

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF: AUGUST 18, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☐

CONSENT

☒

DISCUSSION

SUBJECT:

ABEYANCE ITEM - GENERAL PLAN AMENDMENT - PUBLIC HEARING - GPA-4564 - **APPLICANT: RIDER'S CHEVRON - OWNER: GARRET GROUP, LIMITED LIABILITY COMPANY** - Request to Amend a portion of the Southeast Sector Plan of the General Plan FROM: O (Office) TO: SC (Service Commercial) and to exempt the subject site from the full Multi-use Transportation Trails Standard of the Transportation Trails Element, using instead the proposed "Connector Trail" Standard on 0.79 acres adjacent to the southeast corner of Charleston Boulevard and Rancho Drive (APN: 162-04-101-001), Ward 1 (Moncrief). Staff recommends DENIAL. The Planning Commission (6-1 vote) recommends APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

5
23

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

RECOMMENDATION:

Staff recommends DENIAL. The Planning Commission (6-1 vote) recommends APPROVAL.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application – Not Applicable
3. Staff Report
4. Submitted after final agenda – Protest 17 signatures for 14 properties for Item 134 [GPA-4564], Item 135 [VAR-4696], Item 136 [SUP-4565] and Item 137 [SDR-4563] filed under Item 134 [GPA-4564]
5. Submitted at City Council – Four protest letters submitted by Mr. Apple filed under Item 134 [GPA-4564]
6. Submitted at City Council – Protest letter from Robert Apple & Associates submitted by Mayor Goodman
7. Submitted at City Council – Protest letter from Gertrude Rudiak
8. Submitted after meeting: Letter of protest from Dorothy Buset

MOTION:

MONCRIEF – APPROVED – Motion carried with GOODMAN and WOLFSON voting NO

NOTE: MAYOR GOODMAN disclosed that he resides approximately 50 feet outside of the notification area.

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Item 134 – GPA-4564

MOTION – Continued:

NOTE: COUNCILMAN WOLFSON disclosed that JUDGES MOSLEY and CHERRY reside in the immediate vicinity and have expressed concerns on this item. Even though he appears before both judges, this will not affect his independent judgment on this matter, and he will be voting on the items.

MINUTES:

MAYOR GOODMAN declared the Public Hearing open on Item 134 [GPA-4564], Item 135 [VAR-4696], Item 136 [SUP-4565] and Item 137 [SDR-4563].

ATTORNEY BOB GRONAUER, Kummer, Kaemper, Bonner & Renshaw, 3800 Howard Hughes Parkway, appeared on behalf of the property owners, TOM JONES and DOLTON CONNORS, who purchased the site about four years ago. The proposed site is located on the southeast corner of Charleston Boulevard and Rancho Drive. The one-acre property has an existing Chevron Station, a landscape buffer and an office complex to the south. There is a 7-11, a childcare facility and medical office uses located in this intersection. Further to the south are Ranch Estate properties.

ATTORNEY GRONAUER presented a photograph depicting the existing Chevron Station and indicated that currently there is no landscaping, which is required by City Code. The applicant intends to match the same type of elevation as that of the existing office complex. This property was rezoned C-1 (Commercial) in 1964. In 1965 the property was approved for a service station. A condition imposed on that service station required the property owner to maintain the vegetation on the southern portion of the property, because at the time the purpose was to buffer the C-1 use from the existing Ranch Estate zoning. In the four years that his clients have owned the property, they have run into problems with respect to building maintenance and environmental issues. Due to the positive changes in this particular area, his clients are looking to redevelop this corner. In doing so, several applications were required.

A neighborhood meeting was held with the adjacent residents where they expressed several concerns, one of which was the additional traffic that the convenience store would create. However, ATTORNEY GRONAUER pointed out that a convenience store does not bring people from other neighborhoods. The second issue was compatibility. The applicants believed that everyone would be pleased that this area is going to be redeveloped. The building will be upgraded similar to a convenience store found at the corner of Charleston Boulevard and Hualapai Way. By using those elevations, it will bring a Summerlin type of development into this area and be compatible with the elevations to the south.

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MINUTES – Continued:

ATTORNEY GRONAUER mentioned that there is no landscaping along Rancho Drive, and in working with the neighbors, the applicants will add a landscape buffer as required by Code and plant trees and intense shrubbery. More importantly, the applicants would agree to provide at least 10 feet of landscaping along the southeast portion of the property, increasing the landscaping by 20 feet. In addition, a block wall will be built that will go from six feet to five to four and get smaller as it moves further along towards Charleston Boulevard.

ATTORNEY GRONAUER showed another photograph of the south side of the property and where they intend to provide trees with large canopies and a lot of shrubbery and put in a block wall to help give the neighbors on Rancho Drive a pretty view of the proposed facility. They will continue with the trees and the landscaping along Rancho Drive. This project is appropriate and harmonious to the surrounding properties. In addition, this project meets the landscaping and elevations of the office complex to the south.

BOB APPLE, 1405 Strong Drive, opposed the proposed project and showed a photograph depicting existing vegetation located where the car wash is proposed. The existing station is adequate for the neighborhood. He indicated that a car wash in place of the existing landscaping is not consistent and compatible with the neighborhood. The City put time and effort to form the steering committee for the Rancho Drive and Charleston Boulevard Land Use and Strategic Plan adopted June 19, 2002. He indicated that a letter outlining his concerns was sent to the City Council and Mayor. The focus of the land use plan was to preserve this property as office. The zoning should not be modified to Service Commercial, and he asked that the City Council deny at least the car wash.

ROBERT GENZER, Director, Planning and Development Department, clarified for COUNCILMAN REESE that the basis for staff's recommendation for denial is due to the findings of the Rancho Corridor study.

SHARON FRIEND, 221 Banese Lane, stated that problems with vagrants will continue, even if the existing vegetation is removed. She asked that the green space remain.

DANNY PIPER, President of the Scotch 80's Homeowners Association, appeared on behalf of his neighborhood, which opposes the proposed project. He concurred with MR. APPLE'S comments and asked that the City Council deny the application.

JOHN THORNDAL, 3013 Burton Avenue, has resided in the McNeal area for 37 years and urged the City Council to deny the car wash and leave the green space. Every time a change is made to a neighborhood, it adds to its decline.

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MINUTES – Continued:

MARY APPLE, 1405 Strong Drive, ALAN PLATZER, 2901 Bryant Avenue, JAN NICHOLS, 1355 Darmak Drive, and SHELLEY WALTERS, 2112 Kirkland Avenue, appeared in opposition and concurred with the last speakers' comments.

SUSAN BRYAN, 2901 Bryant Avenue, appeared in opposition and asked that the City Council deny the car wash.

RICHARD RUDIAK, 2244 Edgewood Avenue, submitted protest letters for the record. He has resided in this area for 50 years and was present 40 years ago when the initial agreement between the City and that site was approved. The residents of this neighborhood should be allowed to enjoy their properties. The current owners were not aware that the existing green space was a condition that ran with the land. He encouraged the City Council to deny the request.

WILLIAM CURRAN, 2310 Sherman Place, resides across from the proposed project and opposes the project. If this project is approved, the owner of the property will get a substantial increase in property value, whereas his property will decrease.

CHRISTOPHER BIRD, 300 South 4th Street, appeared on behalf of the property owners of the South Rancho Courtyard, who is the developer of the office complex. His concerns are the landscape buffer, which already exists. His client has gone through considerable expense to install the 36-inch box trees along that boundary. He asked that the landscape buffer be maintained. Secondly, the noise from the car wash will be incompatible with the surrounding residential neighborhood.

STEPHEN REILLY recently moved into this area and opposes the car wash. The use is too intense for this busy intersection. He commented that there is no mechanism to make the developer maintain the landscaping. He asked that the applicants maintain whatever landscaping is installed.

ATTORNEY GRONAUER rebutted that the proposal is to move the convenience store to the south side of the property. The entire property is required to conform to the new standards for convenience stores. They have to meet the minimum four square footage requirements. The existing store is outdated and does not meet Code. With respect to the car wash, the applicant was sensitive to the neighbors concerns. It is a single bay car wash, which will be adjacent to the parking garage and the medical facility for the UMC Hospital. He indicated that someone needing the car wash would go into the store, pay for the car wash and drive around into the single bay automatic car wash. There are no vacuums or places to stand to dry the cars.

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MINUTES – Continued:

Therefore, the impact in this area is minimum. According to studies, there will be about 30 car washes a day. Due to technology, there will not be loud blowers, and the noise would be minimal. In addition, there is a substantial amount of buffer along the south property line and the eastern portion.

ATTORNEY GRONAUER discussed with MAYOR PRO TEM REESE that the hours of operations are limited to 7:00 a.m. to 10:00 p.m. MARGO WHEELER, Deputy Director, Planning and Development Department, verified that the hours as required by Code are 7:00 a.m. to 10:00 p.m., and these are the hours that were approved by the Planning Commission

MAYOR PRO TEM REESE asked how important the car wash is for this location. ATTORNEY GRONAUER responded it is essential because in order to compete with other convenience stores, some type of amenity is needed. His clients are willing to commit a significant amount of improvements in this area. ATTORNEY GRONAUER commented that the existing open space is not a park, but rather it is has become an attractive nuisance. Homeless people are sleeping in this area, and the public safety aspect of it needs to be considered. Over the last month there have been two fires, and the applicants have had to deal with the homeless. His clients are held liable for whatever happens on this piece of property. He is concerned that at some point in time a serious crime might be committed at this location. He reiterated that the proposed project is compatible in this particular area. ATTORNEY GRONAUER added that the applicants are willing to provide the 36-inch box trees in order to accommodate those residents adjacent to the proposed project.

COUNCILMAN WOLFSON commented that he visited the site and feels the use is not compatible with the surrounding area. He believes the car wash is a major part of the residents' concerns, and he cannot support the project.

COUNCILMAN BROWN asked if the facility were to be upgraded without the car wash, would the applicants still have to encroach into the southern portion. ATTORNEY GRONAUER replied affirmatively. There is a problem with circulation on this site. Back in 1965 when the station was built, there were only two accesses. The applicants had to work with the Public Works Department and NDOT in trying to remove these driveway cuts because some of this right-of-way is controlled by NDOT. The applicants are working with the circulation and adhere to today's regulations and at the same time provide a project that will work. This 40-year old building needs to be refurbished.

COUNCILMAN BROWN indicated that the green space has been referred to as a park and a buffer zone in a condition that was done years ago. He asked staff for the current classification. MR. GENZER replied that staff would not classify it as a park. They agree with

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MINUTES – Continued:

the assessment that a park is something found on one of the City's plans of park locations. This does not appear on any of those. When it was initially approved, it was to act as a buffer for the residential properties to the south and west. The question is whether or not that buffer is still needed, given the fact that the office project has been built and, from a planning standpoint, becomes the buffer to those properties. Therefore, from that aspect, staff does not believe that what is there today is still necessary.

COUNCILMAN BROWN discussed with ATTORNEY GRONAUER that the square footage of the existing buffer/park is approximately 30,000 square feet, and that the proposed landscape buffer on the site plan might be 18 to 20 feet in this corner. Although, there are 30,000 feet in this area, not 30,000 square feet is buffered with trees. There are rocks in the area, and, if anything, there is no landscaping. The proposal is to buffer this area with as many trees as needed to lighten any possible impact. COUNCILMAN BROWN commented that the biggest issues presented by the residents seem to be the removal of the greenbelt and the car wash. ATTORNEY GRONAUER noted that the hours of operations can be explored to closing earlier than 10:00 p.m. He does not believe the noise from the car wash would impact the people on this property.

COUNCILMAN BROWN asked MR. APPLE if the residents might be willing to work with the applicants to resolve their concerns. This investment seems to be what this area needs. MR. APPLE responded that the residents' biggest objection is the car wash because of its incompatibility and the noise that it might produce. The traffic is already a problem, and there are still questions about what impact the traffic generated from the new office complex would have. The residents relied on the land use study, which states there would be no Service Commercial on Rancho Drive. MAYOR GOODMAN submitted for the record a letter he received from MR. APPLE.

JUDGE DONALD MOSLEY, 2027 Westlund Drive, resides adjacent to the proposed project. He pointed out that in 1985 the agreement was that the old gas station would be demolished and a new one built with the existing buffer, which buffers to the southwest and to the west. This is another example of the continued denigration of the neighborhood: more billboards, more concrete, more traffic and more streetlights. It lessens overall desirability of the neighborhood, and more people move out. JUDGE MOSLEY commented that if the applicants lived in this area, they would not want this project. He asked to retain the existing open space. He disagreed with MR. APPLE in that the residents not only object to the car wash but the trading of green for concrete.

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MINUTES – Continued:

MAYOR GOODMAN asked if the property would still be developed without the car wash. ATTORNEY GRONAUER replied that if the car wash is removed they would need to add an additional 1,000 square feet on the convenience store floor plan. The green space would need to be removed because the convenience store would need to encroach into that area. MAYOR GOODMAN asked if the applicant would improve the existing station if the City Council denies all the proposals. ATTORNEY GRONAUER responded that that would be a business decision that his clients would have to make.

MAYOR GOODMAN questioned why the landscaping had not been provided before the project came forward. ATTORNEY GRONAUER reiterated that his clients bought the property four years ago. For the last three years they have tried to come in with an application to refurbish this building. However, they were delayed by the Nevada Department of Transportation (NDOT) because they did not allow his clients to remove the curb cuts. In addition, a building moratorium was imposed for this area when they tried to submit an application.

When MAYOR GOODMAN asked the residents if they would support the project without the car wash, they all replied with a definite no.

COUNCILWOMAN MONCRIEF asked staff if the applicant could cut the greenery to one foot high. MARGO WHEELER, Deputy Director, Planning and Development Department, responded that no condition would prevent it. The conditions from 1986 required that there be trees on that portion of the property and that it be maintained.

COUNCILWOMAN MONCRIEF commented that as the Councilwoman representing the area between I-15, Valley View Boulevard, Sahara Avenue and I-95, one of the biggest complaints from residents is about residential urban blight, deteriorating neighborhoods because of vagrants, and neighborhood preservation. Most neighborhoods, especially Ward 1 and Ward 5, would be pleased to see this gas station in their area. The applicants are building a convenience store similar to one found on Charleston Boulevard and Haulapai Way, which would match with the existing development to the south. This type of improvement would set a precedent for improving older areas. This facility has been there for 40 years. The applicants will improve the egress and ingress. However, she does not support the car wash because of the potential noise and traffic.

COUNCILWOMAN MONCRIEF added that she visited the site and that she would not want to live near the open space where vagrants congregate. She would rather see the landscaping as proposed by the applicants. She does not believe it is a park but a privately owned piece of property. The applicant will install new sidewalks. She does not believe that a convenience store and gas station will increase traffic. It would benefit those people who stop to buy milk on their way home. It is not a destination.

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MINUTES – Continued:

MR. GENZER suggested that the Council vote on Item 136 [SUP-4565] first because, if the car wash is denied, the Variance would no longer be required. ATTORNEY GRONAUER asked that Item 135 [VAR-4696] and Item 136 [SUP-4565] be withdrawn without prejudice and asked that the applicant be granted the extra square footage for the convenience store.

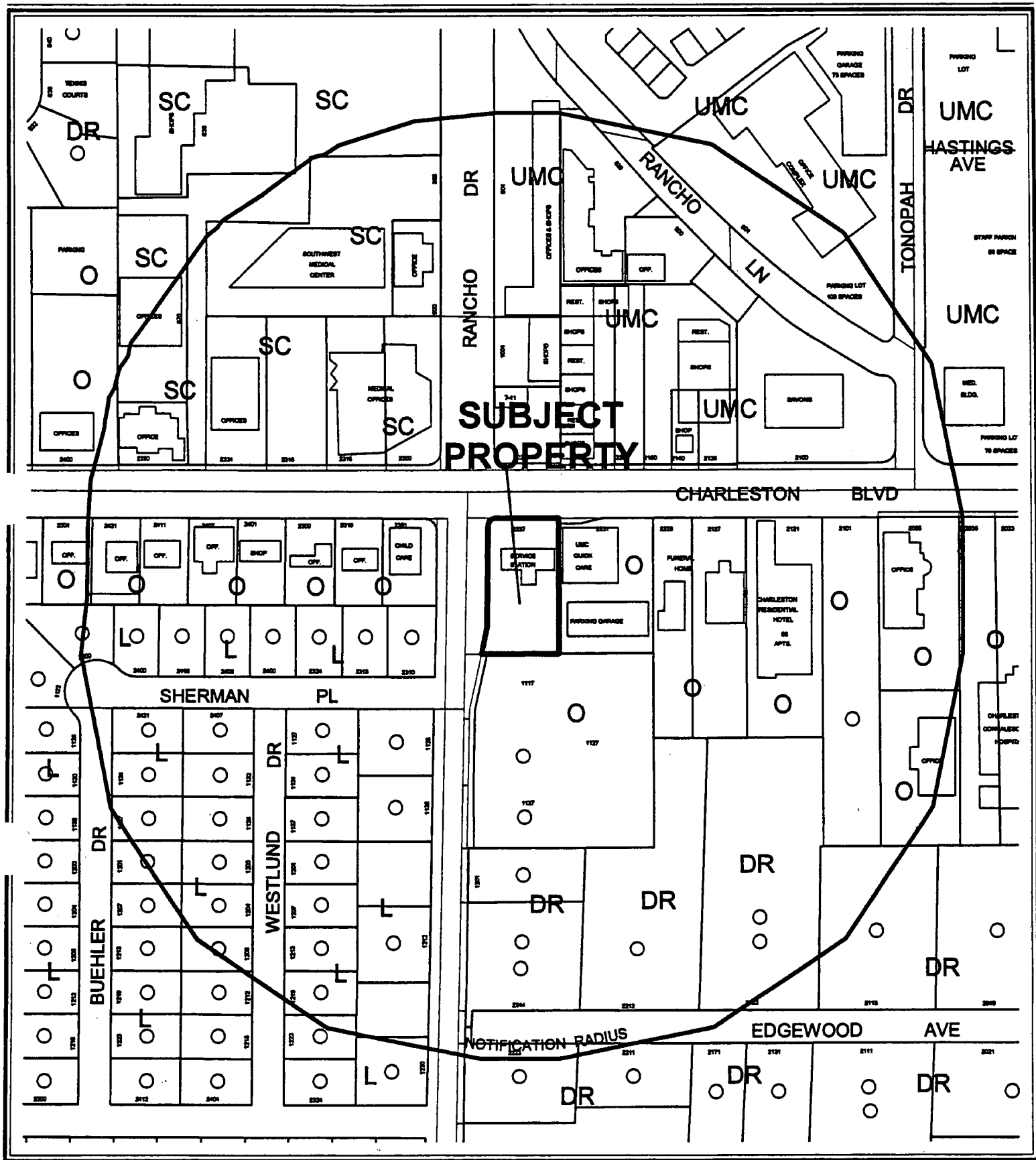
MS. WHEELER explained that for a 3300 or 3500 square foot convenience store the parking required is 14, and the applicant is providing 15 on the current site plan. ATTORNEY GRONAUER asked if the convenience store is increased to 4500 square feet if the parking requirements would change. MR. GENZER replied that the parking requirement would increase, but if the car wash is removed, they would have the space for the additional parking spaces.

Regarding Item 137 [SDR-4563], ATTORNEY GRONAUER verified with COUNCILWOMAN MONCRIEF that the approval would be for 4500 square feet of convenience store floor plan. MR. GENZER suggested that since the plan is being changed, Condition 3 would need to be deleted and simply require a revised site plan to be submitted for staff approval with a maximum of 4500 square feet. ATTORNEY GRONAUER agreed to the condition.

MAYOR GOODMAN declared the Public Hearing closed on Item 134 [GPA-4564], Item 135 [VAR-4696], Item 136 [SUP-4565] and Item 137 [SDR-4563].

(3:44 – 4:45)

4-2698/5-1



CASE: GPA-4564

RADIUS: 750 FT

GENERAL PLAN DESIGNATION OF SUBJECT PROPERTY:

O (OFFICE)

PROPOSED GENERAL PLAN DESIGNATION OF SUBJECT PROPERTY:

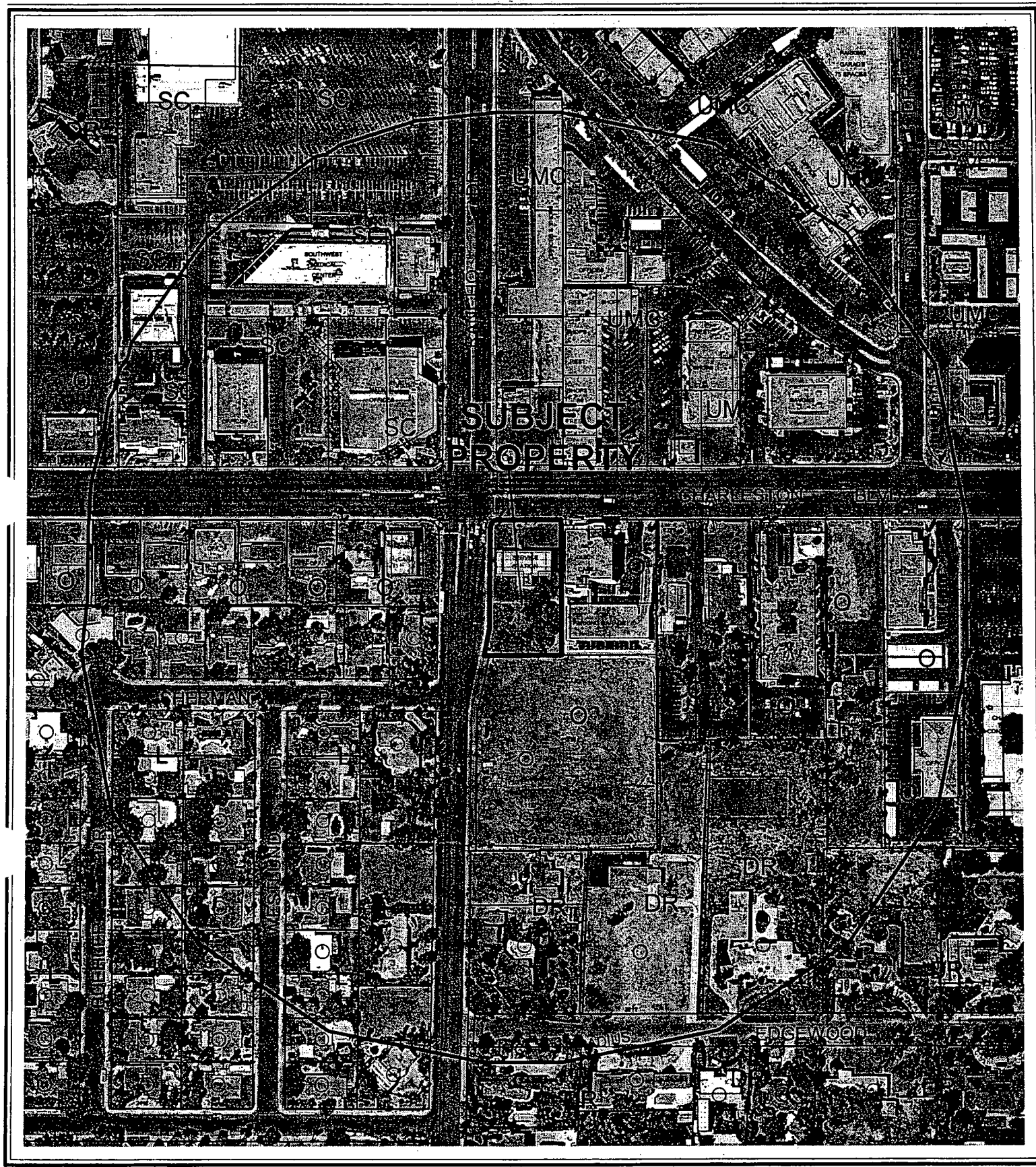
SC (SERVICE COMMERCIAL)

0 200 400 Feet



134





CASE: GPA-4564

RADIUS: 750 FT

GENERAL PLAN DESIGNATION OF SUBJECT PROPERTY:

O (OFFICE)

PROPOSED GENERAL PLAN DESIGNATION OF SUBJECT PROPERTY:

SC (SERVICE COMMERCIAL)

0 200 400 Feet



AGENDA MEMO

CITY COUNCIL MEETING DATE: AUGUST 18, 2004

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: ABEYANCE ITEM - GPA-4564 - APPLICANT: RIDER'S
CHEVRON – OWNER: GARRET GROUP, LIMITED LIABILITY COMPANY**

***THIS ITEM WAS HELD IN ABEYANCE FROM THE AUGUST 4, 2004 CITY COUNCIL
MEETING AT THE APPLICANT'S REQUEST.***

**** 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 on the southeast corner of Charleston Boulevard and Rancho Drive from O (Office) to SC (Service Commercial). A related Special Use Permit for a proposed car wash (SUP-4565), a related Variance for a parking deficiency (VAR-4696), and a related Site Development Plan Review (SDR-4563) for a proposed 3,325 square foot convenience store/service station/car wash will also be considered on this agenda.

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 SC (Service Commercial) land uses.
- 04/02/86 The City Council approved a Site Development Plan Review (Z-0051-64) which allowed an existing service station to be demolished and a convenience store with self-serve gasoline sales to be constructed. A condition of that approval required the south 50 feet of the site to be landscaped.
- 6/19/02 The City Council adopted the Rancho Charleston Land Use Study and approved General Plan Amendment GPA-47-01. This amendment designated the subject property for O (Office) land uses.
- 07/08/04 The Planning Commission recommended approval of related items (VAR-4696, SUP-4565 and SDR-4563).
- 07/08/04 The Planning Commission voted 6-1 to recommend APPROVAL (PC Agenda Item #38/ar).

DETAILS OF APPLICATION REQUEST

Site Area: 0.79 Acres

EXISTING LAND USE

Subject Property	Service Station
North	Convenience Store
South	Office Complex (under construction)
East	UMC Quick Care
West	Child Care Center and Single Family Dwelling

PLANNED LAND USE

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

EXISTING ZONING

Subject Property C-1 (Limited Commercial)
North PD (Planned Development)
South R-E (Residence Estates) under resolution of intent to P-R
(Professional Offices)
East O (Office)
West C-D (Commercial Designed)

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

The subject site is located within the Rancho Charleston Land Use Study and Strategic Plan area. The effect of this Special Plan Area on this application and the area affected by this application is to designate the property for O "Office" land uses.

DEFINITIONS

O (Office)

The Office category provides for small lot office conversions as a transition, along Primary and Secondary streets, from residential to commercial uses, and for large planned office areas. Permitted uses include business, professional, and financial offices as well as offices for individuals, civic, social, fraternal, and other non-profit organizations.

SC (Service Commercial)

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

INTERAGENCY ISSUES

RURAL PRESERVATION NEIGHBORHOOD BUFFER

A portion of the site is within an area identified as a buffer for a Rural Preservation Neighborhood. Chapter 278 of the Nevada Revised Statutes stipulates the identification of a 330-foot transitional buffer around Rural Preservation Neighborhoods. Within these buffer areas, residential development density is limited to three dwelling units per acre, unless good cause is shown. However, the subject property is disqualified from status as a Rural Preservation Neighborhood Buffer because it is closer than 330 feet to a road greater than 99 feet in width. It should be noted that these buffer provisions in the NRS expired as of 05/31/04.

PROJECTS OF REGIONAL SIGNIFICANCE IMPACT REPORT

The Southern Nevada Regional Policy Plan, approved February 22, 2001, set out a requirement for local entities to establish a means of identifying Projects of Regional Significance (PRS), and of addressing the impacts of these projects. The city of Las Vegas, through Ordinance No. 5477, has established such a process. Pursuant to this Ordinance, staff has determined that this proposed General Plan Amendment and its companion items would not meet the definition of a Project of Regional Significance as defined in the ordinance.

ANALYSIS

In 2002, the City of Las Vegas approved a land use study of properties located in the vicinity of Charleston Boulevard and Rancho Drive in an effort to resolve land use conflicts in the study area. The Charleston/Rancho study redesignated all properties along the south side of Charleston Boulevard between Rancho Drive and Desert Lane for O (Office) land uses. This action provides a consistent land use buffer between the very intense uses of the Las Vegas Medical District and the Desert Rural Density neighborhoods south of the subject properties. The proposed amendment would result in the incompatibility of land uses that the Charleston/Rancho study sought to resolve.

The placement of a Medium Low Attached Density Residential designation at this location presents an unacceptable difference in intensity with the General Commercial uses to the south and west.

The Trails Element of the General Plan recommends that a 10-foot wide multi-use trail be constructed along the west edge of this site, adjacent to Rancho Drive. Because this is a developed area, staff would have no objection to a reduction of the trail width to five feet if this request were approved. A similar reduction was permitted as part of a Site Development Plan Review for the site to the south .

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;
2. The zoning designations allowed by the proposed amendment will be compatible with the existing adjacent land uses or zoning districts;
3. There are adequate transportation, recreation, utility, and other facilities to accommodate the uses and densities permitted by the proposed General Plan Amendment; and
4. The proposed amendment conforms to other applicable adopted plans and policies which include approved neighborhood plans.

In regard to "1": The Rancho Charleston Land Use Study adopted by the City Council on June 19, 2002 determined that any redevelopment of this site should for O (Office) land uses which would be compatible with existing residential development in the vicinity. The requested General Plan Amendment is not consistent with the intent of that Land Use Study and is not compatible with adjoining residential development.

In regard to "2": The proposed SC (Service Commercial) land use designation would allow continuation of a C-1 (Limited Commercial) zoning district that is not compatible with the existing R-E (Residence Estates) zoning of the neighborhood to the south and west of the subject site.

In regard to "3": The subject site is located in an area of the city where all utilities and services are currently in place and available to this site.

In regard to "4": The proposed SC (Service Commercial) land use designation does not conform to the Rancho Charleston Land Use Study and Strategic Plan. The effect of this Special Plan Area on this application and the area affected by this application is to designate the property for O "Office" land uses.

GENERAL PLAN AMENDMENT NEIGHBORHOOD MEETING

06/07/04 A neighborhood meeting sponsored by the applicant was held at the Palace Station Hotel/Casino. Thirteen people attended and had the following comments:

- Traffic study needed, as car wash will generate considerable additional traffic.
- Transition from residential to Commercial

- Spot zoning
- Vacant portion of the site is being called a “park” and that City Council required that as part of previous projects
- Noise
- Hours of operation of gas station and car wash
- Number of employees
- Architectural design needs to be ranch style
- Building is too close to residential
- Median on both sides are existing
- Traffic will use Sherman and Mason
- It is a historical neighborhood on the east side of Rancho
- Don’t want a restaurant
- Question regarding number of cars a day
- “Preservation ordinance” in effect to protect this neighborhood
- Don’t want Rancho to be Jones and Maryland Parkway
- Want traffic count with office next door
- Loitering at the existing gas station is a problem
- Office would be preferable to gas station
- Want to know where the owners live
- Want another meeting (representative agreed)

PLANNING COMMISSION ACTION

At the Planning Commission hearing there were four speakers protesting the application.

NOTICES MAILED: 74 by Planning Department

APPROVALS: 0

PROTESTS: 5



AS1.1g



CONTRACTOR THESE PLANS AND SPECIFICATIONS ARE PREPARED BY A LICENSED ARCHITECT. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE BUILDING CODES AND SPECIFICATIONS.	
OWNER'S NAME CHEVRON 1000 PAVILION DRIVE OAKLAND, CA 94612	ARCHITECT'S NAME JAMES H. HARRIS 1000 PAVILION DRIVE OAKLAND, CA 94612
PROJECT NAME CHEVRON CONVENIENCE STORE AND CAR WASH	PROJECT ADDRESS 1000 PAVILION DRIVE OAKLAND, CA 94612
DATE MAY 15, 2001	DATE OF THIS SET MAY 15, 2001
DESIGNED BY JAMES H. HARRIS	CHECKED BY JAMES H. HARRIS
DRAWN BY JAMES H. HARRIS	DATE MAY 15, 2001
LOCATION 1000 PAVILION DRIVE OAKLAND, CA 94612	SCALE AS SHOWN
DATE OF THIS SET MAY 15, 2001	DATE OF THIS SET MAY 15, 2001



GPA-4564 - APPLICANT: RIDER'S CHEVRON - OWNER: GARRET GROUP, LIMITED LIABILITY COMPANY

SOUTHEAST CORNER OF CHARLESTON BOULEVARD AND RANCHO DRIVE

JULY 8, 2004 PLANNING COMMISSION

06/17/04

DONALD M. MOSLEY

RECEIVED
CITY CLERK

2004 AUG 17 P 4:33

Dear Mayor Goodman and Council members,

I had intended to be present at the Commission Meeting August 18th, to voice my opposition to the proposed zoning application at Rancho and Charleston. (i.e. expansion of the Chevron Station and car wash) Unfortunately, it appears the trial that is currently being conducted in my court will be ongoing and I will not have an opportunity to attend this important meeting.

Let me emphasize that in my discussion with neighbors the past several weeks, it has convinced me that there is substantial opposition to this further intrusion into the quiet and well established neighborhood which is primarily composed of half acre lots. The establishment of a large commercial presence adjacent to this neighborhood is unacceptable. I would hasten to point out that the establishment of the current Chevron Station is a product of compromise - the assurance being made that the "buffer area" would be maintained in perpetuity. The neighborhood expects that pledge to be upheld.

I appreciate your assistance in this matter.

Sincerely,



Donald M. Mosley

Protest

Submitted after final agenda

Date 8/17/04 Item #134 -
#137

RECEIVED
CITY CLERK

July 6, 2004

2004 AUG 17 P 4: 34

To Whom it May Concern:

We moved to the McNeil Tract in 1961 when Rancho was only three blocks long and strictly residential and, at that time, Charleston was mostly residential.

With the growth of Las Vegas Charleston has become commercial and Rancho has become clogged with traffic. We need to keep any further commercial enterprises from locating on Rancho.

There are several car washes in the general area so it would appear that there is not further need of another which would add to the already traffic. We are adamantly opposed to the zoning change at Charleston and Rancho.

Sincerely yours,

Mike and Beverly Pinjuv
1132 Westlund Drive
Las Vegas, NV 89102

Beverly Pinjuv
Mike Pinjuv

Protest

1705 Birch Street
Las Vegas, Nevada [89102]
3 July 04

RECEIVED
CITY CLERK

2004 AUG 17 P 4: 34

Dan Mosley
225 Desert View Street
Las Vegas, Nevada 89107

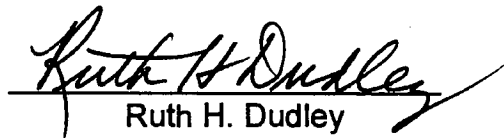
Dear Dan,

I am responding to your letter of 1 July 04. I am certainly dead set against the Chevron station adding to the size of the store, adding more gas pumps, and building a car wash. The Charleston / Rancho corner is congested enough as it is, and we do not need additional car and truck activity at that intersection. From Charleston south to the medical facilities at Sahara, the primary use of property is R-1. Let's keep it that way! What do the residents of Scotch Eighties have to say about such an expansion?

I hope you realize that one of the Realtors in Glen Heather Estates bought her home here because this subdivision has no apparent restrictions. In fact, the man who owns the house next to me at 1701 Birch is planning to build a big cement parking area for all his old trucks—he is going to ruin my property value. The same man and his sons also bring old cars and trucks to the property; they then repair, paint, and sell them on the site. I really do not think such activities are appropriate for a residential area. I complained to the above mentioned Realtor—Shelley Walters with Coldwell Banker—about the men next door to me, but she says they have a right to do whatever they want on their property. Can you do something to help get Glen Heather zoned so that auto / truck repairs and sales (i.e. business for profit) are prohibited on R-1 property?

Back to the Chevron Station—What can I do to help prevent its expansion? Is there a city official to whom I can voice my strong objections? Please call me at 474-9857, preferably in the evening, and we can discuss the two problems that you have pointed out in your letter.

Thank you for your time.


Ruth H. Dudley

Protest

RECEIVED
CITY CLERK

July 10, 2004

2004 AUG 17 P 4: 34

Dear Las Vegas City Council Members:

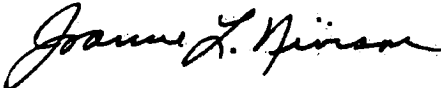
I wish to express my opposition to the request submitted to you by the Chevron at Rancho and Charleston to eliminate the buffer which they previously agreed to maintain on the south side of the property to build a larger store and car wash, i.e., GPA-4564, SDR-4563, AUP 4565 and VAR 4296.

If you grant this request, you will be responsible for the exacerbation of an already serious traffic problem as well as the degradation of the adjacent residential area.

You are doing an excellent job of redeveloping the city core with the inclusion of moderate to high-end residential opportunities along with planning a mix of commercial and resident friendly establishments. Your planning clearly demonstrates your concern for the quality of life of the potential residents. For this you are to be congratulated.

Please give the same level of consideration to preventing the further degradation of the lovely long established residential areas, which currently grace the Center City. We as residents are forced to be continually on the alert and take action to stem the ongoing assaults on the established plan. Please support our efforts.

Respectfully,



Joanne L. Nivison
1910 Bannie Avenue
Las Vegas, Nevada 89102

Protest

CECIL A. FREDI

RECEIVED
CITY CLERK

2017 Pinto Lane

2004 AUG 17 P 4: 34

Las Vegas, Nevada 89106-4018

Ph: 702 382-8470

Fax: 702 387-0071

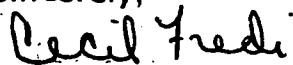
July 11, 2004

Dan Mosley
Rancho - Oakey Neighborhood Association
225 Desert View St.
Las Vegas, NV 89107

Dear Mr. Mosley:

I am in opposition to any rezoning to the property at the southeast corner of Rancho and Charleston. I use the intersection on a daily basis. When U.S. 95 is backed up, Charleston becomes one of the main alternates for traffic and becomes quite congested. Additionally, the intersection is not wide enough to handle the current traffic with U-turns into the station from Charleston westbound causing near misses with the right turn lane from northbound Rancho. That is the only reasonable way to access the station as a southbound vehicle making a left turn into the station is very difficult and traffic would back up southbound and result in another dangerous situation. Additional services at that corner will prove even more dangerous than the existing conditions.

Sincerely,



Cecil Fredi

Protest

July 7, 2004

RECEIVED
CITY CLERK

Dan Mosley
225 Desert View Street
Las Vegas, NV 89107

2004 AUG 17 P 4: 34

Dear Dan,

On behalf of Colette Saltz, a resident at 2223 Edgewood Ave., please allow this letter to serve as her agreement with your arguments in your July 1st letter. Namely, Mrs. Saltz opposes any re zoning of the property at Rancho and Charleston occupied by the Chevron station, including its buffer zone. Mrs. Saltz further opposes any zoning change which would allow anything other than the present status at the Rancho and Oakey property.

Sincerely,

A handwritten signature in black ink, appearing to read "E. Houssels", with a stylized flourish at the end.

Eric Houssels, godson of Colette Saltz

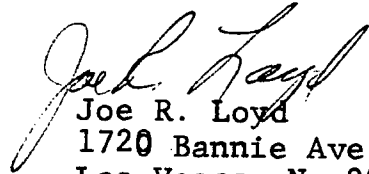
Protest

3 July 2004

RECEIVED
CITY CLERK

To whom it may concern:

2004 AUG 17 P 4: 34
This is to inform you of my opposition to any rezoning
of the property at Rancho and Charleston occupied by the
Cheveron station, including its buffer zone.


Joe R. Loyd
1720 Bannie Ave
Las Vegas, Nv 89102

Protest

RECEIVED
CITY CLERK

2004 AUG 17 P 4: 34

To: Mayor Oscar Goodman and the Members of the Las Vegas City Council

Re: Opposition of the proposed rezoning of the property occupied by the Chevron station at Rancho and Charleston. GPA-4564, SDR-4563, SUP4565 & VAR4296

I oppose any rezoning of the property at Rancho and Charleston occupied by the Chevron station, including it's buffer zone.

If the rezoning is allowed, it would result in a change in the residential status of Rancho Road, and lead to a lessening of the value of the homes in the area, and the quality of our life style.

Sincerely,

Protest

Name: Charles Beynon

Address: 2121 Glen Heather ^{WY}
Las Vegas 89102

RECEIVED
CITY CLERK

2004 AUG 17 P 4:34

To: Mayor Oscar Goodman and the Members of the Las Vegas City Council

Re: Opposition of the proposed rezoning of the property occupied by the Chevron station at Rancho and Charleston. GPA-4564, SDR-4563, SUP4565 & VAR4296

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Sincerely,

Protest

Name: Isabelle Berman

Address: 2121 Glen Heather^{WV}

L.V. Nev. 89102

RECEIVED
CITY CLERK

2004 AUG 17 P 4: 34

To: Mayor Oscar Goodman and the Members of the Las Vegas City Council

Re: Opposition of the proposed rezoning of the property occupied by the Chevron station at Rancho and Charleston. GPA-4564, SDR-4563, SUP4565 & VAR4296

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Sincerely,

Protest

Name: _____

Address: _____

2125 Glen Heather Way
Las Vegas, NV 89102

RECEIVED
CITY CLERK

2004 AUG 17 P 4: 34

To: Mayor Oscar Goodman and the Members of the Las Vegas City Council

Re: Opposition of the proposed rezoning of the property occupied by the Chevron station at Rancho and Charleston. GPA-4564, SDR-4563, SUP4565 & VAR4296

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If the rezoning is allowed, it would result in a change in the residential status of Rancho Road, and lead to a lessening of the value of the homes in the area, and the quality of our life style.

Sincerely,

Eyronne Vaughan

Name: Eyronne Vaughan

Address: 2108 Glen Heather Way
LV, NV 89102

protest

RECEIVED
CITY CLERK

2004 AUG 17 P 4: 34

To: Mayor Oscar Goodman and the Members of the Las Vegas City Council

Re: Opposition of the proposed rezoning of the property occupied by the Chevron station at Rancho and Charleston. GPA-4564, SDR-4563, SUP4565 & VAR4296

I oppose any rezoning of the property at Rancho and Charleston occupied by the Chevron station, including it's buffer zone.

If the rezoning is allowed, it would result in a change in the residential status of Rancho Road, and lead to a lessening of the value of the homes in the area, and the quality of our life style.

Sincerely,

protest

Name: Joan Cutchfield

Address: 2105 Bonnie Bree
LV No 89102

RECEIVED
CITY CLERK

2004 AUG 17 P 4: 34

To: Mayor Oscar Goodman and the Members of the Las Vegas City Council

Re: Opposition of the proposed rezoning of the property occupied by the Chevron station at Rancho and Charleston. GPA-4564, SDR-4563, SUP4565 & VAR4296

I oppose any rezoning of the property at Rancho and Charleston occupied by the Chevron station, including it's buffer zone.

If the rezoning is allowed, it would result in a change in the residential status of Rancho Road, and lead to a lessening of the value of the homes in the area, and the quality of our life style.

Sincerely,

Protest

Name: Phyllis M. Crockett

Address: 2412 Karli Dr
Las Vegas. Nv. 89102

RECEIVED
CITY CLERK

2004 AUG 17 P 4: 34

To: Mayor Oscar Goodman and the Members of the Las Vegas City Council

Re: Opposition of the proposed rezoning of the property occupied by the Chevron station at Rancho and Charleston. GPA-4564, SDR-4563, SUP4565 & VAR4296

I oppose any rezoning of the property at Rancho and Charleston occupied by the Chevron station, including it's buffer zone.

If the rezoning is allowed, it would result in a change in the residential status of Rancho Road, and lead to a lessening of the value of the homes in the area, and the quality of our life style.

Sincerely,

protest

Name: John C. Crockett

Address: # 2412 Kaeli DR

Las Vegas

Attention Planning Commission

We are opposed to the application to do away with the "green belt" or buffer area on Rancho south of Charleston. If a car wash and larger store were built there, it would generate a great deal more traffic on that corner which already has a great deal. It would also do harm to the surrounding area. We wish to keep our neighborhood of nice residences in tact and keep our property values.

Sincerely,

James Guihn

James Guihn

Marjorie Guihn

Marjorie Guihn

2321 Karli Dr.

Las Vegas NV 89102

Protest

RECEIVED
CITY CLERK

2004 AUG 17 P 4: 34

Attention Planning Commission

I am opposed to the application to do away with the "green belt" or buffer area on Rancho south of Charleston. If a car wash and larger store were built there, it would generate a great deal more traffic on that corner which already has a great deal. It would also do harm to the surrounding area. We wish to keep our neighborhood of nice residences in tact and keep our property values.

Sincerely,

Theresa Massa

Theresa Massa

2411 Karli Dr.

Las Vegas, NV 89102

Protest

RECEIVED
CITY CLERK

2004 AUG 17 P 4: 34

ROBERT M. APPLE & ASSOCIATES

A Professional Corporation
ATTORNEYS AT LAW
623 SOUTH 8TH STREET
LAS VEGAS, NEVADA 89101-7004
Telephone: 702/646-0085 Fax: 702/646-8421

Robert M. Apple

Legal Assistant
Jayme M. Fox

August 16, 2004

FAX NO.: 702-385-7960

HAND DELIVERED

Mayor Oscar B. Goodman
City of Las Vegas
400 Stewart Avenue
Las Vegas, Nevada 89101

Re: City Council Meeting August 18, 2004
GPA - 4564/VAR - 4696/SUP - 4565/SDR - 4563
Chevron Station at Rancho & Charleston
Carwash and Expansion

Dear Mayor Goodman:

I reside with my wife, Mary M. Apple, since 1985, at 1405 Strong Drive, Las Vegas, Nevada, in Ward 1.

I am also a representative of the Charleston McNeil Neighborhood Preservation Association.

We object to the proposed: General Plan Amendment, requesting an amendment of the General Plan from O (Office) to SC (Service Commercial); the request for a variance to allow 15 parking spaces where 22 are required; the application for a special use permit for a car wash/auto detail; and waivers of landscaping requirements, side yard setbacks and building placement.

The proposed car wash and expanded Chevron station are in conflict with the Rancho Charleston Land Use Study and Strategic Plan adopted by the City Council on June 19, 2002.

Five goals were formulated to address the effects of commercial intrusion and traffic flows in the study area, which includes the subject property, as follows:

1. Protect the existing residential neighborhoods from any additional encroachment by commercial and/or office uses.
2. Buffer existing residential neighborhoods from more intense uses that currently exist.
3. Eliminate residential blight by establishing specific minimum and maintenance standards and enforcement practices, particularly along streets that are witnessing high traffic counts, in order to discourage speculative investment for potential non-residential uses.
4. Minimize the impact of traffic on the residential neighborhoods within the Study Area.
5. Discourage and minimize the nuisance of obtrusive lighting, noise, odor, signs, etc. near residential neighborhoods.

Submitted to City Council
Date 8/18/04 Item # 134-137

ROBERT M. APPLE & ASSOCIATES

August 16, 2004

Page -2-

We submit that it would be inconsistent with the announced goals of the Land Use Study to amend the General Plan to allow anything but office zoning, and that it would be an intrusion into our neighborhood to amend the General Plan to Service Commercial.

The landscaped buffer zone which the applicant seeks to remove and replace with structures, including a car wash/auto detail, 2.5 times the size of the existing Chevron station, violates the intent and spirit of the Land Use Study and present zoning.

The proposed project will increase the already heavy traffic volume on Rancho and Charleston, bring more congestion, cut-through traffic, noise, air pollution, parking of non-resident vehicles on adjacent residential streets, odors, signs, and obstructive lighting, directly across from existing well-established residences.

We request that you exercise your discretion against this project in all regards. At a minimum, we encourage you to vote against the car wash and vacation of the long-standing and beneficial landscape buffer between the existing Chevron station and the new office complex nearing completion to the south.

Sincerely,

ROBERT M. APPLE & ASSOCIATES

Robert M. Apple, Esq.

RMA/aa
Enclosures

P.S. Enclosed is a photo of the existing landscaped buffer and a photo of a comparable car wash.

ROBERT M. APPLE & ASSOCIATES

A Professional Corporation

ATTORNEYS AT LAW

623 South 8th Street

Las Vegas, Nevada 89101-8706

Telephone (702) 646-0085 Fax: (702) 646-0021





The undersigned residents of the City of Las Vegas hereby object to and ask you to vote against the proposed Chevron Station expansion and especially the proposed car wash at Rancho & Charleston. GPA 4564; VAR 4696; SUP4565; SDR 4563 set for hearing on August 18, 2004.

BYRON T. TANAKA

Name



Signature

1212 BEUHLER Dr

Address

Submitted at City Council

Date 8/18/04 Item 134-137

The undersigned residents of the City of Las Vegas hereby object to and ask you to vote against the proposed Chevron Station expansion and especially the proposed car wash at Rancho & Charleston. GPA 4564; VAR 4696; SUP4565; SDR 4563 set for hearing on August 18, 2004.

RONALD N. WHEATLEY Barbara Wheatley

Name

Ronald N. Wheatley Barbara Wheatley

Signature

1126 BUEHLER DR, LAS VEGAS NV

Address

The undersigned residents of the City of Las Vegas hereby object to and ask you to vote against the proposed Chevron Station expansion and especially the proposed car wash at Rancho & Charleston. GPA 4564; VAR 4696; SUP4565; SDR 4563 set for hearing on August 18, 2004.

Miguel Ángel Huertas
Name

[Signature]
Signature

2712 Gilman Ave
Address

The undersigned residents of the City of Las Vegas hereby object to and ask you to vote against the proposed Chevron Station expansion and especially the proposed car wash at Rancho & Charleston. GPA 4564; VAR 4696; SUP4565; SDR 4563 set for hearing on August 18, 2004.

Marilyn M. Robinson
Name

Marilyn M. Robinson
Signature

2411 Mason Ave, Las Vegas, NV 89102
Address

Fax to Bob Apple
- 646-8421

**GERTRUDE RUDIAK
2244 Edgewood
Las Vegas, NV 89102**

July 8, 2004

Attention:
Las Vegas Planning Commission
Las Vegas City Council

Please vote to DISAPPROVE the proposed zoning variances GPA-4564, SDR-4563, SUP 4565 & VAR 4296 relating to southeast corner of Rancho Drive and Charleston designed to permit the installation of a car wash and an unnecessary shopping facilities at the expense of destroying the existing park.

The subject site has received public scrutiny multiple times over the past 40 years. The record amply demonstrates that permission to use the lot for commercial purposes was granted with an attached condition, specifically, that sequential property owners maintain a park buffer between the gas station operation and the surrounding residential zones. This condition attached to and ran with the land and represents a settlement agreement between the then property owner, the city, and the neighborhood. Further, the condition was established for the specific benefit of the home owners living off Charleston that surrounded the subject property who, to this very day, continue to have a beneficial interest in seeing that the terms of the agreement are honored.

The proponent of the zoning variances now under consideration took ownership subject to a presumed knowledge of these conditions proclaimed in the public record.

Having said that, at the first neighborhood meeting arranged to discuss the proposed site changes, the petitioner's attorney was unaware that maintenance of the park buffer was a condition attaching to and running with the land. At the second neighborhood meeting, the attorney confirmed the condition, having by then taken the time to look the covenant up. I can only conclude from the attorney's initial ignorance that the current owner either (a) withheld the disclosure from the attorney, or, more likely (b) did not use due care in purchasing the lot to determine the full extent of its permitted use and was, therefore, himself ignorant of the condition.

The answer is simply *caveat emptor*, buyer beware. Ignorance of the public record is no excuse for attempting to foist upon the neighborhood changes over matters long settled.

Forty years ago my husband, George Rudiak, participated in the hearings that concluded by granting the limited commercial use to this parcel. At that time, Charleston properties were primarily residential in nature. Relying upon the agreement reached, we undertook, and assume that other neighbors did as well, improvements on our property that might otherwise have been avoided if we felt that our home on Rancho and Edgewood would be subject to greater commercial intrusions, spot rezoning risks, and the attendant traffic, noise, and home security ramifications of such changes.

I can state in good conscience, therefore, that I am a direct party to a three way contract between the city, the property in question, and the home owners surrounding the subject site and, to some extent, have relied upon the settlement with respect to actions taken upon my property. Nothing has altered over the years that should abrogate my rights or those of my neighbors to the park buffer simply because a Johnny-come-lately to the neighborhood sees matters differently.

Submitted at City Council

Date 8/18/04 Item 134-137

Las Vegas Planning Commission
Las Vegas City Council

Page Two

The argument is repeatedly made that changed conditions (in this case, the professional office building next door to the gas station), moots out the value of maintaining the park as a park. The neighborhood raised strong objection to the professional building in the first instance precisely because it foresaw that other landowners, including the current petitioners, would use its construction to springboard further commercial intrusions south of Charleston onto Rancho and into the surrounding neighborhood. That is what is now occurring on the subject site, the corner land at Rancho and Oakey, and the northeast parcel located at Rancho and Sahara. Indeed, the petitioner's attorney argues the doctrine of changed conditions, using the professional building as one cornerstone in the debate. In the historic context of this region, this argument must be summarily dismissed.

It should be remembered that the city commissioners, about one year ago, understood the above stated neighborhood concern when they granted permission for the professional building to go up. To the best of my recollection, the commission assured the neighborhood that the professional building would not be permitted to be used so as to abrogate conditions relating to the park. It was stated, in essence, that due care would be exercised to preserve the historic nature of this wonderful neighborhood. Unless the immediate variances are denied, the rhetoric of the commission will have turned out to be little more than specious speech. Citizens have a right to demand more of our elected officials than empty promises, especially when commitments are made while officially engaged in discharge of their public duties.

Frankly, what the petitioner sees as a property upgrade, is, if allowed, just one more wound to an already injured region.

At some point in time the people of a neighborhood must be permitted to rest and allowed to enjoy their properties with confidence that the public record will not be stood on its head every time a new neighbor arrives. In the present matter, the agreement between the people, its representatives, and this parcel of land was memorialized two ways, first in the public record and, second, upon the face of the land itself in the form of the park.

The neighborhood should not live in a continual state of fear that present and future public bodies charged with resolving zoning variance requests will forget or ignore the promises of their predecessors. Those of you who now decide this matter surely expect that when commitments are made to you personally, that they will be honored. Those of us who are impacted by these zoning variance proposals feel no differently. We believe that commitments made to us by one set of public officials should likewise be honored by future office holders.

Please do what is right and deny the requested variances. We welcome our neighbors wish to improve his business and the attractiveness of his site, but only so long as those improvements occur on that portion of the land historically dedicated to commercial use by agreements long standing.

Sincerely,

Gertrude Rudiak

May 18, 2004

Councilman Michael Mack
Councilwoman Janet Moncrief
Councilman Larry Brown

Councilman Lawrence Weekly
Councilman Gary Reese

Re: May 19th, 2004 agenda item concerning the construction of commercial towers and parking facilities on the corner of Rancho and Sahara.

Dear Councilmen:

Please vote to REJECT the construction of multistory office towers with appurtenant parking facilities at the corner of Rancho Drive and Sahara Avenue.

The undersigned, as thirty to fifty year residents of the Scotch 80's, have been witness to a multitude of zoning variances and road alterations¹ that, cumulatively, have acted like cancer to diminish the quality of life in a prime residential and historic area of the city. This bold assertion can, in fact, be factually demonstrated. One only needs to look to the neighborhood of homes destroyed by the health corridor projects now existent north of Charleston between Rancho Drive and Shadow Lane to understand that, given time, whole residential regions can be annihilated by piecemeal changes of the type presently being considered.

In our view, the proposed project is of a kind that can only contribute to the erosion of the residential zones west and south of it. A commercial facility that must accommodate 1900 vehicles will stimulate a major increase in the volume of vehicular traffic down Rancho bringing with it increases in noise and a diminishment of public safety as cars speed through the nearby residential zones.

Further, to accommodate the project's commerce, a traffic light will be required a short distance north of the Sahara/Rancho intersection. In our opinion, there can be no justification for allowing the commercial financial interest of one property owner to further confound and juggernaut traffic at one of the most notoriously congested intersections in the city.

Argument is often made in chambers that the Las Vegas of today is not the same Las Vegas of fifty years ago and that the doctrine of changing circumstances will permit a valid consideration of the proposed project addressed by this letter.

Granted. The city has changed. However, much of the "character transformation" effecting life-quality in the city has come from individual, ill considered actions taken by the Council without a collective memory reference or cognizance by it (or support staff) of (a) how prior variances can cumulate to effect a detrimental toll on regions as a whole, and (b) its affront to earlier arrangements or record.

Indeed, the failure of any present council to honor the collective word of earlier councils serves to create a breach of the vital trust democratic peoples require between themselves and their elected representatives.

Therefore, perhaps even more important in the present instance than the traffic congestion and life-style degradation issues addressed before, are the concerns of how we as a community act to preserve the integrity of our local democratic processes. We believe that it is in the vital public interest that current rulings be made with appropriate weight afforded to preserving the fair expectation of citizens' that agreements memorialized into the public record by prior Councils may be reasonably relied upon and preserved.²

Please reject the present proposal to build high-rises with 1900 appurtenant parking spaces at the corner of Rancho and Sahara.

Thank you.

Gertrude Rudiak
2244 Edgewood Avenue
Las Vegas, Nevada

Richard Rudiak
2244 Edgewood Avenue
Las Vegas, Nevada

John Rentchler
1201 South Rancho
Las Vegas, Nevada

Geri Rentchler
1201 South Rancho
Las Vegas, Nevada

¹ The road changes over the years impacting the region have been numerous, though, at the time, many were deemed relatively minor. These changes include (as a partial list), cutting Oakey through to Wyoming over the rail road tracks; the construction of I-15 with on ramps and exits at Sahara and Charleston; the multiple widenings of Sahara, Charleston, and Rancho; taking down houses at the present intersection of Rancho and Charleston to extend Rancho northward towards Bonanza; extending Rancho south past Sahara; cutting Alta over the rail road tracks to connect it with the downtown district, and more.

 ² To cite just one example of public record where the Council has reversed itself, the small park appurtenant to the gas station at the corner of Rancho and Charleston was a negotiated settlement "green zone" established by agreement of the residents in the region, the gas station builders, and the Council then in office as a physical memorial separating "forever" commercial and professional intrusion further south on Rancho.

8/18
CC

The undersigned residents of the City of Las Vegas hereby object to and ask you to vote against the proposed Chevron Station expansion and especially the proposed car wash at Rancho & Charleston. GPA 4564; VAR 4696; SUP4565; SDR 4563 set for hearing on August 18, 2004.

DOROTHY BUSEY
Name

Dorothy Buset
Signature

2817 GILMARY AV.
Address

RECEIVED
04 AUG 23 PM 4:25
DEVELOPMENT

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: AUGUST 18, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☐

CONSENT

☒

DISCUSSION

SUBJECT:

ABEYANCE ITEM - VARIANCE RELATED TO GPA-4564 - PUBLIC HEARING - VAR-4696 - APPLICANT: RIDER'S CHEVRON - OWNER: GARRETT GROUP, LIMITED LIABILITY COMPANY - Request for a Variance TO ALLOW 15 PARKING SPACES WHERE 22 SPACES IS THE MINIMUM NUMBER REQUIRED on 0.79 acres at 2237 W. Charleston Boulevard (APN: 162-04-101-001), C-1 (Limited Commercial) Zone, Ward 1 (Moncrief). Staff recommends DENIAL. The Planning Commission (4-3 vote) recommends APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

5
23

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. Submitted after final agenda – Protest 17 signatures for 14 properties for Item 134 [GPA-4564], Item 135 [VAR-4696], Item 136 [SUP-4565] and Item 137 [SDR-4563] filed under Item 134 [GPA-4564]
5. Submitted at City Council – Four protest letters submitted by Mr. Apple filed under Item 134 [GPA-4564]
6. Submitted at City Council – Protest letter from Robert Apple & Associates submitted by Mayor Goodman filed under Item 134 [GPA-4564]
7. Submitted at City Council – Protest letter from Gertrude Rudiak filed under Item 134 [GPA-4564]
8. Submitted after meeting: Letter of protest from Dorothy Buset filed under Item #134 [GPA-4564]

MOTION:

MONCRIEF – WITHDRAWN WITHOUT PREJUDICE – UNANIMOUS

MINUTES:

NOTE: See Item 134 [GPA-4564] for all related discussion.

(3:44 – 4:45)

4- 2698

AGENDA MEMO

CITY COUNCIL MEETING DATE: AUGUST 18, 2004

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: ABEYANCE ITEM - VAR-4696 - APPLICANT: RIDER'S
CHEVRON – OWNER: GARRET GROUP, LIMITED LIABILITY COMPANY**

***THIS ITEM WAS HELD IN ABEYANCE FROM THE AUGUST 4, 2004 CITY COUNCIL
MEETING AT THE APPLICANT'S REQUEST.***

**** CONDITIONS ****

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

Planning and Development

1. Approval of General Plan Amendment GPA-4564, and approval of and conformance to the Conditions of Approval for Special Use Permit (SUP-4565) and Site Development Plan Review [SDR-4563].
2. This Variance shall expire two years from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

This application is a request for a Variance (VAR-4696) to allow 15 spaces where 22 spaces are required for a convenience store/service station/car wash that is being redeveloped on a 0.79-acre site at 2237 W. Charleston Boulevard. Companion applications for a General Plan Amendment (GPA-4564) from O (Office) to SC (Service Commercial) and to waive full trail standards for the adjacent trail along Rancho Drive, a Special Use Permit (SUP-4565) to allow a Car Wash/Auto Detail use in conjunction with a Convenience Store/Service Station, and a Site Development Plan Review (SDR-4563) and Waivers of perimeter buffering and landscaping, parking lot landscaping, building foundation landscaping, side yard setbacks and building placement for the project will be reviewed concurrently.

B) Applicant's Justification

The applicant has justified this request by stating that the request is appropriate as the proposed use is a part of an overall redevelopment of the subject site that will continue existing uses on the site and will have minimal additional impact at this busy intersection.

BACKGROUND INFORMATION

A) Previous Actions

- | | |
|----------|---|
| 12/16/64 | The Board of City Commissioners approved a Rezoning (Z-0051-64) from R-E (Residence Estates) under Resolution of Intent to C-1 (Limited Commercial) for the subject site. The Planning Commission and staff recommended denial on 08/13/64. This C-1 zoning was adopted by ordinance on 12/07/66. |
| 01/28/65 | The Board of Zoning Adjustment approved a request for a Use Permit for the development of a service station on the northern portion of the subject site. A condition of approval at that time required retention of existing vegetation on the southern portion of the site, as a transition to adjacent low-density residential development. |
| 12/12/72 | A Special Use Permit (U-0055-64) for a service station was granted administratively by the Planning Department. |
| 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 SC (Service Commercial) land uses. |

- 04/02/86 The City Council approved a request for a Plot Plan Review to allow a convenience store with gasoline sales on the subject site. The condition requiring retention of the existing vegetation on the southern portion of the site was modified to require landscaping and hedges along the south and east walls of the site. The Planning Commission had recommended approval on 03/13/86.
- 06/19/02 The City Council adopted the Rancho Charleston Land Use Study. This study recommended the designation of the subject property for O (Office) land uses, which was accomplished through the approval of General Plan Amendment (GPA-0047-01) the same day.
- 07/08/04 The Planning Commission recommended approval of companion applications for a General Plan Amendment (GPA-4564) from O (Office) to SC (Service Commercial) and to waive full trail standards for the adjacent trail along Rancho Drive, a Special Use Permit (SUP-4564) to allow a Car Wash/Auto Detail use in conjunction with a Convenience Store/Service Station, and a Site Development Plan Review (SDR-4563) and Waivers.
- 07/08/04 The Planning Commission voted 4-3 to recommend APPROVAL (PC Agenda Item #39/gl).

B) Pre-Application Meeting

- 05/07/04 At the meeting, the applicant was advised of the required applications, and of waivers that would be required to accompany the companion site plan request (SDR-4563). A number of Department of Public Works' concerns and design issues (e.g. roofed trash enclosure) were also flagged.

C) Neighborhood Meetings

A neighborhood meeting is not required for a Variance.

DETAILS OF APPLICATION REQUEST

A) Site Area

Gross Acres: 0.79

B) Existing Land Use

Subject Property: Convenience Store/Service Station
North: Retail Commercial Center
South: Office Complex
East: Medical Clinic and Parking Structure
West: Child Care Facility and Single Family Dwelling

C) Planned Land Use

Subject Property: O (Office)
North: SC (Service Commercial – Las Vegas Medical District land use designation)
South: O (Office)
East: O (Office)
West: O (Office) and L (Low Density Residential)

D) Existing Zoning

Subject Property: C-1 (Limited Commercial)
North: PD (Planned Development)
South: R-E (Residence Estates) under a Resolution of Intent to P-R (Professional Office and Parking)
East: O (Office)
West: C-D (Designed Commercial)

E) General Plan Compliance

The General Plan designation of the subject site on the Southeast Sector Plan Map is O (Office). A companion request (GPA-4564) for a General Plan Amendment to change the O land use designation to an SC (Service Commercial) land use designation is being sought concurrently by the applicant. The proposed Variance is not directly referenced at this broad policy level.

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

There are no aspects of the proposed Variance that are affected by the trails requirements or by the Rancho Charleston Land Use Study. The Las Vegas Medical District Plan affects the land to the north of the site across Charleston Boulevard. A major issue that was flagged in the Medical District Plan was the chronic shortage of parking in that area. Approval of a parking Variance on a site across the street from that Plan area will not assist in resolving chronic parking shortages in the area.

ANALYSIS

A) Zoning Code Compliance

A1) Parking and Traffic Standards

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

Uses	GFA	Ratio	Required Parking		Provided Parking	
			Regular	Handicap	Regular	Handicap
Convenience Store	3,325 s.f.	1 space/250 s.f. GFA	14 spaces			
Car Wash (Full service)	1,200 s.f.	1 space/150 s.f.	8 spaces			
Totals			22 spaces	1 space	15 spaces	1 space

The project as currently designed is deficient with respect to parking. The subject deviation is 31.8%.

B) General Analysis and Discussion

The site is currently developed with a convenience store/service station that is approximately 1,800 square feet in size. At that size, eight parking spaces are required, and are provided on the site. The redevelopment project will consist of a larger convenience store (3,325 square feet), with an independent 3,540 square-foot gas canopy and a 1,200 square-foot automated car wash.

Based on Title 19.10 requirements, 14 spaces are required for the convenience store and eight spaces are required for the car wash, independent of queuing area, for a total of 22 spaces. The site is a corner location and has vehicular access from two sides. Given the small size of the parcel and the need to provide for adequate access to the gas pump islands and queuing for the car wash, it is not possible to provide additional parking on the site with the project as configured; accordingly, the applicant has requested this Variance to the parking standards of Title 19.10.

FINDINGS

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

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

Additionally, Title 19.18.070L states:

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

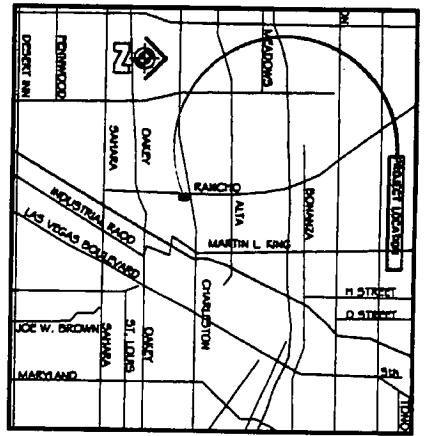
No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship by proposing to overbuild a site that is relatively small for the uses envisioned. Alternative design using a smaller convenience store or eliminating the proposed car wash use would allow conformance to the Title 19 requirements. In view of the absence of any hardships imposed by the site's physical characteristics, it is concluded that the applicant's hardship is preferential in nature, and it is thereby outside the realm of NRS Chapter 278 for granting of Variances.

NOTICES MAILED 76 by City Clerk

APPROVALS 0

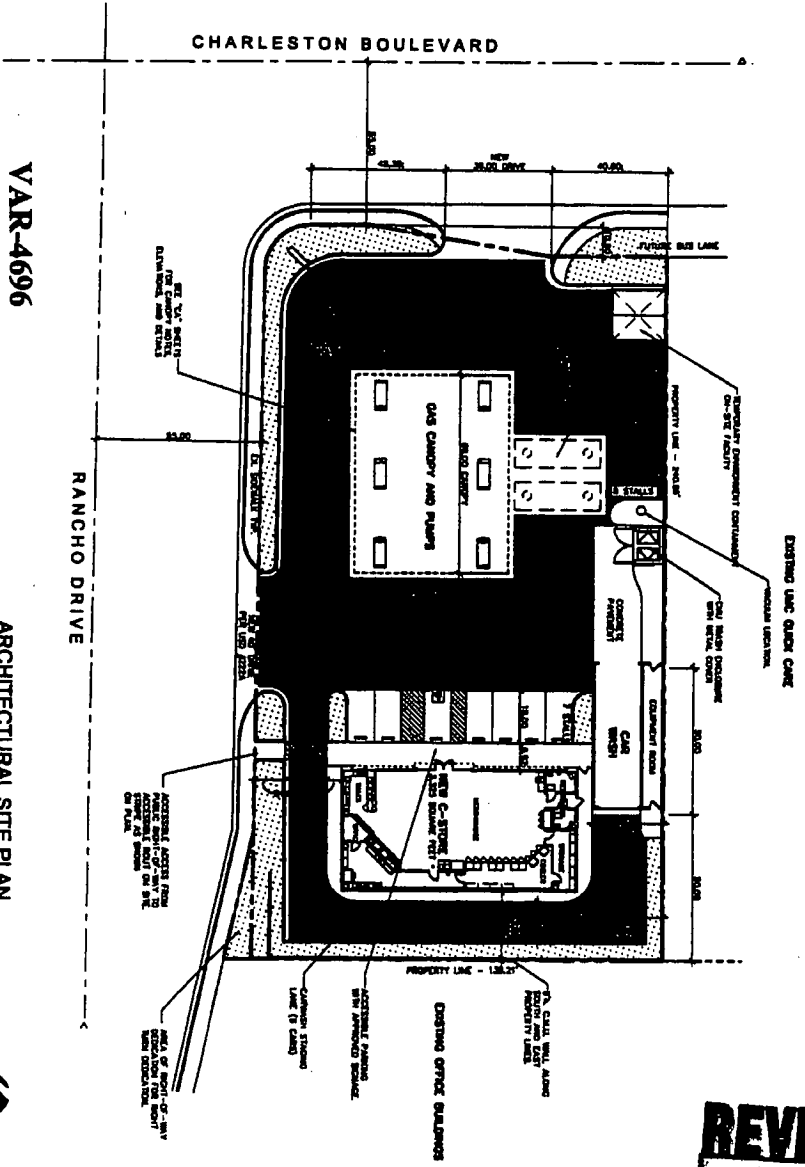
PROTESTS 5





DESIGN DATA	
LOT AREA	24,000 SQUARE FEET ± 29 ACRES
BUILDING AREA	1,200 SQUARE FEET (C-STORE ONLY)
LOT COVERAGE	5.0%
PARKING REQUIRED (CITY OF LAS VEGAS)	1,200 SPACES
PARKING PROVIDED	1,200 SPACES (C-STORE ONLY)
RECORDING FEES	14 STALLS
RECORDING FEES	14 STALLS
RECORDING FEES	14 STALLS

REVISED
06.25.04



VAR-4696
SUP-4565
SDR-4563
07-08-04 PC

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

RESLIN BUILDERS

1203A CHEVRON AT CHARLESTON AND RANCHO

1203A CHEVRON AT CHARLESTON AND RANCHO

1203A CHEVRON AT CHARLESTON AND RANCHO

CONTRACTOR

1203A CHEVRON AT CHARLESTON AND RANCHO

1203A CHEVRON AT CHARLESTON AND RANCHO

1203A CHEVRON AT CHARLESTON AND RANCHO

Chevron Convenience Store and Car Wash

1203A CHEVRON AT CHARLESTON AND RANCHO

1203A CHEVRON AT CHARLESTON AND RANCHO

1203A CHEVRON AT CHARLESTON AND RANCHO

AS1.1

1203A CHEVRON AT CHARLESTON AND RANCHO

1203A CHEVRON AT CHARLESTON AND RANCHO

1203A CHEVRON AT CHARLESTON AND RANCHO



VAR-4696 - APPLICANT: RIDER'S CHEVRON - OWNER: GARRET GROUP, LIMITED LIABILITY COMPANY

2237 WEST CHARLESTON BOULEVARD
JULY 8, 2004 PLANNING COMMISSION

06/17/04

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF: AUGUST 18, 2004**DEPARTMENT: PLANNING & DEVELOPMENT****DIRECTOR: ROBERT S. GENZER**☐**CONSENT**☒**DISCUSSION****SUBJECT:**

ABEYANCE ITEM - SPECIAL USE PERMIT RELATED TO GPA-4564 AND VAR-4696 -
PUBLIC HEARING - SUP-4565 - **APPLICANT: RIDER'S CHEVRON - OWNER:**
GARRET GROUP, LIMITED LIABILITY COMPANY - Request for a Special Use Permit
FOR A PROPOSED CAR WASH/AUTO DETAIL at 2237 West Charleston Boulevard (APN:
162-04-101-001), C-1 (Limited Commercial) Zone, Ward 1 (Moncrief). Staff recommends
DENIAL. The Planning Commission (4-3 vote) recommends APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

5
23

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. Submitted after final agenda – Protest 17 signatures for 14 properties for Item 134 [GPA-4564], Item 135 [VAR-4696], Item 136 [SUP-4565] and Item 137 [SDR-4563] filed under Item 134 [GPA-4564]
5. Submitted at City Council – Four protest letters submitted by Mr. Apple filed under Item 134 [GPA-4564]
6. Submitted at City Council – Protest letter from Robert Apple & Associates submitted by Mayor Goodman filed under Item 134 [GPA-4564]
7. Submitted at City Council – Protest letter from Gertrude Rudiak filed under Item 134 [GPA-4564]
8. Submitted after meeting: Letter of protest from Dorothy Buset filed under Item #134 [GPA-4564]

MOTION:

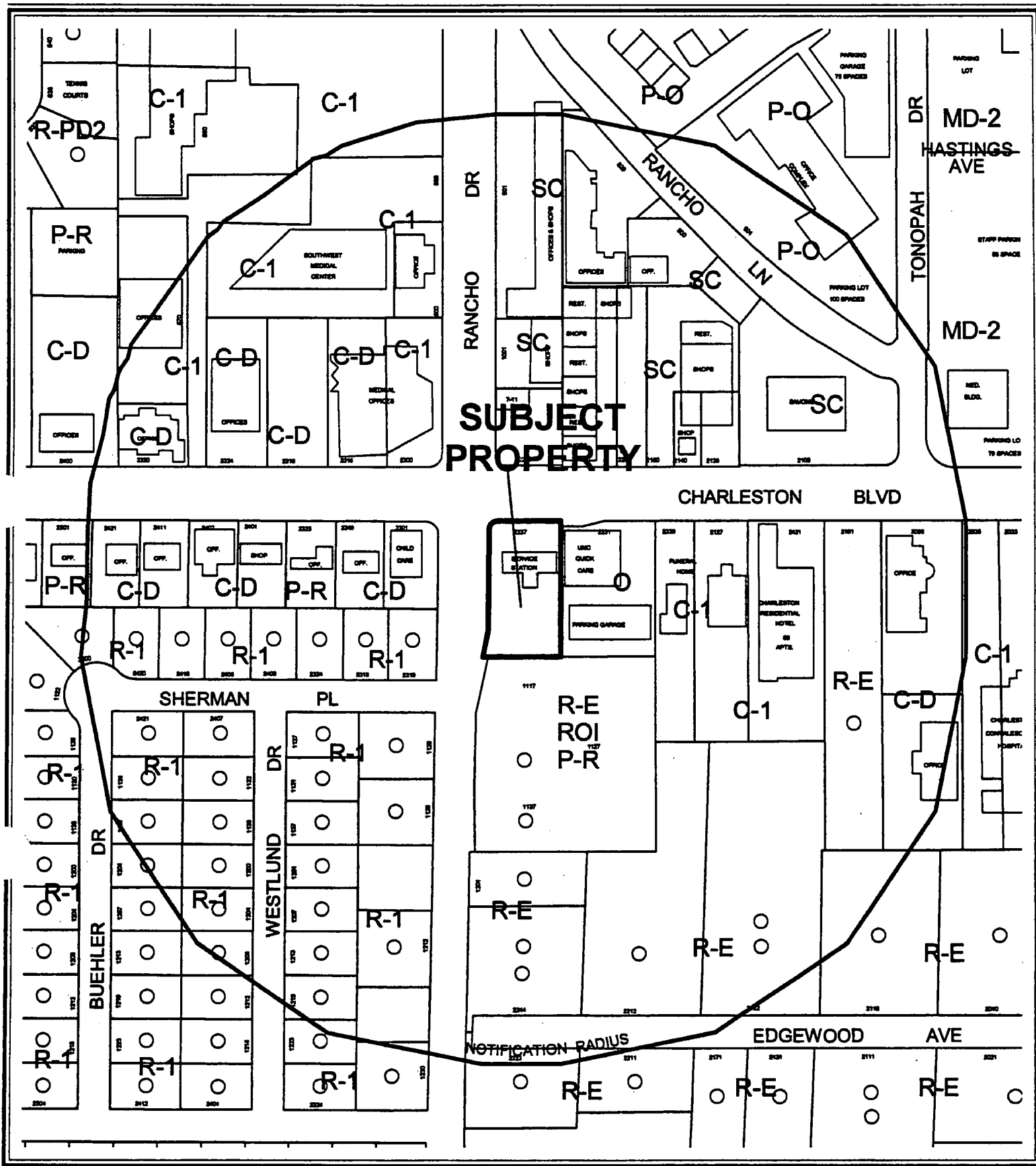
MONCRIEF – WITHDRAWN WITHOUT PREJUDICE – UNANIMOUS

MINUTES:

NOTE: See Item 134 [GPA-4564] for all related discussion.

(3:44 – 4:45)

4- 2698

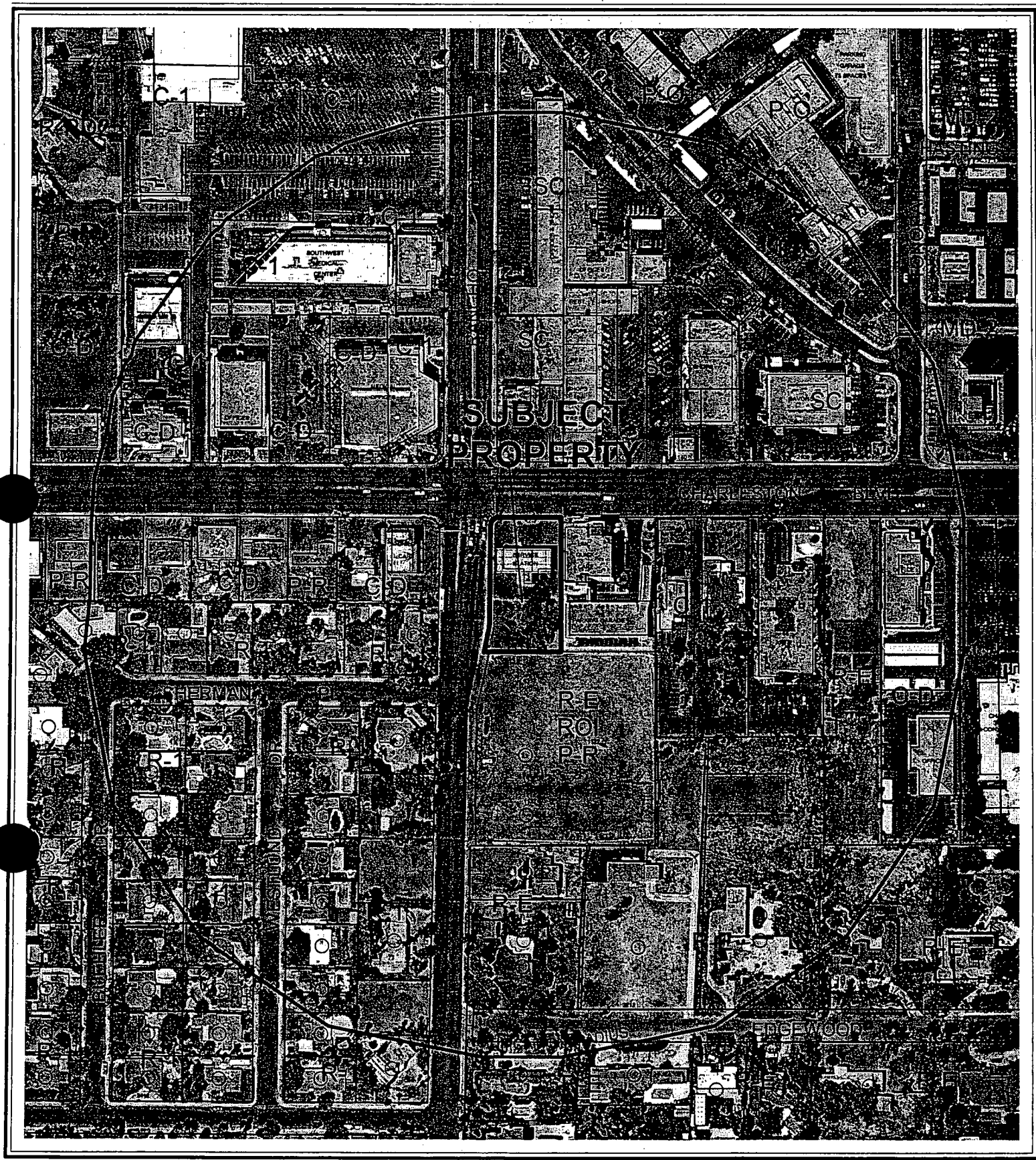


CASE: SUP-4565

RADIUS: 750 FT

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





CASE: SUP-4565

RADIUS: 750 FT

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

0 200 400 Feet



AGENDA MEMO

CITY COUNCIL MEETING DATE: AUGUST 18, 2004

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: ABEYANCE ITEM - SUP-4565 - APPLICANT: RIDER'S
CHEVRON - OWNER: GARRET GROUP, LIMITED LIABILITY COMPANY**

***THIS ITEM WAS HELD IN ABEYANCE FROM THE AUGUST 4, 2004 CITY COUNCIL
MEETING AT THE APPLICANT'S REQUEST.***

**** CONDITIONS ****

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

Planning and Development

1. Approval of a General Plan Amendment (GPA-4564) by City Council and approval of and conformance to the Conditions of Approval for Variance (VAR-4696) and Site Development Plan Review [SDR-4563].
2. This Special Use Permit shall expire two years from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.
3. All City Code requirements and design standards of all City departments must be satisfied.
4. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

This application is a request for a Special Use Permit to allow a Car Wash/Auto Detail use in conjunction with a Convenience Store/Service Station that is being redeveloped on a 0.79-acre site at 2237 W. Charleston Boulevard. Companion applications for a General Plan Amendment (GPA-4564) from O (Office) to SC (Service Commercial) and to waive full trail standards for the adjacent trail along Rancho Drive, a Variance (VAR-4696) for insufficient parking, and a Site Development Plan Review (SDR-4563) and Waivers of perimeter buffering and landscaping, parking lot landscaping, building foundation landscaping, side yard setbacks and building placement for a convenience store/service station/car wash to replace the existing service station on the site will be reviewed concurrently.

B) Applicant's Justification

The applicant has justified this request by stating that the request is appropriate as the proposed use is a part of an overall redevelopment of the subject site that will continue existing uses on the site and will have minimal additional impact at this busy intersection.

BACKGROUND INFORMATION

A) Previous Actions

- | | |
|----------|---|
| 12/16/64 | The Board of City Commissioners approved a Rezoning (Z-0051-64) from R-E (Residence Estates) under Resolution of Intent to C-1 (Limited Commercial) for the subject site. The Planning Commission and staff recommended denial on 08/13/64. This C-1 (Limited Commercial) zoning was adopted by ordinance on 12/07/66. |
| 01/28/65 | The Board of Zoning Adjustment approved a request for a Use Permit for the development of a service station on the northern portion of the subject site. A condition of approval at that time required retention of existing vegetation on the southern portion of the site, as a transition to adjacent low-density residential development. |
| 12/12/72 | A Special Use Permit (U-0055-64) for a service station was granted administratively by the Planning Department. |
| 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 SC (Service Commercial) land uses. |

- 04/02/86 The City Council approved a request for a Plot Plan Review to allow a convenience store with gasoline sales on the subject site. The condition requiring retention of the existing vegetation on the southern portion of the site was modified to require landscaping and hedges along the south and east walls of the site. The Planning Commission had recommended approval on 03/13/86.
- 06/19/02 The City Council adopted the Rancho Charleston Land Use Study. This study recommended the designation of the subject property for O (Office) land uses, which was accomplished through the approval of General Plan Amendment (GPA-0047-01) the same day.
- 07/08/04 The Planning Commission recommended approval of companion applications for a General Plan Amendment (GPA-4564) from O (Office) to SC (Service Commercial) and to waive full trail standards for the adjacent trail along Rancho Drive, a Variance (VAR-4696) for insufficient parking, and a Site Development Plan Review (SDR-4563) and Waivers of perimeter buffering and landscaping, parking lot landscaping, building foundation landscaping, side yard setbacks and building placement for a convenience store/service station/car wash to replace the existing service station on the site.
- 07/08/04 The Planning Commission voted 4-3 to recommend APPROVAL (PC Agenda Item #40/gl).

B) Pre-Application Meeting

- 05/07/04 At the meeting, the applicant was advised of the required applications, and of waivers that would be required to accompany the companion site plan request (SDR-4563). A number of Department of Public Works' concerns and design issues (e.g. roofed trash enclosure) were also flagged.

C) Neighborhood Meetings

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

DETAILS OF APPLICATION REQUEST

A) Site Area

Gross Acres: 0.79

B) Existing Land Use

Subject Property: Convenience Store/Service Station
North: Retail Commercial Center
South: Office Complex
East: Medical Clinic and Parking Structure
West: Child Care Facility and Single Family Dwelling

C) Planned Land Use

Subject Property: O (Office)
North: SC (Service Commercial – Las Vegas Medical District land use designation)
South: O (Office)
East: O (Office)
West: O (Office) and L (Low Density Residential)

D) Existing Zoning

Subject Property: C-1 (Limited Commercial)
North: PD (Planned Development)
South: R-E (Residence Estates) under a Resolution of Intent to P-R (Professional Office and Parking)
East: O (Office)
West: C-D (Designed Commercial)

E) General Plan Compliance

The General Plan designation of the subject site on the Southeast Sector Plan Map is O (Office). The proposed use is not directly referenced at this broad policy level. The proposed “Car Wash/Auto Detail” use is allowed by Special Use Permit in the C-1 zoning district, pursuant to Title 19.04. The C-1 zoning district, however, does not conform with the current O (Office) land use designation of the subject site. A companion request (GPA-4564) for a General Plan Amendment to change the O land use designation to an SC (Service Commercial) land use designation is being sought concurrently by the applicant.

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

Trails – There is a Multi-use Transportation Trail required directly adjacent to the site along Rancho Drive, pursuant to the Transportation Trails Element of the Las Vegas 2020 Master Plan. This trail cross-section requires a 10-foot cement trail and a five-foot amenity zone on the subject property, with a five-foot amenity zone within the right-of-way. The plans show a five-foot sidewalk within the right-of-way and a six or seven-foot amenity zone on the subject property. This design does not conform to the approved standard.

A General Plan Amendment (GPA-3933) that was presented to the Planning Commission would have the effect of introducing "connector trail" standards into developed areas such as this; however, the GPA-3933 was tabled at the 05/27/04 Planning Commission meeting. The applicant is requesting, as part of the companion General Plan Amendment, to be allowed to utilize the proposed "connector trail" standard adjacent to this small site. Use of the full Multi-use Transportation Trail standard would significantly impact the ability to develop the site.

INTERAGENCY ISSUES

This Special Use Permit request did not meet the threshold criteria to be deemed a "Project of Regional Significance", and therefore no Environmental Impact Assessment questionnaire was requested from the applicant.

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
Convenience Store	3,325 s.f.	1 space/250 s.f. GFA	14 spaces			
Car Wash (Full service)	1,200 s.f.	1 space/150 s.f.	8 spaces			
Totals			22 spaces	1 space	15 spaces	1 space

The project as currently designed is deficient with respect to parking. The applicant has requested a companion Variance to address this issue.

A2) Minimum Distance Separation Requirements

There are no Minimum Separation Distance Requirements in the Zoning Code that apply to the proposed Car Wash/Auto Detail use. There are no similar approved uses within the 750 ft. notification distance.

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

Standards	Code Requirement	Provided
Trash Enclosure	Walled, roofed, gated, 50 ft. from residential	Y

The project as designed meets the trash enclosure design requirements.

B) General Analysis and Discussion

- Zoning

The site is currently zoned C-1 (Limited Commercial). The proposed “Car Wash/Auto Detail” use is allowed by Special Use Permit in the C-1 zoning district, pursuant to Title 19.04.

- Use

The project will replace an existing 1,800 square-foot convenience store with a 3,325 square-foot convenience store and a 1,200 square-foot automated car wash. This represents a substantial intensification of the site, which results in the need for a Variance to current parking standards. Although the applicants have met twice with area residents and have attempted to address their concerns through design modifications, the expansion to the scope of the existing development is substantial, as underlined by the need for the requested companion parking Variance and the number of Waivers requested as part of the companion Site Development Plan Review. As a result, denial is recommended.

- Conditions

Pursuant to Title 19.04, there are no standards that specifically apply to the Car Wash/Auto Detail use; instead, these requests are considered on a case-by-case basis. In considering applicable standards, the Car Wash (Self-Service) use has conditions that are applicable as follows:

1. The hours of operation shall be limited to the period between 7:00 a.m. and 10:00 p.m.
2. Openings to the wash bays shall not face public right-of-way and shall be designed to minimize the visual intrusion into adjoining properties.
3. All exterior lighting shall be screened or otherwise designed so as not to shine directly onto any adjacent parcel.
4. No retail sale of vehicles is allowed.
5. No repairing or servicing of vehicles is allowed.
6. The use must not be located within 200 feet of a residential property unless the use is separated from the residential property by a street with a minimum right-of-way width of 80 feet.
7. The applicant must demonstrate that the use can be made inoperable and inaccessible to the public after business hours.
8. Vacuum bays are permitted as part of this use if their operation is in compliance with the other base standards for this use.

9. The use must be operated in conjunction with another motor vehicle related use, such as gasoline sales, smog inspection, minor automotive repair, or recreational vehicle and boat storage.
10. An attendant must be on the premises during all times the equipment is operational.

The requested use meets all standards with the exception of Condition number 2. As this is a corner location, it would not be possible to comply with this condition; also, as this is an automated facility accommodating one vehicle at a time, it does not have the same effect as a row of open self-service wash bays would have. The request is reasonable and should not be an issue if this application is approved.

FINDINGS

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

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

The project as proposed is in scale with existing uses to the east along the south side of Charleston Boulevard, but these are medical and office in nature, not auto-related retail. The project is more intense than the office project under development directly to the south. The General Plan, based on the results of the Rancho-Charleston Land Use Study, was modified just two years ago to promote office development, not retail, in this area. As a result, denial of this request is recommended.

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

The site is relatively small and constrained for the scale of the proposed use. This is underlined by the fact that the site cannot be self-parked based on minimum Code requirements and requires approval of a Variance to develop as proposed, and that the perimeter buffering cannot meet Code requirements, and that there is insufficient space to provide the required Multi-use Transportation Trail along the west edge of the site.

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

The site currently has, and will continue to have access from Charleston Boulevard, designated as a Primary (100-foot) Arterial, and Rancho Drive, designated as a Secondary (80-foot) Collector, on the Master Plan of Streets and Highways. These access points, even though limited to right-in, right-out turning movements, are adequate to serve the needs of the proposed development.

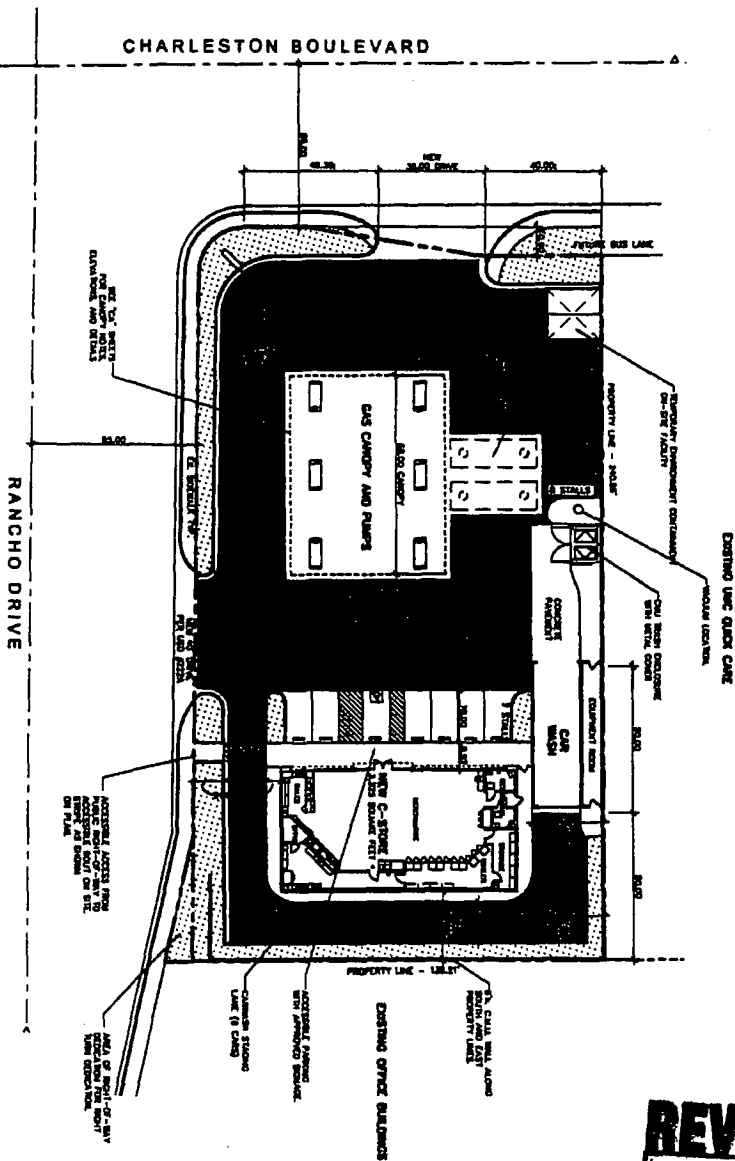
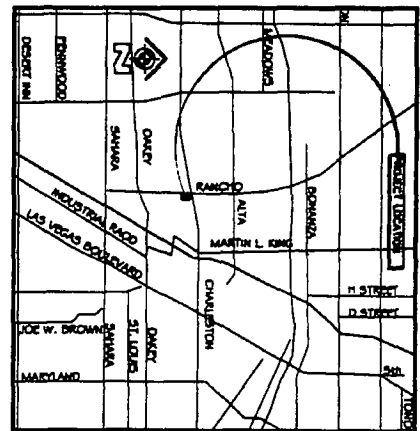
4. **“Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.”**

The proposed Car Wash/Auto Detail use will be subject to inspections for building and licensing, which will ensure that the public health, safety and general welfare will be safeguarded. The project as proposed is inconsistent with the General Plan designation of O (Office) unless the companion General Plan Amendment to change the land use designation to SC (Service Commercial) is approved. Staff has recommended denial of this re-designation.

NOTICES MAILED 77 by City Clerk

APPROVALS 0

PROTESTS 5



VAR-4696
SUP-4565
SDR-4563
07-08-04 PC

ARCHITECTURAL SITE PLAN

DESIGN DATA

LOT AREA	34.56 AC. BEARING WEST W. 1/4 ACRES
BEARING AREA	1,235 SQUARE FEET (C-1000 ONLY)
LOT COVERAGE	8.82%
PARKING REQUIRED	(0.17 W/ 4.5 VEHICLES)
1,235 SF. - 1 W/ 750 SF. = 113 W/ 14 SPACES (C-1000)	
PARKING PROVIDED	
STORAGE SPACES	14 SPACES
ACCESSORY BUILD.	1 W/ 600 SQUARE FEET
TOTAL SPACES	15 SPACES

REVISED
06-25-04

CONTRACTOR

REST IN BUILDERS

**Chevron
Convenience
Store and Car
Wash**

**Boulevard Corner of
Charleston Boulevard
and Rancho Drive,
Las Vegas, Nevada
APT 152-04-101-001**

Architectural Site Plan

062504

AS1.1



SUP-4565 - APPLICANT: RIDER'S CHEVRON - OWNER: GARRET GROUP, LIMITED LIABILITY COMPANY

2237 WEST CHARLESTON BOULEVARD

JULY 8, 2004 PLANNING COMMISSION

06/17/04

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF: AUGUST 18, 2004**DEPARTMENT: PLANNING & DEVELOPMENT****DIRECTOR: ROBERT S. GENZER**☐**CONSENT**☒**DISCUSSION****SUBJECT:**

ABEYANCE ITEM - SITE DEVELOPMENT PLAN REVIEW RELATED TO GPA-4564, VAR-4696 AND SUP-4565 - PUBLIC HEARING - **SDR-4563** - **APPLICANT: RIDER'S CHEVRON** - **OWNER: GARRET GROUP, LIMITED LIABILITY COMPANY** - Request for a Site Development Plan Review and Waivers of perimeter buffering landscaping, parking lot landscaping, building foundation landscaping, side yard setbacks, and building placement for a PROPOSED 1,200 SQUARE-FOOT CAR WASH/AUTO DETAIL AND A 3,325 SQUARE-FOOT CONVENIENCE STORE/SERVICE STATION TO REPLACE AN EXISTING 1,800 SQUARE FOOT CONVENIENCE STORE/SERVICE STATION on 0.79 acres at 2237 West Charleston Boulevard (APN: 162-04-101-001), C-1 (Limited Commercial) Zone, Ward 1 (Moncrief). Staff recommends DENIAL. The Planning Commission (4-3 vote) recommends APPROVAL

PROTESTS RECEIVED BEFORE:**Planning Commission Mtg.****5****City Council Meeting****23****APPROVALS RECEIVED BEFORE:****Planning Commission Mtg.****0****City Council Meeting****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. Submitted after final agenda - Protest 17 signatures for 14 properties for Item 134 [GPA-4564], Item 135 [VAR-4696], Item 136 [SUP-4565] and Item 137 [SDR-4563] filed under Item 134 [GPA-4564]
5. Submitted at City Council - Four protest letters submitted by Mr. Apple filed under Item 134 [GPA-4564]
6. Submitted at City Council - Protest letter from Robert Apple & Associates submitted by Mayor Goodman filed under Item 134 [GPA-4564]
7. Submitted at City Council - Protest letter from Gertrude Rudiak filed under Item 134 [GPA-4564]
8. Submitted after meeting: Letter of protest from Dorothy Buset filed under Item #134 [GPA-4564]

CITY COUNCIL MEETING OF AUGUST 18, 2004
Planning and Development Department
Item 137 – SDR-4563

MOTION:

MONCRIEF – APPROVED subject to conditions as read for the record and amended as follows:

- *A revised site plan shall be submitted for staff approval with a maximum of 4500 square feet of retail, increasing landscaping on the south and east property lines.*

And deleting Condition 3

– Motion carried with GOODMAN voting NO

MINUTES:

NOTE: See Item 134 [GPA-4564] for all related discussion.

(3:44 – 4:45)

4- 2698

CONDITIONS:

Planning and Development

1. A General Plan Amendment (GPA-4564) approved by City Council and approval of and conformance to the Conditions of Approval for a Special Use Permit (SUP-4565) and a Variance (VAR-4696) 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 revised site plan and building elevations date stamped 06/25/04, except as amended by conditions herein. An indication of loading facilities shall be depicted on the site plan, and no vacuum area shall be allowed on the site.
4. Prior to the submittal of a building permit, the applicant shall meet with Planning and Development Department staff to develop a comprehensive address plan for the subject site. A copy of the approved address plan shall be submitted with any future building permit applications related to the site.
5. The landscape plan shall be revised and approved by Planning and Development Department staff, prior to the time application is made for a building permit, to reflect minimum 24-inch box trees planted a maximum of 20 feet on-center and a minimum of four five-gallon shrubs for each tree within provided planters.

CITY COUNCIL MEETING OF AUGUST 18, 2004
Planning and Development Department
Item 137 – SDR-4563

CONDITIONS – Continued:

6. Landscaping and a permanent underground sprinkler system shall be installed as required by the Planning Commission or City Council and shall be permanently maintained in a satisfactory manner. [Failure to properly maintain required landscaping and underground sprinkler systems shall be cause for revocation of a business license.]
7. A landscaping plan must be submitted prior to or at the same time application is made for a building permit. The waiver of landscaping in perimeter areas has been deemed to be unnecessary. The applicant shall add additional landscaping to screen the car wash queuing area to the satisfaction of the Planning and Development Department.
8. All mechanical equipment, air conditioners and trash areas shall be fully screened from the view of abutting streets.
9. Parking lot lighting standards shall be no more than 20 feet in height and shall utilize 'shoe-box' fixtures and downward-directed lights. Wallpack lighting shall utilize 'shoe-box' fixtures and downward-directed lights on the proposed building. Non-residential property lighting shall be directed away from residential property or screened, and shall not create fugitive lighting on adjacent properties.
10. All utility boxes exceeding 27 cubic feet in size shall meet the standards of Municipal Code Section 19.12.050.
11. Any interior property line wall shall be a decorative block wall, with at least 20 percent contrasting materials. Wall heights shall be measured from the side of the fence with the least vertical exposure above the finished grade, unless otherwise stipulated.
12. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.
13. All City Code requirements and design standards of all City departments must be satisfied.
14. No turf shall be permitted in the non-recreational common areas, such as medians and amenity zones in this development.

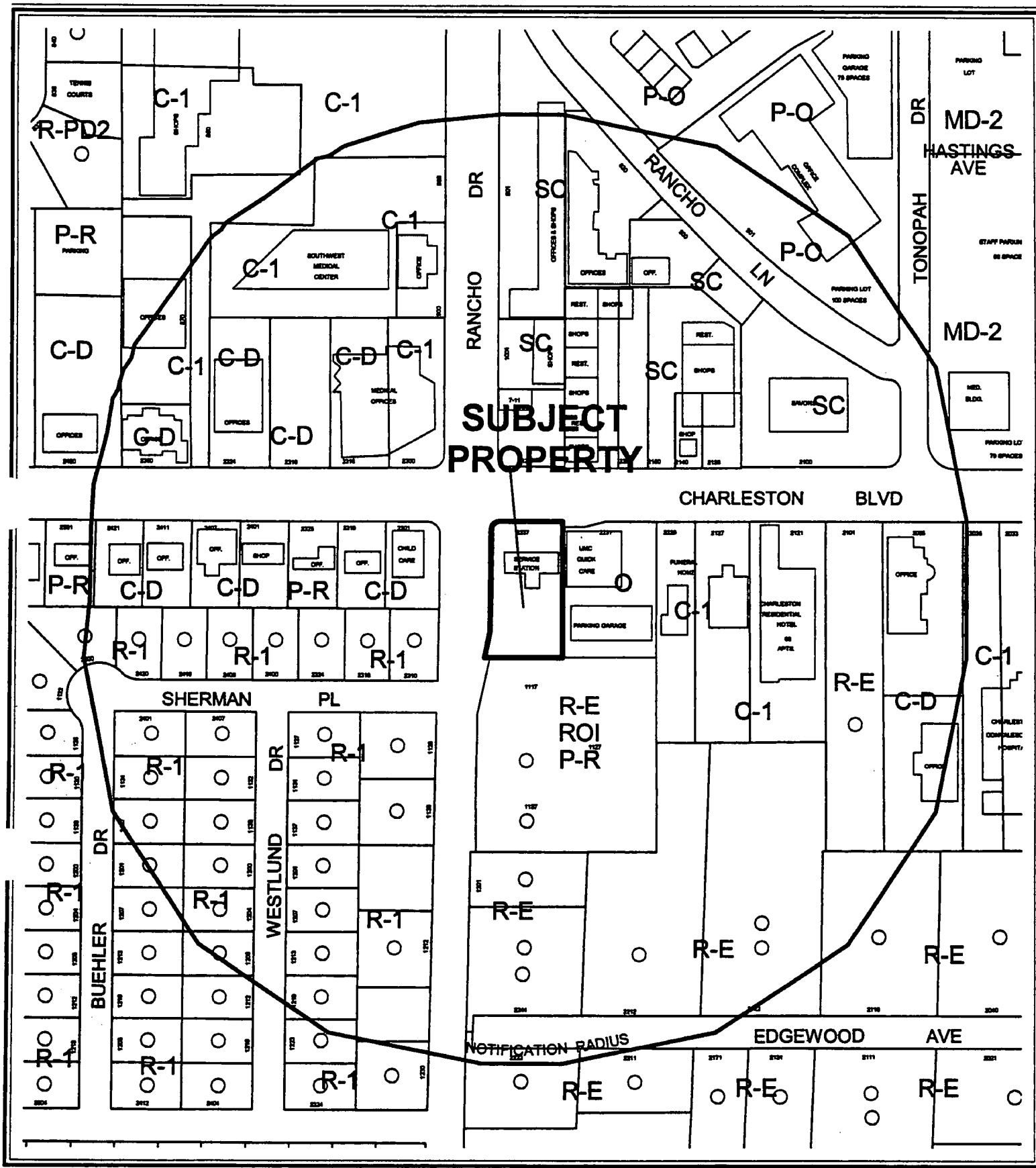
CITY COUNCIL MEETING OF AUGUST 18, 2004
Planning and Development Department
Item 137 – SDR-4563

CONDITIONS – Continued:

15. All development shall be in conformance with the site plan and building elevations, date stamped 06/22/04, except as amended by conditions herein.
16. Prior to the issuance of building permits, a revised landscape plan must be submitted to and approved by the Department of Planning and Development showing a maximum of 15% of the total landscaped area as turf.

Public Works

17. Dedicate an additional 39 feet of right-of-way for a total radius of 54 feet on the southeast corner of Charleston Boulevard and Rancho Drive prior to the issuance of any permits. Dedicate all additional rights-of-way required by Standard Drawing #201.1 for exclusive right turn lanes and dual left turn lanes and all additional rights-of-way required by Standard Drawing #234.1 or 234.3 and #234.2 for bus turnouts prior to or concurrent with the commencement of on-site development activities unless specifically allowed otherwise by the City of Las Vegas Traffic Engineer in writing.
18. Remove all substandard public street improvements, if any, adjacent to this site and replace with new improvements meeting current City Standards concurrent with on-site development activities.
19. Meet with the Flood Control Section of the Department of Public Works for assistance with establishing drainage patterns for this site prior to the issuance of grading permits. Provide and improve all drainageways as recommended.



CASE: SDR-4563

RADIUS: 750 FT

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

AGENDA MEMO

CITY COUNCIL MEETING DATE: AUGUST 18, 2004

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: ABEYANCE ITEM - SDR-4563 - APPLICANT: RIDER'S
CHEVRON – OWNER: GARRET GROUP, LIMITED LIABILITY COMPANY**

***THIS ITEM WAS HELD IN ABEYANCE FROM THE AUGUST 4, 2004 CITY COUNCIL
MEETING AT THE APPLICANT'S REQUEST.***

**** CONDITIONS ****

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

Planning and Development

1. A General Plan Amendment (GPA-4564) approved by City Council and approval of and conformance to the Conditions of Approval for a Special Use Permit (SUP-4565) and a Variance (VAR-4696) 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.
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4. Prior to the submittal of a building permit, the applicant shall meet with Planning and Development Department staff to develop a comprehensive address plan for the subject site. A copy of the approved address plan shall be submitted with any future building permit applications related to the site.
5. The landscape plan shall be revised and approved by Planning and Development Department staff, prior to the time application is made for a building permit, to reflect minimum 24-inch box trees planted a maximum of 20 feet on-center and a minimum of four five-gallon shrubs for each tree within provided planters.
6. Landscaping and a permanent underground sprinkler system shall be installed as required by the Planning Commission or City Council and shall be permanently maintained in a satisfactory manner. [Failure to properly maintain required landscaping and underground sprinkler systems shall be cause for revocation of a business license.]
7. A landscaping plan must be submitted prior to or at the same time application is made for a building permit. The waiver of landscaping in perimeter areas has been deemed to be unnecessary. The applicant shall add additional landscaping to screen the car wash queuing area to the satisfaction of the Planning and Development Department.

8. All mechanical equipment, air conditioners and trash areas shall be fully screened from the view of abutting streets.
9. Parking lot lighting standards shall be no more than 20 feet in height and shall utilize 'shoe-box' fixtures and downward-directed lights. Wallpack lighting shall utilize 'shoe-box' fixtures and downward-directed lights on the proposed building. Non-residential property lighting shall be directed away from residential property or screened, and shall not create fugitive lighting on adjacent properties.
10. All utility boxes exceeding 27 cubic feet in size shall meet the standards of Municipal Code Section 19.12.050.
11. Any interior property line wall shall be a decorative block wall, with at least 20 percent contrasting materials. Wall heights shall be measured from the side of the fence with the least vertical exposure above the finished grade, unless otherwise stipulated.
12. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.
13. All City Code requirements and design standards of all City departments must be satisfied.
14. No turf shall be permitted in the non-recreational common areas, such as medians and amenity zones in this development.
15. All development shall be in conformance with the site plan and building elevations, date stamped 06/22/04, except as amended by conditions herein.
16. Prior to the issuance of building permits, a revised landscape plan must be submitted to and approved by the Department of Planning and Development showing a maximum of 15% of the total landscaped area as turf.

Public Works

17. Dedicate an additional 39 feet of right-of-way for a total radius of 54 feet on the southeast corner of Charleston Boulevard and Rancho Drive prior to the issuance of any permits. Dedicate all additional rights-of-way required by Standard Drawing #201.1 for exclusive right turn lanes and dual left turn lanes and all additional rights-of-way required by Standard Drawing #234.1 or 234.3 and #234.2 for bus turnouts prior to or concurrent with the commencement of on-site development activities unless specifically allowed otherwise by the City of Las Vegas Traffic Engineer in writing.
18. Remove all substandard public street improvements, if any, adjacent to this site and replace with new improvements meeting current City Standards concurrent with on-site development activities.

19. Meet with the Flood Control Section of the Department of Public Works for assistance with establishing drainage patterns for this site prior to the issuance of grading permits. Provide and improve all drainageways as recommended.

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

This application is a request for a Site Development Plan Review and Waivers of perimeter buffering and landscaping, parking lot landscaping, building foundation landscaping, side yard setbacks and building placement for a convenience store/service station/car wash to replace the existing service station on the site that is being redeveloped on a 0.79-acre site at 2237 W. Charleston Boulevard. Companion applications for a General Plan Amendment (GPA-4564) from O (Office) to SC (Service Commercial) and to waive full trail standards for the adjacent trail along Rancho Drive, a Variance (VAR-4696) for insufficient parking, and a Special Use Permit (SUP-4565) to allow a Car Wash/Auto Detail use in conjunction with a Convenience Store/Service Station will be reviewed concurrently.

B) Applicant's Justification

The applicant has justified this request by stating that the request is appropriate as the proposed use is a part of an overall redevelopment of the subject site that will continue existing uses on the site and will have minimal additional impact at this busy intersection.

BACKGROUND INFORMATION

A) Previous Actions

- | | |
|----------|--|
| 12/16/64 | The Board of City Commissioners approved a Rezoning (Z-0051-64) from R-E (Residence Estates) under Resolution of Intent to C-1 (Limited Commercial) for the subject site. The staff had recommended denial. The Planning Commission and staff recommended denial on 08/13/64. This C-1 (Limited Commercial) zoning was adopted by ordinance on 12/07/66. |
| 01/28/65 | The Board of Zoning Adjustment approved a request for a Use Permit for the development of a service station on the northern portion of the subject site. A condition of approval at that time required retention of existing vegetation on the southern portion of the site, as a transition to adjacent low-density residential development. |
| 12/12/72 | A Special Use Permit (U-0055-64) for a service station was granted administratively by the Planning Department. |
| 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 SC (Service Commercial) land uses. |

- 04/02/86 The City Council approved a request for a Plot Plan Review to allow a convenience store with gasoline sales on the subject site. The condition requiring retention of the existing vegetation on the southern portion of the site was modified to require landscaping and hedges along the south and east walls of the site. The Planning Commission had recommended approval on 03/13/86.
- 06/19/02 The City Council adopted the Rancho Charleston Land Use Study. This study recommended the designation of the subject property for O (Office) land uses, which was accomplished through the approval of General Plan Amendment (GPA-0047-01) the same day.
- 07/08/04 The Planning Commission recommended approval of companion applications for a General Plan Amendment (GPA-4564) from O (Office) to SC (Service Commercial) and to waive full trail standards for the adjacent trail along Rancho Drive, a Variance (VAR-4696) for insufficient parking, and a Special Use Permit (SUP-4565) for a proposed Car Wash/Auto Detail use on the site.
- 07/08/04 The Planning Commission voted 4-3 to recommend APPROVAL (PC Agenda Item #41).

B) Pre-Application Meeting

- 05/07/04 At the meeting, the applicant was advised of the required applications, and of waivers that would be required to accompany this site plan request. A number of Department of Public Works' concerns and design issues (e.g. roofed trash enclosure) were also flagged.

C) Neighborhood Meetings

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

DETAILS OF APPLICATION REQUEST

A) Site Area

Gross Acres: 0.79

B) Existing Land Use

Subject Property: Convenience Store/Service Station
North: Retail Commercial Center
South: Office Complex
East: Medical Clinic and Parking Structure
West: Child Care Facility and Single Family Dwelling

C) Planned Land Use

Subject Property: O (Office)
North: SC (Service Commercial – Las Vegas Medical District land use designation)

South: O (Office)
East: O (Office)
West: O (Office) and L (Low Density Residential)

D) Existing Zoning

Subject Property: C-1 (Limited Commercial)
North: PD (Planned Development)
South: R-E (Residence Estates) under a Resolution of Intent to P-R
(Professional Office and Parking)
East: O (Office)
West: C-D (Designed Commercial)

E) General Plan Compliance

The General Plan designation of the subject site on the Southeast Sector Plan map is O (Office). The proposed use is not directly referenced at this broad policy level. The proposed “Car Wash/Auto Detail” use is allowed by Special Use Permit in the C-1 zoning district, pursuant to Title 19.04. The C-1 zoning district, however, does not conform with the current O (Office) land use designation of the subject site. A companion request (GPA-4564) for a General Plan Amendment to change the O land use designation to an SC (Service Commercial) land use designation is being sought concurrently by the applicant.

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

Trails – There is a Multi-use Transportation Trail required directly adjacent to the site along Rancho Drive, pursuant to the Transportation Trails Element of the Las Vegas 2020 Master Plan. This trail cross-section requires a 10-foot cement trail and a five-foot amenity zone on the subject property, with a five-foot amenity zone within the right-of-way. The plans show a five-foot sidewalk within the right-of-way and a six or seven-foot amenity zone on the subject property. This design does not conform to the approved standard.

A General Plan Amendment (GPA-3933) that was presented to the Planning Commission would have the effect of introducing “connector trail” standards into developed areas such as this; however, the GPA-3933 was tabled at the 05/27/04 Planning Commission meeting. The applicant is requesting, as part of the companion General Plan Amendment, to be allowed to utilize the proposed “connector trail” standard adjacent to this small site. Use of the full Multi-use Transportation Trail standard would significantly impact the ability to develop the site.

PROJECT DESCRIPTION

The project is the redevelopment of an existing 1,800 square-foot convenience store/service station that has been in continuous operation on this site since 1965. The existing development is to be replaced by a 3,325 square-foot convenience store, a 3,540 square-foot canopy with gas pumps, and a 1,200 square-foot automated car wash. The site will continue to retain two points of access, one to Rancho Drive and the other to Charleston Boulevard. A condition of approval from the original plot plan review (Z-0051-64) required retention of existing vegetation on the south half of the parcel. As there are no longer adjacent residential uses to the site, this condition is no longer significant. The applicant proposes to install new landscaping along the south, west and north perimeters of the site. Based on discussions with area residents and staff, the applicant has submitted a revised site plan and elevations for the project to address some design and landscaping concerns.

ANALYSIS

A) Zoning Code Compliance

A1) Development Standards

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

Standards C-1 District	Required	Provided	Compliance
Min. Lot Width	100 Feet	135 Feet	Y
Min. Setbacks			
• Front	20 Feet	40 Feet	Y
• Side	10 Feet	none	N
• Corner	15 Feet	29 Feet	Y
• Rear	20 Feet	22 Feet	Y
Max. Lot Coverage	50 %	3.47% for car wash bldg. 9.62% for convenience store 10.23% for gas canopy Total: 23.32%	Y
Max. Building Height	none	1 story/ xx feet	Y
Trash Enclosure	Walled, gated, roofed, 50 feet from Residential	Walled, gated, roofed, 50 feet from Residential	Y
Loading Zone	1 space	Not indicated	N
Mech. Equipment	On roof	On roof	Y

The site plan meets the standards of the Code with respect to the above noted development standards, with the exception of the side yard setback on the east side of the property. Waivers of this requirement and a number of buffering and landscaping standards are being requested as

part of this site plan application, and are reviewed in detail under the "Waivers" section of the report below. Loading facilities are not indicated on the site plan. A condition of approval will address this issue.

A2) Residential Adjacency Standards

There are no Residential Adjacency Standards that apply to the subject proposal.

A3) Parking and Traffic Standards

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

Uses	GFA	Ratio	Required Parking		Provided Parking	
			Regular	Handicap	Regular	Handicap
Convenience Store	3,325 s.f.	1 space/250 s.f. GFA	14 spaces			
Car Wash (Full service)	1,200 s.f.	1 space/150 s.f.	8 spaces			
Totals			22 spaces	1 space	15 spaces	1 space

The project as currently designed is deficient with respect to parking. The applicant has requested a companion Variance 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	3 Trees	none
Buffer:			
• Min. Trees	1 Tree/30 Linear Feet (670 Feet)	23 Trees	31 Trees
• Min. Zone Width	15 Feet perimeter, 8 Feet internal		5 Feet perimeter, 6 Feet internal to south, none to the east
• Wall height	6 Feet		not indicated

The project as proposed is deficient in the amount of landscaped buffering provided around the site and the amount of parking lot landscaping and building foundation landscaping provided. The applicant has requested Waivers of these standards as part of this application. These are discussed more fully under the Waivers section of the report below.

A5) Sign Standards

Signage is limited to a 20-foot pylon sign at the northwest corner of the site, which will contain stone veneer design elements from the store elevations, and gas canopy and wall signs. All these signs meet the sign standards of, and conform to, the requirements of Title 19.14.

B) General Analysis and Discussion

- Zoning

The site is currently zoned C-1 (Limited Commercial). The proposed “Car Wash/Auto Detail” use is allowed by Special Use Permit in the C-1 zoning district, pursuant to Title 19.04.

- Site Plan

The site plan is in compliance with the requirements of Title 19, with the exception of the requested Waivers as noted below, and with the exception of a parking deficiency, which is the subject of the requested companion Variance (VAR-4696).

- Waivers

The applicant has requested the following Waivers as part of this site plan review:

- **Waiver of perimeter buffering** - commercial design standards call for 15 feet of perimeter landscaping on the exterior boundaries of the site, and eight feet on internal boundaries. This plan shows as little as six feet of perimeter buffering and as little as no interior buffering.
- **Waiver of perimeter landscaping** - the project was initially deficient in both the type and number of trees required for perimeter landscaping; however, a revised landscape plan has addressed this deficiency, and this Waiver is no longer required.
- **Waiver of parking lot landscaping** - there is no parking lot landscaping as required by Code. Due to the insufficient number of parking spaces, provision of such landscaping would create an even greater deficiency in the amount of required parking.
- **Waiver of foundation landscaping area** - commercial design standards call for a six-foot landscaped area around the base of commercial buildings. The applicant wishes to waive this requirement due to the constrained size of the site.
- **Waiver of building placement** - commercial design standards require buildings such as the one proposed to be placed on the site close to adjacent streets, so that there is only landscaping between the building and the right-of-way. In this case, the building is pushed to the rear of the site, with parking and drive aisles to the front of the site.
- **Waiver of side yard setback** - in the C-1 zoning district, a 10-foot side yard is required. The applicant is seeking to reduce this to zero feet along the east boundary of the site, as there is an adjacent two-level parking structure in this location.

The applicant is also requesting relief (as part of a companion General Plan Amendment request [GPA-4564]) from the provision of a full Multi-use Transportation Trail along the west boundary of the site in favor of a “connector” trail, utilizing a five-foot sidewalk.

Finally, the applicant is requesting a Variance (VAR-4696) from the parking standards of the Code, to provide only 15 spaces on the site where 22 spaces are required. The number of deficiencies with respect to Code requirements underlines the fact that the site as proposed is overbuilt and unsuitable for this location. As a result, it is recommended that the waivers and the application not be supported as proposed.

- Landscape Plan

The revised landscape plan depicts eight Mexican Fan Palms (height unspecified), 21 24”-box Chilean Mesquites and two 24”-box Sago Palm, along with a variety of five-gallon shrubs, as perimeter plantings on the west and north boundaries of the property, with an added landscape buffer along the south property line and in the southeast corner of the site. The perimeter landscaping as proposed is sufficient to meet Code requirements; however, there is no parking lot landscaping, which requires approval of a landscape waiver as discussed above for the project to proceed.

- Elevation

The applicant has submitted revised elevations based on input from two neighborhood meetings. The revised elevations depict a one-story, 28.5-foot high convenience store, a car wash building and a 20-foot high gas canopy. The store and car wash exteriors have been modified based on public input to feature stone veneering in columns and along the building base, with a low-angle concrete tile roofing system over the car wash exit and the store entrance. A painted metal decorative awning system has also been added to the store exterior. The gas canopy has been similarly redesigned to reflect these elements featured on the other structures.

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 project as proposed is in scale with existing uses to the east along the south side of Charleston Boulevard, but these are medical and office in nature, not auto-related retail. The project is more intense than the office project under development directly to the south. The General Plan, based on the results of the Rancho-Charleston Land Use Study, was modified just two years ago to promote office development, not retail, in this area. As a result, denial of this request is recommended.

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

The project as proposed is inconsistent with the General Plan designation of O (Office) unless the companion General Plan Amendment to change the land use designation to SC (Service Commercial) is approved. The project also cannot meet the trail requirements of the Transportation Trails Element, and relief has been requested from this standard as part of the General Plan Amendment. Staff has recommended denial of this request. The project also does not meet a number of landscape and setback standards prescribed in the commercial design guidelines and in the city's urban design guidelines policies. The project is also deficient with respect to the parking standards of Title 19. For these reasons, denial is recommended.

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

The site currently has, and will continue to have access from Charleston Boulevard, designated as a Primary (100-foot) Arterial, and Rancho Drive, designated as a Secondary (80-foot) Collector, on the Master Plan of Streets and Highways. These access points, even though limited to right-in, right-out turning movements, are adequate to serve the needs of the proposed development.

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

The building and landscape materials are appropriate; however, the amount and size of landscaping is insufficient to meet Code requirements for parking lot landscaping.

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 redesigned structures proposed on the site will contain design elements intended to make this auto-oriented development more compatible with surrounding office development; however, from a land use standpoint (not a design standpoint), office development has been determined to be the type of development appropriate for this area. As a result, the project, which represents a significant intensification of the current use, is not likely to be harmonious and compatible with adjacent and nearby office development.

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

The proposed Car Wash/Auto Detail use will be subject to inspections for building and licensing, which will ensure that the public health, safety and general welfare will be safeguarded.

PLANNING COMMISSION ACTION

The Planning Commission heard testimony from four parties protesting the application. They amended Conditions 3 and 7.

NOTICES MAILED 74 by Planning Department

APPROVALS 0

PROTESTS 5

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: SDR-4543 APN: 162-04-101-001

Name of Property Owner: Garrett Group, LLC

Name of Applicant: Rider's Chevron

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

 Yes

✓ No

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

City Official: _____

Partner(s): _____

APN: _____

Signature of Property Owner/Authorized Agent:

Print Name: Tom Jones

Subscribed and sworn before me

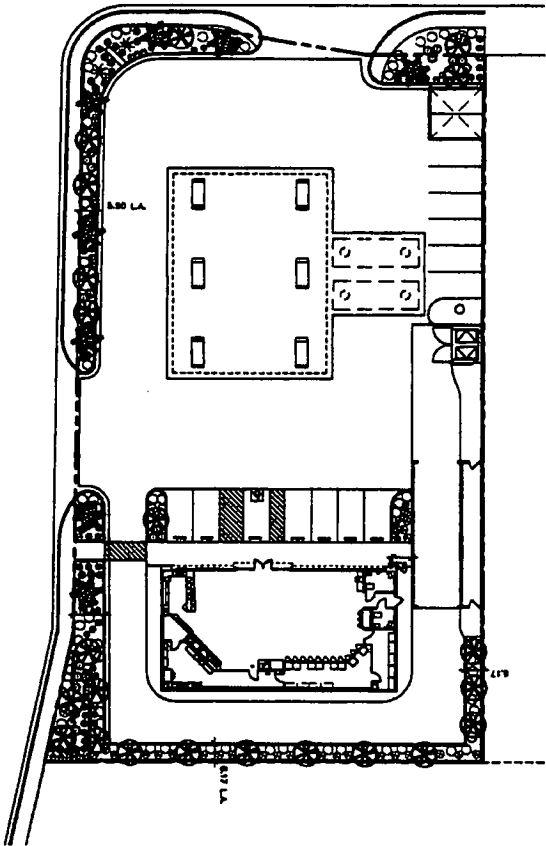
This 24th day of May, 2004
Kathie Rasmussen
 Notary Public in and for said County and State



LANDSCAPING PLANT LIST AND NOTES				
SYM	COMMON NAME	BOTANICAL NAME	SIZE	QUANTITY
1	WEDGEMAN FAN PALM	WEDGEMAN PALM	VARIES	10
2	CHALKY BIRCH	PROSPERITY BIRCHES (STANDARD)	24" BOX	1
3	SHAD PALM	CHALKY BIRCHES	24" BOX	1
4	FLORIDA PINEAPPLE	PROSPERITY PALMS	5 GAL.	1
5	FLORIDA PINEAPPLE	PROSPERITY PALMS	5 GAL.	1
6	FLORIDA PINEAPPLE	PROSPERITY PALMS	5 GAL.	1
7	FLORIDA PINEAPPLE	PROSPERITY PALMS	5 GAL.	1
8	FLORIDA PINEAPPLE	PROSPERITY PALMS	5 GAL.	1
9	FLORIDA PINEAPPLE	PROSPERITY PALMS	5 GAL.	1
10	FLORIDA PINEAPPLE	PROSPERITY PALMS	5 GAL.	1
11	FLORIDA PINEAPPLE	PROSPERITY PALMS	5 GAL.	1
12	FLORIDA PINEAPPLE	PROSPERITY PALMS	5 GAL.	1
13	FLORIDA PINEAPPLE	PROSPERITY PALMS	5 GAL.	1
14	FLORIDA PINEAPPLE	PROSPERITY PALMS	5 GAL.	1
15	FLORIDA PINEAPPLE	PROSPERITY PALMS	5 GAL.	1

LANDSCAPING NOTES:

1. ALL LANDSCAPING SHALL BE INSTALLED PER COLOR COPY TO BE PROVIDED BY THE ARCHITECT AND OTHER APPLICABLE CODES.
2. ALL PLANTS SHALL BE PROVIDED BY THE LANDSCAPING CONTRACTOR. ALL PLANTS SHALL BE A MINIMUM OF 1" AND 2" IN DIAMETER AT THE TIME OF INSTALLATION.
3. ALL LANDSCAPING SHALL BE DONE IN ACCORDANCE WITH THE CITY OF LAS VEGAS PLANTING STANDARDS.
4. ALL PLANTS SHALL BE PROVIDED BY THE LANDSCAPING CONTRACTOR. ALL PLANTS SHALL BE A MINIMUM OF 1" AND 2" IN DIAMETER AT THE TIME OF INSTALLATION.
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7. ALL PLANTS SHALL BE PROVIDED BY THE LANDSCAPING CONTRACTOR. ALL PLANTS SHALL BE A MINIMUM OF 1" AND 2" IN DIAMETER AT THE TIME OF INSTALLATION.
8. ALL PLANTS SHALL BE PROVIDED BY THE LANDSCAPING CONTRACTOR. ALL PLANTS SHALL BE A MINIMUM OF 1" AND 2" IN DIAMETER AT THE TIME OF INSTALLATION.
9. ALL PLANTS SHALL BE PROVIDED BY THE LANDSCAPING CONTRACTOR. ALL PLANTS SHALL BE A MINIMUM OF 1" AND 2" IN DIAMETER AT THE TIME OF INSTALLATION.
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13. ALL PLANTS SHALL BE PROVIDED BY THE LANDSCAPING CONTRACTOR. ALL PLANTS SHALL BE A MINIMUM OF 1" AND 2" IN DIAMETER AT THE TIME OF INSTALLATION.
14. ALL PLANTS SHALL BE PROVIDED BY THE LANDSCAPING CONTRACTOR. ALL PLANTS SHALL BE A MINIMUM OF 1" AND 2" IN DIAMETER AT THE TIME OF INSTALLATION.
15. ALL PLANTS SHALL BE PROVIDED BY THE LANDSCAPING CONTRACTOR. ALL PLANTS SHALL BE A MINIMUM OF 1" AND 2" IN DIAMETER AT THE TIME OF INSTALLATION.



REVISED
06-25-04

VAR-4696
SUP-4565
SDR-4563
07-08-04 PC

LANDSCAPING PLAN



L1.1

CONTRACTOR RESIN BUILDERS 1000 S. LAS VEGAS BLVD. LAS VEGAS, NEVADA 89101 (702) 251-1111 FAX (702) 251-1112	Project Name: Chevron Convenience Store and Car Wash Southwest Corner of Charleston Boulevard and Rancho Drive, Las Vegas, Nevada APR. 118204-101-001	Project No.: Landscape Plan	Date: 06/25/04 Drawn By: J. Smith Check By: J. Smith Scale: 1" = 30'-0"
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SDR-4563 - APPLICANT: RIDER'S CHEVRON - OWNER: GARRET GROUP, LIMITED LIABILITY COMPANY

2237 WEST CHARLESTON BOULEVARD

JULY 8, 2004 PLANNING COMMISSION

06/17/04

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: AUGUST 18, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☐

CONSENT

☒

DISCUSSION

SUBJECT:

GENERAL PLAN AMENDMENT - PUBLIC HEARING - GPA-4587 - APPLICANT/OWNER: CITY OF LAS VEGAS - Request to amend the Centennial Hills Interlocal Land Use Plan of the General Plan **FROM: PR-OS (PARK/RECREATION/OPEN SPACE) TO: PCD (PLANNED COMMUNITY DEVELOPMENT)** on 10.00 acres along the south side of Gilcrease Avenue, approximately 660 feet east of Hualapai Way (a portion of APN 125-18-201-010), Ward 6 (Mack). The Planning Commission (6-0 vote) and staff recommend **APPROVAL**

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.

0

City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

0

City Council Meeting

0

RECOMMENDATION:

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

BACKUP DOCUMENTATION:

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

MOTION:

MACK - APPROVED - UNANIMOUS with REESE excused

MINUTES:

MAYOR GOODMAN declared the Public Hearing open.

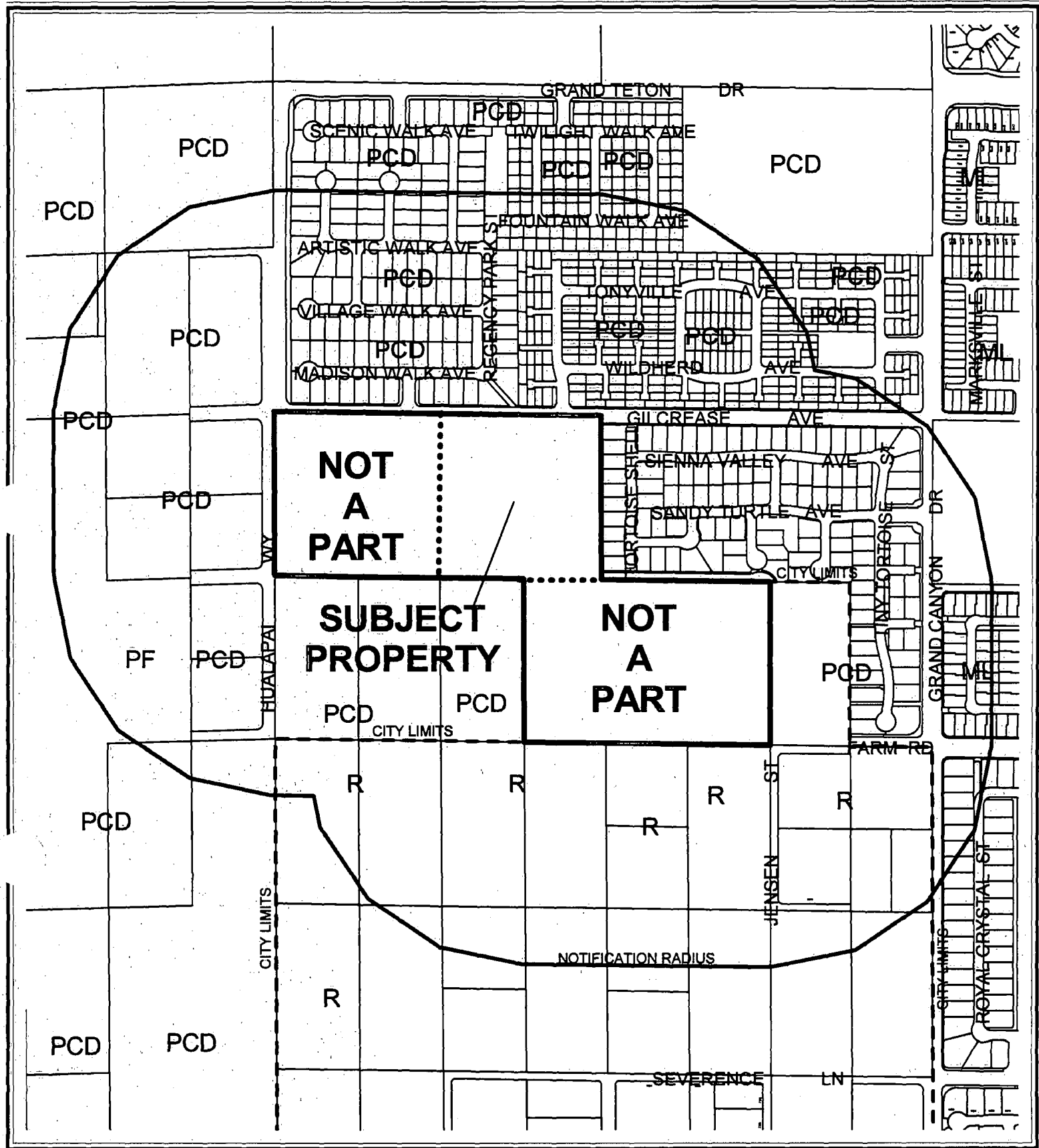
MARGO WHEELER, Deputy Director, Planning and Development Department, explained that this site was originally planned for a park; therefore, the change to the general plan will be for PCD, and the Public Works Department, Real Estate Division, will be moving forward with other options on this site.

No one appeared in opposition.

MAYOR GOODMAN declared the Public Hearing closed.

(4:45 - 4:46)

5-1494



CASE: **GPA-4587**

RADIUS: 900 FT

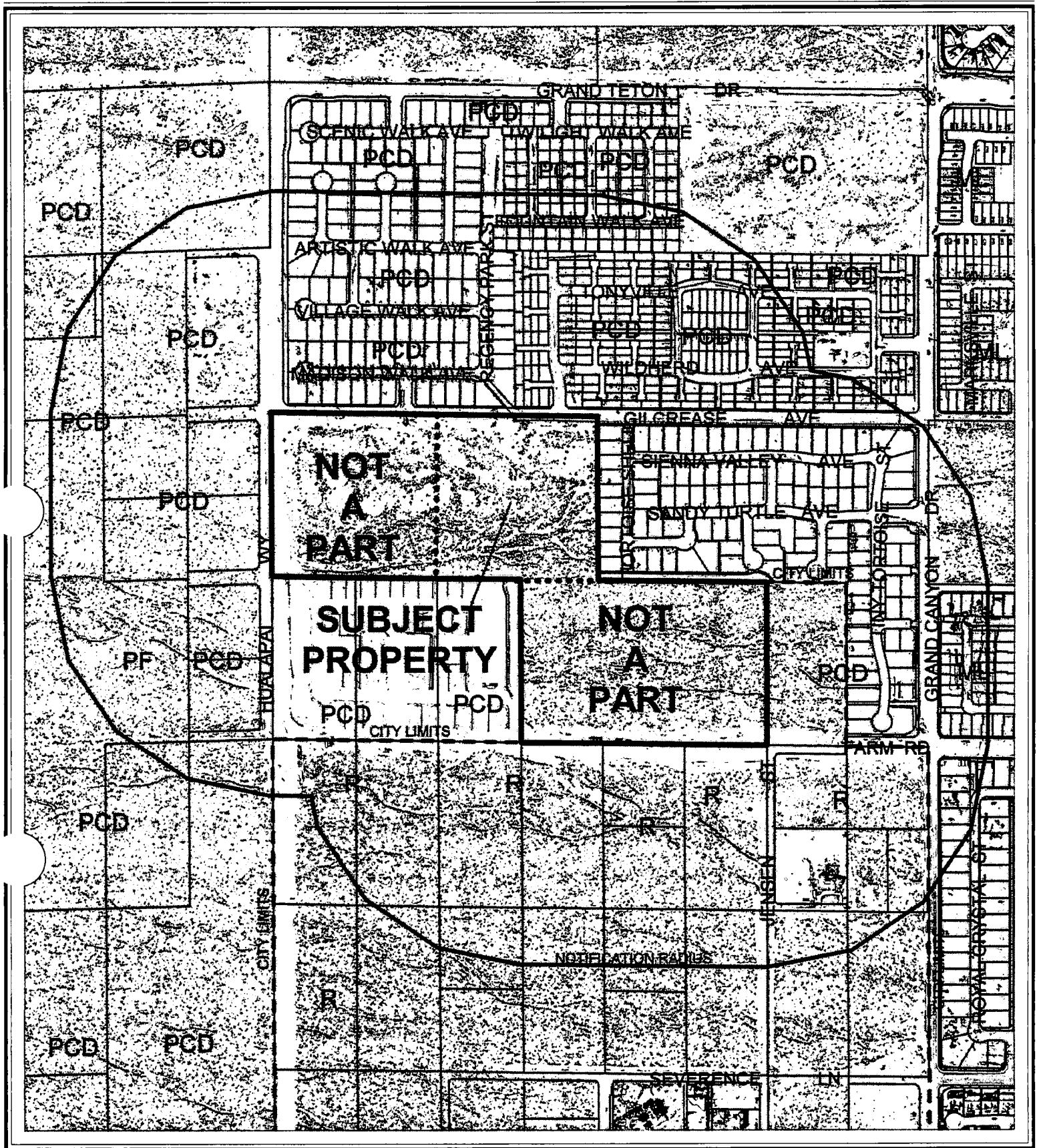
GENERAL PLAN DESIGNATION OF SUBJECT PROPERTY:
PR-OS (PARK/RECREATION/OPEN SPACE)

PROPOSED GENERAL PLAN DESIGNATION OF SUBJECT PROPERTY:
PCD (PLANNED COMMUNITY DEVELOPMENT)

0 400 800 Feet

138





CASE: GPA-4587

RADIUS: 900 FT

GENERAL PLAN DESIGNATION OF SUBJECT PROPERTY:
PR-OS (PARK/RECREATION/OPEN SPACE)

PROPOSED GENERAL PLAN DESIGNATION OF SUBJECT PROPERTY:
PCD (PLANNED COMMUNITY DEVELOPMENT)

0 400 800 Feet



City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: AUGUST 18, 2004

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: GPA-4587 – APPLICANT/OWNER: CITY OF LAS VEGAS

**** CONDITIONS ****

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

**** STAFF REPORT ****

APPLICATION REQUEST

This application seeks to change the General Plan land use designation of the subject property located adjacent to the south side of Gilcrease Avenue, 660 feet east of Hualapai Way from PR (Parks, Recreation and Open Space) to PCD (Planned Community Development).

BACKGROUND DATA:

- 03/12/92 The Planning Commission approved the three Land Use Sector Maps of the General Plan.
- 05/24/99 The City Council approved the Centennial Hills Sector Map (GPA-01-99) of the City of Las Vegas General Plan, which replaced the Northwest Sector Map.
- 08/18/99 The City Council approved GPA-23-99, which amended the density range for the Low Density Residential land use category to allow a maximum of 5.5 dwelling units per acre, Medium Low Density Residential to allow up to 8 dwelling units per acre, and Medium Density Residential up to 25 dwelling units per acre.
- 09/06/00 The City Council approved the Las Vegas 2020 Master Plan. This site is within the Newly Developing Area as described in the Plan.
- 09/04/02 The City Council approved a Rezoning (Z-0014-02) U (Undeveloped) [PCD (Planned Community Development) General Plan Designation] to: PD (Planned Development) for this site as a part of a larger request. Staff and the Planning Commission recommended approval on May 23, 2002.
- 02/19/03 The City Council adopted the Centennial Hills Interlocal Land Use Plan. On this map, the subject properties were designated for Public Facilities land uses.
- 02/12/04 An administrative site development plan was approved for a proposed public park within the Grand Teton Village master plan area.
- 07/22/04 The Planning Commission voted 6-0 to recommend APPROVAL (PC Agenda Item #28-FS).

DETAILS OF APPLICATION REQUEST

Site Area: 10 Acres

EXISTING LAND USE

Subject Property Undeveloped
North Single-family Residential
South Undeveloped, Single-family Residential
East Single-family Residential
West Undeveloped

PLANNED LAND USE

Subject Property PR-OS (Parks, Recreation, and Open Space)
North PCD (Planned Community Development)
South PR-OS (Parks, Recreation, and Open Space)
PCD (Planned Community Development)
East PCD (Planned Community Development)
West PR-OS (Parks, Recreation, and Open Space)

EXISTING ZONING

Subject Property U (Undeveloped) [PR (Parks, Recreation, and Open Space) General Plan Designation] under Resolution of Intent to PD (Planned Development)
North PD (Planned Development)
South U (Undeveloped) [PR (Parks, Recreation, and Open Space) General Plan Designation], U (Undeveloped) [PCD (Planned Community Development) General Plan Designation] under Resolution of Intent to PD (Planned Development)
East U (Undeveloped) [PCD (Planned Community Development) General Plan Designation] under Resolution of Intent to PD (Planned Development)
West C-V (Civic)

	YES	NO
SPECIAL PLAN AREA	X	
RURAL PRESERVATION NEIGHBORHOOD		X
RURAL PRESERVATION NEIGHBORHOOD BUFFER		X
PROJECT OF REGIONAL SIGNIFICANCE		X

DEFINITIONS

PCD (Planned Community Development) (2 to 8 dwelling units/gross acre.) The Planned Community Development category allows for a mix of residential uses that maintain an average overall density ranging from 2 to 8 dwelling units per gross acre, depending upon compatibility with adjacent uses (e.g. a density of 2 units per acre will be required when adjacent to DR designated property). In addition, commercial, public facilities and office projects may be used as buffers (depending upon compatibility issues) within the PCD (Planned Community Development).

Projects in undeveloped areas that are greater than 80 acres in size require a master plan PD (Planned Development) zoning. Projects less than 80 acres in size are not allowed within the PCD (Planned Community Development); however, infill projects may receive a waiver from this requirement.

Residential streets shall be designed to discourage through traffic, provide maximum privacy, and avoid the appearance of lot conformity. In order to protect existing lifestyles, adjacency standards and conditions may be required for new development.

PR (Parks/Recreation/Open Spaces) This category allows large public parks and recreation areas such as public and private golf courses, trails and easements, drainage-ways and detention basins, parking to serve such uses and any other public usage of large areas of permanent open land.

INTERAGENCY ISSUES

SPECIAL PLAN AREA

The subject site is located within the Grand Teton Village Master Plan area. The effect of this Special Plan Area on this application and the area affected by this application is conformance to the Grand Teton Village Master Development Plan and Design Standards.

ANALYSIS

The request is for a General Plan Amendment on ten acres from PR (Parks, Recreation and Open Space) to PCD (Planned Community Development). The site is located within the Grand Teton Village Master Plan Area and is under Resolution of Intent to the PD (Planned Development) zoning district. This amendment was initiated by City of Las Vegas after it was deemed that the subject site was no longer needed for Parks, Recreation, or Open Space. The subject parcel was recently sold during the Spring 2004 Bureau of Land Management Public Land Sale.

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 proposed amendment is compatible with adjacent existing land use designations as the parcels to the north, south and east are also designated as PCD (Planned Community Development). The parcel to the west is designated PR (Parks, Recreation and Open Space), which will not be adversely affected by the amendment of the subject site to the PCD (Planned Community Development) designation.

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

The subject site is under Resolution of Intent to the PD (Planned Development) zoning district, as are the parcels to north, south and east. The parcel to the west is zoned C-V (Civic), and the zoning designations allowed by the proposed amendment will be compatible with all surrounding zoning districts.

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

With the area being developed as it is, there are sufficient amenities, utilities and resources to support the proposed development.

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

There are no other adopted plans or policies that apply to this application.

GENERAL PLAN AMENDMENT NEIGHBORHOOD MEETING

06/23/04 A neighborhood meeting was held and there were no citizens in attendance.

NOTICES MAILED: 32 by Planning Department

APPROVALS: 0

PROTESTS: 0

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **GPA-4587** APN: pt 125-18-201-010

Name of Property Owner: USA

Name of Applicant: City of Los Vegas

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: _____

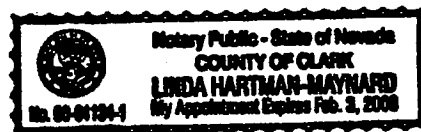
Signature of Property Owner/Authorized Agent: Sam P. Ho

Print Name: Sean P. Robertson

Subscribed and sworn before me

This 8TH day of JUNE, 2004

Sandra Nordman Maynard
Notary Public in and for said County and State



City of Las Vegas PROPOSED GENERAL PLAN AMENDMENT

PR-OS
(Park, Recreation and Open Space)
To
PCD
(Planned Community Development)

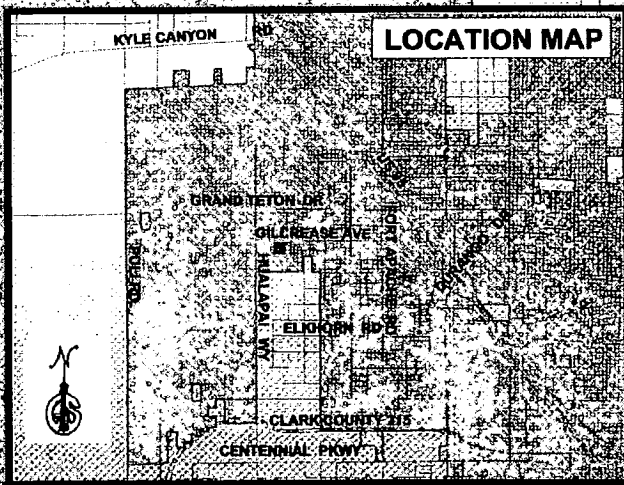
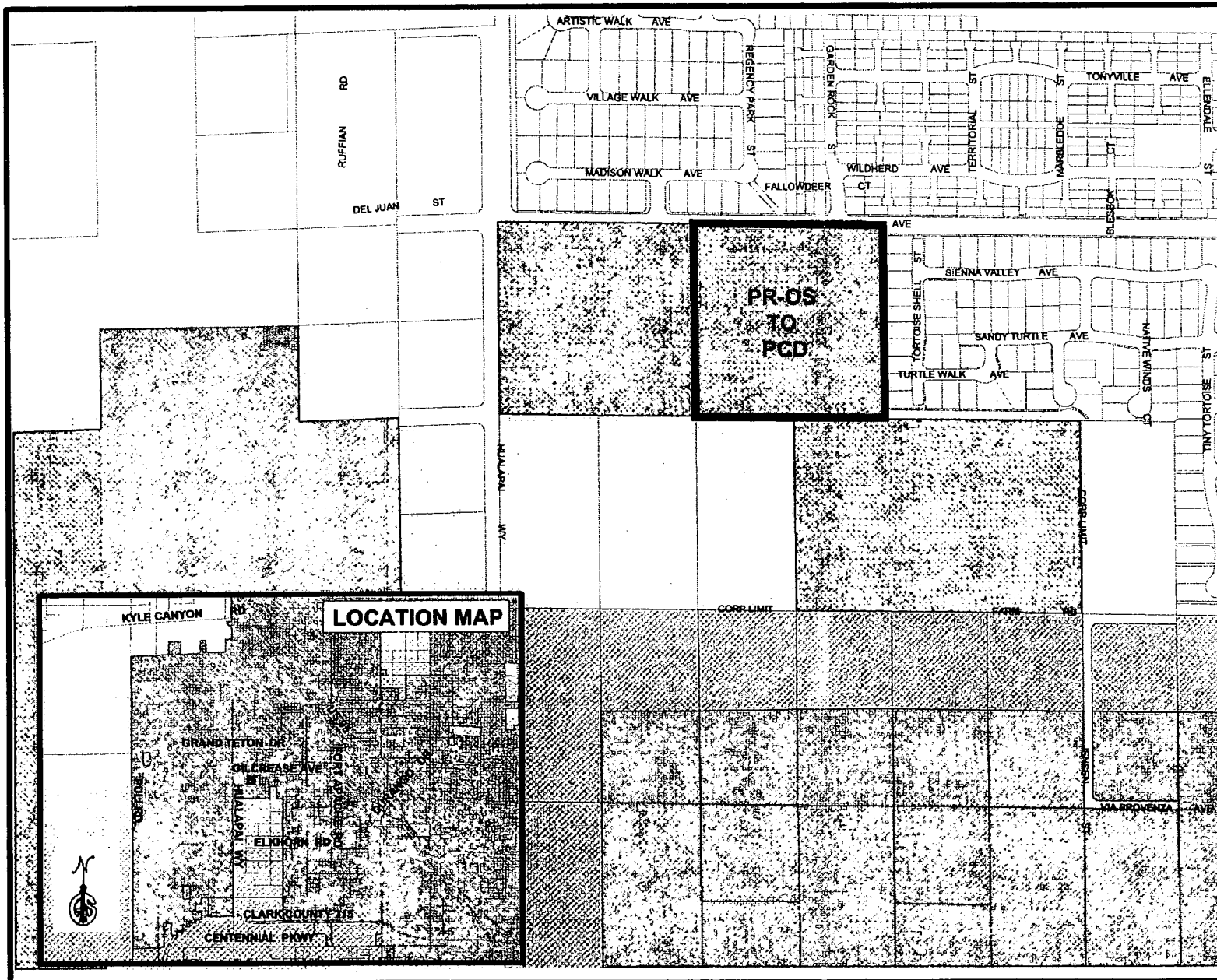
Ten Acre Portion of
APN: 125-18-201-010

LAND USE CATEGORIES

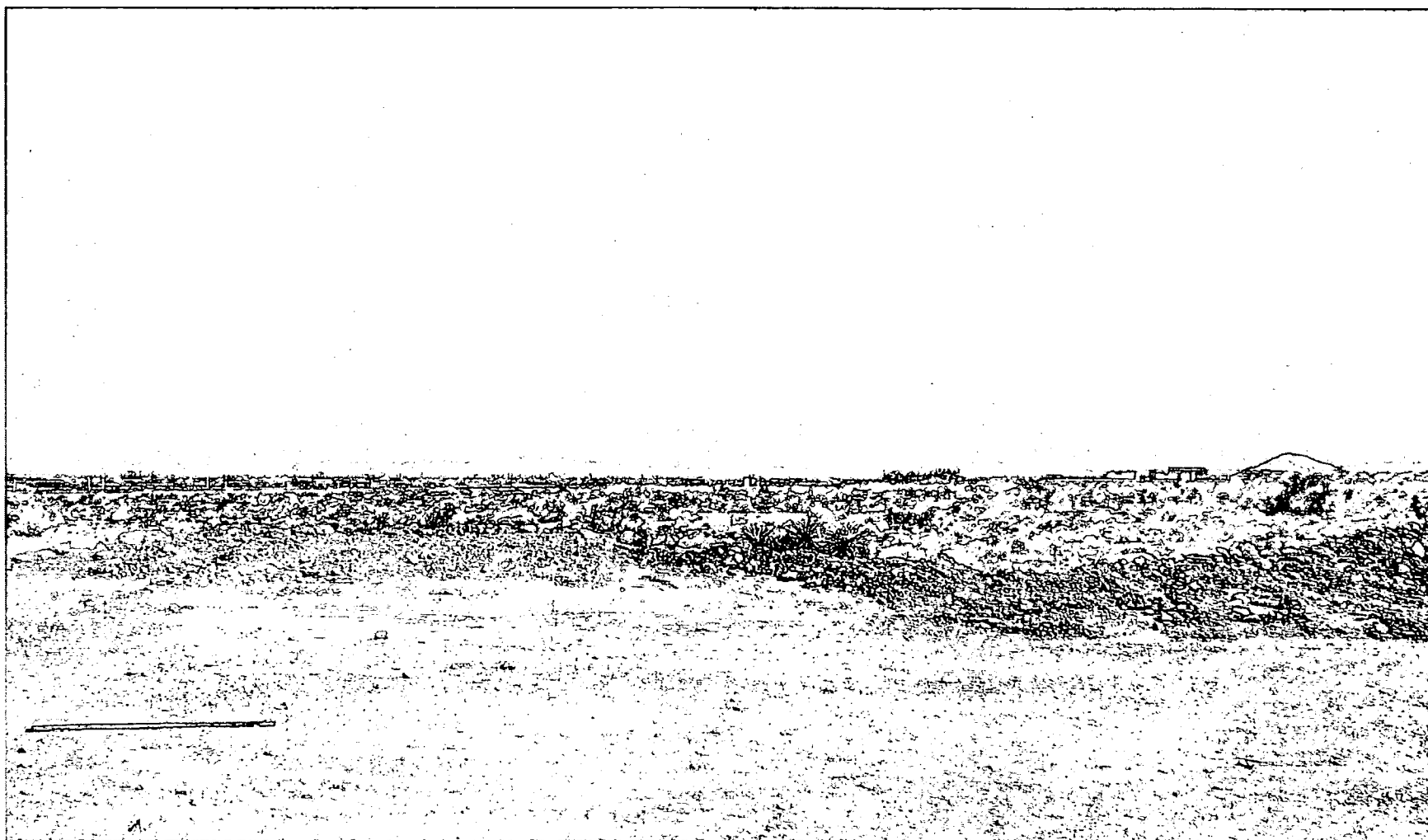
-  Rural Neighborhood Preservation (0 - 2 duc)
-  Desert Rural (2.1 - 2.49 duc)
-  Rural (2.5 - 3.59 duc)
-  Medium - Low (5.8 - 8 duc)
-  Planned Community Development
-  Park / Recreation / Open Space
-  Public Facility
-  Public Facility - School



ALL maps are intended to provide
information only and do not constitute a
guarantee of accuracy or liability.
Geographic Information System
Planning & Development Dept
702-259-4000



GPA-4587
7-22-04 PC



**GPA-4587 - APPLICANT/OWNER: CITY OF LAS VEGAS
SOUTH SIDE OF GILCREASE AVENUE, APPROXIMATELY 660 FEET EAST OF HUALAPAI WAY
JULY 22, 2004 PLANNING COMMISSION**

6/29/04

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: AUGUST 18, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☐

CONSENT

☒

DISCUSSION

SUBJECT:

GENERAL PLAN AMENDMENT - PUBLIC HEARING - GPA-4607 - APPLICANT: HELP LAS VEGAS HOUSING CORPORATION II & CITY OF LAS VEGAS - OWNER: CITY OF LAS VEGAS - Request to amend a portion of the Southeast Sector Plan of the General Plan FROM: PF (PUBLIC FACILITIES) TO: H (HIGH DENSITY RESIDENTIAL) on 9.33 acres approximately 200 feet west of Owens Avenue and North Main Street along the south side of Owens Avenue (APN 139-27-502-011), Ward 5 (Weekly). The Planning Commission (6-0 vote) and staff recommend APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.

0
0

City Council Meeting

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

0
0

City Council Meeting

RECOMMENDATION:

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

BACKUP DOCUMENTATION:

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

MOTION:

WEEKLY – APPROVED as read for the record and amended as follows:

- *Amending the acres from 9.33 to 8.003 acres.*
- UNANIMOUS with REESE excused and MONCRIEF not voting

NOTE: COUNCILMAN MACK disclosed that he is a consultant for a nearby SuperPawn store owned by his brother, STEVEN MACK. He has not discussed this application with his brother nor will it impact his business; therefore, he will vote on both Item 139 and Item 140.

MINUTES:

MAYOR GOODMAN declared the Public Hearing open on Item 139 [GPA-4607] and Item 140 [ZON-4608].

MARGO WHEELER, Deputy Director, Planning and Development Department, indicated that the property is owned by the City of Las Vegas. The original property was the 9.33 acres, but the plan submitted August 13, 2004 shows that Parcels 4 and 1 add up to a total of 8.003 acres.

CITY COUNCIL MEETING OF AUGUST 18, 2004
Planning and Development Department
Item 139 – GPA-4607

MINUTES – Continued:

These two sites are proposed to be developed for residential uses, and, therefore, only these two sites are proposed to be redesignated and rezoned. The map will be submitted pursuant to the map shown August 13, 2004. MS. WHEELER explained for COUNCILMAN WEEKLY that the acreage was reduced because another parcel, shown on the map as Parcel 3 proposed for other public service providers for a parking lot, is not appropriate with residential zoning and is being excluded from this application. That parcel is Shade Tree.

COUNCILMAN WEEKLY commented that the City of Las Vegas is doing its part in being good partners in trying to accommodate those that need help.

CRAIG GALATI, 500 Pilot Road, disclosed that although his one-year cooling off period is not complete from his resignation from the Planning Commission, he represents a non-profit corporation, which he is allowed to do under Las Vegas Municipal Code 2.51.030D. He has discussed this issue with DEPUTY CITY ATTORNEY BRYAN SCOTT and is comfortable with proceeding. He is President of Help Las Vegas Housing Corporation II and is not being compensated for representing them.

MR. GALATI stated that he met with the Councilman and staff and is pleased to bring this application forward. He concurred with all conditions.

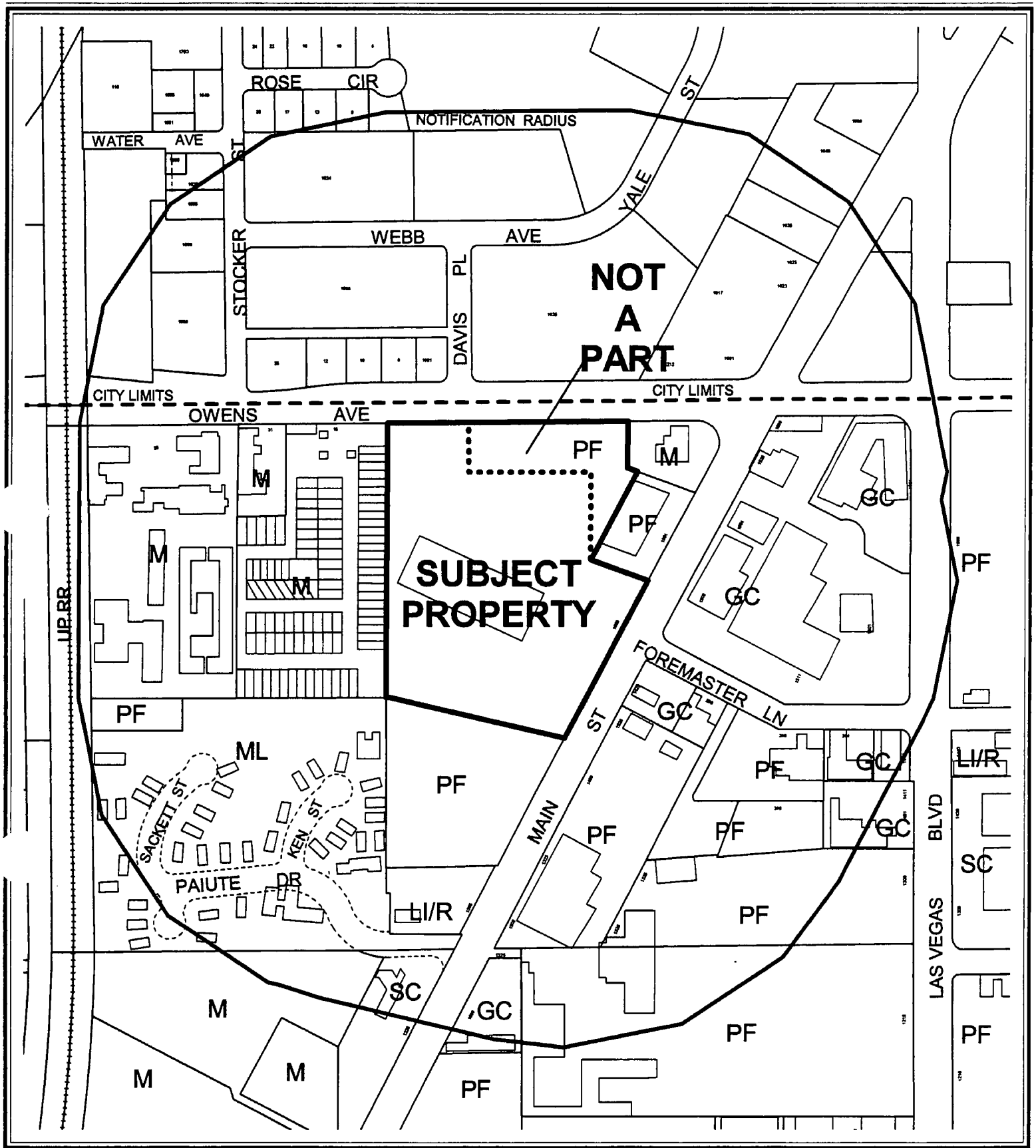
Regarding Item 140 [ZON-4608], MS. WHEELER added a condition that it would be pursuant to the plans dated stamped August 13, 2004, and amending Condition 4 that the development on the 4.841 acre Help Las Vegas Housing Corporation II site shall be limited to 200 units in size.

No one appeared in opposition.

MAYOR GOODMAN declared the Public Hearing closed on Item 139 [GPA-4607] and Item 140 [ZON-4608].

(4:46 – 4:52)

5-1542



CASE: GPA-4607

RADIUS: 750 FT

GENERAL PLAN DESIGNATION OF SUBJECT PROPERTY:

PF (PUBLIC FACILITIES)

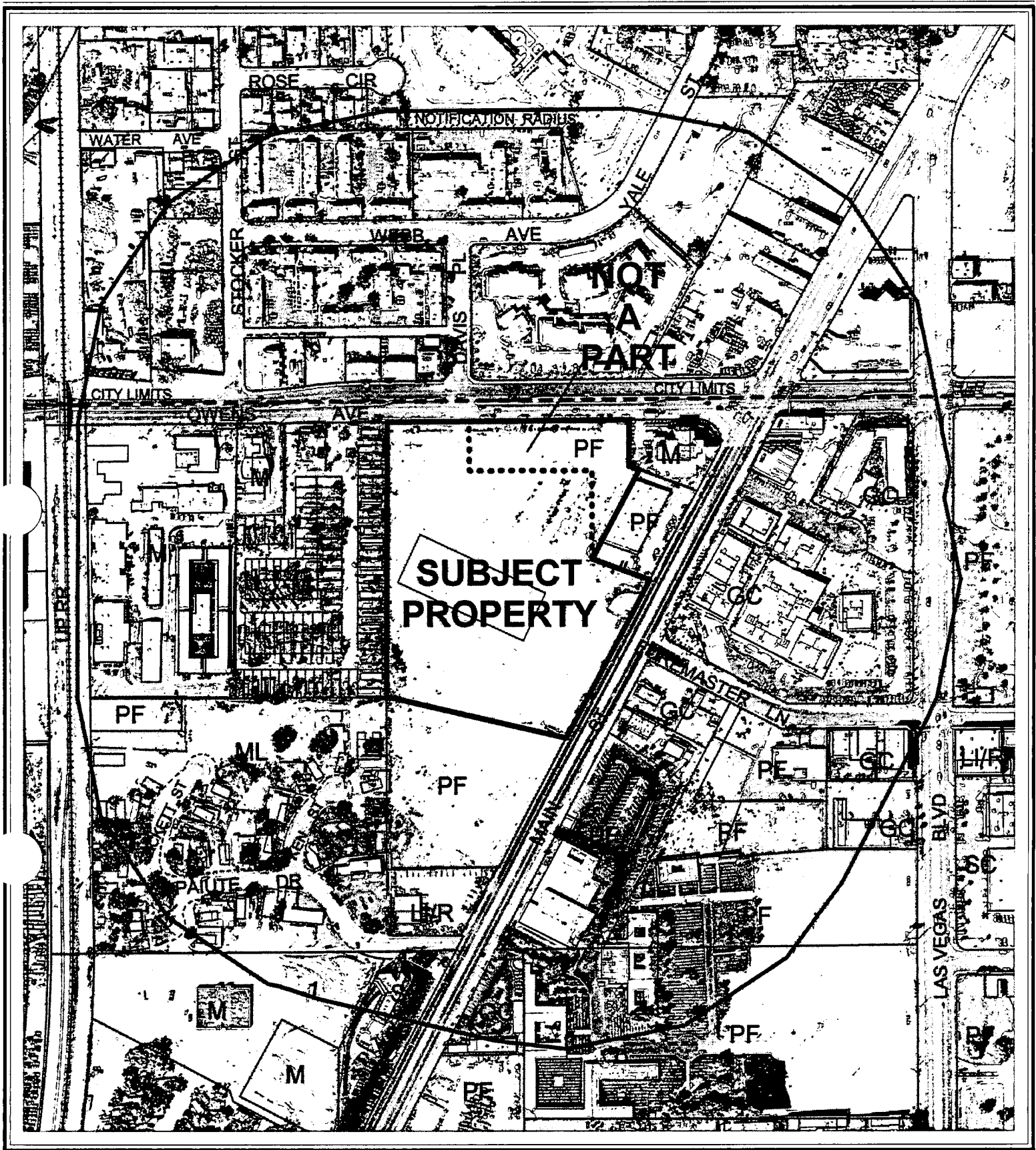
PROPOSED GENERAL PLAN DESIGNATION OF SUBJECT PROPERTY:

H (HIGH DENSITY RESIDENTIAL)

0 200 400 Feet

139





CASE: GPA-4607

RADIUS: 750 FT

GENERAL PLAN DESIGNATION OF SUBJECT PROPERTY:

PF (PUBLIC FACILITIES)

PROPOSED GENERAL PLAN DESIGNATION OF SUBJECT PROPERTY:

H (HIGH DENSITY RESIDENTIAL)

0 200 400 Feet





AGENDA MEMO

CITY COUNCIL MEETING DATE: AUGUST 18, 2004

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: GPA-4607 - APPLICANT: HELP LAS VEGAS HOUSING CORPORATION II & CITY OF LAS VEGAS - OWNER: CITY OF LAS VEGAS

**** CONDITIONS ****

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

**** STAFF REPORT ****

APPLICATION REQUEST

The City of Las Vegas and Help Las Vegas Housing Corporation II seek to change the General Plan land use designation of the subject property located adjacent to the west side of Main Street, approximately 200 feet south of Owens Avenue from PF (Public Facilities) to H (High Density Residential).

BACKGROUND DATA:

- | | |
|----------|---|
| 03/12/92 | The Planning Commission approved the three Land Use Sector Maps of the General Plan. |
| 02/22/99 | The City Council approved a Special Use Permit (U-0146-98) for a homeless shelter with long and short-term transitional housing, administrative offices, ancillary childcare, and medical clinic facilities in conjunction with an existing 40,377 square-foot transitional living center. The Planning Commission recommended approval on December 17, 1998. |
| 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. |
| 02/04/04 | A Parcel Map (PMP-3847) for the subject site was submitted to the Planning and Development Department. |
| 07/22/04 | The Planning Commission recommended approval of a related item (ZON-4608). |
| 07/22/04 | The Planning Commission voted 6-0 to recommend APPROVAL (PC Agenda Item #29-FS). |

DETAILS OF APPLICATION REQUEST

Site Area: 9.33 Acres

EXISTING LAND USE

Subject Property: Undeveloped
North: Salvation Army Family Center / Undeveloped
South: Undeveloped
East: Rescue Mission/Shelter For The Homeless (St. Vincent's)
West: Manufactured Home Park

PLANNED LAND USE

Subject Property: PF (Public Facilities)
North: PF (Public Facilities)
South: PF (Public Facilities)
East: GC (General Commercial)
West: M (Medium Density Residential)

EXISTING ZONING

Subject Property: C-V (Civic)
North: C-V (Civic)
South: C-V (Civic)
East: C-2 (General Commercial)
West: R-MHP (Residential Mobile/Manufactured Home Park)

	YES	NO
SPECIAL PLAN AREA		X
RURAL PRESERVATION NEIGHBORHOOD		X
RURAL PRESERVATION NEIGHBORHOOD BUFFER		X
PROJECT OF REGIONAL SIGNIFICANCE		X

DEFINITIONS

H (High Density Residential)(The density range allowed is anything greater than 25 dwelling units/gross acre) The High Density Residential category permits residential planned development and other urban residential developments.

PF (Public Facilities) This category allows large governmental building sites, complexes, police and fire facilities, non-commercial hospitals and rehabilitation sites, sewage treatment and storm water control facilities, schools, and other uses considered public or quasi-public such as libraries, clubs and public utility facilities.

INTERAGENCY ISSUES

PROJECTS OF REGIONAL SIGNIFICANCE IMPACT REPORT

The Southern Nevada Regional Policy Plan, approved February 22, 2001, set out a requirement for local entities to establish a means of identifying Projects of Regional Significance (PRS), and of addressing the impacts of these projects. The City of Las Vegas, through Ordinance No. 5477, has established such a process. Pursuant to this Ordinance, staff has determined that this proposed General Plan Amendment and its companion items would not meet the definition of a Project of Regional Significance as defined in the ordinance.

ANALYSIS

The request is for a General Plan Amendment from PF (Public Facilities) to H (High Density Residential) on an eight-acre portion of APN 139-27-502-011. On April 7, 2004, the City of Las Vegas entered into an Option Agreement with the Help Las Vegas Housing Cooperation for the purpose of developing 300 affordable housing units on a 4.84 acre portion of the subject site. This General Plan Amendment and the companion Rezoning (ZON-4608) application are the result of the applicant and the City moving forward to fulfill their requirements as per the Agreement. The subject site is located within the Neighborhood Revitalization Area of the 2020 Master Plan, and the proposed development is consistent with Objective 2.6, which mandates quality infill development on vacant and underutilized lands within established areas of the city. There are no current development plans for the remaining 3.16 acres being amended with this request.

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 proposed H (High Density Residential) is an adequate transition and buffer area between the GC (General Commercial) and PF (Public Facilities) uses to the east, north, and south, and the M (Medium Density Residential) use to the west.

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

The intensity of the zoning districts that are comparable to the H (High Density Residential) designation is compatible with the area and will provide a transition area between the adjacent civic, commercial, and residential uses.

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

The site will receive access via two drives from North Main Street, a Primary (100-foot) Arterial on the Master Plan of Streets and Highways. There are adequate transportation, recreation, utility, and other facilities to accommodate the uses and densities permitted by the proposed General Plan Amendment.

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

The proposed low-income apartment homes support Objective 2.6 of the Las Vegas 2020 Master plan that calls for quality infill development within established areas of the city. In addition, it conforms to the intent of the option agreement entered by the Applicant and the City of Las Vegas.

GENERAL PLAN AMENDMENT NEIGHBORHOOD MEETING

06/21/04 Per policy set forth in the city of Las Vegas application packet, a neighborhood meeting was held and there were no citizens in attendance.

NOTICES MAILED: 39 by Planning Department

APPROVALS: 0

PROTESTS: 0



PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: GPA-4607 APN: _____

Name of Property Owner: CITY OF LAS VEGAS

Name of Applicant: HELP LAS VEGAS HOUSING CORP. II

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: _____

CRAIG S. GALATI

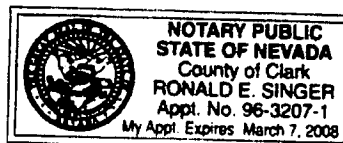
PRESIDENT

HELP LAS VEGAS HOUSING CORP II

Subscribed and sworn before me

This 7th day of JUNE, 2004

Notary Public in and for said County and State





PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: GPA-4607 APN: A portion 139-27-502-011

Name of Property Owner: City of Las Vegas

Name of Applicant: _____

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

_____ Yes

X No

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

City Official: _____

Partner(s): _____

APN: _____

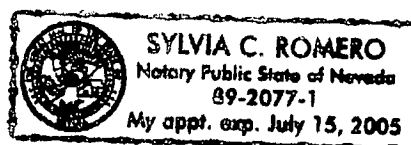
Signature of Property Owner/Authorized Agent: K. John McNeill

Print Name: K. John McNeill

Subscribed and sworn before me

This 9th day of June, 2004

Sylvia C. Romero
Notary Public in and for said County and State





**GPA-4607 - APPLICANT: HELP LAS VEGAS HOUSING CORPORATION II & CITY OF LAS VEGAS -
OWNER: CITY OF LAS VEGAS
WEST OF OWENS AVENUE AND NORTH MAIN STREET ALONG THE SOUTH SIDE OF OWENS AVENUE
JULY 22, 2004 PLANNING COMMISSION**

7/1/04



GPA-4607 - APPLICANT: HELP LAS VEGAS HOUSING CORPORATION II & CITY OF LAS VEGAS -
OWNER: CITY OF LAS VEGAS
WEST OF OWENS AVENUE AND NORTH MAIN STREET ALONG THE SOUTH SIDE OF OWENS AVENUE
JULY 22, 2004 PLANNING COMMISSION

7/1/04

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF: AUGUST 18, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☐

CONSENT

☒

DISCUSSION

SUBJECT:

REZONING RELATED TO GPA-4607 - PUBLIC HEARING - ZON-4608 - APPLICANT: **HELP LAS VEGAS HOUSING CORPORATION II & CITY OF LAS VEGAS** - OWNER: **CITY OF LAS VEGAS** - Request for a Rezoning FROM: C-V (CIVIC) TO: R-5 (APARTMENT) on 9.33 acres approximately 200 feet west of Owens Avenue and North Main Street along the south side of Owens Avenue (APN 139-27-502-011), Ward 5 (Weekly). The Planning Commission (6-0 vote) and staff recommend APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0
0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0
0

RECOMMENDATION:

The Planning Commission (6-0 The Planning Commission (5-1 vote) recommends APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

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

MOTION:

WEEKLY – APPROVED subject to conditions as read for the record and amended as follows:

- *The development shall be pursuant to the plans date stamped August 13, 2004.*
4. The development on the 4.841-acre Help Las Vegas Housing Corporation II site shall be limited to 200 units in size.
– UNANIMOUS with REESE excused and MONCRIEF not voting

MINUTES:

NOTE: See Item 139 [GPA-4607] for all related discussion.

(4:46 – 4:52)

5-1542

CONDITIONS:

Planning and Development

1. A General Plan Amendment (GPA-4607) from PF (Public Facilities) to H (High Density Residential) approved by the City Council.

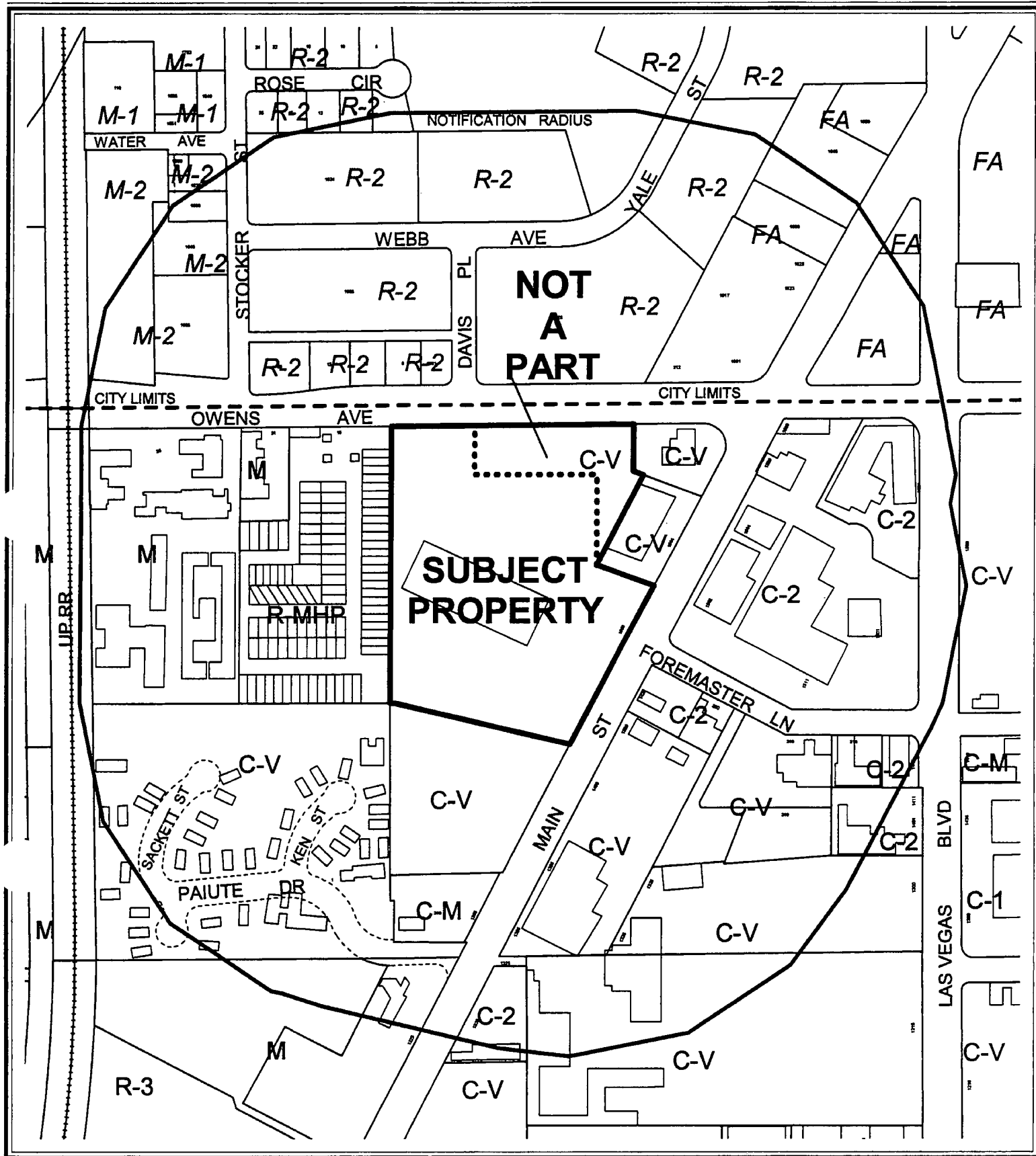
CITY COUNCIL MEETING OF AUGUST 18, 2004
Planning and Development Department
Item 140 – ZON-4608

CONDITIONS – Continued:

2. A Resolution of Intent with a two-year time limit.
3. An approved Site Development Plan Review for all future development on the site.
4. The development on the 4.85 acre Help Las Vegas Housing Corporation II site shall be limited to 200 units in size.

Public Works

5. Remove all substandard public street improvements and unused driveway cuts adjacent to this site, if any, and replace with new improvements meeting current City Standards concurrent with development of this site.
6. Driveways shall be designed, located and constructed in accordance with Standard Drawing #222A.
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 drainage ways recommended in the approved drainage plan/study. The developer of this site shall be responsible to construct such neighborhood or local drainage facility improvements as are recommended by the City of Las Vegas Neighborhood Drainage Studies and approved Drainage Plan/Study concurrent with development of this site. In lieu of constructing improvements, in whole or in part, the developer may agree to contribute monies for the construction of neighborhood or local drainage improvements, the amount of such monies shall be determined by the approved Drainage Plan/Study and shall be contributed prior to the issuance of any building or grading permits, or the recordation of a Map subdividing this site, whichever may occur first, if allowed by the City Engineer.



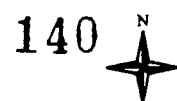
CASE: ZON-4608

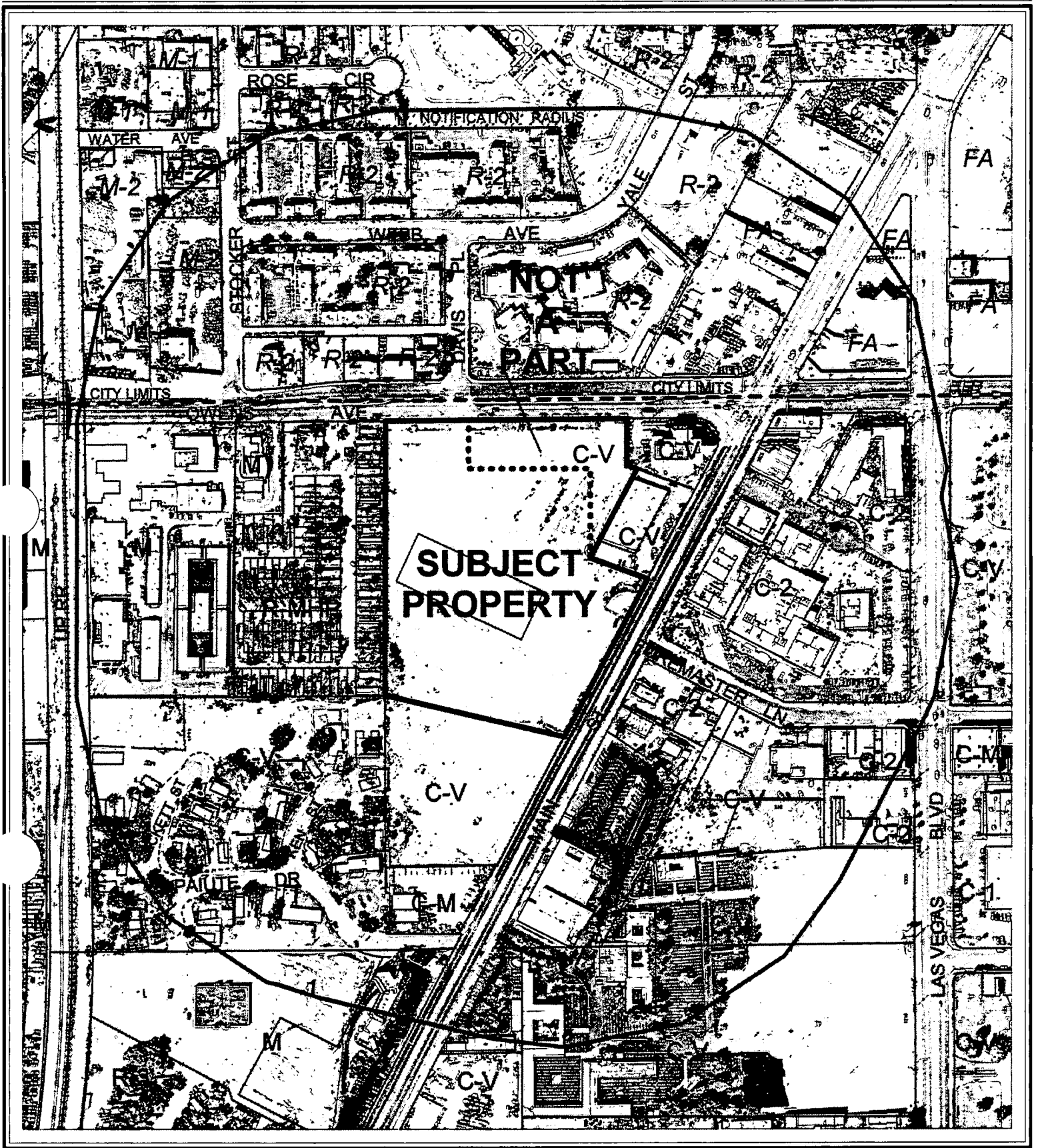
RADIUS: 750 FT

ZONING OF SUBJECT PROPERTY: C-V (CIVIC)

PROPOSED ZONING OF SUBJECT PROPERTY: R-5 (APARTMENT)

0 200 400 Feet





CASE: ZON-4608

RADIUS: 750 FT

ZONING OF SUBJECT PROPERTY: C-V (CIVIC)

PROPOSED ZONING OF SUBJECT PROPERTY: R-5 (APARTMENT)

0 200 400 Feet



AGENDA MEMO

CITY COUNCIL MEETING DATE: AUGUST 18, 2004

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: ZON-4608 - APPLICANT: HELP LAS VEGAS HOUSING CORPORATION II & CITY OF LAS VEGAS - OWNER: CITY OF LAS VEGAS

**** CONDITIONS ****

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

Planning and Development

1. A General Plan Amendment (GPA-4607) from PF (Public Facilities) to H (High Density Residential) approved by the City Council.
2. A Resolution of Intent with a two-year time limit.
3. An approved Site Development Plan Review for all future development on the site.
4. The development on the 4.85 acre Help Las Vegas Housing Corporation II site shall be limited to 200 units in size.

Public Works

5. Remove all substandard public street improvements and unused driveway cuts adjacent to this site, if any, and replace with new improvements meeting current City Standards concurrent with development of this site.
6. Driveways shall be designed, located and constructed in accordance with Standard Drawing #222A.
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 drainage ways recommended in the approved drainage plan/study. The developer of this site shall be responsible to construct such neighborhood or local drainage facility improvements as are recommended by the City of Las Vegas Neighborhood Drainage Studies and approved Drainage Plan/Study concurrent with development of this site. In lieu of constructing improvements, in whole or in part, the developer may agree to contribute monies for the construction of neighborhood or local drainage improvements, the amount of such monies shall be determined by the approved Drainage Plan/Study and shall be contributed prior to the issuance of any building or grading permits, or the recordation of a Map subdividing this site, whichever may occur first, if allowed by the City Engineer.

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

The request is for a Rezoning from C-V (Civic) to R-5 (Apartment District) on an eight acre portion of a 9.33 acre parcel adjacent to the west side of Main Street, approximately 200 feet south of Owens Avenue.

B) Applicant's Justification

The proposed rezoning will accommodate a development that will provide affordable housing and supportive services for up to 300 homeless veterans. The apartments will provide residents with an environment in which they can stabilize their lives and develop the skills and abilities necessary to live as independently as possible.

BACKGROUND INFORMATION

A) Previous Actions

- 02/22/99 The City Council approved a Special Use Permit (U-0146-98) for a homeless shelter with long and short-term transitional housing, administrative offices, ancillary childcare, and medical clinic facilities in conjunction with an existing 40,377 square foot transitional living center. The Planning Commission recommended approval on December 17, 1998.
- 02/04/04 A Parcel Map (PMP-3847) for the subject site was submitted to the Planning and Development Department and is currently in review.
- 07/22/04 The Planning Commission recommended approval of a related item (GPA-4607).
- 07/22/04 The Planning Commission voted 6-0 to recommend APPROVAL (PC Agenda Item #30-FS).

B) Pre-Application Meeting

A pre-application meeting was not held for this rezoning request.

C) Neighborhood Meetings

A neighborhood meeting is not required for a Rezoning application.

DETAILS OF APPLICATION REQUEST

A) *Site Area*

Gross Acres: 9.33

B) *Existing Land Use*

Subject Property: Undeveloped
North: Salvation Army Family Center / Undeveloped
South: Undeveloped
East: Manufactured Home Park
West: Rescue Mission/Shelter For The Homeless (St. Vincent's)

C) *Planned Land Use*

Subject Property: PF (Public Facilities)
North: PF (Public Facilities)
South: PF (Public Facilities)
East: GC (General Commercial)
West: M (Medium Density Residential)

D) *Existing Zoning*

Subject Property: C-V (Civic)
North: C-V (Civic)
South: C-V (Civic)
East: C-2 (General Commercial)
West: R-MHP (Residential Mobile/Manufactured Home Park)

E) *General Plan Compliance*

The subject site is located within the Southeast Sector of the General Plan with a PF (Public Facilities) land use designation, which allows for governmental, public, and quasi-public facilities. The proposed R-5 (Apartment) District will be in compliance with the General Plan with the approval of the related General Plan Amendment (GPA-4607) to the H (High Density) land use designation.

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

Special Notification

Property located within the notification radius falls within sections the City of North Las Vegas. The North Las Vegas Planning Department has been notified of the land use application.

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	7,000 SF	348,645 SF	Y
Min. Setbacks			
• Front	10 Feet	10 Feet	Y
• Side	5 Feet	5 Feet	Y
• Rear	20 Feet	20 Feet	Y
Max. Building Height	5 Stories / 55 Feet	35 Feet	Y

The proposal meets or exceeds all applicable Title 19 development standards.

B) General Analysis and Discussion

The request is for a Rezoning from C-V (Civic) to the R-5 (Apartment) District on an eight acre portion of APN 139-27-502-011. The R-5 (Apartment) District is intended to allow for the development of high-density multi-family units within the downtown urban core and in other high intensity areas suitable for high-density residential development.

On April 7, 2004, the City of Las Vegas entered into an Option Agreement with the Help Las Vegas Housing Cooperation for the purpose of developing 300 affordable housing units on 4.84 acres of the subject site. The site's proximity to the St. Vincent's Rescue Mission/Homeless Shelter, the Shade Tree Women's Shelter, and Salvation Army Family Center makes it an ideal location for a low-income housing development. The conceptual site plan depicts the first two phases of a five-phase low-income apartment complex, which consists of 89 units on 2.14 acres. Three two-story buildings are depicted, and the site will receive access via two drives from North Main Street.

There are no current development plans for the remaining 3.16 acres being rezoned with this request.

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."**

With the approval of the related General Plan Amendment (GPA-4607), the proposed R-5 (Apartment District) will be consistent with the General Plan.

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

The proposed R-5 (Apartment District) will serve as a buffer area between the Rescue Mission/Homeless Shelter use to the east, and the Manufactured Home Park to the west. The proposed R-5 (Apartment District) will be compatible with the surrounding land uses and zoning districts.

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

The subject site's close proximity to the existing St. Vincent's Rescue Mission/Homeless Shelter, the Shade Tree Women's Shelter, and Salvation Army Family Center makes it an ideal location for a low-income housing development. Given the nature of the development in the area, the proposed rezoning to the R-5 (Apartment) district is appropriate for the site.

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

The site will receive access via two drives from North Main Street, a Primary (100-foot) Arterial on the Master Plan of Streets and Highways, and will be adequate in size to meet the requirements of the proposed zoning district.

NOTICES MAILED 39 by Planning Department

APPROVALS 0

PROTESTS 0



PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: ZON-4608 APN: A portion 139-27-502-011

Name of Property Owner: City of Las Vegas

Name of Applicant: _____

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

_____ Yes

X No

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

City Official: _____

Partner(s): _____

APN: _____

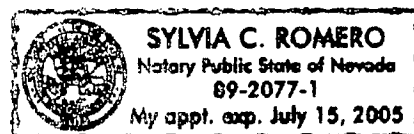
Signature of Property Owner/Authorized Agent: K. John McNeill

Print Name: K. John McNeill

Subscribed and sworn before me

This 9th day of June, 2004

Sylvia C. Romero
Notary Public in and for said County and State





PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: ZON-4608 APN: _____

Name of Property Owner: CITY OF LAS VEGAS

Name of Applicant: HELP LAS VEGAS HOUSING CORP. II

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: _____

CRAIG S. GALATI

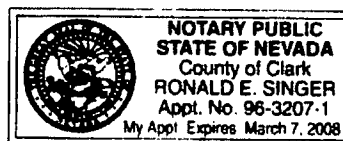
PRESIDENT

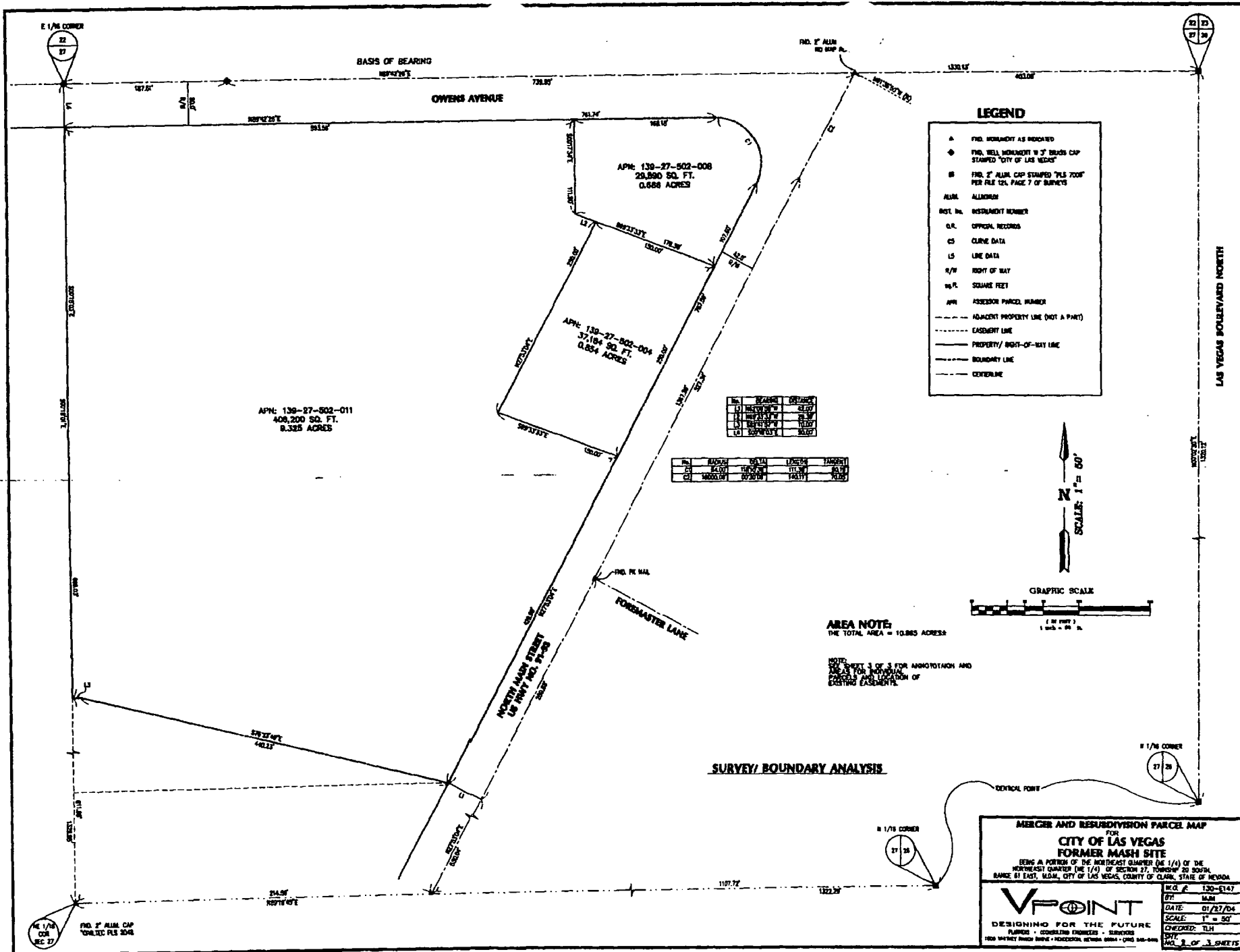
HELP LAS VEGAS HOUSING CORP. II

Subscribed and sworn before me

This 7th day of JUNE, 2004

Notary Public in and for said County and State





ZON-4608
8-18-04 CC

ZON-4608
8-18-04 CC

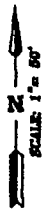
LAS VEGAS BOULEVARD NORTH

LEGEND

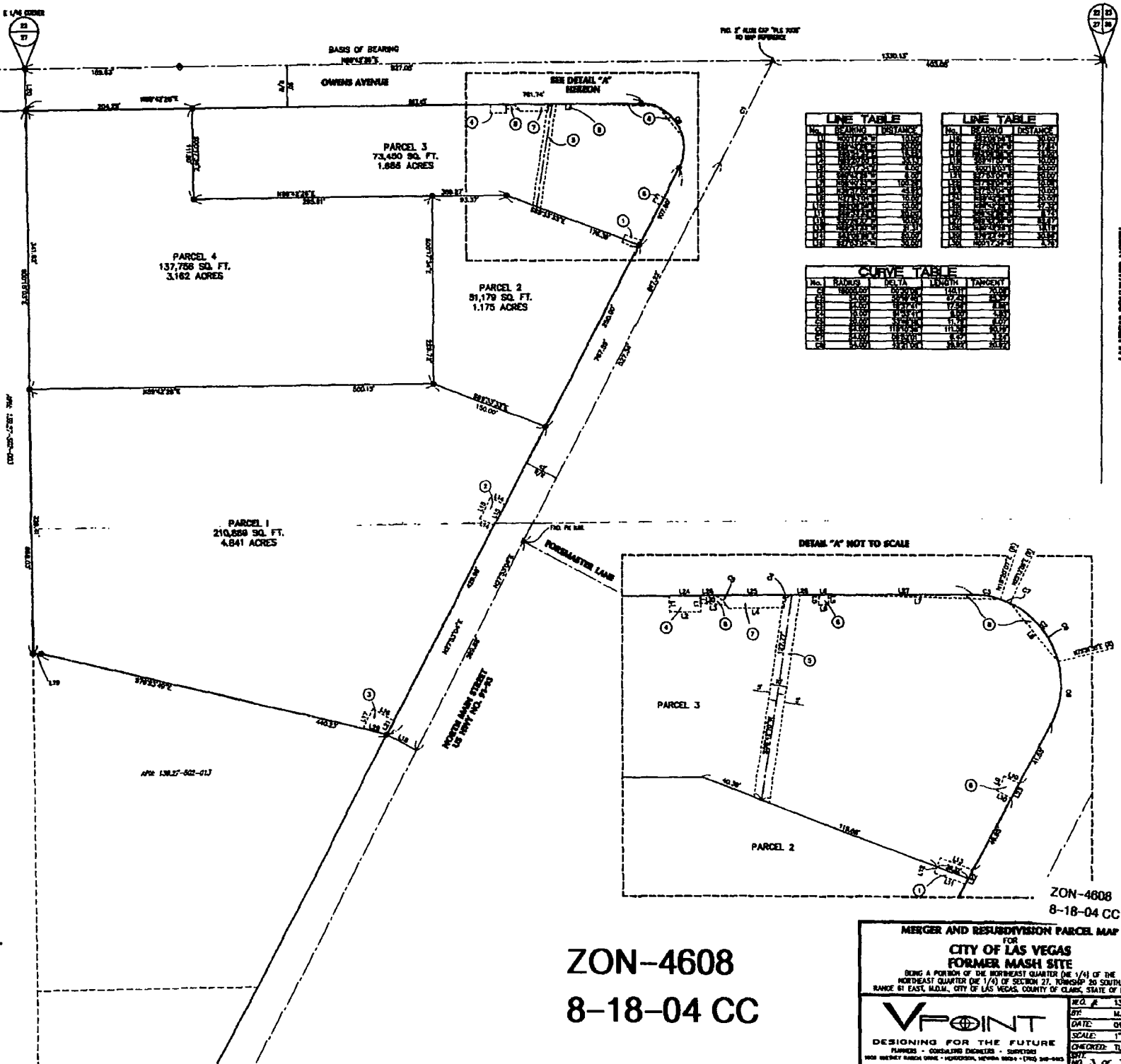
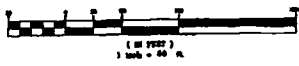
- ▲ PEG. MONUMENT AS INDICATED
- PEG. WELL MONUMENT W/ 3" BRASS CAP STAMPED "CITY OF LAS VEGAS"
- PEG. 1" ALUM. CAP STAMPED "PLS. 7000" PER FILE 121, PAGE 7 OF SURVEY
- SET 8/8" BEARING W/ ALUM. CAP "PLS. 1122"
- O.R. OFFICIAL RECORDS
- CS CURVE DATA
- LS LINE DATA
- R/W RIGHT OF WAY
- SQ. FT. SQUARE FEET
- APN ASSESSOR PARCEL NUMBER
- ALUM. ALUMINUM
- INST. NO. INSTRUMENT NUMBER
- PROPERTY/RIGHT-OF-WAY LINE
- BOUNDARY LINE
- CENTERLINE
- ADJACENT PROPERTY LINE (NOT A PARTY)
- EASEMENT LINE
- PARCEL 3 PARCEL NUMBER (TOTAL THIS MAP=1)

EASEMENTS:

- 1' X 20' LYING EASEMENT PER BOOK 940716, INST. NO. 00819 O.R.
- 20' X 20' LYING EASEMENT PER BOOK 940716, INST. NO. 01073 O.R.
- LYING EASEMENT PER BOOK 940816, INST. NO. 94074 O.R.
- LYING EASEMENT PER BOOK 20030376, INST. NO. 00832 O.R.
- 10' POWER & TELEPHONE EASEMENT PER BOOK 100, INST. NO. 71853 O.R.
- LYING EASEMENT PER BOOK 2000770, INST. NO. 00808 O.R.
- CLV INGRESS/EGRESS EASEMENT PER BOOK 2000011, INST. NO. 00838 O.R.
- CLV RIGHT VISIBILITY RESTRICTION PER BOOK 2000011, INST. NO. 00838 O.R.



GRAPHIC SCALE



LINE TABLE		
LINE	BEARING	DISTANCE
1	N 0° 00' 00" E	100.00
2	N 89° 59' 59" W	100.00
3	S 0° 00' 00" W	100.00
4	S 89° 59' 59" E	100.00
5	N 0° 00' 00" E	100.00
6	N 89° 59' 59" W	100.00
7	S 0° 00' 00" W	100.00
8	S 89° 59' 59" E	100.00
9	N 0° 00' 00" E	100.00
10	N 89° 59' 59" W	100.00
11	S 0° 00' 00" W	100.00
12	S 89° 59' 59" E	100.00
13	N 0° 00' 00" E	100.00
14	N 89° 59' 59" W	100.00
15	S 0° 00' 00" W	100.00
16	S 89° 59' 59" E	100.00
17	N 0° 00' 00" E	100.00
18	N 89° 59' 59" W	100.00
19	S 0° 00' 00" W	100.00
20	S 89° 59' 59" E	100.00

LINE TABLE		
LINE	BEARING	DISTANCE
1	N 0° 00' 00" E	100.00
2	N 89° 59' 59" W	100.00
3	S 0° 00' 00" W	100.00
4	S 89° 59' 59" E	100.00
5	N 0° 00' 00" E	100.00
6	N 89° 59' 59" W	100.00
7	S 0° 00' 00" W	100.00
8	S 89° 59' 59" E	100.00
9	N 0° 00' 00" E	100.00
10	N 89° 59' 59" W	100.00
11	S 0° 00' 00" W	100.00
12	S 89° 59' 59" E	100.00
13	N 0° 00' 00" E	100.00
14	N 89° 59' 59" W	100.00
15	S 0° 00' 00" W	100.00
16	S 89° 59' 59" E	100.00
17	N 0° 00' 00" E	100.00
18	N 89° 59' 59" W	100.00
19	S 0° 00' 00" W	100.00
20	S 89° 59' 59" E	100.00

CURVE TABLE					
LINE	RADIUS	ARC LENGTH	CHORD	BEARING	TANGENT
1	100.00	1.5708	1.5708	N 0° 00' 00" E	N 0° 00' 00" E
2	100.00	1.5708	1.5708	N 89° 59' 59" W	N 89° 59' 59" W
3	100.00	1.5708	1.5708	S 0° 00' 00" W	S 0° 00' 00" W
4	100.00	1.5708	1.5708	S 89° 59' 59" E	S 89° 59' 59" E
5	100.00	1.5708	1.5708	N 0° 00' 00" E	N 0° 00' 00" E
6	100.00	1.5708	1.5708	N 89° 59' 59" W	N 89° 59' 59" W
7	100.00	1.5708	1.5708	S 0° 00' 00" W	S 0° 00' 00" W
8	100.00	1.5708	1.5708	S 89° 59' 59" E	S 89° 59' 59" E
9	100.00	1.5708	1.5708	N 0° 00' 00" E	N 0° 00' 00" E
10	100.00	1.5708	1.5708	N 89° 59' 59" W	N 89° 59' 59" W
11	100.00	1.5708	1.5708	S 0° 00' 00" W	S 0° 00' 00" W
12	100.00	1.5708	1.5708	S 89° 59' 59" E	S 89° 59' 59" E
13	100.00	1.5708	1.5708	N 0° 00' 00" E	N 0° 00' 00" E
14	100.00	1.5708	1.5708	N 89° 59' 59" W	N 89° 59' 59" W
15	100.00	1.5708	1.5708	S 0° 00' 00" W	S 0° 00' 00" W
16	100.00	1.5708	1.5708	S 89° 59' 59" E	S 89° 59' 59" E
17	100.00	1.5708	1.5708	N 0° 00' 00" E	N 0° 00' 00" E
18	100.00	1.5708	1.5708	N 89° 59' 59" W	N 89° 59' 59" W
19	100.00	1.5708	1.5708	S 0° 00' 00" W	S 0° 00' 00" W
20	100.00	1.5708	1.5708	S 89° 59' 59" E	S 89° 59' 59" E

ZON-4608
8-18-04 CC

MERGER AND RESUBDIVISION PARCEL MAP
FOR
CITY OF LAS VEGAS
FORMER MASH SITE
BEING A PORTION OF THE NORTHWEST QUARTER (THE 1/4) OF THE
NORTHWEST QUARTER (THE 1/4) OF SECTION 27, TOWNSHIP 20 SOUTH,
RANGE 61 EAST, N.M.M., CITY OF LAS VEGAS, COUNTY OF CLARK, STATE OF NEVADA.

VPOINT
DESIGNING FOR THE FUTURE
PLANNERS • GEODESIC ENGINEERS • SURVEYORS
1000 MARKET STREET, SUITE 100 • LAS VEGAS, NEVADA 89101 • (702) 340-5405

REG. # 130-E147
DATE: 01/27/04
SCALE: 1" = 50'
CHECKED: TLH
SHEET: 3 OF 3 SHEETS

MERGER AND RESUBDIVISION PARCEL MAP

BEING A MERGER AND RESUBDIVISION OF THE "CITY OF LAS VEGAS" PARCEL AS SHOWN PER MAP RECORDED IN FILE 83, PAGE 11 OF SURVEYS IN THE OFFICE OF THE CLARK COUNTY, NEVADA, RECORDERS AND THAT CERTAIN PARCEL OF LAND AS DESCRIBED IN DEED TO THE CITY OF LAS VEGAS RECORDED FEBRUARY 10, 1993 IN BOOK 930210, INSTRUMENT NUMBER 00488 OF OFFICIAL RECORDS AND LOT 1 PER FILE 78, PAGE 1 OF PARCEL MAPS, EXCEPTING THEREFROM SAID LOT 1 THAT CERTAIN PARCEL OF LAND AS DESCRIBED IN DEED TO THE CITY OF LAS VEGAS RECORDED MAY 3, 2003 IN BOOK 20030503, INSTRUMENT NUMBER 01213 OF OFFICIAL RECORDS, SITUATED IN THE NORTHEAST QUARTER (NE 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF SECTION 27, TOWNSHIP 20 SOUTH, RANGE 61 EAST, M.D.M., CITY OF LAS VEGAS, COUNTY OF CLARK, STATE OF NEVADA

OWNER'S CERTIFICATE AND DEDICATION

WE, THE CITY OF LAS VEGAS AND THE SHADE TREE, INCORPORATED HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE LAND SUBDIVIDED WITHIN THE BOUNDARY SHOWN HEREON; DO HEREBY CONSENT TO THE PREPARATION AND RECORDATION OF THIS PARCEL MAP THAT HAS CAUSED THE LAND TO BE SURVEYED AND DIVIDED INTO SEPARATE PARCELS; AND DOES HEREBY OFFER AND DEDICATE TO THE CITY OF LAS VEGAS, ITS SUCCESSORS AND ASSIGNS, ANY STREETS, EASEMENTS OR OTHER RIGHTS-OF-WAY AS INDICATED AND OUTLINED HEREON FOR THE USE OF THE PUBLIC. THE UNDERSIGNED OWNER HEREBY GRANTS AND CONVEYS TO THE CITY OF LAS VEGAS AND TO ITS SUCCESSORS AND ASSIGNS A FIVE-FOOT WIDE EASEMENT ADJACENT TO ALL PROPERTY LINES WHERE LOTS OR COMMON AREAS ABUT PUBLIC STREETS FOR PURPOSES OF PLACING PUBLIC FIRE HYDRANTS AND PUBLIC STREET LIGHTS AND AN ADDITIONAL EASEMENT OF UP TO TWO FEET IN RADIUS FROM EACH FIRE HYDRANT AND STREET LIGHT, TO EXTEND BEYOND THE FIVE FOOT EASEMENT IF NECESSARY, TOGETHER WITH THE RIGHT OF INGRESS TO AND EGRESS FROM THESE EASEMENTS. THE UNDERSIGNED OWNER ALSO GRANTS A PUBLIC DRAINAGE AND PUBLIC ACCESS EASEMENT ON ALL PORTIONS OF ALL LOTS NOT COVERED BY ANY BUILDING.

CITY OF LAS VEGAS _____ DATE _____

THE SHADE TREE, INCORPORATED _____ DATE _____

ACKNOWLEDGMENT

STATE OF NEVADA) _____
COUNTY OF CLARK) _____
THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON _____ BY _____ AS _____ OF THE CITY OF LAS VEGAS.

NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE
MY COMMISSION EXPIRES _____

ACKNOWLEDGMENT

STATE OF NEVADA) _____
COUNTY OF CLARK) _____
THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON _____ BY _____ AS _____ OF THE SHADE TREE, INCORPORATED

NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE
MY COMMISSION EXPIRES _____

BASIS OF BEARINGS

THE BASIS OF BEARINGS FOR THIS SURVEY IS THE NORTHERLY LINE OF THE NORTHEAST QUARTER (NE 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF SECTION 27, TOWNSHIP 20 SOUTH, RANGE 61 EAST, M.D.M., CITY OF LAS VEGAS, CLARK COUNTY, NEVADA, WHICH BEARS NORTH 89°42'00" EAST, AS PER MAP RECORDED IN FILE 78, PAGE 1 OF TYPE OF PARCEL MAPS IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

REFERENCE SURVEYS

PARCEL MAPS: SURVEYS:
FILE 78, PAGE 1 FILE 20, PAGE 5
FILE 91, PAGE 68 FILE 51, PAGE 38
FILE 58, PAGE 7
FILE 67, PAGE 24
FILE 83, PAGE 11
FILE 86, PAGE 55
FILE 87, PAGE 95
FILE 100, PAGE 88
FILE 113, PAGE 90
FILE 128, PAGE 79

AREA OF PARCEL MAP

TOTAL AREA OF PARCEL IS 10.86 ACRES, MORE OR LESS.

APPROVAL

THIS IS TO CERTIFY THAT THE DEPARTMENT OF PLANNING AND DEVELOPMENT, FOR THE CITY OF LAS VEGAS, CLARK COUNTY, NEVADA ON THIS _____ DAY OF _____, 2004, DID APPROVE FOR THE PURPOSES OF LAND DIVISION AND ACCEPT IN BEHALF OF THE PUBLIC, THIS MAP AND ANY PARCELS OF LAND OFFERED FOR DEDICATION FOR THE PUBLIC USE, THAT IT IS IN CONFORMITY WITH THE TERMS DEFINED BY THE APPLICABLE STATE STATUTES AND ANY LOCAL ORDINANCES IN EFFECT ON THE DATE OF THIS APPROVAL.

ROBERT S. GUNZEN, DIRECTOR _____ DATE _____
DEPARTMENT OF PLANNING AND DEVELOPMENT
CITY OF LAS VEGAS

MAP APPROVED FOR THE PURPOSE OF LAND DIVISION THIS _____ DAY OF _____, 2004

WITH THE RECORDS FILED 2004
CITY OF LAS VEGAS SURVEYOR
NEVADA CERTIFICATE No. 0094
ALAN R. RIEKKI, PLS _____ DATE _____

SURVEYOR'S CERTIFICATE

I, TERRY L. HAMBLEY, A PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF NEVADA, ACTING AS AN AGENT FOR MORT, CERTIFY THAT:

1. THIS PLAT REPRESENTS THE RESULTS OF A SURVEY CONDUCTED UNDER MY DIRECT SUPERVISION AT THE INSTANCE OF THE CITY OF LAS VEGAS
2. THE LANDS SURVEYED SHOWN HEREON LIE WITHIN THE NE 1/4 OF THE NE 1/4 OF SECTION 27, TOWNSHIP 20 SOUTH, RANGE 61 EAST, M.D.M., CITY OF LAS VEGAS, CLARK COUNTY, NEVADA, AND THE SURVEY WAS COMPLETED ON OCTOBER 29, 2003.
3. THIS PLAT COMPLETES WITH THE APPLICABLE STATE STATUTES AND ANY LOCAL ORDINANCES IN EFFECT ON THE DATE THAT THE GOVERNING BODY GAVE ITS FINAL APPROVAL.
4. THE MONUMENTS DEPICTED ON THE PLAT ARE OF THE CHARACTER SHOWN, OCCUPY THE POSITIONS INDICATED AND ARE OF SUFFICIENT NUMBER AND DURABILITY.

TERRY L. HAMBLEY, PLS
PROFESSIONAL LAND SURVEYOR
NEVADA CERTIFICATE No. 11823



ZON-4608
8-18-04 CC

ZON-4608
8-18-04 CC

COUNTY RECORDER'S NOTE

ANY SUBSEQUENT CHANGES TO THIS MAP SHOULD BE EXAMINED AND MAY BE DETERMINED BY REFERENCE TO THE COUNTY RECORDER'S CUMULATIVE MAP INDEX. M.R.S. 278.5025

PNP-3847
PM- _____

PARCEL MAP FOR CITY OF LAS VEGAS FORMER MASH SITE BEING A PORTION OF THE NORTHEAST QUARTER (NE 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF SECTION 27, TOWNSHIP 20 SOUTH, RANGE 61 EAST, M.D.M., CITY OF LAS VEGAS, COUNTY OF CLARK, STATE OF NEVADA		No. _____ FILED AT THE REQUEST OF: _____ DATE: _____ AT _____ FILE: _____ PAGE: _____ OF PARCEL MAPS OFFICIAL RECORDS BOOK No. _____ CLARK COUNTY, NEVADA RECORDERS FRANCES DEANE, RECORDER FID: _____ DEPUTY: _____
VPOINT DESIGNING FOR THE FUTURE PLANNERS • CONSULTING ENGINEERS • SURVEYORS 400 WESTERN AVENUE SUITE 1000 • LAS VEGAS, NEVADA 89101 • (702) 399-4400	B.O.# 130-2147 BY: MAM DATE: 01/27/04 SCALE: N/A CHECKED: TLM SHEET: 1 OF 3 SHEETS	

STAFF



**ZON-4608 - APPLICANT: HELP LAS VEGAS HOUSING CORPORATION II & CITY OF LAS VEGAS -
OWNER: CITY OF LAS VEGAS
WEST OF OWENS AVENUE AND NORTH MAIN STREET ALONG THE SOUTH SIDE OF OWENS AVENUE
JULY 22, 2004 PLANNING COMMISSION**

7/2/04



ZON-4608 - APPLICANT: HELP LAS VEGAS HOUSING CORPORATION II & CITY OF LAS VEGAS -
OWNER: CITY OF LAS VEGAS
WEST OF OWENS AVENUE AND NORTH MAIN STREET ALONG THE SOUTH SIDE OF OWENS AVENUE
JULY 22, 2004 PLANNING COMMISSION

7/2/04

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: AUGUST 18, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☐

CONSENT

☒

DISCUSSION

SUBJECT:

GENERAL PLAN AMENDMENT - PUBLIC HEARING - GPA-4634 - APPLICANT: D.R. HORTON, INC. - OWNER: SPRING MOUNTAIN RANCH, LIMITED LIABILITY COMPANY - Request to Amend a portion of the Centennial Hills Interlocal Land Use Plan of the General Plan FROM: SC (SERVICE COMMERCIAL) TO: ML (MEDIUM-LOW DENSITY RESIDENTIAL) on 17.83 acres adjacent to the southwest corner of Horse Drive and Fort Apache Road (APN 125-07-710-001 and 125-08-322-001), Ward 6 (Mack). The Planning Commission (3-2-1 vote) and staff recommend DENIAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.

0

City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

0

City Council Meeting

0

RECOMMENDATION:

The Planning Commission (3-2-1 vote) and staff recommend DENIAL.

BACKUP DOCUMENTATION:

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

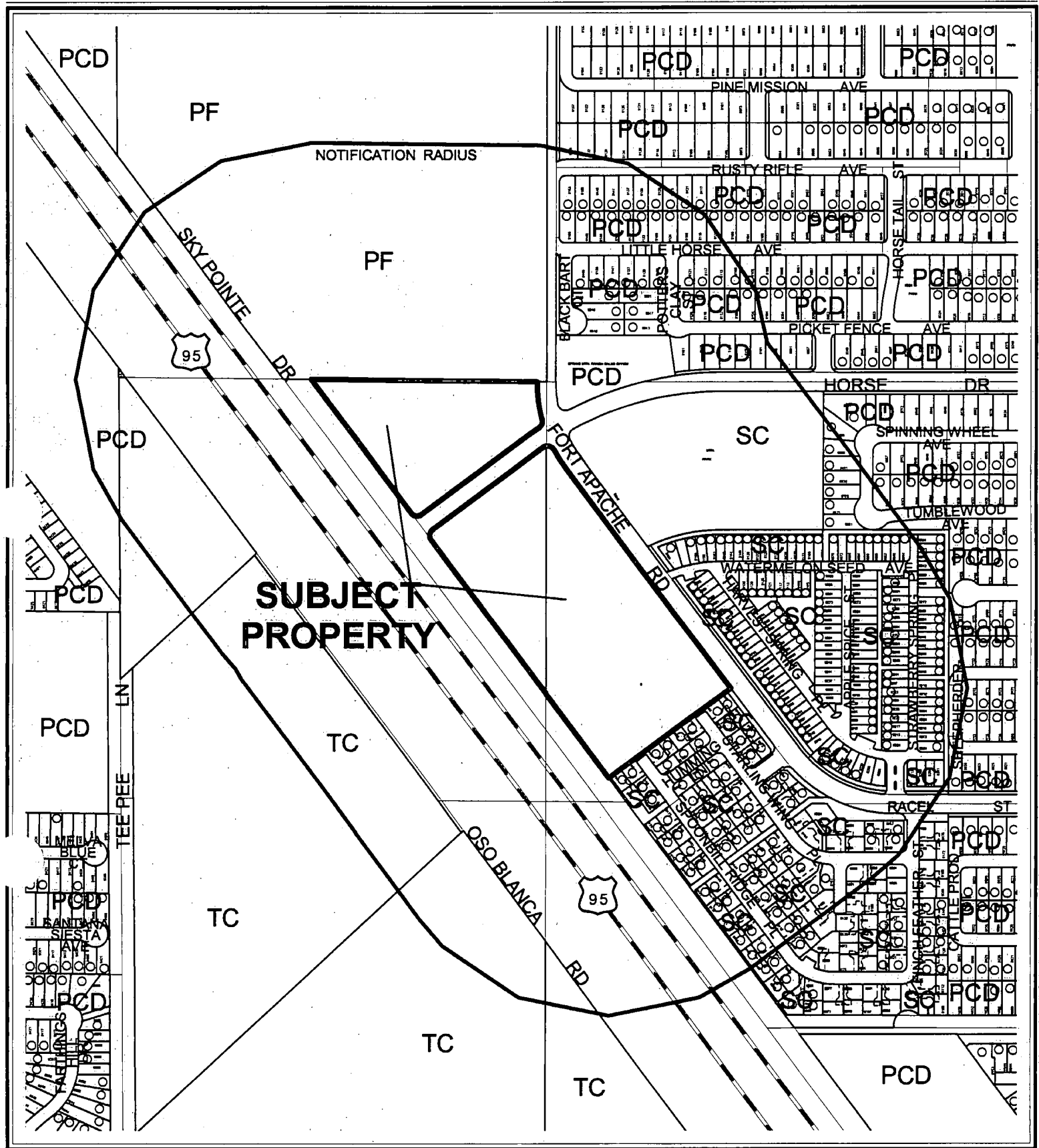
MOTION:

REESE – Motion to STRIKE Item 86 [1710 E. Charleston Boulevard] and Item 89 [224 W. Philadelphia Avenue], HOLD IN ABEYANCE Item 93 [DIR-4797], Item 117 [ZON-4368], Item 118 [VAC-4420], Item 119 [SDR-4370], Item 141 [GPA-4634], Item 142 [ZON-4640], Item 143 [VAR-4642] and Item 144 [SDR-4641] to 9/1/2004; Item 102 [MOD-4615], Item 103 [ZON-4616], Item 104 [SDR-4617], Item 112 [SUP-4592], Item 113 [SUP-4593], Item and 114 [SUP-4594] to 9/15/2004 – UNANIMOUS

MINUTES:

COUNCILMAN MACK requested Item 102 [MOD-4615], Item 103 [ZON-4616] and Item 104 [SDR-4617] be held in abeyance to the City Council meeting of 9/15/2004 as he did not have the opportunity to meet with the applicant. He further indicated that DR Horton asked that Item 141 [GPA-4634], Item 142 [ZON-4640], Item 143 [VAR-4642] and Item 144 [SDR-4641] be abeyed to the 9/1/2004 City Council meeting. In addition, he asked that Item 117 [ZON-4368], Item 118 [VAC-4420] and Item 119 [SDR-4370] be held to the 9/1/2004 City Council meeting in order that setback issues could be discussed between the developer and the community.

(1:04 – 1:10)



CASE: GPA-4634

RADIUS: 750 FT

GENERAL PLAN OF SUBJECT PROPERTY:

S-C (SERVICE COMMERCIAL)

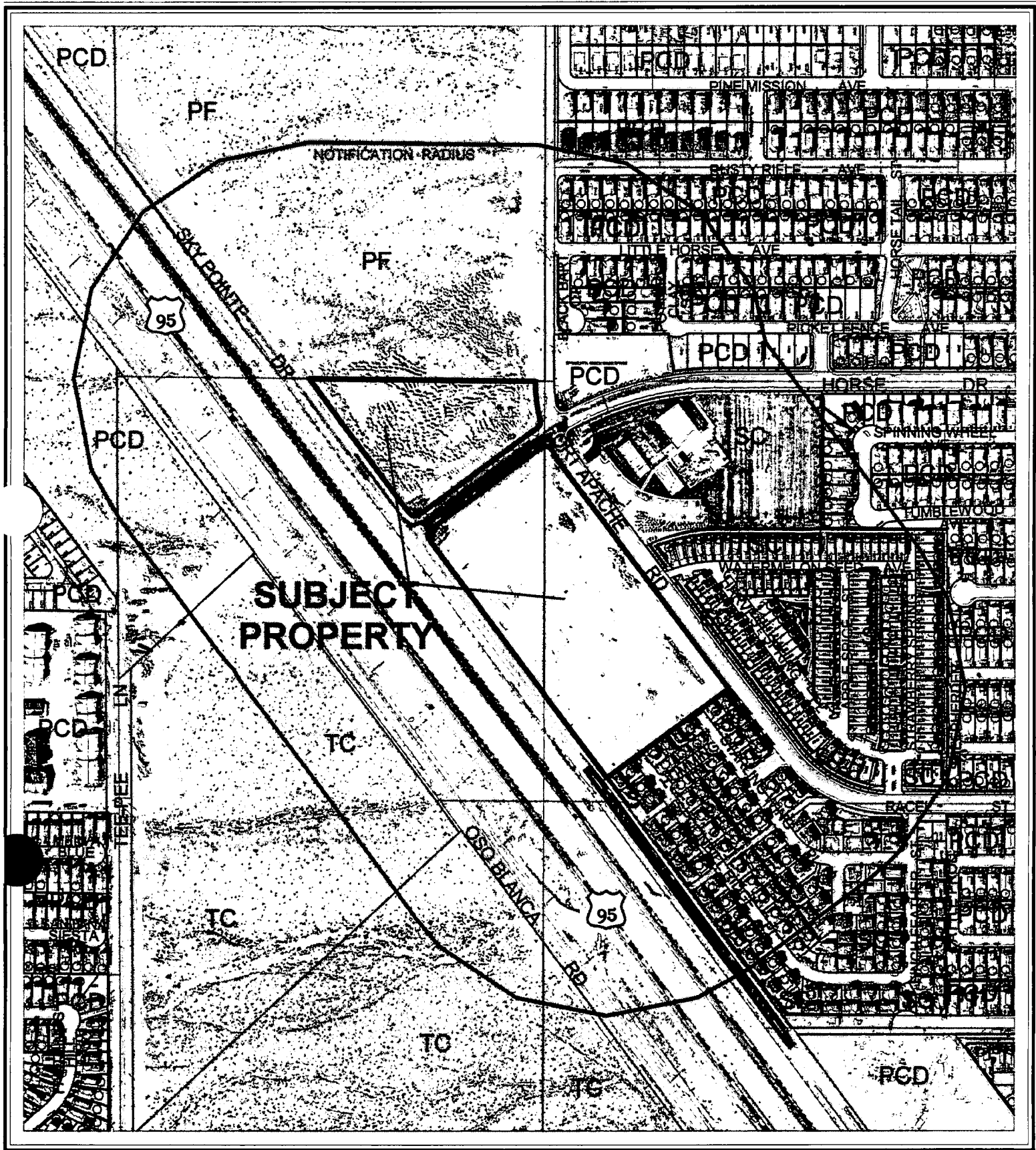
PROPOSED GENERAL PLAN OF SUBJECT PROPERTY:

ML (MEDIUM-LOW DENSITY RESIDENTIAL)

0 300 600 Feet

141





CASE: GPA-4634

RADIUS: 750 FT

GENERAL PLAN OF SUBJECT PROPERTY:

S-C (SERVICE COMMERCIAL)

PROPOSED GENERAL PLAN OF SUBJECT PROPERTY:

ML (MEDIUM-LOW DENSITY RESIDENTIAL)

0 300 600 Feet



City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: AUGUST 18, 2004

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: GPA-4634 - APPLICANT: D.R. HORTON, INC. - OWNER:
SPRING MOUNTAIN RANCH, LIMITED LIABILITY COMPANY**

**** CONDITIONS ****

The Planning Commission (3-2-1 vote) and staff recommend DENIAL.

**** STAFF REPORT ****

APPLICATION REQUEST

This application seeks to change the General Plan land use designation of the subject property located adjacent to the northwest and southwest corners of Horse Drive and Fort Apache Road from SC (Service Commercial) to ML (Medium-Low Density Residential).

BACKGROUND DATA:

- 03/06/91 The City Council approved a Rezoning (Z-0072-90) application for the Reclassification of Property to R-PD3 (Residential Planned Development – 3 Units Per Acre), R-PD6 (Residential Planned Development – 6 Units Per Acre), R-PD12 (Residential Planned Development – 12 Units Per Acre), and C-1 (Limited Commercial). Planning Commission recommended denial. Staff recommended approval.
- 01/13/94 The City Council approved a Rezoning (Z-0132-93) application for the Reclassification of Property located on the east side of Rancho Drive, between Ackerman Avenue and Iron Mountain Road, from: C-2 (General Commercial) and R-E (Residence Estates), TO: R-PD3 (Residential Planned Development – 3 Units Per Acre), R-PD6 (Residential Planned Development – 6 Units Per Acre), R-PD12 (Residential Planned Development – 12 Units Per Acre) and C-1 (Limited Commercial). Planning Commission and staff both recommended approval.
- 05/24/99 The City Council approved the Centennial Hills Sector Map (GPA-01-99) of the city of Las Vegas General Plan, which replaced the Northwest Sector Map.
- 08/18/99 The City Council approved GPA-23-99, which amended the density range for the Low Density Residential land use category to allow a maximum of 5.5 dwelling units per acre, Medium Low Density Residential to allow up to 8 dwelling units per acre, and Medium Density Residential up to 25 dwelling units per acre.
- 09/06/00 The City Council approved the Las Vegas 2020 Master Plan. This site is within the Newly Developing Area as described in the Plan.
- 02/19/03 The City Council adopted the Centennial Hills Interlocal Land Use Plan. On this map, the subject properties were designated for SC (Service Commercial) land uses.
- 07/22/04 The Planning Commission recommended denial of related items (ZON-4640, VAR-4642 and SDR-4641).

07/22/04 The Planning Commission voted 3-2-1 to recommend DENIAL (PC Agenda Item #40).

DETAILS OF APPLICATION REQUEST

Site Area: 17.83 Acres

EXISTING LAND USE

Subject Property Vacant
North Vacant
South Single Family Residences
East Private Park, Single Family Residences, Vacant
West U.S. 95, Vacant

PLANNED LAND USE

Subject Property SC (Service Commercial)
North PF (Public Facilities)
South SC (Service Commercial)
East SC (Service Commercial)
West ROW (Right-of-Way)
TC (Town Center)
PCD (Planned Community Development)

EXISTING ZONING

Subject Property C-2 (General Commercial)
R-E (Residence Estates) under Resolution of Intent to C-1 (Limited Commercial)
North U (Undeveloped) [PF (Public Facilities) General Plan Designation]
South R-PD10 (Residential Planned Development – 10 Units Per Acre)
East R-PD12 (Residential Planned Development – 12 Units Per Acre)
West ROW (Right-of-Way)
TC (Town Center)
U (Undeveloped) [PCD (Planned Community Development) General Plan Designation]

	YES	NO
SPECIAL PLAN AREA		X
RURAL PRESERVATION NEIGHBORHOOD		X
RURAL PRESERVATION NEIGHBORHOOD BUFFER		X
PROJECT OF REGIONAL SIGNIFICANCE		X

DEFINITIONS

ML (Medium Low Density Residential)(5.6 to 8 dwelling units/per gross acre.) This density range permits single-family compact lots and zero lot lines, manufactured home parks, and residential planned development. Local supporting uses such as parks, other recreation facilities, schools and churches are allowed in this category.

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

PROJECTS OF REGIONAL SIGNIFICANCE IMPACT REPORT

The Southern Nevada Regional Policy Plan, approved February 22, 2001, set out a requirement for local entities to establish a means of identifying Projects of Regional Significance (PRS), and of addressing the impacts of these projects. The city of Las Vegas, through Ordinance No. 5477, has established such a process. Pursuant to this Ordinance, staff has determined that this proposed General Plan Amendment and its companion items would not meet the definition of a Project of Regional Significance as defined in the ordinance.

ANALYSIS

This proposed amendment to the plan is located along the north and south sides of Horse Drive, between Sky Pointe Drive and Fort Apache Road. Sky Pointe Drive is a 70-foot wide Frontage Street, Fort Apache Road, an 80-foot Secondary Collector, and Horse Drive, also an 80-foot Secondary Collector. Fort Apache Road and Horse Drive are depicted Master Plan of Streets and Highways.

The surrounding area east of Highway US 95 composes a master development known as Spring Mountain Ranch. The development to the east is primarily residential, with the exception of private parks dispersed throughout the master planned community. The subject parcels are part of the Spring Mountain Ranch Overall Master Development Plan (Z-0132-93).

The location of this proposed plan amendment is currently designated as SC (Service Commercial). The primary uses of the SC (Service Commercial) District are low to medium intensity retail, office, or other commercial uses that serve primarily the local area patrons and do not include more intense general commercial characteristics. To the south of the subject site is the intersection of two arterial streets, Fort Apache Road and Grand Teton Drive, each with a right-of-way width of a minimum 100 feet. A future intersection and overpass is slated to be built to the north of the subject area, providing even more access to the site. The district is easily accessible from the rest of the Northwest area and the highway. The amount of land planned for SC (Service Commercial) is

of vital importance because there is ever declining amount of commercial property in the northwest, due to the higher profitability of residential development.

The Centennial Hills Interlocal Land Use Plan was carefully conceived with a balance of commercial and residential development. Commercial development was concentrated in the Town Center area to avoid scattered sites of commercial development throughout the Centennial Hills area. The amount of commercial area is based on the proportion of residential and commercial development elsewhere in the Las Vegas valley. Since 1999, 270 acres of commercially designated land has been converted to residential development. This equates to an estimated loss of three million square feet of commercial floor space. The result of this action and any further action to reduce the commercial area in Town Center is to increase the pressure for the equivalent amount of commercial to be scattered about the Centennial Hills area, which would be indirect conflict with the intent of the Centennial Hills Sector Plan.

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.**

Digressing from the Spring Mountain Ranch Master Plan and removing more commercial from the Centennial Hills sector is premature. The concept of a balanced amount of specified land uses that will take care of the needs of the Centennial Hills sector should be protected. More of the area should develop and evolve before the projected amount of Service Commercial northwest is reduced.

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

The R-PD (Residential Planned Development) zoning district dominates the Spring Mountain Ranch Master Planned Community except for the subject parcels and one other parcel adjacent to the northeast corner of Horse Drive and Fort Apache Road. The additional residential use would be consistent with the surrounding area, but would be detrimental to the area as a source of potential commercial would be lost and require the residents to travel outside of the community to procure goods and services.

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

The proposed development has adequate site accessibility, but fails to accommodate the appropriate amount of open space for recreation.

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

The proposed amendment does not conform to the Spring Mountain Ranch Overall Master Development Plan (Z-0132-93), which proposes a business park for the subject site.

The policies for the development of the Centennial Hills Sector are outlined in the Centennial Hills Sector Plan. Section 1.2.2 (page 2) states:

“The concept of locating (non-residential) types of activities in a defined area is seen an acceptable alternative to standard development that usually is widely dispersed. As a result of concentrating intensive commercial in one area (Town Center) the preservation of residential areas will be enhanced. Necessary commercial, service and employment opportunities will be readily available without intruding into northwest residential neighborhoods.”

As discussed in the Analysis section above, the proposed amendment would not be consistent with the Centennial Hills Sector Plan.

GENERAL PLAN AMENDMENT NEIGHBORHOOD MEETING

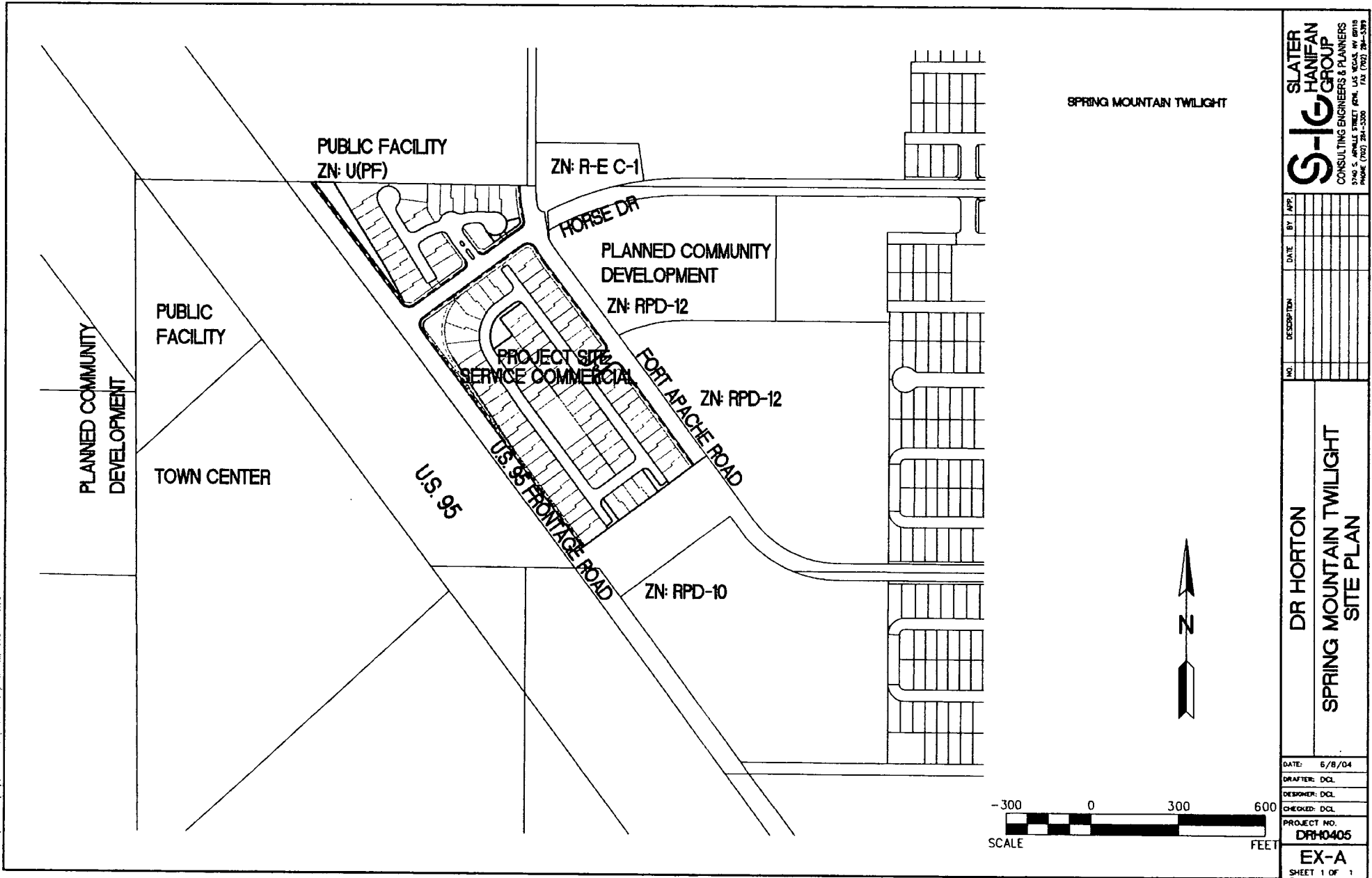
Per policy set forth in the city of Las Vegas application packet, a neighborhood meeting shall be held with the surrounding property owners. The applicant is requested to hold this meeting within 14 days of the closing date of this application. In accordance with the above, on June 22, 2004 a neighborhood meeting sponsored by the applicant at the Cimarron Rose Community Center, 5591 North Cimarron Street. Four people attended and had no concerns with this request.

NOTICES MAILED: 298 by Planning Department

APPROVALS: 0

PROTESTS: 0

P:\11\200405\Comp\Entirements\LOCATIONS.dwg Jun 06, 2004 - 13:29



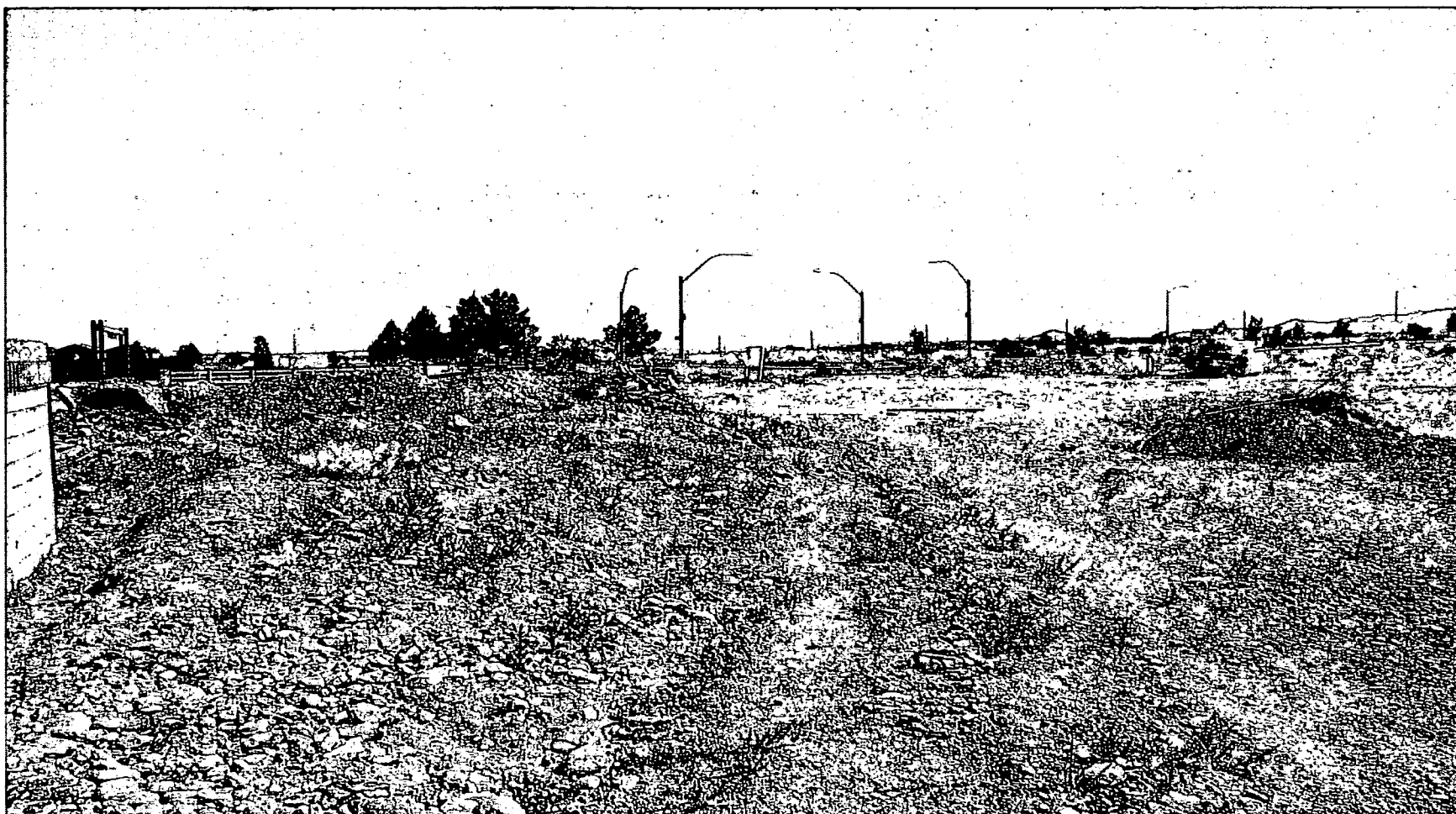
SLATER
S-I-G
HANIFAN
GROUP
 CONSULTING ENGINEERS & PLANNERS
 3945 S. JENSEN STREET, SUITE 100, LAS VEGAS, NV 89119
 PHONE (702) 251-5555 FAX (702) 251-5556

NO.	DESCRIPTION	DATE	BY	APP.

DR HORTON
SPRING MOUNTAIN TWILIGHT
SITE PLAN

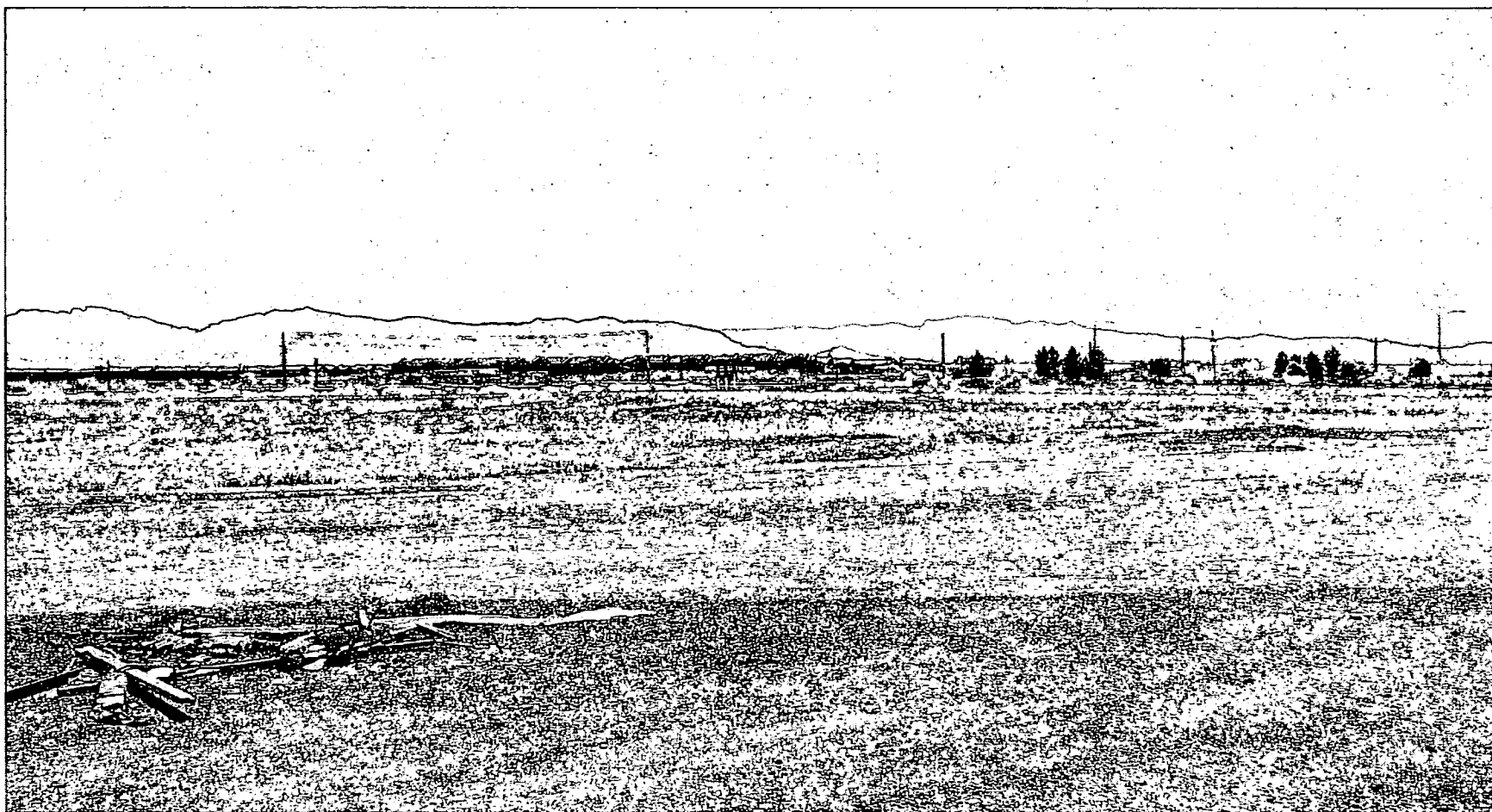
DATE:	5/8/04
DRAFTER:	DCL
DESIGNER:	DCL
CHECKED:	DCL
PROJECT NO.	DRH0405
EX-A	
SHEET 1 OF 1	

GPA-4634
7-22-04 PC



GPA-4634 - APPLICANT: D.R. HORTON, INC. - OWNER: SPRING MOUNTAIN RANCH, LIMITED
LIABILITY COMPANY
SOUTHWEST CORNER OF HORSE DRIVE AND FORT APACHE ROAD
JULY 22, 2004 PLANNING COMMISSION

6/29/04



GPA-4634 - APPLICANT: D.R. HORTON, INC. - OWNER: SPRING MOUNTAIN RANCH, LIMITED
LIABILITY COMPANY
SOUTHWEST CORNER OF HORSE DRIVE AND FORT APACHE ROAD
JULY 22, 2004 PLANNING COMMISSION

6/29/04

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: AUGUST 18, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☐

CONSENT

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DISCUSSION

SUBJECT:

REZONING RELATED TO GPA-4634 - PUBLIC HEARING - ZON-4640 - APPLICANT: D.R. HORTON, INC.- OWNER: SPRING MOUNTAIN RANCH, LIMITED LIABILITY COMPANY - Request for a Rezoning FROM: R-E (RESIDENCE ESTATES) AND C-2 (GENERAL COMMERCIAL) TO: R-PD6 (RESIDENTIAL PLANNED DEVELOPMENT - 6 UNITS PER ACRE) on 17.83 acres adjacent to the southwest corner of Horse Drive and Fort Apache Road (APN 125-07-710-001 and 125-08-322-001), Ward 6 (Mack). The Planning Commission (3-2-1 vote) and staff recommend DENIAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.

0

City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

1

City Council Meeting

0

RECOMMENDATION:

The Planning Commission (3-2-1 vote) and staff recommend DENIAL.

BACKUP DOCUMENTATION:

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

MOTION:

REESE – Motion to STRIKE Item 86 [1710 E. Charleston Boulevard] and Item 89 [224 W. Philadelphia Avenue], HOLD IN ABEYANCE Item 93 [DIR-4797], Item 117 [ZON-4368], Item 118 [VAC-4420], Item 119 [SDR-4370], Item 141 [GPA-4634], Item 142 [ZON-4640], Item 143 [VAR-4642] and Item 144 [SDR-4641] to 9/1/2004; Item 102 [MOD-4615], Item 103 [ZON-4616], Item 104 [SDR-4617], Item 112 [SUP-4592], Item 113 [SUP-4593], Item and 114 [SUP-4594] to 9/15/2004 – UNANIMOUS

MINUTES:

COUNCILMAN MACK requested Item 102 [MOD-4615], Item 103 [ZON-4616] and Item 104 [SDR-4617] be held in abeyance to the City Council meeting of 9/15/2004 as he did not have the opportunity to meet with the applicant. He further indicated that DR Horton asked that Item 141 [GPA-4634], Item 142 [ZON-4640], Item 143 [VAR-4642] and Item 144 [SDR-4641] be abeyed to the 9/1/2004 City Council meeting. In addition, he asked that Item 117 [ZON-4368], Item 118 [VAC-4420] and Item 119 [SDR-4370] be held to the 9/1/2004 City Council meeting in order that setback issues could be discussed between the developer and the community.

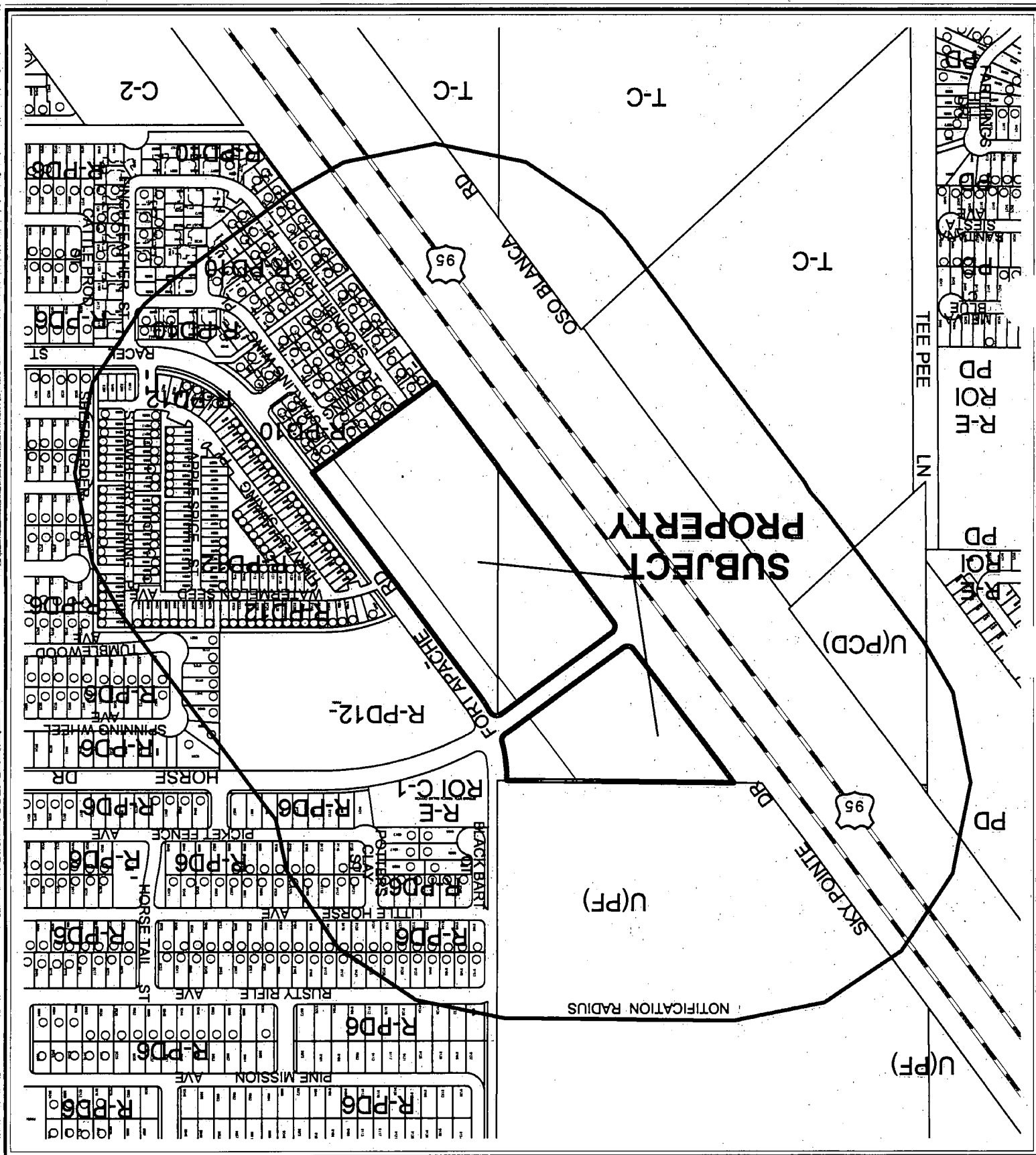
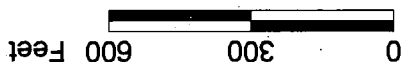
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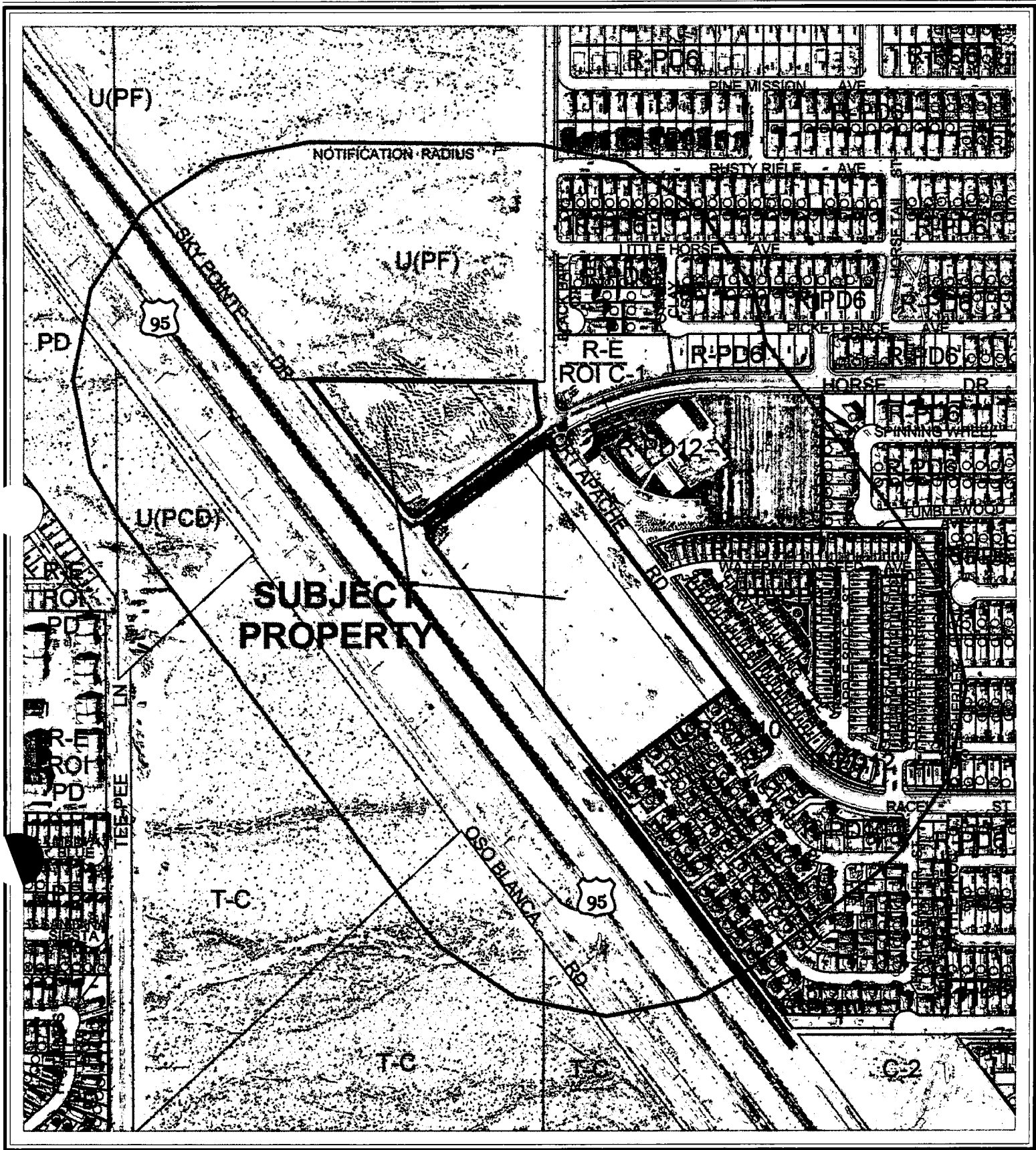
ZONING OF SUBJECT PROPERTY:
R-E (RESIDENCE ESTATES) AND C-2 (GENERAL COMMERCIAL)

PROPOSED ZONING OF SUBJECT PROPERTY:
R-PD6 (RESIDENTIAL PLANNED DEVELOPMENT - 6 UNITS PER ACRE)

RADIUS: 750 FT

CASE: ZON-4640





CASE: ZON-4640

RADIUS: 750 FT

ZONING OF SUBJECT PROPERTY:

R-E (RESIDENCE ESTATES) AND C-2 (GENERAL COMMERCIAL)

PROPOSED ZONING OF SUBJECT PROPERTY:

R-PD6 (RESIDENTIAL PLANNED DEVELOPMENT - 6 UNITS PER ACRE)

0 300 600 Feet



AGENDA MEMO

CITY COUNCIL MEETING DATE: AUGUST 18, 2004

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: ZON-4640 - APPLICANT: D.R. HORTON, INC.- OWNER:
SPRING MOUNTAIN RANCH, LIMITED LIABILITY COMPANY**

**** CONDITIONS ****

The Planning Commission (3-2-1 vote) and staff recommend DENIAL. If Approved, subject to:

Planning and Development

1. Rezoning to R-PD 6 shall allow a maximum 100 units on the subject site.
2. A General Plan Amendment (GPA-4634) to a Medium-Low Density Residential land use designation approved by the City Council.
3. A Resolution of Intent with a two-year time limit.
4. A Site Development Plan Review application approved by the Planning Commission and City Council prior to issuance of any permits, any site grading, and all development activity for the site.

Public Works

5. Coordinate with the City Engineer's Division to determine what impacts, if any, the proposed Horse Drive interchange may have on this site. Final right-of-way and required improvements for Horse Drive and Sky Pointe Drive (AKA U.S. 95 Frontage Road) adjacent to this site shall be determined at the time of approval of the Tentative Map. 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). Install all appurtenant underground facilities, if any, adjacent to this site needed for the future traffic signal system concurrent with development of this site.
6. Remove all substandard public street improvements and unused driveway cuts adjacent to this site, if any, and replace with new improvements meeting current City Standards concurrent with development of this site.
7. Extend public sewer in Fort Apache Road to the northern edge of this site at a location and to a 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 applicant is requesting an approval for the rezoning of the subject property from C-2 (General Commercial) & R-E (Residence Estates) Under Resolution of Intent to C-1 (Limited Commercial), to R-PD6 (Residential Planned Development – 6 Units Per Acre). Approval of this application is first contingent with the approval of General Plan Amendment (GPA-4634) application.

B) Applicant's Justification

The applicant justification for this application states that several of commercial parcels of the Spring Mountain Twilight project have been reclassified for residential land use and that by amending the land use for this project would be consistent with the adjacent uses in the area.

BACKGROUND INFORMATION

A) Previous Actions

- 03/06/91 The City Council approved a Rezoning (Z-0072-90) application for the Reclassification of Property to R-PD3 (Residential Planned Development – 3 Units per Acre), R-PD6 (Residential Planned Development – 6 Units Per Acre), R-PD12 (Residential Planned Development – 12 Units Per Acre), and C-1 (Limited Commercial). The Planning Commission recommended denial. Staff recommended approval.
- 01/13/94 The City Council approved a Rezoning (Z-0132-93) application for the Reclassification of Property located on the east side of Rancho Drive, between Ackerman Avenue and Iron Mountain Road, from: C-2 (General Commercial) and R-E (Residence Estates), TO: R-PD3 (Residential Planned Development), R-PD6 (Residential Planned Development), R-PD12 (Residential Planned Development) and C-1 (Limited Commercial). The Planning Commission and staff both recommended approval.
- 07/22/04 The Planning Commission recommended denial of related items (GPA-4634, VAR-4642 and SDR-4641).
- 07/22/04 The Planning Commission voted 3-2-1 to recommend DENIAL (PC Agenda Item #41-PL).

B) Pre-Application Meeting

05/27/04 A pre-application conference was held, in which no comments concerning the rezoning application were made.

C) Neighborhood Meetings

06/22/04 Four people attended the meeting with no comment

DETAILS OF APPLICATION REQUEST

Site Area: 17.83 Acres

EXISTING LAND USE

Subject Property	Vacant
North	Vacant
South	Single Family Residences
East	Private Park, Single Family Residences, Vacant
West	U.S. 95, Vacant

PLANNED LAND USE

Subject Property	SC (Service Commercial)
North	PF (Public Facilities)
South	SC (Service Commercial)
East	SC (Service Commercial)
West	ROW (Right-of-Way)
	TC (Town Center)
	PCD (Planned Community Development)

EXISTING ZONING

Subject Property	C-2 (General Commercial)
	R-E (Residence Estates) under Resolution of Intent to C-1 (Limited Commercial)
North	U (Undeveloped) [PF (Public Facilities) General Plan Designation]
South	R-PD10 (Residential Planned Development – 10 Units Per Acre)
East	R-PD12 (Residential Planned Development – 12 Units Per Acre)
West	ROW (Right-of-Way)
	TC (Town Center)
	U (Undeveloped) [PCD (Planned Community Development) General Plan Designation]

E) General Plan Compliance

The subject site is composed of two parcels, both of which are designated SC (Service Commercial) within the Centennial Hills Sector Interlocal Land Use Map of the General Plan. The Service Commercial category allows low to medium intensity retail, office, or other commercial uses that serve primarily the local area patrons and do not include more intense general commercial characteristics. Examples include neighborhood shopping centers, theaters, bowling alleys and other places of public assembly and public and semi-public uses. This category also includes offices either individually or grouped as office centers with professional and business services.

The subject site is proposed, per GPA-4634, as being designated ML (Medium-Low Density Residential). The ML (Medium-Low Density Residential) designation allows for a range of 5.6 to 8 dwelling units/per gross acre. This density range permits single-family compact lots and zero lot lines, manufactured home parks, and residential planned development. Local supporting uses such as parks, other recreation facilities, schools and churches are allowed in this category.

<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 subject site is part of the Spring Mountain Ranch Overall Master Development Plan (Z-0132-93), which has designated the location in question as a business park.

A) Zoning Code Compliance

A1) Development Standards

Development standards for a R-PD (Residential Planned Development) are determined during the site development plan review process. The Planning Commission and City Council will establish development standards through the consideration of the Site Development Plan Review (SDR-4641), a related item.

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
17.83 acres	5.61	1.65	9.26%	71,874 SF	1.88%	14,566 SF

The applicant fails to meet the required amount of open space set forth by the R-PD (Residential Planned Development) design standards. Therefore, the applicant has submitted a Variance (VAR-4642) request to allow zero open space where 1.65 acres is required.

B) General Analysis and Discussion

The proposed rezoning is tentative upon the approval of General Plan Amendment (GPA-4634), so as to be able to accommodate the number of dwelling units per acre requested. The site plan for the site fails to illustrate the required amount of open space, as dictated by Title 19.06. Per the Residential Planned Development standards a development with 100 lots, would require 1.65 acres of open space. The supplied site plan indicates that the development will provide .33 acres of open space, composed of four common lots ranging in size from 1,802 square feet to 7,372 square feet. However only two of the four common lots depicted could be considered as viable open space meanwhile the other common lots show no signs of being usable open space.

The northern portion of the subject site will have access off of Horse Drive and the southern portion of the subject site will have access from Fort Apache Road. Both streets are 80-foot Secondary Collectors as defined and depicted Master Plan of Streets and Highways. In addition, the Department of Public Works has noted that there is an existing 10-foot roadway corridor easement behind the right-of way along Horse Drive and Fort Apache Road.

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 proposal is not in conformance to the current General Plan designation of SC (Service Commercial). Commercial land uses were allocated to prevent commercial uses from being "stripped out" over major arterials and from encroaching into residential areas.

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 subject site is bordered by Highway US 95 on the west, vacant property slated for public facilities to the north, a private park, a commercially zoned parcel, residential to the east, and residential to the south. The Spring Mountain Ranch Overall Master Development Plan has designated the parcel in question, commercial; therefore any change in that plan would be incompatible with the surrounding planned area.

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

The majority of the surrounding area has been developed in accordance with the Spring Mountain Ranch Overall Master Development Plan and has substantiated the need for commercial for the area. The continual reclassifying of commercial properties to residential will only increase the pressure for commercial property elsewhere within the Centennial Hills sector. Therefore, approval of this rezoning could result in long-term detrimental effects to the surrounding community

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

The subject site can be accessed from Fort Apache Road and Horse Drive, 80-foot Secondary Collectors as defined and depicted Master Plan of Streets and Highways.

PLANNING COMMISSION ACTION

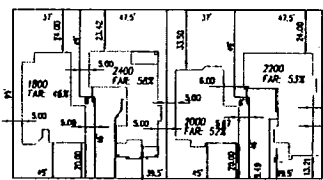
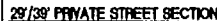
Condition #1 was added by the Planning Commission.

NOTICES MAILED 298 by Planning Department

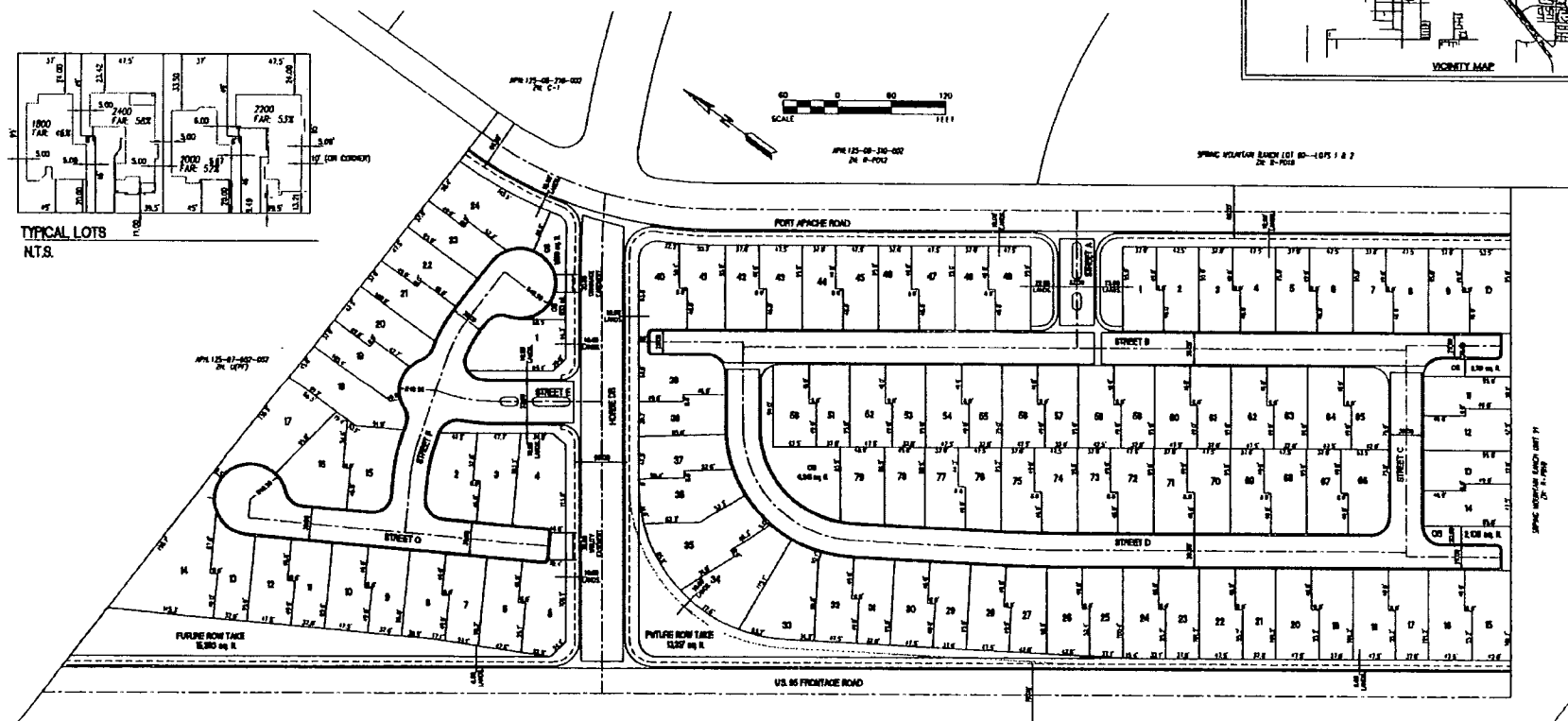
APPROVALS 1

PROTESTS 0





TYPICAL LOTS
NTS



OWNER
SPRING HAVENARY B.C.
4042 HUNTER RD.
LAW, TEXAS, NEWTON 80413
(702) 435-0888
FAX (702) 251-4438

DEVELOPER
B. R. MORTON
4042 HUNTER RD.
LAW, TEXAS, NEWTON 80413
(702) 435-0888
FAX (702) 251-4438

SITE DATA

CURRENT ZONING R-E
NO ZONING C-2
(APP. Z-9-32-53-C-2 2/1/97)

PROPOSED ZONING R-P90

OPEN SPACE REQUIRED:
163 UNITS/17.83 ACRES = 5.76 S/A
5.76 S/A x 1.83 = 10.53
11.83 ACRES x 0.258 = 3.06 ACRES

OPEN SPACE PROVIDED:
0.75 ACRES

SETBACKS

PROFE	40'
NOISE PLANNING	8'
HEALTH	15'
WIDE	5'
CORNER	40'

PARKING ANALYSIS

NO. OF LOTS = 403

PARKING PERMITTED = 7 SPACES/Lot

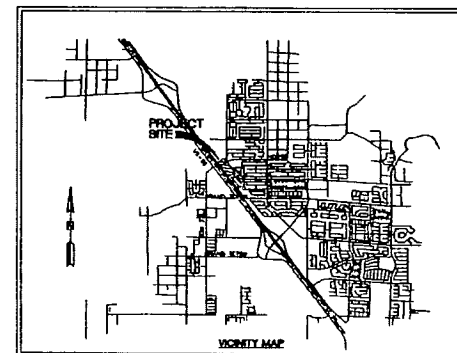
REQUIRED PARKING = 285 SPACES **

**MINIMUM PARKING REQUIREMENTS DETERMINED BY CHARGE PERMIT/PERMITS/PERMITS

UTILITIES AND SERVICES

WATER SERVICE:	L.V. & W.B.
SEWER SERVICE:	OFF. OF LAS VEGAS
POWER:	NEVADA POWER
HEATING, GAS:	WARRINGTON'S GAS
TELEPHONE:	SPRINT (CABLE)
REFUSE:	NEVADA SERVICES OF NEVADA

U.S. 95



SITE MAP

FOR

SPRING MOUNTAIN TWILIGHT

A.P.# 825-06-372-004 & A.P.# 825-07-749-002

NE 1/4, NW 1/4, SECTION 18, TOWNSHIP 19 SOUTH
RANGE 80 EAST, N 8 E N., CLARK COUNTY, NEYBON

S-I-G SLATER
HANIFAN
GROUP
CONSULTING ENGINEERS & PLANNERS
37500 S. AVALON STREET STE. 100, LAS VEGAS, NV 89118
PHONE (702) 244-3320 FAX (702) 244-3300

[illegible]

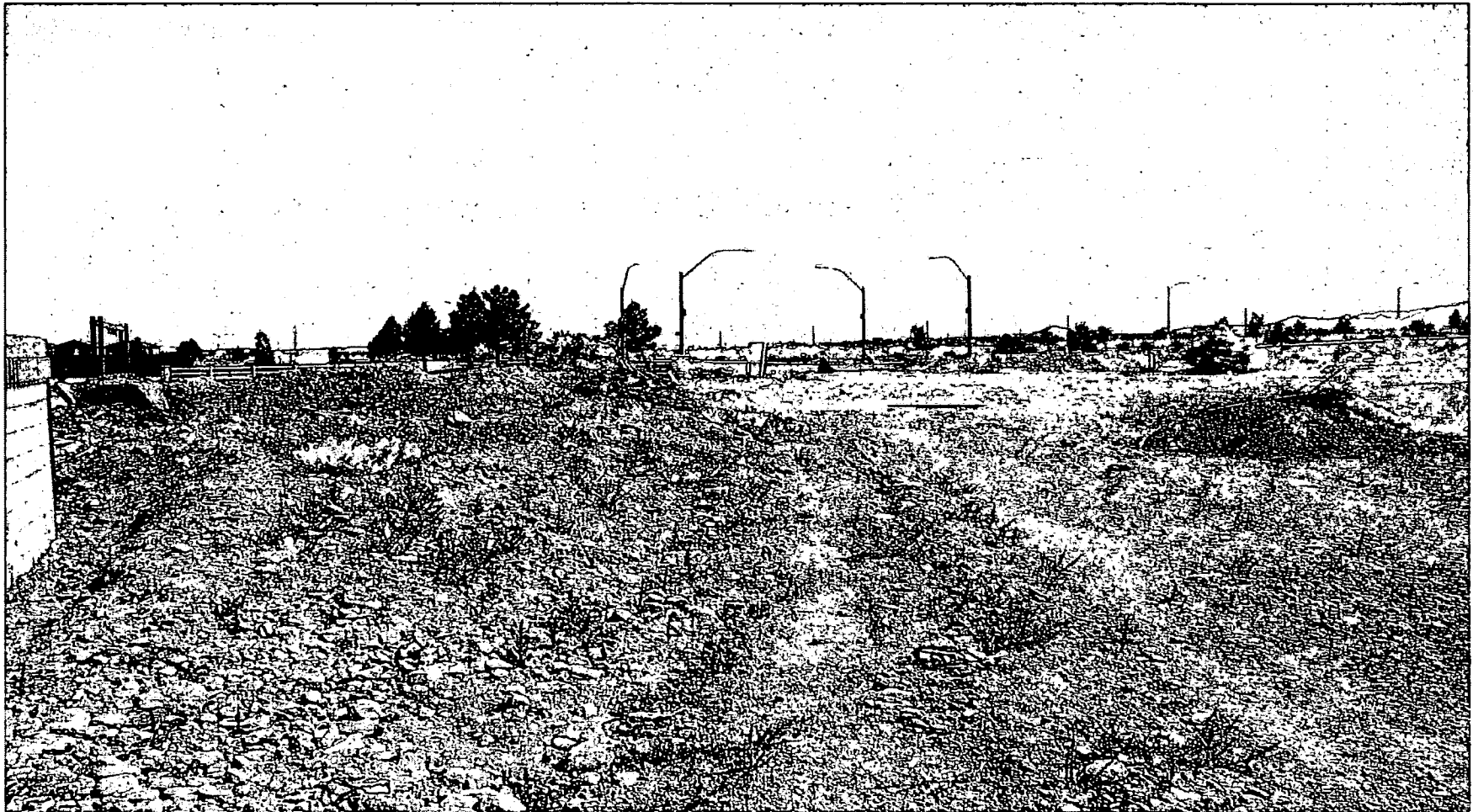
DR HORTON
SPRING MOUNTAIN TWILIGHT
SITE PLAN

DATE: 6/08/04
DRAFTER: DCL
DESIGNED: DCL
CHECKED: DCL
PROJECT NO. DPH0405

EX-A
SHEET 1 OF 1

ZON-4640

7-22-04 PC



ZON-4640 - APPLICANT: D.R. HORTON, INC. - OWNER: SPRING MOUNTAIN RANCH, LIMITED
LIABILITY COMPANY
SOUTHWEST CORNER OF HORSE DRIVE AND FORT APACHE ROAD
JULY 22, 2004 PLANNING COMMISSION

6/29/04



ZON-4640 - APPLICANT: D.R. HORTON, INC. - OWNER: SPRING MOUNTAIN RANCH, LIMITED
LIABILITY COMPANY
SOUTHWEST CORNER OF HORSE DRIVE AND FORT APACHE ROAD
JULY 22, 2004 PLANNING COMMISSION

6/29/04

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF: AUGUST 18, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☐

CONSENT

☒

DISCUSSION

SUBJECT:

VARIANCE RELATED TO GPA-4634 AND ZON-4640 - PUBLIC HEARING - VAR-4642 -
APPLICANT: D.R. HORTON, INC. - OWNER: SPRING MOUNTAIN RANCH, LIMITED LIABILITY COMPANY - Request for a Variance TO ALLOW ZERO OPEN SPACE WHERE 1.65 ACRES ARE REQUIRED FOR A SINGLE FAMILY DEVELOPMENT on 17.83 acres adjacent to the southwest corner of Horse Drive and Fort Apache Road (APN 125-07-710-001 and 125-08-322-001), R-E (Residence Estates) and C-2 (General Commercial) Zones [PROPOSED: R-PD6 (Residential Planned Development- 6 Units Per Acre)], Ward 6 (Mack). The Planning Commission (3-2-1 vote) and staff recommend DENIAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

1
1

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0
0

RECOMMENDATION:

The Planning Commission (3-2-1 vote) and staff recommend DENIAL.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Submitted after final agenda – Protest letter from Darla Hubbard

MOTION:

REESE – Motion to STRIKE Item 86 [1710 E. Charleston Boulevard] and Item 89 [224 W. Philadelphia Avenue], HOLD IN ABEYANCE Item 93 [DIR-4797], Item 117 [ZON-4368], Item 118 [VAC-4420], Item 119 [SDR-4370], Item 141 [GPA-4634], Item 142 [ZON-4640], Item 143 [VAR-4642] and Item 144 [SDR-4641] to 9/1/2004; Item 102 [MOD-4615], Item 103 [ZON-4616], Item 104 [SDR-4617], Item 112 [SUP-4592], Item 113 [SUP-4593], Item and 114 [SUP-4594] to 9/15/2004 – UNANIMOUS

MINUTES:

COUNCILMAN MACK requested Item 102 [MOD-4615], Item 103 [ZON-4616] and Item 104 [SDR-4617] be held in abeyance to the City Council meeting of 9/15/2004 as he did not have the opportunity to meet with the applicant. He further indicated that DR Horton asked that Item 141 [GPA-4634], Item 142 [ZON-4640], Item 143 [VAR-4642] and Item 144 [SDR-4641] be abeyed to the 9/1/2004 City Council meeting. In addition, he asked that Item 117 [ZON-4368], Item 118 [VAC-4420] and Item 119 [SDR-4370] be held to the 9/1/2004 City Council meeting in order that setback issues could be discussed between the developer and the community.

(1:04 – 1:10)

AGENDA MEMO

CITY COUNCIL MEETING DATE: AUGUST 18, 2004

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: VAR-4642 - APPLICANT: D.R. HORTON, INC. - OWNER:
SPRING MOUNTAIN RANCH, LIMITED LIABILITY COMPANY**

**** CONDITIONS ****

The Planning Commission (3-2-1 vote) and staff recommend DENIAL. If Approved, subject to:

Planning and Development

1. A minimum of 14,566 square feet of open space shall be provided pursuant to revised plans date stamped July 20, 2004.
2. Approval of and conformance to the Conditions of Approval for Rezoning (ZON-4640) and Site Development Plan Review (SDR-4641).
3. 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.
4. 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 \$285,755.00 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.

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

The applicant is requesting approval of a Variance to allow zero open space where 1.65 acres is required. Approval of this application is first contingent with the approval of General Plan Amendment (GPA-4634) application.

B) Applicant's Justification

The applicant states, "an existing master developer 7.1 acre park is located northeast of the project site and should provide adequate recreational facilities for this new project and the surrounding community." Additionally, the applicant states, "The development is encumbered by a potential right-of-way (ROW) taking for the Horse Drive interchange...." Said ROW taking adversely affected the lotting study for this project and the potential for additional open space.

BACKGROUND INFORMATION

A) Previous Actions

03/06/91 The City Council approved a Rezoning (Z-0072-90) application for the Reclassification of Property to R-PD3 (Residential Planned Development – 3 Units per Acre), R-PD6 (Residential Planned Development – 6 Units per Acre), R-PD12 (Residential Planned Development – 12 Units Per Acre), and C-1 (Limited Commercial). Planning Commission recommended denial. Staff recommended approval.

01/13/94 The City Council approved a Rezoning (Z-0132-93) application for the Reclassification of Property located on the east side of Rancho Drive, between Ackerman Avenue and Iron Mountain Road, from: C-2 (General Commercial) and R-E (Residence Estates), TO: R-PD3 (Residential Planned Development), R-PD6 (Residential Planned Development), R-PD12 (Residential Planned Development) and C-1 (Limited Commercial). Planning Commission and staff both recommended approval.

07/22/04 The Planning Commission recommended denial of related items (GPA-4634, ZON-4640 and SDR-4641).

07/22/04 The Planning Commission voted 3-2-1 to recommend DENIAL (PC Agenda Item #42-PL).

B) Pre-Application Meeting

05/27/04 A pre-application conference was held, in which no comments concerning the Variance application were made.

C) Neighborhood Meetings

06/22/04 Four people attended the meeting, with no comment.

DETAILS OF APPLICATION REQUEST

Site Area: 17.83 Acres

EXISTING LAND USE

Subject Property	Vacant
North	Vacant
South	Single Family Residences
East	Private Park, Single Family Residences, Vacant
West	U.S. 95, Vacant

PLANNED LAND USE

Subject Property	SC (Service Commercial)
North	PF (Public Facilities)
South	SC (Service Commercial)
East	SC (Service Commercial)
West	ROW (Right-of-Way)
	TC (Town Center)
	PCD (Planned Community Development)

EXISTING ZONING

Subject Property	C-2 (General Commercial)
	R-E (Residence Estates) Under Resolution of Intent to C-1 (Limited Commercial)
North	U (Undeveloped) [PF (Public Facilities) General Plan Designation]
South	R-PD10 (Residential Planned Development – 10 Units Per Acre)
East	R-PD12 (Residential Planned Development – 12 Units Per Acre)
West	ROW (Right-of-Way)
	TC (Town Center)
	U (Undeveloped) [PCD (Planned Community Development) General Plan Designation]

E) General Plan Compliance

The subject site is composed of two parcels, both of which are designated SC (Service Commercial) within the Centennial Hills Sector Interlocal Land Use Map of the General Plan. The Service Commercial category allows low to medium intensity retail, office, or other commercial uses that serve primarily the local area patrons and do not include more intense general commercial characteristics. Examples include neighborhood shopping centers, theaters,

bowling alleys and other places of public assembly and public and semi-public uses. This category also includes offices either individually or grouped as office centers with professional and business services.

The subject site is proposed, per GPA-4634, as being designated ML (Medium-Low Density Residential). The ML designation allows for a range of 5.6 to 8 dwelling units/per gross acre. This density range permits single-family compact lots and zero lot lines, manufactured home parks, and residential planned development. Local supporting uses such as parks, other recreation facilities, schools and churches are allowed in this category.

<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 subject site is part of the Spring Mountain Ranch Overall Master Development Plan (Z-0132-93), which has designated the location in question as a business park.

A) Zoning Code Compliance

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
17.83 acres	5.61	1.65	9.26%	71,874 SF	1.88%	14,566 SF

The applicant fails to meet the required amount of open space set forth by the R-PD (Residential Planned Development) design standards. The applicant is requesting zero open space to be provided, yet on the submitted site plan it has been indicated that .33 acres has been provided. The open space provided within the proposed subdivision is composed of four common lots ranging in size from 1,208 square feet to 7,372 square feet.

B) General Analysis and Discussion

The site plan for the site fails to illustrate the required amount of open space, as dictated by Title 19.06. Per the Residential Planned Development standards a development with 100 lots, would require 1.65 acres of open space. The supplied site plan indicates that the development will provide .33 acres of open space, composed of four common lots ranging in size from 1,208 square feet to 7,372 square feet. However only two of the four common lots depicted could be considered as viable 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 reverting a proposed commercial property into residential, and attempting to overbuild the site. The lack of open space will result in a project that does not provide the innovation and flexibility required of a residential planned development. Clearly, alternative site design or the development of a commercial property 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

Revised plans show 14,566 square feet of open space where 71,874 is required.

NOTICES MAILED 318 by City Clerk

APPROVALS 0

PROTESTS 1



PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **VAR-4642** APN: 125-07-710-001 & 125-08-322-001
Name of Property Owner: Spring Mtn Ranch LLC
Name of Applicant: D.R. Horton, 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): _____

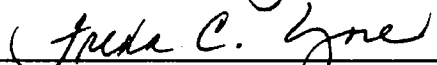
APN: _____

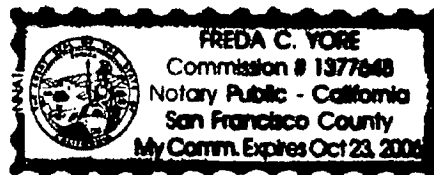
Signature of Property Owner/Authorized Agent: 

Print Name: Erik Lassar

Subscribed and sworn before me

This 27th day of May, 2004


Notary Public in and for said County and State



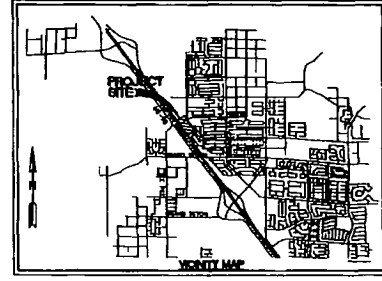
DATE	BY	APP.	DESCRIPTION
06/29/04	DCL		DRAWING
07/19/04	DCL		REVISION

RANCHERS
A Division of CH2M HILL
SPRING MOUNTAIN TWILIGHT
SITE PLAN

DATE:	06/29/04
DRAWN BY:	DCL
DESIGNED BY:	DCL
CHECKED BY:	DCL
PROJECT NO.:	DRH0405
SHEET:	SP-1
OF:	2

SITE PLAN FOR SPRING MOUNTAIN TWILIGHT

A.P.N. 915-08-322-001 & A.P.N. 915-07-718-001
IN THE 1/4 SECTION 16, TOWNSHIP 15 NORTH,
RANGE 10 EAST, 10TH N., CLARK COUNTY, NEVADA



NOTE:

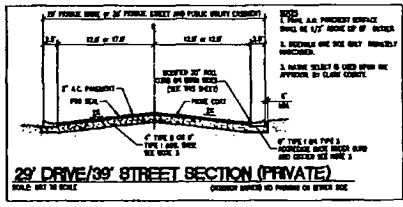
- ALL ON-SITE FUTURE DRIVE ARE SHOWN IN DASHED LINES.
- ALL PUBLIC DRIVEWAYS ARE SHOWN IN SOLID LINES.
- THESE ARE NO EXISTING PHYSICAL FEATURES OR STRUCTURES ON THIS SITE.
- THESE ARE NO PROPOSED RESERVATIONS OR DESIGNATIONS FOR PARKS, RECREATION OR OTHER PUBLIC OR QUASI-PUBLIC USES.
- THIS IS A RECREATIONAL PLANNED DEVELOPMENT.
- THESE ARE NO EXISTING OR PROPOSED EXISTING DRIVEWAYS.
- ALL INTERSECTIONS SHOWN OF DRIVEWAYS ARE SHOWN IN DASHED LINES.
- THE PROPOSED SITE SHALL NOT HAVE EXISTING EXISTING DRIVEWAYS.

DEVIATION FROM STANDARDS

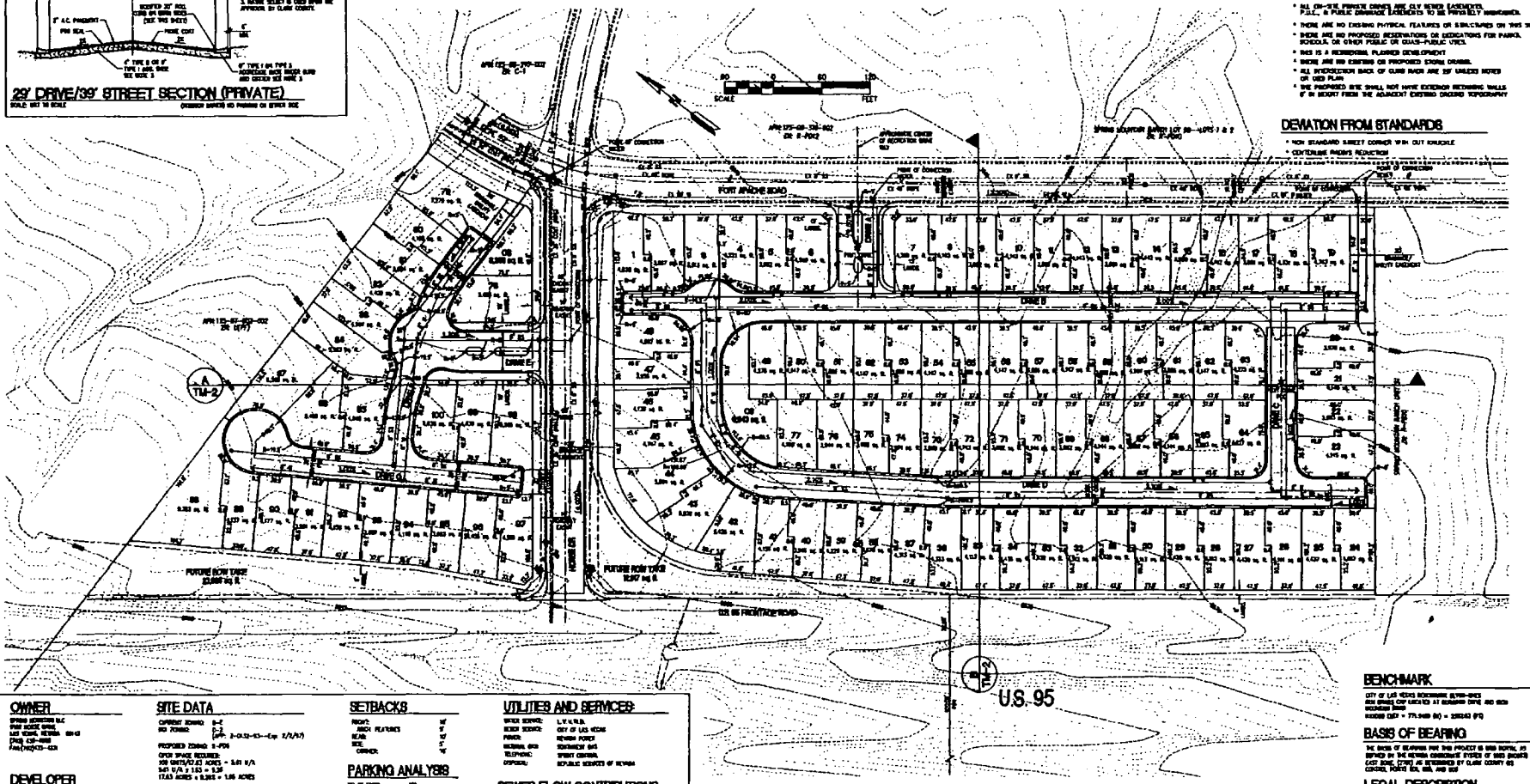
NON STANDARD STREET CORNER WITH OUT KURKULE



**TYPICAL LOTS
N.T.S.**



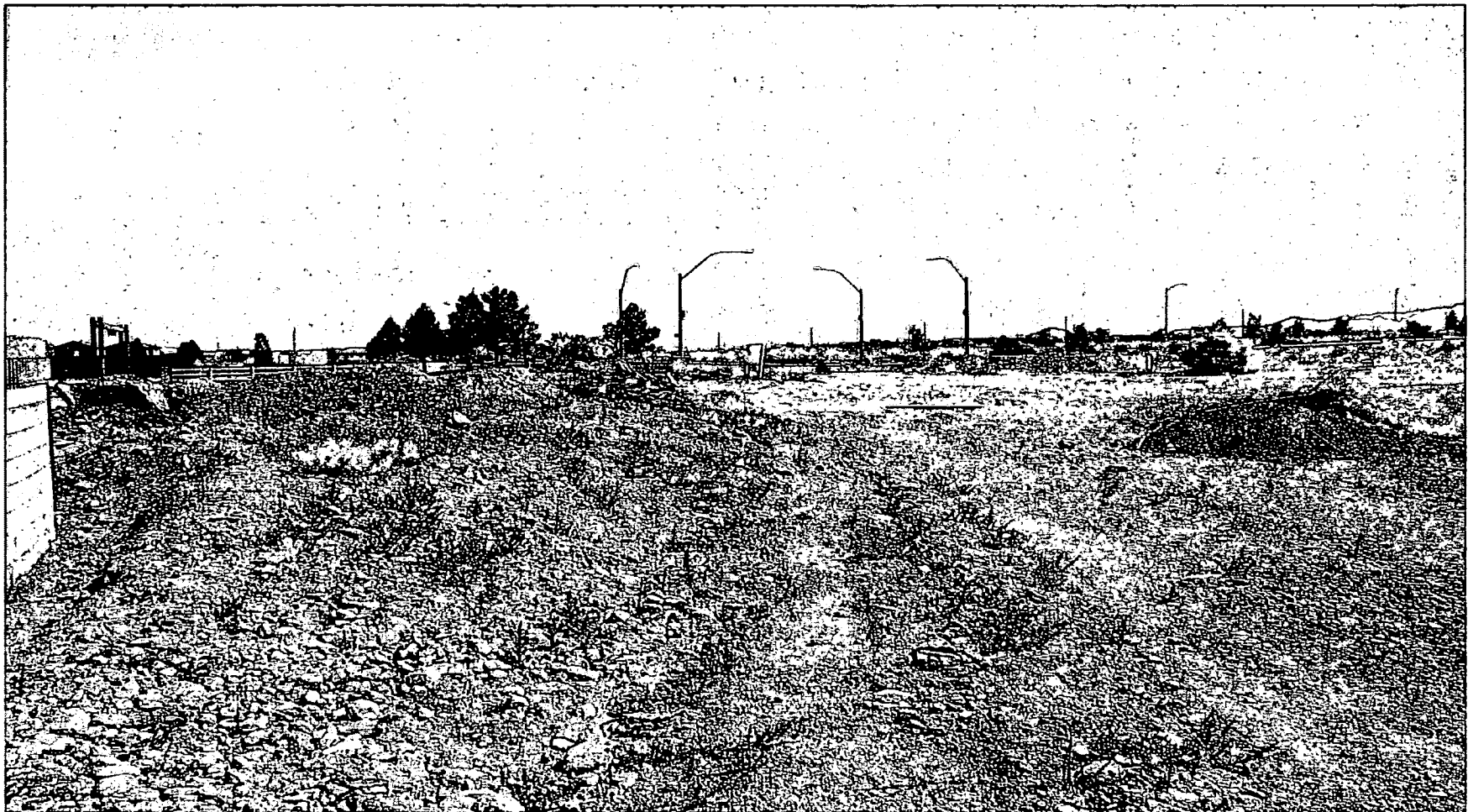
29 DRIVE/39 STREET SECTION (PRIVATE)



OWNER SPRING MOUNTAIN TWILIGHT 1410 S. JAVILE STREET, SUITE 100 LAS VEGAS, NV 89101 PHONE (702) 735-3300 FAX (702) 735-3301	SITE DATA OWNER: SPRING MOUNTAIN TWILIGHT NO. OF LOTS: 1,000 PROPOSED ZONING: R-100 OVER SHADE REQUIRED: 100,000 SQ. FT. (100,000 SQ. FT. / 100,000 SQ. FT. = 1.0) TOTAL AREA: 1,000,000 SQ. FT. (1,000,000 SQ. FT. / 1,000,000 SQ. FT. = 1.0) OVER SHADE PROVIDED: 100,000 SQ. FT. (100,000 SQ. FT. / 100,000 SQ. FT. = 1.0)	SETBACKS FRONT: 10 FT. SIDE: 10 FT. REAR: 10 FT. CORNER: 10 FT.	UTILITIES AND SERVICES WATER: CITY OF LAS VEGAS SEWER: CITY OF LAS VEGAS GAS: CITY OF LAS VEGAS TELEPHONE: SPRINT CABLE: SPRINT RECREATION: SPRINT
DEVELOPER S. J. HILL 1410 S. JAVILE STREET, SUITE 100 LAS VEGAS, NV 89101 PHONE (702) 735-3300 FAX (702) 735-3301	PARKING ANALYSIS NO. OF CARS: 100 PARKING PROVIDED: 100 SPACES REMARKS: 100 SPACES = 100 SPACES	SEWER FLOW CONTRIBUTIONS PARKING ONLY: 100 GPD PARK ONLY: 100 GPD PARK ONLY: 100 GPD	

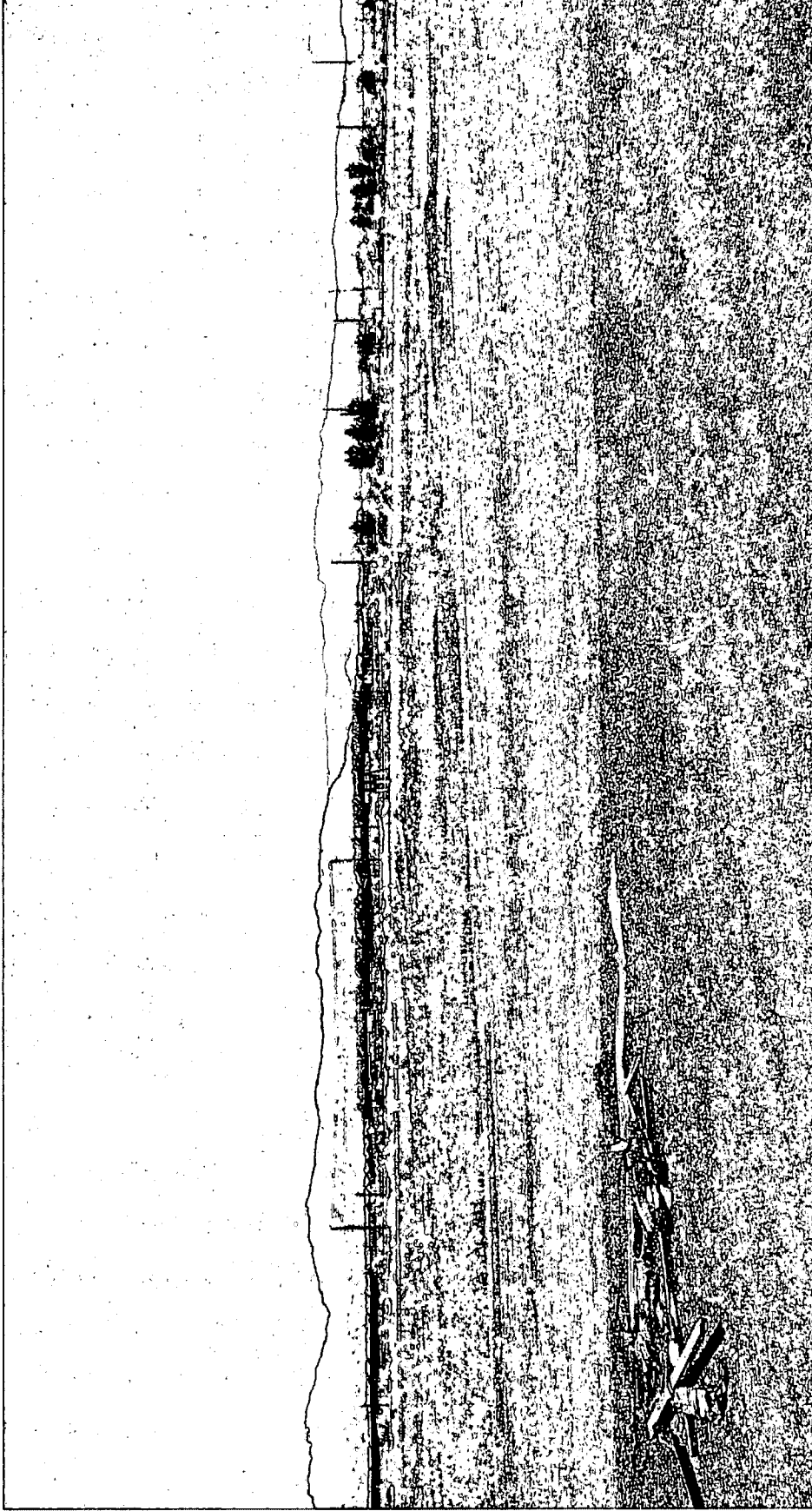
REVISED
7-19-04

SDR-4641
VAR-4642
7-22-04 PC



VAR-4642 - APPLICANT: D.R. HORTON, INC. - OWNER: SPRING MOUNTAIN RANCH, LIMITED
LIABILITY COMPANY
SOUTHWEST CORNER OF HORSE DRIVE AND FORT APACHE ROAD
JULY 22, 2004 PLANNING COMMISSION

6/29/04



VAR-4642 - APPLICANT: D.R. HORTON, INC. - OWNER: SPRING MOUNTAIN RANCH, LIMITED
LIABILITY COMPANY
SOUTHWEST CORNER OF HORSE DRIVE AND FORT APACHE ROAD
JULY 22, 2004 PLANNING COMMISSION

6/29/04

Aug. 12, 2004

Dear City Council,

I object to D.R. Horton, Inc. request for a variance to allow zero open space where 1.65 Acres are required at S.W. corner of Horse Drive and Fort Apache Road.

We are in dire need of open space. I believe D.R. Horton should also be required to pay the Residential Construction Tax that other builders paid in this area in order to save our 7.12 acre park at Horse Drive and Raul, (Fort Apache). Please help us save our park and open space.

Sincerely,

Marla Hubbard
8321 Tilted Cart St
Las Vegas, NV
89143
(702) 395-4943

Protest

RECEIVED
CITY CLERK

2004 AUG 13 A 7:54

Submitted after final agenda

Date 8/13/04 Item #143

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT**CITY COUNCIL MEETING OF: AUGUST 18, 2004****DEPARTMENT: PLANNING & DEVELOPMENT****DIRECTOR:****ROBERT S. GENZER**☐**CONSENT**☒**DISCUSSION****SUBJECT:**

SITE DEVELOPMENT PLAN REVIEW RELATED TO GPA-4634, ZON-4640 AND VAR-4642 - PUBLIC HEARING - SDR-4641 - APPLICANT: D.R. HORTON, INC. - OWNER: SPRING MOUNTAIN RANCH, LIMITED LIABILITY COMPANY - Request for a Site Development Plan Review FOR A 100 LOT RESIDENTIAL DEVELOPMENT on 17.83 acres adjacent to the southwest corner of Horse Drive and Fort Apache Road (APN 125-07-710-001 and 125-08-322-001), R-E (Residence Estates) and C-2 (General Commercial) Zones [PROPOSED: R-PD6 (Residential Planned Development - 6 Units Per Acre)], Ward 6 (Mack). The Planning Commission (3-2-1 vote) and staff recommend DENIAL

PROTESTS RECEIVED BEFORE:**Planning Commission Mtg.****1****City Council Meeting****0****APPROVALS RECEIVED BEFORE:****Planning Commission Mtg.****1****City Council Meeting****0****RECOMMENDATION:**

The Planning Commission (3-2-1 vote) and staff recommend DENIAL.

BACKUP DOCUMENTATION:

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

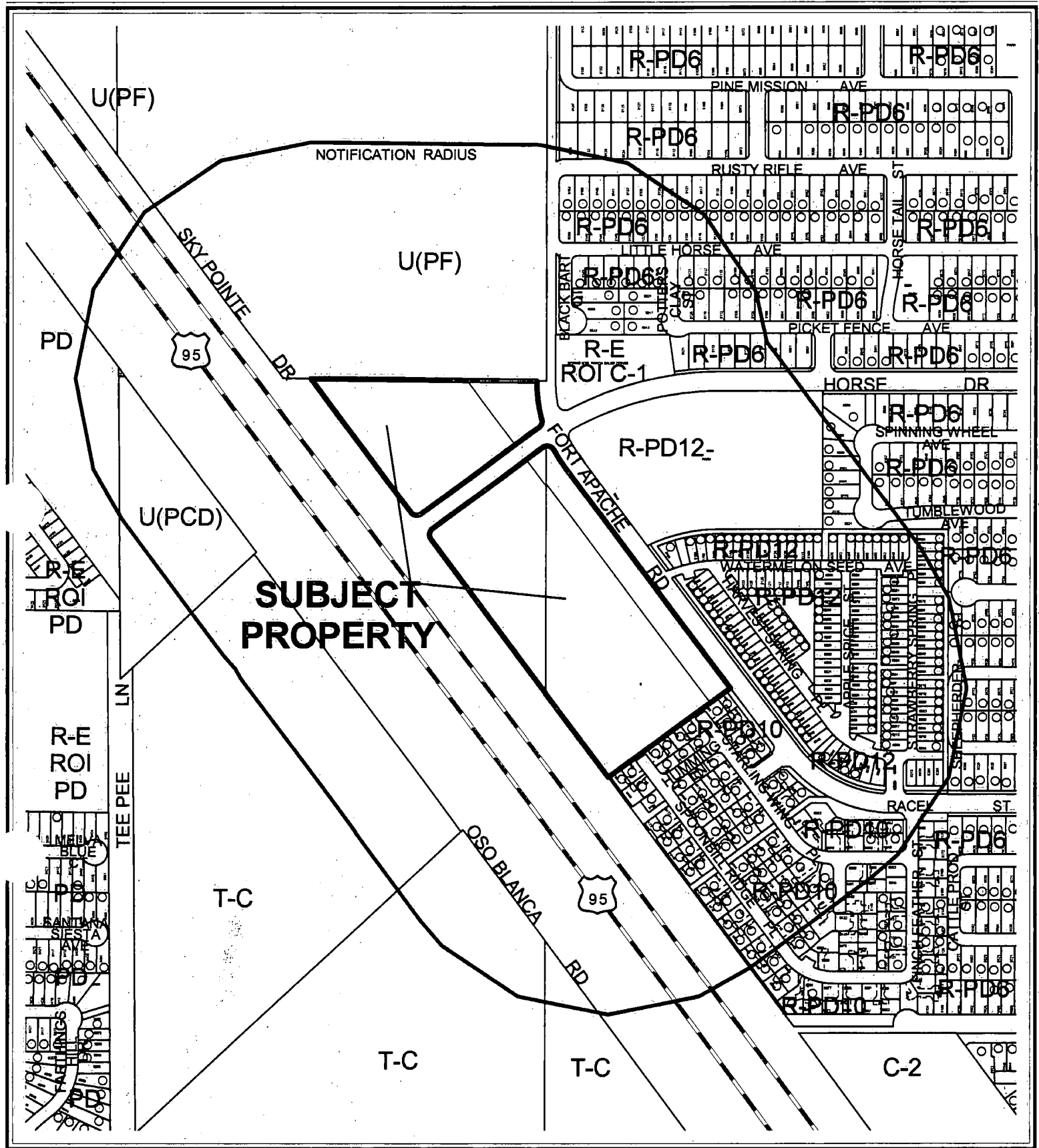
MOTION:

REESE - Motion to STRIKE Item 86 [1710 E. Charleston Boulevard] and Item 89 [224 W. Philadelphia Avenue], HOLD IN ABEYANCE Item 93 [DIR-4797], Item 117 [ZON-4368], Item 118 [VAC-4420], Item 119 [SDR-4370], Item 141 [GPA-4634], Item 142 [ZON-4640], Item 143 [VAR-4642] and Item 144 [SDR-4641] to 9/1/2004; Item 102 [MOD-4615], Item 103 [ZON-4616], Item 104 [SDR-4617], Item 112 [SUP-4592], Item 113 [SUP-4593], Item and 114 [SUP-4594] to 9/15/2004 - UNANIMOUS

MINUTES:

COUNCILMAN MACK requested Item 102 [MOD-4615], Item 103 [ZON-4616] and Item 104 [SDR-4617] be held in abeyance to the City Council meeting of 9/15/2004 as he did not have the opportunity to meet with the applicant. He further indicated that DR Horton asked that Item 141 [GPA-4634], Item 142 [ZON-4640], Item 143 [VAR-4642] and Item 144 [SDR-4641] be abeyed to the 9/1/2004 City Council meeting. In addition, he asked that Item 117 [ZON-4368], Item 118 [VAC-4420] and Item 119 [SDR-4370] be held to the 9/1/2004 City Council meeting in order that setback issues could be discussed between the developer and the community.

(1:04 - 1:10)



CASE: SDR-4641

RADIUS: 750 FT

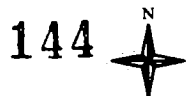
ZONING OF SUBJECT PROPERTY:

R-E (RESIDENCE ESTATES) AND C-2 (GENERAL COMMERCIAL)

PROPOSED ZONING OF SUBJECT PROPERTY:

R-PD6 (RESIDENTIAL PLANNED DEVELOPMENT - 6 UNITS PER ACRE)

0 300 600 Feet



AGENDA MEMO

CITY COUCL MEETING DATE: AUGUST 18, 2004

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: SDR-4641: APPLICANT: D.R. HORTON, INC.- OWNER:
SPRING MOUNTAIN RANCH, LIMITED LIABILITY COMPANY**

**** CONDITIONS ****

The Planning Commission (3-2-1 vote) and staff recommend DENIAL. If Approved, subject to:

Planning and Development

1. At such time of the right-of-way (along Sky Pointe Drive and Horse Drive) taking the required perimeter landscaping shall be provided along the newly established property lines of the subject parcels.
2. No turf shall be permitted in the non-recreational common areas, such as medians and amenity zones in this development.
3. Approval of and conformance to the Conditions of Approval for Rezoning (ZON-4640) and Variance (VAR-4642).
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. All development shall be in conformance with the site plan date stamped July 19, 2004 for a maximum of 100 units and building elevations, except as amended by conditions herein.
6. The setbacks for this development shall be 10 feet to the front of the garage and house as measured from back of sidewalk or from back of curb if no sidewalk is provided, 9 feet to the front architectural features, 5 feet on the side, 10 feet on the corner side, and 15 feet in the rear.
7. Air conditioning units shall not be mounted on rooftops
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. The landscape 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 landscape planter areas to match the submitted site plan and to reflect minimum 24-inch box shade trees planted a maximum of 30 feet on-center with shrubs, vines and ground cover.

11. 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.
12. All City Code requirements and design standards of all City departments must be satisfied.

Public Works

13. Gated entries shall be designed, located and constructed in accordance with Standard Drawing #222a.
14. 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.
15. 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.
16. Coordinate with the Clark County School District to discuss issues related to pedestrian access.
17. Site development to comply with all applicable conditions of approval for ZON-4640 and all other subsequent site-related actions.
18. The final layout of the subdivision shall be determined at the time of approval of the Tentative Map.
19. The approval of all Public Works related improvements shown on this Site Development Plan Review is in concept only. Specific design and construction details relating to size, type and/or alignment of improvements, including but not limited to street, sewer and drainage improvements, shall be resolved prior to submittal of a Tentative Map or construction drawings, whichever may occur first. No deviations from adopted City Standards shall be allowed unless specific written approval for such is received from the City Engineer prior to the submittal of a Tentative Map or construction drawings, whichever may occur first. We note that non-standard private street/private drive intersections are proposed within this subdivision.

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

The applicant is requesting approval of a Site Development Plan Review for a proposed 103-lot single-family residential subdivision on 17.83 acres located adjacent to the southwest corner of Horse Drive and Fort Apache Road.

B) Applicant's Justification

The applicant presents no clear justification regarding the site development plan review, but does state that they are providing 10 feet of landscaping along Fort Apache Road and Horse Drive, as well as a 6-foot landscape buffer along the US 95 frontage road (Sky Pointe Drive).

BACKGROUND INFORMATION

A) Previous Actions

- | | |
|----------|---|
| 03/06/91 | The City Council approved a Rezoning (Z-0072-90) application for the Reclassification of Property to R-PD3 (Residential Planned Development – 3 Units Per Acre), R-PD6 (Residential Planned Development – 6 Units Per Acre), R-PD12 (Residential Planned Development – 12 Units Per Acre), and C-1 (Limited Commercial). Planning Commission recommended denial. Staff recommended approval. |
| 01/13/94 | The City Council approved a Rezoning (Z-0132-93) application for the Reclassification of Property located on the east side of Rancho Drive, between Ackerman Avenue and Iron Mountain Road, from: C-2 (General Commercial) and R-E (Residence Estates), TO: R-PD3 (Residential Planned Development), R-PD6 (Residential Planned Development), R-PD12 (Residential Planned Development) and C-1 (Limited Commercial). Planning Commission and staff both recommended approval. |
| 07/22/04 | The Planning Commission recommended denial of related items (GPA-4634, ZON-4640 and VAR-4642). |
| 07/22/04 | The Planning Commission voted 3-2-1 to recommend DENIAL (PC Agenda Item #43-PL) |

B) Pre-Application Meeting

05/27/04 A pre-application conference was held, in which no comments concerning the site development plan review application were made.

C) Neighborhood Meetings

06/22/04 Four people attended the meeting, with no comment.

DETAILS OF APPLICATION REQUEST

Site Area: 17.83 Acres

EXISTING LAND USE

Subject Property	Vacant
North	Vacant
South	Single Family Residences
East	Private Park, Single Family Residences, Vacant
West	U.S. 95, Vacant

PLANNED LAND USE

Subject Property	SC (Service Commercial)
North	PF (Public Facilities)
South	SC (Service Commercial)
East	SC (Service Commercial)
West	ROW (Right-of-Way) TC (Town Center) PCD (Planned Community Development)

EXISTING ZONING

Subject Property	C-2 (General Commercial) R-E (Residence Estates) under Resolution of Intent to C-1 (Limited Commercial)
North	U (Undeveloped) [PF (Public Facilities) General Plan Designation]
South	R-PD10 (Residential Planned Development – 10 Units Per Acre)
East	R-PD12 (Residential Planned Development – 12 Units Per Acre)
West	ROW (Right-of-Way) TC (Town Center) U (Undeveloped) [PCD (Planned Community Development) General Plan Designation]

E) General Plan Compliance

The subject site is composed of two parcels, both of which are designated SC (Service Commercial) within the Centennial Hills Sector Interlocal Land Use Map of the General Plan. The Service Commercial category allows low to medium intensity retail, office, or other commercial uses that serve primarily the local area patrons and do not include more intense general commercial characteristics. Examples include neighborhood shopping centers, theaters, bowling alleys and other places of public assembly and public and semi-public uses. This category also includes offices either individually or grouped as office centers with professional and business services. The site development plan does not conform to the General Plan as currently designated.

<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 subject site is part of the Spring Mountain Ranch Overall Master Development Plan (Z-0132-93), which has designated the location in question as a business park.

PROJECT DESCRIPTION

The proposed project is a 100-unit Z-lot configured single-family residential subdivision on 17.83 acres located adjacent to the southwest corner of Horse Drive and Fort Apache Road. Horse Drive, an 80-foot Secondary Collector as defined and depicted Master Plan of Streets and Highways, separates the subject parcels that compose the proposed residential subdivision. The northern portion of the subject site will have access to Horse Drive. The southern portion of the subject site will have access from Fort Apache Road. Both streets are 80-foot Secondary Collectors as defined and depicted Master Plan of Streets and Highways.

The proposed subdivision will consist of lots ranging from approximately 3,700 to 9,362 square feet, which results in a density of 5.61 units per acre. Based on R-PD standards such a density would require 1.65 acres of open space to be supplied for the purpose of public use or enjoyment. The supplied site plan indicates .33 acres of open space scattered through the proposed subdivision by means of common lots, which range in size from 1,802 square feet to 7,372 square feet. However only two of the four common lots depicted could be considered as viable open space meanwhile the other common lots show no signs of being usable open space for the purpose of public use or enjoyment.

The models being presented consist of only two story buildings, roughly 27 feet in height. Four different floor plans for are being presented ranging in square footage from 1,800 to 2,400 square feet. Of the four models two contain options for patio covers, and one contains an option for a balcony/deck. Each model has the option between two different elevations.

The proposed landscaping meets the requirements of Title 19. It must be noted that there exists a future right-of-way taking along the western portion of the subject site. As a result the landscaping being provided along said frontage will in the future have to be relocated to the future property line. Therefore, it will be recommended that at such time of the right-of-way taking the required landscaping be provided along the newly established property lines of the subject parcel.

ANALYSIS

A) Zoning Code Compliance

A1) Development Standards

Pursuant to Title 19.06, Development Standards for an R-PD (Residential Planned Development) zoning district are established at the time of Site Development Plan Review. The applicant is proposing the following development standards:

Standards	Proposed	Acceptable
Min. Setbacks		
• Front to House	10 Foot	Y
• Front to Arch. Feature	9 Foot	Y
• Side	5 Foot	Y
• Corner	10 Foot	Y
• Rear	15 Foot	Y
Building Height	2 Stories/ 35-Feet	

The proposed lot sizes, setbacks and building height are appropriate for a residential project of this nature.

A4) Landscape and Open Space Standards

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

Standards	Required		Provided
	Ratio	Trees	
Buffer:			
• Min. Trees	1 Trees/ 30 Linear Feet	124 Trees	136+
• Min. Zone Width	6 Feet		Yes

The proposed landscaping meets the requirements set forth by Title 19.12.

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
17.83 acres	5.61	1.65	9.26%	71,874 SF	1.88%	14,566 SF

The proposed development does not meet the amount of open space required for a R-PD (Residential Planned Development) zoning district. A variance (VAR-4642) has been filed with this application to allow for a reduction in the required open space and will be discussed in the before mentioned case file.

B) General Analysis and Discussion

- Zoning

The proposed rezoning is not appropriate for this location. These parcels were designated to accommodate a future business park within the Spring Mountain Ranch Master Development Plan; these types of commercial services will be needed to meet the needs of future residents of the area.

- Site Plan

The proposed site plan indicates a 100-lot Z-lot configured single-family residential subdivision on 17.83 acres located adjacent to the southwest corner of Horse Drive and Fort Apache Road. The proposed subdivision will consist of lot sizes ranging from approximately 3,700 to 9,362 square feet, which results in dwelling Units Per Acre (DUA) of 5.61. The proposed site plan indicates that Horse Drive splits the subdivision. The northern portion of the subject site will have access to Horse Drive; the southern portion of the subject site will have access from Fort Apache Road. Both streets are 80-foot Secondary Collectors as defined and depicted Master Plan of Streets and Highways. The site plan illustrates a five-foot sidewalk abutting a six-foot landscape planter that runs the entire perimeter of the parcels.

The site plan for the site fails to illustrate the required amount of open space, as dictated by Title 19.06. Per the Residential Planned Development standards a development with 100 lots would require 1.65 acres of open space. The supplied site plan indicates that the development will provide .33 acres of open space, composed of four common lots ranging in size from 1,208 square feet to 7,372 square feet. However only two of the four common lots depicted could be considered as viable open space.

- Waivers

The proposed development requires a variance for the lack of provided open space, which is a companion item on this agenda. The variance does not meet the standards for granting a variance.

- Landscape Plan

The landscape plan indicates the use of 24-inch box Purple leaf Plum, Live Oak, Flowering Chitalpa, Wilson Olive, Mondell Pine, Desert Willow, Thornless Argentine Mesquite, Shoestring Acacia trees 30 feet on center along Sky Pointe Drive, Horse Drive, and Fort Apache Road, accompanied by 4 5-gallon shrubs per tree. The future right-of-way taking along Sky Pointe Drive will require the provided landscaping to be relocated to the new property line, once the new boundaries are drawn. Therefore, it will be recommended that at such time of the right-of-way taking the required landscaping be provided along the newly established property lines of the subject parcel.

- Elevation

The models being presented consist of only two story buildings, roughly 27 feet in height. Of the four models two contain options for patio covers, and one contains an option for a balcony/deck. Each model has the option between two different elevations.

- Floor Plan

Four different floor plans for are being presented ranging in square footage from 1,800 to 2,400 square feet.

FINDINGS

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

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

The proposed development is not compatible with the surrounding area. The Spring Mountain Ranch Master Development Plan has designated this site for commercial uses. Any change in that plan would be incompatible with the surrounding planned area and shift the commercial elsewhere.

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

The proposed development does not advance the Goals, Objectives and Policies of the General Plan. As future business and commercial uses become necessary as the northwest area continues to grow, they may need to be located in areas outside of Town Center if additional commercially designated lands continue to be converted to residential uses. This is contrary to Plan policies to have all commercial properties located in Town Center.

The request does not meet the open space standards of the Code. Should the companion General Plan Amendment, Rezoning and Variance applications be approved, this site development plan would still be contrary to Title 19.06.040 (A), which states: "the R-PD district is intended to provide for flexibility and innovation in residential development, with emphasis on enhanced residential amenities, efficient utilization of open space, the separation of pedestrian and vehicular traffic and homogeneity of land use patterns. "Single-Family Residential development, at a density of 5.26 dwelling units per gross acre,

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

The subject site can be accessed from Fort Apache Road and Horse Drive, 80-foot Secondary Collectors as defined and depicted Master Plan of Streets and Highways. The future development of the US 95 frontage road (Sky Pointe Drive, will impact the flow of traffic along Horse Drive and could possibly create an access problem for the northern portion of the proposed development. Additionally, the increased number of residential dwellings will increase the number of daily trips traveled within the Spring Mountain Ranch community, especially since residents will have to go outside of the planned area to access commercial services.

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

Building and landscape materials are appropriate for the greater Las Vegas Valley area as desert building tones and indigenous landscape materials are proposed.

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;"**

Each of the four models has two optional elevations that will create visual interest and an aesthetically pleasing environment. All buildings are proposed to be two stories that will create conformity within the subdivision and allow for appropriate densities.

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

Development, including any grading, on and off-site improvements, and building plans are required to receive approval from the Department of Public Works and the Building and Safety Department prior to any construction or development on the property. In addition, the proposed development will be subject to inspections by various City Departments that will secure and protect the public health, safety and general welfare.

PLANNING COMMISSION ACTION

There were 2 speakers, one in favor and one opposed at Planning Commission.

NOTICES MAILED 298

APPROVALS 0

PROTESTS 0



PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: SDR-4641 APN: _____

Name of Property Owner: Spring Mountain Ranch LLC

Name of Applicant: D.R. Horton, 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: _____

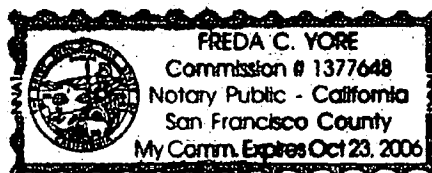
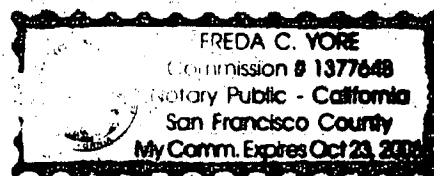
Signature of Property Owner/Authorized Agent: Erik Lassar

Print Name: Erik Lassar

Subscribed and sworn before me

This 27th day of May, 2004

Freda C. Yore
Notary Public in and for said County and State



(B) RAILING DETAIL
SCALE 1/4" = 1'-0"

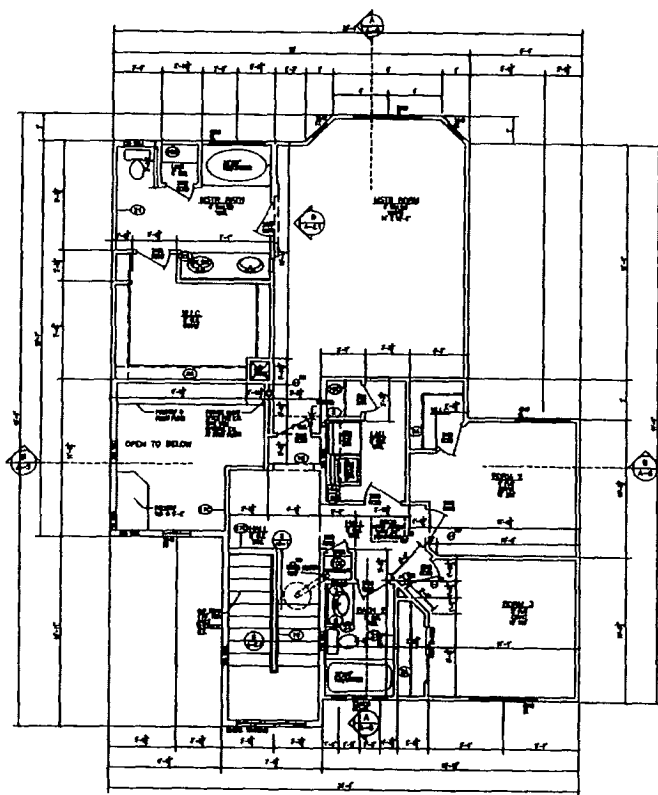
(A) ARCH DETAIL
SCALE 1/4" = 1'-0"

ADDITIONAL NOTES

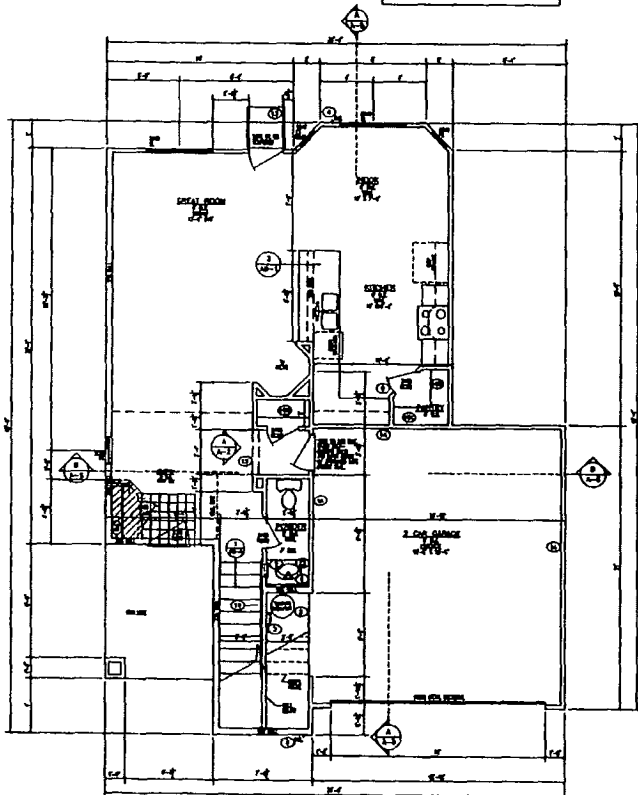
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□ SECOND FLOOR PLAN
SCALE 1/4" = 1'-0"



□ FIRST FLOOR PLAN
SCALE 1/4" = 1'-0"

GENERAL NOTES

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SQUARE FOOTAGE

LIVING: FIRST FLOOR	- 700 S.F.
SECOND FLOOR	- 1001 S.F.
TOTAL	- 1701 S.F.
GARAGE:	- 414 S.F.

LARRY TINDALL
RESIDENTIAL DESIGNER
1531 E. RUSSELL RD., SUITE C
LAS VEGAS, NEVADA 89120
OFFICE: (702) 597-5597
FAX: (702) 597-5598

1800 PLAN • TWILIGHT
DR. HORTON, INC.

1800 PLAN • TWILIGHT
DR. HORTON, INC.

DATE	7-1-03
FILE NAME	1800 PLAN
DATE	7-1-03
SHEET NUMBER	A-2
FLOOR PLAN	

SDR-4641
7-22-04 PC

LARRY TINDAL
RESIDENTIAL DESIGNER
3531 E. RUSSELL RD., SUITE G
LAS VEGAS, NEVADA 89120
OFFICE-(702)597-5597
FAX-(702)597-5598

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KEYNOTES

① * **RESEARCHERS ARE SETTING OFFSHORE ON A**
"RESEARCH VESSEL" IN THE "GULF OF MEXICO" TO
"STUDY THE EFFECTS OF OIL SPILLS ON THE
"ECOLOGY OF THE GULF OF MEXICO".

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<u>SQUARE FOOTAGE</u>		
UNWG:	FIRST FLOOR	- 1045 S.F.
	SECOND FLOOR	- 955 S.F.
	<u>TOTAL</u>	<u>- 2,000 S.F.</u>
GARAGE:		- 435 S.F.

This is a detailed architectural floor plan of the second floor. The plan shows a complex arrangement of rooms and corridors. Key features include:

- Entrance:** Located at the top center, with a set of stairs leading down.
- Central Hall:** A large open area in the center, with a staircase leading up.
- Rooms:** Various rooms of different sizes, some with furniture like desks and chairs. Some rooms are labeled with numbers in circles.
- Corridors:** A network of corridors connecting the various rooms.
- Dimensions:** Numerous dimensions are provided throughout the plan, indicating the size of rooms and corridors.
- Structural Elements:** Walls, doors, and windows are clearly marked.
- Orientation:** The plan is oriented with the entrance at the top.

☐ SECOND FLOOR PLAN

<u>SQUARE FOOTAGE</u>		
UNWG:	FIRST FLOOR	- 1045 S.F.
	SECOND FLOOR	- 955 S.F.
	<u>TOTAL</u>	<u>- 2,000 S.F.</u>
GARAGE:		- 435 S.F.

[illegible]

GENERAL NOTES

1. **STANDARD SPECIFICATIONS** are located at the end of the book.
2. **STANDARD SPECIFICATIONS** are located at the end of the book.
3. **STANDARD SPECIFICATIONS** are located at the end of the book.
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6. **STANDARD SPECIFICATIONS** are located at the end of the book.
7. **STANDARD SPECIFICATIONS** are located at the end of the book.
8. **STANDARD SPECIFICATIONS** are located at the end of the book.
9. **STANDARD SPECIFICATIONS** are located at the end of the book.
10. **STANDARD SPECIFICATIONS** are located at the end of the book.

[illegible]

THE UNIVERSITY OF CHICAGO PRESS

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THE NEW YORK PUBLIC LIBRARY
ASTOR LENOX TILDEN FOUNDATIONS
155 E. 42ND STREET
NEW YORK 17, N.Y.

WILLIAMSON BROTHERS COMPANY.

Q WHAT DOES THE SMALL BOX AT THE END OF EACH LINE MEAN?

42 (1) 17" 1000".

Q (4) "I would really prefer
to go to the second class room.
Q (5) "I would really prefer
to go to the second class room."

a) $2^x \cdot 2^y = 2^{x+y}$
 b) $17^x \cdot 17^y = 17^{x+y}$
 c) $1000 \cdot 1000 = 10^3 \cdot 10^3 = 10^6$

10 ПОДАРИТЕ СЕ 7-ИМ АУГ. - УПРИМИ НАМА
 11 ПОДАРИТЕ СЕ 8-ИМ АУГ. - УПРИМИ НАМА

Q. $\rho_{\text{cylinder}} = \rho_{\text{cylinder}} \left(\frac{1}{r} \right) \text{ mm} = 10 \frac{1}{r} \text{ mm}$
 (for $\rho_{\text{cylinder}} = 8-10 \text{ mm}$)

7. A Y COMPANY FROM U.S.A.
8. THE COMPANY'S BUSINESS WILL GROW?
9. THE Y COMPANY

- IMPROVE in future years of practice by a specific plan, not necessarily tied to a specific year.

THESE ARE THE ONLY TWO BOOKS IN THE SERIES THAT ARE AVAILABLE IN PAPERBACK.

[illegible]

• **POSSIBLE REASON FOR THE LOSS OF A PATENT**
 A patent can be lost if the inventor does not file a patent application within the required time period.

[illegible]

a) $\frac{1}{\sqrt{2}}$
b) $\frac{1}{\sqrt{3}}$
c) $\frac{1}{\sqrt{6}}$
d) $\frac{1}{\sqrt{8}}$

Q. What about the other two?

Q. Now, did you find that the defendant was not in the car at the time of the shooting?

THEY WILL BE MADE IN FULLNESS OF
THEIR OWNERSHIP.

...the ... of ...

其後又有一人，名曰張三，亦係某處之紳士也。其人素行端正，不事浮華，惟好讀書，尤喜研究經史。一日，偶過某書院，見一老翁，鬚眉皓白，神采奕奕，正坐於堂下，手執一卷古書，聚精會神地閱讀。張三見狀，心甚欽佩，遂上前施禮，問道：「老先生，此為何書？」

or not less than $1\frac{1}{2}$ inches tall, and be in

FOR THE YEAR 1990, THE U.S. DEPARTMENT OF AGRICULTURE HAS ESTIMATED THAT THE TOTAL U.S. SUPPLY OF WHEAT WILL BE 1.15 BILLION BUSHELS, OR 1.15 TIMES AS MUCH AS THE U.S. DEMAND FOR WHEAT.

卷之四

SQUARE FOOTAGE
LIVING: FIRST FLOOR - 1045

SECOND FLOOR - 959
TOTAL - 2,000

GARAGE: - 455

SDR-46

40-3510

At

D ARCH DETAIL

LEGAL NOTES

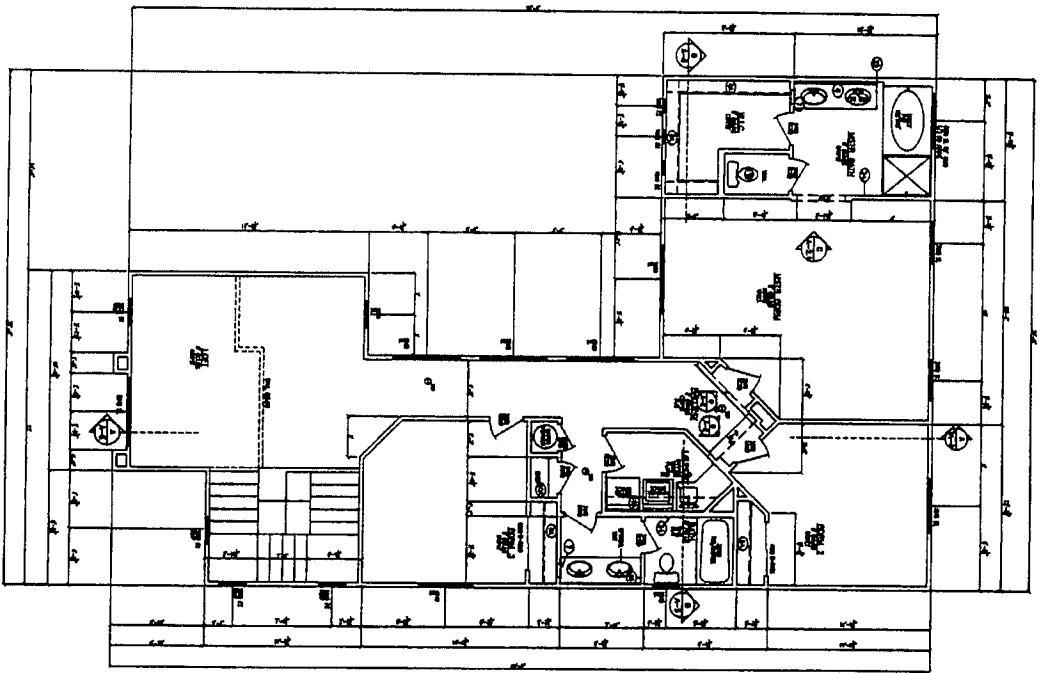
2000 PLAN • TWILIGHT
D.R. HORTON, INC.

LARRY TINDALL
RESIDENTIAL DESIGNER
3531 E. RUSSELL RD., SUITE G
LAS VEGAS, NEVADA 89120
OFFICE - (702) 597-5597
FAX - (702) 597-5598

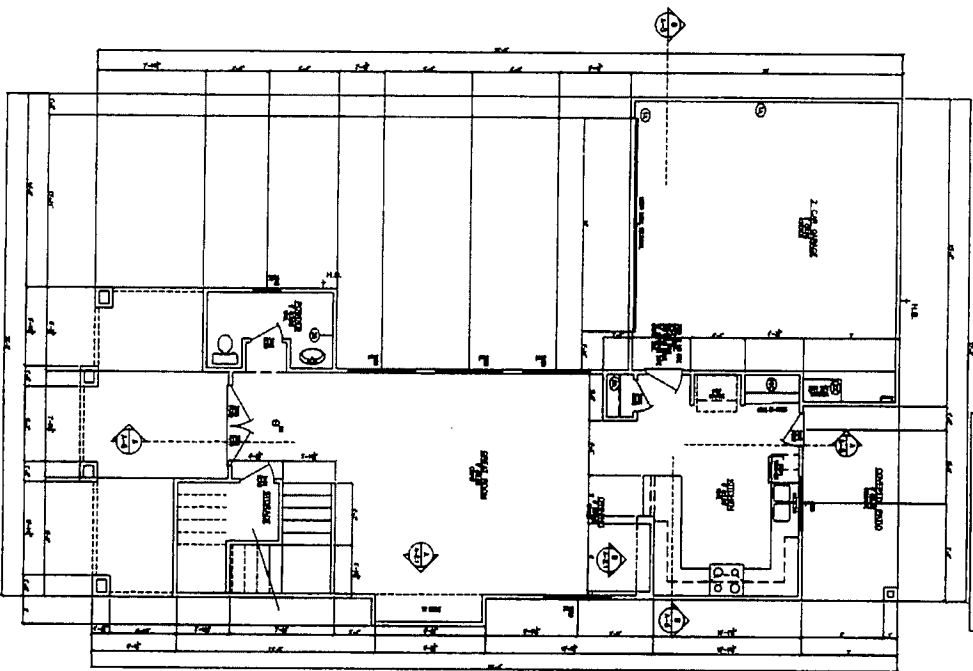
BY	DATE	REVISION	PLOT SCALE	DWG.
		A		7-4-03
		A		
		A		
		A		
		A		

BEST BLINDING
 5000 PLUM
A-21
 FLOOR PLAN

SDR-4641
7-22-04 PC



□ SECOND FLOOR PLAN



□ FIRST FLOOR PLAN

GENERAL NOTES			
1.	ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.	10.	ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
2.	ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.	11.	ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
3.	ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.	12.	ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
4.	ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.	13.	ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
5.	ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.	14.	ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
6.	ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.	15.	ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
7.	ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.	16.	ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
8.	ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.	17.	ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
9.	ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.	18.	ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.

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18. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.

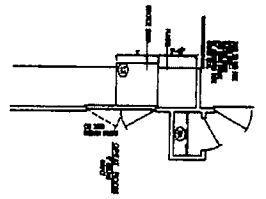
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3	REVISED	7-1-03
4	REVISED	7-1-03
5	REVISED	7-1-03
6	REVISED	7-1-03
7	REVISED	7-1-03
8	REVISED	7-1-03
9	REVISED	7-1-03
10	REVISED	7-1-03

2200 PLAN • TWILIGHT
D.R. HORTON, INC.

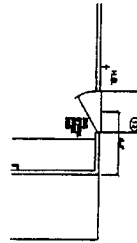


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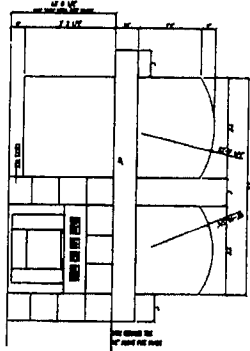
7-22-04 PC
SDR-4641



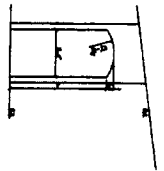
☐ **OPTIONAL FRENCH DOOR**
extra \$149



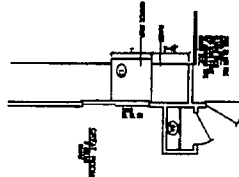
☐ OPT. GARAGE SERVICE DOOR
SEALS IN
MOON FLAT



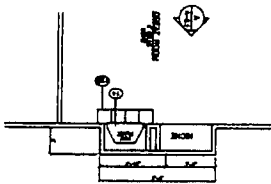
1 IV NICHE/F.P. DETAIL
FLOOR PLAN



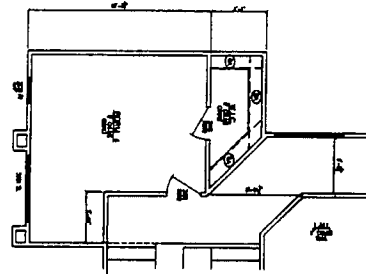
ARCH DETAIL
SCALE: 1/4" = 1'-0"
SECTION ELEVATION



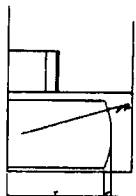
☐ **OPTIONAL SLIDER**
FORM 147



☐ **TV. NICHE OPTION**
EXTRA 10%



☐ **BEDROOM #4 OPTION**
FOUR W4



☐ ARCH DETAIL

[illegible][illegible]

- ① **MEMORIS**

- [illegible]

BY	DATE	REVISION
		△
		△
		△
		△
		△

207
 0007
 FLOOR PLAN
 DATE 7-4-00
 BY KERRY TUCKER
 A-2.1
 FLOOR PLAN

2200 PLAN • TWILIGHT
D.R. HORTON, INC.

DO NOT SCALE DRAWING



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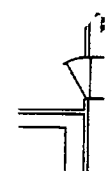
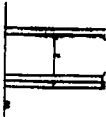
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7-22-04 PC

7-22-04 PC



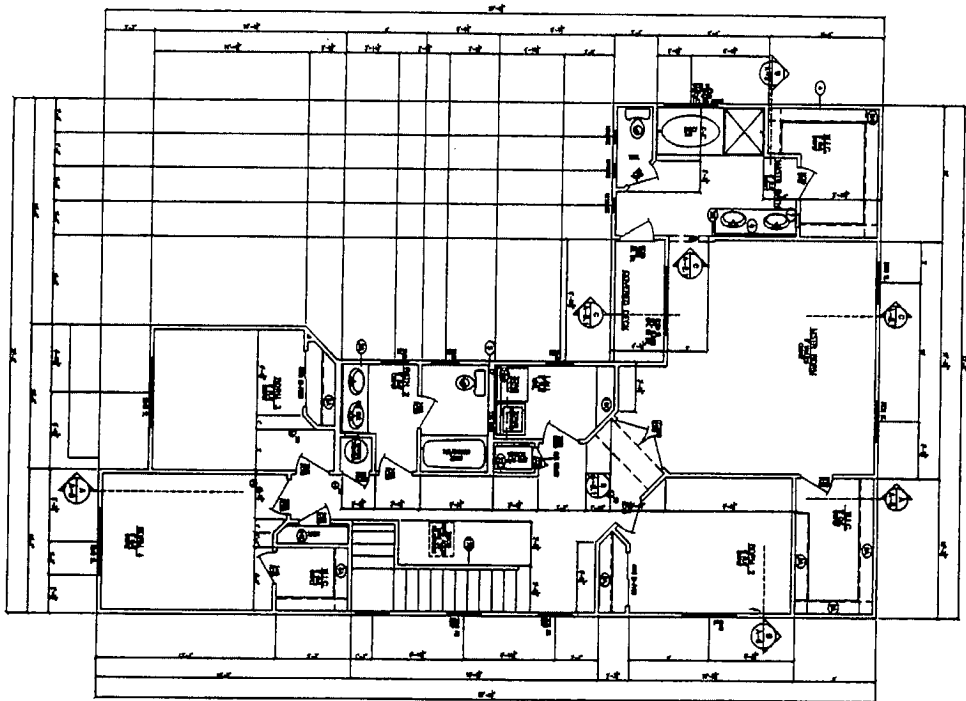
1) ARCH DETAIL
NORTH ELEVATION

2) ARCH DETAIL
NORTH ELEVATION

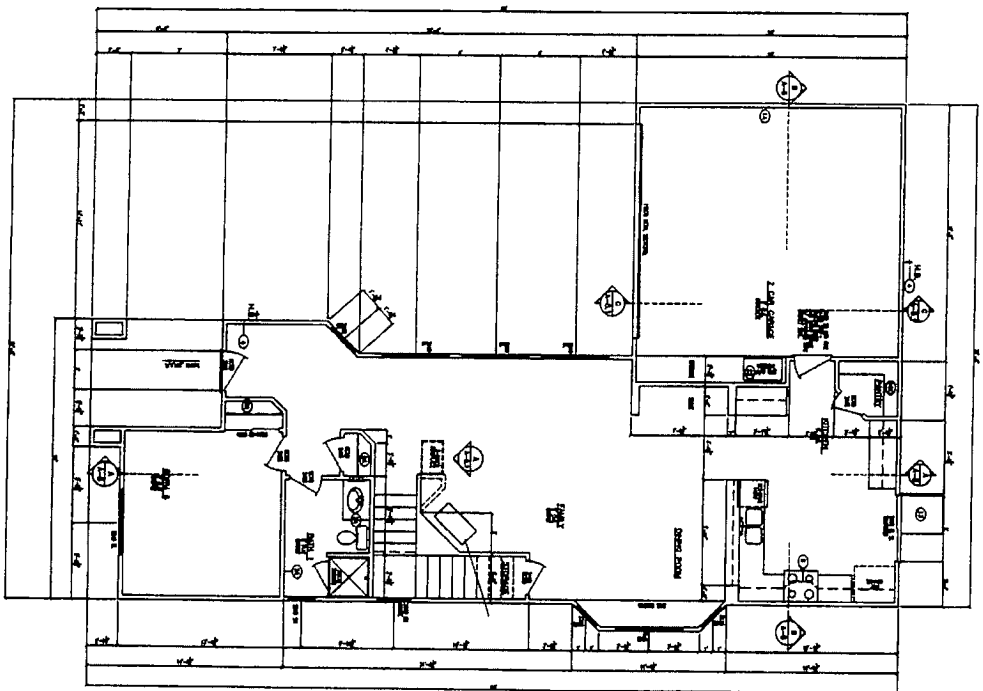
3) OPT. GARAGE SERVICE DOOR
FLOOR PLAN

ITEM	DESCRIPTION	QTY	UNIT	PRICE	TOTAL
1	CONCRETE	1	YD	1.00	1.00
2	CEMENT	1	YD	1.00	1.00
3	IRON	1	YD	1.00	1.00
4	STEEL	1	YD	1.00	1.00
5	BRICK	1	YD	1.00	1.00
6	GLASS	1	YD	1.00	1.00
7	PAINT	1	YD	1.00	1.00
8	ROOFING	1	YD	1.00	1.00
9	PLUMBING	1	YD	1.00	1.00
10	ELECTRICAL	1	YD	1.00	1.00
11	MECHANICAL	1	YD	1.00	1.00
12	LANDSCAPE	1	YD	1.00	1.00
13	CONCRETE	1	YD	1.00	1.00
14	CEMENT	1	YD	1.00	1.00
15	IRON	1	YD	1.00	1.00
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19	PAINT	1	YD	1.00	1.00
20	ROOFING	1	YD	1.00	1.00
21	PLUMBING	1	YD	1.00	1.00
22	ELECTRICAL	1	YD	1.00	1.00
23	MECHANICAL	1	YD	1.00	1.00
24	LANDSCAPE	1	YD	1.00	1.00
25	CONCRETE	1	YD	1.00	1.00
26	CEMENT	1	YD	1.00	1.00
27	IRON	1	YD	1.00	1.00
28	STEEL	1	YD	1.00	1.00
29	BRICK	1	YD	1.00	1.00
30	GLASS	1	YD	1.00	1.00
31	PAINT	1	YD	1.00	1.00
32	ROOFING	1	YD	1.00	1.00
33	PLUMBING	1	YD	1.00	1.00
34	ELECTRICAL	1	YD	1.00	1.00
35	MECHANICAL	1	YD	1.00	1.00
36	LANDSCAPE	1	YD	1.00	1.00
37	CONCRETE	1	YD	1.00	1.00
38	CEMENT	1	YD	1.00	1.00
39	IRON	1	YD	1.00	1.00
40	STEEL	1	YD	1.00	1.00
41	BRICK	1	YD	1.00	1.00
42	GLASS	1	YD	1.00	1.00
43	PAINT	1	YD	1.00	1.00
44	ROOFING	1	YD	1.00	1.00
45	PLUMBING	1	YD	1.00	1.00
46	ELECTRICAL	1	YD	1.00	1.00
47	MECHANICAL	1	YD	1.00	1.00
48	LANDSCAPE	1	YD	1.00	1.00
49	CONCRETE	1	YD	1.00	1.00
50	CEMENT	1	YD	1.00	1.00
51	IRON	1	YD	1.00	1.00
52	STEEL	1	YD	1.00	1.00
53	BRICK	1	YD	1.00	1.00
54	GLASS	1	YD	1.00	1.00
55	PAINT	1	YD	1.00	1.00
56	ROOFING	1	YD	1.00	1.00
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60	LANDSCAPE	1	YD	1.00	1.00
61	CONCRETE	1	YD	1.00	1.00
62	CEMENT	1	YD	1.00	1.00
63	IRON	1	YD	1.00	1.00
64	STEEL	1	YD	1.00	1.00
65	BRICK	1	YD	1.00	1.00
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73	CONCRETE	1	YD	1.00	1.00
74	CEMENT	1	YD	1.00	1.00
75	IRON	1	YD	1.00	1.00
76	STEEL	1	YD	1.00	1.00
77	BRICK	1	YD	1.00	1.00
78	GLASS	1	YD	1.00	1.00
79	PAINT	1	YD	1.00	1.00
80	ROOFING	1	YD	1.00	1.00
81	PLUMBING	1	YD	1.00	1.00
82	ELECTRICAL	1	YD	1.00	1.00
83	MECHANICAL	1	YD	1.00	1.00
84	LANDSCAPE	1	YD	1.00	1.00
85	CONCRETE	1	YD	1.00	1.00
86	CEMENT	1	YD	1.00	1.00
87	IRON	1	YD	1.00	1.00
88	STEEL	1	YD	1.00	1.00
89	BRICK	1	YD	1.00	1.00
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95	MECHANICAL	1	YD	1.00	1.00
96	LANDSCAPE	1	YD	1.00	1.00
97	CONCRETE	1	YD	1.00	1.00
98	CEMENT	1	YD	1.00	1.00
99	IRON	1	YD	1.00	1.00
100	STEEL	1	YD	1.00	1.00

NOTES:
1. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
2. ALL MATERIALS ARE TO BE OF THE BEST QUALITY AVAILABLE.
3. ALL WORK IS TO BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE BUILDING CODES AND SPECIFICATIONS.
4. THE OWNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND INSURANCE.
5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY UTILITIES AND RECORDS.
6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY ADJACENT PROPERTY RECORDS.
7. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY ADJACENT PROPERTY RECORDS.
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9. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY ADJACENT PROPERTY RECORDS.
10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY ADJACENT PROPERTY RECORDS.



SECOND FLOOR PLAN



FIRST FLOOR PLAN

NOTES:
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4. THE OWNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND INSURANCE.
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10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY ADJACENT PROPERTY RECORDS.

2400 PLAN • TWILIGHT
DR. HORTON, INC.

ITEM	DESCRIPTION	QTY	UNIT	PRICE	TOTAL
1	CONCRETE	1	YD	1.00	1.00
2	CEMENT	1	YD	1.00	1.00
3	IRON	1	YD	1.00	1.00
4	STEEL	1	YD	1.00	1.00
5	BRICK	1	YD	1.00	1.00
6	GLASS	1	YD	1.00	1.00
7	PAINT	1	YD	1.00	1.00
8	ROOFING	1	YD	1.00	1.00
9	PLUMBING	1	YD	1.00	1.00
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68	ROOFING	1	YD	1.00	1.00
69	PLUMBING	1	YD	1.00	1.00
70	ELECTRICAL	1	YD	1.00	1.00
71	MECHANICAL	1	YD	1.00	1.00
72	LANDSCAPE	1	YD	1.00	1.00
73	CONCRETE	1	YD	1.00	1.00
74	CEMENT	1	YD	1.00	1.00
75	IRON	1	YD	1.00	1.00
76	STEEL	1	YD	1.00	1.00
77	BRICK	1	YD	1.00	1.00
78	GLASS	1	YD	1.00	1.00
79	PAINT	1	YD	1.00	1.00
80	ROOFING	1	YD	1.00	1.00
81	PLUMBING	1	YD	1.00	1.00
82	ELECTRICAL	1	YD	1.00	1.00
83	MECHANICAL	1	YD	1.00	1.00
84	LANDSCAPE	1	YD	1.00	1.00
85	CONCRETE	1	YD	1.00	1.00
86	CEMENT	1	YD	1.00	1.00
87	IRON	1	YD	1.00	1.00
88	STEEL	1	YD	1.00	1.00
89	BRICK	1	YD	1.00	1.00
90	GLASS	1	YD	1.00	1.00
91	PAINT	1	YD	1.00	1.00
92	ROOFING	1	YD	1.00	1.00
93	PLUMBING	1	YD	1.00	1.00
94	ELECTRICAL	1	YD	1.00	1.00
95	MECHANICAL	1	YD	1.00	1.00
96	LANDSCAPE	1	YD	1.00	1.00
97	CONCRETE	1	YD	1.00	1.00
98	CEMENT	1	YD	1.00	1.00
99	IRON	1	YD	1.00	1.00
100	STEEL	1	YD	1.00	1.00

2400 PLAN • TWILIGHT
DR. HORTON, INC.

LARRY TINDALL
RESIDENTIAL DESIGN
3531 E. RUSSELL RD., SUITE
LAS VEGAS, NEVADA 89120
OFFICE (702) 597-5597
FAX (702) 597-5598

SDR-4641
7-22-04 PC

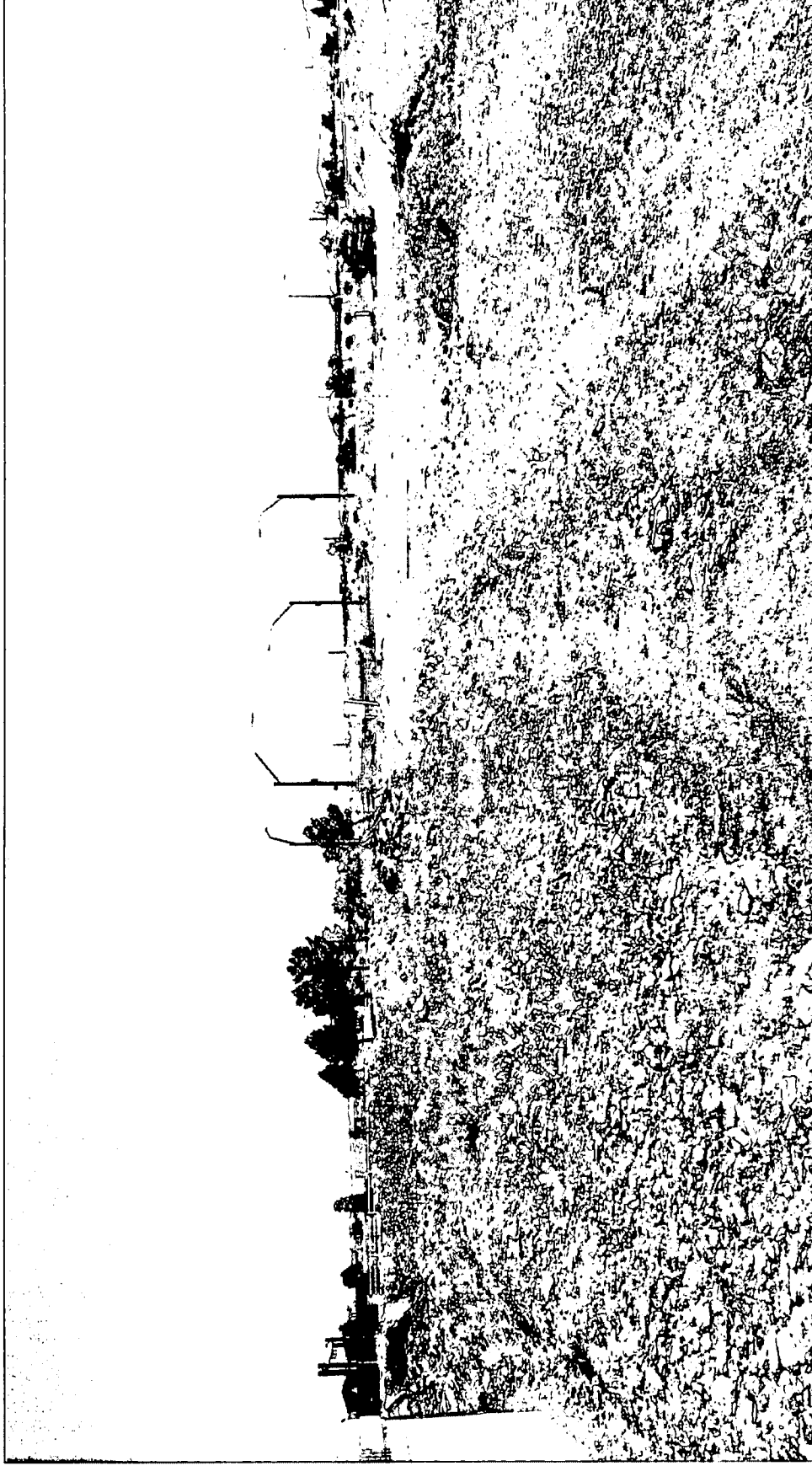
DATE OF BIRTH: 1940-01-01



SDR-4641



SDR-4641



SDR-4641 - APPLICANT: D.R. HORTON, INC. - OWNER: SPRING MOUNTAIN RANCH, LIMITED
LIABILITY COMPANY
SOUTHWEST CORNER OF HORSE DRIVE AND FORT APACHE ROAD
JULY 22, 2004 PLANNING COMMISSION

6/29/04

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: AUGUST 18, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☐

CONSENT

☒

DISCUSSION

SUBJECT:

GENERAL PLAN AMENDMENT - PUBLIC HEARING - GPA-4637 -
APPLICANT/OWNER: SF INVESTMENTS, LIMITED LIABILITY COMPANY -
Request to Amend a portion of the Southwest Sector Plan of the General Plan FROM: R
(RURAL DENSITY RESIDENTIAL) TO: L (LOW DENSITY RESIDENTIAL) on 2.5 acres
adjacent to the southwest corner of Peak Drive and Bronco Street (APN 138-14-701-003), Ward
5 (Weekly). The Planning Commission (6-0 vote) and staff recommend APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0
0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0
0

RECOMMENDATION:

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

BACKUP DOCUMENTATION:

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

MOTION:

WEEKLY – APPROVED – UNANIMOUS with REESE excused

MINUTES:

MAYOR GOODMAN declared the Public Hearing open on Item 145 [GPA-4657], Item 146 [WVR-4767] and Item 147 [ZON-4644].

ATTORNEY JENNIFER LAZOVICH, Kummer Kaemper Bonner & Renshaw, 3800 Howard Hughes Parkway, appeared on behalf of the applicant and concurred with staff conditions.

COUNCILMAN WEEKLY thanked ATTORNEY LAZOVICH for working with the neighbors, as they are extremely active in this area, and they were concerned about this new development. She made everyone feel comfortable.

No one appeared in opposition.

CITY COUNCIL MEETING OF AUGUST 18, 2004
Planning and Development Department
Item 145 – GPA-4637

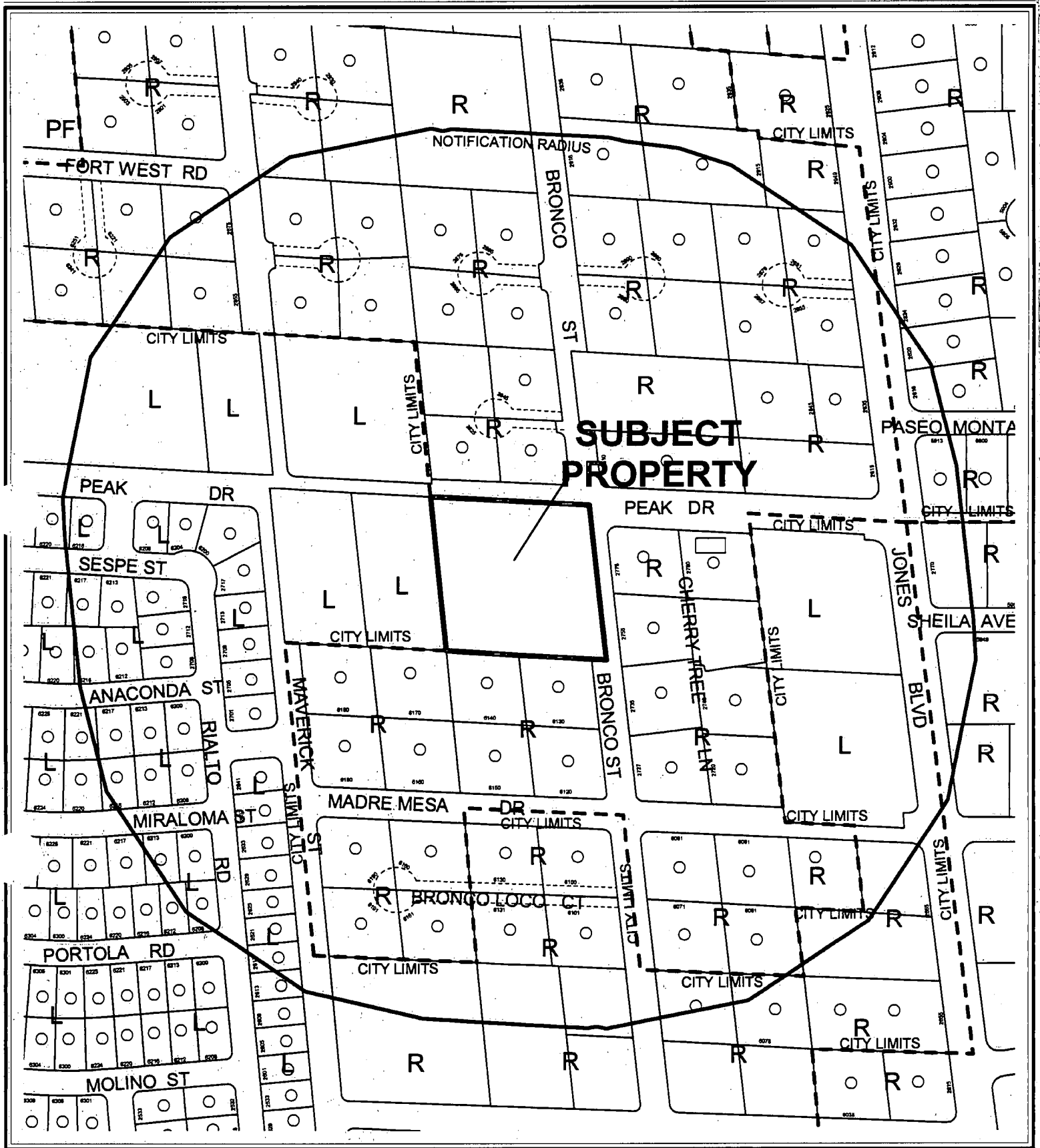
MINUTES – Continued:

MAYOR GOODMAN declared the Public Hearing closed on Item 145 [GPA-4657], Item 146 [WVR-4767] and Item 147 [ZON-4644].

NOTE: All discussion for Item 145 [GPA-4657], Item 146 [WVR-4767] and Item 147 [ZON-4644] was held under Item 145 [GPA-4657].

(4:52 – 4:55)

5-1755



CASE: GPA-4637

RADIUS: 750 FT

GENERAL PLAN DESIGNATION OF SUBJECT PROPERTY:

R (RURAL DENSITY RESIDENTIAL)

PROPOSED GENERAL PLAN DESIGNATION OF SUBJECT PROPERTY:

L (LOW DENSITY RESIDENTIAL)



CASE: GPA-4637

RADIUS: 750 FT

GENERAL PLAN DESIGNATION OF SUBJECT PROPERTY:
R (RURAL DENSITY RESIDENTIAL)

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

0 200 400 Feet



AGENDA MEMO

CITY COUNCIL MEETING DATE: AUGUST 18, 2004

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: GPA-4637 - APPLICANT/ OWNER: SF INVESTMENTS
LIMITED LIABILITY COMPANY**

**** CONDITIONS ****

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

**** STAFF REPORT ****

APPLICATION REQUEST

This application seeks to change the General Plan land use designation of 2.5 acres located adjacent to the southwest corner of Peak Drive and Bronco Street, from R (Rural Density Residential) to L (Low Density Residential). Approval would permit the construction of a single-family subdivision at 5.5 dwelling units per acre. Accompanying this request are applications for Rezoning and a Waiver of distance requirements related to intersection separations.

APPLICATION JUSTIFICATION

The applicant has justified the request for the following reasons:

1. The adjacent 80-foot arterial provides adequate automobile access.
2. All utilities are available to the site and easily accessible.
3. The proposed project is compatible with surrounding uses and provides needed single-family housing to the area.

BACKGROUND DATA:

- | | |
|----------|--|
| 08/07/85 | The City Council approved the Community Profiles of the city of Las Vegas General Plan by Resolution. On this plan, the subject properties were designated for Rural Residential land uses with a maximum density of three dwelling units per acre. |
| 03/12/92 | The Planning Commission approved the three Land Use Sector Maps of the General Plan. On this plan, the parcels were designated as R (Rural Density Residential) with a maximum density of 3.96 dwelling units per acre. |
| 08/18/99 | The City Council approved GPA-14-99 to amend portions of the Southwest Sector Plan to indicate areas of potential transition, correct errors from GIS data conversion, and match actions since 1996. On this plan, the parcels were designated as R (Rural Density Residential) with a maximum density of 3.5 dwelling units per acre. |
| 07/22/04 | The Planning Commission recommended approval of related items (WVR-4767 and ZON-4644). |
| 07/22/04 | The Planning Commission voted 6-0 to recommend APPROVAL (PC Agenda Item #44-AR). |

DETAILS OF APPLICATION REQUEST

Site Area: 2.5 Acres

EXISTING LAND USE

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

PLANNED LAND USE

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

EXISTING ZONING

Subject Property U (Undeveloped) [R (Rural) General Plan Designation]
North Clark County
South Clark County
East Clark County
West R-E (Residence Estates) under Resolution of Intent to R-1 (Single-Family Residential)

E) General Plan Compliance

The site is located on the Southwest Sector Map of the General Plan. The land use designation for the subject property is currently R (Rural Density Residential), which permits residential development with a density of 2.5 to 3.59 dwelling units per acre. An application to change the land use to L (Low Density Residential), which would allow residential development with a maximum density of 5 dwelling units per acre, has been filed with this rezoning request. The companion Waiver is not related to any specific General Plan policies.

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

There are no special plans, study areas or overlays that affect the subject site.

DEFINITIONS

R (Rural Density Residential)

(2.1 to 3.5 dwelling units/gross acre). The Rural Density Residential category allows a maximum of 3.5 dwelling units per gross acre. This is a rural or semi-rural environment with a life-style much like that of the Desert Rural, but with a smaller allowable lot size.

L (Low Density Residential)

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

ANALYSIS

The subject parcels are currently undeveloped. Peak Drive, an 80-foot right-of-way, and Bronco Street, a 60-foot right-of-way, provide access to the site. Surrounding development is predominantly single-family residential.

Existing factors provide good cause to permit a density of greater than three units per acre. First, there will be no new or unanticipated land uses introduced. The request will result in a reasonable expansion of the L (Low Density Residential) land use designation, allowing a density of development similar to that found on the property immediately to the west. The L (Low Density Residential) designation is appropriate adjacent to the R (Rural) designation, as it provides for a gradation from higher to lower densities. This request simply moves the boundary line between them.

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 L (Low Density Residential) General Plan Designation will have no impact on the adjacent properties designated as PF (Public Facility) or L (Low Density Residential). It is compatible with the R (Rural) designation as a transition from greater to lesser densities.

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

The zoning districts that are supported by the L (Low Density Residential) land use designation will permit densities from 3.5 to 5.5 dwelling units per acre. While the high end of that range would not likely result in a compatible project, development within that range can be accomplished in a manner that is harmonious with the lower density properties to the north and east.

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

The parcel is located in an area of the city where all utilities, fire, and police services are currently existing and available to the site. The site is serviced by the Northwest Area Command of the Las Vegas Metropolitan Police Department with a substation approximately one and a half miles away at Rancho Drive and Decatur Boulevard. Fire Station #43, which is approximately three-quarters of a mile to the south at Smoke Ranch Road and Torrey Pines Drive, is the closest city facility to the site. Heer's Park, also at Smoke Ranch Road and Torrey Pines Drive, is the closest city park to the site.

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

There are no other adopted plans or policies that would be applicable.

GENERAL PLAN AMENDMENT NEIGHBORHOOD MEETING

06/21/04 A neighborhood meeting sponsored by the applicant was held at Calvary Community Assembly of God, 2900 North Torrey Pines Drive. Six people attended and had no concerns.

NOTICES MAILED: 118 by Planning Department

APPROVALS: 0

PROTESTS: 0



PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **GPA-4637** APN: **138-14-701-003**

Name of Property Owner: SF INVESTMENTS

Name of Applicant: SF Investments

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

Yes

X No

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

City Official: _____

Partner(s): _____

APN: _____

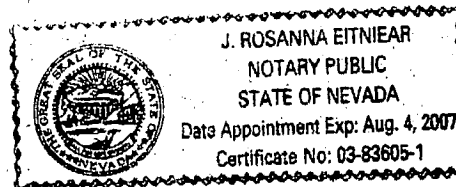
Signature of Property Owner/Authorized Agent: [Signature]

Print Name: STEPHEN B. VAIZENBERG

Subscribed and sworn before me

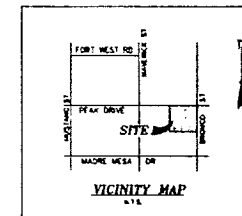
This 27th day of MAY, 2004

J. Rosanna Eitner
Notary Public in and for said County and State



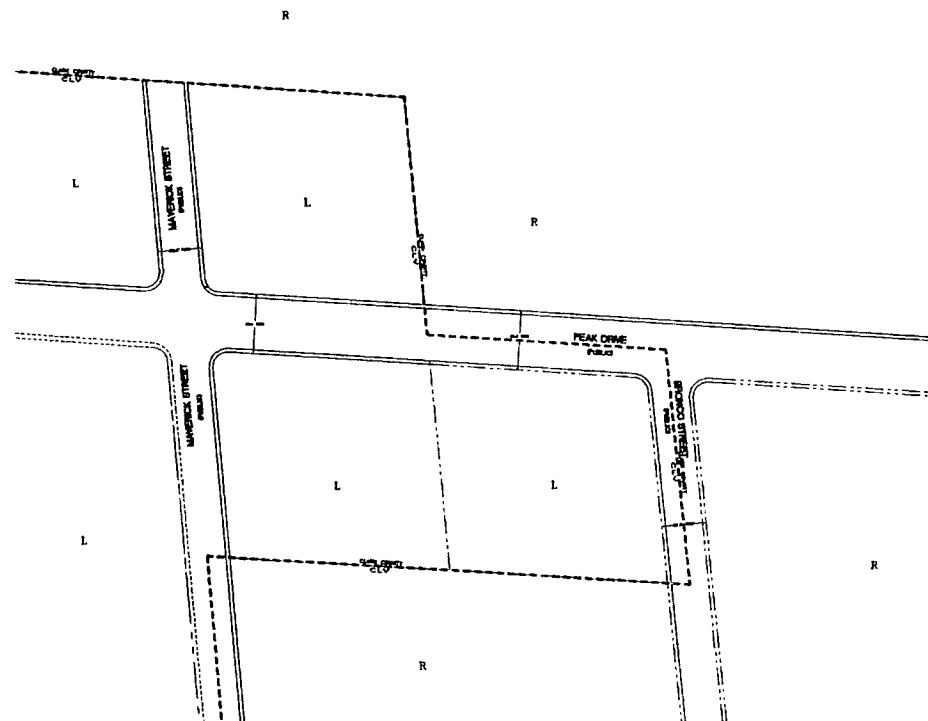
APN NUMBER
138-14-701-003

PROPOSED USE :	R	MIN LOT WIDTH:	65.00'
AREA :	2.6 GROSS ACRES (1.88 NET)	MIN FRONT SETBACK :	20'
CURRENT GEN. PLAN DESIGNATION:	RURAL RESIDENTIAL (3.5 UNITS/ACRE)	MIN SIDE YARD SETBACK :	5'
PROPOSED GEN. PLAN DESIGNATION:	LOW DENSITY RESIDENTIAL (5.5 UNITS/ACRE)	MIN CORNER SIDEYARD SETBACK	15'
PROPOSED UNITS:	0	MIN REAR YARD SETBACK	15'
PROPOSED DENSITY:	5.5 UNITS/ACRE (NET) 3.6 UNITS/ACRES (GROSS)	MAX BUILDING HEIGHT :	2 STORIES OR 35' (WHICHEVER IS LESS)
USHAMUN LOT AREA:	8,511 SF		
AVERAGE LOT AREA:	7,311 SF		



LEGEND

LOW DENSITY RESIDENTIAL (L)
RURAL DENSITY RESIDENTIAL (R)



Stamp Date: _____
Exp Date: 12/31/2004

TRC
Customer-Focused Solutions
BV Engineering Services
1050 I. FLAMING ROAD
Suite 10136
Los Angeles, CA 90019
Tel: 702-520-0572
Fax: 702-520-0577
web: trcsolutions.com

BUNKER COMMONS III
PEAK AND BRONCO
GENERAL PLAN AMENDMENT

SHEET
ZC
1 OF 1 SHTS
PROJECT NO

GPA-4637

7-22-04 PC



GPA-4637 - APPLICANT/ OWNER: SF INVESTMENTS, LIMITED LIABILITY COMPANY
SOUTHWEST CORNER OF PEAK DRIVE AND BRONCO STREET
JULY 22, 2004 PLANNING COMMISSION

7/2/04



GPA-4637 - APPLICANT/ OWNER: SF INVESTMENTS, LIMITED LIABILITY COMPANY
SOUTHWEST CORNER OF PEAK DRIVE AND BRONCO STREET
JULY 22, 2004 PLANNING COMMISSION

7/2/04

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: AUGUST 18, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☐

CONSENT

☒

DISCUSSION

SUBJECT:

WAIVER RELATED TO GPA-4637 - PUBLIC HEARING - WVR-4767 -
APPLICANT/OWNER: SF INVESTMENTS, LIMITED LIABILITY COMPANY -
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 southwest corner of Peak Drive and Bronco Street
(APN 138-14-701-003), R-1 (Single Family Residential) Zone, Ward 5 (Weekly). The Planning
Commission (6-0 vote) and staff recommend APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.

0

City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

0

City Council Meeting

0

RECOMMENDATION:

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

BACKUP DOCUMENTATION:

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

MOTION:

WEEKLY - APPROVED subject to conditions - UNANIMOUS with REESE excused

MINUTES:

NOTE: See Item 145 [GPA-4637] for all related discussion.

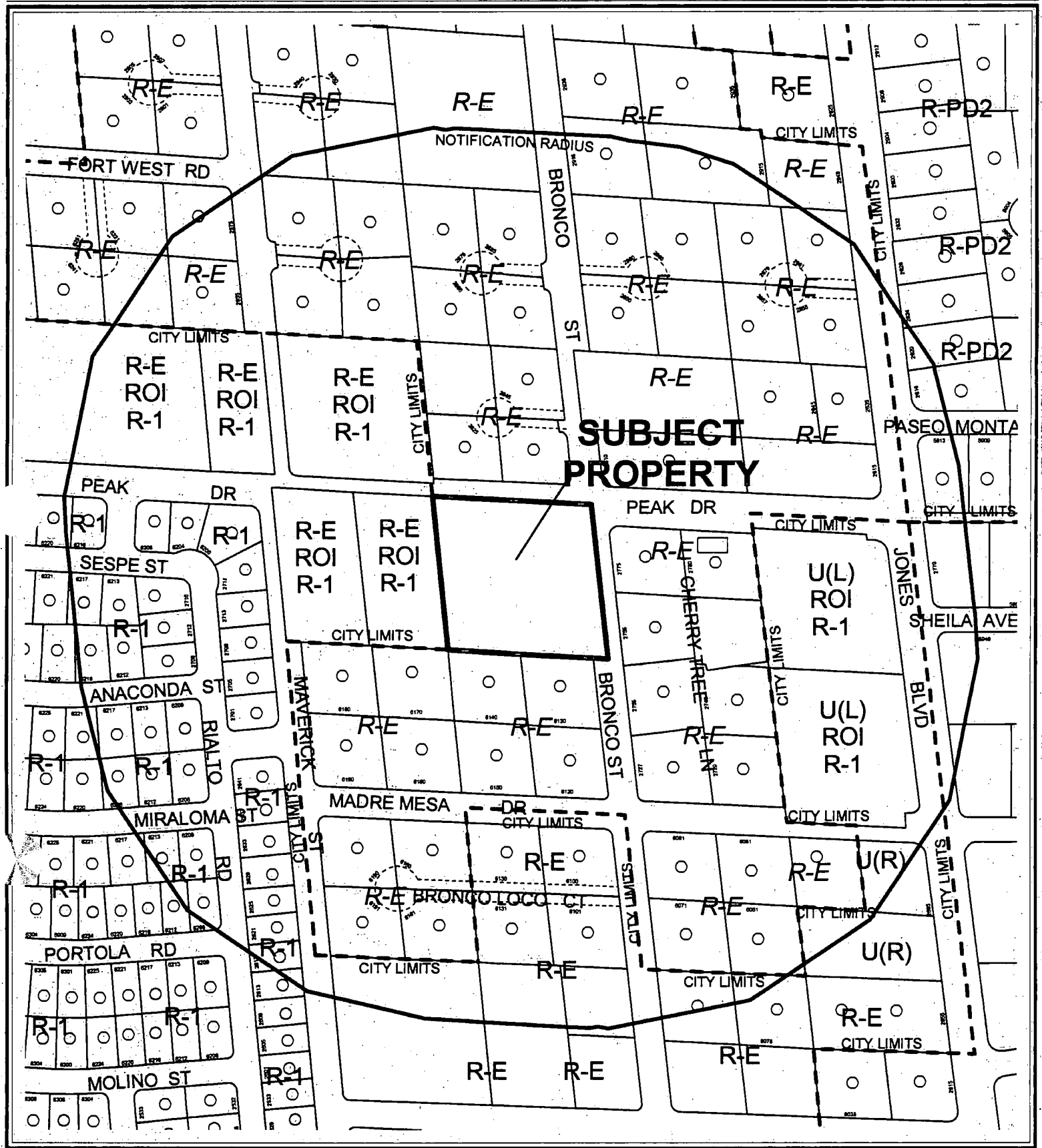
(3:15 - 3:16)

5-1190

CONDITIONS:

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Rezoning (ZON-4644).
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-4767

RADIUS: 750 FT

ZONING OF SUBJECT PROPERTY:

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

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

0 200 400 Feet



AGENDA MEMO

CITY COUNCIL MEETING DATE: AUGUST 18, 2004

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: WVR-4767 - APPLICANT/OWNER: SF INVESTMENTS,
LIMITED LIABILITY COMPANY**

**** CONDITIONS ****

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

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Rezoning (ZON-4644).
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 to Title 18.12.160 to allow approximately 180 feet between street intersections where 220 feet is the minimum distance separation required on property adjacent to the southwest corner of Peak Drive and Bronco Street.

B) Applicant's Justification

The applicant has justified this request by stating that the Waiver would allow for the efficient planning of the site.

BACKGROUND INFORMATION

A) Pre-Application Meeting

05/27/03 At pre-application meeting for this request Staff had no issues about the requests.

B) Neighborhood Meetings

06/21/04 The applicant held a neighborhood meeting at 6:00 P.M. at Calvary Community Assembly of God, 2900 North Torrey Pines Drive to discuss the associated General Plan Amendment. Six people attended and had no concerns.

07/22/04 The Planning Commission recommended approval of related items (GPA-4637 and ZON-4644).

07/22/04 The Planning Commission voted 6-0 to recommend APPROVAL (PC Agenda Item #45-AR).

DETAILS OF APPLICATION REQUEST

Site Area: 2.5 Acres

EXISTING LAND USE

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

PLANNED LAND USE

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

EXISTING ZONING

Subject Property	R-E (Residence Estates)
North	Clark County
South	Clark County
East	Clark County
West	R-E (Residence Estates) under Resolution of Intent to R-1 (Single-Family Residential)

General Plan Compliance

The site is located on the Southwest Sector Map of the General Plan. The land use designation for the subject property is currently R (Rural Density Residential), which permits residential development with a density of 2.5 to 3.59 dwelling units per acre. An application to change the land use to L (Low Density Residential), which would allow residential development with a maximum density of 5 dwelling units per acre, has been filed with this rezoning request. There are no General Plan policies that are directly relevant to the requested Waiver of Title 18 standards.

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

There are no special plans, study areas or overlays that affect the subject site.

PROJECT DESCRIPTION

The subject 2.50-acre site is located adjacent to Peak Drive, designated by the Master Plan of Streets and Highways as an 80-foot wide secondary collector. The submitted site plan indicates the subdivision will consist of nine lots, ranging in size from 6,511 to 10,308 square feet adjacent to a cul-de-sac.

ANALYSIS

A) Zoning Code Compliance

This request 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 cul-de-sac entrance and the Bronco Drive/Peak Drive intersection. The applicant also indicates that reconfiguration of these access points is not possible without substantially compromising the concept and design of the project.

FINDINGS

The proposed design does not appear to present turn conflicts, nor is it expected to hinder area traffic flows. The hardship generating the request for the Waiver is real, given the shape and location of the parcel and scale of the project; therefore, approval of the Waiver is recommended.

NOTICES MAILED 298 by Planning Department

APPROVALS 0

PROTESTS 0

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: WVR-4767 APN: _____

Name of Property Owner: _____

Name of Applicant: _____

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

_____ Yes

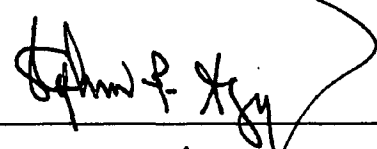
X No

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

City Official: _____

Partner(s): _____

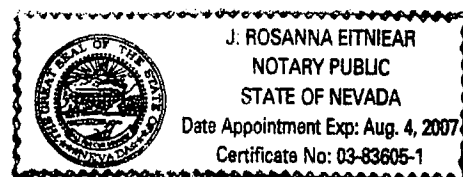
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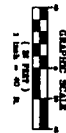
Signature of Property Owner/Authorized Agent:  _____

Print Name: STEPHEN B. AIZENBERG

Subscribed and sworn before me

This 29th day of June, 2004
J. Rosanna Eitniece
Notary Public in and for said County and State





NORTH

LEGEND

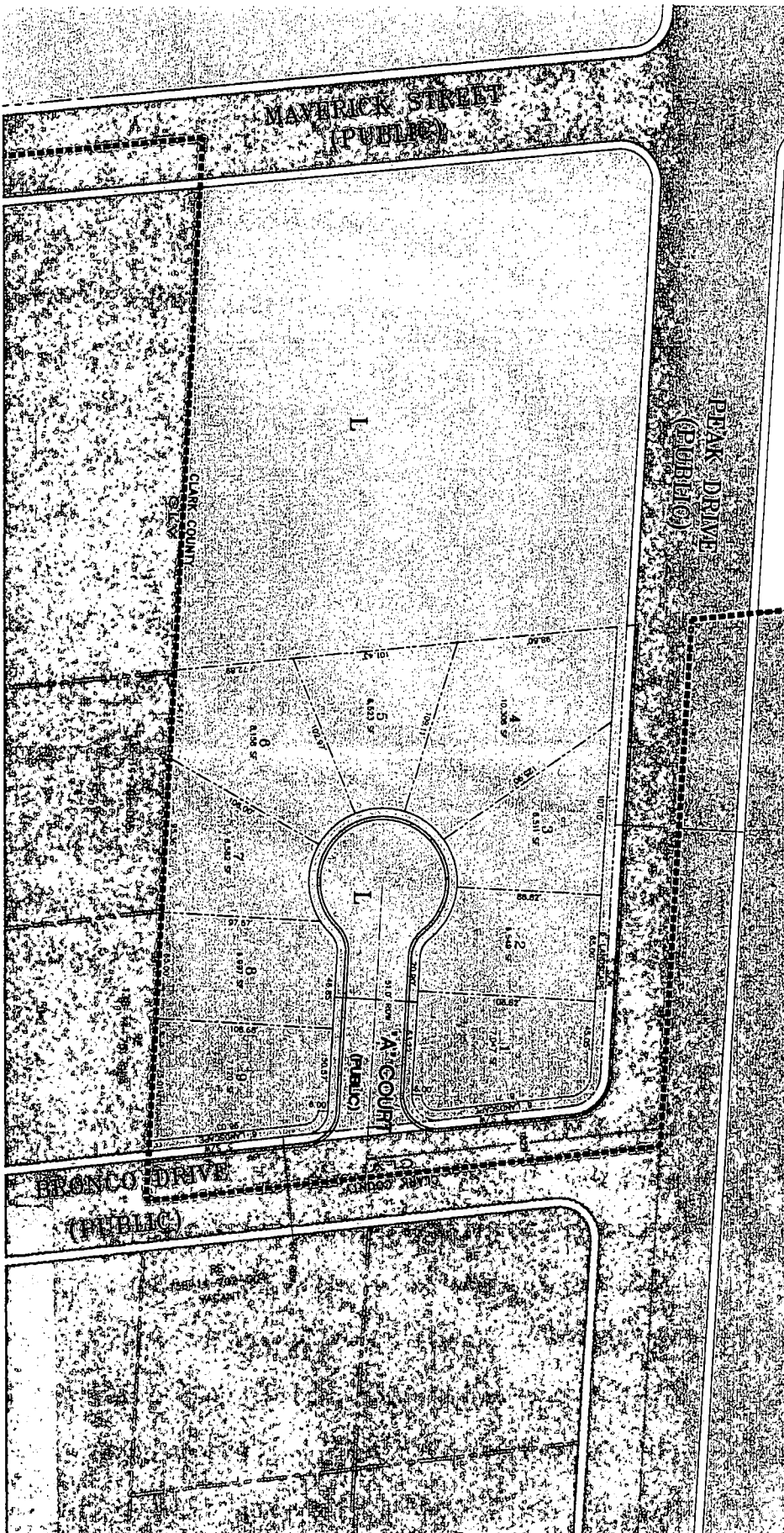
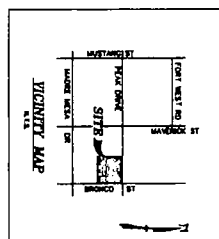
- | | |
|---|-------------------------------|
|  | LOW DENSITY RESIDENTIAL (L) |
|  | RURAL DENSITY RESIDENTIAL (R) |
|  | PAVEMENT |

SITE DATA

- | | | | |
|---------------------------------|---|------------------------|----------------------------------|
| PROPOSED USE: | PH | MIN LOT WIDTH: | 65.00' |
| AREA: | 2.5 ACRES ADJ (1.44 NET) | MIN FRONT SETBACK: | 20' |
| PROPOSED GEN. PLAN DESIGNATION: | RMAL, RESIDENTIAL (1.5 UITS./ACR) | MIN SIDE YARD SETBACK: | 5' |
| PROPOSED PLAN DESIGNATION: | LOW DENSITY RESIDENTIAL (1.5 UITS./ACR) | MIN CORNER SETBACK: | 15' |
| PROPOSED NAME: | | MIN REAR YARD SETBACK: | 15' |
| PROPOSED DENSITY: | 3.3 UITS./ACR (NET) | MIN FRONT HEIGHT: | 18' |
| PROPOSED DENSITY: | 2.5 UITS./ACRES (GROSS) | | 2 STORIES OR 25' (MAXIMUM 8 LVS) |
| AVERAGE LOT AREA: | 7,211 SF | | |

APN NUMBER
198-14-201-003

150-14-704-003



WVR-4767
7/22/04 PC

SHEET 1W 1 OF 1 SHEETS PROJECT ID	BUNKER COMMONS III
	PEAK AND BRONCO
	INTERSECTION WAIVER EXHIBIT

TRC
Customer-Focused Solutions
BV Engineering Nevada

8305 W. Sunset Road
Suite 190
Las Vegas, NV 89113
Tel: 702-850-0572
Fax: 702-307-4222
Web: trcval.com

[illegible]



WVR-4767 - APPLICANT/ OWNER: SF INVESTMENTS, LIMITED LIABILITY COMPANY
SOUTHWEST CORNER OF PEAK DRIVE AND BRONCO STREET
JULY 22, 2004 PLANNING COMMISSION

7/2/04



WVR-4767 - APPLICANT/ OWNER: SF INVESTMENTS, LIMITED LIABILITY COMPANY
SOUTHWEST CORNER OF PEAK DRIVE AND BRONCO STREET
JULY 22, 2004 PLANNING COMMISSION

7/2/04

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: AUGUST 18, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☐

CONSENT

☒

DISCUSSION

SUBJECT:

REZONING RELATED TO GPA-4637 AND WVR-4767 - PUBLIC HEARING - ZON-4644 -
APPLICANT/OWNER: SF INVESTMENTS, LIMITED LIABILITY COMPANY -
Request for a Rezoning FROM: U (UNDEVELOPED) [R (Rural Density Residential) General
Plan Designation] TO: R-1 (SINGLE FAMILY RESIDENTIAL) on 2.5 acres adjacent to the
southwest corner of Peak Drive and Bronco Street (APN 138-14-701-003), Ward 5 (Weekly).
The Planning Commission (6-0 vote) and staff recommend APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

0

RECOMMENDATION:

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

BACKUP DOCUMENTATION:

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

MOTION:

WEEKLY – APPROVED subject to conditions – UNANIMOUS with REESE excused

MINUTES:

NOTE: See Item 145 [GPA-4637] for all related discussion.

(3:15 – 3:16)

5-1190

CONDITIONS:

Planning and Development

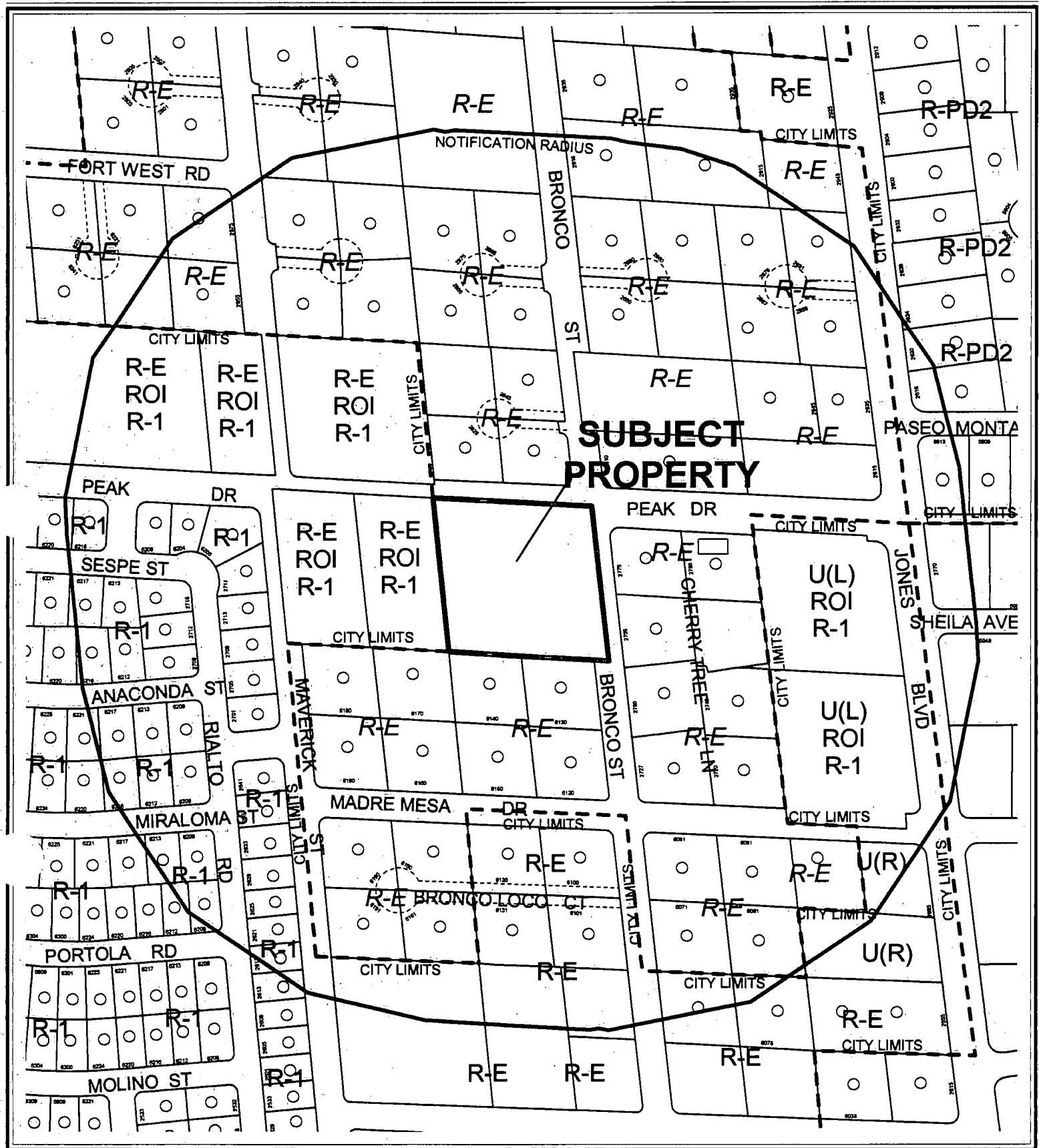
1. A General Plan Amendment (GPA-4637), to amend the land use to L (Low Density Residential) land use designation, approved by the City Council.
2. A Resolution of Intent with a two-year time limit.
3. Lots identified as 6, 7, 8 and 9 on plans submitted for the July 22, 2004 Planning Commission, the houses shall be limited to single story residences.

CITY COUNCIL MEETING OF AUGUST 18, 2004
Planning and Development Department
Item 147 – ZON-4644

CONDITIONS – Continued:

Public Works

4. Dedicate 40 feet of right-of-way adjacent to this site for Peak Drive, 30 feet for Bronco Street and a 20-foot radius on the southwest corner of Peak Drive and Bronco Street.
5. Construct half street improvements, including appropriate overpaving, on Peak Drive and Bronco Street adjacent to this site. Streetlights shall be deferred on Bronco Street and the proposed cul-de-sac interior to this subdivision, provided that all underground improvements needed are constructed and the applicant provides such streetlights to the City or equivalent monies are contributed for the future installation of such streetlights. Sidewalk improvements shall not be required to be constructed on Bronco Street adjacent to this site, nor on the cul-de-sac interior to this site concurrent with development of this site, provided that a Covenant Running with Land agreement is executed for the possible future installation of sidewalk improvements on the interior cul-de-sac and on Bronco Street adjacent to this site. The Covenant agreement must be recorded with the County Recorder and a copy of the recorded document must be provided to the City prior to the release of a Map for recordation. Also, construct appropriate transitional paving, where legally able, adjacent to this site concurrent with development of this site. Install all appurtenant underground facilities, if any, adjacent to this site needed for the future traffic signal system concurrent with development of this site. All existing paving damaged or removed by this development shall be restored at its original location and to its original width concurrent with development of this site.
6. 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. 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.



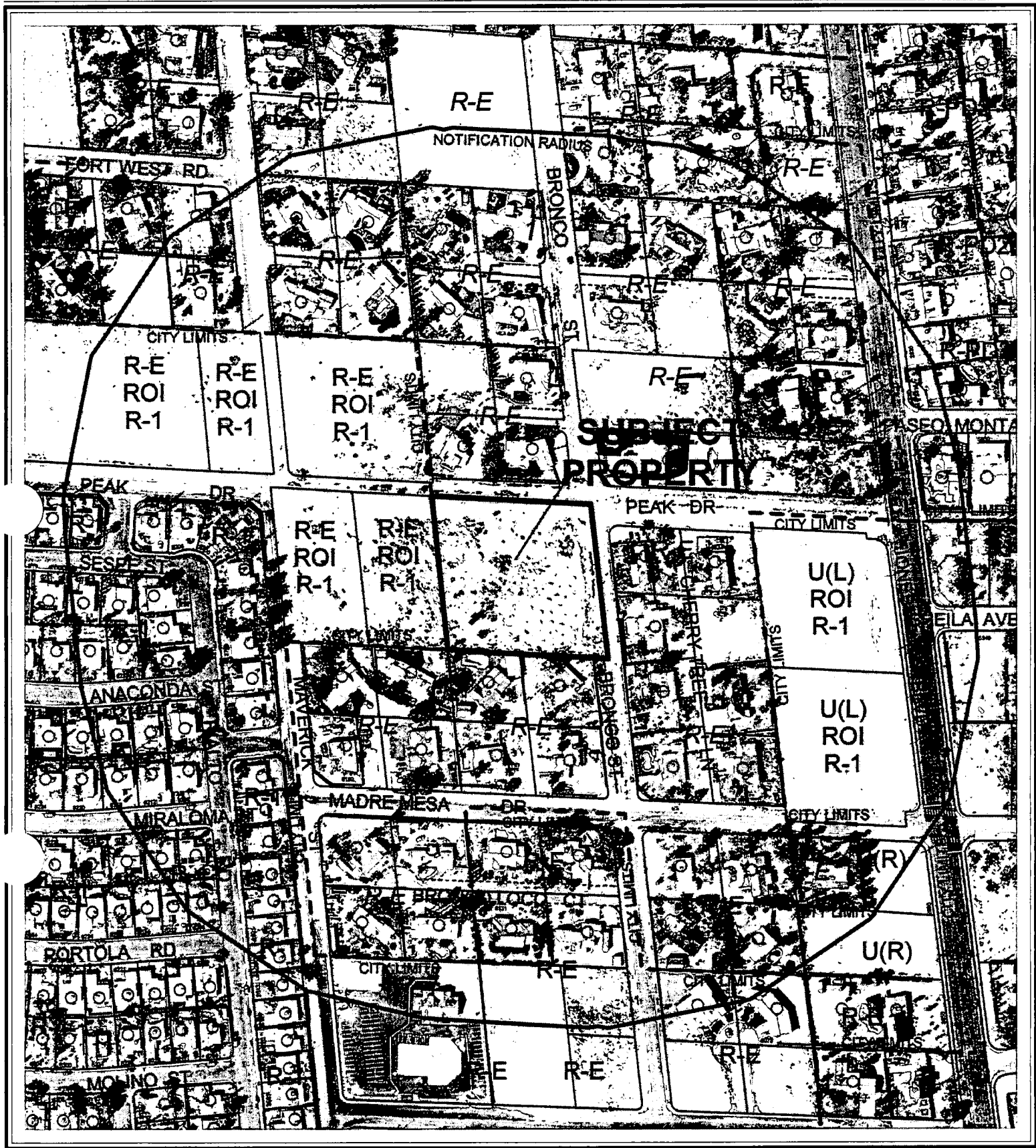
CASE: ZON-4644

RADIUS: 750 FT

ZONING OF SUBJECT PROPERTY:

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

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



CASE: ZON-4644

RADIUS: 750 FT

ZONING OF SUBJECT PROPERTY:

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

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

0 200 400 Feet



AGENDA MEMO

CITY COUNCIL MEETING DATE: AUGUST 18, 2004

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: ZON-4644 - APPLICANT/ OWNER: SF INVESTMENTS LIMITED LIABILITY COMPANY

**** CONDITIONS ****

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

Planning and Development

1. A General Plan Amendment (GPA-4637), to amend the land use to L (Low Density Residential) land use designation, approved by the City Council.
2. A Resolution of Intent with a two-year time limit.
3. Lots identified as 6, 7, 8 and 9 on plans submitted for the July 22, 2004 Planning Commission, the houses shall be limited to single story residences.

Public Works

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**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

This request is for a rezoning from U (Undeveloped) [R (Rural) General Plan Designation] to R-1 (Single Family Residential) on 2.5 acres adjacent to the southwest corner of Peak Drive and Bronco Street.

B) Applicant's Justification

The applicant's justification letter states that approval of this request is justified for the following reasons:

- 1) The project is located directly adjacent to an eighty-foot minor arterial, which provides adequate traffic facilities;
- 2) Water, sewer and other utilities are easily accessible to this site;
- 3) It is compatible with other development in the area.

BACKGROUND INFORMATION

07/22/04 The Planning Commission recommended approval of related items (GPA-4637 and WVR-4767).

07/22/04 The Planning Commission voted 6-0 to recommend APPROVAL (PC Agenda Item #46-AR).

Pre-Application Meeting

05/27/03 No major issues were identified.

Neighborhood Meetings

06/21/04 The applicant held a neighborhood meeting at 6:00 P.M. at Calvary Community Assembly of God, 2900 North Torrey Pines Drive to discuss the associated General Plan Amendment. Six people attended and had no concerns.

DETAILS OF APPLICATION REQUEST

Site Area: 2.5 Acres

EXISTING LAND USE

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

PLANNED LAND USE

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

EXISTING ZONING

Subject Property	U (Undeveloped) [R (Rural) General Plan Designation]
North	Clark County
South	Clark County
East	Clark County
West	R-E (Residence Estates) under Resolution of Intent to Single-Family Residential

GENERAL PLAN COMPLIANCE

The site is located on the Southwest Sector Map of the General Plan. The land use designation for the subject property is currently R (Rural Density Residential), which permits residential development with a density of 2.5 to 3.59 dwelling units per acre (DUA). An application to change the land use to L (Low Density Residential), which would allow residential development with a maximum density of 5 DUA, has been filed with this rezoning request.

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

There are no special plans, study areas or overlays that affect the subject site.

INTERAGENCY ISSUES

B) General Analysis and Discussion

The subject 2.50-acre site is located adjacent to Peak Drive, designated by the Master Plan of Streets and Highways as an 80-foot wide secondary collector. The submitted site plan indicates the subdivision will consist of nine lots, ranging in size from 6,511 to 10,308 square feet adjacent to a cul-de-sac.

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 density of the proposed rezoning is permitted within the L (Low Density Residential) General Plan Designation proposed for the subject property under the associated General Plan Amendment application.

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

The proposed single-family development is compatible with the R-1 (Single Family Residential) zoned single-family development proposal to the west and provides a transition to the rural development to the east and north.

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

The proposed rezoning is consistent with the pattern of development that is occurring along this portion of Peak Drive.

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

The subject site has access from Peak Drive, a secondary thoroughfare, and Bronco Street, a collector street, which can successfully provide access for a project of this density. Public Works has included several conditions that would ensure an adequate street system for the proposed project.

PLANNING COMMISSION ACTION

The Planning Commission changed Condition 5 as shown and added Condition #3.

NOTICES MAILED 118

APPROVALS 0

PROTESTS 0



PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: ZON-4644 APN: 138-14-701-003

Name of Property Owner: SF Investments

Name of Applicant: SF INVESTMENTS

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

Yes

 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: _____

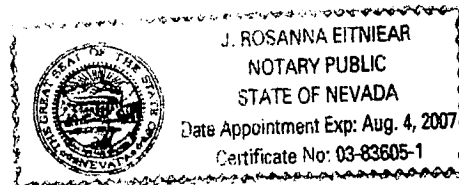
Signature of Property Owner/Authorized Agent: _____

Print Name: STEPHEN B. AIZENBERG

Subscribed and sworn before me

This 27th day of MAY, 2004

J. Rosanna Eitner
Notary Public in and for said County and State

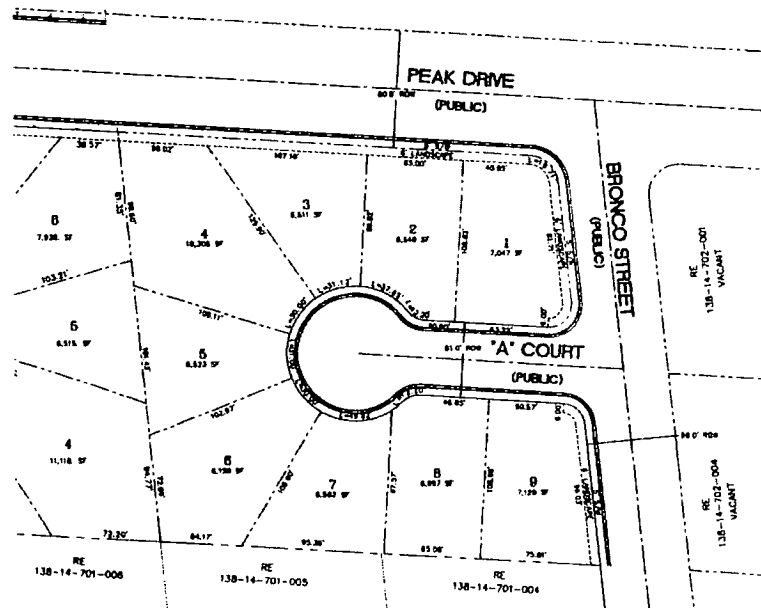
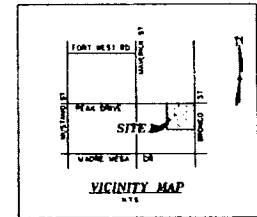


SITE DATA

PROPOSED USE :	R1	MIN LOT WIDTH :	85.00'
AREA :	2.5 CROSS ACRES (1.68 NET)	MIN FRONT SETBACK :	20'
CURRENT GEN. PLAN DESIGNATION :	RURAL RESIDENTIAL (3.5 UNITS/ACRE)	MIN SIDE YARD SETBACK :	5'
PROPOSED GEN. PLAN DESIGNATION :	LOW DENSITY RESIDENTIAL (5.5 UNITS/ACRE)	MIN CORNER SIDEYARD SETBACK :	15'
PROPOSED UNITS :	8	MIN REAR YARD SETBACK :	15'
PROPOSED DENSITY :	5.5 UNITS/ACRE (NET) 3.4 UNITS/ACRES (GROSS)	MAX BUILDING HEIGHT :	2 STORES OR 35' (WHICHEVER IS LESS)
MINIMUM LOT AREA :	8,511 SF		
AVERAGE LOT AREA :	7,311 SF		

APN NUMBER

138-14-701-003



PROJECT NO.	
DRAWN	CPL
CHECKED	JL/1/01
SCALE	AS SHOWN
CAD FILE	271.dwg

TRC
Customer - Focused Solutions
BY Engineering Ahead

1001 E. CLARK RD
Suite 210
Las Vegas, NV 89119
Tel: 702-800-2017
Fax: 702-800-2017
Web: trcinc.com

BUNKER COMMONS III
PEAK AND BRONCO
SITE PLAN

SHEET
SP
1 OF 1 SHEETS
PROJECT ID

ZON-4644

7-22-04 PC



**ZON-4644 - APPLICANT/ OWNER: SF INVESTMENTS, LIMITED LIABILITY COMPANY
SOUTHWEST CORNER OF PEAK DRIVE AND BRONCO STREET
JULY 22, 2004 PLANNING COMMISSION**

6/29/04



**ZON-4644 - APPLICANT/ OWNER: SF INVESTMENTS, LIMITED LIABILITY COMPANY
SOUTHWEST CORNER OF PEAK DRIVE AND BRONCO STREET
JULY 22, 2004 PLANNING COMMISSION**

6/29/04

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: AUGUST 18, 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 – 2321 North Michael Way; DB – 1013 Ingraham Street; DB – 7505 Barkentine Street; DB – 609 North 11th Street; 9/1/2004 AGENDA

City of Las Vegas

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: AUGUST 18, 2004

DEPARTMENT: CITY CLERK

DIRECTOR: BARBARA JO (RONI) RONEMUS ☐ **CONSENT** ☐ **DISCUSSION**

SUBJECT:

ADDENDUM:

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: AUGUST 18, 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, acknowledged her mental illness and expressed concern with COUNCILMAN WEEKLY using her Nellis distress signal. COUNCILMAN WEEKLY assured her that he had not done so. MS. BARNES added that she is planning a rally. MAYOR GOODMAN asked MS. BARNES if anyone from the City offered her assistance. MS. BARNES replied that she was given telephone numbers of different agencies.

(4:55 – 4:59)

5-1884

STEVEN "CAPTAIN TRUTH" DEMPSEY submitted for the record copies of information from American Mafia.com by STEVE MILLER regarding the disregard for the TAM laws, drunk driving and brutality at the Crazy Horse II. He commented on the Mayor's introduction of the former Councilman for Ward 1 and the Councilwoman's indictment. Once again, he requested a Show Cause hearing regarding the Crazy Horse II because the beatings and credit card thefts are ongoing.

(4:59 – 5:04)

5-2065

THOMAS CRAMER, 2655 Brian Douglas Drive, asked the City Council to assist him in resolving a problem he has been having with the Municipal Court regarding a court case regarding his ex-wife and abuse allegations. He now is having difficulties finding a job because of his police record. MAYOR GOODMAN directed DEPUTY CITY ATTORNEY BRYAN SCOTT to assist MR. CRAMER.

(5:04 – 5:09)

5-2276

City of Las Vegas

CITY COUNCIL MEETING OF AUGUST 18, 2004

Planning and Development Department

Citizen Participation

MINUTES – Continued:

SALVATOR BERNARD, Past Commander of the Sons of the American Legion, Squadron 8, 733 Veterans Memorial Drive, noted that he sent the City Council a copy of the press release about retiring the American flag, scheduled for September 11, 2004, at 10:00 a.m. The event will be held at the Elk's Lodge in Henderson, Nevada. The Boy Scouts and Cub Scouts will be helping, as well as Henderson's American Legion Post 40. They will be retiring flags and asking people to bring flags to dispose of them properly. The project is open to community members, all entities, and businesses. The flags can be dropped off at the American Legion Post 8, located at 733 Veterans Memorial Drive, the Henderson Green Valley Elks Lodge, 631 Lake Mead Parkway, or at American Legion Post 40, 425 Van Wagon, Henderson, Nevada. MR. BERNARD stated that the flags are burned, but it is not referred to as a flag burning, rather flag retirement. Usually flags are burned with respect. COUNCILMAN WEEKLY suggested that the flag flying over the Post Office could be retired.

(5:09 – 5:13)

5-2526

MEETING ADJOURNED AT 5:13 P.M.

**American
MAFIA.com**[| Home](#) | [Books and Gifts](#) | [Photo Album](#) | [Mob Busters](#) | [Mafia Site Search](#) |**7-26-04**

Steve Miller is a former Las Vegas City Councilman. In 1991, the readers of the Las Vegas Review Journal voted him the "Most Effective Public Official" in Southern Nevada. Visit his website at: <http://www.SteveMiller4LasVegas.com>

Vegas police discourage couple from filing

crime report against protected topless bar

Hapless tourist accidentally dissed a "made man" -- then met our city's finest

INSIDE VEGAS by Steve Miller
AmericanMafia.com
July 26, 2004



Eddie Soula

Submitted at City Council

Date *8/18/04* Item

*Citizen
Participation*

7/25/04

Dear Steve,

My name is Eddie Soula, and I am from San Diego. I was visiting Vegas because I turned 21 on the 15th of July 2004. On 7-17 my girlfriend and I went to the Crazy Horse to have a little fun and it turned into a nightmare. After my girlfriend paid for a lap dance for me, she decided to sit at the bar until it was over. While sitting there she was physically removed from her seat and told that she wasn't working tonight. When she explained that she didn't work there, a man that called himself "Vinney" (sp) told her not to "fucking talk back" and physically forced her out of the club. When my dance ended I went looking for her and one bouncer said she was outside. I found her out there crying with bruises on her arms from this Vinney guy. I had left my cell phone in the club by accident and told her I was going to go pick it up and make a complaint to the manager. When I tried to complain I was told to "go fuck" myself and that my girlfriend was a prostitute, so I loudly demanded that I needed to speak to Vinney right this second. The next thing I know I was attacked by at least four bouncers. One stuck his finger into my eye socket and ask me how it felt while the others punched me in the back and sides of my head, I was knocked unconscious and came to with a bouncer on top of me telling me to stop resisting. I, as calmly as I possibly could, with tears in my eyes, tried to explain that I was not resisting and didn't want any trouble, all I wanted was to complain to Vinney. When the police arrived a few minutes later, they put me in handcuffs. My girlfriend who had seen the last part of the beating, couldn't hold back anymore and tried to run to me because my face was bloody and my eyes swollen. An officer stepped in front of her and she brushed by him trying to get around him. She was then arrested for assaulting an officer. So with both of us handcuffed and my face pretty messed up, we were offered by the Sergeant that we would be let go, but if we decided to press charges on the club, my girlfriend would be charged with assaulting an officer. So we took the offer and got in a cab and went to Sunrise emergency where they gave me a catscan and treated me for multiple small cuts and a sprained knee. I have a concussion and have a little blurry vision along with a knee injury that is going to prevent me from working for at least a few days. I also had \$300 dollars taken from my pocket while I was being subdued by the bouncers. I filled out a (police) report after I was released from the hospital at 10am on saturday the 17th. I have pictures of my cut and swollen eyes and an abrasion on my back and knee. If you have any advice or could help me in any way I would greatly appreciate it. Thank you for your time, Eddie Soula

LAS VEGAS - For the second time in a week, a few crooked Vegas police officers have been accused of providing protection to a politically connected topless bar. On Friday, July 23, *Las Vegas Review Journal* columnist John L. Smith wrote: "As the Crazy Horse Too case draws closer to the indictment stage, word is surfacing that authorities are investigating whether two of the topless club's employees received preferential treatment after being stopped for suspicion of driving under the influence."

For years its been suspected that Crazy Horse owner Rick Rizzolo has been paying off local cops and politicians to leave him and his band of thugs and thieves alone and let them continue their reign of terror and alleged credit card coercion while remaining immune from prosecution.

Meanwhile, numerous complaints of beatings after bar patrons refused to sign falsified credit card receipts have gone unprosecuted. In February 2003, the protection racket became so obvious that the feds had to step in.



Paul Russo

Jermaine Simieou

Kirk Henry

Eben Kostbar

Scott Fau

Even with overwhelming evidence presented, police reports filed, and national press coverage, no arrests were made and former Clark County District Attorney Stu Bell and his successor DA David Roger refused to prosecute. Also, Las Vegas Mayor Oscar Goodman, the former criminal defense attorney for Rizzolo and a number of his associates, repeatedly has refused to challenge the bar's liquor license though he jumps to do so when competitive businesses step even slightly out of line.

To help me prove my point, I refer to an August 6, 2003 *Associated Press* story where it

states that Clark County Sheriff Bill Young called Rizzolo a person "of ill repute" after being informed by the FBI that one of his top level officers accepted a no-repayment-necessary \$15,000 "loan" from the topless bar owner. The officer has since resigned. *"Young said Keller could have been demoted or fired after Internal Affairs investigators ruled he violated department policies prohibiting officers from 'accepting gifts from suspects' and 'consorting with persons of ill repute.'"* The AP story went on to say, *"The loan was discovered in February when dozens of FBI agents raided Rizzolo's club, Crazy Horse Too. Agents discovered a document in Rizzolo's desk indicating Keller had accepted the funds in 1999."*

(Sheriff Young inadvertently inherited a few corrupted cops after being elected in 2003, and is trying to clean up the mess left by his predecessor Jerry Keller who is no relation to Sgt. Tom Keller. In the meantime the Sheriff is asking voters to approve a sales tax increase to pay for more officers. I suggest he rid his department of any remaining hoodlums before asking for a tax increase. – SM)

This week, a notice was reportedly posted on the door of Rizzolo's office directing club personnel including Vinnie Faraci, the man identified by Soula's girlfriend as "Vinney," to immediately meet with club attorney Jon Norheim to arrange for their legal defense in the event more persons than Rizzolo are indicted later this summer.

As the paranoia grows, it would seem logical that the beatings would stop. But in Eddie Soula's case, he had obviously stepped over an imaginary line by dissing someone who is said to be a "made man," and a suspected hidden owner in the club. Vinnie is the son of Bonanno crime family capo "Johnny Green" Faraci. I guess young Mr. Soula should have known better than to loudly demand an audience with such a respected guy!

Soula and his girlfriend Alyssia told me that when police arrived, they were observed giving high five's to the same bouncers who assaulted him, something witnesses to the beating of Eben Kostbar also described happening. Also, the Sergeant failed to file a

report of the incident -- another ominous sign that inspires me to hand deliver a copy of this article to Sheriff Young and other interested parties.



Courtesy of KVBC TV News

And again, I refer to award winning writer John L. Smith who in his July 20, 2004 *Review Journal* column, "*Time feature sidesteps underbelly of 'new Vegas,' delights city's boosters*," had this to say about reporters who only look at our city through rose (\$\$\$) colored glasses: "*Stein managed to sidestep the dicey and embarrassing issue of political corruption and prostitution tied to the local topless trade by not focusing on the scandal-riddled Galardi and Rizzolo operations and instead strolling through Sapphire and the Spearmint Rhino. It was an inspired move on his part. Had he looked, it might have been ugly. And we hate ugly.*"

All of the above paints a clear picture of protection *under color of law*, and a clearer picture of the reason the federal Organized Crime Strike Force Unit stepped in to clean up our out of control mess -- something that sends shudders up and down the spines of long time Las Vegas who "hate ugly" -- especially those, including the mayor, who are charged with promoting our town's favorable image worldwide.

If the truth were to be told, those who come to Vegas to enjoy our "What happens here stays here" reputation should be forewarned to ENTER AT YOUR OWN RISK! This, thanks to folks like former and present DAs Bell and Roger who refused to prosecute after dozens of complaints; Mayor Goodman who has repeatedly refused to question the activities of his former clients; and a score of corrupted police officers who spend too much off and on duty time in a cop-friendly topless bar.

Payoffs for protection to persons in high positions in local and state government including a few judges, must not be the "stays here" part of the new Vegas story. When the dust settles, the story of Rick Rizzolo, et al. and its' trail of blood and payola may in all likelihood transcend the legends of other famous Vegas denizens like Bugsy Siegel, Frank Rosenthal and Tony Spilotro.

The only good news is that business at the Crazy Horse Too has reportedly fallen off by at least fifty percent since 1999. That's when I began regularly writing about the violence and political corruption. Hopefully, because of my efforts and those of reporters John L. Smith, Jeff German, Glen Meek, and Cathy Scott, other innocent tourists who haplessly wander into Rizzolo's den of violence may be spared.



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8-16-04



Steve Miller is a former Las Vegas City Councilman. In 1991, the readers of the Las Vegas Review Journal voted him the "Most Effective Public Official" in Southern Nevada. Visit his website at <http://www.SteveMiller4LasVegas.com>

TAM Laws Ignored by Protected Topless Bar, Police, and City Officials *Even "STOP DUI" is afraid to act!*

INSIDE VEGAS by Steve Miller
AmericanMafia.com
August 16, 2004



Man found passed out next to car with engine running

Bar patron urinates while passed out next to his car

(Photos by Buffalo Jim Barrier)

LAS VEGAS - If Sandy Heverly, the zealous advocate for tougher laws against drunken driving, turns her back, there's got to be a reason.

"My entire family was very nearly annihilated by a drunken driver who had two prior DUIs," Heverly told the *Las Vegas Review-Journal*. "The offender received a \$100 fine and walked out of the courtroom laughing." "Today, that person would be facing seven counts of felony DUI," she said.

Sandy, you know as well as I that if that same drunk had just driven out of the Crazy Horse Too parking lot, he'd still be laughing!

Submitted at City Council

http://www.americanmafia.com/Inside_Vegas/8-16-04_Inside_Vegas.html

Date 8/18/04 10:15/04
Citizen Participation

Sandy Heverly was the dynamo behind the nationally renown *Mothers Against Drunk Drivers (MADD)*, *Students Against Drunk Drivers (SADD)*, and *STOP DUI* organizations all based in Las Vegas. However, no matter how many lives she's saved, the highly respected, outspoken woman has been conspicuously silent when it comes to the biggest generator of DUIs in her home town – the politically influential Crazy Horse Too topless bar.



Sandy Heverly director of *Stop DUI*
(R. MARSH STARKS / LV SUN)

An unidentified man was found lying unconscious next to his running vehicle behind the Crazy Horse at 5 PM, Tuesday, October 2. Another unconscious man was found lying in a pool of urine in the bar's parking lot on November 30.

Witnesses report that one man entered the bar at 3 PM on Monday, Oct. 1, and left the bar twenty-six hours later in a stupor. Bar employees reportedly allowed the man to leave the bar, stagger to his vehicle, and start the engine. The man then reportedly fell out of the vehicle, regurgitated, staggered a few steps and passed out on the pavement. When he could not be revived, mechanics from Allstate Auto, a business located next to the bar, called paramedics. The man was released from University Medical Center the following day after detoxification. He returned to Allstate Auto to reclaim his car.

It was determined that the second man found unconscious in the parking lot on Nov. 30, was also attempting to access his car when he passed out, not an unusual story for this trouble-plagued business – a story Sandy Heverly knows all too well.

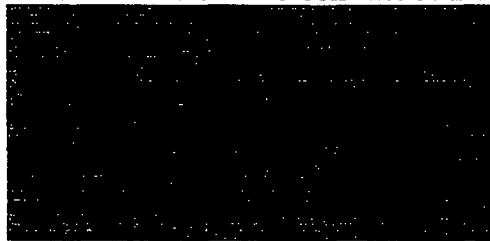
"I can't believe they were gonna let drunks like this drive! If they stayed there all night they must've spent a fortune. The least thing the manager of the bar could've done was call them a cab and make sure they didn't drive," said Buffalo Jim Barrier, the owner of Allstate Auto.

Last week, several of Barrier's employees were nearly run over by a man who tested 1.4 times the legal limit after he peeled out of the bar's self parking area and crashed into a concrete reinforced pole. A witness who tried to call 911 was allegedly told she could not call from inside the bar, so she used the phone in Barrier's garage. Emergency units soon responded and the driver was arrested for DUI. The Crazy Horse obviously did not want the incident reported.



Results of DUI, August 11, 2004 (Photos by Buffalo Jim Barrier) DUI suspect is allowed to retrieve personal belongings from wrecked car

"They just keep launching intoxicated drivers out their driveway and into Meadows Village," said Barrier. Meadows Village is a low income neighborhood full of small children located one block east of the Crazy Horse.



Though the bar employs professional security 24/7 to watch the parking lot, it seems that guards are more interested in getting a little "eye candy" and a cup of coffee inside the bar than watching out for potential DUIs.

"Evidently, the Crazy Horse employees have not taken the TIPS or TAM course," Barrier said. TIPS stands for Training for Intervention Procedures by Servers, a course required by law to be taken by all cocktail servers and bartenders. Another course required to be taken by all liquor selling employees is the TAM program. Both are dedicated to reducing alcohol related driving accidents as required by state law – but that law evidently does not apply to the Crazy Horse.

Barrier says he's reported numerous instances of drunks being allowed to drive away from the topless bar, but has received no response to his complaints from the city or the police department. So he turned to Sandy Heverly and *STOP DUI*. Now he claims Heverly's organization is also non responsive.

At 9 AM, Friday May 14, the Metropolitan Police were notified that a semi truck driven by an inebriated man crashed into a parked car while leaving the Crazy Horse parking lot. After narrowly missing several pedestrians, the giant truck was seen speeding toward Meadows Village. The truck had been parked on Nevada Department of Transportation (NDOT) property located under the Sahara Avenue bridge. The parking lot is leased to the Crazy Horse. If a child had been maimed or killed, the taxpayers could have been exposed to liability.

The driver's description and truck number were given to the 911 dispatcher who said she would immediately send units to investigate. Witnesses stayed at the scene to give statements about the hit and run incident while another witness took chase in his car.

Minutes after the initial call was made, the citizen who reported the incident said he received a return call from "Kathy in dispatch." She reportedly told him that someone within the Crazy Horse would be required to call in the complaint before police would respond.

No call followed from the Crazy Horse, therefore the police never showed up to investigate. What's worse was the fact that *STOP DUI*, a non-profit organization that up until then had been so effective, was also notified but did not take action.

Reports of police turning their backs on incidents at the Crazy Horse are not new. The purported owner, Rick Rizzolo, a former law client of Las Vegas Mayor Oscar Goodman, raised \$50,000 for the District Attorney (that was reportedly returned), and has many "friends" within the Las Vegas Metropolitan Police Department. Rizzolo is also known for his generous contributions to non-profit organizations and charities. Several other Crazy Horse executives (suspected owners) were also Goodman's former law clients, and one is presently the client of Goodman's former law partner and current business associate, attorney David Chesnoff.

In the Sunday, August 8, 2004 *Las Vegas Review-Journal*, Columnist John L. Smith had this to say about Crazy Horse executive and Chesnoff client Vinny Faraci: *Now, you may ask why a cop and a man of Faraci's reputed pedigree are doing business, but I've never been the inquisitive type. Las Vegas is all about contacts, and the 49-year-old Faraci has made many. Cops, casino executives, even a politician or two. The Brooklyn native is a registered felon with a 1985 mail fraud conviction. An incident in which he was named but not prosecuted in 1985 involved the alleged ball bat beating of a Crazy Horse Too customer... Faraci's attorney David Chesnoff bristles at rumors of wrongdoing by his client. "It's amazing to me that a guy can work at the same job, do it well, pay his taxes, and be tagged the way he is," Chesnoff says.*

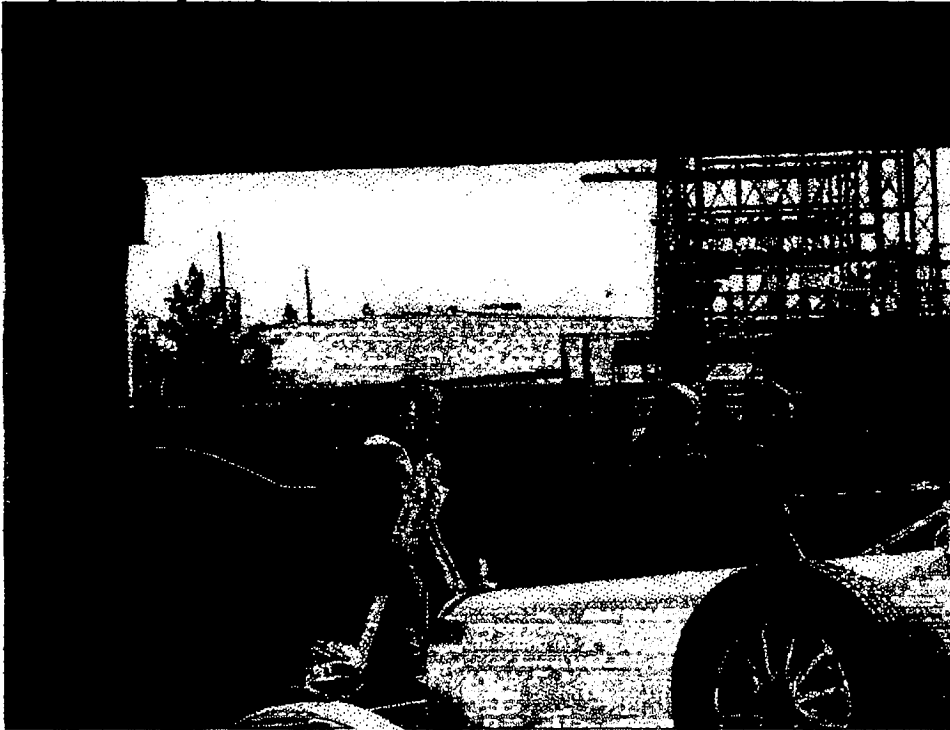
Chesnoff may be right because no one employed at the Crazy Horse has ever been arrested or prosecuted by local law enforcement for anything including this recent DUI incident reported in the *Las Vegas Review-Journal* on Friday, July 23: *As the Crazy Horse Too case draws closer to the indictment stage, word is surfacing that authorities are investigating whether two of the topless club's employees received preferential treatment after being stopped for suspicion of driving under the influence.*

Only civil type legal actions have ever been taken against the bar, its owners, or employees. However, most were grossly under funded and were either summarily dismissed by friendly judges, or failed after abbreviated trials prompting Bart Rizzolo to tell the *Las Vegas SUN*: *"There has got to be a way to get back at people who file lawsuits." "There has never been a suit filed that we haven't beaten and I'm hoping our record will stay that way." "If a customer gets out of line, we help the guy out, we don't throw him out," he said.*

Tell that to the children and widow of Scott David Fau, or to Kirk Henry who must spend the rest of his life a quadriplegic!

It has also been reported that ambulance attendants and fire department paramedics who respond to numerous complaints of drunks passed out in the bar's parking lot, or of beating victims, are seen taking "coffee breaks" in the bar after attending to the downed patrons. In spite of warnings from high officials in the LV Fire Department, photos are taken each time

such friendly visits occur. Coincidentally, when paramedics have been asked for statements regarding injuries suffered at the bar, most refuse to cooperate with reporters or with lawyers for injured parties.



Bobby D'Apice escorts paramedics into club for "coffee", 05/06/04

(Photo by Buffalo Jim Barrier)

One of the photos shows shift manager Bobby D'Apice escorting paramedics into the club for a little R&R. D'Apice has previous arrests for domestic battery, battery on an officer, and carrying a concealed weapon. D'Apice is also a suspect in the 2001 case of Kansas tourist Kirk Henry's neck being broken after he objected to an \$88 bar tab -- the subject of the Sunday, August 1, 2004 *DATELINE NBC* segment, *"It happened one night."* The FBI stepped in after local police and the district attorney refused to take action following the incident.

Since 2001, repeated requests have been made to Mayor Goodman to bring the Crazy Horse Too before the City Council on disciplinary actions regarding the ignoring of TAM laws and for repeated acts of violence involving bar employees and patrons. His constant refusal to take official action -- possibly based on loyalties to his former criminal clients -- inspired the Editor of the *Las Vegas Tribune* on October 10, 2001, to make the following statement:

"Las Vegas does not need to be plagued with the horrible image being forced on us by an out-of-control business enterprise." The Editor then pledged that his paper *"will continue covering events at the Crazy Horse Too until this public nuisance is permanently shut down so that no one else can be injured or killed."*

Several years back, Jim Barrier told a reporter, "Every local topless bar subscribes to TIPS, however, the Crazy Horse Too evidently does not feel obligated to join the program and nobody seems to care. I think Sandy Heverly of *STOP DUI* should step in before people get killed by guys like the ones we helped!" He then began calling and faxing Heverly at her

Las Vegas *STOP DUI* headquarters every time he observed a DUI incident.

Barrier also sent *STOP DUI* dozens of photos of drunks who passed out in the bar's parking lot while they were trying to access their cars. *STOP DUI* still failed to take interest even after others began calling with complaints. One caller was even reportedly told the problem was a "civil matter."



Photos taken by Buffalo Jim Barrier that were ignored by *STOP DUI*

Amazingly, after the Crazy Horse had been the scene of over 700 police responses in just three years including 9 for assaults and 6 for robberies involving bar employees, Mayor Goodman had this to say about his former law client's bar when reporters touched a raw nerve during a televised press conference on Thursday, August 5:

MICHAEL SQUIRES - LAS VEGAS REVIEW-JOURNAL: This week Dateline NBC had a program on the Crazy Horse Too...

MAYOR GOODMAN: I did not see that. (Emphasis added)

(A videotape of *DATELINE NBC* was HAND DELIVERED to Goodman ON TUESDAY, AUGUST 3)

SQUIRES: Some of the allegations against the club that have been known for some time. Is there any appetite for a Show Cause Hearing...

GOODMAN: No! (Emphasis added)

SQUIRES: ...against the club, and why not?

GOODMAN: Ah, I've taken a position publicly, you know, that's no different than where I was before. I'm under the impression that there's a federal investigation that is underway or is taking place, and I'm not going to, ah, screw it up by having, ah, some kind of hearing in front of the City Council, ah, until somebody tells me that that is not the case.

SQUIRES: Given the facts that are known publicly that have been published, moving forward on that basis wouldn't screw up any...

GOODMAN: No one, no one's asked that other than "Captain Truth*," no one's ask

me to ah, I, I haven't had a request from anybody to have an order to Show Cause. (Emphasis added)

JON RALSTON - LAS VEGAS SUN: Steve Miller sends out seven e-mails a day...

GOODMAN: Yea, right...

RALSTON: Give credit...

GOODMAN: I know...but, I, ah...Steve Miller is, ah, he's afraid of me. I don't wanna, I don't wanna, I don't wanna scare him. Excuse me... (Emphasis added)

SQUIRES: Are you looking for some credible outside source to call for this, or...

GOODMAN: Well I would would, I would assume that, ah, we have a Business License Department that I don't agree with on many occasions, ah, and ah, if ah ah they felt there was a need, I hope they would come forward and bring an order to show... say "Mayor, we're gonna bring an order to Show Cause." If they do that I'm certainly not gonna, ah ah, squelch it, that's for sure.

(END OF VERBATIM TRANSCRIPT)

The City of Las Vegas Department of Business Activities works at the pleasure of the Mayor and Council, not the other way around.

And, despite overwhelming evidence to the contrary, the Mayor still made the false statements: *"I haven't had a request from anybody to have an order to Show Cause,"* and *"I did not see that,"* when asked if he was aware of the shocking *DATELINE NBC* exposé - two obvious lies.

What is he trying to hide?

On October 25, 2001, one month after Kirk Henry's neck was broken, Mayor Goodman asked me to visit him in his City Hall office to discuss my first request to bring the Crazy Horse Too up on a Show Cause action. There he opened the meeting by stating, "I'm not doing any favors for Joey Cusumano," though I did not bring up Mr. Cusumano's name. Cusumano is suspected of having hidden ownership in the Crazy Horse, and was one of Goodman's most prolific former clients.

On Thursday, November 21, because he had refused to take action, I sent a certified letter to the Mayor asking that he bring the Crazy Horse up on a Show Cause. Again, he refused and the DUIs and violence continued.

On February 21, 2003, the day following the FBI raid of the Crazy Horse, Mayor Goodman paid an unexpected visit to my home.



PHOTO by Mike Christ of Goodman on Miller's doorstep

A frightened looking Goodman told me he would not legally challenge the bar's liquor license because he did not want to interfere with a federal investigation. Since then, additional beatings, credit card frauds, and a shooting have been reported at the Crazy Horse, not to mention all the DUIs -- incidents that could have been prevented if Goodman had had the guts to take timely action against his friends and former clients, some who may have hidden ownership in the bar.

The same morning of his visit, according to Chicago newspapers, mobster Joey "The Clown" Lombardo, one of Goodman's former clients with ties to the Crazy Horse, went into hiding and was suspected of turning federal witness in cases that may involve Las Vegas connections. No wonder Goodman looked frightened! Mob informer Jimmy "the Weasel" Fratianno once said the Hole in the Wall Gang regularly used the conference room in Goodman's former law office to plan their heists, and Lombardo was part of that crew.

It just doesn't seem to me that Goodman would ever turn on these guys, even if it were to stop the carnage on Industrial Road. How very sad.



Rocco Lombardo is an executive at the Crazy Horse
(KVBC TV News)

Curiously, in recent years, Mayor Goodman has always let his feelings be clearly known whenever something negative was written or broadcast about "his" city. For instance, in 2003, he went ballistic when "Hunting Bambi" gained national attention. Then in 2004, he said he would like to "whack" Henderson resident Michael Hamden for going national with the allegation that he overheard two men on his cell phone speak in Arabic about blowing up the Strip.

Now our Mayor says, "*I did not see that,*" when asked if he viewed the graphically brutal DATELINE NBC segment about a Kansas man who came close to being killed at Goodman's former client's bar! Its just so strange that this one national news story did not

grab his attention like the others.



"I did not see that" – Mayor Oscar Goodman

Maybe its because the *NBC* story was about the guys who made him rich who now allegedly own the blood-soaked skin joint – a bar that also employs one of his biggest former clients, Vinny Faraci, who is presently spending a fortune with Goodman's business partner David Chesnoff preparing for his defense in the upcoming federal racketeering case. And keep in mind that the Crazy Horse – which may be confiscated by the federal government in the near future – can also provide a lucrative harvest for Goodman's two criminal defense attorney sons in the form of dozens of organized crime type clients who may also be facing federal indictments.

Meanwhile, no matter what Goodman says about not wanting to interfere with a federal investigation, the DUIs alone are enough to shut the place down.

In the past, Sandy Heverly and *STOP DUI* were extremely proactive before the City Council and Clark County Commission when less politically influential businesses were found to be ignoring TIPS and TAM laws. But lately, Ms. Heverly and her organization have buried their heads in the sand when it comes to the Crazy Horse Too.

Part of the financial assistance for *STOP DUI* comes from those who are caught driving under the influence. Other funding comes from private and corporate donations. The organization does not solicit financial support from the general public.

(Click here for article including TRANSCRIPT of *DATELINE NBC* segment:)

*Steven "Captain Truth" Dempsey holds a law degree and appears twice monthly before the City Council to report crimes at the Crazy Horse and request that the bar's license be revoked, but his testimony over the past four years has been consistently discounted and ignored.

* If you would like to receive Steve's frequent E-Briefs about Las Vegas' scandals, click here: Steve Miller's Las Vegas E-Briefs



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8-9-04



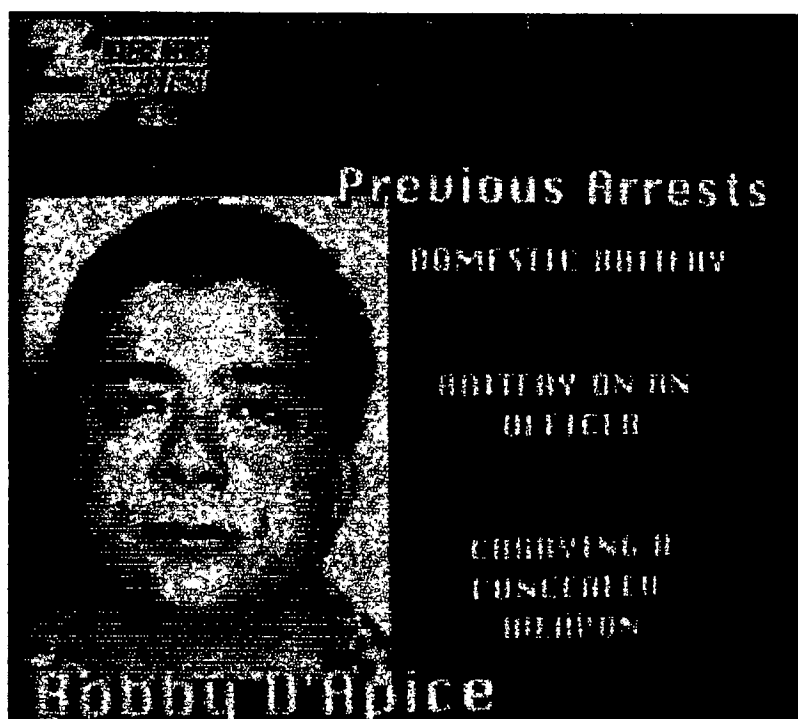
Steve Miller is a former Las Vegas City Councilman. In 1991, the readers of the Las Vegas Review Journal voted him the "Most Effective Public Official" in Southern Nevada. Visit his website at: <http://www.SteveMiller4LasVegas.com>

***DATELINE NBC* Finally Tells of Brutality at Crazy Horse Too**

Vegas Mayor & DA's Inaction Inspires National TV Exposé

"They don't settle disputes by taking them to court. They settle disputes – its very clear throughout the history of the club – by engaging in acts of intimidation and acts of violence." – Don Campbell, former Chief of Department of Justice Organized Crime and Drug Task Force in Nevada

Submitted at City Council
Date 8/18/04 Item *Citizen Participation*
8/8/04



Accused assailant Bobby D'Apice
(KVBC TV News)

INSIDE VEGAS by Steve Miller
AmericanMafia.com
August 9, 2004

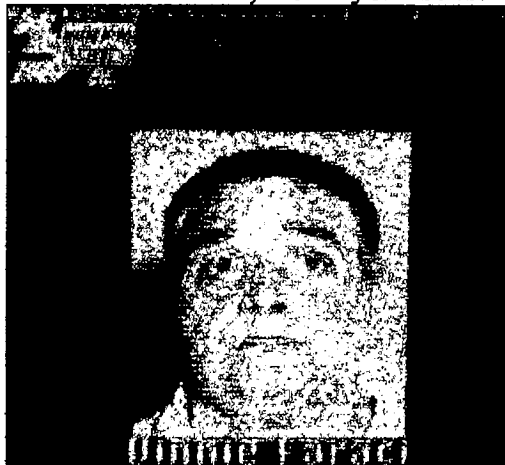
LAS VEGAS - Based on my years of writing *INSIDE VEGAS* columns about the violence-plagued Crazy Horse Too topless bar, *NBC News* West Coast Producer Anthony Galloway interviewed me several months back to gather information for a *DATELINE NBC* segment about Sin City's darkest secret.

I provided Mr. Galloway with my files including sealed police reports and photos, many taken by the bar's embattled next door neighbor Buffalo Jim Barrier, in hope his network exposé would shock Vegas officials into finally closing the public nuisance before anyone else is injured or killed.

The sickening story of intimidation, credit card fraud, coercion, brutality and the political corruption that harbors it, started coming together. Over the next several months I provided *NBC News* with almost daily updates including statements from bar patrons who said they were threatened or beaten, some after refusing to sign inflated credit card bills. Last Sunday, forty million Americans were exposed to my city's dirtiest laundry, and questions were raised as to how something so sinister could continue unabated in a city the mob supposedly abandoned many years ago?

For three years, Vegas Mayor Oscar Goodman has been asked to close down the blood-soaked bar which is located within his city's jurisdictional limits, but he obviously didn't have the guts to offend some of his former mob clients, or to interfere with his partner or sons making money defending Crazy Horse hoodlums.

Goodman's partner, attorney David Chesnoff, has been hired to defend Crazy Horse Too shift manager and reputed mob figure Vinny Faraci in case he's indicted later this summer. Chesnoff is also the mentor to fledging criminal defense attorneys Ross and Eric Goodman, the mayor's sons.



KVBC TV News

On Sunday, August 8, *Las Vegas Review-Journal* columnist John L. Smith reported that Faraci is also engaged in a business transaction with local police officer Dave Radcliffe, something Clark County Sheriff Bill Young frowns on. The last time Young discovered one of his officers involved in a business deal with Rick Rizzolo, the bar's purported owner, Young demoted the officer for "accepting gifts from suspects and consorting with persons of ill repute." Its yet to be decided what Radcliffe's punishment will be for his business association with Faraci, an ex-felon who is under investigation by the FBI.

Faraci hired Radcliffe to sell his estate, possibly so he could transfer its liquid assets to relatives before they can be confiscated by the feds.

In the meantime, many speculate that the cozy relationship between Crazy Horse executives and LV Metro cops and politicians is the reason the bar's liquor license has not been revoked while beatings continue to be reported — two within the past four weeks.

Now, after our city has been disgraced on national TV, I can only blame Goodman's refusal to revoke the Crazy Horse's privileged business license on cowardice, or possibly on his devotion to his son's successful futures and the clientele they can harvest at the Crazy Horse.

I have also written on these pages about our timid District Attorney David Roger who joined Goodman in turning his back on dozens of police reports of robberies and beatings at the Crazy Horse Too.



DA David Roger

On October 25, 2001, a month after Kansas tourist Kirk Henry's neck was allegedly broken by a steroid-pumped Crazy Horse employee, Mayor Goodman requested I come to his office at City Hall. His invitation made me think he was going to take action to end the mayhem.

Instead, Goodman started our tense meeting by nervously saying "I am not doing any favors for Joey Cusumano," though I did not bring up Mr. Cusumano's name. Joey is a suspected hidden owner of the Crazy Horse and one of Goodman's former clients with alleged connections to the Bonanno crime family. Other suspected Crazy Horse owners and former Goodman clients include Al Rapuano, Vinnie Faraci, and Joey "The Clown" Lombardo.

During the rest of the City Hall meeting we discussed the ongoing violence, and then he asked how to bring a license revocation item before the Council (as if he didn't know)? However, during the months following our meeting, Goodman did not follow through in any way and the beatings continued. Despite being fully aware of the problems at the bar, he soon sponsored two custom ordinances to specifically benefit the Crazy Horse; one to allow the bar to expand within 1000 feet of another adult business, the other to allow teenage strippers to work in city strip bars.

I had been schmozed by the biggest schmoozer in town!

Then, on Feb. 21, 2003, eighty FBI agents raided the Crazy Horse and seized the contents of Rizzolo's office along with video surveillance tapes, computers, and ATM machines.



Feds haul off Rizzolo's files (KYBC TV News)

The same morning, according to Chicago newspapers, Joey "The Clown" Lombardo went into hiding and was suspected of turning federal witness in cases that may involve Las Vegas connections. That afternoon, Mayor Goodman mysteriously called me again. He asked if we could meet as soon as possible. At 8 AM the next morning, we met in the middle of the street in front of my home.



Goodman schmoozing Miller after FBI raided his former client's bar

(AmericanMafia.com photo by Mike Christ)

As we dodged traffic, Goodman looked disheveled as if he hadn't slept. He was obviously nervous as he rubbed my shoulder while looking at the ground never once making eye contact. He stated he could not revoke the Crazy Horse liquor license during a federal investigation. I knew I was being schmoozed again.

I countered that a liquor license revocation is a civil proceeding, and the federal investigation was a criminal action. That the civil action would not have a bearing on the federal action, so he could freely proceed with the revocation.

I also told Goodman that since our uneventful City Hall meeting 16 months earlier, additional beatings took place including those of Eben Kostbar and Paul Russo, and that if he did not take immediate action I would hold him personally responsible for further beatings or killings at the bar.

He turned and walked away without responding and the violence continued while his former law firm profited by representing Crazy Horse employees. It almost looked like he was shaking down the bar to generate business for Chesnoff, et al.

I believe the inaction of Oscar Goodman and David Roger is responsible for allowing our city to suffer last Sunday's disgrace on national TV.

Roger, who accepted – then returned – \$45,000 in campaign contributions generated by Rizzolo, ignored requests for prosecution from a number of legitimate local cops including Lt. John Alamshaw who asked that those responsible be prosecuted for their crimes. And Goodman, after being informed on numerous occasions that people were being beaten and killed at his former client's place of business, did nothing.

Now, thanks to Goodman and Roger's cowardice or greed along with *DATELINE NBC's* shocking story, Las Vegas has gained an unwelcome new slogan: ENTER AT YOUR OWN RISK!

DATELINE NBC - Transcript
Sunday, August 1, 2004
"IT HAPPENED ONE NIGHT"
Producer: Anthony Galloway
Editor: Paul Venus

LESTER HOLT: Millions visit for fun, never expecting this. A nightclub employee viciously beating a customer. It might look like a scene from the movie "Casino," but this man says he too was beaten at another club, and that violence in Vegas can be all too real.

KIRK HENRY: They took most of my life away.

HOLT: A Las Vegas nightclub nightmare. *Dateline* with Stone Phillips will continue after this brief message.

COMMERCIAL BREAK

STONE PHILLIPS: Coming up. It's a well-known topless bar in Las Vegas, and it denies its employees did anything wrong. But he says what happened there changed his life forever.

KIRK HENRY: There's never a day that goes by that there's not something that I can't do anymore.



Photo by REED HOFFMANN/SPECIAL
TO THE LV REVIEW JOURNAL

PHILLIPS: A look at what some say is the dark side of Las Vegas. From our studios in New York, here again is Lester Holt.

HOLT: To millions of visitors, Las Vegas is a grown up fantasy land, a place to lose yourself and your inhibitions. And everywhere, the lure of gambling and adult entertainment. But the man you are about to meet had no idea what a gamble he was about to take when he went out for a night on the town. Here's Rob Stafford.

AMY HENRY: Its one of those things you just don't think will ever happen to you, like something you read about or see on TV.

ROB STAFFORD: There are two sides to every city, and Las Vegas is no different. There's the public side with its shiny lights and towering hotels, and the dangerous side. A side of Vegas that most people only see in movies like "Casino."

CLIP OF VIOLENT SCENE FROM MOVIE "CASINO"

Stafford: If you thought those days were long gone, take a look at this.

VIDEO OF BOUNCER BRUTALLY BEATING PATRON AT VEGAS BAR

STAFFORD: Kirk Henry says he's seen this side of Vegas. What happened to him was painfully real and devastated his whole family including his wife Amy.

VIDEO OF AMY HENRY WITH HUSBAND AND CHILDREN IN BETTER TIMES



STAFFORD: When the minister said "Through good times and bad," you'll stick it out...

AMY HENRY: I had no idea.

STAFFORD: You had no idea how tough it would be?

KIRK HENRY: Everything looked very bright like the future was going to be great, and it was until this happened.

STAFFORD: The Henry's story is a cautionary tale of how one moment in one night can change an entire life. In the blink of an eye this couple from Kansas would find themselves a long way from home. Facing a frightening ordeal that would stretch into the darkest corners of this city and into a world of sex, violence and intimidation. This journey started in late September 2001. Kirk, a computer network developer, went to Las Vegas to close a business deal. Amy was home in Kansas with their two kids. After a day of meetings and a night of gambling, Kirk and a business associate took a cab to a well-known topless bar called the Crazy Horse Too. Needless to say, Kirk didn't plan to tell Amy about that part of the trip.

AMY HENRY: Had he called and told me he was going, I would probably given him a little bit of trouble.

STAFFORD: Oh, I bet you would have!

AMY HENRY: If I would have said it was me going to a male strip club...

STAFFORD: Kirk and his business associate arrived at the club and Kirk said they were welcomed by topless dancers greeting them with a lot more than open arms.

KIRK HENRY: The dancers were just hounding us. One after another they would approach the table.

STAFFORD: They wanted lap dances?

KIRK HENRY: Exactly. And they just were ruthless. They just wouldn't stop. And you couldn't just relax and have a drink. They would just keep coming at you.

STAFFORD: Kirk said he finally gave in and paid a total of sixty dollars for three lap dances. He also drank some beers, quite a few actually, and said he paid cash for each. Kirk's colleague left sometime that night, but Kirk stuck around until the early morning. And that, he says, is when trouble began.

KIRK HENRY: The dancer comes up to you and says "This guy owes me eighty dollars."

STAFFORD: And what did you say?

KIRK HENRY: I told her I didn't owe her anything. She was crazy!

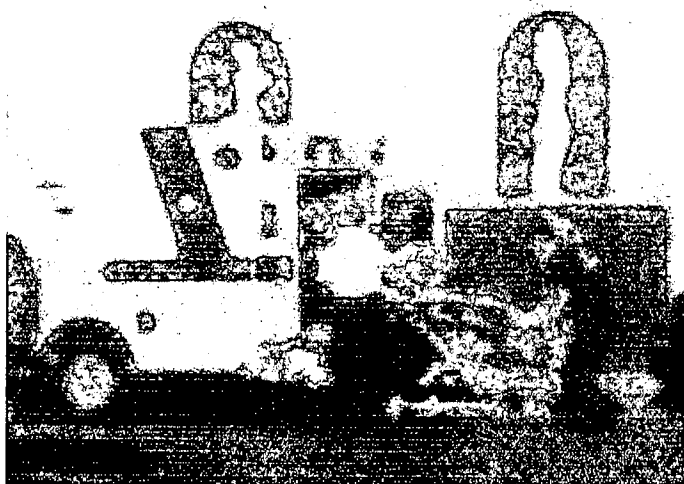
STAFFORD: Kirk said the dancer called the manager on duty, a man he soon learned was Bobby D'Apice.

KIRK HENRY: He said, "You need to settle your tab." I said I didn't open a tab and I'm not going to pay you a tab I didn't open. And I looked at the existing cash I still had in my wallet and I remember pulling out sixty-six dollars, and I said "I have this much money in my wallet. I don't owe you this because I was paying as I went. But if it makes you feel any better, I'll leave this with you and we can call it even."

STAFFORD: After slamming more than sixty dollars on the bar, Kirk said he headed for the front door. He remembers taking a few steps outside, but said he was not allowed to go.

KIRK HENRY: I felt myself being grabbed from behind. At that point I heard a loud grunting noise sort of like when someone is lifting weights. I heard almost a snarl and felt my neck being twisted violently downward to the left and I fell to my right shoulder and immediately tried to get back up, but I couldn't.

STAFFORD: As he lay in the parking lot in front of the club, Kirk Henry said the manager on duty, Bobbie DiApiece, took his wallet and walked back inside and charged Kirk's credit card, but he also called 911 and an ambulance rushed Kirk to a Las Vegas hospital where this home video was later recorded.



Kirk Henry being transported

(Photo by Buffalo Jim Barrier shown on *DATELINE NBC*)

VIDEO OF KIRK HENRY IN EXTENSIVE CARE UNIT



KVBC TV News

STAFFORD: The doctors found Kirk with a broken neck, spinal cord damage, and they began surgery immediately. When Kirk's wife Amy arrived from Kansas fifteen hours later she couldn't comprehend the news.

AMY HENRY: When the doctor called me after the surgery, he said it was worse than what they had anticipated.

STAFFORD: Worse than expected?

AMY HENRY: It was one of the worst broken necks he had ever seen. He said it looks like someone tried to twist Kirk's neck off his shoulders.

STAFFORD: What is your prognosis?

KIRK HENRY: They're not sure. It depends on the swelling.

STAFFORD: Forty-five year old Kirk is paralyzed from the chest down. Barring a medical breakthrough he will never use his legs again. Moving his arms and hands takes complete concentration.

AMY HENRY: I tell him not to give up hope, but it gets to a point when you realize there is nothing – no feeling.

STAFFORD: That your husband won't be able to walk again?

AMY HENRY: Right.

VIDEO OF CHILDREN HUGGING FATHER IN BED



Kirk and son Jared

(Photo by REED HOFFMANN/
SPECIAL TO THE LV REVIEW-JOURNAL)

STAFFORD: It was nine months before Kirk made it back home to Kansas after spending almost a year in rehabilitation learning to live life in a bed and a wheelchair.

VIDEO OF HENRY IN ELECTRIC WHEELCHAIR



KVBC TV News

STAFFORD: As Kirk recuperated, the local police investigated. Still, Kirk and Amy couldn't believe that Bobby D'Apice, the man Kirk said attacked him, had not been arrested.

KIRK HENRY: He snapped my back and took most of my life away. He attacked me for no reason – no good reason – why would a person do that?

STAFFORD: So the Henry's decided to fight back and to sue the Crazy Horse Too. Don

Campbell is Kirk's attorney.

DON CAMPBELL: The Crazy Horse is infested with a rogue's gallery of criminals, drug pushers, thieves, corrupt ex cops.



Crazy Horse "rogue's gallery" (L to R) Greg Liosi, Bobby D'Apice,
Joe Blasko, Ray Randazzo, Mo McKenna, Vinnie Faraci
(KVBC TV News)

STAFFORD: Campbell, a former Assistant US Attorney, was Chief of the Department of Justice's Organized Crime and Drug Task Force in Nevada. He told the Henry's he was familiar with a lot of employees of the club.

CAMPBELL: And I didn't know them because I met them in church. I knew them because I prosecuted and put some of them in jail.

STAFFORD: Now working as a civil attorney, Campbell also represents victims from an assault at a different club not associated with the Crazy Horse called the "R & R" where a bouncer attacked two people after towing their car from a parking space. It was all caught on tape in graphic detail.

VIDEO OF BOUNCER BEATING BAR PATRONS

STAFFORD: The club is since shut down and this bouncer was convicted of two counts of battery with substantial bodily harm.

ADDITIONAL VIDEO OF BOUNCER BEATING BAR PATRONS

STAFFORD: While the vast majority of clubs in Las Vegas are safe, law abiding businesses, attorney Campbell says the video from the R & R demonstrates a culture of violence that also exists at the Crazy Horse Too.

VIDEO OF KVBC TV NEWS ANCHOR NINA RADETICH

NINA RADETICH: The allegations sound like a plot from the TV show "The Sopranos."

STAFFORD: The year after Kirk's alleged beating, more allegations of violence at the Crazy Horse were uncovered by Investigative Reporter Glen Meek of the NBC affiliate KVBC.

VIDEO OF GLEN MEEK

STAFFORD: Meek interviewed not only Kirk, but two other alleged victims including Eben Kostbar, an LA model seen here in a workout video.



Eben Kostbar (KVBC TV News)



Paul Russo (KVBC TV News)

VIDEO OF EBEN KOSTBAR AT WORK

STAFFORD: Kostbar said a Crazy Horse bartender brutally beat him in July 2001, just two months before Kirk Henry's alleged assault.

DON CAMPBELL: They don't settle disputes by taking them to court. They settle disputes – its very clear throughout the history of the club – by engaging in acts of intimidation and acts of violence.

STAFFORD: No ones been arrested or charged in Kostbar's case or Kirk Henry's case. But these allegations of intimidation and violence have caught the attention of the FBI, which has started its own investigation. The feds have interviewed Kirk Henry and last year they raided the Crazy Horse as part of a probe into an alleged pattern of sticking customers with inflated tabs and beating them if they don't pay up. And what does the club have to say about the allegations? Its attorney Tony Sgro denies everything.



Tony Sgro, Vinnie Faraci, Bart Rizzolo

(AmericanMafia.com photo by Mike Christ)

TONY SGRO: Kirk Henry pans out to be someone who is at worst case scenario completely

fabricating a story.

STAFFORD: Sgro says no one from the club attacked Kirk Henry and there is no pattern of abuse or overcharging customers despite the FBI raid and the claims made by both Henry and LA model Eben Kostbar.

SGRO: Eben Kostbar. He has pictures of bruises, a black eye, says he got in a dispute with a bartender here and was beaten up. I don't believe he was ever here!

STAFFORD: Did you pay him?

SGRO: Over our objections the insurance company paid him what they call 'nuisance value' to leave us alone.

STAFFORD: So Eben Kostbar with those bruises is lying? Kirk Henry in a wheelchair is not telling the truth? But the Crazy Horse Too is being honest.

SGRO: Eben Kostbar didn't get hurt at this club. Kirk Henry took a bad situation and he made it worse by accusing innocent persons of wrongdoing.

VIDEO OF SGRO POINTING TO AREA WHERE HENRY WAS INJURED

SGRO: It would have been in this general area.

STAFFORD: Attorney Sgro says Henry fabricated his story to win a lawsuit. He said Kirk spent seven hours drinking at the club and had a blood alcohol level more than twice the legal limit.

SGRO: At seven in the morning its very dark inside the club and he's going to walk out this door.

VIDEO OF DOOR OPENING INTO BRIGHT SUNLIGHT

STAFFORD: Drunk and disorientated by the bright morning light, Sgro says Kirk Henry fell off the curb by himself.

VIDEO OF STAFFORD AND SGRO IN BAR ENTRANCE:

STAFFORD: You're saying there's no confrontation going on right here?

SGRO: Absolutely none.

STAFFORD: Using this model, attorney Sgro showed where Henry's neck was broken, and said respected medical studies conducted over twenty years found the location of these types of injuries points to an accident, not an assault.

VIDEO OF STAFFORD IN CLUB ASKING SGRO THIS QUESTION: You're saying that Kirk Henry slipped on that curb. That curb is about the height of this pen (holding up a five-inch ball point pen).

SGRO: You don't even have to fall off a curb. You can take a spill as you walk across a

parking lot. You don't even need the added height of the curb.

STAFFORD: And you're in a wheelchair for the rest of your life.

SGRO: Unfortunately yes.

STAFFORD: Kirk Henry's neurosurgeon says this was no accident, that someone twisted Kirk Henry's neck and threw him to the ground.

SGRO: I think it would be more accurate to say someone or something caused an injury...

STAFFORD: But he's a neurosurgeon. You're a lawyer.

SGRO: That's true.

STAFFORD: So what do you know medically that he doesn't know?

SGRO: Well, I doubt I know much medically personally. I do know what our experts are telling us and our experts are telling us that universally the type of injury that Mr. Henry sustained is always the result of a slip and fall. Universally that's not up for debate.

KIRK HENRY: You'd have to stick your head in some sort of a machine to get that kind of break. You couldn't fall and do that.

STAFFORD: Were you drunk?

KIRK HENRY: Not overly drunk. I was drinking beers over a long period of time. I wasn't just slobbering intoxicated that night.

STAFFORD: Your blood alcohol level was point two-oh, which is twice the legal limit, that's a lot.

KIRK HENRY: Yes, I wasn't driving.

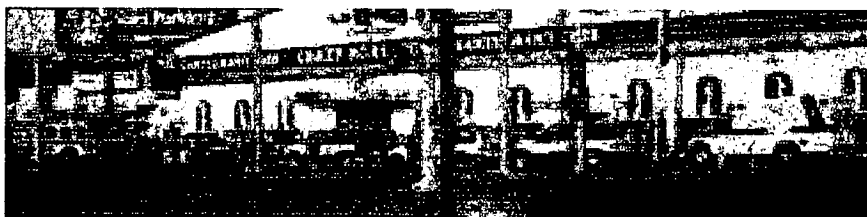
STAFFORD: So is it possible that you were so intoxicated that you went out of the club, staggered, fell and hit your head?

KIRK HENRY: That's absolutely ridiculous.

VIDEO OF AMBULANCE

STAFFORD: Ultimately the truth of this story may be decided in a courtroom not far from the lights of the Vegas Strip. But the reality of what happened that morning in September transcends doctors and experts, lawyers and theorists. It goes to the heart of a family interrupted.

VIDEO OF KIRK HENRY IN HOSPITAL



Police and paramedics respond to beating at Crazy Horse Too

(Photo by Buffalo Jim Barrier shown on *DATELINE NBC*)

STAFFORD: In the year since Kirk has become a quadriplegic, he says he's racked up more than a million dollars in medical bills and is seeking millions more from the Crazy Horse Too. But regardless of what happens in or out of court, no amount can cover what Kirk Henry lost in one night in Las Vegas.

KIRK HENRY: There is never a day that goes by that there's not something that I can't do anymore. Riding a bike - teaching my daughter how to ride a bike, taking them swimming, I taught my son how to water-ski, I can't do that with my daughter.

END OF TRANSCRIPT

* If you would like to receive Steve's frequent E-Briefs about Las Vegas' scandals, click here: [Steve Miller's Las Vegas E-Briefs](#)

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