City of Las Vegas

Agenda Item No.: 26

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

PLANNING COMMISSION MEETING OF: AUGUST 26, 2004

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: ROBERT S. GENZER [ ] CONSENT [X] DISCUSSION

SUBJECT:
ABEYANCE - SDR-4619 - SITE DEVELOPMENT PLAN REVIEW - PUBLIC HEARING - APPLICANT/OWNER: WEINGARTEN REALTY INVESTMENTS - Request for a Site Development Plan Review FOR TWO PROPOSED RESTAURANT PADS WITHIN AN EXISTING COMMERCIAL CENTER on 10.69 acres adjacent to the southeast corner of Decatur Boulevard and Charleston Boulevard (APN 162-06-112-005, 162-06-112-007, and a portion of 162-06-112-004), C-1 (Limited Commercial) Zone, Ward 1 (Moncrief).

P.C.: FINAL ACTION

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

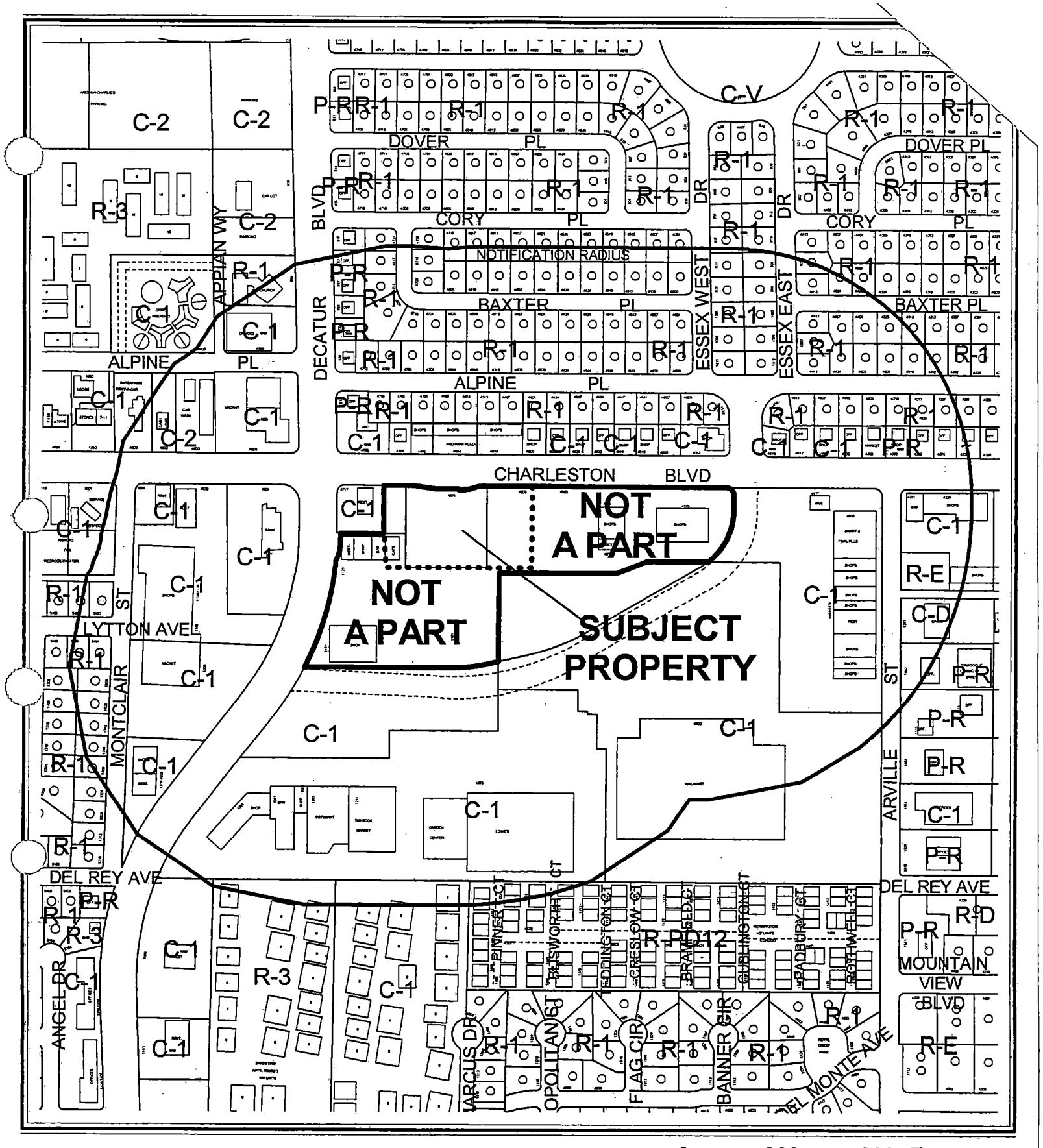
RECOMMENDATION:
Staff recommends APPROVAL.

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

MOTION:
NIGRO – Motion to bring forward and HOLD IN ABEYANCE Item 18 [GPA-4631], Item 19 [ZON-4635], Item 20 [SDR-4638], Item 27 [MOD-4632], Item 28 [WVR-4754] and Item 29 [SDR-4751] to 9/09/2004 Planning Commission meeting, Item 3 [TMP-4838], Item 26 [SDR-4619], Item 30 [ZON-4828], Item 31 [SDR-4837], Item 47 [WVR-4883], and Item 48 [SDR-4832] to 9/23/2004 Planning Commission meeting, WITHDRAW WITHOUT PREJUDICE Item 4 [TMP-4842], Item 5 [TMP-4843] and Item 40 [SUP-4834], TABLE Item 16 [ZON-4623] and Item 17 [SDR-4626], and STRIKE Item 49 [MOD-4879] – UNANIMOUS

MINUTES:
DAVID CLAPSADDLE, Planning and Development, stated that letters are on file for each of the requests.

(6:06 – 6:31)



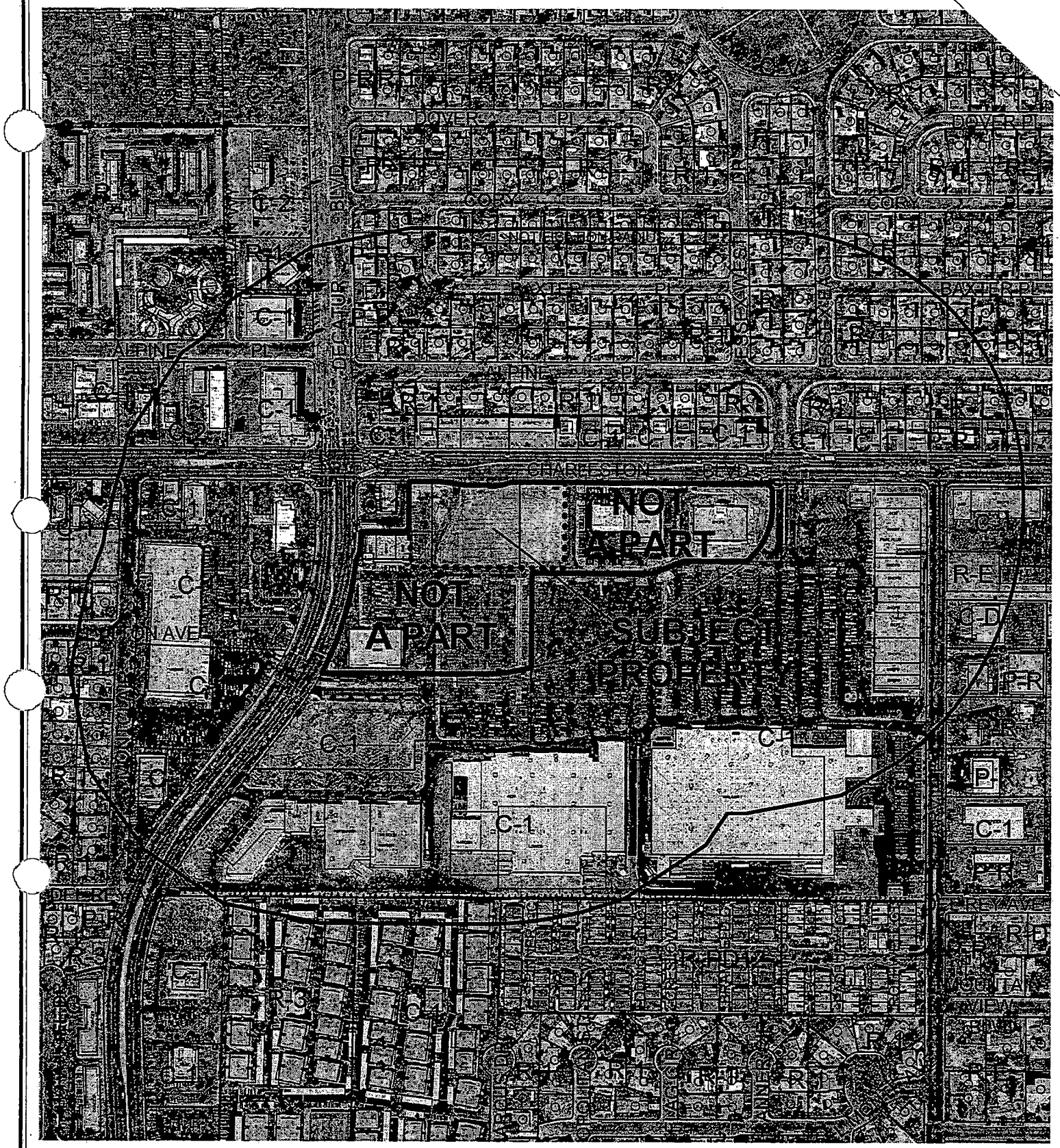
0 300 600 Feet

CASE: **SDR-4619**

RADIUS: 750 FT

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

N



0 300 600 Feet

CASE: **SDR-4619**

RADIUS: 750 FT

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

N

City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: AUGUST 26, 2004
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: SDR-4619 - APPLICANT/OWNER: WEINGARTEN REALTY INVESTMENTS

** CONDITIONS **

STAFF RECOMMENDATION: **APPROVAL,** subject to:

Planning and Development

1. This Site Development Plan Review shall expire two years from date of final approval unless it is exercised or an Extension of Time is granted by the City Council.

2. The site plan shall be revised to align the new drive aisles with the aisles in the existing center. The revised plan shall be approved by the Planning and Development Department prior to the approval of any permits for this site.

3. 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 12.5% of the total landscaped area as turf.

4. All development shall be in conformance with the submitted plans except as amended by the recommended conditions.

Public Works

5. Reconstruct the driveway adjacent to this site meet current standards. Construct the bus turnout in accordance with Standard Drawings #234.1 or #234.3 and 234.2. Meet with the Traffic Engineering Representative in Land Development for assistance in the redesign of the driveway access prior to the submittal of any construction plans or the issuance of any permits, whichever may occur first. The driveways accessing Charleston Boulevard shall receive approval from the Nevada Department of Transportation.

6. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings or the recordation of a Map subdividing this site, whichever may occur first. Provide and improve all drainageways recommended in the approved drainage plan/study. The developer of this site shall be responsible to construct

such neighborhood or local drainage facility improvements as are recommended by the City of Las Vegas Neighborhood Drainage Studies and approved Drainage Plan/Study concurrent with development of this site. In lieu of constructing improvements, in whole or in part, the developer may agree to contribute monies for the construction of neighborhood or local drainage improvements, the amount of such monies shall be determined by the approved Drainage Plan/Study and shall be contributed prior to the issuance of any building or grading permits, or the recordation of a Map subdividing this site, whichever may occur first, if allowed by the City Engineer.

7. Site development to comply with all applicable conditions of approval for the Westland Fair (Commercial Subdivision) and all other subsequent site-related actions.

** STAFF REPORT **

APPLICATION REQUEST

A) Action Requested

The request is for a Site Development Plan Review for two proposed restaurant pads within an existing commercial center adjacent to the southeast corner of Decatur Boulevard and Charleston Boulevard.

B) Applicant's Justification

The applicant's justification letter indicates the proposed restaurants are the last two pad sites within the overall commercial center to be developed.

BACKGROUND INFORMATION

A) Previous Actions

08/22/62 — The Board of City Commissioners approved a Rezoning (Z-0075-62) to C-1 (Limited Commercial) on this site as part of a larger request. The Planning Commission recommended approval on August 9, 1962.

10/04/00 — The City Council approved a Site Development Plan Review [Z-0075-62(17)] for the overall 571,410 square foot commercial center on this site. The Planning Commission and staff recommended approval on September 14, 2000.

07/07/04 — The City Council approved a Site Development Plan Review (SDR-4286) for a restaurant and a Special Use Permit (SUP-4287) for a supper club on the pad site to the east of this request. The Planning Commission and staff recommended approval on May 27, 2004.

07/22/04 — The Planning Commission voted to hold this item in abeyance in an effort to provide the applicant an opportunity to work with staff.

B) Pre-Application Meeting

06/08/04 — A pre-application meeting was conducted and the applicant was advised of the requirements of the Site Development Plan Review.

C) Neighborhood Meetings

A neighborhood meeting is not required for this application.

DETAILS OF APPLICATION REQUEST

A) Site Area

Gross Acres:	10.69
Net Acres:	2.70

B) Existing Land Use

Subject Property:	Undeveloped
North:	Office and Commercial
South:	Retail Commercial Center
East:	Undeveloped (Proposed Supper Club)
West:	Retail Commercial Center

C) Planned Land Use

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

D) Existing Zoning

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

E) General Plan Compliance

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

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 plan areas or districts that affect this site.

PROJECT DESCRIPTION

The applicant is proposing to construct two restaurants. One fast food (2,857 square feet) and one sit down (3,300 square feet). The buildings are located within a larger commercial retail center with access provided via a shared driveway from Charleston Boulevard. The building elevations depict the typical stucco exteriors with stone veneer and brick accents similar to the existing center. The plans also indicate there are two enclosed and roofed trash enclosures that meet code requirements. The landscape plan depicts a planter along Charleston Boulevard, planter fingers in the parking lot area and planters around the buildings.

ANALYSIS

A) Zoning Code Compliance

A1) Development Standards

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

Standards	Required	Provided	Compliance
Min. Lot Size	N/A Feet	10.69 Acres	Y
Min. Lot Width	100 Feet	313 Feet	Y
Min. Setbacks			
• Front	20 Feet	70 Feet	Y
• Side	10 Feet	95 Feet	Y
• Corner	15 Feet	N/A	Y
• Rear	20 Feet	1000 Feet	Y
Max. Building Height	None	1 Story / 28.5 Feet	Y
Trash Enclosure	Must be enclosed and roofed	Enclosed and roofed	Y
Loading Zone	2	2	Y
Mech. Equipment	Must be screened	Shown screened	Y

The proposed development meets the minimum code requirements with regards to lot width, setbacks, building height, trash enclosure location, loading zone are and mechanical equipment screening. This site is part of a larger commercial subdivision; therefore the setbacks are measured to the perimeter of the commercial lot.

A2) Residential Adjacency Standards

There are no residential properties adjacent to this request; therefore the Residential Adjacency Standards do not apply.

A3) Parking and Traffic Standards

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

Uses	GFA	Ratio	**Required** Parking		**Provided** Parking	
			Regular	Handicap	Regular	Handicap
Restaurant, with Drive-Through	2,857 square feet.	1 Space/100 square feet of gross floor area	29	2		
Restaurant	3,300 square feet (1,950 square feet of seating and waiting – 1,350 square feet of remaining floor area)	1 space for each 50 square feet of public seating and waiting area, including outdoor seating/eating areas, plus 1 space for each 200 square feet of the total remaining gross floor area	49	2		
Overall total			78	2	87	4

The proposed site plan indicates a total of 87 new parking spaces (including 4 handicap accessible) will be provided with this development where 78 parking spaces are required. Since this site is located within the larger commercial subdivision, the parking for the overall center must be considered to determine compliance. With the new restaurants the overall commercial will require a total of 2,817 parking spaces. With the addition of the new spaces, a total of 2,921 spaces are provided. Therefore this development meets Title 19 parking requirements.

A4) Landscape and Open Space Standards

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

Standards	**Required**		**Provided**
	Ratio	Trees	
Parking Area	1 Tree/6 Spaces	15 Trees	17 Trees
Buffer: • Min. Trees	1 Trees/20 Linear Feet along Charleston Boulevard	10 Trees	10 Trees
• Min. Zone Width	15 Feet along Charleston Boulevard		15 Feet

The proposed landscape plan meets the minimum requirements of the code.

A5) Sign Standards

Only sample wall signs on the face of the building have been proposed as part of this development. The walls signs shall not exceed 20% of the total square foot age of the building face. All other signage shall conform to the standards set forth in Title 19.14.

B) General Analysis and Discussion

- Zoning

The proposed restaurants are allowed uses in the C-1 (Limited Commercial) zoning district.

- Site Plan

The proposed development meets the minimum code requirements and proposes a use that can be conducted in a manner that is harmonious and compatible with the surrounding land uses. However, the design of the drive aisles in the parking area does not align with the aisles in the existing commercial center. In order to improve vehicular movements between the new development and existing center, a condition has been added requiring the site plan to be revised to align the new drive aisles with the aisles in the existing center.

- Landscape Plan

The proposed landscape plan meets the minimum requirements of the code.

- Elevation

The proposed elevations are appropriate for the proposed use and are compatible with other buildings in the existing commercial center.

- Floor Plan

The submitted floor plans depict a layout that meets the requirements for the proposed restaurant uses.

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 meets the minimum code requirements and proposes uses that can be conducted in a manner that is harmonious and compatible with the surrounding land uses.

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

   The proposed restaurants are in conformance with the standards set forth in Title 19 for commercial developments.

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

   Access is provided via a drive from Charleston Boulevard, a Primary (100-foot) Arterial on the Master Plan of Streets and Highways. The street facilities are adequate in size to meet the requirements of the proposed uses.

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

The proposed elevations and landscape materials are appropriate for the proposed development.

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 proposed elevations are appropriate for the proposed use and present a building that will be compatible with the surrounding development.

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

   The proposed uses will be subject to regular City and County inspections and will therefore not compromise the public health, safety, and welfare.

NOTICES MAILED 233

APPROVALS 0

PROTESTS 0

PLANNING & DEVELOPMENT

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: SDR-4619 APN: _____

Name of Property Owner: WEINGARTEN REALTY INVESTMENTS

Name of Applicant: WEINGARTEN REALTY 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 _____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: 162-06-112-005

Signature of Property Owner/Authorized Agent: _____

Print Name: RON CARUSO

Subscribed and sworn before me

This 4 day of June, 2004

Jennifer J. Cummings
Notary Public in and for said County and State

JENNIFER J. CUMMINGS
Notary Public - Arizona
MARICOPA COUNTY
My Commission Expires
AUGUST 12, 2005

NOT A PART
APN #139-31-410-126
ZONING C-1
EX. SERVICE STATION &
CONVENIENCE STORE

NOT A PART
APN #139-31-410-127
ZONING C-1

NOT A PART
APN #139-31-410-128, 129, 130
ZONING C-1
EX. STRIP MALL

NOT A PART
APN #139-31-410-131
ZONING C-1

NOT A PART
APN #139-31-410-132
ZONING C-1

CHARLESTON BLVD
(PUBLIC)

DECATUR BLVD
(PUBLIC)

NOT A PART
APN #162-06-102-001
ZONING C-1

APN #162-06-102-001

EX. MOUNTAIN MAMA

EX. AVAILABLE

EX. VIDEO POWER

EX. GLIDDE SALONS

EX. STARBUCKS

OWNER: WEINGARTEN NOSTAT, INC
APN #162-06-102-004

FAST FOOD
2,850 SF

SITDOWN RESTAURANT
5,000 SF

Applebee's
Neighborhood Grill & Bar
4,000 SF

LANDSCAPING

LOADING

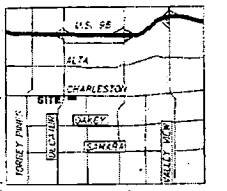
PRIVATE DRIVE

OWNER: WEINGARTEN NOSTAT, INC
NOT A PART
EX. CHINA STAR
ZONING C-1

PRIVATE DRIVE

NOT A PART
APN #162-06-112-006
ZONING C-1
EX. WALMART
OWNER: WEINGARTEN NOSTAT, INC WITH WAL-MART LEASE

VICINITY MAP



LEGEND

PROPERTY LINE
STREET CENTERLINE
TYPE "A" CURB & GUTTER
TYPE "A" CURB
EX. TYPE "A" CURB & GUTTER
EX. TYPE "A" CURB
HANDICAPPED PARKING
ACCESS/EGRESS ROUTE

OWNER/DEVELOPER

WEINGARTEN REALTY INVESTORS
2600 S. RAINBOW DRIVE
LAS VEGAS, NV 89102
702-248-5545

ENGINEER

THE KEITH COMPANIES
444 E. WARM SPRINGS ROAD, SUITE 110
LAS VEGAS, NV 89119
702-361-8256

UTILITIES

WATER: LAS VEGAS VALLEY WATER DISTRICT
SEWER: CITY OF LAS VEGAS
ELECTRICITY: NEVADA POWER COMPANY
GAS: SOUTHWEST GAS CORPORATION
TELEPHONE: SPRINT TELEPHONE COMPANY

LEGAL DESCRIPTION

A PARCEL OF LAND BEING A PORTION OF THE COMMERCIAL SUBDIVISION, WESTLAND FAIR MALL, AS SHOWN IN BOOK 103, PAGE 23 OF PLATS LYING WITHIN THE NORTHWEST QUARTER (NW 1/4) OF SECTION 6, TOWNSHIP 21 SOUTH, RANGE 61 EAST, M.D.M., CITY OF LAS VEGAS, CLARK COUNTY, NEVADA

PROPERTY LINE CURVE TABLE (PAD 3)

CURVE	DELTA	LENGTH
C1	89°34'30"E	6.69'
C2	300°49'30"E	1.00'
C3	89°34'30"E	14.00'
C4	0°00'00"E	3.00'
C5	90°25'30"E	19.19'
C6	89°34'30"E	92.84'

PROPERTY LINE CURVE TABLE (PAD 2)

CURVE	DELTA	LENGTH	RADIUS	TANGENT
C1	18°48'45"	6.91'	25.00'	3.49'
C2	18°48'45"	8.56'	30.00'	4.48'

PARKING DATA: WESTLAND FAIR MALL

MULTI-USE COMMERCIAL CENTER

CURRENT AVAILABLE SPACES = 3,650 SPACES
TOTAL REQUIRED SPACES = 3,687 SPACES
CURRENT AVAILABLE HANDICAP SPACES = 38 SPACES
TOTAL REQUIRED HANDICAP SPACES = 38 SPACES

PARKING DATA: THREE PADS

	SQ. FT.	PARKING REQUIRED	PARKING PROVIDED
FAST FOOD W/DRIVE THRU 1/100 SQ FT.	2,850 SQ. FT.	29 SPACES	29 SPACES
SITDOWN RESTAURANT	5,000 SQ. FT.		46 SPACES
1/50 SQ FT. (PUBLIC SEATING/WAITING AREA)	1,850 SQ. FT. (EST.)	37 SPACES	
1/250 SQ FT.	1,350 SQ. FT. (EST.)	7 SPACES	
APPLEBEES	4,000 SQ. FT.		74 SPACES
1/50 SQ FT. (PUBLIC SEATING/WAITING AREA)	2,550 SQ. FT. (EST.)	51 SPACES	
1/200 SQ FT.	1,700 SQ. FT. (EST.)	9 SPACES	
TOTAL REQUIRED =		143 SPACES	
TOTAL PROVIDED =		149 SPACES	

HANDICAP SPACES:

REQUIRED	5 SPACES	1 VAN ACCESSIBLE SPACE
PROVIDED	6 SPACES	3 VAN ACCESSIBLE SPACES

SITE DATA

CITY OF LAS VEGAS
APN #: 162-06-102-004, 003, & 001

ZONING: C-1
NET S.F. AREA: 112,610 SF
TOTAL LANDSCAPE AREA: 29,194 SF
PERCENT OF SITE LANDSCAPED: 25.9 %

FAST FOOD W/ DRIVE THRU: 2,850 SQ. FT.
LEASE AREA: 40,000 SQ. FT.
SITDOWN RESTAURANT: 5,000 SQ. FT.
LEASE AREA: 55,478 SQ. FT.
APPLEBEES GRILL & BAR: 4,000 SQ. FT.
LEASE AREA: 47,558 SQ. FT.

NORTH

GRAPHIC SCALE
0 30 60 90 120
(IN FEET)
1 inch = 50 ft.

The Keith Companies

Weingarten Realty Investors
Westland Fair - Three Pads

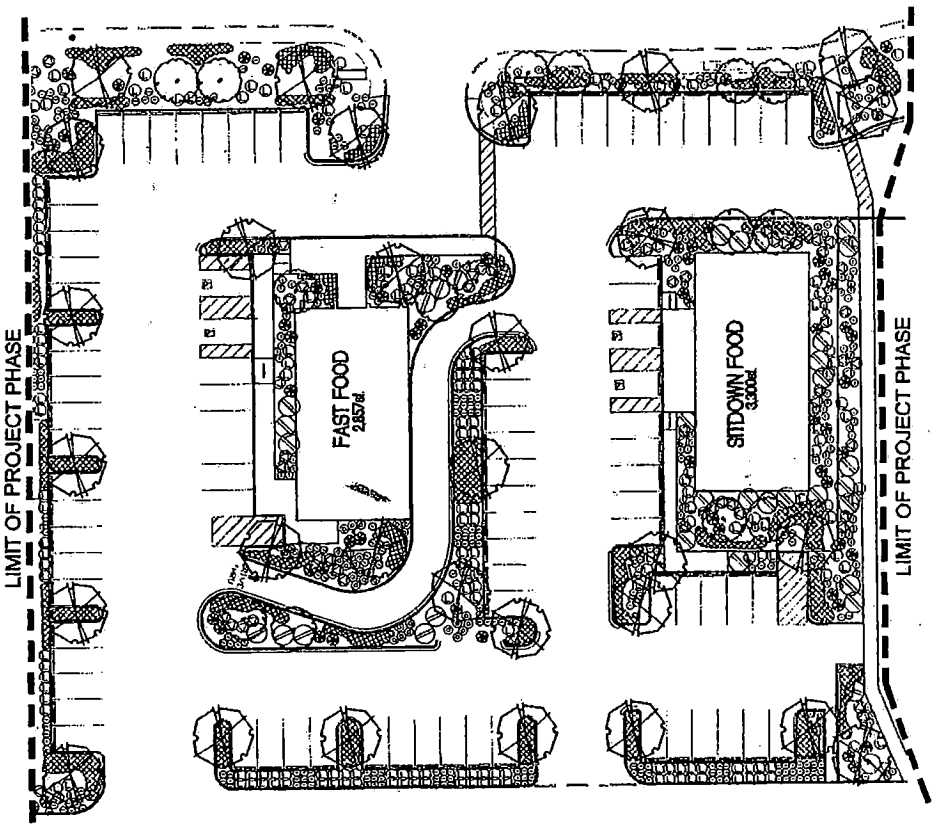
SITE PLAN DEVELOPMENT REVIEW

CITY OF LAS VEGAS, NEVADA

JOB # 0598500
SHEET NO:
S-1
1 OF 1 SH

SDR-4619
8/26/04 PC

CHARLESTON BLVD
(PUBLIC)



PLANTING LEGEND

SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	QTY	REMARKS
	TREES				
	CHILOPSIS LINEARIS 'LUCRETIA WILLOW'	BURGUNDY DESERT WILLOW	36" BOX	13	STANDARD
	PROSOPIS CHILENSIS 'THORNLESS'	THORNLESS CHILEAN MESQUITE	24" BOX	30	STAKED
	SHRUBS / GROUNDCOVERS / VINES				
	DASYLIRION WHEELERII	DESERT SPOON	5 GAL	41	
	HESPERALOE PARVIFLORA	RED YUCCA	5 GAL	171	
	LANTANA NEW GOLD	NEW GOLD LANTANA	5 GAL	1344	
	LEUCOPHYLLUM FRUTESCENS 'COMPACTA'	COMPACT TEXAS SAGE	5 GAL	305	
	LEUCOPHYLLUM FRUTESCENS 'GREEN CLOUD'	TEXAS SAGE	5 GAL	34	
	MUHLENBERGIA RIGIDA	DEER GRASS	5 GAL	91	
	SENNA ARTEMISIOIDES	FEATHERY CASSIA	5 GAL	38	
	ROCK MULCH	MATCH TO EXISTING			

LANDSCAPE PLAN
SCALE: 1" = 20'-0"

NORTH

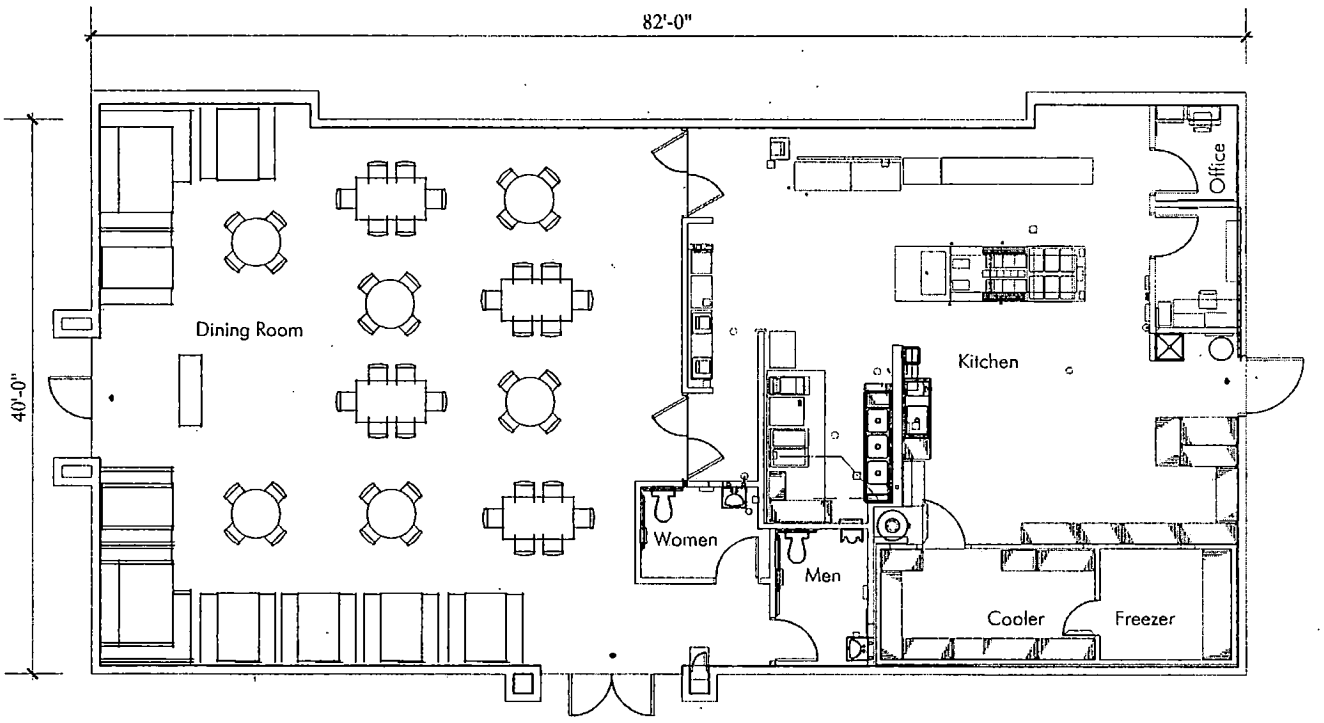
W R G
D E S I G N I N C
3011 W. HORIZON RIDGE PARKWAY STE 100
HENDERSON, NEVADA 89052
Tel: 702.990.3703 Fax: 702.990.3553

LANDSCAPE PLAN
WESTLAND FAIR - PHASE 2
CHARLESTON AND DECATUR BLVD.
Las Vegas, NV

PROJECT NO.	2024-06-01
DATE	08-10-04
DESIGNED BY	MTD
DRAWN BY	JH
CHECKED BY	MTD

LANDSCAPE PLAN
L-1

SDR-4619
8/26/04 PC



Westland Fair Center

Weingarten Realty Investors

Conceptual Floor Plan

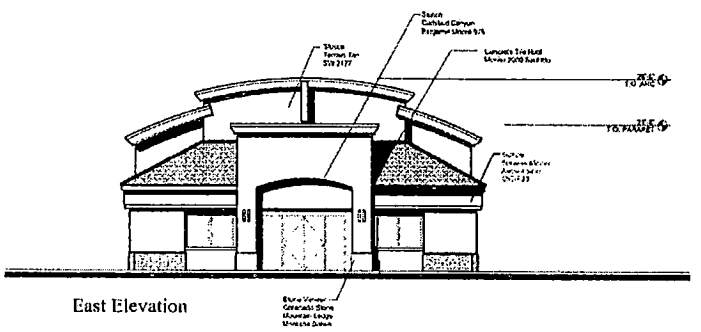
Scale: 1/4" = 1'-0"

Date: June 4, 2004

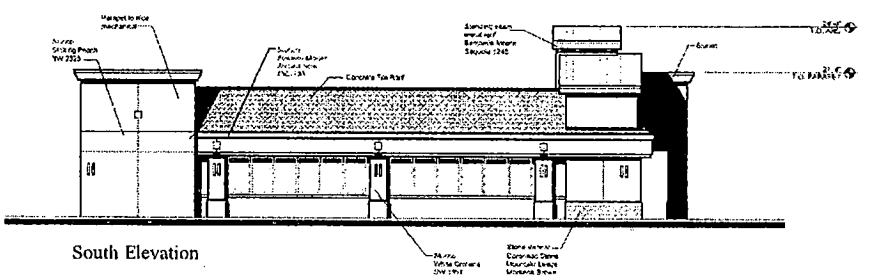
Perlman ARCHITECTS

PERLMAN ARCHITECTS, INC.
2200 CORPORATE CIRCLE, SUITE 200
HENDERSON, NEVADA 89074
702.990.9900 702.932.3222 fax

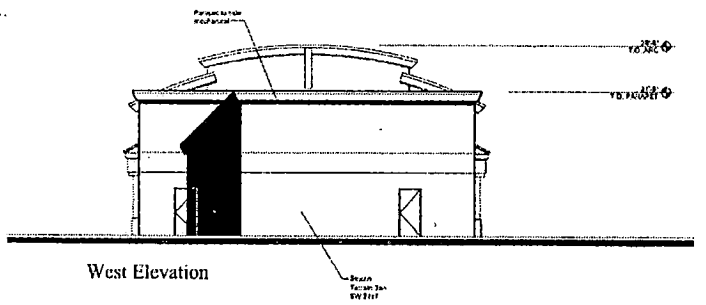
SDR-4619
8/26/04 PC



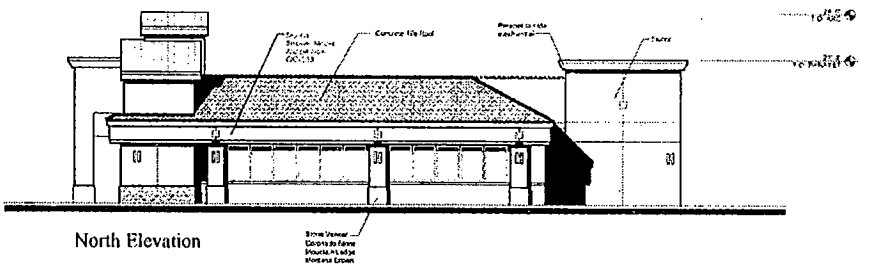
East Elevation



South Elevation



West Elevation



North Elevation

Westland Fair Center

Weingarten Realty Investors

Conceptual Elevations

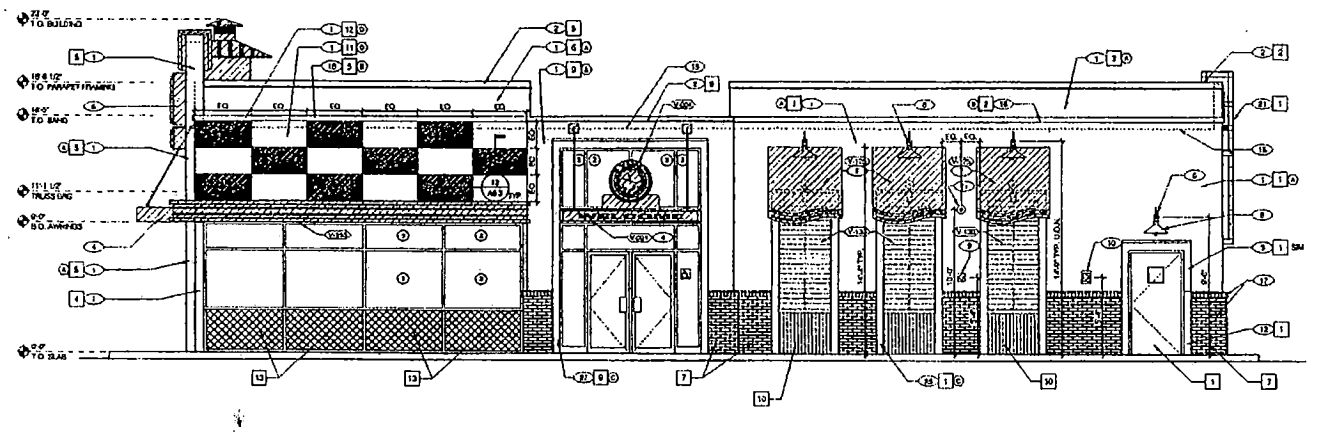
Scale: 1/8" = 1'-0"

Date: June 4, 2004

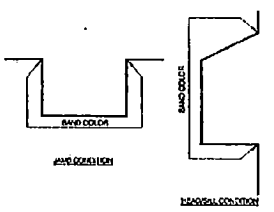
Perlman ARCHITECTS

PERLMAN ARCHITECTS INC
3200 CORPORATE CIRCLE, SUITE 200
HENDERSON, NEVADA 89074
702 896 0900 702 896 3007 fax

SDR-4619
8/26/04 PC



RIGHT SIDE ELEVATION | A



ACCENT BAND COLOR TRANSITION N.T.S. | E

SYMBOL	AREA	MANUFACTURER	COLOR	ALTERNATE MFR	ALTERNATE COLOR
1	L/S MAIN WALL	BENJAMIN MOORE	AC-1 COASTAL FOG		
2	L/S ACCENT BAND	BENJAMIN MOORE	AC-2 BIRMINGHAM BLUE		
3	L/S ACCENT COLOR	BENJAMIN MOORE	DC-19 SEAPEARL		
4	A&W MAIN WALL	SHERWIN WILLIAMS	6197 "YELLOWSTONE"		
5	A&W ACCENT BAND	SHERWIN WILLIAMS	1383 "CELLINI GOLD"		
6	A&W ACCENT COLOR	SHERWIN WILLIAMS	1200 "CHEVAL"		
7	BURNDY BRICK	COLONIAL BRICK	CHATHAM DARK GREY VELOUR	BELDEN BRICK CO.	#907 VELOUR
8	L/S TILE	GENESIS CERAMIC TILE	140 INTENSE YELLOW (G)		
9	BETWEEN THE BRANDS	BENJAMIN MOORE	HC-15 "DAVENPORT TAN"		
10	L/S CORRUGATED METAL PANELS	-	AMP X 2 (3/8" RIBS WALL) DALY PANELS 40" WIDE		
11	A&W CHECK PATTERN	SHERWIN WILLIAMS	2385 "GOLDEN NEEDLE"		
12	A&W CHECK PATTERN	SHERWIN WILLIAMS	2719 "RUSTIC RED"		
13	A&W	-	POLISHED, CULTED STAINLESS STEEL		
14	PIPE BOLLARDS	-	DOT YELLOW		

EXTERIOR PAINT SCHEDULE | H

GENERAL NOTES

MISCELLANEOUS:
A. SEE SHT 6.1.1 "WINDOW TYPES" FOR WINDOW ELEVATIONS.
B. SEE SCOPE OF WORK FOR RESPONSIBILITIES.

SEALANTS (APPLIED TO PAYCO):
A. SEALANT AT ALL WALL AND ROOF PENETRATIONS.
B. SEALANT AT ALL WINDOW AND DOOR FRAMES AT HEAD AND JAMB. DO NOT SEAL SILL @ WINDOWS.

LEGEND:

A. VENDOR SCOPE INCLUDES SUPPLY AND INSTALLATION OF AWNINGS, CANOPIES, AND SIGNAGE.

③ B. SPANDREL LOCATIONS

TAG	QTY	ITEM DESCRIPTION	ELEC
V-001	1	WELCOME CANOPY 8'-10"W x 12'H x 4'-0"D	X
V-002	1	DRIVE-THRU CANOPY 8'-10"W x 12'-6" x 4'-0"D	X
V-003	1	MENU/PAY CANOPY 8'-6"W x 12'H x 4'-0"D	X
V-004	1	YUM CLOCK	X
V-100	1	L/S TOWER CAP 10'-2"W x 8'-8"D x 4'-9"H	*
V-105	1	L/S TOWER AWNING 8'-9"W x 4'-0"H x 3'-7"D	*
V-110	1	L/S TRELLIS 8'-6"W x 12'H x 1'-4"D	
V-115	1	L/S FISH SIGN 6'-3 3/4"W x 4'-7 1/2"H x 8"D (c/ 8" STANDOFF)	X
V-120	1	L/S SIGN 9'-1 1/4"W x 7'-9 3/4"H x 8"D	X
V-125	8	L/S EXPRESSION AWNING @ 2'-9"W x 8'-6"H x 18"D	*
V-130**	2	L/S BLUTTER 7'-1 1/2"H x 2'-6"W	
V-150	1	A&W TOWER CAP	
V-155	1	A&W TOWER CANOPY SIGN	
V-160	1	A&W LOGO SIGN 8'-6 3/4"W x 3'-7 1/2"H x 12"D	K
V-165	1	A&W "ALL AMERICAN FOOD" SIGN 8'-6 3/4"W x 7'-8"H x 12"D	K
V-170	2	A&W EXPRESSION AWNING 8'-2"W x 9'-4"H x 3'-1"D	*
V-175**	2	A&W EXPRESSION PANEL 7'-4 1/2"H x 3'-6"W	
		* INDICATES LIGHT FIXTURE(S). SEE ELECTRICAL.	
		** THIS ITEM IS NOT INSTALLED BY THE LOCAL SIGNAGE INSTALLER. SEE SCOPE OF WORK.	

SIGN/AWNING/CANOPY SCHEDULE N.T.S. | D

1. HB 3 SIZE 2, 4 & 6/40 (TYP).
2. DALY METAL COPING - FRAME AND PAINT IN FIELD.
3. ACCENT BAND, SEE DETAILS 13, 18, 19/A6.0.
4. CANOPY, SEE SCOPE OF WORK.
5. BUILDING SIGN, SEE SCOPE OF WORK.
6. WALL LIGHTING - CENTER OVER EXPRESSION PANEL. MT. AS INDICATED. SEE SHEET E4.0
7. ILLUMINATED AWNING. SEE SCOPE OF WORK.
8. TERMINATE BRICK 1" FROM WALK-IN COOLER AND UTILITIES.
9. HOSE BIB - REFER TO DETAIL 10/A6.0. AUGMW ADJACENT (PERPENDICULAR) INTERIOR WALL.
10. CO2 FILLER VALVE & COVER, 6/A6.1 & 10/A6.0
11. WATER HEATER VENT. SEE DETAIL 8/P6.1
12. TRIM AT FRONT ENTRY. SEE 8, 7 & 8/A6.1
13. 18 GA. PAINTED BASE U-CHANNEL LD BATTENS TO TOP OF WAINSCOT. PAINT TO MATCH ACCENT BAND AROUND DOOR. FASTEN WITH (3) WOOD SCREWS PER SIDE AND CONTINUOUS CONSTRUCTION ADHESIVE.
14. WALL SHALL BE FINISHED PRIOR TO INSTALLATION OF SWITCHGEAR

KEY NOTES | C

A. BASE THICKNESS - 1" THICK E.I.F.S.
B. HORIZONTAL TRIM BAND - 8 1/2" THICK E.I.F.S. WITH 5- 3/4" VERTICAL DIMENSION. SEE 10/A6.0
C. EXPRESSION PANEL & WINDOW BANDS - 3" THICK E.I.F.S. 4'-1" WIDE. SEE 13, 19 & 10/A6.0
D. A&W CHECK PATTERN - MIN. 1" THICK E.I.F.S. SEE 12/A6.0
E. BASE @ EXPRESSION PANEL - 3 1/2" THICK E.I.F.S. WITH 3" VERTICAL DIMENSION. SEE 14/A6.0
F. FRONT ENTRY TRIM - 1" THICK E.I.F.S. OVER 2" MAIN. SEE 8, 7 & 8/A6.1

E.I.F.S. THICKNESS N.T.S. | B

15. INVISACAN ROOF DRYING.
16. ACCENT BAND - SEE DETAILS 13/A6.0 & 8/A6.0. BAND PAINT COLOR SHALL BE APPLIED TO TOP, BOTTOM & FACE OF BAND
17. BRICK WAINSCOT W/ NON-LOCK SILL. SEE E4.1 & 13/A6.0
18. ILLUMINATED CUPOLA - SEE SCOPE OF WORK
19. GAS METER. DO NOT PAINT METER.
20. DECORATIVE WALL TILE. SEE 8/A6.0.
21. ROOF ACCESS LADDER. SEE 15/A6.0
22. OVERFLOW PIPE.
23. STEEL BOLLARD. SEE SITE DETAILS
24. TRIM AT DRIVE-THRU. SEE 13/A6.1
25. SEE DETAIL 9/A6.0 FOR EXPANSION JOINT / TRAP
26. DOWNSPOUT
27. TRIM AT SIDE ENTRY. SEE 8, 11, 12 / A6.1
28. PREFAB A&W TOWER CAP.

Jeff Looker Architect
2120 E. SOUTHERN AVE.
TEMPE, ARIZONA 85282
PHONE: 480.730.1718
FAX: 480.968.8171

JEFF LOOKER REGISTERED ARCHITECT No. 2947 STATE OF NEVADA

CONTRACT DATE: XX.XX.XX
BUILDING TYPE: LA74 y04
PLAN VERSION: Jul-04 A
SITE NUMBER: LE-XXXX
STORE MANAGER: XXXXX

L/S / A&W

SEC OF WASHOE & DECATUR
LAS VEGAS, NV.

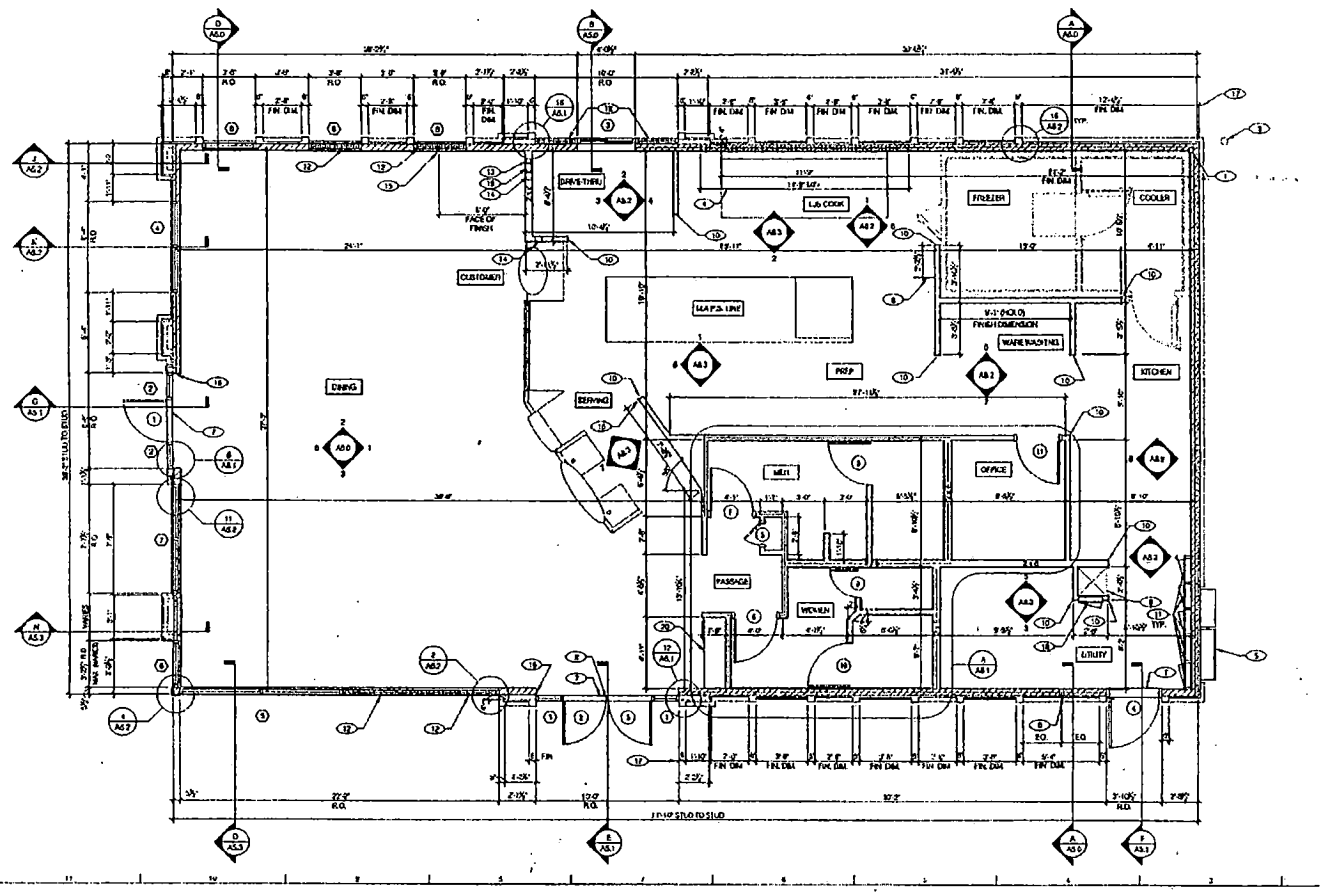
LA74-y04

EXTERIOR ELEVATIONS

A4.0

PILOT DATE:

SDR-4619
8/26/04 PC



EXTERIOR SHEAR WALL:
2x6 WD STUDS AT 16" O.C. W/ 1/2" EXTERIOR GRADE PLYWD (CCX) SHEARING (SEE SHEET, DWGS. FOR ADDITIONAL INFORMATION) AND R-19 KRAFT FACED FIBERGLASS BATT INSULATION U.O.N.
AT FRONT AND REAR WALL SURFACES: PROVIDE 1/2" CDX PLYWOOD OR INTERIOR FACE OVER ENTIRE LENGTH OF WALL SURFACE. NAIL PER SHEAR WALL REQUIREMENTS AT SECTIONS INDICATED AS SHEAR WALLS. GYP. BD. AND OTHER FINISHES SHALL BE APPLIED OVER STRUCTURAL PLYWD. WHERE OCCURS.

TYPICAL EXTERIOR WALL:
2x6 WD STUDS AT 16" O.C. W/ 1/2" EXTERIOR GRADE PLYWD (CCX). SIDING AND R-19 KRAFT FACED FIBERGLASS BATT INSULATION U.O.N.

TYPICAL INTERIOR WALL:
2x4 WD STUDS AT 16" O.C. @16 OR 2x6 WHERE NOTED; W/ 1/2" GYP. BD. SUBSTRATE U.O.N. USE MOISTURE RESISTANT GYP. BD. BEHIND ALL CERAMIC WALL TILE. U.O.N.

INTERIOR SOUND-RATED WALL:
CONSTRUCT TYPICAL INTERIOR WALL W/ 3-1/2" UNFACED FIBERGLASS BATT INSULATION.

HOOD WALL:
WOOD STUDS W/ 1" THICK STAINLESS STL. INSULATED PANEL OVER SUBSTRATE, (WHERE PANEL W/ CONSTRUCTION ADHESIVE) PANEL TO COVER ENTIRE WALL FROM 18" ABOVE TOP OF HOOD DOWN TO TOP OF BASE TILE, AND EXTEND PAST ENDS OF HOOD AS REQ'D BY LOCAL J.S. JURISDICTION, MIN. 18".

DASHED LINE INDICATES SUBSTRATE LOCATION. ALL WALLS SHALL BE AS INDICATED EXCEPT FROM TOP OF SLAB TO 12" ABOVE GLASS SHALL BE 1/2" CEMENT BOARD, U.O.N. THIS NOTE DOES NOT APPLY TO EXTERIOR FACE OF EXTERIOR WALLS, AND PLYWOOD SHEAR CONDITIONS

SPANDREL GLASS LOCATIONS. REFER TO SHEETS A4.0 AND A4.1 FOR VERTICAL LOCATIONS AND ADDITIONAL INFORMATION

WALL LEGEND | E

DIMENSIONS:
A. ALL DIMENSIONS ARE TO FACE OF STUD U.O.N. REFER TO FOUNDATION PLAN FOR FACE OF CONC. DIMENSIONS.
B. DIMENSIONS NOTED AS "CLEAR OR "HOLD" ARE MIN. REQ'D. NET CLEARANCE FROM FACE OF WALL / MANSCOT FINISH. VERIFY FINAL EQUIPMENT SIZES W/ VENDOR PRIOR TO BID. (MAX. FRAMING).

WINDOWS / DOORS:
A. SEE SHT. A11 FOR WINDOW TYPES AND DOOR SCHEDULE.
B. ALL DOOR AND WINDOW OPENING DIMENSIONS ARE TO ROUGH OPENING.

FINISH SUBSTRATES:
A. PROVIDE 1/2" THICK GYPSUM BOARD FROM FLOOR SLAB TO 12" A.F.F. MIN. IN LIEU OF GYP. BD. AT ALL WALLS EXCEPT SHEAR WALL SURFACES U.O.N.
B. ALL JOINTS, GAPS OR SPACES BEARING TO ALL FLOOR OR INACCESSIBLE SPACES SHALL BE SEALED WITH "SSP INTERNATIONAL" APPROVED SEALANTS.
C. ALL BACK OF HOUSE AREAS OFFICE WALLS SHALL HAVE 1/2" CDX PLYWOOD SUBSTRATE, U.O.N.

DECKS:
A. SEE A1.0 FOR BEATING PLAN AND DETAILS.
B. SEE A7.0 FOR FLOOR FINISHES.
C. SEE A6.0 - A6.3 FOR WALL FINISHES.
D. SEE A7.1 FOR CEILING FINISHES.

DENSITY:
A. PROVIDE THREE FIRE EXTINGUISHERS - (2) 13lb. (5C) and (1) 10 lb. ABC - TO COMPLY WITH LOCAL FIRE CODE. LOCATE PER DIRECTION OF FIRE MARSHALL OR LOCAL AUTHORITY HAVING AGENT.
B. DRAWINGS ARE BASED UPON WOOD FRAMING. UTILIZATION OF METAL STUDS ON NON-BEARING INTERIOR PARTITIONS, BULKHEADS AND SOFFITS IS ACCEPTABLE.

FLOOR PLAN NOTES | D

1. STARTING POINT. ALL SUB-TRADES SHALL USE THIS POINT AS A BEGINNING LAY-OUT (INSIDE FACE OF EXT. WALL STUDS.
2. REMOVABLE WALL/ION AT ENTRY DOOR.
3. PIN & BOLLARD. REFER TO SITE DWGS.
4. HOOD WALL, SEE WALL LEGEND.
5. ELECTRICAL MAIN SWITCH BOARD. REFER TO ELECT. DWGS.
6. CUE BALL BOX LOCATION.
7. METAL THRESHOLD.
8. SPLASH GUARD. SEE DETAIL 8/A6.0. INSTALLATION SHALL BE COORDINATED WITH HAND SINK INSTALLATION. PROVIDE BLOCKING @ WALLS.
9. MOP SINK. REFER TO DETAIL 2/A4.0. EXTEND FLOOR TILE OVER CEMENT BD.) UP WALLS 4'-0".
10. S.S. UTENSIL GUARD / WALL CAP. TYP. ALL CORNERS IN BACK OF HOUSE FROM REAR WALL TO THE KITCHEN SIDE OF THE SERVICE COUNTER. SEE DETAIL 18/A6.0.
11. ELECT. PANELS IN 2x6 FURRED OUT WALL. REFER TO ELECT. DWGS. & DETAIL 16/A6.0.
12. SPANDREL GLASS. SEE DETAILS ON SHEETS A6.1 AND A6.2.
13. 4"ø PVC CHASE IN WALL. SEE DETAIL 16/A6.0.
14. 6" ø PVC HORZ. SLEEVE AT 6'-10" A.F.F. FOR SYRUP TUBES. COORDINATE WALL PENETRATION WITH COUNTER INSTALLER. SEAL CHASE TO COUNTER. SEE 16/A6.0.
15. START OF CHAIR RAIL.
16. CONTINUE CHAIR RAIL INTO JAMB - TYPICAL.
17. DIMENSIONS IN THIS STRING ARE TO FINISH FACES.
18. LIGHTING CONTROL PANEL. REFER TO ELECT. DWGS.
19. 6'-0 COMPRESSOR & PLASTIC ALKYSTALT TUBE BUNDLE IN WALL. SEE ISOMETRIC OF WORK.
20. BOOSTER CHAIR COUNTER. SEE DETAIL 2/A5.0.

KEY NOTES | B

Jeff Looker Architect
8705 E. SOUTHERN AVE.
MESA, ARIZONA 85209
PHONE: 480-730-1774
FAX: 480-218-0391

No. 2947 REGISTERED ARCHITECT STATE OF NEVADA

CONTRACT DATE:	XX.XX.XX
BUILDING TYPE:	LA74-y04
PLAN VERSION:	Jo 04-A
SITE NUMBER:	123.XXX
STORE NUMBER:	1XXXX

LJS / ASW

SEE CHARLESTON & DECATUR LAS VEGAS, NV.

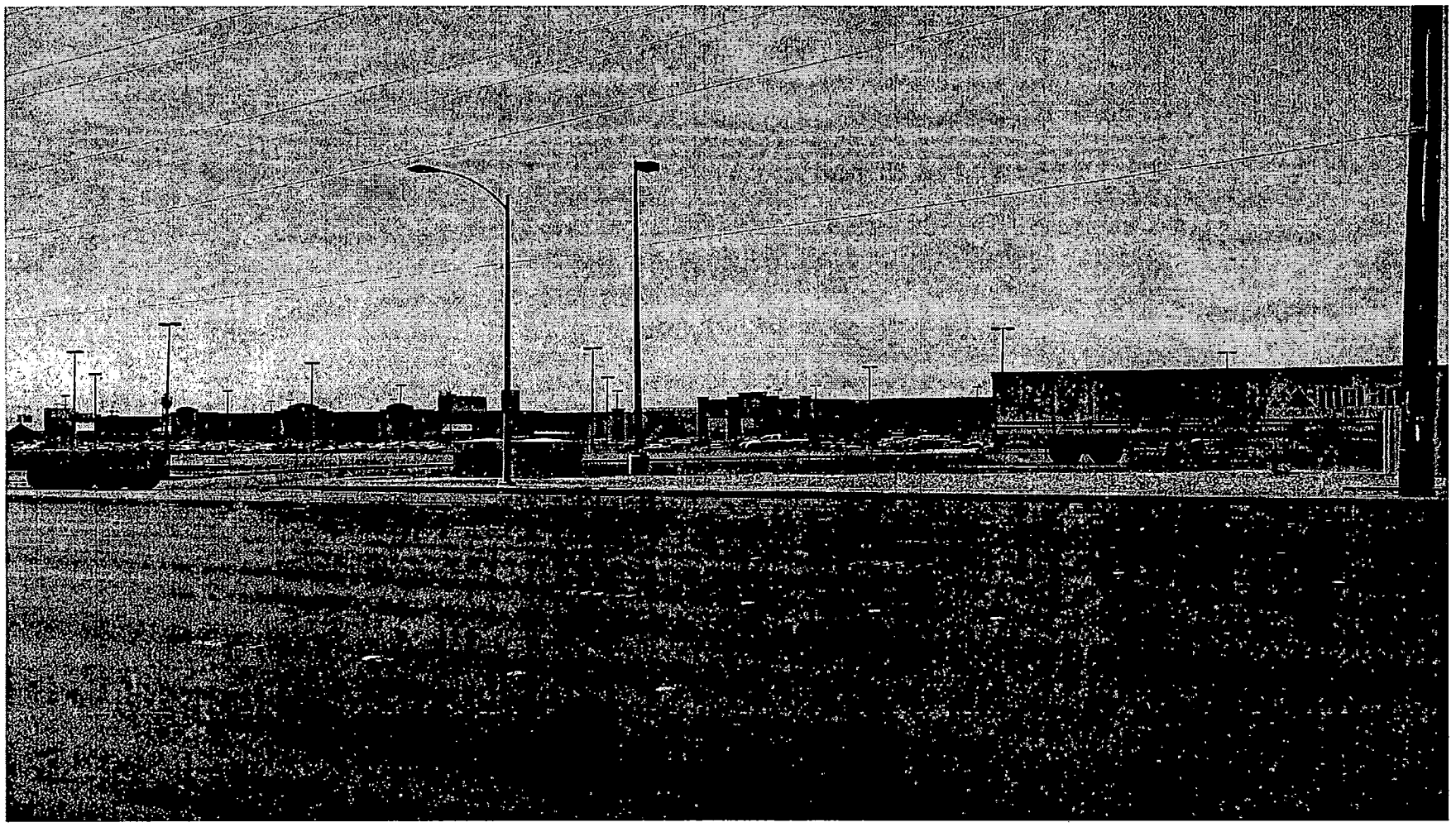
LA74-y04

FLOOR PLAN

A1.0

PLOT DATE:

SDR-4619
8/26/04 PC



SDR-4619 - APPLICANT/OWNER: WEINGARTEN REALTY INVESTMENTS
SOUTHEAST CORNER OF DECATUR BOULEVARD AND CHARLESTON BOULEVARD
AUGUST 26, 2004 PLANNING COMMISSION

7/2/04

City of Las Vegas

Agenda Item No.: 27

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

PLANNING COMMISSION MEETING OF: AUGUST 26, 2004

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: ROBERT S. GENZER [ ] CONSENT [X] DISCUSSION

SUBJECT:

ABEYANCE - RENOTIFICATION - MOD-4632 - MAJOR MODIFICATION - PUBLIC HEARING - APPLICANT: ROYAL CONSTRUCTION - OWNER: SHADOW HILLS PLAZA, LLC - Request for a Major Modification to the Lone Mountain Master Development Plan FROM: VC (VILLAGE COMMERCIAL) TO: MLA (MEDIUM-LOW ATTACHED RESIDENTIAL) on 3.7 acres adjacent to the southwest corner of Buckskin Avenue and Shady Timber Street (a portion of APN 137-12-401-022 and a portion of 137-12-801-001), U (Undeveloped) Zone [PCD (Planned Community Development) General Plan Designation] under Resolution of Intent to PD (Planned Development), Ward 4 (Brown).

C.C.: 10/06/04

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

RECOMMENDATION:

Staff recommends this item be HELD IN ABEYANCE to the September 9, 2004 Planning Commission meeting.

BACKUP DOCUMENTATION:

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

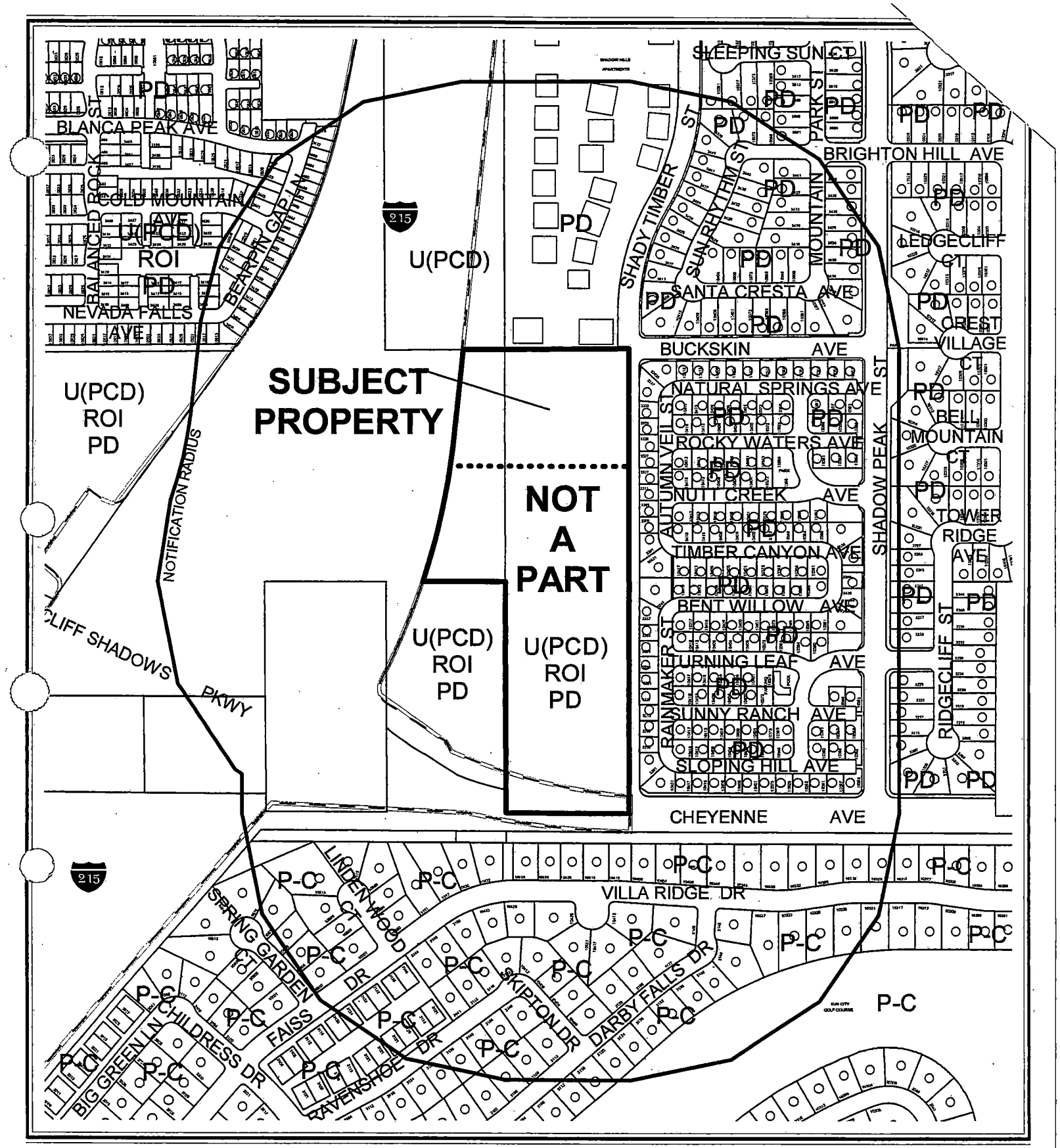
MOTION:

NIGRO – Motion to bring forward and HOLD IN ABEYANCE Item 18 [GPA-4631], Item 19 [ZON-4635], Item 20 [SDR-4638], Item 27 [MOD-4632], Item 28 [WVR-4754] and Item 29 [SDR-4751] to 9/09/2004 Planning Commission meeting, Item 3 [TMP-4838], Item 26 [SDR-4619], Item 30 [ZON-4828], Item 31 [SDR-4837], Item 47 [WVR-4883], and Item 48 [SDR-4832] to 9/23/2004 Planning Commission meeting, WITHDRAW WITHOUT PREJUDICE Item 4 [TMP-4842], Item 5 [TMP-4843] and Item 40 [SUP-4834], TABLE Item 16 [ZON-4623] and Item 17 [SDR-4626], and STRIKE Item 49 [MOD-4879] – UNANIMOUS

MINUTES:

DAVID CLAPSADDLE, Planning and Development, stated that letters are on file for each of the requests.

(6:06 – 6:31)

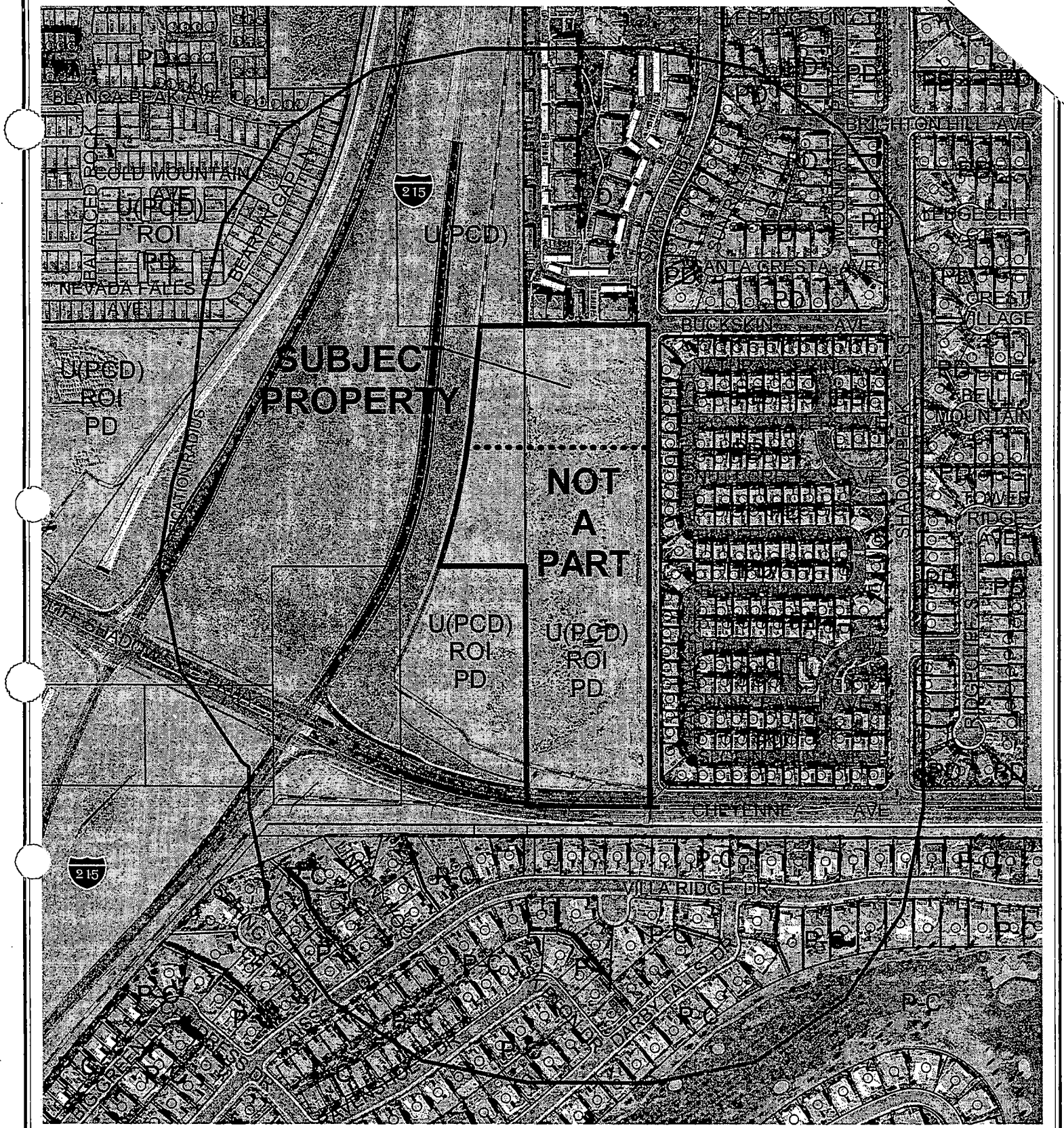


CASE: **MOD-4632**

RADIUS: 750 FT

ZONING OF SUBJECT PROPERTY:

U (UNDEVELOPED) ZONE [PCD (PLANNED COMMUNITY DEVELOPMENT) GENERAL PLAN DESIGNATION] UNDER RESOLUTION OF INTENT TO PD (PLANNED DEVELOPMENT) [VILLAGE COMMERCIAL LONE MOUNTAIN WEST SPECIAL LAND USE DESIGANATION - PROPOSED: MEDIUM-LOW ATTACHED RESIDENTIAL]



CASE: **MOD-4632**

RADIUS: 750 FT

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City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: AUGUST 26, 2004
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: ABEYANCE - RENOTIFICATION - MOD-4632 -
APPLICANT: ROYAL CONSTRUCTION - OWNER: SHADOW HILLS PLAZA, LLC

STAFF REQUESTS THIS ITEM BE HELD IN ABEYANCE TO THE SEPTEMBER 9, 2004 PLANNING COMMISSION MEETING

PLANNING & DEVELOPMENT

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: MOD-4632

PN: 137-12-401-022
137-12-801-001

Name of Property Owner: SHADOW HILLS PLAZA LLC

Name of Applicant: ROYAL CONSTRUCTION

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: Philip H. Davis

Subscribed and sworn before me

This 25th day of June, 2004

_____
Notary Public in and for said County and State

JODIE LYNNE CRUM
Notary Public State of Nevada
No. 99-51690-1
My appt. exp. Feb. 17, 2007

City of Las Vegas

Agenda Item No.: 28

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

PLANNING COMMISSION MEETING OF: AUGUST 26, 2004

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: ROBERT S. GENZER [ ] CONSENT [X] DISCUSSION

SUBJECT:

ABEYANCE - RENOTIFICATION - WVR-4754 - WAIVER RELATED TO MOD-4632 - PUBLIC HEARING - APPLICANT: ROYAL CONSTRUCTION - OWNER: SHADOW HILLS PLAZA, LLC - Request for a Waiver of Title 18.12.160 TO ALLOW A 210-FOOT SEPARATION DISTANCE BETWEEN INTERSECTIONS WHERE A MINIMUM OF 220 FEET IS REQUIRED WHEN PROVIDING EXTERNAL ACCESS FROM A SUBDIVISION TO AN EXISTING STREET HAVING A RIGHT-OF-WAY WIDTH OF 60 FEET OR MORE, IN CONJUNCTION WITH A PROPOSED 44-LOT SINGLE-FAMILY ATTACHED RESIDENTIAL DEVELOPMENT on 3.70 acres adjacent to the southwest corner of Shady Timber Street and Buckskin Avenue (a portion of APN 137-12-401-022 and a portion of 137-12-801-001), U (Undeveloped) Zone [PCD (Planned Community Development) General Plan Designation] under Resolution of Intent to PD (Planned Development) [Village Commercial Lone Mountain Special Land Use Designation - PROPOSED: Medium-Low Attached Residential], Ward 4 (Brown).

C.C.: 10/06/04

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

RECOMMENDATION:

Staff recommends this item be HELD IN ABEYANCE to the September 9, 2004 Planning Commission meeting.

BACKUP DOCUMENTATION:

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

MOTION:

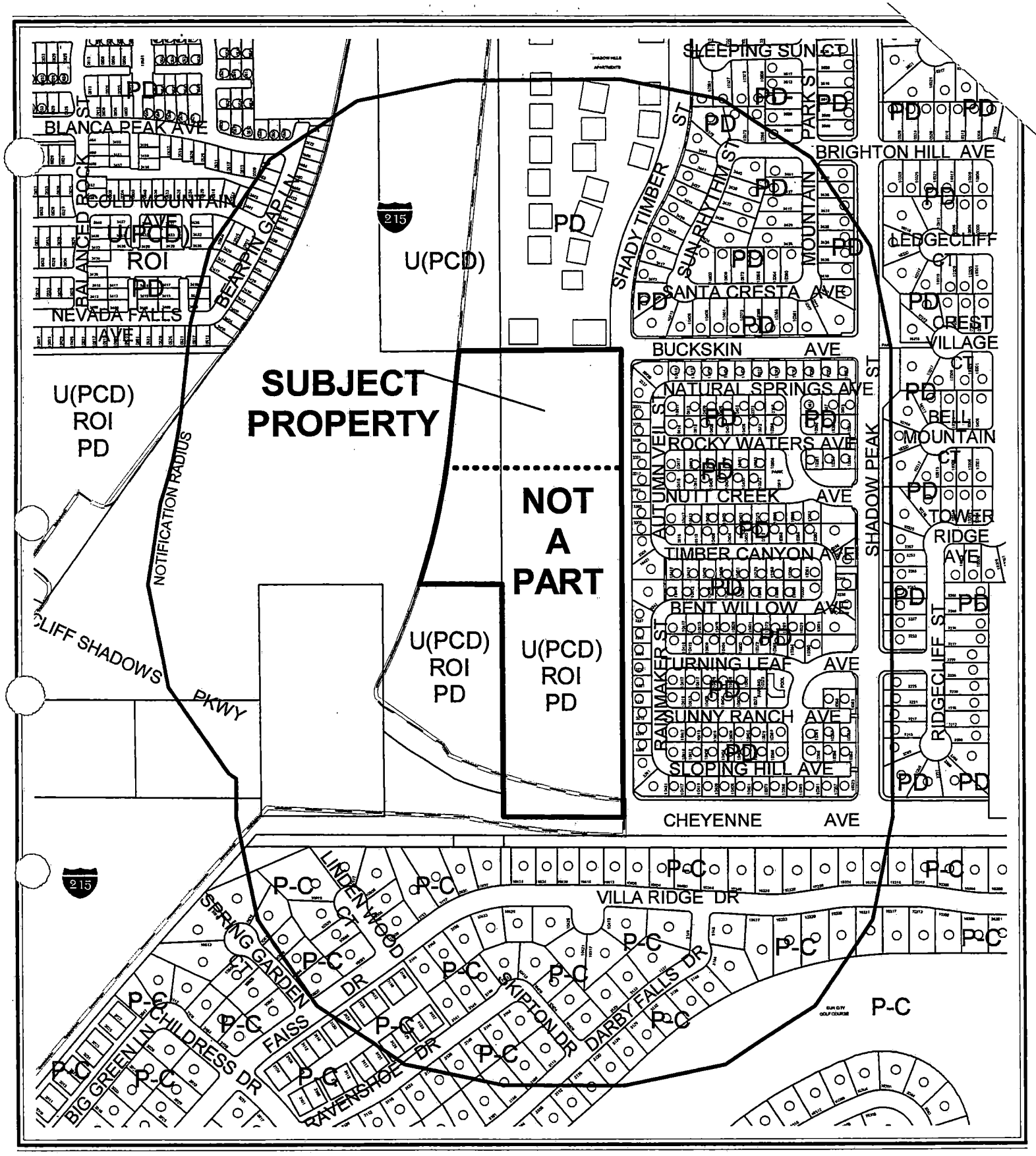
NIGRO – Motion to bring forward and HOLD IN ABEYANCE Item 18 [GPA-4631], Item 19 [ZON-4635], Item 20 [SDR-4638], Item 27 [MOD-4632], Item 28 [WVR-4754] and Item 29 [SDR-4751] to 9/09/2004 Planning Commission meeting, Item 3 [TMP-4838], Item 26 [SDR-4619], Item 30 [ZON-4828], Item 31 [SDR-4837], Item 47 [WVR-4883], and Item 48 [SDR-4832] to 9/23/2004 Planning Commission meeting, WITHDRAW WITHOUT PREJUDICE Item 4 [TMP-4842], Item 5 [TMP-4843] and Item 40 [SUP-4834], TABLE Item 16 [ZON-4623] and Item 17 [SDR-4626], and STRIKE Item 49 [MOD-4879] – UNANIMOUS

PLANNING COMMISSION MEETING OF AUGUST 26, 2004
Planning and Development Department
Item 28 – WVR-4754

MINUTES:

DAVID CLAPSADDLE, Planning and Development, stated that letters are on file for each of the requests.

(6:06 – 6:31)



0 300 600 Feet

CASE: **WVR-4754**

RADIUS: 750 FT

ZONING OF SUBJECT PROPERTY:

U (UNDEVELOPED) ZONE [PCD (PLANNED COMMUNITY DEVELOPMENT) GENERAL PLAN DESIGNATION] UNDER RESOLUTION OF INTENT TO PD (PLANNED DEVELOPMENT) [VILLAGE COMMERCIAL LONE MOUNTAIN WEST SPECIAL LAND USE DESIGANATION - PROPOSED: MEDIUM-LOW ATTACHED RESIDENTIAL]

N

City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: AUGUST 26, 2004
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: ABEYANCE - RENOTIFICATION - WVR-4754 -
APPLICANT: ROYAL CONSTRUCTION - OWNER: SHADOW HILLS PLAZA, LLC

STAFF REQUESTS THIS ITEM BE HELD IN ABEYANCE TO THE SEPTEMBER 9, 2004 PLANNING COMMISSION MEETING

XXX:
26-04\REPORTS\WVR-4754.DOC

F:\DEPOT\PLANNING COMMISSION\2004\08-

PLANNING & DEVELOPMENT

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: WVR-4754 APN: 137-12-401-022 137-12-801-001

Name of Property Owner: SHADOW HILLS PLAZA LLC

Name of Applicant: ROYAL CONSTRUCTION

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: Philip H. Davis

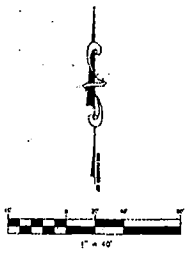
Subscribed and sworn before me

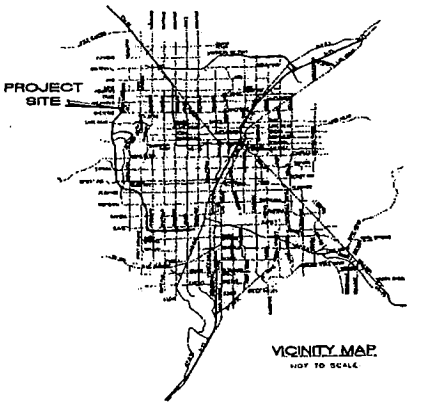
This 25th day of June, 2004

_____
Notary Public in and for said County and State

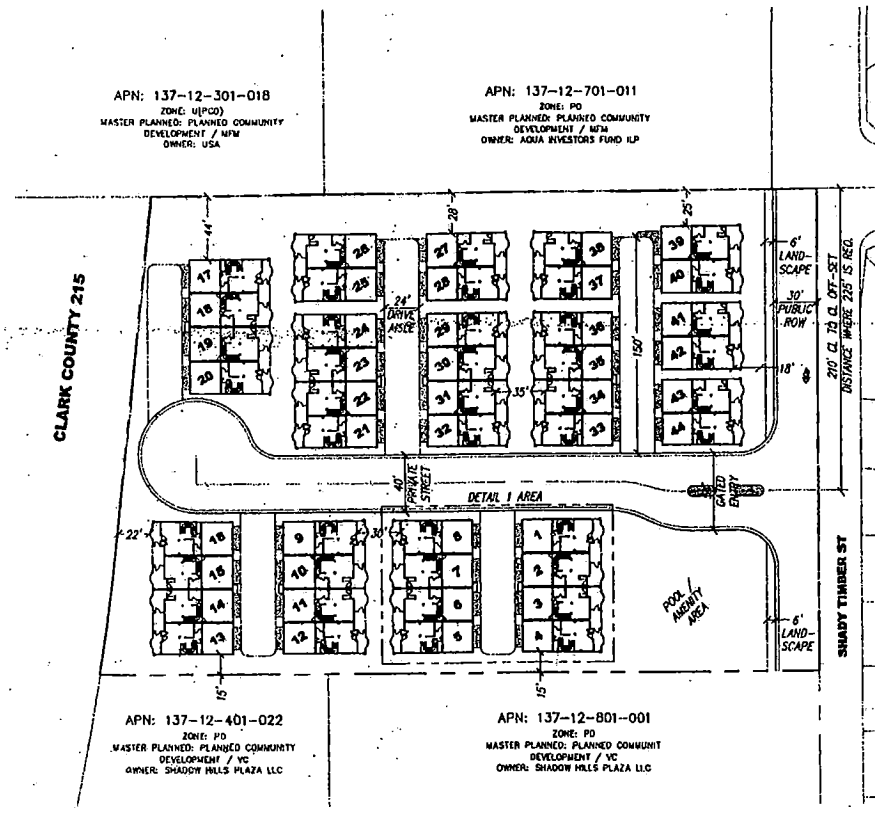
JODIE LYNNE CRUM
Notary Public State of Nevada
No. 99-51690-1
My appt. exp. Feb. 17, 2007

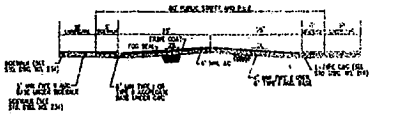
SPINNAKER VILLAGE III



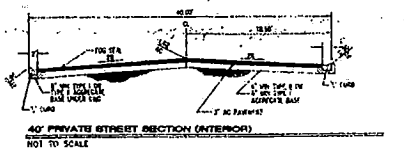


VICINITY MAP
NOT TO SCALE

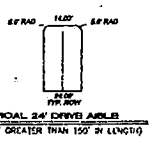




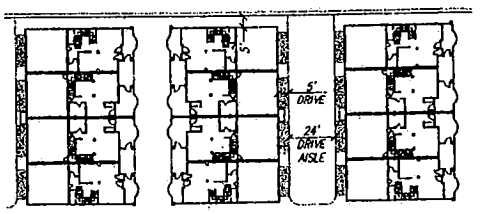
60' PUBLIC STREET HALF-SECTION (SHADY TIMBER ST.)
NOT TO SCALE



40' PRIVATE STREET SECTION (INTERIOR)
NOT TO SCALE



TYPICAL 24' DRIVE AISLE
(NOT GREATER THAN 150' IN LENGTH)



TYPICAL DEVELOPMENT STANDARDS DETAIL
1" = 30'

DEVELOPER
ROYAL CONSTRUCTION
6111 W. CHEYENNE AVE.
SUITE 105
LAS VEGAS, NEVADA
(702) 873-7773

OWNERS
SHADOW HILLS PLAZA LLC
3225-D S. RAINBOW BLVD.
SUITE 206
LAS VEGAS, NEVADA 89146

ASSESSORS PARCEL NUMBER:
PORT. OF 137-12-801-001 &
PORT. OF 137-12-401-022

OVERALL TABULATIONS
EXISTING ZONING ——— MEDIUM COMMERCIAL
EXISTING LAND USE ——— PUD
PROPOSED LAND USE ——— MEDIUM LOW ATTACHED RESIDENTIAL
GROSS ACREAGE ——— 3.7 ACRES +/-
OF UNITS ——— 44
DENSITY ——— 11.89 DUA +/-
OPEN SPACE REQUIRED ——— 0.72 ACRES (31,380 SF)
OPEN SPACE PROVIDED ——— 1.15 ACRES +/- (50,051 SF)

WVR-4754
SDR-4751
8/26/04 PC

CLIENT:
ROYAL CONSTRUCTION
6111 W. CHEYENNE AVE., SUITE 105
LAS VEGAS, NEVADA
(702) 873-7773

CONSULTING ENGINEERS
3373 PEPPER LANE - LAS VEGAS, NEVADA
PHONE: (702) 384-7272 - FAX: (702) 384-2728

SHEET: SITE PLAN TO ACCOMPANY SITE DEVELOPMENT REVIEW / TITLE 18 WAIVER

SPINNAKER VILLAGE III
CITY OF LAS VEGAS, NEVADA

DATE: MAY 13, 2004
DRAWN BY: B. SAYLOR
DESIGNED BY: B. SAYLOR
CHECKED BY: R. BASE
SCALE: 1"=40'
PROJECT NO.: RC-0005
ENGINEERING SEAL

SHEET 1 OF 1
DRAWING 1

City of Las Vegas

Agenda Item No.: 29

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

PLANNING COMMISSION MEETING OF: AUGUST 26, 2004

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: ROBERT S. GENZER [ ] CONSENT [X] DISCUSSION

SUBJECT:

ABEYANCE - RENOTIFICATION - SDR-4751 - SITE DEVELOPMENT PLAN REVIEW RELATED TO MOD-4632 AND WVR-4754 - PUBLIC HEARING - APPLICANT: ROYAL CONSTRUCTION - OWNER: SHADOW HILLS PLAZA, LLC - Request for a Site Development Plan Review FOR A PROPOSED 44-LOT SINGLE-FAMILY ATTACHED RESIDENTIAL DEVELOPMENT on 3.70 acres adjacent to the southwest corner of Shady Timber Street and Buckskin Avenue (a portion of APN 137-12-401-022 and a portion of 137-12-801-001), U (Undeveloped) Zone [PCD (Planned Community Development) General Plan Designation] under Resolution of Intent to PD (Planned Development) [Village Commercial Lone Mountain Special Land Use Designation - PROPOSED: Medium-Low Attached Residential], Ward 4 (Brown).

C.C.: 10/06/04

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

RECOMMENDATION:

Staff recommends this item be HELD IN ABEYANCE to the September 9, 2004 Planning Commission meeting.

BACKUP DOCUMENTATION:

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

MOTION:

NIGRO – Motion to bring forward and HOLD IN ABEYANCE Item 18 [GPA-4631], Item 19 [ZON-4635], Item 20 [SDR-4638], Item 27 [MOD-4632], Item 28 [WVR-4754] and Item 29 [SDR-4751] to 9/09/2004 Planning Commission meeting, Item 3 [TMP-4838], Item 26 [SDR-4619], Item 30 [ZON-4828], Item 31 [SDR-4837], Item 47 [WVR-4883], and Item 48 [SDR-4832] to 9/23/2004 Planning Commission meeting, WITHDRAW WITHOUT PREJUDICE Item 4 [TMP-4842], Item 5 [TMP-4843] and Item 40 [SUP-4834], TABLE Item 16 [ZON-4623] and Item 17 [SDR-4626], and STRIKE Item 49 [MOD-4879] – UNANIMOUS

City of Las Vegas

Agenda Item No.: 29

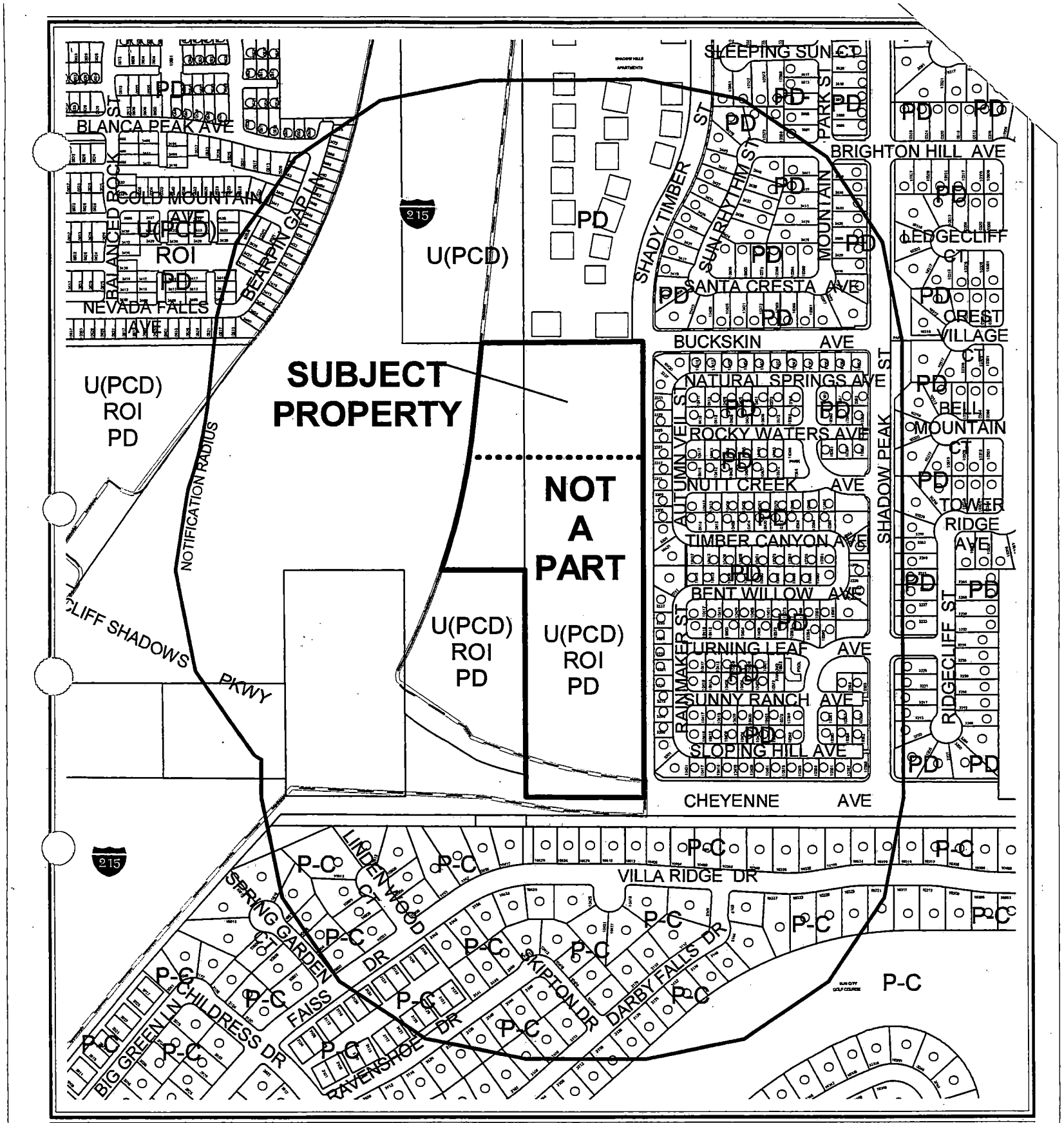
PLANNING COMMISSION MEETING OF AUGUST 26, 2004
Planning and Development Department
Item 29 – SDR-4751

MINUTES:

DAVID CLAPSADDLE, Planning and Development, stated that letters are on file for each of the requests.

(6:06 – 6:31)

1-84



CASE: **SDR-4751**

RADIUS: 750 FT

ZONING OF SUBJECT PROPERTY:

U (UNDEVELOPED) ZONE [PCD (PLANNED COMMUNITY DEVELOPMENT) GENERAL PLAN DESIGNATION] UNDER RESOLUTION OF INTENT TO PD (PLANNED DEVELOPMENT) [VILLAGE COMMERCIAL LONE MOUNTAIN WEST SPECIAL LAND USE DESIGANATION - PROPOSED: MEDIUM-LOW ATTACHED RESIDENTIAL]

City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: AUGUST 26, 2004
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: ABEYANCE - RENOTIFICATION - SDR-4751 -
APPLICANT: ROYAL CONSTRUCTION - OWNER: SHADOW HILLS PLAZA, LLC

STAFF REQUESTS THIS ITEM BE HELD IN ABEYANCE TO THE SEPTEMBER 9, 2004 PLANNING COMMISSION MEETING

XXX: F:\DEPOT\PLANNING COMMISSION\2004\08-26-04\REPORTS\SDR-4751.DOC

PLANNING & DEVELOPMENT

CITY OF LAS VEGAS

DEVELOPMENT SERVICES CENTER

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: SDR-4751 APN: 137-12-401-022 137-12-801-001

Name of Property Owner: SHADOW HILLS PLAZA LLC

Name of Applicant: ROYAL CONSTRUCTION

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: Philip H. Davis

Subscribed and sworn before me

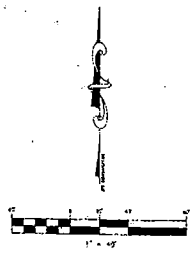
This 25th day of June, 2004

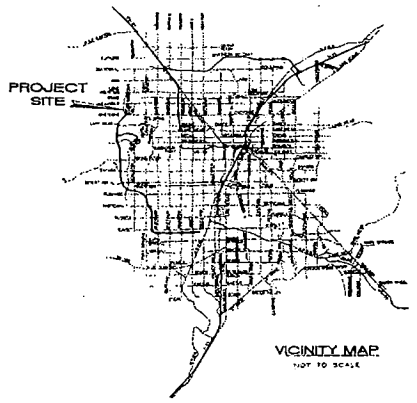
_____

Notary Public in and for said County and State

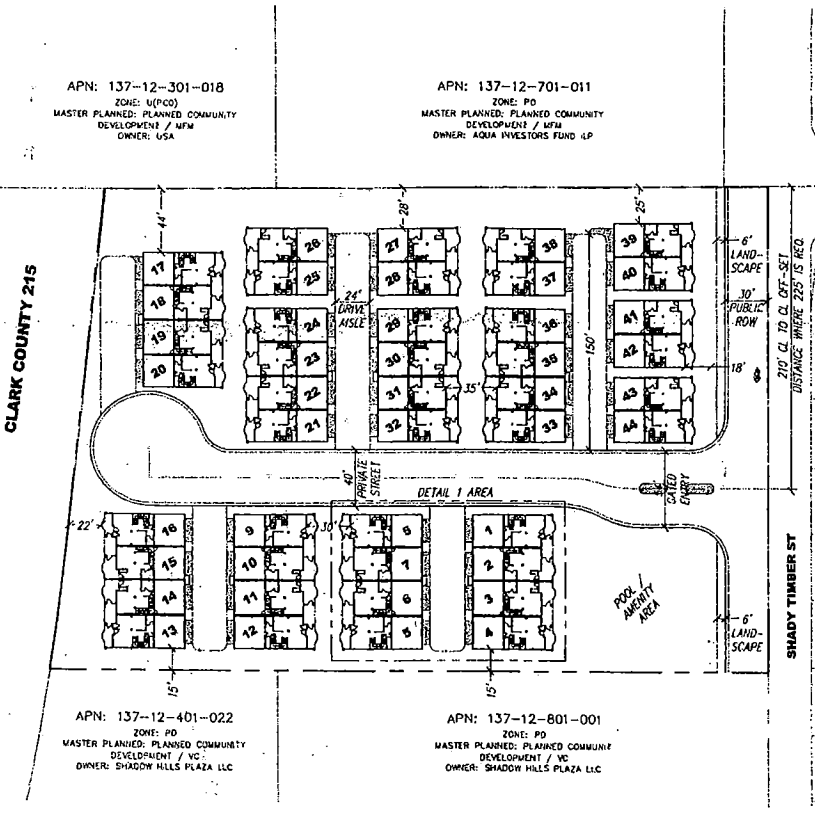
JODIE LYNNE CRUM
Notary Public State of Nevada
No. 99-51690-1
My appt. exp. Feb. 17, 2007

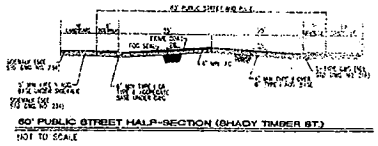
SPINNAKER VILLAGE III





VICINITY MAP
NOT TO SCALE





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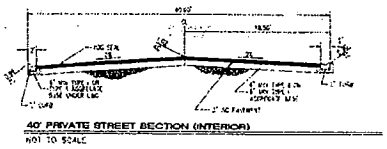

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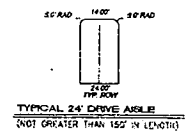
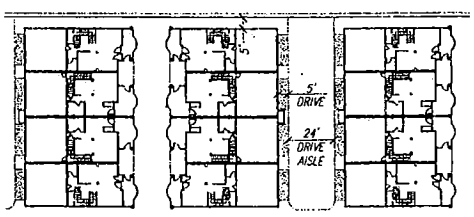


TYPICAL 24' DRIVE AISLE
(NOT GREATER THAN 150' IN LENGTH)



TYPICAL DEVELOPMENT STANDARDS DETAIL
1" = 30'

DEVELOPER
ROYAL CONSTRUCTION
4711 W. CHEYENNE AVE
SUITE 105
LAS VEGAS, NEVADA
(702) 873-7272

OWNERS
SHADOW HILLS PLAZA, LLC
3205 S. RAINBOW BLVD.
SUITE 200
LAS VEGAS, NEVADA 89146

ASSESSORS PARCEL NUMBER:
PORT. OF 137-12-801-001 &
PORT. OF 137-12-701-022

OVERALL TABULATIONS
EXISTING ZONING ——— VILLAGE COMMERCIAL
EXISTING LAND USE ——— PCD
PROPOSED LAND USE ——— MEDIUM LOW ATTACHED RESIDENTIAL
GROSS ACREAGE ——— 9.7 ACRES +/-
OF UNITS ——— 94
DENSITY ——— 11.83 DUA +/-
OPEN SPACE REQUIRED — 0.72 ACRES (31,385 SF)
OPEN SPACE PROVIDED — 1.33 ACRES +/- (58,053 SF)

WVR-4754
SDR-4751
8/26/04 PC

CLIENT:
ROYAL CONSTRUCTION
4711 W. CHEYENNE AVE., SUITE 105
LAS VEGAS, NEVADA
(702) 873-7272

CONSULTING, INC.
STRATEGIC PLANNING SOLUTIONS
7959 NIEGARA AVENUE - LAS VEGAS, NEVADA
PHONE: (702) 384-7901 - FAX: (702) 384-7902

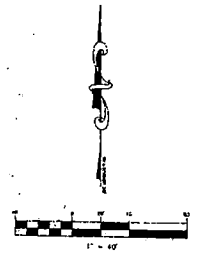
SHEET: SITE PLAN TO ACCOMAPNY SITE DEVELOPMENT REVIEW / TITLE 18 WAIVER

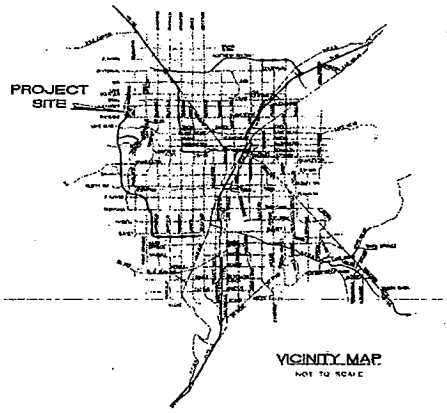
TITLE: SPINNAKER VILLAGE III
CITY OF LAS VEGAS, NEVADA

DATE:
DRAWN BY:
S. SAYLOR
DESIGNED BY:
R. SAYLOR
CHECKED BY:
R. SAYLOR
SCALE:
PROJECT NO:
RC-0005
ENGINEERING SEAL

SHEET 1 OF 1
DRAWING NO. 1

SPINNAKER VILLAGE III



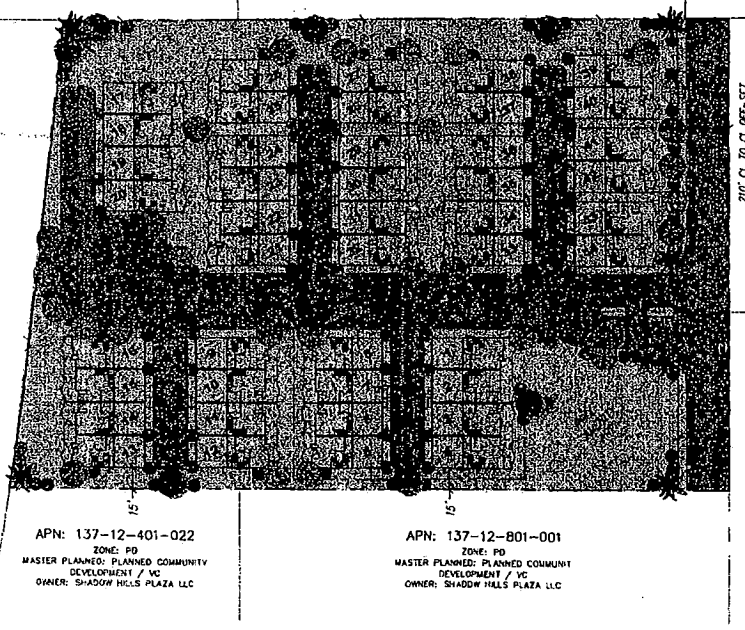


VICINITY MAP
NOT TO SCALE

APN: 137-12-301-018
ZONE: U(PCD)
MASTER PLANNED: PLANNED COMMUNITY DEVELOPMENT / MFM
OWNER: USA

APN: 137-12-701-011
ZONE: PD
MASTER PLANNED: PLANNED COMMUNITY DEVELOPMENT / MFM
OWNER: AQUA INVESTORS FUND IIP

APN: 137-12-714
ZONE: PD
MASTER PLANNED: PLANNED COMMUNITY DEVELOPMENT / MLA
OWNER: CHEYENNE - HUALAPAI - UNIT 5



APN: 137-12-810
ZONE: PD
MASTER PLANNED: PLANNED COMMUNITY DEVELOPMENT / VLA
OWNER: CHEYENNE HUALAPAI - UNIT 1

APN: 137-12-401-022
ZONE: PD
MASTER PLANNED: PLANNED COMMUNITY DEVELOPMENT / VC
OWNER: SHADOW HILLS PLAZA LLC

APN: 137-12-801-001
ZONE: PD
MASTER PLANNED: PLANNED COMMUNITY DEVELOPMENT / VC
OWNER: SHADOW HILLS PLAZA LLC

TREE LEGEND

SYMBOL	BOTANICAL/COMMON NAME	SIZE	QTY.
	CHITALPA TASHKENTENSIS CHITALPA	24" BOX	19
	PROSOPIS GLANDULOSA 'MAVERICK' THORNLESS TEXAS HONEY MESQUITE	15" BOX	19
	QUERCUS VIRGINIANA 'HERITAGE' HERITAGE LIVE OAK	15" BOX	27
	WASHINGTONIA ROBUSTA HYBRID MEXICAN FAN PALM	25' HIGH	22

SUGGESTED SHRUB LIST

BOTANICAL/COMMON NAME	SIZE
ACACIA REDOLENS - CREEPING ACACIA	1 GALLON
CASSIA ARTEMISIOIDES - FEATHERY CASSIA	5 GALLON
CALLIANDRA ERIOPHYLLA - FAIRY DUSTER	5 GALLON
CONVOLVULUS CNEORUM - DUSKY MORNING GLORY	5 GALLON
DALEA GREGGII - TRIXIE BUSH	5 GALLON
ENCELIA FARINOSA - BRITTLEBUSH	5 GALLON
HESPERALOE PARVIFLORA - RED YUCCA	5 GALLON
LANTANA MONTEVIDENSIS - TRAILING LANTANA	1 GALLON
LEUCOPHYLLUM LANGMANIAE - CYMRIAMAN SAGE	5 GALLON
MUHLENBERGIA CAPILLARIS 'REGAL MIST' - REGAL MIST DEER GRASS	5 GALLON
ROSMARINUS OFFICINALIS - ROSEMARY	5 GALLON
SALVIA CLEVELANDII - CHAPARRAL SAGE	5 GALLON
SALVIA GREGGII - AUTUMN SAGE	5 GALLON
TEUCRIUM CHAMAEDRYS	5 GALLON
VERBENA BIPINNATIFIDA - PRAIRIE VERBENA	1 GALLON

BOTANICAL/COMMON NAME

DEVELOPER

ROYAL CONSTRUCTION
4711 W. CHEYENNE AVE.
SUITE 103
LAS VEGAS, NEVADA
(702) 873-7772

OWNERS

SHADOW HILLS PLAZA LLC
3323-B S. RAINBOW BLVD.
SUITE 206
LAS VEGAS, NEVADA 89146

ASSESSORS PARCEL NUMBER:

PCR. OF 137-12-801-001 &
PCR. OF 137-12-401-022

OVERALL TABULATIONS

EXISTING ZONING ..... VILLAGE COMMERCIAL
EXISTING LAND USE ..... PCD

PROPOSED LAND USE ... MEDIUM LOW ATTACHED RESIDENTIAL
GROSS ACREAGE ..... 3.7 ACRES +/-
OF UNITS 44
DENSITY ..... 11.89 DUA +/-

OPEN SPACE REQUIRED — 0.72 ACRES (31,380 SF)
OPEN SPACE PROVIDED — 1.15 ACRES +/- (50,065 SF)

PREPARED BY:
ROYAL CONSTRUCTION
4711 W. CHEYENNE AVE., SUITE 103
LAS VEGAS, NEVADA
(702) 873-7772

CONSULTING, INC.
STRATEGIC PLANNING SOLUTIONS
7950 HICKAM AVENUE - LAS VEGAS, NEVADA
PHONE: (702) 384-7720 - FAX: (702) 384-7722

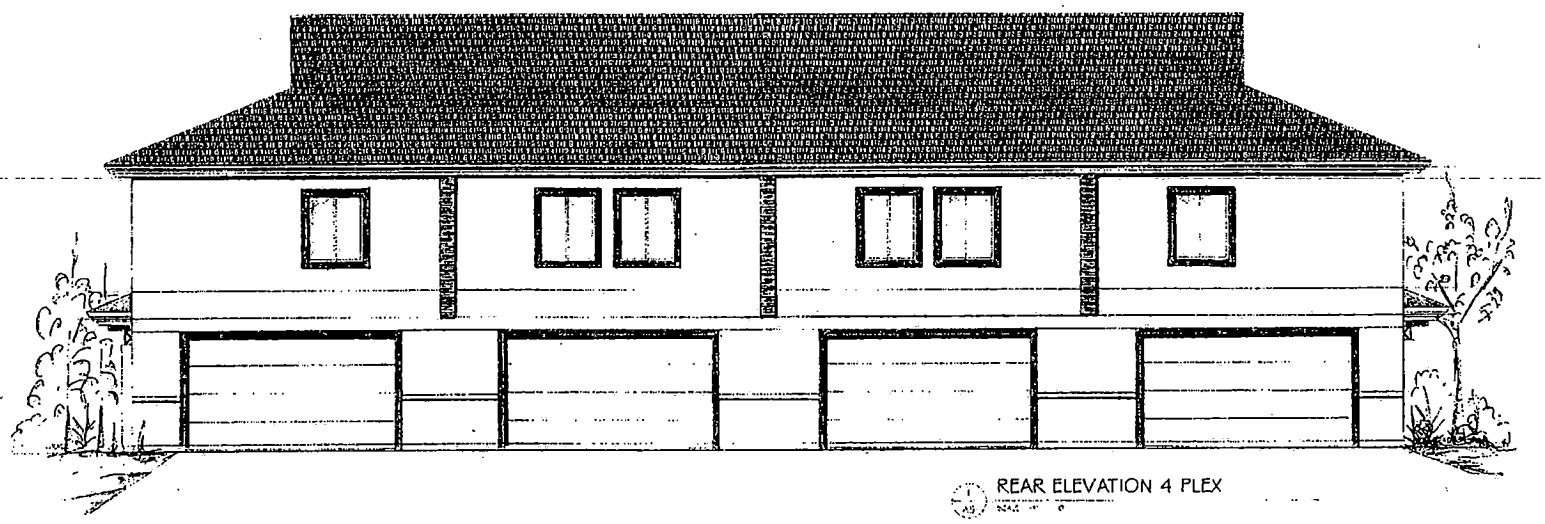
SHEET: LANDSCAPE PLAN TO ACCOMPANY SITE DEVELOPMENT REVIEW / TITLE 18 WAIVER

JOB: SPINNAKER VILLAGE III
CITY OF LAS VEGAS, NEVADA

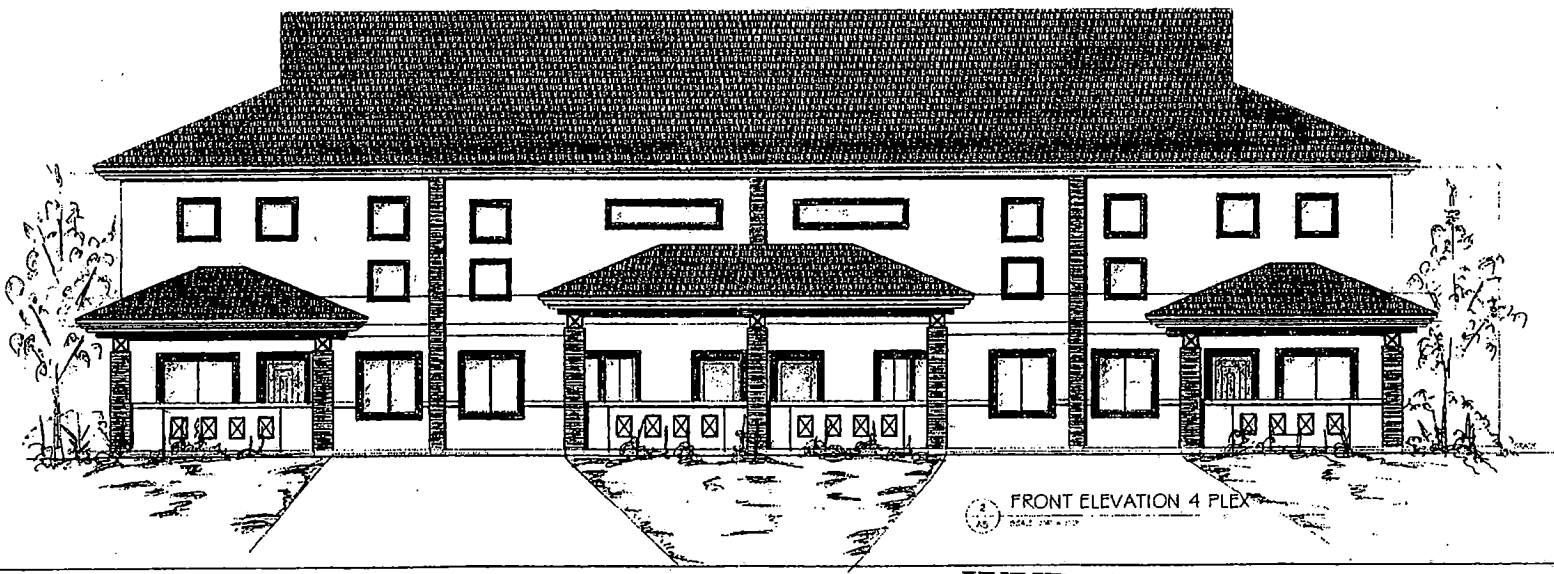
DATE: MAY 24, 2004
DRAWN BY: R. SAYLOR
DESIGNED BY: R. SAYLOR
CHECKED BY: R. SAYLOR
SCALE: AS SHOWN
PROJECT NO: RC-0005
ENGINEERS SEAL

SHEET 1 OF 1
DRAWING NO. 1

WVR-4754
SDR-4751
8/26/04 PC



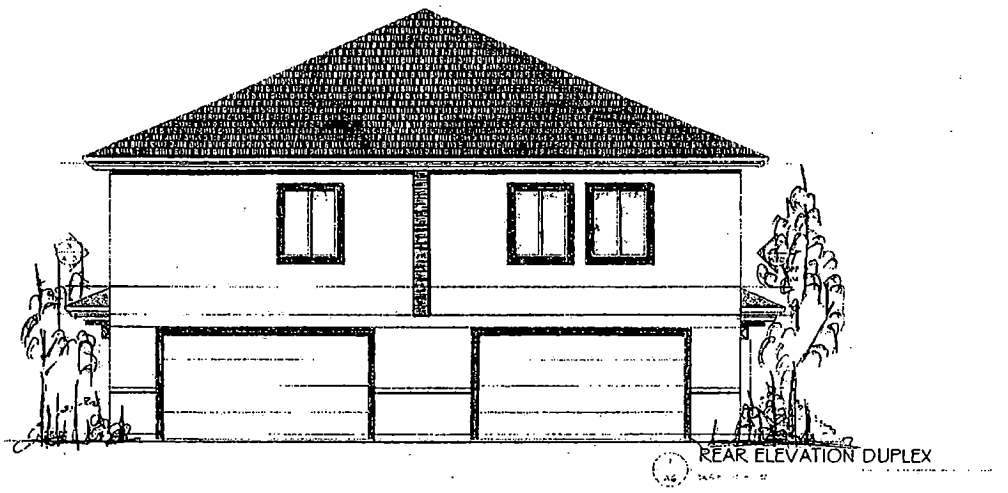
REAR ELEVATION 4 PLEX



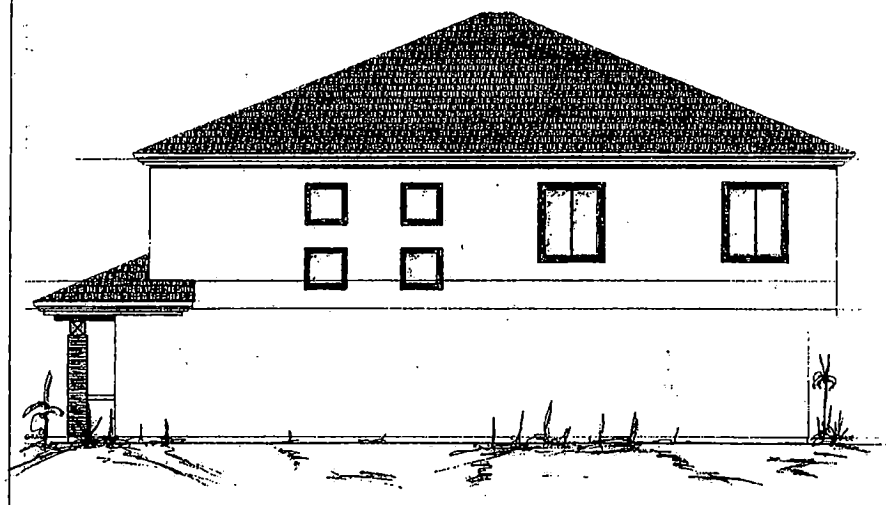
FRONT ELEVATION 4 PLEX

WVR-4754
SDR-4751

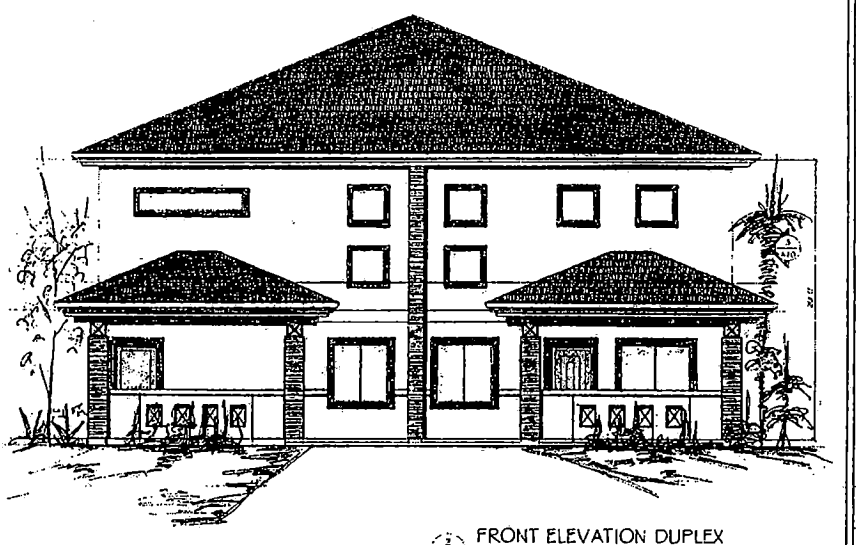
8/26/04 PC



REAR ELEVATION DUPLEX



SIDE ELEVATION DUPLEX



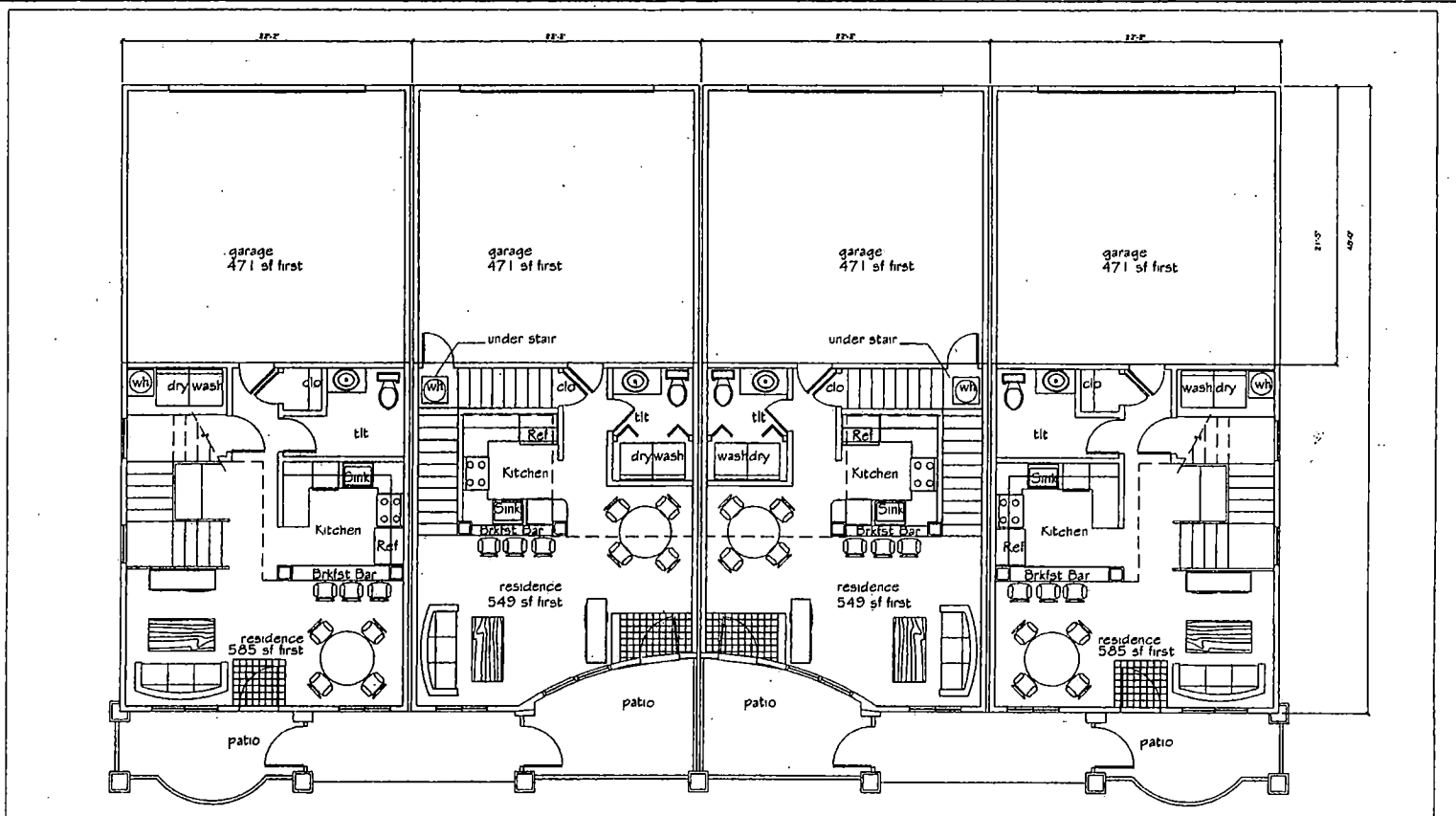
FRONT ELEVATION DUPLEX

SPINNAKER VILLAGE
4 FOUR PLEX COMMUNITY

ELEVATIONS
4 - PLEX

A6.0

WVR-4754
SDR-4751 **8/26/04 PC**



UNIT ONE
585 sf First
765 sf Second
1350 sf Res.
471 sf Garage
1821 sf Total

UNIT TWO
549 sf First
680 sf Second
1229 sf Total
471 sf Garage
1700 sf Total

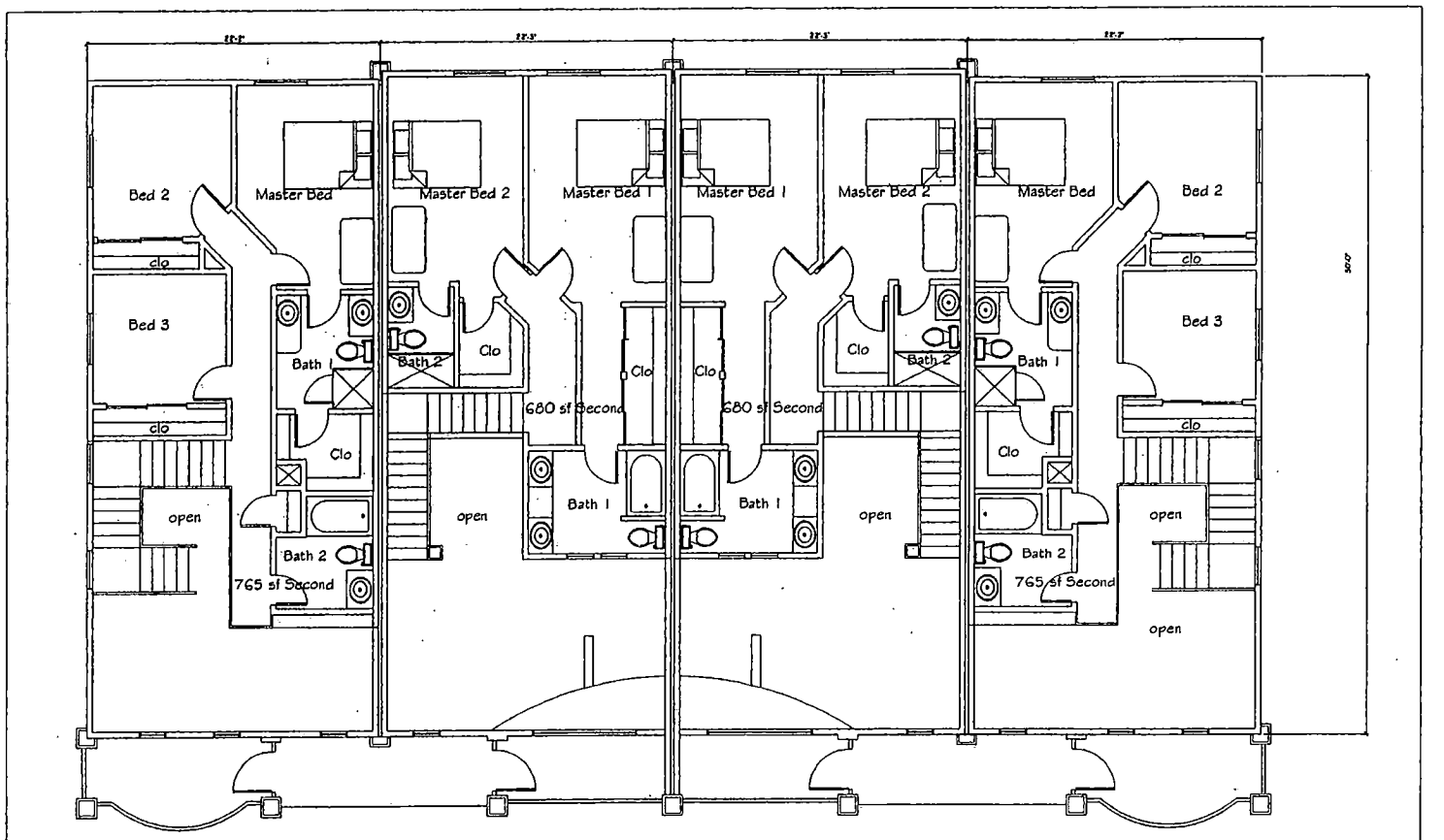
UNIT THREE
549 sf First
680 sf Second
1229 sf Total
471 sf Garage
1700 sf Total

UNIT FOUR
585 sf First
765 sf Second
1350 sf Res.
471 sf Garage
1821 sf Total

SPINNAKER VILLAGE
A FOUR PLEX COMMUNITY
DAVID MCKEE ARCHITECT

SCALE 1/4" = 1'-0"
DATE 2/13/04

WVR-4754
SDR-4751
8/26/04 PC



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SPINNAKER VILLAGE
A FOUR PLEX COMMUNITY
DAVID MCKEE ARCHITECT

SCALE 1/4" = 1'-0"
DATE 2/15/04

WVR-4754
SDR-4751
8/26/04 PC

City of Las Vegas

Agenda Item No.: 30

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

PLANNING COMMISSION MEETING OF: AUGUST 26, 2004

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: ROBERT S. GENZER [ ] CONSENT [X] DISCUSSION

SUBJECT:

ZON-4828 - REZONING - PUBLIC HEARING - APPLICANT/OWNER: PLASIM HOMES, LLC - Request for a Rezoning FROM: R-E (RESIDENCE ESTATES) TO: R-PD2 (RESIDENTIAL PLANNED DEVELOPMENT - 2 UNITS PER ACRE) on 16.0 acres adjacent to the northwest corner of Monte Cristo Way and O'Bannon Drive (APN 163-03-302-004, 005, and 006), Ward 1 (Moncrief).

C.C.: 10/06/04

PROTESTS RECEIVED BEFORE:		APPROVALS RECEIVED BEFORE:	
Planning Commission Mtg.	35	Planning Commission Mtg.	0
City Council Meeting		City Council Meeting	

RECOMMENDATION:
Staff recommends DENIAL.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Submitted at Meeting – Signed Petition (Opposition) with 34 Signatures and Letters of Opposition from Anna Williams, Robert and Pamela Rightmyer, Joseph Essa, Beverly Hughes, Michael and Sara Graham, and Mr. and Mrs. Campbell

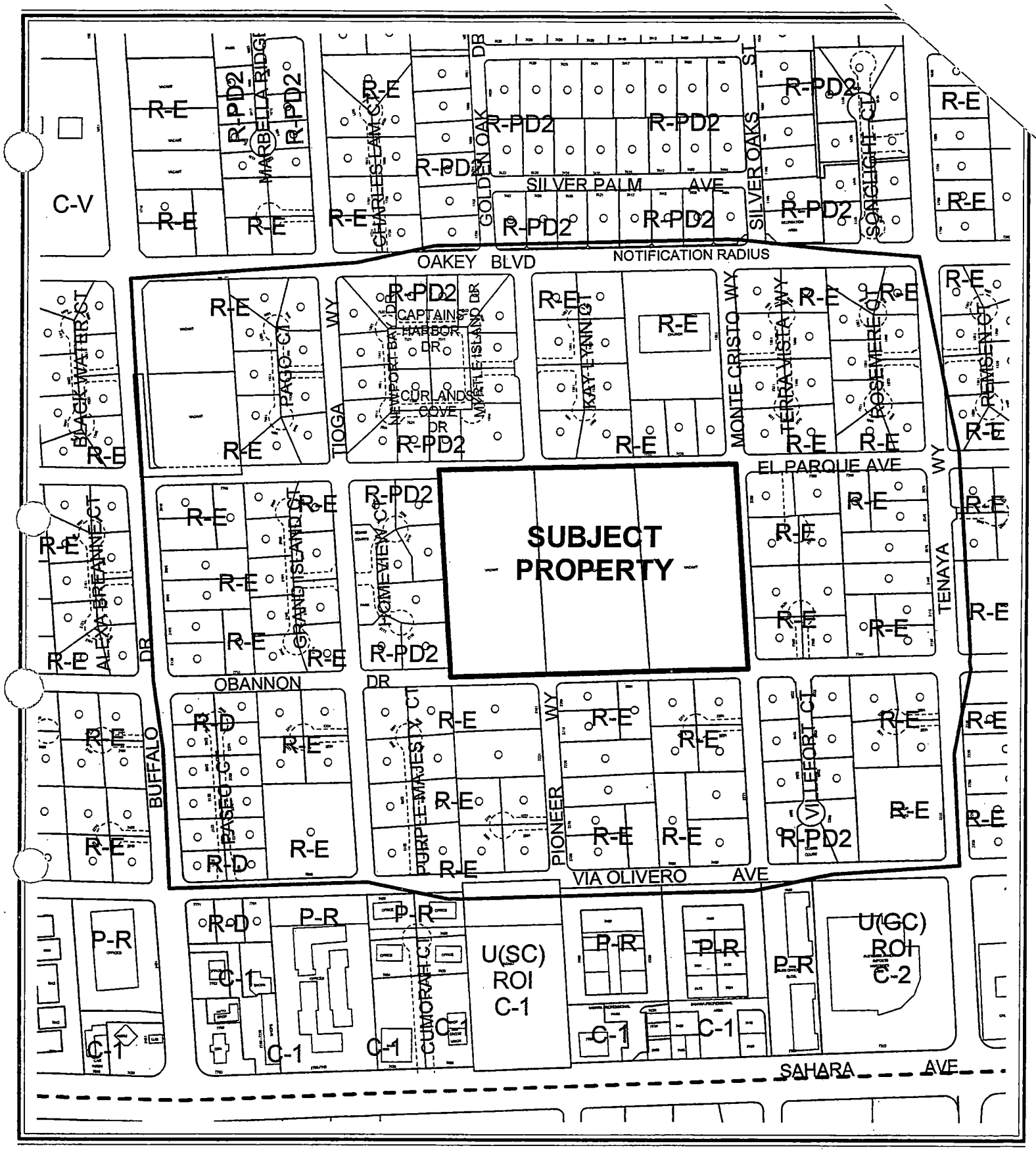
MOTION:

NIGRO – Motion to bring forward and HOLD IN ABEYANCE Item 18 [GPA-4631], Item 19 [ZON-4635], Item 20 [SDR-4638], Item 27 [MOD-4632], Item 28 [WVR-4754] and Item 29 [SDR-4751] to 9/09/2004 Planning Commission meeting, Item 3 [TMP-4838], Item 26 [SDR-4619], Item 30 [ZON-4828], Item 31 [SDR-4837], Item 47 [WVR-4883], and Item 48 [SDR-4832] to 9/23/2004 Planning Commission meeting, WITHDRAW WITHOUT PREJUDICE Item 4 [TMP-4842], Item 5 [TMP-4843] and Item 40 [SUP-4834], TABLE Item 16 [ZON-4623] and Item 17 [SDR-4626], and STRIKE Item 49 [MOD-4879] – UNANIMOUS

MINUTES:

DAVID CLAPSADDLE, Planning and Development, stated that letters are on file for each of the requests.

(6:06 – 6:31)



CASE: **ZON-4828**

RADIUS: 750 FT + SPECIAL

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

PROPOSED ZONING OF SUBJECT PROPERTY:
R-PD2 (RESIDENTIAL PLANNED DEVELOPMENT - 2 UNITS PER ACRE)

City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: AUGUST 26, 2004
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: ZON-4828 - APPLICANT/OWNER: PLASIM HOMES, LLC

** CONDITIONS **

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

Planning and Development

1. A Resolution of Intent with a two-year time limit.

2. A Site Development Plan Review (SDR-4837) application approved by the Planning Commission or City Council prior to issuance of any permits, any site grading, and all development activity for the site.

Public Works

3. Dedicate 30 feet of right-of-way adjacent to this site for O'Bannon Drive, 30 feet for Monte Cristo Way, 30 feet for El Parque Avenue, a 15 foot radius on the northwest corner of O'Bannon Drive and Monte Cristo Way, and a 15 foot radius on the southwest corner of El Parque Avenue and Monte Cristo Way.

4. Construct half-street improvements including appropriate overpaving on O'Bannon Drive, Monte Cristo Way, and El Parque Avenue adjacent to this site concurrent with development of this site. All existing paving damaged or removed by this development shall be restored at its original location and to its original width concurrent with development of this site.

5. 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

Request for a Rezoning from: R-E (Residence Estates) To: R-PD2 (Residential Planned Development - 2 Units Per Acre) on 16.0 acres adjacent to the northwest corner of Monte Cristo Way and O'Bannon Drive.

B) Applicant's Justification

The site is bordered to the west and northwest by existing R-PD2 (Residential Planned Development - 2 Units Per Acre) developments and along the northeast, east, and south by existing R-E developments and single-family residences.

BACKGROUND INFORMATION

A) Previous Actions

03/05/86	The City Council approved an Annexation (A-0009-85) of 1,509 acres, of which this proposal is a part. Planning Commission and staff recommended approval on February 20, 1986. The annexation was effective on March 19, 1986.
11/23/98	The City Council approved a request to amend a portion of the Southwest Sector of the General Plan (GPA-0027-98) on properties bounded by the Holmby Avenue Drainage Alignment, Via Olivero Avenue, Rainbow Boulevard, and Durango Drive from R (Rural Density Residential) to DR (Desert Rural Density Residential). Final Action: November 24, 1998. The Planning Commission and staff recommended approval on October 10, 1998.
08/26/04	The Planning Commission will hear related items (SDR-4837) as a part of this agenda.

B) Pre-Application Meeting

06/28//04	No major issues were identified at the pre-application meeting.

C) Neighborhood Meetings

08/10/04 Twenty-five neighbors of this project attended a meeting held at the West Sahara Library.

Neighbors would like to have the applicant abandon their request to R-PD2 (Residential Planned Development – 2 Units Per Acre), and develop the property at 0.5 acres net per house. There was discussion of lot sizes ranging from 17,000 to 20,000 square feet. Neighbors would like the number of lots to be reduced, along with increases in sideyard setbacks and lot sizes.

Concern was expressed over increased traffic in the neighborhood, and poor traffic flow. To reduce congestion, residents favored changing the development's entrance to the north, rather than south side of the project. There was talk about moving the entrance to align with Pioneer. Others would like to see two entries.

Residents say they are not opposed to development, however, they would like the applicant to construct custom homes, rather than "tract" homes, to maintain consistency with the character of the neighborhood.

DETAILS OF APPLICATION REQUEST

A) Site Area

Gross Acres: 16.0

B) Existing Land Use

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

C) Planned Land Use

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

D) Existing Zoning

Subject Property:	R-E (Residence Estates)
North:	R-E (Residence Estates)
	R-PD2 (Residential Planned Development – 2 Units Per Acre)
South:	R-E (Residence Estates)
East:	R-E (Residence Estates)
West:	R-PD2 (Residential Planned Development – 2 Units Per Acre)

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 DR (Desert Rural Density Residential), which permits R-PD2 density development. This request conforms to the General Plan.

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

This proposed rezoning does not fall within the boundaries of any special area plan, overlay district, or other special area.

B) General Analysis and Discussion

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 for a rezoning to R-PD2 (Residential Planned Development – 2 Units Per Acre) is less the maximum density allowed by the General Plan. However, the proposed development is inconsistent with the neighborhood as the sizes of the lots are not as large as neighboring parcels.

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 density and layout proposed for the companion site plan (SDR-4837) would have 25 lots backing up against 15 lots of the adjacent three R-E (Residence Estates) zoned sides of the proposal. This is a much more intense residential use in comparison to the established land development pattern of this area of the City

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

   The areas to the north, west, and northwest of this proposal had been zoned R-PD2 (Residential Planned Development – 2 Units Per Acre) in 1987 and 1988. However the established development pattern of the area does not warrant the density and type of development proposed for this project. The lots are smaller than currently exist and could result in long-term land use conflicts for this neighborhood.

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 is located between El Parque Avenue, O'Bannon Drive, and Monte Cristo Way; each of these is a 60-foot public residential street. These streets have the capacity to handle additional traffic from an R-PD2 (Residential Planned Development – 2 Units Per Acre) zoning, but the noticeable increase in traffic would further erode the current Desert Rural character of the area.

NOTICES MAILED 168

APPROVALS 0

PROTESTS 35

SRS

PLANNING & DEVELOPMENT

DEVELOPMENT SERVICES CENTER

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **ZON-4828** APN: 163-03-302-004, 005 & 006

Name of Property Owner: Plasim Homes, LLC

Name of Applicant: LR Nelson Consulting Engineers

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

_____ Yes XX No

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

City Official: _____

Partner(s): _____ _____

APN: _____

Signature of Property Owner/Authorized Agent: [signature]

Print Name: PLASIM HOMES LLC

Subscribed and sworn before me

This 10th day of June, 2004

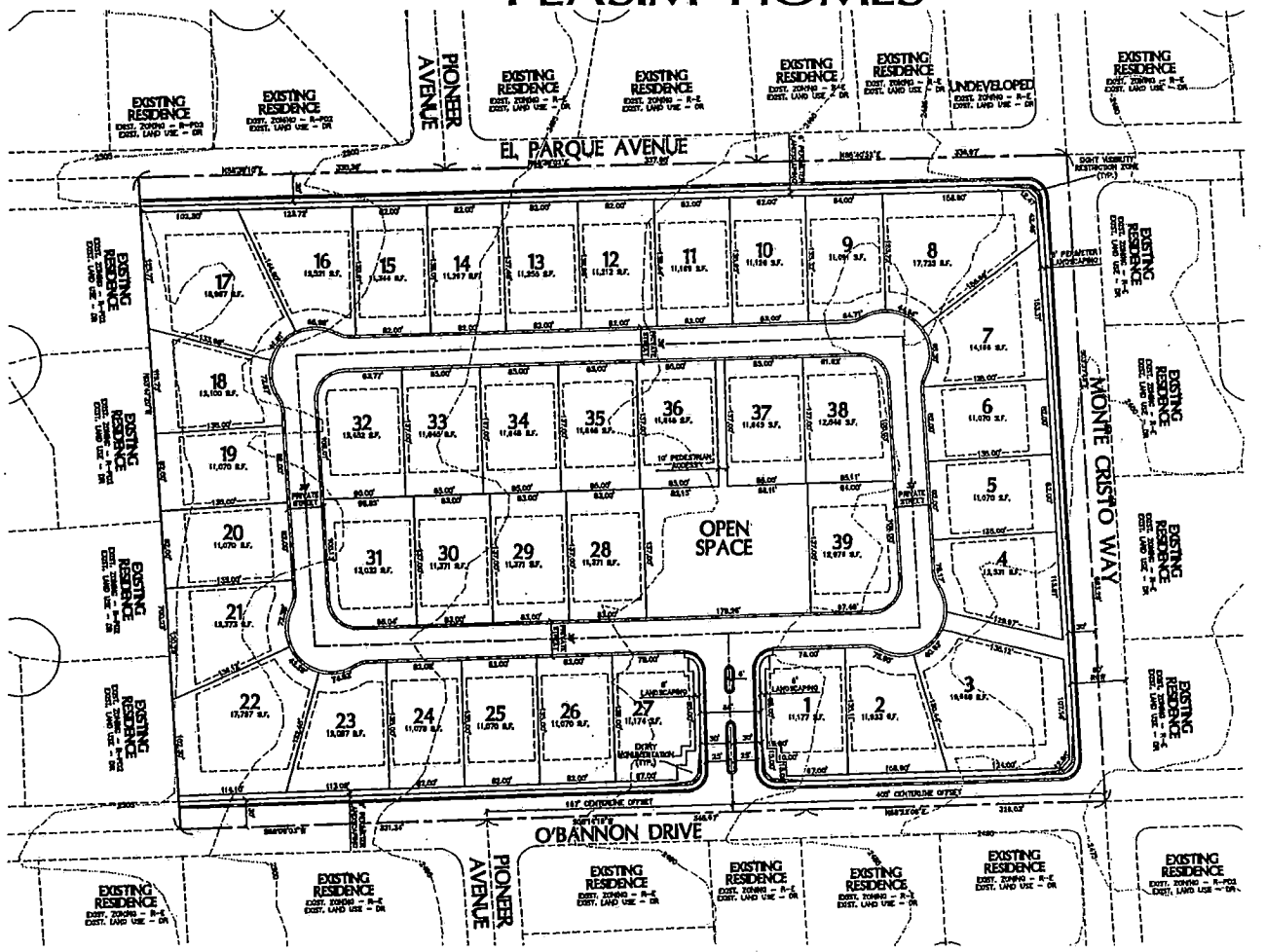
[signature]
Notary Public in and for said County and State

GWENDA L. HUEBNER
Notary Public State of Nevada
No. 97-1243-1
My appt. exp. Mar. 22, 2005

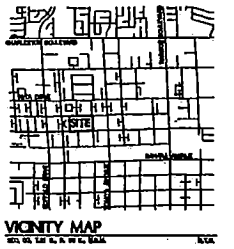
MONTE CRISTO/O'BANNON

FOR

PLASIM HOMES



VICINITY MAP



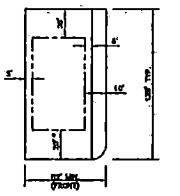
NORTH

1"=60'

GRAPHIC SCALE

TYP. LOT SETBACKS

(TYPICAL LOT SIZE 11,070 SQ. FT. +/-)
NOT TO SCALE

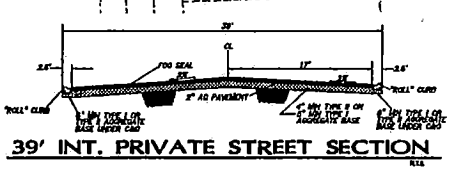


*FRONT:
GARAGE ..... 20'
BUILDING ..... 10'
REAR ..... 15'
SIDE ..... 5'
CORNER ..... 10'

TABULATION

APN #	163-03-302-004, 005 & 006
CURRENT ZONING	R-E
PROPOSED ZONING	R-PD2
ACREAGE	16.0 ACRES±
NUMBER OF UNITS	39
D.U.A.	2.43
OPEN SPACE REQ'D	27,560 S.F.
OPEN SPACE PRV'D	27,585 S.F.

39' INT. PRIVATE STREET SECTION



NOTES:

ALL ONSITE STREET INTERSECTION RADII ARE 30' AT BACK OF CURB.

ALL PRIVATE STREETS ARE PUBLIC UTILITY EASEMENT AND CITY OF LAS VEGAS SEWER EASEMENT ALONG WITH PUBLIC DRAINAGE EASEMENTS TO BE PRIVATELY MAINTAINED BY THE HOMEOWNERS ASSOCIATION.

LEGAL DESCRIPTION

DESCRIPTION BEING GOVERNMENT LOTS 8A, 9A AND 9D WITHIN SECTION 03, TOWNSHIP 21 SOUTH, RANGE 60 EAST, M.D.M., CLARK COUNTY NEVADA.

ALSO KNOWN AS 163-03-302-004, 005 & 006

CONTAINING 16.0 ACRES MORE OR LESS.

OWNER/DEVELOPER

PLASIM HOMES, LLC
C/O MARK BEDAL
720 S. FOURTH STREET, STE. 205
LAS VEGAS, NV 89101
(702)382-3212

CONCEPTUAL LAYOUT #002

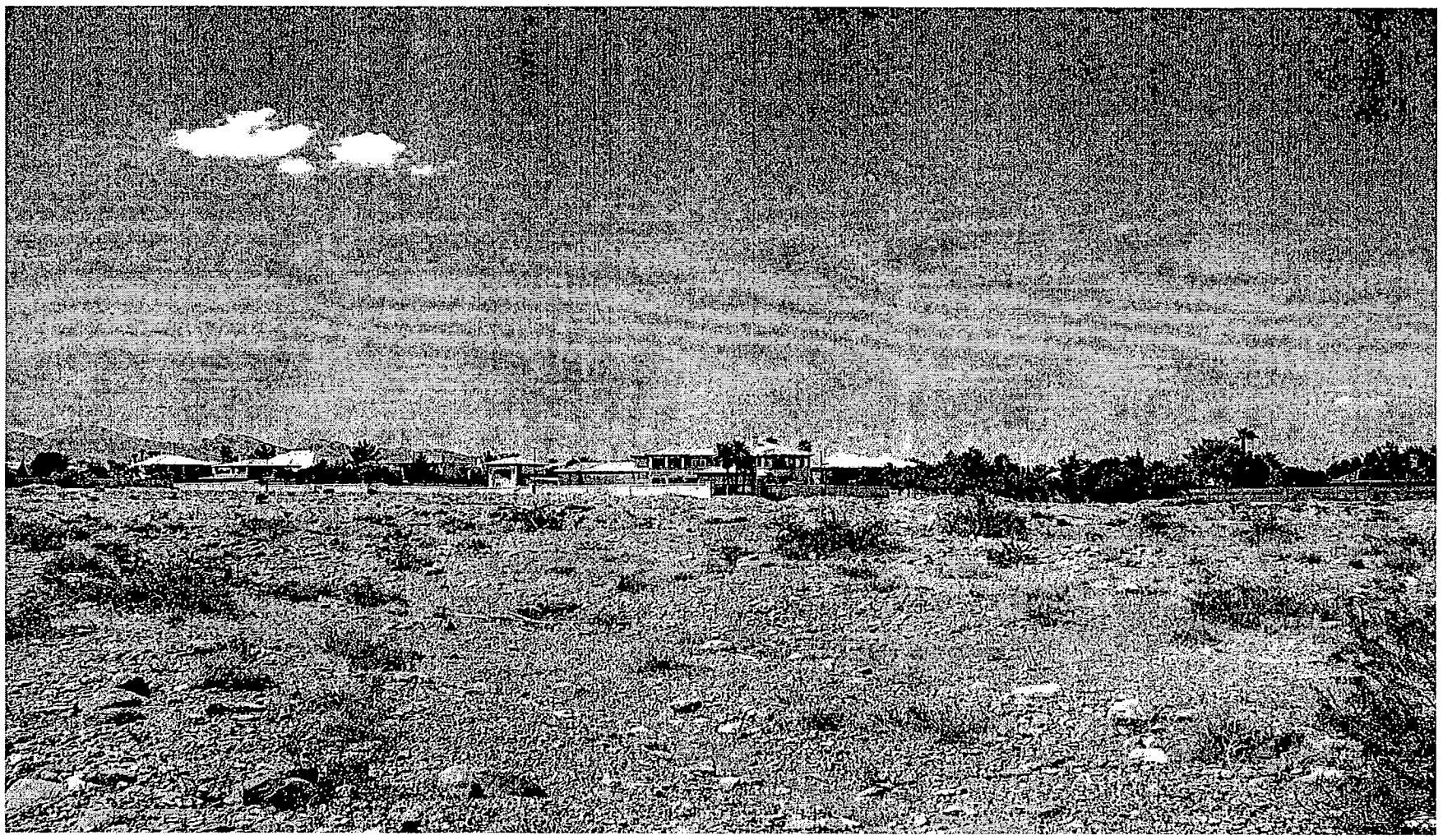
L. R. NELSON CONSULTING ENGINEERS, INC.
6768 West Russell Road, Suite 200
Las Vegas, Nevada 89118
(702) 798-7979
(702) 451-2286 FAX

SITE DEVELOPMENT PLAN TO ACCOMPANY A ZONE CHANGE OF
MONTE CRISTO/O'BANNON
FOR
PLASIM HOMES
CITY OF LAS VEGAS NEVADA

SHEET NUMBER
1
OF 1 SHEETS
1364-001-

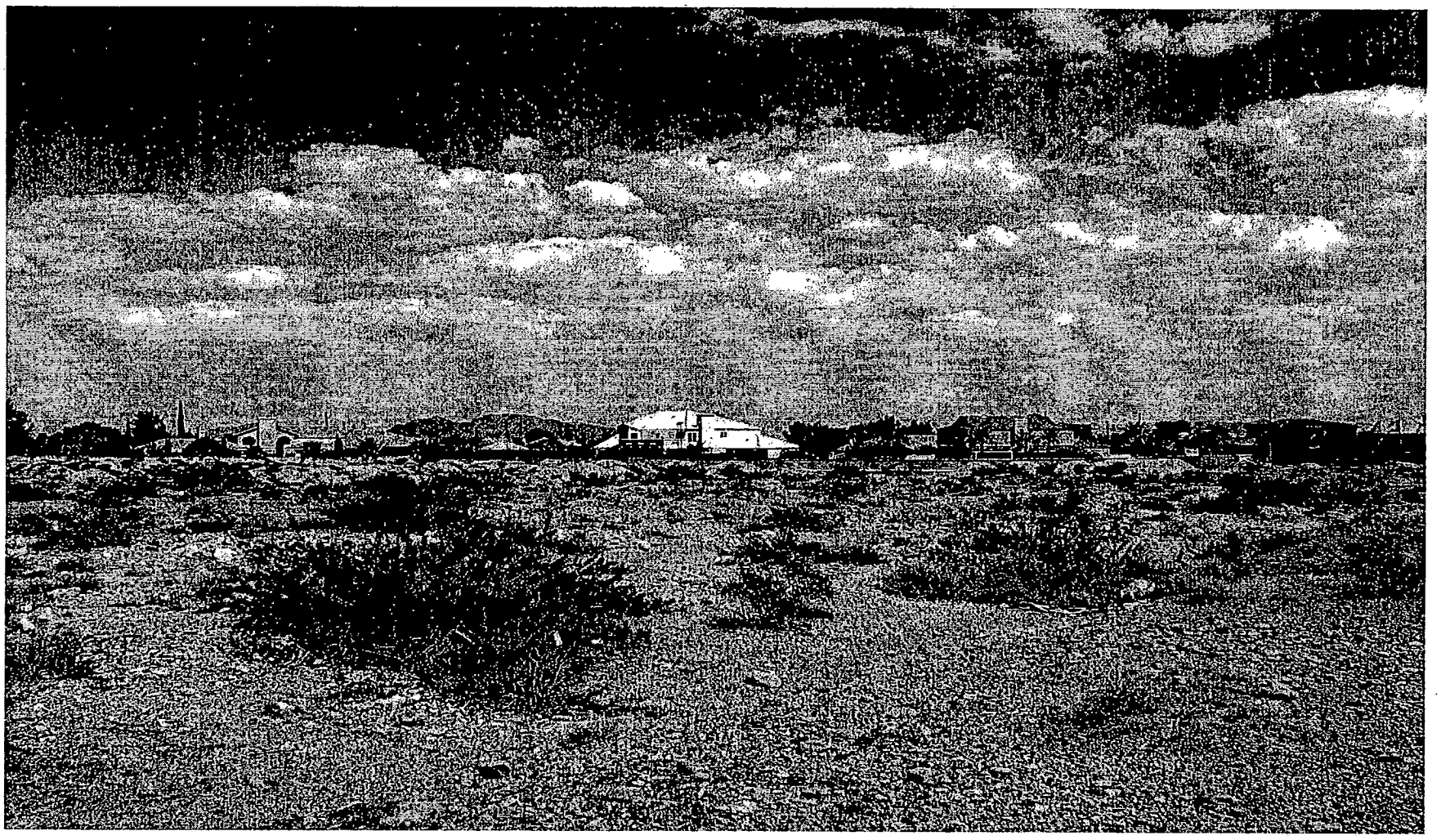
ZON-4828
8/26/04 PC

H:\Land Projects\1364001\dwg\Planning\Site Plan\SP-rev.dwg, 07/12/2004 01:02:55 PM, Plotted By: MGB



ZON-4828 - APPLICANT/OWNER: PLASIM HOMES, LIMITED LIABILITY COMPANY
NORTHWEST CORNER OF MONTE CRISTO WAY AND O'BANNON DRIVE
AUGUST 26, 2004 PLANNING COMMISSION

8/3/04



ZON-4828 - APPLICANT/OWNER: PLASIM HOMES, LIMITED LIABILITY COMPANY
NORTHWEST CORNER OF MONTE CRISTO WAY AND O'BANNON DRIVE
AUGUST 26, 2004 PLANNING COMMISSION

8/3/04

PETITION TO PROTEST REZONING

Please record and make part of the written record my opposition to the following zoning proposals:

SUP-4836- Special use permit related to zon-4828 & SDR -4837
SDR-4837-Site Development Plan Review related to zon-4828
Applicant/owner Plasim Homes, Limited Liability Company

The proposed changes are incompatible, inconsistent and detrimental to the existing neighborhood.

	NAME (print)	NAME (signature)	Address
1.	Les Martin	Les Martin	1894 Kay Lynn Ct.
2.	PERRY LASH	Perry E Lash	1830 KAY LYNN CT.
3.	DAVID COLLINS	David Collins	1991 Kay Lynn Ct 89117
4.			1911 Kay Lynn Ct.
5.	Hillari Tischler	Hillari Tischler	7408 Doe Ave. LV NV 89117
6.	Rick Anson		7417 Oak Grove Ln 89117
7.	Bob Adler		1890 Kay Lynn
8.			
9.			
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11.			
12.			

1

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Applicant/owner Plasim Homes, Limited Liability Company

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	NAME (print)	NAME (signature)	Address
1.	GARY SHABEM		1454 Silver Oak Dr LV, NV 89144
2.	Gabor Vicko		2210 S. Pioneer Way LasVegas NV 89117
3.	PERRY L. KING	Perry L. King	7385 EL PARQUE LAS VEGAS NV
4.	GARY ABRAMSKI		2135 S. TENAYA WAY LAS VEGAS 89117 876-8857
5.			
6.			
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12.			

4

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	NAME (print)	NAME (signature)	Address
1.	RANDALL McGHIE	RandallMcGhie	1930 KAYLYNN CT
2.			
3.			
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12.			

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Applicant/owner Plasim Homes, Limited Liability Company

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	NAME (print)	NAME (signature)	Address
1.	PERRY L. KING	Perry L. King	7385 EL PARQUE LAS VEGAS
2.	DAVID HAAS		2110 HOMEVIEW CT L.V. NV 89117
3.	Rema Menon	REMA MENON	2231 S. TENAYA WY. 89117
4.			
5.			
6.			
7.			
8.			
9.			
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11.			
12.			

Aug 23 04 03:39p RWR Architecture, Inc. (702) 243-0027 p.5

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Applicant/owner Plasim Homes, Limited Liability Company

The proposed changes are incompatible, inconsistent and detrimental to the existing neighborhood.

	NAME (print)	NAME (signature)	Address
1.	ROBERT LEEDS	Robert Leeds	2101 S. Pioneer Way
2.	PEGGY LEEDS	Peggy Leeds	" "
3.	Julia Stephens	Julia Stephens	2231 S. Monte Cristo Lv 89117
4.	Janet Brookshire	Janet M Brookshire	1960 Remsen Ct 89117
5.	Dana Nitz	Dana Nitz	1831 Kaylynn Ct 89117
6.	Kyle Stephens	Kyle Stephens	2231 S Monte Cristo Lv 89117
7.	Janet Parry	Janet Parry	7521 Curlands Cove 89117
8.	BRENDEN MONTGOMERY	Brenden K. Montgomery	2201 S. TENAYA WAY
9.	Fran Minnozzi	Fran Minnozzi	2000 S. Monte Cristo Wy
10	RUSS MILKO		7360 O'Bannon Dr
11.	Earlene Milko		7360 O'Bannon Dr
12.	ROBERT SIGLER		2200 SO. PIONEER WAY

10

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SDR-4837-Site Development Plan Review related to zon-4828
Applicant/owner Plasim Homes, Limited Liability Company

The proposed changes are incompatible, inconsistent and detrimental to the existing neighborhood.

	NAME (print)	NAME (signature)	Address
1.	KEITH ROBERTSON		7340 O'BANNON DR.
2.	REBECCA ROBERTSON	Rebecca Robertson	7340 O'BANNON DR.
3.	ANTHONY WILLIAMS		7451 O'BANNON DR.
4.	MARY O.C. Reed MacTeer		1120 BLACKWATER CT.
5.	Diane Harrington	Diane E Harrington	2020 Homeview Ct.
6.	Bobi Templeton		1990 Kay Lynn Ct.
7.	BILL PROCK		1830 REMSEN COURT
8.	LOIS PROCK		1830 REMSEN COURT
9.	Ray Tunstall		2260 Kilfort Ct.
10	Bonnie M Daniel		6537 Casada Dr.
11.	~~FRANCES~~ Julia Nivens		2000 Homeview Court
12.	David Tanner		2111 Homeview Ct

10

8/24/04

Anna Williams
7451 O'Bannon Drive
Las Vegas, NV 89117
Phone (702) 363-9745 Fax # (702) 243-0027

Mr. Paul Larson
300 South Fourth Street #1700
Las Vegas, NV 89101
Phone (702) 383-8819 Fax # (702) 383-8845

Dear Mr. Larson:
I appreciate your taking the time to talk with me yesterday on behalf of your client Plasim Homes regarding their requests to the City of Las Vegas: SDR-4837 & ZON-4828. I have spoken to the homeowners and we feel that you do not fully understand the issue. Considering, as you have told me that you were just brought on board yesterday, I am writing to you to clarify our objections as they were presented to Plasim Homes in our initial neighborhood meeting on August 9, 2004. Furthermore, this is a zoning issue, not simply one of lot size. The problems and our objections are:

1. The one and only ingress and egress as planned is ill suited on O'Bannon and would be blocking the driveway and shining car lights onto one of the few houses directly facing the proposed development. On the south, Pioneer and Monte Cristo have been vacated to Sahara. Traffic congestion is very high at the Tenaya/Sahara intersection because of Fletcher Jones and other car dealerships and a very busy church. The Buffalo/O'Bannon intersection has no traffic signal. A solution would be to ingress/egress to the north where both Pioneer and Monte Cristo feed out to Oakey and provide traffic lights at Buffalo and Rainbow. An ingress/egress to Monte Cristo would also be better than one to O'Bannon. Multiple ingress/egress would be ideal.
2 The neighborhood is predominately zoned RE. with custom homes on large lots. Many of the lots are larger than ½ acre. The proposed development, 39 tract, two story homes on predominately ¼ acre lots with a 5ft. setback is incompatible with the open space footprint of the neighborhood. This proposed development in the center of our neighborhood would create a cavernous feeling, destroy the flavor of the neighborhood and be totally out of place. We would like to see custom homes with the existing zoning of R-E in place, and of both one and two story design so as to pleasantly co-exist with what is the standard in our neighborhood. The density requested for this project is unprecedented. For example, directly west of the new site only 7 homes on large lots with large setbacks and an open space/tennis court exist on 5 acres designated R-PD2. That is one less than the 8 homes allowed under RE. The designation of R-PD2 has never been used to increase the density up to the 2.43 units per acre as proposed.

The homeowners are looking forward to meeting you at a time when you are ready to address all the problems. You seem to indicate a willingness to have this issue held in abeyance to give everyone a chance to arrive at a solution, but at the same time you are planning to appear at the City Planning Commission Meeting as originally scheduled. I know an item can be rescheduled or held in abeyance through a request to the Planning Department. We would like some clarification of your intent, so we may plan our attendance as well. You have told me that the owner, Mr. Abraham Zalman, is out of the country. That would indicate further justification for a formal request to postpone this hearing until all involved can reflect on and participate in a workable solution. We welcome the development of this parcel and want to see it as an enhancement of our outstanding neighborhood with its existing amenities of fine parks, great schools and custom homes. I hope you have found this information helpful and look forward to your reply.

Sincerely,

Anna Williams

Anna Williams

Copy to: file
LV Planning Commission (all members),
Neighborhood Services Dept. Attn: Jim Marshall
Mayor Oscar Goodman
LV City Council (all members)
Current Planning Attn: Kyle Walton

Submitted at Planning Commission

Date 08-26-04 Item 30431

FAX TRANSMITTAL

Anna Williams
7451 O'Bannon Drive, Las Vegas, Nevada 89117
Phone (702) 363-9745 Fax (702) 243-0027

TO: Janet Moncrief's Office
attn: Tracy
City of Las Vegas Nevada
400 East Stewart Ave.
Las Vegas, NV 89101

DATE: August 9, 2004

FAX NO.: 001

FAX #: (702) 382-8558

We are faxing 3 Page(s) including this cover sheet. If you do not receive all pages please contact our office.

Remarks: Dear Tracy,
As per our phone conversation regarding case # SUP-4836 and case #SDR-4837, I am faxing the proposed site plan with the following concerns:

1. The entrance/exit to the proposed development is on O'Bannon directly across the street and blocking my driveway. I think there is an ordinance against such placement. It is dangerous, and with 39 homes, possibly 78 or more cars will be traveling in and out of that one and only driveway. My family and I will have to contend with traffic lights flashing into our house at night. Furthermore, it is a very poor location when considering the traffic patterns of the entire neighborhood. There is no ingress or egress off of Pioneer or Monte Cristo from O'Bannon to Sahara. Those streets have been vacated. There is no traffic light at Buffalo. It's virtually impossible to get onto Buffalo from O'Bannon without fearing for your safety. We already have crowded conditions at Tenaya and Sahara because of the Fletcher Jones Dealership and the church. **A very simple and expedient solution would be to flip the site plan so that the entrance/exit of the development is on El Parque directly entering Pioneer and traveling a short block to Oakey. There are no houses directly facing Pioneer on that stretch. It is walled in. That avoids more traffic congestion in the neighborhood and affords the driver easy access to a light at Buffalo/Oakey as well as at Rainbow/Oakey.**

2. The lot sizes are incompatible and incongruent with the surrounding home sites, and the proposed site is right in the middle of the neighborhood. Every house in this neighborhood even those few zoned R-PD2 are custom homes on large lots with some as large as 60,000 sq. ft. They are not anywhere near the 11,000 + sq. ft. proposed for most of the tract houses on the proposed site plan. The developer is pushing the R-PD2 toward its maximum density allotment of 2.49 houses per acre. That has never been done in our neighborhood before. For example, the houses directly to the north are on a 5 acre parcel zoned R-PD2. However, they did not exceed 2

houses per acre. There are 7 houses there on 5 acres, but land was redistributed for a communal tennis court and play area. It is my understanding that was the original intent for using that zoning designation in our neighborhood.

3. The setbacks are incompatible and incongruent with the existing neighborhood. The site plan submitted by the developer shows a 5ft. setback to property line between each home and the driveways are merely 20 ft long. A standard car requires at least 18 ft. of that space.

4. The site plan requires the vacation of Pioneer. The neighborhood has had very limited ingress and egress because of this practice in the past. Our only outlet streets to Sahara are Tenaya and Buffalo. The vacation of Pioneer further restricts our travel to the north and onto Oakey.

In summary:
... inexpedient location of the entrance
... smaller lot sizes
... the small setbacks
... the tract design
... proposed vacation of Pioneer
All are incompatible, incongruent, and detrimental to maintaining the unique footprint of this neighborhood with its rural designation and unique custom homes. Therefore I'm requesting denial of SUP-4836 and SDR-4837.

Sincerely: Anna Williams

Anna Williams

Copy to: file
LV Planning Commission (all members),
Neighborhood Services Dept.
attn: Jim Marshall
LV City Council (all members)
Mayor Oscar Goodman
Current Planning attn: Kyle Walton

PETITION TO PROTEST REZONING

Please record and make part of the written record my opposition to the following zoning proposals:

SUP-4836- Special use permit related to zon-4828 & SDR -4837
SDR-4837-Site Development Plan Review related to zon-4828
Applicant/owner Plasim Homes, Limited Liability Company

The proposed changes are incompatible, inconsistent and detrimental to the existing neighborhood.

	NAME (print)	NAME (signature)	Address
1.	KEITH ROBERTSON		7340 O'BANNON DR.
2.	REBECCA ROBERTSON	Rebecca Robertson	7340 O'BANNON DR. DUP
3.	ANTHONY WILLIAMS		7451 O'BANNON DR.
4.	MARY O. GREEN	Mary Green	1620 BLACKWATER CT.
5.	Diane Harrington	Diane E. Harrington	2020 Homeview Ct.
6.	Bobi Templeton		1996 Kay Lynn Ct.
7.	BILL PROCK		1830 REMSEN COURT
8.	LOIS PROCK		1830 REMSEN COURT dup
9.	Kay Turtland		2260 Millefort Ct.
10	Bonnie M Daniel		6537 Casada Way
11.	~~FRANCES~~ Julie Christensen		2000 Homeview Court
12.	David Tanner		211 Homeview Ct

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SDR-4837-Site Development Plan Review related to zon-4828
Applicant/owner Plasim Homes, Limited Liability Company

The proposed changes are incompatible, inconsistent and detrimental to the existing neighborhood.

	NAME (print)	NAME (signature)	Address
1.	ROBERT LEEDS		2101 S. Pioneer Way
2.	PEGGY LEEDS		" " dup
3.	Julia Stephens		2231 S. Monte Cristo Lv 89117
4.	Janet Brookshire		1960 Remsen Ct 89117
5.	Dana Nitz		1831 Kaylyn Ct 89117
6.	Kyle Stephens		2231 S Monte Cristo Lv 89117
7.	Janet Parry		7521 Curlands Cove 89117
8.	BRENDEN MONTGOMERY		2201 S. TENAYA WA
9.	Fran Minnozzi		2000 S. Monte Cristo W
10	RUSS MILKO		7360 O'Bannon Dr
11.	Earlene Milko		7360 O'Bannon Dr dup
12.	ROBERT SIGLER		2200 SO. PIONEER WAY

PETITION TO PROTEST REZONING

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SDR-4837-Site Development Plan Review related to zon-4828
Applicant/owner Plasim Homes, Limited Liability Company

The proposed changes are incompatible, inconsistent and detrimental to the existing neighborhood.

	NAME (print)	NAME (signature)	Address
1.	GARY SHABEY		1454 Silver Oak Dr LV, NV 89144
2.	Gabor Vicko		2210 S. Pioneer way Las Vegas NV 89117
3.	PERRY L. KING	Perry L. King	7385 EL PARQUE LAS VEGAS NV
4.	GARY ADAMSKI		2135 S. TENAYA WAY LAS VEGAS 89117 804-6857
5.			
6.			
7.			
8.			
9.			
10			
11.			
12.			

PETITION TO PROTEST REZONING

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SDR-4837-Site Development Plan Review related to zon-4828
Applicant/owner Plasim Homes, Limited Liability Company

The proposed changes are incompatible, inconsistent and detrimental to the existing neighborhood.

	NAME (print)	NAME (signature)	Address
1.	Les Martin	Les Martin	1891 Kay Lynn Ct.
2.	PERRY LASH	Perry E Lash	1830 KAY LYNN CT.
3.	DAVID COLEMAN	David Coleman	1991 Kay Lynn Ct 89117
4.			1991 Kay Lynn Ct 89117
5.	Hillari Tischler	Hillari Tischler	7408 Doe Ave. LV NV 89117
6.	RICK ANSEEN		7417 OAK GROVE LV 89117
7.	Bob Adler		1890 Kay Lynn
8.			
9.			
10			
11.			
12.			

PETITION TO PROTEST REZONING

Please record and make part of the written record my opposition to the following zoning proposals:

SUP-4836- Special use permit related to zon-4828 & SDR -4837
SDR-4837-Site Development Plan Review related to zon-4828
Applicant/owner Plasim Homes, Limited Liability Company

The proposed changes are incompatible, inconsistent and detrimental to the existing neighborhood.

	NAME (print)	NAME (signature)	Address
1.	PERRY L. KING	Perry L. King	7385 EL PARQUE LAS VEGAS
2.	DAVID HAAS		2110 HONEYVIEW CT L.V. NV 8911;
3.	Rema Menon	REMA MENON	2231 S. TENAYA WY. 8911
4.			
5.			
6.			
7.			
8.			
9.			
10			
11.			
12.			

PETITION TO PROTEST REZONING

Please record and make part of the written record my opposition to the following zoning proposals:

SUP-4836- Special use permit related to zon-4828 & SDR -4837
SDR-4837-Site Development Plan Review related to zon-4828

Applicant/owner Plasim Homes, Limited Liability Company

The proposed changes are incompatible, inconsistent and detrimental to the existing neighborhood.

	NAME (print)	NAME (signature)	Address
1.	RANDALL McGHIE	Randall McGhie	1930 KAYLYNN CT
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10			
11.			
12.			

FAX 243-0027 8/12/14

Reference case # rezoning case

SUP-4836
SDR-4837

O'Bannon, Monte Monte Cristo
& El Parque

Please leave the zoning as is
1/2 acre lots.

We live right across the road from the proposed site 7450 El Parque Ave all the lots are 1/2 acre. We don't agree with big money to destroy our area. We have no opposition to 1/2 lots in the new proposed home site. The owner knew before buying the property that all the homes in this area are 1/2 acres.

Please do not let this happen

Warren & Campbell McHeil Campbell

We have been Here 12 years now (owners)

MICHAEL AND SARA GRAHAM
2230 SOUTH PIONEER WAY
LAS VEGAS, NV 89117
(702) 353-8601

August 25, 2004

Neighborhood Services Department
City of Las Vegas
Las Vegas, NV 89101

Las Vegas Planning Commission
731 South 4th Street
2nd Floor
Las Vegas, NV 89101

Re: SUP-4836
SUP-4837

Please accept this letter of our protest to the proposed zoning change for the 16 acre site adjacent to the northwest corner of O'Bannon and Monte Cristo.

We built our custom home on Pioneer Way because of the lot and home sizes in the quiet neighborhood, knowing that the surrounding construction was in conformance with RE Residence Estates zoning standards. The residents of this distinct neighborhood have maintained its character despite all the zoning changes approved on Sahara Avenue. The car dealerships have destroyed our views and noise levels.

You must not allow any more negative changes to this rare neighborhood by approving the zoning change of these interior parcels.

The approval for the abandoning of Pioneer Way will be detrimental to the aesthetics and traffic pattern of this area.

A perimeter block wall around this site must also not be approved making it look like a compound in this neighborhood.

Residence Estates Zoning set backs must be maintained such as;
Front Set Back should be maintained at 50 feet **NOT** 20 feet as proposed
Side set backs should be maintained at 10 feet **NOT** 5 feet as proposed
Rear set back should be maintained at 30 feet **NOT** 25 feet as proposed

These parcels were obtained through the Bureau of Land Management and are currently zoned RE Residence Estates. Because the developer has obtained this land at an elevated price the current residents of this fine neighborhood should not be punished by allowing him any type of zoning change. The average lot size in this area is much greater than ½ acre.

We know after further review that you will find this zoning change unjustified and deny such change.

Thank you in advance for your time and attention, please feel free to contact me at 353-8601 in this matter.

Respectfully,

Michael and Sara Graham

Beverly J. Hughes, M.D.
1891 Terra Way Terra Vista Way
Las Vegas , NV 89117

Las Vegas Planning Commission
731 South 4th Street=2nd floor
Las Vegas, NV 89101

RE:SUP-4836 and SDR-4837

I strongly oppose the proposed zoning change for the 16 acre site bounded by O'Bannon, Monte Cristo and Parque. This site is zoned R-E for half acre sites and this should not be changed to allow a crowded development causing congestion and having an adverse effect on my neighborhood.

I bought my home in this area specifically because it was zoned R-E offering spacious home sites. If a zoning change is allowed my home as well as others in the area will drop in value. The 16 acre site will be packed with homes too close together, too many in number and too similar in appearance.

It is unfair to those of us that have invested time and money to develop homes of unique design with open spaces to (after the fact) change the zoning of this piece of property. The individual who purchased the land was well aware that it was zoned R-E. It needs to stay that way. Do not change the zoning to please a business person at the expense of those of us who live in this neighborhood.

Sincerely,

Beverly J. Hughes, M.D.

8/19/04

1891
Terra Vista Way

Joseph C Essa
2220 Villefort Ct
Las Vegas, NV 89117

August 14, 2004

Las Vegas Planning Commission
731 South 4th Street – 2nd Floor
Las Vegas, NV 89101

RE: SUP- 4836 & SDR - 4837

Dear Commission,

I am writing to protest the proposed zoning change from R – E to R-PD2 on the above referenced case numbers in my neighborhood. My family chose and purchased our lot and built our home because of the zoning laws that were in place at the time and the protection against smaller lot development in the area. I plan to attend the scheduled planning commission hearing on this matter, but please let me know if there is anything else I can do to prevent this zoning change.

Respectfully,

Joseph C Essa

Aug 14 04 10:41a P.2

Mr. & Mrs. Robert R. Rightmyer
2211 S. Tioga Way
Las Vegas, NV 89117
702-256-2143

August 12, 2004

Las Vegas Planning Commission
731 South Fourth Street, 2nd Floor
Las Vegas, NV 89101

RE: Rezoning case numbers SUP-4836 and SDR-4837

Dear Sirs:

We are homeowners near this property and are strongly opposed to the lot size reductions.

Please note NO on this issue.

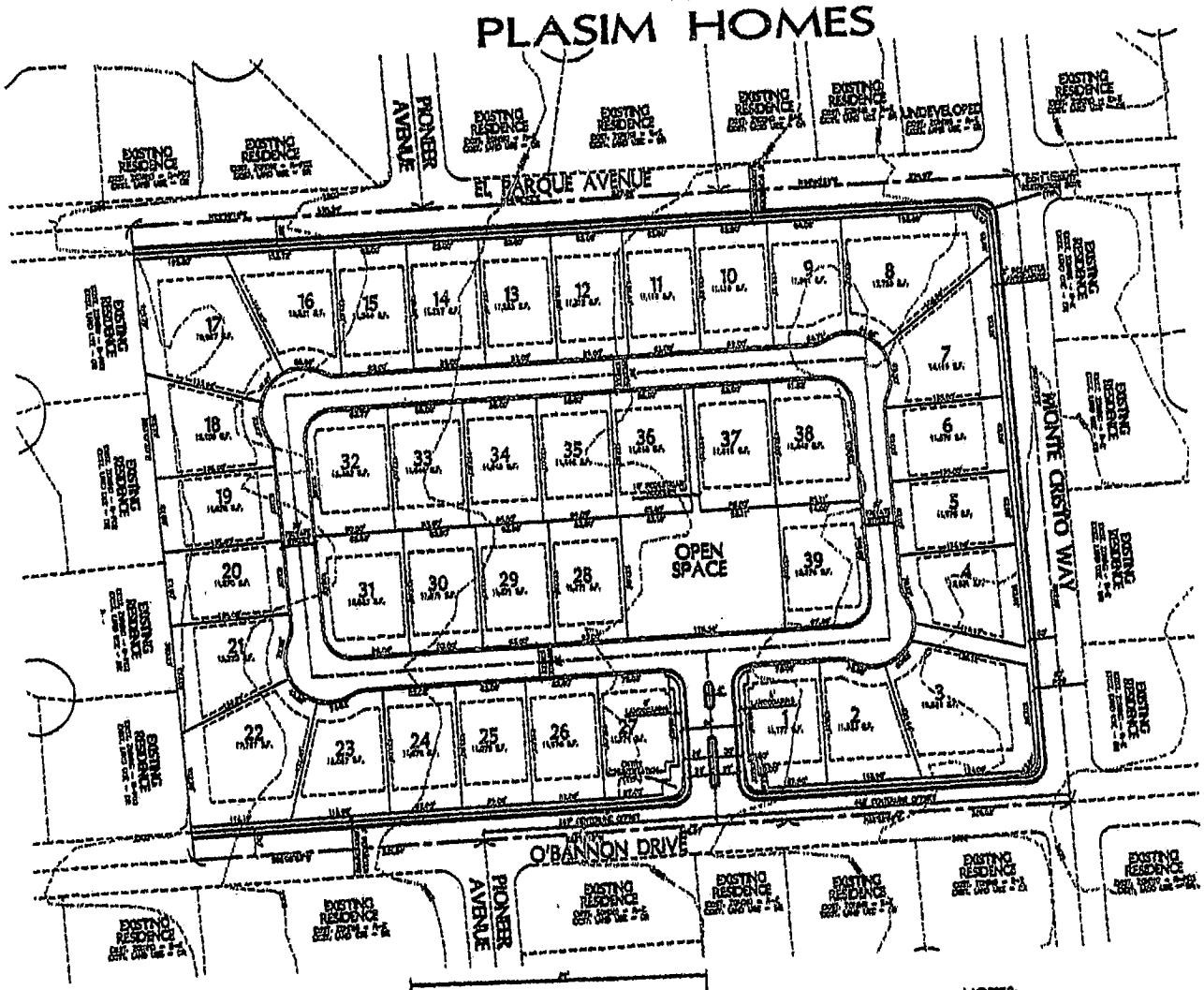
Thank you.

Sincerely,

Robert R. Rightmyer

Pamela G. Rightmyer

MONTE CRISTO/O'BANNON
FOR
PLASIM HOMES



VICINITY MAP

NORTH

GRAPHIC SCALE

TYP. LOT SETBACKS

TABULATION

APN #	163-23-302-004, 005 & 009
CURRENT ZONING	R-E
PROPOSED ZONING	R-PD2
ACREAGE	16.0 ACRES±
NUMBER OF UNITS	39
G.S.A.	2.43
OPEN SPACE REQ'D	87,340 S.F.
OPEN SPACE PROV'D	87,563 S.F.

OWNER/DEVELOPER

NOTES:

39' INT. PRIVATE STREET SECTION

LEGAL DESCRIPTION

L. R. NELSON CORPORATION ENGINEERS, INC.

SITE DEVELOPMENT PLAN TO ACCOMPANY A ZONE CHANGE OF
MONTE CRISTO/O'BANNON
FOR
PLASIM HOMES
CITY OF LAS VEGAS NEVADA

SHEET NUMBER
1
OF 1 SHEETS

SDR-4837
8/26/04 PC

City of Las Vegas

Agenda Item No.: 31

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

PLANNING COMMISSION MEETING OF: AUGUST 26, 2004

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: ROBERT S. GENZER [ ] CONSENT [X] DISCUSSION

SUBJECT:

SDR-4837 - SITE DEVELOPMENT PLAN REVIEW RELATED TO ZON-4828 - PUBLIC HEARING – APPLICANT/OWNER: PLASIM HOMES, LLC - Request for a Site Development Plan Review FOR A 39 LOT SINGLE-FAMILY RESIDENTIAL SUBDIVISION on 16.0 acres adjacent to the northwest corner of Monte Cristo Way and O'Bannon Drive (APN 163-03-302-004, 005, and 006), R-E (Residence Estates) Zone [PROPOSED: R-PD2 (Residential Planned Development - 2 Units Per Acre)], Ward 1 (Moncrief).

C.C.: 10/06/04

PROTESTS RECEIVED BEFORE:		APPROVALS RECEIVED BEFORE:	
Planning Commission Mtg.	42	Planning Commission Mtg.	0
City Council Meeting		City Council Meeting	

RECOMMENDATION:

Staff recommends DENIAL.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Submitted at Meeting – Signed Petition (Opposition) with 34 Signatures and Letters of Opposition from Anna Williams, Robert and Pamela Rightmyer, Joseph Essa, Beverly Hughes, Michael and Sara Graham, and Mr. and Mrs. Campbell filed under Item 30 [ZON-4828]

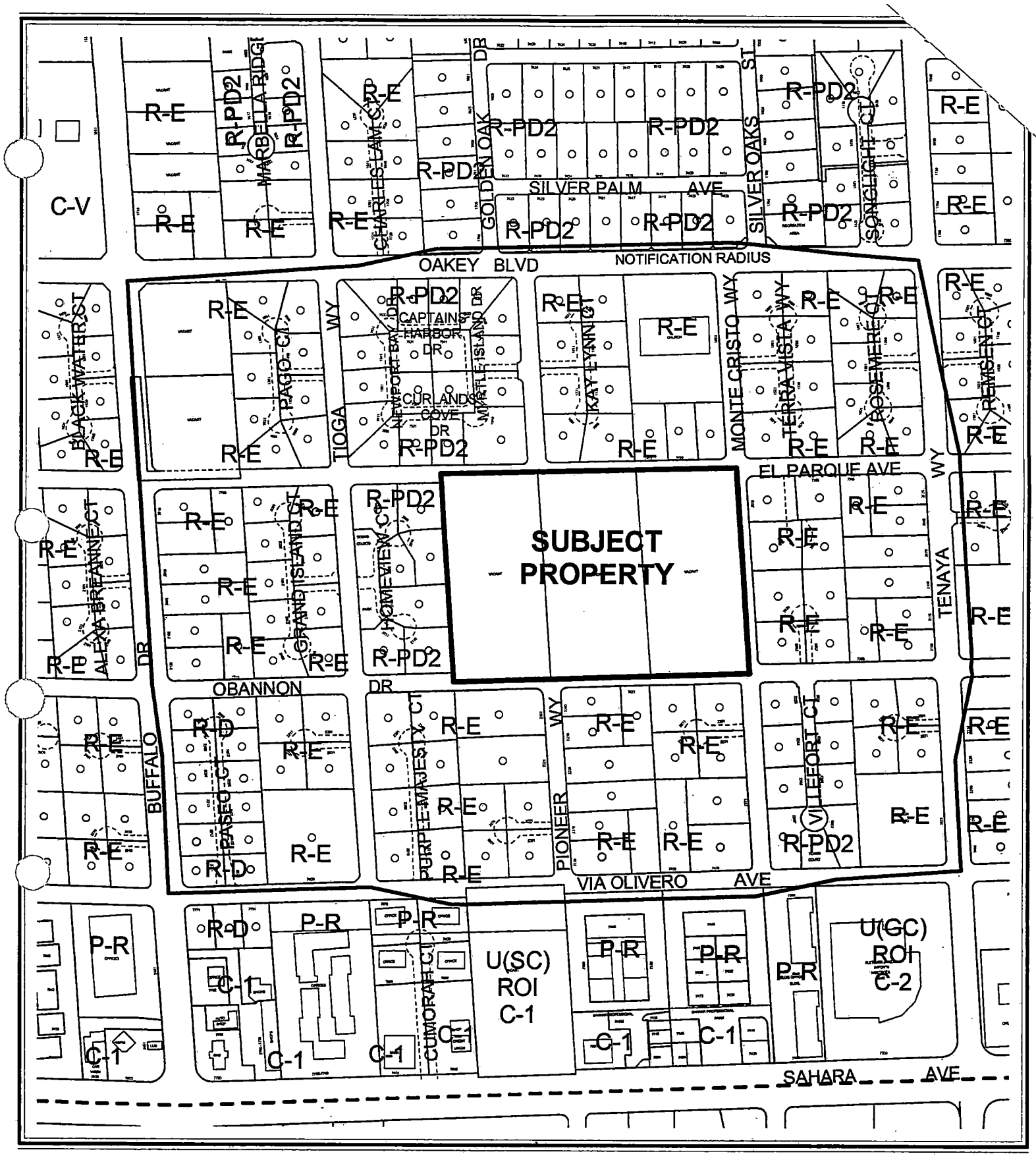
MOTION:

NIGRO – Motion to bring forward and HOLD IN ABEYANCE Item 18 [GPA-4631], Item 19 [ZON-4635], Item 20 [SDR-4638], Item 27 [MOD-4632], Item 28 [WVR-4754] and Item 29 [SDR-4751] to 9/09/2004 Planning Commission meeting, Item 3 [TMP-4838], Item 26 [SDR-4619], Item 30 [ZON-4828], Item 31 [SDR-4837], Item 47 [WVR-4883], and Item 48 [SDR-4832] to 9/23/2004 Planning Commission meeting, WITHDRAW WITHOUT PREJUDICE Item 4 [TMP-4842], Item 5 [TMP-4843] and Item 40 [SUP-4834], TABLE Item 16 [ZON-4623] and Item 17 [SDR-4626], and STRIKE Item 49 [MOD-4879] – UNANIMOUS

MINUTES – Continued:

DAVID CLAPSADDLE, Planning and Development, stated that letters are on file for each of the requests.

(6:06 – 6:31)



0 400 800 Feet

CASE: **SDR-4837**

RADIUS: 750 FT + SPECIAL

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

PROPOSED ZONING OF SUBJECT PROPERTY:
R-PD2 (RESIDENTIAL PLANNED DEVELOPMENT - 2 UNITS PER ACRE)

N

City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: AUGUST 26, 2004
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: SDR-4837 – SITE DEVELOPMENT PLAN REVIEW - PUBLIC HEARING - APPLICANT/OWNER: PLASIM HOMES, LLC

** CONDITIONS **

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

Planning and Development

1. No turf shall be permitted in the non-recreational common areas, such as medians and amenity zones in this development.

2. A rezoning (ZON-4828) from R-E (Residence Estates) to R-PD2 (Residential Planned Development- 2 Units Per Acre, approved by the City Council.

3. This Site Development Plan Review shall expire two years from the date of final approval unless it is exercised or an Extension of Time is granted by the City Council.

4. The minimum lot size in this development shall be 15,000 square feet.

5. The setbacks for this development are a minimum of 20 feet to the front of the house, 5 feet on the side, and 25 feet in the rear.

6. All development shall be in conformance with the site plan, landscape plan and building elevations, dated stamped July 16, 2004, except as amended by conditions herein.

7. The maximum building height allowed shall not exceed 2 stories or 35 feet whichever is less.

8. Landscaping and a permanent underground sprinkler system shall be installed as required by the Planning Commission or City Council and shall be permanently maintained in a satisfactory manner.

9. Air conditioning units shall not be mounted on rooftops.

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

11. All development shall be in conformance with the site plan and building elevations, except as amended by conditions herein.

12. All City Code requirements and design standards of all City departments must be met except as amended by conditions herein.

13. The applicant shall meet with Planning and Development Staff to develop an address plan prior to the issue of permits.

Public Works

14. The proposed gated access driveways shall be designed, located and constructed in accordance with Standard Drawing #222A.

15. 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.

16. Site development to comply with all applicable conditions of approval for ZON-4828 and all other subsequent site-related actions.

17. The final layout of the subdivision shall be determined at the time of approval of the Tentative Map.

18. The approval of all Public Works related improvements shown on this Site Development Plan Review is in concept only. Specific design and construction details relating to size, type and/or alignment of improvements, including but not limited to street, sewer and drainage improvements, shall be resolved prior to submittal of a Tentative Map or construction drawings, whichever may occur first. No deviations from adopted City Standards shall be allowed unless specific written approval for such is received from the City Engineer prior to the submittal of a Tentative Map or construction drawings, whichever may occur first.

** STAFF REPORT **

APPLICATION REQUEST

A) Action Requested

Request for a Site Development Plan Review for a 39 lot subdivision on 16 acres adjacent to the northwest corner of Monte Cristo Way and O'Bannon Drive. Companion item requests a Rezoning from R-E (Residence Estates) To: R-PD2 (Residential Planned Development - 2 Units Per Acre).

B) Applicant's Justification

This development is compatible with the surrounding area and will be an enhancement to the neighborhood.

BACKGROUND INFORMATION

A) Previous Actions

03/05/86	The City Council approved an Annexation (A-0009-85) of 1,509 acres, of which this proposal is a part. The effective date was March 19, 1986. The Planning Commission and staff recommended approval on February 20, 1986.
11/23/98	The City Council approved a request to amend a portion of the Southwest Sector of the General Plan (GPA-0027-98) on properties bounded by the Holmby Avenue Drainage Alignment, Via Olivero Avenue, Rainbow Boulevard, and Durango Drive from R (Rural Density Residential) to DR (Desert Rural Density Residential). Final Action: November 24, 19988. The Planning Commission and staff recommended approval on October 28, 1998.
08/26/04	The Planning Commission will hear related item ZON-4828 as part of this agenda.

B) Pre-Application Meeting

06/28/04	No major issues were identified.

SRS

C) Neighborhood Meetings

08/10/04 Twenty five neighbors of this project attended a meeting held at the West Sahara Library.

Neighbors would like to have the applicant abandon their request to R-PD2 (Residential Planned Development – 2 Units Per Acre), and develop the property at 0.5 acres net per house. There was discussion of lot sizes ranging from 17,000 to 20,000 square feet. Neighbors would like the number of lots to be reduced, along with increases in side yard setbacks and lot sizes.

Concern was expressed over increased traffic in the neighborhood, and poor traffic flow. To reduce congestion, residents favored changing the development's entrance to the north, rather than south side of the project. There was talk about moving the entrance to align with Pioneer. Others would like to see two entries.

Residents say they are not opposed to development. They would, however, like the applicant to construct custom homes, rather than "tract" homes, to maintain consistency with the character of the neighborhood.

DETAILS OF APPLICATION REQUEST

A) Site Area

Gross Acres:	Gross Acres:	16.0

B) Existing Land Use

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

C) Planned Land Use

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

SRS

D) Existing Zoning

Subject Property:	R-E (Residence Estates)
North:	R-E (Residence Estates), R-PD2 (Residential Planned Development - 2 Units Per Acre)
South:	R-E (Residence Estates)
East:	R-E (Residence Estates)
West:	R-E (Residence Estates) R-PD2 (Residential Planned Development - 2 Units Per Acre)

E) General Plan Compliance

The site is located on the Southwest Sector Map of the General Plan with a land use designation of DR (Desert Rural Density Residential). The proposal is less than the maximum density allowed in this plan designation.

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

This proposed rezoning does not fall within the boundaries of any special area plan, overlay district, or other special area.

PROJECT DESCRIPTION

This proposal consists of 39, two story homes (up to 8,000 square feet), with an entryway open space roughly the size of two lots, wrought iron gates, and ample landscaping. The project has a gross density of 2.43 dwelling units per acre.

ANALYSIS

A) Zoning Code Compliance

A1) Development Standards

For R-PD (Residential Planned Development) developments, development standards are determined as part of the Site Development Plan Review.

Standards	Proposed	Acceptable
Minimum Lot Size	11,070 SF	N
Average Lot Size	12,087 SF	N
Largest Lot Size	19,969 SF	Y
Min. Setbacks		
• Front	20 Feet	Y
• Front Garage	20 Feet	Y
• Side	5 Feet	Y
• Corner Side	15 Feet	Y
• Rear	25 Feet	Y
Max. Building Height	2 Stories / 32 Feet	Y

The proposed lot sizes, setbacks and building height are appropriate for a development of this type.

A2) Residential Adjacency Standards

Pursuant to Title 19.08.060, the Residential Adjacency Standards do not apply to the subject proposal.

A3) Parking and Traffic Standards

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

Uses	GFA	Required			Provided	
		Ratio	Parking		Parking	
			Regular	Handicap	Regular	Handicap
Single Family, Detached	6,087 SF.	N/A	2	0	3	0

The proposal exceeds parking requirements.

A4) Landscape and Open Space Standards

Pursuant to 19.06.040, a Residential Planned Development's landscape standards will be set upon approval of the site plan.

Standards	**Required**		**Provided**
	Ratio	Trees	
Parking Area	N/A	N/A	N/A
Buffer:			
• Min. Trees	1 Tree/20 Linear Feet	141 Trees	150 Trees
• Min. Zone Width	6 Feet		6 Feet
• Wall height	6 Feet		6 Feet

A conceptual landscape plan has been submitted, which demonstrates conformance to standards. A more detailed plan will be required at the time of improvement plan submittal.

Masonry perimeter walls are 6 feet high, and the entry gate is wrought iron. The concrete drainageways between lots 3 and 4 include edge landscaping. The open space is lined with drought-tolerant trees, and is carpeted with fescue grass. This is the only turf in the development, and amounts to approximately 3% of the total area of this subdivision.

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

Total Acreage	Density	**Required**			**Provided**	
		Ratio	Percent	Area	Percent	Area
16 acres	2.4 DUA	1.65	3.9 %	27,181.4 SF	3.95%	27,585 SF

The proposal meets the open space requirement.

General Analysis and Discussion

- Zoning, Site Plan, and Elevation

While under the maximum density allowed in the DR (Desert Rural) land use category, the proposed project is out of character with the surrounding area. It is a much more intense residential use than currently exists in the neighborhood, as it presents a walled community with two story homes or smaller lots than allowed in this area of the City. Also, the site plan would have 25 lots backing up against 15 lots of the adjacent to three R-E (Residence Estates) zoned sides of the proposal. If this request is approved, a minimum lot size of 15,000 square feet should be required to preserve the rural character of this community.

- Waivers

There are no waivers submitted by the applicant as companion reviews or as a part of this Site Development Plan Review application.

- Landscape Plan

Conceptual landscape plans show an adequate balance between quantity of materials for screening and type of plants for drought conditions. Open space at the front entry is designed to be a play area, and has the only turf in the development. Overall, the landscape plan is typical of similar developments.

- Floor Plan

Floor plans are appropriate for this scale of residential development.

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;"**

   This largely R-E (Residence Estates) area consists of horse properties and resort style residences, with the unifying characteristic of homes on large lots. This walled-in, relatively densely-packed project is not compatible with adjacent development.

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;"**

   Landscape, wall, and buffer standards are typical of this type of project, but not consistent with a neighborhood where R-E is the overriding residential use.

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

   The site is located between El Parque Avenue, O'Bannon Drive, and Monte Cristo Way; all 60-foot public residential streets. These streets have the capacity to handle additional traffic from an R-PD2 (Residential Planned Development – 2 Units Per Acre) zoning, but the noticeable increase in traffic would further erode the current Desert Rural character of the area.

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

   Building and landscape materials are appropriate for the areas and for the City. Drought-tolerant landscaping, finished block walls, and wrought iron fences all conform to other development in this area of the city.

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

   Aesthetic, design and architectural features of this proposal on their own would not be undesirable, but the sheer scale of the homes and their tight proximity to each other make for a clear incompatibility with development in the area.

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

   The development will be subject to inspections as the development progresses that will secure and protect the health, safety, and general welfare of the public.

NOTICES MAILED 168 [Mailed with ZON-4828]

APPROVALS 0

PROTESTS 42

SRS

PLANNING & DEVELOPMENT

DEVELOPMENT SERVICES CENTER

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **SDR-4837** APN: 163-03-302-004, 005 & 006

Name of Property Owner: Plasim Homes LLC

Name of Applicant: L.R. Nelson Consulting Engineers

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

_____Yes XX No

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

City Official: _____

Partner(s): _____ _____

APN: _____

Signature of Property Owner/Authorized Agent: [signature]

Print Name: PLASIM Homes LLC

Subscribed and sworn before me

This 10th day of June, 2004

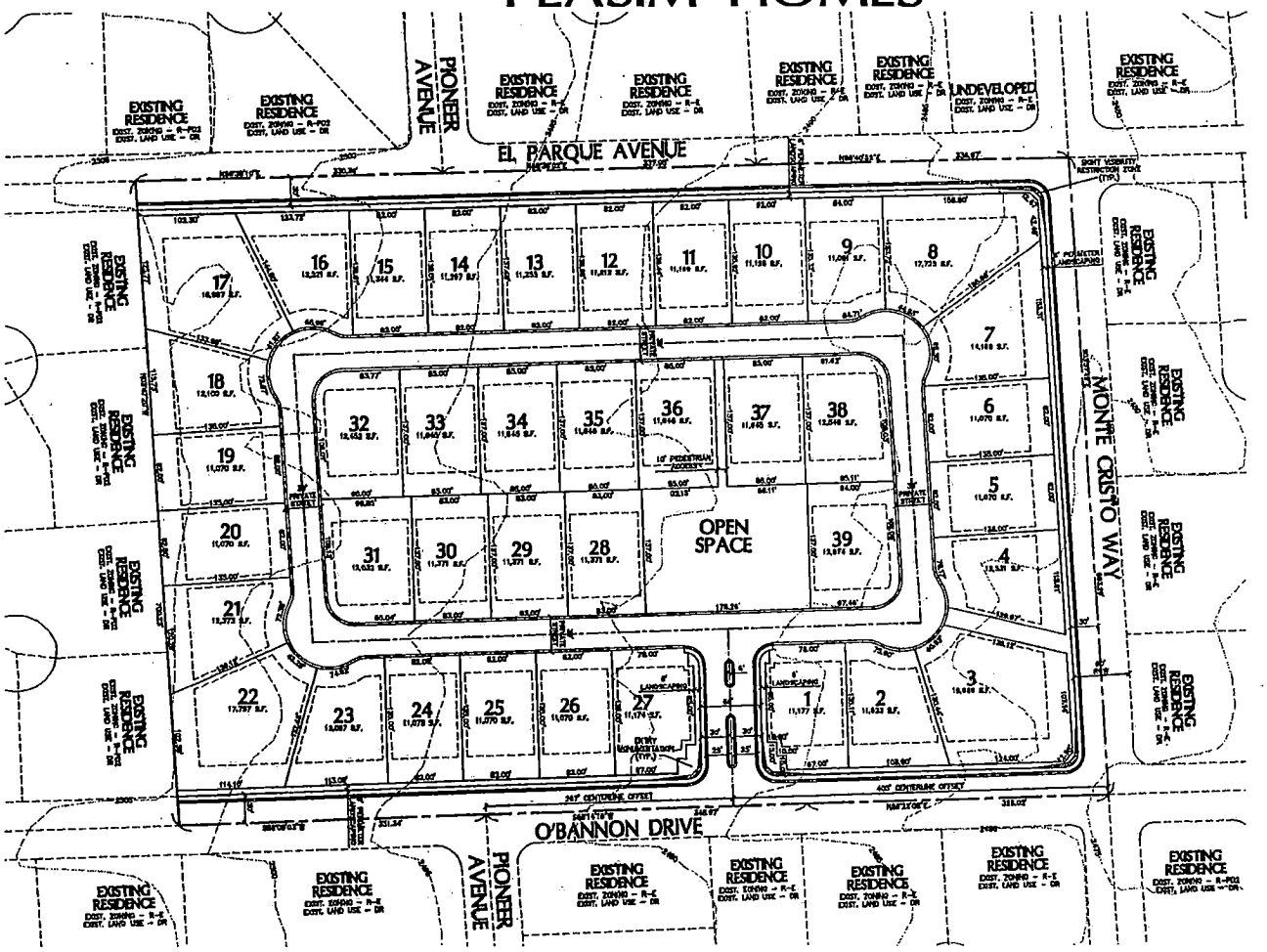
[signature]
Notary Public in and for said County and State

GWENDA L. HUEBNER
Notary Public State of Nevada
No. 97-1243-1
My appt. exp. Mar. 22, 2005

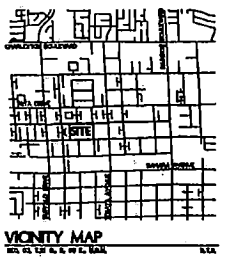
MONTE CRISTO/O'BANNON

FOR

PLASIM HOMES



VICINITY MAP

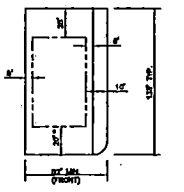


NORTH

1"=60'

GRAPHIC SCALE

(IN FEET)
1 inch = 60 ft.



TYP. LOT SETBACKS

(TYPICAL LOT SIZE 11,070 SQ. FT. +/-)
NOT TO SCALE

*FRONT:
GARAGE
BUILDING
REAR
SIDE
CORNER

TABULATION

APN #'s	163-03-302-004, 005 & 006
CURRENT ZONING	R-E
PROPOSED ZONING	R-PD2
ACREAGE	16.0 ACRES±
NUMBER OF UNITS	39
D.U.A.	2.43
OPEN SPACE REQ'D	27,840 S.F.
OPEN SPACE PRVD	27,585 S.F.

OWNER/DEVELOPER

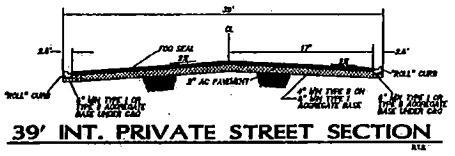
PLASIM HOMES, LLC
C/O MARK SIEGEL
720 S. FOURTH STREET, STE. 200
LAS VEGAS, NV 89101
(702)383-3203

LEGAL DESCRIPTION

DESCRIPTION: BEING GOVERNMENT LOT 58, 59 AND 60 WITHIN SECTION 03, TOWNSHIP 21 SOUTH, RANGE 60 EAST, M.D.M., CLARK COUNTY NEVADA.

ALSO KNOWN AS 163-03-302-004, 005 & 006

CONTAINING 16.0 ACRES MORE OR LESS.



39' INT. PRIVATE STREET SECTION

NOTES:

ALL ONSITE STREET INTERSECTION RADII ARE 30' AT BACK OF CURB.

ALL PRIVATE STREETS ARE PUBLIC UTILITY EASEMENT AND CITY OF LAS VEGAS SEWER EASEMENT ALONG WITH PUBLIC DRAINAGE EASEMENTS TO BE PRIVATELY MAINTAINED BY THE HOMEOWNERS ASSOCIATION.

CONCEPTUAL LAYOUT #002

L. R. NELSON CONSULTING ENGINEERS, INC.
6765 West Russell Road, Suite 200
Las Vegas, Nevada 89118
(702) 798-7978
(702) 451-2396 FAX

SITE DEVELOPMENT PLAN TO ACCOMPANY A ZONE CHANGE OF

MONTE CRISTO/O'BANNON

FOR

PLASIM HOMES

CITY OF LAS VEGAS NEVADA

SHEET NUMBER 1 OF 1 SHEETS

1364-001-04

SDR-4837

8/26/04 PC

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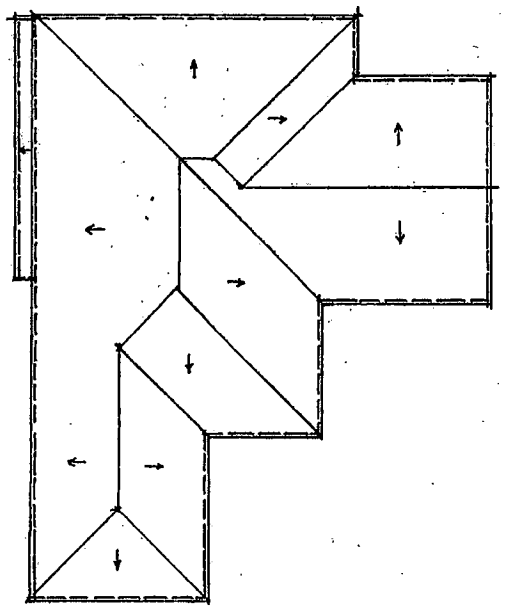
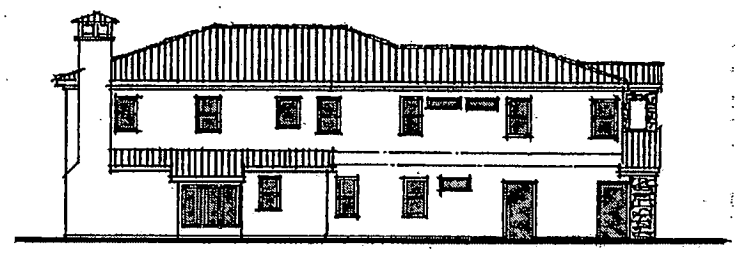
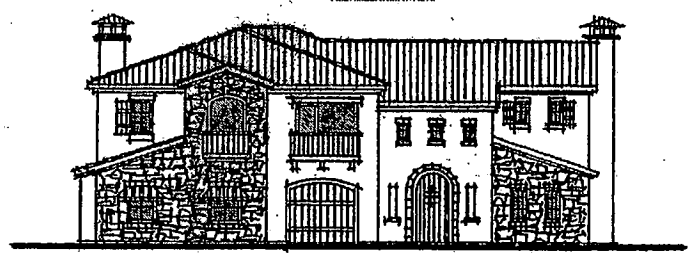


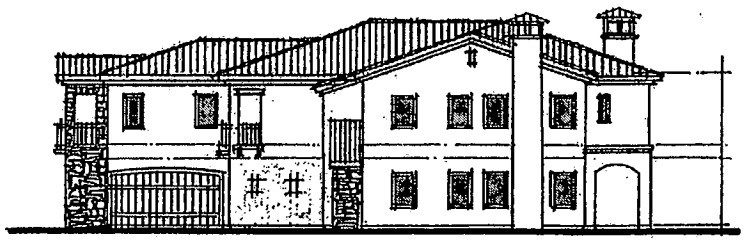
PLAN 1 ROOF PLAN



PLAN 1 LEFT SIDE ELEVATION



PLAN 1 FRONT ELEVATION



PLAN 1 RIGHT SIDE ELEVATION

Monte Cristo/ O'Bannon for Plasim Homes

Las Vegas, Nevada

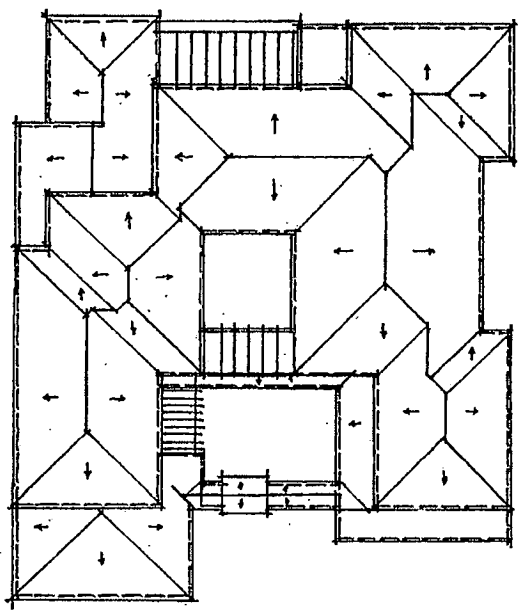
Perlman Architects
PERLMAN ARCHITECTS, INC.
2230 CORPORATE CIRCLE, SUITE 20
HENDERSON, NEVADA 89074
702.990.9900 702.932.3222 fax

Project Number 104265
Date 07-13-04

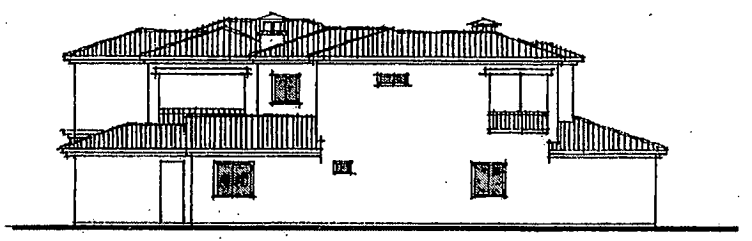
© COPYRIGHT 2004, PERLMAN ARCHITECTS, INC.

REVISED
7.16.04

SDR-4837
8/26/04 PC

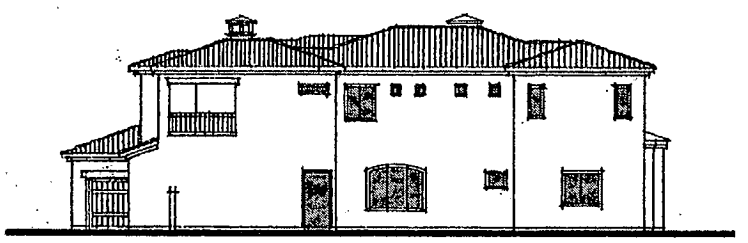


PLAN 2 ROOF PLAN



PLAN 2 LEFT SIDE ELEVATION

PLAN 2 FRONT ELEVATION



PLAN 2 RIGHT SIDE ELEVATION

Monte Cristo/ O'Bannon for Plasim Homes

PRELIMINARY ELEVATIONS

Perlman ARCHITECTS
PERLMAN ARCHITECTS, INC.
2230 CORPORATE CIRCLE, SUITE 20
HENDERSON, NEVADA 89074
702.990.8900 702.932.3222 fax

Las Vegas, Nevada

Project Number 104265
Date 07-13-04

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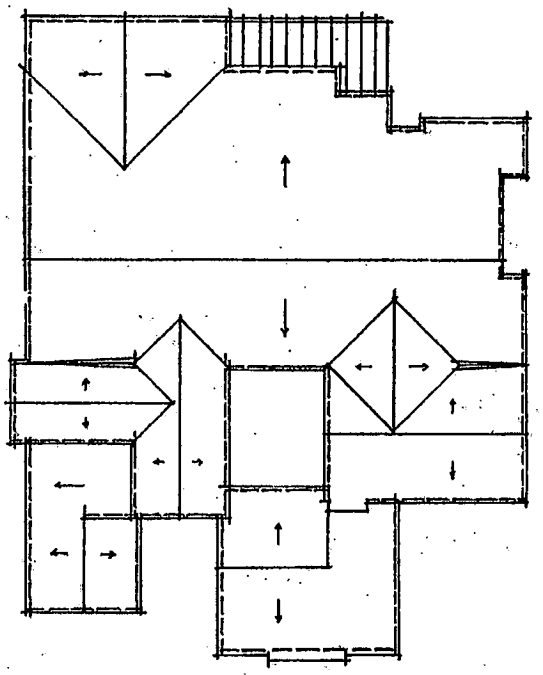
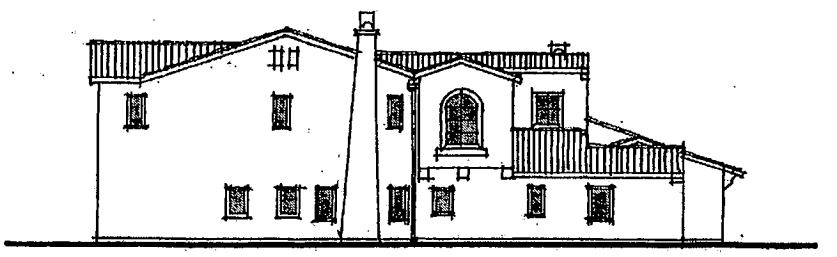
REVISED 7.16.04

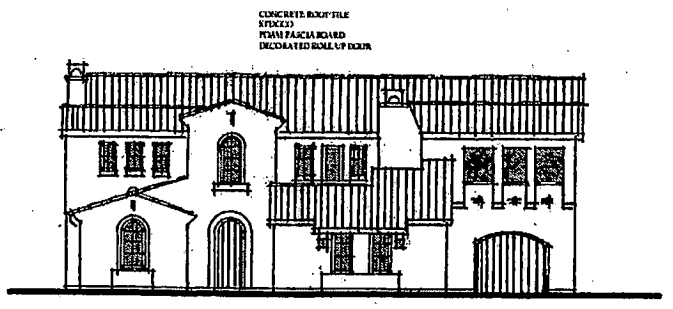
SDR-4837
8/26/04 PC



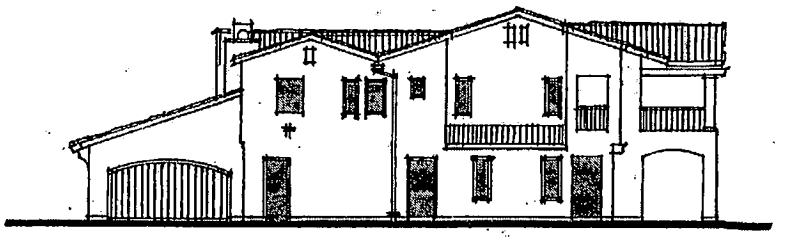
PLAN 3 ROOF PLAN



PLAN 3 LEFT SIDE ELEVATION



PLAN 3 FRONT ELEVATION



PLAN 3 RIGHT SIDE ELEVATION

Monte Cristo/ O'Bannon for Plasim Homes

Las Vegas, Nevada

Perlman Architects
PERLMAN ARCHITECTS, INC.
2230 CORPORATE CIRCLE, SUITE 20
HENDERSON, NEVADA 89074
702.990.9900 702.932.2222 fax

Project Number 104265
Date 07-13-04

REVISED 7.16.04

SDR-4837
8/26/04 PC

8/2

RECEIVED
04 AUG 23 P 1:27
DEPT. OF PLANNING

Beverly J. Hughes, M.D.

Beverly Hughes
1891 Tena Vista Way
Las Vegas, NV 89117-2049

Las Vegas Planning Commission
731 South 4th Street=2nd floor
Las Vegas, NV 89101

RE:SUP-4836 and SDR-4837

I strongly oppose the proposed zoning change for the 16 acre site bounded by O'Bannon, Monte Cristo and Parque. This site is zoned R-E for half acre sites and this should not be changed to allow a crowded development causing congestion and having an adverse effect on my neighborhood.

I bought my home in this area specifically because it was zoned R-E offering spacious home sites. If a zoning change is allowed my home as well as others in the area will drop in value. The 16 acre site will be packed with homes too close together, too many in number and too similar in appearance.

It is unfair to those of us that have invested time and money to develop homes of unique design with open spaces to (after the fact) change the zoning of this piece of property. The individual who purchased the land was well aware that it was zoned R-E. It needs to stay that way. Do not change the zoning to please a business person at the expense of those of us who live in this neighborhood.

Sincerely,

Beverly J. Hughes, M.D.

8/16/04

PETITION TO PROTEST REZONING

Please record and make part of the written record my opposition to the following zoning proposals:

SUP-4836- Special use permit related to zon-4828 & SDR -4837
SDR-4837-Site Development Plan Review related to zon-4828
Applicant/owner Plasim Homes, Limited Liability Company

The proposed changes are incompatible, inconsistent and detrimental to the existing neighborhood.

	NAME (print)	NAME (signature)	Address
1.	Les Martin	Les Martin	1991 Kay Lynn Ct.
2.	PERRY LASH	Perry E Lash	1830 KAY LYNN CT.
3.	DAVID COLMAN	David Colman	1991 Kay Lynn Ct 89117
4.			1991 Kaylynn Ct.
5.	Hillari Tischler	Hillari Tischler	7408 Doe Ave. LV NV 89117
6.	RICK ANSEN		7417 OAK GROVE LV 89117
7.	Bob Adler		1890 Kay Lynn
8.			
9.			
10			
11.			
12.			

Aug 23 04 03:39p RWA Architecture, Inc. (702) 243-0027 p.2

PETITION TO PROTEST REZONING

Please record and make part of the written record my opposition to the following zoning proposals:

SUP-4836- Special use permit related to zon-4828 & SDR -4837
SDR-4837-Site Development Plan Review related to zon-4828
Applicant/owner Plasim Homes, Limited Liability Company

The proposed changes are incompatible, inconsistent and detrimental to the existing neighborhood.

	NAME (print)	NAME (signature)	Address
1.	GARY GRABER		1454 Silver Oak Ln, NV 89144
2.	Gabor Viczko		2210 S. Pioneer Way Las Vegas NV 89117
3.	PERRY L. KING	Perry L. King	7385 EL PARAGUE LAS VEGAS NV
4.	CRAIG ADAMSKI		2135 S. TENAYA WAY LAS VEGAS 89117 804-6857
5.			
6.			
7.			
8.			
9.			
10			
11.			
12.			

PETITION TO PROTEST REZONING

Please record and make part of the written record my opposition to the following zoning proposals:

SUP-4836- Special use permit related to zon-4828 & SDR -4837
SDR-4837-Site Development Plan Review related to zon-4828
Applicant/owner Plasim Homes, Limited Liability Company

The proposed changes are incompatible, inconsistent and detrimental to the existing neighborhood.

	NAME (print)	NAME (signature)	Address
1.	RANDALL McGHIE	Randall McGhie	1930 Haylynn Ct
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10			
11.			
12.			

PETITION TO PROTEST REZONING

Please record and make part of the written record my opposition to the following zoning proposals:

SUP-4836- Special use permit related to zon-4828 & SDR -4837
SDR-4837-Site Development Plan Review related to zon-4828
Applicant/owner Plasim Homes, Limited Liability Company

The proposed changes are incompatible, inconsistent and detrimental to the existing neighborhood.

	NAME (print)	NAME (signature)	Address
1.	PERRY L. KING	Perry L. King	7385 EL PARQUE LAS VEGAS
2.	DAVID HAAS		2110 Homeview Ct L.V. NV 89117
3.	Rema Menon	REMA MENON	2231 S. TENAYA WY. 89117
4.			
5.			
6.			
7.			
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9.			
10			
11.			
12.			

3

Aug 23 04 03:39p AWA Architecture, Inc. (702) 243-0027 p.5

PETITION TO PROTEST REZONING

Please record and make part of the written record my opposition to the following zoning proposals:

SUP-4836- Special use permit related to zon-4828 & SDR -4837
SDR-4837-Site Development Plan Review related to zon-4828
Applicant/owner Plasim Homes, Limited Liability Company

The proposed changes are incompatible, inconsistent and detrimental to the existing neighborhood.

	NAME (print)	NAME (signature)	Address
1.	ROBERT W LEEDS	Robert W Leeds	2101 S. Pioneer Way
2.	PEGGY LEEDS	Peggy Leeds	" "
3.	Julia Stephens	Julia Stephens	2231 S. Monte Cristo Lv 89117
4.	Janet Brookshire	Janet M Brookshire	1960 Remsen Ct 89117
5.	Dana Nitz	Dana Nitz	1831 Kaylyn Ct 89117
6.	Kyle Stephens	Kyle Stephens	2231 S Monte Cristo Lv 89117
7.	Janet Parry	Janet Parry	7521 Curlands Cove 89117
8.	BRENDEN MONTGOMERY	Brenden K. Montgomery	2201 S. TENAYA WAY
9.	Fran Minnozzi	Fran Minnozzi	2000 S. Monte Cristo Way
10	Russ Milko		7300 O'Bannon Dr
11.	Earlene Milko		7300 O'Bannon Dr
12.	ROBERT SIGLER		2200 SO. PIONEER WAY

10

PETITION TO PROTEST REZONING

Please record and make part of the written record my opposition to the following zoning proposals:

SUP-4836- Special use permit related to zon-4828 & SDR -4837
SDR-4837-Site Development Plan Review related to zon-4828
Applicant/owner Plasim Homes, Limited Liability Company

The proposed changes are incompatible, inconsistent and detrimental to the existing neighborhood.

	NAME (print)	NAME (signature)	Address
1.	KEITH ROBERTSON		7340 O'BANNON DR.
2.	REBECCA ROBERTSON		7340 O'BANNON DR.
3.	ANTHONY WILLIAMS		7451 O'BANNON DR.
4.	MARY O.C. LEEN MacInery		1120 BLACKWATER CT.
5.	Diane Harrington		2020 Homeview Ct.
6.	Bobi Templeton		1990 Kay Lynn Ct.
7.	BILL PROCK		1830 REMSEN COURT
8.	LOIS PROCK		1830 REMSEN COURT
9.	Ray Tunstall		2260 Whitfort Ct.
10	Bonnie M Daniel		6537 Casada Dr.
11.	~~FRANCES~~ Julie Tillman		2000 Homeview Court
12.	David Tanner		211 Homeview Ct

10

FAX TRANSMITTAL

Anna Williams
7451 O'Bannon Drive, Las Vegas, Nevada 89117
Phone (702) 363-9745 Fax (702) 243-0027

TO: Janet Moncrief's Office
attn: Tracy
City of Las Vegas Nevada
400 East Stewart Ave.
Las Vegas, NV 89101

DATE: August 9, 2004
FAX NO.: 001
FAX #: (702) 382-8558

We are faxing 3 Page(s) including this cover sheet. If you do not receive all pages please contact our office.

Remarks: Dear Tracy,
As per our phone conversation regarding case ~~# SUP-4836~~ and case #SDR-4837, I am faxing the proposed site plan with the following concerns:

1. The entrance/exit to the proposed development is on O'Bannon directly across the street and blocking my driveway. I think there is an ordinance against such placement. It is dangerous, and with 39 homes, possibly 78 or more cars will be traveling in and out of that one and only driveway. My family and I will have to contend with traffic lights flashing into our house at night. Furthermore, it is a very poor location when considering the traffic patterns of the entire neighborhood. There is no ingress or egress off of Pioneer or Monte Cristo from O'Bannon to Sahara. Those streets have been vacated. There is no traffic light at Buffalo. It's virtually impossible to get onto Buffalo from O'Bannon without fearing for your safety. We already have crowded conditions at Tenaya and Sahara because of the Fletcher Jones Dealership and the church. **A very simple and expedient solution would be to flip the site plan so that the entrance/exit of the development is on El Parque directly entering Pioneer and traveling a short block to Oakey. There are no houses directly facing Pioneer on that stretch. It is walled in. That avoids more traffic congestion in the neighborhood and affords the driver easy access to a light at Buffalo/Oakey as well as at Rainbow/Oakey.**

2. The lot sizes are incompatible and incongruent with the surrounding home sites, and the proposed site is right in the middle of the neighborhood. Every house in this neighborhood even those few zoned R-PD2 are custom homes on large lots with some as large as 60,000 sq. ft. They are not anywhere near the 11,000 + sq. ft. proposed for most of the tract houses on the proposed site plan. The developer is pushing the R-PD2 toward its maximum density allotment of 2.49 houses per acre. That has never been done in our neighborhood before. For example, the houses directly to the north are on a 5 acre parcel zoned R-PD2. However, they did not exceed 2

houses per acre. There are 7 houses there on 5 acres, but land was redistributed for a communal tennis court and play area. It is my understanding that was the original intent for using that zoning designation in our neighborhood.

3. The setbacks are incompatible and incongruent with the existing neighborhood. The site plan submitted by the developer shows a 5ft. setback to property line between each home and the driveways are merely 20 ft long. A standard car requires at least 18 ft. of that space.

4. The site plan requires the vacation of Pioneer. The neighborhood has had very limited ingress and egress because of this practice in the past. Our only outlet streets to Sahara are Tenaya and Buffalo. The vacation of Pioneer further restricts our travel to the north and onto Oakey.

In summary:
... inexpedient location of the entrance
... smaller lot sizes
... the small setbacks
... the tract design
... proposed vacation of Pioneer
All are incompatible, incongruent, and detrimental to maintaining the unique footprint of this neighborhood with its rural designation and unique custom homes. Therefore I'm requesting denial of SUP-4836 and SDR-4837.

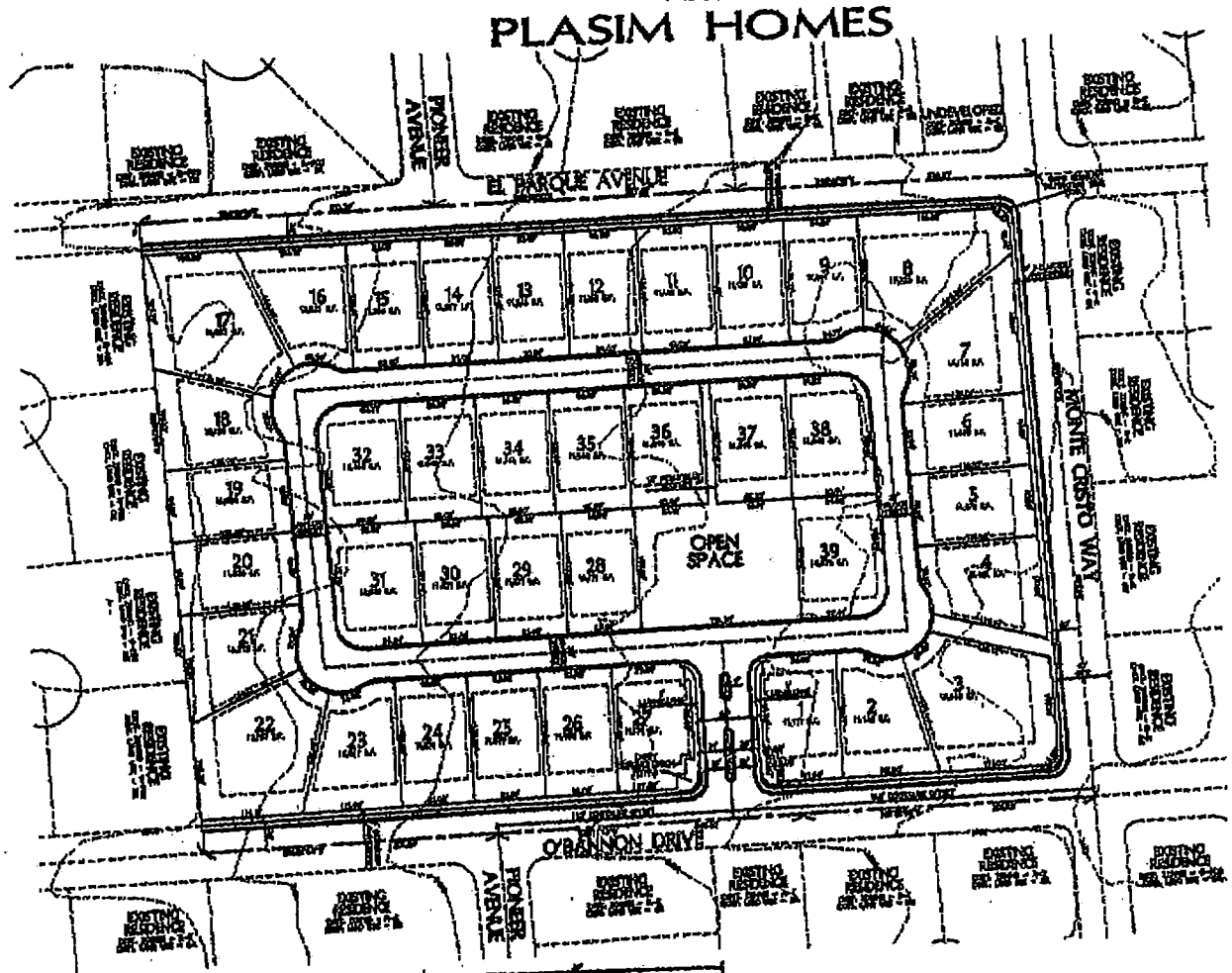
Sincerely: Anna Williams

Anna Williams

Copy to: file
LV Planning Commission (all members),
Neighborhood Services Dept.
attn: Jim Marshall
LV City Council (all members)
Mayor Oscar Goodman
Current Planning attn: Kyle Walton

PAGE 03
ANNA WILLIAMS
08/09/2004 13:03 7023639745

MONTE CRISTO/O'BANNON
FOR
PLASIM HOMES



VICINITY MAP

GRAPHIC SCALE

TYP. LOT SETBACKS

TABULATION

OWNER/DEVELOPER

NOTES:

39' INT. PRIVATE STREET SECTION

LEGAL DESCRIPTION

L. A. NELSON CONSULTING ENGINEERS, INC.

SITE DEVELOPMENT PLAN TO ACCOMPANY A ZONE CHANGE OF
MONTE CRISTO/O'BANNON
FOR
PLASIM HOMES

SHEET NUMBER 1 OF 1 SHEETS

SDR-4837
8/26/04 PC

Mr. & Mrs. Robert R. Rightmyer
2211 S. Tioga Way
Las Vegas, NV 89117
702-256-2143

RECEIVED
04 AUG 17 PM 4:39
PLANNING & DEVELOPMENT

August 12, 2004

Las Vegas Planning Commission
731 South Fourth Street, 2nd Floor
Las Vegas, NV 89101

RE: Rezoning case numbers SUP-4836 and SDR-4837

Dear Sirs:

We are homeowners near this property and are strongly opposed to the lot size reductions.

Please note NO on this issue.

Thank you.

Sincerely,

Robert R. Rightmyer

Pamela G. Rightmyer

P

RECEIVED
04 AUG 17 PM 4:39
DEVELOPMENT

Joseph C Essa
2220 Villefort Ct
Las Vegas, NV 89117

August 14, 2004

Las Vegas Planning Commission
731 South 4th Street – 2nd Floor
Las Vegas, NV 89101

RE: SUP- 4836 & SDR - 4837

Dear Commission,

I am writing to protest the proposed zoning change from R – E to R-PD2 on the above referenced case numbers in my neighborhood. My family chose and purchased our lot and built our home because of the zoning laws that were in place at the time and the protection against smaller lot development in the area. I plan to attend the scheduled planning commission hearing on this matter, but please let me know if there is anything else I can do to prevent this zoning change.

Respectfully,

Joseph C Essa

P

Cashman Photo Enterprises of Nevada

CORPORATE OFFICE • 3660 CINDER LANE • LAS VEGAS, NEVADA 89103

TELEPHONE (702) 871-8300
FAX (702) 247-4730
www.cashmanphoto.com

RECEIVED
2004 AUG 17 PM 4:39
PLANNING DEPARTMENT

August 9, 2004

Las Vegas Planning Commission
731 South 4th Street – 2nd Floor
Las Vegas, NV 89101

Re: Case #SUP-4836 and ~~#SUP-4837~~ SDR

Dear Sir or Madam:

We live in a beautiful $2M custom home that sits on almost ¾ of an acre that we are very proud of. The house has 5 balconies, 3 of the balconies face the area where you want to rezone to R-PD2 to permit the building of 39 low-end track-type homes. Right now, when we enjoy the balconies looking over at the large multi-million dollar custom homes, it makes us proud we live in the area. If this rezoning is approved I would now face a whole different class of homes which I was assured when purchasing my property new homes in the area would be of the same caliber. I am totally against the zoning change and will do all in my power to see to it that this change does not occur. Not only will it destroy my view, but would lower the value of my home and others in the area.

Sincerely,

Morgan Cashman
2200 Purple Majesty Court
Las Vegas, NV 89117

MC:dm

P

City of Las Vegas

Agenda Item No.: 32

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

PLANNING COMMISSION MEETING OF: AUGUST 26, 2004

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: ROBERT S. GENZER [ ] CONSENT [X] DISCUSSION

SUBJECT:
VAR-4804 - VARIANCE - PUBLIC HEARING - APPLICANT/OWNER: VALENCIA COMMUNITIES, INC. - Request for a Variance TO ALLOW ZERO OPEN SPACE WHERE 11,500 SQUARE FEET IS REQUIRED FOR A 16-LOT SINGLE FAMILY DEVELOPMENT on 2.92 acres at 1700 South Buffalo Drive (APN 163-03-201-003, 004 and 005), R-E (Residence Estates) Zone under Resolution of Intent to R-PD5 (Residential Planned Development - 5 Units Per Acre), Ward 1 (Moncrief).

P.C.: FINAL ACTION

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

RECOMMENDATION:
Staff recommends DENIAL.

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

MOTION:
McSWAIN – APPROVED subject to conditions – Motion carried with EVANS voting No

This is Final Action

MINUTES:
CHAIRMAN TRUESDELL declared the Public Hearing open.

DAVID CLAPSADDLE, Planning and Development, stated when the Planning Commission reviewed the Site Plan, there were 16 smaller size lots with open space. When the application was presented to City Council, the Site Development Plan changed to 16 larger lots and the open space was deleted. Staff felt that the requested Variance did not meet the standards of the Code.

MINUTES – Continued:

SCOTT COLLINS, Valencia Communities, Inc., 10588 Market Walk, Las Vegas, stated that the reason for deleting the open space in the center of the project was at the request of Councilwoman Moncrief and the residents because they preferred having their lot lines lined up better. The lots have been widened and the larger lots are in the rear of the project, but there is still over 5,000 square feet of open space. MR. COLLINS added that the City Council approved the proposed project with the requirement of requesting the Variance on open space.

No one appeared in opposition.

CHAIRMAN TRUESDELL declared the Public Hearing closed.

(7:16 – 7:20)
1-2725

CONDITIONS:

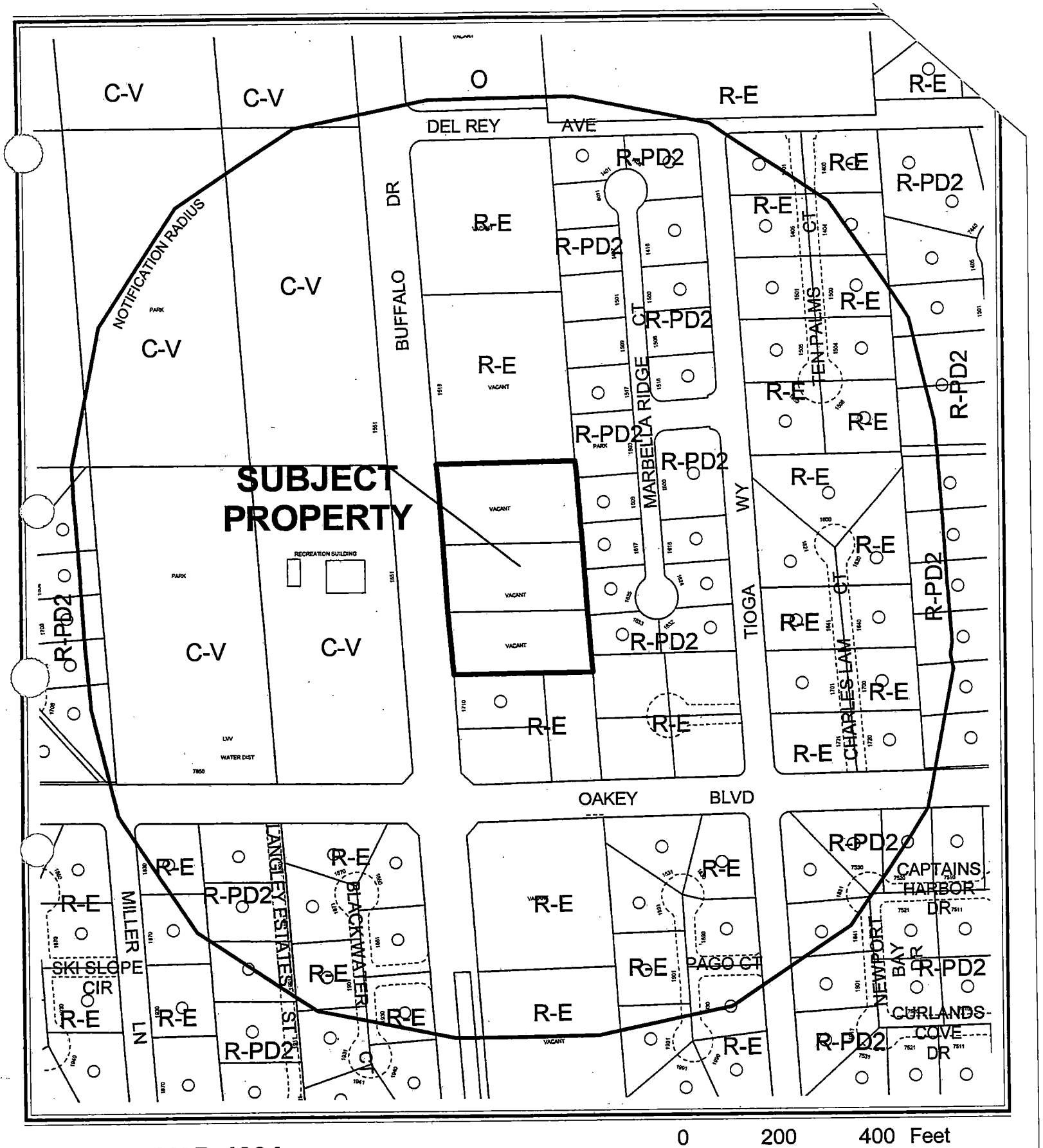
Planning and Development

1. Conformance to the Conditions of Approval for General Plan Amendment (GPA-4000), Rezoning (ZON-4003), Site Development Plan Review (SDR-4004), and Variance (VAR-4005).

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

3. 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 $46,000 (Square Feet of Open Space to be waived x $4.00) 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.

4. All site-related conditions of approval are addressed within the Conditions of Approval for General Plan Amendment (GPA-4000), Rezoning (ZON-4003), Site Development Plan Review (SDR-4004), and Variance (VAR-4005).



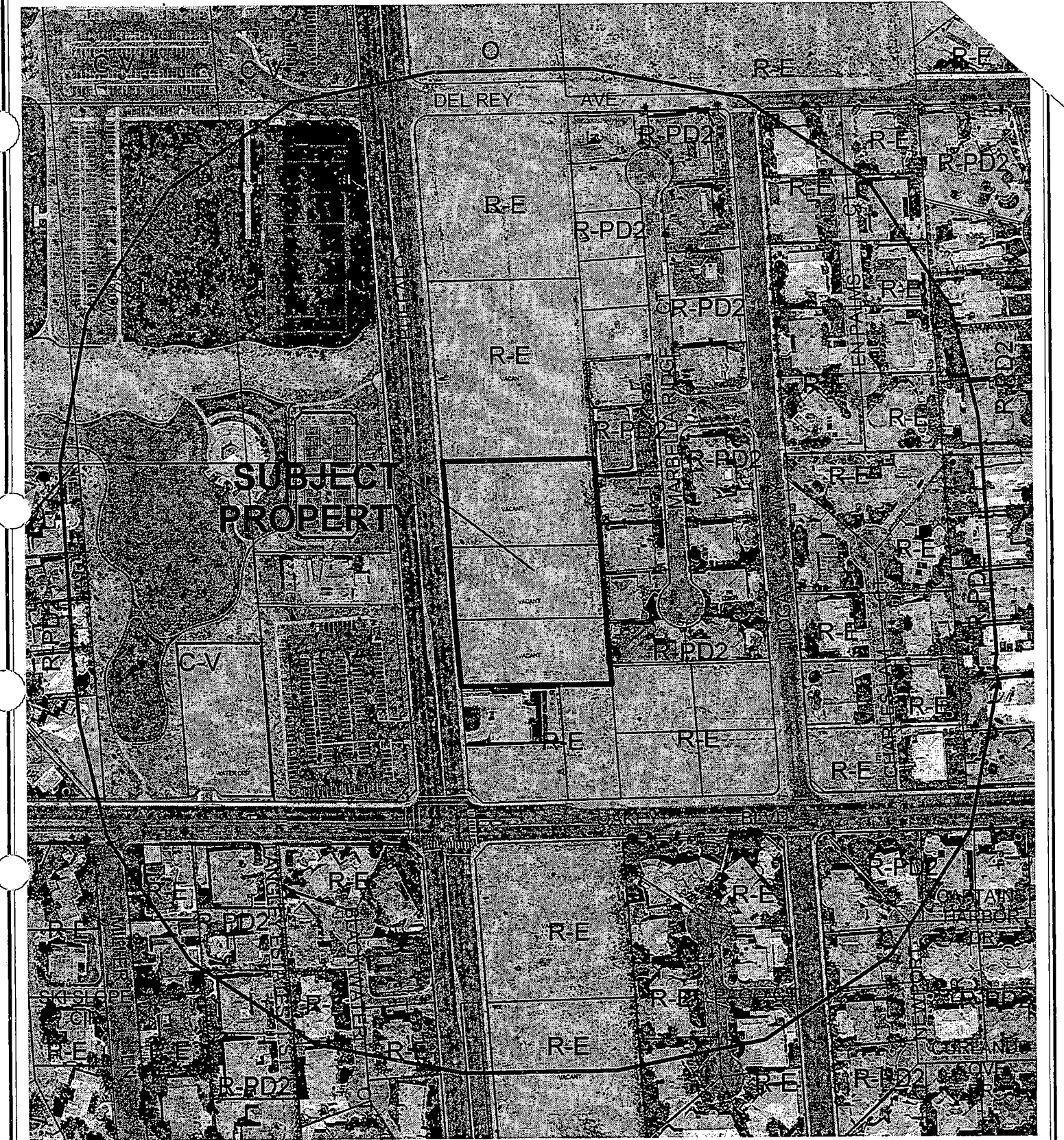
CASE: **VAR-4804**

RADIUS: 750 FT

ZONING OF SUBJECT PROPERTY:

R-E (RESIDENCE ESTATES) UNDER RESOLUTION OF INTENT TO R-PD5 (RESIDENTIAL PLANNED DEVELOPMENT - 5 UNITS)

N



CASE: **VAR-4804**

RADIUS: 750 FT

ZONING OF SUBJECT PROPERTY:
R-E (RESIDENCE ESTATES) UNDER RESOLUTION OF INTENT TO R-PD5 (RESIDENTIAL PLANNED DEVELOPMENT - 5 UNITS)

City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: AUGUST 26, 2004
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: VAR-4804 - APPLICANT/ OWNER: VALENCIA COMMUNITIES, INC.

** CONDITIONS **

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

Planning and Development

1. Conformance to the Conditions of Approval for General Plan Amendment (GPA-4000), Rezoning (ZON-4003), Site Development Plan Review (SDR-4004), and Variance (VAR-4005).

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

3. 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 $46,000 (Square Feet of Open Space to be waived x $4.00) 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.

4. All site-related conditions of approval are addressed within the Conditions of Approval for General Plan Amendment (GPA-4000), Rezoning (ZON-4003), Site Development Plan Review (SDR-4004), and Variance (VAR-4005).

** STAFF REPORT **

APPLICATION REQUEST

A) Action Requested

This is a request for a Variance to allow zero open space where 11,500 square feet is required for a 16-lot single family development on 2.92 acres at 1700 South Buffalo Drive.

B) Applicant's Justification

The proposed Variance is appropriate because of a change in the law, politics, trends, or facts after the adoption of a land use plan that has substantially changed the character or condition of the area or the circumstances surrounding the property. The proposed Variance does not establish an undesirable precedent.

BACKGROUND INFORMATION

A) Previous Actions

03/19/86 The City Council approved a request to Annex (A-0009-85) approximately 1,509 acres of land, including the subject site. The effective date was March 28, 1995.

11/23/98 The City Council approved a request (GPA-0027-98) to amend the Southwest Sector Map of the General Plan on properties bounded by the Holmby Channel, Via Olivero Avenue, Rainbow Boulevard and Durango Drive. The Planning Commission and staff recommended approval on October 22, 1998.

07/07/04 The City Council approved a request to amend a portion of the Southwest Sector Plan of the General Plan from DR (Desert Rural Density Residential) TO: L (Low Density Residential). (GPA-4000), a rezoning to R-PD5 (ZON-4003), a Variance from the five acre lot size standard for R-PD projects (VAR-4005) and a Site Plan Review (SDR-4004). The City Council amended the General Plan Amendment request to L (Low Density Residential), the rezoning request to R-PD5 (Residential Planned Development – 5 Units Per Acre) , with a site development plan of 16 single family lots depicting no open space.

B) Pre-Application Meeting

There is no record of a pre-application meeting.

C) Neighborhood Meetings

A neighborhood meeting was not held specific to this variance request.

DETAILS OF APPLICATION REQUEST

A) Site Area

Gross Acres: 2.92

B) Existing Land Use

Subject Property:	Undeveloped
North:	Undeveloped
South:	Single family residence
	Undeveloped
East:	Single family residential
	Small park at the northeast corner
West:	Park

C) Planned Land Use

Subject Property:	MLA (Medium Low Attached Density Residential)
North:	DR (Desert Rural Density Residential)
South:	DR (Desert Rural Density Residential)
East:	DR (Desert Rural Density Residential)
West:	PROS (Parks/Recreation/Open Space)

D) Existing Zoning

Subject Property:	R-E (Residence Estates) under Resolution of Intent to R-PD10 (Residential Planned Development - 10 Units Per Acre)
North:	R-E (Residence Estates)
South:	R-E (Residence Estates)
East:	R-PD2 (Residential Planned Development - 2 Units Per Acre)
West:	C-V (Civic)

E) General Plan Compliance

The subject site is designated on the Southwest Sector Plan map as MLA (Medium-Low Attached Density Residential). The MLA (Medium-Low Attached Density Residential) designation permits up to 12 dwelling units per acre. The Medium-Low Attached Density Residential category includes a variety of multi-family units such as plexes, townhouses, condominiums, and low-density apartments. The proposed R-PD10 (Residential Planned Development – 10 Units Per Acre) zoning district is consistent with the MLA (Medium-Low Attached Density Residential) land use designation.

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

This proposal does not fall within any special plan or overlay district.

A) Zoning Code Compliance

A1) Open Space Standards

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

Total Acreage	Density	**Required**			**Provided**	
		Ratio	Percent	Area	Percent	Area
2.92 acres	5.47 DUA	1.65	9.0 %	11,500 SF	0%	0 SF

This proposal requires a variance from the open space requirement and is the subject of this application. The subject deviation is 11,500 square feet.

B) General Analysis and Discussion

On July 7th, the City Council approved a 16 unit single family residential project at a density of less than 5 units per acre. The site development plan shown at that meeting provided no open space. This application was required as a result of the approval of this project. The request cannot be supported since it does not meet Code standards for granting a variance.

FINDINGS

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

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

SRS

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 proposing a development with too many for sale lots. 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 90

APPROVALS 0

PROTESTS 0

SRS

PLANNING & DEVELOPMENT

DEVELOPMENT SERVICES CENTER

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: VAR-4804 APN: 163-03-201-003

Name of Property Owner: Valencia Communities, Inc.

Name of Applicant: Valencia Communities, Inc.

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

_____ Yes X No

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

City Official: _____

Partner(s): _____ _____

APN: _____

Signature of Property Owner/Authorized Agent: _____

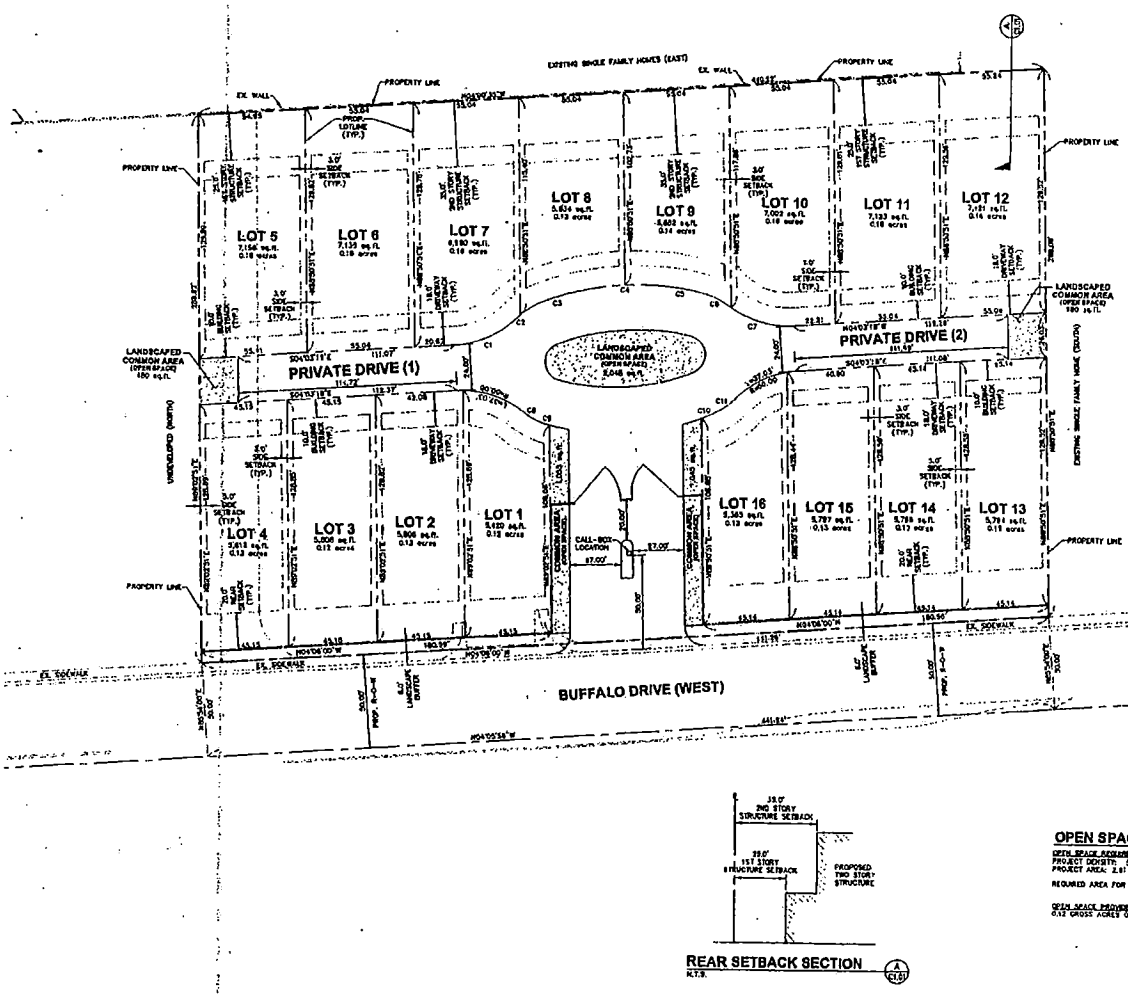
Subscribed and sworn before me

This 8th day of July, 2004

_____

Notary Public in and for said County and State

NOTARY PUBLIC
STATE OF NEVADA
County of Clark
ROBIN D. GULLO
Appt. No. 91-0259-1
My Appt. Expires April 25, 2005



REAR SETBACK SECTION
N.T.S.

OPEN SPACE REQUIREMENTS

OPEN SPACE ACQUIRED
PROJECT DENSITY: 5.5 UNITS/ACRE
PROJECT AREA: 2.81 GROSS ACRES

REQUIRED AREA FOR OPEN SPACE = 0.20 GROSS ACRES
OR = 11,503.43 SQUARE FEET

OPEN SPACE PROVIDED
0.12 GROSS ACRES OR 5,108 SQUARE FEET

CURVE TABLE

CURVE	LENGTH	RADIUS	Delta
C1	37.01	50.00	42°23'51"
C2	13.65	34.00	23°00'31"
C3	61.39	119.5	10°18'00"
C4	16.17	149.34	1°32'49"
C5	18.57	119.51	8°53'48"
C6	13.65	34.00	23°00'31"
C7	37.50	50.00	43°23'50"
C8	13.61	34.00	22°56'19"
C9	1.53	112.44	0°53'33"
C10	5.71	115.82	2°49'27"
C11	13.65	34.00	23°00'31"

NOTE:

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

A.P.N.:

163-03-201-003, 163-03-201-004, 163-03-201-005

BENCHMARK:

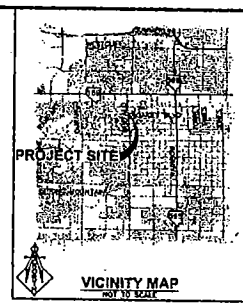
CITY OF LAS VEGAS BENCHMARK NO. LV1704-5, RIVET AND PLATE ON TOP OF CURB, SOUTHWEST RETURN OF OAKEY BOULEVARD AND BUFFALO DRIVE.

ELEVATION = 2572.125 FEET (1984 DATUM) 171.7854 METERS

Avoid cutting underground utility lines. It's costly.

Call before you Dig 1-800-227-2600

SAFETY ALERT
Call Before You Overhead
1-702-227-2929



VICINITY MAP
NOT TO SCALE

NORTH

GRAPHIC SCALE
(IN FEET)
1 inch = 30 ft.

LOCHSA ENGINEERING
6345 SOUTH JONES BOULEVARD SUITE 100
LAS VEGAS, NV 89118
PHONE: (702) 362-8512, FAX: (702) 365-9317

SITE PLAN

CORVIALE
LAS VEGAS

DRAWN BY: J.L.C.
CHECKED BY: J.L.C.
PROJECT NO: 04158
T.T.C.
DATE: 6/17/04
SCALE: 1" = 30'

SHEET No.
C1.01
SHEET 1 of 1

LEGEND

| | | |

City of Las Vegas

Agenda Item No.: 33

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

PLANNING COMMISSION MEETING OF: AUGUST 26, 2004

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: ROBERT S. GENZER [ ] CONSENT [X] DISCUSSION

SUBJECT:
SUP-4807 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: ORION OUTDOOR MEDIA - OWNER: G G P IVANHOE II, INC. - Request for a Special Use Permit FOR A 51 FOOT HIGH, 14 FOOT X 48 FOOT OFF-PREMISE ADVERTISING (BILLBOARD) SIGN at 4300 Meadows Lane (APN 139-31-510-016), C-1 (Limited Commercial) Zone, Ward 1 (Moncrief).

IF APPROVED: C.C.: 10/06/04
IF DENIED: P.C.: FINAL ACTION (Unless appealed within 10 days)

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

RECOMMENDATION:
Staff recommends APPROVAL.

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

MOTION:
McSWAIN – APPROVED subject to conditions, deleting Condition 1 and adding the following conditions:

- **The sign shall be limited to 51 feet in height and the flag design as presented at the 8/26/2004 Planning Commission meeting.**
- **No off premise (billboard) signs may be located along the Valley View Boulevard side of the property.**

– Motion carried with TRUESDELL abstaining as he manages a property that is part of the Meadows Mall and has a business relationship with General Growth and STEINMAN voting No

To be heard by the City Council on 10/06/2004

MINUTES:
VICE CHAIRMAN NIGRO declared the Public Hearing open on Item 33 [SUP-4807], Item 34 [SUP-4808] and Item 35 [SUP-4809].

MINUTES – Continued:

KYLE WALTON, Planning and Development, explained that staff requested Item 33 [SUP-4807], Item 34 [SUP-4808] and Item 35 [SUP-4809] be heard at the same time due to the context of each application. Although all three applications were in compliance with the Code and had sufficient distance from each other and the residential area, staff had some concerns regarding clutter if three off-premise signs were approved. Two would be more appropriate; with the deletion of one, the other two would be less intrusive to the corridor along the freeway. The recommendation for approval is based on one of the signs being eliminated, such as the middle one, and conformance to the revised elevations. He added that staff did receive a petition of those opposing the applications; however, the list was typewritten without signatures. DAVID CLAPSADDLE, Planning and Development, used the overhead to also show revised elevations of the billboards, which were decorative and mitigated some of the concerns pertaining to their appearance.

JAY BROWN, Attorney, 520 S. Fourth Street appeared with BEAU PALLEY, CEO and Chairman, Orion Outdoor Media, 7496 Rock Bridge, Las Vegas. ATTORNEY BROWN stated that because of the quality of the signage, he hoped that the Commission would approve all three applications. If not, they would prefer to withdraw Item 35 [SUP-4809]. He referenced another outlet mall that was smaller and has three billboard signs facing the freeway. He also pointed out that the applicant does have property on Valley View Boulevard that he could request billboard signage be placed there. However, if these three applications were approved, the applicant would be willing to place a condition restricting him from applying for billboards on the Valley View property.

COMMISSIONER McSWAIN expressed concern regarding having the billboard height at 51 feet in some cases and how this would impact the sight for the neighborhood on the other side of the freeway. MR. PALLEY responded that a sound wall is going to be built along that side of the freeway that would screen the signs from the residents. They are requesting additional height due to the depressed area and the Code allows for the increased height. They felt that 51 feet was sufficient to avoid a partial obstruction from the area. COMMISSIONER McSWAIN thanked the applicant for raising the standards on billboard signage. Provided that the applicant does not request any signage along the property at Valley View, she would support all three applications

COMMISSIONER EVANS questioned staff regarding the height request on Item 35 [SUP-4809], as the application and the backup documentation reflected different height requests. MR. CLAPSADDLE responded that the request for the 51-foot sign is on Item 33 [SUP-4807]. He added that the recommendation indicated in staff's report for Item 34 [SUP-4808] and Item 35 [SUP-4809] for denial was an error. Because staff recommended withdrawing one of the applications, they were not sure as to which one the applicant would withdraw. As a result, staff recommended approval on all three applications with the condition that one application be

MINUTES – Continued:

withdrawn, with the understanding that the other two could be reconfigured. In response to COMMISSIONER EVANS' concern regarding proper notification, MR. CLAPSADDLE then stated that the heading was advertised at 40 feet, so it was noticed properly. In addition, MR. PALLEY responded to COMMISSIONER EVANS' question regarding no Meadows Mall logo could not be placed on the off-premised billboard. He stated that Meadows Mall has gone through some renovations and are seeking additional business identification signage. So, instead of Meadows Mall choosing to request a separate billboard sign at a later date, the applicant felt it was a better idea to consolidate the use. Should there be any conflict, he commented that a meeting could take place with staff to discuss a possible Master Sign Plan. MR. CLAPSADDLE then stated that one of the billboards reflected a Meadows Mall logo, which was discussed with staff. Although there is nothing in the Code that prevents the mixing of on and off premise signs, there is a definition that distinguishes the two. Staff's opinion was that placing the Meadows Mall logo on the signage would start to fall under the definition of on site signage as part of an overall Master Sign Plan. COMMISSIONER EVANS commented that this was the perfect place to advertise the Meadows Mall and would like to see that all is being done to continue its success. In addition, he complimented the applicant on the unique and aesthetically pleasing signage, and questioned staff if this is part of the conditions for approval. He pointed out that the signage was very attractive and he would support such signage, with the commitment to make aesthetically pleasing and artistic signs. MR. PALLEY added that the signs would have backdrop lighting, and he informed COMMISSIONER EVANS these signs costs approximately 50-60% more than the usual signage. MR. CLAPSADDLE clarified for COMMISSIONER EVANS that Condition 2 mandates conformance to the elevations, which are date stamped 8/17/04.

MR. PALLEY responded to COMMISSIONER STEINMAN by stating that the trees along the property line would be removed and replaced with another lane of traffic. COMMISSIONER STEINMAN expressed concern for possible signage clutter along the I-95 Freeway. A precedence has already been set for the I-15 Freeway. He does not want to see the same thing happen with the I-95 Freeway, as it will ultimately be an outstanding project once it is completed. As a result, he stated he would not support the application.

COMMISSIONER DAVENPORT voiced concern about the lighting on these billboards, as there is a billboard at Rancho Drive and I-95 Freeway that is near his home and is very bright and lights up some residential areas. MR. PALLEY informed him that the closest residential area is 309 feet away from the billboards. There is a light shield on the billboards that focuses the light specifically on the 672 square feet of advertising space. COMMISSIONER DAVENPORT then asked how the lighting on the billboards would affect drivers exiting off of Valley View Boulevard from the I-95 Freeway. MR. PALLEY replied that having the lighting focused on the

MINUTES – Continued:

billboard signs would actually alleviate the fuzzy lighting around the edges you would normally see on billboard signs. He added that they have built previous signs closer to off ramps and have not experienced any safety issues. With regards to staff's recommendation to withdraw one of the billboard applications, COMMISSIONER DAVENPORT suggested doing so with Item 35 [SUP-4809], as it is the closest one to the Valley View Boulevard off ramp. MR. CLAPSADDLE replied that the applicant would have to submit a revised Site Plan reflecting the locations of the two billboards.

COMMISSIONER McSWAIN appreciated staff's suggestion to withdraw one of the applications; however, she expressed concern that a precedent would be set without having the new Code. She complimented the applicant on the attractive signage. She then asked if the applicant would be willing to concur with any changes that would be required once the Ordinance is established. MR. PALLEY concurred. ROBERT GENZER, Planning and Development, stated that the Commission could only vote on the off premise billboard signage. The Meadows Malls billboard sign that was shown on the overhead is not currently allowed by the Code. He added that Condition 2 would also remain as is. Given the various photos shown on the overhead by MR. PALLEY, MR. GENZER asked the applicant to clarify if the signs would be offset or center pole. MR. PALLEY replied that the first sign would be offset, the second sign would be a center mount and the third sign would be offset. COMMISSIONER EVANS pointed out how places, such as the Meadows Mall and the Boulevard Mall, are very challenged with the newer malls. He felt that it was possible to have a mall adjacent to billboards and have advertisement on these billboards, just as much as the Gentlemen's Club could advertise on billboards all over town. He would like to see every effort made to ensure these types of mall have continued success and not end up as indoor swap meets.

For the record, MR. GENZER verified with MR. PALLEY, as the applicant, has the authority to speak on behalf of Meadows Mall.

VICE CHAIRMAN NIGRO declared the Public Hearing closed on Item 33 [SUP-4807], Item 34 [SUP-4808] and Item 35 [SUP-4809].

(7:20 – 7:47)

PLANNING COMMISSION MEETING OF AUGUST 26, 2004
Planning and Development Department
Item 33 – SUP-4807

CONDITIONS:

Planning and Development

1. Only two off-premise signs shall be permitted on site.

2. The signs shall conform to the elevations date stamped 08/17/04; the Meadows Mall logo shall not be permitted on the signs.

3. The off-premise advertising sign (billboard) supporting structure shall be redesigned to finish materials to complement the existing on-site building. The entire face-area of both sides of the off-premise advertising (billboard) sign shall be signage area or its border framework; none of the supporting structure shall be visible aside from the support pole.

4. 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.

5. The Special Use Permit shall be reviewed in two (2) years at which time the City Council may require the off-premise sign to be removed. The applicant shall be responsible for notification costs of the review. Failure to pay the City for these costs may result in a requirement that the off-premise advertising (billboard) sign be removed.

6. If a Site Development Plan Review for new development includes property in which an off-premise advertising (billboard) sign is located the billboard(s) shall be reviewed for compatibility with the proposed development. Conditions of approval may be imposed that require the removal or redesign of some or all of the off-premise advertising (billboard) signs.

7. If the existing off-premise advertising sign structure is removed, this Special Use Permit shall be expunged and a new off-premise advertising sign structure shall not be erected in the same location unless: (1) a new Special Use Permit is approved for the new structure by the City Council, or (2) the location is in compliance with all applicable standards of Title 19 including, but not limited to, distance separation requirements, or (3) a Variance to the applicable standards of Title 19 has been approved for the new structure by the City Council.

8. The off-premise advertising (billboard) sign and its supporting structure shall be properly maintained and kept free of graffiti at all times. Failure to perform the required maintenance may result in fines and/or removal of the off-premise advertising (billboard) sign.

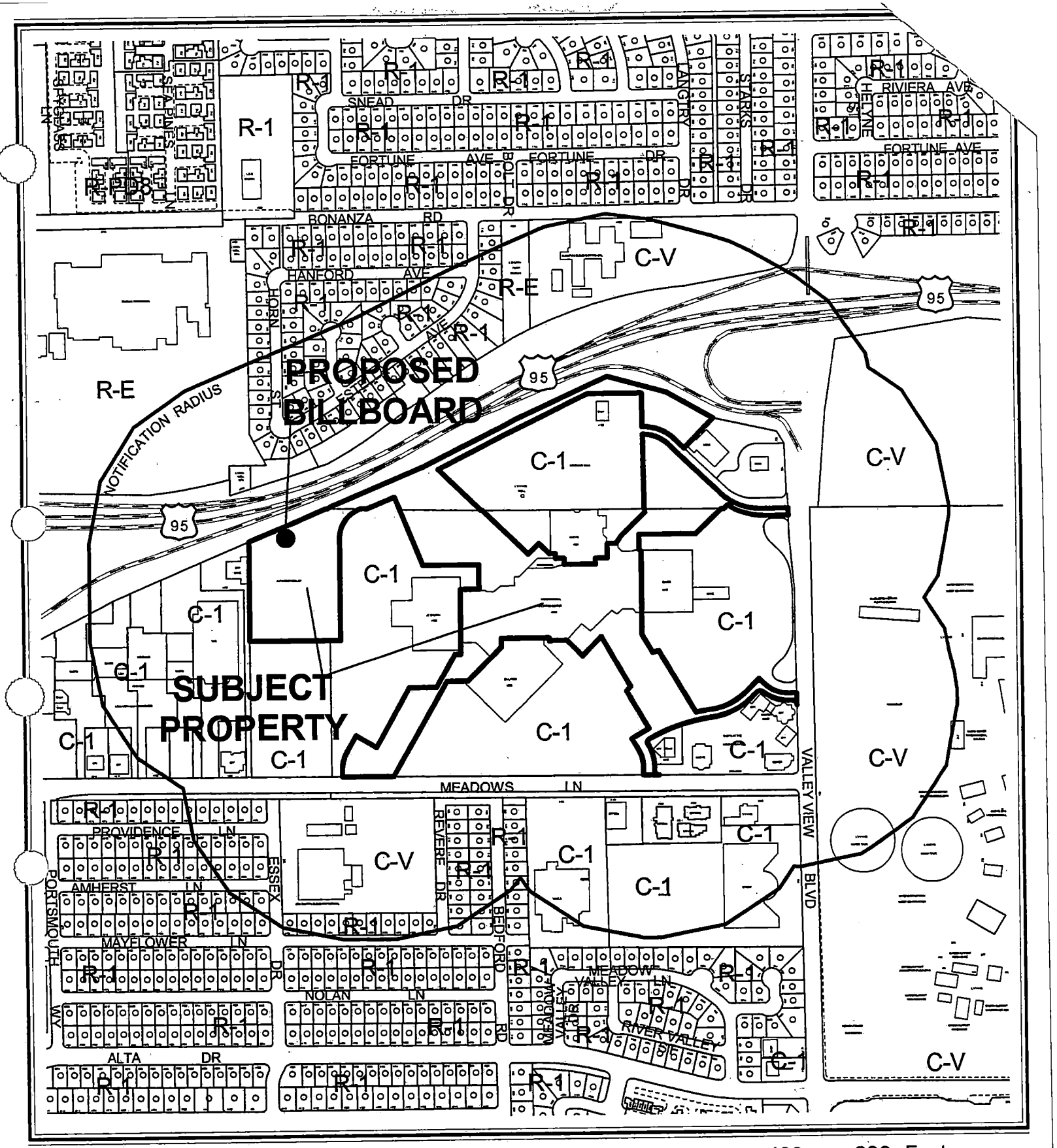
CONDITIONS – Continued:

9. Only one advertising sign is permitted per sign face.

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

Public Works

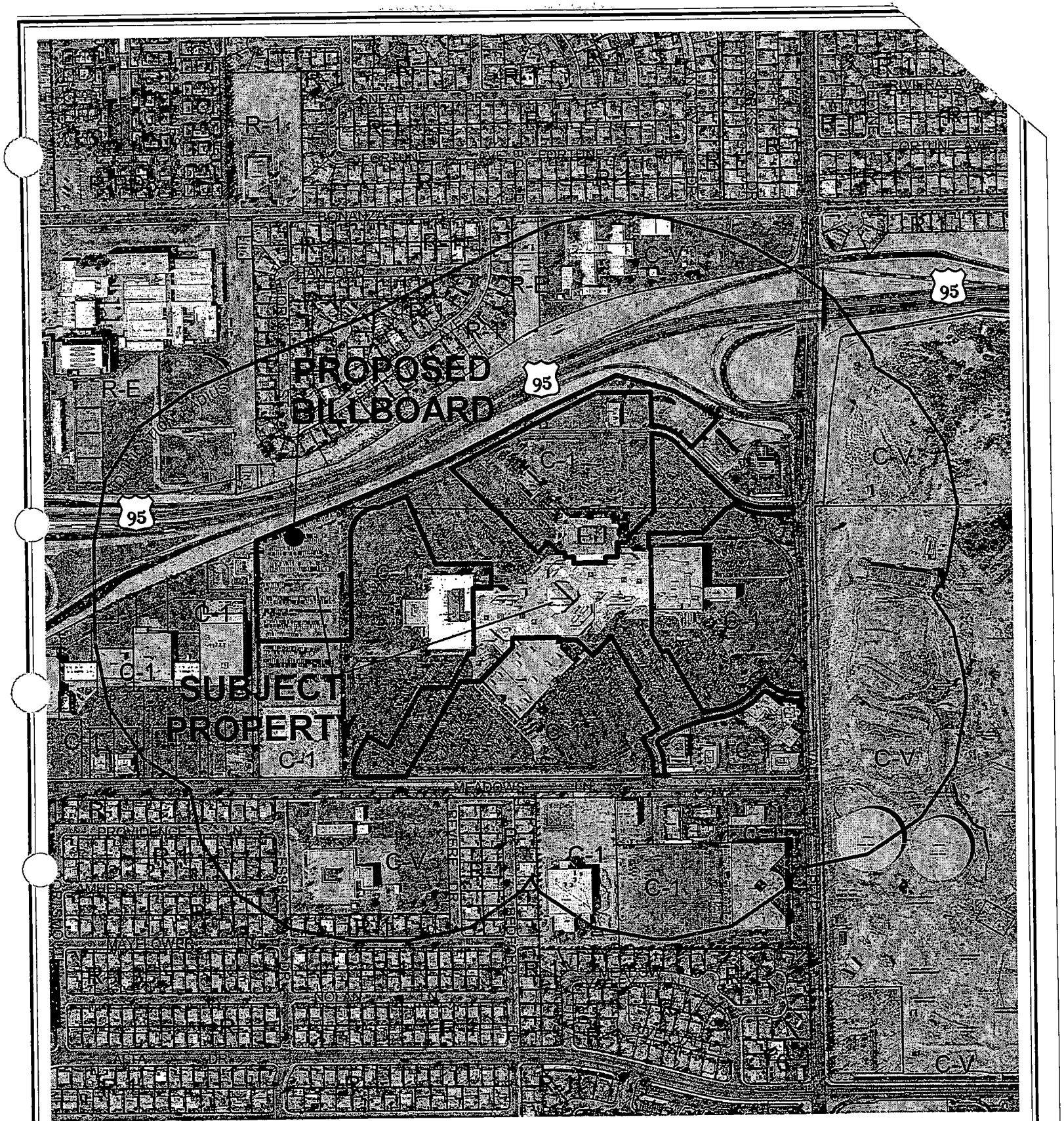
11. The off-premise advertising (billboard) sign shall not be located within public right-of-way, existing or proposed public sewer or drainage easements, or interfere with Site Visibility Restriction Zones.



CASE: **SUP-4807**

RADIUS: 750 FT

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



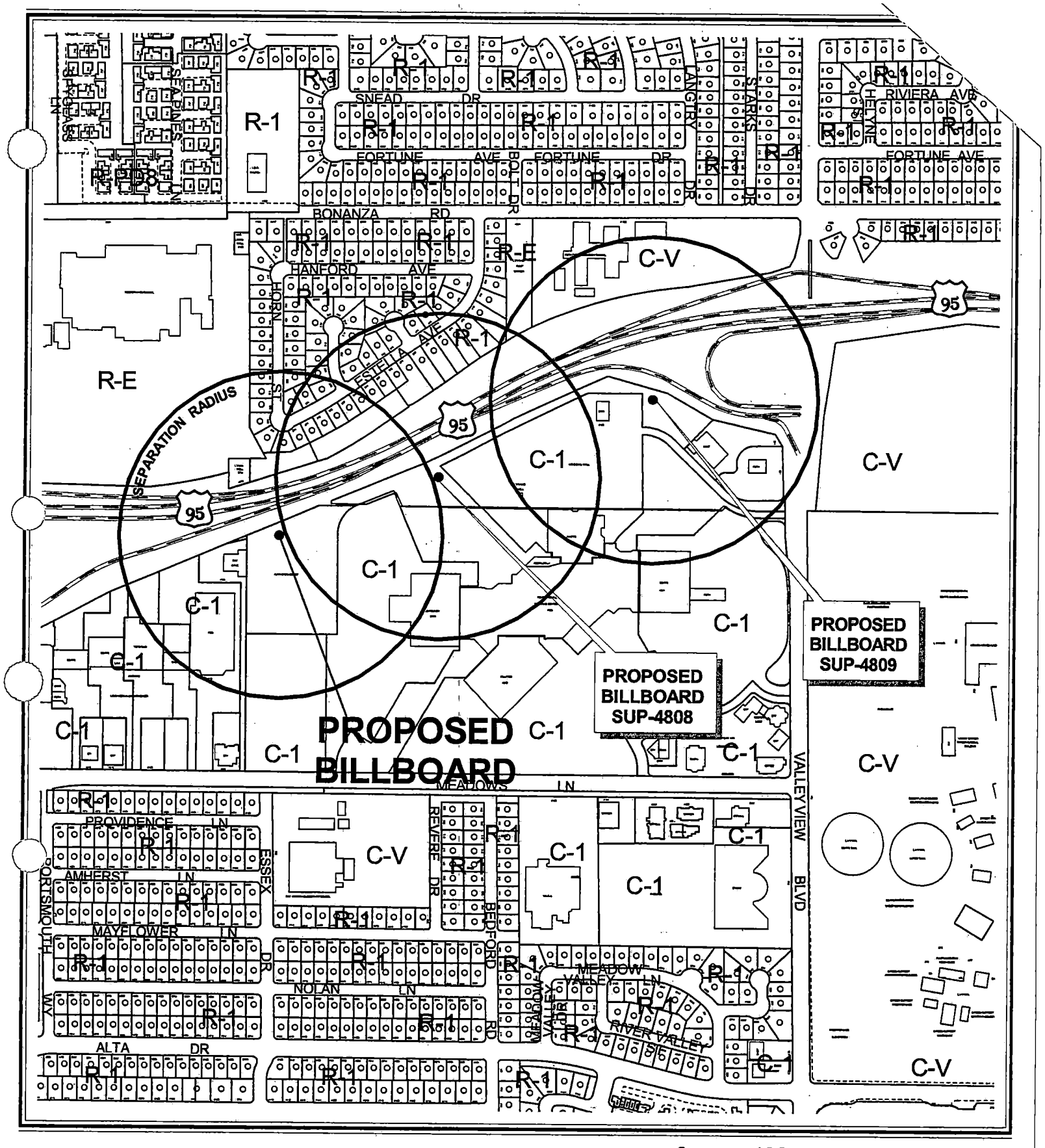
0 400 800 Feet

CASE: **SUP-4807**

RADIUS: 750 FT

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

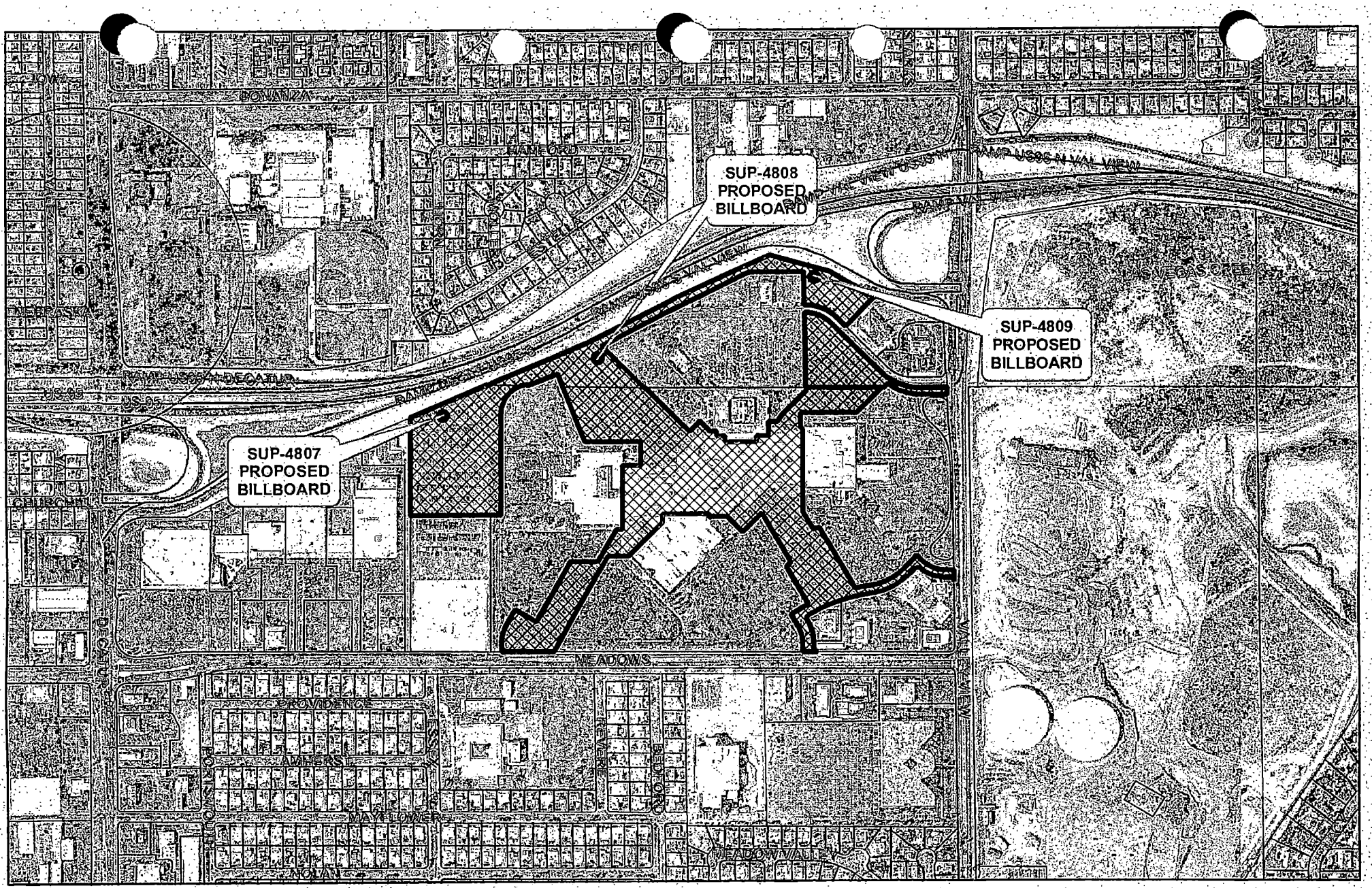
N



CASE: **SUP-4807**

SEPARATION RADIUS: 750 FT

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



SUP-4807,SUP-4808, and SUP-4809

City of Las Vegas Billboard Data

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

N

City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: AUGUST 26, 2004
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: SUP-4807 - APPLICANT: ORION OUTDOOR MEDIA - OWNER: G G P IVANHOE II, INC.

** CONDITIONS **

STAFF RECOMMENDATION: **APPROVAL,** subject to:

Planning and Development

1. Only two off-premise signs shall be permitted on site.

2. The signs shall conform to the elevations date stamped 08/17/04; the Meadows Mall logo shall not be permitted on the signs.

3. The off-premise advertising sign (billboard) supporting structure shall be redesigned to finish materials to complement the existing on-site building. The entire face-area of both sides of the off-premise advertising (billboard) sign shall be signage area or its border framework; none of the supporting structure shall be visible aside from the support pole.

4. 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.

5. The Special Use Permit shall be reviewed in two (2) years at which time the City Council may require the off-premise sign to be removed. The applicant shall be responsible for notification costs of the review. Failure to pay the City for these costs may result in a requirement that the off-premise advertising (billboard) sign be removed.

6. If a Site Development Plan Review for new development includes property in which an off-premise advertising (billboard) sign is located the billboard(s) shall be reviewed for compatibility with the proposed development. Conditions of approval may be imposed that require the removal or redesign of some or all of the off-premise advertising (billboard) signs.

7. If the existing off-premise advertising sign structure is removed, this Special Use Permit shall be expunged and a new off-premise advertising sign structure shall not be erected in the same location unless: (1) a new Special Use Permit is approved for the new structure by the City Council, or (2) the location is in compliance with all applicable standards of Title 19 including, but not limited to, distance separation requirements, or (3) a Variance to the applicable standards of Title 19 has been approved for the new structure by the City Council.

8. The off-premise advertising (billboard) sign and its supporting structure shall be properly maintained and kept free of graffiti at all times. Failure to perform the required maintenance may result in fines and/or removal of the off-premise advertising (billboard) sign.

9. Only one advertising sign is permitted per sign face.

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

Public Works

11. The off-premise advertising (billboard) sign shall not be located within public right-of-way, existing or proposed public sewer or drainage easements, or interfere with Site Visibility Restriction Zones.

** STAFF REPORT **

APPLICATION REQUEST

A) Action Requested

The applicant is requesting the approval of Special Use Permit to allow a 51-foot high, 14-foot x 48-foot off-premise advertisement (billboard) sign at 4300 Meadows Lane. The applicant is requesting that the sign be raised to a height of 51 feet, where 40 feet is the maximum permitted.

B) Applicant's Justification

The applicant justifies this application by stating that the sign conforms to all City standards and justifies the increased height request as being a result elevation changes from the proposed location of the site and the US 95.

BACKGROUND INFORMATION

A) Previous Actions

04/19/95 The City Council approved a Special Use Permit (U-0021-95) application for a class III secondhand dealership to allow the sale of used records, tapes and compact discs at 4300 Meadows Lane. The Board of Zoning Adjustment and staff recommended approval.

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09/19/01 The City Council approved a Special Use Permit (U-0110-01) application for a 60-foot tall wireless communications monopole at 4300 meadows lane. The Planning Commission and staff recommended approval.

08/26/04 The Planning Commission will consider two other Special Use Permits (SUP-4808 and SUP-4809) to allow a 51-foot high, 14-foot x 48-foot off-premise advertisement (billboard) sign and a 40-foot high, 14-foot x 48-foot off-premise advertisement (billboard) sign at 4300 Meadows Lane, respectively.

B) Pre-Application Meeting

06/23/04 A pre-application conference was held resulting in the following:

1. Special Use Permit requirements for an off-premise advertisement (billboard) sign were discussed.
2. The 750-foot minimum distance separation was discussed, relative to the location of the three proposed signs.

C) Neighborhood Meetings

A neighborhood meeting is not required for this application.

DETAILS OF APPLICATION REQUEST

A) Site Area

Gross Acres: 27.25

B) Existing Land Use

Subject Property:	Commercial Center (Meadows Mall)
North:	US 95
South:	Residential Dwellings
	Public School (Griffith Elementary)
	YMCA; Office Park
East:	Undeveloped (Las Vegas Valley Water District)
West:	Commercial Center

C) Planned Land Use

Subject Property:	SC (Service Commercial)
North:	ROW (Right-of-Way)
South:	L (Low Density Residential)
	PF (Public Facilities)
	SC (Service Commercial)
East:	PF (Public Facilities)
West:	SC (Service Commercial)

D) Existing Zoning

Subject Property:	C-1 (Limited Commercial)
North:	Right-of-Way
South:	R-1 (Single-Family Residential)
	C-V (Civic)
	C-1 (Limited Commercial)
East:	C-V (Civic)
West:	C-1 (Limited Commercial)

E) General Plan Compliance

The subject site is designated SC (Service Commercial) within the Southeast Sector Land Use Map of the General Plan.

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

The site is not subject to any special area plans, overlay districts, study areas or trail requirements.

PL

ANALYSIS

A) Zoning Code Compliance

A1) Minimum Distance Separation Requirements

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

Standards	Code Requirement	Proposed	Compliance
Location	No off-premise signs in the right-of-way	Sign is not in right-of-way	Y
	Permitted only in C-1, C-2, C-M, M Zoning Districts	Sign is in C-1 Zoning District	Y
Off-premise sign area (max.)	672 SF	672 SF	Y
Separation distance from other off-premise sign (min.)	750 Feet	770 Feet	Y
Separation distance from "U" or "R" zoning district	300 Feet	309 Feet	Y
Off-premise sign height (max.)	40 Feet, except 55 Feet for signs within 60 feet of ROW when significantly obscured	51 Feet	N*
Setbacks (min.)	50 Feet from nearest ROW intersection	32 feet	Y

* The applicant is requesting an increase in height of the sign to 51 feet as to increase the visibility. The three signs meet the separation standards of the Code.

B) General Analysis and Discussion

- Zoning

The subject billboard is an allowed use within the C-1 (Limited Commercial) zoning district with approval of a Special Use Permit.

- Use

Staff has some concerns regarding clutter if three off-premise signs are approved. Two would be more appropriate, given that three signs barely meet Code standards and there are residentially zoned properties within 310 feet. The revised elevations are decorative and mitigate some of the concerns pertaining to their appearance. The recommendation for approval is based on one of the signs being eliminated and conformance to the revised elevations. The Meadows Mall logo cannot be placed on the off-premise billboard. The proposed off-premise sign meets all other Code standards.

FINDINGS

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

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

   The off-premise signs proposed can be harmonious and compatible with the surrounding area if one of them is eliminated so visual clutter is reduced and they conform to the revised elevations.

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

   There are no physical constraints to the permissibility of the off-premise advertising (billboard) sign use on this 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 has adequate access from Valley View Boulevard, an 80-foot Secondary Collector as indicated by the Master Streets and Highway Plan, and Meadows Lane, a public right-of-way.

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."**

   If approved, the off-premise advertising (billboard) sign will be subject to regular inspection and will not compromise the public health, safety or welfare, as it will be subject to the provisions of the Sign Code and the Uniform Building Code.

NOTICES MAILED 152 [Mailed with SUP-4808 and SUP-4809]

APPROVALS 0

PROTESTS 0

PL

#1

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **SUP-4807** APN: 139-31-510-016

Name of Property Owner: General Growth Properties

Name of Applicant: ORion Outdoor Media

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: Gregory K. Sims

Subscribed and sworn before me

This 3rd day of June, 2004

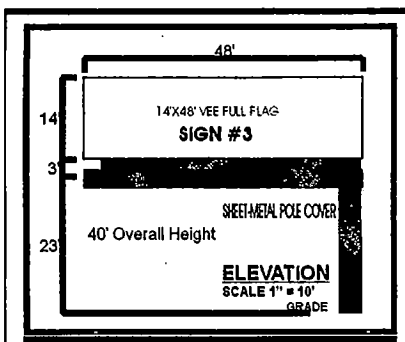
Naomi J Fabis

Notary Public in and for said County and State

Revised 2/12/02

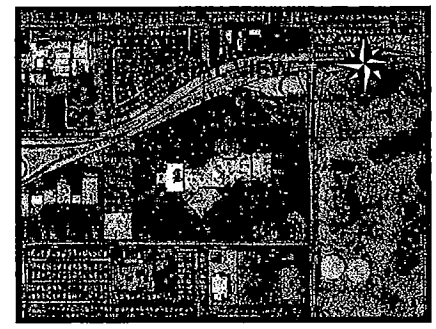
Notary Public - State of Nevada
County of Clark
NAOMI J. FABIS
My Appointment Expires
January 27, 2005
No: 96-6118-1

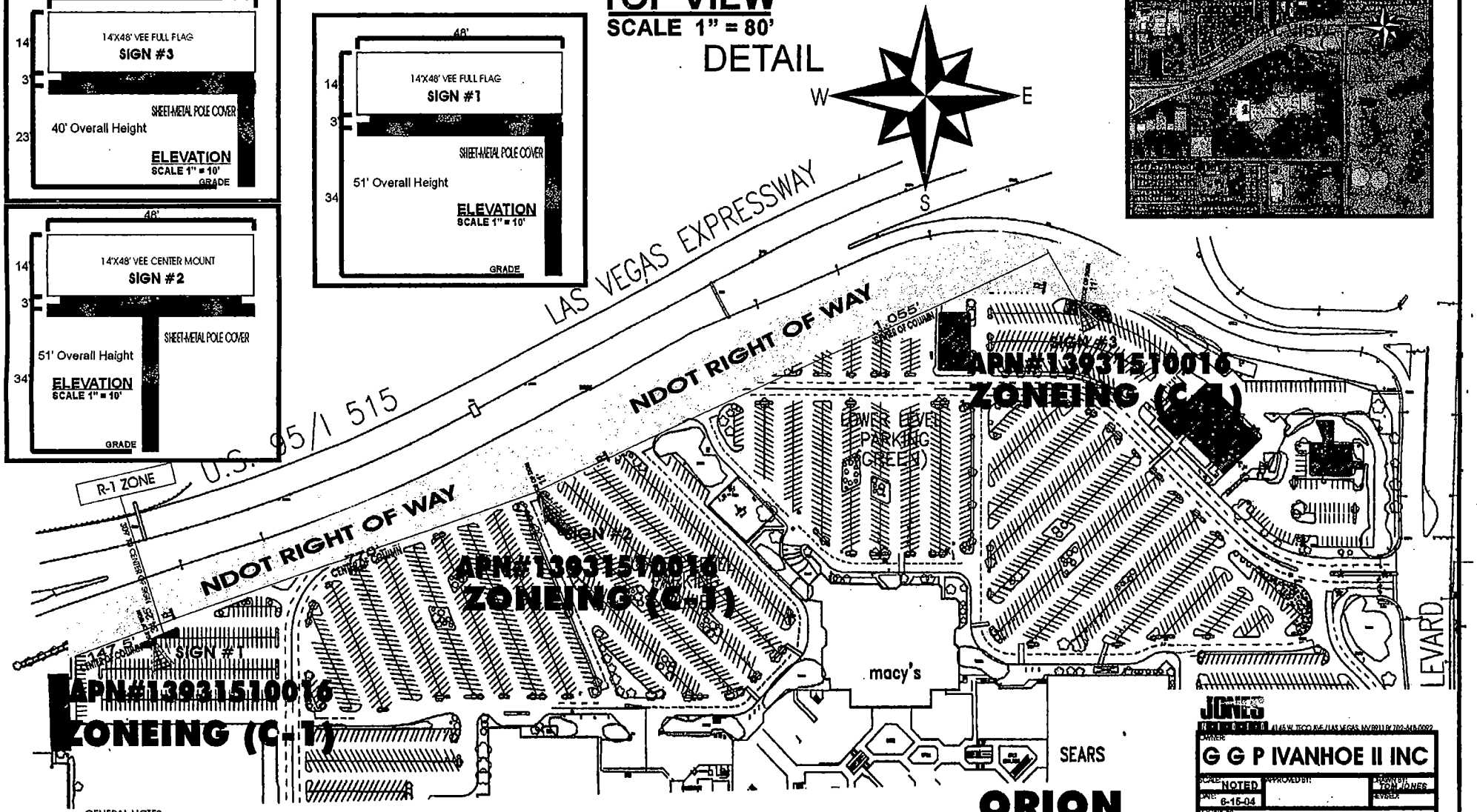
f:\depot\Application Packet\Statement of Financial Interest.doc



TOP VIEW
SCALE 1" = 80'

DETAIL





GENERAL NOTES
1. Not within 300 foot radius of another off-premise billboard.
2. Not within 300 foot radius of residential use.
3. No parking spaces will be taken for this location.

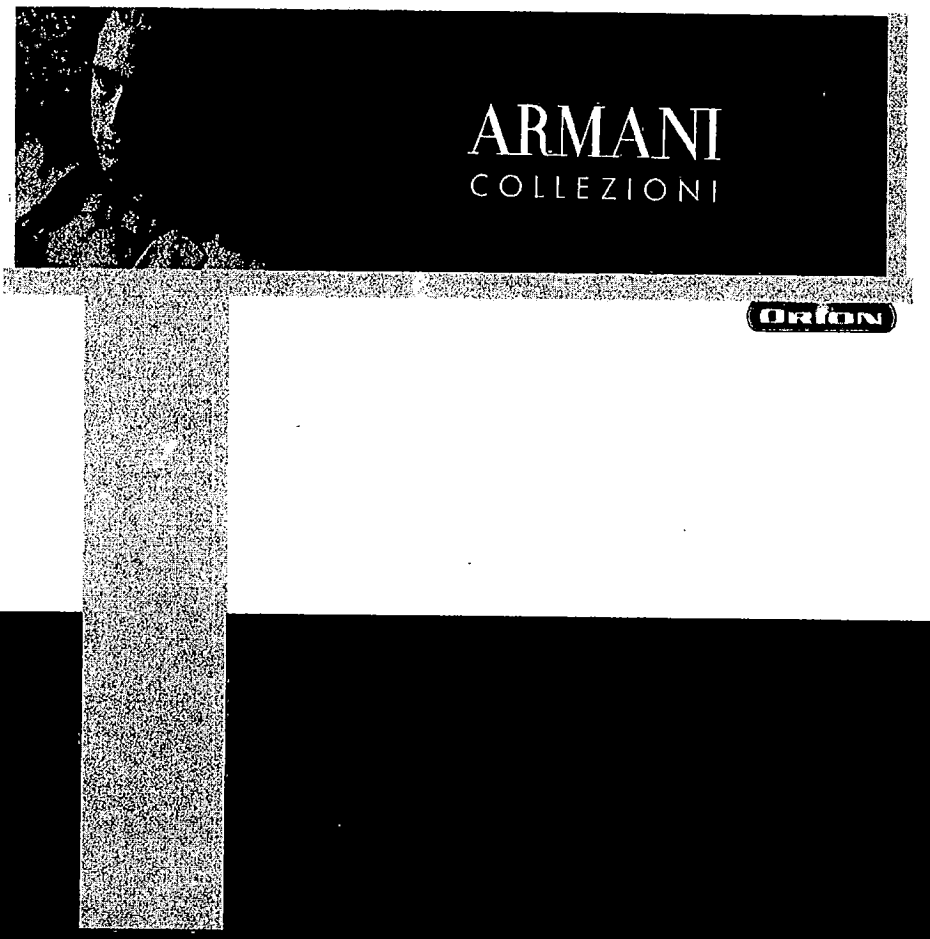
RECEIVED
AUG 05 2008

ORION
OUTDOOR MEDIA
GLENDA LIPPMAN
595-4896

JONES
OWNER: G G P IVANHOE II INC
SCALE: NOTED | APPROVED BY: | DRAWN BY: TOM JONES
DATE: 6-15-04 | REVISED:
LOCATION: 4300 MEADOWS LN
APN#13931510016 | DRAWING NUMBER: 299

REVISED
8.6.04

SUP-4807
8/26/04



ORION
OUTDOOR MEDIA

SUP-4807
8/26/04 PC

REVISED
8.18.04

RECEIVED
AUG 18 2004

SPECIAL USE PERMIT - PUBLIC HEARING - SUP-4807 - APPLICANT: ORION OUTDOOR MEDIA - OWNER: G G P IVANHOE II, INC.
4300 MEADOWS LANE
AUGUST 26, 2004 PLANNING COMMISSION

8/3/04

SPECIAL USE PERMIT - PUBLIC HEARING - SUP-4807 - APPLICANT: ORION OUTDOOR MEDIA - OWNER: G G P IVANHOE II, INC.
4300 MEADOWS LANE
AUGUST 26, 2004 PLANNING COMMISSION

8/3/04

City of Las Vegas

Agenda Item No.: 34

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

PLANNING COMMISSION MEETING OF: AUGUST 26, 2004

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: ROBERT S. GENZER [ ] CONSENT [X] DISCUSSION

SUBJECT:

SUP-4808 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: ORION OUTDOOR MEDIA - OWNER: G G P IVANHOE II, INC. - Request for a Special Use Permit FOR A 51 FOOT HIGH, 14 FOOT X 48 FOOT OFF-PREMISE ADVERTISING (BILLBOARD) SIGN at 4300 Meadows Lane (APN 139-31-510-016), C-1 (Limited Commercial) Zone, Ward 1 (Moncrief).

IF APPROVED: C.C.: 10/06/04
IF DENIED: P.C.: FINAL ACTION (Unless appealed within 10 days)

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

RECOMMENDATION:
Staff recommends APPROVAL.

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

MOTION:
McSWAIN – APPROVED subject to conditions, deleting Condition 1 and adding the following conditions:

- **The sign shall be limited to 40 feet in height and the center pole design as presented at the 8/26/2004 Planning Commission meeting.**
- **No off premise (billboard) signs may be located along the Valley View Boulevard side of the property.**

– Motion carried with TRUESDELL abstaining as he manages a property that is part of the Meadows Mall and has a business relationship with General Growth and STEINMAN voting No

To be heard by the City Council on 10/06/2004

MINUTES:
NOTE: See Item 33 [SUP-4807] for all related discussion on Item 33 [SUP-4807], Item 34 [SUP-4808] and Item 35 [SUP-4809].

(7:20 – 7:47)

CONDITIONS:

Planning and Development

1. Only two off-premise signs shall be permitted on site.

2. The signs shall conform to the elevations date stamped 08/17/04; the Meadows Mall logo shall not be permitted on the signs.

3. The off-premise advertising sign (billboard) supporting structure shall be redesigned to finish materials to complement the existing on-site building. The entire face-area of both sides of the off-premise advertising (billboard) sign shall be signage area or its border framework; none of the supporting structure shall be visible aside from the support pole.

4. 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.

5. The Special Use Permit shall be reviewed in two (2) year at which time the City Council may require the off-premise sign to be removed. The applicant shall be responsible for notification costs of the review. Failure to pay the City for these costs may result in a requirement that the off-premise advertising (billboard) sign is removed.

6. If a Site Development Plan Review for new development includes property in which, an off-premise advertising (billboard) sign is located, the billboard(s) shall be reviewed for compatibility with the proposed development. Conditions of approval may be imposed that require the removal or redesign of some or all of the off-premise advertising (billboard) signs.

7. If the existing off-premise advertising sign structure is removed, this Special Use Permit shall be expunged and a new off-premise advertising sign structure shall not be erected in the same location unless: (1) a new Special Use Permit is approved for the new structure by the City Council, or (2) the location is in compliance with all applicable standards of Title 19 including, but not limited to, distance separation requirements, or (3) a Variance to the applicable standards of Title 19A has been approved for the new structure by the City Council.

PLANNING COMMISSION MEETING OF AUGUST 26, 2004
Planning and Development Department
Item 34 – SUP-4808

CONDITIONS – Continued:

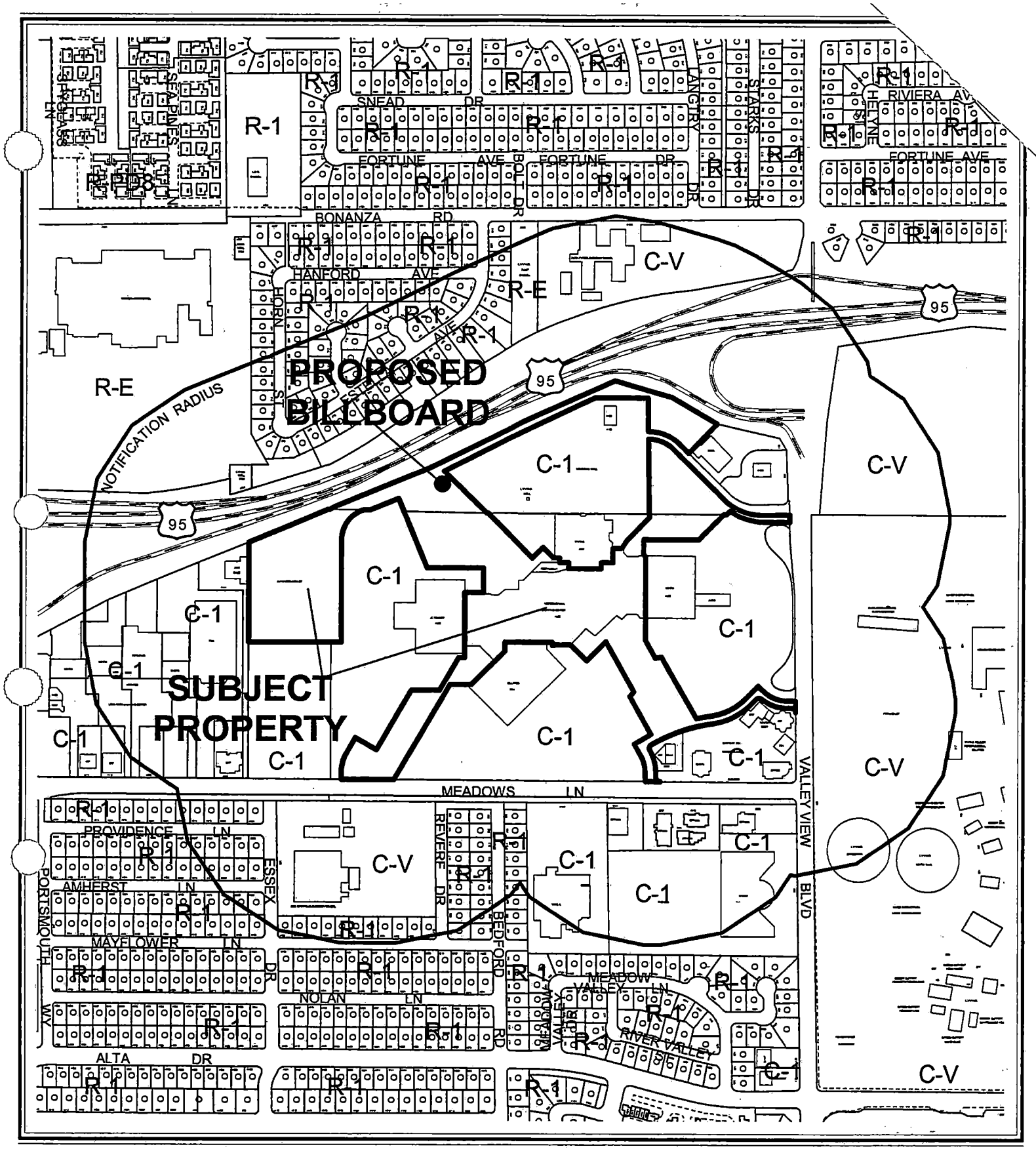
8. The off-premise advertising (billboard) sign and its supporting structure shall be properly maintained and kept free of graffiti at all times. Failure to perform the required maintenance may result in fines and/or removal of the off-premise advertising (billboard) sign.

9. Only one advertising sign is permitted per sign face.

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

Public Works

11. The off-premise advertising (billboard) sign shall not be located within public right-of-way, existing or proposed public sewer or drainage easements, or interfere with Site Visibility Restriction Zones.

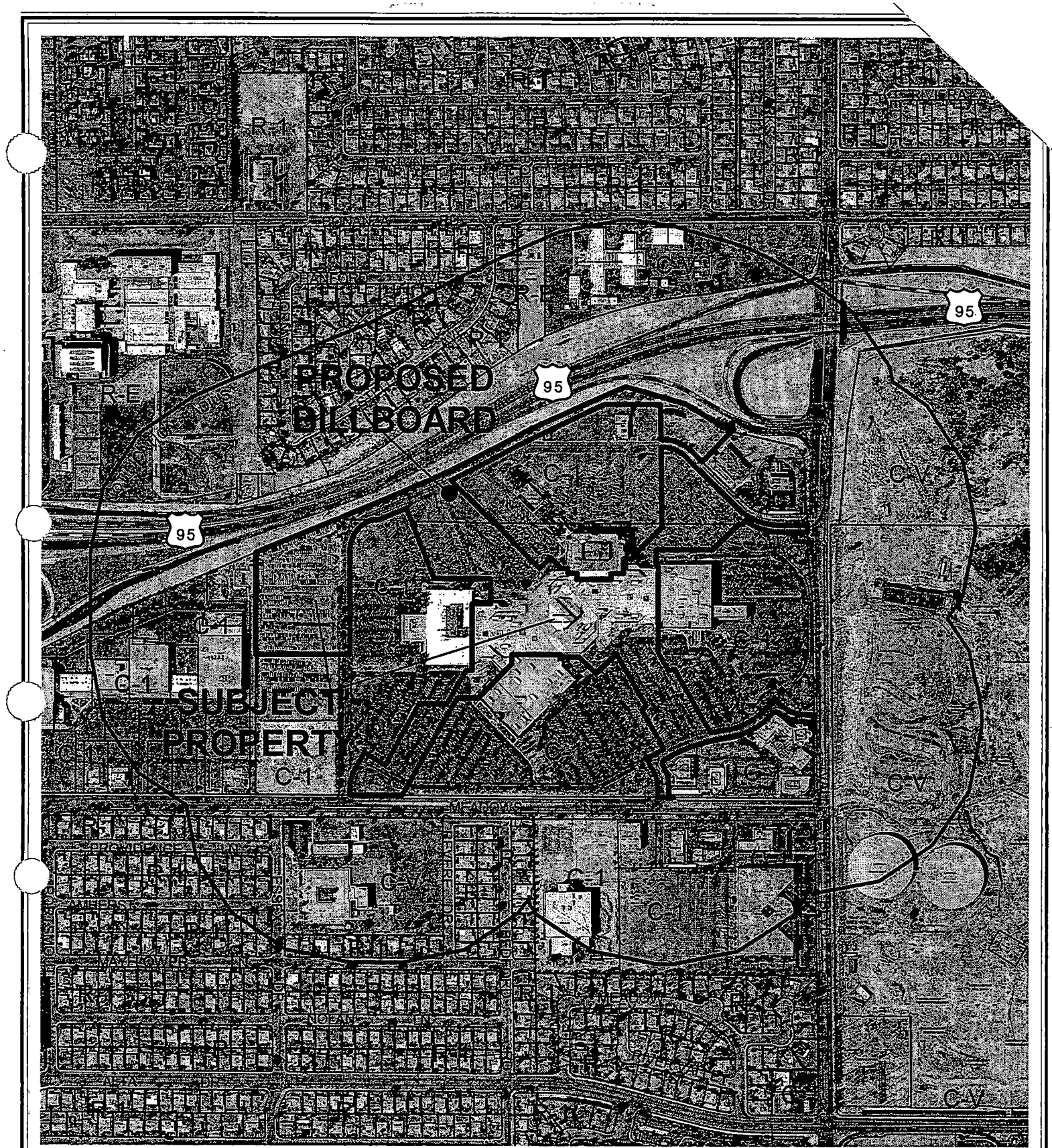


CASE: **SUP-4808**

RADIUS: 750 FT

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

N



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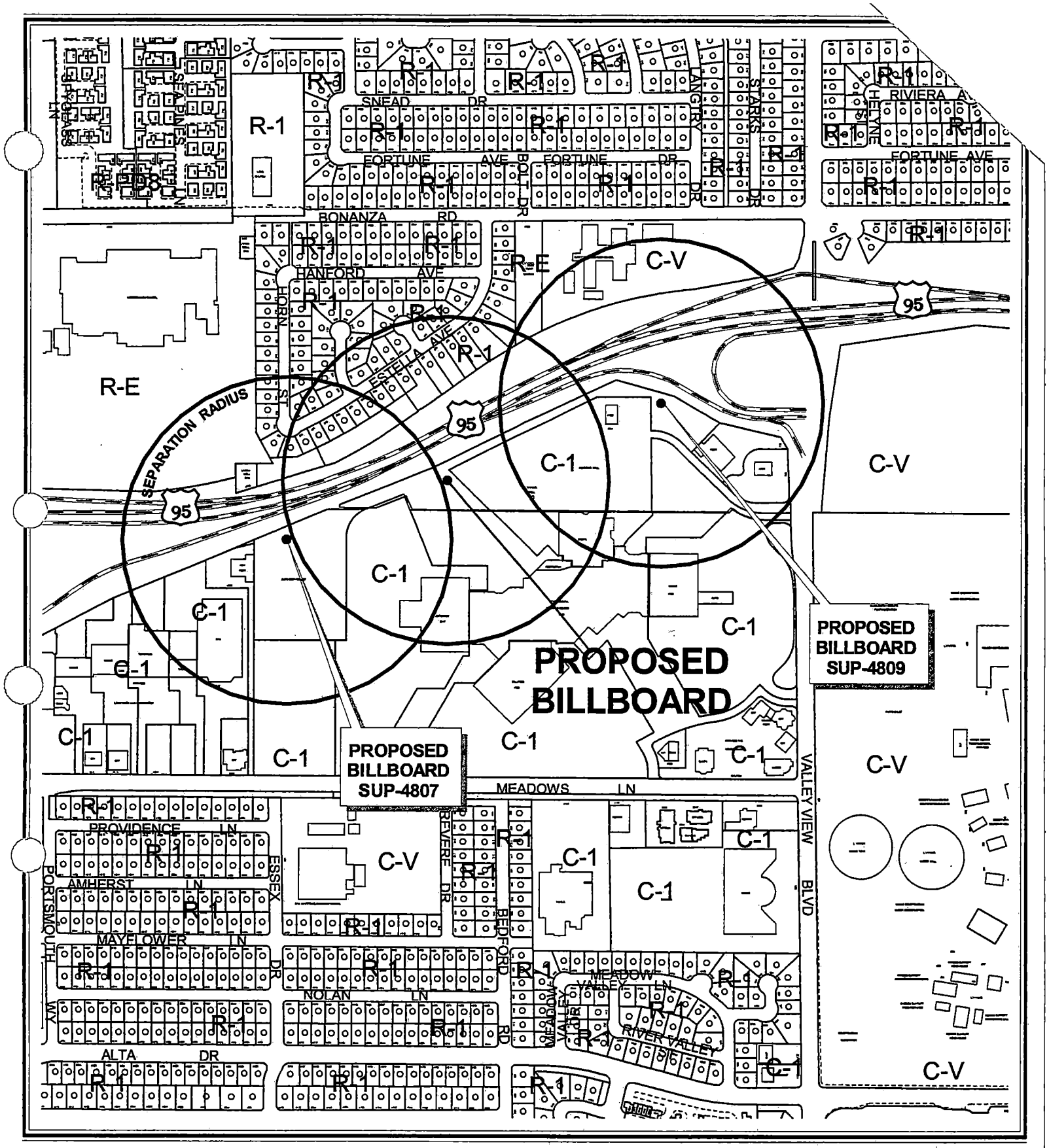

CASE: **SUP-4808**

SEPARATION RADIUS: 750 FT

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

City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: AUGUST 26, 2004
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: SUP-4808 - APPLICANT: ORION OUTDOOR MEDIA - OWNER: G G P IVANHOE II, INC.

** CONDITIONS **

STAFF RECOMMENDATION: **APPROVAL,** subject to:

Planning and Development

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APPLICATION REQUEST

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The applicant justifies this application by stating that the sign conforms to all City standards and justifies the increased height request as being a result elevation changes from the proposed location of the site and the US 95.

BACKGROUND INFORMATION

A) Previous Actions

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1. Special Use Permit requirements for an off-premise advertisement (billboard) sign were discussed.
2. The 750-foot minimum distance separation was discussed, relative to the location of the three proposed signs.

C) Neighborhood Meetings

A neighborhood meeting is not required for this application.

DETAILS OF APPLICATION REQUEST

A) Site Area

Gross Acres: 27.25

B) Existing Land Use

Subject Property:	Commercial Center (Meadows Mall)
North:	US 95; Residential Dwellings
	Public School (Fyfe Elementary)
South:	Residential Dwellings
	Public School (Griffith Elementary)
	YMCA
	Office Park
East:	Undeveloped (Las Vegas Valley Water District)
West:	Commercial Center

PL

C) Planned Land Use

Subject Property:	SC (Service Commercial)
North:	ROW (Right-of-Way)
	L (Low Density Residential)
	PF (Public Facilities)
South:	L (Low Density Residential)
	PF (Public Facilities)
	SC (Service Commercial)
East:	PF (Public Facilities)
West:	SC (Service Commercial)

D) Existing Zoning

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

E) General Plan Compliance

The subject site is designated SC (Service Commercial) within the Southeast Sector Land Use Map of the General Plan.

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

The site is not subject to any special area plans, overlay districts, study area or trail requirements.

PL

ANALYSIS

A) Zoning Code Compliance

A1) Minimum Distance Separation Requirements

Standards	Code Requirement	Proposed	Compliance
Location	No off-premise signs in the right-of-way	Sign is not in right-of-way	Y
	Permitted only in C-1, C-2, C-M, M Zoning Districts	Sign is in C-1 Zoning District	Y
Off-premise sign area (max.)	672 SF	672 SF	Y
Separation distance from other off-premise sign (min.)	750 Feet	770 Feet	Y
Separation distance from "U" or "R" zoning district	300 Feet	360+ Feet	Y
Off-premise sign height (max.)	40 Feet, except 55 Feet for signs within 60 feet of ROW when significantly obscured	51 Feet	N*
Setbacks (min.)	50 Feet from nearest ROW intersection	32 feet	Y

* The applicant is requesting an increase in height of the sign to 51 feet as to increase the visibility. The sign meets all other standards of the Code.

B) General Analysis and Discussion

- Zoning

The subject billboard is an allowed use within the C-1 (Limited Commercial) zoning district with approval of a Special Use Permit.

PL

- Use

Staff has some concerns regarding clutter if three off-premise signs are approved. Two would be more appropriate, given that three signs barely meet Code standards and there are residentially zoned properties within 310 feet. The revised elevations are decorative and mitigate some of the concerns pertaining to their appearance. The recommendation for approval is based on one of the signs being eliminated and conformance to the revised elevations. The Meadows Mall logo cannot be placed on the off-premise billboard. The proposed off-premise sign meets all other Code standards.

FINDINGS

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

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

   The off-premise signs proposed can be harmonious and compatible with the surrounding area if one of them is eliminated so visual clutter is reduced and they conform to the revised elevations.

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

   There are no physical constraints to the permissibility of the off-premise advertising (billboard) sign use on this 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 has adequate access from Valley View Boulevard, an 80-foot Secondary Collector as indicated by the Master Streets and Highway Plan, and Meadows Lane, a public right-of-way.

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."**

If approved, the off-premise advertising (billboard) sign will be subject to regular inspection and will not compromise the public health, safety or welfare, as it will be subject to the provisions of the Sign Code and the Uniform Building Code.

NOTICES MAILED 152 [Mailed SUP-4807 and SUP-4809]

APPROVALS 0

PROTESTS 0

PL

#2

PLANNING & DEVELOPMENT

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **SUP-4808** APN: 139-31-510-016

Name of Property Owner: General Growth Properties

Name of Applicant: ORion Outdoor Media

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: Gregory L. Sims

Subscribed and sworn before me

This 3rd day of June, 2004

Naomi J. Fabis

Notary Public in and for said County and State

Revised 2/12/02

Notary Public - State of Nevada
County of Clark
NAOMI J. FABIS
My Appointment Expires
No: 96-6118-1 January 27, 2005

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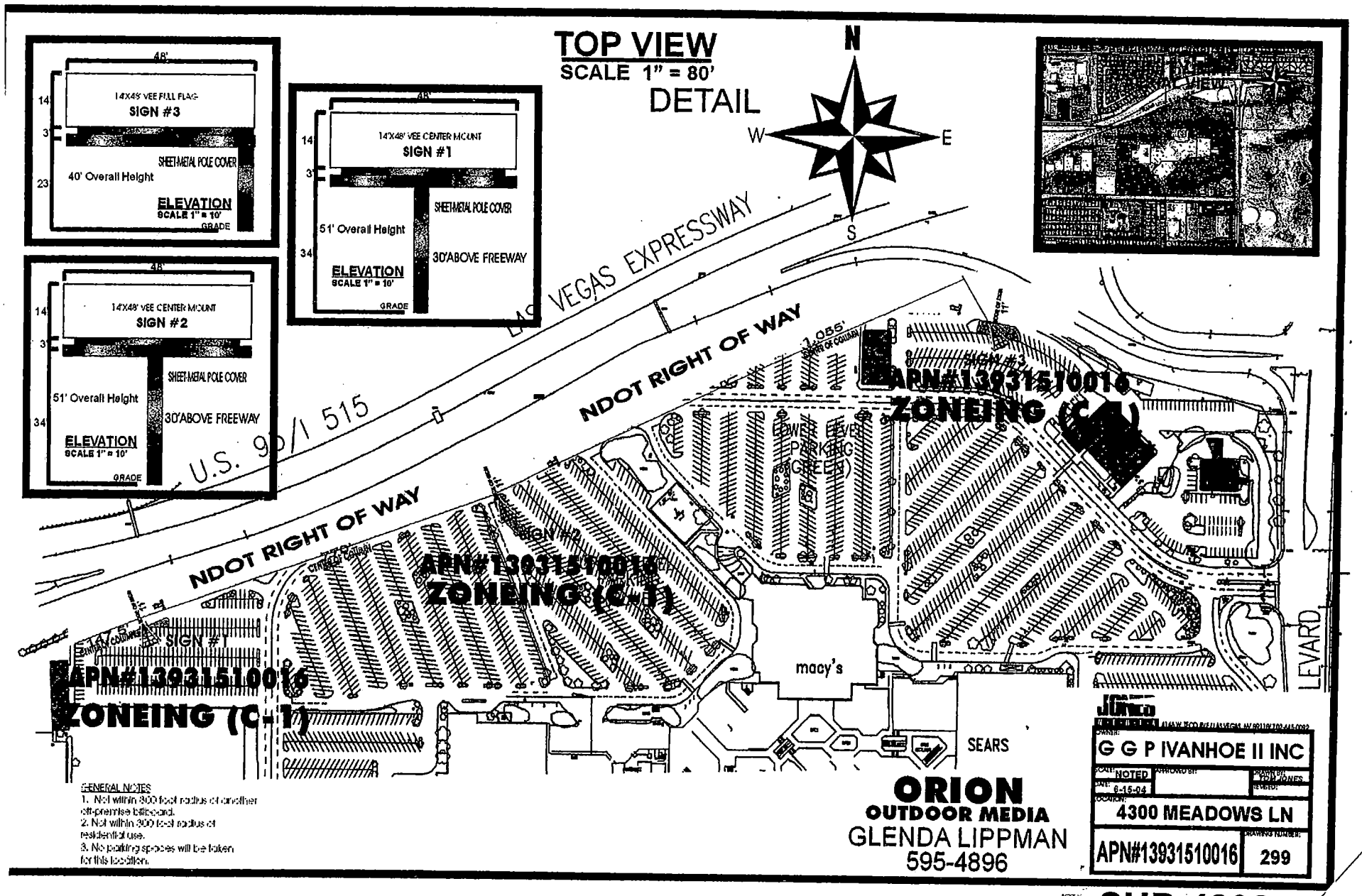
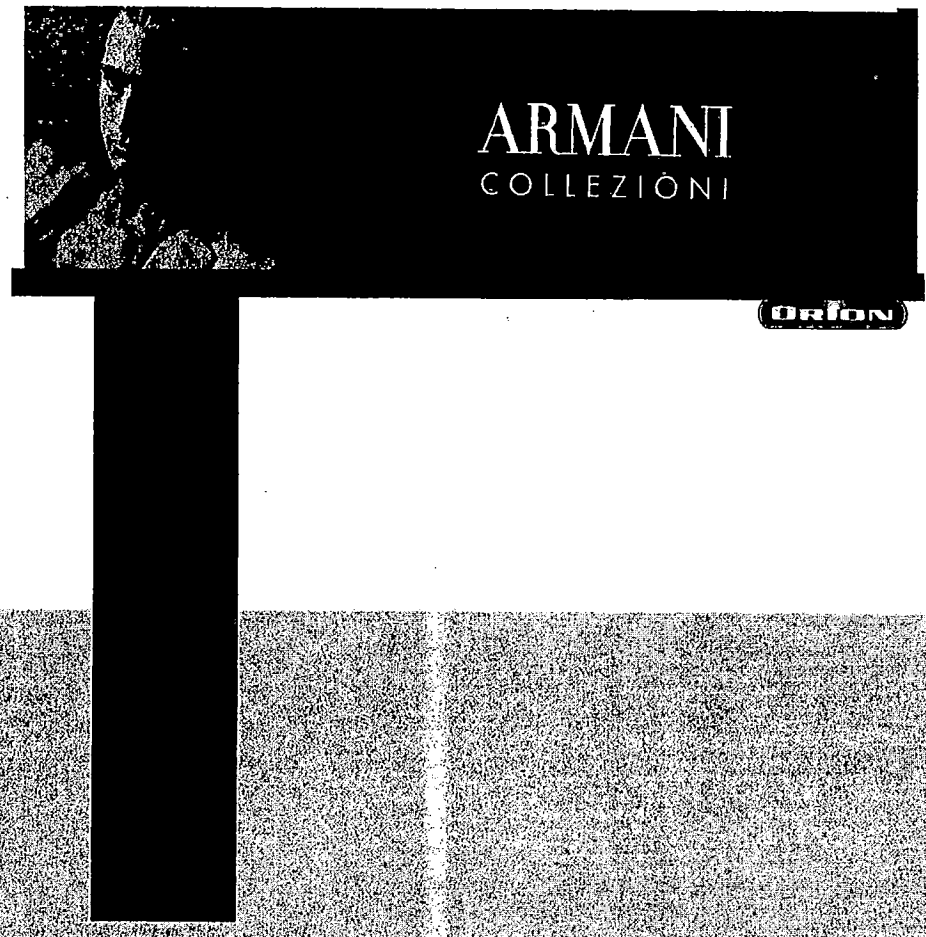


SUP-4808
8/26/04 PC



ORION
OUTDOOR MEDIA

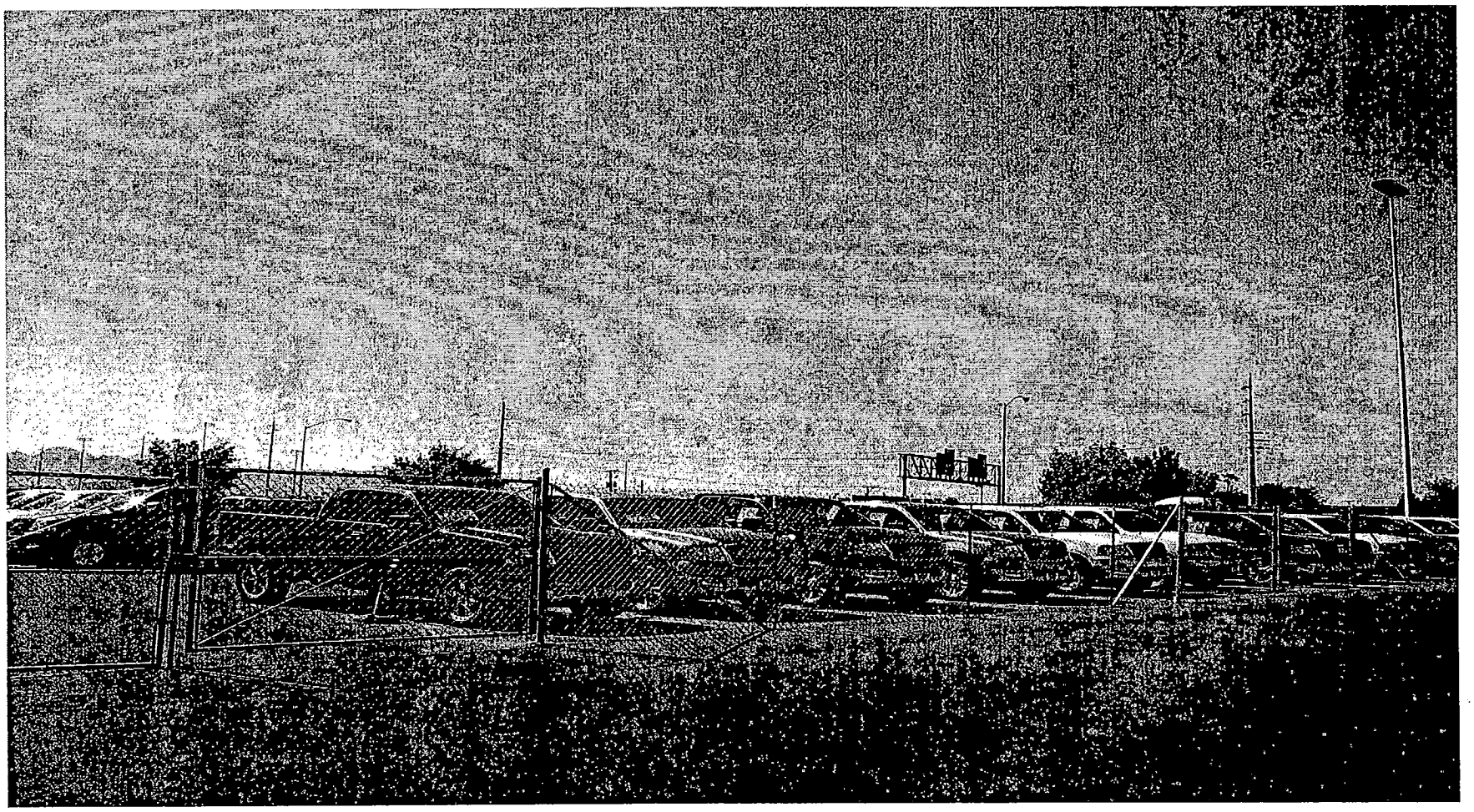
SUP-4808
8/26/04 PC

RECEIVED
AUG 18 2004

REVISED
8.18.04

SPECIAL USE PERMIT - PUBLIC HEARING - SUP-4808 - APPLICANT: ORION OUTDOOR MEDIA - OWNER: G G P IVANHOE II, INC.
4300 MEADOWS LANE
AUGUST 26, 2004 PLANNING COMMISSION

8/3/04



SPECIAL USE PERMIT - PUBLIC HEARING - SUP-4808 - APPLICANT: ORION OUTDOOR MEDIA - OWNER: G G P IVANHOE II, INC.
4300 MEADOWS LANE
AUGUST 26, 2004 PLANNING COMMISSION

8/3/04

City of Las Vegas

Agenda Item No.: 35

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

PLANNING COMMISSION MEETING OF: AUGUST 26, 2004

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: ROBERT S. GENZER [ ] CONSENT [X] DISCUSSION

SUBJECT:

SUP-4809 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: ORION OUTDOOR MEDIA - OWNER: G G P IVANHOE II, INC. - Request for a Special Use Permit FOR A 40 FOOT HIGH, 14 FOOT X 48 FOOT OFF-PREMISE ADVERTISING (BILLBOARD) SIGN at 4300 Meadows Lane (APN 139-31-510-016), C-1 (Limited Commercial) Zone, Ward 1 (Moncrief).

IF APPROVED: C.C.: 10/06/04
IF DENIED: P.C.: FINAL ACTION (Unless appealed within 10 days)

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

RECOMMENDATION:
Staff recommends APPROVAL.

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

MOTION:
McSWAIN – APPROVED subject to conditions, deleting Condition 1 and adding the following conditions:

- **The sign shall be limited to 40 feet in height and the flag design as presented at the 8/26/2004 Planning Commission meeting.**
- **No off premise (billboard) signs may be located along the Valley View Boulevard side of the property.**

– Motion carried with TRUESDELL abstaining as he manages a property that is part of the Meadows Mall and has a business relationship with General Growth and DAVENPORT and STEINMAN voting No

To be heard by the City Council on 10/06/2004

MINUTES:
NOTE: See Item 33 [SUP-4807] for all related discussion on Item 33 [SUP-4807], Item 34 [SUP-4808] and Item 35 [SUP-4809].

(7:20 – 7:47)

PLANNING COMMISSION MEETING OF AUGUST 26, 2004
Planning and Development Department
Item 35 – SUP-4809

CONDITIONS:
Planning and Development

1. Only two off-premise signs shall be permitted on site.

2. The signs shall conform to the elevations date stamped 08/17/04; the Meadows Mall logo shall not be permitted on the signs.

3. The off-premise advertising sign (billboard) supporting structure shall be redesigned to finish materials to complement the existing on-site building. The entire face-area of both sides of the off-premise advertising (billboard) sign shall be signage area or its border framework; none of the supporting structure shall be visible aside from the support pole.

4. 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.

5. The Special Use Permit shall be reviewed in two (2) year at which time the City Council may require the off-premise sign to be removed. The applicant shall be responsible for notification costs of the review. Failure to pay the City for these costs may result in a requirement that the off-premise advertising (billboard) sign is removed.

6. If a Site Development Plan Review for new development includes property in which, an off-premise advertising (billboard) sign is located, the billboard(s) shall be reviewed for compatibility with the proposed development. Conditions of approval may be imposed that require the removal or redesign of some or all of the off-premise advertising (billboard) signs.

7. If the existing off-premise advertising sign structure is removed, this Special Use Permit shall be expunged and a new off-premise advertising sign structure shall not be erected in the same location unless: (1) a new Special Use Permit is approved for the new structure by the City Council, or (2) the location is in compliance with all applicable standards of Title 19 including, but not limited to, distance separation requirements, or (3) a Variance to the applicable standards of Title 19A has been approved for the new structure by the City Council.

PLANNING COMMISSION MEETING OF AUGUST 26, 2004
Planning and Development Department
Item 35 – SUP-4809

CONDITIONS – Continued:

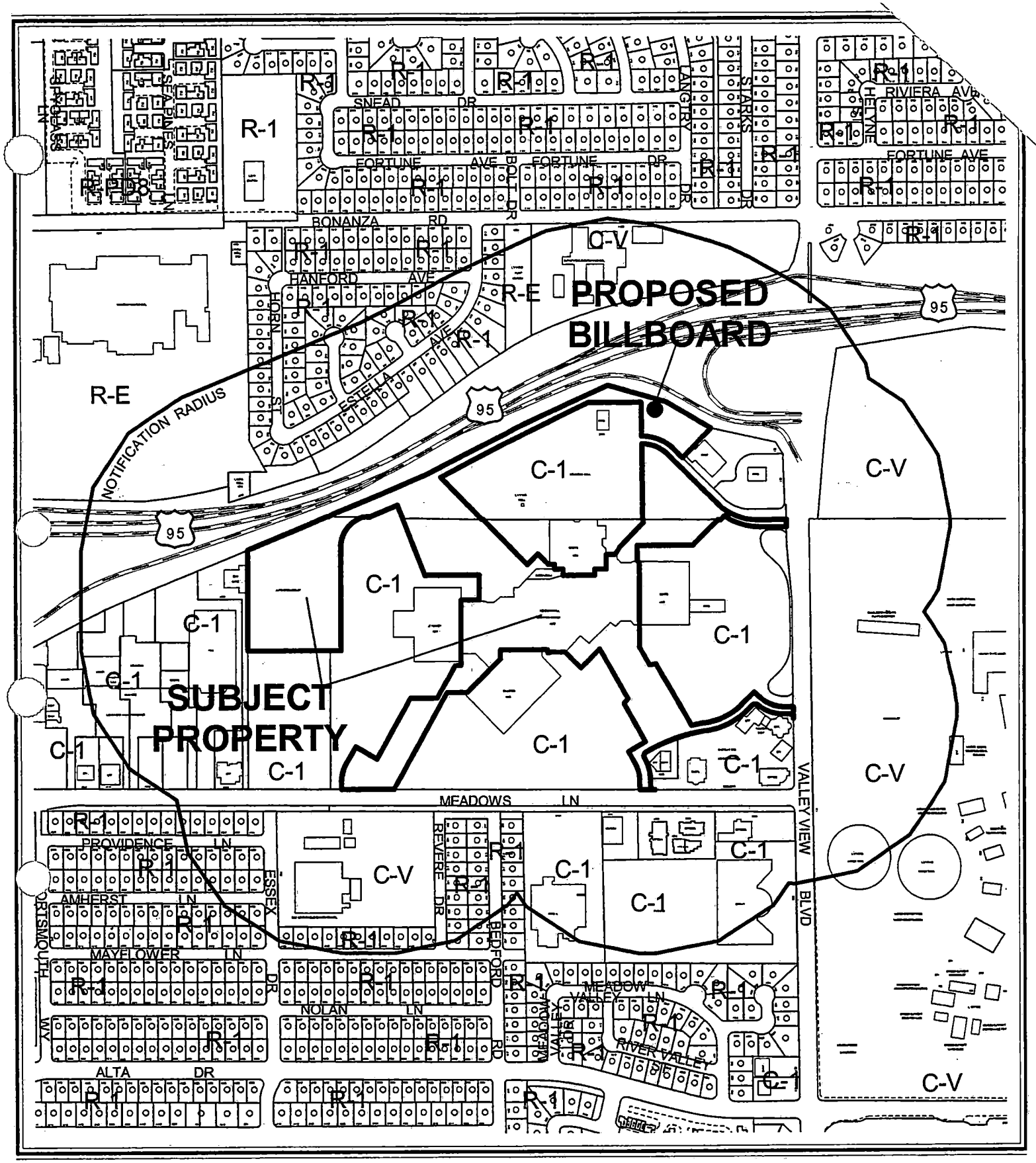
8. The off-premise advertising (billboard) sign and its supporting structure shall be properly maintained and kept free of graffiti at all times. Failure to perform the required maintenance may result in fines and/or removal of the off-premise advertising (billboard) sign.

9. Only one advertising sign is permitted per sign face.

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

Public Works

11. The off-premise advertising (billboard) sign shall not be located within public right-of-way, existing or proposed public sewer or drainage easements, or interfere with Site Visibility Restriction Zones.



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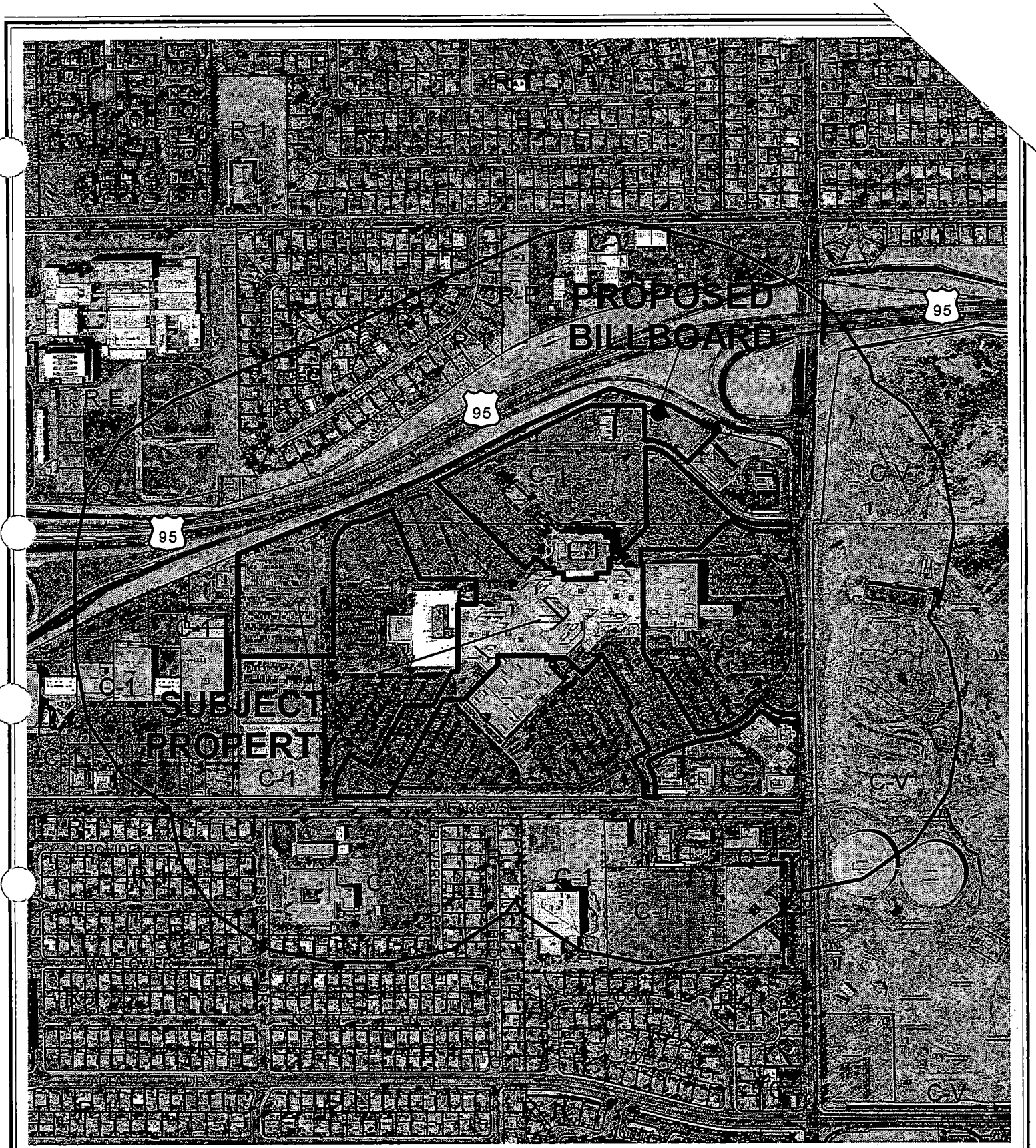
CASE: **SUP-4809**

RADIUS: 750 FT

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

N



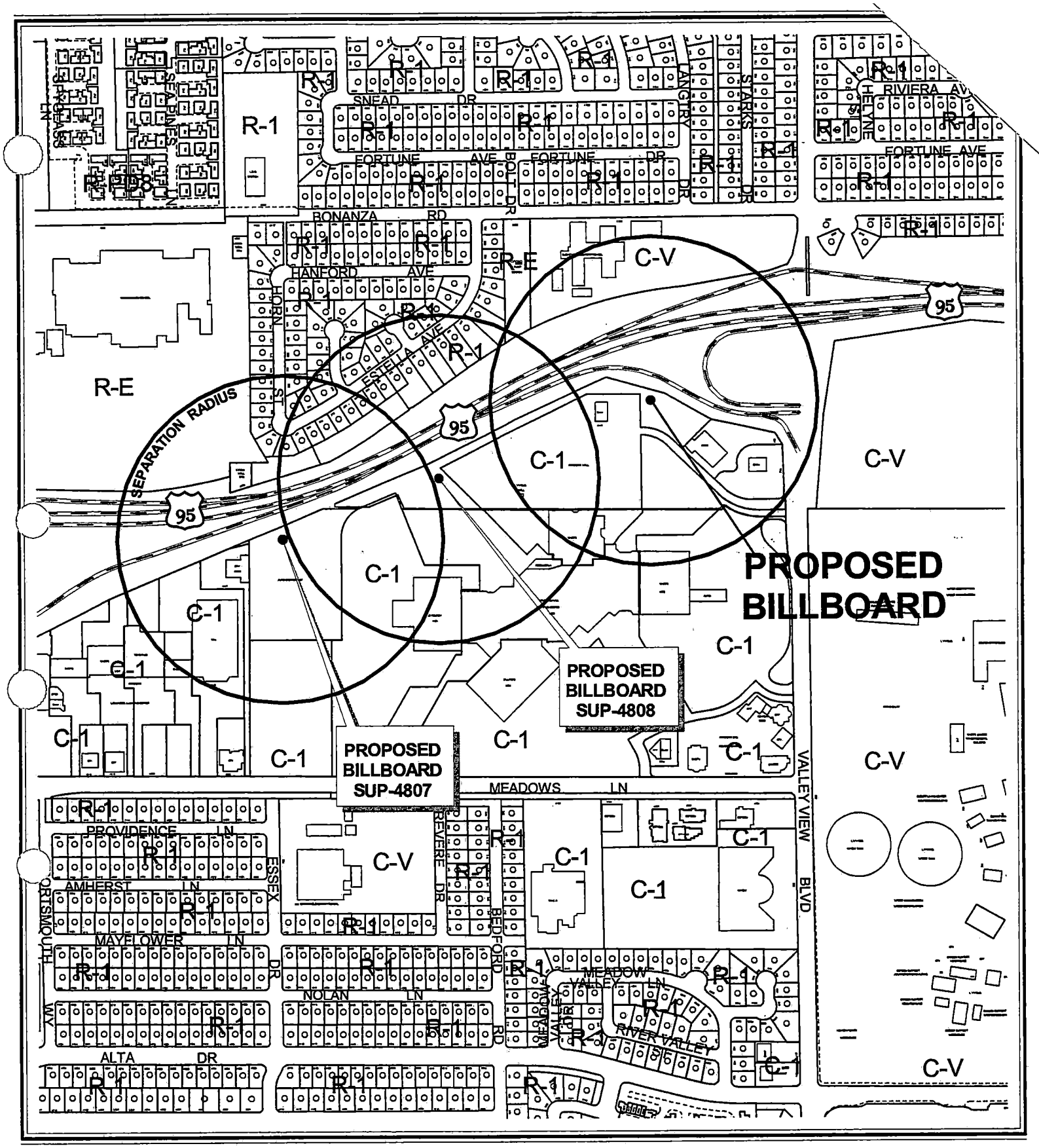
0 400 800 Feet

CASE: **SUP-4809**

RADIUS: 750 FT

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

N



CASE: **SUP-4809**

SEPARATION RADIUS: 750 FT

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

City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: AUGUST 26, 2004
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: SUP-4809 - APPLICANT: ORION OUTDOOR MEDIA - OWNER: G G P IVANHOE II, INC.

** CONDITIONS **

STAFF RECOMMENDATION: **APPROVAL,** subject to:

Planning and Development

1. Only two off-premise signs shall be permitted on site.

2. The signs shall conform to the elevations date stamped 08/17/04; the Meadows Mall logo shall not be permitted on the signs.

3. The off-premise advertising sign (billboard) supporting structure shall be redesigned to finish materials to complement the existing on-site building. The entire face-area of both sides of the off-premise advertising (billboard) sign shall be signage area or its border framework; none of the supporting structure shall be visible aside from the support pole.

4. 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.

5. The Special Use Permit shall be reviewed in two (2) year at which time the City Council may require the off-premise sign to be removed. The applicant shall be responsible for notification costs of the review. Failure to pay the City for these costs may result in a requirement that the off-premise advertising (billboard) sign is removed.

6. If a Site Development Plan Review for new development includes property in which, an off-premise advertising (billboard) sign is located, the billboard(s) shall be reviewed for compatibility with the proposed development. Conditions of approval may be imposed that require the removal or redesign of some or all of the off-premise advertising (billboard) signs.

7. If the existing off-premise advertising sign structure is removed, this Special Use Permit shall be expunged and a new off-premise advertising sign structure shall not be erected in the same location unless: (1) a new Special Use Permit is approved for the new structure by the City Council, or (2) the location is in compliance with all applicable standards of Title 19 including, but not limited to, distance separation requirements, or (3) a Variance to the applicable standards of Title 19A has been approved for the new structure by the City Council.

8. The off-premise advertising (billboard) sign and its supporting structure shall be properly maintained and kept free of graffiti at all times. Failure to perform the required maintenance may result in fines and/or removal of the off-premise advertising (billboard) sign.

9. Only one advertising sign is permitted per sign face.

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

Public Works

11. The off-premise advertising (billboard) sign shall not be located within public right-of-way, existing or proposed public sewer or drainage easements, or interfere with Site Visibility Restriction Zones.

** STAFF REPORT **

APPLICATION REQUEST

A) Action Requested

The applicant is requesting the approval of Special Use Permit to allow a 51-foot high, 14-foot x 48-foot off-premise advertisement (billboard) sign at 4300 Meadows Lane. The applicant is requesting that the sign be raised to 51 feet from the required 40 feet.

B) Applicant's Justification

The applicant justifies this application by stating that the sign conforms to all City standards and justifies the increased height request as being a result elevation changes from the proposed location of the site and the US 95.

BACKGROUND INFORMATION

A) Previous Actions

04/19/95 The City Council approved a Special Use Permit (U-0021-95) application for a class III secondhand dealership to allow the sale of used records, tapes and compact discs at 4300 Meadows Lane. The Board of Zoning Adjustment and staff recommended approval.

12/18/96 The City Council approved a Special Use Permit (U-0132-96) application on property located at 4300 Meadows Lane, Suite 2430 in the Meadows Mall for beer and wine sales in conjunction with a proposed restaurant. The Board of Zoning Adjustment and staff recommended approval.

05/02/01 The City Council approved a Special Use Permit (U-0030-01) application for auto dealer inventory storage at 4300 Meadows Lane. The Planning Commission and staff both recommended approval.

09/19/01 The City Council approved a Special Use Permit (U-0132-01) application for a 60-foot tall wireless communications monopole at 4300 meadows lane. The Planning Commission and staff recommended approval.

08/26/04 The Planning Commission will consider two other Special Use Permits (SUP-4807 and SUP-4809) to allow a 51-foot high, 14-foot x 48-foot off-premise advertisement (billboard) sign and a 40-foot high, 14-foot x 48-foot off-premise advertisement (billboard) sign at 4300 Meadows Lane, respectively. Staff is recommending denial.

B) Pre-Application Meeting

06/23/04 A pre-application conference was held resulting in the following:

1. Special Use Permit requirements for an off-premise advertisement (billboard) sign were discussed.
2. The 750-foot minimum distance separation was discussed, relative to the location of the three proposed signs.

C) Neighborhood Meetings

A neighborhood meeting is not required for this application.

DETAILS OF APPLICATION REQUEST

A) Site Area

Gross Acres: 27.25

B) Existing Land Use

Subject Property:	Commercial Center (Meadows Mall)
North:	US 95; Residential Dwellings
	Public School (Fyfe Elementary)
South:	Residential Dwellings
	Public School (Griffith Elementary)
	YMCA
	Office Park
East:	Undeveloped (Las Vegas Valley Water District)
West:	Commercial Center

C) Planned Land Use

Subject Property:	SC (Service Commercial)
North:	ROW (Right-of-Way)
	L (Low Density Residential)
	PF (Public Facilities)
South:	L (Low Density Residential)
	PF (Public Facilities)
	SC (Service Commercial)
East:	PF (Public Facilities)
West:	SC (Service Commercial)

D) Existing Zoning

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

E) General Plan Compliance

The subject site is designated SC (Service Commercial) within the Southeast Sector Land Use Map of the General Plan.

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

The site is not subject to any special area plans, overlay districts, study area or trail requirements.

ANALYSIS

A) Zoning Code Compliance

A1) Minimum Distance Separation Requirements

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

Standards	Code Requirement	Proposed	Compliance
Location	No off-premise signs in the right-of-way	Sign is not in right-of-way	Y
	Permitted only in C-1, C-2, C-M, M Zoning Districts	Sign is in C-1 Zoning District	Y
Off-premise sign area (max.)	672 SF	672 SF	Y
Separation distance from other off-premise sign (min.)	750 Feet	1,055 Feet	Y
Separation distance from "U" or "R" zoning district	300 Feet	±640 Feet	Y
Off-premise sign height (max.)	40 Feet, except 55 Feet for signs within 60 feet of ROW when significantly obscured	40 Feet	Y
Setbacks (min.)	50 Feet from nearest ROW intersection	32 feet	Y

The proposed off-premise advertisement (billboard) sign meets all of the requirements set forth by Title 19.14.100.

B) General Analysis and Discussion

- Zoning

The subject billboard is an allowed use within the C-1 (Limited Commercial) zoning district with approval of a Special Use Permit.

- Use

Staff has some concerns regarding clutter if three off-premise signs are approved. Two would be more appropriate, given that three signs barely meet Code standards and there are residentially zoned properties within 310 feet. The revised elevations are decorative and mitigate some of the concerns pertaining to their appearance. The recommendation for approval is based on one of the signs being eliminated and conformance to the revised elevations. The Meadows Mall logo cannot be placed on the off-premise billboard. The proposed off-premise sign meets all other Code standards.

PL

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 off-premise signs proposed can be harmonious and compatible with the surrounding area if one of them is eliminated so visual clutter is reduced and they conform to the revised elevations.

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

   There are no physical constraints to the permissibility of the off-premise advertising (billboard) sign use on this 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 has adequate access from Valley View Boulevard, an 80-foot Secondary Collector as indicated by the Master Streets and Highway Plan, and Meadows Lane, a public right-of-way.

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."**

   If approved, the off-premise advertising (billboard) sign will be subject to regular inspection and will not compromise the public health, safety or welfare, as it will be subject to the provisions of the Sign Code and the Uniform Building Code.

NOTICES MAILED 152 [Mailed SUP-4807 and SUP-4808]

APPROVALS 0

PROTESTS 0

PL

#1

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **SUP-4809** APN: 139-31-510-016

Name of Property Owner: General Growth Properties

Name of Applicant: Orion Outdoor Media

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: Robert A. Michaels, President

Subscribed and sworn before me

This 6th day of July, 2004

_____

Notary Public in and for said County and State

OFFICIAL SEAL
LAURA E SMYTH
NOTARY PUBLIC STATE OF ILLINOIS
MY COMMISSION EXP SEPT. 2,2006

Revised 2/12/02

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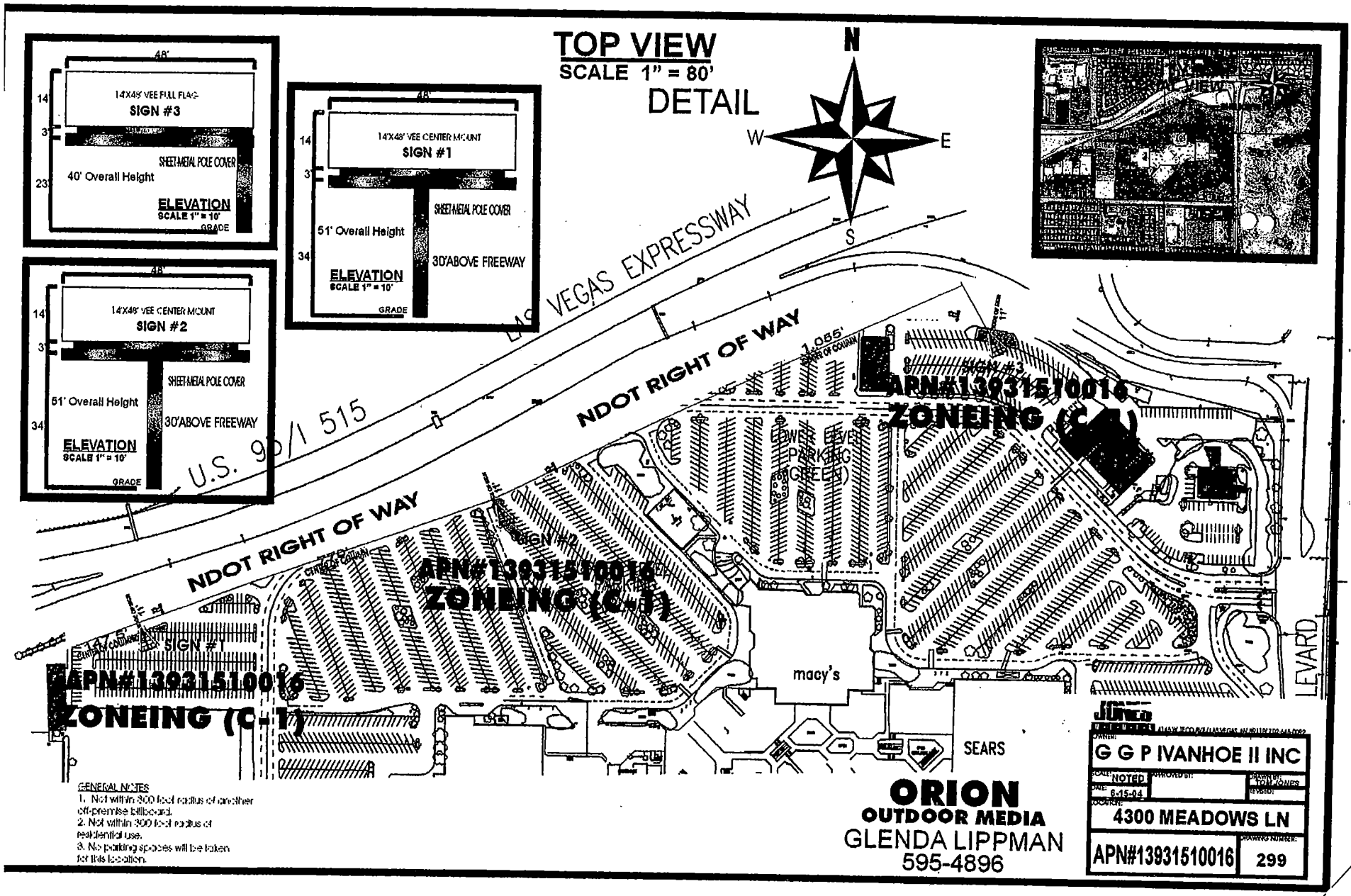
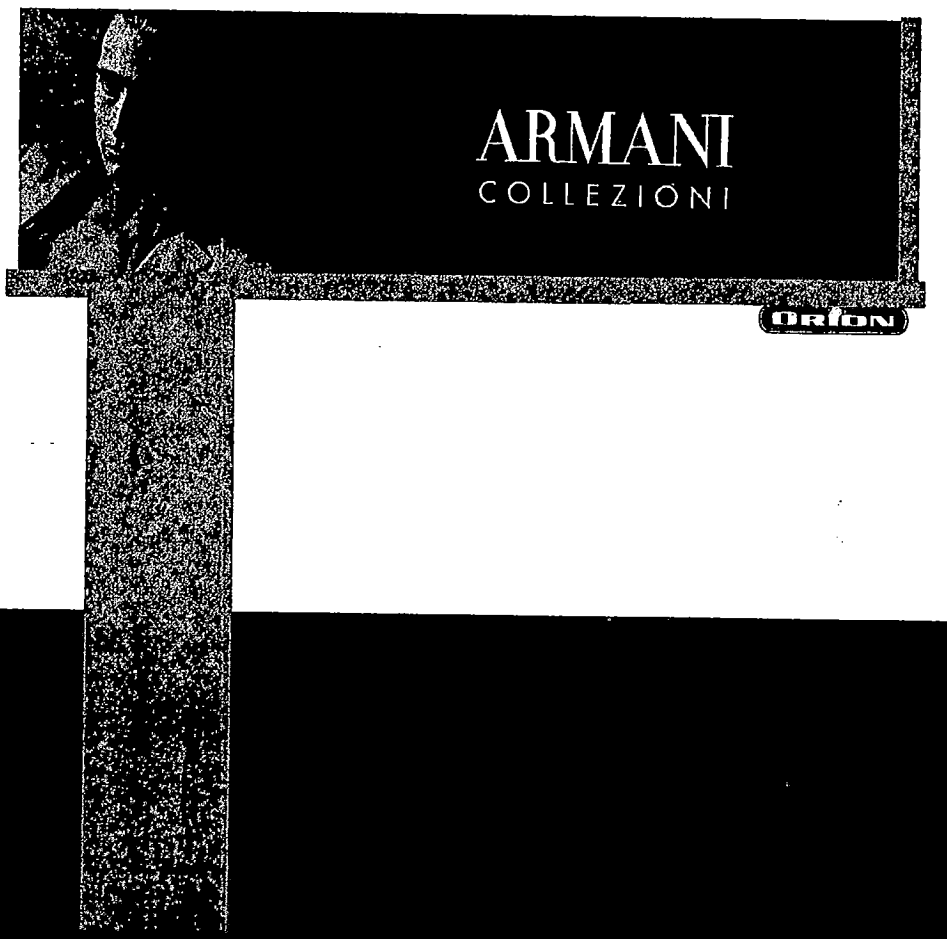
RHC

APPROVAL



SUP-4809

8/26/04 PC



ORION
OUTDOOR MEDIA

SUP-4809
8/26/04 PC

REVISED
8.18.04

RECEIVED
AUG 18 2004

SPECIAL USE PERMIT - PUBLIC HEARING - SUP-4809 - APPLICANT: ORION OUTDOOR MEDIA - OWNER: G G P IVANHOE II, INC.
4300 MEADOWS LANE
AUGUST 26, 2004 PLANNING COMMISSION

8/3/04

SPECIAL USE PERMIT - PUBLIC HEARING - SUP-4809 - APPLICANT: ORION OUTDOOR MEDIA - OWNER: G G P IVANHOE II, INC.
4300 MEADOWS LANE
AUGUST 26, 2004 PLANNING COMMISSION

8/3/04

City of Las Vegas

Agenda Item No.: 36

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

PLANNING COMMISSION MEETING OF: AUGUST 26, 2004

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: ROBERT S. GENZER [ ] CONSENT [X] DISCUSSION

SUBJECT:
SUP-4814 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: HANDY CASH LOAN CENTERS - OWNER: CHEYENNE LORENZI, LTD - Request for a Special Use Permit FOR A FINANCIAL INSTITUTION, SPECIFIED WITH A SEPARATION OF ZERO FEET WHERE 200 IS REQUIRED FROM A RESIDENTIAL PROPERTY, A SEPARATION OF 800 FEET WHERE 1,000 FEET IS REQUIRED FROM A SIMILAR USE, AND A WAIVER OF THE 1,500 SQUARE FOOT INTERIOR SPACE REQUIREMENT adjacent to the southeast corner of Cheyenne Avenue and Rainbow Boulevard (APN 138-14-101-005), C-1 (Limited Commercial) Zone, Ward 6 (Mack).

IF APPROVED: C.C.: 10/06/04
IF DENIED: P.C.: FINAL ACTION (Unless appealed within 10 days)

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

RECOMMENDATION:
Staff recommends DENIAL.

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

MOTION:
McSWAIN – Motion to HOLD IN ABEYANCE – APPROVED – UNANIMOUS

To be held in abeyance until 9/09/2004 PC Meeting

MINUTES:
CHAIRMAN TRUESDELL declared the Public Hearing open.

KYLE WALTON, Planning and Development, stated that the proposed project does not conform to the 200 feet separation distance requirement from a residential or financial institution. Therefore, staff felt that the proposed project is incompatible with the surrounding land use.

MINUTES – Continued:

ROBIN AND LAWRENCE LUCAZI, President and CEO, Cash Loan Centers, 333 N. Rancho, Suite 453, Las Vegas, NV 89106 stated that they have met with staff, the City and the Mayor. From these meetings and their own investigations, they found that their application does not apply to the conditions. In speaking with the Mayor, MR. LUCAZI found out that the conditions are for a F02 license, but their business, which is an installment loan company, is not applicable because they are not in the payday industry. MR. LUCAZI expressed his frustration with the City throughout the application/licensing process, as well as, his concern with an ordinance drafted by Councilwoman Moncrief's office. He felt that some ordinances have been drafted without being informed and educated about the licenses. He referenced different types of licenses and clearly stated that they are strong advocates against the payday industry, which he felt this type of business was over saturated in the City. In addition, he stated that the Mayor suggested they state this information for the record whether or not the application is denied or approved.

CHAIRMAN TRUESDELL suggested that some of MR. LUCAZI'S concerns, such as the licensing issue, may need to be addressed with the City Attorney. MR. LUCAZI explained to CHAIRMAN TRUESDELL that the main difference between his business and the payday industry is that his type of business must adhere to the federal rules of lending, as the payday industry is not required to do so. His business does not fall under the 604 licensing; yet, it is being placed under the 604 ordinances. DEPUTY CITY ATTORNEY BRYAN SCOTT clarified that F02 is for finance companies and payday loans are under C21 of the licensing code. They are viewed as different industries under the City licensing code. In addition, the F02 license does not require a Special Use Permit, but a C21 does require a Special Use Permit.

COMMISSIONER McSWAIN asked if it would be appropriate to hold the item so the Commission could receive clarification from staff, since the City Attorney has identified the fact that different classifications have different special use permit requirements. DEPUTY CITY ATTORNEY SCOTT reiterated the need for clarification since this application was for a Special Use Permit and agreed that this item should be held in abeyance. A discussion between COMMISSIONER DAVENPORT and MR. LUCAZI then took place regarding the different types of licenses. CHAIRMAN TRUESDELL then stated that he, too, felt the item should be held because it would be inappropriate to take action on a Special Use Permit that may not be applicable. He recommended holding the item for 30 days.

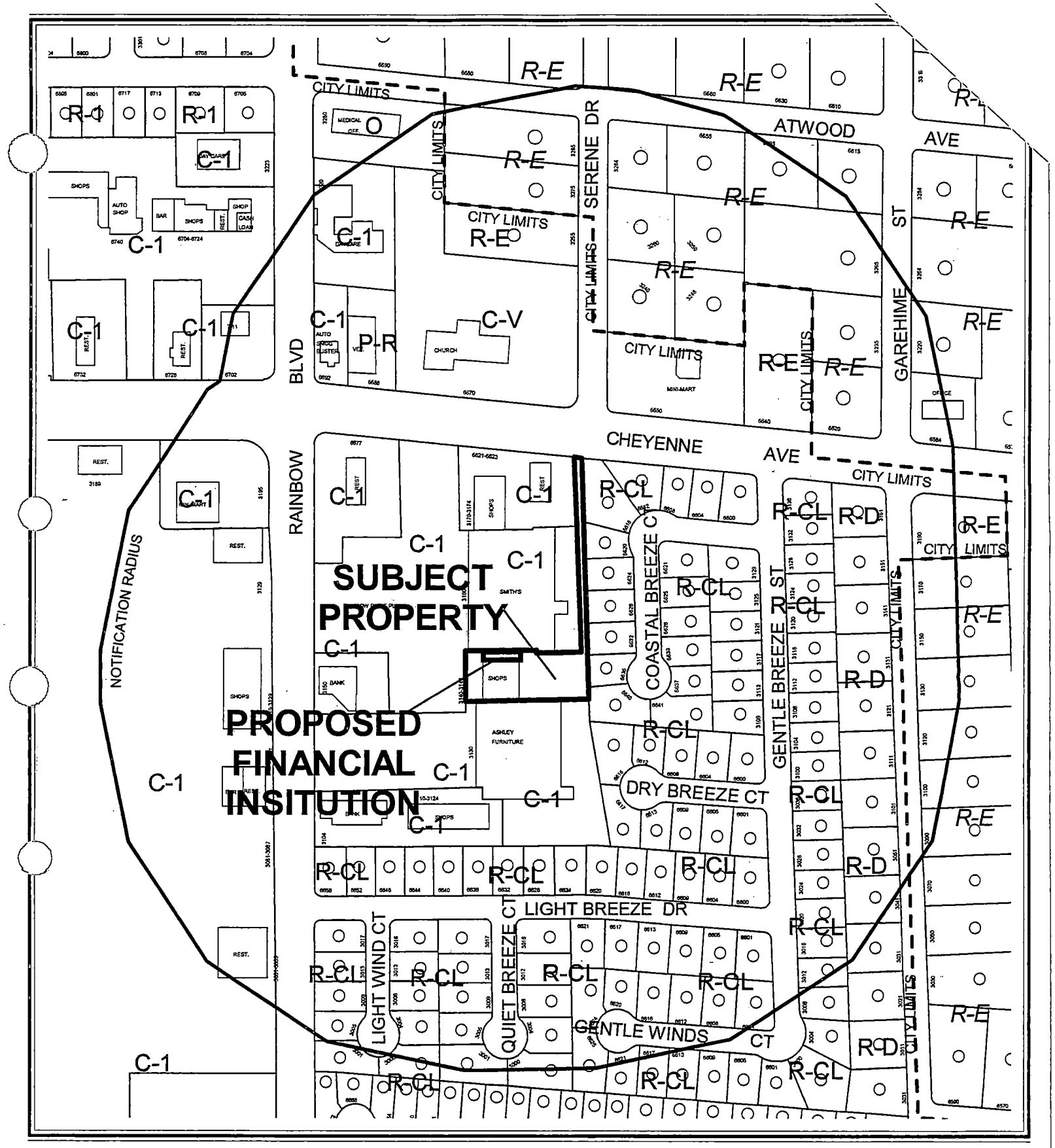
Mr. LUCAZI felt it was best to inform the Commission that in the past, as well as currently, there would be other applicants coming before the Commission requesting to approve a financial institution that would operate under another individual's property, which is unlawful under the Nevada state law, provision code NRS 0620. COMMISSIONER DAVENPORT requested if this

MINUTES – Continued:

application comes before the Commission again, he would like staff to clarify the location of the proposed project, as it was not clear to him from his backup documentation on the Site Plan.

CHAIRMAN TRUESDELL declared the Public Hearing closed.

(7:48 – 8:01)

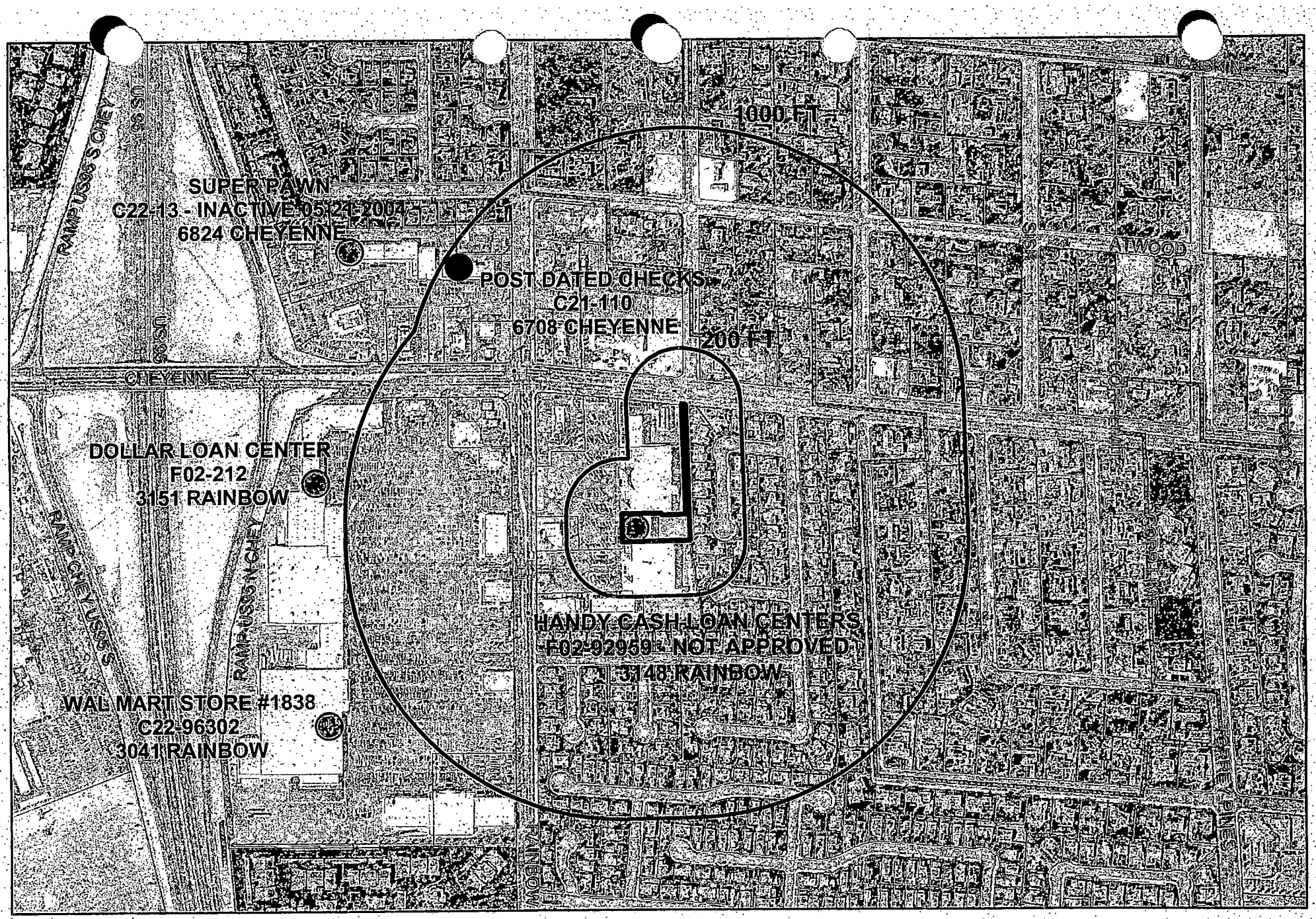


CASE: **SUP-4814**

RADIUS: 750 FT

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

N



SUP-4814 **Financial Business Locations**

- Financial Institution, Specified *(Check Cashing Service)*
- Financial Institution, Specified *(Check Cashing Service with Gross)*
- Finance Company
- Automobile Title Loan
- Subject Property
- Residential Property
- Buffer
- N

City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: AUGUST 26, 2004
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: SUP-4814 - APPLICANT: HANDY CASH LOAN CENTERS - OWNER: CHEYENNE LORENZI, LTD

** CONDITIONS **

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

Planning and Development

1. Conformance to all minimum requirements under Title 19.04.050B for the Financial Institution, Specified use with the exception of: a) the 200-foot minimum separation distance requirement from residential property, b) the 1,000 foot minimum separation distance requirement from a similar use, and c) the 1,500 square-foot interior requirement which are hereby waived.

2 The hours of operation shall not extend beyond the hours of 8:00 a.m. to 11:00 p.m.

3. This Special Use Permit shall expire two years from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.

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

** STAFF REPORT **

APPLICATION REQUEST

A) Action Requested

This is a request for a Special Use Permit for a Financial Institution, Specified with a separation of zero feet where 200 is required from a residential property, a separation of 800 feet where 1,000 feet is required from a similar use, and a waiver of the 1,500 square foot interior space requirement adjacent to the southeast corner of Cheyenne Avenue and Rainbow Boulevard.

B) Applicant's Justification

This business should not be held to the requirements of the Special Use Permit for a Financial Institution, Specified because it has obtained a Nevada Chapter 675 Installment Loan License, rather than a Nevada Chapter 604 Payday Loan license, and the City's Financial Institution, Specified special use category does not apply to Chapter 675 licensees.

The minimum distance separation requirement of 200 feet from residential uses is hardly reasonable and should be overruled because most retail centers are within 200 feet of residential properties.

The minimum distance separation requirement of 1,000 feet from a similar use should not be considered because the Post Dated Checks' parcel has been subdivided.

The 1,500 square foot interior space requirement is difficult to impose on any business and is preposterous, imposing unnecessary overhead.

BACKGROUND INFORMATION

A) Previous Actions

10/03/84	The City Council approved annexation (A-0013-85) of 365 acres, on which this site is a part. The annexation became effective on 10/12/84
06/15/94	The City Council approved a use permit (U-0119-94) for a Class III Secondhand book business. The Board of Zoning Adjustment and staff recommended approval.
04/21/04	The City Council adopted the distance separation states for this type use.

B) Pre-Application Meeting

06/29/04 Customary discussion of the elements of a Special Use Permit. Staff recommended that applicant submit photos of the storefront in lieu of elevations. Applicant did not provide photos with the application.

C) Neighborhood Meetings

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

DETAILS OF APPLICATION REQUEST

A) Site Area

Net Acres: 0.67

B) Existing Land Use

Subject Property:	Retail Stores
North:	Grocery Store, Church
South:	Retail Stores
East:	Single Family Development
West:	Retail Stores

C) Planned Land Use

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

D) Existing Zoning

Subject Property:	C-1 (Limited Commercial)
North:	C-1 (Limited Commercial), C-V (Civic)
South:	C-1 (Limited Commercial)
East:	R-CL (Residential Compact Lot)
West:	C-1 (Limited Commercial)

SRS

E) General Plan Compliance

The General Plan designation of the subject site on the Centennial Hills Sector Plan map is SC (Service Commercial). The proposed Financial Institution, Specified use is allowed by Special Use Permit in C-1 (Limited Commercial).

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

This proposal, situated less than 500 feet from another government entity, is a project of regional significance.

INTERAGENCY ISSUES

Pursuant to Ordinance No. 5477, the proposed special use project is deemed to be a "Project of Regional Significance" because it lies within 500' of a boundary with another jurisdiction. An Environmental Impact Assessment questionnaire was circulated to the affected Agencies and Entities for the mandated 15-day period. Responding Agencies and Entities indicated that this proposal would cause negligible impact.

ANALYSIS

A) Zoning Code Compliance

A1) Parking and Traffic Standards

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

Uses	GFA	Ratio	**Required** Parking		**Provided** Parking	
			Regular	Handicap	Regular	Handicap
Financial Institution, Specified	778 SF	1/200 SF GFA	4	1	8	1

This proposal exceeds the parking requirements.

SRS

A2) Minimum Distance Separation Requirements

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

Standards	Code Requirement	Provided
Residential Parcels	200 feet	0 feet
Financial Institution, Specified	1,000 feet	800 feet

The proposed Financial Institution, Specified, does not meet the distance separation requirements from residential property and similar types of businesses. Three other Check Cashing Services are located just outside the 1,000 feet separation line.

B) General Analysis and Discussion

- Zoning

The subject site is currently zoned C-1 (Limited Commercial). The proposed Financial Institution, Specified use is allowed by Special Use Permit.

- Use

This application requests approval of a Financial Institution, Specified use in a retail space in Building B of the Rainbow Ridge Plaza. The proposed contains 772 square feet of area.

Waivers are necessary from the recently adopted distance separation standards for this type of use. This proposal conflicts with all three elements of that ordinance.

- Standard Conditions for this use:

1. A 200-foot minimum separation distance requirement from residential property.

2. A 1,000 foot minimum separation distance requirement from a similar use.

3. The building or portion thereof that is dedicated to the use shall have a minimum Interior 1,500 square-foot interior requirement.

4. The building design and color scheme shall be subject to review by the Planning and Development Department to ensure that it will be harmonious and compatible with the surrounding area.

5. No temporary signs (as described in LVMC Title 19.14.090) such as balloons, inflatable devices, searchlights, pennants, portable billboards, portable signs, streamers, trucks parked for signage purposes, or other similar devices are permitted, except that banners announcing a "grand opening" or that a business is "coming soon" may be approved administratively for a period not to exceed thirty days.

6. Windows shall not include flashing lights or neon lighting.

7. Windows shall not include any text other than text that indicates the hours of operation and whether the business is open or closed.

8. The hours of operation shall not extend beyond the hours of 8:00 a.m. to 11:00 p.m.

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."**

   This proposed use does not meet the required 200-foot distance separation from residential parcels, and the 1,000-foot distance separation similar uses. Therefore, this use is not harmonious and compatible with existing and future land uses.

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

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

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."**

   Rainbow Boulevard and Cheyenne Avenue have adequate capacity to serve the proposed use.

SRS

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

   The proposed Financial Institution, Specified use would be subject to regular City and County inspections for licensing and will therefore not compromise the public health, safety, and welfare.

NOTICES MAILED 153

APPROVALS 0

PROTESTS 0

SRS

PLANNING & DEVELOPMENT

DEVELOPMENT SERVICES CENTER

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **SUP-4814** APN: 138-14-101-005

Name of Property Owner: _____

Name of Applicant: HANDY CASH LOAN CENTERS

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: Ernest A. Becker, Jr.

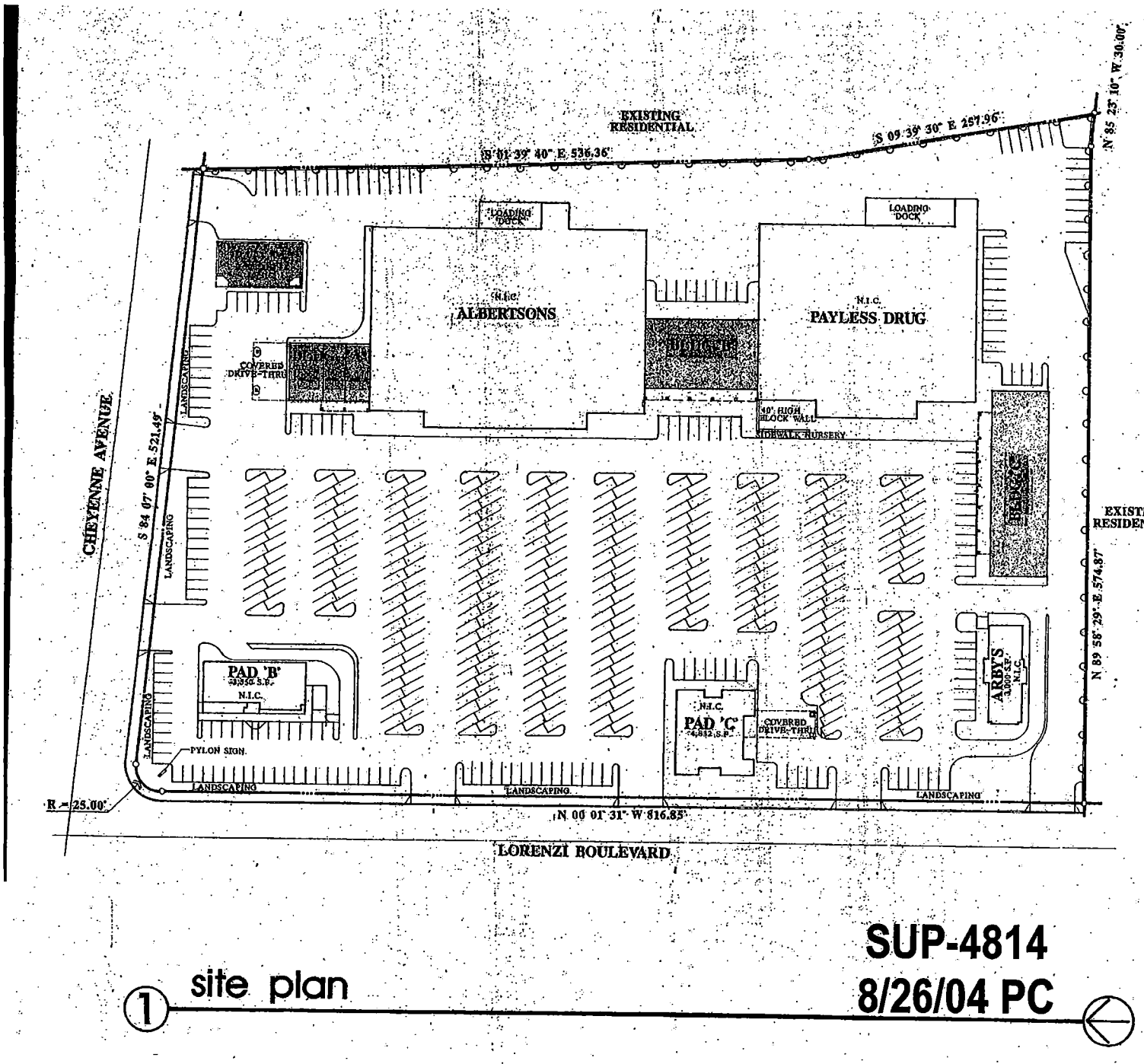
Subscribed and sworn before me

This 9th day of July, 2004

_____

Notary Public in and for said County and State

NOTARY PUBLIC
STATE OF NEVADA
County of Clark
DEBRA S. ALSTON
Appt. No. 03-84766-1
My Appt. Expires Oct. 10, 2007

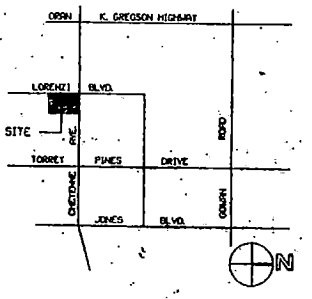


1 site plan

SUP-4814
8/26/04 PC

keynotes

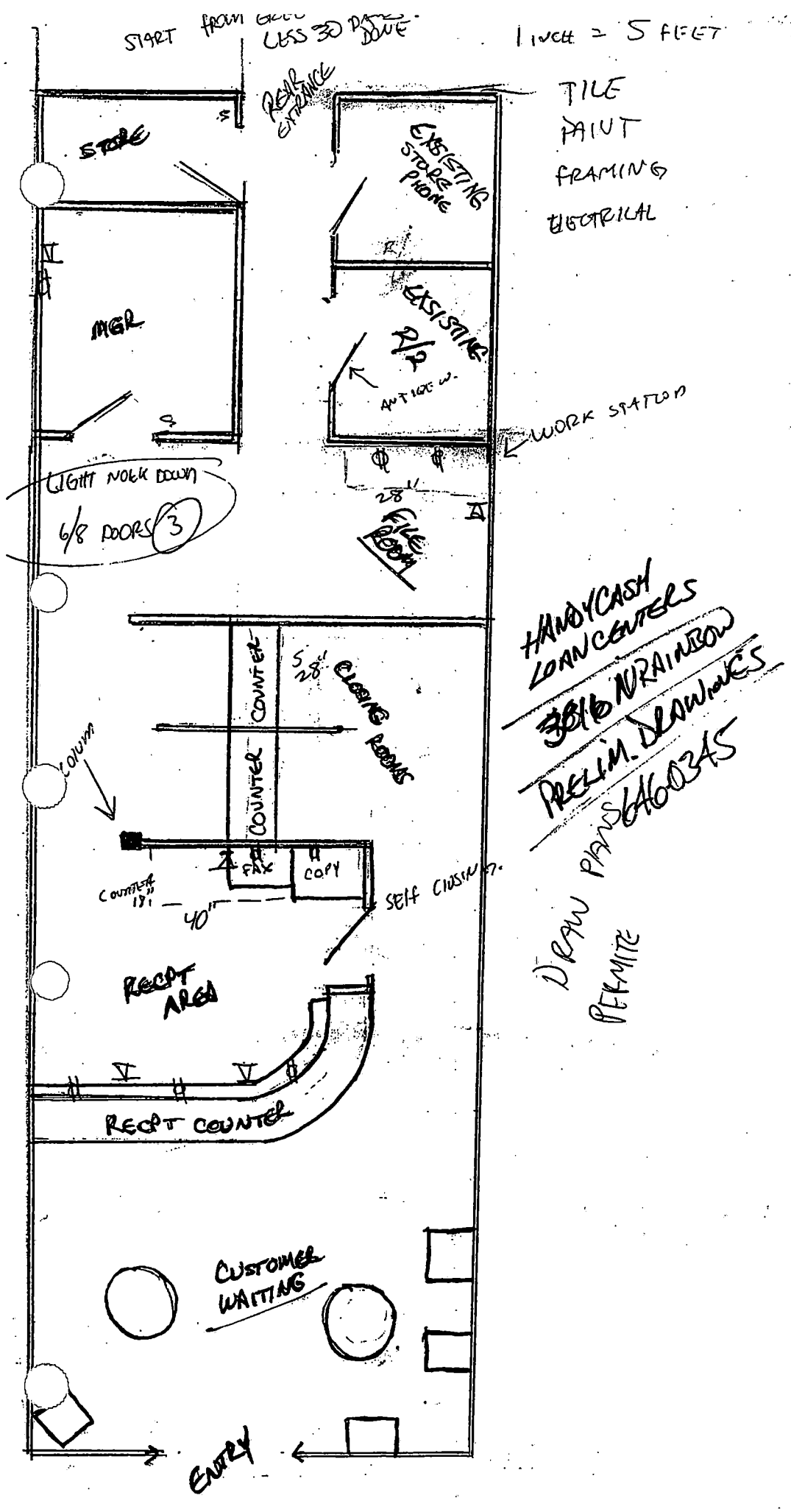
#	DESCRIPTION



2 vicinity map

Richard Luke ARCHITECTS
2405 South Decatur Blvd. Suite 210

RAINBOW RIDGE PLAZA @
CHEYENNE AND LORENZI



SUP-4814
8/26/04 PC

SPECIAL USE PERMIT - PUBLIC HEARING - SUP-4814 - APPLICANT: HANDY CASH LOAN CENTERS - OWNER: CHEYENNE LORENZI, LIMITED
SOUTHEAST CORNER OF CHEYENNE AVENUE AND RAINBOW BOULEVARD
AUGUST 26, 2004 PLANNING COMMISSION

8/3/04

City of Las Vegas

Agenda Item No.: 37

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

PLANNING COMMISSION MEETING OF: AUGUST 26, 2004

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: ROBERT S. GENZER [ ] CONSENT [X] DISCUSSION

SUBJECT:

SUP-4821 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: DOS COMPADRES, INC. - OWNER: SAHARA WESTLAKE ASSOCIATES - Request for a Special Use Permit FOR A FINANCIAL INSTITUTION, SPECIFIED WITH A SEPARATION OF ZERO FEET WHERE 200 IS REQUIRED FROM RESIDENTIAL PROPERTY, A SEPARATION OF 230 FEET WHERE 1,000 FEET IS REQUIRED FROM A SIMILAR USE, AND AN INTERIOR BUILDING SPACE OF 100 SQUARE FEET WHERE 1,500 SQUARE FEET IS THE MINIMUM REQUIRED at 4505 West Sahara Avenue (APN 162-07-101-010), C-1 (Limited Commercial) Zone, Ward 1 (Moncrief).

IF APPROVED: C.C.: 10/06/04
IF DENIED: P.C.: FINAL ACTION (Unless appealed within 10 days)

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

RECOMMENDATION:
Staff recommends DENIAL.

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

MOTION:
McSWAIN – DENIED – UNANIMOUS

This is Final Action

MINUTES:
CHAIRMAN TRUESDELL declared the Public Hearing open.

KYLE WALTON, Planning and Development, stated that this project does not conform to the recently adopted distance separation standards. As a result, it is not harmonious with the neighborhood.

MINUTES – Continued:

CAESAR CROCIATA, representative for DOS COMPADRES, INC. DBA MAZZZ DINERO RAPIDO, 2013 Wengert Avenue, Las Vegas, NV 89104, requested that Item 37 [SUP-4821] and Item 42 [SUP-4845] be heard at the same time due to the same context. CHAIRMAN TRUESDELL stated that this could not be done due to the applications represent different properties. In response to a previous speaker's comments, MR. CROCIATA stated that they have been in the business for the last six years; all of their operations are within other facilities; and there is no advertising. Their interest rates are the lowest, and their clients are informed of these interest rates, as they sign agreements. He felt that thousands of dollars are lost due to bad checks and bad loans because some of the customers do not pay them. He continued by stating that the landlords allow 100 square feet of area inside the building to conduct business. The space is shared to accommodate the community with the services needed. He added that the clients prefer the smaller service area with the convenience of being able to shop within the Latin themed grocery store.

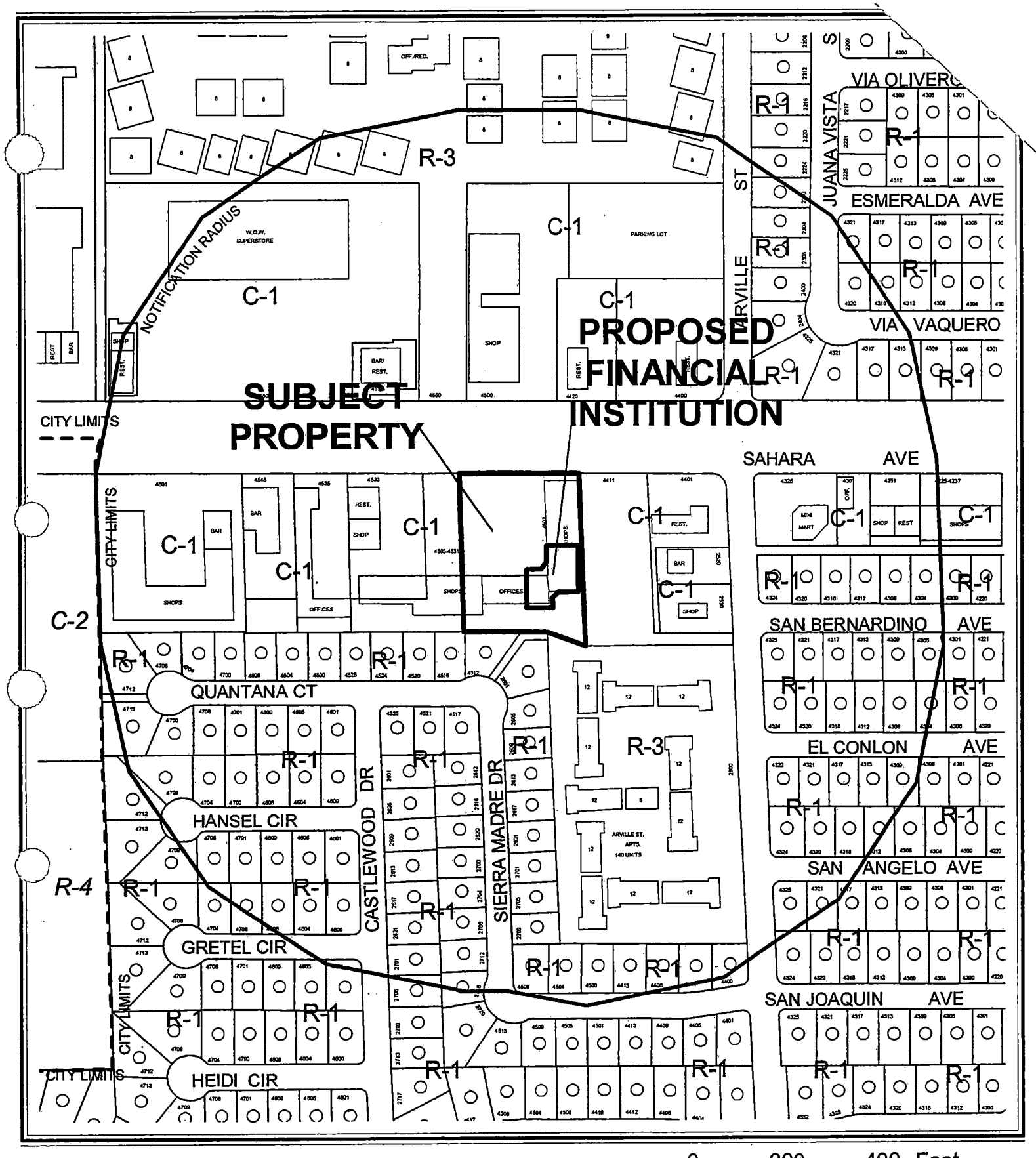
He stressed the fact that the 675 licensing does not require state bonding, as the 604 licensing requires state bonding. Regarding the minimum distance separation requirement of 1,500 square feet, he felt that this reference outside separate units that do advertising. He also referenced an office building located to the west of the shopping center that has a 5 x 7 closet space for an auto title loan and signature loan business. In addition, there once was a separate check cashing payday loan facility within this same shopping center. Now, their goal is to offer service primarily to the Hispanic community because they cannot get the needed service from other banks or financial institutions. They have 15 locations with approximately 50 employees, as this project and others will promote opportunities for the Hispanic community.

COMMISSIONER McSWAIN stated that the application was being reviewed based upon the Code relative to a proper use application. She stated she was not ready to try to distinguish between what MR. CROCIATA and others do. She then suggested having Item 42 [SUP-4845] brought forward for discussion to conclude MR. CROCIATA'S items.

CHAIRMAN TRUESDELL expressed his concern for previous applications that may have been approved and what may have to be rectified. He concurred with staff on denying the item.

CHAIRMAN TRUESDELL declared the Public Hearing open.

(8:01 – 8:12)



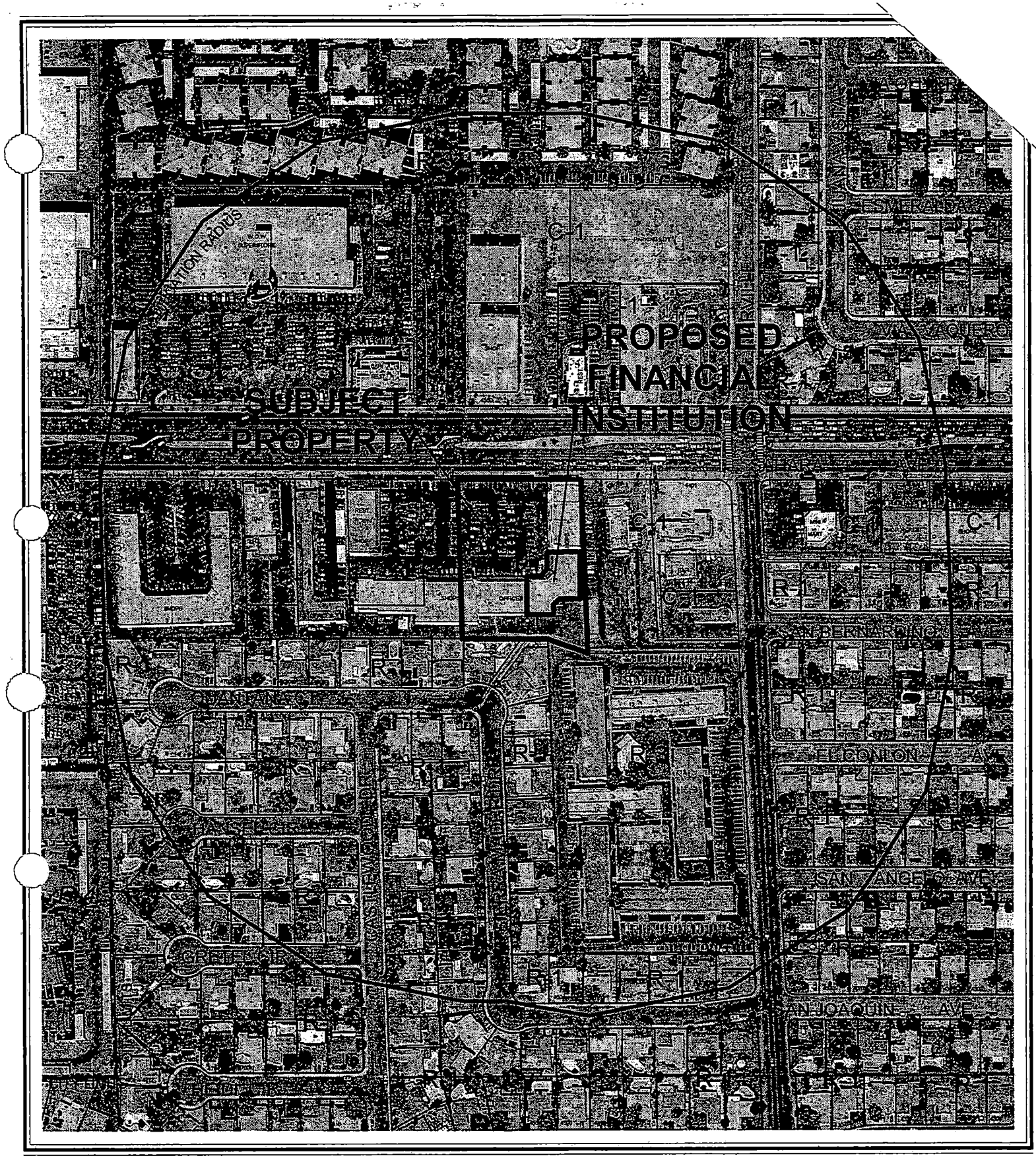
0 200 400 Feet

CASE: **SUP-4821**

RADIUS: 750 FT

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

N



0 200 400 Feet

CASE: **SUP-4821**

RADIUS: 750 FT

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

N

City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: AUGUST 26, 2004
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: SUP-4821 - APPLICANT: DOS COMPADRES, INC. - OWNER: SAHARA WESTLAKE ASSOCIATES

** CONDITIONS **

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

Planning and Development

1. Conformance to all minimum requirements under Title 19.04.050 for the Financial Institution, Specified and Auto Title Loan uses.

2. The hours of operation shall not extend beyond the hours of 8:00 a.m. to 11:00 p.m.

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

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

** STAFF REPORT **

APPLICATION REQUEST

A) Action Requested

The applicant is requesting approval of a Special Use Permit to allow a Financial Institution, Specified with a separation of zero feet where 200 is required from residential property, a separation of 230 feet where 1,000 feet is required from a similar use, and an interior building space of 100 square feet where 1,500 square feet is the minimum required located at 4505 West Sahara Avenue.

B) Applicant's Justification

The applicant justifies the proposed use by stating that by allowing a Financial Institution, Specified the Hispanic community in the area will benefit. Additionally the applicant states that there exists high fences separating the residential areas from the center and that the location met previous code requirements.

BACKGROUND INFORMATION

A) Previous Actions

08/28/63	The Board of City Commissioners approved a request for a Rezoning on this property from R-1 (Single Family Residential) to C-1 (Limited Commercial) as part of a larger request (Z-111-63). The Planning Commission recommended denial.
03/27/86	The Board of Zoning Adjustment approved a Variance (V-0017-86) application to allow a motorcycle dealership, which is not permitted, and to allow outside display for a maximum of ten motorcycles, on property located at 4505 West Sahara. Staff recommended denial.
06/28/92	The Board of Zoning Adjustment approved a Special Use Permit (U-0138-92) application to allow minor motorcycle repair on property located at 4505 West Sahara Avenue. Staff recommended approval.

10/18/95 The City Council denied appeal, thereby denying the Variance (V-0124-95) application to allow two 14-foot x 48-foot off-premise advertisement (billboard) signs as follows: one billboard is proposed 212 feet from residentially zoned property and the second billboards is proposed 275 feet from residentially zoned property, where 300 feet is the minimum separation required from residentially zoned property. The Planning Commission and staff both recommended denial.

09/05/01 The City Council accepted Withdrawal Without Prejudice of the request for a General Plan Amendment (GPA-0036-00) to amend a portion of the Southeast Sector Map of the General Plan from SC (Service Commercial) to GC (General Commercial). The Planning Commission and staff both recommended denial.

09/05/01 The City Council accepted the Withdrawal Without Prejudice of the request for a Rezoning [(Z-0112-00) related to GPA-0036-00] from C-1 (Limited Commercial) to C-2 (General Commercial) for the proposed use of a new motorcycle dealership. The Planning Commission and staff both recommended denial.

04/21/04 The City Council adopted the distance separation standards for this type of use.

08/26/04 The Planning Commission will consider a Special Use Permit (SUP-4822) application for a proposed Liquor Establishment (On-sale/Off-sale/On-Off-sale), in conjuncture with a Latin-theme market, at 4505 West Sahara Avenue. Staff is recommending approval.

B) Pre-Application Meeting

06/22/04 A pre-application conference was held and resulted in the following comments:

1. Justification letter to indicated requested waivers.
2. Special Use Permit submittal requirements were gone over.
3. Bill No. 2003-78 and Ordinance #5561 were discussed.

C) Neighborhood Meetings

A neighborhood meeting is not required for this application.

DETAILS OF APPLICATION REQUEST

A) Site Area

Gross Acres: 1.91

B) Existing Land Use

Subject Property:	Commercial Strip Center
North:	Fast Food Restaurants; Commercial Center
South:	Single-Family Dwellings; Apartments
East:	Vacant Restaurant (Former McDonalds)
West:	Offices

C) Planned Land Use

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

D) Existing Zoning

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

E) General Plan Compliance

The subject parcel is designated SC (Service Commercial) within the Southeast Sector Land Use Map of the General Plan. The subject parcel is currently within a C-1 (Limited Commercial) zoning district, which is in conformance with the SC (Service Commercial) General Plan designation.

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

The site is not subject to any special area plans, overlay districts, study area or trail requirements.

PL

ANALYSIS

A) Zoning Code Compliance

A1) Minimum Distance Separation Requirements

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

Standards	Code Requirement	Provided
Financial Institution, Specified	200 feet from any parcel used or zoned for residential use	N
	1,000 feet from any other specified financial institution, auto tile loan or auto pawn use	N

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

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

A2) Financial Institution, Specified Building Size

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

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

The subject use is proposed to be located within an approximately 100 square foot portion of a proposed Latin-themed market. This does not meet the standards of the Code. The floor plan supplied by the applicant illustrates a 10-foot x 10-foot check cashing station wedged between a walk-in cooler and the wall. Once renovated the subject building will contain a grocery store, once renovated. The check cashing business will only exist within the 100 square foot area indicated on the site plan, and will not provide a sufficient interior space to provide for adequate customer waiting areas and customer queuing. Therefore, the applicant requires a waiver of the before mentioned standard.

B) General Analysis and Discussion

- Zoning

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

- Use

A Financial Institution, Specified is defined by Title 19 as any business whose primary function is to lend money; to cash checks or other negotiable instruments for a fee, service charge or other consideration; or to provide funds in exchange for the acceptance of a check on a post-dated or deferred-deposit basis. The term includes without limitation a check cashing service, paycheck advance service, and any business primarily providing cash loans, installment loans or cash advances.

The use is not appropriate as it does not conform to the recently adopted distance separation standards. These standards should not be waived until there is sufficient time to evaluate the impacts of these standards..

- Conditions

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

1. The use shall comply with all applicable requirements of Title 6.

2. The building design and color scheme shall be subject to review by the Department to ensure that it will be harmonious and compatible with the surrounding area.

3. No temporary signs (as described in Title 19.14.090) such as balloons, inflated devices, searchlights, pennants, portable billboards, portable signs, streamers, trucks parked for signage purposes, or other similar devices are permitted, except that banners announcing a "grand opening" or that a business is "coming soon" may be approved administratively for a period not to exceed thirty days.

4. Window signs shall not:
   a. Cover more than twenty percent (20%) of the area of all exterior windows;
   b. Include flashing lights or neon lighting; or
   c. Include any text other than text that indicates the hours of operation and whether the business is open or closed.

PL

5. The hours of operation shall not extend beyond the hours of 8:00 a.m. to 11:00 p.m.

6. The building or portion thereof that is dedicated to the use shall have a minimum size of one thousand five hundred square feet, and shall have sufficient interior space to provide for adequate customer waiting areas, customer queuing, and transaction space (such as "teller" windows or desks).

7. No specified financial institution use may be located closer than two hundred feet from any parcel used or zoned for residential use. In addition, no specified financial institution use may be located closer than one thousand feet from any other specified financial institution use, auto title loan use or pawn use. For purposes of this Paragraph (7), distances shall be measured in a straight line from property line to property line, without regard to intervening obstacles. The term "property line" refers to lines of fee interest parcels and not leasehold parcels.

The proposed check-cashing center fails to comply with conditions #6 and #7 of Title 19.04. The subject site's building footage is approximately 100 square feet, where 1,500 square feet is required. The subject site is located within the 200-foot minimum distance separation from residential zoned properties and within the 1,000-foot minimum distance separation from similar uses.

FINDINGS

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

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

   Although this use falls within the parameters of the SC (Service Commercial) category, its specific location makes it incompatible with surrounding land uses. The subject parcel and its neighbor to the south [designated L (Low Density Residential) and M (Medium Density Residential)] share a common property line. The City requires a 200-foot buffer between specified financial institutions and residential areas. Additionally, the proposed site of the use is located within 1,000 feet of a similar use, therefore creating a higher probability of saturation in the area. The proposed land use cannot be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan. This is exemplified through the number of waivers requested by the applicant in order to gain approval.

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

   The subject tenant space is inadequate as set forth by Bill No. 2003-78, adopted April 21, 2004, which requires a minimum of 1,500 square feet of interior space, to provide sufficient customer waiting areas, customer queuing, and transaction space for a Financial Institution, Specified. Therefore, a waiver from the minimum interior space requirement is required for approval. The existing parking area is adequate to accommodate the proposed use.

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

   The subject location is accessible from Sahara Avenue, a 100-foot Primary Arterial as indicated on the Master Plan of Streets and Highways, which is of adequate in size and capacity to accommodate the proposed Financial Institution, Specified.

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

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

NOTICES MAILED 554 [Mailed with SUP-4822]

APPROVALS 0

PROTESTS 1

PL

PLANNING & DEVELOPMENT

DEVELOPMENT SERVICES CENTER

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **SUP-4821** APN: 162-07-101-010

Name of Property Owner: Sahara Westlake Associates, a California Limited Partnership

Name of Applicant: Leo Garcia / ACOSTA ENTERPRISE

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: Michael J Crist

Print Name: MICHAEL J. CRIST

Subscribed and sworn before me

This 8th day of July, 2004

Connie Gamble

Notary Public in and for said County and State

Notary Public - State of Nevada
County of Clark
CONNIE GAMBLE
My Appointment Expires
No:99-26229-1 January 14, 2006

CONSULTING ENGINEERS • PLANNERS • LAND SURVEYORS
2727 SOUTH RAINBOW BOULEVARD
LAS VEGAS, NEVADA 89102-5148 PHONE (702) 873-7550 FAX (702) 362-7597

Nevada

REV	DATE	BY	REMARKS
1	12-09-04	MJ	Added Title to Survey and Sheet Number

ALTA/ACSM LAND TITLE SURVEY

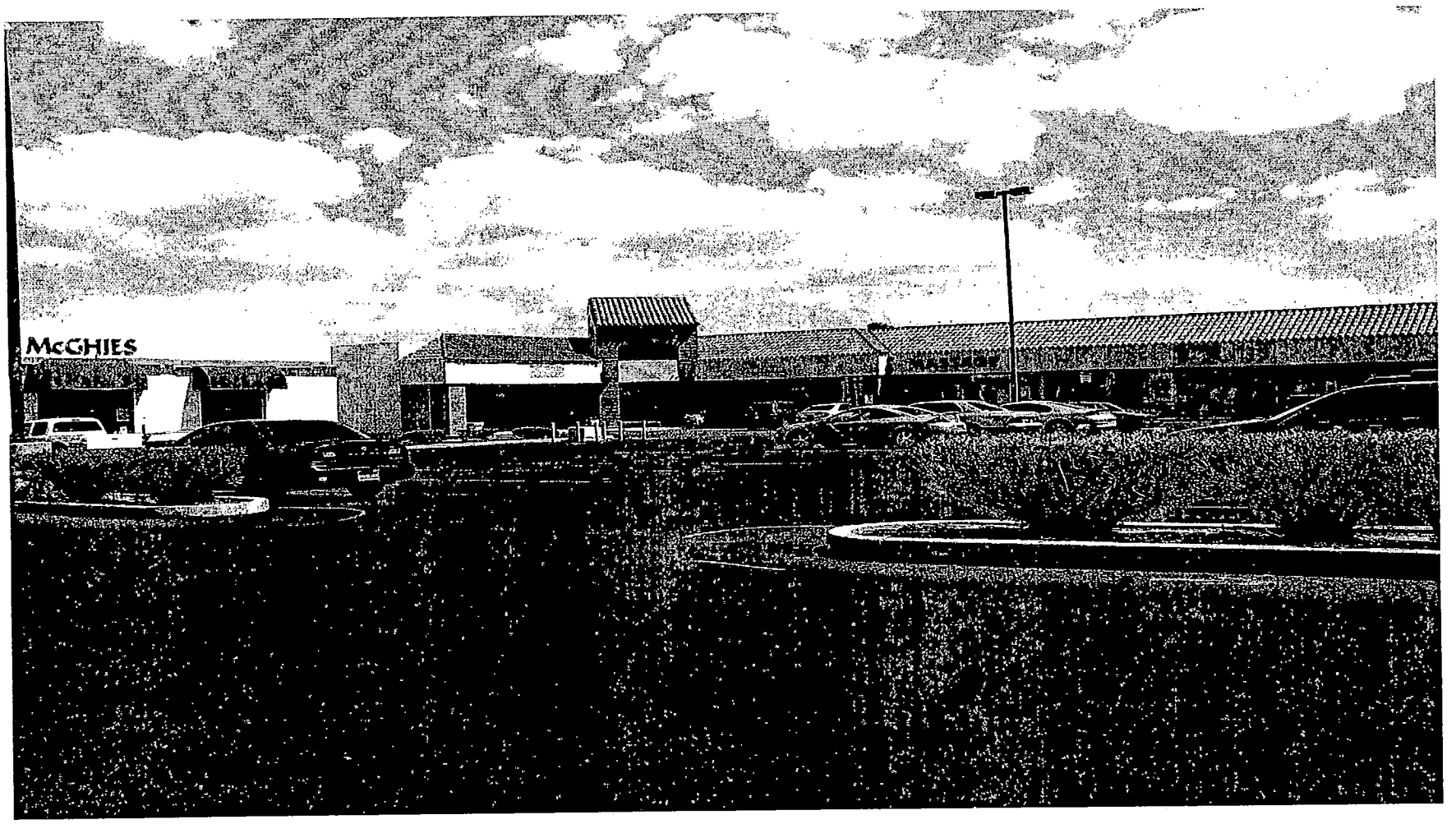
PROJECT
WESTLAKE SHOPPING CENTER
4505 WEST SAHARA AVENUE, LAS VEGAS, NV

SEAL

JOB NO. 4560
BY BKJ/TZ
DATE 10/04/03
SCALE 1"=30'
SHEET 3 OF 8 SHEETS

SUP-4821
8/26/04 PC

ARVILLE STREET
(60.00 FEET WIDE PUBLICLY DEDICATED)
BASIS OF BEARINGS
N 02°22'30" W
30.00'
38.00'
60.00'
FOUND 3 INCH BRASS CAP "RLS 4846" N 1/4 S.7
C 1/4 S.7
FOUND 3 INCH BRASS CAP RLS 4046"
FENWOOD AVENUE
75.00'
75.00'
150.00'
340.23'
NOT A PART OF THIS SURVEY
GRAPHIC SCALE
PARCEL 1 OF PARCEL MAP FILE 04, PAGE 78
ASSESSOR'S PARCEL 4 APN 163-07-101-010 PARCEL 1 OF PARCEL MAP FILE 10, PAGE 78
LOT 1 OF PARCEL MAP FILE 04, PAGE 10
PAVED
SIGN
S 02°22'30" E
823.19'
75.09'
75.03'
S 01°53'31" E
N 02°22'30" W
482.95'
N 89°33'07" W
PARCEL 2 APN 163-07-101-009 & A PORTION OF PARCEL 2 OF PARCEL MAP FILE 10 PAGE 78
PARCEL 1 APN 163-07-101-009
DRIVEWAY
BUILDING AREA = 5,070 SQ. FT.
FINISH FLOOR = 2185.06
HEIGHT OF BUILD. = 2201.1
PARCEL 4 APN 163-07-010 PARCEL 1 OF PARCEL MAP FILE 04, PAGE 78
PARCEL 4 APN 163-07-101-010 PARCEL 1 OF PARCEL MAP FILE 10, PAGE 78
BUILDING AREA = 9765 SQ. FT.
FINISH FLOOR = 2186.18
HEIGHT OF BUILD. = 2201.0
BUILDING AREA = 6557 SQ. FT.
FINISH FLOOR = 2186.18
HEIGHT OF BUILD. = 2202.1
BUILDING AREA = 10320 SQ. FT.
FINISH FLOOR = 2187.06
HEIGHT OF BUILD. = 2203.1
BUILDING AREA = 6681 SQ. FT.
FINISH FLOOR = 2190.64
HEIGHT OF BUILD. = 2204.0
BUILDING AREA = 7,519 SQ. FT.
FINISH FLOOR = 2190.28
HEIGHT OF BUILD. = 2208.8
BLDG. OVERHANG
PAVEMENT
ASPHALT
S 89°21'58" E 87.02'
S 89°33'09" E 159.64'
N 01°49'55" W 252.87'
S 02°22'30" E 328.83'
PARCEL 3 OF PARCEL MAP FILE 10, PAGE 78
CHARLESTON HEIGHTS UNIT NO. 52 PLAT BOOK 18, PAGE 10
CENTERLINE OF DOC. NO. 1800328
NOT A PART OF THIS SURVEY



SPECIAL USE PERMIT - PUBLIC HEARING - SUP-4821 - APPLICANT: DOS COMPADRES, INC. - OWNER: SAHARA WESTLAKE ASSOCIATES
4505 WEST SAHARA AVENUE
AUGUST 26, 2004 PLANNING COMMISSION

8/3/04

8/2

RECEIVED
04 AUG 23 PM 4:27
DEVELOPMENT

August 18, 2004

Reference: SUP-4821, SUP-4822

Planning and Development Department
Current Planning Division
Development Services Center
731 South Fourth Street
Las Vegas, Nevada 89101

To Whom it may concern:

WE STRONGLY OBJECT TO SPECIAL USE PERMIT 4821

Applicant: Dos Compadres, Inc – Owner: Sahara Westlake Associates – Request for a special use permit for a financial institution at 4505 West Sahara Avenue.

WE STRONGLY OBJECT TO SPECIAL USE PERMIT 4822

Applicant: Acosta Enterprise DBA El Rincon Latino – Owner: Sahara Westlake Associates – Request for a special use permit for a liquor Establishment (on-sale/on-off sale) at 4505 West Sahara Avenue.

Respectfully,

F.D. Carlson
Linda Carlson

Ferd Jaynes and Linda Carlson
4300 San Angelo Avenue
Las Vegas, Nevada 89102-0617

City of Las Vegas

Agenda Item No.: 38

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

PLANNING COMMISSION MEETING OF: AUGUST 26, 2004

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: ROBERT S. GENZER [ ] CONSENT [X] DISCUSSION

SUBJECT:
SUP-4822 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: ACOSTA ENTERPRISE DBA EL RINCON LATINO - OWNER: SAHARA WESTLAKE ASSOCIATES - Request for a Special Use Permit FOR A LIQUOR ESTABLISHMENT (ON-SALE/OFF-SALE/ ON-OFF-SALE) at 4505 West Sahara Avenue (APN 162-07-101-010), C-1 (Limited Commercial) Zone, Ward 1 (Moncrief).

IF APPROVED: C.C.: 10/06/04
IF DENIED: P.C.: FINAL ACTION (Unless appealed within 10 days)

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

RECOMMENDATION:
Staff recommends APPROVAL.

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

MOTION:
EVANS – APPROVED subject to conditions and adding the following condition:
- **The Special Use Permit shall be limited to the sale of beer and wine.**
- **The area within the store where the beer and wine will be displayed shall be limited to 10% of the gross floor area**

– UNANIMOUS

To be heard by the City Council on 10/06/2004

MINUTES:
CHAIRMAN TRUESDELL declared the Public Hearing open.

KYLE WALTON, Planning and Development, stated that the proposed use is greater than 400 feet from any protected use. Therefore, the application meets the minimum distance separation requirement and staff recommended approval.

MINUTES – Continued:

LEO GARCIA, Owner, Acosta Enterprise, concurred with staff's recommendations and conditions.

JOHN BABBIDGE, 4504 Cinderella Lane, Las Vegas, NV 89102, stated he opposed the project for the following reasons: a) within 400 feet of the proposed project, there is already a 7-11 convenient store and a bar that sells wine and beer, b) this is an older established area that has not had a liquor store so the precedent has been set, c) the residents felt that the proposed project would decrease their property value, as alcohol sells would increase police activity and the crime rate in the area, d) and overall, the proposed project would be a detriment to the entire residential area.

MR. GARCIA rebutted that his proposed project is not a liquor store; it is a grocery store with produce, bakery and tortilleria, as only 10 percent of the business would be dedicated to beer and wine sales. He stated to CHAIRMAN TRUESDELL that the shopping center is 40,000 square feet, and his proposed grocery store would be a corner store with approximately 9,000 square feet. MR. CLAPSADDLE confirmed for COMMISSIONER McSWAIN that information pertaining to the square footage for alcohol sales is in another part of the Ordinance; however, the Commission could add a condition on this application as well limiting the alcohol sales. COMMISSIONER McSWAIN suggesting adding the condition, and MR. GARCIA did not object to the condition.

COMMISSIONER McSWAIN stated that this particular complex has been maintained. She felt that the proposed project would be an added benefit to assist in the foot traffic within this complex.

COMMISSIONER EVANS expressed concern with applications, in the past, that have been approved with beer, wine and liquor sales. There have been some smaller stores that were approved with the sell of hard liquor. ROBERT GENZER, Planning and Development, agreed with COMMISSIONER McSWAIN regarding adding the condition restricting the sales to beer and wine only. COMMISSIONER EVANS then stated he would support the application with the added condition. MR. GARCIA concurred.

CHAIRMAN TRUESDELL declared the Public Hearing closed.

(8:18 – 8:27)

PLANNING COMMISSION MEETING OF AUGUST 26, 2004
Planning and Development Department
Item 38 – SUP-4822

CONDITIONS:

Planning and Development

1. Conformance to all Minimum Requirements under Title 19.04.050 for a Liquor Establishment (On-sale/Off-sale/On-Off sale) use.

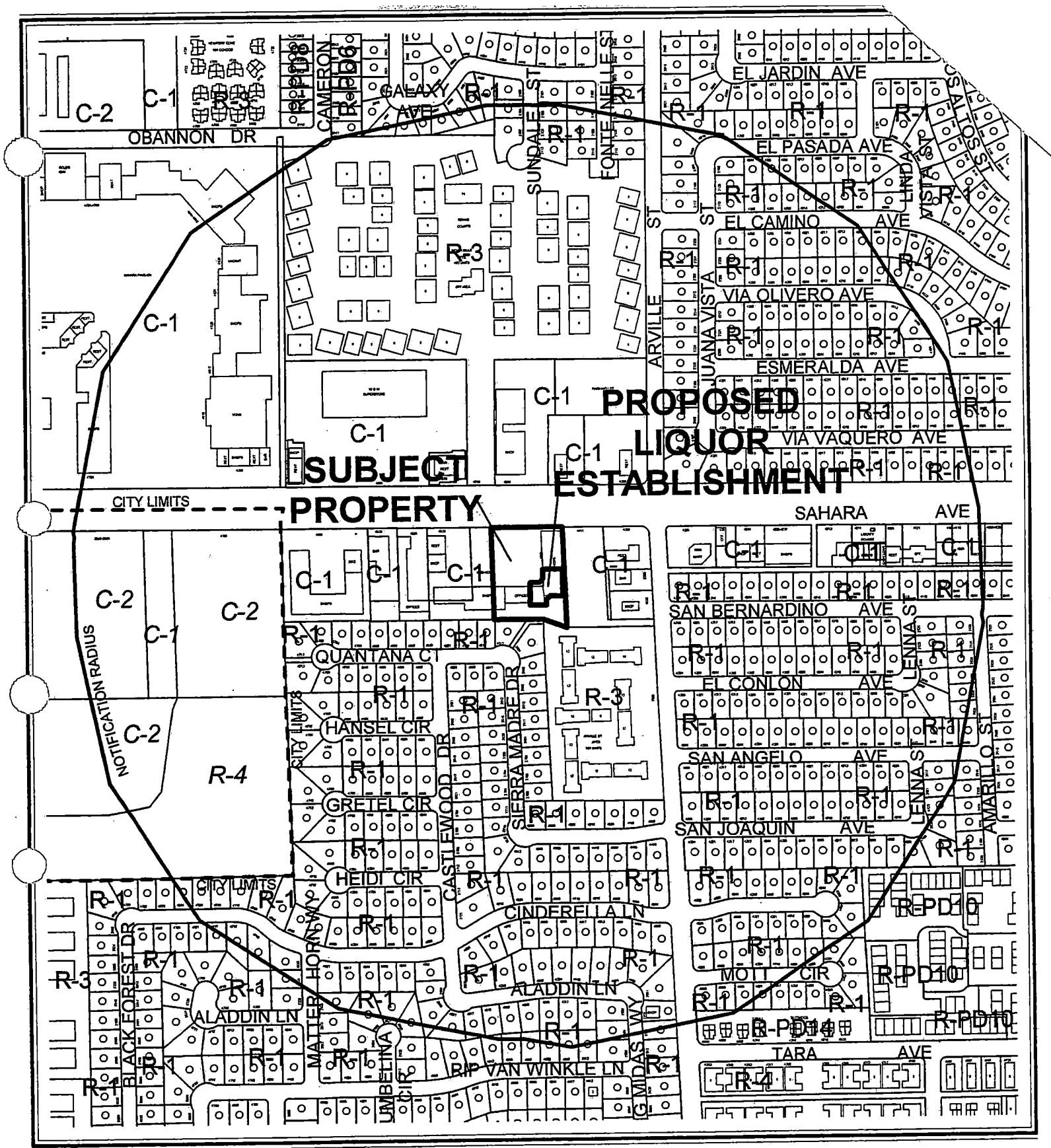
2. This Special Use Permit shall expire one year from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.

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

4. Approval of this Special Use Permit does not constitute approval of a liquor license.

5. The sale of individual containers of any size of beer, wine coolers or screw cap wine is prohibited. All such products shall remain in their original configurations as shipped by the manufacturer. Further, no repackaging of containers into groups smaller than the original shipping container size shall be permitted.

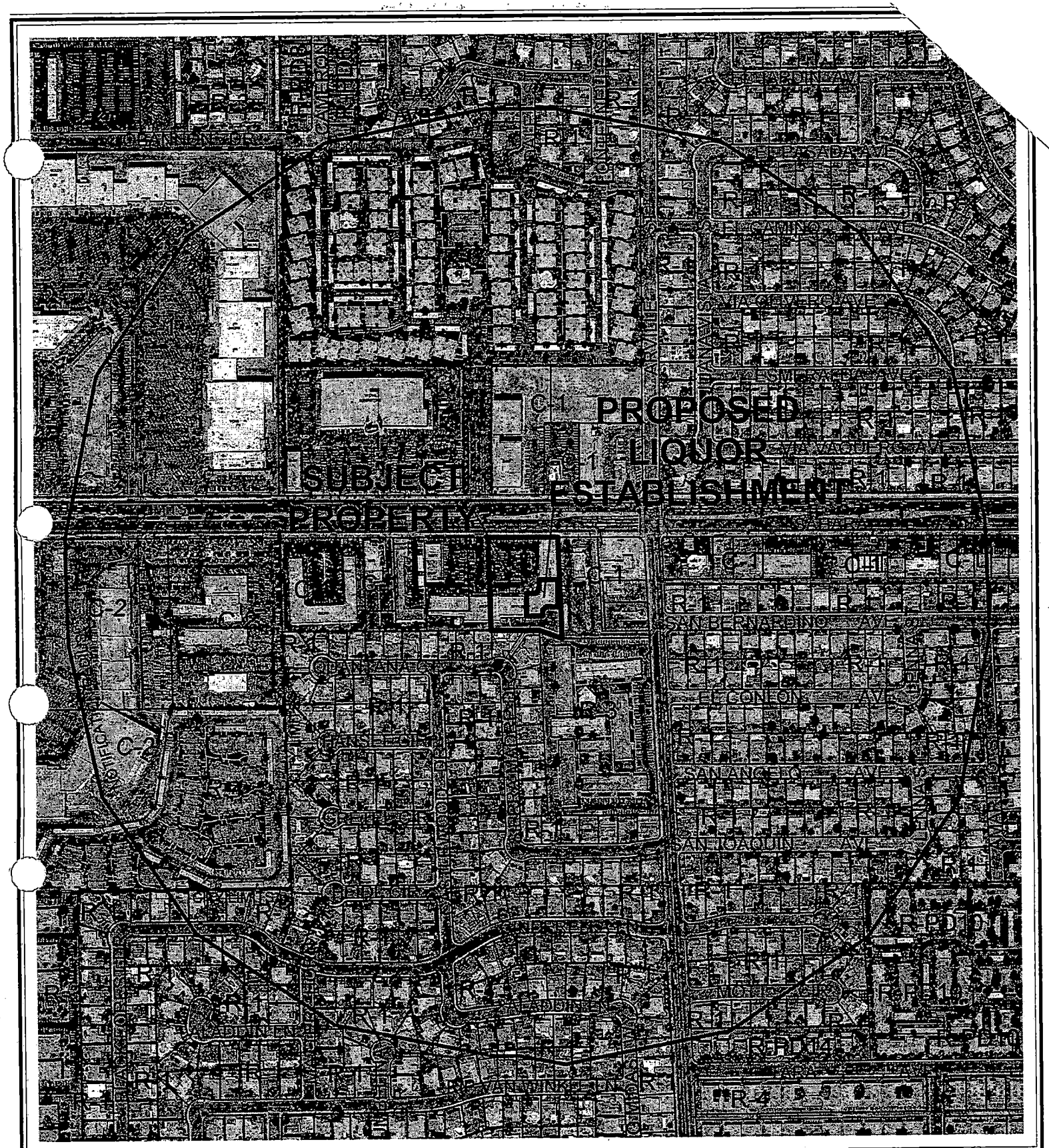
6. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.



CASE: **SUP-4822**

RADIUS: 1500 FT

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



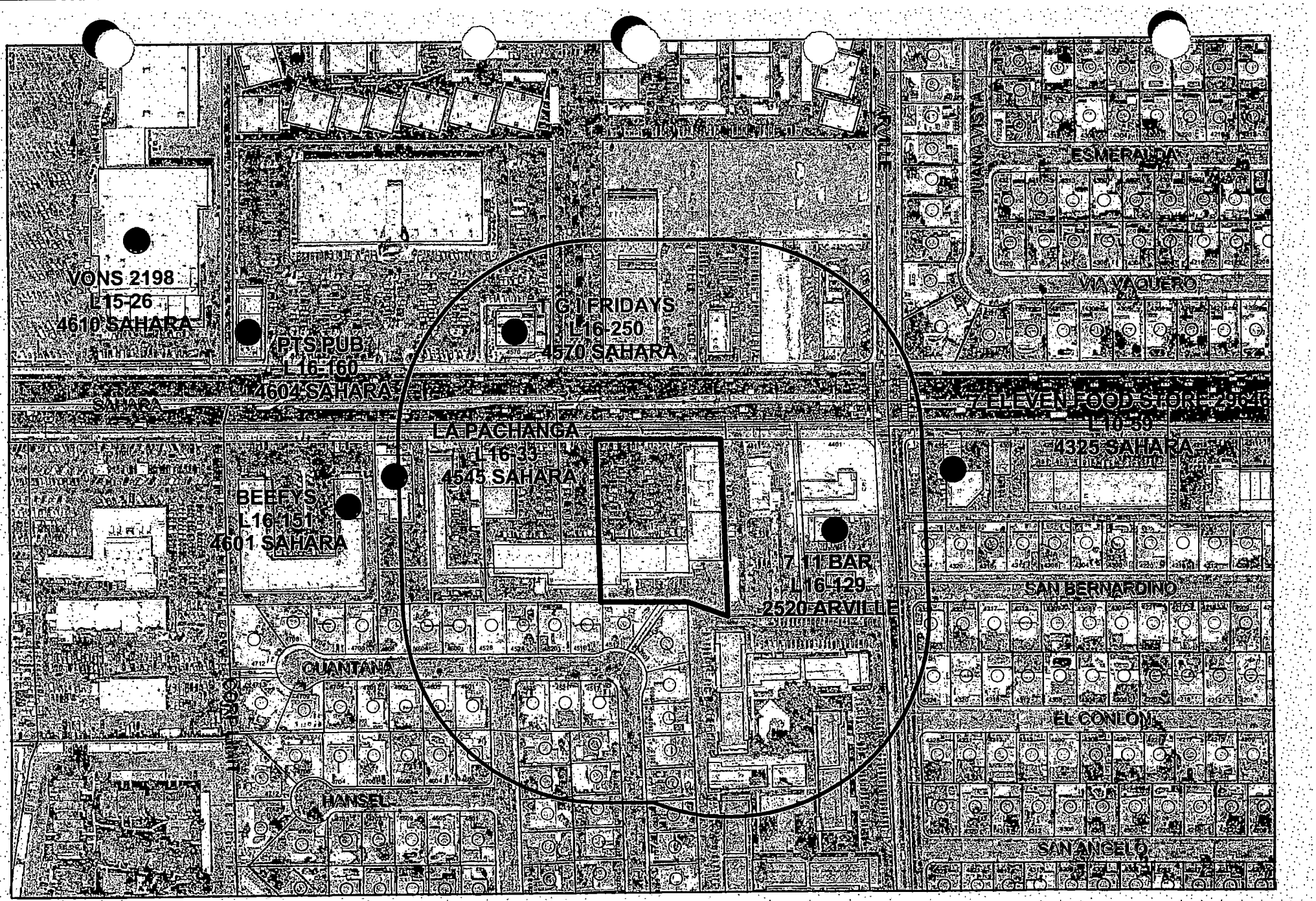
0 400 800 Feet

CASE: **SUP-4822**

RADIUS: 1500 FT

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

N



SUP-4822

Package Liquor Sales

Business Licenses

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

City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: AUGUST 26, 2004
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: SUP-4822 - APPLICANT: ACOSTA ENTERPRISE DBA EL RINCON LATINO - OWNER: SAHARA WESTLAKE ASSOCIATES

** CONDITIONS **

STAFF RECOMMENDATION: **APPROVAL,** subject to:

Planning and Development

1. Conformance to all Minimum Requirements under Title 19.04.050 for a Liquor Establishment (On-sale/Off-sale/On-Off sale) use.

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

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

4. Approval of this Special Use Permit does not constitute approval of a liquor license.

5. The sale of individual containers of any size of beer, wine coolers or screw cap wine is prohibited. All such products shall remain in their original configurations as shipped by the manufacturer. Further, no repackaging of containers into groups smaller than the original shipping container size shall be permitted.

6. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.

** STAFF REPORT **

APPLICATION REQUEST

A) Action Requested

The applicant is requesting approval of a Special Use Permit for a Liquor Establishment (On-sale/Off-sale/On-Off sale) within a future grocery store at 4505 West Sahara Avenue.

B) Applicant's Justification

The applicant justifies this request by stating that the proposed grocery store will provide much needed services in the community, as well as create additional employment within the area.

BACKGROUND INFORMATION

A) Previous Actions

08/28/63	The Board of City Commissioners approved a request for a Rezoning on this property from R-1 (Single Family Residential) to C-1 (Limited Commercial) as part of a larger request (Z-111-63). The Planning Commission recommended denial.
03/27/86	The Board of Zoning Adjustment approved a Variance (V-0017-86) application to allow a motorcycle dealership, which is not permitted, and to allow outside display for a maximum of ten motorcycles, on property located at 4505 West Sahara. Staff recommended denial.
06/28/92	The Board of Zoning Adjustment approved a Special Use Permit (U-0138-92) application to allow minor motorcycle repair on property located at 4505 West Sahara Avenue. Staff recommended approval.
10/18/95	The City Council denied appeal, thereby denying the Variance (V-0124-95) application to allow two 14-foot x 48-foot off-premise advertisement (billboard) signs as follows: one billboard is proposed 212 feet from residentially zoned property and the second billboards is proposed 275 feet from residentially zoned property, where 300 feet is the minimum separation required from residentially zoned property. The Planning Commission and staff recommended denial.

09/05/01 The City Council accepted Withdrawal Without Prejudice of the request for a General Plan Amendment (GPA-0036-00) to amend a portion of the Southeast Sector Map of the General Plan from SC (Service Commercial) to GC (General Commercial). The Planning Commission and staff recommended denial.

09/05/01 The City Council accepted the Withdrawal Without Prejudice of the request for a Rezoning [(Z-0112-00) related to GPA-0036-00] from C-1 (Limited Commercial) to C-2 (General Commercial) for the proposed use of a new motorcycle dealership. The Planning Commission and staff recommended denial.

08/26/04 The Planning Commission will consider a Special Use Permit (SUP-4821) application for a Financial Institution, Specified with a separation of zero feet where 200 is required from residential property, a separation of 230 feet where 1,000 feet is required from a similar use, and a interior building space of 100 square feet where 1,500 square feet is the minimum required located at 4505 West Sahara Avenue. Staff is recommending denial.

B) Pre-Application Meeting

06/22/04 A pre-application conference was held resulting in the following comments:
1. The Special Use Permit submittal requirements were discussed.
2. The Special Use Permit conditions were discussed.
3. Locating of houses of worship is the responsibility of the applicant.

C) Neighborhood Meetings

A neighborhood meeting is not required for this application.

DETAILS OF APPLICATION REQUEST

A) Site Area

Gross Acres: 1.91

B) Existing Land Use

Subject Property:	Commercial Strip Center
North:	Fast Food Restaurants
	Commercial Center
South:	Single-Family Dwellings
	Apartments
East:	Vacant Restaurant (Former McDonalds)
West:	Offices

C) Planned Land Use

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

D) Existing Zoning

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

E) General Plan Compliance

The subject parcel is designated SC (Service Commercial) within the Southeast Sector Land Use Map of the General Plan. The subject parcel is currently within a C-1 (Limited Commercial) zoning district, which is in conformance with the SC (Service Commercial) General Plan designation.

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

The site is not subject to any special area plans, overlay districts, study area or trail requirements.

PL

ANALYSIS

A) Zoning Code Compliance

A1) Minimum Distance Separation Requirements

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

Standards	Code Requirement	Provided
Liquor Establishment (On-sale/Off-sale/On-Off sale)	400 Feet of any church, synagogue, school, child care facility licensed for more than twelve children, or City park	Greater than 400 Feet

The proposed use will be located within a proposed Latin-themed grocery store. The proposed use is greater than 400 feet from any protected use. Therefore, it meets the minimum distance separation requirement.

B) General Analysis and Discussion

- Zoning

The subject site is currently zoned C-1 (Limited Commercial). A Liquor Establishment (On-sale/Off-sale/On-Off sale) use is permitted in C-1 with the approval of a Special Use Permit.

- Use

Title 19.04.050 establishes the criteria for the approval of alcohol-related uses within the city. The Code requires this Liquor Establishment (On-sale/Off-sale/On-Off sale) use to be a minimum of 400 feet from any church, synagogue, school, childcare facility licensed for more than twelve children, or City park as measured from property line to property line. In this case, there are no protected uses within the required minimum 400-foot distance separation radius. The proposed sale of beer, wine, and liquor will be an accessory use to a proposed Latin-themed grocery store.

- Conditions

The following conditions are stipulated for the Liquor Establishment (On-sale/Off-sale/On-Off sale) use within a C-1 (Limited Commercial) zoning district. The conditions with asterisks are cannot be waived:

***1.** Except as otherwise provided in this Chapter, no liquor establishment (on-sale/off-sale/on-off-sale) use (hereinafter "liquor establishment") shall be located within four hundred feet of any church, synagogue, school, childcare facility licensed for more than twelve children, or City park.

***2.** Except as otherwise provided in Subsection (3) below, the distances referred to in Subsection 1 shall be determined with reference to the shortest distance between two property lines, one being the property line of the proposed liquor establishment which is closest to the existing use to which the measurement pertains, and the other being the property line of that existing use which is closest to the proposed liquor establishment. The distance shall be measured in a straight line without regard to intervening obstacles. For purposes of measurement, the term "property line" refers to property lines of fee interest parcels and does not include the property line of:

a. Any leasehold parcel; or

b. Any parcel which lacks access to a public street or has no area for on-site parking and which has been created so as to avoid the distance limitation described in Subsection 1.

***3.** In the case of a liquor establishment proposed to be located on a parcel of at least eighty acres in size, the minimum distances referred to in Paragraph 1 shall be measured in a straight line:

a. From the nearest property line of the existing use to the nearest portion of the structure in which the liquor establishment will be located, without regard to intervening obstacles; or

b. In the case of a proposed liquor establishment which will be located within a shopping center or other multiple-tenant structure, from the nearest property line of the existing use to the nearest property line of a leasehold or occupancy parcel in which the liquor establishment will be located, without regard to intervening obstacles.

4. When considering a Special Use Permit application for a liquor establishment which also requires a waiver of the distance limitation in Subsection 1, the Planning Commission shall take into consideration the distance policy and shall, as part of its recommendation to the City Council, state whether the distance requirement should be waived and the reasons in support of the decision.

5. The minimum distance requirements in Subsection (1) do not apply to:

a. An establishment which has a non-restricted gaming license in connection with a hotel having 200 or more guest rooms on or before July 1, 1992 or in connection with a resort hotel having in excess of 200 guest rooms after July 1, 1992; or

b. A proposed retail establishment having more than 50,000 square feet or retail floor space.

***6.** All businesses, which sell alcoholic beverages, shall conform to the provisions of Chapter 6.50 of the Las Vegas Municipal Code.

7. The minimum distance requirements set forth in Subsection (1), which are otherwise non-waivable under the provisions of this subdivision, may be waived:

a. In accordance with the provisions of Subsection 19.040.050(A)(4) for any liquor establishment, which is proposed to be located on a parcel within the Downtown Casino Overlay District;

b. In accordance with the applicable provisions of the "Town Center Development Standards Manual" for any liquor establishment which is proposed to be located within the T-C (Town Center) Zoning District and which is designated MS-TC (Main Street Mixed Use) in the Town Center Land Use Plan; or

c. In connection with a proposed retail establishment having between 20,000 square feet and 50,000 square feet of retail floor space, if no more than 10% of the retail floor space is regularly devoted to the display or merchandising of alcoholic beverages; or

d. In connection with a retail establishment having less than 20,000 square feet of retail floor space, if the area to be used for the sale, display or merchandising of alcoholic beverages and each use to be protected are separated by a highway or a right-of-way with a width of at least 100 feet.

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

FINDINGS

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

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

PL

The proposed Liquor Establishment (On-sale/Off-sale/On-Off sale) use will be an accessory use to a proposed grocery store. It is located in a wholly commercial area along a Primary Arterial. For these reasons, the use is compatible with existing land uses and appropriate for the area.

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

   The subject site is physically suitable for the type and intensity of land use proposed. The addition of a Liquor Establishment (On-sale/Off-sale/On-Off sale) use does not affect the parking requirement for the proposed grocery store in which it is to be located, or the parking for the overall retail center development.

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

   The subject location is accessible from Sahara Avenue, a 100-foot Primary Arterial as indicated on the Master Plan of Streets and Highways, which is of adequate in size and capacity to accommodate the proposed Financial Institution, Specified.

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

   The public health, safety, and welfare and the objectives of the General Plan would not be compromised as a result of the approval of a Special Use Permit, because the proposed Liquor Establishment (On-sale/Off-sale/On-Off sale) would be subject to inspections for a Certificate of Occupancy.

NOTICES MAILED 554 [Mailed with SUP-4821]

APPROVALS 0

PROTESTS 1

PL

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: SUP-4822 APN: 162-07-101-010

Name of Property Owner: Sahara Westlake Associates, a California Limited Partnership

Name of Applicant: Cesare Crociata / Dos Compadres 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 __✓__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: Michael J. Crisp

Print Name: MICHAEL J. CRISP

Subscribed and sworn before me

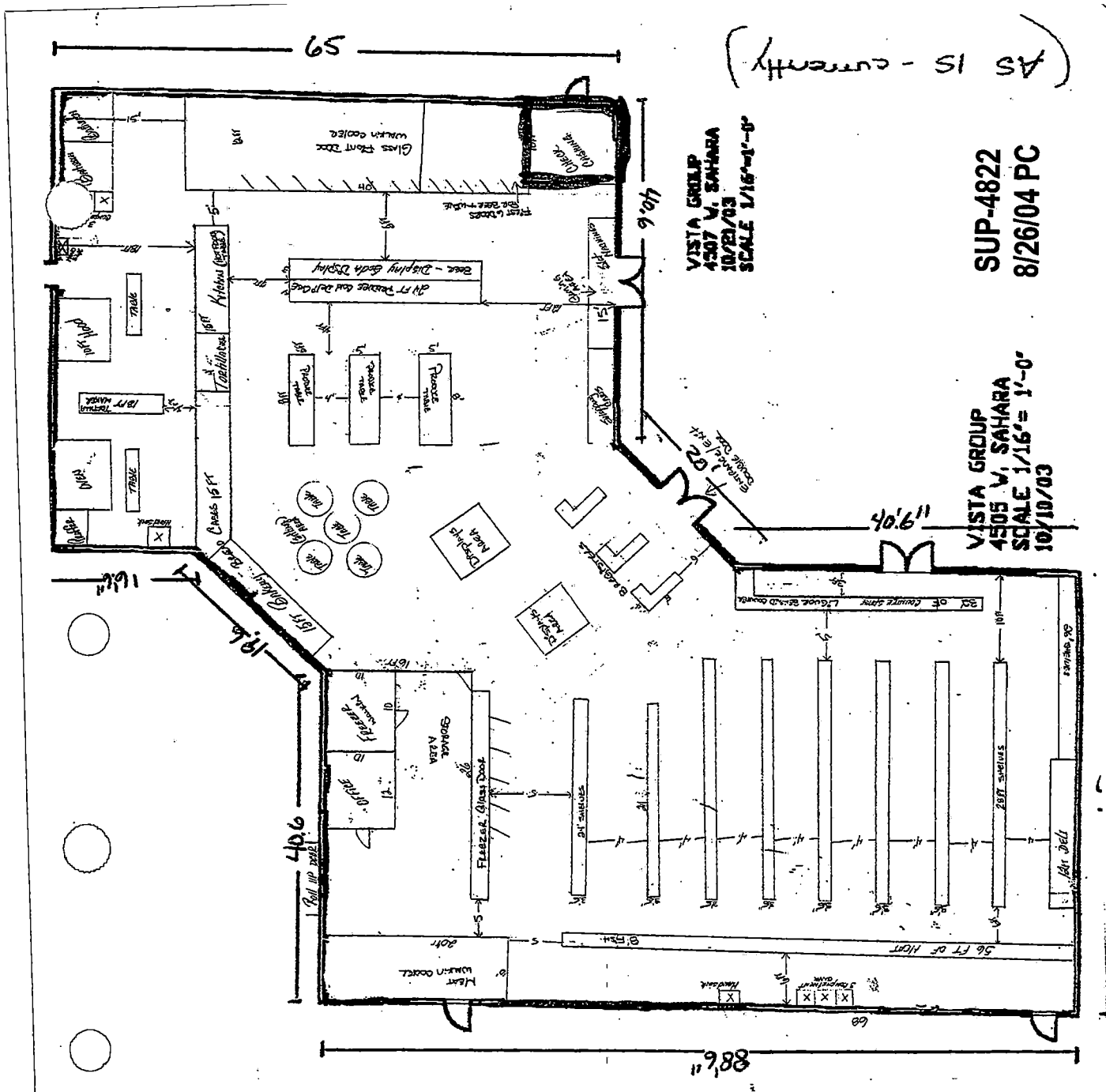
This 8th day of July, 20 01

Connie Gamble

Notary Public in and for said County and State

Notary Public - State of Nevada
County of Clark
CONNIE GAMBLE
My Appointment Expires
January 14, 2006
No: 99-28229-1

(As is - currently)


65
VISTA GROUP
4307 V. SAHARA
10/29/03
SCALE 1/16"=1'-0"
SUP-4822
8/26/04 PC
VISTA GROUP
4505 V. SAHARA
SCALE 1/16"= 1'-0"
10/10/03
40'6"
88'6"
Glass Table Top
Display Case
Display Case
Display Case
Display Case
Table
Table
Table

SPECIAL USE PERMIT - PUBLIC HEARING - SUP-4822 - APPLICANT: ACOSTA ENTERPRISE DBA EL RINCON LATINO - OWNER: SAHARA WESTLAKE ASSOCIATES
4505 WEST SAHARA AVENUE
AUGUST 26, 2004 PLANNING COMMISSION

8/3/04

8/2

RECEIVED
04 AUG 23 PM 4:27
DEV. [illegible]

August 18, 2004

Reference: SUP-4821, SUP-4822

Planning and Development Department
Current Planning Division
Development Services Center
731 South Fourth Street
Las Vegas, Nevada 89101

To Whom it may concern:

WE STRONGLY OBJECT TO SPECIAL USE PERMIT 4821

Applicant: Dos Compadres, Inc – Owner: Sahara Westlake Associates – Request for a special use permit for a financial institution at 4505 West Sahara Avenue.

WE STRONGLY OBJECT TO SPECIAL USE PERMIT 4822

Applicant: Acosta Enterprise DBA El Rincon Latino – Owner: Sahara Westlake Associates – Request for a special use permit for a liquor Establishment (on-sale/on-off sale) at 4505 West Sahara Avenue.

Respectfully,

F.D. Carlson
Linda Carlson

Ferd Jaynes and Linda Carlson
4300 San Angelo Avenue
Las Vegas, Nevada 89102-0617

City of Las Vegas

Agenda Item No.: 39

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

PLANNING COMMISSION MEETING OF: AUGUST 26, 2004

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: ROBERT S. GENZER [ ] CONSENT [X] DISCUSSION

SUBJECT:
SUP-4830 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT/OWNER: TWIN LAKES BAPTIST CHURCH - Request for a Special Use Permit FOR A 40 FOOT HIGH, 14 FOOT BY 48 FOOT OFF-PREMISE ADVERTISING (BILLBOARD) SIGN adjacent to the northwest corner of Westcliff Drive and Rainbow Boulevard (APN 138-27-802-004), U (Undeveloped) Zone [SC (Service Commercial) General Plan Designation] under Resolution of Intent to C-1 (Limited Commercial), Ward 2 (Wolfson).

IF APPROVED: C.C.: 10/06/04
IF DENIED: P.C.: FINAL ACTION (Unless appealed within 10 days)

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

RECOMMENDATION:
Staff recommends DENIAL.

BACKUP DOCUMENTATION:
1. Location Map
2. Conditions For This Application
3. Staff Report
4. Submitted at Meeting – Letter of support, June Ingram on behalf of Charleston Neighborhood Preservation

MOTION:
STEINMAN – Motion to HOLD IN ABEYANCE – UNANIMOUS

To be held in abeyance until 9/23/2004 PC Meeting

MINUTES:
CHAIRMAN TRUESDELL declared the Public Hearing open.

KYLE WALTON, Planning and Development Department, explained that this would be the first billboard in this area if approved. Staff believes sign placement in this location would encourage others to request billboards in the area and because of that, recommended denial.

MINUTES – Continued:

ATTORNEY JOHN FIELD, Kummer Kaempfer Bonner and Renshaw, 3800 Howard Hughes Parkway, appeared on behalf of both the applicant and the owner of the structure and property, and agreed that billboards should be discouraged in communities especially when they encroach on and are visible from within neighborhoods. He indicated that problems associated with some billboards including cluttering, structural waivers from building standards and questionable ad content, would not be issues related to this application. ATTORNEY FIELD declared this to be a perfect location for a billboard because no waivers are necessary, it conforms to Code and the property is exempted from the exclusionary zone in the overlay district for off-premise signs.

Using the overhead, ATTORNEY FIELD pointed out the location of the proposed billboard and stated the billboard would not be visible from or encroach on any neighborhoods. The direction of the sign is oriented to the I-95 freeway and more specifically, would face the Spaghetti Bowl. He assured the Commission that the property owner, the Twin Lakes Baptist Church, would regulate the content of the billboard and added that the revenue from the billboard would go to the church and in turn, be used to the benefit of the community. Regarding the possibility of clutter, ATTORNEY FIELD indicated the parcel is quite large and as the church owns the entire parcel, clutter would not be an issue.

JUNE INGRAM, Charleston Neighborhood Preservation, read a statement on behalf of her organization that indicated the church has a neighborhood preservation friendly history, would regulate ad content, that the sign is in compliance with the General Plan and zoning for the area, Planning and Development have imposed maintenance and review conditions and that due to the reputable character of the church, the Charleston Neighborhood Preservation organization supported approval of the Special Use Permit. She submitted a copy of the statement for the record.

COMMISSIONER DAVENPORT commented that he remembered a previous application involving the church on this property and that at that time, which was several months ago, the applicant indicated the property was donated to them specifically for church purposes. He questioned if placement of a billboard on the property would violate the transfer of deed. ATTORNEY FIELD was unable to answer with authority and COMMISSIONER DAVENPORT suggested he discuss that issue with his client. MR. FIELD indicated it would be discussed but that he was not aware of such a deed restriction.

COMMISSIONER GOYNES inquired about the impact the widening of the I-95 freeway might have on the proposed billboard. ATTORNEY FIELD speculated that the proposed location is far enough away that it would not be affected should NDOT condemn the area. COMMISSIONER GOYNES confirmed with ATTORNEY FIELD that the content of the billboard would be ad related, not for posting church related information such as service times.

MINUTES – Continued:

COMMISSIONER McSWAIN felt this application might be premature with all of the development in the area and indicated that she would like to see a better sign instead of just meeting the minimum requirements for approval. She stated that she may have supported this in the future but at this time, would follow staff recommendation. ATTORNEY FIELD suggested imposing a condition that the quality of the sign be improved; however, he added he was not in a position that would allow him to approve changes to the structure. He would take that request back to his client. COMMISSIONER McSWAIN confirmed with ATTORNEY FIELD that he did not want the item held to allow time to discuss with his client but he would like the item approved with an added condition that the sign be more aesthetically pleasing.

COMMISSIONER NIGRO voiced concern over the staff recommendation of denial when there was no Code violation and only because the sign would be the first in the area. In his opinion, this would be a good location for a billboard because the area is immediately adjacent to the freeway. He questioned whether the recommendation was that the entire area was inappropriate for billboards and stated that the issue should be examined when the Code is rewritten. Agreeing with COMMISSIONER McSWAIN that the sign should be more aesthetically pleasing, he reminded everyone that the Commission has commented on aesthetics repeatedly on the record and that it seems that most sign companies are still not making an effort. He suspected that the sign companies are waiting for the Code rewrite and the City to force the issue instead of volunteering to make changes before that time. COMMISSIONER NIGRO felt it was appropriate to hold the item and stated he was uncomfortable with imposing a condition that the sign be improved aesthetically. He preferred to see the improvements before voting.

COMMISSIONER STEINMAN confirmed with ROBERT GENZER, Director, Planning and Development, that there is no Code provision prohibiting off-premise signs near churches; however, there is a restriction regarding signs being oriented towards the Summerlin Parkway. He stated the sign could be oriented in that direction and it should be denied for noncompliance with that provision. He also stated that he did not feel the Spaghetti Bowl should have millions of dollars invested towards improvement only to have the area messed up with billboards. He would not be supportive of the items.

MR. GENZER suggested that no matter what the action of the Commission may be, before the item is heard by City Council, the applicant should provide the finished elevation of the interchange and how the sign would relate to that finished elevation. He indicated staff was not given this information and that made making a recommendation on this application difficult. COMMISSIONER McSWAIN stated she was uncomfortable with denying the item because it would still move forward to Council.

MINUTES – Continued:

CHAIRMAN TRUESDELL recollected that the previous application the church had brought before the Commission was to change the zoning from CV to C-1 and suspected the zoning change had been made to facilitate the application of this billboard. He questioned staff as to whether the previous CV zoning would have allowed a billboard application. MR. WALTON indicated that the Code did allow billboards on CV zoned property.

CHAIRMAN TRUESDELL said he drives in the area daily and that this sign would be visible from every direction. The property associated with this application has been vacant for several years with promises of the church being built. CHAIRMAN TRUESDELL voiced concerns over the sign being approved before the structure is completed. He feared that several years into the future, the sign could still be in place with no structure and no regulation of content. The property has a pile of dirt and he does not want to see a billboard on vacant land indefinitely. He also stated confusion regarding the support of the sign from the Charleston Neighborhood Preservation organization, as they are generally opposed to billboards of any kind. He added that no one has information on the setback zone or what the inclusionary affects are. He felt the item should be held to get the necessary answers.

COMMISSIONER McSWAIN stated she did not feel the billboard should go up until the church is completed and suggested a possible denial with a condition stating as such. DEPUTY CITY ATTORNEY BRYAN SCOTT informed her that it was not feasible to condition the item that way. A denial would be a denial, with no conditions. CHAIRMAN TRUESDELL questioned whether the next request would be for Westcliff frontage. ATTORNEY FIELD was not aware of any such request by the applicant.

A motion of denial was made by COMMISSIONER STEINMAN. CHAIRMAN TRUESDELL informed him that an abeyance would be preferred. COMMISSIONER STEINMAN justified his motion by reiterating the Code provision prohibiting the sign being visible from the Summerlin Expressway. CHAIRMAN TRUESDELL reminded him that if the item were denied, it would just be passed on to Council with a denial recommendation. COMMISSIONER McSWAIN concurred with the CHAIRMAN, stating if the applicant is required to bring back the necessary information, then, if denied, the item would at least move to Council with the requested information. COMMISSIONER STEINMAN then withdrew his motion of denial.

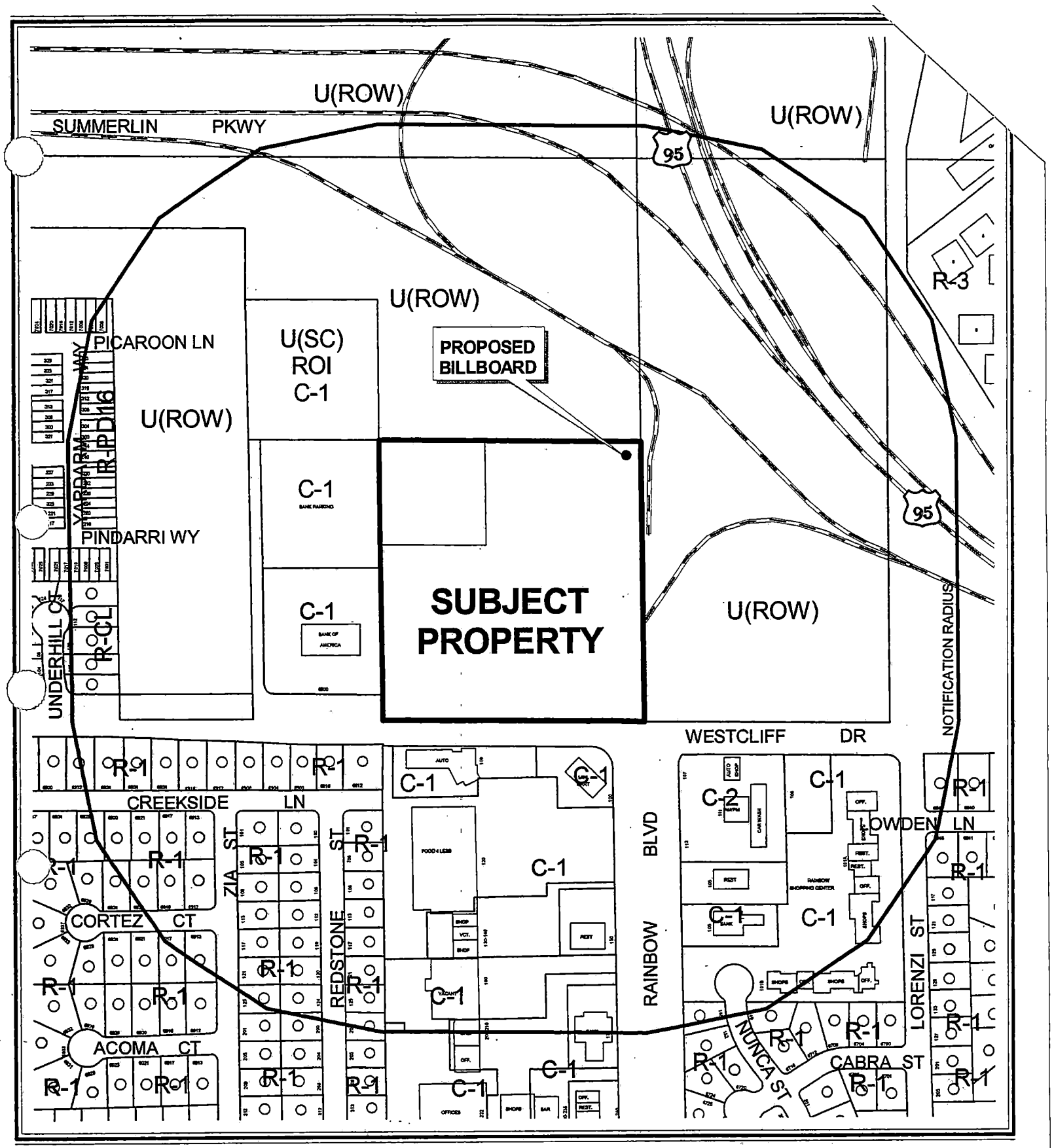
ATTORNEY FIELD requested the item be abeyed for two weeks, not tabled, so the applicant would not have to pay for re-notification and the associated costs. MR. GENZER indicated that his staff would need a minimum of 30-days because the information requested would have to be reviewed and two weeks would not be sufficient.

PLANNING COMMISSION MEETING OF AUGUST 26, 2004
Planning and Development Department
Item 39 – SUP-4830

MINUTES – Continued:

CHAIRMAN TRUESDELL declared the Public Hearing closed.

(8:27 – 8:49)



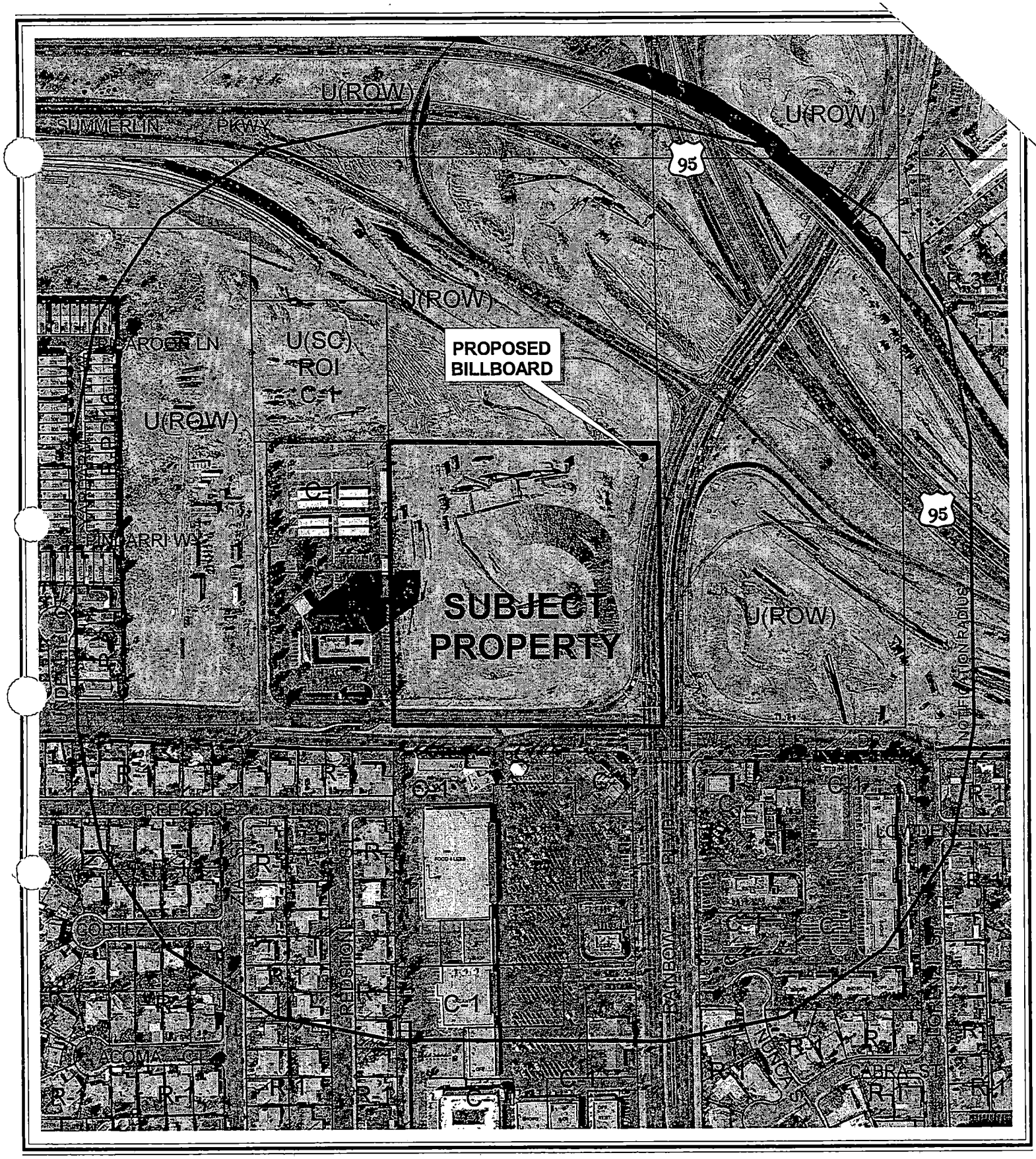
CASE: **SUP-4830**

RADIUS: 750 FT

ZONING OF SUBJECT PROPERTY:

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

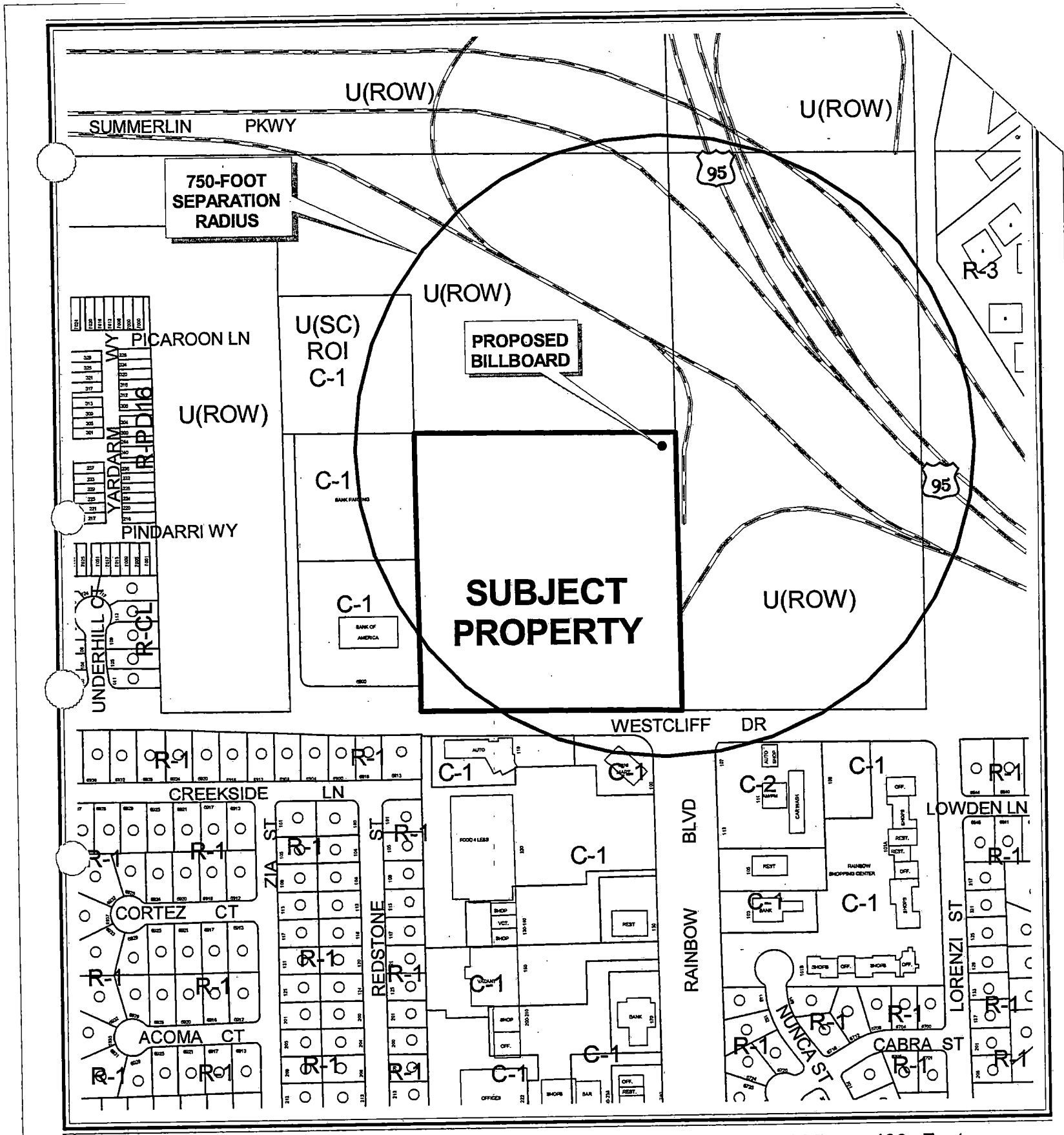
N



CASE: **SUP-4830**

RADIUS: 750 FT

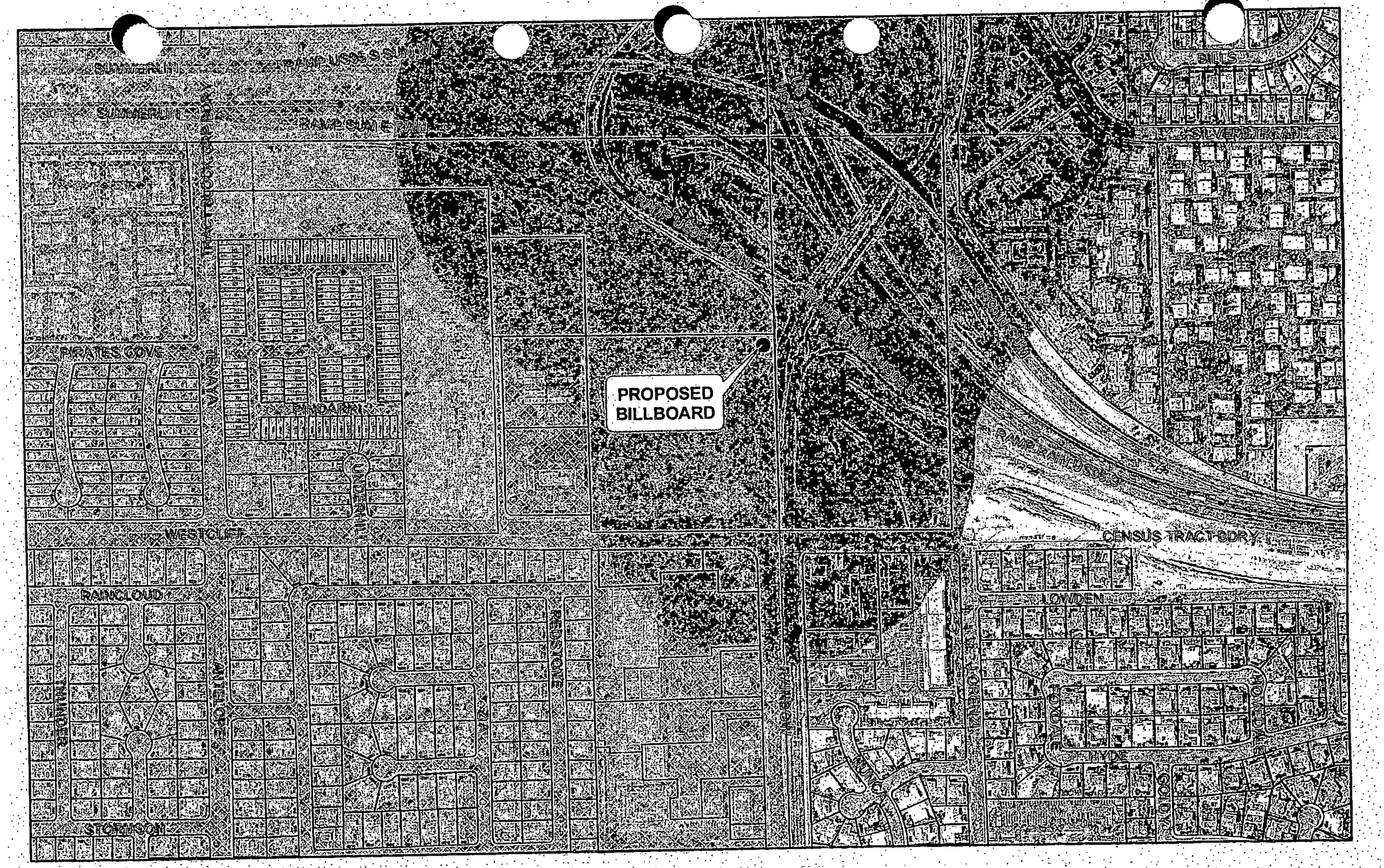
ZONING OF SUBJECT PROPERTY:
U (UNDEVELOPED) ZONE [SC (SERVICE COMMERCIAL) GENERAL PLAN DESIGNATION]
UNDER RESOLUTION OF INTENT TO C-1 (LIMITED COMMERCIAL)



CASE: **SUP-4830**

SEPARATION RADIUS: 750 FT

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



SUP-4830

- Subject Parcel
- City of Las Vegas Billboard Location
- Clark County Billboard Location

City of Las Vegas Billboard Data

- 300 Foot Buffer Around Billboard
- 750 Foot Buffer Around Freeway Billboard
- Outside City Boundary
- Off Premise Sign Exclusion Area
- Exempt - Off Premise Area Sign Area

N

City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: AUGUST 26, 2004
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: SUP-4830 - APPLICANT/OWNER: TWIN LAKES BAPTIST CHURCH

** CONDITIONS **

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

Planning and Development

1. The Special Use Permit shall be reviewed in five (5) years at which time the City Council may require the off-premise sign to be removed. The applicant shall be responsible for notification costs of the review. Failure to pay the City for these costs may result in a requirement that the off-premise advertising (billboard) sign is removed.

2. The off-premise advertising (billboard) sign and its supporting structure shall be properly maintained and kept free of graffiti at all times. Failure to perform the required maintenance may result in fines and/or removal of the off-premise advertising (billboard) sign.

3. The property owner shall keep the property properly maintained and graffiti-free at all times. Failure to perform required maintenance may result in fines and/or removal of the off-premise sign.

4. Only one advertising sign is permitted per sign face.

5. If the existing off-premise advertising sign structure is removed, this Special Use Permit shall be expunged and a new off-premise advertising sign structure shall not be erected in the same location unless: (1) a new Special Use Permit is approved for the new structure by the City Council, or (2) the location is in compliance with all applicable standards of Title 19 of the Las Vegas Municipal Code including, but not limited to, distance separation requirements, or (3) a Variance to the applicable standards of Title 19 has been approved for the new structure by the City Council.

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

Public Works

7. The off-premise advertising (billboard) sign shall not be located within public right-of-way, existing or proposed public sewer or drainage easements, or interfere with Site Visibility Restriction Zones.

** STAFF REPORT **

APPLICATION REQUEST

A) Action Requested

Request for a Special Use Permit for a 40 foot high, 10 foot x 40 foot off-premise advertising (billboard) sign at the northwest corner of Westcliff Drive and Rainbow Boulevard.

B) Applicant's Justification

The proposed location of the sign does not obstruct existing or proposed sidewalks or trails. The sign is oriented to US-95.

BACKGROUND INFORMATION

A) Previous Actions

11/27/90 The Board of Zoning Adjustment approved a Special Use Permit to allow the construction of a church on this property. This was final action; staff recommended approval (U-0168-90).

05/05/04 The City Council approved a rezoning of the site (ZON-3995) from U (Undeveloped) [SC (Service Commercial) General Plan Designation] to C-1 (Limited Commercial) and a site plan review request (SDR-3997) for a proposed church and a temporary building. The Planning Commission and staff recommended approval.

B) Pre-Application Meeting

06/25/04 Elements of this type of special use permit were discussed.

C) Neighborhood Meetings

Neighborhood meetings are neither required for this type of application, nor were any held.

KW

DETAILS OF APPLICATION REQUEST

A) Site Area

Gross Acres: 12.50

B) Existing Land Use

Subject Property:	Vacant
North:	Vacant, Right-of-Way
South:	Bank of America Building
East:	Vacant
West:	Vacant

C) Planned Land Use

Subject Property:	SC (Service Commercial)
North:	ROW (Right-of-Way)
South:	SC (Service Commercial)
East:	ROW (Right-of-Way)
West:	ROW (Right-of-Way)

D) Existing Zoning

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

E) General Plan Compliance

The parcel is designated as SC (Service Commercial) on the Southwest Sector Map of the General Plan. The C-1 (Limited Commercial) zoning of the site is in conformance to this designation. The proposed billboard is an allowed use in the C-1 (Limited Commercial) zoning district.

Trails		X
Rural Preservation Neighborhood		X
County/North Las Vegas/HOA Notification		X
Development Impact Notification Assessment		X
Project of Regional Significance		X

There are no special plans or reviews that are applicable to the proposed billboard.

KW

ANALYSIS

A) Zoning Code Compliance

A1) Minimum Distance Separation Requirements

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

Standards	Code Requirement	Provided
Off-Premise Advertisement (Billboard)	No off-premise sign shall be allowed within 300 feet from the nearest property line of a lot in any "R" zoning district	No residential areas within 300 feet of the sign.
	No off-premise sign may be in the Exclusionary Zone unless the sign is oriented to US 95.	Sign is oriented to US 95.
	No off-premise sign may be oriented to Summerlin Parkway.	Sign will not be oriented to Summerlin Parkway.
	No off-premise sign may be within 300 feet of any other off-premise sign and within 750 feet of an off-premise sign on the same side of US 95.	The sign will not be within 300 feet of any other off-premise sign and within 750 feet of an off-premise sign on the same side of US 95.

This proposed Off-Premise Advertising (Billboard) Sign is in conformance with spacing and locational requirements of Title 19.14.

B) General Analysis and Discussion

- Zoning

The subject billboard is an allowed use within the C-1 (Limited Commercial) zoning district with approval of a Special Use Permit.

KW

- Use

The proposed use is not harmonious and compatible with the immediate area. There are no other off-premise signs in the neighborhood and there is a minimal amount of existing signage. Introduction of an off-premise sign in the neighborhood will invite similar signs that would encourage an unattractive amount of visual clutter. The request is also premature, since the intersection is evolving because of the construction of US 95.

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."**

   Title 19.14.100(B)(2) states that the Planning Commission and City Council may consider the aesthetic impact of the sign on the area and all other aspects of the sign's compatibility with the surrounding area, including the existence or nonexistence of other signage in the area. Introduction of off-premise signage in the area will contribute to undesirable visual clutter. While this proposed billboard meets the technical requirements of the City of Las Vegas Zoning Code, the aesthetic impact of the sign will have a negative effect on the area.

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

   The site is physically suitable for the type and intensity of land use proposed.

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

   Not applicable to this type of special use.

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

KW

This proposed use is inconsistent with the overall objectives of the Master Plan 2020. Specifically the Plan states that "...the visual image of the streetscape and roadscape environments is perhaps the most important single factor in the perception of quality of life for both the resident and the visitor to Las Vegas."

NOTICES MAILED 95

APPROVALS 1

PROTESTS 1

KW

07/01/2004 08 15 FAX

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **SUP-4830** APN: 138-27-802-004

Name of Property Owner: Twin Lakes Baptist Church

Name of Applicant: Twin Lakes Baptist Church

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: Carl Fleming

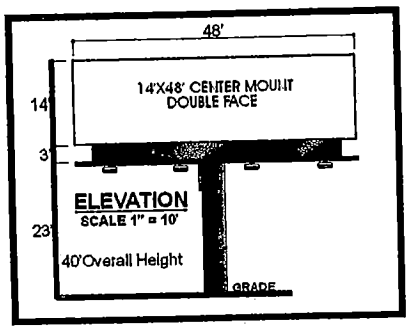
Print Name: Carl Fleming

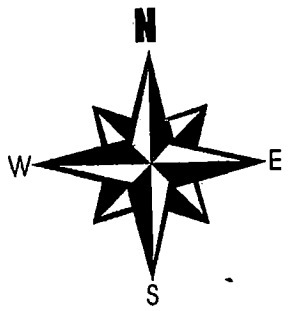
Subscribed and sworn before me

This 6th day of July, 2004

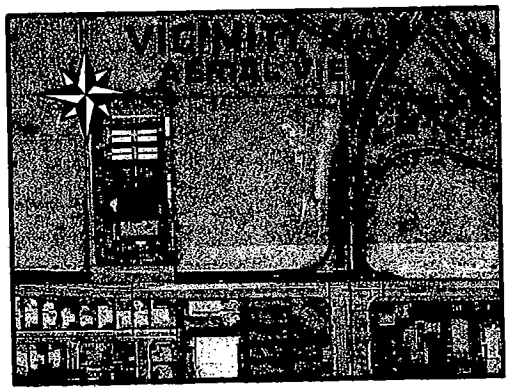
Notary Public in and for said County and State

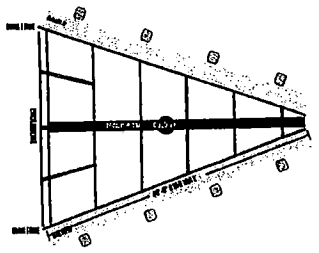
MARY KATHRYN TAYLOR
NOTARY PUBLIC
STATE OF NEVADA
Date Appointment Exp: 05-19-2007
Certificate No: 99-55260-1

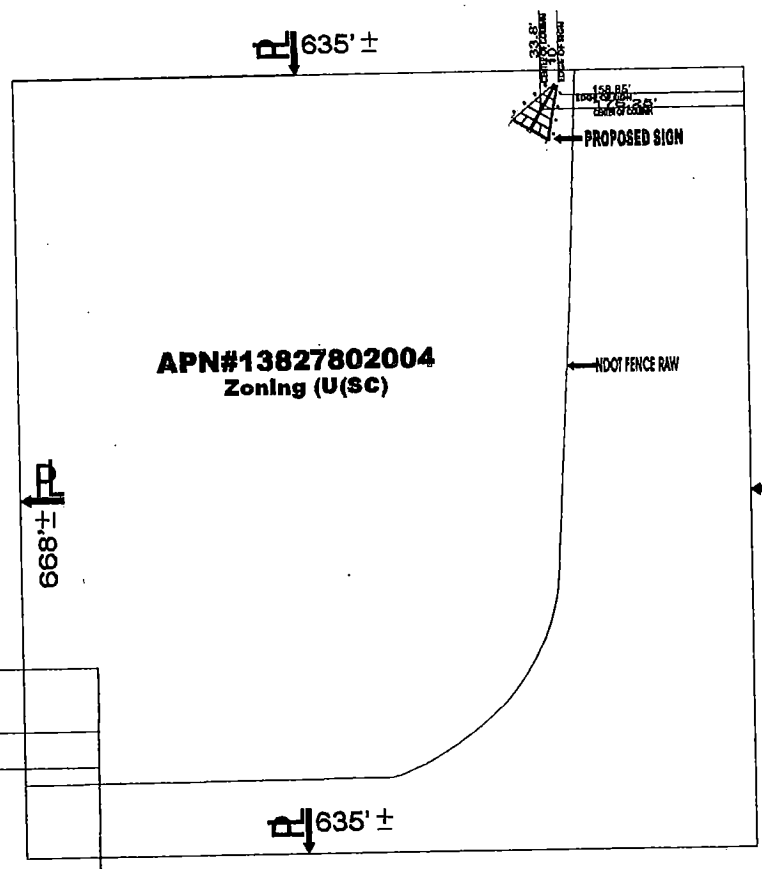


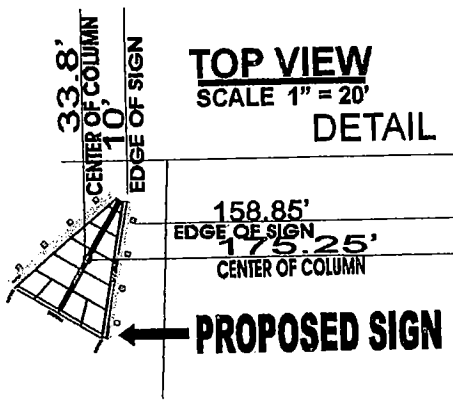


TOP VIEW
SCALE 1" = 50'
DETAIL









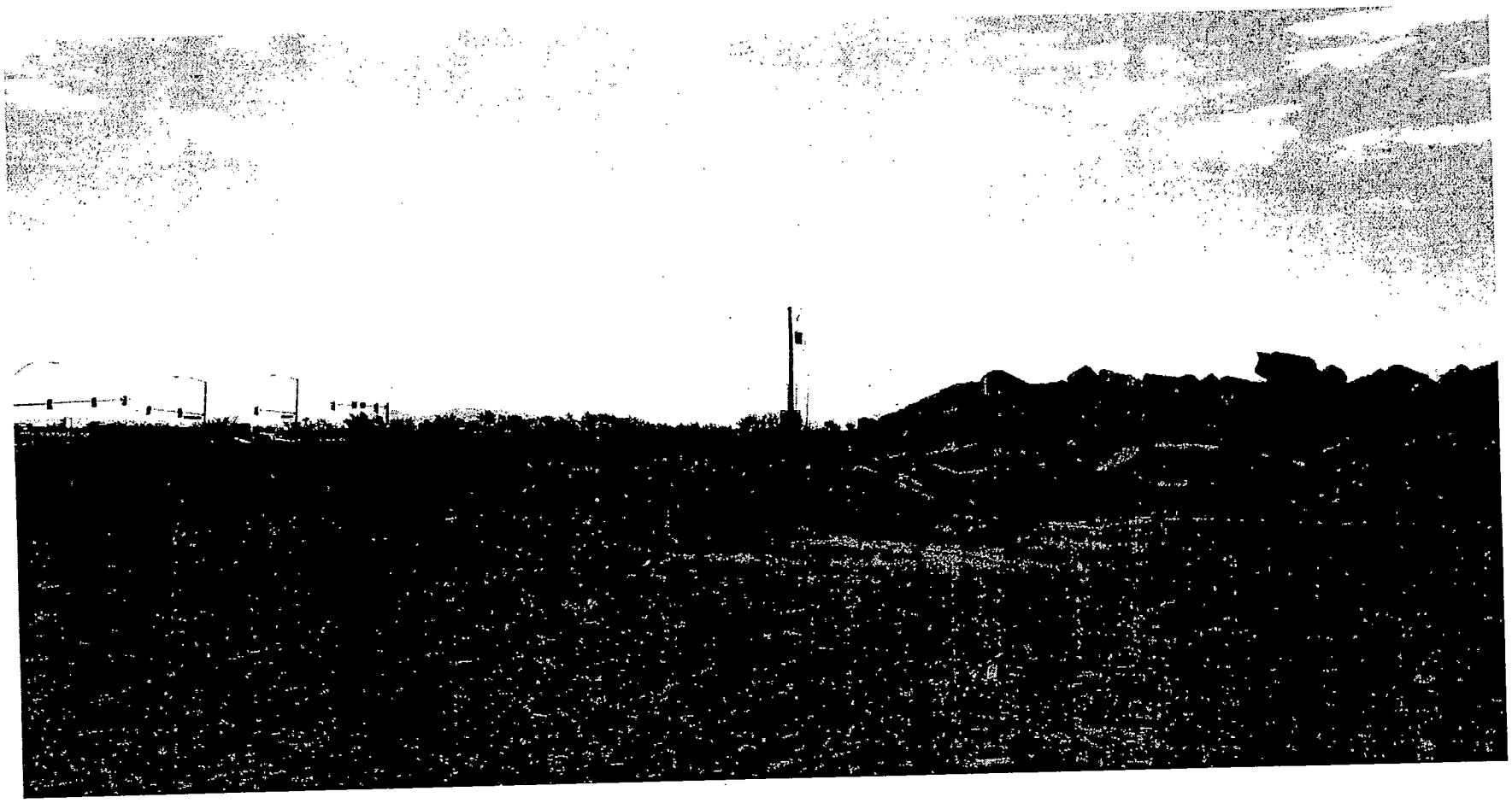
TOP VIEW
SCALE 1" = 20'
DETAIL

GENERAL NOTES
1. Not within 300 foot radius of another off-premise billboard.
2. Not within 300 foot radius of residential use.
3. No parking spaces will be taken for this location.

PAT KELLY
496-4966

JONES
4145 W. TECO AVE. / LAS VEGAS, NV 89118 / 702-445-0092
OWNER: CHURCH BAPTIST TWIN LAKES
SCALE: NOTED | APPROVED BY: | DRAWN BY: TOM JONES
DATE: 5-19-04 | REVISED:
LOCATION:
APN# 13827802004 | DRAWING NUMBER: 310

SUP-4830
8/26/04 PC



SPECIAL USE PERMIT - PUBLIC HEARING - SUP-4830 - APPLICANT/OWNER: TWIN LAKES BAPTIST CHURCH
NORTHWEST CORNER OF WESTCLIFF DRIVE AND RAINBOW BOULEVARD
AUGUST 26, 2004 PLANNING COMMISSION

8/9/04

8-14-04

To whom it May Concern,

We approve of the request for a 40' High Sign on the Corner of West Cliff Dr & Rainbow Blvd by the Twin Lakes Baptist Church.

CASE# SUP-4830

Doreen K. Thomas
6920 Cortez
22, Nv. 89145

8/20/04

Telephone Protest/ Approval Log

Meeting Date: 8/26/04 **Case Number:** SUP-4830

Date: 8/17/04
Name: Juanita Clark
Address: 137 Lorenzi St.
Las Vegas NV 89107
Phone: 877-2438
☑ **PROTEST** ☐ **APPROVE**

Date:
Name:
Address:

Phone:
☐ **PROTEST** ☐ **APPROVE**

Date:
Name:
Address:

Phone:
☐ **PROTEST** ☐ **APPROVE**

Date:
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☐ **PROTEST** ☐ **APPROVE**

Date:
Name:
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☐ **PROTEST** ☐ **APPROVE**

Date:
Name:
Address:

Phone:
☐ **PROTEST** ☐ **APPROVE**

CHARLESTON NEIGHBORHOOD PRESERVATION

"Doing things today that will improve tomorrow"

PHONE/FAX: (702) 877-2438

26 August 2004

To: City of Las Vegas Planning Commissioners, Chairman Truesdell

From: Charleston Neighborhood Preservation

RE: Agenda item # 39, SUP-4830 of 26 Aug 2004

TWIN LAKES BAPTIST CHURCH has a neighborhood preservation friendly history in this city.

It owns the land and has complete responsibility for the advertising.

This sign is in compliance with the General Plan.

This sign is in compliance with Zoning.

Planning & Development have mandated maintenance conditions as well as variance standards of Title 19, and the 5 year review.

Due to the above facts, weighed heavily by the reputable character and responsibile history of the TWIN LAKES BAPTIST CHURCH, our group recommends that this Special Use Permit be APPROVED.

June Ingram

June Ingram --CNP president

Submitted at Planning Commission

Date 08-26-04 Item #39

(20)

MEMBERS

Vicki Arnold – Juanita Clark – Miriam Een – Marcus Gobel – Rose Honrath – June Ingram – Rick Johnson

Gene & Pearl Lonardo – Sherry Mason – Dorothy Orr – Barbara Roth – Layne Rushforth – Pamela Stancliffe - Others

City of Las Vegas

Agenda Item No.: 40

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

PLANNING COMMISSION MEETING OF: AUGUST 26, 2004

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: ROBERT S. GENZER [ ] CONSENT [X] DISCUSSION

SUBJECT:
SUP-4834 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT/ OWNER: D.R. HORTON, INC. - Request for a Special Use Permit FOR A UNPAVED TEMPORARY REAL ESTATE SALES OFFICE PARKING LOT approximately 550 feet south of Elkhorn Road and Campbell Road (APN 125-20-113-006 and 007), T-C (Town Center) Zone, Ward 6 (Mack).

IF APPROVED: C.C.: 10/06/04
IF DENIED: P.C.: FINAL ACTION (Unless appealed within 10 days)

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

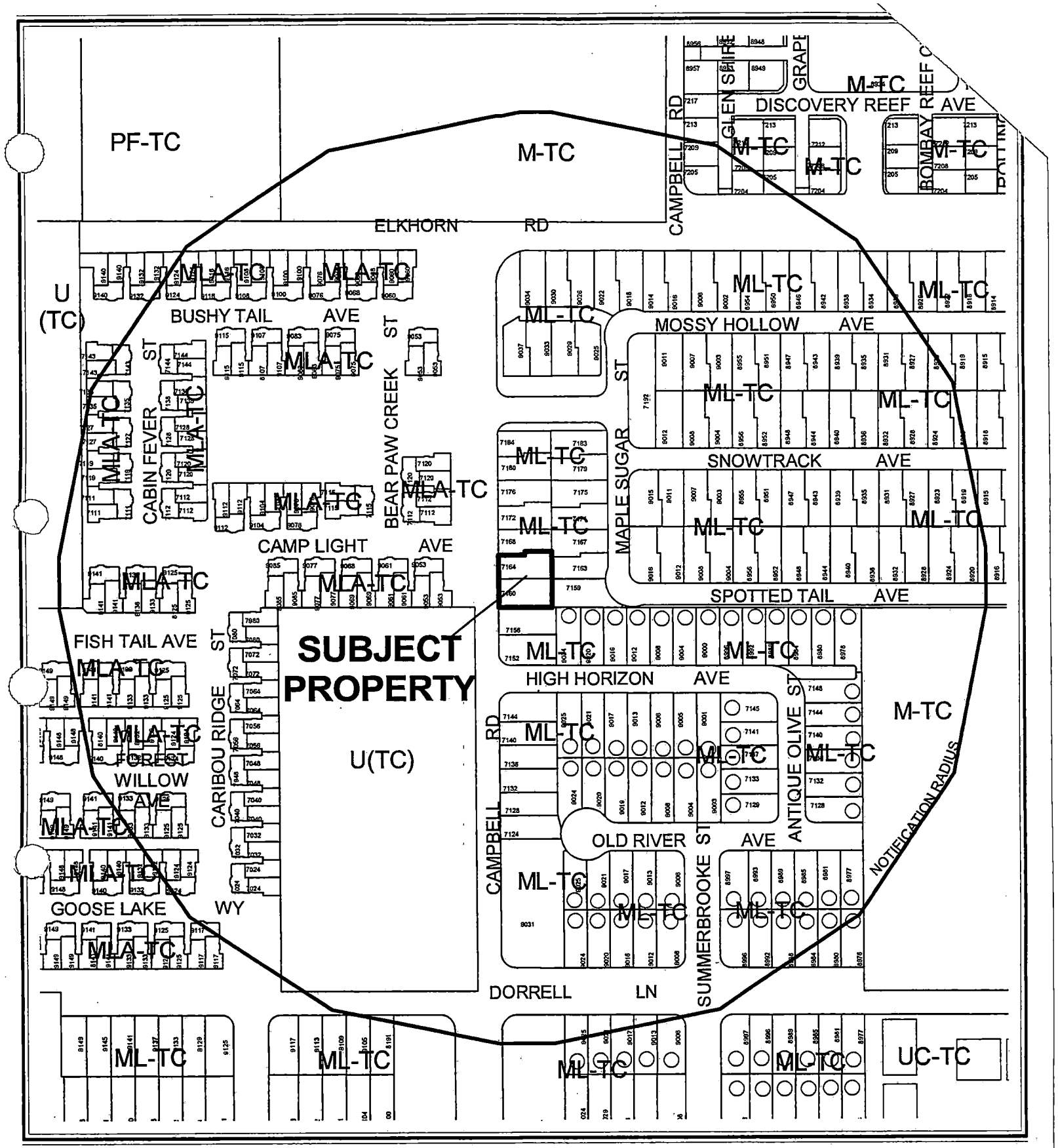
RECOMMENDATION:
Staff recommends this item be WITHDRAWN WITHOUT PREJUDICE.

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

MOTION:
NIGRO – Motion to bring forward and HOLD IN ABEYANCE Item 18 [GPA-4631], Item 19 [ZON-4635], Item 20 [SDR-4638], Item 27 [MOD-4632], Item 28 [WVR-4754] and Item 29 [SDR-4751] to 9/09/2004 Planning Commission meeting, Item 3 [TMP-4838], Item 26 [SDR-4619], Item 30 [ZON-4828], Item 31 [SDR-4837], Item 47 [WVR-4883], and Item 48 [SDR-4832] to 9/23/2004 Planning Commission meeting, WITHDRAW WITHOUT PREJUDICE Item 4 [TMP-4842], Item 5 [TMP-4843] and Item 40 [SUP-4834], TABLE Item 16 [ZON-4623] and Item 17 [SDR-4626], and STRIKE Item 49 [MOD-4879] – UNANIMOUS

MINUTES:
DAVID CLAPSADDLE, Planning and Development, stated that letters are on file for each of the requests.

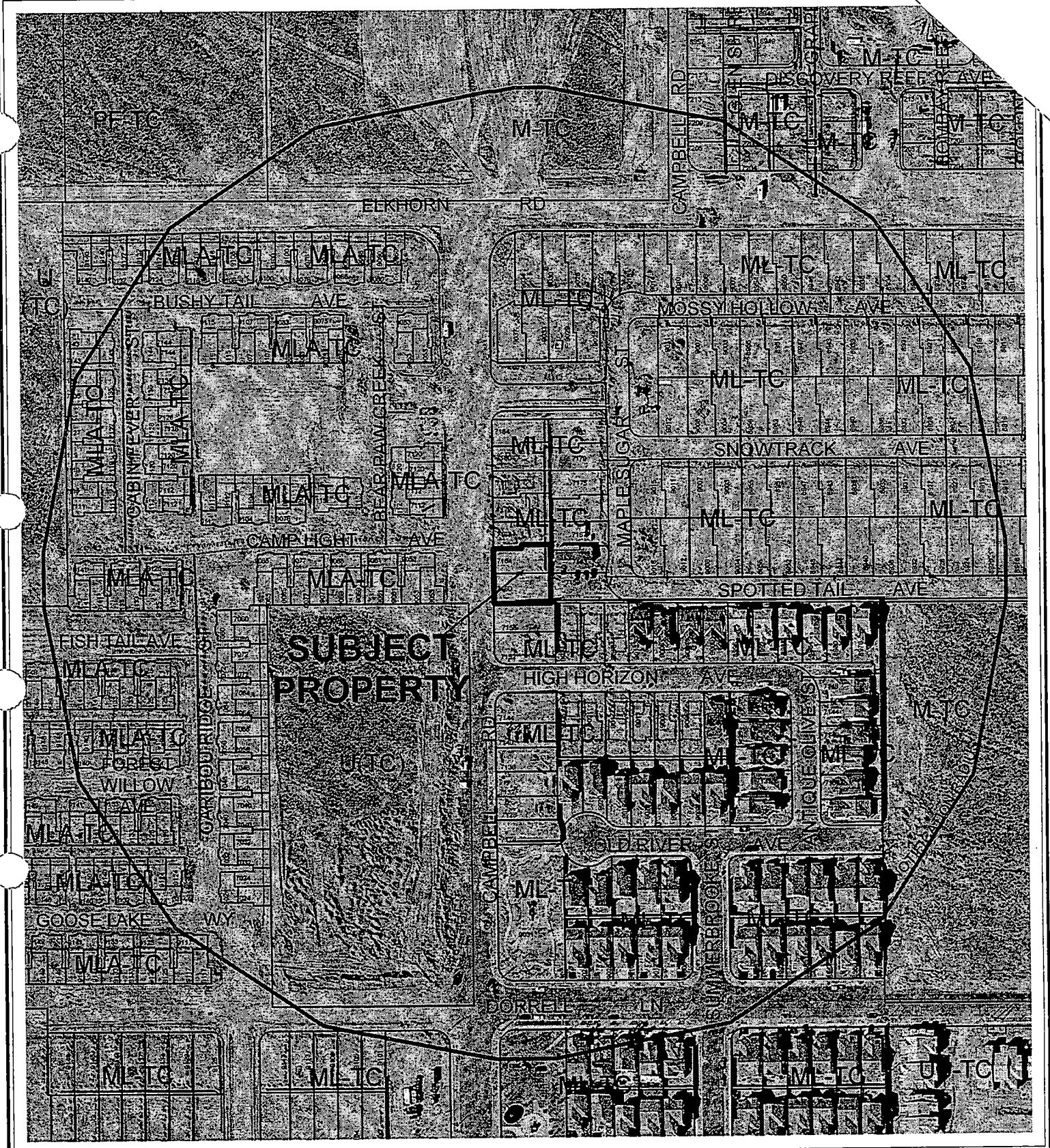
(6:06 – 6:31)



CASE: **SUP-4834**

RADIUS: 750 FT

ZONING OF SUBJECT PROPERTY:
T-C (TOWN CENTER) ZONE [ML-TC (MEDIUM-LOW DENSITY RESIDENTIAL) TOWN CENTER LAND USE DESIGNATION]



CASE: **SUP-4834**

RADIUS: 750 FT

ZONING OF SUBJECT PROPERTY:
T-C (TOWN CENTER) ZONE [ML-TC (MEDIUM-LOW DENSITY RESIDENTIAL) TOWN CENTER LAND USE DESIGNATION]

City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: AUGUST 26, 2004
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: SUP-4834 - APPLICANT/ OWNER: D.R. HORTON, INC.

ON AUGUST 23, 2004 THE APPLICANT REQUESTED THIS ITEM BE WITHDRAWN WITHOUT PREJUDICE

Alpha Engineering

Fax Transmittal

To:	Kyle Walton	**From:**	Traci Combs
Co.:	City of Las Vegas	**Pages:**	2 Including this page
Fax:	385-7268	**Date:**	8/23/04
RE:	Twilight at Elkhorn Ranch	**File #:**	2101-50
CC:	Barb Bross 638-4755		

Comments:

Kyle –

On behalf of our client, DR Horton, we respectfully request that you withdraw SUP 4834. DR Horton has decided to pave the parking, per code. I have attached the cover letter that we received today regarding the staff comments for your reference.

My telephone number is 877-1300.

Thank you for your assistance with this.

Traci Combs

Processor

tracic@alphaengineeringlv.com

50 South Jones, Suite 202 Las Vegas, Nevada 89107
Phone: (702) 877-1300 Fax: (702) 877-0300

PLANNING & DEVELOPMENT

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **SUP-4834** APN: _____

Name of Property Owner: D.R. Horton, Inc

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 _____✓_____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: 125-20-113-006, 007

Signature of Property Owner/Authorized Agent: _____

Print Name: Brian P. Walsh, VP

Subscribed and sworn before me

This 6th day of May, 2004

Barbara A Bross

Notary Public in and for said County and State

BARBARA A. BROSS
Notary Public State of Nevada
No. 98-2673-1
My appt. exp. June 5, 2006

BARBARA A. BRO...
Notary Public State of N...
No. 98-2673-1
My appt. exp. June 5, ...

Revised 2/12/02

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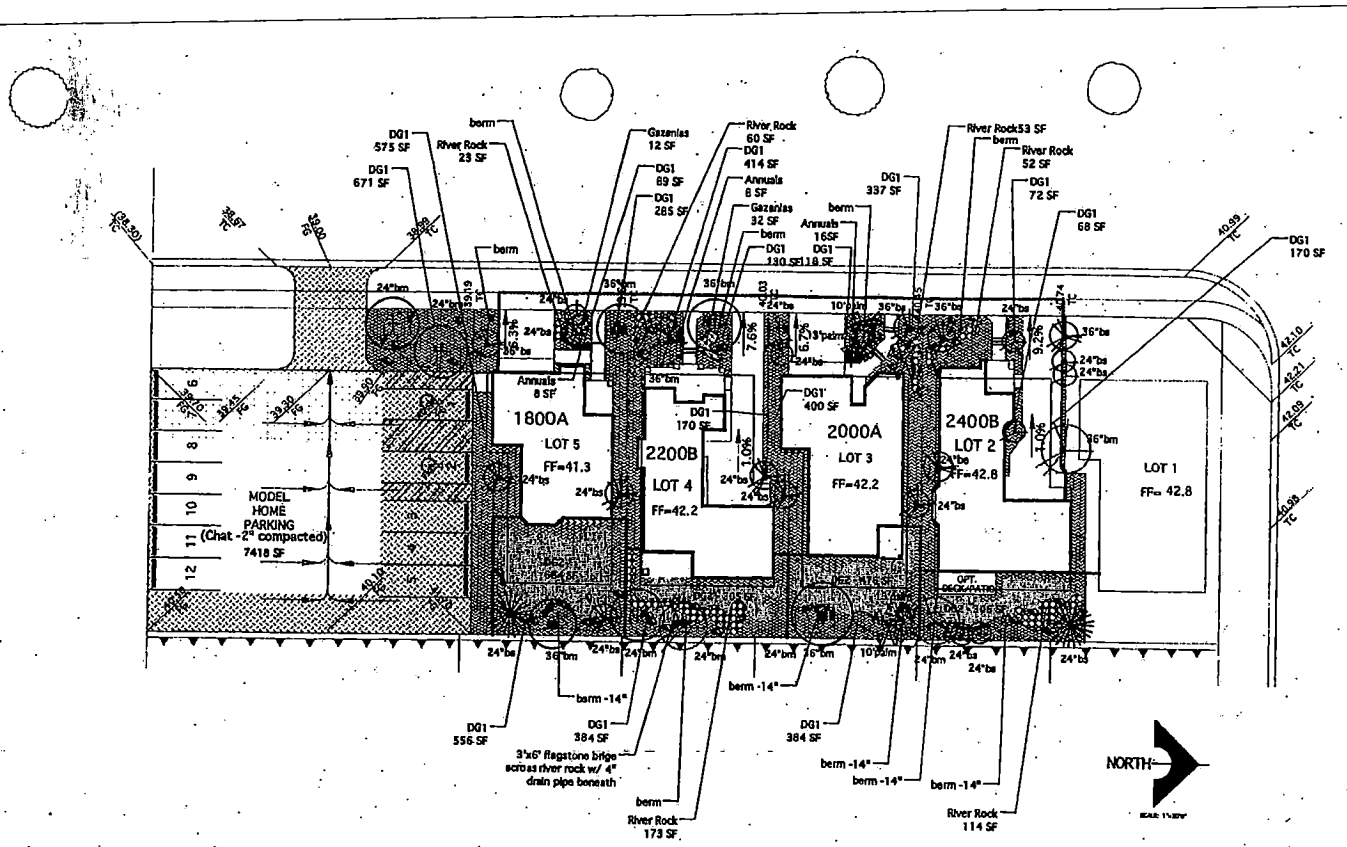


LEGEND

QUANT.	SYMBOL	SPECIES	COMMON NAME	SIZE
		PINUS eldarica	Mondell Pine	24" BOX & 36" bxd
		CHITALPA tashkentensis	Flowering Chitlapa	30" BOX & 36" box
		QUERCUS ilex	Holly Oak	24" BOX & 36" box
		PRUNUS c. 'Atropurpurea'	Texas Mtn Laurel	24" BOX
		Ligustrum lucidum	Glossy Privet	24" BOX & 36" box
		Washingtonia Robusta	Mexican Fan Palm	4'-6'-10' Skinned
		ACACIA stenophyllum	Shoestring Acacia	24" BOX
		Olea e. 'Wilsoni'	Wilson Olive	36" BOX, selectively prune to multi canopy
		Muhlenbergia sp	Deer Grass	3 GAL.
		LIGUSTRUM japonica	Wexleaf Privet	5 GAL.
		PHOTINIA fraseri	Photinia (Add iron to backfill mix)	5 GAL.
		PITTOSPORUM tobira	Mock Orange	5 GAL.

	PYRACANTHA koidzumii 'Santa Cruz'	Firethorn	5 GAL.
	RHAPHIOLEPIS indica 'Springtime'	Pink Lady	5 GAL.
	Pennisetum s.'Cupreum'	Red Fountain Grass	5 GAL.
	ROSEMARINUS o. 'POSTORATA'	Trailing Rosemary	5 GAL. 5' O.C.
	Acacia redolens	Spreading Acacia	1 GAL. 3' O.C.
	Cotoneaster sp.	Gray Leaf Cotoneaster	5 GAL.
	Trachelosporum jasmoides	Star Jasmine	5 GAL. 5' O.C.
	Lantana sp. 'New Gold'	New Gold Lantana	5 GAL.
	Dasylirion wheeleri	Red Yucca	5 GAL.
	Baccharus 'Centennial'	Centennial Baccharus	5 GAL.
	ERENOPHILA sp. 'Valentine'	Valanthe	5 GAL.
	HYMENOXYS acaulis	Angelita Daisy	1 GAL.
	Muhlenbergia	Pink Regal Mist	5 GAL.

	CASSIA artemisioides	Feathery Cassia	5 GAL.
	Leucophyllum f. 'Gr. Cloud'	Gr. Cloud Tx. Ranger	5 GAL.
	TECOMA X'Sunrise'	Sunrise	5 GAL.
	Rosa banksiae	Lady Banks Rose (on trellis)	5' Fan Trellis
	Trachelospermum Jasminoides	Star Jasmine (on trellis)	5' Fan Trellis
	Gazania sp.	Yellow Trailing Gazania	14"OC From Flats
	River Rock	4"-6" Round Rock	
	Granite Boulders	3-6ef each - 50% 9-20cf each - 50%	
	Annuals...Provide seasonal list for approval. Install Poly Edging flush w/ DG grade around all annual beds.		
	DG1...Rock Mulch, 3/4" screened, Western Red, 2" depth. Install in all plant beds and non-turf areas.		
	DG2...Rock Mulch, 1/4" screened, Western Red, 2" depth. Install in all plant beds and non-turf areas.		

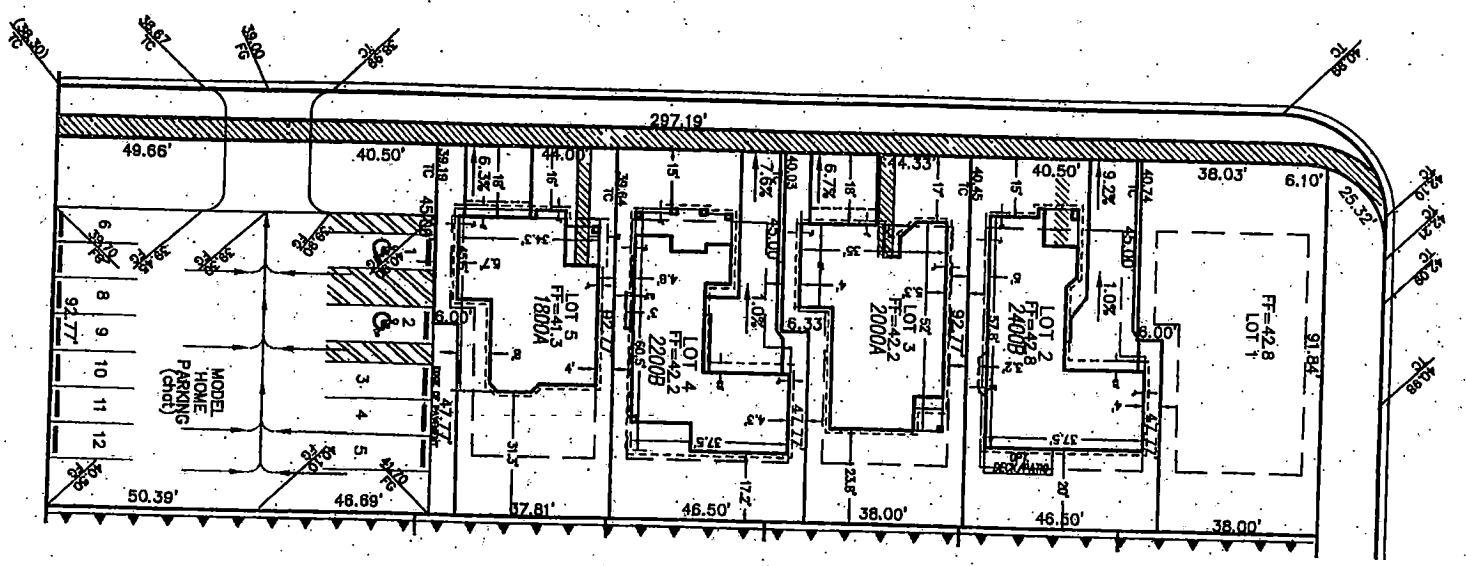
1"=300'
3/26/04
dst

LANDSCAPE ARCHITECTURE
IRRIGATION DESIGN
PARK PLANNING
COMPUTER IMAGING

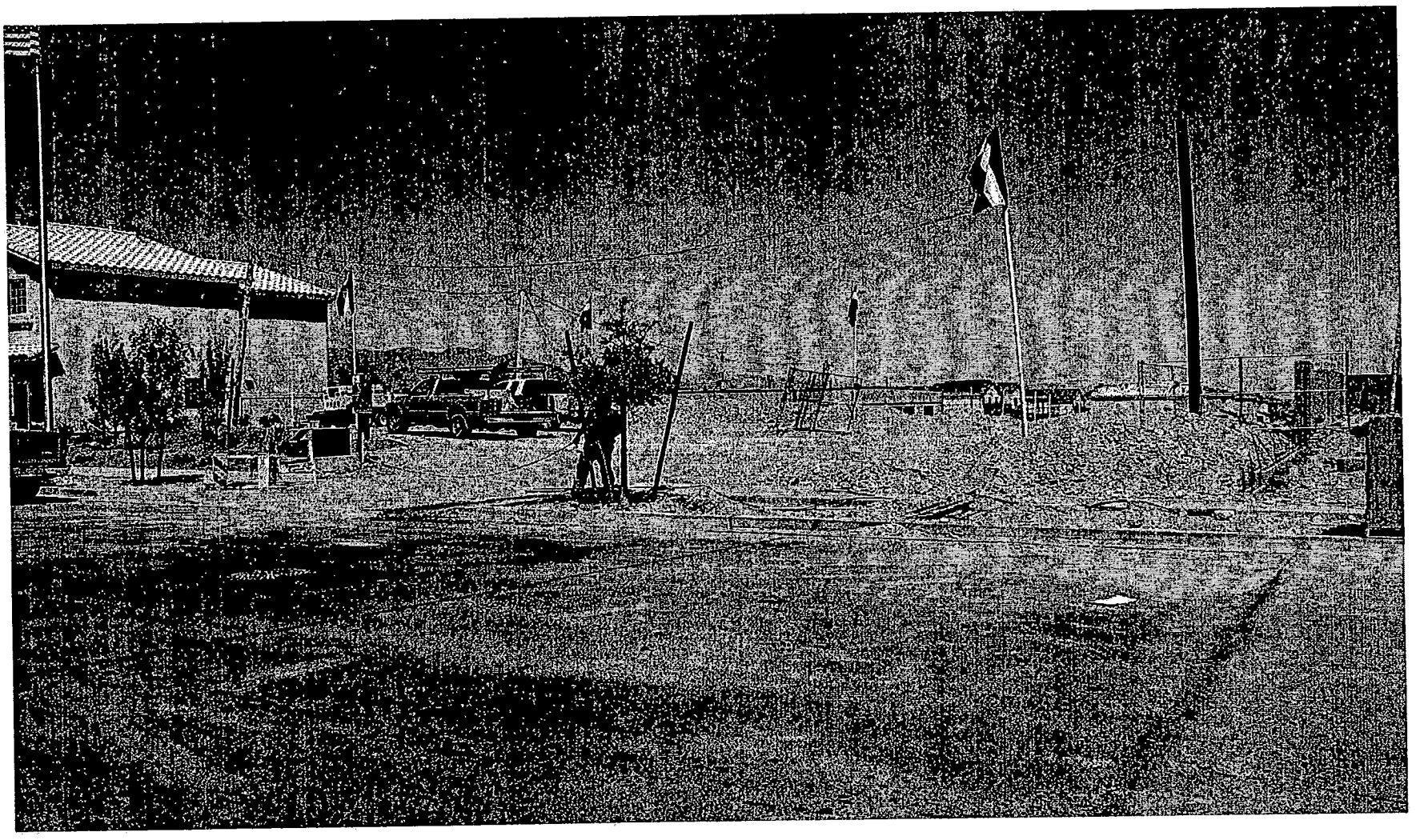
TDG
TEAL DESIGN GROUP
3313 Coral Harbor Dr.
Las Vegas, NV 89117
(702) 254-9538
Fax (702) 254-9538

ELKHORN TWILIGHT
D R Horton, Inc.
Models Landscape Plan
M-1

SUP-4834
8/26/04 PC



SUP-4834
8/26/04 PC



SPECIAL USE PERMIT - PUBLIC HEARING - SUP-4834 - APPLICANT/ OWNER: D.R. HORTON, INC.
APPROXIMATELY 550 FEET SOUTH OF ELKHORN ROAD AND CAMPBELL ROAD
AUGUST 26, 2004 PLANNING COMMISSION

7/29/04

SPECIAL USE PERMIT - PUBLIC HEARING - SUP-4834 - APPLICANT/ OWNER: D.R. HORTON, INC.
APPROXIMATELY 550 FEET SOUTH OF ELKHORN ROAD AND CAMPBELL ROAD
AUGUST 26, 2004 PLANNING COMMISSION

7/29/04

City of Las Vegas

Agenda Item No.: 41

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

PLANNING COMMISSION MEETING OF: AUGUST 26, 2004

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: ROBERT S. GENZER [ ] CONSENT [X] DISCUSSION

SUBJECT:
SUP-4844 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: JESUS IS THE ANSWER MINISTRIES - OWNER: TIM MEAD AND JULIE OVERMAN - Request for a Special Use Permit FOR A TRANSITIONAL LIVING GROUP HOME at 1060 Hart Avenue (APN 139-21-612-043), R-2 (Medium-Low Density Residential) Zone, Ward 5 (Weekly).

IF APPROVED: C.C.: 10/06/04
IF DENIED: P.C.: FINAL ACTION (Unless appealed within 10 days)

PROTESTS RECEIVED BEFORE:		APPROVALS RECEIVED BEFORE:	
Planning Commission Mtg.	14	Planning Commission Mtg.	2
City Council Meeting		City Council Meeting	

RECOMMENDATION:
Staff recommends APPROVAL.

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

MOTION:
GOYNES – DENIED – Motion carried with EVANS voting NO

MINUTES:
CHAIRMAN TRUESDELL declared the Public Hearing open.

DAVID CLAPSADDLE, Planning and Development Department, gave a review of the definition of a Transitional Living Group as defined in the Code. He stated it would be for six or fewer persons in need of transitional living arrangements. It cannot be an individual residential care facility, group residential care facility or convalescent care facility, nursing home, hospital or any type of facility that provides surgical, medical, psychiatric or other specialized treatment on a regular basis. It cannot provide housing and care to persons having a chronic disease, injury or other medical condition. It cannot provide housing, care or treatment to persons whose occupancy would constitute a direct threat to the health or safety to other individuals on their property. He added that the Code has four conditions for granting a Special Use Permit for base conditions of approval and this application meets all four.

MINUTES – Continued:

GINA FOUNTAIN, appeared on behalf of Jesus is the Answer Ministries and explained the program houses individuals who have made poor choices and been living a destructive lifestyle. The ministry offers to house these individuals who have decided to change their destructive lifestyles and to help them get back on their feet. The church does not provide counseling of any kind in the facility; however, they are referred to counseling services such as the EOB. She indicated the home is not a rehab facility or shelter. Discipleship classes are offered along with daily bible studies. There is an on-site Director, Dexter Gary, who monitors the activities of the house and assures the church standards for the home are being maintained. No drinking or drugs of any type are allowed. The individuals are encouraged to find jobs and become productive members in the community. She added that the church has grown from six members to approximately three hundred and fifty. There have been no incident reports since moving into the community and the crime rate and rate of gang activity has been reduced.

WILLIAM McCURDY, 1117 Hart Avenue, lives directly across the street from the proposed facility. MAYOR GOODMAN appointed him to the Las Vegas 20/20 Board and he is very much opposed to this type of home being approved because over two million dollars in block grant money has been spent to revitalize this area. He acknowledged BISHOP MCINTIRE as a very good man; however, since the situation has been in his neighborhood, he complained that people have been walking through his property although he could not say if it was people associated with this home.

MR. McCURDY added that the crime rate in Vegas Heights is very high and that this project is not conducive to the revitalization of West Las Vegas. The home should be placed on the property he has seen across the street from the church so the house could be better monitored. MR. McCURDY indicated the church is operating such houses before asking for approval from the City and that the subject house in this application is currently under operation. He urged the Commission to deny the application. MR. McCURDY pointed out several individuals in the audience and indicated he was speaking on their behalf in an effort to conserve time. CHAIRMAN TRUESDELL asked that all members of the audience in opposition to this application indicate so with a show of hands. Thirteen adults did so. He asked for all audience members in favor of the application to also raise their hands, there were two.

MS. FOUNTAIN responded to MR. McCURDY'S comments regarding the church operating homes without approval by stating this is the first home the church has sponsored. She indicated the Code Enforcement Department visited the home and questioned their licensure. MS. FOUNTAIN told Code Enforcement that the State had informed her no license was required but that the church wanted to comply with City requirements if they were different. She explained that the application is part of that compliance.

MINUTES – Continued:

COMMISSIONER GOYNES emphasized his belief that applications of this manner are detrimental to West Las Vegas. He confirmed with MS. FOUNTAIN that she was aware of the recent closure of the Von's store and the empty Veteran's Building, both projects affected by the lack of economic growth in the area. He stressed the importance of neighborhoods in a community. He defined a neighborhood as residential dwellings with families occupying each home. There should not be concerns within a neighborhood regarding the safety of children playing near a home with individuals coming and going on a transient basis and without knowledge of who they are or their background. He voiced extreme displeasure that the applicant would suggest placing people from destructive lifestyles in the middle of a neighborhood that is trying to establish itself.

COMMISSIONER GOYNES encouraged the church to consider building the transitional home near the church at Maryland Parkway and Fremont Street, as there is plenty of space and it could be expanded out to their parking lot. He also suggested if the home was not approved that perhaps the individuals could be taken into the homes of the church members and they could be mentored there. He indicated that between Hassell Avenue, Lawry Avenue and Hart Street, he was able to count five churches. The neighborhood does not need a transitional home, it needs a family in that home. Bringing an outside element with a destructive lifestyle into the neighborhood is not what is needed. For the community to survive, it must become economically smart.

COMMISSIONER GOYNES stated he is concerned about the children in the community and referenced the children in the audience. His hope is that he can leave some type of legacy for the children of West Las Vegas to have and pass onto their children. He commented that although the Commissioners represent individual Wards, as a Commission they represent the whole City and he urged them to support him in his vehement denial of this type of use.

Because of the fragile nature of the area, COMMISSIONER McSWAIN indicated she would not be able to support the item. She indicated that sometimes there is a need for transitional homes that serve a variety of purposes within communities but this is not the time to impose such a facility upon this neighborhood. She referenced the discussions that have occurred in the past regarding neighborhoods having several churches and what happens when an area is saturated with churches when there should be residences and families. She could not support the item. COMMISSIONER EVANS noted the number of churches in the area. He commented that the application meets all the provisions of the Code and it is not a group home. Individuals need help and if not at this location, where could they go? He indicated that there is no legal basis to deny the application if the information in the staff's report is accurate and he would be supporting the item.

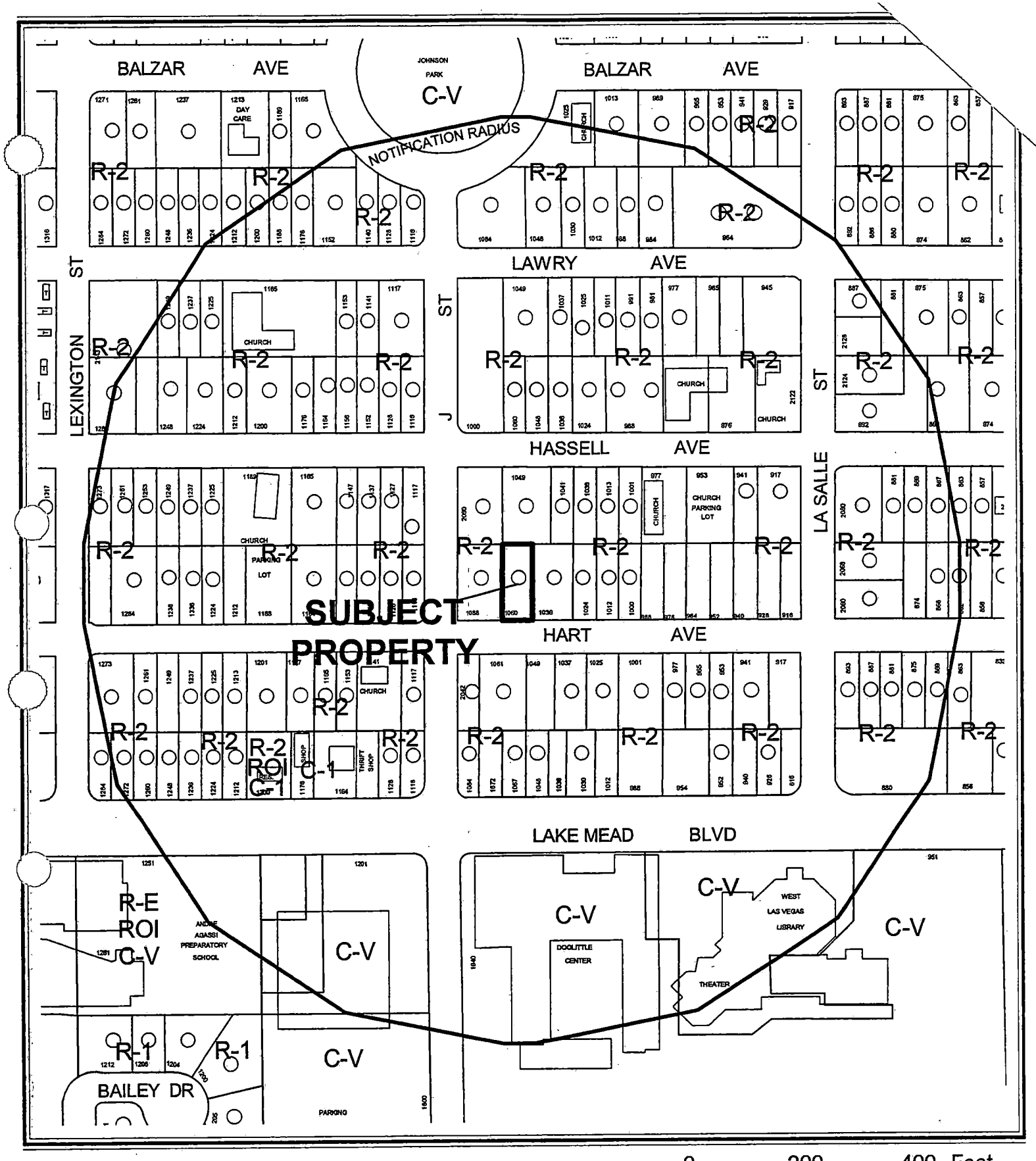
MINUTES – Continued:

CHAIRMAN TRUESDELL commented that he, like COMMISSIONER GOYNES, usually speaks loudly when talking about making West Las Vegas a better place. There are great charter schools there and there is a community center with ball fields approximately one block from this site. The challenge of the community is attaining more housing for families. Services will come into the area but there will not be enough homes to make the services stay. There are too many vacant lots and most of the applications that come into the area involve social services. This part of town is well located within the valley but is avoided because people think there are too many problems there. Once a small amount of progress is attained in the area, something happens that stalls the economic vibrancy of the community.

CHAIRMAN TRUESDELL acknowledged that the work of the church is important and he understands what they are trying to do for their residents; however, West Las Vegas deserves more than what is being seen on the applications coming before the City. It cannot all be placed in West Las Vegas.

CHAIRMAN TRUESDELL declared the Public Hearing closed.

(8:49 – 9:12)



0 200 400 Feet

CASE: **SUP-4844**

RADIUS: 750 FT

ZONING OF SUBJECT PROPERTY: R-2 (MEDIUM-LOW DENSITY RESIDENTIAL)

N

City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: AUGUST 26, 2004
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: SUP-4844 - APPLICANT: JESUS IS THE ANSWER MINISTRIES - OWNER: TIM MEAD AND JULIE OVERMAN

** CONDITIONS **

STAFF RECOMMENDATION: **APPROVAL,** subject to:

Planning and Development

1. The number of residents shall be limited to six persons.

2. Conformance to all Title 19 standards for a transitional living home.

3. The facility must comply on an ongoing basis with all governmental licensing requirements.

Public Works

4. This site will be subject to the traffic signal impact fee as required by Ordinance No. 5644 at the time permits are issued

** STAFF REPORT **

APPLICATION REQUEST

A) Action Requested

This is a request for a Special Use Permit for a Transitional Living Group Home at 1060 Hart Avenue.

B) Applicant's Justification

Applicant proposes to house, feed, and clothe individuals who are looking to improve their lot in life. Residents must obtain employment and work toward becoming self-sufficient. Group Home volunteers help the residents to obtain identification cards, find jobs, and seek the help of social and economic agencies. This Group Home will help residents to become functional, productive members of society.

This Group Home will *not* serve as a rescue mission, homeless shelter, half-way house, or facility for individual care. Nor will the Home serve as a drug/alcohol treatment/withdrawal center. Residents who need professional services will do so off-site.

BACKGROUND INFORMATION

A) Previous Actions

There are no recorded previous actions associated with this property or use.

B) Pre-Application Meeting

Routine discussion to have regarding application procedures. Applicant asked for waivers of quantity of residents and waiver of parking standards. Staff later informed applicant that because of Title 19 standards and definitions for a Transitional Living Group Home, these issues would not be waivable. Applicant agreed to proceed with the application with the maximum allowable number of residents (six) and two parking spaces.

C) Neighborhood Meetings

A neighborhood meeting is not required of this type of application, nor were any meetings held.

DETAILS OF APPLICATION REQUEST

A) Site Area

Net Acres: 0.17

B) Existing Land Use

Subject Property:	Single Family Residential
North:	Single Family Residential
South:	Single Family Residential
	Community Center
	Library
	Prep School
East:	Single Family Residential
West:	Single Family Residential

C) Planned Land Use

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

D) Existing Zoning

Subject Property:	R-2 (Single Family Residential - 2 Units Per Acre)
North:	R-2 (Single Family Residential - 2 Units Per Acre)
South:	R-2 (Single Family Residential - 2 Units Per Acre)
	C-V (Civic)
East:	R-2 (Single Family Residential - 2 Units Per Acre)
West:	R-2 (Single Family Residential - 2 Units Per Acre)

E) General Plan Compliance

The parcel is designated as ML (Medium Low Density Residential) on the Southeast Sector Map of the General Plan. The R-2 (Single Family Residential - 2 Units Per Acre) zoning of the site is in conformance to this designation. The proposed Transitional Living Group Home is allowed in the R-2 (Single Family Residential - 2 Units Per Acre) zoning district, with a special use permit.

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

This use will be located in the West Las Vegas Plan. The report does not conflict with any goals, objectives or policies of the plan.

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
Single Family, Detached	1981 SF.	N/A	2	0	2	0

This proposal meets the parking requirement.

A2) Minimum Distance Separation Requirements

There are no Minimum Separation Distance Requirements in the Zoning Code that apply to the proposed Transitional Living Group Home use.

B) General Analysis and Discussion

- Zoning

The R-2 (Single Family Residential – 2 Units Per Acre) zoning of the site allows a Transitional Living Group Home with a Special Use Permit.

- Use

The use shall be conducted according to the conditions of approval as detailed in Title 19.04 and below.

- Conditions

1. **The home must be located on a parcel with a minimum size of 6,500 square feet.**

   The lot is greater than 7,000 square feet.

2. **Off-street parking shall be provided on the basis of at least one space per six residents, plus an additional space for the administrator.**

   One space for the residents and one for the administrator shall be provided.

3. **Common area shall be provided on the basis of a minimum of 15 square feet per resident. The facility must comply on an ongoing basis with all governmental licensing requirements.**

   Common areas measure approximately 540 square feet, or 90 square feet per resident.

   Applicant (Jesus is the Answer Ministries) licensure status has been documented on July 22, 2002 by the State of Nevada Department of Human Resources, Health Division, Bureau of Licensure and Certification. The Bureau determined that the way the applicant provides services does not fall within the State's definition of a "halfway house for recovering alcohol and drug abusers," and therefore does not require a license for this type of Group Home.

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."**

This Transitional Living Group Home, with a maximum of only six residents and low-key style of service will operate essentially like any other single family residence in the surrounding area. This Home fulfills some of the goals and objectives of the West Las Vegas Plan., which has been developed in conformance with the General Plan. Specifically, this use will "provide the opportunity for citizen empowerment to effectuate change in the community, provide affordable housing, and promote diverse employment opportunities for area residents."

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

Subject house and yards are well-maintained, and freshly painted. A long covered patio provides suitable shade for residents.

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

This R-2 zoned property is served by several 60 foot residential streets, and is within walking distance of Citizens Area Transit lines on both Lake Mead Boulevard and Martin Luther King Boulevard. Most residents will transport themselves via bus, bicycle or foot, so street and highway impacts will be negligible.

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

This Group Home will be monitored by health department and other code enforcement issues, so public health and safety will be protected.

NOTICES MAILED 153

APPROVALS 0

PROTESTS 0

SRS

PLANNING & DEVELOPMENT

DEVELOPMENT SERVICES CENTER

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: SUP-4844 APN: 139-21-612-043

Name of Property Owner: Tim S. Mead / Julie Overman

Name of Applicant: Jesus Is The Answer Ministries

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: Tim S Mead

Subscribed and sworn before me

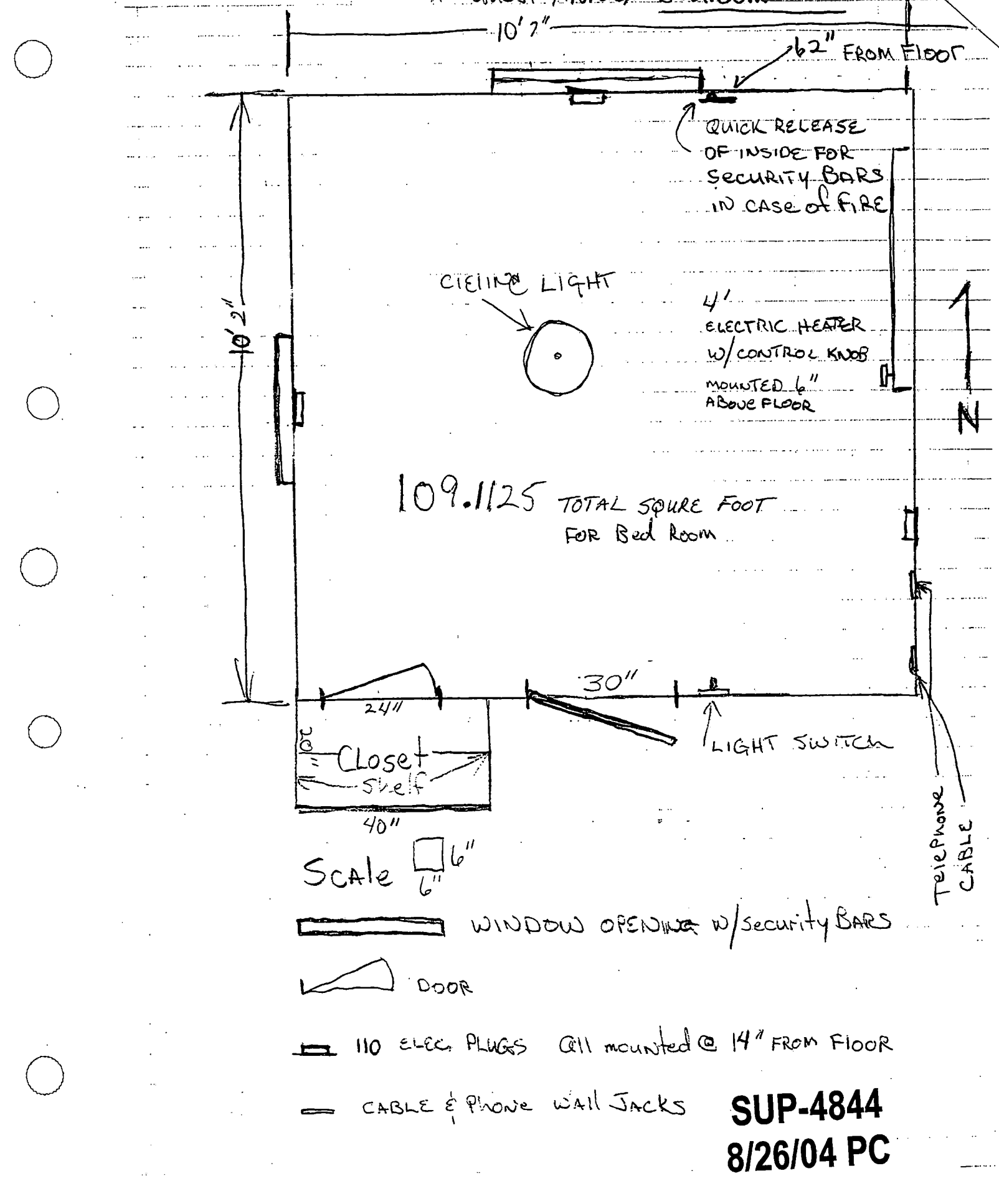
This 12 day of July, 2004

_____ 9-23-2007
Notary Public in and for said County and State
County of Marin
State of California

JULIE OVERMAN
Commission # 1441122
Notary Public - California
Marin County
My Comm. Expires Sep 23, 2007

1060 Hart Ave

Guest ANNEX Bedroom PLAN



SUP-4844
8/26/04 PC

1060 Hart Ave

MAIN

HOUSE

1577 TOTAL

9

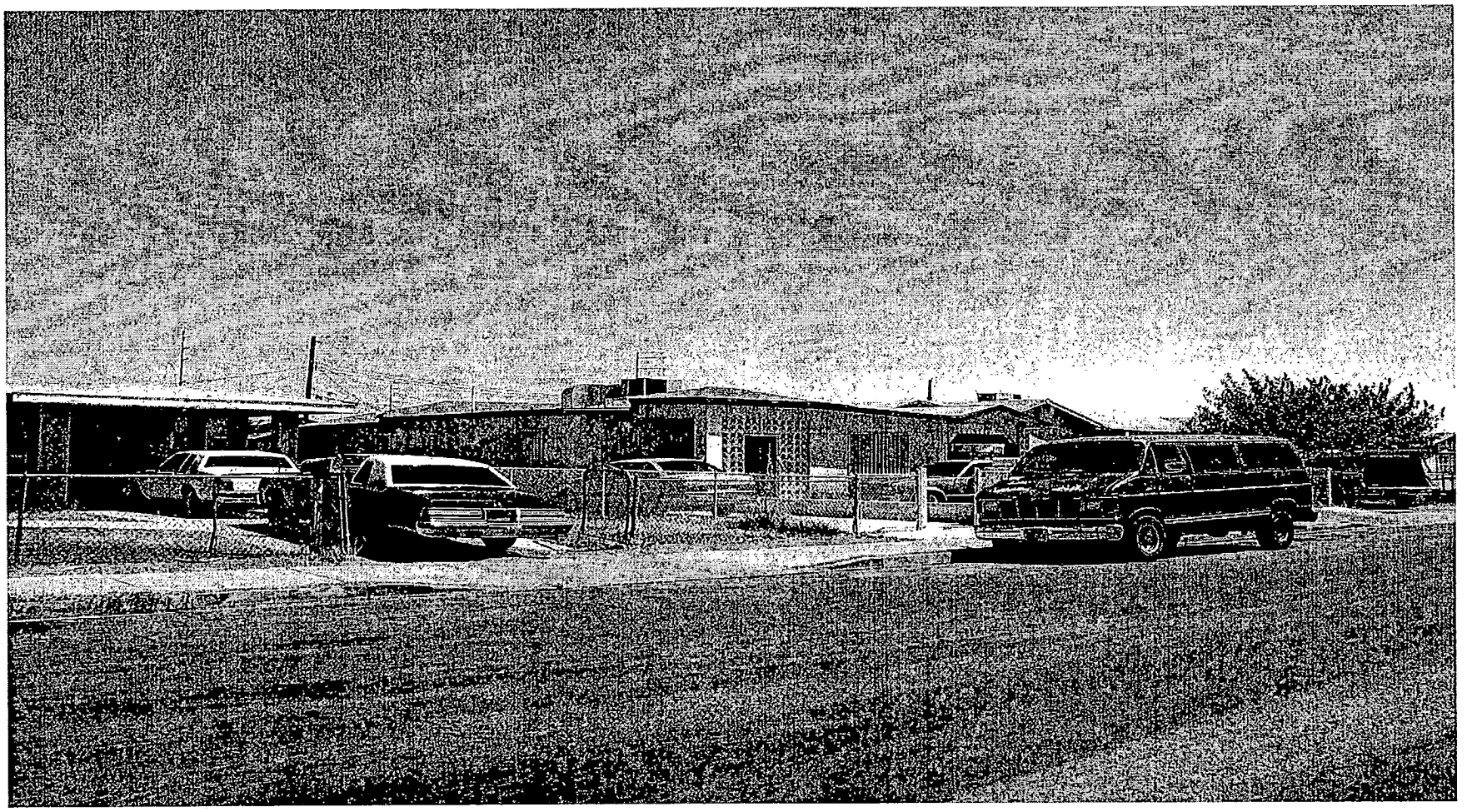
53

ANNEX

403.81

467

SUP-4844
8/26/04 PC



SPECIAL USE PERMIT - PUBLIC HEARING - SUP-4844 - APPLICANT: JESUS IS THE ANSWER MINISTRIES - OWNER: TIM MEAD & JULIE OVERMAN
1060 HART AVENUE
AUGUST 26, 2004 PLANNING COMMISSION

8/3/04

SPECIAL USE PERMIT - PUBLIC HEARING - SUP-4844 - APPLICANT: JESUS IS THE ANSWER MINISTRIES - OWNER: TIM MEAD & JULIE OVERMAN
1060 HART AVENUE
AUGUST 26, 2004 PLANNING COMMISSION

8/3/04

City of Las Vegas

Agenda Item No.: 42

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

PLANNING COMMISSION MEETING OF: AUGUST 26, 2004

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: ROBERT S. GENZER [ ] CONSENT [X] DISCUSSION

SUBJECT:
SUP-4845 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: MAZZZ DINERO RAPIDO - OWNER: WILLIAM MIGUEL, ET AL - Request for a Special Use Permit FOR A FINANCIAL INSTITUTION, SPECIFIED WITH A SEPARATION OF 50 FEET WHERE 200 IS REQUIRED FROM A RESIDENTIAL PROPERTY, A SEPARATION OF ZERO FEET WHERE 1,000 FEET IS REQUIRED FROM A SIMILAR USE AND AN INTERIOR BUILDING SPACE OF 54 SQUARE FEET WHERE 1,500 SQUARE FEET IS THE MINIMUM REQUIRED at 745 North Nellis Boulevard (APN 140-29-802-003), C-1 (Limited Commercial) Zone, Ward 3 (Reese).

IF APPROVED: C.C.: 10/06/04
IF DENIED: P.C.: FINAL ACTION (Unless appealed within 10 days)

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

RECOMMENDATION:
Staff recommends DENIAL.

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

MOTION:
GOYNES – DENIED – UNANIMOUS

This is Final Action

MINUTES:
CHAIRMAN TRUESDELL declared the Public Hearing open.

KYLE WALTON, Planning and Development, stated that this project does not conform to the recently adopted distance separation standards. As a result, it is not harmonious with the neighborhood.

PLANNING COMMISSION MEETING OF AUGUST 26, 2004
Planning and Development Department
Item 42 – SUP-4845

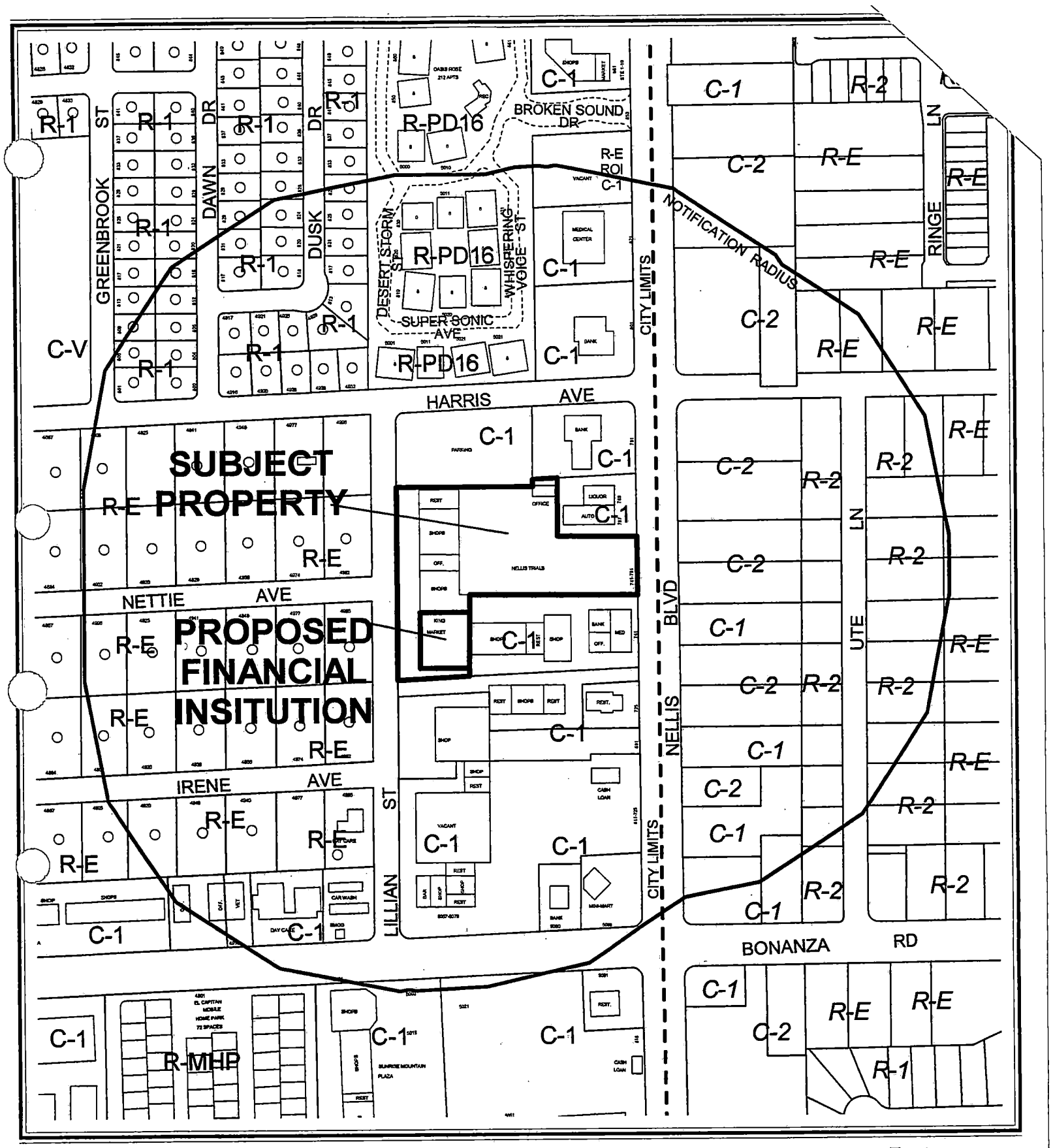
MINUTES – Continued:

CAESAR CROCIATA, 2013 Wengert Avenue, Las Vegas, NV 89104, representative for MAZZZ DINERO RAPIDO, pointed out there was once was a separate check cashing payday loan facility within this same shopping center. He gave a brief overview of how their area is situated within these buildings. He stated their contract with King Ranch Market allows them to operate check cashing payday loan facilities with money wire services in all of the locations.

He continued by stating that the area is mostly commercialized. On Nellis Boulevard, there is another similar business, which is a freestanding unit. With that in mind, their proposed project is within a building, and he felt the distance separation requirement should not apply to their proposed application.

CHAIRMAN TRUESDELL declared the Public Hearing closed.

(8:12 – 8:17)

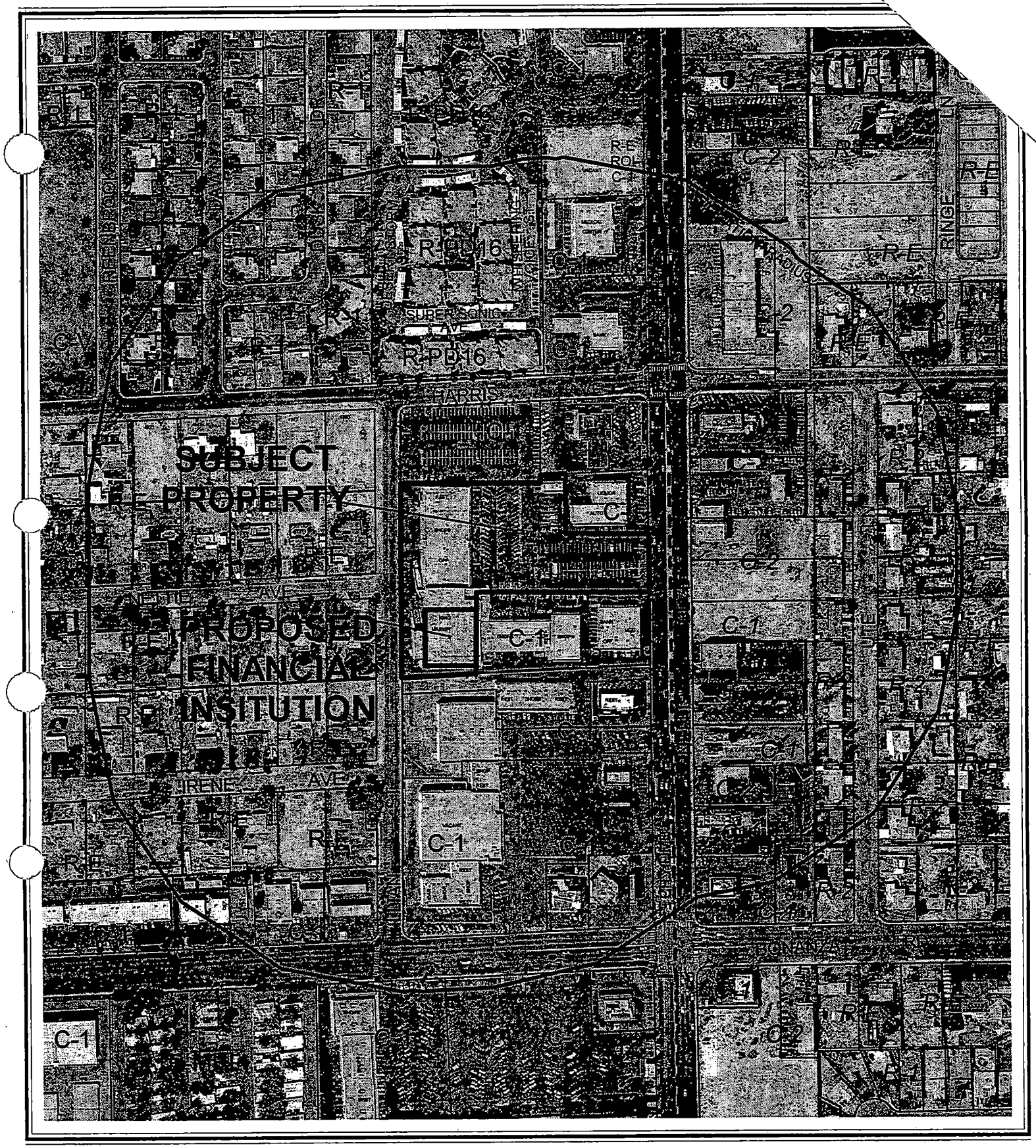


CASE: **SUP-4845**

RADIUS: 750 FT

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

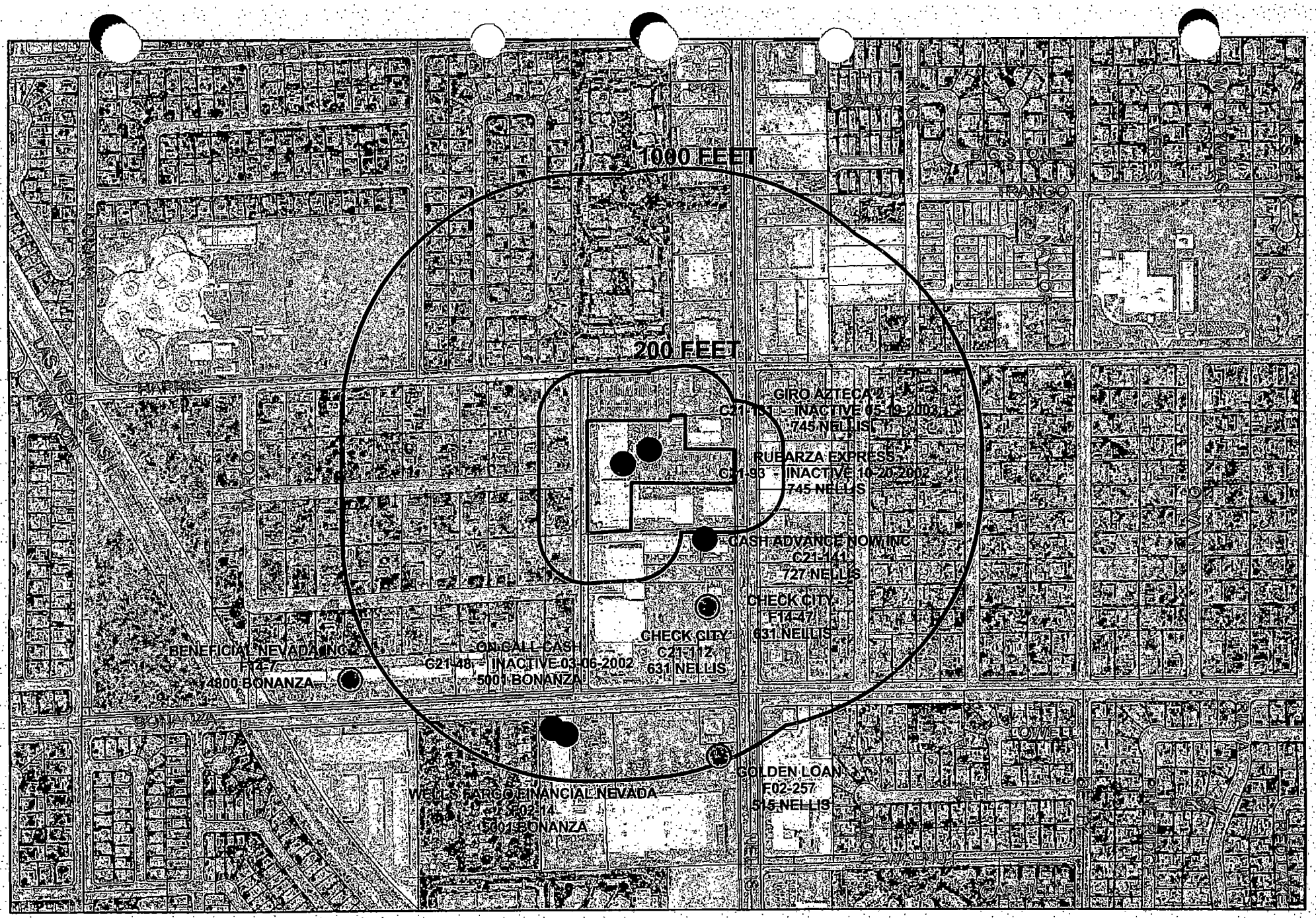
N



CASE: **SUP-4845**

RADIUS: 750 FT

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



SUP-4845 Financial Business Locations

- Financial Institution, Specified *(Check Cashing Service)*
- Financial Institution, Specified *(Check Cashing Service with Gross)*
- Finance Company
- Automobile Title Loan
- Subject Property
- Residential Property
- Buffer
- N

City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: AUGUST 26, 2004
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: SUP-4845 - APPLICANT: MAZZZ DINERO RAPIDO - OWNER: WILLIAM MIGUEL, ET AL

** CONDITIONS **

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

Planning and Development

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

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

** STAFF REPORT **

APPLICATION REQUEST

A) Action Requested

This request is for a Special Use Permit for a Financial Institution, Specified with a separation of 50 feet where 200 feet is required from a residential property, a separation of zero feet where 1,000 feet is required from a similar use and an interior building space of 54 square feet where 1,500 square feet is the minimum required at 745 North Nellis Boulevard

B) Applicant's Justification

The applicant's justification letter indicates the use will be located within an existing market and provide check cashing/deferred deposit, money transmitter and money order services. The applicant also states the waiver is appropriate because a similar use was licensed at this location and the use will be located inside an existing grocery store.

BACKGROUND INFORMATION

A) Previous Actions

10/17/84 The City Council approved a Rezoning (Z-70-84) to C-1 Limited Commercial) on this site. The Planning Commission and staff recommended approval on September 25, 1984.

04/14/04 The City Council approved the distance separation standards for this use.

B) Pre-Application Meeting

06/24/04 The applicant was advised of the requirements of a Special Use Permit and that waivers would be required to allow the use as proposed.

04/21/04 The City Council adopted the distance separation requirements for this type of use.

C) Neighborhood Meetings

A neighborhood meeting is not required for this request.

MP

DETAILS OF APPLICATION REQUEST

A) Site Area

Net Acres: 3.85

B) Existing Land Use

Subject Property:	Retail Commercial Center
North:	Retail Commercial Center
South:	Retail Commercial Center
East:	Undeveloped and Commercial
West:	Single Family Residences

C) Planned Land Use

Subject Property:	SC (Service Commercial)
North:	SC (Service Commercial)
South:	SC (Service Commercial)
East:	Unincorporated Clark County
West:	R (Rural Density Residential)

D) Existing Zoning

Subject Property:	C-1 (Limited Commercial)
North:	C-1 (Limited Commercial)
South:	C-1 (Limited Commercial)
East:	Unincorporated Clark County
West:	R-E (Residence Estates)

E) General Plan Compliance

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

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

INTERAGENCY ISSUES

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

MP

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

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

1) No comments have been received as a result of this circulation that would affect this request.

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

ANALYSIS

A) Zoning Code Compliance

A1) Parking and Traffic Standards

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

A2) Minimum Distance Separation Requirements

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

Standards	Code Requirement	Provided
Financial Institution, Specified	200 feet from any parcel used or zoned for residential use	50 feet from single family residential to the west
	1,000 feet from any other specified financial institution, auto tile loan or auto pawn use	Adjacent to a similar use (check cashing and auto tile loans)/with 3 other similar uses within the 1,000 foot distance separation

The proposed Financial Institution, Specified use does not meet the minimum distance separation requirements from three residential properties and similar uses.

MP

A3) Financial Institution, Specified Building Size

Standards	Code Requirement	Provided
Financial Institution, Specified	The building or portion thereof that is dedicated to the use shall have a minimum size of 1,500 square feet.	54 square feet

At 54 square feet, the proposed Financial Institution, Specified does not meet the minimum 1,500 square foot space size requirement.

B) General Analysis and Discussion

- Zoning

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

- Use

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

- Conditions

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

1. The use shall comply with all applicable requirements of Las Vegas Municipal Code Title 6.
2. The building design and color scheme shall be subject to review by the Department to ensure that it will be harmonious and compatible with the surrounding area.
3. No temporary signs (as described in Title 19.14.090) such as balloons, inflated devices, searchlights, pennants, portable billboards, portable signs, streamers, trucks parked for signage purposes, or other similar devices are permitted, except that banners announcing a "grand opening" or that a business is "coming soon" may be approved administratively for a period not to exceed thirty days.

4. Window signs shall not:
   a. Cover more than twenty percent (20%) of the area of all exterior windows;
   b. Include flashing lights or neon lighting; or
   c. Include any text other than text that indicates the hours of operation and whether the business is open or closed.

5. The hours of operation shall not extend beyond the hours of 8:00 a.m. to 11:00 p.m.

6. The building or portion thereof that is dedicated to the use shall have a minimum size of one thousand five hundred square feet, and shall have sufficient interior space to provide for adequate customer waiting areas, customer queuing, and transaction space (such as "teller" windows or desks).

7. No specified financial institution use may be located closer than two hundred feet from any parcel used or zoned for residential use. In addition, no specified financial institution use may be located closer than one thousand feet from any other specified financial institution use, auto title loan use or pawn use. For purposes of this Paragraph (7), distances shall be measured in a straight line from property line to property line, without regard to intervening obstacles. The term "property line" refers to lines of fee interest parcels and not leasehold parcels.

The proposed Financial Institution, Specified fails to comply with recently adopted conditions 6 and 7 of Title 19.04 regarding minimum space size and minimum separation distances. The proposed use will occupy a 54 square foot area within the existing market that is considerably smaller that 1,500 square feet required. The use is also located within the 200 minimum separation distances from residential properties to the west and within 1,000 feet of 4 similar uses (check cashing, auto title loan, installment loan). The applicant has not provided justification as to why these standards should be waived. Since there is no compelling reason to justify the deviation from standards the recommendation for this request is denial.

FINDINGS

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

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

   The proposed land use cannot be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan due to noncompliance of the use in terms of space size requirements and minimum distance separation requirements. Therefore, the recommendation for this request is denial.

MP

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

   The site is physically suitable for the type of land use proposed.

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

   Access is provided via a drive from Nellis Boulevard, a Primary (100-foot) Arterial on the Master Plan of Streets and Highways. The street facilities are adequate in size to meet the requirements of the proposed use.

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

   The proposed Financial Institution, Specified use will be subject to City inspections and will therefore not compromise the public health, safety, and welfare.

NOTICES MAILED 119

APPROVALS 0

PROTESTS 0

MP

PLANNING & DEVELOPMENT

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: SUP-4845 APN: _____

Name of Property Owner: E & T FOODS INC. dba KING RANCH MARKET

Name of Applicant: DOS COMPADRES INC. dba MAZZZ DINERO RAPIDO

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: _____

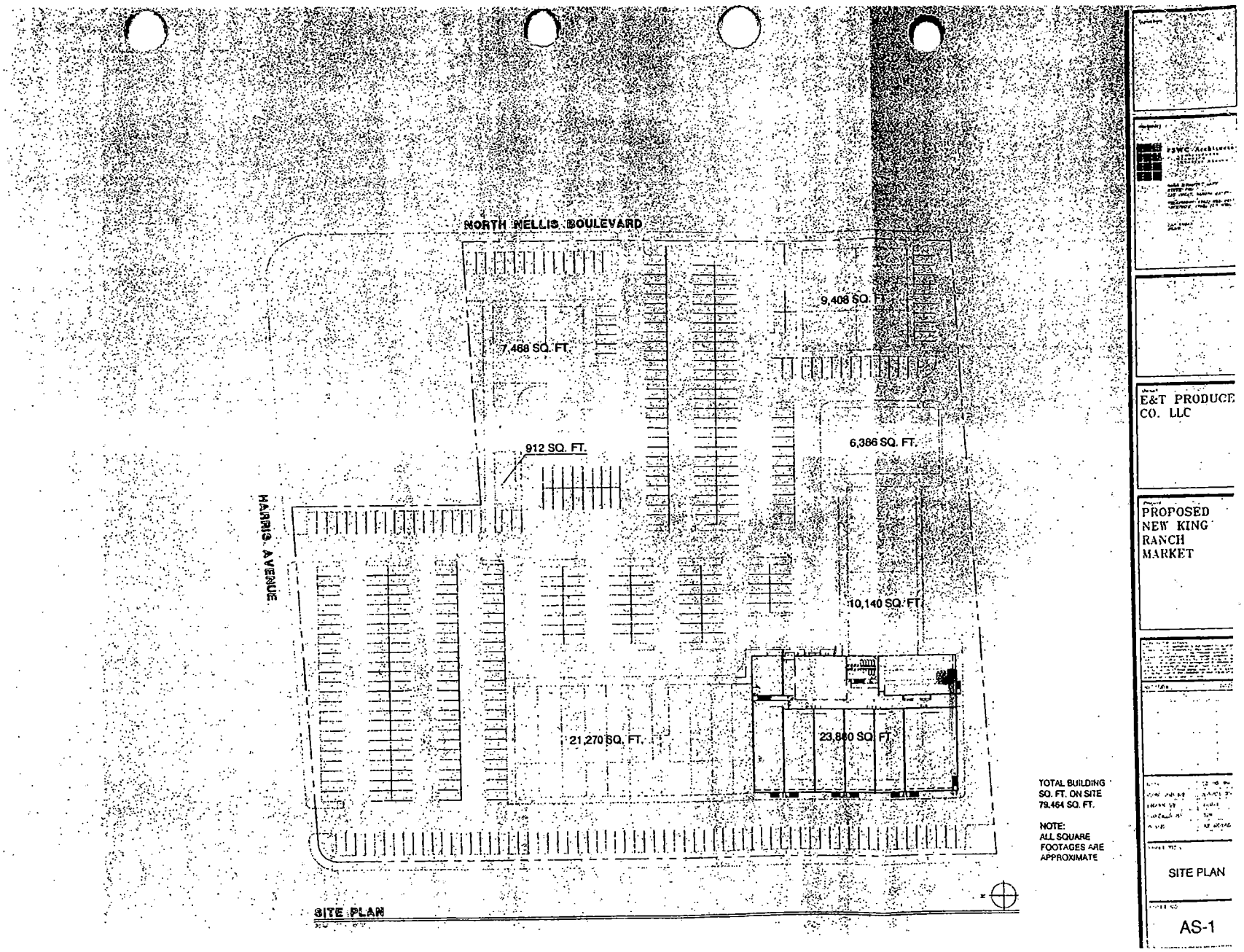
Print Name: ANER IGLESIAS

Subscribed and sworn before me

This 26th day of January, 2004

_____
Notary Public in and for said County and State

GRACIELA ROBLES
Commission # 1346102
Notary Public - California
Los Angeles County
My Comm. Expires Apr 2, 2006



TOTAL BUILDING SQ. FT. ON SITE 79,464 SQ. FT.

NOTE:
ALL SQUARE FOOTAGES ARE APPROXIMATE

E&T PRODUCE CO. LLC

PROPOSED NEW KING RANCH MARKET

SITE PLAN

AS-1

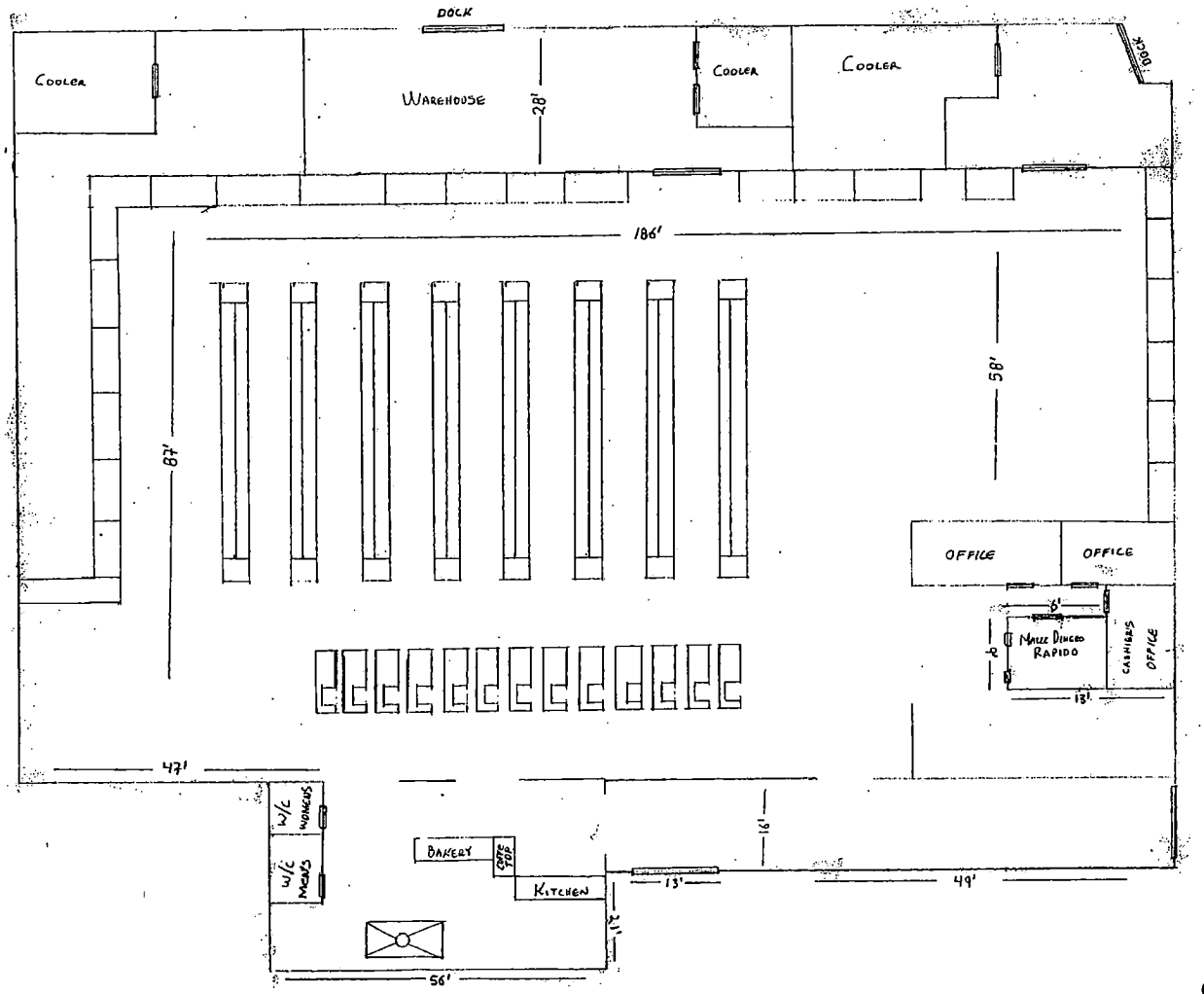
SUP-4845
8/26/04 PC

S — N — E

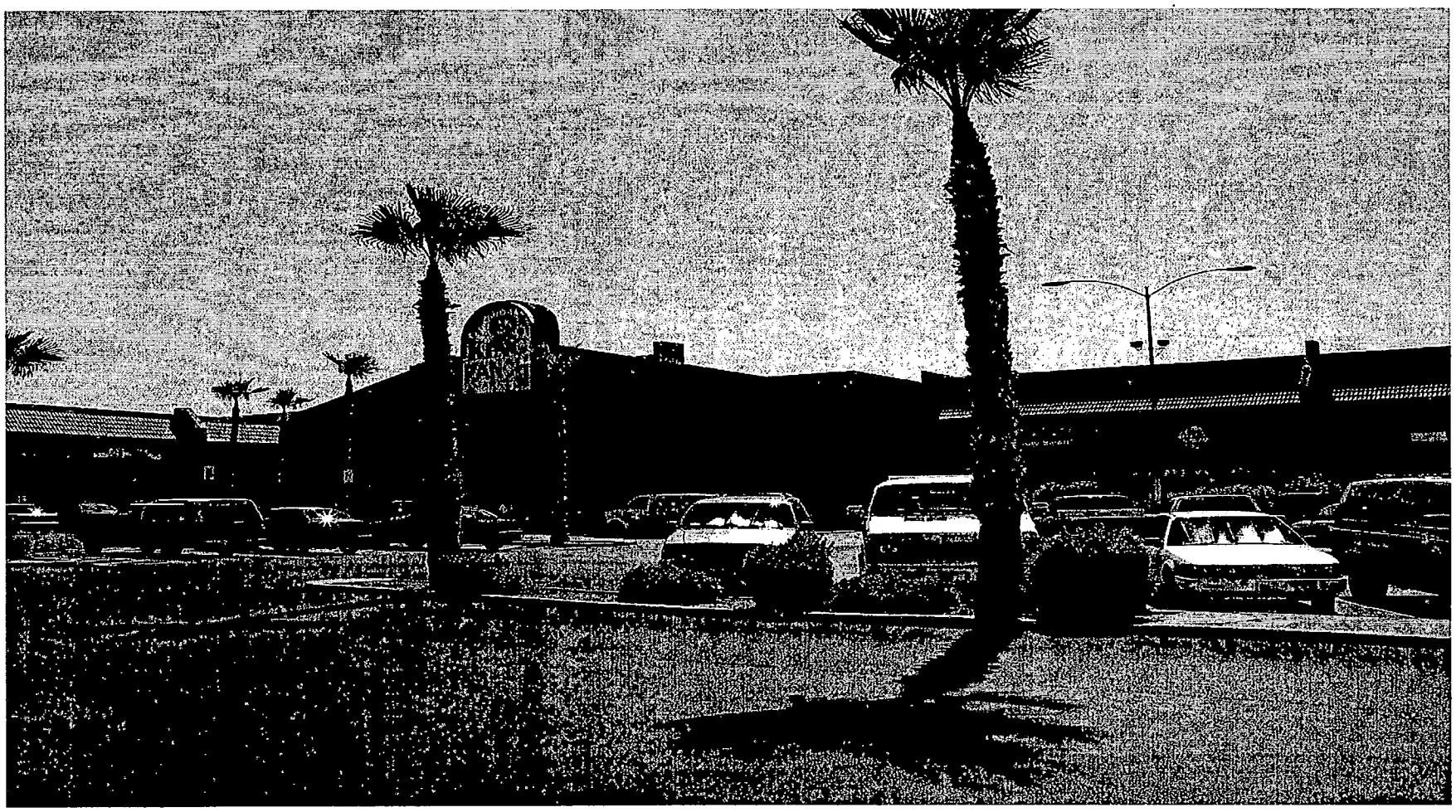
1 FLOOR PLAN

KING RANCH MARKET
755 N. NELLIS BLVD.
LAS VEGAS NV. 89110

PARCELL No. _____



SUP-4845
8/26/04 PC



SPECIAL USE PERMIT - PUBLIC HEARING - SUP-4845 - APPLICANT: MAZZZ DINERO RAPIDO - OWNER: WILLIAM MIGUEL, ET AL
745 NORTH NELLIS BOULEVARD
AUGUST 26, 2004 PLANNING COMMISSION

7/29/04

City of Las Vegas

Agenda Item No.: 43

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

PLANNING COMMISSION MEETING OF: AUGUST 26, 2004

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: ROBERT S. GENZER [ ] CONSENT [X] DISCUSSION

SUBJECT:
SUP-4919 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: THE MASSAGE GROUP - OWNER: CITY OF LAS VEGAS REDEVELOPMENT AND FREMONT STREET EXPERIENCE, LLC - Request for a Special Use Permit FOR A PROPOSED MOBILE MASSAGE ESTABLISHMENT, WAIVER OF THE 1,000 FOOT DISTANCE SEPARATION REQUIREMENT FROM ANOTHER MASSAGE ESTABLISHMENT, AND A WAIVER OF THE RESTRICTIONS ON HOURS OF OPERATION within the Fremont Street Experience (APN 139-34-111-064), C-2 (General Commercial) Zone, Ward 1 (Moncrief).

IF APPROVED: C.C.: 9/15/04
IF DENIED: P.C.: FINAL ACTION (Unless appealed within 10 days)

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

RECOMMENDATION:
Staff recommends APPROVAL.

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

MOTION:
EVANS – APPROVED subject to conditions – Motion carried with GOYNES and TRUESDELL voting NO

To be heard by the City Council on 9/15/2004

NOTE: CHAIRMAN TRUESDELL disclosed that his offices were previously located on property he owned at 201 Las Vegas Boulevard South. That building is now scheduled to become a post office. Currently, he is managing that property; however, he has no financial interest so he would vote on this item.

MINUTES – Continued:
CHAIRMAN TRUESDELL declared the Public Hearing open.

DAVID CLAPSADDLE, Planning and Development Department, explained that approval would allow the applicant to operate ten mobile massage chairs on the Fremont Street Experience. Conditions would limit the maximum amount of chairs to ten and the maximum number of employees to thirteen. A condition was included to grant a distance separation waiver from other massage establishments in the area and to limit the hours of operation from 8:00 a.m. to 2:00 p.m.

RICHARD HARRIS, 2728 Brookstone Court, appeared on behalf of the applicant and concurred with staff recommendation for approval.

COMMISSIONER DAVENPORT asked for clarification of the term "mobile massage". MR. HARRIS indicated that the term mobile is used because the chairs are completely portable. He added that the chairs would only be out during good weather and when there was adequate foot traffic in the area.

Upon review, CHAIRMAN TRUESDELL found the application contradictory to representations made by the Fremont Street Experience (FSE) staff regarding downsizing some of the retail concessions to make a more open and vibrant streetscape. In his opinion, there are many great corporations who want to be on Fremont Street and would be, if they were given the right environment to do business there. He did not understand how a mobile massage business would get the Experience any closer to their goal. He commented on the progress the property owners of the Entertainment District have made and how Neonopolis has been unable to procure any businesses with substantial direction. He stated a mobile massage company is not going to change the direction of the Experience and it will not help to retain other retailing commitments in the downtown core.

MARK FREGAIL, 425 Fremont Street, introduced himself as the Parking, Retail and Mall Complaint Manager for the Fremont Street Experience. He verified that CHAIRMAN TRUESDELL was correct about the FSE wanting to reduce the number of special vendors from ten down to five. He indicated MR. HARRIS' massage company was included in that reduced number. The reduction would free space within the mall pedestrian area. MR. FREGAIL explained that guests enjoy services such as massages after sitting at tables, gambling for several hours. He cited the patrons of the World Series of Poker as an example. Generally, five chairs would be within the set up in a small, unobtrusive area and would not be disruptive to the traffic flow. MR. HARRIS added that his company is also associated with several concierge services at the strip hotels and they would refer clients, resulting in more foot traffic to the mall.

MINUTES – Continued:

MR. FREGAIL added that similar massage vendors could be seen at the Fashion Show Mall in the common areas. The business is a classy, appropriate vendor for the FSE. Signage is limited as they are their own representation and he found the employees to be clean cut and professional.

CHAIRMAN TRUESDELL believed the Fashion Show Mall has retail establishments that draw consumers who, once there, could get a massage. On the Fremont Street Experience, there is not retail in place that can do that. He felt the focus should be on getting retail established.

COMMISSIONER EVANS acknowledged CHAIRMAN TRUESDELL'S concerns; however, he felt those concerns would be categorized as business decisions and since the application met code, he would be ready to motion for approval unless there was further discussion.

Subsequent to the vote, ROBERT GENZER, Director, Planning and Development Department, clarified that the item was shown to be in Ward 1 (Moncrief) and it should also include Ward 5 (Weekly). He indicated that it would be corrected when the item is heard at the City Council Meeting.

No one appeared in opposition.

CHAIRMAN TRUESDELL declared the Public Hearing closed.

(9:12 – 9:20)
3-346

CONDITIONS:

Planning and Development

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

2. The number of employees allowable on-site at any given time will be limited to no more than 13 individuals.

3. The number of chairs allowable on-site at any given time will be limited to no more than 10.

4. A Waiver is approved to the distance separation standard from other massage establishments.

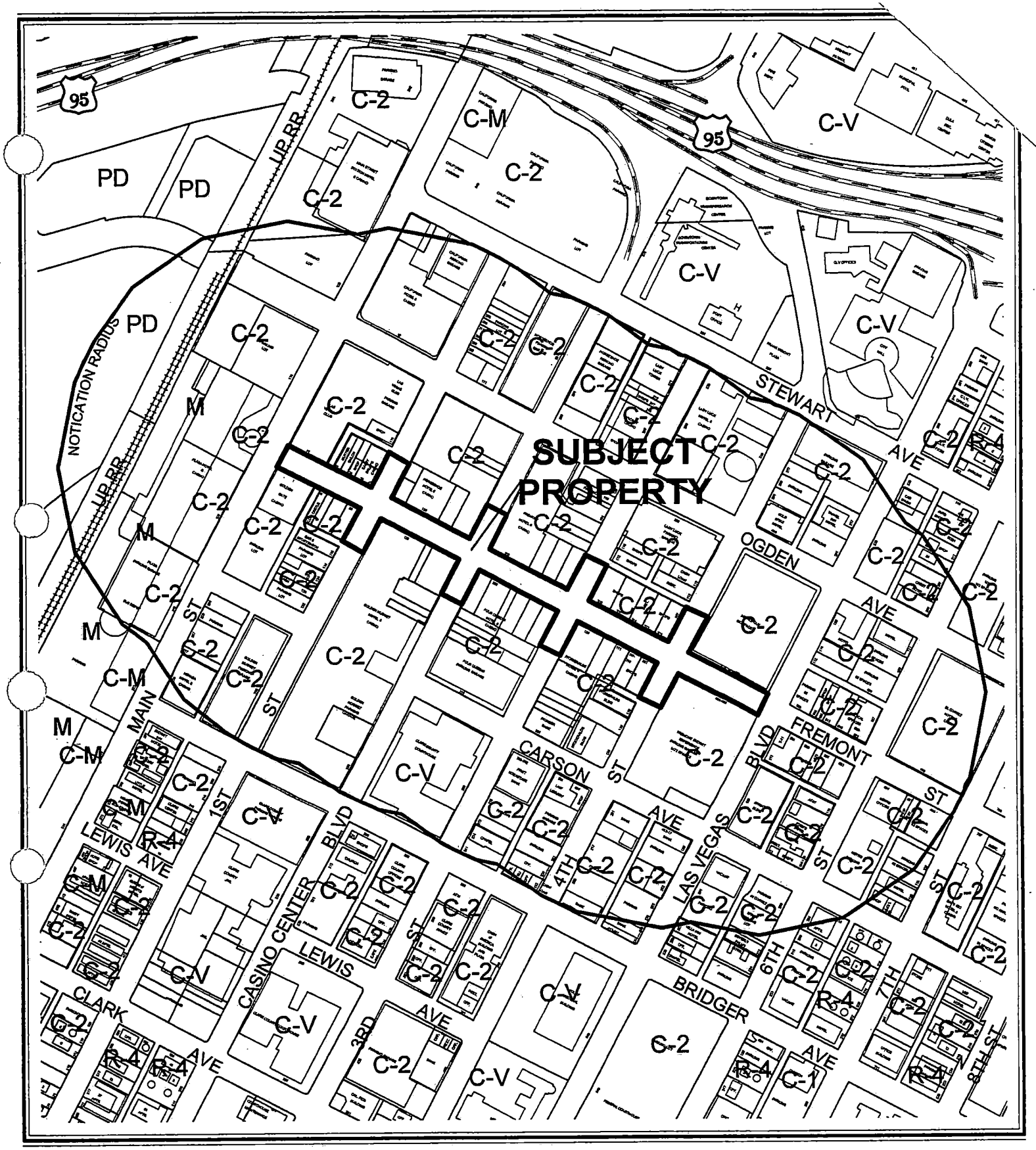
5. The hours of operation shall be limited to the period between 8 a.m. and 2 a.m., unless further limited by the City Council on a case-by-case basis.

PLANNING COMMISSION MEETING OF AUGUST 26, 2004
Planning and Development Department
Item 43 – SUP-4919

CONDITIONS – Continued:

6. Conformance to all other Minimum Requirements under Title 19.04.050 for the Massage Establishment use.

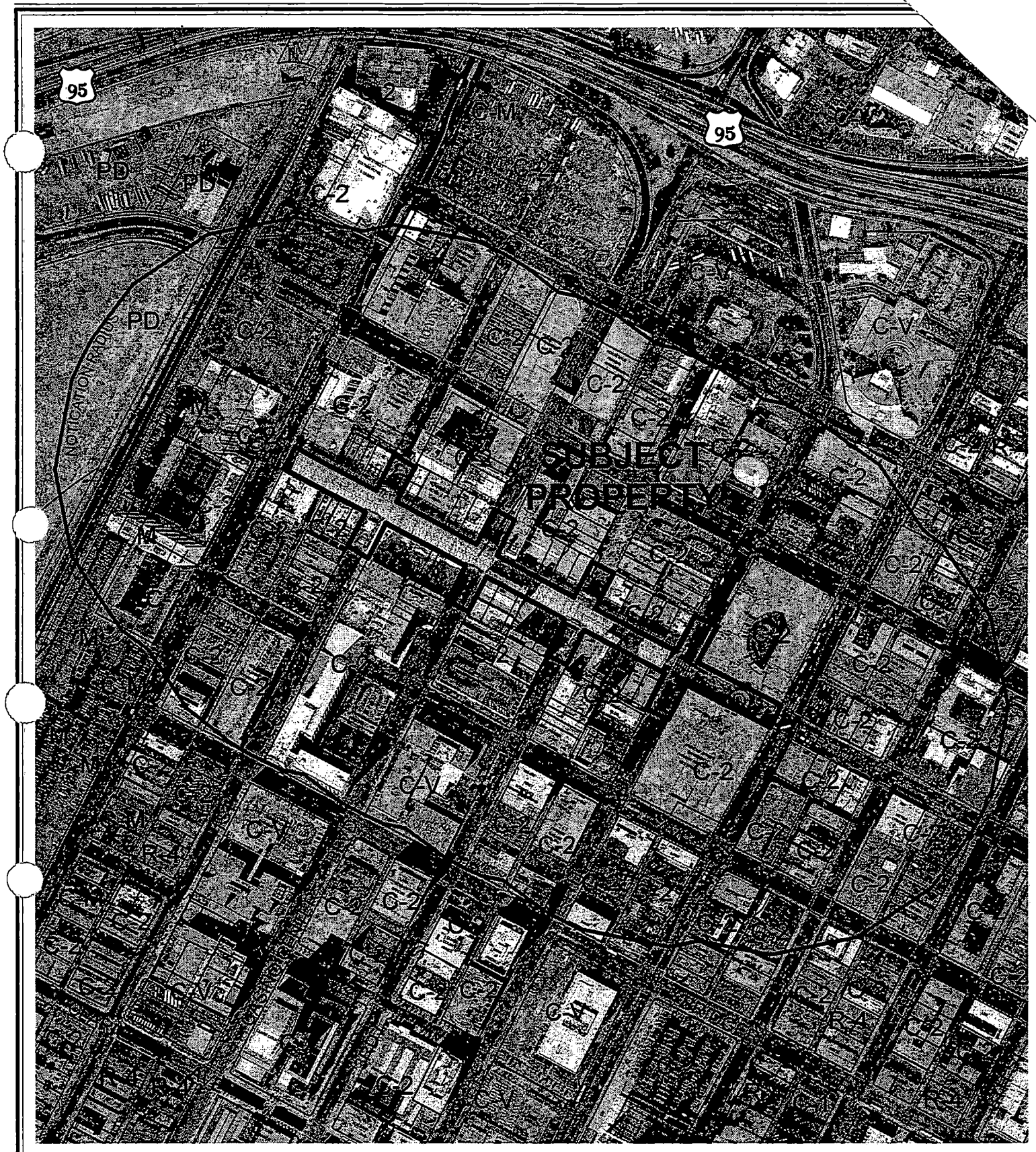
7. All City Code requirements and design standards of all City departments must be satisfied.



CASE: **SUP-4919**

RADIUS: 750 FT

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



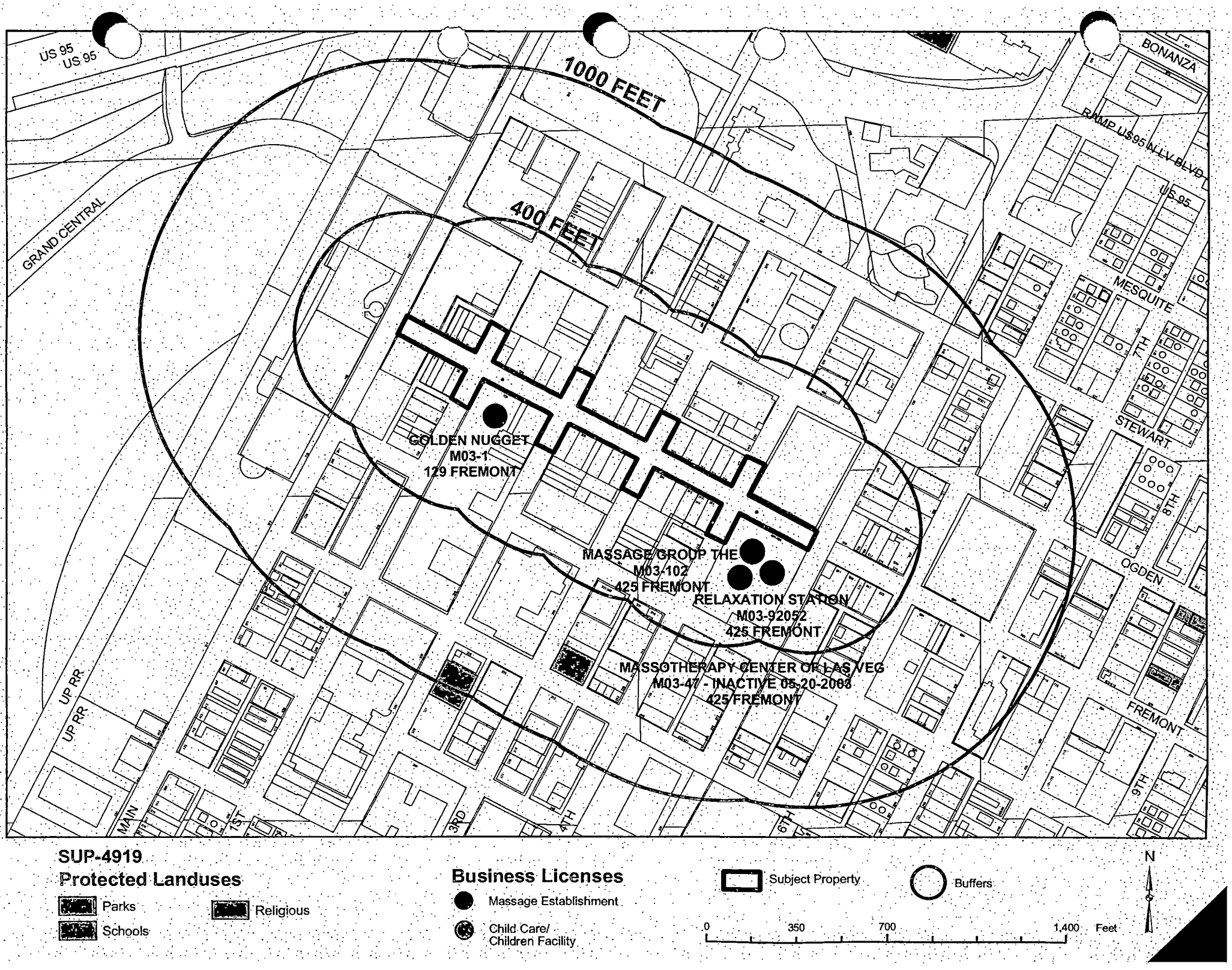
0 300 600 Feet

CASE: **SUP-4919**

RADIUS: 750 FT

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

N


US 95
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BONANZA
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GRAND CENTRAL
MESQUITE
7TH
STEWART
GOLDEN NUGGET
M03-1
129 FREMONT
MASSAGE GROUP THE
M03-102
425 FREMONT
RELAXATION STATION
M03-92052
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MASSOTHERAPY CENTER OF LAS VEG
M03-47 - INACTIVE 05-20-2008
425 FREMONT
OGDEN
8TH
FREMONT
9TH
UP RR
UP RR
MAIN
1ST
3RD
4TH
6TH
SUP-4919
Protected Landuses
Parks
Religious
Schools
Business Licenses
Massage Establishment
Child Care/
Children Facility
Subject Property
Buffers
0
350
700
1,400
Feet
N

City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: AUGUST 26, 2004
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: SUP-4919 - APPLICANT: THE MASSAGE GROUP - OWNER: CITY OF LAS VEGAS REDEVELOPMENT AND FREMONT STREET EXPERIENCE, LLC

** CONDITIONS **

STAFF RECOMMENDATION: **APPROVAL,** subject to:

Planning and Development

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

2. The number of employees allowable on-site at any given time will be limited to no more than 13 individuals.

3. The number of chairs allowable on-site at any given time will be limited to no more than 10.

4. A Waiver is approved to the distance separation standard from other massage establishments.

5. The hours of operation shall be limited to the period between 8 a.m. and 2 a.m., unless further limited by the City Council on a case-by-case basis.

6. Conformance to all other Minimum Requirements under Title 19.04.050 for the Massage Establishment use.

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

** STAFF REPORT **

APPLICATION REQUEST

A) Action Requested

The applicant is requesting approval of a Special Use Permit for a proposed mobile massage establishment, waiver of the 1,000-foot distance separation from another massage establishment, and a waiver of the restrictions on the hours of operation within the Fremont Street Experience.

B) Applicant's Justification

The applicant justifies their request for a Special Use Permit by stating, "... our lease with the Fremont Street Experience allows our company the option of floating anywhere within the four block radius of the Fremont Street Experience." The applicant has included a letter from the Spa Director of the Golden Nugget exclaiming his granting of permission for the proposed use as justification for the requested waiver from the required 1,000-foot separation from other massage establishments.

BACKGROUND INFORMATION

A) Previous Actions

There has been no previous case history attached to the subject parcel.

B) Pre-Application Meeting

07/14/04 A pre-application conference was held and resulted in the following comments:

1. Maximum of 10 chairs split between two locations: The Golden Nugget and the Four Queens (most of the time the chairs will be split between the two locations, but the chairs could be further split for special events anywhere along the 5 blocks of Freemont Street).
2. The Special Use Permit will apply to entire Fremont Street Experience Corridor.
3. Will comply with all conditions of Title 19.04 for Massage Establishment except for Conditions #4 and #5.
4. No parking provided due to pedestrian clientele.
5. Staff not to exceed 13 employees on site at any time.

PL

C) Neighborhood Meetings

A neighborhood meeting is not required for this application.

DETAILS OF APPLICATION REQUEST

A) Site Area

Gross Acres: 5.20

B) Existing Land Use

Subject Property:	Pedestrian Mall
North:	Hotel Casinos
	General Retail
South:	Hotel Casinos
	General Retail
East:	General Retail
West:	Hotel Casinos
	General Retail

C) Planned Land Use

Subject Property:	ROW (Right-of-Way)
North:	C (Commercial)
South:	C (Commercial)
East:	C (Commercial)
West:	C (Commercial)

D) Existing Zoning

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

E) General Plan Compliance

The subject location designated as Right-of-Way within the Southeast Sector Land Use Map of the General Plan. The portion of Fremont Street in question is from Main Street to Las Vegas Boulevard or the Fremont Street Experience, a pedestrian mall with an associated C-2 (General Commercial) zoning district to allow for vendors, performers, and similar uses.

PL

SPECIAL DISTRICTS/ZONES	Yes	No
Special Area Plan	X	
Downtown Centennial Plan	X	
Redevelopment Plan Area	X	
Special Overlay District	X	
Live/Work District	X	
Fremont Street Experience	X	
Downtown Casino District/Special Signage Sub-District	X	
Trails		X
County/North Las Vegas/HOA Notification		X
Development Impact Notification Assessment		X
Project of Regional Significance		X

The subject site is located within the Casino Center District of the Downtown Centennial Plan Area. It is also within the Las Vegas Redevelopment Area, Live/Work Overlay District, Downtown Casino Overlay District (subject to special signage standards), and the Fremont Street Experience.

ANALYSIS

A) Zoning Code Compliance

A1) Parking and Traffic Standards

The proposed mobile massage establishment is proposing to provide no parking due to a pedestrian clientele. The applicant will require a waiver of the parking standards set forth by Title 19.10, which is permitted per Title 19.06.060.C.

A2) Minimum Distance Separation Requirements

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

Standards	Code Requirement	Provided
Massage Establishment	May not be located within 400 feet of any church, synagogue, school, city park, child care facility, or any parcel zoned for residential use	No protected uses located within 400 feet
	May not be located within 1,000 feet of any other massage establishment	One other massage establishment within 1,000 feet*

* The applicant is requesting a waiver of the required 1,000-foot minimum distance separation between massage establishments, due to the other massage establishment being located within the Golden Nugget Hotel/Casino. The Golden Nugget has given permission by letter for the proposed use.

B) General Analysis and Discussion

- Zoning

The subject site is currently zoned C-2 (General Commercial). A massage establishment is permitted within a C-2 (General Commercial) zoning district by means of a Special Use Permit.

- Use

The proposed massage establishment will be mobile in its services. All services will be limited to the boundaries of the Fremont Street Experience. Primarily, the applicant plans to be located in front of the Golden Nugget and the Four Queens Hotel /Casinos, with the possibility of moving anywhere within the Fremont Street Experience. The use will be limited to 10 massage chairs in total. These chairs maybe divided among various sites within the Fremont Street Experience. The limit of 13 employees and 10 chairs was agreed to by the applicant at the pre-application meeting.

- Conditions

Per Title 19.04.050 the following conditions apply to a Massage Establishment within a C-2 (General Commercial) zoning district:

(1) The use shall comply with all applicable requirements of LVMC Title 6.
(2) The use must be located on a secondary thoroughfare or larger.
(3) The use may not be located within four hundred feet of any church, synagogue, school, City park, childcare facility, or any parcel zoned for residential use.
(4) The use may not be located within one thousand feet of any other massage establishment.
(5) The hours of operation shall be limited to the period between 8 a.m. and 9 p.m., unless further limited by the City Council on a case-by-case basis.

Furthermore this application will be conditioned as follows:

1. The number of employee's allowable onsite at any given time will be limited to no more than 13 individuals.
2. The number of chairs allowable onsite at any given time will be limited to no more than 10 individuals.

PL

FINDINGS

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

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

   The proposed massage establishment can be conducted in a harmonious manner with the existing and future development within the Fremont Street Experience. The proposed use complies with the guidelines set forth by the General Plan.

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

   The proposed use is going to consist of mobile massage chair setups within an established pedestrian mall. By being limited to the number of chairs and employees allowed on site at one time the subject site will be more than adequate to suite this type of land use.

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

   The proposed mobile massage establishment will be located within the Fremont Street Experience, a portion of Fremont Street dedicated as a pedestrian mall. The Fremont Street Experience is between Main Street and Las Vegas Boulevard, 100-foot Primary Arterials as shown on the Master Plan of Streets and Highways. The Experience is accessed from the north and south by First Street, Casino Center Boulevard, Third Street, and Fourth Street.

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 Massage Establishment will be subject to inspections for business licensing and for a Non-work Certificate of Occupancy, and will not compromise the public health, safety or welfare.

NOTICES MAILED 138

APPROVALS 0

PROTESTS 0

PL

PLANNING & DEVELOPMENT
DEVELOPMENT SERVICES CENTER

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **SUP-4919** APN: _____

Name of Property Owner: Fremont Street Experience c/o City of Las Vegas

Name of Applicant: The Massage Group

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: N/A

Partner(s): _____ _____

APN: _____

Signature of Property Owner/Authorized Agent: Mark Fragale

Print Name: MARK FRAGALE

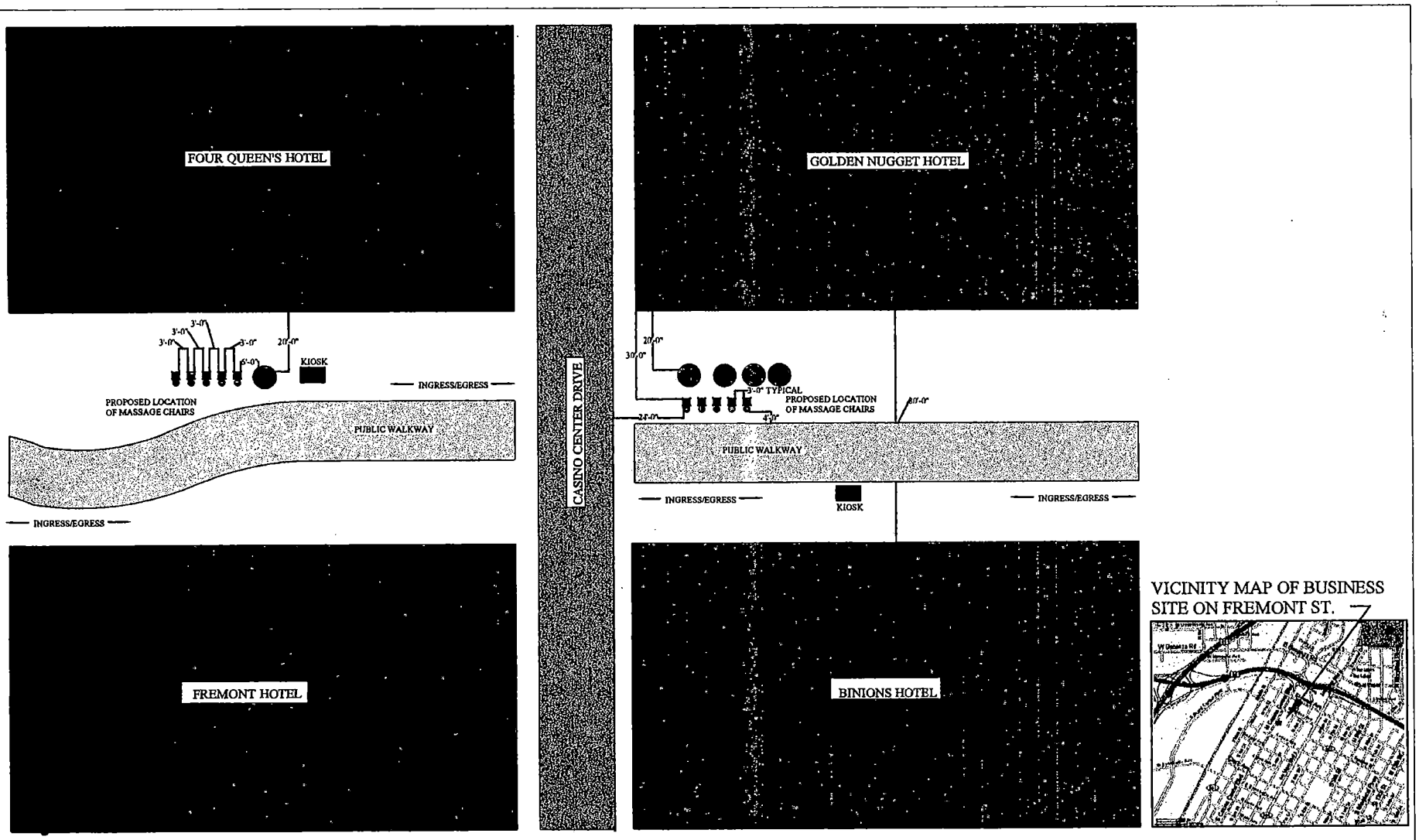
Subscribed and sworn before me

This 27 day of July, 2004

Maria Livio-Huber Clark Nevada

Notary Public in and for said County and State

MARIA LIVIO HUBER
Notary Public State of Nevada
No. 97-0710-1
My appt. exp. Feb. 24, 2005



VICINITY MAP OF BUSINESS SITE ON FREMONT ST.

1 THE MASSAGE GROUP SITE PLAN
SCALE: 1/32"

NORTH

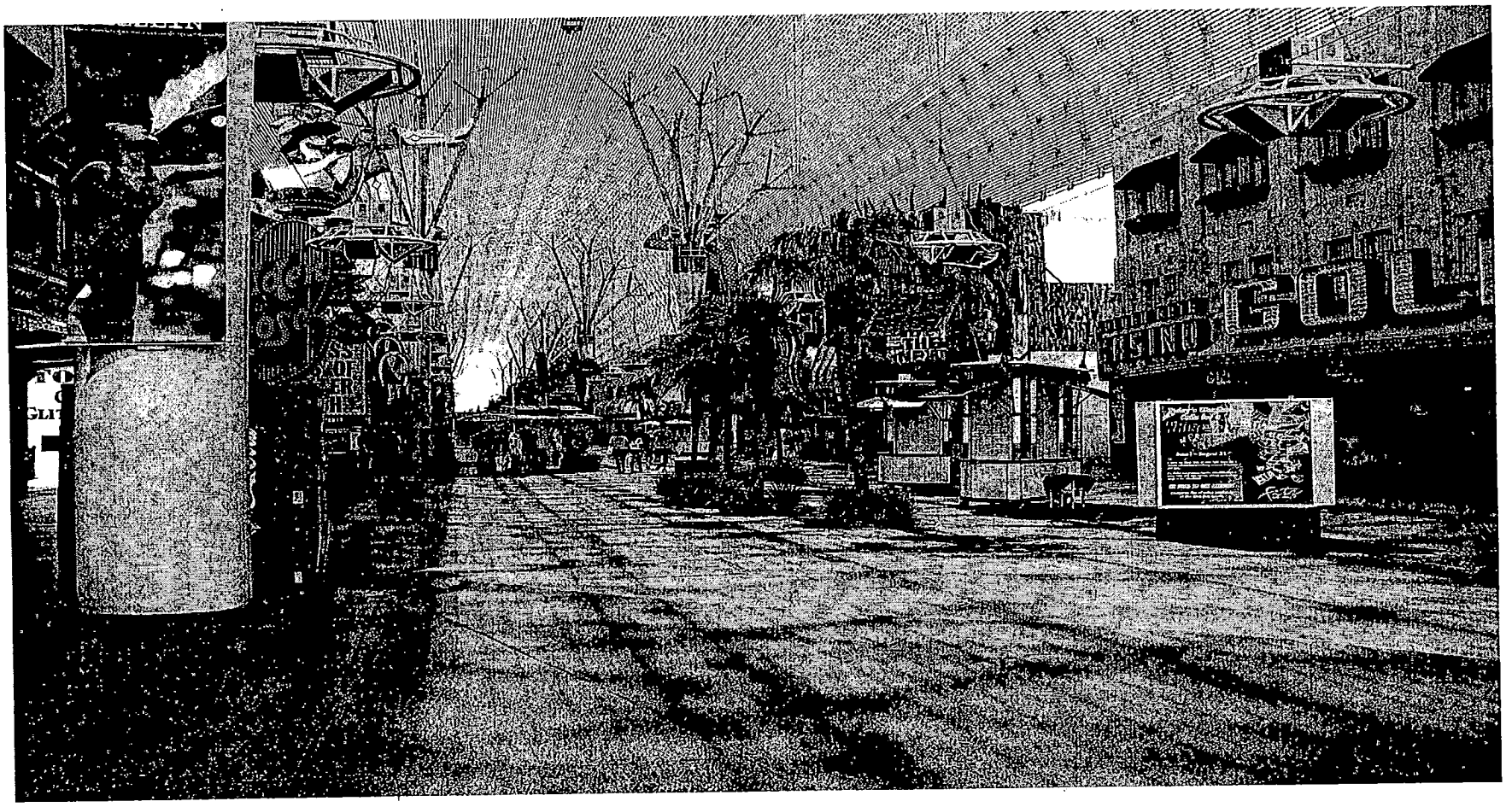
GENERAL NOTES:

1) PARKING ANALYSIS NOT APPLICABLE
2) NO SIGNAGE AT PROPOSED SITE LOCATIONS
3) ADA REQUIREMENTS SATISFIED WITH EXISTING PUBLIC WALKWAY AT FREMONT STREET EXPERIENCE.

SUP-4919
8/26/04 PC

THE MASSAGE GROUP
AT FREMONT STREET EXPERIENCE

FILE NAME	SITEPLAN
PROJECT #	FREMONTMASSAG
DATE	7/23/04
DRAWN BY	LJ
CHECKED BY	
DRAWING TYPE	SITEPLAN
SHEET #	1



SUP-4919 - APPLICANT: THE MASSAGE GROUP - OWNER: CITY OF LAS VEGAS REDEVELOPMENT AND FREMONT STREET EXPERIENCE, LLC
FREMONT STREET EXPERIENCE
AUGUST 26, 2004 PLANNING COMMISSION

8/9/04

SUP-4919 - APPLICANT: THE MASSAGE GROUP - OWNER: CITY OF LAS VEGAS REDEVELOPMENT AND FREMONT STREET EXPERIENCE, LLC
FREMONT STREET EXPERIENCE
AUGUST 26, 2004 PLANNING COMMISSION

8/9/04

City of Las Vegas

Agenda Item No.: 44

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

PLANNING COMMISSION MEETING OF: AUGUST 26, 2004

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: ROBERT S. GENZER [ ] CONSENT [X] DISCUSSION

SUBJECT:
RQR-4661 - REQUIRED TWO YEAR REVIEW - PUBLIC HEARING - APPLICANT: LAMAR ADVERTISING - OWNER: Z & Z INVESTMENT COMPANY - Required Two Year Review of an approved Special Use Permit (U-0018-95) WHICH ALLOWED A 14 FOOT X 48 FOOT OFF-PREMISE ADVERTISING (BILLBOARD) SIGN at 2350 North Rainbow Boulevard (APN 138-23-110-001), C-1 (Limited Commercial) Zone, Ward 6 (Mack).

IF APPROVED: C.C.: 10/06/04
IF DENIED: P.C.: FINAL ACTION (Unless appealed within 10 days)

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

RECOMMENDATION:
Staff recommends this item be STRICKEN from the agenda.

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

MOTION:
McSWAIN – DENIED – UNANIMOUS

This is Final Action

MINUTES:
CHAIRMAN TRUESDELL declared the Public Hearing open.

DAVID CLAPSADDLE, Planning and Development Department, explained that historically, the Planning Commission and staff have recommended denial not only of the original billboard but also, the subsequent reviews. If this item were a new application for a billboard, it would not be permitted because it does not meet the standards of the code.

MINUTES – Continued:

SCOTT NAFTZGER, Lamar Outdoor Advertising, 1863 Helm Drive, appeared on behalf of the applicant and described the billboard as a legal, non-conforming sign. He indicated it has been at this location for approximately ten years and has been maintained in accordance with the Use Permits during that time. He requested approval.

COMMISSIONER McSWAIN expressed her displeasure with the billboard because it abuts a residential area and is inappropriate in this location.

CHAIRMAIN TRUESDELL declared the Public Hearing closed.

(9:20 – 9:22)

City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: AUGUST 26, 2004
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: REQUIRED TWO YEAR REVIEW - PUBLIC HEARING - RQR-4661 - APPLICANT: LAMAR ADVERTISING - OWNER: Z & Z INVESTMENT COMPANY

** CONDITIONS **

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

Planning and Development

1. This Special Use Permit shall be reviewed in two (2) years at which time the City Council may require the off-premise sign to be removed. The applicant shall be responsible for notification costs of the review. Failure to pay the City for these costs may result in a requirement that the off-premise advertising (billboard) sign is removed.

2. The off-premise advertising (billboard) sign and its supporting structure shall be properly maintained and kept free of graffiti at all times. Failure to perform the required maintenance may result in fines and/or removal of the off-premise advertising (billboard) sign.

3. The property owner shall keep the property properly maintained and graffiti-free at all times. Failure to perform required maintenance may result in fines and/or removal of the off-premise sign.

4. Only one advertising sign is permitted per sign face.

5. If the existing off-premise advertising sign structure is removed, this Special Use Permit shall be expunged and a new off-premise advertising sign structure shall not be erected in the same location unless: (1) a new Special Use Permit is approved for the new structure by the City Council, or (2) the location is in compliance with all applicable standards of Title 19 of the Las Vegas Municipal Code including, but not limited to, distance separation requirements, or (3) a Variance to the applicable standards of Title 19 has been approved for the new structure by the City Council.

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

** STAFF REPORT **

APPLICATION REQUEST

A) Action Requested

This request is for a required Two-Year Review of an approved Special Use Permit (U-0018-95) which allowed a 14 foot by 48 foot off-premise advertising (billboard) sign located at 2350 North Rainbow Boulevard.

BACKGROUND INFORMATION

A) Previous Actions

04/19/95	The City Council approved a Special Use Permit (U-0018-95) for one 40-foot high, 14 foot x 48 foot off-premise advertising (billboard) sign on the site, subject to a five year review.
06/07/00	The City Council approved a Five-Year Review on an approved Special Use Permit [U-0018-95(1)] for one 40 foot high, 14 foot x 48 foot off-premise advertising (billboard) sign on the site, subject to a two year review. The Planning Commission and staff recommended denial on April 27, 2000.
08/21/02	The City Council approved a Two-Year Review on an approved Special Use Permit [U-0018-95(2)] for one 40 foot high, 14 foot x 48 foot off-premise advertising (billboard) sign on the site, subject to a two year review. The Planning Commission and staff recommended denial on July 25, 2002.

B) Pre-Application Meeting

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

C) Neighborhood Meetings

A neighborhood meeting is not required for this request.

MP

DETAILS OF APPLICATION REQUEST

A) Site Area

Net Acres: 0.52

B) Existing Land Use

Subject Property:	Convenience Store
North:	Retail Commercial
South:	Retail Commercial
East:	Undeveloped, Single Family Residence and Retail Commercial
West:	Retail Commercial

C) Planned Land Use

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

D) Existing Zoning

Subject Property:	C-1 (Limited Commercial)
North:	C-1 (Limited Commercial)
South:	C-1 (Limited Commercial)
East:	U (Undeveloped) [SC (Service Commercial) General Plan Designation] C-1 (Limited Commercial) R-CL (Single Family Compact-Lot)
West:	C-1 (Limited Commercial)

E) General Plan Compliance

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

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

Any special plan areas or districts do not affect this site.

MP

ANALYSIS

A) Zoning Code Compliance

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

Standards	Code Requirement	Proposed	Compliance
Location	No off-premise signs in the right-of-way	Sign is not in right-of-way	Y
	Permitted only in C-1, C-2, C-M, M Zoning Districts	Sign is in C-1 Zoning District	Y
Off-premise sign area (max.)	672 SF	672 SF	Y
Separation distance from other off-premise sign (min.)	300 Feet	330 Feet	Y
Separation distance from "U" or "R" zoning district	300 Feet	120 Feet	N
Off-premise sign height (max.)	40 Feet, except 55 Feet for signs within 60 feet of ROW when significantly obscured	40 Feet	Y
Setbacks (min.)	50 Feet from nearest ROW intersection	160 feet	Y

The off-premise advertising (billboard) sign is less than the 300-foot minimum distance separation from R-CL (Single Family Compact-Lot) developed property located to the east.

B) General Analysis and Discussion

- Zoning

The subject off-premise advertising (billboard) sign is allowed in the C-1 (Limited Commercial) zoning district with the approval of a Special Use Permit.

MP

- Use

The continued placement of an off-premise advertising (billboard) sign use on the subject site is not appropriate. Substantial development has occurred in the area over the last five years, including single-family residential, which makes the off-premise advertising (billboard) sign incompatible with the adjacent land uses. Furthermore, the sign would not be allowed by the current Code, which requires an off-premise advertising sign to be a minimum of 300 feet from any single-family residence. The subject sign is approximately 120 feet from single-family residences. This sign, on the east side of Rainbow Boulevard, is adjacent to the Off-Premise Sign Exclusionary Zone adopted by City Council in 1997. For these reasons, the recommendation is for denial of this request.

- Conditions

On August 3, 2004 a site inspection of the subject property found that the off-premise advertising (billboard) sign was properly maintained and kept clear of graffiti with one advertisement per sign face.

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."**

   Title 19.14.010 allows the removal of an off-premise advertising (billboard) sign if conditions in the surrounding area have changed such that to off-premise advertising (billboard) sign no longer meets the standards for approval of a Special Use Permit. There have been substantial changes in the area, including development of single-family residences less than 300 feet from the subject sign. In this case significant development has occurred subsequent to the original approval of this Special Use Permit. Therefore, the recommendation is for denial of this two-year review and the sign should be removed

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

   There are no physical constraints to the location of the use on the subject 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 off-premise advertising (billboard) sign is located in an area served by Rainbow Boulevard and Smoke Ranch Road, existing fully developed streets.

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

   The off-premise sign is subject to regular inspection and will not compromise the public health, safety or welfare.

NOTICES MAILED 113

APPROVALS 0

PROTESTS 0

MP

City of Las Vegas

Agenda Item No.: 45

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

PLANNING COMMISSION MEETING OF: AUGUST 26, 2004

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: ROBERT S. GENZER [ ] CONSENT [X] DISCUSSION

SUBJECT:
RQR-4669 - REQUIRED ONE YEAR REVIEW - PUBLIC HEARING - APPLICANT: DENNIS HANCOCK - OWNER: ZYGMUNT AMARETTI - Required One Year Review of an approved Special Use Permit (SUP-2203) WHICH ALLOWED AN AUTO REPAIR GARAGE, MAJOR AND WAIVERS TO ALLOW MAJOR REPAIR AND SERVICE WORK OUTSIDE OF A ENCLOSED BUILDING, TO ALLOW OUTDOOR HOISTS, AND TO NOT SCREEN DISABLED OR WRECKED VEHICLES FROM SURROUNDING PROPERTIES AND ADJOINING STREETS at 2101 Fremont Street (APN 139-35-804-004), C-2 (General Commercial) Zone, Ward 3 (Reese).

IF APPROVED: C.C.: 10/06/04
IF DENIED: P.C.: FINAL ACTION (Unless appealed within 10 days)

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

RECOMMENDATION:
Staff recommends DENIAL.

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

MOTION:
MCSWAIN – APPROVED subject to conditions and amending the following condition:

2. The Special Use Permit SUP-2203 shall be reviewed in *eighteen months* at which time the City Council may require cessation of the use. The applicant shall be responsible for the notification costs of the review. Failure to pay the City for these costs may result in cessation of the use.

– Motion carried with GOYNES and TRUESDELL voting NO

To be heard by the City Council on 10/06/2004

MINUTES – Continued:
CHAIRMAN TRUESDELL declared the Public Hearing open.

DAVID CLAPSADDLE, Planning and Development Department, indicated that when the Council approved this item, the outdoor hoists were permitted. However, the applicant has not been in compliance with some of the conditions of approval regarding screening and how the major auto repair facility operates therefore, staff is recommending denial.

In an unrelated discussion, CHAIRMAN TRUESDELL verified the applicant for Item 43 [SUP-4919] was still present and clarified the item would be heard by City Council on 9/15/2004, not 10/6/2004 as he had previously announced. He apologized for the confusion.

DENNIS HANCOCK, 7981 Cadenza Lane, explained that when he leased the property, he understood the only requirement would be to obtain C-2 zoning. He was informed the hoists could not be located outside; however, the hoists would not fit in the bays due to ceiling height in his portion of the building. He requested a waiver to allow the hoists to remain outdoors and that was granted. He indicated most of the major repair work is done inside the bay and he does have screening across the fence. During the day, the gates remain open so the screen is not affective when the property is viewed from 21st street but the view is still protected from Fremont Street.

CHAIRMAN TRUESDELL confirmed with MR. HANCOCK that none of the cars within view from Fremont Street are associated with his repair shop. The outside parking lot belongs to the parts shop next door and MR. HANCOCK'S business is totally contained within the fenced area. He described his business as strictly auto repair, no body work is done. He pointed out that his lease expires in a year and a half and asked that he be allowed to continue working under this Special Use Permit during that time. He intends to work with the owner to add two bays, which would accommodate having the hoists brought inside. He indicated that if the hoists are the biggest issue and he could not work with the owner to get them inside by the time his lease is up, he would have to move the shop.

ATTORNEY JOHN NETZORG, 2810 West Charleston Boulevard, Suite 81, appeared on behalf of his client MARY BARTSAS who owns the Longbranch. He indicated his client feels the area of Fremont and Eastern is in desperate need of redevelopment and improvement and that this use is inappropriate for the area. MS. BARTSAS business has been closed for some time and a drug store is now looking at developing at that location. She is pursuing putting significant amounts of money into the motels in the area. In summary, MS. BARTSAS is vehemently opposed to this application.

MINUTES – Continued:

DENISE CONTITO, 7981 Cadenza Lane, stated that MR. NETZORG was incorrect in his statement that the usage is not conducive to the area. She pointed out that across 21st Street, on the west side, there is a muffler shop. She indicated that there is commercial to the west and south of the property in question. She acknowledged that to the north and east sides of the property, there were motels as MR. NETZORG had indicated.

COMMISSIONER McSWAIN recalled that when the application was originally heard, there was some confusion involved and the commission was trying to help him get through the lease period and that was why the review had been imposed. She agreed with MR. NETZORG that the use is inappropriate for the area especially without the screening in place as required. She confirmed with MR. HANCOCK that there was slightly more than one year left on his lease. She then confirmed with staff that this is the same location the Commission recommended approval for a Hispanic commercial mall and that there are no complaints against the applicant's business on record. COMMISSIONER McSWAIN did not feel the mall project would be completed within the next year and there was a condition requiring a one-year review therefore, she would be supportive of allowing the applicant an additional year on the Special Use Permit. Beyond that, without being in conformance she would not be supportive of extending it additionally.

COMMISSIOR EVANS stated that he had driven past the establishment a few weeks ago, after hours, and it was screened. He concurred with COMMISSIONER McSWAIN'S comments. He indicated he would be supportive of an additional year review.

COMMISSIONER STEINMAN indicated that he has observed work being done outside the screened area and if the Commission intended to approve the application, a condition should be added that would prohibit any work being done outside the screened area. The applicant agreed to such a condition; however, MR. CLAPSADDLE interjected that a condition exists from the original application with the same requirement. MR. HANCOCK pointed out that he could not be held responsible for any work the adjacent parts shop may do outside of the screened area. He indicated that at times, they have done some work in the area in question.

CHAIRMAN TRUESDELL voiced concerns about possibly approving this application without assuring compliance from the parts house. MR. HANCOCK indicated that the parts house has been doing the same repairs that he does for over twenty years. He stated the owner rents out portions of the building and he thought Carquest or Charleston Auto Parts owned the parts house.

COMMISSIONER McSWAIN motioned for approval with an 18-month review. CHAIRMAN TRUESDELL stated he could support that motion if the intent is to allow the applicant time to bring the business into compliance while the area is being renovated. If the intention was to allow him time only to let his lease expire and then another user is to come into the location and

MINUTES – Continued:

request the same, he did not see the use in approving it at this time. He questioned MR. HANCOCK as to whether he intended to stay in the area once the lease was up. MR. HANCOCK replied that once the 18-month review was over, if he did stay, it would be with the business in compliance and without the need of a Special Use Permit. He would not want to throw away the customer base he has at this location. Perhaps it could be used as a satellite shop.

DEPUTY CITY ATTORNEY BRYAN SCOTT indicated that if given an 18-month review, the applicant would be required to come back and be in compliance with no additional waivers being granted. A Special Use Permit would still be necessary; however, the applicant would not be granted waivers and would have to follow the rules set forth for his type of business. COMMISSIONER McSWAIN stated that at that time, should the owner not bring the property into compliance, the applicant would have to vacate. She acknowledged the area would not be completely renovated within the next 18 months and she did not want to penalize MR. HANCOCK with a denial motion.

CHAIRMAN TRUESDELL declared the Public Hearing closed.

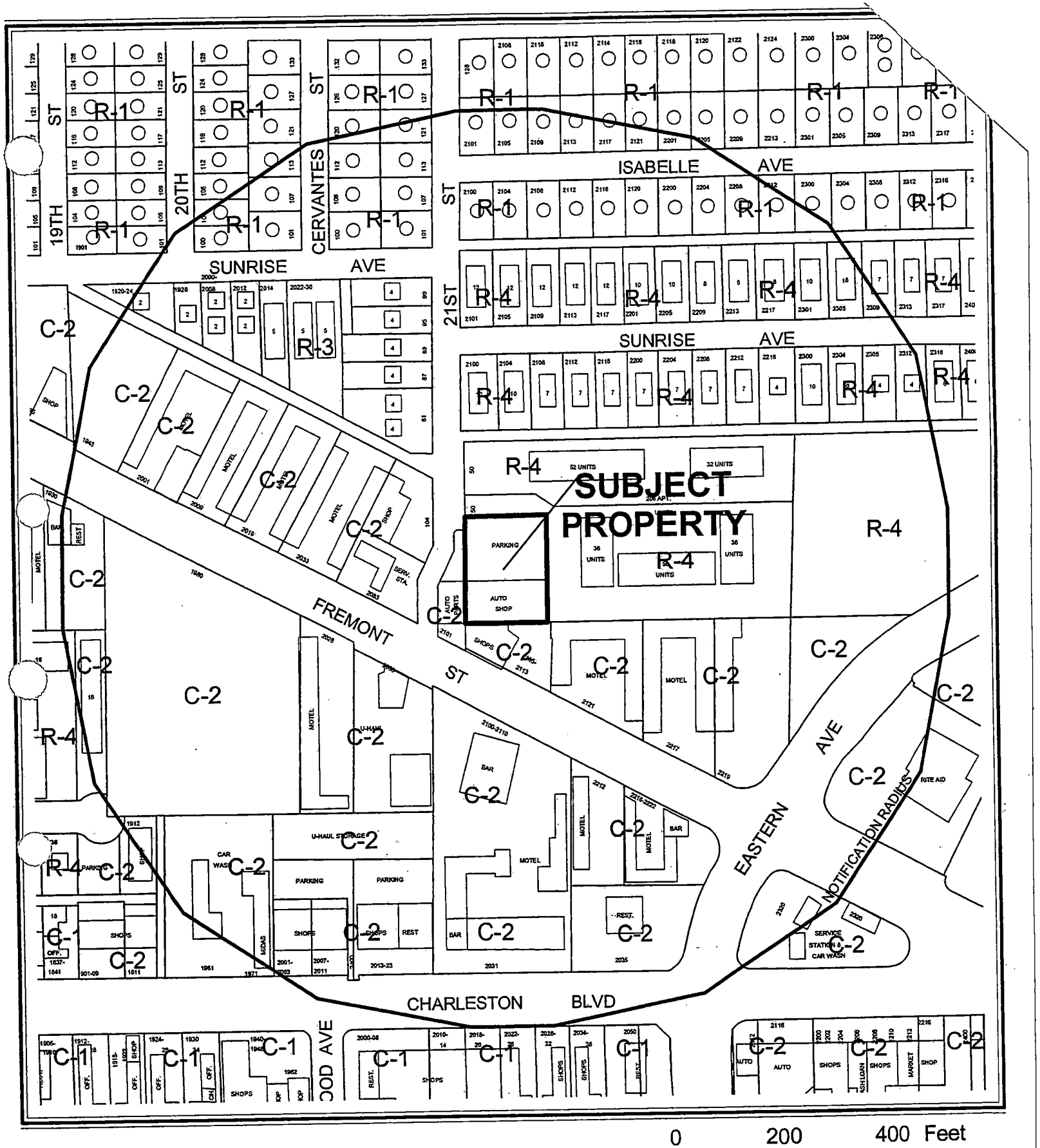
(9:22 – 9:37)

CONDITIONS:

Planning and Development

1. Conformance to the Conditions of Approval for Special Use Permit SUP-2203.

2. The Special Use Permit SUP-2203 shall be reviewed in one year at which time the City Council may require cessation of the use. The applicant shall be responsible for the notification costs of the review. Failure to pay the City for these costs may result in cessation of the use.



CASE: **RQR-4669**

RADIUS: 750 FT

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

City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: AUGUST 26, 2004
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: RQR-4669 - APPLICANT: DENNIS HANCOCK - OWNER: ZYGMUNT AMARETTI

** CONDITIONS **

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

Planning and Development

1. Conformance to the Conditions of Approval for Special Use Permit SUP-2203.

2. The Special Use Permit SUP-2203 shall be reviewed in one year at which time the City Council may require cessation of the use. The applicant shall be responsible for the notification costs of the review. Failure to pay the City for these costs may result in cessation of the use.

** STAFF REPORT **

APPLICATION REQUEST

A) Action Requested

This is a request for a Required One-Year Review of a Special Use Permit (SUP-2203), which allowed an auto repair garage and waivers to allow major repair and service work outside of a enclosed building, to allow outdoor hoists, and to not screen disabled or wrecked vehicles from surrounding properties and adjoining streets at 2101 Fremont Street.

B) Applicant's Justification

No letter is required for this application.

BACKGROUND INFORMATION

A) Previous Actions

02/21/00 The City Council approved an Auto Repair Garage, Major use in the C-2 (General Commercial) zoning district with the approval of a Special Use Permit. The approval also established minimum standards that must be met for this use.

08/20/03 The City Council approved SUP-2203 for an Auto Repair Garage, Major.

B) Pre-Application Meeting

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

C) Neighborhood Meetings

A neighborhood meeting is not required for this application.

DETAILS OF APPLICATION REQUEST

A) Site Area

Net Acres: .70

KW

B) Existing Land Use

Subject Property:	Commercial
North:	Multi-Family Residential (Apartments)
South:	Commercial
East:	Multi-Family Residential (Apartments)
West:	Commercial

C) Planned Land Use

Subject Property:	DTR (Downtown Redevelopment) SC (Service Commercial)
North:	DTR (Downtown Redevelopment) Medium to High Density Residential Rehab
South:	DTR (Downtown Redevelopment) SC (Service Commercial)
East:	DTR (Downtown Redevelopment) Medium to High Density Residential Rehab
West:	DTR (Downtown Redevelopment) SC (Service Commercial)

D) Existing Zoning

Subject Property:	C-2 (General Commercial)
North:	R-4 (High Density Residential)
South:	C-2 (General Commercial)
East:	R-4 (High Density Residential)
West:	C-2 (General Commercial)

E) General Plan Compliance

This site is designated as DTR (Downtown Redevelopment) Area 5C on the Southeast Sector of the General Plan. The Redevelopment plan establishes SC (Service Commercial) and H (High Density) as the designations possible for this site. The existing C-2 (General Commercial) zoning on this site is not compatible with this designation.

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

KW

The property is located within the Las Vegas Redevelopment Plan area. The proposed auto repair garage, major should have minimal impact upon the surrounding neighborhood, provided all conditions established by Title 19 are fulfilled. The properties located to the south and west of this site are also located in the Downtown Centennial Plan.

ANALYSIS

A) General Analysis and Discussion

- Zoning

The existing auto repair garage major is allowed in the C-2 (General Commercial) zoning district with the approval of a Special Use Permit.

- Use

The proposed auto repair garage, major, should have minimal impact upon the surrounding neighborhood, provided all conditions established by Title 19 are fulfilled. An auto repair garage, minor occupied the commercial building prior to the current request. There are no approvals on record allowing for any type of outdoor activities for the previous repair garage.

The use is permitted by compliance with the conditions of Title 19.04.050 for auto repair garage, major and the conditions of approval for SUP-2203.

- Conditions

The conditions of approval for a auto repair garage, major of Title 19.04.050 are:

1. All repair and service work shall be performed within a completely enclosed building. All windows and doors shall be completely closed when body and fender work, hammering, sanding or other noise generating activities are being performed.

2. No used or discarded automotive parts or equipment shall be located or stored in any open area outside of the enclosed building.

3. Openings in service bays shall not face public rights-of-way and shall be designed to minimize the visual intrusion into adjoining properties.

4. All disabled or wrecked vehicles shall be stored in an area that is screened from view from the surrounding properties and adjoining streets.

5. Outdoor hoists are prohibited.

6. All hazardous materials resulting from the repair, storage or dismantling of vehicles shall be properly stored and removed from the premises in a timely manner. Storage, use and removal of substances, solid waste pollution and flammable liquids, particularly gasoline, paints, solvents and thinners, shall conform to all applicable federal, state and local regulations.

7. No vehicle may be parked on the premises for the purposes of offering the vehicle for sale.

8. Outdoor bells and loudspeakers are prohibited.

SUP-2203 was approved with a waiver of conditions 1 and 5. The hoists onsite were allowed to remain but the chain link fence on site was to have slats that would obscure the interior of the site.

The operation does not meet these conditions. An inspection showed that cars in various states of repair are located in open areas and not adequately screened from view. Discarded parts and equipment are out in the open and are visible from the street.

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 auto repair use could be conducted in a manner that is harmonious and compatible with surrounding land uses by conformance with established conditions of approval. However, the applicant has not implemented these conditions, therefore, the operation is not harmonious and compatible with the surrounding area. If this request is approved, it is recommended the applicant be given no more than an additional year to change the operation.

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

   There are no physical constraints to the location that would hinder conformance with the conditions of approval.

KW

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 is located adjacent to Fremont Street, a fully developed street.

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 continuation of the auto repair garage as currently operated does not implement the overall objectives of the Redevelopment Plan, which is to create new opportunities for growth in this area of the City.

NOTICES MAILED 97

APPROVALS 0

PROTESTS 0

KW

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: RQR-4669 APN: 139-35-804-004

Name of Property Owner: Zygmunt Amaretti

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 ✓ 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: Zygmunt Amaretti

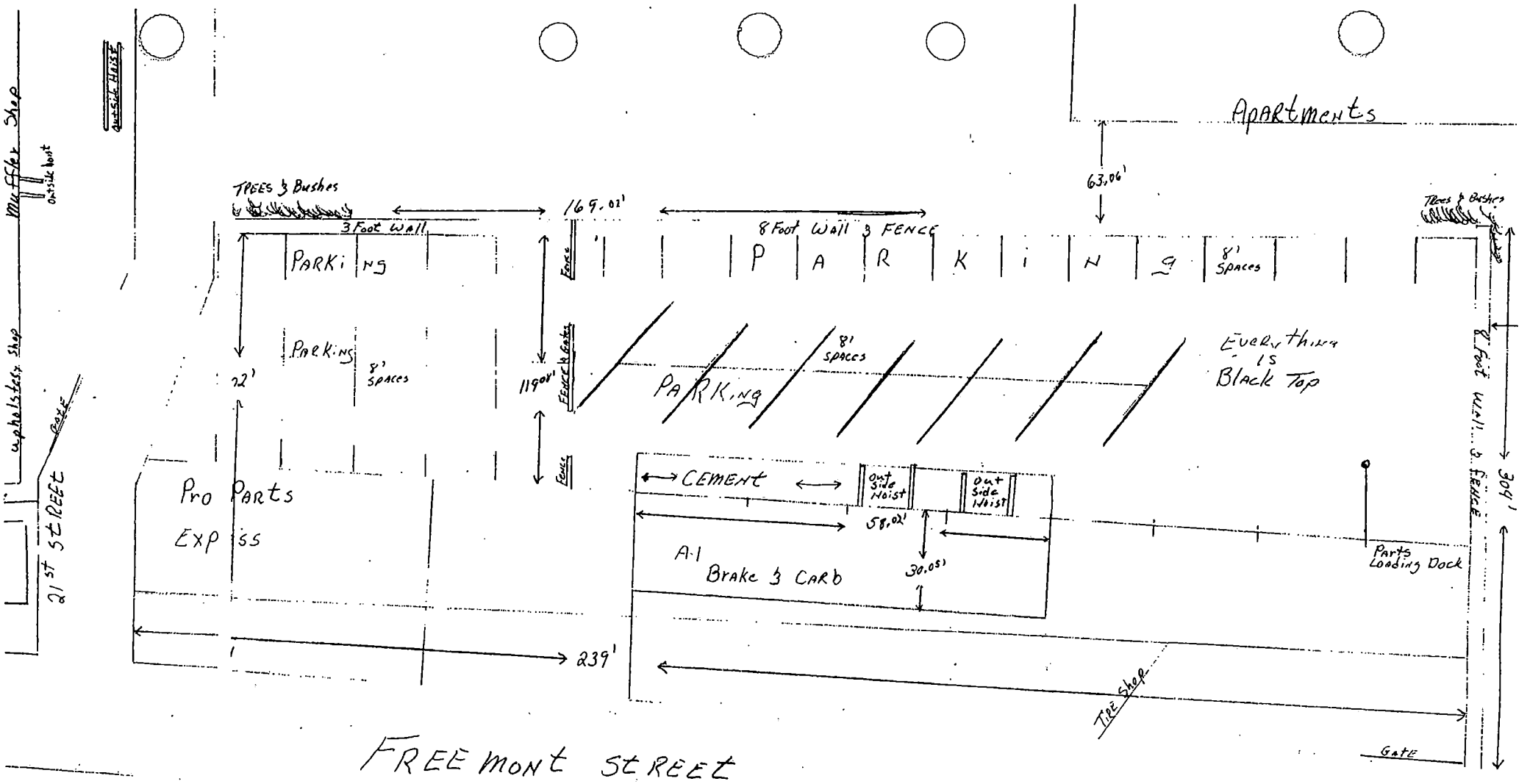
Print Name: ZYGMUNT AMARETTI

Subscribed and sworn before me

This 10th day of June, 2004

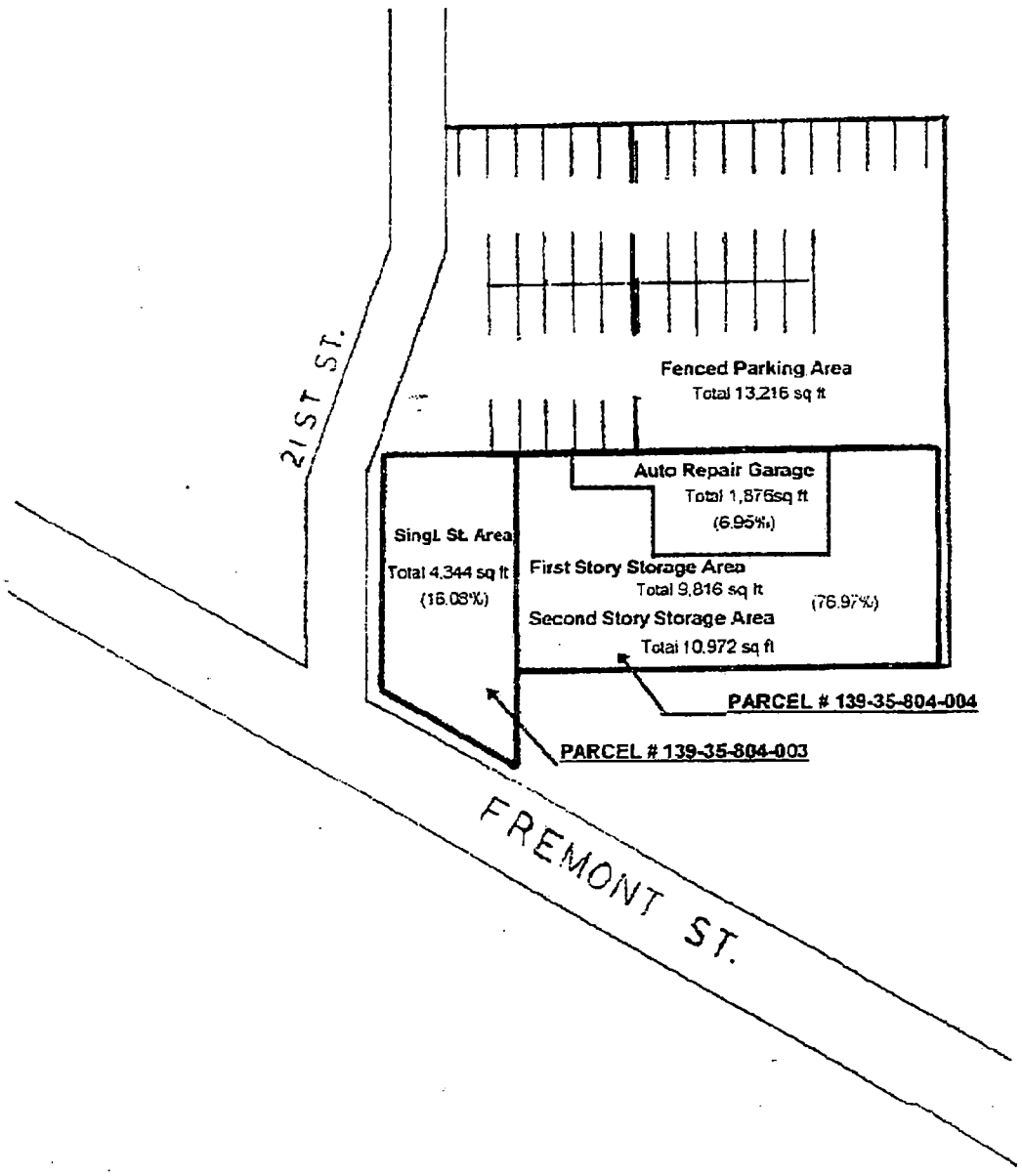
Elizabeth L. Cookson
Notary Public in and for said County and State

ELIZABETH L. COOKSON
Notary Public State of Nevada
No. 91-0641-1
My appt. exp. Mar. 26, 2008



RQR-4669
8/26/04 PC

FREMONT & 21ST AUTOMOTIVE COMPLEX
2101 E. FREMONT ST. LAS VEGAS, NV 89101



RQR-4669
8/26/04 PC

City of Las Vegas

Agenda Item No.: 46

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

PLANNING COMMISSION MEETING OF: AUGUST 26, 2004

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: ROBERT S. GENZER [ ] CONSENT [X] DISCUSSION

SUBJECT:
RQR-4910 - REQUIRED TWO YEAR REVIEW - PUBLIC HEARING - APPLICANT/OWNER: STEVE A. PHILLIPS - Required Two Year Review of an approved Site Development Plan Review (SD-0026-02) FOR SITE IMPROVEMENTS IN CONJUNCTION WITH TEMPORARY SALES at 6651 West Charleston Boulevard (APN 163-02-104-001), U (Undeveloped) Zone [SC (Service Commercial) General Plan Designation], Ward 1 (Moncrief).

IF APPROVED: C.C.: 10/06/04
IF DENIED: P.C.: FINAL ACTION (Unless appealed within 10 days)

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

RECOMMENDATION:
Staff recommends DENIAL.

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

MOTION:
DAVENPORT – APPROVED subject to conditions and deleting Condition 2 – Motion carried with GOYNES and STEINMAN voting NO

To be heard by the City Council on 10/06/2004

NOTE: Initial motion for DENIAL by STEINMAN failed. Subsequent motion for APPROVAL by DAVENPORT carried.

MINUTES:
CHAIRMAN TRUESDELL declared the Public Hearing open.

KYLE WALTON, Planning and Development Department, indicated that this proposed use has not complied with specific conditions of the original Site Plan Review and that is why staff is recommending denial.

MINUTES – Continued:

STEVE PHILLIPS, 4890 Von Leidner Street, appeared with his wife RAYNELL PHILLIPS. Using the overhead MRS. PHILLIPS showed photos of the subject property while MR. PHILLIPS gave a history of the lot, which they have owned for two years. Upon purchasing the property, abandoned vehicles were removed; graffiti was removed along with trash and debris and they dealt with the problem of the homeless residing on their lot. The property was fenced and landscaping planters were added. The planter on the corner of the lot contains two life size bronze deer statues mounted to a two-ton stone and it has become a landmark of the neighborhood. The PHILLIPS get compliments all the time and questions on where the planter was designed and purchased. The other planters are 90-feet long and currently contain bark. Eventually the planters will be filled with trees and shrubs to come into compliance with the originally submitted landscape plan.

In August of 2002, the City Council approved a Site Plan in conjunction with a Temporary Sales Use. Since that time, the PHILLIPS have invested over $80,000 on the property improvements including engineering and installation of 130 feet of public sidewalk, curb and gutter, two commercial driveways, a streetlight and the installation of a public crosswalk at the corner of Redwood Street and Charleston Boulevard. The property has been graded and a layer of decorative landscape rock, sand and chat covers the entire parcel. Electric, phone and water utilities have been installed as well as security lights that come on at dusk and turn off at dawn. The parking lot has been installed with one handicap space and four regular spaces. The applicant plans to pave this area in the beginning of 2005. A trash enclosure has been constructed which opens into the property to shield the dumpster. He acknowledged the lot being vacant approximately 10 months out of the year, the applicant cleans and maintains the fenced in lot almost daily. Graffiti is removed within four days and the property is tagged approximately twice a month. Several times a week, the applicant is complemented for the work they have done. There have been no complaints or incidents regarding the property since they have taken ownership.

MR. PHILLIPS indicated the next scheduled phase of work for the lot will be to install the landscaping. The applicant intends to pull the permit for the work in September and to have the work completed by October. Completion of this work will bring the property into compliance with Conditions 4, 5, 6 and 8. Staff has informed MR. PHILLIPS that there are errors on his original landscape plan and he has noted the corrections and will be resubmitting revised plans. There have been delays in the project's progress due to several factors such as design and engineering plan errors regarding off-site improvements, finding a reputable contractor to do the work who would take on such a small job.

The primary function of the lot is for Christmas Tree sales. The lot provides trees to approximately 1800 families each year and has done so for fourteen years. The applicant does not have the funding to complete this project within the timeframe given. MR. PHILLIPS stated

MINUTES – Continued:

they are making the improvements as fast as possible. The project is over half finished and the PHILLIPS believe they have demonstrated their desire to improve the property to Code and City satisfaction.

MR. PHILLIPS wanted to discuss Conditions 1 and 2 which pertain to the Site Development Plan Review and Special Use Permit Review. The conditions reduce the review time down to one year. In July, the applicant purchased $50,000 worth of Christmas trees. That would be the normal time of year to do so and the applicant explained, with one-year reviews, the threat of denial in September of every year is too stressful and could result in financial losses. The applicant requested to maintain the current two-year review status.

MR. PHILLIPS also indicated an issue existed regarding Condition 7 which pertains to perimeter fencing. He explained that City Council approved the installation of green, vinyl, chain link fencing to match the fencing of their neighbor to the west. The fencing cost was approximately $12,000 and the applicant feels it looks very nice.

COMMISSIONER McSWAIN indicated she did not have a problem with the pace at which the work is being done because she understands the investment necessary and the process etc. She did have an issue regarding the use being appropriate for the area and cited this property as an example of why billboards should not be allowed on vacant lots. The area is a business corridor and a temporary sales use is inappropriate. COMMISSIONER McSWAIN felt the property should be developed.

COMMISSIONER STEINMAN confirmed with MR. PHILLIPS that the lot is used approximately two months a year. MR. PHILLIPS added that they did try to have Valentine's Day flowers, Mother's Day flowers, 4th of July fireworks, Halloween pumpkins and the trees for the last two years. Because the labor is too great, they will only sell Christmas trees and rent out the lot for 4th of July firework sales in the future. A non-profit Police and Fire rugby club rent the fireworks stand.

COMMISSIONER STEINMAN questioned what the item under the tarp was that was shown in the photos. He also questioned why the trash enclosure was different in the photos and whether or not the port-a-potty was on the lot year round. The applicant indicated that the item under the tarp is a fire truck and that the tarp would be replaced soon because it is weathered. The Commissioner felt the property could be better used and more valuable if developed than to have it used only two months a year. MR. PHILLIPS explained the trash enclosure was an oversight and once they read staffs comments, it was remedied. The hay bales in the photos are now gone. He added that his lot was originally located across the street for 12 years and because Odyssey

MINUTES – Continued:

Charter School was going to be expanded, they secured the lot in question for a good price. He indicated that people are not contacting him to purchase the property for office.

COMMISSIONER STEINMAN informed the applicant that approval of the application would require the installation of asphalt. The applicant acknowledged the asphalt is necessary and assured the Commission it would get done. COMMISSIONER STEINMAN voiced concern over the financial affect a denial vote would have on the applicant because the trees for this year have already been purchased. He suggested granting the Temporary Use until the end of the year so the applicant would not be stuck with $50,000 worth of trees and no lot to sell them in. MR. PHILLIPS indicated that it would be generous of the Commission to grant that time.

CHAIRMAN TRUESDELL stated that although the application is for Temporary Use, the actual use is permanent. The one year review would not have been required if the conditions had been met. Once met, the application would be viewed as more of a permanent use. He understood from a business standpoint, what the applicant is trying to do; however, he questioned how the process would function if every business owner completed their site improvements at this type of pace. It is the Commissions obligation to try and be fair and interpret the Code. He suggested that if the improvements had been required prior to opening for business, they would have been completed already or the lot would not be open. CHAIRMAN TRUESDELL emphasized that other businesses along the same corridor had conditions that had to be completed to a certain point before opening and this application was not required to do so. He acknowledged the efforts of the applicant on the installation of improvements.

MR. PHILLIPS reluctantly showed photos of three other tree lots and indicated if the Commission had a problem with his application, then something must be done about other temporary sales lots, which are not well maintained. He also showed photos of a temporary sales lot in Summerlin that looks clean, well maintained and aesthetically pleasing from the street. Photos of the interior revealed a pile of rubbish and an abandoned trailer. He then showed photos of his lot before and after their purchase. CHAIRMAN TRUESDELL reiterated that he was not saying the applicant did not do a good job on cleaning up the lot, his problem was that the improvements were not completed. He also stated that perhaps the Commission is not doing a good job of catching all of the temporary sales use lots. When the temporary lots become permanent, the standards of improvements must be met. MR. PHILLIPS explained that if someone offered the right price, they would sell the property but that just is not happening. Along Charleston Boulevard there are many vacant lots that are just desert and weeds.

COMMISSIONER STEINMAN suggested approval allowing temporary sales through 12/31/2004 without conditions because it forces improvements being placed on property that the

MINUTES – Continued:

Commission is trying to stop temporary sales on. He questioned staff about which conditions are truly important to granting the use through the end of the year. MARGO WHEELER, Deputy Director, Planning and Development Department, suggested placing a condition to the effect of the use ceasing after 12/31/2004 and leaving the other conditions off entirely. COMMISSIONER STEINMAN indicated that was his motion.

COMMISSIONER NIGRO voiced concern about what the condition of the lot would be once the temporary sales had ceased. In his opinion, the use is not appropriate; however, the motion would result in the creation of another vacant lot. COMMISSIONER DAVENPORT interjected that the applicant takes pride in the lot and if they are not given additional time to complete their improvements; it will turn into another vacant lot on Charleston Boulevard. He questioned if the two-year extension was given, what timeframe the applicant would require to finish the landscaping and asphalt work. MR. PHILLIPS indicated they hoped to start the landscaping right away and to have the pavement at the beginning of 2005. COMMISSIONER DAVENPORT stated that because of the well-maintained condition of the lot, he would be willing to waive the requirement of asphalt. COMMISSIONER EVANS questioned if that was a possibility because of Clark County Air Quality Standards. MR. PHILLIPS asked if the upper portion of the property could be paved, leaving the drive thru on the landscaping plan.

COMMISSIONER NIGRO understood the intention of COMMISSIONER DAVENPORT'S statement and indicated waivers should not be considered and that to get the use continued for any amount of time, all the staff requirements should be met over an agreed upon period of time. COMMISSIONER STEINMAN said in doing that, the commission would be requiring the applicant to create an improved vacant lot without allowing them to use it. COMMISSIONER McSWAIN indicated she did not want to require the applicant to continue to improve a property if the Commission agrees with her that it is not an appropriate use. She did not want the decision to result in a permanent temporary sales lot. CHAIRMAN TRUESDELL pointed out that the situation is close to that now. COMMISSIONER NIGRO stated that the Commission would have the opportunity to hear the item again during a review in two years, if granted.

DEPUTY CITY ATTORNEY BRYAN SCOTT emphasized the application is for a Site Plan Review and the Commission would be voting on approving or denying the Site Plan. He questioned if the use of the property would fall under a separate application. MS. WHEELER explained that the use is a temporary commercial permit for the Christmas trees. DEPUTY CITY ATTORNEY SCOTT indicated the use is not before the Commission at this time and that there has not been much discussion regarding the Site Plan. COMMISSIONER NIGRO asked why they should not be able to discuss the Special Use Permit timeframe when Condition 2 pertains to it.

MINUTES – Continued:

DEPUTY CITY ATTORNEY SCOTT confirmed with CHAIRMAN TRUESDELL that the Commission is considering a time frame to complete the improvements that should have been finished within the first two-year period. COMMISSIONER STEINMAN said that would have the potential of going four years without all improvements. If the Temporary Sales Use expired on 12/31/2004, the applicant would have the option of reapplying next year if the property has not been sold.

MR. CLAPSADDLE indicated this review is like any other required review. The purpose is to see if the applicant has met the conditions of the approved Site Plan. Staff determined that on this application, some of the conditions were not met. Like any other review, this one could be approved or denied. If the Commission feels the Site Plan is no longer appropriate, it means that the approval is revoked. DEPUTY CITY ATTORNEY SCOTT confirmed with MR. CLAPSADDLE that if the Site Plan is revoked because the applicant did not meet the requirements under the Site Plan, they could still apply with the City for a temporary commercial use next year to sell trees on the same lot.

COMMISSIONER DAVENPORT added that if the application is denied, in December the applicant could come in just like everyone else and apply for the use permit. They would not have to maintain the lot or do any improvements. Another tumbleweed lot would be the result. If the application is approved, the applicant will continue to maintain and improve the property.

DEPUTY CITY ATTORNEY SCOTT expressed the City's main concern would be to get those improvements completed and granting approval until 12/31/2004 would not require any improvements to be finished. The applicant would not be required to install them yet could come back annually to get a Temporary Commercial Use permit to sell the trees and the improvements remain uninstalled. MR. CLAPSADDLE informed the Commission that they could give another required review in a year and gives the applicant that time to complete all the required improvements and that would allow another chance to look at the application.

MR. PHILLIPS assured the Commission that if given two years, the improvements would be done as more than half is done already. Until they can sell it, the lot will be a nice, vacant, landscaped lot. CHAIRMAN TRUESDELL suggested a motion be crafted and COMMISSIONER STEINMAN reminded him that one had been made to approve temporary sales on this site thru 12/31/2004. CHAIRMAN TRUESDELL indicated the temporary sales approval is not what is being considered, the application pertains to the Site Plan and extension for further review.

COMMISSIONER McSWAIN confirmed with MR. WALTON that there is not a Special Use permit due for review in the future. The business operates under Temporary Commercial permits

MINUTES – Continued:

when there is a need to use the lot for sales. The question came up of why there was a Site Plan at all when there was never a Special Use permit. MR. PHILLIPS informed the Commission that when the applicant requested approval to install the green, vinyl, chain link fence, the City categorized the improvement as development and the entire process was started.

DEPUTY CITY ATTORNEY SCOTT suggested to COMMISSION STEINMAN that the motion should revolve around the denial or approval of the Site Development Plan Review. MR. PHILLIPS questioned how Condition 7 would relate to the motion since it requires a block wall on the property and there is not a block wall there. COMMISSIONER STEINMAN indicated the motion should then be for denial since Council required a block wall. MRS. PHILLIPS reminded him that after the Planning Commission denied the vinyl chain link fence, the City Council gave approval on the green chain link so it would match the fence of the adjacent property.

DEPUTY CITY ATTORNEY SCOTT attributed much of the problem to the fact that there was not a condition stating the Use would cease if the Conditions of Approval were not met. He summarized by saying the Commission is reviewing a Site Plan to see if the applicant has complied with the conditions. The applicant is not in compliance and needs approximately two years to complete them. The Commission must determine if the applicant will be allowed the additional two years to complete the improvements. He reminded them that they could choose to not do the improvements and apply every year for a Temporary Commercial permit. MR. PHILLIPS stated that they wanted to complete the improvements and requested a two-year review.

COMMISSIONER NIGRO clarified that denial would not close the tree lot. The applicant would still have the option of applying annually for a Temporary Commercial permit. CHAIRMAN TRUESDELL indicated the previous approval was based on the Commission believing certain improvements were going to be installed. He felt the motion should include a timeframe to complete the improvements in. COMMISSIONER DAVENPORT and COMMISSIONER NIGRO reminded CHAIRMAN TRUESDELL that there was a motion for denial already. COMMISSIONER McSWAIN announced she had changed her mind and would not support denial of the Site Plan since it does not restrict the applicant from doing temporary sales. The motion failed with DAVENPORT, McSWAIN, TRUESDELL, NIGRO AND EVANS voting no.

COMMISSIONER DAVENPORT then motioned for approval with a one-year review. MS. WHEELER reminded him that there was already a condition addressing that. ROBERT GENZER, Director, Planning and Development Department pointed out that Condition 2

MINUTES – Continued:
references a Special Use permit and there is not one. CHAIRMAN TRUESDELL suggested deleting that condition. MR. PHILLIPS asked if Condition 7 would remain. COMMISSIONER DAVENPORT indicated he would leave the remaining conditions as it. DEPUTY CITY ATTORNEY SCOTT explained that if Council approved the coated chain-link fence on the original Site Plan he did not understand why Condition 7 now reads a wrought iron fence. COMMISIONER NIGRO stated that the Planning Commission sends recommendations onto the City Council and since Council originally approved the chain-link fence, the applicant could take the issue up when the item was heard before City Council.

(9:37 – 10:20)
3-1187

CONDITIONS:
Planning and Development

1. This Site Development Plan Review shall expire one year from date of final approval unless it is exercised or an Extension of Time is granted by the City Council.

2. This Special Use Permit shall be reviewed in one year at which time the City Council may require the use to be discontinued.

3. Approval of and conformance to the Conditions of Approval for Site Development Plan Review (SD-0026-02).

4. A landscape plan shall be submitted to and approved by Planning and Development Department staff, prior to the time application is made for a building permit, to reflect minimum 24-inch box trees planted a maximum of 20 feet on-center along all property lines and a minimum of four five-gallon shrubs for each tree within provided planters. Planters shall be a minimum of 15 feet wide along public rights-of-way and 8 feet wide along the interior property lines.

5. Landscaping and a permanent underground sprinkler system shall be installed as required by the Planning Commission or City Council and shall be permanently maintained in a satisfactory manner. Failure to properly maintain required landscaping and underground sprinkler systems shall be cause for revocation of a business license.

6. All utility boxes exceeding 27 cubic feet in size shall meet the standards of Las Vegas Zoning Code Subchapter 19.12.050.

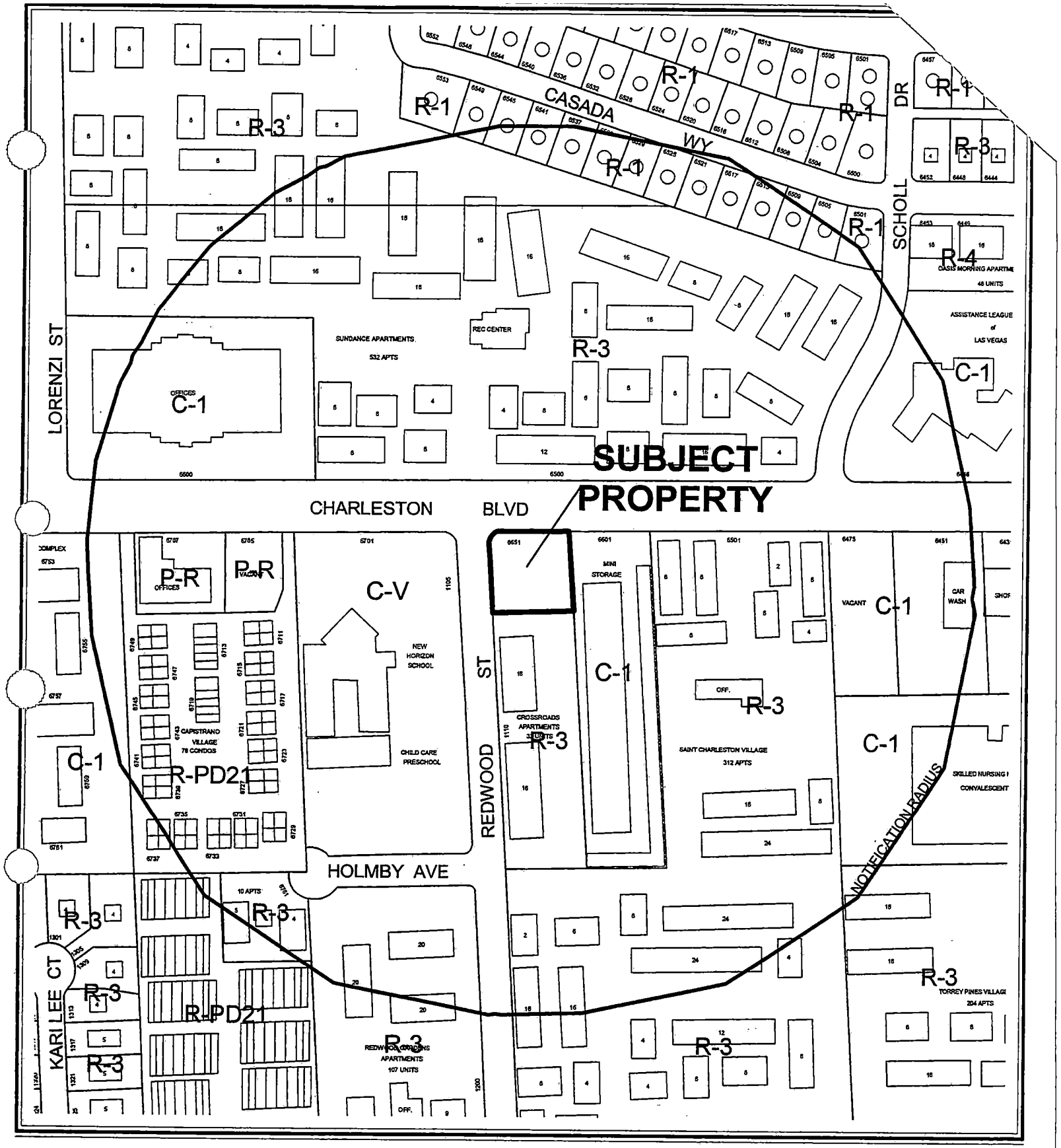
CONDITIONS – Continued:

7. Perimeter fencing adjacent to public rights-of-way will be designed and constructed of decorative block, or wrought iron.

8. A parking lot screening wall (or walls) shall be designed in accordance with Title 19.12.040(C).

9. Parking lot lighting standards shall be no more than 30 feet in height and shall utilize 'shoe-box' fixtures and downward-directed lights. Wall pack 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 City Code requirements and design standards of all City departments must be satisfied.

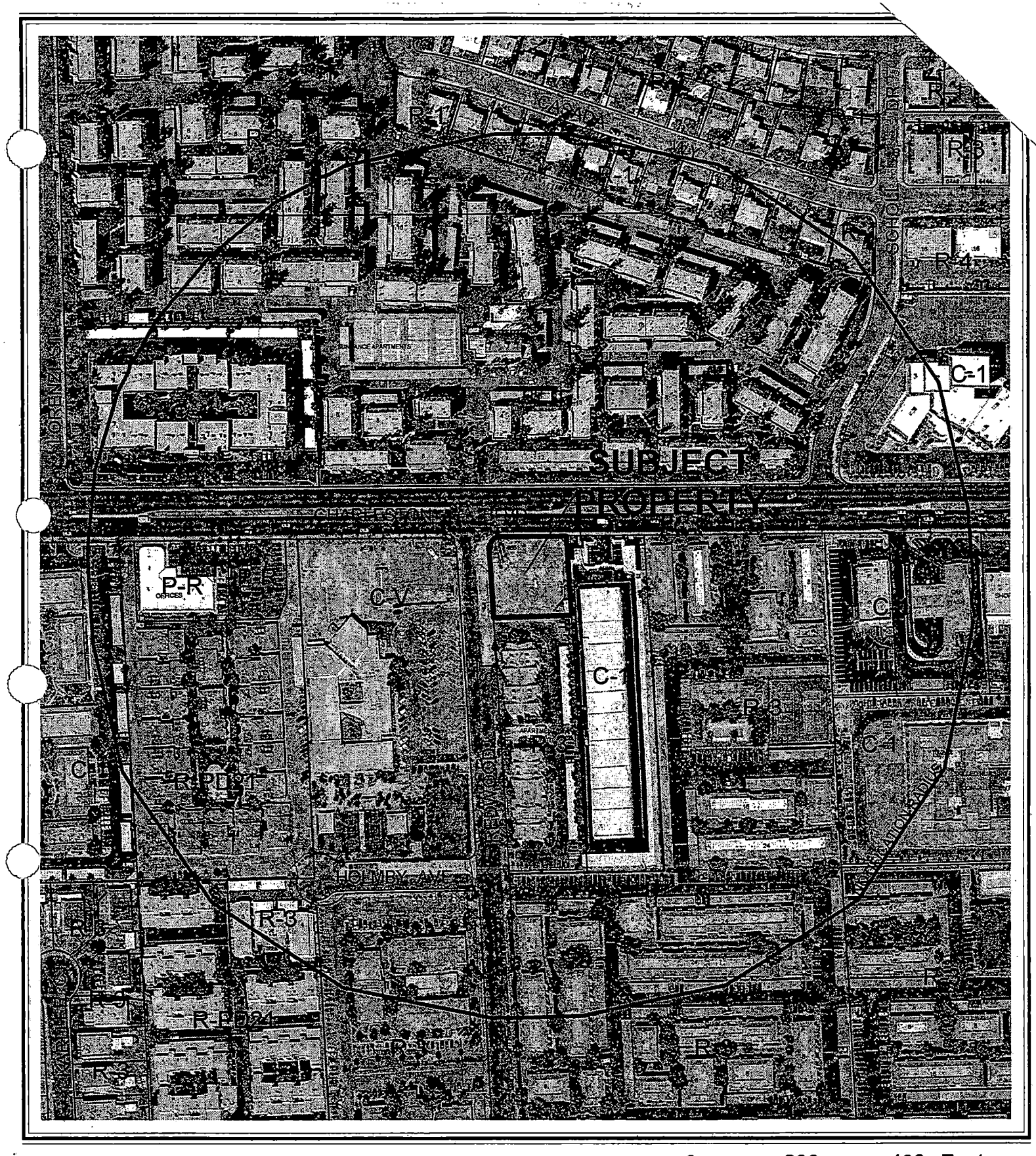


CASE: **RQR-4910**

RADIUS: 750 FT

ZONING OF SUBJECT PROPERTY:

U (UNDEVELOPED) ZONE [SC (SERVICE COMMERCIAL) GENERAL PLAN DESIGNATION]



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CASE: **RQR-4910**

RADIUS: 750 FT

ZONING OF SUBJECT PROPERTY:

U (UNDEVELOPED) ZONE [SC (SERVICE COMMERCIAL) GENERAL PLAN DESIGNATION]

N

City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: AUGUST 26, 2004
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: RQR-4910 - REQUIRED TWO YEAR REVIEW - PUBLIC HEARING - APPLICANT/OWNER: STEVE A. PHILLIPS

** CONDITIONS **

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

Planning and Development

1. This Site Development Plan Review shall expire one year from date of final approval unless it is exercised or an Extension of Time is granted by the City Council.

2. This Special Use Permit shall be reviewed in one year at which time the City Council may require the use to be discontinued.

3. Approval of and conformance to the Conditions of Approval for Site Development Plan Review (SD-0026-02).

4. A landscape plan shall be submitted to and approved by Planning and Development Department staff, prior to the time application is made for a building permit, to reflect minimum 24-inch box trees planted a maximum of 20 feet on-center along all property lines and a minimum of four five-gallon shrubs for each tree within provided planters. Planters shall be a minimum of 15 feet wide along public rights-of-way and 8 feet wide along the interior property lines.

5. Landscaping and a permanent underground sprinkler system shall be installed as required by the Planning Commission or City Council and shall be permanently maintained in a satisfactory manner. Failure to properly maintain required landscaping and underground sprinkler systems shall be cause for revocation of a business license.

6. All utility boxes exceeding 27 cubic feet in size shall meet the standards of Las Vegas Zoning Code Subchapter 19.12.050.

7. Perimeter fencing adjacent to public rights-of-way will be designed and constructed of decorative block, or wrought iron.

8. A parking lot screening wall (or walls) shall be designed in accordance with Title 19.12.040(C).

9. Parking lot lighting standards shall be no more than 30 feet in height and shall utilize 'shoe-box' fixtures and downward-directed lights. Wall pack 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 City Code requirements and design standards of all City departments must be satisfied.

** STAFF REPORT **

APPLICATION REQUEST

A) Action Requested

The applicant is requesting approval of a Required Two Year Review of an approved Site Development Plan Review (SD-0026-02) for site improvements in conjunction with temporary sales located at 6651 West Charleston Boulevard.

B) Applicant's Justification

No justification letter was submitted with this application.

BACKGROUND INFORMATION

A) Previous Actions

09/07/88 The City Council approved a Rezoning and Site Development Plan Review (Z-0075-88) application for the reclassification of property located on the southeast corner of Charleston Boulevard and Redwood Street, from N-U (Non-Urban) to C-1 (Limited Commercial) and a proposed customer operated car wash. The Planning Commission and staff both recommended approval. The Resolution of Intent expired September 7, 1990.

02/18/95 The City Council approved a Rezoning and Site Development Plan Review (Z-0172-94) for the reclassification of property (0.52 acres), located at the southeast corner of Charleston Boulevard and Redwood Street, from N-U (Non-Urban), to C-1 (Limited Commercial) and the development of a proposed 6,000 square-foot retail center. The Resolution of Intent for the reclassification of property subsequently expired (February 15, 1996), since the property was not developed as proposed. The Planning Commission and staff both recommended approval.

07/05/95 The City Council approved, on reconsideration of denial, a request for a Special Use Permit (U-0027-95) to allow an off-premise advertising (billboard) sign on the subject site. The Board of Zoning Adjustment recommended denial. Staff recommended approval.

08/07/02 The City Council approved a Site Development Plan Review (SD-0026-02) for site improvements in conjunction with temporary sales located at 6651 West Charleston Boulevard. The Planning Commission and staff both recommended denial.

B) Pre-Application Meeting

A pre-application conference is not required for this application.

C) Neighborhood Meetings

A neighborhood meeting is not required for this application.

DETAILS OF APPLICATION REQUEST

A) Site Area

Gross Acres: 0.52

B) Existing Land Use

Subject Property:	Temporary Sales Lot
North:	Sundance Village Apartments
South:	Crossroads Apartment Complex
East:	Mini Storage Facility
West:	New Horizon School

C) Planned Land Use

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

D) Existing Zoning

Subject Property:	U (Undeveloped) [SC (Service Commercial) General Plan Designation]
North:	R-3 (Medium Density Residential)
South:	R-3 (Medium Density Residential)
East:	C-1 (Limited Commercial)
West:	C-V (Civic)

E) General Plan Compliance

The subject site is designated SC (Service Commercial) within the Southwest Sector Land Use Map of the General Plan. The subject parcel is currently zoned U (SC) [Undeveloped (Service Commercial General Plan designated)]. The U (Undeveloped) District functions as a temporary classification to be used until the property is ready for development for a more intense use. The subject parcel has been used as a location for the selling seasonal items, such as pumpkins, Christmas trees and fireworks for the past two years. The land is being utilized in a more intense manner; therefore the use of the site currently is not in conformance with the General Plan. Once the property is rezoned to an applicable zoning district the parcel will then be in conformance with the General Plan.

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

The site is not subject to any special area plans, overlay districts, study area or trail requirements.

ANALYSIS

A) Zoning Code Compliance

A1) Parking and Traffic Standards

Per the approved site plan (SD-0026-02) and landscape plan it was indicated that a total of 8 paved parking spaces, including one van accessible handicap parking space, would be made available. Current conditions are as follows:

1. The approved site plan called for asphalt paving onsite; the applicant has provided a form of gravel throughout the site, including the parking area.

2. The approved site plan called for 8 parking spaces, including one van accessible handicap parking space; the applicant has provided 4 parking spaces.

PL

3. The approved site plan called for all of the parking spaces to be striped; currently there is no striping of any sort on site.

4. Per condition #7 of Site Development Plan Review (SD-0026-02): "A parking lot screening wall (or walls) shall be designed in accordance with Section 19.12.040(C) of the Las Vegas Zoning Code.) No such wall (or walls) exist onsite.

The applicant has failed to comply with the approved site plan and conditions of Site Development Plan Review (SD-0026-02); therefore it is recommended that the use be terminated at this location.

A2) Landscaping and Walls

Pursuant to approved Site Development Plan Review (SD-0026-02), the following Landscaping Standards apply to the subject proposal:

The site plan depicts four five-gallon shrubs at the northwest corner of the site and "decorative bark" in a ten-foot-wide strip along approximately two-thirds of the south and east property lines. Abutting the east property line is a mini-storage facility, and multi-family residential units (apartments) abut the south property line. Decomposed granite is proposed for groundcover in the unpaved areas of the site, particularly the northern portion, which is adjacent to the public rights-of-way.

Subchapters 19.12.050 and 060 of the Las Vegas Zoning Code and the Las Vegas Urban Design 'Landscape, Wall and Buffer Standards' require a fifteen-foot-wide landscape planter along the public right-of-way and an eight-foot-wide landscape planter and block wall along all interior property lines. In each case, one twenty-four inch box tree per 20 lineal feet, plus one additional tree, and ground cover (shrubbery/rock or turf) is the minimum required. Utility boxes (in excess of 27 cubic inches) must also be screened. The original request did not meet any of these requirements and the current conditions fail to meet these requirements.

The applicant has failed to comply with the following conditions of Site Development Plan Review (SD-0026-02):

1. Condition #3: A landscape plan shall be submitted to and approved by Planning and Development Department staff, prior to the time application is made for a building permit, to reflect minimum 24-inch box trees planted a maximum of 20 feet on-center along all property lines and a minimum of four five-gallon shrubs for each tree within provided planters. Planters shall be a minimum of 15 feet wide along public rights-of-way and 8 feet wide along the interior property lines.

PL

2. Condition #4: 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.

3. Condition #5: All utility boxes exceeding 27 cubic feet in size shall meet the standards of Las Vegas Zoning Code Subchapter 19.12.050.

The applicant has provided a 10-foot wide landscape planter, composed of nothing more than bark chips, along a portion of the south and east property lines. The only additional landscaping that is on site is that of a landscape planter located near the northwest corner of the site, which existed at the time of the original Site Development Plan Review. The landscaping is in substantial non-conformance to standards approved for Site Development Plan Review (SD-0026-02)

A3) Minimum Distance Separation Requirements

There are no Minimum Separation Distance Requirements in the Zoning Code that apply to the proposed Temporary Sales use. The use does not conform to the trash enclosure standards of the Code. The original site plan indicated a trash enclosure oriented towards Redwood Street. The same plan also called for the enclosure to consist of a screen walls and double gate. Currently, an exposed trash bin exists along the southern property line, with nothing more than two hay bales to screen it.

B) General Analysis and Discussion

The materials submitted with this application are identical to those submitted with the original Site Development Plan Review (SD-0026-02).

The proposed site plan is divided into two roughly equal parts. The north portion is adjacent to the intersection of Charleston Boulevard and Redwood Street. The site plan does not depict any new proposed uses for this portion of the property. A (non-conforming) off-premise advertising (billboard) sign /1/ and five utility boxes are shown on the site plan. Otherwise the roughly 149-by 149-foot area would be covered with decomposed granite rock mulch. A six-foot-tall green vinyl chain link fence is proposed along the perimeter property lines (back of sidewalk). Per Title 19.12.030, chain link fencing is prohibited along major thoroughfares, collector streets and alongside residential uses.

PL

A six-foot-tall green vinyl chain link fence is depicted set back thirty-nine feet from the property line and separates the public parking area from the sales lot. Four additional parking spaces are located within the sales lot area. Subchapter 19.12.030 of the Las Vegas Zoning Code requires that parking areas be screened from the public right-of-way by a low wall (maximum thirty inches tall) or a hedge of approximately thirty-six inches in height. The proposed site plan indicates that the site will not comply with this requirement.

/1/ The billboard is non-conforming in that 1) it is located within a U (Undeveloped) zone; and 2) it is located within 300 feet of 'R' zoned property.

- Zoning

The subject site is zoned U (Undeveloped) and designated SC (Service Commercial) in the General Plan. Since the subject site is an infill development parcel, it is recommended that a temporary sales lot is not appropriate for this location for any extended period of time. The subject infill development parcel would best be developed with an office or light commercial use, or with the expansion of a surrounding use.

- Use

The proposed improvements to be done onsite have by no means been accomplished, yet the temporary sales use continues. The subject site, under its current zoning, is not meant for any type of permanent use, therefore, it is being recommended that temporary sales use cease, and that the parcel be rezoned and fully developed.

FINDINGS

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

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

   The proposed temporary sales lot is not consistent with the Title 19 nor the Las Vegas Urban Design Standards in that it does not meet the minimum requirements contained in these documents. It is not consistent with the Las Vegas 2020 Master Plan, as does not comply with Policy 2.1.2, which states that development on vacant or underutilized lots within existing residential neighborhoods be sensitive in use and design to surrounding development. Additionally, the proposed site has failed to comply with almost all of the approved conditions of Site Development Plan Review (SD-0026-02).

PL

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

   The subject site is not suitable for temporary uses over an extended period of time. The subject infill development parcel would best be developed with an office or light commercial use, or with the expansion of a surrounding use.

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

   The surrounding street network can accommodate traffic generated by this use. However, the intersection of Charleston Boulevard and Redwood Street is not signalized, therefore the use may have an impact on queuing length on Redwood Street.

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

   Approval of the Special Use Permit at this site would be inconsistent with the General Plan policy 2.1.2, which states that development on vacant or underutilized lots within existing residential neighborhoods be sensitive in use and design to surrounding development.

NOTICES MAILED 97

APPROVALS 0

PROTESTS 0

PL

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: RQR-4910 APN: 163-02-104-001

Name of Property Owner: STEVE PHILLIPS

Name of Applicant: STEVE PHILLIPS

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: Steve A. Phillips

Print Name: STEVE A. PHILLIPS

Subscribed and sworn before me

This 26 day of July, 2004

Matthew Herman Nevada, Clark County

Notary Public in and for said County and State

NOTARY PUBLIC
STATE OF NEVADA
County of Clark
MATTHEW HERMAN
No: 04-89662-1
My Appointment Expires June 17, 2008

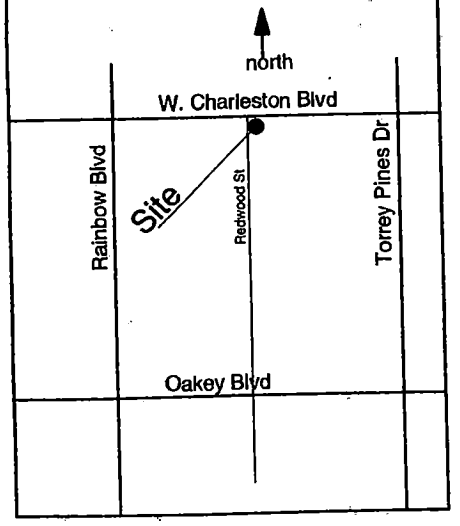
PROJECT DATA

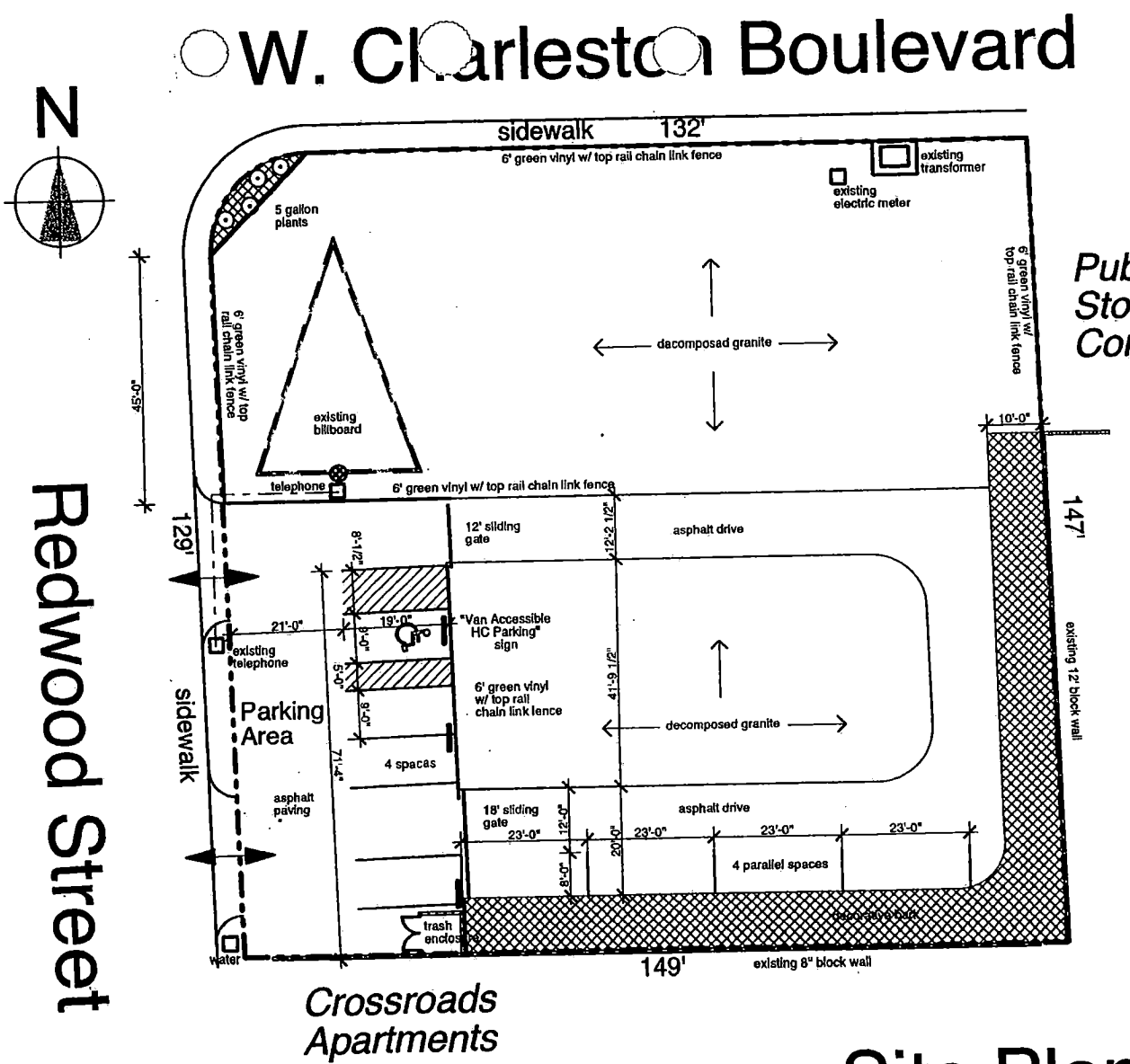
Project address:
6651 W. Charleston Blvd
Las Vegas, NV, 89146
Parcel # 163-02-104-001

Owner:
Steve Phillips
4890 Von Leidner St
Las Vegas, NV 89149
496-5394

acreage	0.52 acres
bldg sq ft	none
Floor Area Ratio	n/a
Density	n/a
Total parking provided	8
H.C. spaces	1

VICINITY MAP





Site Plan

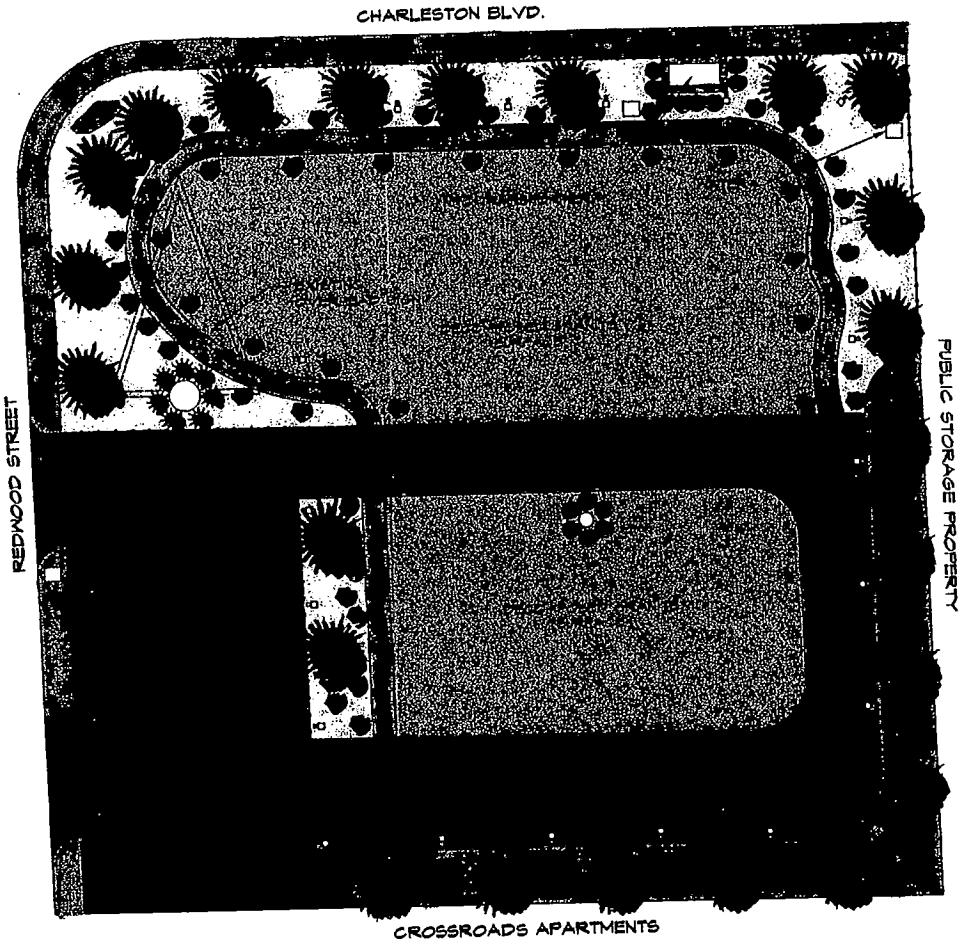
scale" 1" = 20'

Deerbrooke Farm
Christmas Trees, Flowers, Pumpkins, & Fireworks Sales Lot
6651 W. Charleston, Las Vegas, NV

DATE: May 15, 2002

REV.NO	DESCRIPTION	DATE	BY

RQR-4910
8-26-04 PC



CONSTRUCTION LEGEND

DESCRIPTION	SYMBOL
MONDEL PINE 24" BOX PINUS ELDARICA	
JAPANESE BOXWOOD 5 GALLON BUXUS MICROPHYLLA	
INDIAN HAWTHORN 'PINK' RHAPHIOLEPIS INDICA 'PINK DANCER'	
CHINESE BLUE JUNIPER 5 GALLON JUNIPERUS CHINENSIS 'COLUMNARIS' GLAUCA	
DECOMPOSED GRANITE PATH W/ BRICK EDGING	
DECORATIVE BARK MULCH	
AREA LIGHTS	
6' GREEN VINYL CHAIN LINK FENCE AND GATES	
NATIVE BOULDER SIGN	

(IN FEET)
1 inch = 10 ft.

STANTEC
7251 W Charleston Blvd
Las Vegas, NV
89117
tel. 702.258.0115
fax. 702.258.4956
www.stantec.com

Stantec

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File Name: FILE | DSN Dsn. | DRD Drwn. | CHK Chkd. | DATE Dsgn. | 02.07.26 YY.MM.DD

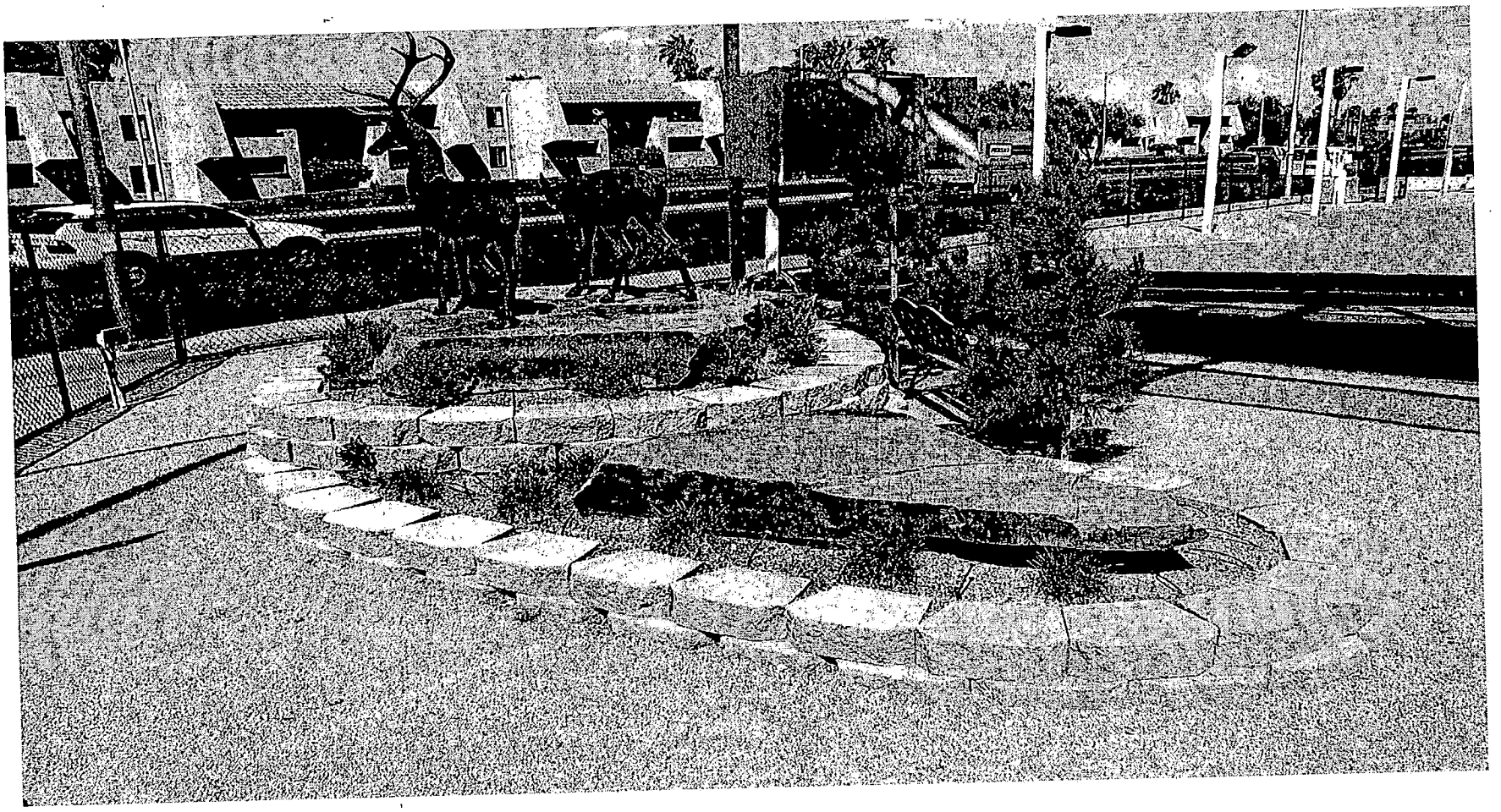
Client/Project

Deerbrooke Farm
Landscape Plan

Project No. PROJECT | Scale 1:10

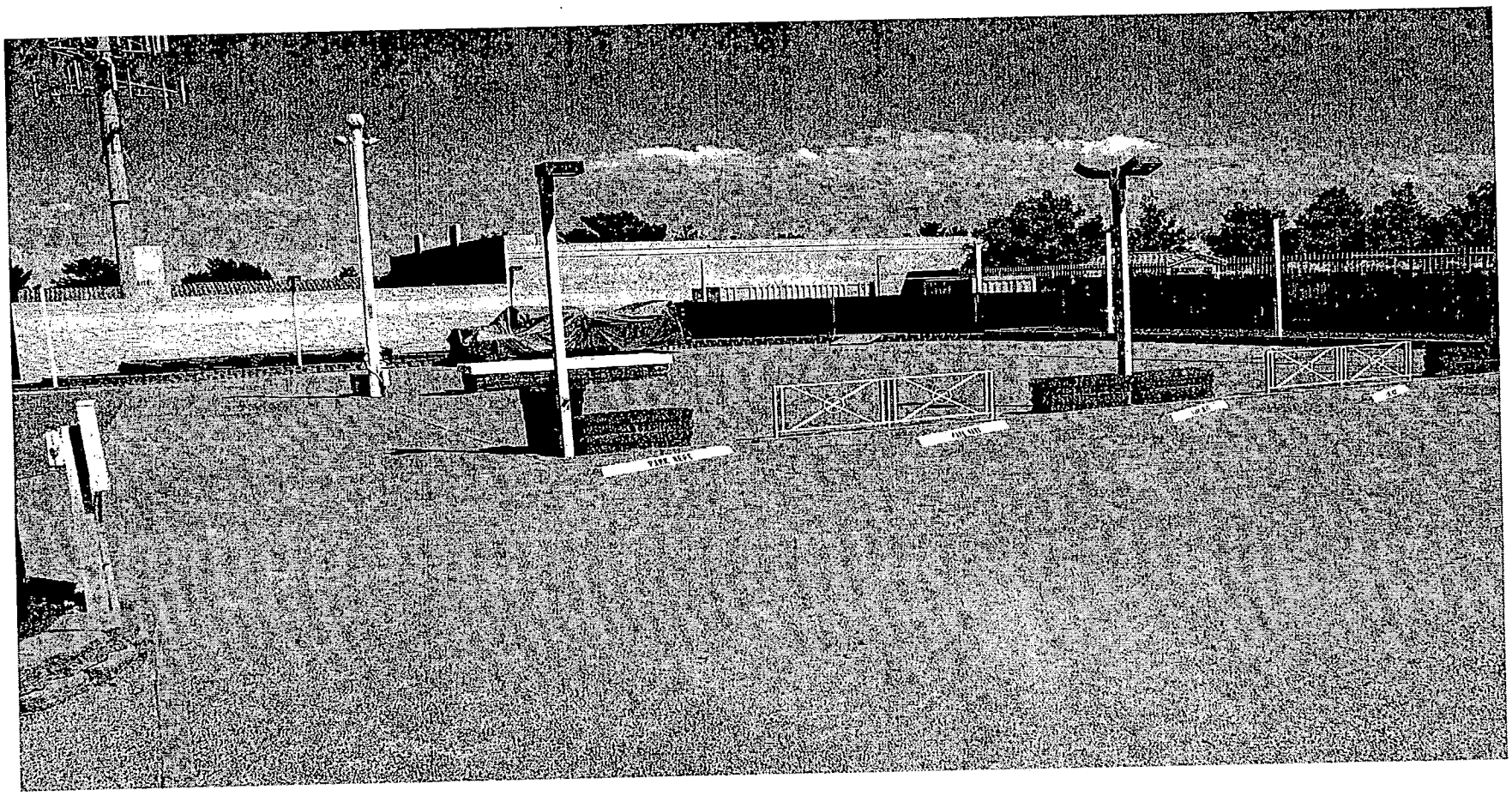
Drawing No. L1.00 | Sheet 1 of 1

RQR-4910
8-26-04 PC



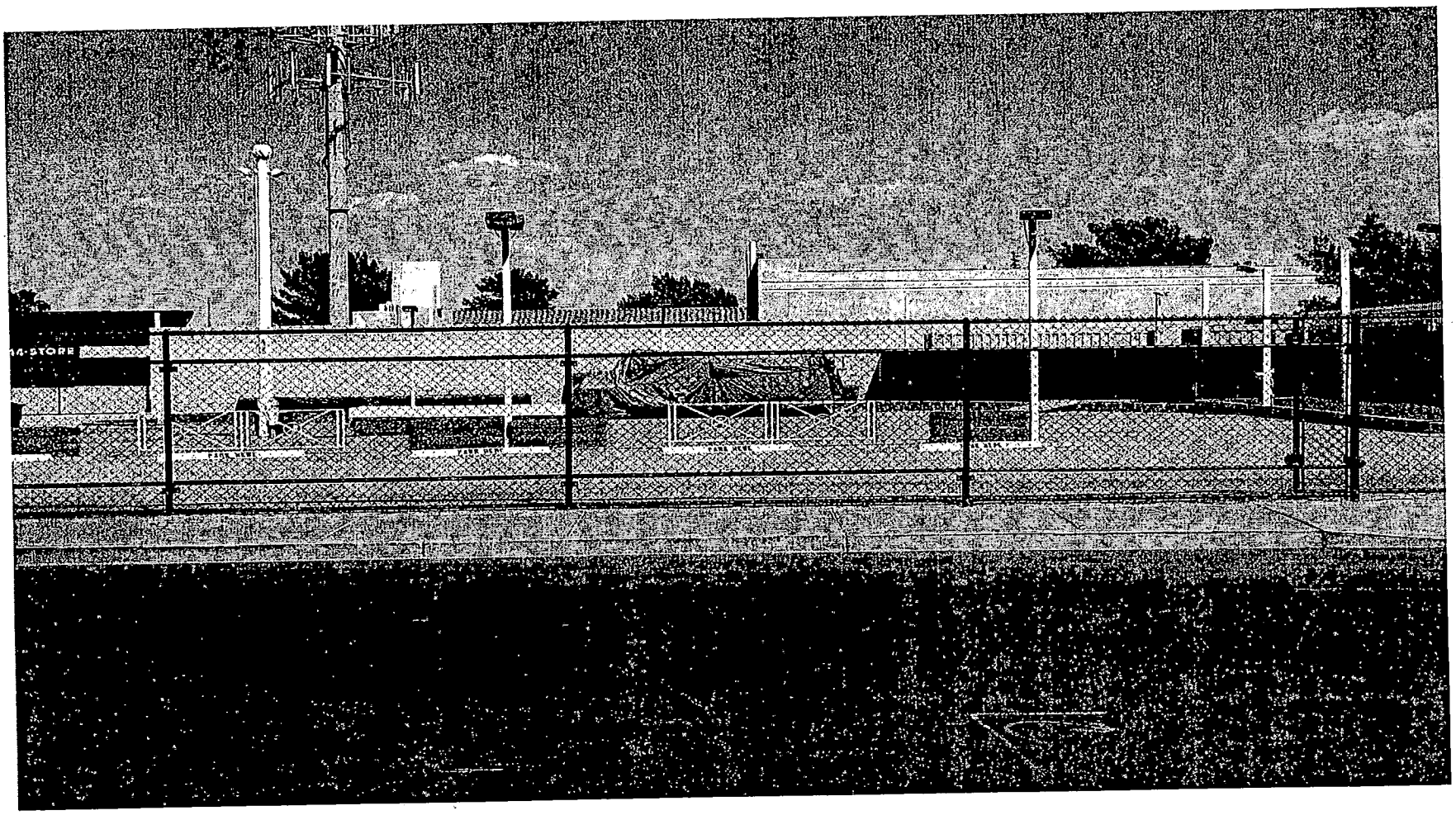
RQR-4910 - REQUIRED TWO YEAR REVIEW - PUBLIC HEARING - APPLICANT/OWNER: STEVE A. PHILLIPS
6651 WEST CHARLESTON BOULEVARD
AUGUST 26, 2004 PLANNING COMMISSION

8/6/04



RQR-4910 - REQUIRED TWO YEAR REVIEW - PUBLIC HEARING - APPLICANT/OWNER: STEVE A. PHILLIPS
6651 WEST CHARLESTON BOULEVARD
AUGUST 26, 2004 PLANNING COMMISSION

8/6/04



RQR-4910 - REQUIRED TWO YEAR REVIEW - PUBLIC HEARING - APPLICANT/OWNER: STEVE A. PHILLIPS
6651 WEST CHARLESTON BOULEVARD
AUGUST 26, 2004 PLANNING COMMISSION

8/6/04

City of Las Vegas

Agenda Item No.: 47

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

PLANNING COMMISSION MEETING OF: AUGUST 26, 2004

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: ROBERT S. GENZER [ ] CONSENT [X] DISCUSSION

SUBJECT:
WVR-4833 - WAIVER - PUBLIC HEARING - APPLICANT: RICHMOND AMERICAN HOMES - OWNER: RANDEER, LLC - Request for a Waiver to Title 18.12.160 TO ALLOW APPROXIMATELY 90 FEET BETWEEN STREET INTERSECTIONS WHERE 220 FEET IS THE MINIMUM DISTANCE SEPARATION REQUIRED adjacent to the northwest corner of Cimarron Road and Deer Springs Way (APN 125-21-202-004), T-C (Town Center) Zone, Ward 6 (Mack).

C.C.: 10/06/04

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

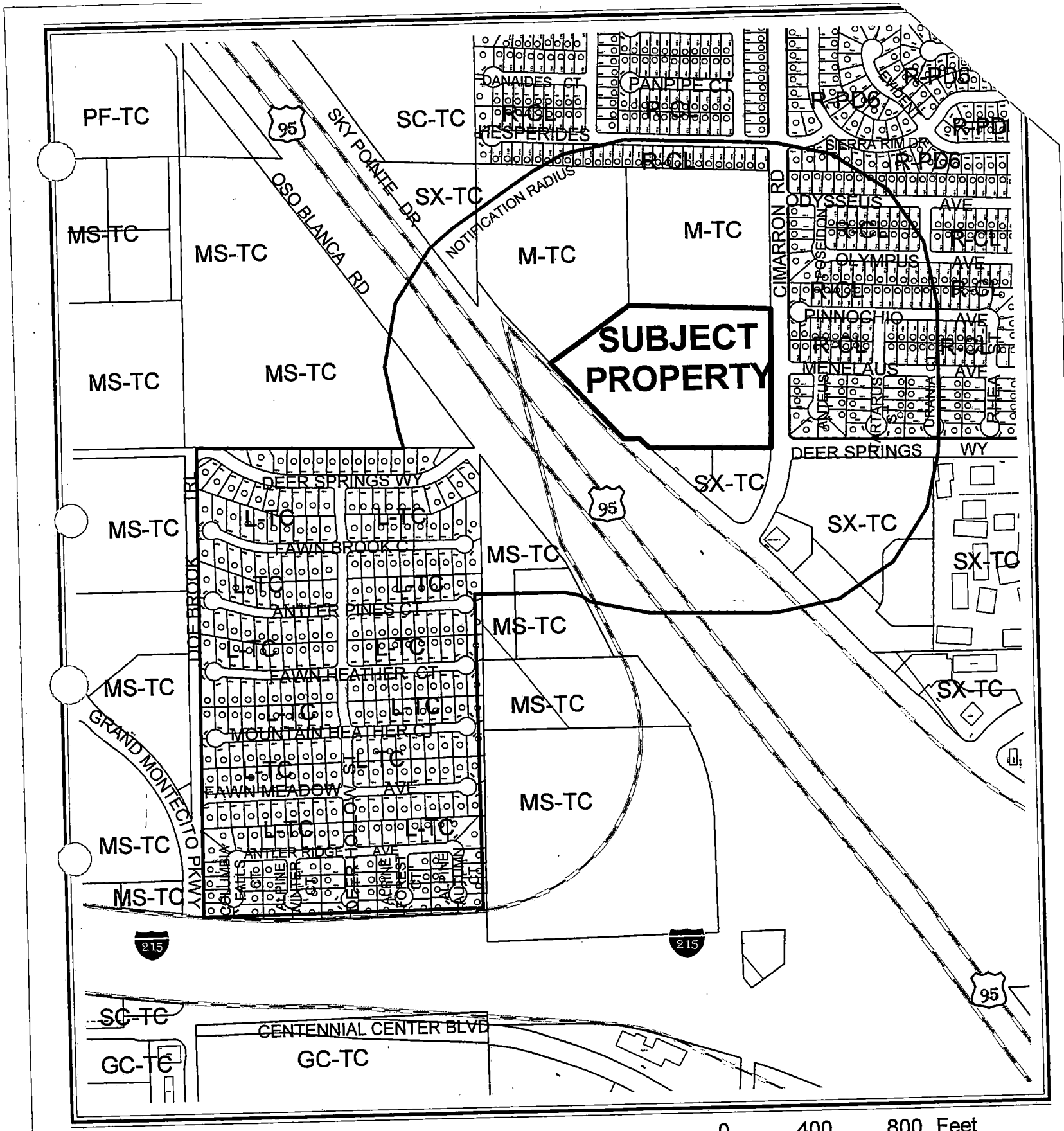
RECOMMENDATION:
Staff recommends DENIAL.

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

MOTION:
NIGRO – Motion to bring forward and HOLD IN ABEYANCE Item 18 [GPA-4631], Item 19 [ZON-4635], Item 20 [SDR-4638], Item 27 [MOD-4632], Item 28 [WVR-4754] and Item 29 [SDR-4751] to 9/09/2004 Planning Commission meeting, Item 3 [TMP-4838], Item 26 [SDR-4619], Item 30 [ZON-4828], Item 31 [SDR-4837], Item 47 [WVR-4883], and Item 48 [SDR-4832] to 9/23/2004 Planning Commission meeting, WITHDRAW WITHOUT PREJUDICE Item 4 [TMP-4842], Item 5 [TMP-4843] and Item 40 [SUP-4834], TABLE Item 16 [ZON-4623] and Item 17 [SDR-4626], and STRIKE Item 49 [MOD-4879] – UNANIMOUS

MINUTES:
DAVID CLAPSADDLE, Planning and Development, stated that letters are on file for each of the requests.

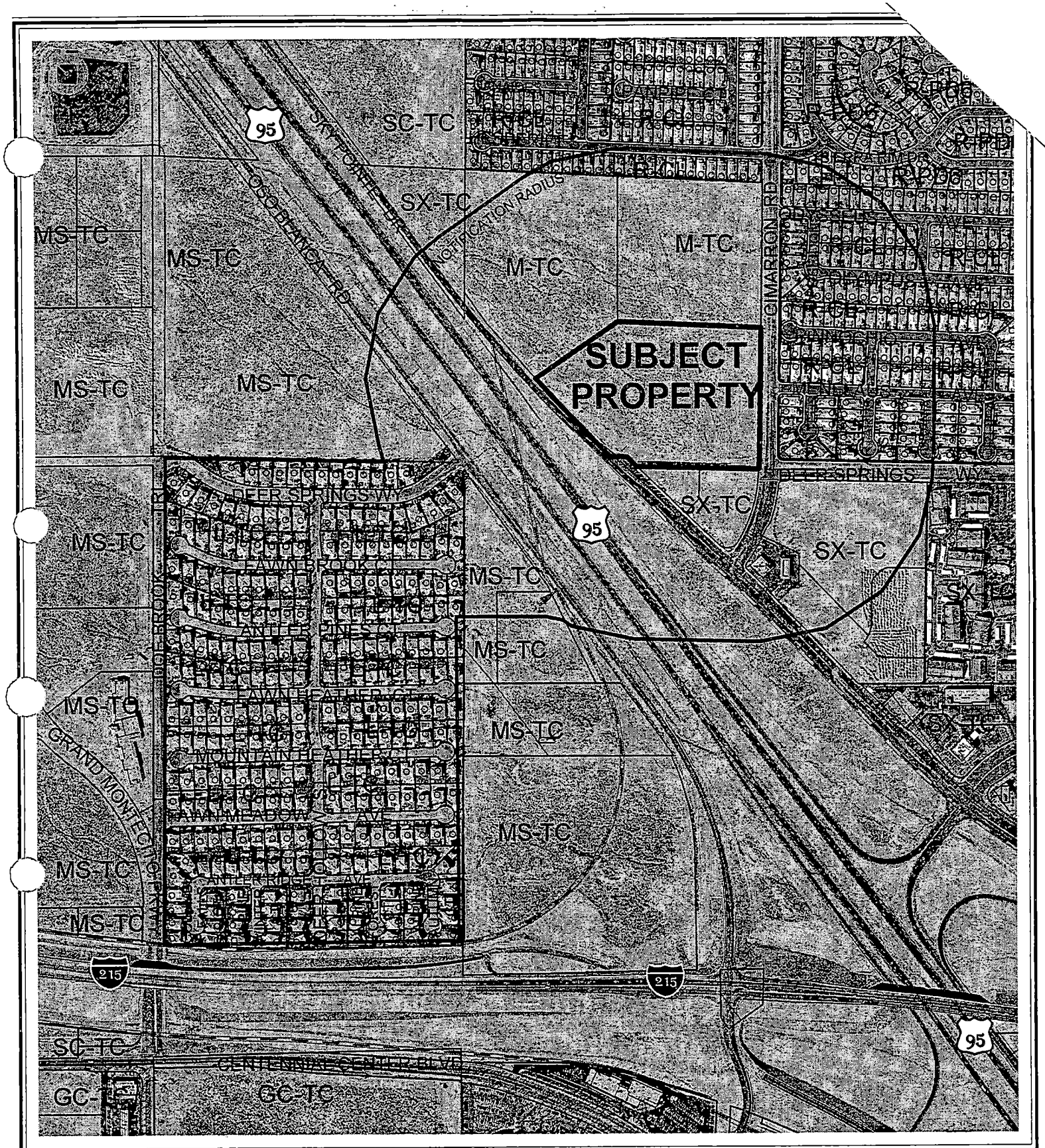
(6:06 – 6:31)



CASE: **WVR-4833**

RADIUS: 750 FT + SPECIAL

ZONING OF SUBJECT PROPERTY:
T-C (TOWN CENTER) ZONE [SX-TC (SUBURBAN MIXED USE) TOWN CENTER LAND USE DESIGNATION]



0 400 800 Feet

CASE: **WVR-4833**

RADIUS: 750 FT + SPECIAL

ZONING OF SUBJECT PROPERTY:
T-C (TOWN CENTER) ZONE [SX-TC (SUBURBAN MIXED USE) TOWN CENTER LAND USE DESIGNATION]

N

City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: AUGUST 26, 2004
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: WVR-4833 - APPLICANT: RICHMOND AMERICAN HOMES - OWNER: RANDEER, LLC

** CONDITIONS **

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

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Rezoning (ZON-4646), Variance (VAR-4648), and Site Development Plan Review (SDR-4647).

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.

Public Works

3. Install median islands that limit both driveways to right in right out only movements to prevent conflicting movements. Meet with the Traffic Engineering Representative in Land Development for assistance in the design of the medians at both driveway access points.

** STAFF REPORT **

APPLICATION REQUEST

A) Action Requested

This is a request for a Waiver of Title 18.12.160 to allow a 90 foot separation between intersections, where a minimum of 220 feet is required when providing external access from a subdivision to an existing street having a right-of-way width of 60 feet or more.

B) Applicant's Justification

A justification for the overall 131 lot single family detached development was provided, but no justification was specified for the Waiver of Title 18.12.160, to allow the reduction of the minimum distance requirements between streets.

BACKGROUND INFORMATION

A) Previous Actions

05/17/95 City Council approved an Annexation (A-0004-95) of 12.8 acres of land, almost all of which comprises subject proposal. Effective date: May 29, 1995

12/07/98 City Council approved a Rezoning (Z-0076-98) of 1,68 acres of unimproved land to T-C (Town Center). Planning Commission and staff recommended approval on November 5, 1998.

B) Pre-Application Meeting

05/25/04 Applicant was informed that the project is adjacent to Skypoint Drive, a Town Center Loop Road, and Cimarron Road, a Town Center Collector Road Applicant was also informed that a Multi-Use Trail runs along the west side of Cimarron Road, alongside the proposed project. Applicant was informed that streetscape requirements must be satisfied according to Town Center Development Standards.

C) Neighborhood Meetings

A neighborhood meeting is not required for this type of application, nor was a meeting held.

DETAILS OF APPLICATION REQUEST

A) Site Area

Gross Acres: 11.3

B) Existing Land Use

Subject Property:	Undeveloped
North:	Undeveloped
South:	Undeveloped
East:	Single Family Residences
West:	Highway 95
	Undeveloped

C) Planned Land Use

Subject Property:	SX-TC (Suburban Mixed Use-Town Center)
North:	SX-TC (Suburban Mixed Use-Town Center)
South:	SX-TC (Suburban Mixed Use-Town Center)
East:	ML (Medium Low-Density Residential)
West:	ROW (Right-of-Way)
	SX-TC (Suburban Mixed Use-Town Center)

D) Existing Zoning

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

E) General Plan Compliance

The site is located on the Centennial Hills Sector Map of the General Plan. The land use designation for the subject property is currently SX-TC (Suburban Mixed Use-Town Center), which is similar to a Service Commercial District, but with the addition of medium density residential developments. Development of the subject parcel as SX-TC (Suburban Mixed Use-Town Center) supports the General Plan.

SRS

SPECIAL DISTRICTS/ZONES	Yes	No
Special Area Plan: Town Center	X	
Trails: Multi-Use Transportation Trail	X	
Rural Preservation Neighborhood		X
Special Overlay District		X
County/North Las Vegas/HOA Notification		X
Development Impact Notification Assessment		X
Project of Regional Significance		X

This parcel is a component of the Town Center Special Area Plan, and is subject to Town Center Development Standards. Also, a multi-use transportation trail runs along the eastern property line of this parcel.

B) General Analysis and Discussion

This project proposes two entrances, where one is the usual number needed for this size of development. With this added entrance, the eastern side of the project (along Cimarron Road) will have four road connections with a span of 650 feet. One connection is with Deer Springs Way. Another involves Menelaus Avenue, which provides access to the residential development to the east. The third is an the connection with subject project's primary entryway.

FINDINGS

Residents walking or bicycling on the Cimarron Road-aligned Multi-Use Transportation Trail will encounter safety risks when navigating amongst cars turning in and pulling out from multiple entrances located closely together.

The Department of Public Works also has concerns with the design of the project and potential traffic impacts.

NOTICES MAILED 444 [Mailed with SDR-4832]

APPROVALS 0

PROTESTS 0

SRS

WAIVER - PUBLIC HEARING - WVR-4833- APPLICANT: RICHMOND AMERICAN HOMES - OWNER: RANDEER, LIMITED LIABILITY COMPANY
NORTHWEST CORNER OF CIMARRON ROAD AND DEER SPRINGS WAY
AUGUST 26, 2004 PLANNING COMMISSION

7/29/04

City of Las Vegas

Agenda Item No.: 48

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

PLANNING COMMISSION MEETING OF: AUGUST 26, 2004

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: ROBERT S. GENZER [ ] CONSENT [X] DISCUSSION

SUBJECT:
SDR-4832 - SITE DEVELOPMENT PLAN REVIEW RELATED TO WVR-4833 - PUBLIC HEARING - APPLICANT: RICHMOND AMERICAN HOMES - OWNER: RANDEER, LLC - Request for an Site Development Plan Review FOR A 131 LOT SINGLE FAMILY DETACHED DEVELOPMENT on 11.3 acres adjacent to the northwest corner of Cimarron Road and Deer Springs Way (APN 125-21-202-004), TC (Town Center) Zone, Ward 6 (Mack).

C.C.: 10/06/04

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

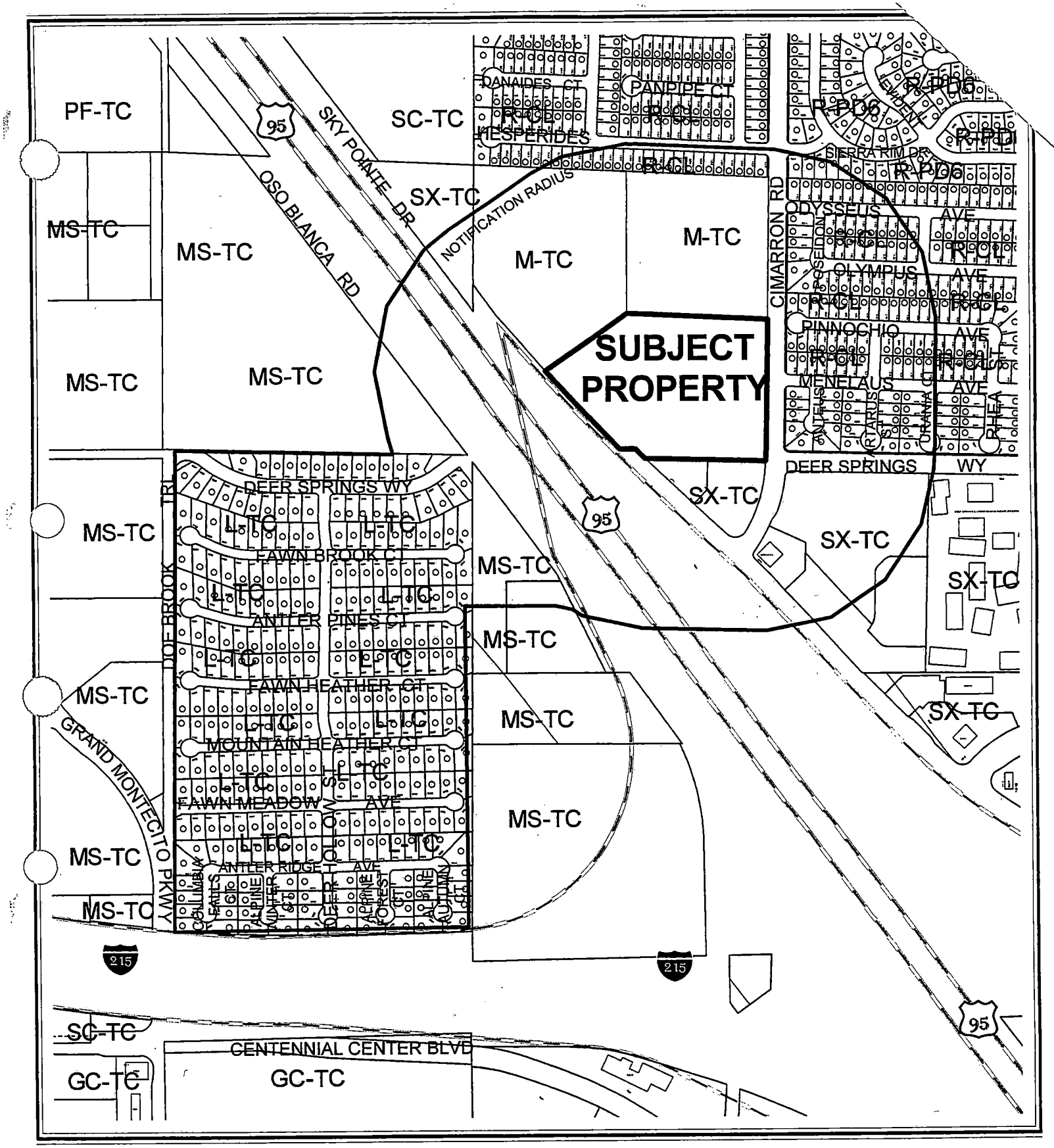
RECOMMENDATION:
Staff recommends DENIAL.

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

MOTION:
NIGRO – Motion to bring forward and HOLD IN ABEYANCE Item 18 [GPA-4631], Item 19 [ZON-4635], Item 20 [SDR-4638], Item 27 [MOD-4632], Item 28 [WVR-4754] and Item 29 [SDR-4751] to 9/09/2004 Planning Commission meeting, Item 3 [TMP-4838], Item 26 [SDR-4619], Item 30 [ZON-4828], Item 31 [SDR-4837], Item 47 [WVR-4883], and Item 48 [SDR-4832] to 9/23/2004 Planning Commission meeting, WITHDRAW WITHOUT PREJUDICE Item 4 [TMP-4842], Item 5 [TMP-4843] and Item 40 [SUP-4834], TABLE Item 16 [ZON-4623] and Item 17 [SDR-4626], and STRIKE Item 49 [MOD-4879] – UNANIMOUS

MINUTES:
DAVID CLAPSADDLE, Planning and Development, stated that letters are on file for each of the requests.

(6:06 – 6:31)



0 400 800 Feet

CASE: **SDR-4832**

RADIUS: 750 FT + SPECIAL

ZONING OF SUBJECT PROPERTY:
T-C (TOWN CENTER) ZONE [SX-TC (SUBURBAN MIXED USE) TOWN CENTER LAND USE DESIGNATION]

N

City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: AUGUST 26, 2004
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: SDR-4832 - APPLICANT: RICHMOND AMERICAN HOMES - OWNER: RANDEER, LLC

** CONDITIONS **

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

Planning and Development

1. No turf shall be permitted in the non-recreational common areas, such as medians and amenity zones in this development.

2. This Site Development Plan Review shall expire two years from the date of final approval unless it is exercised or an Extension of Time is granted by the City Council.

3. The minimum lot size in this development shall be 1,591 square feet. The setbacks for this development are a minimum of 5 feet to the front of the house, 5 feet on the side, and 5 feet in the rear.

4. All development shall be in conformance with the site plan, landscape plan and building elevations, dated stamped July 13, 2004, except as amended by conditions herein.

5. The maximum building height allowed shall not exceed 2 stories or 35 feet whichever is less.

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.

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. All City Code requirements and design standards of all City departments must be met except as amended by conditions herein.

10. The applicant shall meet with Planning and Development Staff to develop an address plan prior to the issue of permits.

Public Works

11. Dedicate those portions of Sky Pointe Drive not previously dedicated to complete a 90 foot width.

12. Construct, per Town Center Standards, full width street improvements on Sky Pointe Drive adjacent to this site concurrent with development of this site. Also construct, per Town Center Standards, all incomplete half-street improvements on Cimarron Road adjacent to this site concurrent with development of this site. Install all appurtenant underground facilities, if any, adjacent to this site needed for the future traffic signal system concurrent with development of this site. 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.

13. Extend public sewer to the north and the northwest edges of this site at a depth and location 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 as required by the Department of Public Works. 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.

14. Submit an Encroachment Agreement for all landscaping and private improvements, if any, located in the public Cimarron Road and Sky Pointe Road rights-of-way adjacent to this site prior to occupancy of this site.

15. A Traffic Impact Analysis must be submitted to and approved by the Department of Public Works prior to the submittal of any construction drawings or issuance of any building or grading permits. Comply with the recommendations of the approved Traffic Impact Analysis prior to occupancy of the site. The City shall determine area traffic mitigation contribution requirements based upon information provided in the approved Traffic Impact Analysis; such monies shall be contributed prior to the issuance of any permits for this site. The Traffic Impact Analysis shall also include a section addressing Standard Drawings #234.1 #234.2 and #234.3 to determine additional right-of-way requirements for bus turnouts adjacent to this site, if any; dedicate all areas recommended by the approved Traffic Impact Analysis. All additional rights-of-way required by Standard Drawing #201.1 for exclusive right turn lanes and dual left turn lanes shall be dedicated prior to or concurrent with the commencement of on-site development activities unless specifically

noted as not required in the approved Traffic Impact Analysis. Phased compliance will be allowed if recommended by the approved Traffic Impact Analysis. No recommendation of the approved Traffic Impact Analysis, nor compliance therewith, shall be deemed to modify or eliminate any condition of approval imposed by the Planning Commission or the City Council on the development of this site.

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

17. An Encroachment Permit from the Nevada Department of Transportation must be obtained for all improvements in the Sky Pointe Drive public right-of-way.

18. The approval of all Public Works related improvements shown on this Site Development Plan Review is in concept only. Specific design and construction details relating to size, type and/or alignment of improvements, including but not limited to street, sewer and drainage improvements, shall be resolved prior to submittal of a Tentative Map or construction drawings, whichever may occur first. No deviations from adopted City Standards shall be allowed unless specific written approval for such is received from the City Engineer prior to the submittal of a Tentative Map or construction drawings, whichever may occur first. We note that non-standard cul-de-sacs without sidewalks are proposed within this subdivision and must receive specific written approval for such from the City Engineer.

** STAFF REPORT **

APPLICATION REQUEST

A) Action Requested

This is a request for a Site Development Plan Review for a 131 lot Single Family Detached Development, and adjacent to the northwest corner of Cimarron Road and Deer Springs Way.

B) Applicant's Justification

This Suburban Mixed-Use Town Center (SX-TC) category allows for medium-low attached residential densities (8.1-12 units per acre) of imaginative design. These three story homes will meet these criteria and will be a compliment to Town Center. The project will also offer a good transition buffer from the residential community and the existing U.S. 95 corridor and commercial development planned for this area.

BACKGROUND INFORMATION

A) Previous Actions

05/17/95 City Council approved an Annexation (A-0004-95) of 12.8 acres of land, almost all of which comprises subject proposal. Effective date: May 29, 1995

12/07/98 City Council approved a Rezoning (Z-0076-98) of 1,468 acres of unimproved land to T-C (Town Center). Planning Commission and staff recommended approval on November 5, 1998.

B) Pre-Application Meeting

05/25/04 Applicant was informed that the project is adjacent to Skypointe Drive, a Town Center Loop Road, and Cimarron Road, a Town Center Collector Road. The applicant was also informed that a Multi-Use Trail runs along the west side of Cimarron Road, alongside the proposed project. Applicant was informed that streetscape requirements must be satisfied according to Town Center Development Standards.

C) Neighborhood Meetings

A neighborhood meeting is not required for this type of application, nor was a meeting held.

DETAILS OF APPLICATION REQUEST

A) Site Area

Gross Acres: 12.1

B) Existing Land Use

Subject Property:	Undeveloped
North:	Undeveloped
South:	Undeveloped
East:	Single Family Residences
West:	Highway 95, Undeveloped

C) Planned Land Use

Subject Property:	SX-TC (Suburban Mixed Use-Town Center)
North:	SX-TC (Suburban Mixed Use-Town Center)
South:	SX-TC (Suburban Mixed Use-Town Center)
East:	ML (Medium Low-Density Residential)
West:	ROW (Right-of-Way)
	SX-TC (Suburban Mixed Use-Town Center)

D) Existing Zoning

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

E) General Plan Compliance

The site is located on the Centennial Hills Sector Map of the General Plan. The land use designation for the subject property is currently SX-TC (Suburban Mixed Use-Town Center), which is similar to a Service Commercial District, but with the addition of medium density residential developments (12.1 to 25 dwelling units/gross acre). Development of the subject parcel as SX-TC supports the General Plan.

SPECIAL DISTRICTS/ZONES	Yes	No
Special Area Plan: Town Center	X	
Trails: Multi-Use Transportation Trail	X	
Rural Preservation Neighborhood		X
Special Overlay District		X
County/North Las Vegas/HOA Notification		X
Development Impact Notification Assessment		X
Project of Regional Significance		X

This parcel is a component of the Town Center Special Area Plan, and is subject to Town Center Development Standards. Also, a multi-use transportation trail runs along the eastern property line of this parcel.

PROJECT DESCRIPTION

This project is a community of three-story detached residences, where the first floor of each home incorporates a two-car garage. All houses are less than 35 feet high. These houses are arranged together mainly in groups of four, six, or ten, with access via thin drive aisles.

ANALYSIS

A) Zoning Code Compliance

A1) Development Standards

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

Proposed Standards	
Minimum Lot Size	1,591 square feet
Min. Setbacks • Front to House • Front to Garage • Side • Rear	 5 feet 5 feet 5 feet 5 feet
Max. Building Height	3 stories / 32 feet
Mech. Equipment	Air conditioning units shall not be mounted on rooftops

Provide statement whether the proposal meets, exceeds, or needs variance from the requirement.

A2) Residential Adjacency Standards

a) Residences in this project are 32 feet high. The property lines of the existing homes on the east side of the project, across Cimarron Road, are at least 96 feet away from the residences of this project. The proposal meets the Proximity Slope requirements of Title 19.08.060.B.1.

b) The proposal meets the Building Setback requirements of Title 19.08.060.B.1.4.

A3) Parking and Traffic Standards

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

Uses	Required	Provided
Single Family Dwellings	Two spaces per dwelling	Two spaces per dwelling

Each of the proposed single-family dwellings provides two-car garages.

The Department of Public Works has included a condition that the public interior streets must be constructed to current Town Center and City of Las Vegas standards including, but not limited to, sidewalks on both sides of the streets, knuckles at "L" intersections, and cul-de-sacs for termination of public streets. The current site plan does not provide the knuckles or the cul-de-sac and the plan will require some modifications to adhere to the proposed condition.

A4) Landscape and Open Space Standards

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

Standards	Amenity Zone	Required		Provided
		Ratio	Trees	
Sky Point Drive	10 feet	Town Center Loop Road – trees 35 ft on-center, alternating 2 Palm trees and 1 Shade tree plus ground cover	14 Trees	5 Shade 9 Palm
Cimarron Road	10 feet	Town Center Residential Collector – trees 30 ft on-center, alternating one flowering tree and one Shade tree including a minimum of one street tree to be planted in the amenity zone for each house lot facing onto Cimarron Road.	20 trees	13 Shade 6 Flowering

Interior Public Residential Streets and Drive Aisles	9 feet	Where amenity zones are provided: single shade trees 30-feet on center plus two shade trees at every intersection	66 trees	78 total
Subdivision Entry	25 feet	Trees to be planted no more then 30' on center	12 trees	16 total

This proposal meets the landscape requirement of the Town Center Development Standards Manual.

Pursuant to subsection E.f. of the Town Center Development Standards Manual (pg. 125), the following Open Space Standards apply to the subject proposal:

Total Acreage	Density	**Required**		**Provided**	
		Percent	Area	Percent	Area
12.1 acres	10.82	7 %	0.85 acres	18.9%	2.3 acres

Developments within Town Center with a proposed density over 6.8 dwelling units per acre are required to provide a minimum of 7% open space. The proposed development depicts 18.9% open space. The proposal exceeds the requirements for open space.

B) General Analysis and Discussion

- Zoning

The site is zoned as T-C (Town Center) and is subject to the Town Center Standards.

- Site Plan

This site plan's imaginative design lies in its vertical orientation. The problem here is in applying the density of Medium Low Attached dwellings to a site plan of detached houses. The visual effect here is a community of nominally-detached, tightly packed rows of tall houses. The tight bundling of houses are made possible by minimum setbacks (five feet on all sides) and orientation of all homes toward 24-foot wide drive aisles.

The proposed development will provide three different models. All of the models will provide a two-car garage on the ground floor of the dwelling. The applicant has not made it clear as whether block walls will be constructed along the side property lines.

- Waivers

No waiver of Town Center standards has been request, nor are waivers needed.

- Landscape Plan

The site contains more than twice as much open space as is required. The applicant has included in the open space calculation generous amenity zones at the entryways, and along the eastern, southern, western, and northwestern property lines.

However, much of the open space/amenity zone landscaping has been planned at the expense of the residences themselves, which as stated above, are plotted as tightly as the zoning code allows.

- Elevation

All dwellings are proposed to have stucco exteriors with earth tones, and concrete tile roofs. Al of the models will have the garages at the ground level, which pushes height of the elevations as high as is allowed by the zoning code.

- Floor Plan

Three floor plans are proposed. The homes are all three stories in height and average 2,400 square feet in size including the garage area.

FINDINGS

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

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

   The proposed development is within the range of allowable uses in the current T-C (Town Center) zoning district. However the site is overbuilt. The development is not aesthetically balanced, with it's visually heavy, "canyon effect." Only with an increases in setbacks, and a reduction in open space/amenity zones, can this project be developed in a manner that will be compatible with planned residential land uses in the vicinity of this site.

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

   The development is consistent with the density permitted by the General Plan.

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

   Access to the site will be provided from Cimarron Road, an 80-foot wide Town Center Residential Collector roadway that will have adequate capacity to the meet the expected demand of this development, and will not negatively impact neighborhood traffic. Internal circulation is to be provided by 37-foot wide Town Center Public Residential Streets and a network of 24-foot wide drive aisles.

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

   The building materials and landscaping are appropriate for the area.

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

   The proposed building elevations as they are currently arranged on the site plan, are unattractive and will not provide for an aesthetically pleasing development. other architectural and aesthetic features

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

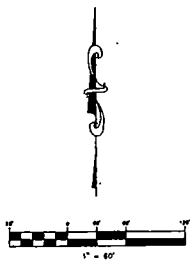
   The proposed development will be subject to inspection by the City and all of the requirements of the Uniform Building Code and will not compromise the health safety and welfare of the general public.

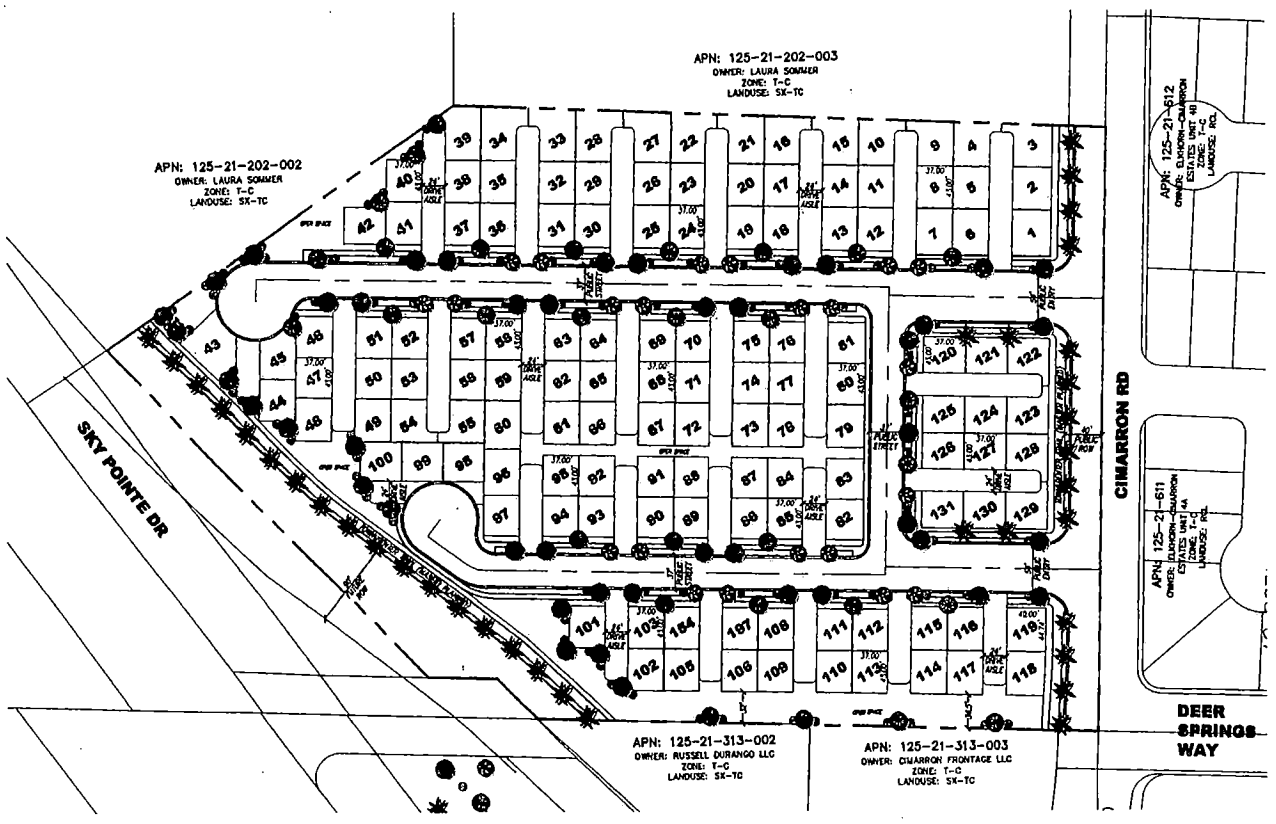
NOTICES MAILED 199

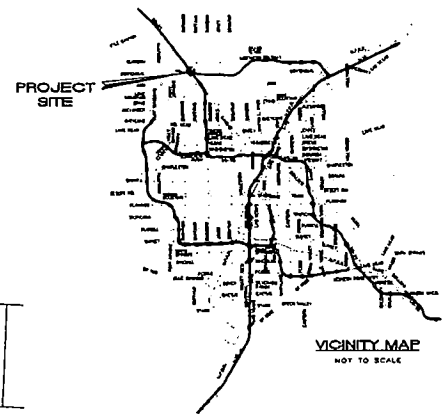
APPROVALS 0

PROTESTS 0

CIMARRON / US 95







DEVELOPER
RICHMOND AMERICAN HOMES
7250 WEST PEAK DRIVE,
SUITE 212
LAS VEGAS, NEVADA 89128

OWNERS
RANDEER LLC
2877 PARADISE RD. #1402
LAS VEGAS, NEVADA 89109

ASSESSORS PARCEL NUMBER:
125-21-202-004

OVERALL TABULATIONS

EXISTING ZONING ——— TOWN CENTER
EXISTING LAND USE ——— SUBURBAN MIXED-USE
OF UNITS ——— 131
GROSS ACREAGE ——— 12.11 ACRES +/-
DENSITY ——— 10.81 DUA
OPEN SPACE REQUIRED — 1.21 ACRES (52,707 SF)
OPEN SPACE PROVIDED — 2.29 ACRES (99,672 SF)

TREE LEGEND

SYMBOL	BOTANICAL/COMMON NAME	SIZE	QTY.
	CATALPA TASHKENTENSIS CATALPA	24" BOX	??
	PROSOPIS GLANDULOSA 'MAVERICK' THORNLESS TEXAS HONEY MESQUITE	15" BOX	??
	QUERCUS VIRGINIANA 'HERITAGE' HERITAGE LIVE OAK	15" BOX	??
	WASHINGTON ROBUSTA HYBRID MEXICAN FAN PALM	25' HIGH	??

SUGGESTED SHRUB LIST

	BOTANICAL/COMMON NAME	SIZE
②	ACACIA PECKERIS - CREEPING ACACIA	1 GALLON
	CASSIA ARTEMISIOIDES - FEATHERY CASSIA	5 GALLON
	CALLIANDRA ERIOPHYLLA - FAIRY DUSTER	5 GALLON
	CONVOLVULUS CNEORUM - BUSH MORNING GLORY	5 GALLON
	DALEA GREGGII - WOOD BUSH	5 GALLON
	ENCELIA FARINOSA - BRITTLEBUSH	5 GALLON
	HESPERALOE PARVIFLORA - RED YUCCA	5 GALLON
	LANTANA MONTEVIDENSIS - TRAILING LANTANA	1 GALLON
	LEUCOPHYLLUM LAEVIGATUM - CHIHUAHUAN SAGE	5 GALLON
	MUHLENBERGIA CAPILLARIS 'REGAL MIST' - REGAL MIST DEER GRASS	5 GALLON
	ROSMARINUS OFFICINALIS - ROSEMARY	5 GALLON
	SALVIA CLEVELANDII - CHAPARRAL SAGE	5 GALLON
	SALVIA GREGGII - AUTUMN SAGE	5 GALLON
	TEUCRIUM CHAMAEDRYS	5 GALLON
	VERBENA RIGIDA - RIGID VERBENA	1 GALLON

BOTANICAL/COMMON NAME

NOTE: THIS PLAN WAS PREPARED USING RECORD INFORMATION. IT IS ILLUSTRATIVE AND IS TO BE USED FOR PLANNING PURPOSES ONLY. NO LIABILITY IS ASSUMED

SDR-4832
8/26/04 PC

PROJECT OWNER:
RICHMOND AMERICAN HOMES
7250 WEST PEAK DRIVE, SUITE 212
LAS VEGAS, NEVADA 89128
(702) 240-5600

RS CONSULTING, INC.
STRATEGIC PLANNING SOLUTIONS
7252 Hillcrest Avenue Las Vegas, NV 89129 Office: 702.384.7701 Fax: 702.384.7702

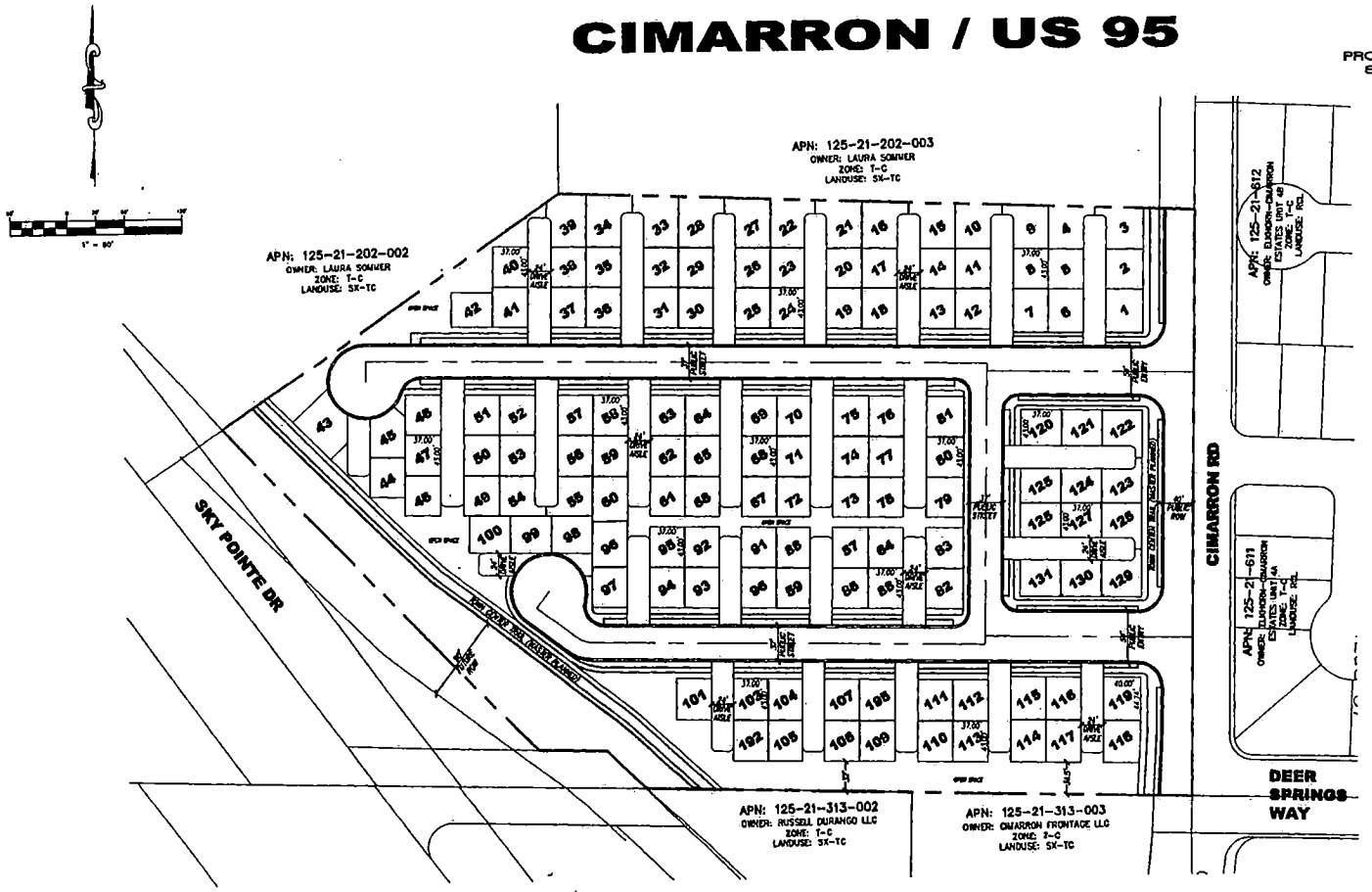
SHEET: LANDSCAPE PLAN TO ACCOMPANY SITE DEVELOPMENT REVIEW

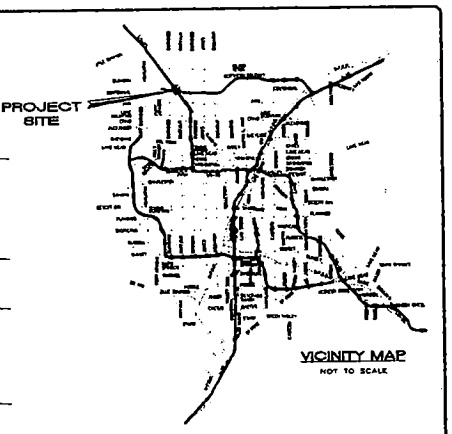
TITLE: CIMARRON / US 95
CITY OF LAS VEGAS, NEVADA

DATE: 8/18/2004
DRAWN BY: B. SAYLOR
DESIGNED BY: B. SAYLOR
CHECKED BY: B. SAYLOR
SCALE: 1" = 80'
PROJECT NO. RA-0052
ENGINEERING SEAL

SHEET 1 OF 1
DRAWING NO. 1

CIMARRON / US 95





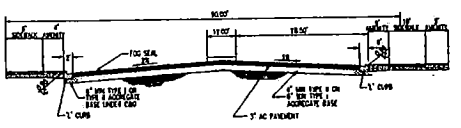
DEVELOPER
RICHMOND AMERICAN HOMES
7250 WEST PEAK DRIVE,
SUITE 212
LAS VEGAS, NEVADA 89128

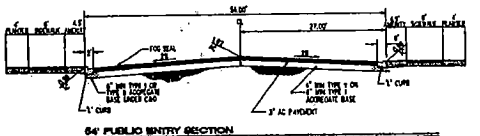
OWNERS
RANCHER LLC
2677 PARADISE RD. #3102
LAS VEGAS, NEVADA 89109

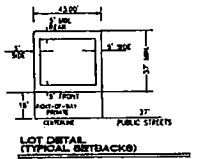
ASSESSORS PARCEL NUMBER:
125-21-202-004

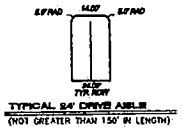
OVERALL TABULATIONS

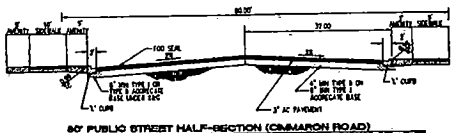
EXISTING ZONING	TOWN CENTER
EXISTING LAND USE	SUBURBAN MIXED-USE
# OF UNITS	731
GROSS ACREAGE	12.11 ACRES +/-
DENSITY	10.81 DUA
OPEN SPACE REQUIRED	1.21 ACRES 52,707 SF)
OPEN SPACE PROVIDED	2.29 ACRES (89,873 SF)

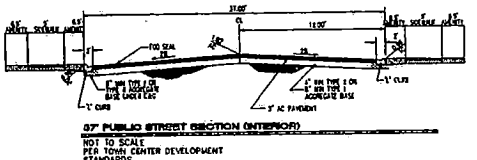


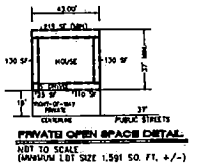












SDR-4832

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8/26/04 PC

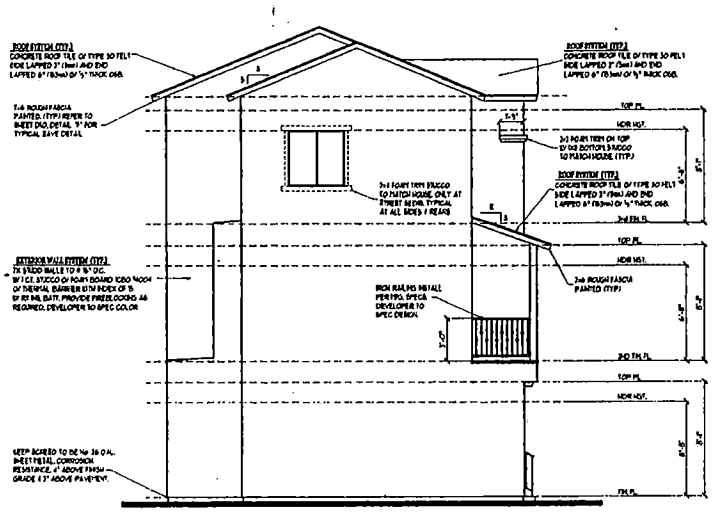
PROJECT OWNER:
RICHMOND AMERICAN HOMES
7250 WEST PEAK DRIVE, SUITE 212
LAS VEGAS, NEVADA 89128
(702) 240-5600

RS CONSULTING, INC.
STRATEGIC PLANNING SOLUTIONS
7535 Rickland Avenue Las Vegas, NV 89129 (702)384-7701 Fax 702-384-7702

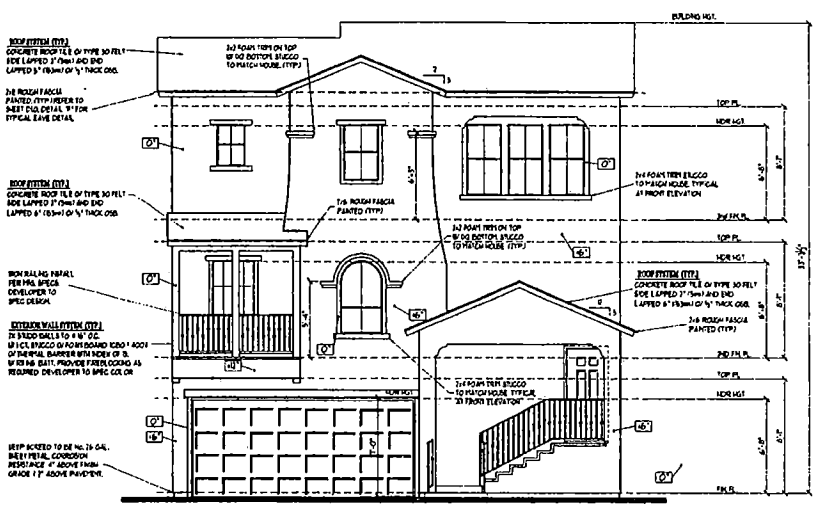
SHEET: SITE PLAN TO ACCOMPANY SITE DEVELOPMENT REVIEW

TITLE: CIMARRON / US 95
CITY OF LAS VEGAS, NEVADA

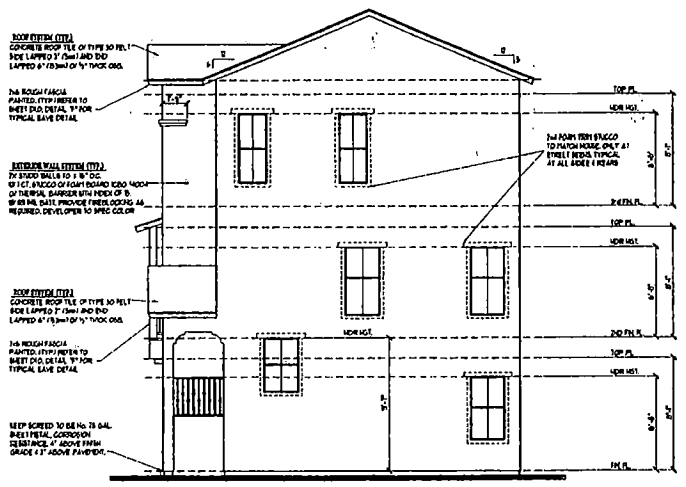
DATE:	8/18/2004
DRAWN BY:	B. SAYLOR
DESIGNED BY:	B. SAYLOR
CHECKED BY:	R. SHUSE
SCALE:	1" = 80'
PROJECT NO.	RA-0052
ENGINEERING SEAL	
SHEET	1 OF 1
DRAWING NO.	1



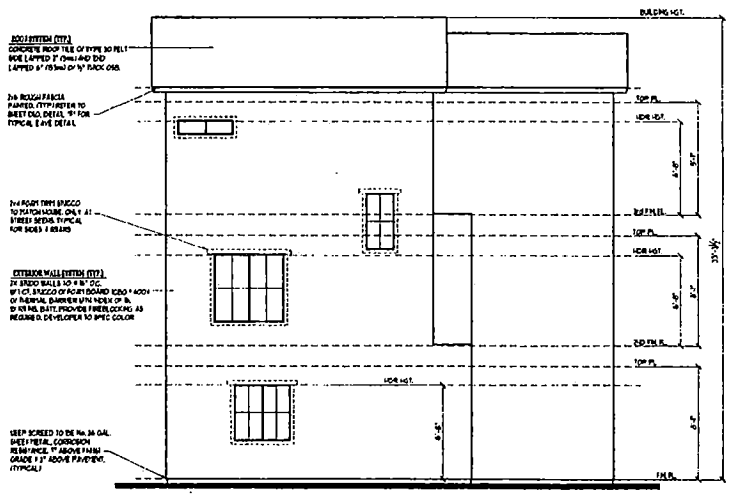
Left Elevation - A



Front Elevation - A



Right Elevation - A



Rear Elevation - A

SDR-4832
8/26/04 PC

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RICHMOND AMERICAN HOMES
CLARK COUNTY, HENDERSON,
LAS VEGAS, & NORTH LAS VEGAS

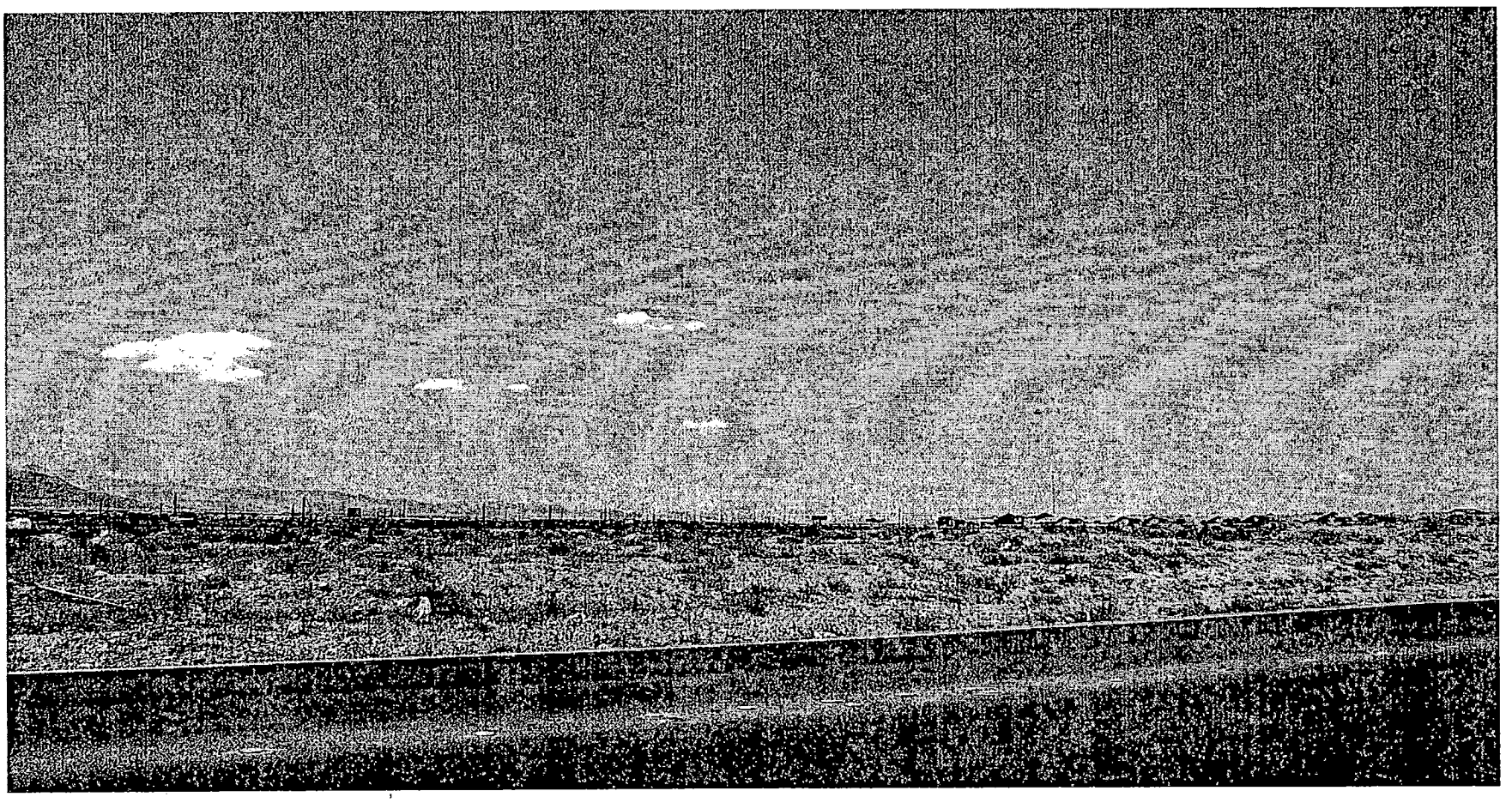
LAS VEGAS DIVISION
7250 West Peak, Suite 212
LAS VEGAS, NV. 89128 (702) 249-5600

TITLE
ELEVATION - A

DRAWN BY: R.M.O.
DATE: 05/14/05

PLAN #
1532

ELECTRONIC COPY



SITE DEVELOPMENT PLAN REVIEW - PUBLIC HEARING - SDR-4832- APPLICANT: RICHMOND AMERICAN HOMES - OWNER: RANDEER, LIMITED LIABILITY COMPANY
NORTHWEST CORNER OF CIMARRON ROAD AND DEER SPRINGS WAY
AUGUST 26, 2004 PLANNING COMMISSION

7/29/04

City of Las Vegas

Agenda Item No.: 49

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

PLANNING COMMISSION MEETING OF: AUGUST 26, 2004

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: ROBERT S. GENZER [ ] CONSENT [X] DISCUSSION

SUBJECT:
MOD-4879 - MINOR MODIFICATION - PUBLIC HEARING - APPLICANT/OWNER: CITY OF LAS VEGAS - Request for a Minor Modification to the Las Vegas Medical District Plan in order to reduce restrictions on mixed-use developments and to clarify the Table of Permitted Uses, Ward 5 (Weekly).

C.C.: 10/06/04

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

RECOMMENDATION:
Staff recommends APPROVAL.

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

MOTION:
NIGRO – Motion to bring forward and HOLD IN ABEYANCE Item 18 [GPA-4631], Item 19 [ZON-4635], Item 20 [SDR-4638], Item 27 [MOD-4632], Item 28 [WVR-4754] and Item 29 [SDR-4751] to 9/09/2004 Planning Commission meeting, Item 3 [TMP-4838], Item 26 [SDR-4619], Item 30 [ZON-4828], Item 31 [SDR-4837], Item 47 [WVR-4883], and Item 48 [SDR-4832] to 9/23/2004 Planning Commission meeting, WITHDRAW WITHOUT PREJUDICE Item 4 [TMP-4842], Item 5 [TMP-4843] and Item 40 [SUP-4834], TABLE Item 16 [ZON-4623] and Item 17 [SDR-4626], and STRIKE Item 49 [MOD-4879] – UNANIMOUS

MINUTES:
DAVID CLAPSADDLE, Planning and Development, stated that letters are on file for each of the requests.

(6:06 – 6:31)

City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: AUGUST 26, 2004
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: MINOR MODIFICATION - PUBLIC HEARING - MOD-4879 - CITY OF LAS VEGAS

STAFF REQUESTS THIS ITEM BE STRICKEN FROM THE AGENDA

City of Las Vegas

Agenda Item No.: 50

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

PLANNING COMMISSION MEETING OF: AUGUST 26, 2004

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: ROBERT S. GENZER [ ] CONSENT [X] DISCUSSION

SUBJECT:
SDR-4498 - SITE DEVELOPMENT PLAN REVIEW - PUBLIC HEARING - APPLICANT/OWNER: ADA ARGUETA - Request for a Site Development Plan Review FOR A PROPOSED OFFICE AND A WAIVER OF LANDSCAPE STANDARDS on 0.11 acres at 1709 Eastern Avenue (APN 162-01-310-199), P-R (Professional Office and Parking) Zone, Ward 3 (Reese).

C.C.: 10/06/04

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

RECOMMENDATION:
Staff recommends APPROVAL.

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

MOTION:
EVANS – APPROVED subject to conditions and adding the following condition:
- **All signage shall be subject to administrative review.**

– UNANIMOUS

To be heard by the City Council on 10/06/2004

MINUTES:
CHAIRMAN TRUESDEL declared the Public Hearing open.

KYLE WALTON, Planning and Development Department, indicated that aside from the landscaping waiver, the proposal is acceptable and compliant with the General Plan and other standards of Title 19. He described the landscaping waiver as appropriate because the omission of the landscaping will result in compliance of the parking lot.

MINUTES – Continued:

ADA ARGUETA, 1709 South Eastern Avenue appeared and stated agreement with all conditions and staff recommendation.

COMMISSIONER EVANS questioned asked staff if conditions prohibiting certain types of signage for example, neon or garish colors. MR. WALTON indicated there was nothing on the Site Plan during the review that would allow staff to review the type of signage she is requesting. The signage would come under a separate review. COMMISSIONER EVANS referenced several businesses in the vicinity of this application, which use neon and strobe lights in their signage. He questioned staff on how to assure on the Site Plan that the project will be of good quality and prohibit garish signage. MR. WALTON indicated there was no such stipulation at this time regarding that issue. Conditions could be added to address the Commissioner's concerns.

DEPUTY PLANNING DIRECTOR, MARGO WHEELER, suggested verbiage for a condition that would require an administrative site plan review of a sign plan for appropriateness to this area. COMMISSIONER EVANS appreciated that suggested and added that he did not want the building to be the same bright yellow as shown in the photo.

(10:20 – 10:24)
3-3025

CONDITIONS:

Planning and Development

1. Prior to the issuance of building permits, a revised landscape plan must be submitted to and approved by the Department of Planning and Development showing a maximum of 15% of the total landscaped area as turf.

2. This Site Development Plan Review shall expire two years from date of final approval unless it is exercised or an Extension of Time is granted by the City Council.

3. The trash enclosure shall be covered and screened as required by the Commercial Design Standards. The enclosure shall be relocated to be a minimum of 50 feet from the residential zone to the east.

4. All development shall be in conformance with the site plan and building elevations, except as amended by conditions herein.

CONDITIONS – Continued:

5. Landscaping and a permanent underground sprinkler system shall be installed as required by the Planning Commission or City Council and shall be permanently maintained in a satisfactory manner. [Failure to properly maintain required landscaping and underground sprinkler systems shall be cause for revocation of a business license.]

6. All mechanical equipment and air conditioners shall be fully screened in views from the abutting streets.

7. Parking lot lighting standards shall be no more than 30 feet in height and shall utilize 'shoe-box' fixtures and downward-directed lights. Wallpack lighting shall utilize 'shoe-box' fixtures and downward-directed lights on the proposed building. Non-residential property lighting shall be directed away from residential property or screened, and shall not create fugitive lighting on adjacent properties.

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

9. Any property line wall shall be a decorative block wall, with at least 20 percent contrasting materials. Wall heights shall be measured from the side of the fence with the least vertical exposure above the finished grade, unless otherwise stipulated.

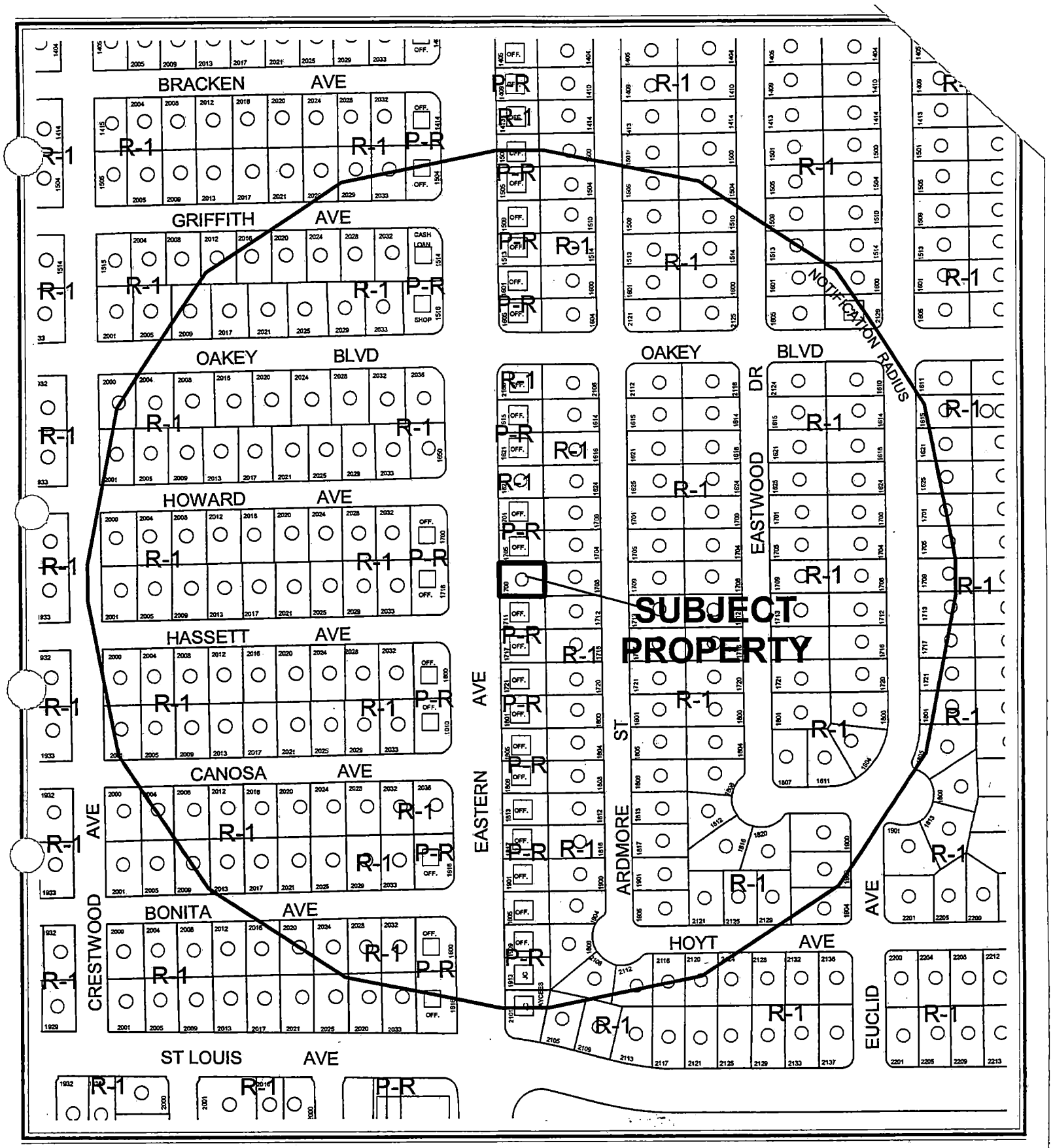
10. All City Code requirements and design standards of all City departments must be satisfied.

Public Works

11. 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.

12. Meet with the Flood Control Section of the Department of Public Works for assistance with establishing drainage patterns for this site prior to the issuance of any building or grading permits, whichever may occur first. Provide and improve all drainageways as recommended.

13. Site development to comply with all applicable conditions of approval for Z-43-99 and all other subsequent site-related actions.



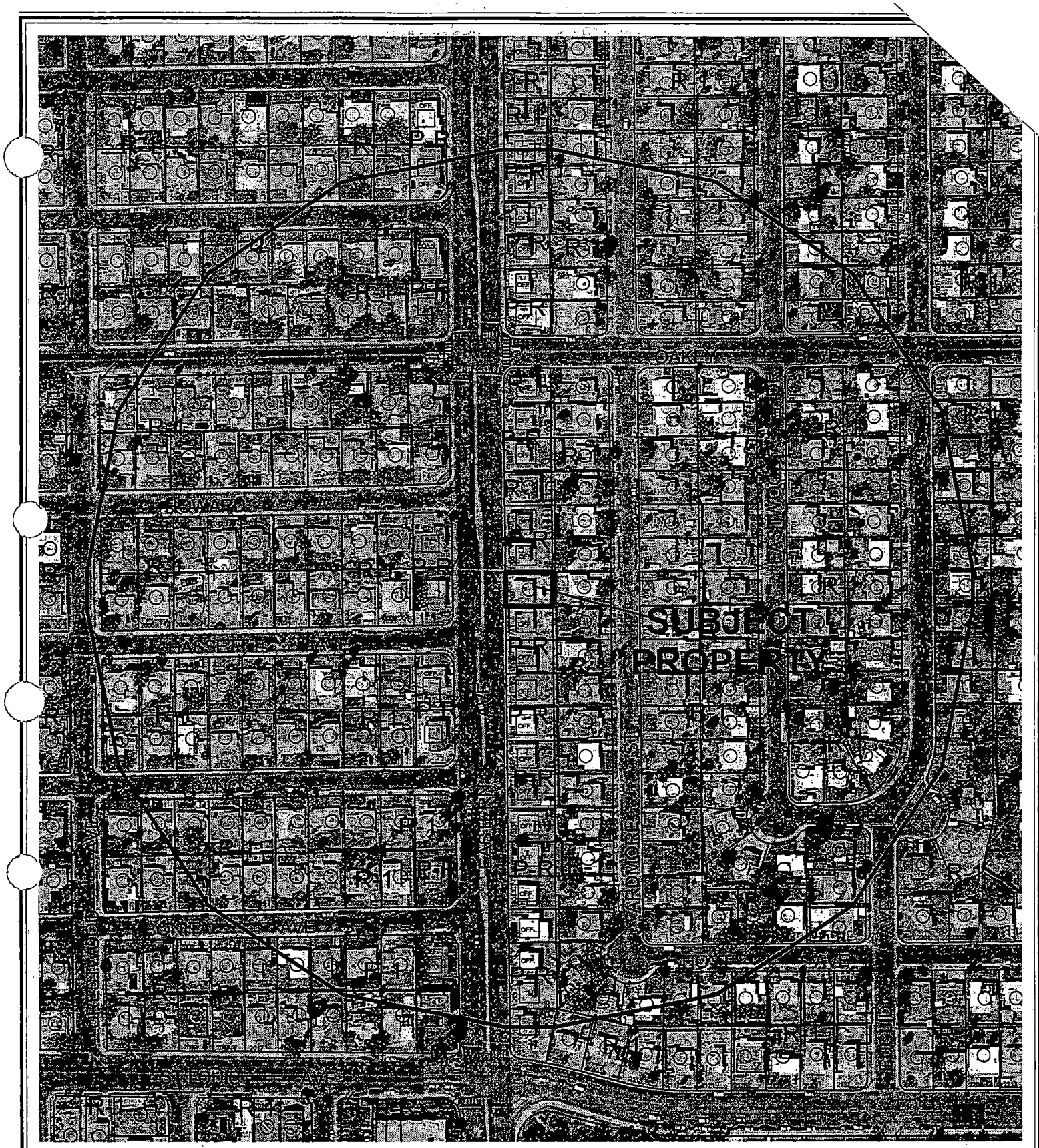
0 200 400 Feet

CASE: **SDR-4498**

RADIUS: 750 FT

ZONING OF SUBJECT PROPERTY: P-R (PROFESSIONAL OFFICE AND PARKING)

N



CASE: **SDR-4498**

RADIUS: 750 FT

ZONING OF SUBJECT PROPERTY: P-R (PROFESSIONAL OFFICE AND PARKING)

0 200 400 Feet

N

City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: AUGUST 26, 2004
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: SDR-4498 - APPLICANT/OWNER: ADA ARGUETA

** CONDITIONS **

STAFF RECOMMENDATION: **APPROVAL,** subject to:

Planning and Development

1. Prior to the issuance of building permits, a revised landscape plan must be submitted to and approved by the Department of Planning and Development showing a maximum of 15% of the total landscaped area as turf.

2. This Site Development Plan Review shall expire two years from date of final approval unless it is exercised or an Extension of Time is granted by the City Council.

3. The trash enclosure shall be covered and screened as required by the Commercial Design Standards. The enclosure shall be relocated to be a minimum of 50 feet from the residential zone to the east.

4. All development shall be in conformance with the site plan and building elevations, except as amended by conditions herein.

5. Landscaping and a permanent underground sprinkler system shall be installed as required by the Planning Commission or City Council and shall be permanently maintained in a satisfactory manner. [Failure to properly maintain required landscaping and underground sprinkler systems shall be cause for revocation of a business license.]

6. All mechanical equipment and air conditioners shall be fully screened in views from the abutting streets.

7. Parking lot lighting standards shall be no more than 30 feet in height and shall utilize 'shoe-box' fixtures and downward-directed lights. Wallpack lighting shall utilize 'shoe-box' fixtures and downward-directed lights on the proposed building. Non-residential property lighting shall be directed away from residential property or screened, and shall not create fugitive lighting on adjacent properties.

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

9. Any property line wall shall be a decorative block wall, with at least 20 percent contrasting materials. Wall heights shall be measured from the side of the fence with the least vertical exposure above the finished grade, unless otherwise stipulated.

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

Public Works

11. 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.

12. Meet with the Flood Control Section of the Department of Public Works for assistance with establishing drainage patterns for this site prior to the issuance of any building or grading permits, whichever may occur first. Provide and improve all drainageways as recommended.

13. Site development to comply with all applicable conditions of approval for Z-43-99 and all other subsequent site-related actions.

** STAFF REPORT **

APPLICATION REQUEST

A) Action Requested

This request is for the approval of a Site Development Plan Review for a proposed 996 square foot office building and a waiver of perimeter landscaping on 0.11 acres located at 1709 South Eastern Avenue.

B) Applicant's Justification

This project meets and supports existing city policies and regulations. A waiver of perimeter landscaping is requested as the building area does not have the space required for the standards to be met.

BACKGROUND INFORMATION

A) Previous Actions

09/01/99 The City Council approved a rezoning request (Z-0043-99) form R-1 (Single Family) to P-R (Professional Office and Parking) for this location.

B) Pre-Application Meeting

05/05/04 During the conference the following was discussed.

- Needs to add driveway on the southside of house.
- Will require a remodel of a portion of the building.
- Traffic impact fees will apply.
- New driveway entrance will need to conform to Standard 222A.
- Angle the parking in the back to get a drive isle that complies.
- Will need to apply for landscaping waivers for
  - Perimeter
  - Buffers
  - Building foundation
- Need ADA access to principle entrance of building.
- Show any proposed signage on plan.
- Show trash area.

KW

C) Neighborhood Meetings

Neighborhood meeting is not required for this type of request.

DETAILS OF APPLICATION REQUEST

A) Site Area

Net Acres:	0.11

B) Existing Land Use

Subject Property:	Single Family Dwelling
North:	Office
South:	Office
East:	Single Family Dwelling
West:	Office

C) Planned Land Use

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

D) Existing Zoning

Subject Property:	P-R (Professional Office – Parking)
North:	P-R (Professional Office – Parking)
South:	P-R (Professional Office – Parking)
East:	R-1 (Single Family Residential)
West:	P-R (Professional Office – Parking)

E) General Plan Compliance

a. Southeast General Plan

The request conforms to the Southeast Sector Land Use Plan. The Plan allows SC (Service Commercial) uses be developed at the subject location. The P-R (Professional Office and Parking) zoning of the site implements the SC (Service Commercial) land use classification.

KW

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

There are no special districts or zones affecting this site.

PROJECT DESCRIPTION

Access to the site is from Eastern Avenue. The proposed single-story office building is oriented toward the street. The parking area is behind the building along the rear property line. The building is up to the street, with landscaping in the setback area between the building and the street.

The applicant is asking for a waiver of perimeter landscaping because of the need to supply a sufficient number of parking spaces.

ANALYSIS

A) Zoning Code Compliance

A1) Development Standards

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

Standards	Required	Provided	Compliance
Min. Lot Size	N/A	4,792 sq ft	Y
Min. Lot Width	60 Feet	60 ft	Y
Min. Setbacks			
• Front	20 Feet	10 ft min	N
• Side	5 Feet	12 ft min	Y
• Corner	15 Feet	N/A	Y
• Rear	15 Feet	38	Y
Max. Lot Coverage	50 %	21 %	Y
Max. Building Height	2 stories/ 35 feet	1 story	Y

KW

The proposal meets the development requirements of Title 19 for P-R (Professional Offices and Parking) projects except for the front setback. The existing building is nonconforming as to the front setback.

A2) Residential Adjacency Standards

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

a) Proximity slope. The proposal meets the proximity slope requirement.
b) Building setback. The proposal meets building setback requirements.

A3) Parking and Traffic Standards

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

Uses	GFA	**Required** Ratio	**Required** Parking		**Provided** Parking	
			Regular	Handicap	Regular	Handicap
General Office	996 SF.	1 Space /300 GFA	2	1	2	1

The proposal meets the requirements of Title 19 for parking.

A4) Landscape and Open Space Standards

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

Standards	**Required** Ratio	**Required** Trees	**Provided**
Parking Area	1Trees/ 6 Spaces	1 Trees	2
Buffer:			
• Min. Trees	1 Trees/ 20 Linear Feet	15 Trees	0
• Min. Zone Width	8 Feet		0
• Wall height	8 Feet		Not Shown

The proposed project does not meet standards for perimeter and buffer landscaping. The applicant requests waivers of buffer and perimeter landscaping due to the hardships created by the lot size and configuration. The applicant proposes the proper number of parking spaces and sufficient drive aisles but these conditions prohibit landscaping where needed.

KW

A5) Sign Standards

Insufficient information was provided about proposed signs. Signage will be addressed under a subsequent application.

B) General Analysis and Discussion

- Zoning

The proposed 996 square-foot office building use is allowed in the P-R (Professional Offices and Parking) Zoning District subject to conformance with applicable requirements of Title 19.

- Site Plan

Access to the site is from Eastern Avenue. The proposed single-story office building is oriented toward the street. The parking area is behind the building along the rear property line. The building is up to the street, with landscaping in the setback area between the building and the street.

- Waivers

The applicant requests waivers of buffer and perimeter landscaping because of insufficient space. These can be supported for the following reasons:

1) The waiver will allow provision for sufficient on-site parking

2) The waiver will allow drive aisles to meet the standards of the Code, therefore ensuring safe and efficient on-site traffic circulation.

- Landscape Plan

Trees are shown between the parking spaces and landscaping is to be between the building and the front sidewalk.

- Elevation

The elevation shows the same featureless stucco of the existing building. The building should be remodeled to include shutters, box outs, a steeper roof pitch, awnings, or other enhancements that break up the flat front elevation and nearly flat roof.

KW

- Floor Plan

The floor plan shows a room layout typical of residential to office conversions.

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 office building is compatible with development in the area, subject to meeting the requirements of Title 19.

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;"**

   Aside from the landscaping the proposed use is consistent with the General Plan and the land use provisions of Title 19.

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

   Access to the site is via driveways from Eastern Avenue, classified as a Primary (100-foot) Arterial on the Master Plan of Streets and Highways. The access and roadway are adequate to meet the needs of the proposed development.

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

   The building materials as proposed are appropriate for this type of commercial use in this area.

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

   After including some of the suggested enhancements to the elevation the design, architecture and aesthetic features of the proposed development will be satisfactory and will not have a negative impact on this site or on surrounding areas.

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

   The proposed office building will be subject to inspection by regulatory agencies for business licensing, and will therefore not compromise the public health, safety and welfare.

NOTICES MAILED 256

APPROVALS 0

PROTESTS 0

KW

PLANNING & DEVELOPMENT

DEVELOPMENT SERVICES CENTER

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **SDR-4498** APN: 162-01-310-199

Name of Property Owner: ADA ARGUETA / LATINOS RUS

Name of Applicant: ADA ARGUETA

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: n/a

Partner(s): n/a

APN: n/a

Signature of Property Owner/Authorized Agent: Aargueta

Print Name: ADA ARGUETA

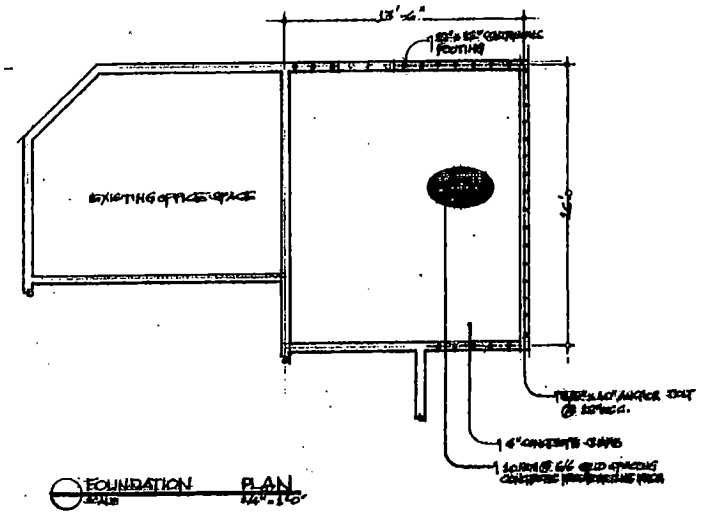
Subscribed and sworn before me

This 21 day of May, 2004

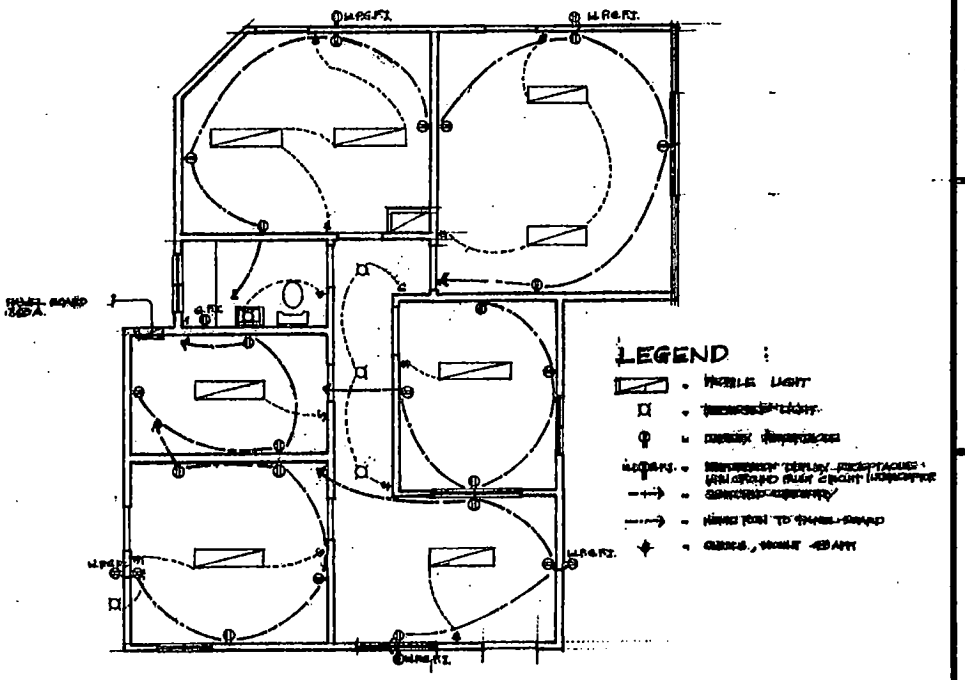
Kathryn M. McDonald

Notary Public in and for said County and State

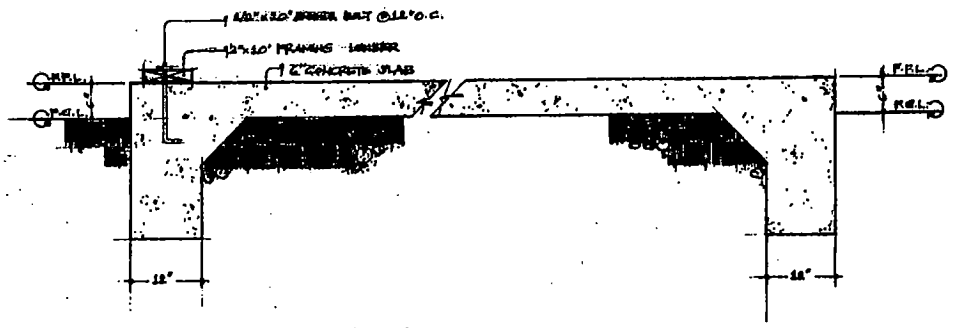
KATHRYN M. McDONALD
NOTARY PUBLIC
STATE OF NEVADA
APPT. No. 99-58749-1
MY APPT. EXPIRES JUNE 14, 2007



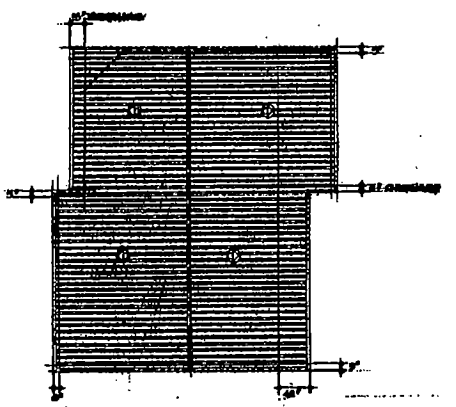
FOUNDATION PLAN



ELECTRICAL PLAN



CONTINUOUS FOOTING



ROOF PLAN

SHEET CONTENTS
FOUNDATION PLAN / FOOTING
ROOF PLAN
ELECTRICAL PLAN

OWNER
ADA ARGUETA
1709 EASTERN AVE.
LAS VEGAS, NV. 89119

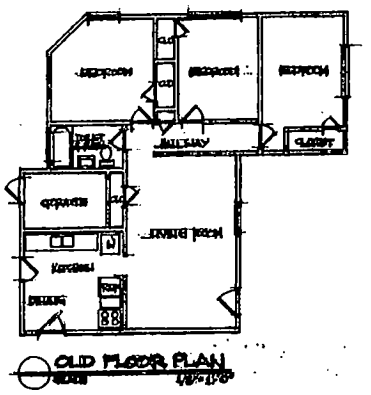
PROPOSED PROJECT
OFFICE BUILDING
CONVERSION

NO.	REVISION	DATE

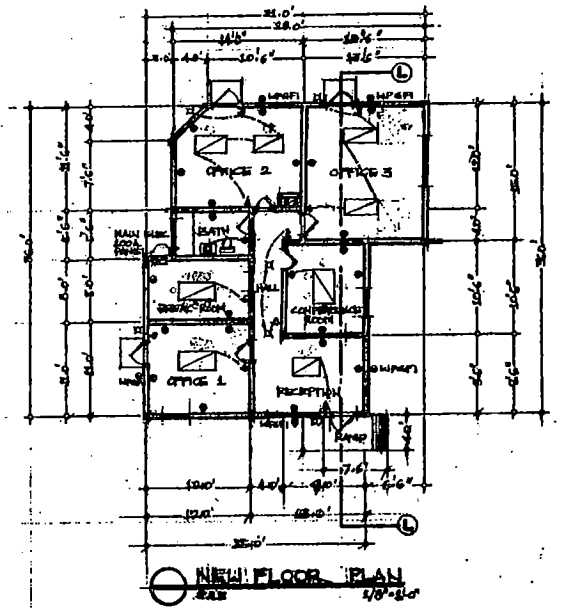
DRAWN BY: M.A.F.
CHECKED BY:
DATE: 04/12/04
JOB NO:

S-1

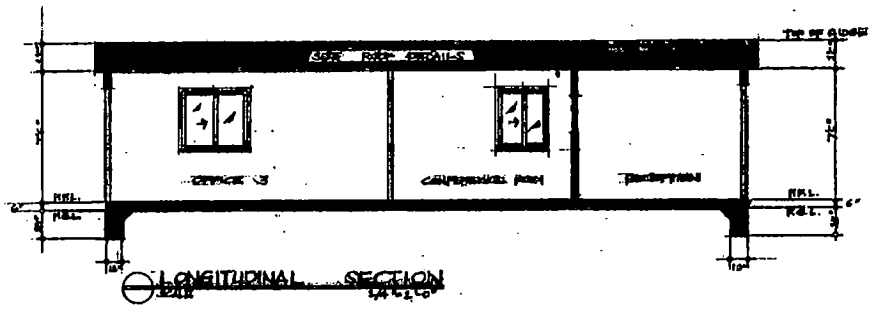
SDR-4498
8/26/04 PC



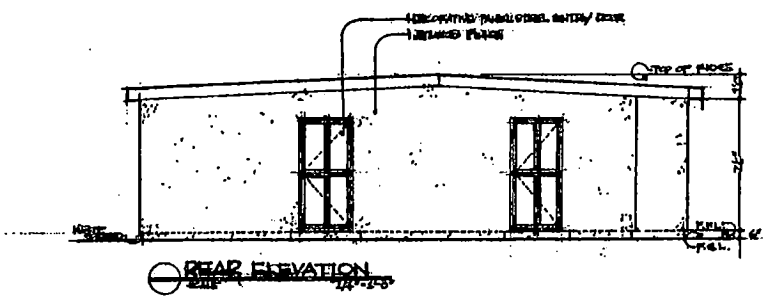
OLD FLOOR PLAN



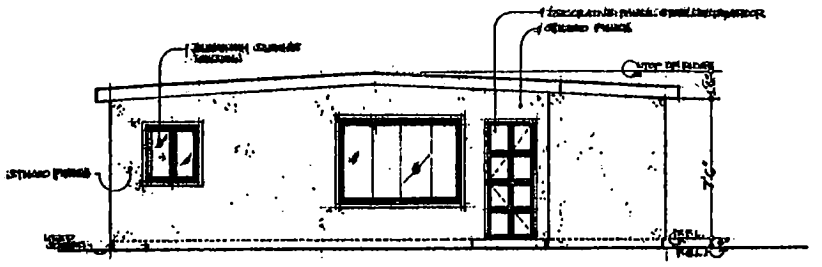
NEW FLOOR PLAN



LONGITUDINAL SECTION



REAR ELEVATION



FRONT ELEVATION

SHEET CONTENTS	FLOOR PLAN FRONT & REAR ELEVATION LONGITUDINAL SECTION
OWNER	ADA ARGUETA 1709 EASTERN AVE. LAS VEGAS, NV. 89119
PROPOSED PROJECT	OFFICE BUILDING CONVERSION
DATE / REVISION / NO.	
DRAWN BY: M.A.F.	
CHECKED BY:	
DATE: 04/12/04	
JOB NO:	

A-2

SDR-4498
8/26/04 PC

City of Las Vegas

Agenda Item No.: 51

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

PLANNING COMMISSION MEETING OF: AUGUST 26, 2004

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: ROBERT S. GENZER [ ] CONSENT [X] DISCUSSION

SUBJECT:
TXT-4435 - TEXT AMENDMENT - PUBLIC HEARING - CITY OF LAS VEGAS - Discussion and possible action to amend Title 19.06.130, "Live/Work Overlay District," in order to expand the boundaries of the Live/Work District and to permit live/work units in PD zoning districts.

THIS ITEM WILL BE FORWARDED TO CITY COUNCIL IN ORDINANCE FORM

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

RECOMMENDATION:
Staff recommends APPROVAL.

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

MOTION:
NIGRO – APPROVED – UNANIMOUS

This item will be forwarded to City Council in Ordinance form.

NOTE: Chairman Truesdell stated that in the existing Live/Work Overlay District, he owns interest in a piece of property. He has no interest in the properties within the proposed expanded portion nor is there any economic interest or benefits so he would vote on this item.

MINUTES:
CHAIRMAN TRUESDELL declared the public hearing open.

MARGO WHEELER, Planning and Development, stated that this item will expand the Live/Work area into the medical district, as well as, the Union Park also called the 61 acres. The text changes will add the PD zoning and remove the exclusion of medical offices as permitted non-residential uses within the area.

COMMISSIONER McSWAIN questioned some of the language used regarding removing the height of buildings and setbacks. MS. WHEELER clarified that this language pertains to the medical district, as there have been some mixed-use projects within the medical district. Currently, two stories is the maximum allowed. The same language would be used as in the Downtown Centennial Plan, which would allow greater flexibility on these types of projects

MINUTES – Continued:

within the medical district. These projects would come before the Commission as Site Plan Reviews.

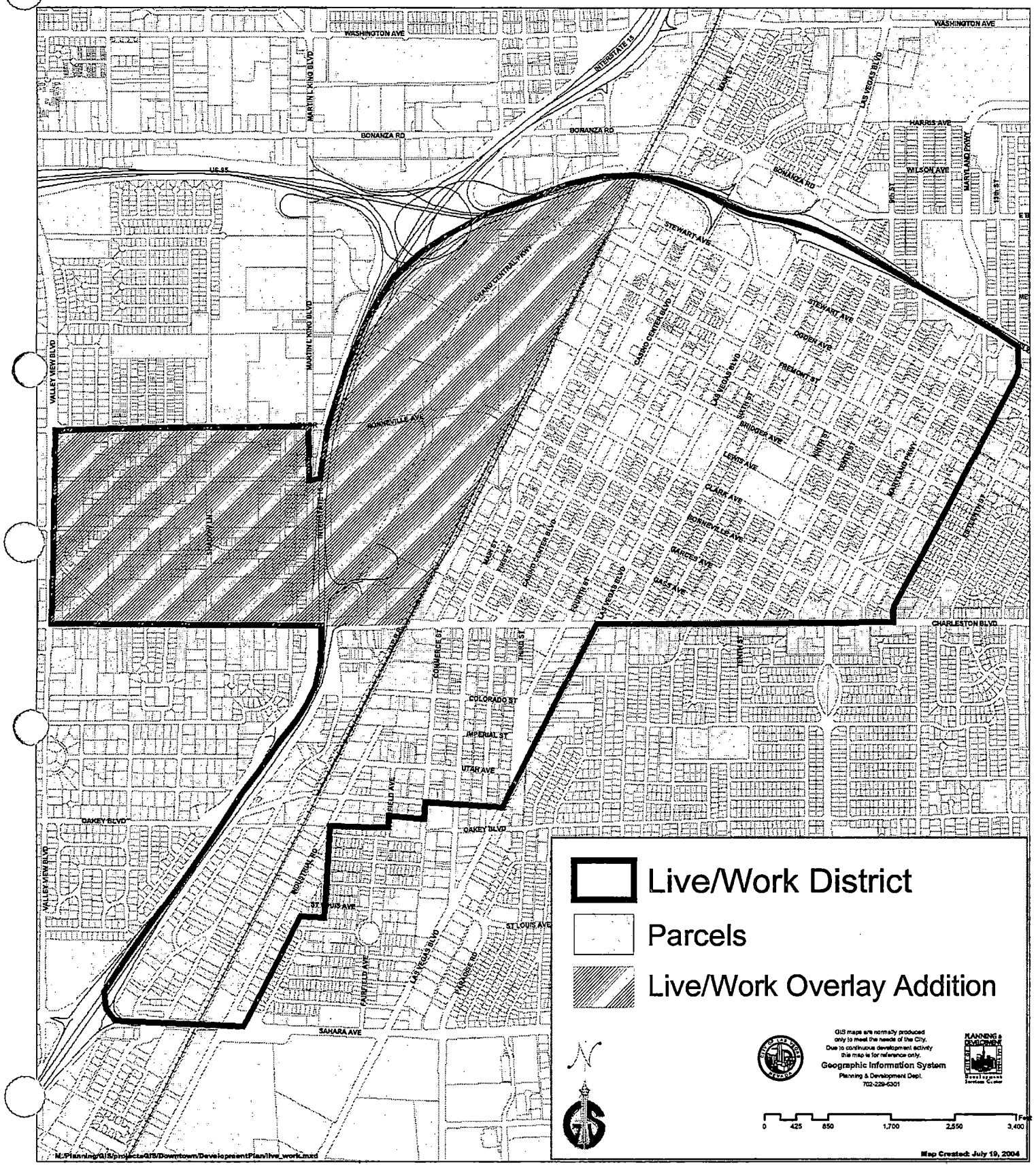
CHAIRMAN TRUESDELL declared the public hearing closed.

(10:24 – 10:27)

3-3241

TXT-4435

LIVE/WORK OVERLAY DISTRICT



City of Las Vegas

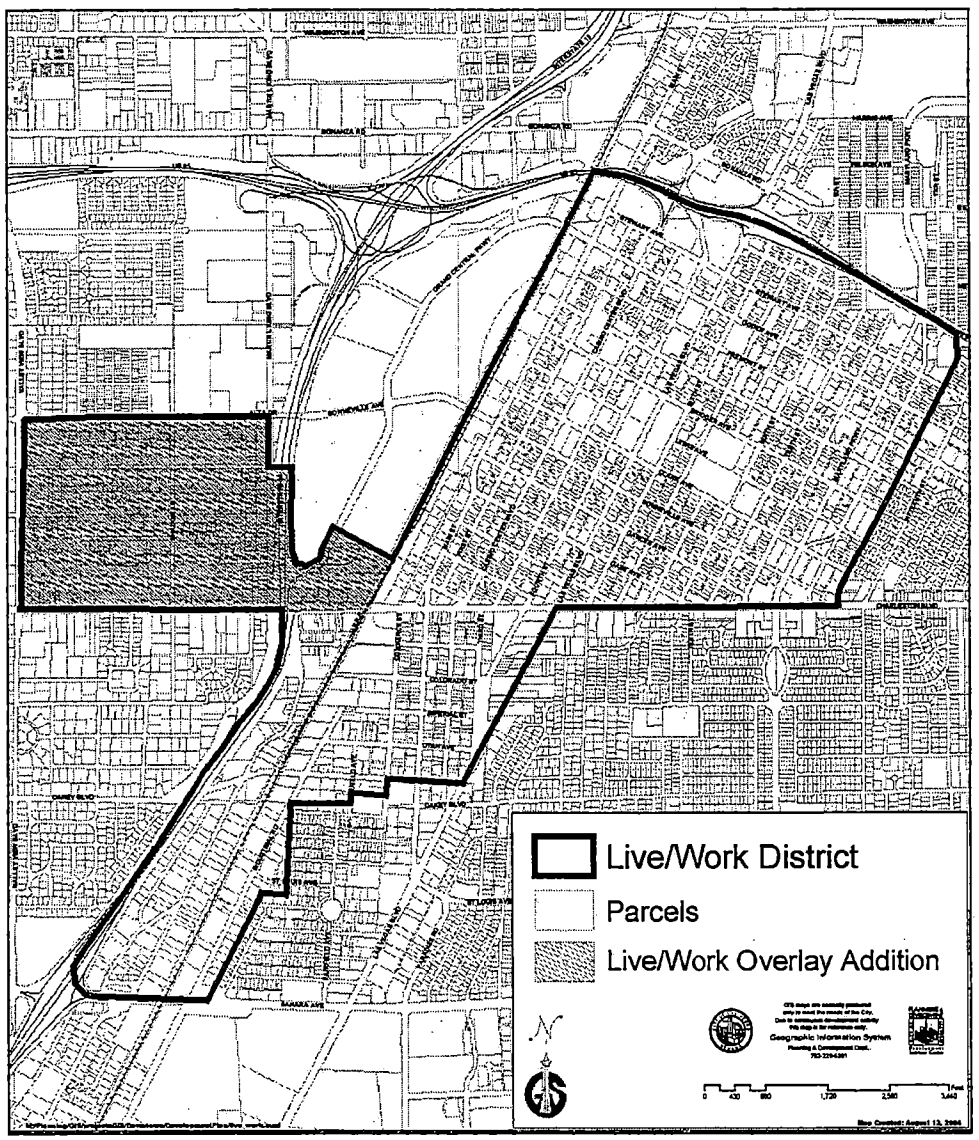
AGENDA MEMO

PLANNING COMMISSION MEETING DATE: AUGUST 26, 2004
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: TXT-4435 - CITY OF LAS VEGAS

** CONDITIONS **

STAFF RECOMMENDATION: **APPROVAL,** subject to:

1. Title 19.06.130(C), "Boundaries," is hereby amended to adopt a new map depicting the expanded boundaries of the Live/Work Overlay District, as incorporated below:



2. Title 19.06.130(D), "Approval Criteria," is hereby amended as follows:

(D) Approval Criteria. All Live/Work units within the Live/Work Overlay District must meet the following criteria in order to be approved:

(1) Zoning. Live/Work units may be located in the C-1, C-2, C-M, ~~and~~ M, and PD Zoning Districts only.

(2) Permissible Nonresidential Uses. Because of the residential component, only the following nonresidential uses are permitted:

(a) Office uses ~~(excluding medical offices)~~.
(b) Desktop publishing.
(c) Arts activities, including painting, sculpture, printmaking, ceramics, photography, film, video, graphic design, jewelry, and textiles, but excluding any activity that involves welding or open flame work. The sale of artwork is permitted as an ancillary use.

** STAFF REPORT **

APPLICATION REQUEST

Discussion and possible action to amend a portion of Section 19.06.130 of the Las Vegas Zoning Code, in order to expand the boundaries of the Live/Work Overlay District to include the Las Vegas Medical District and to revise the approval criteria. A companion Minor Modification application, MOD-4879, has been filed to amend the Las Vegas Medical District Plan to include a live/work use category.

BACKGROUND INFORMATION

Previous Actions

03/03/04 The City Council adopted a Text Amendment (TXT-3377), creating the Live/Work Overlay District and adopting the zoning regulations for the district. The Planning Commission recommended approval of the amendment on December 4, 2003.

08/26/04 The Planning Commission will consider a companion application for a Minor Modification (MOD-4879) that will create a live/work use category in the Las Vegas Medical District Plan.

ANALYSIS

The current boundaries of the Live/Work Overlay District currently include most of the Downtown Centennial Plan area, the Las Vegas High School Historic District, and the industrial area south of Charleston Boulevard between the Union Pacific Railroad line and I-15. The proposed amendment will expand the boundaries westward to include the Las Vegas Medical District in its entirety, and shown in the graphic attached above.

In order to support the inclusion of the Medical District, minor changes are needed to the approval criteria for Live/Work units. As all of the Medical District is zoned PD (Planned Development), the list of zoning districts where Live/Work units are permitted must be expanded to include that zoning category. In addition, the restriction against medical offices as the nonresidential component of a Live/Work unit has been removed in order to conform to the intent of the Medical District. While not originally anticipated in conjunction with a residential use, smaller medical offices such as a chiropractor, physical therapist or general practitioner may

be appropriate for Live/Work units in the Medical District or other areas where the units are permitted. Live/Work units will still require the approval of a Special Use Permit, allowing staff to review the proposed nonresidential uses for compatibility with the residential component and adjacent uses.

FINDINGS:

Please note the following findings:

1) The amendment is required to support the Minor Modification (MOD-4879) proposed for the Las Vegas Medical District;

2) The proposed amendment will assure compatibility with the zoning of the Medical District;

3) The revision to the allowable nonresidential uses is appropriate based on the nature and intent of the Medical District; and

4) The proposed amendment will extend housing opportunities for residents of the City of Las Vegas.

NOTICES MAILED NEWSPAPER ONLY

APPROVALS 0

PROTESTS 0

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City of Las Vegas

Agenda Item No.: 52

PLANNING COMMISSION AGENDA
PLANNING COMMISSION MEETING OF: AUGUST 26, 2004

CITIZENS PARTICIPATION:

ITEMS RAISED UNDER THIS PORTION OF THE PLANNING COMMISSION AGENDA CANNOT BE ACTED UPON BY THE PLANNING COMMISSION UNTIL THE NOTICE PROVISIONS OF THE OPEN MEETING LAW HAVE BEEN COMPLIED WITH. THEREFORE, ACTION ON SUCH ITEMS WILL HAVE TO BE CONSIDERED AT A LATER TIME.

MINUTES:
None

MEETING ADJOURNED AT 10:28 P.M.

Respectfully submitted:

ARLENE COLEMAN, DEPUTY CITY CLERK

STACEY CAMPBELL, DEPUTY CITY CLERK