

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF: JULY 21, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER ☐ CONSENT ☒ DISCUSSION

SUBJECT:

VARIANCE - PUBLIC HEARING - VAR-4467 - APPLICANT/OWNER: RICHARD SHEHANE - Request for a Variance TO ALLOW AN EXISTING 3,600 SQUARE FOOT ACCESSORY STRUCTURE TO EXCEED THE SQUARE FOOTAGE OF THE 2,400 SQUARE FOOT MAIN DWELLING at 6225 Fisher Avenue (APN: 125-35-605-001), R-E (Residence Estates) Zone, Ward 6 (Mack). Staff recommends DENIAL. The Planning Commission (7-0 vote) recommends APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

11

RECOMMENDATION:

Staff recommends DENIAL. The Planning Commission (7-0 vote) recommends APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

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

MOTION:

MACK – APPROVED subject to conditions, deleting Condition 4 and amending Condition 3 as follows:

3. *Sign and record a Covenant Running with Land agreement for the possible future installation of half-street improvements (including curb and gutter, sidewalks, streetlighting, permanent paving and possibly fire hydrants and sewers) on Fisher Avenue and Maverick Street adjacent to this site prior to occupancy of this site.*

– UNANIMOUS

MINUTES:

MAYOR GOODMAN declared the Public Hearing open.

COUNCILMAN MACK indicated the applicant was not present; however, he personally was aware that MR. SHEHANE was in agreement with all conditions including an amendment read by BART ANDERSON, Project Manager, Public Works Department. He stated the building is well-maintained and the project has the support of the neighbors.

No one appeared in opposition.

CITY COUNCIL MEETING OF JULY 21, 2004
Planning and Development Department
Item 105 – VAR-4467

MINUTES Continued:

MAYOR GOODMAN declared the Public Hearing closed.
(2:28 – 2:30)
4-880

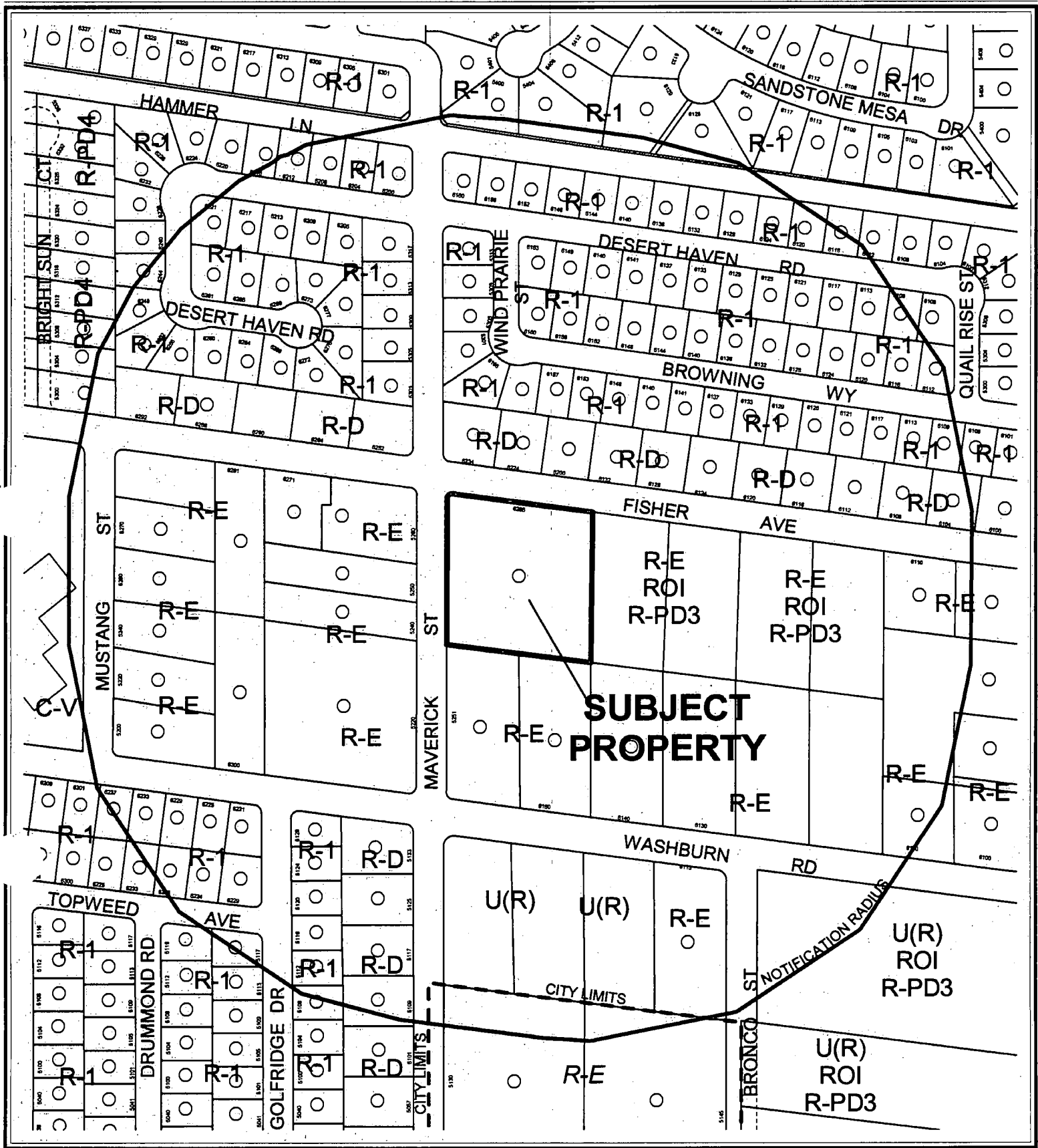
CONDITIONS:

Planning and Development

1. The applicant shall obtain all required permits for the accessory structure from the Department of Building and Safety.
2. This Variance shall expire one year from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.

Public Works

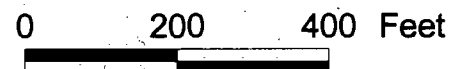
3. Construct half-street improvements including appropriate transitional paving on Fisher Avenue and Maverick Street adjacent to this site concurrent with development of this site. Install all appurtenant underground facilities, if any, adjacent to this site needed for the future traffic signal system concurrent with development of this site. All existing paving damaged or removed by this development shall be restored at its original location and to its original width concurrent with development of this site.
4. Extend all required underground utilities, such as electrical, telephone, etc., located within public rights-of-way, past the eastern and southern boundaries of this site prior to construction of hard surfacing (asphalt or concrete).

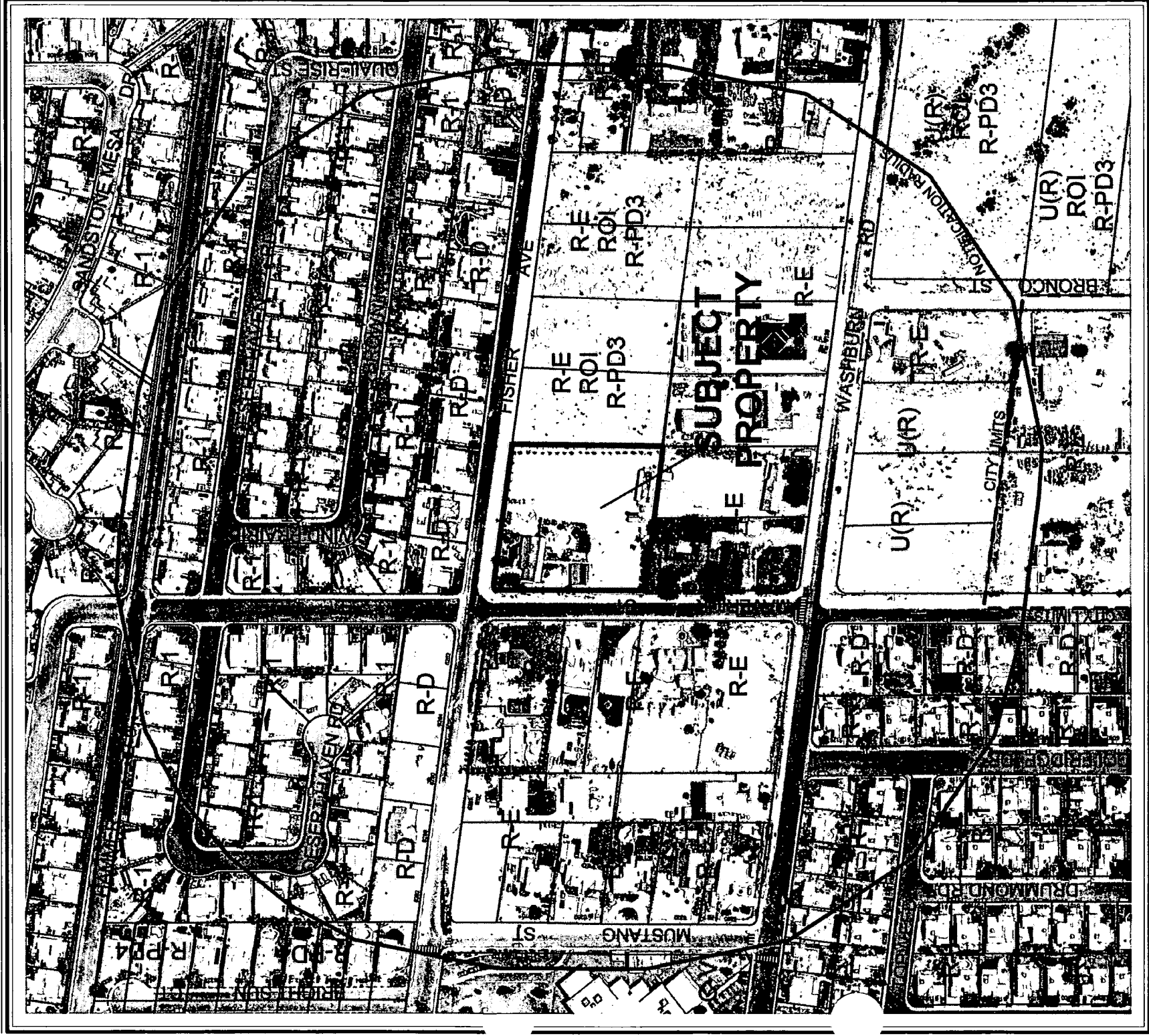


CASE: **VAR-4467**

RADIUS: 750 FT

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





CASE: VAR-4467

RADIUS: 750 FT

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

0 200 400 Feet



AGENDA MEMO

CITY COUNCIL MEETING DATE: JULY 21, 2004
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: VAR-4467 - APPLICANT/OWNER: RICHARD SHEHANE

**** CONDITIONS ****

Staff recommends DENIAL. The Planning Commission (7-0 vote) recommends APPROVAL, subject to:

Planning and Development

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2. This Variance shall expire one year from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.

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**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

This request is for a Variance to allow an existing 3,600 square foot accessory structure to exceed the square footage of the 2,400 square foot main dwelling at 6225 Fisher Avenue.

B) Applicant's Justification

The applicant's justification letter indicates the accessory structure, a barn, exceeds the square footage of the main dwelling. There is no justification given to support the Variance request.

BACKGROUND INFORMATION

A) Previous Actions

05/15/96 The City Council approved a Rezoning (Z-33-96) to R-PD3 (Residential Planned Development – 3 Units Per Acre) on the eastern portion of this site as part of a larger request, which has subsequently expired. The Planning Commission recommended denial on April 25, 1996. Staff recommended approval.

06/24/04 The Planning Commission voted 7-0 to recommend APPROVAL (PC Agenda Item #50/mp).

B) Pre-Application Meeting

04/25/04 A pre-application meeting was conducted and the applicant was advised of the requirements for a Variance.

C) Neighborhood Meetings

A neighborhood meeting was not required for this application.

DETAILS OF APPLICATION REQUEST

A) Site Area

Net Acres: 2.04

B) Existing Land Use

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

C) Planned Land Use

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

D) Existing Zoning

Subject Property: R-E (Residence Estates)
North: R-D (Single Family Residential – Restricted)
South: R-E (Residence Estates)
East: R-E (Residence Estates)
West: R-E (Residence Estates)

E) General Plan Compliance

The subject site is designated R (Rural Density Residential) on the Centennial Hills Sector Plan Map of the General Plan. The existing R-E (Residence Estates) Zoning District is in conformance with R (Rural Density Residential) General Plan designation.

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

This site is not affected by any special plan areas or districts.

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 Square Feet	2.04 Acres	Y
Min. Lot Width	100 Feet	290 Feet	Y
Min. Setbacks			
• Front	50 Feet	55 Feet	Y
• Side	10 Feet	165 Feet	Y
• Corner	15 Feet	20 Feet	Y
• Rear	35 Feet	210	Y
Max. Building Height	2 Stories / 35 Feet	1 Story / 13.5 Feet	Y

The existing dwelling and accessory structure meet the minimum code requirements with regards to setbacks and building heights. The subject Variance addresses the existing accessory structure that exceeds the size of the main dwelling.

B) General Analysis and Discussion

The submitted site plan indicates there is an existing 3,600 square foot, 1 story accessory structure on this site that exceeds the size of the 2,400 square foot main dwelling. The structure is located in the rear yard area in the southwest portion of the lot. It meets the minimum required setbacks for accessory structures of three feet from the side and rear property lines and six feet from the main dwelling.

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. The applicant has created a self-imposed hardship constructing a detached accessory structure larger than the main dwelling on this site. Alternative designs, such as a smaller structure, would allow conformance to the Title 19 requirements. In view of the absence of any hardships imposed by the site's physical characteristics, it is concluded that the applicant's hardship is preferential in nature, and it is thereby outside the realm of NRS Chapter 278 for granting of Variances.

PLANNING COMMISSION ACTION

At the Planning Commission hearing, a petition was submitted by the applicant in favor of the application.

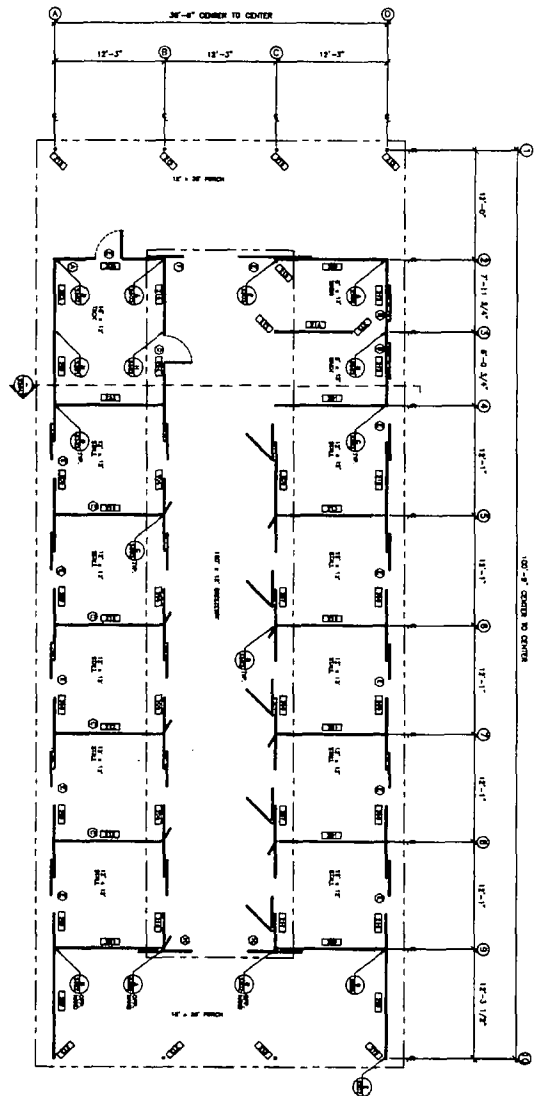
NOTICES MAILED 169 by City Clerk

APPROVALS 11

PROTESTS 0

NO.	REVISION/ISSUE	DATE
1	AS SHOWN	10/1/83
2		
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4		
5		

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VAR-4467
6-24-04 PC

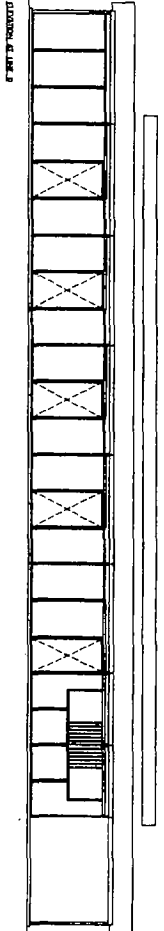
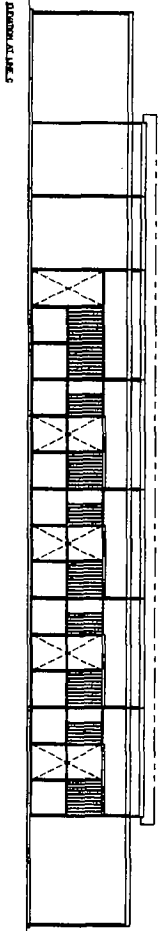
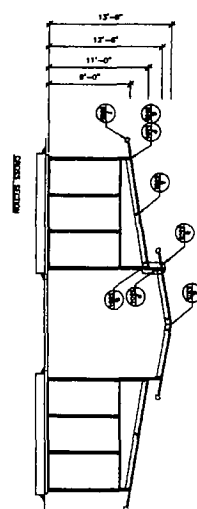
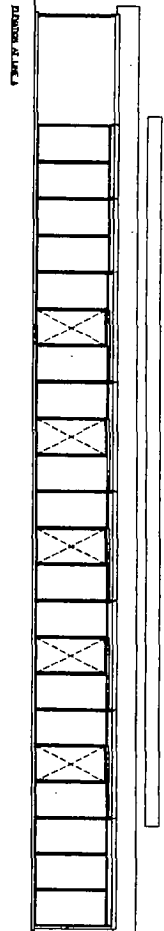
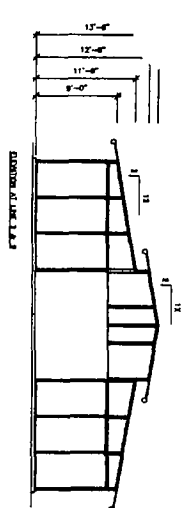
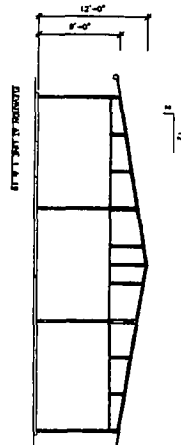


DATE: 1/1/83
DRAWN BY: JLB
CHECKED BY:
SCALE: 1/8"=1'-0"
PROJECT: 523

PROJECT: 523
SHEET: 2 OF 10

FLOOR PLAN
BARBARA WILLIAMS
6225 FISCHER
LAS VEGAS, NV 89130
RCA BARN

BARN, BUILDINGS, AND MEZZANINES
FCP, INC.
 23100 BAYVIEW ROAD, WILDOMAR, CALIFORNIA 92585
 Ph: (909) 678-6571 FAX: (909) 678-7366



VAR-4467
6-24-04 PC



REV	DESCRIPTION	DATE
1	Initial Design	10/1/00
2	Final Design	10/1/00
3	Construction	10/1/00
4	As-Built	10/1/00

SHEET 5 OF 10

S201

DATE: 11/14/03

DRAWN BY: ULM

CHECKED BY:

SCALE: 1/8"=1'-0"

PROJECT NUMBER: 058

ELEVATION/CROSS SECTION

BARBARA WILLIAMS

6225 FISCHER

LAS VEGAS, NV 89130

RCA BARN

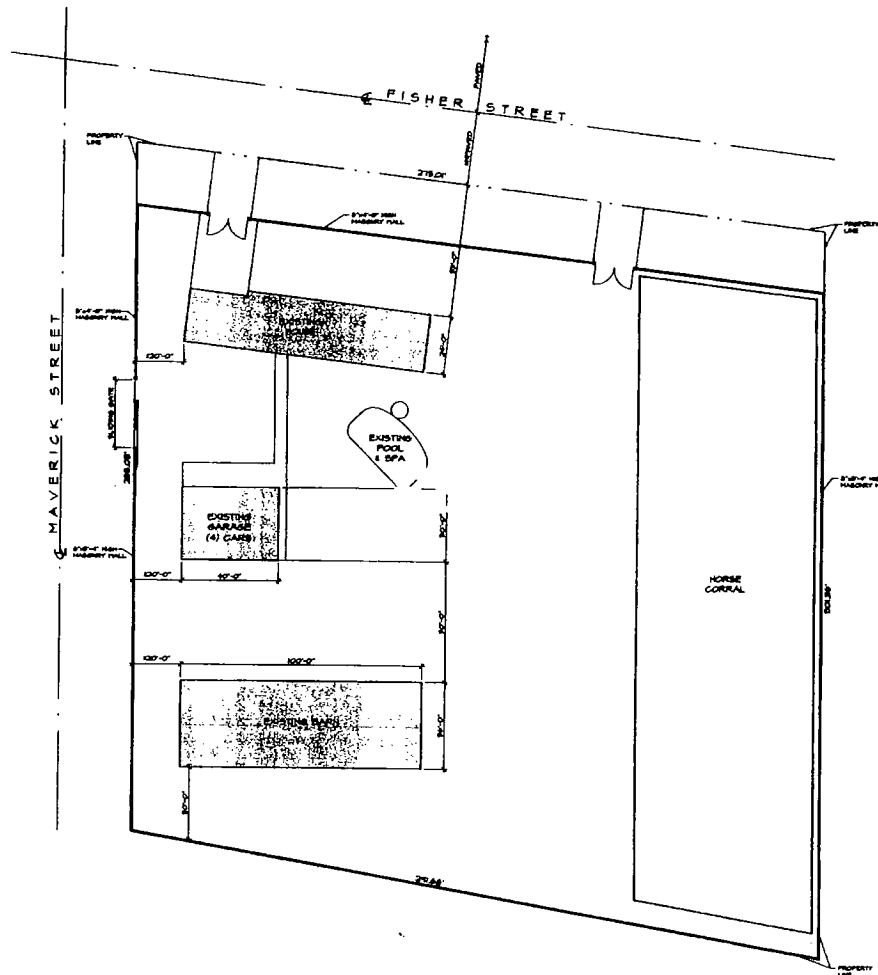
FCP

BARN, BUILDINGS, AND MEZZANINES

FCP, INC.

23100 BAXTER ROAD, WILDOMAR, CALIFORNIA 92595

PH: (909) 878-6571 FAX: (909) 878-7388



EXISTING SITE PLAN
SCALE: 1" = 30'-0"



VAR-4467
6-24-04 PC

NOTE

THIS IS A ARCHITECTURAL SITE PLAN
NOT A CIVIL PLAN AND IS NOT INTENDED
TO BE A WORKING DRAWING

These drawings have been prepared under my supervision and to the best of my knowledge, information and belief conform to all requirements of the applicable laws, rules and regulations of the State of California. I am a duly licensed Professional Engineer in the State of California, No. 11444. I am not responsible for any errors or omissions in these drawings or for any consequences that may result from their use.

Thomas F. Reed
Thomas F. Reed
Architect License Number: 2144
Date: 4-18-2004

DESIGNED
The Project Architect or Engineer will not be responsible for any action taken by any person on the project if that person has knowledge of any discrepancy, error or omission or violation in the calculations, drawings and/or specifications and the Project Architect or Engineer has been notified and has corrected, revised the drawings or has clearly explained the intent of the drawings, calculations and/or specifications.

ROULE
ARCHITECTS
ARCHITECTS

NCARB

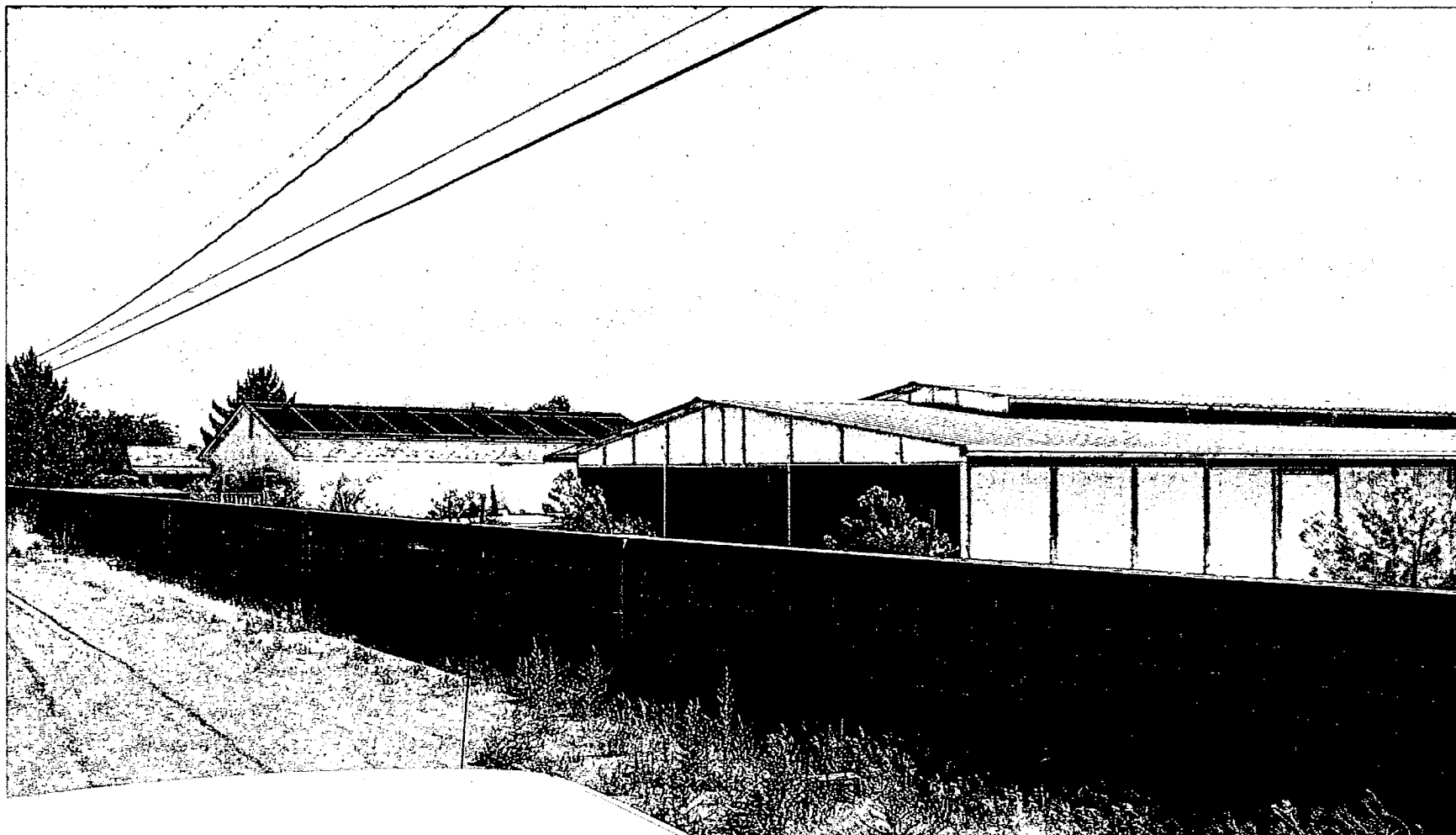
3025 South Central
Los Angeles, CA 90011
PHONE (213) 362-3007
FAX (213) 362-3011

Revisions

Existing Building Locations
for
Richard R. Shelane
6223 Fisher Ave.
Los Angeles, CA 90010

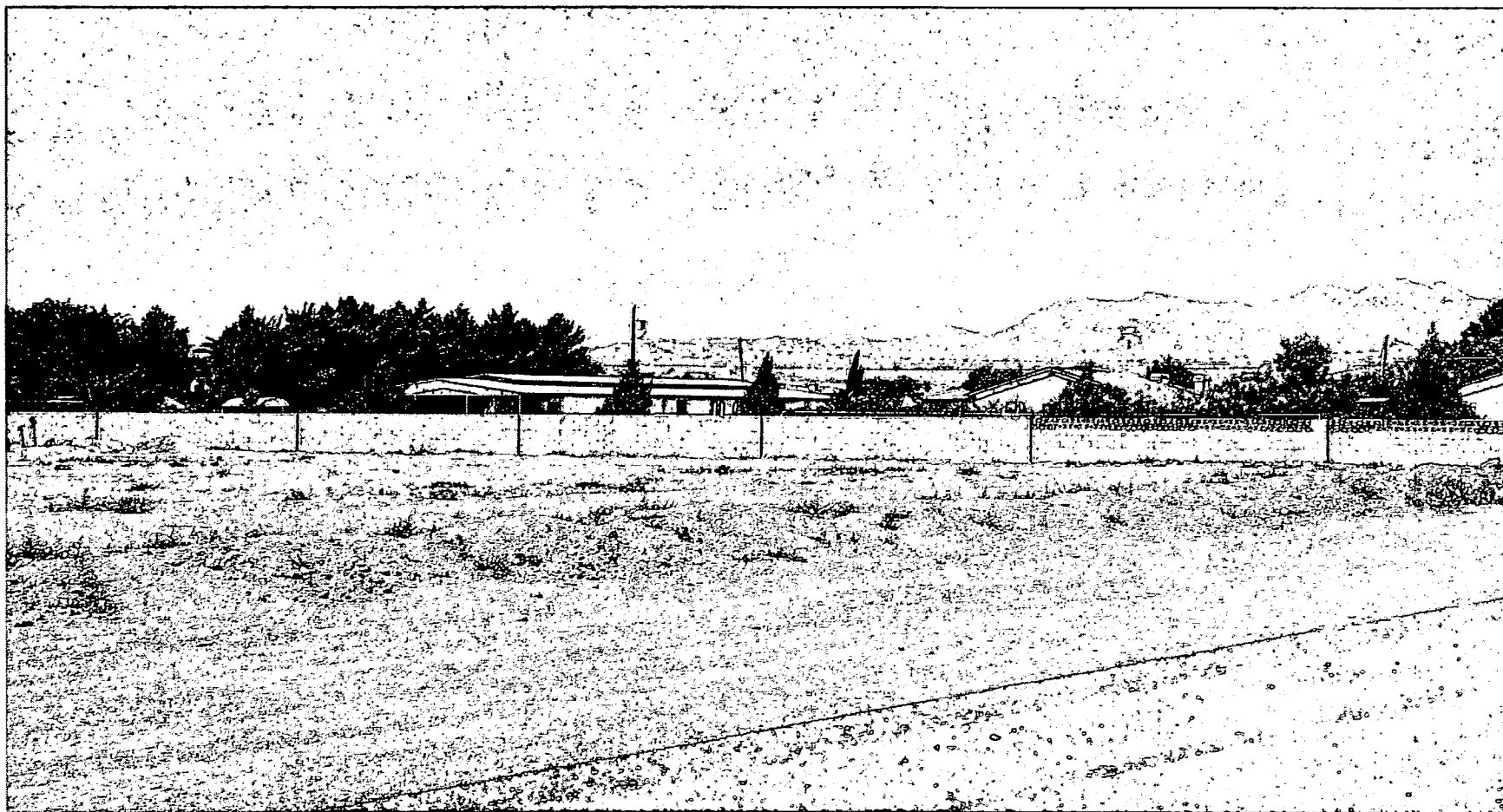
Sheet Title
**EXISTING
SITE PLAN**

Date: 4-18-2004
Checked By: T.F.R.
Drawn By: D.S.O.
Project No.: 3004-300
Sheet No.:
A-1.0
of 1 sheets



VAR-4467 - APPLICANT/OWNER: RICHARD SHEHANE
6225 FISHER AVENUE
JUNE 24, 2004 PLANNING COMMISSION

6/3/04



VAR-4467 - APPLICANT/OWNER: RICHARD SHEHANE
6225 FISHER AVENUE
JUNE 24, 2004 PLANNING COMMISSION

6/3/04

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF: JULY 21, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☐

CONSENT

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DISCUSSION

SUBJECT:

ABEYANCE ITEM - SPECIAL USE PERMIT - PUBLIC HEARING - SUP-3152 -
REAGAN NATIONAL ADVERTISING ON BEHALF OF NORIKO TAKADA OBA
QUALIFIED TRUST - Appeal filed by 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

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APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

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RECOMMENDATION:

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

BACKUP DOCUMENTATION:

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

MOTION:

MONCRIEF - DENIED - UNANIMOUS

NOTE: MAYOR GOODMAN disclosed that in the past he made disclosures regarding billboard related items because his son ERIC and members of his law firm work with billboard companies. Presently, MAYOR GOODMAN did not feel this involvement should preclude him from voting on matters pertaining to billboards and he would be voting unless his son is actively involved in an application.

MINUTES:

MAYOR GOODMAN declared the Public Hearing open.

ANDY BILANZICH, 1464 East Michigan Avenue, appeared on behalf of the applicant and stated all Code requirements have been met and the applicant agreed with all conditions.

COUNCILWOMAN MONCRIEF indicated she would follow the Planning Commission and staff recommendation of denial.

No one appeared in opposition.

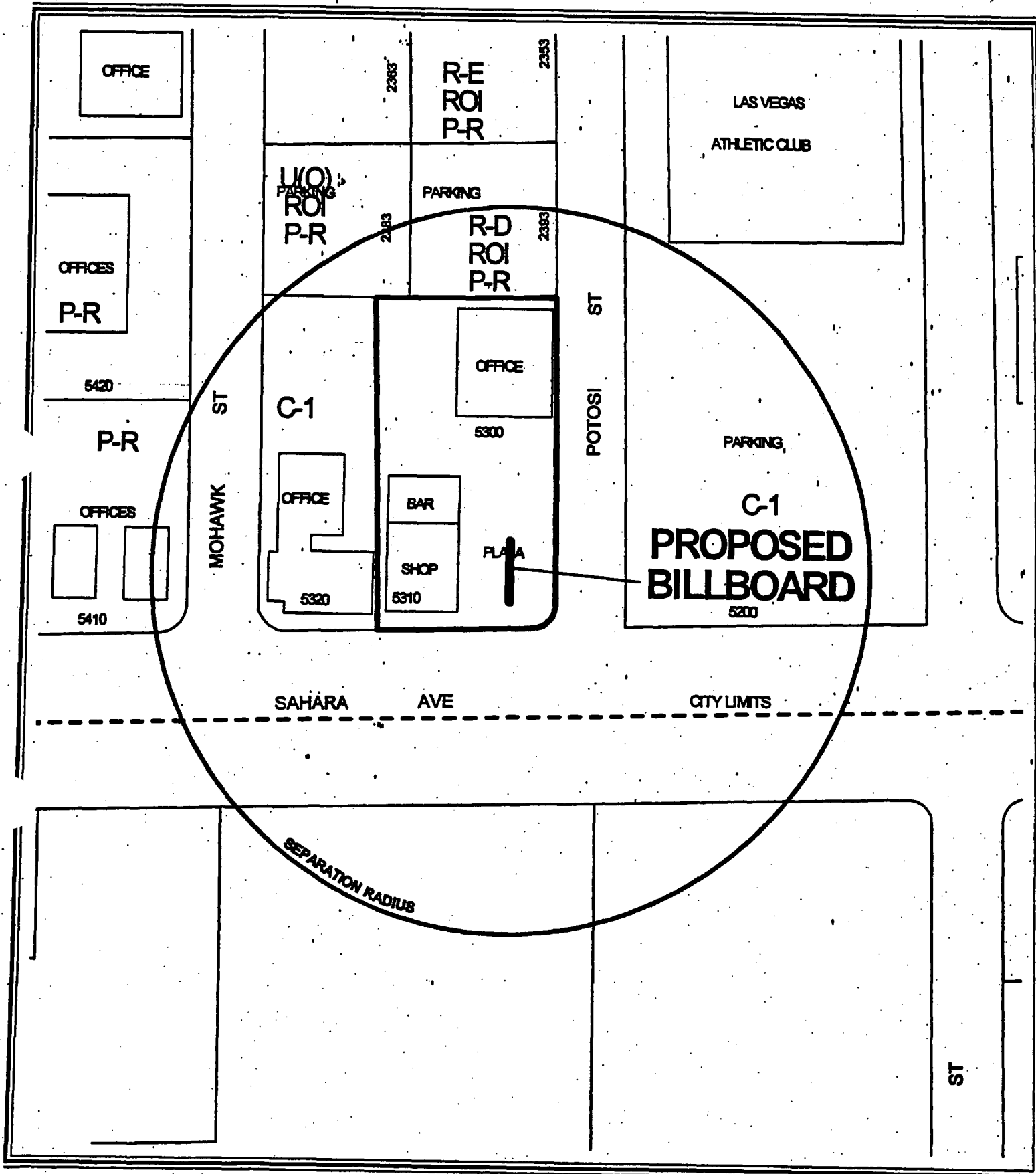
CITY COUNCIL MEETING OF JULY 21, 2004
Planning and Development Department
Item 106 – SUP-3152

MINUTES – Continued:

MAYOR GOODMAN declared the Public Hearing closed.

(2:30 – 2:37)

4-936



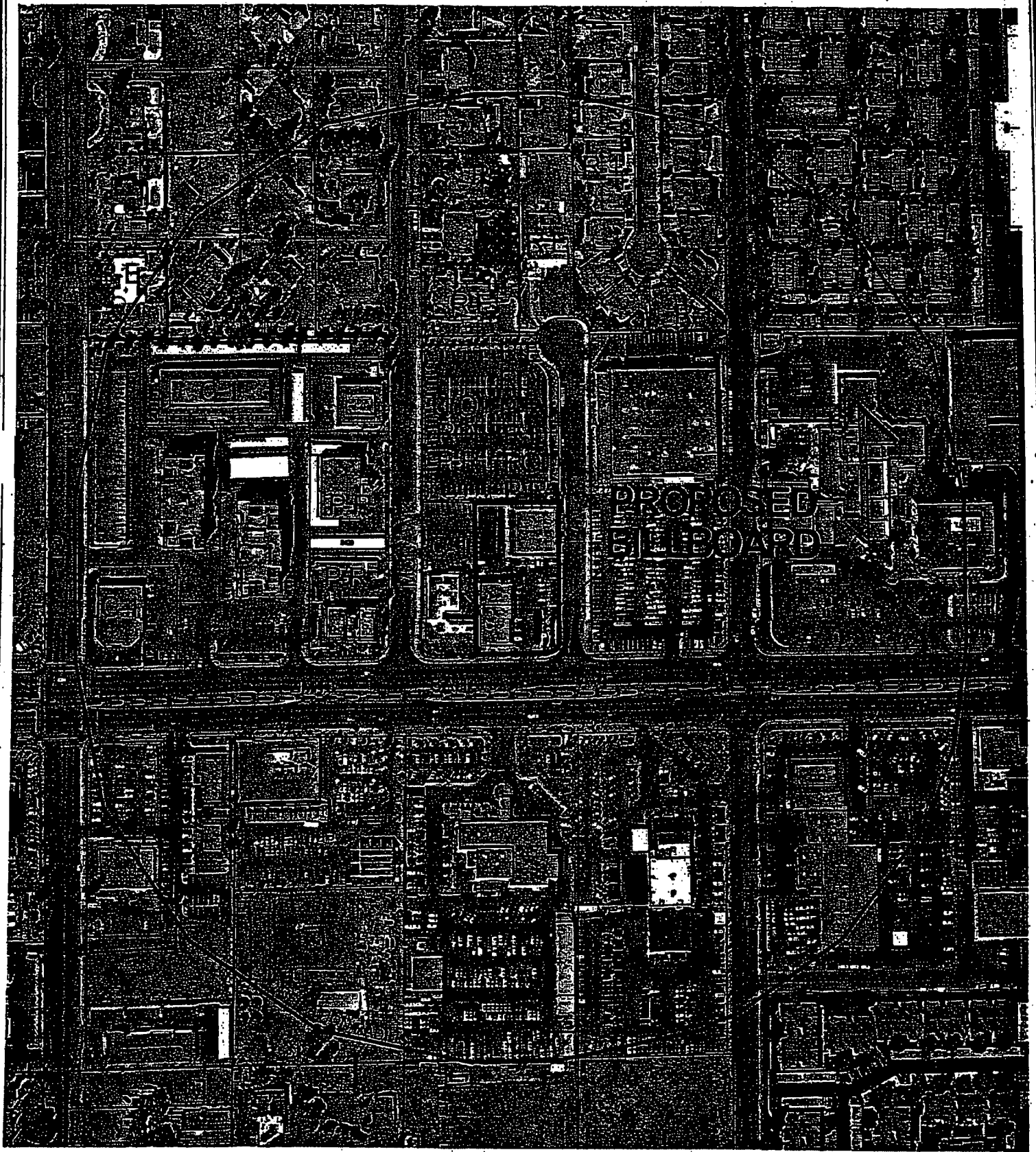
CASE: SUP-3152

SEPARATION RADIUS: 300 FT

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

0 50 100 Feet

N



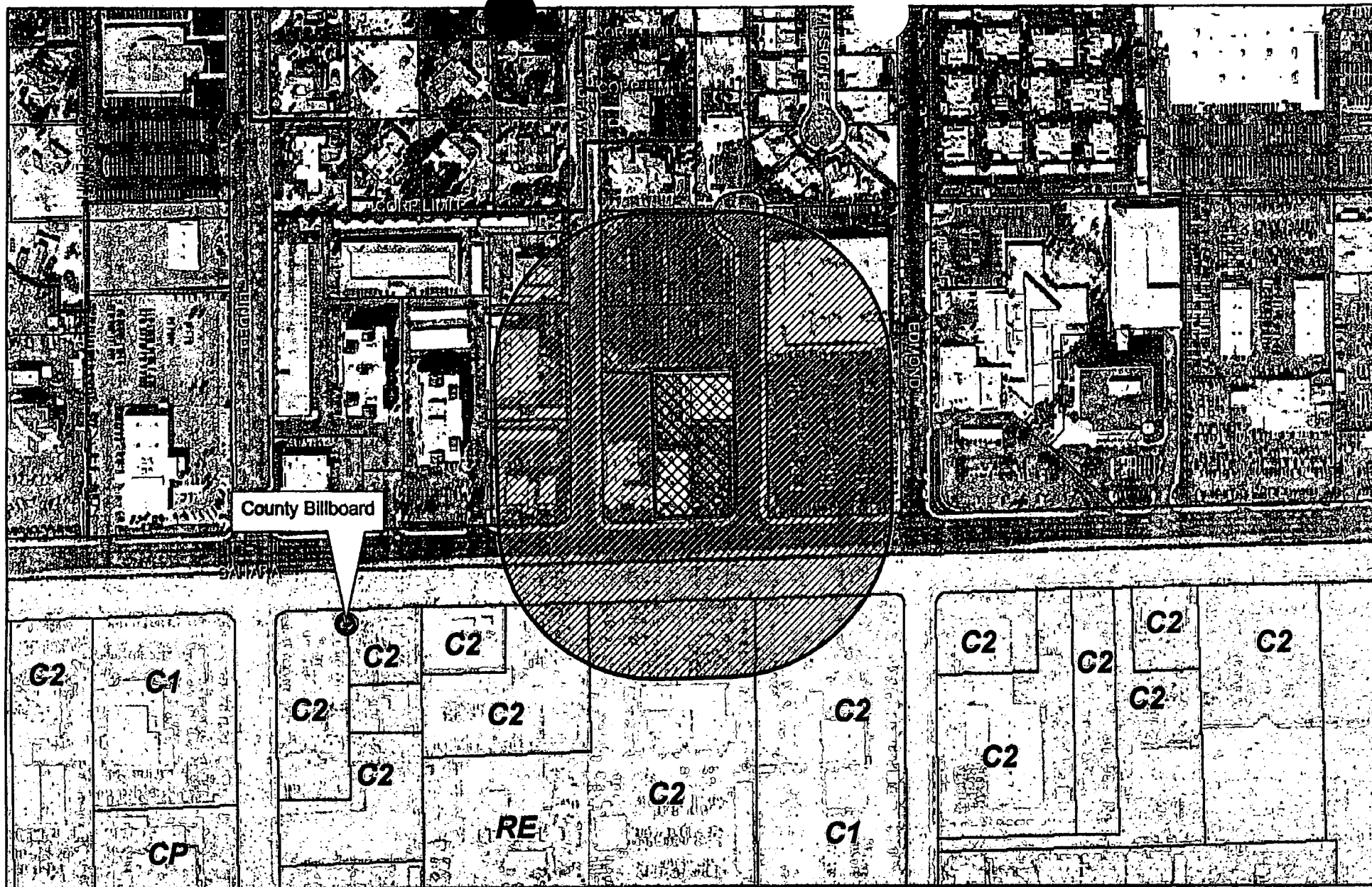
CASE: SUP-3152

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: JULY 21, 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 JULY 7, 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

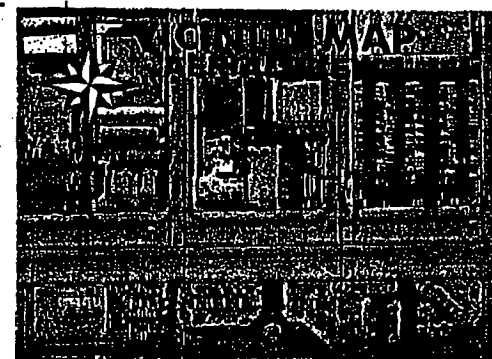
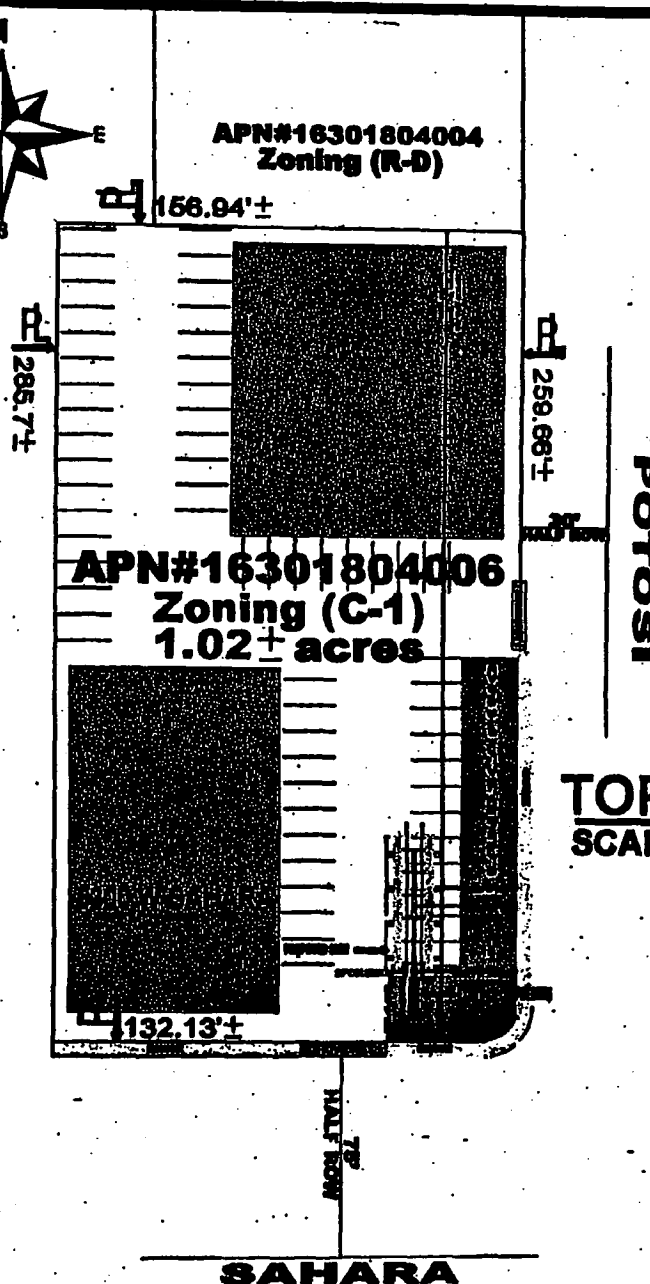
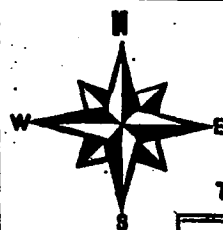
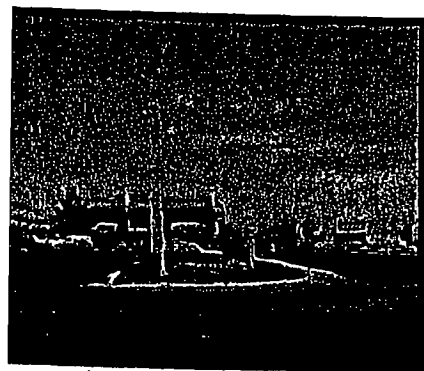
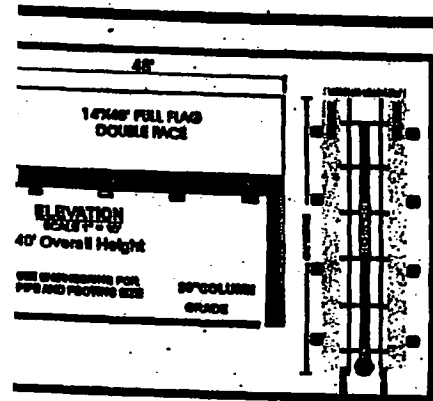
4. **“Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.”**

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



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.

TOP VIEW
SCALE 1" = 20'

DETAIL

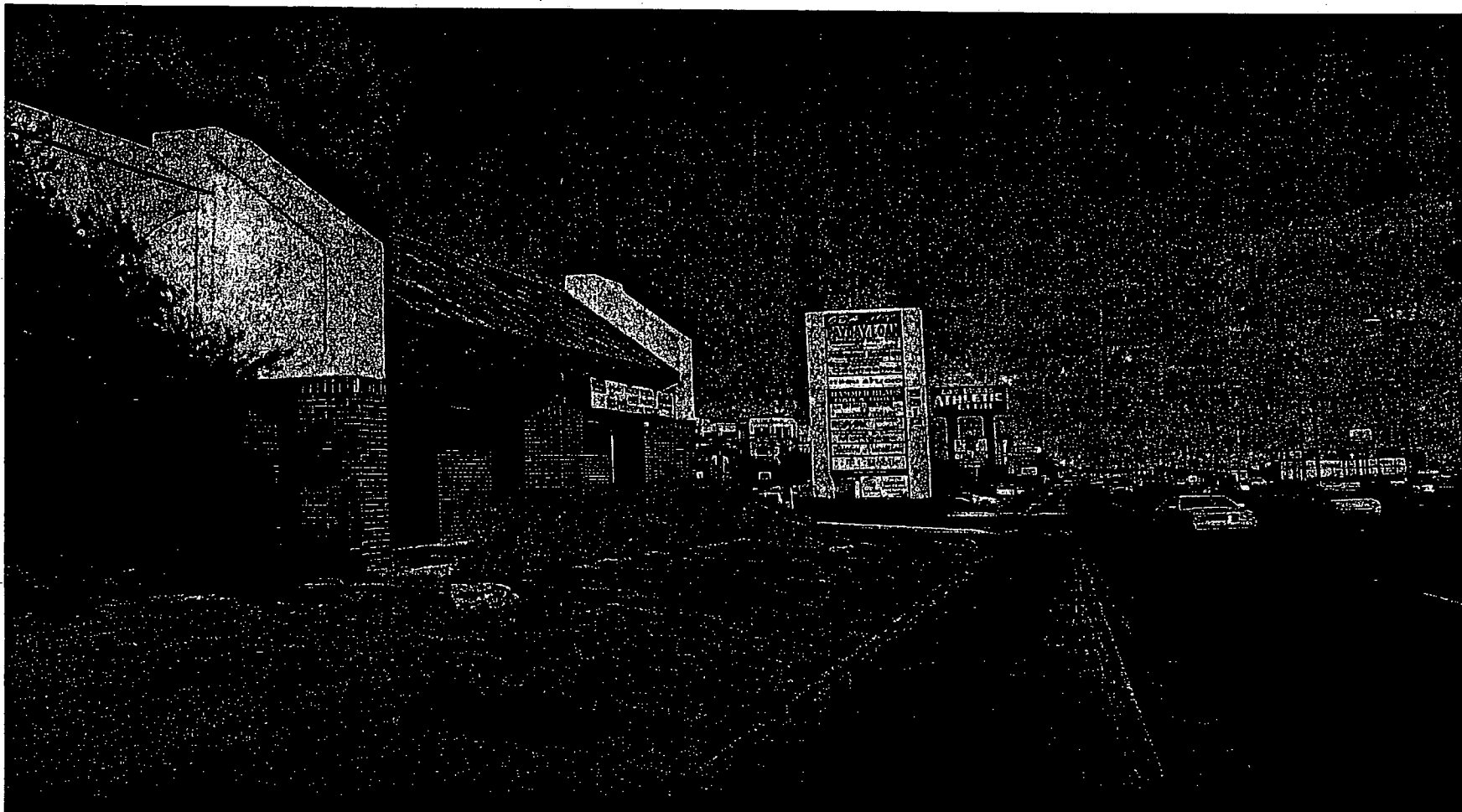
REAGAN
NATIONAL ADV.
ANDY BILANZICH
292-3723

JOINT

OBA NORIKO TAKADA QUALIFIED TR PREMIER	
DATE 7-20-03	NOTED 7-20-03
LOCATION 6300 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

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF: JULY 21, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☐

CONSENT

☒

DISCUSSION

SUBJECT:

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

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

3

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

RECOMMENDATION:

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

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Appeal letter submitted by LAS Consulting, Inc.
5. Submitted after final agenda – Abeyance Request on behalf of Applicant for September 1, 2004

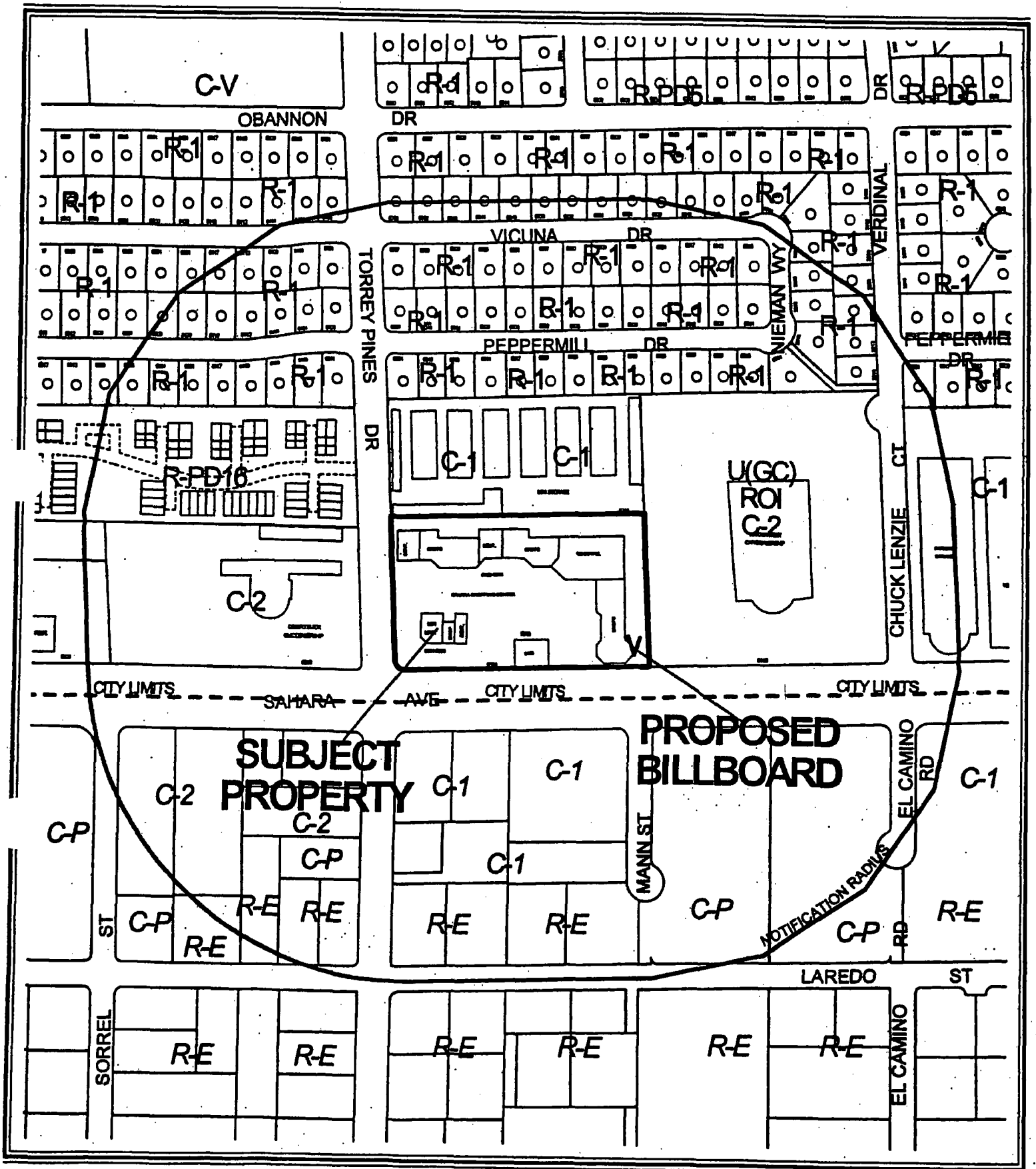
MOTION:

REESE – Motion to HOLD IN ABEYANCE Item 107 [SUP-3394] to 9/1/2004, STRIKE Item 88 [6012 Iron Kettle Street] and Item 89 [709 Jackson Avenue] and Accept the WITHDRAWAL WITHOUT PREJUDICE of Item 94 [ROC-4500] – UNANIMOUS with MONCRIEF excused

MINUTES:

MAYOR GOODMAN stated that in the past he has abstained from voting on billboard related items because his son Eric represents billboard companies and members of his law office negotiate with billboard companies. Item 107 [SUP-3394] pertains to a billboard sign; however, he would feel comfortable voting since he has no vested interest in any billboard matters at this time and he has made full disclosure.

(2:01 – 2:03)



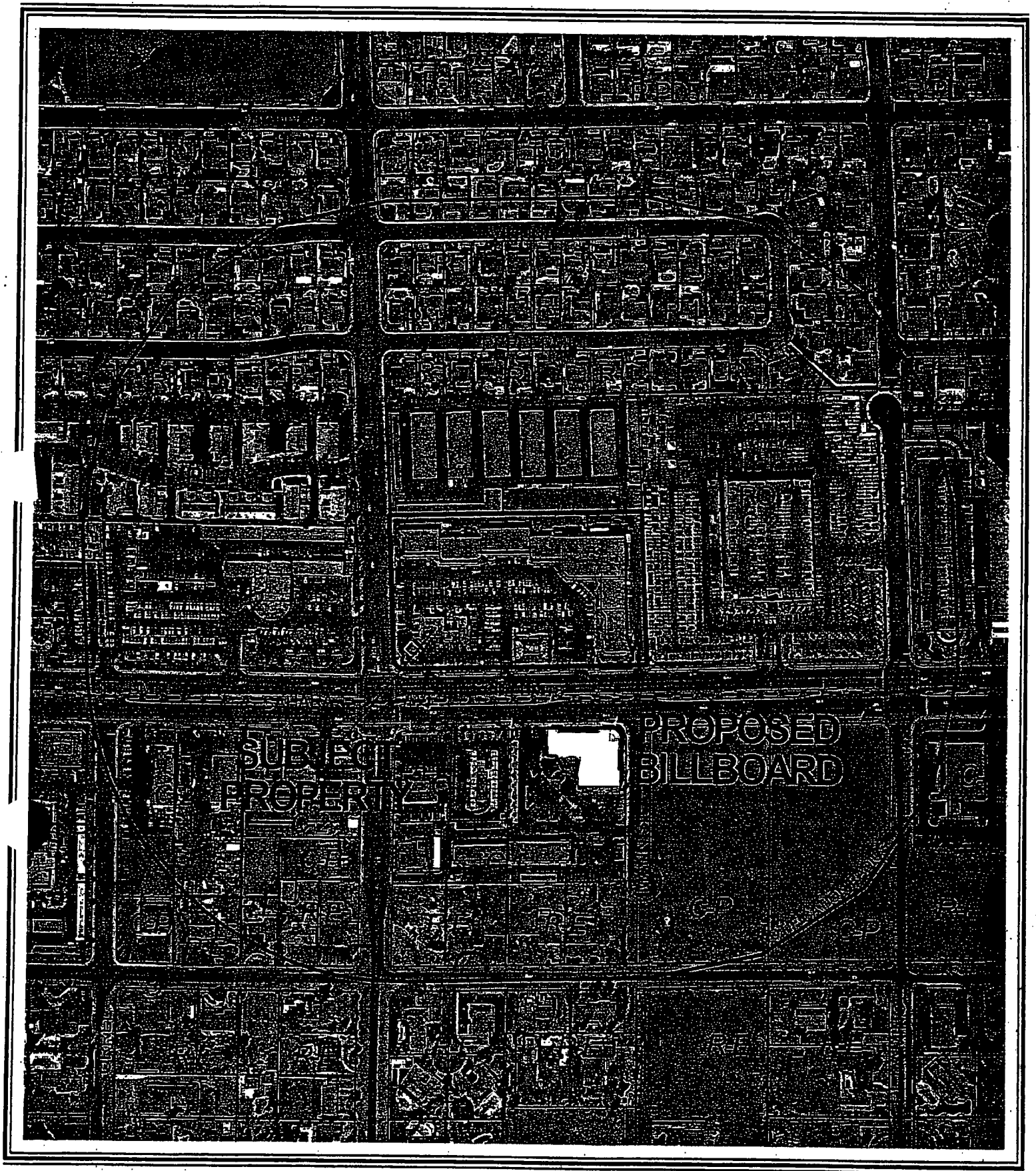
CASE: SUP-3394

RADIUS: 750 FT

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

0 200 400 Feet





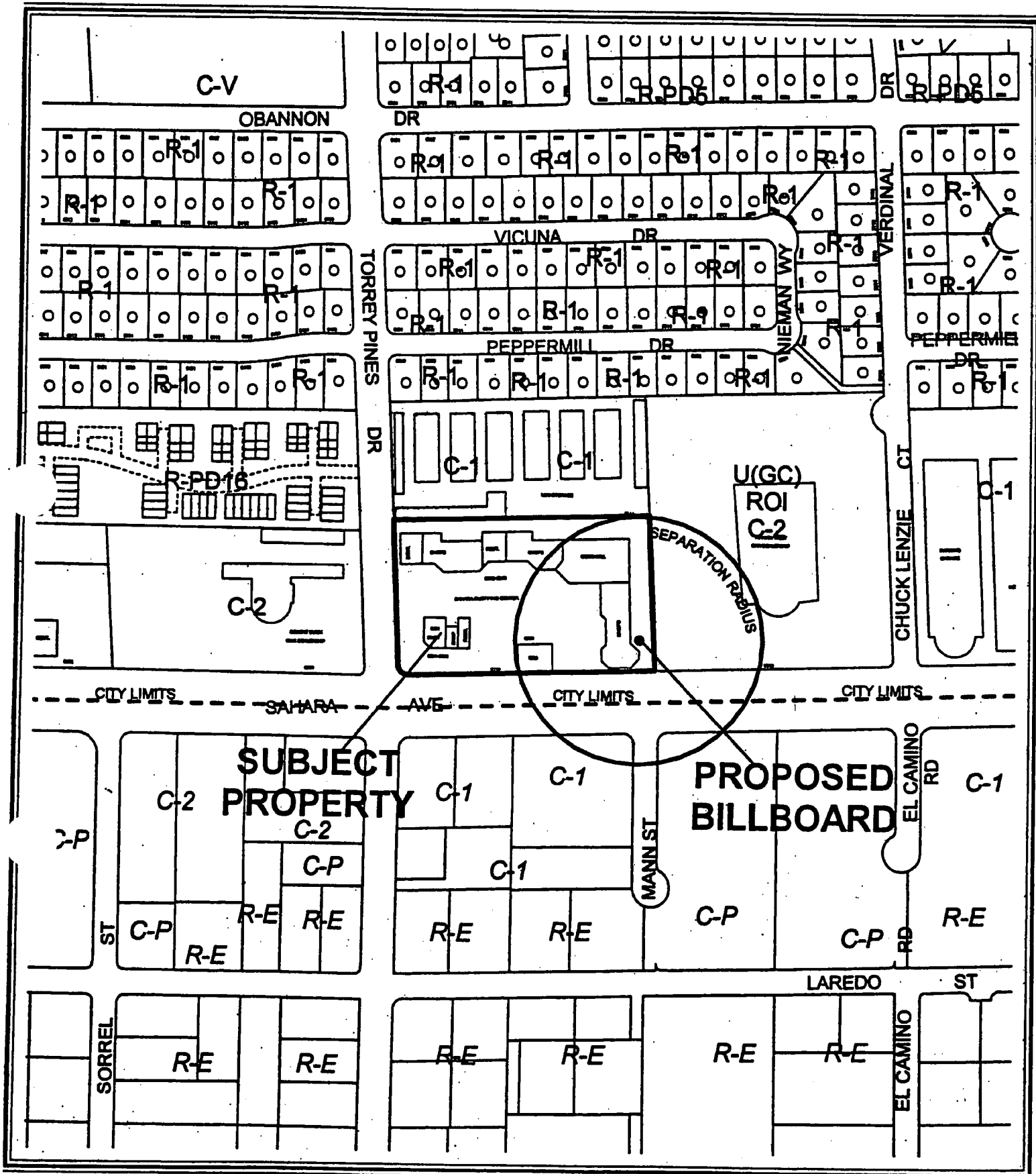
CASE: SUP-3394

RADIUS: 750 FT

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

0 200 400 Feet





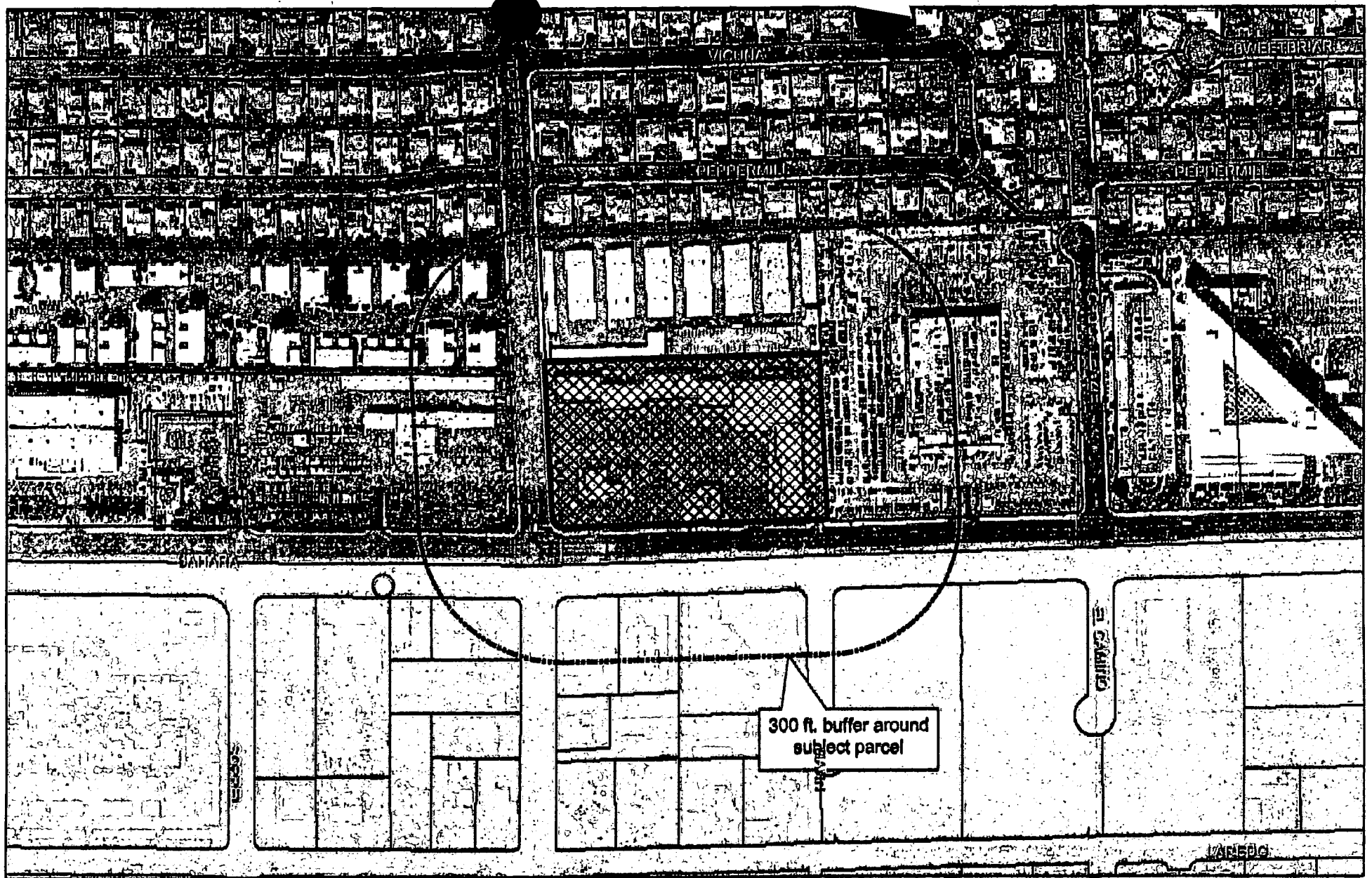
CASE: SUP-3394

SEPARATION RADIUS: 300 FT

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

0 200 400 Feet





SUP-3394

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

CITY COUNCIL MEETING DATE: JULY 21, 2004
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: ABEYANCE ITEM - SUP-3394 - LAS VEGAS BILLBOARDS
ON BEHALF OF WEST SAHARA ASSOCIATES, LIMITED PARTNERSHIP

THIS ITEM WAS HELD IN ABEYANCE FROM THE JUNE 2, 2004 CITY COUNCIL MEETING AT THE APPLICANT'S REQUEST.

**** CONDITIONS ****

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

Planning and Development

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

Public Works

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

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

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

B) Applicant's Justification

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

BACKGROUND INFORMATION

A) Previous Actions

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

B) Pre-Application Meeting

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

C) Neighborhood Meetings

Neighborhood meetings are not required for Special Use Permit applications.

DETAILS OF APPLICATION REQUEST

A) *Site Area*

Gross Acres: 5.34

B) *Existing Land Use*

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

C) *Planned Land Use*

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

D) *Existing Zoning*

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

E) *General Plan Compliance*

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

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

COUNTY NOTIFICATION

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

INTERAGENCY ISSUES

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

- 1) Any Special Use Permit within 500' of unincorporated Clark County.

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

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

ANALYSIS

A) *Zoning Code Compliance*

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

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

B) General Analysis and Discussion

- Zoning

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

- Use

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

- Conditions

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

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

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

FINDINGS

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

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

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

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

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

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

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

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

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

PLANNING COMMISSION ACTION

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

NOTICES MAILED 120 by City Clerk

APPROVALS 0

PROTESTS 3

5665 S. Valley View
Stc 4
89119



PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: SUP-3394 APN: 163-02-576-001

Name of Property Owner: WEST SUBARA ASSOCIATES

Name of Applicant: has veras billboards

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

Yes

No

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

City Official: _____

Partner(s): _____

APN: _____

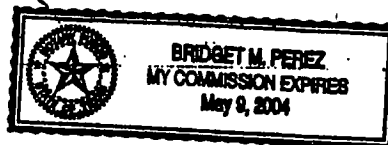
Signature of Property Owner/Authorized Agent: X

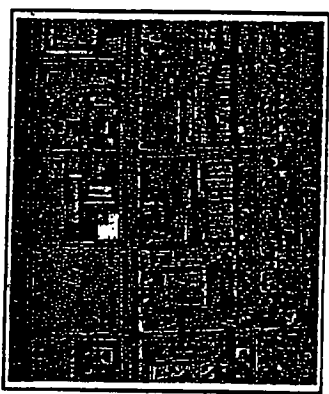
Print Name: Granville Harper

Subscribed and sworn before me

This 31 day of October, 2003

Notary Public in and for said County and State





23

01-08-04 PC



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

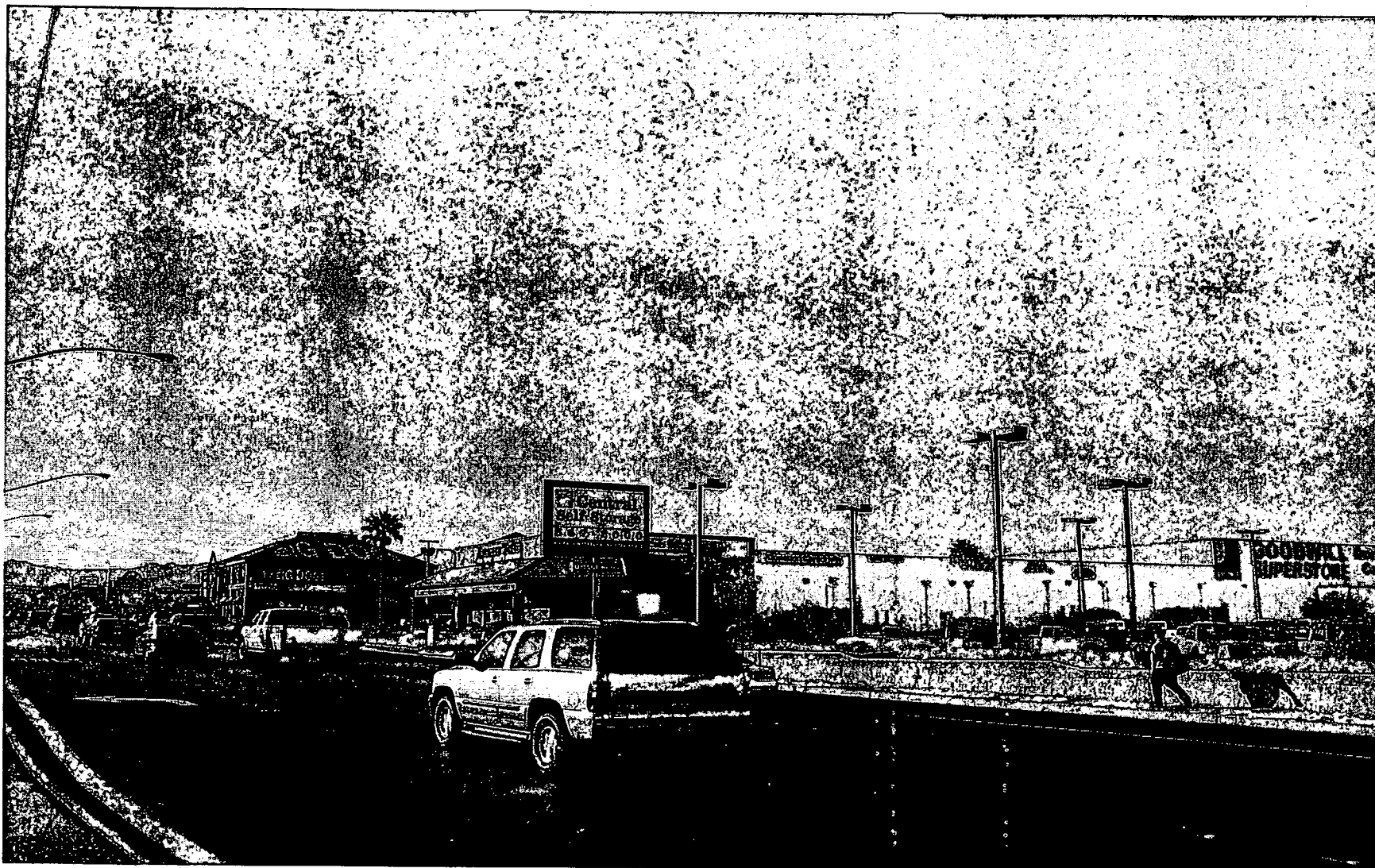
12/29/03



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

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

Picture taken 01/21/04



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

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

Picture taken 01/21/04



**SUP-3394 - LAS VEGAS BILLBOARDS ON BEHALF OF WEST SAHARA ASSOCIATES,
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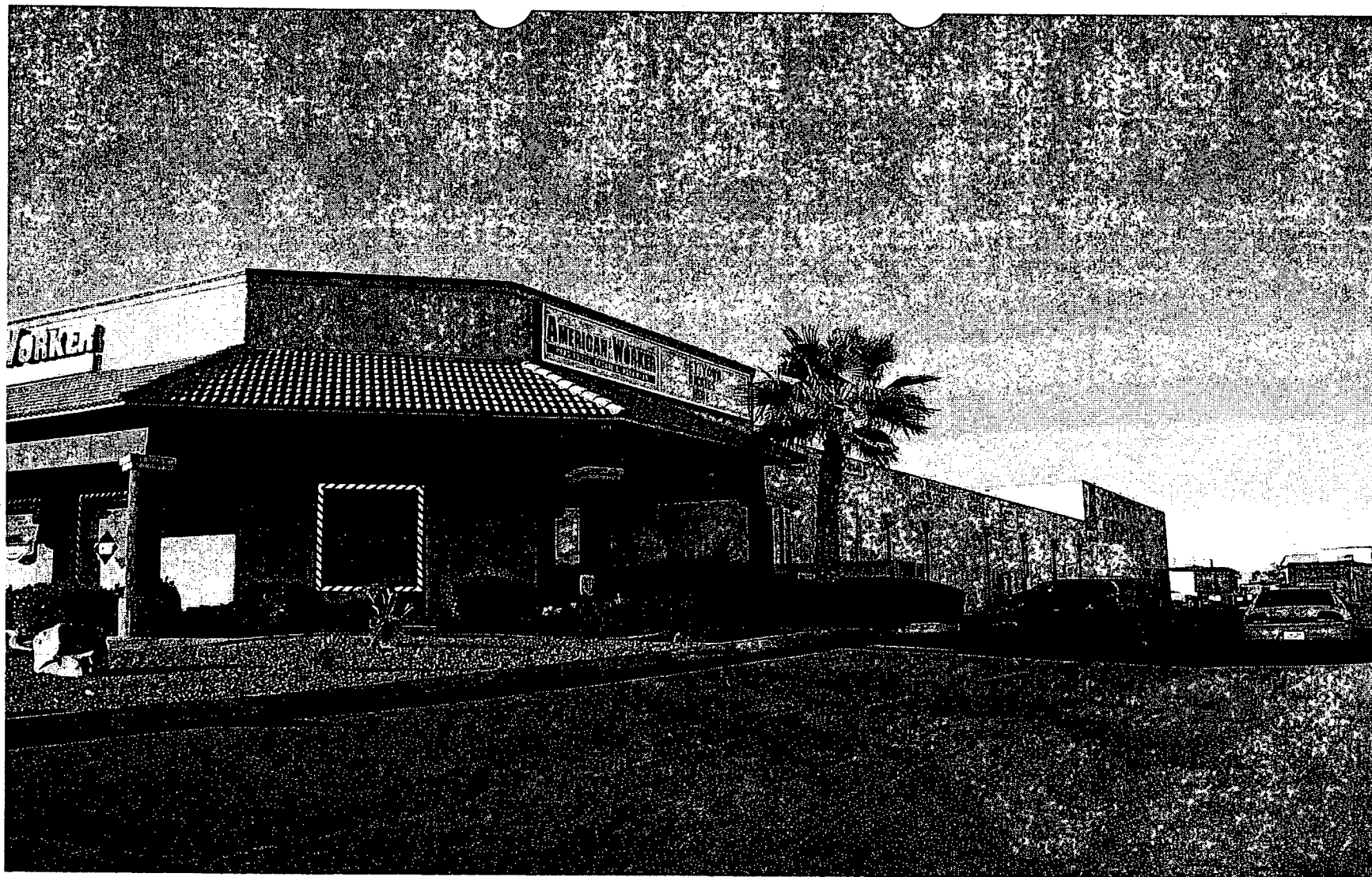
Picture taken 01/21/04



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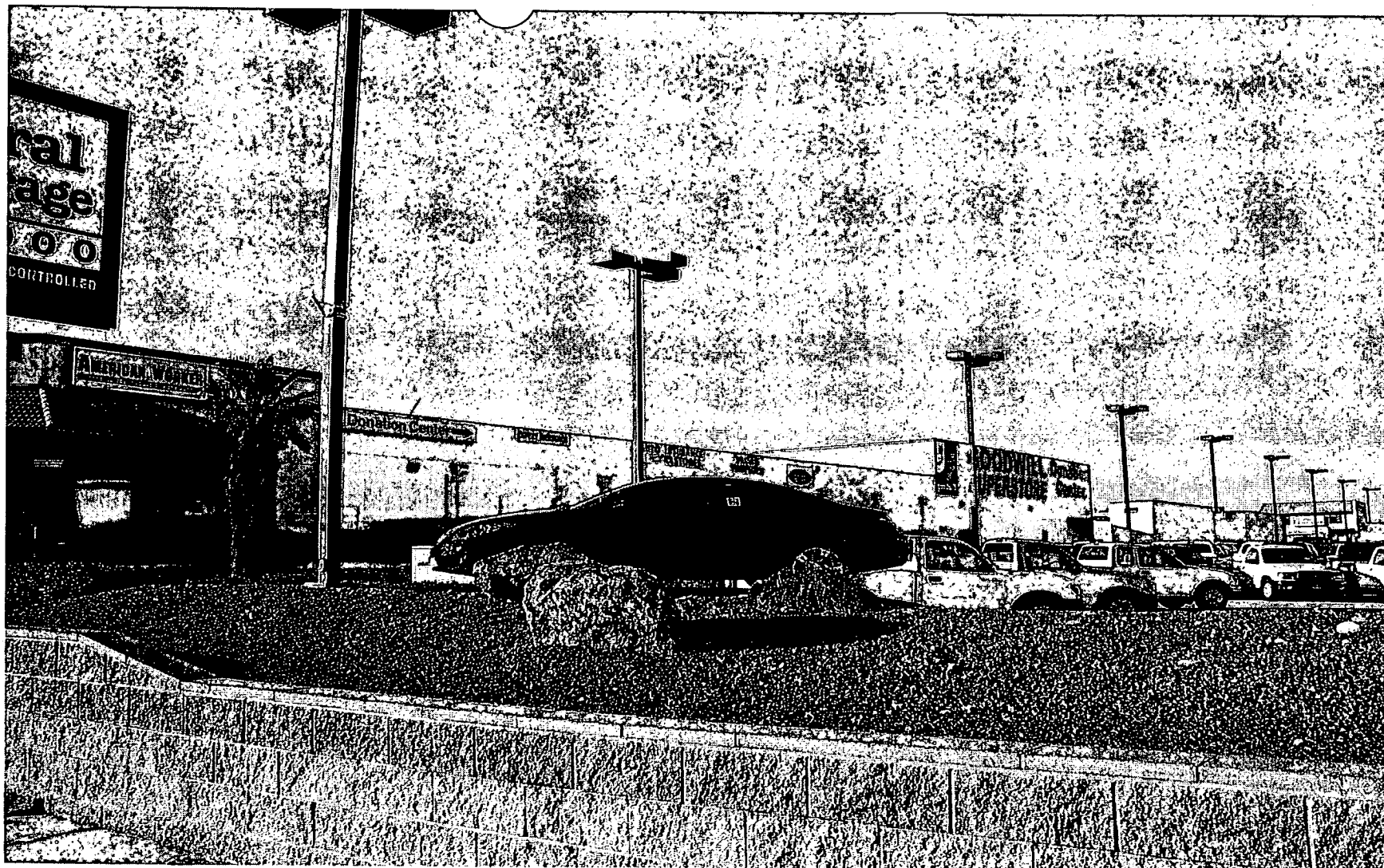
Picture taken 01/21/04



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Picture taken 01/21/04



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

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

FEBRUARY 4, 2004 CITY COUNCIL MEETING

Picture taken 01/21/04

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

RECEIVED
CITY CLERK

2004 JAN 14 P 3:41

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

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

Dear Sir or Madam:

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

Yours truly,


Lucy Stewart

MICHAEL H. SINGER
JAY H. BROWN

LAW OFFICES
Singer & Brown
A NEVADA LLC

520 SOUTH FOURTH STREET
LAS VEGAS, NEVADA 89101-6593

TELEPHONE (702) 384-8583
FACSIMILE (702) 385-1023
Brownltd@earthlink.net

July 20, 2004

FAX: 382-4803

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

Re: Item No. 107 SUP-3394-Special Use Permit-Las Vegas Billboards on behalf of
West Sahara Associates, Limited Partnership
City Council Agenda of July 20, 2004

Dear Ms. Ronemus:

Please be advised that I represent Las Vegas Billboards in connection with the above
referenced application.

On behalf of our client, we respectfully request that this item be held in abeyance from
the City Council agenda of July 20, 2004 and reset for the September 1, 2004 City
Council meeting.

Very truly yours,


Jay H. Brown

JHB:cc

RECEIVED
CITY CLERK
2004 JUL 20 P 4:06

Submitted after final agenda

Date 7/20/04 Item 107

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF: JULY 21, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☐

CONSENT

☒

DISCUSSION

SUBJECT:

ABEYANCE ITEM - SPECIAL USE PERMIT - PUBLIC HEARING - SUP-4137 -
APPLICANT: VINCENT YALDO - OWNER: THOMAS E. PATRICK, LIVING TRUST
- Request for a Special Use Permit FOR A PROPOSED LIQUOR ESTABLISHMENT (OFF-
PREMISE CONSUMPTION) IN CONJUNCTION WITH A PROPOSED CONVENIENCE
STORE at 4921 Vegas Drive (APN: 138-25-502-001), C-1 (Limited Commercial) Zone, Ward 1
(Moncrief). Staff recommends DENIAL. The Planning Commission (5-2 vote) 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 DENIAL. The Planning Commission (5-2 vote) recommends APPROVAL,
subject to conditions.

BACKUP DOCUMENTATION:

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

MOTION:

MONCRIEF - DENIED - UNANIMOUS

NOTE: COUNCILMAN MACK disclosed that his brother, STEVEN MACK owns property
located in this area. Because he has not discussed this item with his brother and did not believe
there would be any impact or effect on his voting ability, he would be voting on this item.

MINUTES:

MAYOR GOODMAN declared the Public Hearing open.

NOTE: A Verbatim Transcript is made a part of the Final Minutes.

APPEARANCES:

OSCAR GOODMAN, Mayor
MICHAEL MACK, Councilman
ASHLEY HALL, 8063 West Sahara Avenue, Suite 110
BRYAN SCOTT, Deputy City Attorney
VINCENT YALDO, 5869 Sleepy Fawn Drive

CITY COUNCIL MEETING OF JULY 21, 2004
Planning and Development Department
Item 108 – SUP-4137

MINUTES – Continued:

APPEARANCES Continued:

BEATRICE TURNER, West Las Vegas resident

UNIDENTIFIED MALE

ROBERT GENZER, Director, Planning and Development Department

GARY REESE, Councilman

JANET MONCRIEF, Councilwoman

MAYOR GOODMAN declared the Public Hearing closed.

(2:32 – 2:44)

4-1006

CITY COUNCIL MEETING OF
July 21, 2004

VERBATIM TRANSCRIPT – ITEM 108

**SUP-4137 APPLICANT: VINCENT YALDO – OWNER: THOMAS E. PATRICK,
LIVING TRUST**

APPEARANCE LIST

OSCAR GOODMAN, Mayor

MICHAEL MACK, Councilman

ASHLEY HALL, 8063 West Sahara Avenue, Suite 110

BRYAN SCOTT, Deputy City Attorney

VINCENT YALDO, 5869 Sleepy Fawn Drive

BEATRICE TURNER, West Las Vegas resident

UNIDENTIFIED MALE

ROBERT GENZER, Director, Planning and Development Department

GARY REESE, Councilman

JANET MONCRIEF, Councilwoman

(2:321 – 2:44)

4-1006

12 Minutes

Typed by: Ydoleena Yturralde

Proofed by: Angela Crolli

CITY COUNCIL MEETING OF
July 21, 2004

VERBATIM TRANSCRIPT – ITEM 108

23 **MAYOR GOODMAN**

24 One oh eight is SUP-4137, the applicant is Vincent Yaldo, the owner is Thomas E. Patrick,
25 Living Trust. Request for Special Use Permit for proposed liquor establishment off premise
26 consumption in conjunction with the proposed convenience store at 4921 Vegas Drive. The staff
27 recommends denial. The Planning Commission recommends approval subject to conditions. It's
28 a public hearing, which I now declare open.

29 And Mr. Yaldo we tried. We had our staff check to see whether or not there was a real church
30 there and it was represented to me during my briefing, Mr. Hall, I want o advise you of this as
31 well, that when they called the number indicated that there were at least two pastors who were
32 involved with this particular address and the staff concluded that, in fact, it was a church. I then
33 spoke, and I'm just speaking for myself, Council, or course, is not bound by the – information
34 that I – got, but I spoke to our City Attorney's Office, I said, it seems to me that Mr. Yaldo is a
35 good fellow that we're talking about a couple of feet here and can't we make an exception. And
36 we got involved in the discussion whether or not we can change our waiver requirements under
37 our ordinances and really tried real hard to get this on but my staff and the Attorney's Office
38 indicate there's no way around this. So, I – just want you to know that before you make your
39 comments.

40

41 **COUNCILMAN MACK**

42 Your Honor.

43

44 **MAYOR GOODMAN**

45 Yes.

46

47 **COUNCILMAN MACK**

48 Just a quick disclosure, my brother, Steven Mack, owns property near this location. Steven
49 hasn't spoken to me about this request. I don't believe it have any affect on his site, so I'll be
50 voting on this matter.

CITY COUNCIL MEETING OF
July 21, 2004

VERBATIM TRANSCRIPT – ITEM 108

51 **MAYOR GOODMAN**

52 Okay so – based on that information we went through this before, and you know where – our
53 mind and where our hearts are anyhow, but our mind, apparently, is limited.

54

55 **ASHLEY HALL**

56 Yeah, Your Honor, two – questions.

57

58 **MAYOR GOODMAN**

59 Yes?

60

61 **ASHLEY HALL**

62 – is I think what we want clarification on today.

63

64 **MAYOR GOODMAN**

65 Right.

66

67 **ASHLEY HALL**

68 It has to do with the occupancy permit. There's an occupancy permit issued for the United
69 Methodist Church when they were there. They left and another group came in. And I've met
70 with staff; we've talked with staff, they indicate that based on whatever criteria in that they
71 would accept that occupancy permit for the new group. If you look at the strict interpretation of
72 the City Ordinance that deals with occupancies, I think it says that if a use changes or an
73 occupancy changes they need to have a new occupancy permit. And I'm just asking a question,
74 if that is true or not true.

75

76 **MAYOR GOODMAN**

77 All right. We'll ask Mr. –

CITY COUNCIL MEETING OF
July 21, 2004

VERBATIM TRANSCRIPT – ITEM 108

78 **BRYAN SCOTT**

79 I – don't know where that would actually be in the code unless it's in the building code.

80 Normally occupancy permits –

81

82 **ASHLEY HALL**

83 It's in the building code.

84

85 **BRYAN SCOTT**

86 Normally occupancy permits are only required, my understanding, when there's been some
87 major tenant improvements done on a property or some major reconstruction. I don't know if we
88 have anyone from the building department in this but –

89

90 **ASHLEY HALL**

91 All I'm saying –

92

93 **BRYAN SCOTT**

94 – our – code does not address a church having to have a – C of O in order for it to be deemed to be
95 a church for the distance separation provision.

96

97 **ASHLEY HALL**

98 I – understand that legal counsel. What I'm saying, Your Honor, is that if you're – looking at
99 strict interpretation of the code, the code says if the – use changes, if the – use changed I can
100 understand that, or modification, I understand that or occupancy changes, and if they're not the
101 same occupants that were there before –

102

103 **BRYAN SCOTT**

104 I don't know –

CITY COUNCIL MEETING OF
July 21, 2004

VERBATIM TRANSCRIPT – ITEM 108

105 **ASHLEY HALL**

106 My question – is, and I know we’ve gone through the same rule of book that everyone else has,
107 we called the people, we, we’ve had, we’ve heard the telephone calls on the recorder from these
108 individuals indicating that there’s a reverend here and a pastor here. You know question is that I
109 – can’t tell you for sure if it’s really a church or not and believe me I’ve been – I’m in that
110 category. I mean I understand that.

111 The second question, Your Honor, has to do with – the 400-foot rule. I understand the—
112 principle behind the 400-foot rule and, again, we’ve indicated that – the distance between Mr.
113 Yaldo’s property line or intended property line and the property line for the six-plex that is
114 involved in this particular case is about three hundred and eighty to three hundred and ninety feet
115 depending on how you measure it. There are six, this is a six-cubical facility, and the first
116 cubical, in the first cubical – you have a drapery, you have a hair stylist in the second, you have a
117 –

118
119 **VINCENT YALDO**

120 Barber shop.

121
122 **ASHLEY HALL**

123 – you have a – Habit for Humanity in the second. You have a hair stylist in the third, you have a
124 barber shop in the fourth, you have a café in the fifth and on the east end of that whole process,
125 which is over 500 feet, then you have the facility. And my question, in terms of fair and
126 reasonable, it would seem to me that – you would mark – an imaginary line some place, know
127 that where that line is for that – rental space and use it. Otherwise, you can have a section of
128 property, which is six hundred and forty acres, a mile square. You could have – a church on one
129 side of that and you can have a convenience store on the other side, which is a mile away, across
130 the street and under your rule, the 400-foot rule, it would – be declined.

131 And it is to me, it seems like it’s unreasonable in terms the interpretation of the law that that
132 would be done.

CITY COUNCIL MEETING OF
July 21, 2004

VERBATIM TRANSCRIPT – ITEM 108

133 **MAYOR GOODMAN**

134 Okay. I – appreciate your analysis and I’m not saying I disagree with you but I – tried my best to
135 be able to get the authority to go ahead and vote for Mr. Yaldo on this, but I was shot down. But
136 I do have a question, now that I’m looking at the – agenda item. The Planning Commission
137 recommended approval. How did that take place, Mr. Scott?

138

139 **BRYAN SCOTT**

140 That was prior to the time that – we had the knowledge that the church existed at that –

11

142 **MAYOR GOODMAN**

143 Oh, okay.

144

145 **BRYAN SCOTT**

146 – location.

147

148 **ASHLEY HALL**

149 Now again, refreshing your memory, Your Honor –

150

11 **MAYOR GOODMAN**

152 Yeah.

153

154 **ASHLEY HALL**

155 – it was us that asked the Planning staff to go back –

156

157 **MAYOR GOODMAN**

158 Yes, I know.

159

160 **ASHLEY HALL**

161 – and look. Because the Planning staff had gone before and had looked and – had –

CITY COUNCIL MEETING OF
July 21, 2004

VERBATIM TRANSCRIPT – ITEM 108

162 **MAYOR GOODMAN**

163 Right.

164

165 **ASHLEY HALL**

166 – found no conflicting uses.

167

168 **MAYOR GOODMAN**

169 Right. I –

'0

171 **ASHLEY HALL**

172 We asked them to go back, once someone to raise the question was thought that there's, there
173 may be something there and based on that that they went back and – looked and found.

174

175 **BRYAN SCOTT**

176 And just for the record, it doesn't really matter how we found out it existed.

177

178 **MAYOR GOODMAN**

179 No, I appreciate that.

.0

181 **BRYAN SCOTT**

182 Now that we know it exists we have to follow our – rules.

183

184 **ASHLEY HALL**

185 Yeah, but fairness is fairness.

186

187 **MAYOR GOODMAN**

188 I understand. Fairness is fairness but sometimes the world isn't fair. But a –

189

190 **VINCENT YALDO**

191 I have a –

CITY COUNCIL MEETING OF
July 21, 2004

VERBATIM TRANSCRIPT – ITEM 108

192 **MAYOR GOODMAN**

193 Yes, Mr. Yaldo.

194

195 **VINCENT YALDO**

196 Vinny Yaldo, 5-8-6-9 Sleepy Fawn Drive, Las Vegas, Nevada. My question is now, being that

197 Mr. Hall just stated that they do need a Certificate of Occupancy, if that –

198

199 **BRYAN SCOTT**

)0 They do not require a Certificate of Occupancy.

201

202 **VINCENT YALDO**

203 Okay. He stated that Code, according to the City code, that they do need. Say the do, say they

204 don't. My question is have they, or may – comment is had they had a Certificate of Occupancy

205 back in February when I went to the Planning and Development Department and had they told

206 me that a church existed within 400 feet, we wouldn't be here today having this conversation

207

208 **MAYOR GOODMAN**

209 I agree.

 .0

211 **VINCENT YALDO**

212 And it didn't just go past a couple of people in the Planning Department. It went past the entire

213 –

214

215 **MAYOR GOODMAN**

216 Mr. Yaldo, I agree with you. That's the reason that you're back here today instead of being

217 turned down two weeks ago because I – asked the staff to do everything they can so we can

218 support your application. I also asked whether or not there's a concept very similar to what is

219 referred to in the criminal law practice as jury nullification, where a judge tells you that you have

220 to follow the law and the jury feels that it's unfair and they come back and they don't listen to

CITY COUNCIL MEETING OF
July 21, 2004

VERBATIM TRANSCRIPT – ITEM 108

221 the judge. I asked whether we could do that and I'm advised we can't do that under the
222 circumstance.

223

224 **VINCENT YALDO**

225 Okay. I just have one last comment, I'm just asking City Council to please treat this issue as if it
226 were yourself. I've been through, you know, a lot. I've been, I've done everything legitimately.

227

228 **MAYOR GOODMAN**

!9 Yes, you have.

230

231 **VINCENT YALDO**

232 I've done everything by the book.

233

234 **MAYOR GOODMAN**

235 You have.

236

237 **VINCENT YALDO**

238 I have done all that I needed to do on my part, especially to make sure that there were no
.9 protected uses within 400 feet. So, I'm asking you to treat this issue as if it were your own.

240

241 **MAYOR GOODMAN**

242 Okay, and if – you're gonna go to court, which is certainly a prerogative, I would agree that with
243 what you said is, I agree with you. How do you like that?

244

245 **BRYAN SCOTT**

246 Mr. Mayor, if I could, just for the record also. This is not to say the gentlemen can't open up a
247 convenience store, he just can't have beer and wine sales. So, this is not preventing him from
248 opening the store, doing a business and earning a living. He just can't do the beer and wine.
249 There is no 400-foot with the 400-foot distance separation between this use as, for selling beer
250 and wine in a protected use, it's not a waivable provision in our code. The distance separation is

CITY COUNCIL MEETING OF
July 21, 2004

VERBATIM TRANSCRIPT – ITEM 108

251 measured from property line to property line, not door to door. So, just for the record, I'd like to
252 put that on.

253
254 **MAYOR GOODMAN**
255 I – it was just, the question was posed when does detrimental reliance come into play and that,
256 that's why I feel so strongly.

257
258 **BRYAN SCOTT**

259 He can –

260
261 **MAYOR GOODMAN**

262 Equitably –

263
264 **BRYAN SCOTT**

265 He can –

266
267 **MAYOR GOODMAN**

268 – the man's right –

269
270 **BRYAN SCOTT**

271 He can still open up his business as a convenience store, he just simply cannot have the beer and
272 wine because it is not a waivable provision for you to – waive that 400-foot distance separation.

273
274 **MAYOR GOODMAN**

275 No, I – appreciate.

276
277 **BRYAN SCOTT**

278 So it is –

CITY COUNCIL MEETING OF
July 21, 2004

VERBATIM TRANSCRIPT – ITEM 108

279 **MAYOR GOODMAN**

280 I'm not – killing the messenger.

281

282 **BRYAN SCOTT**

283 Right. And it's – also incumbent upon him, as the applicant, to do his homework and to make
284 sure that he understands what the rules are and if there was a church in, within that 400-foot
285 distance separation, he should have never signed the lease for that building and he and shouldn't
286 have applied for a beer and wine Special Use Permit.

287

288 **MAYOR GOODMAN**

289 Okay, thank you.

290

291 **ASHLEY HALL**

292 It doesn't say church on it.

293

294 **VINCENT YALDO**

295 That's why –

296

297 **MAYOR GOODMAN**

298 Okay.

299

300 **VINCENT YALDO**

301 – I took these steps that I did take in making sure there were no protected uses. I also have it in
302 black and whit written from a City employee that states there were no protected uses.

303

304 **BRYAN SCOTT**

305 Churches are not licensed that's why they don't – show up on our – computer system and –

306

307 **MAYOR GOODMAN**

308 Well, the record –

CITY COUNCIL MEETING OF
July 21, 2004

VERBATIM TRANSCRIPT – ITEM 108

309 **BRYAN SCOTT**

310 We don't search for C of O's.

311

312 **MAYOR GOODMAN**

313 The record is absolutely, you have your record here. You can't make a better record than this.

314 Ms. Turner.

315

316 **VINCENT YALDO**

317 And –

318

319 **BEATRICE TURNER**

320 Beatrice Turner, West Las Vegas. You know back in the day when Mr. Hall used to work for the

321 City, you know, people come cluck'n down here to City Hall and every juke joint, and every

322 shopping center everywhere is a church in our community. See they didn't think nothing of it

323 then, but see now, you know, my God is sure good, it come back to haunt him now. Now he

324 here want'n to get a liquor license for this man but see how good God is.

325

326 **UNIDENTIFIED MALE**

327 I got something to show you.

328

329 **MAYOR GOODMAN**

330 Okay. All right. Thank you.

331

332 **ROBERT GENZER**

333 Your Honor?

334

335 **MAYOR GOODMAN**

336 Yes?

CITY COUNCIL MEETING OF
July 21, 2004

VERBATIM TRANSCRIPT – ITEM 108

337 **ROBERT GENZER**

338 I wanted to –

339

340 **MAYOR GOODMAN**

341 Yes?

342

343 **ROBERT GENZER**

344 – just add one thing for the record in regards to the first question that was asked in – terms of the
345 Certificate of Occupancy. I do have a email in front of me that was sent to us this morning from
346 Ron LaBar, the Deputy Director of Building and Safety, and in the email he indicates that there
347 is a C of O for that, for this particular address which was issued for the United Methodist, which
348 was the previous tenant of that particular location. Since there has been no change of occupancy
349 or use type, a new C of O is not required for the Building Department.

350

351 **MAYOR GOODMAN**

352 All right, well before the vote, I, I'm gonna ask, and I know that I was told that we can't do
353 anything about it, but I don't – like to be told we can't do thing. Mr. Scott, I really think, and
354 I'm gonna ask you to speak to Councilman Reese who started this problem all by himself, that –
355 we should be able to – do something about this, as far as giving us some discretion in an area like
356 this because here, I – understand everything you said and I respect your – legal ability and I
357 know what you're advising us legally, correctly, but I think that there are certain – equities
358 sometimes, that we should be able to –

359

360 **COUNCILWOMAN MONCRIEF**

361 Thank you, Your Honor. First of all I'd like to say that I, as you know, I've spoke to you before
362 this site, in this area of town, needs redeveloping severely and I was excited when you told me
363 what you were gonna do to this quarter to beautify it. The large acreage to the east, as you know,
364 the City's purchased a lot of that land and there's gonna be a large redevelopment there, and
365 maybe, this is just a big maybe, that church might not be there forever in the fact that wheat's
366 going on with that big parcel of land in development some day, not knowing how long, it might

CITY COUNCIL MEETING OF
July 21, 2004

VERBATIM TRANSCRIPT – ITEM 108

367 not be there. But, as you have heard us all say today and staff, that there's no way that we can
368 approve the liquor part of it. But I still recommend why not open a convenience store and down
369 the road there might be the possibility of a liquor license at a – later date. But, right now I have
370 to move for denial following staff's recommendations.

371

372 **MAYOR GOODMAN**

373 All right, let's vote please. Post. Motion carries. **(Motion carried unanimously)** I hope you
374 can –

375

376 **ASHLEY HALL**

377 Thank you.

378

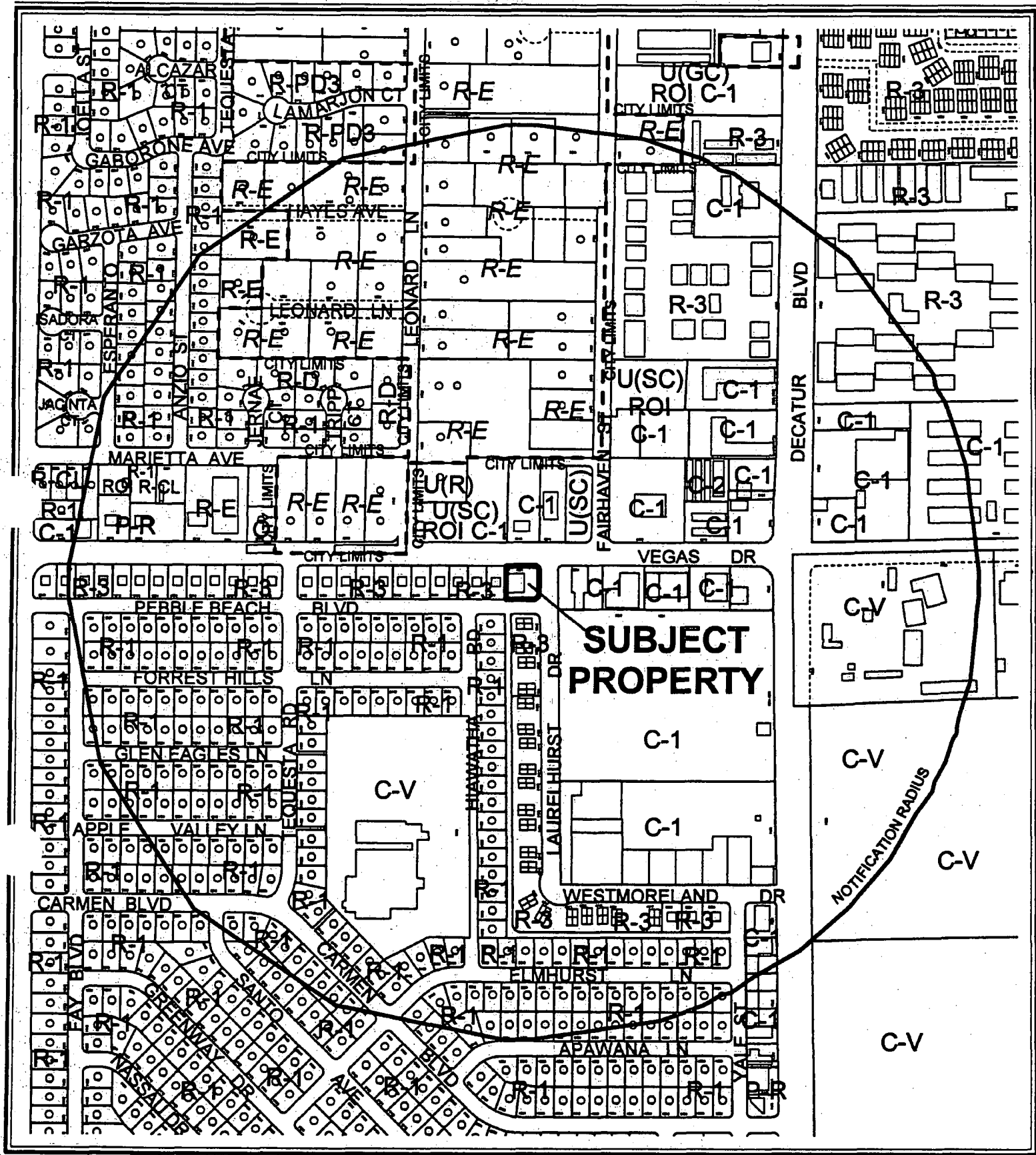
379 **MAYOR GOODMAN**

380 – do what the Councilwoman suggests.

381 **(END OF DISCUSSION)**

382

383 /yy;ac





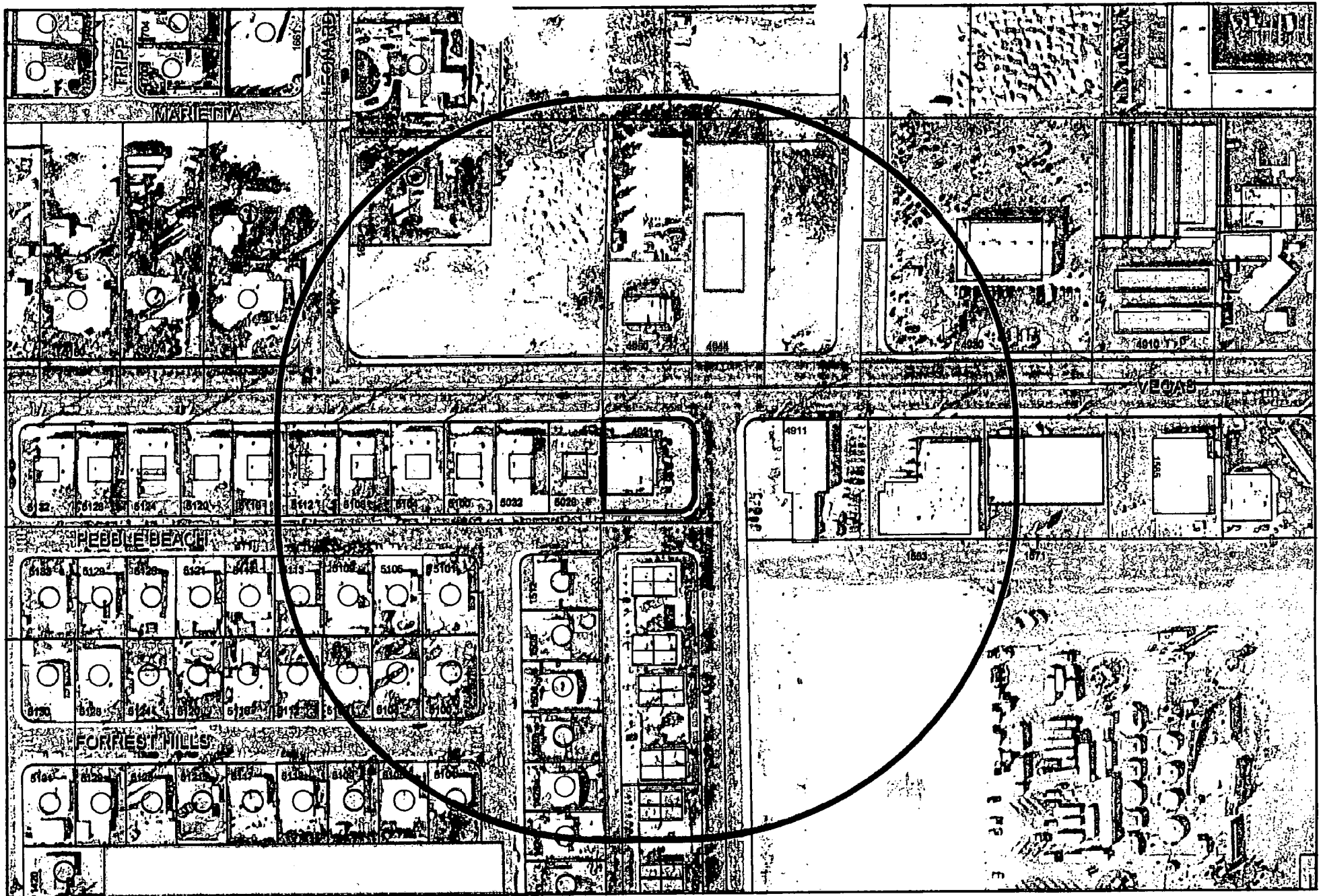
CASE: SUP-4137

RADIUS: 1500 FT

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

0 300 600 Feet





SUP-4137 Package Liquor Sales

Business Licenses

-  Package Liquor Sales
-  Tavern
-  Supper Club/
Restaurant Service Bar

-  Schools
-  Religious

-  Subject Property
-  400 foot buffer



AGENDA MEMO

CITY COUNCIL MEETING DATE: JULY 21, 2004
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: ABEYANCE ITEM - SUP-4137 - APPLICANT: VINCENT YALDO - OWNER: THOMAS E. PATRICK, LIVING TRUST

THIS ITEM WAS HELD IN ABEYANCE AT THE JUNE 16, 2004 CITY COUNCIL MEETING AT MAYOR GOODMAN'S REQUEST.

**** CONDITIONS ****

Staff recommends DENIAL. The Planning Commission (5-2 vote) recommends 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. Expiration of this Special Use Permit one year from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.
3. Conformance with all City Code requirements and design standards of all City departments.
4. Approval of this Special Use Permit does not constitute approval of a liquor license.
5. This application being restricted to the sale of beer and wine only.
6. Prohibition of the sale of individual containers of any size of beer, wine coolers or screw cap wine containers. All such products shall remain in their original configurations as shipped by the manufacturer. No repackaging of containers into groups smaller than the original shipping container size shall be permitted. The portion of the structure dedicated to the sale of beer and wine shall be limited to a maximum of 5% of the total floor area.
7. Operation of this business being absolutely in conformance with Chapter 6.50 of the City of Las Vegas Municipal Code.
8. No seating if permitted on-site.
9. Submittal of a detailed site plan that illustrates compliance with the parking requirements and a dedicated landscaping plan that provides onsite amenities acceptable to the Department prior to City Council approval.
10. The Special Use Permit shall be subject to a one-year review at a public hearing.

**** STAFF REPORT ****

APPLICATION REQUEST:

A) Action Requested

This is a request for a Special Use Permit for a proposed Liquor Establishment (Off-Premise Consumption) at 4921 Vegas Drive.

B) Applicant's Justification

The applicant has submitted a letter with this application, stating:

This business will cater to local customers, primarily within walking distance from the store. Deli sandwiches are an essential element to the business as well; we will carry a small delicatessen for carryout, along with basic fruits and vegetables, we will also a line of groceries at low competitive prices. With regards to selling beer and wine, my interest in obtaining a special use permit to sell beer/wine for off premises consumption is to have this convenience available to the consumer. Needless to say, I would also like to mention that I have full knowledge and comprehension of the enforced laws, rules, and regulations that govern this type of license and will adhere to them obediently if given the opportunity.

BACKGROUND INFORMATION:

A) Previous Actions

- 11/22/61 The Board of City Commissioners approved a Rezoning request (Z-0054-61) to rezone the subject property from an R-1 (Single-Family Residence) zone to an R-3 (Limited Multiple Residence) zone.
- 09/11/63 The Board of City Commissioners approved a Rezoning request (Z-0113-63) to rezone the subject property from an R-3 (Limited Multiple Residence) zone to a C-1 (Limited Commercial) zone.
- 05/13/04 The Planning Commission voted 5-2 to recommend APPROVAL (PC Agenda Item #47).

B) Pre-Application Meeting

- 03/10/04 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, a signed application, a Project of Regional Significance questionnaire, and 10 total parking spaces. A day care center that did exist across the street is no longer in existence. There would be no seating in conjunction with the establishment.

C) Neighborhood Meetings

A neighborhood meeting is not required for a Special Use Permit application and one was not held.

DETAILS OF APPLICATION REQUEST:

A) Site Area

Net Acres: 0.30

B) Existing Land Use

Subject Property: Retail commercial
 North: Across Vegas Drive, single-family residential
 South: Across Pebble Beach Boulevard, multi-family residential
 East: Across Laurelhurst Drive, retail commercial
 West: Duplexes

C) Planned Land Use

Subject Property: M (Medium Density Residential)
 North: Across Vegas Drive, SC (Service Commercial)
 South: Across Pebble Beach Boulevard, M (Medium Density Residential)
 East: Across Laurelhurst Drive, SC (Service Commercial)
 West: M (Medium Density Residential)

D) Existing Zoning

Subject Property: C-1 (Limited Commercial)
 North: Across Vegas Drive, R-3 (Limited Multiple Residence)
 South: Across Pebble Beach Boulevard, R-3 (Limited Multiple Residence)
 East: Across Laurelhurst Drive, C-1 (Limited Commercial)
 West: R-3 (Limited Multiple Residence)

E) General Plan Compliance

The subject property is designated M (Medium Density Residential) in the General Plan. The existing zoning, however, is C-1 (Limited Commercial), which is inconsistent with the General Plan. The zoning has been noncompliant with the General Plan since 1963, when the property was originally rezoned to a commercial classification. A number of different commercial uses have existed on the property since that time.

<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	

The proposed convenience store with or without liquor sales continues the commercial use of this property. Consequently, the City should take the initiative to amend the General Plan during then next General Plan cycle to a land use classification consistent with the existing zoning. (The subject property could alternatively be rezoned to a district consistent with the land use classification, but any commercial use of the property would then be made nonconforming.)

No special districts, zones, or studies are related to the subject property. However, the property is within 500 feet of the city limits of North Las Vegas, which for a special use is a Project of Regional Significance. To date, no comments have been received from North Las Vegas officials.

ANALYSIS:

A) Zoning Code Compliance

A1) Parking and Traffic Standards

The 2,400 square-foot retail establishment is required to have 10 parking spaces. A total of 10 spaces are shown on the site plan, although there is some question whether the parking space configuration will fit within the physical dimensions of the lot.

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 would be located in the immediate vicinity of multi-family and single-family dwellings to the south and west of the property. The staff has concerns about the proximity of a liquor establishment so close to residences. For this reason, it is recommended that the application be denied.

- 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 80 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:

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 is located in the immediate vicinity of existing residential developments to the west and south. Severe incompatibility issues arise with the convergence of these types of land uses. Consequently, it is recommended that the special use permit be denied.

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

The subject site is barely suitable for the type and intensity of land use proposed, as the entire site would be consumed by the required amount of parking. Without a detailed site plan, it is questionable whether the required number of spaces will fit on the lot.

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 proposed from Vegas Drive, Laurelhurst Drive and Pebble Beach Boulevard. According to the Master Plan of Streets and Highways, Vegas Drive is identified as a Secondary Collector street with an 80-foot wide right-of-way. Adequate access would be provided.

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

A majority of the Planning Commission members believed the use could be conditioned to adequately address all concerns. Conditions # 6 & 9 were modified as show and Condition #10 added.

NOTICES MAILED: 370 by City Clerk

APPROVALS: 0

PROTESTS: 0



PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: SVP-4137 APN: 138-25-502-001

Name of Property Owner: Thomas PATRICK

Name of Applicant: VINCENT N. VALDO

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

Yes

No

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

City Official: _____

Partner(s): _____

APN: _____

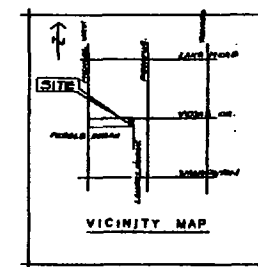
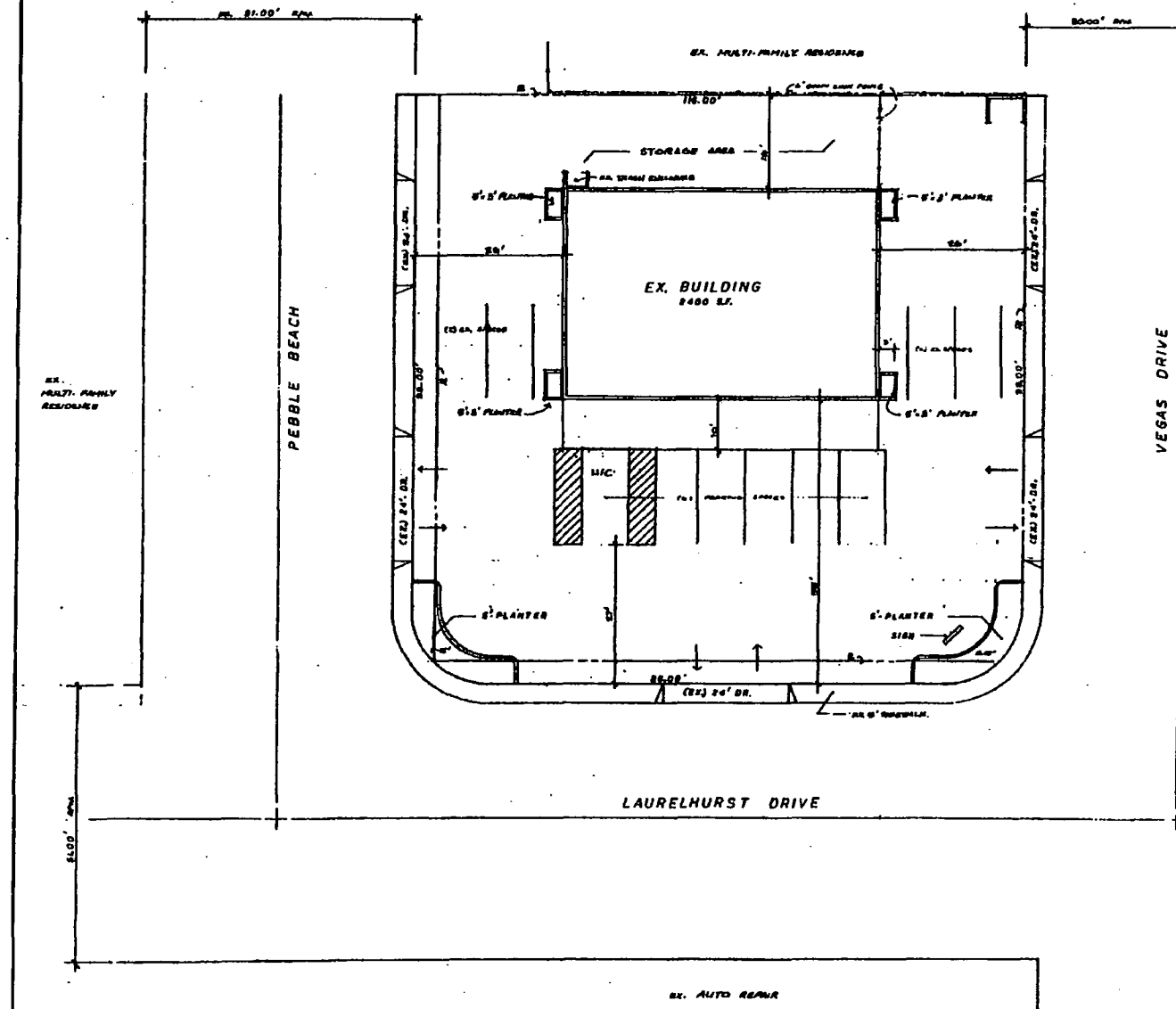
Signature of Property Owner/Authorized Agent:

Print Name:

Subscribed and sworn before me

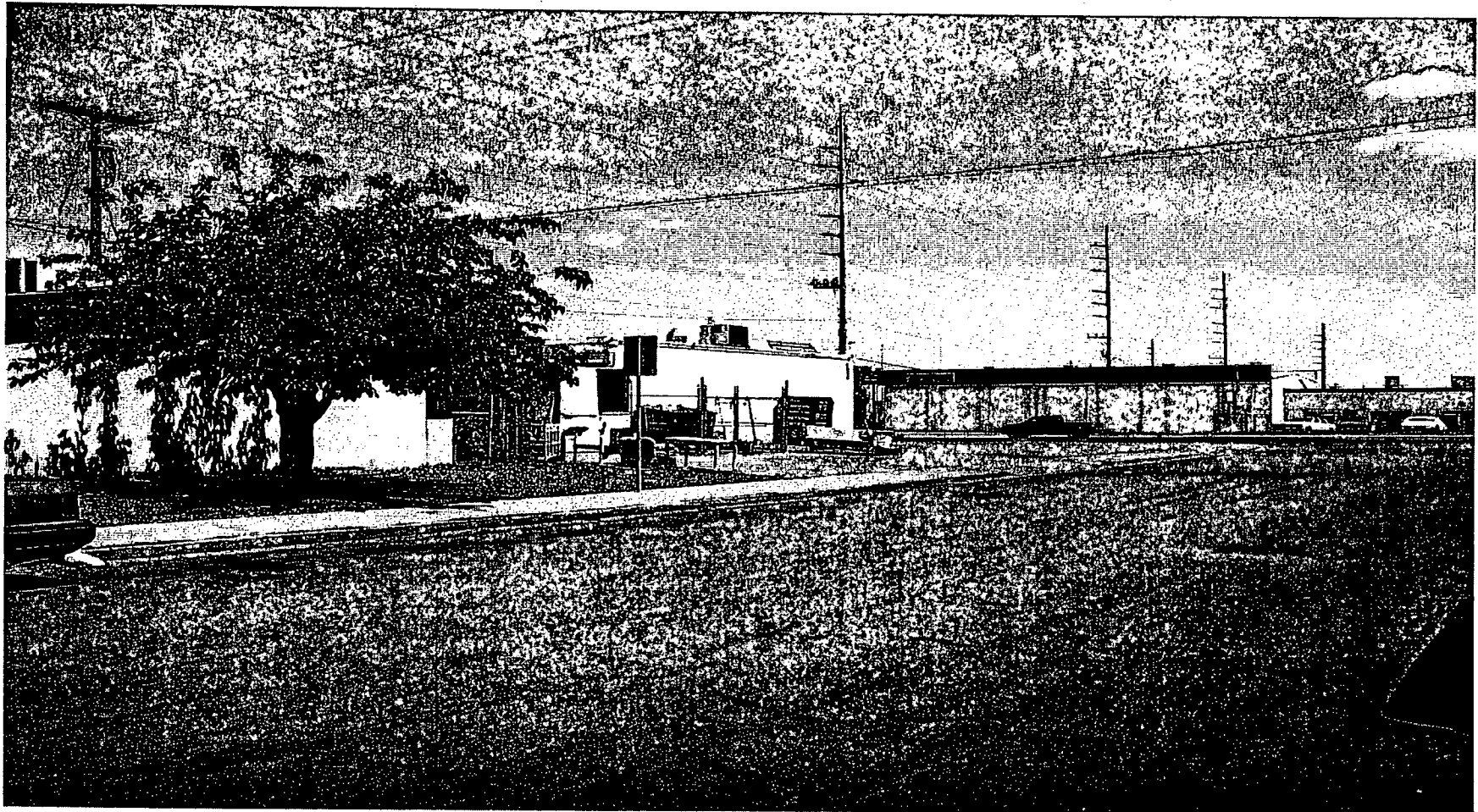
This 3 day of 18 2004





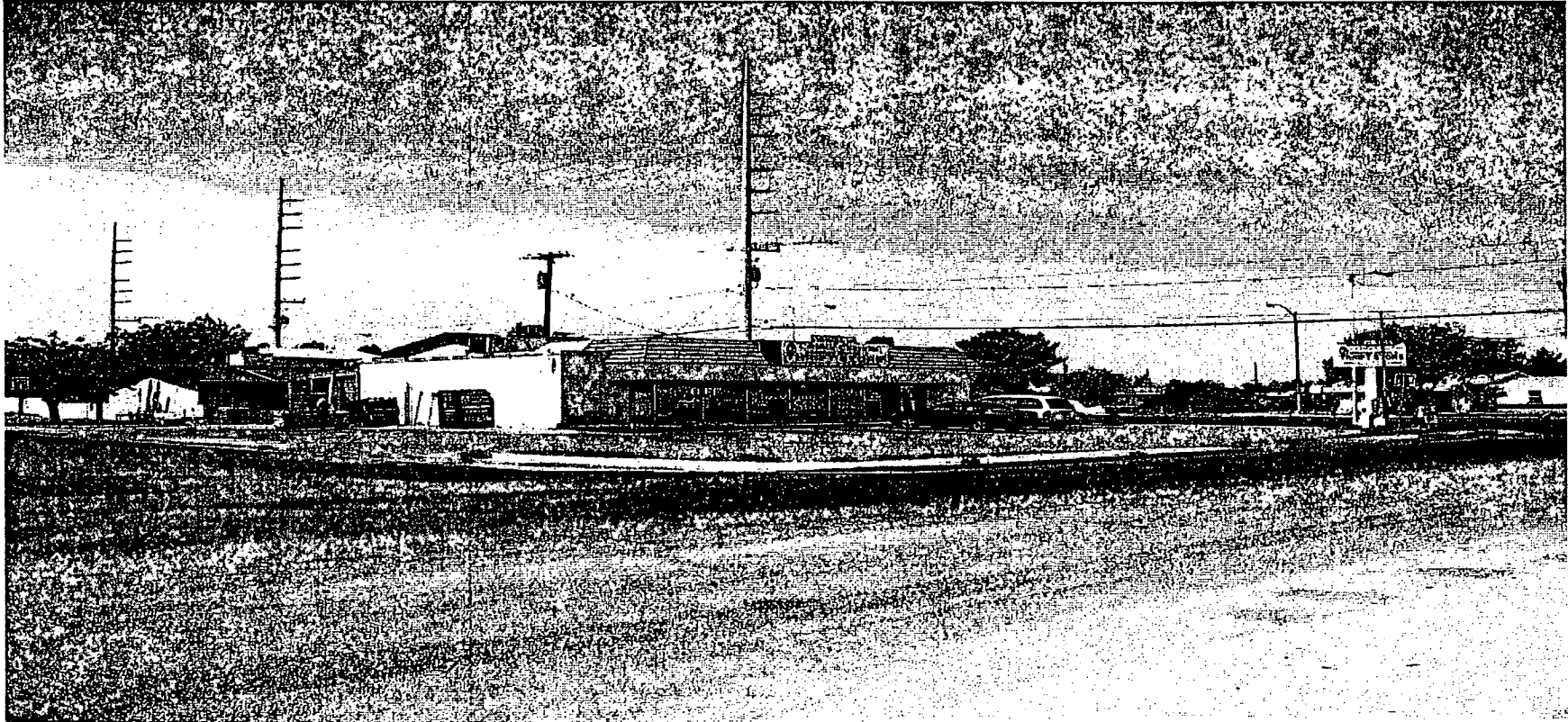
VINCENT YALEDO
4921 LAURELHURST DR.
LV. NV.

SUP-4137
6-16-04 CC



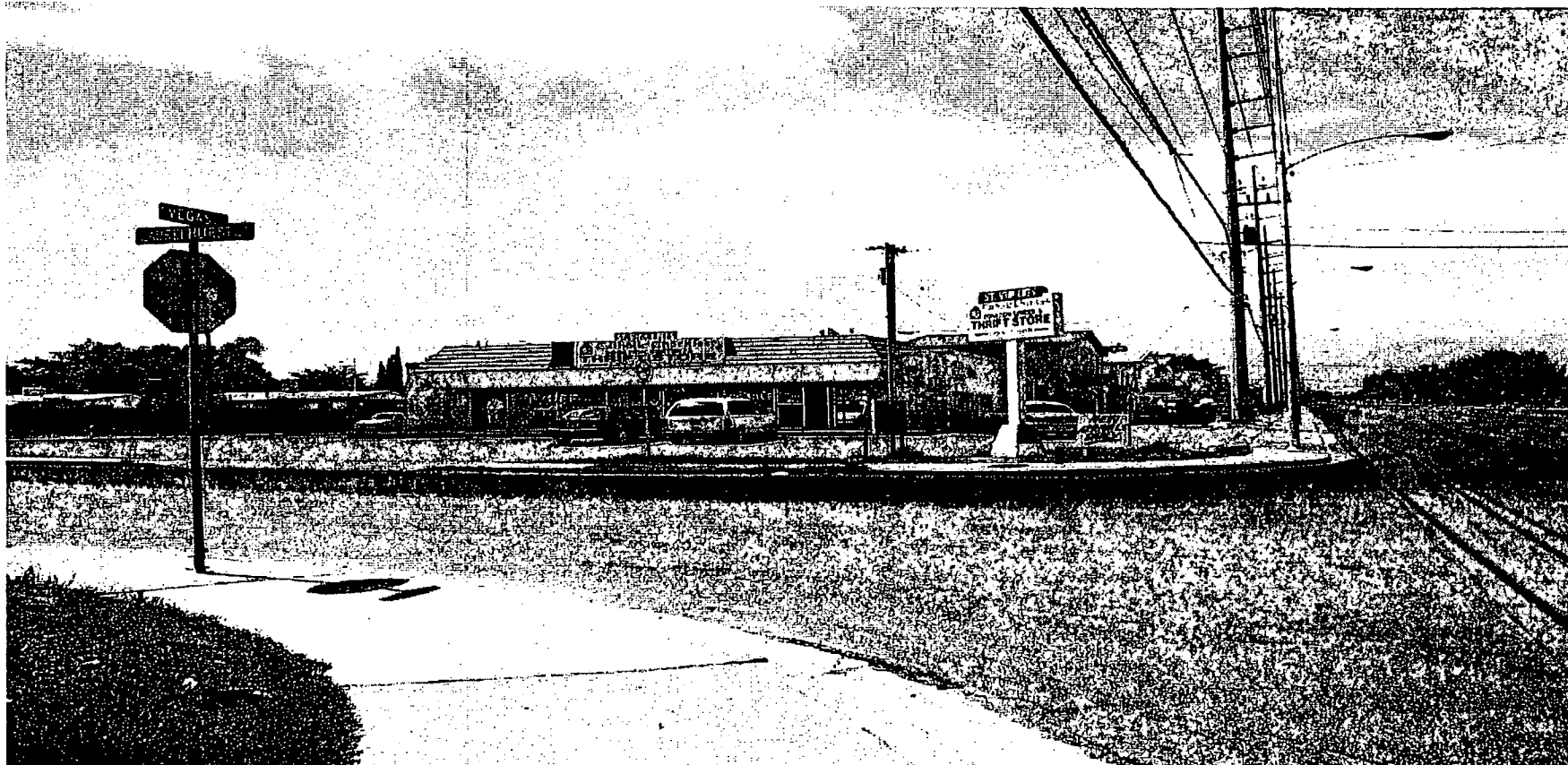
SPECIAL USE PERMIT - PUBLIC HEARING - SUP-4137 - APPLICANT: VINCENT YALDO -
OWNER: THOMAS E. PATRICK, LIVING TRUST
4921 VEGAS DRIVE
MAY 13, 2003 PLANNING COMMISSION

4/19/04



SPECIAL USE PERMIT - PUBLIC HEARING - SUP-4137 - APPLICANT: VINCENT YALDO -
OWNER: THOMAS E. PATRICK, LIVING TRUST
4921 VEGAS DRIVE
MAY 13, 2003 PLANNING COMMISSION

4/19/04



**SPECIAL USE PERMIT - PUBLIC HEARING - SUP-4137 - APPLICANT: VINCENT YALDO -
OWNER: THOMAS E. PATRICK, LIVING TRUST
4921 VEGAS DRIVE
MAY 13, 2003 PLANNING COMMISSION**

4/19/04

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF: JULY 21, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER ☐ CONSENT ☒ DISCUSSION

SUBJECT:

SPECIAL USE PERMIT - PUBLIC HEARING - SUP-4423 - APPLICANT: NEVADA POWER COMPANY - OWNER: BUREAU OF LAND MANAGEMENT - Request for a Special Use Permit FOR AN ELECTRIC SUB-STATION approximately 270 feet north of Elkhorn Road and 200 feet east of Fort Apache Road (a portion of APN: 125-17-401-007 and 008), T-C (Town Center) Zone, Ward 6 (Mack). The Planning Commission (6-0-1 vote) and staff recommend APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

2

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

RECOMMENDATION:

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

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Back up referenced from the 6/24/2004 Planning Commission Item 46
5. Submitted at City Council Meeting – Letter of Protest with three signatures submitted by Arta Faraday

MOTION:

MACK – APPROVED subject to conditions – **UNANIMOUS** with REESE abstaining because his daughter, **TERRY CONNOLLY**, is employed by the purchasing division of Nevada Power and works directly with substation procurements and **MONCRIEF** not voting

NOTE: COUNCILMAN MACK disclosed that a portion of the home he is purchasing is within the notification area for this application. Although his home will receive power from the line going in on Ft. Apache, he did not feel that would impact his vote in any way, and he would be participating.

MINUTES:

MAYOR GOODMAN declared the Public Hearing open on Item 109 [SUP-4423], Item 110 [VAR-4422] and Item 111 [SDR-4422].

CITY COUNCIL MEETING OF JULY 21, 2004
Planning and Development Department
Item 109 – SUP-4423

MINUTES Continued:

MICHELLE BALTZ, Nevada Power Company, 6226 West Sahara Avenue, appeared on behalf of the applicant and thanked the Property Management Division and staff involved with the project for their assistance, which allowed the applicant to co-locate the site along with a City park and future fire station. She explained the site has a 2005 service date to help accommodate the growth in the northwest area.

ARTA FARADAY, 3211 East Flamingo Road, appeared and explained he is purchasing a home near the substation site. He indicated that he had submitted a letter of opposition to the Mayor and Council and asked if they had time to read the information. The Council members were not aware of a letter and asked MR. FARADAY if he had a copy of the letter to submit. MAYOR GOODMAN suggested the item could be abeyed to allow Council time to review the document.

COUNCILMAN MACK asked if an abeyance would negatively impact the timetable involved with the substation. ALAN HELMS, Nevada Power, 6226 West Sahara, indicated the substation is the most needed in the valley. He asked if the item could be trailed. It was agreed the best course of action would be to trail the item to the end of the meeting and to call a recess prior to hearing the item so Council could read MR. FARADAY'S letter. MAYOR GOODMAN informed MR. FARADAY he would have a chance to speak when the item was called again. The item was trailed.

When the item was reheard later during the meeting, MR. FARADAY thanked Council for taking a recess to read the letter. He reiterated several points of the letter and informed Council that the project compromised public health, safety and welfare. Using the overhead, he showed the original plan for Town Center at Centennial Hills adopted in 1999 and pointed out the location of the proposed substation. According to the plan, the surrounding area would have been commercial so there would not have been a threat to public safety. Currently, due to rezoning, the substation is going to be located adjacent to residential. MR. FARADAY stated that since 2002, the potential health hazards of electromagnetic fields have been the topic of numerous articles and scientific investigations and that he had concerns over their health impact.

MEGAN KEENY, 9329 Angelfish Drive, explained she is purchasing a home from KB Homes and her backyard will be twenty feet away from the proposed power plant. She is concerned for her health.

KAREN KEENY, 9329 Angelfish Drive, stated that she had concerns about the health issues involved with the substation. She acknowledged that Nevada Power has agreed to meet with the residents to discuss such concerns. She said she would like to see the substation 100 to 300 feet away from her daughter's future home, not 20. When her daughter signed the contract to purchase the home, the literature she received indicated the substation would be located at Dapple Gray and Elkhorn. She showed the literature to MAYOR GOODMAN who read part of the KB Home disclosure statement for Tripoli at Town Center which stated the substation was

CITY COUNCIL MEETING OF JULY 21, 2004
Planning and Development Department
Item 109 – SUP-4423

MINUTES Continued:

proposed to be located to the south of the community at Elkhorn Road and Dapple Gray Avenue. It also said that purchasers should be aware that the substation may create health risks and may have financial or other adverse impacts on the homes or residents within the community.

MR. FARADAY suggested the location described in the disclosure is the site for the proposed fire station. MAYOR GOODMAN found the verbiage of the disclosure to be poorly worded and MR. HELMS stated Nevada Power did not provide the developer with that verbiage but he would try to clarify the verbiage with the developer.

MS. BALTZ stated there have not been any conclusive studies done regarding negative effects of electromagnetic fields. MAYOR GOODMAN confirmed with MR. HELMS that no lawsuits have been successfully filed against a provider regarding health hazards caused by electromagnetic fields. He added that Nevada Power has offered to take MR. FARADAY and others to a similar substation and give them electromagnetic field gauges so they can see the results for themselves. MR. HELMS stated the Council Chambers had higher electromagnetic field readings than what the substation will emit.

COUNCILMAN MACK indicated that when he first started discussions with Nevada Power on this project, he had the same concerns. He acknowledged that substations have been built in neighborhoods for many years and, to date, there have not been any problems. COUNCILMAN MACK asked MS. BALTZ to speak about a proposed trail. MS. BALTZ explained that the original plan proposed a walking trail; however, it was determined that in the best interest of the community there will be locked gates blocking access to the walkways surrounding the substation.

COUNCILMAN BROWN stated the fear is really of the unknown. A park has been built under a large power line in his Ward and multiple neighborhoods surround it. He indicated that he could not support putting a substation in an area that is already developed; however, he could support the substation being built simultaneously with residential as long as disclosures were made to the buyers. He stated that this site was determined for the station long ago and several public hearings were held regarding the location. He voiced concerns regarding the developers protesting the substation. If not for the substations, the developers would not be able to build in the area.

COUNCILMAN MACK indicated the substation has been planned for this site for over five years and it is much needed. As an added bonus, Nevada Power has agreed to construct the half street improvements and medians on Elkhorn and Fort Apache adjacent to the site.

MAYOR GOODMAN declared the Public Hearing closed on Item 109 [SUP-4423], Item 110 [VAR-4422] and Item 111 [SDR-4422].

CITY COUNCIL MEETING OF JULY 21, 2004
Planning and Development Department
Item 109 – SUP-4423

MINUTES Continued:

NOTE: All discussion for Item 109 [SUP-4423], Item 110 [VAR-4422] and Item 111 [SDR-4422] was held under Item 109 [SUP-4423].

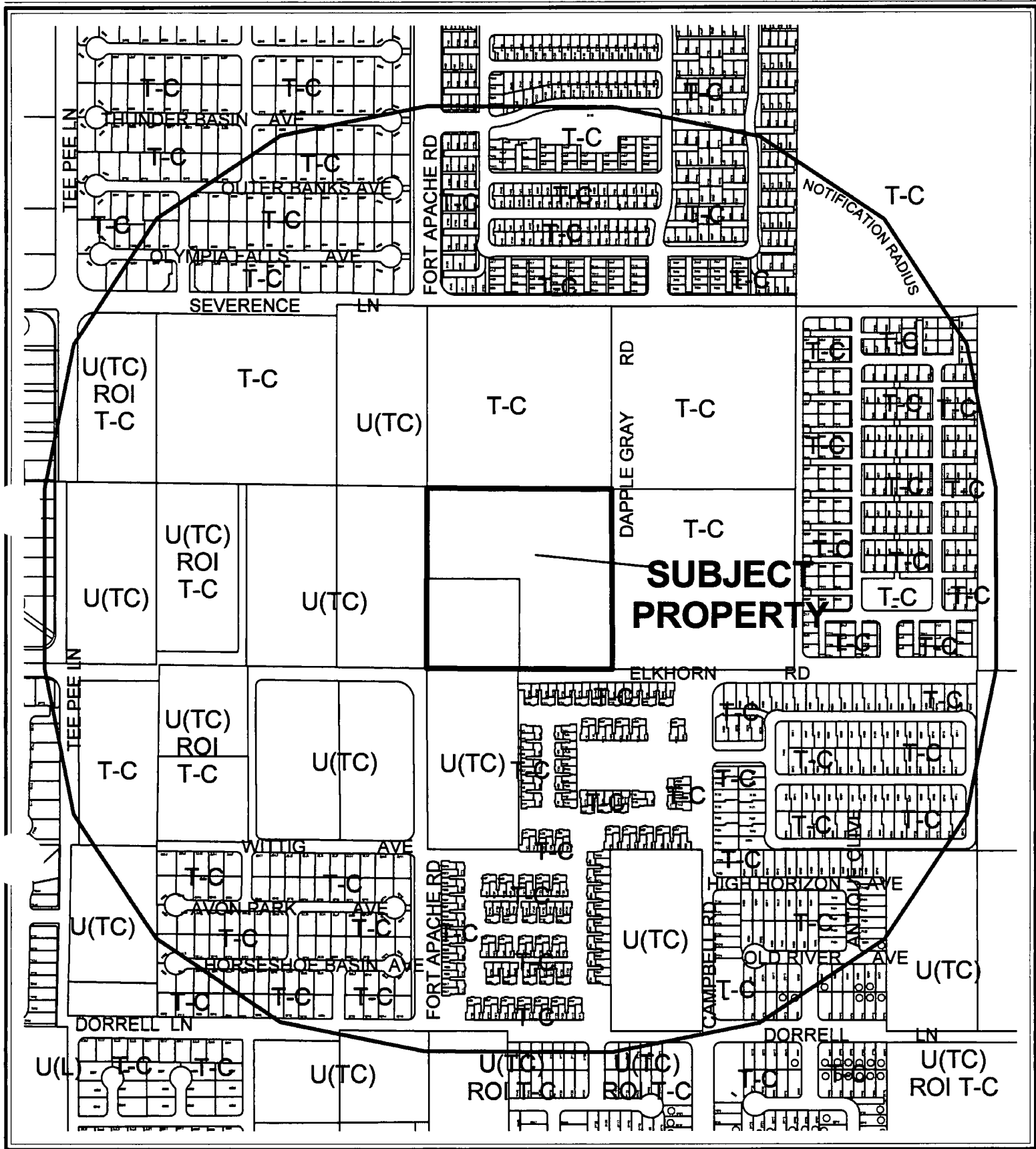
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4-1461/5-570

CONDITIONS:

Planning and Development

1. Conformance to all minimum requirements of the Town Center Development Standards and Title 19 for an Electrical Substation.
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.



CASE: SUP-4423

RADIUS: 1400 FT

ZONING OF SUBJECT PROPERTY: T-C (TOWN CENTER)

0 400 800 Feet



AGENDA MEMO

CITY COUNCIL MEETING DATE: JULY 21, 2004

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: SUP-4423 - APPLICANT: NEVADA POWER COMPANY -
OWNER: BUREAU OF LAND MANAGEMENT**

**** CONDITIONS ****

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

Planning and Development

1. Conformance to all minimum requirements of the Town Center Development Standards and Title 19 for an Electrical Substation.
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.

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

This request is for approval of a Special Use Permit for an electrical substation to operate on this site.

B) Applicant's Justification

The rapid growth in and around Centennial Hills will overload the existing electrical infrastructure in this area by the summer of 2005; therefore the proposed substation is an important addition to Nevada Power's electrical system.

BACKGROUND INFORMATION

A) Previous Actions

- 12/07/98 The City Council approved the rezoning (Z-0076-98) for this site and the surrounding area and thus established the zoning for Centennial Hills Town Center.
- 05/24/99 The City Council approved the General Plan Amendment, GPA-0001-99 Hills, that adopted the Centennial Hills Sector Plan and Map 10 of the plan. That map identified the locations of electrical transmission corridors and substations in the Centennial Hills Plan area.
- 06/24/04 The Planning Commission recommended approval of related items VAR-4424 and SDR-4422 as a part of this agenda.
- 06/24/04 The Planning Commission voted 6-0-1 to recommend APPROVAL (PC Agenda Item #45/kw).

B) Pre-Application Meeting

- 06/24/04 The elements of a special use permit application were discussed.

C) Neighborhood Meetings

A neighborhood meeting is not required for this type of application. The applicant has participated, though, in neighborhood meetings conducted by Planning Staff during the development of the Centennial Hills Sector Plan and the Electrical Power Distribution chapter of the Plan. The public has had opportunity in those meetings to review and comment on the location of planned substations.

DETAILS OF APPLICATION REQUEST

A) *Site Area*

Gross Acres: 3.4

B) *Existing Land Use*

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

C) *Planned Land Use*

Subject Property: PF-TC (Public Facility- Town Center)
 North: PF-TC (Public Facility- Town Center)
 South: ML-TC (Medium Low Density Residential –Town Center)
 MLA-TC (Medium Low Attached Density Residential –Town Center)
 East: M-TC (Medium Density Residential –Town Center)
 West: L-TC (Low Density Residential – Town Center)

D) *Existing Zoning*

Subject Property: TC (Town Center)
 North: TC (Town Center)
 South: TC (Town Center)
 East: TC (Town Center)
 West: TC (Town Center)

E) *General Plan Compliance*

Centennial Hills General Plan

The subject site is designated PF (Public Facility) on the Centennial Hills Interlocal Land Use Plan of the Centennial Hills Sector Plan of the General Plan. The T-C zoning complements the PF land use designation and the uses permitted by the PF designation are in harmony with the uses permitted in the T-C (Town Center) zoning.

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

Town Center Plan Area

The application site is within the Town Center Land Use Plan area. All projects within Town Center are subject to the Town Center Development Standards, in addition to other codes such as Title 19.

Trails

As required by Map 6 of the City of Las Vegas Master Plan Transportation Element, a Primary Arterial Trail is designated within the right-of-way adjacent to the subject site. The Arterial Trail consists of a 5-foot sidewalk and a 2.5-foot amenity zone between the property line and back of the curb.

ANALYSIS

A) Zoning Code Compliance

A1) Parking and Traffic Standards

The Parking Standards pursuant to Title 19.10 do not apply to the subject proposal.

A2) Minimum Distance Separation Requirements

There are no Minimum Separation Distance Requirements in the Zoning Code that apply to the proposed electrical substation use.

B) General Analysis and Discussion

- **Zoning**

The T-C (Town Center) zoning district allows an electrical substation with the approval of a special use permit.

- **Use**

This use is permitted in all zoning districts with the approval of this Special Use Permit.

- **Conditions**

Conditions for a special use permit for a substation are set on a case-by-case basis because of the broad spectrum of existing conditions that a new location may see.

The area around the proposed site is undeveloped land with the potential of residential development with a density up to 25 units per acre, a school and a park. The conditions established by the Site Plan Review of this use will ensure the compatibility of this use.

FINDINGS

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

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

The proposed electrical substation can be harmonious with surrounding uses by the conditions of approval for the associated site development plan review application.

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

There are no physical limitations of the subject site that will make the site unsuitable 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.”**

The substation will not cause traffic conditions that will adversely affect the adjacent streets or the traffic handling capacity of those streets.

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

The proposed development will be subject to inspections for compliance with City design standards and therefore will not compromise the public health, safety and welfare.

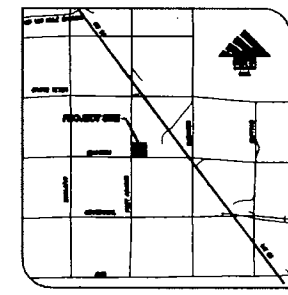
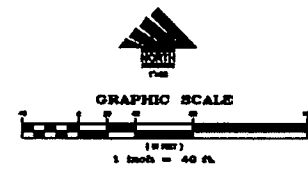
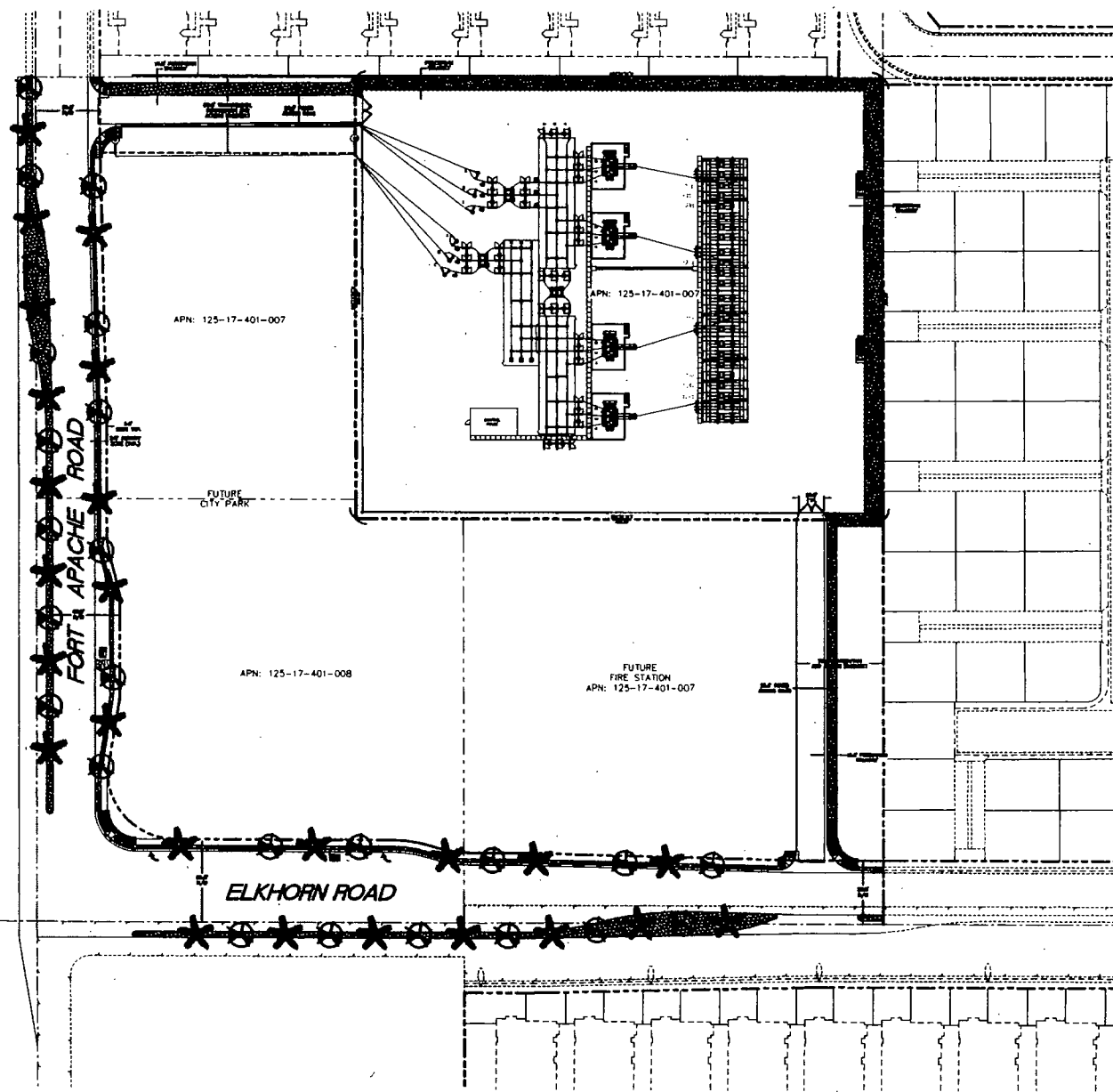
NOTICES MAILED 61 by City Clerk

APPROVALS 0

PROTESTS 2



Case Number: **SUP-4423** APN: Ptn of 125-17-401-007



LANDSCAPE MATERIAL SCHEDULE

SIZE	DESCRIPTION	BOTANICAL NAME	SYMBOL
1/2"	WINDMILL WEDGE PALM	—	[Symbol]
3/4"	MEXICAN FERN PALM	WINDMILL PALM	[Symbol]
1"	RED BUDDED PALM	WINDMILL PALM	[Symbol]
1"	WINDMILL PALM	WINDMILL PALM	[Symbol]
1"	WINDMILL PALM	WINDMILL PALM	[Symbol]

- LEGEND**
- 1. METALLIC STRUCTURE LAMPING FOR TOP CENTER DEVELOPMENT (SEE PLAN 12)
 - 2. ACQUIT PLANTING AT STREET INTERSECTIONS AND INTERSECTIONS FOR TOP CENTER DEVELOPMENT (SEE PLAN 12)
 - 3. METALLIC STRUCTURE & ACQUIT PLANT FOR TOP CENTER DEVELOPMENT (SEE PLAN 12)

NOTE:

1. THESE DRAWINGS ARE CONCEPTUAL IN NATURE AND DEFECT INFORMATION FOR PLANNING AND LAND-USE SUBMITTAL PURPOSES ONLY. FINAL ENGINEERING DESIGN DRAWINGS MAY VARY DUE TO SITE SPECIFIC CONSTRAINTS OR CITY OF LAS VEGAS SPECIFICATIONS.

Nevada Power

DESIGNED BY: [Name]
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 DATE: 6/24/04

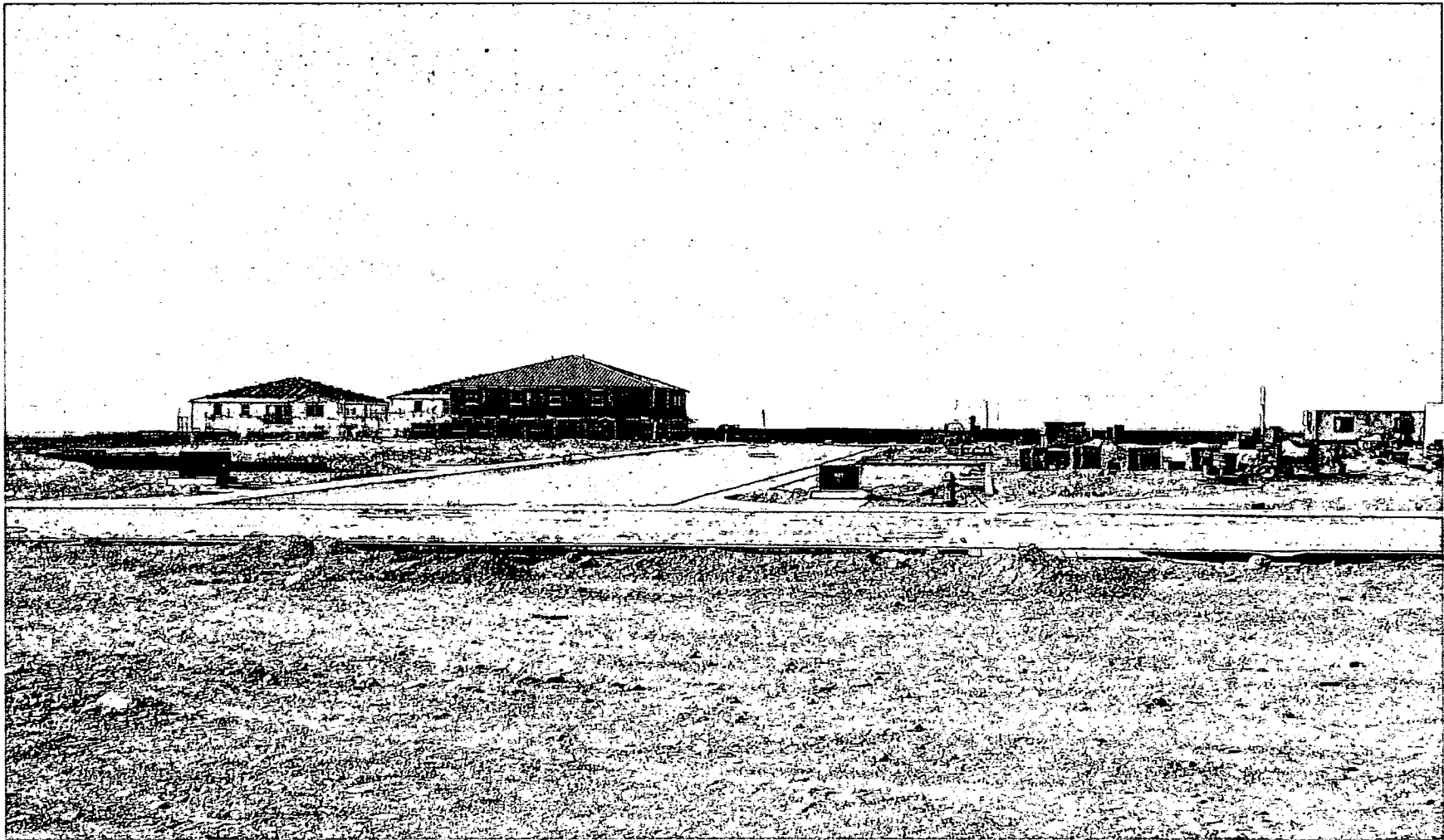
Fig 1
 of 2

125-17-401-007	125-17-401-008	125-17-401-009	125-17-401-010
125-17-401-011	125-17-401-012	125-17-401-013	125-17-401-014
125-17-401-015	125-17-401-016	125-17-401-017	125-17-401-018
125-17-401-019	125-17-401-020	125-17-401-021	125-17-401-022

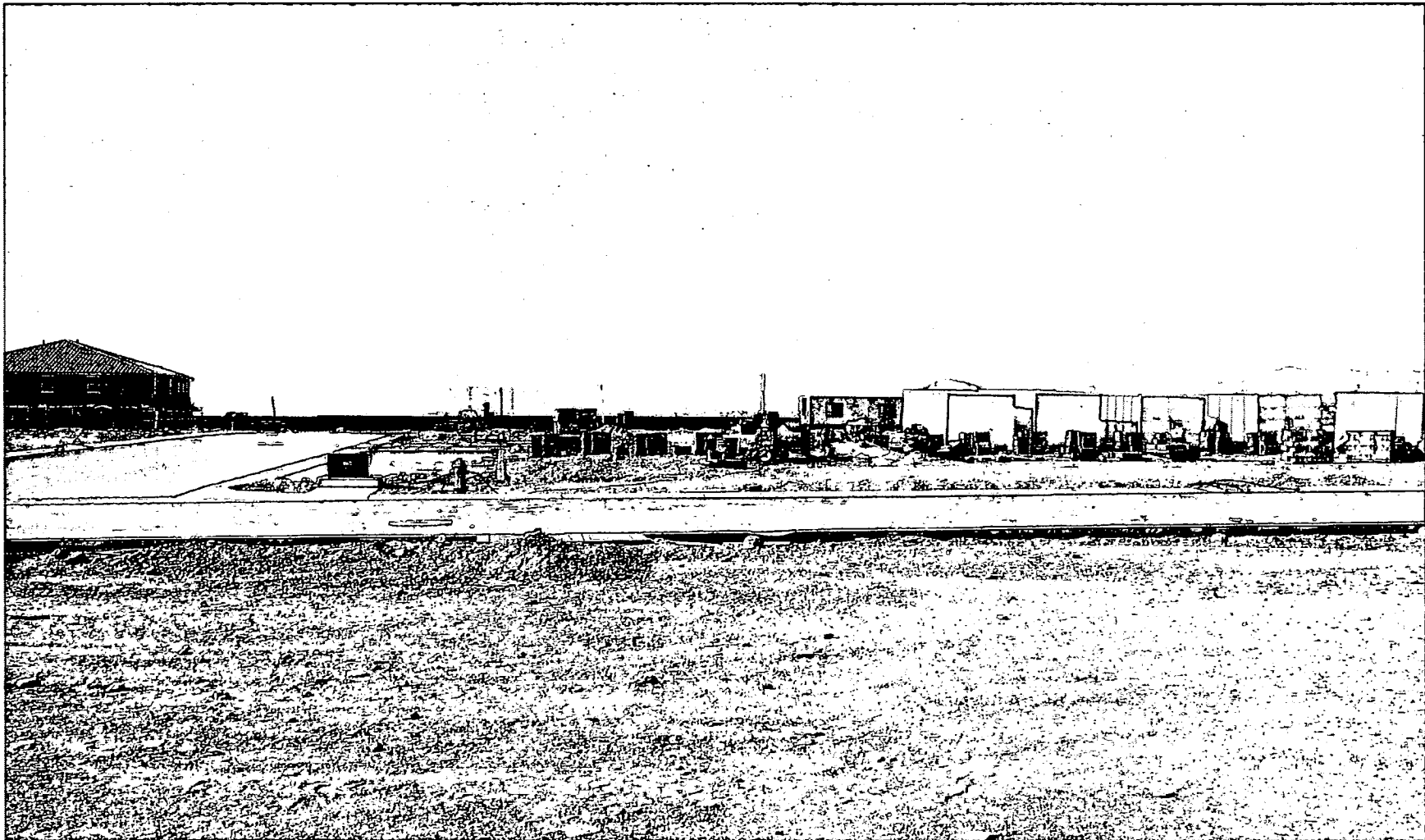
ELKHORN SUBSTATION

USE PERMIT - SITE PLAN

SUP-4423
6-24-04 PC



SUP-4423 - APPLICANT: NEVADA POWER COMPANY - OWNER: BUREAU OF LAND MANAGEMENT
NORTH OF ELKHORN ROAD AND 200 FEET EAST OF FORT APACHE ROAD
JUNE 24, 2004 PLANNING COMMISSION



SUP-4423 - APPLICANT: NEVADA POWER COMPANY - OWNER: BUREAU OF LAND MANAGEMENT
NORTH OF ELKHORN ROAD AND 200 FEET EAST OF FORT APACHE ROAD
JUNE 24, 2004 PLANNING COMMISSION

6/7/04

July 15, 2004

Mayor Oscar B. Goodman
Mayor Pro Tem Gary Reese, Ward 3
Councilwoman Janet Moncrief, Ward 1
Councilman Steve Wolfson, Ward 2
Councilman Larry Brown, Ward 4
Councilman Lawrence Weekly, Ward 5
Councilman Michael Mack, Ward 6

Dear Honorable Members of the Las Vegas City Council:

The purpose of this letter is to (1) establish that the proposed Elkhorn Electrical Substation will be inconsistent with and will compromise the public health, safety, and welfare and (2) respectfully request denial of Special Use Permit 4423 for the proposed Elkhorn Electrical Substation.

Nevada Power Company's Plan of Development for the proposed Elkhorn Substation indicates the following: (1) The substation will be a "138 kV Transmission to Distribution 140 MVA (mega volt amperes) Electric Power Substation"; (2) The north corridor will "contain the overhead transmission line on two poles, carrying two 138 kV circuits (6 conductors) bringing power into the substation from Fort Apache Rd and 6 underground distribution feeder conduits exiting the substation to Fort Apache Rd"; (3) The southerly corridor "will contain ultimately 8 underground distribution feeder conduits exiting the substation to Elkhorn Rd"; and (4) The substation will include "the installation of pre-manufactured equipment designed to transform the high voltage (138 kV) being brought into the station to various low voltages to be distributed out to the service area."

According to Nevada Power Company's Web page "Understanding Electric and Magnetic Fields" (EMF), found at <http://nevadapower.com/safety/emf.html>, typical magnetic field levels near Nevada Power Company power lines measure 6-100 mG directly under overhead transmission lines and 0.5-15 mG 100 feet away from overhead transmission lines.

Nevada Power Company's Web page "Electrical Safety for Children" (found at http://nevadapower.com/safety/child_safety.html) states under the Big Do's that children should "stay away from power lines [and] substations."

Nevada Power Company's Web page "Understanding Electric and Magnetic Fields" (found at <http://nevadapower.com/safety/emf.html>) links you to Edison Electric Institute's Web site. This Web site includes a Microsoft PowerPoint presentation (found at http://www.eei.org/meetings/nonav_meeting_files/nonav_2004-05-02-gn/Watson.ppt) entitled "EMF: A Significant Siting Challenge," which was presented in May 2004.

The presentation starts by indicating that in 1999, according to the National Academies of Science (NAS) and the National Institute of Environmental Health Sciences (NIEHS),

Submitted at City Council

Date 7/21/04 Item # 109, 110 & 111

EMF was not considered to be a major health risk. This and other outdated conclusions are the basis for Nevada Power Company's assertion that electric and magnetic fields (EMF) do not cause adverse health effects.

However, the presentation goes on to establish the fact that as of 2002, EMF is considered to be a "possible cause" of human cancer and other diseases:

(1) Report by Greenland et al. in 2000 shows "statistically significant near-doubling of childhood leukemia risk for exposures > 3 mG."

(2) World Health Organization's International Agency for Research on Cancer (IARC) has issued a report on EMF and cancer prepared by an international group of scientists (including from US NIEHS, US EPA, California DHS, UK NRPB, and EPRI) that indicates "a positive association has been observed [between EMF and cancer] ... for which a causal interpretation is considered ... credible." IARC conclusions are the following: (a) There is an "increased risk of leukemia for children with exposures ≥ 4 mG" and (b) "Extremely low-frequency magnetic fields are possibly carcinogenic to humans."

(3) A 2002 California Department of Health Services (CDHS) report concludes that "EMF can cause some degree of increased risk of childhood leukemia, adult brain cancer, Lou Gehrig's Disease, and miscarriage."

(4) In a June 2002 update, the NIEHS stated that there is a weak "association between measured fields and childhood leukemia."

(5) A study to be published later this year (2004) in the NIEHS journal "Environmental Health Perspectives" is expected to conclude that "60-Hz magnetic field at 100 mG for 24 hrs caused significant increase in DNA single and double strand breaks in the brains of the exposed animals."

(6) In 2004 or 2005, the World Health Organization (WHO) will adopt the IARC "cancer classification of EMF as [a] possible carcinogen."

(7) Medical experts such as Dr. Peter Rabinowitz, Director Yale Medical School's Occupational & Environmental Medicine Program, and Dr. Carl Baum, Director of the Center for Children's Environmental Toxicology at Yale-New Haven Children's Hospital, have come to the following recent conclusions:

(a) "Experimental studies [have] proposed actual mechanisms by which EMF might cause direct injury to children's bone marrow resulting in leukemia" and

(b) "The operation of the proposed overhead high voltage power lines [is] expected to pose a long-term health hazard particularly to exposed children ... In coming to this conclusion, [they] have focused on the most robust clinical data ... that virtually assure a non-random association of elevated EMF with childhood leukemia with a greater than 99% likelihood that the association between EMF and childhood leukemia is not due to chance."

The proposed Elkhorn Substation will expose children to EMF:

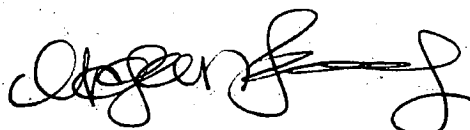
(1) According to the City of Las Vegas Planning Commission's Staff Report on VAR-4423, "the substation will eventually be separated from Fort Apache Road by a 2.66-acre park." This is illustrated in Nevada Power Company's Exhibit "A" for the Elkhorn Substation.

(2) According to Nevada Power Company's letter (dated May 3, 2004 and signed by Ms. Michelle Baltz, Land Use Consultant) regarding the Special Use Permit for the proposed Elkhorn Substation, a "walkway will be along the north and east sides of the substation, allowing pedestrian traffic to and from the future school located northeasterly of the substation site." This is illustrated in Nevada Power Company's Exhibit "B" for the Elkhorn Substation.

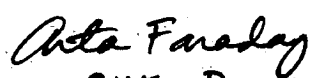
(3) KB Home is currently constructing condominiums just 10 feet north of the proposed site of the substation. This is contrary to the following: (a) the City of Las Vegas Planning Commission's Staff Report, which indicates that the planned land use north of the proposed substation is "PF-TC (Public Facility - Town Center)" and (b) the City of Las Vegas Centennial Hills Town Center Land Use map (adopted May 24, 1999 per GPA-01-1999), which indicates that the land use north of the proposed substation is "Service Commercial (SC-TC)."

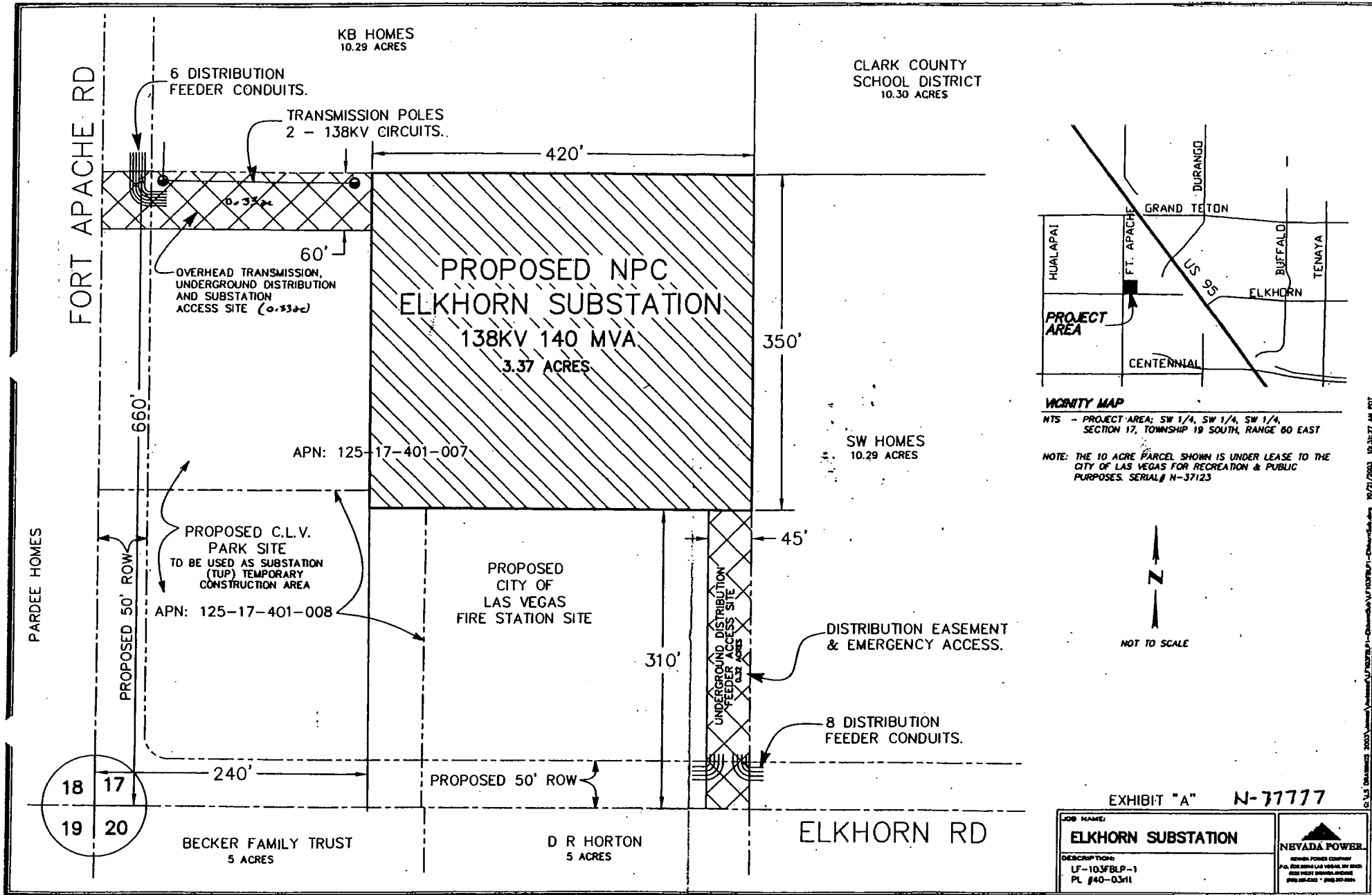
According to the City of Las Vegas Planning Commission's Staff Report on SUP-4423, "in order to approve a Special Use Permit application per Title 19.18.060, the Planning Commission and City Council must affirm the following: ... Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan." Based on the most recent scientific findings as outlined above, the City Council can not affirm that the proposed Elkhorn Electrical Substation will not be inconsistent with or compromise the public health, safety, and welfare.

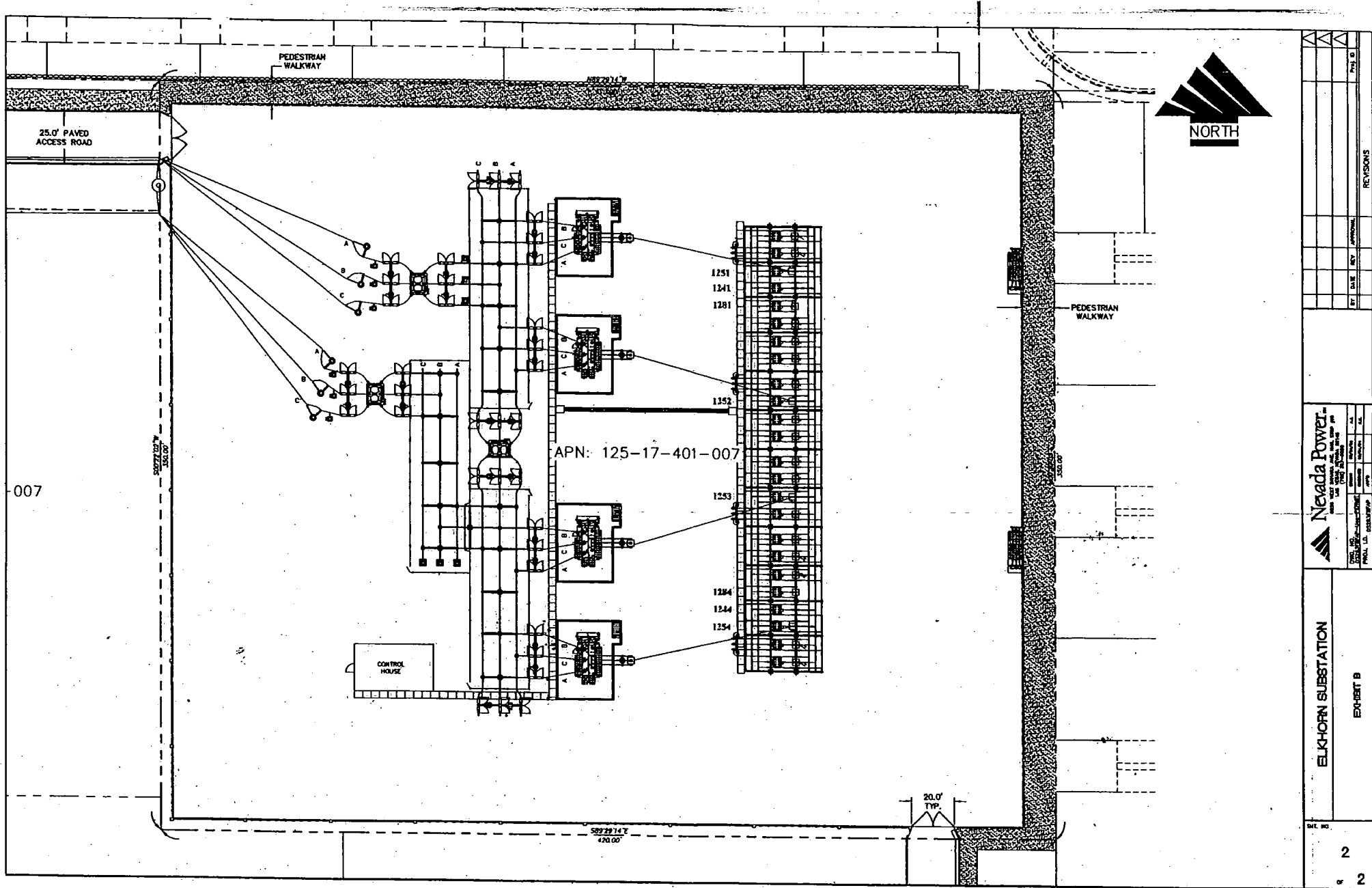
Therefore, we are respectfully requesting denial of Special Use Permit 4423 for the proposed Elkhorn Electrical Substation, which will be considered by the City Council on July 21, 2004 at 1:00 p.m. in the Council Chambers of City Hall, 400 Stewart Avenue, Las Vegas, Nevada.

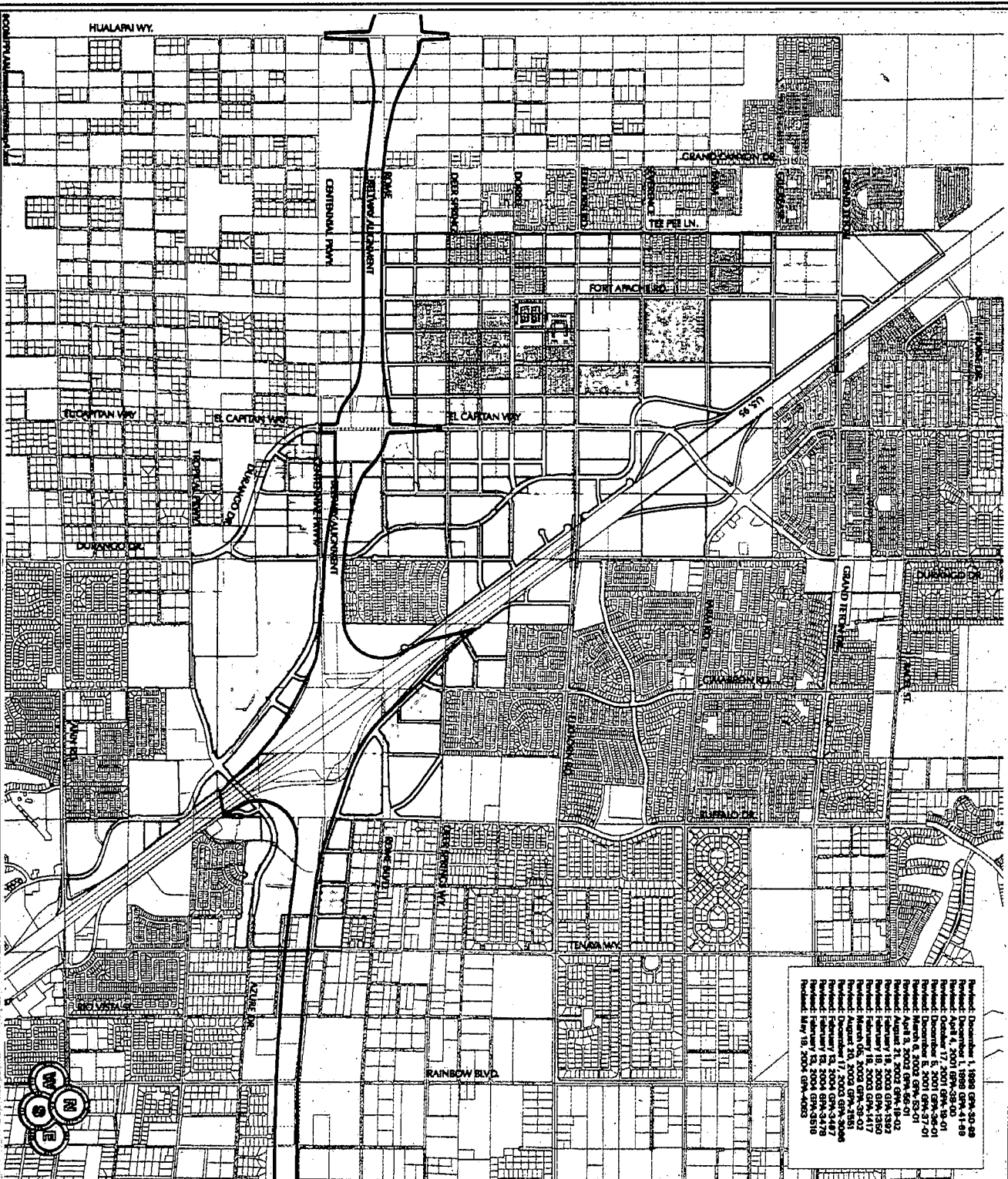
 Megan Keeney
9105 Ripple Ridge Bld. 11 # 102
89149

 Jeremy Blake
9111 Dancing Snow Ct Bld 13 # 103
89149

 Arta Faraday
9115 Dancing Snow Ct Bld 14 # 102
89149







Referred: December 1, 1989 GPA-30-88
 Referred: December 1, 1989 GPA-41-89
 Referred: April 4, 2001 GPA-38-03
 Referred: December 5, 2001 GPA-36-01
 Referred: December 5, 2001 GPA-37-01
 Referred: March 6, 2003 GPA-53-01
 Referred: August 21, 2003 GPA-18-02
 Referred: August 21, 2003 GPA-18-02
 Referred: February 18, 2003 GPA-1382
 Referred: February 18, 2003 GPA-1382
 Referred: March 06, 2003 GPA-38-02
 Referred: August 20, 2003 GPA-1881
 Referred: December 11, 2003 GPA-3066
 Referred: February 12, 2004 GPA-3478
 Referred: February 12, 2004 GPA-3478
 Referred: May 19, 2004 GPA-4083

MAP FOUR

City of Las Vegas

CENTENNIAL HILLS Town Center Land Use

- ☐ General Commercial (CC-TC)
- ☐ Service Commercial (SC-TC)
- ☐ Urban Center Mixed-Use (UC-TC)
- ☐ Suburban Mixed-Use (SK-TC)
- ☐ Main Street Mixed-Use (MS-TC)
- ☐ Employment Center Mixed-Use (EC-TC)
- ☐ Low Residential (L-TC)/
(3.6 To 5.5 Dues)
- ☐ Medium Residential (M-TC)/
(12.1 To 25 Dues)
- ☐ Medium-Low Residential (ML-TC)/
(5.6 To 8 Dues)
- ☐ Medium-Low Attached Residential (MLA-TC)/
(8.1 To 12 Dues)
- ☐ Public Facility (PF-TC)

Adopted: May 24, 1989 GPA-01-1989

SOURCE: City of Las Vegas, Department of Comprehensive Planning

Referred: May 24, 2004



The map is intended to provide
 information to the public and is
 not to be used for any other purpose.
 The map is for reference only.
 Comprehensive Planning System
 Planning & Economic Development
 702-258-4648



This map is a planning document being used to illustrate planning amendments to the Transmission and Substation Master Plan. Nevada Power Company is seeking public input to update and amend the Plan. These changes reflect necessary enhancements to the Transmission and Substation Master Plan that will help ensure the energy demands of our customers are efficiently met. If you have any comments or questions, please contact Michelle Baltz at 227-2421.

City of Las Vegas

May 26, 2004

Centennial Hills Sector

Existing & Proposed Substations

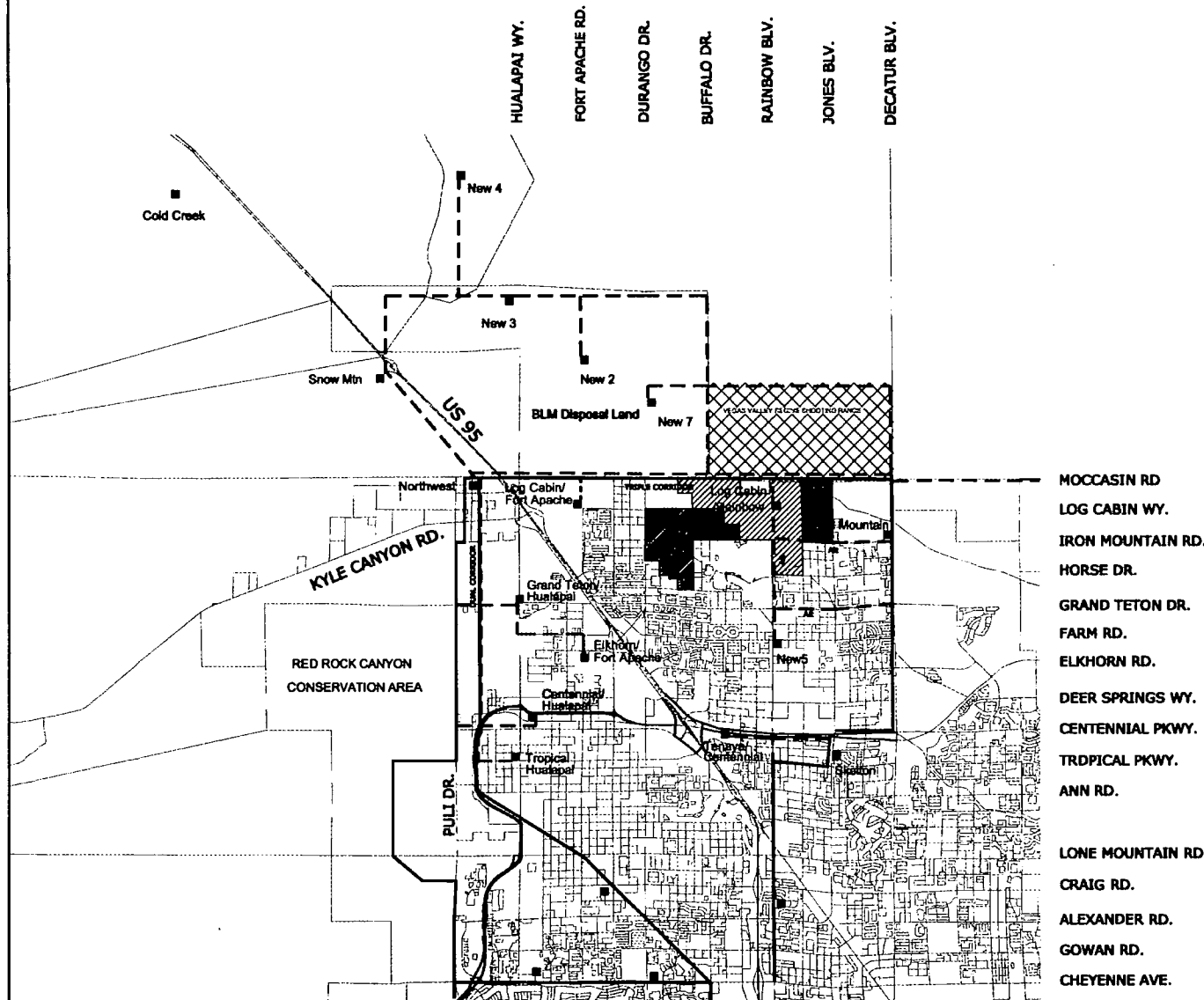
Legend

-  Approved Power Lines
-  Proposed Power Lines
-  Existing Power Lines
-  Approved Substations - NW Master Plan
-  Proposed Substations
-  Existing Substations
-  Floyd Lamb State Park
-  SB444
-  Proposed Equestrian Park



Not To Scale

Note: This map is for information purposes only.



AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF: JULY 21, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER ☐ **CONSENT** ☒ **DISCUSSION**

SUBJECT:

VARIANCE RELATED TO SUP-4423 - PUBLIC HEARING - VAR-4424 - APPLICANT: NEVADA POWER COMPANY - OWNER: BUREAU OF LAND MANAGEMENT - Request for a Variance TO ALLOW A 16 FOOT TALL BLOCK WALL WHERE EIGHT FEET IS ALLOWED FOR A PROPOSED ELECTRIC SUB-STATION, approximately 270 feet north of Elkhorn Road and 200 feet east of Fort Apache Road (a portion of APN: 125-17-401-007 and 008), T-C (Town Center) Zone, Ward 6 (Mack). The Planning Commission (6-0-1 vote) and staff recommend APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

2

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

RECOMMENDATION:

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

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Back up referenced from the 6/24/2004 Planning Commission Item 46

MOTION:

MACK – APPROVED subject to conditions – **UNANIMOUS** with REESE abstaining because his daughter, TERRY CONNOLLY, is employed by the Purchasing division of Nevada Power and works directly with substation procurements

NOTE: COUNCILMAN MACK disclosed that a portion of the home he is purchasing is within the notification area for this application. Although his home will receive power from the line going in on Ft. Apache, he did not feel that would impact his vote in any way, and he would be participating.

MINUTES:

NOTE: See Item 109 [SUP-4423] for all related discussion.
(2:44 – 2:45)(3:53 – 4:52)
4-1461/5-570

CONDITIONS:

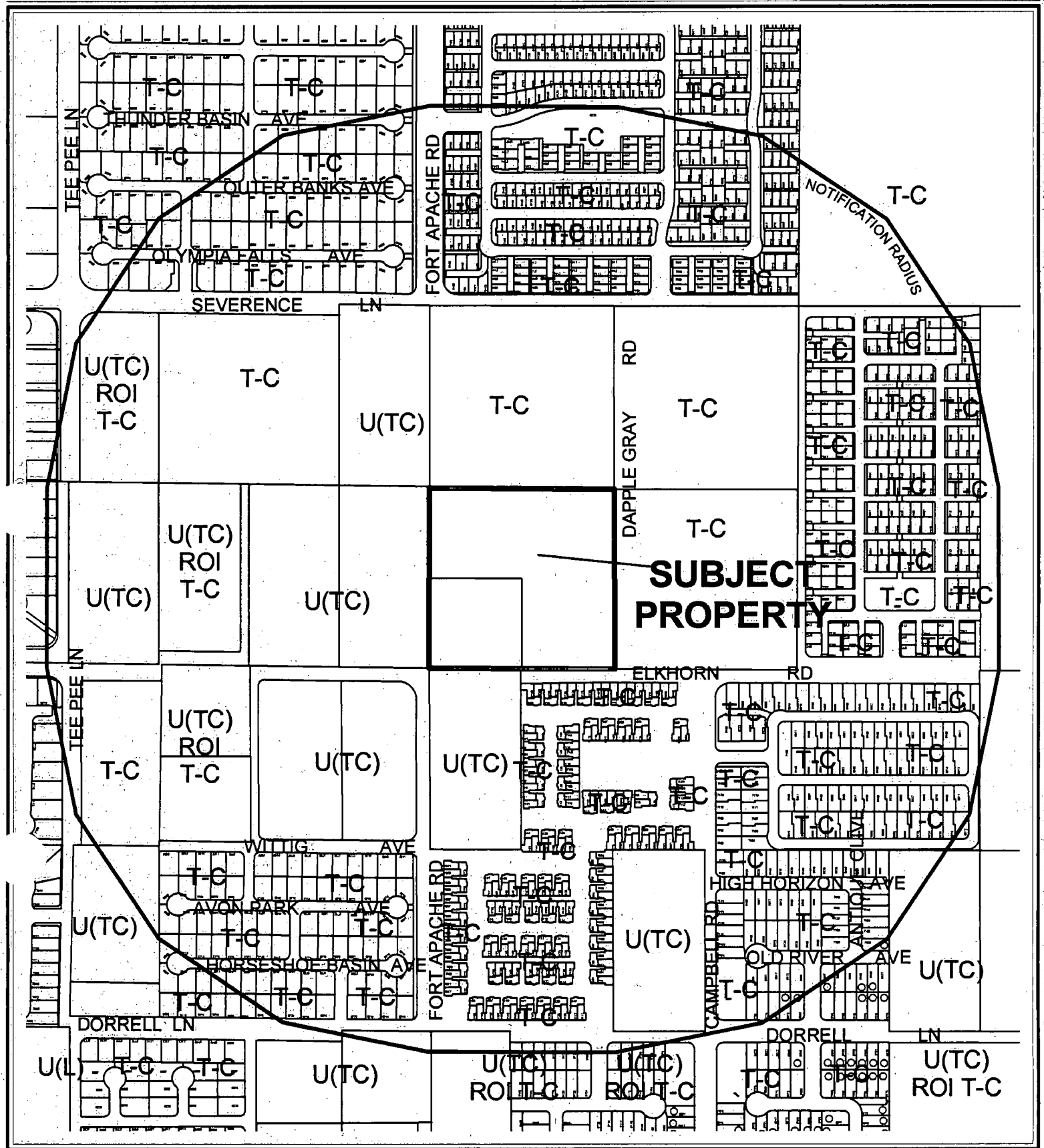
Planning and Development

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.

CITY COUNCIL MEETING OF JULY 21, 2004
Planning and Development Department
Item 110 – VAR-4424

CONDITIONS Continued:

2. All new property line walls shall be constructed of decorative block, 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.
3. 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.



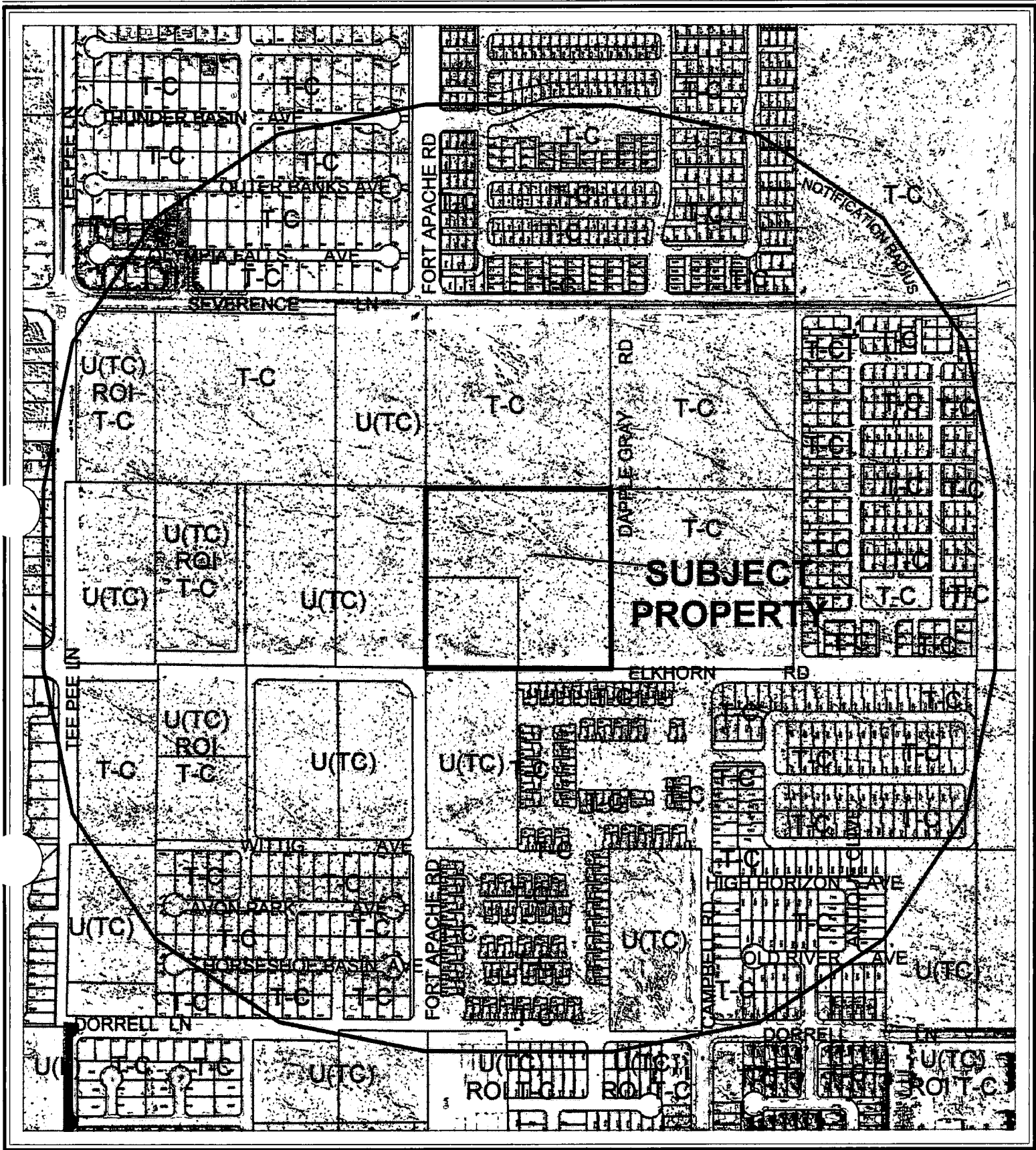
CASE: **VAR-4424**

RADIUS: 1400 FT

ZONING OF SUBJECT PROPERTY: T-C (TOWN CENTER)

0 400 800 Feet

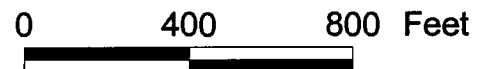




CASE: **VAR-4424**

RADIUS: 1400 FT

ZONING OF SUBJECT PROPERTY: T-C (TOWN CENTER)



AGENDA MEMO

CITY COUNCIL MEETING DATE: JULY 21, 2004

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: VAR-4424 - APPLICANT: NEVADA POWER COMPANY -
OWNER: BUREAU OF LAND MANAGEMENT**

**** CONDITIONS ****

The Planning Commission (6-0-1 vote) and staff recommend 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. All new property line walls shall be constructed of decorative block, 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.
3. 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.

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

This request is for approval of a Variance to allow a 16-foot solid wall in the front yard where eight feet is the maximum height allowed on property located at the northeast corner of Elkhorn Road and Fort Apache Road.

B) Applicant's Justification

The request for a 16 foot wall is because of the elevation changes on the property and safety standards require a minimum 10 foot wall around the outside of the substation.

BACKGROUND INFORMATION

A) Previous Actions

- 12/07/98 The City Council approved the rezoning (Z-0076-98) for this site and the surrounding area and thus established the zoning for Centennial Hills Town Center.
- 05/24/99 The City Council approved the General Plan Amendment, GPA-0001-99 Hills, that adopted the Centennial Hills Sector Plan and Map 10 of the plan. That map identified the locations of electrical transmission corridors and substations in the Centennial Hills Plan area.
- 06/24/04 The Planning Commission recommended approval of related items (SUP-4423 and SDR-4422).
- 06/24/04 The Planning Commission voted 6-0-1 to recommend APPROVAL (PC Agenda Item #46/kw).

B) Pre-Application Meeting

- 06/24/04 The elements of a variance application were discussed.

C) Neighborhood Meetings

A neighborhood meeting is not required for this type of application. The applicant has participated, though, in neighborhood meetings conducted by Planning Staff during the development of the Centennial Hills Sector Plan and the Electrical Power Distribution chapter of the Plan. The public has had opportunity in those meetings to review and comment on the location of planned substations.

DETAILS OF APPLICATION REQUEST

A) *Site Area*

Gross Acres: 3.4

B) *Existing Land Use*

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

C) *Planned Land Use*

Subject Property: PF-TC (Public Facility - Town Center)
 North: PF-TC (Public Facility - Town Center)
 South: ML-TC (Medium Low Density Residential - Town Center)
 MLA-TC (Medium Low Attached Density Residential – Town Center)
 East: M-TC (Medium Density Residential –Town Center)
 West: L-TC (Low Density Residential –Town Center)

D) *Existing Zoning*

Subject Property: TC (Town Center)
 North: TC (Town Center)
 South: TC (Town Center)
 East: TC (Town Center)
 West: TC (Town Center)

E) *General Plan Compliance*

Centennial Hills General Plan

The subject site is designated PF (Public Facility) on the Centennial Hills Interlocal Land Use Plan of the Centennial Hills Sector Plan of the General Plan. The T-C zoning complements the PF land use designation and the uses permitted by the PF designation are in harmony with the uses permitted in the T-C (Town Center) zoning.

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

Town Center Plan Area

The application site is within the Town Center Land Use Plan area. All projects within Town Center are subject to the Town Center Development Standards, in addition to other codes such as Title 19.

Trails

As required by Map 6 of the City of Las Vegas Master Plan Transportation Element, a Primary Arterial Trail is designated within the right-of-way of Elkhorn and Fort Apache roads. The Arterial Trail consists of a 5-foot sidewalk and a 2.5-foot amenity zone between the property line and back of the curb.

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
Max. Wall Height	6 Feet Total	10-Feet (Solid)	N

A maximum eight-foot tall wall is required in non-residential developments. A 16 foot wall is proposed along the east property line of the substation, four more feet in height than the other three walls around the substation, which will be 10-feet in height. The 10-foot walls are necessary because of safety standards that must be followed by the applicant. The 16-foot wall will be because of a grade difference between the substation and the development to the east.

B) General Analysis and Discussion

The two parcels on which substation is to be located is designated as Public Facility –Town Center on the Centennial Hills Town Center Land Use map. The proposed substation is located in the northeast corner of a 10-acre public facility development. The substation will eventually separated from Fort Apache Road by a 2.66-acre park. The remaining area of the two parcels that are the subject of this proposal, between the substation and Elkhorn Road, will be the site a planned fire station.

The substation is to be accessed from Elkhorn Road to the south and from Fort Apache Road to the west by 25 foot paved driveways. The drives will lead to gates at the northwest and southeast corners of the site. The applicant will install the street improvements for Elkhorn and Fort Apache in lieu of installing landscaping around the perimeter of the station.

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.”

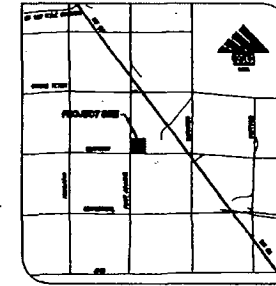
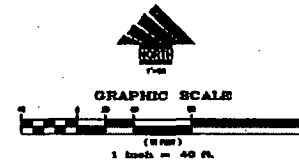
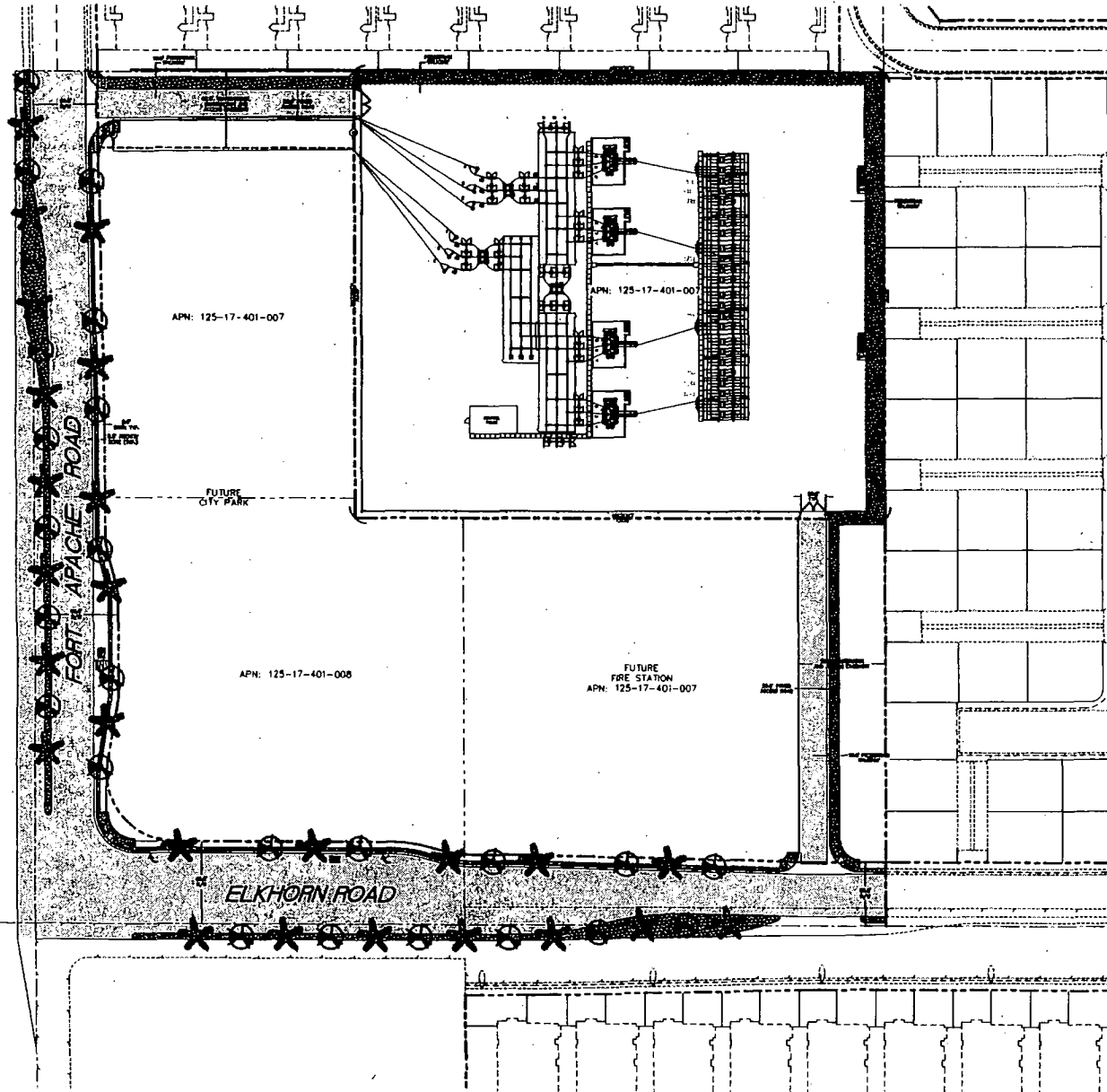
Insomuch that the safety standards the applicant must follow require a ten foot minimum tall perimeter wall around the substation and is because of grade differences between the site and the property to the east not exceeding six feet in height, the height of a stepped wall at a grade difference, the variance can be supported.

NOTICES MAILED 61 by City Clerk

APPROVALS 0

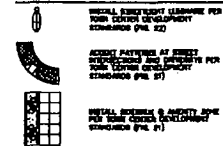
PROTESTS 2





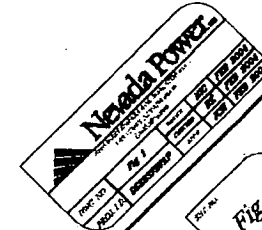
LANDSCAPE MATERIAL SCHEDULE			
SIZE	DESCRIPTION	BOTANICAL NAME	SYMBOL
1/4"	NOBIS GOLD SPANISH MOSS	—	■
3/4" BOX	MOON PINK PALM	PROSTREA ROBERTA HYDRO	✱
3/4" BOX	RED CHERRY APO	PROSTREA ROBERTA HYDRO	✱
1 BOX	PROSTREA ROBERTA HYDRO	PROSTREA ROBERTA HYDRO	✱
1 BOX	PROSTREA ROBERTA HYDRO	PROSTREA ROBERTA HYDRO	✱

LEGEND



NOTE:

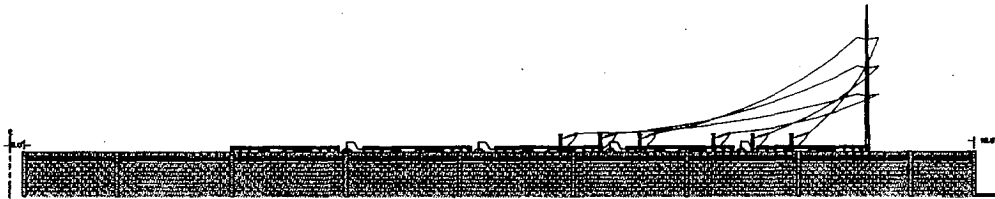
- THESE DRAWINGS ARE CONCEPTUAL IN NATURE AND DEPICT INFORMATION FOR PLANNING AND LAND-USE SUBMITTAL PURPOSES ONLY. FINAL ENGINEERING DESIGN DRAWINGS MAY VARY DUE TO SITE SPECIFIC CONSTRAINTS OR CITY OF LAS VEGAS SPECIFICATIONS.



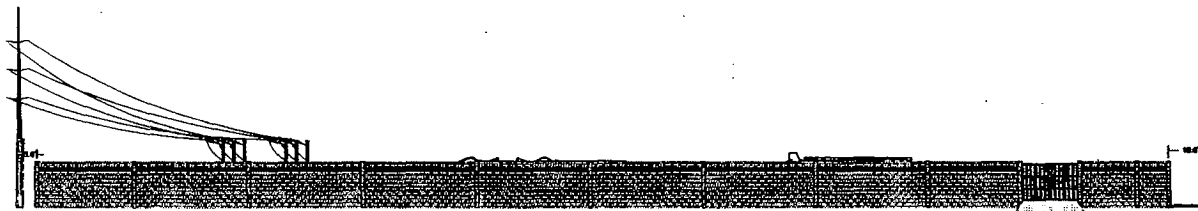
APN	125-17-401-007
APN	125-17-401-008
APN	125-17-401-007

ELKHORN SUBSTATION
USE PERMIT - SITE PLAN

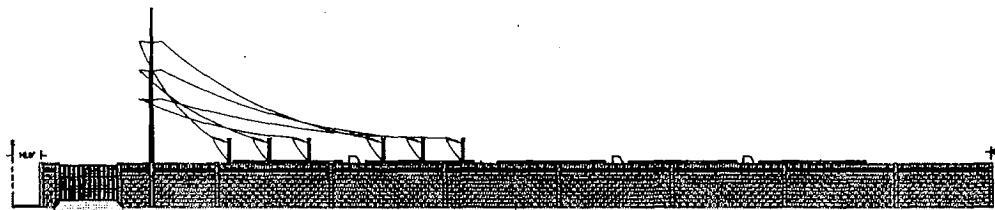
VAR-4424
6-24-04 PC



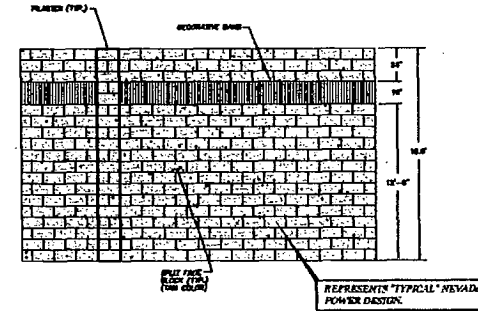
EAST WALL
(View Looking West)
K12



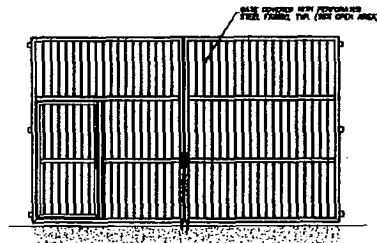
SOUTH WALL
(View Looking North)
K12



WEST WALL
(View Looking East)
K12

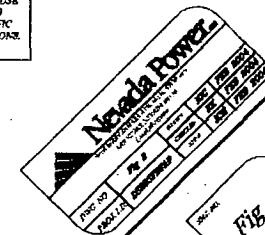


BLOCK WALL DETAIL
K12



DOUBLE SWING GATE-ELEVATION
K12

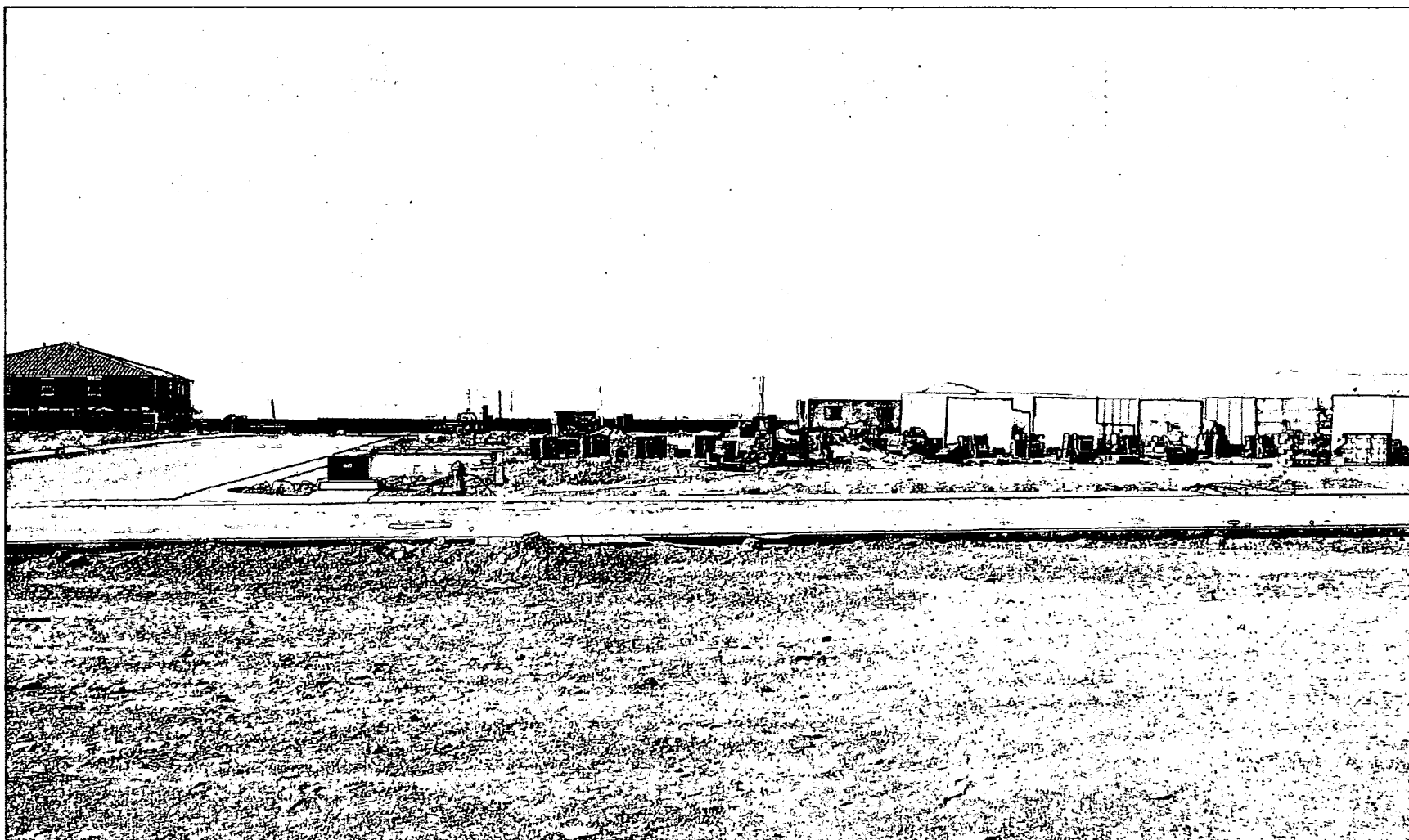
NOTE:
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CONSTRAINTS OR CITY OF LAS VEGAS SPECIFICATIONS.



REV	DATE	DESCRIPTION
1	06/14/04	ISSUED FOR PERMIT

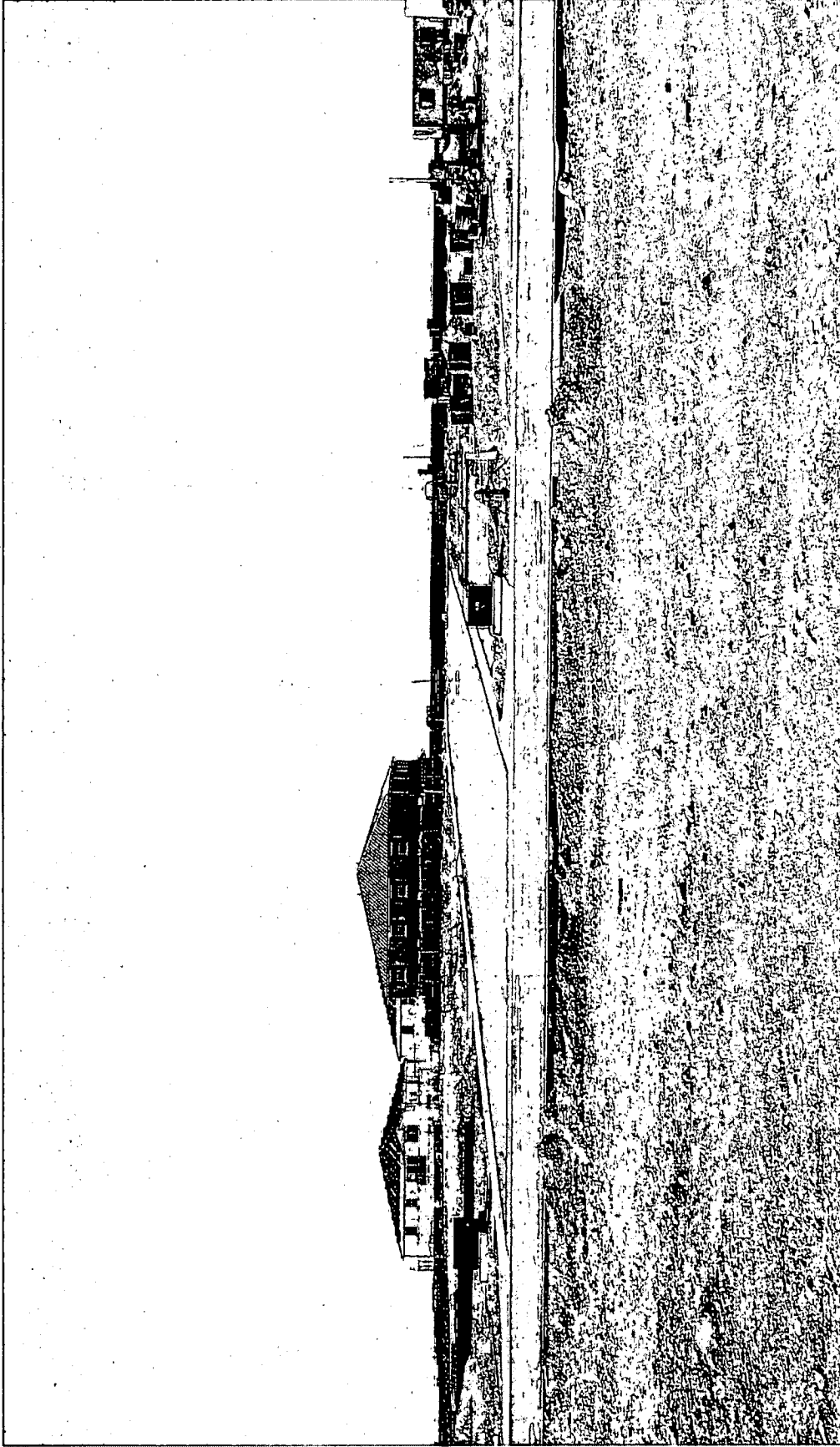
ELKHORN SUBSTATION
USE PERMIT - ELEVATION

VAR-4424
6-24-04 PC



VAR-4424 - APPLICANT: NEVADA POWER COMPANY - OWNER: BUREAU OF LAND MANAGEMENT
NORTH OF ELKHORN ROAD AND 200 FEET EAST OF FORT APACHE ROAD
JUNE 24, 2004 PLANNING COMMISSION

6/7/04



VAR-4424 - APPLICANT: NEVADA POWER COMPANY - OWNER: BUREAU OF LAND MANAGEMENT
NORTH OF ELKHORN ROAD AND 200 FEET EAST OF FORT APACHE ROAD
JUNE 24, 2004 PLANNING COMMISSION

6/7/04

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: JULY 21, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER ☐ **CONSENT** ☒ **DISCUSSION**

SUBJECT:

SITE DEVELOPMENT PLAN REVIEW RELATED TO SUP-4423 AND VAR-4424 - PUBLIC HEARING - SDR-4422 - APPLICANT: NEVADA POWER COMPANY - OWNER: BUREAU OF LAND MANAGEMENT - Request for a Site Development Plan Review FOR AN ELECTRIC SUB-STATION on 3.4 acres approximately 270 feet north of Elkhorn Road and 200 feet east of Fort Apache Road (a portion of APN: 125-17-401-007 and 008), T-C (Town Center) Zone, Ward 6 (Mack). The Planning Commission (7-0 vote) and staff recommend APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

2

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

RECOMMENDATION:

The Planning Commission (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 6/24/2004 Planning Commission Item 47

MOTION:

MACK – APPROVED subject to conditions – UNANIMOUS with REESE abstaining because his daughter, TERRY CONNOLLY, is employed by the Purchasing division of Nevada Power and works directly with substation procurements

NOTE: COUNCILMAN MACK disclosed that a portion of the home he is purchasing is within the notification area for this application. Although his home will receive power from the line going in on Ft. Apache, he did not feel that would impact his vote in any way, and he would be participating.

MINUTES:

NOTE: See Item 109 [SUP-4423] for all related discussion.

(2:44 – 2:45)(3:53 – 4:52)

4-1461/5-570

CONDITIONS:

Planning and Development

1. The installation of barbed wire or razor wire shall be prohibited on top of the wall as required by the Planning and Development.

CITY COUNCIL MEETING OF JULY 21, 2004
Planning and Development Department
Item 111 – SDR-4422

CONDITIONS Continued:

2. All development shall be in conformance with the site plan, date stamped 7/21/04, and building elevations.
3. Landscaping and a permanent underground sprinkler system shall be provided as required by the Planning Commission 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.
4. All mechanical equipment, air conditioners and trash areas shall be screened from view from the abutting streets (excluding single family development).
5. All City Code requirements and design standards of all City departments must be satisfied.
6. The Traffic Engineer, prior to the issuance of any permits, must approve any parking and driveway plans.
7. Fence heights shall be measured from the side of the fence with the least vertical exposure above the finished grade.

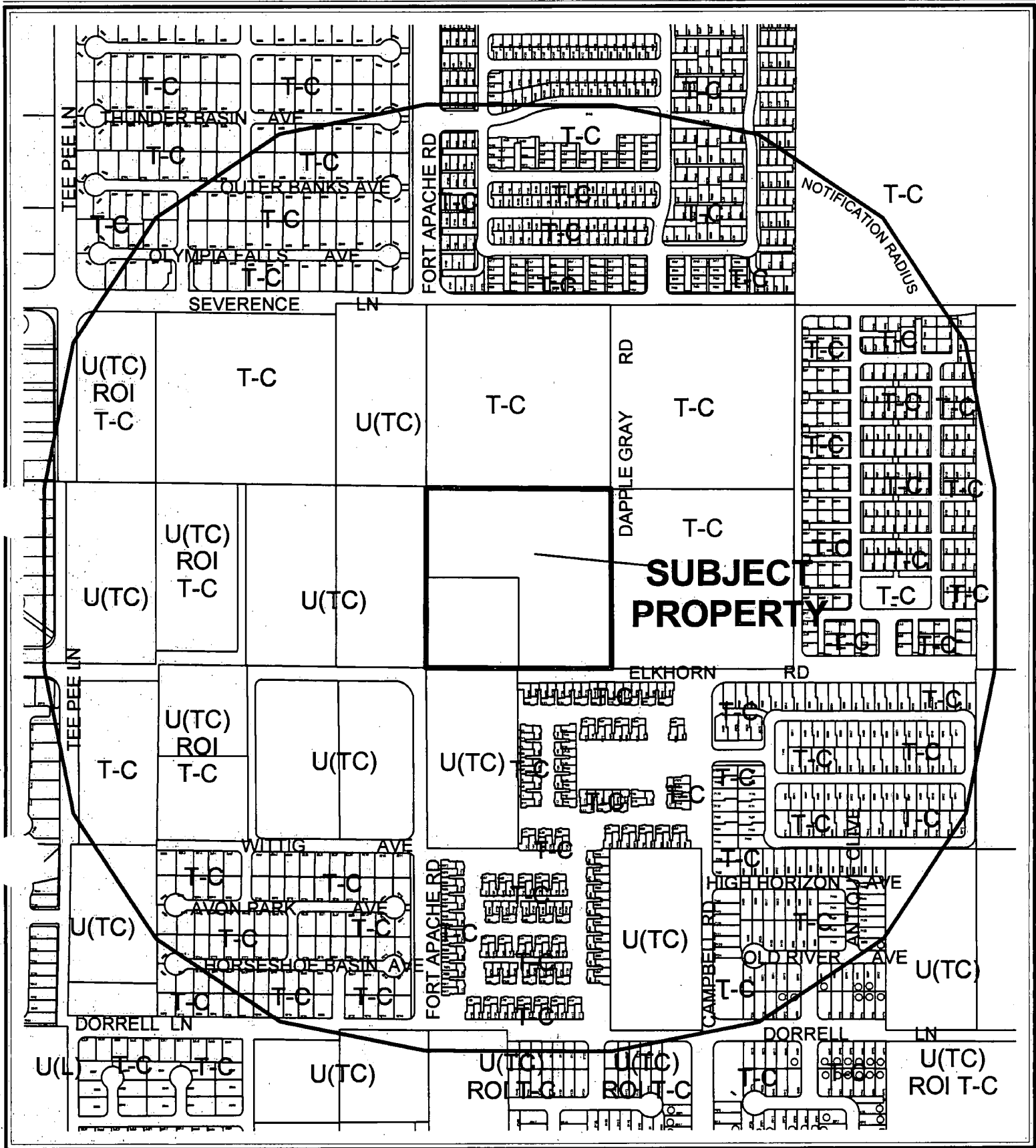
Public Works

8. Construct half-street improvements including appropriate overpaving on Elkhorn Road and Fort Apache Road adjacent to this site concurrent with development of this site. Install all appurtenant underground facilities, if any, adjacent to this site needed for the future traffic signal system concurrent with development of this site.
9. 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).
10. Landscape and maintain all unimproved rights-of-way adjacent to this site.
11. Nevada Power Company shall install, as it sole cost and expense, stub out connections for public water, electric, and telephone utility service to the property. Nevada Power Company further agrees to pay all of the expenses incurred for any utility service to the premises as defined in the memorandum of understanding. City is solely responsible for obtaining connections from the local utility companies for those services it deems necessary for the property excluding the premises as defined in the memorandum of understanding.

CITY COUNCIL MEETING OF JULY 21, 2004
Planning and Development Department
Item 111 – SDR-4422

CONDITIONS Continued:

12. 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 or submittal of any construction drawings, 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, whichever may occur first, if allowed by the City Engineer.



CASE: **SDR-4422**

RADIUS: 1400 FT

ZONING OF SUBJECT PROPERTY: T-C (TOWN CENTER)

0 400 800 Feet

AGENDA MEMO

CITY COUNCIL MEETING DATE: JULY 21, 2004
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: SDR-4422 - APPLICANT: NEVADA POWER COMPANY -
OWNER: BUREAU OF LAND MANAGEMENT

**** CONDITIONS ****

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

Planning and Development

1. The installation of barbed wire or razor wire shall be prohibited on top of the wall as required by the Planning and Development.
2. All development shall be in conformance with the site plan, date stamped 7/21/04, and building elevations.
3. Landscaping and a permanent underground sprinkler system shall be provided as required by the Planning Commission 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.
4. All mechanical equipment, air conditioners and trash areas shall be screened from view from the abutting streets (excluding single family development).
5. All City Code requirements and design standards of all City departments must be satisfied.
6. The Traffic Engineer, prior to the issuance of any permits, must approve any parking and driveway plans.
7. Fence heights shall be measured from the side of the fence with the least vertical exposure above the finished grade.

Public Works

8. Construct half-street improvements including appropriate overpaving on Elkhorn Road and Fort Apache Road adjacent to this site concurrent with development of this site. Install all appurtenant underground facilities, if any, adjacent to this site needed for the future traffic signal system concurrent with development of this site.
9. 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).
10. Landscape and maintain all unimproved rights-of-way adjacent to this site.

11. Nevada Power Company shall install, as it sole cost and expense, stub out connections for public water, electric, and telephone utility service to the property. Nevada Power Company further agrees to pay all of the expenses incurred for any utility service to the premises as defined in the memorandum of understanding. City is solely responsible for obtaining connections from the local utility companies for those services it deems necessary for the property excluding the premises as defined in the memorandum of understanding.
12. 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 or submittal of any construction drawings, 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, whichever may occur first, if allowed by the City Engineer.

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

This request is for Site Development Plan Review of a proposed electrical substation on a 3.4-acre site located approximately 270 feet north of Elkhorn Road and 200 feet east of Fort Apache Road.

B) Applicant's Justification

The rapid growth in and around Centennial Hills will overload the existing electrical infrastructure in this area by the summer of 2005; therefore the proposed substation is an important addition to Nevada Power's electrical system.

BACKGROUND INFORMATION

A) Previous Actions

- 12/07/98 The City Council approved the rezoning (Z-0076-98) for this site and the surrounding area and thus established the zoning for Centennial Hills Town Center.
- 05/24/99 The City Council approved the General Plan Amendment, GPA-0001-99 , that adopted the Centennial Hills Sector Plan and Map 10 of the plan. That map identified the locations of electrical transmission corridors and substations in the Centennial Hills Plan area.
- 06/24/04 The Planning Commission recommended approval of companion applications, SUP-4423 and VAR-4424.
- 06/24/04 The Planning Commission voted 6-0-1 to recommend APPROVAL (PC Agenda Item #47/kw).

B) Pre-Application Meeting

- 06/24/04 The elements of a special use permit application were discussed.

C) Neighborhood Meetings

A neighborhood meeting is not required for this type of application. The applicant has participated, though, in neighborhood meetings conducted by Planning Staff during the development of the Centennial Hills Sector Plan and the Electrical Power Distribution chapter of the Plan. The public has had opportunity in those meetings to review and comment on the location of planned substations.

DETAILS OF APPLICATION REQUEST

A) Site Area

Gross Acres: 3.4

B) Existing Land Use

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

C) Planned Land Use

Subject Property: PF-TC (Public Facility- Town Center)
North: PF-TC (Public Facility- Town Center)
South: ML-TC (Medium Low Density Residential –Town Center)
MLA-TC (Medium Low Attached Density Residential –Town Center)
East: M-TC (Medium Density Residential –Town Center)
West: L-TC (Low Density Residential –Town Center)

D) Existing Zoning

Subject Property: TC (Town Center)
North: TC (Town Center)
South: TC (Town Center)
East: TC (Town Center)
West: TC (Town Center)

E) General Plan Compliance

The subject site is designated PF (Public Facility) on the Centennial Hills Interlocal Land Use Plan of the Centennial Hills Sector Plan of the General Plan. The T-C (Town Center) zoning complements the PF (Public Facilities) land use designation and the uses permitted by the PF (Public Facilities) designation are in harmony with the uses permitted in the T-C (Town Center) zoning.

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

Town Center Plan Area

The application site is within the Town Center Land Use Plan area. All projects within Town Center are subject to the Town Center Development Standards, in addition to other codes such as Title 19.

Trails

As required by Map 6 of the City of Las Vegas Master Plan Transportation Element, a Primary Arterial Trail is designated within the right-of-way of Elkhorn and Fort Apache Roads. The Arterial Trail consists of a 5-foot sidewalk and a 2.5-foot amenity zone between the property line and back of the curb.

PROJECT DESCRIPTION

The substation is to be located in the northeast corner of two parcels designated as Public Facility – Town Center on the Centennial Hills Town Center Land Use map. The site is to be accessed from Elkhorn Road to the south and from Fort Apache Road to the west by 25-foot paved driveways. The drives will lead to gates at the northwest and southeast corners of the site. The applicant will install the street improvements for Elkhorn and Fort Apache in lieu of installing landscaping around the perimeter of the station.

The elevations of the block wall detail depict tan colored fluted split face blocks with a 16" decorative band.

ANALYSIS

A) Zoning Code Compliance

A1) Development Standards

The Development Standards pursuant to Title 19.08 do not apply to the subject proposal. The structures within electric substations are separated from perimeter property lines according to standards not addressed by Title 19.

A2) Residential Adjacency Standards

The tallest structures of the substation, the electrical transmission line poles, are subject to standards not addressed by Title 19. The Residential Adjacency Standards, pursuant to Title 19.08, do not apply to the subject proposal.

A3) Parking and Traffic Standards

The Parking Standards, pursuant to Title 19.10, do not apply to the subject proposal.

A4) Landscape and Open Space Standards

The proposed substation is located in the northeast corner of a 10-acre public facility development. The substation will eventually be separated from Fort Apache Road by a 2.66-acre park. The remaining area of the two parcels that are the subject of this proposal, between the substation and Elkhorn Road, will be the site of a planned fire station. With the park to the west and the fire station to the south, landscaping around the substation and the provision of open space is not necessary.

The applicant will install the streetscape improvements of Elkhorn Road and Fort Apache Road as required by the standards for Town Center Primary Arterial Streets.

B) General Analysis and Discussion

- **Zoning**

The substation is a permitted use in areas designated as Public Facility-Town Center with the approval by the City Council of a Special Use Permit.

- **Site Plan**

The substation is to be accessed from Elkhorn Road to the south and from Fort Apache Road to the west by 25 foot paved driveways. The drives will lead to gates at the northwest and southeast corners of the site.

- **Waivers**

There are no waivers requested by the applicant for this development.

- **Landscape Plan**

The applicant will install the street improvements for Elkhorn and Fort Apache in lieu of installing landscaping around the perimeter of the station.

- Elevation

The elevations show the 10-foot perimeter wall that screens the electrical structures of the substation from Fort Apache Road and Elkhorn Road. The wall will be built of tan colored split face block. 24 inches from the top of the wall will be a 16-inch wide decorative band.

- Floor Plan

There is not a floor plan that is a 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 development will be compatible with the mixed-use development pattern typical of the Centennial Hills Town Center.

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

The electrical substation is a permitted use in the T-C (Town Center) zoning district. This site is designated TC-PF (Public Facilities- Town Center) on the Centennial Hills Town Center Land Use Plan. This land use category allows all of the permitted public utility uses of the T-C (Town Center) zoning district. The design of the substation meets or exceeds the requirements of City of Las Vegas Zoning Ordinance and the City of Las Vegas Urban Design Guidelines and Standards except for wall height.

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

Electrical substations do not generate any traffic that would cause negative impacts to the adjacent roadways.

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

The proposed building and landscape materials are appropriate 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;”**

Electrical power substations are, by their nature obtrusive and unsightly; however using the taller wall with decorative blocks this request can be harmonious and compatible with the area. It is recommended a condition be imposed prohibiting the use of barbed or razor wire on top of the wall.

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

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

PLANNING COMMISSION ACTION

There was one speaker protesting this application at the Planning Commission hearing. The Planning Commission amended Conditions #9 and 11. The Planning Commission asked the applicant to work with staff on the details of the perimeter walls.

NOTICES MAILED 40 by Planning Department

APPROVALS 0

PROTESTS 2



STATEMENT OF FINANCIAL INTEREST

Name of Property Owner: Bureau of Land Management

Name of Applicant: Nevada Power Company / Michelle Baltz

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

XX 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: _____

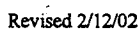
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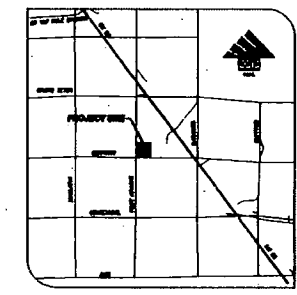
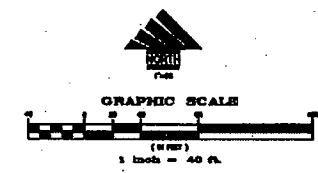
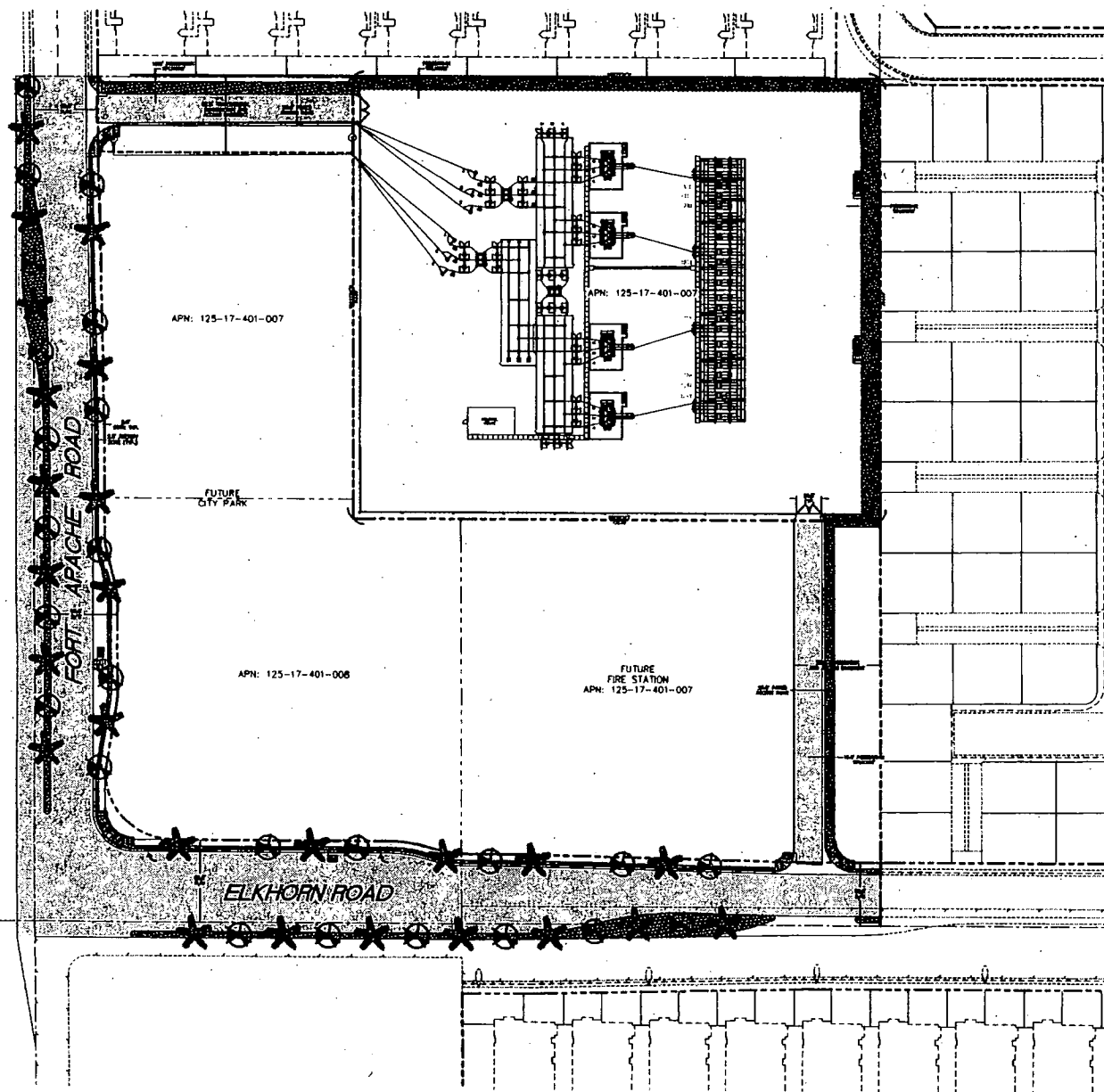
Print Name: John Zelling

Subscribed and sworn before me

This 3rd day of MAY, 2004

Notary Public in and for said County and State





LANDSCAPE MATERIAL SCHEDULE

SIZE	DESCRIPTION	BOTANICAL NAME	SYMBOL
1/2"	MOORE GOLD CRABAPPLE MAHON		
8"	RENOIR PINK PALM	STROBILANTHA ROBERTA HYBRID	
8"	RED SPURGE APL	PRODRUMS VILLOSA DE GARCIA	
1 GAL	ARIZONA GREY	HYDRANGEA ACUTUS	
1 GAL	VERBENA	VERBENA PENICILLATA	

- LEGEND**
- INTERNAL STREETLIGHT LANDSCAPE FOR VISION IMPROVEMENT (SEE SPEC. 22)
 - ACCENT PLANTING AT STREET INTERSECTIONS AND INTERSECTIONS FOR VISION IMPROVEMENT (SEE SPEC. 22)
 - VEGETATION & PLANTING TYPE FOR VISION IMPROVEMENT (SEE SPEC. 22)

NOTE:
 1. THESE DRAWINGS ARE CONCEPTUAL IN NATURE AND DEPICT INFORMATION FOR PLANNING AND LAND-USE SUBMITTAL PURPOSES ONLY. FINAL ENGINEERING DESIGN DRAWINGS MAY VARY DUE TO SITE SPECIFIC CONSTRAINTS OR CITY OF LAS VEGAS SPECIFICATIONS.

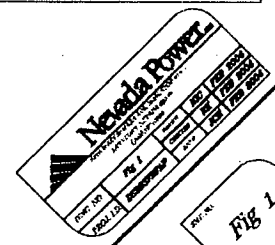
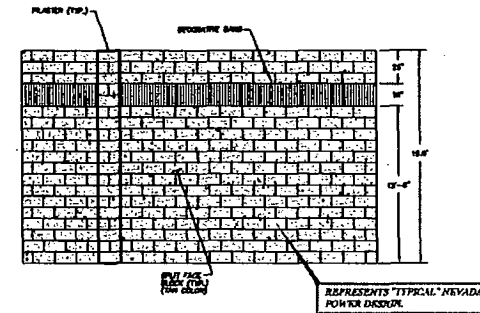


Fig 1
 of 2

DATE	12/15/04
BY	12/15/04
CHK	12/15/04
APP	12/15/04

ELKHORN SUBSTATION
 USE PERMIT - SITE PLAN

SDR-4422
6-24-04 PC



BLOCK WALL DETAIL



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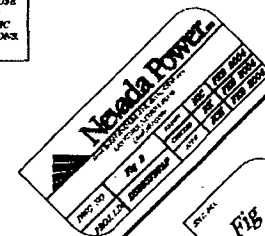
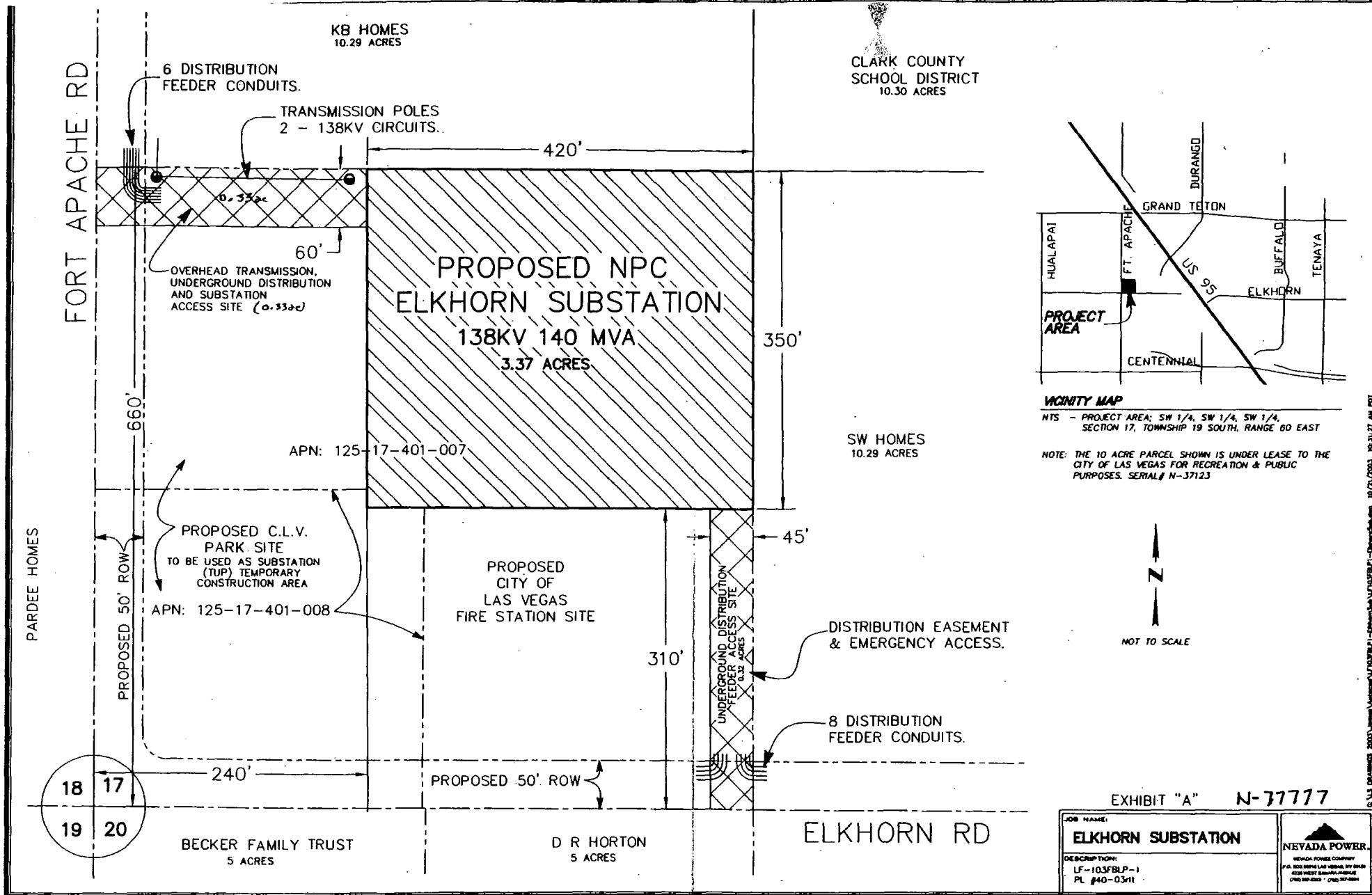


Fig 2
of 2

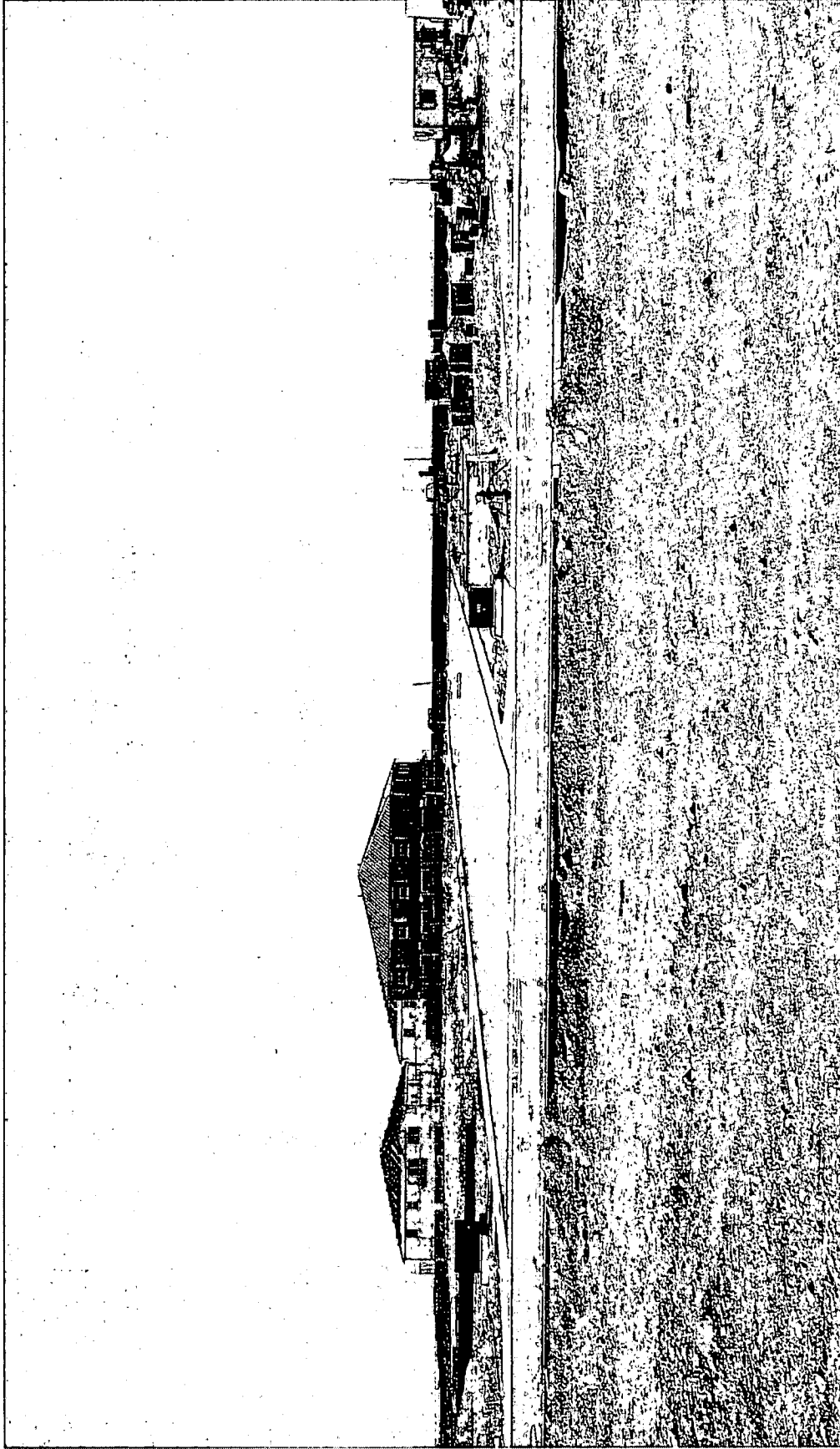
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ELKHORN SUBSTATION

SDR-4422
6-24-04 PC

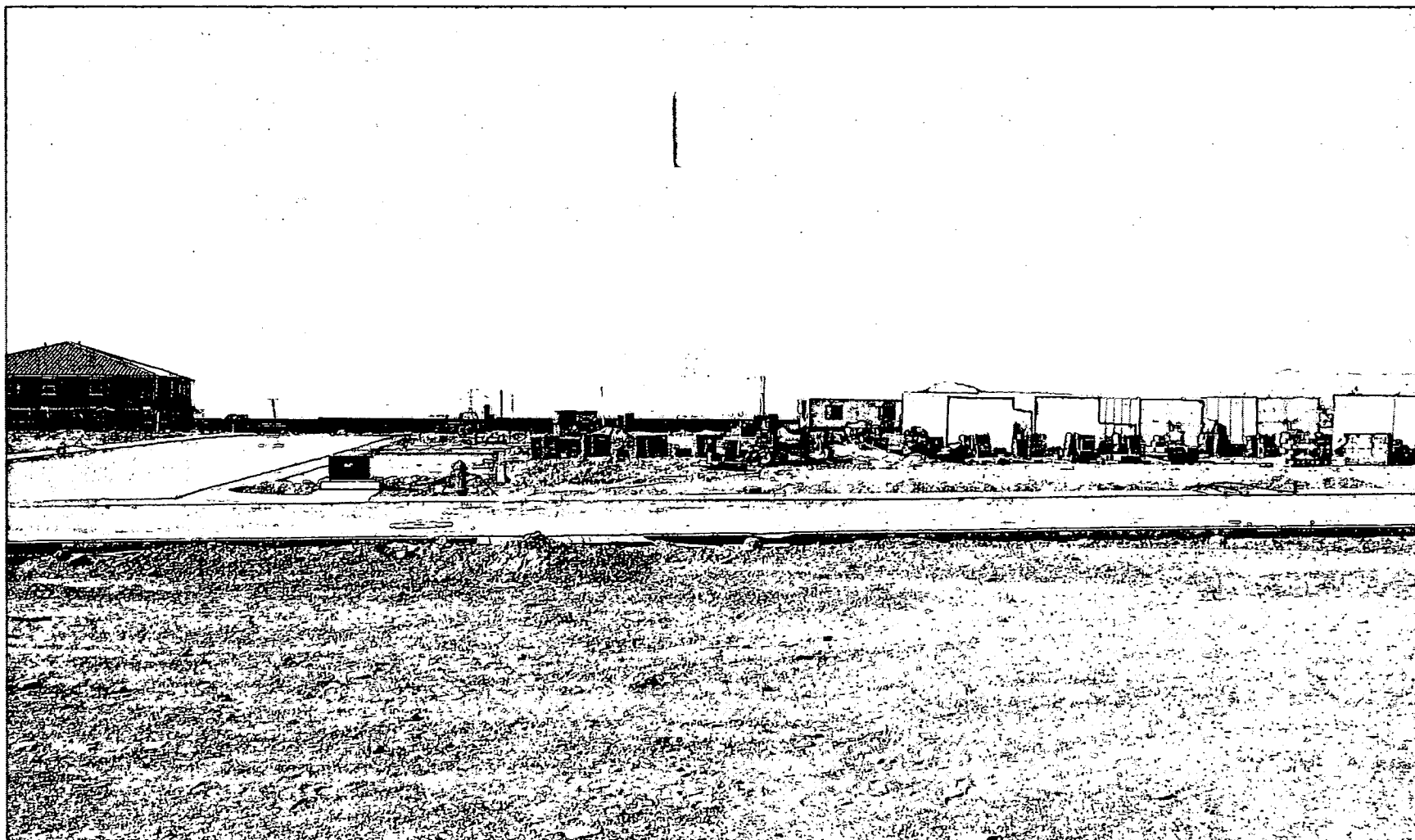


SDR-4422
6-24-04 PC



SDR-4422 - APPLICANT: NEVADA POWER COMPANY - OWNER: BUREAU OF LAND MANAGEMENT
NORTH OF ELKHORN ROAD AND 200 FEET EAST OF FORT APACHE ROAD
JUNE 24, 2004 PLANNING COMMISSION

6/7/04



SDR-4422 - APPLICANT: NEVADA POWER COMPANY - OWNER: BUREAU OF LAND MANAGEMENT
NORTH OF ELKHORN ROAD AND 200 FEET EAST OF FORT APACHE ROAD
JUNE 24, 2004 PLANNING COMMISSION

6/7/04

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF: JULY 21, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER ☐ **CONSENT** ☒ **DISCUSSION**

SUBJECT:

SPECIAL USE PERMIT - PUBLIC HEARING - SUP-4442 - APPLICANT: TIM AYALA - OWNER: MARTIN M. PADILLA - Appeal filed by the applicant from the Denial by the Planning Commission of a request for a Special Use Permit FOR A FINANCIAL INSTITUTION, SPECIFIED WITH A SEPARATION OF ZERO FEET WHERE 200 FEET IS REQUIRED FROM A RESIDENTIAL PROPERTY, A SEPARATION OF 700 FEET WHERE 1,000 FEET IS REQUIRED FROM A SIMILAR USE AND A BUILDING SIZE OF 1,200 SQUARE FEET WHERE 1,500 SQUARE FEET IS THE MINIMUM SIZE at 701 North Eastern Avenue (APN: 139-26-811-070), C-D (Designed Commercial) Zone, Ward 5 (Weekly). The Planning Commission (7-0 vote) and staff recommend DENIAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

1

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

18

RECOMMENDATION:

The Planning Commission (7-0 vote) and staff recommend DENIAL.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Appeal letter from Tim C. Ayala
5. Submitted at City Council Meeting – Petition of Approval with 42 signatures submitted by Tim Ayala

MOTION:

WEEKLY – DENIED – UNANIMOUS with MACK abstaining as he is a consultant for SuperPawn Stores owned by his brother, STEVEN MACK, which offers the same type of service

MINUTES:

MAYOR GOODMAN declared the Public Hearing open.

TIM AYALA, 4600 Sunset Road, Suite 146, appeared on behalf of the applicant and thanked COUNCILMAN WEEKLY for his assistance and for sending a staff member to view the property which is located in a commercial corridor. The business faces Eastern Avenue; however, there are residential properties behind the property. MR. AYALA supplied a petition of approval from residents located on Flower, Wilson and Delta Streets which contained 42 signatures.

CITY COUNCIL MEETING OF JULY 21, 2004
Planning and Development Department
Item 112 – SUP-4442

MINUTES Continued:

MR. AYALA stated the business was established at this location 12 years ago and now the applicant wishes to add a check-cashing component. He indicated the project meets the parking requirement and added that most customers arrive on foot, not by vehicle.

COUNCILMAN REESE clarified with MR. AYALA that the permit would be for check-cashing only, not lending or payday loans. He corrected MR. AYALA'S statement that the area is all commercial, indicating the property adjacent to the site is residential. MR. AYALA clarified all property to the south of the site is commercial. COUNCILMAN REESE voiced displeasure over a zero setback to a residential area and stated he could not support the application. He suggested there are several other locations more appropriate for this business.

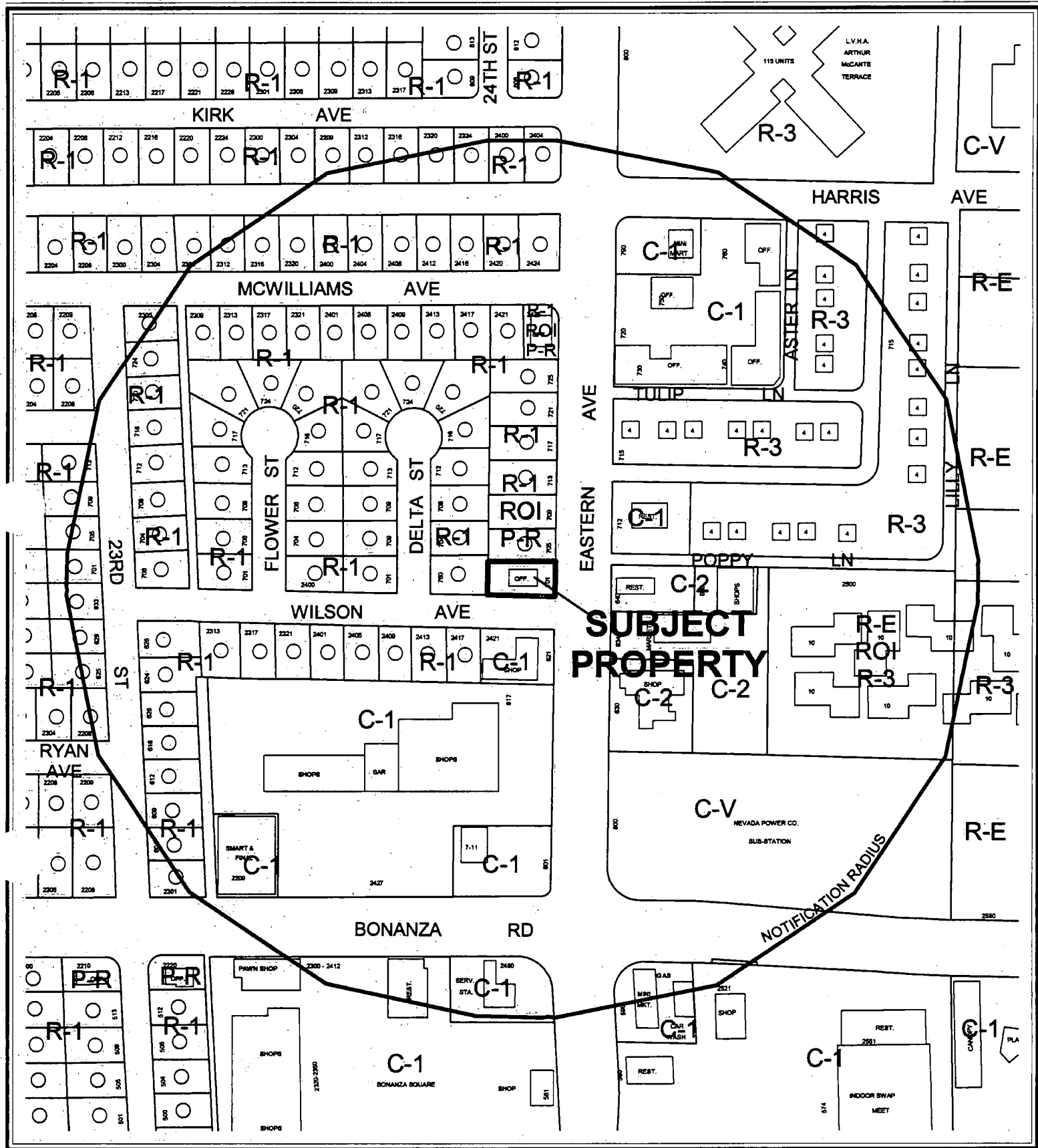
JERRY COZBAD, 800 North Eastern Avenue, appeared representing the McCants Neighborhood Association located directly across from the subject property and spoke against the project, stating it is too intense for the area. MR. COZBAD indicated he had counted only 9 parking spaces, not 35 as suggested by MR. AYALA. Three of those belong to employees. The association is also concerned with cut through traffic on Wilson and how this approval could add to the problem. He was concerned about setting a precedent by approving this, and he requested denial.

COUNCILMAN WEEKLY questioned Planning Staff about their understanding of the business and this new proposal. ROBERT GENZER, Director, Planning and Development Department, indicated the principle business is a video store and the check cashing function is going to be offered as a secondary function. Regarding parking, there are 12 spaces on the property, and the requirement is 6, so they are in compliance. He stated the main objection of the Planning Department is the regulation regarding the distance separation.

MAYOR GOODMAN declared the Public Hearing closed.

(2:51 – 2:59)

4-1734

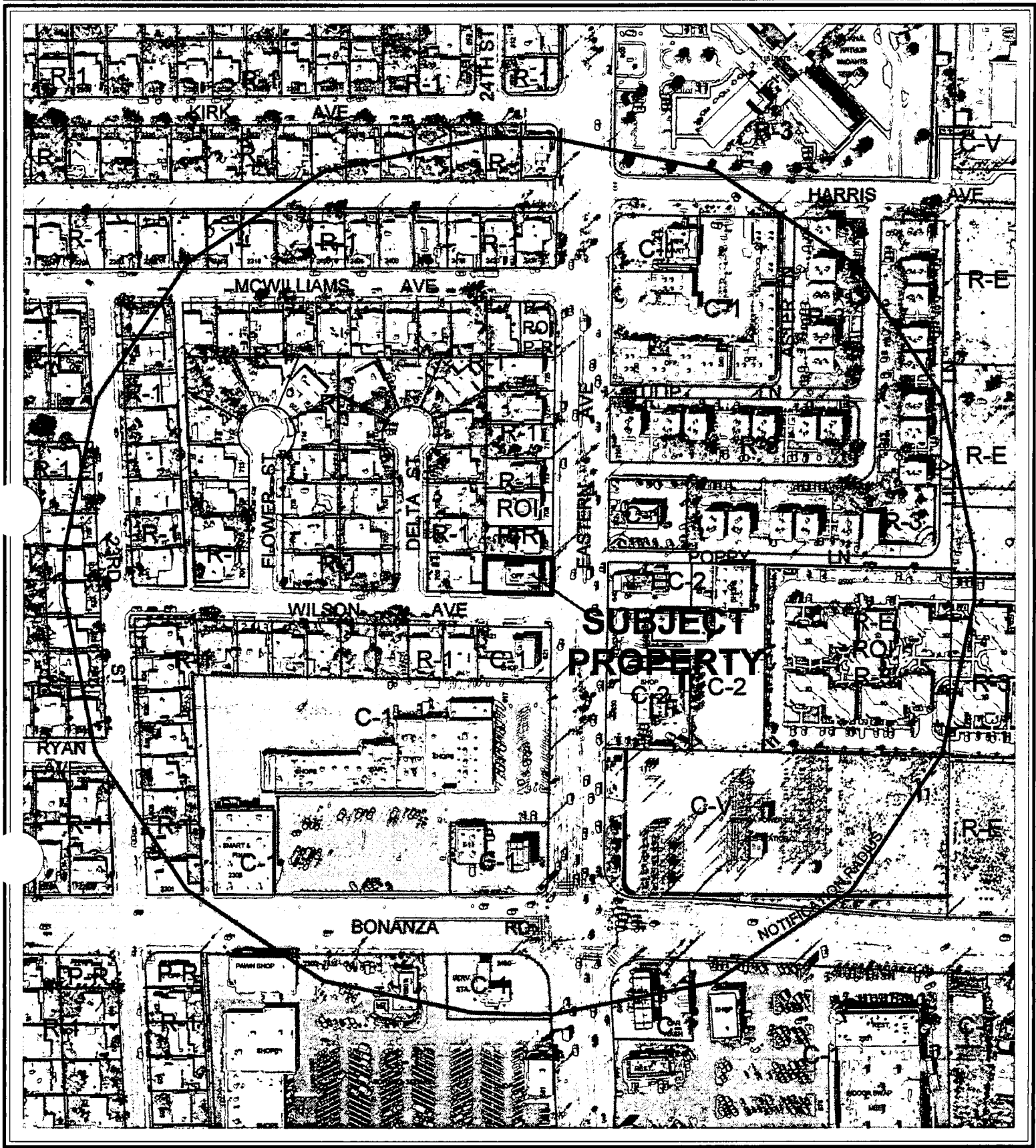


CASE: SUP-4442

RADIUS: 750 FT

ZONING OF SUBJECT PROPERTY: C-D (DESIGNED COMMERCIAL)





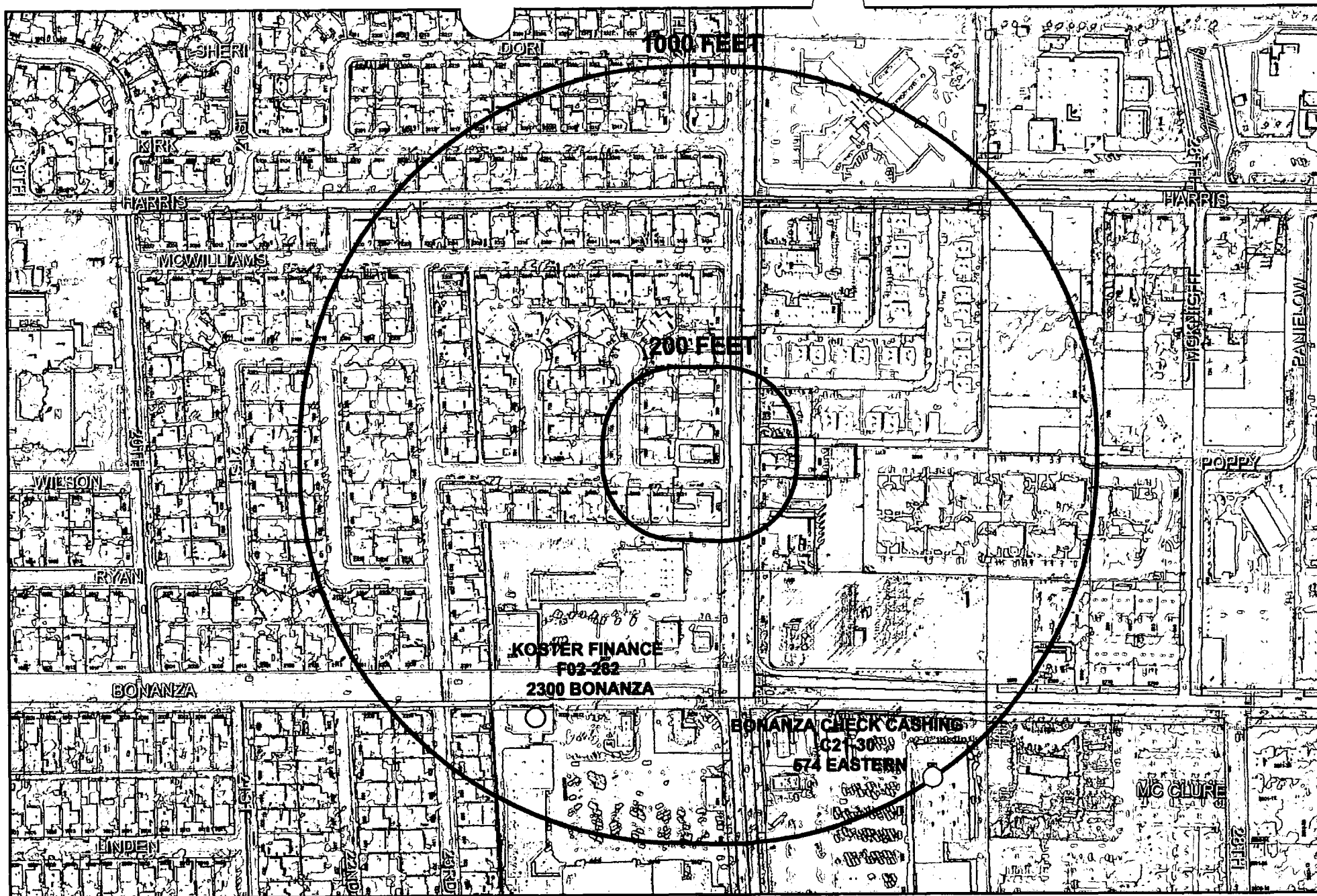
CASE: SUP-4442

RADIUS: 750 FT

ZONING OF SUBJECT PROPERTY: C-D (DESIGNED COMMERCIAL)

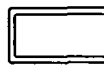
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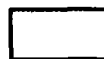


SUP-4442 Financial Business Locations

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



Subject Property



Residential Property



Buffer



AGENDA MEMO

CITY COUNCIL MEETING DATE: JULY 21, 2004

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: SUP-4442 - APPLICANT: TIM AYALA - OWNER: MARTIN M. PADILLA

**** CONDITIONS ****

The Planning Commission (7-0 vote) and staff recommend DENIAL. If Approved, subject to:

Planning and Development

1. The parking lot shall be re-stripped so as to provide one van accessible handicap parking space.
2. Conformance to all minimum requirements under Title 19.04.050 for the Financial Institution, Specified and Auto Title Loan uses.
3. The hours of operation shall not extend beyond the hours of 8:00 a.m. to 11:00 p.m.
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. All City Code requirements and design standards of all City departments must be satisfied.

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

The is an Appeal filed by the applicant from the Denial by the Planning Commission on a request for approval of a Special Use Permit for a proposed Financial Institution, Specified on property located 701 North Eastern Avenue. The applicant is also requesting a waiver to allow a 0-foot separation from residential property where 200 feet is required and a waiver to allow a 700-foot separation from similar uses where 1,000 feet is required as well as a waiver to allow a 1,200 square foot of building space where 1,500 square feet is required.

B) Applicant's Justification

The applicant justifies this request by stating that there is an immediate need for such services at the subject location and that it would allow the business expand. The applicant also mentions the ability to conform to the ordinance requirements prior to the newly adopted Financial Institution, Specified ordinance (04/21/04).

BACKGROUND INFORMATION

A) Previous Actions

- 10/02/85 The City Council approved a Rezoning (Z-0052-85) application for the reclassification of property located at 701 North Eastern Avenue from R-1 (Single Family Residential) to C-D (Designed Commercial). The Planning Commission and Staff both recommended approval.
- 08/06/86 The City Council approved a Review of Condition (Z-0052-85) application to waive a portion of the required landscaping on property located at 701 North Eastern Avenue. The City Planning Commission recommended approval. Staff recommended denial.
- 04/21/04 The City Council approved the distance separation standards for this type of use.
- 06/24/04 The Planning Commission voted 7-0 to recommend DENIAL (PC Agenda Item #52/pl).

B) Pre-Application Meeting

- 04/21/04 The submittal requirements for a Special Use Permit were discussed, as well as the conditions regarding a Financial Institution, Specified. No other comments were made.

DETAILS OF APPLICATION REQUEST

A) *Site Area*

Net Acres: 0.17

B) *Existing Land Use*

Subject Property: Movie rental store/ Insurance Office
 North: Professional Office
 South: Restaurant
 East: Restaurants/ General Retail
 West: Single Family Residence

C) *Planned Land Use*

Subject Property: DTR /L (Downtown Redevelopment/ Low Density Residential)
 North: DTR /O (Downtown Redevelopment/ Office)
 South: DTR /SC (Downtown Redevelopment/ Service Commercial)
 East: DTR /SC (Downtown Redevelopment/ Service Commercial)
 West: L (Low Density Residential)

D) *Existing Zoning*

Subject Property: C-D (Designed Commercial)
 North: R-1 (Single Family Residential) under Resolution of Intent to P-R
 (Professional Office and Parking)
 South: C-1 (Limited Commercial)
 East: C-2 (General Commercial)
 West: R-1 (Single Family Residential)

E) *General Plan Compliance*

This site is designated as DTR (Downtown Redevelopment) on the Southeast Sector Map of the General Plan. The Redevelopment Plan establishes L (Low Density Residential) as the land use designation for this site. The C-D zoning on this site is not compatible with the L (Low Density Residential) designation. The proposed use complies with the existing zoning for the site, but does not comply with the land use designation set forth by the general plan.

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

Redevelopment Plan Area

The subject site is located within the Las Vegas Redevelopment Plan area as adopted by the 1996 extension of the Redevelopment Area Boundaries Plan Maps. As outlined by Section 110, the objectives of the Redevelopment Plan are to eliminate environmental deficiencies and blight which constitute either social or economic liabilities or both and require redevelopment in the interests of the health, safety and general welfare of the people.

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
Financial Institution, Specified	1,200 SF.	1/300 GFA	5	1	11	1

The number of parking spaces onsite exceeds the required number spaces, however the handicap space provided fails to meet the standards Code standards. Therefore, a condition will be recommended regarding the proper striping of the parking lot.

A2) Minimum Distance Separation Requirements

Pursuant to Title 19.04 Standards adopted by City Council 04/21/04, the following Standards apply to the subject proposal:

Standards	Code Requirement	Provided
Specified Financial Institution	200 feet from any parcel used or zoned for residential use	NO
	1,000 feet from any other specified financial institution, auto title loan or auto pawn use	NO

The subject site is located adjacent residential zoned properties along the western edge of the property. Due to the proximity of the parcel to residentially zoned land to the west the applicant requires a waiver of the 200-foot minimum distance requirement.

The subject parcel is located within 1,000 feet of at least three other similar uses. Therefore, the applicant requires a waiver from the minimum 1,000-foot minimum distance requirement.

A3) Financial Institution, Specified Building Size

Pursuant to Title 19.04 Standards adopted April 21, 2004, the following Standards apply to the subject proposal:

Standards	Code Requirement	Provided
Specified Financial Institution	The building or portion thereof that is dedicated to the use shall have a minimum size of 1,500 square feet.	NO

The subject use is proposed to be located within an approximately 1,200 square foot portion of an existing building. This does not meet the standards of the Code. The floor plan supplied by the applicant illustrates a lobby, three offices, two restrooms, and a storage room. The subject building contains an existing video movie rental shop, as well as the office of at least two insurance agents. The potential lobby for the check cashing business will double as a display section for the renting and selling of movies. Although the area behind the glass counter is sufficient for the employees the applicant has not demonstrated sufficient interior space to provide for adequate customer waiting areas and customer queuing.

B) General Analysis and Discussion

- **Zoning**

The subject site is currently zoned C-D (Designed Commercial). A Financial Institution, Specified use is permitted in C-D with the approval of a Special Use Permit.

- **Use**

The application states they will be occupying the entire 1,200 square-foot existing retail building. However, two other separate uses are being located within the same building. This becomes even more apparent due to one of the uses requires the display of merchandise. All building signage is subject to the base conditions for approval of the Special Use Permit and the requirements set forth by Title 19. Currently, the nearest existing approved Financial Institutions, Specified are to the south approximately on either side of the southern corners of the Eastern Avenue and Bonanza Road intersection.

- **Conditions**

Title 19.04.050 lists the following conditions for a Financial Institution, Specified use, adopted by City Council April 21, 2004.

1. The use shall comply with all applicable requirements of 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 Title 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:
 - a. Cover more than twenty percent (20%) of the area of all exterior windows;
 - b. Include flashing lights or neon lighting; or
 - c. Include any text other than text that indicates the hours of operation and whether the business is open or closed.
5. The hours of operation shall not extend beyond the hours of 8:00 a.m. to 11:00 p.m.
6. The building or portion thereof that is dedicated to the use shall have a minimum size of one thousand five hundred square feet, and shall have sufficient interior space to provide for adequate customer waiting areas, customer queuing, and transaction space (such as "teller" windows or desks).
7. No specified financial institution use may be located closer than two hundred feet from any parcel used or zoned for residential use. In addition, no specified financial institution use may be located closer than one thousand feet from any other specified financial institution use, auto title loan use or pawn use. For purposes of this Paragraph (7), distances shall be measured in a straight line from property line to property line, without regard to intervening obstacles. The term "property line" refers to lines of fee interest parcels and not leasehold parcels.

The proposed check-cashing center fails to comply with conditions #6 and #7 of Title 19.04. The subject site's building footage is approximately 1,200 square feet, where 1,500 square feet is required. The subject site is located within the 200 minimum separation distance from residential zoned properties and within 1,000 feet of similar uses.

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 residential to office conversion building with no external changes to be made except for possible new wall signage. The proposed land use is not in compliance with the General Plan designation of DTR (Downtown Redevelopment)/L (Low Density Residential). The proposed land use cannot be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan. This is exemplified through the number of waivers requested by the applicant in order to gain approval.

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

The subject tenant space is inadequate as set forth by Bill No. 2003-78, adopted 04/21/04, which requires a minimum of 1,500 square feet of interior space, to provide sufficient customer waiting areas, customer queuing, and transaction space for a Financial Institution, Specified. Therefore, a waiver from the minimum interior space requirement is required for approval. The existing parking area is adequate to accommodate 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.”**

The subject location is accessible from Eastern Avenue, a 100-foot Primary Arterial, and Wilson Avenue, a Residential Street. Eastern Avenue is of adequate in size and capacity to accommodate the proposed Financial Institution, Specified.

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

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

PLANNING COMMISSION ACTION

At the Planning Commission hearing, the applicant submitted a petition in favor of the project and one speaker protested the application.

NOTICES MAILED 118 by City Clerk

APPROVALS 18

PROTESTS 1



PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: SUP-4442 APN: 130-26-811-070

Name of Property Owner: Martin M. Padilla

Name of Applicant: Martin M. Padilla

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

 Yes

 ✓ No

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

City Official: NA

Partner(s): NA

APN: NA

Signature of Property Owner/Authorized Agent: Martin M. Padilla

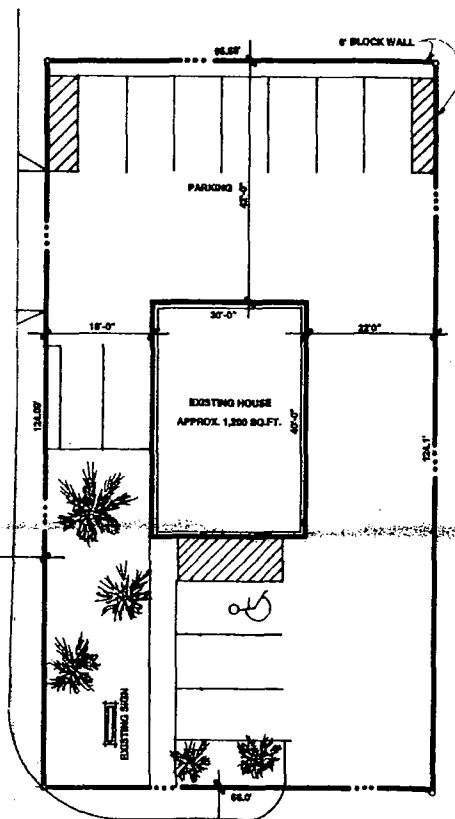
Subscribed and sworn before me

This 19 day of April, 2004

Maria Cristina Vargas
Notary Public in and for said County and State



WILSON AVE.

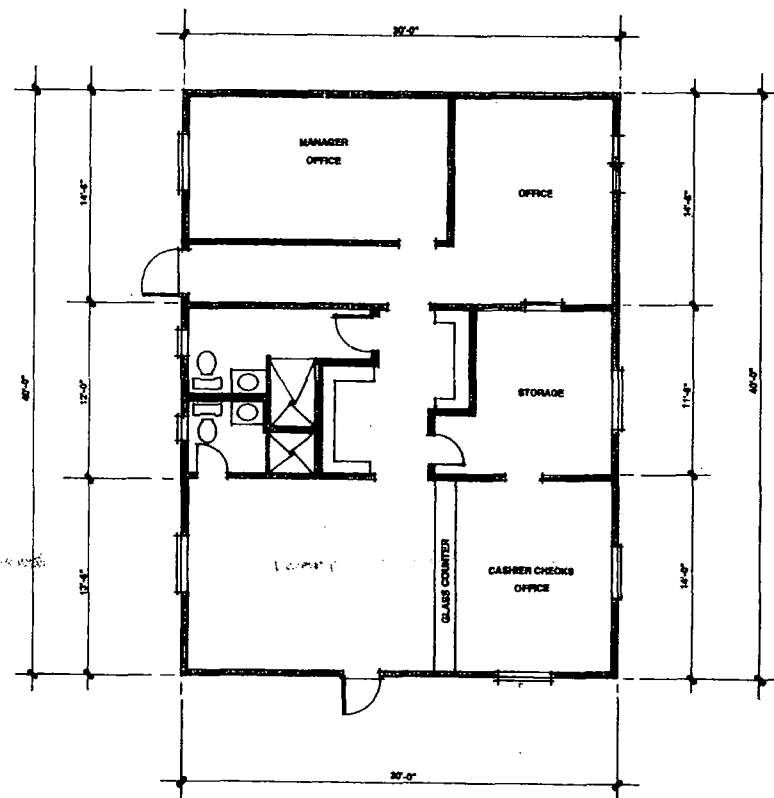


EASTERN AVE.

APH 120-28-511-070



SCALE 1"=10'



Site Plan
701 Eastern Ave
Las Vegas, Nevada

SUP-4442
6-24-04 PC

LANDSCAPE LEGEND

EXAMPLE	NAME	SIZE	UNITS
	MEDICINAL PALM TREE	30' BOX AS SHOWN	4 TREES

- * ON BION - PLANT BED FOR ANNUALS
- * SLOTTED ARTIFICIAL MOUNTAIN BAILEY MULTIVACUUM/ROULEAU COLLAPSE
- * DIMENSIONAL SPECIFICATIONS: 10' x 10' x 10' (10' x 10' x 10' SPECIES)
- * ALL LANDSCAPE AREAS TO BE PROVIDED WITH AUTOMATIC IRRIGATION SYSTEM
- * THE LANDSCAPE AND IRRIGATION SYSTEM WILL BE MAINTAINED BY PROPERTY OWNER
- * CERTIFICATE OF COMPLIANCE (STATING THAT LANDSCAPE MATERIALS HAVE BEEN INSTALLED PER CODE) WILL BE ISSUED BY PROPERTY OWNER OR CONTRACTOR AND SUBMITTED TO THE CLARK COUNTY BUILDING DEPARTMENT PRIOR TO RELEASE OF IMPROVEMENT BOND. HOWEVER, THE REQUIRED LANDSCAPING WILL BE INSTALLED PRIOR TO FINAL CERTIFICATE OF OCCUPANCY.



SUP-4442 - APPLICANT: TIM AYALA - OWNER: MARTIN M. PADILLA
701 NORTH EASTERN AVENUE
JUNE 24, 2004 PLANNING COMMISSION

6/1/04



SUP-4442 - APPLICANT: TIM AYALA - OWNER: MARTIN M. PADILLA
701 NORTH EASTERN AVENUE
JUNE 24, 2004 PLANNING COMMISSION

6/1/04

TC AYALA PLANNING & DEVELOPMENT

4600 Sunset Road Ste. 148
Henderson, Nevada 89014

Phone (702) 275-3784
Fax (702) 407-7744

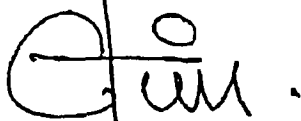
Planning & Development Department
C/O Vicky Darling
400 Stewart Avenue
Las Vegas, Nevada

June 29, 2004

Dear Mr. Darling:

I'm submitting this letter in order to appeal the special use permit number SUP-4442 that was denied at your regular meeting of the City Planning Commissioners on June 24, 2004. Following City regulations my client would like to have this item heard at the next City Council meeting.

Sincerely,

A handwritten signature in black ink, appearing to read 'Tim C. Ayala', with a large, stylized 'T' and 'A'.

Tim C. Ayala

RECEIVED
CITY CLERK

2004 JUN 29 A 11:58

Planning & Development Department
City of Las Vegas
Las Vegas, Nevada

June 21, 2004

701 N. Eastern Ave.
Las Vegas, Nevada

To Whom It May Concern:

We recently received a notice for a use permit for a Financial Institution located on the above property. This property has been a commercial business for more than 20 years, and they have been good neighbors. We live behind this property, and we believe that this type of use should not have a major impact on our community. We would like it to be known that we are in support of this application, and therefore, we ask for your approval of this project.

Thank you.

NAME	SIGNATURE	ADDRESS
Ramona Segura		708 N 23 Rd St.
Mary Hamer		712 N. 23 RD.
EDUARDO		713 / 23 St
Estela Gayosso		709 N. 23rd. St.
Amy COZZENS		705 N. 23rd St
Florino Kraeell		705 NO. 23rd St
JOSE Santos.		701 NO 23rd St
GABRIEL DOMENECH		2305 E McWilliams
Lee Bloom		2313 E. McWilliams Ave.
TITO Perez		2400 McWilliams

Submitted at City Council

Date 7/21/04 Item #112

Planning & Development Department
City of Las Vegas
Las Vegas, Nevada

June 21, 2004

701 N. Eastern Ave.
Las Vegas, Nevada

To Whom It May Concern:

We recently received a notice for a use permit for a Financial Institution located on the above property. This property has been a commercial business for more than 20 years, and they have been good neighbors. We live behind this property, and we believe that this type of use should not have a major impact on our community. We would like it to be known that we are in support of this application, and therefore, we ask for your approval of this project.

Thank you.

NAME

SIGNATURE

ADDRESS

Karina Mafra

2321 E McWilliams

Ruben Burgos

2401 E McWilliams

Elisabeth

2417 E McWilliams

Steven Barnett

2420 E McWilliams Ave

Johnny Nolas

2416 E McWilliams Ave

Saul Nolas

1660 Ringe Ln

Antonio

22

2412 E McWilliams

Rebecca

2409 E McWilliams 89101

Bethy Gordenas & Patricia Linder 717 EASTERN AV.

James

705 EASTERN AVE LV. NV 89104

Submitted at City Council

Date 7/1/04 Item #112

Planning & Development Department
City of Las Vegas
Las Vegas, Nevada

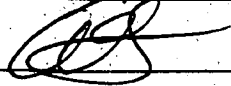
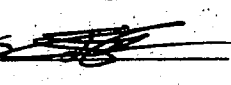
June 21, 2004

701 N. Eastern Ave.
Las Vegas, Nevada

To Whom It May Concern:

We recently received a notice for a use permit for a Financial Institution located on the above property. This property has been a commercial business for more than 20 years, and they have been good neighbors. We live behind this property, and we believe that this type of use should not have a major impact on our community. We would like it to be known that we are in support of this application, and therefore, we ask for your approval of this project.

Thank you.

NAME	SIGNATURE	ADDRESS
Fra Peres R.ica		720 Aster Ln. 8B Las Vegas Nv.
Arnida Valdivinos		
Jose C Flores		716 FLOWER ST
Mariela Lopez		717 FLOWER ST
MARIA GALLARDO		708 FLOWER ST

Submitted at City Council

Date 7/21/04 Item #112

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF: JULY 21, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER ☐ **CONSENT** ☒ **DISCUSSION**

SUBJECT:

SPECIAL USE PERMIT - PUBLIC HEARING - SUP-4443 - APPLICANT: JAMES AND LAURA VESLI - OWNER DUCKS LAKE, LIMITED LIABILITY COMPANY - Request for a Special Use Permit FOR A 3,000 SQUARE FOOT RESTAURANT WITH SERVICE BAR at 2400 South Jones Boulevard, Suites 12 and 13 (APN: 163-01-401-011), 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

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. Support letter from Jim and Margareta Freedman

MOTION:

MONCRIEF – APPROVED subject to conditions – UNANIMOUS

MINUTES:

MAYOR GOODMAN declared the Public Hearing open.

An unidentified gentleman appeared on behalf of the applicant and offered to answer questions.

No one appeared in opposition.

MAYOR GOODMAN declared the Public Hearing closed.

(2:59 – 3:00)

4-2048

CONDITIONS:

Planning and Development

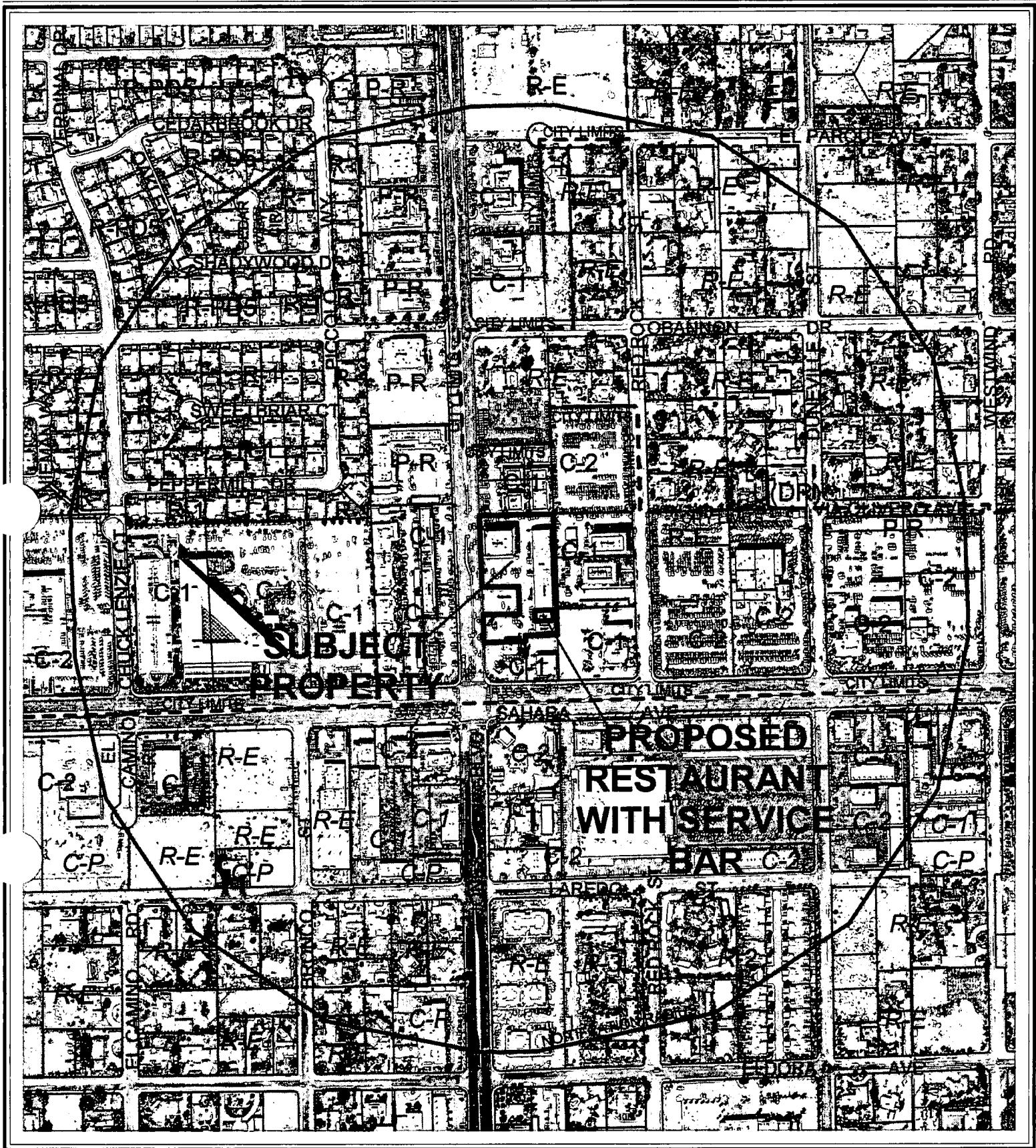
1. Conformance to all Minimum Requirements under Title 19.04 for the Restaurant with Service Bar use.

CITY COUNCIL MEETING OF JULY 21, 2004
Planning and Development Department
Item 113 – SUP-4443

CONDITIONS Continued:

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.





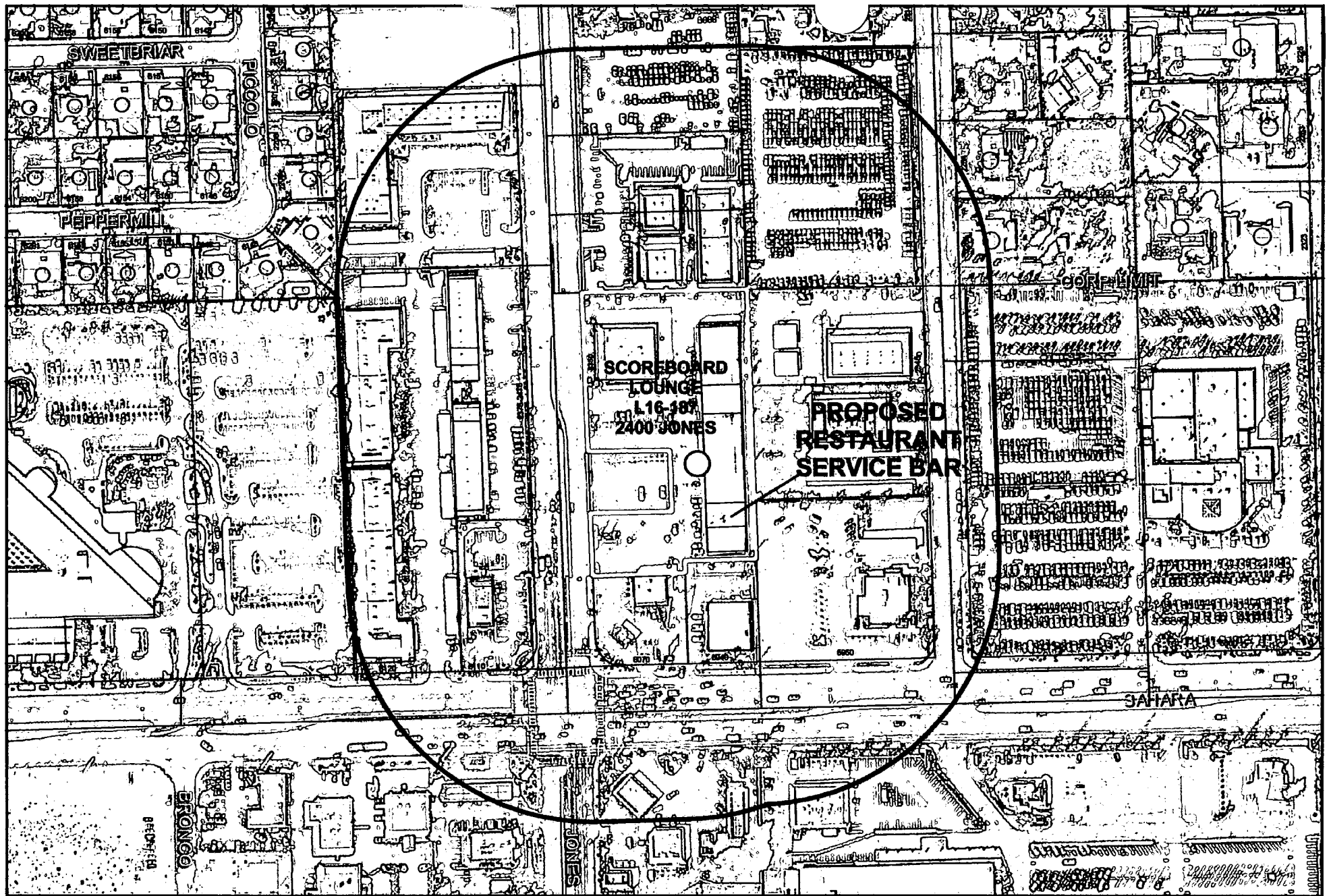
CASE: SUP-4443

RADIUS: 1500 FT

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

0 400 800 Feet





SUP-4443

Protected Land Uses

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: JULY 21, 2004

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: SUP-4443 - APPLICANT: JAMES AND LAURA VESLI -
OWNER DUCKS LAKE, 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 for the Restaurant with Service Bar 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

The request is for a Special Use Permit for a Restaurant with Service Bar located at 2400 South Jones Boulevard, Suites 12 and 13.

B) Applicant's Justification

The applicant's justification letter indicates they wish to have a Restaurant with Service Bar at this location in order to provide beer and wine in conjunction with meals served at the existing restaurant.

BACKGROUND INFORMATION

A) Previous Actions

11/17/93 The City Council approved a Variance (V-106-93) to allow a pawnshop and secondhand dealer where such use is not permitted in the same commercial center at 2350 South Jones Boulevard, Suite 15. The Board of Zoning Adjustment recommended approval on October 26, 1993. The Planning and Development Department recommendation was for denial.

06/24/04 The Planning Commission voted 7-0 to recommend APPROVAL (PC Agenda Item #9/mp).

B) Pre-Application Meeting

01/15/04 A pre-application meeting was conducted and the applicant was advised of the requirements for a Special Use Permit.

C) Neighborhood Meetings

A neighborhood meeting was not required for this application.

DETAILS OF APPLICATION REQUEST

A) Site Area

Net Acres: 2.48

B) Existing Land Use

Subject Property: Commercial Retail Center
North: Office
South: Convenience Store and Commercial
East: Office and Bank
West: Commercial Retail Center

C) Planned Land Use

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

D) Existing Zoning

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

E) General Plan Compliance

The site is designated SC (Service Commercial) on the Southwest Sector 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	

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 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:

No comments have been received that affect this request.

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

ANALYSIS

A) Zoning Code Compliance

A1) Parking and Traffic Standards

The restaurant with service bar will occupy space previously operated as a restaurant, therefore this use will not change the parking requirements for this site.

A2) Minimum Distance Separation Requirements

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

Standards	Code Requirement	Provided
Restaurant Service with Bar	400 feet from any Church, School, Daycare, or City Park	There are no protected uses within the minimum distance separation requirement

There are no protected uses within the minimum distance separation requirement.

B) General Analysis and Discussion

- **Zoning**

The proposed restaurant with service bar is allowed in the C-1 (Limited Commercial) zoning district with the approval of a Special Use Permit.

- **Use**

Title 19 defines a Restaurant Service Bar as a bar wherein alcoholic beverage drinks are prepared for service only at tables in a restaurant and for consumption only in connection with a meal served on the premises, and where customers are not permitted to purchase alcoholic beverage drinks directly from the bar or for off-premise consumption. This request meets the requirements of this definition and can be conducted in a manner that is harmonious and compatible with the surrounding land uses

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 restaurant with service bar will be located within an existing shopping center that is surrounded by other commercial uses. Therefore, this use can 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.”**

The site is 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 Jones Boulevard, 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 restaurant with service bar use will be subject to regular City and County inspections and will therefore not compromise the public health, safety, and welfare.

NOTICES MAILED 365 by City Clerk

APPROVALS 0

PROTESTS 0



PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **SUP-4443** APN: *163-01-401-011*

Name of Property Owner: Ducks Lake LLC.

Name of Applicant: JAMES AND LAURA VESCI

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

Yes

✓ No

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

City Official: _____

Partner(s): _____

APN: _____

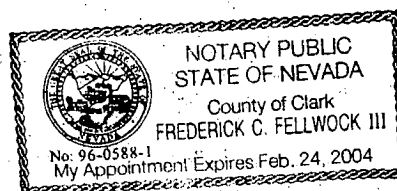
Signature of Property Owner/Authorized Agent:

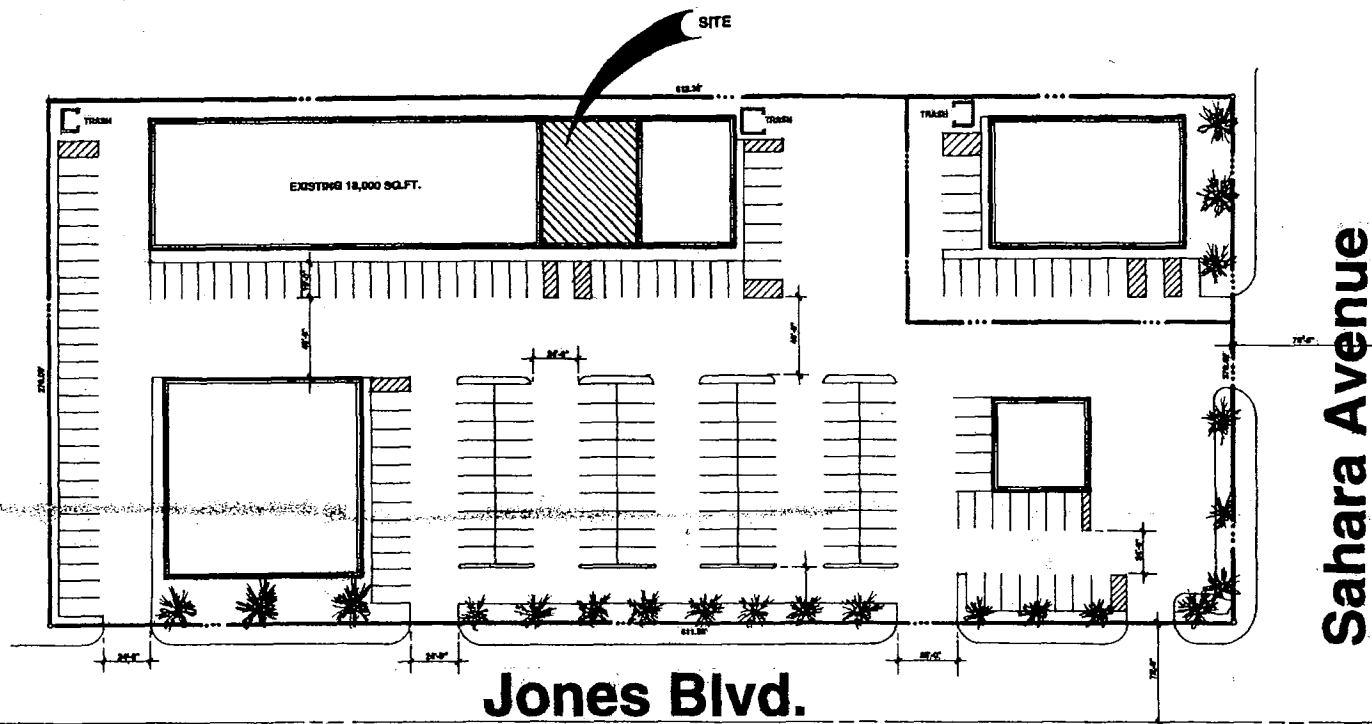
Print Name:

Subscribed and sworn before me

This 16th day of December 2003

Notary Public in and for said County and State



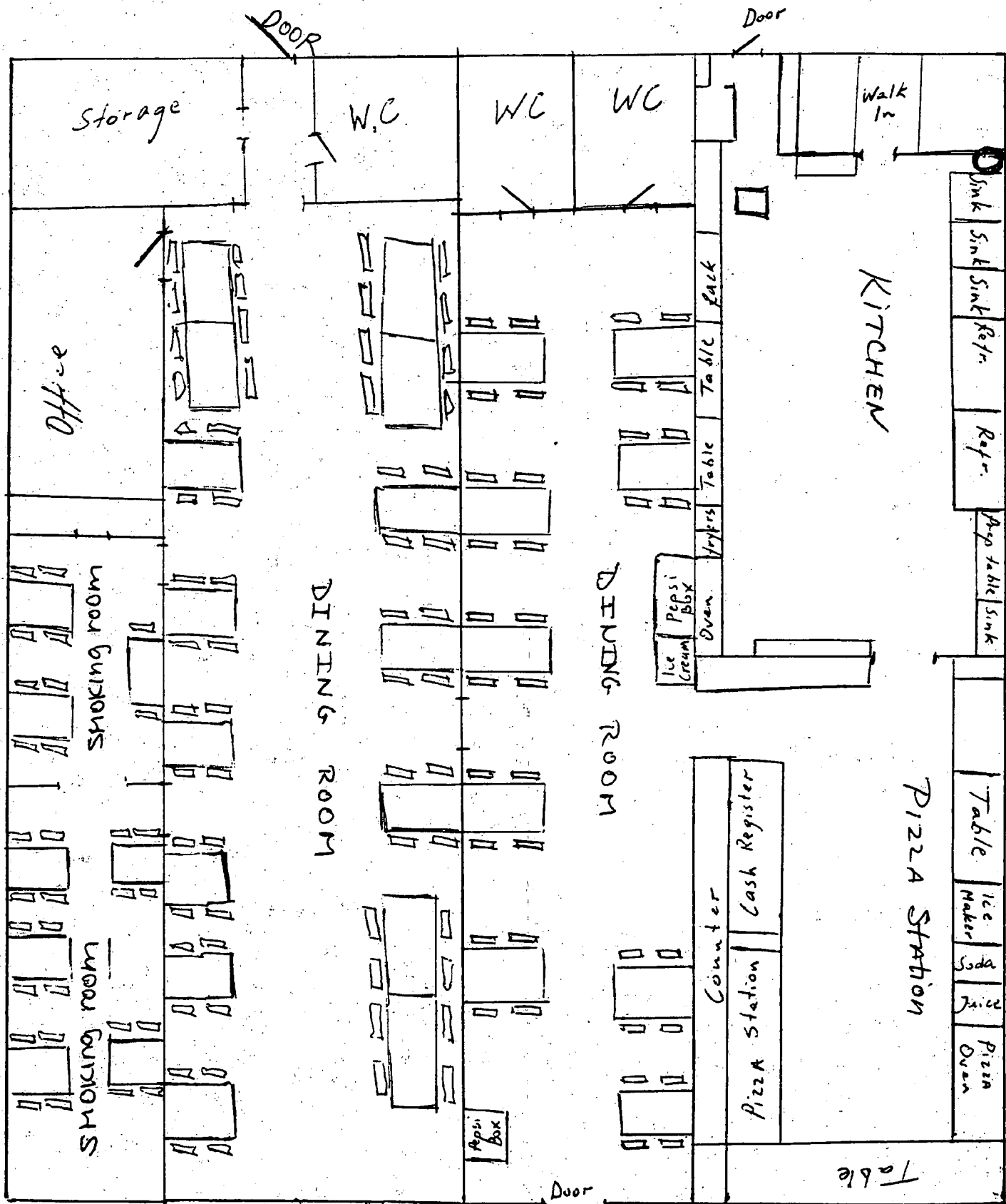


SITE PLAN
2400 S. Jones Blvd
Las Vegas Nevada

LAND USE ANALYSIS

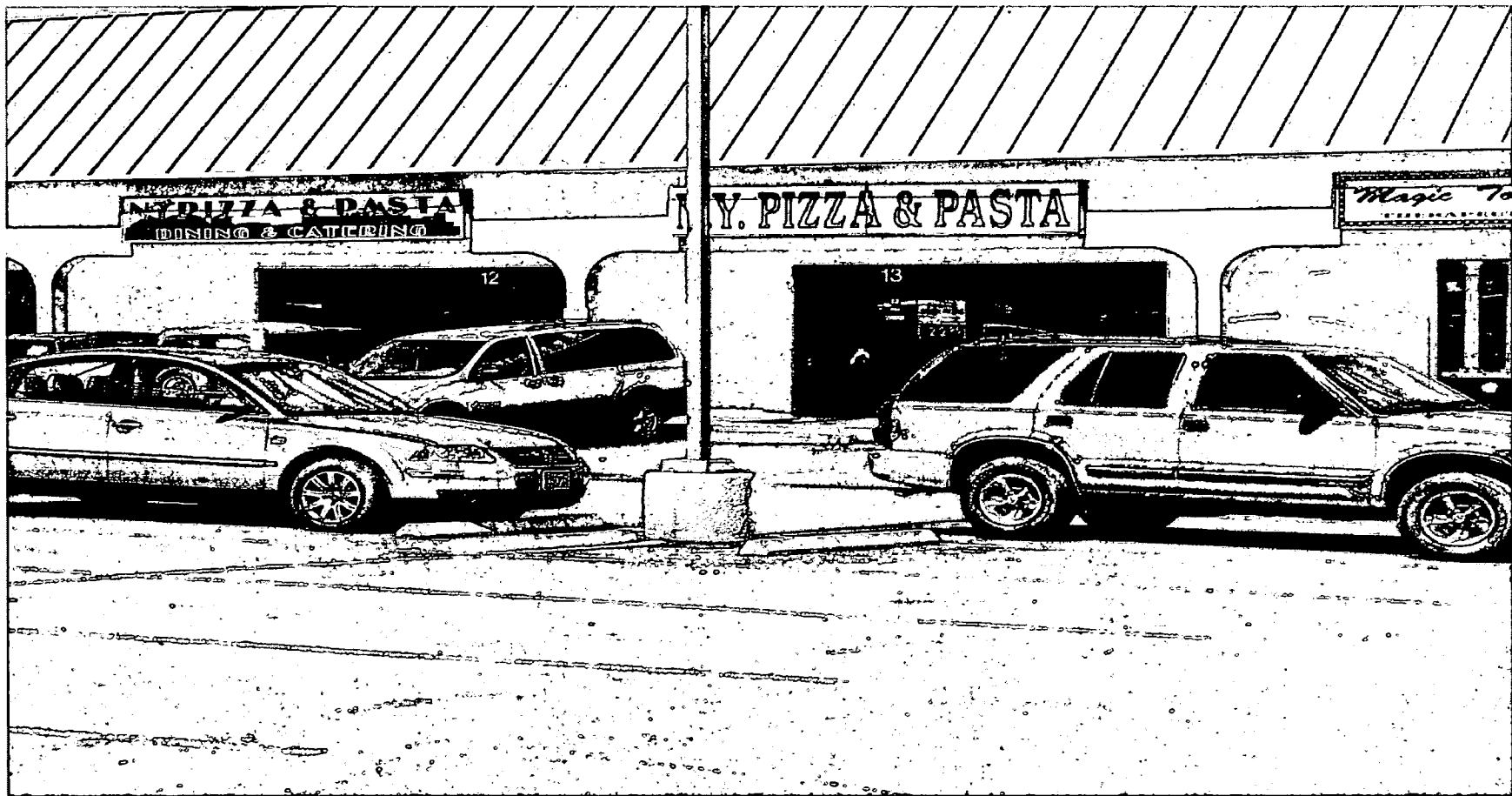
EXISTING ZONE - C-1
 EXISTING SHOPPING CENTER
 EXISTING RESTAURANT AREA - 3,000 SQ. FT.
 APPROX. BUILDING AREA - 18,000 SQ. FT.
 PROVIDED PARKING - 186 PARKING SPACES

SUP-4443
6-24-04 PC



New York Pizza and Pasta
2400 S. Jones

Seating capacity 130



SUP-4443 - SPECIAL USE PERMIT - APPLICANT: JAMES AND LAURA VESLI - OWNER DUCKS LAKE,
LIMITED LIABILITY COMPANY
2400 SOUTH JONES BOULEVARD, SUITES 12 AND 13
JUNE 24, 2004 PLANNING COMMISSION

6/3/04



SUP-4443 - SPECIAL USE PERMIT - APPLICANT: JAMES AND LAURA VESLI - OWNER DUCKS LAKE,
LIMITED LIABILITY COMPANY
2400 SOUTH JONES BOULEVARD, SUITES 12 AND 13
JUNE 24, 2004 PLANNING COMMISSION

6/3/04

CITY CLERK: Barbara Jo Ronemus
400 Stewart Avenue
Las Vegas, Nevada

Barbara Jo Ronemus:

This letter is our approval of CASE: SUP-4443. We just hope that the restaurant concentrates on the food instead of the bar!!!

Also, to the new owners: "GOOD LUCK"!!!

Jim and Margareta FREEDMAN
2215 So. Red Rock St
89146-3116

Residents since 1964.

Jim Freedman
Margareta Freedman

July 10, 2004

Support

RECEIVED
CITY CLERK

2004 JUL 14 A 10:51

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF: JULY 21, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

ACTING DIRECTOR: M. MARGO WHEELER ☐ **CONSENT** ☒ **DISCUSSION**

SUBJECT:

SPECIAL USE PERMIT - PUBLIC HEARING - SUP-4444 - APPLICANT: CASH BACK PAYDAY LOANS - OWNER: FARLEY M. ANDERSON, LIMITED PARTNERSHIP -
 Appeal filed by the Applicant from the Denial by the Planning Commission of a request for a Special Use Permit FOR A FINANCIAL INSTITUTION, SPECIFIED WITH A SEPARATION OF ZERO FEET WHERE 200 IS REQUIRED FROM A RESIDENTIAL PROPERTY AND A SEPARATION OF 280 FEET WHERE 1,000 FEET IS REQUIRED FROM A SIMILAR USE on the north side of Lake Mead Boulevard, between James Bilbray Drive and Torrey Pines Drive (APN: 138-23-201-008), U (Undeveloped) Zone [SC (Service Commercial) General Plan Designation] under Resolution of Intent to C-1 (Limited Commercial), Ward 6 (Mack). The Planning Commission (7-0 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 (7-0 vote) and staff recommend DENIAL.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Appeal letter filed by Harold P. Foster

MOTION:

BROWN – APPROVED subject to conditions – **UNANIMOUS** with **MACK** abstaining as he is a consultant for SuperPawn Stores owned by his brother **STEVEN MACK** which offers the same type of service

MINUTES:

MAYOR GOODMAN declared the Public Hearing open.

HAROLD FOSTER, 3230 Polaris Avenue, appeared with the developer **TED KRUGER** and **RUDY STARDS** on behalf of the applicant. He explained the applicant is currently trying to procure building permits. He displayed the elevation of the project and indicated that on the west end there is a 3,600 square-foot building. The east half of that building would be the payday loan/check-cashing business. The west half would be Washington Mutual.

CITY COUNCIL MEETING OF JULY 21, 2004
Planning and Development Department
Item 114 – SUP-4444

MINUTES Continued:

The center is aesthetically pleasing and will have a lot of landscaping buffers on the north side where there is a multi-family development. The development is 750 feet away from the closest business of similar use, and it is the only other similar use in the area.

Displaying the proposed signage for the project, MR. FOSTER indicated the Planning Commission was happy with the limited advertising signage. TED KRUGAR, Bullseye Development, Ventura California, thanked the Council for support of the development and reiterated the ground breaking would commence very soon, when the permits are issued. As the landlord of the property, he attested to the honorability of the applicant and assured Council that no unauthorized changes would be made to the sign, landscaping or appearance.

No one appeared in opposition.

MAYOR GOODMAN declared the Public Hearing closed.

(3:00 – 3:08)

4-2095

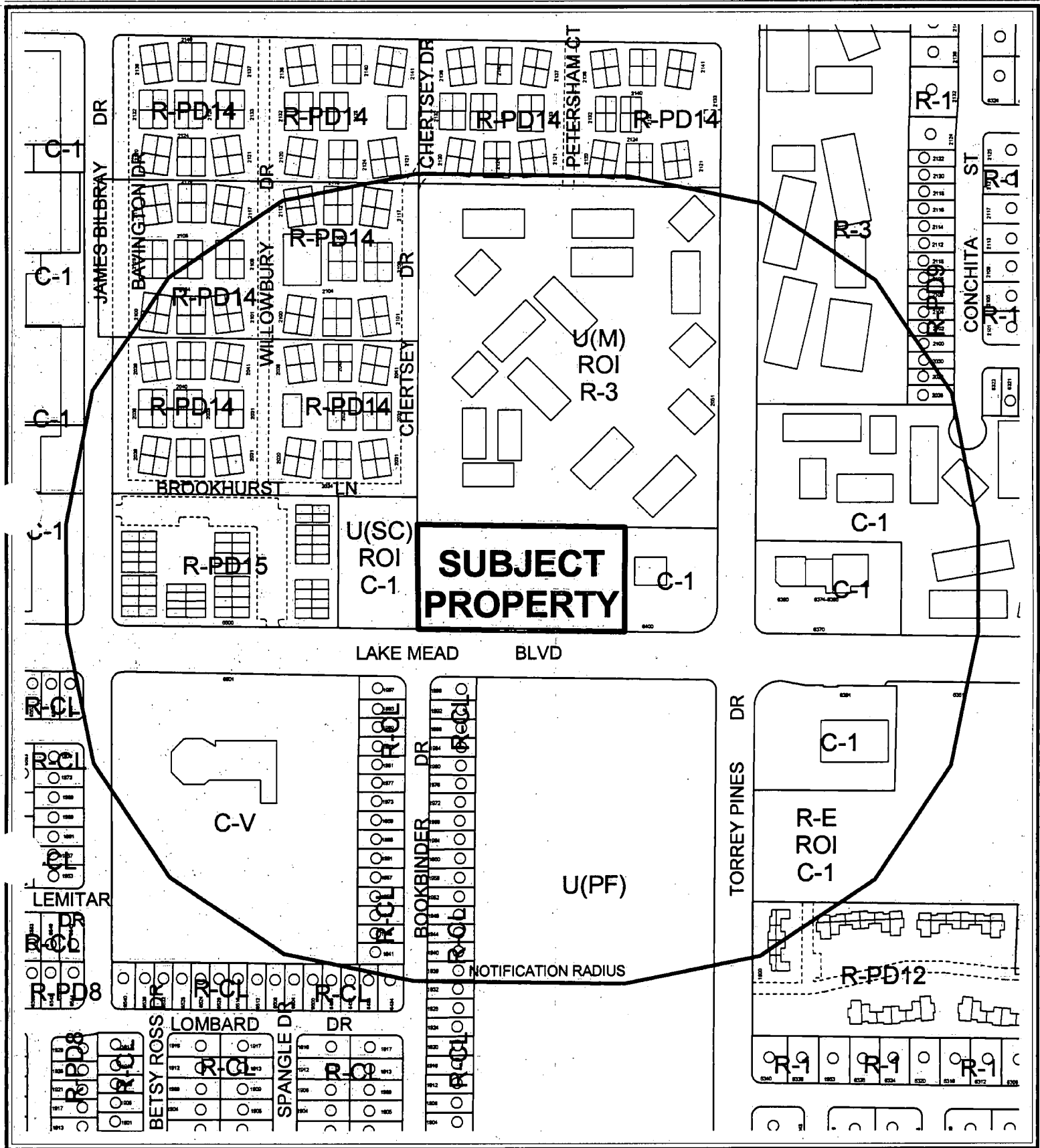
CONDITIONS:

Planning and Development

1. Conformance to Rezoning ZON-3060, Site Development Plan Review SDR-3062 and Variance VAR-4193.
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.

Public Works

4. Site development to comply with all applicable conditions of approval for Zoning Reclassification ZON-3060, Site Development Plan Review SDR-3062, and all other subsequent site-related actions.



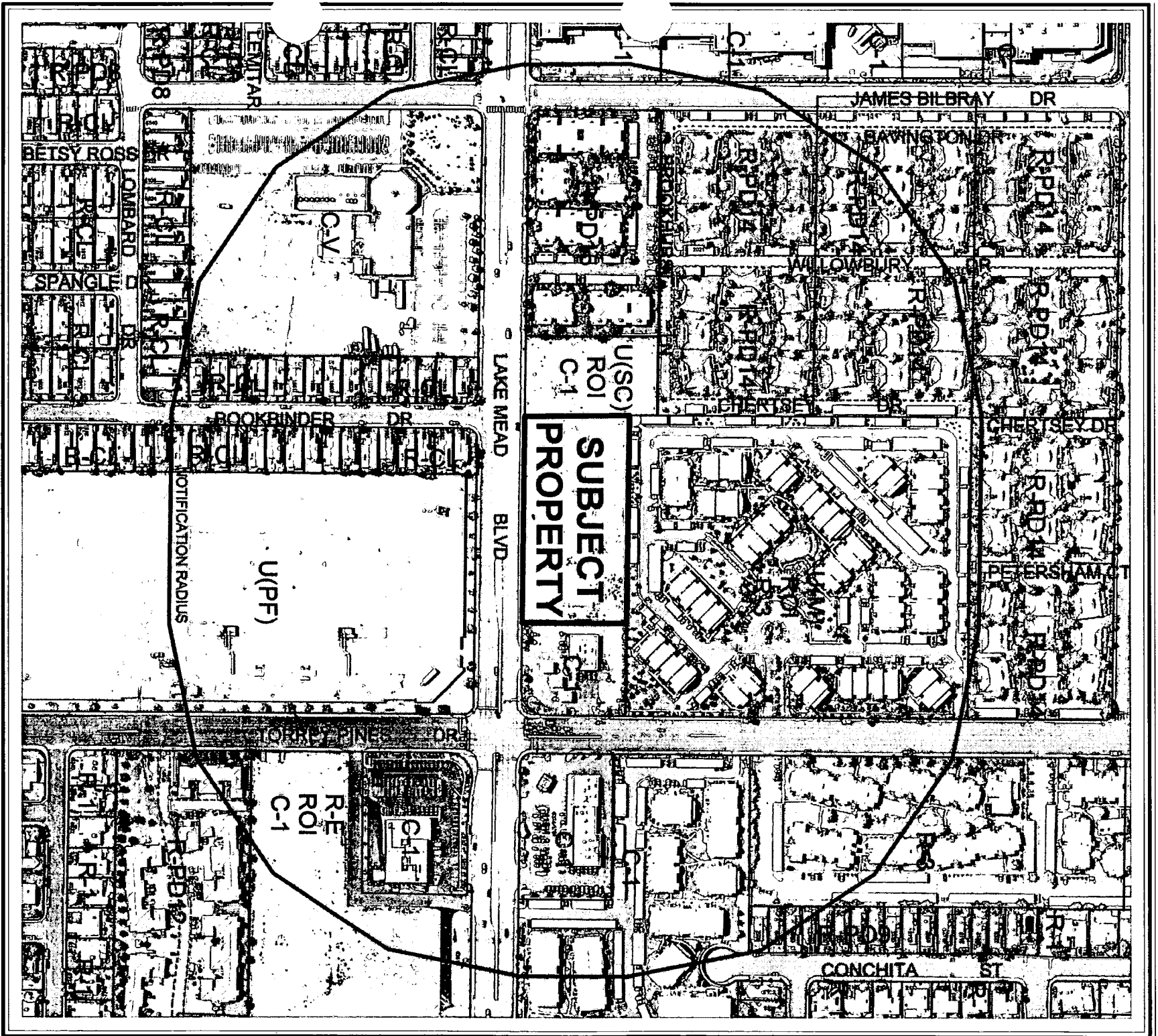
CASE: SUP-4444

RADIUS: 750 FT

ZONING OF SUBJECT PROPERTY:

U (UNDEVELOPED) ZONE [SC (SERVICE COMMERCIAL) GENERAL PLAN DESIGNATION]
UNDER RESOLUTION OF INTENT TO C-1 (LIMITED COMMERCIAL)



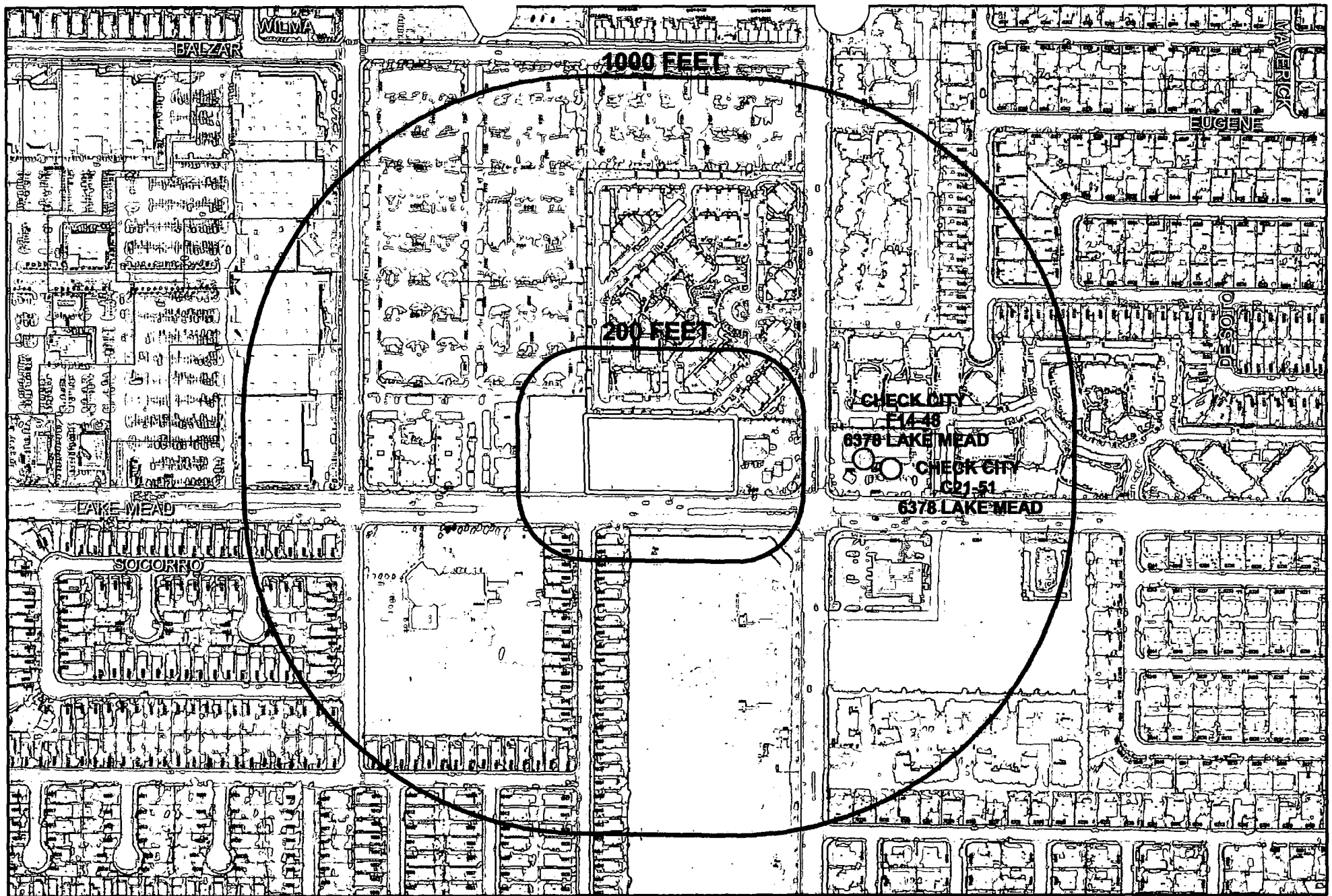


CASE: **SUP-4444**

RADIUS: 750 FT

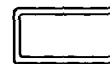
ZONING OF SUBJECT PROPERTY:

U (UNDEVELOPED) ZONE [SC (SERVICE COMMERCIAL) GENERAL PLAN DESIGNATION]
UNDER RESOLUTION OF INTENT TO C-1 (LIMITED COMMERCIAL)



SUP-4444 Financial Business Locations

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



Subject Property



Residential Property



Buffer



AGENDA MEMO

CITY COUNCIL MEETING DATE: JULY 21, 2004
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: SUP-4444 - APPLICANT: CASH BACK PAYDAY LOANS -
OWNER: FARLEY M. ANDERSON, LIMITED PARTNERSHIP

**** CONDITIONS ****

The Planning Commission (7-0 vote) and staff recommend DENIAL. If Approved, subject to:

Planning and Development

1. Conformance to Rezoning ZON-3060, Site Development Plan Review SDR-3062 and Variance VAR-4193.
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.

Public Works

4. Site development to comply with all applicable conditions of approval for Zoning Reclassification ZON-3060, Site Development Plan Review SDR-3062, and all other subsequent site-related actions.

**** 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 a Financial Institution, Specified and Waivers of the minimum distance separation requirements from residential properties and a similar use on property located adjacent to the north side of Lake Mead Boulevard, between James Bilbray Drive and Torrey Pines Drive.

B) Applicant's Justification

The applicant's justification letter indicates Financial Institution, Specified is located in an approved retail commercial development and will operate in a manner similar to other allowed uses.

BACKGROUND INFORMATION

A) Previous Actions

- 11/19/03 The City Council approved a Rezoning (ZON-3060) to C-1 (Limited Commercial) and a Site Development Plan Review (SDR-3062) for a proposed 19,100 square foot retail building and 3,600 square foot retail pad and a waiver to the parking lot landscaping requirements on this site. The Planning Commission and staff recommended approval on October 23, 2003.
- 04/21/04 The City Council approved minimum distance separation standards for this type of use.
- 06/16/04 The City Council approved a Variance (VAR-4193) to allow 117 parking spaces where 135 spaces are required for the proposed commercial development on this site. The Planning Commission recommended approval on May 13, 2004. The Planning and Development Depart recommendation was for denial.
- 06/24/04 The Planning Commission voted 7-0 to recommend DENIAL (PC Agenda Item #53/mp).

B) Pre-Application Meeting

- 04/12/04 A pre-application meeting was conducted and the applicant was advised of the requirements for a Special Use Permit.

C) Neighborhood Meetings

A neighborhood meeting was not required for this application.

DETAILS OF APPLICATION REQUEST

A) *Site Area*

Net Acres: 2.27

B) *Existing Land Use*

Subject Property: Retail Commercial Center (Under Construction)
 North: Apartments
 South: Single Family Residences and Las Vegas Valley Water District Facility
 East: Convenience Store With Fuel Pumps
 West: Undeveloped

C) *Planned Land Use*

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

D) *Existing Zoning*

Subject Property: U (Undeveloped) [SC (Service Commercial) General Plan Designation under Resolution of Intent to C-1 (Limited Commercial)]
 North: U (Undeveloped) [M (Medium Density Residential) General Plan Designation] under Resolution of Intent to R-3 (Medium Density Residential)
 South: R-CL (Single Family Compact-Lot) and U (Undeveloped) [PF (Public Facility) General Plan Designation]
 East: C-1 (Limited Commercial)
 West: U (Undeveloped) [SC (Service Commercial) General Plan Designation under Resolution of Intent to C-1 (Limited Commercial)]

E) *General Plan Compliance*

The site is designated SC (Service Commercial) on the Southwest Sector 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 request is not affected by any special plan areas or districts.

ANALYSIS

A) *Zoning Code Compliance*

A1) Parking and Traffic Standards

This use will be located within an approved retail commercial center and will not require additional parking.

A2) Minimum Distance Separation Requirements

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

Standards	Code Requirement	Provided
Financial Institution, Specified	200 feet from any parcel used or zoned for residential use	Adjacent to multi-family residential to the north; 80 feet from multi family residential to the northwest and 100 feet from single family residential to the south
	1,000 feet from any other specified financial institution, auto tile loan or auto pawn use	280 feet from a similar use (auto title loan and check cashing)

The proposed Financial Institution, Specified use does not meet the minimum distance separation requirements from three residential properties and one similar use. A waiver must be approved in order to allow for a reduction in the distance separation requirements.

A3) Financial Institution, Specified Building Size

Standards	Code Requirement	Provided
Financial Institution, Specified	The building or portion thereof that is dedicated to the use shall have a minimum size of 1,500 square feet.	1,800 square feet

At 1,800 square feet, the proposed Financial Institution, Specified meets the minimum 1,500 square foot space size requirement.

B) General Analysis and Discussion

- Zoning

The Financial Institution, Specified use is permitted in C-1 (Limited Commercial) zoning district with the approval of a Special Use Permit, subject to meeting certain requirements.

- Use

The proposed Financial Institution, Specified will be located in a tenant space located in an approved retail commercial building. The use is subject to operational standards as listed under conditions below.

- Conditions

Title 19.04.050 lists the following conditions for a Financial Institution, Specified use, adopted by City Council 04/21/04.

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 Title 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:
 - a. Cover more than twenty percent (20%) of the area of all exterior windows;
 - b. Include flashing lights or neon lighting; or
 - c. Include any text other than text that indicates the hours of operation and whether the business is open or closed.
5. The hours of operation shall not extend beyond the hours of 8:00 a.m. to 11:00 p.m.
6. The building or portion thereof that is dedicated to the use shall have a minimum size of one thousand five hundred square feet, and shall have sufficient interior space to provide for adequate customer waiting areas, customer queuing, and transaction space (such as "teller" windows or desks).
7. No specified financial institution use may be located closer than two hundred feet from any parcel used or zoned for residential use. In addition, no specified financial institution use may be located closer than one thousand feet from any other specified financial institution use, auto title loan use or pawn use. For purposes of this Paragraph (7), distances shall be measured in a straight line from property line to property line, without regard to intervening obstacles. The term "property line" refers to lines of fee interest parcels and not leasehold parcels.

The proposed Financial Institution, Specified (paycheck-cashing) fails to comply with recently adopted condition No. 7 of Title 19.04 regarding minimum separation distances. The use is located within the 200 minimum separation distance from three separate residential properties and within 1,000 feet of a similar use (auto title loan and check cashing). The applicant has no provided justification as to why these standards should be waived. Approval of these waivers would set a precedent to allow future requests for similar uses to deviate from the newly adopted standards. Since there is no compelling reason to approval the waiver, the recommendation for this request is denial.

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 land use cannot 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 due to the waivers of the minimum distance separation requirements. Therefore the recommendation for this request is denial.

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

The site is 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 Lake Mead Boulevard, 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 Financial Institution, Specified use will be subject to City inspections and will therefore not compromise the public health, safety, and welfare.

NOTICES MAILED 362 by City Clerk

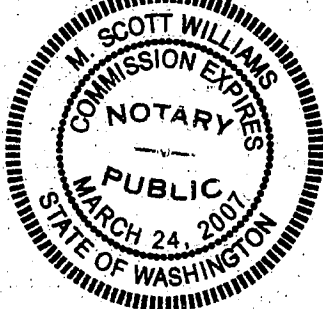
APPROVALS 0

PROTESTS 0



Case Number: **SUP-4444** APN: **138-23-201-008**

King County
State of Washington



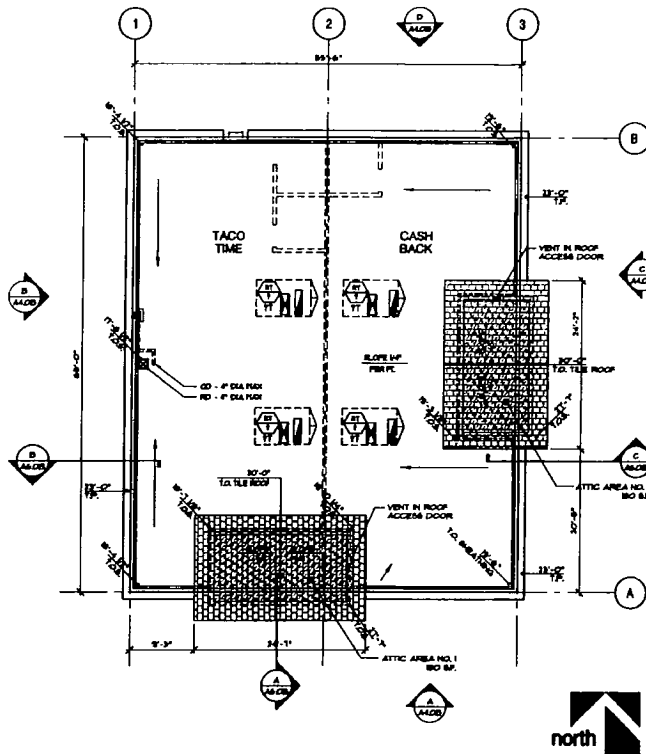
TITLE

DRWING/REV. 1/1/2004 SCALE: 1/8" = 1'-0"

TITLE

DRWING/REV. 1/1/2004 SCALE: 1/8" = 1'-0"

ATTIC AREA NO. 1 & 2
 FREE AREA REQUIRED:
 $1/3000' (100 \text{ SF}) = 0.6 \text{ SF} \cdot 144 = 86.4 \text{ SF}$
 FREE AREA PROVIDED:
 WALL VENTS = (1 VENT) 101 SF
 (101 SF IN. EA. SEE SPEC. 4 DET. 7(A)-5.5)
 SOFFIT VENTS = NO SOFFIT VENTS PROVIDED FOR THIS AREA.
 TOTAL VENT FREE AREA PROVIDED: 101 SF.



ATTIC VENT CALCULATIONS

19 ROOF PLAN PAD "B"

DRWING/REV. 1/1/2004 SCALE: 1/8" = 1'-0"

XTDST-PAD-B-FLOOR SCALE: 1/8" = 1'-0"

FIRE BLOCKING NOTES

1. PROVIDE FIRE BLOCKING OVER ALL VERTICAL JOINTS IN CONCEALED SPACES OF BRID WALLS AND PARTITIONS INCLUDING TURNED SPACES AT THE CEILING AND FLOOR LEVELS AND AT 10'-0" INTERVALS BOTH VERTICAL AND HORIZONTAL.
 2. ALL INTERSECTIONS BETWEEN CONCEALED VERTICAL AND HORIZONTAL SPACES SUCH AS OCCUR AT BORTER, DROP CEILING AND DOWNS CEILING IN OPENINGS AROUND VOIDS, PIPES, DUCTS AND SIMILAR OPENINGS THAT AFFORD A PASSAGE FOR FIRE AT CEILING AND FLOOR LEVELS WITH NON-COMBUSTIBLE MATERIALS.
 3. OPENINGS BETWEEN ATTIC SPACES.
- FIRE BLOCKING CONSTRUCTION OVER DETAILING SECTION (S&S)**
1. FIREBLOCKING SHALL CONSIST OF 2" NOMINAL LUMBER OR TWO THICKNESS OF 1" NOMINAL LUMBER WITH BRIDGER LAP JOINTS OR ONE THICKNESS OF 1/2" WOOD STRUCTURAL PANEL WITH JOINTS BACKED BY 2x4" WOOD PANEL OR ONE THICKNESS OF 3/4" TYPE 1-1 PARTICLE BOARD WITH JOINTS BACKED BY 3/4" TYPE 1-1 PARTICLE BOARD.
 2. FIREBLOCKING MAY ALSO BE OF GYPSUM BOARD, GYPSUM FIBER BOARD, DRAFT OR BLANKET OF FIBERGLASS OR GLASS FIBER OR OTHER APPROVED MATERIALS INSTALLED IN SUCH A MANNER AS TO BE SECURELY RETAINED IN PLACE. LOOSE-FILL INSULATION MATERIAL SHALL NOT BE USED AS A FIRE BLOCK. UNLESS SPECIFICALLY TESTED IN THE PORT AND FURNISH INTENDED FOR USE TO DEMONSTRATE ITS ABILITY TO RETAIN IN PLACE AND TO RETARD THE SPREAD OF FIRE AND HOT GASES.
- DETAIL BLOCK CONSTRUCTION**
1. DRAFTING MATERIALS SHALL NOT BE LESS THAN 1/2" GYPSUM BOARD, 3/4" WOOD STRUCTURAL PANEL, 3/4" TYPE 1-1 PARTICLE BOARD, OR OTHER APPROVED MATERIALS ADEQUATELY SUPPORTED.
 2. OPENINGS IN THE PARTITIONS SHALL BE PROTECTED BY SELF-CLOSING DOORS WITH AUTOMATIC LATCHES CONSTRUCTED AS REQUIRED FOR THE PARTITIONS.

FLOOR PLAN GENERAL NOTES

1. ONE SET OF APPROVED PLANS AND SPECIFICATIONS SET SHALL BE KEPT ON THE SITE OF THE BUILDING OR WORK AT ALL TIMES DURING WHICH THE WORK AUTHORIZED THEREIN IS IN PROGRESS. (SEE SECTION 104-4.1)
2. GENERAL CONTRACTOR SHALL REVIEW THE CONTRACT DOCUMENTS AND ADVISE THE ARCHITECT OF ANY DISCREPANCIES IN THE DIMENSIONS OR DIMENSIONS PRIOR TO CONSTRUCTION.
3. DIMENSIONS ARE TO FACE OF STUD UNLESS OTHERWISE NOTED.
4. ALL PROJECT CONSTRUCTION SHALL CONFORM TO APPLICABLE WITH DISABILITIES ACT GUIDELINES AND CHAPTER 11.03C.
5. THIS BUILDING SHALL BE FULLY SPRINKLED. REFER TO FIRE SAFETY DRAWINGS.
6. PROVIDE 2x6 STUDS AT INTERIOR PARTITIONS 16" O.C. FOR ALL, REST ROOM, AND PLUMBING WALLS TO 6" ABOVE CEILING.
7. PROVIDE TURNED WALLS AS REQUIRED FOR ALL UTILITY AND DRAIN LINES THAT EXTEND UP THE INTERIOR WALL SURFACE.
8. PROVIDE ONE (1) 3/4" O.D. FIRE EXTINGUISHER IN LOCATION APPROVED BY FIRE DEPT.
9. PAINT ALL EXPOSED EXTERIOR METALS TO MATCH ADJACENT SURFACE.
10. REFER TO STRUCTURAL DRAWINGS FOR BEAM AND PLUMBING WALL DESIGN AND LOCATIONS.
11. BUILDING INSULATION PREPARE SHALL BE AS FOLLOWS: 1-1/2" FOR THE ROOF AND R-4 FOR EXTERIOR WALLS.
12. 6-1/2" BUILDING NO OCCUPANCY SHALL BE ALLOWED UNTIL PROVISIONS FOR HAZARDOUS FACILITIES, HVAC, DISABLED ACCESS REGULATIONS AND MODEL ENERGY CODE REQUIREMENTS ARE MET.

11 PLAN PAD "B"

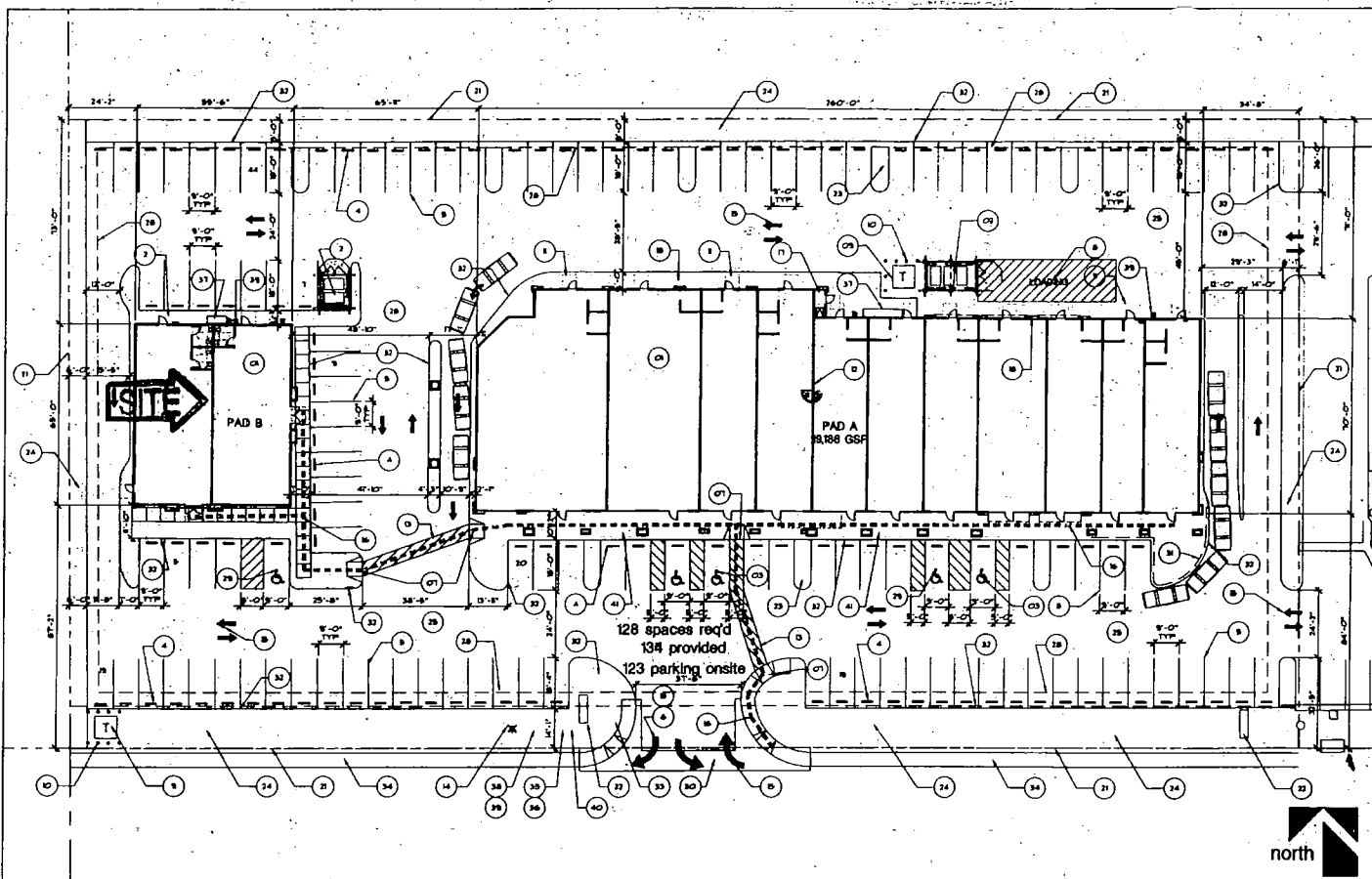
XTDST-PAD-B-FLOOR SCALE: 1/8" = 1'-0"

FLOOR PLAN LEGEND

- CHANGES IN ELEVATION**
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 - 86. 1'-0" = 1'-0"
 - 87. 1'-0" = 1'-0"
 - 88. 1'-0" = 1'-0"
 - 89. 1'-0" = 1'-0"
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 - 91. 1'-0" = 1'-0"
 - 92. 1'-0" = 1'-0"
 - 93. 1'-0" = 1'-0"
 - 94. 1'-0" = 1'-0"
 - 95. 1'-0" = 1'-0"
 - 96. 1'-0" = 1'-0"
 - 97. 1'-0" = 1'-0"
 - 98. 1'-0" = 1'-0"
 - 99. 1'-0" = 1'-0"
 - 100. 1'-0" = 1'-0"

SUP-4444
6-24-04 PC

N:\03-Prop03-27202722-S&I.dwg, 24/3/06, 04/18/2004 03:51:05 PRA, baww, CLP



SITE PLAN LEGEND

- DESCRIPTION
- PROPERTY LINE
 - CURB LINE
 - LANDSCAPE
 - TRANSFORMER
 - GAS METER VALVE REFER TO CIVIL PLANS
 - SAN METER LOCATION REFER TO BUILDING PLANS
 - TELEPHONE PULLBOX
 - BACKFLOW PREVENTER REFER TO CIVIL PLANS
 - FIRE DEPARTMENT CONNECTION REFER TO CIVIL PLANS
 - STREET LIGHT
 - FIRE HYDRANT REFER TO CIVIL PLANS
 - POST INDICATOR VALVE REFER TO CIVIL PLANS
 - ASPIRATING CONTROLLER REFER TO LANDSCAPING DATA
 - SEWER MANHOLE
 - NO ALUM CAP
 - WATER MANHOLE
 - GAS VALVE
 - STORM DRAIN MANHOLE
 - WATER METER
 - PARKING LOT LIGHT REFER TO ELEC.
 - STREET LIGHT PULLBOX
 - TELEPHONE MANHOLE
 - LINE TRANSFER
 - ACCESS PATH

SITE PLAN GENERAL NOTES

GENERAL NOTES:
HANDICAP PARKING SPACES:

1. SINGLE SPACE - 14'-0" WIDE MINIMUM WITH 5'-0" WIDE PARKING SPACE AND 5'-0" WIDE ACCESS ISLE.
2. DOUBLE SPACE - 22'-0" DEEP MINIMUM WITH TWO 5'-0" WIDE PARKING SPACES AND 5'-0" WIDE ACCESS ISLE.
3. VAN SPACE - 17'-0" WIDE MINIMUM 5'-0" WIDE PARKING SPACE AND 5'-0" WIDE ACCESS ISLE.
4. SLOPE - SLOPE OF SPACE SHALL NOT EXCEED 1:50.
5. PARKING SPACES ARE CONSIDERED PART OF THE ACCESSIBLE ROUTE OF TRAVEL. EACH SPACE SHALL HAVE A SIGN SHOWING THE SYMBOL FOR ACCESSIBILITY LOCATED SO THAT A PARKED VEHICLE DOES NOT OBSCURE IT.
6. AREAS THAT ARE NOT A PART OF THE PRESENT PERMIT SHALL BE SHOWN DESIGNATED AS MAP.

ACCESSIBLE ROUTE:

WIDTH - MINIMUM WIDTH OF AN ACCESSIBLE ROUTE SHALL BE 36".

SLOPE - ACCESSIBLE ROUTE SHALL BE A MAXIMUM SLOPE OF 1:30 WITH A MAXIMUM CROSS SLOPE.

NOTE: AN ACCESSIBLE ROUTE WITH A SLOPE GREATER THAN 1:20 IS CONSIDERED A RAMP.

CURB RAMP:

LOCATION - WHEREVER AN ACCESSIBLE PATH OF TRAVEL CROSSES A RAISED CURB.

SLOPE - MAXIMUM SLOPE OF ADJOINING SURFACES IS 1:30 SLOPE OF CURB IS A MAXIMUM OF 1:12.

SIDES - WHERE PEDESTRIANS WALK ACROSS RAMP, OR IF NOT PROTECTED BY HANDRAILS OR GUARDRAILS, PLANNED SIDES WITH A MAXIMUM SLOPE OF 1:50 ARE NECESSARY. WHERE THERE IS NO PEDESTRIAN CROSS TRAFFIC, RETURNED CURBS MAY BE USED.

WIDTH - 36" MINIMUM WIDE EXCLUSIVE OF FLARED SIDES.

ARCHITECTURAL SITE PLAN

DATE: 03/29/04
SCALE: 1" = 30'-0"

A

SITE INFORMATION

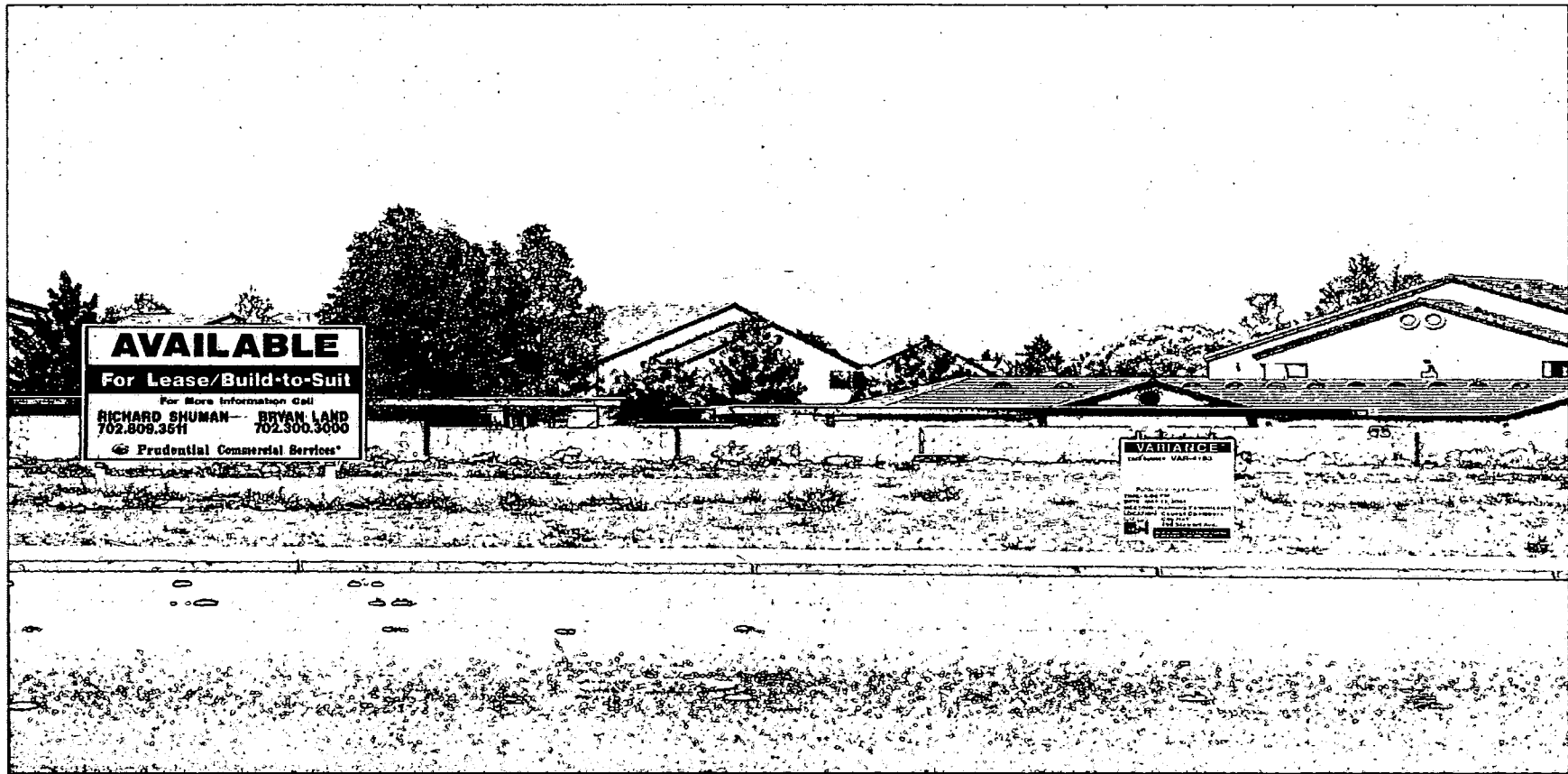
SITE PLAN NOTES

DET.	DESCRIPTION	DET.	DESCRIPTION	DET.	DESCRIPTION	DET.	DESCRIPTION
(1)	CONSTRUCT COMPACTED BUILDING PAD, REFER TO SOILS REPORT AND CIVIL DRAWINGS	(14)	PROVIDE FIRE HYDRANT PER CIVIL DRAWINGS, PROVIDE CONCRETE FULLED PIPE GUARD WHEN EXPOSED TO TRAFFIC, REFER TO CIVIL DATA	(17)	CONSTRUCT DEPRESSURED CONCRETE CURB (ZERO CURB FACE)	(20)	IRRIGATION WATER METER, SEE CIVIL DRAWINGS
(2)	TRASH ENCLOSURE	(15)	PAINT DIRECTIONAL ARROWS ON PAVING	(18)	BUILDING SET BACK LINE	(21)	CONSTRUCT BULK AT PARKING CURB FOR CIVIL DRAWINGS
(3)	CONSTRUCT "REGULAR" HANDICAPPED PARKING STALLS	(16)	ACCESSIBLE ROUTE, SEE GENERAL NOTES AND DETAILS	(19)	CONSTRUCT 7" MIN HANDICAPPED PARKING STALLS		
(4)	PROVIDE CONCRETE GRAB BARS	(17)	FIRE SPRINKLER RISER ROOF	(20)	CONSTRUCT CONCRETE APRON AT ACCESS, REFER TO CIVIL AND LANDSCAPE DRAWINGS		
(5)	PAINT PARKING STALL STRIPING, REFER TO CIVIL STRIPING PLAN	(18)	ROOF DRAIN THROUGH GALL TO SPLASH BLOCK	(21)	GUARD RAIL		
(6)	PAINT "NO PARK" SIGN AND DIRECTIONAL ARROWS ON PAVING, PROVIDE STOP SIGN WHEN NECESSARY	(19)	ROOF DRAIN THROUGH CURB FACE	(22)	CONSTRUCT CONCRETE CURB OR CURB AND GUTTER REFER TO CIVIL DRAWINGS FOR EXIST. AND TYPE		
(7)	CONSTRUCT HANDICAPPED CURB ACCESS RAMP AT SITE CONCRETE WALKWAY, REFER TO CIVIL DRAWINGS	(20)	PULL BOX, SEE SITE ELECTRICAL DRAWINGS	(23)	INSTALL HANDICAPPED NOTICE SIGN AT SITE ENTRANCE		
(8)	PAINT YELLOW "LOADING ZONE" MARKING ON PAVING	(21)	PROPERTY LINE	(24)	CONCRETE BALUSTRADES, SEE CIVIL DRAWINGS AND LANDSCAPE FOR PAVING SECTIONS, AND SOILS REPORT RECOMMENDATIONS		
(9)	CONSTRUCT ELECTRICAL, TRANSFORMER, CONCRETE PAD AND PIPE BOLLARDS PER UTILITY COMPANY STANDARDS, SEE UTILITY DRAWINGS	(22)	PROTECT SIGN BY OTHERS, SEE LANDSCAPE AND ELECTRICAL DRAWINGS	(25)	CONSTRUCT SIDE BULK UNDER DRAIN, SEE CIVIL DRAWINGS		
(10)	PROVIDE CONCRETE FULLED SIZE, PIPE GUARD, PAINT WITH RED TOP COAT TRAFFIC YELLOW	(23)	RAISED CONCRETE CURB FOR PLANKER, SEE LANDSCAPE DRAWINGS	(26)	CONSTRUCT 7" B CONCRETE PLUMB, SEE CIVIL DRAWINGS		
(11)	PROVIDE 3/4" LEVEL STOP	(24)	LANDSCAPE AND IRRIGATION PER LANDSCAPE DRAWINGS	(27)	REINFORCEMENT IN EXIST. CURB, SEE ELEC. DATA, PROVIDE CONC. PAD AND BOLLARDS PER UTILITY COMPANY STANDARDS, SEE UTILITY DRAWINGS		
(12)	STRIPPED FOOTING, SEE CIVIL DRAWINGS	(25)	PROVIDE 1/2" PAVING AND BULK REFER TO CIVIL DRAWINGS FOR PAVING SECTIONS, AND SOILS REPORT RECOMMENDATIONS	(28)	PROVIDE WATER METER AND BACK FLOW PREVENTION PER CIVIL DRAWINGS		
(13)	PAINT 4" WIDE STRIPPED CURB BULK	(26)	PROVIDE REGULATOR CONTROLLER PER LANDSCAPE PLAN	(29)	UTILITY METER, VERIFY LOCATION WITH BUILDING CONTRACTOR		

SUP-4444
6-24-04 PC

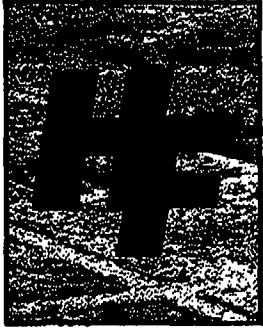
TITLE

DRAWN BY: TMD/DTY SCALE: 1/4" = 1'-0"



SUP-4444 - APPLICANT: CASH BACK PAYDAY LOANS - OWNER: FARLEY M. ANDERSON, LIMITED PARTNERSHIP
NORTH SIDE OF LAKE MEAD BOULEVARD, BETWEEN JAMES BILBRAY DRIVE AND TORREY PINES DRIVE
JUNE 24, 2004 PLANNING COMMISSION

6/3/04



Harold P. Foster, Inc.

Planning & Zoning
Consultants

3230 Polaris Ave.,
Suite 23
Las Vegas, NV 89102

(702) 365-9550
FAX (702) 365-9553

June 30, 2004

Roni Ronemus
City Clerk
City Hall
400 Stewart Avenue
Las Vegas, NV 89101

**RE: Appeal Denial Action by the Planning Commission on
Special Use Permit SUP-4444
Cash Back Payday Loans
North side of Lake Mead Boulevard between James Bilbray Drive and
Torrey Pines Drive
APN 138-23-201-008**

Dear Ms. Ronemus:

On behalf of the applicant, Cash Back Payday Loans wishes to appeal to the City Council the denial action by the Planning Commission on the subject Special Use Permit SUP-4444. The application was Item 53 on the June 24, 2004 Planning Commission meeting.

I will be representing the applicant at the City Council meeting on this matter. If you need any additional information, please call me at 365-9550.

Thank you,

Sincerely,

Harold P. Foster

cc: Department of Planning and Development
Cash Back Payday Loans

2004 JUL - 1 A 7:58

RECEIVED
CITY CLERK

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF: JULY 21, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER ☐ CONSENT ☒ DISCUSSION

SUBJECT:

SPECIAL USE PERMIT - PUBLIC HEARING - SUP-4464 - APPLICANT: AHERN RENTALS - OWNER: MKP MANAGEMENT COMPANY, LIMITED LIABILITY COMPANY - Request for a Special Use Permit FOR A RENTAL STORE WITH OUTSIDE STORAGE at 4655 North Rancho Drive (APN: 138-02-101-009), C-2 (General Commercial), Ward 6 (Mack). The Planning Commission (6-0-1 vote) and staff recommend APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
 City Council Meeting

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
 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
4. List of rental items submitted 6/24/04 by the applicant.

MOTION:

MACK – APPROVED subject to conditions and amending Conditions 2, 4 and 7 as follows:

2. The outdoor storage/display area shall be limited to a maximum of 5,000 square feet as indicated on the site plan.
4. The applicant shall submit a revised site plan showing a total of 18 parking spaces, 1 of which is handicap accessible, prior to the approval of a business license by the Planning and Development Department.
7. The propane and fuel tanks depicted on the site plan shall be limited to on-site use only.

– UNANIMOUS

MINUTES:

MAYOR GOODMAN declared the Public Hearing open.

BRUCE BILYEU, 1611 West Bonanza Road, appeared on behalf of the applicant and indicated there were condition changes to be read by staff.

MARGO WHEELER, Deputy Director, Planning and Development Department, indicated the condition changes from the Planning Commission meeting were incorporated into the conditions currently attached to the item. She stated the changes were made available to the applicant in the

CITY COUNCIL MEETING OF JULY 21, 2004
Planning and Development Department
Item 115 – SUP-4464

MINUTES Continued:

staff report. MR. BILYEU explained there was a meeting with staff; however, he did not receive a staff report. It was his understanding that there was an additional change regarding the number of parking spaces going from 32 to 18, and, currently, 23 are shown on the plan. MS. WHEELER was not aware of that information, and it was suggested the item be trailed while Planning staff verified the information. The item was trailed.

Upon recalling the item, MARGO WHEELER read amended conditions into the record for Conditions 2, 4 and 7. MR. BILYEU agreed to the amendments. COUNCILMAN MACK welcomed Ahern Rentals to the site. He acknowledged confusion at the Planning Commission regarding Condition 2. To assure clear understanding, he reread Condition 2. MR. BILYEU confirmed with COUNCILMAN MACK that the amended conditions do allow storage of equipment behind the block wall. MR. BILYEU agreed to the amended condition.

No one appeared in opposition.

MAYOR GOODMAN declared the Public Hearing closed.

(3:07 – 3:08)(3:33 – 3:35)

4-2471/5-89

CONDITIONS:

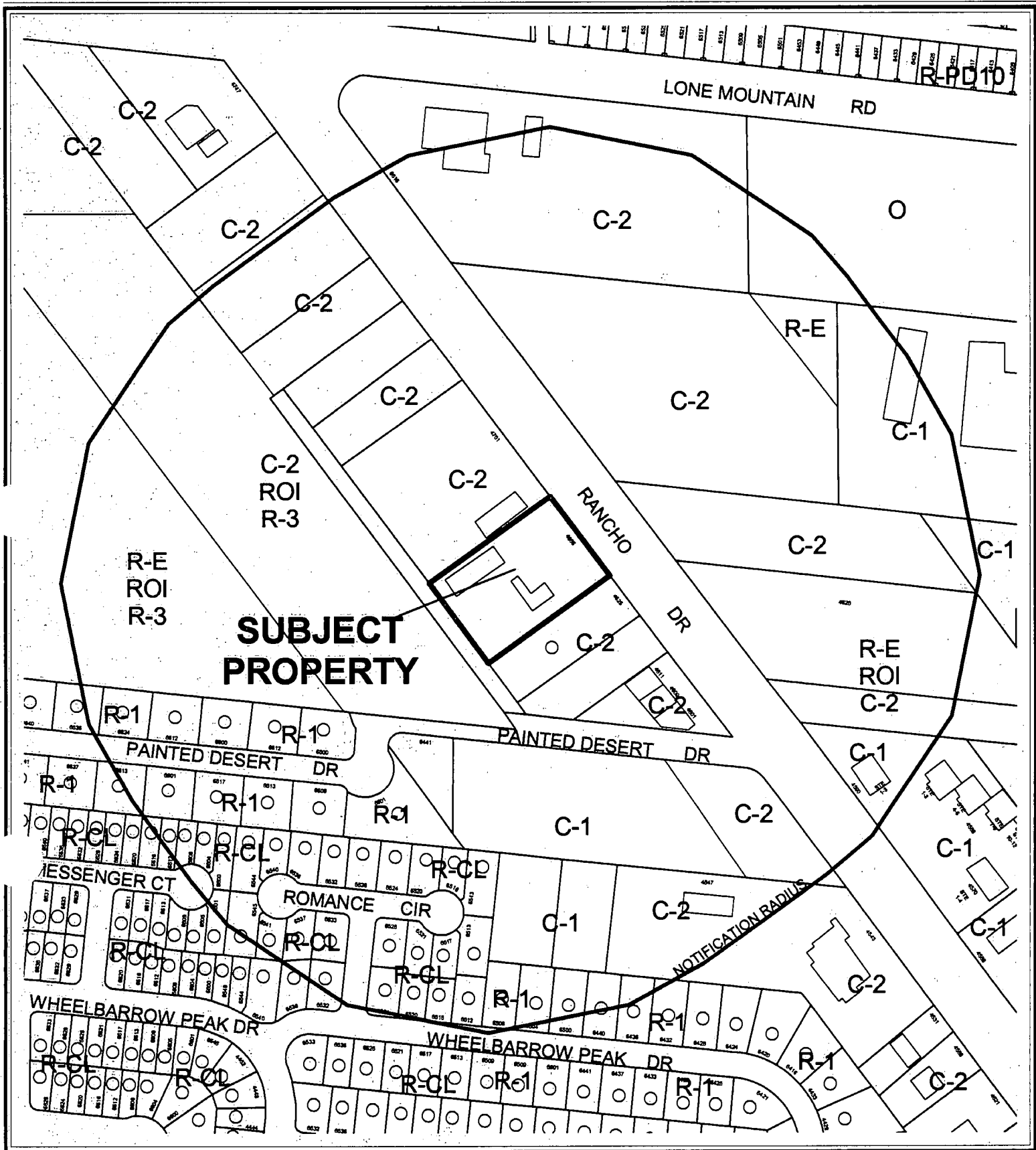
Planning and Development

1. The applicant shall submit the screening material to the Planning and Development Department for review prior to the issuance of a Certificate of Occupancy.
2. The outdoor storage shall be limited to a maximum of 5,000 square feet as indicated on the site plan.
3. Rental items shall be limited to those identified on the list dated 6/24/04 submitted by the applicant.
4. The applicant shall submit a revised site plan showing a total of 32 parking spaces, 2 of which are handicap accessible, prior to the approval of a business license by the Planning and Development Department
5. 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.
6. All City Code requirements and design standards of all City departments must be satisfied.
7. The propane tank depicted on the site plan shall be limited to on-site use only.

CITY COUNCIL MEETING OF JULY 21, 2004
Planning and Development Department
Item 115 – SUP-4464

CONDITIONS Continued:

8. Site is within FEMA Flood zone AE. Meet with Flood Control to determine impacts of the proposed site within the Flood Zone. Flood Control may determine that a drainage study is required based upon detailed site information. Modifications to the existing on-site improvements will require a drainage study. If a drainage study is required, it must be approved prior to any permits being issued. Provide and improve all drainageways as recommended.

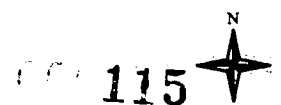


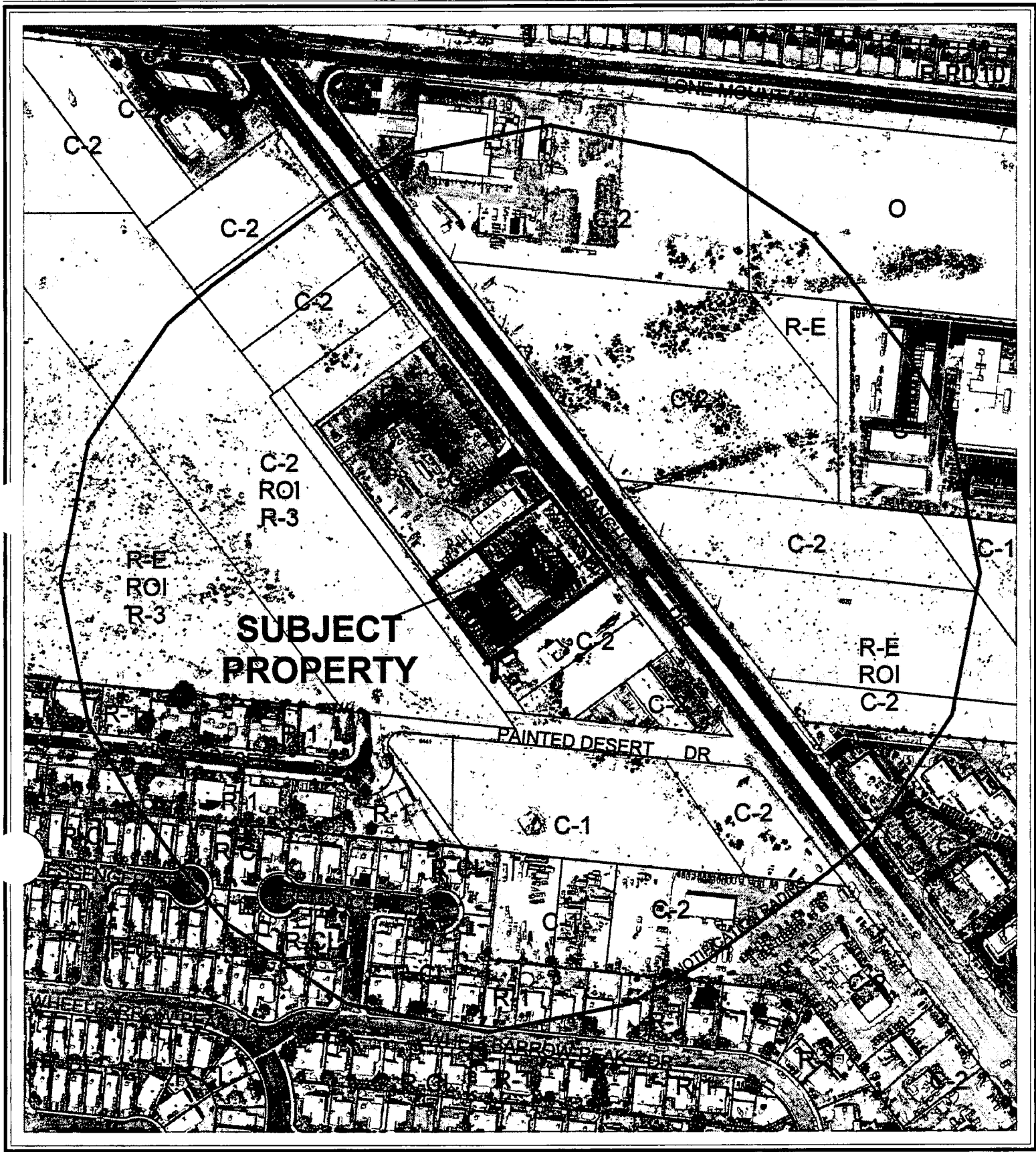
CASE: SUP-4464

RADIUS: 750 FT

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

0 200 400 Feet





CASE: SUP-4464

RADIUS: 750 FT

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

0 200 400 Feet



AGENDA MEMO

CITY COUNCIL MEETING DATE: JULY 21, 2004
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: SUP-4464 - APPLICANT: AHERN RENTALS - OWNER: MKP
MANAGEMENT COMPANY, LIMITED LIABILITY COMPANY

**** CONDITIONS ****

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

Planning and Development

1. The applicant shall submit the screening material to the Planning and Development Department for review prior to the issuance of a Certificate of Occupancy.
2. The outdoor storage shall be limited to a maximum of 5,000 square feet as indicated on the site plan.
3. Rental items shall be limited to those identified on the list dated 6/24/04 submitted by the applicant.
4. The applicant shall submit a revised site plan showing a total of 32 parking spaces, 2 of which are handicap accessible, prior to the approval of a business license by the Planning and Development Department
5. 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.
6. All City Code requirements and design standards of all City departments must be satisfied.
7. The propane tank depicted on the site plan shall be limited to on-site use only.
8. Site is within FEMA Flood zone AE. Meet with Flood Control to determine impacts of the proposed site within the Flood Zone. Flood Control may determine that a drainage study is required based upon detailed site information. Modifications to the existing on-site improvements will require a drainage study. If a drainage study is required, it must be approved prior to any permits being issued. Provide and improve all drainageways as recommended.

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

The request is for a Special Use Permit for a Rental Store with Outside Storage a 4655 North Rancho Drive.

B) Applicant's Justification

The applicant's justification letter indicates they intend to operate an equipment rental facility with outside storage. Additionally, there will be no heavy equipment stored or rented from this location.

BACKGROUND INFORMATION

A) Previous Actions

- 05/03/00 The City Council approved a Special Use Permit (U-0019-00) for used car sales on this site. The Planning Commission and staff recommended approval on March 23, 2000.
- 06/07/00 The City Council approved a Site Development Plan Review (SD-0023-00) for a used car dealership on the subject site. The Planning Commission and staff recommended approval on April 27, 2000.
- 09/20/00 The City Council approved a Variance (V-0046-00) to allow an eight-foot side yard setback where 10 feet is required for the subject property. The Planning Commission and staff recommended denial on August 10, 2000.
- 10/06/00 The City Council approved a request for a Review of Condition on an approved Special Use Permit [U-0019-00(1)] that required recordation of a deed restriction that prohibited operation of the used car dealership on Sundays. The Planning Commission and staff recommended denial on August 10, 2000.
- 08/01/01 The City Council approved a request for a Variance (V-0037-01) on this site to allow an electronic message unit where such signage is not allowed within 200 feet of residentially developed property. The Planning Commission recommended denial on June 28, 2001. The Planning and Development Department recommended approval.
- 09/18/02 The City Council struck U-0019-00(2), a Required Two-Year Review of an approved Review of Condition of a Special Use Permit regarding a deed restriction to prohibit the operation of a used car dealership on Sundays, from the agenda with no further reviews. The prohibition of operation on Sundays remained a condition of the Special Use Permit.

- 04/02/03 The City Council approved the City's request (GPA-1363) to amend portions of the Southeast and Centennial Hills Sector Plans of the General Plan from GC (General Commercial), SC (Service Commercial), and DR (Desert Rural) to GC (General Commercial), O (Office), PF (Public Facilities), ML (Medium Low Density Residential), and DR (Desert Rural) on property located on, or in close proximity to, both sides of Rancho Drive from Vegas Drive to the northern City limits at Moccasin Road. The subject site was included in the changes. The entire site was given a GC (General Commercial) General Plan Designation. The Planning Commission recommended approval on February 27, 2003.
- 06/06/03 The Planning Commission administratively approved a Site Development Plan Review (SDR-2325) to allow the development of elevated pads for vehicle display within the landscape buffer area.
- 06/12/03 The Planning Commission approved a Review of Condition (ROC-2306) of an approved Site Development Plan Review (SD-0023-00), which limited the minor automotive repair facility to servicing only vehicles to be sold on site as part of the used car dealership; and of an approved Special Use Permit (U-0019-00), which restricted the site to a used car dealership.
- 06/24/04 The Planning Commission voted 6-0-1 to recommend APPROVAL (PC Agenda Item #10/mp).

B) Pre-Application Meeting

- 04/21/04 A pre-application meeting was conducted and the applicant was advised of the requirements for a Special Use Permit because the requirements for Conditional Use Permit were not met.

C) Neighborhood Meetings

A neighborhood meeting was not required for this application.

DETAILS OF APPLICATION REQUEST

A) Site Area

Net Acres: 1.38

B) Existing Land Use

Subject Property: Commercial
North: Truck and Equipment Rental
South: Commercial
East: Undeveloped
West: Undeveloped

C) Planned Land Use

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

D) Existing Zoning

Subject Property: C-2 (General Commercial)
 North: C-2 (General Commercial)
 South: C-2 (General Commercial)
 East: R-E (Residence Estates) under Resolution of Intent to C-2 (General Commercial) and C-2 (General Commercial)
 West: C-2 (General Commercial) under Resolution of Intent to R-3 (Medium Density Residential)

E) General Plan Compliance

The subject site is designated GC (General Commercial) on the Centennial Hills Sector Plan Map of the General Plan. The existing C-2 (General Commercial) Zoning District is in conformance with GC (General Commercial) General Plan designation.

<i>SPECIAL DISTRICTS/ZONES</i>	Yes	No
Special Area Plan		X
Special Overlay District		X
Trails		X
Study Area	X	
Rancho Corridor	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 located within the Rancho Corridor study area. There are no special requirements that affect the proposed use.

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
General Retail Store, Other Than Listed (Less Than 25,000 Square Feet)	5,521 SF. (1,521 SF Office and 4,000 SF Shop)	1 Space /175 GFA	32	2	29	2

The submitted site plan does not depict the required amount of parking for this use. The code requires the parking to be provided on the gross floor area of the buildings occupied by the use. In this case there is an office and a shop building that will be utilized for the rental store. The parking required for the site is 32 spaces, two of which must be handicap accessible. The site plan shows 29 spaces with two being handicap accessible. A condition has been added requiring the applicant to provide a revised site plan demonstrating adequate parking prior to the approval of a business license by the Planning and Development Department.

A2) Minimum Distance Separation Requirements

There are no Minimum Separation Distance Requirements in the Zoning Code that apply to the proposed rental store with outside storage.

B) General Analysis and Discussion

- Zoning

The proposed rental store with outside storage is allowed in the C-2 (General Commercial) zoning district with the approval of a Special Use Permit.

- Use

Title 19 defines a Rental Store as: A facility for the rental of general merchandise to the general public and not specifically listed as a different use elsewhere in the Title. Typical general merchandise includes clothing and other apparel; electronics; videos; tools and garden equipment; furniture and other household appliances; special occasion or seasonal items; and similar consumer goods. A condition has been added limiting the rental items to those mentioned in the definition and prohibiting any type of heavy or large equipment.

The applicant is also proposing to use a portion of the site in front of the building for outside storage. In order to have outside storage with a Conditional Use Permit in the C-2 (General Commercial) the following conditions must be met as established by Title 19.04:

1. Storage shall not be permitted within required setbacks of buffer yards.

2. Storage shall be limited to no more than five percent of the lot area containing the main use.
3. Outside storage areas, not screened by an intervening building, shall be screened from any public street by a screening device at least eight feet in height. In addition, outside storage areas shall be screened from view of any adjoining property by a screening device at least eight feet in height, except along adjacent property lines zoned C-M (Commercial/Industrial) or M (Industrial).

In order to comply with condition number 2 above, the maximum area that can be used for outside storage is 3,000 square feet. Approval of a Special Use Permit is required to deviate from this standard. The submitted site plan indicates this area will be approximately 4,900 square feet, which is not in compliance with the code. Additionally, the plans do not clearly depict how the storage area will be properly screened. Conditions have been added restricting the size of the outside storage area and requiring the appropriate screening.

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 rental store with outside storage will be located on an existing commercial property that is surrounded by other commercial uses. Therefore, with the recommended conditions, 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."**

The site is 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 Rancho Drive, a Primary (125-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 use will be subject to regular City and County inspections and will therefore not compromise the public health, safety, and welfare.

PLANNING COMMISSION ACTION

Condition #2 was changed from the staff recommended 3,000 square foot to 5,000 square foot by the Planning Commission at the request of the applicant. Conditions 1, 2, 3 and 7 were amended as shown and #8 was added.

NOTICES MAILED 68 by City Clerk

APPROVALS 0

PROTESTS 0



PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

SUP-4464

Case Number: _____ APN: 138-02-101-009

Name of Property Owner: MKP MANAGEMENT CO. LLC

Name of Applicant: AHERN RENTALS

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: _____

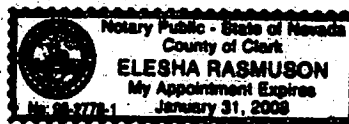
Signature of Property Owner/Authorized Agent: *Don F. Ahern*

Print Name: DON F. AHERN

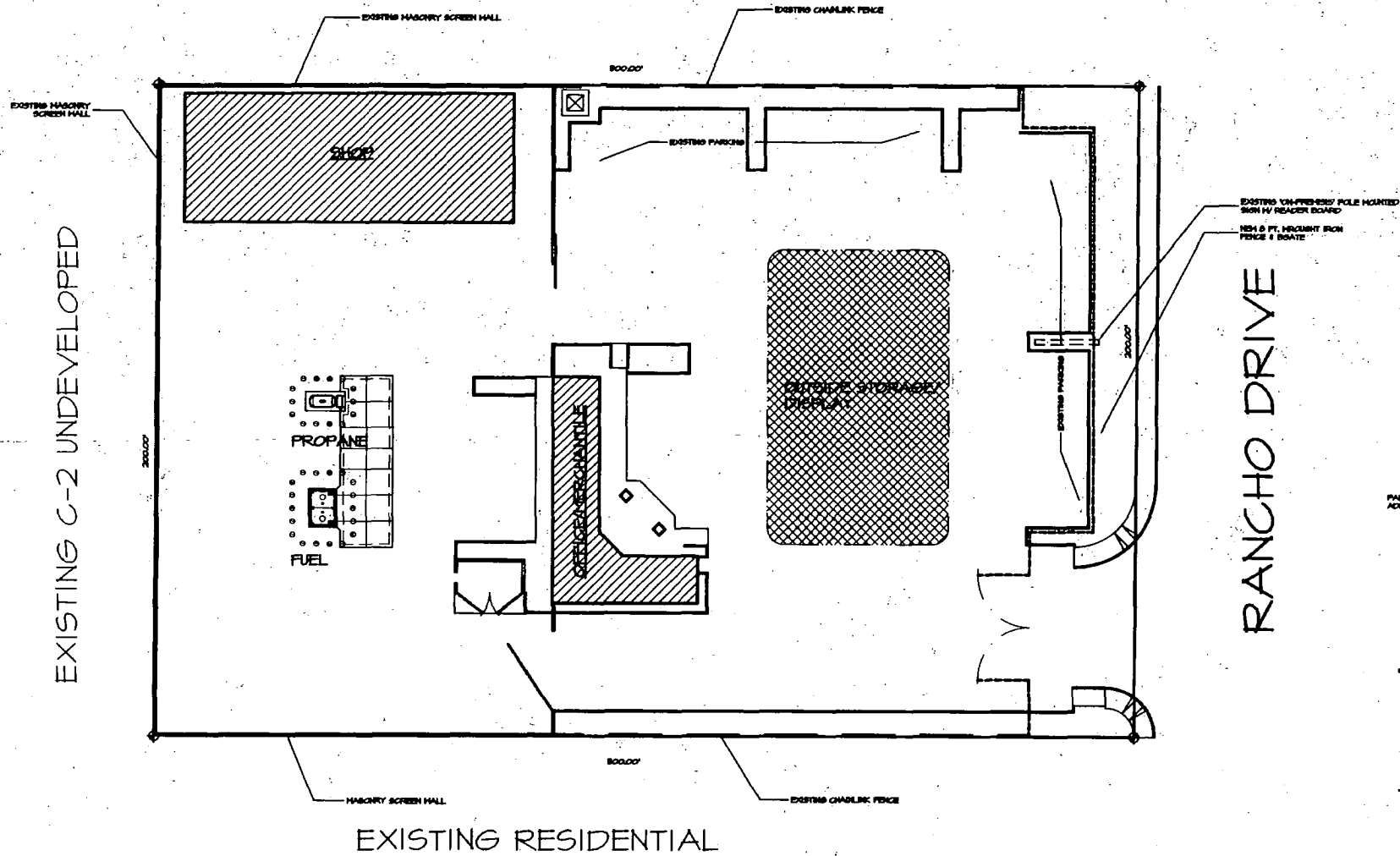
Subscribed and sworn before me

This 11 day of May, 2004
Elesha M. Rasmuson

Notary Public in and for said County and State



EXISTING C-2 SUNSTATE RENTALS



PARCEL NO. 28-02-01-001
ADDRESS: 4605 NORTH RANCHO DR. 8406

Ahern Rentals
John Paul Ahern - Architect
2122 West Monte Lindo Lane Peoria, Arizona 85603
Tel. 623-512-5628 Fax 623-512-5627

JOB NO. 2004-01
DRAWN
CHECKED
PRINTED
REVISED

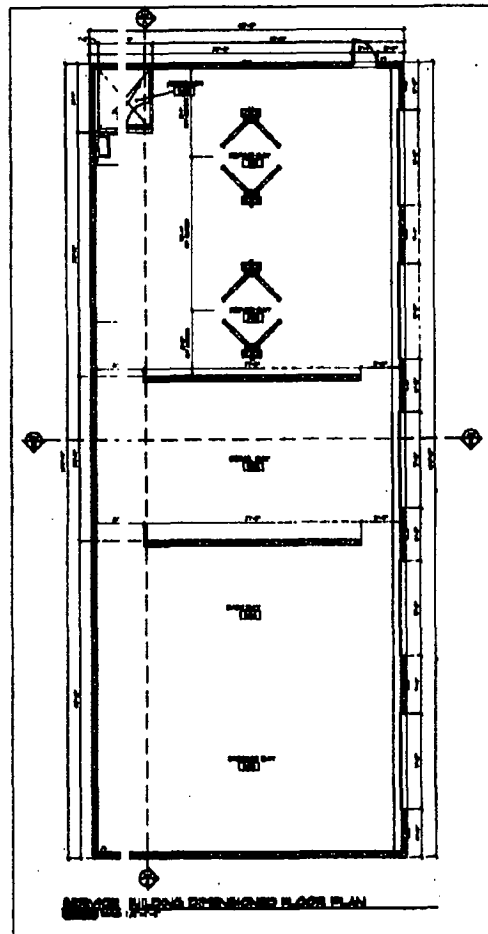
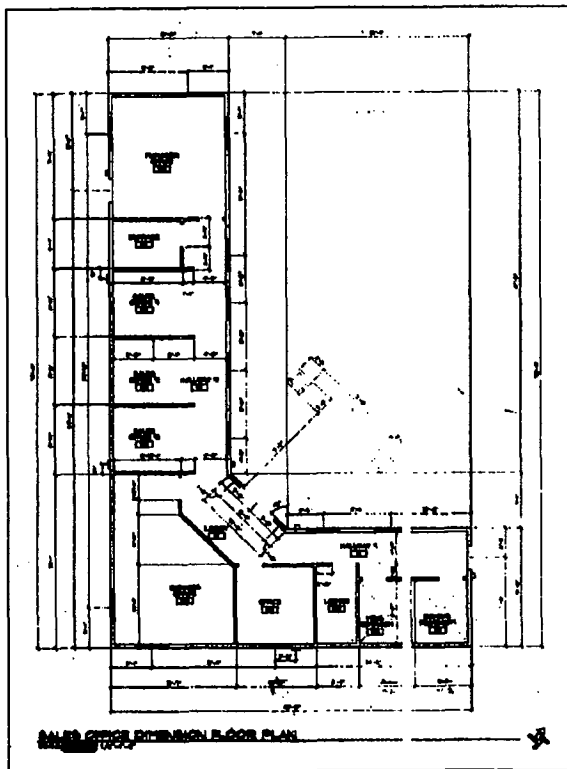
ARCHITECTURAL SITE PLAN
SCALE 1/8"=1'-0"



6-24-04 PC
SUP-4464

SITE PLAN

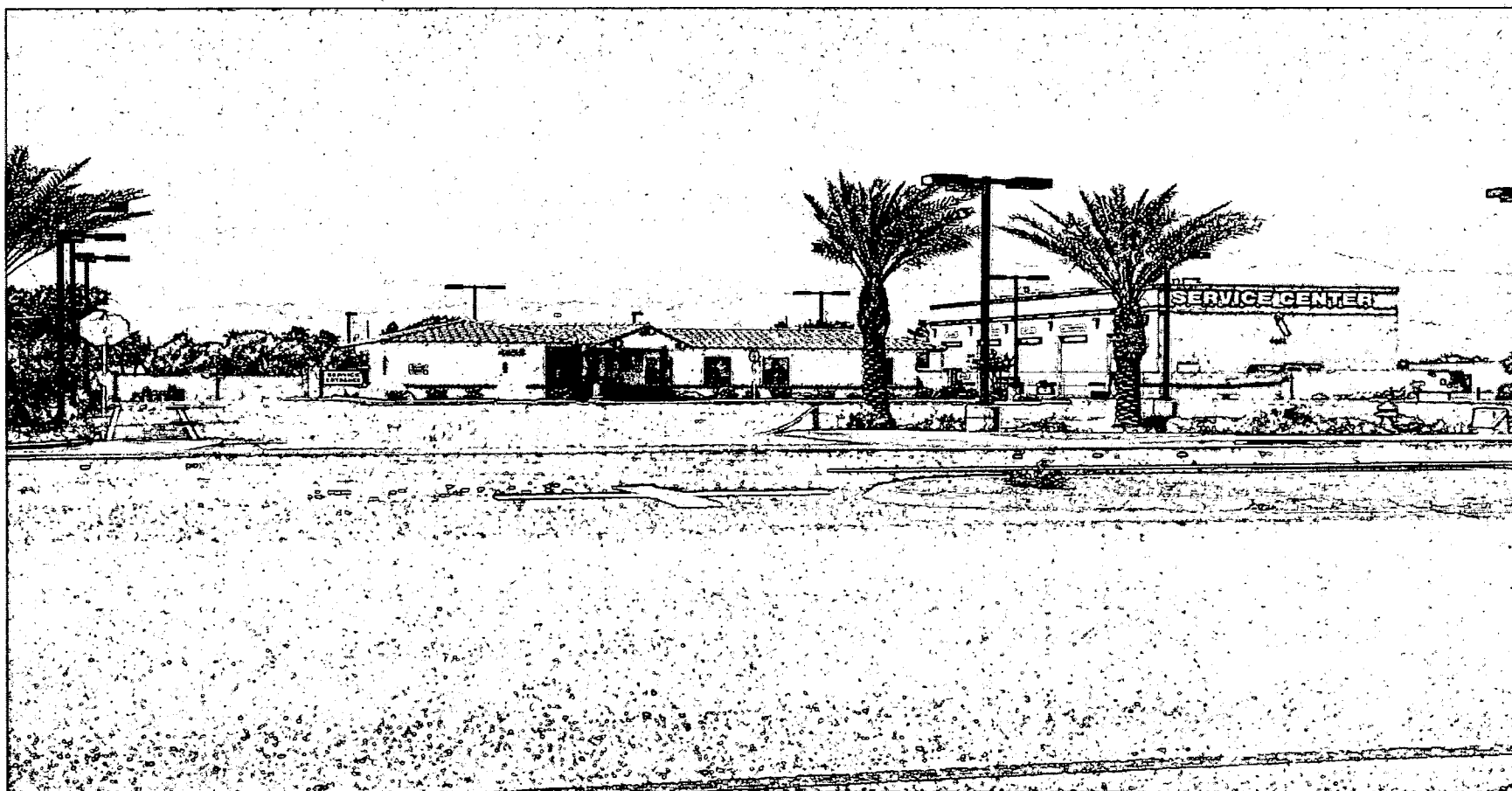
101
SHEET OF



Ahern
Rentals **RANCHO**
John Paul Ahern - Architect
6122 West Monte Lindo Lane Pearis, Arkansas 72653
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SUP-4464
6-24-04 PC



SUP-4464 - APPLICANT: AHERN RENTALS - OWNER: MKP MANAGEMENT COMPANY, LIMITED
LIABILITY COMPANY

4655 NORTH RANCHO DRIVE

JUNE 24, 2004 PLANNING COMMISSION

6/7/04



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4655 NORTH RANCHO DRIVE
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Equip List

7-7-04 CC

DESCRIPTION	CAT CLASS	MAKE/MODEL	QUANTITY		
			RENTAL	DISPLAY	TOTAL
CUTTER,VINYL TILE,12"	195-2606	CRAIN/A	2		2
CUTTER,CERAMIC TILE,12"	195-2617	FELKER/TR-400 (W/CASE)	2		2
STRIPPER,TILE,ELECT	350-3254	EDCO/FS8	2		2
SUB-TOTAL					
MOVING					
DOLLY,4WHEEL,CASTER	200-5613	NEW HAVEN/206-35	4		4
DOLLY,2WHEEL,APPLIANCE,W/STRAP	200-5614	EZEE/SC8	4	1	5
DOLLY,PLATFORM,30"X5',H/D ROOF	200-5617	NEW HAVEN/WPT3060	2		2
DOLLY,DUTCHMAN/JOHNSON BAR,STEEL WHEELS	200-5664	NEW HAVEN/2107	2		2
PAD,FURNITURE	320-5654	NEW HAVEN/55	12	12	24
SUB-TOTAL					
ELECTRIC HAND TOOLS					
DRILL,1/2",ANGLE,ELECT	205-2728	MILWAUKEE/3107-6	2	1	3
DRILL,1/2",ELECT	205-2776	DEWALT/DW131	2	1	3
DRILL,1/2",LOW SPD,HI TORQUE,ELECT	205-2777	MILWAUKEE/1675-6	2	1	3
DRILL,3/4",ELECT	205-2780	DEWALT/DW138	2	1	3
DRILL,3/8",ELECT	205-2781	DEWALT/DW106	2	1	3
GRINDER,DISC,4-1/2",HIGH SPEED	220-3722	DEWALT/DW402	2	1	3
GRINDER,HAND HELD,7"	220-8358	DEWALT/DW474	2	1	3
GUN,HEAT	350-8311	BOSCH/1942	2	1	3
POLISHER,CAR	335-1212	DEWALT/DW849	2	1	3
POWER TOOL,PLANER,ELECT,3.5"WIDE	350-8326	BOSCH/3272A	2	1	3
ROUTER,1/4" COLLAR,ELECT	395-8327	BOSCH/1617EVS	2	1	3
SUB-TOTAL					
GENERATORS					
GENERATOR,6KW,GAS	215-3404	MULTIQUIP/GA6HZR	2	1	3
GENERATOR,2.5KW,GAS	215-3411	MULTIQUIP/GA2.5H	2	1	3
GENERATOR,3.6KW,GAS	215-3412	MULTIQUIP/GA36HZ	2	1	3
SUB-TOTAL					

DESCRIPTION	CAT CLASS	MAKE/MODEL	QUANTITY		
			RENTAL	DISPLAY	TOTAL
DEMO TOOLS					
HAMMER,AIR,90LB	225-0412	APT/5237	4	1	5
HAMMER,AIR,60LB	225-0414	APT/5235	4	1	5
HAMMER,AIR,25LB,CHIPPING	225-0418	APT/5302	4	1	5
HAMMER,ROTORY,ELECT,LARGE	225-2782	BOSCH/11223EVS SDS MX	4	1	5
HAMMER,ROTORY,ELECT,MEDUIM	225-2784	BOSCH/11232EVS	4	1	5
HAMMER,ELECT,25LB	225-8376	BOSCH/11311EVS	6	1	7
HAMMER,ELECT,60LB,W/50'CORD	225-8384	BOSCH/11304	6	1	7
BIT,1 1/8",HEX,POINT	225-8600	APEX/A34014	12		12
BIT,1 1/8",HEX,1" CHISEL	225-8605	APEX/A35014	12		12
BIT,1 1/8",HEX,3" CHISEL	225-8610	APEX/A36014	12		12
BIT,1 1/8",HEX,5" CHISEL	225-8615	APEX/B30500	6		6
BIT,1 1/8",HEX,BUSHING TOOL	225-8620	BRUNNER LAY/B31100	4		4
BIT,1 1/8",HEX,CLAY SPADE	225-8631	BRUNNER LAY/B30300	4		4
BIT,OVAL,COLLAR,25LB AIR,POINT	225-8695	BRUNNER LAY/L02J18	4		4
BIT,OVAL,COLLAR,25LB AIR,1" CHISEL	225-8700	BRUNNER LAY/L03J18	4		4
BIT,OVAL,COLLAR,25LB AIR,3" CHISEL	225-8706	BRUNNER LAY/L14J09	4		4
BIT,OVAL,COLLAR,25LB AIR,BUSHING TOOL	225-8710	BRUNNER LAY/L17J00	4		4
BIT,ROTARY HAMMER,CARB TIP,3/8	225-8915	RELTON/MX-6-18	2		2
BIT,ROTARY HAMMER,CARB TIP,7/16	225-8920	RELTON/MX-7-14	2		2
BIT,ROTARY HAMMER,CARB TIP,1/2	225-8925	RELTON/MX-8-18	2		2
BIT,ROTARY HAMMER,CARB TIP,9/16	225-8930	RELTON/MX-9-18	2		2
BIT,ROTARY HAMMER,CARB TIP,5/8	225-8935	RELTON/MX-10-18	2		2
BIT,ROTARY HAMMER,CARB TIP,11/16	225-8940	RELTON/MX-11-22	2		2
BIT,ROTARY HAMMER,CARB TIP,3/4	225-8945	RELTON/MX-12-18	2		2
BIT,ROTARY HAMMER,CARB TIP,27/37	225-8950	RELTON/MX-13A-22	2		2
BIT,ROTARY HAMMER,CARB TIP,7/8	225-8955	RELTON/MX-14-18	2		2
BIT,ROTARY HAMMER,CARB TIP,1"	225-8965	RELTON/MX-16-18	2		2
BIT,ROTARY HAMMER,CARB TIP,1 1/4	225-8975	RELTON/MX-20-14	2		2
BIT,ROTARY HAMMER,CARB TIP,1 3/8	225-8980	RELTON/MX-22-22	2		2
BIT,ROTARY HAMMER,CARB TIP,1 1/2	225-8985	RELTON/MX-24-22	2		2

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DESCRIPTION	CAT CLASS	MAKE/MODEL	QUANTITY		
			RENTAL	DISPLAY	TOTAL
BIT,ROTARY HAMMER,CARB TIP,2"	225-8987	RELTON/CBT-32/SMXTL-10	2		2
BIT,ROTARY HAMMER,CARB TIP,2 1/2	225-9015	RELTON/CBT-40/SMXTL-10	2		2
BIT,ROTARY HAMMER,CARB TIP,3'	225-9025	RELTON/CBT-48/SMXTL-10	2		2
BIT,SDS MAX,25LB ELECT,POINT	225-8745	RELTON/BP-12MX	12		12
BIT,SDS MAX,25LB ELECT,1" CHISEL	225-8750	RELTON/SC-12MX	12		12
BIT,SDS MAX,25LB ELECT,3" CHISEL	225-8760	RELTON	12		0
BIT,SDS MAX,25LB ELECT,BUSHING TOOL	225-7865	RELTON/BT-16MX	12		12
SUB-TOTAL					
HAND TOOLS					
TOOL,ELECTRICIAN TAPE	230-3039	GREENLEE/43810	2	1	3
CUTTER,BOLT,36"	195-2612	RIDGID/N36S	1		1
SUB-TOTAL					
PLUMBING					
GUN,KINETIC,WATER,FLUSH	230-6880	GEN.WIRE/MODEL G	2		2
CUTTER,PIPE,2"	195-6720	RIDGID/2A	1		1
CUTTER,PIPE,4"	195-6721	RIDGID/4S	1		1
CUTTER,SOIL PIPE	195-6722	RIDGID/246	1		1
THREADER,PIPE,CUTTER/REMER,ELECT	475-6865	RIDGID/300	1		1
SUB-TOTAL					
HEATERS					
HEATER,LPG/ELECT,150K BTU,FORCED AIR	235-3833	SCHEU/150FAS	6		6
TANK,LPG,10GAL,VAPOR	480-1060	MANCHESTER/1220.13	6		6
SUB-TOTAL					
HOIST					
HOIST,PORT-A-CRANE,BRKDWN,15000LB,6PCS	250-3955	BLUBIRD/KD12000	4		4
HOIST,ROOFER,18',650LB	250-3959	GENIE/SLC18	2		2
HOIST,ROOFER,12',650LB	250-3958	SUMNER/2012	2		2
HOIST,DRYWALL,150LB,11'MAX HGHT	250-3964	BIL-JAX/GENERATION II	2		2
SLING,MOTOR	110-1235	CROFT/SMS2	2		2
SUB-TOTAL					

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DESCRIPTION	CAT CLASS	MAKE/MODEL	QUANTITY		
			RENTAL	DISPLAY	TOTAL
JACKS					
JACK,FLOOR,2 TON	265-4902	NORCO/71230	2		2
JACK,PALLET,5500LB,HYDRAULIC	265-5656	PRAMAC/GS22-2748-2R	4		4
SUB-TOTAL					
LADDERS					
LADDER,EXTENSION,24'	270-6207	WERNER/D1524-2	2		2
LADDER,EXTENSION,28'	270-6208	WERNER/D1528-2	2		2
LADDER,EXTENSION,32'	270-6210	WERNER/D6232-2	2		2
LADDER,STEP,8'	270-6318	WERNER/T7408	2		2
LADDER,STEP,10'	270-6320	WERNER/T410	2		2
LADDER,STEP,14'	270-6321	WERNER/T414	2		2
LADDER,STEP,12'	270-6322	WERNER/T412	2		2
SUB-TOTAL					
LASERS					
LEVEL,LASER 300'RADIUS,W/TRIPOD & POLE	280-5825	TOPCON/RL-60B	3		3
SUB-TOTAL					
LIGHTING EQUIPMENT					
LIGHT,FLOOD.ONE 1000-1500 WATT,10'HIGH	285-5418	CEP/5309	4		4
LIGHT,FLOOD,(4) 1000 WATT 28'HI,DSL,TOW	285-5455	ALLMAND/6330	2		2
SUB-TOTAL					
MIXERS					
MIXER,CEMENT,9 CU.FT,GAS,TOWABLE	305-1978	WHITEMAN/WC92PH8	2		2
(OR) MIXER,CEMENT,9 CU.FT,GAS,TOWABLE	305-1978	STONE/95CM	2		0
MIXER,CEMENT,3 CU.FT,ELECT,TOWABLE	305-1983	WHITEMANT/WC42SE	2		2
MIXER,CEMENT,2 CU.FT,ELECT,PEDESTAL	305-1984	BELLE/SB4E	2		2
SUB-TOTAL					
PAINT EQUIPMENT					
SPRAYER,PAINT,AIRLESS,ELECT,3/4 HP	325-6284	GRACO/395ST PRO	6		6
SUB-TOTAL					

DESCRIPTION	CAT CLASS	MAKE/MODEL	QUANTITY		
			RENTAL	DISPLAY	TOTAL
DRYWALL					
TEXTURE,UNIT,COMPLETE	325-6358	MARSHALLTOWN/16364	2		2
WALLPAPER,REMOVER,ELECT	505-6348	RENTLINK/STEAM TEAM	2	1	3
SUB-TOTAL					
AUGERS					
POST HOLE DIGGER,5-8HP, GAS,MAN,TOWABLE	345-1028	EASY AUGER	2		2
POST HOLE AUGER BIT 2"	345-0999	TRU-POWER	2		2
POST HOLE AUGER BIT 4"	345-1000	TRU-POWER	2		2
POST HOLE AUGER BIT 6"	345-1001	TRU-POWER	2		2
POST HOLE AUGER BIT 8'	345-1002	TRU-POWER	2		2
POST HOLE AUGER BIT 10"	345-1003	TRU-POWER	2		2
POST HOLE AUGER BIT 12"	345-1007	TRU-POWER	2		2
SUB-TOTAL					
PRESSURE WASHERS					
PRESSURE WASHER,COLD,4000PSI,GAS	355-7331	SIMPSON/WS4030GHS	2		2
PRESSURE WASHER,COLD,3500PSI,GAS	355-7333	SIMPSON/WS3500GHS	6		6
SUB-TOTAL					
PUMPS					
PUMP,WATERBED,ELECT,120VAC	370-7011	SIMER/M40	2		2
PUMP,POOL,1 1/2" ELECT 120VAC	370-7014	MULTIQUIP/S220UL	2	1	3
PUMP,SUB,ELECT,2" 120VAC	370-7020	MULTIQUIP/ST2005CUL	2	1	3
PUMP,SUB,ELECT,2" TRASH 120VAC	370-7021	MULTIQUIP/ST2010T	2	1	3
PUMP,CENT,TRASH 2",5.5 HP,GAS	370-7059	MULTIQUIP/QP202TH	2	1	3
PUMP,HYDROSTATIC,TEST,ELECT	370-7080	RICE/EL1A	1		1
PUMP,CENT,TRASH 3" 8HP GAS	370-7106	MULTIQUIP/QP301TH	2	1	3
HOSE,WATER,DISCHARGE,1 1/2" X 50'	255-7022	SW RUBBER	2		2
HOSE,WATER,DISCHARGE,2" X 50'	255-7025	SW RUBBER	4		4
HOSE,WATER,DISCHARGE,3" X 50'	255-7026	SW RUBBER	2		2
HOSE,WATER,SUCTION,2" X 25'	255-7039	SW RUBBER	2		2
HOSE,WATER,SUCTION,3" X 25'	255-7041	SW RUBBER	2		2
SUB-TOTAL					

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Equipm ist

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DESCRIPTION	CAT CLASS	MAKE/MODEL	QUANTITY		
			RENTAL	DISPLAY	TOTAL
SANDERS					
SANDER,FLOOR,EDGER,7",W/BAG,ELECT	410-3210	SILVERLINE/SL7	1	1	2
SANDER,FLOOR,DRUM,8",WIDE,ELECT	410-3217	SILVERLINE/SL8	1	1	2
SANDER,VIBRATORY,4.5"OR 9.5" PAD	410-8340	BOSCH/3289D	2	1	3
SANDER,BELT,3" WIDE,W/BAG,ELECT	410-8345	BOSCH/1275DVS	2	1	3
SUB-TOTAL					
DIAMOND BLADES					
BLADE,DIAM,BRICK,DRY,14"X1"	415-7349	DIAMOND PRODUCTS	6		6
BLADE,DIAM,CONCRETE,DRY,12"X20MM	415-7350	DIAMOND PRODUCTS	2		2
BLADE,DIAM,CONCRETE,WET,12"X1"	415-7352	DIAMOND PRODUCTS	4		4
BLADE,DIAM,ASPHLT/GRN,WET,12"X1"	415-7353	DIAMOND PRODUCTS	2		2
BLADE,DIAM,BRICK,WET,12"X1"	415-7354	DIAMOND PRODUCTS	4		4
BLADE,DIAM,CONCRETE,DRY,14"X20MM	415-7355	DIAMOND PRODUCTS	4		4
SUB-TOTAL					
SAWS					
SAW,CUTOFF,14",4.5HP,MIX	415-7410	TARGET/S80	4		4
SAW,CHOP,14",ELECT	415-7422	DEWALT/DW871	2	1	3
SAW,CUTOFF,14",ELECT,110 VOLT	415-7424	BOSCH/1365	2		2
SAW,MITER,12",SLIDING COMPOUND	415-7429	DEWALT/DW708	2		2
SAW,JIG,ELECT,110 VOLT	415-7432	BOSCH/1587AVSP	2	1	3
SAW,TILE,TUB,8",1 HP,ELECT,110V	415-7435	WELCO/CS2-1.0	2		2
SAW,TILE,TUB,10",1 1/2HP,ELECT,100V	415-7436	TARGET/STM10100	2		2
SAW,BRICK,TABLE,14" BLADE,ELECT	415-7438	STONE/MS1	2		2
SAW,COMPOUND,10",ELECT,MITRE	415-7439	MILWAUKEE/6494	1		1
SAW,MITRE,14",ELECT	415-7441	RYOBI/4157440	1		1
SAW,CIRCULAR,7 1/4",ELECT110 VOLT	415-7448	SKIL/HD77	2	1	3
SAW,CIRCULAR,8 1/4",ELECT110 VOLT	415-7452	SKIL/HD5860	2	1	3
SAW,BEAM,16" BLADE,ELECT,110 VOLT	415-7453	MAKITA/5402A	1	1	2
SAW,RECIPROCATING,ELECT,110 VOLT	415-7460	DEWALT/DW303K	2	1	3

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Equir *List

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DESCRIPTION	CAT CLASS	MAKE/MODEL	QUANTITY		
			RENTAL	DISPLAY	TOTAL
SAW, CONCRETE, W/B, 16", 16HP, GAS	415-7468	STONE/CS2	2		2
(OR) SAW, CONCRETE, W/B, 16", 16HP, GAS	415-7468	EDCO/DS16	2		0
SUB-TOTAL					
SCAFFOLD					
SCAFFOLD, ROLLING STEEL 6FT	420-7602	BILJAX	4		4
SUB-TOTAL					
SNAKES					
SNAKE, 3/8" X 25', ELECT	450-6812	ELECTRIC EEL/S	2		2
SNAKE, 1/2" X 50', MANUAL	450-6814		4		4
SNAKE, 1/2" X 75', ELECT	450-6820		4		4
SUB-TOTAL					
WELDERS					
WELDER, WIRE FEED, 115VOLT, AC	515-9418	LINCOLN/SP125	2		2
WELDER, 180AMP, 11HP, GAS, PORTABLE W/LEADS	515-9420	MULTIQUIP/GLW180H	2		2
WELDER, 225AMP, TOW, DSL, W/LEADS	515-9421	MULTIQUIP/SDW225SS	2		2
WELDER, 300AMP, TOW, DSL, W/LEADS	515-9424	LINCOLN/K1433-1	2		2
SUB-TOTAL					
TRAILERS					
TRAILER, BOX, 5' X 8', 1200LB CAP	550-9004	BEST TRAILER	2		2
TRAILER, BOX, 5' X 10', 12000 CAP, 1AXLE	550-9008	BEST TRAILER	2		2
TRAILER, CAR, 7' X 15', 5000LB CAP, 2AXLE	550-9024	BEST TRAILER	6		6
SUB-TOTAL					
GRAND TOTAL					
BACKHOE'S/HOE RAM'S					
SMALL/WATER TRUCKS (TO 2000 GAL)					
DUMP TRUCKS 5 + 2 YARDS					
STAKE BED TRUCKS 12' & 22"					
PICKUP TRUCKS					
COMPACTION EQUIPMENT 10K & DOWN					
GRAND TOTAL					

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DESCRIPTION	CAT CLASS	MAKE/MODEL	QUANTITY		
			RENTAL	DISPLAY	TOTAL
COMPACTION EQUIPMENT					
COMPACTOR, RAMMER, GAS, 2 CYCLE	10-1710	MIKASA/MT85HS	4		4
COMPACTOR, PLATE, GAS, LG WATER TANK	10-1711	MULTIQUIP/MVC88GHW	2		2
COMPACTOR, PLATE, GAS, SM WATER TANK	10-1712	MIKASA/MVC90L	2		2
SUB-TOTAL					
EXCAVATORS					
EXCAVATOR, 22HP, 6'9" DIG DEPTH, MINI	15-8909	KUBOTA/KX41-2SVR1	1		1
SUB-TOTAL					
SKIDSTEERS					
SKIDSTEER, 42-60HP, 1/2 YD, 1500-2000LB	25-8768	JOHN DEERE/240	4		4
(OR) SKIDSTEER, 42-60HP, 1/2 YD, 1500-2000LB	25-8768	SCAT TRAK/1500D	4		0
(OR) SKIDSTEER, 40-43HP, 1/3 YD, 1350LB	25-8766	BOBCAT/753	4		0
SKIDSTEER, 15.7HP, 1/5 YD, 600LB W/ 36" BUCKET	25-8767	BOBCAT/453	2		2
SUB-TOTAL					
SKIPLOADERS					
SKIPLOADER, 35HP, 1/3 YD, 4X4	30-8745	KUBOTA/B2710	2		2
SUB-TOTAL					
TRENCHERS					
TRENCHER, WALK, 16HP, 4" X 24" TRENCH	45-9115	BARRETO/1624D	2		2
TRAILER, TRENCHER	550-9140	BARRETO/E4X5DGT	2		2
SUB-TOTAL					
LAWN CARE					
AERATOR, 18", 4HP, GAS, WALK BEHIND	100-5004	RYAN/544881	2		2
LAWN, MOWER, 5.5HP, GAS, 21", ROTARY	275-5052	SOUTHLAND/42-0021	2		2
LAWN, MOWER, 5HP, GAS, 21", SELF-PRP, ROTARY	275-5055	MAXIM/H622BSP424	2		2
RAKE, POWER, 5HP, GAS	375-5066	YARD MARVEL/MR5B	2		2
SAW, POLE, PRUNING, MIX (2 CYCLE)	415-7512		2		0
SOD CUTTER, 12", 5HP, 7HP, GAS	455-5128	RYAN/544844B	2		2
TILLER, 5HP, FORWARD TINES	485-5148	MAXIM/RMT50IC	4		4
WHEELBARROW, STANDARD	520-2090	HOME DEPOT	6		6
SUB-TOTAL					

DESCRIPTION	CAT CLASS	MAKE/MODEL	QUANTITY		
			RENTAL	DISPLAY	TOTAL
AIR NAILERS					
AIR TOOL,TILE SPADE	105-0419	EDCO/ARL	2	1	3
AIR TOOL,STAPLE GUN,1"CROWN	105-0466	SENCO/PW	4		4
NAILER,HARDWOOD,W/MALET	315-0463	PORTA-NAIL/401PNI	4	1	5
NAILER,AIR,FRAMING,8 OR 16 PENNY	315-0467	HITACHI/NR83A	4	1	5
NAILER,AIR,ROOFING,COIL	315-0468	STAN-TECH/SDCN10B	4	1	5
NAILER,AIR,FINISH,BRAD	315-0469	PASLODE/3250F16	4	1	5
SUB-TOTAL					
SAND BLASTERS					
BLASTER,SAND,35LB POT,W/HOSE	130-7306	PK LINDSAY/35W	2		2
SUB-TOTAL					
FANS AND BLOWERS					
BLOWER,ELECT,848CFM,CAGE	135-3803	AMERIC/VAF1500	2		2
FAN,HIGH VELOCITY,30",13000CFM	210-3820	ALLMAND/FE30	2		2
SUB-TOTAL					
FLOOR CARE					
CARPET,IRON	145-3225	ROBERTS/10-182	2	1	3
CARPET,KICKER	145-3234	CRAIN/505	2	1	3
CARPET,STRETCHER W/CASE	145-3236	CRAIN/499	1	1	2
CARPET,SHAMPOOER,17"	145-3237	CASTEX/LS-1700HD	4		4
CARPET,EXTRACTOR W/HOSE & WAND	145-3239	CASTEX/PX-1500	4		4
CARPET,EXTRACT W/BRUSH,LARGE	145-3241	CASTEX/SCX-350	4		4
MACHINE,FLOOR,PREPARATION,17"	145-3255	PULLMAN/HEX1BUFR		1	1
BLOWER,CARPET DRYER,ELECT	135-4724	CASTEX/DR2	4		4
SHAMPOOER,POWERED,UPHOLSTERY	350-4708	CASTEX/AN2030	2		2
VACUUM,WET/DRY,15GAL	495-3263	CRUSADER/8015	6		6
VACUUM,UPRIGHT,18"	495-3266	CASTEX/UV-1600	2		2
POLISHER,FLOOR,20",HI SPD,ELECT	335-3232	MASTERCRAFT/MBS150EF	2		2
ROLLER,LINOLEUM,75-150LB,16"WIDE	385-3226	CRAIN/3853226	2		2
SUB-TOTAL					

DESCRIPTION	CAT CLASS	MAKE/MODEL	QUANTITY		
			RENTAL	DISPLAY	TOTAL
CEMENT					
FINISHER,CEMENT,36",GAS 5HP	160-1951	WHITEMAN/J4	1		1
FINISHER,CEMENT,48",GAS 8HP	160-1955	WHITEMAN/B-4-8H	1		1
CEMENT,GRINDER,1 1/2HP,ELECT,SINGLE DISC	160-2028	EDCO/SEC	1		1
CEMENT,VIBRATOR,PENCIL,ELECT	160-2080	WACKER/M3000	2		2
CEMENT,VIBRATOR,PENCIL,ELECT	160-2080	MULTIQUIP/PMA3		1	1
CEMENT,GRINDER,EDGER,7",ELECT	160-3720	EDCO/EDG-7	1		1
CEMENT,FRESNO	155-1962	MARSHALLTOWN/13630	2		2
CEMENT,FRESNO	155-1963	MARSHALLTOWN/13730	2		2
		MARSHALLTOWN/13748	4		4
POLE,CEMENT,FINISHING,TOOL	155-1957	MARSHALLTOWN/14804	6		6
CEMENT,TAMPER	155-2074	MARSHALLTOWN/16422	2		2
CEMENT,HAND TROWEL,THIN BLADE	155-2076	MARSHALLTOWN/13226	2		2
CEMENT,HAND GROOVER	155-1968	MARSHALLTOWN/14102	2		2
CEMENT,WALKING GROOVER	155-1963	MARSHALLTOWN/14108	2		2
CEMENT,BULL FLOAT	155-1956	MARSHALLTOWN/14704	2		2
CEMENT,HAND FLOAT,THICK BLADE	155-1958	MARSHALLTOWN/13234	2		2
CEMENT,HAND FLOAT,THICK BLADE	155-1958	MARSHALLTOWN/13520	2		2
CEMENT,BOOTS PAIR	155-1912	SW RUBBER/CLYPOB10	2		2
CEMENT,BOOTS PAIR	155-1912	SW RUBBER/CLYPOB11	2		2
CEMENT,BOOTS PAIR	155-1912	SW RUBBER/CLYPOB12	2		2
SUB-TOTAL					
COMPRESSORS					
COMPRESSOR,AIR,4.2 CFM,ELECT	175-0200	EMGLO/AM78HC4V	4		4
COMPRESSOR,AIR,10.2 CFM,ELECT	175-0204	EMGLO/K15A8P	4		4
COMPRESSOR,AIR,24CFM,8HP,GAS	175-0303	EMGLO/G8HGA8P	4		4
COMPRESSOR,AIR,100 CFM,DSL,TOWABLE	175-0328	INGERSOLL/P100WD	2		2
COMPRESSOR,AIR,180 & 185 CFM,DSL,TOWABLE	175-0335	INGERSOLL/P185WJD	2		2
HOSE,AIR,3/8 X 50	255-6248	SW RUBBER	12		12
HOSE,AIR,3/4 X 50	255-0454	SW RUBBER	6		6
SUB-TOTAL					

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF: JULY 21, 2004**DEPARTMENT: PLANNING & DEVELOPMENT****DIRECTOR:****ROBERT S. GENZER**☐ **CONSENT**☒ **DISCUSSION****SUBJECT:**

REZONING - PUBLIC HEARING - ZON-4219 - APPLICANT/OWNER: HORIZON HOMES, INC. - Request for a Rezoning FROM: U (Undeveloped) [DR (Desert Rural Density Residential) General Plan Designation] TO: R-PD2 (Residential Planned Development - 2 Units Per Acre) on 5.23 acres adjacent to the southeast corner of Craig Road and Tioga Way (APN: 138-03-302-001), Ward 4 (Brown). Staff recommends DENIAL. The Planning Commission (4-3 vote) recommends APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

5**APPROVALS RECEIVED BEFORE:**

Planning Commission Mtg.
City Council Meeting

0**RECOMMENDATION:**

Staff recommends DENIAL. The Planning Commission (4-3 vote) recommends APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Back up referenced from the 6/24/2004 Planning Commission Item 28

MOTION:

BROWN - APPROVED subject to conditions and amending Condition 4 as follows:

4. *Construct half-street improvements, including appropriate overpaving if legally able, on Pioneer Way, and construct rural improvements on Tioga Avenue and Helena Avenue adjacent to this site concurrent with development of this site. Rural improvements shall consist of a total width of 39-feet, being 34-feet of asphalt, centered if possible on the centerline of each rural street; and 30-inch rolled curb adjacent to the development. The exterior streetlighting will be stubbed out for later use, but the installation of the streetlights shall be deferred provided that the developer provide to the City such streetlights for the future installation; alternatively, monies in lieu of such streetlights may be contributed to the City if allowed by the Department of Public Works. Sign and record a covenant running with the land for all urban improvements not constructed at this time on Tioga Avenue and Helena Avenue. Install all appurtenant underground facilities, if any, adjacent to this site needed for the future traffic signal system concurrent with development of this site. All existing paving damaged or removed by this development shall be restored at its original location and to its original width concurrent with development of this site. Required improvements*

CITY COUNCIL MEETING OF JULY 21, 2004
Planning and Development Department
Item 116 – SUP-4464

MOTION Continued:

on Tioga Avenue and Helena Avenue shall also be coordinated with Clark County Public Works.

– UNANIMOUS

NOTE: COUNCILMAN BROWN used the overhead to show that the boundary of the notification area for these applications cuts through the center of his home; therefore, he considered himself within the notification area. He did not feel the impact was greater on his neighborhood than the surrounding neighborhoods so he would be voting. He also added that he knows some of the adjacent property owners and his children have played sports with their children; however, that would not create any type of bias on his evaluation of the applications.

MINUTES:

MAYOR GOODMAN declared the Public Hearing open on Item 116 [ZON-4219], Item 117 [VAR-4590], Item 118 [WVR-4596], and Item 119 [SDR-4222].

DAVID YANCEY, 8395 West Sunset Road, appeared on behalf of the owner and described the property as an infill piece that is approximately 5.2 acres with a proposed density of 2.49 units per acre. The applicant contacted area neighbors to get input on the project to implement into the design. The design presented would be a compatible, aesthetically pleasing addition to the community. MR. YANCEY stated agreement with the currently imposed conditions and read additional self-imposed conditions that were requested by the neighbors. Related to Item 119 [SDR-4222], lot numbers 4, 5, 7, 8, 9 and 13 are to be designated as single story homes. The neighbors also requested Helena Avenue and Tioga Way be approved for rural street standards. Lots 8 and 9 requested an eight-foot wall and the remainder of the project to be developed with a six-foot wall. Regarding Lot 1 to the north, the second story windows shall be conditioned as obscure to protect the privacy of the adjacent neighbors.

The open space on this project was .21 acres, and the applicant felt it was not sufficient to serve as an amenity to the development; therefore, the applicant requested approval to make a monetary contribution to Wayne Bunker park, which is located approximately one quarter mile south of the project. MR. YANCEY explained the intersection waiver was deemed necessary to provide a safe queuing distance on Craig Road, and it would allow the traffic on Helena not to impact the intersection distance.

ANN CASEY, 7460 West Helena Avenue, stated her home is most impacted by this proposal. Having concerns about the layout, she explained there is no compatibility with the neighborhood. MS. CASEY felt that having the largest lots on the development placed along Craig Road did not make sense. She asked that a property line be moved west so one less house will abut her home. MS. CASEY moved to the neighborhood 23 years ago and has watched the rural quality of the neighborhood diminish. Owning three horses, she also stated concerns about liability issues, fly

CITY COUNCIL MEETING OF JULY 21, 2004
Planning and Development Department
Item 116 – ZON-4219

MINUTES Continued:

feuds, odor complaints and that the development would cause her horses to be 15-feet away from the residences when Code states a minimum of 50 feet. She also gave suggestions on how the lots could be reconfigured.

COUNCILMAN BROWN acknowledged that MS. CASEY has been very interactive with his office, as well as working with the applicant. He stated it is a difficult piece to fill. He confirmed with MR. YANCEY that MS. CASEY'S reconfiguration suggestion would not work because the applicant would not be able to fit any single story home on the lot in question because of the reduced square footage, and it has been requested by neighbors not to have a two story home on that lot. COUNCILMAN BROWN confirmed lot sizes with MR. YANCEY and asked if relocating the cul-de-sac would help with any issues being discussed. MR. YANCEY said that was not reviewed as an option and that in his opinion there would be issues with fire codes if that was done.

ROBERT GENZER, Director, Planning and Development Department, stated his staff had not seen the new conditions and he did not have a copy to review; however, from what MR. YANCEY read, there was nothing that was not enforceable. MR. YANCEY stated there would also be a disclosure given to all prospective buyers explaining there are pigs, horses, goats and peacocks in the surrounding area so the City would not get complaint phone calls over the animal related issues.

MS. CASEY stated the phone calls would not go to the City; she would be the one to get them. She explained that she is not opposed to having 13 homes built there; she just thinks they could build 13 homes that are more compatible to the area than the ones being proposed. COUNCILMAN BROWN asked MS. CASEY if she would like the eight-foot wall continued along her property line, and she declined.

COUNCILMAN BROWN indicated this project has not been an easy one to develop while keeping everyone happy. He felt by Code and by entitlements this was the best project that could go on the property.

BART ANDERSON, Project Manager, Department of Public Works, interjected that if the applicant's request for the improvements to be rural on Helena and Tioga was to be approved, Condition 4 on Item 116 [ZON-4219] needed to be amended. He stated there is standard rural condition language that can be applied. MR. YANCEY agreed with the amended condition.

MARGO WHEELER, Deputy Director, Planning and Development Department, read the conditions that apply to Item 119 [SDR-4222]. COUNCILMAN BROWN confirmed that MR. YANCEY agreed to the amendments.

CITY COUNCIL MEETING OF JULY 21, 2004
Planning and Development Department
Item 116 – ZON-4219

MINUTES Continued:

MAYOR GOODMAN declared the Public Hearing closed on Item 116 [ZON-4219], Item 117 [VAR-4590], Item 118 [WVR-4596] and Item 119 [SDR-4222].

NOTE: All discussion for Item 116 [ZON-4219], Item 117 [VAR-4590], Item 118 [WVR-4596] and Item 119 [SDR-4222] was held under Item 116 [ZON-4219].

(3:08 – 3:30)

4-2471

CONDITIONS:

Planning and Development

1. A Resolution of Intent with a two-year time limit.
2. A Variance (VAR-4590), Waiver (WVR-4596) and a Site Development Plan Review application (SDR-4222) approved by the Planning Commission or City Council prior to issuance of any permits, any site grading, and all development activity for the site.

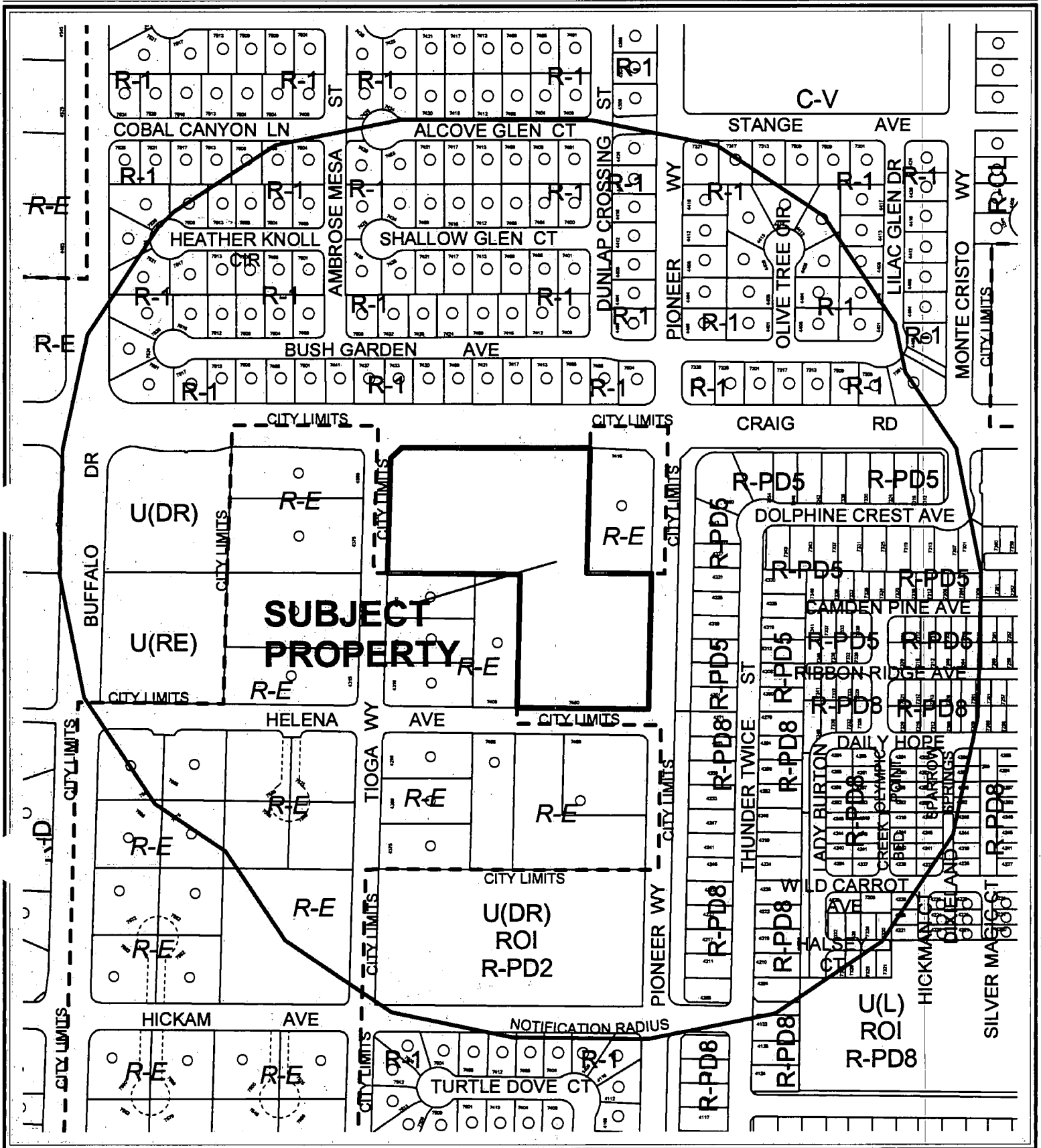
Public Works

3. Dedicate a 15-foot radius on the northwest corner of Pioneer Way and Helena Avenue.
4. Construct all incomplete half-street improvements on Tioga Avenue, Pioneer Way and Helena Avenue adjacent to this site concurrent with development of this site. Required improvements on Tioga Avenue and Helena Avenue shall also be coordinated with Clark County Public Works.
5. Remove all substandard public street improvements, if any, adjacent to this site and replace with new improvements meeting current City Standards concurrent with on-site development activities. All existing paving damaged or removed by this development shall be restored at its original location and to its original width concurrent with development of this site.
6. 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).
7. Extend public sewer in Helena Avenue to the western edge of this site to a location and depth acceptable to the City Engineer. Provide public sewer easements for all public sewers not located within existing public street right-of-way prior to the issuance of any permits. Improvement Drawings submitted to the City for review shall not be approved for construction until all required public sewer easements necessary to connect this site to the existing public sewer system have been granted to the City.

CITY COUNCIL MEETING OF JULY 21, 2004
Planning and Development Department
Item 116 – ZON-4219

CONDITIONS Continued:

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



CASE: ZON-4219

RADIUS: 750 FT

ZONING OF SUBJECT PROPERTY:

U (UNDEVELOPED) ZONE [DR (DESERT RURAL DENSITY RESIDENTIAL) GENERAL PLAN DESIGNATION]

PROPOSED ZONING OF SUBJECT PROPERTY:

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

0 200 400 Feet





AGENDA MEMO

CITY COUNCIL MEETING DATE: JULY 21, 2004
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: ZON-4219 - APPLICANT/OWNER: HORIZON HOMES, INC.

**** CONDITIONS ****

Staff recommends DENIAL. The Planning Commission (4-3 vote) recommended APPROVAL, subject to:

Planning and Development

1. A Resolution of Intent with a two-year time limit.
2. A Variance (VAR-4590), Waiver (WVR-4596) and a Site Development Plan Review application (SDR-4222) 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 a 15-foot radius on the northwest corner of Pioneer Way and Helena Avenue.
4. Construct all incomplete half-street improvements on Tioga Avenue, Pioneer Way and Helena Avenue adjacent to this site concurrent with development of this site. Required improvements on Tioga Avenue and Helena Avenue shall also be coordinated with Clark County Public Works.
5. Remove all substandard public street improvements, if any, adjacent to this site and replace with new improvements meeting current City Standards concurrent with on-site development activities. All existing paving damaged or removed by this development shall be restored at its original location and to its original width concurrent with development of this site.
6. 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).
7. Extend public sewer in Helena Avenue to the western edge of this site to a location and depth acceptable to the City Engineer. Provide public sewer easements for all public sewers not located within existing public street right-of-way prior to the issuance of any permits. Improvement Drawings submitted to the City for review shall not be approved for construction until all required public sewer easements necessary to connect this site to the existing public sewer system have been granted to the City.

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

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

The request is for a Rezoning from U [(Undeveloped) DR (Desert Rural Density Residential) General Plan Designation] to R-PD2 (Residential Planned Development – 2 Units per Acre) on 5.23 acres adjacent to the southeast corner of Craig Road and Tioga Way.

A Variance (VAR-4590), Waiver (WVR-4596), and a Site Development Plan Review (SDR-4222) will be considered concurrently with this application.

B) Applicant's Justification

The project is compatible with surrounding uses and will provide much needed single-family housing in the area.

BACKGROUND INFORMATION

A) Previous Actions

- 03/06/96 The City Council approved an Annexation (A-0024-95) of the subject property into the City of Las Vegas. The effective date was March 15, 1996.
- 09/12/02 The Planning Commission denied a request for a Special Use Permit (U-0107-02) for a commercial childcare center. Staff recommended denial.
- 05/13/04 The Planning Commission voted to hold this item in abeyance at the request of the applicant in order to schedule and hold a meeting with the area residents to discuss the project.
- 05/27/04 The Planning Commission abeyed a related Site Development Plan Review application (SDR-4222) to allow the applicant an opportunity to work with City staff.
- 06/24/04 The Planning Commission recommended denial of related items (SDR-4222, VAR-4590 and WVR-4596).
- 06/24/04 The Planning Commission voted 4-3 to recommend APPROVAL (PC Agenda Item #28/kcw).

B) Pre-Application Meeting

- 03/08/04 No significant issues were identified at the pre-application meeting.

C) *Neighborhood Meetings*

A neighborhood meeting is not required for Rezoning applications.

DETAILS OF APPLICATION REQUEST

A) *Site Area*

Gross Acres: 5.23

B) *Existing Land Use*

Subject Property: Undeveloped
North: Single-Family Residence
South: Single-Family Residence
East: Undeveloped / Single-Family Residence
West: Single Family Residence

C) *Planned Land Use*

Subject Property:	DR	Desert Rural Density Residential
North:	L	Low Density Residential
South:	R-E	Rural Estates Residential
East:	R-E	Rural Estates Residential
West:	L	Low Density Residential

D) *Existing Zoning*

Subject Property:	U (DR)	Undeveloped (Desert Rural Density Residential) General Plan Designation].
North:	R-1	Single Family Residential District
South:	R-E	Rural Estates Residential
East:	R-PD5	Residential Planned Development – 5 Units Per Acre)
West:	R-E	Rural Estates Residential

E) *General Plan Compliance*

The subject site is located within the Centennial Hills Sector of the General Plan with a DR (Desert Rural Density Residential) land use designation, which allows for single family homes on large lots, many including equestrian facilities. This rural environment allows up to two units per acre, as well as some noncommercial raising of domestic animals. The proposed R-PD2 (Residential Planned Development – 2 Units Per Acre) is technically consistent with the DR (Desert Rural Density Residential) General Plan designation, as the proposed density is 2.49 Units Per Acre. However the small lots do not advance policies to preserve the integrity of the established residential neighborhoods.

<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

Rural Preservation Neighborhood

The southern portion of the site falls within a Rural Preservation Neighborhood 330-foot buffer zone. The Rural Preservation Neighborhood designated parcels surround the subject site and are located within Clark County. Nevada Revised Statute 278 limits residential development within this 330-foot buffer zone to an average density of three residential dwelling units per acre. The development's proposed density of 2.49 dwelling units per acre is within the parameters of the rural preservation neighborhood legislation.

County Notification

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

A) General Analysis and Discussion

The R-PD2 district is intended to permit imaginative and innovative residential design and to utilize land for the development of residential communities, which are planned and developed with appropriate amenities to establish a clear sense of community. It is also intended to promote the enhancement of residential amenities by means of an efficient consolidation and utilization of open space, and a separation of pedestrian and vehicular traffic. The proposed zoning district is not appropriate for several reasons.

First, the proposed site plan depicts 13 lots with an average lot size of 13,220 square feet, which is significantly smaller than the adjacent parcels. The smallest adjacent lot is approximately 20,463 square feet. Second, the site is deficient in the amount of open space provided, and the open space that is available is not centralized or convenient to the residents of the proposed community. There are no innovative or imaginative residential designs as required by the R-PD (Residential Planned Development) zoning district, nor are there any amenities that establish a clear sense of community. Finally, the proposed plan does not keep with the rural intent of the DR (Desert Rural Density Residential) General Plan land use designation. The DR (Desert Rural Density Residential) General Plan land use designation is intended for single-family homes on large lots with densities of up to two units per acre.

FINDINGS

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

1. “The proposal conforms to the General Plan.”

The proposed R-PD2 (Residential Planned Development – 2 Units per Acre) district is consistent with the DR (Desert Rural Density Residential) General Plan land use designation

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

The uses allowed by the proposed R-PD2 (Residential Planned Development – 2 Units per Acre) district are residential in nature, but are not compatible with the adjacent large lot developments.

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

While there has been residential growth in the area, the proposed development is not appropriate as the adjacent lots are larger in size and keep the rural intent of the DR (Desert Rural Density Residential) General Plan land use designation. In addition, the proposed development requires an open space variance and does not provide innovative design features as required by an R-PD (Residential Planned Development) zoning district.

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 is provided via a drive from Pioneer Way, a 60-foot collector, and is adequate in size to meet the requirements of the zoning district.

NOTICES MAILED 167 by Planning Department

APPROVALS 0

PROTESTS 5



PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: 20N-4219 APN: 138-03-302-001

Name of Property Owner: HORIZON HOMES, INC.

Name of Applicant: HORIZON HOMES INC.

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

Yes

4 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: _____

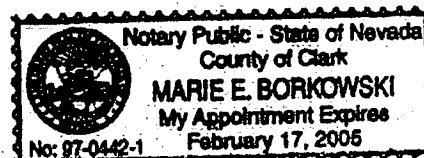
Signature of Property Owner/Authorized Agent:

Print Name: LAWRENCE H. POWERS

Subscribed and sworn before me

This 10TH day of MARCH, 2004

Marie C. Rocherli
Notary Public in and for said County and State



SEDONA UNIT 2

P8 53-01

PROPOSED USE :	870-2 (2 UP TO 2.80 APM)
AREA :	8.23 GROSS ACRES
CURRENT GEN. PLAN DESIGNATION :	DESERT RURAL (DR)
PROPOSED GEN. PLAN DESIGNATION :	DESERT RURAL (DR)
PROPOSED LOTS :	13
PROPOSED DENSITY :	2.40 UNITS/ACRE
MINIMUM LOT AREA :	12,321 SF
AVERAGE LOT AREA :	13,820 SF
MIN LOT WIDTH :	100'
MIN FRONT SETBACK :	30'
MIN SIDE YARD SETBACK :	3'
MIN REAR YARD SETBACK :	3'
MIN CORNER YARD SETBACK :	3'
MIN REAR DRIVE SETBACK :	15'
MAX BUILDING HEIGHT :	2 STORIES OR 35' (WHICHEVER IS LESS)
BUILDING USE :	4430 or - 4494 or - SINGLE STORY 4458 or - 4528 or - 2 STORY
F.A.R. :	33.00 - 38.00
PARKING :	2 PARKING SPACES PER UNIT

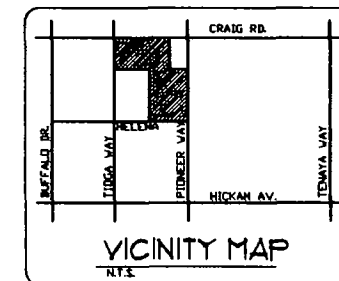
APR 150-63-302-000

☐ SINGLE FAMILY RESIDENTIAL

☒ LANDSCAPING

☒ PAVEMENT

CLARK COUNTY APN
CITY OF LAS VEGAS APN

**NORTH**

1°=50'

GRAPHIC SCALE

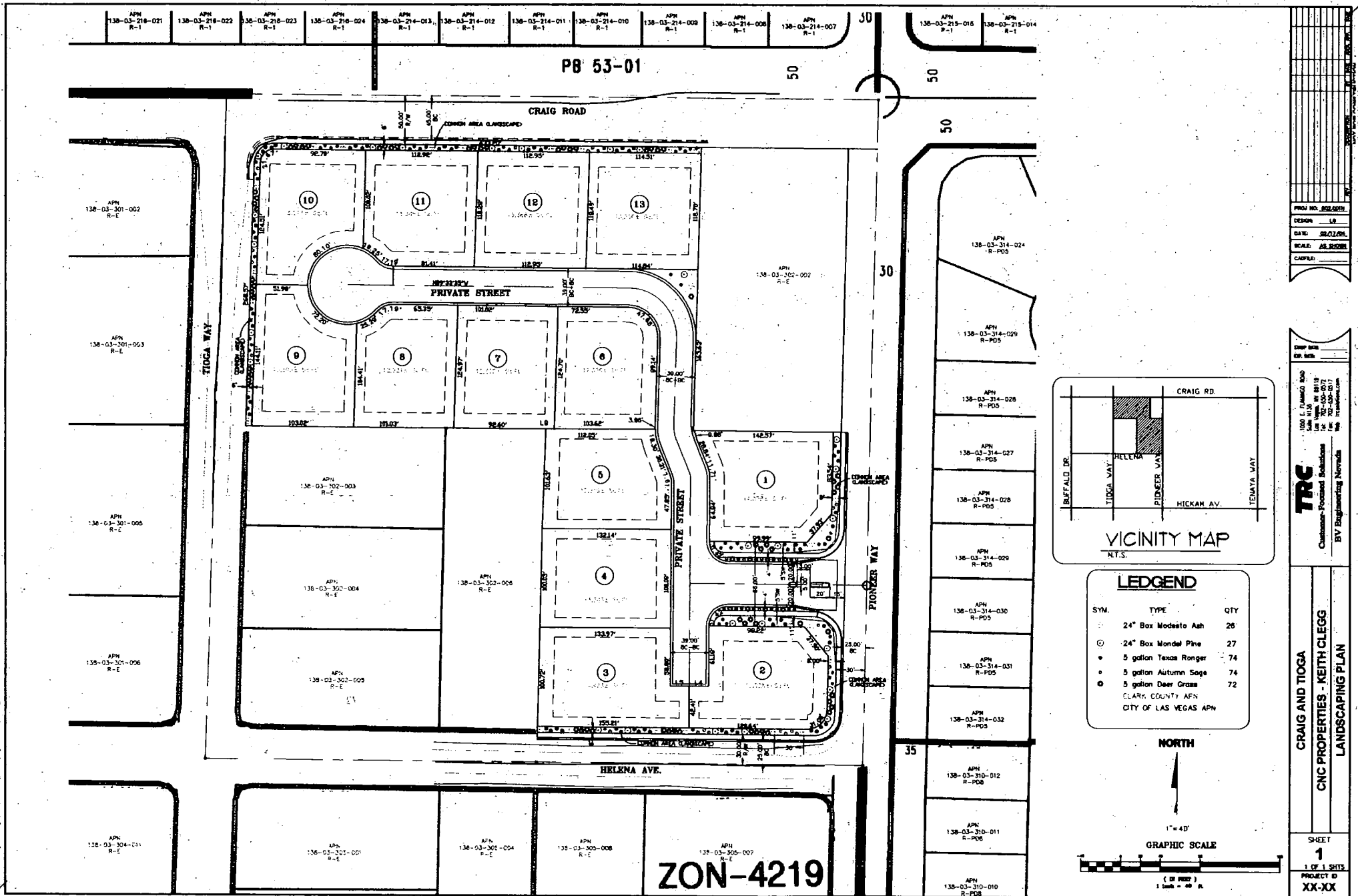
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ZON-4219
SDR-4222
6-24-04 P

CRAIG AND TOGA
CNC PROPERTIES - KEITH C
SITE PLAN

SHEET
1
1 OF 1
PROJECT
XX-XX

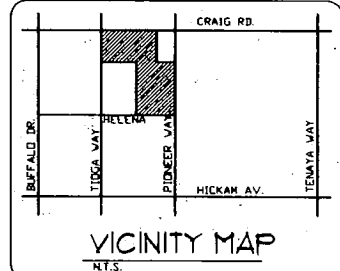
1:000 Scale: Craig and Toga Properties, LLC, 25 Jan 2004 - 11:30am



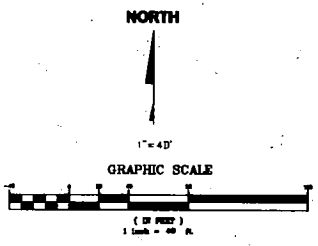
PROJECT NO.	138-03-001
DESIGN	1A
DATE	08/07/04
SCALE	AS SHOWN
CADFILE	

TRC
Custom-Planned Solutions
BV Engineering Nevada

1000 E. FLAMINGO ROAD
SUITE 100
LAS VEGAS, NV 89119
702-735-0017
www.trcnevada.com



LEDGEND		
SYM.	TYPE	QTY
○	24" Box Modesto Ash	26
⊙	24" Box Mondel Pine	27
•	5 gallon Texas Ranger	74
•	5 gallon Autumn Sage	74
•	5 gallon Deer Grass	72
CLARK COUNTY APN CITY OF LAS VEGAS APN		



CRAIG AND TOGA
CNC PROPERTIES - KEITH CLEGG
LANDSCAPING PLAN

SHEET
1
1 OF 1 SHEETS
PROJECT ID
XX-XX

ZON-4219
SDR-4222
6-24-04 PC

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF: JULY 21, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER ☐ CONSENT ☒ DISCUSSION

SUBJECT:

VARIANCE RELATED TO ZON-4219 - PUBLIC HEARING - VAR-4590 -
APPLICANT/OWNER: HORIZON HOMES, INC. - Request for a Variance TO ALLOW
ZERO OPEN SPACE WHERE 0.21 ACRES ARE REQUIRED FOR A SINGLE FAMILY
DEVELOPMENT adjacent to the southeast corner of Craig Road and Tioga Way (APN: 138-03-
302-001), U (Undeveloped) Zone [DR (Desert Rural Density Residential) General Plan
Designation] [PROPOSED: R-PD2 (Residential Planned Development - 2 Units Per Acre)],
Ward 4 (Brown). The Planning Commission (4-3 vote) and staff recommend DENIAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

5

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

RECOMMENDATION:

The Planning Commission (4-3 vote) and staff recommend DENIAL.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Back up referenced from the 6/24/2004 Planning Commission Item 30

MOTION:

BROWN – APPROVED subject to conditions – UNANIMOUS

MINUTES:

NOTE: See Item 116 [ZON-4219] for all related discussion.

(3:08 – 3:30)

4-2471

CONDITIONS:

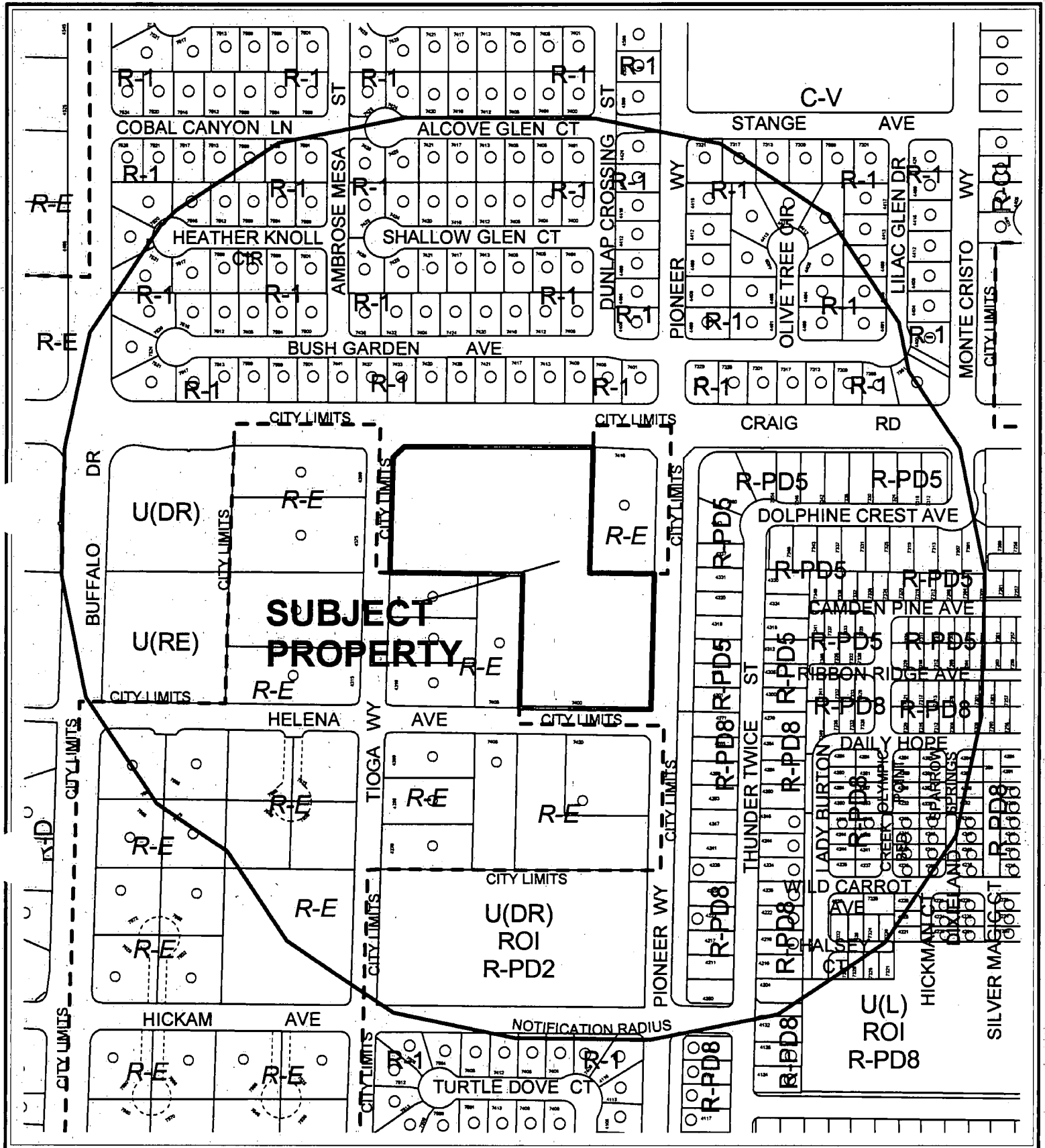
Planning and Development

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. In lieu of compliance with the open space requirements of Municipal Code 19.06.040, the developer will be allowed to make a contribution to the City of Las Vegas Parks CIP Fund in the amount of \$36,580.00 to be utilized by the City Council for improvements to existing public parks nearby. This contribution must be made to Land Development prior to approval of a Final Map; otherwise the developer is still required to comply with the Open Space requirement in accordance with Title 19 of the Las Vegas Municipal Code.

CITY COUNCIL MEETING OF JULY 21, 2004
Planning and Development Department
Item 117 – VAR-4520

CONDITIONS Continued:

3. Approval and conformance to the conditions of approval for rezoning ZON-4219.



CASE: VAR-4590

RADIUS: 750 FT

ZONING OF SUBJECT PROPERTY:

U (UNDEVELOPED) ZONE [DR (DESERT RURAL DENSITY RESIDENTIAL) GENERAL PLAN DESIGNATION]

PROPOSED ZONING OF SUBJECT PROPERTY:

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

0 200 400 Feet



AGENDA MEMO

CITY COUNCIL MEETING DATE: JULY 21, 2004

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: VAR-4590 - APPLICANT/OWNER: HORIZON HOMES, INC.

**** CONDITIONS ****

The Planning Commission (4-3 vote) and staff recommend DENIAL. If Approved, subject to:

Planning and Development

1. This Variance shall expire two years from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.
2. In lieu of compliance with the open space requirements of Municipal Code 19.06.040, the developer will be allowed to make a contribution to the City of Las Vegas Parks CIP Fund in the amount of \$36,580.00 to be utilized by the City Council for improvements to existing public parks nearby. This contribution must be made to Land Development prior to approval of a Final Map; otherwise the developer is still required to comply with the Open Space requirement in accordance with Title 19 of the Las Vegas Municipal Code.
3. Approval and conformance to the conditions of approval for rezoning ZON-4219.

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

This request is for a Variance to allow zero open space where 0.21 acres are required on 5.23 acres located adjacent to the southeast corner of Craig Road and Tioga Way.

Three other applications, a Rezoning (ZON-4219), a Site Development Plan Review (SDR-4222), and a Waiver of Title 18 (WVR-4596), were submitted as companion applications.

B) Applicant's Justification

It is the applicant's position that open space would be better placed in the back yards of the proposed homes instead of in a centrally located park.

BACKGROUND INFORMATION

A) Previous Actions

03/06/96	The City Council approved an Annexation (A-0024-95) of the subject property into the City of Las Vegas. The effective date was March 15, 1996.
09/12/02	The Planning Commission denied a request for a Special Use Permit (U-0107-02) for a commercial childcare center. Staff recommended denial.
05/13/04	The Planning Commission voted to hold this item in abeyance at the request of the applicant in order to schedule and hold a meeting with the area residents to discuss the project.
5/27/04	The Planning Commission abeyed a related Rezoning (ZON-4219) and Site Development Plan Review (SDR-4222) applications to allow the applicant an opportunity to work with City staff.
06/24/04	The Planning Commission recommended approval of a related Rezoning (ZON-4219); and recommended denial of a related Site Development Plan Review (SDR-4222) and Waiver (WVR-4596).
06/24/04	The Planning Commission voted 4-3 to recommend DENIAL (PC Agenda Item #30/kcw).

B) Pre-Application Meeting

A pre-application conference was not held for this application.

C) Neighborhood Meetings

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

DETAILS OF APPLICATION REQUEST

A) Site Area

Gross Acres: 5.23

B) Existing Land Use

Subject Property: Undeveloped
North: Single-Family Residence
South: Single-Family Residence
East: Undeveloped / Single-Family Residence
West: Single Family Residence

C) Planned Land Use

Subject Property: DR (Desert Rural Density Residential)
North: L (Low Density Residential)
South: R-E (Rural Estates Residential)
East: R-E (Rural Estates Residential)
West: L (Low Density Residential)

D) Existing Zoning

Subject Property: U (Undeveloped) [DR (Desert Rural Density Residential) General Plan Designation]
North: R-1 (Single Family Residential)
South: R-E (Rural Estates Residential)
East: R-PD5 (Residential Planned Development – 5 Units Per Acre)
West: R-E (Rural Estates Residential)

E) General Plan Compliance

The subject site is located within the Centennial Hills Sector of the General Plan with a DR (Desert Rural Density Residential) land use designation, which allows for single family homes on large lots, many including equestrian facilities. This rural environment allows up to two units per acre, as well as some noncommercial raising of domestic animals. The proposed R-PD2 (Residential Planned Development – 2 Units Per Acre) is technically consistent with the DR (Desert Rural Density Residential) General Plan designation, as the proposed density is 2.49 Units Per Acre. However, the small lots do not advance policies to preserve the integrity of the established residential neighborhoods.

<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

Rural Preservation Neighborhood

The southern portion of the site falls within a Rural Preservation Neighborhood 330-foot buffer zone. The Rural Preservation Neighborhood designated parcels surround the subject site and are located within Clark County. Nevada Revised Statute 278 limits residential development within this 330-foot buffer zone to an average density of three residential dwelling units per acre. The development's proposed density of 2.49 dwelling units per acre is within the parameters of the rural preservation neighborhood legislation.

County Notification

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

A) Zoning Code Compliance:

Open Space Standards

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

Total Acreage	Density	Ratio	Required		Provided	
			Percent	Area	Percent	Area
5.23 acres	2.49	1.65	4.11%	9363 SF	0%	0 SF

The proposed subdivision will have zero open space instead of the 9363 square feet required by Title 19.06.

B) General Analysis and Discussion

The subdivision will have zero open space instead of the 9363 square feet required. The applicant proposes that the each of the building lots supply separate open space. The excess land on each lot not covered by building is to be considered as open space.

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. The applicant has created a self-imposed hardship by over building the site. An alternative design of the subdivision, such as using one of the building lots as a private park, would allow conformance to the R-PD open space requirements of Title 19. In view of the absence of any hardships imposed by the site's physical characteristics, it is concluded that the applicant's hardship is preferential in nature, and it is thereby outside the realm of NRS Chapter 278 for granting of Variances.

NOTICES MAILED 207 by City Clerk

APPROVALS 0

PROTESTS 5



PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: VAR-4590 APN: 138-03-302-001Name of Property Owner: HORIZON HOMES, INC.Name of Applicant: HORIZON HOMES, INC.

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

 Yes X No

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

City Official: _____

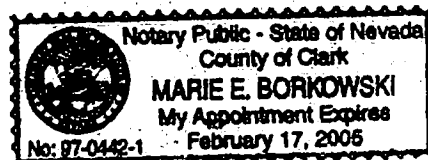
Partner(s): _____

APN: _____

Signature of Property Owner/Authorized Agent: _____

Print Name: LAWRENCE H. POWERS

Subscribed and sworn before me

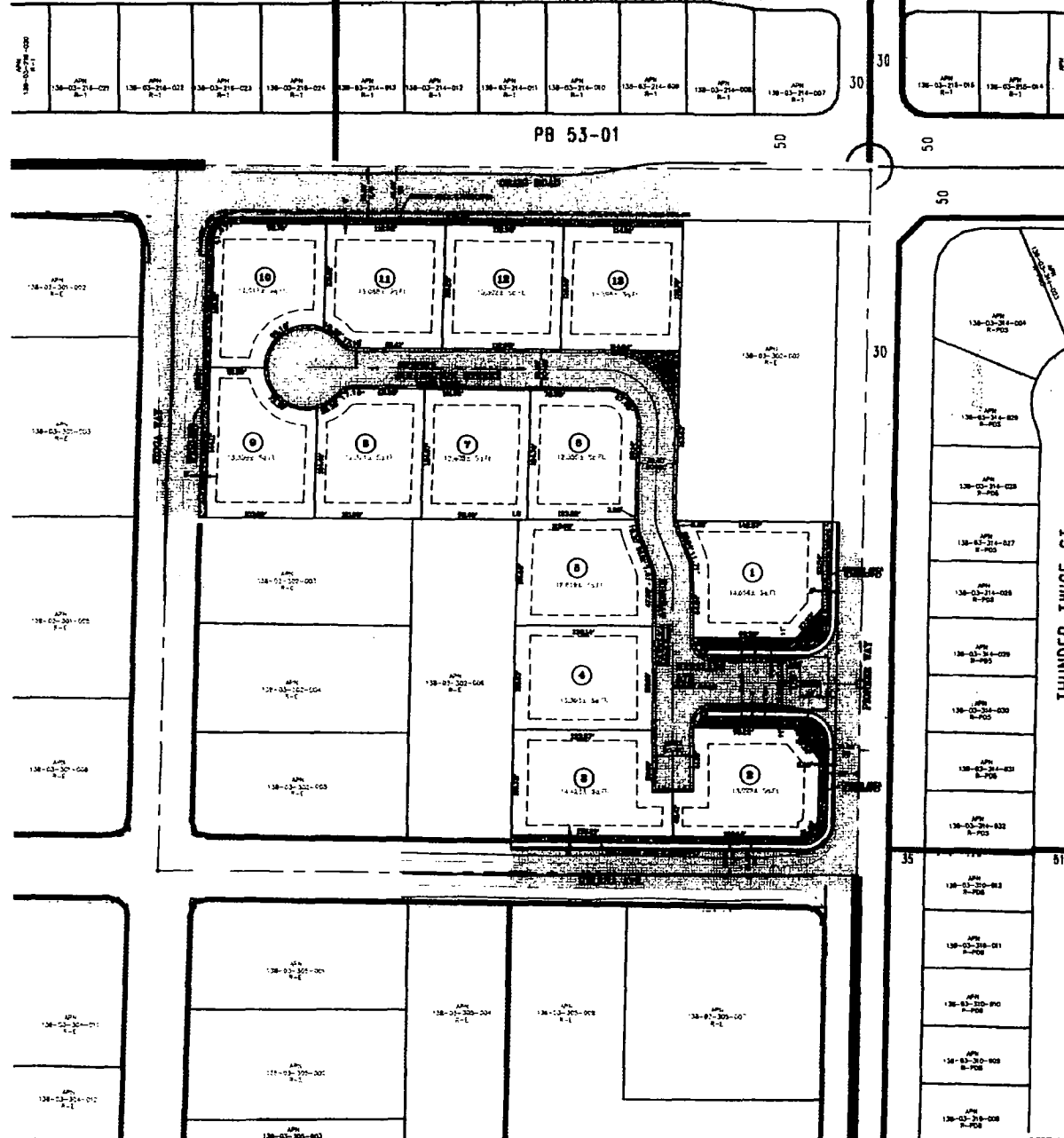
This 10TH day of MARCH, 2004Marie E. Borkowski
Notary Public in and for said County and State

SEDONA UNIT 7

BUSH GARDEN AVE

SEDONA UNIT 2

PB 53-01



SITE DATA

PROPOSED USE:	RPD-2 (UP TO 2.40 UPA)
AREA:	5.53 GROSS ACRES
CURRENT GEA PLAN DESIGNATION:	DESERT RURAL (DR)
PROPOSED GEA PLAN DESIGNATION:	DESERT RURAL (DR)
PROPOSED UNITS:	13
PROPOSED DENSITY:	2.40 UNITS/ACRE
MINIMUM LOT AREA:	12,501 SF
AVERAGE LOT AREA:	13,500 SF
MIN LOT WIDTH:	100'
MIN FRONT SETBACK:	20'
MIN SIDE YARD SETBACK:	5'
MIN CORNER SIDEYARD SETBACK:	5'
MIN REAR YARD SETBACK:	15'
MAX BUILDING HEIGHT:	2 STORIES OR 30' (WHICHEVER IS LESS)
BUILDING SIZE:	4420 SF - 4454 SF SINGLE STORY 4420 SF - 8226 SF 2 STORY
F.A.R.:	38.00 - 38.00
PARKING:	2 PARKING SPACES PER UNIT

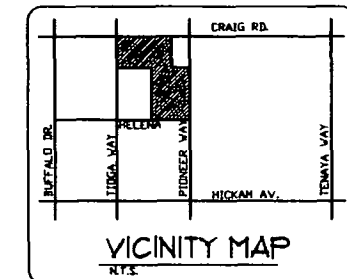
APN NUMBERS

APN 138-03-302-001

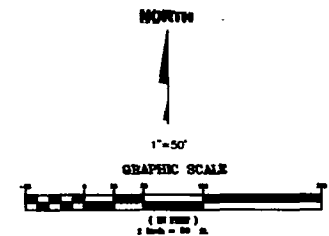
LEGEND

- SINGLE FAMILY RESIDENTIAL
- LANDSCAPING
- PAVEMENT

CLARK COUNTY APN
CITY OF LAS VEGAS APN



VAR-4590
6-24-04 PC



PROJECT NO. 04590

DATE: 06/24/04

DRAWN BY: J. CLEGG

CHECKED BY: K. CLEGG

TRC

Clark County Properties - Keith Clegg

BY Engineering Nevada

CRAIG AND TIOGA

CNC PROPERTIES - KEITH CLEGG

SITE PLAN

SHEET 1

OF 1 SHEET

PROJECT NO. XX-XX

GENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF: JULY 21, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER ☐ **CONSENT** ☒ **DISCUSSION**

SUBJECT:

WAIVER OF TITLE 18 RELATED TO ZON-4219 & VAR-4590 - PUBLIC HEARING - WVR-4596 - APPLICANT/ OWNER: HORIZON HOMES, INC. - Request for a waiver to Title 18.12.160 TO ALLOW APPROXIMATELY 180 FEET BETWEEN STREET INTERSECTIONS WHERE 220 FEET IS THE MINIMUM DISTANCE SEPARATION REQUIRED adjacent to the southeast corner of Craig Road and Tioga Way (APN: 138-03-302-001), U (Undeveloped) Zone [DR (Desert Rural Density Residential) General Plan Designation] [PROPOSED: R-PD2 (Residential Planned Development - 2 Units Per Acre)], Ward 4 (Brown). The Planning Commission (4-3 vote) and staff recommend DENIAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

2

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

RECOMMENDATION:

The Planning Commission (4-3 vote) and staff recommend DENIAL.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Back up referenced from the 6/24/2004 Planning Commission Item 31

MOTION:

BROWN – APPROVED subject to conditions – UNANIMOUS

MINUTES:

NOTE: See Item 116 [ZON-4219] for all related discussion.

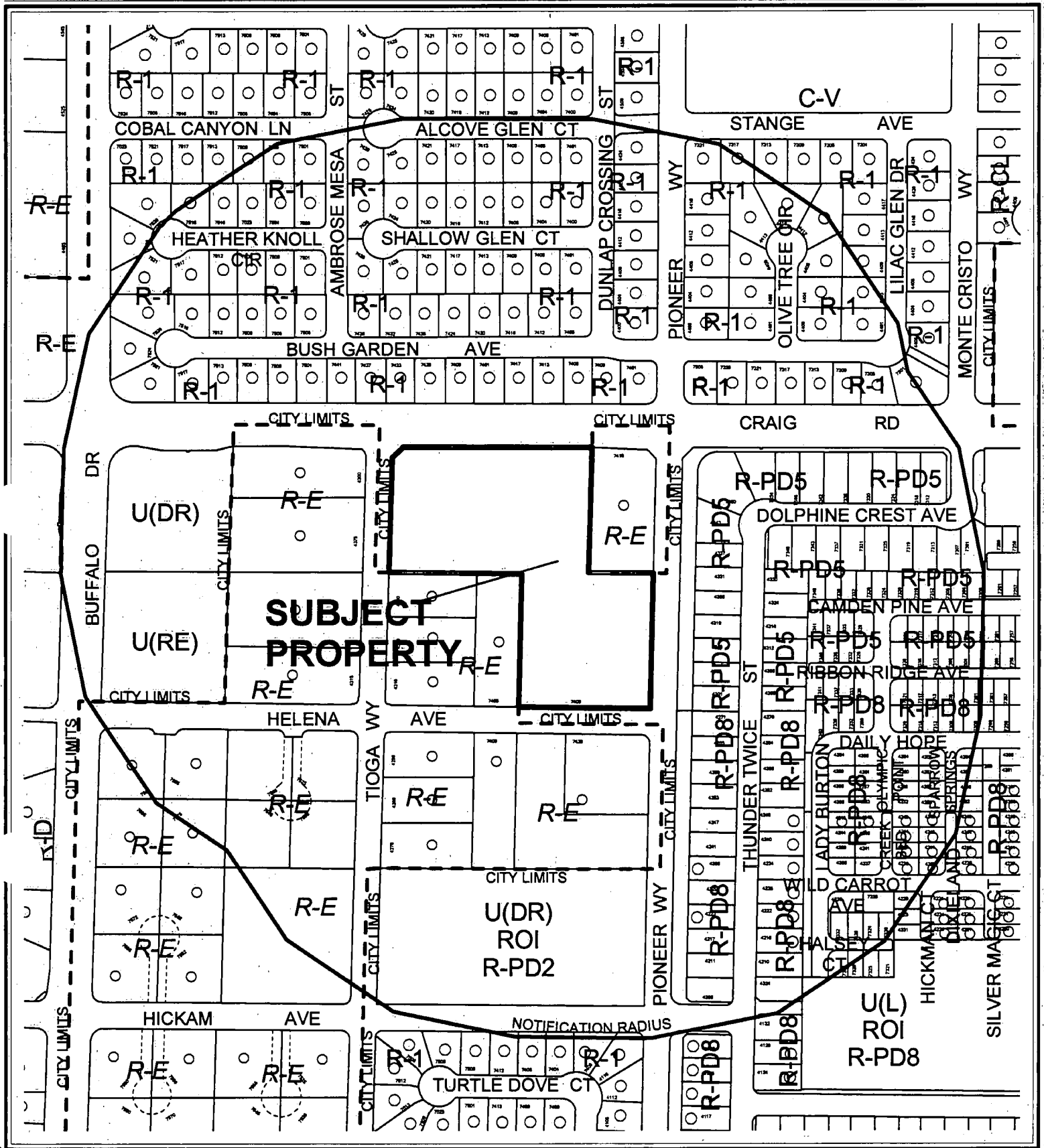
(3:08 – 3:30)

4-2471

CONDITIONS:

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Rezoning (ZON-4219), Variance (VAR-4590), and Site Development Plan Review (SDR-4222).
2. All City Code Requirements and all City Departments design standards shall be met, other than those waived or varied through this and companion applications.



CASE: WVR-4596

RADIUS: 750 FT

ZONING OF SUBJECT PROPERTY:

U (UNDEVELOPED) ZONE [DR (DESERT RURAL DENSITY RESIDENTIAL) GENERAL PLAN DESIGNATION]

PROPOSED ZONING OF SUBJECT PROPERTY:

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



AGENDA MEMO

CITY COUNCIL MEETING DATE: JULY 21, 2004

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: WVR-4596 - APPLICANT/ OWNER: HORIZON HOMES, INC.

**** CONDITIONS ****

The Planning Commission (4-3 vote) and staff recommend DENIAL. If Approved, subject to:

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Rezoning (ZON-4219), Variance (VAR-4590), and Site Development Plan Review (SDR-4222).
2. All City Code Requirements and all City Departments design standards shall be met, other than those waived or varied through this and companion applications.

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

This is a request for a Waiver of Title 18.12.160 to allow a 140-foot separation between intersections, where a minimum of 220 feet is required when providing external access from a subdivision to an existing street having a right-of-way width of 60 feet or more.

Companion applications for a Rezoning (ZON-4226), an open space Variance (VAR-4226), and a Site Development Plan Review for a 13-lot single-family development (SDR-4227) will be heard in conjunction with this waiver request.

B) Applicant's Justification

It is the applicant's position that after working with city staff and the neighbors this design was agreed on by all. Many weeks of planning and neighborhood meetings and sound engineering design went into the placement of the lots, roads, and other offsite improvements.

The applicant also indicates that reconfiguration of the access is not possible without substantially compromising the concept and design of the project.

BACKGROUND INFORMATION

A) Previous Actions

03/06/96	The City Council approved an Annexation (A-0024-95) of the subject property into the City of Las Vegas. The effective date was March 15, 1996.
09/12/02	The Planning Commission denied a request for a Special Use Permit (U-0107-02) for a commercial childcare center. Staff recommended denial.
5/27/04	The Planning Commission abeyed a related Site Development Plan Review application (SDR-4222) so the applicant could work with City staff.
06/24/04	The Planning Commission recommended approval of a related Rezoning (ZON-4219); and recommended denial of a related Site Development Plan Review (SDR-4222) and Variance (VAR-4590).
06/24/04	The Planning Commission voted 4-3 to recommend DENIAL (PC Agenda Item #30/kcw).

B) Pre-Application Meeting

A pre-application conference was not conducted for this request.

C) Neighborhood Meetings

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

DETAILS OF APPLICATION REQUEST

A) Site Area

Gross Acres: 5.23

B) Existing Land Use

Subject Property: Undeveloped
North: Single-Family Residence
South: Single-Family Residence
East: Undeveloped / Single-Family Residence
West: Single Family Residence

C) Planned Land Use

Subject Property: DR (Desert Rural Density Residential)
North: L (Low Density Residential)
South: R-E (Rural Estates Residential)
East: R-E (Rural Estates Residential)
West: L (Low Density Residential)

D) Existing Zoning

Subject Property: U (Undeveloped) [DR (Desert Rural Density Residential) General Plan Designation]
North: R-1 (Single Family Residential)
South: R-E (Rural Estates Residential)
East: R-PD5 (Residential Planned Development – 5 Units Per Acre)
West: R-E (Rural Estates Residential)

E) General Plan Compliance

The subject site is located within the Centennial Hills Sector of the General Plan with a DR (Desert Rural Density Residential) land use designation, which allows for single family homes on large lots, many including equestrian facilities. This rural environment allows up to two units per acre, as well as some noncommercial raising of domestic animals. The proposed R-PD2 (Residential Planned Development – 2 Units Per Acre) is technically consistent with the DR (Desert Rural Density Residential) General Plan designation, as the proposed density is 2.49 Units Per Acre. However, the small lots do not advance policies to preserve the integrity of the established residential neighborhoods.

PROJECT DESCRIPTION

The entrance to the proposed subdivision is planned to be approximately 180 feet north of the intersection of Helena Avenue, the southernmost boundary of the subdivision, and Pioneer Way, the easternmost boundary of the subdivision.

ANALYSIS

A) Code Compliance

A1) Development Standards

This report seeks to waive the requirements of the Subdivision Code with regard to the minimum distance required between the intersections of streets providing internal access to subdivisions with other streets of 60 feet or more in width. This requirement, found in Title 18.12.160, prescribes this minimum distance as 220 feet.

Specifically, Title 18.12.160 states:

“Any intersection of any street that provides external access from a subdivision to any existing or planned street abutting the subdivision which has a right-of-way of sixty feet or more shall be offset from any other intersection by at least two hundred and twenty feet, measured from centerline to centerline. Intersections of streets providing service internally within a subdivision, where they do not intersect arterial or major streets, shall be offset a minimum of one hundred twenty five feet.”

The applicant will demonstrate that the design will still allow adequate stacking and turning movements between the entrances and the Pioneer Way/ Helena Avenue intersection. The requested separation represents a 19% reduction in the minimum standard.

FINDINGS

The hardship generating the request for the Waiver is real, given the shape and location of the parcel and scale of the project. But since the Site Development Plan Review is not being supported the recommendation for this Waiver request will have to be also a denial.

NOTICES MAILED 167 by Planning Department

APPROVALS 0

PROTESTS 2



PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **WVR-4596** APN: **138-03-302-001**

Name of Property Owner: HORIZON HOMES, INC.

Name of Applicant: HORIZON HOMES INC.

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

Yes

Q 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: _____

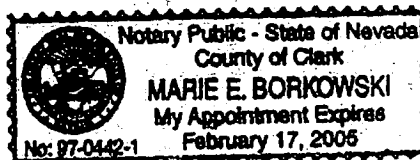
Signature of Property Owner/Authorized Agent:

Print Name: LAWRENCE H. POWERS

Subscribed and sworn before me

This 10TH day of MARCH, 2004

Notary Public in and for said County and State



SEDONA UNIT 2

50

100-2-1 (UP TO 2.00 UPA)
 5.63 ACRES ACROSS
 CEMENT PAVEMENT (200)
 CEMENT PAVEMENT (200)
 13
 2.40 UNITS/ACRE
 12,321 SF
 13,220 SF
 100'
 20'
 3'
 3'
 15'
 2 STORIES OR 30' (WHICHEVER IS LESS)
 4430 - - 4484 OF SINGLE STORY
 4436 - - 4438 OF 2 STORY
 30.00 - 30.00
 2 PARKING SPACES PER UNIT

(100 FT)
1 inch = 50 ft

CNC PROPT	SHEET 1 1 OF 1 SHEET PROJECT ID 0000-0000

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF: JULY 21, 2004**DEPARTMENT: PLANNING & DEVELOPMENT****DIRECTOR:** ROBERT S. GENZER ☐ CONSENT ☒ DISCUSSION**SUBJECT:**

SITE DEVELOPMENT PLAN REVIEW RELATED TO ZON-4219, VAR-4590 AND WVR-4596 - PUBLIC HEARING - **SDR-4222 - APPLICANT/OWNER: HORIZON HOMES, INC.** - Request for a Site Development Plan Review FOR A 13-LOT SINGLE FAMILY RESIDENTIAL DEVELOPMENT on 5.23 acres adjacent to the southeast corner of Craig Road and Tioga Way (APN: 138-03-302-001), U (Undeveloped) Zone [DR (Desert Rural Density Residential) General Plan Designation] [PROPOSED: R-PD2 (Residential Planned Development - 2 Units Per Acre)], Ward 4 (Brown). The Planning Commission (4-3 vote) and staff recommend DENIAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

5

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

1

RECOMMENDATION:

The Planning Commission (4-3 vote) and staff recommend DENIAL.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Back up referenced from the 6/24/2004 Planning Commission Item 29

MOTION:

BROWN – APPROVED subject to conditions and adding the following conditions:

- *The rear walls on lots shown on the submitted site plan as lots 8 and 9 to be eight feet in height.*
- *The rear walls on the lots shown on the submitted site plan as 3,4,5 and 7 shall be six feet in height.*
- *The homes built on the submitted site plan as 4,5,7,8,9 and 13 are limited to single story.*
- *The home built on the submitted site plan as lot 1 shall have view obscuring glass on the second story windows facing north.*
- *All property buyers shall be given disclosure statements that adjacent properties have the right to keep certain animals such as horses pursuant to Clark County ordinances.*

– UNANIMOUS

MINUTES:

NOTE: See Item 116 [ZON-4219] for all related discussion.

(3:08 – 3:30)

4-2471

CITY COUNCIL MEETING OF JULY 21, 2004
Planning and Development Department
Item 119 – SDR-4222

CONDITIONS:

Planning and Development

1. A Rezoning (ZON-4219), Variance (VAR-4590), and Waiver (WVR-4596) approved by the City Council.
2. All development shall be in conformance with the site plan and building elevations, date stamped 07/21/04, except as amended by conditions herein.
3. No turf shall be permitted in the non-recreational common areas, such as medians and amenity zones.
4. 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.
5. The standards for this development shall include the following: minimum lot size of 12,321 square feet, minimum distance between buildings of 6 feet, lot coverage shall not exceed 38.5%, and building height shall not exceed two stories or 35 feet, whichever is less.
6. The setbacks for this development shall be a minimum of 20 feet to the front of the house, 3 feet on the side, 3 feet on the corner side, and 15 feet in the rear.
7. 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 of four five-gallon and four 1-gallon shrubs for each tree within provided planters.
8. Air conditioning units shall not be mounted on rooftops.
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.

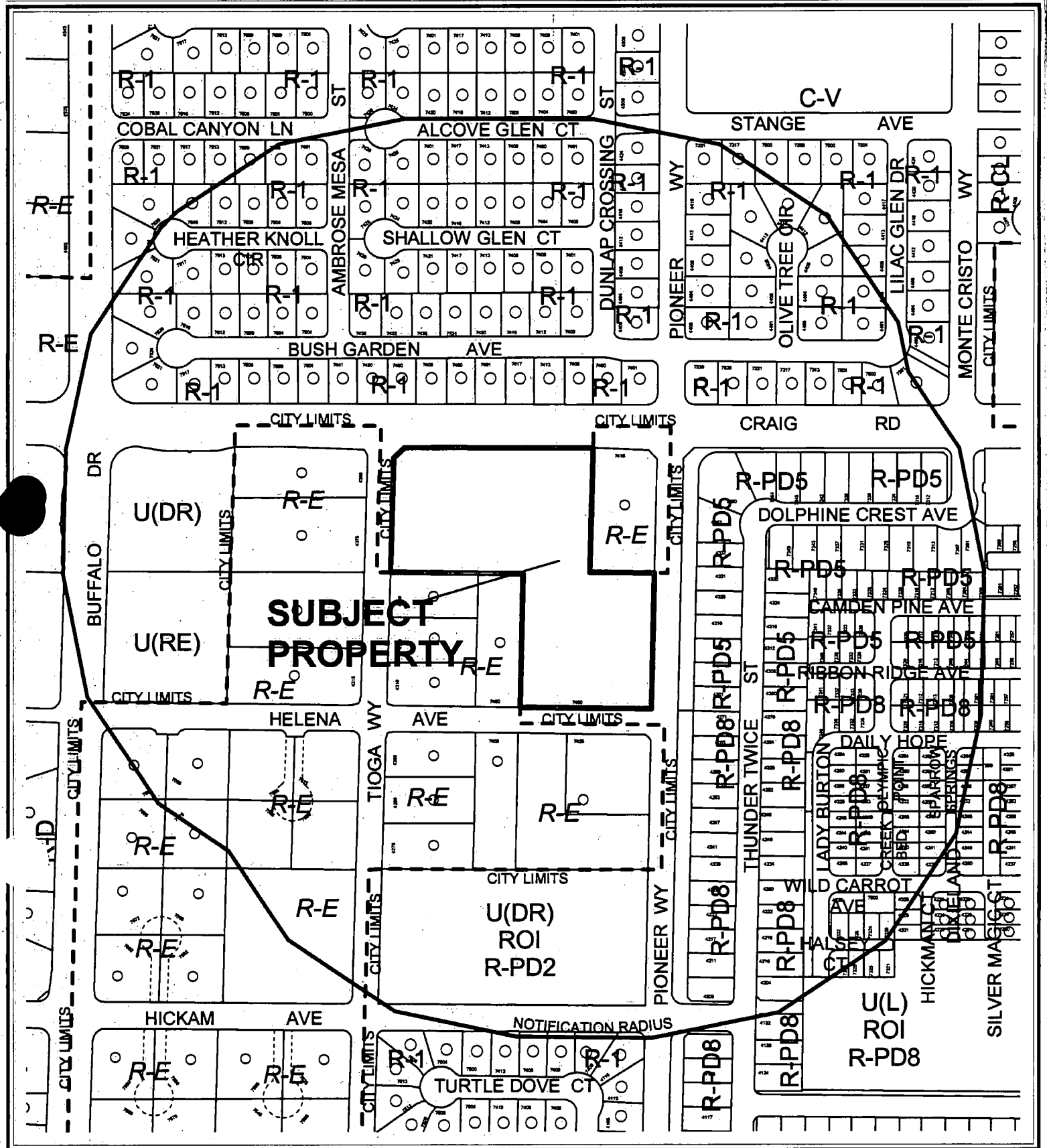
Public Works

12. Gated entry drives, if proposed, shall be designed, located and constructed in accordance with Standard Drawing #222A.

CITY COUNCIL MEETING OF JULY 21, 2004
Planning and Development Department
Item 119 – SDR-4222

CONDITIONS Continued:

13. A Homeowner's Association shall be established to maintain all perimeter walls, private roadways, landscaping and common areas created with this development. All landscaping shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.
14. Meet with the Fire Protection Engineering Section of the Department of Fire Services prior to submittal of a Tentative Map for this site. The design and layout of all onsite private circulation and access drives shall meet the approval of the Department of Fire Services.
15. Site development to comply with all applicable conditions of approval for Zoning Reclassification ZON-4219 and all other subsequent site-related actions.
16. The final layout of the subdivision shall be determined at the time of approval of the Tentative Map.
17. 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. We note that Pavelka Avenue is shown without a knuckle, therefore does not meet City Standards.



CASE: SDR-4222

RADIUS: 750 FT

ZONING OF SUBJECT PROPERTY:

U (UNDEVELOPED) ZONE [DR (DESERT RURAL DENSITY RESIDENTIAL) GENERAL PLAN DESIGNATION]

PROPOSED ZONING OF SUBJECT PROPERTY:

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



AGENDA MEMO

CITY COUNCIL MEETING DATE: JULY 21, 2004

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: SDR-4222 - APPLICANT/OWNER: HORIZON HOMES, INC.

**** CONDITIONS ****

The Planning Commission (4-3 vote) and staff recommend DENIAL. If Approved, subject to:

Planning and Development

1. A Rezoning (ZON-4219), Variance (VAR-4590), and Waiver (WVR-4596) approved by the City Council.
2. All development shall be in conformance with the site plan and building elevations, date stamped 07/21/04, except as amended by conditions herein.
3. No turf shall be permitted in the non-recreational common areas, such as medians and amenity zones.
4. 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.
5. The standards for this development shall include the following: minimum lot size of 12,321 square feet, minimum distance between buildings of 6 feet, lot coverage shall not exceed 38.5%, and building height shall not exceed two stories or 35 feet, whichever is less.
6. The setbacks for this development shall be a minimum of 20 feet to the front of the house, 3 feet on the side, 3 feet on the corner side, and 15 feet in the rear.
7. 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 of four five-gallon and four 1-gallon shrubs for each tree within provided planters.
8. Air conditioning units shall not be mounted on rooftops.
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.

Public Works

12. Gated entry drives, if proposed, shall be designed, located and constructed in accordance with Standard Drawing #222A.
13. A Homeowner's Association shall be established to maintain all perimeter walls, private roadways, landscaping and common areas created with this development. All landscaping shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.
14. Meet with the Fire Protection Engineering Section of the Department of Fire Services prior to submittal of a Tentative Map for this site. The design and layout of all onsite private circulation and access drives shall meet the approval of the Department of Fire Services.
15. Site development to comply with all applicable conditions of approval for Zoning Reclassification ZON-4219 and all other subsequent site-related actions.
16. The final layout of the subdivision shall be determined at the time of approval of the Tentative Map.
17. 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. We note that Pavelka Avenue is shown without a knuckle, therefore does not meet City Standards.

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

The request is for a Site Development Plan Review for a 13 lot single-family residential development on 5.23 acres adjacent to the southeast corner of Craig Road and Tioga Way.

A companion Rezoning (ZON-4219), a Waiver (WVR-4596), and a Variance (VAR-4590) will be considered concurrently with this application.

B) Applicant's Justification

The applicant will work with staff and surrounding neighbors to create a neighborhood that would be beneficial for the area.

BACKGROUND INFORMATION

A) Previous Actions

03/06/96	The City Council approved an Annexation (A-0024-95) of the subject property into the City of Las Vegas. The effective date was March 15, 1996.
09/12/02	The Planning Commission denied a request for a Special Use Permit (U-0107-02) for a commercial childcare center. Staff recommended denial.
05/13/04	The Planning Commission voted to hold this item in abeyance at the request of the applicant in order to schedule and hold a meeting with the area residents to discuss the project.
05/27/04	The Planning Commission voted to hold this item in abeyance in an effort to provide the applicant an opportunity to work with City staff.
06/24/04	The Planning Commission recommended approval of a related Rezoning (ZON-4219); and denial of a related Variance (VAR-4590) and Waiver (WVR-4596).
06/24/04	The Planning Commission voted 4-3 to recommend DENIAL (PC Agenda Item #29/kcw).

B) Pre-Application Meeting

03/08/04	Elements of a Site Development Plan Review application were discussed.

C) *Neighborhood Meetings*

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

DETAILS OF APPLICATION REQUEST

A) *Site Area*

Gross Acres: 5.23

B) *Existing Land Use*

Subject Property: Undeveloped
North: Single-Family Residence
South: Single-Family Residence
East: Undeveloped / Single-Family Residence
West: Single Family Residence

C) *Planned Land Use*

Subject Property: DR (Desert Rural Density Residential)
North: L (Low Density Residential)
South: R-E (Rural Estates Residential)
East: R-E (Rural Estates Residential)
West: L (Low Density Residential)

D) *Existing Zoning*

Subject Property: U (Undeveloped) [DR (Desert Rural Density Residential) General Plan Designation]
North: R-1 (Single Family Residential District)
South: R-E (Rural Estates Residential)
East: R-PD5 (Residential Planned Development – 5 Units Per Acre)
West: R-E (Rural Estates Residential)

E) *General Plan Compliance*

The subject site is located within the Centennial Hills Sector of the General Plan with a DR (Desert Rural Density Residential) land use designation, which allows for single family homes on large lots, many including equestrian facilities. This rural environment allows up to two units per acre, as well as some noncommercial raising of domestic animals. The proposed zoning district is R-PD2 (Residential Planned Development – 2 Units Per Acre). The submitted site plan does not keep with the rural intent of the DR designation and is therefore not consistent with 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

Rural Preservation Neighborhood

The southern portion of the site falls within a Rural Preservation Neighborhood 330-foot buffer zone. The Rural Preservation Neighborhood designated parcels surround the subject site and are located within Clark County. Nevada Revised Statute 278 limits residential development within this 330-foot buffer zone to an average density of three residential dwelling units per acre. The development's proposed density of 2.49 dwelling units per acre is within the parameters of the rural preservation neighborhood legislation.

PROJECT DESCRIPTION

The proposed development is located at the southwest corner of Pioneer Way and Craig Road, a 100 foot wide Arterial on the Master Plan of Streets and Highways. A single entrance on Pioneer Way will access the subdivision. It is proposed to be a gated 13 lot single-family subdivision with the lots ranging in size from 12,321 square feet up to 14,058 square feet. The single street in the subdivision is proposed to be private.

ANALYSIS

A) Zoning Code Compliance

A1) Development Standards

Pursuant to the proposed Site Development Plan Review, the following Development Standards apply to the subject proposal:

Standards	Provided
Min. Lot Size	12,321 sq. ft.
Min. Lot Width	100 ft
Min. Setbacks	
• Front	20 ft
• Side	3 ft
• Corner	3 ft
• Rear	15 ft
Max. Lot Coverage	38.5%

Max. Building Height	2 stories or 35 ft, which ever is less
Trash Enclosure	N/A
Loading Zone	N/A
Mech. Equipment	Screened
Other ...	

The application and proposed development conforms to the Title 19 standards of R-PD development. If approved, these standards will be attached as conditions of this project.

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	N/A	N/A	N/A
Buffer:			
• Min. Trees	1 Trees/ 30 Linear Feet	40 Trees	42 Trees
• Min. Zone Width	6 Feet		6 feet
• Wall height	6 Feet		Not Shown
• Shrubs	4- 1 gallon, 4-5 gallon per tree or 320 shrubs		220 shrubs

The proposal meets the requirements for landscaping except for the number of shrubs required per individual tree. The applicant proposes 100 less shrubs. A condition has been added to require a new landscaping plan that will show the addition shrubs.

Pursuant to Title 19.06, the following Open Space Standards, "Density (Units per Acre to the nearest 10th, x 1.65= the percentage of land that will be open space", apply to the subject proposal:

Total Acreage	Density	Required			Provided	
		Ratio	Percent	Area	Percent	Area
5.23 acres	2.49	1.65	4.1%	9,341 SF	0 %	0 SF

The proposal does not meet the requirement for open space. A companion Variance application (VAR-4590) has been filed, as a companion application to this site plan review, to address the issues.

B) General Analysis and Discussion

- Zoning

The proposed density of 2.49 dwelling units per acre (DUA) is consistent with the Desert Rural Density Residential General Plan designation.

- Site Plan

The site plan shows lots that are similar in with to those to the west. The lots are larger than those in subdivisions to north and east of the site. The lot sizes proposed are mid-range between the development to east and north and large lots to the southwest.

The applicant does not show the open space required for an R-PD development. A condition has been added to require a redesign of the subdivision to provide the proper amount of open space.

- Waivers

The applicant is not requesting waivers with their application.

- Landscape Plan

The landscape plan shows the proper location and number of buffer trees along the streets. The plan does not show the one gallon shrubs that are required in the buffer strips. A condition has been added requiring a redesign of the landscaping plan that shows all of the trees and shrubs that are required by Title 19.

- Elevation

The elevations show home designs that are typical in the Las Vegas valley.

- Floor Plan

The proposed floor plans reflect the typical designs that are common around the city.

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 12,000 lots, compared to those to the northeast and those to the southwest, do not represent a proper transition from between the two established areas to the northeast and southwest. The proposal therefore is not compatible to the neighboring development, particularly the large lot development to the southwest. Lots with a minimum lot size of 15,000 square feet minimum would be more appropriate on this site as a transition between the development to the northeast and southwest.

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

The proposed development is consistent with current standards, plans and policies of the City except for the open space standards of Title 19. The applicant proposes that no open space be provided within the subdivision. This is inconsistent with the concept of giving the flexibility of design that is possible with the R-PD zoning district.

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

This development will not have a negative impact on the adjacent streets and neighborhood traffic.

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

The materials proposed for the development is typical for area, therefore they are appropriate for the area.

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

The exteriors proposed for the development are typical for area; therefore they are harmonious and compatible for the area.

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

The building and site will be subject to inspection prior to obtaining a Certificate of Occupancy and therefore the public health, safety, and general welfare will be safeguarded.

PLANNING COMMISSION ACTION

At the Planning Commission hearing there were two protesting neighbors and one supporter. The Planning Commission's motion for approval which failed, included the following modifications:

- Homes on lots 1, 4-9 and 13 shall be limited to single story.
- There shall be obscured glass or clerestory windows only on the 2nd story of the home built on lots 3 and 6 on the side facing adjacent structures.
- Notification shall be made to all buyers by the developer or succeeding Homeowner's Association regarding the presence of horses and other livestock on the adjoining properties.

NOTICES MAILED 167 by Planning Department

APPROVALS 1

PROTESTS 5



PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: SDR-4222 APN: 138-03-302-001

Name of Property Owner: HORIZON HOMES, INC.

Name of Applicant: HORIZON HOMES INC.

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

Yes

4 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: _____

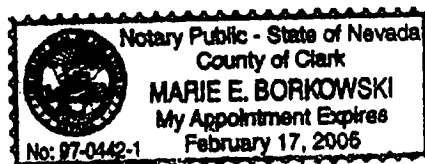
Signature of Property Owner/Authorized Agent:

Print Name: LAWRENCE H. POWERS

Subscribed and sworn before me

This 10TH day of MARCH, 2004

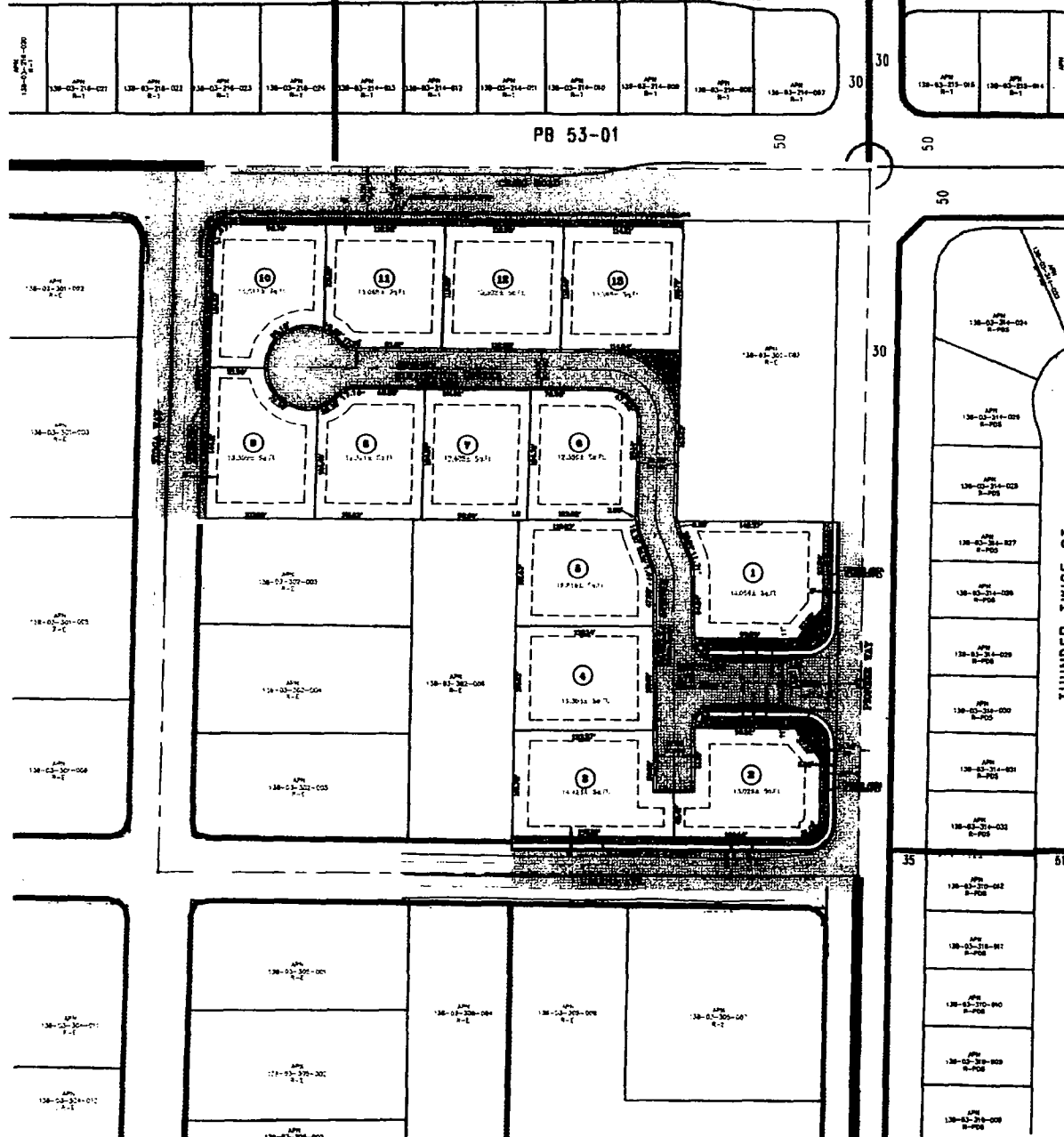
Marie C. Roebuck
Notary Public in and for said County and State



SEDONA UNIT 7

BUSH GARDEN AVE

SEDONA UNIT 2



SITE DATA

PROPOSED USE:	RPD-2 (UP TO 2.49 UPA)
AREA:	4.83 GROSS ACRES
CURRENT GEN. PLAN DESIGNATION:	DESERT RURAL (DR)
PROPOSED GEN. PLAN DESIGNATION:	DESERT RURAL (DR)
PROPOSED LOTS:	13
PROPOSED DENSITY:	2.49 UNITS/ACRE
MINIMUM LOT AREA:	13,220 SF
AVERAGE LOT AREA:	100'
MIN LOT WIDTH:	30'
MIN FRONT SETBACK:	5'
MIN SIDE YARD SETBACK:	5'
MIN CORNER SETBACK:	5'
MIN REAR YARD SETBACK:	15'
MAX BUILDING HEIGHT:	2 STORIES OR 30' (WHICHEVER IS LESS)
BUILDING SIZE:	4430 SF - 4484 SF SINGLE STORY 4430 SF - 8228 SF 2 STORY
P.A.R.:	30.00 - 30.00
PARKING:	2 PARKING SPACES PER UNIT

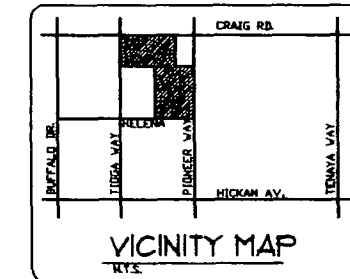
APN NUMBERS

APN 138-02-302-001

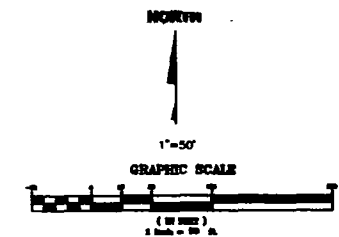
LEGEND

- SINGLE FAMILY RESIDENTIAL
- LANDSCAPING
- PAVEMENT

CLARK COUNTY APN
CITY OF LAS VEGAS APN



ZON-4219
SDR-4222
6-24-04 PC



PREP BY:	DR. SM.
DESIGN:	DR.
DRAWN:	DR.
CHECKED:	DR.
DATE:	12/15/03
SCALE:	AS SHOWN
PROJECT:	

TRC
CNC Properties - Keith Clegg
BY Engineering Methods

CRAIG AND TIoga
CNC PROPERTIES - KEITH CLEGG
SITE PLAN
SHEET
1 OF 1 SHEETS
PROJECT ID
XX-XX

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF: JULY 21, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER ☐ **CONSENT** ☒ **DISCUSSION**

SUBJECT:

REZONING - PUBLIC HEARING - ZON-4288 - APPLICANT/OWNER: WEST EDNA ASSOCIATION, LIMITED PROFIT SHARING PLAN & THE 1981 MARTIN FAMILY TRUST - Request for a Rezoning FROM: R-E (RESIDENCE ESTATES) TO: C-1 (LIMITED COMMERCIAL) on 0.97 acres adjacent to the southeast corner of Jones Boulevard and Verde Way (APN: 125-36-402-011), Ward 6 (Mack). Staff recommends DENIAL. The Planning Commission (7-0 vote) recommends APPROVAL.

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

1

RECOMMENDATION:

Staff recommends DENIAL. The Planning Commission (7-0 vote) recommends APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Submitted at City Council – Letter of approval from Francisco Rodriguez

MOTION:

MACK – APPROVED subject to conditions – UNANIMOUS

MINUTES:

MAYOR GOODMAN declared the Public Hearing open on Item 120 [ZON-4288], Item 121 [SUP-4289] and Item 122 [SDR-4291].

JENNIFER LAZOVICH, 3800 Howard Hughes Parkway, appeared on behalf of the applicant. Using the overhead, she pointed out the property and explained the request is to allow the applicant to build an RV and boat storage facility onto the existing mini storage facility, which is located on property zoned Service Commercial. She indicated access would be made from Jones Boulevard not Verde Way. MS. LAZOVICH indicated the applicant met with the neighbor to the east of the site and explained the proposal. She submitted a letter of approval from the resident and explained they did not have a problem with the wall height and lack of landscaping.

CITY COUNCIL MEETING OF JULY 21, 2004
Planning and Development Department
Item 120 – ZON-4288

MINUTES Continued:

COUNCILMAN MACK stated the Storage One facility conforms to the General Plan and would be a nice amenity for the Lone Mountain/Jones Boulevard area. He thanked the applicant for working with the adjacent neighbors and getting the approval letter from them.

No one appeared in opposition.

MAYOR GOODMAN declared the Public Hearing closed on Item 120 [ZON-4288], Item 121 [SUP-4289] and Item 122 [SDR-4291].

NOTE: All discussion for Item 120 [ZON-4288], Item 121 [SUP-4289] and Item 122 [SDR-4291] was held under Item 120 [ZON-4288].

(3:35 – 3:38)

5-153

CONDITIONS:

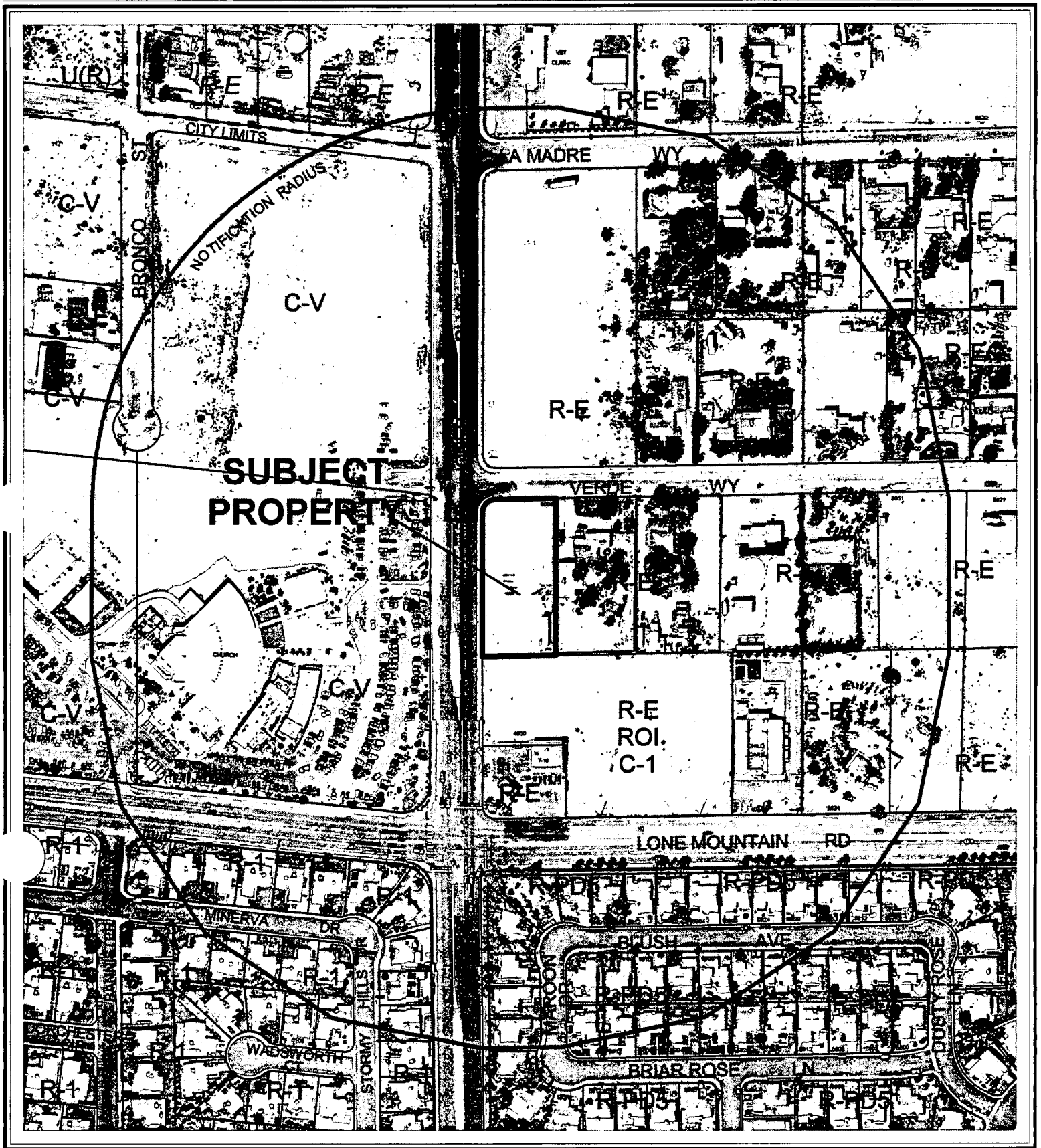
Planning and Development

1. A Resolution of Intent with a two-year time limit.
2. Approval of a Site Development Plan Review (SDR-4291) and Special Use Permit (SUP-4289) 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. Construct half-street improvements including appropriate over-paving on Verde Way 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. 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).
4. Remove all substandard public street improvements, if any, adjacent to this site on Jones Boulevard and replace with new improvements meeting current City Standards concurrent with on-site development activities.
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 drainage ways as recommended in the approved drainage plan/study.





CASE: ZON-4288

RADIUS: 750 FT

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

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

0 200 400 Feet



AGENDA MEMO

CITY COUNCIL MEETING DATE: JULY 21, 2004

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: ZON-4288 - APPLICANT/OWNER: WEST EDNA ASSOCIATION, LIMITED PROFIT SHARING PLAN & THE 1981 MARTIN FAMILY TRUST

**** CONDITIONS ****

Staff recommends DENIAL. The Planning Commission (7-0 vote) recommended APPROVAL, subject to:

Planning and Development

1. A Resolution of Intent with a two-year time limit.
2. Approval of a Site Development Plan Review (SDR-4291) and Special Use Permit (SUP-4289) 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. Construct half-street improvements including appropriate over-paving on Verde Way 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. 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).
4. Remove all substandard public street improvements, if any, adjacent to this site on Jones Boulevard and replace with new improvements meeting current City Standards concurrent with on-site development activities.
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 drainage ways as recommended in the approved drainage plan/study.

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

The applicant is requesting a rezoning of the subject parcel from R-E (Residence Estates) to C-1 (Limited Commercial). This Rezoning application is being heard concurrently with a Special Use Permit (SUP-4289) and Site Development Plan Review (SDR-4291), to allow Recreational Vehicle & Boat Storage on 0.97 acres located at the southeast corner of the intersection of Jones Boulevard and Verde Way.

B) Applicant's Justification

The applicant's justification for the Rezoning (ZON-4288) is that the requested reclassification of the parcel to C-1 (Limited Commercial) is compatible with the city's General Plan designation of SC (Service Commercial).

BACKGROUND INFORMATION

A) Previous Actions

1964	This property was annexed into the City of Las Vegas (A-63-64).
05/24/99	The City Council approved a Rezoning to C-1 (Limited Commercial) for a mini-storage facility on the property directly to the south (Z-0010-99).
05/27/04	The Planning Commission voted to hold this item in abeyance in an effort to provide the applicant an opportunity to work with staff.
06/24/04	The Planning Commission recommended approval of related items (SUP-4289 and SDR-4291).
06/24/04	The Planning Commission voted 7-0 to recommend APPROVAL (PC Agenda Item #32/pl).

B) Pre-Application Meeting

03/25/04	During the pre-application conference all three applications (ZON-4288, SUP-4289, and SDR-4291) were discussed. Notes specifically concerning the rezoning application state, that the General Plan designation is SC (Service Commercial), and that the request is compliant with the General Plan.

C) Neighborhood Meetings

A neighborhood meeting is not required for this application.

DETAILS OF APPLICATION REQUEST

A) Site Area

Gross Acres: 0.97

B) Existing Land Use

Subject Property: Vacant Residential Lot
North: Vacant Residential Lot
South: Proposed Mini-warehouse Facility
East: Single Family Residence
West: Church (Christian Canyon Ridge)

C) Planned Land Use

Subject Property: SC (Service Commercial)
North: R (Rural Density Residential)
South: SC (Service Commercial)
East: SC (Service Commercial)
West: PF (Public Facility)

D) Existing Zoning

Subject Property: R-E (Residence Estates)
North: R-E (Residence Estates)
South: R-E (Residence Estates) ROI to C-1 (Limited Commercial)
East: R-E (Residence Estates)
West: C-V (Civic)

E) General Plan Compliance

The subject parcel is designated SC (Service Commercial) within the Centennial Hills Interlocal Land Use Plan Map as part of the City of Las Vegas General Plan. The requested C-1 (Limited Commercial) zoning is in conformance with 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	
County/North Las Vegas/HOA Notification		X
Development Impact Notification Assessment		X
Project of Regional Significance		X

Rural Preservation Neighborhood:

The subject site falls within a Rural Preservation Neighborhood 330-foot buffer zone, as well as within a 330-foot buffer zone of an existing boulevard that is more than 99 feet wide (Jones Boulevard, a 100 Primary Arterial). The Rural Preservation Neighborhood designated parcels are approximately 150 feet to the east of the subject site and are located within the City of Las Vegas and Clark County. NRS 278 limits residential development within this 330-foot buffer zone to an average density of three residential dwelling units per acre. However, the Nevada Revised Statute 278 is set to terminate before this application will be heard by the City Council.

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 C-1 (Limited Commercial) conforms to the General Plan designation SC (Service Commercial), however the site is located within an established rural neighborhood and would have a detrimental effect on the quality of life of the residences. Also, there are other permitted uses, such as office, that would have lesser impacts to the integrity of this area of the City.

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 recreational vehicle & boat storage use on this site would not be compatible with the surrounding rural neighborhood. Even though there exists an approved mini-warehouse facility to the south of this parcel, the extension of such a use into the adjacent rural neighborhood would have a negative effect.

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

The surrounding area is composed of primarily developed single-family residences, the remainder of development in the area is that of the Canyon Ridge Church and the two parcels used for general retail and services. The reclassification of the subject parcel to C-1 (Limited Commercial) would not be appropriate.

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."

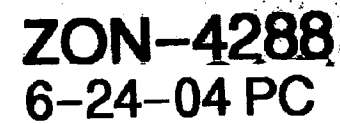
Access to the site will be accomplished via an existing drive way located on the southern adjacent parcel that leads traffic onto Jones Boulevard, a 100-foot Primary Arterial. The parcel consists of only one other proposed access point, which is actually an emergency fire crash gate onto Verde Way, a 60-foot right-of-way. The access to the site will be adequate to meet the proposed zoning district requirements.

NOTICES MAILED 70 by Planning Department

APPROVALS 1

PROTESTS 0

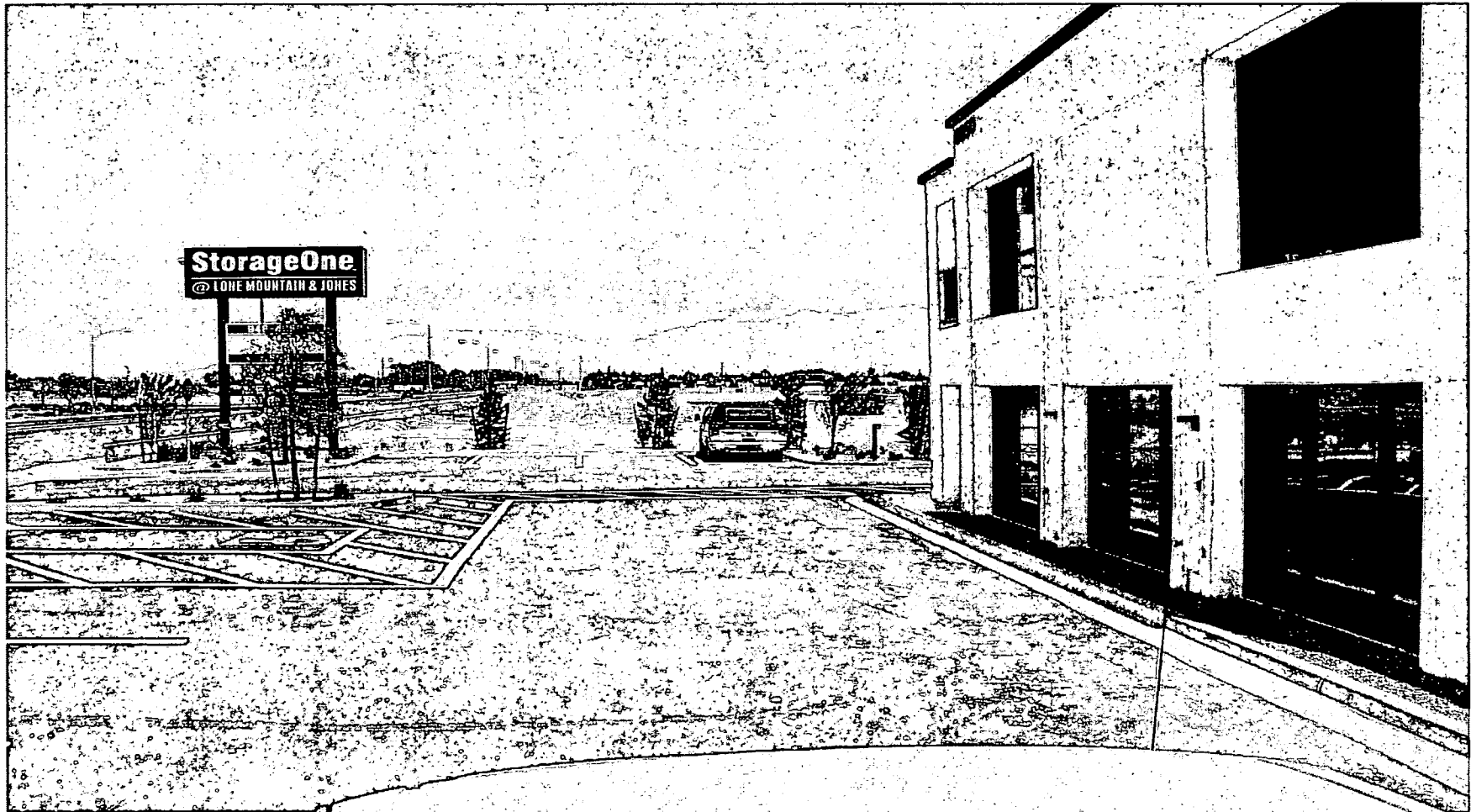






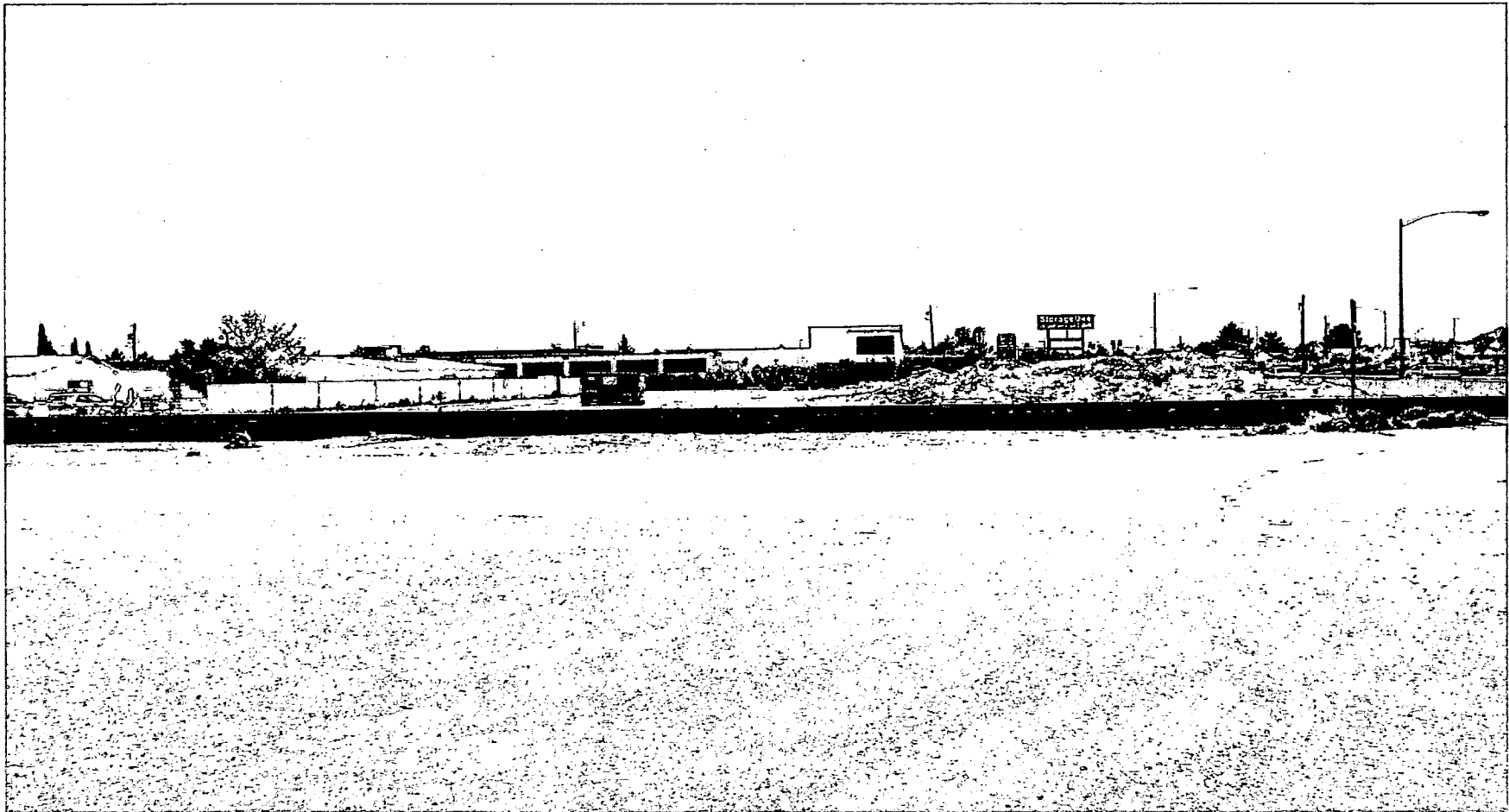
ZON-4288 - APPLICANT/OWNER: WEST EDNA ASSOCIATION, LIMITED PROFIT SHARING PLAN &
THE 1981 MARTIN FAMILY TRUST
SOUTHEAST CORNER OF JONES BOULEVARD AND VERDE WAY
JUNE 24, 2004 PLANNING COMMISSION

4/30/04



ZON-4288 - APPLICANT/OWNER: WEST EDNA ASSOCIATION, LIMITED PROFIT SHARING PLAN &
THE 1981 MARTIN FAMILY TRUST
SOUTHEAST CORNER OF JONES BOULEVARD AND VERDE WAY
JUNE 24, 2004 PLANNING COMMISSION

4/30/04



ZON-4288 - APPLICANT/OWNER: WEST EDNA ASSOCIATION, LIMITED PROFIT SHARING PLAN &
THE 1981 MARTIN FAMILY TRUST
SOUTHEAST CORNER OF JONES BOULEVARD AND VERDE WAY
JUNE 24, 2004 PLANNING COMMISSION

4/30/04

April 8, 2004

City of Las Vegas
Planning Commission & City Council
400 E. Stewart Street
Las Vegas, Nevada

Subject: Proposed Lone Mountain Mini Storage & RV Parking Project located on the
Southeast corner of Jones Blvd. and Verde Way

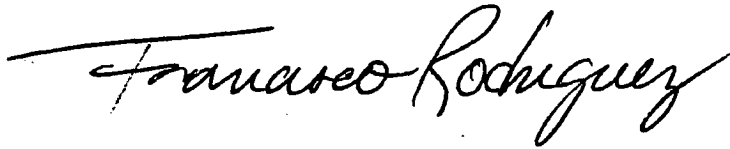
Dear Commissioners & Council members:

We are the property owners presently residing at 6099 W. Verde Way, Las Vegas, Nevada 89130, also described as Assessor's Parcel Number 125-36-402-012. We have met with the proposed project's representative, Mr. Guy Martin. Mr. Martin has explained the need to increase the wall height to between 10 to 13 feet, reduce the setback, and waive the landscaping on the property line common to our respective properties.

We have no objection to the granting of the request for increased wall height, reduced setbacks and waiver of landscaping.

Very truly yours,

Francisco Rodriguez



Irene Rodriguez
6099 W. Verde Way
Las Vegas, Nevada 89130-2166

Submitted at City Council

Date 7/21/04 Item 120/22

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF: JULY 21, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER ☐ **CONSENT** ☒ **DISCUSSION**

SUBJECT:

SPECIAL USE PERMIT RELATED TO ZON-4288 - PUBLIC HEARING - SUP-4289 -
**APPLICANT/OWNER: WEST EDNA ASSOCIATION, LIMITED PROFIT SHARING
PLAN & THE 1981 MARTIN FAMILY TRUST** - Request for a Special Use Permit FOR A
RECREATIONAL VEHICLE AND BOAT STORAGE FACILITY on 0.97 acres adjacent to the
southeast corner of Jones Boulevard and Verde Way (APN: 125-36-402-011), R-E (Residence
Estates) Zone [PROPOSED: C-1 (Limited Commercial)], Ward 6 (Mack). Staff recommends
DENIAL. The Planning Commission (7-0 vote) recommends APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

1

RECOMMENDATION:

Staff recommends DENIAL. The Planning Commission (7-0 vote) recommends APPROVAL,
subject to conditions.

BACKUP DOCUMENTATION:

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

MOTION:

MACK – APPROVED subject to conditions – UNANIMOUS

MINUTES:

NOTE: See Item 120 [ZON-4288] for all related discussion.

(3:35 – 3:38)

5-153

CONDITIONS:

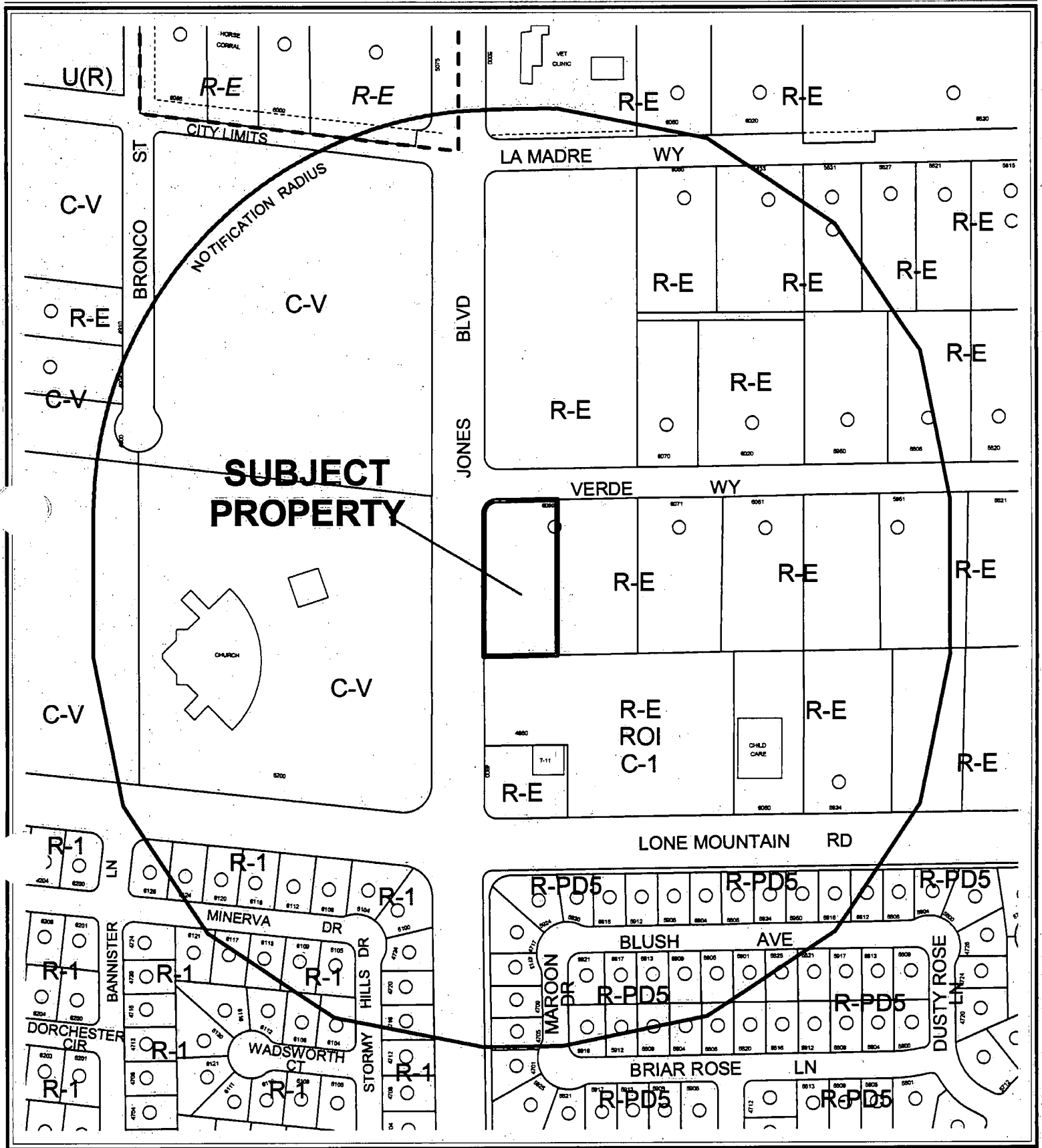
Planning and Development

1. Storage of recreational vehicles and boats is not permitted within required setbacks or
buffer areas.
2. Storage areas that are not screened by an intervening building shall be screened
completely from view from any public street by a screening device at least eight feet in
height. In addition, storage areas shall be screened completely from view from any
adjoining property by a screening device at least eight feet in height, except along the
property line of any adjoining property that is zoned C-M or M.

CITY COUNCIL MEETING OF JULY 21, 2004
Planning and Development Department
Item 121 – SUP-4289

CONDITIONS Continued:

3. The commercial repair of recreational vehicles, boats, trailer and other like vehicles is prohibited.
4. Approval of and conformance to the Conditions of Approval for Rezoning (ZON-4288) and Site Development Plan Review (SDR-4291).
5. 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.



CASE: SUP-4289

RADIUS: 750 FT

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

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

AGENDA MEMO

CITY COUNCIL MEETING DATE: JULY 21, 2004
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: SUP-4289 - APPLICANT/OWNER: WEST EDNA
ASSOCIATION LIMITED PROFIT SHARING PLAN & THE 1981 MARTIN FAMILY
TRUST

**** CONDITIONS ****

Staff recommends DENIAL. The Planning Commission (7-0 vote) recommends APPROVAL, subject to:

Planning and Development

1. Storage of recreational vehicles and boats is not permitted within required setbacks or buffer areas.
2. Storage areas that are not screened by an intervening building shall be screened completely from view from any public street by a screening device at least eight feet in height. In addition, storage areas shall be screened completely from view from any adjoining property by a screening device at least eight feet in height, except along the property line of any adjoining property that is zoned C-M or M.
3. The commercial repair of recreational vehicles, boats, trailer and other like vehicles is prohibited.
4. Approval of and conformance to the Conditions of Approval for Rezoning (ZON-4288) and Site Development Plan Review (SDR-4291).
5. 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.

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

The applicant is requesting a Special Use Permit for Recreational Vehicle & Boat Storage on 0.97 acres adjacent to the southeast corner of Jones Boulevard and Verde Way. The applicant is also requesting a waiver of condition #1 of the Recreational Vehicle and Boat Storage permissible use requirements. The Special Use Permit (SUP-4289) is being heard concurrently with a Rezoning (ZON-4288) and Site Development Plan Review (SDR-4291).

B) Applicant's Justification

The applicant's justification for the Special Use Permit (SUP-4289) is that in order for the proposed use to operate within the proposed C-1 (Limited Commercial) zoning district it will require a Special Use Permit. The applicant also states that to use the site most efficiently it will require the construction of the canopies and storage of the vehicles within the required setbacks. The applicant further states that there will be no boat or RV repair allowed at the facility.

BACKGROUND INFORMATION

A) Previous Actions

1964	This property was annexed into the City of Las Vegas (A-63-64).
05/24/99	The City Council approved a Rezoning to C-1 (Limited Commercial) for a mini-storage facility on the property directly to the south (Z-0010-99).
05/27/04	The Planning Commission voted to hold this item in abeyance in an effort to provide the applicant an opportunity to work with staff.
06/24/04	The Planning Commission recommended approval of related items (ZON-4288 and SDR-4291).
06/24/04	The Planning Commission voted 7-0 to recommend APPROVAL (PC Agenda Item #33/pl).

B) Pre-Application Meeting

03/25/04	During the pre-application conference all three applications (ZON-4288, SUP-4289, and SDR-4291) were discussed. Notes specifically concerning the special use permit include the overview of the conditions of approval of a recreational vehicle & boat storage facility. In addition the applicant was advised that they would have to request a waiver of condition #1 based upon the proposed site plan.

C) Neighborhood Meetings

A neighborhood meeting is not required for this application.

DETAILS OF APPLICATION REQUEST

A) Site Area

Gross Acres: 0.97

B) Existing Land Use

Subject Property: Vacant Residential Lot
 North: Vacant Residential Lot
 South: Proposed Mini-warehouse Facility
 East: Single Family Residence
 West: Church (Christian Canyon Ridge)

C) Planned Land Use

Subject Property: SC (Service Commercial)
 North: R (Rural Density Residential)
 South: SC (Service Commercial)
 East: SC (Service Commercial)
 West: PF (Public Facility)

D) Existing Zoning

Subject Property: R-E (Residence Estates)
 North: R-E (Residence Estates)
 South: R-E (Residence Estates) under Resolution of Intent to C-1 (Limited Commercial)
 East: R-E (Residence Estates)
 West: C-V (Civic)

E) General Plan Compliance

The subject parcel is designated SC (Service Commercial) within the Centennial Hills Interlocal Land Use Plan Map as part of the City of Las Vegas General Plan. The requested C-1 (Limited Commercial) zoning is in conformance with the General Plan. Recreational vehicle and Boat Storage is permitted with 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

Rural Preservation Neighborhood:

The subject site falls within a Rural Preservation Neighborhood 330-foot buffer zone, as well as the 330-foot buffer zone of an existing boulevard that is more than 99 feet wide (Jones Boulevard, a 100 Primary Arterial). The Rural Preservation Neighborhood designated parcels are approximately 150 feet to the east of the subject site and are located within the City of Las Vegas and Clark County. Nevada Revised Statute 278 limits residential development within this 330-foot buffer zone to an average density of three residential dwelling units per acre. However, the Nevada Revised Statute 278 is set to terminate before this application will be heard by the City Council.

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
Recreation Vehicle and Boat Storage	52 RV Spaces	One space for every fifty storage spaces, spread throughout the development. In addition, a minimum of five spaces shall be provided for customers on the exterior side of the security fence.	6	1	2	0

Parking standards and deficiencies will be discussed as part of the Site Development Plan Review (SDR-4291).

A2) Minimum Distance Separation Requirements

There are no Minimum Separation Distance Requirements in the Zoning Code that apply to the proposed recreational vehicle and boat storage use; however, this use will be an extension of and accessed through an approved mini-warehouse facility located to the immediate south of the property.

B) General Analysis and Discussion

- Zoning

Recreational Vehicle and Boat Storage is permitted in the C-1 (Limited Commercial) zoning district by means of a Special Use Permit. There are a number of requirements set forth in Title 19.08.050, Special Use Permits, for this type of use. The following requirements must be met for this use:

1. Storage of recreational vehicles is not permitted within required setbacks and buffer areas.
2. Storage areas that are not screened by an intervening building shall be screened completely from view from any public street by a screening device at least eight feet in height. In addition, storage areas shall be screened completely from view from any adjoining property by a screening device at least eight feet in height, except along the property line of any adjoining property that is zoned C-M (Commercial/Industrial) or M (Industrial).
3. The commercial repair of recreational vehicles, boats, trailers and other like vehicles is prohibited.

The applicant is requesting relief from Condition #1, so as to maximize the available space on the site.

- Use

The proposed Recreational Vehicle and Boat Storage is within the range of uses allowed with the C-1 (Limited Commercial) zoning district with approval of a Special Use Permit.

FINDINGS

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

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

The proposed Recreational Vehicle and Boat Storage cannot be conducted in a manner that is harmonious or compatible with the surrounding residential land uses as it has been determined that the zoning is not appropriate for the site.

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

The subject site is not physically suitable for the type and intensity of the land use proposed as evidenced by the requested waivers to encroach into the setbacks and landscaping requirements.

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.”**

Jones Boulevard is a 100-foot wide primary arterial roadway. The parcel consists of only one other proposed access point, which is actually an emergency fire crash gate onto Verde Way, a 60-foot right-of-way. The roadway will be of adequate capacity to accommodate the expected needs of the proposed recreational vehicle and boat storage use in conjunction with a proposed mini-warehouse facility. However, the zoning is not compatible with the surrounding 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 recreational vehicle and boat storage will be inconsistent with the overall objectives of the General Plan in that it will have a negative impact on the quality of life of the surrounding rural neighborhood. Therefore, we find the proposed use to be inappropriate for the site.

PLANNING COMMISSION ACTION

The Planning Commission voted to approve the Special Use Permit believing it to be compatible with the surrounding neighborhood.

NOTICES MAILED 72 by City Clerk

APPROVALS 1

PROTESTS 0



STATEMENT OF FINANCIAL INTEREST

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

Yes ☐ No ☒

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

City Official: _____

Partner(s): _____

APN: _____

Signature of Property Owner/Authorized Agent:

Print Name:

Subscribed and sworn before me

This 8 day of April, 2004

Tanya Luviga
Notary Public in and for said County and State



PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **SUP-4289** APN: 125-360-402-011
 Name of Property Owner: West Edna Assoc. LTD Profit Sharing Plan
THE 1981 MARTIN FAMILY TRUST, Frank & Bonnie
Martin, Trustees
 Name of Applicant: same as owners

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: _____

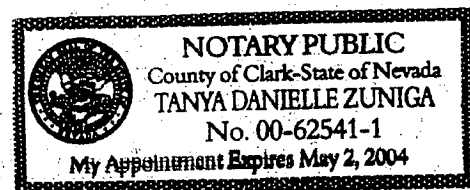
Signature of Property Owner/Authorized Agent:

Print Name: Dennis Nelson

Subscribed and sworn before me

This 8 day of April, 2004

Tanya Lunga
Notary Public in and for said County and State





ACREAGE: 10000+ 0.00 = 0000
SYSTEMS ZONE: B-6
PROPOSED ZONE: C-1
NUMBER OF RV SPACES: 02
APR 125-38-003-01 (TO BE COMBINED WITH 125-38-003-000)

NAME _____
 ADDRESS _____
 PHONE NO. _____
 ORDER DATE _____
 ORDER COUNTRY _____
 ORDER DATE, TIME _____
 ORDER NO. _____

G.C. WALLACE, INC.
Engineers/Planners/Surveyors

**LONG MOUNTAIN REEF STORAGE
RV PARKING
MARTIN HARRIS CONSTRUCTION
SITE PLAN**

C-1

1 of 1 SHI

LONE MOUNTAIN RD.
(PUBLIC)

JONES BLVD.
(PUBLIC)

VERDE WAY
JOURNAL

C-V
CHURCH
"PT" GPD

C-V
VACANT
PF GPD

Call before you Dig.
1-800-277-2600



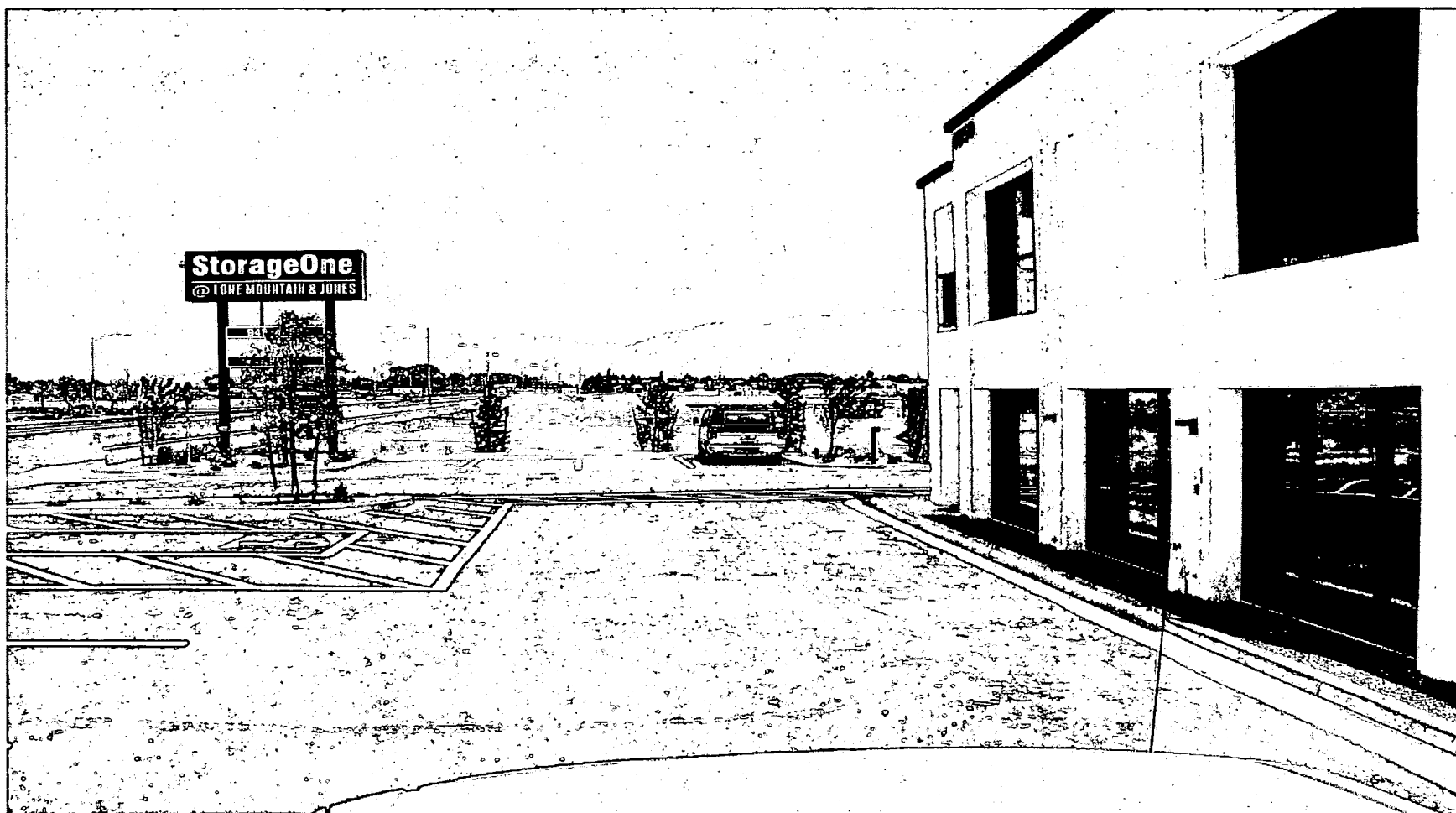
THE WIRE SPACING COMPANY
CALL TOLL FREE
1-800-451-1111
1-702-583-6111

SUP-4289
6-24-04 PC



SUP-4289 - APPLICANT/OWNER: WEST EDNA ASSOCIATION, LIMITED PROFIT SHARING PLAN & THE
1981 MARTIN FAMILY TRUST
SOUTHEAST CORNER OF JONES BOULEVARD AND VERDE WAY
JUNE 24, 2004 PLANNING COMMISSION

4/30/04



SUP-4289 - APPLICANT/OWNER: WEST EDNA ASSOCIATION, LIMITED PROFIT SHARING PLAN & THE
1981 MARTIN FAMILY TRUST
SOUTHEAST CORNER OF JONES BOULEVARD AND VERDE WAY
JUNE 24, 2004 PLANNING COMMISSION

4/30/04

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF: JULY 21, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER ☐ **CONSENT** ☒ **DISCUSSION**

SUBJECT:

SITE DEVELOPMENT PLAN REVIEW RELATED TO ZON-4288 AND SUP-4289 - PUBLIC HEARING - SDR-4291 - APPLICANT/OWNER: WEST EDNA ASSOCIATION, LIMITED PROFIT SHARING PLAN & THE 1981 MARTIN FAMILY TRUST - Request for a Site Development Plan Review and WAIVERS OF THE LANDSCAPING AND COMMERCIAL REQUIREMENTS FOR A RECREATIONAL VEHICLE AND BOAT STORAGE FACILITY on 0.97 acres adjacent to the southeast corner of Jones Boulevard and Verde Way (APN: 125-36-402-011), R-E (Residence Estates) Zone [PROPOSED: C-1 (Limited Commercial)], Ward 6 (Mack). Staff recommends DENIAL. The Planning Commission (7-0 vote) recommends APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

1

RECOMMENDATION:

Staff recommends DENIAL. The Planning Commission (7-0 vote) recommends APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

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

MOTION:

MACK – APPROVED subject to conditions – UNANIMOUS

MINUTES:

NOTE: See Item 120 [ZON-4288] for all related discussion.
(3:35 – 3:38)

5-153

CONDITIONS:

Planning and Development

1. A Rezoning (ZON-4288) to a C-1 (Limited Commercial) Zoning District and a Special Use Permit (SUP-4289) 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.

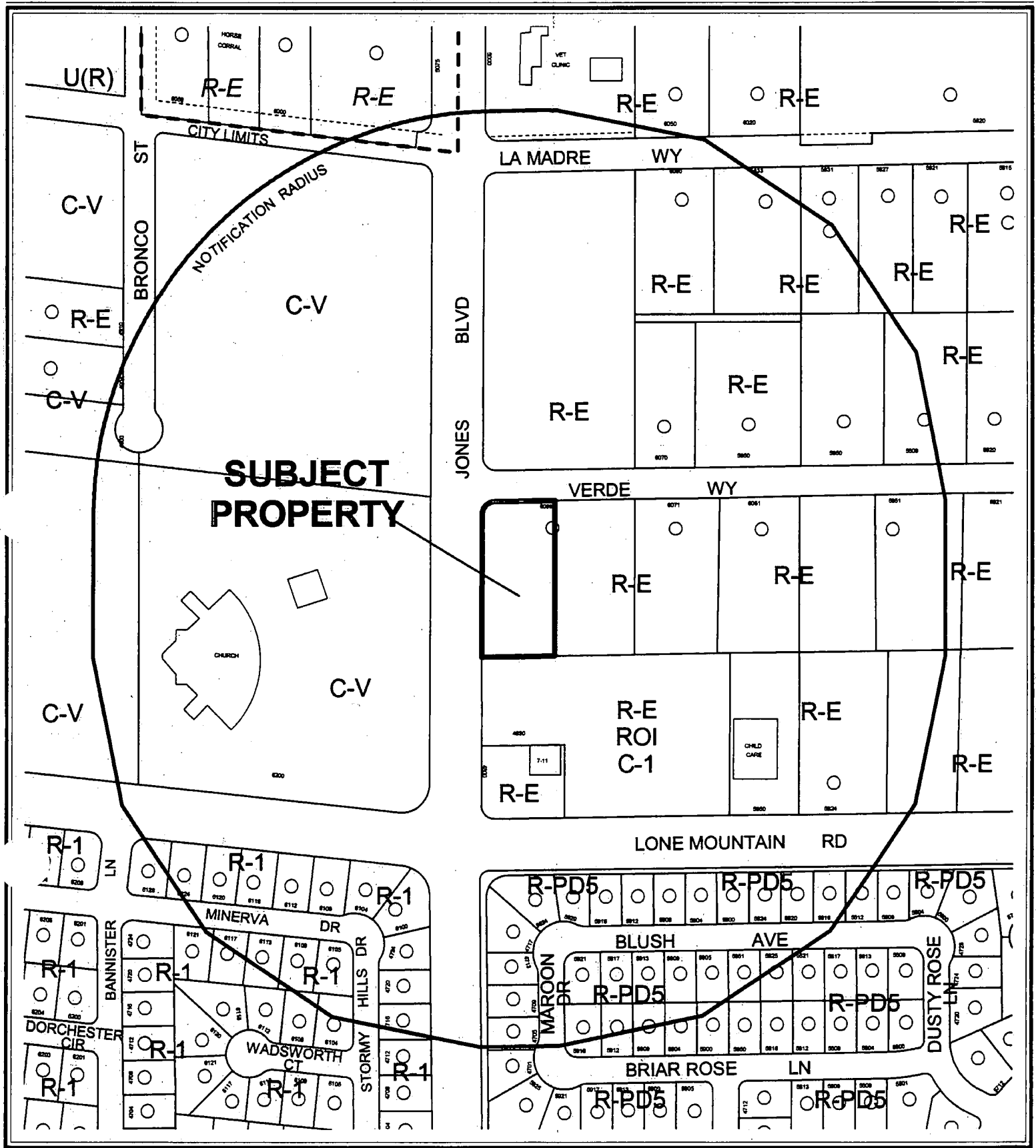
CITY COUNCIL MEETING OF JULY 21, 2004
Planning and Development Department
Item 122 – SDR-4291

CONDITIONS Continued:

3. The landscape planter along Jones Boulevard shall consist of 24-inch box trees a minimum of 20 feet on center and the landscape planter along Verde Way shall consist of 24-inch box trees a minimum of 20 feet on center both with a minimum of four five-gallon and four one-gallon shrubs for each tree within the provided planters as required by the Commercial Design Standards.
4. All development shall be in conformance with the site plan and building elevations, date stamped July 7, 2004, except as amended by conditions herein.
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. All mechanical equipment, air conditioners and trash areas shall be fully screened from the abutting streets.
7. 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.
8. All utility boxes exceeding 27 cubic feet in size shall meet the standards of Title 19.12.050.
9. Any property line wall shall be a decorative block wall, with at least 20 percent contrasting materials. Wall heights shall be measured from the side of the fence with the least vertical exposure above the finished grade, unless otherwise stipulated.
10. All City Code requirements and design standards of all City departments must be satisfied.

Public Works

11. Provide a copy of a recorded Joint Access Agreement between this site and the adjoining parcel to the south prior to the issuance of any permits.
12. Site development to comply with all applicable conditions of approval for ZON-4288 and all other subsequent site-related actions.



CASE: SDR-4291

RADIUS: 750 FT

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

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



AGENDA MEMO

CITY COUNCIL MEETING DATE: JULY 21, 2004
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: SDR-4291 - APPLICANT/OWNER: WEST EDNA ASSOCIATION, LIMITED PROFIT SHARING PLAN & THE 1981 MARTIN FAMILY TRUST

**** CONDITIONS ****

Staff recommends DENIAL. The Planning Commission (7-0 vote) recommends APPROVAL, subject to:

Planning and Development

1. A Rezoning (ZON-4288) to a C-1 (Limited Commercial) Zoning District and a Special Use Permit (SUP-4289) approved by the City Council.
2. This Site Development Plan Review shall expire two years from date of final approval unless it is exercised or an Extension of Time is granted by the City Council.
3. The landscape planter along Jones Boulevard shall consist of 24-inch box trees a minimum of 20 feet on center and the landscape planter along Verde Way shall consist of 24-inch box trees a minimum of 20 feet on center both with a minimum of four five-gallon and four one-gallon shrubs for each tree within the provided planters as required by the Commercial Design Standards.
4. All development shall be in conformance with the site plan and building elevations, date stamped July 7, 2004, except as amended by conditions herein.
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. All mechanical equipment, air conditioners and trash areas shall be fully screened from the abutting streets.
7. 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.
8. All utility boxes exceeding 27 cubic feet in size shall meet the standards of Title 19.12.050.

9. Any property line wall shall be a decorative block wall, with at least 20 percent contrasting materials. Wall heights shall be measured from the side of the fence with the least vertical exposure above the finished grade, unless otherwise stipulated.
10. All City Code requirements and design standards of all City departments must be satisfied.

Public Works

11. Provide a copy of a recorded Joint Access Agreement between this site and the adjoining parcel to the south prior to the issuance of any permits.
12. Site development to comply with all applicable conditions of approval for ZON-4288 and all other subsequent site-related actions.

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

The applicant is requesting a Site Development Plan Review for a proposed 52-space Recreational Vehicle and Boat Storage facility on 0.97 acres located at the southeast corner of Jones Boulevard and Verde Way. The request includes several waivers of Title 19.08.045 Commercial District Development Standards. They are as follows:

1. Reduce landscaping to zero feet where 8' is required along the eastern property line.
2. Allow the canopies to encroach into the setback along the east property line.
3. Reduce landscaping to 10' where 15' is required along Jones Boulevard.

Companion Rezoning (ZON-4288) and Special Use Permit (SUP-4289) applications were filed with this Site Development Plan review request.

B) Applicant's Justification

The applicant states that the proposed use will be an extension of the recently constructed mini-warehouse facility located to the south of the subject site. Additionally, the applicant claims the in order to promote a secure and efficient, the developer is requesting waiver of the Commercial District Development Standards. The applicant reports he has worked with and gained the support of the adjacent property owner.

BACKGROUND INFORMATION

A) Previous Actions

1964	This property was annexed into the City of Las Vegas (A-63-64).
05/24/99	The City Council approved a Rezoning to C-1 (Limited Commercial) for a mini-storage facility on the property directly to the south (Z-0010-99).
05/27/04	The Planning Commission voted to hold this item in abeyance in an effort to provide the applicant an opportunity to work with staff.
06/24/04	The Planning Commission recommended approval of related items (ZON-4288 and SUP-4289).

06/24/04 The Planning Commission voted 7-0 to recommend APPROVAL (PC Agenda Item #34/pl).

B) Pre-Application Meeting

03/25/04 During the pre-application conference all three applications (ZON-4288, SUP-4289, and SDR-4291) were discussed. Notes specifically concerning the Site Development Plan Review focused on the need for a waiver of the required landscaping buffers along Jones Boulevard and Verde Way, as well as along the eastern property line. Parking standards for the proposed use and proper details to be illustrated on the site plan were discussed.

C) Neighborhood Meetings

A neighborhood meeting is not required for this application, but the applicant was advised to conduct one as if it were required on April 28, 2004.

DETAILS OF APPLICATION REQUEST

A) Site Area

Gross Acres: 0.97

B) Existing Land Use

Subject Property: Vacant Residential Lot
North: Vacant Residential Lot
South: Proposed Mini-warehouse Facility
East: Single Family Residence
West: Church (Christian Canyon Ridge)

C) Planned Land Use

Subject Property: SC (Service Commercial)
North: R (Rural Density Residential)
South: SC (Service Commercial)
East: SC (Service Commercial)
West: PF (Public Facility)

D) Existing Zoning

Subject Property: R-E (Residence Estates)
North: R-E (Residence Estates)
South: R-E (Residence Estates) under Resolution of Intent to C-1 (Limited Commercial)
East: R-E (Residence Estates)
West: C-V (Civic)

E) General Plan Compliance

The subject parcel is designated SC (Service Commercial) within the Centennial Hills Interlocal Land Use Plan Map as part of the City of Las Vegas General Plan. The requested C-1 (Limited Commercial) zoning 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

Rural Preservation Neighborhood:

The subject site falls within a Rural Preservation Neighborhood 330-foot buffer zone, as well as within a 330-foot buffer zone of an existing roadway that is more than 99 feet wide (Jones Boulevard, a 100 Primary Arterial). The Rural Preservation Neighborhood designated parcels are approximately 150 feet to the east of the subject site and are located within the City of Las Vegas and Clark County. Nevada Revised Statute 278 limits residential development within this 330-foot buffer zone to an average density of three residential dwelling units per acre, however a waiver is appropriate due to its location along Jones Boulevard.

PROJECT DESCRIPTION

The proposed project is that of a Recreational Vehicle and Boat Storage facility, which will eventually be incorporated into the existing Lone Mountain Mini Storage facility to the south. The site will consist of 52 covered storage spaces. Access to the site is from the existing driveway on Jones Boulevard, approximately 150 feet from the intersection of Jones Boulevard and Lone Mountain Road, through the Lone Mountain Mini Warehouse facility. An emergency crash gate will be located on the northern portion of the site accessing Verde Way. Two parking spaces will be provide onsite, the additional five parking spaces will be shared with the existing mini-warehouse facility to the south. An 8-foot perimeter screen wall will be constructed along the eastern property line and a 13-foot screen wall will be built along the southern, western, and northern property lines. The canopy posts will be setback 13.8 feet from the east and west block walls. The canopy overhang will end at the block wall.

A 10-foot landscape buffer is proposed along Jones Boulevard and Verde Way; a zero foot landscape buffer is proposed along the eastern property line. Trees are planted one per every 30 feet along Jones Boulevard and one per 20 feet along Verde Way. Around each tree are four 5-gallon shrubs and additional accents and shrubs. Abutting the sidewalk and the landscape buffer is a 2-foot floodwall that runs the exterior perimeter of the parcel.

ANALYSIS

A) Zoning Code Compliance

A1) Development Standards

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

Standards	Required	Provided	Compliance
Min. Lot Size	N/A	.97 acres	Y
Min. Lot Width	100 Feet	±140 Feet	Y
Min. Setbacks			
• Front	20 Feet	±38 Feet	Y
• Side	10 Feet	13.5 Feet	Y
• Corner	15 Feet	23.5 Feet	Y
• Rear	20 Feet	±10 Feet	N
Max. Lot Coverage	50 %	48 %	Y
Max. Building Height	None	13 + Feet	N/A

The distance measurements have been taken from the supporting post for the covered RV parking structure. In doing so it has become evident that the applicant requires a waiver of the Commercial District Development Standards for the encroachment into the rear setback.

A2) Parking and Traffic Standards

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

Uses	GFA	Required Ratio	Required Parking		Provided Parking	
			Regu lar	Handicap	Regular	Handicap
Recreation Vehicle and Boat Storage	52 RV Spaces	One space for every fifty storage spaces, spread throughout the development. In addition, a minimum of five spaces shall be provided for customers on the exterior side of the security fence.	6	1	2	0

The applicant has supplied two parking spaces located within the interior of the site therefore, meeting the first part of the parking requirement. The latter part of the requirement calls for at least 5 spaces to be made available on the exterior side of the security fence, which the applicant plans to accomplish via a joint access agreement and a shared parking agreement with the existing mini-warehouse facility to the south. A condition will be recommended requiring a joint access and shared parking agreement.

A3) Landscape and Open Space Standards

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

Standards	Required		Provided
	Ratio	Trees	
Parking Area	1 Trees/ 6 Spaces	1 Trees	0
Buffer:	1 Trees/ 20 Linear Feet	6 Trees	10
• Min. Trees	1 Trees/ 30 Linear Feet	8 Trees	8
• Min. Zone Width			
Jones Boulevard	15 Feet		10 Feet*
Verde Way	15 Feet		15.65 Feet
East & South Borders	8 Feet		0 Feet*
• Wall height			
East & South Borders	8 Feet		8 Feet**
All other property lines	8 Feet		13 Feet**

* The applicant has requested a waiver of the Commercial District Development Standards to allow 10 feet of landscape buffer along Jones boulevard where 15 feet is required, as well as, to provide 0 feet of landscape buffer along the eastern (side) and southern (rear) property lines where 8 feet is required.

** Per condition #2 of the Recreation Vehicle and Boat Storage standard conditions the applicant is required to have proper screening of at least 8 feet in height. The eastern property line has an existing block wall separating the adjacent residential property and the subject site. The remaining walls are proposed at 13 feet in height, with the canopy of the RV ports taller than the wall.

B) General Analysis and Discussion

• Zoning

The proposed Recreational Vehicle and Boat Storage is within the range of uses allowed with the C-1 (Limited Commercial) zoning district with approval of a Special Use Permit, however the site is located within an established rural neighborhood and would have a detrimental effect on the quality of life of the neighbors.

- Site Plan

The site plan depicts a 52 space Recreational Vehicle and Boat Storage expansion of an existing mini-warehouse facility. Access to the site will be via a shared drive approximately 150 feet north of Jones Boulevard and Lone Mountain Road. An emergency crash gate is proposed as being located on the northern portion of the site and will access Verde Way. The site plan calls out two internal parking spaces and five external parking spaces to be shared with the existing mini-warehouse facility.

Title 19.04 requires a minimum of 8 feet of screening in association with the proposed Recreational Vehicle and Boat Storage facility. The applicant is proposing a 13' screening wall on the north, west, and south portions of the site and 8 feet along the eastern property line. Therefore, satisfying the requirement, however no elevations were submitted pertaining to the height of the parking canopy, so a conclusion as to the suitability of the walls cannot be determined.

The proposed parking structures encroach into the required rear yard setbacks. The parking canopies encroaches into the south and east setback substantially. In both cases the resulting separation between the wall and the canopy overhang is 0 feet.

- Waivers

1. Reduce landscaping to 0' where 8' is required along the east and south property lines.
2. Reduce landscaping to 10' where 15' is required along Jones Boulevard.
3. To allow the canopies to encroach in to the required setback along the east and south property line.

None of these waivers are appropriate; landscaping should be provided in conformance to Code standards.

- Landscape Plan

The spacing of the 24-inch box perimeter trees along Jones Boulevard should be 20 feet on center and along Verde Way should be 20 feet on center as well as conform to the Landscape, Wall and Buffer Standards. The number of trees along these streets is sufficient, and the proper number has been provided. However, the applicant has provided 10 feet of landscaping buffer along Jones Boulevard where 15 feet is required, as well as, provided 0 feet of landscaping buffer along the eastern and southern property lines where 8 feet is required, Therefore, the landscaping fails to meet the minimum standards set forth by Title 19.

- Elevation

No Elevations of the proposed canopies were submitted. The colors and materials are proposed as matching that of the existing mini-warehouse facility.

- Floor Plan

No floor plans are required for this type of use.

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 Recreational Vehicle and Boat Storage facility is too large for the site, with an excessive number of waivers to setback and landscaping standards of the Code. This over-building of the site makes it incompatible with the development pattern of 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 proposed Recreational Vehicle and Boat Storage will be inconsistent with the overall objectives of the General Plan in that it will have a negative impact on the quality of life of the surrounding rural neighborhood. Therefore, the proposed use is inappropriate for the site. The subject site is not physically suitable for the type and intensity of land use proposed as evidenced by the requested waivers to encroach into the setbacks and landscaping requirements.

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

Access to the site will be accomplished via an existing drive way located on the adjacent southern parcel that leads traffic onto Jones Boulevard, a 100-foot Primary Arterial. The parcel consists of only one other proposed access point, which is actually an emergency fire crash gate onto Verde Way, a 60-foot right-of-way. The access to the site will be adequate to meet the proposed zoning district requirements.

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

The building materials are to match an existing mini-warehouse facility to the south of the subject site. For that reason there is no objection to the building materials and colors. The proposed landscaping materials are adequate.

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;”**

Due to the deficiency of elevations submitted with this application no clear determination can be made as to the aesthetics of the development. The subject site is not physically suitable for the type and intensity of land use proposed as evidenced by the requested waivers to encroach into the setbacks and landscaping requirements.

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 occupancy, and therefore will not compromise the public health, safety or welfare.

PLANNING COMMISSION ACTION

The Planning Commission voted to approved believing that the Conditions adequately mitigated any negative impacts.

NOTICES MAILED 70 by Planning Department

APPROVALS 1

PROTESTS 0



Case Number: **SDR-4291** APN: 125-36-402-011
 Name of Property Owner: West Edna Assoc. LTD Profit Sharing Plan
THE 1981 Martin Family Trust, Frank & Bonnie
Martin, Trustees
 Name of Applicant: SAME AS OWNERS

Yes

✓ No

City Official: _____

Partner(s): _____

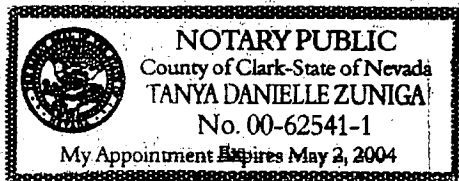
APN: _____

Signature of Property Owner/Authorized Agent:

Print Name: Dennis Nelson

This 8 day of April, 2004

Notary Public in and for said County and State



PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **SDR-4291** APN: 125-360-402-011
Name of Property Owner: West Edna Assoc. LTD Profit Sharing Plan
THE 1981 MARTIN FAMILY TRUST, Frank & Bernice
Martin, Trustees
Name of Applicant: same as owners

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

Yes

✓ No

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

City Official: _____

Partner(s): _____

APN: _____

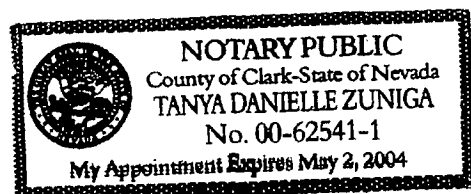
Signature of Property Owner/Authorized Agent:

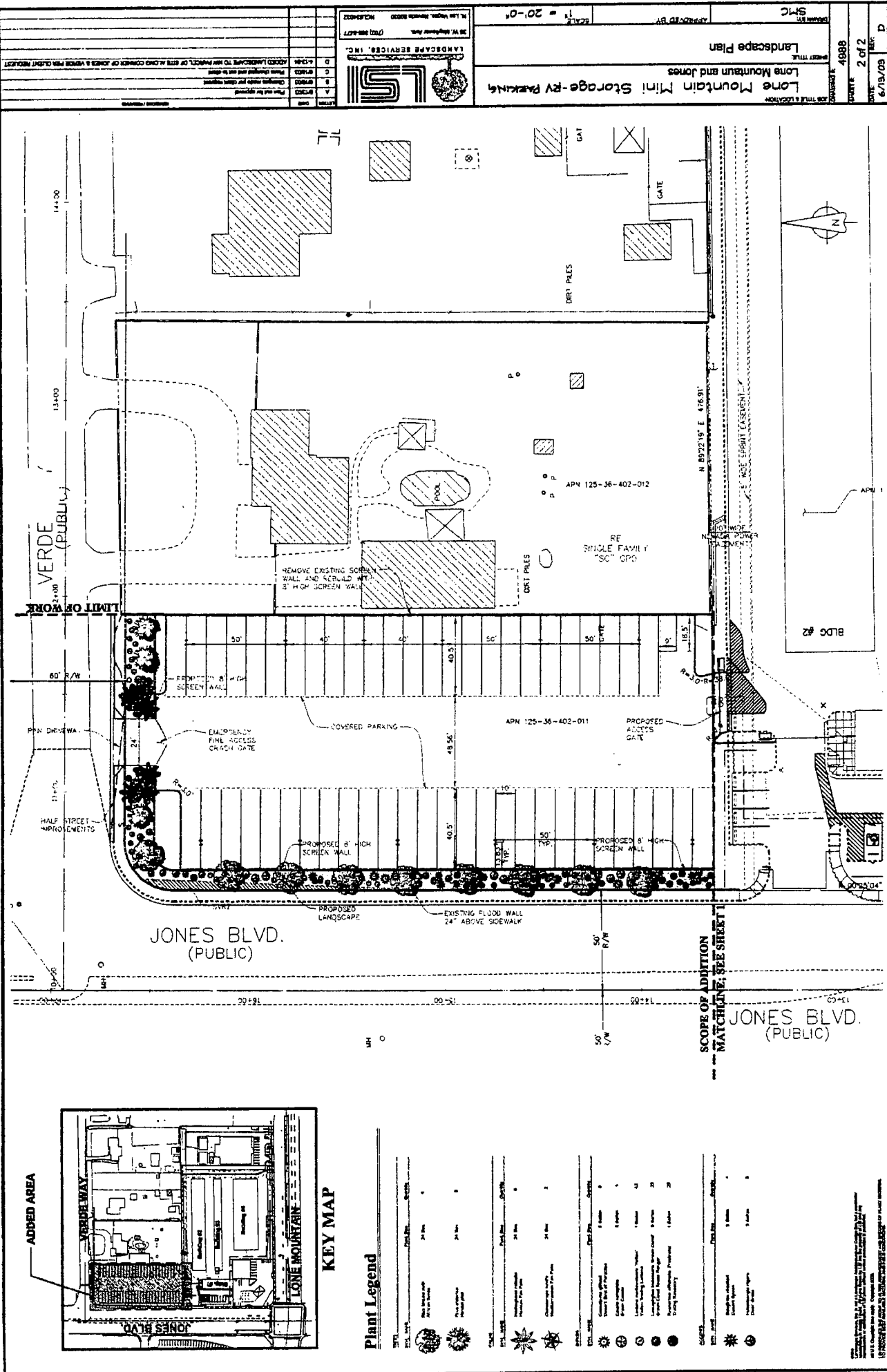
Print Name:

Subscribed and sworn before me

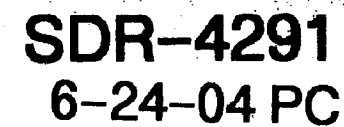
This 8 day of April, 2004

Notary Public in and for said County and State





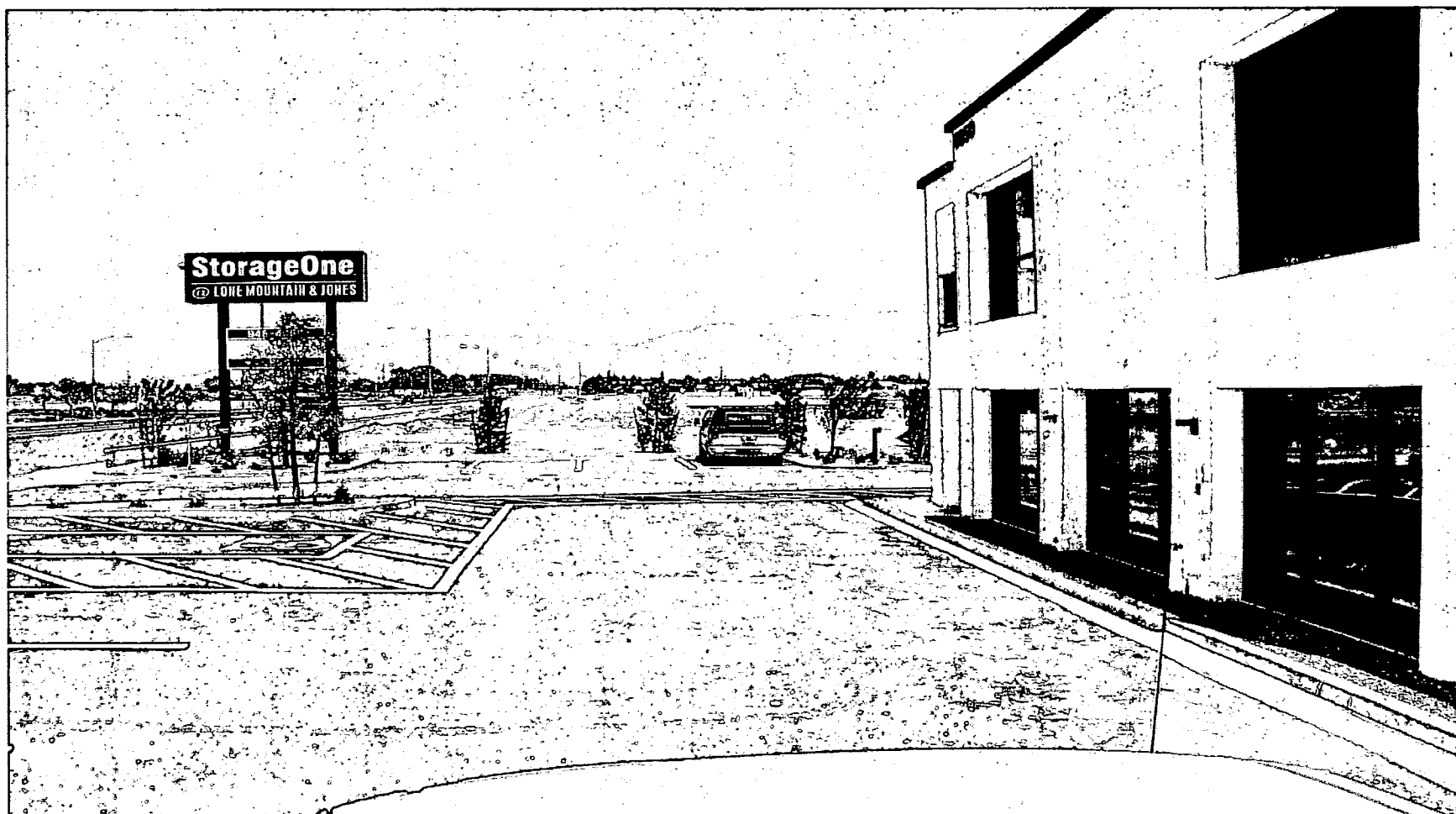
SDR-4291
6-24-04 PC





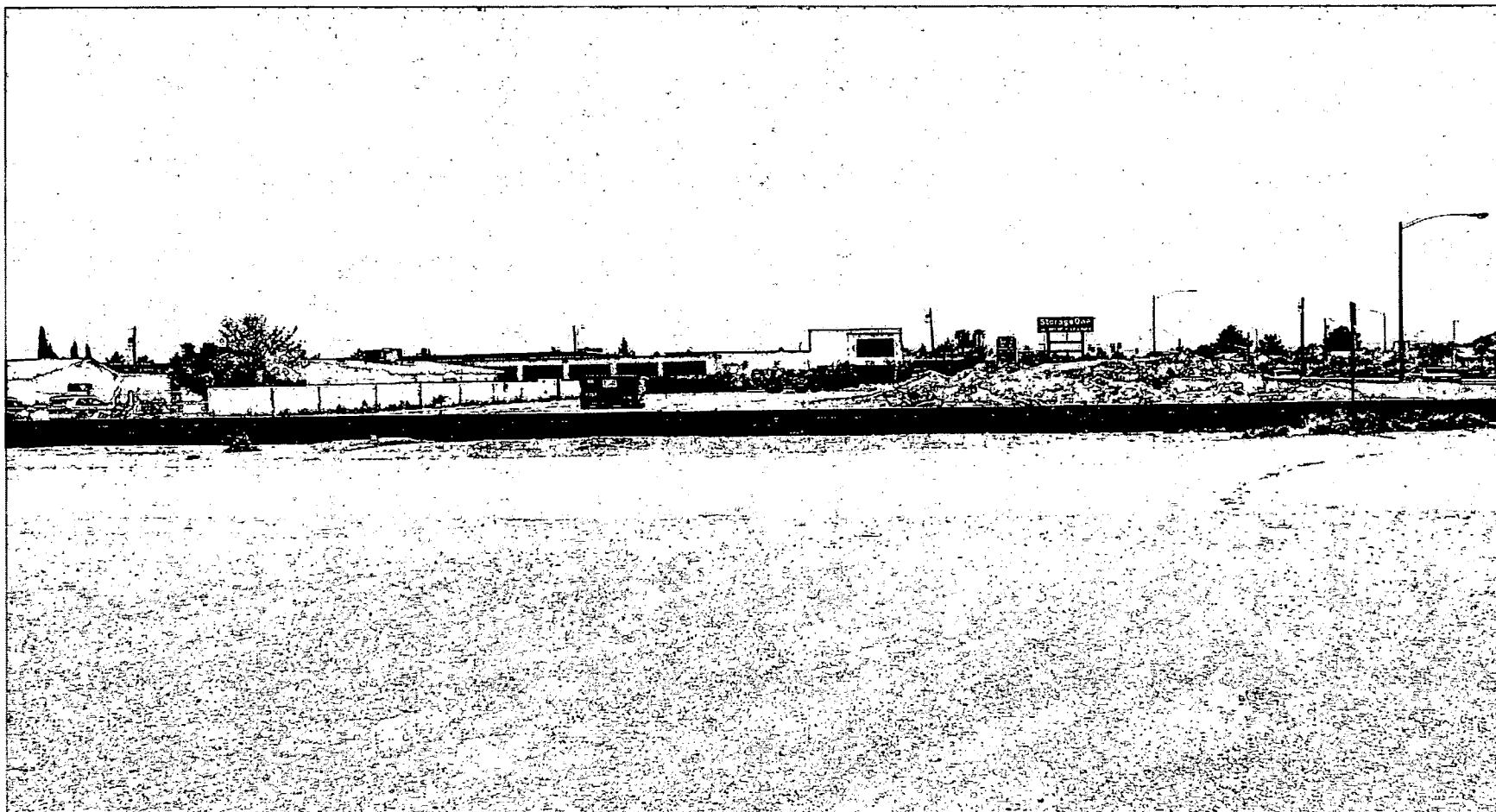
SDR-4291 - APPLICANT/OWNER: WEST EDNA ASSOCIATION, LIMITED PROFIT SHARING PLAN & THE
1981 MARTIN FAMILY TRUST
SOUTHEAST CORNER OF JONES BOULEVARD AND VERDE WAY
JUNE 24, 2004 PLANNING COMMISSION

4/30/04



SDR-4291 - APPLICANT/OWNER: WEST EDNA ASSOCIATION, LIMITED PROFIT SHARING PLAN & THE
1981 MARTIN FAMILY TRUST
SOUTHEAST CORNER OF JONES BOULEVARD AND VERDE WAY
JUNE 24, 2004 PLANNING COMMISSION

4/30/04



SDR-4291 - APPLICANT/OWNER: WEST EDNA ASSOCIATION, LIMITED PROFIT SHARING PLAN & THE
1981 MARTIN FAMILY TRUST
SOUTHEAST CORNER OF JONES BOULEVARD AND VERDE WAY
JUNE 24, 2004 PLANNING COMMISSION

4/30/04

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF: JULY 21, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER ☐ CONSENT ☒ DISCUSSION

SUBJECT:

GENERAL PLAN AMENDMENT - PUBLIC HEARING - GPA-3670 - APPLICANT: R M PROPERTY HOLDINGS - OWNER: R M PROPERTY HOLDINGS, LIMITED LIABILITY COMPANY, ET AL - Request to Amend a portion of the Southeast Sector Plan of the General Plan FROM: L (LOW DENSITY RESIDENTIAL) TO: M (MEDIUM DENSITY RESIDENTIAL) on 2.09 acres adjacent to the northwest corner of Effinger Lane and Poppy Lane (APN: 139-25-410-007, 042, and 043), Ward 3 (Reese). Staff recommends DENIAL. The Planning Commission (6-1 vote) 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 DENIAL. The Planning Commission (6-1 vote) recommends APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Letter dated 3/31/04 from Greater Nevada Planning, Inc., regarding compliance
5. Letter dated 3/24/04 from George Gekakis, Inc., regarding conditions
6. Submitted at City Council – Concept Handout by Sharon Tyner Sabraw

MOTION:

REESE – APPROVED subject to conditions – UNANIMOUS

MINUTES:

MAYOR GOODMAN declared the Public Hearing open on Item 123 [GPA-3670], Item 124 [ZON-3672] and Item 125 [SDR-3958].

SHARON TYNER SABRAW, Greater Nevada Planning, 2756 North Green Valley Parkway, appeared on behalf of the applicant and requested approval. The site development plan has been brought into compliance and shows 40 units which is 16.2 per acre. She explained pink tile roofs and red trees would be used and the large trees in the front of the property resulting in a beautiful complex.

In response to MAYOR GOODMAN'S question regarding the reduction in perimeter landscaping, MARGO WHEELER, Deputy Director, Planning and Development, explained the

CITY COUNCIL MEETING OF JULY 21, 2004
Planning and Development Department
Item 123 – GPA-3670

MINUTES Continued:

total required landscaping has now been satisfied. The condition, as referenced from the Planning Commission meeting, was to meet parking setbacks and landscaping standards, and after several revisions, the reduction is no longer required. He confirmed with MS. WHEELER that the item is no longer pertinent as the number of units has been reduced to 40 and, with that reduction, the landscaping and parking shown on the plan is adequate.

COUNCILMAN REESE inquired about the builder and MS. SABRAW indicated there has not currently been a builder assigned to the project. COUNCILMAN REESE discussed with ROBERT GENZER, Deputy Director, Planning and Development Department, that he wanted to ensure the site plan would include the same type of buildings shown in the handout. MR. GENZER said staff could reference the handout in the file as part of the plans check process, and if the elevation did not incorporate the building design, he would bring the item back before Council. MR. GENZER pointed out that in the handout, the buildings appear to be three stories, and the application is for a maximum of two stories. COUNCILMAN REESE clarified he was more concerned with the look of the building and that it was not an allowance that the building could be over two stories high. MS. SABRAW concurred.

JERRY COZAD, 800 North Eastern Avenue, spoke in support of the project stating the property is filthy and the recent clean up efforts have already been a tremendous improvement to the area. He thanked the applicant for coming into the neighborhood with such a nice project.

COUNCILMAN REESE confirmed with MARGO WHEELER, Deputy Director, Planning and Development Department, that there were amendments to Condition 3 and Condition 4 of Item 125 [SDR-3958]. MS. WHEELER read the condition language, and the applicant concurred with the amendments.

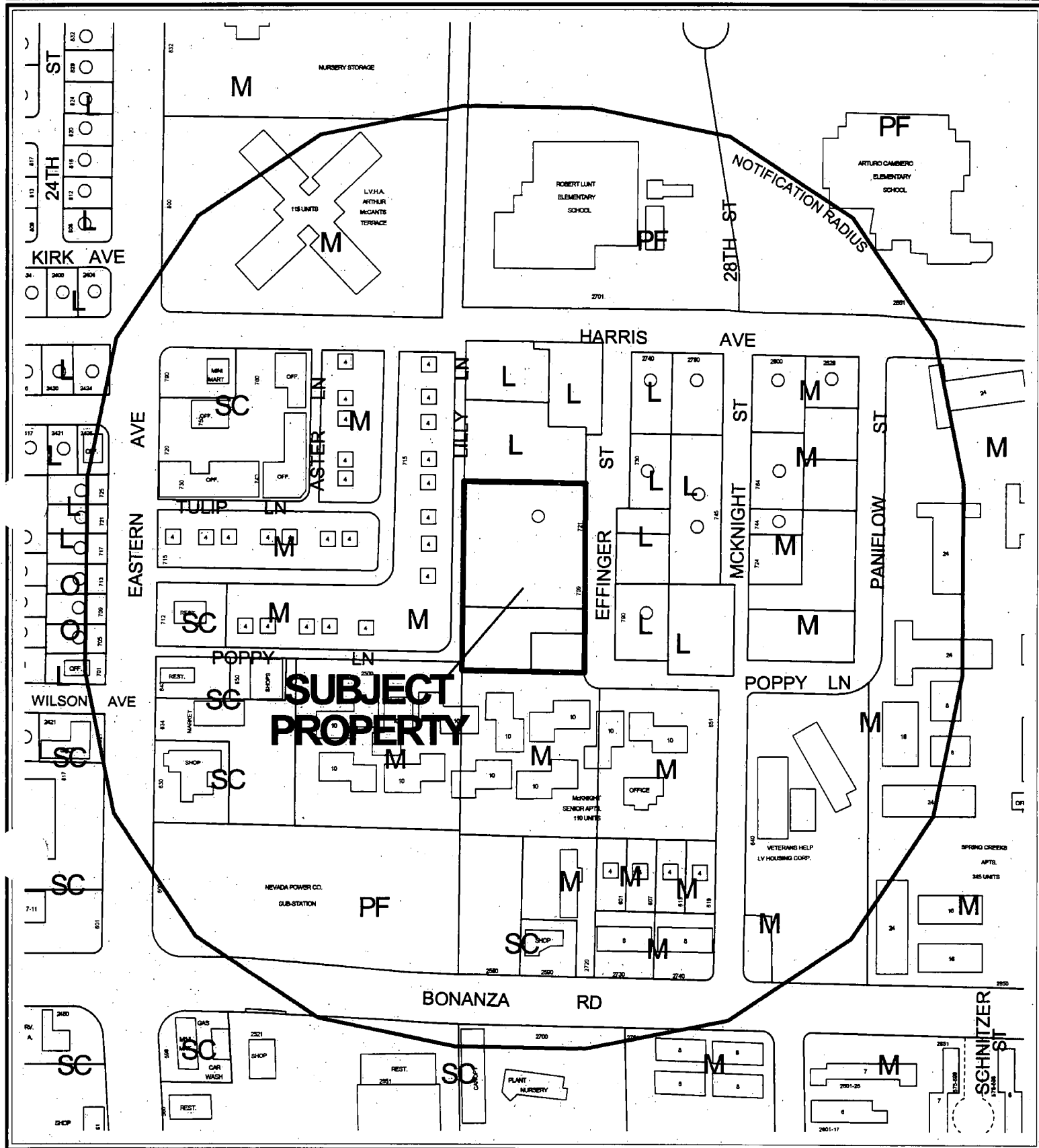
No one appeared in opposition.

MAYOR GOODMAN declared the Public Hearing closed on Item 123 [GPA-3670], Item 124 [ZON-3672] and Item 125 [SDR-3958].

NOTE: All discussion for Item 123 [GPA-3670], Item 124 [ZON-3672] and Item 125 [SDR-3958] was held under Item 123 [GPA-3670].

(3:38 – 3:47)

5-269



CASE: GPA-3670

RADIUS: 750 FT

GENERAL PLAN DESIGNATION OF SUBJECT PROPERTY:

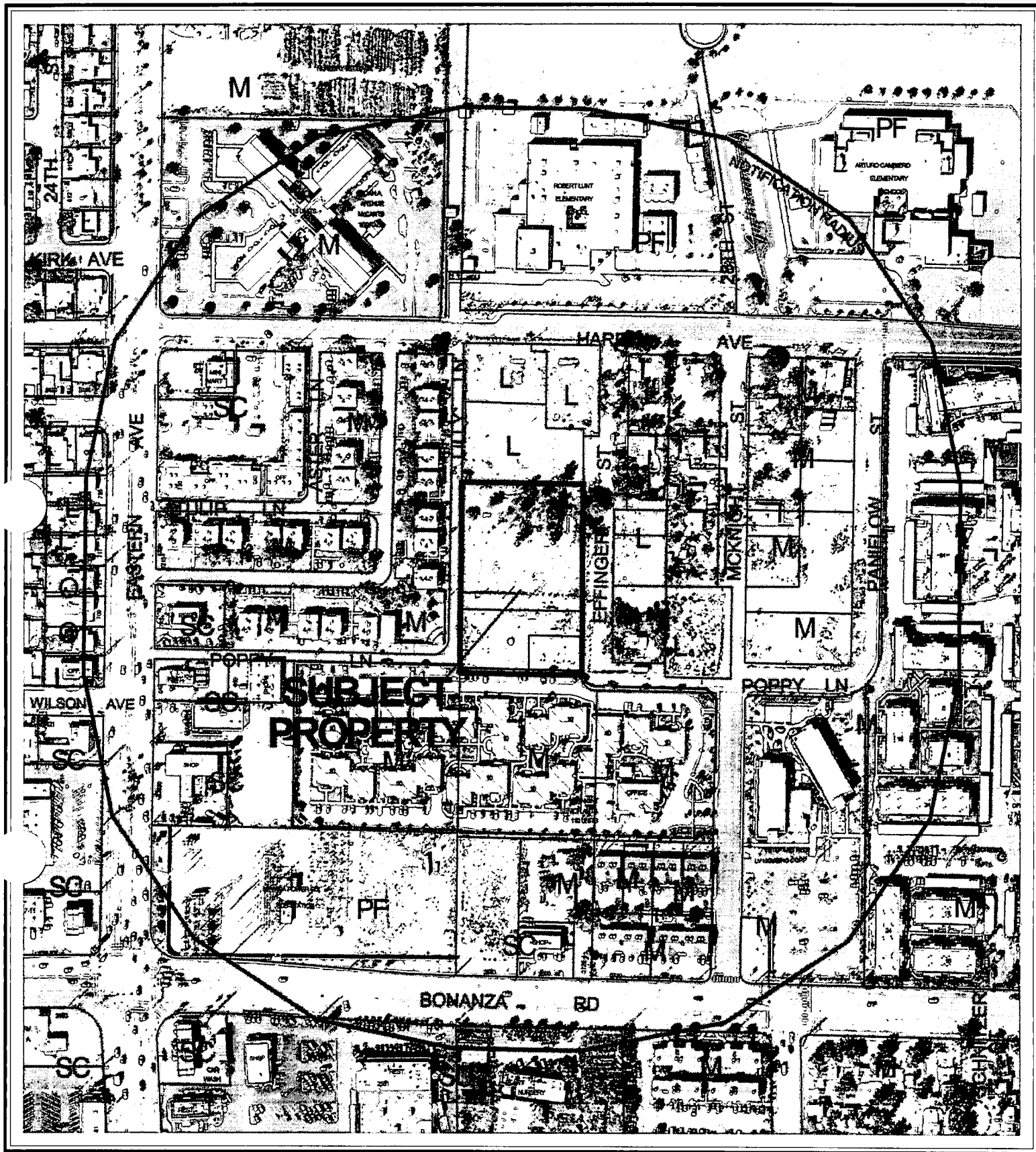
L (LOW DENSITY RESIDENTIAL)

PROPOSED GENERAL PLAN DESIGNATION OF SUBJECT PROPERTY:

M (MEDIUM DENSITY RESIDENTIAL)

123





CASE: GPA-3670

RADIUS: 750 FT

GENERAL PLAN DESIGNATION OF SUBJECT PROPERTY:

L (LOW DENSITY RESIDENTIAL)

PROPOSED GENERAL PLAN DESIGNATION OF SUBJECT PROPERTY:

M (MEDIUM DENSITY RESIDENTIAL)

0 200 400 Feet



AGENDA MEMO

CITY COUNCIL MEETING DATE: JULY 21, 2004

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: GPA-3670 - APPLICANT: R M PROPERTY HOLDINGS -
OWNER: R M PROPERTY HOLDINGS, LIMITED LIABILITY COMPANY, ET AL**

**** CONDITIONS ****

Staff recommends DENIAL. The Planning Commission (6-1 vote) recommends APPROVAL.

**** STAFF REPORT ****

APPLICATION REQUEST

This application seeks to change the General Plan land use designation of the subject property located at the northwest corner of Effinger Lane and Poppy Lane from L (Low Density Residential) to M (Medium Density Residential). A rezoning application (ZON-3672) and a site plan (SDR-3958) accompany this application.

BACKGROUND DATA:

08/07/85	The City Council approved the Community Profiles of the city of Las Vegas General Plan by Resolution. On this plan, the subject properties were designated for L (Low Density Residential) land uses with a maximum density of six dwelling units per acre.
03/12/92	The Planning Commission approved the three Land Use Sector Maps of the General Plan.
08/18/99	The City Council approved GPA-23-99, which amended the density range for the Low Density Residential land use category to allow a maximum of 5.5 dwelling units per acre and Medium Density Residential up to 25 dwelling units per acre.
09/06/99	The City Council approved GPA-10-00 to amend portions of the Southeast Sector Plan to indicate areas of potential transition, correct errors from GIS data conversion, and match actions since 1996.
09/06/00	The City Council approved the Las Vegas 2020 Master Plan. This site is within the Neighborhood Revitalization Area as described in the Plan.
10/01/03	The City Council approved an update of the Southeast Sector Map (GPA-2497) of the city of Las Vegas General Plan. On this map, the subject properties were designated for L (Low Density Residential) land uses, with a maximum density of 5.5 dwelling units per acre.
04/08/04	The Planning Commission voted to hold this item (GPA-3670) in abeyance to give the applicant time to meet with staff and address density and design issues related to the overall project.
05/27/04	The Planning Commission voted to hold this item (GPA-3670) in abeyance in an effort to provide the applicant an opportunity to work with staff. Staff met with the applicant on May 11, 2004 and with their designer on June 2, 2004 to discuss these

issues; revised plans depicting a decrease in the number of units have been submitted.

- 06/24/04 The Planning Commission recommended approval of related items (ZON-3672 and SDR-3958).
- 06/24/04 The Planning Commission voted 6-1 to recommend APPROVAL (PC Agenda Item #25).

DETAILS OF APPLICATION REQUEST

Site Area: 2.09 Acres

EXISTING LAND USE

Subject Property	Single family residential and vacant
North	Single family residential
South	Multi-family residential
East	Across Effinger Lane, single family residential
West	Across Lilly Lane, duplex residential

PLANNED LAND USE

Subject Property	L (Low Density Residential)
North	L (Low Density Residential)
South	M (Medium Density Residential)
East	Across Effinger Lane, L (Low Density Residential)
West	Across Lilly Lane, M (Medium Density Residential)

EXISTING ZONING

Subject Property	R-E (Residence Estates)
North	R-E (Residence Estates)
South	R-3 (Medium Density Residential)
East	Across Effinger Lane, R-E (Residence Estates)
West	Across Lilly Lane, R-3 (Medium Density Residential)

DEFINITIONS

L (Low Density Residential)

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

M (Medium Residential)

(12.1 to 25 dwelling units/gross acre.) The Medium Residential category permits a maximum of 25 dwelling units per gross acre. This category includes a higher density variety of multifamily unit types, up to three stories in height.

ANALYSIS

The Southeast Sector Plan designates the subject area and the larger area around it to the north and east for single-family residences at no more than 5.5 dwelling units per acre. Unless there are extenuating circumstances for altering the Plan, the proposed land use classification should be compulsory upon all present and future landowners. The onus is on the property owner to demonstrate why property cannot be developed in the manner in which it is classified.

The applicant submitted a letter with the application, stating: "The land use application will produce an environment of stable and desirable character consistent with the objectives of Title 19 and the General Plan due to the area in which it will service." This application represents a significant increase in allowable density, from 5.5 units per acre to 25 units per acre. While the properties to the west and south of this site are designated M (Medium Density Residential) and developed with multi-family units, all of the properties within this block, bounded by Harris Avenue to the north, Poppy to the south, Lily Lane to the west and Paniflow Street to the east are designated L (Low Density Residential). The established development pattern within this block is single family detached residential, on lot ranging from 13,000 to 35,000 square feet in area.

Based on these factors, staff's recommendation is based on:

1. The applicant's failure to meet their burden on why the property cannot be developed as currently designated and providing extenuating circumstance for altering the plan;
2. The request is not compatible with the surrounding single family residential neighborhood and is an unwarranted substantial increase in density that would result in changing the lifestyle enjoyed by these residents.

FINDINGS

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

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

The density of the proposed General Plan Amendment is not compatible with the existing adjacent land uses. A density of up to 25 dwelling units per acre is extreme compared to densities of two and three dwelling units per acre permitted within the adjacent areas.

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

Because the zones permitted within an M classification permit a density of development of up to 25 dwelling units per acre, compatibility is an issue as it is for the first condition.

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

The property does not have direct access to a major street. Effinger Lane, a local street, would provide the best access, but it would be shared with single-family dwellings. The property is within 1½ miles of a fire station at 633 N. Mojave Road and within a mile of the Northeast Command Metro substation at Mojave Road and Washington Avenue.

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

Objectives and policies applicable to the subject area are addressed in the *City of Las Vegas Master Plan 2020*. The subject property is specifically located in the "Neighborhood Revitalization Area." Objective 2.4 (page 45) states: "To ensure that the quality of existing residential neighborhoods within the City of Las Vegas is maintained and enhanced." For the reasons stated in the Analysis section above, it is the staff's opinion that the subject request is contrary to this objective.

GENERAL PLAN AMENDMENT NEIGHBORHOOD MEETING

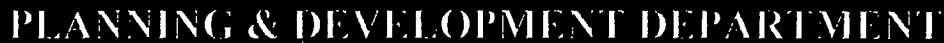
03/04/04 A neighborhood meeting sponsored by the applicant was held at the Las Vegas Library. Four people attended the meeting. Two of the four represented the owner of a senior complex to the south, and the other two were not residents but were relatives of a nearby property owner. Concerns included the following:

- Whether there would be a resident manager on site.
- What trees and landscaping would be provided

NOTICES MAILED: 57 by Planning Department

APPROVALS: 0

PROTESTS: 0



STATEMENT OF FINANCIAL INTEREST

Name of Applicant: AARON WALLACE

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:

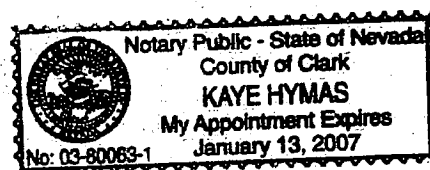
Signature of Property Owner/Authorized Agent:

Print Name: Yern, Dietz

Subscribed and sworn before me

This 5 day of January, 2004

Raye Thomas
Notary Public in and for said County and State



POWER OF ATTORNEY

State of Nevada)
County of Clark) ss

KNOW YE ALL MEN BY THESE PRESENTS,
That We, Janet D. & Steve G. Wilson
Address: P. O. Box 462-Station M 9th Ave SW
City: Calgary Alberta
County: Calgary Alberta
State: Canada

Do hereby make, constitute and appoint Terry Dietz of:
Address: 2984 E. Russell Rd.
City: Henderson, NV 89014
County: Clark
State: Nevada
Phone No.: 434-4500

As our true and lawful attorney-in-fact, for us and in our name,
place and stand to complete whatever actions necessary to fulfill
all requirements.

We further give and grant to said attorney-in-fact full power and
authority to do and perform every act necessary and proper to be
done in the exercise of any of the foregoing powers as fully as
we might or could do if personally present, with full power of
substitution and revocation, hereby ratifying and confirming all
that my said attorney-in-fact shall lawfully do, or cause to be
done by virtue hereof.

This instrument may not be changed orally.

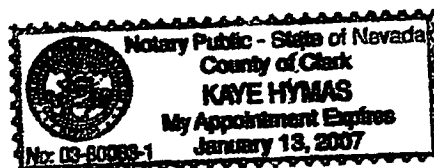
In witness whereof, I have hereunto set my hand and seal this

5 day of Jan 2004.

Steve G. Wilson
Signature

Subscribed and sworn before me

This 5 day of January, 2004
Kaye Hyman
Notary Public in and for said County and State

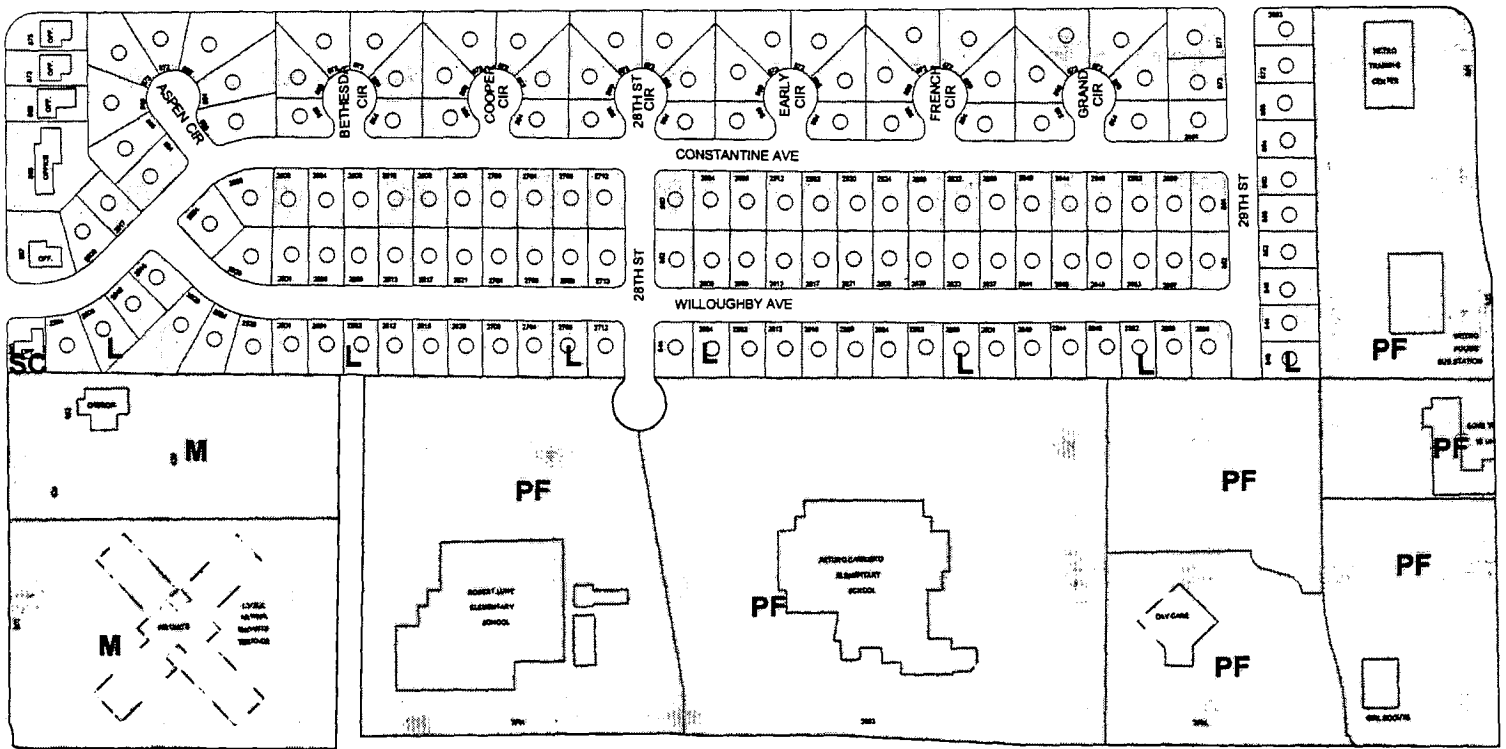


State of Nevada)
) ss
County of Clark)

 Notary Public - State of Nevada
County of Clark
KAYE HYMAN
My Appointment Expires
January 13, 2007
No: 03-80063-1

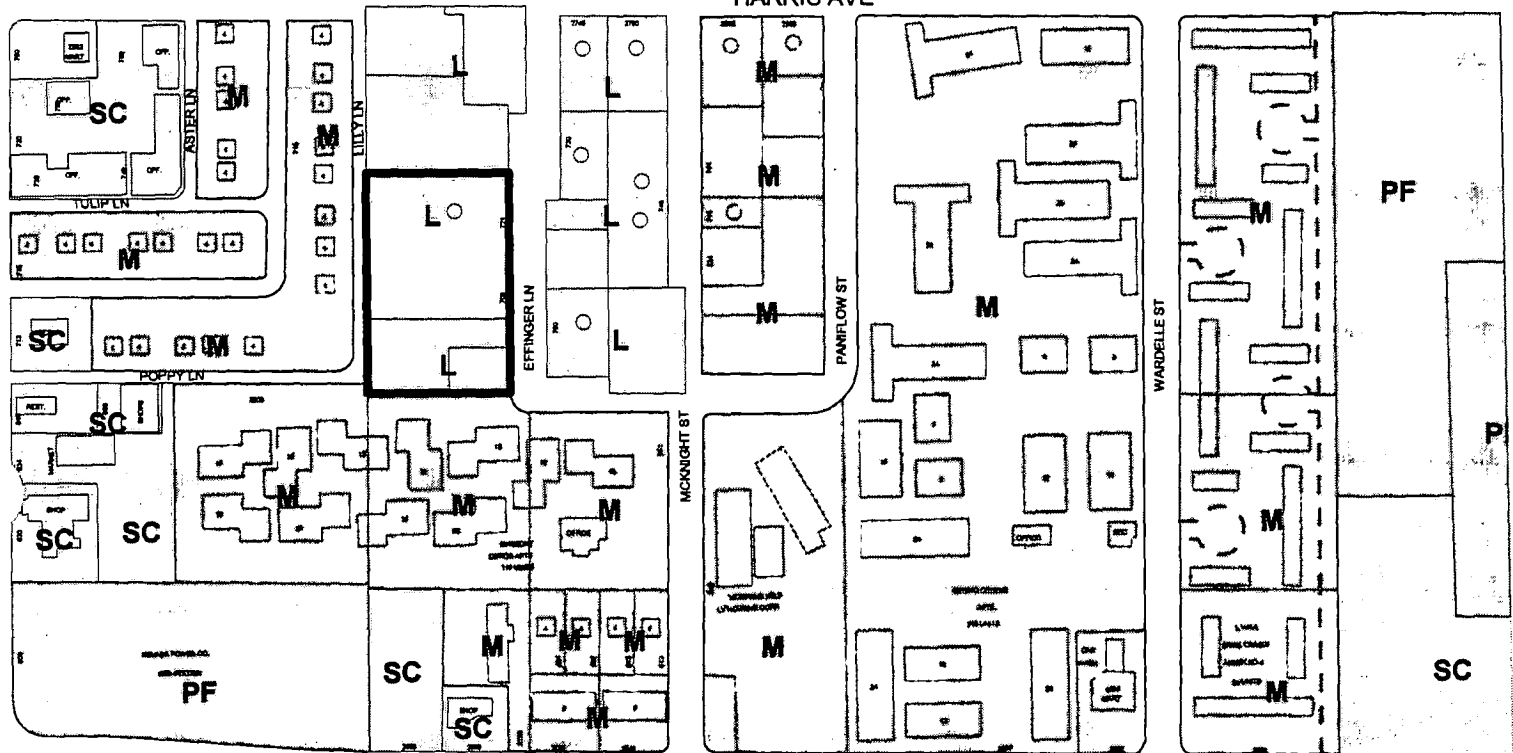
WASHINGTON AVE

EASTERN AVE

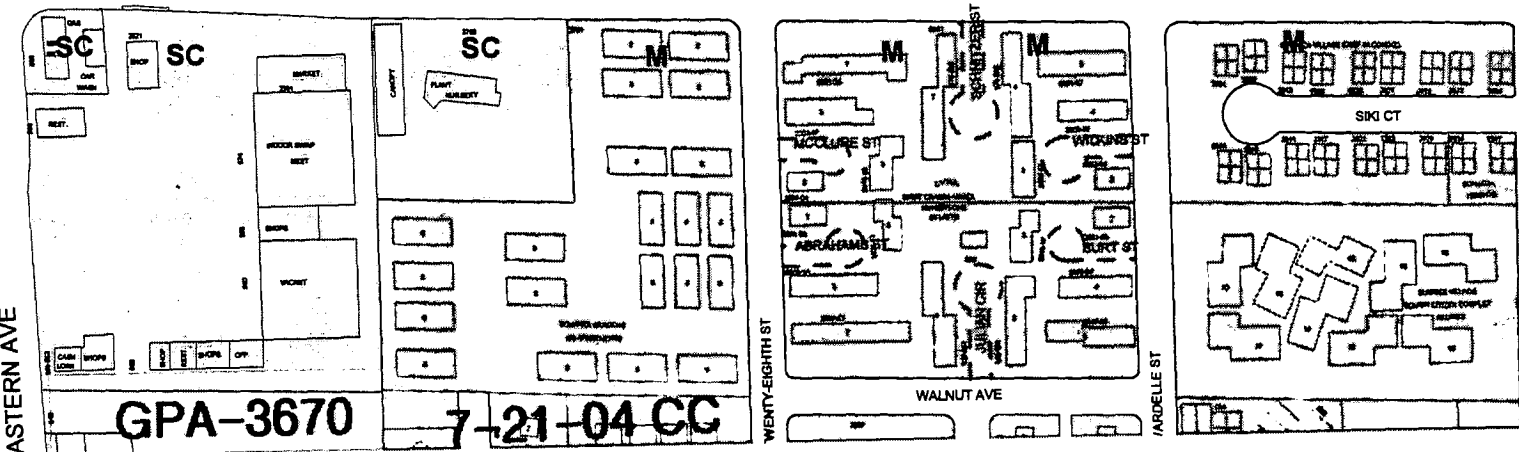


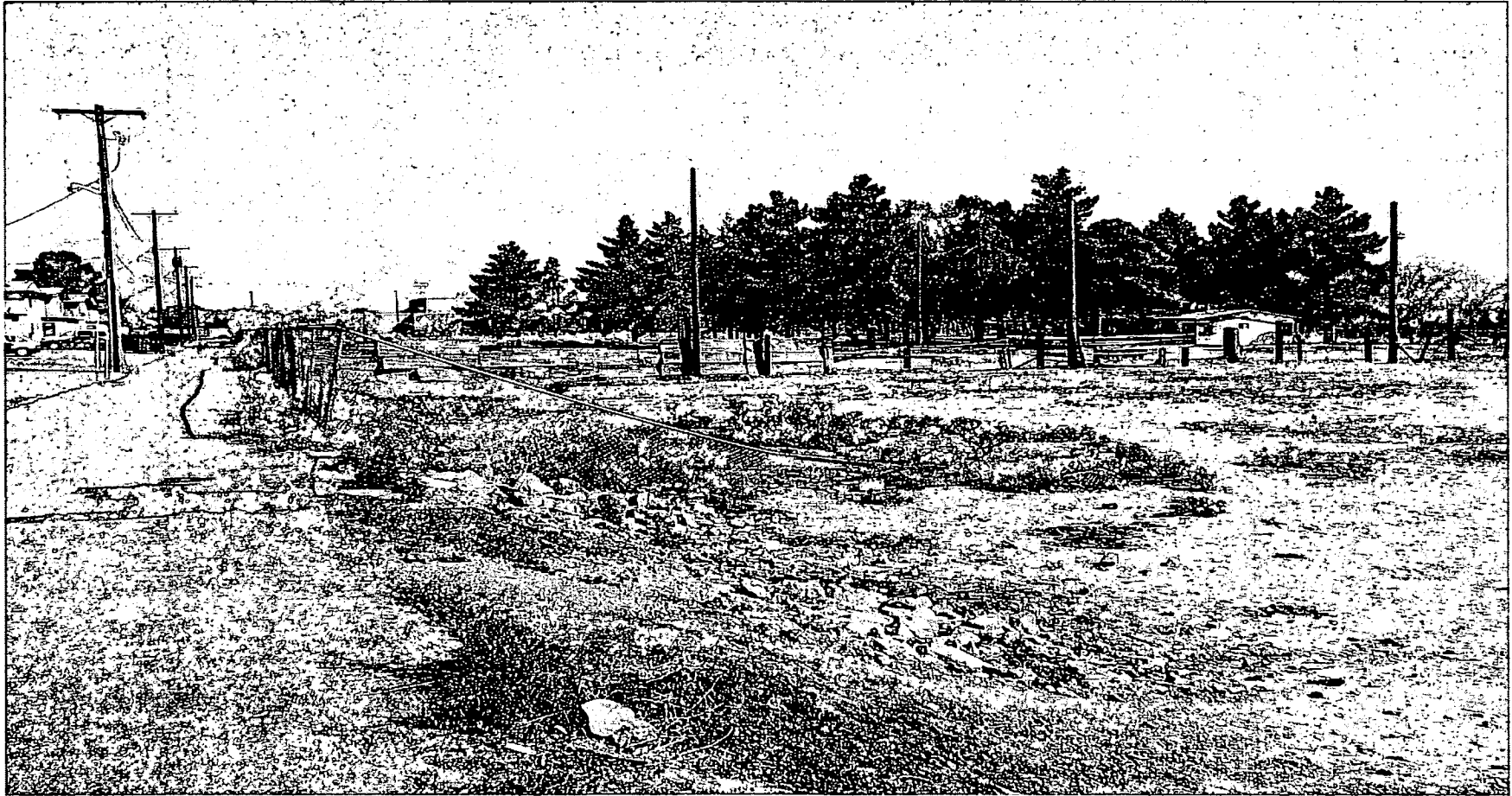
HARRIS AVE

EASTERN AVE



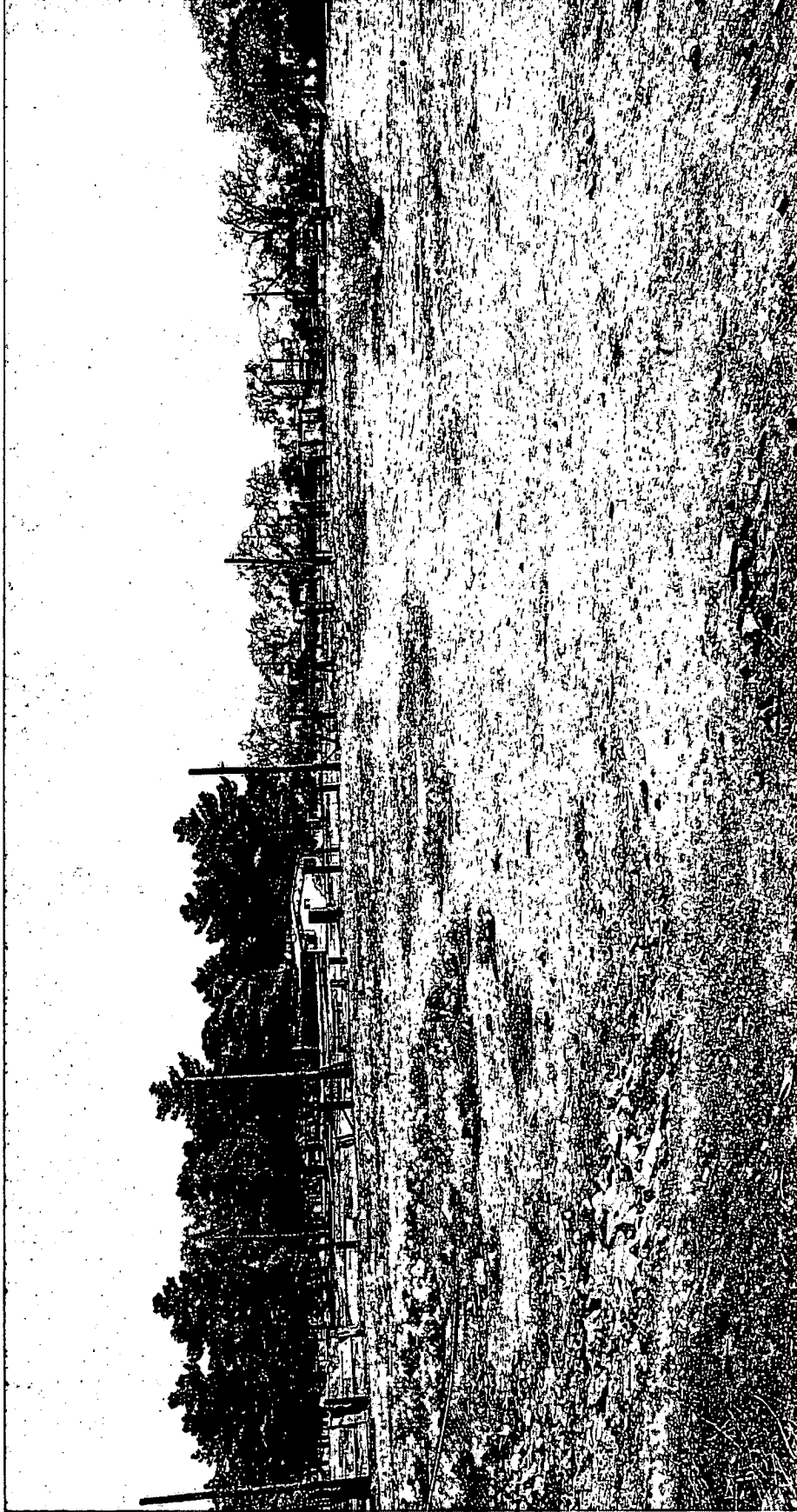
BONANZA RD





GPA-3670 - APPLICANT: R M PROPERTY HOLDINGS - OWNER: R M PROPERTY HOLDINGS, LIMITED
LIABILITY COMPANY, ET AL
ADJACENT TO THE NORTHWEST CORNER OF EFFINGER LAND AND POPPY LANE
JUNE 24, 2004 PLANNING COMMISSION

03/18/04



GPA-3670 - APPLICANT: R M PROPERTY HOLDINGS - OWNER: R M PROPERTY HOLDINGS, LIMITED
LIABILITY COMPANY, ET AL
ADJACENT TO THE NORTHWEST CORNER OF EFFINGER LAND AND POPPY LANE
JUNE 24, 2004 PLANNING COMMISSION

03/18/04

**GREATER NEVADA PLANNING, INC.***Tracking your path to success!***DEVELOPER SERVICES**

- Permit Tracking
- Zone Changes
- Use Permits

MEMO

TO: Mr. Gary Liebel
City of Las Vegas
Via fax: 385-7268

FROM: Sharon Tyner-Sabraw

DATE: 3/31/04

SUBJECT: 139-25-410-007, 042, and 043
Effinger & Poppy Lane

Gary, as per our conversation by phone yesterday, we agree to pull this project into all possible compliance.

Specifically, we agree to the following (included, but not limited to these specifications):

1. 75' clear space along the North boundary
2. 20' set back in front yard, (Effinger side).
3. Maintain adequate parking
4. Maintain ~~7~~^{10'} separation of buildings within the site

Thank you very much for your help.



GEORGE GEKAKIS, INCORPORATED
GENERAL CONTRACTOR / DEVELOPER

2655 S. Rainbow Blvd.
Suite #401
Las Vegas, NV 89146
NV Lic. #0025406

702-364-8027 Phone
702-364-4925 Fax
e-mail: GG1@lvcn.com
www.ggidevelopment.com

March 24, 2003

Mr. Mark Sabraw
Greater Nevada Planning, Inc.
2756 N. Green Valley Pkwy., #177
Henderson, Nevada 89014-2120

RE: Zone Change Request
Vacant Land - Effinger & Poppy Lane

Dear Mr. Sabraw,

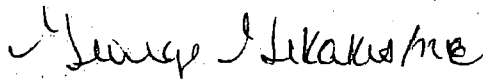
Upon reviewing your proposed site plan for the zone change request on the above referenced site, we have some conditions that we would like to see included in the zoning. Although we do not support the zone change request, we are not denying it either with the inclusion of the following conditions:

1. An eight (8) foot high block wall on the south perimeter that borders McKnight Senior Village.
2. The building height cannot be more than 25 feet.
3. A 25 ft. landscape buffer on the south end of the proposed site that borders McKnight Senior Village.

Thank you in advance for your consideration of the above recommendations and please feel free to call my office if you have any questions at 364-8027.

Best regards,

GEORGE GEKAKIS, INC.


George Gekakis

GG/me

cc: Steve Swanton, City of Las Vegas Planning



GREATER NEVADA PLANNING, INC.

Tracking your path to success!

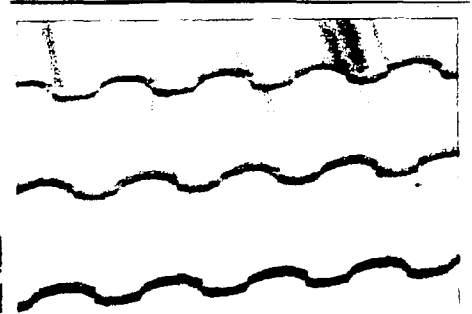
DEVELOPER SERVICES

- Permit Tracking
- Zone Changes
- Use Permits

CONCEPT PHOTO



CONCEPT ROOF TILE



Lt Terra Cotta w/Grey & Terra Cotta 1ESS6605
Slurry Finish

WATERMELON RED DWARF TREES



Another view of the same group of watermelon red Dwarf Trees.

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF: JULY 21, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER ☐ CONSENT ☒ DISCUSSION

SUBJECT:

REZONING RELATED TO GPA-3670 - PUBLIC HEARING - ZON-3672 -
APPLICANT: R M PROPERTY HOLDINGS - OWNER: R M PROPERTY
HOLDINGS, LIMITED LIABILITY COMPANY, ET AL - Request for a Rezoning FROM:
R-E (RESIDENCE ESTATES) TO: R-3 (MEDIUM DENSITY RESIDENTIAL) on 2.09 acres
adjacent to the northwest corner of Effinger Lane and Poppy Lane (APN: 139-25-410-007, 042,
and 043), Ward 3 (Reese). Staff recommends DENIAL. The Planning Commission (6-1 vote)
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 DENIAL. The Planning Commission (6-1 vote) recommends APPROVAL,
subject to conditions.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Letter dated 3/31/04 from Greater Nevada Planning, Inc., regarding compliance
5. Letter dated 3/24/04 from George Gekakis, Inc., regarding conditions
6. Submitted at City Council – Concept Handout by Sharon Tyner Sabraw

MOTION:

REESE – APPROVED subject to conditions – UNANIMOUS

MINUTES:

NOTE: See Item 123 [GPA-3670] for all related discussion.

(3:10 – 3:11)

5-1012

CONDITIONS:

Planning and Development

1. A General Plan Amendment (GPA-3670) to an M (Medium Density Residential) land use designation approved by the City Council.
2. A Resolution of Intent with a two-year time limit.

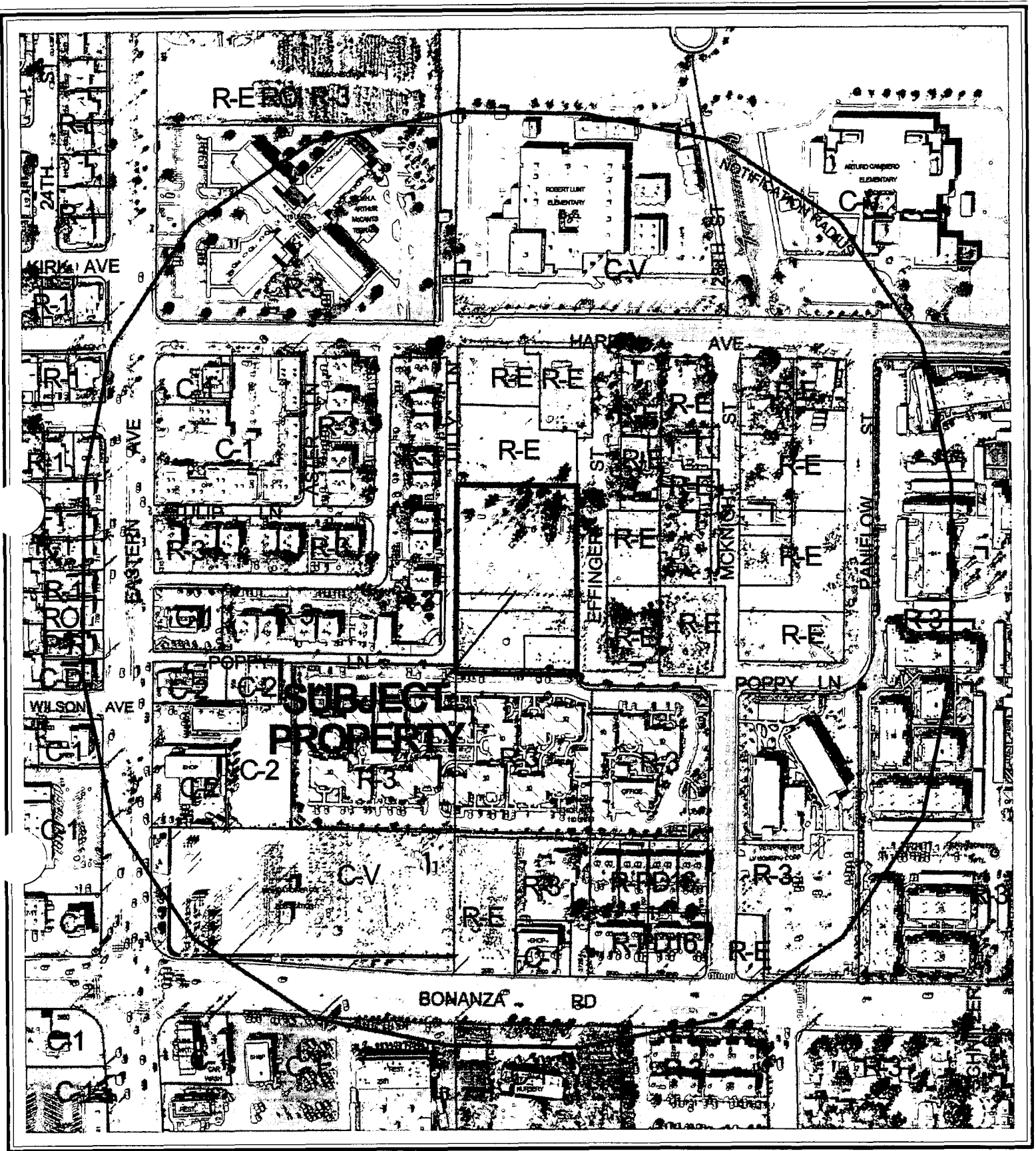
CITY COUNCIL MEETING OF JULY 21, 2004
Planning and Development Department
Item 124 – ZON-3672

CONDITIONS Continued:

3. A Site Development Plan Review (SDR-3958) application approved by the Planning Commission and City Council prior to issuance of any permits, any site grading, and all development activity for the site.

Public Works

4. Construct all incomplete half-street improvements on Effinger Lane and Lilly Lane adjacent to this site concurrent with development of this site. Install all appurtenant underground facilities, if any, adjacent to this site needed for the future traffic signal system concurrent with development of this site. All existing paving damaged or removed by this development shall be restored at its original location and to its original width.
5. Extend all required underground utilities, such as electrical, telephone, etc., located within public rights-of-way, past the northern and southern boundaries of this site prior to construction of hard surfacing (asphalt or concrete).
6. Extend sanitary sewer past the northern boundary of this site in Effinger Lane to a location and depth acceptable to the City Engineer concurrent with development of this site.
7. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings or the recordation of a 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-3672

RADIUS: 750 FT

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

PROPOSED ZONING OF SUBJECT PROPERTY: R-3 (MEDIUM DENSITY RESIDENTIAL)

0 200 400 Feet



AGENDA MEMO

CITY COUNCIL MEETING DATE: JULY 21, 2004

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: ZON-3672 - APPLICANT: R M PROPERTY HOLDINGS -
OWNER: R M PROPERTY HOLDINGS, LIMITED LIABILITY COMPANY, ET AL**

**** CONDITIONS ****

Staff recommends DENIAL. The Planning Commission (6-1 vote) recommends APPROVAL, subject to:

Planning and Development

1. A General Plan Amendment (GPA-3670) to an M (Medium Density Residential) land use designation approved by the City Council.
2. A Resolution of Intent with a two-year time limit.
3. A Site Development Plan Review (SDR-3958) application approved by the Planning Commission and City Council prior to issuance of any permits, any site grading, and all development activity for the site.

Public Works

4. Construct all incomplete half-street improvements on Effinger Lane and Lilly Lane adjacent to this site concurrent with development of this site. Install all appurtenant underground facilities, if any, adjacent to this site needed for the future traffic signal system concurrent with development of this site. All existing paving damaged or removed by this development shall be restored at its original location and to its original width.
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6. Extend sanitary sewer past the northern boundary of this site in Effinger Lane to a location and depth acceptable to the City Engineer concurrent with development of this site.
7. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings or the recordation of a 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

The request is for approval of a Rezoning from R-E (Residence Estates) to R-3 (Medium Density Residential) on 2.09 acres at the northwest corner of Effinger Lane and Poppy Lane.

Companion applications for a General Plan Amendment (GPA-3670) from L (Low Density Residential) to M (Medium Density Residential), and for a Site Development Review (SDR-3958) and a reduction in the amount of required perimeter landscaping for a proposed 40-unit multi-family residential development will be considered concurrently.

B) Applicant's Justification

In a letter submitted with the application, the applicant has justified the request by stating that this land use application will produce an environment of stable and desirable character consistent with the objectives of Title 19 and the General Plan due to the area in which it will service, and that the General Plan designations surrounding this site is M (Medium Density Residential) except for a PF (Public Facilities) designation to the north. No justification was provided for the requested waiver of development standards.

BACKGROUND INFORMATION

A) Previous Actions

- 04/08/04 The Planning Commission voted to hold this item (ZON-3672) in abeyance to give the applicant time to meet with staff and address density and design issues related to the overall project. Staff met with the applicant to address these issues on May 11, 2004; no revised plans have been submitted.
- 05/27/04 The Planning Commission voted to hold this item in abeyance in an effort to provide the applicant an opportunity to work with staff. Staff met with the applicant on May 11, 2004 and with their designer on June 2, 2004 to discuss these issues; revised plans depicting a decrease in the number of units have been submitted.
- 06/24/04 The Planning Commission recommended approval of related items (GPA-3670 and SDR-3958).
- 06/24/04 The Planning Commission voted 6-1 to recommend APPROVAL (PC Agenda Item #26).

B) Pre-Application Meeting

- 05/11/04 Staff met with the applicant to review the Residential Adjacency requirements, setbacks, parking requirements and location of the trash enclosures. The

applicant was informed that new plans and a revised justification letter would be required. In addition, staff met with the applicant's designer on June 2, 2004, and again reviewed the issues of concern and requested revised plans and documentation.

- 01/16/04 At the meeting, the applicant was advised of the following issues:
- For parking standards, 0.75 parking spaces per unit or 38 spaces are required.
 - Add 10 feet of landscape buffer along Lilly Lane and remove parking.
 - Justification letter should reference the desire for senior housing and any waiver request to the Code.
 - Verify that 15 feet of landscape buffer is required along Effinger Lane.
 - Need alley access to accommodate parking.

C) Neighborhood Meetings

- 03/04/04 A neighborhood meeting sponsored by the applicant was held at the Las Vegas Library. Four people attended the meeting. Two of the four represented the owner of a senior complex to the south, and the other two were not residents but were relatives of a nearby property owner. Concerns included the following:
- Whether there would be a resident manager on site.
 - What trees and landscaping would be provided

DETAILS OF APPLICATION REQUEST

A) Site Area

Net Acres: 2.09

B) Existing Land Use

Subject Property: Single-Family Dwellings and Undeveloped
North: Single-Family Dwellings
South: Multi-Family Apartments
East: Across Effinger Lane, Single-Family Dwellings
West: Across Lily Lane, Duplex Dwellings

C) Planned Land Use

Subject Property: L (Low Density Residential)
North: L (Low Density Residential)
South: M (Medium Density Residential)
East: Across Effinger Lane, L (Low Density Residential)
West: Across Lily Lane, M (Medium Density Residential)

D) Existing Zoning

Subject Property: R-E (Residence Estates)
North: R-E (Residence Estates)
South: R-3 (Medium Density Residential)
East: Across Effinger Lane, R-E (Residence Estates)
West: Across Lily Lane, R-3 (Medium Density Residential)

Note: R-3 allows 13-25 units per acre.

E) General Plan Compliance

The subject property is identified on the Southeast Sector Map of the General Plan as L (Low density Residential). This category permits single-family detached homes, mobile homes on individual lots, gardening; home occupations and family child care facilities. Local supporting uses such as parks, other recreation facilities, schools and churches are allowed in this category. The proposed development would not conform to this land use designation, but would conform if the companion request for an amendment to the M (Medium Density Residential) designation were approved.

Part of the subject property is located within a Rural Preservation Neighborhood. The Nevada Revised Statutes specifically states, "...The governing body shall take such actions as are necessary and appropriate to ensure that the rural character of each rural preservation neighborhood is preserved." Consequently, for this part, the property may not be redesignated to another classification.

Part of the subject property is also located within the Rural Preservation Neighborhood (RPN) buffer. This 330-foot transitional buffer exists because of the RPN. Within this buffer area, residential development density is limited to three dwelling units per acre, unless good cause is shown.

Unlike the RPN, the RPN Buffer area may be reclassified when it can be demonstrated that there is good cause for doing so. The buffer area is intended to protect the integrity of the RPN. For that reason, the state enabling legislation was adopted to provide additional assurance that such integrity would be preserved. The applicant submitted a letter with the application, stating: "The land use application will produce an environment of stable and desirable character consistent with the objectives of Title 19 and the General Plan due to the area in which it will service." To the contrary, the land use application is inconsistent with the General Plan and the provisions for Rural Preservation Neighborhoods (RPNs). The General Plan allows only 5.5 dwelling units per acre and the more restrictive standards of the RPN permit no more than two dwelling units per acre and three dwelling units per acre in RPN Buffers, respectively. A land use classification of M that permits up to 25 dwelling units per acre is not a desirable transition to existing single-family dwellings. The applicant has not provided satisfactory "good cause" for varying from the provisions of this law.

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

FINDINGS

To approve a rezoning application, pursuant to Title 19.18.040, the Planning Commission or City Council must affirm the following:

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

The existing General Plan designation of the subject site is L (Low Density Residential), which allows a density 3.6 to 5.5 units/gross acre; however, the applicant is requesting to amend this land use designation to M (Medium Density Residential), which allows a maximum of 25 dwelling units per gross acre. The proposed rezoning to R-3 (Residential Density Residential), which allows up to 25 units per acre, is consistent with the proposed General Plan designation. Staff is recommending denial of the General Plan Amendment request.

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."

By approving the subject request, a density of residential development of up to 25 residential dwelling units per acre would be permitted. As discussed in the analysis section above, this is a very high density of development in an area where there do exist large lot single-family residences. For the RPN area, the density may not exceed two dwelling units per acre.

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

The growth and development factors in the community do not indicate a need for the Rezoning to R-3 for an apartment complex on this site. In addition, there are other locations with the appropriate zoning within Las Vegas that would allow a development such as this. The land uses to the north and east are all single-family residential.

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

The property does not have direct access to a major street. Effinger Lane, a local street, would provide the best access, but it would be shared with single-family dwellings. Traffic from this development could create localized congestion problems on the local streets.

PLANNING COMMISSION ACTION

The Planning Commission voted to approve this application as they felt it was an appropriate zoning for the area.

NOTICES MAILED 57 by Planning Department

APPROVALS 0

PROTESTS 0



PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **ZON-3672** APN: 139-25-410-043

Name of Property Owner: RM PROPERTY HOLDINGS

Name of Applicant: AARON WALLACE

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

Yes

No

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

City Official: _____

Partner(s): _____

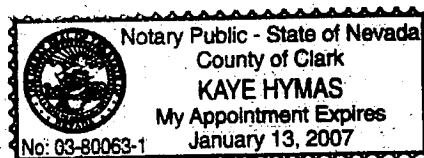
APN: _____

Signature of Property Owner/Authorized Agent: [Signature]

Print Name: Perry Nietz

Subscribed and sworn before me

This 5 day of January, 2004
Steve Hyman
 Notary Public in and for said County and State



PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **ZON-3672** APN: **139-25-410-007**

Name of Property Owner: JANET + STEVE WILSON

Name of Applicant: JANET + STEVE WILSON

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: _____

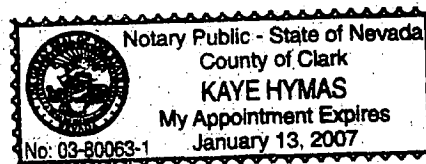
Signature of Property Owner/Authorized Agent: _____

Print Name: Terry Dietz

Subscribed and sworn before me

This 5 day of January, 2004

Kyle Hyman
Notary Public in and for said County and State



POWER OF ATTORNEY

State of Nevada)
) ss
County of Clark)

KNOW YE ALL MEN BY THESE PRESENTS,

That I, Aaron Wallace, President of: R M Property Holdings LLC
Address: 2984 E. Russell Rd.
City: Las Vegas
County: Clark
State: Nevada
Phone No. 434-4500

Do hereby make, constitute and appoint Terry Dietz of:

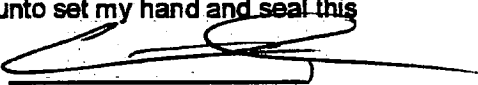
Address: 2984 E. Russell Rd.
City: Henderson, NV 89014
County: Clark
State: Nevada
Phone No.: 434-4500

As my true and lawful attorney-in-fact, for me and in my name,
place and stead to complete whatever actions necessary to fulfill
all requirements.

I further give and grant to my said attorney-in-fact full power and
authority to do and perform every act necessary and proper to be
done in the exercise of any of the foregoing powers as fully as I
might or could do if personally present, with full power of
substitution and revocation, hereby ratifying and confirming all
that my said attorney-in-fact shall lawfully do, or cause to be
done by virtue hereof.

This instrument may not be changed orally.

In witness whereof, I have hereunto set my hand and seal this
17 day of Feb, 2004.

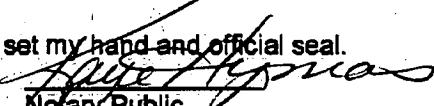

Signature

CERTIFICATE OF NOTARY

State of Nevada)
)
County of Clark) ss

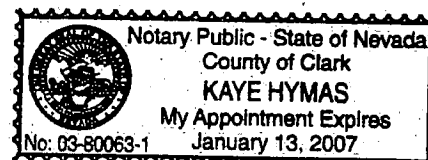
On this 17 day of Feb, in the year 1999, before me
personally came and appeared Aaron Wallace known and
known to me, to be the individual described in and who executed
the foregoing instrument, and who duly acknowledged to me that
he executed same for the purpose therein contained.

In witness whereof, I hereunto set my hand and official seal.


Notary Public

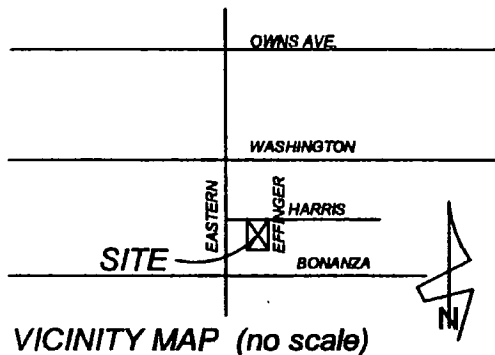
My commission expires:

1-13-07



State of Nevada)
County of Clark) ss

 Notary Public - State of Nevada
County of Clark
KAYE HYMAN
My Appointment Expires
January 13, 2007
Nv: 03-50063-1



LANDSCAPE SCHEDULE

PALO VERDE / CHILEAN MESQUITE, 24" BOX

TEXAS RANGERS, CASIAS, RED BIRDS, 5 GAL.

CRUSHED RED SAND STONE AND FINES WITH OVERCASTINGS OF STONES TO 6" GROUND COVER
SMALL SHRUBS, FIVE GAL. (PENSTEMMINS, POWIS CASTLE, GERMANDER, VARIOUS SAGE, ETC. 1 GAL.

PARKING ANALYSIS

TOTAL 1BR UNITS = 24 @ 1.25 SPS. / DU. = 30 SPS
TOTAL 2 BR UNITS = 16 @ 1.75 SPS. / DU. = 24 SPS.
VISITOR PARKING / 1 BR = 5
VISITOR PARKING / 2 BR = 4 TOTAL REQ'D. = 63
TOTAL NUMBER OF SPACES SHOWN = 63
TOTAL NUMBER COVERED 40 REQ'D, 40 SHOWN

ASSESSOR'S PARCEL NUMBER

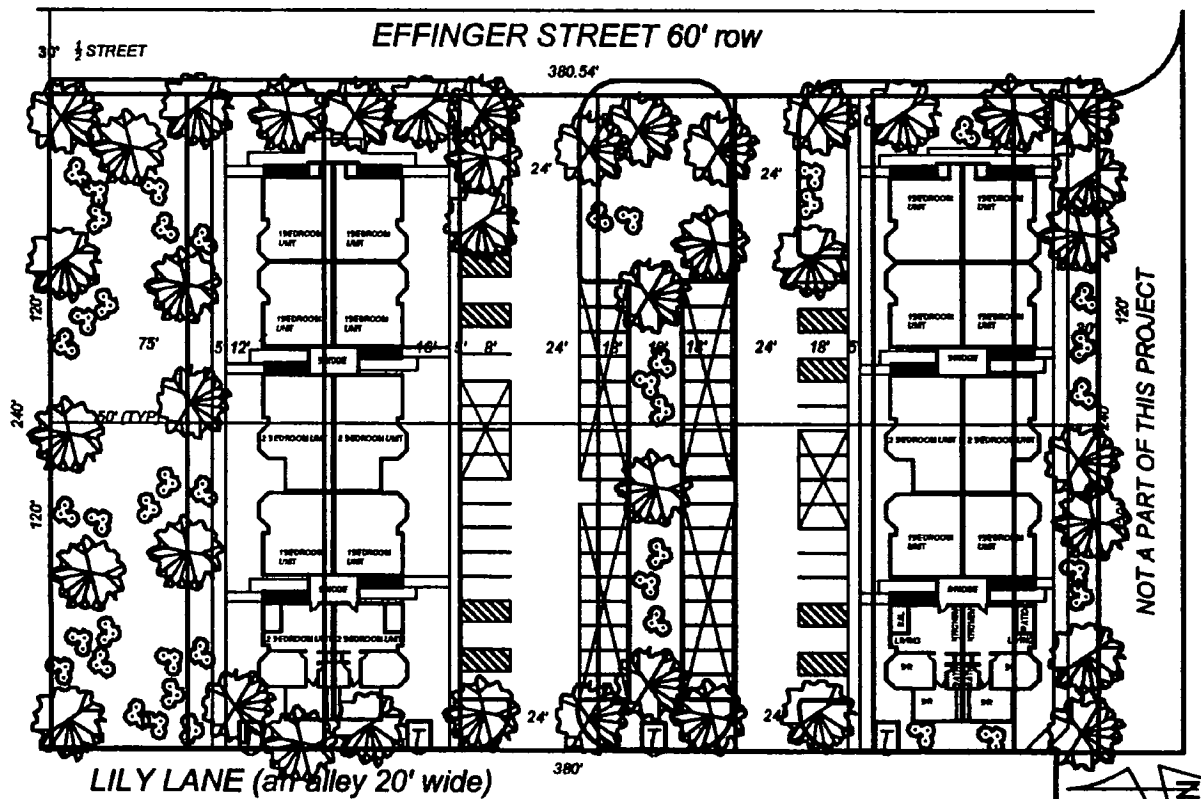
139 25 410 043; 042; & 007

DENSITY ANALYSIS

40 dws. on 2.094 ac. = 19.1 dws./ac. NET
40 dws. on 2.356 ac. = 16.2 dws./ac. GROSS

BUILDING SIZE

TWO BUILDINGS EACH 204' X 55' OVERALL



SITE PLAN AND CONCEPT ARCHITECTURAL ELEVATIONS,
and
CONCEPT LANDSCAPING PLAN in SUPPORT OF ZONE
CHANGE REQUEST FROM RE to R1, ON EFFINGER OFF
HARRIS AND EASTERN in the CITY OF LAS VEGAS

REVISED
6.16.04

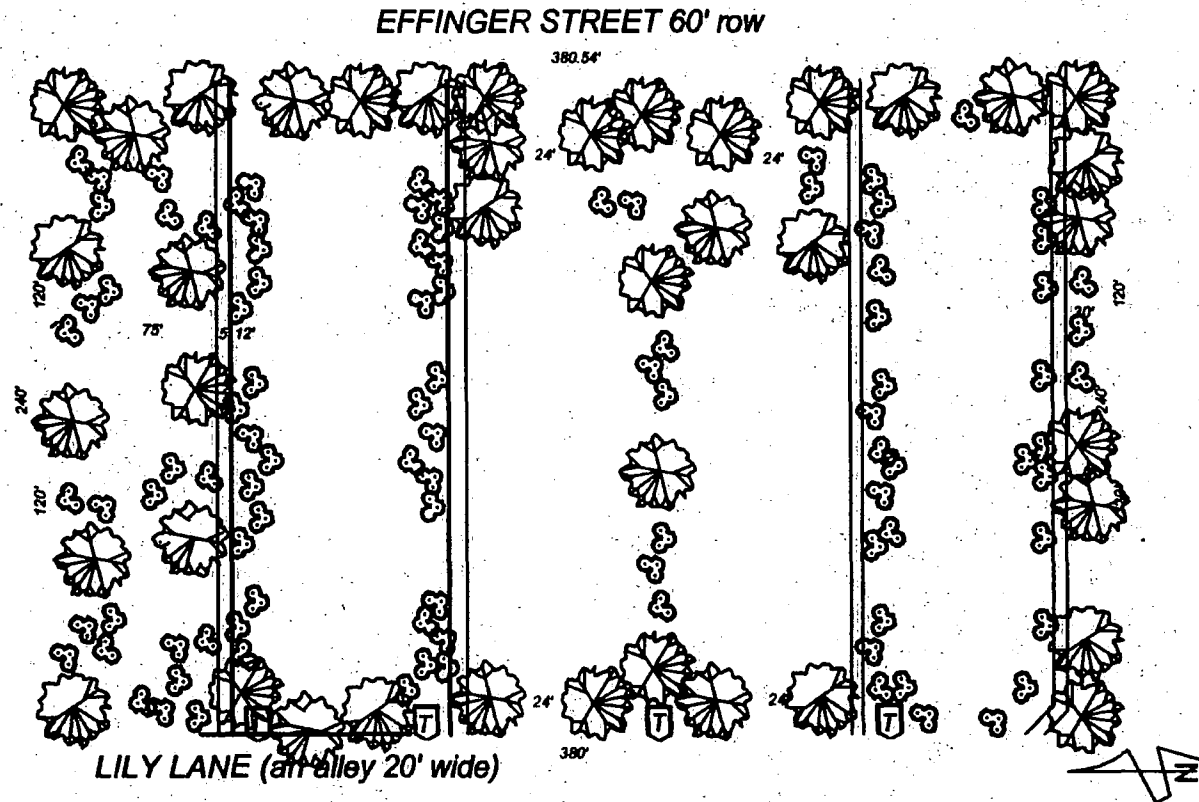
ZON-3672
6-24-04 PC

LANDSCAPE SCHEDULE

PALO VERDE / CHILEAN MESQUITE, 24" BOX
TEXAS RANGERS, CASIAS, RED BIRDS, 5 GAL
SMALL SHRUBS, FIVE GAL (PENSTEMMINS,
POWIS CASTLE, GERMANDER, VARIOUS
SAGE, ETC. 1 GAL

NO AREAS OF TURF ARE PLANNED

GROUND COVER:
CRUSHED RED SAND STONE AND
FINES OVER CAST WITH MINUS 5"
ROCK IN RANDOM PATTERN



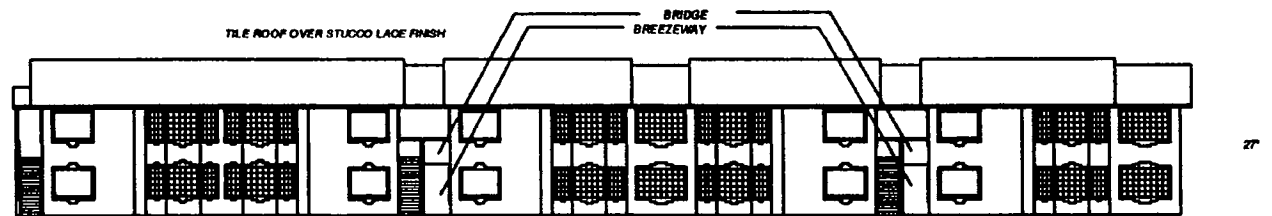
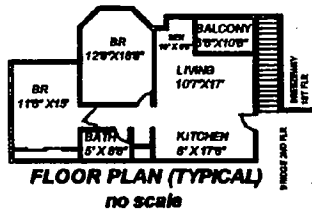
ASSESSOR'S PARCEL NUMBER

139 25 410 043; 042; 6007

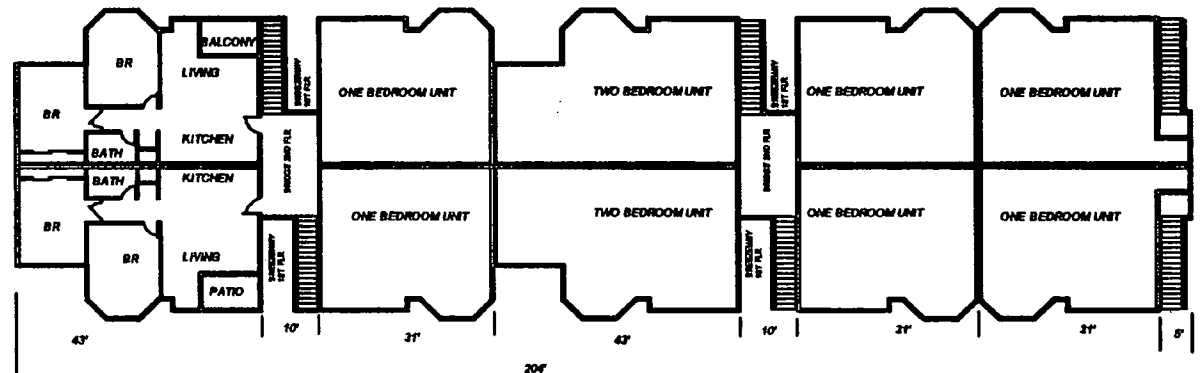
LANDSCAPE PLAN to accompany ZONE CHANGE REQUEST
EFFINGER STREET off HARRIS

REVISED
6.16.04

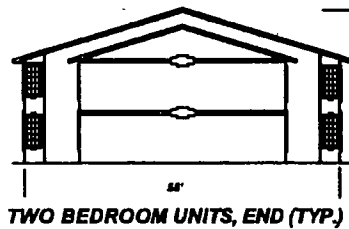
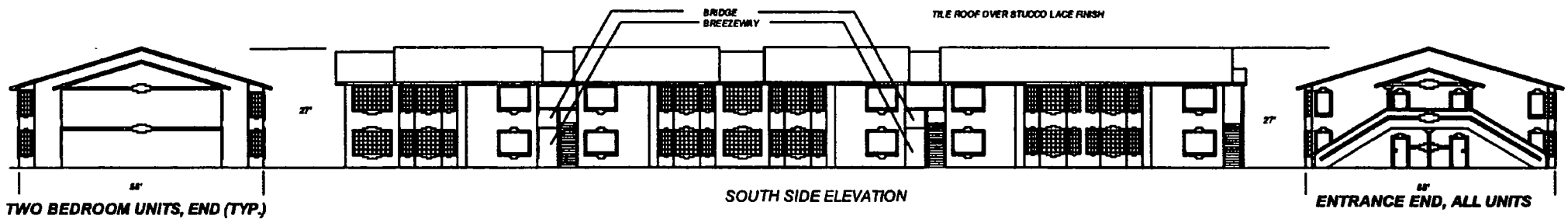
ZON-3672
6-24-04 PC



NORTH SIDE ELEVATION



FLOOR PLAN & UNIT OUTLINES



CONCEPT ARCHITECTURAL ELEVATIONS, FLOOR PLANS AND BUILDING-UNIT OUTLINES

REVISED ZON-3672
6.16.04 6-24-04 PC



ZON-3672 - APPLICANT: R M PROPERTY HOLDINGS - OWNER: R M PROPERTY HOLDINGS, LIMITED
LIABILITY COMPANY, ET AL
ADJACENT TO THE NORTHWEST CORNER OF EFFINGER LAND AND POPPY LANE
JUNE 24, 2004 PLANNING COMMISSION

03/18/04



ZON-3672 - APPLICANT: R M PROPERTY HOLDINGS - OWNER: R M PROPERTY HOLDINGS, LIMITED
LIABILITY COMPANY, ET AL
ADJACENT TO THE NORTHWEST CORNER OF EFFINGER LAND AND POPPY LANE
JUNE 24, 2004 PLANNING COMMISSION

03/18/04

**GREATER NEVADA PLANNING, INC.***Tracking your path to success!***DEVELOPER SERVICES**

- ✓ Permit Tracking
- ✓ Zone Changes
- ✓ Use Permits

MEMO

TO: Mr. Gary Liebel
City of Las Vegas
Via fax: 385-7268

FROM: Sharon Tyner-Sabraw

DATE: 3/31/04

SUBJECT: 139-25-410-007, 042, and 043
Effinger & Poppy Lane

Gary, as per our conversation by phone yesterday, we agree to pull this project into all possible compliance.

Specifically, we agree to the following (included, but not limited to these specifications):

1. 75' clear space along the North boundary
2. 20' set back in front yard, (Effinger side).
3. Maintain adequate parking
4. Maintain ~~7'~~ ^{10'} separation of buildings within the site

Thank you very much for your help.



GEORGE GEKAKIS, INCORPORATED
GENERAL CONTRACTOR / DEVELOPER

2655 S. Rainbow Blvd.
Suite #401
Las Vegas, NV 89146
NV Lic. #0025406

702-364-8027 Phone
702-364-4925 Fax
e-mail: GGI@lvcn.com
www.ggidevelopment.com

March 24, 2003

Mr. Mark Sabraw
Greater Nevada Planning, Inc.
2756 N. Green Valley Pkwy., #177
Henderson, Nevada 89014-2120

RE: Zone Change Request
Vacant Land - Effinger & Poppy Lane

Dear Mr. Sabraw,

Upon reviewing your proposed site plan for the zone change request on the above referenced site, we have some conditions that we would like to see included in the zoning. Although we do not support the zone change request, we are not denying it either with the inclusion of the following conditions:

1. An eight (8) foot high block wall on the south perimeter that borders McKnight Senior Village.
2. The building height cannot be more than 25 feet.
3. A 25 ft. landscape buffer on the south end of the proposed site that borders McKnight Senior Village.

Thank you in advance for your consideration of the above recommendations and please feel free to call my office if you have any questions at 364-8027.

Best regards,

GEORGE GEKAKIS, INC.

George Gekakis

GG/me

cc: Steve Swanton, City of Las Vegas Planning

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF: JULY 21, 2004**DEPARTMENT: PLANNING & DEVELOPMENT****DIRECTOR:****ROBERT S. GENZER**☐**CONSENT**☒**DISCUSSION****SUBJECT:**

SITE DEVELOPMENT PLAN REVIEW RELATED TO GPA-3670 AND ZON-3672 -
PUBLIC HEARING - SDR-3958 - APPLICANT: R M PROPERTY HOLDINGS -
OWNER: R M PROPERTY HOLDINGS, LIMITED LIABILITY COMPANY, ET AL -
Request for a Site Development Plan Review and a Reduction in the Amount of Required
Perimeter Landscaping FOR A PROPOSED 50-UNIT MULTI-FAMILY RESIDENTIAL
DEVELOPMENT on 2.09 acres adjacent to the northwest corner of Effinger Lane and Poppy
Lane (APN: 139-25-410-007, 042, and 043), R-E (Residence Estates) Zone [PROPOSED: R-3
(Medium Density Residential)], Ward 3 (Reese). Staff recommends DENIAL. The Planning
Commission (6-1 vote) 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 DENIAL. The Planning Commission (6-1 vote) recommends APPROVAL,
subject to conditions.

BACKUP DOCUMENTATION:

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2. Conditions For This Application
3. Staff Report
4. Letter dated 3/31/04 from Greater Nevada Planning, Inc., regarding compliance
5. Letter dated 3/24/04 from George Gekakis, Inc., regarding conditions
6. Submitted at City Council – Concept Handout by Sharon Tyner Sabraw

MOTION:

REESE – APPROVED subject to conditions and amending conditions as follows:

3. All development shall be in conformance with the site plan date stamped 6/16/04
and for a maximum of 40 units and pursuant to the elevation submitted 7/21/04 “and
meeting all the standards” revised to meet parking, setbacks, and landscape
standards or approval of an variance thereon, except as amended by conditions
herein.
4. A total of 63 conforming parking spaces shall be provided on the site in
conformance with Code requirements.

– UNANIMOUS

MINUTES:

NOTE: See Item 123 [GPA-3670] for all related discussion.

(3:10 – 3:11)

5-1012

CITY COUNCIL MEETING OF JULY 21, 2004
Planning and Development Department
Item 125 – SDR-3958

CONDITIONS Continued:

Planning and Development

1. A General Plan Amendment (GPA-3670) to an M (Medium Density Residential) land use designation and a Rezoning [ZON-3672] to a R-3 (Medium Density Residential) Zoning District approved by the City Council.
2. This Site Development Plan Review shall expire two years from date of final approval unless it is exercised or an Extension of Time is granted by the City Council.
3. All development shall be in conformance with the site plan date stamped 6/16/04 and revised to meet parking, setbacks, and landscape standards or approval of a variance thereon, except as amended by conditions herein.
4. A total of 65 conforming parking spaces shall be provided on the site in conformance with Code requirements.
5. 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 rear yard setbacks that meet Code requirements. This will require that the site plan be amended to provide conforming setbacks, or that the applicant seek and receive approval of a Variance from these requirements of the Code.
6. Prior to the submittal of a building permit, the applicant shall meet with Planning and Development Department staff to develop a comprehensive address plan for the subject site. A copy of the approved address plan shall be submitted with any future building permit applications related to the site.
7. A revised landscape plan must be submitted prior to application is made for a building permit, with additional trees provided in the perimeter buffer area in accordance with Code requirements.
8. No turf shall be permitted in the non-recreational common areas, such as medians and amenity zones in this development.
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.

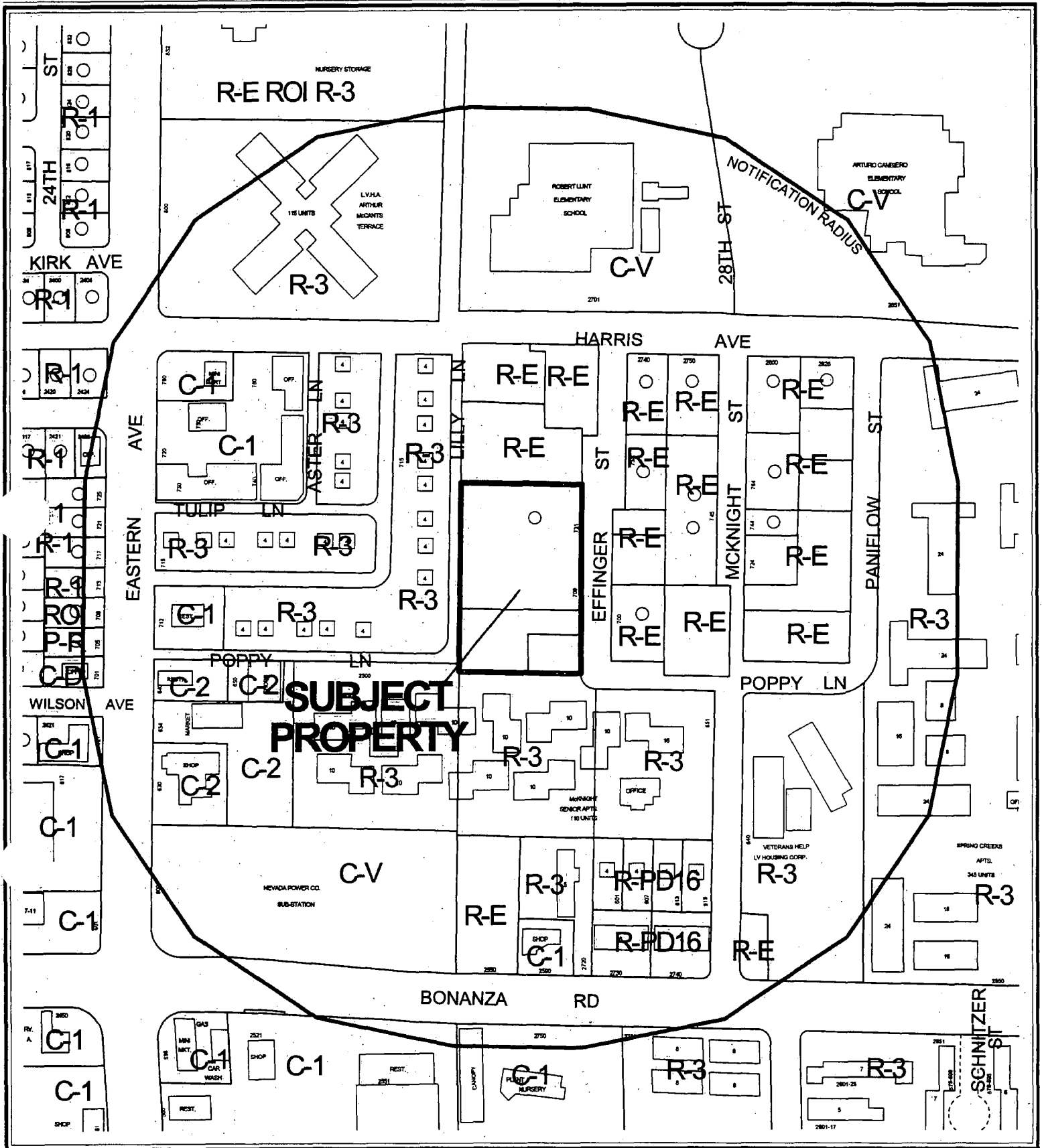
CITY COUNCIL MEETING OF JULY 21, 2004
Planning and Development Department
Item 125 – SDR-3958

CONDITIONS Continued:

11. All utility boxes exceeding 27 cubic feet in size shall meet the standards of Title 19.12.050.
12. Any property line wall shall be a decorative block wall, with at least 20 percent contrasting materials. Wall heights shall be measured from the side of the fence with the least vertical exposure above the finished grade, unless otherwise stipulated.
13. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.
14. Meet with the Fire Protection Engineering Section of the Department of Fire Services prior to submittal of a Tentative Map for this site. The Design and layout of all onsite private circulation and access drives shall meet the approval of the Department of Fire Services.
15. All City Code requirements and design standards of all City departments must be satisfied.

Public Works

16. Coordinate with the City Surveyor to determine if mapping is necessary; if a map or joining is required, it should record prior to the issuance of any permits for this site.
17. Parking spaces accessed from Lily Lane shall be set back a minimum of four feet from the property line to provide a minimum of 24 feet clearance for vehicle maneuvering.
18. Site development to comply with all applicable conditions of approval for Zoning Reclassification ZON-3672 and all other site-related actions.



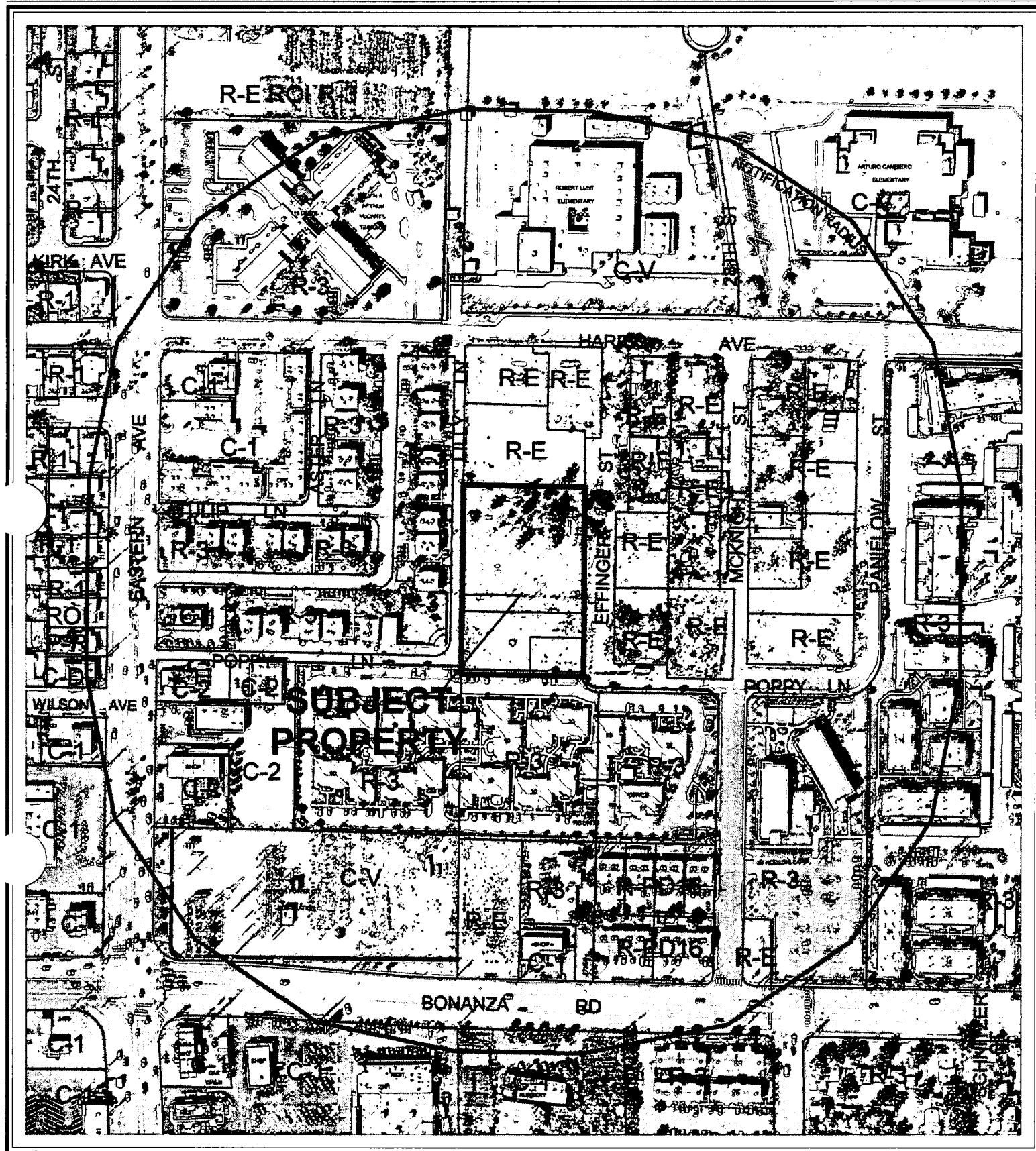
CASE: SDR-3958

RADIUS: 750 FT

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

PROPOSED ZONING OF SUBJECT PROPERTY: R-3 (MEDIUM DENSITY RESIDENTIAL)





CASE: SDR-3958

RADIUS: 750 FT

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

PROPOSED ZONING OF SUBJECT PROPERTY: R-3 (MEDIUM DENSITY RESIDENTIAL)

0 200 400 Feet



AGENDA MEMO

CITY COUNCIL MEETING DATE: JULY 21, 2004

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: SDR-3958 - APPLICANT: R M PROPERTY HOLDINGS -
OWNER: R M PROPERTY HOLDINGS, LIMITED LIABILITY COMPANY, ET AL**

**** CONDITIONS ****

Staff recommends DENIAL. The Planning Commission (6-1 vote) recommends APPROVAL, subject to:

Planning and Development

1. A General Plan Amendment (GPA-3670) to an M (Medium Density Residential) land use designation and a Rezoning [ZON-3672] to a R-3 (Medium Density Residential) Zoning District approved by the City Council.
2. This Site Development Plan Review shall expire two years from date of final approval unless it is exercised or an Extension of Time is granted by the City Council.
3. All development shall be in conformance with the site plan date stamped 6/16/04 and revised to meet parking, setbacks, and landscape standards or approval of a variance thereon, except as amended by conditions herein.
4. A total of 65 conforming parking spaces shall be provided on the site in conformance with Code requirements.
5. 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 rear yard setbacks that meet Code requirements. This will require that the site plan be amended to provide conforming setbacks, or that the applicant seek and receive approval of a Variance from these requirements of the Code.
6. Prior to the submittal of a building permit, the applicant shall meet with Planning and Development Department staff to develop a comprehensive address plan for the subject site. A copy of the approved address plan shall be submitted with any future building permit applications related to the site.
7. A revised landscape plan must be submitted prior to application is made for a building permit, with additional trees provided in the perimeter buffer area in accordance with Code requirements.
8. No turf shall be permitted in the non-recreational common areas, such as medians and amenity zones in this development.

9. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.
10. Parking lot lighting standards shall be no more than 20 feet in height and shall utilize 'shoe-box' fixtures and downward-directed lights. Wallpack lighting shall utilize 'shoe-box' fixtures and downward-directed lights on the proposed building. Non-residential property lighting shall be directed away from residential property or screened, and shall not create fugitive lighting on adjacent properties.
11. All utility boxes exceeding 27 cubic feet in size shall meet the standards of Title 19.12.050.
12. Any property line wall shall be a decorative block wall, with at least 20 percent contrasting materials. Wall heights shall be measured from the side of the fence with the least vertical exposure above the finished grade, unless otherwise stipulated.
13. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.
14. Meet with the Fire Protection Engineering Section of the Department of Fire Services prior to submittal of a Tentative Map for this site. The Design and layout of all onsite private circulation and access drives shall meet the approval of the Department of Fire Services.
15. All City Code requirements and design standards of all City departments must be satisfied.

Public Works

16. Coordinate with the City Surveyor to determine if mapping is necessary; if a map or joining is required, it should record prior to the issuance of any permits for this site.
17. Parking spaces accessed from Lily Lane shall be set back a minimum of four feet from the property line to provide a minimum of 24 feet clearance for vehicle maneuvering.
18. Site development to comply with all applicable conditions of approval for Zoning Reclassification ZON-3672 and all other site-related actions.

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

The request is for approval of a Site Development Review and a reduction in the amount of required perimeter landscaping for a proposed 40-unit multi-family residential development on 2.09 acres at the northwest corner of Effinger Lane and Poppy Lane. Companion applications for a General Plan Amendment (GPA-3670) from L (Low Density Residential) to M (Medium Density Residential), and for a Rezoning (ZON-3672) from R-E (Residence Estates) to R-3 (Medium Density Residential) will be considered concurrently.

B) Applicant's Justification

In a letter submitted with the application, the applicant has justified the request by stating that this land use application will produce an environment of stable and desirable character consistent with the objectives of Title 19 and the General Plan due to the area in which it will service, and that the General Plan designations surrounding this site is M (Medium Density Residential) except for a PF (Public Facilities) designation to the north. No justification was provided for the requested waiver of development standards.

BACKGROUND INFORMATION

A) Previous Actions

04/08/04	The Planning Commission voted to hold this item (SDR-3958) in abeyance to give the applicant time to meet with staff and address density and design issues related to the overall project.
05/27/04	The Planning Commission voted to hold this item in abeyance in an effort to provide the applicant an opportunity to work with staff. Staff met with the applicant on May 11, 2004 and with their designer on June 2, 2004 to discuss these issues; revised plans depicting a decrease in the number of units have been submitted.
06/24/04	The Planning Commission recommended approval of related items (GPA-3670 and ZON-3672).
06/24/04	The Planning Commission voted 6-1 to recommend APPROVAL (PC Agenda Item #27).

B) Pre-Application Meeting

- 05/11/04 Staff met with the applicant to review the Residential Adjacency requirements, setbacks, parking requirements and location of the trash enclosures. The applicant was informed that new plans and a revised justification letter would be required. In addition, staff met with the applicant's designer on June 2, 2004, and again reviewed the issues of concern and requested revised plans and documentation.
- 01/16/04 At the meeting, the applicant was advised of the following issues:
- For parking standards, 0.75 parking spaces per unit or 38 spaces are required.
 - Add 10 feet of landscape buffer along Lilly Lane and remove parking.
 - Justification letter should reference the desire for senior housing and any waiver request to the Code.
 - Verify that 15 feet of landscape buffer is required along Effinger Lane.
 - Need alley access to accommodate parking.

C) Neighborhood Meetings

- 03/04/04 A neighborhood meeting sponsored by the applicant was held at the Las Vegas Library. Four people attended the meeting. Two of the four represented the owner of a senior complex to the south, and the other two were not residents but were relatives of a nearby property owner. Concerns included the following:
- Whether there would be a resident manager on site.
 - What trees and landscaping would be provided

A letter dated March 24, 2004 was also received from the representatives of the adjacent McKnight Senior Village complex to the south, requesting that the applicants include an eight-foot block wall on the southern perimeter of the site, limit building height to 25 feet and provide a 25-foot landscape buffer on the south end of the property.

DETAILS OF APPLICATION REQUEST

A) Site Area

Net Acres: 2.09

B) Existing Land Use

Subject Property: Single-Family Dwellings and Undeveloped

North: Single-Family Dwellings

South: Multi-Family Apartments

East: Across Effinger Lane, Single-Family Dwellings

West: Across Lily Lane, Duplex Dwellings

C) *Planned Land Use*

Subject Property: L (Low Density Residential)
North: L (Low Density Residential)
South: M (Medium Density Residential)
East: Across Effinger Lane, L (Low Density Residential)
West: Across Lily Lane, M (Medium Density Residential)

D) *Existing Zoning*

Subject Property: R-E (Residence Estates)
North: R-E (Residence Estates)
South: R-3 (Medium Density Residential)
East: Across Effinger Lane, R-E (Residence Estates)
West: Across Lily Lane, R-3 (Medium Density Residential)

E) *General Plan Compliance*

The subject property is identified on the Southeast Sector Map of the General Plan as L (Low density Residential). This category permits single-family detached homes, mobile homes on individual lots, gardening; home occupations and family child care facilities. Local supporting uses such as parks, other recreation facilities, schools and churches are allowed in this category. The proposed development would not conform to this land use designation, but would conform if the companion request for an amendment to the M (Medium Density Residential) designation were approved.

Part of the subject property is located within a Rural Preservation Neighborhood. The Nevada Revised Statutes specifically states, "...The governing body shall take such actions as are necessary and appropriate to ensure that the rural character of each rural preservation neighborhood is preserved." Consequently, for this part, the property may not be redesignated to another classification.

Part of the subject property is also located within the Rural Preservation Neighborhood (RPN) buffer. This 330-foot transitional buffer exists because of the RPN. Within this buffer area, residential development density is limited to three dwelling units per acre, **unless good cause is shown.**

Unlike the RPN, the RPN Buffer area may be reclassified when it can be demonstrated that there is good cause for doing so. The buffer area is intended to protect the integrity of the RPN. For that reason, the state enabling legislation was adopted to provide additional assurance that such integrity would be preserved. The applicant submitted a letter with the application, stating: "The land use application will produce an environment of stable and desirable character consistent with the objectives of Title 19 and the General Plan due to the area in which it will service." To the contrary, the land use application is inconsistent with the General Plan and the provisions for Rural Preservation Neighborhoods (RPNs). The General Plan allows only 5.5 dwelling units per acre and the more restrictive standards of the RPN permit no more than two dwelling units per acre and three dwelling units per acre in RPN Buffers, respectively. A land use classification of M that permits up to 25 dwelling units per acre is not a desirable transition to existing single-family dwellings. The applicant has not provided satisfactory "good cause" for varying from the provisions of this law.

PROJECT DESCRIPTION

The request is for a proposed 40-unit multi-family residential development on 2.09 acres at the northwest corner of Effinger Lane and Poppy Lane. The development would consist of 24 one-bedroom and 16 two-bedroom units, distributed among eight two-story buildings on the site. The buildings are arranged in two groups of three, in which bridges or walkways join the grouped buildings. A total of 63 surface parking spaces are to be provided, of which four will be handicap spaces and 40 spaces will be covered. Open space is provided on the north side of the site and on the east-central portion of the property, and access to the site is available from both Lily Lane and from Effinger Lane.

ANALYSIS

A) Zoning Code Compliance

A1) Development Standards

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

Standards R-3 District	Required	Provided	Compliance
Min. Lot Size	6500 Square Feet	91,040 Square Feet	Y
Min. Setbacks			
• Front	20 Feet	25 Feet	Y
• Side	5 Feet	21 Feet	Y
• Corner	5 Feet	N/A	Y
• Rear	20 Feet	10 Feet	N
Distance Between Buildings	10 Feet	10 Feet	Y
Max. Building Height	2 Stories / 35 Feet	2 Stories/27 Feet	Y
Trash Enclosure	Walled, Gated, Roofed	Not fully indicated	N/A

The project meets all development criteria of the R-3 zoning district, with the exception of the minimum rear yard setback. The trash enclosures will need to be walled and roofed in accordance with code requirements.

A2) Residential Adjacency Standards

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

- a) Proximity slope. The property immediately to the north of the subject site is designated as L (Low Density Residential). Title 19.08.060.A.1.b. requires that residential adjacency standards be observed for multi-residential projects adjacent to land so designated. Based on the required 3:1 proximity slope and the proposed building height of 27 feet, a separation distance of 81 feet would typically be required. However, the 27 foot height is measured to the peak of the roof, and the proposed 75 foot setback will be adequate for the structure to fit within the 3:1 proximity slope.

b) Building setback. The project exceeds this requirement of the Code.

A3) Parking and Traffic Standards

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

Uses	Number of Units	Ratio	Required		Provided	
			Parking		Parking	
			Regular	Handicap	Regular	Handicap
Apartments	24 units	1.25 spaces/unit	30 spaces			
1-bdrm						
2-bdrm	16 units	1.75 spaces/unit	28 spaces			
		1 guest space/6 units	7 spaces			
Totals	40 units		65 spaces	None	63 spaces	4 spaces

The project is lacks two parking spaces; the site plan will need to be adjusted to include the required parking spaces. A condition has been included to address this issue.

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	4 Trees	10 Trees
Buffer:			
• Min. Trees	1 Tree/30 Linear Feet (1,000 Feet)	34 Trees	30 Trees
• Min. Zone Width	15 Feet on external perimeters, 6 Feet on internal perimeters		Y
• Wall height	6 Feet		

The proposed landscaping generally meets Code requirements, with the exception of the number of trees in the perimeter buffer areas. A condition has been included to address this requirement.

B) General Analysis and Discussion

- Zoning

There is a proposed companion Rezoning request to the R-3 (Medium Density Residential) District for the site. The purpose of the R-3 (Medium Density Residential) District is to provide for the development of a variety of multi-family units such as duplexes, townhouses and medium density apartments. At 40 units, the proposed development will result in a density of 19.13 units per acre, which is in conformance with the R-3 (Medium Density Residential) District. The R-3 (Medium Density Residential) District is consistent with the policies of the Medium Density Residential category of the General Plan, which is the subject of a companion General Plan Amendment application.

- Site Plan

The site plan conforms to most aspects of the Code, with the exception of the rear yard setback and the number of parking spaces provided on site. The site plan can be easily modified to include the additional parking spaces; conformance with the rear yard setback requirement will require a modification to building footprint or the submittal of a variance application.

- Waivers

The applicant had originally requested a waiver from the perimeter landscape buffer requirements; the subsequent revisions to the site plan show buffer areas that conform to the minimum depth requirements. Consequently, no waiver will be required.

- Elevation

The elevations depict two-story stucco apartments buildings with low-angle pitched tile roofs and external stairwells to access upper-floor units. Foam pop-out details are employed over windows and doorways to add visual interest.

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 density of the proposed development is not compatible with the existing land use designation and zoning. Although there are other apartment projects to the west and south of the subject site, there are low-density residential lands to the north and east of the site as well. Also, the site is affected with density restrictions as a result of applicable state law with respect to Rural Preservation Neighborhoods and buffer areas. A density of up to 25 dwelling units per acre is extreme compared to densities of two and three dwelling units per acre permitted within these adjacent areas.

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

The development would be consistent with the General Plan and with the Zoning Code if companion requests for General Plan Amendment and Rezoning are approved, with the exception of the rear yard setback and the number of parking spaces provided.

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

The property does not have direct access to a major street. Effinger Lane, a local street, would provide the best access, but it would be shared with single-family dwellings.

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

The building materials of the existing buildings are appropriate for the area and for 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 existing buildings are not unsightly or obnoxious in appearance and are harmonious and compatible with development in the area.

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

The proposed apartments will be subject to regular City and County inspections and will therefore not compromise the public health, safety, and welfare.

PLANNING COMMISSION ACTION

The Planning Commission amended Condition #3 as shown.

NOTICES MAILED 57 by Planning Department

APPROVALS 0

PROTESTS 0

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **SDR-3958** APN: 139-25-410-007

Name of Property Owner: JANET + STEVE WILSON

Name of Applicant: JANET + STEVE WILSON

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

8 No

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

City Official: _____

Partner(s): _____

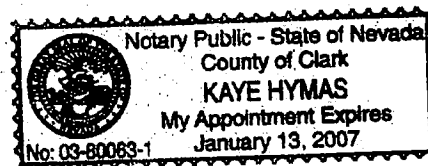
APN: _____

Signature of Property Owner/Authorized Agent:

Print Name:

Subscribed and sworn before me

This 5 day of January, 2024
Kyle Hyman
 Notary Public in and for said County and State



PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **SDR-3958** APN: 139-25-410-042

Name of Property Owner: RM PROPERTY HOLDINGS

Name of Applicant: AARON WALLACE

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

Yes

No

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

City Official: _____

Partner(s):

APN: _____

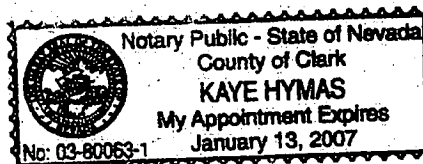
Signature of Property Owner/Authorized Agent:

Print Name:

Subscribed and sworn before me

This 5 day of January, 2004

Notary Public in and for said County and State



PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **SDR-3958** APN: **139-25-410-043**

Name of Property Owner: RM PROPERTY HOLDINGS

Name of Applicant: AARON WALLACE

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

Yes

X No

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

City Official: _____

Partner(s): _____

APN: _____

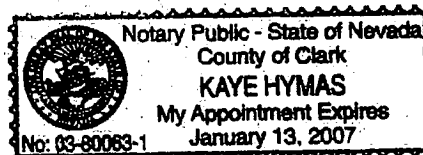
Signature of Property Owner/Authorized Agent: 

Print Name: Harry Dietz

Subscribed and sworn before me

This 5 day of January, 2004

Notary Public in and for said County and State



POWER OF ATTORNEY

State of Nevada)

) ss

County of Clark)

KNOW YE ALL MEN BY THESE PRESENTS,

That I, Aaron Wallace, President of: R M Property Holdings LLC

Address: 2984 E. Russell Rd.

City: Las Vegas

County: Clark

State: Nevada

Phone No. 434-4500

Do hereby make, constitute and appoint Terry Dietz of:

Address: 2984 E. Russell Rd.

City: Henderson, NV 89014

County: Clark

State: Nevada

Phone No.: 434-4500

**As my true and lawful attorney-in-fact, for me and in my name,
place and stead to complete whatever actions necessary to fulfill
all requirements.**

**I further give and grant to my said attorney-in-fact full power and
authority to do and perform every act necessary and proper to be
done in the exercise of any of the foregoing powers as fully as I
might or could do if personally present, with full power of
substitution and revocation, hereby ratifying and confirming all
that my said attorney-in-fact shall lawfully do, or cause to be
done by virtue hereof.**

This instrument may not be changed orally.

**In witness whereof, I have hereunto set my hand and seal this
17 day of Feb., 2004.**

Signature

CERTIFICATE OF NOTARY

State of Nevada)

County of Clark) ss

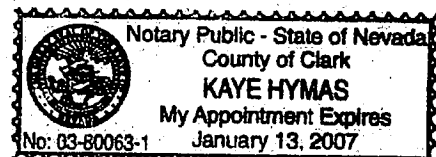
**On this 17 day of Feb., in the year 1999, before me
personally came and appeared Aaron Wallace known and
known to me, to be the individual described in and who executed
the foregoing instrument, and who duly acknowledged to me that
he executed same for the purpose therein contained.**

In witness whereof, I hereunto set my hand and official seal.

Notary Public

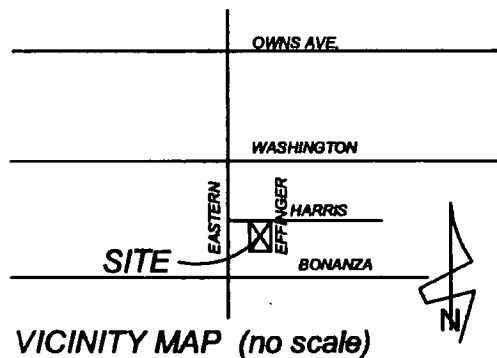
My commission expires:

1-13-07



State of Nevada) ss
County of Clark)

Notary Public - State of Nevada
County of Clark
KAYE HYMAS
My Appointment Expires
January 13, 2007
Not. 03-80063-1



LANDSCAPE SCHEDULE

PALO VERDE / CHILEAN MESQUITE, 24" BOX

TEXAS RANGERS, CASIAS, RED BIRDS, 5 GAL

CRUSHED RED SAND STONE AND FINES WITH OVERCASTINGS OF STONES TO 6" GROUND COVER
SMALL SHRUBS, FIVE GAL (PENSTEMMINS, POWIS CASTLE, GERMANDER, VARIOUS SAGE, ETC. 1 GAL

PARKING ANALYSIS

TOTAL 1BR UNITS = 24 @ 1.25 SPS. / DU. = 30 SPS
TOTAL 2 BR UNITS = 16 @ 1.75 SPS. / DU. = 24 SPS.
VISITOR PARKING / 1 BR = 5
VISITOR PARKING / 2 BR = 4 TOTAL REQ'D. = 63
TOTAL NUMBER OF SPACES SHOWN = 63
TOTAL NUMBER COVERED 40 REQ'D, 40 SHOWN

ASSESSOR'S PARCEL NUMBER

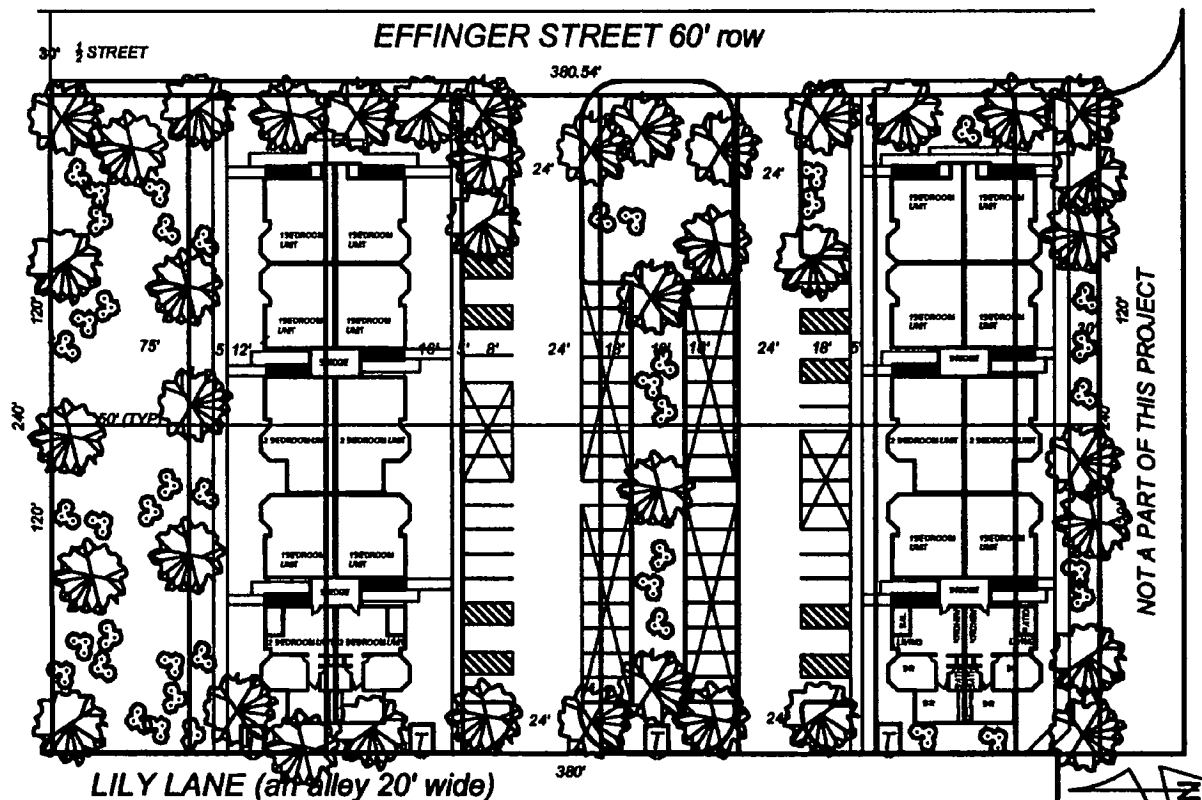
139 25 410 043; 042; 8007

DENSITY ANALYSIS

40 dus. on 2.084 ac. = 19.1 dus./ac. NET
40 dus. on 2.356 ac. = 16.2 dus./ac. GROSS

BUILDING SIZE

TWO BUILDINGS EACH 204' X 55' OVERALL



SITE PLAN AND CONCEPT ARCHITECTURAL ELEVATIONS,
and
CONCEPT LANDSCAPING PLAN in SUPPORT OF ZONE
CHANGE REQUEST FROM RE to R1, ON EFFINGER OFF
HARRIS AND EASTERN in the CITY OF LAS VEGAS

REVISED SDR-3958
6.16.04 6-24-04 PC

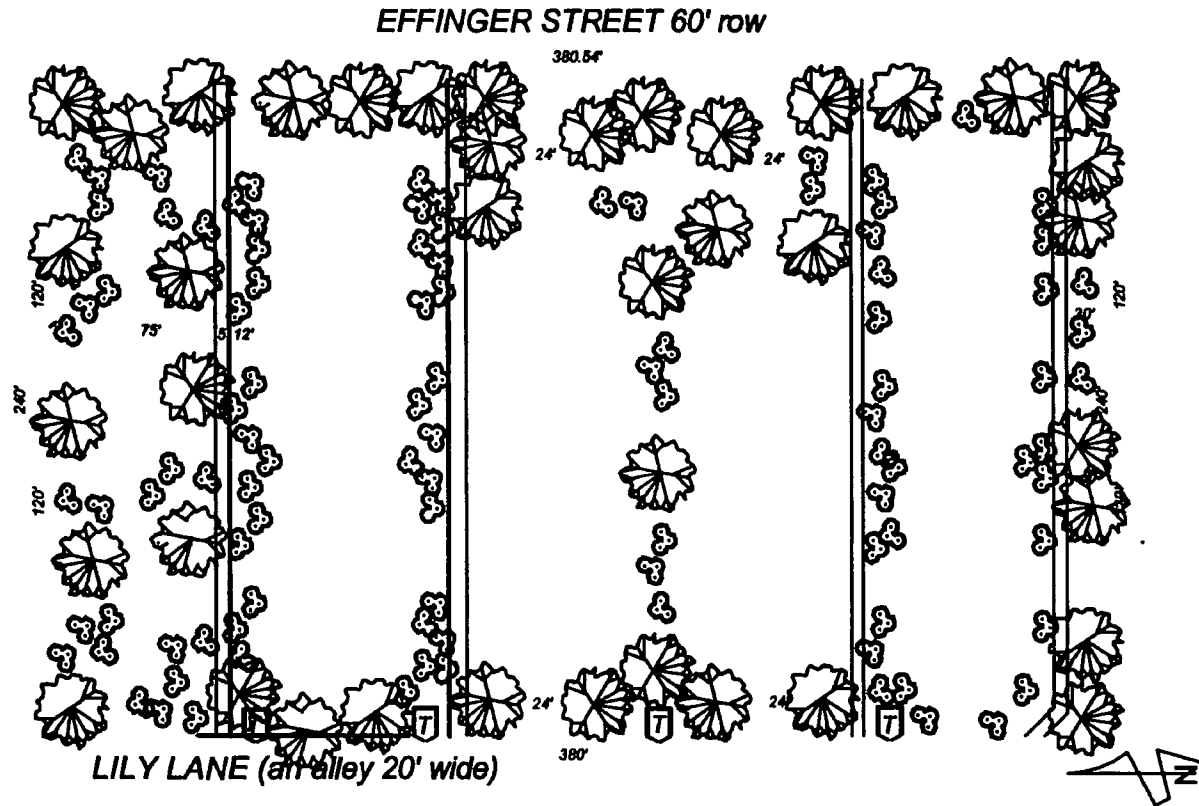


LANDSCAPE SCHEDULE

PALO VERDE / CHILEAN MESQUITE, 24" BOX
TEXAS RANGERS, CASIAS, RED BIRDS, 5 GAL
SMALL SHRUBS, FIVE GAL (PENSTEMMINS,
POWIS CASTLE, GERMANDER, VARIOUS
SAGE, ETC. 1 GAL

NO AREAS OF TURF ARE PLANNED

GROUND COVER:
CRUSHED RED SAND STONE AND
FINES OVER CAST WITH MINUS 6"
ROCK IN RANDOM PATTERN



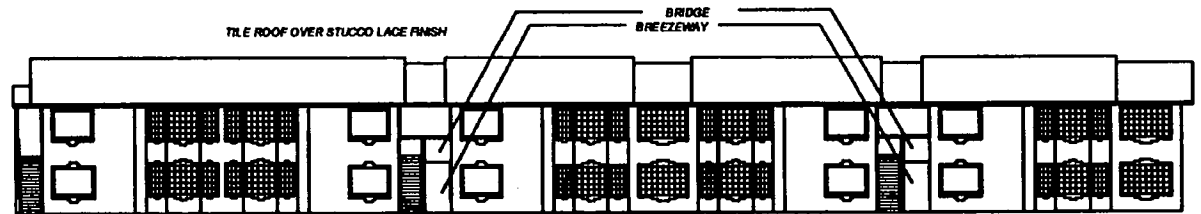
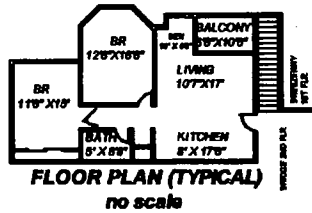
ASSESSOR'S PARCEL NUMBER

138 25 410 043; 042; & 007

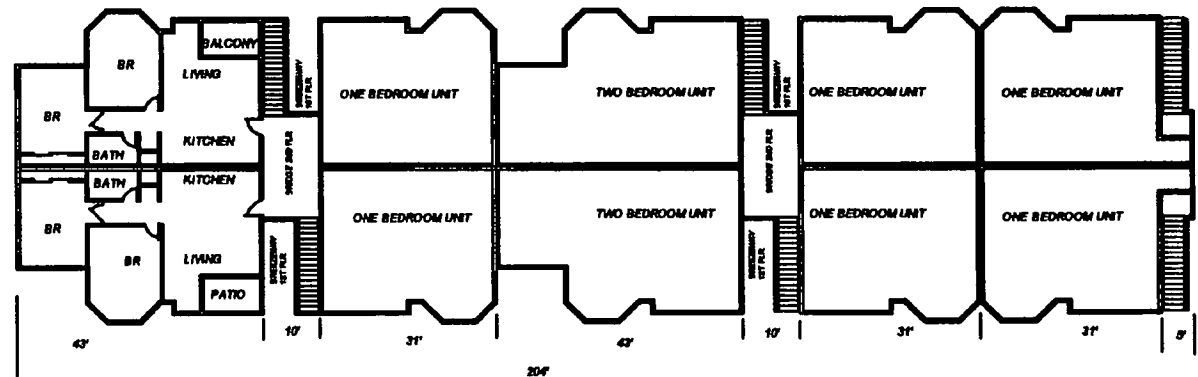
LANDSCAPE PLAN to accompany ZONE CHANGE REQUEST
EFFINGER STREET off HARRIS

REVISED
6.16.04

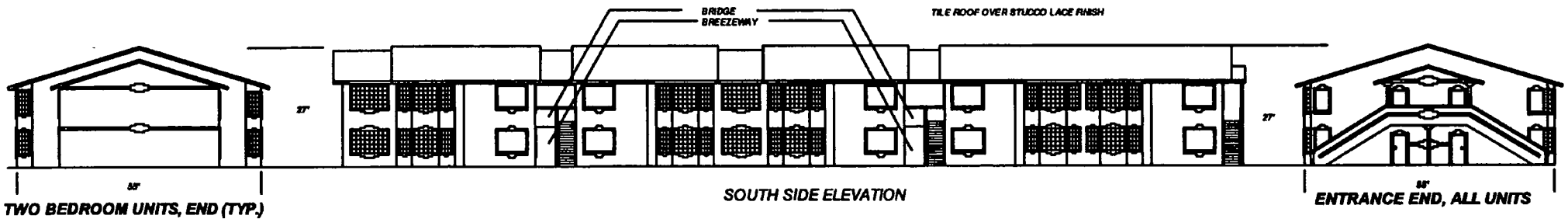
SDR-3958
6-24-04 PC



NORTH SIDE ELEVATION



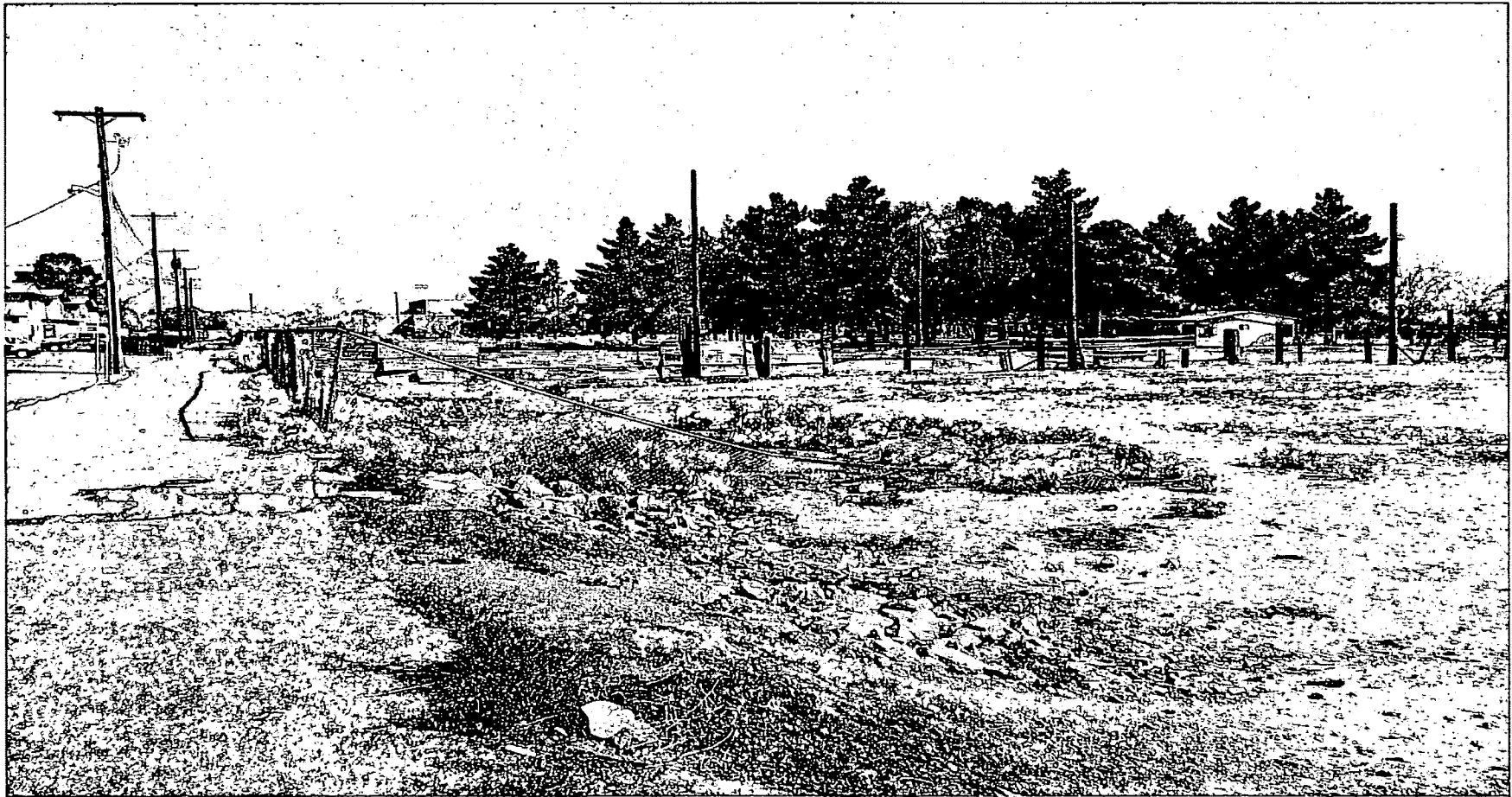
FLOOR PLAN & UNIT OUTLINES



SOUTH SIDE ELEVATION

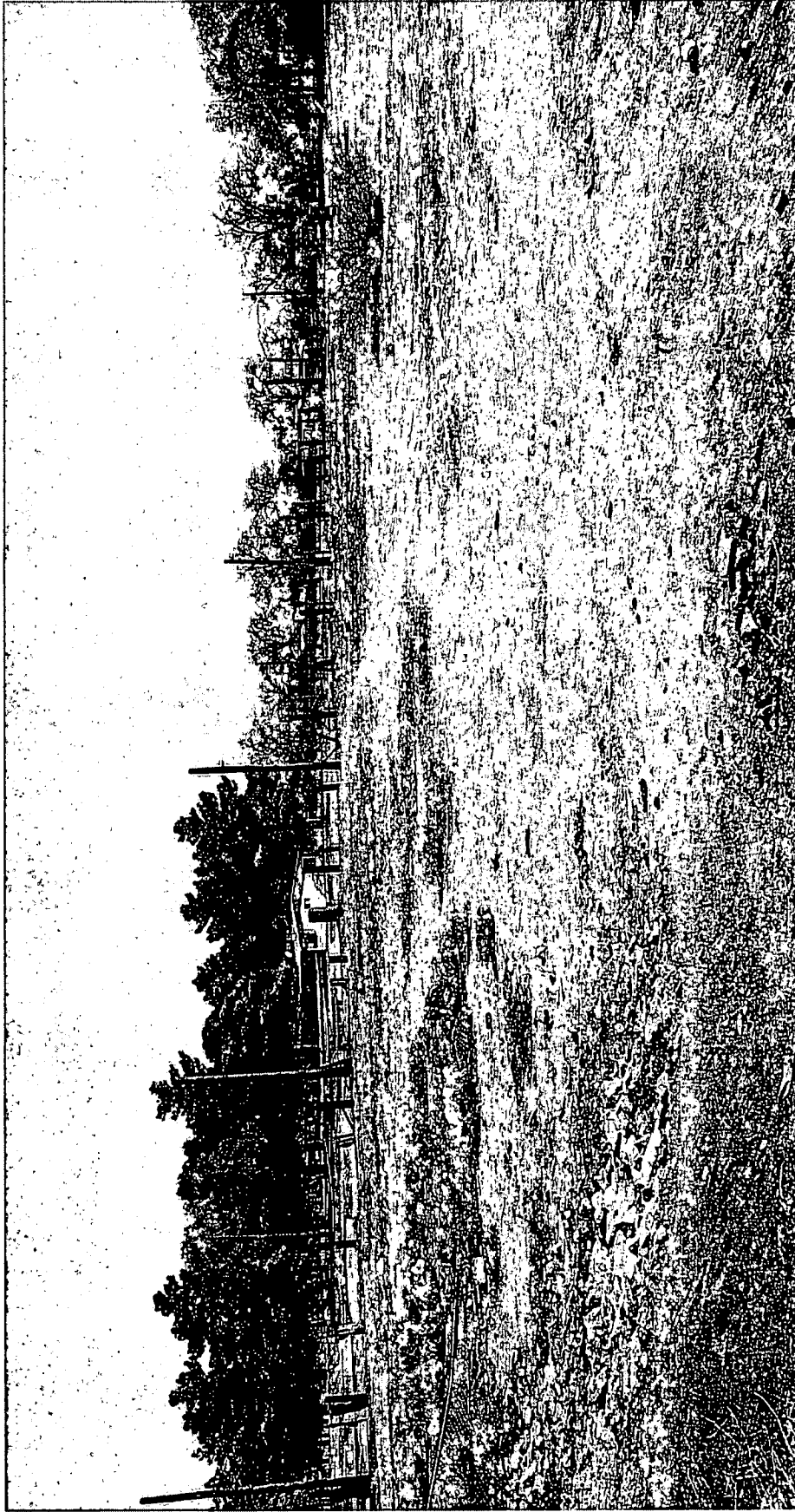
CONCEPT ARCHITECTURAL ELEVATIONS, FLOOR
PLANS AND BUILDING-UNIT OUTLINES

REVISED SDR-3958
6-16-04 6-24-04 PC



SDR-3958 - APPLICANT: R M PROPERTY HOLDINGS - OWNER: R M PROPERTY HOLDINGS, LIMITED
LIABILITY COMPANY, ET AL
ADJACENT TO THE NORTHWEST CORNER OF EFFINGER LAND AND POPPY LANE
JUNE 24, 2004 PLANNING COMMISSION

03/18/04



SDR-3958 - APPLICANT: R M PROPERTY HOLDINGS - OWNER: R M PROPERTY HOLDINGS, LIMITED
LIABILITY COMPANY, ET AL
ADJACENT TO THE NORTHWEST CORNER OF EFFINGER LAND AND POPPY LANE
JUNE 24, 2004 PLANNING COMMISSION

03/18/04



GEORGE GEKAKIS, INCORPORATED
GENERAL CONTRACTOR / DEVELOPER

2655 S. Rainbow Blvd.
Suite #401
Las Vegas, NV 89146
NV Lic. #0025406

702-364-8027 Phone
702-364-4925 Fax
e-mail: GG1@lvcn.com
www.ggidevelopment.com

March 24, 2003

Mr. Mark Sabraw
Greater Nevada Planning, Inc.
2756 N. Green Valley Pkwy., #177
Henderson, Nevada 89014-2120

RE: Zone Change Request
Vacant Land - Effinger & Poppy Lane

Dear Mr. Sabraw,

Upon reviewing your proposed site plan for the zone change request on the above referenced site, we have some conditions that we would like to see included in the zoning. Although we do not support the zone change request, we are not denying it either with the inclusion of the following conditions:

1. An eight (8) foot high block wall on the south perimeter that borders McKnight Senior Village.
2. The building height cannot be more than 25 feet.
3. A 25 ft. landscape buffer on the south end of the proposed site that borders McKnight Senior Village.

Thank you in advance for your consideration of the above recommendations and please feel free to call my office if you have any questions at 364-8027.

Best regards,

GEORGE GEKAKIS, INC.

George Gekakis

GG/me

cc: Steve Swanton, City of Las Vegas Planning



GREATER NEVADA PLANNING, INC.

Tracking your path to success!

DEVELOPER SERVICES

- ✓ Permit Tracking
- ✓ Zone Changes
- ✓ Use Permits

MEMO

TO: Mr. Gary Liebel
City of Las Vegas
Via fax: 385-7268

FROM: Sharon Tyner-Sabraw

DATE: 3/31/04

SUBJECT: 139-25-410-007, 042, and 043
Effinger & Poppy Lane

Gary, as per our conversation by phone yesterday, we agree to pull this project into all possible compliance.

Specifically, we agree to the following (included, but not limited to these specifications):

1. 75' clear space along the North boundary
2. 20' set back in front yard, (Effinger side).
3. Maintain adequate parking
4. Maintain ^{10'} separation of buildings within the site

Thank you very much for your help.

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: JULY 21, 2004

DEPARTMENT: CITY CLERK

DIRECTOR: BARBARA JO (RONI) RONEMUS ☐ **CONSENT** ☐ **DISCUSSION**

SUBJECT:

SET DATE ON ANY APPEALS FILED OR REQUIRED PUBLIC HEARINGS FROM THE CITY PLANNING COMMISSION MEETINGS, CENTENNIAL HILLS ARCHITECTURAL REVIEW COMMITTEE AND DANGEROUS BUILDING OR NUISANCE/LITTER ABATEMENTS

DB - 900 Antonio Drive; SUP-4506, SUP-4507, SUP-4509, SUP-4510, SUP-4511, SUP-4515, SUP-4518, SUP-4531, SUP-4532, SUP-4540, SUP-4558, SUP-4565, VAR-4384, VAR-4516, VAR-4517, VAR-4520, VAR-4547, VAR-4553, VAR-4572 and VAR-4696 VAC-4487 and VAC-4491 - 8/4/2004 AGENDA

City of Las Vegas

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: JULY 21, 2004

DEPARTMENT: CITY CLERK

DIRECTOR: BARBARA JO (RONI) RONEMUS ☐ **CONSENT** ☐ **DISCUSSION**

SUBJECT:

ADDENDUM:

None

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: JULY 21, 2004

CITIZENS PARTICIPATION:

PUBLIC COMMENT DURING THIS PORTION OF THE AGENDA MUST BE LIMITED TO MATTERS WITHIN THE JURISDICTION OF THE CITY COUNCIL. NO SUBJECT MAY BE ACTED UPON BY THE CITY COUNCIL UNLESS THAT SUBJECT IS ON THE AGENDA AND IS SCHEDULED FOR ACTION. IF YOU WISH TO BE HEARD, COME TO THE PODIUM AND GIVE YOUR NAME FOR THE RECORD. THE AMOUNT OF DISCUSSION ON ANY SINGLE SUBJECT, AS WELL AS THE AMOUNT OF TIME ANY SINGLE SPEAKER IS ALLOWED, MAY BE LIMITED

MINUTES:

DOROTHY BARNES, Las Vegas resident, stated she is very unhappy about not getting onto Nellis Air Force Base. She referenced family problems and crime in her hometown in Louisiana and also in Washington. She feels her safety is jeopardized and she must look into alternative methods of protecting herself.

(4:24 – 4:26)

5-1593

DAN CONTRERAS, Bonanza Village resident, wanted everyone to know that he is not involved in the Town Center project and that he is tired of promise after promise going unfulfilled. He expressed his frustration over not being able to contact his County Commissioner, WENDELL WILLIAMS, or MORSE ARBERRY, and added that he does get angry with COUNCILMAN WEEKLY at times; however, it is only because the Councilman is the only elected official who is available. He indicated that West Las Vegas is oversaturated with public housing and has several locations where abandoned buildings are causing problems. He asked Council to help resolve the ongoing issues in the area. MR. CONTRERAS concluded by saying that during the redistricting process, he wanted the Council to keep in mind that Ward 5 residents are not willing to give any downtown property to other Wards.

(4:26 – 4:30)

5-1746

BEATRICE TURNER, West Las Vegas resident, explained to Council that she was absent from the AM session because of a funeral she had to attend. She was unhappy to hear that in the morning, the Council had granted an extension of time to an applicant. Addressing MR. CONTRERAS' comment regarding public housing, MS. TURNER indicated that housing authority wants more housing to go in at Comstock and Bellvar in the near future. She voiced displeasure over the number of churches in the community, and yet, the community is still in a bad way.

(4:30 – 4:33)

5-1897

City of Las Vegas

CITY COUNCIL MEETING OF JULY 21, 2004 Citizen Participation

MINUTES – Continued:

SERGIO DOMINGUEZ, 1001 North Main Street, has been a resident of Shady Acres for 8 years. He submitted photos of his trailer and of the violations the City Code Enforcement officers cited him for. He indicated that recently, City personnel had inspected the park as part of a clean up effort. The owners sold the park to the current owner, MR. ANTONIO SUSTAITA, in May. At that time, MR. SUSTAITA was working with a budget of \$395,000 to use for park clean up efforts. MR. DOMINGUEZ stated work has been proceeding at a very slow pace.

On June 28, 2004, MR. DOMINGUEZ came to City Hall to see if his trailer was cited for violations; nothing was documented at that time. On June 29th, Inspector Jim Shadrick came and inspected his home. On the 30th, he received 30-day Notice to Quit. MR. DOMINGUEZ then went to the library to get a tenant legal guide and made copies of the State laws prohibiting landlord retaliation and the penalties that could be incurred which he referenced as NRS 118A.150, 118B.210, 118.220 and 118B.260.

He asked the landlord to give him a 30-day extension because of his age, and he received no response. He did get an extension from the Justice Court. Since that time, the landlord has not done anything about bringing the trailer into compliance. He did not know how he would get the work done, as he has been unemployed for over a year and is in financial despair. MAYOR GOODMAN suggested MR. DOMINGUEZ speak with representatives from the Senior Law Project. COUNCILMAN WEEKLY added that City personnel have been in contact with the owners of Shady Acres and that the owners thought MR. DOMINGUEZ wanted to sue them. He said that the owners have been told that MR. DOMINGUEZ only wanted his rights fulfilled and that the property owners were in the wrong. He said his office and staff are aware of the problem and will continue monitoring the situation.

(4:33 – 4:39)

5-2024

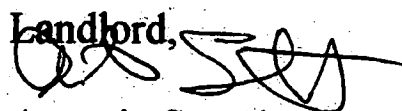
MEETING ADJOURNED AT 4:40 P.M.

July 13, 2004

Sergio Dominguez
1001 N. Main St. # 2
Las Vegas, Nv. 89101

I have received a copy of the photos you have sent showing the repairs that are needed in your trailer. Due to the amount of work that is needed, I have no choice but to continue with the 30 day notice that you were served with. I am sorry for any inconvenience that this may cause you.

Landlord,

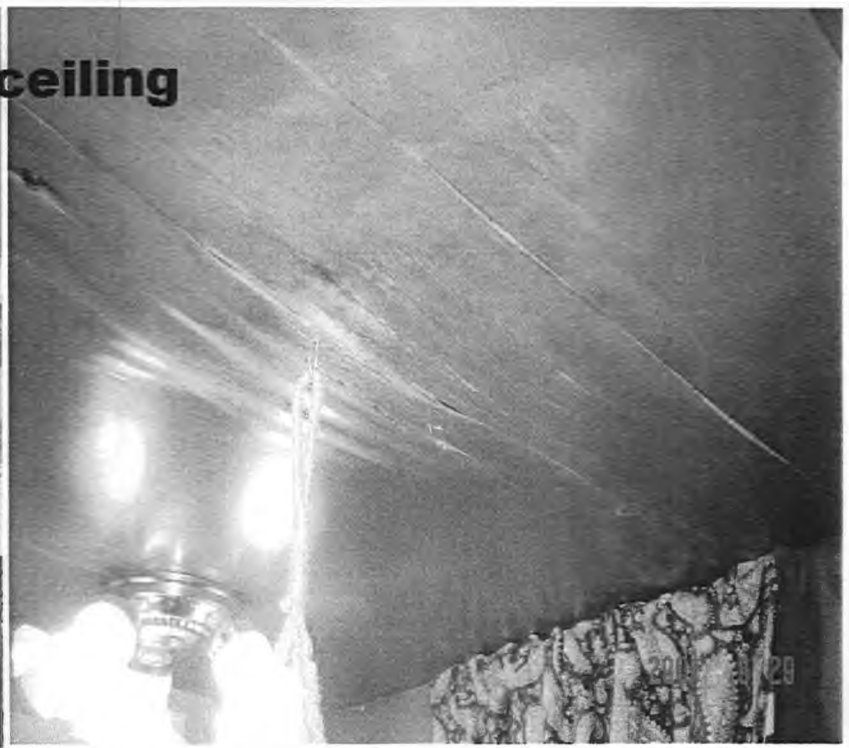
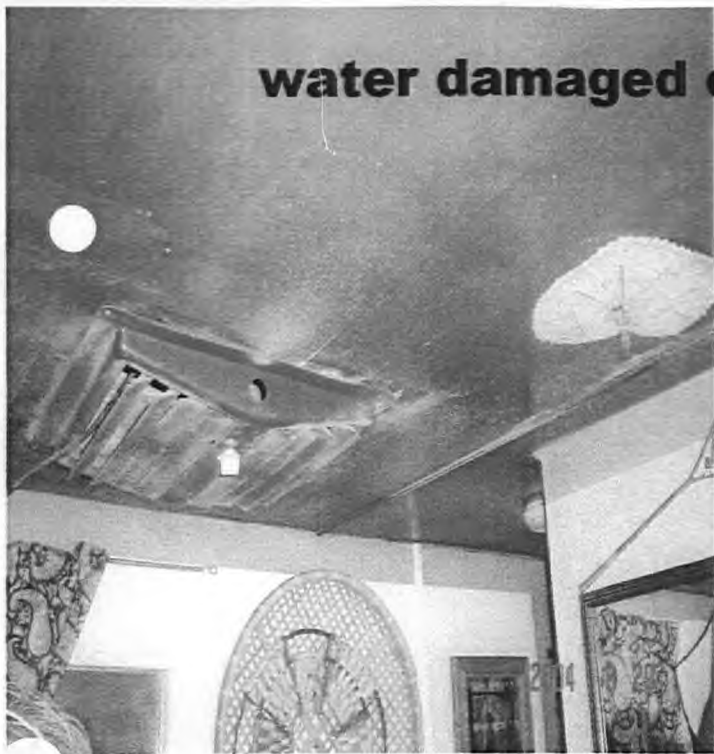


Antonio Sustaita

Submitted at City Council

Date 7/21/04 Item Citizens
Participation

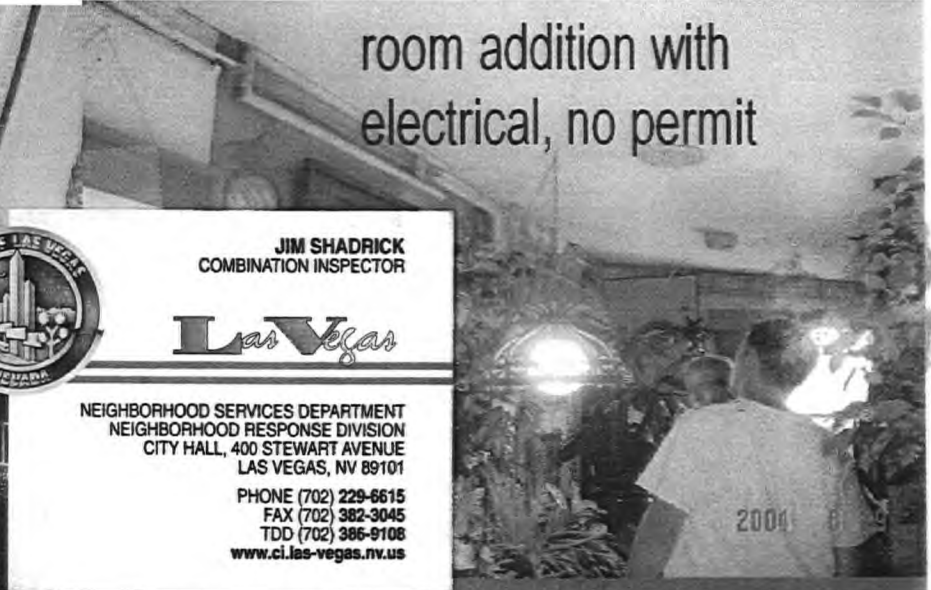
water damaged ceiling



**no handrail on steps
and they are unstable**



**room addition with
electrical, no permit**



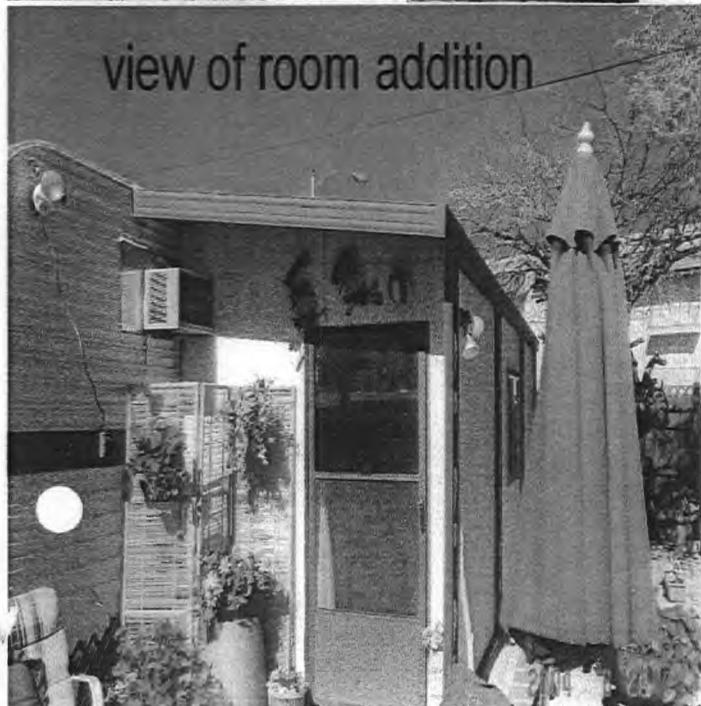
**JIM SHADRICK
COMBINATION INSPECTOR**

Las Vegas

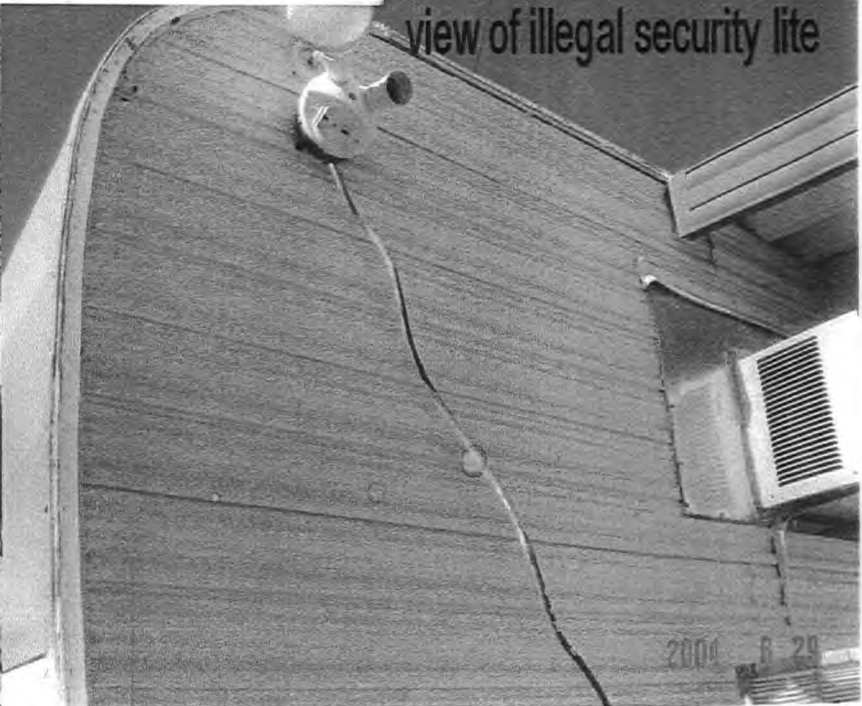
NEIGHBORHOOD SERVICES DEPARTMENT
NEIGHBORHOOD RESPONSE DIVISION
CITY HALL, 400 STEWART AVENUE
LAS VEGAS, NV 89101

PHONE (702) 229-6615
FAX (702) 382-3045
TDD (702) 386-9108
www.ci.las-vegas.nv.us

view of room addition



view of illegal security lite



**Shady Acres
Mobile Home
Park
1001 North
Main Street
Space #2**



wood perimeter
fenc, no permit



JIM SHADRICK
COMBINATION INSPECTOR

Las Vegas

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electric panel
no permit



Bottom of closet
where furnace used to be
now's M.T. covered



Ventilation Hole
where furnace should be



Closet where
water heater used to be
Bunker covers holes



Along bring inside
closet
where water heater should be
Shady Acres
1001 No. Main St
Space # 2



Extension cords for
Bathroom lighting



Addition
to
Trailer



Fence
+
Good
Addition



Ex-Manager
Trailer



Faucet Leaks



Middle Stem Valve
Leaks



MUST USE EXTENSION
Cord For Swamp Cooler

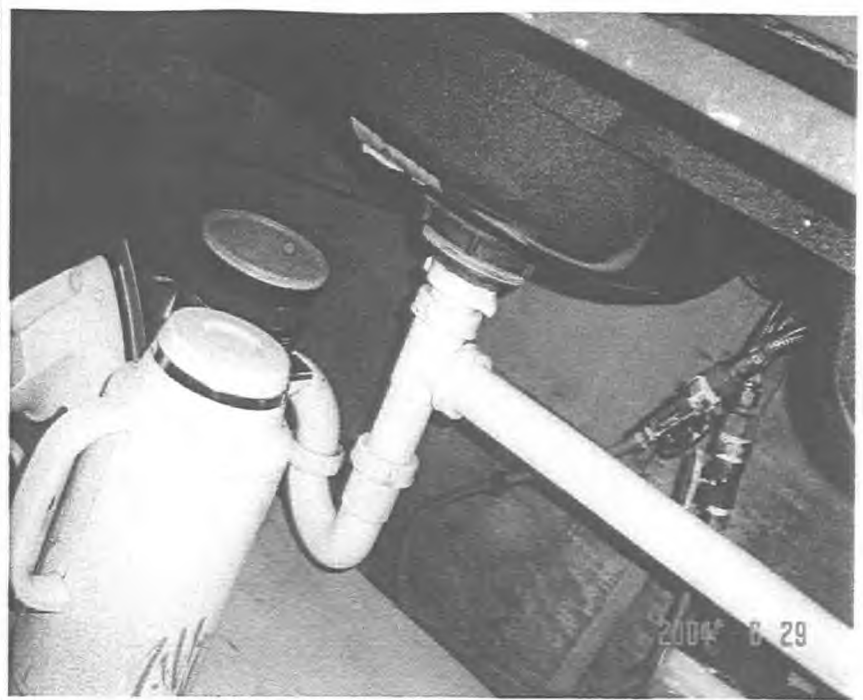
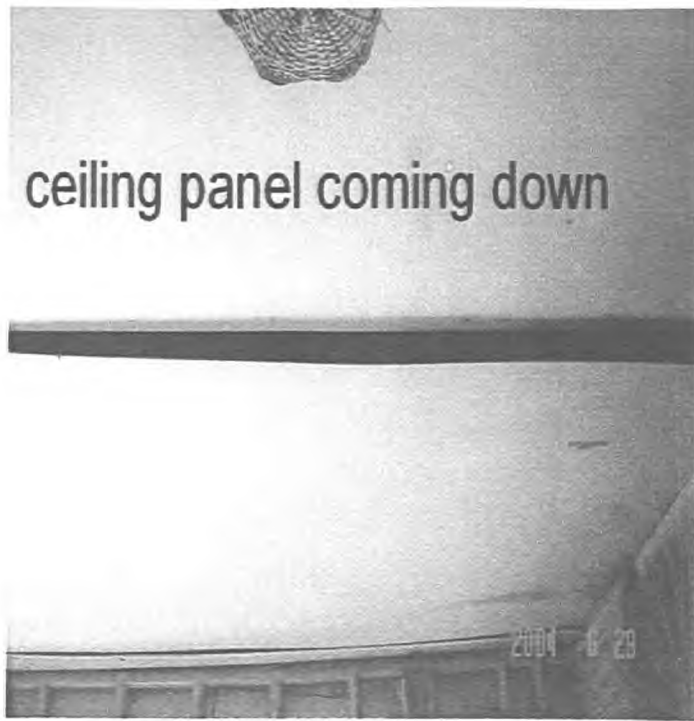


MUST USE EXTENSION CORD
UNDERNEATH SINK FOR
POURER



Breaker Pops Out
Frequently because
of surge from Bathroom

ceiling panel coming down



sink chipped



shower valve leaks



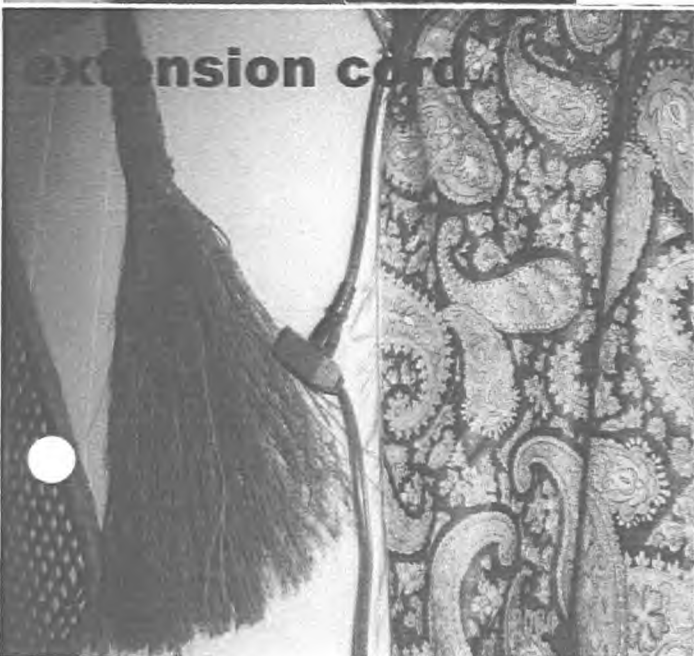
JIM SHADRICK
COMBINATION INSPECTOR

Las Vegas

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NEIGHBORHOOD RESPONSE DIVISION
CITY HALL, 400 STEWART AVENUE
LAS VEGAS, NV 89101

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FAX (702) 382-3045
TDD (702) 386-9108
www.ci.las-vegas.nv.us

extension cord



no gfi and plug
won't carry iron





Entrance to trailer
"Illegal Addition"

Interior of trailer ↑