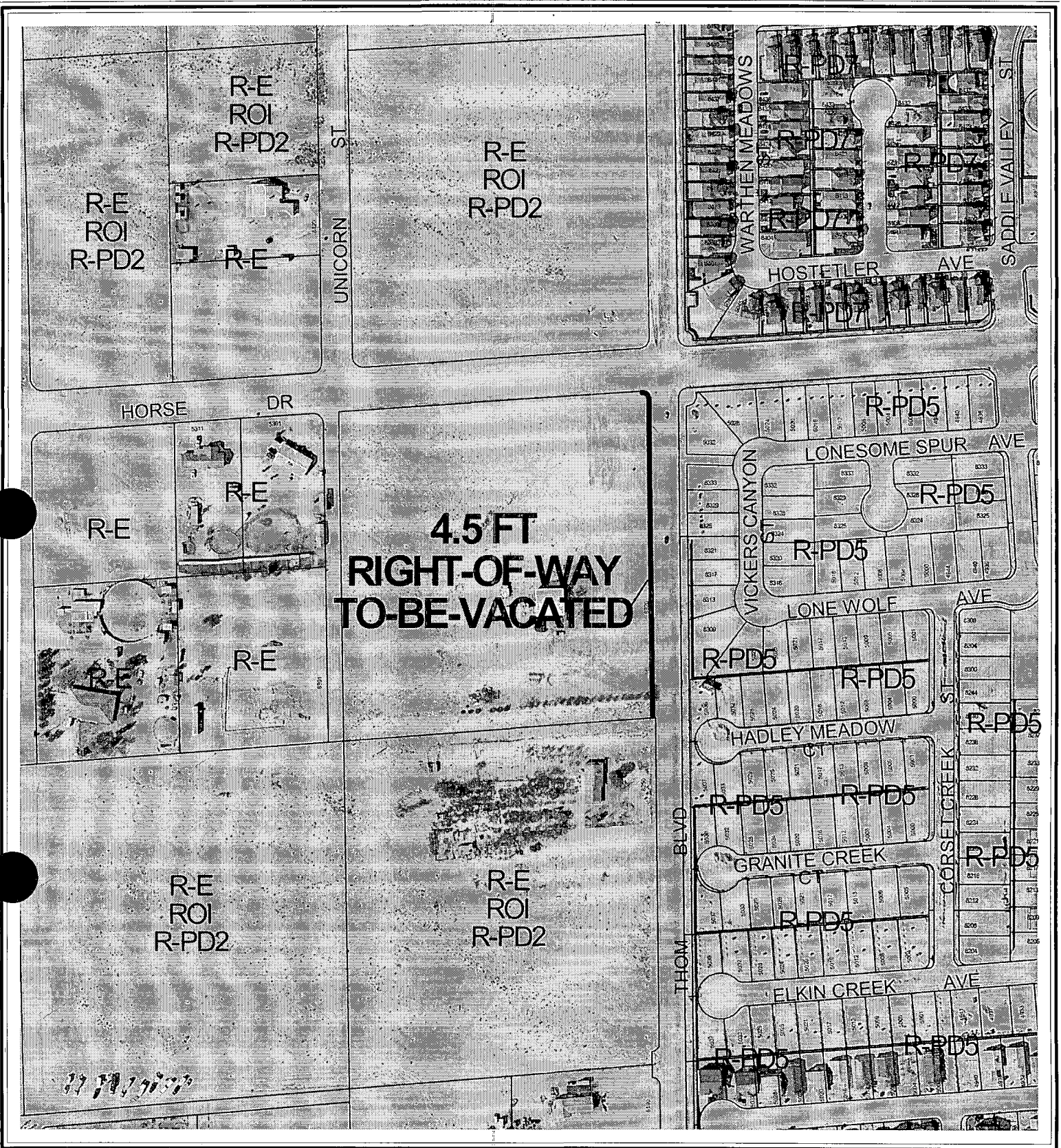
CONDITIONS – Continued:

3. A Drainage Plan and Technical Drainage Study or other related drainage information acceptable to the Flood Control Section must be submitted to and approved by the Department of Public Works prior to the recordation of the Order of Vacation for this application. Appropriate drainage easements shall be reserved if recommended by the approved Drainage Plan/Study. The drainage study required by Site Development Plan Review SDR-3072 may be used to satisfy this condition.
4. All development shall be in conformance with code requirements and design standards of all City departments.
5. Prior to the recordation of an Order of Vacation all public improvements, if any, adjacent to and in conflict with this vacation application are to be modified, as necessary, at the applicant's expense, or such modifications shall be guaranteed by provision of sufficient security for the performance thereof in accordance with the Subdivision Ordinance of the City of Las Vegas.
6. The Order of Vacation shall not be recorded until all of the conditions of approval have been met provided, however, that modifications to public improvements may be fulfilled for purposes of recordation by providing sufficient security for the performance thereof in accordance with the Subdivision Ordinance of the City of Las Vegas. City Staff is empowered to modify this application if necessary because of technical concerns or because of other related review actions as long as current City right-of-way requirements are still complied with and the intent of the vacation application is not changed. If applicable, a five-foot wide easement for public streetlight and fire hydrant purposes shall be retained on all vacation actions abutting public street corridors that will remain dedicated and available for public use. Also, if applicable and where needed, public easement corridors and sight visibility or other easements that would/should cross any right-of-way being vacated must be retained.
7. If the Order of Vacation is not recorded within one (1) year after approval by the City Council and the Planning and Development Director does not grant an Extension of Time, then approval will terminate and a new petition must be submitted.

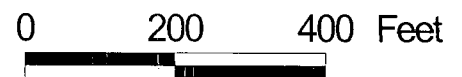
CASE: VAC-3467

0 200 400 Feet





CASE: VAC-3467



AGENDA MEMO

CITY COUNCIL MEETING DATE: MARCH 17, 2004

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: VAC-3467 - APPLICANT: SIGNATURE HOMES - OWNER:
PLASTER DEVELOPMENT COMPANY**

**** CONDITIONS ****

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

1. This proposed vacation shall vacate the westerly most 4.5-feet of right-of-way along Thom Boulevard adjacent to this site.
2. Retain rights-of-way and dedicate any additional rights-of-way needed to provide a 20-foot radius corner at the southwest corner of Horse Drive and Thom Boulevard.
3. A Drainage Plan and Technical Drainage Study or other related drainage information acceptable to the Flood Control Section must be submitted to and approved by the Department of Public Works prior to the recordation of the Order of Vacation for this application. Appropriate drainage easements shall be reserved if recommended by the approved Drainage Plan/Study. The drainage study required by Site Development Plan Review SDR-3072 may be used to satisfy this condition.
4. All development shall be in conformance with code requirements and design standards of all City departments.
5. Prior to the recordation of an Order of Vacation all public improvements, if any, adjacent to and in conflict with this vacation application are to be modified, as necessary, at the applicant's expense, or such modifications shall be guaranteed by provision of sufficient security for the performance thereof in accordance with the Subdivision Ordinance of the City of Las Vegas.
6. The Order of Vacation shall not be recorded until all of the conditions of approval have been met provided, however, that modifications to public improvements may be fulfilled for purposes of recordation by providing sufficient security for the performance thereof in accordance with the Subdivision Ordinance of the City of Las Vegas. City Staff is empowered to modify this application if necessary because of technical concerns or because of other related review actions as long as current City right-of-way requirements are still complied with and the intent of the vacation application is not changed. If applicable, a five-foot wide easement for public streetlight and fire hydrant purposes shall be retained on all vacation actions abutting public street corridors that will remain dedicated and available for public use. Also, if applicable and where needed, public easement corridors and sight visibility or other easements that would/should cross any right-of-way being vacated must be retained.

7. If the Order of Vacation is not recorded within one (1) year after approval by the City Council and the Planning and Development Director does not grant an Extension of Time, then approval will terminate and a new petition must be submitted.

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

This request is to vacate a portion of the west half of Thom Boulevard, south of Horse Drive.

B) Applicant's Justification

The applicant's justification letter states that the proposed vacation was a condition of approval for the previously approved Site Development Plan Review (SDR-3072). The vacation application will bring the subject portion of Thom Boulevard into alignment and into conformance with existing portions of the alignment south of the site.

BACKGROUND INFORMATION

A) Previous Actions

- 10/12/98 The City Council approved a Rezoning (Z-0016-98) From: R-E (Residence Estates) To: PD (Planned Development) on properties located at the southwest corner of Iron Mountain Road and Decatur Boulevard including the subject site. The Planning Commission and staff recommended approval on August 13, 1998.
- 02/04/04 The City Council approved a Major Modification (MOD-3069) to the Iron Mountain Ranch Plan to allow 14,000 square-foot lots where 20,000 square-foot lots were required on the subject site and a Site Development Review (SDR-3072) for a proposed 18-lot single-family residential development on 9.80 acres adjacent to the southwest corner of Thom Boulevard and Horse Drive. The Planning Commission and staff recommended approval on November 20, 2003.
- 02/12/04 The Planning Commission held in abeyance to the March 11, 2004 at the applicant's request a Tentative Map for a 16-lot Single-Family Residential Subdivision on 9.80 acres adjacent to the southwest corner of Thom Boulevard and Horse Drive.
- 02/12/04 The Planning Commission voted 5-0-1 to recommend APPROVAL (PC Agenda Item #16/tb).

DETAILS OF APPLICATION REQUEST

A request has been received from Signature Homes on behalf of Plaster Development Company to vacate the west four and one half feet of Thom Boulevard, south of Horse Drive.

The above properties are legally described as follows:

The west four and one half feet (4 ½') of Thom Boulevard from the south right-of-way line of Horse Drive extending southerly approximately six hundred thirty feet (630'), excepting the spandrel area; said property being a portion of the northwest quarter (NW ¼) of the southeast quarter (SE ¼) of Section 12, Township 19 South, Range 60 east, m.d.m.

ANALYSIS

A) *Planning discussion*

The applicant intends to incorporate the public rights-of-way into the adjacent parcels for development on site. The redevelopment of the property is outlined in Site Development Plan Review application (SDR-3072). This Vacation request is appropriate, as the subject right-of-way is not needed and will not result in reduced access or traffic handling capability for the area.

B) *Public Works discussion*

The following information is presented concerning this request to vacate certain public street right of ways:

- A. Does this vacation request result in uniform or non-uniform right-of-way widths? *It will make Thom Boulevard a uniform width with the adjacent properties.*
- B. From a traffic handling viewpoint will this vacation request result in a reduced traffic handling capability? *No, since the adjacent properties are also at 25.5 foot half street widths.*
- C. Does it appear that the vacation request involves only excess right-of-way? *Yes, as it is a 30 foot half width at this location.*
- D. Does this vacation request coincide with development plans of the adjacent parcels? *Yes, the Horse and Thom subdivision.*
- E. Does this vacation request eliminate public street access to any abutting parcel? *No.*
- F. Does this vacation request result in a conflict with any existing City requirements? *No.*
- G. Does the Department of Public Works have an objection to this vacation request? *No.*

NOTICES MAILED 5 by City Clerk

APPROVALS 0

PROTESTS 0



Case Number: **VAC-3467** APN: 125-12-701-005
Name of Property Owner: PILASTER DEVELOPMENT
Name of Applicant: SIGNATURE HOMES

☒ No

APN: _____

 **NOTARY PUBLIC**
STATE OF NEVADA
County of Clark
DEANNA C. BENITES
01-68746-1 My Appointment Expires Oct. 31, 2004



PUBLIC HEARING - VAC-3467 - APPLICANT: SIGNATURE HOMES - OWNER: PLASTER
DEVELOPMENT COMPANY
WEST HALF OF THOM BOULEVARD, SOUTH OF HORSE DRIVE
FEBRUARY 12, 2004 PLANNING COMMISSION

01/23/04

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF: MARCH 17, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

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CONSENT

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DISCUSSION

SUBJECT:

VACATION - PUBLIC HEARING - VAC-3555 - **APPLICANT: CENTEX HOMES - OWNER: CENTEX HOMES AND R & S EL CAPITAN** - Petition to Vacate public sewer and drainage easements generally located south of Racel Street, north of Grand Teton Drive between Durango Drive and Al Carrison Street, Ward 6 (Mack). The Planning Commission (5-0-1 vote) and staff recommend APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

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APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

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RECOMMENDATION:

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

BACKUP DOCUMENTATION:

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

MOTION:

MACK – APPROVED subject to conditions – UNANIMOUS

MINUTES:

MAYOR GOODMAN declared the Public Hearing open.

The applicant was not present.

COUNCILMAN BROWN clarified with COUNCILMAN MACK that this applicant is not the owner of a small office complex at Alexander and Buffalo and operating without a license. That developer is Matrix Construction. He then directed DEPUTY CITY ATTORNEY BRYAN SCOTT to investigate the situation with that office complex.

No one appeared in opposition.

MAYOR GOODMAN declared the Public Hearing closed.

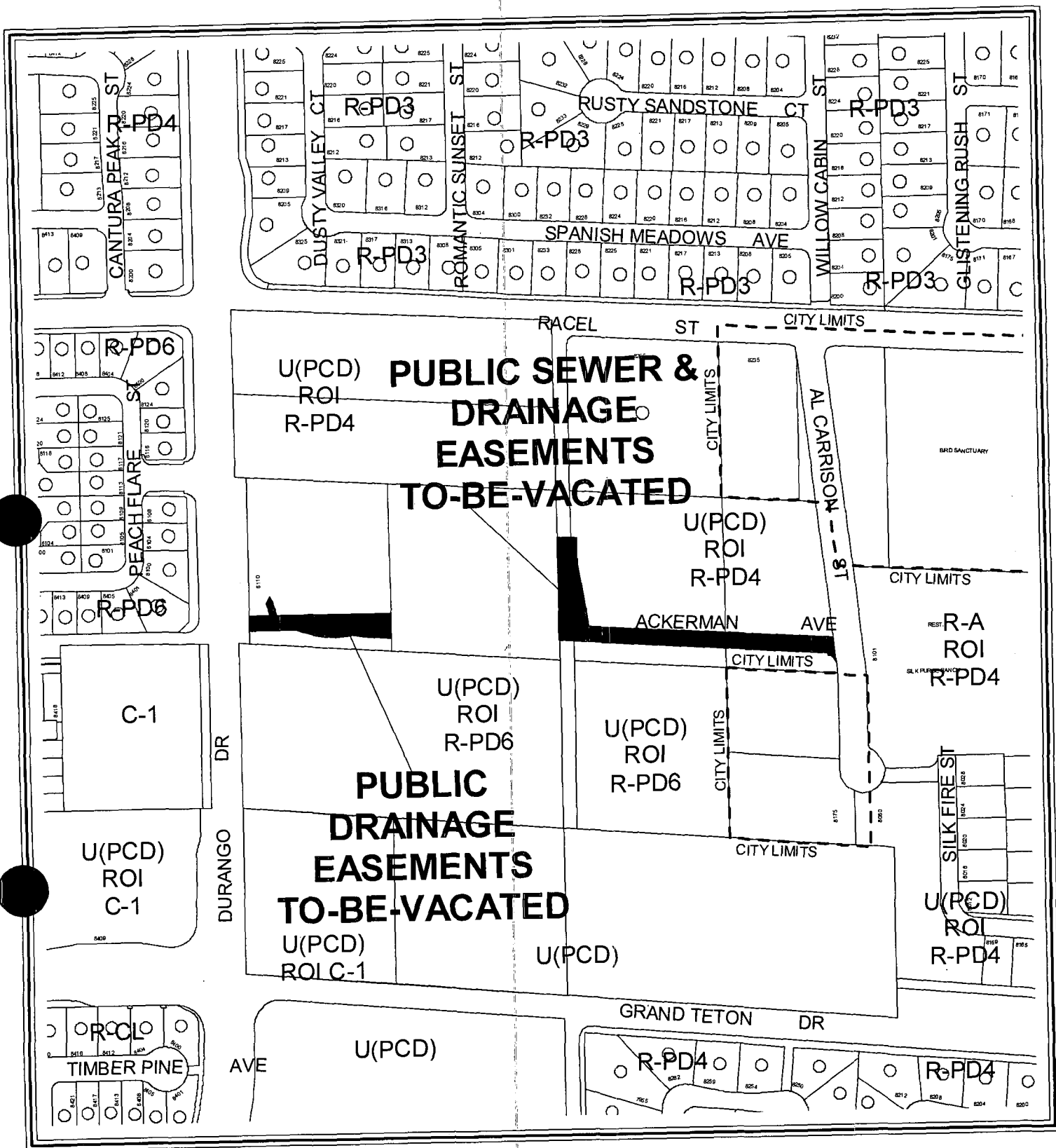
(2:40 – 2:43)

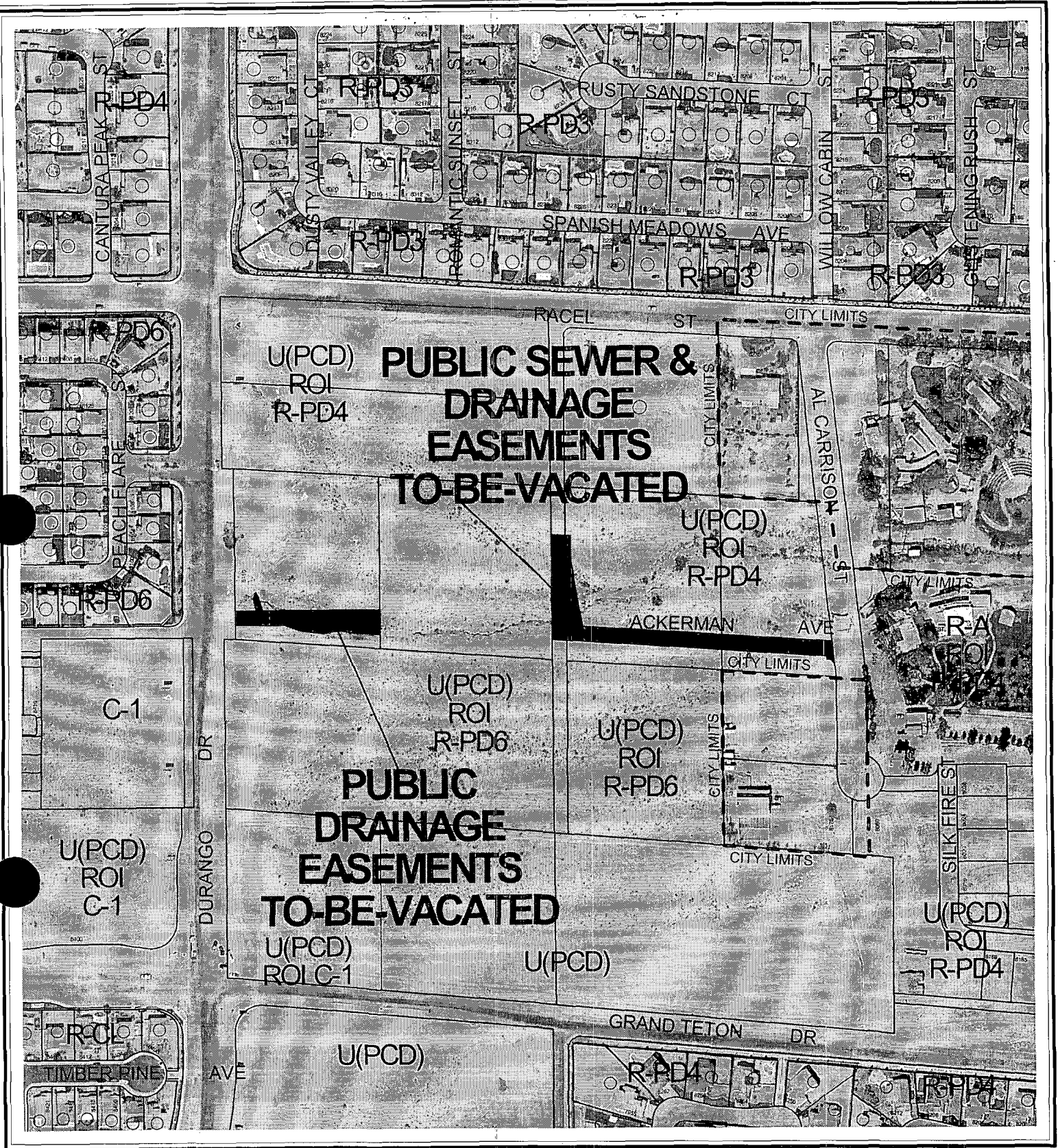
4-1065

CITY COUNCIL MEETING OF MARCH 17, 2004
Planning and Development Department
Item 119 – VAC-3555

CONDITIONS:

1. The Order of Vacation shall record immediately after the recordation for the Final Map for Santa Bella 4 in order to provide alternative sewer and drainage easements acceptable to the Department of Public Works.
2. Prior to the recordation of an Order of Vacation all public improvements, if any, adjacent to and in conflict with this vacation application are to be modified, as necessary, at the applicant's expense, or such modifications shall be guaranteed by provision of sufficient security for the performance thereof in accordance with the Subdivision Ordinance of the City of Las Vegas.
3. All development shall be in conformance with code requirements and design standards of all City departments.
4. The Order of Vacation shall not be recorded until all of the above conditions have been met provided, however, that conditions requiring modification of public improvements may be fulfilled for purposes of recordation by providing sufficient security for the performance thereof in accordance with the Subdivision Ordinance of the City of Las Vegas. City Staff is empowered to modify this application if necessary because of technical concerns or because of other related review actions as long as current City right-of-way requirements are still complied with and the intent of the vacation application is not changed. If applicable, a five foot wide easement for public streetlight and fire hydrant purposes shall be retained on all vacation actions abutting public street corridors that will remain dedicated and available for public use. Also, if applicable and where needed, public easement corridors and sight visibility or other easements that would/should cross any right-of-way or easement being vacated must be retained.
5. If the Order of Vacation is not recorded within one (1) year after approval by the City Council and the Planning and Development Director does not grant an Extension of Time, then approval will terminate and a new petition must be submitted.





0 200 400 Feet

CASE: VAC-3555



AGENDA MEMO

CITY COUNCIL MEETING DATE: MARCH 17, 2004

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: VAC-3555 - APPLICANT: CENTEX HOMES - OWNER: CENTEX HOMES AND R & S EL CAPITAN

**** CONDITIONS ****

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

1. The Order of Vacation shall record immediately after the recordation for the Final Map for Santa Bella 4 in order to provide alternative sewer and drainage easements acceptable to the Department of Public Works.
2. Prior to the recordation of an Order of Vacation all public improvements, if any, adjacent to and in conflict with this vacation application are to be modified, as necessary, at the applicant's expense, or such modifications shall be guaranteed by provision of sufficient security for the performance thereof in accordance with the Subdivision Ordinance of the City of Las Vegas.
3. All development shall be in conformance with code requirements and design standards of all City departments.
4. The Order of Vacation shall not be recorded until all of the above conditions have been met provided, however, that conditions requiring modification of public improvements may be fulfilled for purposes of recordation by providing sufficient security for the performance thereof in accordance with the Subdivision Ordinance of the City of Las Vegas. City Staff is empowered to modify this application if necessary because of technical concerns or because of other related review actions as long as current City right-of-way requirements are still complied with and the intent of the vacation application is not changed. If applicable, a five foot wide easement for public streetlight and fire hydrant purposes shall be retained on all vacation actions abutting public street corridors that will remain dedicated and available for public use. Also, if applicable and where needed, public easement corridors and sight visibility or other easements that would/should cross any right-of-way or easement being vacated must be retained.
5. If the Order of Vacation is not recorded within one (1) year after approval by the City Council and the Planning and Development Director does not grant an Extension of Time, then approval will terminate and a new petition must be submitted.

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

This request is to vacate public sewer and drainage easements generally located south of Racel Street, north of Grand Teton Drive between Durango Drive and Al Carrison Street.

B) Applicant's Justification

The applicant's justification letter states that the existing drainage easement will be replaced with a new drainage easement per the Santa Bella 4 Final Map and will include the proposed channel and any access roads or appurtenances.

BACKGROUND INFORMATION

A) Previous Actions

- 11/21/01 The City Council approved an annexation (A-0047-01) for 2.26 acres located on the east side of Durango Drive, approximately 340 feet south of Racel Street, including a portion of the subject property. The effective date was November 30, 2001.
- 03/14/02 The Planning Commission approved requests for a Site Development Plan Review (SD-0072-01) for a proposed 15,350 square-foot child care facility and a reduction in the amount of required perimeter landscaping and a Variance (V-0007-02) for a twenty-five foot (25') side setback where residential adjacency standards require a seventy foot (70') side setback in conjunction with the proposed child care facility on 2.26 acres on the east side of Durango Drive, approximately 347 feet south of Racel Street.
- 04/17/02 The City Council approved a petition to annex (A-0085-01) 6.38 acres of property generally located southwest of the intersection of Racel Street and Al Carrison Street, including a portion of the subject site. The effective date of this annexation was April 26, 2002.
- 07/17/02 The City Council approved requests for a Rezoning (Z-0012-02) from U (Undeveloped) Zone [PCD (Planned Community Development) General Plan Designation] and R-A (Ranch Acres) Zone to R-PD4 (Residential Planned Development - 4 Units Per Acre) and a Site Development Plan Review [(Z-0012-02(1))] for a 157-lot single family residential development on 35.68 acres located adjacent to the northwest corner of Grand Teton Drive and Cimarron Road. The Planning Commission and staff recommended approval on June 13, 2002.
- 07/25/02 The Planning Commission approved a request for a Tentative Map (TM-0037-02) for a 157-lot single family residential development on 35.68 acres located adjacent to the northwest corner of Grand Teton Drive and Cimarron Road. Staff recommended approval.

- 11/06/02 The City Council approved a petition (VAC-0066-02) to vacate a portion of Al Carrison Street (Silk Purse Road) and an unnamed right-of-way generally located south of Racel Street. The Planning Commission and staff recommended approval on September 26, 2002.
- 02/05/03 The City Council approved an annexation (A-0038-02) for approximately 495 acres of undeveloped property located in various parts of the city, including a portion of the subject property. The effective date was February 14, 2003.
- 06/04/03 The City Council approved a Rezoning (ZON-2131) from U (Undeveloped) Zone [PCD (Planned Community Development) General Plan Designation] TO: R-PD4 (Residential Planned Development - 4 Units Per Acre) and a Site Development Plan Review (SDR-2135) for a 72-lot single-family residential development on a portion of the subject property. The Planning Commission and staff recommended approval on May 8, 2003.
- 06/26/03 The Planning Commission approved a Tentative Map (TMP-2396) for a 72-lot single-family residential subdivision on the subject property. Staff recommended approval.
- 02/12/04 The Planning Commission voted 5-0-1 to recommend APPROVAL (PC Agenda Item #17).

DETAILS OF APPLICATION REQUEST

A request has been received from Centex Homes on behalf of Centex Homes and R & S El Capitan to Vacate public sewer and drainage easements generally located south of Racel Street, north of Grand Teton Drive between Durango Drive and Al Carrison Street.

The above properties are legally described as follows:

PUBLIC SEWER/DRAINAGE EASEMENT:

SAID PROPERTY BEING A PORTION OF THE SOUTH HALF (S 1/2) OF THE NORTHEAST QUARTER (NE 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) OF SECTION 9, TOWNSHIP 19 SOUTH, RANGE 60 EAST, M.D.M.

PUBLIC DRAINAGE EASEMENT:

SAID PROPERTY BEING A PORTION OF THE SOUTH HALF (S 1/2) OF THE NORTHWEST QUARTER (NW 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) OF SECTION 9, TOWNSHIP 19 SOUTH, RANGE 60 EAST, M.D.M.

ANALYSIS

A) Planning discussion

The applicant intends to incorporate the public sewer and drainage easements into the subject property for development and incorporate a new drainage easement per the Santa Bella 4 Final Map. The development of the subject site is outlined under Site Development Plan Review (SDR-2135). This request is appropriate, as the subject easements are not needed and will not result in reduced access traffic handling capability for the area.

B) Public Works discussion

This Vacation application proposes to only vacate City of Las Vegas sewer and drainage easements. As no right-of-way is proposed to be vacated, and thus no franchise rights are involved, it is not necessary to send this Vacation request to the utility companies and franchise holders, nor wait for their responses. Since only City easements are involved; any utility company interests will not be affected.

It is noted that a Drainage Plan/Study has been submitted to the Flood Control Section of the Department of Public Works for the Santa Bella 4 residential subdivision and addresses the area requested for vacation.

NOTICES MAILED 8 by City Clerk

APPROVALS 0

PROTESTS 0



PUBLIC HEARING - VAC-3555 - APPLICANT: CENTEX HOMES - OWNER: CENTEX HOMES AND R &
S EL CAPITAN
SOUTH OF RACEL STREET, NORTH OF GRAND TETON DRIVE BETWEEN DURANGO DRIVE AND AL
CARRISON STREET
FEBRUARY 12, 2004 PLANNING COMMISSION

01/23/04

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF: MARCH 17, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

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CONSENT

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DISCUSSION

SUBJECT:

VACATION - PUBLIC HEARING - VAC-3643 - APPLICANT: CITY PARKWAY IV, INC. AND CITY PARKWAY V, INC. - Petition to Vacate a portion of the east half of Grand Central Parkway, a portion of the north half of Bonneville Avenue and a portion of a sixty-foot wide Public Drainage Easement generally located north of Bonneville Avenue, between the Union Pacific Railroad Right-of-Way and Grand Central Parkway, Ward 5 (Weekly). The Planning Commission (6-0 vote) and staff recommend APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

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APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

RECOMMENDATION:

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

BACKUP DOCUMENTATION:

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

MOTION:

WEEKLY – APPROVED subject to conditions – UNANIMOUS

NOTE: MAYOR GOODMAN initially abstained because MR. ZARING owns property in conjunction with either himself or MR. SNYDER, a partner of his at Apex. However, the City Attorney's office clarified for him that the application is represented by CITY MANAGER SELBY, with whom he has no conflict.

MINUTES:

MAYOR PRO TEM REESE declared the Public Hearing open.

DAVID WILSON, Kimley-Horn and Associates, Inc., 1050 East Flamingo Road, Suite S-210, appeared on behalf of the applicant and concurred with all conditions.

TOM McGOWAN, Las Vegas resident, questioned the purpose of the vacation. MR. WILSON explained that one portion is for right-of-way adjacent to Grand Central Parkway and the other adjacent to the Union Pacific Railroad. The 60-foot width of the drainage easement is no longer required and may be narrowed to 20 feet. The property will be developed as an urban village complex. MR. McGOWAN stated that failure to provide that information in the agenda text caused the meeting to be out-of-order.

CITY COUNCIL MEETING OF MARCH 17, 2004
Planning and Development Department
Item 120 – VAC-3643

MINUTES – Continued:

No one appeared in opposition.

MAYOR GOODMAN declared the Public Hearing closed.

(2:43 – 2:45)

4-1161

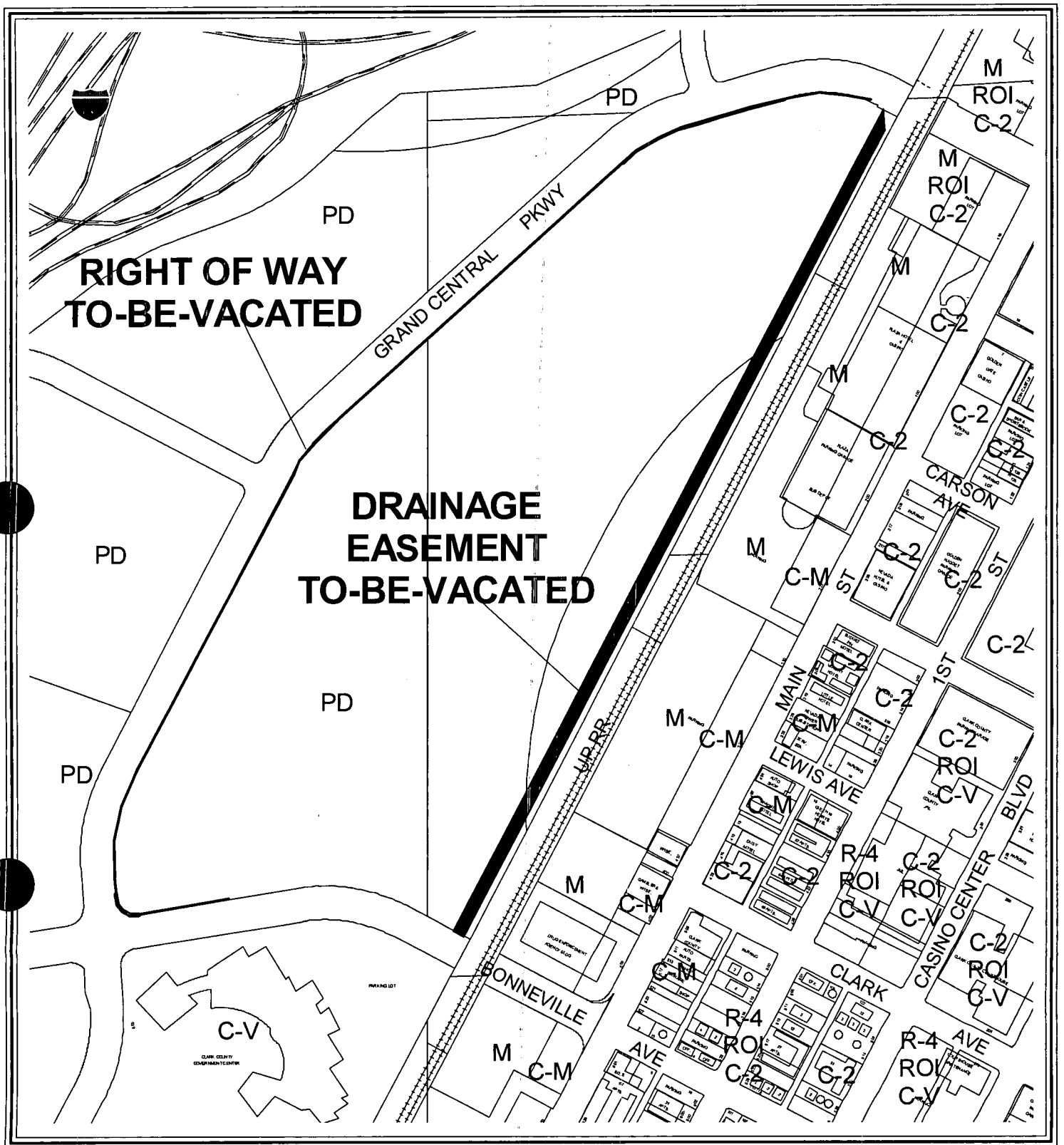
CONDITIONS:

1. All development shall be in conformance with code requirements and design standards of all City departments.
2. Reservation of easements for the facilities of the various utility companies together with reasonable ingress thereto and egress therefrom shall be provided if required.
3. This Vacation shall include the eastern and southernmost five feet (including tapers) of the Grand Central Parkway right-of-way and the northernmost five feet (including tapers) of right-of-way along the Bonneville Avenue alignment. It shall also include vacating the westernmost 40 feet of the existing 60-foot drainage easement located on the eastern boundary of the site.
4. A plan demonstrating how the area to be vacated will be incorporated into the adjacent property shall be submitted to and approved by the Department of Public Works prior to the recordation of an Order of Vacation for this site. The plan shall also indicate where pedestrian access easements will be required for sidewalk outside of the right-of-way. Such easements shall be granted prior to the recordation of an Order of Vacation for this site, unless otherwise allowed by the City Engineer.
5. A Drainage Plan and Technical Drainage Study or other related drainage information acceptable to the Flood Control Section must be submitted to and approved by the Department of Public Works prior to the recordation of the Order of Vacation for this application. Appropriate drainage easements shall be reserved if recommended by the approved Drainage Plan/Study.
6. Prior to the recordation of an Order of Vacation all public improvements, if any, adjacent to and in conflict with this vacation application are to be modified, as necessary, at the applicant's expense, or such modifications shall be guaranteed by provision of sufficient security for the performance thereof in accordance with the Subdivision Ordinance of the City of Las Vegas.

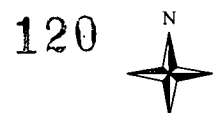
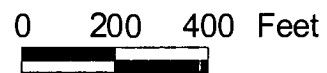
CITY COUNCIL MEETING OF MARCH 17, 2004
Planning and Development Department
Item 120 – VAC-3643

CONDITIONS – Continued:

7. The Order of Vacation shall not be recorded until all of the above conditions have been met provided, however, that conditions requiring modification of public improvements may be fulfilled for purposes of recordation by providing sufficient security for the performance thereof in accordance with the Subdivision Ordinance of the City of Las Vegas. City Staff is empowered to modify this application if necessary because of technical concerns or because of other related review actions as long as current City right-of-way requirements are still complied with and the intent of the vacation application is not changed. If applicable, a five-foot wide easement for public streetlight and fire hydrant purposes shall be retained on all vacation actions abutting public street corridors that will remain dedicated and available for public use. Also, if applicable and where needed, public easement corridors and sight visibility or other easements that would/should cross any right-of-way or easement being vacated must be retained.
8. If the Order of Vacation is not recorded within one (1) year after approval by the City Council and the Planning and Development Director does not grant an Extension of Time, then approval will terminate and a new petition must be submitted.



CASE: VAC-3643



AGENDA MEMO

CITY COUNCIL MEETING DATE: MARCH 17, 2004

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: VAC-3643 - APPLICANT: CITY PARKWAY IV, INC. AND CITY PARKWAY V, INC.

**** CONDITIONS ****

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

1. All development shall be in conformance with code requirements and design standards of all City departments.
2. Reservation of easements for the facilities of the various utility companies together with reasonable ingress thereto and egress therefrom shall be provided if required.
3. This Vacation shall include the eastern and southernmost five feet (including tapers) of the Grand Central Parkway right-of-way and the northernmost five feet (including tapers) of right-of-way along the Bonneville Avenue alignment. It shall also include vacating the westernmost 40 feet of the existing 60-foot drainage easement located on the eastern boundary of the site.
4. A plan demonstrating how the area to be vacated will be incorporated into the adjacent property shall be submitted to and approved by the Department of Public Works prior to the recordation of an Order of Vacation for this site. The plan shall also indicate where pedestrian access easements will be required for sidewalk outside of the right-of-way. Such easements shall be granted prior to the recordation of an Order of Vacation for this site, unless otherwise allowed by the City Engineer.
5. A Drainage Plan and Technical Drainage Study or other related drainage information acceptable to the Flood Control Section must be submitted to and approved by the Department of Public Works prior to the recordation of the Order of Vacation for this application. Appropriate drainage easements shall be reserved if recommended by the approved Drainage Plan/Study.
6. Prior to the recordation of an Order of Vacation all public improvements, if any, adjacent to and in conflict with this vacation application are to be modified, as necessary, at the applicant's expense, or such modifications shall be guaranteed by provision of sufficient security for the performance thereof in accordance with the Subdivision Ordinance of the City of Las Vegas.
7. The Order of Vacation shall not be recorded until all of the above conditions have been met provided, however, that conditions requiring modification of public improvements may be fulfilled for purposes of recordation by providing sufficient security for the performance thereof in accordance with the Subdivision Ordinance of the City of Las Vegas. City Staff is empowered to modify this application if necessary because of

technical concerns or because of other related review actions as long as current City right-of-way requirements are still complied with and the intent of the vacation application is not changed. If applicable, a five-foot wide easement for public streetlight and fire hydrant purposes shall be retained on all vacation actions abutting public street corridors that will remain dedicated and available for public use. Also, if applicable and where needed, public easement corridors and sight visibility or other easements that would/should cross any right-of-way or easement being vacated must be retained.

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

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

This request is for a Petition to Vacate portions of the east half of Grand Central Parkway, the north half of Bonneville Avenue and a 60-foot wide Public Drainage Easement generally located north of Bonneville Avenue, between the Union Pacific Railroad right-of-way and Grand Central Parkway.

B) Applicant's Justification

According to the applicant's justification letter, the portions of right-of-way proposed to be vacated would be integrated into the 61-acre project proposed for the Parkway Center development, to be used for a new landscape buffer and wider sidewalk. The current right-of-way line along Grand Central Parkway and Bonneville Avenue typically extends to the back of sidewalk; the proposal would move the right-of-way line to the back of curb or retaining wall, where one exists.

A 12-foot by 4-foot rectangular box culvert is proposed for the open channel currently existing within the 60-foot Public Drainage Easement. This new culvert only requires a 20-foot easement; therefore, 40 feet of the existing easement is proposed to be vacated. The vacation will allow for the construction of a park for the 100 South Grand Central Parkway (proposed 61-acre) project.

BACKGROUND INFORMATION

A) Previous Actions

11/23/98 The City Council approved a Rezoning (Z-0100-97) from M (Industrial) to PD (Planned Development) of approximately 223 acres adjacent to the east side of Interstate 15 between Charleston Boulevard and U.S. 95. Staff recommended approval. The Planning Commission and Staff recommended approval on 05/28/98.

01/02/02 The City Council adopted the Parkway Center Development Standards.

02/12/04 The Planning Commission voted 6-0 to recommend APPROVAL (PC Agenda Item #18).

DETAILS OF APPLICATION REQUEST

This Vacation application is described as follows:

The subject proposal is to Vacate a portion of the Northeast Quarter (NE ¼) of Section 33, and a portion of the Northwest Quarter (NW ¼) of Section 34, Township 20 South, Range 61 East, M.D.M.

ANALYSIS

A) *Planning discussion*

The applicant intends to incorporate the public right-of-way for portions of Grand Central Parkway and Bonneville Avenue into the adjacent proposed Parkway Center development. This request is appropriate, as the subject right-of-way is not needed and will not result in reduced access traffic-handling capability for the area.

The applicant also intends to incorporate a 40-foot portion of a 60-foot public drainage easement west of the Union Pacific Railroad right-of-way into the same Parkway Center development. This request is also appropriate, as the full 60 feet is not necessary to accommodate the flow of the open channel on the site.

B) *Public Works discussion*

The following information is presented concerning this request to vacate certain public street rights-of-way:

- A. Does this vacation request result in uniform or non-uniform right-of-way widths?
The vacation along Grand Central Parkway and Bonneville Avenue is for the purpose of providing a landscape buffer where only sidewalk currently exists; the vacation of 40 feet of the existing 60-foot drainage easement is in response to redesigned drainage facilities.
- B. From a traffic-handling viewpoint, will this vacation request result in a reduced traffic handling capability?
No. The width of the street will remain the same.
- C. Does it appear that the vacation request involves only excess right-of-way?
No. It is to provide a landscape buffer and site amenities to enhance adjacent projects.
- D. Does this vacation request coincide with development plans of the adjacent parcels?
Yes.
- E. Does this vacation request eliminate public street access to any abutting parcel?
No.
- F. Does this vacation request result in a conflict with any existing City requirements?
No.
- G. Does the Department of Public Works have an objection to this vacation request?
No.

NOTICES MAILED 9 by City Clerk

APPROVALS 0

PROTESTS 0

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: VAC-3643 APN: 139-34-110-002 & 139-34-110-003

Name of Property Owner: City Parkway IV, Inc. & City Parkway V, Inc.

Name of Applicant: City Parkway IV, INC. & City Parkway V., Inc.

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: DOUGLAS SELBY

Subscribed and sworn before me

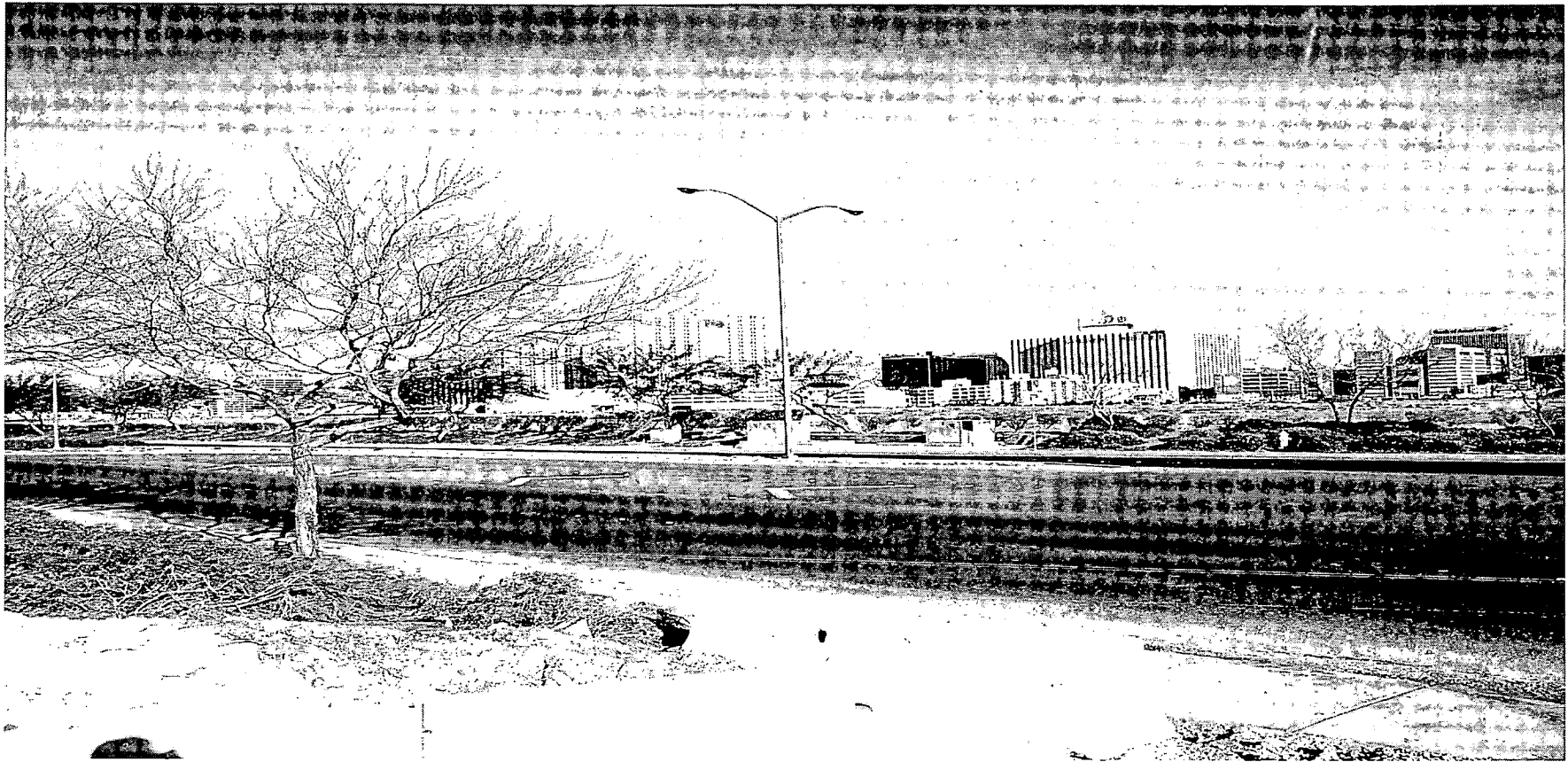
This 9th day of December, 2003

Notary Public in and for said County and State

Revised 2/12/02

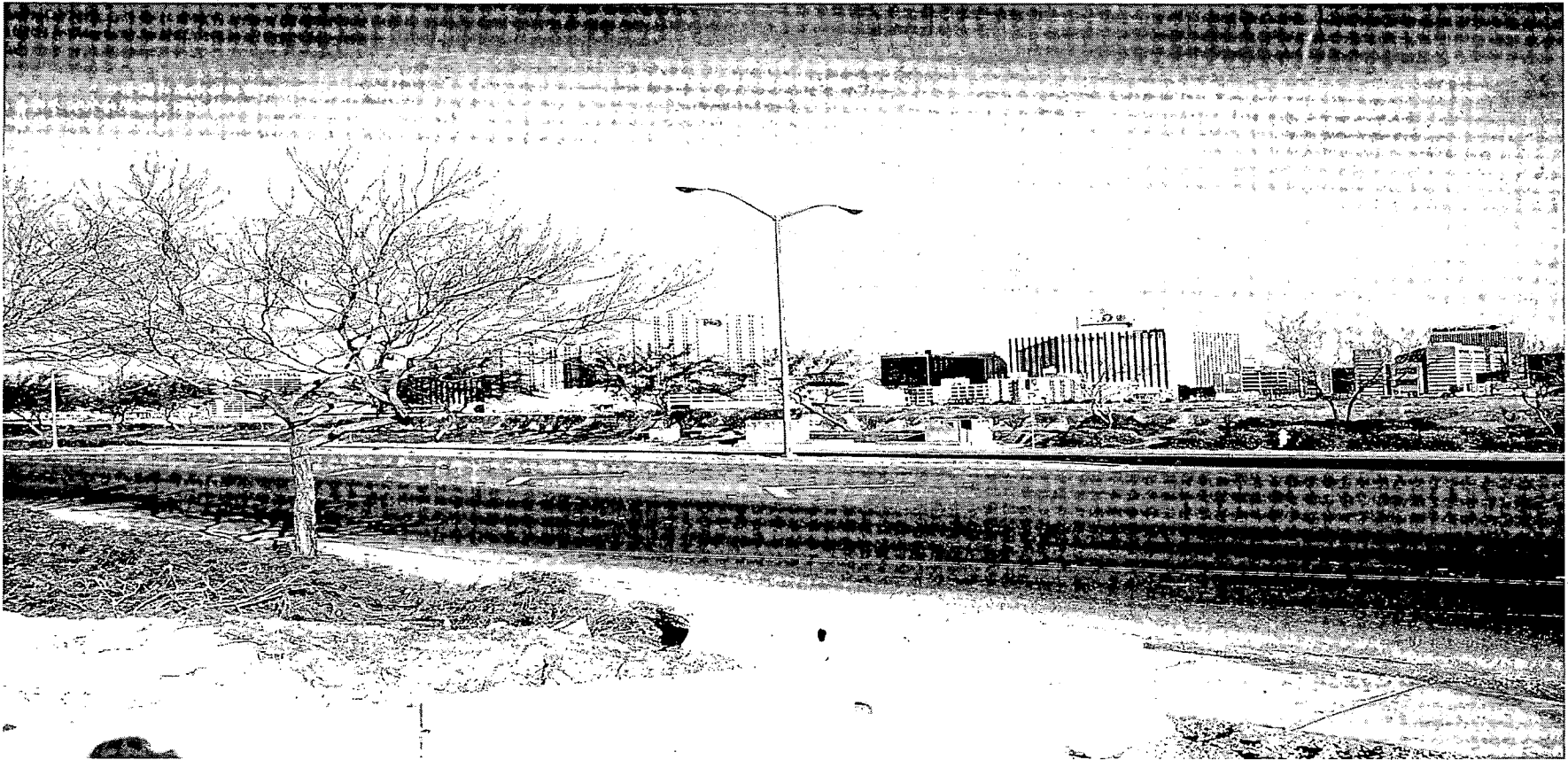


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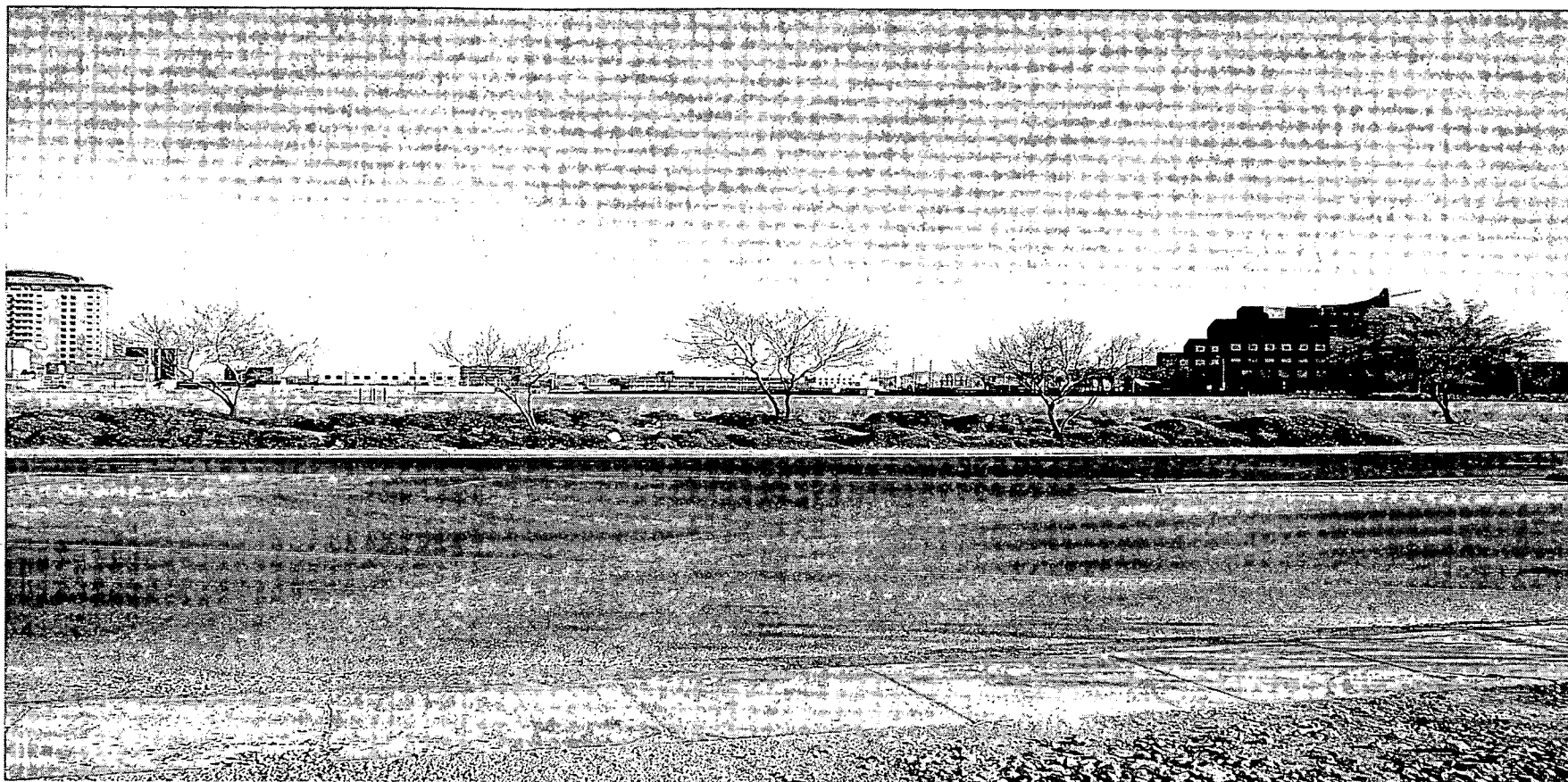
PUBLIC HEARING - VAC-3643 - APPLICANT: CITY PARKWAY IV, INC. AND CITY PARKWAY V, INC.
EAST HALF OF GRAND CENTRAL PARKWAY, A PORTION OF THE NORTH HALF OF BONNEVILLE
AVENUE AND A PORTION OF A SIXTY-FOOT WIDE PUBLIC DRAINAGE EASEMENT GENERALLY
LOCATED NORTH OF BONNEVILLE AVENUE, BETWEEN THE UNION PACIFIC RAILROAD RIGHT-OF-
WAY AND GRAND CENTRAL PARKWAY
FEBRUARY 12, 2004 PLANNING COMMISSION

01/23/04



PUBLIC HEARING - VAC-3643 - APPLICANT: CITY PARKWAY IV, INC. AND CITY PARKWAY V, INC.
EAST HALF OF GRAND CENTRAL PARKWAY, A PORTION OF THE NORTH HALF OF BONNEVILLE
AVENUE AND A PORTION OF A SIXTY-FOOT WIDE PUBLIC DRAINAGE EASEMENT GENERALLY
LOCATED NORTH OF BONNEVILLE AVENUE, BETWEEN THE UNION PACIFIC RAILROAD RIGHT-OF-
WAY AND GRAND CENTRAL PARKWAY
FEBRUARY 12, 2004 PLANNING COMMISSION

01/26/04



PUBLIC HEARING - VAC-3643 - APPLICANT: CITY PARKWAY IV, INC. AND CITY PARKWAY V, INC.
EAST HALF OF GRAND CENTRAL PARKWAY, A PORTION OF THE NORTH HALF OF BONNEVILLE
AVENUE AND A PORTION OF A SIXTY-FOOT WIDE PUBLIC DRAINAGE EASEMENT GENERALLY
LOCATED NORTH OF BONNEVILLE AVENUE, BETWEEN THE UNION PACIFIC RAILROAD RIGHT-OF-
WAY AND GRAND CENTRAL PARKWAY
FEBRUARY 12, 2004 PLANNING COMMISSION

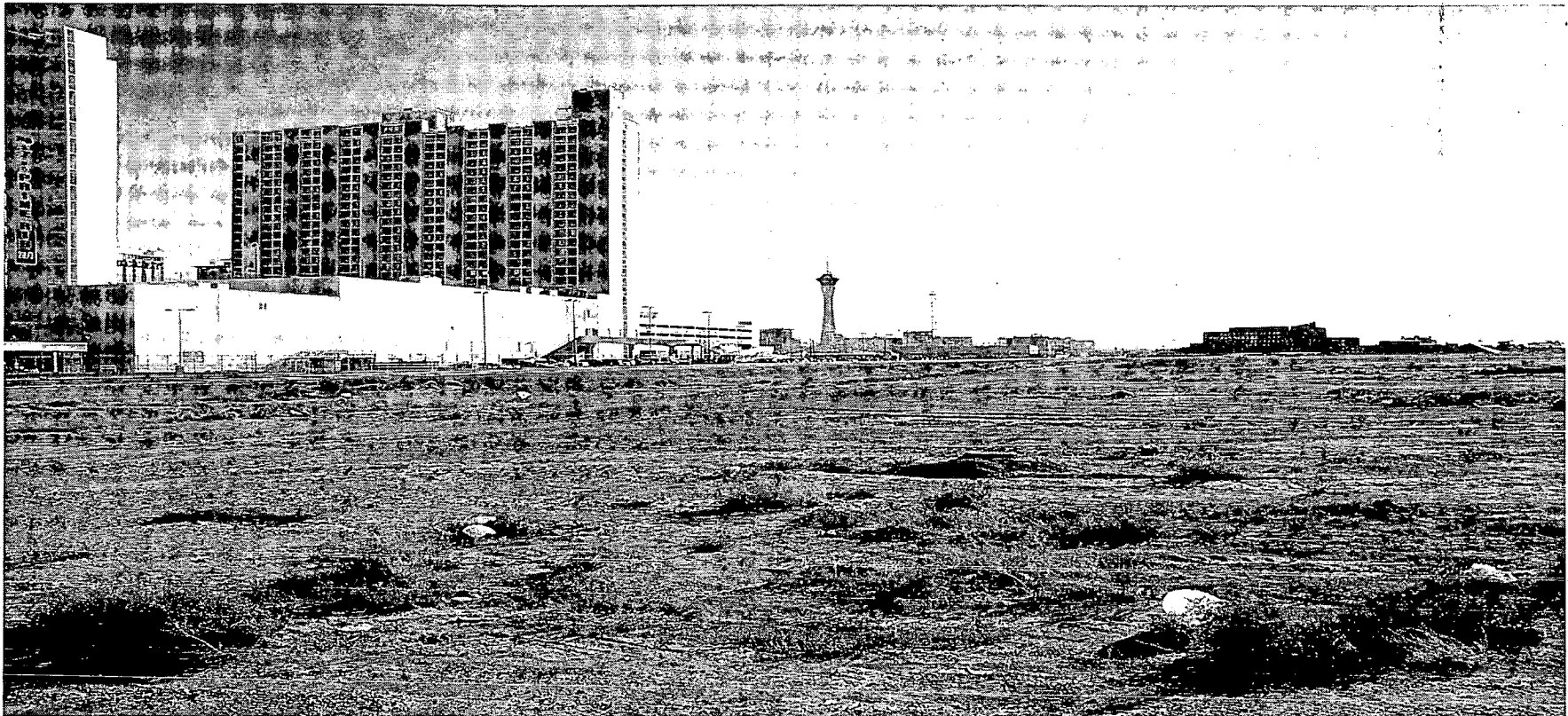
01/26/04



PUBLIC HEARING - VAC-3643 - APPLICANT: CITY PARKWAY IV, INC. AND CITY PARKWAY V, INC.
EAST HALF OF GRAND CENTRAL PARKWAY, A PORTION OF THE NORTH HALF OF BONNEVILLE
AVENUE AND A PORTION OF A SIXTY-FOOT WIDE PUBLIC DRAINAGE EASEMENT GENERALLY
LOCATED NORTH OF BONNEVILLE AVENUE, BETWEEN THE UNION PACIFIC RAILROAD RIGHT-OF-
WAY AND GRAND CENTRAL PARKWAY

FEBRUARY 12, 2004 PLANNING COMMISSION

01/26/04



PUBLIC HEARING - VAC-3643 - APPLICANT: CITY PARKWAY IV, INC. AND CITY PARKWAY V, INC.
EAST HALF OF GRAND CENTRAL PARKWAY, A PORTION OF THE NORTH HALF OF BONNEVILLE
AVENUE AND A PORTION OF A SIXTY-FOOT WIDE PUBLIC DRAINAGE EASEMENT GENERALLY
LOCATED NORTH OF BONNEVILLE AVENUE, BETWEEN THE UNION PACIFIC RAILROAD RIGHT-OF-
WAY AND GRAND CENTRAL PARKWAY
FEBRUARY 12, 2004 PLANNING COMMISSION

01/26/04

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF: MARCH 17, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☐

CONSENT

☒

DISCUSSION

SUBJECT:

VACATION - PUBLIC HEARING - VAC-3654 - APPLICANT: RICK WILLIAMS, ET AL - OWNER: CRAIG BUFFALO LIMITED - Petition to Vacate the north 30 feet of Helena Avenue, between Buffalo Drive and Quadrel Street, Ward 4 (Brown). The Planning Commission (6-0 vote) and staff recommend APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

RECOMMENDATION:

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

BACKUP DOCUMENTATION:

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

MOTION:

BROWN – APPROVED subject to conditions – **UNANIMOUS** with GOODMAN abstaining because MR. ZARING owns property in conjunction with either himself or MR. SNYDER, a partner of his at Apex

MINUTES:

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

JIM VELTMAN, Veltman Planning & Design, 4470 North Chieftain Street, appeared on behalf of the applicant and concurred with conditions.

No one appeared in opposition.

MAYOR PRO TEM REESE declared the Public Hearing closed.

(2:45 – 2:47)

4-1256

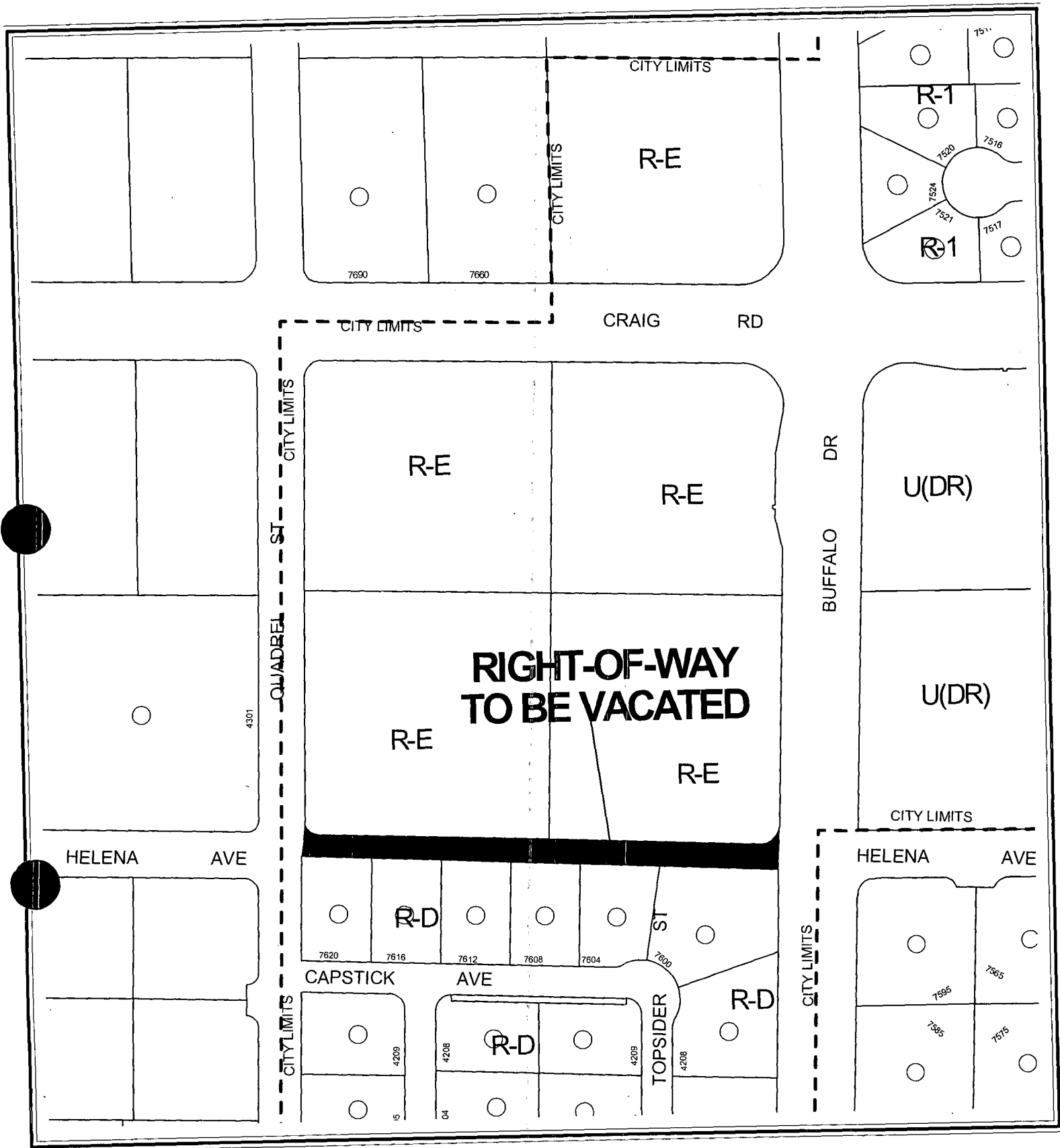
CONDITIONS:

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

CITY COUNCIL MEETING OF MARCH 17, 2004
Planning and Development Department
Item 121 – VAC-3654

CONDITIONS – Continued:

2. Reservation of easements for the facilities of the various utility companies together with reasonable ingress thereto and egress therefrom shall be provided, if required.
3. A Drainage Plan and Technical Drainage Study or other related drainage information acceptable to the Flood Control Section must be submitted to and approved by the Department of Public Works prior to the recordation of the Order of Vacation for this application. Appropriate drainage easements shall be reserved if recommended by the approved Drainage Plan/Study. The Drainage Study required by Rezoning Application ZON-3461 may be used to satisfy this condition, provided that it includes the area proposed to be vacated.
4. Prior to the recordation of an Order of Vacation all public improvements, if any, adjacent to and in conflict with this vacation application are to be modified, as necessary, at the applicant's expense, or such modifications shall be guaranteed by provision of sufficient security for the performance thereof in accordance with the Subdivision Ordinance of the City of Las Vegas.
5. The Order of Vacation shall not be recorded until all of the above conditions have been met; provided, however, that conditions requiring modification of public improvements may be fulfilled for purposes of recordation by providing sufficient security for the performance thereof in accordance with the Subdivision Ordinance of the City of Las Vegas. City Staff is empowered to modify this application if necessary because of technical concerns or because of other related review actions as long as current City right-of-way requirements are still complied with and the intent of the vacation application is not changed. If applicable, a five-foot wide easement for public streetlight and fire hydrant purposes shall be retained on all vacation actions abutting public street corridors that will remain dedicated and available for public use. Also, if applicable and where needed, public easement corridors and sight visibility or other easements that would/should cross any right-of-way or easement being vacated must be retained.
6. If the Order of Vacation is not recorded within one (1) year after approval by the City Council and the Planning and Development Director does not grant an Extension of Time, then approval will terminate and a new petition must be submitted.



0 100 200 Feet

CASE: VAC-3654

AGENDA MEMO

CITY COUNCIL MEETING DATE: MARCH 17, 2004

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: VAC-3654 - APPLICANT: RICK WILLAMS, ET AL -
OWNER: CRAIG BUFFALO LIMITED**

**** CONDITIONS ****

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

1. All development shall be in conformance with code requirements and design standards of all City departments.
2. Reservation of easements for the facilities of the various utility companies together with reasonable ingress thereto and egress therefrom shall be provided, if required.
3. A Drainage Plan and Technical Drainage Study or other related drainage information acceptable to the Flood Control Section must be submitted to and approved by the Department of Public Works prior to the recordation of the Order of Vacation for this application. Appropriate drainage easements shall be reserved if recommended by the approved Drainage Plan/Study. The Drainage Study required by Rezoning Application ZON-3461 may be used to satisfy this condition, provided that it includes the area proposed to be vacated.
4. Prior to the recordation of an Order of Vacation all public improvements, if any, adjacent to and in conflict with this vacation application are to be modified, as necessary, at the applicant's expense, or such modifications shall be guaranteed by provision of sufficient security for the performance thereof in accordance with the Subdivision Ordinance of the City of Las Vegas.
5. The Order of Vacation shall not be recorded until all of the above conditions have been met; provided, however, that conditions requiring modification of public improvements may be fulfilled for purposes of recordation by providing sufficient security for the performance thereof in accordance with the Subdivision Ordinance of the City of Las Vegas. City Staff is empowered to modify this application if necessary because of technical concerns or because of other related review actions as long as current City right-of-way requirements are still complied with and the intent of the vacation application is not changed. If applicable, a five-foot wide easement for public streetlight and fire hydrant purposes shall be retained on all vacation actions abutting public street corridors that will remain dedicated and available for public use. Also, if applicable and where needed, public easement corridors and sight visibility or other easements that would/should cross any right-of-way or easement being vacated must be retained.
6. If the Order of Vacation is not recorded within one (1) year after approval by the City Council and the Planning and Development Director does not grant an Extension of Time, then approval will terminate and a new petition must be submitted.

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

This request is for a Petition to Vacate the north 30 feet of Helena Avenue between Buffalo Drive and Quadrel Street.

B) Applicant's Justification

According to the applicant's justification letter, residential development is proposed for the area to be vacated, as well as the property to the north. The southern half of Helena Avenue is already developed and contains a 10-foot wide drainage easement, which will continue to be maintained.

BACKGROUND INFORMATION

A) Previous Actions

- 12/07/94 The City Council approved a request to Vacate (VAC-0044-94) the north 30 feet of Helena Avenue between Quadrel Street and Buffalo Drive. The Planning Commission and staff recommended approval on 10/27/94.
- 01/25/96 The Planning Commission approved an Extension of Time [VAC-0044-94(1)] on the approved Vacation. Staff recommended approval. The Order of Vacation was not recorded.
- 11/20/02 The City Council accepted the accepted the Withdrawal Without Prejudice of requests for a Rezoning (Z-0083-02) from R-E (Residence Estates) to R-PD2 (Residential Planned Development - 2 Units Per Acre) and a Site Development Plan Review [Z-0083-02(1)] for a proposed 21-lot single family residential development on approximately 10 acres adjacent to the southwest corner of Buffalo Drive and Craig Road. The Planning Commission and staff recommended approval of both items on 10/24/02.
- 01/22/04 The Planning Commission recommended approval of related requests to amend a portion of the Centennial Hills Sector Plan of the General Plan from DR (Desert Rural) to R (Rural) (GPA-3459); to Rezone (ZON-3461) approximately 10.8 acres from R-E (Residence Estates) to R-D (Single-Family Residential - Restricted); a Site Development Plan Review (SDR-3462) for a 23-lot single-family residential development; and for a Special Use Permit (SUP-3463) to allow Private Streets within a residential development proposed adjacent to the southwest corner of Craig Road and Buffalo Drive. Staff recommended approval of all requests. The City Council will decide on these items on 02/18/04.

02/12/04 The Planning Commission voted 6-0 to recommend APPROVAL (PC Agenda Item #19ss).

DETAILS OF APPLICATION REQUEST

This Vacation application is described as the north 30 feet of Helena Avenue from the east right-of-way line of Quadrel Street to the west right-of-way line of Buffalo Drive, including the Spandrel Areas; said property being a portion of the Northeast Quarter (NE ¼) of the Southeast Quarter (SE ¼) of Section 4, Township 20 South, Range 60 East, M.D.M.

ANALYSIS

A) Planning discussion

The applicant intends to incorporate the public right-of-way for Helena Avenue into the proposed adjacent residential development. This request is appropriate, as the subject right-of-way is not needed and will not result in reduced access traffic handling capability for the area. If approved, the entire section of right-of-way on Helena Avenue between Quadrel Street and Buffalo Drive will have been eliminated.

A 10-foot wide public drainage easement exists to the south of the proposed right-of-way to be vacated. The pending Drainage Study for the proposed development north of the current Helena Avenue right-of-way will determine any additional area to be reserved within this easement.

B) Public Works discussion

The following information is presented concerning this request to vacate certain public street right of ways:

- A. Does this vacation request result in uniform or non-uniform right-of-way widths? *The question does not apply in this case, as the subject Vacation will complete the total elimination of Helena Avenue between Quadrel Street and Buffalo Drive.*
- B. From a traffic handling viewpoint will this vacation request result in a reduced traffic handling capability? *No, since it is not used as a street.*
- C. Does it appear that the vacation request involves only excess right-of-way? *Yes, the south half of Helena Avenue was previously vacated and incorporated into a now existing subdivision.*
- D. Does this vacation request coincide with development plans of the adjacent parcels? *Yes, Rezoning Application ZON-3461 and Site Development Plan Review SDR-3462.*

- E. Does this vacation request eliminate public street access to any abutting parcel?
No.
- F. Does this vacation request result in a conflict with any existing City requirements?
No.
- G. Does the Department of Public Works have an objection to this vacation request?
No.

NOTICES MAILED 10 by City Clerk

APPROVALS 0

PROTESTS 0



PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: VAC-3454 APN: 138-04-704-001,002,003,004
Name of Property Owner: CRAIG BUFFALO LTD. % R. ZARING
Name of Applicant: RICK WILLIAMS et al.

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?

X 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: MAYOR
William F. Simpson, Berta trust 2/10/10, FIRMIN J. Berta

Partner(s): Robert R. Zaring, Jerome F. Snyder, Karen Aldrich,
Stone Family Trust, Anna Peterson,
Kenneth Amador, Sue M. MacDonald,
Garrett Robinson, Trustee, Estate of John,
THOMAS, MARION S. LAMIEUX, George W. Lamieux
APN: 010-451-2.9
Mark L. Peterson
Joseph Escobar

Signature of Property Owner/Authorized Agent: Robert A. Zaring

Print Name: Robert A. Zaring

Subscribed and sworn before me

This 3rd day of December, 2003

Deborah Davison
Notary Public in and for said County and State





PUBLIC HEARING - VAC-3654 - APPLICANT: RICK WILLIAMS, ET AL - OWNER: CRAIG BUFFALO
LIMITED
NORTH 30 FEET OF HELENA AVENUE, BETWEEN BUFFALO DRIVE AND QUADREL STREET
FEBRUARY 12, 2004 PLANNING COMMISSION

01/23/04

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF: MARCH 17, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

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CONSENT

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DISCUSSION

SUBJECT:

VARIANCE - PUBLIC HEARING - VAR-3288 - APPLICANT: PAUL AND SANDY BROUSSEAU - 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). Staff recommends DENIAL. The Planning Commission (6-0 vote) recommends APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

1

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

RECOMMENDATION:

Staff recommends DENIAL. The Planning Commission (6-0 vote) recommends APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Letter requesting the item be tabled from Paul and Sandy Brosseau
5. Submitted after final agenda – Abeyance request from Paul and Sandy Brosseau
6. Back up referenced from the 2/12/2004 Planning Commission meeting Item 21

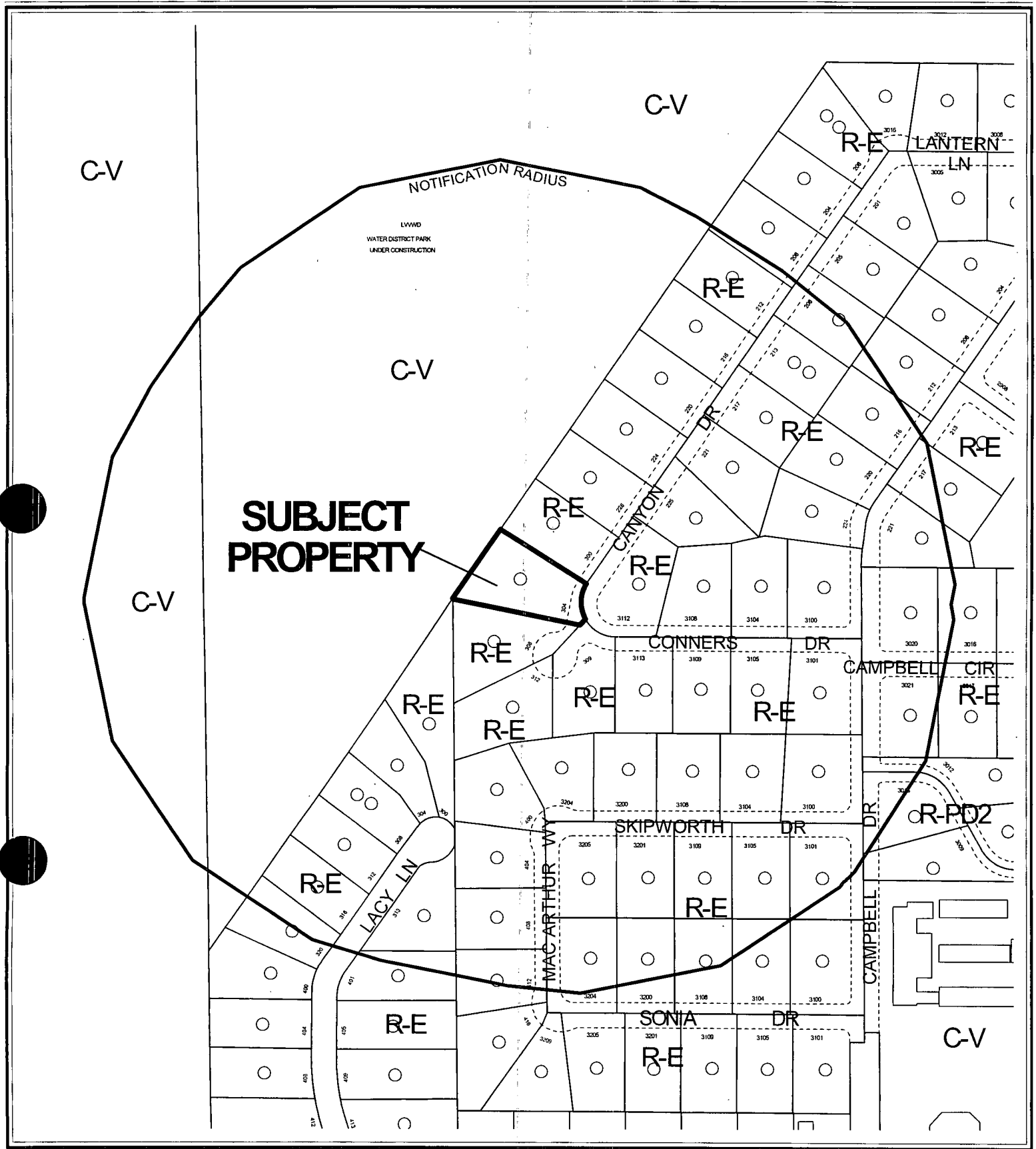
MOTION:

REESE – Motion to Accept the WITHDRAWAL Without Prejudice of Item 114 [SDR-3386] and HOLD IN ABEYANCE Item 122 [VAR-3288] and Item 126 [SUP-3394] to 4/21/2004 and Item 131 [SUP-3653] and Item 132 [SDR-3651] to 5/19/2004 – UNANIMOUS with GOODMAN abstaining on Item 114 [SDR-3386] because there is still money owed to him on property he sold across the street at Casino Center and Bonneville and Item 126 [SUP-3394] because his office is in negotiations regarding billboard signs

MINUTES:

There was no discussion.

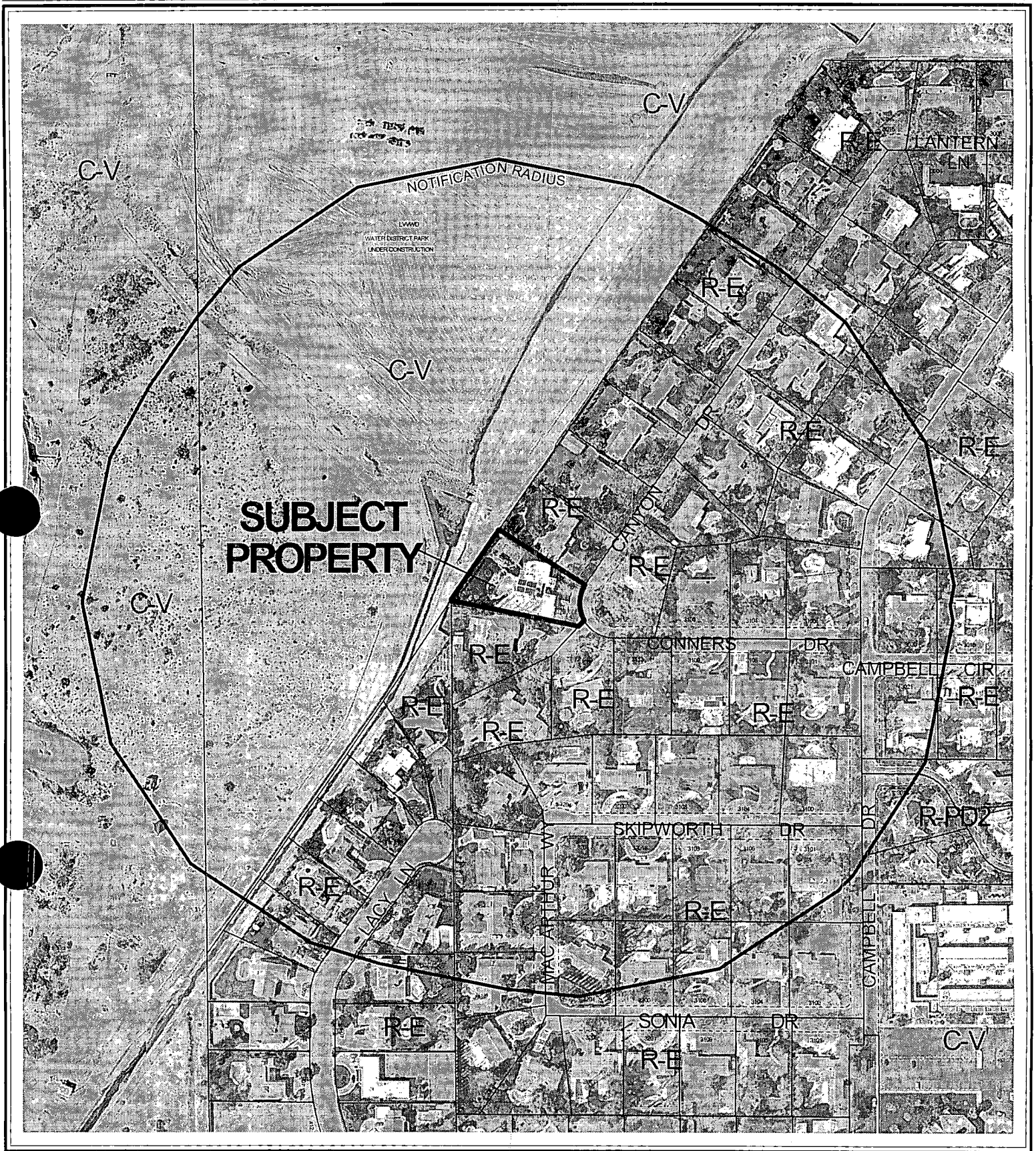
(2:07 – 2:10)



CASE: **VAR-3288**

RADIUS: 750 FT

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



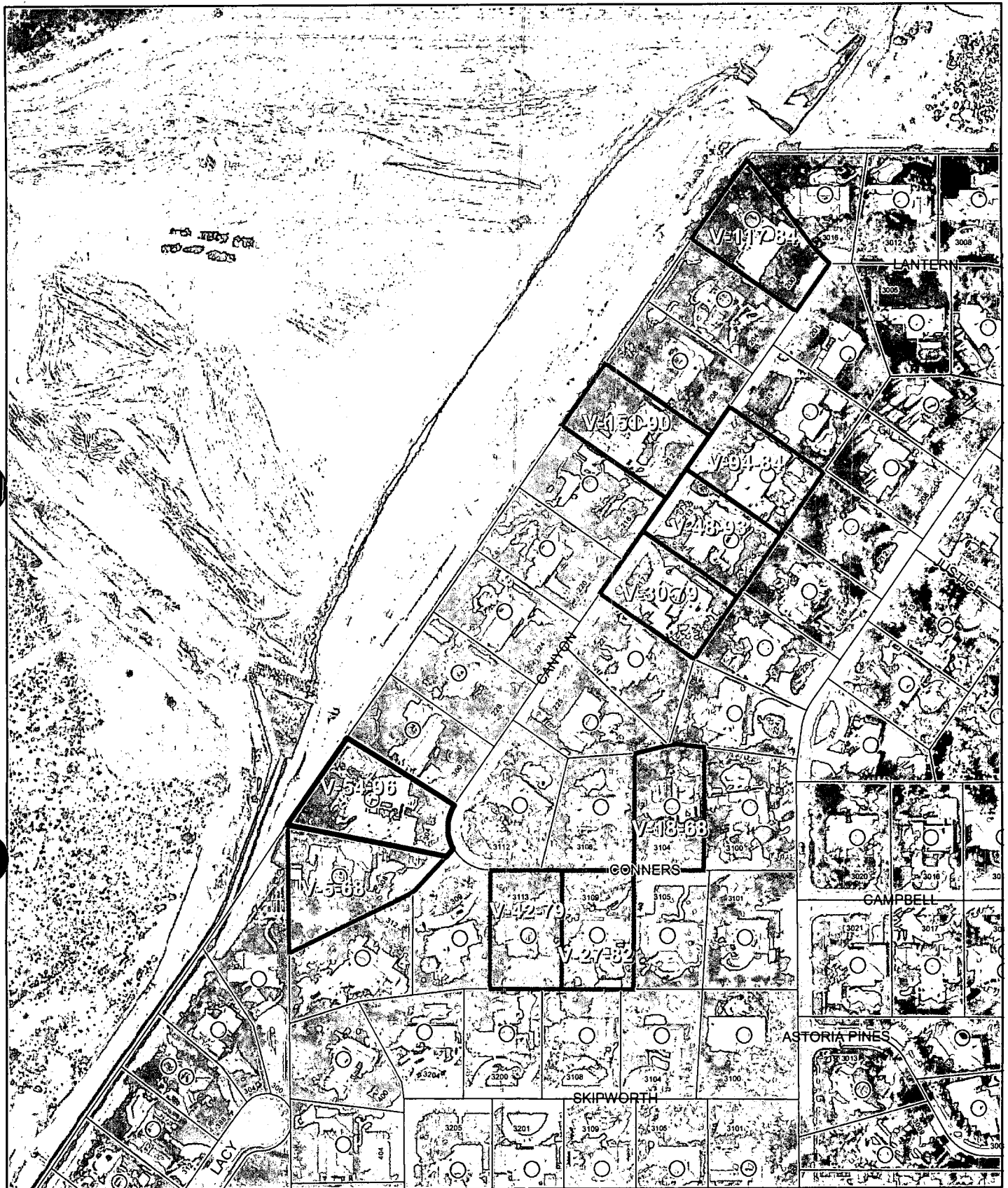
CASE: **VAR-3288**

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

CITY COUNCIL MEETING DATE: MARCH 17, 2004

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: VAR-3288 - APPLICANT: PAUL AND SANDY BROSSAU

**** CONDITIONS ****

Staff recommends DENIAL. The Planning Commission (6-0 vote) recommends APPROVAL, 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 Conners 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.
- 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.
- 02/12/04 The Planning Commission voted 6-0 to recommend APPROVAL (PC Agenda Item #21/al).

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

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
Rural Preservation Neighborhood		X
Development Impact Notification Assessment		X
Project of Regional Significance		X

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.

PLANNING COMMISSION ACTION

There was one neighbor who spoke at the Planning Commission hearing. Particular concern was expressed due to the Variance to allow two-story construction.

NOTICES MAILED 68 by City Clerk

APPROVALS 0

PROTESTS 1

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **VAR-3288** APN: **13932211031**

Name of Property Owner: PAUL BROSSAU & SANDRA BROSSAU

Name of Applicant: PAUL BROSSAU & SANDRA BROSSAU

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 Rossen

Print Name: PAUL BROUSSEAU

Subscribed and sworn before me

This 21st day of October, 2003

Kelley Delong
Notary Public in and for said County and State

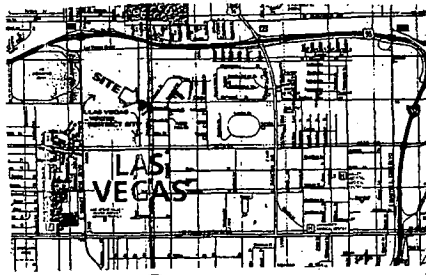


BROUSSEAU RESIDENCE ADDITION

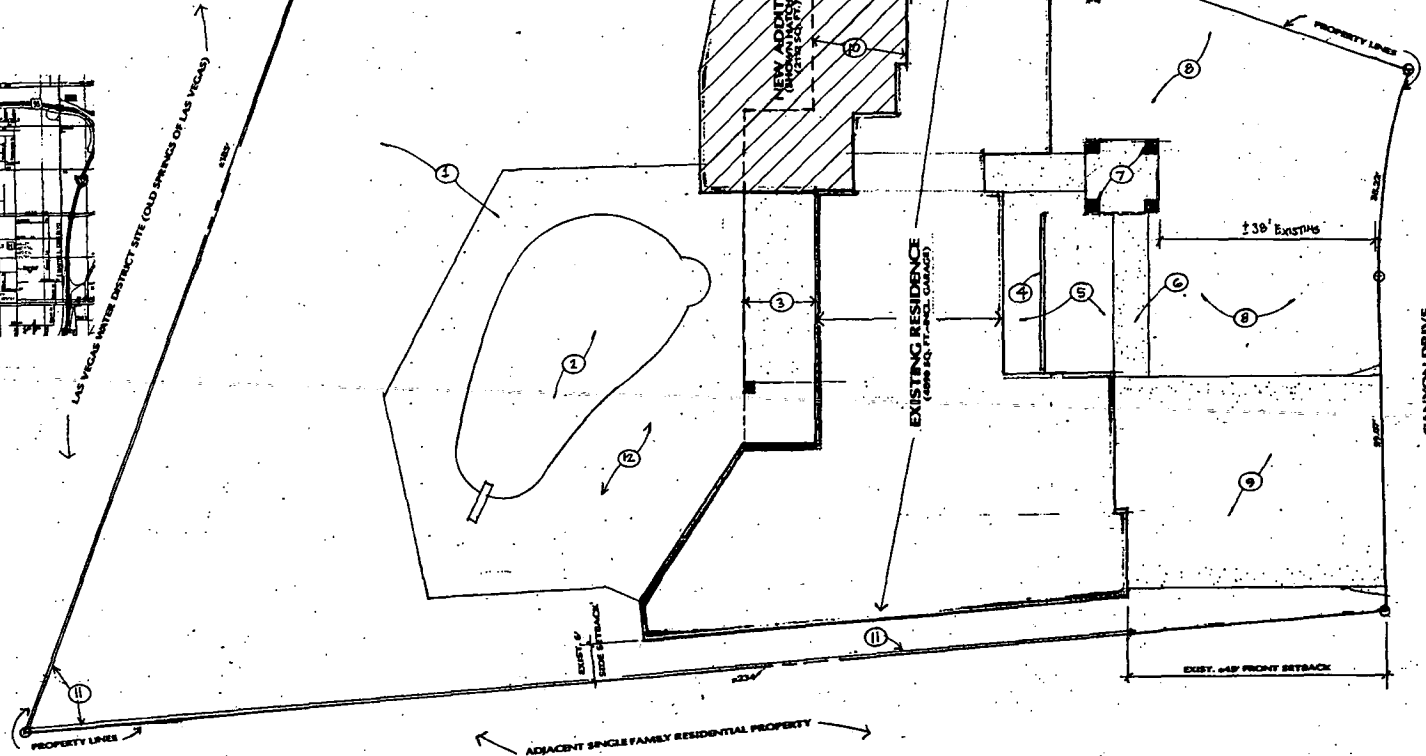
304 CANYON DRIVE

KEYNOTES

1. EXISTING LANDSCAPED REAR YARD
2. EXISTING SWIMMING POOL
3. EXISTING COVERED PATIO
4. EXISTING STUCCOED SCREEN WALL
5. EXISTING PLAYING AREAS
6. EXISTING CONC. WALK
7. EXISTING ENTRY PORCH STRUCT.
8. EXISTING LANDSCAPED FRONT YARD
9. EXISTING CONC. DRIVEWAY
10. EXTENT OF EXISTING HOUSE AREA TO BE INCORPORATED INTO NEW ADDITION (DEFINED BY DASHED LINE)
11. EXISTING 6" HIGH CONC. B/L. WALL
12. EXIST. CONC. POOL DECK



VICINITY MAP



SITE PLAN

SQ. FOOTAGE

EXIST. HOUSE-6,000 SQ. FT. (INCL. GARAGE)
NEW ADDITION-2,700 SQ. FT.
TOTAL SQ. FT. (INCL. GARAGE)-8,700

REVISIONS

BROUSSEAU RESIDENCE
ADDITION
304 CANYON DRIVE



10'-0" = 1"

NO. 32-467
REV. 12-1977

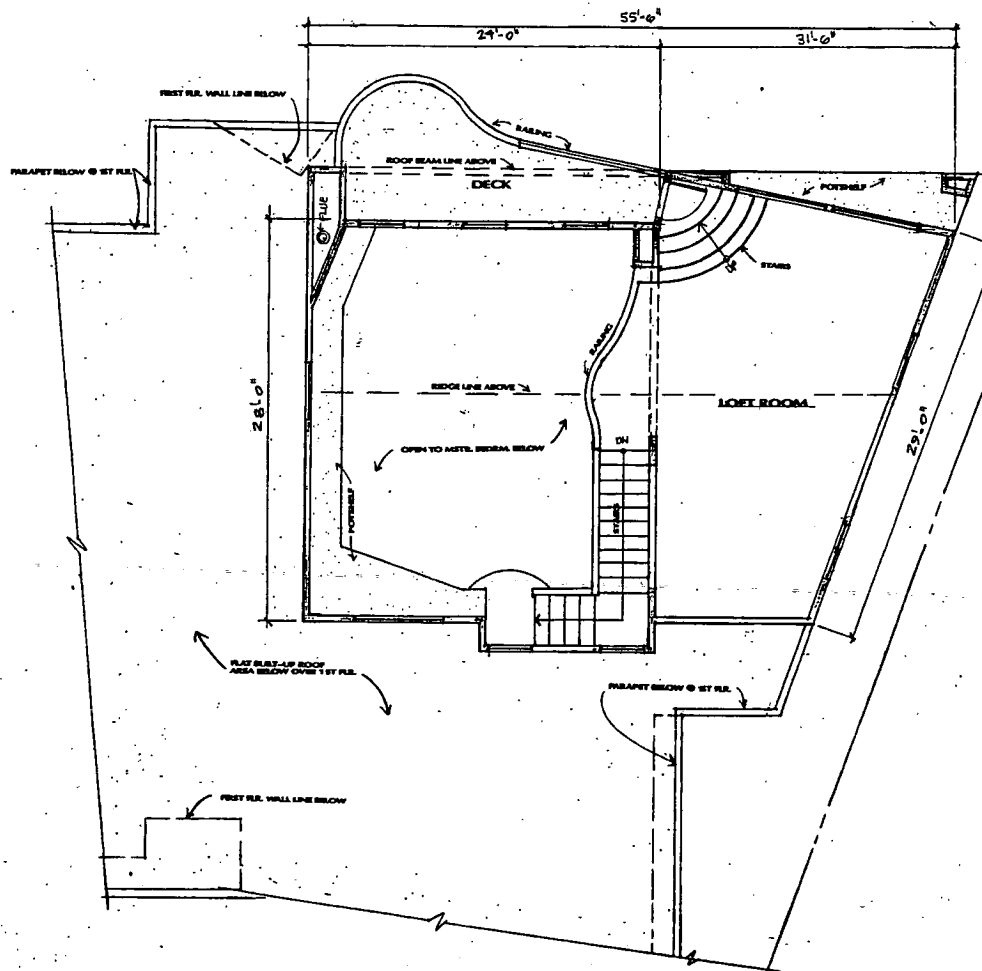
304 Canyon Drive
Las Vegas, NV 89102

SITE PLAN

Date:
Drawn:
Check:
Job:
Sheet:

1

STAFF VAR-3288
12-18-03 PC



SECOND FLOOR PLAN
497 SQ. FT.



VAR-3288
STAFF 12-18-03 PC

REVISIONS

BROUSSEAU RESIDENCE
ADDITION
304 CANYON DRIVE

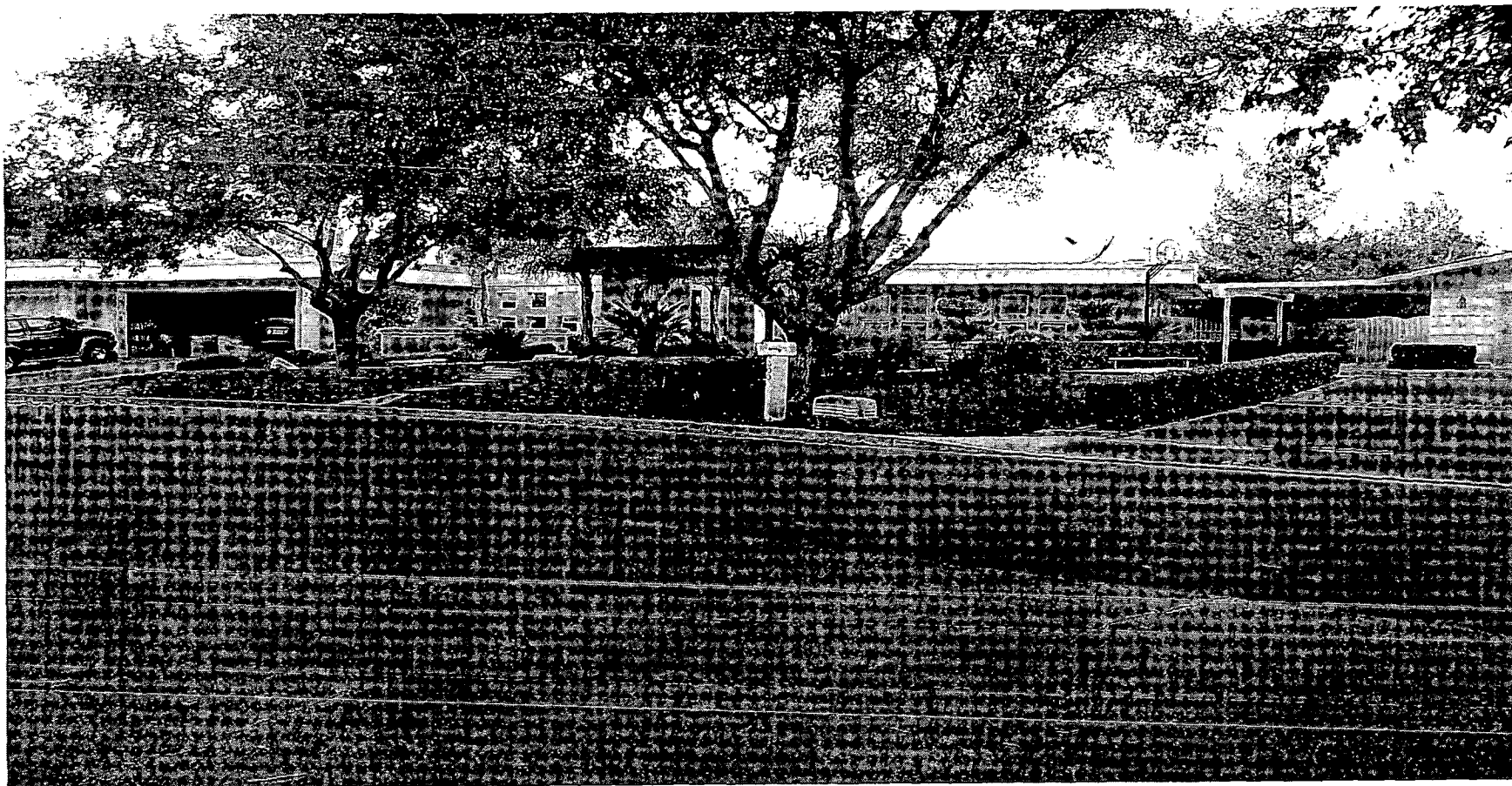


VAR-3288
12-18-03
12-18-03
12-18-03

SECOND FLOOR PLAN

Date
Scale
Drawn
Job
Sheet

3



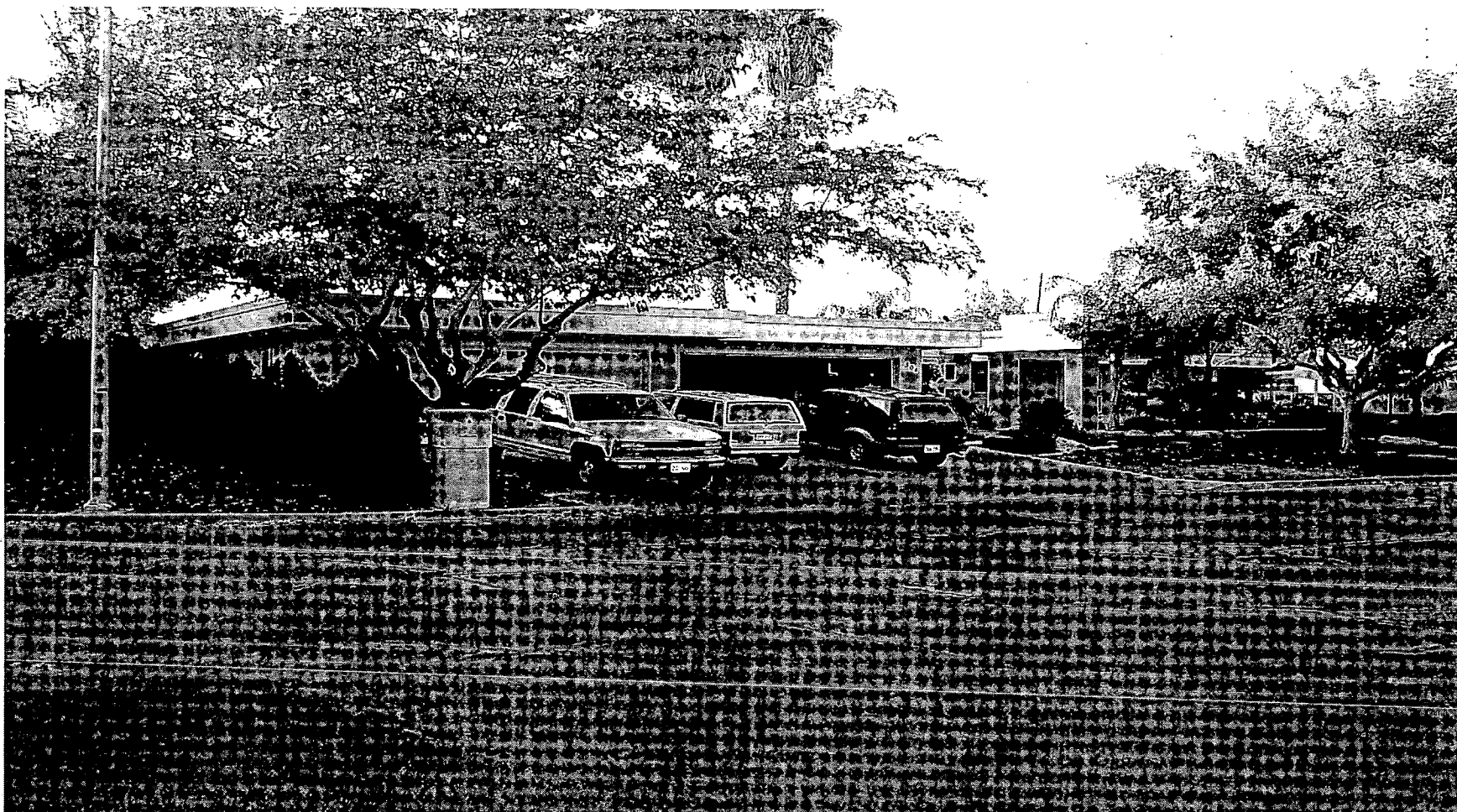
VAR-3288 - PAUL AND SANDY BROSSAU
304 CANYON DRIVE
FEBRUARY 12, 2004 PLANNING COMMISSION

11/25/03



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

11/25/03



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

11/25/03

Paul & Sandy Brosseau
304 Canyon Dr.
Las Vegas, NV 89107
Phone: 702-877-0057
Fax: 702-259-3127

March 1, 2004

Las Vegas City Council
City of Las Vegas
400 Stewart Avenue
Las Vegas, Nevada
Phone: 702-229-6301
Fax: 702-382-4803

RECEIVED
CITY CLERK
2004 MAR -4 A 11:58

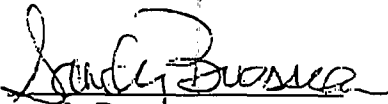
Re: VAR-3288
Applicant: Paul & Sandy Brosseau
City Council meeting date currently scheduled for 3-17-04

Las Vegas City Council:

Please accept this letter as a request to hold the above stated item in abeyance until a future City Council meeting. We are still in the process of working out some of the detail and drawings. Thank you for your understanding of this matter.

Sincerely,


Paul Brosseau


Sandy Brosseau

Paul & Sandy Brosseau
304 Canyon Dr.
Las Vegas, NV 89107
Phone: 702-877-0057
Fax: 702-259-3127

RECEIVED
CITY CLERK

2004 MAR 16 A 8:53

March 15, 2004

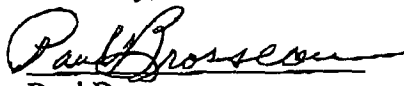
Las Vegas City Council
City of Las Vegas
400 Stewart Avenue
Las Vegas, Nevada
Phone: 702-229-6301
Fax: 702-382-4803

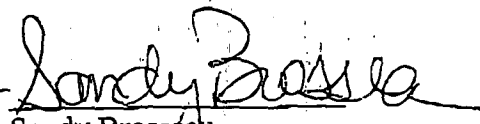
Re: VAR-3288
Applicant: Paul & Sandy Brosseau
City Council meeting date currently scheduled for 3-17-04

Las Vegas City Council:

Please accept this letter as a request to hold the above stated item in abeyance until the April 21st City Council meeting. We are still in the process of working out some of the detail and drawings. Thank you for your understanding of this matter.

Sincerely,


Paul Brosseau


Sandy Brosseau

Submitted after final agenda

Date 3/16/04 Item #122

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: MARCH 17, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☐

CONSENT

☒

DISCUSSION

SUBJECT:

VARIANCE - 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). Staff recommends DENIAL. The Planning Commission (5-1 vote) recommends
APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

1

RECOMMENDATION:

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

BACKUP DOCUMENTATION:

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

MOTION:

MACK – APPROVED subject to conditions – UNANIMOUS with WEEKLY not voting

MINUTES:

MAYOR GOODMAN declared the Public Hearing open.

BOBBYE EVANS, 5528 Green Willow Street, explained that she purchased the property in
1994 and needed the enclosed patio in order to have a safe and climate controlled place for the
ADHD foster children she adopted to play. This does not interfere with the neighbors, and the
neighbor to the rear submitted a support letter. The addition meets the building code. The
person doing the work questioned the permit, and there was confusion that an additional permit
was needed for the enclosure. She agreed to install outside lighting, raise the floor and concurred
with all conditions.

No one appeared in opposition.

MAYOR GOODMAN declared the Public Hearing closed.

(2:15 – 2:19)

4-241

CITY COUNCIL MEETING OF MARCH 17, 2004
Planning and Development Department
Item 123 – VAC-3658

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.

AGENDA MEMO

CITY COUNCIL MEETING DATE: MARCH 17, 2004
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: VAR-3658 - APPLICANT: BOBBYE EVANS

**** CONDITIONS ****

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

02/12/04 The Planning Commission voted 5-1 to recommend APPROVAL (PC Agenda Item #30/fs).

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."

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.

PLANNING COMMISSION ACTION

There was one speaker at the Planning Commission hearing.

NOTICES MAILED 379 by City Clerk

APPROVALS 1

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: _____

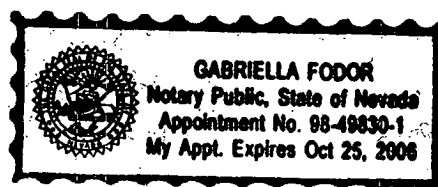
Signature of Property Owner/Authorized Agent: Bobbie Evans

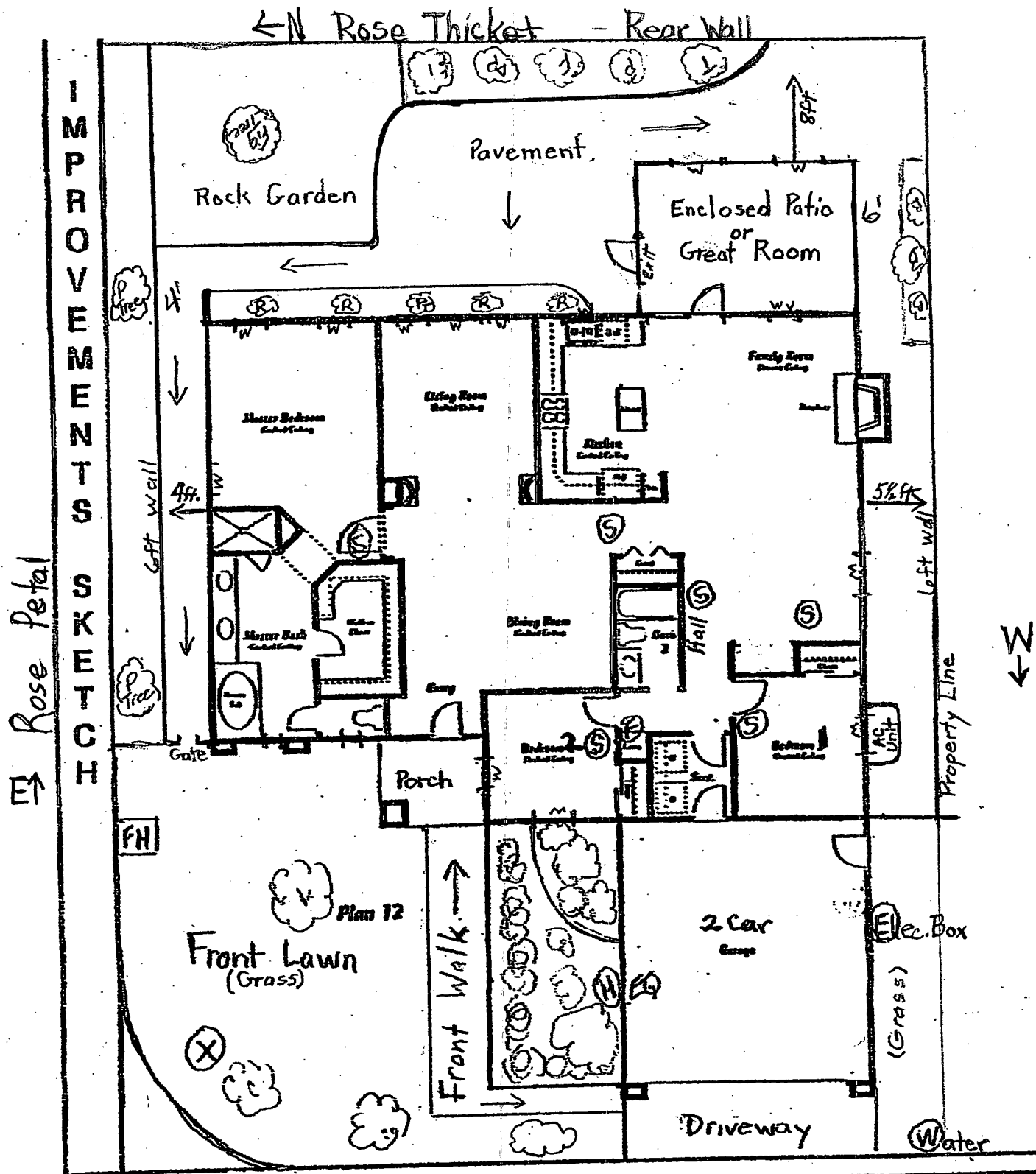
Print Name: Bobbie Evans

Subscribed and sworn before me

This 17th day of DECEMBER, 2003

[Signature], CLARK, NV
Notary Public in and for said County and State





AREA CALCULATIONS SUMMARY

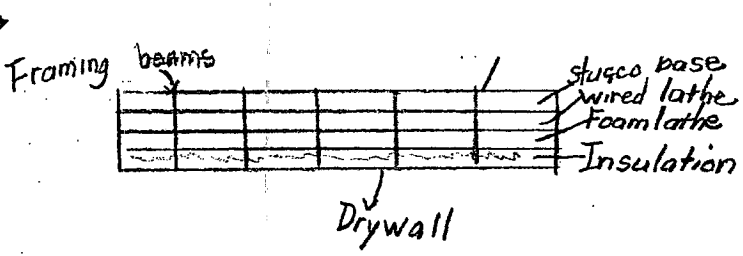
Area	Name of Area	Size	Totals
GLA1	LIVING AREA	1882.50	1882.50
GAR	Garage	410.00	410.00

VAR-3658
02-12-04 PC

← N

Rear Wall

W



Existing structure
Kitchen

S →

Sliding Door

Family Room

Window

72x80 French Door

outside light-plug

Floor raised 3" concrete

Switch

2 1/2" x 4" Base
Each Post
w/ 5/8" Sleeve Anch.
w/ 2" Post cap

4x4-8ft

Plug

7 1/2" x 47" window

Wedge anchor
Roof Edge

7 1/2" x 47" window

Plug

4x4-8ft

Plug

Heating-Air Unit

4' Addition

outside
foam +
wiring-
stucco
2 coats

Insulation

5 1/2"

Side Wall

III →

Beams

Framing

Attached walls

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
CITY COUNCIL MEETING OF: MARCH 17, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☐

CONSENT

☒

DISCUSSION

SUBJECT:

VARIANCE - 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). The Planning Commission (5-0-1 vote) and staff recommend APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

RECOMMENDATION:

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

BACKUP DOCUMENTATION:

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

MOTION:

MACK – APPROVED subject to conditions and deleting Condition 3 – UNANIMOUS

MINUTES:

MAYOR GOODMAN declared the Public Hearing open for Item 124 [VAR-3736] and Item 125 [SDR-3657].

ATTORNEY JENNIFER LAZOVICH, Kummer Kaempfer Bonner & Renshaw, 3800 Howard Hughes Parkway, appeared on behalf of the applicant and concurred with the condition, except Condition 3 pertaining to the site development plan. The applicant owns both pieces of property and requested that the condition be eliminated.

TODD FARLOW, 240 North 19th Street, protested that the applicant could sell one parcel and opposed elimination of the condition.

CITY COUNCIL MEETING OF MARCH 17, 2004
Planning and Development Department
Item 124 – VAR-3736

MINUTES – Continued:

COUNCILMAN MACK explained that a reduction in the building square footage required additional.

MAYOR GOODMAN declared the Public Hearing closed for Item 124 [VAR-3736] and Item 125 [SDR-3657].

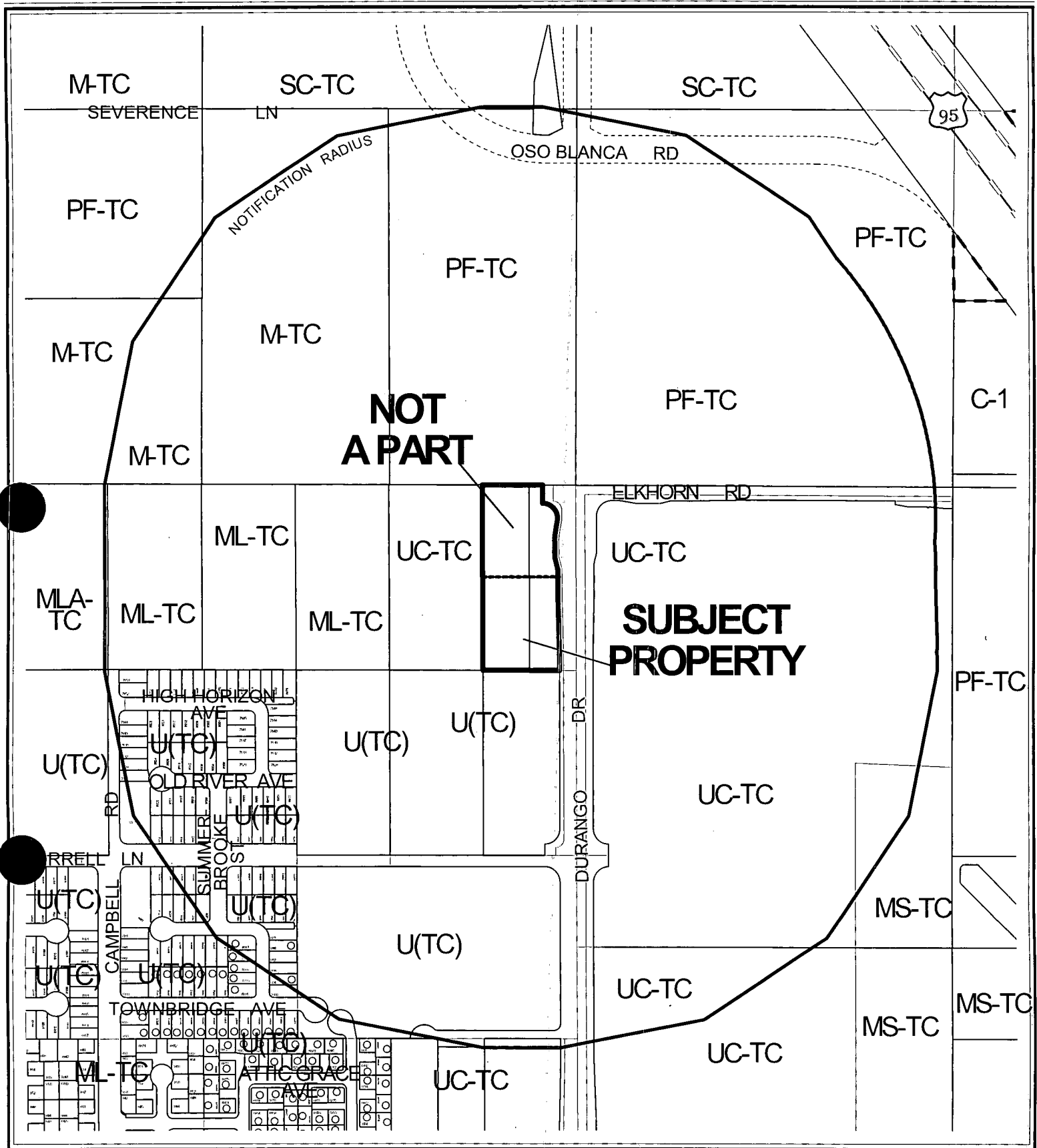
(2:47 – 2:49)

4-1293

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.
3. 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.



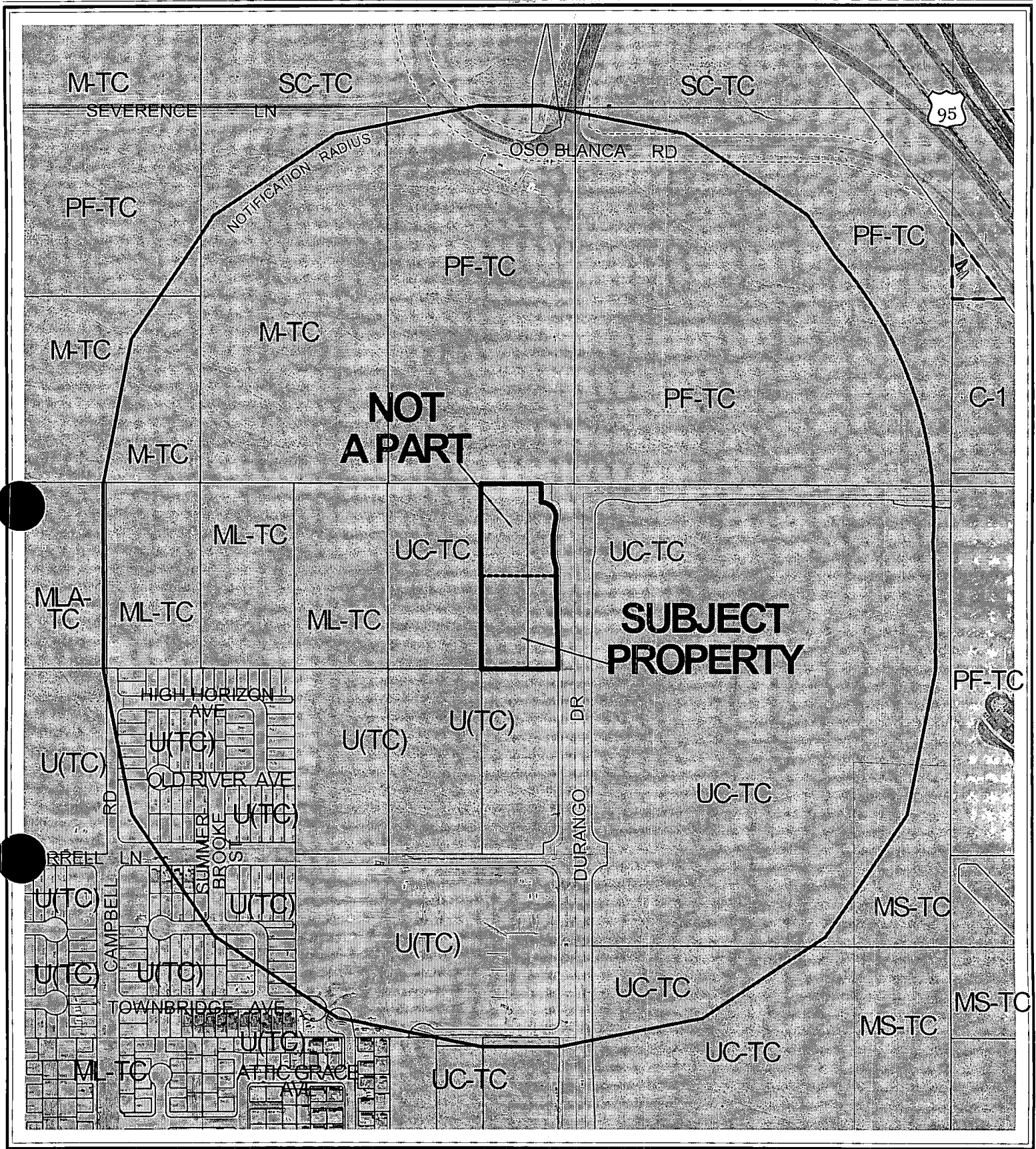
CASE: **VAR-3736**

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]



AGENDA MEMO

CITY COUNCIL MEETING DATE: MARCH 17, 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 ****

The Planning Commission (5-0-1 vote) and staff recommend 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.
3. 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.

**** 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.
- 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.

02/12/04 The Planning Commission voted 5-0-1 to recommend APPROVAL (PC Agenda Item #24/ss).

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 staff to discuss the height issue, with the result that single-story structures may 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.

PLANNING COMMISSION ACTION

The Planning Commission added Condition #3 regarding a shared access and parking agreement.

NOTICES MAILED 54 by City Clerk

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: DURANGO 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: _____

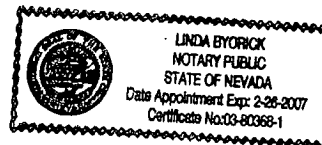
Signature of Property Owner/Authorized Agent: _____

Print Name: Tom Feltman

Subscribed and sworn before me

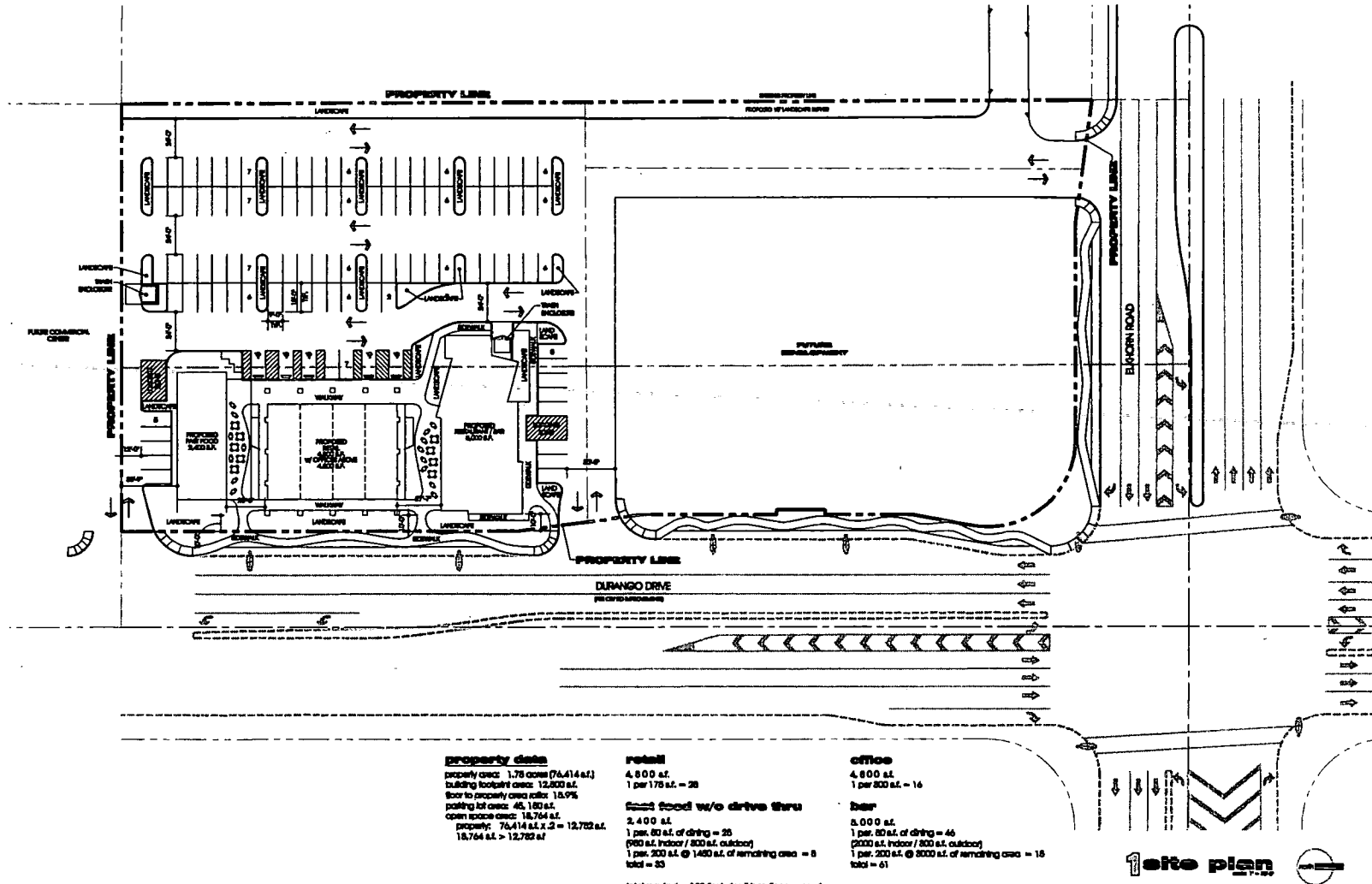
This 23rd day of December, 2003

Linda Byorick
Notary Public in and for said County and State



town center plaza

elkhorn & durango



property data
 property area: 1.78 acres (76,414 s.f.)
 building footprint area: 12,800 s.f.
 floor to property area ratio: 15.9%
 parking lot area: 45,180 s.f.
 open space area: 18,764 s.f.
 property: 76,414 s.f. x 2 = 12,762 s.f.
 18,764 s.f. > 12,762 s.f.

retail
 4,800 s.f.
 1 per 175 s.f. = 28
fast food w/o drive thru
 2,400 s.f.
 1 per 80 s.f. of dining = 30
 (600 s.f. indoor / 800 s.f. outdoor)
 1 per 300 s.f. @ 1,450 s.f. of remaining area = 8
 total = 35
 total required = 188 (includes 5 handicap spaces)
 total provided = 109 (includes 5 handicap spaces)

office
 4,800 s.f.
 1 per 800 s.f. = 16
bar
 5,000 s.f.
 1 per 80 s.f. of dining = 46
 (2000 s.f. indoor / 800 s.f. outdoor)
 1 per 200 s.f. @ 8000 s.f. of remaining area = 18
 total = 61

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

1 site plan

REVISED
 1-16-04

vicinity map



revisions:
 ▲ 01.00
 ▲ 02.00
 ▲ 03.00

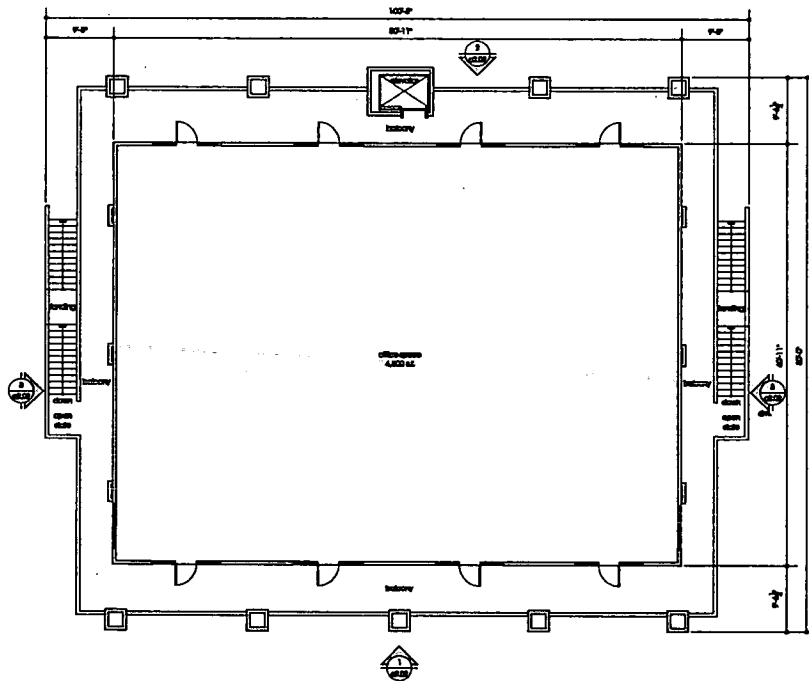
jawastudio
 architecture • interior design
 100 S. Greenway Suite 100 Las Vegas, NV 89106
 702.596.1799 Fax: 702.596.1798

stamp
 [Signature]

JOB NO. [blank]
 DATE [blank]
 DRAWN BY [blank]

town center plaza
elkhorn & durango

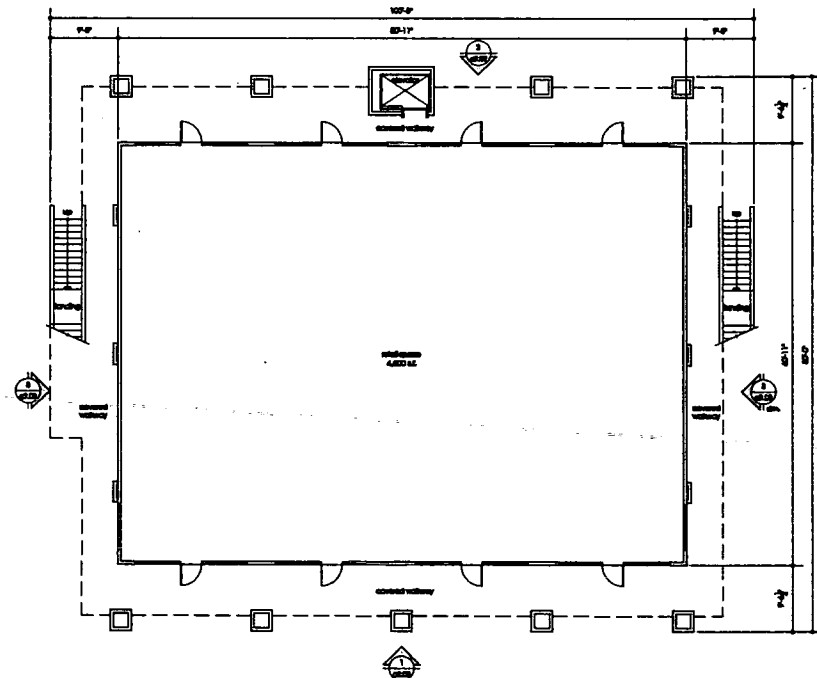
overall site plan **a0.01**



2 second level floor plan

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

REVISED
1-16-04



1 first level floor plan

revisions
△
△
△
△

jawa studio
architecture • interior design
1000 S. Commercial Street, Suite 1000, San Francisco, CA 94104
770.886.1728 Fax: 770.886.1728

stamp
1000 S. Commercial Street, Suite 1000, San Francisco, CA 94104
770.886.1728 Fax: 770.886.1728

drawn by
check by

floor plans • renderings • etc.

town center plaza
station & clearance
a1.02



REVISED
1-16-04

revisions
 ▲ 1. 2. 3. 4. 5. 6. 7. 8. 9. 10. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100.

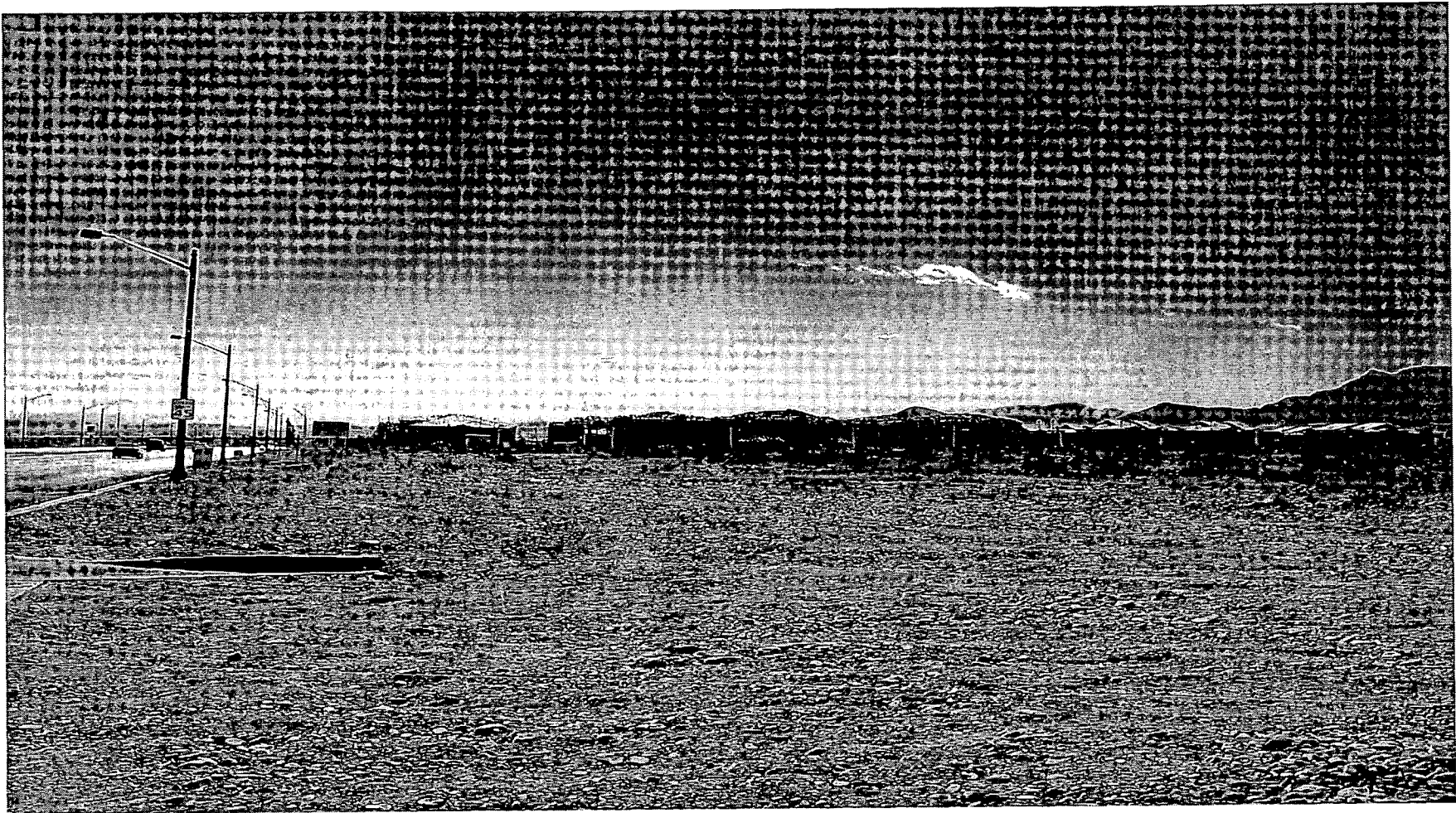
awastudio
 architecture • interior design
 100 N. Charleston Bldg. 100, Long Beach, HI 90801
 708.966.1728 fax 708.966.1734

stamp

town center plaza
 100 N. Charleston Bldg. 100, Long Beach, HI 90801
 708.966.1728 fax 708.966.1734

fast food plan & show

a1.03



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
CITY COUNCIL MEETING OF: MARCH 17, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☐

CONSENT

☒

DISCUSSION

SUBJECT:

SITE DEVELOPMENT PLAN REVIEW RELATED TO VAR-3736 - 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). The Planning Commission (5-0-1 vote) and staff recommend APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

RECOMMENDATION:

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

BACKUP DOCUMENTATION:

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

MOTION:

MACK – APPROVED subject to conditions – UNANIMOUS

MINUTES:

NOTE: See Item 124 [VAR-3736] for all related discussion.

(2:47 – 2:49)

4-1293

CONDITONS:

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.

CITY COUNCIL MEETING OF MARCH 17, 2004
Planning and Development Department
Item 125 – SDR-3657

CONDITIONS – Continued:

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

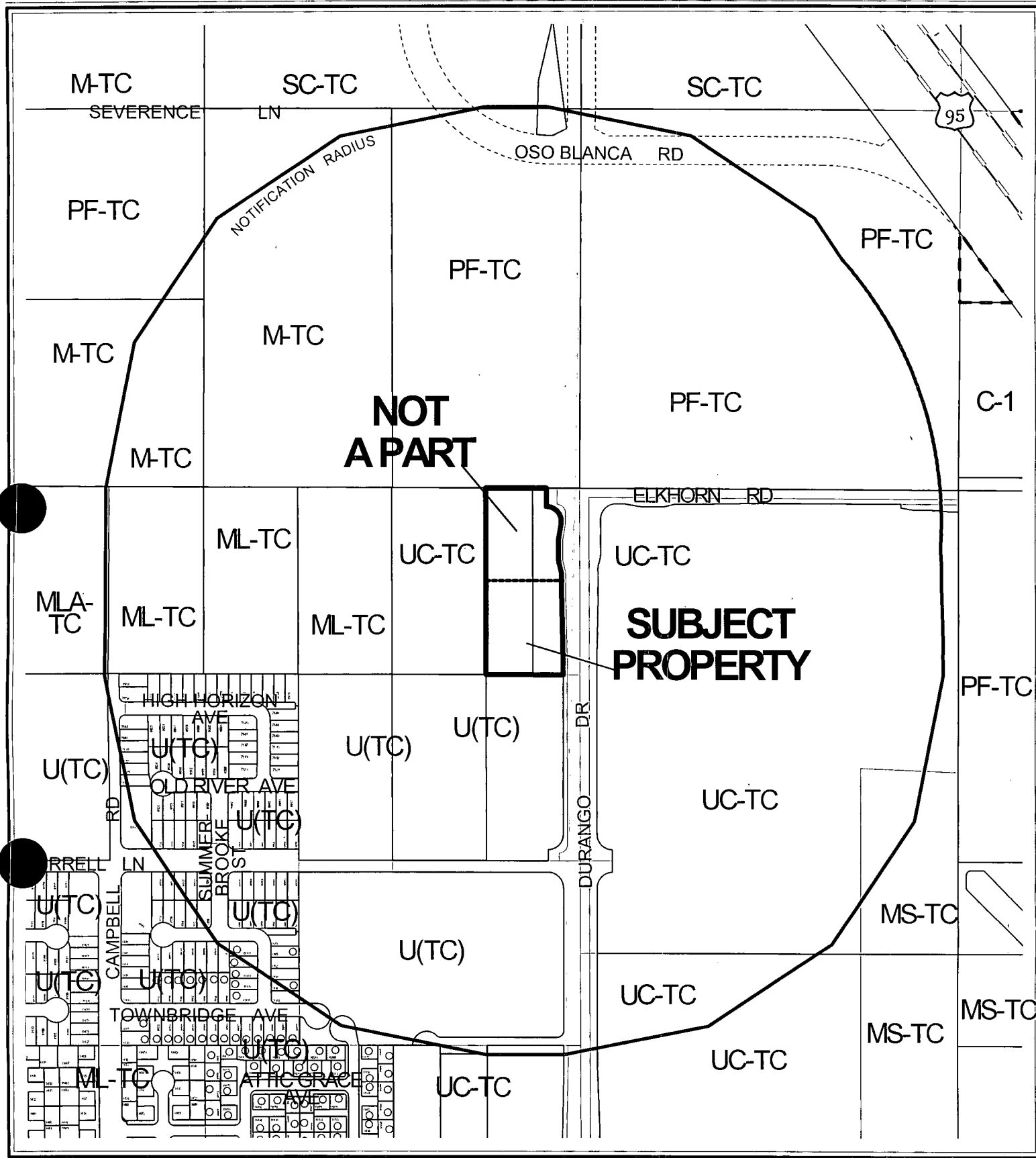
CITY COUNCIL MEETING OF MARCH 17, 2004
Planning and Development Department
Item 125 – SDR-3657

CONDITIONS – Continued:

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.

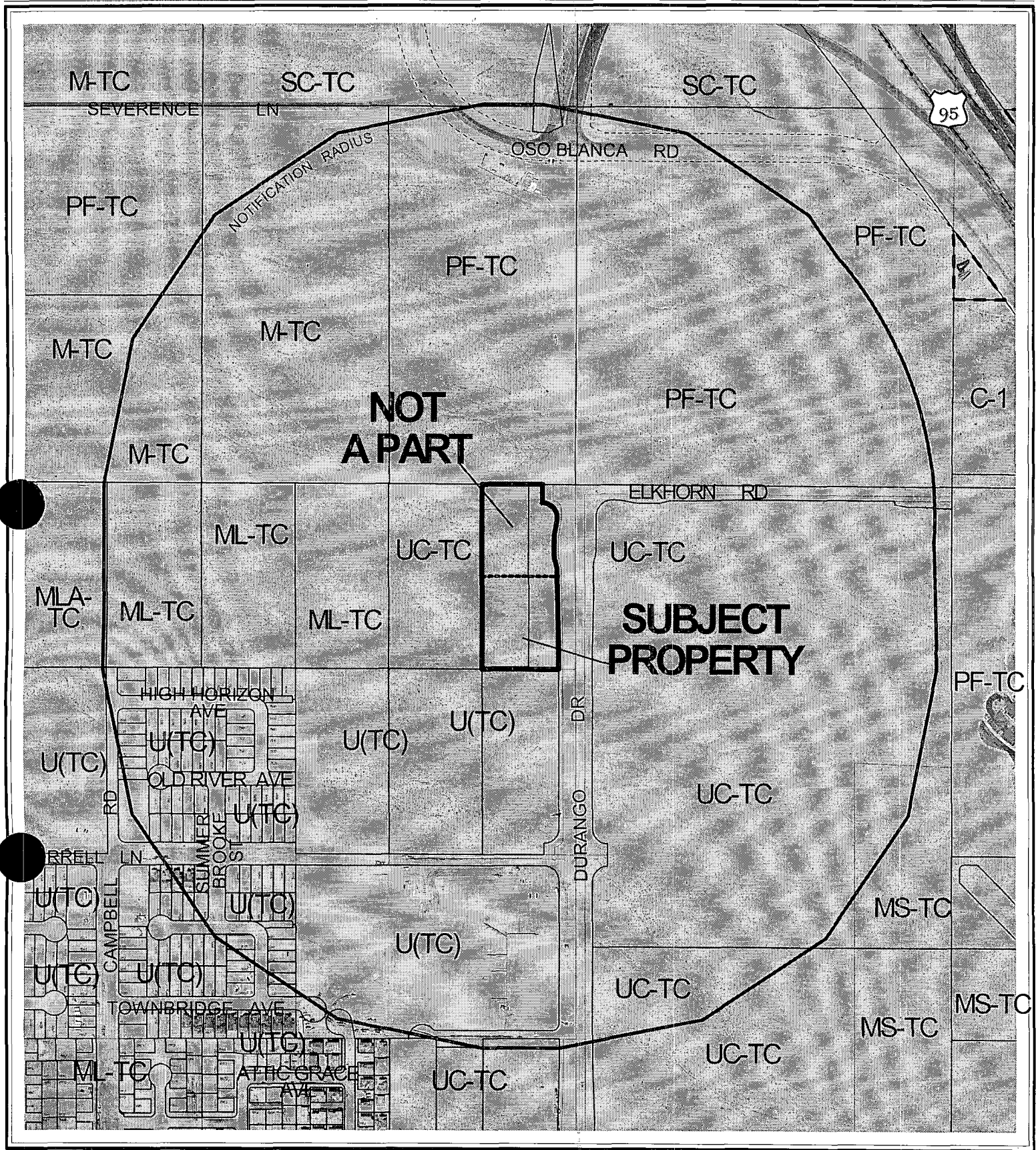


CASE: SDR-3657

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

CITY COUNCIL MEETING DATE: MARCH 17, 2004

DEPARTMENT: PLANNING AND DEVELOPMENT

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

**** CONDITIONS ****

The Planning Commission (5-0-1 vote) and staff recommend 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.

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.
- 02/12/04 The Planning Commission voted 5-0-1 to recommend APPROVAL (PC Agenda Item #25/ss).

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 staff to discuss the height issue, with the result that single-story structures may 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)
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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	
• Front (Elkhorn Road)	340 Feet
• Side	167 Feet
• Corner Side (Durango Drive)	10 Feet
• Rear	34 Feet

Lot Coverage	16 %
Max. Building Height	2 Stories / 27 Feet
Trash Enclosure	Walled, gated
Loading Zone	2 provided
Mech. Equipment	Screened by parapets

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 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. 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 by Planning Department

APPROVALS 0

PROTESTS 0



PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: SDR-3657 APN: 125-20-101-009 & 009

Name of Property Owner: DURANGO 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: _____

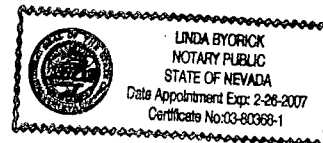
Signature of Property Owner/Authorized Agent:

Print Name: TOM FERNAN

Subscribed and sworn before me

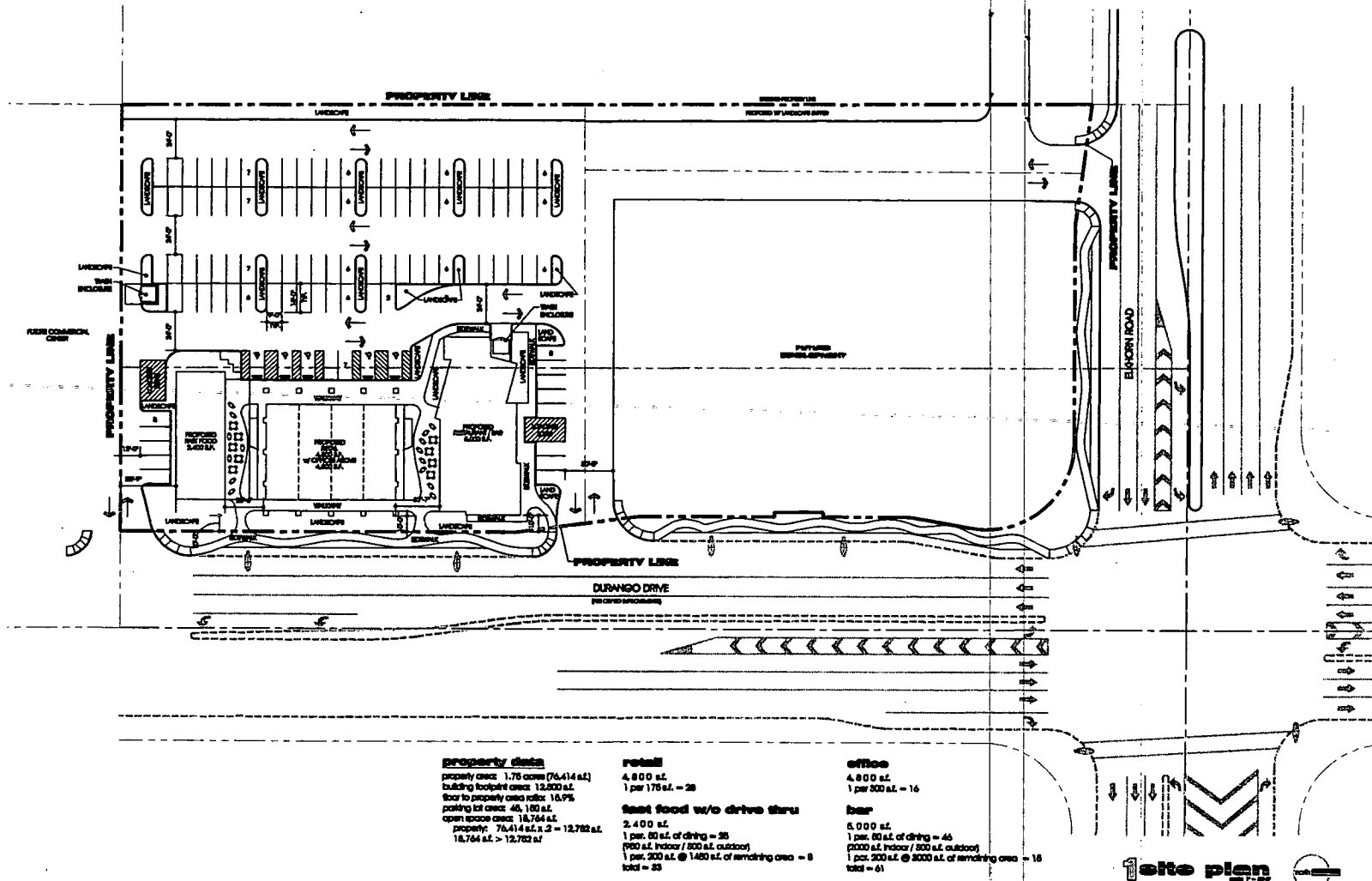
This 23rd day of December, 2003

Gene Byers
Notary Public in and for said County and State



town center plaza

elkhorn & durango



property data

property area: 1.75 acres (76,414 s.f.)
 building footprint area: 12,500 s.f.
 floor to property area ratio: 15.9%
 parking lot area: 45,180 s.f.
 open space area: 18,764 s.f.
 property: 76,414 s.f. ± 2 = 12,782 s.f.
 18,764 s.f. > 12,782 s.f.

retail

4,800 s.f.
 1 per 175 s.f. = 28

fast food w/o drive thru

2,400 s.f.
 1 per 80 s.f. of dining = 30
 (900 s.f. indoor / 500 s.f. outdoor)
 1 per 300 s.f. @ 1,450 s.f. of remaining area = 8
 total = 38

total required = 186 (includes 6 handicap spaces)
 total provided = 109 (includes 6 handicap spaces)

office

4,800 s.f.
 1 per 300 s.f. = 16

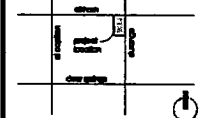
bar

5,000 s.f.
 1 per 80 s.f. of dining = 46
 (2000 s.f. indoor / 500 s.f. outdoor)
 1 per 300 s.f. @ 5000 s.f. of remaining area = 16
 total = 61

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

REVISED
 1-16-04

vicinity map

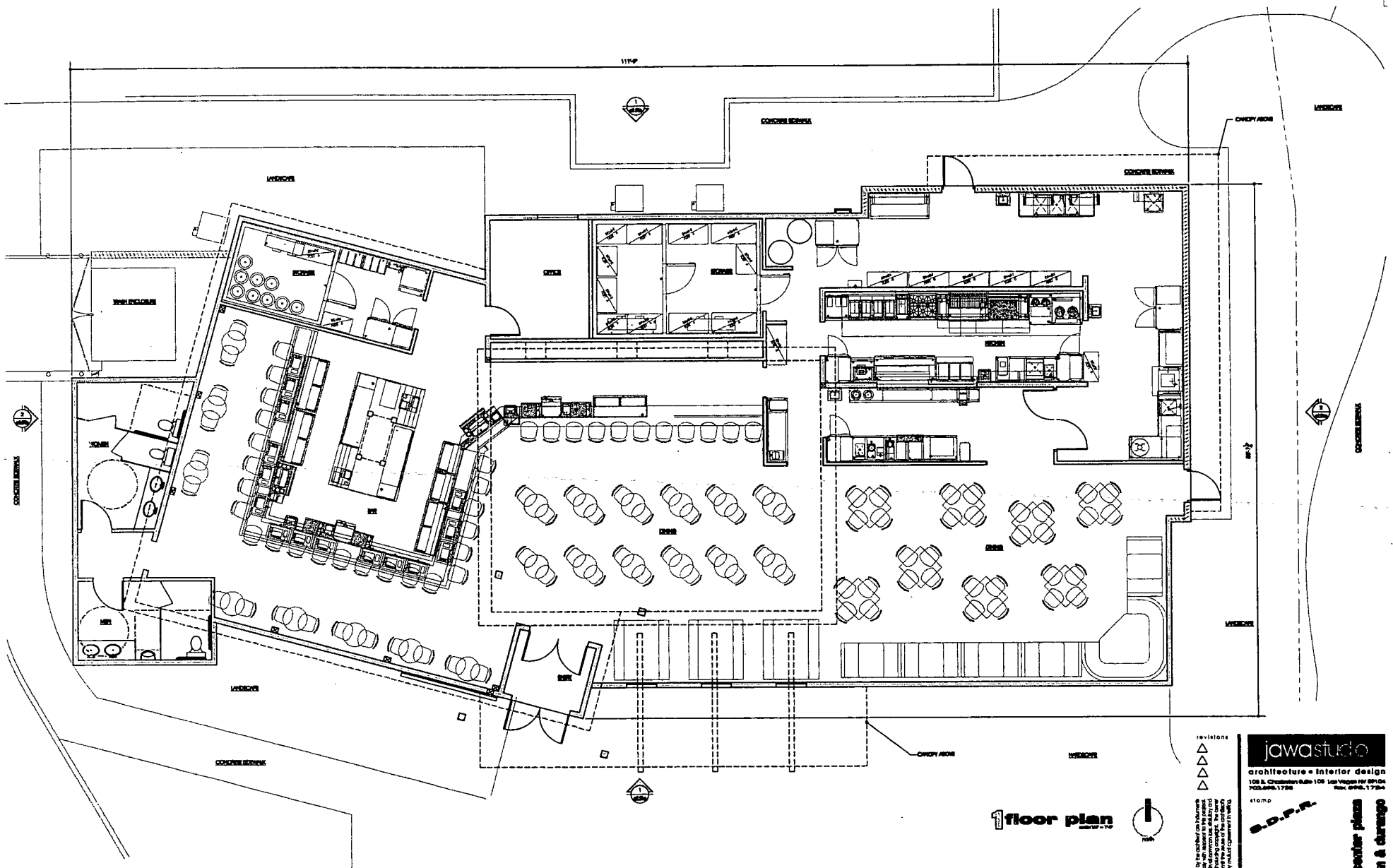


jawastudio
 architecture • interior design
 100 S. Greenwood Suite 100 Las Vegas NV 89106
 702.496.1790 Fax: 702.496.1791

S.D.P.R.
 stamp

job no. _____
 date _____
 drawn by _____

overall site plan **80.01**



SDR-3657
02-12-04 PC

revisions
 ▲
 ▲
 ▲
 ▲

jawastudio
 architecture • interior design
 108 S. Charleston Blvd. 108 Las Vegas NV 89104
 702.896.1736 Fax: 896.1736

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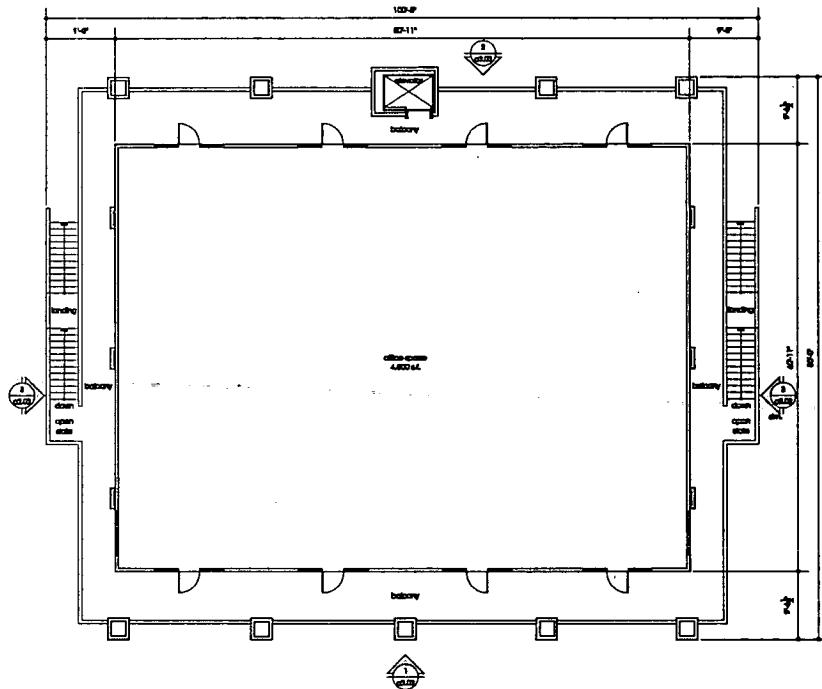
SDR-3657
 02-12-04
 (Drawn by)

SDR-3657
 02-12-04
 (Check by)

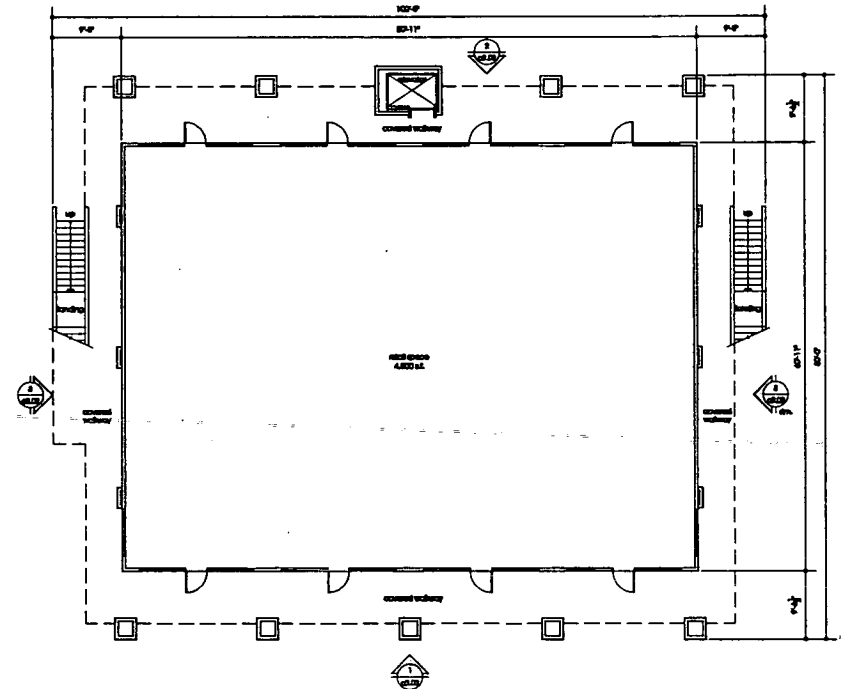
SDR-3657
 02-12-04
 (Approved by)

SDR-3657
 02-12-04
 (Seal plan - restaurant/town center plaza)

a1.01



2 second level floor plan



1 first level floor plan



SDR-3657
02-12-04 PC

revisions
 ▲
 ▲
 ▲
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jawastudio
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 108 S. Chestnut Suite 108 Las Vegas NV 89104
 Phone: 702.735.1775 Fax: 702.735.1776

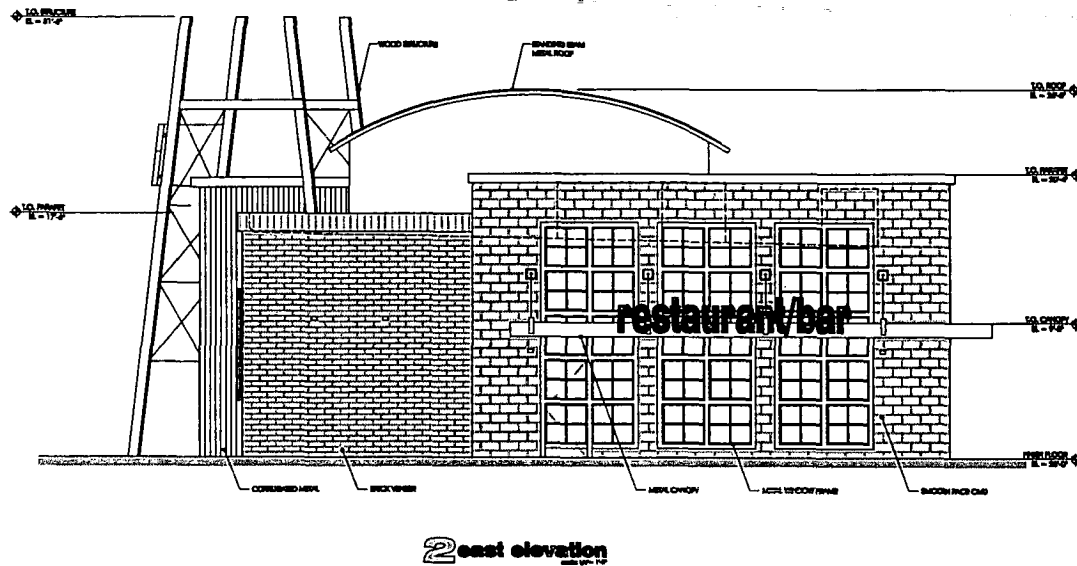
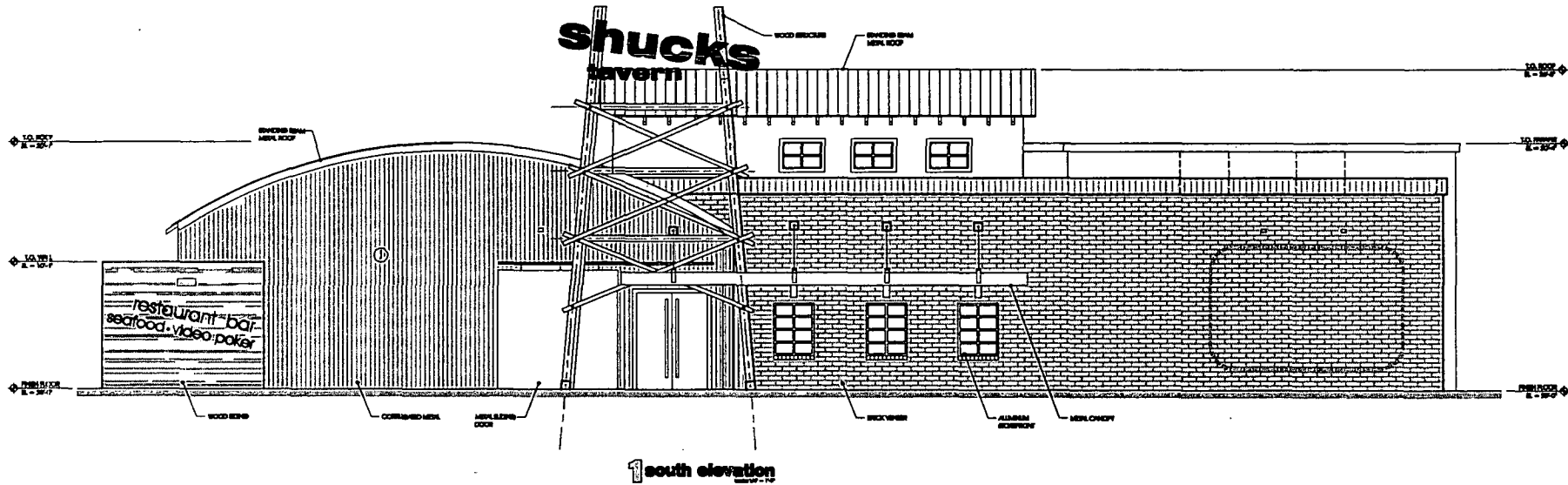
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300 no.
 date 10.10.04
 drawn by

300 no.
 300 no.
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town center plaza
 ethorn & d'arango

floor plans • retail/office bldg. a1.02



SDR-3657
02-12-04 PC

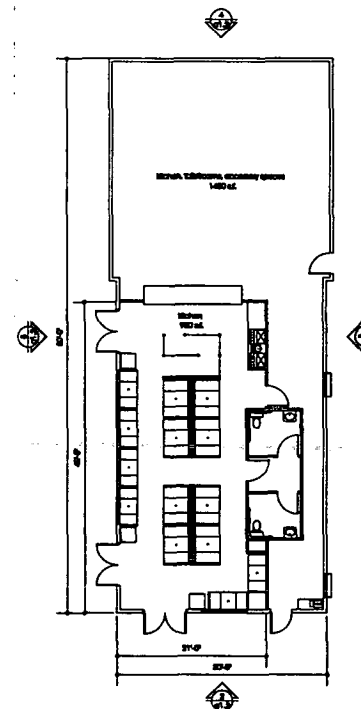
revisions
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 108 S. Charleston Suite 108 Las Vegas NV 89104
 702.696.1726 Fax: 702.696.1726

stamp
S.D.P.R.
 30 NOV 2004
 DATE 12.02.04
 DRAWN BY

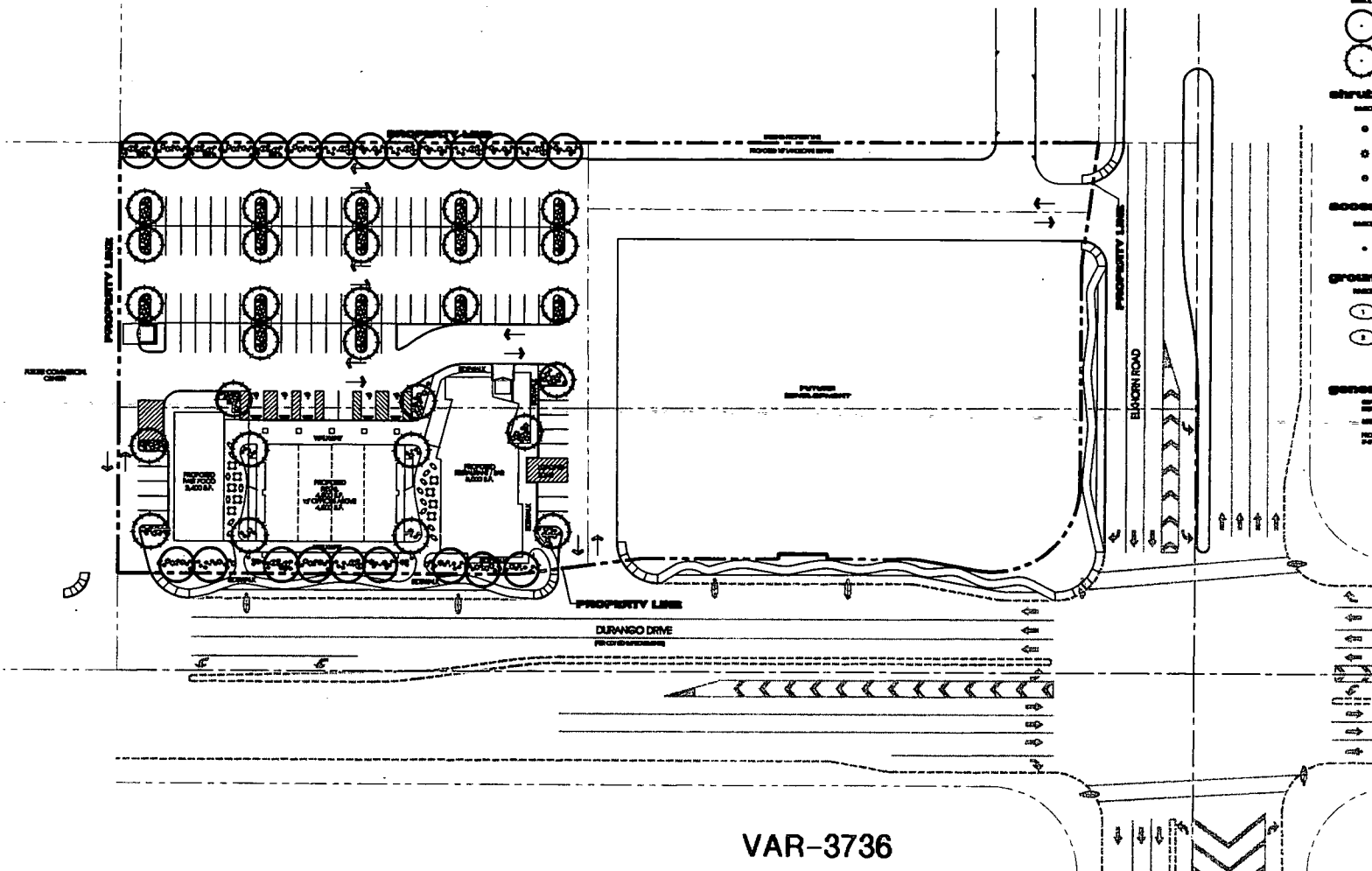
town center plan
 shucks & drango

exterior elevations 82.01a

 1 floor plan

REVISED
1-16-04

[illegible]



tree

SYMBOL	COMMON NAME	HEIGHT	SPACING
(circle with cross)	COASTAL REDWOOD	80'	10'
(circle with dot)	REDWOOD	80'	10'
(circle with cross)	COASTAL REDWOOD	80'	10'

shrub

SYMBOL	COMMON NAME	HEIGHT	SPACING
(circle with cross)	COASTAL REDWOOD	80'	10'
(circle with dot)	REDWOOD	80'	10'
(circle with cross)	COASTAL REDWOOD	80'	10'

accent plants

SYMBOL	COMMON NAME	HEIGHT	SPACING
(circle with cross)	COASTAL REDWOOD	80'	10'
(circle with dot)	REDWOOD	80'	10'
(circle with cross)	COASTAL REDWOOD	80'	10'

groundcovers

SYMBOL	COMMON NAME	HEIGHT	SPACING
(circle with cross)	COASTAL REDWOOD	80'	10'
(circle with dot)	REDWOOD	80'	10'
(circle with cross)	COASTAL REDWOOD	80'	10'

general notes

- ALL PLANTING SHALL BE DONE BY THE CONTRACTOR.
- ALL PLANTING SHALL BE DONE BY THE CONTRACTOR.
- ALL PLANTING SHALL BE DONE BY THE CONTRACTOR.

2 landscape legend

vicinity map

locations

- △ G.M.
- △
- △

jawastudio
architecture • interior design
100 S. Durango Blvd. Suite 100, Durango, CO 81301
760.246.1728 Fax: 760.246.1728

stamp
S.D.P.A.

20' scale
0' 10' 20'

down by

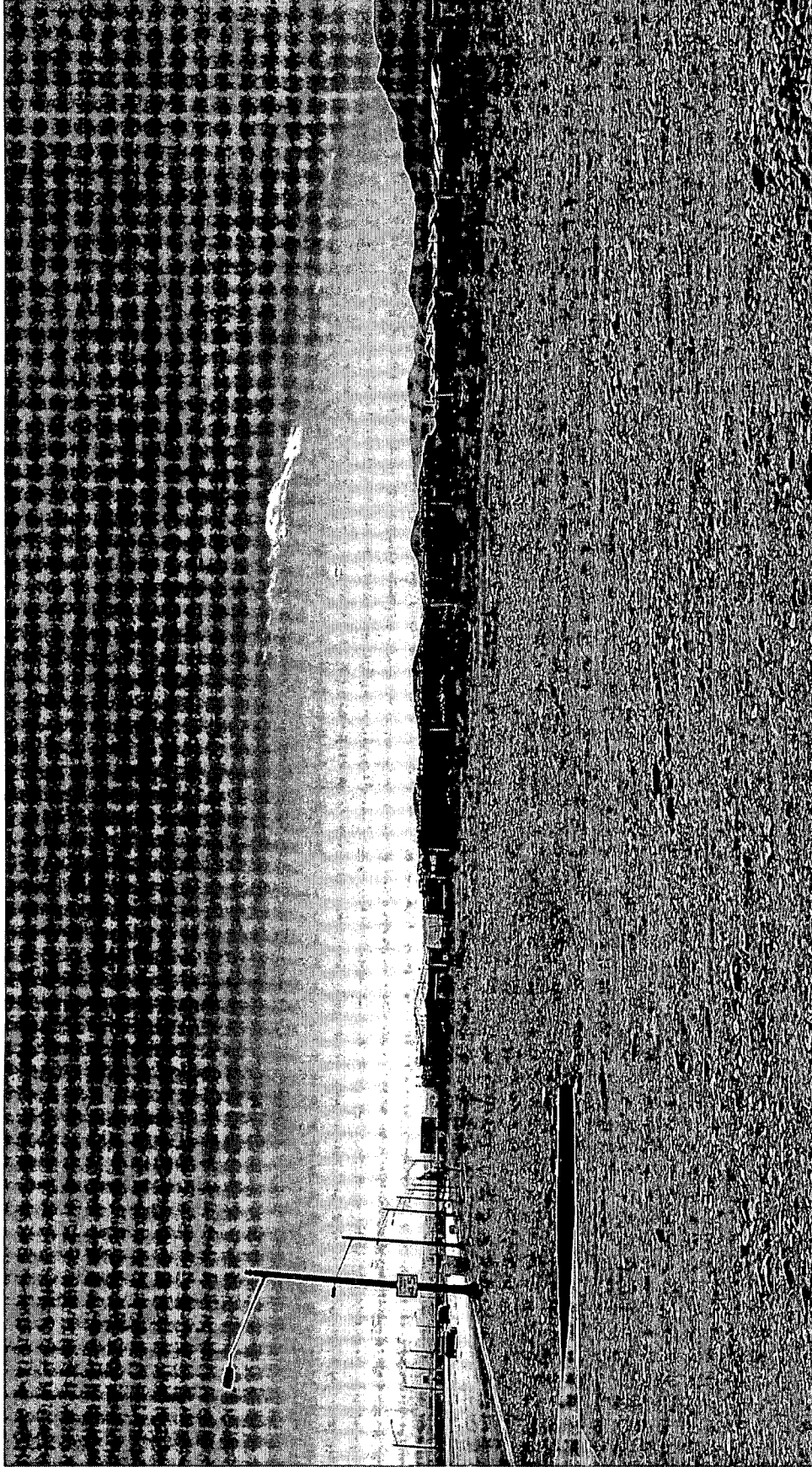
landscape plan

town center plaza
elbow & durango

la1.01

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

1 site plan



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
CITY COUNCIL MEETING OF: MARCH 17, 2004**DEPARTMENT: PLANNING & DEVELOPMENT****DIRECTOR: ROBERT S. GENZER**☐**CONSENT**☒**DISCUSSION****SUBJECT:**

ABEYANCE ITEM - SPECIAL USE PERMIT - PUBLIC HEARING - SUP-3394 - LAS VEGAS BILLBOARDS ON BEHALF OF WEST SAHARA ASSOCIATES, LIMITED PARTNERSHIP - Appeal filed by LAS Consulting, Inc. from the Denial by the Planning Commission of a request for a Special Use Permit FOR A PROPOSED 40-FOOT TALL, 14-FOOT BY 48-FOOT OFF-PREMISE ADVERTISING (BILLBOARD) SIGN adjacent to the northeast corner of Torrey Pines Drive and Sahara Avenue (APN: 163-02-816-001), C-1 (Limited Commercial) Zone, Ward 1 (Moncrief). The Planning Commission (6-0 vote) recommends DENIAL. Staff recommends APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

3**APPROVALS RECEIVED BEFORE:**

Planning Commission Mtg.
City Council Meeting

0**RECOMMENDATION:**

The Planning Commission (6-0 vote) recommends DENIAL. Staff recommends APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Appeal letter submitted by LAS Consulting, Inc.
5. Submitted after final agenda – abeyance request by Singer & Brown

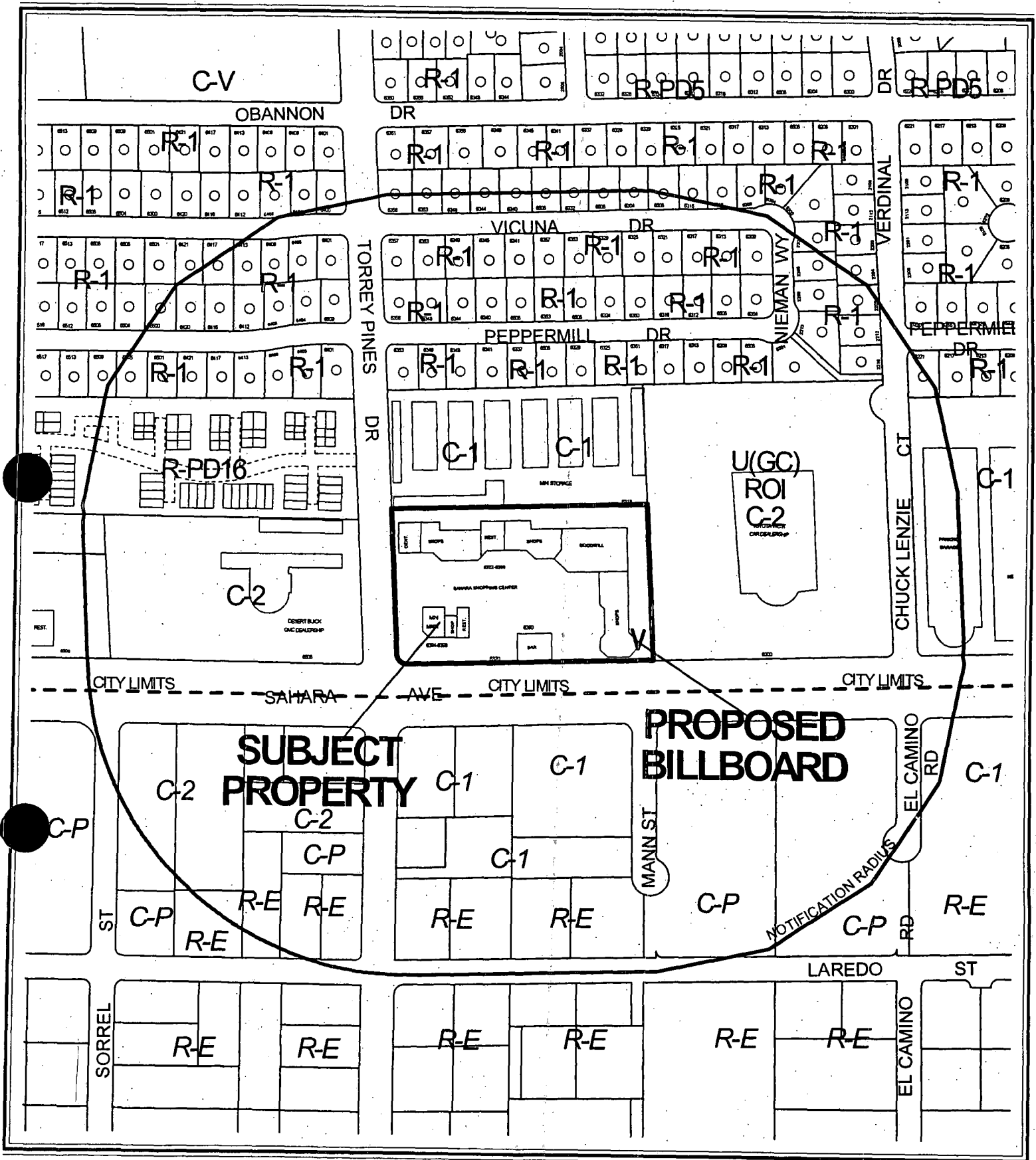
MOTION:

REESE – Motion to Accept the WITHDRAWAL Without Prejudice of Item 114 [SDR-3386] and HOLD IN ABEYANCE Item 122 [VAR-3288] and Item 126 [SUP-3394] to 4/21/2004 and Item 131 [SUP-3653] and Item 132 [SDR-3651] to 5/19/2004 – UNANIMOUS with GOODMAN abstaining on Item 114 [SDR-3386] because there is still money owed to him on property he sold across the street at Casino Center and Bonneville and Item 126 [SUP-3394] because his office is in negotiations regarding billboard signs

MINUTES:

There was no discussion.

(2:07 – 2:10)



CASE: SUP-3394

RADIUS: 750 FT

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





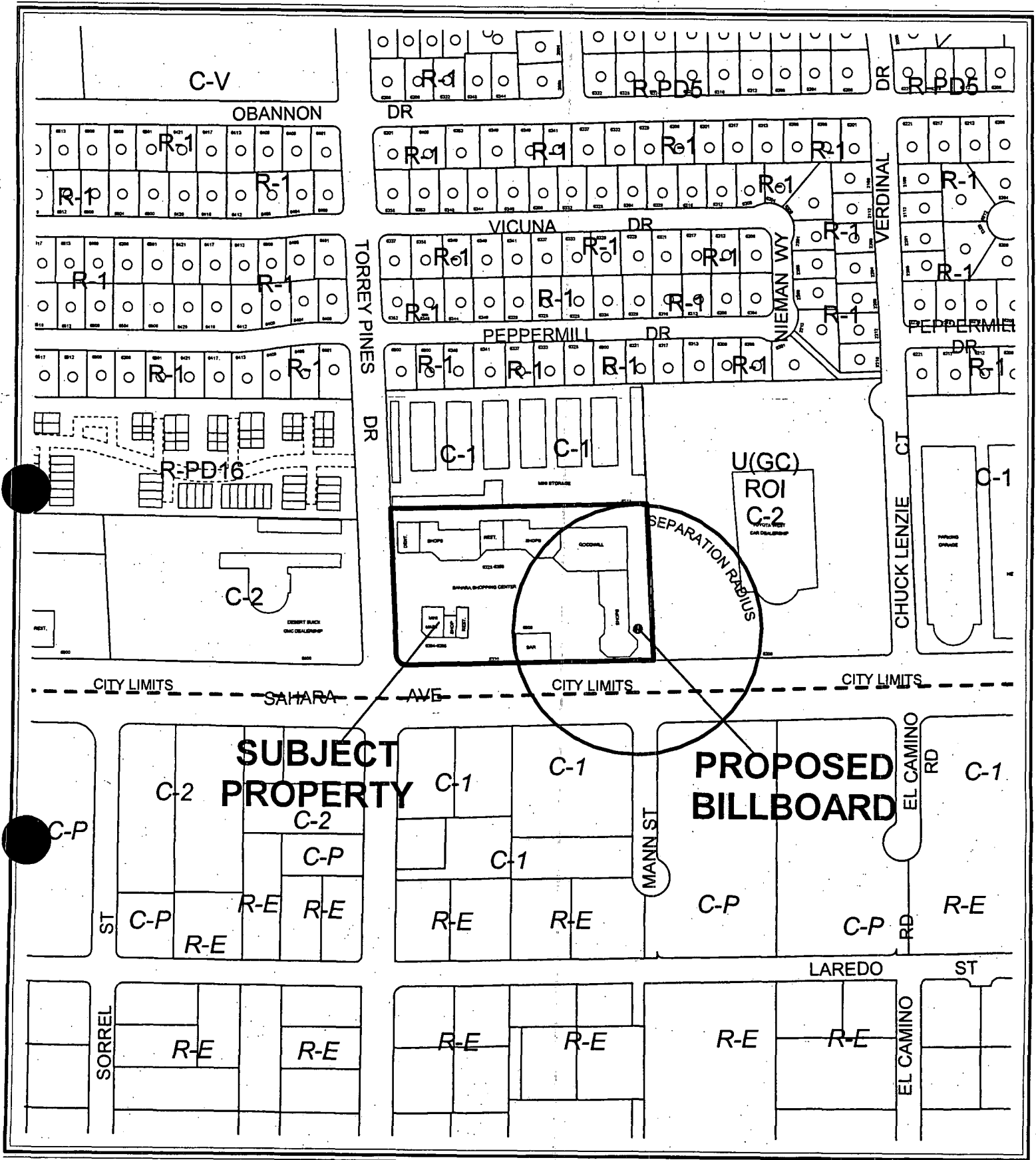
CASE: SUP-3394

RADIUS: 750 FT

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

0 200 400 Feet

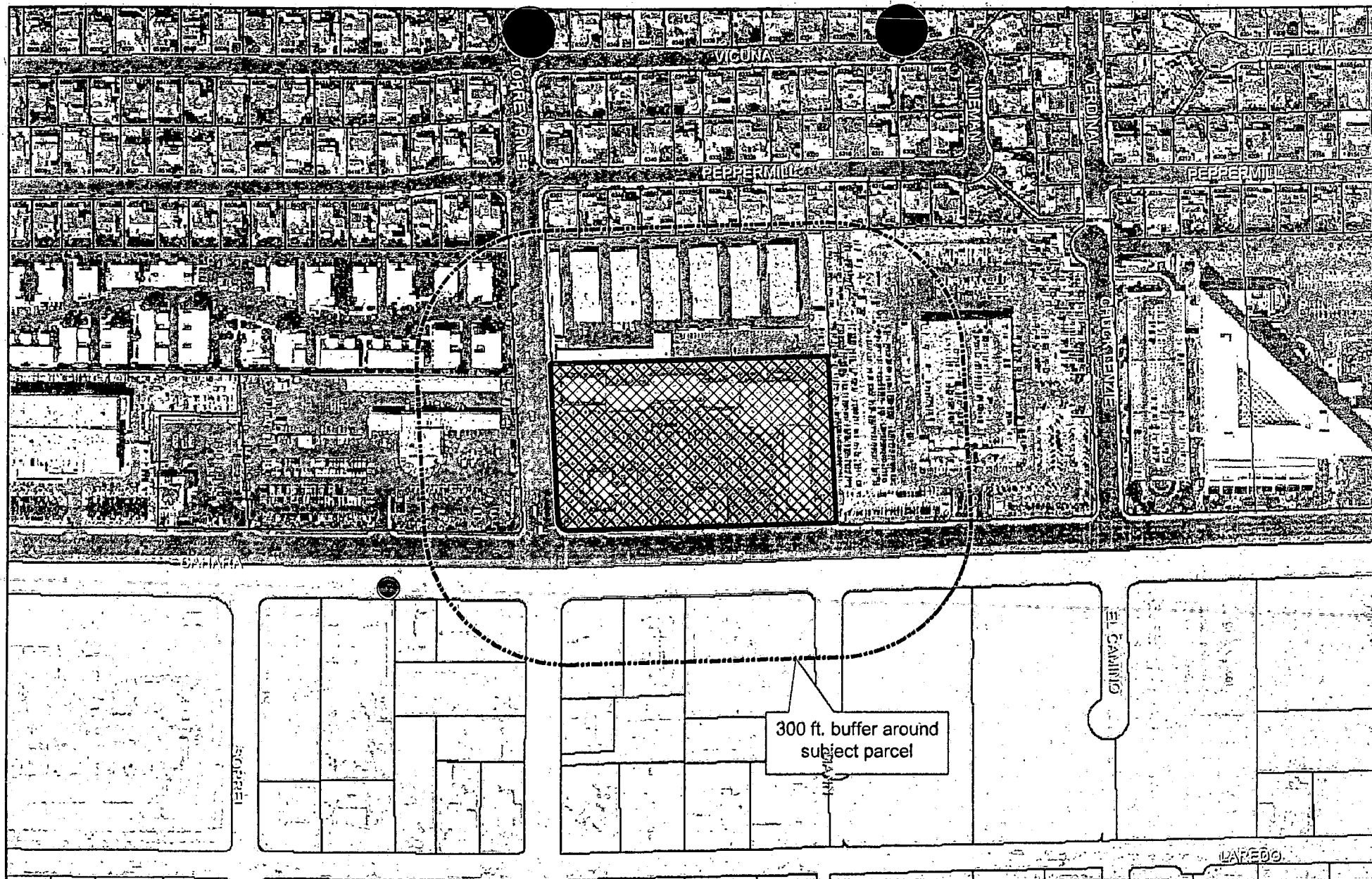




CASE: SUP-3394

SEPARATION RADIUS: 300 FT

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



SUP-3394

City of Las Vegas Billboard Data



Subject Parcel



City of Las Vegas Billboard Location



Clark County Billboard Location



300 Foot Buffer Around Billboard



750 Foot Buffer Around Freeway Billboard



Outside City Boundary



Off Premise Sign Exclusion Area



Exempt - Off Premise Area Sign Area



AGENDA MEMO

CITY COUNCIL MEETING DATE: MARCH 17, 2004

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: ABEYANCE ITEM - SUP-3394 - LAS VEGAS BILLBOARDS
ON BEHALF OF WEST SAHARA ASSOCIATES, LIMITED PARTNERSHIP**

***THIS ITEM WAS HELD IN ABEYANCE FROM THE MARCH 3, 2004 CITY COUNCIL
MEETING AT THE APPLICANT'S REQUEST.***

**** CONDITIONS ****

The Planning Commission (6-0 vote) recommends DENIAL. Staff recommends APPROVAL, subject to:

Planning and Development

1. The Special Use Permit shall be reviewed in two (2) years at which time the City Council may require the Off-Premise Sign to be removed. The applicant shall be responsible for notification costs of the review. Failure to pay the City for these costs may result in a requirement that the Off-Premise Advertising (Billboard) Sign be removed.
2. The Off-Premise Advertising (Billboard) Sign and its supporting structure shall be properly maintained and kept free of graffiti at all times. In addition, the property owner shall keep the property properly maintained at all times. Failure to perform the required maintenance may result in fines and/or removal of the Off-Premise Advertising (Billboard) Sign.
3. The Off-Premise Advertising (Billboard) Sign and its supporting structure shall be properly maintained and kept free of graffiti at all times. Failure to perform the required maintenance may result in fines and/or removal of the Off-Premise Advertising (Billboard) Sign.
4. The property owner shall keep the property properly maintained and graffiti-free at all times. Failure to perform required maintenance may result in fines and/or removal of the Off-Premise Sign.
5. Only one advertising sign is permitted per sign face.
6. If the existing Off-Premise Advertising (Billboard) Sign structure is removed, this Special Use Permit shall be expunged and a new Off-Premise Advertising Sign structure shall not be erected in the same location unless: (1) a new Special Use Permit is approved for the new structure by the City Council, or (2) the location is in compliance with all applicable standards of Title 19 of the Las Vegas Municipal Code including, but not limited to, distance separation requirements, or (3) a Variance to the applicable standards of Title 19 has been approved for the new structure by the City Council.
7. All City Code requirements and design standards of all City Departments shall be satisfied.
8. Conformance to all Minimum Requirements under Title 19.14.100 for an Off-Premise Sign use and other applicable sign requirements.

Public Works

9. The proposed 40-foot tall, 14-foot by 48-foot Off-Premise Advertising (Billboard) Sign shall not be located within public right-of-way, existing or proposed public sewer or drainage easements, or interfere with Site Visibility Restriction Zones.

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

This is an Appeal filed by LAS Consulting, Inc. from the Denial by the Planning Commission of a request for a Special Use Permit for a proposed 40-foot tall, 14-foot by 48-foot Off-Premise Advertising (Billboard) Sign at 6390 West Sahara Avenue.

B) Applicant's Justification

The area is commercial in nature and an Off-Premise Sign would not be out of context with the surrounding uses.

BACKGROUND INFORMATION

A) Previous Actions

- 03/19/86 The City Council approved a Reclassification of Property (Z-0016-86) from N-U (Non-Urban) to C-1 (Limited Commercial). The Planning Commission recommended approval on 3/13/86.
- 01/28/92 The Board of Zoning Adjustment approved a Variance (V-0190-91) to allow truck and trailer rentals within an existing mini-storage business.
- 01/03/00 The City Council approved a Special Use Permit (U-0179-00) for a Restaurant Service Bar. The Planning Commission and staff recommended approval on 11/16/00.
- 10/17/01 The City Council approved a Special Use Permit (U-0121-01) to allow Second Hand Sales in conjunction with a sporting goods business. The Planning Commission and staff recommended approval on 09/06/01.
- 01/08/04 The Planning Commission voted 6-0 to recommend DENIAL (PC Agenda Item #42/fs).

B) Pre-Application Meeting

- 11/13/03 The applicant was informed that the project would be considered a Project of Regional Significance due to its proximity to Clark County.

C) Neighborhood Meetings

Neighborhood meetings are not required for Special Use Permit applications.

DETAILS OF APPLICATION REQUEST

A) *Site Area*

Gross Acres: 5.34

B) *Existing Land Use*

Subject Property: Shopping Center
North: Mini-Storage
South: Office / Commercial
East: Auto Dealership
West: Auto Dealership

C) *Planned Land Use*

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

D) *Existing Zoning*

Subject Property: C-1 (Limited Commercial)
North: C-1 (Limited Commercial)
South: Clark County
East: C-2 (General Commercial)
West: U (Undeveloped) Zone under Resolution of Intent to C-2 (General Commercial)

E) *General Plan Compliance*

The subject site is designated SC (Service Commercial) on the Southwest Sector Map of the General Plan. This allows low to medium intensity retail, office, or other commercial uses that serve primarily local area patrons and do not include more intense general commercial characteristics. The C-1 (Limited Commercial) zoning designation is in conformance with the General Plan and the proposed Off-Premise Sign is a permitted use.

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

COUNTY NOTIFICATION

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

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' of unincorporated Clark County.

An Environmental Impact Assessment questionnaire was circulated to the affected Agencies and Entities for the mandated 15-day period and it has been determined that the proposed Off-Premise Sign will have no significant impacts on the area.

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

Standards	Code Requirement	Provided
Location	• No Off-Premise Signs in the right-of-way • Permitted only in C-1, C-2, C-M, M Zoning Districts	• Sign is not in right-of-way • Sign is in C-1 Zoning District
Off-Premise Sign area (max.)	672 SF	672 SF
Separation distance from other Off-Premise Sign (min.)	300 Feet	No signs within 300Feet
Separation distance from "U" or "R" zoning district	300 Feet	No R or U zoning districts within 300 feet
Off-Premise Sign height (max.)	40 Feet, except 55 Feet for signs within 60 feet of ROW when significantly obscured	40 Feet
Setbacks (min.)	• 50 Feet from nearest ROW intersection	No intersection within 50 feet of the proposed sign

The proposed Off-Premise Sign meets the minimum distance separation requirements in addition to area, height, and setback requirements of Title 19.14.100.

B) General Analysis and Discussion

- Zoning

An Off-Premise Advertising (Billboard) Sign is permitted in the C-1 (Limited Commercial) zoning district with the approval of a Special Use Permit.

- Use

Off-Premise Signs are to be considered primarily a specific type of land use rather than as an incidental use to an existing land use. Off-Premise Signs generally produce revenue to the property owner(s) as a land use as compared to On-Premise Signs which do not produce revenue but are incidental to a revenue-producing land use. However, because of the special characteristics of Off-Premises Signs as compared to other types of land uses and structures, certain qualifications and requirements are set forth in connection with Off-Premises Signs as a permitted use in certain zoning districts.

- Conditions

Title 19.14.100(D) specifies the following provisions regarding Off-Premise Advertising Signs:

1. All structural elements of an Off-Premise Sign to which the display panels are attached shall be screened from view. Display surface panels that are removed for the purpose of changing the advertising message shall be replaced within thirty days with display panels containing a new advertising message or uniformly painted blank panels.
2. All Off-Premise Signs shall be detached and permanently secured to the ground and shall not be located on property used for residential purposes.
3. For any Off-Premise Signs that is proposed within six hundred sixty feet of any highway classified by the State of Nevada as part of the interstate or primary highway system, a State of Nevada sign permit shall be obtained and a copy attached to the application prior to the issuance of a construction permit or sign certificate by the City.
4. No sign certificate shall be issued for an individual Off-Premise Sign unless and until a site plan for the lot on which the sign will be erected has been submitted to and approved by the Director. The site plan shall include the following:
 - a. An accurate site plan of the lot, at the scale the Director requires;
 - b. The location of buildings, parking lots, driveways and landscaped areas on the lot;
 - c. An accurate indication of the location of all existing and proposed Off-Premise Signs; and

- d. Drawings that allow the computation of the area and the height of any off-premise signs and which indicate any sign characteristics such as illumination, embellishment areas or moving parts.
5. The holder of a sign certificate shall notify the Director of any significant change in the characteristics of an Off-Premise Sign, such as illumination, embellishment areas or moving parts, and provide any additional supplemental drawings as the Director may require.

FINDINGS

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

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

The proposed Off-Premise Sign conforms to the standards and intent of the SC (Service Commercial) General Plan designation and the C-1 (Limited Commercial) zoning district. Further, the proposed sign is located outside of the Off-Premise Sign exclusionary zone, and is meeting all minimum distance separation requirements as outlined in Title 19.14.100. The subject use is harmonious and compatible with surrounding properties.

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

Physically, the subject site is appropriate for the proposed Off-Premise Advertising (Billboard) Sign, as the sign location will not interfere with any on-site circulation or site visibility restrictions.

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."**

Access to the site is via access a driveway off of Sahara Avenue, a Primary (100-foot) Arterial on the Master Plan of Streets and Highways. Site access and circulation will not negatively impact adjacent roadways or neighborhood traffic.

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."**

This development will be required to obtain all of the necessary development permits, including Building and Safety Department requirements for a Certificate of Completion and final inspection, which will insure the protection of the public health, safety and general welfare. Further, the overall objectives of the General Plan are in compliance with the proposed development.

PLANNING COMMISSION ACTION

The Planning Commission voted unanimously for denial, believing the site to be inappropriate for off-site advertising.

NOTICES MAILED 120 by City Clerk

APPROVALS 0

PROTESTS 0

702-837-7821

5665 S. Valley View
Ste 4
89119PLANNING &
DEVELOPMENTDIVISION OF
PLANNING & DEVELOPMENT

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: SUP-3394 APN: 163-02-516-001Name of Property Owner: WEST SUBARA ASSOCIATESName of Applicant: LAS VEGAS BILLBOARDS

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.

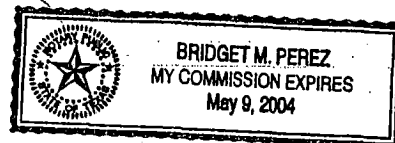
City Official: _____

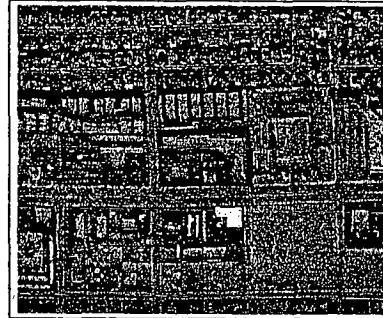
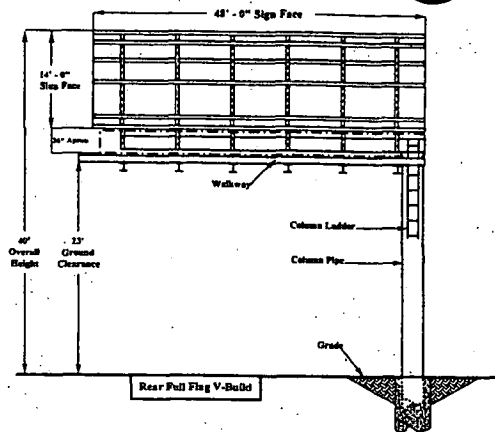
Partner(s): _____

APN: _____

Signature of Property Owner/Authorized Agent: X _____Print Name: Granville Harper

Subscribed and sworn before me

This 31 day of October, 2003Bridget M. Perez
Notary Public in and for said County and State



TV OWNER: WEST SAHARA ASSOCIATES
C/O GRANVILLE HARPER
1324 STATE ST. #J-128
SANTA BARBARA, CA 93101-2620

PROPERTY ADDRESS: 6390 W. SAHARA AVE.
LAS VEGAS, NV 89146

CONTACT: STEVE RANNEY @
LAS VEGAS BILLBOARDS
5665 S. VALLEY VIEW BLVD.
LAS VEGAS, NV 89118
837-7822

APN: 143-02-816-001
ZONED: C-1
14' x 48' FULL FLAG V-BUILD
40' OVERALL HEIGHT
NO ADJACENT ON-PREMISE SIGN WITHIN 100'
NO ADJACENT OFF-PREMISE SIGN WITHIN 300'
NO R-ZONE WITHIN 300'
SCALE 1" = 40'



SIGN ANALYSIS TABLE

TYPE OF SIGN:	14' X 48' OFF-PREMISE SIGN
SIGN HEIGHT:	40' OVERALL HEIGHT
SIGN WIDTH:	48' OVERALL WIDTH
SIGN AREA:	672' SQUARE FT.
ILLUMINATION TYPE:	HALOGEN LIGHTING
ANIMATION:	NONE

LOCATION:
25' FRONT SETBACK FROM WESTERN AVE. TO LEADING EDGE OF SIGN.
72' FRONT SETBACK FROM WESTERN AVE. TO CENTER OF COLUMN.
17' SIDE SETBACK FROM NORTH PROPERTY LINE TO LEADING EDGE OF COLUMN.
34' SIDE SETBACK FROM NORTH PROPERTY LINE TO CENTER OF COLUMN.

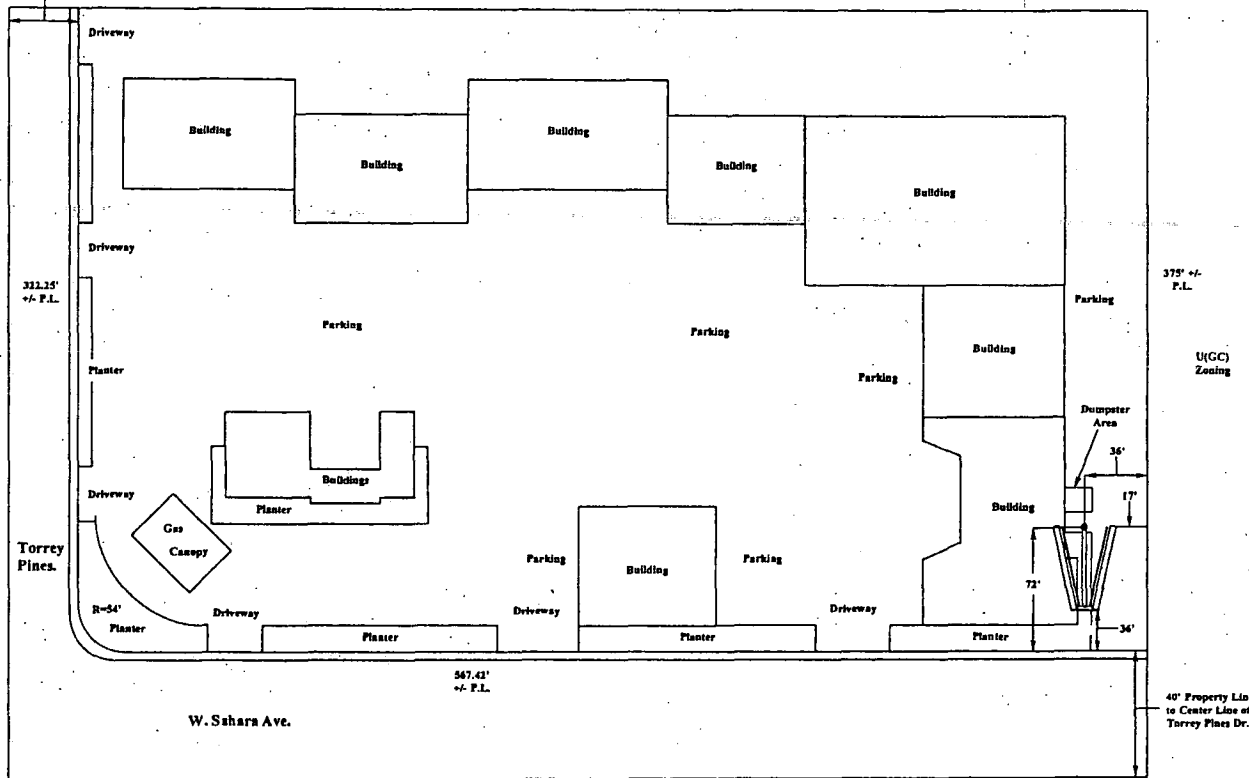
R-PD16
Zoning

R-1
Zoning

40' Property Line
to Center Line of
Torrrey Pines Dr.

430.17'
+/- P.L.

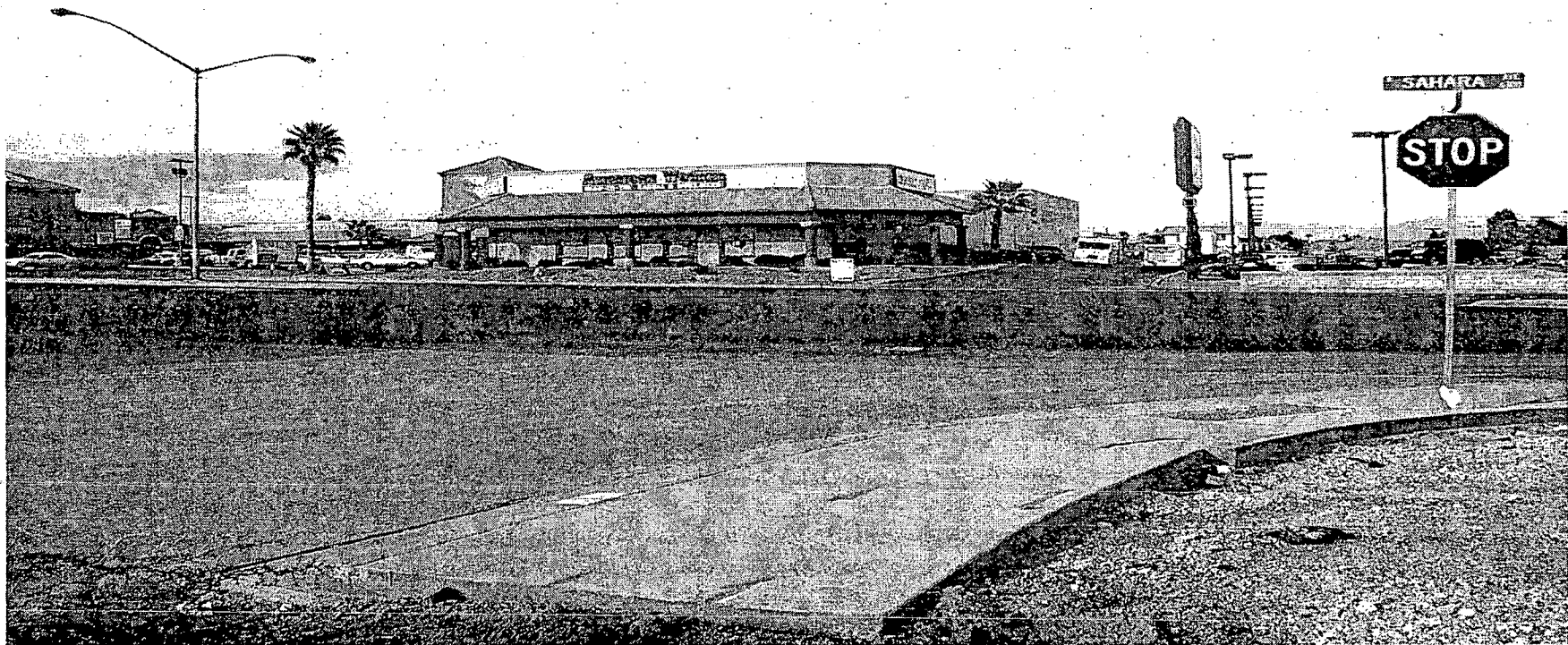
C-1
Zoning



40' Property Line
to Center Line of
Torrrey Pines Dr.

SUP-3394

01-08-04 PC



SUP-3394 - LAS VEGAS BILLBOARDS ON BEHALF OF WEST SAHARA ASSOCIATED, LIMITED
PARTNERSHIP
NORTHEAST CORNER OF TORREY PINES DRIVE AND SAHARA AVENUE
JANUARY 8, 2004 PLANNING COMMISSION

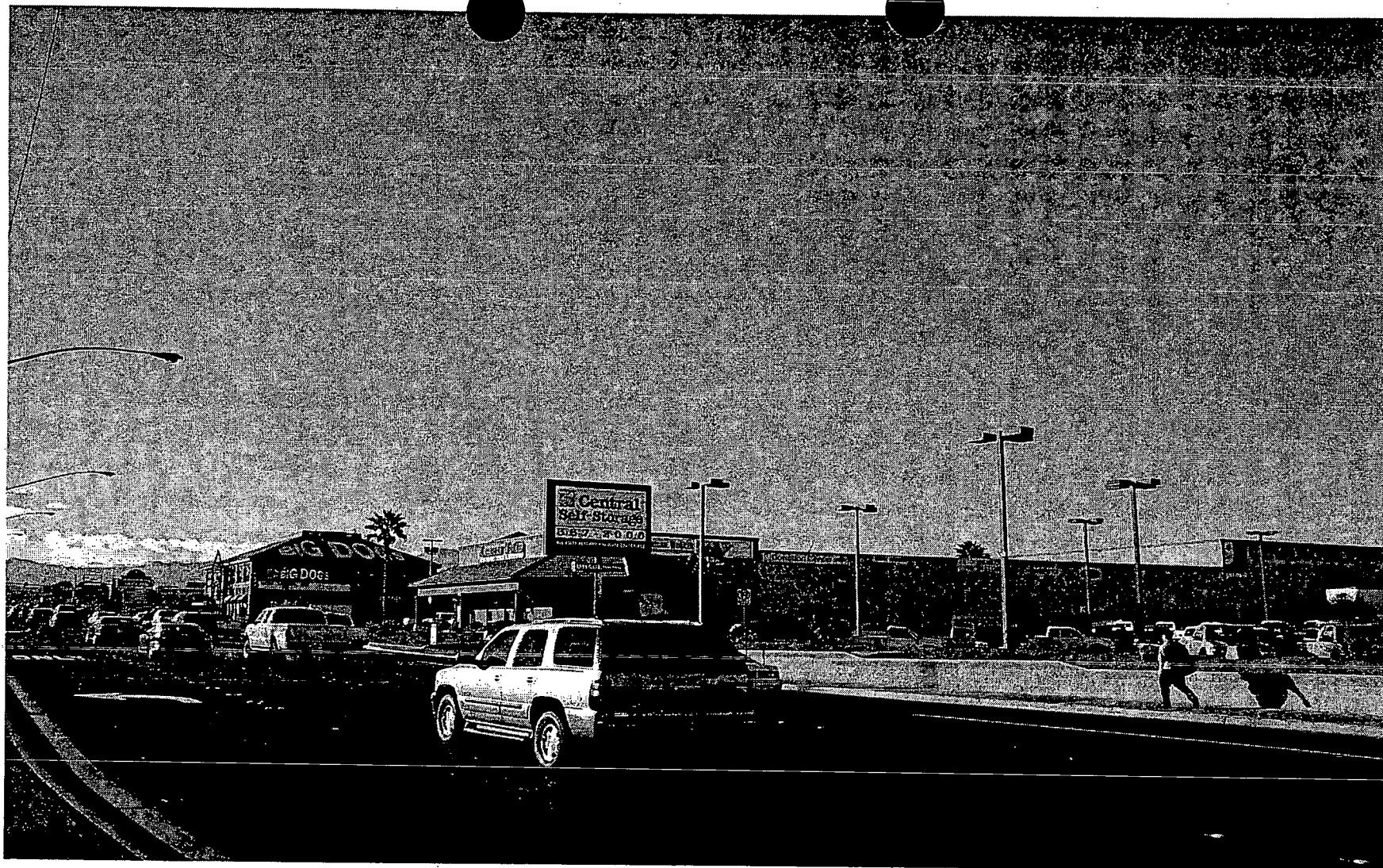
12/29/03



**SUP-3394 - LAS VEGAS BILLBOARDS ON BEHALF OF WEST SAHARA ASSOCIATES,
LIMITED PARTNERSHIP**

**Adjacent to the northeast corner of Torrey Pines Drive and Sahara Avenue
FEBRUARY 4, 2004 CITY COUNCIL MEETING**

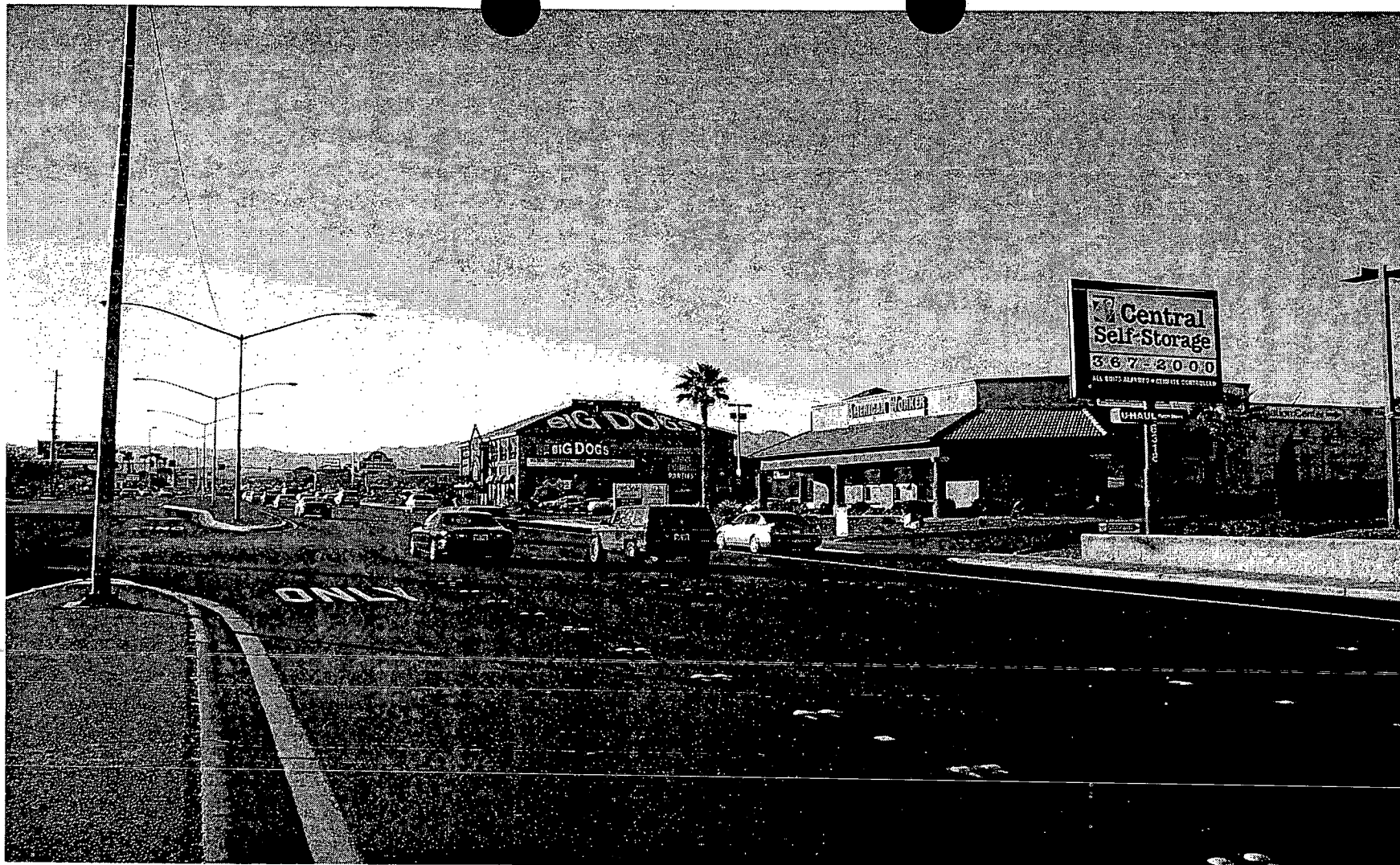
Picture taken 01/21/04



**SUP-3394 - LAS VEGAS BILLBOARDS ON BEHALF OF WEST SAHARA ASSOCIATES,
LIMITED PARTNERSHIP**

**Adjacent to the northeast corner of Torrey Pines Drive and Sahara Avenue
FEBRUARY 4, 2004 CITY COUNCIL MEETING**

Picture taken 01/21/04



**SUP-3394 - LAS VEGAS BILLBOARDS ON BEHALF OF WEST SAHARA ASSOCIATES,
LIMITED PARTNERSHIP**

**Adjacent to the northeast corner of Torrey Pines Drive and Sahara Avenue
FEBRUARY 4, 2004 CITY COUNCIL MEETING**

Picture taken 01/21/04



**SUP-3394 - LAS VEGAS BILLBOARDS ON BEHALF OF WEST SAHARA ASSOCIATES,
LIMITED PARTNERSHIP**

**Adjacent to the northeast corner of Torrey Pines Drive and Sahara Avenue
FEBRUARY 4, 2004 CITY COUNCIL MEETING**

Picture taken 01/21/04



SUP-3394 - LAS VEGAS BILLBOARDS ON BEHALF OF WEST SAHARA ASSOCIATES, LIMITED PARTNERSHIP

Adjacent to the northeast corner of Torrey Pines Drive and Sahara Avenue

FEBRUARY 4, 2004 CITY COUNCIL MEETING

Picture taken 01/21/04



SUP-3394 - LAS VEGAS BILLBOARDS ON BEHALF OF WEST SAHARA ASSOCIATES,
LIMITED PARTNERSHIP

Adjacent to the northeast corner of Torrey Pines Drive and Sahara Avenue

FEBRUARY 4, 2004 CITY COUNCIL MEETING

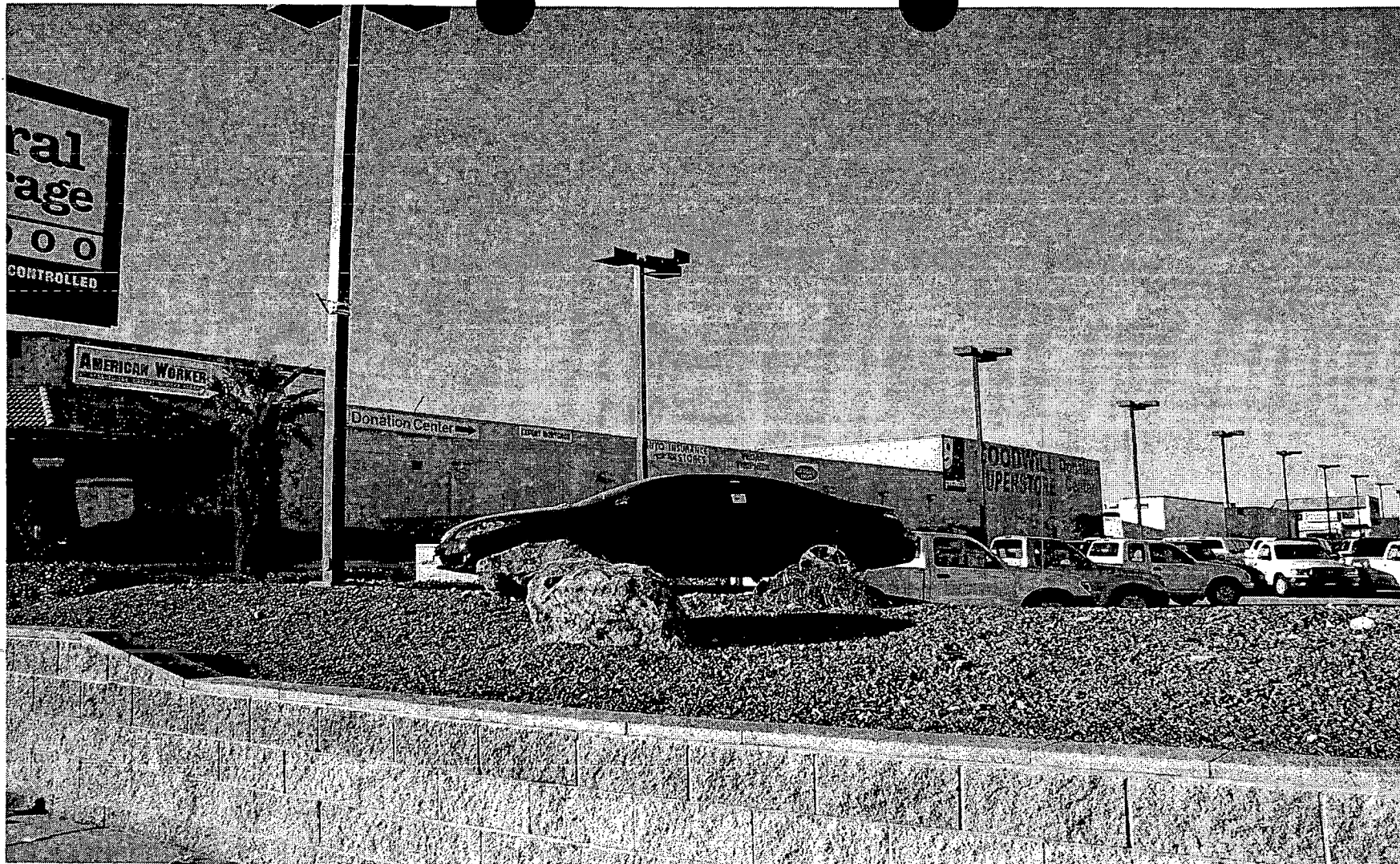
Picture taken 01/21/04



**SUP-3394 - LAS VEGAS BILLBOARDS ON BEHALF OF WEST SAHARA ASSOCIATES,
LIMITED PARTNERSHIP**

**Adjacent to the northeast corner of Torrey Pines Drive and Sahara Avenue
FEBRUARY 4, 2004 CITY COUNCIL MEETING**

Picture taken 01/21/04



**SUP-3394 - LAS VEGAS BILLBOARDS ON BEHALF OF WEST SAHARA ASSOCIATES,
LIMITED PARTNERSHIP**

**Adjacent to the northeast corner of Torrey Pines Drive and Sahara Avenue
FEBRUARY 4, 2004 CITY COUNCIL MEETING**

Picture taken 01/21/04

LAS Consulting, Inc.
2754 Highland Drive, Suite A
Las Vegas, NV. 89109
Ofc. (702) 889-2879
Fax: (702) 889-3122

RECEIVED
 CITY CLERK

2004 JAN 14 P 3:41

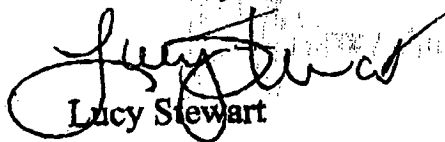
City of Las Vegas, City Clerk
400 Stewart Avenue
Las Vegas, NV 89101
Fax: (702) 382-4803

RE: SUP-3394
NEC Sahara & Torrey Pines, APN-163-02-816-001, PC agenda item #42

Dear Sir or Madam:

Please accept this letter as a request to appeal the Planning Commission's denial of the above referenced application. This item was heard at the January 8, 2004 Planning Commission meeting. I would like to appeal it to be heard by the City Council. Please let me know if you have any questions regarding this matter.

Yours truly,


Lucy Stewart

LAW OFFICES

Singer & Brown

A NEVADA LLC

MICHAEL H. SINGER
JAY H. BROWN

520 SOUTH FOURTH STREET
LAS VEGAS, NEVADA 89101-6593

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

March 16, 2004

FAX: 382-4803

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

Re: Item No. 126 – 3/17/04 City Council Agenda
SUP-3394 – Special Use Permit
Las Vegas Billboards on behalf of West Sahara Associates, Limited Partnership

Dear Ms. Ronemus:

Please be advised that I represent Las Vegas Billboards on behalf of West Sahara Associates, Limited Partnership

On behalf of our client, we respectfully request that this item be held in abeyance from the March 17, 2004 City Council meeting and be continued to the April 21, 2004 City Council meeting.

Very truly yours,

Jay H. Brown
Jay H. Brown

JHB:cc

Submitted after final agenda

Date 3/16/04 Item # 126

RECEIVED
CITY CLERK

2004 MAR 16 P 4:12

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF: MARCH 17, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☐

CONSENT

☒

DISCUSSION

SUBJECT:

SPECIAL USE PERMIT - 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). Staff recommends DENIAL. The Planning Commission (4-2 vote) recommends APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

1

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

RECOMMENDATION:

Staff recommends DENIAL. The Planning Commission (4-2 vote) recommends APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

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

MOTION:

REESE – APPROVED subject to conditions – UNANIMOUS

MINUTES:

MAYOR GOODMAN declared the Public Hearing open.

LOUIS SELIGMAN, 6930 South Paradise Road, appeared on behalf of the applicant and concurred with the conditions.

MAYOR GOODMAN indicated that this is a very poor location with very little foot traffic for a hot dog cart. There could be actual traffic problems with people trying to cross Charleston at the middle of the block. MR. SELIGMAN stated that he just wanted an opportunity to sell his New York Sarrett hot dogs. COUNCILMAN REESE agreed with the comments about the location, but the decision is the applicant's. He confirmed with MR. SELIGMAN that the cart cannot be moved down the street if it does not work out.

CITY COUNCIL MEETING OF MARCH 17, 2004
Planning and Development Department
Item 127 – SUP-3635

MINUTES – Continued:

TODD FARLOW, 240 North 19th Street, expressed his hope the applicant is very successful and can give the landlord money to fix up his property. The signage at the property is very poor. Lastly, the Home Base site in the Charleston Plaza was approved for this same type of permit and that might be a better location.

AL GALLEG0, citizen of Las Vegas, suggested the 7th floor of the City garage as a good site.

No one appeared in opposition.

MAYOR GOODMAN declared the Public Hearing closed.

(2:49 – 2:53)

4-1404

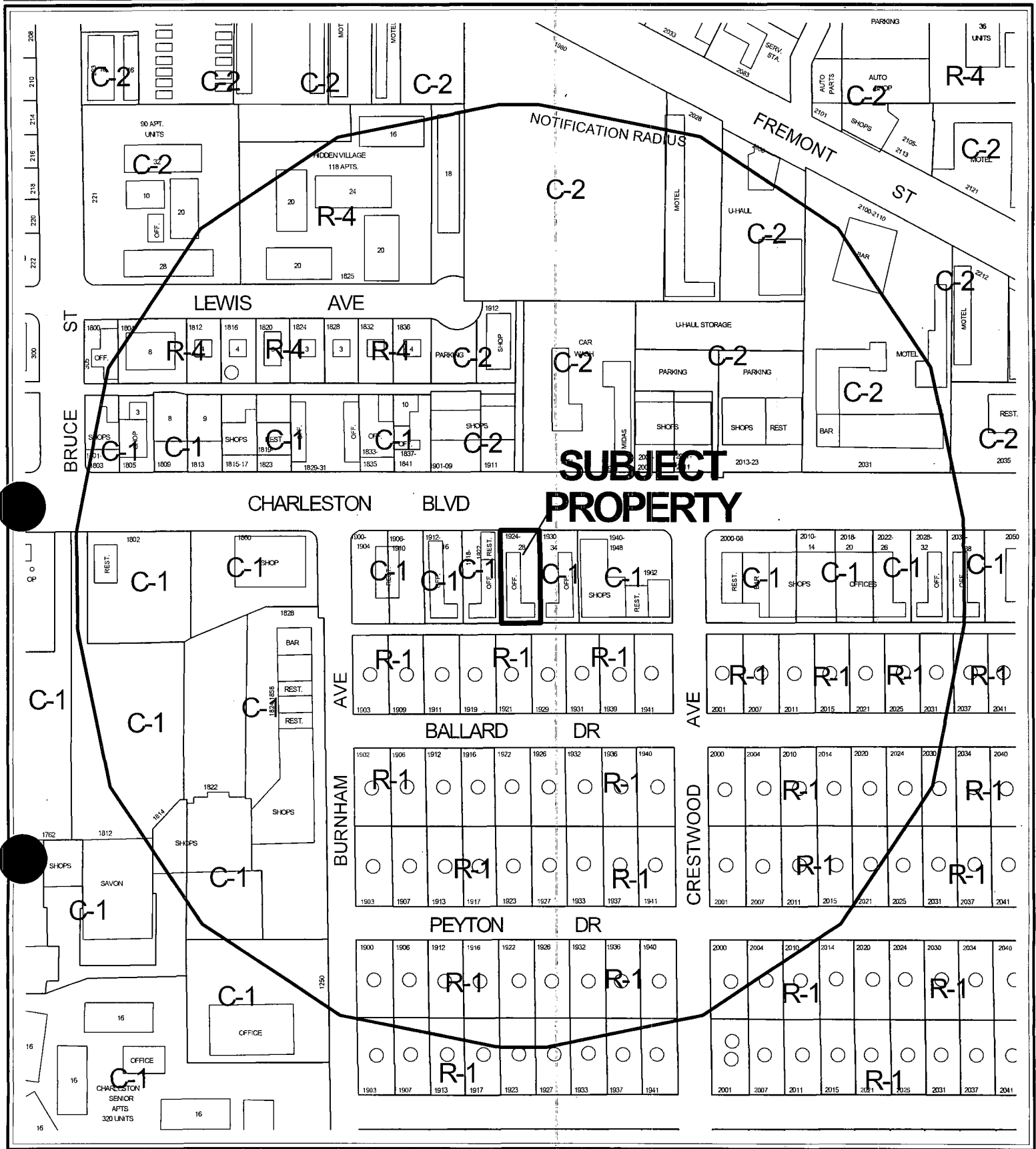
CONDITIONS:

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

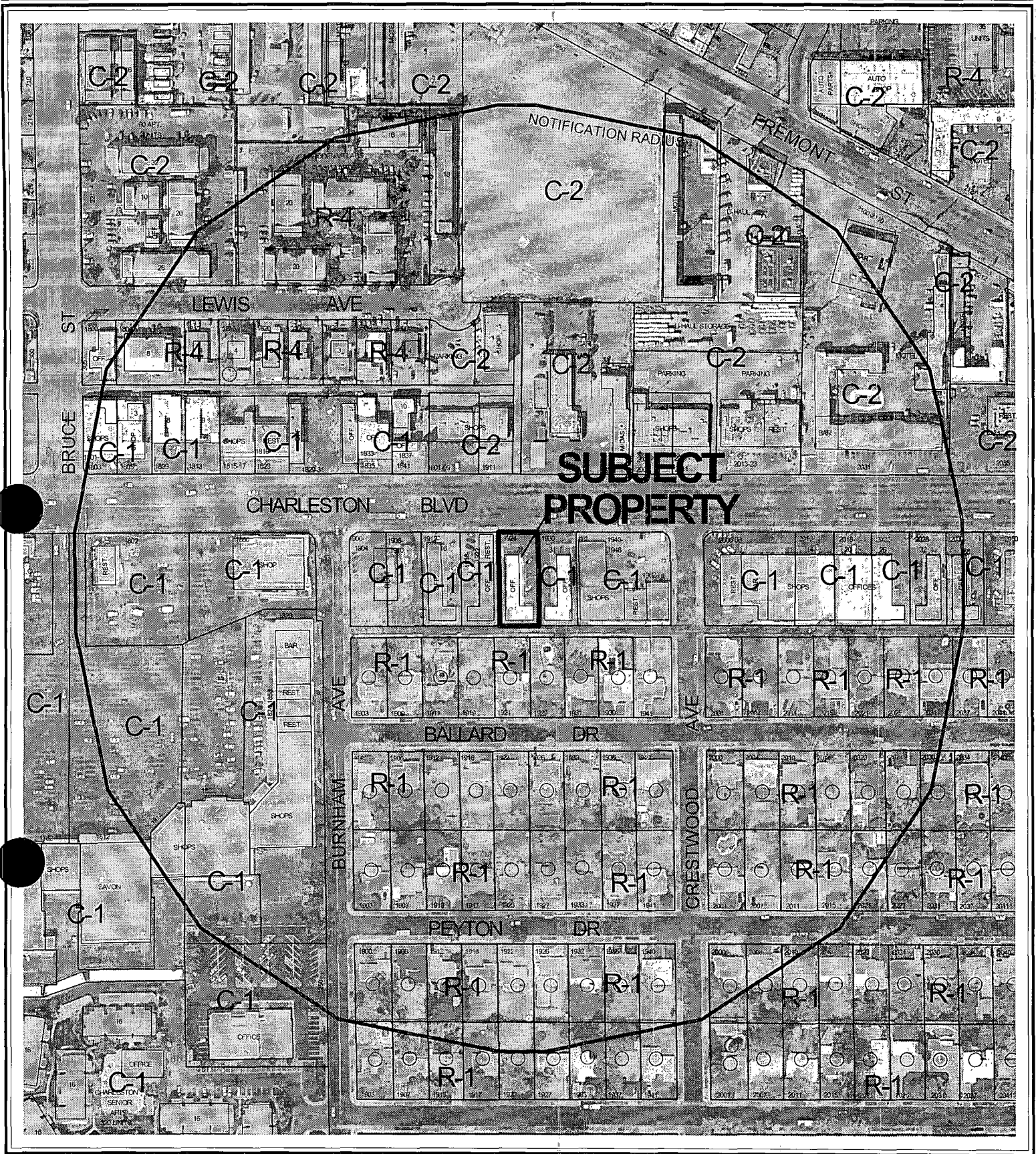
4. The proposed hot dog cart shall not be located within the existing public right-of-way, interfere with Site Visibility Restriction Zones or cause an obstruction to vehicular or pedestrian travel corridors.
5. The Special Use Permit is subject to review by the Planning Commission one year after the issuance of the business license.



CASE: SUP-3635

RADIUS: 750 FT

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



CASE: SUP-3635

RADIUS: 750 FT

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

0 100 200 Feet



AGENDA MEMO

CITY COUNCIL MEETING DATE: MARCH 17, 2004
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: SUP-3635 - APPLICANT: LOUIS SELIGMAN - OWNER:
PARAMOUNT INVESTMENTS COMPANY

**** CONDITIONS ****

Staff recommends DENIAL. The Planning Commission (4-2 vote) recommends APPROVAL, 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.
5. The Special Use Permit is subject to review by the Planning Commission one year after the issuance of the business license.

**** 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.
- 02/12/04 The Planning Commission voted 4-2 to recommend APPROVAL (PC Agenda Item #31).

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.

<i>SPECIAL DISTRICTS/ZONES</i>	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.

PLANNING COMMISSION ACTION

The Planning Commission on a 4-2 vote determined that staff's concern that this midblock lot was an inappropriate location for an outside vendor was incorrect.

There was one speaker against the project at the Planning Commission hearing.

The Planning Commission added Condition #5 as shown.

NOTICES MAILED 112 by City Clerk

APPROVALS 0

PROTESTS 1

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: N/A

Partner(s): _____

APN: _____

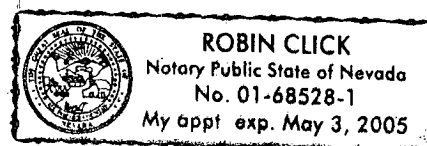
Signature of Property Owner/Authorized Agent: [Signature]

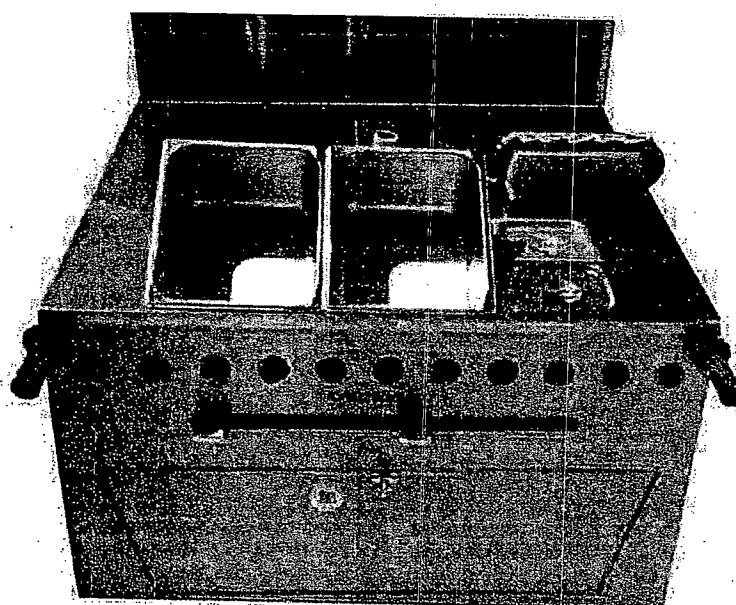
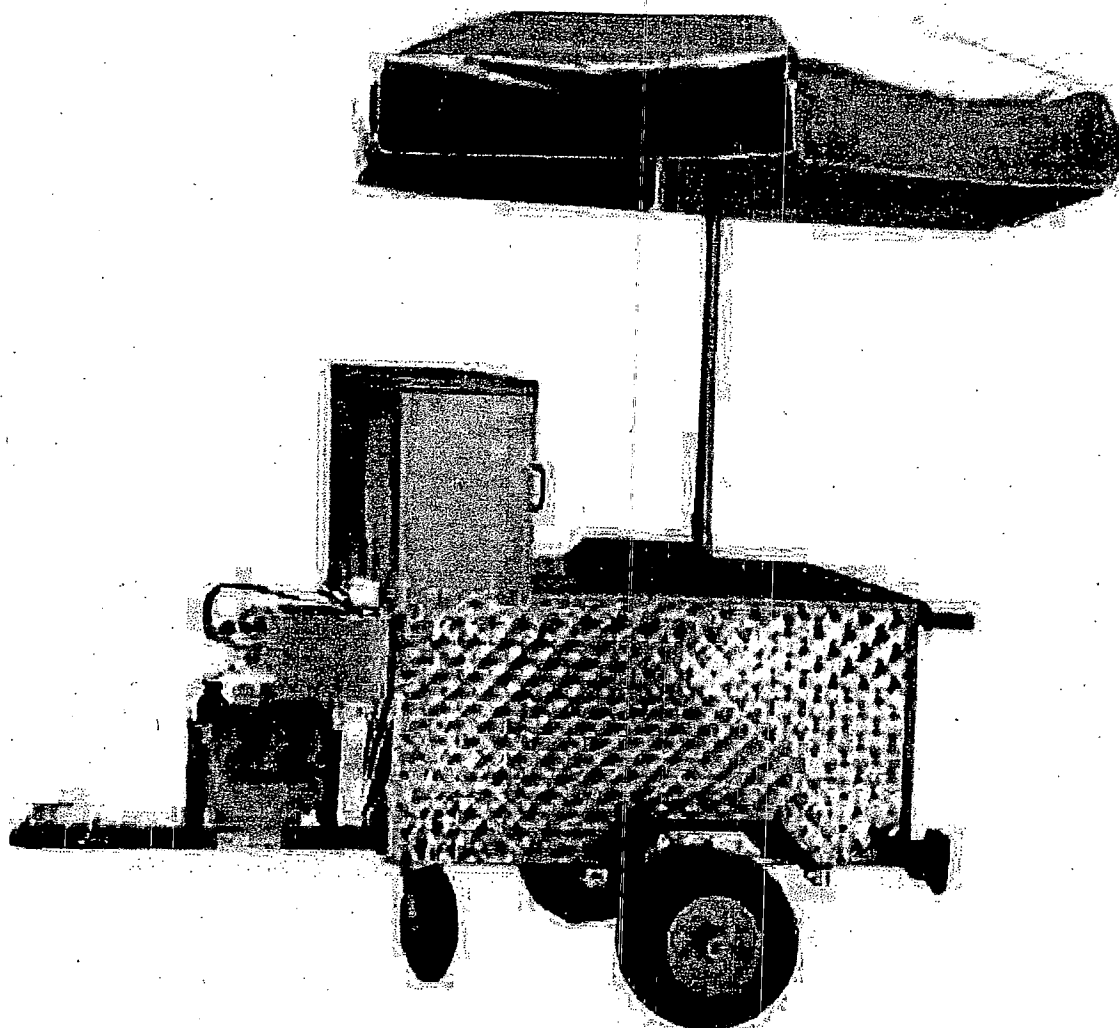
Print Name: AVI BARASHI

Subscribed and sworn before me

This 1st day of December, 2003

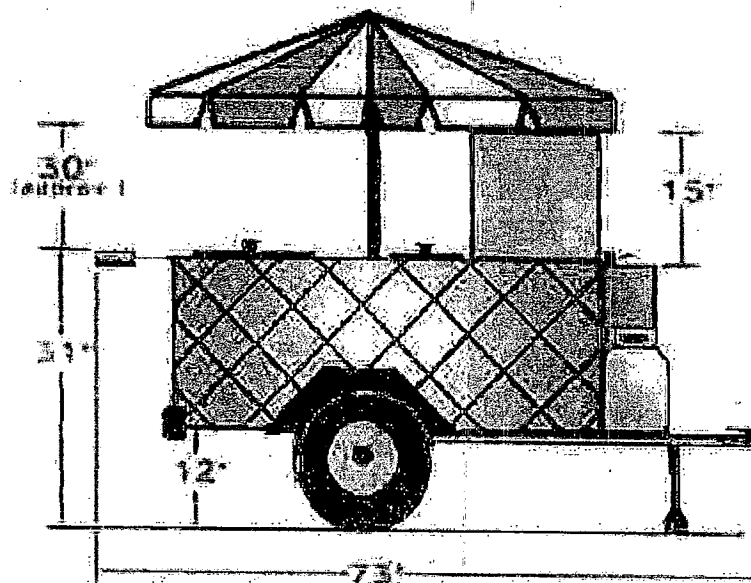
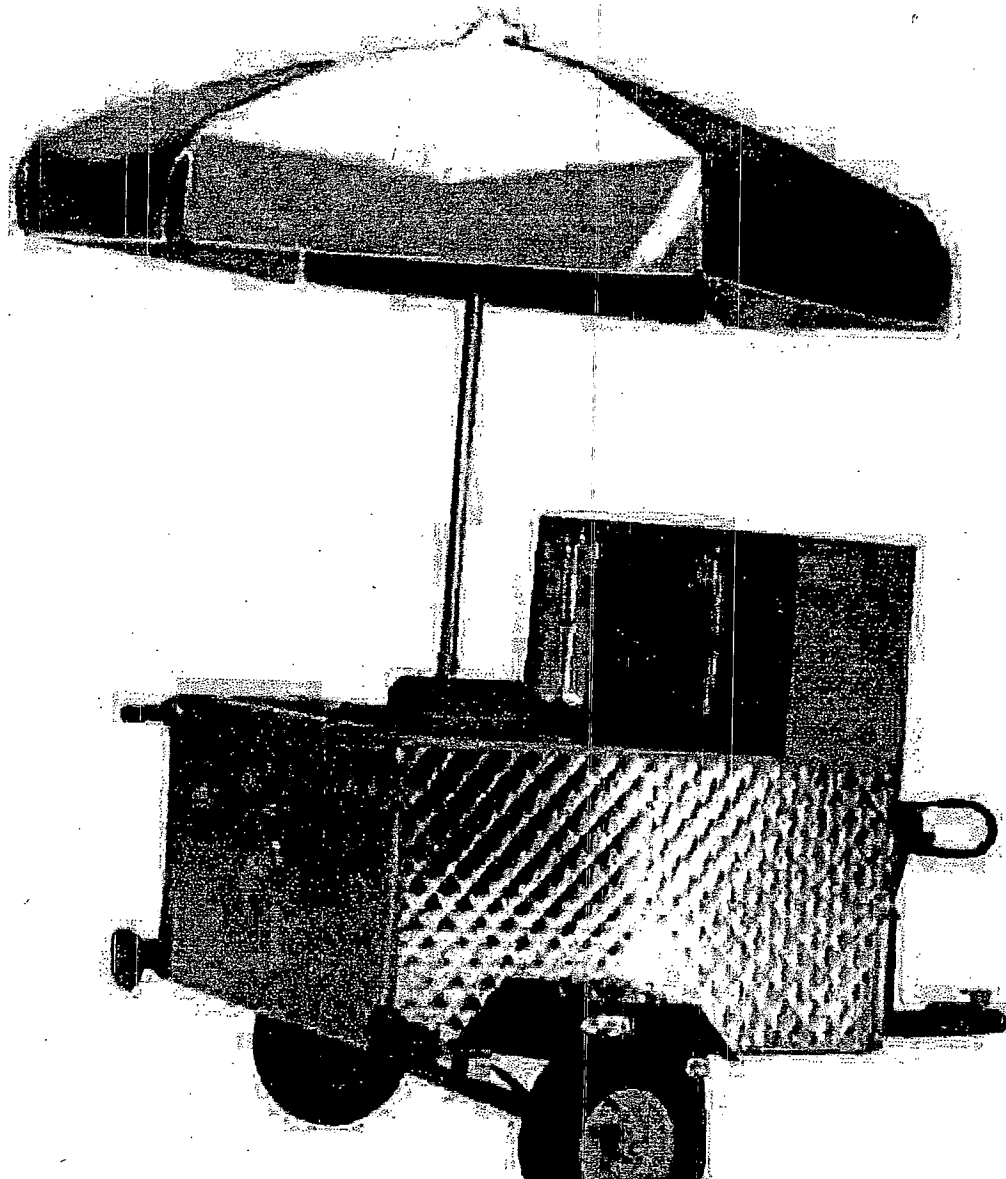
Robin Click
Notary Public in and for said County and State





SUP-3635
02-12-04 PC

SUP-3635 2/12/4 P.L. P036

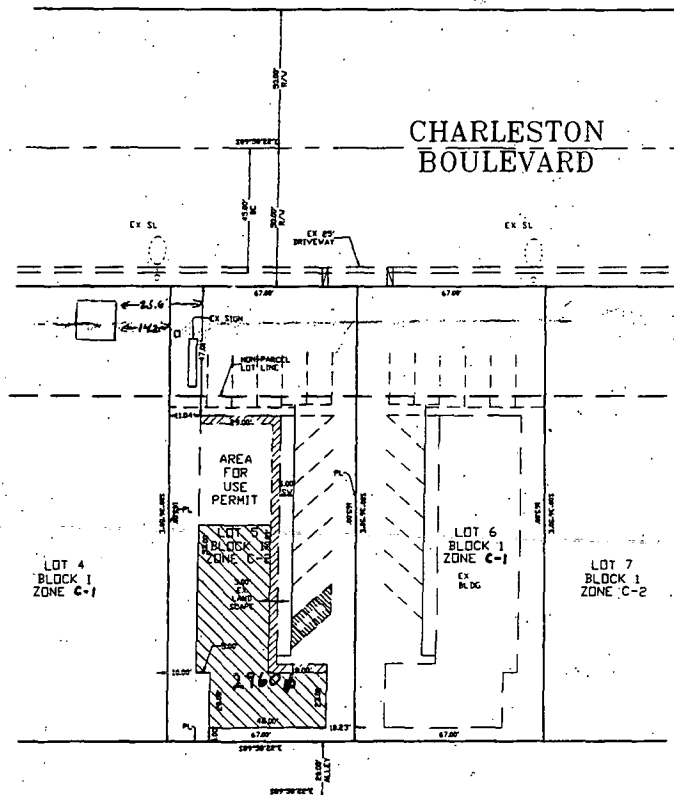
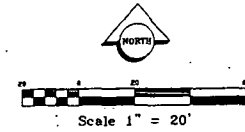


SIDE VIEW

SUP-3635
02-12-04 PC

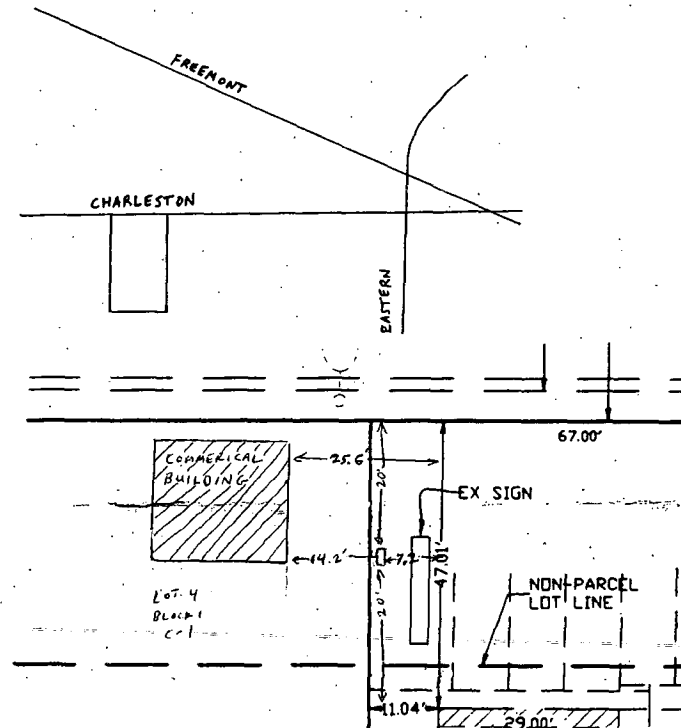
SUP-3635
2/12/4
P.L. PUBLIC

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 REGD. 1/300 10 SPACES
PARKING PROVIDED 10 SPACES
LOT SIZE 11,055 SQ. FT.

NO.	DATE	BY	REVISION

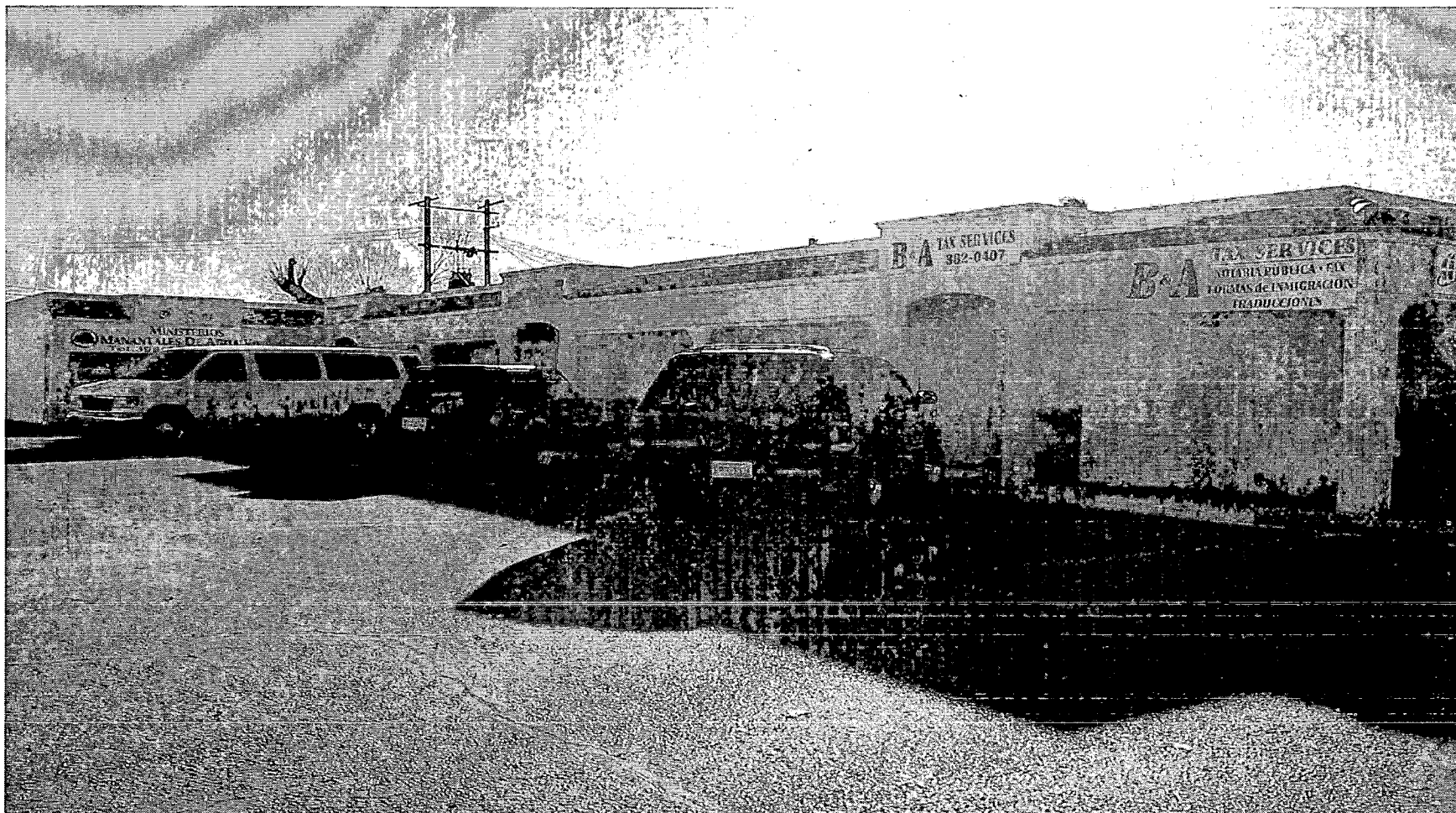


LOT 5, BLOCK 1
CRESTWOOD HOMES TRACT 5
SITE PLAN

NO.	DATE	BY	REVISION

1
OF 1 SHEETS

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
CITY COUNCIL MEETING OF: MARCH 17, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☐

CONSENT

☒

DISCUSSION

SUBJECT:

SPECIAL USE PERMIT - 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). The Planning Commission (6-0 vote) and staff recommend APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

3

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

RECOMMENDATION:

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

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Submitted after final agenda – Protest letter from Marla Weaver
5. Back up referenced from the 2/12/2004 Planning Commission meeting Item 32

MOTION:

REESE – APPROVED subject to conditions – UNANIMOUS with MONCRIEF not voting

MINUTES:

MAYOR GOODMAN declared the Public Hearing open.

RENATO MORALES, JR. and VICKI MORALES, 1241 Dutch Flat Street, 89110, appeared on behalf of the applicant.

COUNCILMAN REESE outlined the privilege it has been to work with the applicants on this project adjacent to an existing shopping center in a location where he has begged for private investment. He encouraged the City to assist the applicants with what will be a successful venture. LEO GARCIA, Acosta Enterprises, 573 East Twain Avenue, advised MAYOR GOODMAN that the store will be 8,000 square feet. They were unsuccessful in working with

CITY COUNCIL MEETING OF MARCH 17, 2004
Planning and Development Department
Item 128 – SUP-3636

MINUTES – Continued:

the Office of Business Development, but they would be willing to open a third location at a good site. MAYOR GOODMAN called this the ideal prototype for a neighborhood market in downtown. MS. MORALES expressed appreciation for the help of COUNCILMAN REESE, his staff and all the other City staff. They will contact the Office of Business Development again.

No one appeared in opposition.

MAYOR GOODMAN declared the Public Hearing closed.

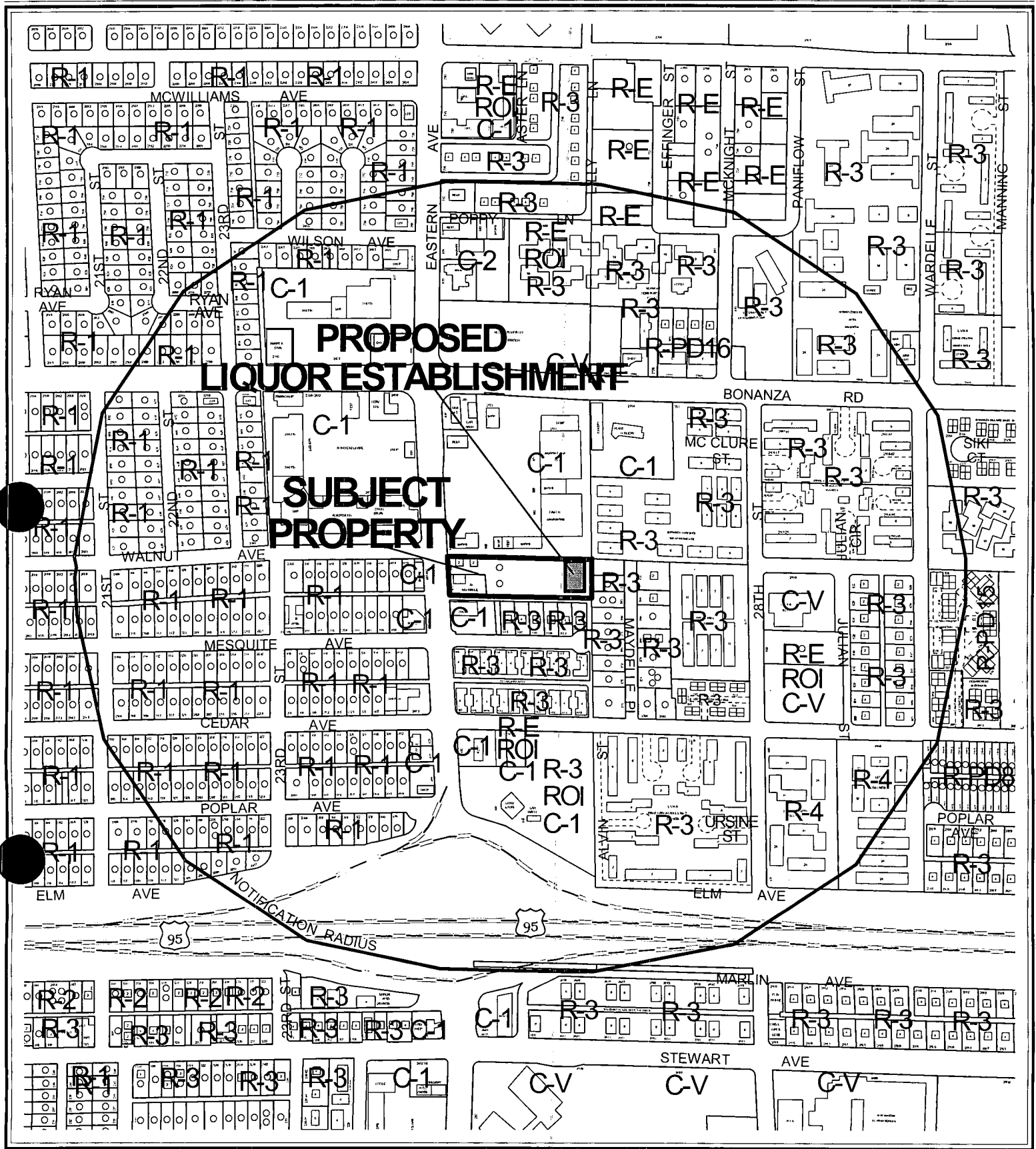
(2:53 – 2:57)

4-1557

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

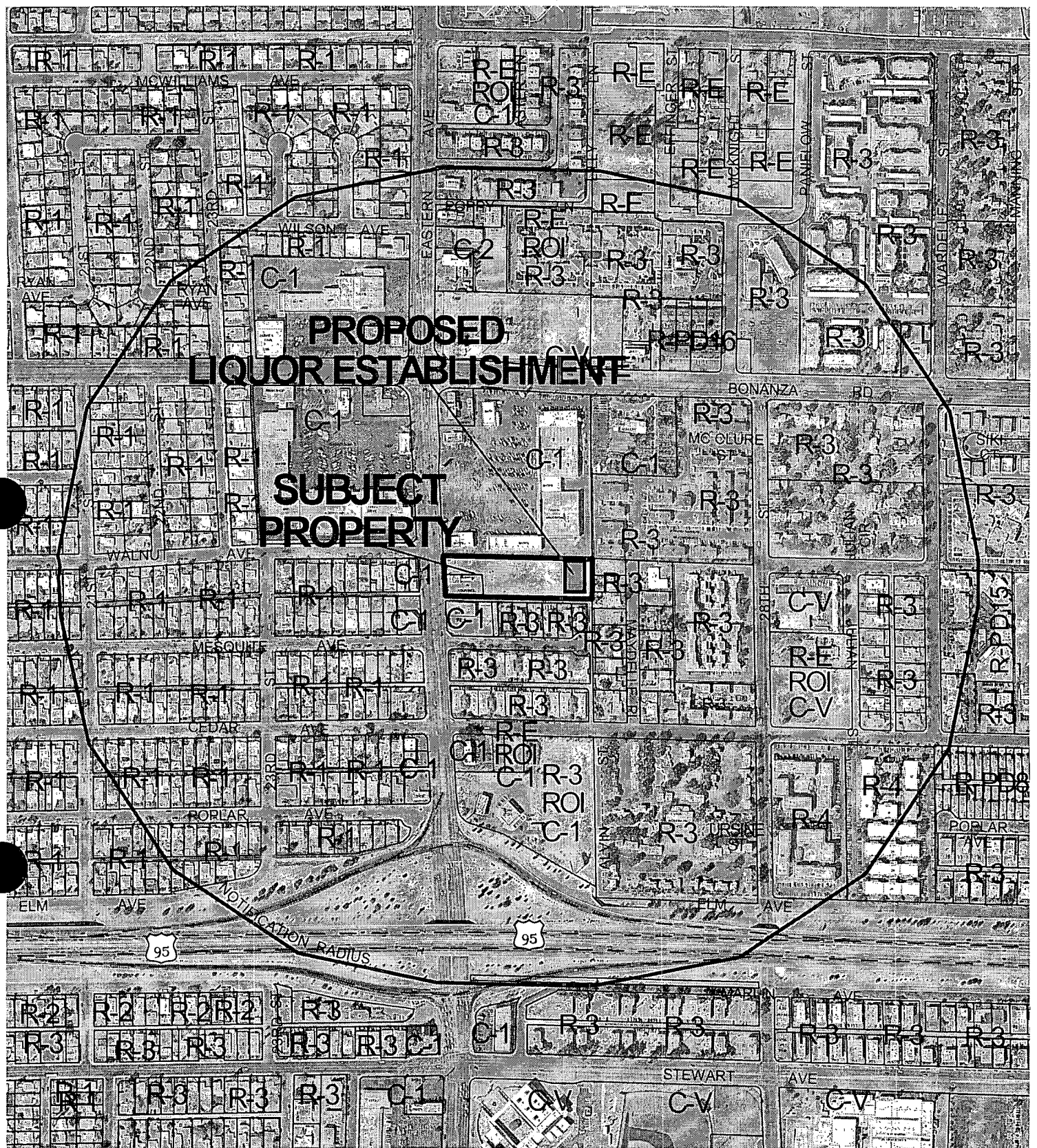
ZONING OF SUBJECT PROPERTY:

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



**PROPOSED
LIQUOR ESTABLISHMENT**

**SUBJECT
PROPERTY**



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

CITY COUNCIL MEETING DATE: MARCH 17, 2004

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: SUP-3636 - APPLICANT: ACOSTA ENTERPRISE -
OWNER: VRAAM LIMITED LIABILITY COMPANY**

**** CONDITIONS ****

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

**** 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.
- 02/12/04 The Planning Commission voted 6-0 to recommend APPROVAL (PC Agenda Item #32/gl).

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 470 by City Clerk

APPROVALS 0

PROTESTS 3



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

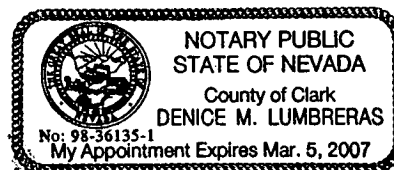
Print Name: Vicki L Morales

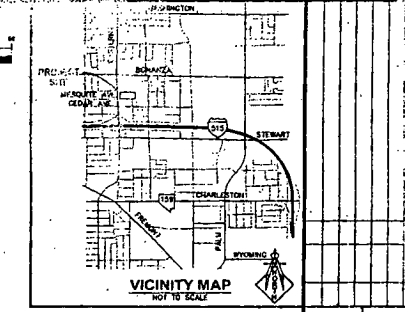
Subscribed and sworn before me

This 22 day of December, 2003

Denice M. Lumbieras

Notary Public in and for said County and State





- Domingo Combino Corporation**
 ADMINISTRATORS • CONTRACTORS • ENGINEERS • CONSULTANTS
 1000 WILSON AVENUE SUITE 2000 LOS ANGELES CA 90017-1000
LOCHSA ENGINEERING
 5874 SPRING MOUNT RD. SUITE 308
 LAS VEGAS NV 89146

PRELIMINARY PRINT
© NOT USE FOR CONSTRUCTION

NOTE:
LOCHNA ENGINEERING ASSUMES NO RESPONSIBILITY FOR
EXISTING UTILITY LOCATIONS AND ELEVATIONS. THE UTILITY
SHOWN ON THIS DRAWING ARE FROM THE BEST AVAILABLE
INFORMATION. IT IS THE CONTRACTOR'S RESPONSIBILITY TO
FIELD VERIFY THE LOCATION AND ELEVATION OF ALL UTILITIES
INCLUDING BUT NOT LIMITED TO, THE WATER, FIRE, SANITARY,
SEWER, STORM SEWER, TELEPHONE, POWER, GAS, AND
IRRIGATION LINES PRIOR TO THE COMMENCEMENT OF
CONSTRUCTION. IF CONFLICT EXISTS IN THE FIELD, THE
CONTRACTOR IS TO NOTIFY THE PROJECT ARCHITECT, OWNER

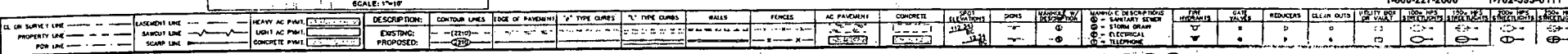
REPRESENTATIVE, AND THE PROJECT ENGINEER IMMEDIATELY
A.P.N.:
 138-36-110-003
 138-36-110-007
BASIS OF BEARINGS:
 TYPE BASIS OF BEARINGS HERE.

BENCHMARK:

Avoid cutting underground

Call before you Dig
1-800-277-2600

SAFETY ALERT
Call
Before You
Overhead
1-702-593-6111



SUP-3636
02-12-04 PC

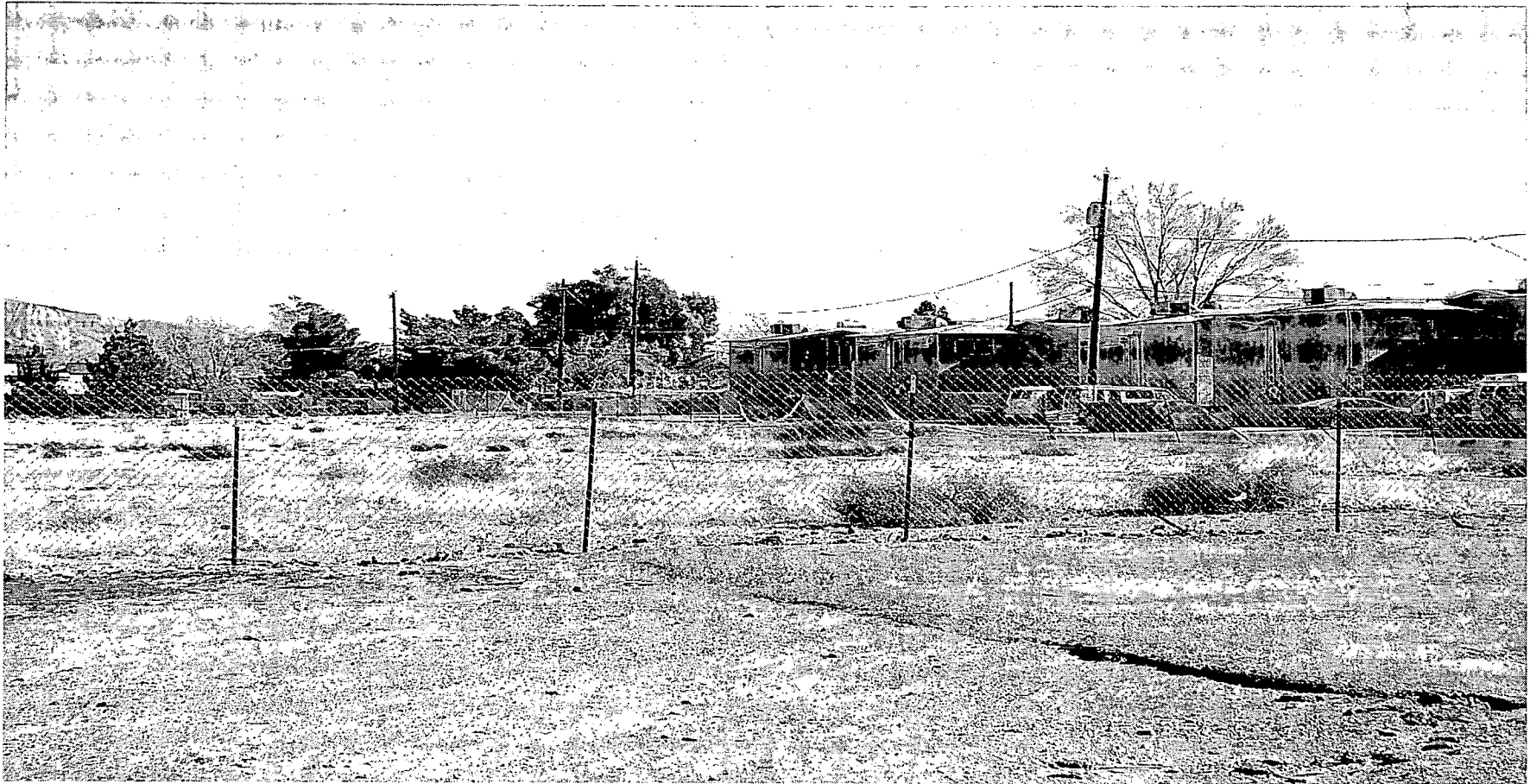


A-PLUS PLAZA

Domingo Canino Corporation
ARCHITECTS

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SUP-3636
02-12-04 PC



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

RECEIVED
CITY CLERK

2004 MAR 17 A 10: 17

March 17, 2004

TO: City of Las Vegas
Office of the City Clerk
City Hall
400 Stewart Ave.
Las Vegas, Nevada 89101-2986

ATTN: City Clerk

RE: SUP-3636 Special Use Permit

Protest

Dear Sir/Ms,

In regard to SUP-3636 which is on todays City Council agenda, I would like to let you know of my objection to the Liquor Establishment within the grocery store. I believe it is too close to the residential housing there. There are many apartments in the area and many young children, so I believe it would be detrimental to be selling liquor. My other concern is the very busy intersections of Easter and Bonanza and Eastern and Stewart, especially at rush hour. Off-premise consumption could have the potential of being dangerous.

I believe the application for a Special use permit by Acosta Enterprise should be denied.

Sincerely,
Marla Weaver

Submitted after final agenda

Date 3/17/04 Item #128

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF: MARCH 17, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☐

CONSENT

☒

DISCUSSION

SUBJECT:

SPECIAL USE PERMIT - PUBLIC HEARING - SUP-3642 - APPLICANT: JORGE CALDERA - OWNER: NAMCO 8 LIMITED LIABILITY COMPANY - Request for a Special Use Permit FOR AN AUTO PAINT AND BODY REPAIR SHOP located at 4920 West Cheyenne Avenue (APN: 138-12-813-001), C-2 (General Commercial) Zone and R-E (Residence Estates) Zone under Resolution of Intent to C-2 (General Commercial) Zone, Ward 6 (Mack). The Planning Commission (6-0 vote) and staff recommend APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

RECOMMENDATION:

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

BACKUP DOCUMENTATION:

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

MOTION:

MACK – APPROVED subject to conditions – UNANIMOUS

MINUTES:

MAYOR GOODMAN declared the Public Hearing open.

JORGE CALDERA, 3414 Mosaic Street, North Las Vegas, was present and concurred with the conditions.

No one appeared in opposition.

MAYOR GOODMAN declared the Public Hearing closed.

(2:57)

4-1679

CONDITIONS:

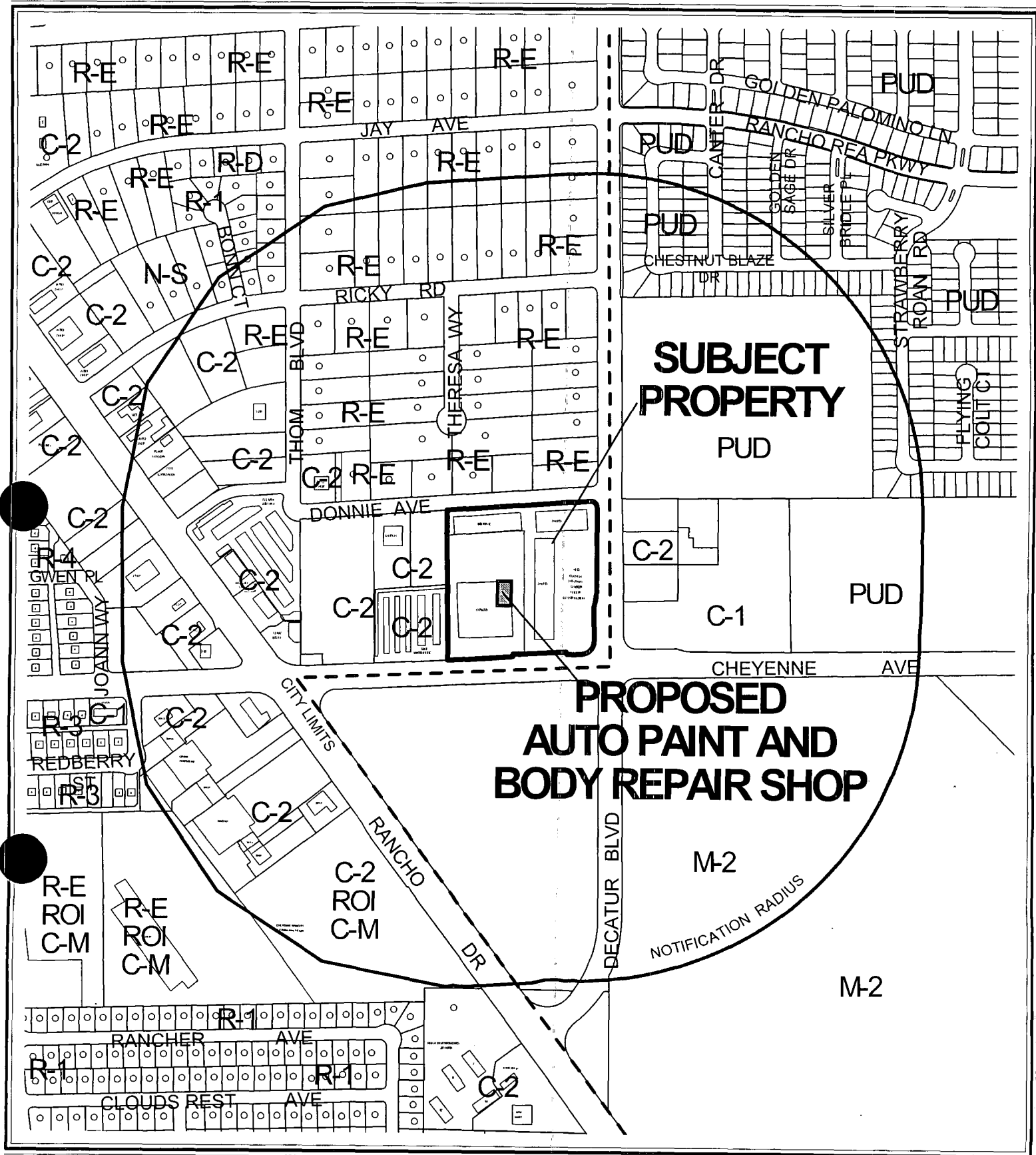
Planning and Development

1. Conformance to all Minimum Requirements under Title 19.04.040 for an Auto Paint and Body Repair Shop use.

CITY COUNCIL MEETING OF MARCH 17, 2004
Planning and Development Department
Item 129 – SUP-3642

CONDITIONS – Continued:

2. This Special Use Permit shall expire two years from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.
3. Conformance to the Conditions of Approval for Rezoning (Z-0079-97).
4. All City Code requirements and design standards of all City departments must be satisfied.
5. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.
6. This Special Use Permit is limited to operation solely at 4920 West Cheyenne Avenue, a 5,700 square foot portion of Building #3 as shown on the site plan dated February 12, 2004.



CASE: SUP-3642

RADIUS: 1320 FT

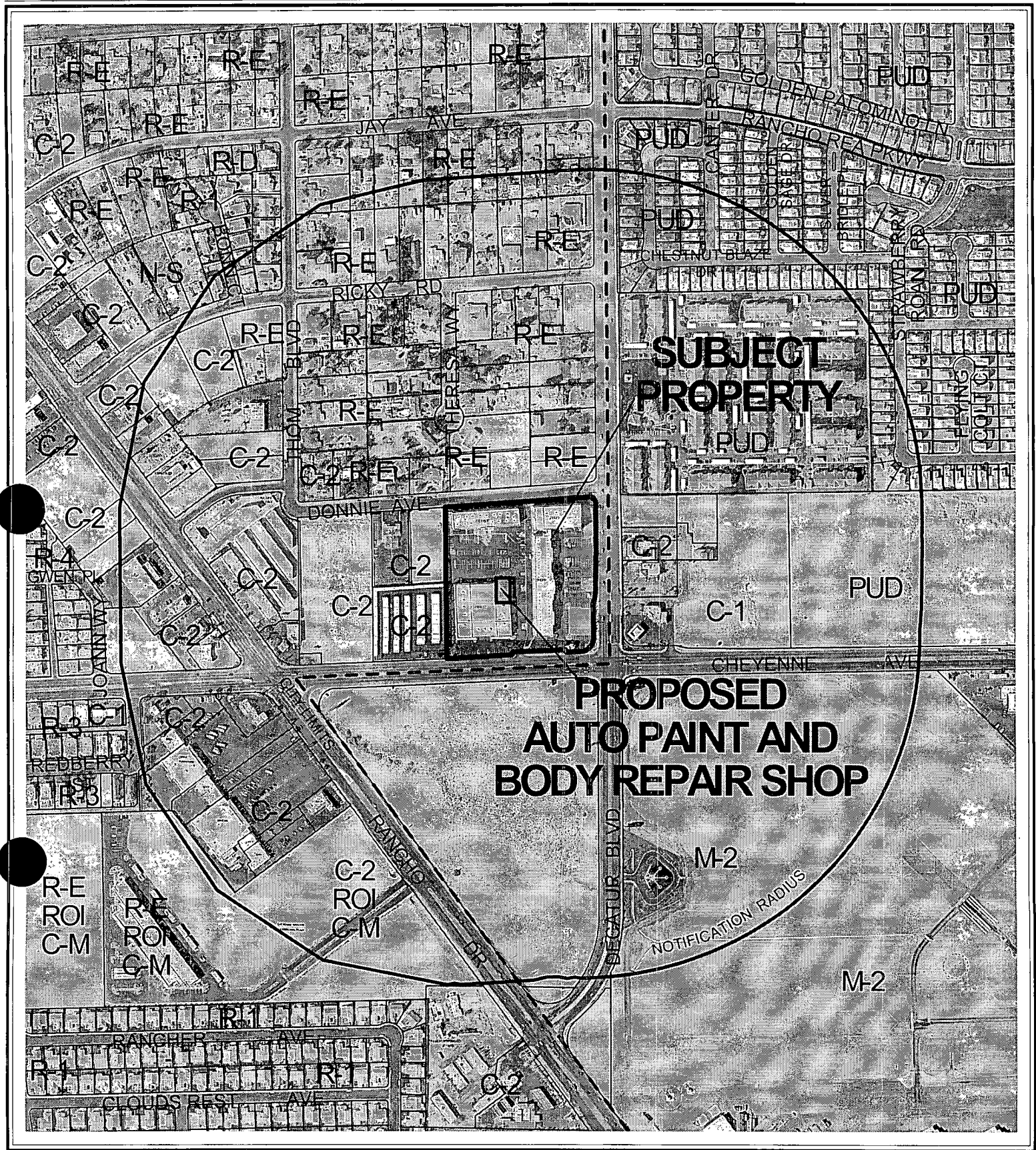
ZONING OF SUBJECT PROPERTY:

C-2 (GENERAL COMMERCIAL) AND R-E (RESIDENCE ESTATES) UNDER RESOLUTION OF INTENT TO C-2 (GENERAL COMMERCIAL)

0 400 800 Feet

129





CASE: SUP-3642

RADIUS: 1320 FT

ZONING OF SUBJECT PROPERTY:

C-2 (GENERAL COMMERCIAL) AND R-E (RESIDENCE ESTATES) UNDER RESOLUTION OF INTENT TO C-2 (GENERAL COMMERCIAL)

0 400 800 Feet



AGENDA MEMO

CITY COUNCIL MEETING DATE: MARCH 17, 2004

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: SUP-3642 - APPLICANT: JORGE CALDERA - OWNER:
NAMCO 8 LIMITED LIABILITY COMPANY**

**** CONDITIONS ****

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

Planning and Development

1. Conformance to all Minimum Requirements under Title 19.04.040 for an Auto Paint and Body Repair Shop use.
2. This Special Use Permit shall expire two years from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.
3. Conformance to the Conditions of Approval for Rezoning (Z-0079-97).
4. All City Code requirements and design standards of all City departments must be satisfied.
5. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.
6. This Special Use Permit is limited to operation solely at 4920 West Cheyenne Avenue, a 5,700 square foot portion of Building #3 as shown on the site plan dated February 12, 2004.

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

This request is for approval of a Special Use Permit to allow a proposed 5,700 square-foot Auto Paint and Body Repair use located at 4920 West Cheyenne Avenue. The proposed use is to be developed within an existing building on the site that also contains 44,710 square feet of office and warehouse space.

B) Applicant's Justification

The applicant has justified this request by stating that this operation will meet all city standards and Code requirements and be beneficial to the two existing automotive shops to the north of this proposed operation.

BACKGROUND INFORMATION

A) Previous Actions

- 01/02/91 The City Council approved a Reclassification (Z-0122-90) of property located on the northwest corner of Decatur Boulevard and Cheyenne Avenue, from R-E (Residence Estates) and C-2 (General Commercial) Zones to C-2 (General Commercial) and R-D (Single Family Residential-Restricted) [later amended to R-E by condition], to allow offices, warehouses and single-family dwellings. The Planning Commission and staff recommended approval on 12/13/90.
- 08/05/92 The City Council approved a request for a Review of Condition [Z-0122-90(1)] to modify wall height and landscaping conditions for the approved project. The Planning Commission recommended approval on 06/25/92.
- 09/22/97 The City Council approved a request for Rezoning (Z-0079-97) on property located on the west side of Decatur Boulevard, between Cheyenne Avenue and Donnie Avenue, from R-E (Residence Estates) to R-D (Single Family Residential Restricted) and C-2 (General Commercial), for three proposed single-family dwellings and a 25,800 square-foot, two-story shopping center (Red Feather Shopping Center).
- 05/14/98 The Planning and Development Department administratively approved a revised site plan for the shopping center (Z-0079-98(2)) to modify access and to require landscaping in accordance with city standards.
- 06/19/02 The City Council denied a request for a Special Use Permit (U-0020-02) for a proposed Tattoo Parlor/Body Piercing Studio located on the subject site. Staff had recommended approval. The Planning Commission recommended approval on 04/11/02.

12/18/02 The City Council approved a request for a Special Use Permit (SUP-1097) for a proposed Restaurant Service Bar on the subject site. The Planning Commission and staff recommended approval on 11/21/02.

02/12/04 The Planning Commission voted 6-0 to recommend APPROVAL (PC Agenda Item #13/gl).

B) Pre-Application Meeting

12/05/03 The applicant was advised that there were base conditions that would have to be satisfied for approval of the requested use. The applicant indicated that there would be no exterior alterations to the existing building. The applicant was advised to show a parking analysis of the overall site on the site plan and to review UBC issues with the Building and Safety Department. The applicant was advised of the status of this request as a Project of Regional Significance, and the necessary submission requirements.

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: 8.43
Net Acres: 0.13

B) Existing Land Use

Subject Property: Commercial Shopping Center
North: Undeveloped
South: Undeveloped
North Las Vegas Air Terminal
East: Commercial
West: Commercial

C) Planned Land Use

Subject Property: GC (General Commercial)
North: DR (Desert Rural Residential)
South: City of North Las Vegas
East: City of North Las Vegas
West: GC (General Commercial)

D) Existing Zoning

Subject Property: R-E (Residence Estates) under Resolution of Intent to C-2 (General Commercial) and C-2 (General Commercial)
North: R-E (Residence Estates)

South: (No Zoning Available - City of North Las Vegas)
East: C-1 (Neighborhood Commercial - City of North Las Vegas) and C-2
(General Commercial - City of North Las Vegas)
West: C-2 (General Commercial)

E) General Plan Compliance

The subject property is designated GC (General Commercial) on the Centennial Hills Sector Plan map. The current C-2 (General Commercial) zoning of the site complies with the current land use designation. The proposed Auto Paint and Body Repair Shop is a permitted use within the C-2 (General Commercial) zoning district with approval of a Special Use Permit.

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

Special Overlay District

The subject site is located within the North Las Vegas Airport Overlay District; however, as the proposed use is being located within an existing building, there will be no impact on the Airport Overlay District.

Rural Preservation Neighborhood

This site is located within the buffer zone of a Rural Preservation Neighborhood. This designation has no impact on the submittal. The use is being proposed within an existing commercial center.

County/North Las Vegas/HOA Notification

As the notification radius for this application includes lands within the City of North Las Vegas, notification of this request was sent to this entity. The City indicated by letter that it had no comment with respect to this application.

Project of Regional Significance

This request was determined to be a Project of Regional Significance. Information relative to this status is provided 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 the City of North Las Vegas

An Environmental Impact Assessment questionnaire was circulated to the affected Agencies and Entities for the mandated 15-day period. No adverse comments were received from the involved agencies during this period. The Flood Control Division of Public Works has noted, however, that this site is located within FEMA Flood Zone A. If any onsite improvements other than to the interior of the building are to be done, a drainage study will be required. No onsite improvements are planned in relation to this project.

The Planning Commission is to consider the Environmental Impact Assessment and the proposed mitigation measures prior to make a decision on the proposal. There were no environmental impacts associated with this request.

ANALYSIS

A) *Zoning Code Compliance*

A1) Parking and Traffic Standards

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

Uses	GFA	Ratio	Required Parking		Provided Parking	
			Regular	Handicap	Regular	Handicap
Auto Paint and Body Repair	5,700 s.f.	5 spaces plus 1 space/200 s.f. GFA	34 spaces	2 spaces	234 spaces*	6 spaces*

*The parking provided on the site is shared between all uses on the site; however, as the overall parking requirement is for 151 spaces, the parking provided exceeds the requirement of the Code. Currently only three handicap spaces are provided, therefore, three more are to be converted.

A2) Minimum Distance Separation Requirements

There are no Minimum Separation Distance Requirements in the Zoning Code that apply to the proposed Auto Paint and Body Repair use.

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

Standards	Code Requirement	Provided
Trash Enclosure	Walled, roofed, gated	Y

The proposed use will utilize the two existing trash enclosures located on the site to the north of the building to contain this use. The enclosures do not meet current standards but meet the standards in place at the time the overall project was approved. As these enclosures are placed in an internal location on the site, and are not visible from nearby residential areas, no changes to these facilities are required.

B) General Analysis and Discussion

- Zoning

The subject site is currently zoned through a Resolution of Intent, as C-2 (General Commercial) and has a General Plan land use designation of GC (General Commercial). The proposed Auto Paint and Body Repair use is within the range of uses permitted, with approval of a Special Use Permit, in the GC (General Commercial) land use designation with C-2 (General Commercial) zoning.

- Use

There are no minimum separation distances or similar criteria that are applicable to the Auto Paint and Body Repair use; however, while this is a conditional use in the C-M (Commercial/Industrial) and M (Industrial) zoning districts, a Special Use Permit is required for this use in the C-2 (General Commercial) zoning district.

- Conditions

Title 19.04.040 sets out the base conditions that must be met for an Auto Paint and Body Repair use:

1. No used or discarded automotive parts or equipment shall be located or stored in any open area outside of an enclosed building.
2. All disabled or wrecked vehicles shall be stored in an area, which is screened from view from the surrounding properties and adjoining streets.
3. Openings in service bays shall not face public rights-of-way and shall be designed to minimize visual intrusion into adjoining properties.
4. All repair work shall be performed in an enclosed building.

The application as submitted meets all the base conditions for an Auto Paint and Body Repair use.

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 Paint and Body Repair use is an industrial/commercial use that will be conducted in an existing and fully enclosed building, screened from residential uses to the north by other existing buildings on the site, and surrounded by warehousing and other similar uses; as a result, the use can be expected to be compatible with existing and future uses on this site that are consistent with the approved GC (General Commercial) land use designation, and with nearby single-family development.

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

There are no constraints to the development of this use on the site, as the proposed use will be entirely located within an existing enclosed building on the site. There is sufficient on-site parking to accommodate this and other uses on the property.

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

The site has direct access to Decatur Boulevard and Cheyenne Avenue, which are both designated as Primary (100-foot) Arterials on the Master Plan of Streets and Highways. As a result, the abutting street network will be adequate for the traffic generated by this project.

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 Auto Paint and Body Repair use is use that is consistent with the GC (General Commercial) land use designation, through C-2 (General Commercial) zoning, with the approval of a Special Use Permit. The proposed use on this site will be subject to periodic inspection by regulatory agencies for business licensing, and will therefore not compromise the public health, safety and welfare.

PLANNING COMMISSION ACTION

The Planning Commission added Condition #6 as shown.

NOTICES MAILED 179 by City Clerk

APPROVALS 0

PROTESTS 0

STATEMENT OF FINANCIAL INTEREST

Name of Applicant: Jorge Caldera

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:

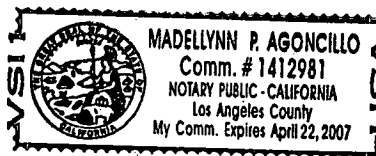
Signature of Property Owner/Authorized Agent:

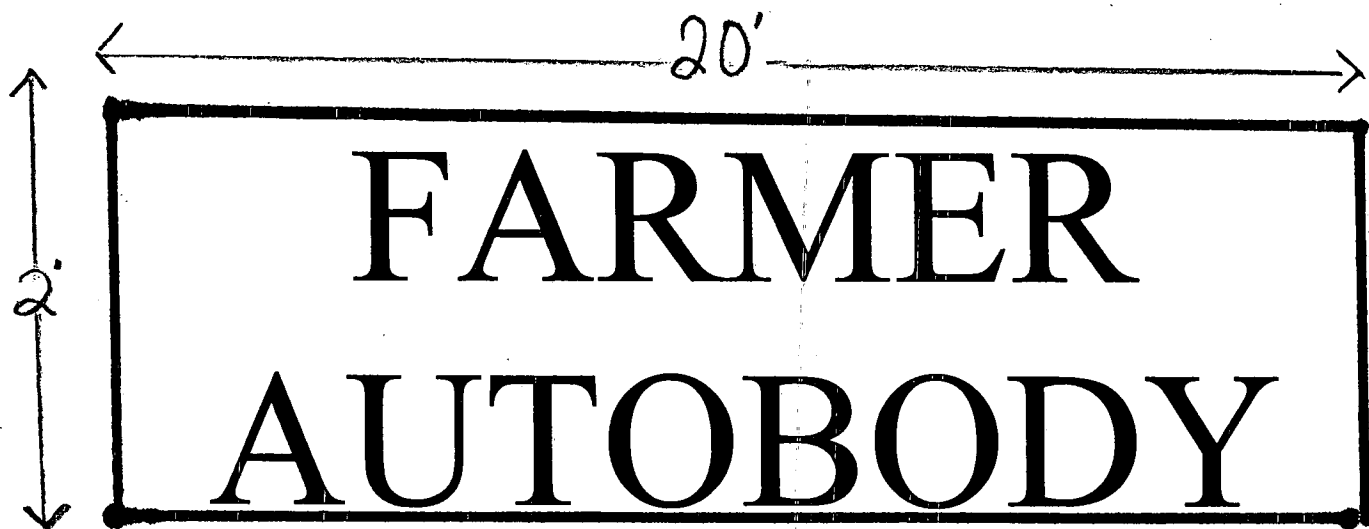
Print Name:

Subscribed and sworn before me

This 17th day of November, 2003

Notary Public in and for said County and State





- Sign Measurements -

SUP-3642
02-12-04 PC

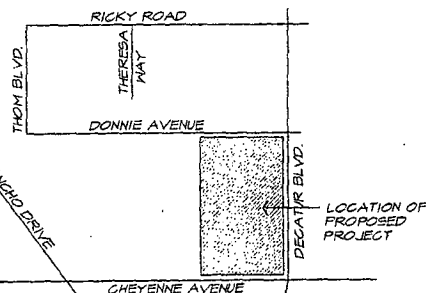
SITE DATA	
DESCRIPTION	AREA
C-2 COMMERCIAL CENTER	375,84 S.F. (8.62 ACRES)
ZONING (EXISTING)	C-2
BUILDING #1 RETAIL-OFFICE	40,267 S.F. TOTAL
BUILDING #2 RETAIL-OFFICE WAREHOUSE BUILDING	24,954 S.F. TOTAL
BUILDING #3 RETAIL-OFFICE WAREHOUSE BUILDING	44,710 S.F. TOTAL
BUILDING #4 OFFICE / WAREHOUSE BUILDING	18,155 S.F. TOTAL
FUTURE RETAIL PAD #1	9,000 S.F. TOTAL
GRAND TOTAL:	141,228 S.F. TOTAL

PARKING REQUIRED

BUILDING #4
MINOR AUTO REPAIR
1: 200 S.F. + 5 SPCS
2: 1,932 S.F. = 10 SPCS
3: 200 S.F. + 5 SPCS
4: 3,808 S.F. = 19 SPCS
5: 200 S.F. + 5 SPCS
6: 3,921 S.F. = 20 SPCS
7: 200 S.F. + 5 SPCS
8: 5,700 S.F. = 29 SPCS
9: 44,010 S.F. / 1,000 = 44 SPCS

TOTAL PARKING REQUIRED: 151 SPACES
(3 HANDICAPPED SPACES EXISTING
3 MORE TO BE CONVERTED)

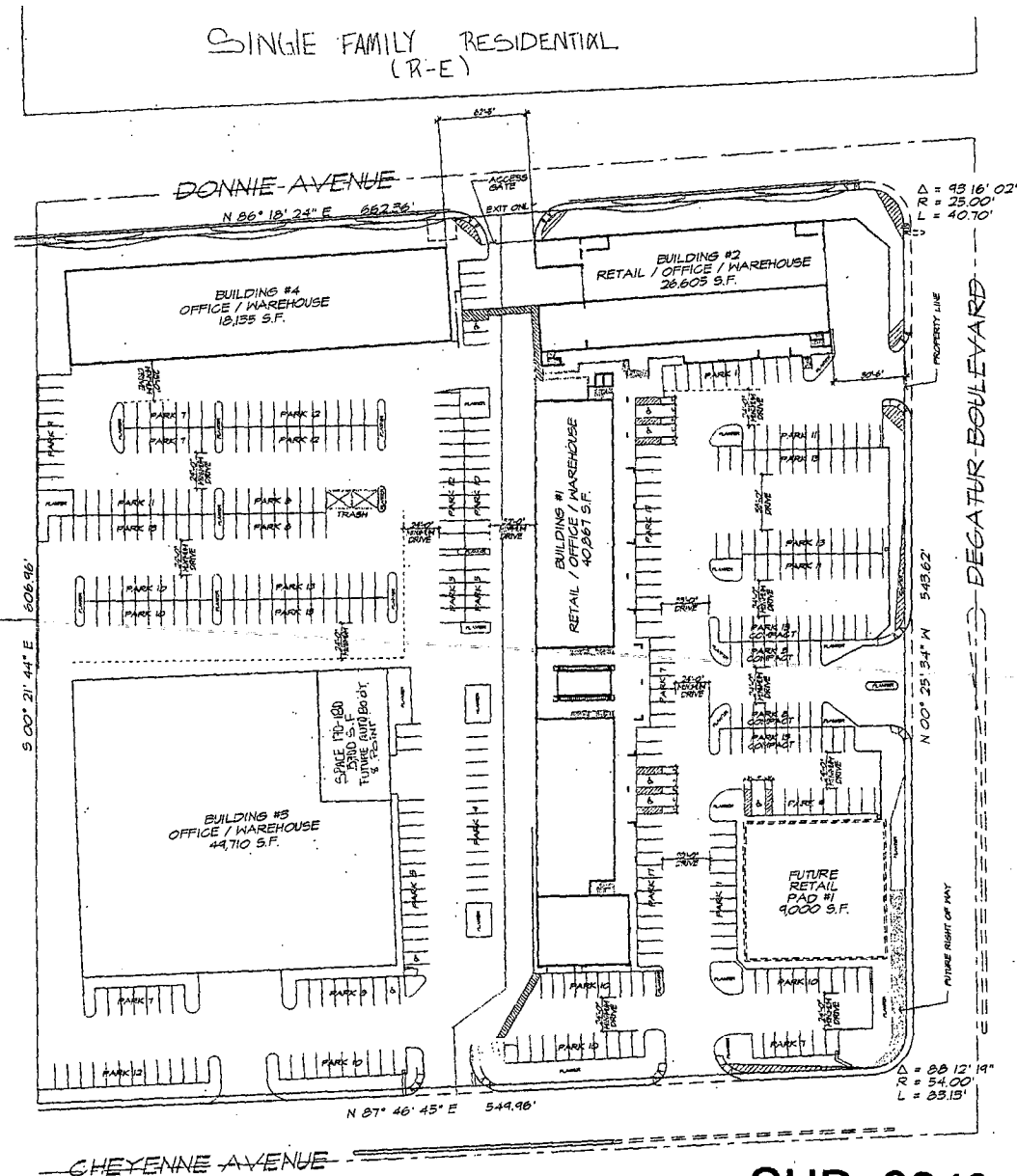
TOTAL PARKING PROVIDED: 234 SPACES
(AFTER 3 MORE HANDICAPPED SPACES ARE
CONVERTED)



② VICINITY MAP
SCALE: NONE

C-2
VACANT
LAND
(COMMERCIAL)

C-2
STORAGE UNITS
(COMMERCIAL)



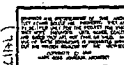
① OVERALL PARKING PLAN
SCALE: 1" = 40'-0"

VACANT PARCEL
(UNDEVELOPED)

SUP-3642
02-12-04 PC



AUG 20 2002

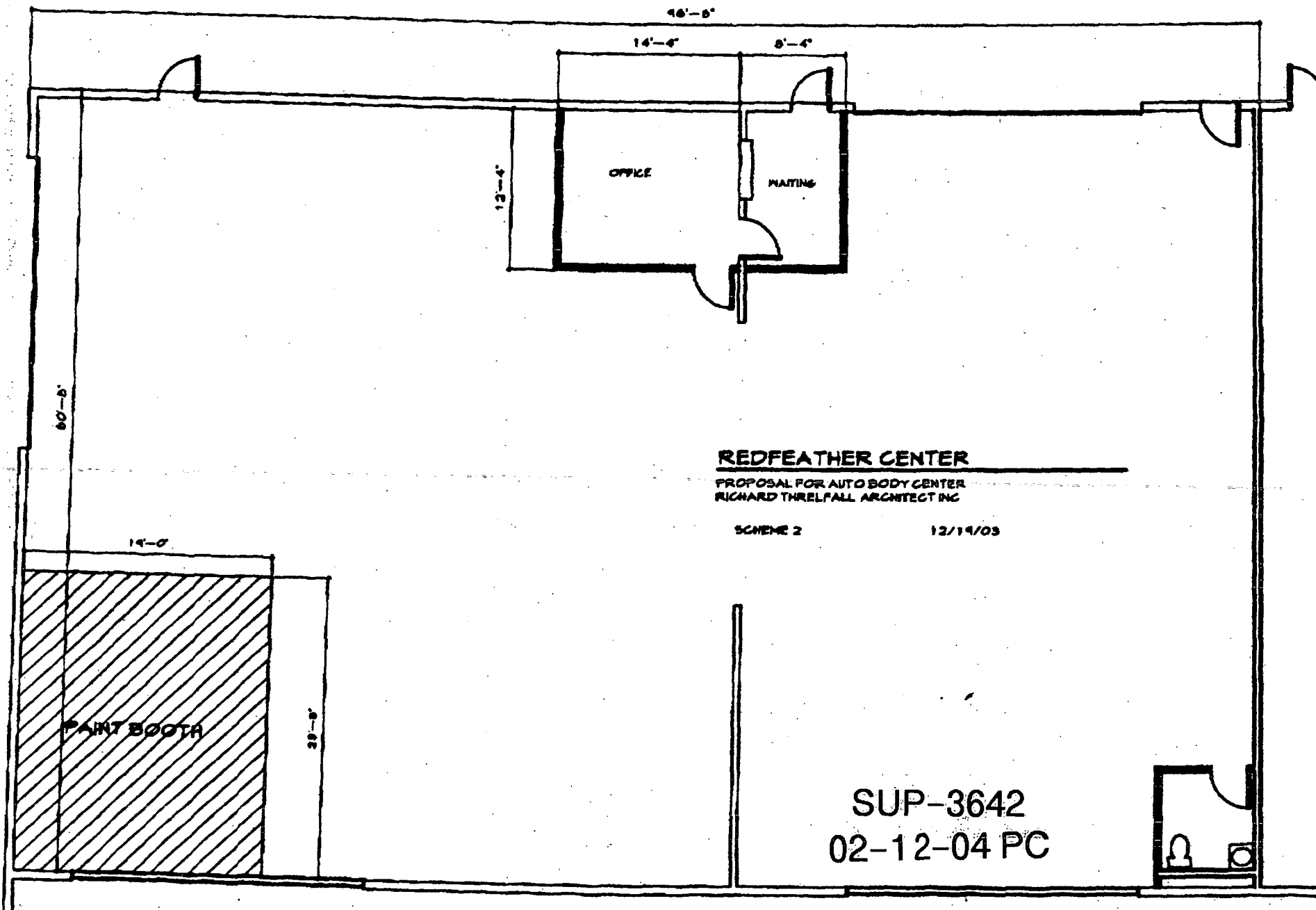


MARK ROSS JOHNSON
ARCHITECT
311 N. BUFFALO DRIVE • SUITE 200 • LAS VEGAS, NEVADA 89101
TEL: 702.733.1111 FAX: 702.733.1111

C-1 (LWS STATION) (COMMERCIAL)
RED FEATHER SHOPPING CENTER
NW CORNER OF CHEYENNE AVE. AND DECATUR BOULEVARD
FOR: NAMCOB LLC
LAS VEGAS, NEVADA

Date: 8-20-02

A-1.5



REDFEATHER CENTER

PROPOSAL FOR AUTO BODY CENTER
RICHARD THRELFALL ARCHITECT INC

SCHEME 2

12/14/03

SUP-3642
02-12-04 PC



PUBLIC HEARING - SUP-3642 - APPLICANT: JORGE CALDERA - OWNER: NAMCO 8 LIMITED
LIABILITY COMPANY
4920 WEST CHEYENNE AVENUE
FEBRUARY 12, 2004 PLANNING COMMISSION

01/23/04

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF: MARCH 17, 2004**DEPARTMENT: PLANNING & DEVELOPMENT****DIRECTOR: ROBERT S. GENZER**☐**CONSENT**☒**DISCUSSION****SUBJECT:**

SPECIAL USE PERMIT - PUBLIC HEARING - SUP-3644 - APPLICANT: LUKEGROUP, LIMITED LIABILITY COMPANY - OWNER: ITALIAN-AMERICAN CLUB OF SOUTHERN NEVADA - Request for a Special Use Permit and a Waiver of the minimum 400 square-foot size requirement of which a minimum of 200 square feet must be an enclosed structure and the required 20-foot minimum front yard setback FOR AN AUTO SMOG CHECK FACILITY located adjacent to the north side of Sahara Avenue, approximately 650 feet east of Eastern Avenue (A portion of APN: 162-01-401-006), C-1 (Limited Commercial) Zone, Ward 3 (Reese). The Planning Commission (5-1 vote) and staff recommend APPROVAL

PROTESTS RECEIVED BEFORE:**Planning Commission Mtg.****2****City Council Meeting****APPROVALS RECEIVED BEFORE:****Planning Commission Mtg.****0****City Council Meeting****RECOMMENDATION:**

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

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Back up referenced from the 2/12/2004 Planning Commission meeting Item 14

MOTION:

REESE - APPROVED subject to conditions and deleting Conditions 5 and 6 - UNANIMOUS

MINUTES:

MAYOR GOODMAN declared the Public Hearing open.

LAWRENCE LUCAS, Lukegroup, Limited Liability Company, 9101 West Sahara Avenue, was present. This was previously an ATM kiosk. He concurred with the conditions, with the exception of Conditions 5 and 6. The cost impact and inefficiency of underground sprinklers and landscaping for such a small area is not justified. In working with staff, an alternative has been identified for desert cactus landscaping that can be hand watered. ROBERT GENZER, Director of Planning and Development Department, confirmed that staff did not oppose the alternative, which would require deletion of Conditions 5 and 6.

CITY COUNCIL MEETING OF MARCH 17, 2004
Planning and Development Department
Item 130 – SUP-3644

MINUTES – Continued:

TODD FARLOW, 240 North 19th Street, complained about the status of the property and cited this as the one time the City has leverage to encourage this terrible property to be upgraded. He questioned whether filtered equipment will be used when the engines are run to do the smog checks. There are too many problems with the property.

JOE LOMANTO, Italian-American Club of Southern Nevada, 2333 East Sahara Avenue, rebutted that the property is well maintained. The kiosk was just vacated after 20 years and everything the City has asked has been done.

COUNCILMAN REESE expressed his appreciation that this icon did not leave the site. They have fought to maintain and survive at this location and the addition will offset some of their expenses.

MAYOR GOODMAN declared the Public Hearing closed.

(2:57 – 3:03)

4-1706

CONDITIONS:

Planning and Development

1. Conformance to all minimum requirements under Title 19.04.040 for an Auto Smog Check Facility use, with the exception of Condition #1.
2. This Special Use Permit shall expire two years from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.
3. All development shall be in conformance with the site plan and building elevations, except as amended by conditions herein.
4. 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 three Handicap Accessible parking spaces (one Van Accessible), within the parking lot. Accessible parking spaces shall be located with the most direct and practical access to a primary accessible building entrance.
5. A landscape plan shall be approved by Planning and Development Department staff, prior to the time application is made for a building permit, to reflect a minimum 24-inch box tree within each planter adjacent to the Facility and a minimum of four five-gallon shrubs for each tree within provided planters.

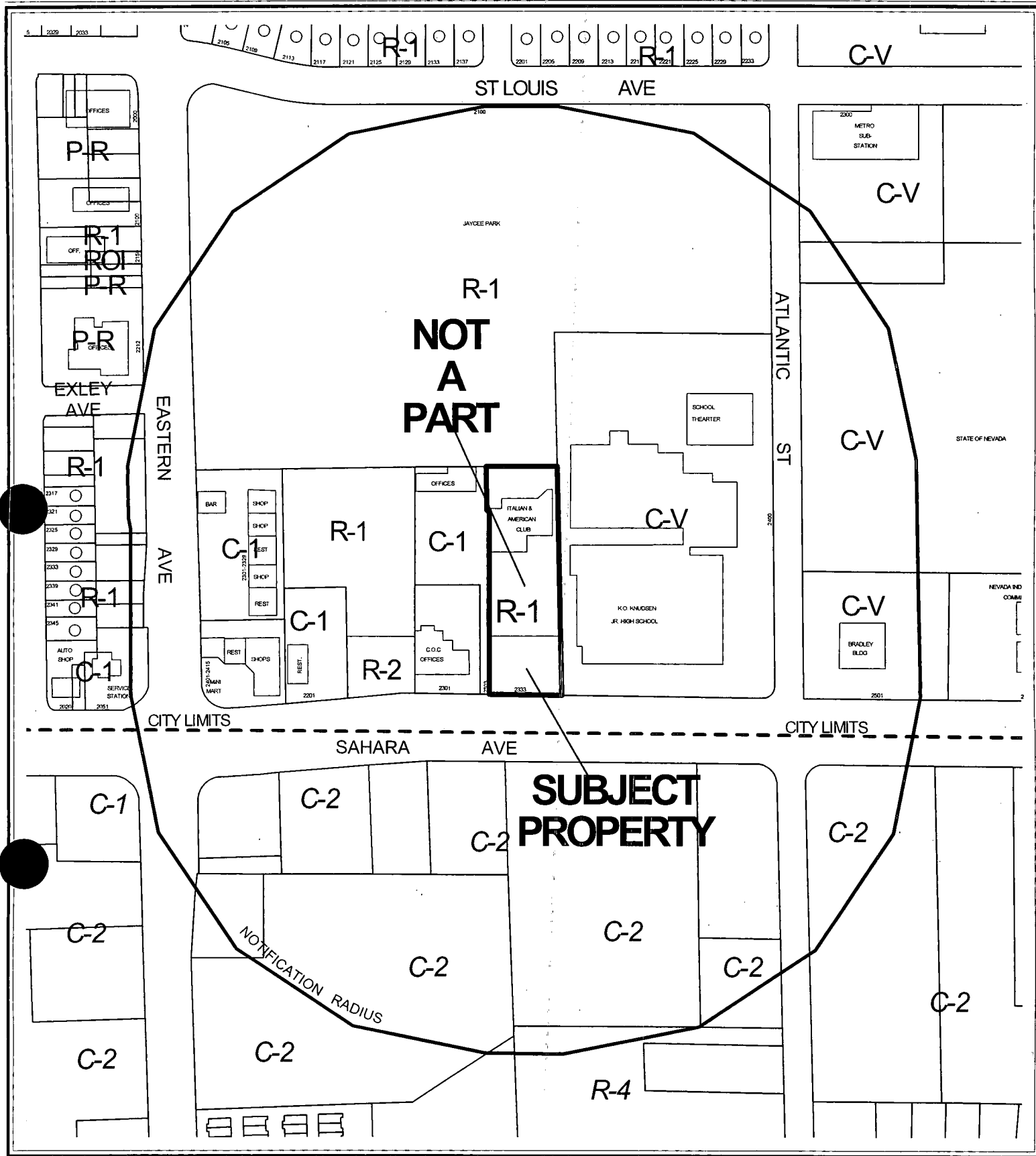
CITY COUNCIL MEETING OF MARCH 17, 2004
Planning and Development Department
Item 130 – SUP-3644

CONDITIONS – Continued:

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 City Code requirements and design standards of all City departments must be satisfied.

Public Works

8. Meet with the Traffic Engineering Representative in Land Development for assistance in the possible redesign of the driveway access and on site circulation prior to the submittal of any construction plans or the issuance of any permits, whichever may occur first. The structure and use shall not cause an obstruction to on or off-site vehicular travel. Any modifications required to existing driveways shall be designed, located and constructed in accordance with Standard Drawing #222A and shall also receive approval from the Nevada Department of Transportation.

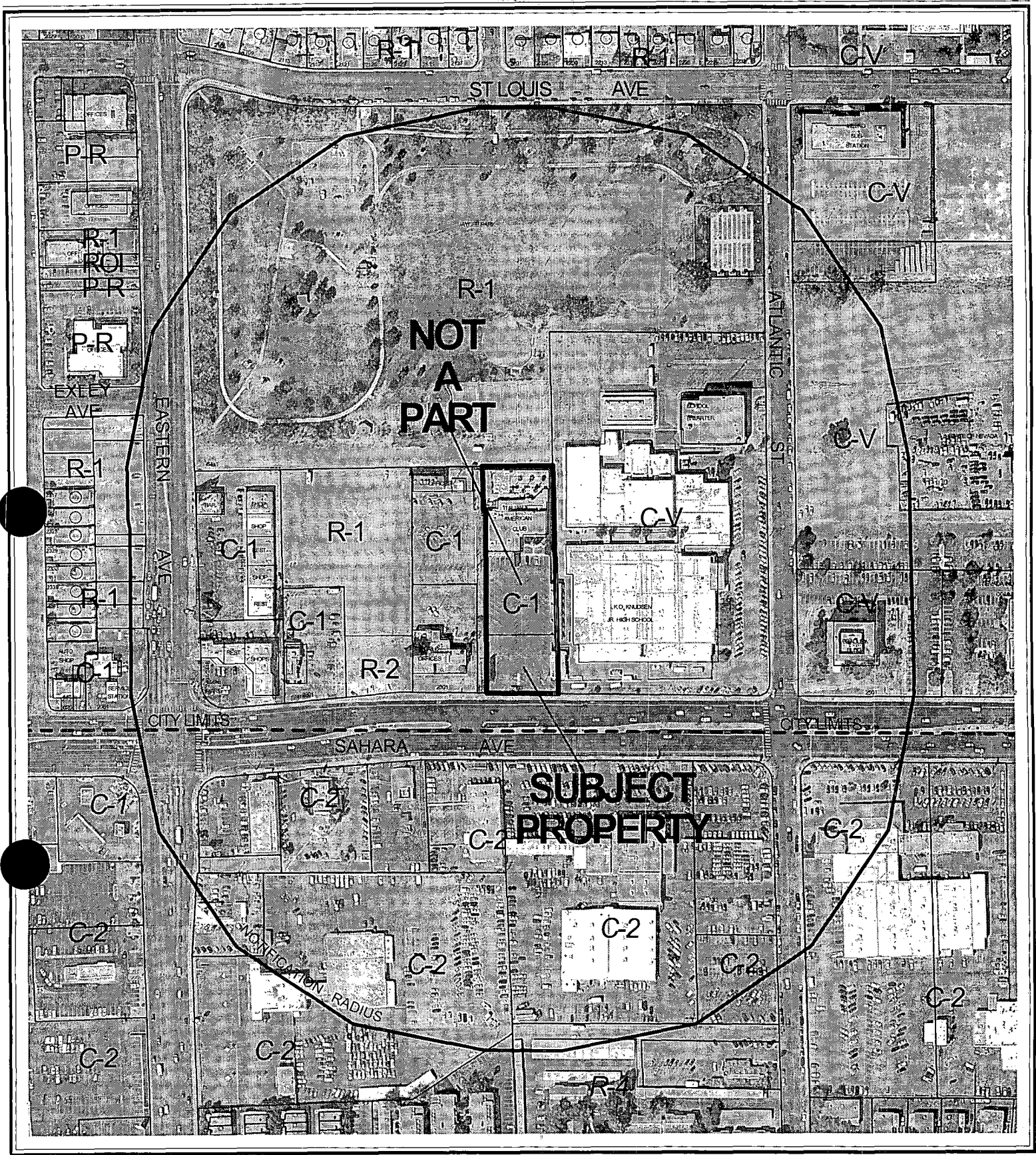


CASE: SUP-3644

RADIUS: 750 FT

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





CASE: SUP-3644

RADIUS: 750 FT

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

AGENDA MEMO

CITY COUNCIL MEETING DATE: MARCH 17, 2004

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: SUP-3644 - APPLICANT: LUKEGROUP, LIMITED LIABILITY COMPANY - OWNER: ITALIAN-AMERICAN CLUB OF SOUTHERN NEVADA

**** CONDITIONS ****

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

Planning and Development

1. Conformance to all minimum requirements under Title 19.04.040 for an Auto Smog Check Facility use, with the exception of Condition #1.
2. This Special Use Permit shall expire two years from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.
3. All development shall be in conformance with the site plan and building elevations, except as amended by conditions herein.
4. 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 three Handicap Accessible parking spaces (one Van Accessible), within the parking lot. Accessible parking spaces shall be located with the most direct and practical access to a primary accessible building entrance.
5. A landscape plan shall be approved by Planning and Development Department staff, prior to the time application is made for a building permit, to reflect a minimum 24-inch box tree within each planter adjacent to the Facility and a minimum of four five-gallon shrubs for each tree within provided planters.
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 City Code requirements and design standards of all City departments must be satisfied.

Public Works

8. Meet with the Traffic Engineering Representative in Land Development for assistance in the possible redesign of the driveway access and on site circulation prior to the submittal of any construction plans or the issuance of any permits, whichever may occur first. The structure and use shall not cause an obstruction to on or off-site vehicular travel. Any modifications required to existing driveways shall be designed, located and constructed in accordance with Standard Drawing #222A and shall also receive approval from the Nevada Department of Transportation.

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

This request is for approval of a Special Use Permit and a Waiver of the minimum 400 square-foot size requirement of which a minimum of 200 square feet must be an enclosed structure and the required 20-foot minimum front yard setback for an Auto Smog Check Facility located adjacent to the north side of Sahara Avenue, approximately 650 feet east of Eastern Avenue.

B) Applicant's Justification

The applicant's justification letter states that the intent of the project is to refurbish and occupy an existing building on the premises, which was previously used as a bank ATM kiosk. Because the existing building is smaller than the area required for an auto smog check facility, a special use permit is being requested. The existing building location is also the reason for a front yard setback waiver request. All smog check equipment will be located within the building. In addition, the building will be painted and a canopy will be added to improve the building appearance, as currently the building is vacant with little or no care being given to landscaping or the adjacent parking lot. Lastly, it is stated that all other applicable conditions under Title 19 shall be met with regards to the smog check use.

BACKGROUND INFORMATION

A) Previous Actions

- 01/24/73 The City Council approved a Rezoning (Z-0098-72) From R-1 (Single-Family Residential) and R-2 (Two-Family Residence) to C-1 (Limited Commercial) on the subject site. The Planning Commission and staff recommended approval on January 12, 1973.
- 02/12/04 The Planning Commission voted 5-1 to recommend APPROVAL (PC Agenda Item #14/tb).

B) Pre-Application Meeting

- 12/11/03 The conditional use requirements were reviewed regarding the proposed Smog Check Facility and it was determined that condition #1, relating to minimum size requirements was not met; therefore, a Special Use Permit was required. It was noted that the building was an existing kiosk, the parking on site exceeded the parking demand, and that a Site Development Plan Review would not be required due to the only addition on site being a small canopy interior to the site. The Department of Public Works noted that non-standard off-site improvements would be required to meet current code regulations.

C) Neighborhood Meetings

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

DETAILS OF APPLICATION REQUEST

A) Site Area

Net Acres: 1.62

B) Existing Land Use

Subject Property: Vacant
North: Italian American Club
South: Automotive Dealership
East: Middle School
West: Office building

C) Planned Land Use

Subject Property: SC (Service Commercial)
North: SC (Service Commercial)
South: CG (Commercial/General) Unincorporated Clark County
East: PF (Public Facilities)
West: SC (Service Commercial)

D) Existing Zoning

Subject Property: C-1 (Limited Commercial)
North: R-1 (Single-Family Residential)
South: C-2 (Commercial/General) Unincorporated Clark County
East: C-V (Civic)
West: C-1 (Limited Commercial)

E) General Plan Compliance

The subject site is designated as SC (Service Commercial) within the Southeast Sector Plan of the General Plan. The existing C-1 (Limited Commercial) Zoning designation is in compliance with the SC (Service Commercial) General Plan designation. Further, an Auto Smog Check Facility is in conformance with the C-1 (Limited Commercial) Zoning designation with Title 19 conditions.

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	

County/HOA Notification and Project of Regional Significance

The subject site is located adjacent to Sahara Avenue, which is a shared border with Unincorporated Clark County in this area. The Clark County Planning Department and all neighborhood associations within Ward 3 were notified of the project due to the Special Use Permit application and its proximity to Unincorporated Clark County.

Pursuant to Ordinance N. 5477, a project is deemed to be a Project of Regional Significance if it meets the following criteria:

- 1) A Special Use Permit application concerning property within 500 feet of the City boundary with Clark County or North Las Vegas.

This site is within 500 feet of Unincorporated Clark County.

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'

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

Replies were received from the Flood Control Division of Public Works Department with no significant issues and not requiring a drainage study for the project. The Regional Transportation Commission and the Las Vegas Metropolitan Police Department Office of Intergovernmental Services also have no comment on the 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:

Use	Ratio	Required Parking		Provided Parking	
		Regular	Handicap	Regular	Handicap
Auto Smog Check Facility (Based on 'Auto Lube')	1 per employee + 1 per bay + 2 stacking spaces per bay	4	0	84	0
Italian American Club (Based on 'Community Recreation Facility')	1 per 200 SF of GFA (11,709 SF)	56	3		

The proposed Auto Smog Check Facility is located on property shared with the Italian American Club. The overall site contains 84 parking spaces. The proposed Smog Check use requires four parking spaces and the Italian American Club requires 59 spaces for a total of 63 parking spaces. The site meets minimum parking requirements in terms of number of spaces required; however, it does not depict any handicap accessible parking spaces. A condition has been included requiring three handicap accessible parking spaces, one being van accessible, to meet Title 19 requirements.

A2) Minimum Distance Separation Requirements

There are no Minimum Separation Distance Requirements in the Zoning Code that apply to the proposed Auto Smog Check Facility use.

B) *General Analysis and Discussion*

- Zoning

The subject site is zoned C-1 (Limited Commercial), which permits an Auto Smog Check Facility use as a Conditional use, which is subject to the six conditions listed below. In addition, the C-1 (Limited Commercial) Zone requires a minimum 20-foot front yard setback for all structures not considered accessory structures. At the time the original ATM kiosk was constructed it was considered an accessory structure; therefore, permitted to be built within eight-feet of the front property line. Now that the use has changed to a primary stand alone business, the minimum front yard setback for a C-1 (Limited Commercial) Zone must be met. The applicant has requested a waiver of the front yard setback due to the fact the building is pre-existing and the intention was to re-occupy a vacant building. This waiver is appropriate due to the fact that it was conforming to setback requirements when constructed, and because the proposed 17-foot by 20-foot canopy addition will be internal to the site; thus not further encroaching into required setbacks.

- Use

An Auto Smog Check Facility can either be a stand-alone business or conducted as an accessory use to a service station, minor auto repair facility, or major auto repair facility. When used as an accessory use, the facility shall be designed to be architecturally compatible with the primary building on the site. When operating as a primary use, no other automobile repair shall be permitted in conjunction with the facility.

- Conditions

Per Title 19.04.040 the following conditions must be met in order to permit an Auto Smog Check Facility without the approval of a Special Use Permit.

1. The facility must have a minimum size of 400 square feet, of which a minimum of 200 square feet must be an enclosed structure, with the remainder of the facility allowed to be located under service canopies.
2. All equipment must be stored and utilized within the enclosed structure.
3. If conducted as an accessory use to a service station, minor auto repair facility, or major auto repair facility, the Auto Smog Check Facility shall be designed to be architecturally compatible with the primary building on the site.
4. If service bay doors are provided, openings to service bay doors shall not face public right-of-way and shall be designed to minimize the visual intrusion into adjoining properties.
5. When operated as a primary use, no other automobile repair shall be permitted in conjunction with an Auto Smog Check Facility.
6. No required parking spaces shall be used or eliminated to provide for the Auto Smog Check Facility.

Condition number one as listed above is not being met with regards to the subject proposal as the site plan indicates a 136 square-foot building with a 340 square-foot service canopy; therefore a Special Use Permit is required for the subject site.

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 Smog Check Facility can be conducted in a manner that is harmonious and compatible with the existing surrounding land uses as private clubs, office buildings, and an auto dealership surround the subject site. The facility shall have minimal impact with regards to the existing school to the east of the subject site. Future land uses surrounding the subject site indicate a continued Service Commercial land use designation within the City and a Commercial/General use within the County, again with the exception of the existing school. The subject site is located on Sahara Avenue, which will continue to serve as a commercial corridor for both the City of Las Vegas and Clark County.

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

The subject site is currently host to a vacant ATM Kiosk, which will be refurbished for the proposed Auto Smog Check Facility. A condition has also been included to require landscaping immediately surrounding the facility to further enhance the aesthetic quality of the project. The intensity of the proposed use is appropriate as the subject site contains a surplus number of parking spaces and the facility will serve as a proper re-use or infill project. The front setback waiver request is appropriate as the former Kiosk use, which allowed for reduced setback requirements, was built to Title 19 standards. The proposed canopy addition will not further reduce the required front setbacks as the canopy is proposed to extend interior to the site.

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 subject site is located adjacent to and accessed from Sahara Avenue which is designated as a Primary (150 foot) Arterial on the City of Las Vegas Master Plan of Streets and Highways, which is adequate in size to meet the requirements of the proposed 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 Auto Smog Check Facility will be subject to all City of Las Vegas Business Licensing requirements in addition to Building and Safety Department requirements including the attainment of all necessary building permits and inspections prior to occupancy; therefore, the public health, safety, and welfare will not be compromised.

NOTICES MAILED 65 by City Clerk

APPROVALS 0

PROTESTS 2



PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: SUP-3644 APN: 162-01-401-006

Name of Property Owner: Italian-American Club of Southern Nevada

Name of Applicant: LUKE GROUP, 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: _____

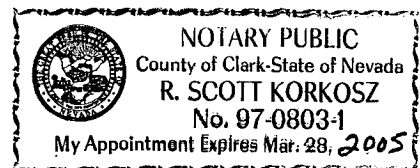
Signature of Property Owner/Authorized Agent: JOE LOMANTO

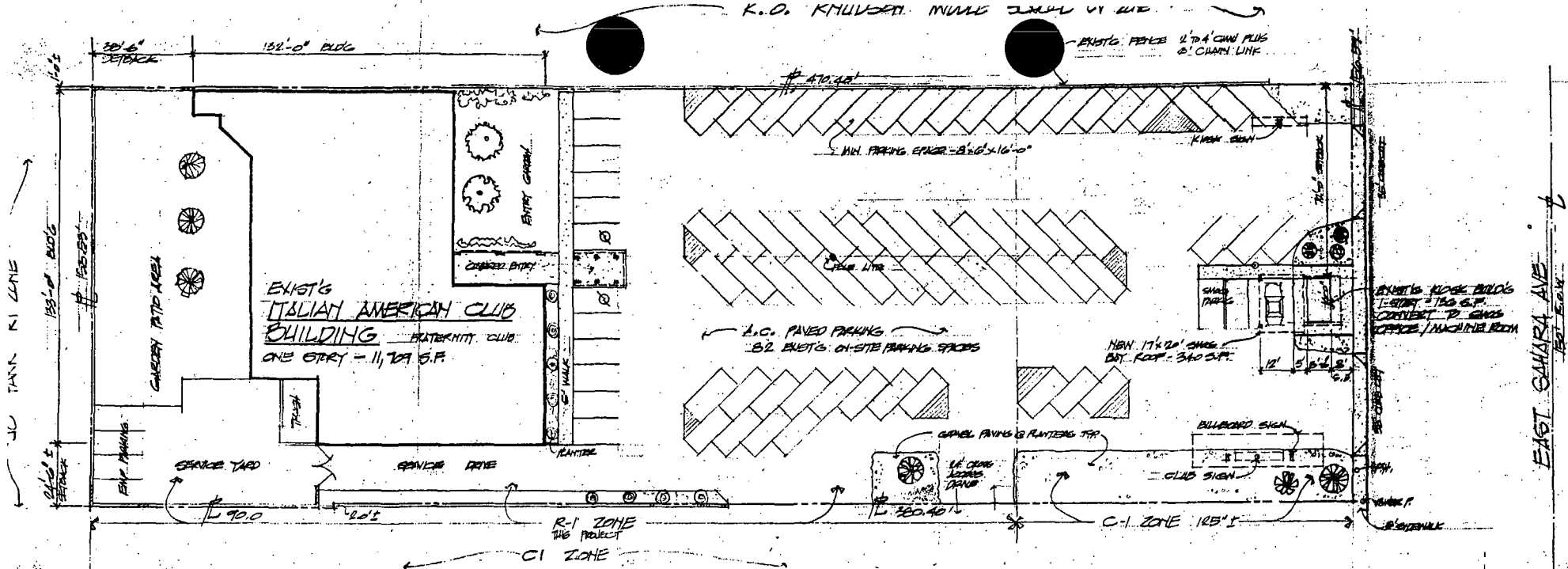
Print Name: JOE LOMANTO

Subscribed and sworn before me

This 17 day of DECEMBER, 2003

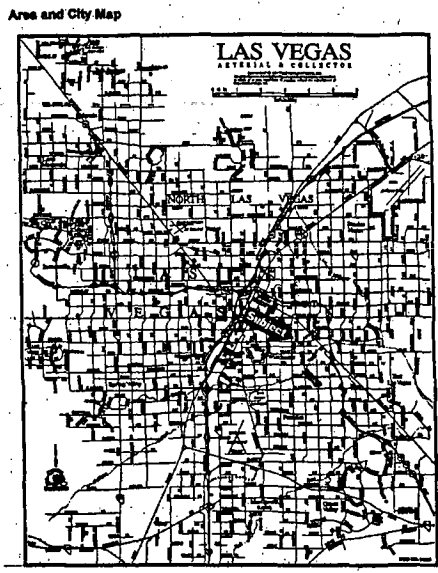
[Signature]
Notary Public in and for said County and State





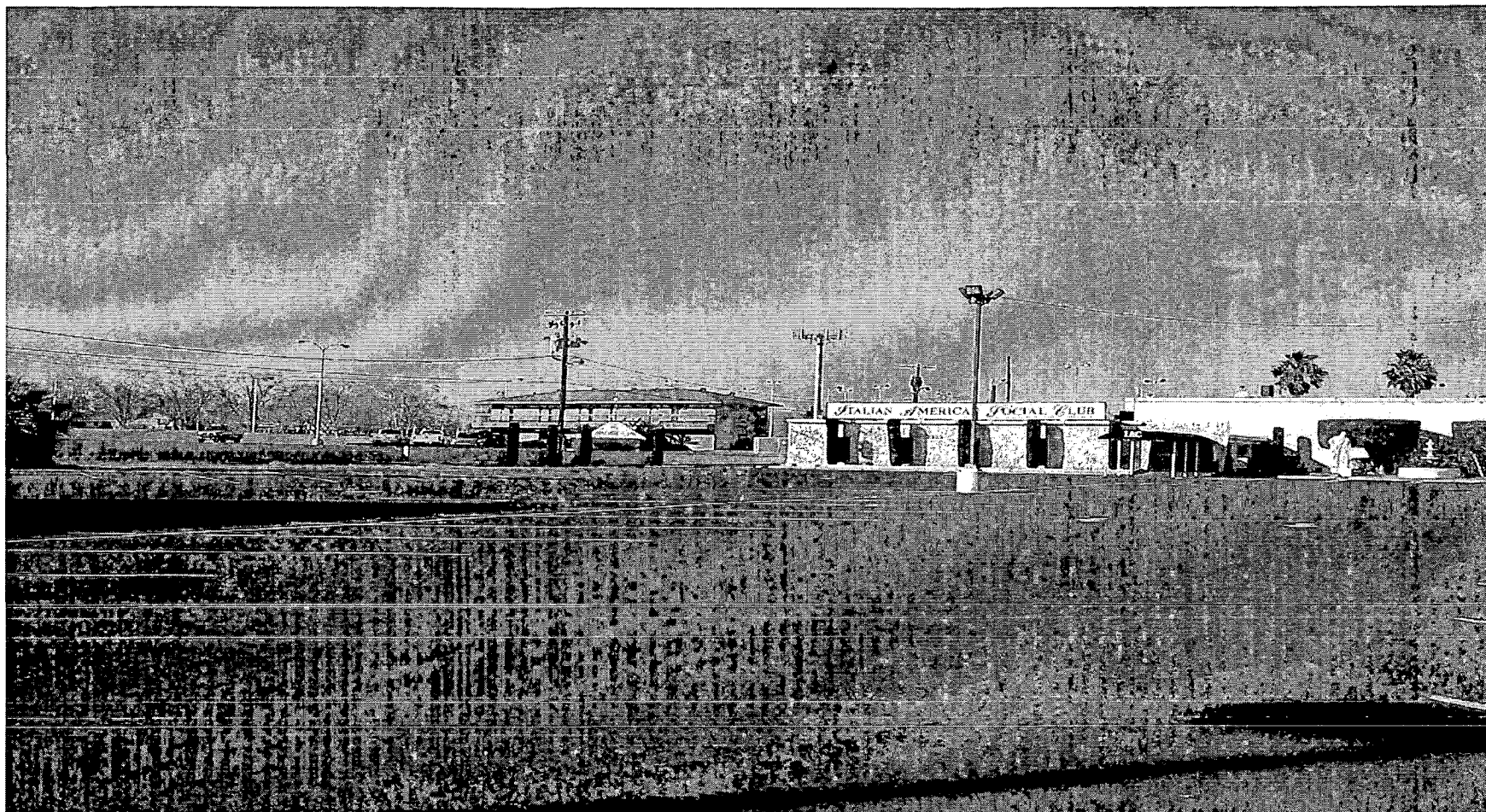
SITE PLAN SCALE 1" = 20' - 0"

SITE DATA
 AREA 1.70 ACRES
 APN 162-01-401-000



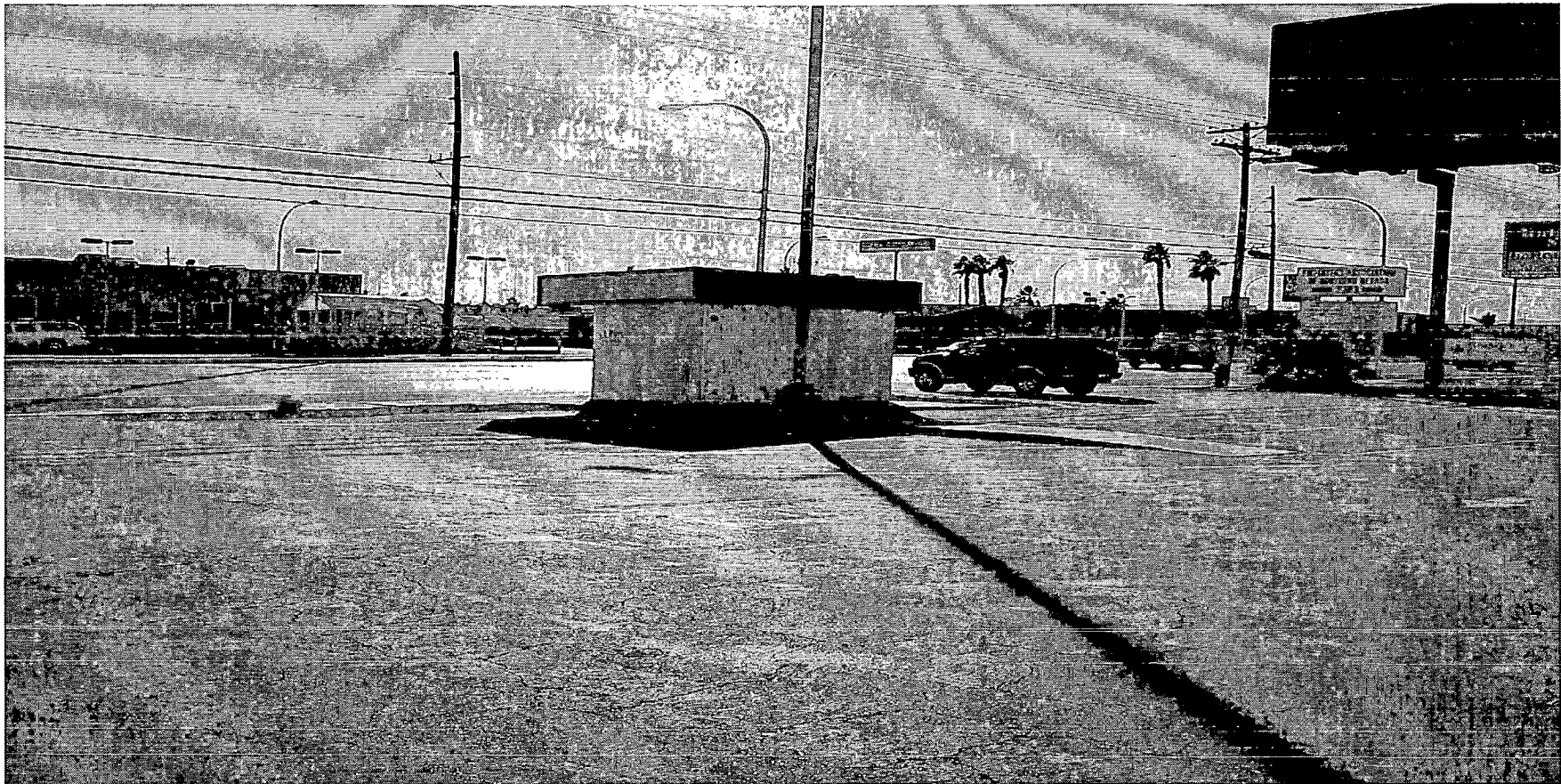
SUP-3644
02-12-04 PC

ITALIAN AMERICAN CLUB
 2333 EAST SAHARA AVENUE, LAS VEGAS, NEVADA



PUBLIC HEARING - SUP-3644 - APPLICANT: LUKEGROUP, LIMITED LIABILITY COMPANY -
OWNER: ITALIAN-AMERICAN CLUB OF SOUTHERN NEVADA
ADJACENT TO THE NORTH SIDE OF SAHARA AVENUE, APPROXIMATELY 650 FEET EAST OF EASTERN
AVENUE FEBRUARY 12, 2004 PLANNING COMMISSION

01/23/04



PUBLIC HEARING - SUP-3644 - APPLICANT: LUKEGROUP, LIMITED LIABILITY COMPANY -
OWNER: ITALIAN-AMERICAN CLUB OF SOUTHERN NEVADA
ADJACENT TO THE NORTH SIDE OF SAHARA AVENUE, APPROXIMATELY 650 FEET EAST OF EASTERN
AVENUE FEBRUARY 12, 2004 PLANNING COMMISSION

01/23/04

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF: MARCH 17, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☐

CONSENT

☒

DISCUSSION

SUBJECT:

SPECIAL USE PERMIT - PUBLIC HEARING - SUP-3653 - APPLICANT: SHADOW HILLS PLAZA, LIMITED LIABILITY COMPANY - Request for a Special Use Permit FOR A LIQUOR ESTABLISHMENT, OFF-PREMISE CONSUMPTION in conjunction with a proposed 39,960 square-foot Grocery Store adjacent to the northwest corner of Cheyenne Avenue and Shady Timber Street (APN: 137-12-401-030 and 022; 137-12-801-001), U (Undeveloped) Zone [PCD (Planned Community Development) general plan designation] under Resolution of Intent to PD (Planned Development) Zone [VC (Village Commercial) Lone Mountain Special Land Use Designation], Ward 4 (Brown). The Planning Commission (6-0 vote) and staff recommend APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

1

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

RECOMMENDATION:

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

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Protest letter from Mr. and Mrs. Ronald Maguire
5. Submitted after final agenda - Abeyance requested by Kummer Kaempfer Bonner & Renshaw for Item 131 [SUP-3653] and Item 132 [SDR-3651] filed under Item 131 [SUP-3653]
6. Submitted after final agenda - Protest letter from Jack and Nina Jennings
7. Back up referenced from the 2/12/2004 Planning Commission meeting Item 9

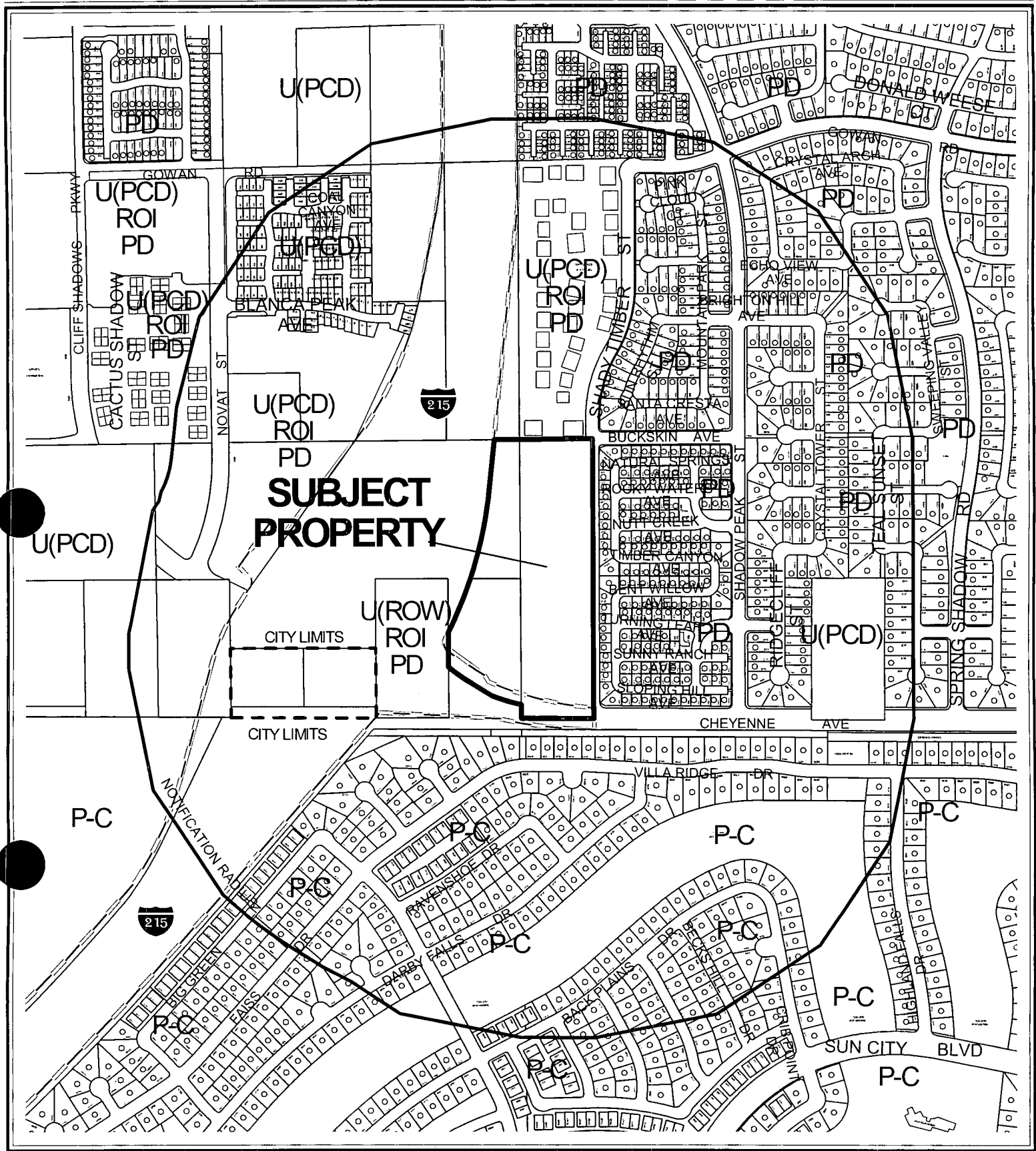
MOTION:

REESE – Motion to Accept the WITHDRAWAL Without Prejudice of Item 114 [SDR-3386] and HOLD IN ABEYANCE Item 122 [VAR-3288] and Item 126 [SUP-3394] to 4/21/2004 and Item 131 [SUP-3553] and Item 132 [SDR-3651] to 5/19/2004 – UNANIMOUS with GOODMAN abstaining on Item 114 [SDR-3386] because there is still money owed to him on property he sold across the street at Casino Center and Bonneville and Item 126 [SUP-3394] because his office is in negotiations regarding billboard signs

MINUTES:

There was no discussion.

(2:07 – 2:10)

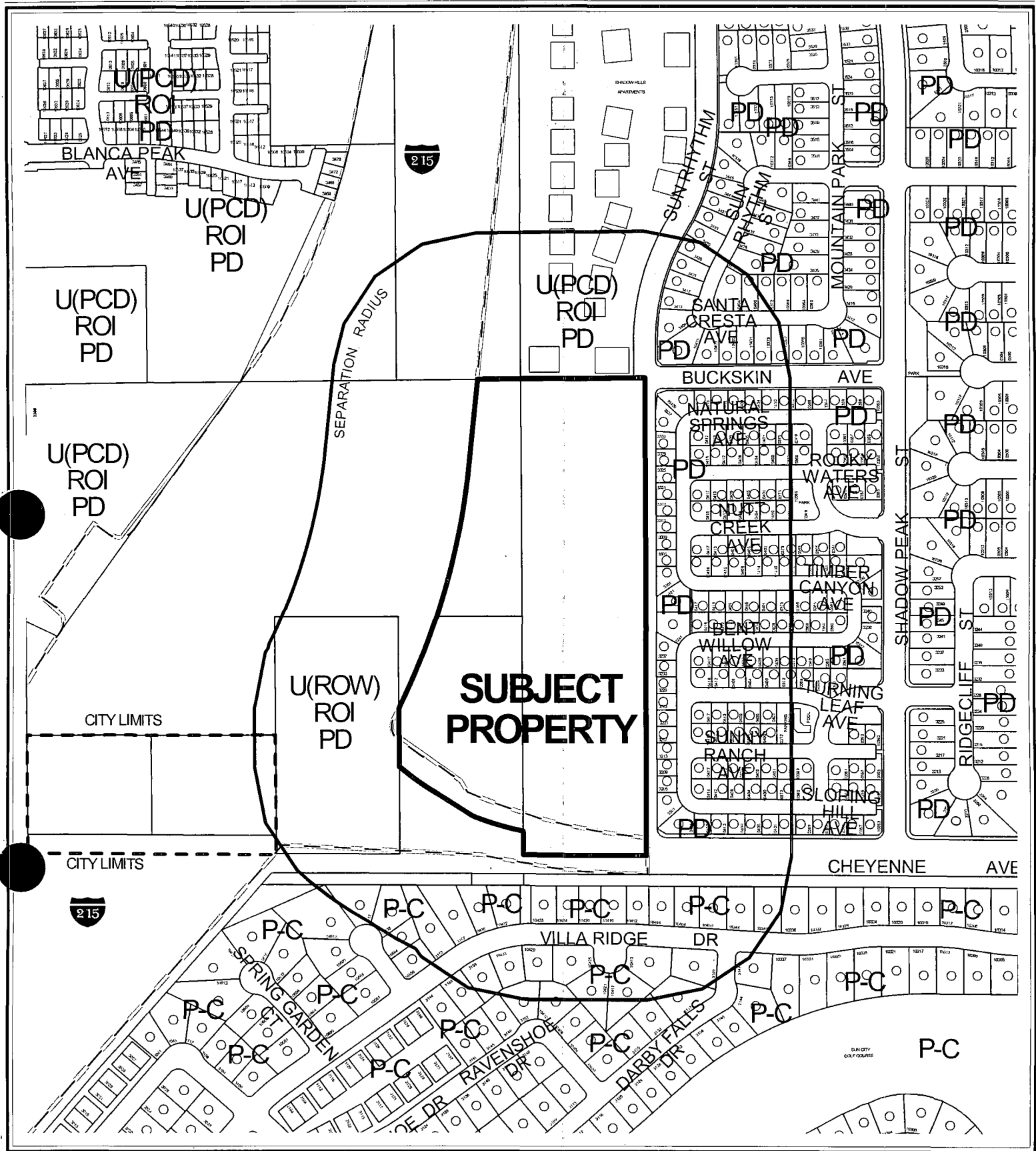


CASE: SUP-3653

RADIUS: 1500 FT

ZONING OF SUBJECT PROPERTY:

U (UNDEVELOPED) ZONE [PCD (PLANNED COMMUNITY DEVELOPMENT) GENERAL PLAN DESIGNATION] UNDER RESOLUTION OF INTENT TO PD (PLANNED DEVELOPMENT) ZONE [VC (VILLAGE COMMERCIAL) LONE MOUNTAIN SPECIAL LAND USE DESIGNATION]



CASE: SUP-3653

SEPARATION RADIUS: 400 FT

ZONING OF SUBJECT PROPERTY:

U (UNDEVELOPED) ZONE [PDC (PLANNED COMMUNITY DEVELOPMENT) GENERAL PLAN DESIGNATION] UNDER RESOLUTION OF INTENT TO PD (PLANNED DEVELOPMENT) ZONE [VC (VILLAGE COMMERCIAL) LONE MOUNTAIN SPECIAL LAND USE DESIGNATION]

AGENDA MEMO

CITY COUNCIL MEETING DATE: MARCH 17, 2004

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: SUP-3653 - APPLICANT: SHADOW HILLS PLAZA, LIMITED LIABILITY COMPANY

**** CONDITIONS ****

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

Planning and Development

1. Conformance to all Minimum Requirements under Title 19.04.050 for Liquor Establishment (Off-Premise) use.
2. Approval of and conformance to the Conditions of Approval for Rezoning (Z-0033-97) and Site Development Plan Review SDR-3651.
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.
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.

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

The request is for a Special Use Permit for a Liquor Establishment (Off-Premise Consumption) in conjunction with a proposed grocery store located adjacent to the northwest corner of Cheyenne Avenue and Shady Timber Street. The Planning Commission will hear a related Site Development Plan Review (SDR-3651) concurrently with this item.

B) Applicant's Justification

The neighboring uses are compatible with the proposed use, and the site meets all distance separation requirements.

BACKGROUND INFORMATION

A) Previous Actions

- 06/23/97 City Council approved a rezoning request (Z-0033-97) for to PD (Planned Development) as a part of a larger request. The Planning Commission and staff recommended approval on 6/12/97.
- 02/12/04 The Planning Commission recommended approval of a related Site Development Plan Review request (SDR-3651) for an 87,790 square-foot shopping center.
- 02/12/04 The Planning Commission voted 6-0 to recommend APPROVAL (PC Agenda Item #9/fs).

B) Pre-Application Meeting

- 12/05/03 General Special Use Permit requirements were discussed and no significant issues were identified.

C) Neighborhood Meetings

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

DETAILS OF APPLICATION REQUEST

A) Site Area

Gross Acres: 11.78

B) Existing Land Use

Subject Property: Undeveloped
 North: Multi-Family Residential
 South: Single-Family Residential
 East: Single-Family Residential
 West: Proposed I-215 Beltway

C) Planned Land Use

Subject Property: PCD (Planned Community Development – Village Commercial)
 North: PCD (Planned Community Development – Medium Density Residential)
 South: ML (Medium Low Density Residential)
 East: PCD (Planned Community Development – Medium Low Attached Density Residential)
 West: Proposed I-215 Beltway

D) Existing Zoning

Subject Property: U (Undeveloped) Zone, Under Resolution of Intent to PD (Planned Development)
 North: U (Undeveloped) Zone, Under Resolution of Intent to PD (Planned Development)
 South: P-C (Planned Community)
 East: PD (Planned Development)
 West: Proposed I-215 Beltway

E) General Plan Compliance

The subject site is located within the Centennial Hills Sector of the General Plan with a PCD (Planned Community Development) land use designation. The site is zoned U (Undeveloped) and is under Resolution of Intent to PD (Planned Development) within the Lone Mountain Master Plan area. The PD (Planned Development) zoning district is consistent with the General Plan designation, and the proposed Liquor Establishment (Off-Premise Consumption) is a permitted use within the PD zoning district with the approval of a Special Use Permit.

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

Special Plan Area

The subject site is located within the Lone Mountain Master Plan area with a Village Commercial land use designation. The Village Commercial category address parcels of not more than 20 acres and a Floor Area Ratio of less than 30% gross coverage. Village Commercial allows low to medium intensity retail, office or other commercial uses that serve primarily local area patrons, and do not include more intense general commercial characteristics. Village Commercial is typically located on the periphery of residential neighborhoods and should be confined to the intersections of major arterials and major freeways.

The proposed Liquor Establishment (Off-Premise Consumption) is a permitted use within a Village Commercial designated parcel of the Lone Mountain Master Plan with the approval of a Special Use Permit.

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
General Retail Store (Greater than 25,000 Feet)	39,690 SF.	1 space per 250 square feet	153	6	193	6

The proposed project exceeds Title 19 parking requirements.

A2) Minimum Distance Separation Requirements

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

Standards	Code Requirement	Provided
Liquor Establishment (Off-premise)	400 feet from any Church, synagogue, school, child care facility licensed for more than twelve children, or City park.	400 feet from any Church, synagogue, school, child care facility licensed for more than twelve children, or City park.

The proposed project meets Title 19 distance separation requirements for the Liquor Establishment (Off-Premise Consumption) use.

B) General Analysis and Discussion

- Zoning

The PD District is intended to be a flexible district which may be applied to individual properties, larger planning areas or areas with multiple properties for redevelopment, economic development and cultural enrichment. The PD District may be used for office, retail, entertainment or commercial uses or for mixed-use developments where commercial and residential uses are combined. The PD District is further intended to buffer small infill tracts and adjacent uses, encourage the conservation of open space, promote creative sitting arrangements, preserve prominent natural features, provide for the efficient development of large tracts for multiple uses, and provide for development which enhances neighborhood areas.

- Use

The proposed Liquor Establishment (Off-Premise Consumption) is a permitted use within a Village Commercial designated parcel of the Lone Mountain Master Plan with the approval of a Special Use Permit.

- Conditions

1. No Liquor Establishment (on-sale/off-sale/on-off-sale) use 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. Conformance to the provisions of Chapter 6.50 of the Las Vegas Municipal Code.

The proposal conforms to these standards.

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 Liquor Establishment (Off-Premise Consumption) use is requested in conjunction with a grocery store located within a proposed shopping center. The use can be conducted in a manner that is harmonious with existing and future land uses as projected by the General Plan.

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

The proposed Liquor Establishment (Off-Premise Consumption) will be located within a shopping center, which is physically suitable for the requested use.

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.”**

Access is provided via three drives from Shady Timber Road, a 60-foot Local Street, and a drive from Cheyenne Avenue, a Primary (100-foot) Arterial on the Master Plan of Streets and Highways. The street facilities are adequate in size to meet the requirements of the proposed 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 subject site will be subject to City Business License requirements and periodic City inspections for code compliance, and will therefore not compromise the public health, safety and welfare.

NOTICES MAILED 876 by City Clerk

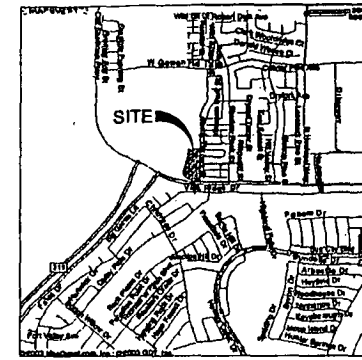
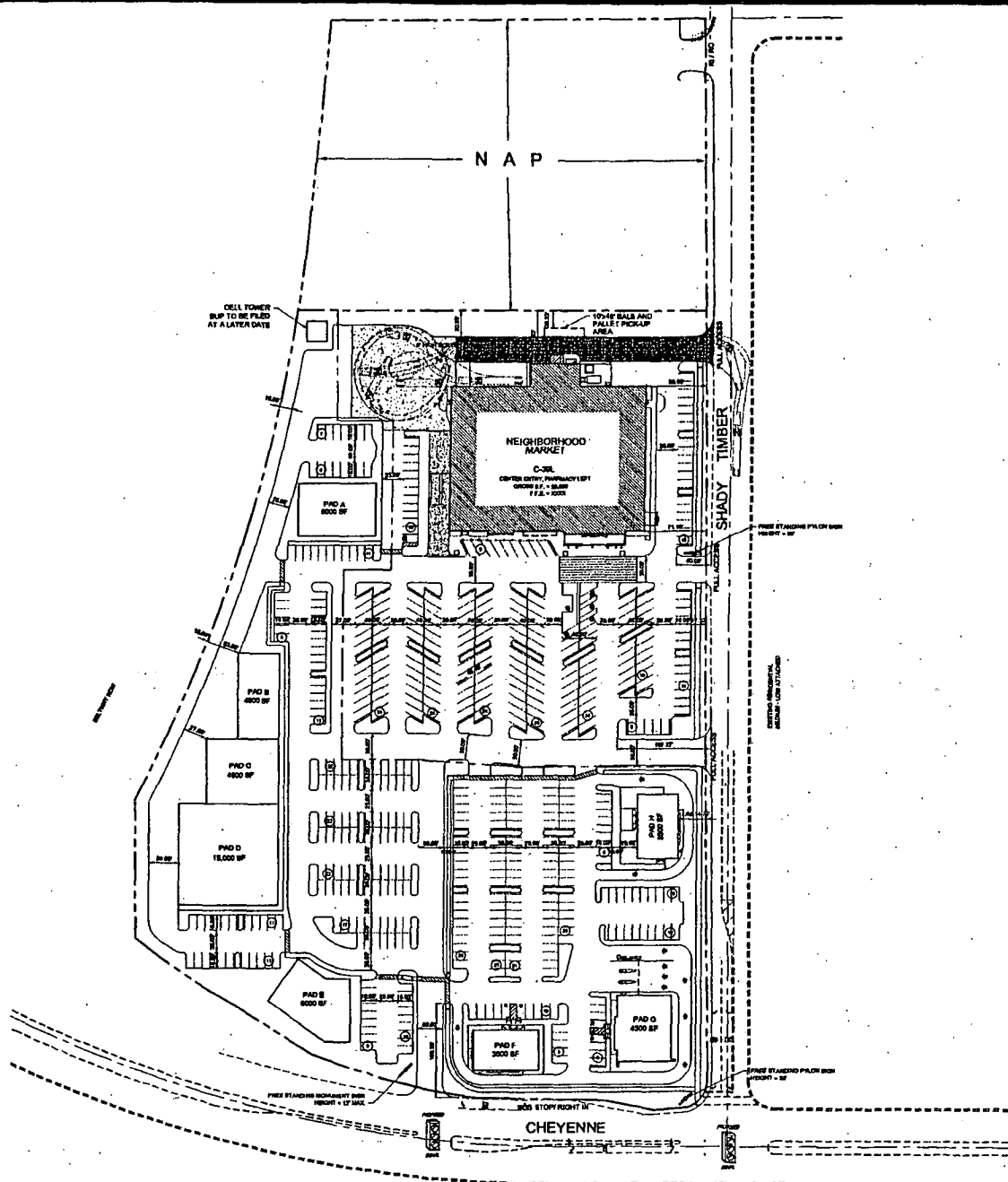
APPROVALS 0

PROTESTS 1



Case Number: SEP-3653 APN: 137-12-401-030

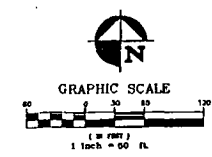
Edison Application Packet Statement of Financial Interest.doc



VICINITY MAP
NOT TO SCALE

SITE DATA	
MESSAGE:	
NEIGHBORHOOD MARKET SITE:	4.87 AC
PAD A-H:	8.91 AC
TOTAL:	13.78 AC
	(593,137) SF
SUBTOTAL AREA:	
NEIGHBORHOOD MARKET:	30,000 S.F.
PAD A-D RETAINED RETAIL:	30,000 S.F.
PAD E-F H RESTAURANTS:	13,000 S.F.
PAD G BANK:	4,000 S.F.
TOTAL:	60,000 S.F.
FLOOR AREA RATIO:	17.1%
PARKING REQUIRED:	
NEIGHBORHOOD MARKET:	198 / 6.0
PAD A-D RETAINED RETAIL:	182 / 5.0
PAD E-F H RESTAURANTS:	430 / 10.0
PAD G BANK:	33 / 5.0
TOTAL PARKING PROVIDED (DEVELOPER):	808 / 6.74
PARKING PROVIDED:	
NEIGHBORHOOD MARKET:	200 / 6.04
PAD A-D RETAINED RETAIL:	182 / 5.00
PAD E-F H RESTAURANTS:	148 / 11.36
PAD G BANK:	33 / 5.0
TOTAL PARKING PROVIDED:	634 / 6.81

SUP-3653
SDR-3651
02-12-04 PC



APN # 13712001001, 13712401022, 13712401030

REVISIONS	DATE	DESCRIPTION
1	02-12-04	PC

Planning/ Civil Engineering/ Surveying
The firm hereby certifies that the work was prepared by a duly licensed professional engineer or architect.
I, **EN** ENGINEERING, do hereby certify that the work was prepared by a duly licensed professional engineer or architect.

SITE DEVELOPMENT
FEASIBILITY PLANS
ENTITLEMENT
SITE PLAN

PHD
SHADOW HILLS PLAZA, LLC
LAS VEGAS (CHRYSTINE) NV
PHD PROPERTIES
LAS VEGAS, NV

DRAWN
VC
CHECKED
MM
EN JOB No.
ST-672
REAL ESTATE
APPROVAL DATE: TBD
ORIGINAL
ISSUE DATE: 12/04/03
PERMIT SET
ISSUE DATE: TBD
CONSTRUCTION SET
ISSUE DATE: TBD
SHEET
E-1
1 OF 1 SHEETS

Floor plan of the first floor of the FBI Laboratory building. The plan shows a large central area with many rectangular tables or counters. Two areas are labeled "ALCOHOLIC BEVERAGE DISPLAY". The plan is divided into sections by walls and corridors. Room numbers 1 through 10 are visible along the top and bottom edges. The bottom left corner has a small box labeled "FBI LABORATORY".

SUP-3653
SDR-3651
02-12-04 PC

[illegible]

Planning/Civil Engineering/Surveying
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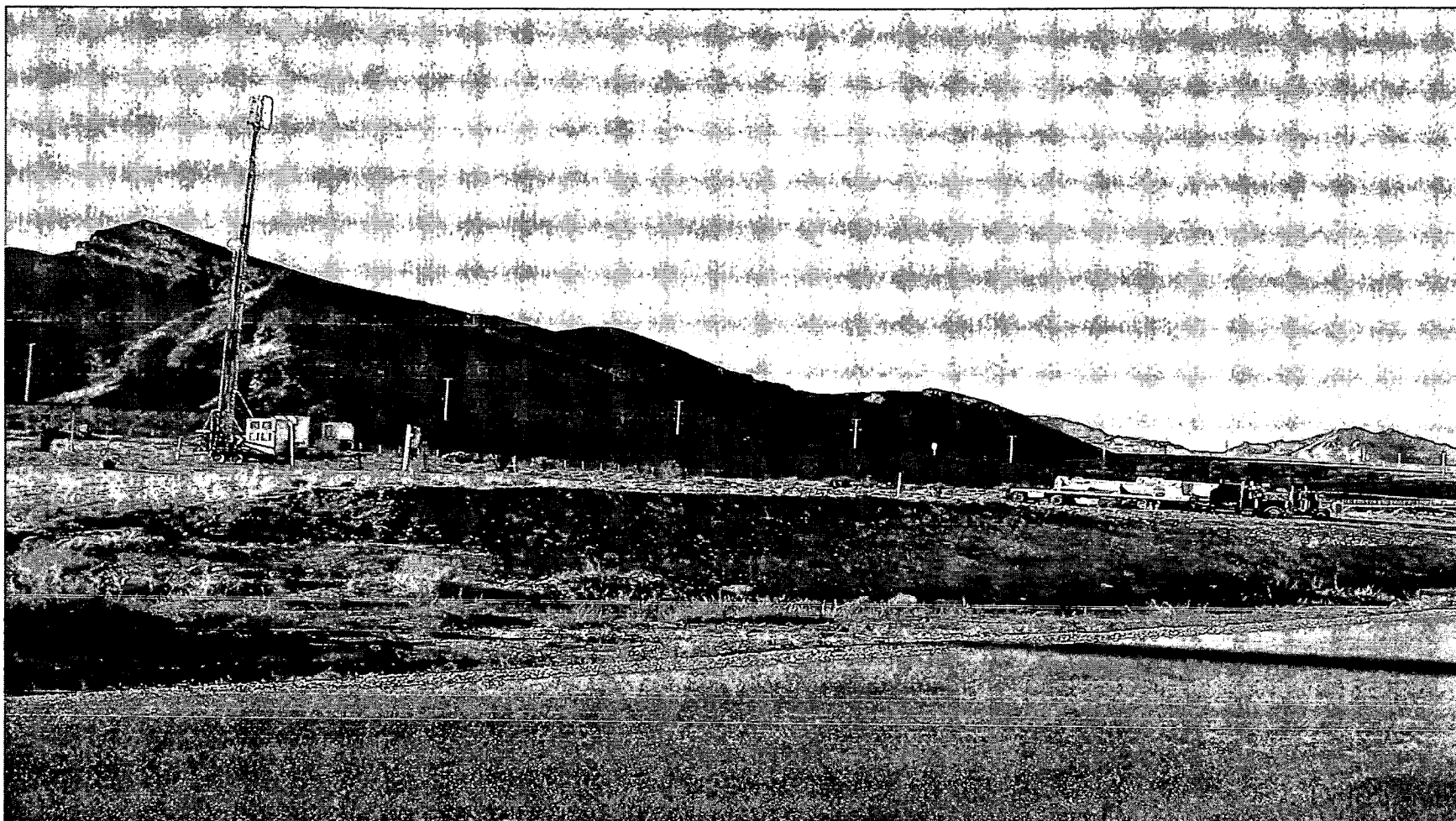


**SITE DEVELOPMENT
FEASIBILITY PLANS**

**FLOOR PLAN
PACKAGE LIQUOR**

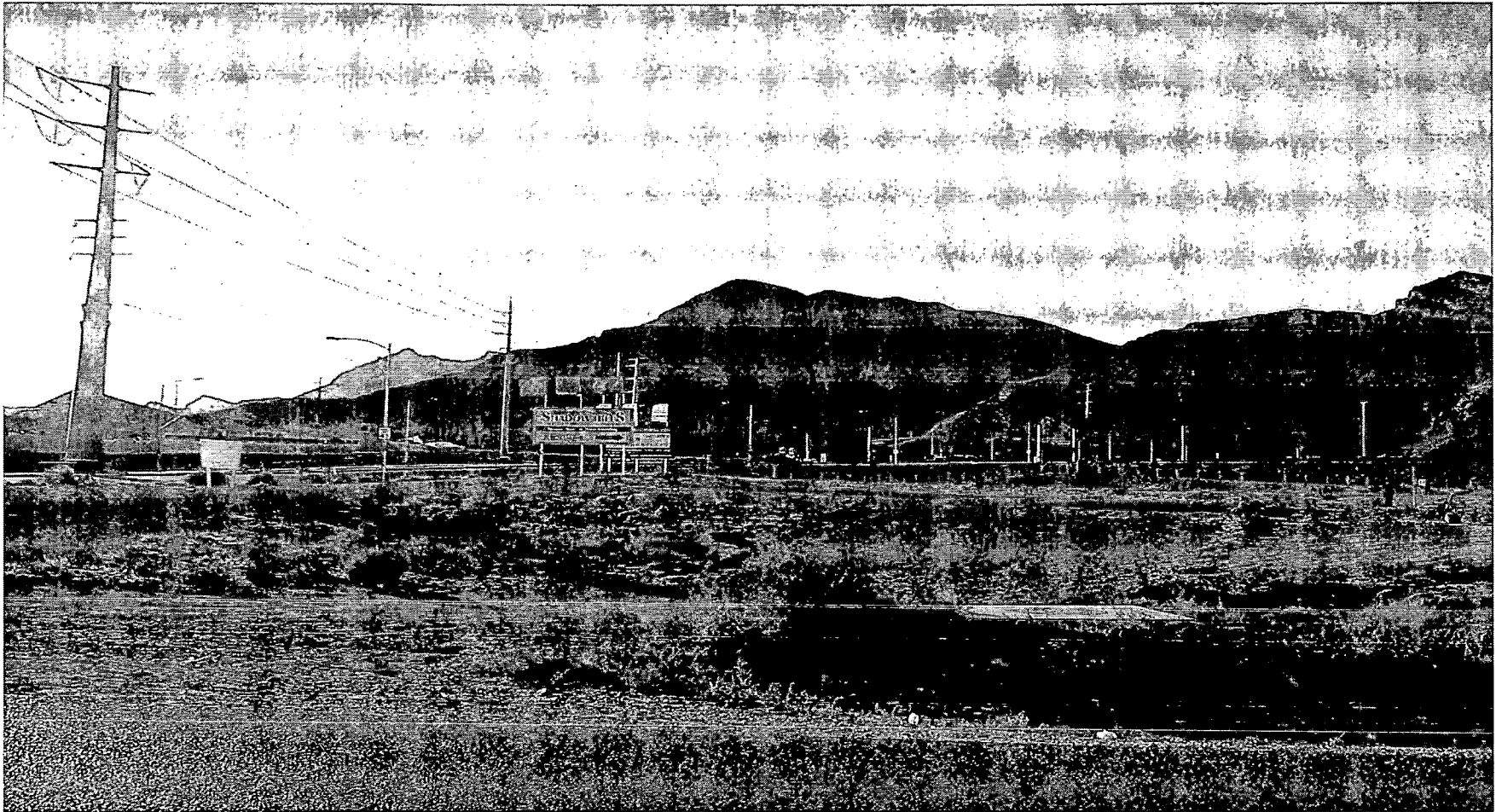
PHD
LAS VEGAS (CHEYENNE), NV
PHD PROPERTIES LAS VEGAS, NV

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VO
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BY
EN JOB NO.
21-529
REAL ESTATE
APPROVAL DATE: T8D
ORIGINAL
ISSUE DATE: 12/9/03
PERMIT BY
ISSUE DATE: T8D
CONSTRUCTION SET
ISSUE DATE: T8D
SHEET
E-2
1 OF 1 SHEETS



PUBLIC HEARING - SUP-3653 - APPLICANT: SHADOW HILLS PLAZA, LIMITED LIABILITY COMPANY
NORTHWEST CORNER OF CHEYENNE AVENUE AND SHADY TIMBER STREET
FEBRUARY 12, 2004 PLANNING COMMISSION

01/23/04



PUBLIC HEARING - SUP-3653 - APPLICANT: SHADOW HILLS PLAZA, LIMITED LIABILITY COMPANY
NORTHWEST CORNER OF CHEYENNE AVENUE AND SHADY TIMBER STREET
FEBRUARY 12, 2004 PLANNING COMMISSION

01/23/04

March 6, 2004

RECEIVED
CITY CLERK

Las Vegas City Council,

2004 MAR -9 P 2:06

This correspondence is to inform you that my wife and I are unequivocally and totally opposed to the development or expansion in any form to the proposed "Shadow Hills Plaza" adjacent to the northwest corner of Cheyenne Ave. And Shady Timber Street.

We are home owners inside Sun City Summerlin and our home abuts the dividing wall between Sun City Summerlin proper and Cheyenne Ave and the traffic noise currently precludes us even considering using our outdoor backyard patio for having a quiet cup of coffee or simply visitation purposes.. When we attempt to converse while in our back yard we are forced to a point of near yelling at one another. This traffic noise is not constant, obviously, but it usually begins in early morning (6-7 am) and continues on into the evening hours, possibly diminishing somewhat on weekends.

As a matter of fact we not only oppose any use of the described property (APN: 137-12-401-030 and 022) for the liquor establishment described in your undated flyer but strenuously object to any sort of development on that part of Cheyenne Ave.

Yours truly,

Mr & Mrs Ronald Maguire
10320 Villa Ridge Drive
Las Vegas, NV 89134



KUMMER KAEMPFER BONNER & RENSHAW
ATTORNEYS AT LAW3800 Howard Hughes Parkway
Seventh Floor
Las Vegas, Nevada 89109-0907Tel: 702.792.7000
Fax: 702.796.7181
www.kkbr.comJENNIFER LAZOVICH
jlazovich@kkbr.com

March 11, 2004

VIA FACSIMILE
382-4803Barbara Jo Ronemus
CITY OF LAS VEGAS
CITY CLERK
400 Stewart Ave.
Las Vegas, NV 89101RECEIVED
CITY CLERK

2004 MAR 11 P 3:48

**Re: Request to hold (SDR-3651 & SUP-3653)
Applicant: Wal-Mart
City of Las Vegas City Council Meeting
March 17, 2004**

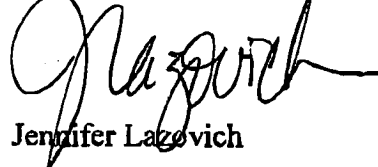
Dear Ms. Ronemus:

On behalf of the applicant, we respectfully request that the above referenced applications scheduled to be heard by the City of Las Vegas City Council on March 17, 2004 be held until the **May 19, 2004** City of Las Vegas City Council meeting.

If you have any questions, please do not hesitate to contact me.

Sincerely,

KUMMER KAEMPFER BONNER & RENSHAW


Jennifer Lazovich

JL/hm

cc : Doug Baker (via facsimile)
Darcy Hayes (via facsimile)

Submitted after final agenda

Date 3/11/04 Item #131 &
#132

KKBR

RECEIVED
CITY CLERK

2004 MAR 15 P 2:04

Friday, March 12, 2004

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

protest

SUBJECT: SUP-3653

Dear Ms. Ronemus:

We object. There are enough retail and liquor establishments on
Cheyenne Avenue; we do not need more.

Sincerely,

Jack Jennings
Nina Jennings

Jack and Nina Jennings
10316 Villa Ridge Drive
Las Vegas, NV 89134-7416

Phone: 341-5240

Submitted after final agenda

Date 3/15/04 Item #131

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF: MARCH 17, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☐

CONSENT

☒

DISCUSSION

SUBJECT:

SITE DEVELOPMENT PLAN REVIEW RELATED TO SUP-3653 - PUBLIC HEARING - SDR-3651 - **APPLICANT: SHADOW HILLS PLAZA, LIMITED LIABILITY COMPANY** - Request for a Site Development Plan Review and a Waiver of the foundation landscaping buffer FOR A PROPOSED 87,790 SQUARE-FOOT RETAIL CENTER on 11.73 acres adjacent to the northwest corner of Cheyenne Avenue and Shady Timber Street (APN: 137-12-401-030 and 022; 137-12-201-001), U (Undeveloped) Zone [PCD (Planned Community Development) general plan designation] under Resolution of Intent to PD (Planned Development) Zone [VC (Village Commercial) Lone Mountain special land use designation], Ward 4 (Brown). The Planning Commission (6-0 vote) and staff recommend APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
 City Council Meeting

2

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
 City Council Meeting

0

RECOMMENDATION:

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

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Submitted after final agenda - Abeyance requested by Kummer Kaempfer Bonner & Renshaw for Item 131 [SUP-3653] and Item 132 [SDR-3651] filed under Item 131 [SUP-3653]
5. Back up referenced from the 2/12/2004 Planning Commission meeting Item 10

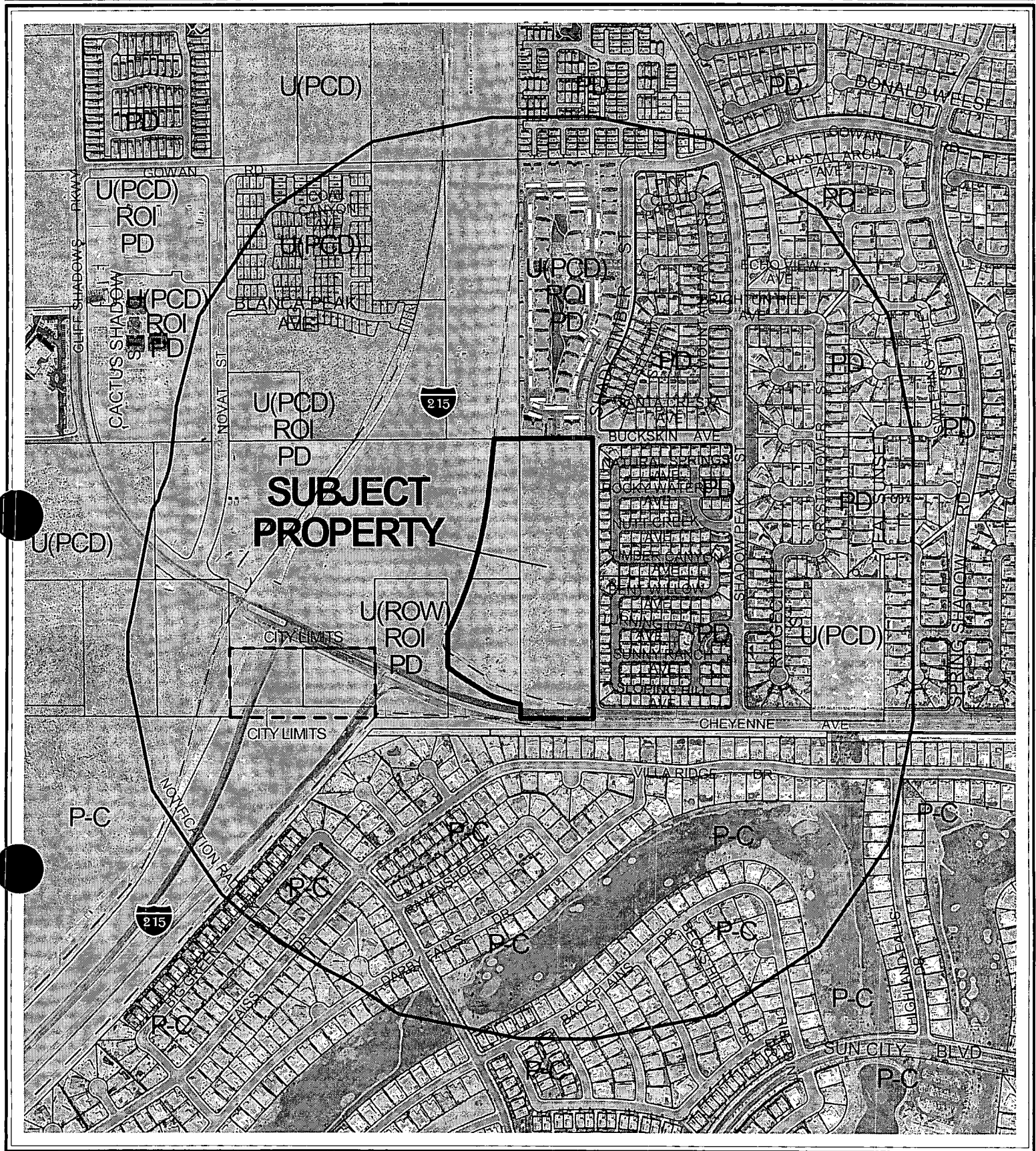
MOTION:

REESE – Motion to Accept the **WITHDRAWAL** Without Prejudice of Item 114 [SDR-3386] and **HOLD IN ABEYANCE** Item 122 [VAR-3288] and Item 126 [SUP-3394] to 4/21/2004 and Item 131 [SUP-3553] and Item 132 [SDR-3651] to 5/19/2004 – **UNANIMOUS** with **GOODMAN** abstaining on Item 114 [SDR-3386] because there is still money owed to him on property he sold across the street at Casino Center and Bonneville and Item 126 [SUP-3394] because his office is in negotiations regarding billboard signs

MINUTES:

There was no discussion.

(2:07 – 2:10)



CASE: SDR-3651

RADIUS: 1500 FT

ZONING OF SUBJECT PROPERTY:

U (UNDEVELOPED) ZONE [PCD (PLANNED COMMUNITY DEVELOPMENT) GENERAL PLAN DESIGNATION] UNDER RESOLUTION OF INTENT TO PD (PLANNED DEVELOPMENT) ZONE [VC (VILLAGE COMMERCIAL) LONE MOUNTAIN SPECIAL LAND USE DESIGNATION]

AGENDA MEMO

CITY COUNCIL MEETING DATE: MARCH 17, 2004

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: SDR-3651 - APPLICANT: SHADOW HILLS PLAZA, LIMITED LIABILITY COMPANY

**** CONDITIONS ****

The Planning Commission (6-0 vote) and staff recommend 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. Separate site plan review is required for Pad Sites "A" thru "H". Each individually submitted site plan application must independently comply with all applicable Title 19 and Lone Mountain Master Plan standards prior to approval.
4. The site plan shall be revised and approved by Planning and Development Department prior to the time application is made for a building permit, to depict the addition of an outdoor Employee Patio Area as outlined in Section 5.3.5 of the Lone Mountain Master Plan, a revised parking analysis and building area total.
5. Prior to the submittal of a building permit, the applicant shall meet with the Planning and Development Department 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.
6. The landscape plan shall be revised and approved by the Planning and Development Department, prior to the time application is made for a building permit, to show a minimum 20 foot wide landscape planter along Shady Timber Street and the east 200 feet of frontage along Cheyenne Avenue, to the first driveway with planting material in accordance to Code standards and parking lot landscaping planters placed every sixth space within a parking row and an eight foot high perimeter screen wall as required by Title 19.12.
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. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.

9. 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.
10. 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.
11. All utility boxes exceeding 27 cubic feet in size shall meet the standards of Municipal Code Section 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. Meet with the Fire Protection Engineering Section of the Department of Fire Services prior to submittal of a Tentative Map for this site. The Design and layout of all onsite private circulation and access drives shall meet the approval of the Department of Fire Services.
15. All City Code requirements and design standards of all City departments must be satisfied.

Public Works

16. Dedicate 30 feet of right-of-way adjacent to this site for Shady Timber Street and an additional 5 feet of right-of-way for a total radius of 25 feet on the northwest corner of Cheyenne Avenue and Shady Timber Street. In addition, grant a traffic chord easement on the northwest corner of Cheyenne Avenue and Shady Timber Street. Additional right-of-way dedications per Standard Drawing #201.1 and #234 shall be shown, unless specifically not required by the update to the Traffic Impact Analysis.
17. Construct half-street improvements including appropriate overpaving on Shady Timber Street adjacent to this site concurrent with the first phase of development anywhere on this site. Construct all incomplete half-street improvements on Cheyenne Avenue adjacent to this site concurrent with development of this site. Extend all required underground utilities, such as electrical, telephone, etc., located within public rights-of-way, past the boundaries of this site prior to construction of hard surfacing (asphalt or concrete). Coordinate with Clark County Public Works for all improvements within the Cheyenne Avenue/I-215 Beltway interchange right-of-way.
18. 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. All existing paving damaged or removed by this development shall be restored at its original location and to its original width concurrent with development of this site. All proposed driveways or modifications to existing driveways shall be designed, located and constructed in accordance with Standard Drawing #222a.

19. A Master Streetlight Plan must be submitted and approved prior to the submittal of any construction drawings for this site.
20. The site shall be designed to prohibit heavy delivery trucks from using Shady Timber Street. The applicant shall ensure that this restriction is observed by heavy delivery vehicles.
21. Landscape and maintain all unimproved rights-of-way on Shady Timber Street and Cheyenne Avenue adjacent to this site.
22. Submit an Encroachment Agreement for all landscaping and private improvements located in the Shady Timber Street and Cheyenne Avenue public rights-of-way adjacent to this site prior to occupancy of this site.
23. Grant pedestrian walkway easements for all public sidewalks not located within public right-of-way.
24. An update to the previously approved Lone Mountain Master Traffic Impact Analysis must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, or the recordation of a Final Map for this site. Comply with the recommendations of the approved Traffic Impact Analysis prior to occupancy of the site. The City shall determine area traffic mitigation contribution requirements based upon information provided in the approved Traffic Impact Analysis; such monies shall be contributed prior to the issuance of any permits or the recordation of a Final Map for this site. The Traffic Impact Analysis shall also include a section addressing Standard Drawings #234.1 and #234.2 to determine additional right-of-way requirements adjacent to this site, if any; dedicate all areas recommended by the approved Traffic Impact Analysis. All additional rights-of-way required by Standard Drawing #201.1 shall be dedicated prior to or concurrent with the commencement of on-site development activities unless specifically noted as not required in the approved Traffic Impact Analysis. We note that new traffic signals are proposed at Shady Timber Street and the southern driveway access to this site. The Public Works Department may support the proposed traffic signals provided that the intersections meet warrants. 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.
25. 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.

26. Site development to comply with all applicable conditions of approval for rezoning application Z-33-97, the Lone Mountain Development Master Plan, and all other applicable site-related actions.

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

The request is for a Site Development Plan Review for a proposed 87,790 square-foot Retail Center and a Waiver of required six-foot foundation buffers on 11.78 acres located adjacent to the northwest corner of Shady Timber Street and Cheyenne Avenue.

A related Special Use Permit (SUP-3653) to allow a Liquor Establishment (Off Premise Consumption) in conjunction with a Wal-Mart Neighborhood Market will be considered concurrently with this application.

B) Applicant's Justification

The neighboring uses are compatible with the proposed retail center, and the design complies with all Residential Adjacency Standards.

BACKGROUND INFORMATION

A) Previous Actions

- | | |
|----------|--|
| 06/23/97 | The City Council approved a rezoning request (Z-0033-97) for the subject site to PD (Planned Development) as a part of a larger request. The Planning Commission recommended and staff approval on 6/12/97. |
| 02/12/04 | The Planning Commission recommended approval of a related Special Use Permit request (SUP-3653) to allow a Liquor Establishment (Off Premise Consumption) in conjunction with a Wal-Mart Neighborhood Market. Staff recommends approval. |
| 02/12/04 | The Planning Commission voted 6-0 to recommend APPROVAL (PC Agenda Item #10/fs). |

B) Pre-Application Meeting

- | | |
|----------|--|
| 12/05/03 | Issues discussed included the need for building elevations and a waiver of the required six-foot foundation buffers. |
|----------|--|

C) Neighborhood Meetings

A Neighborhood meeting is not required for a Site Development Plan Review application.

DETAILS OF APPLICATION REQUEST

A) *Site Area*

Gross Acres: 11.78

B) *Existing Land Use*

Subject Property: Undeveloped
North: Multi-Family Residential
South: Single-Family Residential
East: Single-Family Residential
West: Proposed I-215 Beltway

C) *Planned Land Use*

Subject Property: PCD (Planned Community Development – Village Commercial)
North: PCD (Planned Community Development – Medium Density Residential)
South: ML (Medium Low Density Residential)
East: PCD (Planned Community Development – Medium Low Attached Density Residential)
West: Proposed I-215 Beltway

D) *Existing Zoning*

Subject Property: U (Undeveloped) Zone, Under Resolution of Intent to PD (Planned Development)
North: U (Undeveloped) Zone, Under Resolution of Intent to PD (Planned Development)
South: P-C (Planned Community)
East: PD (Planned Development)
West: Proposed I-215 Beltway

E) *General Plan Compliance*

The subject site is located within the Centennial Hills Sector of the General Plan with a PCD (Planned Community Development) land use designation, which allows a mix of residential uses with a maximum of 8 units per acre. The site is zoned U (Undeveloped) and is under Resolution of Intent to PD (Planned Development) within the Lone Mountain Master Plan area. The PD (Planned Development) zoning district is consistent with the General Plan designation, and the proposed Retail Center is a permitted use within the PD zoning district.

<i>SPECIAL DISTRICTS/ZONES</i>	Yes	No
Special Area Plan	X	
Lone Mountain	X	
Special Overlay District		X
Trails		X
Study Area		X

Rural Preservation Neighborhood		X
Development Impact Notification Assessment		X
Project of Regional Significance		X

Special Plan Area

The subject site is located within the Lone Mountain Master Plan area with a Village Commercial land use designation. The Village Commercial category address parcels of not more than 20 acres and a Floor Area Ratio of less than 30% gross coverage. Village Commercial allows low to medium intensity retail, office or other commercial uses that serve primarily local area patrons, and do not include more intense general commercial characteristics. Village Commercial is typically located on the periphery of residential neighborhoods and should be confined to the intersections of major arterials and major freeways.

PROJECT DESCRIPTION

The proposed Retail Center consists of a Wal-Mart Neighborhood Market and eight pad sites totaling 87,790 square feet.

<u>USE</u>	<u>SQ. FT</u>	<u>PROPOSED USE</u>
Wal-Mart Neighborhood Market	39,690 SF	Retail
Pad Site "A"	6,000 SF	Retail
Pad Site "B"	4,800 SF	Retail
Pad Site "C"	4,800 SF	Retail
Pad Site "D"	15,000 SF	Retail
Pad Site "E"	6,000 SF	Restaurant
Pad Site "F"	3,500 SF	Restaurant
Pad Site "G"	4,500 SF	Restaurant
Pad Site "H"	3,500 SF	Financial Institution

Because the site is in a conceptual stage and plans have been finalized only for the Wal-Mart, a Condition of Approval has been included as part of this application to require individual Site Plan reviews for Pad Sites "A" thru "H". Future site plan applications will be required to individually comply with all applicable Title 19 and Lone Mountain Master Plan requirements prior to approval.

The proposed 39,690 square-foot Wal-Mart Neighborhood Market is located on the north portion of the site and access is provided via three drives from Shady Timber Street and one drive from Cheyenne Avenue. On site parking for the Wal-Mart exceeds Title 19 requirements, and the building elevations depict a 24-foot structure with a generally flat roof. The Landscape Plan shows adequate perimeter landscaping, but a deficiency in parking lot landscaping. The parking lot landscaping deficiency results from landscaping planters not being placed every sixth parking space. A Condition of Approval has been included to ensure compliance with Title 19 parking lot landscaping requirements.

The Lone Mountain Master Plan (Sec. 5.3.5) requires an Employee Patio Area for projects over 20,000 square feet of building area. Elements of the outdoor patio shall include landscaping, shade structures, seating, low walls, and enhanced specialty paving. It shall be removed from building entryways and parking area. The patio shall be accessible to all onsite users, and must be centrally located for multi-tenant sites. A Condition of Approval has been included to ensure compliance with this requirement.

ANALYSIS

A) *Zoning Code Compliance*

A1) Development Standards

Pursuant to Title 19.08 and the Lone Mountain Master Plan, the following Development Standards apply to the subject proposal:

Standards	Required	Provided	Compliance
Min. Setbacks			
• Front	37 Feet	37 Feet	Y
• Side	38 Feet	38 Feet	Y
• Corner	31 Feet	31 Feet	Y
• Rear	51 Feet	51 Feet	Y
Max. Lot Coverage	30 %	17.15%	Y
Max. Building Height	2 Stories / 35 Feet	24 Feet	Y
Trash Enclosure	Screened w / 6-foot masonry wall and roofed	Screened w / 10-foot wall and roofed	Y
Mech. Equipment	Screened	Screened	Y
Loading Area	Screened and located away from public view	Screened w/ 10-foot wall at rear of building	Y

The project meets applicable Title 19 and Lone Mountain Master Plan 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 one-story, 24-foot Wal-Mart Neighborhood Market is setback approximately 131 feet from the west property line of the residentially zoned tract on the east side of Shady Timbers Street. At this distance a 3:1 slope would intersect a building at a height of 43.6 feet. The proposed 24-foot building falls below the proximity slope, and therefore meets Residential Adjacency Standards.

b) Building setback

The proposed Wal-Mart Neighborhood Market is setback approximately 131 feet from the west property line of the residentially zoned tract on the east side of Shady Timbers Street.

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
Retail (Wal-Mart)	39,690 SF	1/250 GFA	153	6	193	6
Retail (Pads A thru D)	30,600 SF	1/175 GFA	To Be Determined	TBD	151	2
Restaurant (Pads E, F, H)	13,000 SF	1 per 50 SF of public seating + 1 space for each 200 SF of the total remaining GFA	To Be Determined	TBD	148	0
Financial Institution (Pad "G")	4,500 SF	1 per 200 SF + 1 lane per drive up window or ATM with stacking for 6	To Be Determined	TBD	23	0

The project exceeds Title 19 parking standards for the Wal-Mart Neighborhood Market use. A total of 524 parking spaces are proposed for the overall site, and parking requirements for the remaining uses will be determined at the time of Site Plan review for each individual pad site.

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 (Wal-Mart)	1 Trees/ 6 Spaces	33 Trees	58 Trees
Buffer: (Overall Site)			
• Min. Trees (Street)	1 Tree / 20 Linear Feet + 1	89	92
• Buffer (Commercial)	1 Tree / 30 Linear Feet	14	19
• Min. Zone Width	8 Feet		15 Feet
• Wall height	8 Feet		Not Provided

The proposal exceeds the number of trees required for this project, however parking lot landscape planters are not provided for every sixth parking space. In addition, an 8-foot screen wall is not depicted on the landscape plan. Conditions of Approval have been included as a part of this application to ensure compliance with Title 19.12.

A5) Sign Standards

A Master Sign Plan shall be submitted for approval by the Planning Commission or City Council prior to the issuance of a Certificate of Occupancy for any building on the site.

B) General Analysis and Discussion

• Zoning

The PD District is intended to be a flexible district which may be applied to individual properties, larger planning areas or areas with multiple properties for redevelopment, economic development and cultural enrichment. The PD District may be used for office, retail, entertainment or commercial uses or for mixed-use developments where commercial and residential uses are combined. The PD District is further intended to buffer small infill tracts and adjacent uses, encourage the conservation of open space, promote creative sitting arrangements, preserve prominent natural features, provide for the efficient development of large tracts for multiple uses, and provide for development which enhances neighborhood areas.

• Site Plan

The proposed Retail Center consists of a Wal-Mart Neighborhood Market and eight pad sites totaling 87,790 square feet.

Because the site is in a conceptual stage and plans are final only for the Wal-Mart, a condition has been included as part of this application to require individual Site Plan reviews for Pad Sites "A" thru "H". Future Site Plan applications will be required to individually comply with all applicable Title 19 and Lone Mountain Master Plan requirements prior to approval.

The site plan depicts 524 parking spaces for the overall site, and parking requirements for Pad Sites "A" thru "H" will be determined when individual Site Plans are submitted.

The proposed 39,690 square-foot Wal-Mart Neighborhood Market is located on the north portion of the site and access is provided via three drives from Shady Timber Street and one drive from Cheyenne Avenue. A drive-thru Pharmacy is planned adjacent to the west side of the building, and on site parking exceeds Title 19 requirements.

The Lone Mountain Master Plan (Sec. 5.3.5) requires an Employee Patio Area for projects over 20,000 square feet of building area. Elements of the outdoor patio shall include landscaping, shade structures, seating, low walls, and enhanced specialty paving. It shall also be removed from building entryways and parking areas. The Patio shall be accessible to all onsite users, and must be centrally located for multi-tenant sites. A Condition of Approval has been included to ensure compliance with this requirement.

- Waivers

A Waiver is requested for relief from the six-foot foundation buffer requirement.

- Landscape Plan

The Landscape Plan shows adequate perimeter landscaping, but a deficiency in parking lot landscaping. The landscape plan depicts a 15-foot wide planter along the perimeter of the site planted with various 24 and 36-inch box trees. The parking lot landscaping deficiency results from landscaping fingers not being located between every six parking spaces. A Condition of Approval has been included to ensure compliance with this requirement.

- Elevation

The elevations for the Wal-Mart Neighborhood Market depict a 24-foot high structure with an exterior consisting of Split Face CMU and a generally flat roof. The color palette used consists of earth tones and is appropriate for the area.

Elevations were not provided for Pad Sites "A" thru "H".

- Floor Plan

The floor plan depicts a general retail store configuration with parallel aisles for merchandise, two alcoholic beverage display areas, a number of checkout counters, and various offices and storage areas.

Floor Plans were not provided for Pad Sites "A" thru "H".

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 Retail Center is within the range of allowable uses in a Village Commercial designated parcel of the Lone Mountain Master Plan. The proposed development and uses can be operated in a manner that is compatible with the existing land uses in the vicinity of this 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;"**

With the inclusion of the proposed Conditions of Approval and Waiver request, the development will be consistent with the General Plan, Title 19, the Design Standards Manual, the Landscape, Wall and Buffer Standards, and the Lone Mountain Master Plan.

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

Access is provided via three drives from Shady Timber Road, a 60-foot Local Street, and a drive from Cheyenne Avenue, a Primary (100-foot) Arterial on the Master Plan of Streets and Highways. The street facilities are adequate in size to meet the requirements of the proposed use and will not negatively impact neighborhood traffic.

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

The proposed building is an aesthetically appropriate structure for a Wal-Mart Neighborhood Market and landscape materials as proposed are appropriate for this project

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 and design characteristics of the proposed Wal-Mart Neighborhood Market are well suited for a Retail building. The proposal exceeds residential adjacency standards, and all trash enclosures and mechanical equipment will be screened from view.

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

The subject site will be subject to City Business License requirements and periodic City inspections for code compliance, and will therefore not compromise the public health, safety and welfare.

PLANNING COMMISSION ACTION

The Planning Commission amended Condition #20 as shown.

NOTICES MAILED 841 by Planning Department

APPROVALS 0

PROTESTS 2



APN: 137-12-401-030

Name of Applicant: Shadow Hills Plaza, L.L.C.

Yes

No

City Official: _____

Partner(s):

APN:

Signature of Property Owner/Authorized Agent:

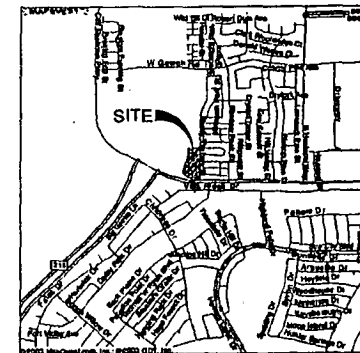
Print Name:

Subscribed and sworn before me

This 4th day of December, 2003

Notary Public in and for said County and State





VICINITY MAP
NOT TO SCALE

SITE DATA	
GENERAL	
MEIGHORNSWOOD MARKET BITE:	4.67 AC
PAD 4.11	6.87 AC
TOTAL	11.78 AC
	(193,197) SF
BUILDING AREA:	
MEIGHORNSWOOD MARKET:	38,000 S.F.
PAD 4.11 RETAINED RETAIL	16,000 S.F.
PAD 4.11 RESTAURANTS	10,000 S.F.
PAD 0 BANK	4,000 S.F.
TOTAL	68,000 S.F.
FLOOR AREA RATIO:	17.19%
PARKING REQUIRED:	
MEIGHORNSWOOD MARKET:	199 / 6.0
PAD 4.11 RETAINED RETAIL	189 / 6.0
PAD 4.11 RESTAURANTS	153 / 16.0
PAD 0 BANK	251 / 6.0
TOTAL PARKING REQUIRED (development)	892 / 6.74
PARKING PROVIDED:	
MEIGHORNSWOOD MARKET:	300 / 6.04
PAD 4.11 RETAINED RETAIL	153 / 6.00
PAD 4.11 RESTAURANTS	140 / 11.26
PAD 0 BANK	251 / 6.0
TOTAL PARKING PROVIDED	844 / 6.50

SUP-3653
SDR-3651
02-12-04 PC



GRAPHIC SCALE



APN # 13712801001, 13712401022, 13712401030

[illegible]

Planning/Civil Engineering/Surveying
400 MAIN STREET, SUITE 100, WILSON, CA 95714
☐ TEL: 925/937-8777 FAX: 925/937-8779

**See A: 1990-1991 SOURCE BOOK, SUITE 100, 100 WILSON, CA 95714
☒ TEL: 925/937-8779 FAX: 925/937-8779**



SITE DEVELOPMENT FEASIBILITY PLANS	ENTITLEMENT SITE PLAN
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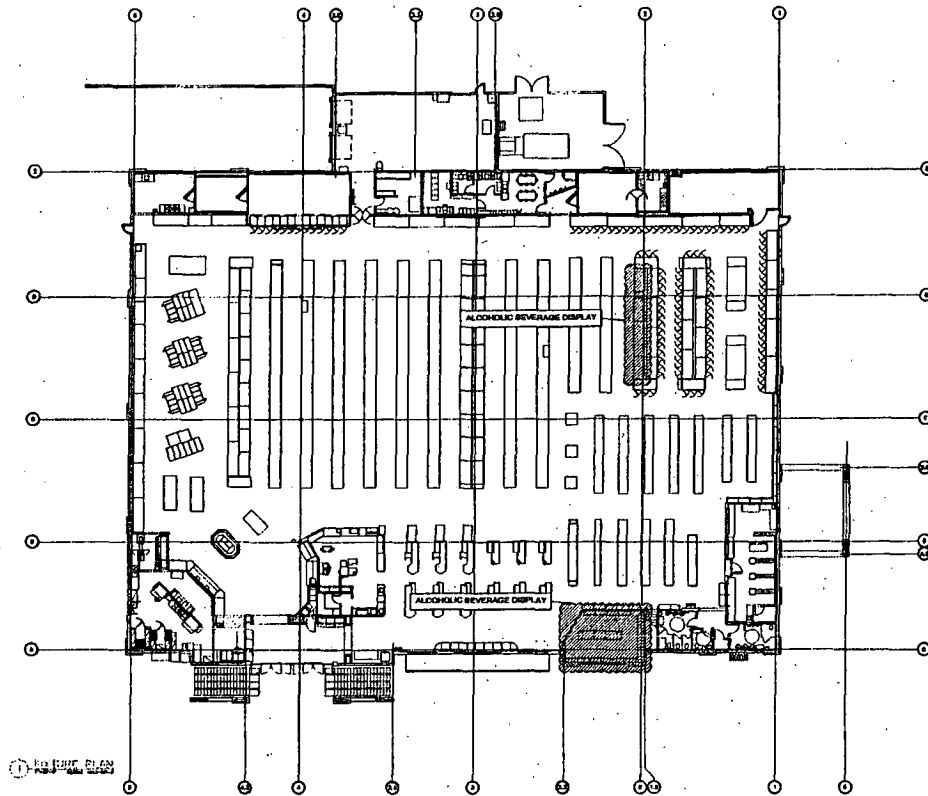
PHD

SHADOW HILLS PLAZA, LLC
LAS VEGAS (CHETENE), NV
PHD PROPERTIES
LAS VEGAS, NV

DRAWN
VC
CHICAGO
M
EN JOE NG.
01-529
REAL ESTATE
APPROVAL DATE: TBD
ORIGINAL
ISSUE DATE: 12/04/03
PERMIT SET
ISSUE DATE: TBD
CONSTRUCTION SET
ISSUE DATE: TBD
SHEET
E-1
(OF 1 SHEETS)

E-3
1 OF 3 SHEET

NEIGHBORHOOD MARKET FLOOR PLAN
ALCOHOLIC BEVERAGE DISPLAY



SUP-3653
SDR-3651
02-12-04 PC

REVISIONS	DATE	BY

Planning/ Civil Engineering Surveying
☐ Surveying
☐ Planning
☒ Engineering
 10100 S. 10th Street, Suite 100, Las Vegas, NV 89138
 Tel: 702.735.8877 Fax: 702.735.8878
 Web: www.enr.com E-mail: info@enr.com



SITE DEVELOPMENT
FEASIBILITY PLANS
FLOOR PLAN
PACKAGE LIQUOR

PHD
 SHADOW HILLS PLAZA, LLC
 LAS VEGAS (CHETENNE), NV
 PHD PROPERTIES
 LAS VEGAS, NV

DRAWN	VS
CHECKED	VS
IN CHARGE	VS
REAL ESTATE	VS
APPROVAL DATE: TND	
ISSUE DATE: 12/04/03	
ISSUE DATE: TND	
CONSTRUCTION SET	
ISSUE DATE: TND	
E-2	
1 OF 1 SHEETS	



PUBLIC HEARING - SDR-3651 - APPLICANT: SHADOW HILLS PLAZA, LIMITED LIABILITY COMPANY
NORTHWEST CORNER OF CHEYENNE AVENUE AND SHADY TIMBER STREET
FEBRUARY 12, 2004 PLANNING COMMISSION

01/23/04



PUBLIC HEARING - SDR-3651 - APPLICANT: SHADOW HILLS PLAZA, LIMITED LIABILITY COMPANY
NORTHWEST CORNER OF CHEYENNE AVENUE AND SHADY TIMBER STREET
FEBRUARY 12, 2004 PLANNING COMMISSION

01/23/04

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF: MARCH 17, 2004**DEPARTMENT: PLANNING & DEVELOPMENT****DIRECTOR: ROBERT S. GENZER**☐**CONSENT**☒**DISCUSSION****SUBJECT:**

ABEYANCE ITEM - GENERAL PLAN AMENDMENT - PUBLIC HEARING - **GPA-3470 - JUAN J. ELIAS** - Request to amend a portion of the Southwest Sector Future Land Use Plan of the General Plan FROM: L (LOW DENSITY RESIDENTIAL) TO: SC (SERVICE COMMERCIAL) on 0.15 acres adjacent to the northeast corner of Bonanza Road and Twenty-Third Street (APN: 139-26-811-094), Ward 5 (Weekly). The Planning Commission (4-1 vote) and staff recommend DENIAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

1

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

RECOMMENDATION:

The Planning Commission (4-1 vote) and staff recommend DENIAL.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application (Not Applicable)
3. Staff Report

MOTION:

WEEKLY – APPROVED – UNANIMOUS

NOTE: COUNCILMAN REESE disclosed that he owns a barbershop within 200 feet of this location, but this application will not impact that business or his duties as an on-site manager of the center and he would vote on these items.

MINUTES:

MAYOR GOODMAN declared the Public Hearing open for Item 133 [GPA-3470], Item 134 [ZON-3473] and Item 135 [SDR-3475].

JUAN J. ELIAS, 2301 East Bonanza, was present with KELLY BENEVIDEZ, Council Liaison for COUNCILMAN WEEKLY, to translate. MR. ELIAS stated that he had nothing to add. MS. BENEVIDEZ outlined the efforts working with the applicant to address site development plan problems. Pending resolution of those problems, the general plan amendment and rezoning should go forward and the site development plan application should be tabled.

CITY COUNCIL MEETING OF MARCH 17, 2004
Planning and Development Department
Item 133 – GPA-3470

MINUTES – Continued:

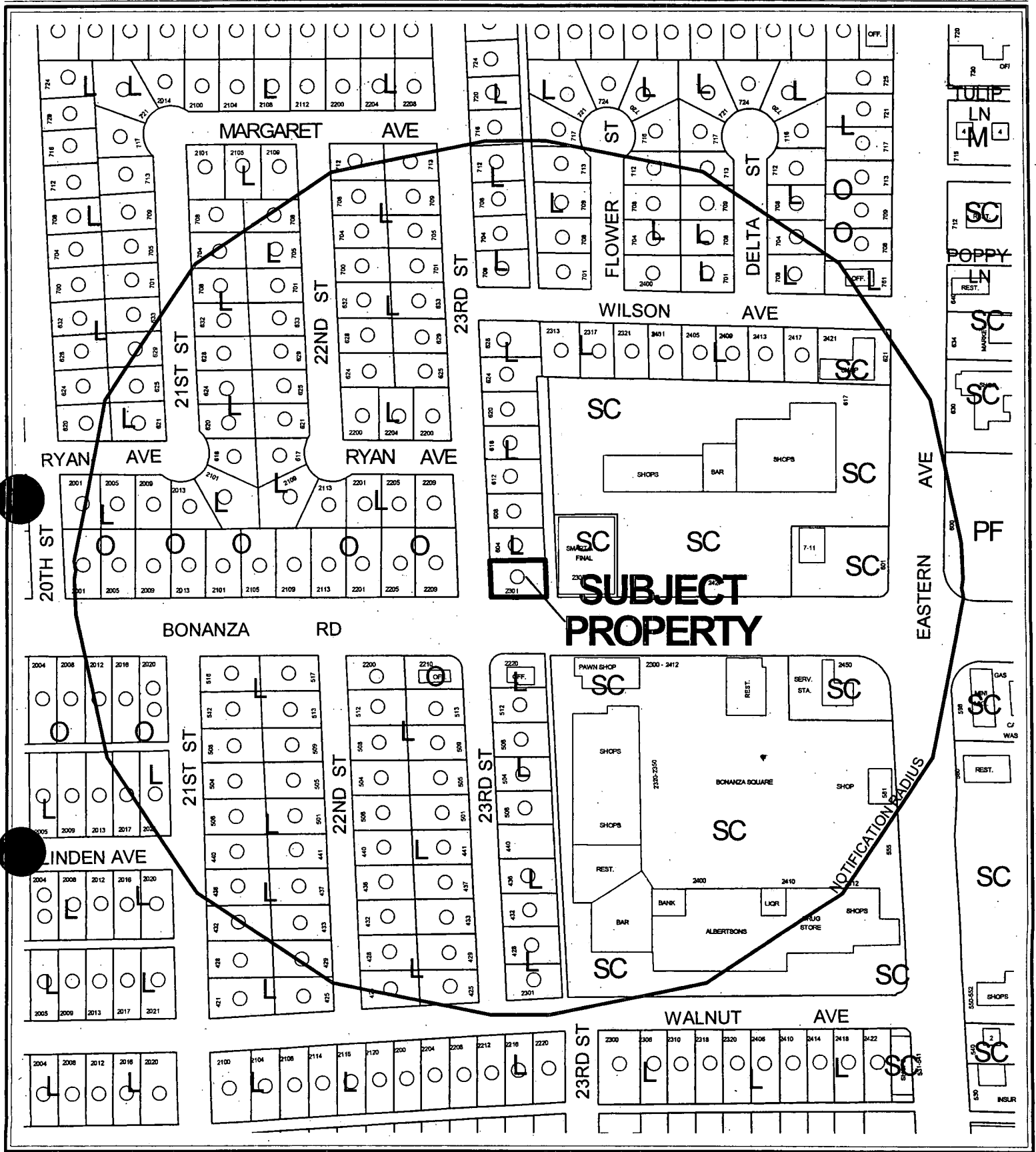
COUNCILMAN WEEKLY supported the proposal for action, including tabling the site plan. The intent is for the applicant to work more closely with staff and a professional to create the site plan. ROBERT GENZER, Director of Planning and Development Department, clarified that no conditions would need to be revised as a result of the tabling of the site development plan.

No one appeared in opposition.

MAYOR GOODMAN declared the Public Hearing closed for Item 115 [MOD-3652], Item 116 [SUP-3650] and Item 117 [SDR-3648].

(3:03 – 3:07)

4-1941



CASE: GPA-3470

RADIUS: 750 FT

GENERAL PLAN DESIGNATION OF SUBJECT PROPERTY: L (LOW DENSITY RESIDENTIAL)

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

0 100 200 Feet



133



AGENDA MEMO

CITY COUNCIL MEETING DATE: MARCH 17, 2004
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: ABEYANCE ITEM - GPA-3470 - JUAN J. ELIAS

THIS ITEM WAS HELD IN ABEYANCE FROM THE FEBRUARY 18, 2004 CITY COUNCIL MEETING AT THE APPLICANT'S REQUEST.

**** CONDITIONS ****

The Planning Commission (4-1 vote) and staff recommend DENIAL.

**** STAFF REPORT ****

APPLICATION REQUEST

This application is intended to amend a portion of the Southeast Sector Plan of the General Plan from L (Low Density Residential) to SC (Service Commercial) for the purpose of converting a residential property into a commercial use. A companion rezoning application (ZON-3473) and a Sire Development Plan Review application (SDR-3475) were filed with this General Plan Amendment application.

BACKGROUND DATA

- 08/07/85 The City Council approved the Community Profiles of the city of Las Vegas General Plan by Resolution. On this plan, the subject properties were designated for Low Density Residential land uses with a maximum density of 6 dwelling units per acre.
- 03/12/92 The Planning Commission approved the three Land Use Sector Maps of the General Plan.
- 08/18/99 The City Council approved GPA-23-99, which amended the density range for the Low Density Residential land use category to allow a maximum of 5.5 dwelling units per acre, Medium Low Density Residential to allow up to 8 dwelling units per acre, and Medium Density Residential up to 25 dwelling units per acre. The Planning Commission and staff recommended approval.
- 09/06/99 The City Council approved GPA-10-00 to amend portions of the Southeast Sector Plan to indicate areas of potential transition, correct errors from GIS data conversion, and match actions since 1996. The Planning Commission and staff recommended approval.
- 09/06/00 The City Council approved the Las Vegas 2020 Master Plan. This site is within the Neighborhood Revitalization Area as described in the Plan.
- 11/05/03 The City Council approved an update of the Southeast Sector Map (GPA-3005) of the city of Las Vegas General Plan. On this map, the subject property was designated for single-family residential land uses, with a maximum density of 5.5 dwelling units per acre. The Planning Commission and staff recommended approval.
- 01/22/04 The Planning Commission recommended denial of related items (ZON-3473 and SDR-3475).
- 01/22/04 The Planning Commission voted 4-1 to recommend DENIAL (PC Agenda Item #41/kcw).

DETAILS OF APPLICATION REQUEST

Site Area: 0.15 Acres

EXISTING LAND USE

Subject Property Single Family Dwelling
North Single Family Dwelling
South Commercial use
East Commercial uses
West Single Family Dwelling

PLANNED LAND USE

Subject Property L (Low Density Residential)
North L (Low Density Residential)
South L (Low Density Residential)
East SC (Service Commercial)
West O (Office)

EXISTING ZONING

Subject Property R-1 (Single Family Residential)
North R-1 (Single Family Residential)
South P-R (Professional Office and Parking)
East C-1 (Limited Commercial)
West R-1 (Single Family Residential)

SPECIAL DISTRICTS/ZONES	Yes	No
<i>Special Area Plan</i>		X
Special Overlay District		X
Trails		X
Study Area		X
Rural Preservation Neighborhood		X
Inter-local Agreement Joint Land Use Planning Area		X
Development Impact Notification Assessment		X
Project of Regional Significance		X

There are not any special districts or zones that pertain to this application.

DEFINITIONS

L (Low Density Residential) (3.6 to 5.5 units/gross acre.) This category permits single-family detached homes, manufactured homes on individual lots, gardening, residential planned developments, and planned community developments. Local supporting uses such as parks, other recreation facilities, schools, and churches are allowed in this category.

SC (Service Commercial) The Service Commercial category allows low to medium intensity retail, office, or other commercial uses that serve primarily the local area patrons and do not include more intense general commercial characteristics. Examples include neighborhood shopping centers, theaters, bowling alleys and other places of public assembly and public and semi-public uses. This category also includes offices either individually or grouped as office centers with professional and business services.

ANALYSIS

The proposed location of the subject Plan Amendment is located at the northeast corner of 23rd Street and Bonanza Road, designated as a 100 foot Primary Arterial on the Master Plan of Streets and Highways. The building on site is the first on 23rd Street, a residential street that is the entry of a subdivision with homes that are over 50 years old. The subdivision is clearly stable without indications of evolving into more intensive uses such as Service Commercial.

A change of the land use for the proposed site will destabilize the neighborhood and will lead to the evolution of the homes further north on the street to commercial uses. There has been no unanticipated growth or development in the area of the application site or growth and development not specifically considered when the General Plan was adopted. The proposed amendment will allow zoning classifications that will be incompatible with the neighborhood and possible adverse effects on the residential area.

FINDINGS

Title 19.18.030.I requires that the following conditions be met in order to justify a General Plan Amendment:

1. **The density and intensity of the proposed General Plan Amendment is compatible with the existing adjacent land use designations.**

The intensity of the proposed land use is not compatible with the residential neighborhood that this site has been a part of for about 50 years.

2. **The zoning designations allowed by the proposed amendment will be compatible with the existing adjacent land uses or zoning districts.**

The proposed amendment will allow zoning classifications that will be incompatible with the neighborhood and have possible adverse effects on the residential area. The noise, odors, lighting and hours of operation of a commercial use on the site will not strengthen or support the neighborhood.

3. **There are adequate transportation, recreation, utility, and other facilities to accommodate the uses and densities permitted by the proposed General Plan Amendment.**

As the site of the proposed amendment is in an established neighborhood all of the necessary utilities, services, and access for the proposal are available. The access will be from 23rd Street and Bonanza Road. The addition of commercial traffic to the neighborhood will also have an adverse effect on the neighborhood.

4. **The proposed amendment conforms to other applicable adopted plans and policies that include approved neighborhood plans.**

There are no city plans or policies that support the weakening of residential neighborhoods. The proposal is contrary to Policy 2.4.7 of the Las Vegas 2020 Master plan that says the city should assist the residents in mature neighborhoods preserve the integrity of their neighborhoods.

GENERAL PLAN AMENDMENT NEIGHBORHOOD MEETING

12/29/03 The two representatives of the application and two city staff were the only persons who attended.

NOTICES MAILED: 161 by Planning Department

APPROVALS: 0

PROTESTS: 1

Case Number: **GPA-3470** APN: 139-26-811-094
Name of Property Owner: JUAN J. ELIAS
Name of Applicant: JUAN J. ELIAS

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: 139-26-811-094

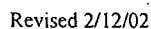
Signature of Property Owner/Authorized Agent:

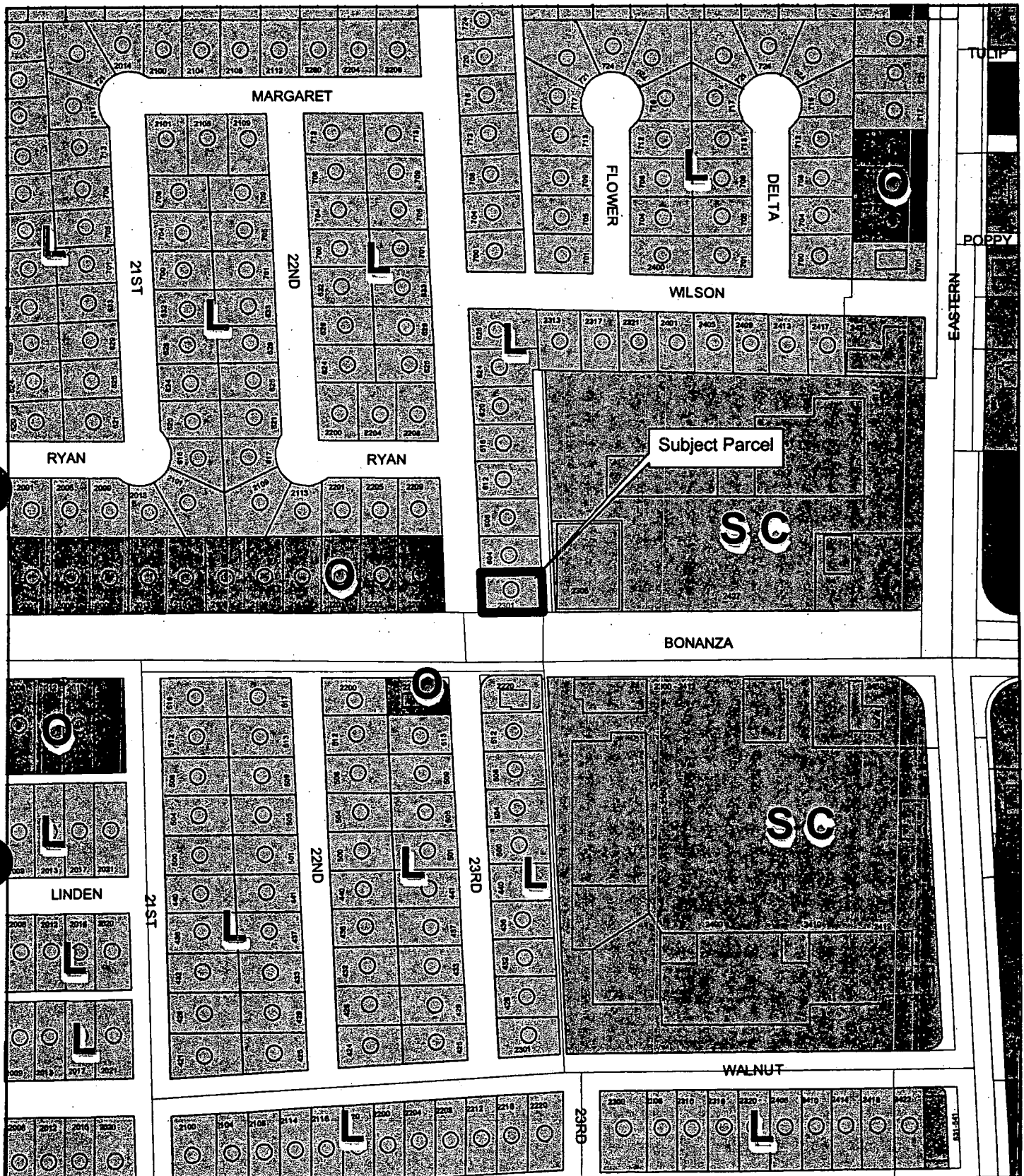
Print Name:

Subscribed and sworn before me

This 26th day of August, 2023

Notary Public in and for said County and State



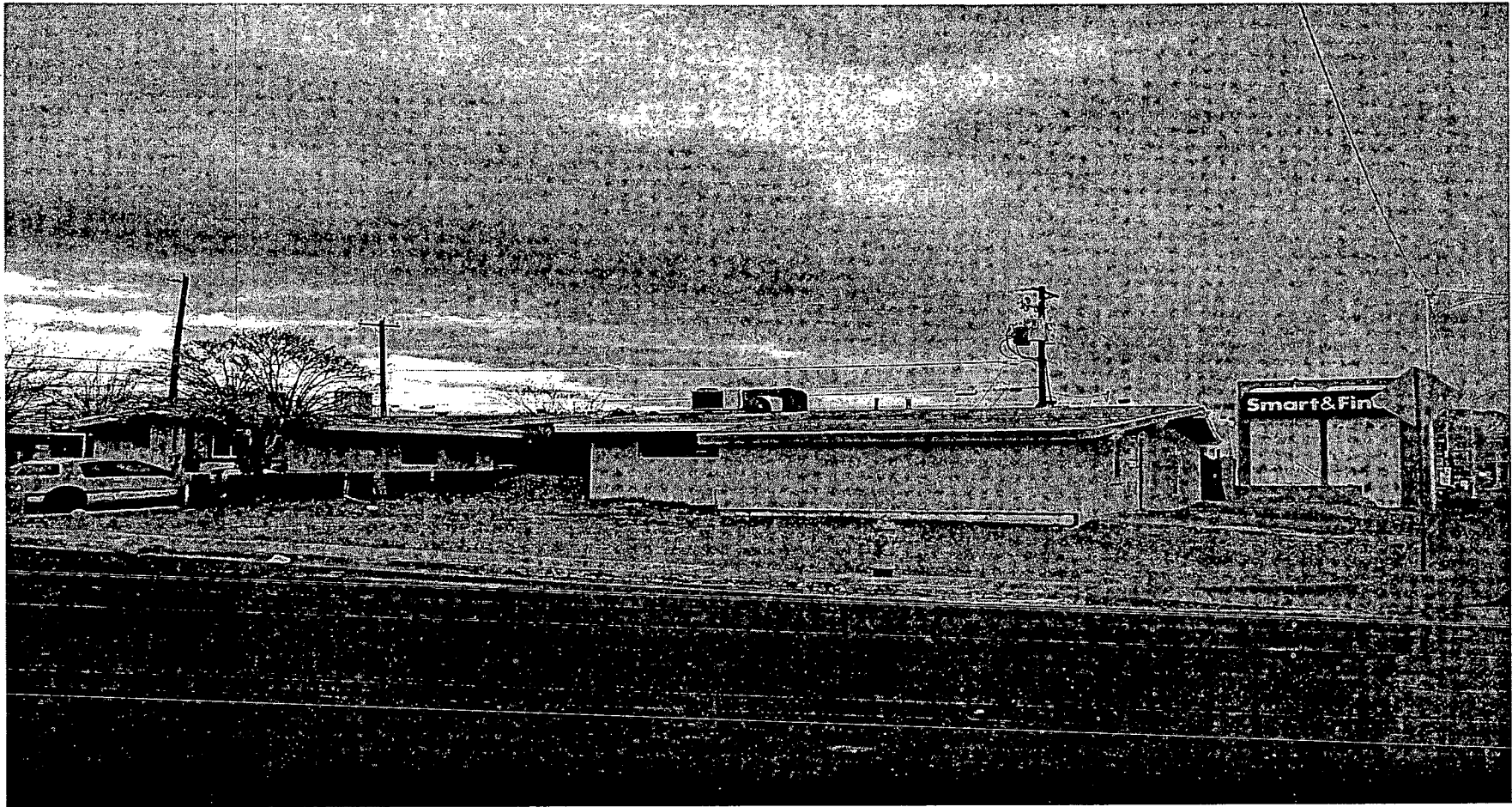


GPA-3470

General Plan Categories

	Desert Rural		Office		Downtown Redevelopment Area		SUM
	Rural		Service Commercial		Public Facility		Rural Neighborhood Preservation (Clark County)
	Low		General Commercial		Resource Conservation		Rural Estates (Clark County)
	Medium-Low		Tourist Commercial		Right-of-Way		Public Facility (Clark County)
	Medium-Low Attached		School/Park/Open Space		Planned Community Development		School/Park/Open Space (Clark County)
	Medium		Light Industrial / Research		Town Center		Northwest School
	High		Las Vegas Medical District		NIC		Northwest Park

GIS maps are normally produced to meet the needs of the City. Due to continuous development activity this map is for reference only. No liability is assumed.



GPA-3470 - JUAN J. ELIAS
NORTHEAST CORNER OF BONANZA ROAD AND TWENTY-THIRD STREET
JANUARY 22, 2004 PLANNING COMMISSION

1/2/04

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF: MARCH 17, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☐

CONSENT

☒

DISCUSSION

SUBJECT:

ABEYANCE ITEM - REZONING RELATED TO GPA-3470 - PUBLIC HEARING - **ZON-3473 - JUAN J. ELIAS** - Request for a Rezoning FROM: R-1 (SINGLE FAMILY RESIDENTIAL) TO: N-S (NEIGHBORHOOD SERVICE) AND FOR A WAIVER TO ALLOW A 68 FOOT WIDE LOT WHERE 100 FEET IS REQUIRED on 0.15 acres adjacent to the northeast corner of Bonanza Road and Twenty-Third Street (APN: 139-26-811-094), Ward 5 (Weekly). The Planning Commission (3-2 vote) and staff recommend DENIAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

1

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

RECOMMENDATION:

The Planning Commission (3-2 vote) and staff recommend DENIAL.

BACKUP DOCUMENTATION:

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

MOTION:

WEEKLY – APPROVED subject to conditions – UNANIMOUS

MINUTES:

NOTE: See Item 133 [GPA-3470] for all related discussion.

(3:03 – 3:07)

4-1941

CONDITONS:

Planning and Development

1. A General Plan Amendment (GPA-3470) to a SC (Service Commercial) land use redesignation approved by the City Council.
2. A Resolution of Intent with a two-year time limit.
3. A Site Development Plan Review (SDR-3475) application approved by the Planning Commission and City Council prior to issuance of any permits, any site grading, and all development activity for the site.

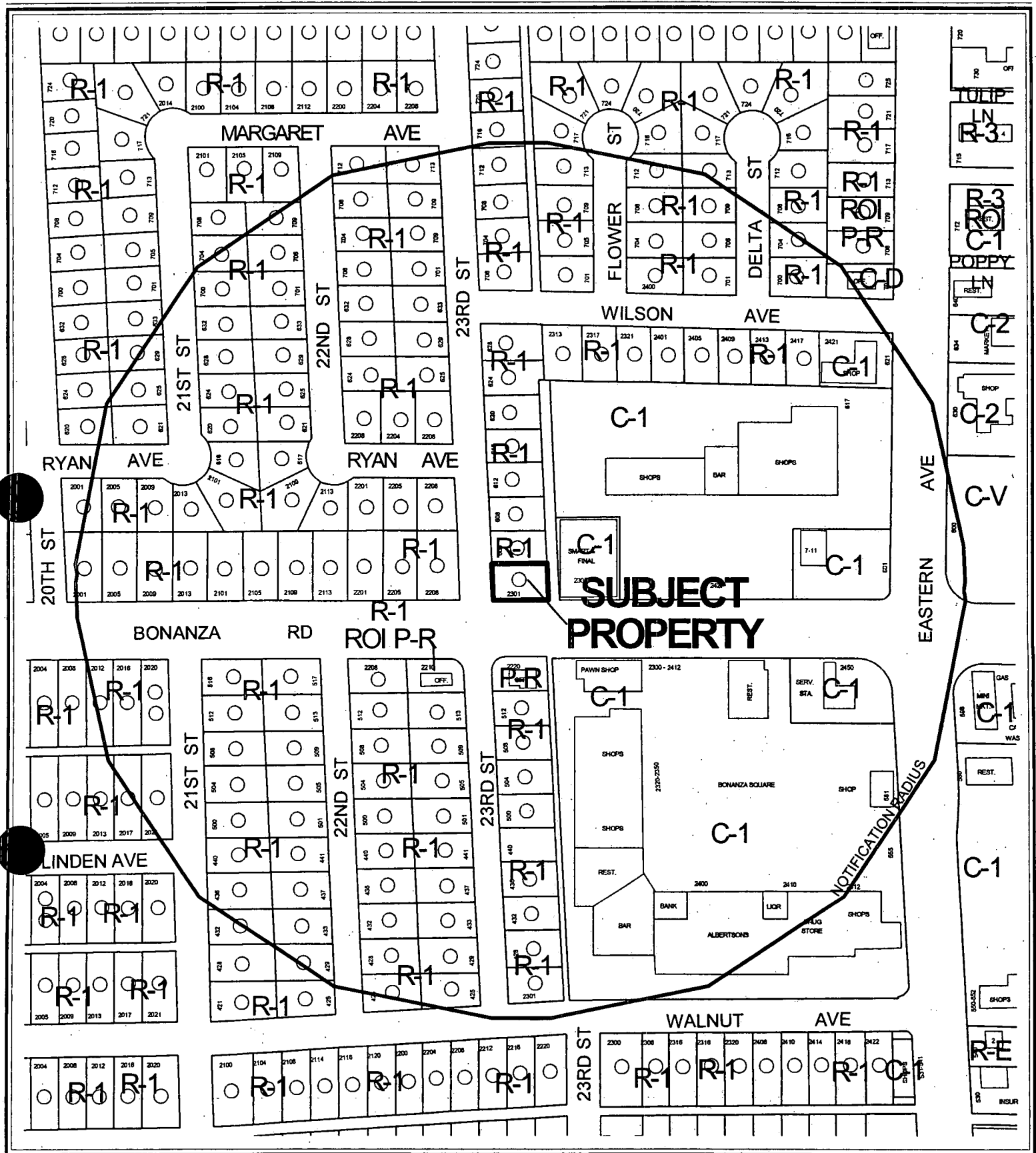
CITY COUNCIL MEETING OF MARCH 17, 2004
Planning and Development Department
Item 134 – ZON-3473

CONDITIONS – Continued:

Public Works

4. Dedicate a 25-foot radius on the northeast corner of Bonanza Road and Twenty Third Street 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.
5. Remove all substandard public street improvements and unused driveway cuts adjacent to this site, if any, and replace with new improvements meeting current City Standards concurrent with development of this site. All existing paving damaged or removed by this development shall be restored at its original location and to its original width concurrent with development.
6. A Traffic Impact Analysis must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits or submittal of any construction drawings. Comply with the recommendations of the approved Traffic Impact Analysis prior to occupancy of the site. The City shall determine area traffic mitigation contribution requirements based upon information provided in the approved Traffic Impact Analysis; such monies shall be contributed prior to the issuance of any permits for this site. The Traffic Impact Analysis shall also include a section addressing Standard Drawings #234.1 #234.2 and #234.3 to determine additional right-of-way requirements for bus turnouts adjacent to this site, if any; dedicate all areas recommended by the approved Traffic Impact Analysis. All additional rights-of-way required by Standard Drawing #201.1 for exclusive right turn lanes and dual left turn lanes shall be dedicated prior to or concurrent with the commencement of on-site development activities unless specifically noted as not required in the approved Traffic Impact Analysis. If additional rights-of-way are not required and Traffic Control devices are or may be proposed at this site outside of the public right-of-way, all necessary easements for the location and/or access of such devices shall be granted prior to the issuance of permits for this site. Phased compliance will be allowed if recommended by the approved Traffic Impact Analysis. No recommendation of the approved Traffic Impact Analysis, or compliance therewith, shall be deemed to modify or eliminate any condition of approval imposed by the Planning Commission or the City Council on the development of this site.

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



CASE: ZON-3473

RADIUS: 750 FT

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

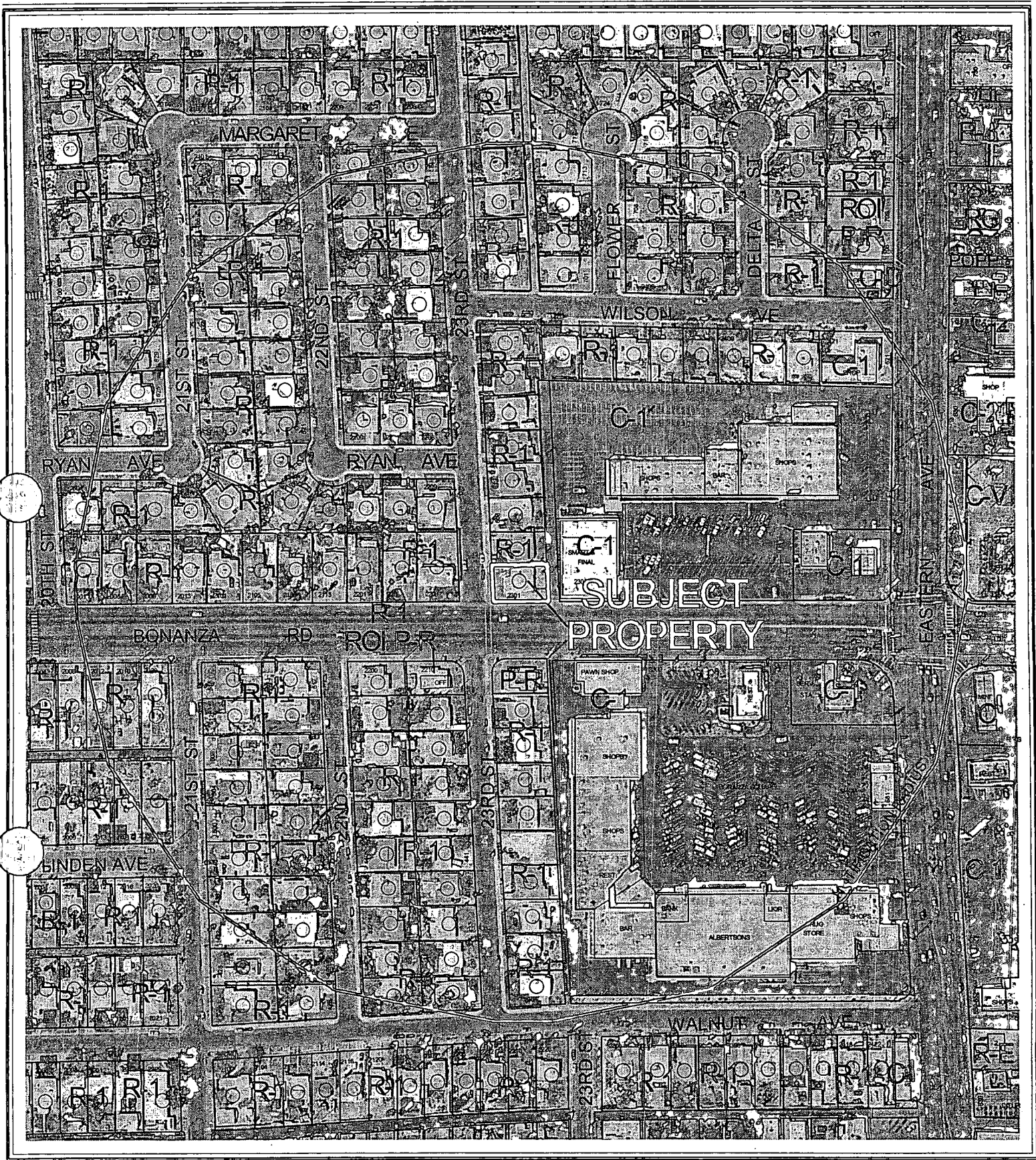
PROPOSED ZONING OF SUBJECT PROPERTY: N-S (NEIGHBORHOOD SERVICE)

0 100 200 Feet



134





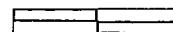
CASE: ZON-3473

RADIUS: 750 FT

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

PROPOSED ZONING OF SUBJECT PROPERTY: N-S (NEIGHBORHOOD SERVICE)

0 100 200 Feet



AGENDA MEMO

CITY COUNCIL MEETING DATE: MARCH 17, 2004
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: ABEYANCE ITEM - ZON-3473 - JUAN J. ELIAS

THIS ITEM WAS HELD IN ABEYANCE FROM THE FEBRUARY 18, 2004 CITY COUNCIL MEETING AT THE APPLICANT'S REQUEST.

**** CONDITIONS ****

The Planning Commission (3-2 vote) and staff recommend DENIAL. If Approved, subject to:

Planning and Development

1. A General Plan Amendment (GPA-3470) to a SC (Service Commercial) land use redesignation approved by the City Council.
2. A Resolution of Intent with a two-year time limit.
3. A Site Development Plan Review (SDR-3475) application approved by the Planning Commission and City Council prior to issuance of any permits, any site grading, and all development activity for the site.

Public Works

4. Dedicate a 25-foot radius on the northeast corner of Bonanza Road and Twenty Third Street 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.
5. Remove all substandard public street improvements and unused driveway cuts adjacent to this site, if any, and replace with new improvements meeting current City Standards concurrent with development of this site. All existing paving damaged or removed by this development shall be restored at its original location and to its original width concurrent with development.
6. A Traffic Impact Analysis must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits or submittal of any construction drawings. Comply with the recommendations of the approved Traffic Impact Analysis prior to occupancy of the site. The City shall determine area traffic mitigation contribution requirements based upon information provided in the approved Traffic Impact Analysis; such monies shall be contributed prior to the issuance of any permits for this site. The Traffic Impact Analysis shall also include a section addressing Standard Drawings #234.1 #234.2 and #234.3 to determine additional right-of-way requirements for bus turnouts adjacent to this site, if any; dedicate all areas recommended by the approved Traffic Impact Analysis. All additional rights-of-way required by Standard Drawing #201.1 for exclusive right turn lanes and dual left turn lanes shall be dedicated prior to or concurrent with the commencement of on-site development activities unless specifically noted as not required in the approved Traffic Impact Analysis. If additional rights-of-way

are not required and Traffic Control devices are or may be proposed at this site outside of the public right-of-way, all necessary easements for the location and/or access of such devices shall be granted prior to the issuance of permits for this site. Phased compliance will be allowed if recommended by the approved Traffic Impact Analysis. No recommendation of the approved Traffic Impact Analysis, or compliance therewith, shall be deemed to modify or eliminate any condition of approval imposed by the Planning Commission or the City Council on the development of this site.

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

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

This request is to rezone a 0.15-acre parcel located at 2301 East Bonanza Road, from R-1 (Single Family Residential) district to C-1 (Limited Commercial) district. A companion General Plan Amendment application (GPA-3470) and a Site Development Plan Review application (SDR-3475) were filed with this Rezoning application.

B) Applicant's Justification

The proposed use will be directed primarily at and provide services to the Hispanic community of the immediate area. Once remodeled the building will be an asset to the community. The use will provide employment opportunities for those living in the neighborhood.

BACKGROUND INFORMATION

A) Previous Actions

There are no previous actions that pertain to the proposed location.

01/22/04 The Planning Commission recommended denial of related items (GPA-3470 and SDR-3475).

01/22/04 The Planning Commission voted 3-2 to recommend DENIAL (PC Agenda Item #42/kcw).

B) Pre-Application Meeting

08/25/03 A complete application was the primary subject of the two pre-application conference meetings with the applicant.

C) Neighborhood Meetings

A neighborhood meeting is not required for this type of application.

DETAILS OF APPLICATION REQUEST

A) Site Area

Gross Acres: 0.15

Subject Property Single Family Dwelling
North Single Family Dwelling
South Commercial use
East Commercial uses
West Single Family Dwelling

PLANNED LAND USE

Subject Property L (Low Density Residential)
North L (Low Density Residential)
South L (Low Density Residential)
East SC (Service Commercial)
West O (Office)

EXISTING ZONING

Subject Property R-1 (Single Family Residential)
North R-1 (Single Family Residential)
South P-R (Professional Office and Parking)
East C-1 (Limited Commercial)
West R-1 (Single Family Residential)

E) General Plan Compliance

<i>SPECIAL DISTRICTS/ZONES</i>	Yes	No
Special Area Plan		X
Special Overlay District		X
Trails		X
Study Area		X
Rural Preservation Neighborhood		X
Inter-local Agreement Joint Land Use Planning Area		X
Development Impact Notification Assessment		X
Project of Regional Significance		X

There are not any special districts or zones that pertain to this application.

The subject portion of the site is currently designated as an L (Low Density Residential) land use classification within the Southeast Sector Plan of the General Plan. The applicant has requested a General Plan Amendment (GPA-3470) to change the designation from L to SC (Service Commercial).

The proposed C-1 (Limited Commercial) zone is not consistent with the existing development to the north. The proposed site of this application is the first lot in a single-family residential subdivision. If approved the proposed action would introduce commercial into an otherwise stable residential subdivision.

B) General Analysis and Discussion

The applicant intends to develop the site for retail uses. The subject property is located on the northeast corner of 23rd Street and Bonanza Road. The parcel to the north is zoned R-1, (Single Family Residential) to the east is C-1 (Limited Commercial) and the lot to the west is zoned R-1 (Single Family Residential) but is designated Office on the General Plan.

FINDINGS

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

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

The existing General Plan designation of the subject site is L (Low Density Residential). The applicant is requesting to amend this land use designation to SC (Service Commercial). The proposed rezoning to C-1 (Limited Commercial) is consistent with the proposed General Plan designation. Uses permitted under the SC land use are not compatible with the residential neighborhood to the north.

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

The proposed amendment will allow zoning classifications that will be incompatible with the neighborhood and have possible adverse effects on the residential area. The noise, odors, lighting and hours of operation of a commercial use on the site will not strengthen or support the neighborhood. The intensity of the proposed land use is not compatible with the residential neighborhood that this site has been a part of for about 50 years.

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

The residential neighborhood of which this site is part has stable for many years. Master planning of the neighborhood has concluded that there have not been changes in the neighborhood that would indicate a change of zoning is justified.

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

The access from Bonanza Road will cause an increase of traffic congestion, as traffic will have to slow down for traffic ingressing and egressing the site. The new driveway from 23rd Street will cause commercial traffic to begin using a residential street.

NOTICES MAILED 161 by Planning Department

APPROVALS 0

PROTESTS 1

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **ZON-3473** APN: 139-26-811-094

Name of Property Owner: JUAN J. ELIAS

Name of Applicant: _____

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

_____ Yes

_____ X No

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

City Official: _____

Partner(s): _____

APN: 139-26-811-094

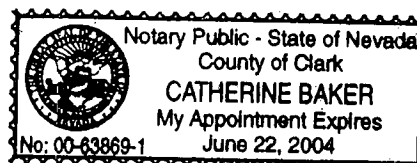
Signature of Property Owner/Authorized Agent: Juan J. Elias

Print Name: JUAN J. ELIAS

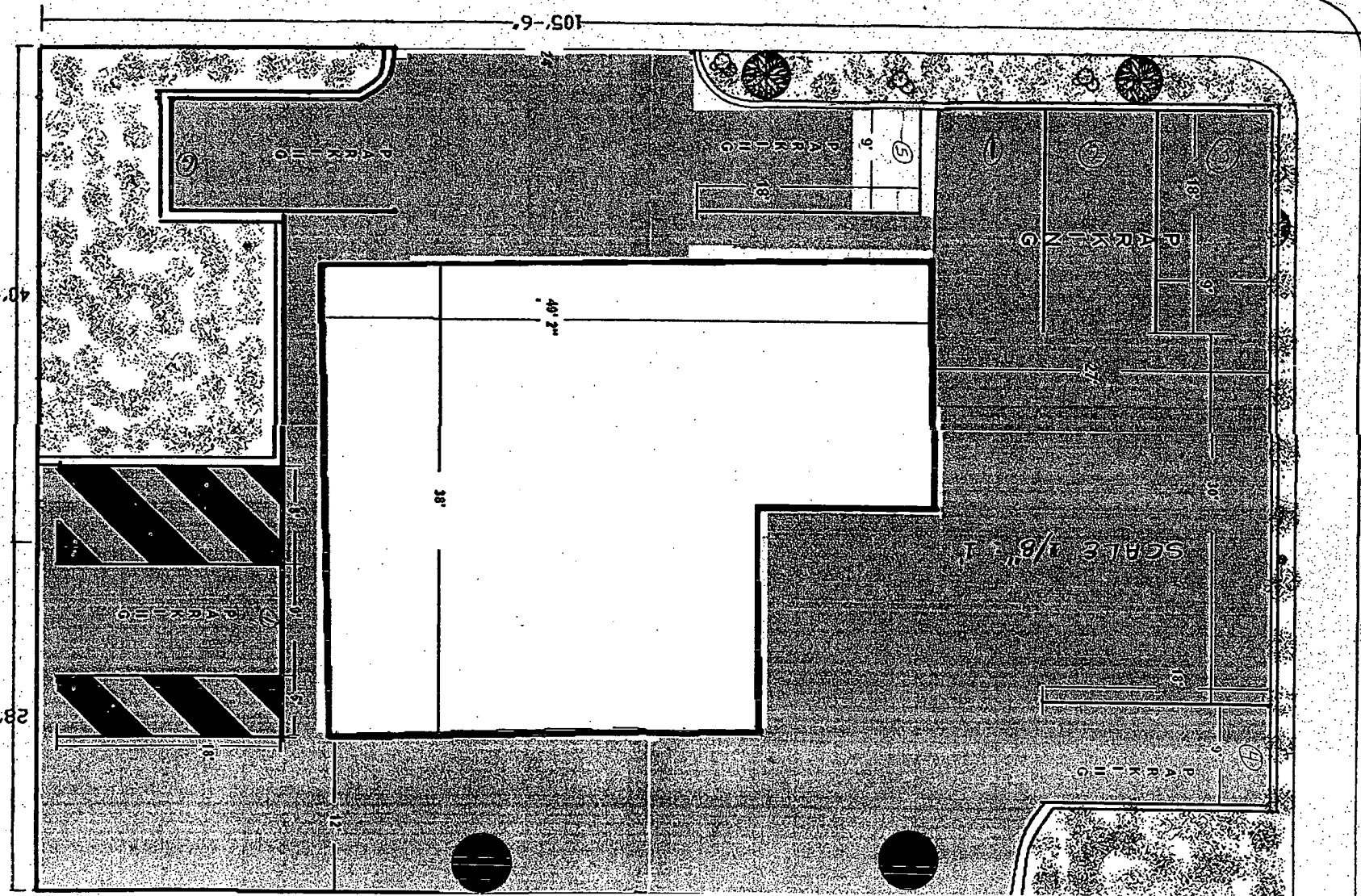
Subscribed and sworn before me

This 26th day of August, 2003

[Signature] Clark County - NV
Notary Public in and for said County and State



23RD STREET



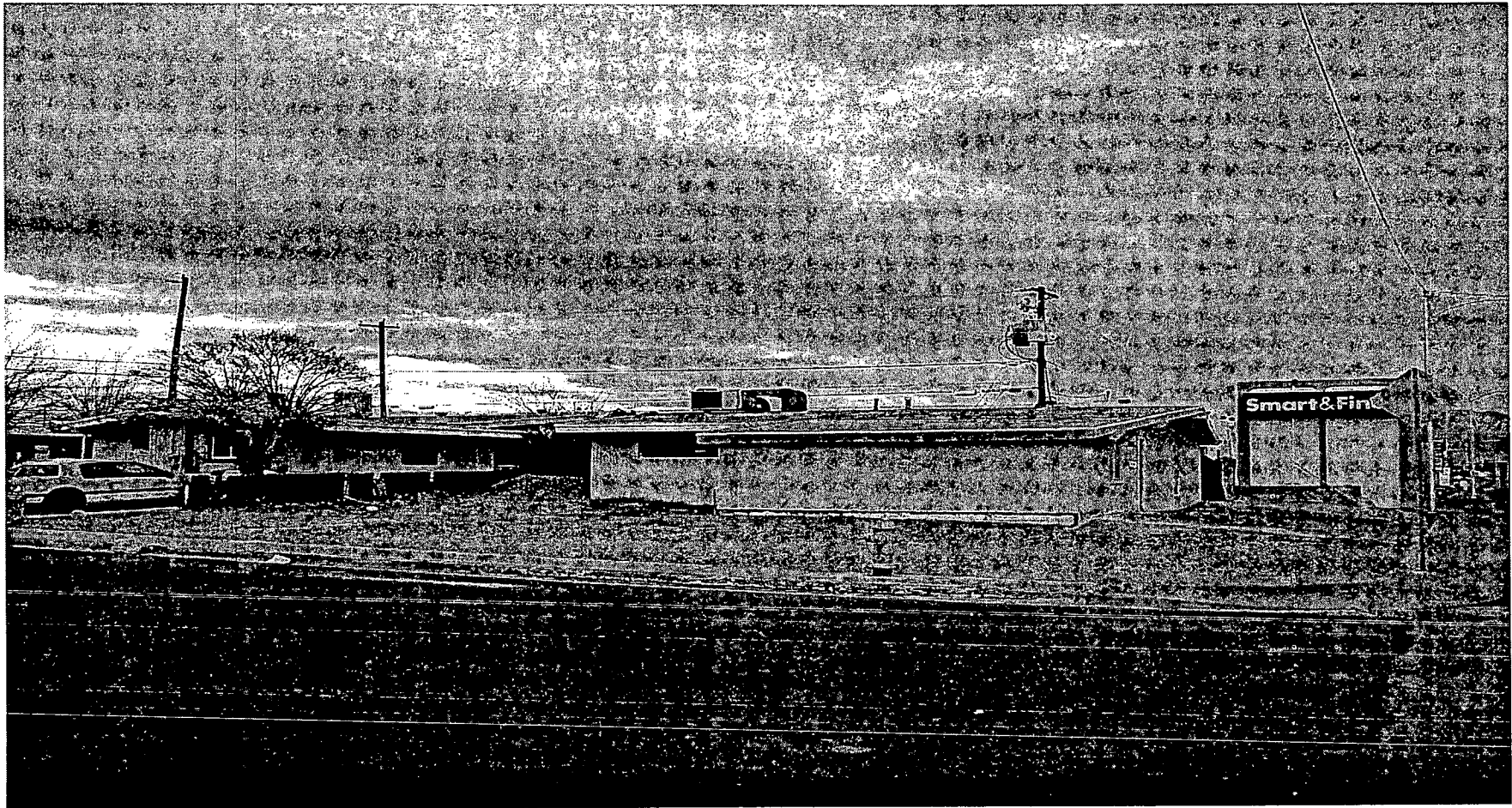
ALLEY WAY

E. BONANZA RD.

GPA-3470
REVIS'D
ZON-3473
2-18-04 CC
SDR-3475

REVIS'D
1-30-04

MR-3475
Revised for 211st
City Council



ZON-3473 - JUAN J. ELIAS
NORTHEAST CORNER OF BONANZA ROAD AND TWENTY-THIRD STREET
JANUARY 22, 2004 PLANNING COMMISSION

1/02/04

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF: MARCH 17, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☐

CONSENT

☒

DISCUSSION

SUBJECT:

ABEYANCE ITEM - SITE DEVELOPMENT PLAN REVIEW RELATED TO GPA-3470 AND ZON-3473 - PUBLIC HEARING - **SDR-3475 - JUAN J. ELIAS** - Request for a Site Development Plan Review FOR A PROPOSED COMMERCIAL BUILDING AND A WAIVER OF THE PERIMETER LANDSCAPING REQUIREMENTS on 0.15 acres adjacent to the northeast corner of Bonanza Road and Twenty-Third Street (APN: 139-26-811-094), R-1 (Single Family Residential) Zone [PROPOSED: N-S (Neighborhood Service)], Ward 5 (Weekly). The Planning Commission (4-1 vote) and staff recommend DENIAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

1

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

RECOMMENDATION:

The Planning Commission (4-1 vote) and staff recommend DENIAL.

BACKUP DOCUMENTATION:

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

MOTION:

WEEKLY – TABLED – UNANIMOUS

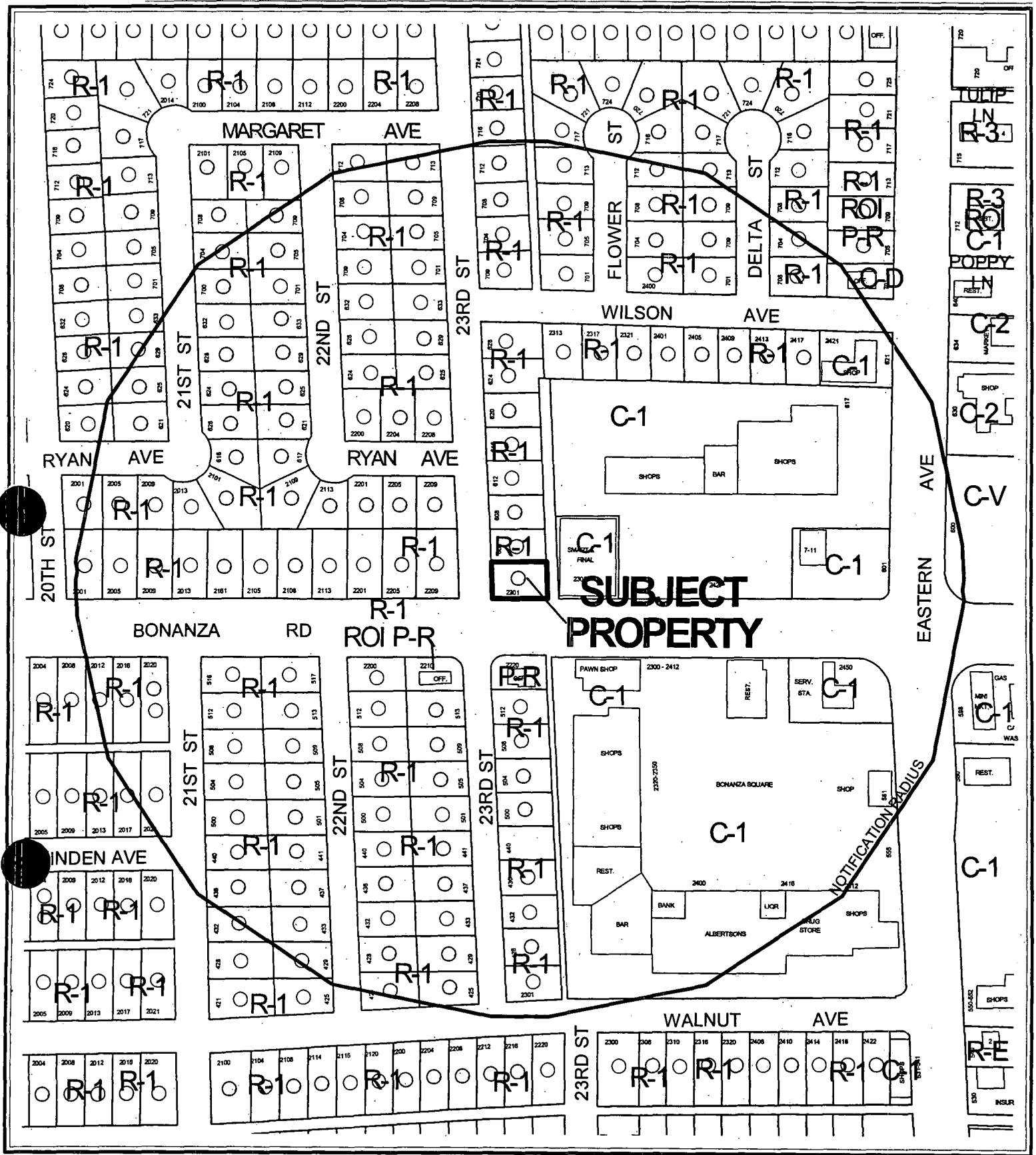
MINUTES:

NOTE: See Item 133 [GPA-3470] for all related discussion.

(3:03 – 3:07)

4-1941

RECESSED: 3:07 – 4:00 P.M. (4-2094)



CASE: SDR-3475

RADIUS: 750 FT

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

PROPOSED ZONING OF SUBJECT PROPERTY: N-S (NEIGHBORHOOD SERVICE) 135

0 100 200 Feet



AGENDA MEMO

CITY COUNCIL MEETING DATE: MARCH 17, 2004
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: ABEYANCE ITEM - SDR-3475 - JUAN J. ELIAS

THIS ITEM WAS HELD IN ABEYANCE FROM THE FEBRUARY 18, 2004 CITY COUNCIL MEETING AT THE APPLICANT'S REQUEST.

**** CONDITIONS ****

The Planning Commission (4-1 vote) and staff recommend DENIAL. If Approved, subject to:

Planning and Development

1. The applicant shall meet with Planning and Development Staff prior to the issue of building permits to develop an address plan for the development.
2. 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, a minimum five-foot sidewalk shall connect the front of the building to the parking areas.
3. The handicap-accessible walkway leading to the building front shall be constructed of pavers, bricks, patterned concrete, or similar materials distinguishing it from other paved surfaces, in conformance with Commercial District Development Standards.
4. A covered trash enclosure and a loading zone shall be shown on the site plan.
5. The elevations shall be revised and approved by Planning and Development Department staff; prior to the time application is made for a building permit, to reflect additional architectural to enhance the building exterior.
6. 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.
7. All development shall be in conformance with the site plan and building elevations, date stamped 02/18/04, except as amended by conditions herein.
8. 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.)
9. All utility boxes exceeding 27 cubic feet in size shall meet the standards of Title 19.12.050.
10. All City Code requirements and design standards of all City departments must be satisfied.

Public Works

11. All new or modifications to existing driveways shall be designed, located and constructed in accordance with Standard Drawing #222a.

12. Meet with the Flood Control Section of the Department of Public Works for assistance with establishing finished floor elevations and drainage patterns for this overall site prior to submittal of construction plans or the issuance of any building or grading permits, whichever may occur first. Provide and improve all drainageways as recommended.
13. Site development to comply with all applicable conditions of approval for ZON-3473 and all subsequent site-related actions.

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

This is a request for a Site Development Plan Review and waivers to the landscape planter width and required planting material for a proposed 1,868 square foot house to office conversion on 0.15 acres at 2301 East Bonanza Road.

B) Applicant's Justification

The proposed use will be directed primarily at and provide services to the Hispanic community of the immediate area. Once remodeled the building will be an asset to the community. The use will provide employment opportunities for those living in the neighborhood.

BACKGROUND INFORMATION

A) Previous Actions

There are no previous actions that pertain to the proposed location.

01/22/04 The Planning Commission recommended denial of related items (GPA-3470 and ZON-3473).

01/22/04 The Planning Commission voted 4-1 to recommend DENIAL (PC Agenda Item #43/kcw).

B) Pre-Application Meeting

08/25/03 A complete application was the primary subject of the two pre-application conference meetings with the applicant.

C) Neighborhood Meetings

A neighborhood meeting is not required for this type of application.

DETAILS OF APPLICATION REQUEST

A) Site Area

Gross Acres: 0.15

Subject Property	Single Family Dwelling
North	Single Family Dwelling
South	Commercial use
East	Commercial uses
West	Single Family Dwelling

PLANNED LAND USE

Subject Property L (Low Density Residential)
North L (Low Density Residential)
South L (Low Density Residential)
East SC (Service Commercial)
West O (Office)

EXISTING ZONING

Subject Property R-1 (Single Family Residential)
North R-1 (Single Family Residential)
South P-R (Professional Office and Parking)
East C-1 (Limited Commercial)
West R-1 (Single Family Residential)

<i>SPECIAL DISTRICTS/ZONES</i>	Yes	No
Special Area Plan		X
Special Overlay District		X
Trails		X
Study Area		X
Rural Preservation Neighborhood		X
Inter-local Agreement Joint Land Use Planning Area		X
Development Impact Notification Assessment		X
Project of Regional Significance		X

There are not any special districts or zones that pertain to this application.

PROJECT DESCRIPTION

The site plan depicts an existing 1,868 square foot single-family residence to be converted to an office. Access is proposed to be via a 24-foot driveway from 23rd Street, 24-foot driveway from Bonanza Road and an alley between the site and the commercial use to the east.

Because of the narrow confines of the lot the applicant is requesting a waiver of the perimeter-landscaping requirement of Title 19.

ANALYSIS

A) Zoning Code Compliance

A1) Development Standards

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

Standards	Required	Provided	Compliance
Min. Lot Size	N/A	N/A	N/A
Min. Lot Width	100 Feet	68 Ft	N/A
Min. Setbacks			
• Front	25 Feet	28.5	Y
• Side	10 Feet	12.5 ft	Y
• Corner	15 Feet	17.5 ft	Y
• Rear	25 Feet	25 ft	Y
Max. Lot Coverage	30 %	28.6 %	Y
Max. Building Height	2 Stories or 35 Feet	1 Story	Y
Trash Enclosure	Yes	Yes	N
Loading Zone	Yes	Not Shown	N
Mech. Equipment	Yes	Not Shown	N

A covered trash enclosure and a loading zone are required for the planned use. A condition will be included to require a revised site plan that will show the location of the trash enclosure and a loading zone.

A2) Residential Adjacency Standards

The proposal meets the requirements of the Residential Adjacency Standards for proximity slope and setback requirements.

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
Office other than listed	1868 SF.	1/300 GFA	6	1	7	1

The proposal meets the requirements for office parking as specified in Title 19.

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 Trees/6 Spaces	1 Tree	0
Buffer:			
• Min. Trees	1 Trees/20 Lin Ft	20 Trees	9
• Min. Zone Width	8 Feet		4.5
• Wall height	8 Feet		Not shown

The proposal does not meet the requirements for perimeter landscaping. A waiver of the perimeter landscaping requirements of Title 19 is included with this Site Development plan review application.

A5) Sign Standards

No information was supplied that would enable evaluation of the on site signage. All signage will be dealt with under a separate review.

B) General Analysis and Discussion

- Zoning

The proposed amendment will allow zoning classifications that will be incompatible with the neighborhood and possible adverse effects on the residential area. The noise, odors, lighting and hours of operation of a commercial use on the site will not strengthen or support the neighborhood. The intensity of the proposed land use is not compatible with the residential neighborhood that this site has been a part of for about 50 years.

- Site Plan

The site plan depicts an existing 1,868 square foot single-family residence to be converted to an office. Access is proposed to be via a 24-foot driveway from 23rd Street, 24-foot driveway from Bonanza Road and an alley between the site and the commercial use to the east. A covered trash enclosure and a loading zone are required for the planned use. A condition will be included to require a revised site plan that will show the location of the trash enclosure and a loading zone.

A handicap accessible walkway in the front yard should be distinguished from other walkways and driving surfaces through pavers, bricks, or patterned concrete material. Sidewalks at least five feet in width shall be shown that connect the front doors to the parking spaces.

- Waivers

Because of the narrow confines of the lot the applicant is requesting a waiver of the perimeter-landscaping requirement of Title 19.

- Landscape Plan

The proposal does not meet the requirements for perimeter landscaping. A waiver of Title 19 is included with this Site Development plan review application.

- Elevation

The photos submitted with the application show a stuccoed exterior typical of the area and a low-pitched roof.

- Floor Plan

The floor plan shows four offices and a studio. Egress will be from the south side of the building that will be access to one of the offices and the studio.

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 amendment will allow zoning classifications that will be incompatible with the neighborhood and have possible averse effects on the residential area. The noise, odors, lighting and hours of operation of a commercial use on the site will not strengthen or support the neighborhood. The intensity of the proposed land use is not compatible with the residential neighborhood that this site has been a part of for about 50 years.

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 proposal is not consistent with the General plan therefore a Plan Amendment has been filed with this Site development Plan Review application. The proposed amendment will allow uses that will be incompatible with the neighborhood and have possible averse effects on the residential area. There are no city plans or policies that support the weakening of residential neighborhoods. The proposal is contrary to Policy 2.4.7 of the Las Vegas 2020 Master plan that says the city should assist the residents in mature neighborhoods preserve the integrity of their neighborhoods.

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

The access from Bonanza Road will cause an increase of traffic congestion, as traffic will have to slow down for traffic ingressing and egressing the site. The new driveway from 23rd Street will cause commercial traffic to begin using a residential street.

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

The building and landscape materials are similar those used in the neighborhood and therefore 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 exterior should be improved with other colors, box outs, stone or brick veneer, shutters, increased slope of the roof, tile roofing material, etc. so the exterior does not have the bland, featureless appearance that currently exists.

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

The business within the proposed office will be subject to regular inspections for licensing, and therefore the development will not compromise the public health, safety or welfare.

PLANNING COMMISSION ACTION

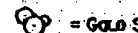
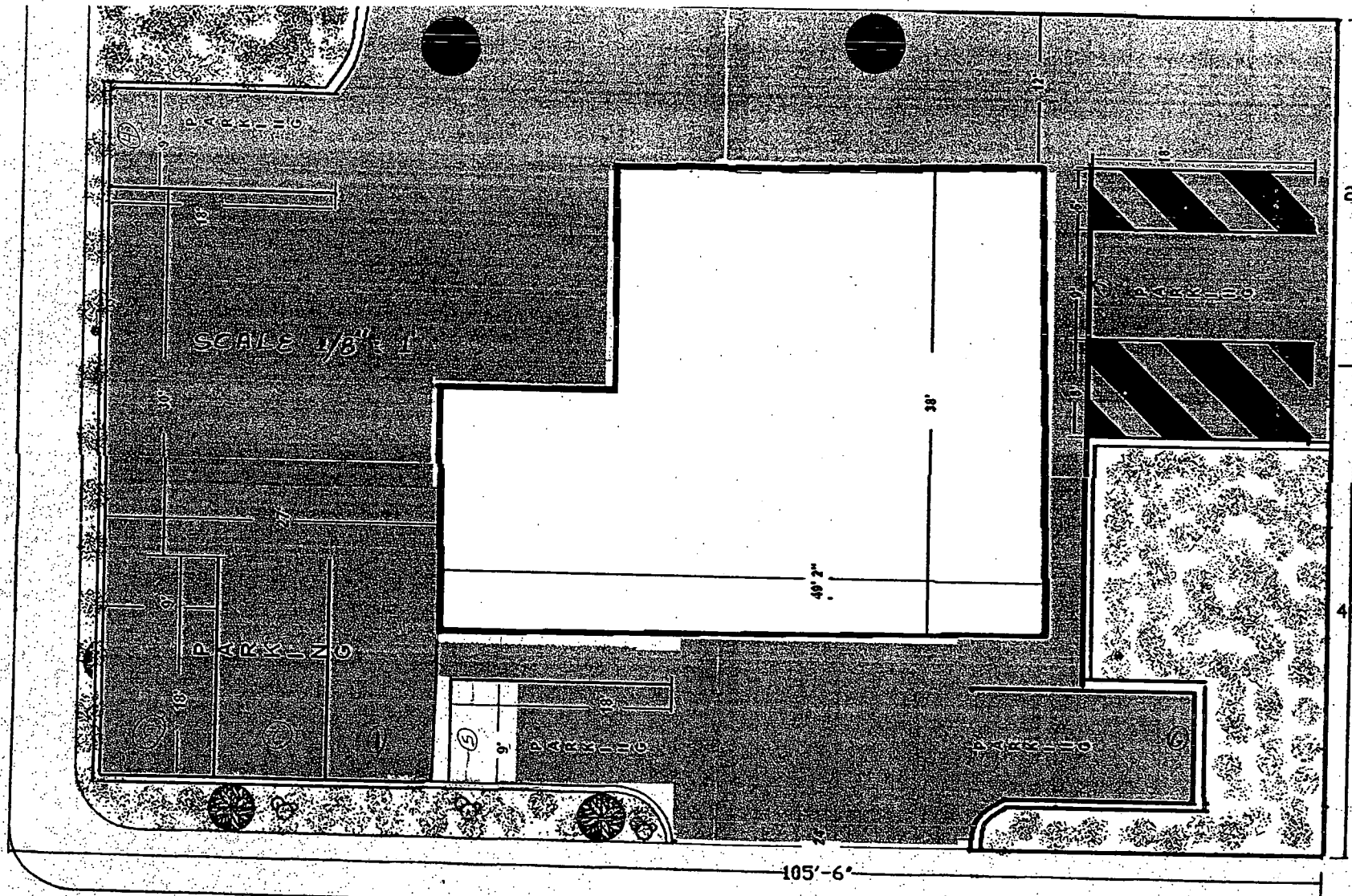
The Planning Commission recommended denial of the General Plan Amendment and Rezoning also. The site plan concerns centered around access as the proposal shows access from Bonanza Road, 23rd Street and parking that will back-up into the alley.

NOTICES MAILED 161 by Planning Department

APPROVALS 0

PROTESTS 1

23RD STREET



ALLEY WAY

GPA-3470

REVISED

E. BONANZA RD.

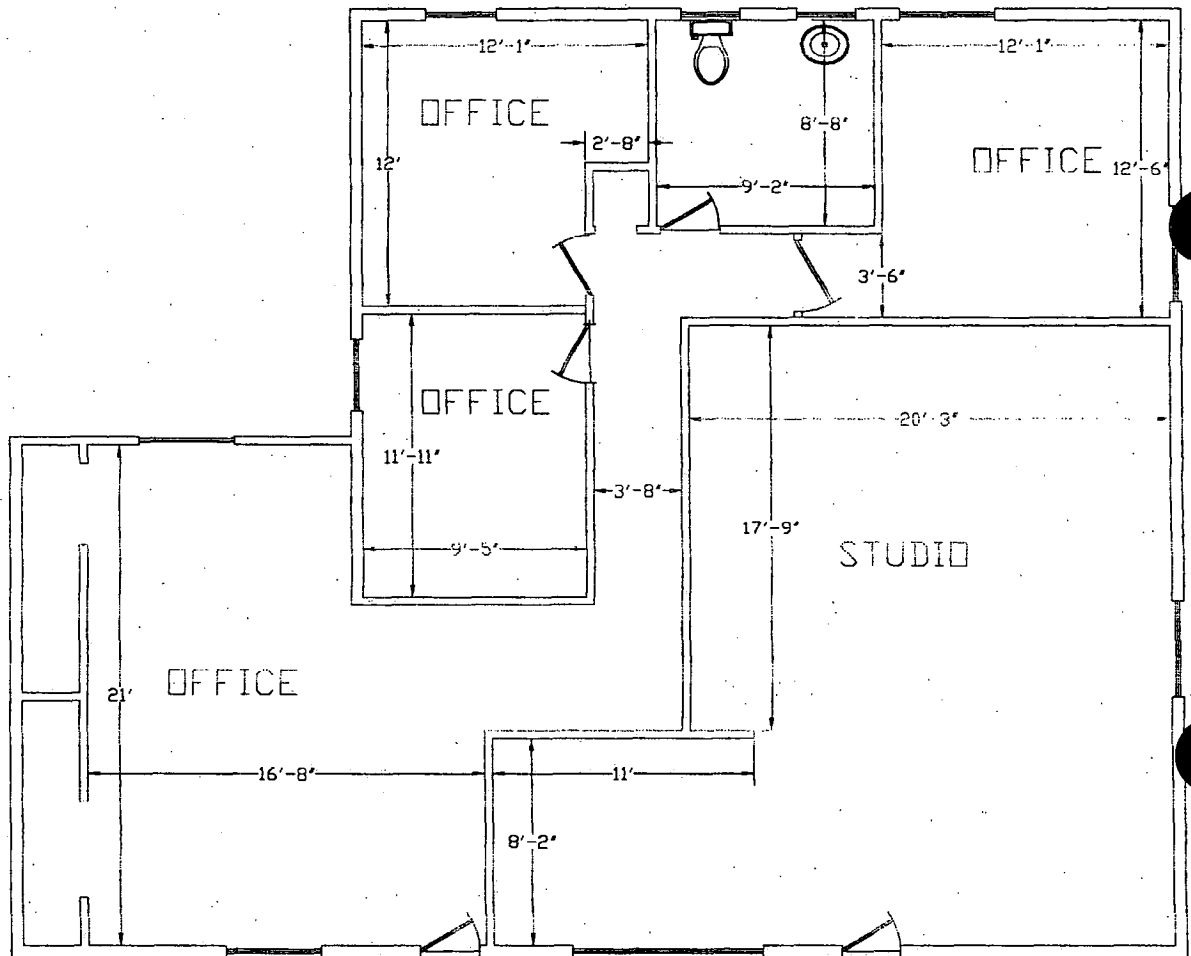
ZON-3473

2-18-04 CC

SDR-3475

REVISED
1-30-04

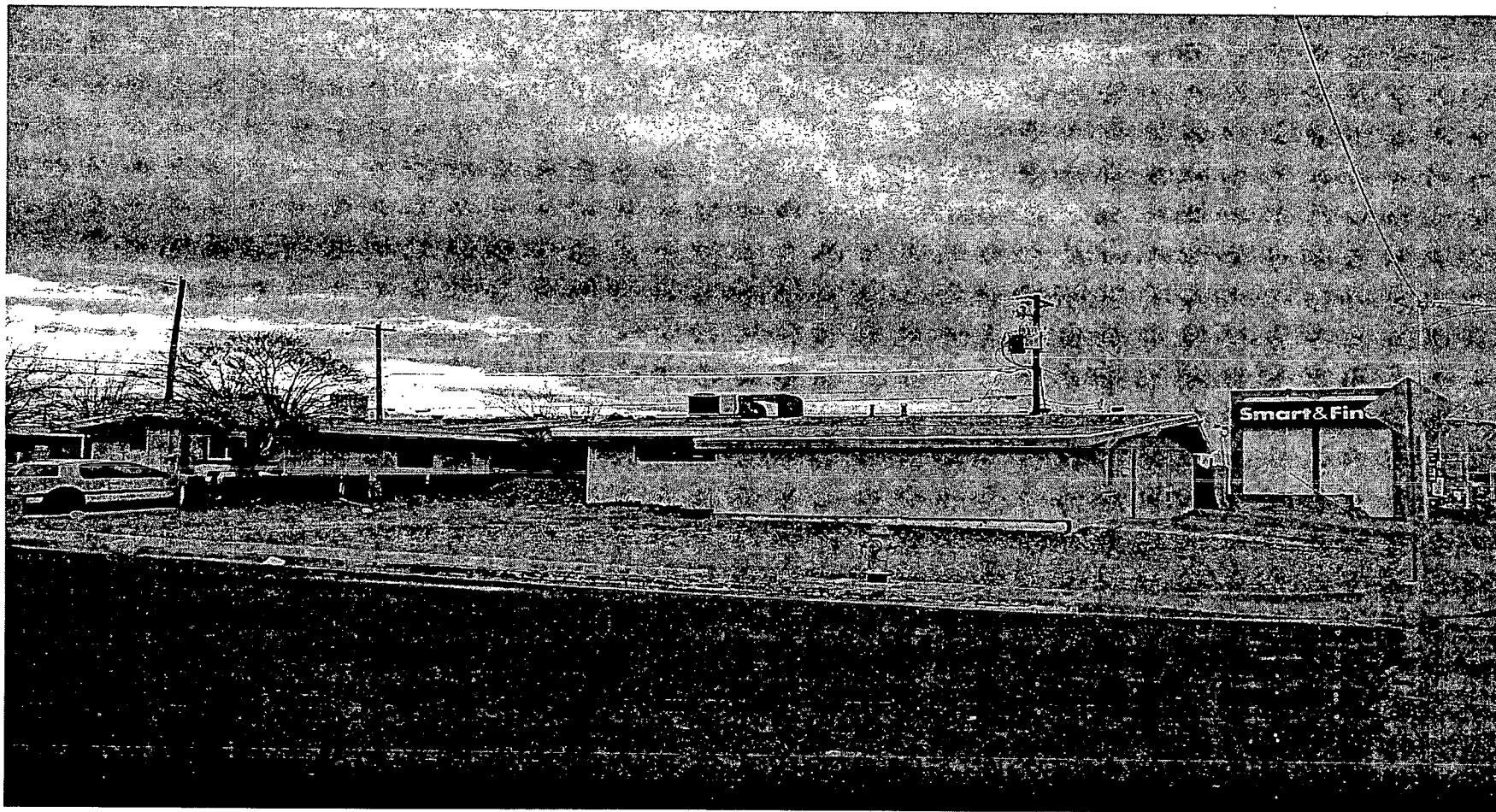
SDR-3475 ? Revised For 2/18/04
City Council



PROPERTY HOUSE
JUAN J. ELIAS
2301 E. BONANAZA
RD.
LAS VEGAS, NV 89101

SCALE: 3/16" = 1'

SDR-3475
01-22-04 PC



SDR-3475 - JUAN J. ELIAS
NORTHEAST CORNER OF BONANZA ROAD AND TWENTY-THIRD STREET
JANUARY 22, 2004 PLANNING COMMISSION

1/2/04

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF: MARCH 17, 2004**DEPARTMENT: PLANNING & DEVELOPMENT****DIRECTOR: ROBERT S. GENZER**☐**CONSENT**☒**DISCUSSION****SUBJECT:**

NOT TO BE HEARD BEFORE 4:00 PM - ABEYANCE ITEM - REVIEW OF CONDITION - PUBLIC HEARING - **ROC-2671 - GERALD GARAPICH, A.I.A., LIMITED LIABILITY COMPANY ON BEHALF OF GRAND TETON LODGE LAND, LIMITED LIABILITY COMPANY** - Request for a Review of Condition No. 6 of an approved Special Use Permit (U-0011-00) WHICH RESTRICTED COMMERCIAL ZONING TO THE WESTERN PORTION OF APN: 125-09-401-006 adjacent to the northeast corner of Grand Teton Drive and Durango Drive (APN: 125-09-401-006 and 017), U (Undeveloped) Zone [PCD (Planned Community Development) General Plan Designation] and U (Undeveloped) Zone [PCD (Planned Community Development) General Plan Designation] under Resolution of Intent to C-1 (Limited Commercial), Ward 6 (Mack). The Planning Commission (4-1 vote) and staff recommend APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

123**APPROVALS RECEIVED BEFORE:**

Planning Commission Mtg.
City Council Meeting

0**RECOMMENDATION:**

The Planning Commission (4-1 vote) and staff recommend APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application (Not Applicable)
3. Staff Report

MOTION:

MACK – APPROVED subject to condition and an added condition that *there shall be an additional one-acre of commercial on Parcel APN 125-09-401-006 adjacent to the previous approved commercial to the west only* – **UNANIMOUS** with **BROWN** not voting

MINUTES:

MAYOR GOODMAN declared the Public Hearing open for Item 136 [ROC-2671], Item 137 [GPA-3483] and Item 138 [ZON-3509].

KAREN RICHARDSON, 815 Pilot Road, and LUCY STEWART, 2754 Highland Drive, appeared on behalf of and with the applicant, STUART APOLLO, 7600 Westcliff Drive. MS. RICHARDSON reviewed the original site plan submitted with the applications indicating the

CITY COUNCIL MEETING OF MARCH 17, 2004
Planning and Development Department
Item 136 – ROC-267.1

MINUTES – Continued:

entire 10-acre piece as commercial development. Through and after the Planning Commission meeting, the applicant met with the neighbors in an effort to address their concerns with the mini storage located on the eastern 5-acre piece. Revisions have been made to the site plan for change to seven acres of residential and three acres of commercial. MS. STEWART added that significant changes have been made to the plan. There had been some confusion that the tavern located on two acres at the corner was already approved. The proposal is to add approximately one more acre of commercial and develop the remainder of the parcel with residential uses. They can move forward with the commercial portion and bring back before the Council the residential portion, to which the applicant is committed to doing so as quickly as possible. There will have to be another site development plan review before the Planning Commission. Originally the Planning Commission approved the western five acres and denied the eastern five acres. It is hoped that both portions of the project can be coordinated to be heard at the same time before the Planning Commission. The applicant has agreed to the conditions, including that the height of the new development will be consistent with the architecture and height of the tavern.

TODD FARLOW, 240 North 19th Street, pointed out that the separation between the commercial and residential development is Butler Street and that there has been discussion to vacate Butler Street. Butler Street would be a logical division between the two uses.

CLARK SPENDLOVE, 8124 Quail Nest Avenue, expressed his gratitude for some of the changes. There are still concerns with commercial property diagonal from this parcel that remains vacant. He urged the Council to protect the neighbors by preventing rental signs or big vinyl banners. It is important that landscaping be installed and maintained consistent with the landscaping plan. He gave an example of another tavern which functions much like a liquor store.

JOE MARTINO, 7955 Quail Heaven Street, appeared as the Vice President of the Carriage Park Homeowners Association. Initially the neighbors were concerned and did not know that the tavern was already approved. In a spirit of cooperation, the neighbors are accepting more commercial development and MR. APOLLO is providing a greater amount of residential development.

MS. STEWART assured the Council that many of the concerns raised will not happen because MR. APOLLO is both the property owner and operator. It is not a large parcel and will be build-to-suit.

CITY COUNCIL MEETING OF MARCH 17, 2004
Planning and Development Department
Item 136 – ROC-2671

MINUTES – Continued:

COUNCILMAN MACK thanked the applicant, his representatives and City staff for their efforts to compromise. Both the additional acre of commercial and residential developments will come back as site development plan reviews. The additional one-acre that is being added as commercial is located on an odd shape parcel. The use permit for the tavern was approved many years ago. COUNCILMAN MACK read modifications of conditions on each application, as reflected in each motion. MAYOR GOODMAN confirmed with MR. APOLLO and MS. STEWART that the revised conditions were acceptable.

No one appeared in opposition.

MAYOR GOODMAN declared the Public Hearing closed for Item 136 [ROC-2671], Item 137 [GPA-3483] and Item 138 [ZON-3509].

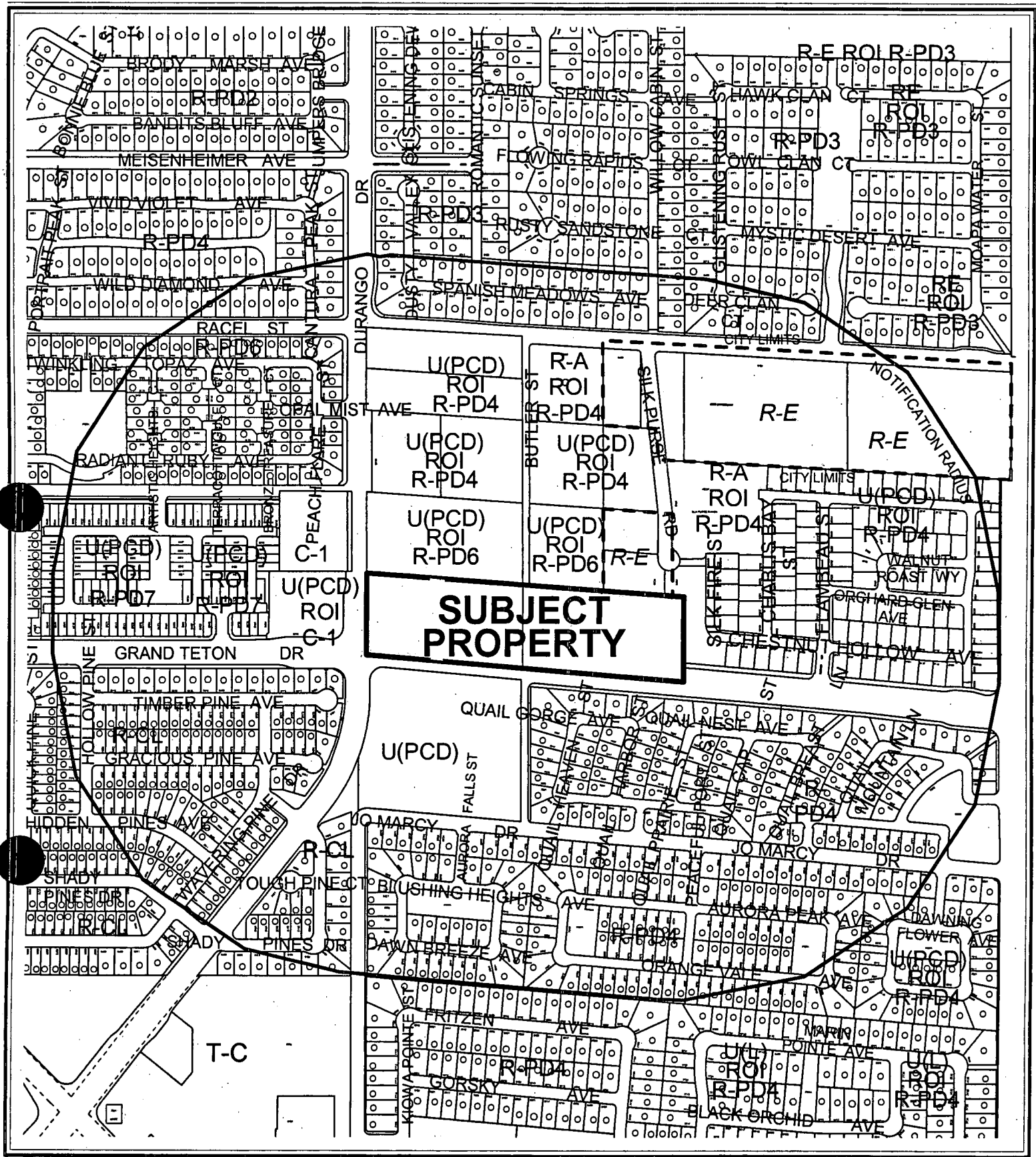
(4:01 – 4:14)

4-2160

CONDITIONS:

Planning and Development

1. Conformance to all applicable conditions of approval for Rezoning (ZC-1702-98), Special Use Permit and Site Development Plan Review (U-0011-00) (except for condition #6), and all other site-related actions, as required by the Planning and Development Department and Department of Public Works.



CASE: ROC-2671

RADIUS: 1320 FT

ZONING OF SUBJECT PROPERTY:

U (UNDEVELOPED) ZONE [PCD (PLANNED COMMUNITY DEVELOPMENT) GENERAL PLAN DESIGNATION] UNDER RESOLUTION OF INTENT TO C-1 (LIMITED COMMERCIAL) AND
 U (UNDEVELOPED) ZONE [PCD (PLANNED COMMUNITY DEVELOPMENT) GENERAL PLAN DESIGNATION]

0 400 800 Feet





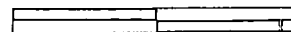
CASE: ROC-2671

RADIUS: 1320 FT

ZONING OF SUBJECT PROPERTY:

U (UNDEVELOPED) ZONE [PCD (PLANNED COMMUNITY DEVELOPMENT) GENERAL PLAN DESIGNATION] UNDER RESOLUTION OF INTENT TO C-1 (LIMITED COMMERCIAL) AND U (UNDEVELOPED) ZONE [PCD (PLANNED COMMUNITY DEVELOPMENT) GENERAL PLAN DESIGNATION]

0 400 800 Feet



AGENDA MEMO

CITY COUNCIL MEETING DATE: MARCH 17, 2004

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: ABEYANCE ITEM - ROC-2671 - GERALD GARAPICH, A.I.A., LIMITED LIABILITY COMPANY ON BEHALF OF A. L. M. CORPORATION, ET AL

THIS ITEM WAS HELD IN ABEYANCE FROM THE FEBRUARY 18, 2004 CITY COUNCIL MEETING AT THE APPLICANT'S REQUEST.

**** CONDITIONS ****

The Planning Commission (4-1 vote) and staff recommend APPROVAL, subject to:

Planning and Development

1. Conformance to all applicable conditions of approval for Rezoning (ZC-1702-98), Special Use Permit and Site Development Plan Review (U-0011-00) (except for condition #6), and all other site-related actions, as required by the Planning and Development Department and Department of Public Works.

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

This is a request for a Review of Condition Number 6 of an approved Special Use Permit and Site Development Plan Review (U-0011-00) for a restaurant and tavern on property adjacent to the northeast corner of Grand Teton Drive and Durango Drive.

Condition Number 6 reads as follows:

"In accordance with the Rezoning action by the County Commission: It is the intent of the City Council that the balance of APN#125-09-401-006 and 125-09-401-017 remain as residential. Any requested change to a non-residential use shall be preceded by a review of the condition by the Planning Commission and City Council at a public hearing with notification to all registered homeowners associations within two miles of the site. This condition shall be recorded with the deed as a matter of notification to any future purchasers."

This application has been advertised as a public hearing and all affected homeowners associations have been notified.

In March 1999, the County Commission approved a Rezoning (ZC-1702-98) of approximately 10.54 acres on the northeast corner of Grand Teton Drive and Durango Drive. In that approval, only the western 1.85 acres containing the restaurant and tavern was rezoned C-2 (General Commercial – Clark County), with the balance of the area remaining R-E (Rural Estates Residential – Clark County). The entire area was annexed into the City of Las Vegas in June 1999 and the C-2 (General Commercial) portion changed to C-1 (Limited Commercial), leaving approximately 8.69 acres for residential uses. When the Special Use Permit for the tavern was approved by the City Council in June 2000, the above referenced Condition was imposed.

B) Applicant's Justification

The applicant justifies this request by stating that additional commercial uses on Assessor's Parcel Number 125-09-401-006 and 017 are appropriate for the area, since the development would front on Grand Teton Drive, a 120-foot right-of-way. The planning of such non-residential uses requires a Review of Condition No. 6. The wording of Condition No. 10 requires the proposed equestrian trail to be located on the east side of Assessor's Parcel Number 125-09-401-006; however, the Recreation Trails Element of the Las Vegas 2020 Master Plan shows the trail to be on the east side of Assessor's Parcel Number 125-09-401-017. The applicant wishes to amend the condition in order to clarify the location of the trail. *[As the request for Condition No. 10 was for clarification only, a letter was sent to the applicant describing the correct type and location of the trail.]*

BACKGROUND INFORMATION

A) Previous Actions

- 03/17/99 The Board of County Commissioners approved a Rezoning (ZC-1702-98) to C-2 (General Commercial – Clark County) on a 1.85-acre portion of this site. A restaurant/tavern was proposed as part of that application. The rest of the area to be rezoned (about 8.7 acres) was to remain single-family residential. City of Las Vegas staff reviewed the development plans submitted with this application and determined that they complied with the Conditions of Approval imposed by the County Commission.
- 06/08/99 The City Council approved a Petition of Annexation (A-0028-99) of 10.54 acres (Assessor's Parcel Numbers 125-09-401-006 and 017), which include the proposed site for the restaurant/tavern. A Resolution of Intent to a C-1 (Limited Commercial) zone was given only to the 1.85-acre tavern site, with the remaining land to be designated U (Undeveloped) Zone [PCD (Planned Community Development) General Plan Designation]. The staff report presented to the City Council indicated that the proposed use of the property would be a single-story restaurant and tavern. The Planning Commission recommended approval on May 13, 1999. The annexation became effective on September 24, 1999.
- 06/21/00 The City Council approved a Special Use Permit and Site Development Plan Review (U-0011-00) to allow a tavern in conjunction with the proposed 6,044 square-foot restaurants on this site. The Planning Commission recommended approval on May 11, 2000.
- 07/17/02 The City Council approved an Extension of Time on the approved Special Use Permit and Site Development Plan Review [U-0011-00 (1)]. The Planning Commission recommended approval on June 13, 2002. The Extension of Time on the Special Use Permit expired on July 17, 2003.
- 08/14/03 The Planning Commission held this request (ROC-2671) in abeyance to the January 22, 2004 so the request can run concurrently with a proposed site development plan review application.
- 08/20/03 The City Council approved an Extension of Time for the Special Use Permit (EOT-2529) that allowed the tavern. The Planning Commission and Staff recommended approval.
- 01/22/04 The Planning Commission recommended approval of a related General Plan Amendment (GPA-3483) and Rezoning (ZON-3509); they tabled a related Special Use Permit (SUP-3513) and Site Development Plan Review (SDR-3511).
- 01/22/04 The Planning Commission voted 4-1 to recommend APPROVAL (PC Agenda Item #48/kw).

B) Pre-Application Meeting

05/07/03 The most immediate issues were to keep the Special Use Permit active by extending the time on its approval, and to review Condition Number 6 of the Special Use Permit, which required a Review of Condition for any additional non-residential development on the rest of the area rezoned in 1999. In addition to retail on the subject site, a senior assisted living facility is planned for the parcel to the east of the commercial area on the subject site as part of a mixed-use project. This area would need a general plan amendment, rezoning, site plan review, and a special use permit for the assisted living use in order to proceed.

C) Neighborhood Meetings

A neighborhood meeting is not required for a Review of Condition application, nor was one held.

DETAILS OF APPLICATION REQUEST

A) Site Area

Gross Acres: 10.54

B) Existing Land Use

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

C) Planned Land Use

Subject Property: PCD (Planned Community Development)
North: PCD (Planned Community Development)
South: PCD (Planned Community Development)
East: PCD (Planned Community Development)
West: PCD (Planned Community Development)

D) Existing Zoning

Subject Property: U (Undeveloped) Zone [PCD (Planned Community Development) General Plan Designation] and U (Undeveloped) Zone [PCD (Planned Community Development) General Plan Designation] under Resolution of Intent to C-1 (Limited Commercial)
North: U (Undeveloped) Zone [PCD (Planned Community Development) General Plan Designation] under Resolution of Intent to R-PD6 (Residential Planned Development – 6 Units per Acre)
South: U (Undeveloped) Zone [PCD (Planned Community Development) General Plan Designation]

East: U (Undeveloped) Zone [PCD (Planned Community Development)
General Plan Designation]
West: U (Undeveloped) Zone [PCD (Planned Community Development)
General Plan Designation] under Resolution of Intent to C-1 (Limited
Commercial)

E) General Plan Compliance

This site is designated PCD (Planned Community Development) within the Centennial Hills Sector Plan of the General Plan. This category is intended primarily for a mix of residential uses, but commercial, public facilities, and office projects may be used as buffers, depending on compatibility issues. The proposed restaurant and tavern uses were determined appropriate.

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

Trails – A 20-foot equestrian trail in conformance with Exhibit 1 of the Recreation Trails Element of the Las Vegas 2020 Master Plan is required along the north property line of APN: 125-09-401-006 and 017, and the east property line of APN: 125-09-401-017 on this site as depicted on Map No. 2 of the Interlocal Joint Use Planning Area. A 15-foot multi-use transportation trail in conformance with Exhibit 1 of the Transportation Trails Element of the Las Vegas 2020 Master Plan is required along the east side of Durango Drive adjacent to this site as depicted on Map No. 2 of the Interlocal Joint Use Planning Area. Any future site development plan would be required to depict the trails.

Homeowners Association Notification/Clark County Notification – As a result of the Review of Condition No. 6 of Special Use Permit (U-0011-00), all homeowners associations within two miles of APN 125-09-401-006 and 017 have been notified of a public hearing. The notification radius for this request includes some properties under Clark County jurisdiction. The owners of these properties were notified of a public hearing for this item.

INTERAGENCY ISSUES

The proposed tavern use was approved prior to the adoption of Ordinance No. 5477. The Ordinance requires an Environmental Impact Assessment questionnaire to be completed and circulated to agencies and entities for any Special Use Permit application proposed on property located within 500 feet of the City's border with Clark County or the City of North Las Vegas. Therefore, the restaurant and tavern is not a Project of Regional Significance, and does not require the completion of an Environmental Impact Assessment.

ANALYSIS

A) General Analysis and Discussion

- Zoning

The western portion (approximately 1.85 acres) of this site is zoned U (Undeveloped) Zone [PCD (Planned Community Development) General Plan Designation] under Resolution of Intent to C-1 (Limited Commercial). The remainder of the site is zoned U (Undeveloped) Zone [PCD (Planned Community Development) General Plan Designation]. Currently, no non-residential uses are allowed on the remainder of the site. If this Review of Condition were approved, the applicant would have the opportunity to apply for a non-residential use. There is no commitment by the City to approve any future amendment to the General Plan, Rezoning or Site Development Plan.

- Use

The owner of the property is currently precluded from submitting any non-residential use for the area restricted by Condition Number 6 of SUP-0011-00. There may be non-residential uses constructed in a manner that is harmonious and compatible with the area. Such examples include, but are not limited to:

Uses that are allowed under the Office land use category must be constructed with a residential appearance. Specific uses include general or medical office, a childcare center, or a bank.

The N-S (Neighborhood Service) zoning district allows some of the same uses, and general personal service, limited retail, in buildings of less than 3,500 square feet, mini-storage with the approval of a Special Use Permit and a restaurant of less than 2,000 square feet.

A senior housing project could be permitted with the approval of a Special Use Permit.

In summary, there may be non-residential uses placed on the site that would have similar, or fewer impacts to the neighborhood than a residential planned developed, at eight units per acre, currently permitted under the PCD (Planned Community development) land use category.

FINDINGS

There are no criteria in Title 19.18 to base an approval or denial of a Review of Condition. Clearly, there are two standards that should be considered:

- Changes warranting amending or removing a condition. The main change that has taken place in this area since imposition of the condition is the reduction in the amount of commercial on the northwest corner of the intersection.

- That the review of condition could permit development to take place in a manner harmonious and compatible with the surrounding area. Some non-residential uses could be approved and designed to ensure compatibility with the neighborhood. Any amendment to the General Plan, Rezoning and Site Development Plan Review would be advertised as a public hearing, with a mandatory neighborhood meeting.

PLANNING COMMISSION ACTION

There were nine speakers in opposition to this project.

NOTICES MAILED 614 by City Clerk

APPROVALS 0

PROTESTS 123



ROC-2671

Case Number: **RCC-2071** APN: **125-09-401-006/017**

Name of Applicant: Stuart Apollo

 Yes x No

City Official: _____

Partner(s): _____

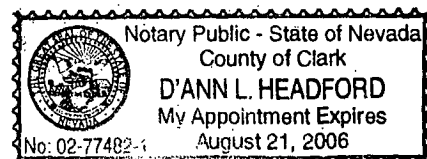
APN: _____

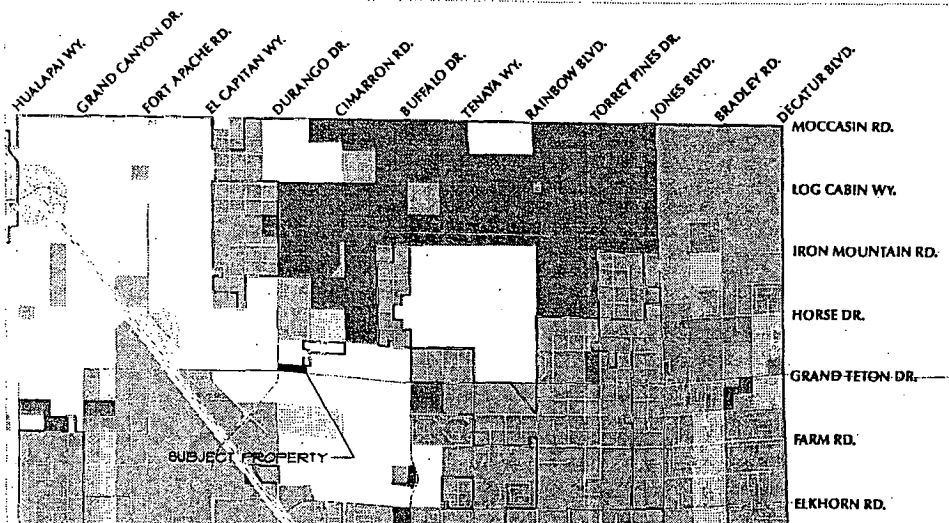
Signature of Property Owner/Authorized Agent: _____

Print Name: STUMER APOLLU

This 5th day of December, 2003

Notary Public in and for said County and State





GENERAL NOTES:

1. SEE LANDSCAPE DRAWINGS FOR LANDSCAPING INFORMATION.
2. SEE CIVIL DRAWINGS FOR ALL SITE LAYOUT DIMENSIONS, CURBS, GUTTERS, AND PLANTERS.
3. SEE CIVIL, PLUMBING, AND ELECTRICAL DRAWINGS FOR UTILITY LINES.
4. SEE CIVIL DRAWINGS FOR ALL GRADING AND DRAINAGE INFORMATION.
5. SITE LAYOUT IS TO BE COORDINATED WITH CIVIL DRAWINGS. IF DISCREPANCIES EXIST, THE CIVIL DRAWINGS SHALL TAKE PRECEDENCE OVER THIS DRAWING. NOTIFY THE ARCHITECT OF ANY DISCREPANCIES.
6. ALL SITE CONCRETE SHALL RECEIVE WEAKENED PLAN JOINTS AT 8'-0" O.C. AND TOOLED JOINTS AT 5'-0" O.C.
7. ALL CONCRETE WALKS, LANDINGS, ETC. SHALL RECEIVE LIGHT BROOK FINISH.
8. SLOPE ALL PLANTER AREAS AWAY FROM BUILDING 2% MINIMUM.
9. SLOPE ALONG ACCESSIBLE ROUTE WILL NOT EXCEED 5% IN DIRECTION OF TRAVEL AND 2% CROSS SLOPE.
10. ALL TRASH ENCLOSURES ARE TO HAVE A ROOF STRUCTURE AND BE PLACED 50'-0" AWAY FROM RESIDENTIAL ZONING.
11. MINI STORAGE PERIMETER WALL TO BE DECORATIVE.

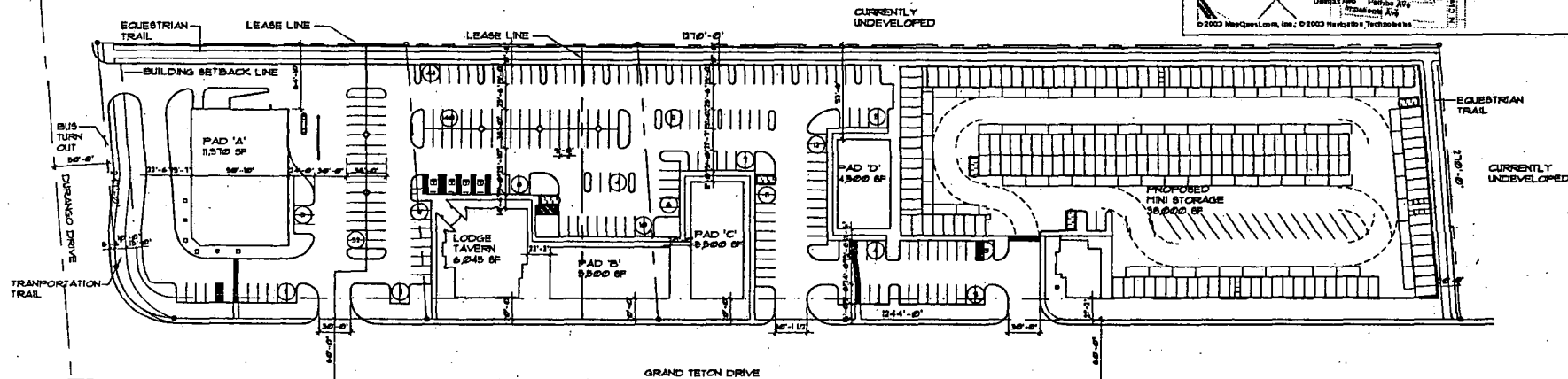
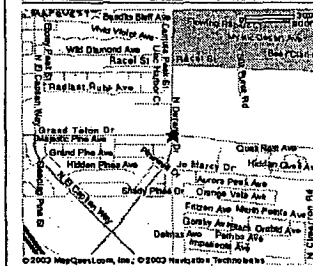
FUTURE LAND USE

☐ Rural (R-1)	☐ Park/Recreation/Open Space
☐ Rural (R-2)	☐ Public Facility
☐ Low (L-1)	☐ Resource Conservation
☐ Medium-Low (S-6 to 8)	☐ Right of Way
☐ Medium-Low Attached (A-1 to 12)	☐ MASTER PLANNED AREAS
☐ Medium (M-1 to 23)	☐ Pleasant Community Development
☐ High (H-1 to 23)	☐ Town Center
☐ Office	☐ City Limits
☐ Service Commercial	
☐ General Commercial	
☐ Retail Commercial	
☐ Light Industrial/Office	
☐ Light Industrial/Office	
☐ Heavy Industrial/Office	

PROJECT DATA:

APPLICATIONS:	3C-1102-98
LEGAL DESCRIPTION:	THE SOUTH HALF (S1/2) OF THE SOUTHEAST QUARTER (SE1/4) OF THE SOUTHWEST QUARTER (SW1/4) OF THE SOUTHWEST QUARTER (SW1/4) OF SECTION 3, TOWNSHIP 15 SOUTH, RANGE 60 EAST, MDB, 1 M.
ASSASSIN'S PARCEL NUMBER:	05-05-401-004 & 05-05-401-011
SITE AREA:	34,429 SF (1.84 ACRES)
CURRENT ZONING:	C1 / U
PROPOSED ZONING:	C1 / C2
SETBACKS:	REQUIRED: PROVIDED: FRONT: 20'-0" 100'-0"/15'-0"/10'-0" SIDES: 10'-0" 20'-0" REAR: 10'-0" 20'-0" CORNER: 15'-0" 10'-0"
BUILDING AREA:	115,100 SF
PAD 'A' TAVERN:	11,510 SF
PAD 'B' 'C' 'D' MINI STORAGE:	6,500 SF 5,500 SF 30,000 SF
LOT COVERAGE:	20.5%
PARKING CALCULATIONS:	REQUIRED: 200 SPACES RETAIL: 1 PER 150 GFA TAVERN: 1:50 PUBLIC SEATING AND 1:200 SF FOR REMAINING OFFICE: 1:300 SF MINI STORAGE: 1:50 UNITS AND 5 OUTSIDE SECURITY FENCE PROVIDED: INCLUDING 12 HANDICAP SPACES 320 SPACES

PROJECT LOCATION:



ARCHITECTURAL SITE PLAN
SCALE: 1"=50'-0"



ROC-2671
1-22-04 PC

ARCHITECT
CITRUS CADADACH • AIA • LLC
15 COMMERCE CENTER DRIVE
HENDERSON, NEVADA 89014
(702) 454-5812 FAX (702) 454-7812

PROJECT TITLE
GRAND TETON AND DURANGO
COMMERCIAL DEVELOPMENT
GRAND TETON DRIVE / DURANGO DRIVE
LAS VEGAS, NEVADA

PRELIMINARY
NOT FOR
CONSTRUCTION
12-10-03

ARCHITECTURAL SITE
PLAN

DATE: 12-10-03
DRAWN BY: JAC
CHECKED BY: JAC
APPROVED BY: JAC
REVISIONS:
NO. 1
DATE: 12-10-03
BY: JAC
DESCRIPTION: AS1.01

AS1.01

Landscape Legend

BOTANICAL NAME (COMMON NAME)	SIZE	REMARKS
TREE - LARGE		
FRAXINUS VELUTINA (ARIZONA ASH)	24" BOX	STANDARD TRUNK
TREE - MEDIUM		
RHUS LANCEA (AFRICAN BUMAC)	24" BOX	STANDARD TRUNK
TREE - SMALL		
XYLOSMA CONGESTUM (SHINY XYLOSMA)	24" BOX	STANDARD TRUNK

SHRUBS - MEDIUM

DASYLIRON WHEELERI (DESERT SPOON)	5 GAL.
BACCHARIS SAROTHOIDES (DESERT BROOM)	5 GAL.

SHRUBS - SMALL

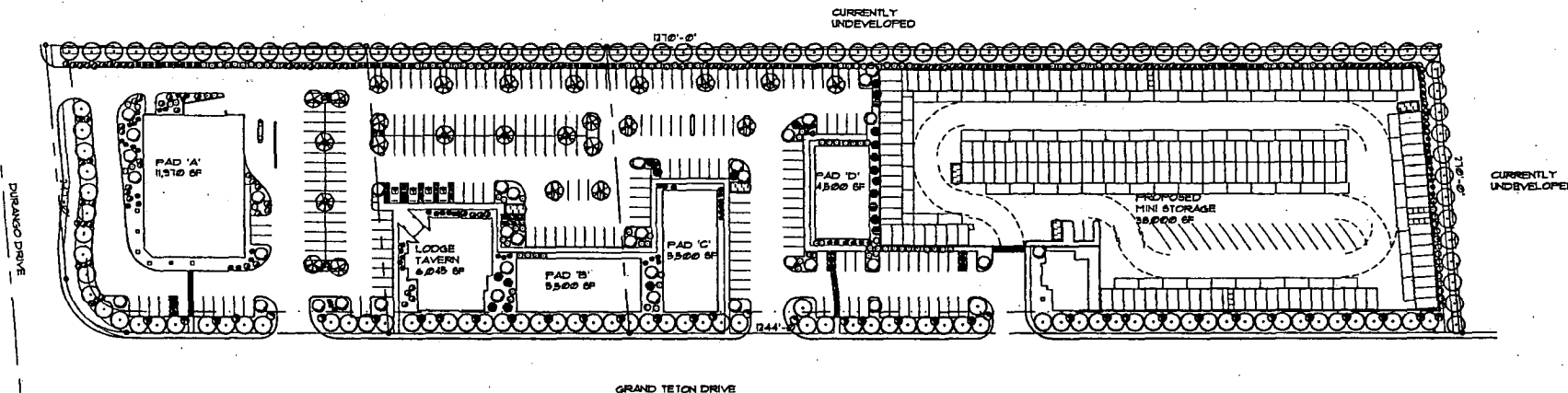
HEPERALOE PARVIFLORA (RED YUCCA)	1 GAL.
LANTANA HORRIDA (DESERT LANTANA)	1 GAL.

GROUNDCOVER

BACCHARIS (BACCHARIS PILULARIS)	1 GAL.
------------------------------------	--------

General Notes

- CONTRACTOR IS RESPONSIBLE TO VERIFY ALL PLANT QUANTITIES. PLANT LIST IS INTENDED AS A REFERENCE ONLY.
- LANDSCAPE ARCHITECT IS TO APPROVE ALL PLANT MATERIAL PRIOR TO INSTALLATION WITH PRIOR NOTICE OF 48 HOURS.
- PLANT MATL. IS TO HAVE IDENTIFICATION TAGS ON 10% OF TOTAL QUANTITY OF EACH SPECIES, SHOWING GENUS, SPECIES, VARIETY, ETC.
- PROVIDE MATCHING SIZES & FORMS OF LIKE SHRUB SPECIES AS SHOWN ON DRAWINGS.
- 3/4" DECORATIVE ROCK COLOR TO BE SELECTED BY OWNER. 2" DEPTH TYP. IN ALL PLANTING BEDS.
- SITE PLAN/LANDSCAPE PLAN DESIGNED PER TITLE 30 REQUIREMENTS.
- ANY TREE WITHIN 5'-0" OF A SIDEWALK OR WALL SHALL BE PLANTED W/ A ROOT SHIELD DESIGNED TO DIRECT ROOT GROWTH DOWNWARD.



ARCHITECTURAL LANDSCAPE PLAN

SCALE: 1"=30'-0"



ROC-2671
1-22-04 PC

PRELIMINARY
NOT FOR
CONSTRUCTION
12-8-03

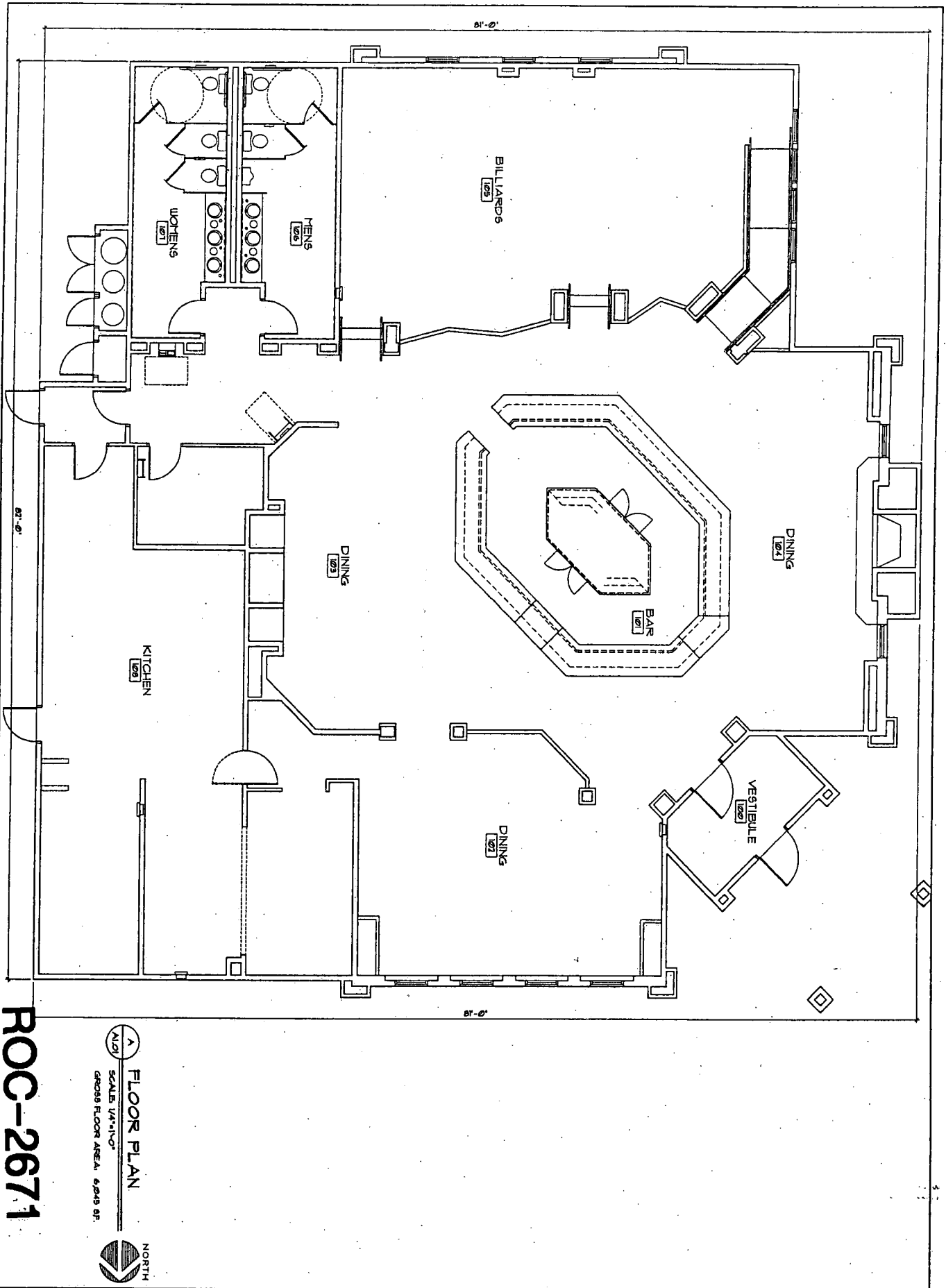
ARCHITECTURAL
LANDSCAPE PLAN

Drawn by:
10/03
Checked by:
08/01
Project no.:
10/01
Revision:
10/01
Sheet no.:
L1.01

project title:
GRAND TETON AND DURANGO
COMMERCIAL DEVELOPMENT
GRAND TETON DRIVE / DURANGO DRIVE
LAS VEGAS, NEVADA

ARCHITECT
CEDAR CADAPKE • AIA • LLC
10 CONVERSE CENTER DRIVE
BENDERSON, NEVADA 89014
(702) 434-3312 FAX (702) 434-7812

ALL DIMENSIONS OF SERVICE ARE SHOWN. THESE DIMENSIONS ARE NOT TO BE USED FOR CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING ALL DIMENSIONS AND LOCATIONS OF ALL UTILITIES AND STRUCTURES PRIOR TO CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS PRIOR TO CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTAINING ALL EXISTING UTILITIES AND STRUCTURES DURING CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR RESTORING ALL EXISTING UTILITIES AND STRUCTURES TO ORIGINAL CONDITION OR BETTER AFTER CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTAINING ALL EXISTING UTILITIES AND STRUCTURES DURING CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR RESTORING ALL EXISTING UTILITIES AND STRUCTURES TO ORIGINAL CONDITION OR BETTER AFTER CONSTRUCTION.



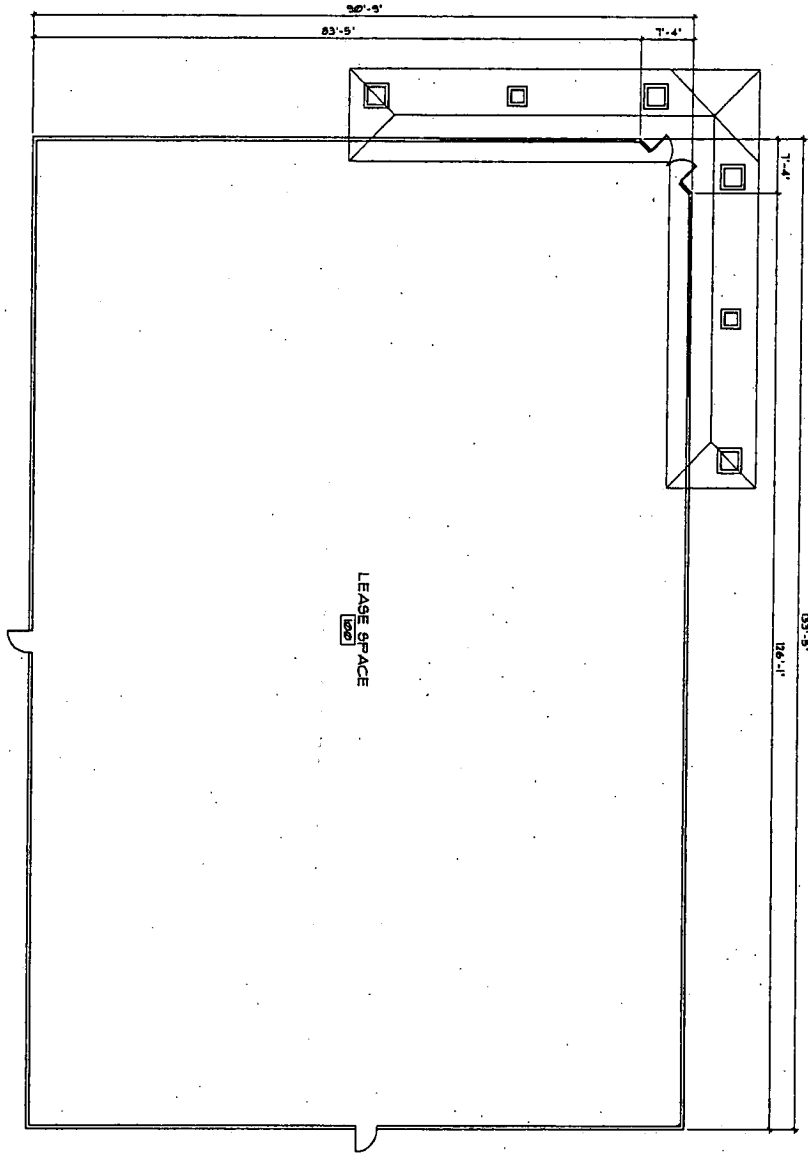
AS INSTRUMENTS OF SERVICE THESE DRAWINGS AND SPECIFICATIONS ARE THE PROPERTY OF THE ARCHITECT AND MAY NOT BE REPRODUCED OR USED FOR ANY PURPOSE WITHOUT THE ARCHITECT'S WRITTEN CONSENT. COPIES OF THE DRAWINGS AND SPECIFICATIONS RETAINED BY THE CLIENT MAY BE UTILIZED ONLY FOR THEIR USE AND FOR OCCUPANCY OF THE PROJECT FOR WHICH THEY WERE PREPARED, AND NOT FOR CONSTRUCTION OF ANY OTHER PROJECTS. ANY USE OR REPRODUCTION OF THIS DRAWING IN WHOLE OR PART BY ANY MEANS WHATSOEVER IS STRICTLY PROHIBITED. THESE DOCUMENTS ARE NOT FINAL AND READY FOR USE, AND THEREFORE NOT VALID, UNLESS THEY ARE SEALED, SIGNED AND DATED. NAC 633.760 GERALD GARADICH AND ASSOCIATES © 2002.

Sheet Title	TAVERN FLOOR PLAN
Project No.	ROC-2671
Client	GRAND TETON AND DURANGO COMMERCIAL DEVELOPMENT
Architect	GERALD GARADICH & ASSOCIATES, AIA, LLC
Scale	1/4"=1'-0"
Date	1-22-04
Drawn By	AL01
Checked By	
Reviewed By	
Project No.	ROC-2671
Sheet No.	AL01

Project Title
GRAND TETON AND DURANGO
COMMERCIAL DEVELOPMENT
GRAND TETON DRIVE / DURANGO DRIVE
LAS VEGAS, NEVADA

ARCHITECT
GERALD GARADICH • AIA • LLC
10 COMMERCE CENTER DRIVE
HENDERSON, NEVADA 89014
(702) 454-5542 FAX (702) 454-7542

 NORTH
PAD A FLOOR PLAN
SCALE: 1/8"=1'-0"



ROC-2671
1-22-04 PC

IN TESTIMONY OF SERVICE THESE DRAWINGS AND SPECIFICATIONS ARE THE PROPERTY OF THE ARCHITECT AND MAY NOT BE REPRODUCED OR USED FOR ANY PURPOSE WITHOUT THE ARCHITECT'S WRITTEN CONSENT. COPIES OF THE DRAWINGS AND SPECIFICATIONS RETAINED BY THE CLIENT MAY BE UTILIZED ONLY FOR THEIR USE AND FOR OCCUPANCY OF THE PROJECT FOR WHICH THEY WERE PREPARED, AND NOT FOR CONSTRUCTION OF ANY OTHER PROJECTS. ANY USE OR REPRODUCTION OF THE DRAWING IN WHOLE OR PART BY ANY MEANS WHATSOEVER IS STRICTLY PROHIBITED. THESE DOCUMENTS ARE NOT FINAL AND READY FOR USE, AND THEREFORE NOT VALID UNLESS THEY ARE SIGNED, DATED, AND DATED: NAC 02/780 GERALD GARAPICH AND ASSOCIATES © 2003.

DATE	12-8-03
BY	ATA
CHECKED BY	ATA
DATE	12-8-03
PROJECT NO.	ROC-2671
SHEET NO.	A102
TOTAL SHEETS	1
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PROJECT ADDRESS	GRAND TETON DRIVE / DURANGO DRIVE LAS VEGAS, NEVADA

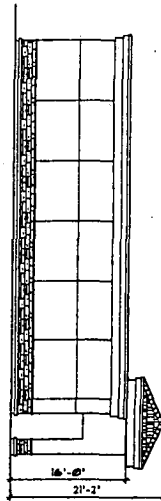
sheet title:
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FLOOR PLAN**

PRELIMINARY
NOT FOR
CONSTRUCTION
12-8-03

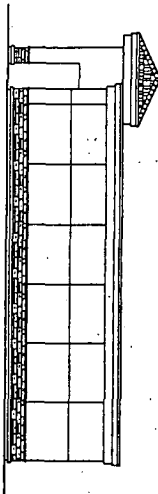
project title:
**GRAND TETON AND DURANGO
COMMERCIAL DEVELOPMENT**
GRAND TETON DRIVE / DURANGO DRIVE
LAS VEGAS, NEVADA

ARCHITECT
GERALD GARAPICH • ATA • LLC
10 COMMERCE CENTER DRIVE
RENDERSON, NEVADA 89014
(702) 484-8842 FAX (702) 484-7842

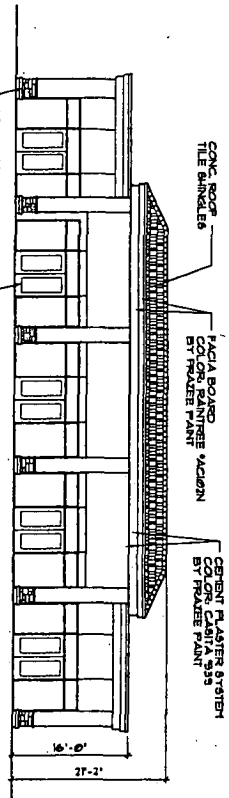
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SCALE 1/8"=1'-0"



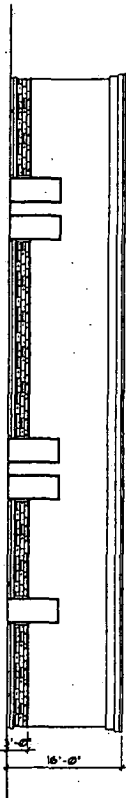
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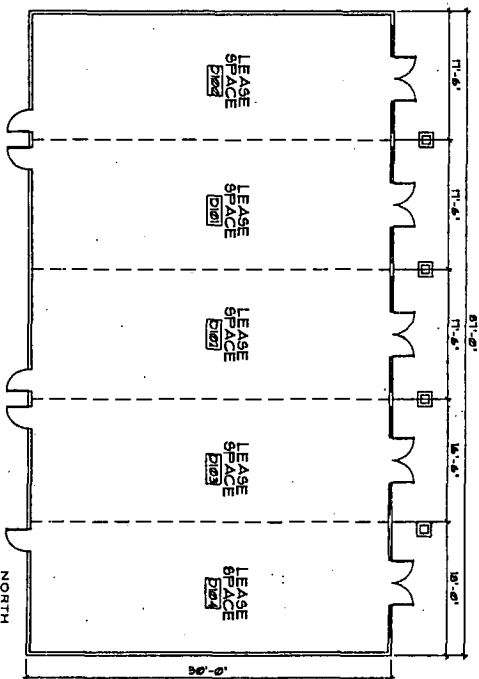
3 WEST ELEVATION
SCALE 1/8"=1'-0"



4 EAST ELEVATION
SCALE 1/8"=1'-0"



5 PAD D FLOOR PLAN
SCALE 1/8"=1'-0" GROSS SQUARE FOOTAGE: 4300 SF



ROC-2671

1-22-04 PC

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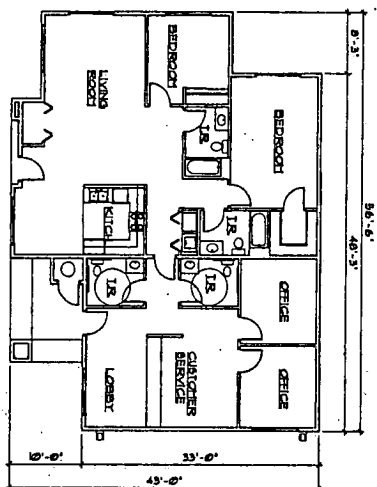
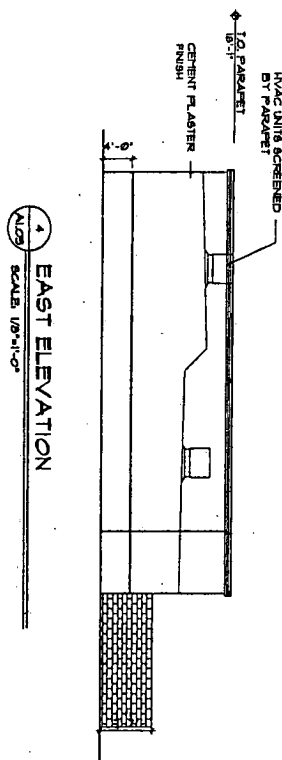
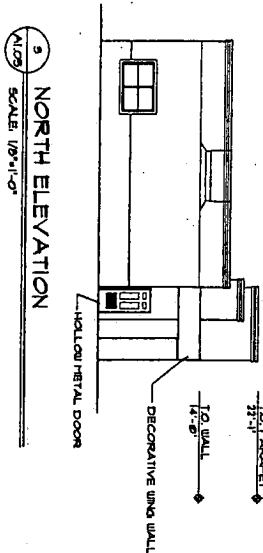
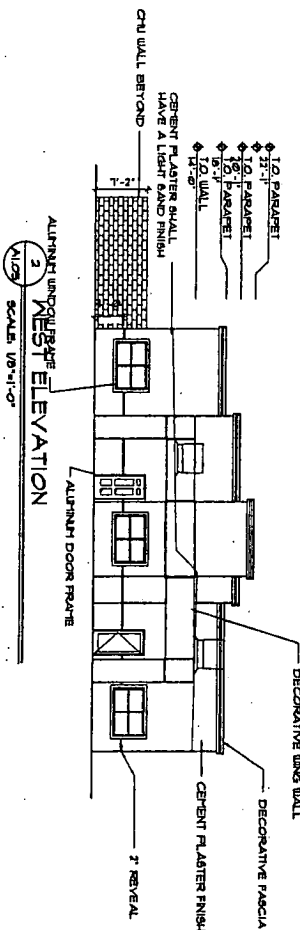
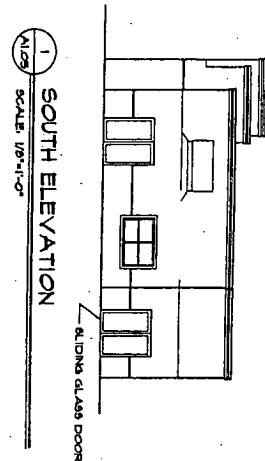
sheet title:
**PAD D
FLOOR PLAN**

PRELIMINARY
NOT FOR
CONSTRUCTION
12-8-03

project title:
**GRAND TETON AND DURANGO
COMMERCIAL DEVELOPMENT**
GRAND TETON DRIVE / DURANGO DRIVE
LAS VEGAS, NEVADA

ARCHITECT
GERALD GARADICH • AIA • LLC
10 COMMERCE CENTER DRIVE
HENDERSON, NEVADA 89014
(702) 454-5843 FAX (702) 454-7843

A104



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MINI STORAGE
OFFICE FLOOR PLAN
AND ELEVATIONS

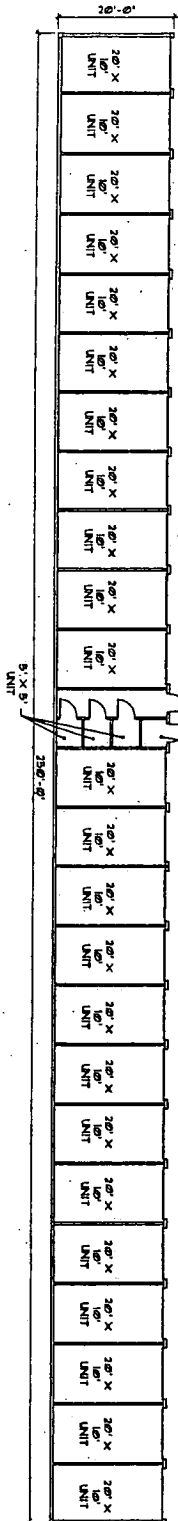
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12-8-03

project title:
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COMMERCIAL DEVELOPMENT
GRAND TETON DRIVE / DURANGO DRIVE
LAS VEGAS, NEVADA

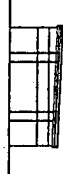
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10 COMMERCER CENTER DRIVE
HENDERSON, NEVADA 89014
(702) 454-6812 FAX (702) 454-7842

sheet no.
A105

-PREMANUFACTURED ROLL UP
DOOR - INSTALL PER
MANUFACTURER'S SPEC.
TYPICAL



9 EAST ELEVATION
A106 SCALE: 1"=10'-0"



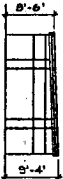
2 SOUTH ELEVATION
A1.06 SCALE: 1"=10'-0"



NORTH ELEVATION
SCALE 1"=10'-0"
A1/06



WEST ELEVATION
SCALE: 1"=10'-0"



BUILDING A FLOOR PLAN
SCALE: 1"=10'-0"



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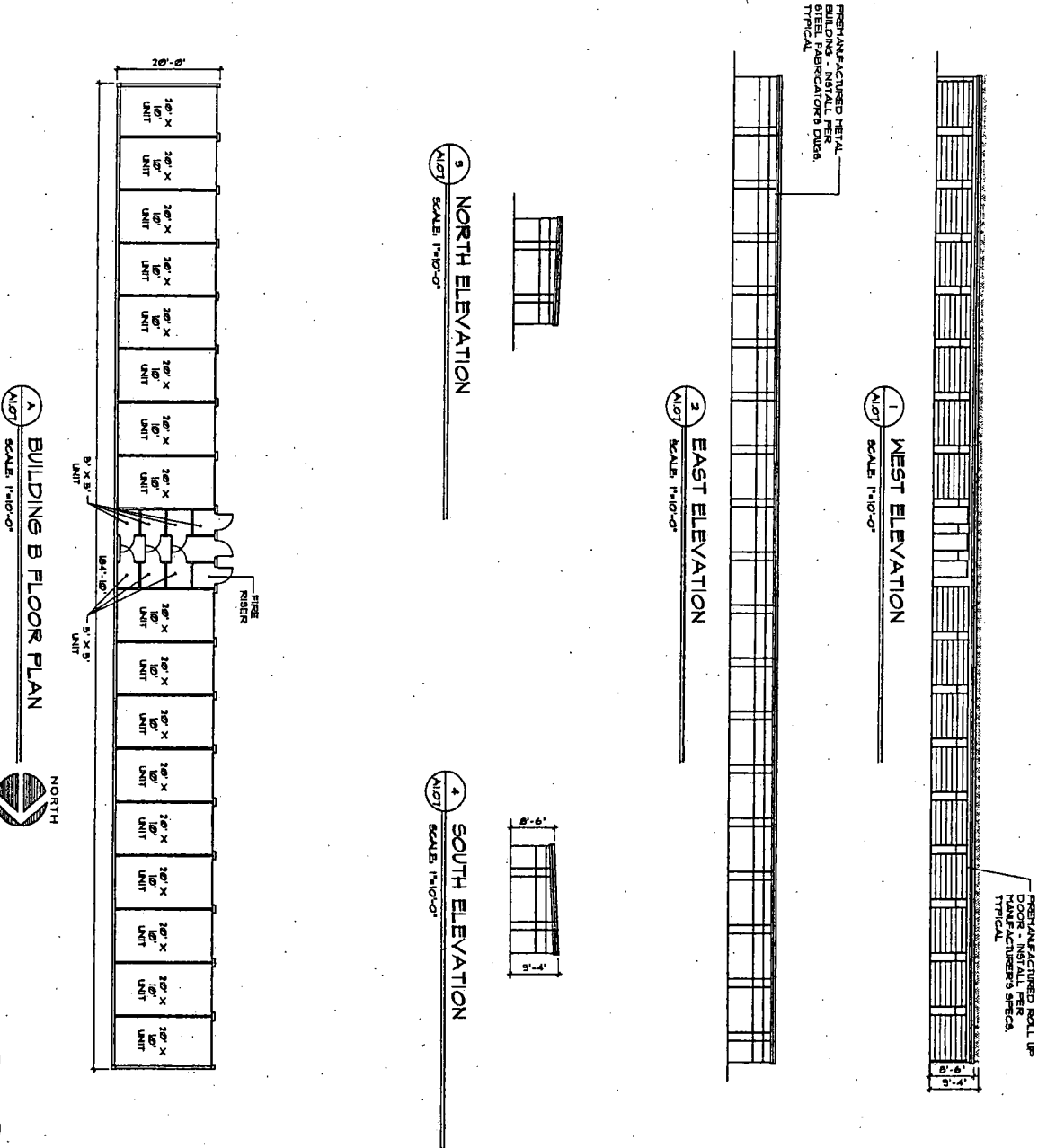
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sheet title •
**MINI STORAGE
BUILDING A
PLANS AND ELEVATIONS**

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CONSTRUCTION
12-8-03

project title •
**GRAND TETON AND DURANGO
COMMERCIAL DEVELOPMENT**
GRAND TETON DRIVE / DURANGO DRIVE
LAS VEGAS, NEVADA

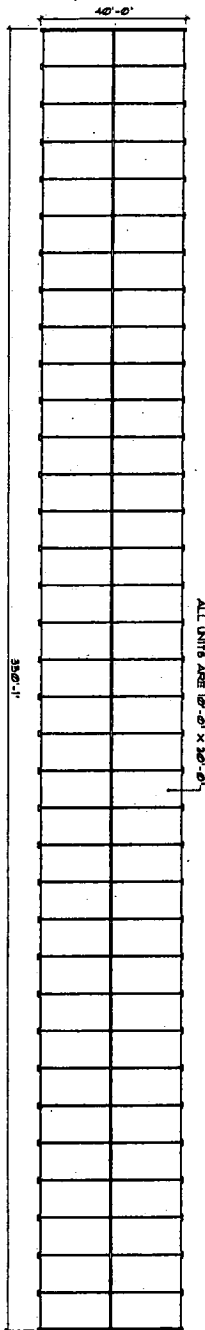
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BUILDING C FLOOR PLAN
SCALE: 1/8"=1'-0"



EAST ELEVATION
SCALE: 1/8"=1'-0"



WEST ELEVATION
SCALE: 1/8"=1'-0"



SOUTH ELEVATION
SCALE: 1/8"=1'-0"



NORTH ELEVATION
SCALE: 1/8"=1'-0"



PREMANUFACTURED METAL
DOOR - INSTALL PER
MANUFACTURER'S SPEC.
TYPICAL

PREMANUFACTURED ROLL UP
DOOR - INSTALL PER
MANUFACTURER'S SPEC.
TYPICAL

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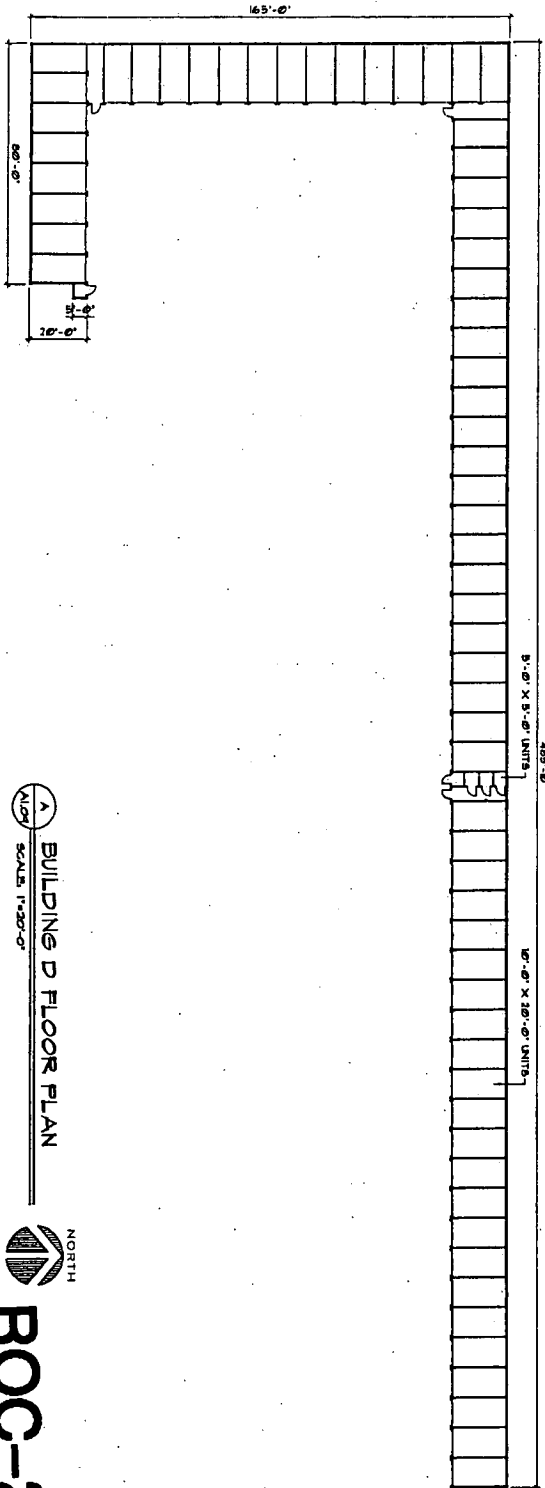
Drawn by:	MAC
Checked by:	MAC
Reviewed by:	MAC
Project No.:	1108
Sheet No.:	1108

Sheet title:
**MINI STORAGE
BUILDING C
PLANS AND ELEVATIONS**

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12-8-03

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COMMERCIAL DEVELOPMENT**
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LAS VEGAS, NEVADA

ARCHITECT
GERALD GARADICH • AIA • LLC
10 COMMERCE CENTER DRIVE
HERNDON, NEVADA 89014
(702) 464-8842 FAX (702) 464-7842



A BUILDING D FLOOR PLAN
SCALE: 1"=30'-0"



ROC-2671

1-22-04 PC

3 WEST ELEVATION
SCALE: 1"=30'-0"

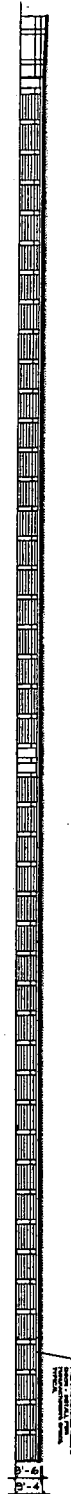


2 NORTH ELEVATION
SCALE: 1"=30'-0"



4 EAST ELEVATION
SCALE: 1"=30'-0"

1 SOUTH ELEVATION
SCALE: 1"=30'-0"



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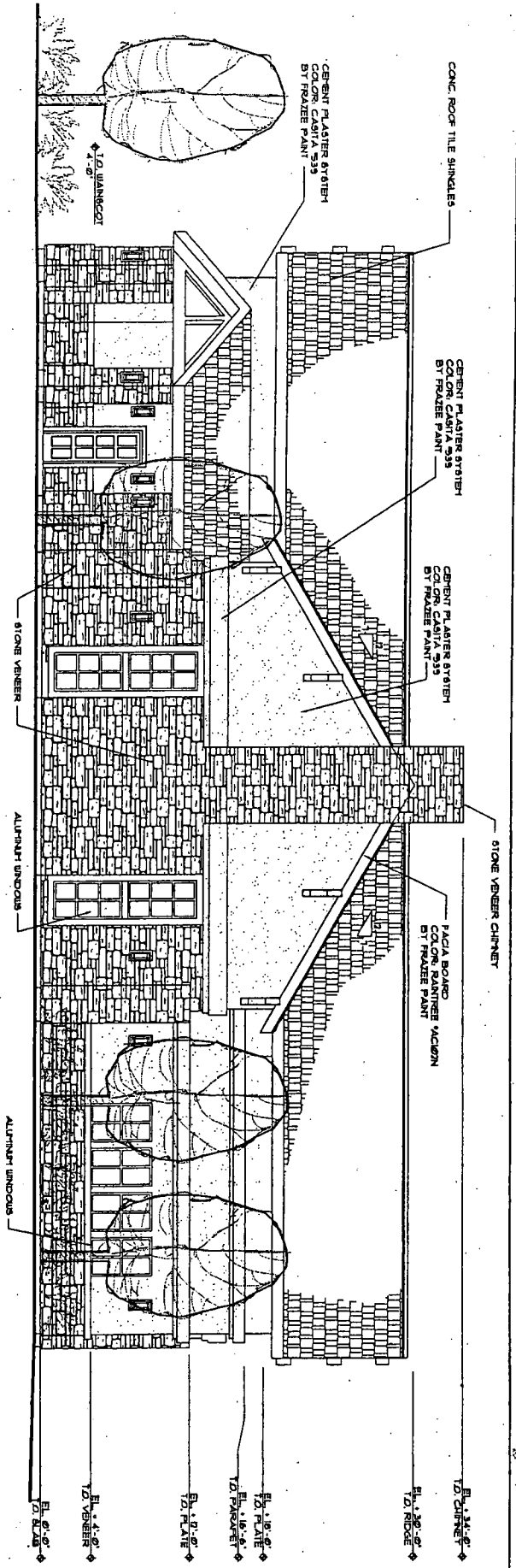
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Scale:	Date:	Sheet No.:	Sheet Title:
1/8" = 1'-0"	12/9/03	A109	MINI STORAGE BUILDING D PLANS AND ELEVATIONS

sheet title:
**MINI STORAGE
BUILDING D
PLANS AND ELEVATIONS**

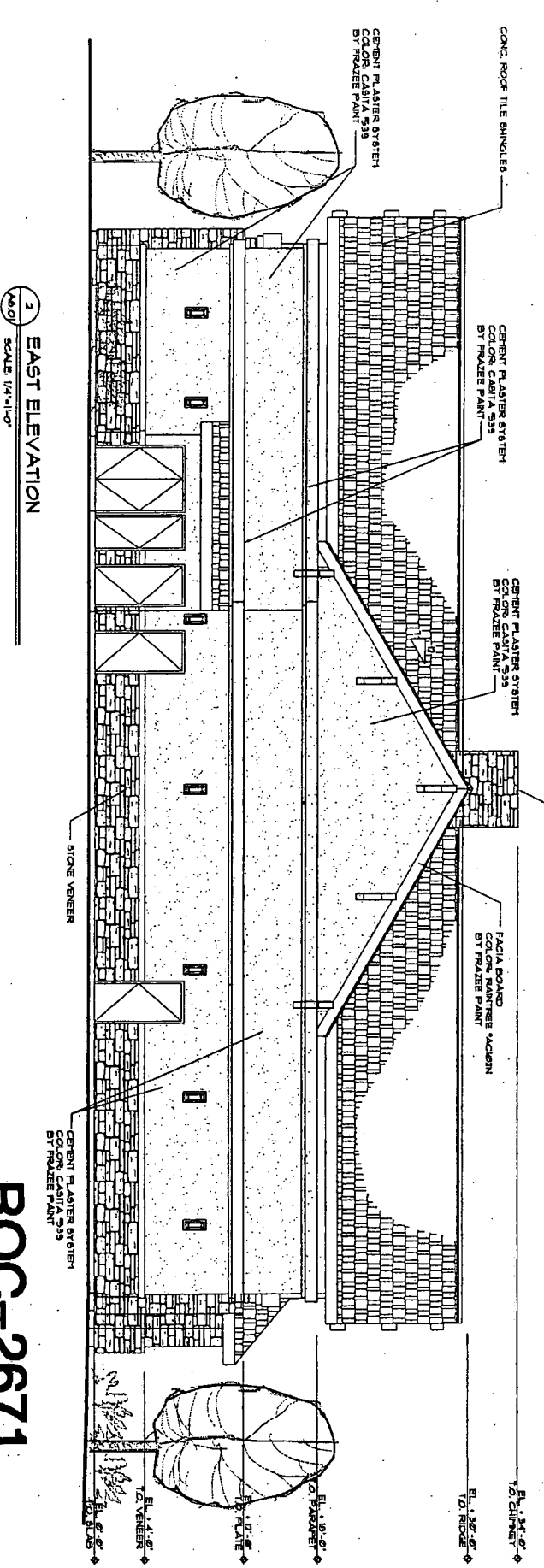
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project title:
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COMMERCIAL DEVELOPMENT**
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10 COMMERCE CENTER DRIVE
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(702) 454-8842 FAX (702) 454-7842



1 WEST ELEVATION
SCALE 1/4"=1'-0"

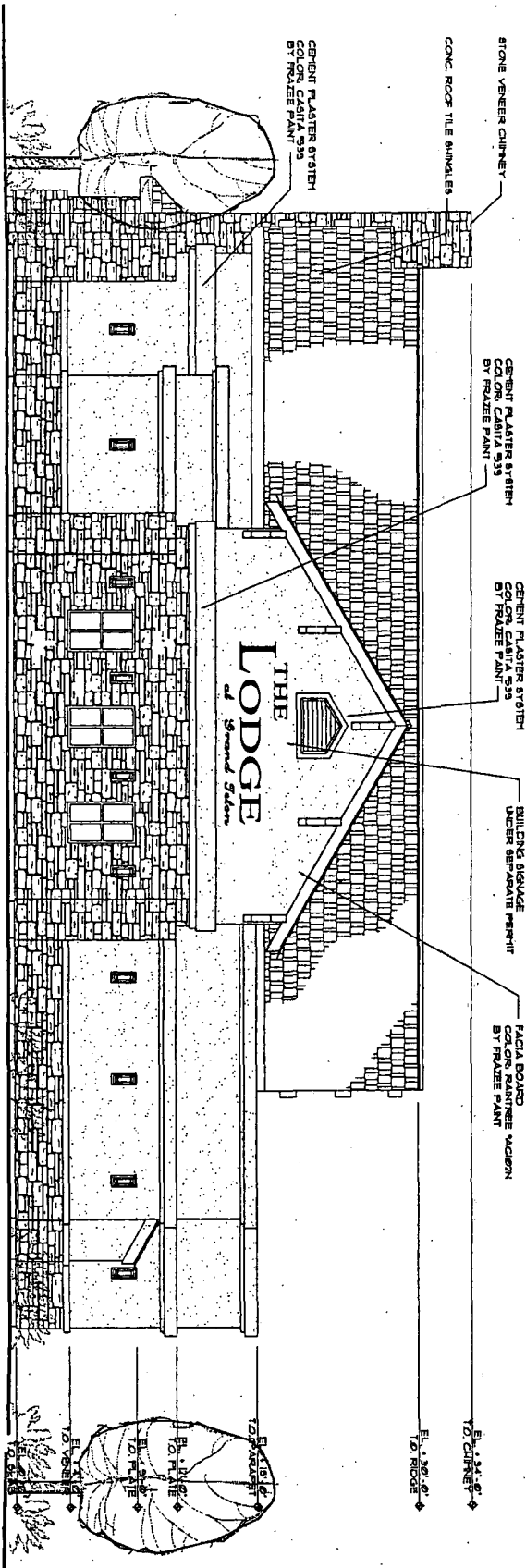


2 EAST ELEVATION
SCALE 1/4"=1'-0"

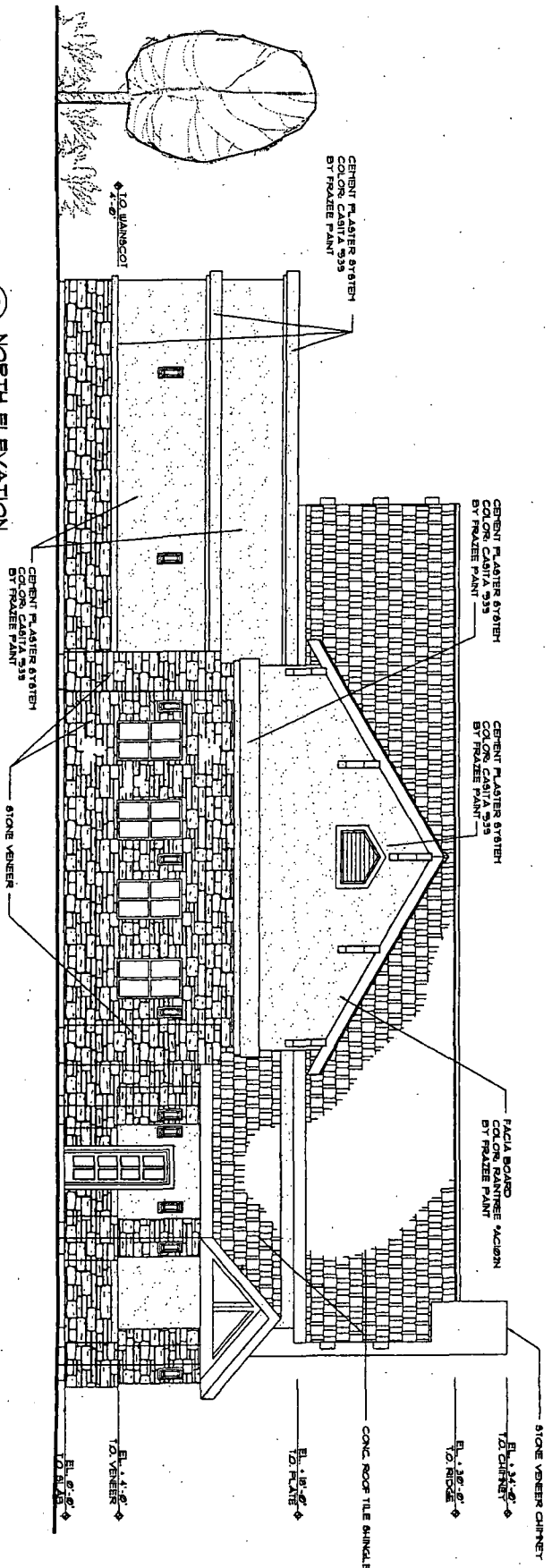
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4 SOUTH ELEVATION
SCALE 1/4"=1'-0"



5 NORTH ELEVATION
SCALE 1/4"=1'-0"



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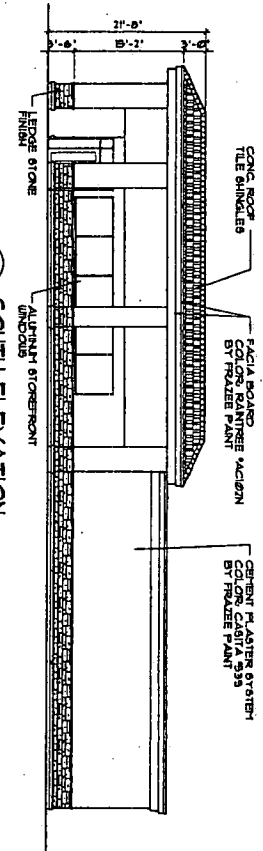
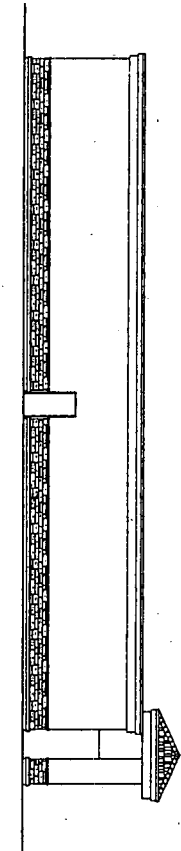
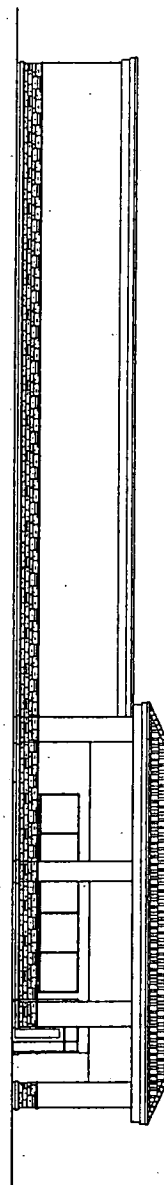
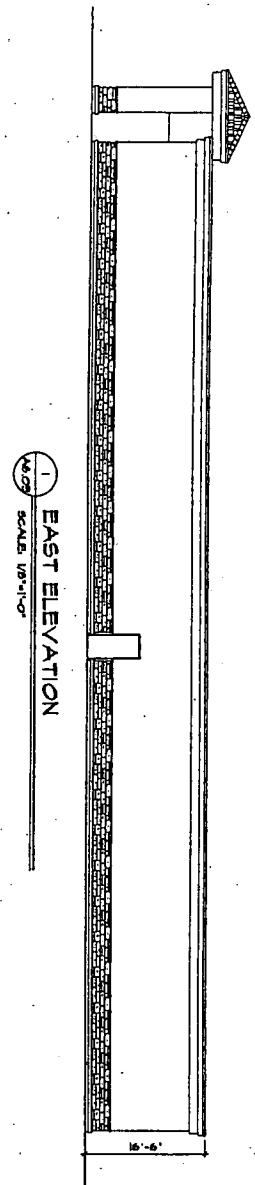
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LAS VEGAS, NEVADA

ARCHITECT
GERALD GARADICH • AIA • LLC
10 COMMERCE CENTER DRIVE
HENDERSON, NEVADA 89014
(702) 454-5842 FAX (702) 454-7842



3 NORTH ELEVATION
SCALE 1/8"=1'-0"

2 WEST ELEVATION
SCALE 1/8"=1'-0"

1 EAST ELEVATION
SCALE 1/8"=1'-0"

4 SOUTH ELEVATION
SCALE 1/8"=1'-0"

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sheet title: PAD A EXTERIOR ELEVATIONS		PRELIMINARY NOT FOR CONSTRUCTION 12-8-03	drawn by: checked by: designed by: date: scale: notes: