

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: MAY 5, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☐

CONSENT

☒

DISCUSSION

SUBJECT:

MAJOR MODIFICATION - PUBLIC HEARING - MOD-3955 - APPLICANT: CLIFFS EDGE, LIMITED LIABILITY COMPANY - OWNER: CLIFFS EDGE, LIMITED LIABILITY COMPANY, ET AL - Request for a Major Modification to the Cliff's Edge Master Development Plan TO CHANGE LAND USE DESIGNATIONS FROM: VILLAGE COMMERCIAL TO: MEDIUM LOW DENSITY RESIDENTIAL AND MEDIUM DENSITY RESIDENTIAL; FROM: MEDIUM DENSITY RESIDENTIAL TO: RESIDENTIAL SMALL LOT; AND FROM: MEDIUM LOW DENSITY RESIDENTIAL TO: PUBLIC FACILITIES; TO MODIFY SECTION 6.2.3 REGARDING RETAINING WALLS; AND TO MODIFY TABLE 1 (SECTION 2.2) TO REFLECT CHANGES TO THE LAND USE CATEGORIES on 40 acres generally located adjacent to the south side of Grand Teton Drive, between Hualapai Way and Puli Road (APN: 126-13-401-014; 126-13-701-002, 003, 004, and 008; 126-24-501-004; 126-24-601-002 and 003), PD (Planned Development) Zone, Ward 6 (Mack). The Planning Commission (6-0-1 vote) and staff recommend APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

1

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

RECOMMENDATION:

The Planning Commission (6-0-1 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** with **GOODMAN** excused and Ward 2 seat vacant

MINUTES:

MAYOR PRO TEM REESE declared the Public Hearing open.

CALVIN CHAMPLIN, Quadrant Planning, Shadows Parkway, Suite #220, appeared on behalf of the applicant, together with **ATTORNEY TABITHA FIDDYMENT**, Kummer, Kaempfer, Bonner & Renshaw, 3800 Howard Hughes Parkway. **MR. CHAMPLIN** indicated that minor changes would be made to the plan to reflect market conditions. The new 1200-acre master planned community will be known as Providence. He concurred with all staff's recommendation.

CITY COUNCIL MEETING OF MAY 5, 2004
Planning and Development Department
Item 86 – MOD-3955

MINUTES – Continued:

No one appeared in opposition.

MAYOR PRO TEM REESE declared the Public Hearing closed.

(1:35 – 1:38)

4-406

CONDITIONS:

Planning and Development

1. Conformance to the Cliff's Edge Master Development Plan, as appropriate, except as amended by this request.
2. Within the Cliff's Edge Master Development Plan, revise Table 1, Cliff's Edge Planned Land Use (page 9), as follows:
Reduce Medium Residential acreage from 85.5 acres to 75.5 acres, and reduce total units from 2,138 to 1,888;
Increase Residential Small Lot acreage from 125 acres to 145 acres, and increase total units from 1,875 to 2,175;
Reduce Village Commercial acreage from 30 acres to 15 acres;
Increase Public Facility acreage from 205 acres to 210 acres;
Remove 10 acres noted as "not a part";
Increase overall total units from 9,042 to 9,092 units; and
Change the overall density notation from 7.89 u.p.a. to 7.93 u.p.a..
3. Within the Cliff's Edge Master Development Plan, revise Figure 2, Planned Land Use (page 10), as follows and as illustrated on the revised copy of Figure 2 as submitted:

Change Pod 125 from VC (Village Commercial) to M (Medium Density Residential);
Change the southwest five acres of Pod 122 from VC (Village Commercial) to ML (Medium-Low Density Residential);
Change Pod 113 from M (Medium Density Residential) to RSL (Residential Small Lot);
and
Change the southwest five acres of Pod 115 from ML (Medium-Low Density Residential) to P&R (Pump and Reservoir).
4. Within the Cliff's Edge Design Guidelines, add a new fourth paragraph to the "Height and Setback" subsection of Section 6.2.3 (Retaining Walls) on page 6-4, to read as follows:

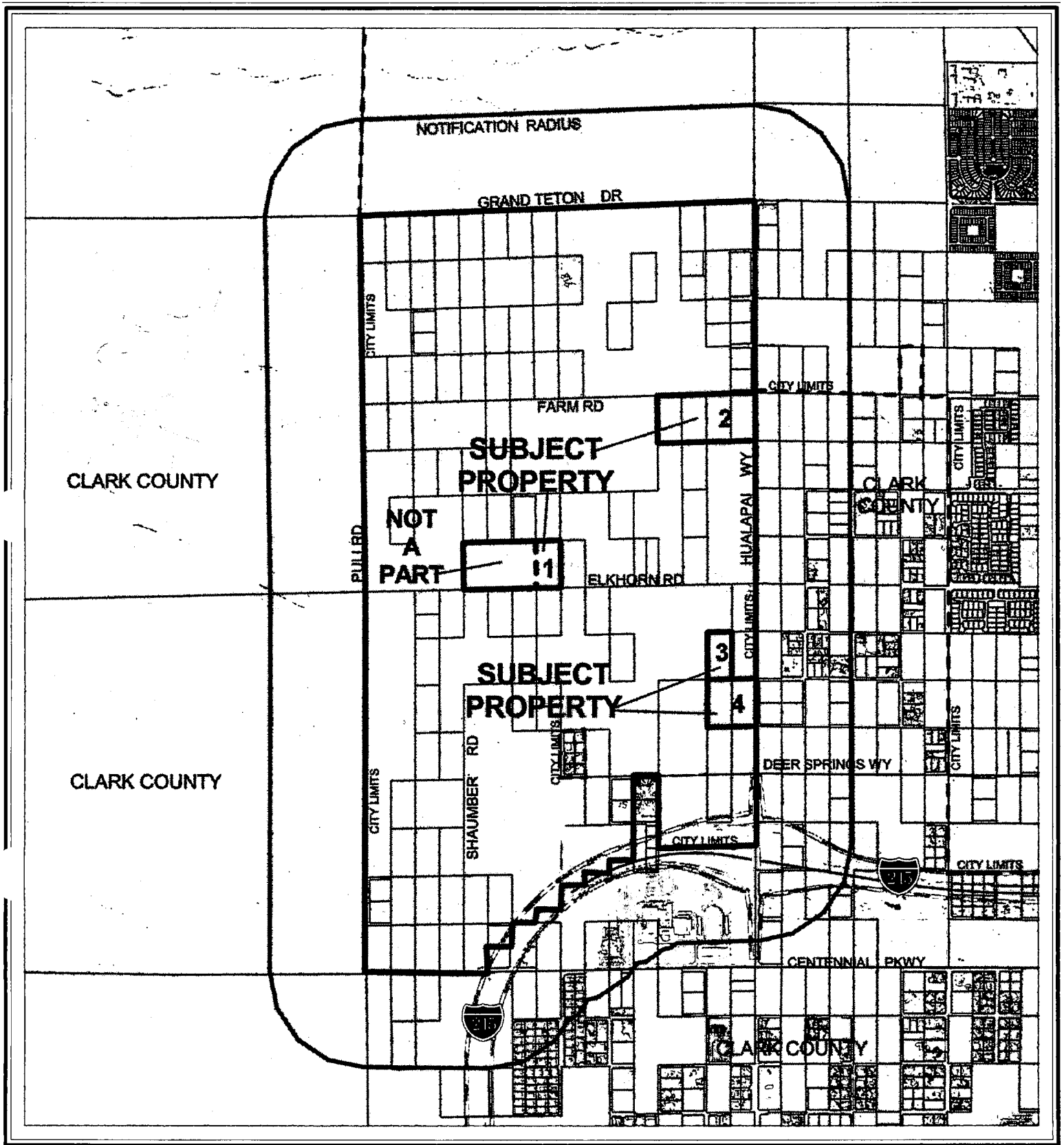
"For common areas greater than 15 feet in width, wall terracing may be allowed within the common area. For common areas 15 feet or less, terracing must occur within the builder's parcel and additional dedication to the HOA is required."

CITY COUNCIL MEETING OF MAY 5, 2004
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Item 86 – MOD-3955

CONDITIONS – Continued:

Public Works

5. Within the Cliff's Edge Design Guidelines, add a new fourth paragraph to the "Height and Setback" subsection of Section 6.2.3 (Retaining Walls) on page 6-4, to read as follows:



CASE: MOD-3955

NOTIFICATION RADIUS: 1320 FT

0 1000 2000 Feet



MAP LEGEND

-  CLIFF'S EDGE MASTER DEVELOPMENT PLAN AREA
-  CLARK COUNTY

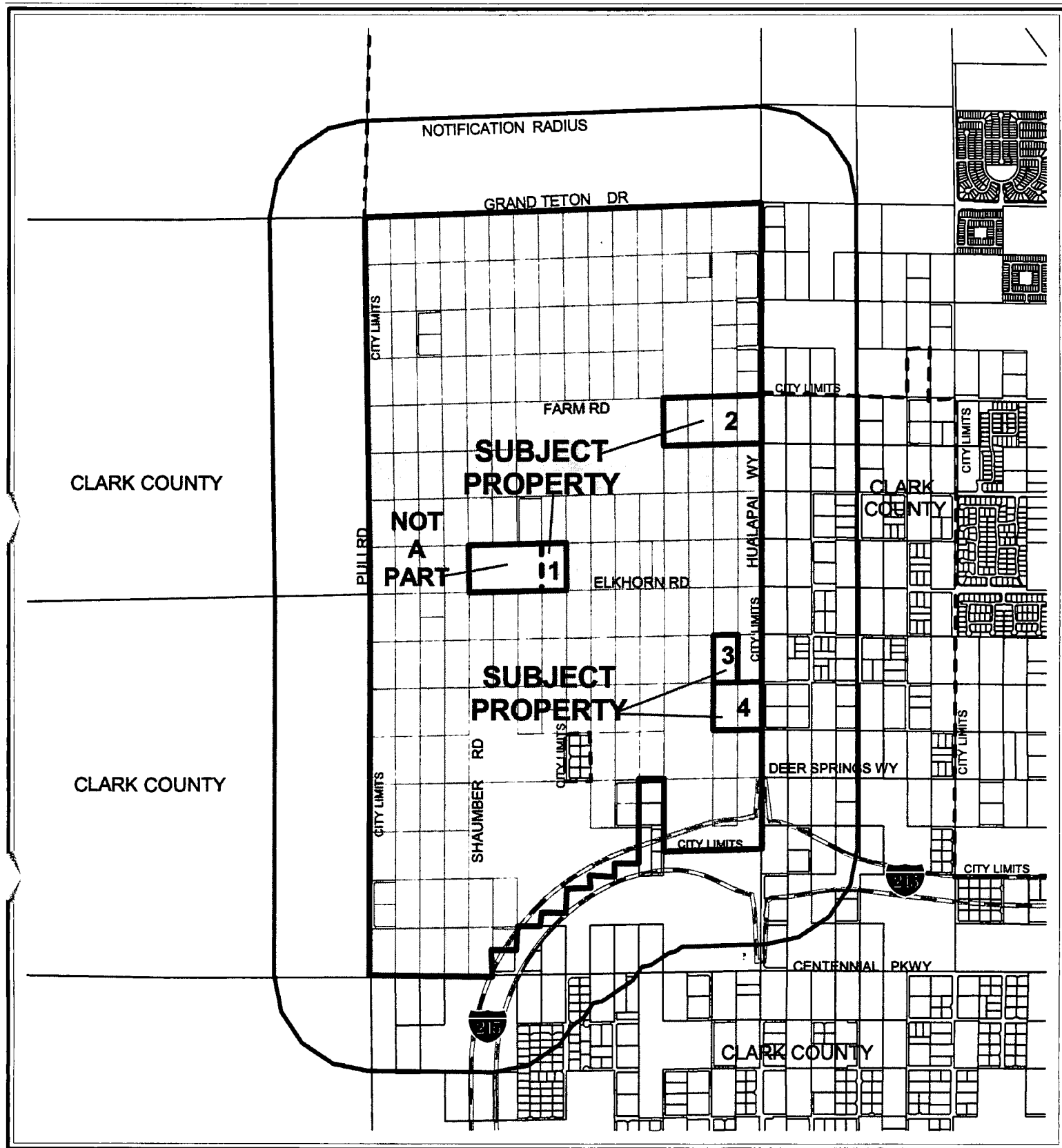
FROM

- 1 ML (Medium Low Density Residential)
- 2 M (Medium Density Residential)
- 3 VC (Village Commercial)
- 4 VC (Village Commercial)

TO

- PF (Public Facilities)
- RSL (Residential Small Lot)
- ML (Medium-Low Density Residential)
- M (Medium Density Residential)

86



CASE: MOD-3955

NOTIFICATION RADIUS: 1320 FT

0 1000 2000 Feet



MAP LEGEND

-  CLIFF'S EDGE MASTER DEVELOPMENT PLAN AREA
-  CLARK COUNTY

FROM

- 1 ML (Medium Low Density Residential)
- 2 M (Medium Density Residential)
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- 4 VC (Village Commercial)

TO

- PF (Public Facilities)
- RSL (Residential Small Lot)
- ML (Medium-Low Density Residential)
- M (Medium Density Residential)

AGENDA MEMO

CITY COUNCIL MEETING DATE: MAY 5, 2004

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: MOD-3955 - APPLICANT: CLIFFS EDGE, LIMITED LIABILITY COMPANY - OWNER: CLIFFS EDGE, LIMITED LIABILITY COMPANY, ET AL

**** CONDITIONS ****

The Planning Commission (6-0-1 vote) and staff recommend APPROVAL, subject to:

Planning and Development

1. Conformance to the Cliff's Edge Master Development Plan, as appropriate, except as amended by this request.
2. Within the Cliff's Edge Master Development Plan, revise Table 1, Cliff's Edge Planned Land Use (page 9), as follows:
 - Reduce Medium Residential acreage from 85.5 acres to 75.5 acres, and reduce total units from 2,138 to 1,888;
 - Increase Residential Small Lot acreage from 125 acres to 145 acres, and increase total units from 1,875 to 2,175;
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 - Remove 10 acres noted as "not a part";
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 - Change the overall density notation from 7.89 u.p.a. to 7.93 u.p.a..
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 - Change the southwest five acres of Pod 115 from ML (Medium-Low Density Residential) to P&R (Pump and Reservoir).
4. Within the Cliff's Edge Design Guidelines, add a new fourth paragraph to the "Height and Setback" subsection of Section 6.2.3 (Retaining Walls) on page 6-4, to read as follows:

“For common areas greater than 15 feet in width, wall terracing may be allowed within the common area. For common areas 15 feet or less, terracing must occur within the builder’s parcel and additional dedication to the HOA is required.”

Public Works

5. An update to the Master Sewer Study must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, or the submittal of any construction drawings. Comply with the recommendations of the approved sewer study prior to occupancy of any units within this site. Provide public sewer easements for all public sewers not located within existing public street right-of-way prior to the issuance of any permits as required by the Department of Public Works.

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

This application is a request for a Major Modification to the Cliff's Edge Master Development Plan and the Design Guidelines, to modify land use in four areas of the Plan totaling 40 acres, and to make a minor addition to the Entry and Wall Guidelines of the Plan.

B) Applicant's Justification

The applicant has justified this request by stating that the proposed modifications will allow these properties to be processed under the residential land use categories that best accommodate proposed uses for these sites.

BACKGROUND INFORMATION

A) Previous Actions

- 02/06/02 The City Council approved an Annexation (A-0026-01) of 95 acres in the northern portion of the Master Plan area, south of Grand Teton Drive. The Planning Commission recommended approval on 05/10/01. The effective date of this annexation was 02/15/02.
- 02/06/02 The City Council approved an Annexation (A-0028-01) of 10 acres in the northern portion of the Master Plan area, south of Grand Teton Drive. The Planning Commission recommended approval on 05/10/01. The effective date of this annexation was 02/15/02.
- 06/19/02 The City Council approved an Annexation (A-0027-01) of five acres in the northern portion of the Master Plan area, south of Grand Teton Drive. The Planning Commission recommended approval on 05/10/01. The effective date of this annexation was 06/28/02.
- 01/08/03 The City Council approved an Annexation (A-0030-02) of five acres in the northern portion of the Master Plan area, south of Grand Teton Drive. The Planning Commission recommended approval on 10/10/02. The effective date of this annexation was 01/17/03.

- 02/05/03 The City Council approved an Annexation (A-0035-02) of over 1,056 acres in the area bounded by Hualapai Way to the east, Grand Teton Drive to the north, Puli Road to the west and Centennial Parkway and the Beltway alignment to the south, including the subject sites of this Rezoning request. The Planning Commission recommended approval on 09/26/02. The effective date of this annexation was 02/14/03.
- 03/19/03 The City Council approved a Rezoning (ZON-1520) from U (Undeveloped) Zone [PCD (Planned Community Development) General Plan Designation] to PD (Planned Development) Zone on approximately 317.5 acres covering 68 separate parcels in the Cliff's Edge area, and approved the related Cliff's Edge Master Development Plan to regulate development and the provision of infrastructure in the area. Staff had recommended approval. The Planning Commission recommended approval on 02/13/03.
- 07/16/03 The City Council approved a Rezoning (ZON-2184) from U (Undeveloped) Zone [PCD (Planned Community Development) General Plan Designation] to PD (Planned Development) Zone on approximately 704 acres covering 21 separate parcels in the Cliff's Edge area, and approved text modifications to the related Cliff's Edge Master Development Plan to address conditions of approval of ZON-1520. Staff had recommended approval. The Planning Commission recommended approval on 06/12/03.
- 02/18/04 The City Council approved a request for a Rezoning (ZON-3241) from U (Undeveloped) Zone [PCD (Planned Community Development) General Plan Designation] to PD (Planned Development) Zone on approximately 90 acres covering 20 separate parcels in the Cliff's Edge area. Staff had recommended approval. The Planning Commission recommended approval on 01/08/04.
- 02/18/04 The Cliff's Edge Development Agreement (DIR-3451) was introduced to the City Council at this time. It was approved in ordinance form on 03/17/04. Staff had recommended approval. The Planning Commission recommended approval on 01/08/04.
- 03/11/04 The Planning Commission approved a request for the Cliff's Edge Parent Tentative Map (TMP-3798). Staff had recommended approval.
- 04/08/04 The Planning Commission voted 6-0-1 to recommend APPROVAL (PC Agenda Item #38/gl)

B) Pre-Application Meeting

- 02/11/04 At the pre-application meeting, the applicant was advised that the PCD (Planned Community Development) General Plan designation of the Cliff's Edge area meant that overall residential density must remain below eight units per acre. As a result, the adjustments proposed by the applicant will raise the overall residential density from 7.89 u.p.a. to 7.93 u.p.a., still in conformance with the General Plan policy. A follow-up meeting was held on 02/20/04.

C) *Neighborhood Meetings*

No neighborhood meeting was required or conducted with respect to this Major Modification application.

DETAILS OF APPLICATION REQUEST

A) *Site Area*

Gross Acres: 1,156 (Area covered by the Master Development Agreement)
Net Acres: 911 (Area covered by the parent Tentative Map)

B) *Existing Land Use*

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

C) *Planned Land Use*

Subject Property: PCD (Planned Community Development)
North: PCD (Planned Community Development)
South: PR (Park/Recreation/Open Space) - Clark County
PF (Public Facility) - Clark County
PCD (Planned Community Development) - Clark County and
DR (Desert Rural) - Clark County
East: PR (Park/Recreation/Open Space)
PCD (Planned Community Development) and
DR (Desert Rural) - Clark County
West: RC (Resource Conservation) - Clark County

D) *Existing Zoning*

Subject Property: U (Undeveloped) Zone [PCD (Planned Community Development)
General Plan Designation]
North: U (Undeveloped) Zone [PCD (Planned Community Development)
General Plan Designation]
South: R-U (Rural Open Land [0.5 units per acre] - Clark County)
East: U (Undeveloped) Zone [PCD (Planned Community Development)
General Plan Designation] under Resolution of Intent to PD (Planned
Development) and
R-E (Rural Estates Residential - Clark County)
West: P-F (Public Facility - Clark County)

E) General Plan Compliance

This site is located on the Centennial Hills Sector Plan Map of the General Plan. The Centennial Hills Sector Plan designates this site as PCD (Planned Community Development). The land use and text changes that are the subject of this requested Major Modification conform to applicable General Plan policies.

<i>SPECIAL DISTRICTS/ZONES</i>	<i>Yes</i>	<i>No</i>
<i>Special Area Plan</i>	X	
Cliff's Edge	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 Area Plan

The provisions of the Centennial Hills Sector Plan require that a master plan be prepared for PCD (Planned Community Development) designated areas that exceed 80 acres in size. The applicant has previously prepared, and City Council has previously approved, a master development plan entitled the "Cliff's Edge Master Development Plan and Design Guidelines" on 03/19/03. The land use and text changes that are the subject of this Major Modification are changes that will conform to the land use policies of the General Plan; and clarify the intent of the Plan.

ANALYSIS

A) Zoning Code Compliance

A1) Development Standards

Pursuant to Title 19.06.050, the development standards within a PD District are established by the Master Development Plan. The development standards for the Cliff's Edge area are now established through the approved Cliff's Edge Master Development Plan. The proposed changes conform to the PD zoning district and will more clearly regulate the future development of the area.

B) General Analysis and Discussion

These changes represent fine-tuning of the Cliff's Edge Master Development Plan and Design Guidelines documents that were previously approved by City Council in March 2003 and amended in July and December 2003.

The proposed special land use changes contained in this Major Modification rebalance proposed land uses within the overall Plan, based on land assemblages and other factors. The land use changes as proposed, result in a net overall increase of 50 residential units within the Plan area based on a redistribution of allowed residential densities, with five acres added to the pump and reservoir site and the Village Commercial area reduced by half, from 30 acres to 15 acres. These changes are illustrated on a map (Figure 2) and tracked on a table (Table 1) within the Master Development Plan.

The proposed text change to Section 6.2.3 of the Design Guidelines will ensure that common areas contain usable areas of land uninterrupted by changes in grade through terracing. This is a positive change to the Design Guidelines that will clarify the intent of the use of common areas.

The Department of Public Works has noted that an update to the Master Sewer Study must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, or the submittal of any construction drawings. Comply with the recommendations of the approved sewer study prior to occupancy of any units within this site. Provide public sewer easements for all public sewers not located within existing public street right-of-way prior to the issuance of any permits as required by the Department of Public Works.

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 General Plan designates the subject lands as PCD (Planned Community Development). The proposed land use modifications to the Cliff's Edge Master Development Plan conform to the General Plan and its policies. The proposed text change to the Design Guidelines is unrelated to General Plan policies.

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

The Major Modification does not conflict with the PD (Planned Development) zoning that applies to lands within the Plan area. The proposed land use changes appear to be compatible with that of adjacent pods, and supports the overall land use intent of the Plan.

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

The land use changes as proposed reflect anticipated market conditions within the Plan area, and as such, are directly related to identified growth and development factors in the area.

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

Planning of roadway facilities proposed for the area through the Plan has been scrutinized in relation to previous zoning actions that pertain to the Master Development Plan and were analyzed through the parent Tentative Map process; this network is unaffected by the limited scale of the land use changes proposed by this Major Modification.

NOTICES MAILED 135 by Planning Department

APPROVALS 0

PROTESTS 1

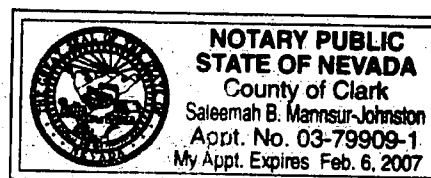
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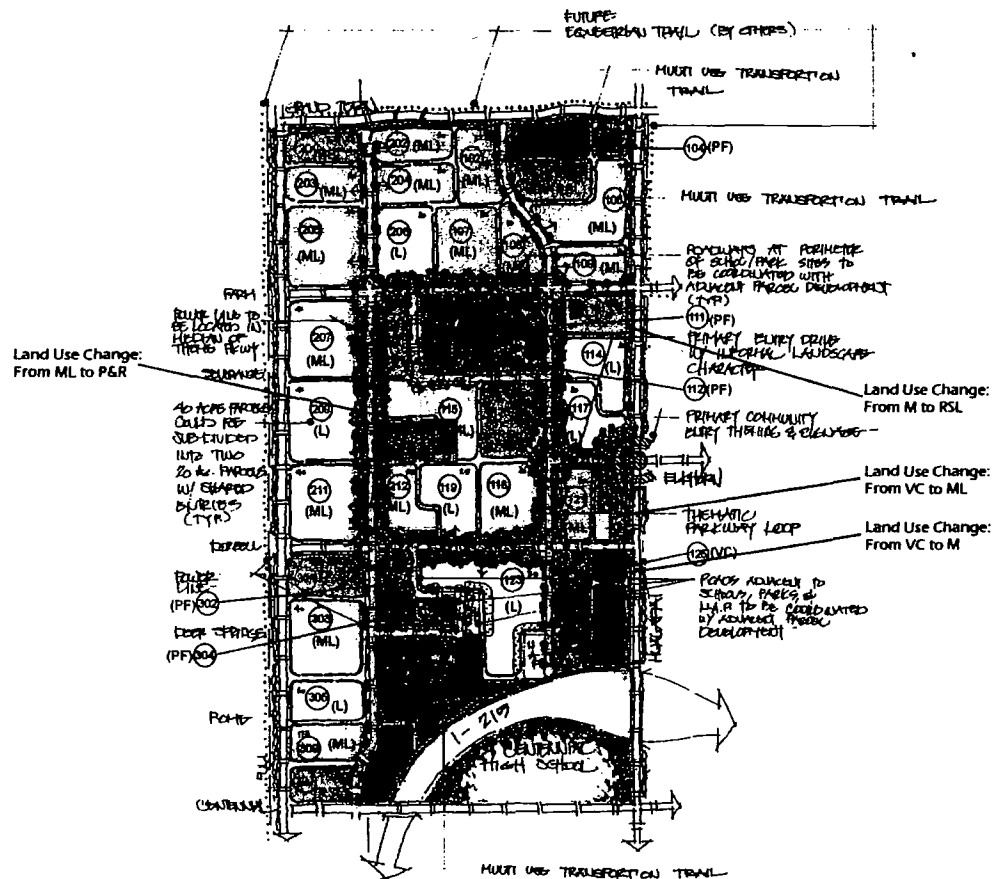
Name of Applicant: Cliffs Edge, LLC

 Yes ☒ No

APN: _____

Greenah B. Mann
Notary Public in and for said County and State





LEGEND

- LOW DENSITY RESIDENTIAL - (L)
UP TO 3.4 D.U./AC
- MED. LOW DENSITY RESIDENTIAL - (ML)
4.5 TO 6 D.U./AC
- RESIDENTIAL SMALL LOT - (RSL)
UP TO 15 D.U./AC
- MEDIUM DENSITY RESIDENTIAL - (M)
UP TO 25 D.U./AC
- VILLAGE CORM - (VC)
- PUBLIC FACILITIES - (PF)
- 20,000 SQUARE FEET MINIMUM LOT

* THESE (L) FIRST TOP OF LOTS ADJACENT TO N.A.P. PARCELS ARE LIMITED TO SINGLE RESIDENCES AND SHALL BE A MINIMUM OF 2,000 SQUARE FEET IN SIZE.

SUMMARY

	DENSITY	ACRES	UNITS
(L) LOW DENSITY RES.	9.9	230	1268
(ML) MED. LOW DENSITY	5	4705	2764
(RSL) RESIDENTIAL SMALL LOT	15	125	1875
(M) MED DENSITY RES.	25	585	2150
(VC) VILLAGE CORM		30	
(PF) MIDDLE SCHOOL		30	
(PF) ELEMENTARY SCHOOL		30	
(PF) PARK		30	
(PF) P+R		30	
(PF) P+R		30	
N.A.P.		10	
		± 1156	± 9048

NOTE: See Table 1, Section 22 of the Cliff's Edge Master Plan for proposed changes to unit count and density.

Upon City Council approval of the major modification request, this summary will be updated.

Conceptual Land Use Plan CLIFF'S EDGE Las Vegas, Nevada

Focus Commercial Group
KTGY # 2002-321

KTGY GROUP, INC.
ARCHITECT PLANNING
ENGINEERING LANDSCAPE
DESIGN
10000 W. LAS VEGAS BLVD., SUITE 1000
LAS VEGAS, NV 89135
TEL: 702.735.1000
FAX: 702.735.1001
WWW.KTGYGROUP.COM
AUGUST 12, 2003

MOD-3955
04-08-04 PC

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: MAY 5, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☐ **CONSENT** ☒ **DISCUSSION**

SUBJECT:

VACATION - PUBLIC HEARING - VAC-3861 - APPLICANT: CITY OF LAS VEGAS
- Petition to Vacate a 20-foot wide public trail easement known as the "Pioneer Way Trail," generally located on the west side of Pioneer Way, from Deer Springs Way to Severance Lane; thence northerly to Farm Road; thence westerly along the north side of Farm Road to Buffalo Drive; thence northerly along the east side of Buffalo Drive to Whispering Sands Drive, Ward 6 (Mack). The Planning Commission (7-0 vote) and staff recommend APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

1

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

1

RECOMMENDATION:

The Planning Commission (7-0 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 4/8/2004 Planning Commission meeting Item 17

MOTION:

MACK - APPROVED subject to conditions - UNANIMOUS with GOODMAN excused and Ward 2 seat vacant

MINUTES:

MAYOR PRO TEM REESE declared the Public Hearing open.

GINA VENGLASS, Public Works Department, explained this Vacation will vacate the trail on Pioneer Way and it has already been removed from the Trail Plan.

ELIZABETH SIMMONS, 7420 Red Cinder, resides in the Preserves Development and indicated that there are different types of landscaping that affect the trail. Some are developed with a wall, other are neutral or just gravel with a sidewalk. There is a double wall between the Preserves and Salt Creek with a red cinder type 24-foot easement for drainage put in by Rhodes Homes as per City requirements. Properties slope towards the drainage and the property is unusable. The residents were told that the easement will be kept as a water drainage. Most of the water in

CITY COUNCIL MEETING OF MAY 5, 2004
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Item 87 – VAC-3861

MINUTES – Continued:

that area runs east to west. However, that would make that area unusable. MS. SIMMONS expressed concern that the wall will be used as a palette for graffiti. She feels the trail within the Preserves needs to be treated differently because of the double-wall. The least the City could do is install gates on either end to prohibit vehicles accessing the trail. She opined that the particular stretch between Farm Road and Severance is different.

COUNCILMAN MACK appreciated the residents' concerns, but pointed out that once this is granted back to the Homeowners Association, the City does not have any right to install a gate. He asked MS. VENGLASS what bearing the flood easement has on this reverting back to the homeowners. MS. VENGLASS replied that this needs to be retained as a drainage easement; however, because it is going to be a public drainage, the City has installed gates where there are two back-to-back walls creating an alley situation. She clarified that the gate is the type that can allow water flow to get through.

MS. SIMMONS pointed out that the HOA informed the homeowners that they will not accept liability or responsibility for the maintenance nor do they deem it their responsibility to install the gate. The City needs to assist the residents on this portion. MS. VENGLASS added that typically it is the homeowners association's responsibility to install such gates. COUNCILMAN MACK indicated that the City would closely follow this issue and bring back this portion if needed. This portion of the trail was not approved as part of the joint park plan with Clark County. Therefore, this application was made by the City in return to give this land back to the individual homeowners and the association.

MAYOR PRO TEM REESE declared the Public Hearing closed.

(1:38 – 1:44)

4-478

CONDITIONS:

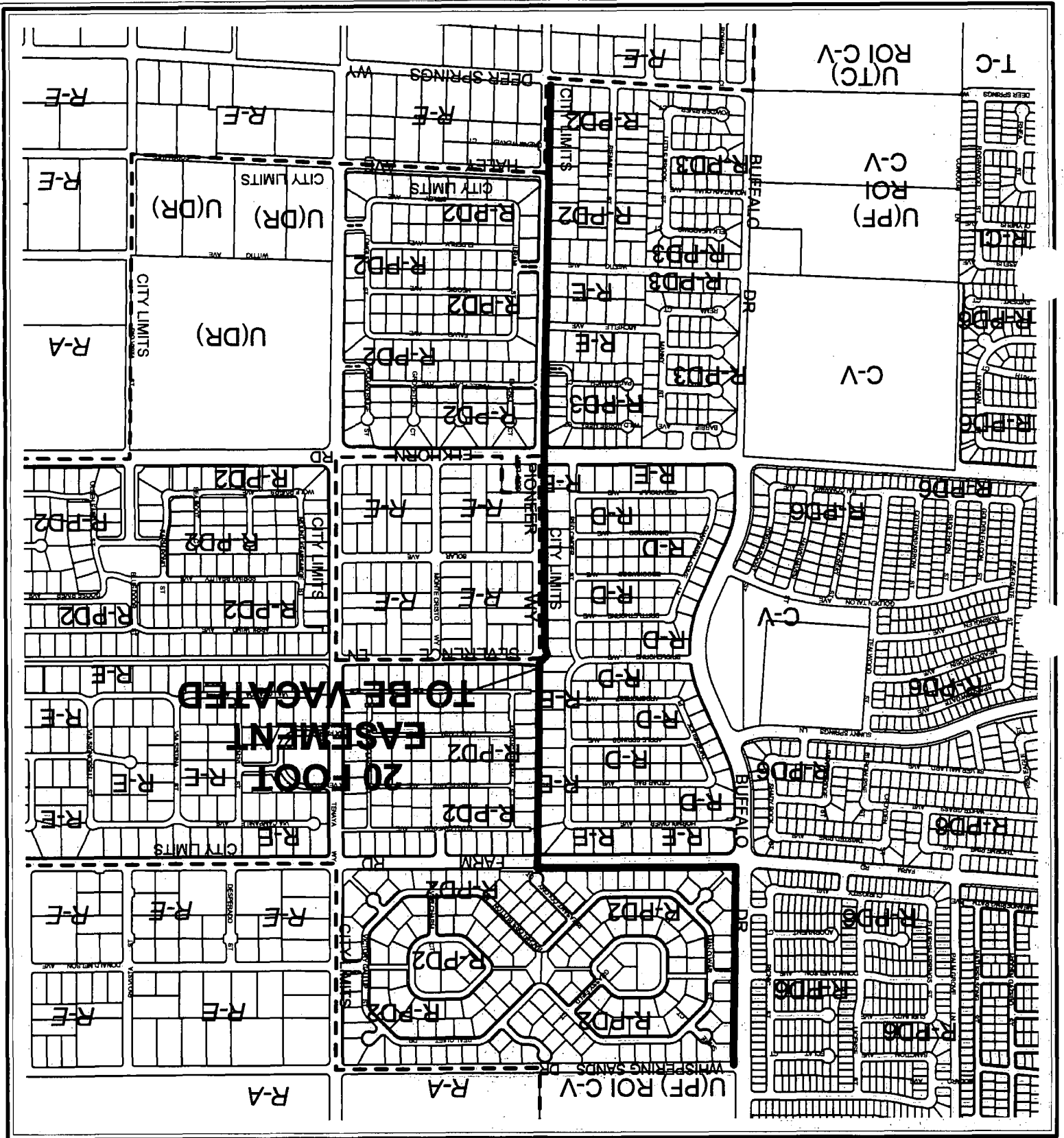
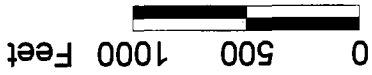
Planning and Development

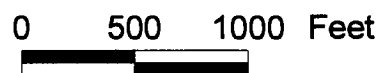
1. Retain a public drainage easement to be privately maintained by the Homeowner's Association across the full width of the area to be vacated extending from Severance Lane northward to Farm Road.
2. Maintenance of all private improvements, including driveways, located within the area proposed to be vacated and extending into the public right-of-way, shall be maintained by each adjacent property owner or by a Homeowner's Association (if applicable).
3. All existing public improvements, if any, adjacent to and in conflict with this vacation application are to be modified, as necessary, at the applicant's expense prior to the recordation of an Order of Vacation.

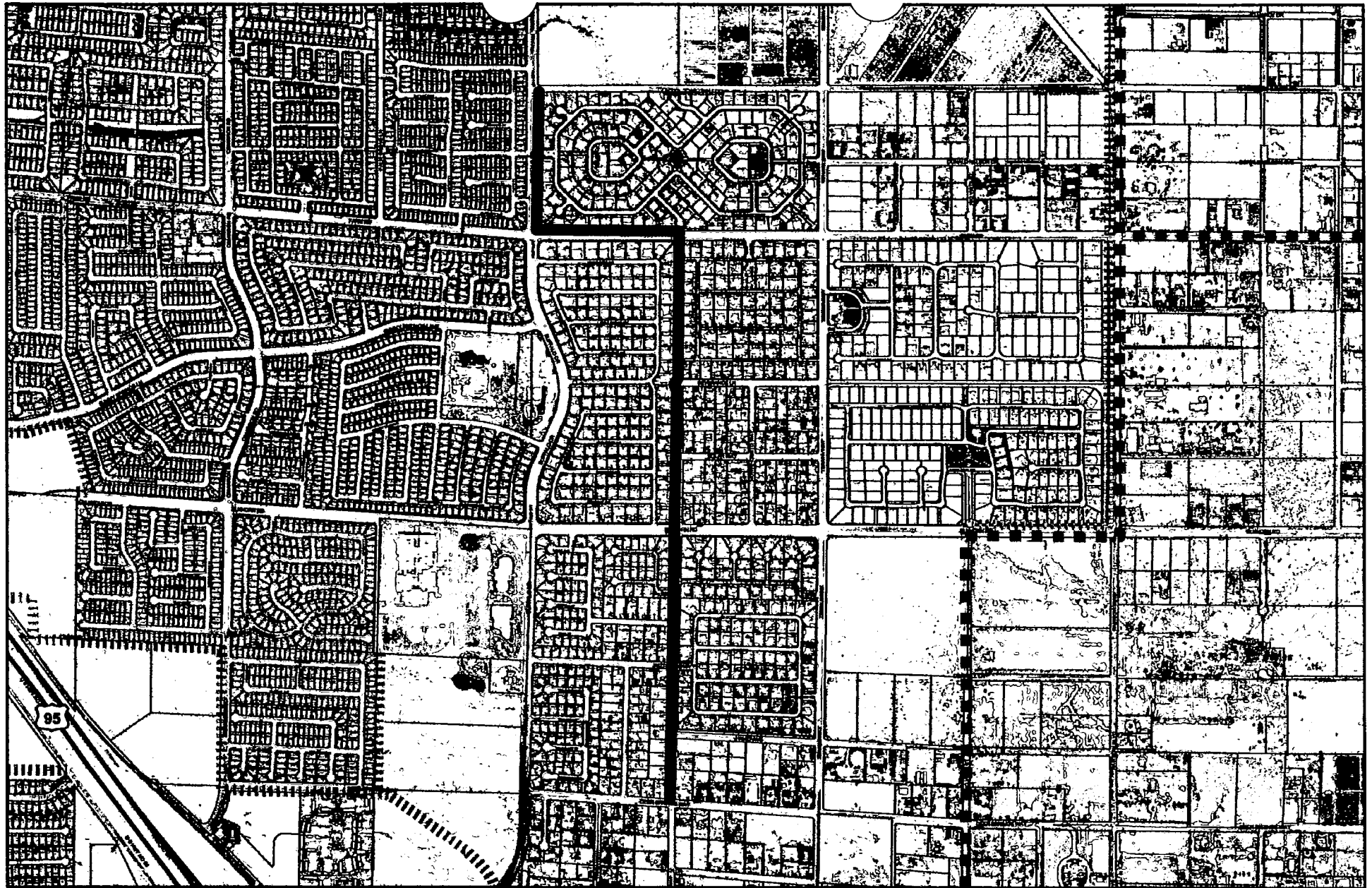
CITY COUNCIL MEETING OF MAY 5, 2004
Planning and Development Department
Item 87 – VAC-3861

CONDITIONS – Continued:

4. The Order of Vacation shall not be recorded until all of the conditions of approval have been met provided, however, that 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.







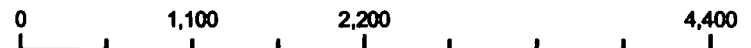
VAC-3861

Trails

- ■ ■ Equestrian
- ■ ■ Multi-Use, Equestrian
- ||||| Multi-Use, Transportation



**20 FOOT EASEMENT
TO-BE-VACATED**



AGENDA MEMO

CITY COUNCIL MEETING DATE: MAY 5, 2004

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: VACATION - PUBLIC HEARING - VAC-3861 -

APPLICANT: CITY OF LAS VEGAS

**** CONDITIONS ****

The Planning Commission (7-0 vote) and staff recommend APPROVAL, subject to:

1. Retain a public drainage easement to be privately maintained by the Homeowner's Association across the full width of the area to be vacated extending from Severance Lane northward to Farm Road.
2. Maintenance of all private improvements, including driveways, located within the area proposed to be vacated and extending into the public right-of-way, shall be maintained by each adjacent property owner or by a Homeowner's Association (if applicable).
3. All existing public improvements, if any, adjacent to and in conflict with this vacation application are to be modified, as necessary, at the applicant's expense prior to the recordation of an Order of Vacation.
4. The Order of Vacation shall not be recorded until all of the conditions of approval have been met provided, however, that 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 for a Petition to Vacate a 20-foot wide public trail easement commonly known as the Pioneer Way Trail and generally located along the west side of Pioneer Way, from Deer Springs Way to Severence Lane; thence northerly to Farm Road; thence westerly along the north side of Farm Road to Buffalo Drive; thence northerly along the east side of Buffalo Drive to Whispering Sands Drive.

B) Applicant's Justification

The applicant's justification letter indicates that because the Pioneer Way Trail alignment has been deleted from the "Master Plan Transportation Trails Element" and the "Master Plan Recreation Trails Element," the established trail easements are no longer needed. Therefore, the easements are proposed by this item to be vacated.

BACKGROUND INFORMATION

A) Previous Actions

- 04/01/1992 The "City of Las Vegas General Plan" that established the alignment for the Pioneer Way Trail was adopted.
- 12/18/1996 The "Northwest General Plan Amendment" to the "City of Las Vegas General Plan" was adopted. The Plan, which later was renamed the "Centennial Hills Sector Plan," reaffirmed the alignment of the Pioneer Way Trail.
- 01/16/2002 Adoption of the "Master Plan Transportation Trails Element" and the "Master Plan Recreation Trails Element," which deleted the Pioneer Way Trail.
- 04/08/2004 The Planning Commission voted 7-0 to recommend APPROVAL (PC Agenda Item #17/dds)

DETAILS OF APPLICATION REQUEST

This Vacation application is described as follows:

The 20-foot wide trail easement rights are located in a portion of the Northwest Quarter (NW ¼) of Section 22 and a portion of the West Half (W ½) of Section 15, Township 19 South, Range 60 East, M.D.M.

ANALYSIS

A) Planning discussion

The alignment for the Pioneer Trail originally was established in the "City of Las Vegas General Plan" and again in the "Centennial Hills Sector Plan." Based on the General Plan, public easements for the Pioneer Way Trail were conveyed with the several subdivisions located along Pioneer Way, Farm Road and Buffalo Drive. The trail path was never constructed. Unlike the present requirement for trails, the trail easements cross individual lots, to which individual lot owners are relegated the responsibility for maintenance of the trail easements and the liability for personal injury on these easements. Consequently, when the "Master Plan Transportation Trails Element" and the "Recreation Trails Element" were being considered, the numerous lot owners voiced their objection to the trail. The trail alignment was abandoned with the adopted trail elements, and vacation of the easements is now proposed.

B) Public Works discussion

This Vacation application proposes to only vacate a City of Las Vegas 20-foot wide public trail easement, as it has been eliminated from the Master Trail Plan. As no right-of-way is proposed to be vacated, and thus no franchise rights are involved, it is not necessary to send this VAC request to the utility companies and franchise holders, nor wait for their responses. Since only City easements are involved, no utility company interests will be affected.

PLANNING COMMISSION ACTION: During the PC Hearing, it was requested that the decorative rock be extended.

NOTICES MAILED 67 by City Clerk

APPROVALS 1

PROTESTS 1

August 17, 2004

Ms. Carole Combs
CITY OF LAS VEGAS
Planning & Development Dept.
731 S. Fourth Street
Las Vegas, Nevada 89101

Reference: VAC-3861
NPC# RV 04-075

Dear Ms Combs,

At this time Nevada Power Company has **no objection** to the above referenced **vacation** by the City of Las Vegas of its easement rights in the "**Pioneer Way Trail**" from Whispering Sands Drive to Deer Springs Way as represented.

It is Nevada Power Company's intent and understanding that this Vacation shall not reduce our rights to any other existing easements we have on this site or in the area.

Nevada Power Company hereby requests notification of the recording of this Vacation, either with a copy of the recorded document or the recording number sent to my attention.

Sincerely,



Roger Trestrail
Right of Way Agent

6/5
cc

RECEIVED
CITY OF LAS VEGAS
AUG 23 PM 4:23

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT**CITY COUNCIL MEETING OF: MAY 5, 2004****DEPARTMENT: PLANNING & DEVELOPMENT****DIRECTOR: ROBERT S. GENZER**☐**CONSENT**☒**DISCUSSION****SUBJECT:**

VACATION - PUBLIC HEARING - VAC-3926 - APPLICANT: HENRY BRENT COMPANY - OWNER: STEADFAST AMX I, LIMITED LIABILITY COMPANY AND STEADFAST AMX II, LIMITED LIABILITY COMPANY, ET AL - Petition to Vacate Third Street between Ogden Avenue and Stewart Avenue, Ward 5 (Weekly). The Planning Commission (7-0 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 (7-0 vote) and staff recommend APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Submitted at City Council – Written Opinion for Mayor Goodman regarding abstentions on Items 59, 100, 101, 103, 104, 105, 113, 114, 118, 119, 120, 123, 124 and 125 and Written Opinion for Councilman Mack regarding abstentions for Items 88, 103, 118, 119 and 120. Both Opinions were filed under Item 78

MOTION:

WEEKLY – APPROVED subject to conditions – **UNANIMOUS** with MACK abstaining because his brother-in-law, ANDREW DONNER, has a contract with Lady Luck related to their non-restricted gaming license, GOODMAN excused and Ward 2 seat vacant

NOTE: DEPUTY CITY ATTORNEY SCOTT stated that MAYOR GOODMAN and COUNCILMAN MACK asked that the City Attorney give an opinion as to whether or not they should or should not abstain. He submitted the opinion for the record filed under Item 78 [Any Items] indicating that both the Mayor and the Councilman abstained. He indicated that COUNCILMAN MACK would be abstaining on Item 88 [VAC-3926], Item 103 [SUP-3969], Item 118 [ZON-3976], Item 119 [SUP-3980] and Item 120 [SDR-3979]. MAYOR GOODMAN would be abstaining on Item 59 [Jason Samuel Aguirre, dba Myo Works], Item 100 [SUP-3152], Item 101 [AUP-3947], Item 103 [SUP-3969], Item 104 [SUP-3972], Item 105 [SUP-3973], Item 113 [ZON-3919], Item 114 [SDR-3920], Item 118 [ZON-3976], Item 119 [SUP-3980], Item 120 [SDR-3979], Item 123 [GPA-3977], Item 124 [ZON-3981] and Item 125 [SDR-3982]. MAYOR PRO TEM REESE verified with DEPUTY CITY ATTORNEY SCOTT that in those cases where COUNCILMAN MACK cannot vote, the number of the Board will be reduced to six and the quorum will be four. COUNCILMAN MACK remarked that he would disclose his abstention under each individual item as well.

CITY COUNCIL MEETING OF MAY 5, 2004
Planning and Development Department
Item 88 – VAC-3926

MINUTES:

MAYOR PRO TEM REESE declared the Public Hearing open.

ROBERT O'NEIL, 450 East Fremont Street, appeared on behalf of HENRY BRENT and concurred with staff recommendations.

COUNCILMAN WEEKLY asked MR. O'NEIL if he has had any conversations with BETSY FRETWELL, Deputy City Manager, regarding the Post Office. MR. O'NEIL replied that he did in his capacity as a citizen in regards to what the Post Office could be or could not be. Pertaining to the Vacation, MR. O'NEIL clarified for COUNCILMAN WEEKLY that they discussed the submittal of the plan with all the landowners on Third Street, who support the plan. Everybody sees the vision for Third Street as being retail-casino area.

COUNCILMAN WEEKLY commended the applicant on its vision and that the project will be an enhancement for the downtown area. He asked that the applicant ensure that the small property owners' interests are being considered.

MAYOR PRO TEM REESE indicated that this street was also vacated in 2000 for similar reasons.

No one appeared in opposition.

MAYOR PRO TEM REESE declared the Public Hearing closed.

(1:44 – 1:48)

4-688

CONDITIONS:

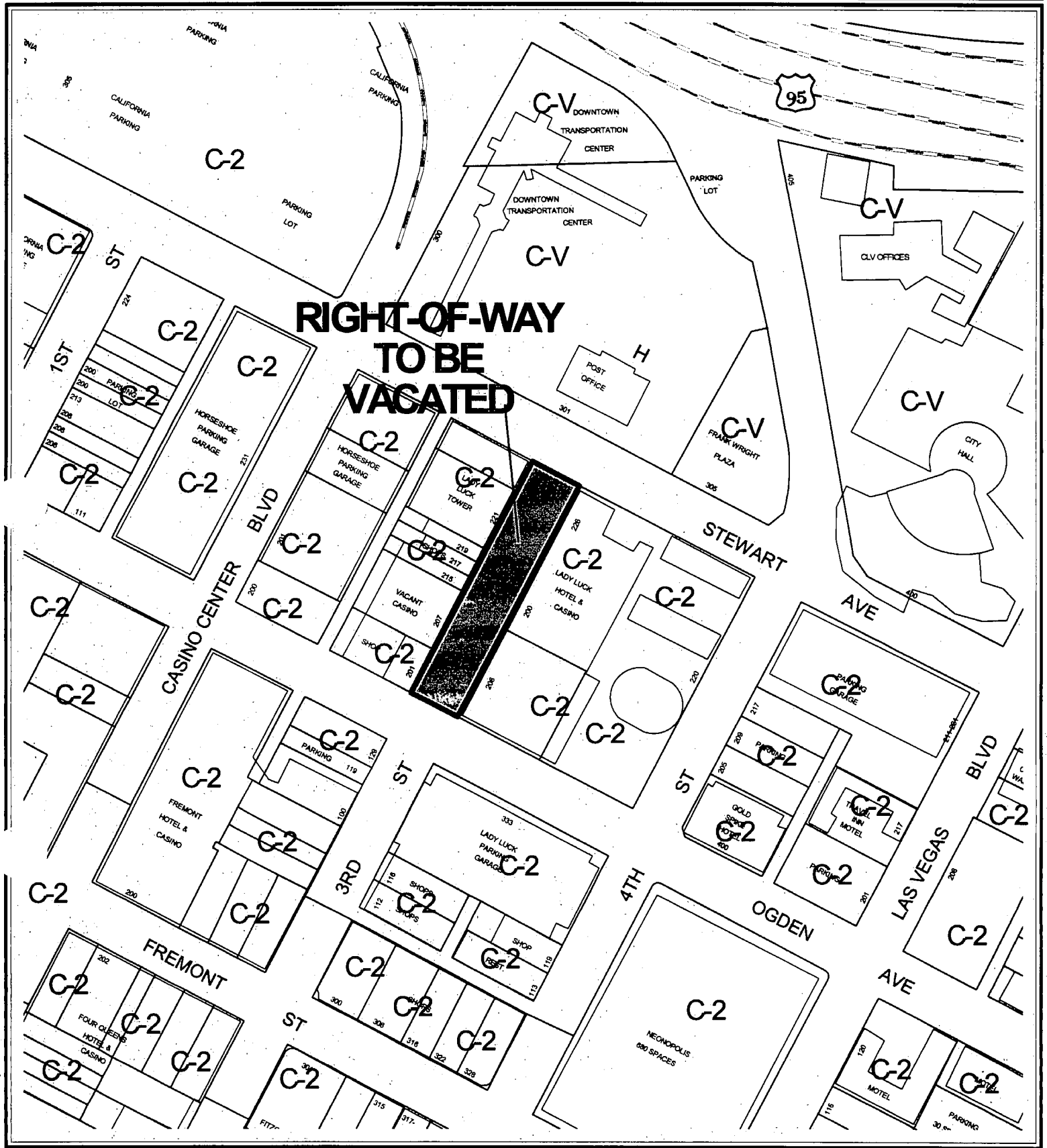
Planning and Development

1. Submittal of a Site Development Plan Review on this property for review by the Planning Commission and City Council at a public hearing prior to the recordation of an Order of Vacation as required by the Department of Planning and Development.
2. Retain a 20-foot public sewer easement centered over the existing sewer line as required by the Department of Public Works. This condition shall not be enforced if an alternative sewer access or relocation plan is submitted to and approved by the City Engineer.
3. Provide to the City written acknowledgment and approval of the proposed Vacation and Parkway Plan from all abutting property owners prior to the recordation of an Order of Vacation as required by the Department of Public Works. All property owners must agree to grant reciprocal access rights across all vacated right-of-way.

CITY COUNCIL MEETING OF MAY 5, 2004
Planning and Development Department
Item 88 –VAC-3926

CONDITIONS – Continued:

4. All existing public improvements, if any, adjacent to and in conflict with this vacation application are to be modified, as necessary, at the applicant's expense prior to the recordation of an Order of Vacation.
5. Reservation of easements for the facilities of the various utility companies together with reasonable ingress thereto and egress therefrom shall be provided if required.
6. All development shall be in conformance with code requirements and design standards of all City Departments.
7. The Order of Vacation shall not be recorded until all of the conditions of approval have been met provided, however, that 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-3926**



AGENDA MEMO

CIT COUNCIL MEETING DATE: MAY 5, 2004

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: VACATION - PUBLIC HEARING - VAC-3926 -

APPLICANT: HENRY BRENT COMPANY - OWNER: STEADFAST AMX I, LIMITED LIABILITY COMPANY AND STEADFAST AMX II, LIMITED LIABILITY COMPANY, ET AL

**** CONDITIONS ****

The Planning Commission (7-0 vote) and staff recommend APPROVAL, subject to:

1. Submittal of a Site Development Plan Review on this property for review by the Planning Commission and City Council at a public hearing prior to the recordation of an Order of Vacation as required by the Department of Planning and Development.
2. Retain a 20-foot public sewer easement centered over the existing sewer line as required by the Department of Public Works. This condition shall not be enforced if an alternative sewer access or relocation plan is submitted to and approved by the City Engineer.
3. Provide to the City written acknowledgment and approval of the proposed Vacation and Parkway Plan from all abutting property owners prior to the recordation of an Order of Vacation as required by the Department of Public Works. All property owners must agree to grant reciprocal access rights across all vacated right-of-way.
4. All existing public improvements, if any, adjacent to and in conflict with this vacation application are to be modified, as necessary, at the applicant's expense prior to the recordation of an Order of Vacation.
5. Reservation of easements for the facilities of the various utility companies together with reasonable ingress thereto and egress therefrom shall be provided if required.
6. All development shall be in conformance with code requirements and design standards of all City Departments.
7. The Order of Vacation shall not be recorded until all of the conditions of approval have been met provided, however, that 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 is a Petition to Vacate Third Street between Ogden Avenue and Stewart Avenue.

B) Applicant's Justification

The Lady Luck Casino wishes to aid in the revitalization of Downtown by proposing a pedestrian mall that would includes nightclubs, restaurants, boutique retail stores, and a staging area for concerts. The applicants would maintain Third Street through non-obtrusive CC&Rs and would provide a valet service.

BACKGROUND INFORMATION

A) Previous Actions

12/26/62	The Board of City Commissioners approved Ordinance 1014 which reaffirmed the C-2 (General Commercial) Zone on the parcels that border to the east and west of this proposed vacation of public right-of-way.
09/14/98	The City Council approved a Petition to Vacate Third Street between Stewart Avenue and Ogden Avenue (VAC-0030-98). The Planning Commission recommended approval on 08/13/98. Staff recommended approval.
01/05/00	The City Council approved a Site Development Plan Review (SD-0030-99) for a proposed pedestrian mall on Third Street between Stewart Avenue and Ogden Avenue. The Planning Commission recommended approval on 11/18/99. Staff recommended approval.
10/12/00	The Planning Commission approved a second Extension of Time on an approved Vacation [VAC-0030-98(2)] to vacate Third Street between Stewart Avenue and Ogden Avenue. Staff recommended approval.
09/19/01	Planning and Development Department Staff administratively approved a third Extension of Time [VAC-0030-98(3)] to vacate Third Street between Stewart Avenue and Ogden Avenue. The expiration date was 09/19/02.
04/08/04	The Planning Commission voted 7-0 to recommend APPROVAL (PC Agenda Item#18/ss)

DETAILS OF APPLICATION REQUEST

This Vacation application is described as all of Third Street, an eighty-foot (80') wide public right-of-way, between the north right-of-way line of Ogden Avenue and the south right-of-way line of Stewart Avenue; said property being a portion of the Northwest Quarter (NW ¼) of the Northeast Quarter (NE ¼) of Section 34, Township 20 South, Range 61 East, M.D.M.

ANALYSIS

A) Planning discussion

The applicant proposes to create a landscaped pedestrian mall between Stewart Avenue and Ogden Avenue that will contain restaurants, bars, nightclubs, and boutique retail stores. It will also provide a venue for concerts or other performances. No site development plans have as yet been submitted for the proposed pedestrian mall; they will be required prior to the recordation of the Order of Vacation. A previous Vacation request and subsequent Site Development Plan Review were approved by the City Council for a similar project. The approval was conditioned on the provision of landscaping, paving, and design elements similar to the Fremont Street Experience pedestrian mall, with which the project was compatible.

This type of development would further the design goals and objectives of the Las Vegas Downtown Centennial Plan, namely the creation of a safe, pedestrian-friendly corridor; enhancement of the overall image of Downtown; and the creation of landscaped, open areas.

The Vacation request is appropriate, as the elimination of the public right-of-way will not result in significantly reduced access traffic handling capability for the area. There are concerns that on-street parking will be lost to the proposed development. The applicant is proposing a valet service as part of this development to address this need; however, this arrangement will be subject to City Council approval. The Department of Public Works is in favor of this petition, provided that utility easements are retained for all public utilities and that traffic patterns are not negatively affected.

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, as it will completely eliminate 3rd Street between Stewart Avenue and Ogden Avenue.
- B. From a traffic handling viewpoint will this vacation request result in a reduced traffic handling capability? *No, since there is very little traffic on this segment of 3rd Street.*

- C. Does it appear that the vacation request involves only excess right-of-way? *No, it is to vacate a portion of 3rd Street in order to create a pedestrian mall and concert venue.*
- D. Does this vacation request coincide with development plans of the adjacent parcels? *According to the letter of request, the applicant is pursuing acquisition of adjacent parcels in order to create a pedestrian mall with shopping and concerts.*
- E. Does this vacation request eliminate public street access to any abutting parcel? *Yes, but the applicant claims to be trying to acquire these properties.*
- F. Does this vacation request result in a conflict with any existing City requirements? *Yes, as it is the City's desire to have as many connecting streets as possible.*
- G. Does the Department of Public Works have an objection to this vacation request? *No, provided that utility easements are retained for all public utilities and that traffic patterns are not negatively affected.*

NOTICES MAILED 11 by City Clerk

APPROVALS 0

PROTESTS 0



**CALIFORNIA
ALL-PURPOSE ACKNOWLEDGMENT**

STATE OF CALIFORNIA

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SS:

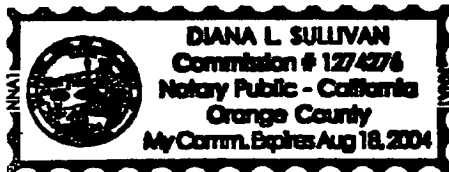
}

COUNTY OF ORANGE

}

On this 15th day of January, 2004, before me, Diana L. Sullivan, Notary Public, personally appeared RODNEY F. EMERY, personally known to me, to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the person or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.



Diana L. Sullivan
Diana L. Sullivan, Notary Public

OPTIONAL INFORMATION:

Title or Type of Document: Statement of Financial Interest

Number of Pages: _____

Date of Document: _____

THIS CERTIFICATE MUST BE ATTACHED TO THE DOCUMENT DESCRIBED ABOVE

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: MAY 5, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☐

CONSENT

☒

DISCUSSION

SUBJECT:

VACATION - PUBLIC HEARING - VAC-3932 - APPLICANT: PACIFIC COAST DEVELOPMENT - OWNER: DARK, LIMITED LIABILITY COMPANY - Petition to Vacate portions of Rebecca Road between Ann Road and El Campo Grande Avenue, Ward 6 (Mack). The Planning Commission (7-0 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 (7-0 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 with GOODMAN excused and Ward 2 seat vacant

MINUTES:

MAYOR PRO TEM REESE declared the Public Hearing open.

The applicant was not present.

No one appeared in opposition.

There was no discussion.

MAYOR PRO TEM REESE declared the Public Hearing closed.

(1:48 - 1:49)

4-813

CONDITIONS:

Planning and Development

1. An application to vacate the western half of Rebecca Road within Clark County, such as Clark County Petition of Vacation VS-290-04, must record concurrently with this Order of Vacation.

CITY COUNCIL MEETING OF MAY 5, 2004
Planning and Development Department
Item 89 – VAC-3932

CONDITIONS – Continued:

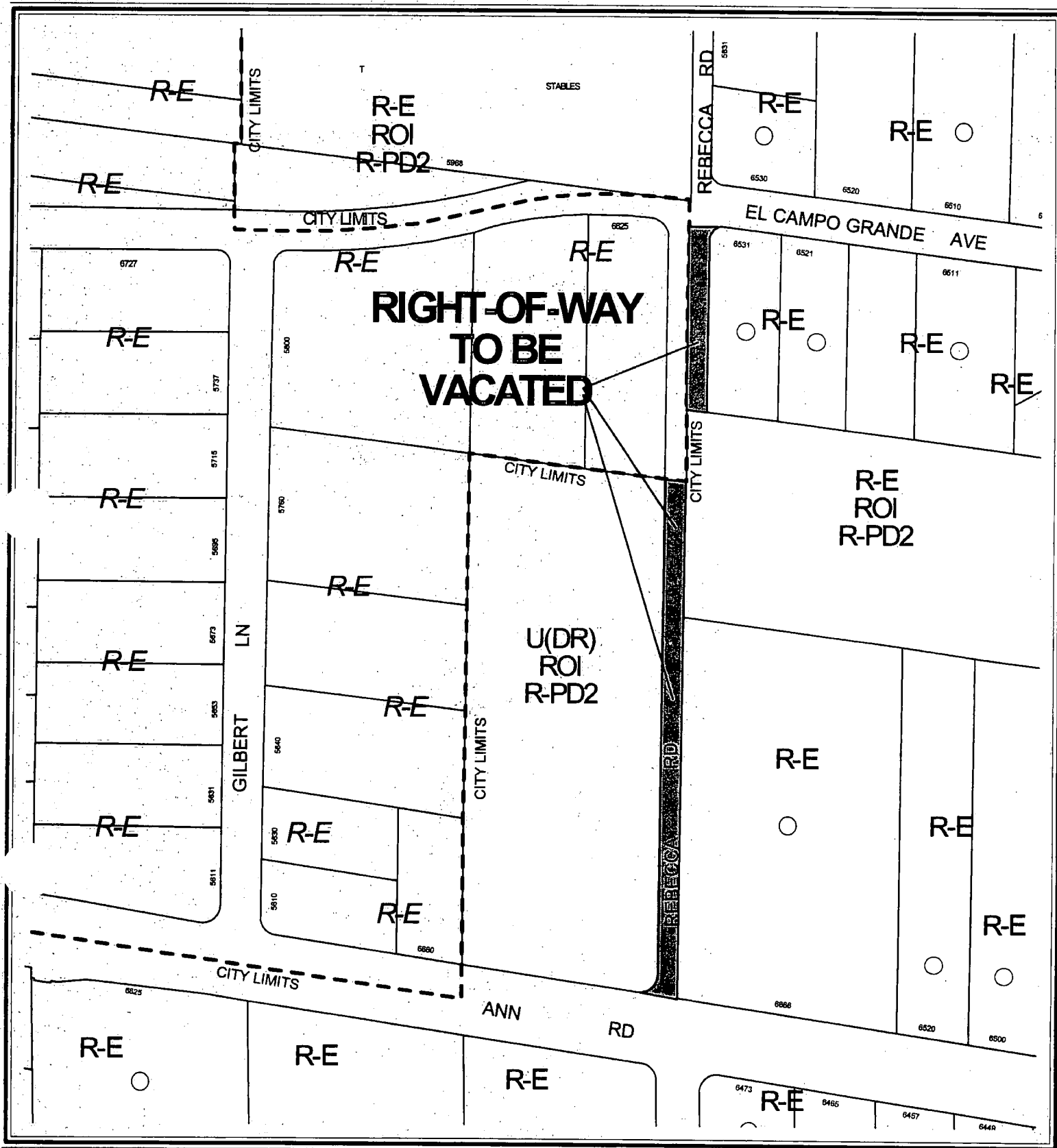
2. This Petition of Vacation shall be modified to retain a 20-foot wide City of Las Vegas Sewer easement within Rebecca Road, in an alignment and to a location acceptable to the City Engineer prior to recordation of the Order of Vacation. Alternatively, provide an abandonment and relocation plan with appropriate easements acceptable to the Department of Public Works prior to the recordation of this Petition of Vacation.
3. Prior to the recordation of the Order of Vacation, the applicant shall reimburse the City of Las Vegas \$1,325.00 or fair market value, whichever is higher, for the radius corner at the northwest corner of Rebecca Road and Ann Road.
4. 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 for the "Ponderosa Estates" Tentative Map may be used to satisfy this condition.
5. Development of these sites shall comply with all applicable conditions of approval of Rezoning application ZON-3080, Site Development Plan Review SDR-3082, "Ponderosa Estates" Tentative Map and all other applicable site related actions.
6. All existing public improvements, if any, adjacent to and in conflict with this vacation application are to be modified, as necessary, at the applicant's expense prior to the recordation of an Order of Vacation.
7. Reservation of easements for the facilities of the various utility companies together with reasonable ingress thereto and egress therefrom shall be provided if required.
8. All development shall be in conformance with code requirements and design standards of all City departments.
9. The Order of Vacation shall not be recorded until all of the conditions of approval have been met provided, however, that 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

CITY COUNCIL MEETING OF MAY 5, 2004
Planning and Development Department
Item 89 – VAC-3932

CONDITIONS – Continued:

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.

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

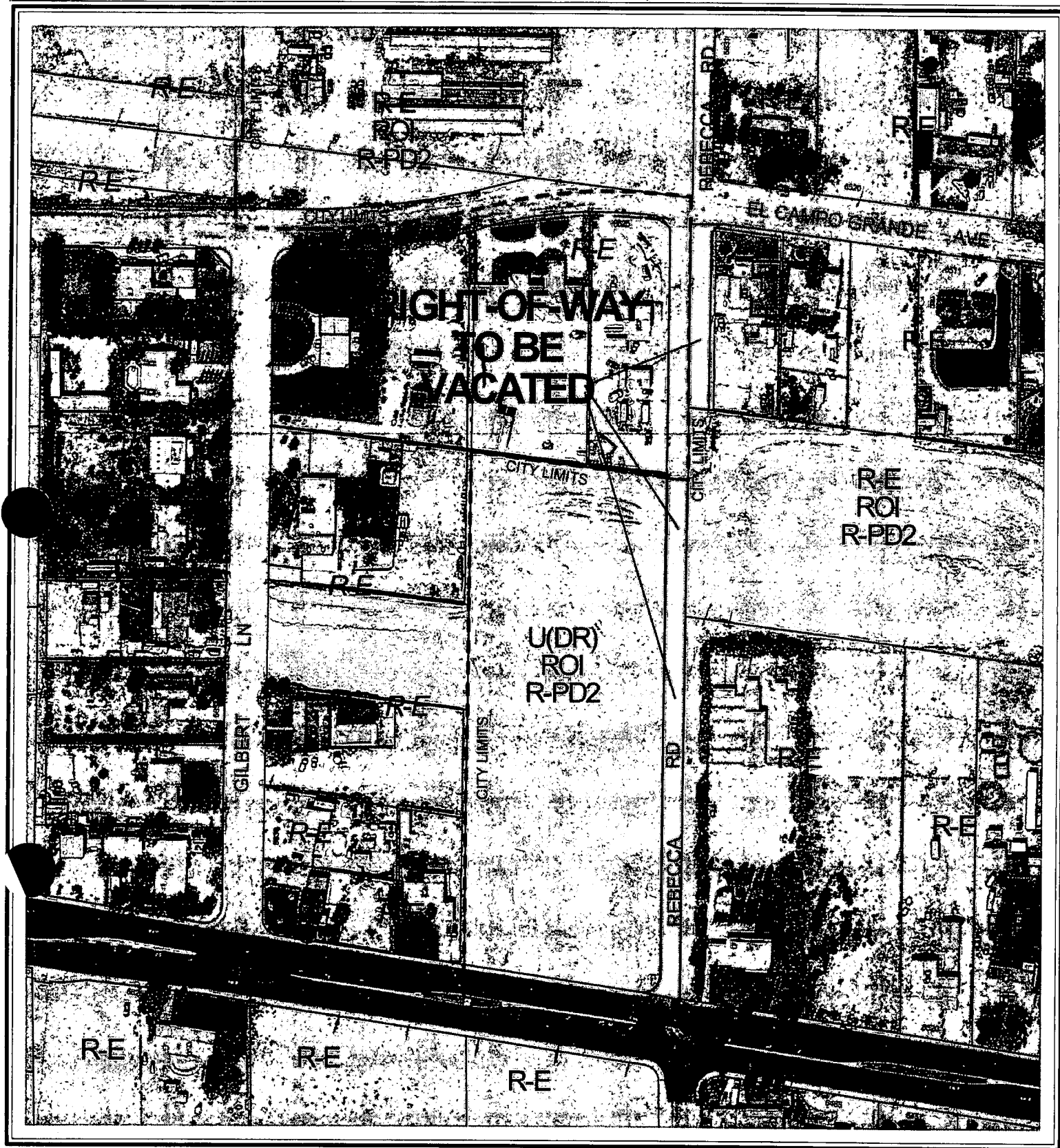


CASE: VAC-3932

0 100 200 Feet

89





CASE: VAC-3932

0 100 200 Feet



AGENDA MEMO

CITY COUNCIL MEETING DATE: MAY 5, 2004

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: VACATION - PUBLIC HEARING - VAC-3932 -

**APPLICANT: PACIFIC COAST DEVELOPMENT - OWNER: DARK, LIMITED
LIABILITY COMPANY**

**** CONDITIONS ****

The Planning Commission (7-0 vote) and staff recommend APPROVAL, subject to:

1. An application to vacate the western half of Rebecca Road within Clark County, such as Clark County Petition of Vacation VS-290-04, must record concurrently with this Order of Vacation.
2. This Petition of Vacation shall be modified to retain a 20-foot wide City of Las Vegas Sewer easement within Rebecca Road, in an alignment and to a location acceptable to the City Engineer prior to recordation of the Order of Vacation. Alternatively, provide an abandonment and relocation plan with appropriate easements acceptable to the Department of Public Works prior to the recordation of this Petition of Vacation.
3. Prior to the recordation of the Order of Vacation, the applicant shall reimburse the City of Las Vegas \$1,325.00 or fair market value, whichever is higher, for the radius corner at the northwest corner of Rebecca Road and Ann Road.
4. 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 for the "Ponderosa Estates" Tentative Map may be used to satisfy this condition.
5. Development of these sites shall comply with all applicable conditions of approval of Rezoning application ZON-3080, Site Development Plan Review SDR-3082, "Ponderosa Estates" Tentative Map and all other applicable site related actions.
6. All existing public improvements, if any, adjacent to and in conflict with this vacation application are to be modified, as necessary, at the applicant's expense prior to the recordation of an Order of Vacation.
7. Reservation of easements for the facilities of the various utility companies together with reasonable ingress thereto and egress therefrom shall be provided if required.
8. All development shall be in conformance with code requirements and design standards of all City departments.

9. The Order of Vacation shall not be recorded until all of the conditions of approval have been met provided, however, that 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.
10. If the Order of Vacation is not recorded within one (1) year after approval by the City Council or an Extension of Time is not granted by the Planning Director, then approval will terminate and a new petition must be submitted.

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

This is a Petition to Vacate portions of Rebecca Road between Ann Road and El Campo Grande Avenue. The Vacation request is in conjunction with the development of a 32-lot single-family residential subdivision (Ponderosa Estates). The Tentative Map for this subdivision (TMP-3989) will be heard concurrently with this application by the Planning Commission.

B) Applicant's Justification

The applicant justifies this request by stating that a residential development is proposed for the area to be vacated. A private non-gated road within the proposed development will connect with Ann Road as Rebecca Road does currently. Rebecca Road in this area is not a collector street and residents in the area are in favor of right-of-way vacation.

BACKGROUND INFORMATION

A) Previous Actions

- 11/06/02 The City Council approved a Special Use Permit (U-0115-02) for private streets within a proposed single-family development adjacent to the west side of Torrey Pines Drive, approximately 600 feet north of Ann Road. The Planning Commission recommended approval on 09/26/02.
- 01/23/03 The Planning Commission approved a Variance (VAR-1389) to allow a reduction of the minimum lot size requirement to range from 16,241 to 18,041 square feet where 20,000 square feet is the minimum lot size required for a proposed single-family development adjacent to the west side of Torrey Pines Drive, approximately 600 feet north of Ann Road. Staff recommended denial.
- 02/05/03 The City Council approved a Petition to Annex (A-0038-02) approximately 495 acres of undeveloped property located in various parts of the city under the provisions of NRS 268.597 No. 1(b), including five acres (APN: 125-26-402-005) adjacent to the west side of Rebecca Road. The Planning Commission and staff recommended approval on 10/24/02. The annexation became effective on 02/14/03.

- 04/10/03 The Planning Commission approved a Tentative Map (TMP-1854) for an 18-lot single-family residential subdivision (Krystal Court) on 8.88 acres adjacent to the west side of Torrey Pines Drive, approximately 260 feet south of El Campo Grande Avenue. Staff recommended approval.
- 12/17/03 The City Council approved requests for a Rezoning (ZON-3080) from U (Undeveloped) Zone [DR (Desert Rural Density Residential) General Plan Designation] and R-E (Residence Estates) to R-PD2 (Residential Planned Development - 2 Units per Acre); and a Site Development Plan Review (SDR-3082) for a 32-lot single-family residential development adjacent to the east and west sides of Rebecca Road, approximately 260 feet south of El Campo Grande Avenue. The Planning Commission and staff recommended approval on 10/23/03.
- 04/08/04 The Planning Commission will consider a related request for a Tentative Map (TMP-3989) for a 32-lot single-family residential subdivision (Ponderosa Estates) on 14.74 acres adjacent to the east and west sides of Rebecca Road, approximately 260 feet south of El Campo Grande Avenue. Staff recommends approval of this request.
- 04/08/04 The Planning Commission voted 7-0 to recommend APPROVAL (PC Agenda Item #10/ss)

DETAILS OF APPLICATION REQUEST

This Vacation application is described as the West Half (W½) of Rebecca Road, thirty feet (30') wide, commencing at the north right-of-way line of Ann Road, extending northerly approximately seven hundred fifty feet (750'), including the Spandrel Area; and the East Half (E½) of Rebecca Road, thirty feet (30') wide, commencing at the south right-of-way line of El Campo Grande Avenue, extending southerly approximately two hundred sixty feet (260'), including the Spandrel Area; said property being a portion of the South Half (S½) of the Southwest Quarter (SW¼) of Section 26, Township 19 South, Range 60 East, M.D.M.

ANALYSIS

A) Planning discussion

The applicant intends to incorporate the Rebecca Road public right-of-way into the proposed residential development adjacent to the east and west sides of Rebecca Road. 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. As portions of the right-of-way are located within unincorporated Clark County, a separate vacation of Rebecca Road for those portions must be filed with Clark County. The City and County Orders of Vacation should record concurrently. Although the parcel on the southeast corner of Rebecca Road and El Campo Grande Avenue is not part of the proposed development, the property owner has agreed to the proposed vacation.

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, as it will eliminate existing portions of Rebecca Road between Ann Road and El Campo Grande Avenue.*
- B. From a traffic handling viewpoint, will this vacation request result in a reduced traffic handling capability? *No, since Rebecca Road is not a through street at this location.*
- C. Does it appear that the vacation request involves only excess right-of-way? *No, it is to eliminate Rebecca Road so that it may be incorporated into a proposed subdivision.*
- D. Does this vacation request coincide with development plans of the adjacent parcels? *Yes, the "Ponderosa Estates" subdivision on this same agenda.*
- 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 8 by City Clerk

APPROVALS 0

PROTESTS 0

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: MAY 5, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☐

CONSENT

☒

DISCUSSION

SUBJECT:

ABEYANCE ITEM - VARIANCE - PUBLIC HEARING - **VAR-3880** -
APPLICANT/OWNER: ASIE JAH - Request for a Variance TO ALLOW FIVE PARKING
SPACES WHERE SIX ARE REQUIRED FOR A PROPOSED OFFICE on 0.18 acres at
2413 Maroney Avenue (APN: 162-02-410-096) R-2 (Medium-Low Density Residential) under
Resolution of Intent to N-S (Neighborhood Service) Zone, Ward 3 (Reese). The Planning
Commission (6-0 vote) and staff recommend APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.

0

City Council Meeting

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

0

City Council Meeting

RECOMMENDATION:

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

BACKUP DOCUMENTATION:

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

MOTION:

REESE – APPROVED subject to conditions – **UNANIMOUS** with **GOODMAN** excused
and Ward 2 seat vacant

MINUTES:

MAYOR PRO TEM REESE declared the Public Hearing open on Item 90 [VAR-3880] and Item
91 [SDR-3710].

EDGAR MONTALBO appeared on behalf of the applicant and concurred with staff
recommendations.

TODD FARLOW, 240 North 19th Street, stated that he does not believe the office will be used as
a law office. **MAYOR PRO TEM REESE** indicated he visited the property and that Planning
staff indicated the proposed project will fit on this property. The property fronts on Sahara
Avenue. He did admit he had concerns about this property, but with the plans and conditions in
place, he feels the applicant should be given an opportunity to develop this property.

CITY COUNCIL MEETING OF MAY 5, 2004
Planning and Development Department
Item 90 – VAR-3880

MINUTES – Continued:

MAYOR PRO TEM REESE declared the Public Hearing closed on Item 90 [VAR-3880] and Item 91 [SDR-3710].

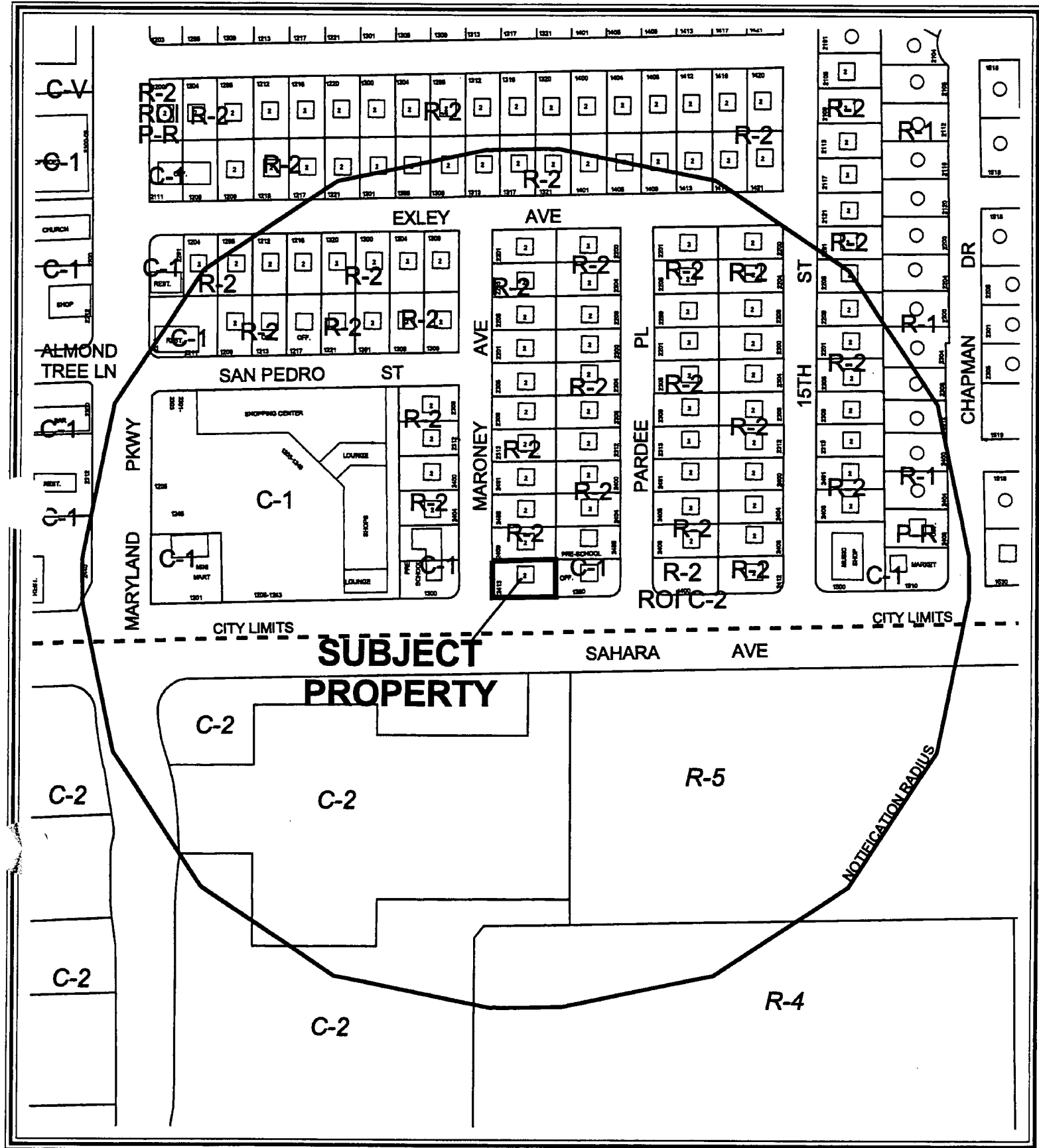
(1:49 – 1:51)

4-845

CONDITIONS:

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Site Development Plan Review (SDR-3710).
2. This Variance shall expire two years from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.



CASE: **VAR-3880**

RADIUS: 750 FT

ZONING OF SUBJECT PROPERTY:

R-2 (MEDIUM-LOW DENSITY RESIDENTIAL) UNDER RESOLUTION OF INTENT TO N-S
(NEIGHBORHOOD SERVICE)

90



AGENDA MEMO

CITY COUNCIL MEETING DATE: MAY 5, 2004

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: VAR-3880 - APPLICANT/OWNER: ASIE JAH

THIS ITEM WAS HELD IN ABEYANCE FROM THE APRIL 7, 2004 CITY COUNCIL MEETING AT THE MAYOR PRO TEM'S REQUEST.

**** CONDITIONS ****

The Planning Commission (6-0 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-3710).
2. This Variance shall expire two years from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

This request is for a Variance to allow five parking spaces where six are required for a proposed office located 2413 Maroney Street or the northeast corner of Maroney Street and Sahara Avenue. A site development plan review application (SDR-3710) was filed as a companion application.

B) Applicant's Justification

The proposed use is consistent with other uses along Sahara Avenue.

BACKGROUND INFORMATION

A) Previous Actions

02/16/00	The City Council approved a rezoning application (Z-0076-99), R-2 (Medium Low Density Residential) to C-1 (Limited Commercial) for the site.
05/15/02	The City Council approved an extension of time application [Z-0076-99(1)] for the site.
02/26/04	The Planning Commission recommended approval of a related Site Development Plan Review (SDR-3710).
02/26/04	The Planning Commission voted 6-0 to recommend APPROVAL (PC Agenda Item #34/kcw).

B) Pre-Application Meeting

01/29/04	The following was discussed during the pre-application conference with the applicant: ▪ The handicap parking should be located at the rear with employee parking. ▪ The front buffer may need to be reduced to three feet in width. ▪ Client parking should out front. ▪ The perimeter landscaping along the north side will need to be reduced to one foot in width.

C) Neighborhood Meetings

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

DETAILS OF APPLICATION REQUEST

A) *Site Area*

Net Acres: 0.18

B) *Existing Land Use*

Subject Property: Duplex residence
North: Duplex residence
South: Sahara Avenue
East: Office
West: Pre-school

C) *Planned Land Use*

Subject Property: SC (Service Commercial)
North: O (Office)
South: Sahara Avenue
East: SC (Service Commercial)
West: SC (Service Commercial)

D) *Existing Zoning*

Subject Property: R-2 (Medium –Low Density Residential) under resolution of intent to
N-S (Neighborhood Service)
North: R-2 (Medium –Low Density Residential)
South: Sahara Avenue
East: C-1 (Limited Commercial)
West: C-1 (Limited Commercial)

E) *General Plan Compliance:* Southeast Sector Land Use Plan of the General Plan

The uses allowed the N-S (Neighborhood Service) zoning district are retail shopping, service, and professional offices principally serving neighborhood needs and is compatible in scale, character and intensity with adjacent residential development. N-S is consistent with the SC (Service Commercial) Land use of the General Plan.

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

There are no special plans, studies, impact statements, or overlays that pertain to this location.

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	N/A	N/A	Y/N
Min. Lot Width	100 Feet	72	N
Min. Setbacks			
• Front	25 Feet	30 Feet	Y
• Side	10 Feet	17 Feet	Y
• Corner	15 Feet	17 Feet	Y
• Rear	25 Feet	32 Feet	Y
Max. Lot Coverage	30 %	16%	Y
Max. Building Height	2 Stories / 35 Feet	One Story	Y
Mech. Equipment	Yes		Not Shown

The proposal meets the requirement of the development standards of Title 19 except for lot width. The applicant is asking for a waiver of the 100-foot wide lot width, as the existing lot is only 72 feet.

A2) Residential Adjacency Standards

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

- a) Proximity slope: The proposal meets the requirement.
- b) Building setback: The proposal meets the requirement.

A3) Parking and Traffic Standards

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

Uses	GFA	Ratio	Required		Provided	
			Parking		Parking	
			Regular	Handicap	Regular	Handicap
Office	1786 SF.	1/300 GFA	5	1	4	1

This request is justified because short of removing the building and building a smaller one it would be impossible for the design to increase the number the parking spaces more than the five shown.

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	0 Trees	0
Buffer:			
• Min. Trees	1 Trees/ 30Linear Feet	13 Trees	11
• Min. Zone Width	8 Feet		1 foot Rear, 3
• Wall height	6 Feet		foot side 6 foot wall

The applicant is asking for a waiver of the 15-foot front and the 8-foot side landscape buffer.

B) General Analysis and Discussion

The applicant proposes a two-unit office building. The front of the building faces south towards Sahara Avenue with a 10-foot landscape strip and the sidewalk separating the building from Sahara. There will be a single employee designated parking space and the handicap space in the backyard of the former residence. Three patron parking spaces are planned for the former front yard. Access to the handicap and employee spaces will be by a 14 drive along the north side of the building.

The configuration of the site is the result of Planning and Public Works staff working with the applicant to achieve the best design possible. After much study the best design resulted in a layout that could only offer five total parking spaces. Because of the work done by staff with the applicant the variance is supported as the best design could only achieve five spaces.

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.”

Because of the constraints of the existing site layout the variance for parking is justified. It was found after working with the applicant on the design only five parking spaces could be achieved and still maintain setbacks and a minimal amount of landscaping around the building. The alternative would be to restrict the use to residential or demolition and reconstruction of a smaller building. That would deny the applicant development rights entitled by the N-S (Neighborhood Service) zoning district.

PLANNING COMMISSION ACTION

The Planning Commission concurred with staff that all possible parking is being provided and it is adequate for the proposed use.

NOTICES MAILED 99 by City Clerk

APPROVALS 0

PROTESTS 0



PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **VAR-3880** APN: _____

Name of Property Owner: ASIF JAH

Name of Applicant: ASIF JAH

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: _____

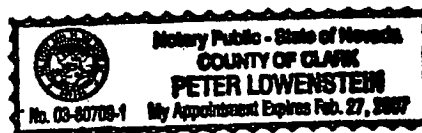
Signature of Property Owner/Authorized Agent: Asif Jaha

Print Name: ASIF JAH

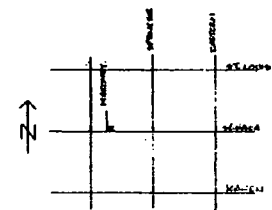
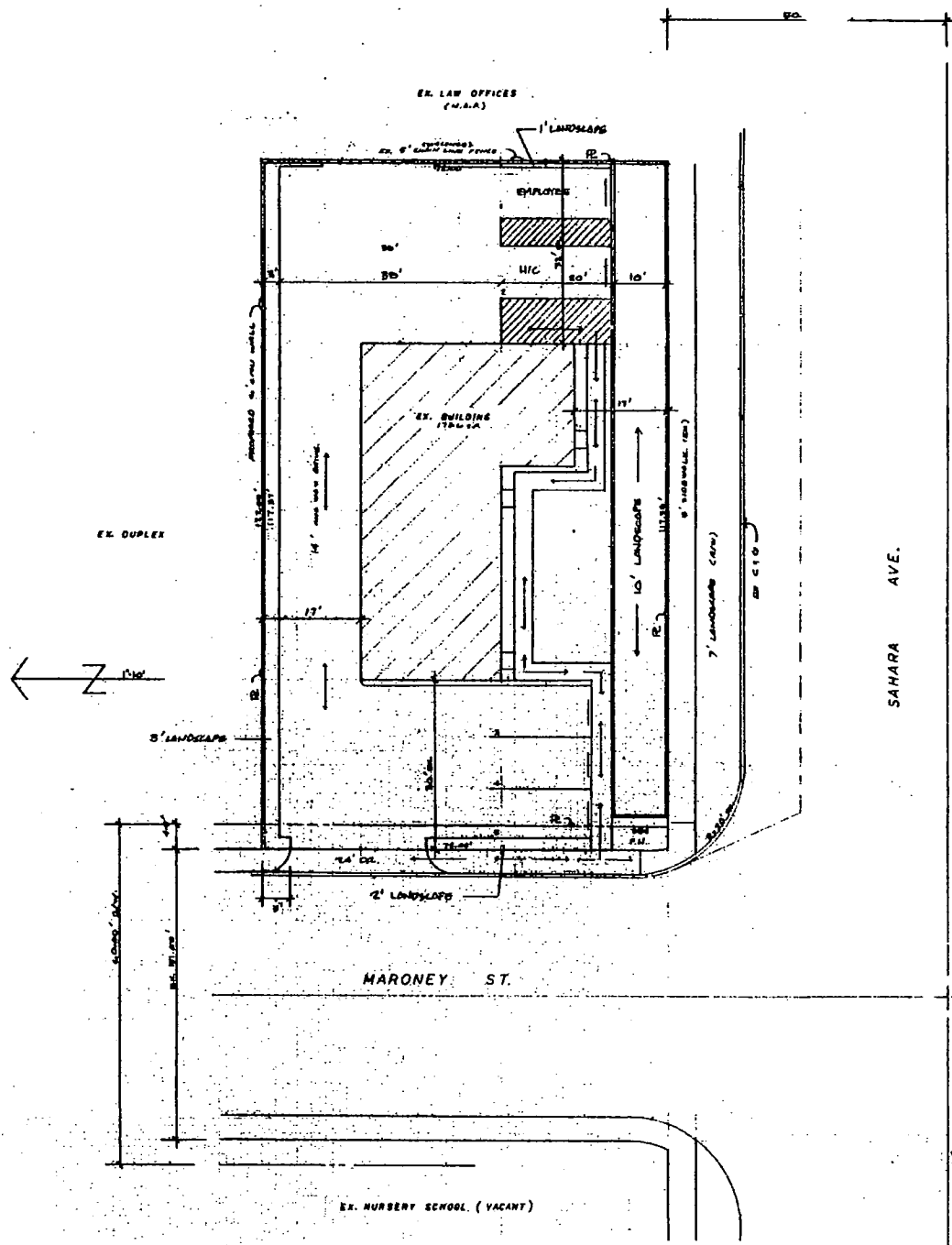
Subscribed and sworn before me

This 9th day of FEB, 2004

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



REVISIONS



VICINITY MAP

APN. 162-02-410-096
 BLOCK-6 LOT-11
 PROPERTY SIZE 8784 S.F.
 EX. BUILDING SIZE 1786 S.F.
 PARKING ANALYSIS
 1786 ÷ 300 = 161 SPACES
 PROVIDED 151 SPACES TL.
 =111 SPACE N/C

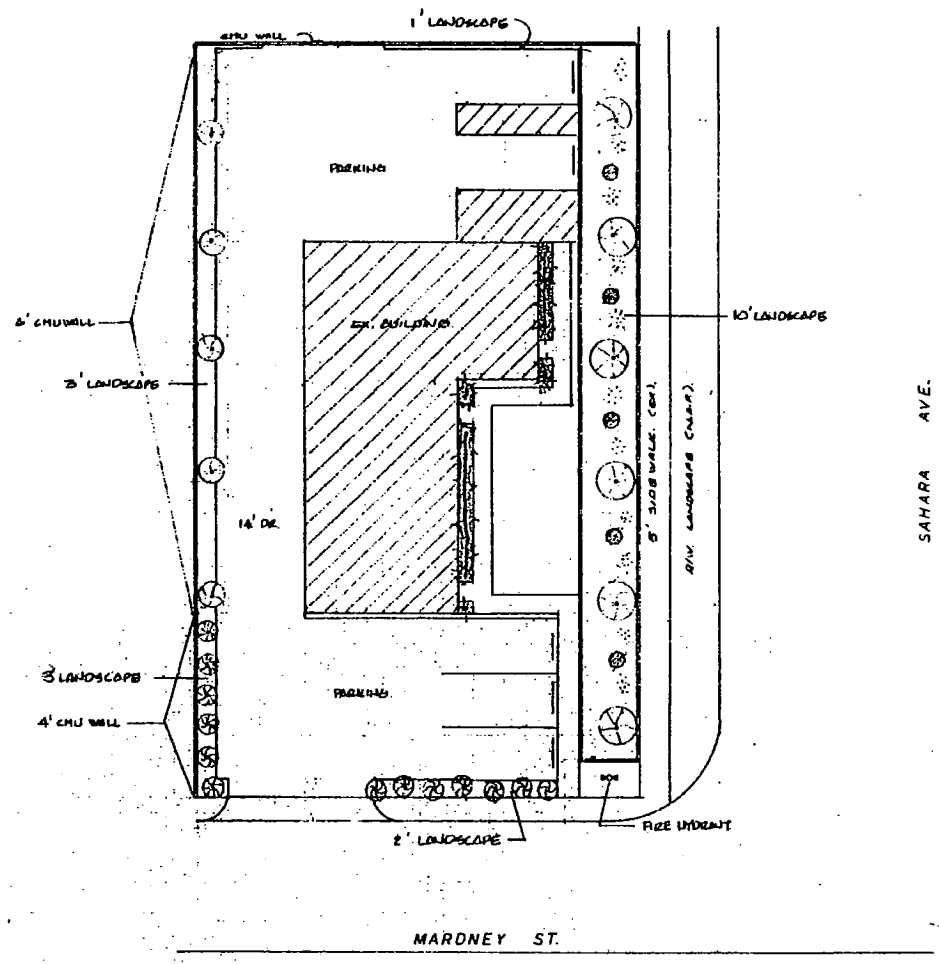
SITE PLAN 1"=10'

VAR-3880
2-26-04 PC

ASIF JAH
 2415 MARONEY ST.
 L.V., NV.

Scale	1"=10'
Date	
Drawn	
Check	

REVISIONS



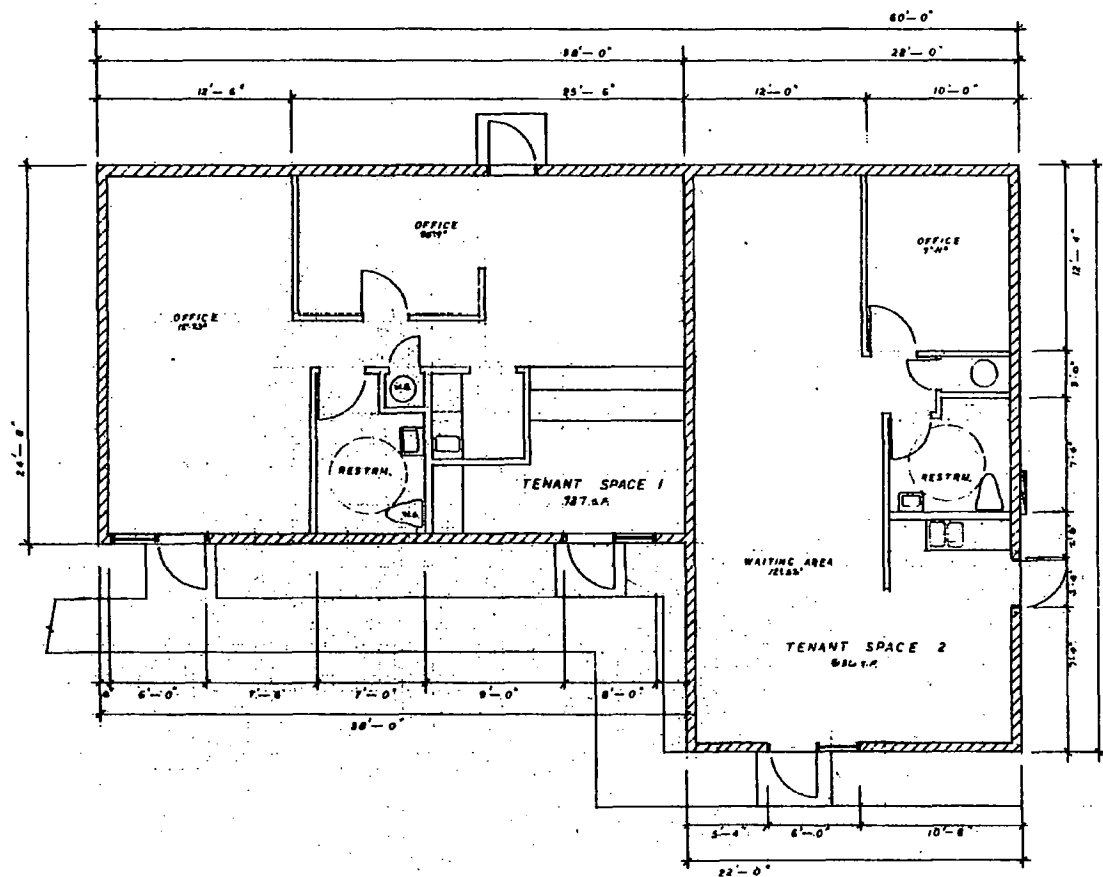
LEGEND

- ⊗ MEXICAN FAN PALM. (24" BOX)
- ⊙ MEDITERRANEAN FAN PALM. (8" OAL)
- JUNIPERS (9" OAL)
- ⊗ JAPANESE BOXWOOD (8" OAL)
- ⊙ CRUSHED STONE 1 1/2" - 3/4"

VAR-3880 LANDSCAPE PLAN
2-26-04 PC 1"=10'

ASIF JAH
 2415 MARDNEY ST.
 LV NV.

Date	
Scale	1"=10'
Drawn	
Check	
Rev	LD
By	



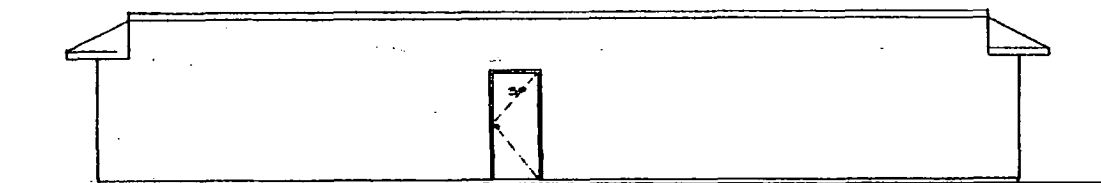
VAR-3880 FLOOR PLAN
2-26-04 PC

REVISIONS

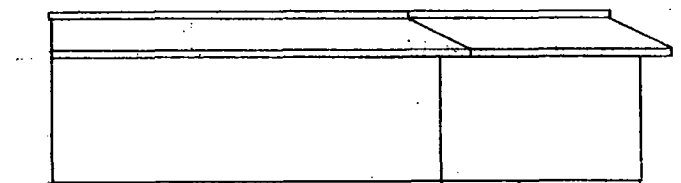
ASIF JAH
 2413 MARONEY ST.
 LY. NY.

2

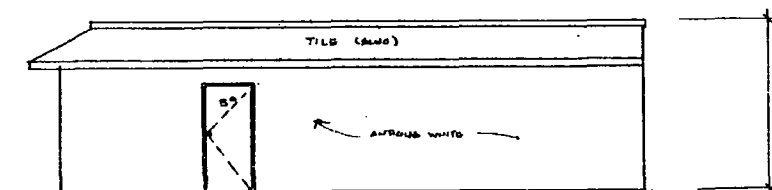
REVISIONS



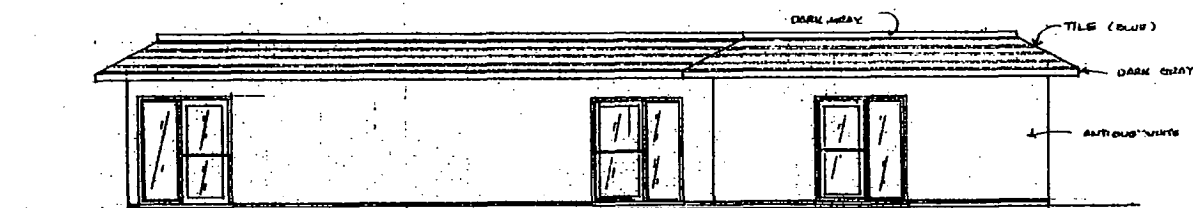
NORTH ELEV.



WEST ELEV.



EAST ELEV.



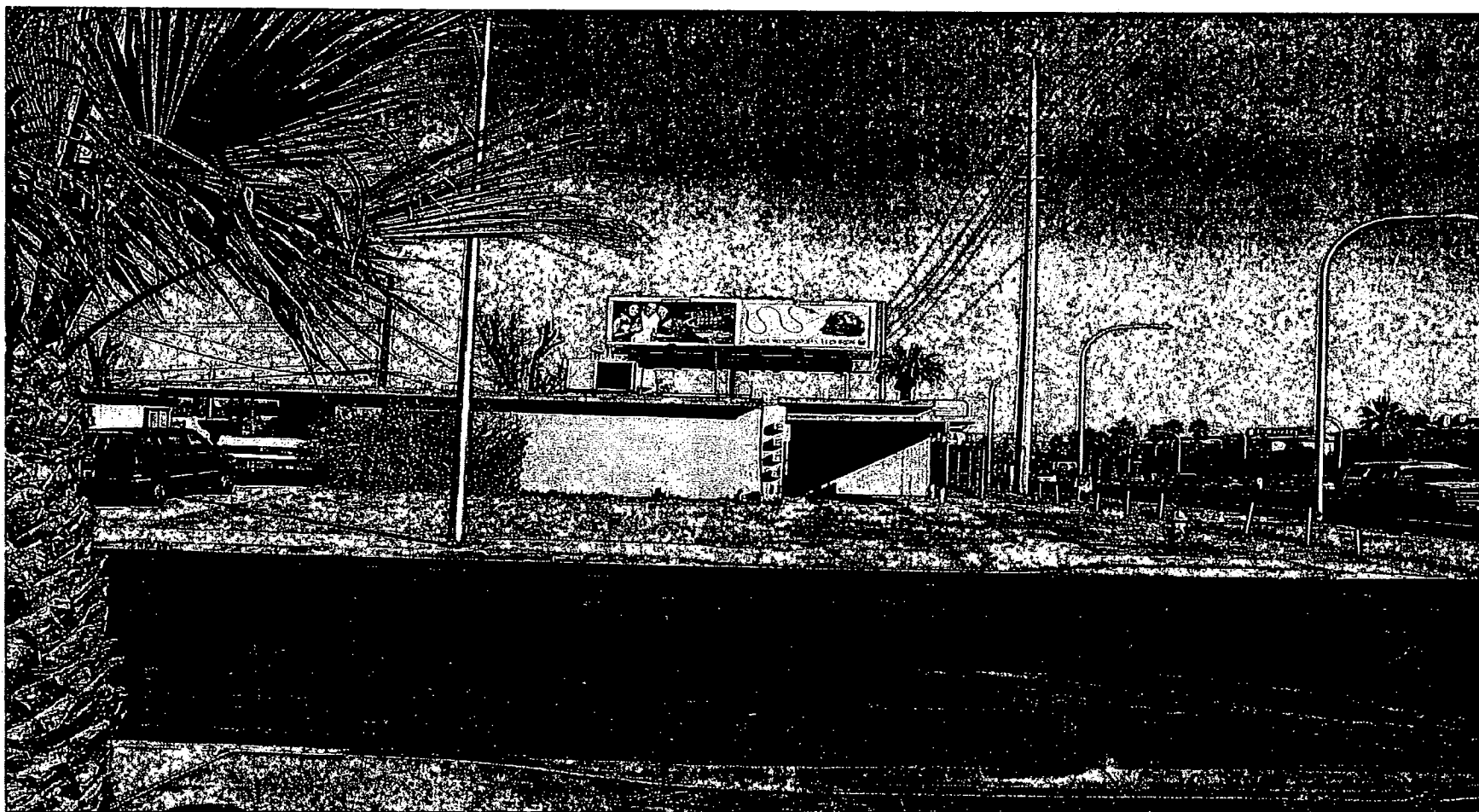
SOUTH ELEV.

ELEVATIONS.

VAR-3880
2-26-04 PC

ASIF JAH
2413 MARONEY ST.
LV. NV.

Date	
Week	1/4
System	
Job	
Class	3
Of	2



VAR-3880 - APPLICANT/OWNER: ASIE JAH
2413 MARONEY AVENUE
FEBRUARY 26, 2004 PLANNING COMMISSION

2/9/04

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF: MAY 5, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☐

CONSENT

☒

DISCUSSION

SUBJECT:

ABEYANCE ITEM - SITE DEVELOPMENT PLAN REVIEW RELATED TO VAR-3880 - PUBLIC HEARING - **SDR-3710** - **APPLICANT/OWNER: ASIE JAH** - Request for a Site Development Review FOR A PROPOSED LAW OFFICE AND FOR A WAIVER OF THE PERIMETER PARKING LOT LANDSCAPING REQUIREMENTS on 0.18 acres at 2413 Maroney Avenue (APN: 162-02-410-096) R-2 (Medium-Low Density Residential) under Resolution of Intent to N-S (Neighborhood Service) Zone, Ward 3 (Reese). The Planning Commission (6-0 vote) and staff recommend APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

RECOMMENDATION:

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

BACKUP DOCUMENTATION:

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

MOTION:

REESE – APPROVED subject to conditions – **UNANIMOUS** with **GOODMAN** excused and Ward 2 seat vacant

MINUTES:

NOTE: See Item 90 [VSR-3880] for all related discussion.

(1:49 – 1:51)

4-845

CONDITIONS:

Planning and Development

1. Prior to the issuance of building permits, a revised landscape plan must be submitted to and approved by the Department of Planning and Development showing a maximum of 15% of the total landscaped area as turf.
2. This Site Development Plan Review shall expire two years from date of final approval unless it is exercised or an Extension of Time is granted by the City Council.

CITY COUNCIL MEETING OF MAY 5, 2004
Planning and Development Department
Item 91 –SDR-3710

CONDITIONS – Continued:

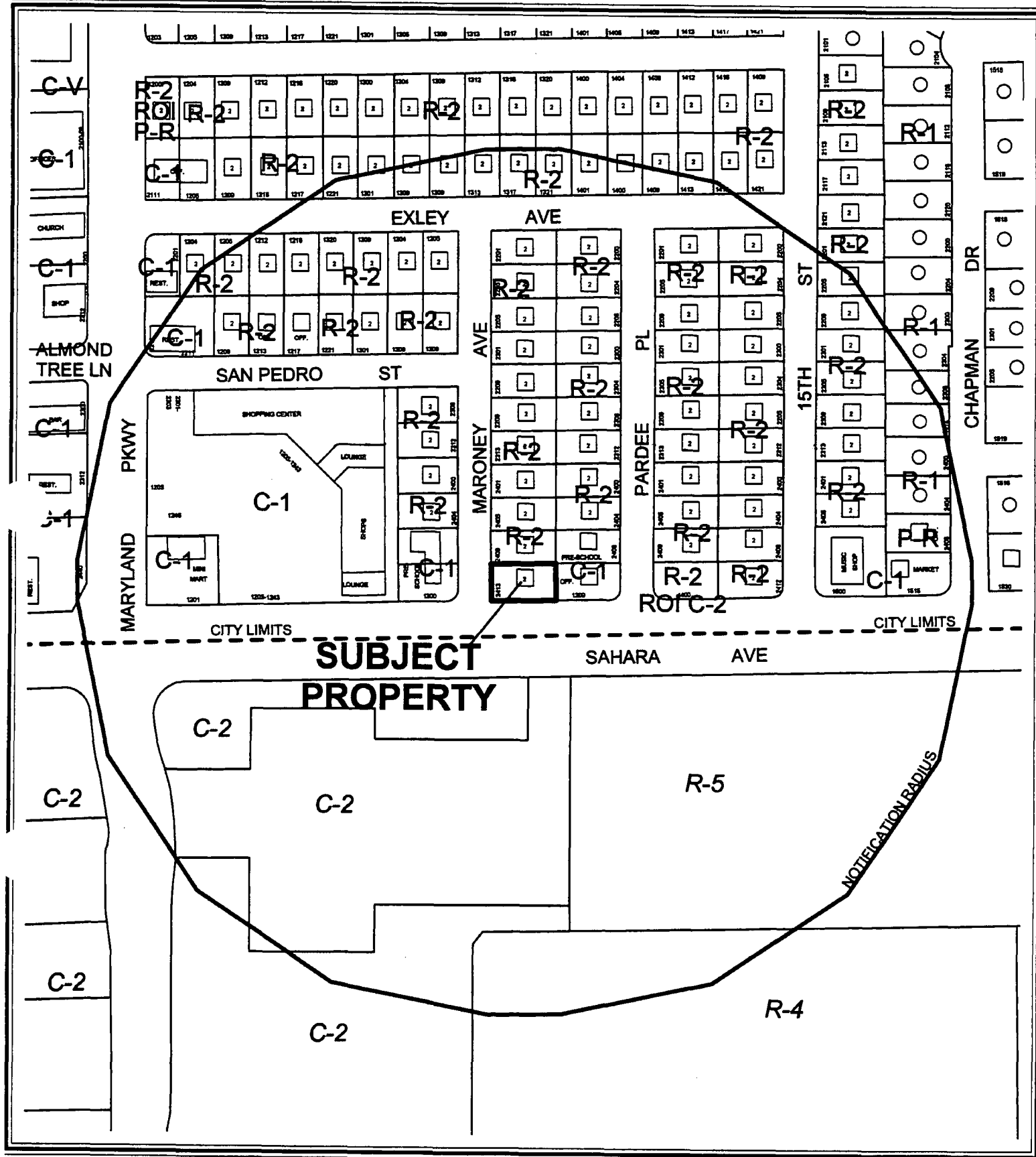
3. All development shall be in conformance with the site plan, landscape plan and building elevations, date stamped February 18, 2004, except as amended by conditions herein.
4. Prior to the submittal of a building permit, the applicant shall meet with Planning and Development Department staff to develop a comprehensive address plan for the subject site. A copy of the approved address plan shall be submitted with any future building permit applications related to the site.
5. Landscaping and a permanent underground sprinkler system shall be installed as required by the Planning Commission or City Council and shall be permanently maintained in a satisfactory manner. [Failure to properly maintain required landscaping and underground sprinkler systems should be cause for revocation of a business license.]
6. A landscaping plan that shows the street buffer along Sahara Avenue to match the neighboring desert landscaping must be submitted prior to or at the same time application is made for a building permit.
7. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.
8. Parking lot lighting standards shall be no more than 30 feet in height and shall utilize 'shoe-box' fixtures and downward-directed lights. Wallpack lighting shall utilize 'shoe-box' fixtures and downward-directed lights on the proposed building. Non-residential property lighting shall be directed away from residential property or screened, and shall not create fugitive lighting on adjacent properties.
9. All utility boxes exceeding 27 cubic feet in size shall meet the standards of Title 19.12.050.
10. Any property line wall shall be a decorative block wall, with at least 20 percent contrasting materials. Wall heights shall be measured from the side of the fence with the least vertical exposure above the finished grade, unless otherwise stipulated.
11. All City Code requirements and design standards of all City departments must be satisfied.
12. The applicant shall meet with Planning and Development staff to develop an addressing plan prior to issue of permits.

CITY COUNCIL MEETING OF MAY 5, 2004
Planning and Development Department
Item 91 –SDR-3710

CONDITIONS – Continued:

Public Works

13. Meet with the Flood Control Section of the Department of Public Works for assistance with the existing finished floor elevations and drainage patterns for this site prior to submittal of construction plans or the issuance of any permits, whichever may occur first. Provide and improve all drainageways as recommended.
14. Site development to comply with all applicable conditions of approval for Z-76-99 and all other subsequent site-related actions.



CASE: SDR-3710

RADIUS: 750 FT

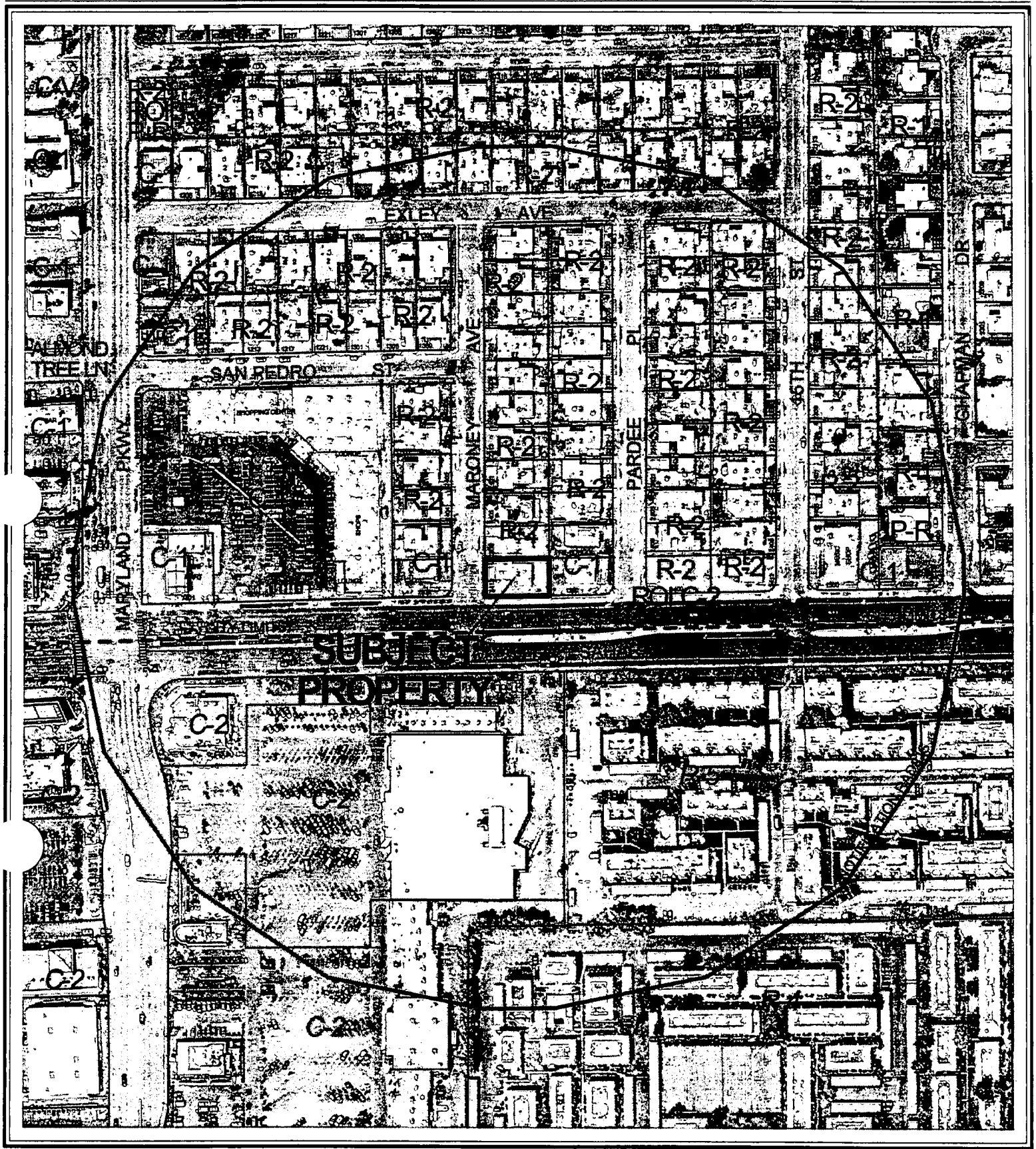
ZONING OF SUBJECT PROPERTY:

R-2 (MEDIUM-LOW DENSITY RESIDENTIAL) UNDER RESOLUTION OF INTENT TO N-S (NEIGHBORHOOD SERVICE)

0 100 200 Feet

91





CASE: SDR-3710

RADIUS: 750 FT

ZONING OF SUBJECT PROPERTY:

R-2 (MEDIUM-LOW DENSITY RESIDENTIAL) UNDER RESOLUTION OF INTENT TO N-S
(NEIGHBORHOOD SERVICE)

0 100 200 Feet



AGENDA MEMO

CITY COUNCIL MEETING DATE: MAY 5, 2004

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: SDR-3710 - APPLICANT/OWNER: ASIE JAH

THIS ITEM WAS HELD IN ABEYANCE FROM THE APRIL 7, 2004 CITY COUNCIL MEETING AT THE MAYOR PRO TEM'S REQUEST.

**** CONDITIONS ****

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

Planning and Development

1. Prior to the issuance of building permits, a revised landscape plan must be submitted to and approved by the Department of Planning and Development showing a maximum of 15% of the total landscaped area as turf.
2. This Site Development Plan Review shall expire two years from date of final approval unless it is exercised or an Extension of Time is granted by the City Council.
3. All development shall be in conformance with the site plan, landscape plan and building elevations, date stamped February 18, 2004, except as amended by conditions herein.
4. Prior to the submittal of a building permit, the applicant shall meet with Planning and Development Department staff to develop a comprehensive address plan for the subject site. A copy of the approved address plan shall be submitted with any future building permit applications related to the site.
5. Landscaping and a permanent underground sprinkler system shall be installed as required by the Planning Commission or City Council and shall be permanently maintained in a satisfactory manner. [Failure to properly maintain required landscaping and underground sprinkler systems should be cause for revocation of a business license.]
6. A landscaping plan that shows the street buffer along Sahara Avenue to match the neighboring desert landscaping must be submitted prior to or at the same time application is made for a building permit.
7. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.
8. Parking lot lighting standards shall be no more than 30 feet in height and shall utilize 'shoe-box' fixtures and downward-directed lights. Wallpack lighting shall utilize 'shoe-box' fixtures and downward-directed lights on the proposed building. Non-residential property lighting shall be directed away from residential property or screened, and shall not create fugitive lighting on adjacent properties.

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11. All City Code requirements and design standards of all City departments must be satisfied.
12. The applicant shall meet with Planning and Development staff to develop an addressing plan prior to issue of permits.

Public Works

13. Meet with the Flood Control Section of the Department of Public Works for assistance with the existing finished floor elevations and drainage patterns for this site prior to submittal of construction plans or the issuance of any permits, whichever may occur first. Provide and improve all drainageways as recommended.
14. Site development to comply with all applicable conditions of approval for Z-76-99 and all other subsequent site-related actions.

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

This is a request for a Site Development Plan Review and a Waiver of Commercial Development and landscaping standards for a proposed 1,786 square foot office building on 0.18 acres at 2413 Maroney Street. A Variance application for parking (VAR-3880) will be considered as a companion agenda item.

B) Applicant's Justification

The proposed use is consistent with other uses along Sahara Avenue.

BACKGROUND INFORMATION

A) Previous Actions

2/16/00	The City Council approved a rezoning application (Z-0076-99), R-2 (Medium Low Density Residential) to C-1 (Limited Commercial) for the site.
5/15/02	The City Council approved an extension of time application [Z-0076-99(1)] for the site.
02/26/04	The Planning Commission recommended approval of a related Variance (VAR-3880). Staff recommended approval.
02/26/04	The Planning Commission voted 6-0 to recommend APPROVAL (PC Agenda Item #35/kcw).

B) Pre-Application Meeting

01/29/04	The following was discussed during the pre-application conference with the applicant: ▪ The handicap parking should be located at the rear with employee parking. ▪ The front buffer may need to be reduced to three feet in width. ▪ Client parking should out front. ▪ The perimeter landscaping along the north side will need to be reduced to one foot in width.

C) Neighborhood Meetings

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

DETAILS OF APPLICATION REQUEST

A) Site Area

Net Acres: 0.18

B) Existing Land Use

Subject Property: Duplex residence
North: Duplex residence
South: Sahara Avenue
East: Office
West: Pre-school

C) Planned Land Use

Subject Property: SC (Service Commercial)
North: O (Office)
South: Sahara Avenue
East: SC (Service Commercial)
West: SC (Service Commercial)

D) Existing Zoning

Subject Property: R-2 (Medium – Low Density Residential) under resolution of intent to
N-S (Neighborhood Service)
North: R-2 (Medium – Low Density Residential)
South: Sahara Avenue
East: C-1 (Limited Commercial)
West: C-1 (Limited Commercial)

E) General Plan Compliance: Southeast Sector Land Use Plan of the General Plan

The uses allowed the N-S (Neighborhood Service) zoning district are retail shopping, service, and professional offices principally serving neighborhood needs and is compatible in scale, character and intensity with adjacent residential development. N-S (Neighborhood Service) is consistent with the SC (Service Commercial) Land use of the General Plan.

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

PROJECT DESCRIPTION

The applicant proposes a two-unit office building. The front of the building faces south towards Sahara Avenue with a 10-foot landscape strip and the sidewalk separating the building from Sahara. There will be a single employee designated parking space and the handicap space in the backyard of the former residence. Three patron parking spaces are planned for the former front yard. Access to the handicap and employee spaces will be by a 14 drive along the north side of the building.

The configuration of the site is the result of Planning and Public Works staff working with the applicant to achieve the best design possible. After much study the best design resulted in a layout that could only offer five total parking spaces. Because of the work done by staff with the applicant the variance is supported as the best design could only achieve five spaces.

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	N/A	N/A	Y/N
Min. Lot Width	100 Feet	72	N
Min. Setbacks			
• Front	25 Feet	30 Feet	Y
• Side	10 Feet	17 Feet	Y
• Corner	15 Feet	17 Feet	Y
• Rear	25 Feet	32 Feet	Y
Max. Lot Coverage	30 %	16%	Y
Max. Building Height	2 Stories / 35 Feet	One Story	Y
Mech. Equipment	Yes		Not Shown

The proposal meets the requirement of the development standards of Title 19 except for lot width. The applicant is asking for a waiver of the 100-foot wide lot width, as the existing lot is only 72 feet.

A2) Residential Adjacency Standards

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

- a) Proximity slope: The proposal meets the requirement.
- b) Building setback: The proposal meets the requirement.

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
Office	1786 SF.	1/300 GFA	5	1	4	1

This request is justified because short of removing the building and building a smaller one it would be impossible for the design to increase the number the parking spaces more than the five shown.

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	0 Trees	0
Buffer:			
• Min. Trees	1 Trees/ 30Linear Feet	13 Trees	11
• Min. Zone Width	8 Feet		1 foot Rear, 3 foot side
• Wall height	6 Feet		6 foot wall

The applicant is asking for a waiver of the 15-foot front and the 8-foot side landscape buffer.

A5) Sign Standards

Insufficient information was provided to be able to evaluate signage for the site. All signage will be evaluated through a separate application.

B) General Analysis and Discussion

- Zoning

The proposed use is a permitted use under Title 19.

- Site Plan

The applicant proposes a two-unit office building. The front of the building faces south towards Sahara Avenue with a 10-foot landscape strip and the sidewalk separating the building from Sahara. There will be a single employee designated parking space and the handicap space in the backyard of the former residence. Three patron parking spaces are planned for the former front yard. Access to the handicap and employee spaces will be by a 14 drive along the north side of the building.

- Waivers

The applicant requests waivers of the following:

- 100-foot minimum lot width for a C-1 (Limited Commercial) zoned lot.
- The 15-foot front landscaped buffer.
- 8 foot landscaped perimeter buffer.

- Landscape Plan

The landscape plan shows a three-foot buffer along the north side, a one-foot strip along the east, and a 2-foot strip along Maroney Street. These conditions are the subject of two of the three requested waivers. A 10-foot landscape strip separates the building and the sidewalk along Sahara Avenue. Landscaping is also shown along the Sahara Side of the building foundation. Twenty four inch box trees are shown along the north property line and in the 10-foot strip that is along the south side of the building.

- Elevation

The elevation of the building is typical of the home to office/ business conversions along the north side of Sahara Avenue.

- Floor Plan

The floor plan shows the building divided into two separate tenant spaces. Both of the tenant spaces are accessed by two separate exterior doors and have separate restrooms.

FINDINGS

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

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

The proposed development is appropriate with the adjacent land uses and the development of the area.

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

The proposed office development will be consistent with Title 19, and with the intent of the Design Standards Manual, and the Landscape, Wall and Buffer Standards.

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

The site is solely accessed Maroney Street. There are no site access and circulation concerns with the site plan.

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

The proposed building materials and colors are compatible with the desert environment and are appropriate. The proposed landscape palette materials will provide an aesthetically pleasing environment

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

The building elevations are appealing and are compatible with the development in the area, and will foster an aesthetic environment that is compatible with the nearby uses.

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

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

PLANNING COMMISSION ACTION

The Planning Commission amended Condition #6 as shown.

NOTICES MAILED 98 by Planning Department

APPROVALS 0

PROTESTS 0



Case Number: **SDR-3710** APN: 162.02.410.096

Name of Property Owner: ASIF JAH.

Name of Applicant: ASIF JAH

Yes. ☒ No

City Official: _____

Partner(s): _____

APN: _____

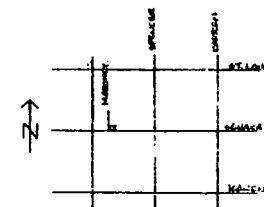
Signature of Property Owner/Authorized Agent: *[Signature]*

Print Name: ASIF TAH

Subscribed and sworn before me

This 12th day of JANUARY, 2001

Notary Public in and for said County and State



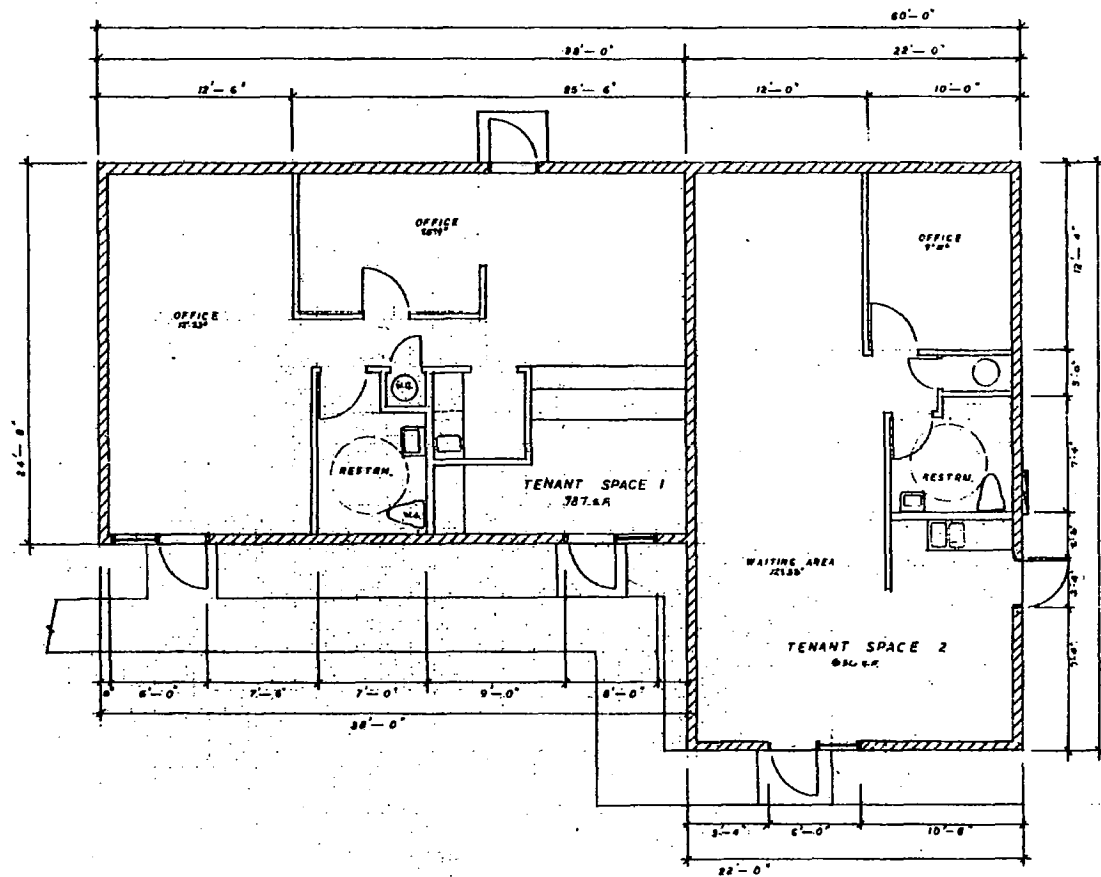
VICINITY MAP

APN. 162-02-410-096
BLOCK-6 LOT-11
PROPERTY SIZE 8784 s.f.
EX. BUILDING SIZE 1786 s.f.
PARKING ANALYSIS
1786 ÷ 300 = 161 SPACES
PROVIDED 151 SPACES N.
111) SPACE H/C

SITE PLAN 140

SDR-3710
2-26-04 PC

Date
State 1 st LD
County
Job
Sheet 1
Of 1



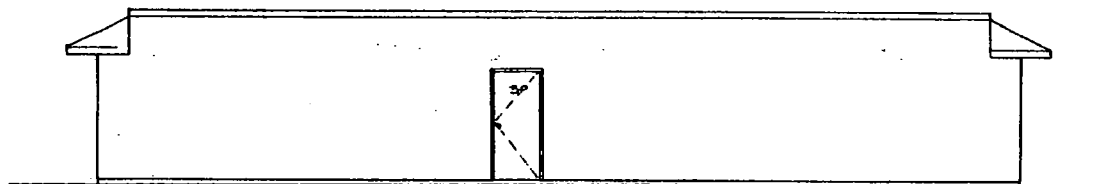
FLOOR PLAN

SDR-3710
2-26-04 PC

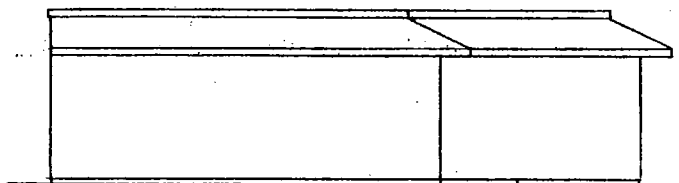
REVISIONS

ASIF JAH
2413 MARONEY ST.
LV NV.

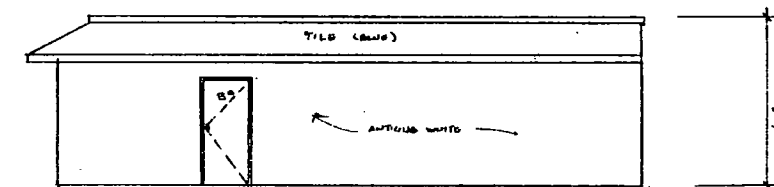
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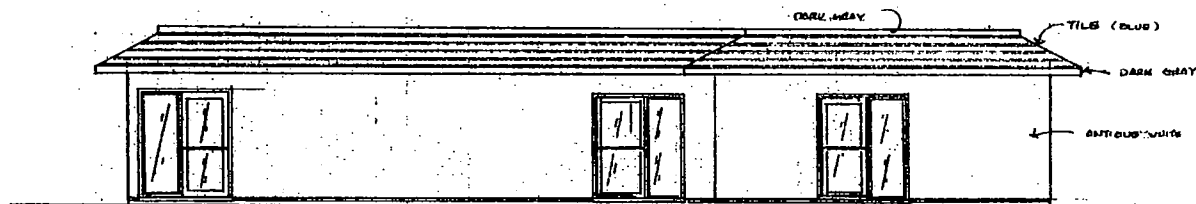
NORTH ELEV.



WEST ELEV.



EAST ELEV.



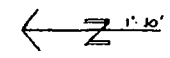
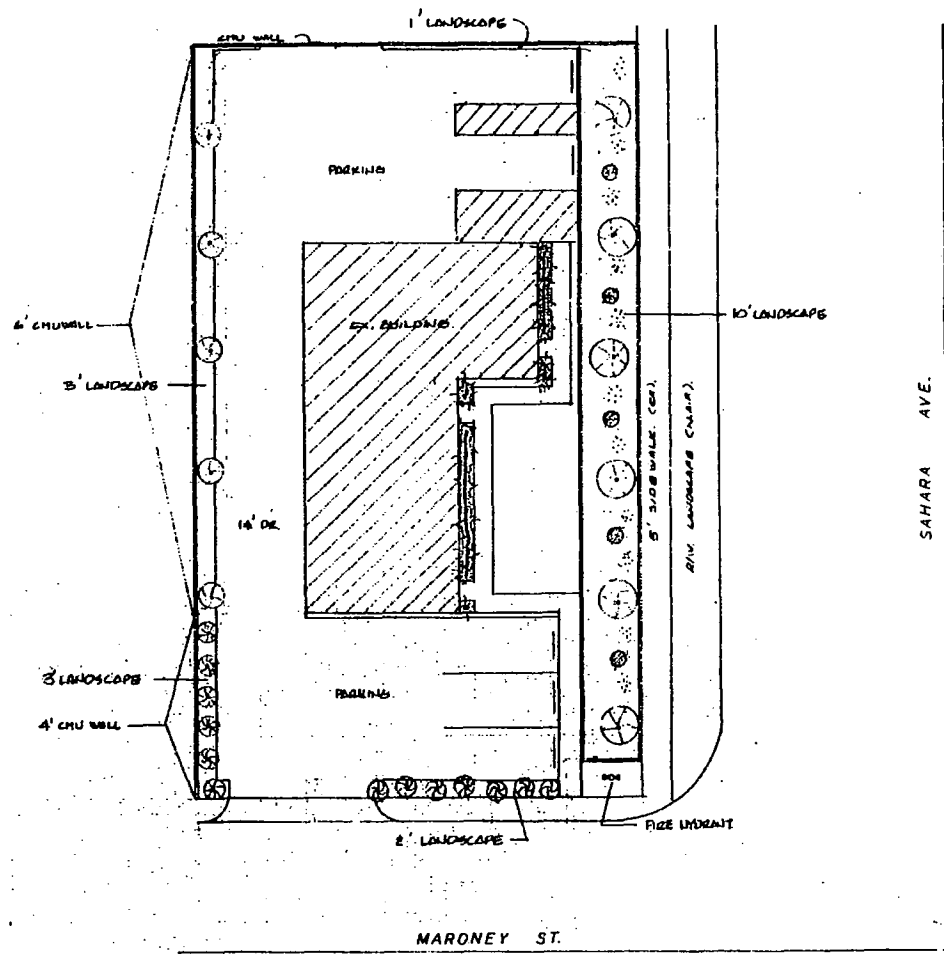
SOUTH ELEV.

ELEVATIONS

SDR-3710
2-26-04 PC

ASIF JAH
 2413 MARONEY ST.
 LY, NY

Info	
Scale	1/8" = 1'-0"
Sheet	3
Date	
By	
Check	



LEGEND

- ⊗ MEXICAN FAN PALM. (24' DIA.)
- ⊙ MEDITERRANEAN FAN PALM. (8' DIA.)
- ⊙ JUNIPERS (5' DIA.)
- ⊙ JAPANESE BOXWOOD (5' DIA.)
- ⊙ CRUSHED STONE 1 1/2" - 3/4"

SDR-3710
2-26-04 PC
 LANDSCAPE PLAN
 1/10

REVISIONS

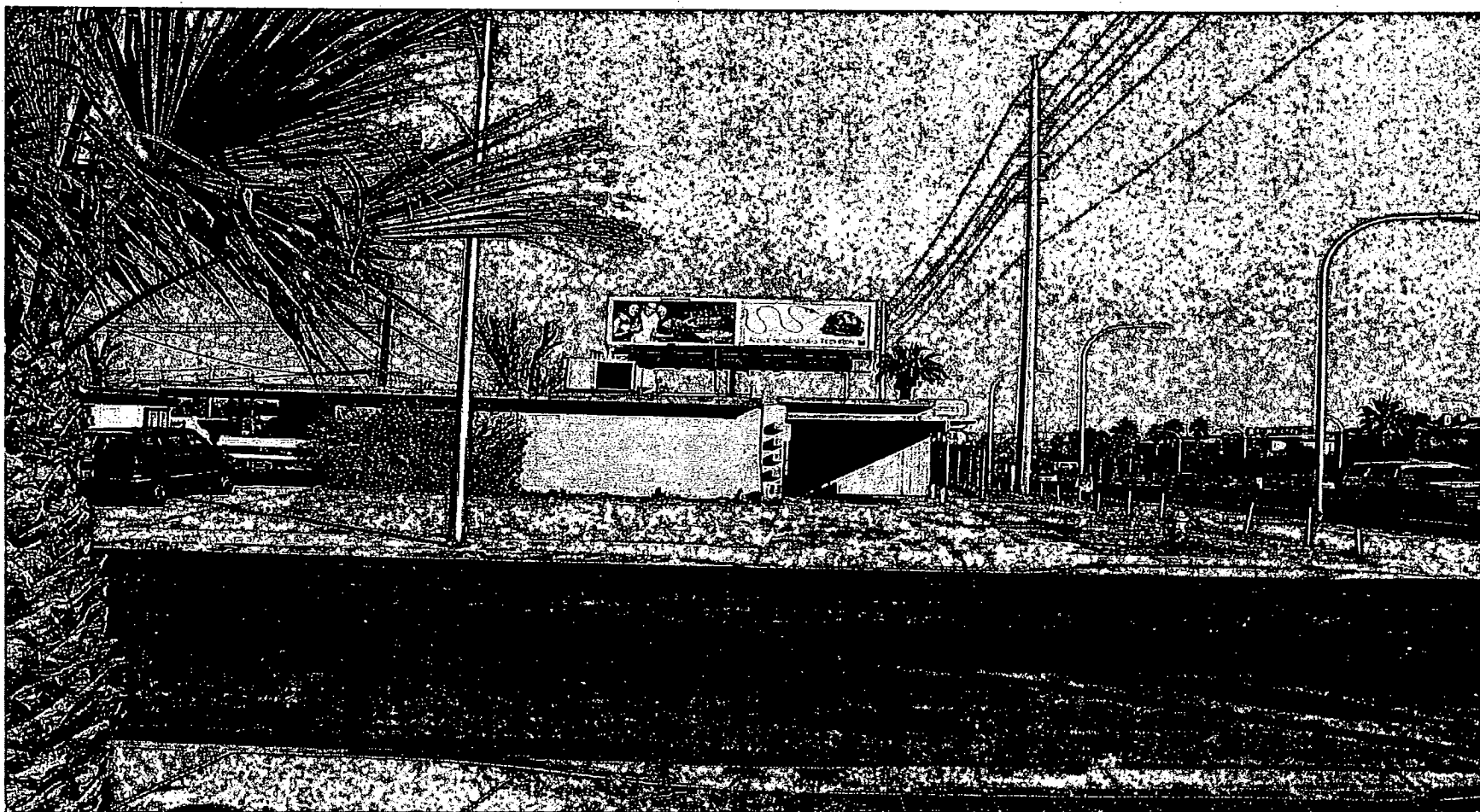
ASIF JAH
 2/13 MARONEY ST.
 LV. NV.

DATE	
TIME	1:10
	LD



SDR-3710 - APPLICANT/OWNER: ASIE JAH
2413 MARONEY AVENUE
FEBRUARY 26, 2004 PLANNING COMMISSION

2/9/04



SDR-3710 - APPLICANT/OWNER: ASIE JAH
2413 MARONEY AVENUE
FEBRUARY 26, 2004 PLANNING COMMISSION

2/9/04

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT**CITY COUNCIL MEETING OF: MAY 5, 2004****DEPARTMENT: PLANNING & DEVELOPMENT****DIRECTOR: ROBERT S. GENZER**☐**CONSENT**☒**DISCUSSION****SUBJECT:**

VARIANCE - PUBLIC HEARING - VAR-4001 - APPLICANT/OWNER: JOSEPH & LONNIE NOBLE - Request for a VARIANCE TO ALLOW AN R-PD (RESIDENTIAL PLANNED DEVELOPMENT) DISTRICT ON 2.19 ACRES WHERE A MINIMUM OF FIVE ACRES IS REQUIRED adjacent to the south side of Lone Mountain Road, approximately 1020 feet east of Torrey Pines Drive (APN: 138-02-501-008), R-E (Residence Estates) Zone [Proposed: R-PD2 (Residential Planned Development – 2 Units per Acre)], Ward 6 (Mack). The Planning Commission (7-0 vote) and staff recommend APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

5**APPROVALS RECEIVED BEFORE:**

Planning Commission Mtg.
City Council Meeting

0**RECOMMENDATION:**

The Planning Commission (7-0 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 4/8/2004 Planning Commission meeting Item 44

MOTION:

MACK – APPROVED subject to conditions – UNANIMOUS with GOODMAN excused and Ward 2 seat vacant

MINUTES:

MAYOR PRO TEM REESE declared the Public Hearing open on Item 92 [VAR-4001], Item 93 [ZON-3998], Item 94 [WVR-4002] and Item 95 [SDR-3999].

BRIAN PSIODA, VTN Nevada, 2727 South Rainbow Boulevard, appeared on behalf of the applicant and indicated the 2.2-acre site is located south of Lone Mountain Road, between Jones Boulevard and Torrey Pines Drive. This infill piece has existing R-1 subdivisions located to the east and Eagle Crest located to the south. MR. PSIODA explained that the Variance was needed to allow an R-PD development that is less than five acres. The waiver is to allow the private driveway that will access four lots. The Planning Commission directed the applicant to meet

CITY COUNCIL MEETING OF MAY 5, 2004
Planning and Development Department
Item 92 – VAR-4001

MINUTES – Continued:

with staff to address some conditions and to meet with the adjacent neighbors. MR. PSIODA met with a representative for the neighborhood to the east and modifications have been made to the conditions. He met with Planning staff to review the landscaping. He read into the record amendments to Conditions 5, 6, 7, and 8 for Item 95 [SDR-3999], which have been reflected in the motion.

MARGO WHEELER, Deputy Director, Planning and Development Department, agreed with all the amendments requested by MR. PSIODA and recommended an additional condition to address the eight foot wall on the east side of the property. If it is a shared wall, then the adjacent side shall be finished to match existing surface. The language will ensure the compatibility of the wall. If engineering requires that there be modifications, the applicant would have to negotiate with the property owners of the adjacent site. She further added that discussions were held with the adjacent property owners regarding these conditions. MR. PSIODA indicated that the neighbors do not want any improvements to their walls. Therefore, the applicant is comfortable building his own wall and there will be no shared combined wall. MS. WHEELER rebutted that the language is “if” the engineer studies have not been done. It is not a requirement, only if the studies prove to have that requirement.

LARRY ALLEN, 6225 Minerva Drive, stated the neighborhood supports the proposed project because it will be an asset and an enhancement for the neighborhood. The residents asked that the applicant consider a one-story home instead of a two-story in order to keep the aesthetic integrity of the neighborhood. MR. PSIODA replied that there would be only four custom-home lots approximately 18,000 to 20,000 square feet. At this time limiting the size of the homes would be a burden.

COUNCILMAN BROWN clarified with MR. PSIODA that another option would be to build a second wall. MR. PSIODA added that the neighbors wanted to work with the applicant to enhance the wall that they had. They were made aware that because of engineering concerns, the footing was not big enough to handle the additional load. Additionally, they did not want to tear down and rebuild the wall. COUNCILMAN BROWN asked that the condition reflect that any gaps between walls, be the applicant’s responsibility to cap it for safety reasons. MR. PSIODA agreed.

COUNCILMAN MACK noted that this is a wonderful infill parcel and thanked MR. ALLEN for his support. There is R-E to the south and R-1 to the north, which allows 4.5 acres to the unit. It is a nice transition and it would be a burden for the applicant to restrict the homes to one story. He is certain that the developer will build the homes in a way acceptable to the adjacent neighbors.

CITY COUNCIL MEETING OF MAY 5, 2004
Planning and Development Department
Item 92 – VAR-4001

MINUTES – Continued:

COUNCILMAN MACK pointed out that due to the private drive fire sprinklers are required. MR. PSIODA replied that MR. NOBLE has met with the Fire Department and is willing to abide by all fire codes.

MS. WHEELER reiterated that the conditions as read by MR. PSIODA are appropriate, and that the only added condition would be regarding the wall. She verified with COUNCILMAN MACK that the condition should reflect the additional language recommended by COUNCILMAN BROWN that if there are double walls then the capping back fill shall be the developer's responsibility. MR. PSIODA concurred with the additional language.

No one appeared in opposition.

MAYOR PRO TEM REESE declared the Public Hearing closed on Item 92 [VAR-4001], Item 93 [ZON-3998], Item 94 [WVR-4002] and Item 95 [SDR-3999].

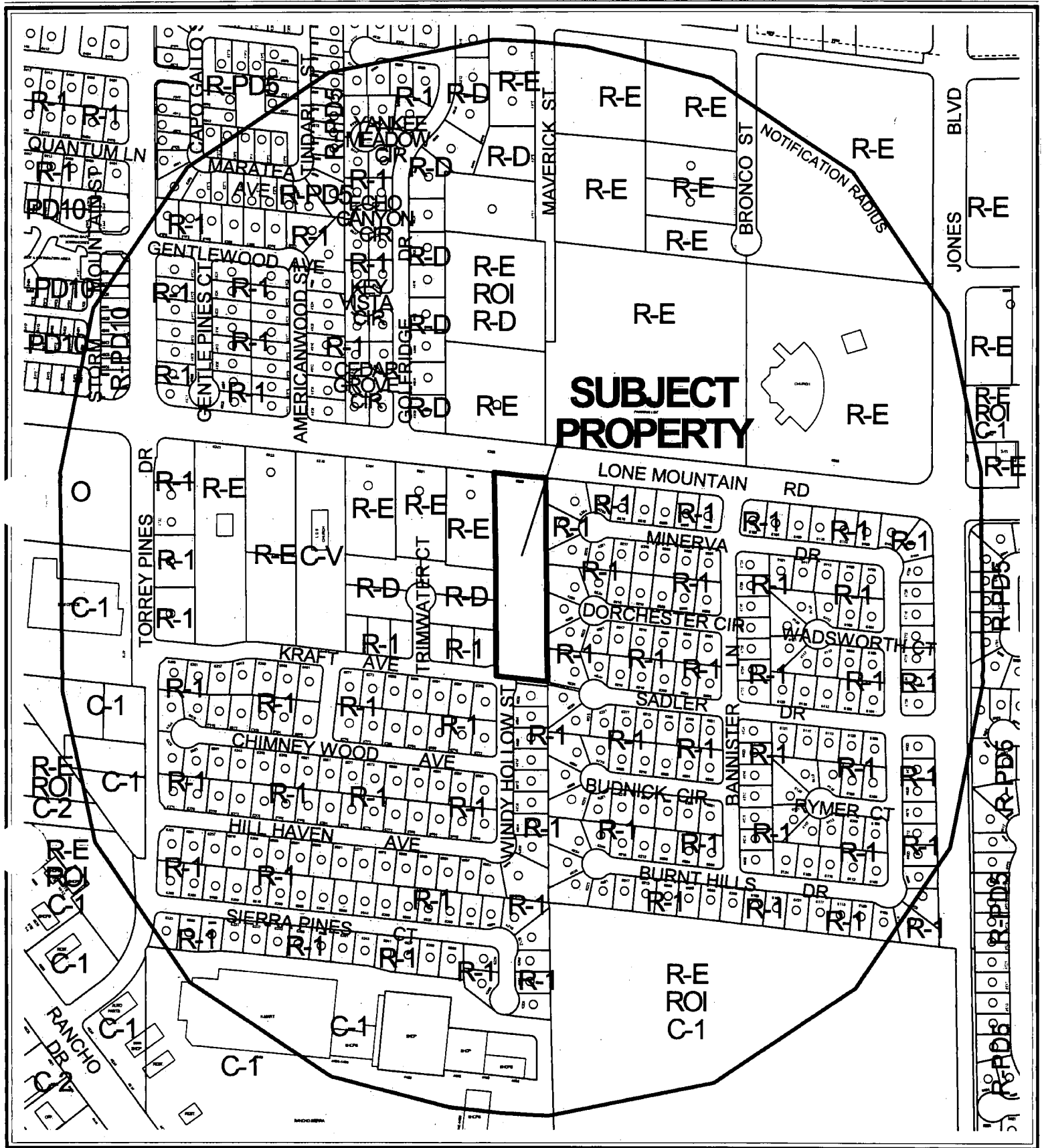
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4-939

CONDITIONS:

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Rezoning (ZON-3998), Title 18 Waiver (WVR-4002) and Site Development Plan Review [SDR-3999].
2. This Variance shall expire two years from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.



CASE: VAR-4001

RADIUS: 1320 FT

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

PROPOSED ZONING OF SUBJECT PROPERTY:

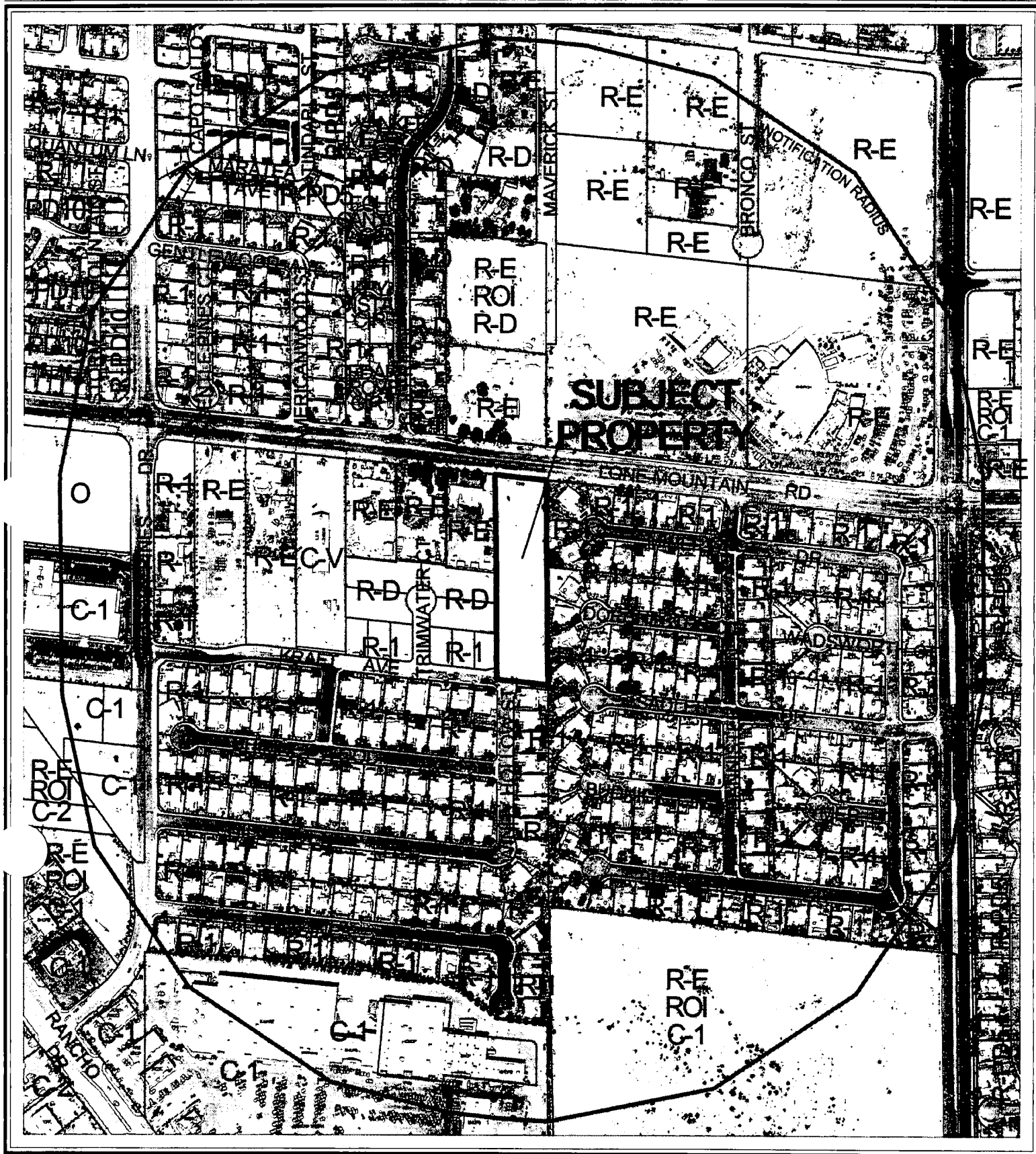
R-PD2 (RESIDENTIAL PLANNED DEVELOPMENT - 2 UNITS PER ACRE)

0 200 400 Feet



92





CASE: VAR-4001

RADIUS: 1320 FT

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

PROPOSED ZONING OF SUBJECT PROPERTY:

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

0 200 400 Feet



AGENDA MEMO

CITY COUNCIL MEETING DATE: MAY 5, 2004

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: VARIANCE RELATED TO ZON-3998, SDR-3999 AND WVR-4002 - PUBLIC HEARING - VAR-4001 - APPLICANT/OWNER: JOSEPH & LONNIE NOBLE

**** CONDITIONS ****

The Planning Commission (7-0 vote) and staff recommend APPROVAL, subject to:

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Rezoning (ZON-3998), Title 18 Waiver (WVR-4002) and Site Development Plan Review [SDR-3999].
2. This Variance shall expire two years from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

This request is for approval of a Variance to the Title 19 requirement for R-PD developments to be at least five acres in size on 2.19 acres on the south side of Lone Mountain Road, 1,020 feet east of Torrey Pines Drive.

Companion requests for a Rezoning (ZON-3998) to R-PD2 (Residential Planned Development - 2 Units per Acre), a Site Development Review (SDR-3999) for a five-lot single-family residential development, and a request for a Waiver (WVR-4002) of Title 18.12.105 to allow a 625-foot private drive where 200 feet is the maximum allowed and Title 18.12.130, which requires a circular turnaround or emergency access gate on private streets or drives longer than 150 feet, will also be heard concurrently.

B) Applicant's Justification

The applicant has justified this request by stating that the shape and size of the parcel offers few other development options, other than the four large custom lots and one common lot as proposed. In the opinion of the applicant, R-PD zoning offers the flexibility to design building lots for this site.

BACKGROUND INFORMATION

A) Previous Actions

06/05/63 The City Council approved a request to annex (A-0003-63) approximately 159.1 acres, including the subject site. The effective date of this application was 06/14/63.

04/08/04 The Planning Commission recommend APPROVAL on three related items on this site: a Rezoning (ZON-3998) to R-PD2 (Residential Planned Development - 2 Units per Acre), a Site Development Review (SDR-3999) for a five-lot single-family residential development; and a Waiver (WVR-4002) of Title 18.12.105 to allow a 625-foot private drive where 200 feet is the maximum allowed and Title 18.12.130, which requires a circular turnaround or emergency access gate on private streets or drives longer than 150 feet. Staff also recommended approval of all items.

04/08/04 The Planning Commission voted 7-0 to recommend APPROVAL (PC Agenda Item #44/gl)

B) Pre-Application Meeting

02/03/04 At the pre-application meeting, a number of issues surrounding the optimal development of this parcel were discussed. A follow-up meeting was then held on 02/06/04, at which it was determined that the current four applications would be necessary for this development to proceed as designed.

C) Neighborhood Meetings

A neighborhood meeting was not required for this request, nor was one held.

DETAILS OF APPLICATION REQUEST

A) Site Area

Gross Acres: 2.24
Net Acres: 2.19

B) Existing Land Use

Subject Property: Undeveloped
North: Ranch Estate and Church
South: Single-Family Dwellings
East: Single-Family Dwellings
West: Ranch Estate and Undeveloped (Single-Family)

C) Planned Land Use

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

D) Existing Zoning

Subject Property: R-E (Residence Estates)
North: R-E (Residence Estates) and C-V (Civic)
South: R-1 (Single Family Residential)
East: R-1 (Single Family Residential)
West: R-E (Residence Estates), R-D (Single Family Residential - Restricted) and R-1 (Single Family Residential)

E) General Plan Compliance

The Centennial Hills Sector Map of the General Plan designates the subject site as L (Low Density Residential). This land use category allows between 3.6 to 5.5 residential dwelling units per gross acre, as well as supporting recreational uses, churches, and schools. The proposed 1.83 units per acre density of the project and proposed R-PD2 zoning are actually below the density

threshold of the L (Low Density Residential) category. The requested Variance is not directly related to any General Plan land use policy.

<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

No special districts, zones, or studies are related to the subject site.

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. R-PD site area	5 acres	2.19 acres	N

Per Title 19.06.040.A, the minimum site area eligible for Rezoning to any R-PD zoning district is five acres. Any proposal for a development of less than five acres requires a Variance. The subject deviation is 56 percent from the standard.

B) General Analysis and Discussion

The purpose of the five-acre minimum requirement for R-PD sites is to allow the developer the flexibility to design an integrated development that includes reasonable development standards and adequate open space. With only four building lots, the scale of the proposed 2.19-acre project is such that the amenities that should be provided on the site, which usually generates the need for a larger overall site, can be considered minimal. The site is large enough, however, that the required buffer areas and landscaping should be provided, and the requested Waiver of these standards that forms part of the Site Development Plan Review application should be denied.

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."

Despite the small size of the overall site, the limited scale of the proposed development means that the site will function as a transitional development between existing adjacent rural and suburban development in the area. With only four building lots, no open space is required; the related Waiver of perimeter landscaping should be denied, as there is sufficient room on the site to provide this limited amenity. The fact that this site is smaller than five acres should not materially affect the quality of development that could be expected on an R-PD-zoned site of greater than five acres. The recommendation, therefore, is for approval of the Variance.

PLANNING COMMISSION ACTION: There were three speakers at the PC Hearing in opposition to this project.

NOTICES MAILED 438 by City Clerk

APPROVALS 0

PROTESTS 5





VAR-4001 - APPLICANT/OWNER: JOSEPH & LONNIE NOBLE
ADJACENT TO THE SOUTH SIDE OF LONE MOUNTAIN ROAD, APPROXIMATELY 1020 FEET EAST OF
TORREY PINES DRIVE
APRIL 8, 2004 PLANNING COMMISSION

03/18/04

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: MAY 5, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☐

CONSENT

☒

DISCUSSION

SUBJECT:

REZONING RELATED TO VAR-4001 - PUBLIC HEARING - ZON-3998 - APPLICANT/OWNER: JOSEPH & LONNIE NOBLE - Request for a Rezoning FROM: R-E (Residence Estates) TO: R-PD2 (Residential Planned Development - 2 Units per Acre) on 2.19 acres adjacent to the south side of Lone Mountain Road, approximately 1,020 feet east of Torrey Pines Drive (APN: 138-02-501-008), Ward 6 (Mack). The Planning Commission (7-0 vote) and staff recommend APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.

5

City Council Meeting

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

0

City Council Meeting

RECOMMENDATION:

The Planning Commission (7-0 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 4/8/2004 Planning Commission meeting Item 45

MOTION:

MACK - APPROVED subject to conditions - UNANIMOUS with GOODMAN excused and Ward 2 seat vacant

MINUTES:

NOTE: See Item 92 [VAR-4001] for all related discussion.

(1:51 - 2:04)

4-939

CONDITIONS:

Planning and Development

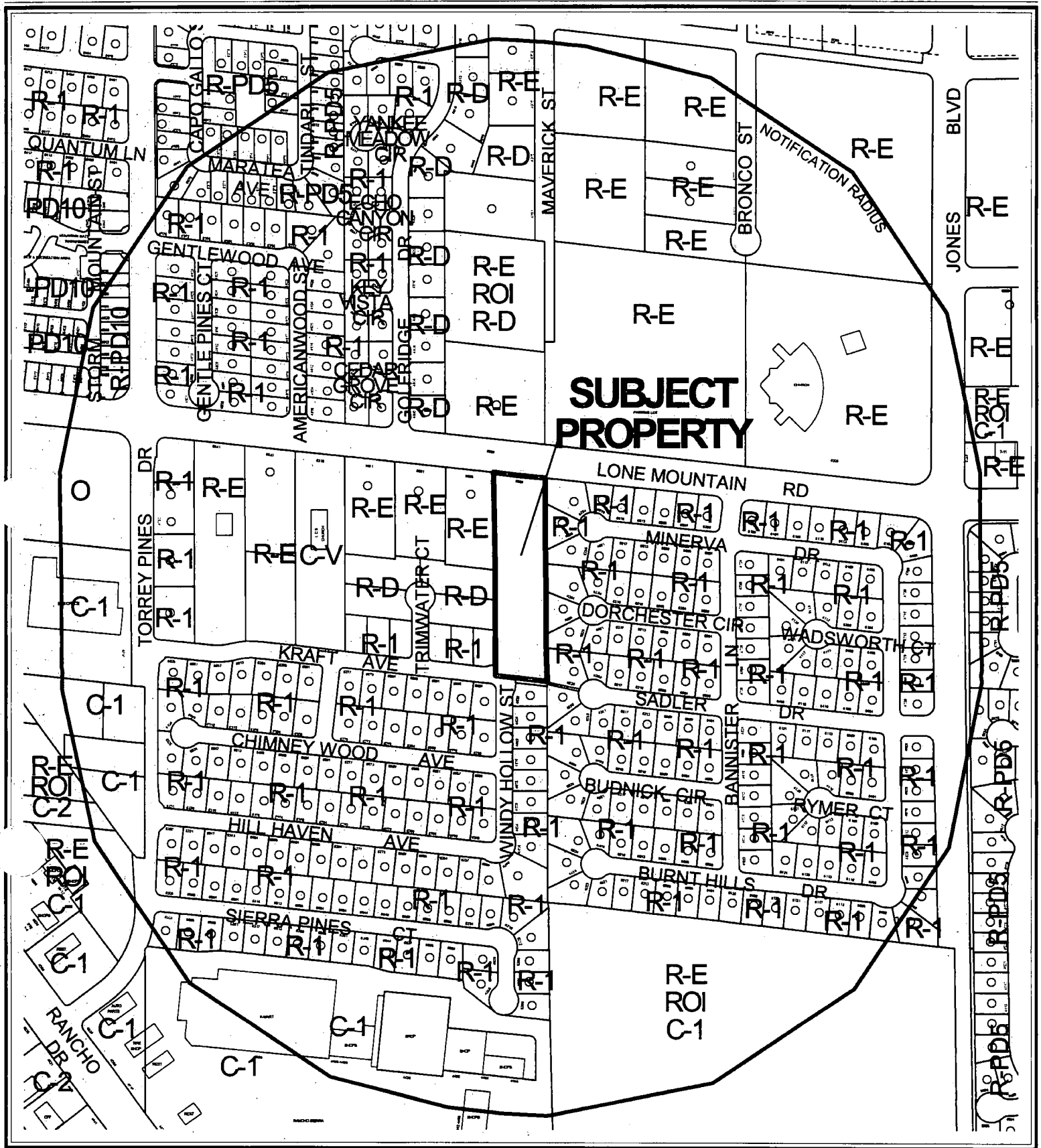
1. A Resolution of Intent with a two-year time limit.
2. Site Development Plan Review (SDR-3999), Variance (VAR-4001) and Title 18 Waiver (WVR-4002) applications approved by the Planning Commission or City Council prior to issuance of any permits, any site grading, and all development activity for the site.

CITY COUNCIL MEETING OF MAY 5, 2004
Planning and Development Department
Item 93 – ZON-3998

CONDITIONS – Continued:

Public Works

3. Dedicate appropriate right-of-way for the remaining portion of the Kraft Avenue/Windy Hollow Street knuckle prior to the issuance of any permits.
4. Construct all incomplete half-street improvements on Kraft Avenue, Windy Hollow Street and Lone Mountain Road adjacent to this site concurrent with development of this site. All existing paving damaged or removed by this development shall be restored at its original location and to its original width concurrent with development of this site.
5. 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).
6. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings or the recordation of a Map subdividing this site, whichever may occur first. Provide and improve all drainageways recommended in the approved drainage plan/study. The developer of this site shall be responsible to construct such neighborhood or local drainage facility improvements as are recommended by the City of Las Vegas Neighborhood Drainage Studies and approved Drainage Plan/Study concurrent with development of this site. In lieu of constructing improvements, in whole or in part, the developer may agree to contribute monies for the construction of neighborhood or local drainage improvements, the amount of such monies shall be determined by the approved Drainage Plan/Study and shall be contributed prior to the issuance of any building or grading permits, or the recordation of a Map subdividing this site, whichever may occur first, if allowed by the City Engineer.



CASE: ZON-3998

RADIUS: 1320 FT

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

PROPOSED ZONING OF SUBJECT PROPERTY:

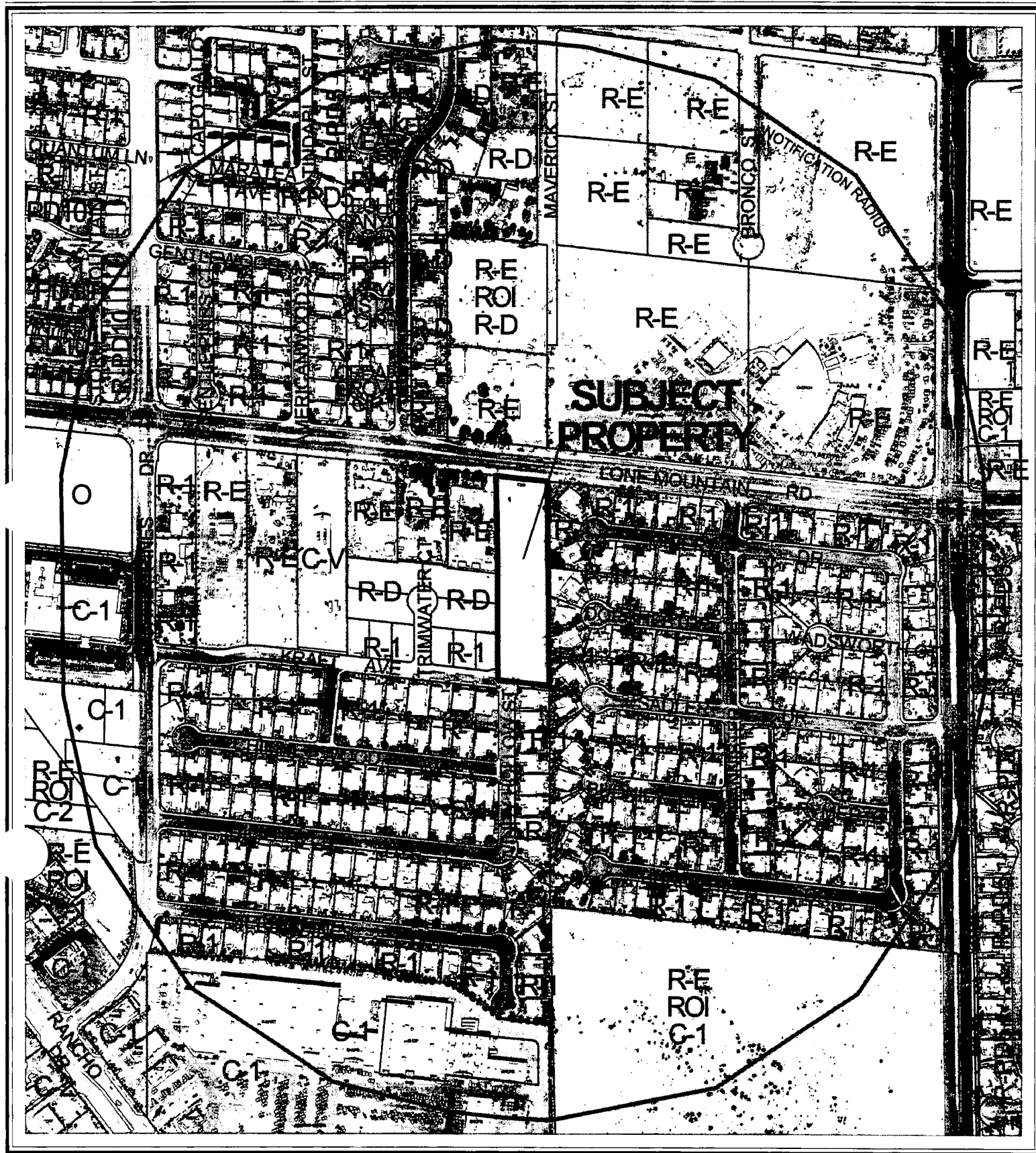
R-PD2 (RESIDENTIAL PLANNED DEVELOPMENT - 2 UNITS PER ACRE)

0 200 400 Feet



93





CASE: ZON-3998

RADIUS: 1320 FT

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

PROPOSED ZONING OF SUBJECT PROPERTY:

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

0 200 400 Feet



AGENDA MEMO

CITY COUNCIL MEETING DATE: MAY 5, 2004

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: REZONING RELATED TO SDR-3999, VAR-4001 AND WVR-4002 - PUBLIC HEARING - ZON-3998 - APPLICANT/OWNER: JOSEPH & LONNIE NOBLE

**** CONDITIONS ****

The Planning Commission (7-0 vote) and staff recommend APPROVAL, subject to:

Planning and Development

1. A Resolution of Intent with a two-year time limit.
2. Site Development Plan Review (SDR-3999), Variance (VAR-4001) and Title 18 Waiver (WVR-4002) applications approved by the Planning Commission or City Council prior to issuance of any permits, any site grading, and all development activity for the site.

Public Works

3. Dedicate appropriate right-of-way for the remaining portion of the Kraft Avenue/Windy Hollow Street knuckle prior to the issuance of any permits.
4. Construct all incomplete half-street improvements on Kraft Avenue, Windy Hollow Street and Lone Mountain Road adjacent to this site concurrent with development of this site. All existing paving damaged or removed by this development shall be restored at its original location and to its original width concurrent with development of this site.
5. 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).
6. 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.

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

This request is for approval of a Rezoning to R-PD2 (Residential Planned Development - 2 Units per Acre) on 2.19 acres on the south side of Lone Mountain Road, 1,020 feet east of Torrey Pines Drive.

Companion requests for a Site Development Review (SDR-3999) for a five-lot single-family residential development, a Variance (VAR-4001) to the Title 19 requirement for R-PD developments to be at least five acres in size, and a request for a Waiver (WVR-4002) of Title 18.12.105 to allow a 625-foot private drive where 200 feet is the maximum allowed will also be heard concurrently.

B) Applicant's Justification

The applicant has justified this request by stating that the shape and size of the parcel offers few other development options, other than the four large custom lots and one common lot as proposed. In the opinion of the applicant, R-PD zoning offers the flexibility to design building lots for this site.

BACKGROUND INFORMATION

A) Previous Actions

06/05/63 The City Council approved a request to annex (A-0003-63) approximately 159.1 acres, including the subject site. The effective date of this application was 06/14/63.

04/08/04 The Planning Commission recommended APPROVAL on three related items on this site: a Site Development Review (SDR-3999) for a five-lot single-family residential development; a Variance (VAR-4001) to allow Residential Planned Development zoning to be used on a 2.19-acre site where a minimum of five acres is required; and a Waiver (WVR-4002) of Title 18.12.105 to allow a 625-foot private drive where 200 feet is the maximum allowed and Title 18.12.130, which requires a circular turnaround or emergency access gate on private streets or drives longer than 150 feet. Staff recommended approval of all items.

04/08/04 The Planning Commission voted 7-0 to recommend APPROVAL (PC Agenda Item #45/gl)

B) Pre-Application Meeting

02/03/04 At the pre-application meeting, a number of issues surrounding the optimal development of this parcel were discussed. A follow-up meeting was then held on 02/06/04, at which it was determined that the current four applications would be necessary for this development to proceed as designed.

C) Neighborhood Meetings

A neighborhood meeting was not required for this request, nor was one held.

DETAILS OF APPLICATION REQUEST

A) Site Area

Gross Acres: 2.24
Net Acres: 2.19

B) Existing Land Use

Subject Property: Undeveloped
North: Ranch Estate and Church
South: Single-Family Dwellings
East: Single-Family Dwellings
West: Ranch Estate and Undeveloped (Single-Family)

C) Planned Land Use

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

D) Existing Zoning

Subject Property: R-E (Residence Estates)
North: R-E (Residence Estates) and C-V (Civic)
South: R-1 (Single Family Residential)
East: R-1 (Single Family Residential)
West: R-E (Residence Estates), R-D (Single Family Residential - Restricted) and R-1 (Single Family Residential)

E) General Plan Compliance

The Centennial Hills Sector Map of the General Plan designates the subject site as L (Low Density Residential). This land use category allows between 3.6 to 5.5 residential dwelling units per gross acre, as well as supporting recreational uses, churches, and schools. The proposed 1.83 units per acre density of the project and proposed R-PD2 zoning are actually below the density threshold of the L (Low Density Residential) category.

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

No special districts, zones, or studies are related to the subject site.

ANALYSIS

A) Zoning Code Compliance

The minimum site area eligible to rezone to an R-PD zoning district is five acres. The subject area contains 2.19 acres; therefore, the applicant has requested the companion Variance (VAR-4001) to obtain relief of the standard. This Rezoning cannot be approved without prior approval of this Variance.

The proposed R-PD2 (Residential Planned Development - 2 Units per Acre) development will allow the development of four single-family residential lots, and a common lot for the private drive, having a density of 1.83 units per gross acre. This is well below the 5.5 units per acre maximum density allowed for properties with the L (Low Density Residential) land use category in the General Plan. The proposed zoning district will offer the opportunity for a transitional density of development between the adjacent residential neighborhoods to the north and west, with those to the south and east.

The site plan submitted shows four relatively uniform lots arranged along a single 25-foot wide private drive, 625 feet in length, which connects to Kraft Avenue. The applicant has requested a Waiver (WVR-4002) of Title 18.12.105 to allow for this overlength private drive, which would normally be limited to a maximum length of 200 feet and of Title 18.12.130, which requires a circular turnaround or emergency access gate on private streets or drives longer than 150 feet.

As the proposed project is compatible with existing single-family development on all sides and should not adversely impact public facilities in the immediate area, there is no objection to rezone the subject area from R-E (Residence Estates) to R-PD2 (Residential Planned Development - 2 Units per Acre), conditioned on the approval of the companion Variance.

Pursuant to Title 19.06, there are no Open Space standards that apply to the subject proposal, as less than 12 lots are being created in the proposed development. The applicant has requested a Waiver of perimeter landscaping standards as part of the companion Site Development Plan Review (SDR-3999).

FINDINGS

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

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

The proposed Rezoning to R-PD2 (Residential Planned Development - 2 Units per Acre) conforms to the density range required by the existing L (Low Density Residential) General Plan Designation. Properties to the east, south, and west of the subject property also share the L (Low Density Residential) General Plan designation.

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

The proposed development is adjacent to single-family development to the east and south, developed at a density of about 5.5 units per acre and ranch estate development to the west and north. With the sizes of lots proposed, this site will act as a transition area between the different rural and suburban densities of these two areas.

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

The subject site is an infill parcel in a location where a transitional level of density as proposed would be appropriate, to provide a bridge between rural and suburban densities.

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."

Access to the property is available from the intersection of Kraft Avenue and Windy Hollow Street, both of which are designated as 60-foot local streets on the Master Plan of Streets and Highways. These streets are adequate to meet traffic demands of the proposed single-family residential development.

NOTICES MAILED 436 by Planning Department

APPROVALS 0

PROTESTS 5





ZON-3998 - APPLICANT/OWNER: JOSEPH & LONNIE NOBLE
ADJACENT TO THE SOUTH SIDE OF LONE MOUNTAIN ROAD, APPROXIMATELY 1020 FEET EAST OF
TORREY PINES DRIVE
APRIL 8, 2004 PLANNING COMMISSION

03/18/04



ZON-3998 - APPLICANT/OWNER: JOSEPH & LONNIE NOBLE
ADJACENT TO THE SOUTH SIDE OF LONE MOUNTAIN ROAD, APPROXIMATELY 1020 FEET EAST OF
TORREY PINES DRIVE
APRIL 8, 2004 PLANNING COMMISSION

03/18/04

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: MAY 5, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☐

CONSENT

☒

DISCUSSION

SUBJECT:

WAIVER RELATED TO VAR-4001 AND ZON-3998 - PUBLIC HEARING - WVR-4002 -
APPLICANT/OWNER: JOSEPH & LONNIE NOBLE - Request for TITLE 18 WAIVERS
TO ALLOW A 625-FOOT LONG PRIVATE DRIVE WHERE 200 FEET IS THE MAXIMUM
ALLOWED, AND TO ALLOW A MODIFIED TURN-AROUND WHERE A CIRCULAR
TURN-AROUND OR EMERGENCY ACCESS GATE IS REQUIRED adjacent to the south
side of Lone Mountain Road, approximately 1,020 feet east of Torrey Pines Drive (APN: 138-
02-501-008), R-E (Residence Estates) Zone [Proposed: R-PD2 (Residential Planned
Development - 2 Units per Acre)], Ward 6 (Mack). The Planning Commission (7-0 vote) and
staff recommend APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

6

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

RECOMMENDATION:

The Planning Commission (7-0 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 4/8/2004 Planning Commission meeting Item 46

MOTION:

**MACK - APPROVED subject to conditions - UNANIMOUS with GOODMAN excused
and Ward 2 seat vacant**

MINUTES:

NOTE: See Item 92 [VAR-4001] for all related discussion.

(1:51 - 2:04)

4-939

CONDITIONS:

Planning and Development

1. All development shall conform to Conditions of Approval for Variance (VAR-4001),
Rezoning (ZON-3998) and Site Development Plan Review (SDR-3999).

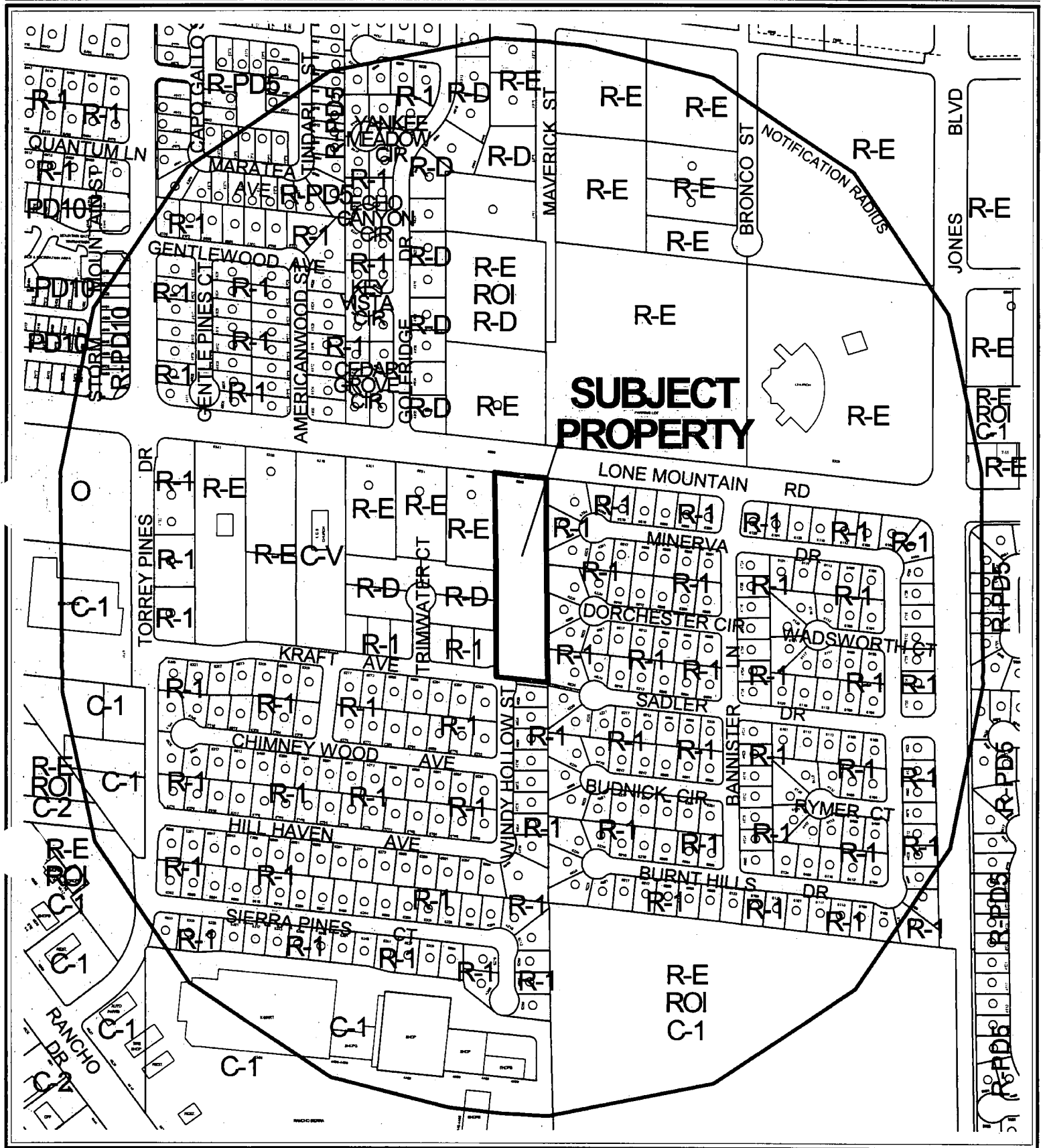
CITY COUNCIL MEETING OF MAY 5, 2004
Planning and Development Department
Item 94 – WVR-4002

CONDITIONS – Continued:

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

Public Works

3. Buildings must be constructed with fire sprinkler systems acceptable to the Department of Fire Services.
4. 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.
5. Site development to comply with all applicable conditions of approval for Zoning Reclassification ZON-3998, Site Development Plan Review SDR-3999 and all other subsequent site-related actions.



CASE: WVR-4002

RADIUS: 1320 FT

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

PROPOSED ZONING OF SUBJECT PROPERTY:

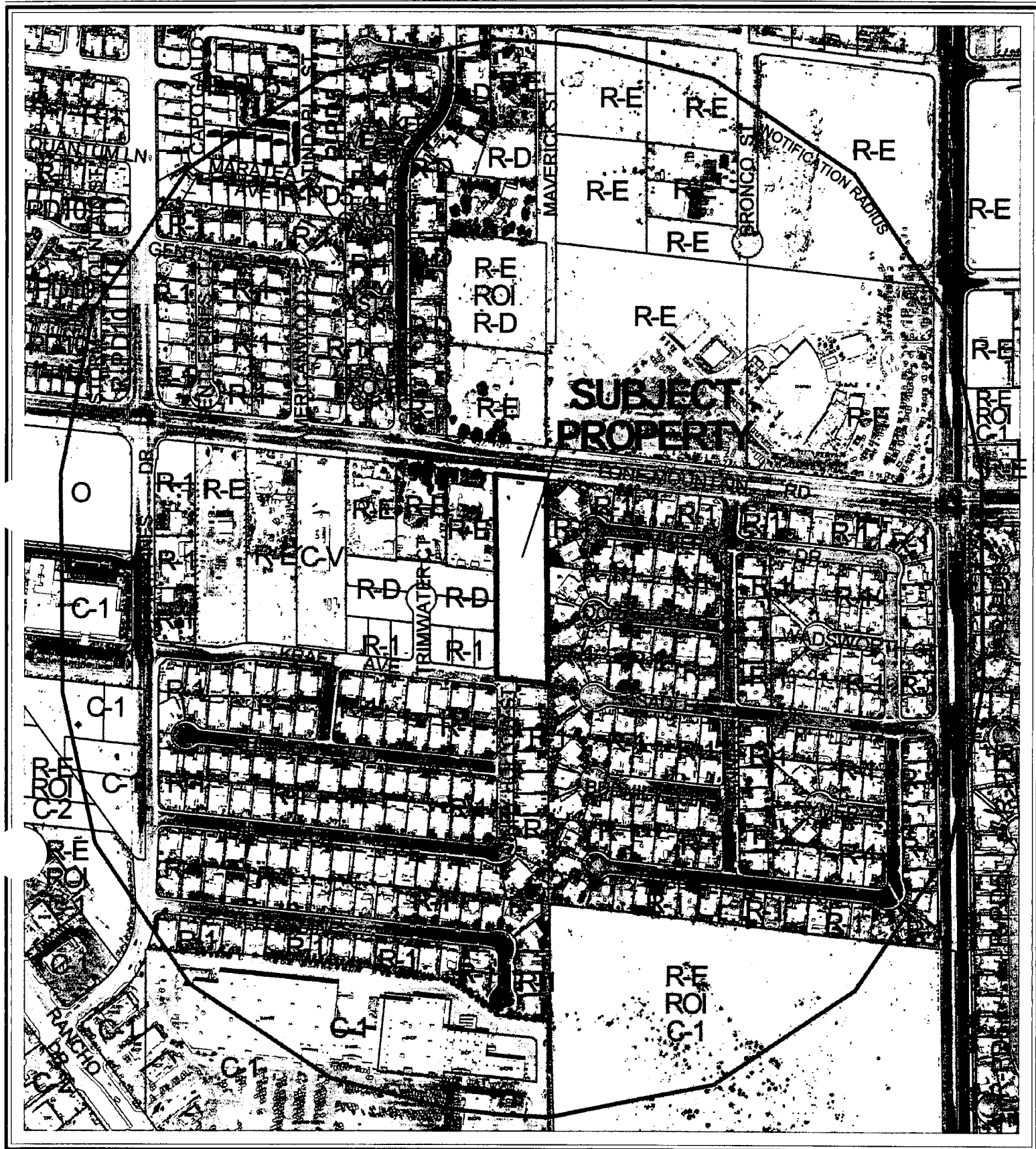
R-PD2 (RESIDENTIAL PLANNED DEVELOPMENT - 2 UNITS PER ACRE)

0 200 400 Feet



94





CASE: WVR-4002

RADIUS: 1320 FT

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

PROPOSED ZONING OF SUBJECT PROPERTY:

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

0 200 400 Feet



AGENDA MEMO

CITY COUNCIL MEETING DATE: MAY 5, 2004

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: WAIVER RELATED TO ZON-3998, SDR-3999 AND VAR-4001
- PUBLIC HEARING - WVR-4002 - APPLICANT/OWNER: JOSEPH & LONNIE NOBLE**

**** CONDITIONS ****

The Planning Commission (7-0 vote) and staff recommend APPROVAL, subject to:

Planning and Development

1. All development shall conform to Conditions of Approval for Variance (VAR-4001), Rezoning (ZON-3998) and Site Development Plan Review (SDR-3999).
2. All City Code requirements and design standards of all City departments must be satisfied.

Public Works

3. Buildings must be constructed with fire sprinkler systems acceptable to the Department of Fire Services.
4. 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.
5. Site development to comply with all applicable conditions of approval for Zoning Reclassification ZON-3998, Site Development Plan Review SDR-3999 and all other subsequent site-related actions.

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

This request is for approval of Waivers of Title 18.12.105 to allow a 625-foot private drive where 200 feet is the maximum allowed, and Title 18.12.130, which requires a circular turnaround or emergency access gate on private streets or drives longer than 150 feet, on a 2.19-acre site on the south side of Lone Mountain Road, 1,020 feet east of Torrey Pines Drive.

Companion requests for a Rezoning (ZON-3998) to R-PD2 (Residential Planned Development - 2 Units per Acre), a Site Development Review (SDR-3999) for a five-lot single-family residential development, and a request for a Variance to the Title 19 requirement for R-PD developments to be at least five acres in size, on 2.19 acres, will also be heard concurrently.

B) Applicant's Justification

The applicant has justified this request by stating that the small number of lots to be served by the private drive will generate minimal traffic demand and consequently the length of the drive or the placement of an approved turnaround or crash gate at the terminus are not significant considerations.

BACKGROUND INFORMATION

A) Previous Actions

06/05/63 The City Council approved a request to annex (A-0003-63) approximately 159.1 acres, including the subject site. The effective date of this application was 06/14/63.

04/08/04 The Planning Commission recommended APPROVAL on three related items on this site: a Rezoning (ZON-3998) to R-PD2 (Residential Planned Development - 2 Units per Acre); a Site Development Review (SDR-3999) for a five-lot single-family residential development; and a Variance (VAR-4001) to the Title 19 requirement for R-PD developments to be at least five acres in size. Staff also recommended approval of all items.

04/08/04 The Planning Commission voted 7-0 to recommend APPROVAL (PC Agenda Item #47/gl)

B) Pre-Application Meeting

02/03/04 At the pre-application meeting, a number of issues surrounding the optimal development of this parcel were discussed. A follow-up meeting was then held on 02/06/04, at which it was determined that the current four applications would be necessary for this development to proceed as designed.

C) Neighborhood Meetings

A neighborhood meeting was not required for this request, nor was one held.

DETAILS OF APPLICATION REQUEST

A) *Site Area*

Gross Acres: 2.24
Net Acres: 2.19

B) *Existing Land Use*

Subject Property: Undeveloped
North: Ranch Estate and Church
South: Single-Family Dwellings
East: Single-Family Dwellings
West: Ranch Estate and Undeveloped (Single-Family)

C) *Planned Land Use*

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

D) *Existing Zoning*

Subject Property: R-E (Residence Estates)
North: R-E (Residence Estates) and C-V (Civic)
South: R-1 (Single Family Residential)
East: R-1 (Single Family Residential)
West: R-E (Residence Estates), R-D (Single Family Residential - Restricted) and R-1 (Single Family Residential)

E) *General Plan Compliance*

The Centennial Hills Sector Map of the General Plan designates the subject site as L (Low Density Residential). This land use category allows from 3.6 to 5.5 residential dwelling units per gross acre, as well as supporting recreational uses, churches, and schools. The proposed 1.83 units per acre density of the project and proposed R-PD2 zoning are actually below the density threshold of the L (Low Density Residential) category. The requested Waivers of Title 18 are not directly related to any General Plan land use policy.

<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

No special districts, zones, or studies are related to the subject site.

ANALYSIS

This request seeks to waive the requirements of the Subdivision Code with regard to the maximum length of private drives and the use of a cul-de-sac or emergency access gate on private streets or drives greater than 150 feet in length. Title 18.12.105 in part states:

“In a residential subdivision, private drives shall:

- (A) Have a minimum pavement width of twenty-four feet and a maximum length of two hundred feet;...”

Title 18.12.130 states :

“CUL-DE-SACS

Cul-de-sacs shall be designed and installed in accordance with city standards. For public streets which terminate other than at an intersection with another public street, the termination shall be provided by means of a circular cul-de-sac of a sufficient diameter to accommodate emergency service vehicles for termination. For private streets or drives which terminate at a length over one hundred fifty feet, there shall be either a circular turn-around or emergency service vehicle access gates.”

In the first case, the request is acceptable given the fact that there are only four residential lots to be accessed. The potential traffic generation will be minimal, possibly far less than a 200-foot private drive in a dense residential development.

In the second case, the City Fire Protection Engineer has agreed with the request; since emergency vehicle turning movements will be safely accommodated, the request is appropriate.

FINDINGS

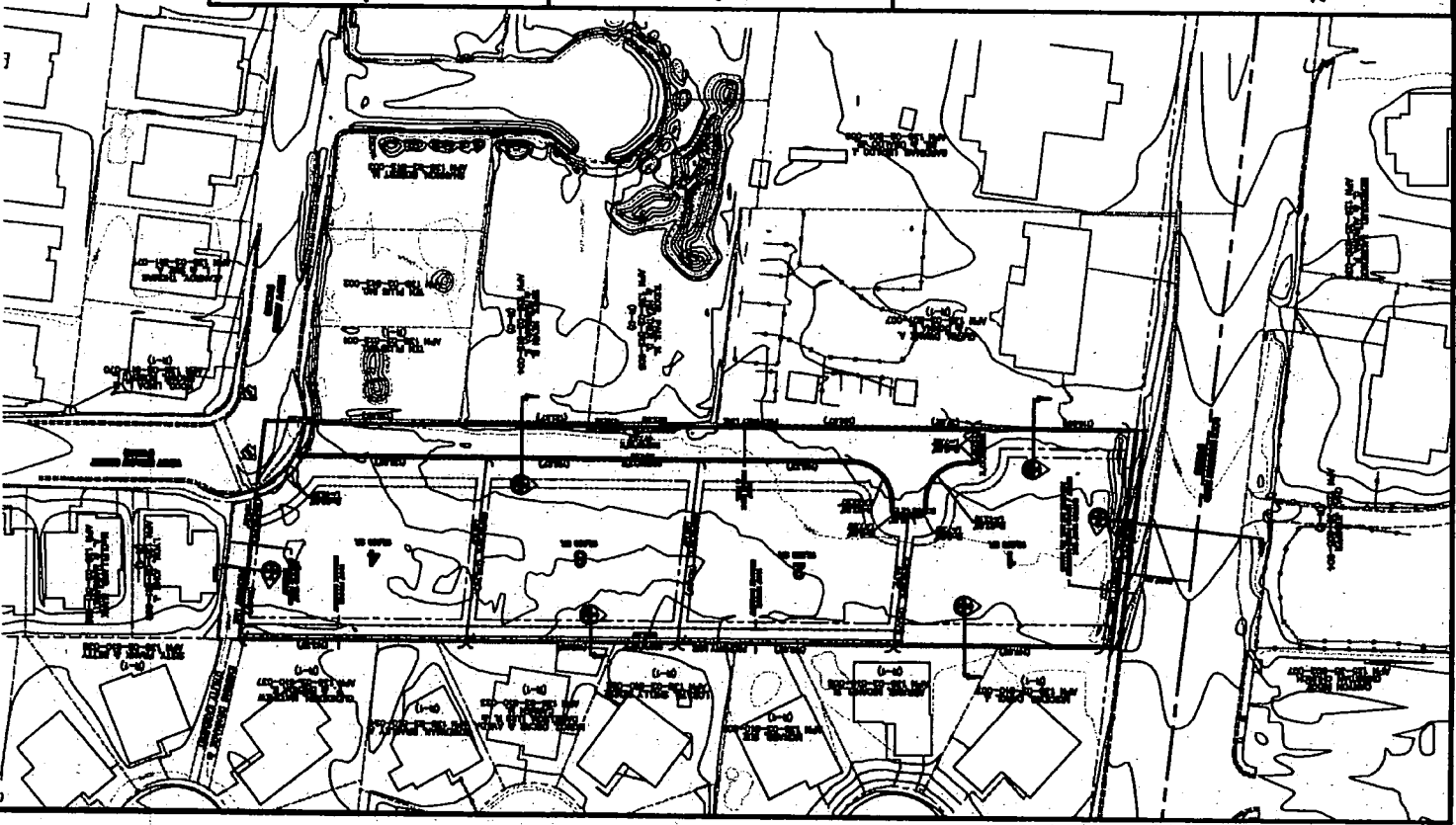
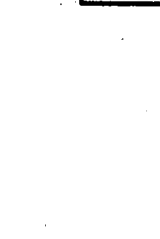
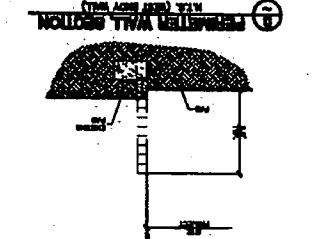
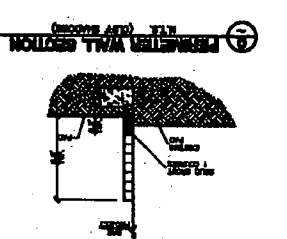
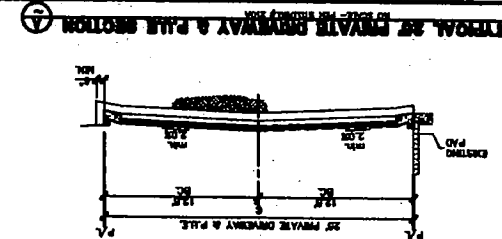
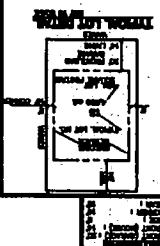
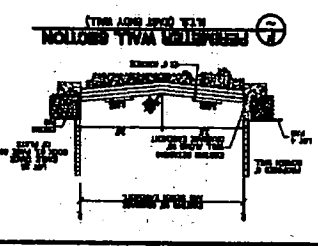
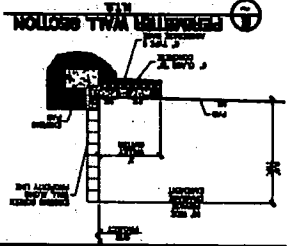
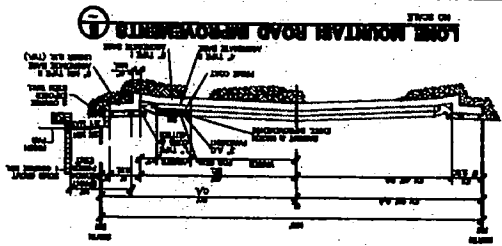
The configuration of the site and the relatively low traffic volumes on Kraft Avenue and Windy Hollow Street and into the proposed development, contribute to the finding that the overlength private drive and the lack of a circular turn-around or crash gate at the terminus of the drive are acceptable.

NOTICES MAILED 436 by Planning Department

APPROVALS 0

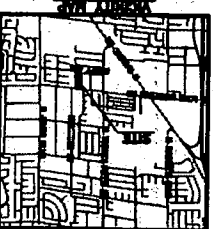
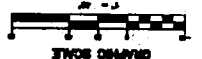
PROTESTS 6





ZON-3998
SDR-3999
VAR-4001
WVR-4002
04-08-04 PC

LEGAL DESCRIPTION
A portion of the 100-acre tract of land, more or less, situated in the City of Las Vegas, Nevada, and more particularly described as follows: ...



JOE NOBLE PROJECT ENGINEER 2727 SOUTH MOUNTAIN ROAD, LAS VEGAS, NEVADA 89102 (702) 735-1111 (FAX) 735-1112		CITY OF LAS VEGAS PLANNING DEPARTMENT 200 N. MOUNTAIN VIEW AVE., SUITE 200 LAS VEGAS, NEVADA 89101
LONG MOUNTAIN ROAD IMPROVEMENTS A RESIDENTIAL PLANNED DEVELOPMENT	SITE PLAN	DATE 04-08-04
PROJECT NO. 04-08-04	SCALE 1" = 20'	DATE 04-08-04



WVR-4002 - APPLICANT/OWNER: JOSEPH & LONNIE NOBLE
ADJACENT TO THE SOUTH SIDE OF LONE MOUNTAIN ROAD, APPROXIMATELY 1020 FEET EAST OF
TORREY PINES DRIVE
APRIL 8, 2004 PLANNING COMMISSION

03/18/04



WVR-4002 - APPLICANT/OWNER: JOSEPH & LONNIE NOBLE
ADJACENT TO THE SOUTH SIDE OF LONE MOUNTAIN ROAD, APPROXIMATELY 1020 FEET EAST OF
TORREY PINES DRIVE
APRIL 8, 2004 PLANNING COMMISSION

03/18/04

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: MAY 5, 2004

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

SITE DEVELOPMENT PLAN REVIEW RELATED TO VAR-4001, ZON-3998 AND WVR-4002 - PUBLIC HEARING - SDR-3999 - APPLICANT/OWNER: JOSEPH & LONNIE NOBLE - Request for a Site Development Plan Review and a Waiver of perimeter landscaping standards FOR A FOUR-LOT SINGLE-FAMILY RESIDENTIAL DEVELOPMENT on 2.19 acres adjacent to the south side of Lone Mountain Road, approximately 1,020 feet east of Torrey Pines Drive (APN: 138-02-501-008), R-E (Residence Estates) Zone [Proposed: R-PD2 (Residential Planned Development - 2 Units per Acre)], Ward 6 (Mack). The Planning Commission (7-0 vote) and staff recommend APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

5

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

RECOMMENDATION:

The Planning Commission (7-0 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 4/8/2004 Planning Commission meeting Item 47

MOTION:

MACK - APPROVED subject to conditions and amending the following conditions as follows:

5. The setbacks for this development shall be a minimum of 14 feet to the front of the house, 20 feet to the front of the garage as measured from back of sidewalk or from back of curb if no sidewalk is provided, 5 feet on the side, 10 feet on the corner side, and 25 in the rear. *Additionally, patio covers may encroach 15 feet into the back, but no closer than 5 feet to the side or 10 feet to the rear property line, and are limited to a maximum height of 12 feet.*
6. The site plan shall be revised and approved by Planning and Development Department staff prior to the time application is made for a tentative map, to reflect perimeter landscaping and buffering.

CITY COUNCIL MEETING OF MAY 5, 2004
Planning and Development Department
Item 95 – SDR-3999

MOTION – Continued:

7. The landscape plan (or revised site plan showing *perimeter* buffering and landscaping) shall *be* submitted to and approved by Planning and Development Department staff prior to the time application is made for a building permit. *The north landscape buffer shall consist of a perimeter block wall offset 6 feet from Lone Mountain right-of-way and contain landscaping rock material. The south perimeter shall provide a six-foot landscaping easement along the frontage of the knuckle terminating at the common element, which is the private drive. Should a block wall be constructed at the southern location adjacent to the knuckle, it shall be set back six feet from the knuckle and a planted area be landscaped to reflect minimum 24-inch box trees planted a maximum of 30 feet on-center and a minimum of four five-gallon shrubs for each tree within provided planters.*
8. A landscaping plan of the *perimeter landscape buffer* must be submitted prior to or at the same time application is made for a building permit. *Additionally, the Homeowners' Association shall require that the individual lot owner's rear yard landscaping be installed within one year of home occupancy.*

And the added condition:

- *There shall be an eight-foot wall on the east side of the property. If this is a shared wall, then the adjacent side shall be finished to match existing surface. If there are double walls, any capping backfill shall be the developer's responsibility.*

– UNANIMOUS with GOODMAN excused and Ward 2 seat vacant

MINUTES:

NOTE: See Item 92 [VAR-4001] for all related discussion.

(1:51 – 2:04)

4-939

CONDITIONS:

Planning and Development

1. A Rezoning [ZON-3998] to an R-PD2 (Residential Planned Development - 2 Units per Acre) Zoning District, a Waiver (WVR-4002) to certain Title 18 standards and a Variance (VAR-4001) to minimum R-PD site area, approved by the City Council.
2. This Site Development Plan Review shall expire two years from date of final approval unless it is exercised or an Extension of Time is granted by the City Council.
3. All development shall be in conformance with the site plan and building elevations, except as amended by conditions herein.

CITY COUNCIL MEETING OF MAY 5, 2004
Planning and Development Department
Item 95 – SDR-3999

CONDITIONS – Continued:

4. The standards for this development shall include the following: minimum distance between buildings of 10 feet and building height shall not exceed two stories or 35 feet, whichever is less.
5. The setbacks for this development shall be a minimum of 14 feet to the front of the house, 20 feet to the front of the garage as measured from back of sidewalk or from back of curb if no sidewalk is provided, 5 feet on the side, 10 feet on the corner side, and 15 feet in the rear.
6. The site plan shall be revised and approved by Planning and Development Department staff, prior to the time application is made for a tentative map, to reflect perimeter buffering and landscaping that meets Code requirements.
7. The landscape plan (or a revised site plan showing buffering and landscaping) shall submitted to and approved by Planning and Development Department staff, prior to the time application is made for a building permit, to reflect minimum 24-inch box trees planted a maximum of 30 feet on-center and a minimum of four five-gallon shrubs for each tree within provided planters, on the external north and south perimeters of the site.
8. A landscaping plan must be submitted prior to or at the same time application is made for a building permit.
9. Air conditioning units shall not be mounted on rooftops.
10. All utility boxes exceeding 27 cubic feet in size shall meet the standards of Title 19.12.050.
11. Any property line wall shall be a decorative block wall, with at least 20 percent contrasting materials. Wall heights shall be measured from the side of the fence with the least vertical exposure above the finished grade, unless otherwise stipulated.
12. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.
13. All City Code requirements and design standards of all City departments must be satisfied.

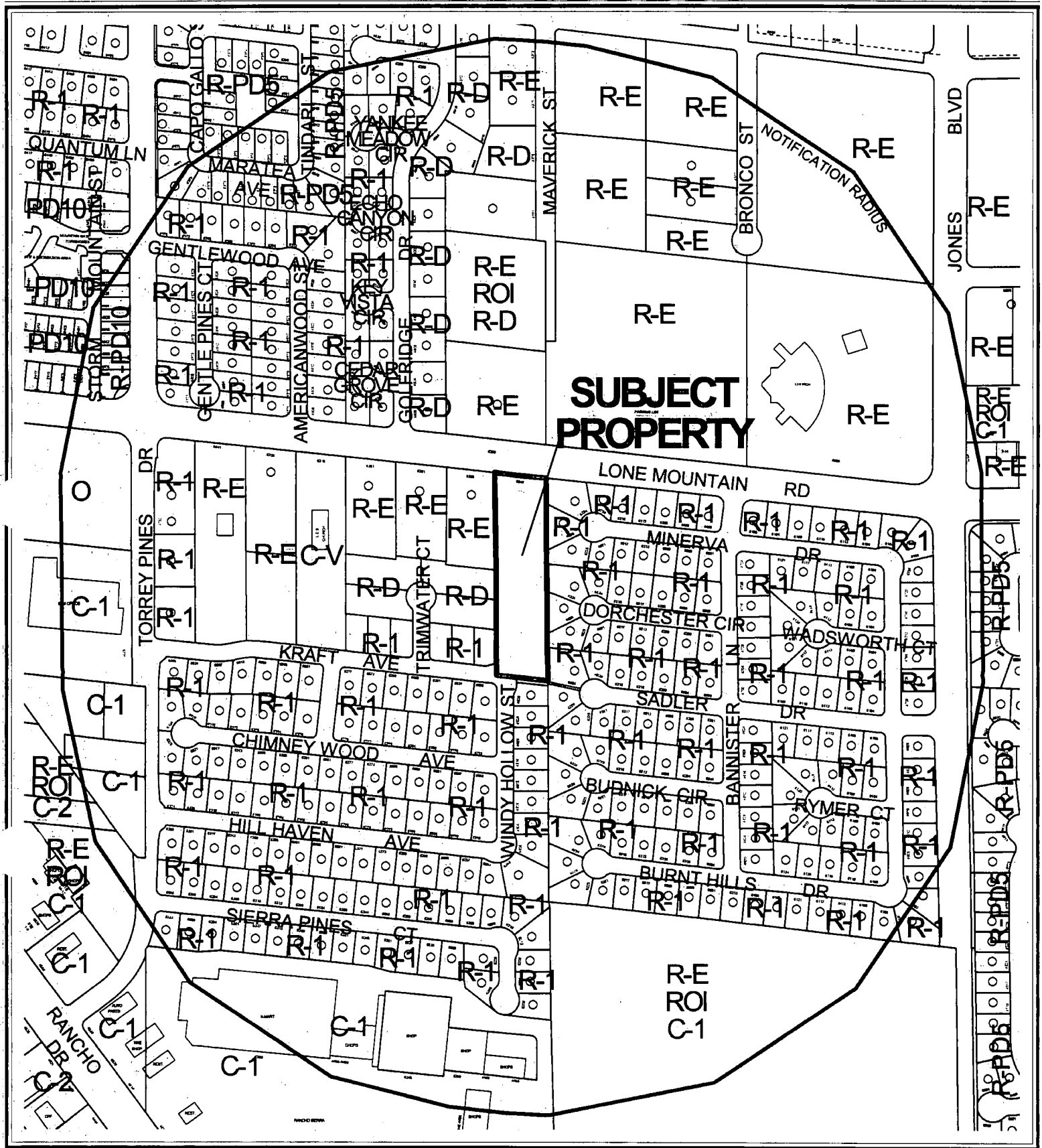
CITY COUNCIL MEETING OF MAY 5, 2004
Planning and Development Department
Item 95 – SDR-3999

CONDITIONS – Continued:

14. No turf shall be permitted in the non-recreational common areas, such as medians and amenity zones in this development.
15. All development shall be in conformance with the site plan and building elevations, date stamped 04/05/04, except as amended by conditions herein.

Public Works

16. A Homeowner's Association shall be established to maintain all perimeter walls, private roadways, landscaping and common areas created with this development. All landscaping shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.
17. Site development to comply with all applicable conditions of approval for Zoning Reclassification ZON-3998 and all other subsequent site-related actions.
18. The approval of all Public Works related improvements shown on this Site Development Plan Review is in concept only. Specific design and construction details relating to size, type and/or alignment of improvements, including but not limited to street, sewer and drainage improvements, shall be resolved prior to submittal of a Tentative Map or construction drawings, whichever may occur first. No deviations from adopted City Standards shall be allowed unless specific written approval for such is received from the City Engineer prior to the submittal of a Tentative Map or construction drawings, whichever may occur first.
19. The final layout of the subdivision shall be determined at the time of approval of the Tentative Map.



CASE: SDR-3999

RADIUS: 1320 FT

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

PROPOSED ZONING OF SUBJECT PROPERTY:

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

0 200 400 Feet



95



AGENDA MEMO

CITY COUNCIL MEETING DATE: MAY 5, 2004

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: SDR-3999: APPLICANT/OWNER: JOSEPH & LONNIE NOBLE

**** CONDITIONS ****

The Planning Commission (7-0 vote) and staff recommend APPROVAL, subject to:

Planning and Development

1. A Rezoning [ZON-3998] to an R-PD2 (Residential Planned Development - 2 Units per Acre) Zoning District, a Waiver (WVR-4002) to certain Title 18 standards and a Variance (VAR-4001) to minimum R-PD site area, approved by the City Council.
2. This Site Development Plan Review shall expire two years from date of final approval unless it is exercised or an Extension of Time is granted by the City Council.
3. All development shall be in conformance with the site plan and building elevations, except as amended by conditions herein.
4. The standards for this development shall include the following: minimum distance between buildings of 10 feet and building height shall not exceed two stories or 35 feet, whichever is less.
5. The setbacks for this development shall be a minimum of 14 feet to the front of the house, 20 feet to the front of the garage as measured from back of sidewalk or from back of curb if no sidewalk is provided, 5 feet on the side, 10 feet on the corner side, and 15 feet in the rear.
6. The site plan shall be revised and approved by Planning and Development Department staff, prior to the time application is made for a tentative map, to reflect perimeter buffering and landscaping that meets Code requirements.
7. The landscape plan (or a revised site plan showing buffering and landscaping) shall be submitted to and approved by Planning and Development Department staff, prior to the time application is made for a building permit, to reflect minimum 24-inch box trees planted a maximum of 30 feet on-center and a minimum of four five-gallon shrubs for each tree within provided planters, on the external north and south perimeters of the site.
8. A landscaping plan must be submitted prior to or at the same time application is made for a building permit.
9. Air conditioning units shall not be mounted on rooftops.

10. All utility boxes exceeding 27 cubic feet in size shall meet the standards of Title 19.12.050.
11. Any property line wall shall be a decorative block wall, with at least 20 percent contrasting materials. Wall heights shall be measured from the side of the fence with the least vertical exposure above the finished grade, unless otherwise stipulated.
12. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.
13. All City Code requirements and design standards of all City departments must be satisfied.
14. No turf shall be permitted in the non-recreational common areas, such as medians and amenity zones in this development.
15. All development shall be in conformance with the site plan and building elevations, date stamped 04/05/04, except as amended by conditions herein.

Public Works

16. A Homeowner's Association shall be established to maintain all perimeter walls, private roadways, landscaping and common areas created with this development. All landscaping shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.
17. Site development to comply with all applicable conditions of approval for Zoning Reclassification ZON-3998 and all other subsequent site-related actions.
18. The approval of all Public Works related improvements shown on this Site Development Plan Review is in concept only. Specific design and construction details relating to size, type and/or alignment of improvements, including but not limited to street, sewer and drainage improvements, shall be resolved prior to submittal of a Tentative Map or construction drawings, whichever may occur first. No deviations from adopted City Standards shall be allowed unless specific written approval for such is received from the City Engineer prior to the submittal of a Tentative Map or construction drawings, whichever may occur first.
19. The final layout of the subdivision shall be determined at the time of approval of the Tentative Map.

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

This request is for approval of a Site Development Review for a five-lot single-family residential development on 2.19 acres on the south side of Lone Mountain Road, 1,020 feet east of Torrey Pines Drive.

Companion requests for a Rezoning (ZON-3998) to R-PD2 (Residential Planned Development - 5 Units per Acre), a Variance (VAR-4001) to the Title 19 requirement for R-PD developments to be at least five acres in size, and a request for a Waiver (WVR-4002) of Title 18.12.105 to allow a 625-foot private drive where 200 feet is the maximum allowed and Title 18.12.130, which requires a circular turnaround or emergency access gate on private streets or drives longer than 150 feet, will also be heard concurrently.

B) Applicant's Justification

The applicant has justified this request by stating that the shape and size of the parcel offers few other development options, other than the four large custom lots and one common lot as proposed.

BACKGROUND INFORMATION

A) Previous Actions

- 06/05/63 The City Council approved a request to annex (A-0003-63) approximately 159.1 acres, including the subject site. The effective date of this application was 06/14/63.
- 04/08/04 The Planning Commission APPROVED three related items on this site: a Rezoning (ZON-3998) from R-E (Residence Estates) to R-PD2 (Residential Planned Development - 2 Units per Acre); a Variance (VAR-4001) to allow Residential Planned Development zoning to be used on a 2.19-acre site where a minimum of five acres is required; and a Waiver (WVR-4002) of Title 18.12.105 to allow a 625-foot private drive where 200 feet is the maximum allowed and Title 18.12.130, which requires a circular turnaround or emergency access gate on private streets or drives longer than 150 feet. Staff has recommended approval of all items.
- 04/08/04 The Planning Commission voted 7-0 to recommend APPROVAL (PC Agenda Item #47/gl)

B) Pre-Application Meeting

02/03/04 At the pre-application meeting, a number of issues surrounding the optimal development of this parcel were discussed. A follow-up meeting was then held on 02/06/04, at which it was determined that the current four applications would be necessary for this development to proceed as designed.

C) Neighborhood Meetings

A neighborhood meeting was not required for this request, nor was one held.

DETAILS OF APPLICATION REQUEST

A) Site Area

Gross Acres: 2.24
Net Acres: 2.19

B) Existing Land Use

Subject Property: Undeveloped
North: Ranch Estate and Church
South: Single-Family Dwellings
East: Single-Family Dwellings
West: Ranch Estate and Undeveloped (Single-Family)

C) Planned Land Use

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

D) Existing Zoning

Subject Property: R-E (Residence Estates)
North: R-E (Residence Estates) and C-V (Civic)
South: R-1 (Single Family Residential)
East: R-1 (Single Family Residential)
West: R-E (Residence Estates), R-D (Single Family Residential - Restricted) and R-1 (Single Family Residential)

E) General Plan Compliance

The Centennial Hills Sector Map of the General Plan designates the subject site as L (Low Density Residential). This land use category allows between 3.6 to 5.5 residential dwelling units per gross acre, as well as supporting recreational uses, churches, and schools. The proposed 1.83 units per acre density of the project and proposed R-PD2 zoning are actually below the density threshold of the L (Low Density Residential) category.

PROJECT DESCRIPTION

The site plan depicts 4 single-family custom residential lots on 2.19 acres, resulting in a density of 1.83 dwelling units per acre. All lots will have access to a single 25-foot wide private drive terminating in an "L"-shaped turnaround as opposed to a standard cul-de-sac bulb. Access to the development will be from the intersection of Kraft Avenue and Windy Hollow Street, both of which are 60-foot wide right-of-ways, at the south end of the property.

The four building lots are all 18,200 square feet in size. Typical lot dimensions are approximately 150 feet wide by 128 feet deep. Setbacks proposed for this development are 14 feet to the front of the house and 20 feet to the garage, 15 feet in the rear, five feet in side yards, and 10 feet on the corner side.

Landscaping has not been indicated and the applicant has requested a waiver of perimeter landscaping requirements for the northern and southern boundaries of the site. Open space is not required for this R-PD development, as the number of lots is below twelve.

No elevations were submitted with this application, as the intent is to develop custom homes on the site, with the designs based on the requests of prospective buyers.

ANALYSIS

A) Zoning Code Compliance

A1) Development Standards

Pursuant to Title 19.06, Development Standards for a R-PD (Residential Planned Development) zoning district are established by a Site Development Plan Review. The following standards are proposed for the subject development:

Standards	Provided
Min. Lot Size	18,200 Square Feet
Min. Lot Width	128 Feet
Min. Setbacks • Front • Side • Corner • Rear	14 Feet to House, 20 Feet to Garage 5 Feet 10 Feet 15 Feet
Max. Building Height	2 Stories/ 35 Feet
Street Type	Private Drive (Common Lot)
Street Width	25 Feet

Lot width and lot size within the proposed development are acceptable, and setbacks are comparable to surrounding residential developments.

A2) Residential Adjacency Standards

There are no Residential Adjacency Standards that 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	Ratio	Required Parking		Provided Parking	
		Regular	Handicap	Regular	Handicap
Single-Family Detached Residential	Two spaces per dwelling unit	8 spaces	N/A	8 spaces	N/A

Pursuant to Title 19.10, single-family homes are required to provide two parking spaces per dwelling. Tandem parking is not permitted. The elevations depict two garage spaces per dwelling, in conformance to the parking standard.

The site plan as proposed is not in compliance with the Title 18 Subdivision Ordinance for the maximum allowable length for a private drive and Waivers of Subdivision Code 18.12.105 and 18.12.130 must be obtained to allow the development as proposed to be built.

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	
Buffer:			
• Min. Trees	1 Tree/30 Linear Feet + 1 Tree	8 Trees (204 Feet)	None
• Min. Zone Width	6 Feet		10 Feet on north (Sprint/Nevada Power easement), non on south
• Perimeter wall height	Max. 8 Feet if provided		6 Feet

The applicant has requested a waiver of landscaping requirements; therefore, no landscaping plan was submitted. Residential landscape, wall and buffer standards call for a six-foot wide planter strip outside the perimeter wall along Lone Mountain Road, and along Windy Hollow Street on the south side of the site, with 24" box trees 30 feet on-center; in this application, no trees are provided. The buffer has been provided on the north end of the site, in conjunction with a 1-foot power and telephone easement in this area. No buffer has been provided to the south of the site.

Pursuant to Title 19.06, there are no Open Space Standards that apply to the subject proposal, as less than 12 lots are being created in the proposed development.

B) General Analysis and Discussion

- **Zoning**

The site is currently zoned R-E (Residential Estates). A companion Rezoning request (ZON-3998) would, if approved, rezone the subject property to R-PD2 (Residential Planned Development - 2 Units per Acre). This proposed zoning district would be compatible with the existing L (Low Density Residential) General Plan Designation for the site, which allows a density of up to 5.5 dwelling units per acre.

- **Site Plan**

The proposed site plan, at a proposed density of 1.83 units per acre, conforms with the density maximums of both the existing General Plan designation and proposed rezoning for the site; however, R-PD guidelines require a minimum site area of five acres, thereby requiring a Variance. A companion request (VAR-4001) will address this issue.

- **Waivers**

The applicant has requested Waiver of perimeter landscaping standards for this project. This request is inappropriate, as there is sufficient area on the site to meet Code requirements; accordingly, although the site plan can be supported, the request for the Waiver should be denied. A minor change to the site plan would allow for appropriate landscaping within the required buffer areas to the north and south of the site.

- **Landscape Plan**

No landscape plan was submitted with this project, as the applicant has asked for landscaping standards to be waived. As it is recommended that this Waiver request be denied, a landscape plan, or a modification to the site plan to include the required amount of perimeter buffering and landscaping, should be submitted prior to issuance of any building permits. A condition of approval will address this issue.

- Elevation

As the project will consist entirely of custom homes, no elevations were submitted as part of this application.

FINDINGS

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

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

The proposed development is adjacent to single-family development to the east and south, developed at a density of about 5.5 units per acre and ranch estate development to the west and north. With the sizes of lots proposed, this site will act as a transition area between the different rural and suburban densities of these two areas.

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 residential development is consistent with the General Plan. Development of the site plan as proposed will require the approval of a Variance to allow a residential planned development in an area of less than five acres, a Waiver to allow a 625-foot long private drive to serve the development and to waive a circular turnaround or emergency access gate at the terminus of the private drive, and a Waiver of perimeter buffering and landscaping standards, to be in compliance with Title 18, Title 19 and the Landscape, Wall and Buffer Standards.

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

Access to the property is available from the intersection of Kraft Avenue and Windy Hollow Street, both of which are designated as 60-foot local streets on the Master Plan of Streets and Highways. These streets are adequate to meet traffic demands of the proposed single-family residential development.

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

No information regarding building or landscape materials was submitted with this application. Unless this plan is approved with the requested Waiver, perimeter trees and shrubs would be required in conformance to Title 19.12 and the Landscape, Wall, and Buffer Standards.

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;”**

As no building plans or elevations were submitted, no analysis of aesthetics or compatibility can be made.

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

The proposed development will be subject to the provisions of the Uniform Building Code, and therefore the development will not compromise the public health, safety or welfare.

PLANNING COMMISSION ACTION: At the PC Hearing, the questions of a seismic fault line on the property was raised.

NOTICES MAILED 436 by Planning Department

APPROVALS 0

PROTESTS 5



SDR-3999 - APPLICANT/OWNER: JOSEPH & LONNIE NOBLE
ADJACENT TO THE SOUTH SIDE OF LONE MOUNTAIN ROAD, APPROXIMATELY 1020 FEET EAST OF
TORREY PINES DRIVE
APRIL 8, 2004 PLANNING COMMISSION

03/18/04



SDR-3999 - APPLICANT/OWNER: JOSEPH & LONNIE NOBLE
ADJACENT TO THE SOUTH SIDE OF LONE MOUNTAIN ROAD, APPROXIMATELY 1020 FEET EAST OF
TORREY PINES DRIVE
APRIL 8, 2004 PLANNING COMMISSION

03/18/04

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF: MAY 5, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☐

CONSENT

☒

DISCUSSION

SUBJECT:

ABEYANCE ITEM - VARIANCE - PUBLIC HEARING - VAR-3288 - **APPLICANT:** PAUL AND SANDY BROSSEAU - Request for a Variance to ALLOW A 5 FOOT SIDE SETBACK WHERE 10 FEET IS REQUIRED FOR an addition to an existing single family dwelling at 304 Canyon Drive (APN: 139-32-211-031), R-E (Residence Estates) Zone, Ward 1 (Moncrief). Staff recommends DENIAL. The Planning Commission (6-0 vote) recommends APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.

1

City Council Meeting

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

0

City Council Meeting

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

MOTION:

MONCRIEF – APPROVED subject to conditions and adding a condition that the second floor windows shall be opaque type windows – **UNANIMOUS** with GOODMAN excused and Ward 2 seat vacant

MINUTES:

MAYOR PRO TEM REESE declared the Public Hearing open.

PAUL BROSSEAU, 304 Canyon Drive, stated that the Variance request is for a 5-foot setback. In response to staff's inquiry as to why the setback is needed when the property is large enough to accommodate the addition, MR. BROSSEAU pointed out that there is a tennis court on the property. He will be adding and remodeling the master suite on the north side of the house. The existing home is 40 years old and he is trying to improve the neighborhood. He indicated that the project will not invade anyone's privacy. The neighbors he spoke with are pleased about the proposed project. He tried to resolve some of the issues, especially the request that he sign a restricted covenant agreement, which would put a permanent deed restriction on his property.

CITY COUNCIL MEETING OF MAY 5, 2004
Planning and Development Department
Item 96 – VAR-3288

MINUTES – Continued:

He will be investing approximately one quarter million dollars into the property. He showed a photograph of his home and indicated that the existing building, as built in 1967, is only six-feet from the property line. There is a four-foot overhang, which is two feet from the property line.

JOHN BOYER, 300 Canyon Drive, resides north of MR. BROUSSEAU'S property and indicated that the applicant was willing to sign a restricted covenant agreement. Based on that representation, the Planning Commission approved the Variance. Prior to that representation, there were many negative comments about this property, including that the applicant did not demonstrate a necessity for this addition. He disagreed with MR. BROUSSEAU'S comments about the property's minimal impact. MR. BOYER showed a photograph taken from his backyard towards MR. BROUSSEAU'S property depicting a large oleander where that structure would be built. There will be no landscaping and he would be looking at a large stucco wall that will impair his privacy. The applicant does not have a hardship and his yard is large enough to place the structure differently.

COUNCILWOMAN MONCRIEF imposed a condition that opaque or block-type windows will be installed on the second floor if the applicant builds a two-story home. MR. BROUSSEAU replied that that is indicated on the plans. COUNCILWOMAN MONCRIEF pointed out that it is six feet from the property line on the front of the house. She observed that the property to the right has a carport that is exactly on the property line and extends over into the applicant's property. It seems that everyone is utilizing everyone else's front yard. She was pleased that the applicant will be improving his house.

MARGO WHEELER, Deputy Director, Planning and Development Department, verified with COUNCILWOMAN MONCRIEF that there should be an added condition that the second floor window shall be opaque.

MAYOR PRO TEM REESE declared the Public Hearing closed.

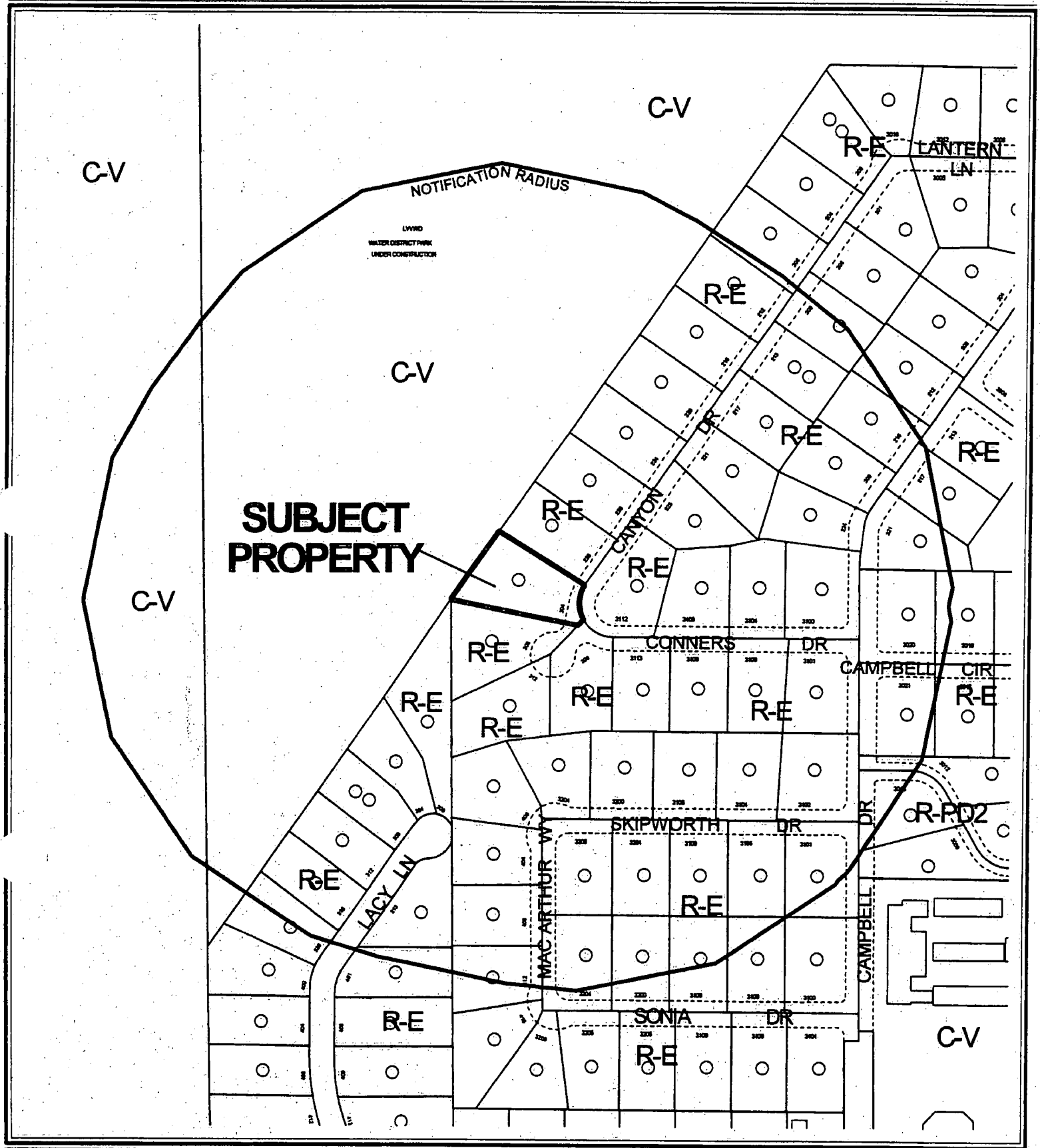
(2:04 – 2:12)

4-1402

CONDITIONS:

Planning and Development

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

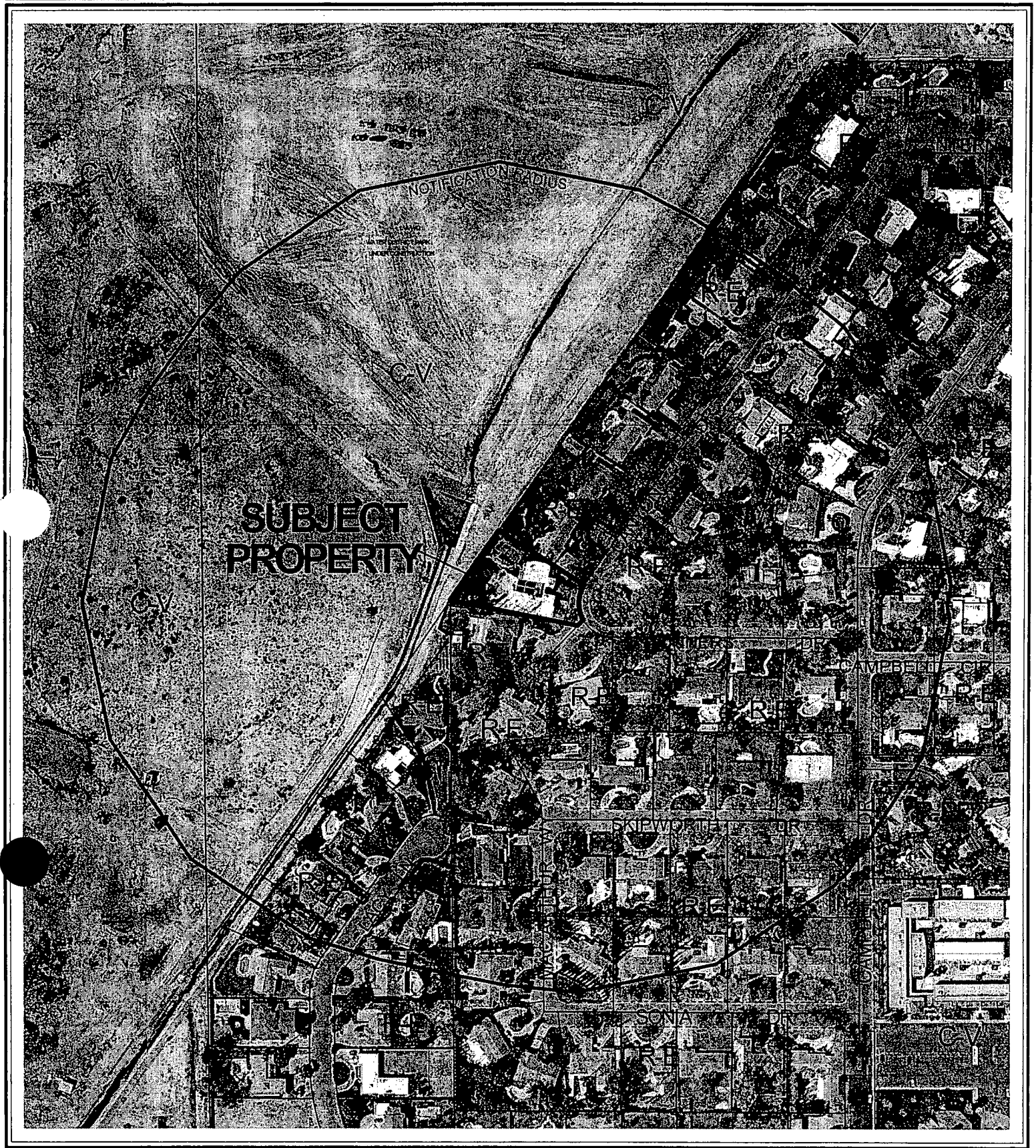


CASE: **VAR-3288**

RADIUS: 750 FT

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

0 200 400 Feet



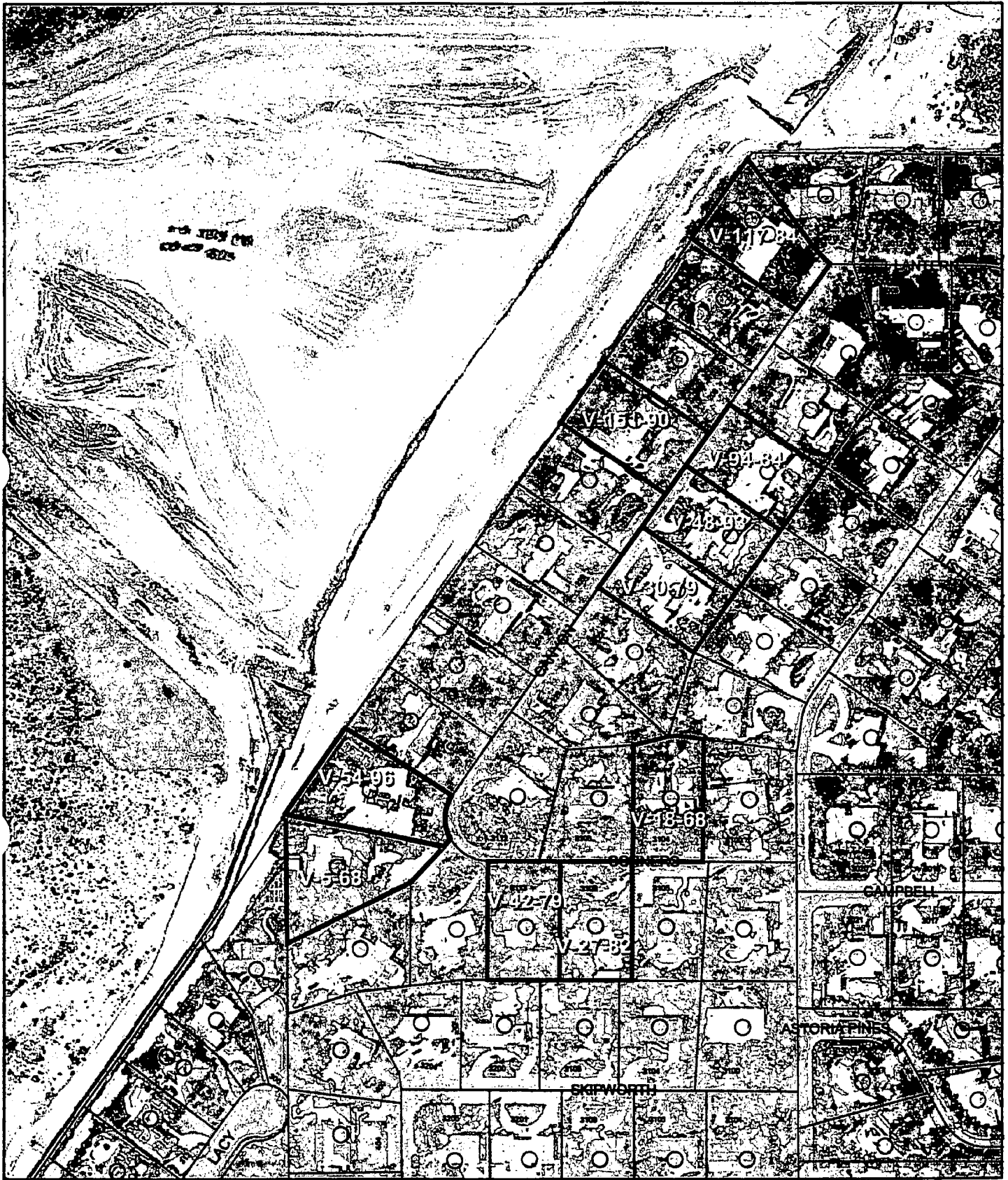
CASE: **VAR-3288**

RADIUS: 750 FT

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

0 200 400 Feet





VAR-3288

Variances

Legend

-  Subject Property
-  Other Properties with Variances

0 187.5 375 750 Feet



AGENDA MEMO

CITY COUNCIL MEETING DATE: MAY 5, 2004

DEPARTMENT: PLANNING AND DEVELOPMENT

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

THIS ITEM WAS HELD IN ABEYANCE FROM THE APRIL 21, 2004 CITY COUNCIL MEETING AT THE COUNCILMAN'S REQUEST.

**** 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 BROSSIEAU & SANDRA BROSSIEAU

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 Rosen

Print Name: PAUL BROSSAU

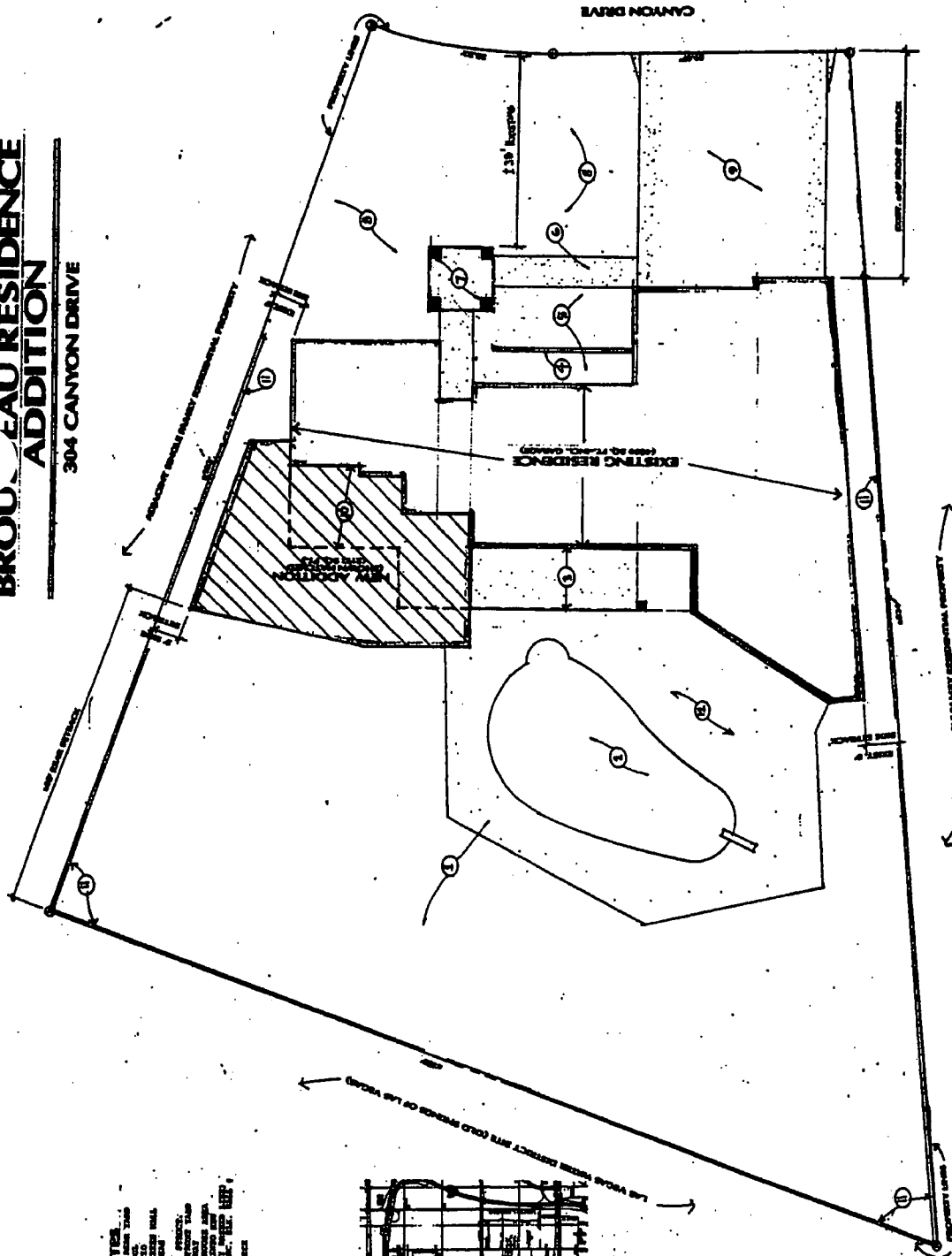
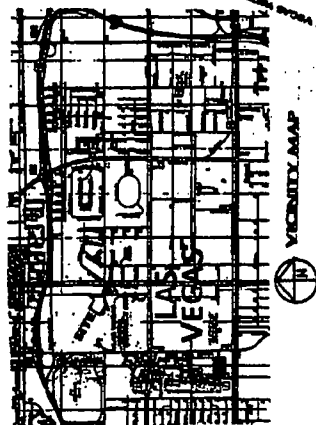
Subscribed and sworn before me

This 21st day of October, 2003
Kelley Delong
 Notary Public in and for said County and State



BROU...EAU RESIDENCE ADDITION 304 CANYON DRIVE

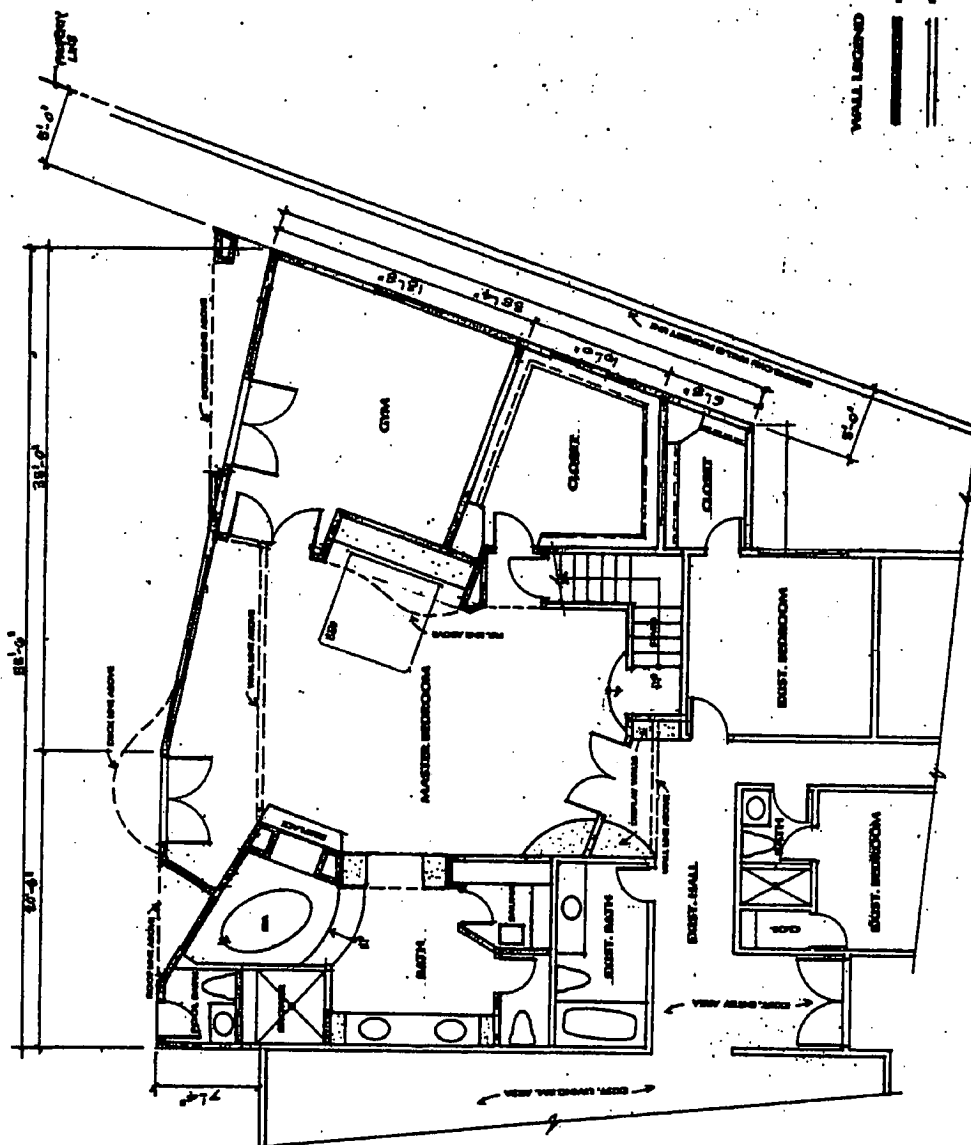
- KEYNOTES**
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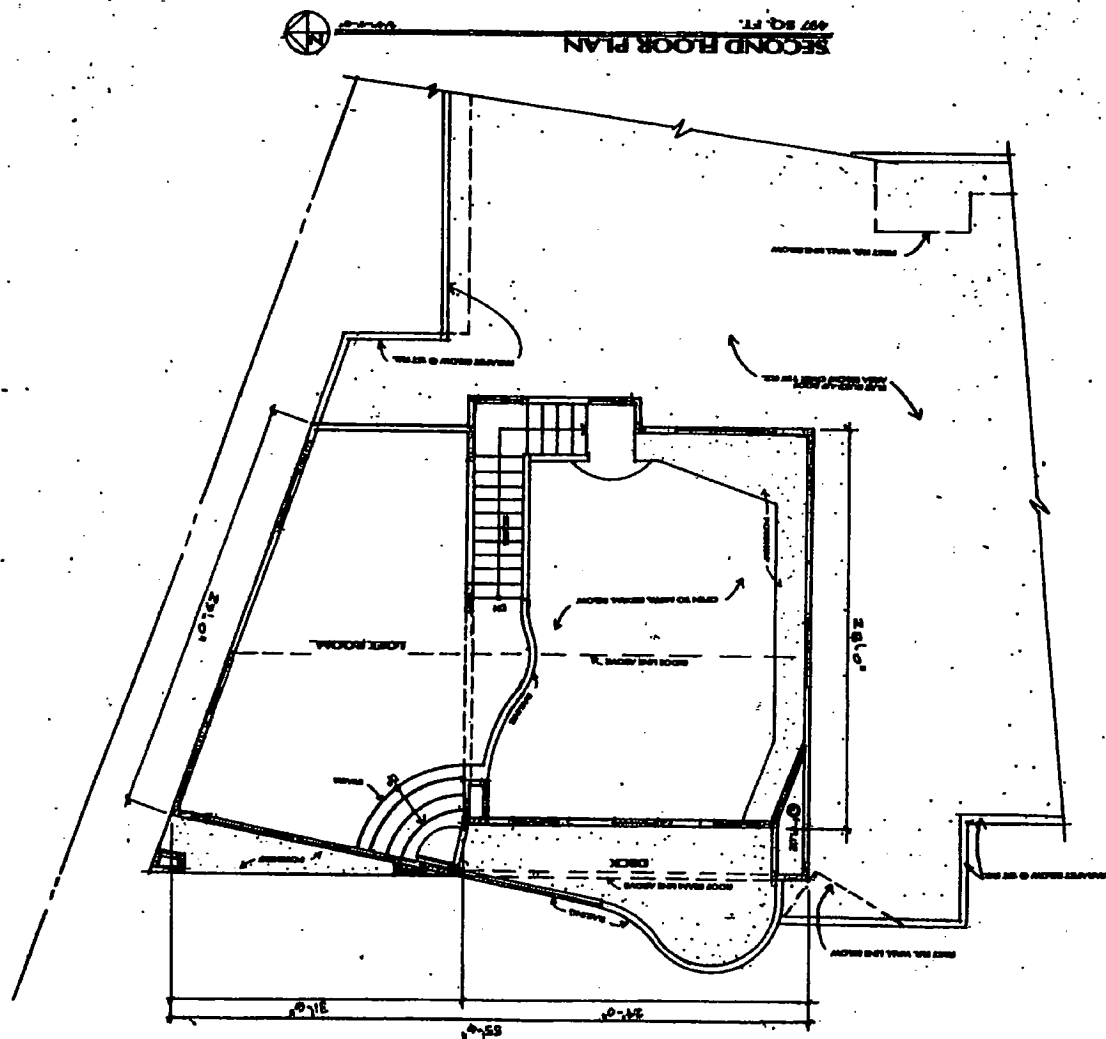


SITE PLAN
EXIST. HOUSE AND POOL ARE CHANGED
TO NEW HOUSE AND POOL. SEE PLAN
FOR DETAILS.

SITE PLAN

STAFF
VAR-3288
12-18-03 PC



[illegible]



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



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

11/25/03

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: MAY 5, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☐

CONSENT

☒

DISCUSSION

SUBJECT:

VARIANCE - PUBLIC HEARING - VAR-4232 - APPLICANT: TANEY ENGINEERING - OWNER: CITATION HOMES - Request for a Variance TO ALLOW A 50 FOOT SETBACK FOR A PROPOSED MULTI-FAMILY BUILDING FROM A SINGLE FAMILY RESIDENTIAL PROPERTY WHERE THE RESIDENTIAL ADJACENCY STANDARDS REQUIRE AN 82 FOOT SETBACK AND FOR A WAIVER TO ALLOW THE VARIANCE TO GO DIRECTLY TO CITY COUNCIL WITHOUT ACTION BY THE PLANNING COMMISSION on 1.04 acres adjacent to the south side of Van Buren Avenue approximately 350 feet East of Lamb Boulevard (APN: 140-29-101-009), R-2 (Medium-Low Density Residential) Zone under Resolution of Intent to R-3 (Medium Density Residential) Zone, Ward 3 (Reese). Staff recommends APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.

0

City Council Meeting

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

0

City Council Meeting

RECOMMENDATION:

Staff 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 with GOODMAN excused and Ward 2 seat vacant

MINUTES:

MAYOR PRO TEM REESE declared the Public Hearing open on Item 97 [VAR-4232] and Item 98 [SDR-4139].

ROBERT CUNNINGHAM, 4445 South Jones Boulevard, concurred with the conditions for the Variance, but asked clarification on Conditions 9 and 11 of the Site Development Plan. He asked that Condition 9 requesting half-street improvements be concurrent instead of prior to the issuance of any permits for this site. He also indicated that after meeting with Public Works staff they agreed to delete Condition 11, as it is no longer needed based on the present layout of the plan. GINA VENGLAS, Public Works Department verified MR. CUNNINGHAM'S comments.

CITY COUNCIL MEETING OF MAY 5, 2004
Planning and Development Department
Item 97 – VAR-4232

MINUTES – Continued:

No one appeared in opposition.

MAYOR PRO TEM REESE declared the Public Hearing closed on Item 97 [VAR-4232] and Item 98 [SDR-4139].

NOTE: All discussion for Item 97 [VAR-4232] and Item 98 [SDR-4139] was held under Item 97 [VAR-4232].

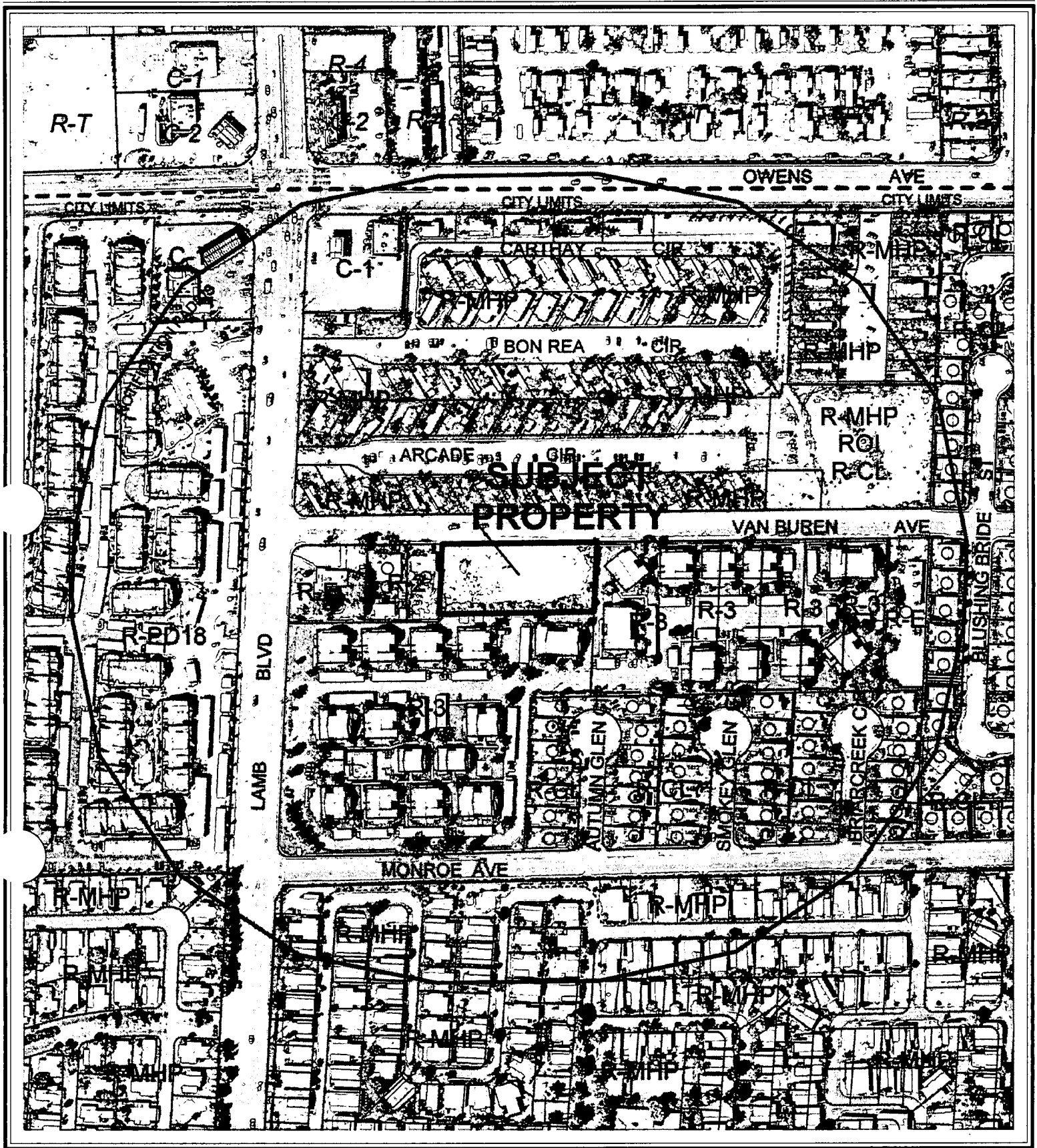
(2:12 – 2:14)

4-1686

CONDITIONS:

Planning and Development

1. This variance shall expire two years from the date of final approval, unless it is exercised or an Extension of Time is granted.
2. Building heights may not exceed 25 feet.
3. Conformance to all conditions of approval for SDR-4139.



CASE: **VAR-4232**

RADIUS: 750 FT

ZONING OF SUBJECT PROPERTY:

R-2 (MEDIUM-LOW DENSITY RESIDENTIAL) UNDER RESOLUTION OF INTENT TO
R-3 (MEDIUM DENSITY RESIDENTIAL)

0 200 400 Feet



AGENDA MEMO

CITY COUNCIL MEETING DATE: MAY 5, 2004

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: VAR-4232 - APPLICANT: TANEY ENGINEERING – OWNER:
CITATION HOMES**

**** CONDITIONS ****

Staff 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.
2. Building heights may not exceed 25 feet.
3. Conformance to all conditions of approval for SDR-4139.

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

This request is for a variance to allow construction of 12 multi family units with a side setback of 50 feet where Residential Adjacency Standards of Title 19 require a setback of 82 feet. Part of the request is to permit the application to proceed direct to the City Council.

B) Applicant's Justification

The letter states that the rezoning and site development plan for the 10 unit project was approved in 2002. The new building pattern, floor plans and elevations will create a more livable community. Approval of this request would allow the two story portion of the building to be 50 feet from the single family residence to the west. The actual distance between the two buildings will be approximately 65 feet. The site plan is compatible with the neighborhood in terms of size and scale.

BACKGROUND INFORMATION

A) Previous Actions

- 11/06/02 The City Council approved a rezoning request from R-2 (Medium-Low Density Residential) to R-3 (Medium Density Residential) on this site. The Planning Commission and staff recommended approval.
- 11/06/02 The City Council approved a request for a site development plan review of a proposed 10 unit apartment complex on this site. The Planning Commission and staff recommended approval.
- 11/12/03 A Parcel Map was accepted by the Planning Development Department for this property. Mylars were submitted on 02/18/04, but have not yet been signed.

B) Pre-Application Meeting

- 03/19/04 The applicant stated that the project will be for 12 units, where the previous approval was for 10 units. The bedroom mix and parking standards were discussed; it was determined that 22 parking spaces will be required and 33 will be provided. It was also determined that a variance to residential adjacency standards will be needed due to the presence of a single family dwelling on the R-2 (Medium-Low Density Residential) zoned property to the west.

C) Neighborhood Meetings

A neighborhood meeting is not required.

DETAILS OF APPLICATION REQUEST

A) Site Area

Gross Acres: 1.25
Net Acres: 1.03

B) Existing Land Use

Subject Property: Vacant
North: Mobile Home Park
South: Apartment Complex
East: Apartment Complex
West: Single Family Residence

C) Planned Land Use

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

D) Existing Zoning

Subject Property: R-3 (Medium Density Residential)
North: R-MHP (Residential Mobile/manufactured Home Park)
South: R-3 (Medium Density Residential)
East: R-3 (Medium Density Residential)
West: R-2 (Medium-Low Density Residential)

E) General Plan Compliance

a. Southeast General Plan

The site is designated M (Medium Density Residential) on the Southeast Sector Map of the General Plan, which allows residential densities up to 25 units per acre. This designation allows permitted uses in the R-3 (Medium Density Residential) zoning district.

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 site is not affected by an Special Area Plan or Overlay District

A1) Residential Adjacency Standards

Title 19.08.060 (A) 1 (b) states that a property to be developed for multi-family residential use adjacent to either single-family residential property or property which is designated for such development must comply with residential adjacency standards. For this project, the property to the west is developed as a single family residence.

Proximity slope. The applicants states they are providing a 50 foot setback from the west property line; a 75 foot setback is needed to meet the standard. The discrepancy between the report and the 82 feet in the heading is due to the applicant clarifying that the building height is 25 feet. The proximity slope is the subject of this variance.

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.”

The apartment project approved in 2002 was for ten units, with two-story buildings of 22 feet in height. The current request adds an additional two units, and is proposing two story buildings at a maximum height of 25 feet. The current request is not a major deviation from what was previously approved. Also, it is less than the maximum height of 35 feet allowed by the Code for both single-family and multi-family units. Therefore, the request is appropriate and will not result in development that is out of character with the established development pattern of this area of the City.

NOTICES MAILED 633 by Planning Department

APPROVALS 0

PROTESTS 0



PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: VAR-4232 APN: 140-29-101-009

Name of Property Owner: Citation Homes

Name of Applicant: Taney Engineering

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?

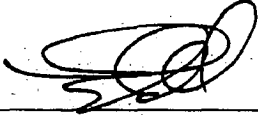
☐ Yes ☒ No

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): _____

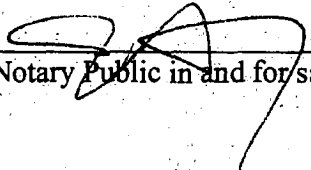
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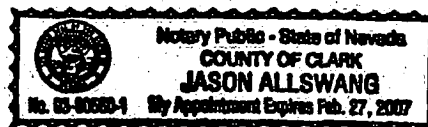
Signature of Property Owner/Authorized Agent: 

Print Name: ED WEBB

Subscribed and sworn before me

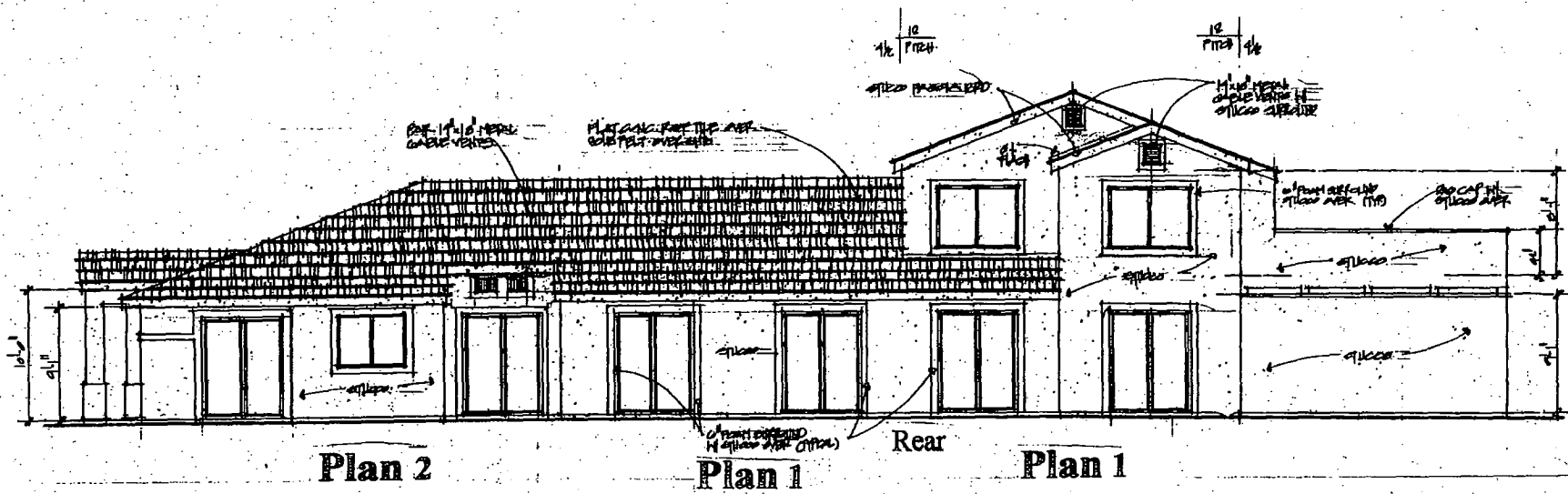
This 31st day of March, 2004


Notary Public in and for said County and State



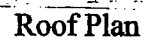


Elevations

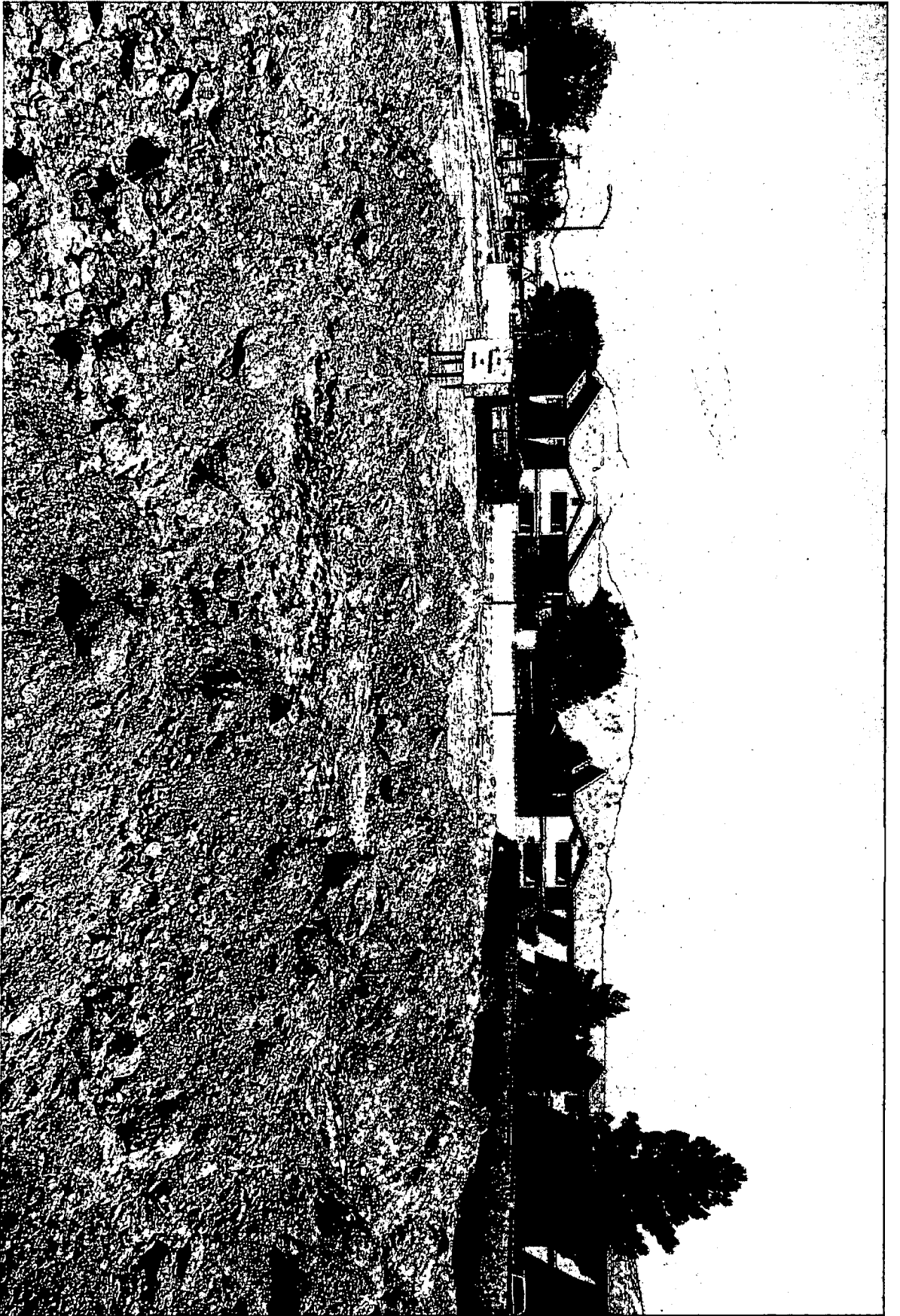


VAR-4232
SDR-4139
5-5-04 CC

Elevations



VAR-4232
SDR-4139
5-5-04 CC



VAR-4232 - APPLICANT: TANNEY ENGINEERING - OWNER: CITATION HOMES
South side of Van Buren Avenue approximately 350 feet East of Lamb Boulevard
MAY 5, 2004 CITY COUNCIL MEETING

Picture taken 04/07/04



VAR-4232 - APPLICANT: TANEY ENGINEERING – OWNER: CITATION HOMES
South side of Van Buren Avenue approximately 350 feet East of Lamb Boulevard
MAY 5, 2004 CITY COUNCIL MEETING

Picture taken 04/07/04

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF: MAY 5, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☐

CONSENT

☒

DISCUSSION

SUBJECT:

SITE DEVELOPMENT PLAN REVIEW RELATED TO VAR-4232 - PUBLIC HEARING - SDR-4139 - APPLICANT: TANEY ENGINEERING - OWNER: CITATION HOMES -
Request for a Site Development Plan Review FOR A 12-UNIT MULTI-FAMILY DEVELOPMENT on 1.04 acres adjacent to the south side of Van Buren Avenue approximately 350 feet East of Lamb Boulevard (APN: 140-29-101-009), R-2 (Medium-Low Density Residential) Zone under Resolution of Intent to R-3 (Medium Density Residential) Zone, Ward 3 (Reese). Staff recommends APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

RECOMMENDATION:

Staff recommends APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

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

MOTION:

REESE - APPROVED subject to conditions, deleting Condition 11 and amending Condition 9 as follows:

9. Construct half-street improvements on Van Buren Avenue adjacent to this site *concurrent with development of this site*. All existing paving damaged or removed by this development shall be restored at its original location and to its original width.
- UNANIMOUS with GOODMAN excused and Ward 2 seat vacant

MINUTES:

NOTE: See Item 97 [VAR-4232] for all related discussion.

(2:12 - 2:14)

4-1686

CONDITIONS:

Planning and Development

1. Approval of a Variance request for relief from the Residential Adjacency Standards of the Code (VAR-4232) by the City Council.

CITY COUNCIL MEETING OF MAY 5, 2004
Planning and Development Department
Item 98 – SDR-4139

CONDITIONS – Continued:

2. 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.
3. No waivers to other Code requirements are permitted.
4. A landscaping plan depicting conformance to all relevant Code standards pertaining to landscaping and wall standards shall be submitted prior to or concurrent with application for building permit.
5. All mechanical equipment, air conditioners and trash areas shall be fully screened from the view of abutting streets. No rooftop air conditioning units are permitted.
6. A fully operational fire protection system, including fire apparatus roads, hydrants and water supply shall be installed an function prior to construction of any combustible structures.
7. No turf shall be permitted in the non-recreational common areas, such as medians and amenity zones in this development.

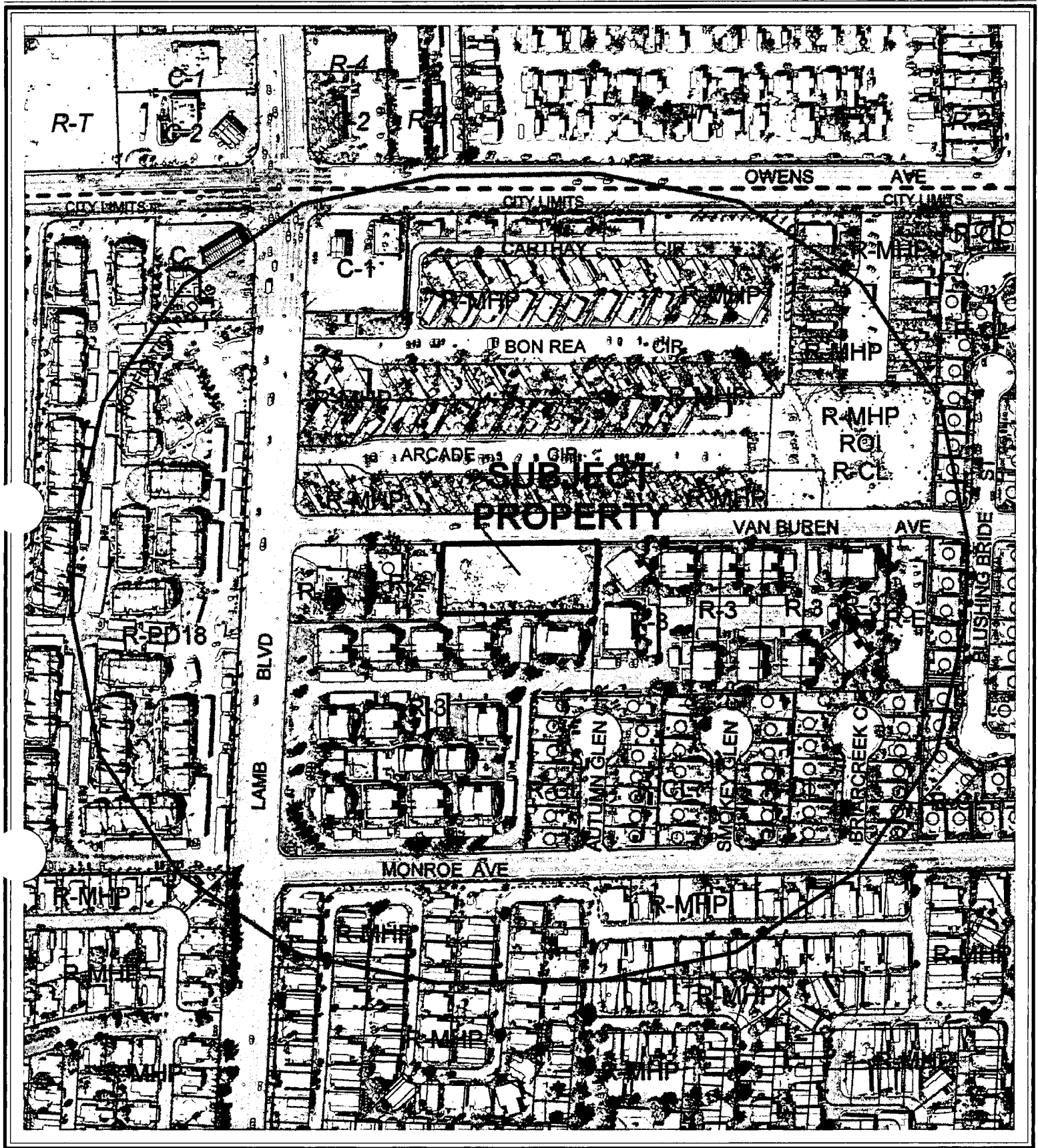
Public Works

8. The submitted Parcel Map PMP-3362 should record prior to the issuance of any permits for this site.
9. Construct half-street improvements on Van Buren Avenue adjacent to this site prior to the issuance of any permits for this site. All existing paving damaged or removed by this development shall be restored at its original location and to its original width.
10. Extend all required underground utilities, such as electrical, telephone, etc., located within public rights-of-way, past the western boundary of this site prior to construction of hard surfacing (asphalt or concrete).
11. Driveways shall be designed, located and constructed in accordance with Standard Drawing #222A.
12. Extend public sanitary sewer to the west edge of this site along an alignment and to a depth and location acceptable to the City Engineer. All required public sewer easements necessary to connect this site to the existing public sewer system shall be provided to the City prior to City approval of sewer construction plans, or the issuance of any offsite permits.

CITY COUNCIL MEETING OF MAY 5, 2004
Planning and Development Department
Item 98 – SDR-4139

CONDITIONS – Continued:

13. Meet with the Flood Control Section of the Department of Public Works to discuss drainage related issues for this site prior to the issuance of any building or grading permits, whichever may occur first.
14. A Traffic Impact Analysis must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings, or the recordation of a Final Map for this site. Comply with the recommendations of the approved Traffic Impact Analysis prior to occupancy of the site. The City shall determine traffic signal 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. If additional rights-of-way are not required and Traffic Control devices are or may be proposed at this site outside of the public right-of-way, all necessary easements for the location and/or access of such devices shall be granted prior to the issuance of permits for this site. Phased compliance will be allowed if recommended by the approved Traffic Impact Analysis. No recommendation of the approved Traffic Impact Analysis, nor compliance therewith, shall be deemed to modify or eliminate any condition of approval imposed by the Planning Commission or the City Council on the development of this site. Alternatively, in lieu of a Traffic Impact Analysis, the applicant may participate in a reasonable alternative mutually acceptable to the applicant and the Department of Public Works.
15. The approval of all Public Works related improvements shown on this Site Development Plan Review is in concept only. Specific design and construction details relating to size, type and/or alignment of public improvements, including but not limited to street, sewer and drainage improvements, shall be resolved prior to submittal of a Tentative Map or construction drawings, whichever may occur first. No deviations from adopted City Standards shall be allowed unless specific written approval for such is received from the City Engineer prior to the submittal of a Tentative Map or construction drawings, whichever may occur first.



CASE: SDR-4139

RADIUS: 750 FT

ZONING OF SUBJECT PROPERTY:

R-2 (MEDIUM-LOW DENSITY RESIDENTIAL) UNDER RESOLUTION OF INTENT TO
R-3 (MEDIUM DENSITY RESIDENTIAL)

AGENDA MEMO

CITY COUNCIL MEETING DATE: MAY 5, 2004

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: SDR-4139 - APPLICANT: TANEY ENGINEERING – OWNER:
CITATION HOMES

**** CONDITIONS ****

Staff recommends APPROVAL, subject to the following

Planning and Development

1. Approval of a Variance request for relief from the Residential Adjacency Standards of the Code (VAR-4232) by the City Council.
2. 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.
3. No waivers to other Code requirements are permitted.
4. A landscaping plan depicting conformance to all relevant Code standards pertaining to landscaping and wall standards shall be submitted prior to or concurrent with application for building permit.
5. All mechanical equipment, air conditioners and trash areas shall be fully screened from the view of abutting streets. No rooftop air conditioning units are permitted.
6. A fully operational fire protection system, including fire apparatus roads, hydrants and water supply shall be installed and function prior to construction of any combustible structures.
7. No turf shall be permitted in the non-recreational common areas, such as medians and amenity zones in this development.

Public Works

8. The submitted Parcel Map PMP-3362 should record prior to the issuance of any permits for this site.
9. Construct half-street improvements on Van Buren Avenue adjacent to this site prior to the issuance of any permits for this site. All existing paving damaged or removed by this development shall be restored at its original location and to its original width.
10. Extend all required underground utilities, such as electrical, telephone, etc., located within public rights-of-way, past the western boundary of this site prior to construction of hard surfacing (asphalt or concrete).

11. Driveways shall be designed, located and constructed in accordance with Standard Drawing #222A.
12. Extend public sanitary sewer to the west edge of this site along an alignment and to a depth and location acceptable to the City Engineer. All required public sewer easements necessary to connect this site to the existing public sewer system shall be provided to the City prior to City approval of sewer construction plans, or the issuance of any offsite permits.
13. Meet with the Flood Control Section of the Department of Public Works to discuss drainage related issues for this site prior to the issuance of any building or grading permits, whichever may occur first.
14. A Traffic Impact Analysis must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings, or the recordation of a Final Map for this site. Comply with the recommendations of the approved Traffic Impact Analysis prior to occupancy of the site. The City shall determine traffic signal 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. If additional rights-of-way are not required and Traffic Control devices are or may be proposed at this site outside of the public right-of-way, all necessary easements for the location and/or access of such devices shall be granted prior to the issuance of permits for this site. Phased compliance will be allowed if recommended by the approved Traffic Impact Analysis. No recommendation of the approved Traffic Impact Analysis, nor compliance therewith, shall be deemed to modify or eliminate any condition of approval imposed by the Planning Commission or the City Council on the development of this site. Alternatively, in lieu of a Traffic Impact Analysis, the applicant may participate in a reasonable alternative mutually acceptable to the applicant and the Department of Public Works.
15. The approval of all Public Works related improvements shown on this Site Development Plan Review is in concept only. Specific design and construction details relating to size, type and/or alignment of public improvements, including but not limited to street, sewer and drainage improvements, shall be resolved prior to submittal of a Tentative Map or construction drawings, whichever may occur first. No deviations from adopted City Standards shall be allowed unless specific written approval for such is received from the City Engineer prior to the submittal of a Tentative Map or construction drawings, whichever may occur first.

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

This request is for approval of a site development plan of a proposed 12 unit apartment complex located on a 1.25 acre parcel on the south side of Van Buren Avenue, approximately 350 feet east of Lamb Boulevard. This proposal has added two units and is a redesign of a previously approved apartment complex.

B) Applicant's Justification

The applicant states the proposed project will provide a more livable community. The design accommodates City landscaping standards. Open space for each four-plex building is provided directly adjacent for easy access. Approval will aid in the completion of the community and result in consistency in residential development.

BACKGROUND INFORMATION

A) Previous Actions

- 11/06/02 The City Council approved a rezoning request from R-2 (Medium-Low Density Residential) to R-3 (Medium Density Residential) on this site. The Planning Commission and staff recommended approval. (Z-0080-02)
- 11/06/02 The City Council approved a request for a site development plan review of a proposed 10 unit apartment complex on this site. The Planning Commission and staff recommended approval.
- 11/12/03 A Parcel Map was accepted by the Planning Development Department for this property. Mylars were submitted on 02/18/04, but have not yet been signed. (PMP-3362).

B) Pre-Application Meeting

- 03/19/04 The applicant stated that the project will be for 12 units, where the previous approval was for 10 units. The bedroom mix and parking standards were discussed; it was determined that 22 parking spaces will be required and 33 will be provided. It was also determined that a variance to residential adjacency standards will be needed due to the presence of a single family dwelling on the R-2 (Medium-Low Density Residential) zoned property to the west.

C) *Neighborhood Meetings*

A neighborhood meeting is not required.

DETAILS OF APPLICATION REQUEST

A) *Site Area*

Gross Acres: 1.25
Net Acres: 1.03

B) *Existing Land Use*

Subject Property: Vacant
North: Mobile Home Park
South: Apartment Complex
East: Apartment Complex
West: Single Family Residence

C) *Planned Land Use*

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

D) *Existing Zoning*

Subject Property: R-3 (Medium Density Residential)
North: R-MHP (Residential Mobile/manufactured Home Park)
South: R-3 (Medium Density Residential)
East: R-3 (Medium Density Residential)
West: R-2 (Medium-Low Density Residential)

E) *General Plan Compliance*

The site is designated M (Medium Density Residential) on the Southeast Sector Map of the General Plan, which allows residential densities up to 25 units per acre. This designation allows permitted uses in the R-3 (Medium Density Residential) zoning district.

PROJECT DESCRIPTION

This project consists of three lots, each consisting of approximately 15,000 square feet in area. Each lot will have four apartment units. All access is directly to East Van Buren Avenue. Twenty-four of the parking spaces are provided in two car garages, the remainder is uncovered spaces. The applicant has not requested any waivers from the landscape standards of the Code. There is a companion item requesting relief from the residential adjacency standards of the Code for Parcel 1.

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	6,500 Square Feet	15,005 Square Feet	Y
Min. Lot Width	NA	105.28	Y
Min. Setbacks			
• Front	20 Feet	20 Feet	Y
• Side	5 Feet	10 Feet	Y
• Corner	NA		
• Rear	20 Feet	20	Y
Max. Lot Coverage	NA	32.5%	Y
Max. Building Height	2 Stories / 35 Feet	25 Feet	Y
Trash Enclosure	Y	Y	Y

The proposal meets these standards of the Code.

A2) Residential Adjacency Standards

Title 19.08.060 (A) 1 (b) states that a property to be developed for multi-family residential use adjacent to either single-family residential property or property, which is designated for such development, must comply with residential adjacency standards. For this project, the property to the west is developed as a single family residence.

Proximity slope. The applicant states they are providing a 50-foot setback from the west property line; a 75-foot setback is needed to meet the standard. The proximity slope is the subject of this variance.

Staff has recommended approval of this Variance.

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
Apartment	NA	9-two bedroom units (1.75 spaces/unit; 3-three bedroom; 2 spaces/unit; 1 guest space/6 units	22		33	

The proposed parking exceeds the standards of the Code.

A4) Landscape and Open Space Standards

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

Standards	Required		Provided
	Ratio	Trees	
Parking Area	1 Tree/6 Spaces	1	Y
Buffer:		12 Trees	Y
• Min. Trees	1 Tree/ 30 Linear Feet		
• Min. Zone Width	10 Feet along Van Buren 6 Feet- other property lines		Y
• Wall height	6 Feet		Y

The proposal meets the landscaping standards of the Code.

B) General Analysis and Discussion

- Zoning

The proposed density of the project is 9.6 units per acre. The R-3 (Medium Density Residential) zoning district permits up to 25 units per acre. The project, therefore, conforms to Code standards.

- Site Plan

The site development plan is a reasonable design and project for this area of the City. It is an increase of two units over the previous site development plan approved in 2002, yet depicts a project at less than half the permitted maximum density. There are substantive setbacks between the buildings and is designed to be compatible with the surrounding development pattern.

- **Waivers**

There are no waivers proposed to Code standards. There is a companion variance application for relief from the residential adjacency standards for the western side setback for the Parcel 1 four-plex.

- **Landscape Plan**

The landscape plan shows a ten foot wide planter along Van Buren Avenue, with minimum 24 inch box trees 30 feet on center. The depicted 12 trees meet Code standards. Six foot wide planters are shown along the other boundaries of the property, with planting material meeting Code standards.

- **Elevation**

The maximum building height is 25 feet, which is only three feet more than depicted on the previously approved site development plan review. Also, these buildings are 10 feet less than permitted in the R-3 (Medium Density Residential) zoning district. The elevations show stucco exteriors with 14" by 18" metal gable vents with flat concrete roof tiles.

- **Floor Plan**

The floor plans show that each apartment will be approximately 990 square feet in area.

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 established development pattern is apartments to the east and south, a single family residence to the west and a mobile home park to the north. The proposed twelve unit apartment complex is at a reasonable density and is designed to be harmonious and compatible with the surrounding area.

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

The only Code standard not met is Residential Adjacency from the single family dwelling to the west. Relief from this standard is reasonable, in that the proposed building is 22 feet in height and meeting a setback of 50 feet. The proposal is consistent with the goals, objectives and policies of the Plan pertaining to infill parcels and no waivers are proposed to the Landscape, Wall and Buffer standards, or any other development-related Codes of the City.

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

All access is directly to Van Buren Avenue, which should not negatively impact neighborhood traffic.

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

The landscaping planter width and material meet Code standards. The building materials are acceptable for this area of the City.

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 project provides setbacks of at least 40 feet between buildings, which are more than adequate for this style of development. The environment provided by development of this vacant, infill property will complete the neighborhood.

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

The buildings will be subject to inspection prior to occupancy, which will ensure maintenance of the health, safety and general welfare.

NOTICES MAILED 633 by Planning Department

APPROVALS 0

PROTESTS 0



PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: SDR-4139 APN: 140-29-101-009

Name of Property Owner: Citation Homes

Name of Applicant: Taney Engineering

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: _____

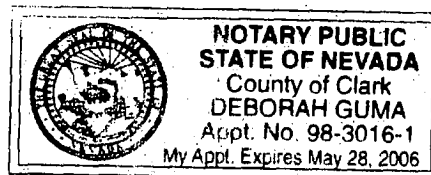
Signature of Property Owner/Authorized Agent: 

Print Name: ED WEBB

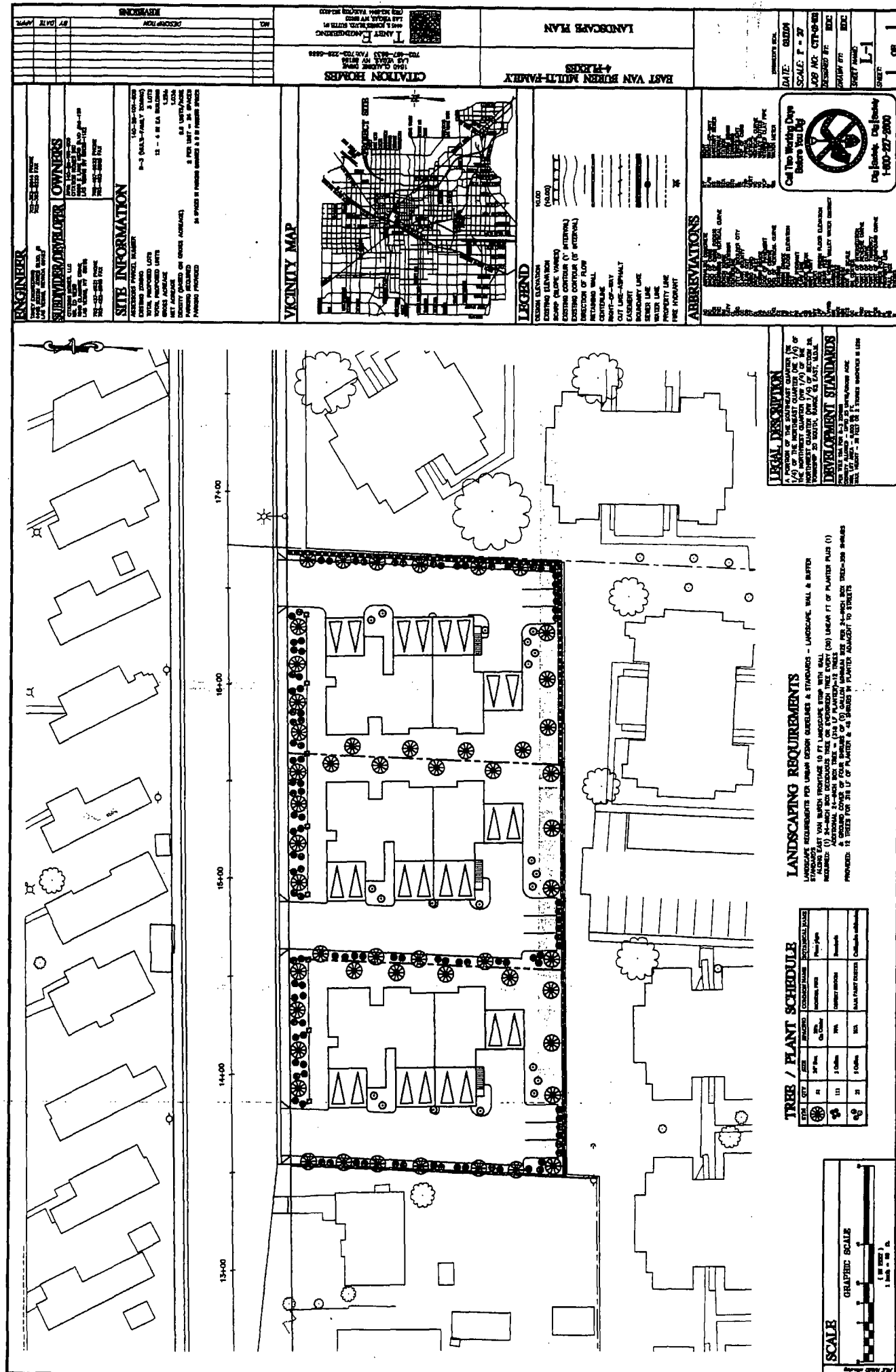
Subscribed and sworn before me

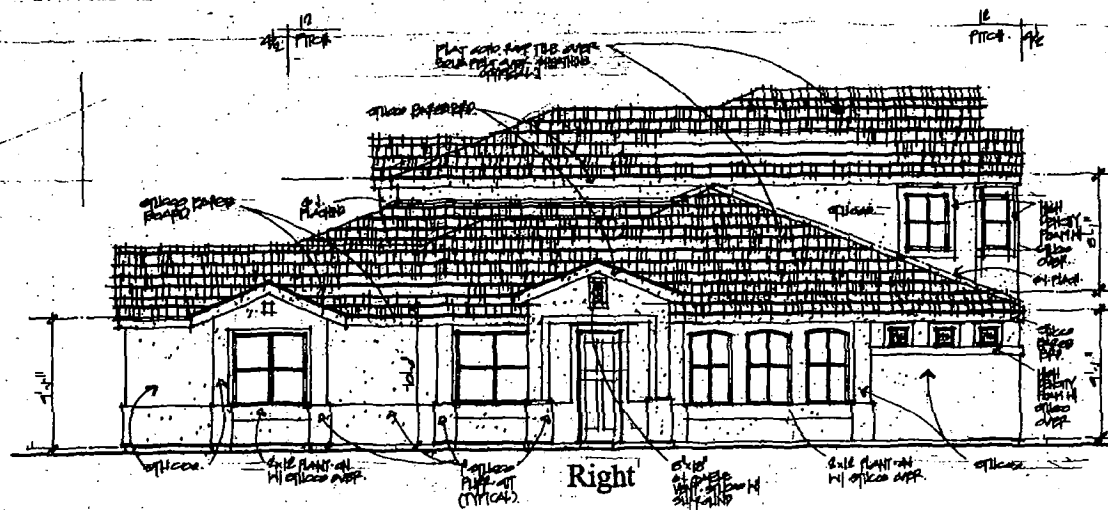
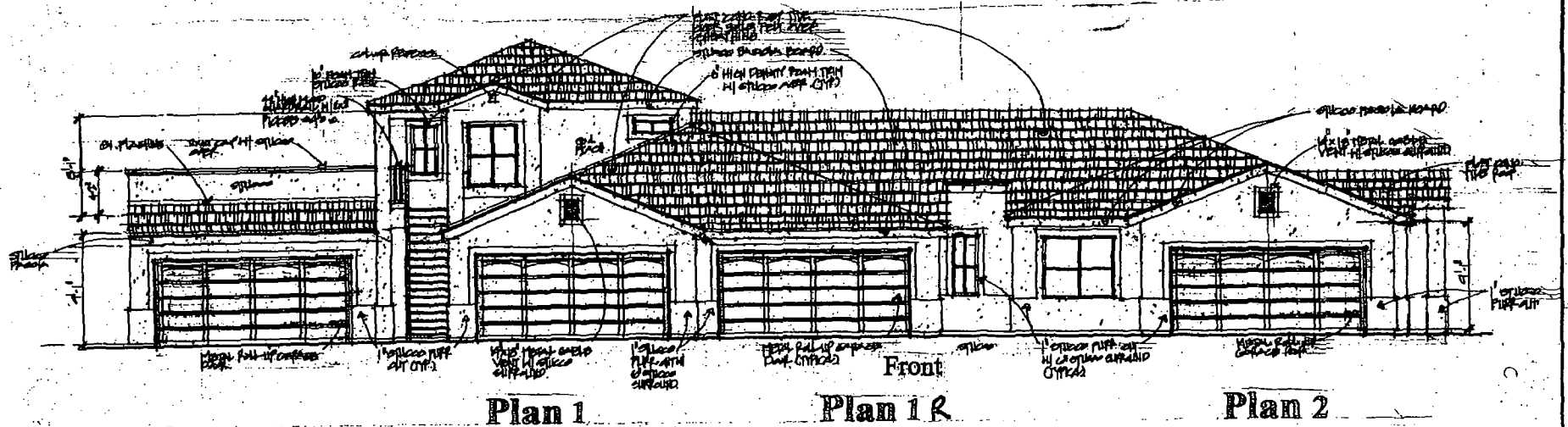
This 19 day of March, 2004

Deborah Guma
Notary Public in and for said County and State



5-5-04 CC





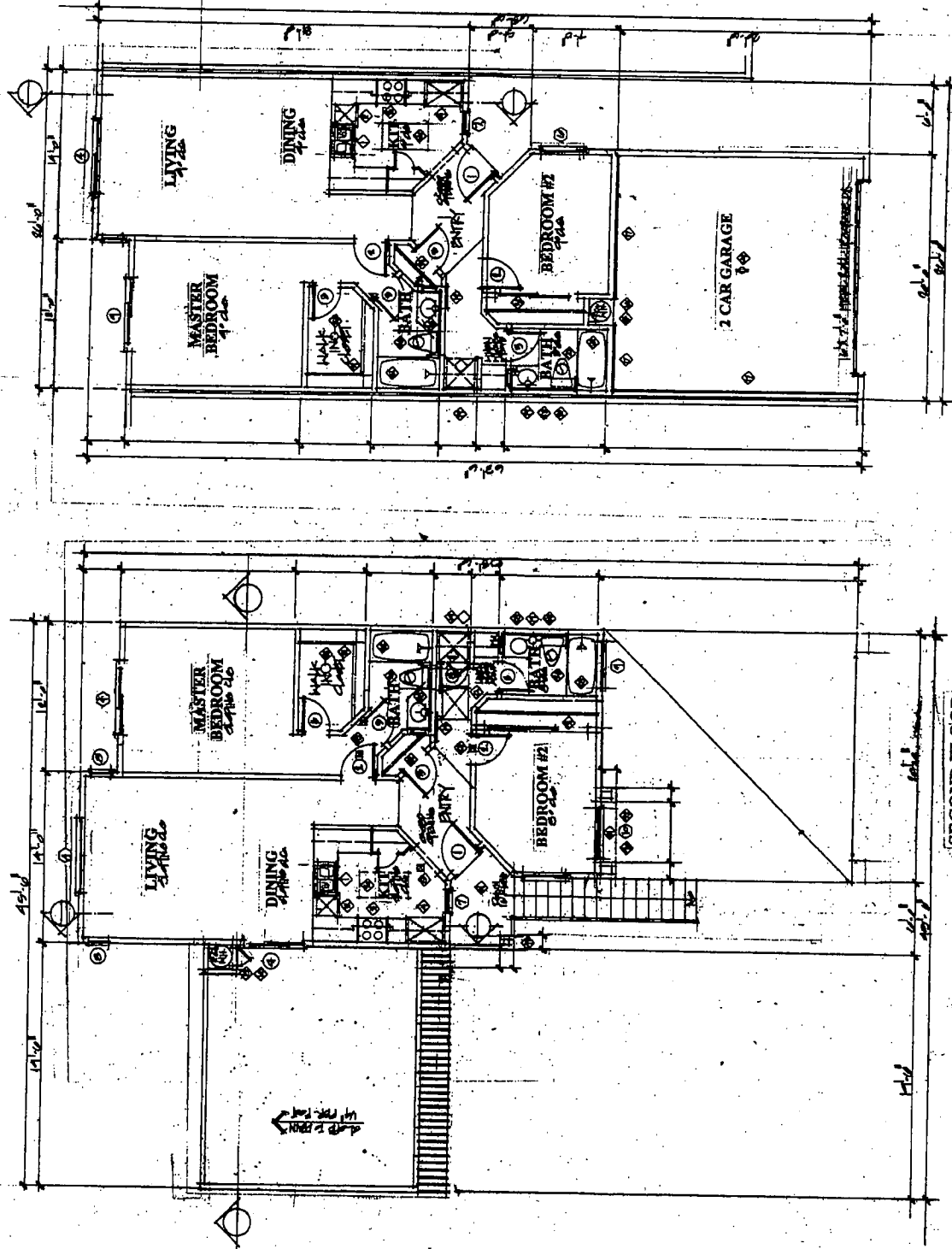
VAR-4232

Plan 2

SDR-4139

5-5-04 CC

Elevations



SECOND FLOOR
Plan 1
10-5-51

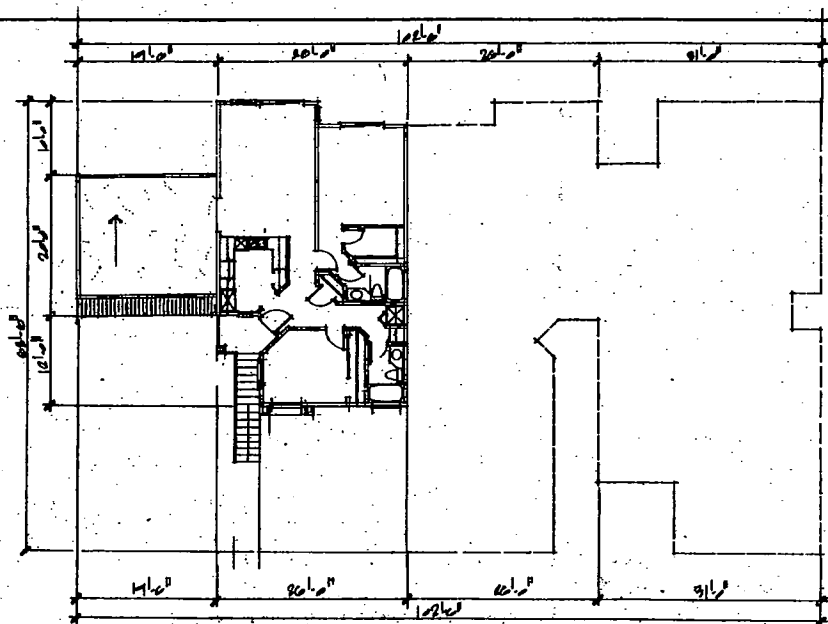
Plan 1
REVERSED

SDR-4139
5-5-04 CC

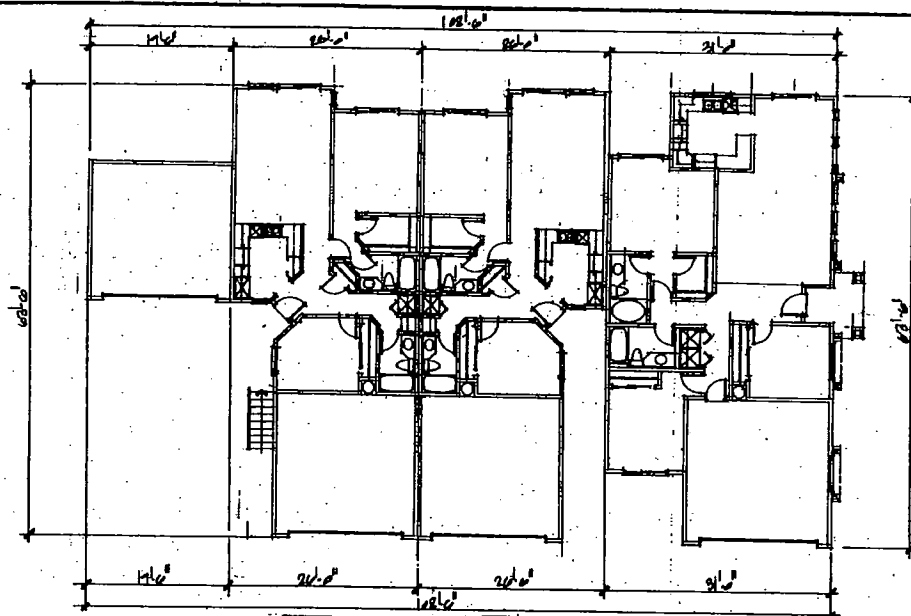
VAR-4232
Floor Plan

PLAN NOTES

1. FINISHES: SEE FINISH SCHEDULE.
2. FLOORING: SEE FLOORING SCHEDULE.
3. WALLS: SEE WALL SCHEDULE.
4. CEILING: SEE CEILING SCHEDULE.
5. DOORS: SEE DOOR SCHEDULE.
6. WINDOWS: SEE WINDOW SCHEDULE.
7. KITCHEN: SEE KITCHEN SCHEDULE.
8. BATH: SEE BATH SCHEDULE.
9. HALL: SEE HALL SCHEDULE.
10. ENTRY: SEE ENTRY SCHEDULE.
11. LIVING: SEE LIVING SCHEDULE.
12. DINING: SEE DINING SCHEDULE.
13. MASTER BEDROOM: SEE MASTER BEDROOM SCHEDULE.
14. BEDROOM #1: SEE BEDROOM #1 SCHEDULE.
15. BEDROOM #2: SEE BEDROOM #2 SCHEDULE.
16. GARAGE: SEE GARAGE SCHEDULE.
17. STAIRS: SEE STAIR SCHEDULE.
18. CLOSET: SEE CLOSET SCHEDULE.
19. LINEN: SEE LINEN SCHEDULE.
20. PANTRY: SEE PANTRY SCHEDULE.
21. BREAKFAST: SEE BREAKFAST SCHEDULE.
22. TERRACE: SEE TERRACE SCHEDULE.
23. PORCH: SEE PORCH SCHEDULE.
24. DRIVEWAY: SEE DRIVEWAY SCHEDULE.
25. FENCE: SEE FENCE SCHEDULE.
26. LANDSCAPE: SEE LANDSCAPE SCHEDULE.
27. UTILITY: SEE UTILITY SCHEDULE.
28. STORAGE: SEE STORAGE SCHEDULE.
29. MECHANICAL: SEE MECHANICAL SCHEDULE.
30. ELECTRICAL: SEE ELECTRICAL SCHEDULE.
31. PLUMBING: SEE PLUMBING SCHEDULE.
32. HVAC: SEE HVAC SCHEDULE.
33. FIRE: SEE FIRE SCHEDULE.
34. SAFETY: SEE SAFETY SCHEDULE.
35. ACCESSIBILITY: SEE ACCESSIBILITY SCHEDULE.
36. ENERGY: SEE ENERGY SCHEDULE.
37. SUSTAINABILITY: SEE SUSTAINABILITY SCHEDULE.
38. SECURITY: SEE SECURITY SCHEDULE.
39. COMMUNITY: SEE COMMUNITY SCHEDULE.
40. WELL-BEING: SEE WELL-BEING SCHEDULE.
41. QUALITY: SEE QUALITY SCHEDULE.
42. VALUE: SEE VALUE SCHEDULE.
43. COST: SEE COST SCHEDULE.
44. TIME: SEE TIME SCHEDULE.
45. RISK: SEE RISK SCHEDULE.
46. COMPLIANCE: SEE COMPLIANCE SCHEDULE.
47. LEGAL: SEE LEGAL SCHEDULE.
48. ETHICS: SEE ETHICS SCHEDULE.
49. REPUTATION: SEE REPUTATION SCHEDULE.
50. CUSTOMER: SEE CUSTOMER SCHEDULE.



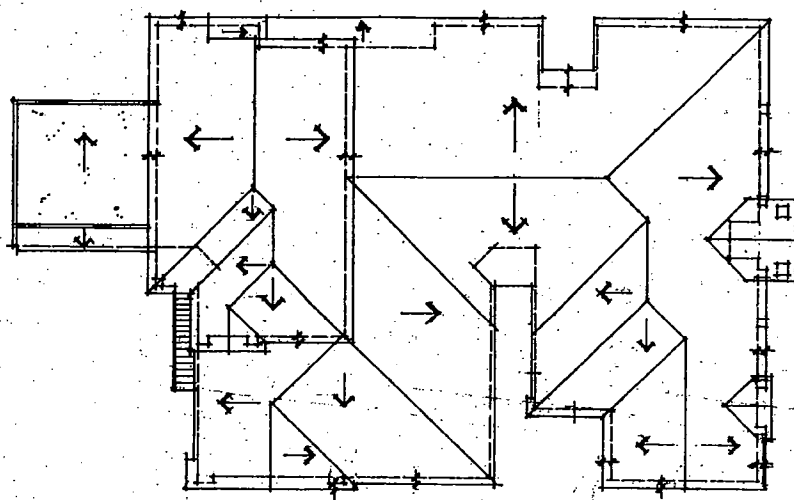
Plan 1



Plan 1

Plan 1

Plan 2

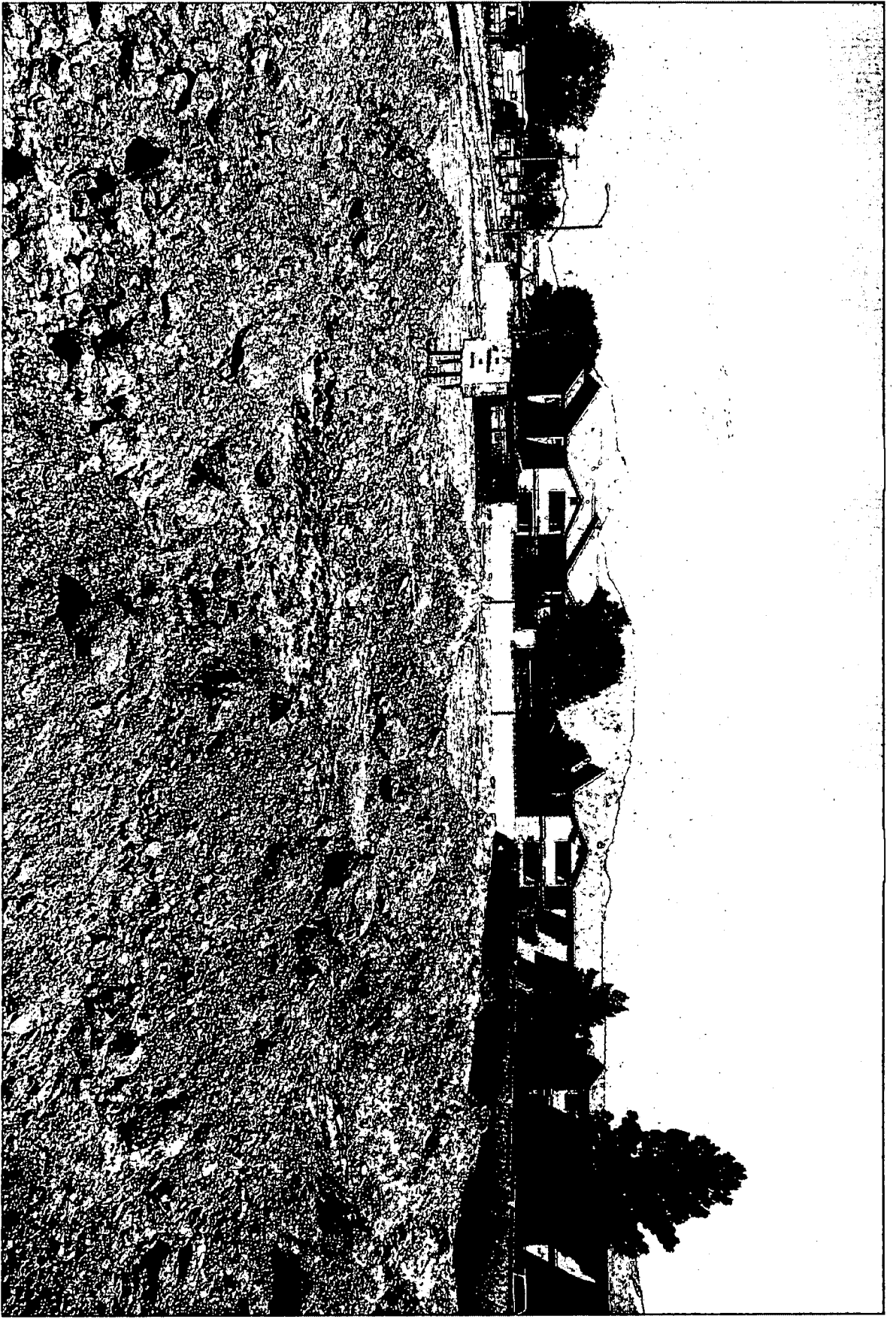


Roof Plan

VAR-4232
SDR-4139
5-5-04 CC

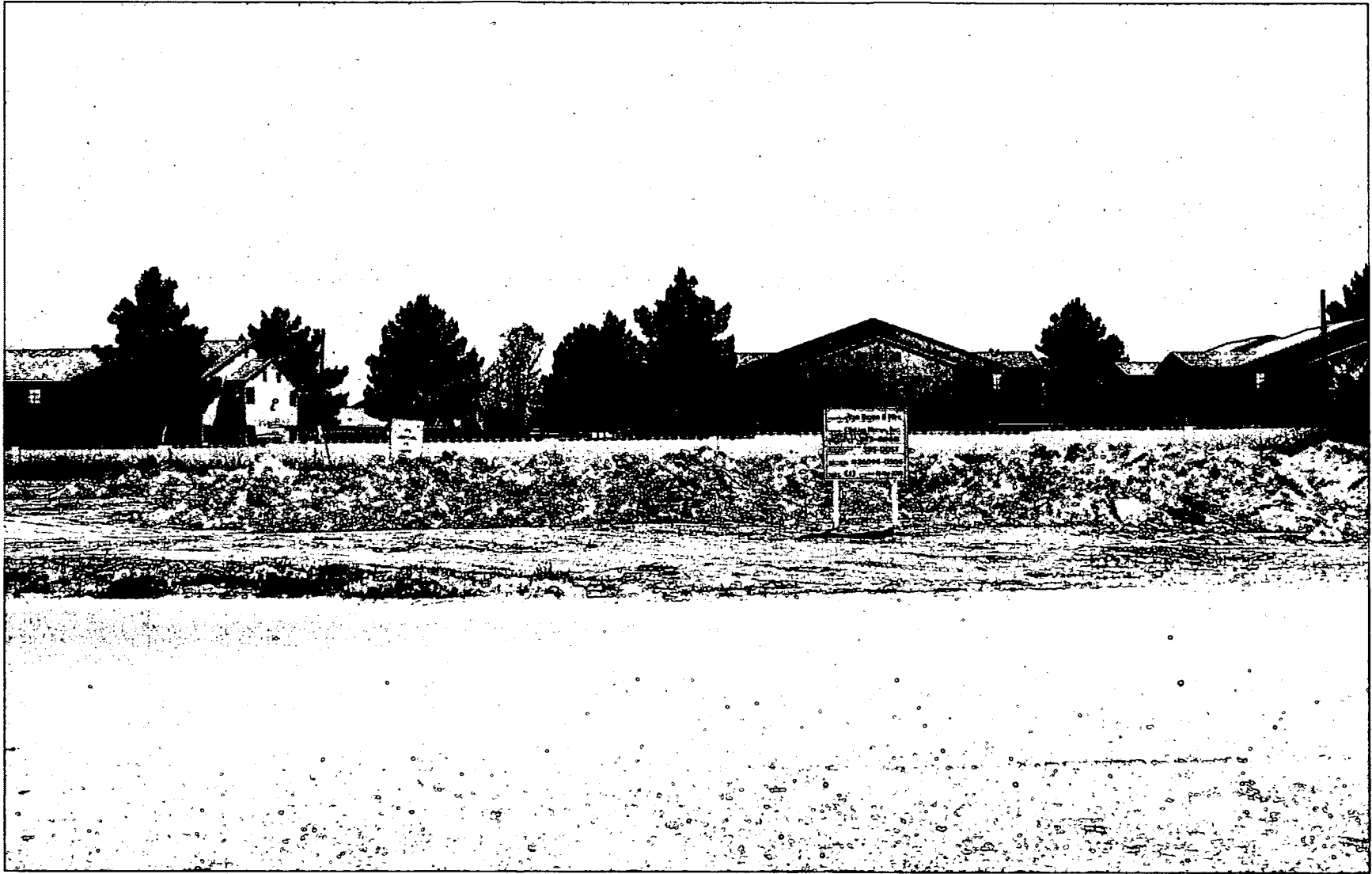
SDR-4139

5-5-04 CC



SDR-4139 - APPLICANT: TANNEY ENGINEERING - OWNER: CITATION HOMES
South side of Van Buren Avenue approximately 350 feet East of Lamb Boulevard
MAY 5, 2004 CITY COUNCIL MEETING

Picture taken 04/07/04



SDR-4139 - APPLICANT: TANEY ENGINEERING – OWNER: CITATION HOMES
South side of Van Buren Avenue approximately 350 feet East of Lamb Boulevard
MAY 5, 2004 CITY COUNCIL MEETING

Picture taken 04/07/04

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: MAY 5, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☐

CONSENT

☒

DISCUSSION

SUBJECT:

REQUIRED ONE-YEAR REVIEW - PUBLIC HEARING - SPECIAL USE PERMIT - RQR-4177 - APPLICANT: JACKPOT BAIL BONDS - OWNER: KRISHNA, INC. - Request for a Required One-Year Review on an approved Special Use Permit (SUP-1841) FOR A PROPOSED BAILBOND SERVICE at 124 South Sixth Street, Suite 150 (APN: 139-34-611-051), C-2 (General Commercial) Zone, Ward 5 (Weekly). Staff recommends APPROVAL

PROTESTS RECEIVED BEFORE:

**Planning Commission Mtg.
City Council Meeting**

0

APPROVALS RECEIVED BEFORE:

**Planning Commission Mtg.
City Council Meeting**

0

RECOMMENDATION:

Staff recommends APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

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

MOTION:

WEEKLY – APPROVED subject to conditions – UNANIMOUS with GOODMAN excused and Ward 2 seat vacant

MINUTES:

MAYOR PRO TEM REESE declared the Public Hearing open.

JASON YOUNG, 124 South 6th Street, asked that the City Council approve his request with a five-year review.

MARGO WHEELER, Deputy Director, Planning and Development Department, confirmed that this item would be reviewed in one year.

No one appeared in opposition.

MAYOR PRO TEM REESE declared the Public Hearing closed.

(2:14 – 2:15)

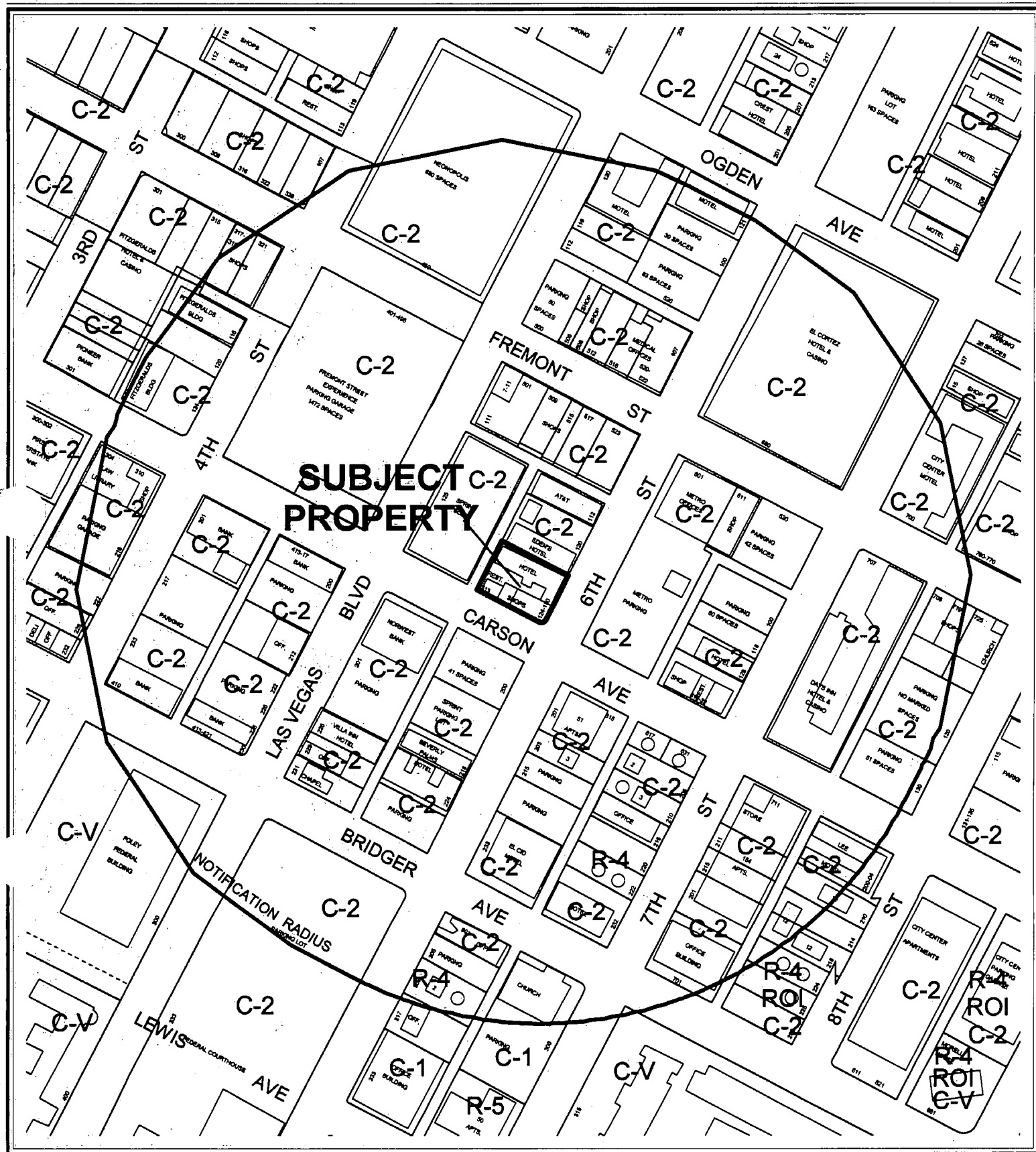
4-1778

CITY COUNCIL MEETING OF MAY 5, 2004
Planning and Development Department
Item 99 – RQR-4177

CONDITIONS:

Planning and Development

1. An additional review to be required within one year.
2. All City Code requirements of all City departments must be satisfied.



CASE: RQR-4177

RADIUS: 750 FT

ZONING OF SUBJECT PROPERTY: C-2 (GENERAL COMMERCIAL)

0 200 400 Feet

99



AGENDA MEMO

CITY COUNCIL MEETING DATE: MAY 5, 2004
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: RQR-4177 - APPLICANT: JACKPOT BAIL BONDS –
OWNER: KRISHNA, INC.

**** CONDITIONS ****

Staff recommends **APPROVAL**, subject to:

Planning and Development

1. An additional review to be required within one year.
2. All City Code requirements of all City departments must be satisfied.

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

This request is for a Required One-Year Review of an approved Special Use Permit (SUP-1841) for a proposed Bail Bond Service at 124 South 6th Street, Suite 150.

B) Applicant's Justification

A justification letter is not required for this review.

BACKGROUND INFORMATION

A) Previous Actions

- 11/20/96 The City Council approved a Special Use Permit (U-0113-96) for a second hand jewelry dealer on a portion of the subject site. The Board of Zoning Approval and Staff recommended approval.
- 04/04/01 The City Council approved a Special Use Permit (U-0003-01) for off-premise consumption of beer and wine in conjunction with an existing market on a portion of the subject site. The Planning Commission and Staff recommended approval. The applicant failed to submit to a required One-Year Review and subsequently allowed the related business license to expire, effectively voiding the Special Use Permit.
- 10/16/02 The City Council accepted a request to Withdraw Without Prejudice an application for a Special Use Permit (U-0089-02), which allowed off-premise consumption of beer and wine in conjunction with an existing market on a portion of the subject site. The Planning Commission voted to deny this application. Staff recommended denial.
- 05/07/03 The City Council approved a request for a Special Use Permit (SUP-1841) for a proposed Bail Bond Service at 124 South 6th Street, Suite 150. The Planning Commission had no recommendation. Staff recommended denial.

B) Pre-Application Meeting

A pre-application meeting is not required for this review.

C) Neighborhood Meetings

A neighborhood meeting is not required for this review.

DETAILS OF APPLICATION REQUEST

A) *Site Area*

Net Acres: 0.33

B) *Existing Land Use*

Subject Property: Commercial
North: Commercial
South: Commercial
East: Public Use (Metropolitan Police Department Parking Lot)
West: Commercial

C) *Planned Land Use*

Subject Property: Commercial
North: Commercial
South: Commercial
East: Public Facility
West: Commercial

D) *Existing Zoning*

Subject Property: C-2 (General Commercial)
North: C-2 (General Commercial)
South: C-2 (General Commercial)
East: C-2 (General Commercial)
West: C-2 (General Commercial)

E) *General Plan Compliance*

The subject property is identified on the Southeast Sector Map of the General Plan as being included in the "Downtown Redevelopment Plan" Area, a subsection of the Las Vegas Redevelopment Plan area. It is subject to the land use designations identified in the Las Vegas Redevelopment Plan. The Redevelopment Plan designates the parcel as Commercial, which allows office uses, service-oriented commercial uses, and general commercial uses. The existing bail bond service on the subject site is consistent with the Commercial designation and is a permitted use in the C-2 (General Commercial) zoning district with the approval of a Special Use Permit.

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

This site is within several downtown districts and overlays, including the Downtown Centennial Plan, the Downtown Redevelopment area, and the Downtown Entertainment District. Redevelopment efforts in this area are not only limited to physical improvements such as streetscape, water fountains, and the promotion of new private-sector construction, but also include evaluation of existing and proposed uses to ensure these do not preclude, prevent, detract from or conflict with redevelopment efforts or with each other.

ANALYSIS

- Zoning

A Bail Bond Service is a permitted use within the C-2 (General Commercial) zoning district with City Council approval of a Special Use Permit. The surrounding parcels, as well as a majority of the Downtown area, are zoned C-2 (General Commercial) and allow a similar range of uses as on the subject property.

- Use

The Special Use Permit has been exercised since June 24, 2003, when a business license for Jackpot Bail Bonds was issued. Condition Numbers 1 and 4 required City Council review of the Special Use Permit. No complaints have been received by the Business Services Division since the bail bond service opened. Since opening, the Las Vegas Metropolitan Police Department has responded to 11 calls for service at the property. None of these calls were in direct relation to the bail bond service. Nearly three-fourths of the calls were for family or other disturbances at the hotel on the subject property. A site visit confirmed that the property is clean and well-maintained. The large suite adjacent to the bail bond service is currently vacant.

Although it complies with zoning regulations, the existing bail bond service does not meet the intent of the Downtown Entertainment District, as it does not contribute to the identified goal of revitalization of surrounding neighborhoods. Furthermore, Goal DS1.d of the Downtown Centennial Plan encourages diversity of land uses within a guiding framework to achieve long-term vitality and economic growth. Bail bond services are readily available within the downtown area, and the addition of another similar service does not advance this goal, especially within the Entertainment District.

- Conditions

There are no base conditions required to be met prior to approval of a Special Use Permit for a Bailbond Service.

FINDINGS

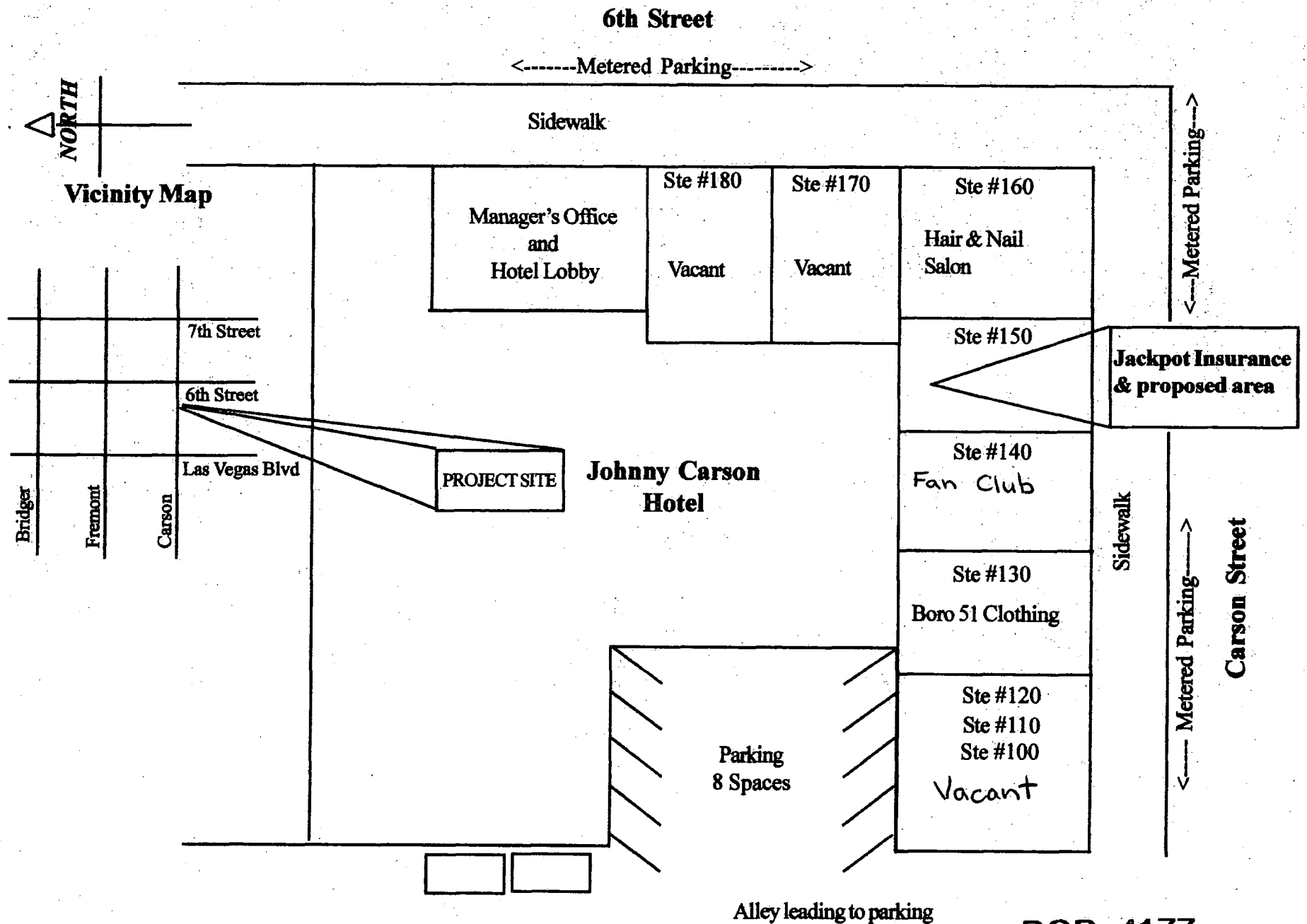
Although Staff found that the bail bond service was inconsistent with the redevelopment objectives of the Centennial Plan, Downtown Redevelopment Area, and the Downtown Entertainment District, the business has demonstrated that it has not been detrimental to the neighborhood and has not threatened the public health, safety, or general welfare. Therefore, the recommendation is for approval, with additional reviews required.

NOTICES MAILED 64 by Planning Department

APPROVALS 0

PROTESTS 0

SITE PLAN



RQR-4177

5-5-04 CC



RQR-4177 - APPLICANT: JACKPOT BAIL BONDS – OWNER: KRISHNA, INC.
124 South Sixth Street, Suite #150
MAY 5, 2004 CITY COUNCIL MEETING

Picture taken 04/07/04

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT**CITY COUNCIL MEETING OF: MAY 5, 2004****DEPARTMENT: PLANNING & DEVELOPMENT****DIRECTOR: ROBERT S. GENZER**☐**CONSENT**☒**DISCUSSION****SUBJECT:**

ABEYANCE ITEM - SPECIAL USE PERMIT - PUBLIC HEARING - SUP-3152 - REAGAN NATIONAL ADVERTISING ON BEHALF OF NORIKO TAKADA OBA QUALIFIED TRUST - Appeal filed the applicant 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 5300 West Sahara Avenue (APN: 163-01-804-006), C-1 (Limited Commercial) Zone, Ward 1 (Moncrief). The Planning Commission (5-0 vote) and staff recommend DENIAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0**APPROVALS RECEIVED BEFORE:**

Planning Commission Mtg.
City Council Meeting

0**RECOMMENDATION:**

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

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Submitted after final agenda – Abeyance request by Singer & Brown
5. Submitted at City Council – Written Opinion for Mayor Goodman regarding abstentions on Items 59, 100, 101, 103, 104, 105, 113, 114, 118, 119, 120, 123, 124 and 125 and Written Opinion for Councilman Mack regarding abstentions for Items 88, 103, 118, 119 and 120. Both Opinions were filed under Item 78.

MOTION:

REESE – Motion to HOLD IN ABEYANCE Item 100 [SUP-3152] to 7/7/2004, Item 104 [SUP-3972], Item 115 [ZON-3708] to 5/19/2004, Item 123 [GPA-3977], Item 124 [ZON-3981], and Item 125 [SDR-3982] to 6/16/2004, and Accept the WITHDRAWAL WITHOUT PREJUDICE of Item 114 [SDR-3920], Item 119 [SUP-3980] and Item 120 [SDR-3979] – UNANIMOUS with GOODMAN excused and Ward 2 seat vacant

MINUTES:

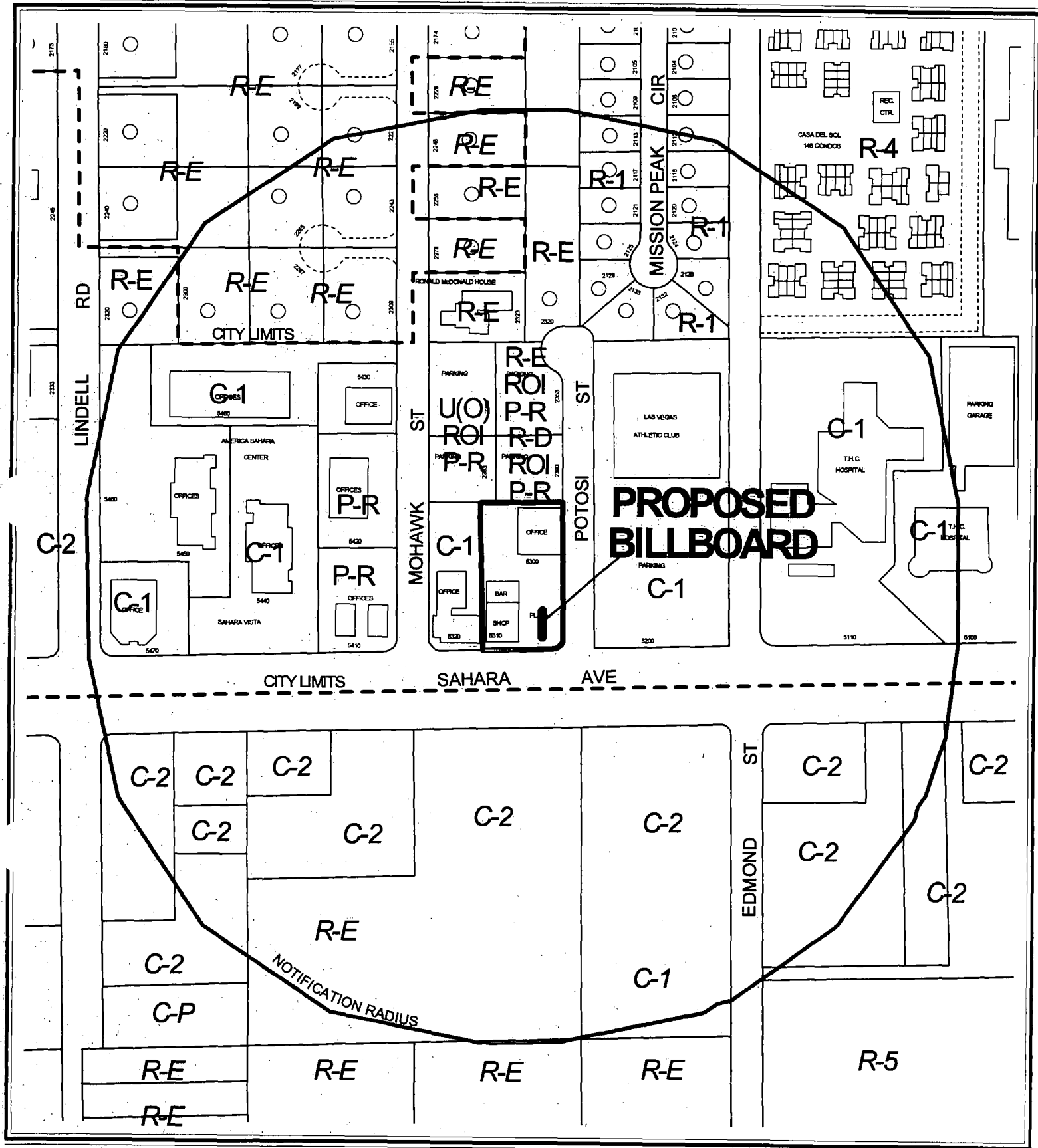
DEPUTY CITY ATTORNEY SCOTT stated that MAYOR GOODMAN and COUNCILMAN MACK asked that the City Attorney give an opinion as to whether or not they should or should not abstain. He submitted the opinion for the record filed under Item 78 [Any Items] indicating

CITY COUNCIL MEETING OF MAY 5, 2004
Planning and Development Department
Item 100 [SUP-3152]

MINUTES – Continued:

that both the Mayor and the Councilman abstained. He indicated that COUNCILMAN MACK would be abstaining on Item 88 [VAC-3926], Item 103 [SUP-3969], Item 118 [ZON-3976], Item 119 [SUP-3980] and Item 120 [SDR-3979]. MAYOR GOODMAN would be abstaining on Item 59 [Jason Samuel Aguirre, dba Myo Works], Item 100 [SUP-3152], Item 101 [AUP-3947], Item 103 [SUP-3969], Item 104 [SUP-3972], Item 105 [SUP-3973], Item 113 [ZON-3919], Item 114 [SDR-3920], Item 118 [ZON-3976], Item 119 [SUP-3980], Item 120 [SDR-3979], Item 123 [GPA-3977], Item 124 [ZON-3981] and Item 125 [SDR-3982]. MAYOR PRO TEM REESE verified with DEPUTY CITY ATTORNEY SCOTT that in those cases where COUNCILMAN MACK cannot vote, the number of the Board will be reduced to six and the quorum will be four. COUNCILMAN MACK remarked that he would disclose his abstention under each individual item as well.

(1:22 – 1:28)



CASE: SUP-3152

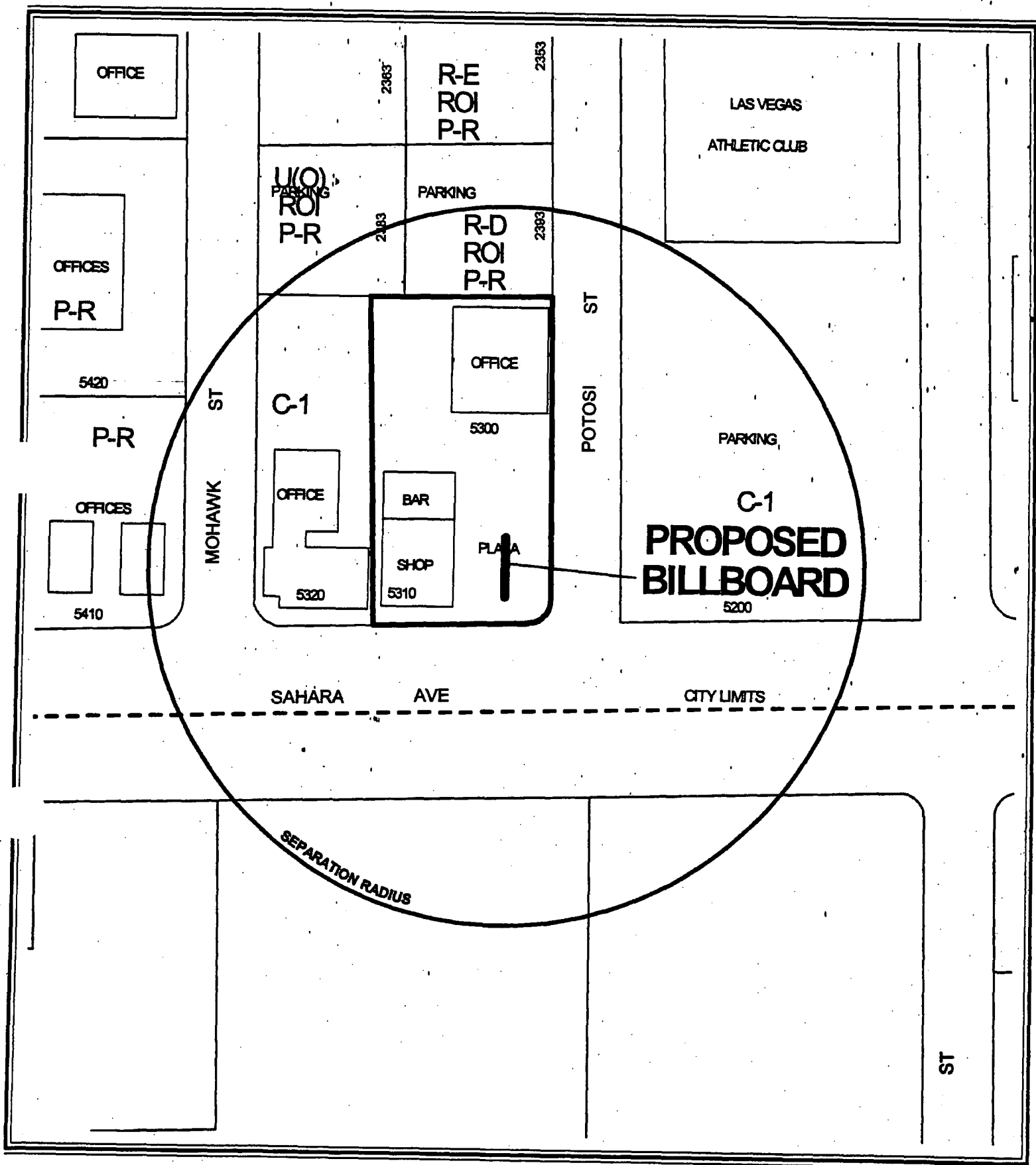
RADIUS: 750 FT

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

0 100 200 Feet

100





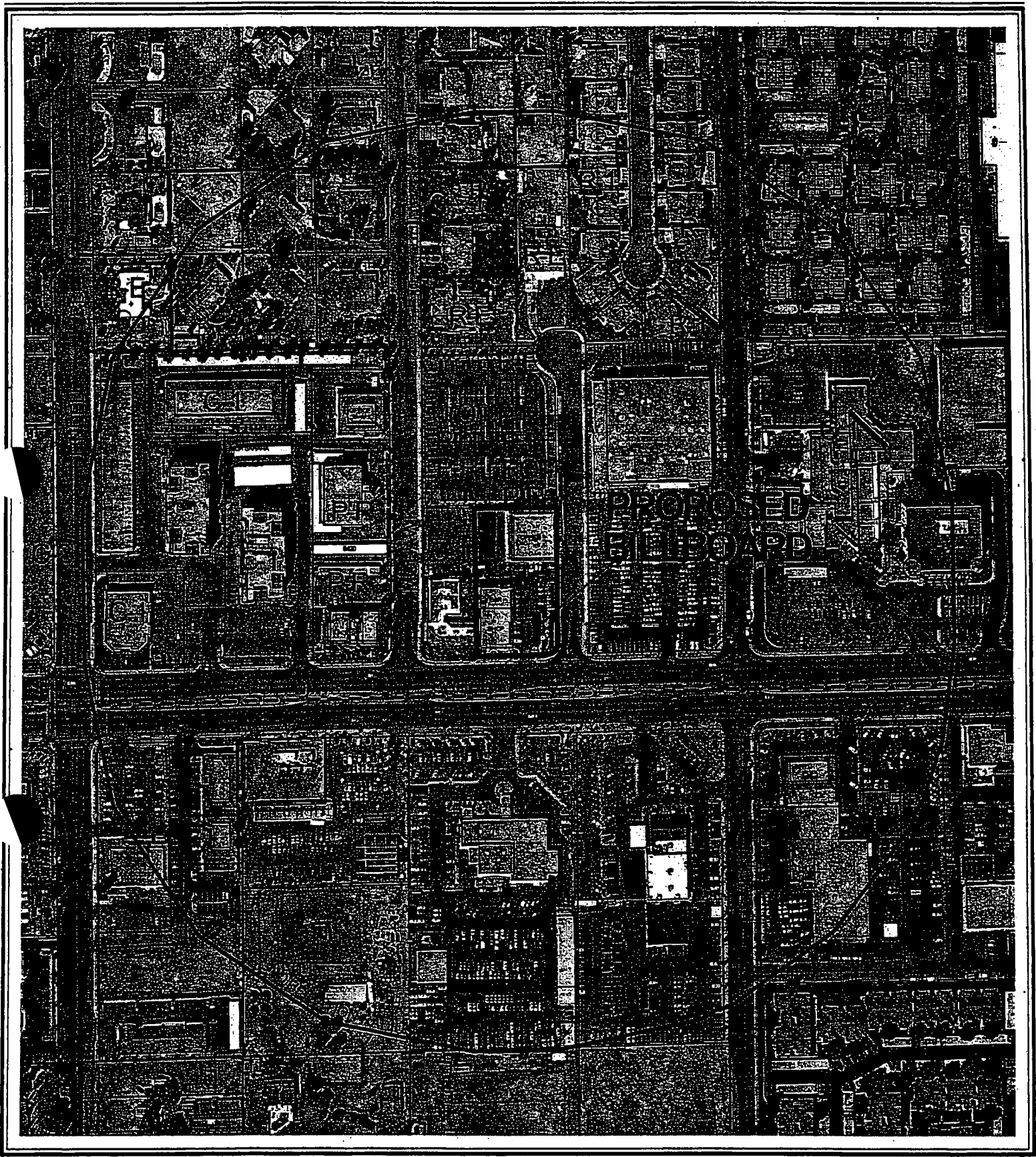
CASE: SUP-3152

SEPARATION RADIUS: 300 FT

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

0 50 100 Feet





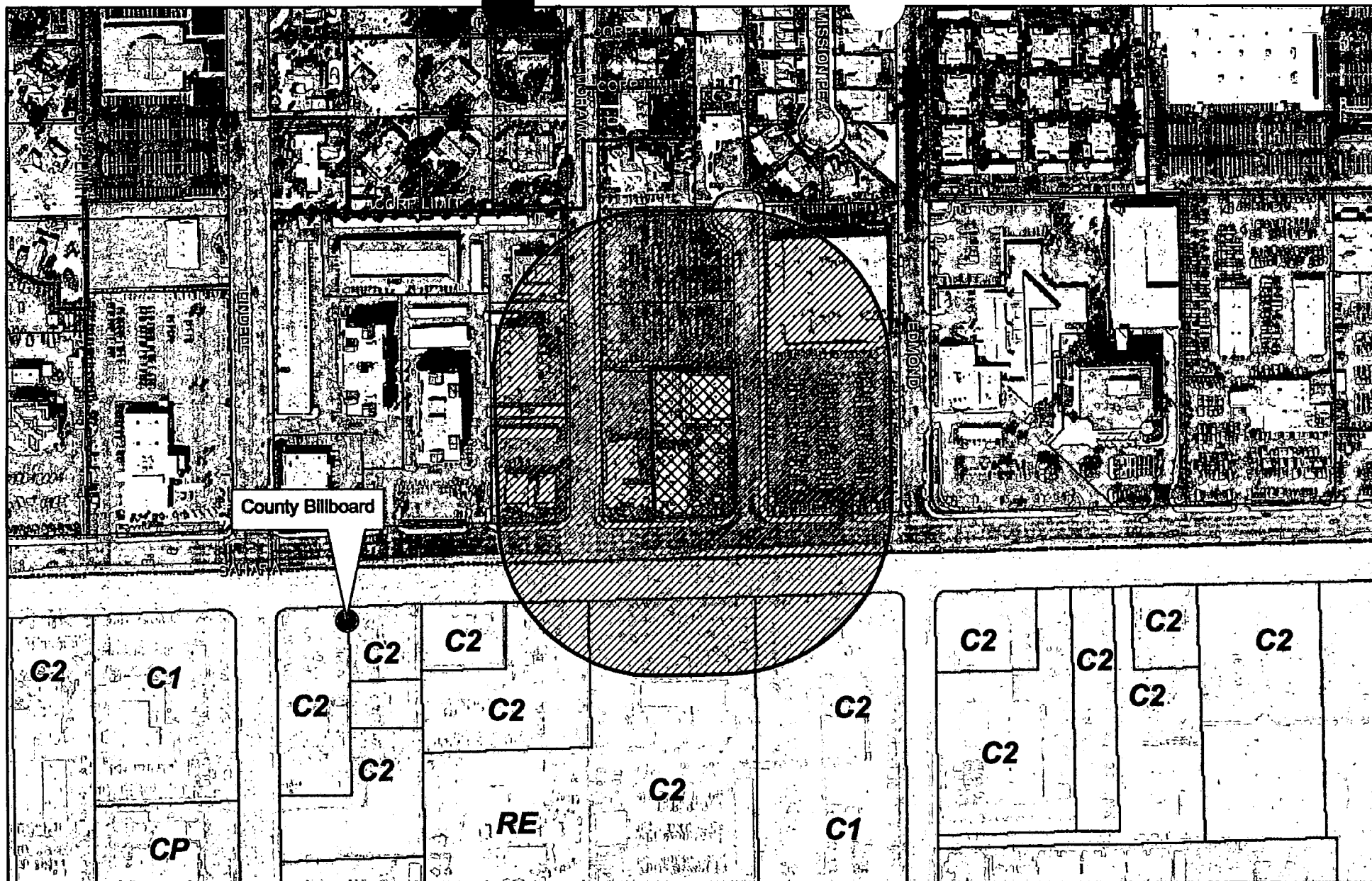
CASE: SUP-3152

RADIUS: 750 FT

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

0 100 200 Feet





SUP-3152

City of Las Vegas Billboard Data

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



AGENDA MEMO

CITY COUNCIL MEETING DATE: MAY 5, 2004

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: ABEYANCE ITEM - SUP-3152 - REAGAN NATIONAL
ADVERTISING ON BEHALF OF NORIKO TAKADA OBA QUALIFIED TRUST**

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

**** CONDITIONS ****

The Planning Commission (5-0 vote) and staff recommend DENIAL. If Approved, 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-premises 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-premises advertising (billboard) sign be removed.
2. Conformance to all Minimum Requirements under Title 19.14 for an Off-Premises Sign use and other applicable sign requirements.
3. The off-premises advertising (billboard) sign and its supporting structure shall be properly maintained and kept free of trash, weeds and 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-premises advertising (billboard) sign.
4. The off-premises advertising (billboard) sign support pole shall be redesigned to include finish materials to complement the existing on-site buildings.
5. Only one advertising sign is permitted per sign face.
6. The entire face-area of both sides of the off-premises advertising (billboard) sign shall be signage area or its border framework; none of the supporting structure shall be visible aside from the support pole.
7. If the off-premises advertising sign structure is removed, this Special Use Permit shall be expunged and a new off-premises 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.

8. 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.
9. All City Code requirements and design standards of all City Departments shall be satisfied.

Public Works

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

**** STAFF REPORT ****

APPLICATION REQUEST

A) *Action Requested*

This is an appeal the applicant from the Denial by the Planning Commission of a request for a Special Use Permit to allow a proposed 40-foot tall, 14-foot by 48-foot Off-Premises Advertising (Billboard) Sign at 5300 West Sahara Avenue.

B) *Applicant's Justification*

The applicant's justification letter indicates the Off-Premises Advertising (Billboard) Sign meets the code requirements and will be erected in such a way that it can be seen by traffic traveling east and west on Sahara Avenue.

BACKGROUND INFORMATION

A) *Previous Actions*

- 09/15/82 The City Council approved a Rezoning (Z-0032-82) to C-1 (Limited Commercial) on this property. The Planning Commission recommended approval.
- 09/17/86 The City Council denied a Variance (V-80-86) to allow an off-premises sign (billboard and to allow the sign to be 45 feet high where 40 feet is the maximum height allowed on this property.
- 11/20/03 The Planning Commission voted 5-0 to recommend DENIAL (PC Agenda Item #38).

B) *Pre-Application Meeting*

- 09/16/03 The applicant was advised of the requirements of a Special Use Permit and that this applications is considered a project of regional significance and the appropriate forms must be filed.

C) *Neighborhood Meetings*

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

DETAILS OF APPLICATION REQUEST

A) *Site Area*

Net Acres: 1.02

B) Existing Land Use

Subject Property: Commercial
North: Parking Lot
South: Commercial
East: Commercial
West: Commercial

C) Planned Land Use

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

D) Existing Zoning

Subject Property: C-1 (Limited Commercial)
North: R-D (Single Family Residential- Restricted) under Resolution of Intent
to P-R (Professional Office and Parking)
South: Unincorporated Clark County
East: C-1 (Limited Commercial)
West: C-1 (Limited Commercial)

E) General Plan Compliance

The site is designated SC (Service Commercial) on the Southwest Sector Land Use Plan Map of the General Plan. The existing C-1 (Limited Commercial) Zoning designation is in conformance with the General Plan.

<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	

This Special Use Permit is deemed to be a Project of Regional Significance because it is less than 500 feet from the boundary 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) This is a Special Use Permit within 500 feet of unincorporated Clark County.

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:

To date, no comments have been received that would affect this application.

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

A2) Minimum Distance Separation Requirements

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

Standards	Code Requirement	Provided
Off-Premise Advertisement (Billboard): Minimum distance separation from "R" zoned property and any other Off-Premises Advertising (Billboard) Sign	300 Feet	No other Off-Premises Advertising (Billboard) Signs or residential properties are within 300 feet of this proposal

This proposed Off-Premise Advertising (Billboard) Sign is located approximately 570 feet from the "R" zoned property to the north and in excess of 300 feet from any other Off-Premises Advertising (Billboard) Sign; it therefore complies nominally with Zoning Code standards.

B) General Analysis and Discussion

- **Zoning**

An Off-Premises Advertising (Billboard) Sign is an allowed use within the C-1 (Limited Commercial) zoning district with the approval of a Special Use Permit.

- **Use**

Title 19 establishes the criteria for the approval of Off-Premises Advertising (Billboard) Signs within the City. Title 19.14.100 limits the overall height of an Off-Premises Advertising Sign to

40 feet. The Code also requires Off-Premises Advertising (Billboard) Signs to be a minimum of 300 feet from residentially zoned properties and 300 feet from other off-premises signs. The proposed sign meets these Code requirements with regards to distance separation. However, the Off-Premises Advertising (Billboard) is proposed directly adjacent to the existing on-premises sign for the commercial development and substantially increases the amount of signage on this small site. Additionally, there are no other billboard signs located along this segment of Sahara Avenue. This proposed billboard would add substantial visual clutter in this area of the City, that not appropriate at this location. Therefore, this use cannot be conducted in a manner that is harmonious and compatible with the surrounding development. If this application is approved, a condition has been added requiring the use be reviewed by the City Council in two years.

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."**

Although this proposed use is allowed in the SC (Service Commercial) General Plan designation and in the C-1 (Limited Commercial) zoning district, existing on-premise signage is already located along this segment of Sahara Avenue. Approval of this billboard in this context will create an urban landscape that is not harmonious and compatible with the surrounding uses in this area.

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

The subject site is located in a commercial area and is adjacent to a major thoroughfare, which is one of the prerequisites to establish its suitability; however, the subject billboard sign is not appropriate along this segment of Sahara Avenue.

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

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

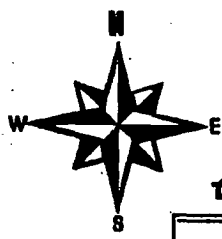
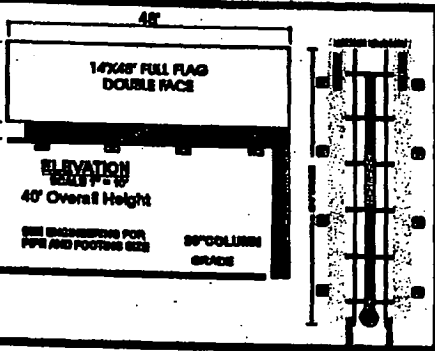
4. **"Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan."**

The proposed Off-Premises Advertising (Billboard) Sign would not be a threat to the public health, safety, and welfare, as its license is subject to ongoing City inspection and enforcement

NOTICES MAILED 53 by City Clerk

APPROVALS 0

PROTESTS 1



APN#16301804004
Zoning (R-D)

156.94'±

286.7'±

259.66'±

APN#16301804006
Zoning (C-1)
1.02± acres

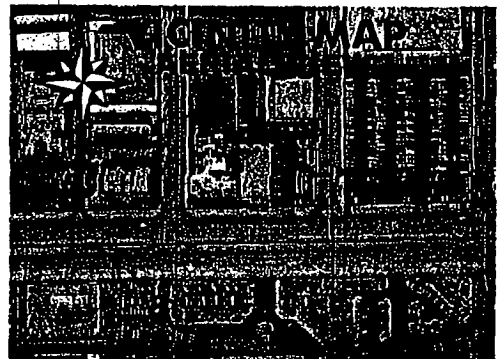
132.13'±

78'
HALF ROW

SAHARA

POTOSI

TOP VIEW
SCALE 1" = 20'
DETAIL



GENERAL NOTES

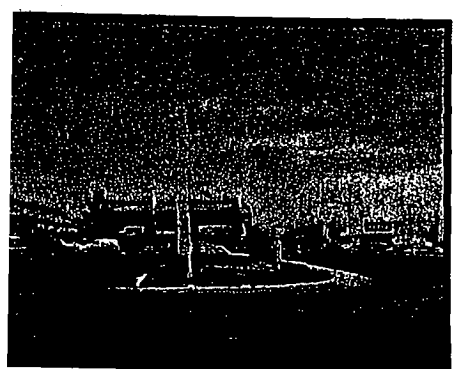
1. Not within 300 foot radius of another off-premise billboard.
2. Not within 100 foot of an on-premise sign on adjoining property.
3. Not within 300 foot radius of residential use.
4. No parking spaces will be taken for this location.

REAGAN
NATIONAL ADV.
ANDY BILANZICH
292-3723

JOINTED	
JUNTO	
DATE: 11-20-03 FILE NO: 16301804006	
OBA NORIKO TAKADA QUALIFIED TR PREMIER	
SCALE: NOTED	DATE: 7-20-03
LOCATION: 5300 W SAHARA AVE 89146	
APN# 16301804006	210

STAFF

SUP-3152
11-20-03 PC





SUP-3152 - REAGAN NATIONAL ADVERTISING ON BEHALF OF NORIKO TAKADA OBA QUALIFIED TRUST

5300 WEST SAHARA AVENUE

NOVEMBER 20, 2003 PLANNING COMMISSION

11/10/03



SUP-3152 - REAGAN NATIONAL ADVERTISING ON BEHALF OF NORIKO TAKADA OBA QUALIFIED TRUST
5300 WEST SAHARA AVENUE
NOVEMBER 20, 2003 PLANNING COMMISSION

11/10/03



SUP-3152 - REAGAN NATIONAL ADVERTISING ON BEHALF OF NORIKO TAKADA OBA QUALIFIED TRUST
5300 WEST SAHARA AVENUE
NOVEMBER 20, 2003 PLANNING COMMISSION

11/10/03

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
Brownhd@earthlink.net

May 5, 2004

VIA FACSIMILE to 382-4803

City of Las Vegas
400 Stewart Avenue
Las Vegas, NV 89101
Att: Vicky Darling
City Clerk's Office

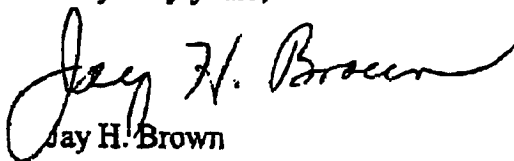
Re: Item No. 100, May 5, 2004 City Council Agenda
Reagan National Advertising on behalf of Norika Takado OBA
SUP-3152

Dear Vicky:

Please be advised that I represent Reagan National Advertising. On behalf of my client, I am requesting that the above referenced matter be held in abeyance from the May 5, 2004 City Council agenda and reset for the July 7, 2004 meeting.

Your assistance in this matter is sincerely appreciated.

Very truly yours,


Jay H. Brown

JHB:cc

cc: Dewey Reagan
Andy Bilanzich

Submitted after final agenda

Date 5/5/04 Item 100

RECEIVED
CITY CLERK
2004 MAY -5 A 9:35

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: MAY 5, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☐

CONSENT

☒

DISCUSSION

SUBJECT:

SPECIAL USE PERMIT - PUBLIC HEARING - SUP-3947 - APPLICANT: JASON AGUIRRE - OWNER: THL, LIMITED LIABILITY COMPANY - Request for a Special Use Permit and Waivers from the 400-foot distance separation requirement from an existing City Park and the 1,000-foot distance separation requirement from an existing massage establishment FOR A PROPOSED MASSAGE ESTABLISHMENT at 2701 Tenaya Way, Suite #100 (APN: 138-15-710-009), C-PB (Planned Business Park) Zone, Ward 4 (Brown). (NOTE: Item be heard in conjunction with Morning Session Item #59). The Planning Commission (7-0 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 (7-0 vote) and staff recommend APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Submitted at City Council – Written Opinion for Mayor Goodman regarding abstentions on Items 59, 100, 101, 103, 104, 105, 113, 114, 118, 119, 120, 123, 124 and 125 and Written Opinion for Councilman Mack regarding abstentions for Items 88, 103, 118, 119 and 120. Both Opinions were filed under Item 78.

MOTION:

BROWN – APPROVED subject to conditions – UNANIMOUS with GOODMAN excused and Ward 2 seat vacant

NOTE: DEPUTY CITY ATTORNEY SCOTT stated that MAYOR GOODMAN and COUNCILMAN MACK asked that the City Attorney give an opinion as to whether or not they should or should not abstain. He submitted the opinion for the record filed under Item 78 [Any Items] indicating that both the Mayor and the Councilman abstained. He indicated that COUNCILMAN MACK would be abstaining on Item 88 [VAC-3926], Item 103 [SUP-3969], Item 118 [ZON-3976], Item 119 [SUP-3980] and Item 120 [SDR-3979]. MAYOR GOODMAN would be abstaining on Item 59 [Jason Samuel Aguirre, dba Myo Works], Item 100 [SUP-3152],

CITY COUNCIL MEETING OF MAY 5, 2004
Planning and Development Department
Item 101 – SUP-3947

MOTION – Continued:

Item 101 [AUP-3947], Item 103 [SUP-3969], Item 104 [SUP-3972], Item 105 [SUP-3973], Item 113 [ZON-3919], Item 114 [SDR-3920], Item 118 [ZON-3976], Item 119 [SUP-3980], Item 120 [SDR-3979], Item 123 [GPA-3977], Item 124 [ZON-3981] and Item 125 [SDR-3982]. MAYOR PRO TEM REESE verified with DEPUTY CITY ATTORNEY SCOTT that in those cases where COUNCILMAN MACK cannot vote, the number of the Board will be reduced to six and the quorum will be four. COUNCILMAN MACK remarked that he would disclose his abstention under each individual item as well.

MINUTES:

MAYOR PRO TEM REESE declared the Public Hearing open.

The applicant, JASON AGUIRRE, 433 Emerald Heights Street, was present.

TODD FARLOW, 240 North 19th Street, and KATHY BEST, 7548 Holloran Court, asked if the facility would be a medical professional massage business.

JUANITA CLARK, Charleston Neighborhood Preservation, objected to the request. Standards have been established and should be maintained.

MR. AGUIRRE explained for COUNCILMAN MACK that he would be providing deep tissue, range of motion, stretching, and sport-type massages.

MAYOR PRO TEM REESE declared the Public Hearing closed.

NOTE: All discussion for Item 101 [SUP-3947] and Item 59 [Jason Samuel Aguirre, dba Myo Works] was held under Item 101 [SUP-3947]

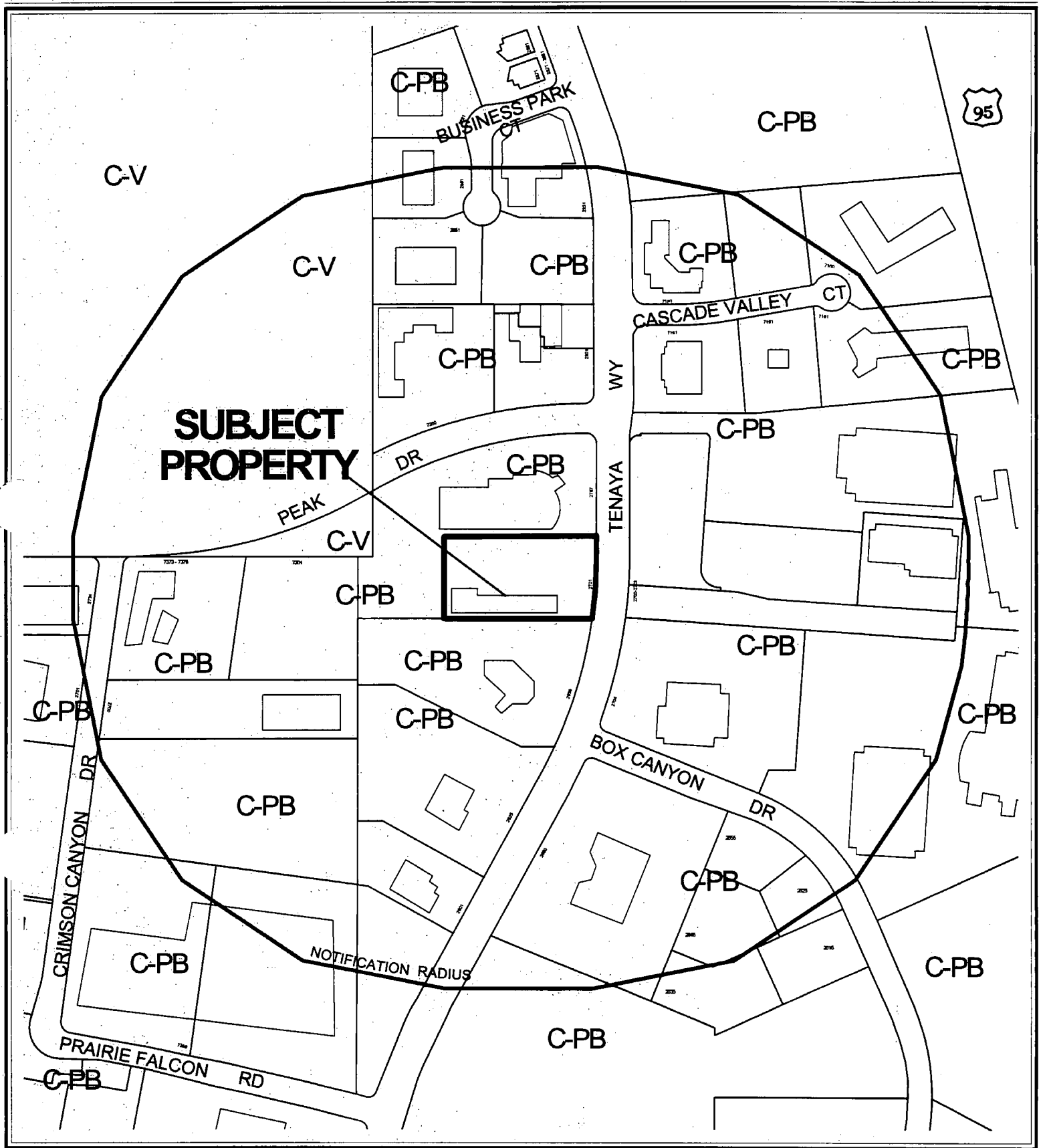
(2:15 – 2:18)

4-1824

CONDITIONS:

Planning and Development

1. Conformance to all Minimum Requirements under Title 19.04.050 for Massage Establishment use.
2. 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.
3. All City Code requirements and design standards of all City departments must be satisfied.

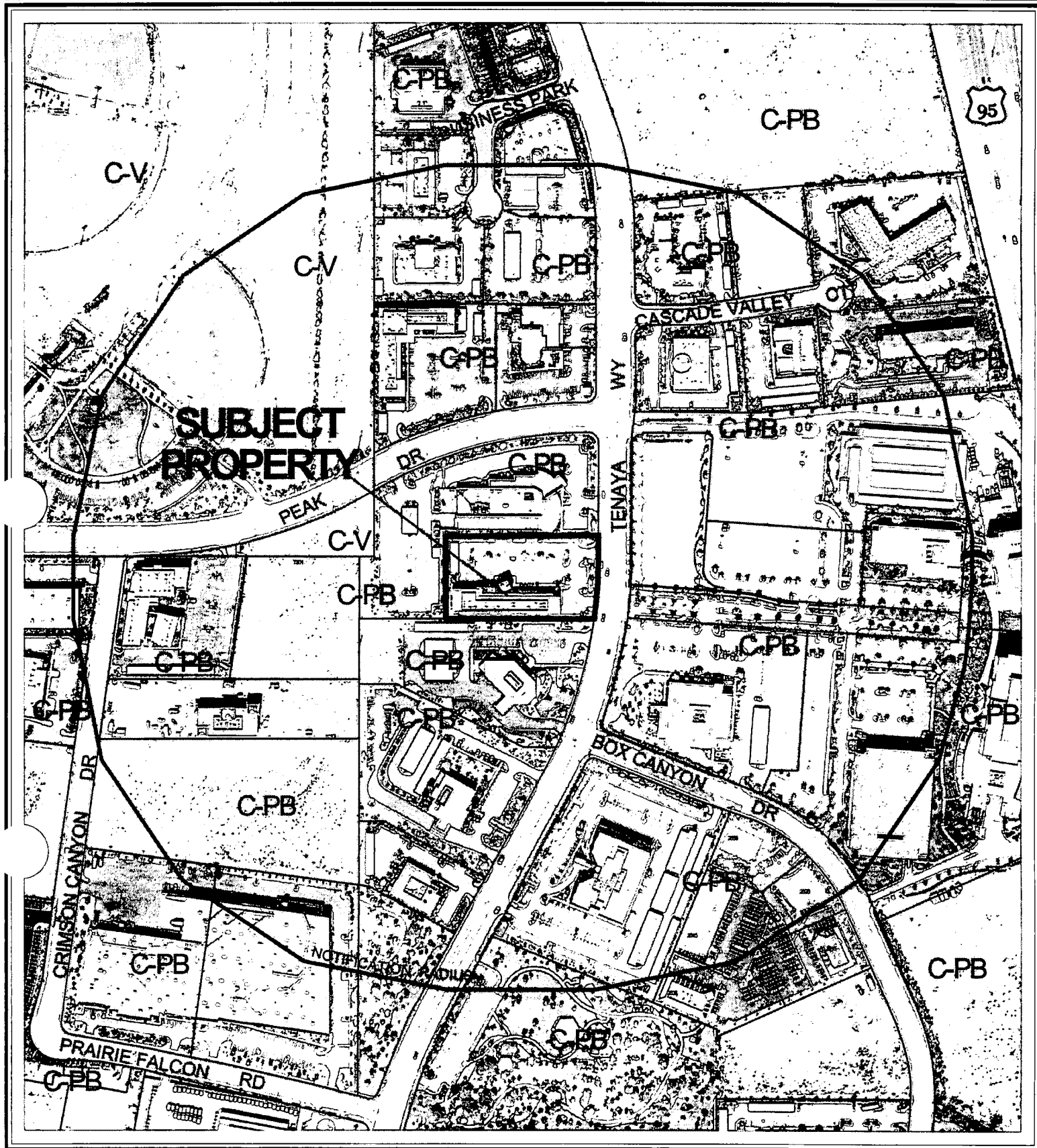


CASE: SUP-3947

RADIUS: 900 FT

ZONING OF SUBJECT PROPERTY: C-PB (PLANNED BUSINESS PARK)

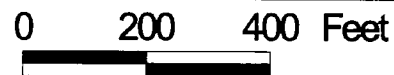


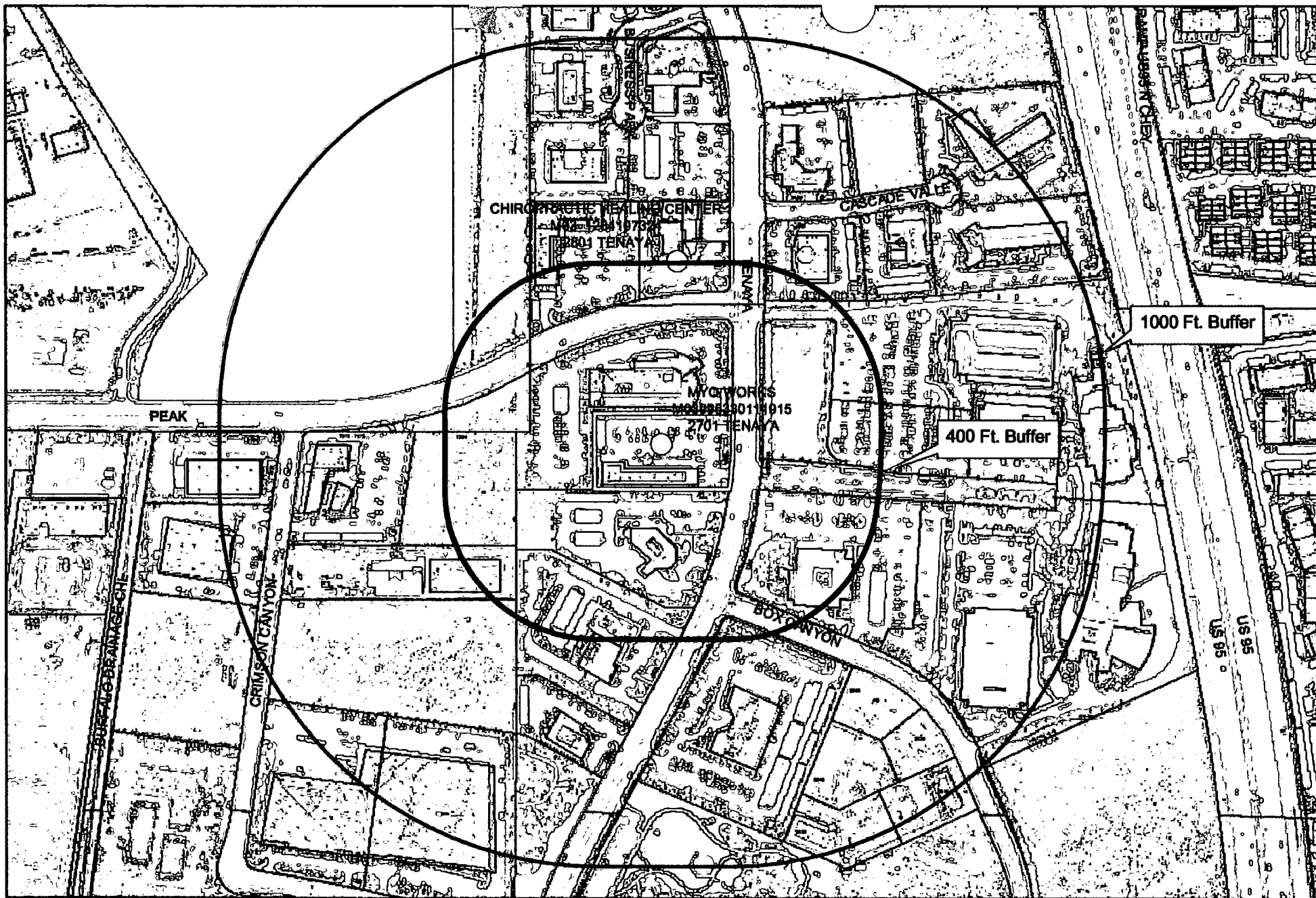


CASE: SUP-3947

RADIUS: 900 FT

ZONING OF SUBJECT PROPERTY: C-PB (PLANNED BUSINESS PARK)





SUP-3947

Protected Landuses

 Parks	 Religious
 Schools	

Business Licenses

- | |
|--|
|  Message Establishment |
|  Child Care/
Children Facility |

 Subject Property	 Buffers



AGENDA MEMO

CITY COUNCIL MEETING DATE: MAY 5, 2004

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: SUP-3947 - APPLICANT: JASON AGUIRRE - OWNER: THL,
LIMITED LIABILITY COMPANY**

**** CONDITIONS ****

The Planning Commission (7-0 vote) and staff recommend APPROVAL, subject to:

Planning and Development

1. Conformance to all Minimum Requirements under Title 19.04.050 for Massage Establishment use.
2. 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.
3. All City Code requirements and design standards of all City departments must be satisfied.

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

This is a request for a Special Use Permit and Waivers of the 400-foot distance separation requirement from an existing City park and the 1000-foot distance separation from another existing massage establishment for a proposed Massage Establishment at 2701 North Tenaya Way, Suite 100.

B) Applicant's Justification

The proposed massage establishment is medical related, concentrating in sports injury and accident injury. It would also serve clients looking for an Holistic solution to individual conditions. Doctors would refer clients to the establishment. The distance separation waivers are justified because the expected clientele will be similar to the existing medical offices located near the park. Furthermore, the proposed location of the massage establishment was previously used as the Northwest Massage School.

BACKGROUND INFORMATION

A) Previous Actions

1984	The subject property was annexed into the City of Las Vegas.
11/20/85	The City Council approved a request to Rezone property generally located on the west side of the Oran K. Gragson Highway between Smoke Ranch Road and Cheyenne Avenue from N-U (Non-Urban) to C-PB (Planned Business Park), including the subject site. The Planning Commission and staff recommended approval on 10/22/85.
09/18/96	The City Council approved a request for a Plot Plan and Building Elevation Review [Z-0068-85(26)] for a proposed 22,200 square foot medical office building on the subject site. The Planning Commission and staff recommended approval on 08/22/96.
04/08/04	The Planning Commission voted 7-0 to recommend APPROVAL (PC Agenda Item #48/ss)

B) Pre-Application Meeting

12/29/03	Submittal requirements for Special Use Permits were discussed. The applicant was asked to specifically address the waiver requests in the justification letter.

C) *Neighborhood Meetings*

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

DETAILS OF APPLICATION REQUEST

A) *Site Area*

Net Acres: 1.7

B) *Existing Land Use*

Subject Property: Medical Offices
North: Medical Offices
South: Financial Institution
East: Medical Offices
West: Undeveloped

C) *Planned Land Use*

Subject Property: LI/R (Light Industry/Research)
North: LI/R (Light Industry/Research)
South: LI/R (Light Industry/Research)
East: LI/R (Light Industry/Research)
West: LI/R (Light Industry/Research)

D) *Existing Zoning*

Subject Property: C-PB (Planned Business Park)
North: C-PB (Planned Business Park)
South: C-PB (Planned Business Park)
East: C-PB (Planned Business Park)
West: C-PB (Planned Business Park)

E) *General Plan Compliance*

The Southwest Sector Map of the General Plan designates the subject site as LI/R (Light Industry/Research). This land use category permits areas appropriate for clean, low-intensity industrial uses, including light manufacturing, assembling and processing, warehousing and distribution, and research, development, and testing laboratories and typical supporting uses. The C-PB (Planned Business Park) zoning district is consistent with this category, and the Massage Establishment use is permitted in the C-PB district with approval of a Special Use Permit.

SPECIAL DISTRICTS/ZONES	Yes	No
Special Area Plan		X
Special Overlay District	X	
<i>Las Vegas Technology Center</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

This project lies within the Las Vegas Technology Center. The subject property has previously been used primarily for medical office uses.

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
Massage Establishment	N/A	Minimum of 6 spaces, with 2 spaces per massage room, table, or chair	7 (based on four massage tables)	1	74	13

The existing site currently provides 87 parking spaces. The building consists entirely of medical offices. The existing parking should be able to accommodate the proposed use, which requires a total of eight parking spaces.

A2) Minimum Distance Separation Requirements

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

Standards	Code Requirement	Provided
Massage Establishment	May not be located within 400 feet of any church, synagogue, school, City park, child care facility, or any parcel zoned for residential use	Located approximately 370 feet from City park
	May not be located within 1,000 feet of any other massage establishment	Located approximately 320 feet from existing massage establishment

Massage Establishments are subject to a required 400-foot distance separation from City parks and a 1,000-foot distance separation from other massage establishments. The proposed Massage Establishment will be located approximately 370 feet from Doc Romeo Park. It is also located approximately 315 feet south of an existing licensed massage establishment. The applicant has requested waivers to the distance separation requirements.

B) General Analysis and Discussion

- Zoning

The subject property is zoned C-PB (Planned Business Park). The Massage Establishment use is permitted in this zoning district with approval of a Special Use Permit.

- Use

Chapter 6.52 of the Las Vegas Municipal Code defines a Massage Establishment as "any premises occupied and used for the purpose of performing massage therapy." Physicians, doctors of oriental medicine, surgeons, chiropractors, osteopaths or physical therapists, and persons directly under their control and supervision; registered nurses; barbers, hairdressers and cosmeticians; licensed reflexologists; and participants in a student clinic program certified by the Nevada Department of Education are exempt from Massage Establishment business license requirements if their performance of massage is only in connection with their profession or occupation. The applicant is seeking approval of a business license for a massage establishment in a 2,300 square foot suite in an existing approved building.

According to the applicant's justification letter, massages would not be offered as they are in health spas; rather, the applicant specializes in medical-related therapy for sports injuries, accident injuries, and for clients looking for an Holistic solution to a range of personal ailments. The business would function like other medical offices within the same building and those surrounding the subject property.

The applicant requests waivers from the 400-foot distance separation requirement from a City park and the 1,000-foot distance separation requirement from other massage establishments. These waivers are acceptable, since the practice is medical-related and will function in the same way as the other medical offices in the immediate area.

- Conditions

Title 19.04.050 lists the following specific base conditions for the approval of a Special Use Permit request for a Massage Establishment:

- (1) The use shall comply with all applicable requirements of LVMC Title 6.
- (2) The use must be located on a secondary thoroughfare or larger.
- (3) The use may not be located within four hundred feet of any church, synagogue, school, City park, childcare facility, or any parcel zoned for residential use.
- (4) The use may not be located within one thousand feet of any other massage establishment.
- (5) The hours of operation shall be limited to the period between eight a.m. and nine p.m., unless further limited by the City Council on a case-by-case basis.

Any of the preceding conditions may be waived by the Planning Commission or City Council, if convincing and substantial evidence is presented demonstrating that the City's objective in safeguarding the public interest is not compromised. The proposed Massage Establishment can comply with these conditions, excluding the distance separation requirements for which waivers are sought.

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 Massage Establishment will be offering a medical service typical of other offices within the same building and in the surrounding area.

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

The subject site, which contains an existing building with medical offices, can easily accommodate the impacts of the proposed Massage Establishment, which are expected to be minimal.

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.”**

Tenaya Way, an 80-foot Secondary Collector street, will provide access to the property. It is adequate in size to accommodate the proposed Massage Establishment 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.”**

As the massage therapy offered within the proposed Massage Establishment would be medical-related in a medical office setting, approval of a Special Use Permit for a Massage Establishment would not compromise the public health, safety, and welfare, and the Waivers of the distance separation requirements are warranted.

NOTICES MAILED 39 by Planning Department

APPROVALS 0

PROTESTS 0



PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: SUP-3947 APN: 138-15-710-009

Name of Property Owner: THL, LLC

Name of Applicant: Jason S. Aguirre

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 Goodman

Partner(s): Ed Hoffman, Joanne Levy, Andrew Levy

APN: Apex-Industrial Park

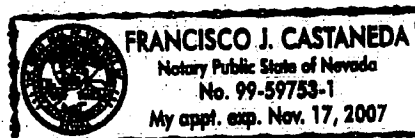
Signature of Property Owner/Authorized Agent: Andrew S. Levy

Print Name: Andrew S. Levy

Subscribed and sworn before me

This 17th day of February, 2004

Francisco J. Castaneda
Notary Public in and for said County and State





SUP-3947 - APPLICANT: JASON AGUIRRE - OWNER: THL, LIMITED LIABILITY COMPANY
2701 TENAYA WAY, SUITE #100
APRIL 8, 2004 PLANNING COMMISSION

03/18/04

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF: MAY 5, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☐

CONSENT

☒

DISCUSSION

SUBJECT:

SPECIAL USE PERMIT - PUBLIC HEARING - SUP-3961 - APPLICANT: NAMEER KALANDOS - OWNER: MEHRAN DAVID KOHANBASH - Request for a Special Use Permit FOR A PROPOSED LIQUOR ESTABLISHMENT (OFF-PREMISE CONSUMPTION) IN CONJUNCTION WITH A PROPOSED CONVENIENCE STORE at 5000 West Charleston Boulevard, Suite 7 (APN: 138-36-804-002), C-1 (Limited Commercial) Zone, Ward 1 (Moncrief). The Planning Commission (7-0 vote) and staff recommend APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.

0

City Council Meeting

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

0

City Council Meeting

RECOMMENDATION:

The Planning Commission (7-0 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 by Lila Franks

MOTION:

MONCRIEF – APPROVED subject to conditions, deleting Condition 6 and adding a six-month review – **UNANIMOUS** with GOODMAN excused and Ward 2 seat vacant

MINUTES:

MAYOR PRO TEM REESE declared the Public Hearing open.

DAVID EDDER, Nevada Gaming Application Consultants, 777 East Courts Avenue, appeared together with the applicant, NAMEER KALANDOS. MR. EDDER concurred with all conditions with the exception of Condition 6, which he asked be modified to allow the applicant to sell items that are 16 ounces and above. The applicant is an experienced operator and has been operating a convenience store for many years. There have never been problems with loitering at his location, other than break-ins. MR. EDDER stated he is aware that the condition was imposed to protect the public, but he does not believe the sale of single items would cause problems in this area nor does he believe that MR. KALANDOS would allow it to happen.

CITY COUNCIL MEETING OF MAY 5, 2004
Planning and Development Department
Item 102 – SUP-3961

MINUTES – Continued:

COUNCILWOMAN MONCRIEF asked ROBERT GENZER, Director, Planning and Development Department, to explain the condition on single sales and when it went effect. MR. GENZER replied that the condition is something that is not uniformly applied. It depends on the location within each individual Ward. In this particular area there is another convenience store in close proximity, but he is not aware if that convenience store has the same condition, since it has been there for quite some time.

MARGO WHEELER, Deputy Director, Planning and Development Department, indicated that staff believes it does not have that particular condition. Therefore, in this particular case, if the Council would like to remove it, she suggested a one-year review to see if any issues arise. MR. EDDER concurred with the added condition.

No one appeared in opposition.

MAYOR PRO TEM REESE declared the Public Hearing closed.

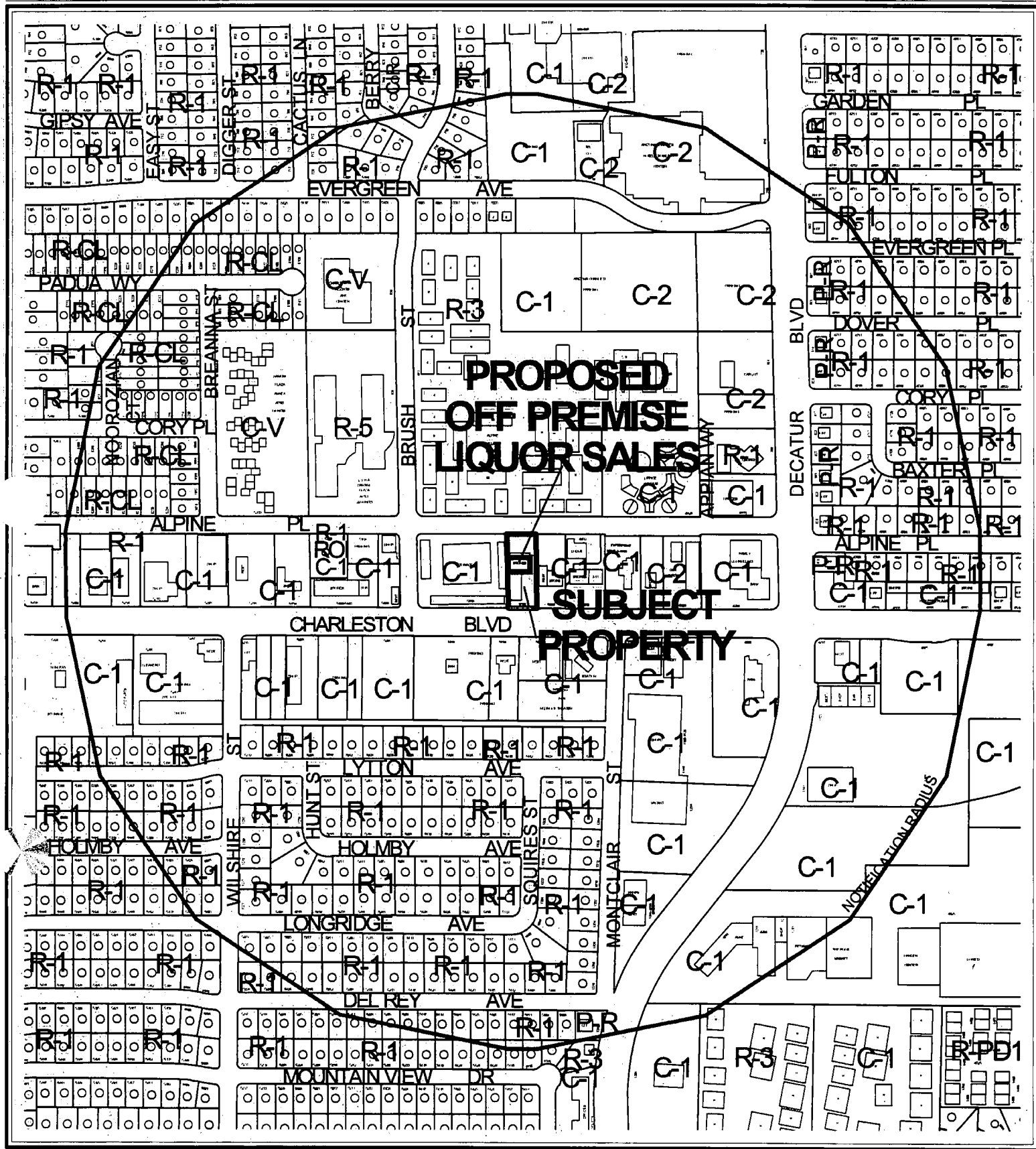
(2:18 – 2:21)

4-1957

CONDITIONS:

Planning and Development

1. Conformance to all Minimum Requirements under Title 19.04.050 for a Liquor Establishment (Off-Premise Consumption) use.
2. 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.
3. All City Code requirements and design standards of all City departments must be satisfied.
4. Approval of this Special Use Permit does not constitute approval of a liquor license.
5. The sale of alcoholic beverages shall be limited to the sale of beer and wine only.
6. 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.
7. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.



CASE: SUP-3961

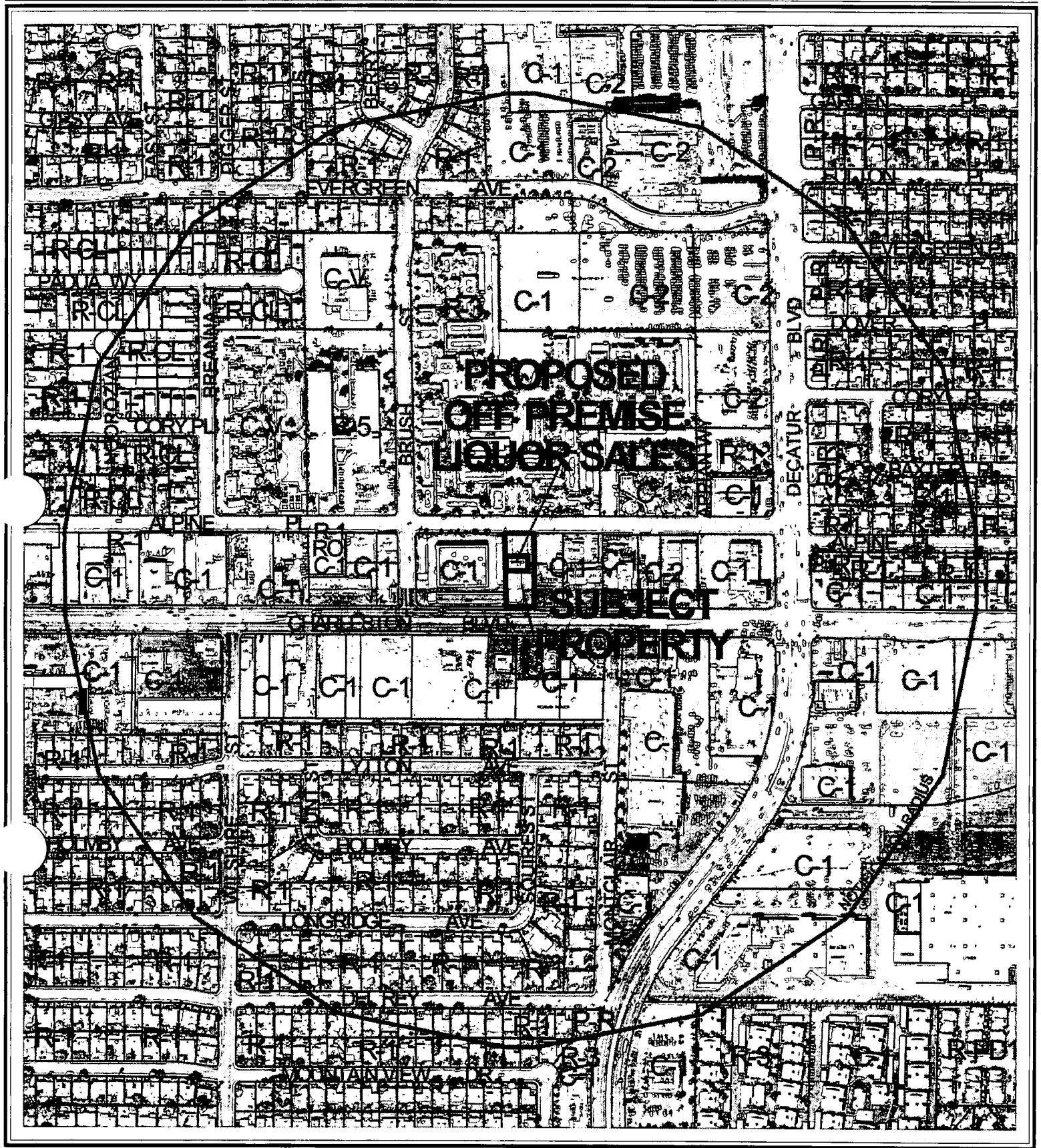
RADIUS: 1500 FT

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

0 300 600 Feet

102



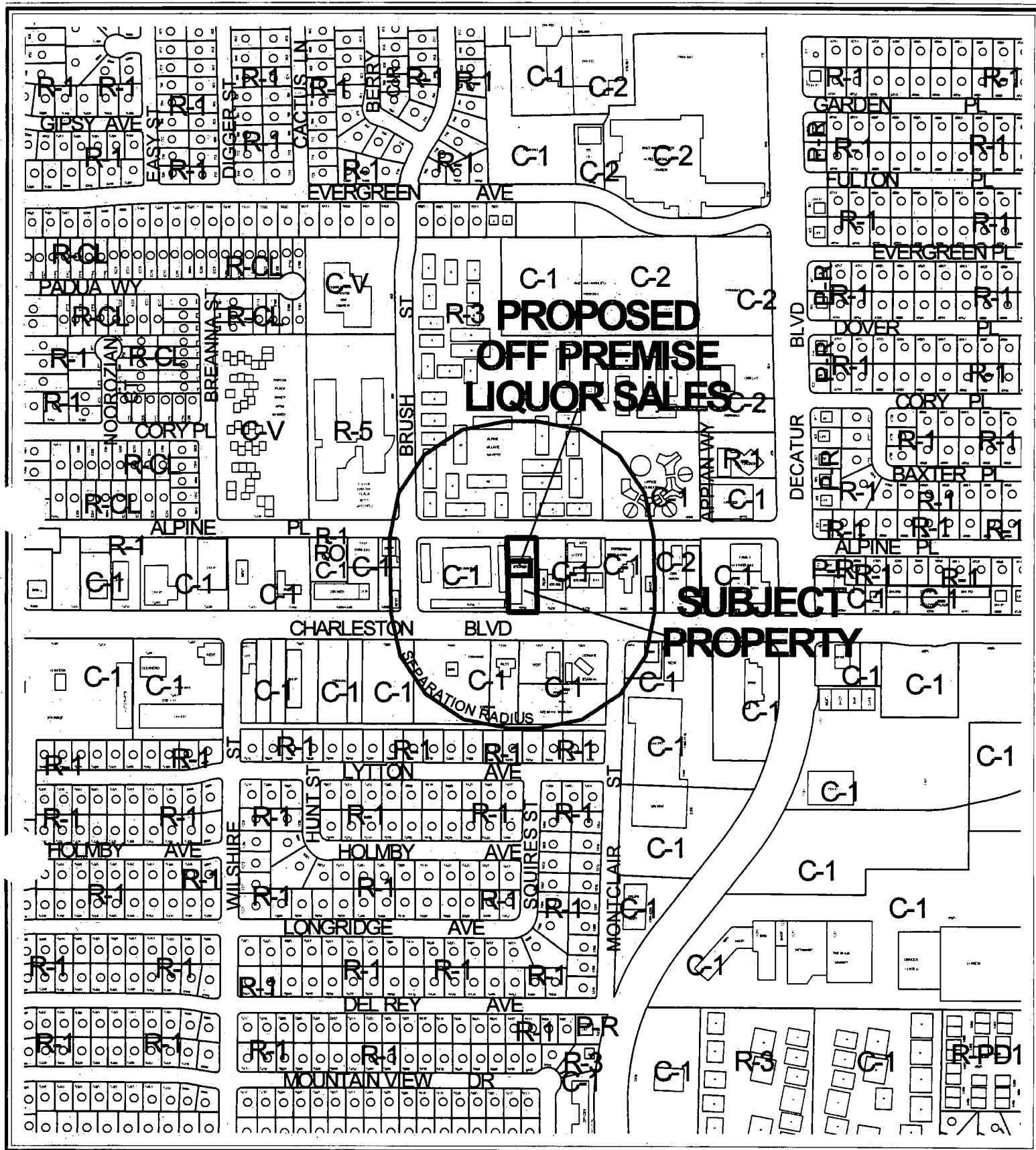


CASE: SUP-3961

RADIUS: 1500 FT

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





CASE: SUP-3961

RADIUS: 1500 FT

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

0 300 600 Feet



AGENDA MEMO

CITY COUNCIL MEETING DATE: MAY 5, 2004

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: SUP-3961 - APPLICANT: NAMEER KALANDOS - OWNER:
MEHRAN DAVID KOHANBASH**

**** CONDITIONS ****

The Planning Commission (7-0 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. 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.
3. All City Code requirements and design standards of all City departments must be satisfied.
4. Approval of this Special Use Permit does not constitute approval of a liquor license.
5. The sale of alcoholic beverages shall be limited to the sale of beer and wine only.
6. 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.
7. 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 4,000 square-foot grocery store (Mic's Market) at 5000 West Charleston Boulevard, Suite 7.

B) Applicant's Justification

The applicant has justified this request by stating that the proposed store will serve the needs of the residents in the area by providing a larger selection of products than can be found in a typical convenience store. The properties along Charleston Boulevard and south of Charleston are all commercially zoned.

BACKGROUND INFORMATION

A) Previous Actions

03/02/66 The Board of City Commissioners approved a request for a Rezoning to C-1 (Limited Commercial) on this property as part of a larger request (Z-0006-66). The Planning Commission and staff recommended approval on 02/22/66.

04/08/04 The Planning Commission voted 7-0 to recommend APPROVAL (PC Agenda Item #13/ss)

B) Pre-Application Meeting

02/12/04 Submittal requirements for a Special Use Permit application were discussed, namely the need for the addition of a vicinity map to the site plan, the deed to the property, and a signed application. The applicant explained that the previous use was a church, which has since relocated.

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

Net Acres: 0.59

B) Existing Land Use

Subject Property: Retail Commercial
North: Multi-Family Residential (Apartments)
South: Restaurants
East: Restaurant, Retail Commercial
West: Mini-Warehouse

C) Planned Land Use

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

D) Existing Zoning

Subject Property: C-1 (Limited Commercial)
North: R-3 (Medium Density Residential)
South: C-1 (Limited Commercial)
East: C-1 (Limited Commercial)
West: C-1 (Limited Commercial)

E) General Plan Compliance

The subject property is designated SC (Service Commercial) on the Southwest Sector Map of the General Plan. 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

No special districts, zones, or studies are related to the subject property.

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. A General Retail Store use requires 23 parking spaces. A total of 79 spaces are shown on the site plan, shared between two parcels having the same owner.

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)	Shall not be located within 400 feet of any church, synagogue, school, child care facility, or City park	Greater than 400 feet from protected uses

Title 19.04.050 requires that a Liquor Establishment (Off-Premise Consumption) be a minimum of 400 feet from any church, synagogue, school, child care facility licensed for more than 12 children, or a City park. None of these protected uses are within this 400-foot radius.

B) General Analysis and Discussion

- **Zoning**

The Liquor Establishment (Off-Premise Consumption) use is permitted 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 protected uses within the required minimum 400-foot distance separation radius. The use is proposed within a proposed 4,000 square-foot grocery store as part of an approximately 10,000 square-foot retail commercial building on the site. The proposed floor plan indicates that the store will contain a number of slot machines as an ancillary use to the market. This use can be conducted in a manner that is harmonious and compatible with the surrounding development and is appropriate at this location, with the implementation of the conditions listed.

- **Conditions**

The following conditions are stipulated for the Liquor Establishment (Off-Premise Consumption) use 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, childcare 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 a proposed grocery store. It is located in a wholly commercial area along a Primary Arterial. For these reasons, the use is compatible with existing land uses and appropriate for the area.

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 Charleston Boulevard, designated as 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) 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.

PLANNING COMMISSION ACTION: At the PC Hearing, the applicant requested that condition #6 be removed.

NOTICES MAILED 389 by City Clerk

APPROVALS 0

PROTESTS 0



PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: SUP-3961 APN: _____

Name of Property Owner: David Kohanbadi

Name of Applicant: NAMEER KALANDOS

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: David Kohanbadi

Subscribed and sworn before me

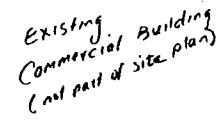
This 18 day of Feb, 2004

Linda Herz notary public
Notary Public in and for said County and State
Los Angeles, Calif



4

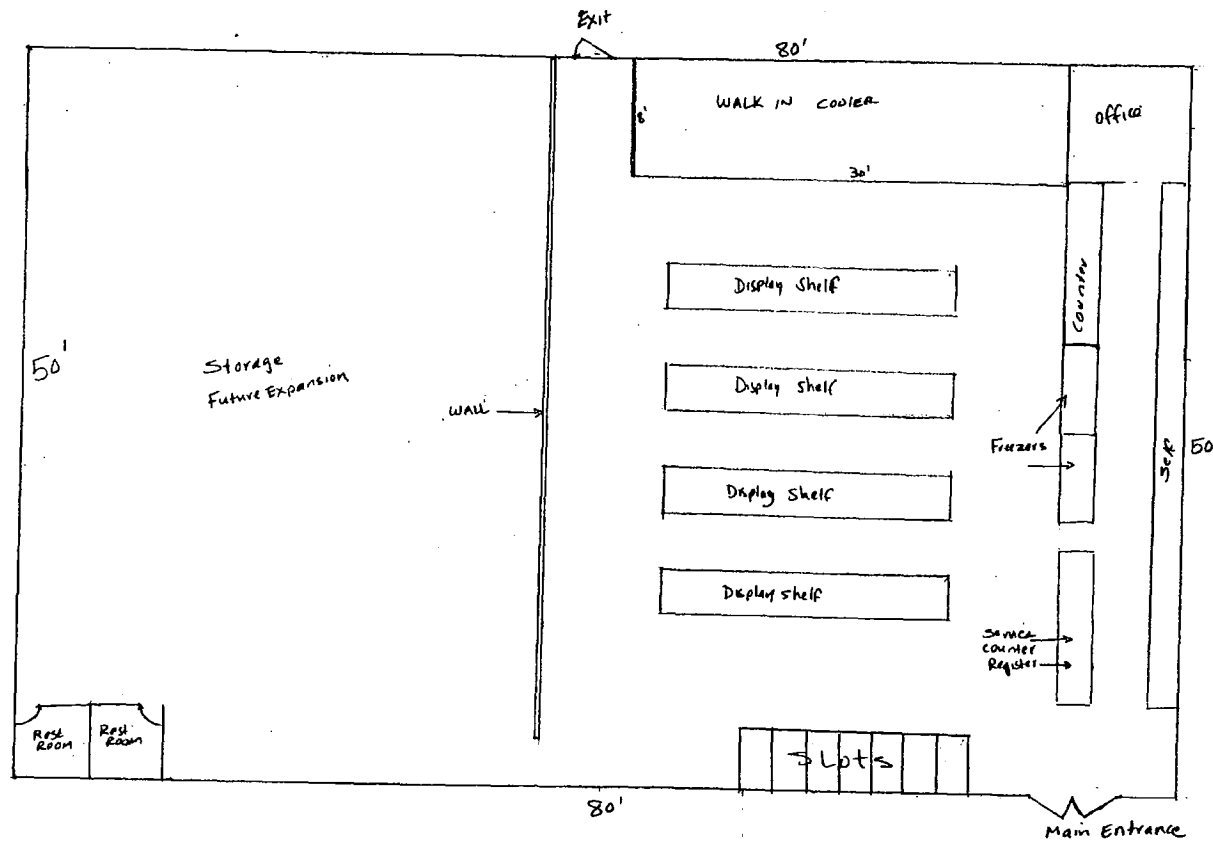
A.P.N. 138-36-804 - 002 * 003
5000 W. CHAMBERS #7



SUP-3961
04-08-04 PC

PROPOSED FLOOR PLAN Scale 1"=4'

Total S.F. 4000 - Display Area 1600 S.F.



SUP-3961

04-08-04 PC



SUP-3961 - APPLICANT: NAMEER KALANDOS - OWNER: MEHRAN DAVID KOHANBASH
5000 WEST CHARLESTON BOULEVARD, SUITE 7
APRIL 8, 2004 PLANNING COMMISSION

03/18/04

4-29-04

RECEIVED
CITY CLERK

2004 APR 30 P 2:19

City Clerk
400 Stewart Ave.
Las Vegas, Nev.

This is a no on a request for a proposed
liquor establishment at 5050 West Charleston #7
SE 1/4 - SE 1/4 of Section 36, Township 20. So. Range
60 S. M.D.M. Applicant Kalandos - owner Kohanbach

Thank
You

Protest

Lila Frauke
5104 Lytton Ave
Las Vegas, Nev - 89146

Submitted after final agenda

Date 4/30/04 Item #102

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF: MAY 5, 2004**DEPARTMENT: PLANNING & DEVELOPMENT****DIRECTOR: ROBERT S. GENZER**☐**CONSENT**☒**DISCUSSION****SUBJECT:**

SPECIAL USE PERMIT - PUBLIC HEARING - SUP-3969 - APPLICANT: ADVANCE AMERICA, CASH ADVANCE CENTERS OF NEVADA, INC. - OWNER: ROGER ANDERSON - Request for a Special Use Permit FOR A PROPOSED FINANCIAL INSTITUTION, SPECIFIED at 5950 West Charleston Boulevard, Suite 110 (APN: 138-36-406-006), C-1 (Limited Commercial) Zone, Ward 1 (Moncrief). The Planning Commission (6-0-1 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 (6-0-1 vote) and staff recommend APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Submitted at City Council – Written Opinion for Mayor Goodman regarding abstentions on Items 59, 100, 101, 103, 104, 105, 113, 114, 118, 119, 120, 123, 124 and 125 and Written Opinion for Councilman Mack regarding abstentions for Items 88, 103, 118, 119 and 120. Both Opinions were filed under Item 78.

MOTION:

MONCRIEF – APPROVED subject to conditions – **UNANIMOUS** with **GOODMAN** excused, Ward 2 seat vacant and **MACK** abstaining because he is a consultant for SuperPawn Stores, owned by his brother, **STEVEN MACK**, which offer the same type of services

NOTE: DEPUTY CITY ATTORNEY SCOTT stated that MAYOR GOODMAN and COUNCILMAN MACK asked that the City Attorney give an opinion as to whether or not they should or should not abstain. He submitted the opinion for the record filed under Item 78 [Any Items] indicating that both the Mayor and the Councilman abstained. He indicated that COUNCILMAN MACK would be abstaining on Item 88 [VAC-3926], Item 103 [SUP-3969], Item 118 [ZON-3976], Item 119 [SUP-3980] and Item 120 [SDR-3979]. MAYOR GOODMAN

CITY COUNCIL MEETING OF MAY 5, 2004
Planning and Development Department
Item 103 – SUP-3969

MOTION – Continued:

would be abstaining on Item 59 [Jason Samuel Aguirre, dba Myo Works], Item 100 [SUP-3152], Item 101 [AUP-3947], Item 103 [SUP-3969], Item 104 [SUP-3972], Item 105 [SUP-3973], Item 113 [ZON-3919], Item 114 [SDR-3920], Item 118 [ZON-3976], Item 119 [SUP-3980], Item 120 [SDR-3979], Item 123 [GPA-3977], Item 124 [ZON-3981] and Item 125 [SDR-3982]. MAYOR PRO TEM REESE verified with DEPUTY CITY ATTORNEY SCOTT that in those cases where COUNCILMAN MACK cannot vote, the number of the Board will be reduced to six and the quorum will be four. COUNCILMAN MACK remarked that he would disclose his abstention under each individual item as well.

MINUTES:

MAYOR PRO TEM declared the Public Hearing open.

ATTORNEY JEFF SILVESTRI, McDonald Law Firm, 2300 West Sahara Avenue, Suite 1000, appeared on behalf of the applicant together with MIKE BURNS, Advanced America. ATTORNEY SILVESTRI asked that the Council approve the use permit and concurred with all conditions.

COUNCILWOMAN MONCRIEF noted to the fact that the 1000 feet requirement bill was adopted after the applicant applied for the Special Use Permit, the fact that there were no protests, and that staff recommendation of approval. Therefore, she moved to approve the item.

No one appeared in opposition.

MAYOR PRO TEM REESE declared the Public Hearing closed.

(2:21 – 2:23)

4-2077

CONDITIONS:

Planning and Development

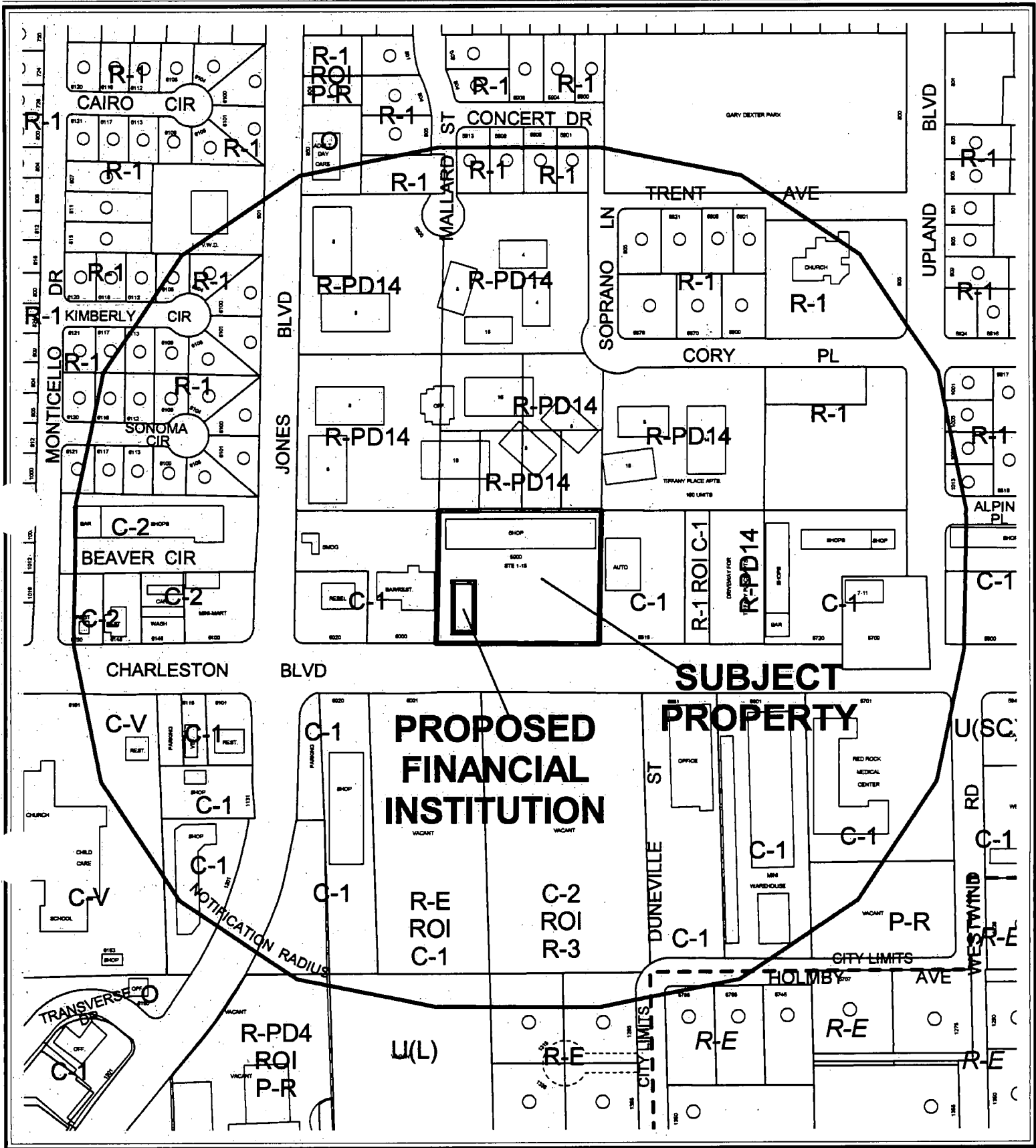
1. Conformance to all Minimum Requirements under Title 19.04.050 for a Financial Institution, Specified use.
2. Conformance to the Conditions of Approval for Site Development Plan Review [Z-0006-66(42)].
3. This Special Use Permit shall expire two years from the date of final approval, unless it is exercised 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.

CITY COUNCIL MEETING OF MAY 5, 2004
Planning and Development Department
Item 103 – SUP-3969

CONDITIONS – Continued:

Public Works

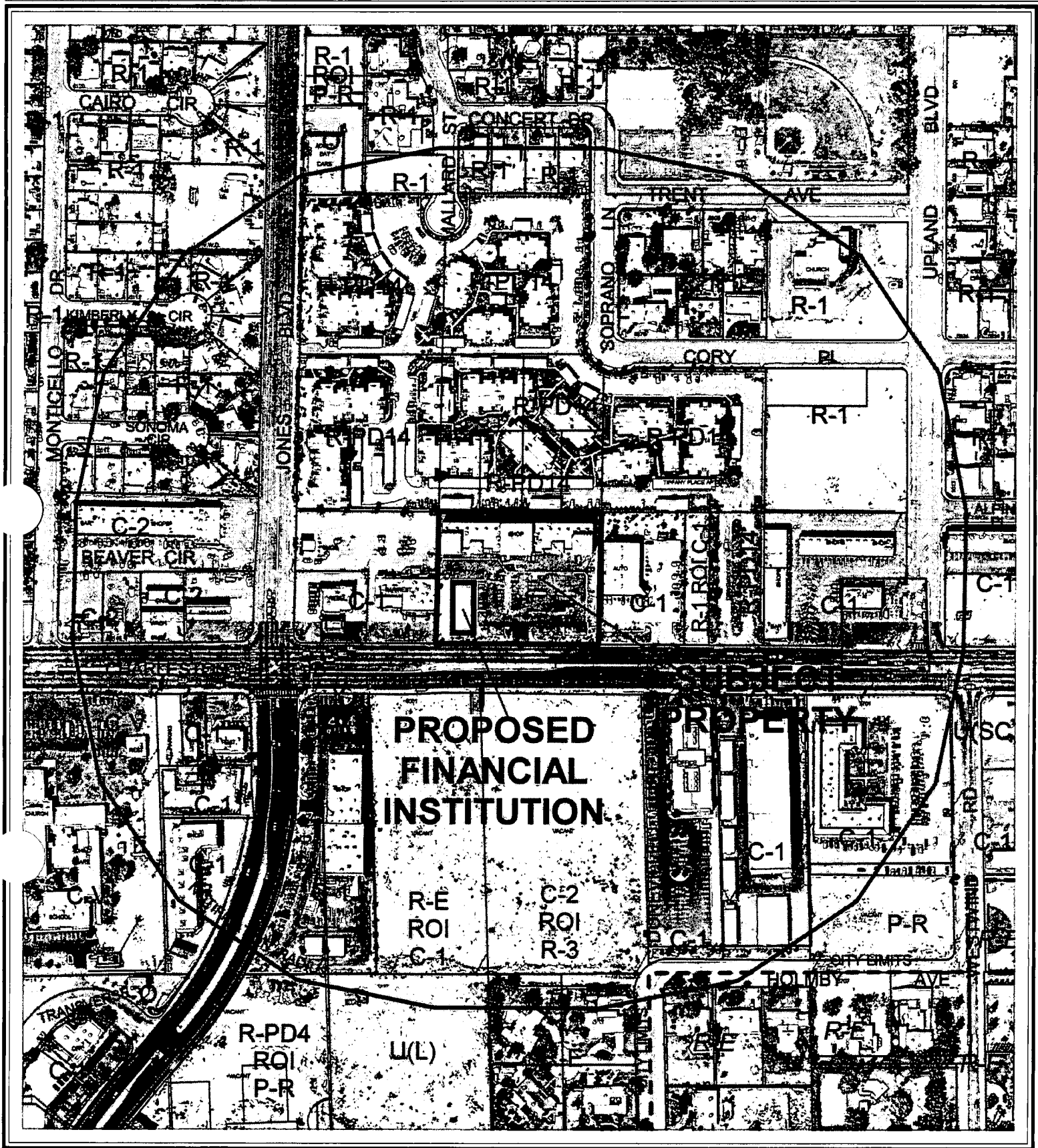
5. An update to the previously approved Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any grading or building permits, submittal of any construction drawings, whichever may occur first. Provide and improve all drainageways as recommended in the approved drainage plan/study.
6. Site development to comply with all applicable conditions of approval for Z-6-66(42), the Charleston Market Place Commercial Subdivision, and all other subsequent site-related actions.



CASE: SUP-3969

RADIUS: 750 FT

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



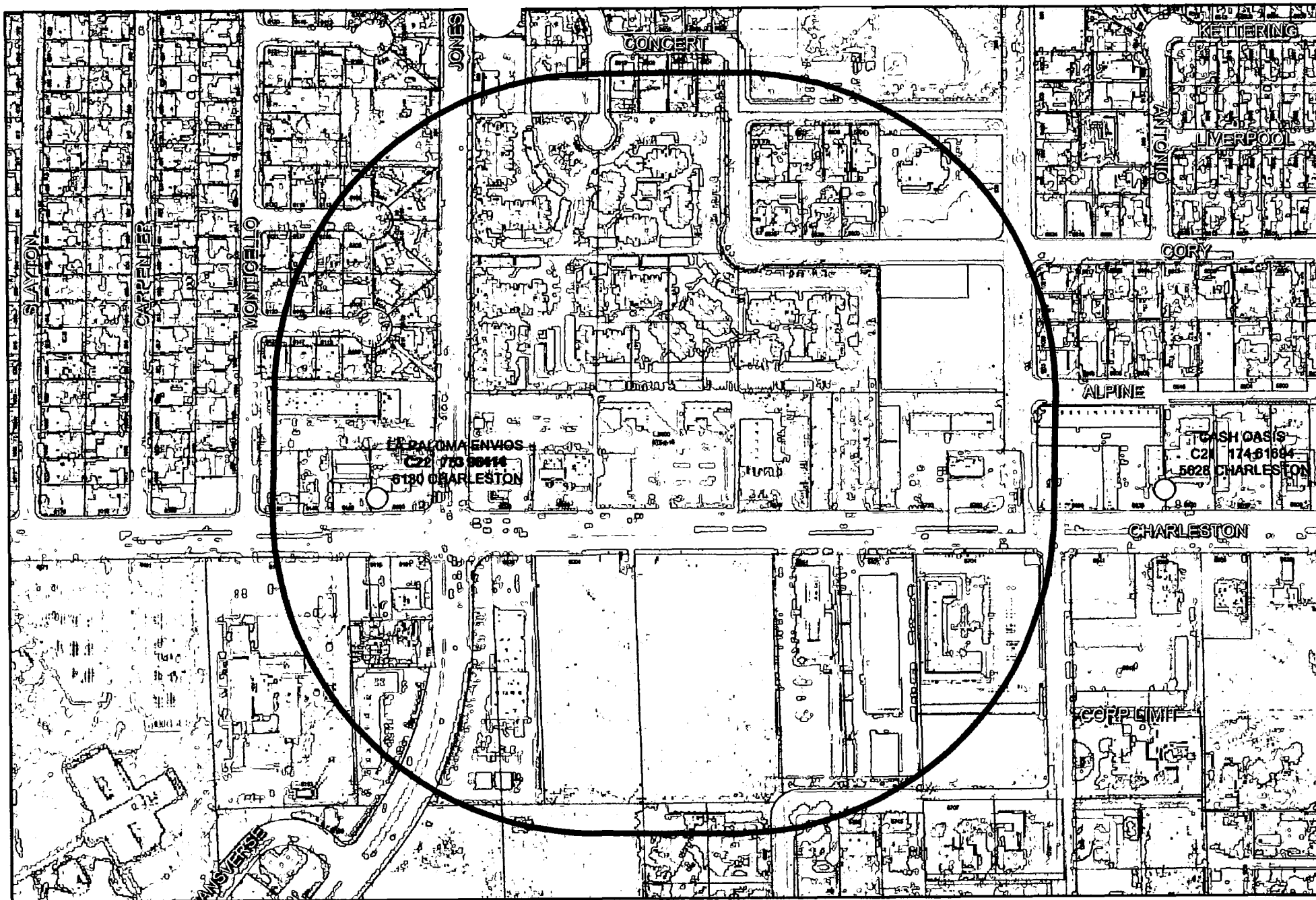
CASE: SUP-3969

RADIUS: 750 FT

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

0 200 400 Feet





SUP-3969 Financial Business Locations

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



Subject Property



750 foot buffer

0 110 220 440 660 880 Feet



AGENDA MEMO

CITY COUNCIL MEETING DATE: MAY 5, 2004

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: SUP-3969 - APPLICANT: ADVANCE AMERICA, CASH
ADVANCE CENTERS OF NEVADA, INC. - OWNER: ROGER ANDERSON**

**** CONDITIONS ****

The Planning Commission (6-0-1 vote) and staff recommend APPROVAL, subject to:

Planning and Development

1. Conformance to all Minimum Requirements under Title 19.04.050 for a Financial Institution, Specified use.
2. Conformance to the Conditions of Approval for Site Development Plan Review [Z-0006-66(42)].
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.

Public Works

5. An update to the previously approved Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any grading or building permits, submittal of any construction drawings, whichever may occur first. Provide and improve all drainageways as recommended in the approved drainage plan/study.
6. Site development to comply with all applicable conditions of approval for Z-6-66(42), the Charleston Market Place Commercial Subdivision, and all other subsequent site-related actions.

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

This request is for approval of a Special Use Permit for a proposed Financial Institution, Specified at 5950 West Charleston Boulevard, Suite 110.

B) Applicant's Justification

The proposed Financial Institution will assist local residents in obtaining short-term payday loans. Hours of operation will conform to the City's conditions.

BACKGROUND INFORMATION

A) Previous Actions

- 03/02/66 The City Council approved a Rezoning from R-1 (Single Family Residential) and R-4 (High Density Residential) to C-1 (Limited Commercial) on this site as part of a larger request (Z-0006-66). The Planning Commission and staff recommended approval on 02/22/66.
- 01/09/97 The Planning Commission approved a Site Development Plan Review [Z-0006-66(38)] for a proposed 19,900 square foot shopping center on this site. (No building permits were obtained). Staff recommended approval.
- 10/28/99 The Planning Commission approved a Site Development Plan Review [Z-0006-66(42)] for a proposed 24,160 square foot one-story retail center on this site. Staff recommended approval.
- 04/08/04 The Planning Commission voted 6-0-1 to recommend APPROVAL (PC Agenda Item #49/ss)

B) Pre-Application Meeting

- 01/29/04 The definition of a Financial Institution, Specified was discussed, as were submittal requirements. No plans were presented at the meeting; therefore, a second conference was arranged.
- 02/06/04 A site plan and floor plan were presented. The applicant was asked to add a vicinity map and the area of the building to the site plan, and to show the breakout of suites within the building on the floor plan. Wall sign elevations were also requested.

C) Neighborhood Meetings

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

DETAILS OF APPLICATION REQUEST

A) Site Area

Net Acres: 2.12

B) Existing Land Use

Subject Property: Retail Commercial
North: Multi-Family Residential (Apartments)
South: Undeveloped
East: Auto Parts Store
West: Tavern and Restaurant

C) Planned Land Use

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

D) Existing Zoning

Subject Property: C-1 (Limited Commercial)
North: R-PD14 (Residential Planned Development – 14 Units per Acre)
South: R-E (Residence Estates) under Resolution of Intent to C-1 (Limited Commercial); C-2 (General Commercial) under Resolution of Intent to R-3 (Medium Density Residential)
East: C-1 (Limited Commercial)
West: C-1 (Limited Commercial)

E) General Plan Compliance

The subject property is designated SC (Service Commercial) on the Southwest Sector Map of the General Plan. A Financial Institution, Specified is a permitted use within the C-1 (Limited Commercial) zoning district, which is consistent with the SC (Service Commercial) General Plan designation.

<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

No special districts, zones, or studies are related to the subject site.

ANALYSIS

A) Zoning Code Compliance

A1) Parking and Traffic Standards

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

Uses	GFA	Ratio	Required		Provided	
			Parking		Parking	
			Regular	Handicap	Regular	Handicap
Financial Institution, Specified	1,378 SF	1/200 SF GFA	6	1	115	5

Upon build out, the overall site will contain 120 parking spaces. Required parking for the site was determined on a ratio of one space per 250 square feet of gross retail floor area prior to the entrance of individual uses within the shell buildings. The Financial Institution, Specified must contribute at least seven spaces toward the total number provided. The number of spaces on the overall site should be sufficient to accommodate the proposed payday loan center.

A2) Minimum Distance Separation Requirements

There are no Minimum Separation Distance Requirements in the Zoning Code that apply to the proposed Financial Institution, Specified use. There is an existing Financial Institution, Specified within the 750-foot notification distance, located at 6130 West Charleston Boulevard. Approval of this application should not create over-saturation of these types of businesses in this area of the City.

B) General Analysis and Discussion

- Zoning

The subject site is zoned C-1 (Limited Commercial). A Financial Institution, Specified is a permitted use within this zoning district with the approval of a Special Use Permit.

- Use

This project will be a 1,378 square-foot tenant improvement within a previously approved building currently under construction. This building is part of a 24,127 square foot overall retail development. No exterior work specific to this use will be performed, ensuring compatibility with the overall retail center and surrounding development. Proposed signage on the storefront is appropriate and will be regulated by the building owner. No window signs are indicated on the storefront elevation. All building signage is subject to the base conditions for approval of the Special Use Permit listed below.

The nearest existing approved Financial Institution, Specified is located along Charleston Boulevard on the west side of Jones Boulevard. A similar business is located over 1,200 feet to the east of the proposed business. The proposed Financial Institution, Specified will therefore be appropriate for this location.

- Conditions

Title 19.04.050 lists the following conditions for a Financial Institution, Specified use:

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

The proposed payday loan business complies with the listed conditions.

FINDINGS

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

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

The proposed Financial Institution, Specified use will be located within an approved building with no external changes to be made except for new wall signage. It will be surrounded by other commercial and retail businesses of a similar physical character that are permitted in the C-1 (Limited Commercial) zoning district and compatible with the General Plan in this area.

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

The existing parking area and suite floor area are adequate to accommodate the proposed Financial Institution, Specified use.

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 this site is from a driveway from Charleston Boulevard, which is designated as a Primary Arterial (120 foot Right-of-Way) on the Master Plan of Streets and Highways. This street will be adequate in size and capacity to accommodate the proposed Financial Institution, Specified.

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

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

NOTICES MAILED 74 by City Clerk

APPROVALS 0

PROTESTS 0



PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: SUP-3969 APN: 138-36-406-006

Name of Property Owner: Roger Anderson

Name of Applicant: Advance America, Cash Advance Centers by
Karen Finch

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

☒ 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:

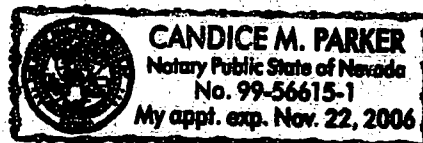
Print Name: Keger Anderson

Subscribed and sworn before me

This 10th day of February, 2004

Charles M. Tucker

Notary Public in and for said County and State

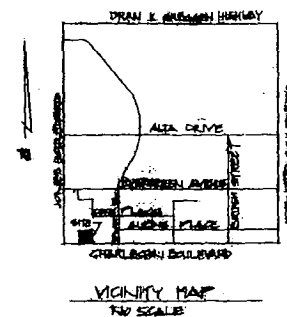


W. CHARLESTON BLVD.

Existing Building: 17215 s.f.
Proposed Building: 6912 s.f.
Total: 24127 s.f.

Total Number of Parking required: 97
Number of Parking provided: 120

AUTO ZONE



SUP-3969
04-08-04 PC



architect

PO BOX 630543
Henderson, NV
89053

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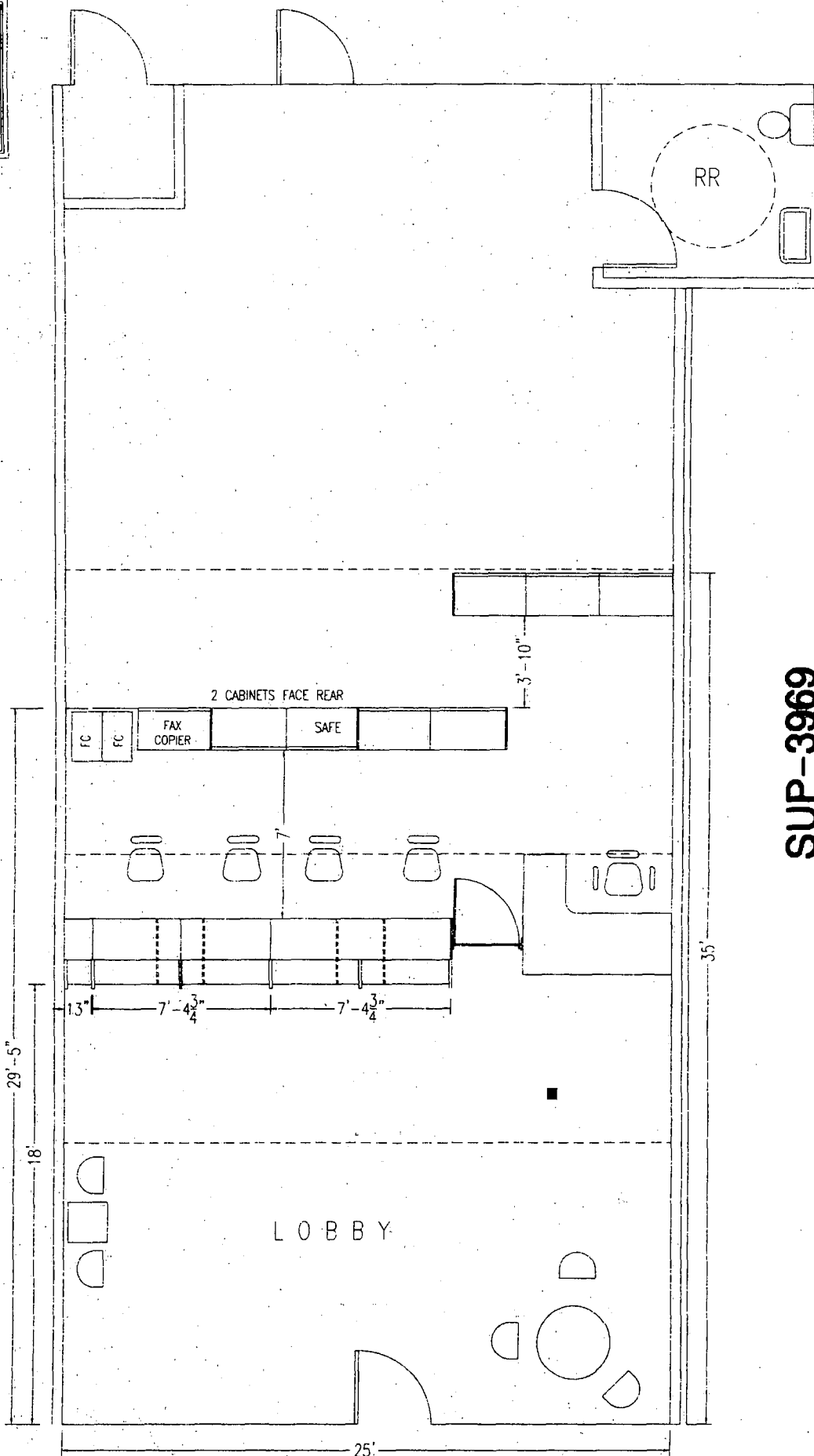
**Shell Retail Building 'B' for
Charleston Marketplace**

Sheet Title

SITE
PLAN
LANDSCAPE
PLAN

Project No.	EA-62-AVA
Org name:	62-A17
Drawn By	EV
Checked By	Ev
Date:	10/10/03
Sheet No	

A1.1



SUP-3969
04-08-04 PC

ADVANCE AMERICA

BRANCH # 1213

LAS VEGAS, NV

09/22/02

DRAWN BY: PW

DWG # NCA25



architect

PO BOX 538543
Hawthorne, NY 11742-2543
F/760 885-0271
enarchitect.com

Not a contract. This drawing is intended to be used in conjunction with the contract documents. It is not to be used for any other purpose without the written consent of the architect. © 2004 by En Architect, Inc.

1/7/05 CIV. MARK & SAFETY COMMENTS
10/10/05 CIV. MARK & SAFETY COMMENTS

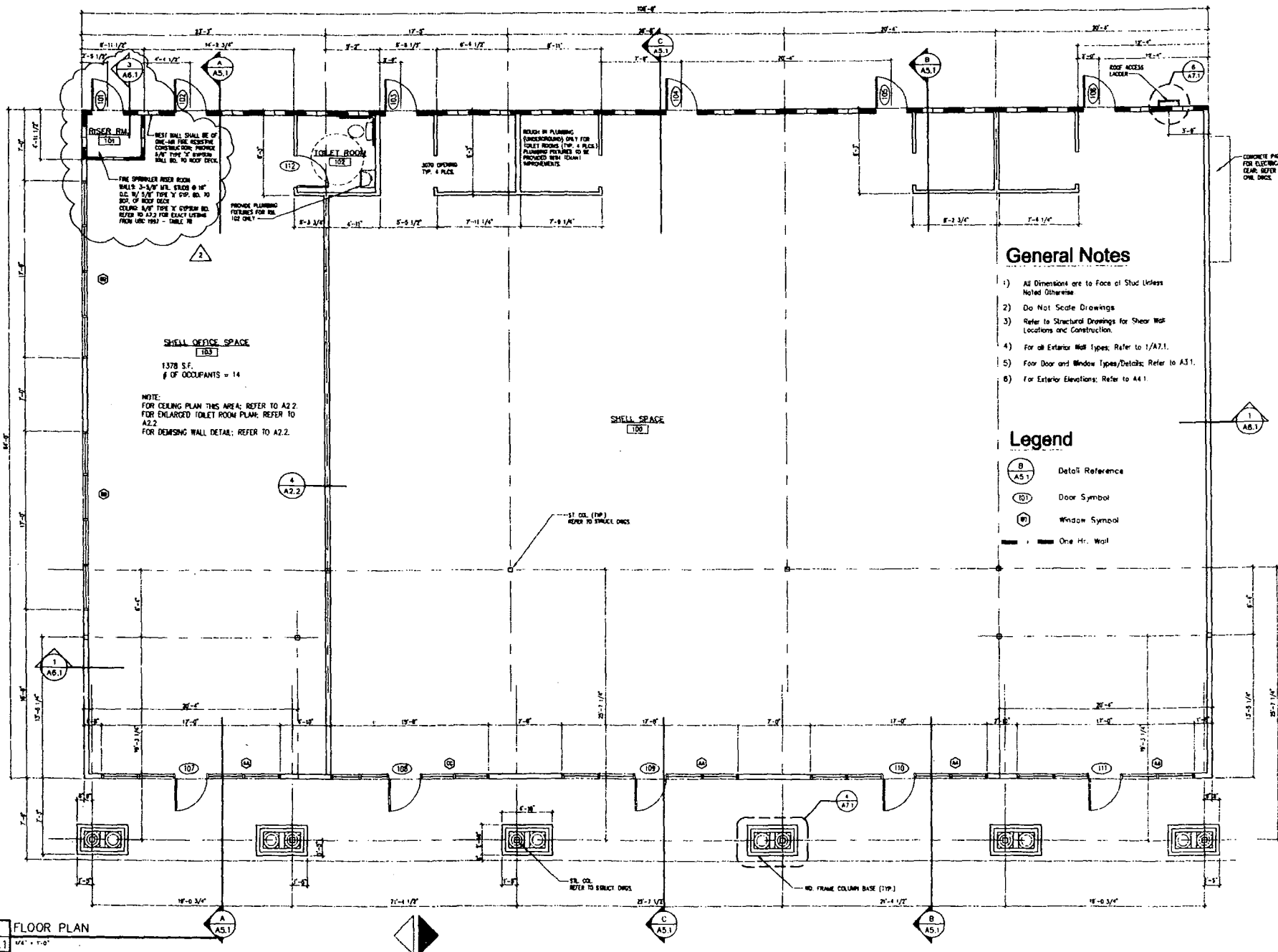
Shell Retail Building 'B' for
Charleston Marketplace
NOVAD CONSTRUCTION
Las Vegas, Nevada

Sheet Title

FLOOR
PLAN

Project No. EV1162-AVAX
File name: 162-A21
Drawn By: EV
Checked By: EV
Date: 9/3/04
Sheet No.

A2.1



1 FLOOR PLAN
A2.1



SUP-3969 - APPLICANT: ADVANCE AMERICA, CASH ADVANCE CENTERS OF NEVADA, INC. - OWNER:
ROGER ANDERSON
5950 WEST CHARLESTON BOULEVARD, SUITE #110
APRIL 8, 2004 PLANNING COMMISSION

03/18/04

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF: MAY 5, 2004**DEPARTMENT: PLANNING & DEVELOPMENT****DIRECTOR: ROBERT S. GENZER**☐**CONSENT**☒**DISCUSSION****SUBJECT:**

SPECIAL USE PERMIT - PUBLIC HEARING - SUP-3972 - **APPLICANT: REAGAN NATIONAL ADVERTISING - OWNER: RITA QUAM FAMILY TRUST** - Appeal filed by the applicant from the Denial by the Planning Commission of a request for a Special Use Permit FOR A PROPOSED OFF-PREMISE ADVERTISING (BILLBOARD) SIGN at 6750 West Sahara Avenue (APN: 163-02-415-012), C-1 (Limited Commercial) Zone, Ward 1 (Moncrief). The Planning Commission (5-2 vote) recommends DENIAL. Staff recommends APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

01**APPROVALS RECEIVED BEFORE:**

Planning Commission Mtg.
City Council Meeting

0**RECOMMENDATION:**

The Planning Commission (5-2 vote) recommends DENIAL. Staff recommends APPROVAL

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Appeal Letter filed by Singer & Brown
5. Submitted after final agenda – Abeyance request by Singer & Brown
6. Submitted at City Council – Written Opinion for Mayor Goodman regarding abstentions on Items 59, 100, 101, 103, 104, 105, 113, 114, 118, 119, 120, 123, 124 and 125 and Written Opinion for Councilman Mack regarding abstentions for Items 88, 103, 118, 119 and 120. Both Opinions were filed under Item 78.

MOTION:

REESE – Motion to HOLD IN ABEYANCE Item 100 [SUP-3152] to 7/7/2004, Item 104 [SUP-3972], Item 115 [ZON-3708] to 5/19/2004, Item 123 [GPA-3977], Item 124 [ZON-3981], and Item 125 [SDR-3982] to 6/16/2004, and Accept the WITHDRAWAL WITHOUT PREJUDICE of Item 114 [SDR-3920], Item 119 [SUP-3980] and Item 120 [SDR-3979] – UNANIMOUS with GOODMAN excused and Ward 2 seat vacant

CITY COUNCIL MEETING OF MAY 5, 2004
Planning and Development Department
Item 104 – SUP-3972

MOTION – Continued:

NOTE: DEPUTY CITY ATTORNEY SCOTT stated that MAYOR GOODMAN and COUNCILMAN MACK asked that the City Attorney give an opinion as to whether or not they should or should not abstain. He submitted the opinion for the record filed under Item 78 [Any Items] indicating that both the Mayor and the Councilman abstained. He indicated that COUNCILMAN MACK would be abstaining on Item 88 [VAC-3926], Item 103 [SUP-3969], Item 118 [ZON-3976], Item 119 [SUP-3980] and Item 120 [SDR-3979]. MAYOR GOODMAN would be abstaining on Item 59 [Jason Samuel Aguirre, dba Myo Works], Item 100 [SUP-3152], Item 101 [AUP-3947], Item 103 [SUP-3969], Item 104 [SUP-3972], Item 105 [SUP-3973], Item 113 [ZON-3919], Item 114 [SDR-3920], Item 118 [ZON-3976], Item 119 [SUP-3980], Item 120 [SDR-3979], Item 123 [GPA-3977], Item 124 [ZON-3981] and Item 125 [SDR-3982]. MAYOR PRO TEM REESE verified with DEPUTY CITY ATTORNEY SCOTT that in those cases where COUNCILMAN MACK cannot vote, the number of the Board will be reduced to six and the quorum will be four. COUNCILMAN MACK remarked that he would disclose his abstention under each individual item as well.

MINUTES:

There was no discussion.

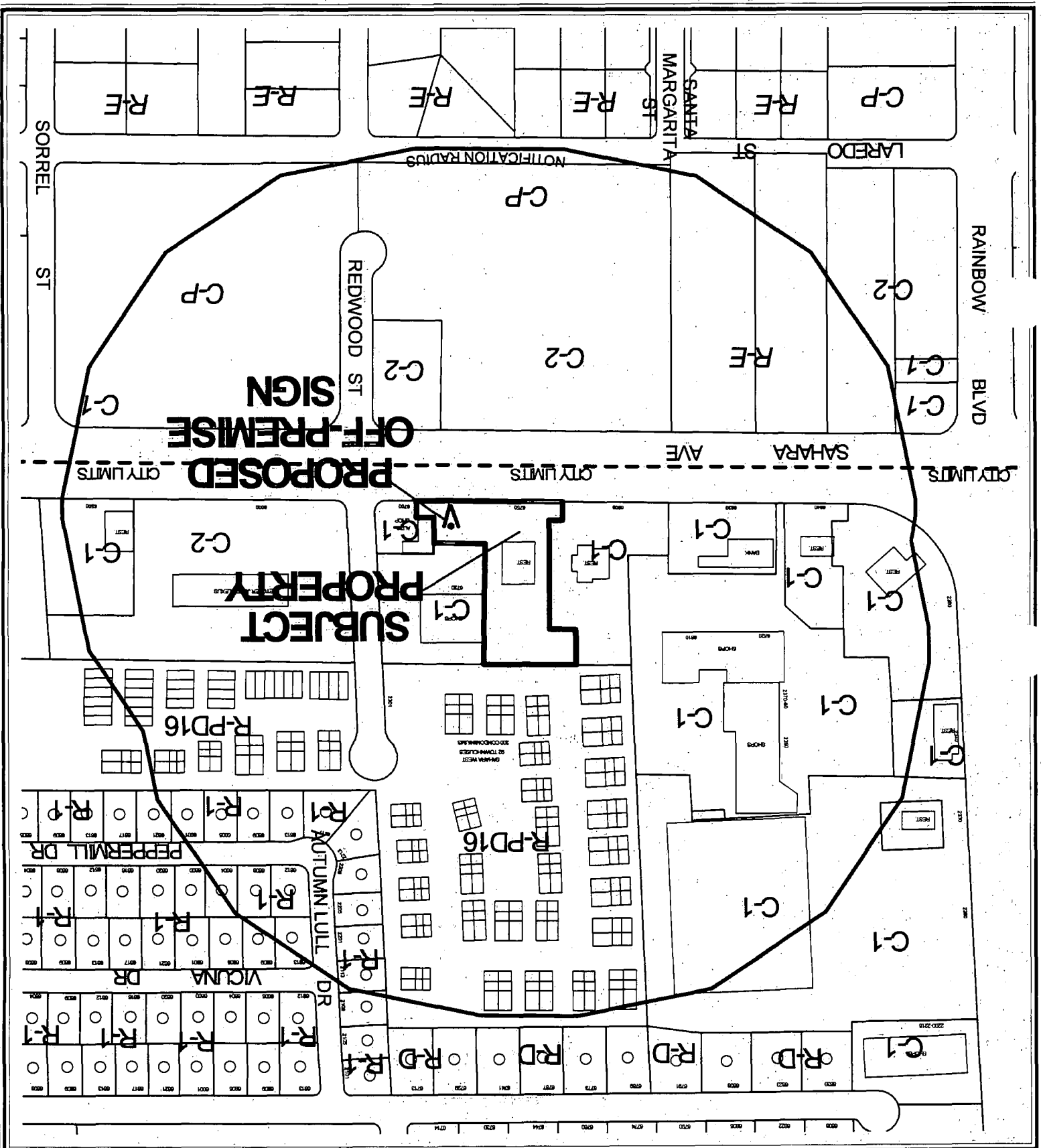
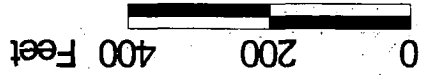
(1:22 – 1:28)



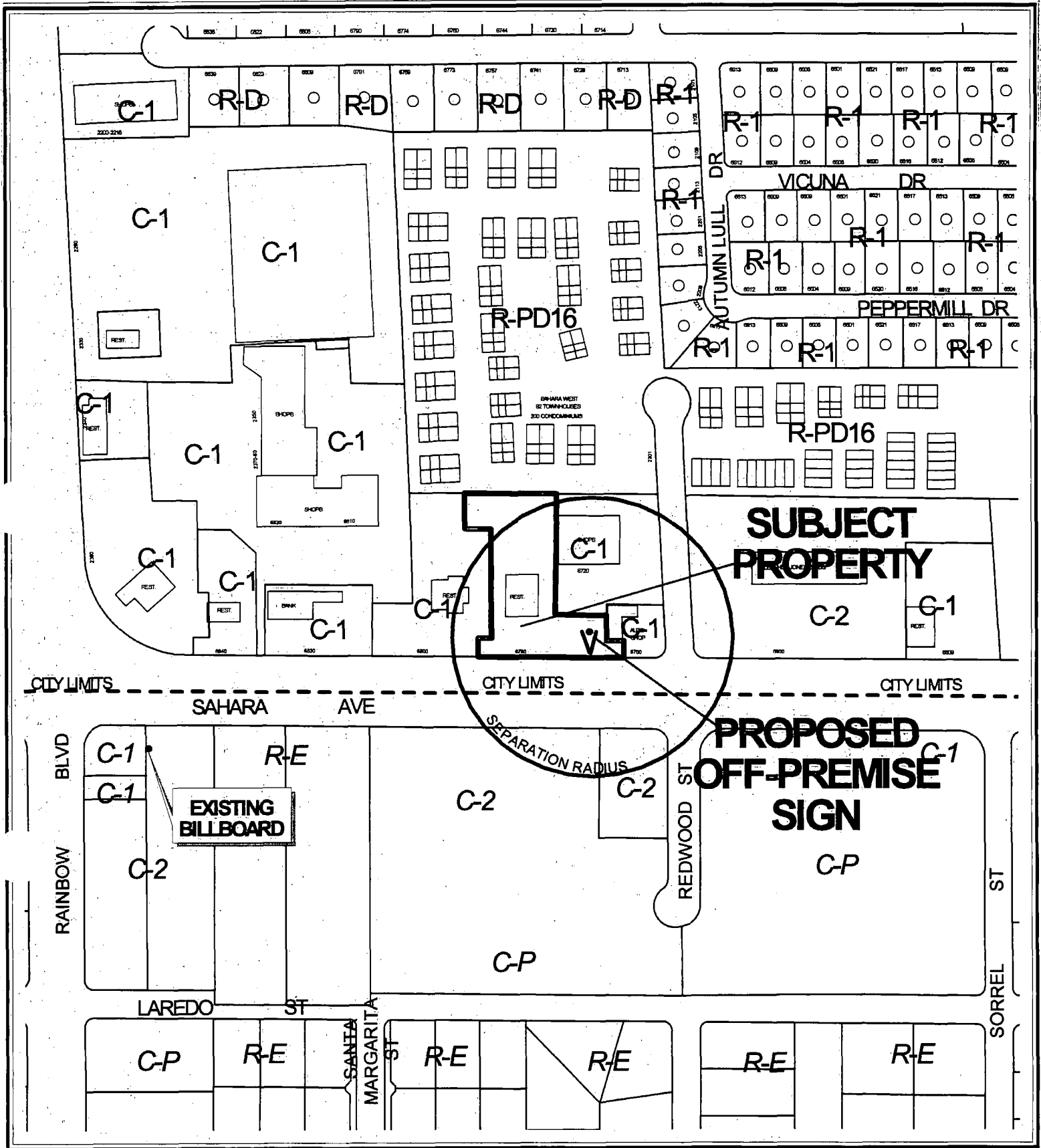
104

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

CASE: SUP-3972
RADIUS: 750 FT



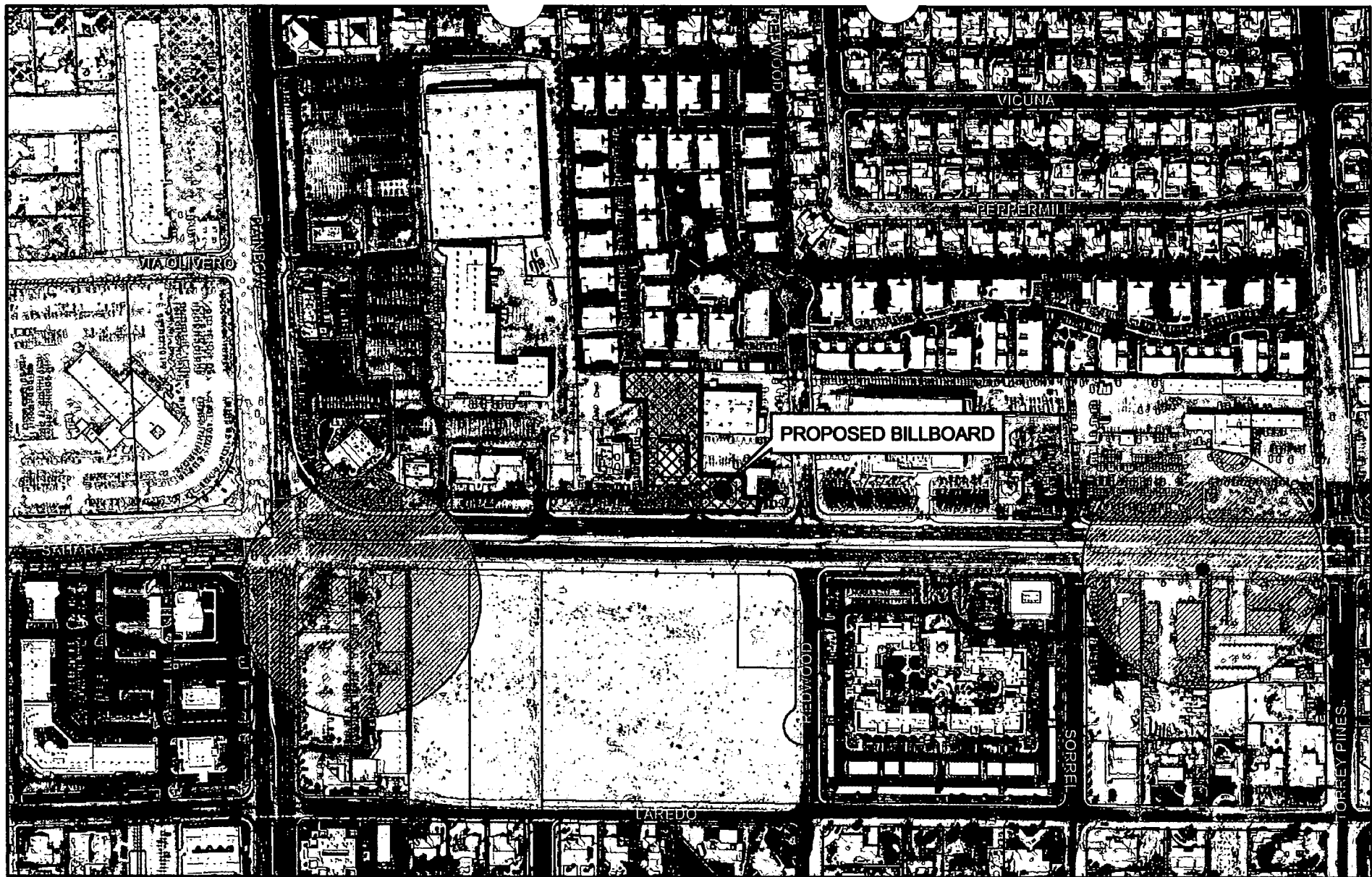




CASE: SUP-3972

SEPARATION RADIUS: 300 FT

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



SUP-3972

City of Las Vegas Billboard Data

0 240 480 960 Feet

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



AGENDA MEMO

CITY COUNCIL MEETING DATE: MAY 5, 2004

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: SUP-3972 - APPLICANT: REAGAN NATIONAL
ADVERTISING - OWNER: RITA QUAM FAMILY TRUST**

**** CONDITIONS ****

The Planning Commission (5-2 vote) recommends DENIAL. Staff recommend 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. All of the supporting structure shall be repainted, as required by the Planning and Development Department, within 30 days of final approval by City Council. Failure to perform the required painting 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. 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.
4. The Off-Premise Advertising (Billboard) Sign and its supporting structure shall be properly maintained and kept free of graffiti at all times. Failure to perform the required maintenance may result in fines and/or removal of the Off-Premise Advertising (Billboard) Sign.
5. The 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.]
6. Only one advertising sign is permitted per sign face.
7. 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.

8. All City Code requirements and design standards of all City Departments shall be satisfied.

Public Works

9. The proposed 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 the applicant from the Denial by the Planning Commission of a request for a Special Use Permit for an Off-Premise (Billboard) Sign located at 6750 West Sahara Avenue.

B) Applicant's Justification

Sahara Avenue is a highly traveled road used by many local people going to and from numerous businesses in the area. Many local businesses will be able to utilize this sign as a cost effective advertising medium.

BACKGROUND INFORMATION

A) Previous Actions

- 07/06/88 The City Council approved a Zoning Reclassification (Z-0045-88) for this site as a part of a larger request. Staff had recommended approval and the Planning Commission recommended approval on 06/8/88.
- 04/13/95 The Planning Commission approved a Plot Plan Review [Z-0045-88(16)] for the existing structure on the subject site.
- 05/17/95 The City Council approved a Special Use Permit (U-0045-95) for a Supper Club. The Zoning Board of Adjustment and staff recommended approval on 4/25/95.
- 04/08/04 The Planning Commission APPROVED an unrelated Special Use Permit (SUP-3986) for a proposed Supper Club.
- 04/08/04 The Planning Commission voted 5-2 to DENY (PC Agenda Item #50/fs)

B) Pre-Application Meeting

- 02/02/04 Issues discussed included the location of the sign and the acknowledgement that the project is considered a Project of Regional Significance because of its proximity to Clark County.

C) Neighborhood Meetings

A neighborhood meeting is not required for Special Use Permit applications.

DETAILS OF APPLICATION REQUEST

A) *Site Area*

Gross Acres: 1.50

B) *Existing Land Use*

Subject Property: Vacant Building
North: Condominiums
South: Automobile Dealership
East: Auto Repair / Church
West: Supper Club

C) *Planned Land Use*

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

D) *Existing Zoning*

Subject Property: C-1 (Limited Commercial)
North: R-PD16 (Residential Planned Development-16 Units per Acre)
South: C-2 (General Commercial)
East: C-1 (Limited Commercial)
West: C-1 (Limited Commercial)

E) *General Plan Compliance*

The subject site designated SC (Service Commercial) on the Southwest Sector Map of the General Plan. The existing C-1 (Limited Commercial) zoning district is consistent with the General Plan designation, and the proposed Off-Premise Sign is a permitted use with the approval of a Special Use Permit.

<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	

Special Notification

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

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 no significant issues have been identified.

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

ANALYSIS

A) Zoning Code Compliance

A1) Minimum Distance Separation Requirements

Standards	Code Requirement	Provided
Off-Premise Advertising (Billboard) Sign	300 feet from any other billboard or residentially zoned property	No other Off-Premises Advertising (Billboard) Signs or residential properties are within 300 feet of this proposal

The distance of the nearest residentially zoned property is approximately 323 feet to the north, which is in conformance with Title 19 requirements. There are no off-premise signs in the immediate vicinity of the site.

B) General Analysis and Discussion

- Zoning

The C-1 District is intended to provide most retail shopping and personal services. This district should be located on the periphery of residential neighborhoods and should be confined to the intersections of primary and secondary thoroughfares along major retail corridors. The C-1 District is consistent with the Service Commercial category of the General Plan.

- Use

Title 19 defines an Off-Premise Advertising (Billboard) Sign as any sign advertising or announcing any place, product, goods, services, idea or statement whose subject is not available, located at, nor on the lot where the sign is erected or placed. The proposed sign will be located on the eastern portion of the site and will not reduce the amount of existing parking.

- Conditions

There are no waivable conditions of the Special Use Permit for an Off-Premise Advertising (Billboard) Sign. No off-premise sign certificate of any kind can be issued for an existing or proposed sign unless the sign is consistent with all requirements of Title 19.14.100.

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 sign is located in a predominantly commercial area along Sahara Avenue, and it can be conducted in a manner that is harmonious and compatible with both existing and future land uses.

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

The sign is proposed in a location that is outside of the minimum distance separation requirements between other off-premise signs and residential zones. In addition, minimum setback requirements from the right-of-way and street intersection are also maintained. The subject site is physically suitable for the proposed Off-Premise Advertising (Billboard) Sign.

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

The proposed Off-Premise Advertising (Billboard) Sign will not generate additional vehicular trips or have an impact on traffic in the area.

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

The proposed Off-Premise Advertising (Billboard) Sign would not be a threat to the public health, safety, and welfare, as its license is subject to ongoing City inspection and enforcement.

PLANNING COMMISSION ACTION

The Planning Commission voted against this item believing the billboard was not compatible with retail development on Sahara Avenue.

NOTICES MAILED 42 by City Clerk

APPROVALS 0

PROTESTS 1



STATEMENT OF FINANCIAL INTEREST

Name of Applicant: Reagan National Advertising of Nevada

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 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.

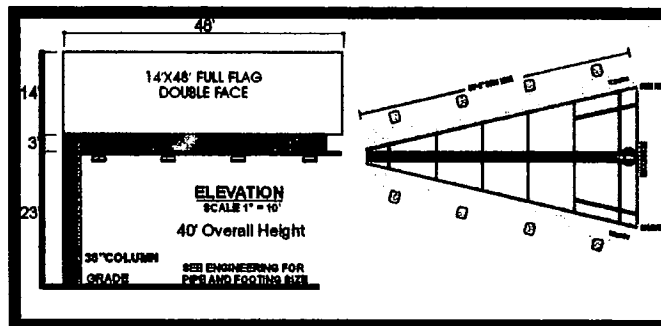
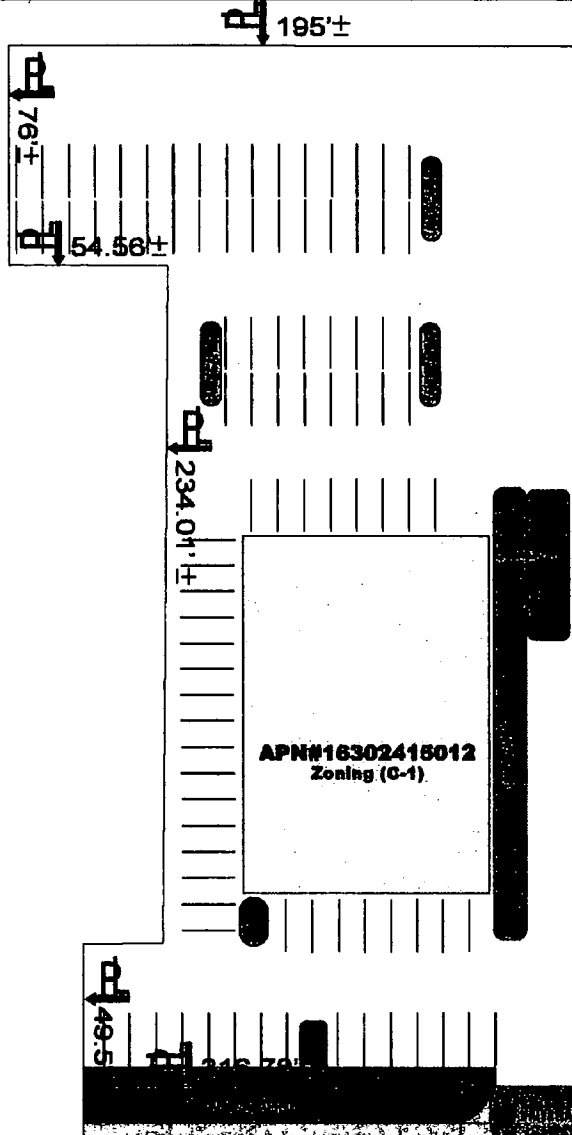
APN: _____

Print Name:

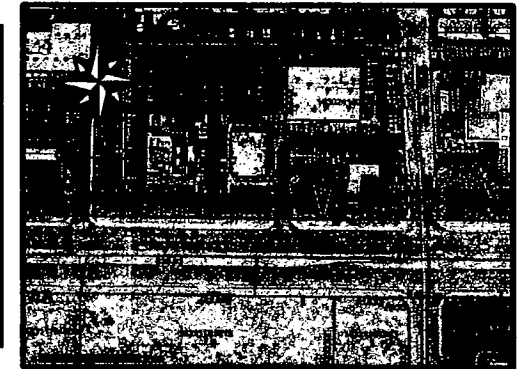
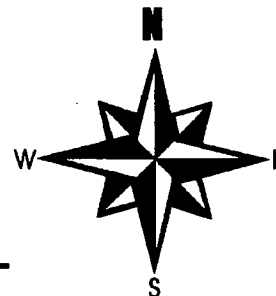
Subscribed and sworn before me

Kimberly H. Hook
Notary Public in and for said County and State





TOP VIEW
SCALE 1" = 20'
DETAIL



GENERAL NOTES

1. Not within 300 foot radius of another off-premise billboard.
2. Not within 100 foot of an on-premise sign on adjoining property.
3. Not within 300 foot radius of residential use.
4. No parking spaces will be taken for this location.

REAGAN
NATIONAL ADV.
ANDY BILANZICH
292-3723

JUNCO	
1145 W. TICO AVE / LAS VEGAS, NV 89119 / 702-646-0092	
OWNER: RITA QUAM FAMILY TRUST	
SCALE: NOTED	APPROVED BY: OWNER
DATE: 2-2-04	DESIGNED BY: OWNER
LOCATION: 6750 W SAHARA AVE	
APN# 16302415012	DRAWING NUMBER: 311

SUP-3972
04-08-04 PC



SUP-3972 - APPLICANT: REAGAN NATIONAL ADVERTISING - OWNER: RITA QUAM FAMILY TRUST
6750 WEST SAHARA AVENUE
APRIL 8, 2004 PLANNING COMMISSION

03/18/04

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
Brownkd@earthlink.net

April 14, 2004

VIA FACSIMILE TO: 382-4803

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

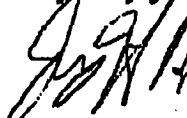
Rc: SUP-3972 Reagan National Advertising on behalf of
Rita Quam

Dear Ms. Ronemus:

Please be advised that I represent Reagan National Advertising on behalf of Rita Quam.
The City Planning Commission denied the above referenced application on April 8, 2004.

The purpose of this letter is to notify you that my client wishes to appeal the denial of the
above referenced application.

Very truly yours,


Jay H. Brown

JHB:cc

Cc: Dcwey Reagan
Andy Bilanzich

RECEIVED
CITY CLERK

2004 APR 16 A 8:57

LAW OFFICES

Singer & Brown

A NEVADA LLC

MICHAEL H. SINGER
JAY H. BROWN

520 SOUTH FOURTH STREET
LAS VEGAS, NEVADA 89101-6583

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

May 5, 2004

VIA FACSIMILE to 382-4803

City of Las Vegas
400 Stewart Avenue
Las Vegas, NV 89101
Att: Vicky Darling
City Clerk's Office

RECEIVED
CITY CLERK
2004 MAY -5 A 11:43

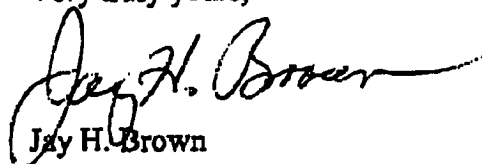
Re: Item No. 104, May 5, 2004 City Council Agenda
Reagan National Advertising on behalf of Rita Quam Family Trust
SUP-3972

Dear Vicky:

Please be advised that I represent Reagan National Advertising. On behalf of my client, I am requesting that the above referenced matter be held in abeyance from the May 5, 2004 City Council agenda and reset for the May 19, 2004 meeting.

Your assistance in this matter is sincerely appreciated.

Very truly yours,


Jay H. Brown

JHB:cc

cc: Dewey Reagan
Andy Bilanzich

Submitted after final agenda

Date 05-05-04 Item 104

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: MAY 5, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☐

CONSENT

☒

DISCUSSION

SUBJECT:

SPECIAL USE PERMIT - PUBLIC HEARING - SUP-3973 - APPLICANT: REAGAN NATIONAL ADVERTISING - OWNER: J.G. SAHARA, LIMITED LIABILITY COMPANY - Appeal filed by the applicant from the Denial by the Planning Commission of a request for a Special Use Permit FOR A PROPOSED OFF-PREMISE ADVERTISING (BILLBOARD) SIGN at 1000 East Sahara Avenue (APN: 162-03-801-116), C-1 (Limited Commercial) Zone, Ward 3 (Reese). The Planning Commission (6-1 vote) recommends DENIAL. Staff recommends 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 (6-1 vote) recommends DENIAL. Staff recommends APPROVAL

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Appeal Letter filed by Singer & Brown
5. Submitted after final agenda – Protest letter from Joseph B. Abdenour on behalf of Rita Hornwood
6. Submitted at City Council – Written Opinion for Mayor Goodman regarding abstentions on Items 59, 100, 101, 103, 104, 105, 113, 114, 118, 119, 120, 123, 124 and 125 and Written Opinion for Councilman Mack regarding abstentions for Items 88, 103, 118, 119 and 120. Both Opinions were filed under Item 78.

MOTION:

REESE – APPROVED subject to conditions – UNANIMOUS with GOODMAN excused, MACK not voting and Ward 2 seat vacant

NOTE: DEPUTY CITY ATTORNEY SCOTT stated that MAYOR GOODMAN and COUNCILMAN MACK asked that the City Attorney give an opinion as to whether or not they should or should not abstain. He submitted the opinion for the record filed under Item 78 [Any Items] indicating that both the Mayor and the Councilman abstained. He indicated that COUNCILMAN MACK would be abstaining on Item 88 [VAC-3926], Item 103 [SUP-3969],

CITY COUNCIL MEETING OF MAY 5, 2004
Planning and Development Department
Item 105 – SUP-3973

MOTION – Continued:

Item 118 [ZON-3976], Item 119 [SUP-3980] and Item 120 [SDR-3979]. MAYOR GOODMAN would be abstaining on Item 59 [Jason Samuel Aguirre, dba Myo Works], Item 100 [SUP-3152], Item 101 [AUP-3947], Item 103 [SUP-3969], Item 104 [SUP-3972], Item 105 [SUP-3973], Item 113 [ZON-3919], Item 114 [SDR-3920], Item 118 [ZON-3976], Item 119 [SUP-3980], Item 120 [SDR-3979], Item 123 [GPA-3977], Item 124 [ZON-3981] and Item 125 [SDR-3982]. MAYOR PRO TEM REESE verified with DEPUTY CITY ATTORNEY SCOTT that in those cases where COUNCILMAN MACK cannot vote, the number of the Board will be reduced to six and the quorum will be four. COUNCILMAN MACK remarked that he would disclose his abstention under each individual item as well.

MINUTES:

MAYOR PRO TEM REESE declared the Public Hearing open.

ANDREW BILANZICH, 1464 East Michigan Avenue, concurred with staff's recommendations and conditions.

TODD FARLOW, 240 North 19th Street, opposed the application. MAYOR PRO TEM REESE commented that he is not quite in favor of it, but it meets all the standards and requirements for approval.

MAYOR PRO TEM REESE declared the Public Hearing closed.

(2:23 – 2:24)

4-2160

CONDITIONS:

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. All of the supporting structure shall be repainted, as required by the Planning and Development Department, within 30 days of final approval by City Council. Failure to perform the required painting 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. 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.

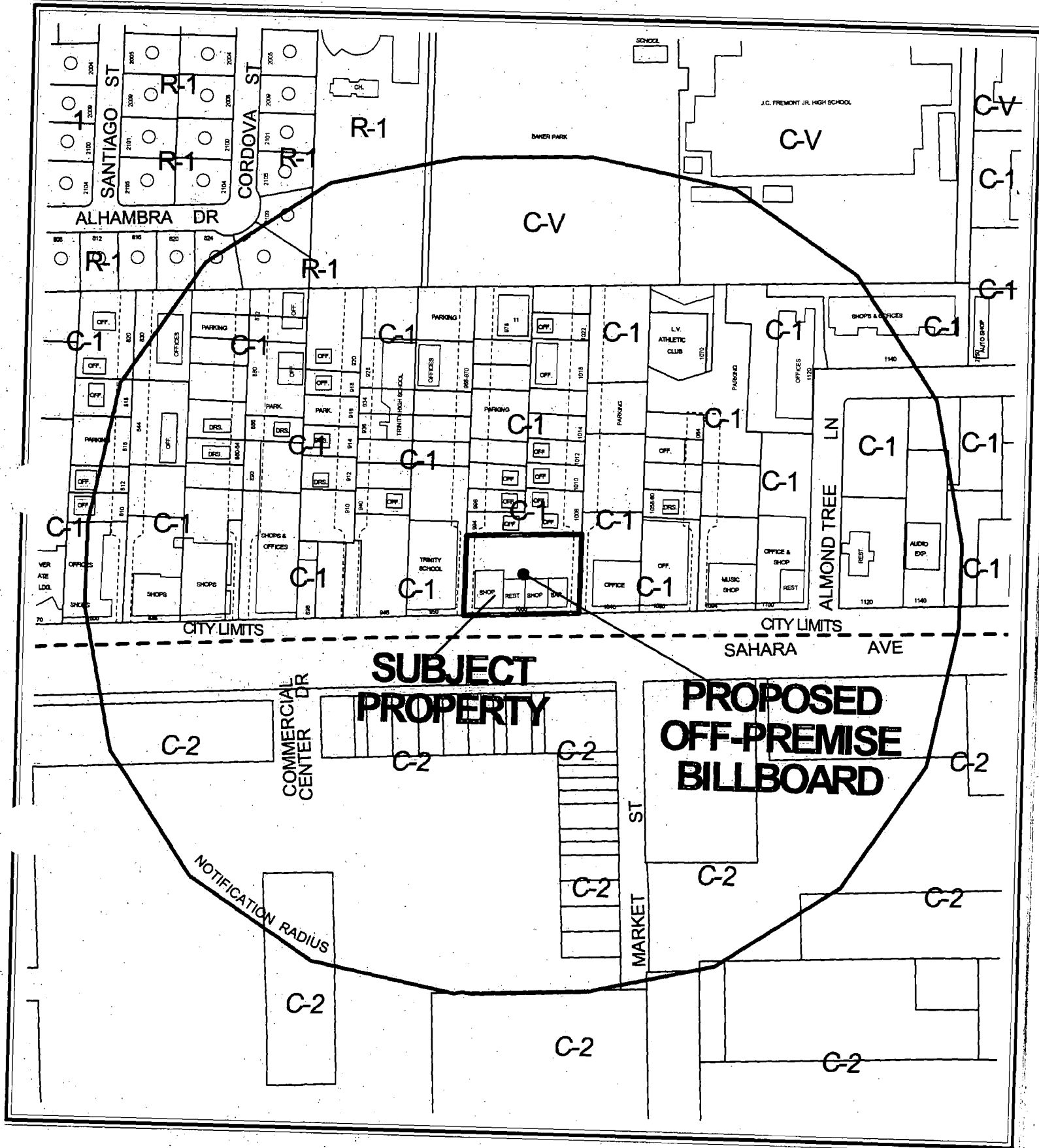
CITY COUNCIL MEETING OF MAY 5, 2004
Planning and Development Department
Item 105 – SUP-3973

MINUTES – Continued:

4. The Off-Premise Advertising (Billboard) Sign and its supporting structure shall be properly maintained and kept free of graffiti at all times. Failure to perform the required maintenance may result in fines and/or removal of the Off-Premise Advertising (Billboard) Sign.
5. The 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.]
6. Only one advertising sign is permitted per sign face.
7. If the existing Off-Premise Advertising (Billboard) Sign 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.
8. All City Code requirements and design standards of all City Departments shall be satisfied.

Public Works

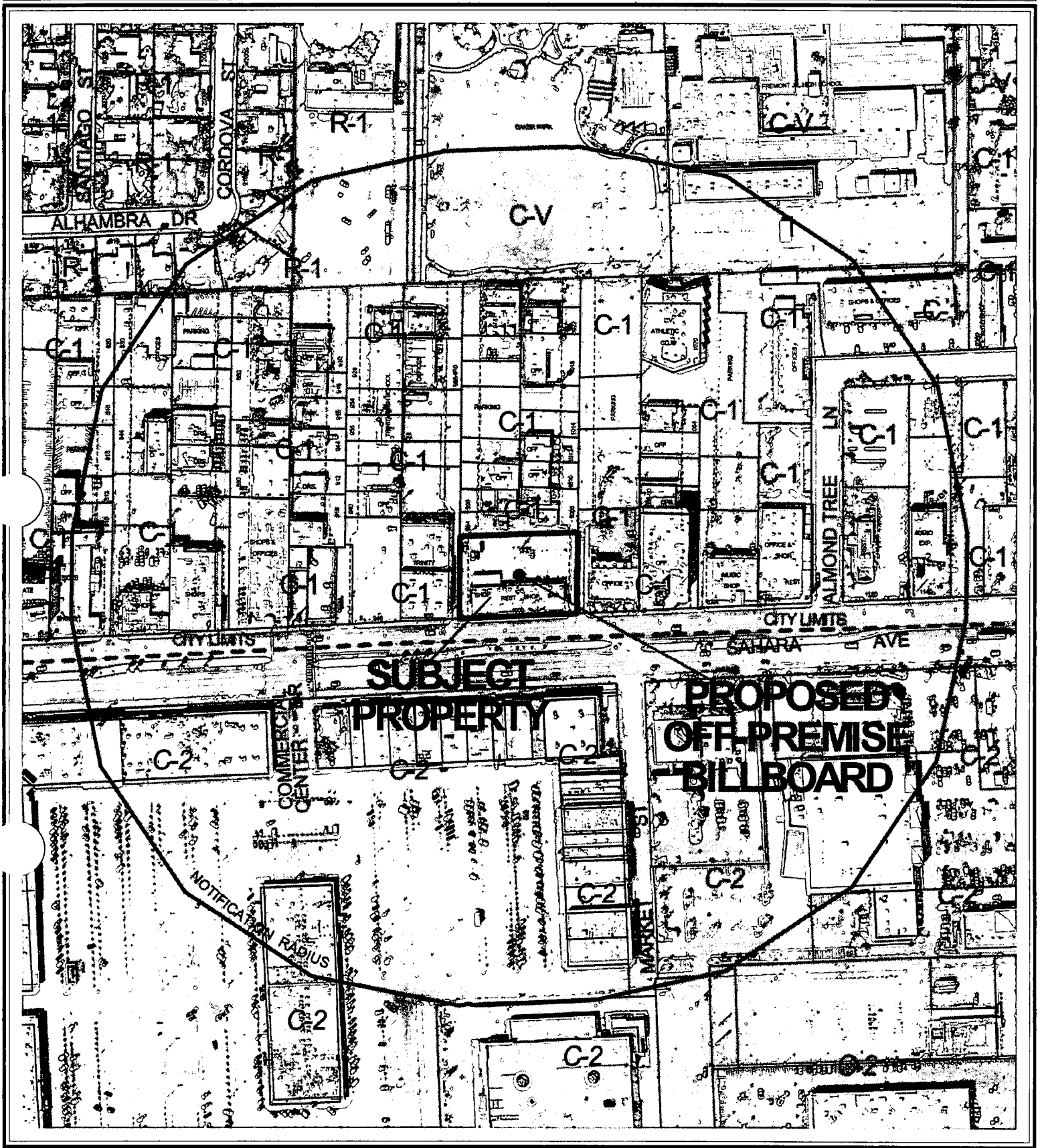
9. The proposed sign shall not be located within public right-of-way, existing or proposed public sewer or drainage easements, or interfere with Site Visibility Restriction Zones.



CASE: **SUP-3973**

RADIUS: 750 FT

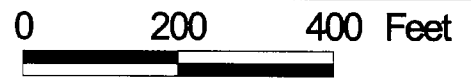
ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL)



CASE: SUP-3973

RADIUS: 750 FT

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







SUP-3973

City of Las Vegas Billboard Data

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



AGENDA MEMO

CITYCOUNCIL MEETING DATE: MAY 5, 2004

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: SUP-3973 - APPLICANT: REAGAN NATIONAL
ADVERTISING - OWNER: J.G. SAHARA, LIMITED LIABILITY COMPANY**

**** CONDITIONS ****

The Planning Commission (6-1 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. All of the supporting structure shall be repainted, as required by the Planning and Development Department, within 30 days of final approval by City Council. Failure to perform the required painting may result in fines and/or removal of the Off-Premise Advertising (Billboard) Sign.
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8. All City Code requirements and design standards of all City Departments shall be satisfied.

Public Works

9. The proposed 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 the applicant from the Denial by the Planning Commission of a request for a Special Use Permit for an Off-Premise Advertising (Billboard) Sign located at 1000 East Sahara Avenue.

B) Applicant's Justification

Sahara Avenue is a highly traveled road used by many local people going to and from numerous businesses in the area. Many local businesses will be able to utilize this sign as a cost effective advertising medium.

BACKGROUND INFORMATION

A) Previous Actions

There are no recent case histories.

04/08/04 The Planning Commission voted 6-1 to DENY (PC Agenda Item #51/fs)

B) Pre-Application Meeting

02/02/04 Issues discussed included the location of the sign and the acknowledgement that the project is considered a Project of Regional Significance because of its proximity to Clark County.

C) Neighborhood Meetings

A neighborhood meeting is not required for Special Use Permit applications.

DETAILS OF APPLICATION REQUEST

A) Site Area

Gross Acres: .83

B) Existing Land Use

Subject Property: Commercial Center
North: Office Complex
South: Commercial Center
East: Office Complex
West: Trinity School

C) *Planned Land Use*

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

D) *Existing Zoning*

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

E) *General Plan Compliance*

The subject site is designated SC (Service Commercial) on the Southeast Sector Map of the General Plan. The existing C-1 (Limited Commercial) zoning district is consistent with the General Plan designation, and the proposed Off-Premise Advertising (Billboard) Sign is a permitted use with the approval of a Special Use Permit.

<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	

Special Notification

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

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 no significant issues have been identified.

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

ANALYSIS

A) Zoning Code Compliance

A1) Minimum Distance Separation Requirements

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

Standards	Code Requirement	Provided
Off-Premise Advertising (Billboard) Sign	300 feet from any other billboard or residentially zoned property	No other Off-Premises Advertising (Billboard) Signs or residential properties are within 300 feet of this proposal

The distance of the nearest Off-Premise Sign is approximately 340 feet to the west, which is in conformance with Title 19 requirements. There are no residential districts in the immediate vicinity of the site.

B) General Analysis and Discussion

- **Zoning**

The C-1 (Limited Commercial) District is intended to provide most retail shopping and personal services. This district should be located on the periphery of residential neighborhoods and should be confined to the intersections of primary and secondary thoroughfares along major retail corridors. The C-1 (Limited Commercial) District is consistent with the Service category of the General Plan.

- **Use**

Title 19 defines an Off-Premise Advertising (Billboard) Sign as any sign advertising or announcing any place, product, goods, services, idea or statement whose subject is not available, located at, nor on the lot where the sign is erected or placed. The proposed location of the sign is behind the existing building, and it will overhang the roof in order to be visible from Sahara Avenue. The sign will not reduce the amount of existing parking for the site.

- **Conditions**

There are no waivable conditions of the Special Use Permit for an Off-Premise Advertising (Billboard) Sign. No off-premise sign certificate of any kind can be issued for an existing or proposed sign unless the sign is consistent with all requirements of Title 19.14.100.

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 sign is located in a predominantly commercial area along Sahara Avenue, and it can be conducted in a manner that is harmonious and compatible with both existing and future land uses.

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

The sign is proposed in a location that is outside of the minimum distance separation requirements between other off-premise signs and residential zones. In addition, minimum setback requirements from the right-of-way and the nearest street intersection are also maintained. The subject site is physically suitable for the proposed Off-Premise Advertising (Billboard) Sign.

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

The proposed Off-Premise Advertising (Billboard) Sign will not generate additional vehicular trips or have an impact on traffic in the area.

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

The proposed Off-Premise Advertising (Billboard) Sign would not be a threat to the public health, safety, and welfare, as its license is subject to ongoing City inspection and enforcement.

PLANNING COMMISSION ACTION

The Planning Commission believed the sign incompatible along Sahara Avenue.

NOTICES MAILED 91 by City Clerk

APPROVALS 0

PROTESTS 2



PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: 5UP-3973 APN: 1620380116
Name of Property Owner: J G Sahara Ave
Name of Applicant: Reagan National Advertising

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: _____

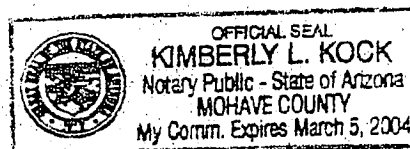
Signature of Property Owner/Authorized Agent: Andrew D. Bilanrich

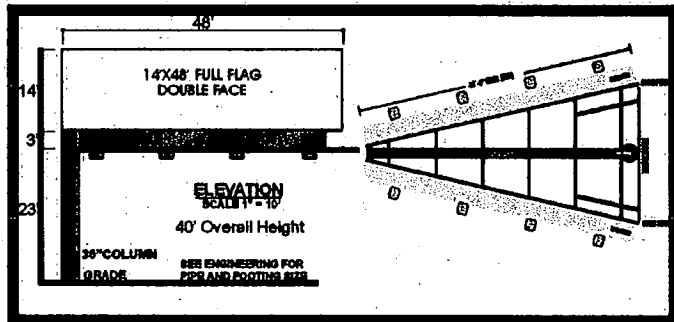
Print Name: Andrew D. Bilanrich

Subscribed and sworn before me

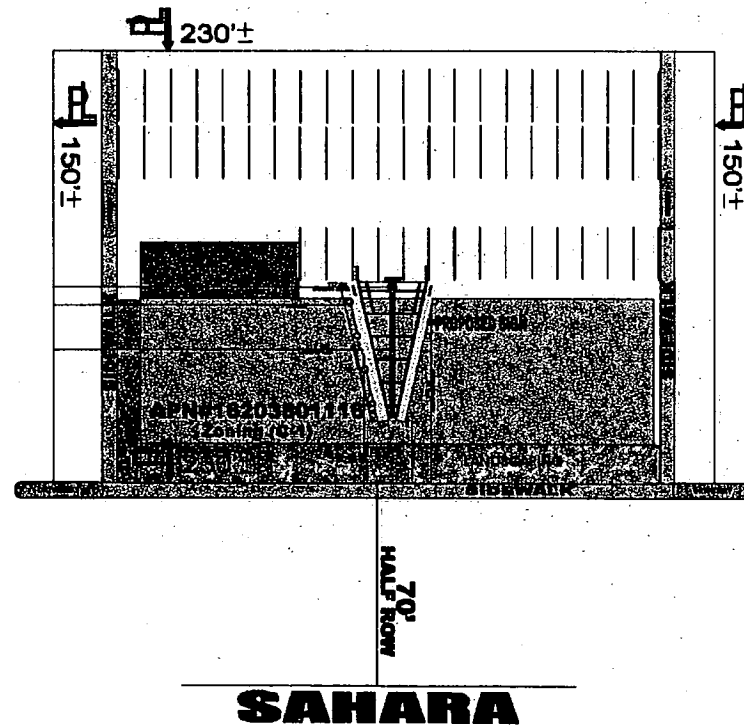
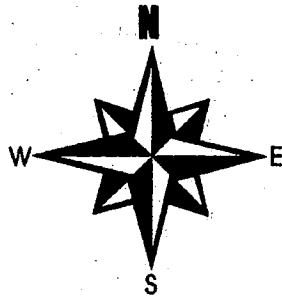
This 12th day of February, 2007
Kimberly Kock

Notary Public in and for said County and State





TOP VIEW SCALE 1" = 20' DETAIL



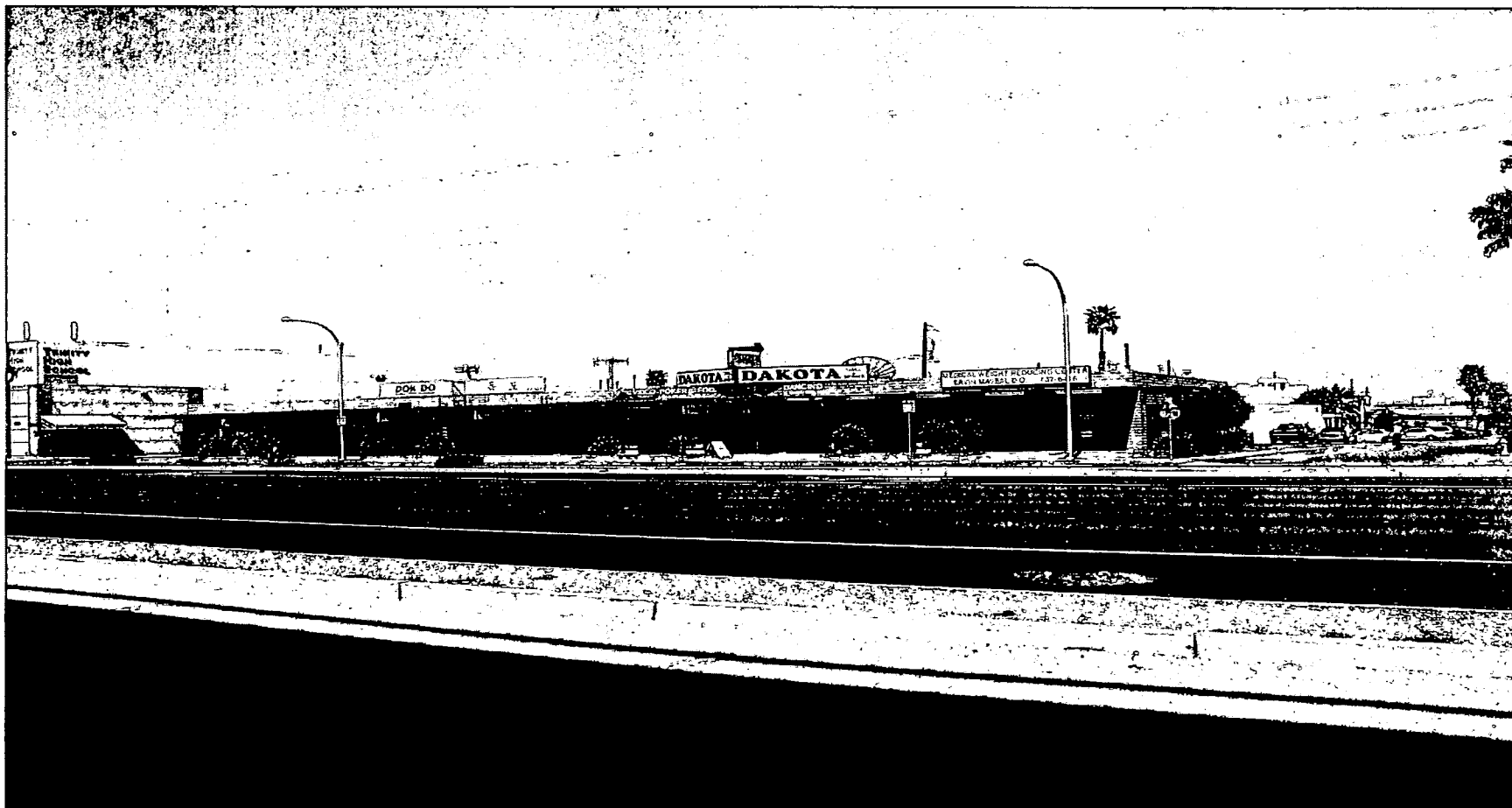
GENERAL NOTES

1. Not within 300-foot radius of another off-premise billboard.
2. Not within 100 foot of an on-premise sign on adjoining property.
3. Not within 300 foot radius of residential use.
4. No parking spaces will be taken for this location.

REAGAN
NATIONAL ADV.
ANDY BILANZICH
292-3723

JG SAHARA LLC		
OWNER:		
SCALE: NOTED	APPROVED BY:	DRAWN BY: TOM JONES
DATE: 2-2-04		REVIEW:
LOCATION: 1000 E SAHARA AVE		
APN# 16203801116		DRAWING NUMBER: 310

SUP-3973
04-08-04 PC



SUP-3973 - APPLICANT: REAGAN NATIONAL ADVERTISING - OWNER: J.G. SAHARA, LIMITED
LIABILITY COMPANY
1000 EAST SAHARA AVENUE
APRIL 8, 2004 PLANNING COMMISSION

03/18/04

ALAN W. FELD M.D., CHARTERED

860 EAST SAHARA AVENUE
LAS VEGAS, NEVADA 89104-3002

CARDIOLOGY

ALAN W. FELD M.D., F.A.C.C., F.A.C.P., F.A.H.A.

DIPLOMATE, AMERICAN BOARD
OF INTERNAL MEDICINE
DIPLOMATE, AMERICAN BOARD
OF CARDIOVASCULAR DISEASES

Tel (702) 735-9151

Fax (702) 732-3633

e-Mail awfeld@alumni.Princeton.EDU

March 29, 2004

Re: SUP-3973

Gary Leopold, Senior Planner
Planning and Development Department
Current Planning Division
731 South Fourth Street
Las Vegas, NV 89101

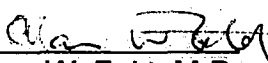
Dear Mr. Leopold:

East Sahara Avenue has suffered in recent years, and, with the newly formed Redevelopment District on the County side the neighborhood is looking forward to a revitalization and an improved image.

To allow the visual blight of proliferating off-premises signs in this area would be counter-productive and should not be permitted. These signs also distract the viewer's attention away from the legitimate on-premises signs so important to local businesses.

As an owner of an office building in this area, I hope that the Planning Division and the City Council will see fit to deny this application.

Very truly yours,


Alan W. Feld, M.D.

SUP-3973 P

LAW OFFICES

Singer & Brown

A NEVADA LLC

MICHAEL H. SINGER
JAY H. BROWN

520 SOUTH FOURTH STREET
LAS VEGAS, NEVADA 89101-6553

TELEPHONE (702) 384-8863
FACSIMILE (702) 385-1083
Brownltd@earthlink.net

April 14, 2004

VIA FACSIMILE TO: 382-4803

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

Re: SUP-3973 Reagan National Advertising on behalf of J G Sahara,
Limited Liability Company

Dear Ms. Ronemus:

Please be advised that I represent Reagan National Advertising on behalf of J G Sahara, Limited Liability Company. The City Planning Commission denied the above referenced application on April 8, 2004.

The purpose of this letter is to notify you that my client wishes to appeal the denial of the above referenced application.

Very truly yours,


Jay H. Brown

JHB:cc

Cc: Dewey Reagan
Andy Bilanzich

RECEIVED
CITY CLERK
2004 APR 16 A 8:57



WESTMARK
COMMERCIAL GROUP

04/26/04

City Clerk
First floor, city hall
400 Steward Avenue
Las Vegas, Nevada 89101

RE: SUP- 3973

Gentleman, accept this as an objection to the above reference mater.
We object to such a billboard to be erected on this property.

If you have any questions please notify us at Westmark Commercial Group

Joseph B. Abdenour

Joseph B. Abdenour
Attn in fact
For Rita Hornwood

CC: Rita Hornwood

2004 APR 28 PM 2:28

RECEIVED
CITY CLERK

Protest

Submitted after final agenda

Date 4/28/04 Item #105

NOTICE OF PUBLIC HEARING

SPECIAL USE PERMIT

COMMERCIAL CENTER ENTERPRISES
%R HORNWOOD
2030 BAGLEY AVE
LOS ANGELES CA 90034-1102

MEETING: CITY COUNCIL
DATE: MAY 5, 2003
TIME: 1:00 P.M.
LOCATION: CITY COUNCIL CHAMBERS
400 STEWART AVENUE
LAS VEGAS, NEVADA

SUP-3973

APPLICANT: REAGAN NATIONAL ADVERTISING - OWNER: J.G. SAHARA, LIMITED LIABILITY COMPANY - APPEAL FILED BY THE APPLICANT FROM THE DENIAL BY THE PLANNING COMMISSION OF A REQUEST FOR A SPECIAL USE PERMIT FOR A PROPOSED OFF-PREMISE ADVERTISING (BILLBOARD) SIGN AT 1000 EAST SAHARA AVENUE (APN: 152-03-801-118), C-1 (LIMITED COMMERCIAL) ZONE, WARD 3 (REESE).

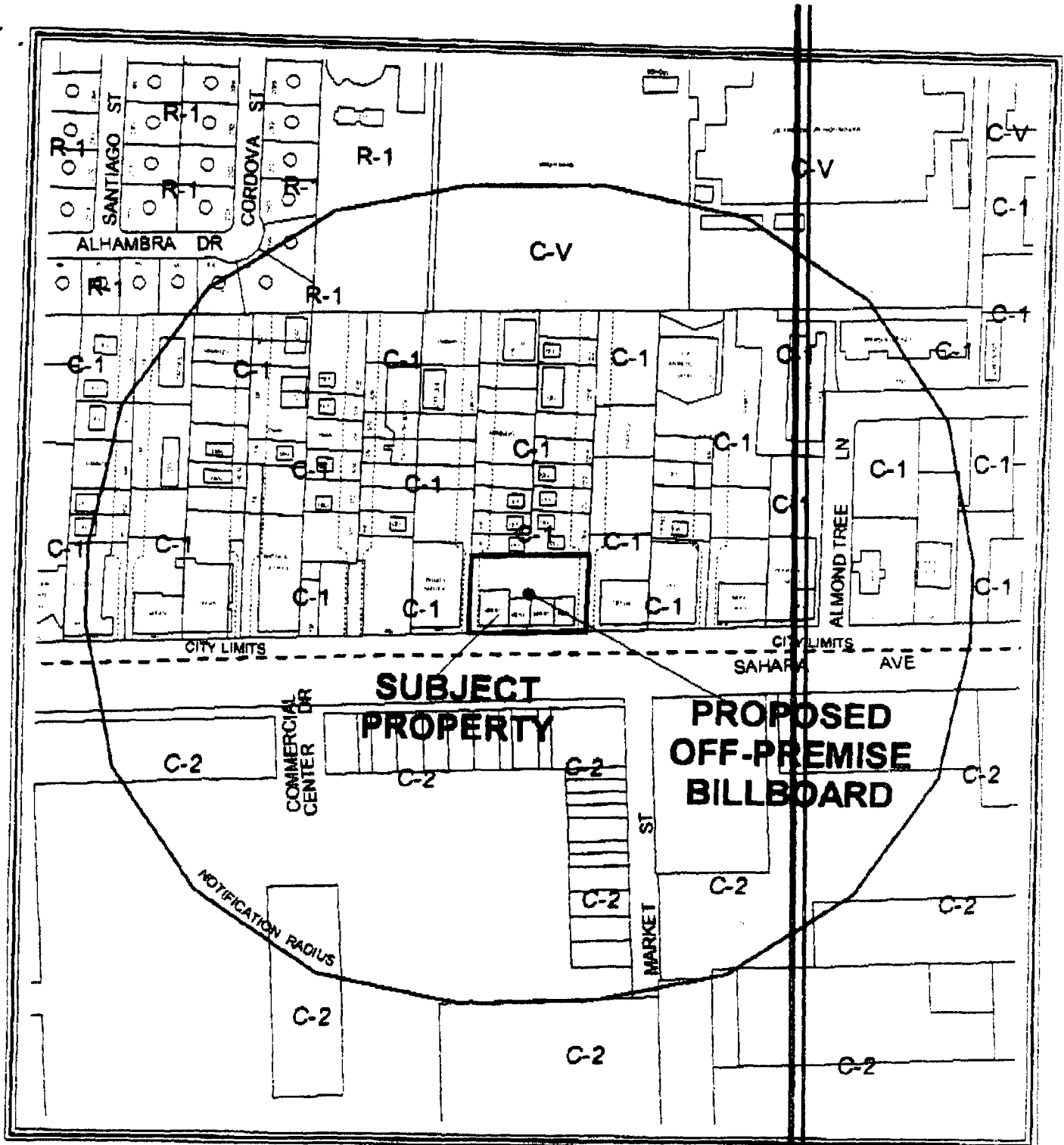
THE ABOVE PROPERTY IS LEGALLY DESCRIBED AS BEING A PORTION OF THE SOUTHEAST QUARTER (SE¼) OF THE SOUTHEAST QUARTER (SE¼) OF SECTION 3, TOWNSHIP 21 SOUTH, RANGE 61 EAST, M.D.M.

Any and all interested persons may appear and be heard at said meeting, or may prior thereto, file written objections thereto or approvals thereof with the City Clerk, 1st Floor, City Hall, 400 Stewart Avenue, Las Vegas, Nevada, 89101. For further information, please call (702) 229-6101 (TDD 386-9108) <http://www.ci.las-vegas.nv.us>.



BARBARA JO RONEMUS
CITY CLERK

SEE LOCATION MAP ON REVERSE SIDE



CASE: SUP-3973

RADIUS: 750 FT

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

*Joe Please write on this and subject as
I do not think this is good for all of our commercial
center stores. Signed Rita Hornwood 4/27/04*

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: MAY 5, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☐

CONSENT

☒

DISCUSSION

SUBJECT:

SPECIAL USE PERMIT - PUBLIC HEARING - SUP-3983 - APPLICANT: SCOTT STROMWALL - OWNER: RAY ST. CLAIR - Request for a Special Use Permit FOR PROPOSED MOTOR VEHICLE SALES (USED) ON A PARCEL LESS THAN 25,000 SQUARE FEET IN AREA IN CONJUNCTION WITH AN EXISTING MINOR AUTO REPAIR GARAGE at 210 West Wyoming Avenue (APN: 162-04-608-015), M (Industrial) Zone, Ward 1 (Moncrief). The Planning Commission (7-0 vote) and staff recommend APPROVAL

PROTESTS RECEIVED BEFORE:

**Planning Commission Mtg.
City Council Meeting**

0

APPROVALS RECEIVED BEFORE:

**Planning Commission Mtg.
City Council Meeting**

1

RECOMMENDATION:

The Planning Commission (7-0 vote) and staff recommend APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

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

MOTION:

MONCRIEF - APPROVED subject to conditions and deleting Condition 4 - UNANIMOUS with GOODMAN excused and Ward 2 seat vacant

MINUTES:

MAYOR PRO TEM REESE declared the Public Hearing open.

SCOTT STROMWALL, 1475 South 7th Street, asked the City Council to approve the item.

TOOD FARLOW, 240 North 19th Street, stated that at the Planning Commission the applicant indicated that he only wants the use for a year until he and his partner could obtain funding. He asked that a one-year limit be imposed.

COUNCILWOMAN MONCRIEF requested that no extensions of time be granted and that this is only a one-year Special Use Permit. MR. STROMWALL verified with COUNCILWOMAN MONCRIEF that he would have to come back in one year. MARGO WHEELER, Deputy Director, Planning and Development Department, clarified that the Special Use Permit will expire in one year from the date of approval by the City Council.

CITY COUNCIL MEETING OF MAY 5, 2004
Planning and Development Department
Item 106 – SUP-3983

MINUTES – Continued:

That means that to continue past that date would require an application for and approval of a new special use permit, not an extension of time. MR. STROMWALL agreed with MS. WHEELER'S statements. COUNCILWOMAN MONCRIEF moved to approve the item with the deletion of Condition 4 to reflect the removal of the extension of time.

No one appeared in opposition.

MAYOR PRO TEM REESE declared the Public Hearing closed.

(2:24 – 2:27)

4-2221

CONDITIONS:

Planning and Development

1. Conformance to all Minimum Requirements under Title 19.04.050 for the Motor Vehicle Sales (Used) use.
2. This Special Use Permit shall expire one year from the date of approval by the City Council.
3. No more than eight vehicles may be displayed for sale on the property at any one time.
4. 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.
5. No temporary special events signs such as banners, pennants, inflatable objects (other than small balloons), streamers, flags, strobe lights or other similar attention gaining items or devices shall be displayed upon the subject property or on any vehicle displayed for sale in the parking lot of the subject property.
6. The used car dealership shall not operate on Sundays.
7. All City Code requirements and design standards of all City departments must be satisfied.

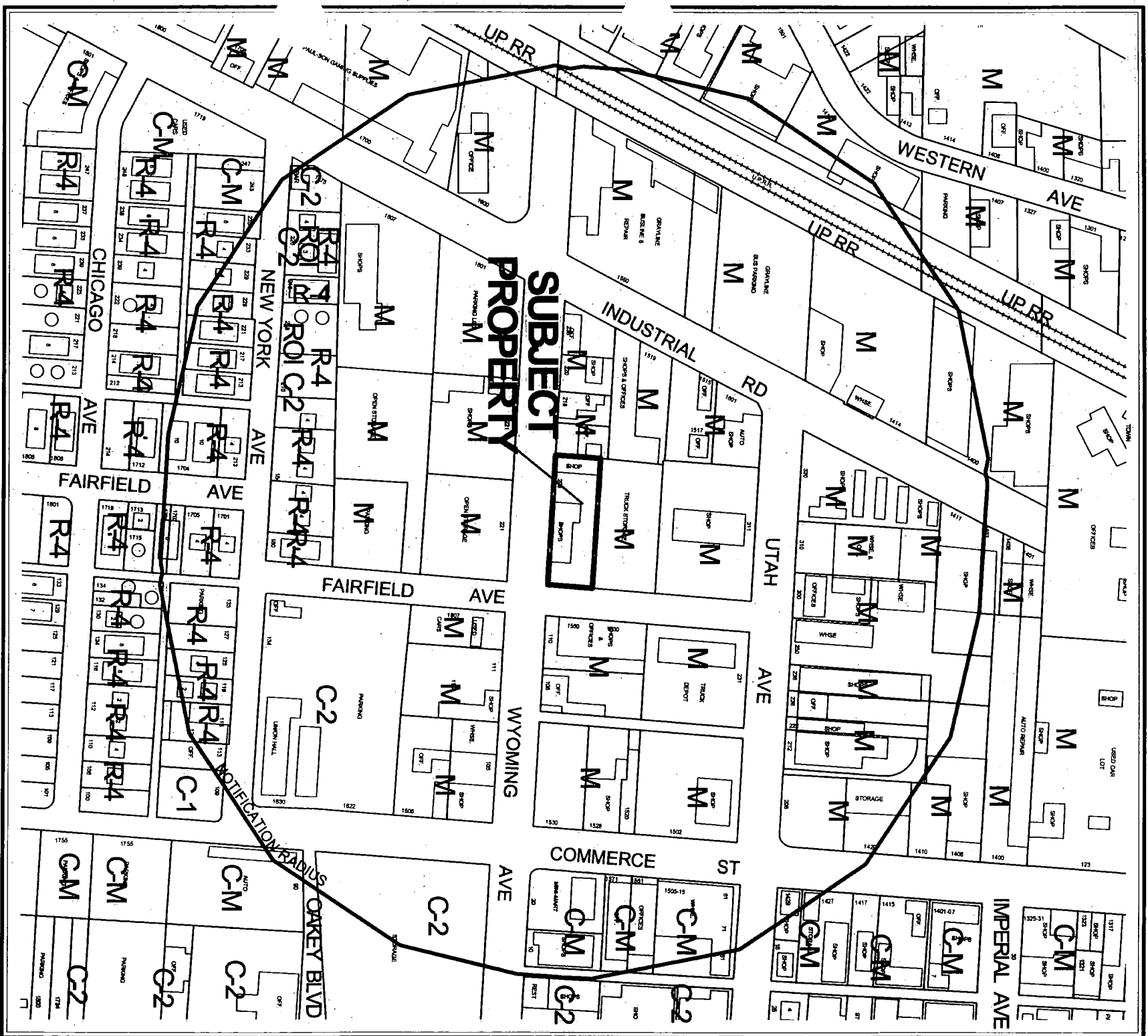
Public Works

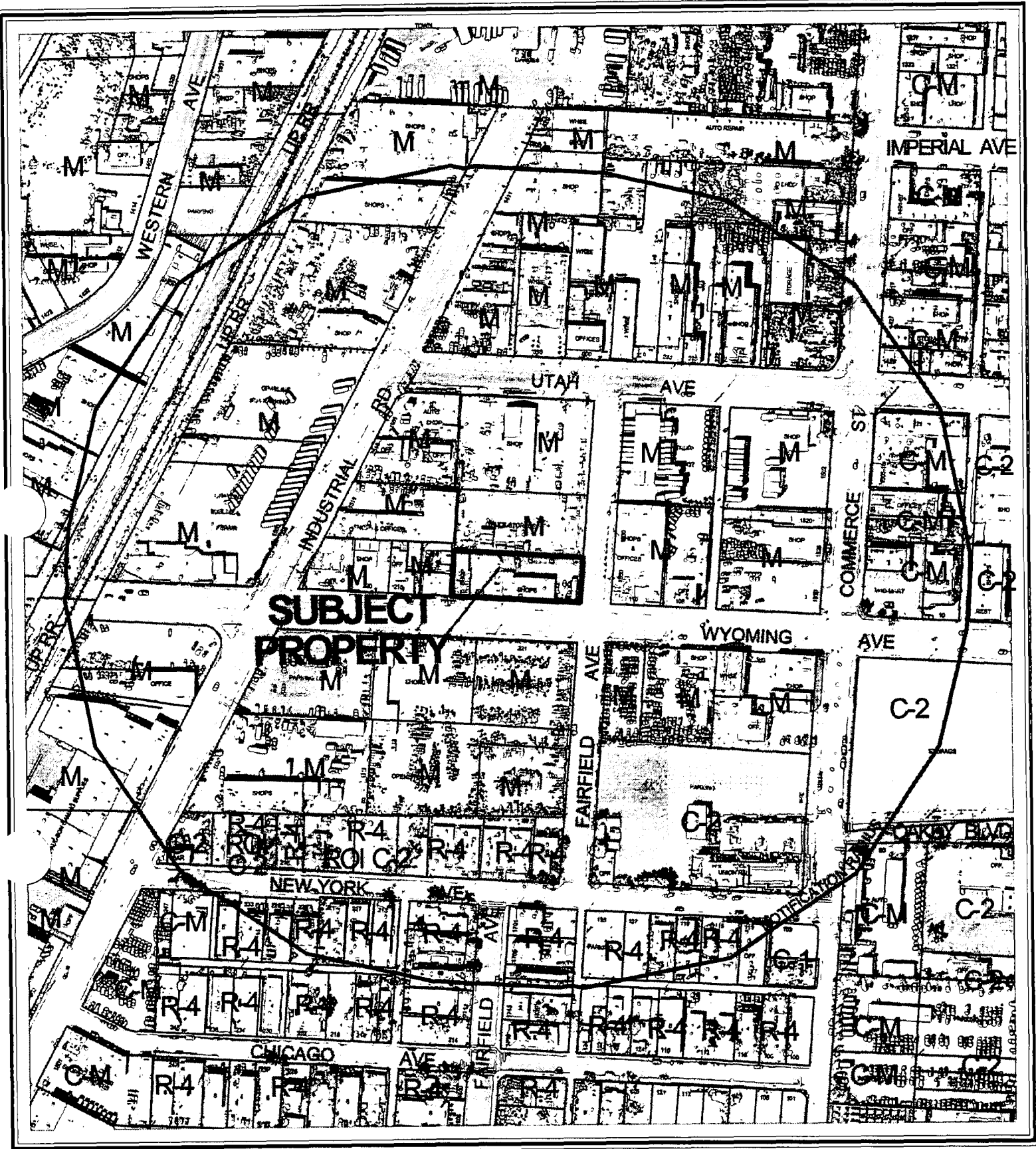
8. Dedicate a 20-foot radius on the northwest corner of Wyoming Avenue and Fairfield Avenue prior to the issuance of any permits.

CITY COUNCIL MEETING OF MAY 5, 2004
Planning and Development Department
Item 106 – SUP-3983

CONDITIONS – Continued:

9. 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.
10. The entry gates shall be set back a minimum of 18 feet from the back of sidewalk to allow a vehicle to pull completely out of the public street right-of-way before parking to manually operate the gate. If the entry gates are to remain open during business hours or are electrically automated the gates may be placed on the private property within five feet of where the sidewalk is located. The installation of either swing gates or rolling gates are acceptable as long as no part of the gates, either in the opened or closed position, intrude into the public right-of-way.





CASE: SUP-3983

RADIUS: 750 FT

ZONING OF SUBJECT PROPERTY: M (INDUSTRIAL)

0 200 400 Feet



AGENDA MEMO

CITY COUNCIL MEETING DATE: MAY 5, 2004

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: SUP-3983 - APPLICANT: SCOTT STROMWALL - OWNER: RAY ST. CLAIR

**** CONDITIONS ****

The Planning Commission (7-0 vote) and staff recommend APPROVAL, subject to:

Planning and Development

1. Conformance to all Minimum Requirements under Title 19.04.050 for the Motor Vehicle Sales (Used) use.
2. This Special Use Permit shall expire one year from the date of approval by the City Council.
3. No more than eight vehicles may be displayed for sale on the property at any one time.
4. 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.
5. No temporary special events signs such as banners, pennants, inflatable objects (other than small balloons), streamers, flags, strobe lights or other similar attention gaining items or devices shall be displayed upon the subject property or on any vehicle displayed for sale in the parking lot of the subject property.
6. The used car dealership shall not operate on Sundays.
7. All City Code requirements and design standards of all City departments must be satisfied.

Public Works

8. Dedicate a 20-foot radius on the northwest corner of Wyoming Avenue and Fairfield Avenue prior to the issuance of any permits.
9. 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.
10. The entry gates shall be set back a minimum of 18 feet from the back of sidewalk to allow a vehicle to pull completely out of the public street right-of-way before parking to manually operate the gate. If the entry gates are to remain open during business hours or are electrically automated the gates may be placed on the private property within five feet of where the sidewalk is located. The installation of either swing gates or rolling gates are acceptable as long as no part of the gates, either in the opened or closed position, intrude into the public right-of-way.

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

This is a request for a Special Use Permit for Motor Vehicle Sales (Used) at 210 West Wyoming Avenue. The subject property includes only the western portion of APN 162-04-608-015 as indicated on the site plan dated March 25, 2004.

B) Applicant's Justification

The applicant justifies this application by stating that the used car business is a one-man operation and the small minor auto repair garage with which it will share space on the property does not expect to have more than two or three customers at once. Parking will be available for at least five vehicles at any one time. No more than eight used cars will be on display at any one time.

BACKGROUND INFORMATION

A) Previous Actions

04/08/04 The Planning Commission voted 7-0 to recommend APPROVAL (PC Agenda Item #52/ss)

B) Pre-Application Meeting

02/12/04 It was explained that this is a conditional use in an M (Industrial) zone, but one of the conditions required a lot size of at least 25,000 square feet, triggering a Special Use Permit request. The Downtown Centennial Plan standards were discussed, although no improvements to the site are proposed. The need to justify the small amount of parking on the property relative to the Title 19 standard for this use was emphasized.

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: 0.53

B) Existing Land Use

Subject Property: Minor Auto Repair Garage
North: Truck Storage
South: Outside Storage
East: Electronics Repair Shop and Offices
West: Minor Auto Repair Garage

C) Planned Land Use

Subject Property: LI/R (Light Industry/Research)
North: LI/R (Light Industry/Research)
South: LI/R (Light Industry/Research)
East: LI/R (Light Industry/Research)
West: LI/R (Light Industry/Research)

D) Existing Zoning

Subject Property: M (Industrial)
North: M (Industrial)
South: M (Industrial)
East: M (Industrial)
West: M (Industrial)

E) General Plan Compliance

The subject site is designated LI/R (Light Industry/Research) on the Southeast Sector Map of the General Plan. This land use category allows areas appropriate for clean, low-intensity industrial uses, including light manufacturing, assembling and processing; warehousing and distribution; and research, development and testing laboratories. The existing Auto Repair Garage, Minor use and the proposed Motor Vehicle Sales (Used) are appropriate uses for this category and are allowed within the M (Industrial) zoning district, which conforms to the LI/R (Light Industry/Research) designation.

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

The subject site is part of the Downtown South District in the Las Vegas Downtown Centennial Plan. This is a mixed-use area containing a variety of existing utilitarian buildings and multi-family structures. New development in the Downtown Overlay District is subject to the standards contained in the Downtown Centennial Plan.

A multi-use urban trail is proposed along the north and south sides of Wyoming Avenue. This trail consists of a widened sidewalk and is funded by grant monies for this purpose. The property owners along Wyoming Avenue are not responsible for construction of the trail.

ANALYSIS

A) *Zoning Code Compliance*

A1) Parking and Traffic Standards

Pursuant to Title 19.06.060, properties within the Downtown Overlay District, including the subject property, are exempt from the automatic application of the standard parking requirements contained in the Zoning Code. Staff, the Planning Commission, or the City Council, however, may impose standards at its own discretion upon a case-by-case evaluation of the site development plans.

An analysis of the subject site reveals that 15 spaces are available for use on the portion of the site that will be used for motor vehicle sales. The applicant indicates that no more than eight vehicles will be displayed for sale at any one time. The remaining parking spaces will be reserved for customers and employees.

The Department of Public Works is concerned that the access gates depicted on the site plan may encroach into the public right-of-way. It appears that the existing rolling gates are located two feet behind the right-of-way and in no way will encroach into the right-of-way.

A2) Minimum Distance Separation Requirements

There are no Minimum Separation Distance Requirements in the Zoning Code that apply to the proposed Motor Vehicle Sales (Used) use.

B) *General Analysis and Discussion*

• Zoning

The property is zoned M (Industrial). Motor Vehicle Sales (Used) is a permitted use in this district, subject to the conditions listed below. In this case, a Special Use Permit is required because the site area is less than 25,000 square feet.

• Use

Motor Vehicle Sales (Used) is defined in Title 19 as a facility or area used primarily for the display of used automobiles, motorcycles, and motor scooters. The term also includes service bays and auto body shops that are incidental and accessory to the sales use. The proposed motor vehicle sales business would share a portion of the subject site with an existing minor auto repair

garage (Automotive Excellence West). The minor auto repair use in this case would not be incidental to the sales use. Also on this portion of the site are an office and detail area. The site will have access from Wyoming Avenue; this access will be restricted by a 24-foot roll gate. Access to the buildings on the eastern portion of the parcel from the Wyoming Avenue entrance is restricted by an existing fence and gate. No vehicles will be displayed on the eastern side of the fence. The entire lot is paved.

The applicant claims that no more than eight vehicles would be displayed for sale on the property at any one time. This would leave seven additional parking spaces for customer and employee parking for the two businesses. The applicant has indicated that the minor auto repair garage does not use more than three parking spaces at any one time. This is adequate justification for the provision of 15 spaces.

Section DS2 of the Downtown Centennial Plan requires properties with parking lots that face major public streets to provide an ornamental screening fence as shown on Graphic 6 of the Plan. This requirement will be applied to the 66-foot driveway and parking area shown on the site plan with existing chain link fencing.

- **Conditions**

Pursuant to Title 19.04.040, the following conditions are placed on the Motor Vehicle Sales (Used) use. If any of these conditions are unable to be fulfilled, a Special Use Permit is required.

1. The minimum site area shall be twenty five thousand square feet.
2. The installation and use of an outside public address or bell system is prohibited.
3. No used or discarded automotive parts or equipment shall be located in any open area outside of an enclosed building.
4. All exterior lighting shall be screened or otherwise designed so as not to shine directly onto any adjacent parcel of land.
5. Openings in service bays shall not face public rights-of way and shall be designed to minimize the visual intrusion into adjoining properties.
6. Accessory automobile rental is permitted.

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 Motor Vehicle Sales (Used) use will be located on a lot that already contains two minor auto repair garage businesses. Access will be restricted only to the western portion of the parcel. Surrounding land uses are all industrial in character.

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

With the implementation of a condition restricting the number of vehicles to be displayed on the lot at any one time to a maximum of eight, the Motor Vehicle Sales (Used) use can safely be conducted on the site as planned. Few customers are expected to use the lot at any one time for any of the uses on 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 used car lot will be served by a driveway from Wyoming Avenue, an 80-foot public right-of-way. This roadway will be adequate to meet the demand of the uses on the site, which are minimal.

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 businesses on the subject site are routinely inspected for compliance to applicable codes; therefore, the public health, safety, and general welfare will be safeguarded.

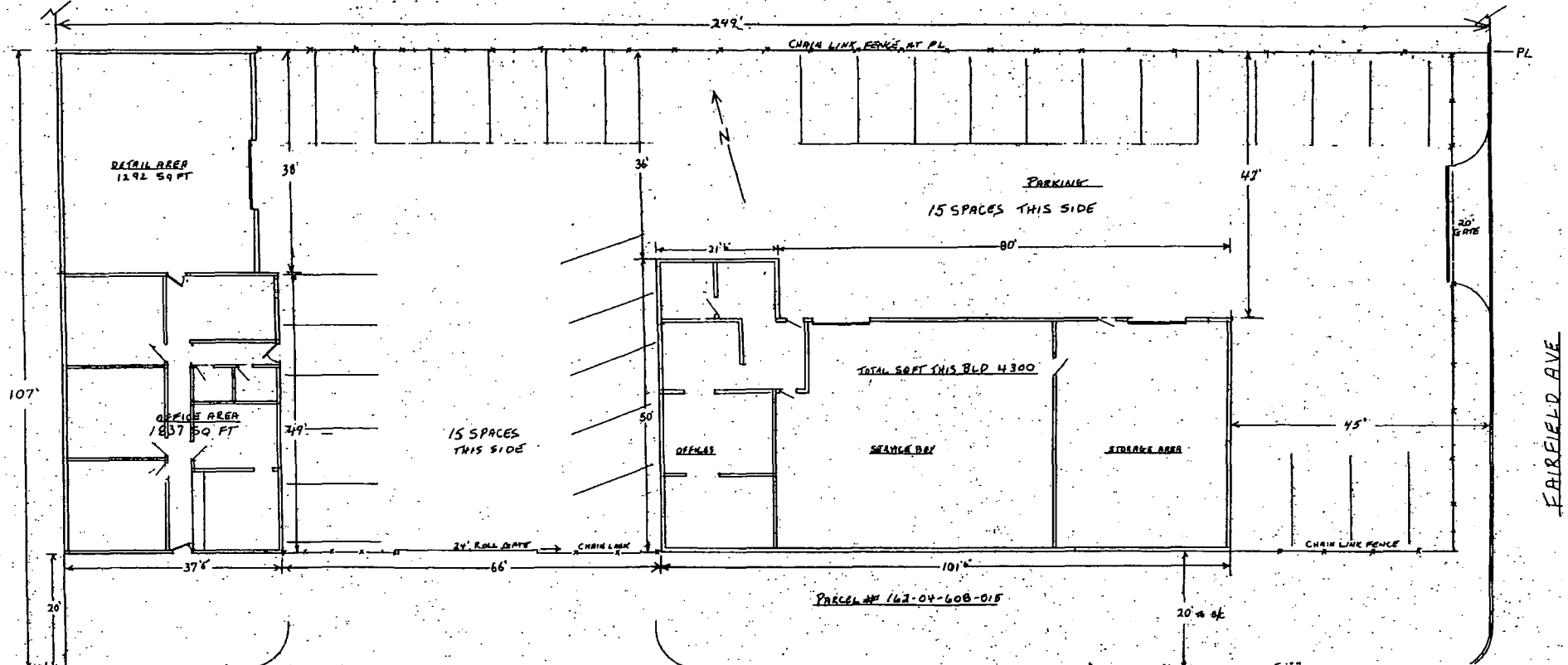
PLANNING COMMISSION ACTION: The Planning Commission imposed condition #2 that ensures that the applicant will only be conducting this business at this location for that period. The applicant agreed as this condition was imposed, others regarding site improvements were eliminated.

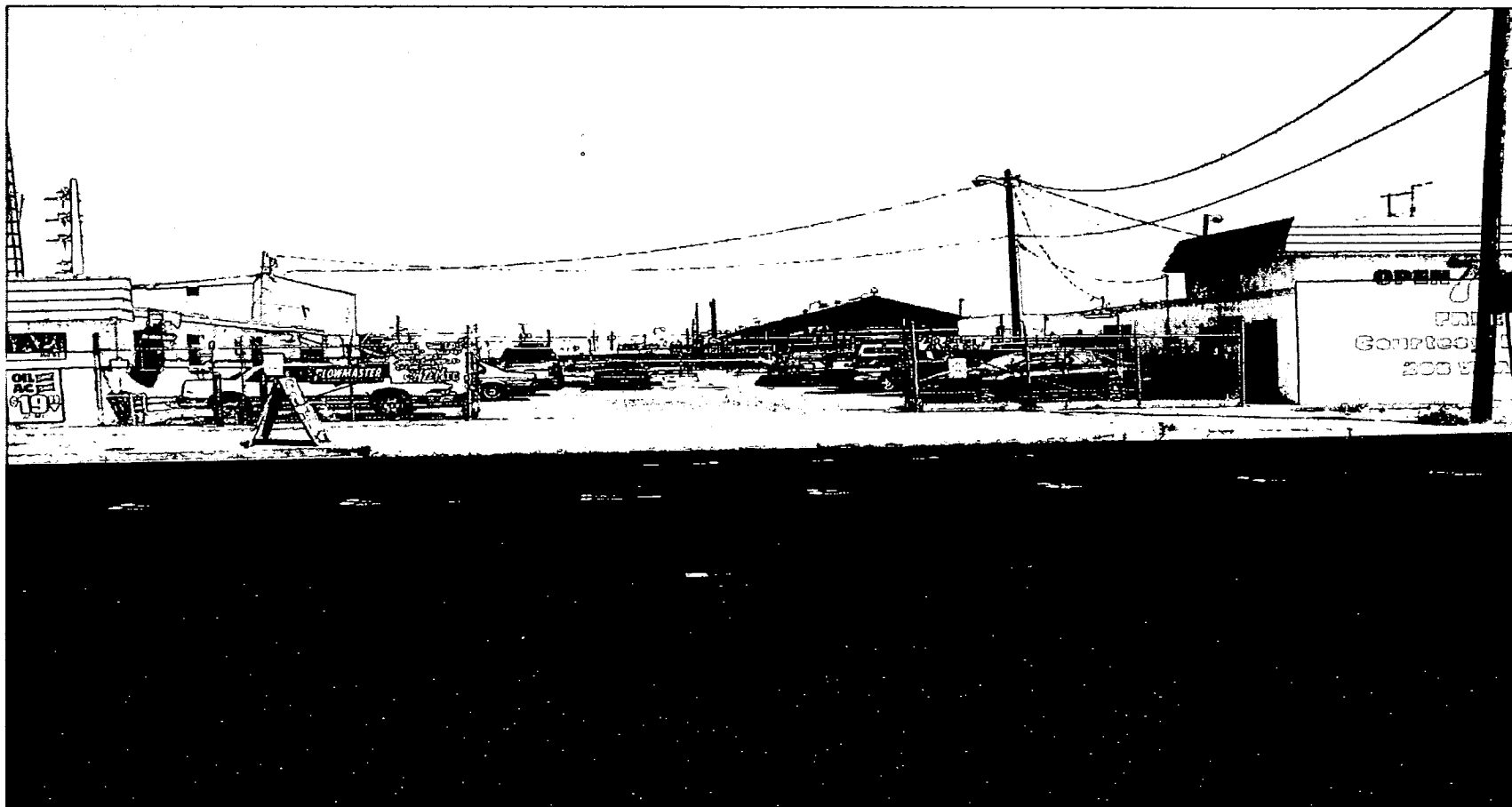
NOTICES MAILED 81 by City Clerk

APPROVALS 1

PROTESTS 0

--- NO RESIDENTIAL APPRAISAL RECORD FOR THIS PARCEL





SUP-3983 - APPLICANT: SCOTT STROMWALL - OWNER: RAY ST. CLAIR
210 WEST WYOMING AVENUE
APRIL 8, 2004 PLANNING COMMISSION

03/18/04

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: MAY 5, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☐

CONSENT

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DISCUSSION

SUBJECT:

SPECIAL USE PERMIT - PUBLIC HEARING - SUP-3984 - APPLICANT: ISLAND RESTAURANT - OWNER: HOWARD HUGHES CANYON POINTE Q4 - Request for a Special Use Permit FOR A PROPOSED SUPPER CLUB located adjacent to the northwest corner of Charleston Boulevard and Pavilion Center Drive (APN: 137-36-414-004), P-C (Planned Community) Zone, Ward 2 (Vacant). The Planning Commission (6-0-1 vote) and staff recommend APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.

0

City Council Meeting

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

0

City Council Meeting

RECOMMENDATION:

The Planning Commission (6-0-1 vote) and staff recommend APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

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

MOTION:

BROWN – APPROVED subject to conditions – UNANIMOUS with GOODMAN excused and Ward 2 seat vacant

MINUTES:

MAYOR PRO TEM REESE declared the Public Hearing open.

LOUIS JACKSON, 5750 Fleet Street, Carlsbad, California, appeared on behalf of the applicant and concurred with all conditions.

No one appeared in opposition.

MAYOR PRO TEM REESE declared the Public Hearing closed.

(2:27 – 2:28)

4-2328

CITY COUNCIL MEETING OF MAY 5, 2004
Planning and Development Department
Item 107 – SUP-3984

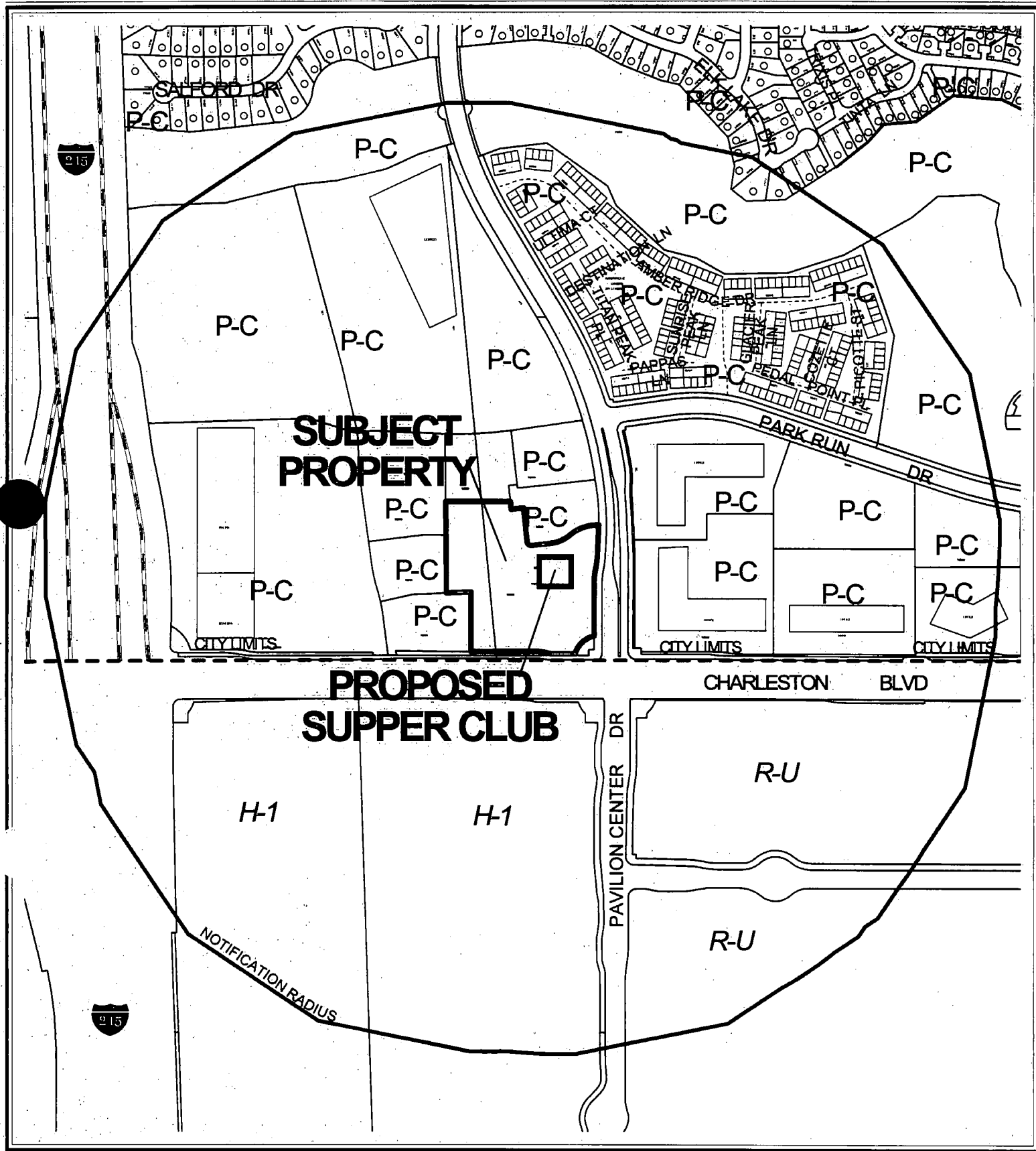
CONDITIONS:

Planning and Development

1. Conformance to all Minimum Requirements under Title 19.04.050 for a Supper Club 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-0135-93) and Summerlin Development Plan Review (SV-0001-02).
4. The site plan shall be revised, prior to the issuance of any permits, to show that the six handicap spaces adjacent to the proposed building on the site plan now meet Code requirements for adequate apron areas on either side of the handicap spaces, and to show that the trash enclosure area is roofed in accordance with Code requirements.
5. All City Code requirements and design standards of all City departments must be satisfied.
6. Approval of this Special Use Permit does not constitute approval of a liquor license.
7. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.

Public Works

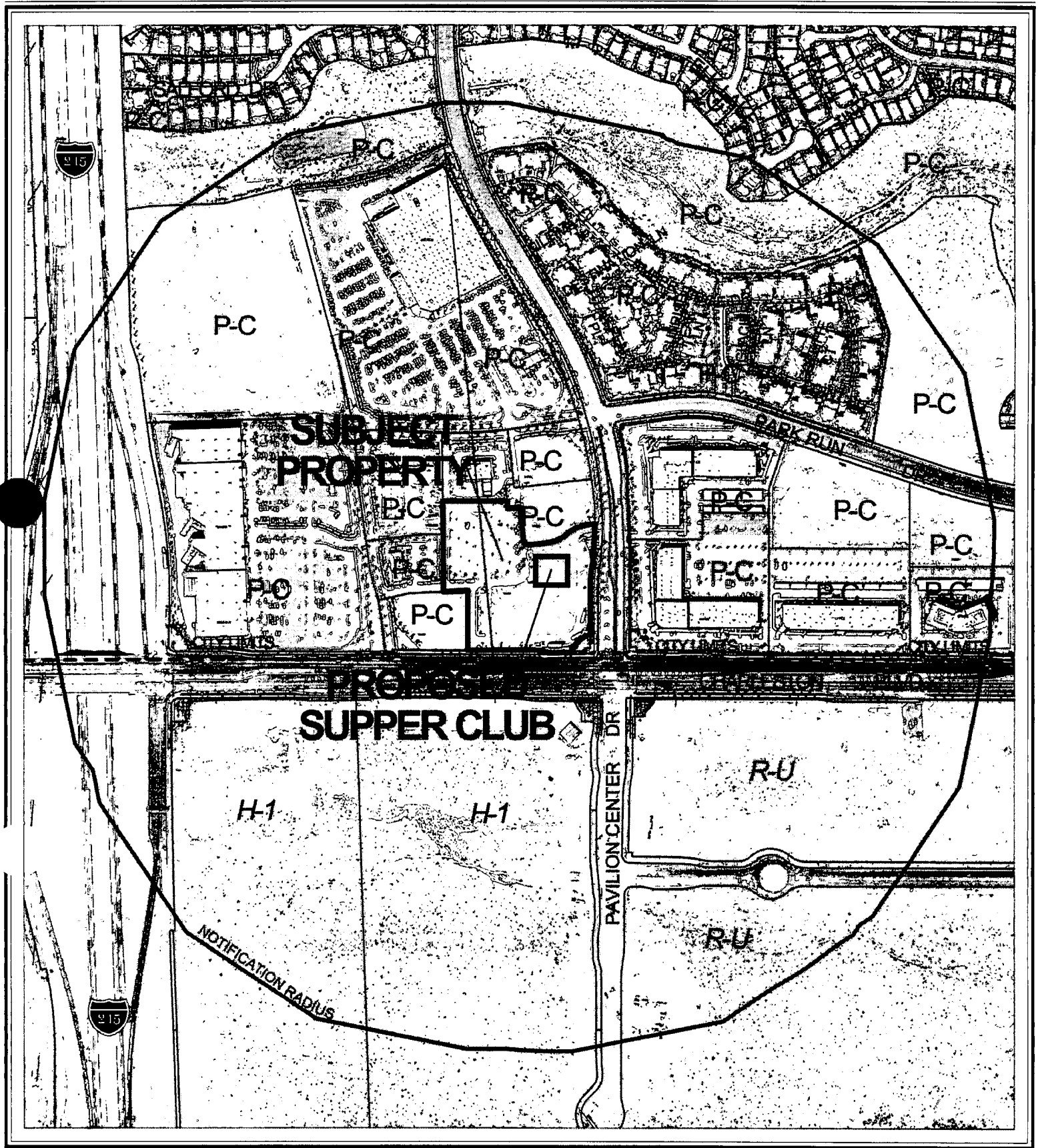
8. An update to the previously approved Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any grading or building permits, submittal of any construction drawings, whichever may occur first. Provide and improve all drainageways as recommended in the approved drainage plan/study.
9. Site development to comply with all applicable conditions of approval for The Arbors at Summerlin Village 11/12 Unit 2C Lot 7 Commercial Subdivision and all other subsequent site-related actions.



CASE: SUP-3984

RADIUS: 1500 FT

ZONING OF SUBJECT PROPERTY: P-C (PLANNED COMMUNITY)



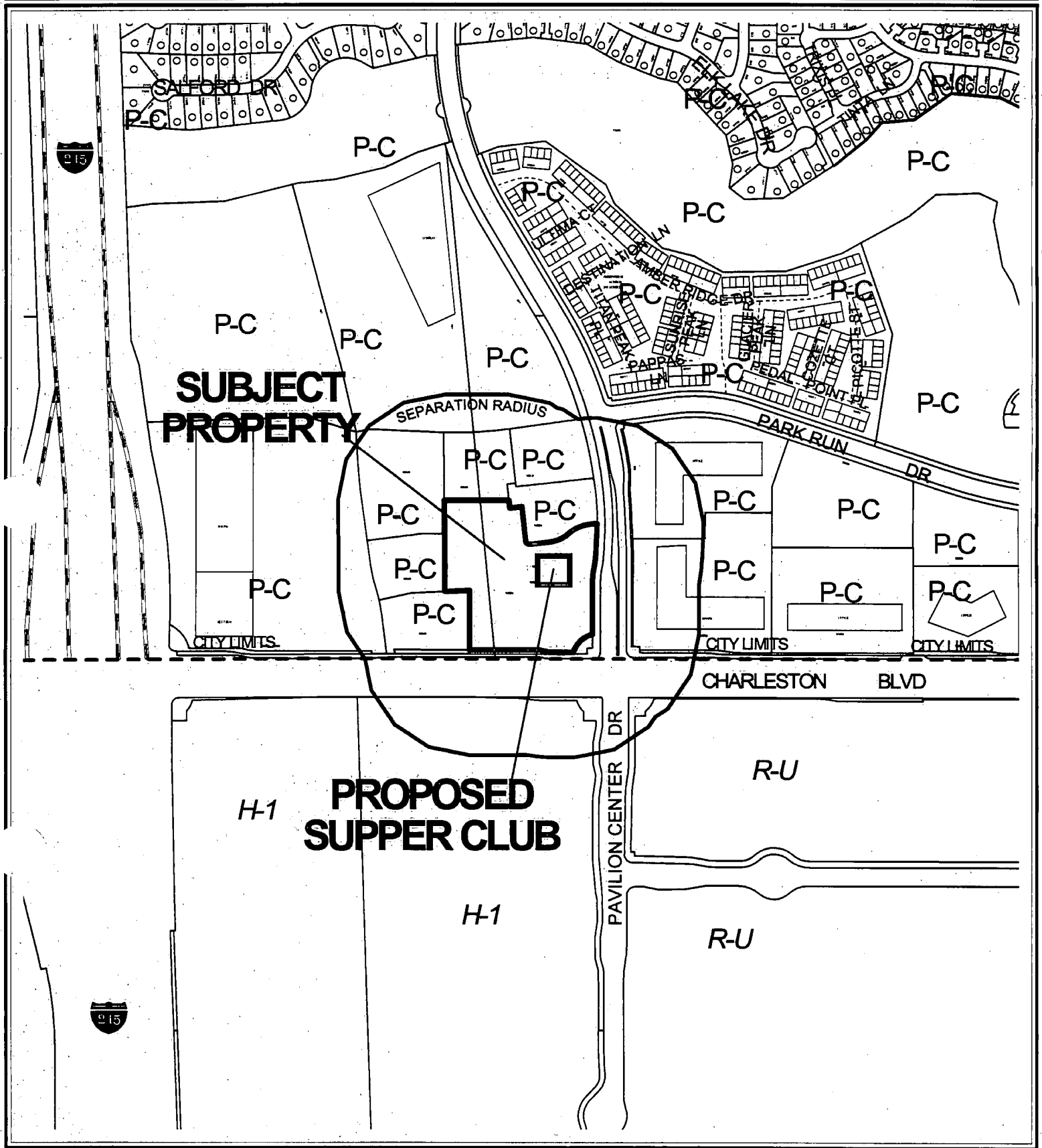
CASE: SUP-3984

RADIUS: 1500 FT

ZONING OF SUBJECT PROPERTY: P-C (PLANNED COMMUNITY)

0 300 600 Feet





CASE: SUP-3984

RADIUS: 1500 FT

ZONING OF SUBJECT PROPERTY: P-C (PLANNED COMMUNITY)

0 300 600 Feet



AGENDA MEMO

CITY COUNCIL MEETING DATE: MAY 5, 2004

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: SUP-3984 - APPLICANT: ISLAND RESTAURANT - OWNER:
HOWARD HUGHES CANYON POINTE Q4**

**** CONDITIONS ****

The Planning Commission (6-0-1 vote) and staff recommend APPROVAL, subject to:

Planning and Development

1. Conformance to all Minimum Requirements under Title 19.04.050 for a Supper Club 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-0135-93) and Summerlin Development Plan Review (SV-0001-02).
4. The site plan shall be revised, prior to the issuance of any permits, to show that the six handicap spaces adjacent to the proposed building on the site plan now meet Code requirements for adequate apron areas on either side of the handicap spaces, and to show that the trash enclosure area is roofed in accordance with Code requirements.
5. All City Code requirements and design standards of all City departments must be satisfied.
6. Approval of this Special Use Permit does not constitute approval of a liquor license.
7. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.

Public Works

8. An update to the previously approved Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any grading or building permits, submittal of any construction drawings, whichever may occur first. Provide and improve all drainageways as recommended in the approved drainage plan/study.
9. Site development to comply with all applicable conditions of approval for The Arbors at Summerlin Village 11/12 Unit 2C Lot 7 Commercial Subdivision and all other subsequent site-related actions.

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

This application is a request for a Special Use Permit to allow the development of a 5,972 square-foot Supper Club (Islands Restaurant) on a 4.33-acre parcel at the northwest corner of Charleston Boulevard and Pavilion Center Drive, in the Canyon Pointe shopping center in Summerlin. This parcel is part of a larger commercial site containing a variety of uses.

B) Applicant's Justification

The applicant has justified this request by stating that the site is suitable and adequate for the proposed use, and that the development will conform to both City and Summerlin standards.

BACKGROUND INFORMATION

A) Previous Actions

- 02/16/94 The City Council approved a request for a Zoning Reclassification (Z-0135-93) from N-U (Non-Urban) to P-C (Planned Community) on the subject site. The Planning Commission recommended approval on 01/13/94.
- 09/09/99 The Planning Commission approved the Arbors at Summerlin Village 11/12, Unit No. 2C, Lot 7 Tentative Map (A Commercial Subdivision) (TM-0040-99).
- 02/20/02 The Summerlin City Referral Group administratively approved a request for a Site Development Plan Review (SV-0001-02) for a proposed commercial center on the northwest corner of Charleston Boulevard and Pavilion Center Drive, at Canyon Pointe at Summerlin Centre - Parcel 4, on 14.72 acres located on the northwest corner of Charleston Blvd and Pavilion Center Drive, on a portion of the overall commercial site.
- 05/21/03 The City Council approved a request for a Special Use Permit (SUP-1982) for a proposed Tavern at 10820 West Charleston Boulevard, on a portion of the overall commercial site. The Planning Commission and staff recommended approval on 04/24/03.
- 06/18/03 The City Council approved a request for a Special Use Permit (SUP-2120) for a Supper Club (The Olive Garden Italian Restaurant) adjacent to the northwest corner of Charleston Boulevard and Pavilion Center Drive, on a portion of the overall commercial site. The Planning Commission and staff recommended approval on 05/22/03.

02/04/04 The City Council approved a request for a Special Use Permit (SUP-3403) for a Supper Club (BJ's Restaurant and Brewhouse) adjacent to the northwest corner of Charleston Boulevard and Pavilion Center Drive, on a portion of the overall commercial site. The Planning Commission and staff recommended approval on 01/08/04.

04/08/04 The Planning Commission voted 6-0-1 to recommend APPROVAL (PC Agenda Item #14/gl)

B) Pre-Application Meeting

02/06/04 The applicant was asked to provide a copy of the Summerlin approval letter as part of the application. The applicant was also asked to provide a detailed parking analysis of the overall parcel and provide evidence of a shared parking agreement for the site.

This application fell within the parameters established through State law to be considered as a Project of Regional Significance; therefore, the process was explained to the applicant as well as the requirement to submit additional copies of the site plan for circulation. All of these materials have been subsequently provided by the applicant.

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: 14.7 (entire commercial site)
Net Acres: 4.3 (pad site)

B) Existing Land Use

Subject Property: Undeveloped
North: Retail Commercial Center (under construction)
South: Supper Club
East: Business Park
West: Retail Commercial Center (under construction)

C) Planned Land Use

Subject Property: VC (Village Commercial - Summerlin) [SC (Service Commercial) General Plan Designation]
North: VC (Village Commercial - Summerlin) [SC (Service Commercial) General Plan Designation]
South: Unincorporated Clark County

East: VC (Village Commercial - Summerlin) [SC (Service Commercial)
General Plan Designation]
West: EC (Employment Center - Summerlin) [SC (Service Commercial)
General Plan Designation]

D) Existing Zoning

Subject Property: P-C (Planned Community)
North: P-C (Planned Community)
South: P-C (Planned Community)
East: P-C (Planned Community)
West: P-C (Planned Community)

E) General Plan Compliance

The subject property is designated VC (Village Commercial) on the Summerlin Special Land Use Plan for the Arbors, Village 11/12, within the Summerlin Master Planned Community. The proposed Supper Club is a permitted use within the VC (Village Commercial) land use designation with approval of a Special Use Permit.

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

Trails

A Multi-use Transportation Trail is depicted along the north side of Charleston Boulevard adjacent to the subject site; however, this trail is the responsibility of the Summerlin master developer.

Special Notification

The Clark County Planning Department was notified of this project since county parcels are located within the notification area.

INTERAGENCY ISSUES

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

1) Any Special Use Permit within 500' of a County parcel.

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:

The Flood Control Division of the Department of Public Works requires that an update to the previously approved Drainage Plan and Technical Drainage Study be submitted to and approved by the Department of Public Works prior to the issuance of any grading or building permits, submittal of any construction drawings, whichever may occur first. The applicant must provide and improve all drainageways as recommended in the approved drainage plan/study.

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

ANALYSIS

A) Zoning Code Compliance

A1) Parking and Traffic Standards

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

Uses	GFA	Ratio	Required Parking		Provided Parking	
			Regular	Handicap	Regular	Handicap
Supper Club	5,972 SF. 2,640 public seating; 482 SF patio seating; 2,850 SF remaining GFA	1/50 SF of Public Seating Area 1/200 remaining GFA	63 spaces 15 spaces			
Totals			78 spaces	4 spaces	78 spaces*	6 spaces**

- * This site is located within a larger commercial subdivision, which allows for cross-access throughout the entire commercial center. The applicant has provided a restaurant parking tabulation for the entire site. Some of the parcels on the site have been sold and will self-park on these sites. The remainder has a shared access and parking agreement (copy provided with application) that indicates a surplus of shared parking in relation to City and Summerlin minimum parking standards (452 spaces required for the four restaurants, with 514 spaces provided).

- ** The six handicap spaces shown adjacent to the building on the site plan do not meet Code requirements for adequate apron areas on either side of the spaces. A condition of approval will require the applicant to revise the site plan to address this deficiency.

A2) Minimum Distance Separation Requirements

While Title 19 requires a Supper Club to be a minimum of 400 feet from any church, synagogue, school, childcare facility licensed for more than twelve children, and City Park, as measured from property line to property line, the Summerlin Development Standards do not require any distance separations from uses. In this case, however, there are no protected uses within the minimum distance separation as indicated in Title 19.

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

Standards	Code Requirement	Provided
Trash Enclosure	Walled, gated, roofed	Not indicated

Although a walled and gated trash collection area is shown on the floor plan at the back of the building, it is unclear whether it is proposed that this area will be roofed. A condition of approval will address this issue.

B) General Analysis and Discussion

- **Zoning**

The subject site is currently zoned P-C (Planned Community) and has a Summerlin Land Use designation of VC (Village Commercial). The proposed Supper Club will be within the range of uses permitted, with approval of a Special Use Permit, in the VC (Village Commercial) land use designation with P-C (Planned Community) zoning.

- **Use**

The Supper Club use requires a restaurant area that will accommodate at least 125 persons in an area separated from the bar area by a barrier sufficient to prevent access to the bar by minors. The submitted floor plan depicts 171 seats available in the dining areas with another 20 bar seats, 26 lounge seats, and 26 patio area seats, for a total of 242 seats. The bar area is sectioned off from all the dining areas. While Title 19 requires a Supper Club to be a minimum of 400 feet from any church, synagogue, school, childcare facility licensed for more than twelve children, and City Park, as measured from property line to property line, the Summerlin Development Standards do not require any distance separations from uses. In this case, however, there are no protected uses within the minimum distance separation as indicated in Title 19.

- **Conditions**

Recommended conditions include conformance to all Minimum Requirements of the Title 19 Development Standards for a Supper Club use and conformance to the Conditions of Approval for Rezoning (Z-0135-93).

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 project is compatible with the General Plan land use designation and is located within a developing commercial center where a substantial concentration of major commercial development is to occur. A Supper Club establishment contains a major restaurant component in addition to the bar operation, which can be expected to be compatible with, and mutually supportive of, other uses located within the commercial center.

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

There is no evidence of any physical constraint to location of the proposed Supper Club use on the subject site; however, it should be noted that the parking configuration is such that some patrons of this and the other two restaurants expected to develop on that parcel may be required to walk up to 450 feet from parking designated for the use of these three facilities. Patrons of other commercial stores and restaurants on the overall can be expected to use these spaces as well, particularly where the spaces are close to other outlets.

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

The proposed Supper Club use will be accessed solely through the Canyon Pointe Centre commercial site with access from Charleston Boulevard (100-foot Primary Arterial) and Pavilion Center Drive (Summerlin 100-foot Arterial). These roads have adequate capacity to serve the proposed development. The project will not have any negative traffic impact on residential neighborhoods in the area.

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 Supper Club use will be subject to regular City inspections for licensing and will therefore not compromise the public health, safety, and welfare.

NOTICES MAILED 264 by City Clerk

APPROVALS 0

PROTESTS 0

① Electrical:	(2) 4" Conduits (or as required by Utility Company) 120/208 Volts - 3 Phase Main Service: 4 Wires - 800 Amps
② Water:	2" Domestic Service and Meter 1" Irrigation Meter (50 PSI min.)
③ Sanitary Sewer:	4" Connection to Building Sanitary 6" Connection to Grease Interceptor
④ Grease Interceptor:	1,500 Gallon minimum (or as required by Local Jurisdiction)
⑤ Natural Gas:	Sufficient for 2,000 CFH load
⑥ Telephone:	4" Conduit with Pullwires 25 Pair Cable minimum
⑦ Cable TV:	2" Conduit
⑧ Fire Sprinkler:	6" Service
⑨ A/C:	30 Tons
⑩ Storm Sewer:	As required for roof and site drainage

TOP OF BUILDING PARAPETS: 20'-6", 21'-6", 22'-4"
TOP OF ENTRY TOWER: 34'-0"

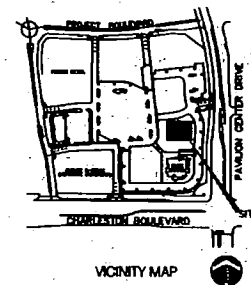
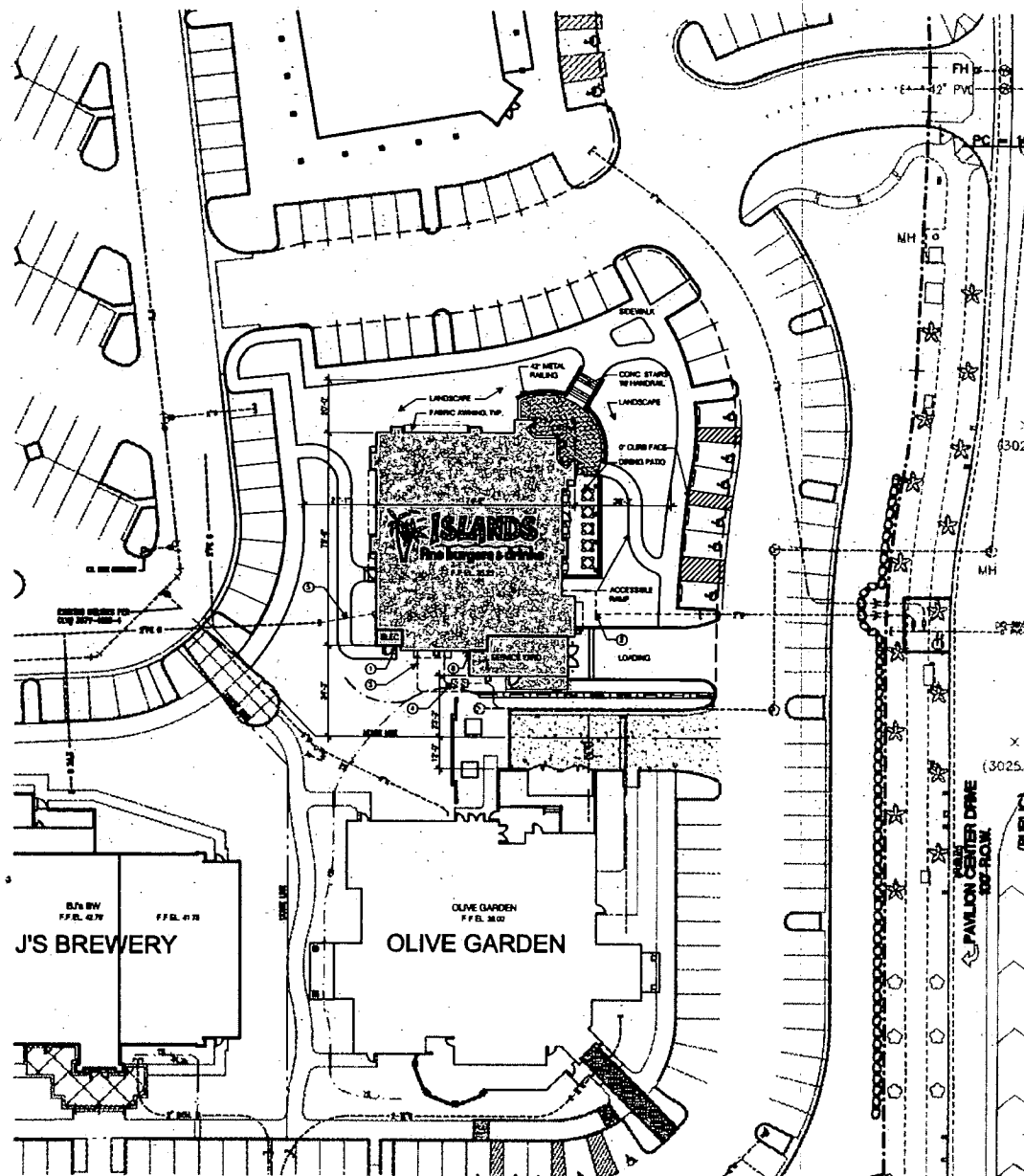
23,070 S.F. (.53 ACRE)

10,500 S.F. (45.51 % OF SITE)

RESTAURANT	5,434 S.F.
ELEC./BOILER/TRASH	564 S.F.
TOTAL	5,998 S.F. (26 % OF SITE)
DINING PATIO	482 S.F.

NORTHWEST CORNER OF CHARLESTON
BOULEVARD AND PAVILION CENTER DRIVE
LAS VEGAS, NEVADA

PARKING WILL BE PROVIDED AS REQUIRED BY CODE
(1 SPACE PER 100 S.F. OF RESTAURANT)



C-3 GRADING PLAN
C-6 SITE CROSS SECTION / DETAILS
SITE PLAN
FLOOR PLAN
EXTERIOR ELEVATIONS

THAT PORTION OF PARCEL 5 AS SHOWN BY
MAP THEREOF ON FILE IN FILE 126, PAGE 14 OF
SURVEYS IN THE COUNTY RECORDERS OFFICE,
CLARK COUNTY, NEVADA, LYING WITHIN THE
SOUTH-WEST QUARTER (SW 1/4) OF SECTION 36,
TOWNSHIP 20 SOUTH, RANGE 59 EAST, M.D.M.,
CITY OF LAS VEGAS, CLARK COUNTY, NEVADA.



0 20 30'

SCALE: 1"=20'-0"



SUMMERLIN CENTER
Summerlin, Nevada

Applicant: Islands Restaurants, L.P.
5750 Fleet Street, Suite 120
Carlsbad, CA 92008
Phone: (760) 268-1800
Fax: (760) 918-1800

Architect: Lee & Sakahara Architects AIA
5280 S. Valley View Blvd., Suite 116
Las Vegas, NV 89118
Gary Congdon, AIA
License No. 1203

| SITE PLAN

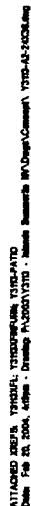
**LEE & SAKAHARA
ARCHITECTS AIA**
ARCHITECTURE PLANNING INTERIOR
16142 VON KARLHAIN AVE., SUITE 202
IRVINE, CA USA 92618-4827
PH 949-261-1100 F 949-261-1144

lee
son

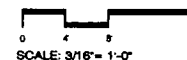
February 2, 2015

SUP-3984
04-08-04 PC

ATTACHED XREF: COMBOK Y213-XEP, Y213-KTB-2438
 Date: Feb 20, 2004, 4:20pm - Drawing: P130017113 - Inside Summer's HP Design/Concept/ Y213-A13038.dwg



RESTAURANT	2,640 S.F.
BACK OF HOUSE	2,850 S.F.
SERVICE YARD	508 S.F.
TOTAL	<u>5,998 S.F.</u>
DINING PATIO	482 S.F.



Applicant: Islands Restaurants, L.P.
5750 Fleet Street, Suite 120
Carlsbad, CA 92008
Phone: (760) 268-1800
Fax: (760) 918-1500

Architect: Lee & Sakahara Architects AIA
6260 S. Valley View Blvd. Suite 116
Las Vegas, NV 89118
Gary Congdon, AIA
License No. 1203

**LEE & SAKAHARA
ARCHITECTS AIA**
ARCHITECTURE PLANNING INTERIORS
10842 VON KURLAND AVE. SUITE 308
POMONA, CA USA 91768-4827
PH 949-281-1100 F 949-261-1144



SUP-3984
04-08-04 PC



SUP-3984 - APPLICANT: ISLAND RESTAURANT - OWNER: HOWARD HUGHES CANYON POINTE Q4
NORTHWEST CORNER OF CHARLESTON BOULEVARD AND PAVILION CENTER DRIVE
APRIL 8, 2004 PLANNING COMMISSION

03/18/04



SUP-3984 - APPLICANT: ISLAND RESTAURANT - OWNER: HOWARD HUGHES CANYON POINTE Q4
NORTHWEST CORNER OF CHARLESTON BOULEVARD AND PAVILION CENTER DRIVE
APRIL 8, 2004 PLANNING COMMISSION

03/18/04

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: MAY 5, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☐

CONSENT

☒

DISCUSSION

SUBJECT:

SPECIAL USE PERMIT - PUBLIC HEARING - SUP-3986 - APPLICANT: MUSTAFA KAVRUKLAR - OWNER: RITA QUAM FAMILY TRUST - Request for a Special Use Permit and a Waiver from the 400-foot distance separation requirement from an existing church FOR A SUPPER CLUB located at 6750 West Sahara Avenue (APN: 163-02-415-012), C-1 (Limited Commercial) Zone, Ward 1 (Moncrief). The Planning Commission (7-0 vote) and staff recommend APPROVAL

PROTESTS RECEIVED BEFORE:

**Planning Commission Mtg.
City Council Meeting**

0

APPROVALS RECEIVED BEFORE:

**Planning Commission Mtg.
City Council Meeting**

1

RECOMMENDATION:

The Planning Commission (7-0 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 4/8/2004 Planning Commission meeting Item 15

MOTION:

MONCRIEF - ABEYANCE to 5/19/2004 - UNANIMOUS with GOODMAN excused and Ward 2 seat vacant

MINUTES:

MAYOR PRO TEM REESE declared the Public Hearing open.

MUSTAFA KAVRUKLAR requested an abeyance to the next City Council meeting due to disagreements he is having with the property owner.

DEPUTY CITY ATTORNEY BRYAN SCOTT indicated that the property owner was present. RITA QUAM, 8626 Robinson Ridge, asked that the use be approved.

MAYOR PRO TEM REESE discussed with MS. QUAM that the applicant was requesting an abeyance, to which MS. QUAM replied that the applicant did not have a lease.

CITY COUNCIL MEETING OF MAY 5, 2004
Planning and Development Department
Item 108 – SUP-3986

MINUTES – Continued:

MR. KAVRUKLAR stated MS. QUAM'S intent is to lease the property to another national franchise company. He has been working on this application for the past four months and invested money for this agreement. Additionally, MS. QUAM notarized all the proper documents relating to the Special Use Permit.

COUNCILWOMAN MONCRIEF requested that the item be held in abeyance and asked that both the applicant and the property owner meet with her.

No one appeared in opposition.

MAYOR PRO TEM REESE declared the Public Hearing closed.

(2:28 – 2:32)

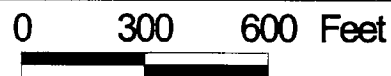
4-2385

CONDITIONS:

Planning and Development

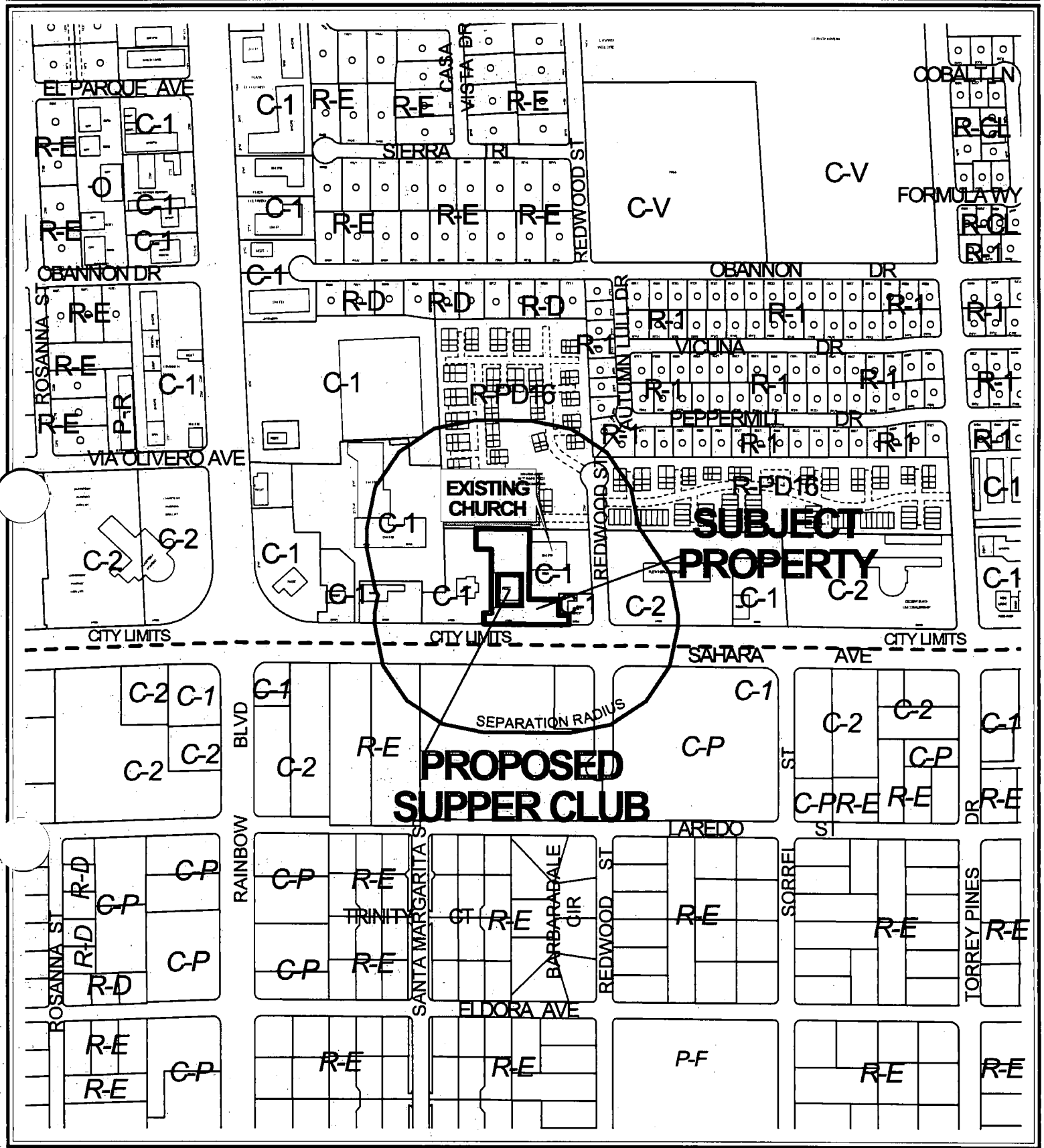
1. Conformance to all Minimum Requirements under Title 19.04.050 for the Supper Club use.
2. Approval of and conformance to the Conditions of Approval for Rezoning (Z-0045-88).
3. This Special Use Permit shall expire one year from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.
4. All City Code requirements and design standards of all City departments must be satisfied.
5. A Waiver to the 400-foot separation distance from a church is approved.





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





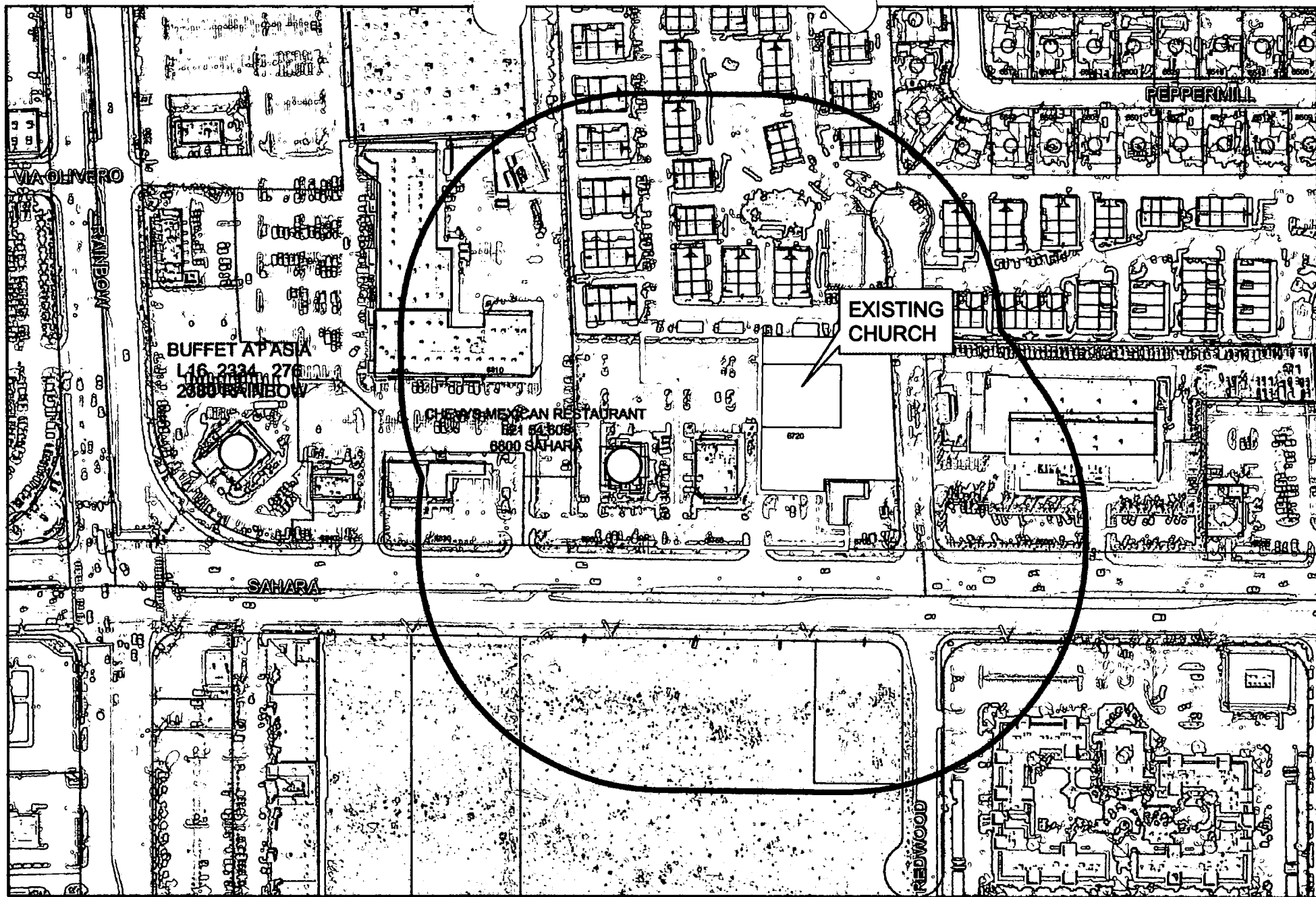
CASE: SUP-3986

SEPARATION RADIUS: 400 FT

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

0 300 600 Feet





SUP-3986

Protected Landuses

 Parks	 Taverns
 Schools	 Religious

Business Licenses

 Tavern	 Child Care/ Children Facility
 Supper Club/ Restaurant Service Bar	

 Subject Property

 400 foot buffer



AGENDA MEMO

CITY COUNCIL MEETING DATE: MAY 5, 2004

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: SUP-3986 - APPLICANT: MUSTAFA KAVRUKLAR -
OWNER: RITA QUAM FAMILY TRUST**

**** CONDITIONS ****

The Planning Commission (7-0 vote) and staff recommend APPROVAL, subject to:

Planning and Development

1. Conformance to all Minimum Requirements under Title 19.04.050 for the Supper Club use.
2. Approval of and conformance to the Conditions of Approval for Rezoning (Z-0045-88).
3. This Special Use Permit shall expire one year from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.
4. All City Code requirements and design standards of all City departments must be satisfied.
5. A Waiver to the 400-foot separation distance from a church is approved.

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

The request is for a Special Use Permit for a Supper Club and a Waiver from the 400-foot distance separation requirement from an existing church located at 6750 West Sahara Avenue.

B) Applicant's Justification

The building was previously a Supper Club and the existing building façade and interior décor are well suited for the use. The establishment will attract customers not only to the establishment, but also to other businesses within the shopping center.

BACKGROUND INFORMATION

A) Previous Actions

07/06/88	The City Council approved a Zoning Reclassification (Z-0045-88) to C-1 (Limited Commercial) for this site as a part of a larger request. The Planning Commission and staff recommended approval on 6/08/88.
04/13/95	The Planning Commission approved a Plot Plan Review [Z-0045-88(16)] for the building on the subject site.
05/17/95	The City Council approved a Special Use Permit (U-0045-95) for a Supper Club. The Zoning Board of Adjustment and staff recommended approval on 4/25/95.
04/08/04	The Planning Commission DENIED an unrelated Special Use Permit (SUP-3972) for an Off-Premise (Billboard) Sign. Staff recommended approval.
04/08/04	The Planning Commission voted 7-0 to recommend APPROVAL (PC Agenda Item #15/fs)

B) Pre-Application Meeting

02/11/04	Issues discussed included the requirements for the Supper Club use, as well as the acknowledgement that a distance separation waiver would be required due to the location of the adjacent church.

C) Neighborhood Meetings

A neighborhood meeting is not required for Special Use Permit applications.

DETAILS OF APPLICATION REQUEST

A) *Site Area*

Gross Acres: 1.50

B) *Existing Land Use*

Subject Property: Vacant Building
North: Condominiums
South: Automobile Dealership
East: Auto Repair / Church
West: Supper Club

C) *Planned Land Use*

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

D) *Existing Zoning*

Subject Property: C-1 (Limited Commercial)
North: R-PD16 (Residential Planned Development-16 Units per Acre)
South: C-2 (General Commercial)
East: C-1 (Limited Commercial)
West: C-1 (Limited Commercial)

E) *General Plan Compliance*

The subject site is designated SC (Service Commercial) on the Southwest Sector Map of the General Plan. The existing C-1 (Limited Commercial) zoning district is consistent with the General Plan designation, and the proposed Supper Club 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	

Special Notification

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

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 Clark County.

An Environmental Impact Assessment questionnaire was circulated to the affected Agencies and no significant issues were identified.

The Planning Commission is to consider the Environmental Impact Assessment and the proposed mitigation measures prior to make a decision on the proposal. Staff received no comments pertaining to 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
Supper Club / Seating Area	3,879	1 space / 50 GFA	78	4	78	5
Other Areas	2,446	1 space / 200 GFA	13	0	20	0

The proposal 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
Supper Club	400 feet from any Church, School, Daycare, or City Park	Adjacent to Church

The proposed Supper Club is adjacent to an existing church, and a Waiver has been requested for relief of the distance separation requirement. The Waiver request is appropriate given the commercial nature of the area and the prior use of the site as a Supper Club.

B) General Analysis and Discussion

- **Zoning**

The C-1 (Limited Commercial) District is intended to provide most retail shopping and personal services. This district should be located on the periphery of residential neighborhoods and should be confined to the intersections of primary and secondary thoroughfares along major retail corridors. The C-1 District is consistent with the Service Commercial category of the General Plan.

- **Use**

Title 19 defines a Supper Club as a restaurant and bar operation with alcoholic beverage sales in which the bar area is separated from the restaurant area by a buffer sufficient to prevent access by minors. Alcohol can only be served within the seating area in conjunction with food, and the restaurant operation shall be the principal portion of the business. The seating accommodates at least one hundred twenty-five persons, and full-course meals are available during all hours the bar area is open to the public. A cook and food server, other than a bartender, shall be available at all times the bar area is open to the public.

- **Conditions**

Pursuant to its general authority to regulate the sale of alcoholic beverages, the City Council declares that the public health, safety and general welfare of the City are best promoted and protected by requiring that:

1. No Supper Club use shall be located within four hundred feet of any church, synagogue, school, childcare facility licensed for more than twelve children or City Park.
2. When considering a Special Use Permit application for a supper club which also requires a waiver of the distance limitation, 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.

3. All businesses, which sell alcoholic beverages, shall conform to the provisions of Chapter 6.50 of the Las Vegas Municipal Code.

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 Supper Club will be located within an existing building, which had previously been occupied with two Supper Clubs (East Side Mario's and Bennigan's) prior to this request. While there is a church adjacent to the subject parcel, the commercial nature of the area and its location within an established shopping center allows this use to be conducted manner that is harmonious and compatible with existing surrounding land uses, and with future uses as projected by the General Plan.

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

Two Supper Clubs previously occupied the subject site and it is an ideal location for the proposed use. With the approval of the requested distance separation waiver, the site will be physically suitable for the type of land use proposed.

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

Access is provided via a drive from West Sahara 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 proposed Supper Club use will be subject to regular City and County inspections and will therefore not compromise the public health, safety, and welfare.

NOTICES MAILED 238 by City Clerk

APPROVALS 1

PROTESTS 0





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	101	102	103	104	105	106	107	108	109	110	111	112	113	114	115	116	117	118	119	120	121	122	123	124	125	126	127	128	129	130	131	132	133	134	135	136	137	138	139	140	141	142	143	144	145	146	147	148	149	150	151	152	153	154	155	156	157	158	159	160	161	162	163	164	165	166	167	168	169	170	171	172	173	174	175	176	177	178	179	180	181	182	183	184	185	186	187	188	189	190	191	192	193	194	195	196	197	198	199	200	201	202	203	204	205	206	207	208	209	210	211	212	213	214	215	216	217	218	219	220	221	222	223	224	225	226	227	228	229	230	231	232	233	234	235	236	237	238	239	240	241	242	243	244	245	246	247	248	249	250	251	252	253	254	255	256	257	258	259	260	261	262	263	264	265	266	267	268	269	270	271	272	273	274	275	276	277	278	279	280	281	282	283	284	285	286	287	288	289	290	291	292	293	294	295	296	297	298	299	300	301	302	303	304	305	306	307	308	309	310	311	312	313	314	315	316	317	318	319	320	321	322	323	324	325	326	327	328	329	330	331	332	333	334	335	336	337	338	339	340	341	342	343	344	345	346	347	348	349	350	351	352	353	354	355	356	357	358	359	360	361	362	363	364	365	366	367	368	369	370	371	372	373	374	375	376	377	378	379	380	381	382	383	384	385	386	387	388	389	390	391	392	393	394	395	396	397	398	399	400	401	402	403	404	405	406	407	408	409	410	411	412	413	414	415	416	417	418	419	420	421	422	423	424	425	426	427	428	429	430	431	432	433	434	435	436	437	438	439	440	441	442	443	444	445	446	447	448	449	450	451	452	453	454	455	456	457	458	459	460	461	462	463	464	465	466

PLACES APPLICABLE
CONSTRUCTION
CITY OF LA BUREAU
RCS 401 9 9 9
New York South
General Contract
General Contract
General Contract
General Contract
General Contract

ARCHITECTURAL FLOOR PLAN



SUP-3986 - APPLICANT: MUSTAFA KAVRUKLAR - OWNER: RITA QUAM FAMILY TRUST
6750 WEST SAHARA AVENUE
APRIL 8, 2004 PLANNING COMMISSION

03/18/04

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: MAY 5, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☐

CONSENT

☒

DISCUSSION

SUBJECT:

ABEYANCE ITEM - REZONING - PUBLIC HEARING - ZON-2457 - DONNA F. BEAM REVOCABLE TRUST - Request for a Rezoning FROM: U (Undeveloped) Zone [SC (Service Commercial) General Plan Designation] TO: C-1 (Limited Commercial) Zone on 3.88 acres adjacent to the northeast and southeast corners of Smoke Ranch Road and Buffalo Drive (APN: 138-15-402-001 and 138-22-101-001) Ward 4 (Brown). The Planning Commission (4-2 vote) and staff recommend APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.

3

City Council Meeting

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

0

City Council Meeting

RECOMMENDATION:

The Planning Commission (4-2 vote) and staff recommend APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Submitted after meeting – List of excluded uses

MOTION:

BROWN – APPROVED subject to conditions and the following added conditions:

- *On the south parcel the business hours of operation shall be limited 7:00 a.m. to 10:00 p.m.*
- *No alcohol sales of any kind shall be allowed on the south parcel.*
- *The list of specific uses not allowed on the southern and northern sites as presented by the applicant shall be included as part of the record and conditions. The list shall be recorded on the parcel with the Clark County Records Office.*

– UNANIMOUS with GOODMAN excused, MACK not voting and Ward 2 seat vacant

MINUTES:

MAYOR PRO TEM REESE declared the Public Hearing open on Item 109 [ZON-2457], Item 110 [SUP-3896] and Item 111 [SDR-2458].

ATTORNEY CHRIS KAEMPFER, Kummer, Kaempfer, Bonner & Renshaw, 3800 Howard Hughes Parkway, appeared on behalf of the applicant. The zone change conforms with the general plan, as well as the site plan. Numerous meetings were held with the adjacent

CITY COUNCIL MEETING OF MAY 5, 2004
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Item 109 – ZON-2457

MINUTES – Continued:

neighborhood and homeowners associations. As directed by COUNCILMAN BROWN, ATTORNEY KAEMPFER indicated that every resident concern has been addressed and, as a result, the applicant has agreed that all buildings on both the north and south sides of Smoke Ranch Road shall be single story. Low level, low intensity box lighting will be provided in the parking lot on the south side of Smoke Ranch Road. The hours of operations on the south side shall be limited, and he suggested that they be lighted until 11:00 p.m. No neon signs shall be allowed on the outside of either building, back-lit lighting permitted only, and any interior neon lighting on the inside of the buildings must be turned off when the business closes. This refers to the south side of the building adjacent to the neighbors. The existing east wall on the south side parcel shall be repaired or replaced as needed and any new wall must be tiered if it has to be higher than 12 feet to minimize any impact on the adjacent neighbors.

With regard to the north side parcel, no walls exceeding two feet in height shall be permitted on either the east or the north sides of the property. In addition to the conditions, the applicant agreed to a list of excluded uses has been provided to staff and COUNCILMAN BROWN. These excluded uses relate to the south side and the north side. All these uses will be conditions of any zoning approval. Further, upon COUNCILMAN BROWN'S insistence, no liquor sales shall be allowed on the south side of the property. The owner and applicant agreed to that condition, but would like the opportunity to come back, if an opportunity should arise.

ATTORNEY KAEMPFER showed renderings of the north and south buildings. The business proposed on the north side of the property is a first-class 24-hour steakhouse. Approximately 35% of the building area is kitchen area. The applicant agreed that if any significant changes are made to the floor plan, it would have to come back for review by the City Council. All of the excluded uses on both the north and south side can be provided because this property is planned for retail/commercial uses. While certain restrictions can be imposed, only certain uses can be allowed when property is planned in a certain way. This affords the neighbors to the south an opportunity to receive a development that benefits them with conditions that protect them and their property.

DR. LEE BERNSTEIN, 7921 Rockbridge Circle, resides in Desert Shores and is a member of the Board of Directors of Desert Shores. He disagreed with ATTORNEY KAEMPFER and stated that most of the residents oppose the project. At a neighborhood meeting, only one person approved of the project. DR. BERNSTEIN stated that the 24-hour bar will impact the adjacent residential neighborhood and, further there is no need for another bar. He asked that the City Council deny the request.

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MINUTES – Continued:

KATHY BEST stated that the entire neighborhood is zoned Commercial/Professional, including medical offices, and should remain as such. She expressed concern about the 24-hour bar serving alcohol creating a “party zone” and not being appropriate for the nearby high school. She does not support granting waivers. The project would be located at the entrance to Desert Shores, and the residents do not support this type of project. However, if this project is approved, she asked that the City Council consider limiting the hours of operation. Again, she stated that the waivers should be looked at and not easily granted.

JUNE INGRAM, Charleston Neighborhood Preservation, concurred with the prior speaker. A school, church and a park are in the vicinity of the proposed project.

JUANITA CLARK, Charleston Neighborhood Preservation, stated the applicant should abide by standards that were imposed. She agreed with the previous speaker that the 24-hour operation is not appropriate for the nearby school, church and park. She asked whether the noise emanating from the bar and its affect upon the adjacent residential neighborhood have been addressed. She asked that waivers not be granted. MAYOR PRO TEM REESE indicated that the City of Las Vegas has a noise ordinance in place.

COUNCILMAN MACK asked if the Charleston Neighborhood Preservation is within the notification area. MS. CLARK replied that a waiver granted within the City of Las Vegas affects any neighborhood in the City because it would set a precedent. COUNCILMAN MACK pointed out that a tavern located in the middle of a residential Desert Shores community has been well received in the area.

ATTORNEY KAEMPFER rebutted that the proposed project is within 1500 feet of a church, school and park without any impact. The church is a block away across Smoke Ranch Road. Cimarron Memorial High School’s entrance extends on Tenaya Way, half a-mile away. However, the school grounds go back to the west, but there is no entrance off of Smoke Ranch Road. Thirdly, the park referred to by the residents is the Bettye Wilson Soccer Complex, which is located across from many uses. The project is designed specifically to create a buffer from the church, school and park. The intent is protecting the residents on the south side of the parcel. He reiterated that the project conforms to the General Plan. It was decided that it would be better for the neighborhood to the south to establish a substantial list of uses that cannot be placed to the south.

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MINUTES – Continued:

ATTORNEY KAEMFPER further indicated that the residents to the south side have a wall that is in need of repair, and because the applicant is asking for a development on the north side of the property, the applicant is able to do more on the south side of the property. He pointed out that someone else could do C-1, which is allowed by the general plan, and may not agree to all the conditions as this applicant did. More attention should be given to those residents who would receive the most value out of this arrangement.

COUNCILMAN BROWN indicated that both corner pieces are not part of the Tech Park Phase 1 and 2, which had completely different zoning, as far as a business park and planned development. This was zoned with the commercial entitlements, different from many of the office buildings being developed in this area. Desert Shores residents understand that years ago a gas station, convenience store, and lube facility were proposed on the same property, but were denied because of their intensity and the change of the neighborhood's character. The intent was not to have a strip mall look. Therefore, the applicant was asked to design the buildings closer to Buffalo Drive with parking in the rear to give it a professional look, even though it will be commercial.

COUNCILMAN BROWN pointed out that a fourth waiver was being asked, which was the waiver on the child care facility located in the Tech Park. If it were within 1500 feet of this parcel, the applicant would not be before the City Council for a tavern application. He clarified that the high school fronts onto Tenaya Way and most of the traffic is on Tenaya Way. With the construction of the 60-acre Bettye Wilson Soccer Complex, the City created a road exiting onto Lake Mead. What is in question is the 20-acres on the back of Bettye Wilson Soccer Complex, that until recently, through an agreement with the church off of Smoke Ranch Road, allowed access into their property to give the parents of the soccer players excess parking. However, this will no longer be possible because the church sold that land to an office park developer. Access to the Bettye Wilson Soccer Complex will remain only on Tenaya Way and on the back of a cul-de-sac. The church representatives chose to take a neutral position with regards to this project. In fact, these items were held in abeyance to ensure that the church had an opportunity to review the waiver application and to contact his office. The development on both parcels will not adversely impact the church, as far as their activities, functions or safety. He feels comfortable that what is being asked is satisfactory.

COUNCILMAN BROWN indicated that DR. BERNSTEIN speaking in opposition to the project on behalf of his constituency has as much an impact as 30 telephone calls opposing the project. The City Council has been consistent in trying to understand if the request is permitted and to allow the request for a special use permit. There are perhaps too many traditional taverns and other establishments that have alcohol along Desert Shores, the Technical Park, Lake Mead and Cheyenne corridors.

CITY COUNCIL MEETING OF MAY 5, 2004
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MINUTES – Continued:

Inside the Tech Park there are two restaurants under tavern licenses, one of which is open 24 hours, and one restaurant located in Desert Shores. However, the proposed steakhouse is different and away from the norm, when it comes to tavern licenses and City Code. That satisfied some of the concerns with what was going to be built there and the conditions that will be added speak to the product that is being proposed.

COUNCILMAN BROWN added that the south side parcel will be 10 feet higher than its adjacent neighbor and the concern was the hours of operation, lighting, parking and rear wall. He clarified that most applications will come before the respective Council member and in most cases feasibility will be discussed. After that, it goes to the neighborhood. The proposed project started in his office, and even before the details of the projects were addressed, he asked the applicant to meet with the adjacent neighborhoods. There were two mailings, drawing from 14 to 45 people, and comments were received and factored into the applications. Their comments definitely influenced the additional conditions. Therefore, this is not a “done deal”. A year or five years from now will determine if this was the right decision. What he can do is put safeguards in place that allow checking on the status, ensure the conditions are met and what is being proposed is built.

COUNCILMAN BROWN stated that the upscale steakhouse, the investment being made, the design and location of the buildings, the lighting, the walls, all have been designed to fit into the overall area in the High Tech Park on a parcel that did not have that requirement. In addition, the applicant did not have to comply with his or the neighbors’ requests. He hopes that this application is going to compliment, not only the Tech Park, but most importantly MS. BEST’ neighborhood and Desert Shores as a whole. There is nothing being introduced in this application that is not found in the general area of Desert Shores. In fact, some of the things that are being introduced are truly unique and different and of high quality.

He imposed additional conditions on Item 109 [ZON-2457]. On the south side the hours of operation shall be 7:00 a.m. to 10:00 p.m. Places such as a Subway or those types of restaurants usually stay open until 9:00 p.m. or 10:00 p.m. No alcohol sales of any kind will be allowed on the south parcel. Thirdly, the list of specific uses not allowed on the southern site, as indicated by ATTORNEY KAEMPFER and provided to the neighborhood, his office and staff would be included as part of the record and part of the conditions. DEPUTY CITY ATTORNEY BRYAN SCOTT verified for COUNCILMAN BROWN that the list of uses will be recorded on the parcel with the County Records Office. ATTORNEY KAEMPFER concurred with all added conditions.

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MINUTES – Continued:

On Item 110 [SUP-3896], COUNCILMAN BROWN imposed a one-year review on the 24-hour operation to come directly to City Council, as requested by the neighborhood. As a safeguard, they want the City to have the ability to speak to any increase in crime or any problems associated with the restaurant. The second condition would be to ensure what is being approved is what has been presented over the last five months, which is an upscale steakhouse with a clear design, different from a tavern by the normal City standards with 35% kitchen area. If there were deviations in that proposal, the Special Use Permit would have to come back before the City Council.

Regarding the one-year review, ATTORNEY KAEMPFER indicated that if the use will not have the minimal impact, then it should be reviewed and it should be changed. Therefore, he agreed with that added condition. Secondly, a floor plan was submitted as part of the application. The estimation was for 35% kitchen area and he suggested that the condition state that if there is any significant change at all in that floor plan, it would have to come back before the City Council. COUNCILMAN BROWN stated that the intent is to approve the steakhouse as promised and if it should be changed to a normal tavern, it would have to come back before the City Council. DEPUTY CITY ATTORNEY SCOTT asked COUNCILMAN BROWN if he wanted the use permit to cease once the steakhouse use ends prior to a new applicant coming in and to have the new applicant obtain a special use permit. COUNCILMAN BROWN responded that he wants that condition as a safeguard if the steakhouse does not work in this area and it moves towards a traditional 24-hour tavern. ROBERT GENZER, Director, Planning and Development Department, commented that the draft wording, if this restaurant were to change hands even if the restaurant were to continue in its present form, the Special Use Permit would be void. He did not believe that was the Councilman's intent. COUNCILMAN BROWN verified that he is not as concerned about the operator, as the operation. ATTORNEY KAEMPFER indicated that no tavern could operate with the degree of kitchen being provided in this particular floor plan. He agreed that regardless of the operator, if that floor plan changes it should come back before the City Council. DEPUTY CITY ATTORNEY SCOTT suggested language that the Special Use Permit shall be for the use as proposed only. If there is any change in the proposed use, then the Special Use Permit will become void and, a new Special Use Permit will be required. COUNCILMAN BROWN was comfortable with that verbiage.

Regarding Item 111 [SDR-2458], COUNCILMAN BROWN indicated that on the north side, signage was another issue extremely important for the Desert Shores residents. Signs facing externally shall be backlit and blocked of all similar styles. Any kind of corporate identification or other traditional signage would be interior to the parking lot, but the façade facing Buffalo

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MINUTES – Continued:

Drive and Smoke Ranch Road would be consistent, professional, and similar to what exists in the Tech Park. He understands that the steakhouse wants to put a kind of script sign and that likewise would be backlit or softly lit. The intent is to prohibit neon or pole signage to keep consistent with the developed corridor. ATTORNEY KAEMPFER suggested making a condition not to allow pole signage. He understands the Councilman's request not to have a neon sign on the side of the building. MR. GENZER indicated that staff was comfortable with that and understood the Councilman's request. COUNCILMAN BROWN further added a condition that there be no neon window signs on the north side. Originally it was going to be a decorative brick façade, but instead it will have windows. He does not want to create an additional on-premise sign opportunity. ATTORNEY KAEMPFER agreed and reiterated that on the south side he did agree that once the business closes any inside signage must be turned off.

COUNCILMAN BROWN imposed a third condition that on the north side a pony wall shall be allowed on the north and east parts with access for the abutting properties. That is to make it pedestrian friendly for people using the Tech Park. On the south side signs facing externally shall be backlit in similar style with no pole signage. COUNCILMAN MACK verified with COUNCILMAN BROWN that the property is "L" shaped and the tenants' signage will face Smoke Ranch Road and Buffalo Drive. There will be no need for any other type of signage for this center. COUNCILMAN BROWN indicated that the same condition regarding no neon windows signs facing Buffalo Drive or Smoke Ranch Road be reflected for the south side. Any kind of signage internal to the parking lot would be shut off when the business closes, and the final condition on the south side on the site development would be the eastern wall. The applicant shall work with staff to design a wall that is tiered so the impact of the wall height can be mitigated. The applicant is aware there is a tremendous elevation difference and a traditional wall would end up being close to 15 to 20 feet.

Lastly, COUNCILMAN BROWN indicated that he has met with the neighborhood specifically in Desert Shores directly across from the north parcel who expressed concern about noise mitigation. This proposed project would have minimal if negligible noise impact. The noise would come from traffic on the Buffalo corridor. The City is working with those homeowners to identify options to either raise their walls or close off one of the gated areas being used as a flood channel.

ATTORNEY KAEMPFER clarified that lists of excluded uses pertain to both the north and south sites. DEPUTY CITY ATTORNEY SCOTT advised that they be

CITY COUNCIL MEETING OF MAY 5, 2004

Planning and Development Department

Item 109 – ZON-2457

MINUTES – Continued:

recorded with the County Recorder on the various parcels. MR. GENZER noted that Planning staff had not received either list. ATTORNEY KAEMPFER answered that both were forwarded to staff, but that he would give MR. GENZER another copy.

MAYOR PRO TEM REESE declared the Public Hearing closed on Item 109 [ZON-2457], Item 110 [SUP-3896] and Item 111 [SDR-2458].

NOTE: All discussion for Item 109 [ZON-2457], Item 110 [SUP-3896] and Item 111 [SDR-2458] was held under Item 109 [ZON-2457].

(2:32 – 3:21)

4-2547/5-1

CONDITIONS:

Planning and Development

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

Public Works

3. Dedicate all additional rights-of-way required by Standard Drawing #201.1 for exclusive right turn lanes and dual left turn lanes and all additional rights-of-way required by Standard Drawing #234.1 or 234.3 and #234.2 for bus turnouts prior to or concurrent with the commencement of on-site development activities unless specifically allowed otherwise by the City of Las Vegas Traffic Engineer in writing.
4. 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.
5. 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, whichever may occur first. Comply with the recommendations of the approved Traffic Impact Analysis prior to occupancy of the site. The City shall

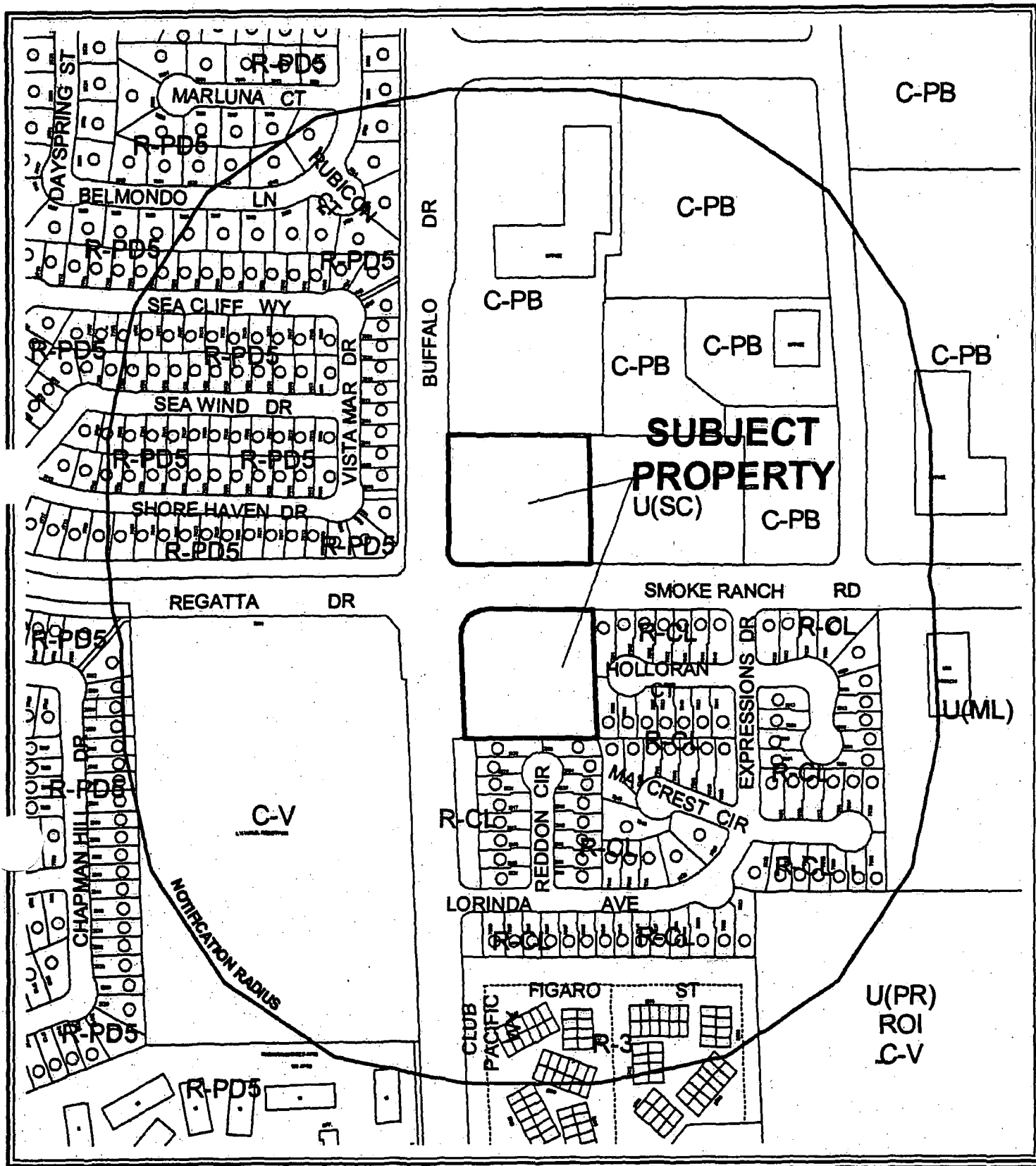
CITY COUNCIL MEETING OF MAY 5, 2004
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CONDITIONS – Continued:

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, nor compliance therewith, shall be deemed to modify or eliminate any condition of approval imposed by the Planning Commission or the City Council on the development of this site.

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

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



CASE: ZON-2457

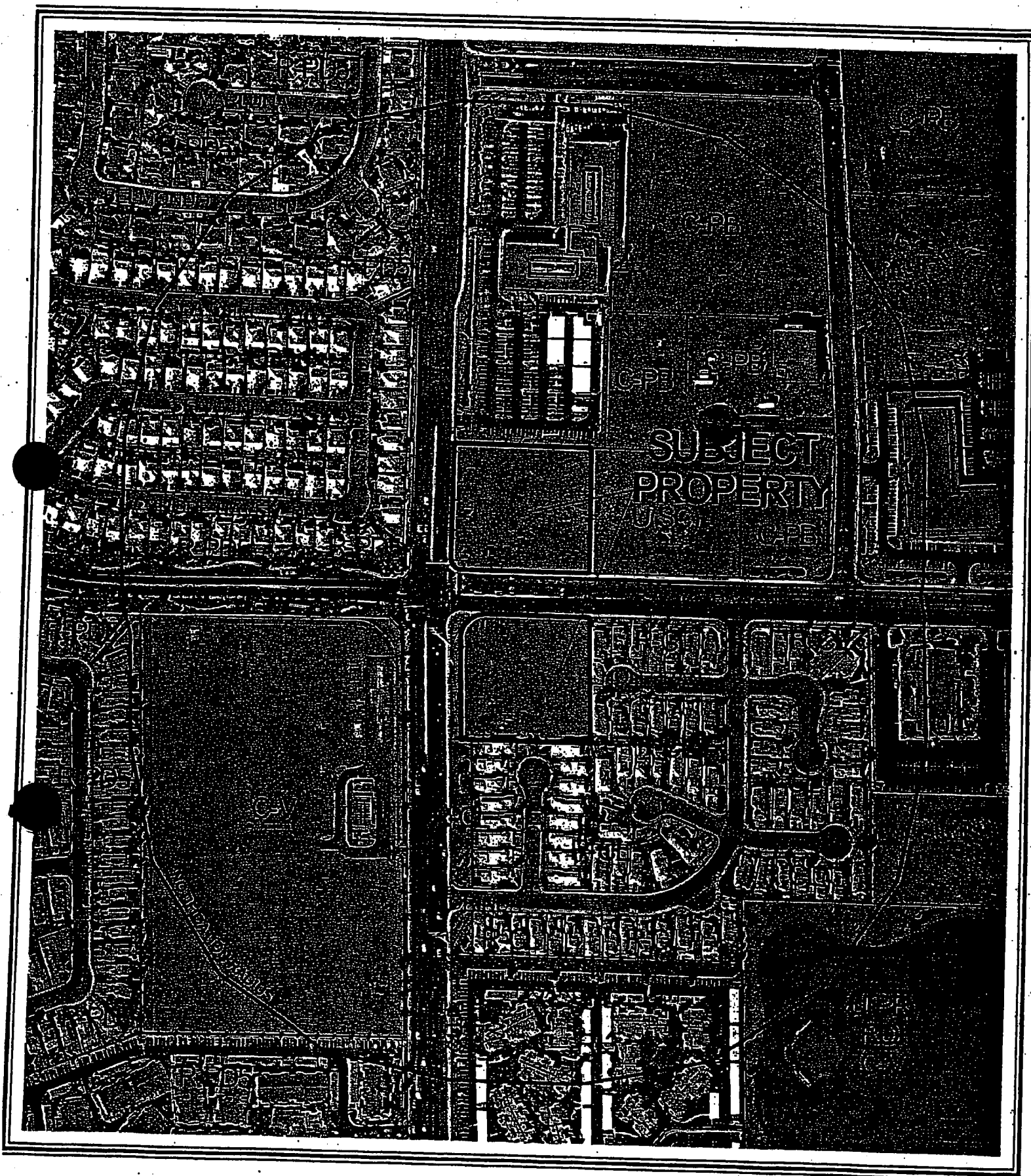
RADIUS: 750 FT

ZONING OF SUBJECT PROPERTY: U (UNDEVELOPED) [SC (SERVICE COMMERCIAL)
GENERAL PLAN DESIGNATION]

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

109





CASE: ZON-2457

RADIUS: 750 FT

ZONING OF SUBJECT PROPERTY: U (UNDEVELOPED) [SC (SERVICE COMMERCIAL)
GENERAL PLAN DESIGNATION]

0 200 400 Feet

AGENDA MEMO

CITY COUNCIL MEETING DATE: MAY 5, 2004

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: ABEYANCE ITEM - ZON-2457 - DONNA F. BEAM
REVOCABLE TRUST**

THIS ITEM WAS HELD IN ABEYANCE FROM THE APRIL 21, 2004 CITY COUNCIL MEETING AT THE COUNCILMAN'S REQUEST.

**** CONDITIONS ****

The Planning Commission (4-2 vote) and staff recommend APPROVAL, subject to:

Planning and Development

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

Public Works

3. Dedicate all additional rights-of-way required by Standard Drawing #201.1 for exclusive right turn lanes and dual left turn lanes and all additional rights-of-way required by Standard Drawing #234.1 or 234.3 and #234.2 for bus turnouts prior to or concurrent with the commencement of on-site development activities unless specifically allowed otherwise by the City of Las Vegas Traffic Engineer in writing.
4. 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.
5. 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, whichever may occur first. 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, nor compliance therewith, shall be deemed to modify or eliminate any condition of approval imposed by the Planning Commission or the City Council on the development of this site.

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

6. A Drainage Plan and Technical Drainage Study for both parcels comprising this overall site 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.

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

This request is for approval of a Rezoning from U (Undeveloped) Zone [SC (Service Commercial) General Plan Designation] to C-1 (Limited Commercial) on 3.88 acres adjacent to the northeast and southeast corners of Smoke Ranch Road and Buffalo Drive. A companion Site Development Plan Review (SDR-2458) to allow two 15,300 square-foot retail buildings, one on each parcel, was reviewed concurrently by Planning Commission.

B) Applicant's Justification

The applicant has justified the request by stating that the proposed zoning is in conformance with the General Plan designation on the two sites, and that the proposed one-story projects are compatible with adjacent residential and business park uses.

BACKGROUND INFORMATION

A) Previous Actions

10/03/84	The City Council approved a petition (A-0015-84) to annex 985 acres of land, including the subject parcels. The effective date was 10/12/84.
05/10/99	The City Council accepted a request to withdraw without prejudice a request for Rezoning (Z-0006-99) from U (Undeveloped) Zone [SC (Service Commercial) General Plan Designation] to C-1 (Limited Commercial) on a site located at the northeast corner of Buffalo Drive and Smoke Ranch Road. The Planning Commission recommended denial on 03/11/99.
05/10/99	The City Council accepted a request to withdraw without prejudice a request for two Special Use Permits (U-0010-99 and U-0011-99) located at the northeast corner of Buffalo Drive and Smoke Ranch Road for the Off-Premise Sale of Beer and Wine and for a proposed Minor Auto Repair facility, Full Service Car Wash and Gasoline Sales in conjunction with a proposed Convenience Store/Car Wash. The Planning Commission recommended denial of both applications on 03/11/99.
07/10/03	The Planning Commission recommended approval of a companion request for a Site Development Plan Review (SDR-2458) to allow two 15,300 square-foot retail buildings, one on each parcel.
07/10/03	The Planning Commission voted 4-2 to recommend APPROVAL (PC Agenda Item #37).
03/25/04	The Planning Commission recommended approval of a related Special Use Permit (SUP-3896) (Item #36).

B) Pre-Application Meeting

A pre-application meeting was held on 05/12/03. At that meeting, the development parameters of the application were reviewed to determine that no waivers to Code standards would be required. A number of requirements from the Public Works department were also identified, including ensuring that drive entrances lined up across from each other on Smoke Ranch Road, and that drainage and traffic analyses were required. The applicant was also advised to indicate on-site signage on the site plan.

C) Neighborhood Meetings

A neighborhood meeting is not required as part of a Rezoning application.

DETAILS OF APPLICATION REQUEST

A) Site Area

Gross Acres: 3.88

B) Existing Land Use

Subject Property: Undeveloped
North: Business Park uses
South: Single Family Residential
East: Undeveloped and Single Family Residential
West: Single Family Residential and Water District facility

C) Planned Land Use

Subject Property: SC (Service Commercial)
North: LI/R (Light Industrial/Research)
South: ML (Medium Density Residential)
East: ML (Medium Density Residential) and SC (Service Commercial)
West: ML (Medium Density Residential) and PF (Public Facilities)

D) Existing Zoning

Subject Property: U (Undeveloped) Zone [SC (Service Commercial) General Plan Designation]
North: C-PB (Planned Business Park)
South: R-CL (Residential - Compact Lot)
East: U (Undeveloped) Zone [SC (Service Commercial) General Plan Designation] and R-CL (Residential - Compact Lot)
West: R-PD5 (Residential Planned Development – 5 Units per Acre) and C-V (Civic)

E) General Plan Compliance

The site is designated as SC (Service Commercial) on the Southwest Sector Map of the General Plan. The requested Rezoning to C-1 (Limited Commercial) and the proposed commercial development are consistent with this General Plan designation.

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

There are no special area plans, special overlay districts or study areas that affect the subject sites, although the Las Vegas Technology Park abuts the northern edge of the northern parcel.

ANALYSIS

A) Zoning Code Compliance

A1) Development Standards

The compliance of the project detailed in the companion Site Development Plan Review (SDR-2458) with the relevant Development Standards of the Zoning Code are outlined in the case report on that application.

B) General Analysis and Discussion

The C-1 (Limited Commercial) District is intended to provide most retail shopping and personal services. The proposed retail development is consistent with the uses typically found in C-1 (Limited Commercial) zoning designations.

C-1 (Limited Commercial) zoning districts should be located on the periphery of residential neighborhoods and should be confined to the intersections of primary and secondary thoroughfares along major retail corridors. This project is located along Buffalo Drive at the intersection with Smoke Ranch Road, both of which are primary thoroughfares, at the edge of an established business park. Approval is therefore recommended.

FINDINGS

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

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

The site is designated as SC (Service Commercial) on the Southeast Sector Map of the General Plan. The requested Rezoning to C-1 (Limited Commercial) is consistent with the existing SC (Service Commercial) land use designation of the General Plan.

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 retail development of the northern parcel would be compatible with the existing business park use to the north and the undeveloped parcel to the east that is designated identically to the subject site. The companion parcel is to the south, and to the west across Buffalo Drive is the Desert Shores community, which is protected by a wall.

The retail development of the southern parcel would be compatible with the single-family residential areas to the east and south of the parcel, as the proposed building has been set back from these property lines a sufficient distance to comply with Residential Adjacency Standards. Again, the companion parcel is to the north, while to the west is a Las Vegas Valley Water District facility.

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

The continuing development in this area, particularly within the Las Vegas Technology Park to the northeast of the site, demonstrates that the requested rezoning is appropriate, given proper measures to ensure design compatibility with the adjacent residential community to the south and east of the site.

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

This project is located on Buffalo Drive at the intersection with Smoke Ranch Road, both of which are identified as Primary (100-foot) Arterials on the Master Plan of Streets and Highways. These roads provide sufficient capacity for the intended development on the subject parcels.

NOTICES MAILED 190 by Planning Department

APPROVALS 0

PROTESTS 3



Case Number: ZDN-2457 APN: 138-22-101-001
Name of Property Owner: Donna F. Beam Rev. Trust
Name of Applicant: INVESTMENT EQUITY BUILDERS

Yes ~~X~~ No

City Official: _____

Partner(s): _____

APN: _____

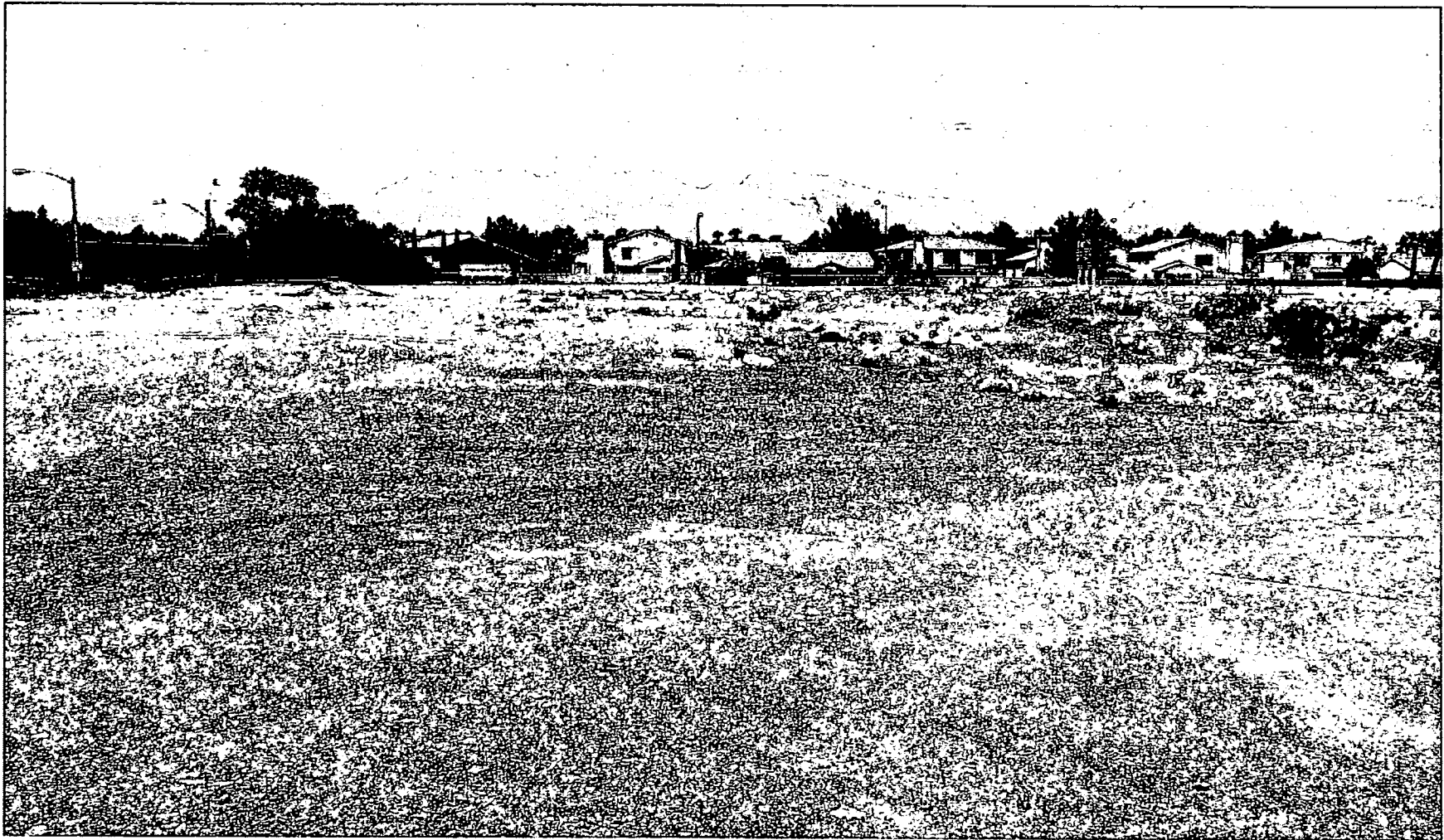
Signature of Property Owner/Authorized Agent:

Print Name:

This 17 day of May, 2023

Notary Public in and for said County and State





**ZON-2457 - DONNA F. BEAM REVOCABLE TRUST
NORTHEAST AND SOUTHEAST CORNERS OF SMIKE RANCH ROAD AND BUFFALO DRIVE
JULY 10, 2003 PLANNING COMMISSION**

6/23/03



**ZON-2457 - DONNA F. BEAM REVOCABLE TRUST
NORTHEAST AND SOUTHEAST CORNERS OF SMIKE RANCH ROAD AND BUFFALO DRIVE
JULY 10, 2003 PLANNING COMMISSION**

6/23/03

TECH RETAIL CENTER SOUTH

***TAVERN EXCLUDED**

NON-ALLOWED BUSINESSES (EXCLUDED)

Fast food/drive through (i.e., McDonald's; Burger King)
Convenience store
Tobacco Sales
Animal Hospital, Clinic or Shelter with outside pens
Horse corral or stable
Assisted living apartments
Caretaker's quarters/Domestic
Hotel, Residence
Trailer/RV Camp/Park
Child Care center
Church/House of Worship
College, University or Seminary
Convalescent Care Facility/Nursing Home
Emergency Ambulance Services, Ground
Hospice
Hospital
Library, Art Gallery or Museum (Public)
Mortuary or Funeral Chapel
Public or Private School, Primary
Public or Private School, Secondary
Rescue Mission
Withdrawal Management Facility
Social Services Provider
Auto Title Loan Business
Commercial/Amusement
Billiard Parlor or Pool Hall
Community Recreational Facility, Public
Country Club, Private
Escort Bureau
Gaming Establishment, Restricted license
Gaming Establishment, Non-restricted license
General Business-related Gaming Establishment
Golf Driving Range
Night Club
Outcall Entertainment Referral Service
Private Club, Lodge or Fraternal Organization
Public Park or Playground
Teen Dance Center
Tennis Courts
Antique/Collectible Store

Astrologer, Hypnotist, or Psychic Art and Science
Banquet Facility
Garden Supply/Plant Nursery
Liquor Establishment (Off-premise consumption)
Restaurant w/Drive-thru Service
Liquor Establishment (Tavern)
Massage Establishment
Self-Service Laundry
Open Air Vending/Transient Sales Lot
Pawn Shop
Secondhand Dealer
Service Station
Tavern-Limited Establishment
Thriftshop
Thriftshop, non-profit
Wedding Chapel
Building & Landscape Material/Lumber Yard
Building Maintenance Service & Sales
Daily Labor Service
Off Premise Advertising Sign
Auto Broker
Auto Dealer Inventory Storage
Auto Parts (Accessory Installation)
Auto Parts (New & Rebuilt)(Accessory Sales Service)
Auto Repair Garage, Minor
Auto Smog Check
Automobile Rental
Automobile Repossession Agency
Car Wash/Auto Detail
Car Wash/Self-service
Motorcycle/Motor Scooter Sales
Parking, Commercial
Recreational Vehicle and Boat Storage
Light Assembly & Fabrication
Slaughter and Processing of Live Poultry
LPG Installation 288 Gallons or less
LPG Installation 288 Gallons or more
Mini-warehouse
Electric Utility Substation
Helipad
Monorail
Utility Installation, Other than Listed
Utility Transmission Lines
Radio, TV, Microwave Communication Tower
Check Cashing/Payday Loan Business

TECH RETAIL CENTER NORTH

***TAVERN INCLUDED**

NON-ALLOWED BUSINESSES (EXCLUDED)

Fast food/drive through (i.e., McDonald's; Burger King)
Convenience store
Tobacco Sales
Animal Hospital, Clinic or Shelter with outside pens
Horse corral or stable
Assisted living apartments
Caretaker's quarters/Domestic
Hotel, Residence
Trailer/RV Camp/Park
Child Care center
Church/House of Worship
College, University or Seminary
Convalescent Care Facility/Nursing Home
Emergency Ambulance Services, Ground
Hospice
Hospital
Library, Art Gallery or Museum (Public)
Mortuary or Funeral Chapel
Public or Private School, Primary
Public or Private School, Secondary
Rescue Mission
Withdrawal Management Facility
Social Service Provider
Auto Title Loan
Commercial/Amusement
Billiard Parlor or Pool Hall
Community Recreational Facility, Public
Country Club, Private
Escort Bureau
Gaming Establishment, Non-restricted license
General Business-related Gaming Establishment
Golf Driving Range
Night Club
Outcall Entertainment Referral Service
Private Club, Lodge or Fraternal Organization
Public Park or Playground
Teen Dance Center
Tennis Courts
Antique/Collectible Store
Astrologer, Hypnotist, or Psychic Art and Science

Banquet Facility
Garden Supply/Plant Nursery
Liquor Establishment (Off-premise consumption)
Restaurant w/Drive-thru Service
Massage Establishment
Open Air Vending/Transient Sales Lot
Pawn Shop
Secondhand Dealer
Service Station
Self-Service Laundry
Thriftshop
Thriftshop, non-profit
Wedding Chapel
Building & Landscape Material/Lumber Yard
Building Maintenance Service & Sales
Daily Labor Service
Off Premise Advertising Sign
Auto Broker
Auto Dealer Inventory Storage
Auto Parts (Accessory Installation)
Auto Parts (New & Rebuilt)(Accessory Sales Service)
Auto Repair Garage, Minor
Auto Smog Check
Automobile Rental
Automobile Repossession Agency
Car Wash/Auto Detail
Car Wash/Self-service
Motorcycle/Motor Scooter Sales
Parking, Commercial
Recreational Vehicle and Boat Storage
Light Assembly & Fabrication
Slaughter and Processing of Live Poultry
LPG Installation 288 Gallons or less
LPG Installation 288 Gallons or more
Mini-warehouse
Electric Utility Substation
Helipad
Monorail
Utility Installation, Other than Listed
Utility Transmission Lines
Radio, TV, Microwave Communication Tower
Check Cashing/Payday Loan Business

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: MAY 5, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☐

CONSENT

☒

DISCUSSION

SUBJECT:

SPECIAL USE PERMIT RELATED TO ZON-2457 - PUBLIC HEARING - SUP-3896 - APPLICANT: INVESTMENT EQUITY BUILDERS - OWNER: DONNA F. BEAM REVOCABLE TRUST - Request for a Special Use Permit FOR A LIQUOR ESTABLISHMENT (TAVERN) AND A WAIVER FROM THE 1,500 FOOT DISTANCE SEPARATION REQUIREMENT FROM AN EXISTING SCHOOL, CHURCH, AND CITY PARK adjacent to the northeast corner of Smoke Ranch Road and Buffalo Drive (APN: 138-15-402-001), U (Undeveloped) Zone [SC (Service Commercial) General Plan Designation] [PROPOSED: C-1 (Limited Commercial)], Ward 4 (Brown). Staff recommends DENIAL. The Planning Commission (5-0-2 vote) recommends APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

26

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

11

RECOMMENDATION:

Staff recommends DENIAL. The Planning Commission (5-0-2 vote) recommends APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

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

MOTION:

BROWN – APPROVED subject to conditions and the following added conditions:

- *The 24-hour operation shall be reviewed in one year by the City Council.*
- *The Special Use Permit shall be for the proposed use only. If any changes are made to the proposed use, then the Special Use Permit will void and a new Special Use Permit will be required.*

– UNANIMOUS with GOODMAN excused and Ward 2 seat vacant

MINUTES:

NOTE: See Item 109 [ZON-2457] for all related discussion.

(2:32 – 3:21)

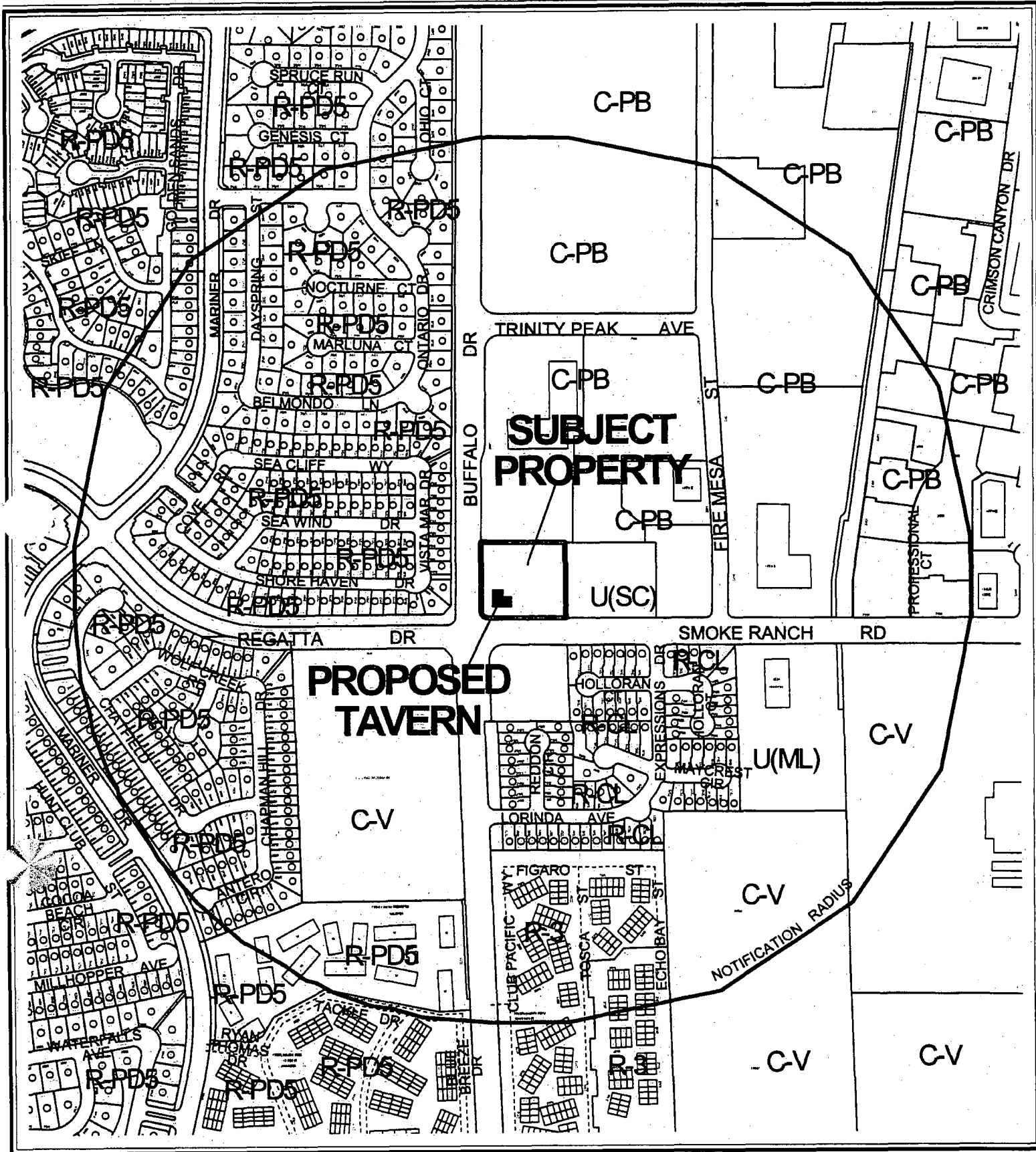
4-2547/5-1

CITY COUNCIL MEETING OF MAY 5, 2004
Planning and Development Department
Item 110 – SUP-3896

CONDITIONS:

Planning and Development

1. Conformance to all Minimum Requirements under Title 19.04.050 for a Liquor Establishment (Tavern).
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. Approval of a subsequent Rezoning (ZON-2457) and Site Development Plan Review (SDR-2458) by the Planning Commission and City Council.
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.



CASE: SUP-3896

RADIUS: 1500 FT

ZONING OF SUBJECT PROPERTY:

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

ZONING OF SUBJECT PROPERTY:

C-1 (LIMITED COMMERCIAL)

0 300 600 Feet

110





CASE: SUP-3896

RADIUS: 1500 FT

ZONING OF SUBJECT PROPERTY:

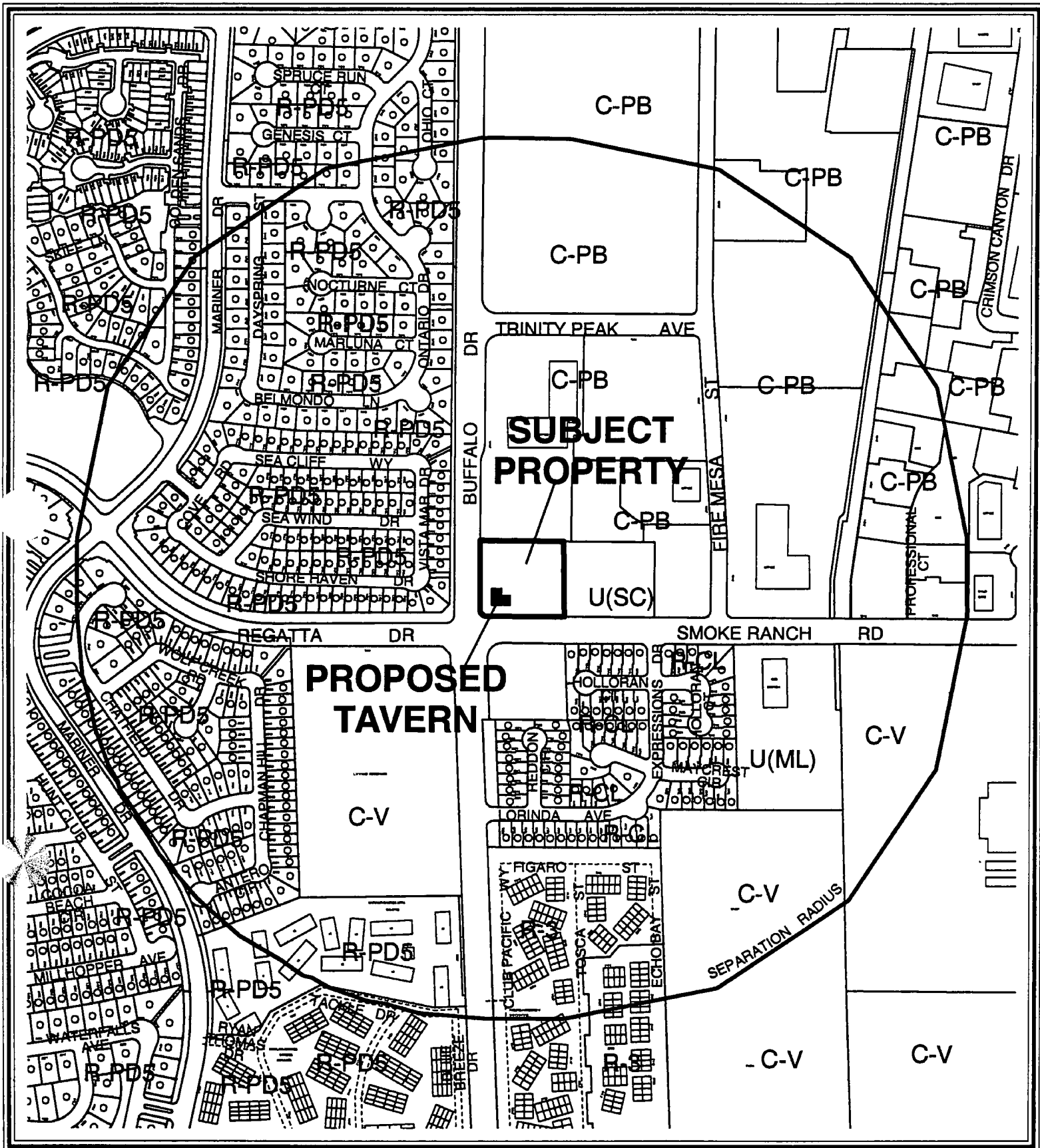
U (UNDEVELOPED) ZONE [SC (SERVICE COMMERCIAL) GENERAL PLAN DESIGNATION]

ZONING OF SUBJECT PROPERTY:

C-1 (LIMITED COMMERCIAL)

0 300 600 Feet





CASE: SUP-3896

SEPARATION RADIUS: 1500 FT

ZONING OF SUBJECT PROPERTY:

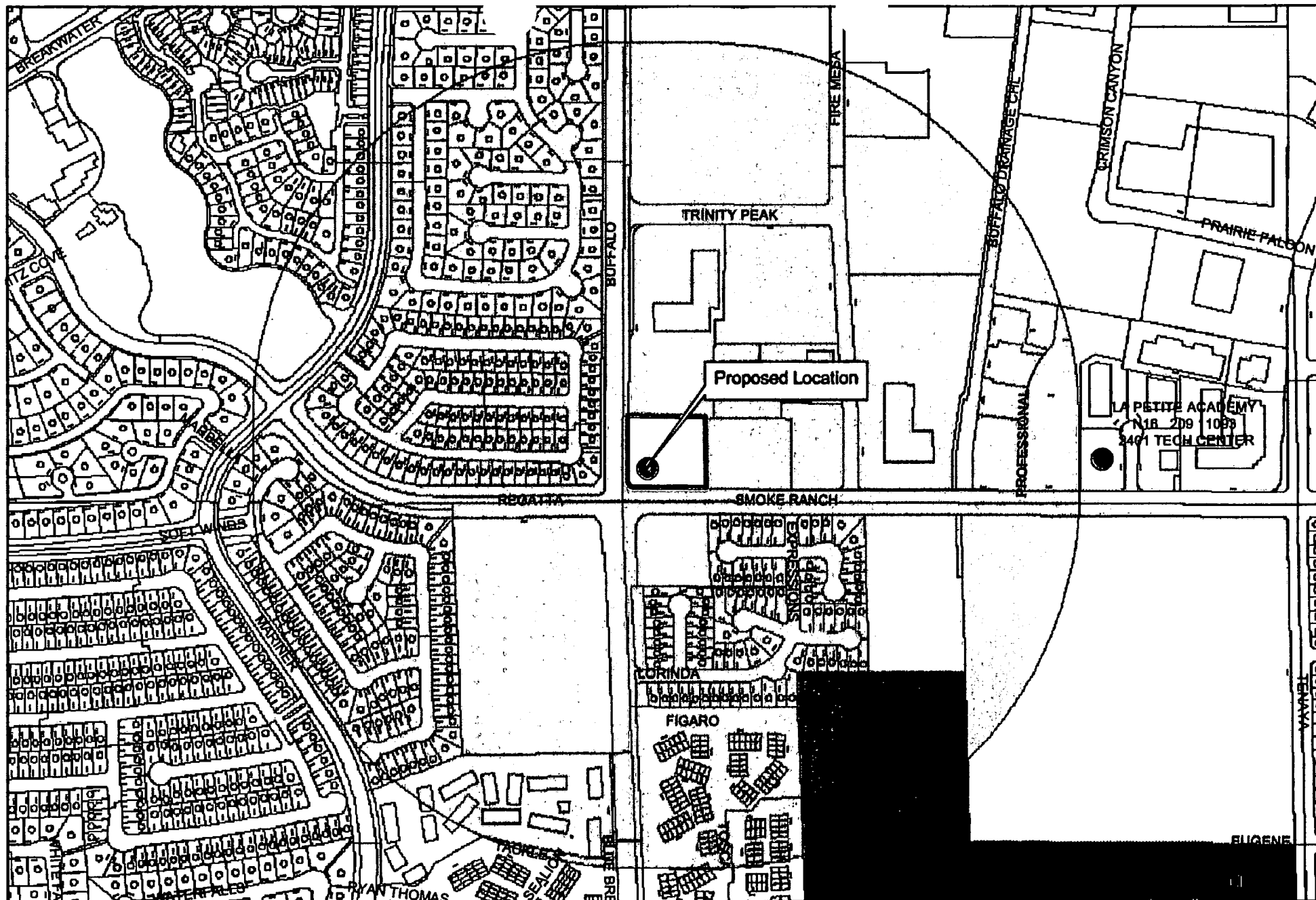
U (UNDEVELOPED) ZONE [SC (SERVICE COMMERCIAL) GENERAL PLAN DESIGNATION]

ZONING OF SUBJECT PROPERTY:

C-1 (LIMITED COMMERCIAL)

0 300 600 Feet





SUP-3896

Protected Landuses

 Parks	 Taverns
 Schools	 Religious

Business Licenses

- | |
|--|
|  Tavern |
|  Child Care/
Children Facility |

 Subject Property

 1500 foot buffer

0 370 740 1,480 Feet



AGENDA MEMO

CITY COUNCIL MEETING DATE: MAY 5, 2004
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: SUP-3896 - APPLICANT: INVESTMENT EQUITY BUILDERS -
OWNER: DONNA F. BEAM REVOCABLE TRUST

THIS ITEM WAS HELD IN ABEYANCE FROM THE APRIL 21, 2004 CITY COUNCIL MEETING AT THE COUNCILMAN'S REQUEST.

**** CONDITIONS ****

Staff recommends DENIAL. The Planning Commission (5-0-2 vote) recommends APPROVAL, subject to:

Planning and Development

1. Conformance to all Minimum Requirements under Title 19.04.050 for a Liquor Establishment (Tavern).
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. Approval of a subsequent Rezoning (ZON-2457) and Site Development Plan Review (SDR-2458) by the Planning Commission and City Council.
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.

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

This is a request for a Special Use Permit to allow a Liquor Establishment (Tavern) and a waiver of the 1,500-foot minimum distance requirements from a Church, City Park and a school, on a 2.08-acre site located at the Northeast corner of the intersection of Buffalo Drive and Smoke Ranch Road. The subject application will be affected by companion items, ZON-2457 and SDR-2458, which are to be considered by City Council on the 04/21/04.

B) Applicant's Justification

The proposed single story commercial complex, in which the Tavern is a part, is compatible with the existing uses of similar localities. The school is within the 1,500-foot required separation but is separated by the 100-foot right-of-way of Smoke Ranch Road.

BACKGROUND INFORMATION

A) Previous Actions

- 10/03/84 The City Council approved a petition (A-0015-84) to annex 985 acres of land, including the subject parcels. The effective date was October 12, 1984.
- 05/10/99 The City Council accepted a request to withdraw without prejudice a request for Rezoning (Z-0006-99) from U (Undeveloped) Zone [SC (Service Commercial) General Plan Designation] to C-1 (Limited Commercial) on a site located at the northeast corner of Buffalo Drive and Smoke Ranch Road. The Planning Commission and staff recommended denial on March 11, 1999.
- 05/10/99 The City Council accepted a request to withdraw without prejudice a request for two Special Use Permits (U-0010-99 and U-0011-99) located at the northeast corner of Buffalo Drive and Smoke Ranch Road for the Off-Premise Sale of Beer and Wine and for a proposed Minor Auto Repair facility, Full Service Car Wash and Gasoline Sales in conjunction with a proposed Convenience Store/Car Wash. The Planning Commission and staff recommended denial of both applications on March 11, 1999.
- 07/10/03 The Planning Commission recommended approval of a related Rezoning (ZON-2457) and Site Development Plan Review (SDR-2458).
- 01/07/04 The City Council voted to hold the related items in abeyance until this Special Use Permit was applied for so that they may all be heard together.
- 03/25/04 The Planning Commission voted 5-0-2 to recommend APPROVAL (PC Agenda Item #36/pl).

B) Pre-Application Meeting

01/20/04 At the pre-application conference, definitions and requirements for supper clubs, restaurant service bars and taverns were discussed. The applicant decided to apply for a tavern with waivers of the distance requirements. The applicant has also supplied a letter from a licensed surveyor stating the distance from the proposed site to an existing childcare facility is greater than 1500 feet. DEVCO comments were addressed in ZON-2457 and SDR-2458.

C) Neighborhood Meetings

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

DETAILS OF APPLICATION REQUEST

A) Site Area

Gross Acres: 2.08

B) Existing Land Use

Subject Property: Undeveloped
North: Business Park uses
South: Undeveloped and Single Family Residential
East: Undeveloped
West: Single Family Residential and Water District facility

C) Planned Land Use

Subject Property: SC (Service Commercial)
North: LI/R (Light Industrial/Research)
South: SC (Service Commercial) and ML (Medium Density Residential)
East: SC (Service Commercial)
West: ML (Medium Density Residential) and PF (Public Facilities)

D) Existing Zoning

Subject Property: U (Undeveloped) Zone [SC (Service Commercial) General Plan Designation]
North: C-PB (Planned Business Park)
South: U (Undeveloped) Zone [SC (Service Commercial) General Plan Designation] and R-CL (Residential - Compact Lot)
East: U (Undeveloped) Zone [SC (Service Commercial) General Plan Designation]
West: R-PD5 (Residential Planned Development – 5 Units per Acre) and C-V (Civic)

E) General Plan Compliance

The site is designated as SC (Service Commercial) on the Southwest Sector Map of the General Plan. The requested Rezoning to C-1 (Limited Commercial) and the proposed commercial development/use are consistent with this General Plan designation.

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

There are no special area plans, special overlay districts or study areas that affect the subject sites, although the Las Vegas Technology Park abuts the northern edge of the northern parcel.

ANALYSIS

A) Zoning Code Compliance

A1) Minimum Distance Separation Requirements

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

Standards	Code Requirement	Provided
Liquor Establishment (Tavern)	1,500 from any church, synagogue, school, child care facility licensed for more than 12 children, or City Park *1,500 feet from any church, synagogue, school, child care facility licensed for more than 12 children, or City Park and any other liquor establishment (tavern) and can request a waiver if separated from the existing use by a street with a minimum right-of-way width of 100 feet	City Park (Bettye Wilson Soccer Complex) located approximately 805 feet away. School (Cimarron Memorial High School) located approximately 1,035 feet away. Church located approximately 638 feet away. *Meets standard for City Park, School and Church.

B) General Analysis and Discussion

- **Zoning**

A Liquor Establishment (Tavern) is permitted in the C-1 (Limited Commercial) zone with approval of a Special Use Permit.

- Use

Title 19.20.020 defines a Liquor Establishment (Tavern) as a facility which sells alcoholic beverages for consumption on the premises where the same are sold and authorizes the sale, to consumers only and not for resale, of alcoholic beverages in original sealed or corked containers, for consumption off the premises where the same are sold.

- Waiver

- (5) The distance separation requirement set forth in Paragraph (1) may be waived in accordance with the provisions of Subsection 19.04.050(A) (4), but only in connection with a proposed liquor establishment (tavern) that:
- (a) Will be located on a parcel within a C-V (Civic) District or the Downtown Casino Overlay District;
 - (b) Will be located on a parcel or within a building that, pursuant to State law or City ordinance, has been designated as an historic property, historic building, or land mark; or
 - (c) *Will be separated from the existing use by a street or highway with a minimum right-of-way width of one hundred feet.*

The following protected uses are located within 1,500 feet of the proposed use:

City Park (Bettye Wilson Soccer Complex) - 7353 Eugene Avenue
School (Cimarron Memorial High School) - 2301 N Tenaya Way
Church - 7401 Smoke Ranch Road

The proposed tavern location will be separated from the above mentioned protected uses by Smoke Rand Road, a right of way 100 feet or greater in width.

The amount of waivers requested for this site is considerable. In addition the proposed site is located in an area predominately populated by protected uses, i.e. the existence of City Parks to the north and south, as well as a number of schools (both high schools and elementary schools) located within the general area. Therefore, it is the position the Department to not support this application.

- Conditions

Listed are the applicable conditions as listed in Title 19.04.050 for a Liquor establishment (tavern):

- (1) Pursuant to its general authority to regulate the sale of alcoholic beverages, the City Council declares that the public health, safety and general welfare of the City are best promoted and protected by generally requiring both a minimum separation between liquor establishments (tavern), and a minimum separation between a liquor establishment (tavern) and certain other uses that should be protected from the impacts associated with a liquor establishment (tavern). Therefore, except as otherwise provided below, no liquor establishment (tavern) may be located within fifteen hundred feet of any other liquor establishment (tavern), church, synagogue, school, child care facility licensed for more than twelve children, or City park.

- (2) The distance separation referred to in Paragraph (1) shall be measured with reference to the shortest distance between two property lines, one being the property line of the proposed liquor establishment (tavern) 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 (tavern). The distance shall be measured in a straight line without regard to intervening obstacles.
- (3) For the purpose of Paragraph (2), and for that purpose only:
 - (a) The "property line" of a protected use refers to the property line of a fee interest parcel that has been created by an approved and recorded parcel map or subdivision map, and does not include the property line of a leasehold parcel; and
 - (b) The "property line" of a liquor establishment (tavern) refers to:
 - (i) The property line of a parcel that has been created by an approved and recorded parcel map or commercial subdivision map; or...
- (4) The distance separation requirement set forth in Paragraph (1) does not apply to an establishment which has a non-restricted gaming license in connection with a hotel having two hundred or more guest rooms on or before July 1, 1992, or in connection with a resort hotel having in excess of two hundred guest rooms after July 1, 1992.
- (5) The distance separation requirement set forth in Paragraph (1) may be waived in accordance with the provisions of Subsection 19.04.050(A)(4), but only in connection with a proposed liquor establishment (tavern) that:
 - (a) Will be located on a parcel within the C-V District or the Downtown Casino Overlay District;
 - (b) Will be located on a parcel or within a building that, pursuant to State law or City ordinance, has been designated as historic property, historic building, or landmark; or
 - (c) Will be separated from the existing use by a street or highway with a minimum right-of-way width of one hundred feet.
- (6) The use shall conform to the provisions of LVMC Chapter 6.50.

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."**

While the use is permitted the C-1 (Limited Commercial) zoning district as a special use, the proposal cannot be operated in a manner harmonious and compatible with the surrounding area, since it does not meet the 1,500 distance separation standards of the Code.

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

The subject site is physically suitable for the proposed 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.”**

This project is located on Buffalo Drive at the intersection with Smoke Ranch Road, both of which are identified as Primary (100-foot) Arterials on the Master Plan of Streets and Highways. These roads provide sufficient capacity for the intended development on the subject parcels.

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.”**

Approval of this request would not be consistent with the standards of Title 19. If the request is approved, it would be subject to other Codes to ensure health, safety and public welfare.

PLANNING COMMISSION ACTION

There was one speaker in opposition to the project at the Planning Commission hearing. The Planning Commission requested agreements to be completed prior to and provided to the City Council which would prove neighborhood compatibility.

NOTICES MAILED 534 By City Clerk

APPROVALS 11

PROTESTS 26



PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **SUP-3896** APN: **13B-15-402-001**

Name of Property Owner: Donna F. Beam Rev. Trust

Name of Applicant: INVESTMENT EQUITY BUILDERS

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: Donna F. Beane

Print Name: Donna F. Beam

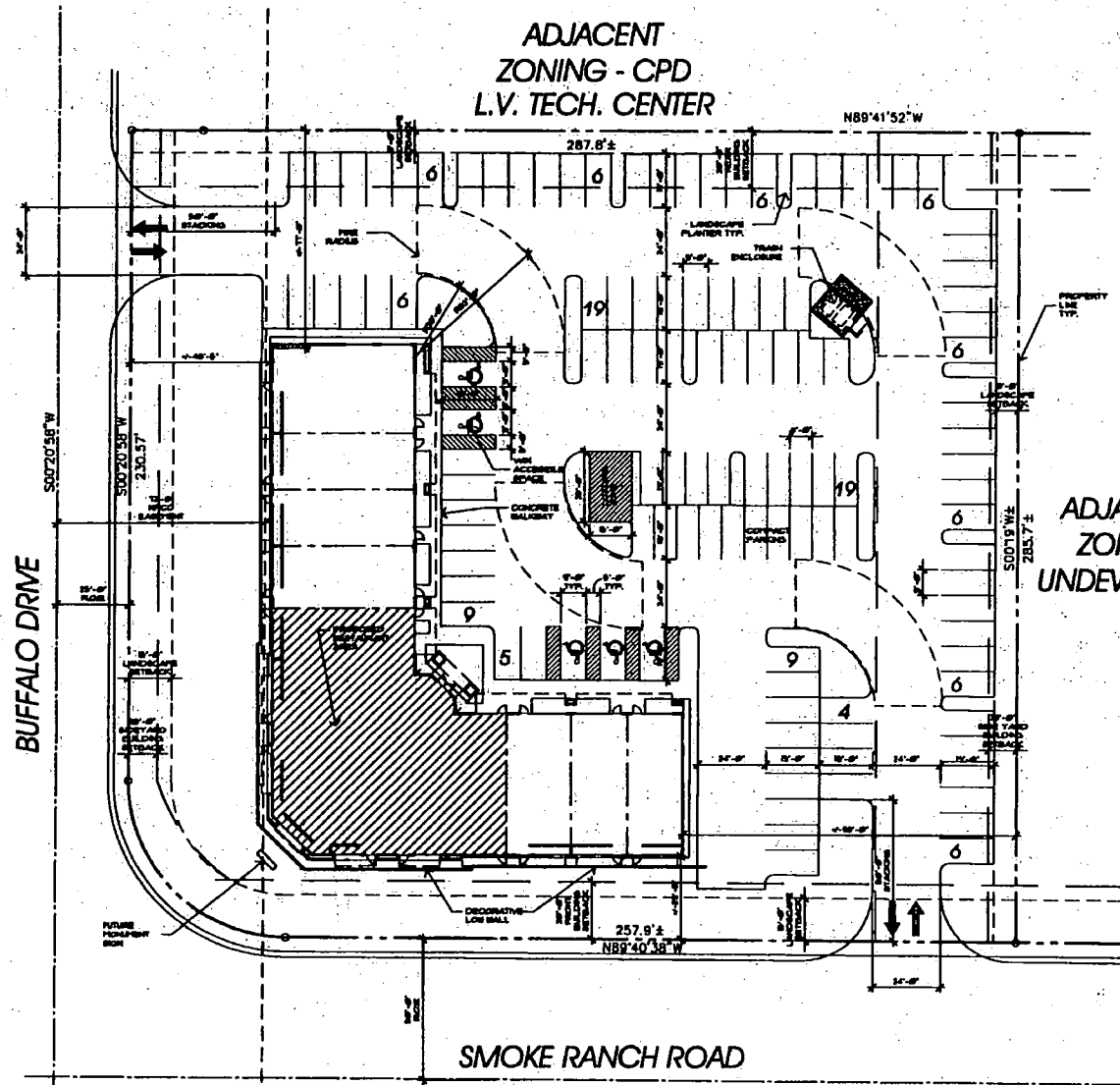
Subscribed and sworn before me

This 9 day of February, 2004

Alfred R. [Signature]
Notary Public in and for said County and State



ADJACENT
ZONING - CPD
L.V. TECH. CENTER



Site Data

ASSESSOR'S PARCEL NUMBER (APN) 138-15-003-001
CURRENT ZONING U
PROPOSED ZONING C-1

PARCEL AREA
SITE GROSS +/- 2.04 ACRES GROSS 88,746 S.F.
BUILDING AREA GROSS +/- 14,000 S.F.

BUILDING SITE COVERAGE 17 PERCENT

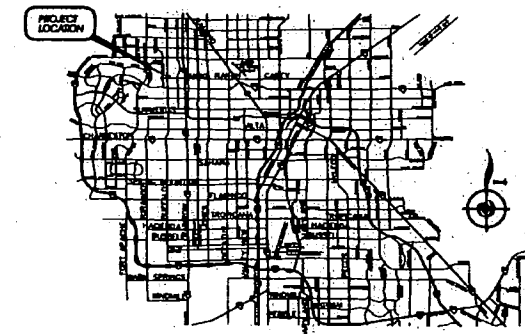
PARKING REQUIRED
RESTAURANT 3,498 SF (PUBLIC) 1/50 S.F. 50 SPACES
REMAINING RESTAURANT 3,630 SF 1/200 S.F. 18 SPACES
REMAINING RETAIL 7,872 SF 1/175 S.F. 45 SPACES
TOTAL PARKING REQUIRED 113 SPACES

PROVIDED 8.5/1000 S.F. 119 SPACES

Owner / Developer

INVESTMENT EQUITY BUILDERS
4540 S. DECATUR, SUITE 200
LAS VEGAS, NEVADA 89103
DAVID L. INMAN (702) 871-4545

Vicinity Map



Site Plan

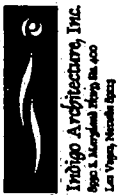
Scale: 1" = 50'-0"

Tech Retail Center I

Schematic Design

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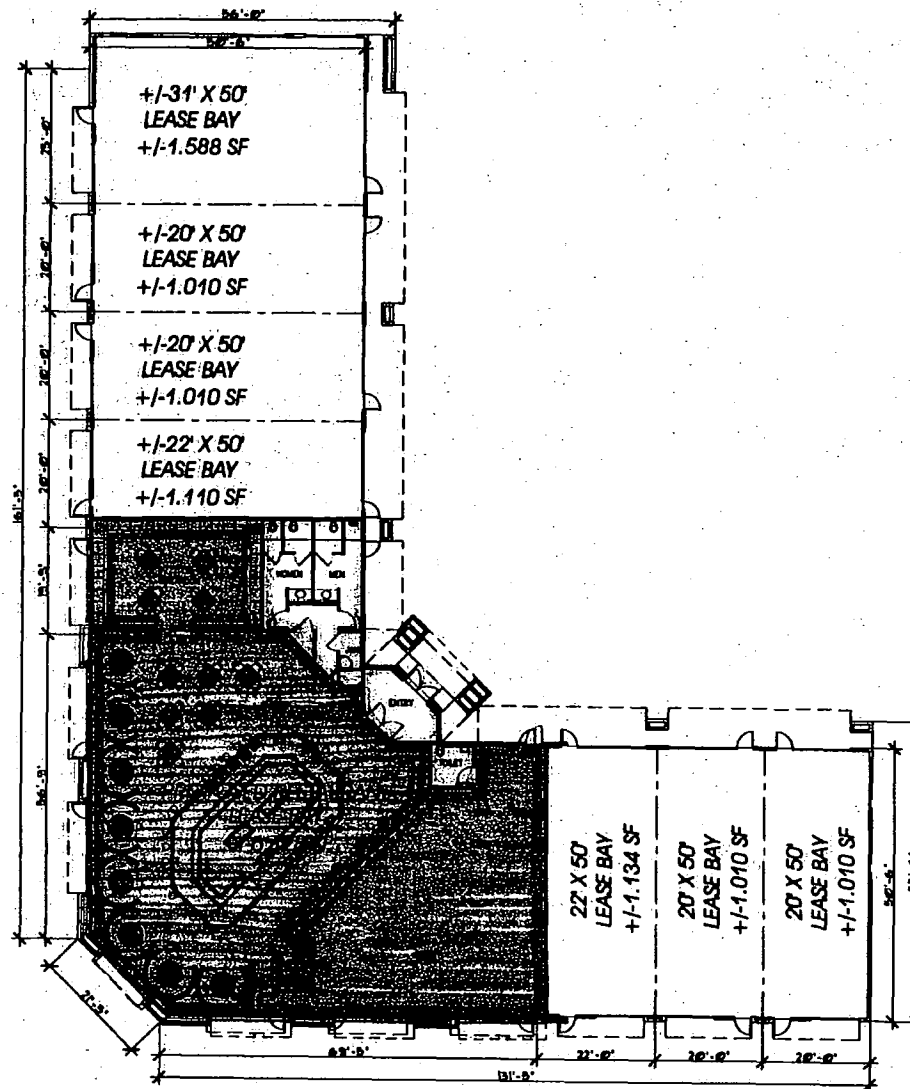
SUP-3896
3-25-04 PC



(702) 496-2772

Note: This plan is Conceptual in Nature and
No Guarantee of its accuracy is implied.

Las Vegas, Nevada



Area Calcs

KITCHEN	1000 S.F.
BAR	1000 S.F.
RESTAURANT	2800 S.F.
ENTRY/RESTROOMS	648 S.F.
TOTAL	6128 S.F.

Seating

RESTAURANT	88
BAR	42
TOTAL	130

Floor Plan

14,000 Gross SF

Scale: 1/32" = 1'-0"



Becker Steakhouse

February 9, 2004

Schematic Design

Las Vegas, Nevada

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SUP-3896
3-25-04 PC

Note: This plan is Conceptual in Nature and
No Guarantee of its accuracy is implied.

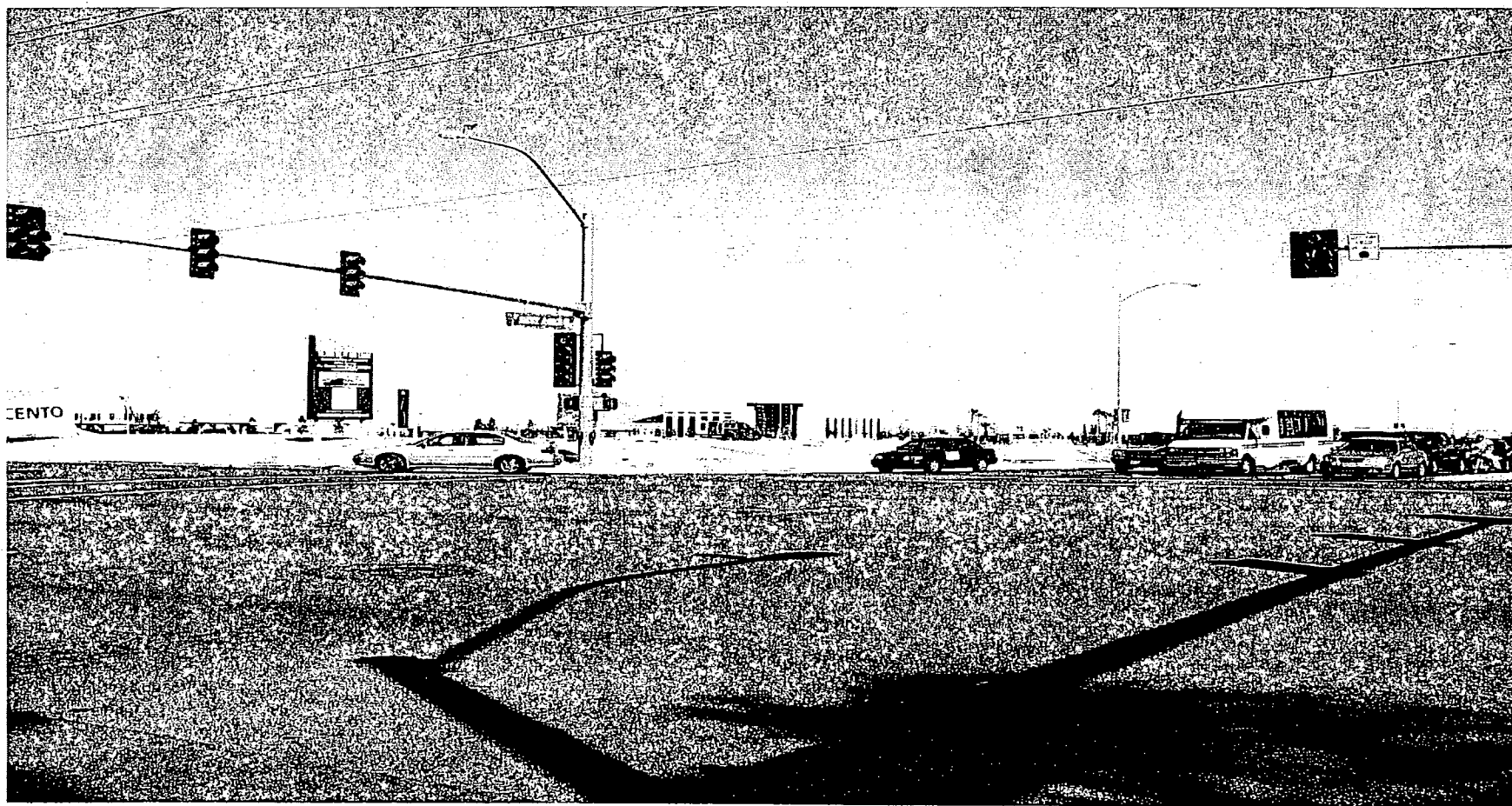


SUP-3896 - APPLICANT: INVESTMENT EQUITY BUILDERS - OWNER: DONNA F. BEAM REVOCABLE TRUST

NORTHEAST CORNER OF SMOKE RANCH ROAD AND BUFFALO DRIVE

MARCH 25, 2004 PLANNING COMMISSION

3/4/04



SUP-3896 - APPLICANT: INVESTMENT EQUITY BUILDERS - OWNER: DONNA F. BEAM REVOCABLE TRUST
NORTHEAST CORNER OF SMOKE RANCH ROAD AND BUFFALO DRIVE
MARCH 25, 2004 PLANNING COMMISSION

3/4/04

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: MAY 5, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☐

CONSENT

☒

DISCUSSION

SUBJECT:

ABEYANCE ITEM - SITE DEVELOPMENT PLAN REVIEW RELATED TO ZON-2457 AND SUP-3896 - PUBLIC HEARING - SDR-2458 - DONNA F. BEAM REVOCABLE TRUST - Request for a Site Development Plan Review FOR TWO PROPOSED COMMERCIAL BUILDINGS on 3.88 acres adjacent to the northeast and southeast corners of Smoke Ranch Road and Buffalo Drive (APN: 138-15-402-001 and 138-22-101-001) U (Undeveloped) Zone [SC (Service Commercial) General Plan Designation] [PROPOSED: C-1 (Limited Commercial) Zone], Ward 4 (Brown). The Planning Commission (4-2 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 (4-2 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 and the following added conditions:

- *Signs facing externally on the north parcel shall be backlit, block letters and of all similar style. Any kind of corporate identification or other traditional signage would be interior to the parking lot with the façade facing Buffalo Drive and Smoke Ranch Road consistent with the Tech Park signage.*
- *There shall be no pole signage.*
- *There shall be no neon signs in the north and south side windows facing Buffalo Drive and Smoke Ranch Road.*
- *Any signage on the inside units must be shut off once the business closes.*
- *A pony wall shall be allowed on the north and east parts with access for the abutting properties.*
- *On the south side signs facing externally shall be backlit, of similar style, and no pole signage is allowed.*

CITY COUNCIL MEETING OF MAY 5, 2004
Planning and Development Department
Item 111 – SDR-2458

MOTION – Continued:

- *Any kind of signage internal facing the parking lot shall be shut off when the business closes.*
- *On the eastern wall, the applicant shall work with staff to design a wall that is tiered so that the impact of the height can be mitigated.*

– UNANIMOUS with GOODMAN excused and Ward 2 seat vacant

MINUTES:

NOTE: See Item 109 [ZON-2457] for all related discussion.

(2:32 – 3:21)

4-2547/5-1

CONDITIONS:

Planning and Development

1. A Rezoning [ZON-2457] to a C-1 (Limited Commercial) Zoning District approved by the City Council.
2. This Site Development Plan Review shall expire two years from date of final approval unless it is exercised or an Extension of Time is granted by the City Council.
3. 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 building permit, to reflect access aisles on both sides of all handicap spaces, in accordance with Title 19.10.G.3.a.
5. 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.
6. The landscape plan shall be revised and approved by Planning and Development Department staff, prior to the time application is made for a building permit, to reflect minimum 24-inch box trees planted a maximum of 20 feet on-center where fronting on to streets or adjacent to residential areas and 30 feet on-center for other perimeters and a minimum of four five-gallon shrubs for each tree within provided planters.

CITY COUNCIL MEETING OF MAY 5, 2004
Planning and Development Department
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CONDITIONS – Continued:

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

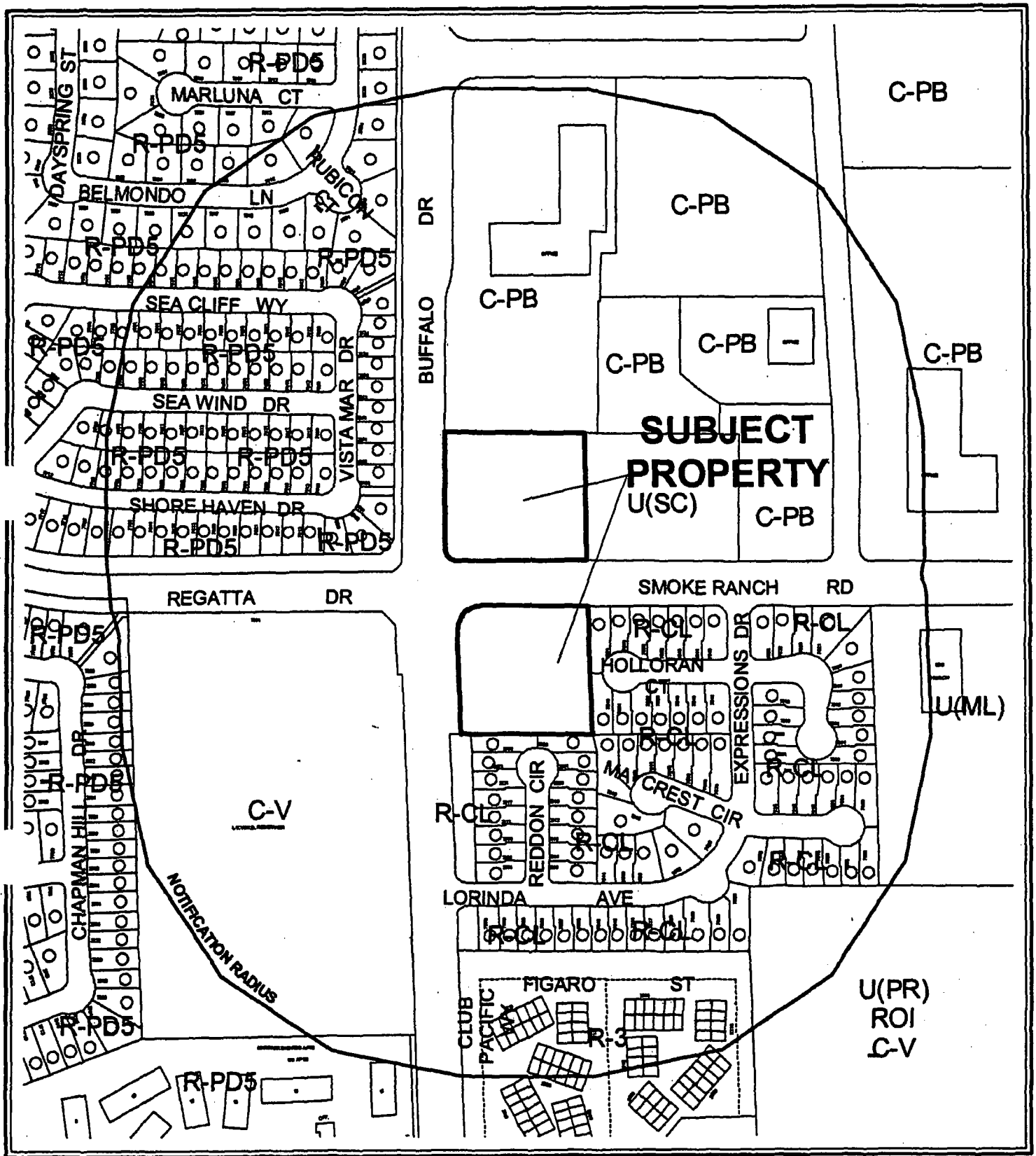
Public Works

15. Meet with the Traffic Engineering Representative in Land Development for assistance in the possible redesign of the proposed driveway access, on site circulation and parking lot layout for both parcels comprising this overall site prior to the submittal of any construction plans or the issuance of any permits, whichever may occur first. Driveways shall be designed, located and constructed in accordance with Standard Drawing #222A.

CITY COUNCIL MEETING OF MAY 5, 2004
Planning and Development Department
Item 111 – SDR-2458

CONDITIONS – Continued:

16. Site development to comply with all applicable conditions of approval for Zoning Reclassification ZON-2457 and all other subsequent site-related actions.



CASE: SDR-2458

RADIUS: 750 FT

**ZONING OF SUBJECT PROPERTY: U (UNDEVELOPED) [SC (SERVICE COMMERCIAL)
GENERAL PLAN DESIGNATION]**

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

0 200 400 Feet

111



AGENDA MEMO

CITY COUNCIL MEETING DATE: MAY 5, 2004
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: ABEYANCE ITEM - SDR-2458 - DONNA F. BEAM
REVOCABLE TRUST

THIS ITEM WAS HELD IN ABEYANCE FROM THE APRIL 21, 2004 CITY COUNCIL MEETING AT THE COUNCILMAN'S REQUEST.

**** CONDITIONS ****

The Planning Commission (4-2 vote) and staff recommend APPROVAL, subject to:

Planning and Development

1. A Rezoning [ZON-2457] to a C-1 (Limited Commercial) Zoning District approved by the City Council.
2. This Site Development Plan Review shall expire two years from date of final approval unless it is exercised or an Extension of Time is granted by the City Council.
3. 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 building permit, to reflect access aisles on both sides of all handicap spaces, in accordance with Title 19.10.G.3.a.
5. 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.
6. The landscape plan shall be revised and approved by Planning and Development Department staff, prior to the time application is made for a building permit, to reflect minimum 24-inch box trees planted a maximum of 20 feet on-center where fronting on to streets or adjacent to residential areas and 30 feet on-center for other perimeters and a minimum of four five-gallon shrubs for each tree within provided planters.
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 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. All City Code requirements and design standards of all City departments must be satisfied.

Public Works

15. Meet with the Traffic Engineering Representative in Land Development for assistance in the possible redesign of the proposed driveway access, on site circulation and parking lot layout for both parcels comprising this overall site prior to the submittal of any construction plans or the issuance of any permits, whichever may occur first. Driveways shall be designed, located and constructed in accordance with Standard Drawing #222A.
16. Site development to comply with all applicable conditions of approval for Zoning Reclassification ZON-2457 and all other subsequent site-related actions.

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

This request is for approval of a Site Development Plan Review to allow two 15,300 square-foot retail buildings, one on each of two parcels, on 3.88 acres adjacent to the northeast and southeast corners of Smoke Ranch Road and Buffalo Drive. A companion Rezoning (ZON-2457) from U (Undeveloped) Zone [SC (Service Commercial) General Plan Designation] to C-1 (Limited Commercial) on the subject property will be reviewed concurrently by Planning Commission.

B) Applicant's Justification

The applicant has justified the request by stating that the proposed one-story projects are compatible with adjacent residential and business park uses, and will be in conformance with the proposed zoning and existing General Plan designation on the two sites.

BACKGROUND INFORMATION

A) Previous Actions

10/03/84	The City Council approved a petition (A-0015-84) to annex 985 acres of land, including the subject parcels. The effective date was 10/12/84.
05/10/99	The City Council accepted a request to withdraw without prejudice a request for Rezoning (Z-0006-99) from U (Undeveloped) Zone [SC (Service Commercial) General Plan Designation] to C-1 (Limited Commercial) on a site located at the northeast corner of Buffalo Drive and Smoke Ranch Road. The Planning Commission recommended denial on 03/11/99.
05/10/99	The City Council accepted a request to withdraw without prejudice a request for two Special Use Permits (U-0010-99 and U-0011-99) located at the northeast corner of Buffalo Drive and Smoke Ranch Road for the Off-Premise Sale of Beer and Wine and for a proposed Minor Auto Repair facility, Full Service Car Wash and Gasoline Sales in conjunction with a proposed Convenience Store/Car Wash. The Planning Commission recommended denial of both applications on 03/11/99.
07/10/03	The Planning Commission recommended approval of a companion request for a Rezoning (ZON-2457) from U (Undeveloped) Zone [SC (Service Commercial) General Plan Designation] to C-1 (Limited Commercial) on the subject site.
07/10/03	The Planning Commission voted 4-2 to recommend APPROVAL (PC Agenda Item #38).
03/25/04	The Planning Commission recommended approval of a related Special Use Permit (SUP-3896).

B) *Pre-Application Meeting*

A pre-application meeting was held on 05/12/03. At that meeting, the development parameters of the application were reviewed to determine that no waivers to Code standards would be required. A number of requirements from the Public Works department were also identified, including ensuring that drive entrances lined up across from each other on Smoke Ranch Road, and that drainage and traffic analyses were required. The applicant was also advised to indicated on-site signage on the site plan.

C) *Neighborhood Meetings*

A neighborhood meeting is not required as part of a Site Development Plan Review application.

DETAILS OF APPLICATION REQUEST

A) *Site Area*

Gross Acres: 3.88

B) *Existing Land Use*

Subject Property: Undeveloped
North: Business Park uses
South: Single Family Residential
East: Undeveloped and Single Family Residential
West: Single Family Residential and Water District facility

C) *Planned Land Use*

Subject Property: SC (Service Commercial)
North: LI/R (Light Industrial/Research)
South: ML (Medium Density Residential)
East: ML (Medium Density Residential) and SC (Service Commercial)
West: ML (Medium Density Residential) and PF (Public Facilities)

D) *Existing Zoning*

Subject Property: U (Undeveloped) Zone [SC (Service Commercial) General Plan Designation]
North: C-PB (Planned Business Park)
South: R-CL (Residential - Compact Lot)
East: U (Undeveloped) Zone [SC (Service Commercial) General Plan Designation] and R-CL (Residential - Compact Lot)
West: R-PD5 (Residential Planned Development – 5 Units per Acre) and C-V (Civic)

E) *General Plan Compliance*

The site is designated as SC (Service Commercial) on the Southwest Sector Map of the General Plan. The requested Rezoning to C-1 (Limited Commercial) and the proposed commercial development are consistent with this General Plan designation.

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

There are no special area plans, special overlay districts or study areas that affect the subject sites, although the Las Vegas Technology Park abuts the northern edge of the northern parcel.

PROJECT DESCRIPTION

The proposal calls for a one-story, 15,300 square-foot retail/restaurant building on each of the two parcels that comprise the subject site (total space will be 30,600 square feet). The 3.88-acre site is comprised of a 1.88-acre parcel on the southeast corner of Smoke Ranch Road and Buffalo Drive and a 2.0-acre parcel on the northeast corner of the intersection. Each building is designed in an "L" shape to provide building exposure to the two adjacent streets. The parking area for each building is located to the rear.

The site plan indicates one entrance to each parcel from Buffalo Drive and from Smoke Ranch Road. The project contains 222 surface parking spaces, 107 spaces on the south parcel and 115 spaces on the northern parcel. Depending on the blend of uses, the parking provided should be adequate to support a predominantly retail development with a restaurant on each parcel. The site plan does not fully meet Zoning Code requirements with respect to perimeter buffering and landscaping; a condition of approval will require these standards to be met prior to issuance of building permits.

ANALYSIS

A) Zoning Code Compliance

A1) Development Standards

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

Standards C-1 District	Required	Provided	Compliance
Min. Lot Width	100 Feet	285 Feet	Y
Min. Setbacks			
• Front	20 Feet	27 Feet	Y
• Side	10 Feet	76 Feet	Y
• Corner	15 Feet	17 Feet	Y
• Rear	20 Feet	78 Feet	Y

Max. Lot Coverage	50 %	18 %	Y
Max. Building Height	None	26 Feet/1 Story	Y
Trash Enclosure	Walled, gated, roofed, 50' from residential	Complies	Y
Loading Zone	2 per site	Not indicated	N
Mech. Equipment	Concealed behind roof parapet	Complies	Y

The proposed development meets all development standards of the Zoning Code relevant to the C-1 (Limited Commercial) zoning district. The applicant has not identified a dedicated loading zone area on each parcel; as the development will be occupied by a number of small business tenants, the limited demand for loading functions will be met from the parking area at each business premise as the need arises.

A2) Residential Adjacency Standards

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

- a) *Proximity slope.* The proximity slope requirement applies to the eastern and southern boundaries of the southern parcel. The project meets the 3:1 standard by providing 78 feet of distance between the 26-foot high building and these property lines.
- b) *Building setback.* The building setback requirements apply to the southern parcel only, but are less (10-foot rear yards in the R-CL zoning district) than the distance required to satisfy the proximity slope requirement.

A3) Parking and Traffic Standards

The blend of retail and restaurant uses on the two sites has not been finalized at this time. Pursuant to Las Vegas Zoning Code Section 19.10, the Parking Standards that apply to the subject proposal would require 88 spaces on each parcel (176 spaces total) if fully occupied with retail uses, but would require nearly 200 spaces per parcel (400 spaces total) if fully developed with Restaurant uses. Only 222 spaces in total are available on the two sites.

The applicant has expressed interest in having one or possibly two Restaurant uses on each parcel, with the remaining space occupied with Retail uses. The applicant has indicated that the intent would be to achieve a blend of uses that does not exceed Zoning Code parking standards. A condition of approval would require the applicant to provide a calculation of remaining parking as each space is leased to the Planning and Development, to ensure the site does not become parking-impaired. A sufficient amount of handicap spaces have been identified on the site plan as submitted.

A4) Landscape and Open Space Standards

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

Standards	Required		Provided
	Ratio	Trees	
Parking Area	1 Tree / 6 Spaces	37 Trees	41 Trees
Buffer:			
• Min. Trees	• 1 Tree /30 Linear Feet + 1 Tree along internal perimeters (574 feet – north site) • 1 Tree / 20 Linear Feet + 1 Tree internal perimeters adjacent to residential (573 Feet – south site) • 1 Tree / 20 Linear Feet + 1 Tree where adjacent to right-of-way (1,146 feet – 100 feet for entrances = 1,046 Feet – both sites)	21 Trees 30 Trees 36 Trees	18 Trees 22 Trees 13 Trees
• Min. Zone Width	15 Feet in front, 8 Feet on internal perimeters		Meets or exceeds standards
• Wall height	6 Feet		Not indicated

The proposal meets parking lot landscaping standards, but is deficient on perimeter landscape standards. A condition of approval will require the landscape plan to be revised prior to issuance of building permits to address these deficiencies.

A5) Sign Standards

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

Monument Signs: C-1 District

Standards	Allowed	Provided
Maximum Number	1 / 200 lineal feet of street frontage 4 total	0.5 / Street frontage 2 total
Maximum Area	75 SF /sign	Not indicated
Maximum Height	10 Feet	Not indicated
Minimum Setback	5 Feet	9 Feet
Illumination	Direct/Internal	Not indicated

Wall Signs: C-1 District

Standards	Allowed	Provided
Maximum Number	No limit – total area limit only	X / Street frontage X total
Maximum Area	20% of wall area	< 20%
Maximum Projection	4 Feet	Not indicated
Illumination	Internal/External	Not indicated

The proposed signage for the development, as indicated schematically on the elevations, appears to meet the signage development standards of the Zoning Code. The applicant has indicated that as tenant signage is developed, it will be designed to meet all signage provisions of the Code.

B) General Analysis and Discussion

- **Zoning**

The current zoning of the subject property is U (Undeveloped) Zone [SC (Service Commercial) General Plan Designation]. A companion request (ZON-2457) would change the zoning on the two parcels to C-1 (Limited Commercial). The site plan as proposed conforms to the requirements of the C-1 zoning district.

- **Site Plan**

The proposal calls for a one-story, 15,300 square-foot retail/restaurant building on each of the two parcels that comprise the subject site (total space will be 30,600 square feet). The 3.88-acre site is comprised of a 1.88-acre parcel on the southeast corner of Smoke Ranch Road and Buffalo Drive and a 2.0-acre parcel on the northeast corner of the intersection. Each building is designed in an "L" shape to provide building exposure to the two adjacent streets. The parking area for each building is located to the rear.

The site plan indicates one entrance to each parcel from Buffalo Drive and from Smoke Ranch Road. The project contains 222 surface parking spaces, 107 spaces on the south parcel and 115 spaces on the northern parcel. Depending on the blend of uses, the parking provided should be adequate to support a predominantly retail development with a restaurant on each parcel. The site plan does not fully meet Zoning Code requirements with respect to perimeter buffering and landscaping; a condition of approval will require these standards to be met prior to issuance of building permits.

- **Waivers**

No waivers have been requested by the applicant.

- **Landscape Plan**

The landscape plan depicts a blend of landscaping on the site, including a total of 94 trees comprised of 24-inch box Modesto Ash and African Sumac 10 to 15' bth Date Palm on both parcels. A variety of five-gallon plants is proposed as understory planting.

- **Elevation**

The elevations depict two one-story, painted concrete tilt-up structures with an accent cornice and canvas or metal awnings over the retail windows and entrances. The building will have storefronts mounted in aluminum frames, with decorative wall-mounted accent lighting between the storefronts.

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 retail development of the northern parcel would be compatible with the existing business park use to the north and the undeveloped parcel to the east that is designated identically to the subject site. The companion parcel is to the south, and to the west across Buffalo Drive is the Desert Shores community, which is protected by a wall.

The retail development of the southern parcel would be compatible with the single-family residential areas to the east and south of the parcel, as the proposed building has been set back from these property lines a sufficient distance to comply with Residential Adjacency Standards. Again, the companion parcel is to the north, while to the west is a Las Vegas Valley Water District facility.

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

The site is designated as SC (Service Commercial) on the Southeast Sector Map of the General Plan. The proposed development will be consistent with the companion request for Rezoning (ZON-2457) to C-1 (Limited Commercial), and is consistent with the existing SC (Service Commercial) land use designation of the General Plan.

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

This project is located on Buffalo Drive at the intersection with Smoke Ranch Road, both of which are identified as Primary (100-foot) Arterials on the Master Plan of Streets and Highways. These roads provide sufficient capacity for the intended development on the subject parcels.

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

The building and landscape materials for the proposed retail/restaurant development meet the requirements of Title 19, provided that perimeter buffering and landscaping is revised as conditioned.

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 articulation and design of this building will create an attractive and aesthetically pleasing appearance that will be harmonious with the future development in the area.

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 190 by Planning Department

APPROVALS 0

PROTESTS 2



STATEMENT OF FINANCIAL INTEREST

Name of Applicant: INVESTMENT EQUITY BUILDERS

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~~ 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: Danna F. Bean

Print Name: DONNA F. BEAM

Subscribed and sworn before me

This 17 day of May, 2003

Michael S. Thomas
Notary Public in and for said County and State



[illegible]

AIRCRAFT PARALLEL PARKING SPOTS
 CHANGING ROOMS
 PROPOSED EGRESS

100-10-00000
 0-1-0-0

PUBLIC AREA
 AND GROUND
 BUILDING AREA GROUND

44-2.04 AREA GROUND 44.04 AREA
 44-04.04 SA

BUILDING AND COVERAGE

07 PERCENT

INTERIOR FINISHES

REPAIRMENT 2000 OF FINISHES
 REPAIRMENT 2000 OF FINISHES
 TOTAL FINISHES REQUIRED

000 2.04 40 SPACES
 000 2.04 40 SPACES
 000 SPACES

FINISHED

7.0400 2.04 000 SPACES

INVESTMENT EQUITY BUILDERS
4600 S. DECATUR, SUITE 200
LAS VEGAS, NEVADA 89103
DAVID L. PUGH (702) 871-6595

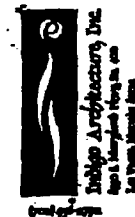
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May 16, 2023

Schematic Design

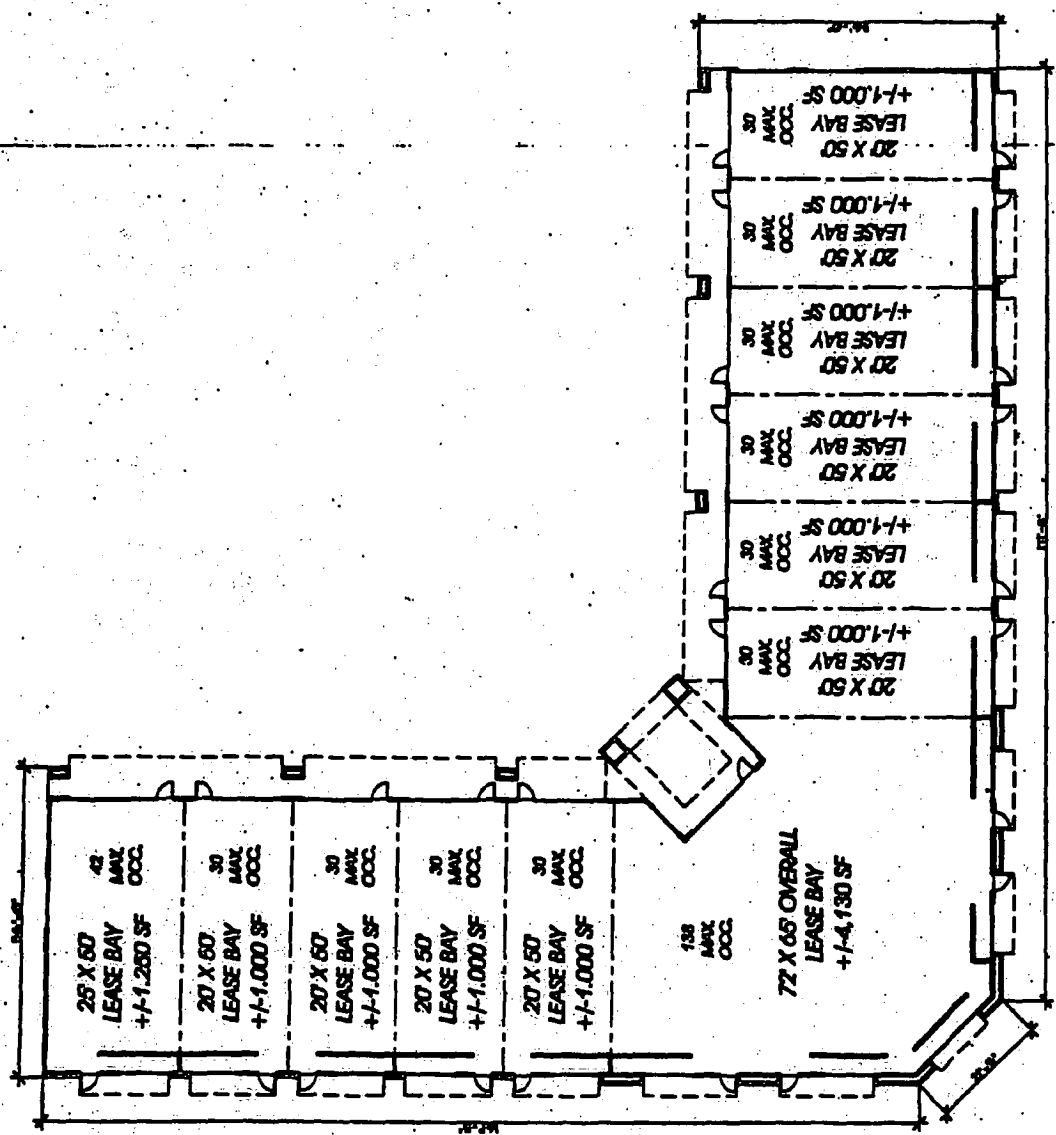
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07-10-03 PC



Indigo Architecture, Inc.
 2000 E. Maryland Pkwy. Ste. 400
 Los Angeles, CA 90011

ZON-2457
SDR-2458
07-10-03 PC



Floor Plan **15,300 Gross SF**

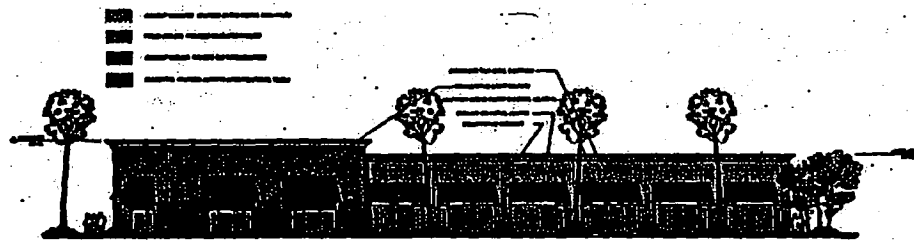
Tech Retail Center I

Advanced Design
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Answers for Answers

**is Computed by Means and
noted by means of
the necessary to be**

North



South Elevation (Smoke Ranch Road)

Scale 1/8" = 1'-0"



North Elevation

Scale 1/8" = 1'-0"



West Elevation (Buffalo Drive)

Scale 1/8" = 1'-0"



East Elevation

Scale 1/8" = 1'-0"

Tech Retail Center I

ZON-2457

SDR-2458

07-10-03 PC

In Computer Generated and
not to be used as a basis for
construction.

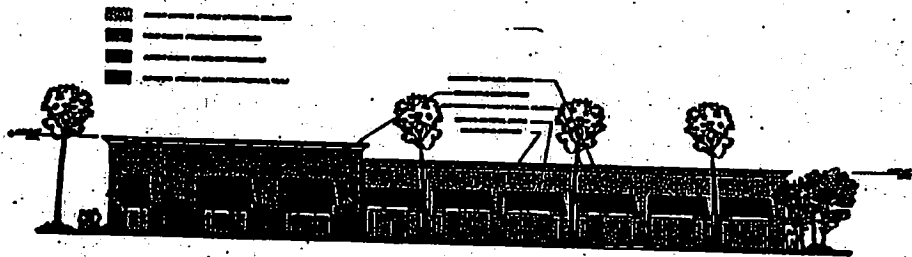
May 14, 2003

Architect's Design

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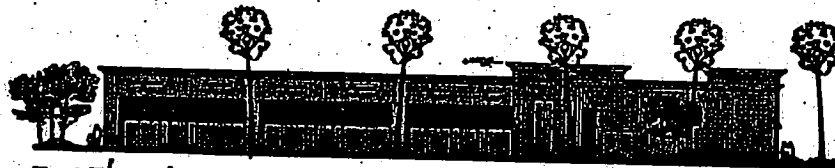
Los Vegas, Nevada

Inigo Architecture, Inc.
Architects
4400 S. Maryland Ave. Suite 200
Las Vegas, Nevada 89119
(702) 491-1234



West Elevation (Buffalo Drive)

Scale 1/8" = 1'-0"



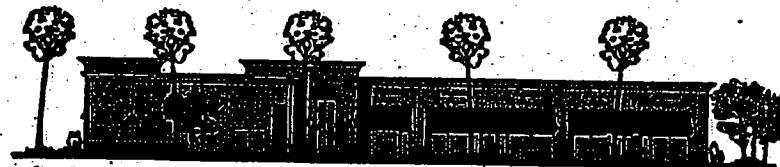
East Elevation

Scale 1/8" = 1'-0"



North Elevation (Smoke Ranch Road)

Scale 1/8" = 1'-0"



South Elevation

Scale 1/8" = 1'-0"

Tech Retail Center II

May 16, 2007

Schematic Design

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Las Vegas, Nevada

ZON-2457
SDR-2458
07-10-03 PC



Grand Ave. 407-437-4374

SMOKE RANCH ROAD

336.29'

15,300 S.F.
Retail Building

ADJACENT
ZONING
RCL

ADJACENT
ZONING - RCL

Landscape Plan

Scale 1" = 20'-0"

North

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Map of map

Schematic Design

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Tech Retail Center II

ZON-2457
SDR-2458
07-10-03 PC

Site Data

ADJACENT PARCEL NUMBER 0000 0000-0000-0000
OWNER 0000-0000-0000
PROPOSED ZONING 0000

OVERALL
SITE AREA 4.00 ACRES (272,000 S.F.)
BUILDING AREA 15,300 S.F.

BUILDING SETBACK 10 FEET

OVERALL SETBACK
REARWARD 4.00 ACRES (272,000 S.F.)
REARWARD SETBACK 10 FEET

TOTAL PARKING REQUIRED 100 SPACES

PARKING 100 SPACES

Owner / Developer

INVESTMENT GROUP BUILDERS
4000 S. DECATUR, SUITE 200
LAS VEGAS, NEVADA 89102
DAVID L. BROWN (702) 671-0000

Landscape will meet this 19A requirements.

Tree Legend

1" DBH	1" DBH	1" DBH
2" DBH	2" DBH	2" DBH
3" DBH	3" DBH	3" DBH

Suggested Plant List

1" DBH	1" DBH	1" DBH
2" DBH	2" DBH	2" DBH
3" DBH	3" DBH	3" DBH

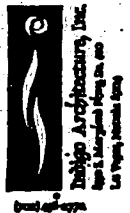
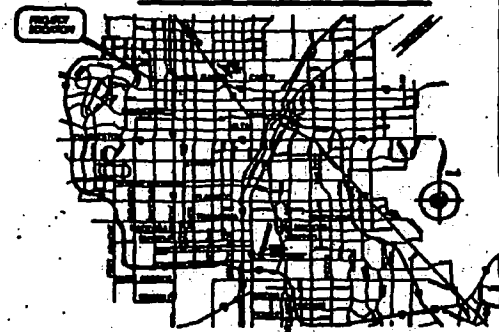
Ground Cover

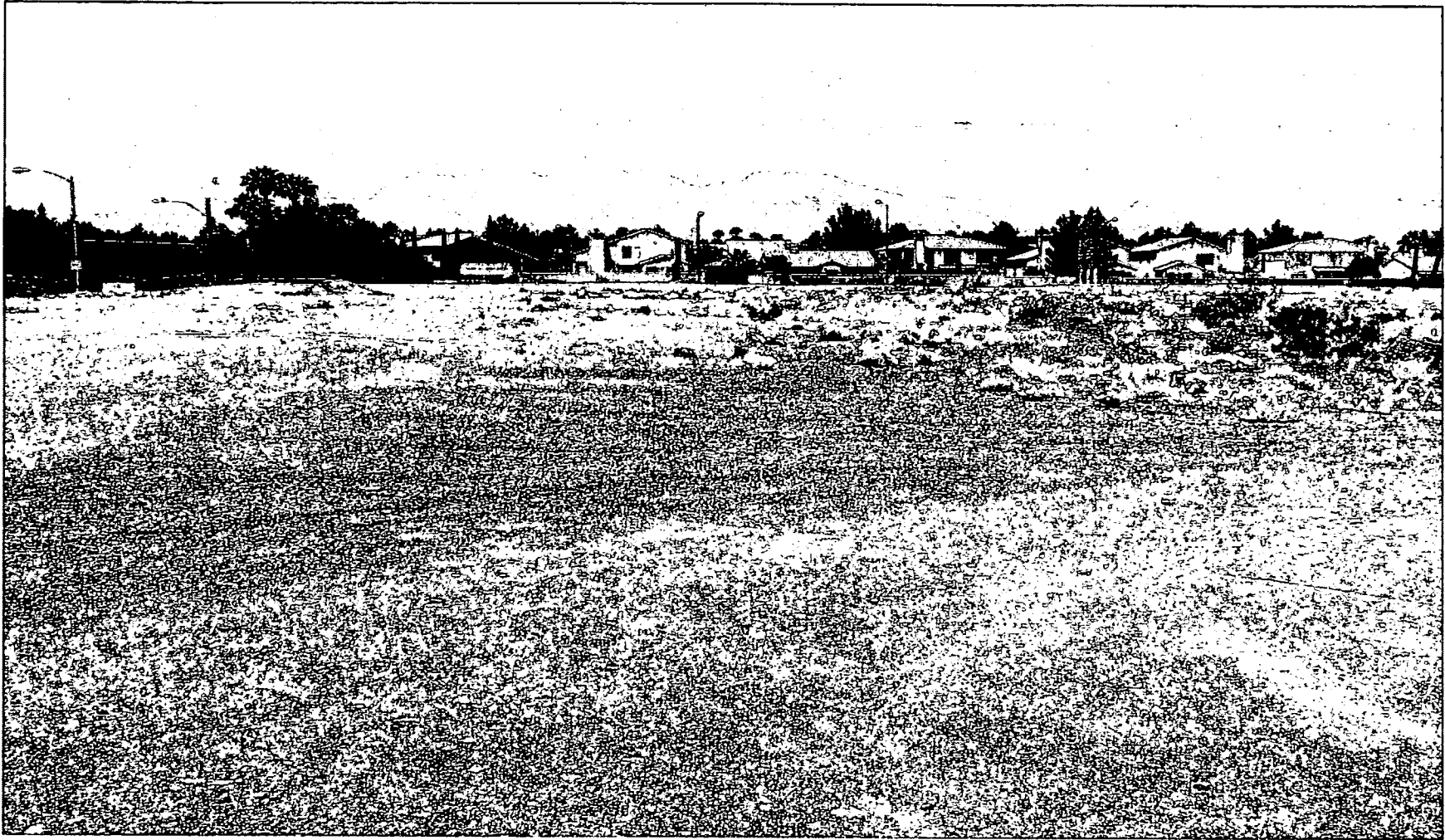
1" DBH

Landscape Area

1" DBH

Vicinity Map





**SDR-2458 - DONNA F. BEAM REVOCABLE TRUST
NORTHEAST AND SOUTHEAST CORNERS OF SMIKE RANCH ROAD AND BUFFALO DRIVE
JULY 10, 2003 PLANNING COMMISSION**

6/23/03



SDR-2458 - DONNA F. BEAM REVOCABLE TRUST
NORTHEAST AND SOUTHEAST CORNERS OF SMIKE RANCH ROAD AND BUFFALO DRIVE
JULY 10, 2003 PLANNING COMMISSION

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