City of Las Vegas

Agenda Item No. 160

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: SEPTEMBER 15, 2004

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

SUBJECT:
VACATION RELATED TO ZON-4208, VAR-4209 AND SUP-4210 - PUBLIC HEARING - **VAC-4212 - APPLICANT/OWNER: PARDEE HOMES OF NEVADA** - Petition to vacate U.S. Government Patent Easements generally located south of Severance Lane, west of Tee Pee Lane, Ward 6 (Mack). The Planning Commission (5-0 vote) and staff recommend APPROVAL

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

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

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

MOTION:
MACK – APPROVED subject to conditions – UNANIMOUS with GOODMAN excused

MINUTES:
NOTE: See Item 157 [ZON-4208] for all related discussion.

(3:11 – 3:12)

5-1033

CONDITIONS:
1. The boundaries of this Petition of Vacation of right-of-way shall be the west 30 feet of the Chieftain Street alignment, including the radius corner.

2. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the recordation of the Order of Relinquishment of Interest and the Order of Vacation for this application. Appropriate drainage easements shall be reserved if recommended by the approved Drainage Plan/Study. The Drainage Study required for ZON-4208 may be used to satisfy this requirement, provided that the area requested for vacation is addressed within the study.

CITY COUNCIL MEETING OF SEPTEMBER 15, 2004
Planning and Development Department
Item 160 – VAC-4212

CONDITIONS – Continued:

3. Development of these sites shall comply with all applicable conditions of approval for Zoning Reclassification ZON-4208, Site Development Plan Review SDR-4214 and all other applicable site-related actions.

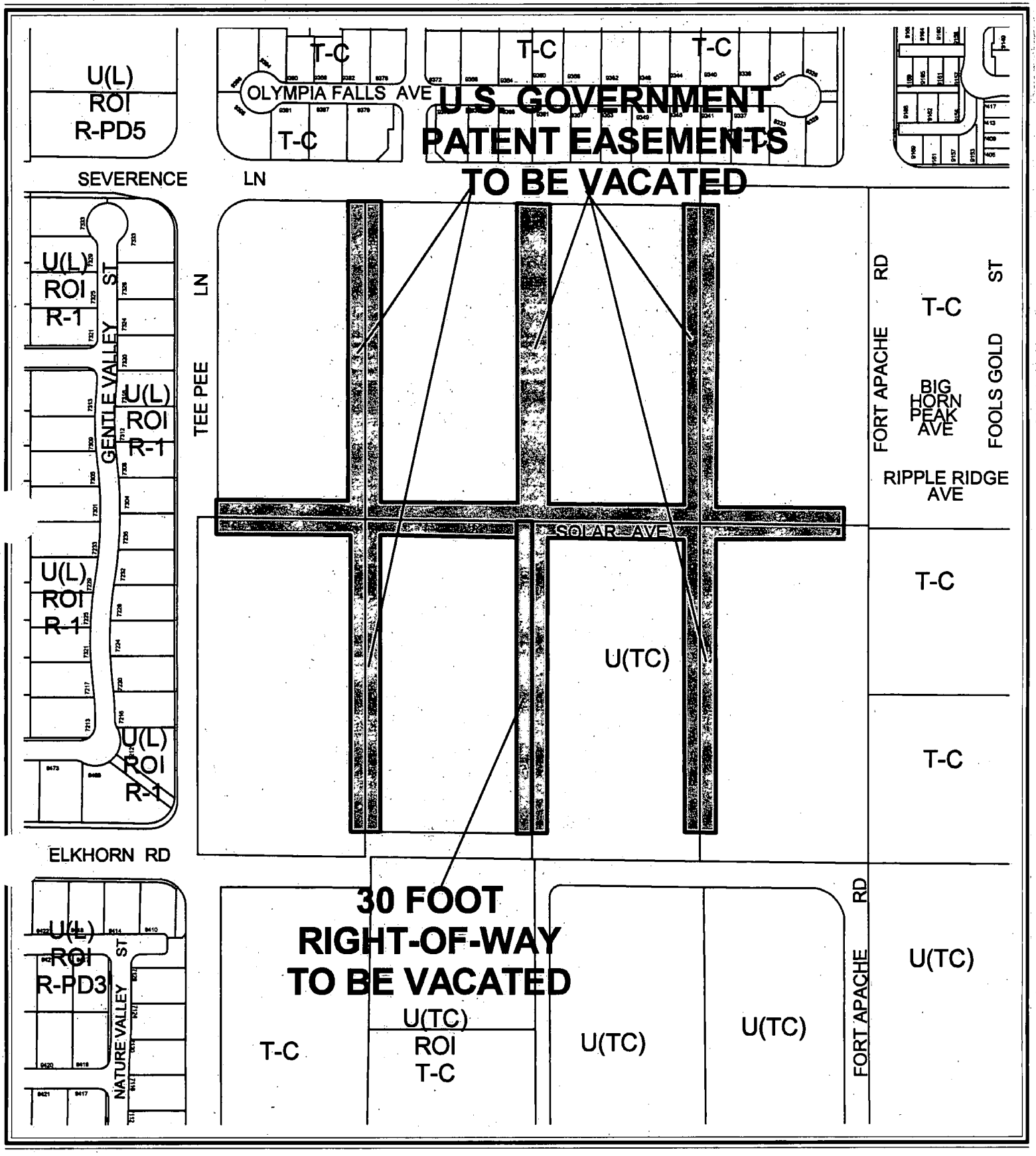
4. All existing public improvements, if any, adjacent to and in conflict with this vacation application are to be modified, as necessary, at the applicant's expense prior to the recordation of an Order of Relinquishment of Interest or the Order of Vacation.

5. Reservation of easements for the facilities of the various utility companies together with reasonable ingress thereto and egress therefrom shall be provided if required.

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

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

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

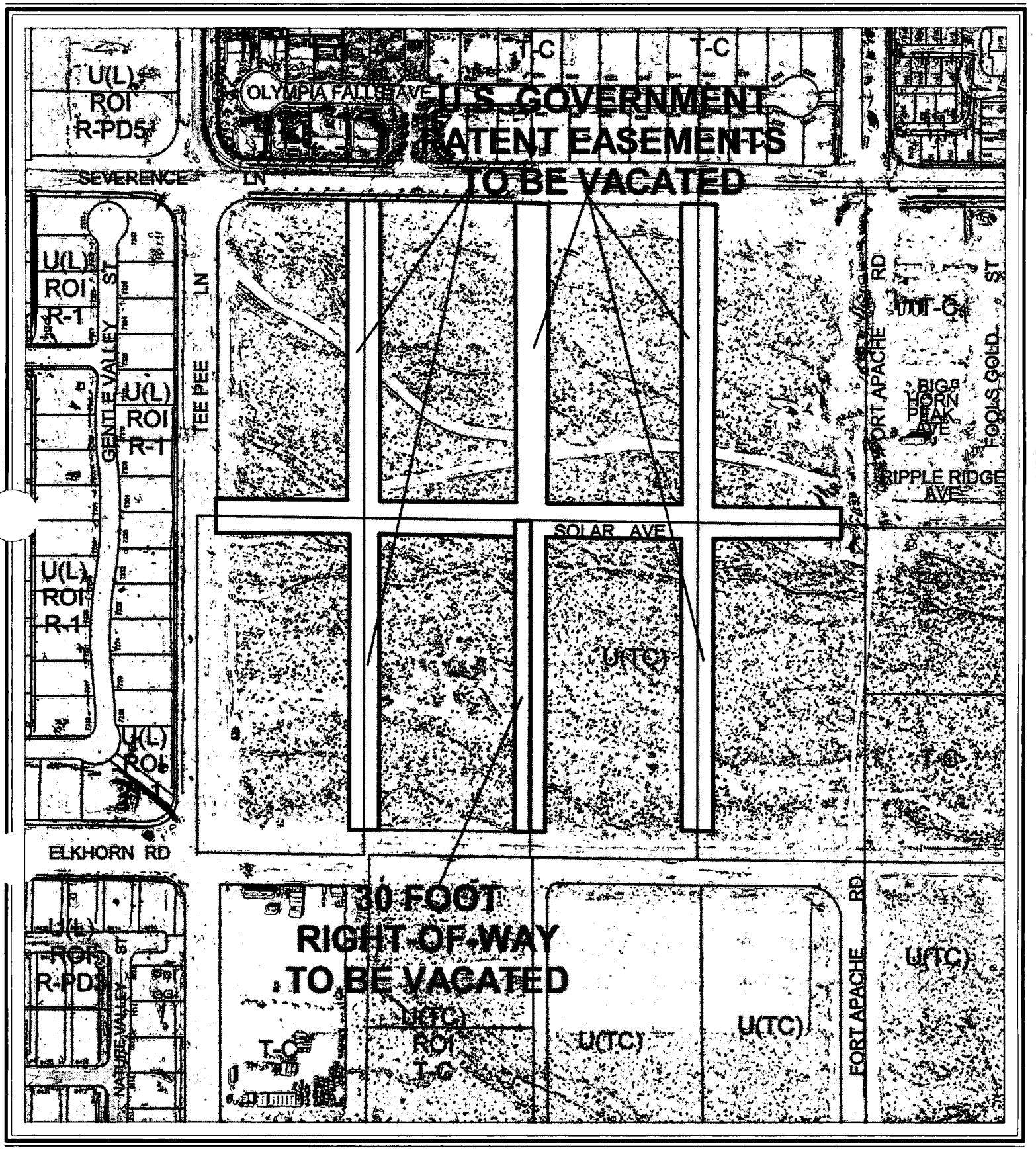


CASE: **VAC-4212**

0 200 400 Feet

160

N



CASE: **VAC-4212**

0 200 400 Feet

N

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: SEPTEMBER 15, 2004
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: VAC-4212 - APPLICANT/OWNER: PARDEE HOMES OF NEVADA

** CONDITIONS **

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

1. The boundaries of this Petition of Vacation of right-of-way shall be the west 30 feet of the Chieftain Street alignment, including the radius corner.

2. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the recordation of the Order of Relinquishment of Interest and the Order of Vacation for this application. Appropriate drainage easements shall be reserved if recommended by the approved Drainage Plan/Study. The Drainage Study required for ZON-4208 may be used to satisfy this requirement, provided that the area requested for vacation is addressed within the study.

3. Development of these sites shall comply with all applicable conditions of approval for Zoning Reclassification ZON-4208, Site Development Plan Review SDR-4214 and all other applicable site-related actions.

4. All existing public improvements, if any, adjacent to and in conflict with this vacation application are to be modified, as necessary, at the applicant's expense prior to the recordation of an Order of Relinquishment of Interest or the Order of Vacation.

5. Reservation of easements for the facilities of the various utility companies together with reasonable ingress thereto and egress therefrom shall be provided if required.

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

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

** STAFF REPORT **

APPLICATION REQUEST

A) Action Requested

This request is for approval to Vacate U. S. Government Patent Easements generally located south of Severence Lane, west of Tee Pee Lane.

B) Applicant's Justification

The applicant's justification letter states that the adjacent parcel is proposed to be developed as a 168-lot single-family residential development.

BACKGROUND INFORMATION

A) Previous Actions

12/07/98 The City Council approved a Rezoning (Z-0076-98) to T-C (Town Center) of a 1,468-acre portion of the Northwest. The subject site was not included within the 1998 Rezoning area.

01/26/01 The subject site was annexed into the City of Las Vegas as part of a 615-acre Annexation Petition request (A-0003-99).

04/04/01 The City Council approved a General Plan Amendment (GPA-0038-00) to expand the limits of the Town Center into the designated "Future Town Center." The subject site was included within this area. The City Council also approved a General Plan Amendment (GPA-0039-00) reaffirming the land use designation of the subject site as L (Low Density Residential) as part of a larger request.

07/05/01 The City Council approved a request for a Rezoning (Z-0034-01) from U (Undeveloped) [L-TC (Low Residential) General Plan Designation] to T-C (Town Center) on 69.6 acres located within an area bound by the Farm Road alignment on the north, the Tee Pee Lane alignment on the west, the Fort Apache Road alignment on the east, and approximately 660 feet south of the Deer Springs Way alignment on the south, including the subject site. Staff had recommended approval. The Planning Commission recommended approval of all applications on 05/24/01.

12/05/01 The City Council approved requests for a Rezoning (Z-0033-01) from U (Undeveloped) [L (Low Density Residential) General Plan Designation] to R-PD5 (Residential Planned Development - 5 Units Per Acre) and a Variance (V-0068-01) to the open space requirements of the Code on a 10-acre parcel to the

immediate northwest of the subject site. A Site Development Plan Review [Z-0033-01(1) & Z-0034-01(1)] for 243 single-family homes on a 50-acre parcel to the immediate north of the subject site, east and west of Tee Pee Lane, was also approved on this date. Staff had recommended approval of all applications. The Planning Commission recommended approval of all applications on 10/18/01.

02/06/02 The City Council approved requests for a Rezoning (Z-0085-01) of a five-acre site north of Severance Lane and west of Tee Pee Lane from U (Undeveloped) [L (Low Density Residential) General Plan Designation] to R-PD5 (Residential Planned Development - 5 Units Per Acre), a Site Development Plan Review [Z-0085-01(1)] for 24 lots which was a continuation of the development approved as part of [Z-0033-01(1)], and a Variance (V-0088-01) to the open space requirements for the same portion of the site. Staff had recommended approval of all applications. The Planning Commission recommended approval on 12/20/01.

11/05/03 The City Council approved a request for a Review of Condition (ROC-2916) of Condition No. 4 of an approved Site Development Plan Review [Z-0033-01(1) and Z-0034-01(1)] to modify the rear setback to allow a seven-foot rear setback for lots adjacent to cul-de-sac bulbs and to allow 10 feet for all other lots where 15 feet is required on 50.08 acres, including a portion of the site subject to the companion Site Development Plan Review to this Rezoning request. Staff had recommended approval. The Planning Commission recommended approval on 09/25/03.

06/10/04 The Planning Commission held this and companion items (SDR-4214), (VAR-4209), and (SUP-4210) in abeyance to the 07/08/04 PC Meeting to allow the incorporation of additional land obtained by the applicant.

07/08/04 The Planning Commission accepted the applicants request to table this item.

08/12/04 The Planning Commission recommended approval of companion applications for a Rezoning (ZON-4208) from U (Undeveloped) Zone [TC (Town Center) General Plan Designation], to T-C (Town Center), a Site Development Plan Review for 168 single-family lots (SDR-4214), an open space Variance (VAR-4209), and a Special Use Permit for the use of private streets with the Town Center area (SUP-4210) on the subject site concurrently with this request.

08/12/04 The Planning Commission voted 5-0 to recommend APPROVAL (PC Agenda Item #45).

DETAILS OF APPLICATION REQUEST

The subject Vacation proposes to vacate U. S. Government Patent Reservations located in the North Half (N½) of the Southeast Quarter (SE¼) of the Southeast Quarter (SE¼) of Section 18, Township 19 South, Range 60 East, M.D.M.

ANALYSIS

A) Planning discussion

The applicant intends to vacate the existing U.S. Government Patent Reservations because they are no longer needed in their current configuration. This will allow the development of the single-family subdivision on this site. This request is appropriate, as the subject grant is not needed and will not result in reduced access traffic handling capability for the area.

In addition to the patent reservations, a Vacation of the existing 30 feet of right-of-way for Chieftain Street is needed to allow for the development of the adjacent parcels. There is no objection to such vacation, as Chieftain Street is not needed in this area and it will not conflict with any City requirements.

B) Public Works discussion

Public Works has no objection to the vacation application request to vacate U.S. Government Patent Reservations generally on the southeast corner of Severance Lane and Tee Pee Lane.

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

A. Does this vacation request result in uniform or non-uniform right-of-way widths? N/A, Chieftain Street will be eliminated.

B. From a traffic handling viewpoint will this vacation request result in a reduced traffic handling capability? N/A, only the half street exists.

C. Does it appear that the vacation request involves only excess right-of-way? Yes.

D. Does this vacation request coincide with development plans of the adjacent parcels? Yes, the subdivision related with ZON-4208.

E. Does this vacation request eliminate public street access to any abutting parcel? No.

F. Does this vacation request result in a conflict with any existing City requirements? No.

G. Does the Department of Public Works have an objection to this vacation request? No.

NOTICES MAILED 6 by City Clerk

APPROVALS 0

PROTESTS 0

PLANNING & DEVELOPMENT

DEVELOPMENT SERVICES CENTER

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: VAC-4212 APN: 125-18-801-006, 007, 008

Name of Property Owner: Pardee Homes of Nevada

Name of Applicant: Pardee Homes of Nevada

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

_____ 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: Klif Andrews

Print Name: Klif Andrews

Subscribed and sworn before me

This 18 day of March, 20 04

Kathleen Fallon

Notary Public in and for said County and State

NOTARY PUBLIC
STATE OF NEVADA
County of Clark
KATHLEEN FALLON
Appt. No. 98-49629-1
My Appt. Expires Nov. 5, 2006



VAC-4212 - APPLICANT/OWNER: PARDEE HOMES OF NEVADA
SOUTH SEVERENCE LANE, WEST OF TEE PEE LANE
AUGUST 12, 2004 PLANNING COMMISSION

05/17/04

City of Las Vegas

Agenda Item No. 161

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: SEPTEMBER 15, 2004

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

SUBJECT:
SITE DEVELOPMENT PLAN REVIEW RELATED TO ZON-4208, VAR-4209 AND SUP-4210 AND VAC-4212 - PUBLIC HEARING - **SDR-4214 - APPLICANT/OWNER: PARDEE HOMES OF NEVADA** - Request for a Site Development Plan Review FOR A 168-LOT SINGLE FAMILY RESIDENTIAL DEVELOPMENT on 38.66 acres adjacent to the southeast corner of North Tee Pee Lane and Severence Lane (APN 125-18-801-006, 007, 008, 013, 014, 015 and 016), T-C (Town Center) Zone and U (Undeveloped) Zone [TC (Town Center) General Plan Designation] [PROPOSED: T-C (Town Center)], Ward 6 (Mack). The Planning Commission (5-0 vote) and staff recommend APPROVAL

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

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

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

MOTION:
MACK – APPROVED subject to conditions and deleting Condition 13 – UNANIMOUS with MAYOR GOODMAN excused

MINUTES:
NOTE: See Item 157 [ZON-4208] for all related discussion.

(3:11 – 3:12)

5-1033

CONDITIONS:
Planning and Development

1. A Rezoning [ZON-4208] to a T-C (Town Center) Zoning District, a Variance of open space standards (VAR-4209), a Special Use Permit for private, gated streets in Town Center (SUP-4210), and a Vacation of government patent easements (VAC-4212) approved by the City Council.

CITY COUNCIL MEETING OF SEPTEMBER 15, 2004
Planning and Development Department
Item 161 – SDR-4214

CONDITIONS – Continued:

2. All development shall be in conformance with the revised site plan and building elevations date stamped 8-4-04, except as amended by conditions herein.

3. The standards for this development shall include the following: minimum distance between buildings of 10 feet and building height shall not exceed two stories or 35 feet, whichever is less.

4. The setbacks for this development shall be a minimum of 10 feet to the front of the house or swing garage, 18 feet to the front of the garage as measured from back of sidewalk or from back of curb if no sidewalk is provided, 5 feet on the side, 10 feet on the corner side, and 10 feet in the rear, except for lots fronting on cul-de-sac bulbs, where 7 feet in the rear is allowed.

5. The landscape plan shall be revised and approved by Planning and Development Department staff, prior to the time application is made for a building permit, to reflect minimum 24-inch box large canopy trees planted a maximum of 35 feet on-center along Fort Apache Road and a maximum of 30 feet on-center along Severence Lane.

6. A landscaping plan must be submitted prior to or at the same time application is made for a building permit.

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

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

9. Any property line wall shall be a decorative block wall, with at least 20 percent contrasting materials. Wall heights shall be measured from the side of the fence with the least vertical exposure above the finished grade, unless otherwise stipulated.

10. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.

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

CONDITIONS – Continued:

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

13. All development shall be in conformance with the site plan and building elevations, date stamped 03/15/04, except as amended by conditions herein.

Public Works

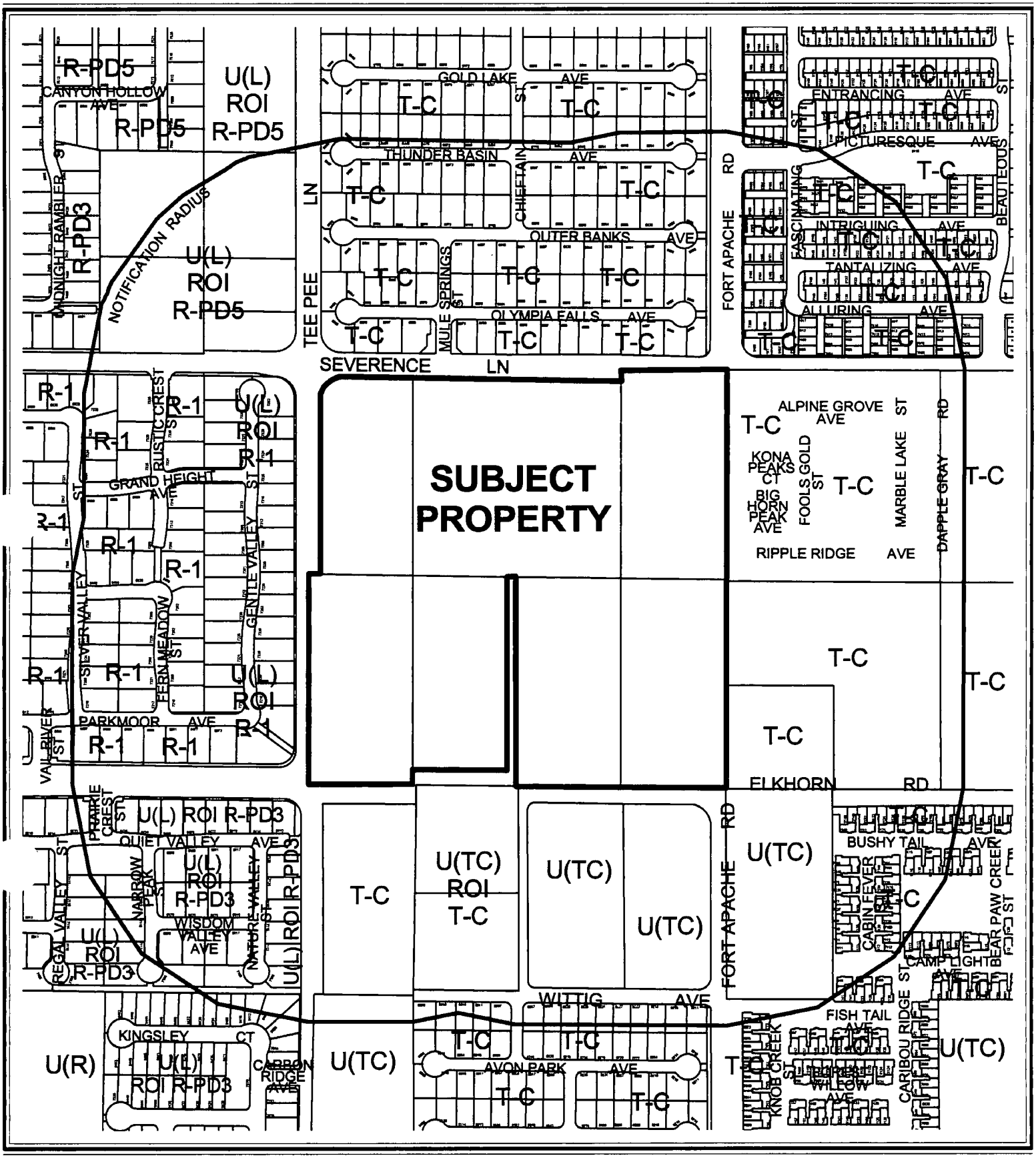
14. Provide pedestrian access easements for all sidewalks adjacent to public streets that are not located within the public right-of-way.

15. Landscape and maintain all unimproved rights-of-way on Tee Pee Lane, Severance Lane, Elkhorn Road and Fort Apache Road adjacent to this site.

16. Submit an Encroachment Agreement for all landscaping and private improvements located in the Tee Pee Lane, Severance Lane, Elkhorn Road and Fort Apache Road public rights-of-way adjacent to this site prior to occupancy of this site.

17. Site development to comply with Town Center Standards and all applicable conditions of approval for Zoning Reclassification ZON-4208 and all other subsequent site-related actions.

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



CASE: **SDR-4214**

RADIUS: 750 FT

ZONING OF SUBJECT PROPERTY:

U (UNDEVELOPED) ZONE [L-TC (LOW DENSITY RESIDENTIAL - TOWN CENTER) GENERAL PLAN DESIGNATION] AND T-C (TOWN CENTER)

PROPOSED ZONING OF SUBJECT PROPERTY:

T-C (TOWN CENTER)

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: SEPTEMBER 15, 2004
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: SDR-4214 - APPLICANT/OWNER: PARDEE HOMES OF NEVADA

** CONDITIONS **

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

Planning and Development

1. A Rezoning [ZON-4208] to a T-C (Town Center) Zoning District, a Variance of open space standards (VAR-4209), a Special Use Permit for private, gated streets in Town Center (SUP-4210), and a Vacation of government patent easements (VAC-4212) approved by the City Council.

2. All development shall be in conformance with the revised site plan and building elevations date stamped 8-4-04, except as amended by conditions herein.

3. The standards for this development shall include the following: minimum distance between buildings of 10 feet and building height shall not exceed two stories or 35 feet, whichever is less.

4. The setbacks for this development shall be a minimum of 10 feet to the front of the house or swing garage, 18 feet to the front of the garage as measured from back of sidewalk or from back of curb if no sidewalk is provided, 5 feet on the side, 10 feet on the corner side, and 10 feet in the rear, except for lots fronting on cul-de-sac bulbs, where 7 feet in the rear is allowed.

5. The landscape plan shall be revised and approved by Planning and Development Department staff, prior to the time application is made for a building permit, to reflect minimum 24-inch box large canopy trees planted a maximum of 35 feet on-center along Fort Apache Road and a maximum of 30 feet on-center along Severence Lane.

6. A landscaping plan must be submitted prior to or at the same time application is made for a building permit.

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

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

9. Any property line wall shall be a decorative block wall, with at least 20 percent contrasting materials. Wall heights shall be measured from the side of the fence with the least vertical exposure above the finished grade, unless otherwise stipulated.

10. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.

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

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

13. All development shall be in conformance with the site plan and building elevations, date stamped 03/15/04, except as amended by conditions herein.

Public Works

14. Provide pedestrian access easements for all sidewalks adjacent to public streets that are not located within the public right-of-way.

15. Landscape and maintain all unimproved rights-of-way on Tee Pee Lane, Severance Lane, Elkhorn Road and Fort Apache Road adjacent to this site.

16. Submit an Encroachment Agreement for all landscaping and private improvements located in the Tee Pee Lane, Severance Lane, Elkhorn Road and Fort Apache Road public rights-of-way adjacent to this site prior to occupancy of this site.

17. Site development to comply with Town Center Standards and all applicable conditions of approval for Zoning Reclassification ZON-4208 and all other subsequent site-related actions.

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

** STAFF REPORT **

APPLICATION REQUEST

A) Action Requested

This is a request for a Site Development Plan Review for 168 single-family lots on 38.66 acres located at the southeast corner of Tee Pee Lane and Severence Lane.

B) Applicant's Justification

The applicant has justified the request by stating that the pattern of development and proposed street sections are similar for those approved on other Pardee development sites in Town Center within the immediate area.

BACKGROUND INFORMATION

A) Previous Actions

12/07/98 The City Council approved a Rezoning (Z-0076-98) to T-C (Town Center) of a 1,468-acre portion of the Northwest. The subject site was not included within the 1998 Rezoning area.

01/26/01 The subject site was annexed into the City of Las Vegas as part of a 615-acre Annexation Petition request (A-0003-99).

04/04/01 The City Council approved a General Plan Amendment (GPA-0038-00) to expand the limits of the Town Center into the designated "Future Town Center." The subject site was included within this area. The City Council also approved a General Plan Amendment (GPA-0039-00) reaffirming the land use designation of the subject site as L (Low Density Residential) as part of a larger request.

07/05/01 The City Council approved a request for a Rezoning (Z-0034-01) from U (Undeveloped) [L-TC (Low Residential) General Plan Designation] to T-C (Town Center) on 69.6 acres located within an area bound by the Farm Road alignment on the north, the Tee Pee Lane alignment on the west, the Fort Apache Road alignment on the east, and approximately 660 feet south of the Deer Springs Way alignment on the south, including the subject site. The Planning Commission and staff recommended approval of all applications on 05/24/01.

12/05/01 The City Council approved requests for a Rezoning (Z-0033-01) from U (Undeveloped) [L (Low Density Residential) General Plan Designation] to R-PD5 (Residential Planned Development - 5 Units Per Acre) and a Variance (V-0068-01) to the open space requirements of the Code on a 10-acre parcel to the

immediate northwest of the subject site. A Site Development Plan Review [Z-0033-01(1) & Z-0034-01(1)] for 243 single-family homes on a 50-acre parcel to the immediate north of the subject site, east and west of Tee Pee Lane, was also approved on this date. The Planning Commission and staff recommended approval of all applications on 10/18/01.

02/06/02 The City Council approved requests for a Rezoning (Z-0085-01) of a five-acre site north of Severance Lane and west of Tee Pee Lane from U (Undeveloped) [L (Low Density Residential) General Plan Designation] to R-PD5 (Residential Planned Development - 5 Units Per Acre), a Site Development Plan Review [Z-0085-01(1)] for 24 lots which was a continuation of the development approved as part of [Z-0033-01(1)], and a Variance (V-0088-01) to the open space requirements for the same portion of the site. The Planning Commission and staff recommended approval on 12/20/01.

11/05/03 The City Council approved a request for a Review of Condition (ROC-2916) of Condition No. 4 of an approved Site Development Plan Review [Z-0033-01(1) and Z-0034-01(1)] to modify the rear setback to allow a seven-foot rear setback for lots adjacent to cul-de-sac bulbs and to allow 10 feet for all other lots where 15 feet is required on 50.08 acres, including a portion of the site subject to the companion Site Development Plan Review to this Rezoning request. The Planning Commission and staff recommended approval on 09/25/03.

06/10/04 The Planning Commission held this and companion items (VAR-4209), (SUP-4210), and (VAC-4212) in abeyance to the 07/08/04 PC Meeting to allow the incorporation of additional land obtained by the applicant.

07/08/04 The Planning Commission accepted the applicants request to table this item.

08/12/04 The Planning Commission recommended approval of companion applications for a Rezoning (ZON-4208) from U (Undeveloped) Zone [TC (Town Center) General Plan Designation] to T-C (Town Center), an open space Variance (VAR-4209), a Special Use Permit for private streets in Town Center (SUP-4210), and a Vacation of Government Patent Easements (VAC-4212) on the subject site concurrently with this request.

08/12/04 The Planning Commission voted 5-0 to recommend APPROVAL (PC Agenda Item #46).

B) Pre-Application Meeting

03/15/04 Three sites, including this site, which form part of the Pardee Homes Town Center assemblage, were discussed. The applicant was advised of the various application requirements necessary to develop single-family homes, as proposed by the applicant, on these parcels.

C) Neighborhood Meetings

A neighborhood meeting is not required for a Site Development Plan Review application, nor was one held.

DETAILS OF APPLICATION REQUEST

A) Site Area

Gross Acres: 38.66

B) Existing Land Use

Subject Property:	Undeveloped
North:	Single Family Residential
South:	Undeveloped
East:	Undeveloped
West:	Undeveloped

C) Planned Land Use

Subject Property:	L-TC (Low Density Residential - Town Center)
North:	L-TC (Low Density Residential - Town Center)
South:	L-TC (Low Density Residential - Town Center)
East:	M-TC (Medium Density Residential - Town Center) and PF-TC (Public Facilities - Town Center)
West:	L (Low Density Residential)

D) Existing Zoning

Subject Property:	U (Undeveloped) [L-TC (Low Density Residential - Town Center) General Plan Designation] and T-C (Town Center)
North:	T-C (Town Center)
South:	U (Undeveloped) [L-TC (Low Density Residential - Town Center) General Plan Designation] and T-C (Town Center)
East:	T-C (Town Center)
West:	U (Undeveloped) [L (Low Density Residential) General Plan Designation] under Resolution of Intent to R-1 (Single Family Residential)

E) General Plan Compliance

The site is designated as TC (Town Center) on the Centennial Hills Sector Map of the General Plan. Within Town Center, land use is more specifically described by special land use designations as set out in the Town Center Development Standards Manual. The Manual designated this site as L-TC (Low Density Residential - Town Center). This designation has a density range of 3.5 to 5.5 units per acre, and is intended for single-family detached homes as well as more imaginative residential development, which put an emphasis on common open space. Local supporting uses are also allowed. The companion

Rezoning request (ZON-4208) for T-C (Town Center) zoning conforms to the L-TC (Low Density Residential - Town Center) special land use designation, and the proposed development, at 4.35 units per gross acre, conforms to both land use and zoning parameters.

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

Trails – There are three trail segments adjacent to the site as identified on Map 6 (Town Center Multi-Use Trail Alignments) of the Transportation Trails Element. Two are Primary Arterial Trails along Fort Apache Road to the east of the site and along Elkhorn Road to the south of the site, and the third is the Town Center Collector Trail required along Severence Lane to the north of the site. These trails are also required pursuant to the street cross-sections in the Town Center Development Standards Manual and represent the sidewalks along these streets. Additionally, Map 6 also calls for a Multi-Use Transportation Trail along the west side of Fort Apache Road, adjacent to the site, which is a wider section than the Primary Arterial Trail on the east side of the street. The site plan, as proposed, meets these trails standards.

Fort Apache Road, on the east boundary of the site, and Elkhorn Road, on the south boundary of the site, will be developed as Town Center Primary (100-foot) Arterials, which also have 15-foot medians.

PROJECT DESCRIPTION

The proposed development consists of 168 single-family lots covering the 38.66-acre site. Four basic floor plan configurations are proposed. The designs are both one and two-story products with two-car and three-car garages.

The open space provided with this project consists of 40,360 square feet within landscaped amenity zones separating the five-foot sidewalks from the street, around the external perimeter of the site. The total amount of open space provided is below that required by Town Center open space standards as outlined in the Town Center Development Standards Manual.

A network of private streets, all 37 feet in width, with L-type curb and gutter design, serves the development. Although these street sections do not meet Town Center standards, they are consistent with street sections that were approved for development within the assemblage of land within Town Center by Pardee Homes, and meet Title 18 standards for private streets, and thus are appropriate for this area.

ANALYSIS

A) Zoning Code Compliance

A1) Development Standards

Pursuant to Title 19.06.110, the Development Standards within a T-C District are established by the Site Development Plan. The development standards that are proposed for this site through this Site Development Plan are as follows:

Proposed Standards

Typical Lot Size	Approx 6,500 s.f.
Min. Setbacks	
• To front of house or front-facing garage from interior edge of sidewalk	18 Feet
• To front of swing garage	10 Feet
• Corner side	10 Feet
• Side	5 Feet
• Rear	7 Feet
Max. Building Height	Not specified, but plans submitted do not exceed 2 Stories / 35 Feet

These standards as presented will allow a development that should be harmonious and compatible with the approved residential project to the north of the site.

A2) Residential Adjacency Standards

There are no Residential Adjacency Standards that are applicable to this project.

A3) Parking and Traffic Standards

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

Uses	Required			Provided		
	Ratio	Parking		Parking		
		Regular	Handicap	Regular	Handicap	Guest
Single-Family Dwelling	2 Spaces/ Dwelling	336 Spaces	N/A	336 Spaces	N/A	N/A

The proposal provides the minimum number of on-site parking spaces listed in the Zoning Code.

A4) Landscape and Open Space Standards

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

Standards	**Required** Ratio	Trees	**Provided**
Buffer:			
• Min. Trees	1 Tree/30 Linear Feet along Tee Pee and Severence (2,520 Feet) + 1 Tree	85 Trees	130 Trees
	1 Tree/35 Linear Feet along Ft Apache and Elkhorn (2,520 Feet) + 1 Tree	85 Trees	130 Trees
• Min. Zone Width	5-foot amenity zone, 5-foot sidewalk and a 5-foot amenity zone, as modified through SDR-1104 along Tee Pee Lane and Severence Lane		Y
	5-foot amenity zone (within ROW), 10-foot trail and 5-foot amenity zone along Ft. Apache Road, per Trails Element standards.		Y
	2.5' amenity zone and 5-foot sidewalk along Elkhorn Road, per TC standards.		Y
• Wall height	6 Feet		Y

The project does not meet the originally approved Town Center buffering and landscaping standards along Tee Pee Lane and Severence Lane; however, limited modifications to these standards (within portions of the Town Center Pardee land assemblage) were made pursuant to approval of SDR-1104. The plan as submitted is in conformance with these modifications.

The perimeter buffering and landscaping standards of the Code, as set out in the Town Center Development Standards Manual, call for a seven-foot sidewalk and a 7'6" amenity zone with a six-inch curb along Tee Pee Lane and Severence Lane (Town Center [80-foot] Residential Collectors), planted with large canopy trees 30 feet on-center; the revised standard (per SDR-1104) requires a five-foot amenity zone, a five-foot sidewalk and another five-foot amenity zone. The site plan complies with this standard.

Along Fort Apache Road, a Town Center Primary (100-foot) Arterial, a 10-foot trail with a five-foot amenity zone is required, as set out through the Master Plan Transportation Trails Element, with large canopy trees planted 35 feet on-center; this Trails Element requirement supercedes other Town Center standards that would apply on this street section, and the site plan as proposed complies with this standard. Along Elkhorn Road, also a Primary (100-foot) Arterial, the site plan reflects the requirement for a five-foot sidewalk and a 2'6" amenity zone with large canopy trees planted 35 feet on-center.

Pursuant to subsection E.G of the Town Center Development Standards Manual, residential development using private streets in Town Center must comply with the standards for open space listed in Title 19.06.040.G.1, as follows:

Total Acreage	Density	**Required**			**Provided**	
		Ratio	Percent	Area	Percent	Area
38.66 acres (1,684,030 s.f.)	4.35 u.p.a.	1.65	7.17 %	2.77 ac (120,745 s.f.)	2.4 %	0.93 acre (40,360 s.f.)

The proposal fails to meet the requirements for open space in the Zoning Code. The applicant has requested a companion Variance (VAR-4209) to seek relief from this requirement. The requested deviation is approximately 66%.

B) General Analysis and Discussion

- Zoning

With the approval of companion Rezoning application (ZON-4208), which applies to approximately 29 acres of the 38.66-acre site, the entire site will be zoned T-C (Town Center). The proposed Site Development Plan conforms to the proposed zoning for the site, with the exceptions noted below.

- Site Plan

Although the plan as proposed does not meet a number of Town Center standards with respect to street section and open space requirements, it is consistent with the modifications for Pardee assemblage parcels as approved through SDR-1104. As the Pardee parcels account for the overwhelming majority of the land area within the assemblage boundaries, it is appropriate to apply standards that achieve a consistent look and urban design throughout the area.

- Waivers

A companion Variance (VAR-4209) to reduce the required amount of open space by approximately 66% has been submitted and will be considered concurrently. Approval of a Special Use Permit (SUP-4210) is also required to allow the use of the proposed private, gated streets within the Town Center area.

- Landscape Plan

  The conceptual landscaping plan indicates an alternating arrangement of 24" box Chinese Pistache, Holly Oak and Purple Robe Locust planted 35 feet on-center along each side of the interior streets. Although a double row of 10' Mexican Fan Palms at 30 feet on-center are proposed along Fort Apache Road, this does not meet the planting scheme for Public Residential Streets in the Town Center Development Standards Manual, which calls for large-canopy shade trees 35 feet on-center along a Primary Arterial (Figure 2a). The plan appears to meet the street tree planting requirement along Severence Lane and Tee Pee Lane, which calls for large-canopy shade trees every 30 feet on-center (Figure 30) and along Elkhorn Road, which calls for large-canopy shade trees 35 feet on-center along a Primary Arterial (Figure 2a), although the trees should be located in the amenity zone, and not staggered as shown on the landscaping plan. The landscaping plan also depicts a variety of five and one-gallon ground shrubs, and a variety of ground cover plantings.

- Elevation

  Four basic floor plans are proposed. The homes all have two or three-car garages, are one or two stories in height and are arranged along 37-foot wide private streets.

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 will be consistent with the density of the adjacent single-family residential developments to the north, and with the approved density for undeveloped areas in the vicinity of the site.

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

   The subject site is designated L-TC (Low Density Residential - Town Center) on Map 4 of the Town Center Development Standards Manual. This category allows a residential density range of 3.5 to 5.5 units per gross acre. The companion Rezoning application (ZON-4208) will rezone a portion of the subject site to the T-C (Town Center) zoning district; the remainder is already so zoned. The proposed site plan conforms to both the General Plan and the Town Center Manual land use designations for the site. The proposed site plan conforms to other city policies and standards, with the exception of open space standards and perimeter amenity zones; these have been either previously addressed through SDR-1104 and are carried forward in this site plan review, or are the subject of companion applications.

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

   The site will be accessed from a gated entry to Severence Lane, a Town Center Residential Collector, to the north of the site, from Elkhorn Road, a Primary (100-foot) Arterial to the south. These streets will be adequate for allowable development under the proposed T-C (Town Center) zoning district.

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

   The building and landscape materials are appropriate for this type of development in this portion of the City.

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

   The building elevations are typical of single-family residential developments and will be compatible with single-family residential development to the north of the site.

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

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

PLANNING COMMISSION ACTION

The Planning Commission amended Condition #4 as shown at the request of the applicant.

NOTICES MAILED 93 by Planning Department

APPROVALS 0

PROTESTS 0

60/70 #4

PLANNING & DEVELOPMENT

DEVELOPMENT SERVICES CENTER

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: SDR-4214 APN: 125-18-801-006, 007, 008

Name of Property Owner: Pardee Homes of Nevada

Name of Applicant: Pardee Homes of Nevada

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

_____ 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: Klif Andrews

Subscribed and sworn before me

This 18 day of March, 2004

[signature]

Notary Public in and for said County and State

NOTARY PUBLIC
STATE OF NEVADA
County of Clark
KATHLEEN FALLON
Appt. No. 98-49629-1
My Appt. Expires Nov. 5, 2006

PLANNING & DEVELOPMENT

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: SDR-4214 APN: 125-18-801-015

Name of Property Owner: Mary Bartsas 11 LLC

Name of Applicant: Pardee Homes of Nevada

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

_____ 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: Mary Bartsas II LLC

Print Name: Mary Bartsas II LLC

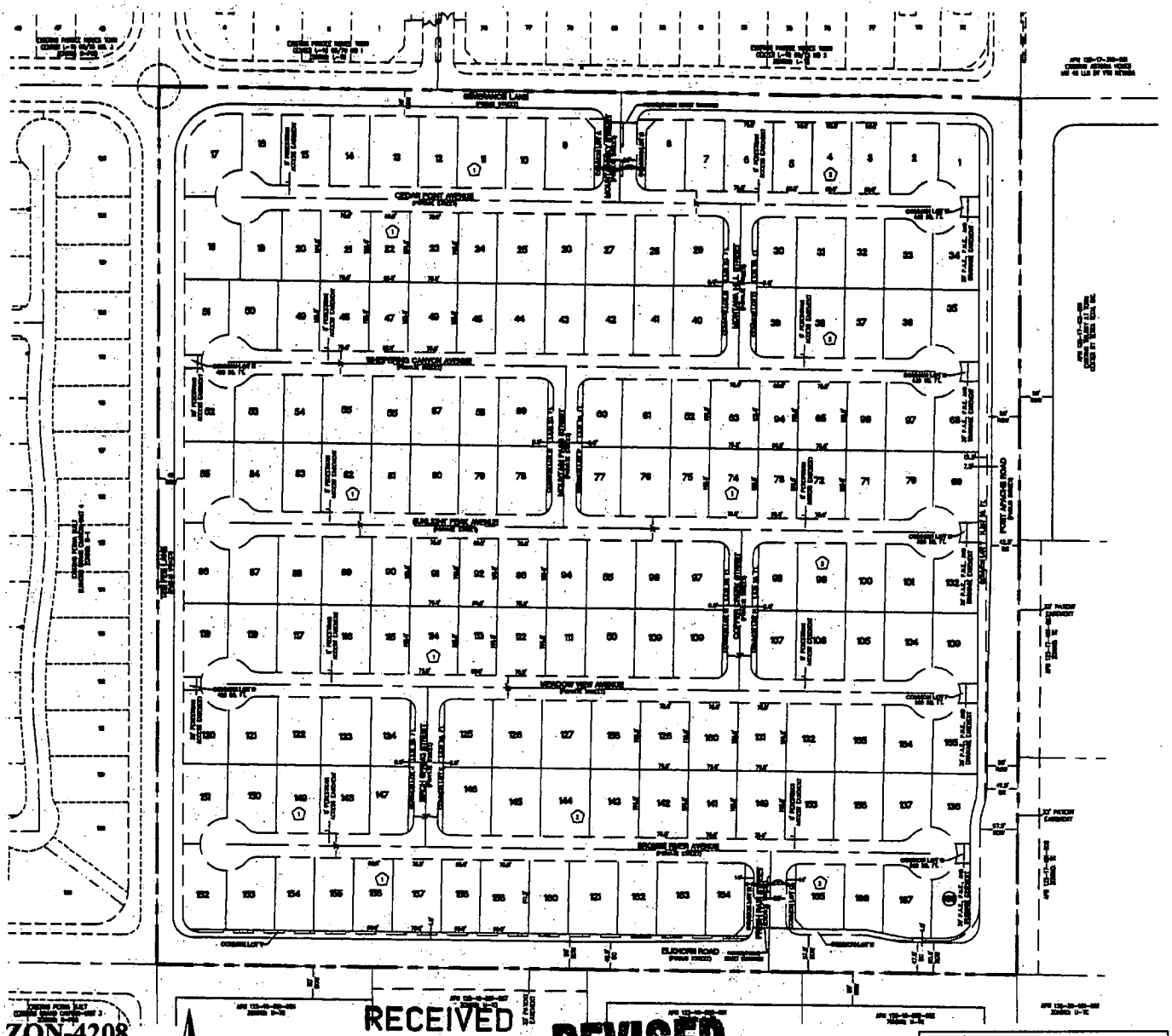
Subscribed and sworn before me

This 14th day of June, 2004

Margaret A. Messinger

Notary Public in and for said County and State

NOTARY PUBLIC
STATE OF NEVADA
County of Clark
MARGARET A. MESSINGER
My Appointment Expires July 28, 2006

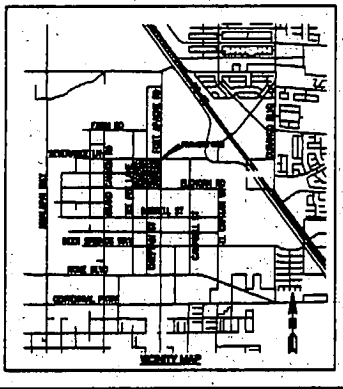


ZON-4208
VAR-4209
SUP-4210
SDR-4244
08-12-04 PC

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REVISED
8.4.04

0 200 400 FEET



LAND USE

EXISTING ZONING	U-TC, TC
PROPOSED ZONING	L-TC (LOW RESIDENTIAL)
GROSS ACREAGE	40.58 AC.
NUMBERED LOTS	168
DENSITY	4.14 DU/AC
MIN. LOT SIZE	60' x 105' / 75' x 105'
PROVIDED OPEN SPACE	0.83 AC (40,380 SQ FT)
REQUIRED OPEN SPACE	2.74 AC (102,081 SQ FT)

ESTIMATED AVERAGE DAILY SEWER CONTRIBUTIONS

168 UNITS X 250 GPD/UNITS = 42,000 GPD
TOTAL AVERAGE CONTRIBUTION = 42,000 GPD = 0.04200 MGD
TOTAL PEAK FLOW=0.04200 MGD x 2.5 (PEAK FACTOR)=0.10500 MGD

DESIGN CRITERIA

1. 37' LOCAL STREETS ARE TO BE PRIVATE WITHIN SUBDIVISION.
2. SEWER MANHOLE SEPARATION TO BE 450' MAX.
3. ALL BCR RADII ARE 20 FEET UNLESS OTHERWISE NOTED.
4. ALL PROPOSED WATER AND SEWER MAINS ARE TO BE 8" IN DIAMETER UNLESS NOTIFIED OTHERWISE.

NOTES

- THERE ARE EXISTING PATENT EASEMENTS AND ROW ON THESE PROPERTIES. THESE EASEMENTS AND ROW ARE BEING VACATED AND ABANDONED WHERE APPLICABLE. SEE THE APPLICATION THAT IS BEING SUBMITTED WITH THIS APPLICATION.
- EASEMENTS REQUIRED FOR DRY UTILITIES, SEWER, STORM DRAIN, AND WATER SHALL BE GRANTED ON THE FINAL MAP OR BY DOCUMENT WHERE REQUIRED.
- LANDSCAPING WITHIN LANDSCAPE EASEMENTS DEDICATED TO H.O.A. SHALL BE MAINTAINED BY H.O.A.
- PROTECTIVE C.C. & R'S SHALL BE ESTABLISHED BY THE DEVELOPER ON THIS DEVELOPMENT
- TRAFFIC ACCESS WILL BE PROVIDED FROM ELKHORN AND REVERANCE VIA FORT APACHE ROAD
- SIGNAGE FOR PROPERTY SHALL CONSIST OF NAME PLATE SIGNAGE ON BLOCK WALLS AT STRATEGIC LOCATIONS THROUGHOUT COMMUNITY
- RETAINING WALL HEIGHTS MAY VARY FROM 1' TO 4'.

OWNER/DEVELOPER	SURVEYOR
PARDEE HOMES OF NEVADA 10880 WILSHIRE BLVD. #1500 LOS ANGELES, CA 90024 PHONE: (213) 475-3825	SURVEYORS INC. 8328 W. SPRING MOUNTAIN #305 LAS VEGAS, NV 89146 PHONE: (702) 363-0021
ENGINEERING FIRM	**UTILITY SERVICE BY:**
SLATER HANIFAN GROUP 5740 S. ARVILLE STREET #218 LAS VEGAS, NV 89118 PHONE: (702) 284-5300	LAS VEGAS VALLEY WATER DISTRICT CITY OF LAS VEGAS SANITATION DISTRICT SILVER STATE DISPOSAL NEVADA POWER COMPANY SPRINT CENTRAL TELEPHONE-NEVADA SOUTHWEST GAS CORPORATION COX COMMUNICATION

MINIMUM SETBACKS

FRONT	18'	TO SWING GARAGE/CONVERTED LIVING QUARTER
FRONT	15'	FACE OF GARAGE TO BACK OF SIDEWALK
REAR	15'	TO PRIMARY STRUCTURE
REAR	10'	TO BALCONIES
REAR	7'	TO BALCONIES IN CUL-DE-SACS
SIDE	5'	TO PRIMARY STRUCTURE
CORNER	10'	TO PRIMARY STRUCTURE

LEGEND

- 35 — LOT NUMBER
- 1 — BLOCK NUMBER
- PROJECT BOUNDARY
- RIGHT OF WAY (ROW)
- LOTS
- OPEN SPACE AREA MEETING CLV O.S. CRITERIA
- LANDSCAPE AREAS INCLUDING SIDEWALK NOT COUNTING AS O.S.
- STREETS

SLATER HANIFAN GROUP
CONSULTING ENGINEERS & PLANNERS
5740 S. ARVILLE STREET #218, LAS VEGAS, NV 89118
PHONE (702) 284-5300 FAX (702) 284-5399

PARDEE HOMES OF NEVADA

TOWN CENTER L-TC 60/70 NO. 4
SITE DEVELOPMENT PLAN

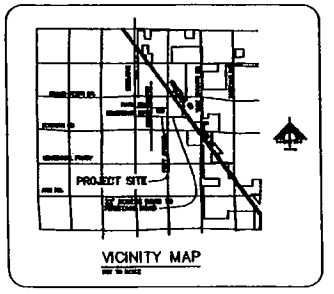
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DESIGNER: JDP	C-1
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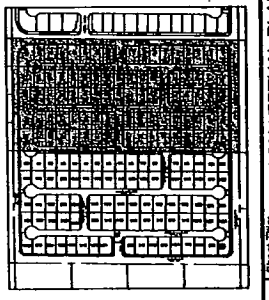
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PLANT MATERIAL LEGEND

STREET TREES BOTANICAL NAME	COMMON NAME	SIZE
PISTACIA CHINENSIS	CHINESE PISTACHE	24" BOX
QUERCUS ILEX	HOLLY OAK	36" BOX
ROBINIA AMZIQUA	PURPLE ROSE LOCUST	24" BOX
WASHINGTONIA ROBUSTA	MEXICAN FAN PALM	10' BTH
SHRUBS		
ALOE BARBADENSIS	CAPE ALOE	5 GALLON
COTONEASTER LACTEUS	COTONEASTER	5 GALLON
DIETES SPP.	FORTNIGHT LILY	5 GALLON
ELAEOCARPUS DECIPINES	JAPANESE BLUEBERRY TREE	5 GALLON
EUONYMUS SPP.	EUONYMUS	5 GALLON
FEIJOA SELLOWIANA	PINEAPPLE GUAVA	5 GALLON
HEMEROCALLIS SPP.	HYBRID DAYLILY	5 GALLON
HYMENOXIS ACAULIS	ANGELITA DAISY	1 GALLON
LEUCOPHYLLUM FRUTESCENS	TEXAS RANGER	5 GALLON
ROSMARINUS O. 'TUSCAN BLUE'	UPRIGHT ROSEMARY	5 GALLON
SALVIA SPP.	SAGE	5 GALLON
TRACHELOSPERMUM JASMINOIDES	STAR JASMINE	5 GALLON
XYLOSMA CONGESTUM	XYLOSMA	5 GALLON
GROUNDCOVER		
COTONEASTER HORIZONTALIS	ROCK COTONEASTER	FLATS @ 18" o.c.
LANTANA MONTIVIDENSIS	LANTANA 'NEW GOLD'	FLATS @ 18" o.c.
MYOPORUM PACIFICUM	MYOPORUM	FLATS @ 18" o.c.
ROSMARINUS O. 'PROSTRATUS'	TRAILING ROSEMARY	FLATS @ 18" o.c.
VERBENA RIGIDA	VERBENA	FLATS @ 18" o.c.
SODDED LAWN	HYBRID TIF GREEN BERMUDA	




KEY MAP NOT TO SCALE

Lennon & Associates
Landscape Architecture
4848 S. Industrial Rd. #214
Las Vegas, NV 89103
Phone (702) 736-4552
Fax (702) 736-4553
PREPARED BY: L. Lennon
PROJECT MGR.: L. Lennon
DRAWN BY: M. Dimmig

STATE STAMP

REVISIONS
No. | Date | Description

JOB NUMBER 0314
ISSUED FOR REVIEW
DRAWN BY: MW
SCALE 1" = 60'-0"
DATE DRAWN 03-06-04
DESIGNED BY: OMC

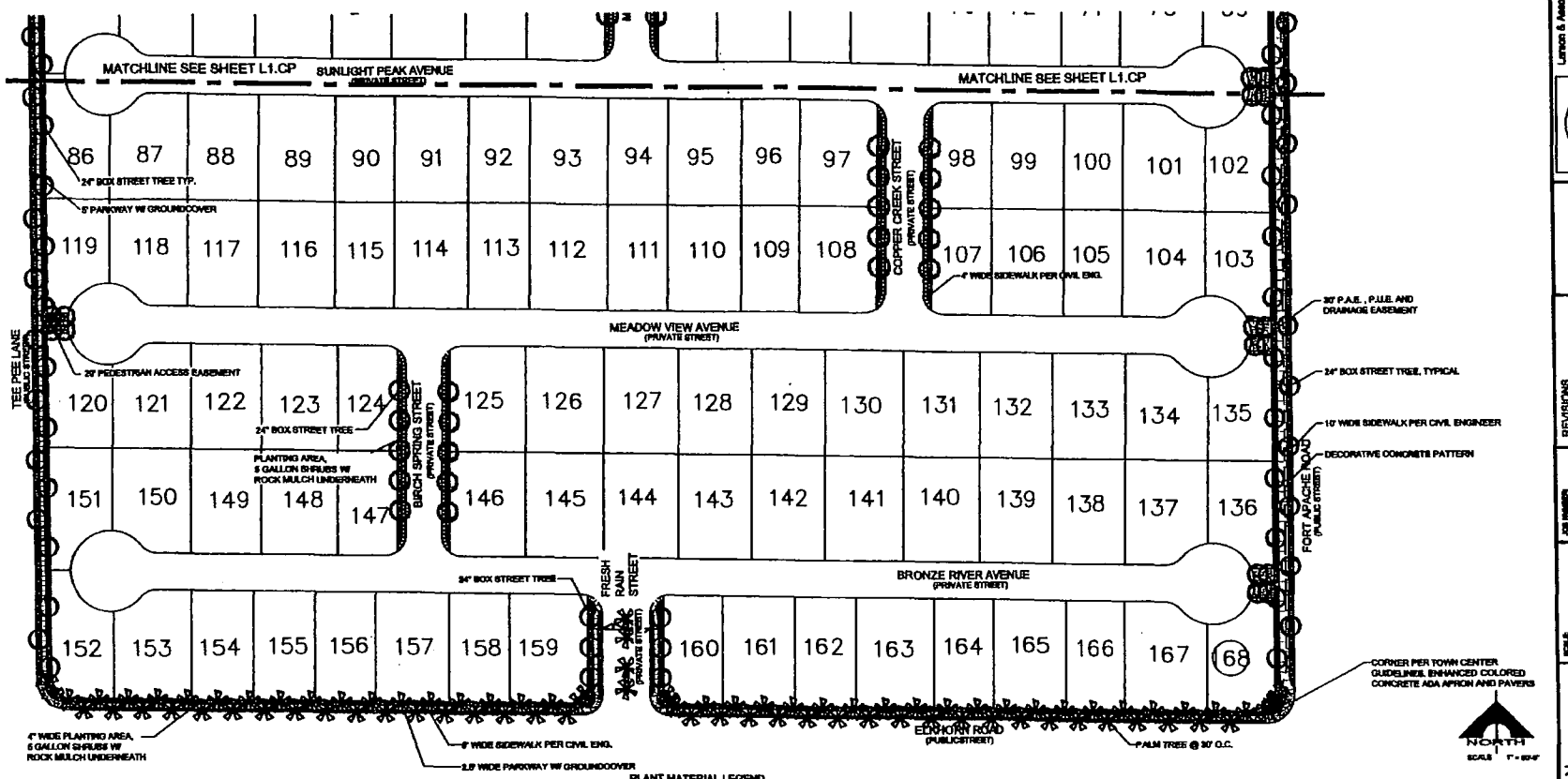
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TOWN CENTER
TC-60-75 #4
Project:
PARDEE HOMES
10880 WILSHIRE BLVD., SUITE #1600
LOS ANGELES, CA 90024 (310) 475-3525
Client:

Sheet No.
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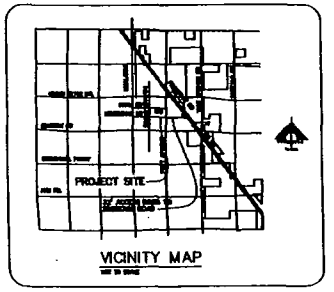
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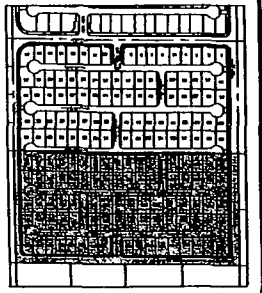
ZON-4208
VAR-4209
SUP-4210
SDR-4214
08-12-04 PC



PLANT MATERIAL LEGEND

BOTANICAL NAME	COMMON NAME	SIZE
STREET TREES		
PISTACIA CHINENSIS	CHINESE PISTACHE	24" BOX
QUERCUS ILEX	HOLLY OAK	36" BOX
ROBINIA AMBIGUA	PURPLE ROSE LOCUST	24" BOX
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COTONEASTER HORIZONTALIS	ROCK COTONEASTER	FLATS @ 18" o.c.
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VERBENA RIGIDA	VERBENA	FLATS @ 18" o.c.
SODDED LAWN	HYBRID TIFGREEN BERMUDA	





Lennon & Associates
Landscape Architecture

REVISIONS

STATE STAMP

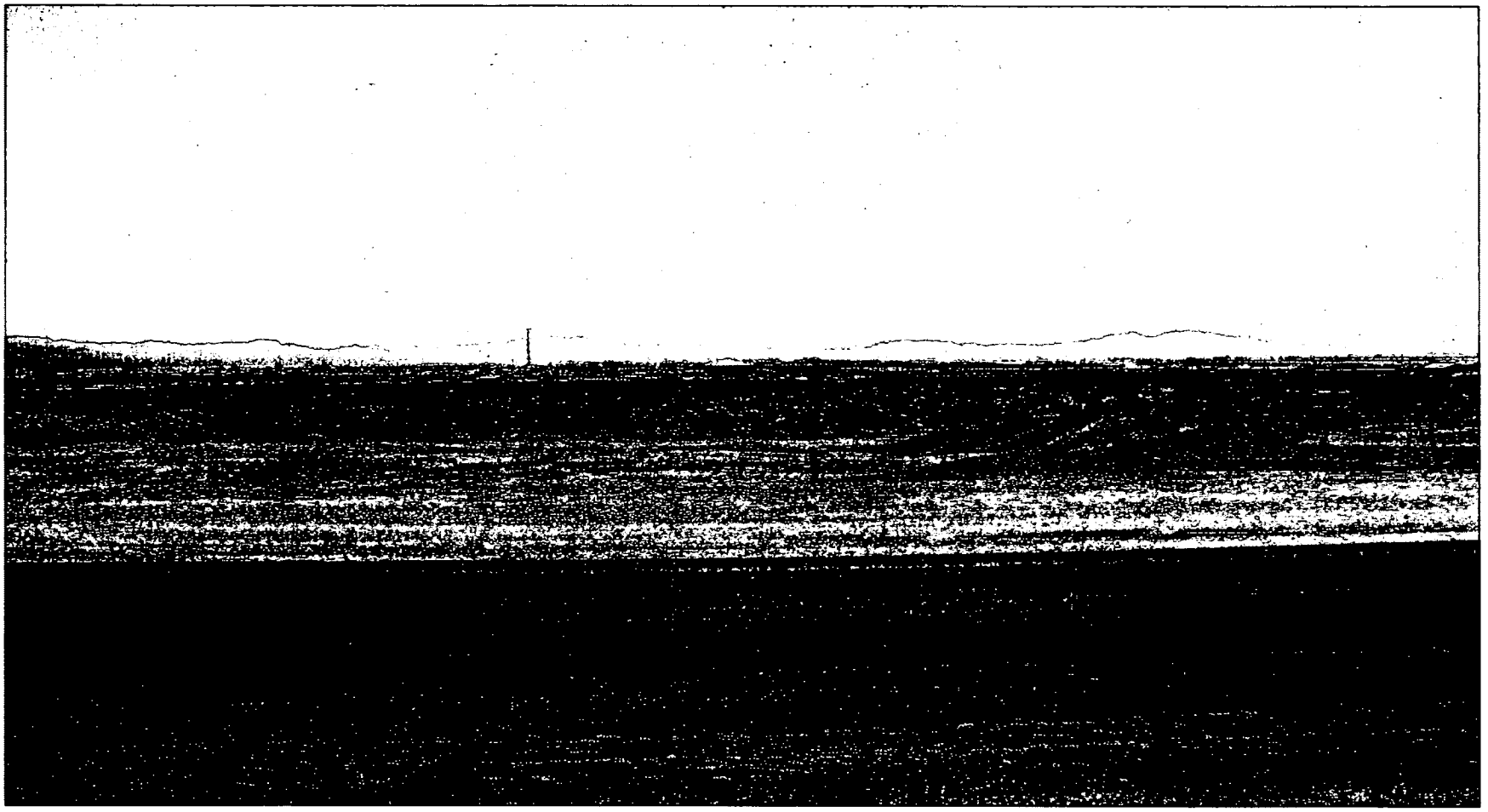
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Project: TOWN CENTER
TC-80-75 #4
Client: PARDEE HOMES
10990 WILSHIRE BLVD., SUITE #1900
LOS ANGELES, CA 90024 (310) 475-3825

Sheet No. L2.CP

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AUG 04 2004

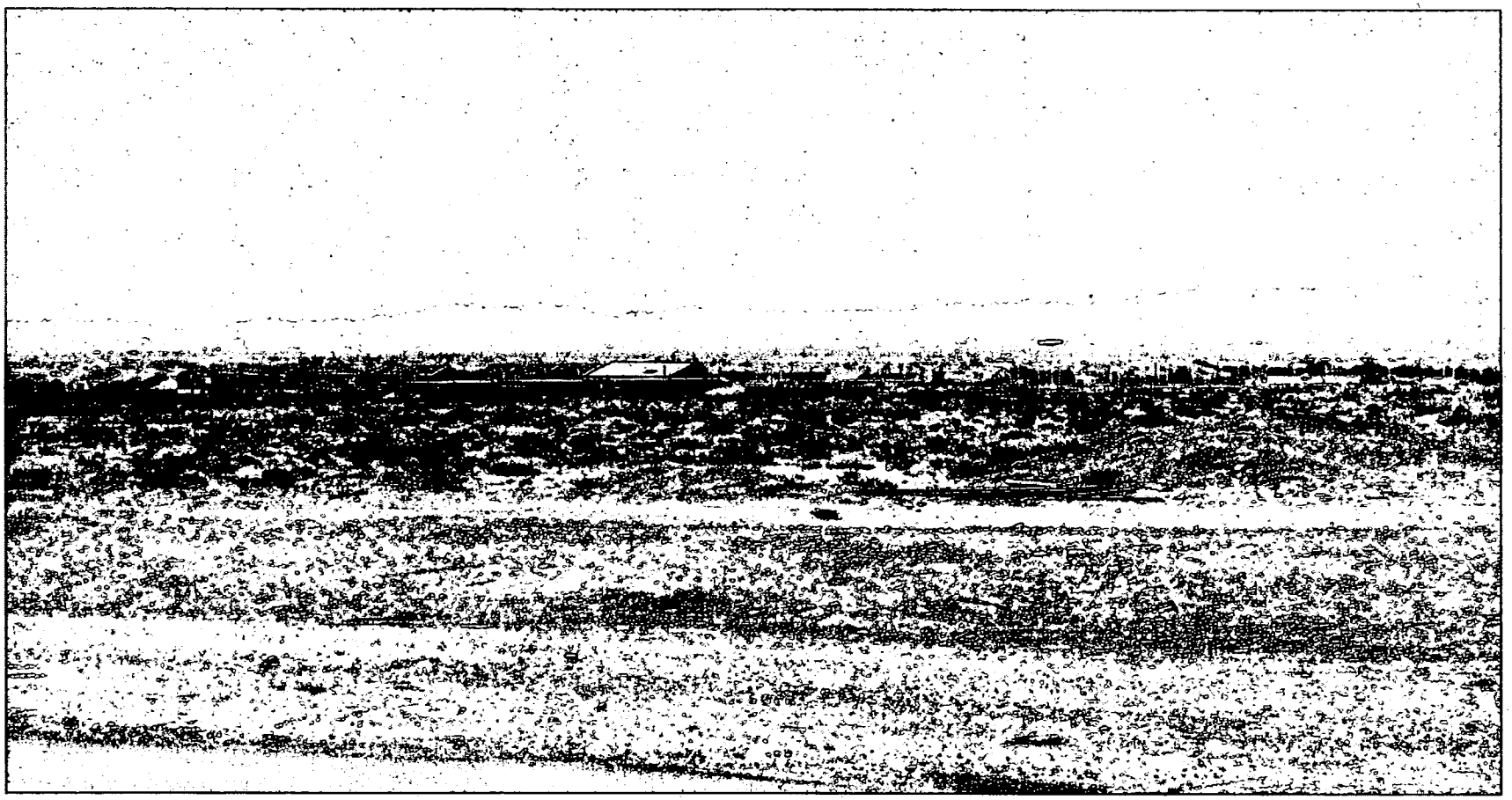
REVISED 8.4.04

ZON-4208
VAR-4209
SUP-4210
SDR-4214
08-12-04 PC



SDR-4214 - APPLICANT/OWNER: PARDEE HOMES OF NEVADA
SOUTHEAST CORNER OF NORTH TEE PEE LANE AND SEVERENCE LANE
AUGUST 12, 2004 PLANNING COMMISSION

05/17/04



SDR-4214 - APPLICANT/OWNER: PARDEE HOMES OF NEVADA
SOUTHEAST CORNER OF NORTH TEE PEE LANE AND SEVERENCE LANE
AUGUST 12, 2004 PLANNING COMMISSION

05/17/04

City of Las Vegas

Agenda Item No. 162

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: SEPTEMBER 15, 2004

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

SUBJECT:
REZONING - PUBLIC HEARING - **ZON-4699 - APPLICANT: INVESTORS REALTY GROUP - OWNERS: WEILAND TRUST B AND SAN GREGARIO, LIMITED LIABILITY COMPANY** - Request for a Rezoning FROM: U (UNDEVELOPED) [O (OFFICE) GENERAL PLAN DESIGNATION] TO: O (OFFICE) on 2.5 acres adjacent to the northwest corner of Cheyenne Avenue and Campbell Road (APN 138-08-401-009), Ward 4 (Brown). The Planning Commission (5-0 vote) and staff recommend APPROVAL

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

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

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

MOTION:
BROWN – APPROVED subject to conditions – UNANIMOUS with GOODMAN and MACK excused

MINUTES:
MAYOR PRO TEM REESE declared the Public Hearing open.

RICHARD TURNER appeared on behalf of the applicant and concurred with staff recommendations.

No one appeared in opposition.

MAYOR PRO TEM REESE declared the Public Hearing closed.

(5:28 – 5:30)

6-2705

CITY COUNCIL MEETING OF SEPTEMBER 25, 2004
Planning and Development Department
Item 162 – ZON-4699

CONDITIONS:

Planning and Development

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

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

Public Works

3. Dedicate 50 feet of right-of-way adjacent to this site for Cheyenne Avenue, 30 feet for Campbell Road, and a 25-foot radius at the northwest corner of Cheyenne Avenue and Campbell Road prior to the issuance of any permits.

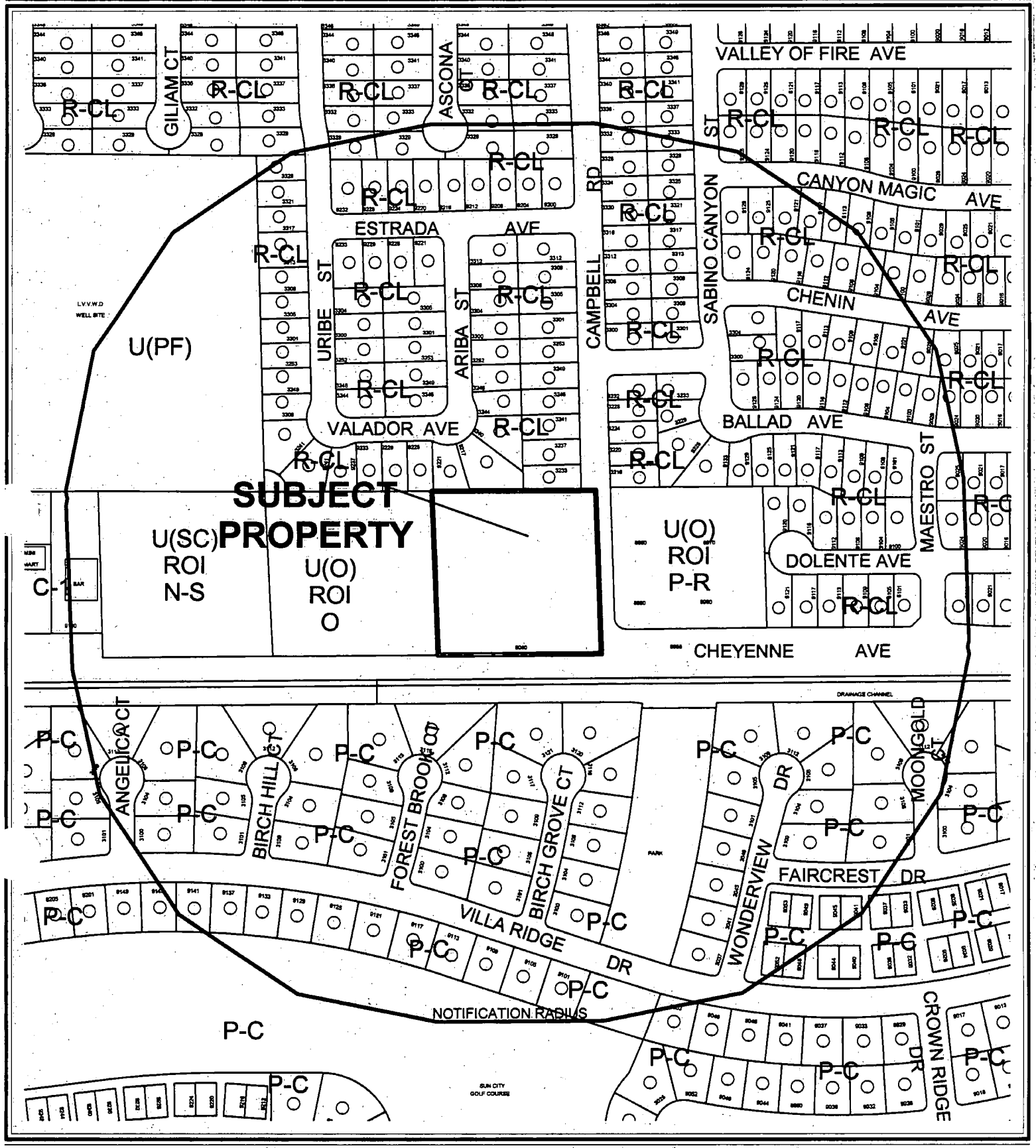
4. Construct all incomplete half-street improvements on Cheyenne Avenue, including appropriate transition paving if legally able, and on Campbell Road adjacent to this site concurrent with development of this site. All existing paving damaged or removed by this development shall be restored at its original location and to its original width concurrent with development of this site. Extend all required underground utilities, such as electrical, telephone, etc., located within public rights-of-way, past the western boundary of this site prior to construction of hard surfacing (asphalt or concrete).

5. Extend public sewer to the west edge 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.

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.

CONDITIONS – Continued:

7. The Applicant shall work with staff prior to submittal of a Site Development Plan Review to ensure that the final elevations of building pad(s) and parking lot are to the lowest height allowed by the Regional Flood Control District Manual and shall submit an exterior wall plan with the Site Development Plan Review showing existing and proposed grades, proposed wall heights and maximum retaining wall heights at the perimeters of the site.



0 200 400 Feet

CASE: **ZON-4699**

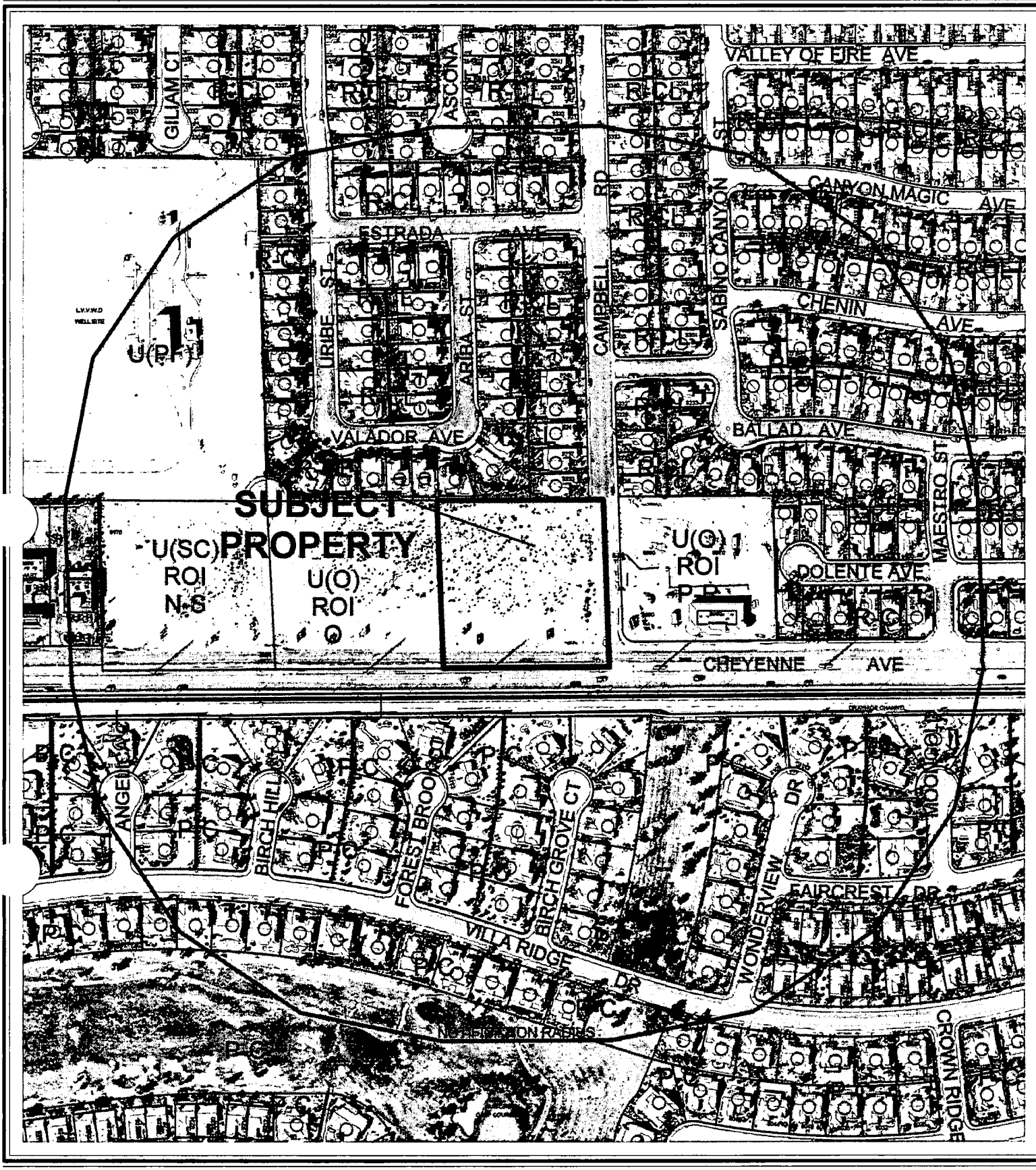
RADIUS: 750 FT

ZONING OF SUBJECT PROPERTY:
U (UNDEVELOPED) ZONE [O (OFFICE) GENERAL PLAN DESIGNATION]

PROPOSED ZONING OF SUBJECT PROPERTY:
O (OFFICE)

CC 162

N



0 200 400 Feet

CASE: **ZON-4699**

RADIUS: 750 FT

ZONING OF SUBJECT PROPERTY:
U (UNDEVELOPED) ZONE [O (OFFICE) GENERAL PLAN DESIGNATION]

PROPOSED ZONING OF SUBJECT PROPERTY:
O (OFFICE)

N

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: SEPTEMBER 15, 2004
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: ZON-4699 - APPLICANT: INVESTORS REALTY GROUP - OWNERS: WEILAND TRUST B AND SAN GREGARIO LIMITED LIABILITY COMPANY

** CONDITIONS **

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

Planning and Development

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

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

Public Works

3. Dedicate 50 feet of right-of-way adjacent to this site for Cheyenne Avenue, 30 feet for Campbell Road, and a 25-foot radius at the northwest corner of Cheyenne Avenue and Campbell Road prior to the issuance of any permits.

4. Construct all incomplete half-street improvements on Cheyenne Avenue, including appropriate transition paving if legally able, and on Campbell Road adjacent to this site concurrent with development of this site. All existing paving damaged or removed by this development shall be restored at its original location and to its original width concurrent with development of this site. Extend all required underground utilities, such as electrical, telephone, etc., located within public rights-of-way, past the western boundary of this site prior to construction of hard surfacing (asphalt or concrete).

5. Extend public sewer to the west edge 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.

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. The Applicant shall work with staff prior to submittal of a Site Development Plan Review to ensure that the final elevations of building pad(s) and parking lot are to the lowest height allowed by the Regional Flood Control District Manual and shall submit an exterior wall plan with the Site Development Plan Review showing existing and proposed grades, proposed wall heights and maximum retaining wall heights at the perimeters of the site.

** STAFF REPORT **

APPLICATION REQUEST

A) Action Requested

This is a request for Rezoning from U (Undeveloped) [O (Office) General Plan Designation] to O (Office) on 2.5 acres adjacent to the northwest corner of Cheyenne Avenue and Campbell Road.

B) Applicant's Justification

The applicant indicates in a letter submitted with the application that the request is to develop 2.5 acres of property for office use. This development would be in conjunction with a five-acre commercial subdivision consisting of professional offices with individual pads to be subject to future design review. The applicant states: "We feel that this zoning is compatible with the surrounding area as it is currently master planned as O."

BACKGROUND INFORMATION

A) Previous Actions

08/21/02 The City Council approved a General Plan Amendment (GPA-0011-02) to change the land use designation of the subject property to O (Office). The Planning Commission initiated the GPA and recommended approval of the change on 07/25/02. The staff had no recommendation.

08/12/04 The Planning Commission voted 5-0 to recommend APPROVAL (PC Agenda Item #53/dds).

B) Pre-Application Meeting

06/15/04 Details of the proposal were discussed with staff and included the following:

- Site reviews will be required for future development of the site.
- A Site Development Plan Review is recommended for the integrated sites to establish an overall landscaping plan.
- Dedication of 50 feet of right-of-way along Cheyenne Avenue will be required.
- A traffic study and flood study will be required.
- The vacation of Dapple Grey Road may be required in the future.
- Cross-sections of Campbell Road and Cheyenne Avenue are needed.

C) Neighborhood Meetings

No neighborhood meeting is required nor was one held.

DETAILS OF APPLICATION REQUEST

A) Site Area

Acres: 2.5 Acres

B) Existing Land Use

Subject Property:	Undeveloped
North:	Single Family Residential
South:	Single Family Residential
East:	Undeveloped
West:	Undeveloped

C) Planned Land Use

Subject Property	O (Office)
North	Medium-Low Density Residential
South	Medium-Low Density Residential
East	O (Office)
West	O (Office)

D) Existing Zoning

Subject Property	U (Undeveloped) [ML (Medium-Low Density Residential) General Plan Designation]
North	R-CL (Single Family Compact-Lot)
South	P-C (Planned Community)
East	U (Undeveloped) Zone under Resolution of Intent to P-R (Professional Office and Parking) Zone
West	U (Undeveloped) Zone under Resolution of Intent to O (Office) Zone

E) General Plan Compliance

The subject property is located in the Centennial Hills Sector of the General Plan. The property is presently classified in the O (Office) land use category that permits office and other limited commercial uses. The proposed O (Office) Zone is consistent with the General Plan designation.

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

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

F) General Analysis and Discussion

The Planning Commission initiated a General Plan Amendment (GPA-0011-02) to the Centennial Hills Sector Plan to consider changing the land use classification of four parcels between Fort Apache Road and Campbell Road, along the north side of Cheyenne Avenue. The application sought to change the designation of these four parcels, one of which includes the subject parcel, from ML (Medium Low Density Residential) to O (Office). The O (Office) designation was approved.

Cheyenne Avenue has become a major traffic carrier that is highly incompatible with residential development. The proposed rezoning will allow for the development of office uses that provide a suitable transition between Cheyenne Avenue and the existing residential development north of the site. The existing residential development can be protected from any negative externalities of office development by limiting its hours of operation, building heights, and signage and by the appropriate use of landscape buffers.

FINDINGS

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

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

   The proposed O (Office) Zone is a zoning district that is compatible with and permitted in the General Plan designation of O (Office).

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."**

   Office uses are proposed to the east and west of the subject property. Existing residential uses to the south are located across Cheyenne Avenue and behind a drainage channel and perimeter wall. Existing residential development to the north is potentially impacted by development on this property; however, by limiting the hours of operation, building heights, signage and by the appropriate use of landscape buffers, the impact from office development should be ameliorated.

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

   Cheyenne Avenue has become a major traffic carrier that is highly incompatible with residential development. The proposed rezoning will allow for the development of office uses that provide a suitable transition between Cheyenne Avenue and the existing residential development north of the site.

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

Cheyenne Avenue is a Primary (100-foot wide) Arterial Street, according to the Master Plan of Streets and Highways. However, access to the subject site will be from Campbell Road, a 60-foot wide local street that connects to Cheyenne Avenue. These streets provide adequate access to the property.

PLANNING COMMISSION ACTION

The Planning Commission added Public Works Condition #7 as shown.

NOTICES MAILED 229 by Planning Department

APPROVALS 0

PROTESTS 0

PLANNING & DEVELOPMENT

DEVELOPMENT SERVICES CENTER

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: ZON.4699 APN: 138-08-401-009

Name of Property Owner: San Gregario LLC

Name of Applicant: Investors Realty 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 __✓__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: MARK A. SCHNIPPER

Subscribed and sworn before me

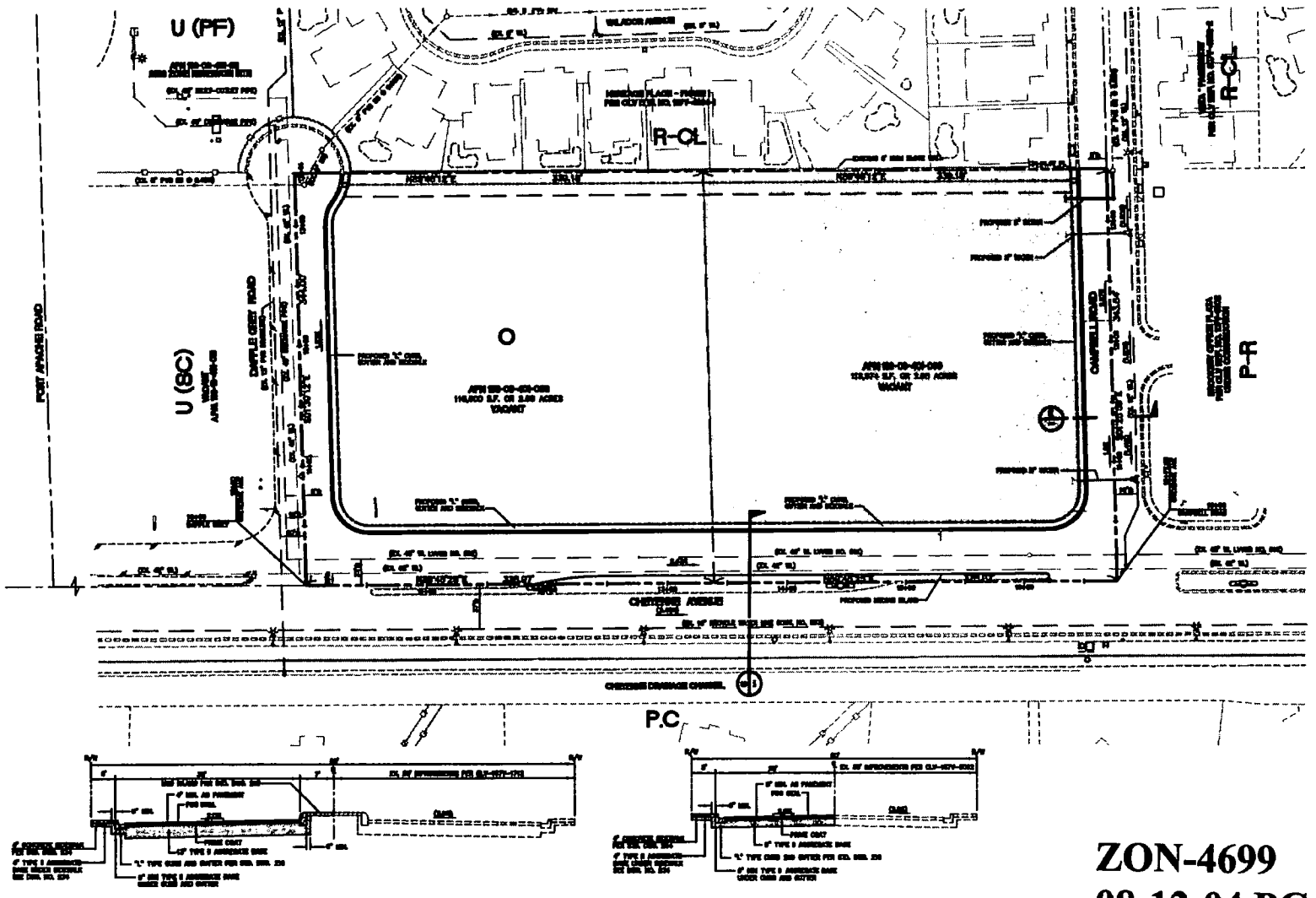
This 10th day of June, 2004

Gwenda L. Huebner

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

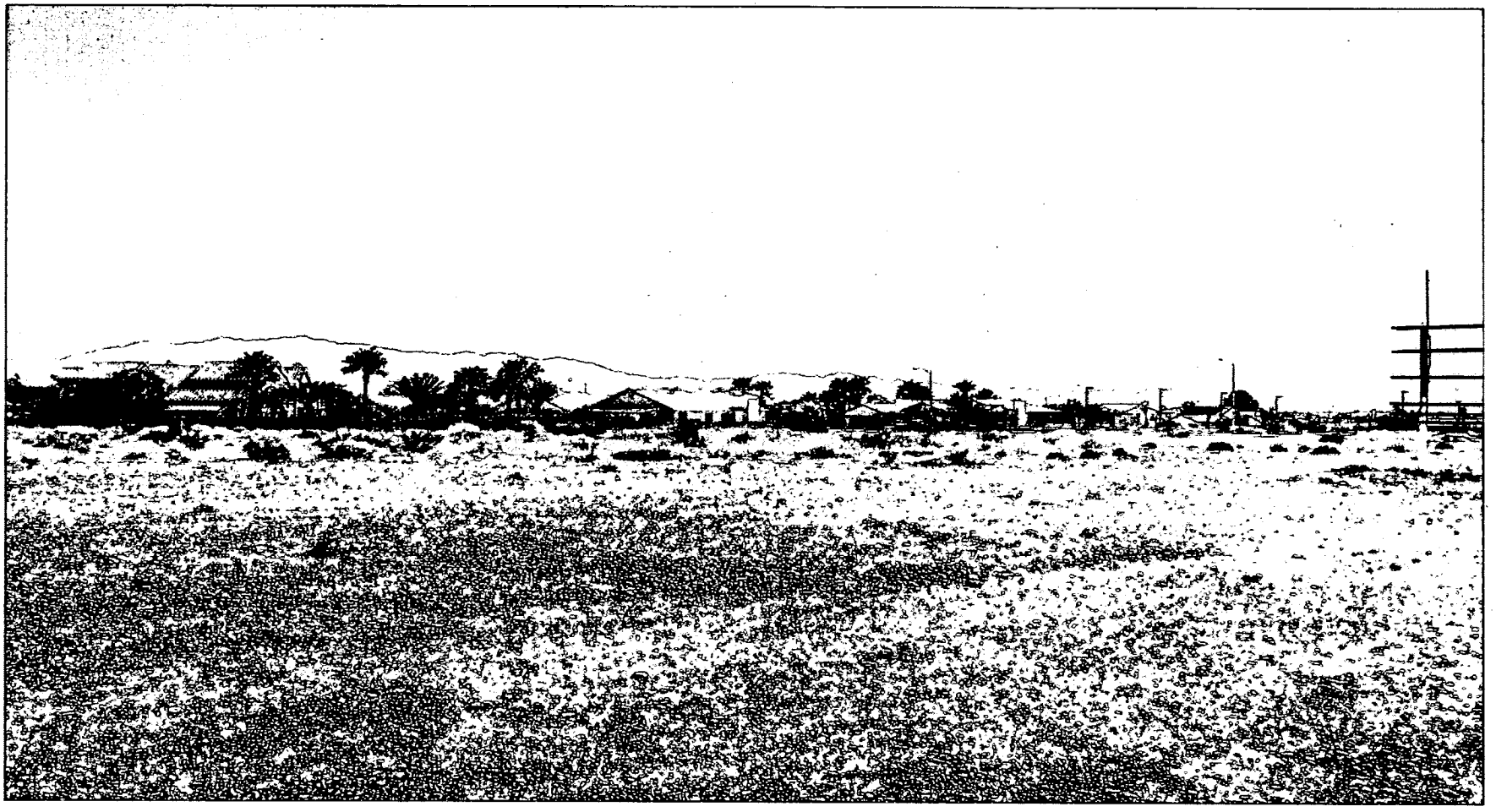
ZONING SITE PLAN
OF
CHEYENNE CAMPBELL
A COMMERCIAL SUBDIVISION



HALF STREET SECTION (100' R/W) (C)
NOT TO SCALE
CHEYENNE AVENUE STA: 10+00 THRU STA: 16+77.93

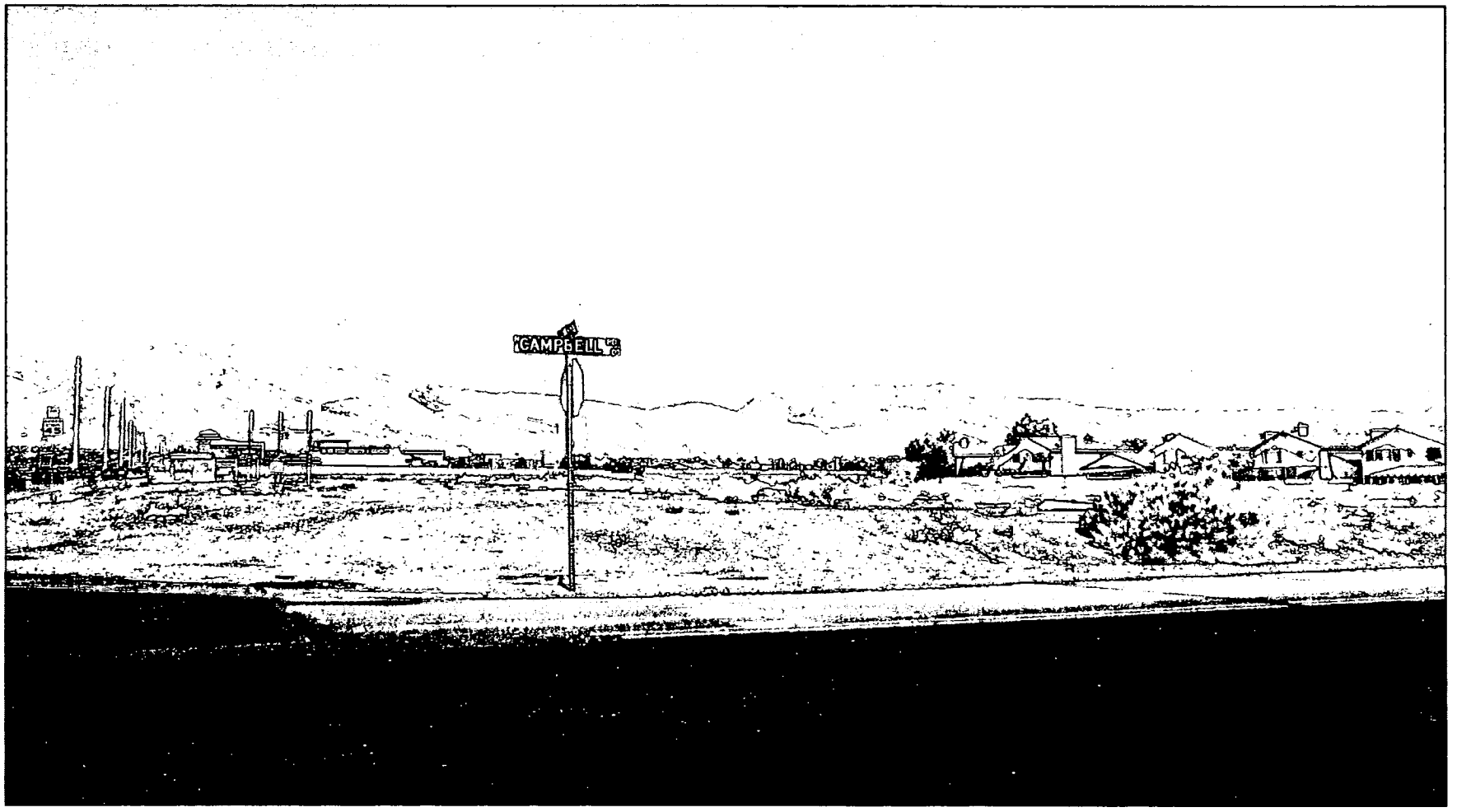
HALF STREET SECTION (80' R/W) (E)
NOT TO SCALE
CAMPBELL ROAD STA: 10+00 THRU STA: 13+44.67

ZON-4699
08-12-04 PC



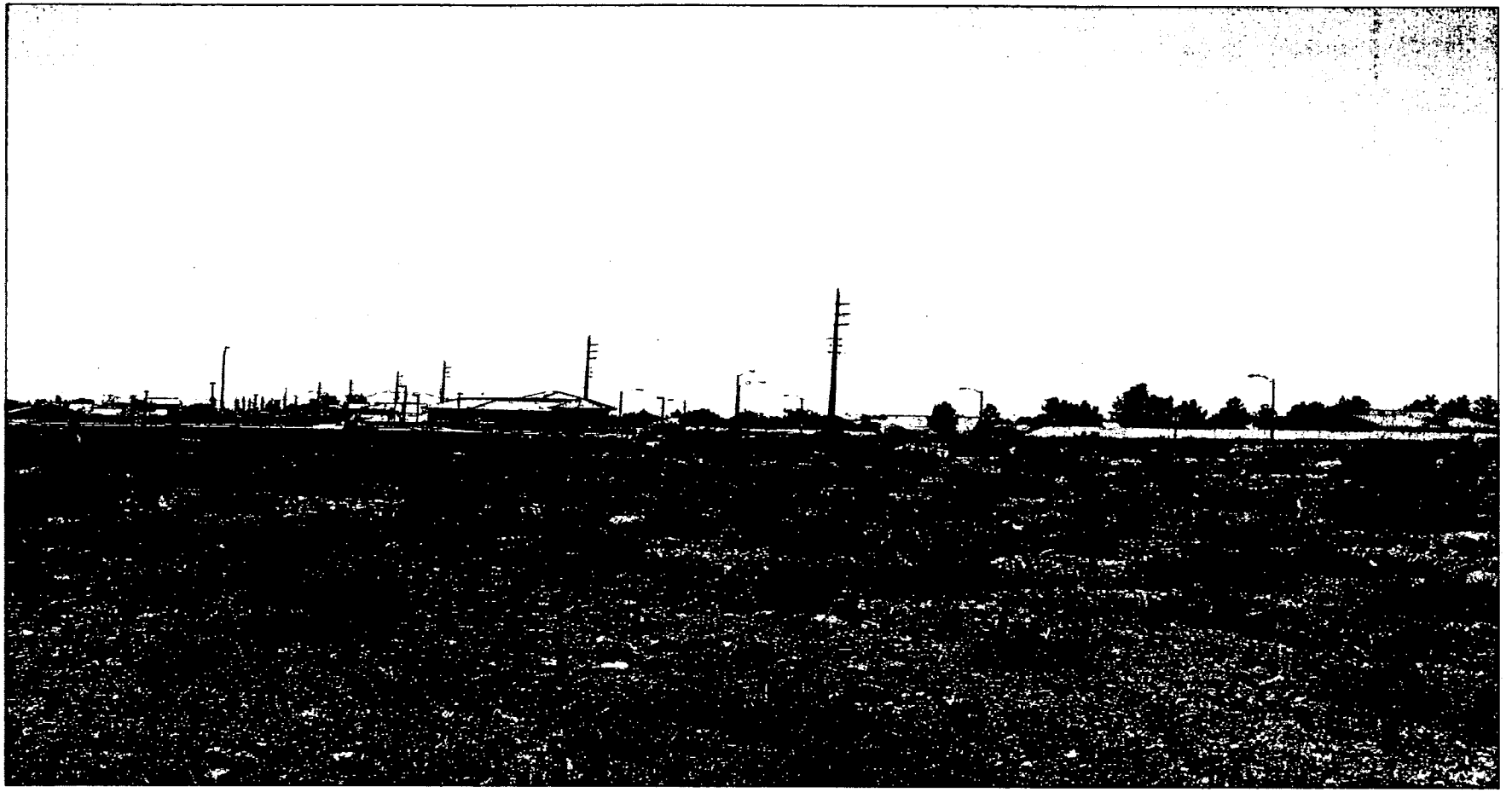
ZON-4699 - APPLICANT: INVESTORS REALTY GROUP - OWNERS: WEILAND TRUST B AND SAN GREGARIO, LIMITED LIABILITY COMPANY
NORTHWEST CORNER OF CHEYENNE AVENUE AND CAMPBELL ROAD
AUGUST 12, 2004 PLANNING COMMISSION

07/20/04



ZON-4699 - APPLICANT: INVESTORS REALTY GROUP - OWNERS: WEILAND TRUST B AND SAN GREGARIO, LIMITED LIABILITY COMPANY
NORTHWEST CORNER OF CHEYENNE AVENUE AND CAMPBELL ROAD
AUGUST 12, 2004 PLANNING COMMISSION

07/20/04



ZON-4699 - APPLICANT: INVESTORS REALTY GROUP - OWNERS: WEILAND TRUST B AND SAN GREGARIO, LIMITED LIABILITY COMPANY
NORTHWEST CORNER OF CHEYENNE AVENUE AND CAMPBELL ROAD
AUGUST 12, 2004 PLANNING COMMISSION

07/20/04



ZON-4699 - APPLICANT: INVESTORS REALTY GROUP - OWNERS: WEILAND TRUST B AND SAN GREGARIO, LIMITED LIABILITY COMPANY
NORTHWEST CORNER OF CHEYENNE AVENUE AND CAMPBELL ROAD
AUGUST 12, 2004 PLANNING COMMISSION

07/20/04



ZON-4699 - APPLICANT: INVESTORS REALTY GROUP - OWNERS: WEILAND TRUST B AND SAN GREGARIO, LIMITED LIABILITY COMPANY
NORTHWEST CORNER OF CHEYENNE AVENUE AND CAMPBELL ROAD
AUGUST 12, 2004 PLANNING COMMISSION

07/20/04

City of Las Vegas

Agenda Item No. 163

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: SEPTEMBER 15, 2004

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

SUBJECT:
REZONING - PUBLIC HEARING - **ZON-4746 - APPLICANT/OWNER: JACOB J. KIEFER** - Request for a Rezoning FROM: R-E (Residence Estates) TO: R-1 (Single-Family Residential) on 1.45 acres adjacent to the northeast corner of Elkhorn Road and Unicorn Street (APN 125-13-801-011), Ward 6 (Mack). The Planning Commission (5-0 vote) and staff recommend DENIAL

PROTESTS RECEIVED BEFORE:		APPROVALS RECEIVED BEFORE:	
Planning Commission Mtg.	5	Planning Commission Mtg.	0
City Council Meeting		City Council Meeting	

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

BACKUP DOCUMENTATION:
1. Location Map
2. Conditions For This Application
3. Staff Report
4. Protest petition with 48 signatures
5. Protest petition with 44 signatures
6. Submitted after final agenda – Protest petition with 88 signatures
7. Submitted after final agenda – Protest petition with 18 signature

MOTION:
MACK – APPROVED subject to amended conditions

2. The maximum density allowed on this site shall be *2.07* residential units per gross acre.

3. Construct half-street improvements on Elkhorn Road and *rural improvements* on Unicorn Street, including appropriate transitional paving, 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. Install all appurtenant underground facilities, if any, adjacent to this site needed for the future traffic signal system concurrent with development of this site. Extend all required underground utilities, such as electrical, telephone, etc., located within public rights-of-way, past the north and west boundaries of this site as necessary, prior to construction of hard surfacing (asphalt or concrete).

And the following added condition as read for the record:

- ***The approval is pursuant to the submitted site plan date stamped 8/27/04.***

– UNANIMOUS with MAYOR GOODMAN excused

CITY COUNCIL MEETING OF SEPTEMBER 15, 2004
Planning and Development Department
Item 163 – ZON-4746

MINUTES:
MAYOR PRO TEM REESE declared the Public Hearing open.

JAKE KIEFER, 4429 Lawrence Street, North Las Vegas, appeared on behalf of the applicant and displayed a drawing to help validate the rezoning request. He indicated that the lots to the east are zoned R-PD5 and south is R-1 with five units per acre. On the west and north are R-E lots, which are surrounded by higher density zoning due to the ML-8. After the Planning Commission meeting on August 12, 2004, he met with LENI SKAAR, City Council Liaison, and discussed the issues that arose from the first site plan that was sumbmitted. The main issue was that on Unicorn Street two lots were facing Unicorn Street, which was not consistent with what is currently there. They changed the plan to have only one lot facing Unicorn Street and the other two lots facing Elkhorn Road.

MR. KIEFER confirmed they will have only single story homes so as not to impose on the existing R-E and will keep R-E setbacks on the side setbacks. He pointed out that Elkhorn Road is a 100-foot right-of-way primary thoroughfare and will be one of few roads that will go from Aliante to I-95. This supports the fact that the zoning next to Elkhorn Road is justified. He met with neighbors to address their concerns, which were mainly not to change their lifestyle. The proposed project will not impact the residents' lifestyle, but will create a buffer between Elkhorn Road and what currently exists.

MILDRED POPE, 7224 Unicorn Street, verified that a protest petition was submitted. She objects to the rezoning because only one lot will remain R-E for people who have horses. They have spent over 12 years developing their own properties and do not want to have their lifestyle altered. They want to pass down this lifestyle to their children, which would help keep them from turning to bad habits.

ROSHA KASRAVI, 7208 Unicorn Street, appeared in opposition of the rezoning and presented a booklet to demonstrate the current activity in the area. She listed problems they want to avoid. They want to retain the area R-E, single-story homes and keep the trail out in front. BRIAN HINES, aka DANNY LANE, 7208 Unicorn Street, also expressed his opposition and asked that people have the right to maintain their properties with horses.

BOBBI SCOTT, 4950 Elkhorn Road, stated she moved into this area so that she could have horses on her property. She rides horses with many kids, and feels that this amenity keeps the kids involved and not into drugs. This project will take away any opportunity to afford horse property. SUKI MAX MINTUN rides her horse in the area and asked that it be kept rural. She asked that the one-story homes be built without attics or gabled roofs.

CITY COUNCIL MEETING OF SEPTEMBER 15, 2004
Planning and Development Department
Item 163 – ZON-4746

MINUTES – Continued:

MR. KIEFER stated they do not oppose horses. COUNCILMAN MACK requested that a disclosure be included in the purchase agreement that the homes are adjacent to horse properties. MR. KIEFER agreed and reiterated that their attempt is not to change the lifestyle but to reach a compromise. He explained that the one-story homes would have an attic.

COUNCILMAN MACK commented on the difficulty of fulfilling the demand of growth specifically in the northwest. The City Council has done a great job with smart growth, but when property values increase, it forces many of the rural properties out. This cannot be controlled, but the neighbors are protected with buffering. He noted that Elkhorn Road will become a busy road and it will be difficult to retain the rural designation. He thanked the applicant for reducing the numbers of units from four to three units per acre. MR. KIEFER indicated that the homes will be approximately 2,500 square feet with a price range of $400,000.

COUNCILMAN MACK commented that there is a height requirement for single story homes. He reiterated that there will be a disclosure in the agreement about adjacent properties having horses. He amended Condition 2 to state that the maximum density allowed on this site shall be 2.07 residential units per gross acre. He asked Public Works to work with the applicant on rural street standards for Unicorn Street. BART ANDERSON, Public Works Department, recommended that Condition 3 be amended to insert the words "rural improvements" in the first line. He would take the Councilman's direction and expand on that with a Tentative Map to identify exactly what those rural improvements will be.

COUNCILMAN MACK asked MR. ANDERSON to explain the rural standard improvements. He explained by using the difference between rural and urban standards. He requested that the applicant give the City the streetlights for possible future installation. MR. ANDERSON also indicated that the plans shows homes that will access Elkhorn Road, which is a 100-foot right-of-way requiring either a circular driveway or a driveway with sufficient turn around. The site plan does accommodate that, thus complying with Public Works' requirement.

MARGO WHEELER, Deputy Planning and Development Director, added a condition that the approval is pursuant to the submitted site plan date stamped 8/27/04. MR. KIEFER agreed with the added and amended conditions.

MAYOR PRO TEM REESE declared the Public Hearing closed.

(4:55 – 5:16)

CITY COUNCIL MEETING OF SEPTEMBER 15, 2004
Planning and Development Department
Item 163 – ZON-4746

CONDITIONS:

Planning and Development

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

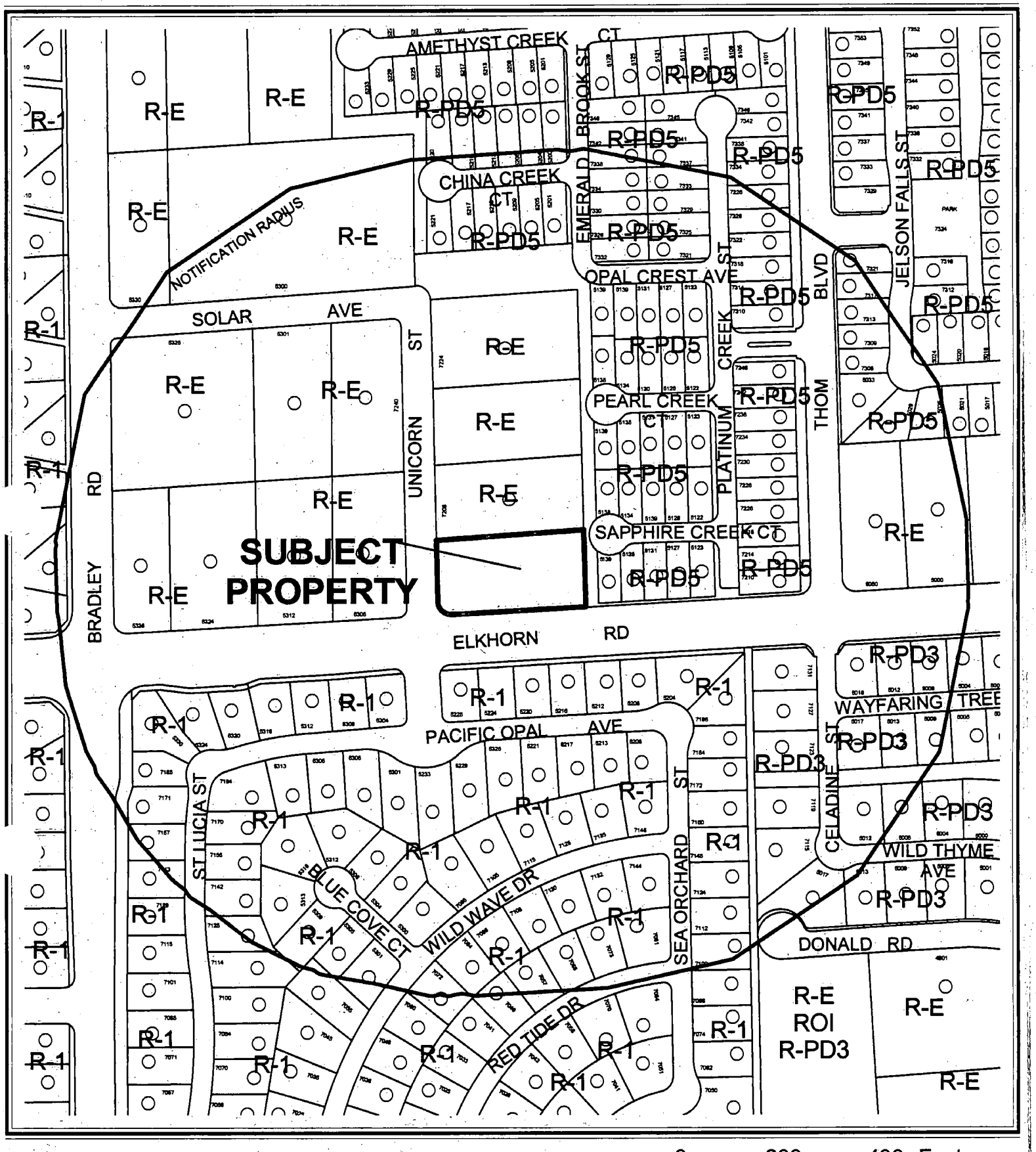
2. The maximum density allowed on this site shall be 2.76 residential units per gross acre.

Public Works

3. Construct half-street improvements on Elkhorn Road and on Unicorn Street, including appropriate transitional paving, 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. Install all appurtenant underground facilities, if any, adjacent to this site needed for the future traffic signal system concurrent with development of this site. Extend all required underground utilities, such as electrical, telephone, etc., located within public rights-of-way, past the north and west boundaries of this site as necessary, prior to construction of hard surfacing (asphalt or concrete).

4. Extend public sewer in Unicorn Street to the north edge of this site, to a location, depth and alignment acceptable to the City Engineer concurrent with development of this site. Provide public sewer easements for all public sewers not located within existing public street right-of-way prior to the issuance of any permits. 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.

5. Meet with the Flood Control Section of the Department of Public Works for assistance with establishing finished floor elevations and 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.



0 200 400 Feet

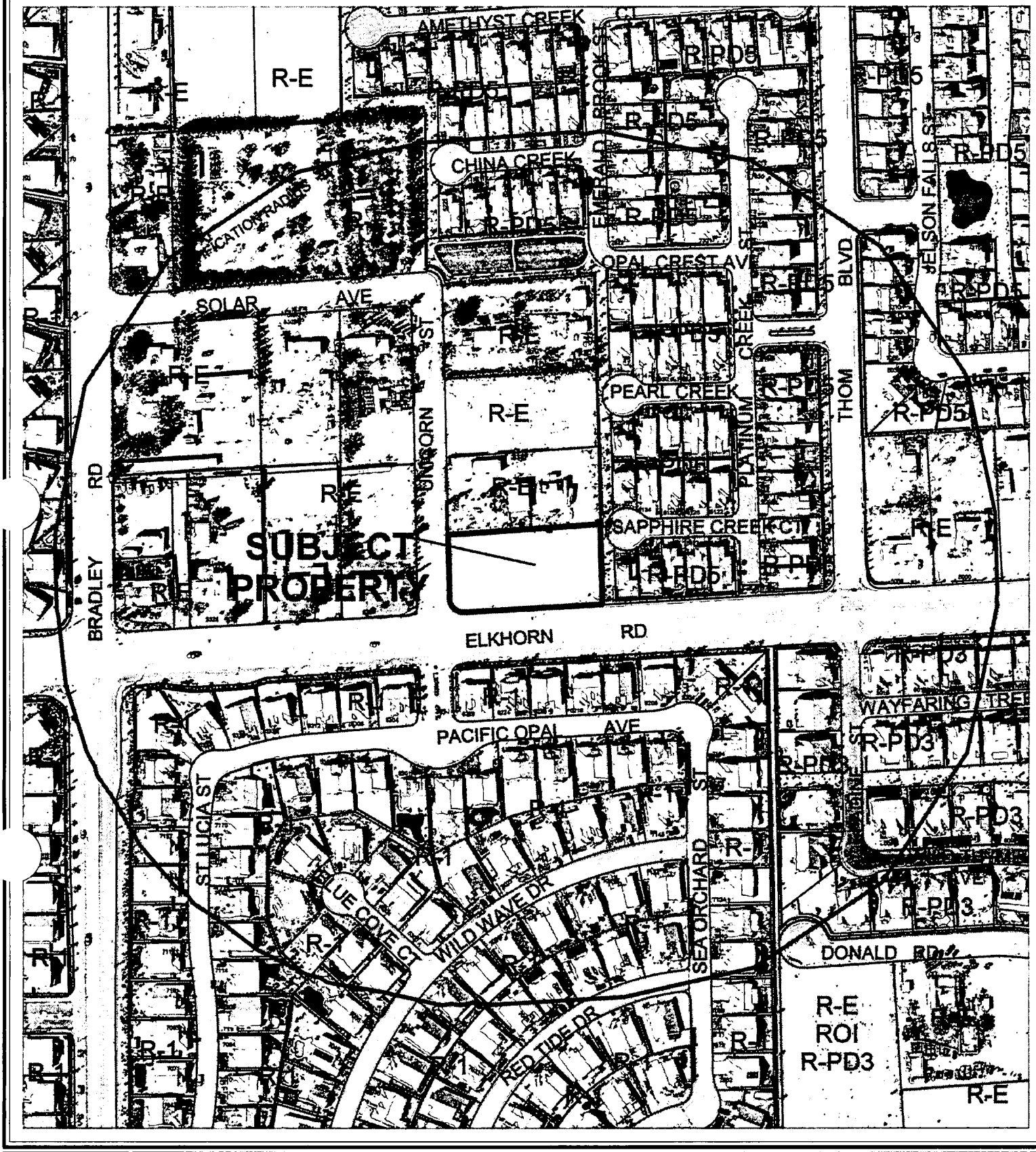
CASE: **ZON-4746**

RADIUS: 750 FT

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

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

N



0 200 400 Feet

CASE: **ZON-4746**

RADIUS: 750 FT

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

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

N

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: SEPTEMBER 15, 2004
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: ZON-4746 - APPLICANT/OWNER: JACOB J. KIEFER

** CONDITIONS **

The Planning Commission (5-0 vote) and staff recommend DENIAL. If Approved, subject to:

Planning and Development

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

2. The maximum density allowed on this site shall be 2.76 residential units per gross acre.

Public Works

3. Construct half-street improvements on Elkhorn Road and on Unicorn Street, including appropriate transitional paving, 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. Install all appurtenant underground facilities, if any, adjacent to this site needed for the future traffic signal system concurrent with development of this site. Extend all required underground utilities, such as electrical, telephone, etc., located within public rights-of-way, past the north and west boundaries of this site as necessary, prior to construction of hard surfacing (asphalt or concrete).

4. Extend public sewer in Unicorn Street to the north edge of this site, to a location, depth and alignment acceptable to the City Engineer concurrent with development of this site. Provide public sewer easements for all public sewers not located within existing public street right-of-way prior to the issuance of any permits. 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.

5. Meet with the Flood Control Section of the Department of Public Works for assistance with establishing finished floor elevations and 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.

** STAFF REPORT **

APPLICATION REQUEST

A) Action Requested

This is a request for a Rezoning from R-E (Residence Estates) to R-1 (Single-Family Residential) on 1.45 acres adjacent to the northeast corner of Elkhorn Road and Unicorn Street.

B) Applicant's Justification

According to the applicant's justification letter, the proposed R-1 zoning is compatible with the General Plan and is well below the maximum allowable density for the ML (Medium-Low Density Residential) land use category. The proposed four-lot single-family residential development would be at or below the density of residential properties to the south and east, which are zoned R-1 and R-PD5. Unicorn Street serves as a buffer between the proposed development and existing R-E-zoned property to the west. The Rezoning would not significantly impact traffic flows along Elkhorn Road. The development will comply with City codes and standards.

BACKGROUND INFORMATION

A) Previous Actions

There have been no recent zoning actions on the subject site. Other action actions in the vicinity include:

03/22/99 The City Council approved a Rezoning (Z-0004-99) from R-E (Residence Estates) to R-PD6 (Residential Planned Development – 6 Units per Acre) on 20.4 acres adjacent to the northwest corner of Elkhorn Road and Thom Boulevard. In its approval the City Council amended the request to R-PD5 (Residential Planned Development – 5 Units per Acre), with a maximum density of 5.49 units per acre. The Planning Commission recommended denial. Staff recommended approval, subject to amendment of the request to R-PD5.

05/24/99 The City Council approved a Site Development Plan Review [Z-0004-99(1)] for a proposed 112-lot single-family residential development adjacent to the northwest corner of Elkhorn Road and Thom Boulevard. This was a direct-to-Council item. Staff recommended approval.

05/03/00 The City Council approved an Extension of Time [Z-0004-99(2)] on the approved Rezoning to R-PD5 (Residential Planned Development – 5 Units per Acre) adjacent to the northwest corner of Elkhorn Road and Thom Boulevard. The Planning Commission and staff recommended approval.

06/07/00 The City Council approved a Rezoning (Z-0016-00) from R-E (Residence Estates) to R-1 (Single-Family Residential) on 40 acres adjacent to the southeast corner of Elkhorn Road and Bradley Road. A condition of approval limited the proposed single-family residential development to a maximum density of 3.45 units per acre. The Planning Commission and staff recommended approval, subject to limitation of the density to no more than 3.41 units per acre.

12/06/00 The City Council approved a Second Extension of Time [Z-0004-99(3)] on the approved Rezoning to R-PD5 (Residential Planned Development – 5 Units per Acre) adjacent to the northwest corner of Elkhorn Road and Thom Boulevard. The Planning Commission and staff recommended approval.

08/12/04 The Planning Commission voted 5-0 to recommend DENIAL (PC Agenda Item #54/ss).

B) Pre-Application Meeting

06/16/04 Staff and the applicant discussed the compatibility of the rezoning and the proposed project with the General Plan and with the surrounding area. The possibility of including a private drive within the proposed development was also discussed. Staff provided information to the applicant regarding residential development standards and subdivision standards.

DETAILS OF APPLICATION REQUEST

A) Site Area

Gross Acres:	1.45
Net Acres:	1.01

B) Existing Land Use

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

C) Planned Land Use

Subject Property:	ML (Medium-Low Density Residential)
North:	ML (Medium-Low Density Residential)
South:	ML (Medium-Low Density Residential)
East:	ML (Medium-Low Density Residential)
West:	ML (Medium-Low Density Residential)

D) Existing Zoning

Subject Property: R-E (Residence Estates)
North: R-E (Residence Estates)
South: R-1 (Single-Family Residential)
East: R-PD5 (Residential Planned Development – 5 Units per Acre)
West: R-E (Residence Estates)

E) General Plan Compliance

The subject site is designated ML (Medium-Low Density Residential) on the Centennial Hills Interlocal Land Use Map of the General Plan. This category allows a range of residential types having a maximum density of eight units per acre. The proposed Rezoning to R-1 (Single-Family Residential) would result in lots having a density of approximately 2.76 units per acre. The proposal therefore conforms to the General Plan.

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

No special districts, zones, trails, or studies affect the subject property.

ANALYSIS

A) Zoning Code Compliance

A1) Development Standards

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

Standards	Required R-1	Provided	Compliance
Min. Lot Size	6,500 SF	7,026 SF	Y
Min. Lot Width	65 Feet	75 Feet	Y
Min. Setbacks			
• Front	20 Feet	20 Feet	Y
• Side	5 Feet	10 Feet	Y
• Corner	15 Feet	15 Feet	Y
• Rear	15 Feet	30 Feet	Y
Max. Lot Coverage	50 %	~ 43 %	Y
Max. Building Height	2 Stories / 35 Feet	1 Story	Y

The single-family development proposed for the subject site meets all required residential development standards for the R-1 (Single-Family Residential) zoning district. Pursuant to Title 19.12, landscaping is not required for developments of fewer than five lots.

B) General Analysis and Discussion

The proposed rezoning is to allow a proposed four-lot single-family residential development situated at the northeast corner of Elkhorn Road and Unicorn Street. The proposed overall density of 2.76 dwelling units per acre falls within the density range of the ML (Medium-Low Density Residential) General Plan Designation, which blankets the area between Bradley Road and Decatur Boulevard. The average size of lots in the development is approximately 11,000 square feet. Access to these lots would be via driveways from Elkhorn Road, designated as a 100-foot Primary Arterial on the Master Plan of Streets and Highways; and Unicorn Street, a 60-foot wide right-of-way. Title 19 does not require perimeter landscaping on developments consisting of fewer than five lots. All residential development standards pertaining to the R-1 (Single-Family Residential) zoning district have been met. Increased setbacks allow for buffering between the proposed lots and the adjacent R-E (Residence Estates) zoned parcel to the north.

Although the development proposed in conjunction with the requested rezoning conforms to the ML (Medium-Low Density Residential) General Plan designation, which permits densities of up to eight units per acre, the applicant is not entitled to rezone to the maximum density without regard for the compatibility of the development with surrounding properties. The area to the west and east of Unicorn Street zoned R-E (Residence Estates) consists primarily of rural-density residential uses on lots one acre or larger in size, many with facilities for horses. If approved, the resultant subdivision could result in the adjacent R-E (Residence Estates) parcel sharing a side property line with three R-1 (Single-Family Residential) lots. Subsequently, the recommendation for the requested rezoning is for denial. If approved, the proposed density should serve as the upper density limit within the zoning district.

FINDINGS

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

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

   The proposed Rezoning to R-1 (Single-Family Residential) is compatible with the ML (Medium-Low Residential Density) land use category of the General Plan, which allows residential densities up to eight units per acre. The proposal would develop at a density of 2.76 units per acre.

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."**

At 2.76 dwelling units per acre, the density of the residential uses proposed for the subject site is greater than the density of adjacent parcels zoned R-E (Residence Estates) to the north and west. The area to the west and east of Unicorn Street consists primarily of ultra low-density residential uses on lots one acre or larger in size, many with facilities for horses. The proposed site is of comparable density to residential developments to the east and south zoned R-PD5 (Residential Planned Development – 5 Units per Acre) and R-1 (Single-Family Residential), respectively.

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

   At its proposed size and density, the requested rezoning is inappropriate for the area. Consolidation of properties to the north with the proposed site could improve compatibility if a planned unit development is proposed.

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 existing street system is partially developed around the subject site, and will have adequate capacity to accommodate traffic generated by the proposed development of this site with the implementation of conditions regarding half-street improvements.

PLANNING COMMISSION ACTION

There were 5 speakers protesting this application at the Planning Commission hearing.

NOTICES MAILED 182 by Planning Department

APPROVALS 0

PROTESTS 5

PLANNING & DEVELOPMENT

DEVELOPMENT SERVICES CENTER

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: ZON-4746 APN: 125-13-801-011

Name of Property Owner: JAKE KIEFER

Name of Applicant: JAKE KIEFER

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

_____ Yes ✓ No

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

City Official: _____

Partner(s): _____ _____

APN: _____

Signature of Property Owner/Authorized Agent: [signature]

Print Name: JAKE KIEFER

Subscribed and sworn before me

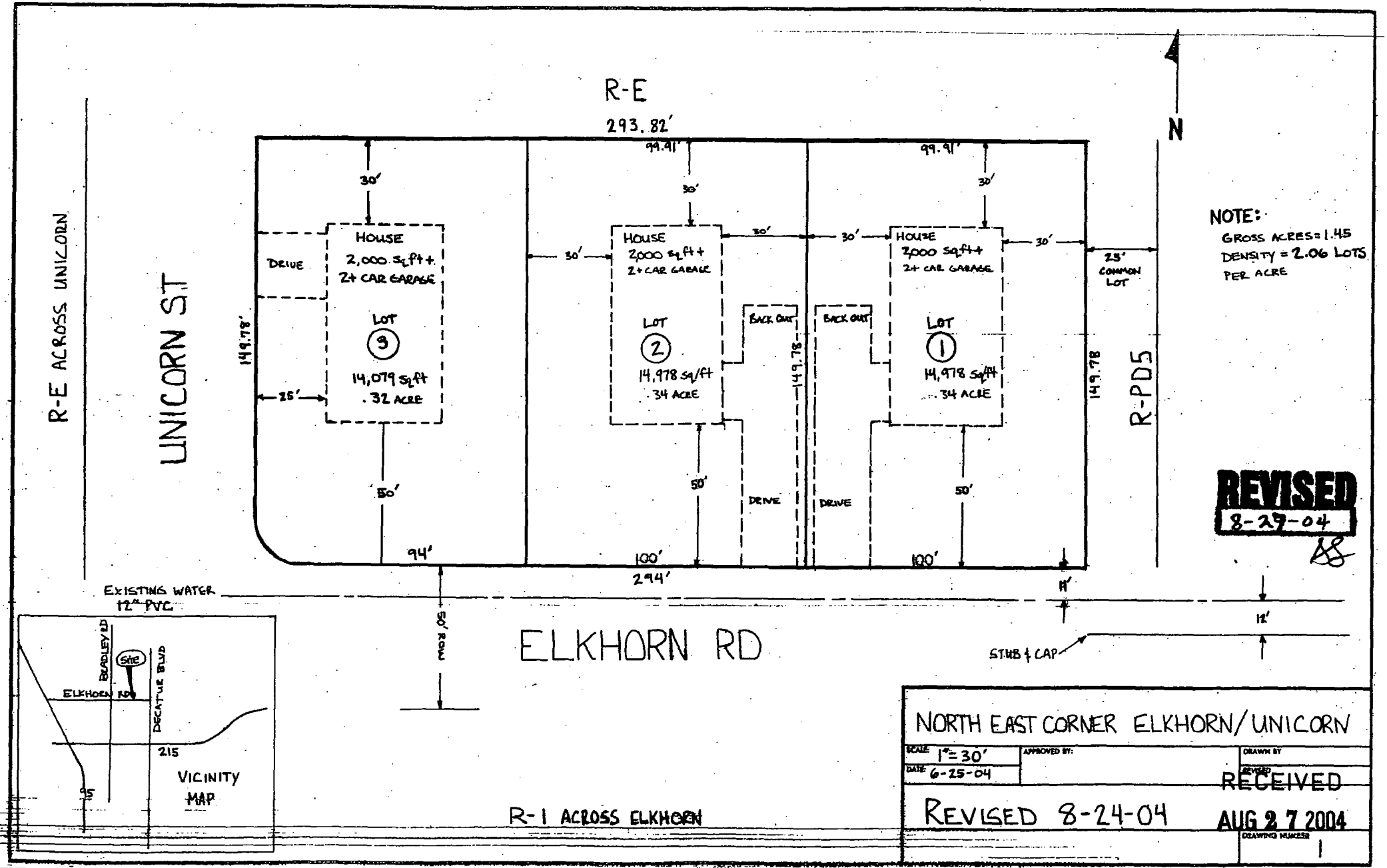
This 28 day of June, 2004

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

DOROTHY LEAVER IVIE
Notary Public State of Nevada
No. 97-1624-1
My appt. exp. Apr. 18, 2005

ZON-4746

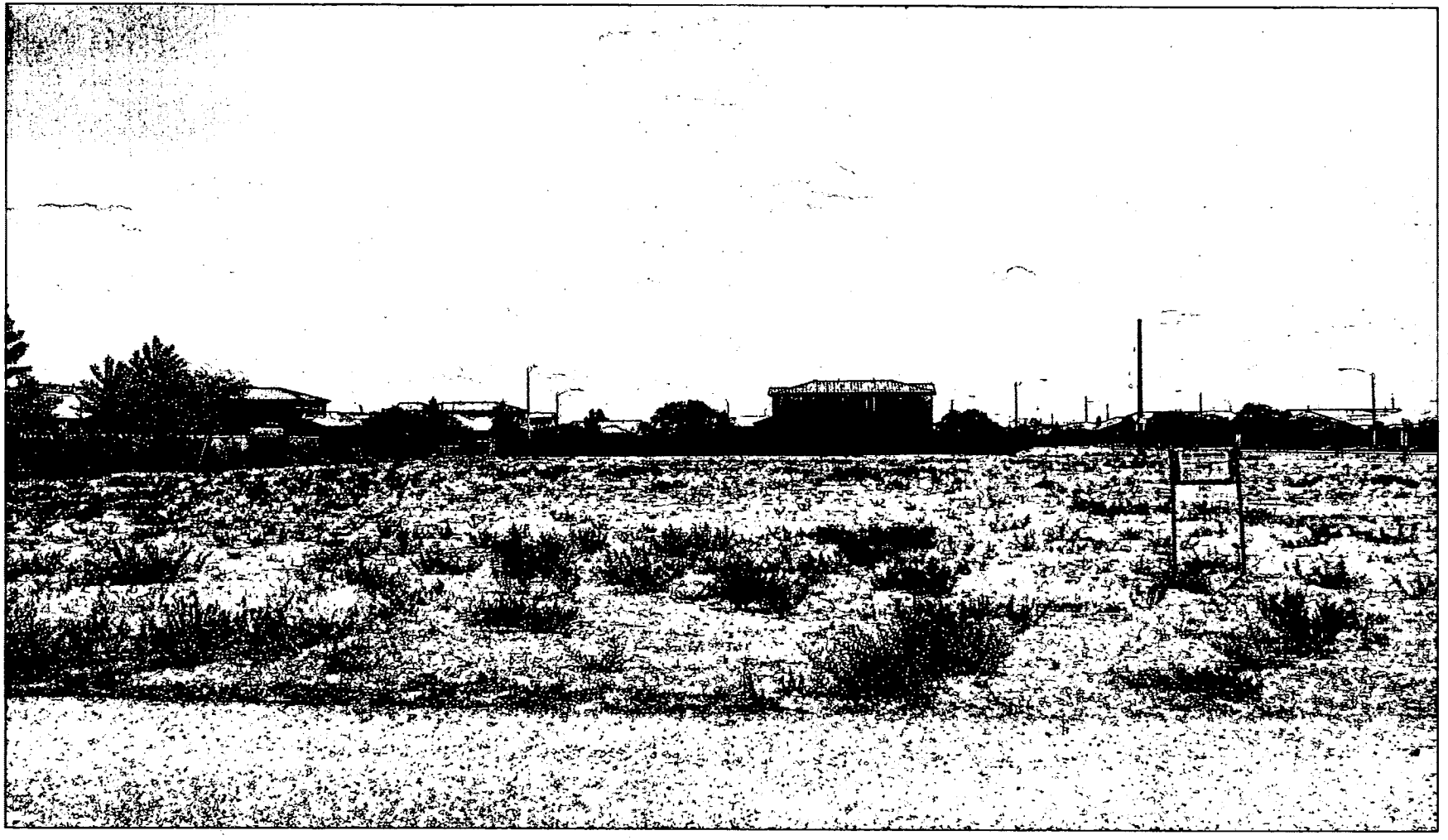
9-15-04 CC REVISED



NORTH EAST CORNER ELKHORN/UNICORN

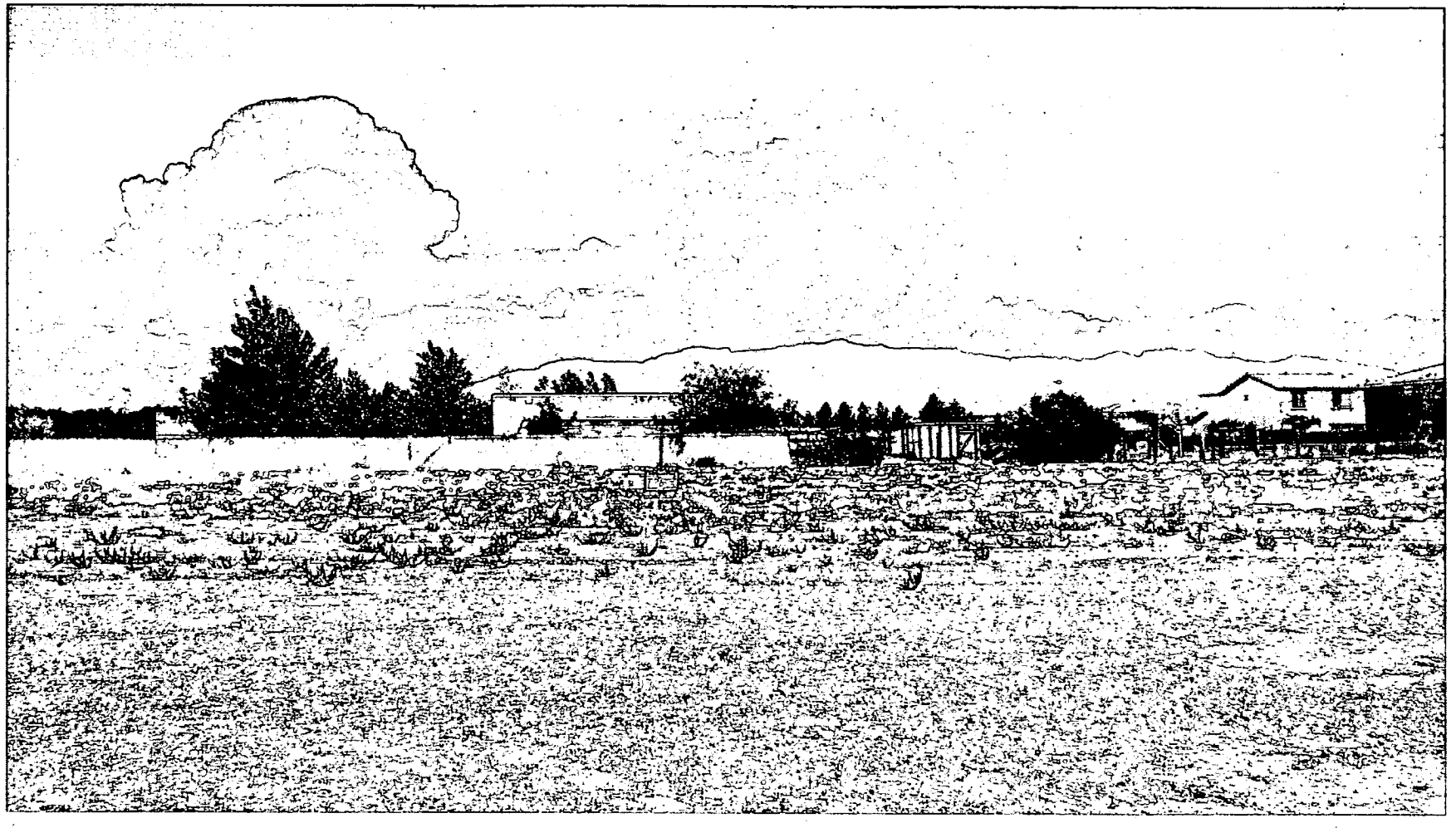
SCALE: 1"=30'	APPROVED BY:	DRAWN BY
DATE: 6-25-04		REVISED
REVISED 8-24-04		DRAWING NUMBER: 1

RECEIVED
AUG 27 2004



ZON-4746 - APPLICANT/OWNER: JACOB J. KIEFER
NORTHEAST CORNER OF ELKHORN ROAD AND UNICORN STREET
AUGUST 12, 2004 PLANNING COMMISSION

07/20/04



ZON-4746 - APPLICANT/OWNER: JACOB J. KIEFER
NORTHEAST CORNER OF ELKHORN ROAD AND UNICORN STREET
AUGUST 12, 2004 PLANNING COMMISSION

07/20/04

ZON-4746

Petition to Oppose the Rezoning of the Northeast Corner of Elkhorn Road and Unicorn Street

Signing your name below signifies that you deny the request for a rezoning from: R-E (Residence Estates) TO: R-1 (Single-Family Residential) on 1.45 acres adjacent to the northeast corner of Elkhorn Road and Unicorn Street (APN 125-13-801-011).

Protest

NAME	Signature	ADDRESS	PHONE	Are You in the 750 ft * Radius?
Debra Kasprzyk Hines		7808 Unicorn St	702 913-6719	
BRIAN HINES		" Property next to Parcel in Question	" 702 524-2141	*

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Protest

NAME	Signature	ADDRESS	PHONE	Are You near this area?
Brandon Laughter		7214 Platinum Creek Las Vegas NV 89131	839-5454	Yes
Jermaine R. Piotrowski	Chermaine Piotrowski	7222 Platinum Creek St Las Vegas NV 89131	645-1949	yes
John K Piotrowski		7222 Platinum Creek St	645-1949	yes
Tonya Carroll		7226 Platinum Creek St Las Vegas NV 89131	396-4610	yes
Jim Carroll		" "	"	"
Scott Stewart		7254 Platinum Creek St.	515-1337	YES
Amber Stewart		" "	" "	yes
Alison West		7246 Platinum Creek Las Vegas, NV 89131	396-5771	yes
Josh Kern		7310 Platinum Creek Las Vegas, NV 89131	395-9286	Yes
Danicce Kern	Danicce Kern	7310 Platinum Creek Las Vegas, NV. 89131	395-9286	yes
John Carpenter		7314 Platinum Creek St LV NV 89131	515-0548	yes

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Protest

NAME	Signature	ADDRESS	PHONE	Are You in the 750 ft Radius?
David Bean	David Bean	5130 Sapphire Creek Ct	328-8128	yes
Phillip Dever	Phillip Dever	5134 Sapphire Creek	656-2150	YES
Lifton Thornton	Lifton Thornton	5138 Sapphire Creek Ct	461-8203	Yes
Debora Medina	Debora Medina	5127 Sapphire Ck Ct	256-2249	yes
Rodney Medina	Rodney Medina	5127 Sapphire Ck Ct	256-2249	yes
Barbara Moore	Barbara Moore	5126 Sapphire Creek	656-7079	yes
Herb Moore	Herb Moore	5126 Sapphire Creek	656-7079	YES
Jeffery R. Ecklund	Jeffery R. Ecklund	5122 Sapphire Creek Ct	838-1987	Yes
Kristine L. Cadle	Kristine L. Cadle	5123 Sapphire Creek Ct	203-4696	Yes
Kumiko Primm	Kumiko Primm	PROPERTY NEXT DRIVEWAY ENTRANCE 11110 Leon Ave	656-2915	NEAR
Wesley Johnson	Wesley Johnson	Property on Bradley & Savannah	6562975	NEXT To
Joseph A. Carella	Joseph A. Carella	5123 Sapphire Creek Ct.	581-7662	YES

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NAME	Signature	ADDRESS	PHONE	Are You in the 750 ft Radius?
KATHY DUNNE	Kathy Dunne	7224 Unicorn St. L.V.	656-8732	Yes
Mike Dunne	Mike Dunne	7224 Unicorn St.	656-8732	Yes
Mildred Pope	Mildred Pope	7224 Unicorn	656-8732	yes
Jorge Toms		7240 Unicorn	809-2528	Yes
JOHN GREEN		5300 ELKHORN	839 9751	Yes
herm Roper	Herm Roper	5329 Elkhorn	363-9777	yes
BRENT CONRAD		5336 ELKHORN	645-0969	Yes
DELMAR DIKINS	Delmar Dikins	5330 SOLAR AV	645-8629	yes
Donna Roper	Donna Roper	5324 Elkhorn Rd	363-9777	yes
Patricia Conrad		5336 Elkhorn Rd	645-0969	yes
Kerry Rojas	Kerry Rojas	5325 Solar Ave	645-8649	yes.

Petition to Oppose the Rezoning of the Northeast Corner of Elkhorn Road and Unicorn Street

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Protest

NAME	Signature	ADDRESS	PHONE	Are You in the 750 ft Radius?
ROSE Thomas E		5301 Solar Ave	~~457~~ 413-1343-	Yes-
Kathy Karas		5305 Solar Ave	645-8649	Yes
Michael Werner		5331-Severance Ln	645-2609	Next To
Stacy K Werner		5331 Severance LN	645-2609	Next to
DONALD NEWBY		5312 ELKHORN RD	399-4730	YES
SHIRLEY NEWBY		5312 ELKHORN RD	399-4730	YES
Kristy Marler		5134 Pearl Creek Ct.	655-1440	Yes
Rachel Kincaid		5138 Pearl Creek Ct	364-9972	YES
Jeff KINCAID		5138 Pearl Creek Ct	364-9972	yes
John Hamilton		5135 PEARL CREEK CT	839-9239	Yes
CAROL HAMILTON		" " "	" "	Yes

Dear planning commission,

I **oppose** the rezoning from: R-E (Residence Estates) TO: R-1 (Single-Family Residential) on 1.45 acres adjacent to the northeast corner of Elkhorn Road and Unicorn Street (APN 125-13-801-011), Ward 6 (Mack).

Protest

Patricia L Conrad
(Signature)

8-18-04
(Date)

Patricia L Conrad
(Print Name)

5336 Elkhorn Rd.
(Address)

The rezoning meeting is scheduled for September 15, 2004.

Petition to Oppose the Rezoning of the Northeast Corner of Elkhorn Road and Unicorn Street

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CITY CLERK
2001 SEP -7 PM 1:55

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NAME	Signature	ADDRESS	PHONE	Are You in the 750 ft Radius?
Jil Machuca		11829 River Splash Las Vegas NV 89141	324-8643	N
Eva Machuca		11829 River Splash Las Vegas NV 89141	3248443	N
PATRICIA BERGER	Patricia Berger	7312 RIETZ CANYON ST LAS VEGAS NV 89131	839-0521	N
Russell Berger	Russell Berger	7312 Rietz Canyon St Las Vegas NV 89131	839-0521	N
LouAnn Berta	LouAnn Berta	7941 N. Jones LV NV 89131	658-3192	N
JOY L. WRIGHT		5305 Patricia Ave L.V. 89130	642-3095	N
FRED COOK	Fred W Cook	3311 N Mosso 89108	645-1432	N
Brad Thompson	Brad Thompson	9705 Traquinn Las Vegas NV 89129	256-9612	N
Richard Thomas	Richard Thomas	8109 Silver Sage Las Vegas Nv 89131	839-5257	N

Protest

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NAME	Signature	ADDRESS	PHONE	Are You in the 750 ft Radius?
[illegible]	Phil Huber	5300 Solar	645-3143	no
Lisa M. Phillips	L. M. Phillips	3853 Alo Ave L.V. 89115	645-1992	NO
Sharon Evans	[illegible]	6580 Donald Nelson LV NV 89131	839-1048	NO
Mary McElhare	Mary McElhare	2013 Interbay St LV NV 89128	242-5855	No
Tom WELch	Tom Welch	6070 Shadow OAK	649-5113	No
? B Nokley	[illegible]	305 Autumn Palace 89144	610-1982	No
ROBERT FRANKS	[illegible]	628 PACIFIC RIDGE DR	672-6630	no
Kimberly Moore	Kimberly Moore	4915 Eagle Way N. Las Vegas, NV 89031		No
Michael Bishop	[illegible]	8817 Buffalo Cloud	641-0833	No
CHRISTINE CARLTON	[illegible]	6465 W. Farm Rd LV, NV.	525-6369	No.
DEBBIE PERSI	[illegible]	1930 VILLAGE CENTER CIR. #3-614 L.V.N. 89134	525-9890	NO

Protest

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NAME	Signature	ADDRESS	PHONE	Are You in the 750 ft WU Radius?
Lance Ujifusa		5241 Diamond Ridge Ct	335 8472	
D PARKER		6585 Elkhorn Rd 89131	361 5486	NO
Richard Wood		7024 Pirate Ln NV 89131	8394864	NO
Sea Clear		590 Hayes Ln NV	289-7060	NO
BRIAN NICKEL		7906 BACKER OVERTON NV 89040	373-0915	NO
Tina Kim		7789 Maverick 89131	857-2854	NO
Keri Reigel		7965 Maverick St 89131	327-6020	NO
C.L. Crow		7310 Real Quiet Dr 89131	3983604	NO
MARK WESTAD		7789 Maverick	651992	NO
TOM DRAKE		4520 Rodman Dr Los Vegas NV 89130	497-0120	NO
Erin Crow		7310 Real Quiet Dr Las Vegas NV 89131	205-2333	NO
Alyssa Newby		5312 Elkhorn Rd	399-4730	NO

Protest

Petition to Oppose the Rezoning of the Northeast Corner of Elkhorn Road and Unicorn Street

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NAME	Signature	ADDRESS	PHONE	Are You in the 750 ft Radius?
Richard Thomas	Richard Thomas	6088 La Madre way	645-1330	N
BRUCE MERRILL	BRMerrill	8109 SILVER SAGE CIRCLE	812-4949	N
Brittany ROSS	Brittany Ross	5424 Carnation Meadows	656-3320	N
Doug KERN	Doug Kern	4738 PONY EXPRESS N. LAS VEGAS	656-6584	N
Darrel Duval	Darrel Duval	5501 Carnation Meadows Las Vegas NV 89130	396-8198	N
NAZ ABDOOL	Naz Abdool	7065 W. ANN RD STE 130-112 LAS VEGAS, NV 89130	595-2490	N
Angela Abdool	Angela Abdool	7065 W. Ann Rd Suite 130-112 Las Vegas	5967032	N
JASON TERRELL	Jason Terrell	8840 W. Lamanda Las Vegas, NV. 89149	205-2908	N
Linda Freimanis	Linda Freimanis	8484 Bandits Bluff LV NV 89143	702 645-8569	N
Kelli Hightower	Kelli Hightower	6320 Gorwood Ave LV NV 89107	234-7680	N
steven Manding	Steven Manding	6320 Gorwood Ave Las Vegas, NV. 89107	234-7622	N

Dear Mayor Oscar Goodman and City Council, ZON - 4746

I **oppose** the rezoning from: R-E (Residence Estates) TO: R-1 (Single-Family Residential) on 1.45 acres adjacent to the northeast corner of Elkhorn Road and Unicorn Street (APN 125-13-801-011), Ward 6 (Mack).

We all purchased this land with the intent of all having to live according to the Master Plan + changing it now would change the value of our homes. We desire it to remain RE. Thankyou.

Protest

D. Roundy
(Signature)

1 Sep 2004
(Date)

Doug Roundy
(Print Name)

5917 Casa Coronado Ln, NV 89131
(Address)

Property on Unicorn located next to 7224 Unicorn.

The rezoning meeting is scheduled for September 15, 2004.

ZON 47-96

Economic impact of horses on the Las Vegas Valley

Much has said about how different business' effect the economic well being of Las Vegas, but little has been discussed about the financial impact of horses. Is it of importance? Is it a significant amount? How does it effect other businesses in the valley?

There are many estimates as to the number of horses in Clark County. These range from 17,000 horses to almost 30,000horses in the county If we take the average of 23,500 horses the following estimates based on information from the Agricultural Department University of Reno. then the following statistics for Clark County. Direct cost for caring for the animals $82,250,000.00. This money exchanges hands 3 times in the first 30 days before it leaves the community. 3 X $82,250,000 =$246,750,000 This is the direct economic impact horses have on Clark County. This is also multiplied by the number of horse trailers, saddles, bridles, pickup trucks, fuel, show entries, food and hotel rooms that are not included in the above figures.

Horse property is now a premium in Clark County. A 3000 square foot home worth $400,000 is worth an estimated $150,000 more if horses can be housed on the property.

Out of town exhibitors

Rodeos = 2000 horses
Horse Shows = 4000 horses
Cuttings (4 major shows) = 5000 horses
Roughly 11,000 horses
American Paint Horse Association
American Quarter Horse Association
American Reining Horse Association
Etc.

Protest

All have figures ranging from 2 to 3 people per horse in attendance that spend from $185.00 to $265.00 per day per person. The large cutting horse shows last 7 days.

Horse shows

4000 horses X 2.5 people X 3 days X $225 per day = $6,750,000
This money stays in the community for 30 days and exchanges hands 3 times = $20,250,000.00 economic impact

Cutting shows

5000 horses X 2.5 people X 7 days X $225 per day = $19,687,500
This money stays in the community for 30 days and exchanges hands 3 times = $59,062,500 economic impact

Rodeos

2000 horses X 2.5 people X 3 days X $225 per day = $3,375,000
This money stays in the community for 30 days and exchanges hands times = $10,125,000 economic

Add in the new rodeos and shows at New Orleans and the new casino on Las Vegas Blvd with over 1000 additional stalls and another $100,000,000 to $150,000,000 dollars will be poured into the community. None of this considered "Gaming". The NFR is not included, nor the Summer Tour or the PBR in the Actual Totals.

Direct costs financial impact $246,750,000
No figures available for saddles, bridles, equipment, pickups, trailers, fuel, show entries.
Horse shows $20,250,000
Cuttings $59,065,000
Rodeos $10,125,000
Total $336,190,000
What other business provides this impact?

City Clerk Office

Paula

Zon 4746 - Sept 13, 2004

4 Pages Including this page

Thank you

Millie Pope

Protest

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2004 SEP 13 A 8:32

Submitted after final agenda

Date 9/13/04 Item # 163

Millie Pope
Kathie Dunne
656-8732

ZON 4746
9/15/2004

Petition to Oppose the Rezoning of the Northeast Corner of Elkhorn Road and Unicorn Street

Signing your name below signifies that you deny the request for a rezoning from: R-E (Residence Estates) TO: R-1 (Single-Family Residential) on 1.45 acres adjacent to the northeast corner of Elkhorn Road and Unicorn Street (APN 125-13-801-011).

NAME	Signature	ADDRESS	PHONE	Are You in the 750 ft Radius?
Naomi Jaussy	N Jaussy	6121 Jo Mary	591-6469	Y
Susan Sunano	Susan Sunano	8740 La Madre	839-1008	Y
Shelley Martin	Shelley Martin	7751 N. Jones	641-6559	N
Martha Blazek	Martha Blazek	HCR38 Box 896 Cold Creek	250-4320	N
Roy F. Quante	Roy F. Quante	8330 N Buffalo Ave	645-5575	N
Lee S. Roberts	Lee S. Roberts	7955 Deer Springs	839-4381	Y
Vikki Riddle	Vikki Riddle	6060 Witty 89131	451-3737	N
D. Dutschkeon	D. Dutschkeon	9080 Fisher Ave.	358-3030	N
L. Beebe	L. Beebe	7995 W Mesa	Unlisted	N
Ron Bonkers	Ron Bonkers	8337 Willow Basin	645-4638	N
Joyce Malone	Joyce Malone	HCR38 Box 66	645-4662	

LU W89124

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ZON 4746

9/15/2004

Petition to Oppose the Rezoning of the Northeast Corner of Elkhorn Road and Unicorn Street

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NAME	Signature	ADDRESS	PHONE	Are You in the 750 ft Radius?
STEVE SHOEMAKER		5472 W. ALEXANDER	645-1813	NO
[illegible] TOPOL		4631 N. MONTE CRISTO	656-9189	NO
[illegible] Topol		" "	" "	NO
Sandra Bent		6175 W. GROWAN	395-2883	NO
PETE BENET		" " "	" "	NO
K. Gardner		3390 W. Lone Mtn.	265-1530	No
Lori VanMoore		6445 Tinkle Lane	658 5065	NO
Bruce G. Pietz		7315 W. Rome Bl. Las Vegas	645-5601	NO
Mike Carter		3717 Snowkel Pl.	5230552	No
Mario Marroy		7160 N. Buffalo Dr.	204-6304	No
Stona Greywolf		POB 20146 Las Vegas	89019	NO
Todd Stephens		7401 Cedar Lf	341-4505	No

ZON 4746

9/17/2004

Petition to Oppose the Rezoning of the Northeast Corner of Elkhorn Road and Unicorn Street

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NAME	Signature	ADDRESS	PHONE	Are You in the 750 ft Radius?
Lori Lubeck		4808 Jay LVN 89130	645-2589	
Faye Rivera		HC 38 Box 123 8242 Reynosa St LV NV 89124	6450370	
Joe Rivera		8242 Reynosa St LV NV 89124		
CRAIG CHILDRESS		7245 SOLAR AV LV. NV 89131	356-5872	
John Wagner		3300 S. Corn Ln LV, NV	702-276-6588	
Randal Russell		1101 Bucer Ln LV NV	6367029	
Dixon Dubert		4040 San Diego LV, NV	277-7093	
Susan Jones		9455 El Campo Grande LV NV	395-2053	
Mike Webb		owner PO Box 13 91	348-6252	
Valerie Carr Blum		5083 Wild Thyme Ave	396-5537	
Dominic Gonzales		7910 Kiowa Circle LV NV 89145	245-4687	

ZON 4746
9/15/2004

Petition to Oppose the Rezoning of the Northeast Corner of Elkhorn Road and Unicorn Street

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NAME	Signature	ADDRESS	PHONE	Are You in the 750 ft No Radius?
C Hansen		8301 Unicorn St.	596-7089	
Sandra Thiel	S L Thiel	9260 E El Campo Grande	645-2697	no
MIKE DAWSON	R L Dawson	5159 Tioga Way	645-3573	No
Frank Pyle	Frank Pyle	5450 Rebecca	255-8877	no
Tammy Cates		6548 Dampier	225-9411	no
D Urbano	Debra Urban	6435 El Campo Grande		NO
Allison Bonanno	Allison Bonanno	7570 Harbor Pond Drive 89131	645-7443	NO
P. Garcia		HCR 38 Box 145 89124	N/A	no
Janine Stadtl	Janine Stadtl	3725 W Radcosh Ave LV, NV	N/A	NO
Vince Scocozzo		6740 N. Tioga Way LV, NV	283-4113	NO
Katie Scocozzo	Katie Scocozzo	6740 N. Tioga Way	283-4178	No
Charles M. Fisher		4632 Brushfire	524-2690	NO

Zon 4796

9/15/2004

Petition to Oppose the Rezoning of the Northeast Corner of Elkhorn Road and Unicorn Street

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NAME	Signature	ADDRESS	PHONE	Are You in the 750 ft Radius?
LISA PORTER	Lisa n Porter	6500 W. ANN RD	656-6503	NO
Lynette Owens	Lynette Owens	7220 Horsedr	702-395-7406	Yes
Karen Robinson	Karen Robinson	4524 Tennessee	645-6392	NO
Leslie Caywood	Leslie Caywood	8860 W. La Manda	645-8832	NO
Ubaldo Sanchez		6281 W Lone Mtn	3077527	NO
John Gex	John Gex	4902 Irene Ave	354 0195	No
Mindy Childress	Mindy Childress	7245 Sola Ave	396 587a	NO
Janet Roll	Janet Roll	8868 Washburn	278-6743	NO
Ken Williams	Ken Williams	5645 N. Juliana	234-9869	No
Randy Todd		5088 Light Springs	498-8663	NO
Rachelle Hansen	Rachelle Hansen	5216 Scoreboard St.	580-3220	NO

ZON - 4746

9/15/2004

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NAME	Signature	ADDRESS	PHONE	Are You in the 750 ft Radius?
JOE STEINBACH	Joseph Steinbach	2300 Goldcoast N LV NV 89032-0613	274-6409	
Melanie Strait	Melanie Strait	5960 Sheila Ave L.V. NV 89108	396-4279	NO
Linda Gamble	Linda Gamble	7260 Bath Dr. LV NV 89131	645-7682	NO
Bobby Hamm	Bobby Hamm	5712 N. Torrey Pines Dr LV NV 89130	424-9158	NO
Marcie Moncrief	Marcie Moncrief	7937 Evidence Ct. LV. NV 89131		NO
Roc Moncrief	Roc Moncrief	8521 Rock Creek LV LV NV 89131		NO
RALPH ATWOOD	4940 CEDAR CANYON		645-1423	NO
DENNIS LOPEZ		4260 NEWCASTLE DR	251-1864	NO
J. CATODANNA		4000 MONTE MIA		
A Vanetti		5960 Copper Rd	7983660	NO
April Ewing	April Ewing	6075 N. Tenaya Way LV NV 89130	656-6583	NO

ZON 4746

9/15/2004

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NAME	Signature	ADDRESS	PHONE	Are You in the 750 ft Radius?
[illegible]		6357 GEORGIA PEACH		
Susan Deeter	Susan Deeter	9335 W. Lamancha		NO
Steve Deeter		9335 W. Lamancha		NO
Marie Green	Marie Green	9815 Homestead		NO
Amanda Brandt	Amanda Brandt	5317 Red Glory Dr		NO
Sharon Brown	Sharon Brown	7543 N. Torrey Pines		NO
Betty Sisti	Betty Sisti	6029 Saddler Dr		NO
Jessica Badziszewski	Jessica Badziszewski	5117 Amethyst Creek		NO
Maritee Matt	M. Matt	5751 W. Washburn		NO
Michelle Carlson	M Carlson	3928 Dream St.		NO
Julie Pagliaro	Julie A. Pagliaro	8545 Maggie Ave LV, NV 89143		NO

ZON 4746
9/15/2004

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NAME	Signature	ADDRESS	PHONE	Are You in the 750 ft. Radius?
[illegible]	[signature]	6635 Desperado St Las Vegas, NV 89131	395-1409	NO
W CATES	[signature]	5337 White Coyote Las Vegas 89130	656-6187	[illegible]
T. DRAKE	[signature]	4520 Roamer Dr Las Vegas NV	897-8720	[illegible]
S. Hughes	[signature]	8625 El Campo Grande Las Vegas, NV 89149	645-5683	NO
N. Szymanski	[signature]	7725 N. Rainbow 89131	655-3984	NO
S. ATCHESON	[signature]	6118 Crystal Cascade 89130	257-3396	NO
J Porter	[signature]	6015 Starlight Dr Las Vegas NV 89130	649-8386	NO
L. Rayman	[signature]	4907 Grimes Pointe N Las Vegas, NV 89031	648-5727	NO
K David	[signature]	2315 Sidney Ct N Las Vegas 89032	645-1992	NO
R Weaver	[signature]	6270 Farm Rd	839-1718	NO
Nick Metzger	[signature]	6241 Whispering Sands Dr	395-4225	NO

Case # ZON 4746

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2004 SEP 15 P 1:02

Petition to Oppose the Rezoning of the Northeast Corner of Elkhorn Road and Unicorn Street

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NAME	Signature	ADDRESS	PHONE	Are You in the 750 ft Radius?
Jamie Mizola-Dean	Jamie Mizola-Dean	1325 Fiesta Grande Ct. N. L.V. NV 89031	702 399-4185	
Jones, Anita K	Anita Jones	6310 Shadow Moon Pl Las Vegas, NV 89031	702-437-4272	
Adrienne Stutes	Adrienne Stutes	3550 Paradise Rd #248 Las Vegas, NV 89109	702 369 4154	
Hermann Nguyen	Hermann Nguyen	7501 N. Cimarron Rd Las Vegas NV 89131	702.655.8602	
Brenda Chavira	Brenda Chavira	Orchid Country Las Vegas NV	702 413-0447	
CONNIE WITHAM	Connie Witham	5317 ROME BLVD LAS VEGAS NEV 89131	702-658-6924	
Stephanie Brewer	Stephanie W. Brewer	5316 Rome Blvd Las Vegas NV 89131	702-837-5727	
Suzette Dobbs	Suzette Dobbs	1439 Red Sunset Ave Henderson, NV 89074	702-454-9929	
Cordia Wedlow	Cordia Wedlow	Las Vegas, NV 89106 1712 Turning Dr	702-648-8569	
Teri Cooper	Teri Cooper	5717 Sabbia Dr N. Las Vegas, NV 89031	702-435-7957	
David L. Washington	David L. Washington	1101 Ralston Dr L.V. NV 89106	702-646-1861	

Submitted after final agenda

Date 9/15/04 Item #163

Case # ZON 4746

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2004 SEP 15 P 1:02

Petition to Oppose the Rezoning of the Northeast Corner of Elkhorn Road and Unicorn Street

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NAME	Signature	ADDRESS	PHONE	Are You in the 750 ft Radius?
Eugene Campbell		8821 Gunnell Crest	702 [illegible]	
Mr. Obie Cliff Jr.		808 W. Lakemead 89106	646-4688	
PERCY GIBSON		637-House St NLV	364-9551	
THOMAS SANDERS	Thomas Sanders	4410 Cassandra Dr.	642-7555	
John Murray		770 Unicorn 89031	810-9852	
Helen Armstrong	Helen Armstrong	6525 Farm Rd LV.	396-2000	Y
ARMSTRONG SAMMIE		6525 Farm Rd LV. 89131	371 5222	

City of Las Vegas

Agenda Item No. 164

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: SEPTEMBER 15, 2004

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

SUBJECT:
REZONING - PUBLIC HEARING - **ZON-4755 - APPLICANT: RICHMOND AMERICAN HOMES OF NEVADA, INC. - OWNER: CAN CAN II (KB) TARGETS, LIMITED PARTNERSHIP AND RONALD MICH'L AND CAROLYN MICH'L** - Request for a Rezoning FROM: U (Undeveloped) [PCD (Planned Community Development) General Plan Designation] TO: R-PD7 (Residential Planned Development - 7 Units per Acre) on 10.57 acres adjacent to the southeast corner of Grand Teton Drive and Durango Drive (APN 125-16-101-001), Ward 6 (Mack). The Planning Commission (4-0-1 vote) and staff recommend APPROVAL

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

RECOMMENDATION:
The Planning Commission (4-0-1 vote) and staff recommend APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:
1. Location Map
2. Conditions For This Application
3. Staff Report
4. Back up referenced from the 8/12/2004 Planning Commission meeting Item 55

MOTION:
MACK – APPROVED subject to conditions and amended Condition 3 to read:

3. **Dedicate an additional 10-feet of right-of-way for a total half street width of 60-feet on Grand Teton Drive, an additional 10-feet of right-of way for a total half street width of 60-feet on Durango Drive, 30 feet of right-of-way adjacent to this site for Quail View Street, and a 15-foot radius at the northwest corner of Quail View Street and Jo Marcy Drive. Additional dedications in accordance with Standard Drawings #201.1 and #234.1 shall also be provided *unless otherwise allowed by the City Traffic Engineer.***

– UNANIMOUS with MAYOR GOODMAN excused

NOTE: COUNCILMAN WOLFSON disclosed he has provided legal services for RONALD and CAROLYN MICH'L'S children over two to five years, but does not feel it would affect his judgment, therefore will be voting on the items.

CITY COUNCIL MEETING OF SEPTEMBER 14, 2004
Planning and Development Department
Item 164 – ZON-4755

MINUTES:

MAYOR PRO TEM REESE declared the Public Hearing open on Item 164 [ZON-4755], Item 165 [WVR-4774] and Item 166 [SDR-4756].

ATTORNEY CHRIS KAEMPFER, Kummer Kaempfer Bonner and Renshaw, 3800 Howard Hughes Parkway, appeared on behalf of the applicant and concurred with all conditions. He acknowledged and agreed to the sentence added to Condition 3 of Item 164 [ZON-4755] stating unless otherwise allowed by the City Traffic Engineer. Regarding Item 166 [SDR-4756], ATTORNEY KAEMPFER agreed with modifying Condition 4 that the height of the building shall be 35 feet, and modify Condition 5 from 15 feet rear setback to 10 feet rear setback.

COUNCILMAN MACK also deleted Condition 15 from Item 166 [SDR-4756]. MARGO WHEELER, Deputy Director, Planning and Development indicated that Condition 3 of the same item should reference the plans date stamped 9/14/04.

COUNCILMAN MACK thanked his colleagues for allowing items in his ward to be pulled forward so that he may be excused for the Rosh Hashanah holiday. He wished all a happy holiday.

MAYOR PRO TEM REESE declared the Public Hearing closed on Item 164 [ZON-4755], Item 165 [WVR-4774] and Item 166 [SDR-4756].

NOTE: All discussion for Item 164 [ZON-4755], Item 165 [WVR-4774] and Item 166 [SDR-4756] was held under Item 164 [ZON-4755].

(5:16 – 5:30)

6-2138

CONDITIONS:

Planning and Development

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

2. A Site Development Plan Review application (SDR-4756) and a Title 18 Waiver (WVR-4774) 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 an additional 10 feet of right-of-way for a total half street width of 60 feet on Grand Teton Drive, an additional 10 feet of right-of-way for a total half street width of 60 feet on Durango Drive, 30 feet of right-of-way adjacent to this site for Quail View Street, a 25-foot radius at the southwest corner of Grand Teton Drive and Quail View Street, and

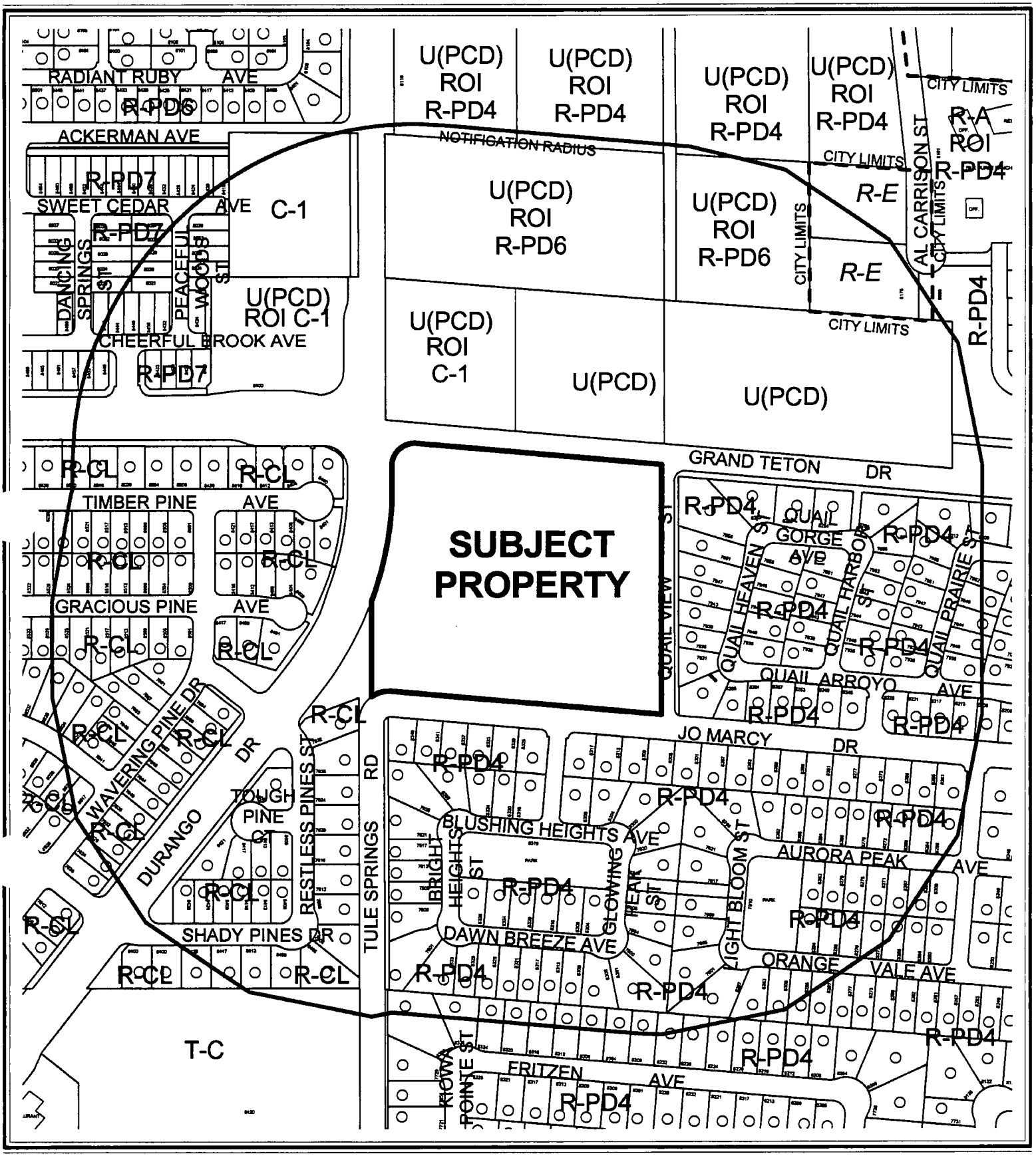
CONDITIONS – Continued:

a 15-foot radius at the northwest corner of Quail View Street and Jo Marcy Drive. Additional dedications in accordance with Standard Drawings #201.1 and #234.1 shall also be provided.

4. Construct half-street improvements, including appropriate overpaving, on Durango Drive, Grand Teton Drive, Quail View Street and Jo Marcy Drive adjacent to this site concurrent with development. Also construct the complete median island required within Grand Teton Drive adjacent to 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.

5. Extend all required underground utilities, such as electrical, telephone, etc., located within public rights-of-way, past the boundaries of this site prior to construction of hard surfacing (asphalt or concrete).

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



CASE: **ZON-4755**

RADIUS: 750 FT

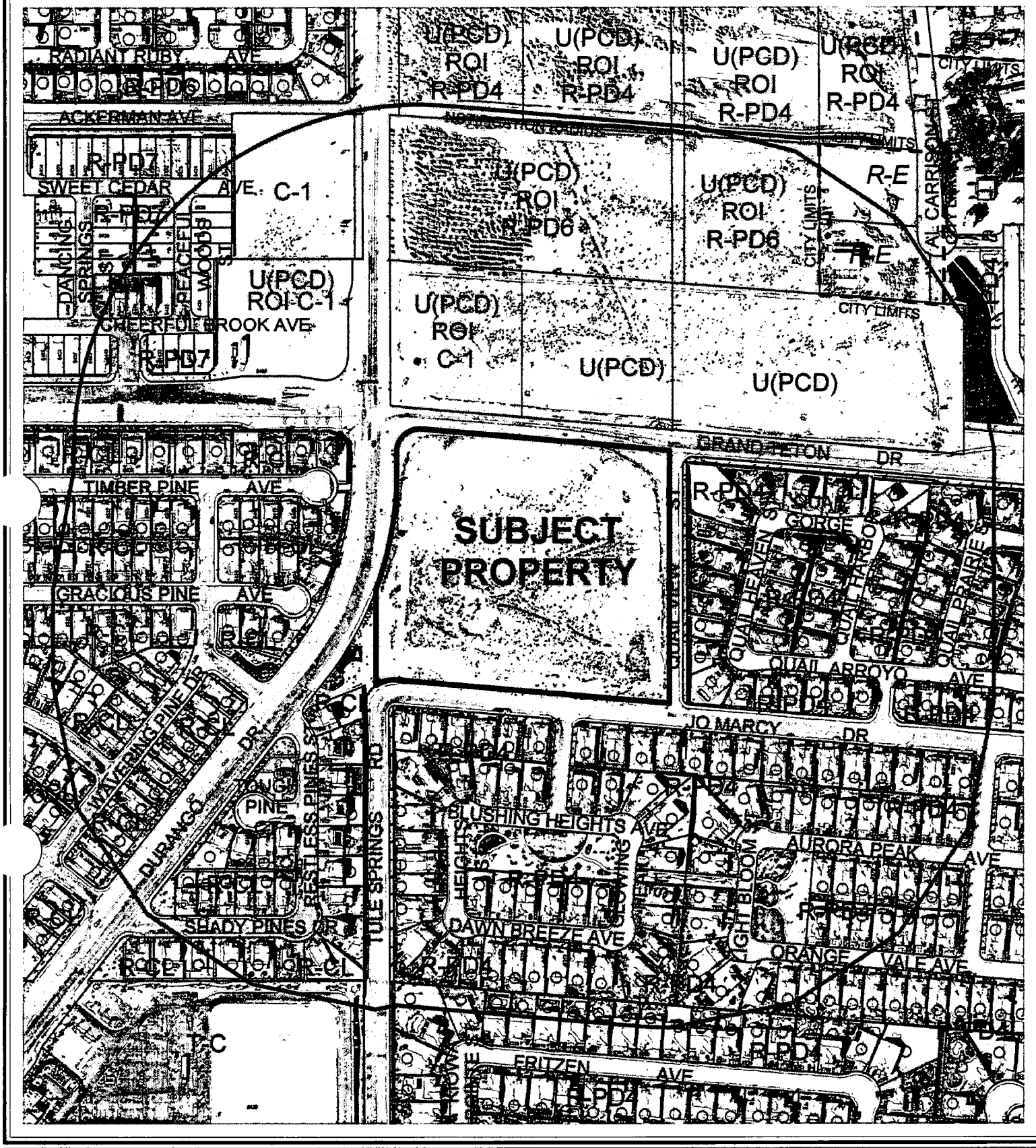
0 200 400 Feet

ZONING OF SUBJECT PROPERTY:

U (UNDEVELOPED) ZONE [PCD (PLANNED COMMUNITY DEVELOPMENT) GENERAL PLAN DESIGNATION]

PROPOSED ZONING OF SUBJECT PROPERTY:

R-PD7 (RESIDENTIAL PLANNED DEVELOPMENT - 7 UNITS PER ACRE)



CASE: **ZON-4755**

RADIUS: 750 FT

ZONING OF SUBJECT PROPERTY:

U (UNDEVELOPED) ZONE [PCD (PLANNED COMMUNITY DEVELOPMENT) GENERAL PLAN DESIGNATION]

PROPOSED ZONING OF SUBJECT PROPERTY:

R-PD7 (RESIDENTIAL PLANNED DEVELOPMENT - 7 UNITS PER ACRE)

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: SEPTEMBER 15, 2004
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: ZON-4755 - APPLICANT: RICHMOND AMERICAN HOMES OF NEVADA, INC. - OWNER: CAN CAN II (KB) TARGETS LIMITED PARTNERSHIP AND RONALD MICH'L AND CAROLYN MICH'L

** CONDITIONS **

The Planning Commission (4-0-1 vote) and staff recommend APPROVAL, subject to:

Planning and Development

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

2. A Site Development Plan Review application (SDR-4756) and a Title 18 Waiver (WVR-4774) 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 an additional 10 feet of right-of-way for a total half street width of 60 feet on Grand Teton Drive, an additional 10 feet of right-of-way for a total half street width of 60 feet on Durango Drive, 30 feet of right-of-way adjacent to this site for Quail View Street, a 25-foot radius at the southwest corner of Grand Teton Drive and Quail View Street, and a 15-foot radius at the northwest corner of Quail View Street and Jo Marcy Drive. Additional dedications in accordance with Standard Drawings #201.1 and #234.1 shall also be provided.

4. Construct half-street improvements, including appropriate overpaving, on Durango Drive, Grand Teton Drive, Quail View Street and Jo Marcy Drive adjacent to this site concurrent with development. Also construct the complete median island required within Grand Teton Drive adjacent to 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.

5. Extend all required underground utilities, such as electrical, telephone, etc., located within public rights-of-way, past the boundaries of this site prior to construction of hard surfacing (asphalt or concrete).

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

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

** STAFF REPORT **

APPLICATION REQUEST

A) Action Requested

This is a request for a Rezoning from U (Undeveloped) to R-PD7 (Residential Planned Development - 7 Units per Acre) on approximately 10.57 acres adjacent to the southeast corner of Grand Teton Drive and Durango Drive.

B) Applicant's Justification

The applicant has justified this request by stating that the proposed R-PD7 zoning district will act as a transition between the lower residential densities to the south and west (R-PD4 and R-CL respectively) and the C-1 and R-PD7 zoning districts to the north. The applicant has also stated that this site is located at the intersection of two major streets and thus higher density at that location is warranted.

BACKGROUND INFORMATION

A) Previous Actions

11/16/94 The City Council approved a request to Annex (A-0020-94) the subject site. Staff supported the request. The Planning Commission recommended approval on 09/08/94. The effective date was 11/25/94.

05/13/04 The Planning Commission accepted the applicant's request to Withdraw Without Prejudice a Rezoning (ZON-3794) from U (Undeveloped) to R-PD7 (Residential Planned Development - 7 Units per Acre) on the subject site. The Planning Commission also accepted the applicant's request to Withdraw Without Prejudice a Site Development Plan Review (SDR-3796) for a proposed 64-lot single-family development on the same site.

08/12/04 The Planning Commission recommended approval of companion items for a Waiver of Title 18 standards (WVR-4774) and a Site Development Plan Review (SDR-4756) for a proposed 74-lot single-family residential development on the subject site.

08/12/04 The Planning Commission voted 4-0-1 to recommend APPROVAL (PC Agenda Item #55/gl).

B) Pre-Application Meeting

06/18/04 The applicant was advised that the 66-lot site plan as presented at that meeting would require an open space Variance, as well as a host of Public Works requirements. The needs to illustrate perimeter landscaping and to show Grand Teton Drive at the correct width were also noted.

C) Neighborhood Meetings

Neighborhood meetings are not required for Rezoning applications.

DETAILS OF APPLICATION REQUEST

A) Site Area

Gross Acres: 10.57

B) Existing Land Use

Subject Property:	Undeveloped
North:	Undeveloped (approved for a Tavern and single-family development)
South:	Single-family dwellings
East:	Single-family dwellings
West:	Single-family dwellings

C) Planned Land Use

Subject Property:	PCD (Planned Community Development)
North:	SC (Service Commercial) and PCD (Planned Community Development)
South:	PCD (Planned Community Development)
East:	PCD (Planned Community Development)
West:	PCD (Planned Community Development)

D) Existing Zoning

Subject Property:	U (Undeveloped)
North:	U (Undeveloped) under Resolutions of Intent to C-1 (Limited Commercial) and to R-PD7 (Residential Planned Development - 7 Units per Acre)
South:	R-PD4 (Residential Planned Development - 4 Units per Acre)
East:	R-PD4 (Residential Planned Development - 4 Units per Acre)
West:	R-CL (Residential - Compact Lot)

E) General Plan Compliance

The subject site is located within the Centennial Hills Sector of the General Plan and has a PCD (Planned Community Development) land use designation, which allows for a mix of residential uses that maintain an average overall density ranging from two to eight dwelling units per acre. The proposed R-PD7 (Residential Planned Development - 7 Units per Acre) zoning district is in compliance with the General Plan.

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

There are no special area plans, overlays or study areas that affect the subject site. The required Multi-use Transportation Trails along the west and north property lines, along the east side of Durango Drive and along the south side of Grand Teton Drive, are depicted on the proposed site plan.

ANALYSIS

A) General Analysis and Discussion

The subject 10.57-acre site is located at the southeast corner of Grand Teton Drive and Durango Drive, both 120-foot Parkway Arterial streets as shown on the Master Plan of Streets and Highways.

The parcels are surrounded by land designated PCD (Planned Community Development) in the General Plan, with a small SC (Service Commercial) parcel to the north. The PCD (Planned Community Development) district allows a mix of residential, with a density maximum of eight units per acre, and neighborhood supportive limited commercial.

This proposal is to develop a 74-lot single-family residential subdivision. The proposed overall density of 6.91 dwelling units per acre is within the allowable limits of the R-PD (Residential Planned Development) district.

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 supports Program B1.4 of the Centennial Hills Sector Plan that encourages the development of infill parcels in substantially developed, single-family neighborhoods at densities similar to existing development.

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

   The proposed development is for single-family dwellings, which is a land use compatible with single-family development proposals adjacent to it.

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

   The purpose and intent of the R-PD (Residential Planned Development) district, which encompasses the subject tract and surrounding area, is designed to allow maximum flexibility to permit imaginative and innovative residential designs and to utilize land for the development of residential communities, which are planned and developed with appropriate amenities to establish a clear sense of community. The proposed development is consistent with this purpose and intent.

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 planned capacity of Grand Teton and Durango Drives will be more than sufficient for the traffic needs of the proposed development.

NOTICES MAILED 261 by Planning Department

APPROVALS 0

PROTESTS 0

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: 20N-4755 APN: 125-16-101-001

Name of Property Owner: Ron & Carolyn Michl Etal

Name of Applicant: Richmond American Homes of NV, 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: Carolyn Michl

Print Name: CAROLYN MICH'L

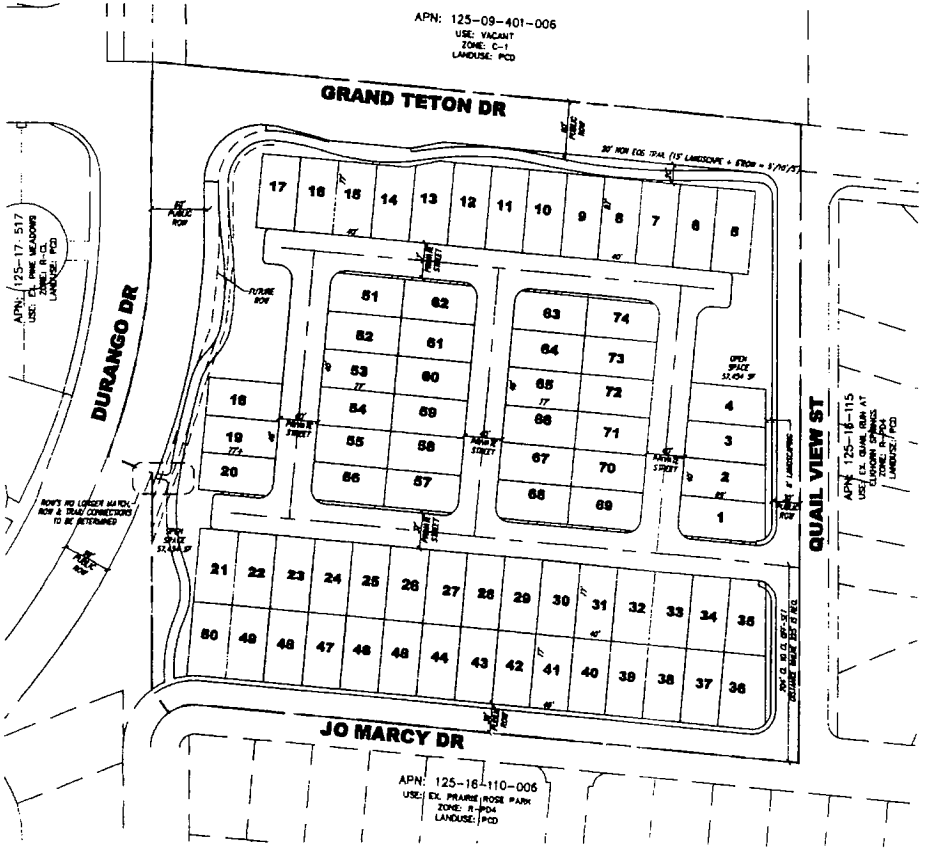
Subscribed and sworn before me

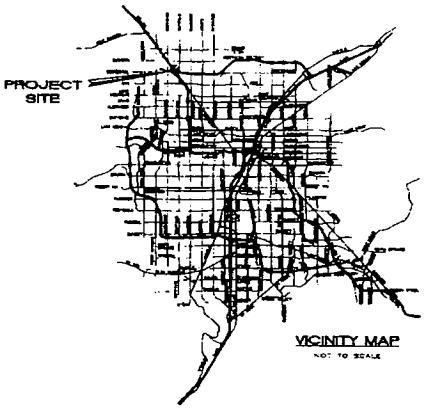
This 25 day of June, 2004

Notary Public in and for said County and State

KAMI LEIGH BENNETT
Notary Public State of Nevada
No. 04-86414-1
My appt. exp. Dec. 31, 2007

GRAND TETON - DURANGO





DEVELOPER
RICHMOND AMERICAN HOMES
7250 WEST POINT DRIVE
SUITE 213
LAS VEGAS, NEVADA 89128

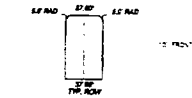
OWNERS
CAN CAN 13 ARCHITE JO 67 849
RONALD & CAMO TR VYO-1 33131
2977 PARA SI RD, 43402
LAS VEGAS, NEVADA 89108

ASSESSORS PARCEL NUMBERS
125-16-101-002

OVERALL TABULATIONS
EXISTING ZONING — UNDEVELOPED
PROPOSED ZONING — PCD (7.0 DUA)
EXISTING LAND USE — PLANNED COMMUNITY DEVELOPMENT

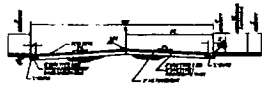
OF UNITS — 74
GROSS ACREAGE — 10.57 ACRES +/-
DENSITY — 7.0

OPEN SPACE REQUIRED - 33,743 S.F.
OPEN SPACE PROVIDED - 33,380 S.F.

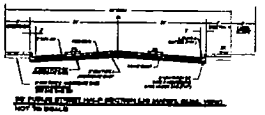


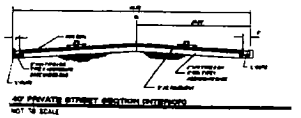


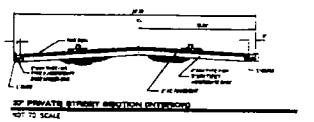
ZON-4755
WVR-4774
SDR-4756
08-12-04 PC











REVISED
07.21.04

NOTE: THIS PLAN WAS PREPARED USING RECORD INFORMATION. IT IS ILLUSTRATIVE AND IS TO BE USED FOR PLANNING PURPOSES ONLY. NO LIABILITY IS ASSUMED

PROJECT OWNER:
RICHMOND AMERICAN HOMES
7250 WEST POINT DRIVE, STE. 213
LAS VEGAS, NEVADA
(702) 240-8000

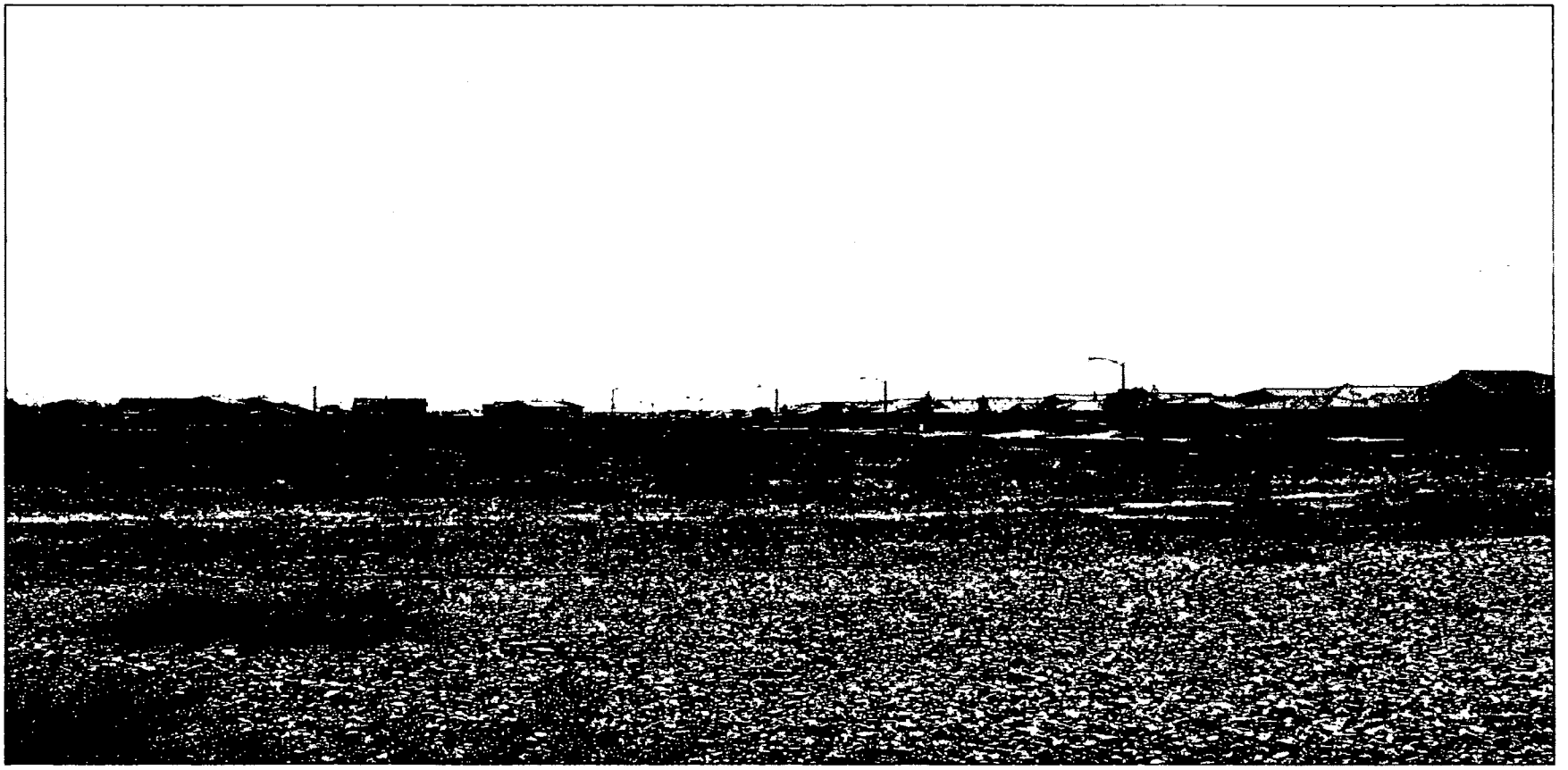
RS CONSULTING, INC.
STRATEGIC PLANNING SOLUTIONS
7835 Hidden Acres Ln. Las Vegas, NV 89128 Office: 702.304.7701 Fax: 702.304.7702

SHEET TITLE:
SITE PLAN TO ACCOMPANY
SDR + ZC + TITLE 19 WAIVER

DATE:
GRAND TETON - DURANGO
CITY OF LAS VEGAS, NEVADA

DATE: 3/18/2004
DRAWN BY: B. TAYLOR
DESIGNED BY: B. TAYLOR
CHECKED BY: R. RUSE
SCALE: 1" = 80'
PROJECT NO.: RA-0052
ENGINEERING SEAL

SHEET 1 OF 1
DRAWING NO. 1



ZON-4755 - APPLICANT: RICHMOND AMERICAN HOMES OF NEVADA, INC. - OWNER: CAN CAN II (KB) TARGETS, LIMITED PARTNERSHIP AND RONALD MICH'L AND CAROLYN MICH'L
SOUTHEAST CORNER OF GRAND TETON DRIVE AND DURANGO DRIVE
AUGUST 12, 2004 PLANNING COMMISSION

07/20/04

City of Las Vegas

Agenda Item No. 165

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: SEPTEMBER 15, 2004

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

SUBJECT:
WAIVER RELATED TO ZON-4755 - PUBLIC HEARING - **WVR-4774 - APPLICANT: RICHMOND AMERICAN HOMES OF NEVADA, INC. - OWNER: CAN CAN II (KB) TARGETS, LIMITED PARTNERSHIP AND RONALD MICH'L AND CAROLYN MICH'L** - Request for a Waiver of Title 18.12.160 TO ALLOW A 204-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 74-lot single-family residential development on 10.57 acres adjacent to the southeast corner of Grand Teton Drive and Durango Drive (APN 125-16-101-001), U (Undeveloped) Zone [PCD (Planned Community Development) General Plan Designation] [PROPOSED: R-PD7 (Residential Planned Development - 7 Units per Acre)], Ward 6 (Mack). The Planning Commission (4-0-1 vote) and staff recommend APPROVAL

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

RECOMMENDATION:
The Planning Commission (4-0-1 vote) and staff recommend APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:
1. Location Map
2. Conditions For This Application
3. Staff Report
4. Back up referenced from the 8/12/2004 Planning Commission meeting Item 56

MOTION:
MACK – APPROVED subject to conditions – UNANIMOUS with MAYOR GOODMAN excused

MINUTES:
NOTE: See Item 164 [ZON-4755] for all related discussion.

(5:16 – 5:30)

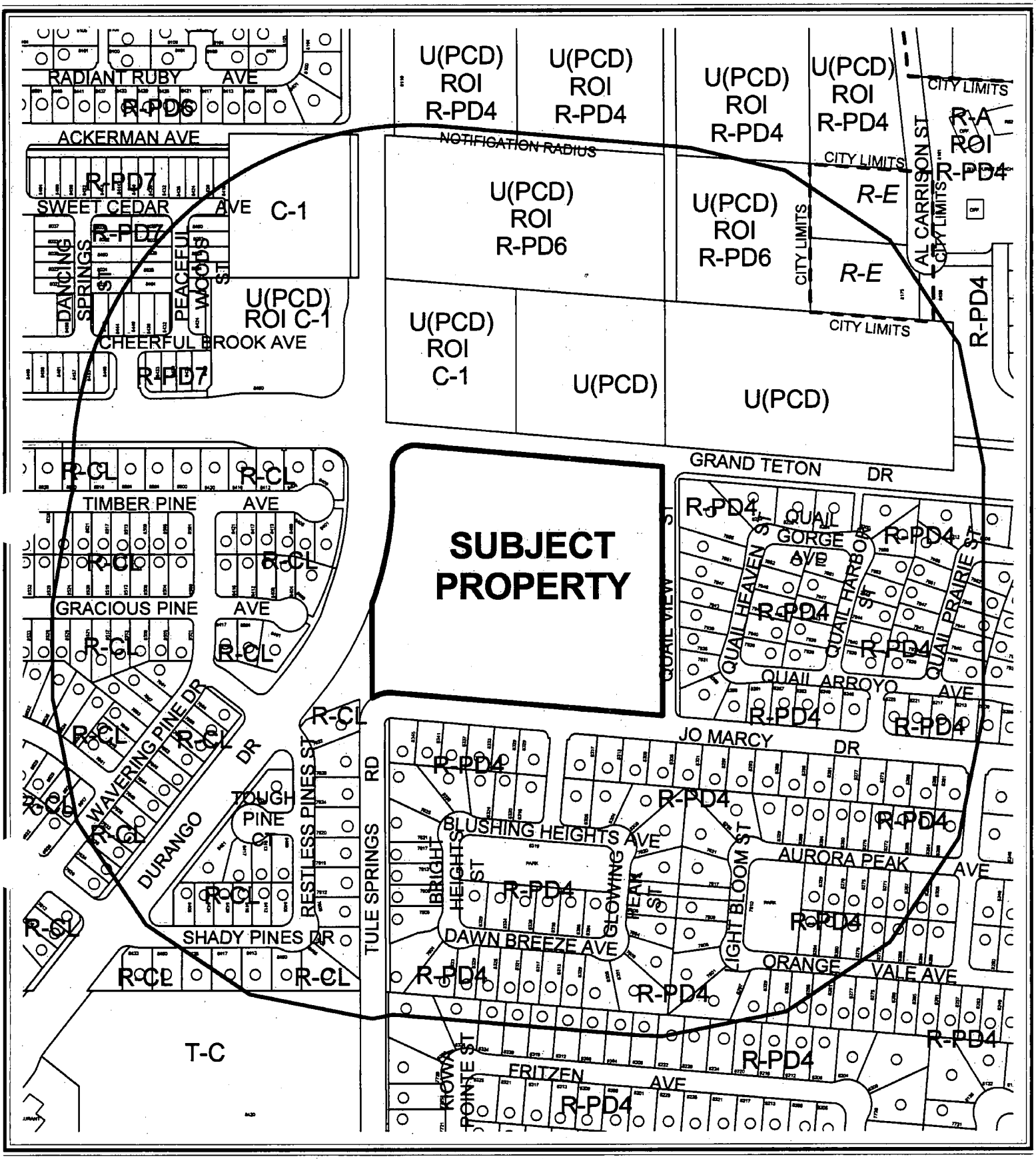
6-2138

CONDITIONS:
Planning and Development
1. Approval of and conformance to the Conditions of Approval for Rezoning (ZON-4755) and Site Development Plan Review (SDR-4756).

CITY COUNCIL MEETING OF SEPTEMBER 15, 2004
Planning and Development Department
Item 165 – WVR-4774

CONDITIONS – Continued:

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.



0 200 400 Feet

CASE: **WVR-4774**

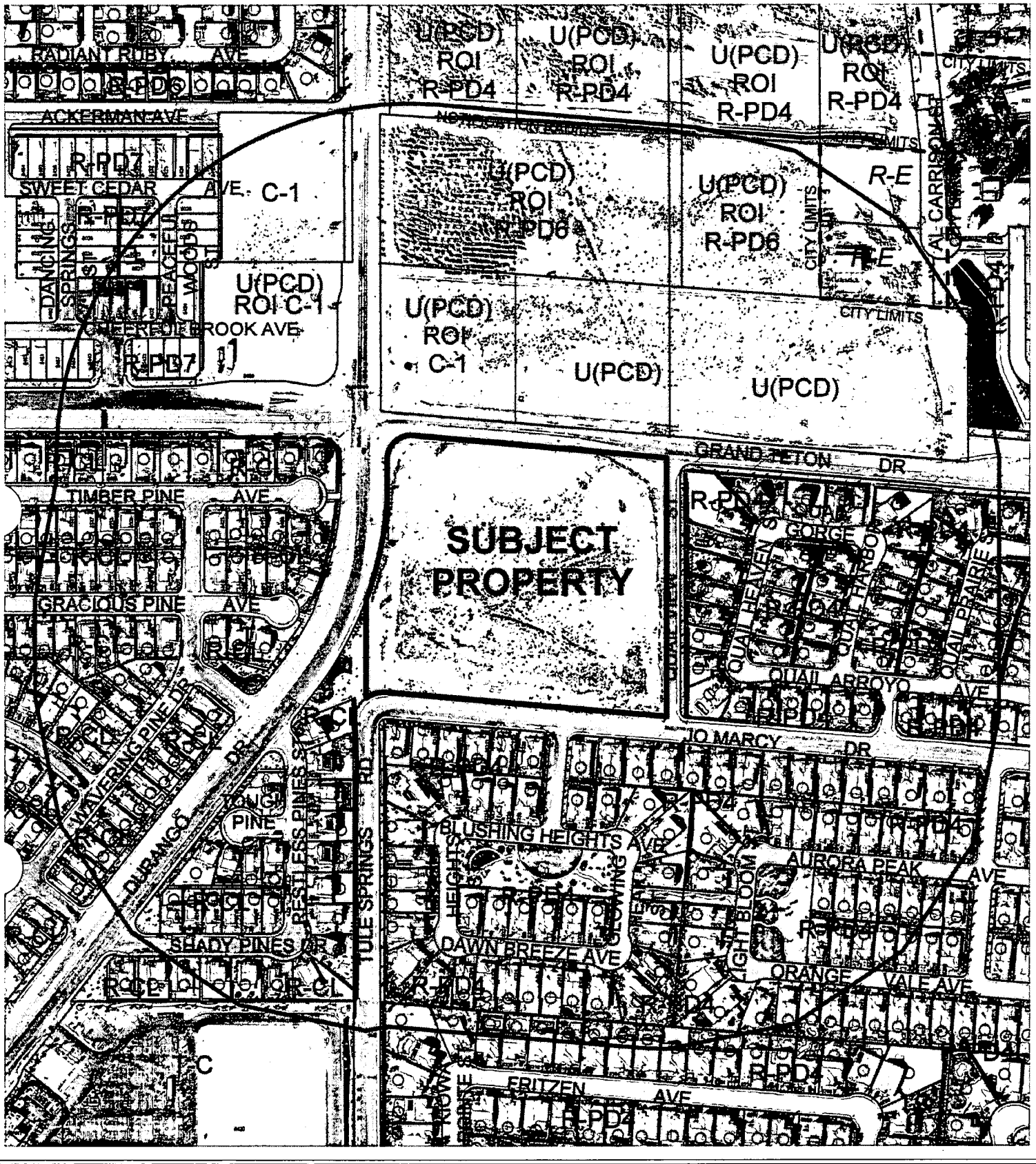
RADIUS: 750 FT

ZONING OF SUBJECT PROPERTY:

U (UNDEVELOPED) ZONE [PCD (PLANNED COMMUNITY DEVELOPMENT) GENERAL PLAN DESIGNATION]

PROPOSED ZONING OF SUBJECT PROPERTY:

R-PD7 (RESIDENTIAL PLANNED DEVELOPMENT - 7 UNITS PER ACRE)



CASE: **WVR-4774**

RADIUS: 750 FT

0 200 400 Feet

ZONING OF SUBJECT PROPERTY:

U (UNDEVELOPED) ZONE [PCD (PLANNED COMMUNITY DEVELOPMENT) GENERAL PLAN DESIGNATION]

PROPOSED ZONING OF SUBJECT PROPERTY:

R-PD7 (RESIDENTIAL PLANNED DEVELOPMENT - 7 UNITS PER ACRE)

N

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: SEPTEMBER 15, 2004
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: WVR-4774 - APPLICANT: RICHMOND AMERICAN HOMES OF NEVADA, INC. - OWNER: CAN CAN II (KB) TARGETS LIMITED PARTNERSHIP AND RONALD MICH'L AND CAROLYN MICH'L

** CONDITIONS **

The Planning Commission (4-0-1 vote) and staff recommend APPROVAL, subject to:

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Rezoning (ZON-4755) and Site Development Plan Review (SDR-4756).

2. All City Code Requirements and all City Departments design standards shall be met, other than those waived or varied through this and companion applications.

** STAFF REPORT **

APPLICATION REQUEST

A) Action Requested

This is a request for a Waiver of Title 18.12.160 to allow a 204-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, for streets on a site located on the southeast corner of Grand Teton Drive and Durango Drive.

B) Applicant's Justification

The applicant has justified this request by stating that the requested Title 18 Waiver will facilitate the companion requests for Rezoning and Site Plan Review.

BACKGROUND INFORMATION

A) Previous Actions

11/16/94 The City Council approved a request to Annex (A-0020-94) the subject site. Staff supported the request. The Planning Commission recommended approval on 09/08/94. The effective date was 11/25/94.

05/13/04 The Planning Commission accepted the applicant's request to Withdraw Without Prejudice a Rezoning (ZON-3794) from U (Undeveloped) to R-PD7 (Residential Planned Development - 7 Units per Acre) on the subject site. The Planning Commission also accepted the applicant's request to Withdraw Without Prejudice a Site Development Plan Review (SDR-3796) for a proposed 64-lot single-family development on the same site. Staff had supported these requests.

08/12/04 The Planning Commission recommended approval of companion items for a Rezoning (ZON-4755) from U (Undeveloped) Zone [PCD (Planned Community Development) General Plan Designation] to R-PD7 (Residential Planned Development - 7 Units per Acre) and a Site Development Plan Review (SDR-4756) for a proposed 74-lot single-family residential development on the subject site.

08/12/04 The Planning Commission voted 4-0-1 to recommend APPROVAL (PC Agenda Item #56/gl).

B) Pre-Application Meeting

06/18/04 The applicant was advised that the 66-lot site plan as presented at that meeting would require an open space Variance, as well as a host of Public Works requirements. The needs to illustrate perimeter landscaping and to show Grand Teton Drive at the correct width were also noted.

C) Neighborhood Meetings

Neighborhood meetings are not required for Title 18 Waiver applications.

DETAILS OF APPLICATION REQUEST

A) Site Area

Gross Acres: 10.57

B) Existing Land Use

Subject Property:	Undeveloped
North:	Undeveloped (approved for a Tavern and single-family development)
South:	Single-family dwellings
East:	Single-family dwellings
West:	Single-family dwellings

C) Planned Land Use

Subject Property:	PCD (Planned Community Development)
North:	SC (Service Commercial) and PCD (Planned Community Development)
South:	PCD (Planned Community Development)
East:	PCD (Planned Community Development)
West:	PCD (Planned Community Development)

D) Existing Zoning

Subject Property:	U (Undeveloped)
North:	U (Undeveloped) under Resolutions of Intent to C-1 (Limited Commercial) and to R-PD7 (Residential Planned Development - 7 Units per Acre)
South:	R-PD4 (Residential Planned Development - 4 Units per Acre)
East:	R-PD4 (Residential Planned Development - 4 Units per Acre)
West:	R-CL (Residential - Compact Lot)

E) General Plan Compliance

The subject site is located within the Centennial Hills Sector of the General Plan and has a PCD (Planned Community Development) land use designation, which allows for a mix of residential uses that maintain an average overall density ranging from two to eight dwelling units per acre. The proposed R-PD7 (Residential Planned Development - 7 Units per Acre) zoning district is in compliance with the General Plan.

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

There are no special area plans, overlays or study areas that affect the subject site. The required Multi-use Transportation Trails along the west and north property lines, along the east side of Durango Drive and along the south side of Grand Teton Drive, are depicted on the proposed site plan.

ANALYSIS

A) Zoning Code Compliance

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

Specifically, Title 18.12.160 states:

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

The design as proposed will still allow adequate stacking and turning movements between the proposed local street entrance/Quail View Street intersection and the Quail View Street/Jo Marcy Drive intersection. The applicant also indicates that reconfiguration of this access point is not possible without substantially compromising the concept and design of the project. The requested reduction represents a 7% reduction in the minimum standard, and is a relatively minor reduction from the minimum standard.

FINDINGS

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

NOTICES MAILED 261 by Planning Department

APPROVALS 0

PROTESTS 0

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: WVR-4774 APN: 125-16-101-001

Name of Property Owner: Ron & Carolyn Michl Etal

Name of Applicant: Richmond American Homes of NV, 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: Carolyn Michl

Print Name: CAROLYN MICH'L

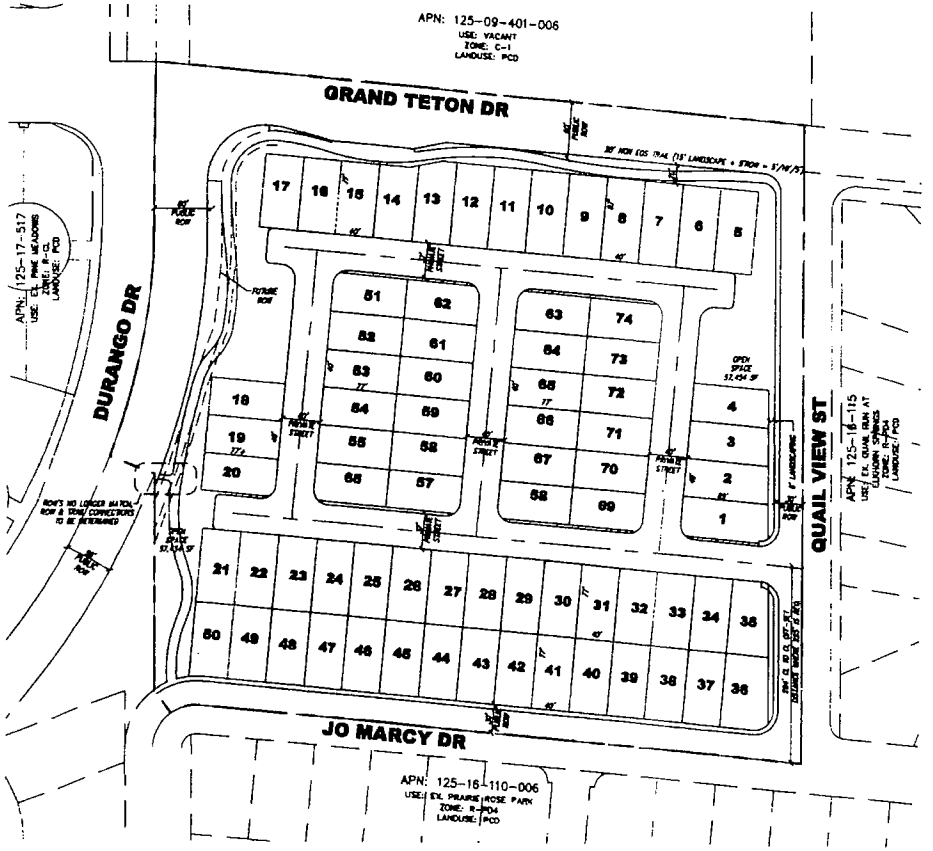
Subscribed and sworn before me

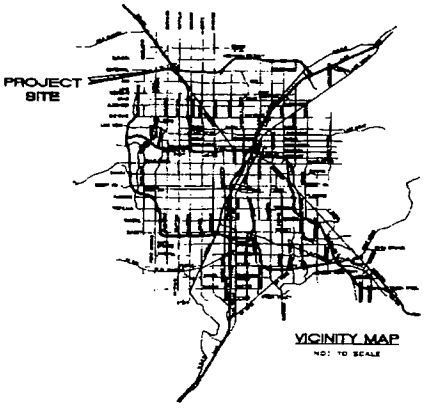
This 25 day of June, 2004

Notary Public in and for said County and State

KAMI LEIGH BENNETT
Notary Public State of Nevada
No. 04-86414-1
My appt. exp. Dec. 31, 2007

GRAND TETON - DURANGO





DEVELOPER
RICHMOND AMERICAN HOMES
7250 WEST ROAN DRIVE
SUITE 219
LAS VEGAS, NEVADA 89128

OWNERS
[illegible]

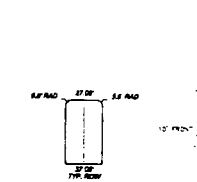
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125-16-101-001

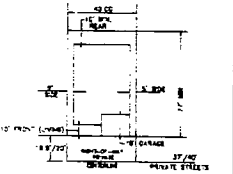
OVERALL TABULATIONS

EXISTING ZONING — UNDEVELOPED
PROPOSED ZONING — PCD (7.0 DUA)
EXISTING LAND USE — PLANNED COMMUNITY DEVELOPMENT

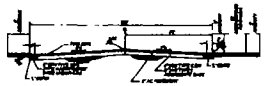
OF UNITS — 74
GROSS ACREAGE — 10.57 ACRES +/-
DENSITY — 7.0

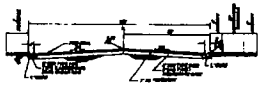
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OPEN SPACE PROVIDED — 53,390 S.F.

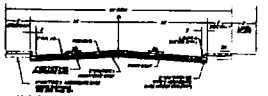


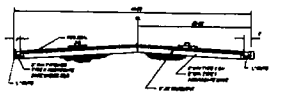


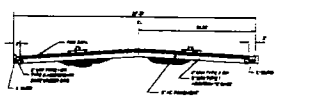
ZON-4755
WVR-4774
SDR-4756
08-12-04 PC











NOTE: THIS PLAN WAS PREPARED USING RECORD INFORMATION. IT IS ILLUSTRATIVE AND IS TO BE USED FOR PLANNING PURPOSES ONLY. NO LIABILITY IS ASSUMED

REVISED 07.21.04

PROJECT OWNER
RICHMOND AMERICAN HOMES
7250 WEST ROAN DRIVE, STE. 219
LAS VEGAS, NEVADA
(702) 242-8400

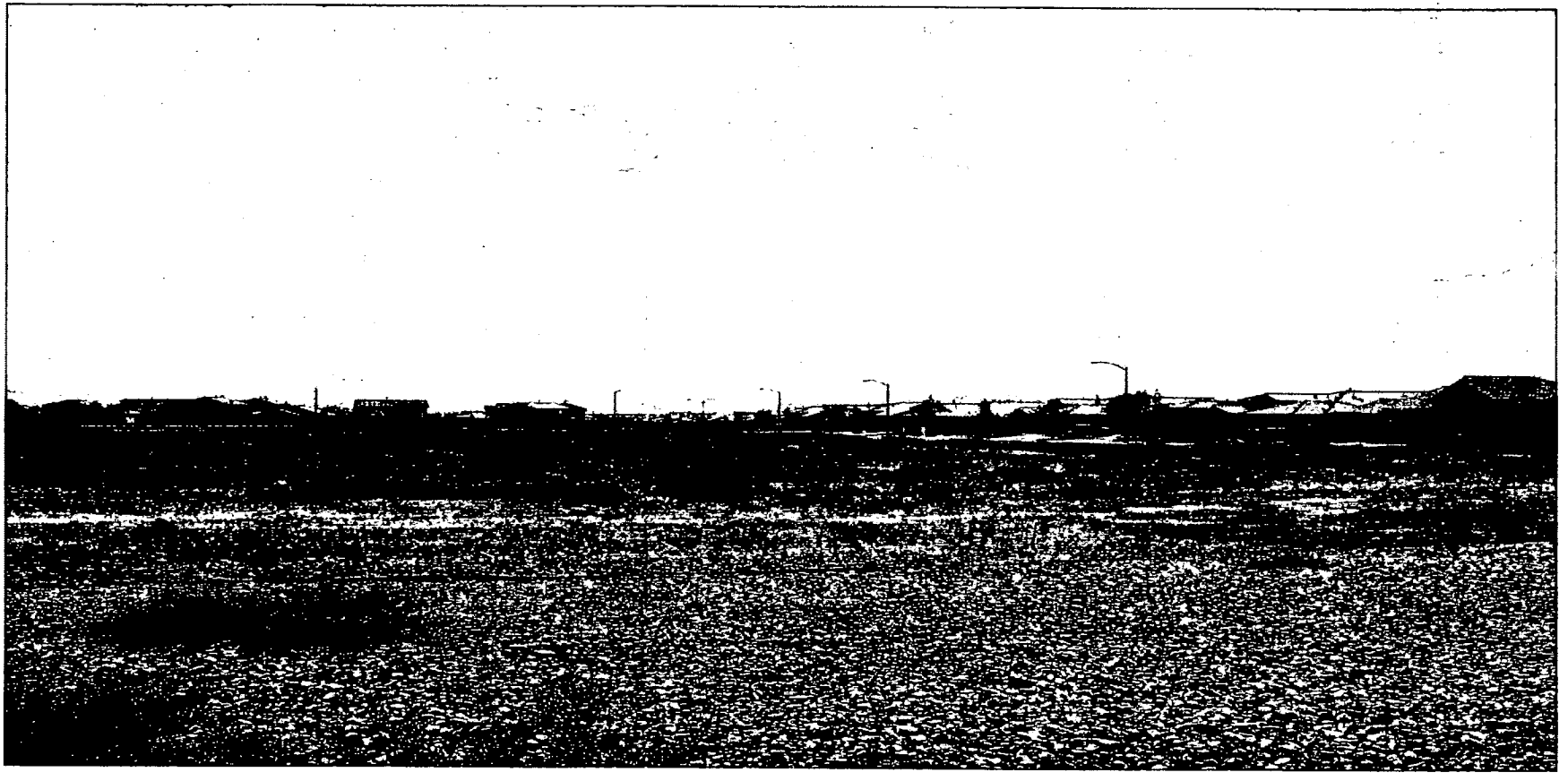
RS CONSULTING, INC.
STRATEGIC PLANNING SOLUTIONS
7251 Walden Avenue Las Vegas, NV 89139 Office: 702.304.7702 Fax: 702.304.7702

SHEET: SITE PLAN TO ACCOMPANY SDR + ZC + TITLE 18 WAIVER

TITLE: GRAND TETON - DURANGO
CITY OF LAS VEGAS, NEVADA

DATE: 5/14/2004
DRAWN BY: E. SAYLER
DESIGNED BY: E. SAYLER
CHECKED BY: K. DUBE
SCALE: 1" = 60'
PROJECT NO. RA-0052
ENGINEERING SEAL

SHEET 1 OF 1
DRAWING NO. 1



WVR-4774 - APPLICANT: RICHMOND AMERICAN HOMES OF NEVADA, INC. - OWNER: CAN CAN II (KB) TARGETS, LIMITED PARTNERSHIP AND RONALD MICH'L AND CAROLYN MICH'L
SOUTHEAST CORNER OF GRAND TETON DRIVE AND DURANGO DRIVE
AUGUST 12, 2004 PLANNING COMMISSION

07/20/04

City of Las Vegas

Agenda Item No. 166

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: SEPTEMBER 15, 2004

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

SUBJECT:
SITE DEVELOPMENT PLAN REVIEW RELATED TO ZON-4755 AND WVR-4774 - PUBLIC HEARING - **SDR-4756 - APPLICANT: RICHMOND AMERICAN HOMES OF NEVADA, INC. - OWNER: CAN CAN II (KB) TARGETS, LIMITED PARTNERSHIP AND RONALD MICH'L AND CAROLYN MICH'L** - Request for a Site Development Plan Review and a Waiver of the Perimeter Landscape Standards FOR A PROPOSED 74-LOT SINGLE-FAMILY RESIDENTIAL DEVELOPMENT on 10.57 acres adjacent to the southeast corner of Grand Teton Drive and Durango Drive (APN 125-16-101-001), U (Undeveloped) Zone [PCD (Planned Community Development) General Plan Designation] [PROPOSED: R-PD7 (Residential Planned Development - 7 Units per Acre)], Ward 6 (Mack). The Planning Commission (4-0-1 vote) and staff recommend APPROVAL

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

RECOMMENDATION:
The Planning Commission (4-0-1 vote) and staff recommend APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:
1. Location Map
2. Conditions For This Application
3. Staff Report
4. Back up referenced from the 8/12/2004 Planning Commission meeting Item 57

MOTION:
MACK – APPROVED subject to conditions, deleting Condition 15, and amending Conditions 3, 4 and 5 as follows:

3. **All development shall be in conformance with the site plan, landscape plan and building elevations, date stamped *9/14/04*, except as amended by conditions herein.**
4. **The standards for this development shall include the following: minimum distance between buildings of ten feet, and building height shall be two stories or *35* feet, whichever is less.**
5. **The setbacks for this development shall be a minimum of 10-feet to the front of the house, 18 feet to the front of the garage as measured from back of sidewalk or from back of curb if no sidewalk is provided, 5 feet on the side, 5 feet on the corner side, and *10 feet* in the rear.**

– UNANIMOUS with MAYOR GOODMAN excused

City of Las Vegas

Agenda Item No. 166

CITY COUNCIL MEETING OF SEPTEMBER 15, 2004
Planning and Development Department
Item 166 – SDR-4756

MINUTES:

NOTE: See Item 164 [ZON-4755] for all related discussion.

(5:16 – 5:30)

6-2138

CONDITIONS:

Planning and Development

1. A Rezoning (ZON-4755) to an R-PD7 (Residential Planned Development - 7 Units per Acre) Zoning District and a Title 18 Waiver (WVR-4774) to allow a substandard intersection offset, approved by the City Council.

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

3. All development shall be in conformance with the site plan, landscape plan and building elevations, date stamped 07/21/04, except as amended by conditions herein.

4. The standards for this development shall include the following: minimum distance between buildings of ten feet, and building height shall not exceed two stories or 26 feet, whichever is less.

5. The setbacks for this development shall be a minimum of 10 feet to the front of the house, 18 feet to the front of the garage as measured from back of sidewalk or from back of curb if no sidewalk is provided, 5 feet on the side, 5 feet on the corner side, and 15 feet in the rear.

6. The landscape plan shall be revised and approved by Planning and Development Department staff, prior to the time application is made for a building permit, to reflect minimum 24-inch box trees planted a maximum of 30 feet on-center and a minimum of four five-gallon shrubs for each tree within provided planters along Durango Drive and Grand Teton Drive.

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

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

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

CONDITIONS – Continued:

10. Any property line wall shall be a decorative block wall, with at least 20 percent contrasting materials. Wall heights shall be measured from the side of the fence with the least vertical exposure above the finished grade, unless otherwise stipulated.

11. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.

12. Meet with the Fire Protection Engineering Section of the Department of Fire Services prior to submittal of a Tentative Map for this site. The design and layout of all onsite private circulation and access drives shall meet the approval of the Department of Fire Services.

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

Public Works

14. A Homeowner's Association shall be established to maintain all perimeter walls, private roadways, landscaping and common areas created with this development. All landscaping shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.

15. Meet with the Fire Protection Engineering Section of the Department of Fire Services prior to submittal of a Tentative Map for this site. The design and layout of all onsite private circulation and access drives shall meet the approval of the Department of Fire Services.

16. Landscape and maintain all unimproved right-of-way on Durango Drive and Grand Teton Drive adjacent to this site concurrent with development of this site.

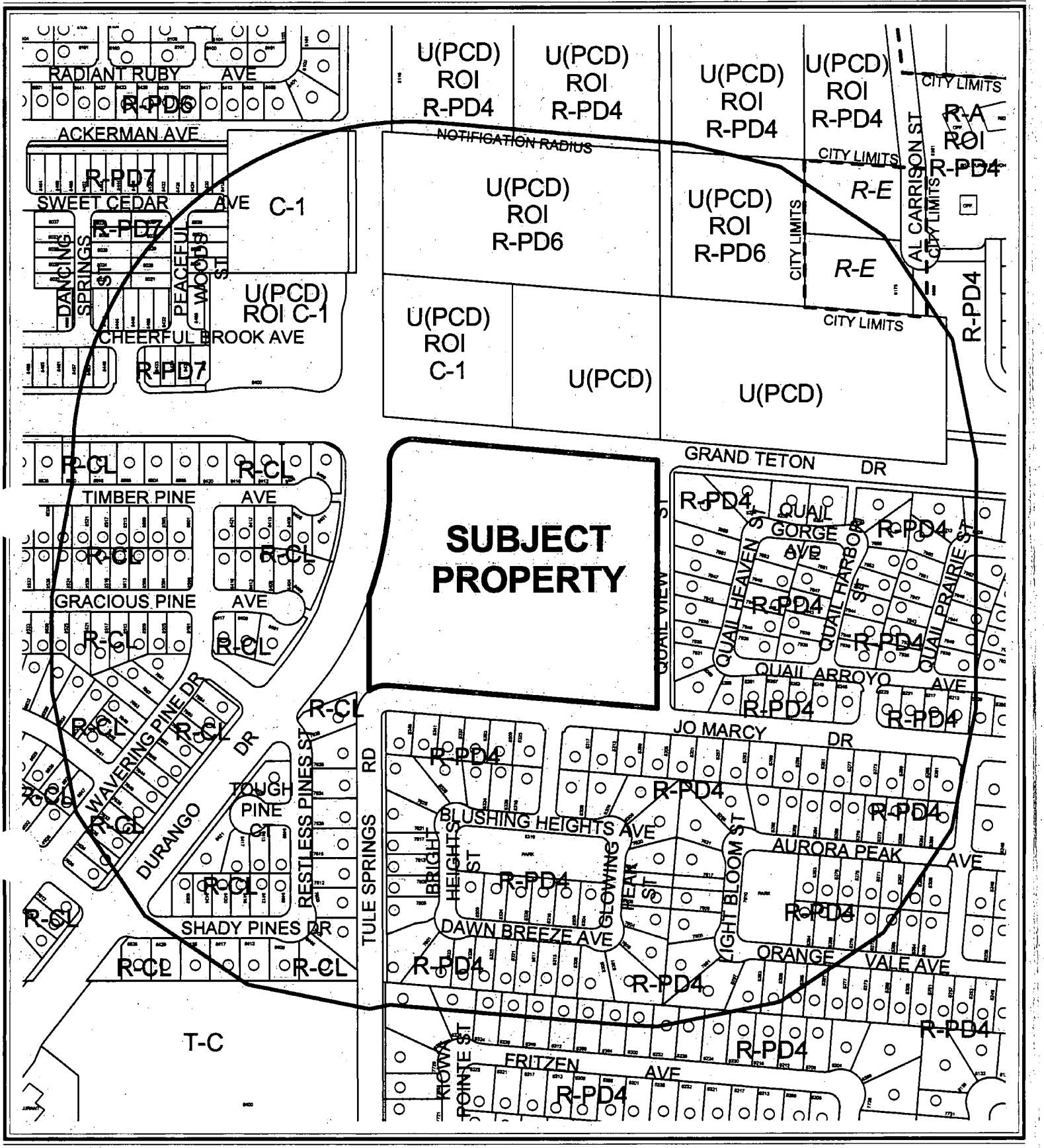
17. Submit an Encroachment Agreement for all landscaping and private improvements in the Durango Drive and Grand Teton Drive public rights-of-way adjacent to this site.

18. Site development to comply with all applicable conditions of approval for Zoning Reclassification ZON-4755 and all other subsequent site-related actions.

CITY COUNCIL MEETING OF SEPTEMBER 15, 2004
Planning and Development Department
Item 166 – SDR-4756

CONDITIONS – Continued:

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



CASE: **SDR-4756**

RADIUS: 750 FT

0 200 400 Feet

ZONING OF SUBJECT PROPERTY:

U (UNDEVELOPED) ZONE [PCD (PLANNED COMMUNITY DEVELOPMENT) GENERAL PLAN DESIGNATION]

PROPOSED ZONING OF SUBJECT PROPERTY:

R-PD7 (RESIDENTIAL PLANNED DEVELOPMENT - 7 UNITS PER ACRE)

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: SEPTEMBER 15, 2004
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: SDR-4756 - APPLICANT: RICHMOND AMERICAN HOMES OF NEVADA, INC. - OWNER: CAN CAN II (KB) TARGETS LIMITED PARTNERSHIP AND RONALD MICH'L AND CAROLYN MICH'L

** CONDITIONS **

The Planning Commission (4-0-1 vote) and staff recommend APPROVAL, subject to:

Planning and Development

1. A Rezoning (ZON-4755) to an R-PD7 (Residential Planned Development - 7 Units per Acre) Zoning District and a Title 18 Waiver (WVR-4774) to allow a substandard intersection offset, approved by the City Council.

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

3. All development shall be in conformance with the site plan, landscape plan and building elevations, date stamped 07/21/04, except as amended by conditions herein.

4. The standards for this development shall include the following: minimum distance between buildings of ten feet, and building height shall not exceed two stories or 26 feet, whichever is less.

5. The setbacks for this development shall be a minimum of 10 feet to the front of the house, 18 feet to the front of the garage as measured from back of sidewalk or from back of curb if no sidewalk is provided, 5 feet on the side, 5 feet on the corner side, and 15 feet in the rear.

6. The landscape plan shall be revised and approved by Planning and Development Department staff, prior to the time application is made for a building permit, to reflect minimum 24-inch box trees planted a maximum of 30 feet on-center and a minimum of four five-gallon shrubs for each tree within provided planters along Durango Drive and Grand Teton Drive.

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

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

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

10. Any property line wall shall be a decorative block wall, with at least 20 percent contrasting materials. Wall heights shall be measured from the side of the fence with the least vertical exposure above the finished grade, unless otherwise stipulated.

11. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.

12. Meet with the Fire Protection Engineering Section of the Department of Fire Services prior to submittal of a Tentative Map for this site. The design and layout of all onsite private circulation and access drives shall meet the approval of the Department of Fire Services.

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

Public Works

14. A Homeowner's Association shall be established to maintain all perimeter walls, private roadways, landscaping and common areas created with this development. All landscaping shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.

15. Meet with the Fire Protection Engineering Section of the Department of Fire Services prior to submittal of a Tentative Map for this site. The design and layout of all onsite private circulation and access drives shall meet the approval of the Department of Fire Services.

16. Landscape and maintain all unimproved right-of-way on Durango Drive and Grand Teton Drive adjacent to this site concurrent with development of this site.

17. Submit an Encroachment Agreement for all landscaping and private improvements in the Durango Drive and Grand Teton Drive public rights-of-way adjacent to this site.

18. Site development to comply with all applicable conditions of approval for Zoning Reclassification ZON-4755 and all other subsequent site-related actions.

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

** STAFF REPORT **

APPLICATION REQUEST

A) Action Requested

This is a request for a Site Development Plan Review and a Waiver of Perimeter Landscape Standards for a proposed 74-lot single-family residential development on 10.57 acres adjacent to the southeast corner of Grand Teton Drive and Durango Drive.

B) Applicant's Justification

The applicant justifies this request by stating that the proposed residential product will provide a good transition buffer from existing adjacent residential properties to proposed commercial development planned in the area. Quality open space will be provided, as well as the required links to the City's trail system.

BACKGROUND INFORMATION

A) Previous Actions

11/16/94 The City Council approved a request to Annex (A-0020-94) the subject site. Staff supported the request. The Planning Commission recommended approval on 09/08/94. The effective date was 11/25/94.

05/13/04 The Planning Commission accepted the applicant's request to Withdraw Without Prejudice a Rezoning (ZON-3794) from U (Undeveloped) to R-PD7 (Residential Planned Development - 7 Units per Acre) on the subject site. The Planning Commission also accepted the applicant's request to Withdraw Without Prejudice a Site Development Plan Review (SDR-3796) for a proposed 64-lot single-family development on the same site. Staff had supported these requests.

08/12/04 The Planning Commission recommended approval of companion items for a Rezoning (ZON-4755) from U (Undeveloped) [PCD (Planned Community Development) General Plan Designation] to R-PD7 (Residential Planned Development - 7 Units per Acre) and a Waiver of Title 18 standards (WVR-4774) on the subject site.

08/12/04 The Planning Commission voted 4-0-1 to recommend APPROVAL (PC Agenda Item #57/ss).

B) Pre-Application Meeting

06/18/04 The applicant was advised that the 66-lot site plan as presented at that meeting would require an open space Variance, as well as a host of Public Works requirements. The needs to illustrate perimeter landscaping and to show Grand Teton Drive at the correct width were also noted.

C) Neighborhood Meetings

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

DETAILS OF APPLICATION REQUEST

A) Site Area

Gross Acres:	10.57
Net Acres:	8.43

B) Existing Land Use

Subject Property:	Undeveloped
North:	Undeveloped (approved for a Tavern and single-family development)
South:	Single-family dwellings
East:	Single-family dwellings
West:	Single-family dwellings

C) Planned Land Use

Subject Property:	PCD (Planned Community Development)
North:	SC (Service Commercial) and PCD (Planned Community Development)
South:	PCD (Planned Community Development)
East:	PCD (Planned Community Development)
West:	PCD (Planned Community Development)

D) Existing Zoning

Subject Property:	U (Undeveloped)
North:	U (Undeveloped) under Resolutions of Intent to C-1 (Limited Commercial) and to R-PD7 (Residential Planned Development - 7 Units per Acre)
South:	R-PD4 (Residential Planned Development - 4 Units per Acre)
East:	R-PD4 (Residential Planned Development - 4 Units per Acre)
West:	R-CL (Single-Family Compact-Lot)

E) General Plan Compliance

The subject site is located within the Centennial Hills Sector of the General Plan and has a PCD (Planned Community Development) land use designation, which allows for a mix of residential uses that maintain an average overall density ranging from two to eight dwelling units per acre. The proposed R-PD7 (Residential Planned Development - 7 Units per Acre) zoning district is in compliance with the General Plan.

PROJECT DESCRIPTION

The current revised site plan dated July 21, 2004 depicts 74 single-family residential lots on 10.57 gross acres, resulting in a density of 7.0 dwelling units per acre. Access to these lots will be provided from a network of private streets ranging in width from 37 to 40 feet and from Jo Marcy Drive, a 60-foot public street. The private streets connect to the public street network at a single point at Quail View Street in the southeast portion of the development. Lots average approximately 3,080 square feet in size throughout most of the development, with slightly larger lots along Grand Teton Drive and Quail View Street. Setbacks proposed for this development are 10 feet in the front yard, 18 feet to the garage door, 15 feet in the rear, five feet for side yards and five feet for corner side yards, which contain common landscaped areas.

Two open space areas are proposed, one on the west side and the other on the northeast corner of the site. They are connected by the required 20-foot Multi-Use Non-Equestrian trail that runs northward along the east side of Durango Drive and eastward along the south side of Grand Teton Drive. Together, these areas exceed the amount of required open space for the development. Open space along Durango is connected to an existing park offsite. In addition to the landscaping provided for the trail, on-site landscaping also includes a six-foot wide landscape buffer along Quail View Street on the outside of the perimeter wall. Lots 36 through 50 have direct access to Jo Marcy Drive and therefore do not have a landscape buffer. A Waiver of Title 19 Perimeter Landscape Standards is requested for these lots.

The elevations show three building types for two-story residential products, with a maximum building height of 25.5 feet. Floor plans range from 1,703 square feet to 1,981 square feet in living area. Each dwelling will feature a two-car garage. Materials include stucco exteriors, wooden shutters, and pitched concrete tile roofs.

ANALYSIS

A) Zoning Code Compliance

A1) Development Standards

Pursuant to Title 19.06, the Development Standards for an R-PD zoned project are established by the site plan. In the case of the subject proposal, these are as follows:

Standards	Proposed
Min. Lot Size	3,080 SF
Min. Lot Width	40 Feet
Min. Setbacks	
• Front (to dwelling)	10 Feet
• Front (to garage)	18 Feet
• Side	5 Feet
• Corner	5 Feet
• Rear	15 Feet
Max. Building Height	2 Stories / 25.5 Feet

These standards are appropriate for this type and scale of development and are appropriate for the area.

A2) Residential Adjacency Standards

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

A3) Parking and Traffic Standards

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

Uses	Units	Required			Provided	
		Ratio	Parking		Parking	
			Regular	Handicap	Regular	Handicap
Single Family, Detached	74	2 spaces/unit	148	none	148	none

The proposed development meets the parking requirements of Title 19.

The Department of Public Works notes that a bus turnout will be required along the south side of Grand Teton Drive adjacent to this site.

A Waiver of Title 18.12.160 is required for intersections separated by less than 220 feet (from centerline to centerline). Such a waiver has been requested, as the entry street into the development from Quail View Street is located 204 feet from the centerline of Jo Marcy Drive.

A4) Landscape and Open Space Standards

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

Standards	Required		Provided
	Ratio	Trees	
Buffer:			
• Min. Trees	1 Tree/30 Linear Feet + 1 Tree	52 Trees (1,540 Feet)	44 Trees
• Min. Zone Width	6 Feet		6 Feet
• Wall height	6 Feet		Not indicated

The proposed development is deficient with regard to the number of trees and spacing along public rights-of-way. Trees are proposed to be spaced about 35 feet apart. A condition of approval will require compliance with Title 19 and Landscape, Wall and Buffer Standards. A Waiver of the required six-foot landscape buffer along Jo Marcy Drive has been requested in order to allow direct access to lots fronting on that street.

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
10.57 acres	7.0 du/ac	1.65	11.55 %	53,180 SF 1.22 acres	12.48 %	57,454 SF 1.32 acres

The site plan exceeds the open space requirements of the Code.

B) General Analysis and Discussion

- Zoning

The site is currently zoned U (Undeveloped) with an accompanying General Plan designation of PCD (Planned Community Development). A companion Rezoning request (ZON-4755) would, if approved, rezone the subject property to R-PD7 (Residential Planned Development - 7 Units per Acre) in order to allow the project as proposed to be developed. At a proposed density of seven dwelling units per gross acre, this zoning district is compatible with the existing PCD (Planned Community Development) General Plan land use category, which allows densities up to eight dwelling units per gross acre.

- Site Plan

The site plan meets standards with respect to density if the companion Rezoning application is approved. The density of this development is slightly higher than developments to the south and east; however, it provides open space in excess of Title 19 requirements, connected across the site by a Multi-Use Non-Equestrian Trail. The open space also connects (without barriers) to the park to the southwest of the development.

- Waivers

A Waiver of Title 19.12.030.H, which references the Landscape, Wall and Buffer Standards document, is requested so that lots 36 through 50 may have direct access to Jo Marcy Drive. The standards require a minimum six-foot landscape buffer along all primary or secondary thoroughfares (minimum 80-foot rights-of-way). Since Jo Marcy Drive is a 60-foot right-of-way and is classified as a collector street, the Waiver is not needed.

- Landscape Plan

More trees than shown on the conceptual landscape plan should be added to comply with landscape buffer requirements. Specifically, the trees should be spaced a maximum of 30 feet apart and consist of at least 24-inch box trees. The proposed Chitalpa and Mexican Fan Palms are acceptable plant choices; however, the 15-inch box Thornless Texas Honey Mesquite and Heritage Live Oak trees are not. Turf will not be permitted in the interior amenity zones of this development.

- Elevation

The proposed two-story models are compatible with other homes in the area. Stucco colors are generally light with dark trim. No stone veneer or other variation in materials is proposed; however, each model employs a different design which is well-articulated.

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;"**

   A plan for similar type and density of housing was recently approved by City Council on the site across Grand Teton Drive to the north. Like that development, the proposed single-family detached site will serve as a buffer between less dense residential developments and a proposed commercial development on the northeast corner of Durango Drive and Grand Teton Drive. The density of the subject development is slightly higher than developments to the south and east; however, it provides open space in excess of Title 19 requirements, connected across the site by a Multi-Use Non-Equestrian Trail. The open space also connects (without barriers) to the park to the southwest of the 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;"**

   With the implementation of conditions of approval regarding provision of landscaping, the proposed development will be consistent with Title 19 requirements. The companion Rezoning proposal conforms to the General Plan.

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

   Access to the development will be available from Jo Marcy Drive and Quail View Street, both minor collector streets. These streets are adequate to meet the traffic demands of the proposed single-family residential development.

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

   Building materials are appropriate for this type of development in this portion of the City. Current codes call for minimum 24-inch box trees to be planted a maximum of 30 feet on center along Grand Teton Drive and Durango Drive. The proposed 15-inch box trees along these streets and the trail are unacceptable.

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 depict two-story stucco homes, which are consistent with the scale and style of the existing homes typical in this area of the city.

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

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

NOTICES MAILED 261 by Planning Department

APPROVALS 0

PROTESTS 0

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: SDR-47506 APN: 125-10-101-001

Name of Property Owner: Ron & Carolyn Michl Etal

Name of Applicant: Richmond American Homes of NV, 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: Carolyn Michl

Print Name: CAROLYN MICHL

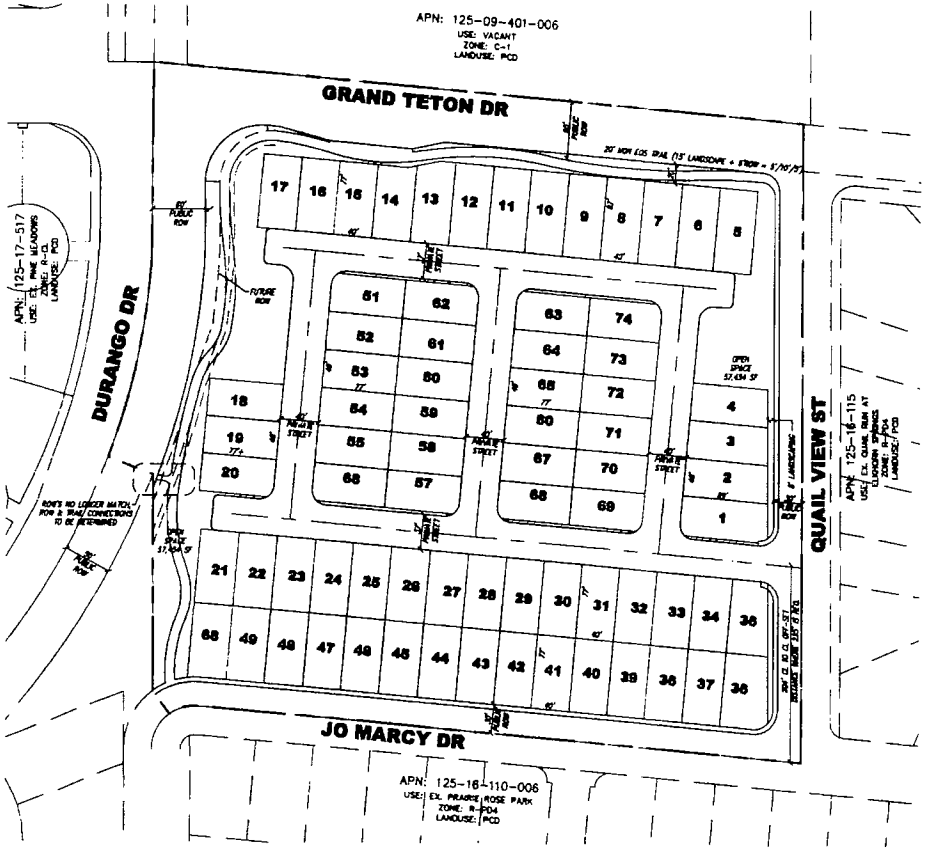
Subscribed and sworn before me

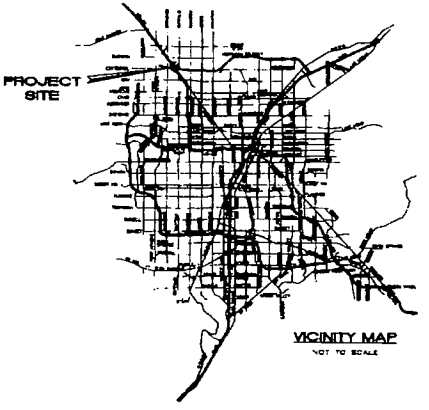
This 25 day of June, 2004

Notary Public in and for said County and State

KAMI LEIGH BENNETT
Notary Public State of Nevada
No. 04-86414-1
My appt. exp. Dec. 31, 2007

GRAND TETON - DURANGO



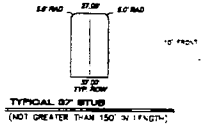


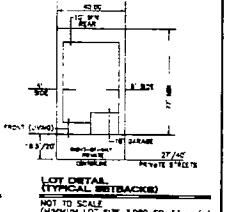
DEVELOPER
RICHMOND AMERICAN HOMES
7250 WEST PEAK DR VE
SUITE 212
LAS VEGAS NEVADA 89128

OWNERS
CAN CAN H ARGETS LP $7,869
RONALD & CAROLYN WOHL L 32,131
2677 PARADISE RD, #3402
LAS VEGAS, NEVADA 89109

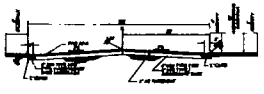
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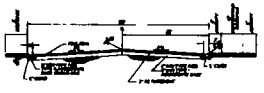
OVERALL TABULATIONS
EXISTING ZONING —— UNDEVELOPED
PROPOSED ZONING —— PCD (7.0 DU/A)
EXISTING LAND USE —— PLANNED COMMUNITY DEVELOPMENT
OF UNITS —— 76
GROSS ACREAGE —— 10.57 ACRES +/-
DENSITY —— 7.0
OPEN SPACE REQUIRED - 53,143 S.F.
OPEN SPACE PROVIDED - 55,380 S.F.

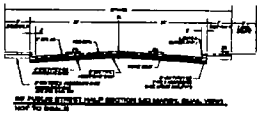


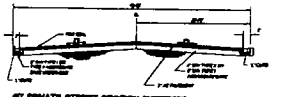


ZON-4755
WVR-4774
SDR-4756
08-12-04 PC











REVISED 07.21.04

NOTE: THIS PLAN WAS PREPARED USING RECORD INFORMATION. IT IS ILLUSTRATIVE AND IS TO BE USED FOR PLANNING PURPOSES ONLY. NO LIABILITY IS ASSUMED

PROJECT OWNER:
RICHMOND AMERICAN HOMES
7250 WEST PEAK DRIVE, STE. 212
LAS VEGAS, NEVADA
(702) 242-0450

RS CONSULTING, INC.
STRATEGIC PLANNING SOLUTIONS
7925 Walnut Avenue, Las Vegas, NV 89129 Office: 702.254-7701 Fax: 702.254-7702

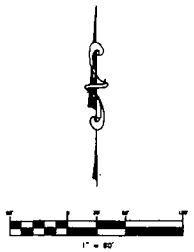
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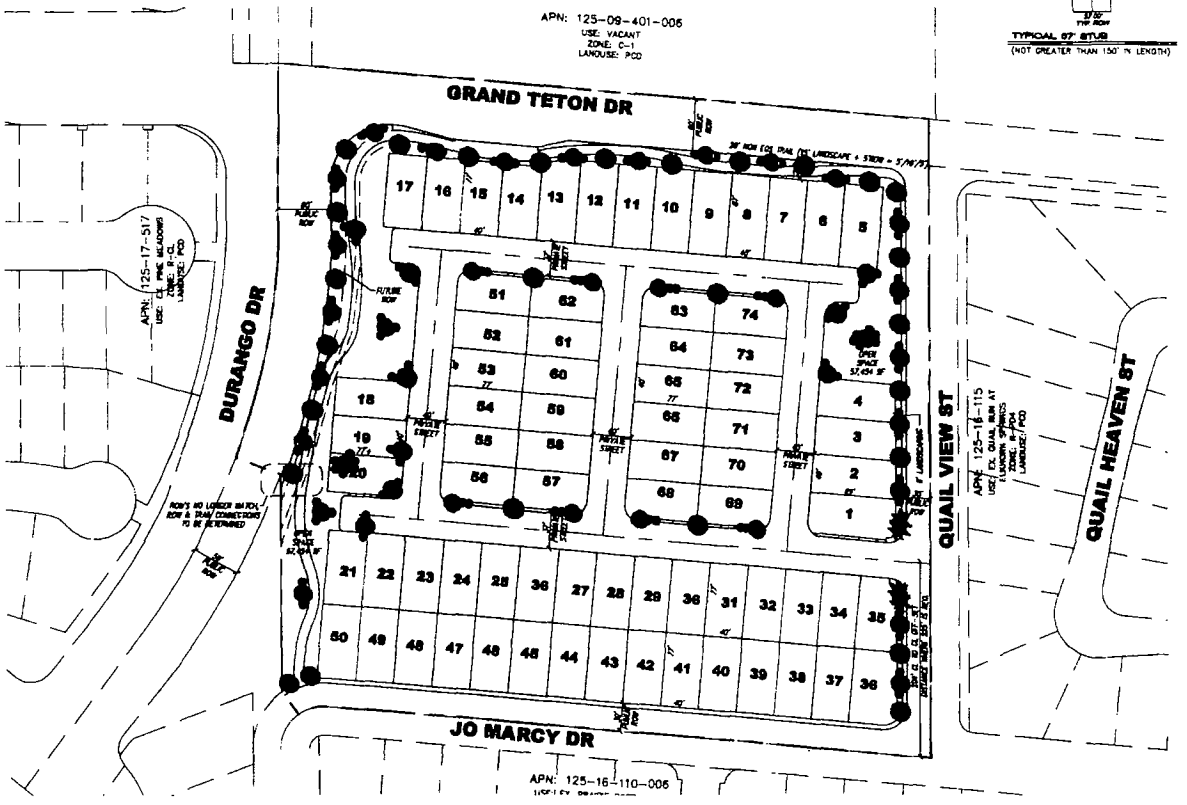
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CITY OF LAS VEGAS, NEVADA

DATE: 5/18/2004
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DESIGNED BY: E. SAUER
CHECKED BY: E. SAUER
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PROJECT NO. RA-0052
ENGINEERING SEAL

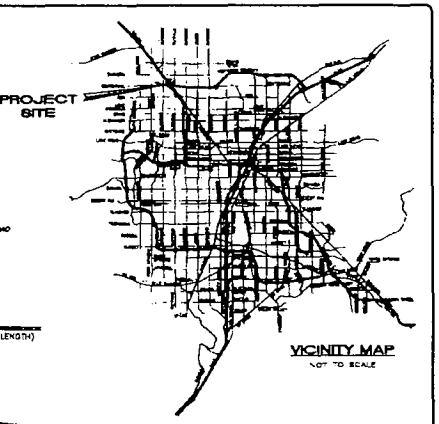
SHEET 1 OF 1
DRAWING NO. 1

GRAND TETON - DURANGO









DEVELOPER
RICHMOND AMERICAN HOMES
7250 WEST PEAK DRIVE
SUITE 210
LAS VEGAS, NEVADA 89178

OWNERS
CAN, CAN & TARGETS LP 67.868
RONALD & CAROLYN WOLFF, 32.13
2677 PARADISE RD. #3402
LAS VEGAS, NEVADA 89109

ASSESSORS PARCEL NUMBER:
125-16-101-001

OVERALL TABULATIONS

EXISTING ZONING — UNDEVELOPED
PROPOSED ZONING — PCD (7.0 DUA)
EXISTING LAND USE — PLANNED COMMUNITY DEVELOPMENT

OF UNITS — 76
GROSS ACREAGE — 10.57 ACRES +/-
DENSITY — 7.0

OPEN SPACE REQUIRED — 53,143 S.F.
OPEN SPACE PROVIDED — 53,390 S.F.

TREE LEGEND

SYMBOL	BOTANICAL/COMMON NAME	SIZE	QTY.
	CHITALPA TASHKENTENSIS CHITALPA	24" BOX	??
	PROSOPIS G.ANDULOSA '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
ACACIA REDOLENS - 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 - PEA-OC BUSH	5 GALLON
DIETELIA FARINOSA - BATTLEBUSH	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 GLEVELANDII - 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

REVISED 7.21.04

ZON-4755
WVR-4774
SDR-4756
08-12-04 PC

PROJECT OWNER: RICHMOND AMERICAN HOMES, 7250 WEST PEAK DRIVE, SUITE 210, LAS VEGAS, NEVADA (702) 240-8000

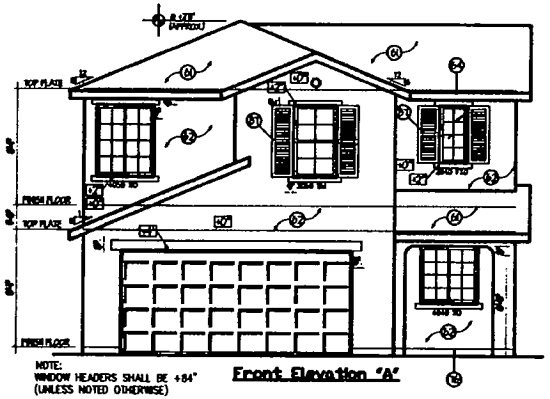
RS CONSULTING, INC.
STRATEGIC PLANNING SOLUTIONS
7373 Pollock Avenue, Las Vegas, NV 89128 Office: 702.304.7794 Fax: 702.304.7793

SHEET: SITE PLAN TO ACCOMPANY SDR + ZC + TITLE 18 WAIVER

TITLE: GRAND TETON - DURANGO
CITY OF LAS VEGAS, NEVADA

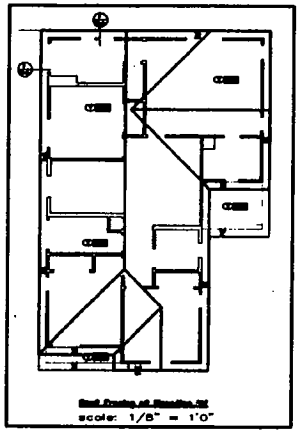
DATE: 5/18/2004
DRAWN BY: B. TAYLOR
DESIGNED BY: B. TAYLOR
CHECKED BY: R. SHUE
SCALE: 1" = 60'
PROJECT NO. RA-0052
ENGINEER'S SEAL

SHEET 1 OF 1
DRAWING NO. 1

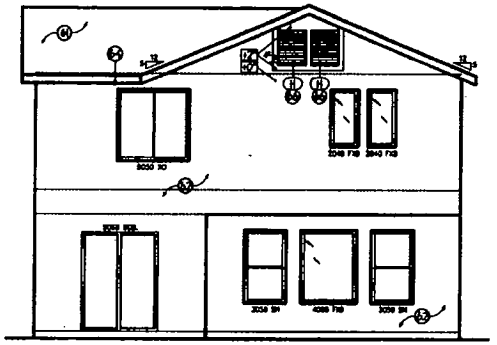


NOTE:
WINDOW HEADERS SHALL BE +84"
(UNLESS NOTED OTHERWISE)

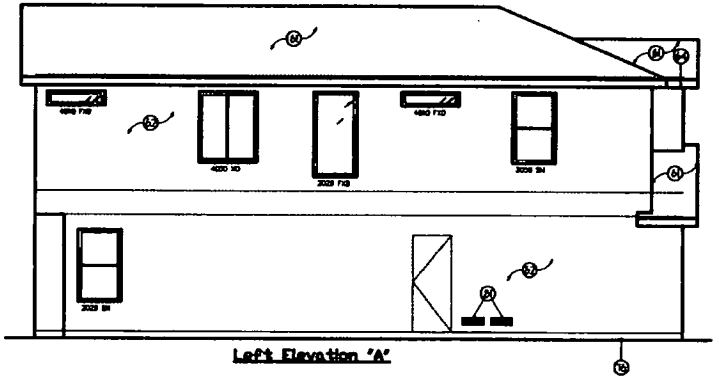
Front Elevation 'A'



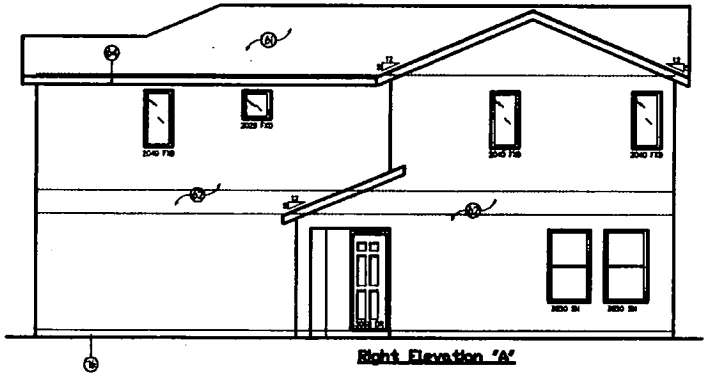
scale: 1/8" = 1'0"



Rear Elevation 'A'



Left Elevation 'A'



Right Elevation 'A'

KEYNOTES

GENERAL EXTERIOR NOTES

1. FOAM APPLICATIONS SHALL COMPLY PER IRC
2. WINDOW HEADERS SHALL BE @ 7'-6" (UNLESS NOTED OTHERWISE)
3. SEE COVER SHEET FOR ATTIC VENTILATION CALCULATIONS
4. PLATE HEIGHT = 8'1"(1st flr) / 8'1"(2nd flr

(1) FLAT CONCRETE TILE w/ TYPE 30 FELT SIDE LAPPED 3" (76mm) & END LAPPED 6" (153mm) w/1/2" MIN. OSB (TYP)
(2) STUCCO w/FOAM BOARD EZ II @ @400 w/THERMAL BARRIER - PER IRC
(3) STONE VENEER & APPLICATION SHALL COMPLY WITH IRC (R703.7.3(5))
(4) 2x6 ROUGH SAWN FASCIA - SEE EAVE DETAIL F/01
(5)
(6) PROVIDE CORROSION RESISTANT METAL MESH w/ MESH OPENINGS OF 1/4" (6.4mm) IN DIMENSION
(7)
(8) FINISH COLORS @ +84" - TYPICAL
(9)
(10) DECORATIVE CROSS BRACED WROUGHT IRON BARS / WROUGHT IRON GATE w/ POINT BALL @ COURTYARD ONLY / DECORATIVE WROUGHT IRON GAURDRAILING.
(SEE DETAIL L/01 @ M/01 FOR DECK RAILING SUPPORT)
(11)
(12)
(13)
(14)
(15)
(16) PROVIDE No. 26 GALVANIZED SHEET GAGE CORROSION-RESISTANT BEEP SCREEN(4" ABOVE EARTH, 2" ABOVE PAVED)
(17) R-30 INSULATION
(SEE DETAIL F/01 FOR INSULATION BAFFLE @ EAVE)
(18) 2x4"S @ 16" O.C. - TYP. @ EXTERIOR UNABLE WALL - R-11 BATT w/o FACING - PROVIDE FIRE-BLOCKING WHERE REQUIRED
(19) PREFABRICATED TRUSSES @ 24" O.C. - SEE TRUSS CALCULATIONS FOR CONCORD INFORMATION
(20) 1/2" GYPSUM BOARD
(21) 6-12"ø SCREENED COMBUSTIBLE AIR VENTS - LOCATE PER LMC
(22)
(23)
(24)
(25)
(26)
(27) SHUTTERS (MDF or WOOD) - SEE SPECIFICATIONS a/o METAL OR WOOD AWNING - SEE SPECIFICATIONS
(28) PROVIDE CORROSION-RESISTANT SHEET METAL WAIT FOAM PLASTIC INSULATION IS NOT EXPOSED @ ATTIC (PER IRC)
(29)
(30)
(31)
(32)
(33)
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(48)
(49)
(50)

VENT SCHED.

GENERAL ATTIC VENT NOTES

1. ROOF VENTILATION SHALL COMPLY PER IRC
- SEE COVER SHEET FOR INFORMATION ON REQUIRED ATTIC VENTILATION

(A)	-	(B)	-	(C)	-	(D)	-	
(E)	-	(F)	-	(G)	-	(H)	-	
(I)	-	(J)	-	(K)	-	(L)	-	
(M)	-	(N)	-	(O)	-	(P)	-	
(Q)	-	(R)	-	(S)	-	(T)	-	
(U)	-	(V)	CLOSED TILE	(W)	-	(X)	-	
(Y)	-	(Z)	2"x2" SCREEN					

ZON-4755
VAR-4773
WVR-4774
SDR-4756
08-12-04 PC

scale: 1/4" = 1'0"

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LAS VEGAS DIVISION
7250 West Peak, Suite 212
LAS VEGAS, NV. 89128 (702) 240-5600

RICHMOND AMERICAN HOMES
STATE CONTRACTOR LICENSE #0026417
DIVISION PRESIDENT: ERNEST J. REALMUTO, JR.

PARTIAL FLOOR PLAN, ROOF FRAMING, FRONT, REAR, & SIDE OF ELEVATION 'A'

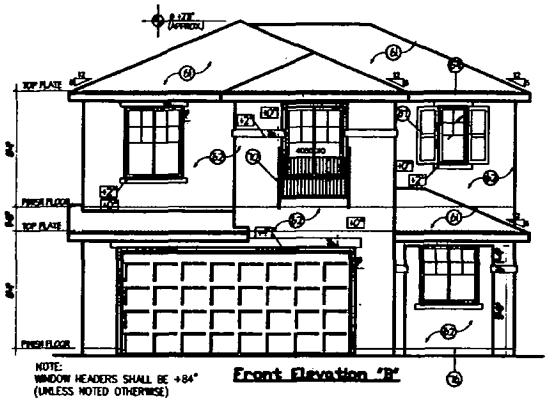
DRAWN BY: E.D.H.
REVISED: 09/03/04

PLAN # 1703

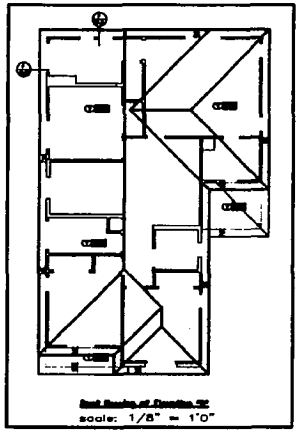
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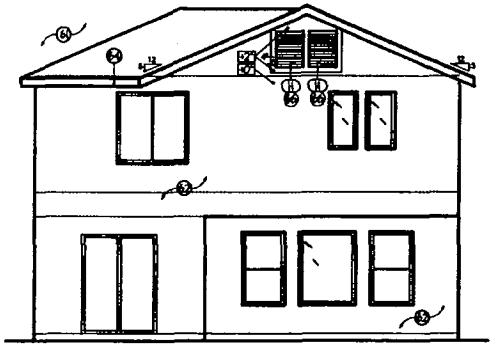
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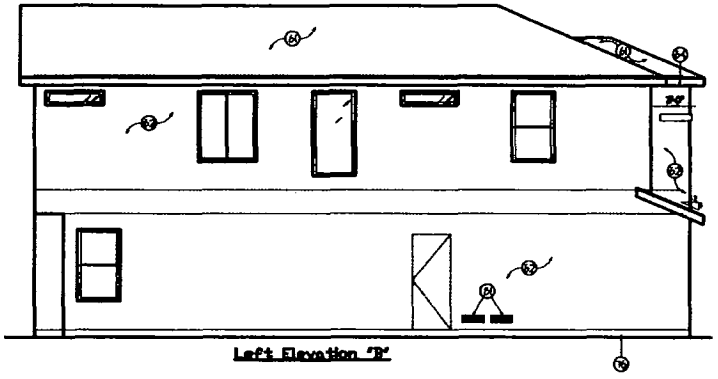


Front Elevation "B"

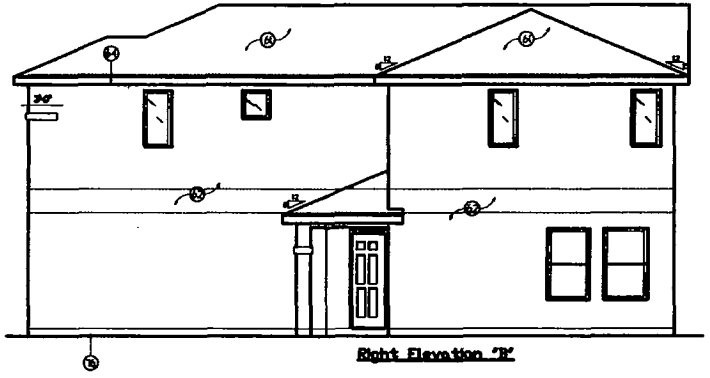




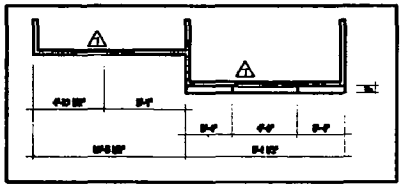
Rear Elevation "B"&"C"



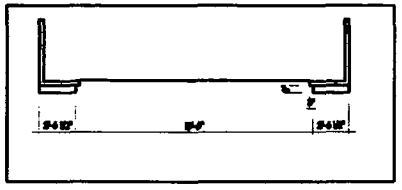
Left Elevation "B"



Right Elevation "B"

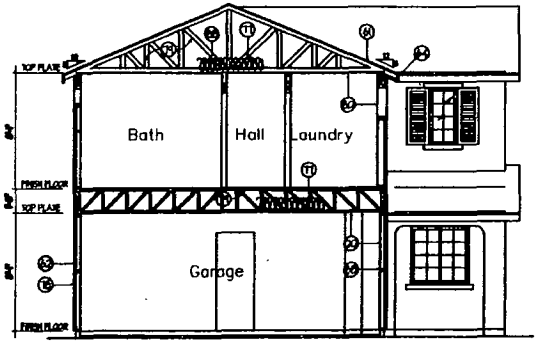


2ND FLOOR PLAN OF "B" ELEV.



1ST FLOOR PLAN OF "B" ELEV.

ZON-4755
VAR-4773
WVR-4774
SDR-4756
08-12-04 PC



SECTION CUT (A)

scale: 1/4" = 1'0"

RICHMOND AMERICAN HOMES
STATE CONTRACTOR LICENSE #0026417
DIVISION PRESIDENT
ROBERT J. BELAIR, JR.

LAS VEGAS DIVISION
7250 West Peak, Suite 212
LAS VEGAS, NV. 89128 (702) 240-5600

PARTIAL FLOOR PLAN, ROOF FRAMING, FRONT, REAR, & SIDE OF ELEVATION "B" SECTION CUT

DESIGN BY: E.D.H.
REVISIONS: 05/03/04

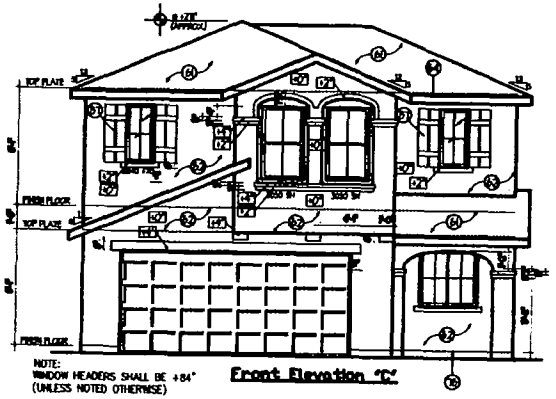
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2	
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PLAN # 1703

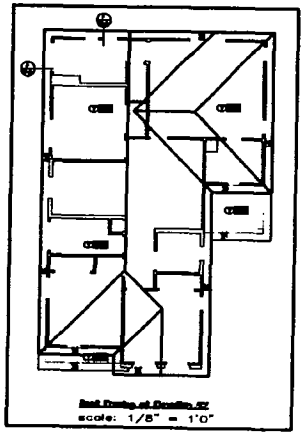
SUBDIVISION: HAMPTON PARK

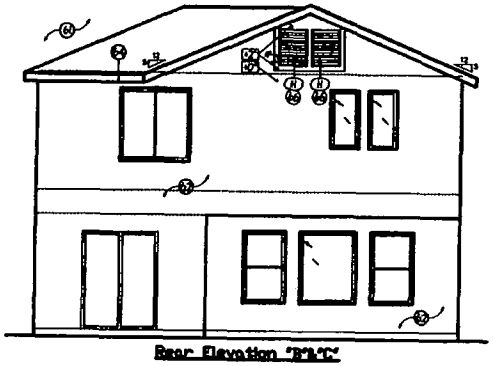
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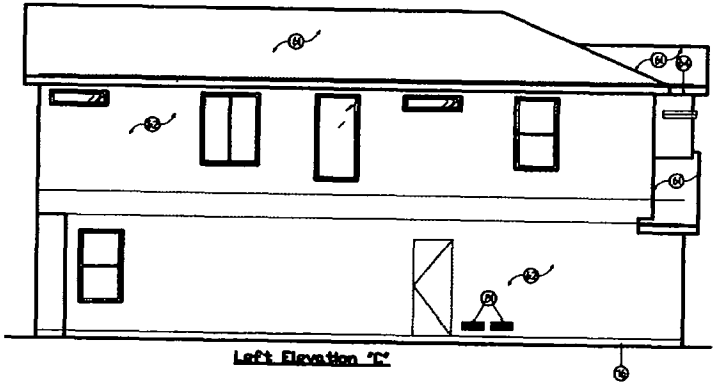


Front Elevation "C"

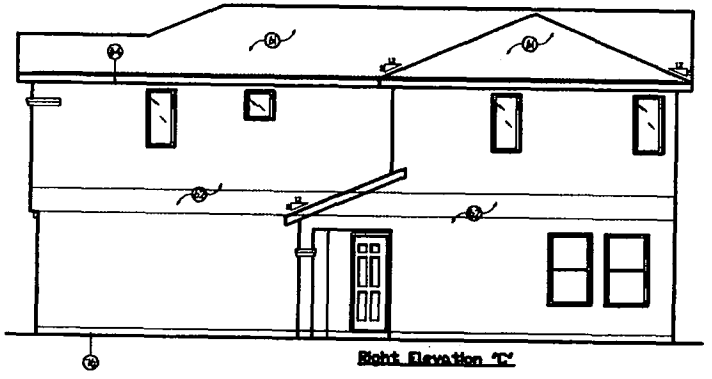




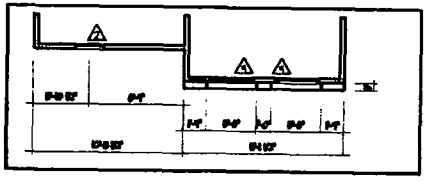
Rear Elevation "B"&"C"



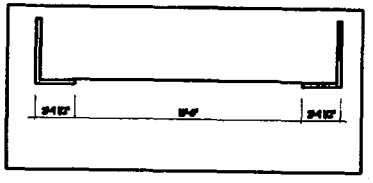
Left Elevation "C"



Right Elevation "C"



2ND FLOOR PLAN OF "C" ELEV.



1ST FLOOR PLAN OF "C" ELEV.

ZON-4755
VAR-4773
WVR-4774
SDR-4756
08-12-04 PC

scale: 1/4" = 1'0"

LAS VEGAS DIVISION
7250 West Peak, Suite 212
LAS VEGAS, NV. 89128 (702) 240-5600

RICHMOND AMERICAN HOMES
STATE CONTRACTOR'S LIC. #0025417
DIVISION PRESIDENT
PROJECT ARCHITECT

PARTIAL FLOOR PLAN, ROOF FRAMING, FRONT, REAR, & SIDE ELEVATION "C"

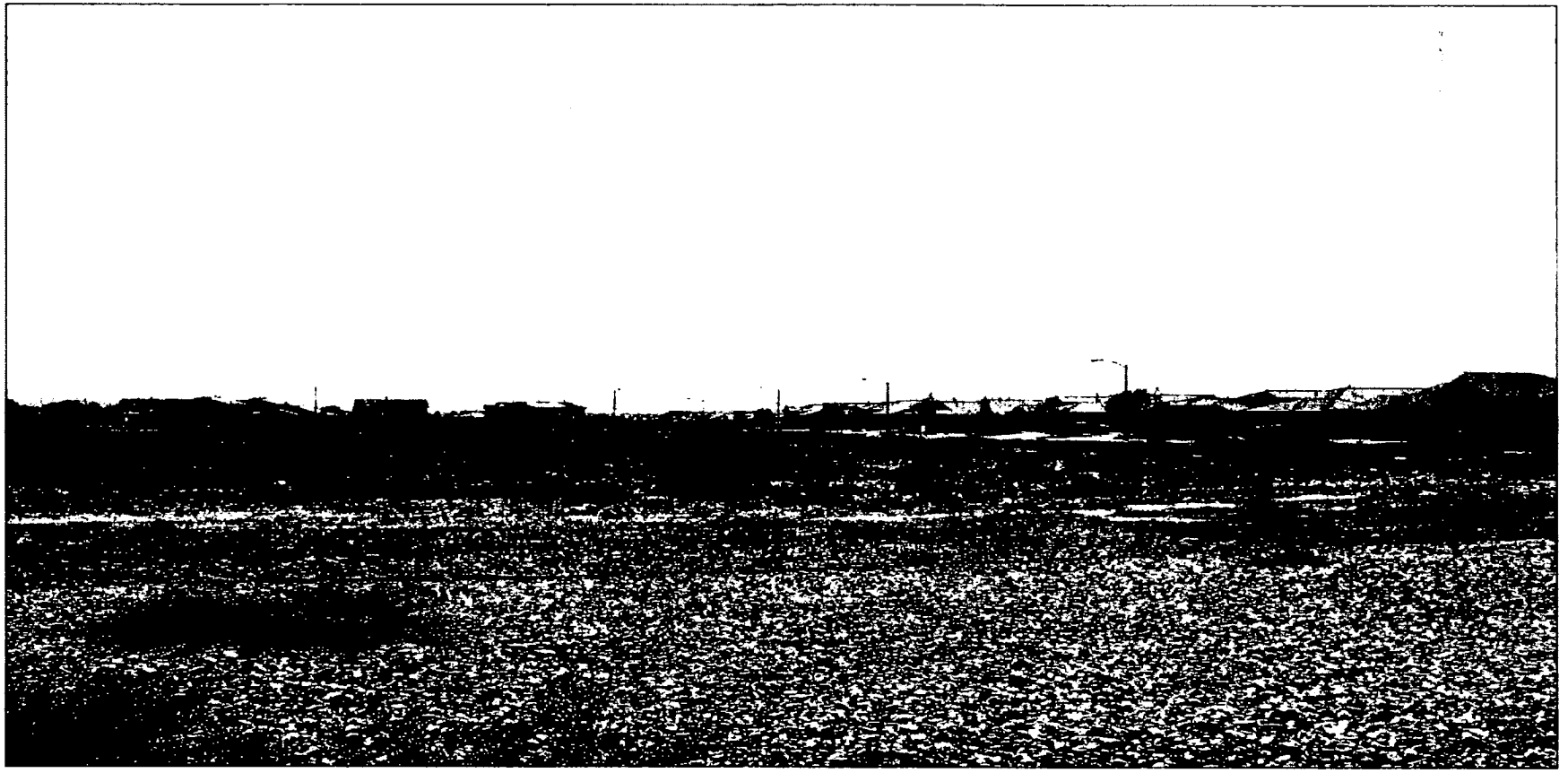
E.D.H.

PLAN # 1703

SUBDIVISION HAMPTON PARK

3018A2C

A2.C



SDR-4756 - APPLICANT: RICHMOND AMERICAN HOMES OF NEVADA, INC. - OWNER: CAN CAN II (KB) TARGETS, LIMITED PARTNERSHIP AND RONALD MICH'L AND CAROLYN MICH'L
SOUTHEAST CORNER OF GRAND TETON DRIVE AND DURANGO DRIVE
AUGUST 12, 2004 PLANNING COMMISSION

07/20/04

City of Las Vegas

Agenda Item No. 167

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: SEPTEMBER 15, 2004

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

SUBJECT:
REZONING - PUBLIC HEARING - **ZON-4216 - APPLICANT/OWNER: PARDEE HOMES OF NEVADA** - Request for a Rezoning FROM: U (Undeveloped) [TC (Town Center) General Plan Designation] TO: T-C (Town Center) on 17.66 acres adjacent to the northwest corner of Deer Springs Way and Fort Apache Road (APN 125-19-602-001, 003 thru 011), Ward 6 (Mack). The Planning Commission (5-0 vote) and staff recommend APPROVAL

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

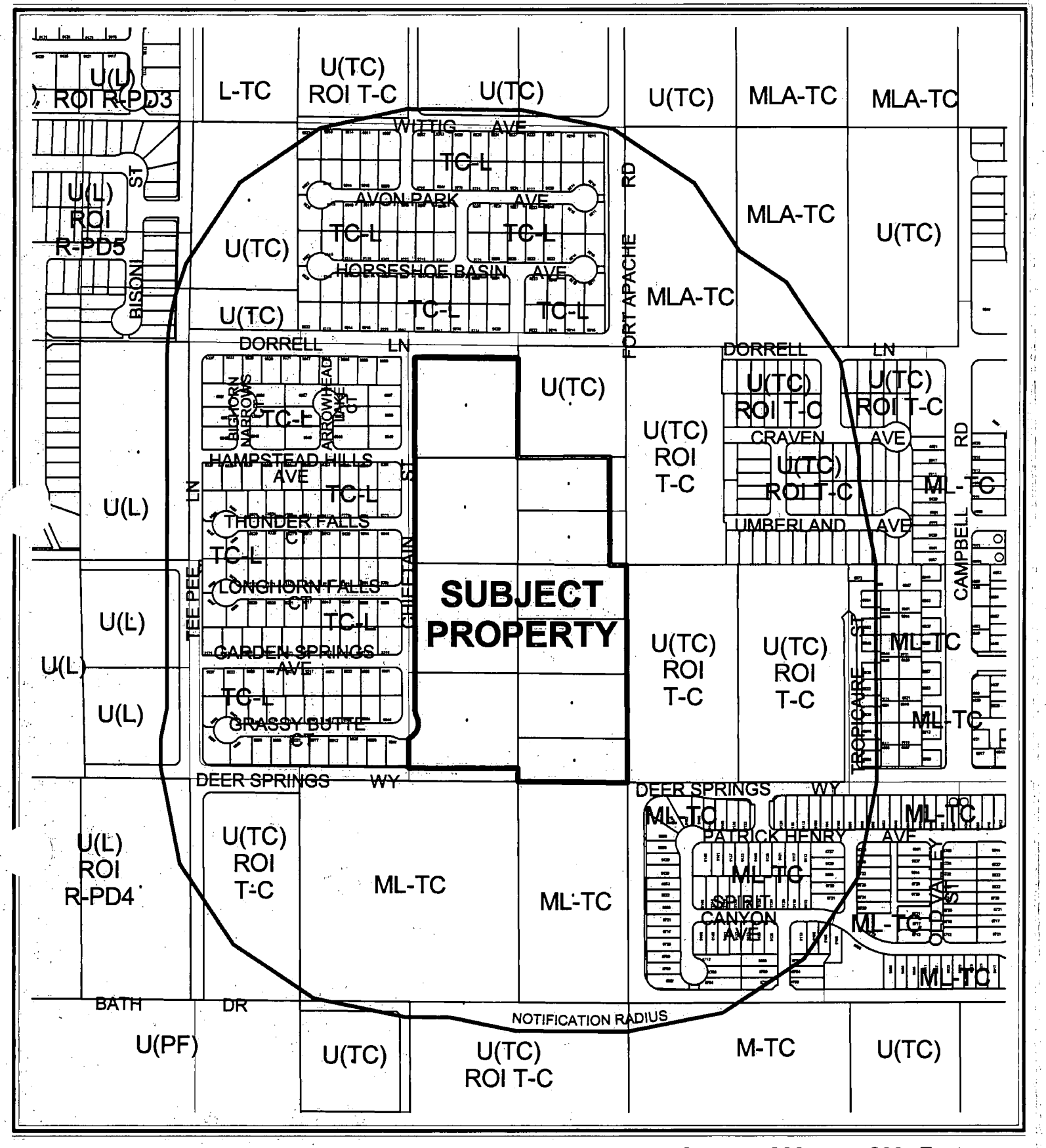
RECOMMENDATION:
The Planning Commission (5-0 vote) and staff recommend APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:
1. Location Map
2. Conditions For This Application
3. Staff Report
4. Submitted after final agenda – Request to table by Bossard Development Services for Item 167 [ZON-4216], Item 168 [VAC-4218] and Item 169 [SDR-4220] filed under Item 167 [ZON-4216]

MOTION:
REESE – Motion to STRIKE Item 101 [410 South 7th Street], to Accept the WITHDRAWAL WITHOUT PREJUDICE of Item 103 [DIR-4797] and Item 145 [SUP-4689], to TABLE Item 167 [ZON-4216], Item 168 [VAC-4218], Item 169 [SDR-4220] and to HOLD IN ABEYANCE Item 118 [VAC-4071], Item 141 [SUP-4592], to 10/6/2004, Item 104 [DIR-5079] and 126 [VAC-4747] to 10/20/2004, Item 137 [SUP-2848], Item 138 [SUP-3394], Item 140 [SUP-4532], Item 146 [SUP-4690] and Item 147 [SUP-4693] to 12/15/2004 – UNANIMOUS with GOODMAN abstaining on Item 104 [DIR-5079] because it related to the Scotch 80's subdivision where he resides, and any action could directly affect his property value and abstaining on Item 146 [SUP-4690] because ATTORNEY JAY BROWN, who represents the applicant, is a partner of his on a property known as the UNR Outpatient Clinic on West Charleston Boulevard

MINUTES:
There was no discussion.

(2:48 – 3:01)

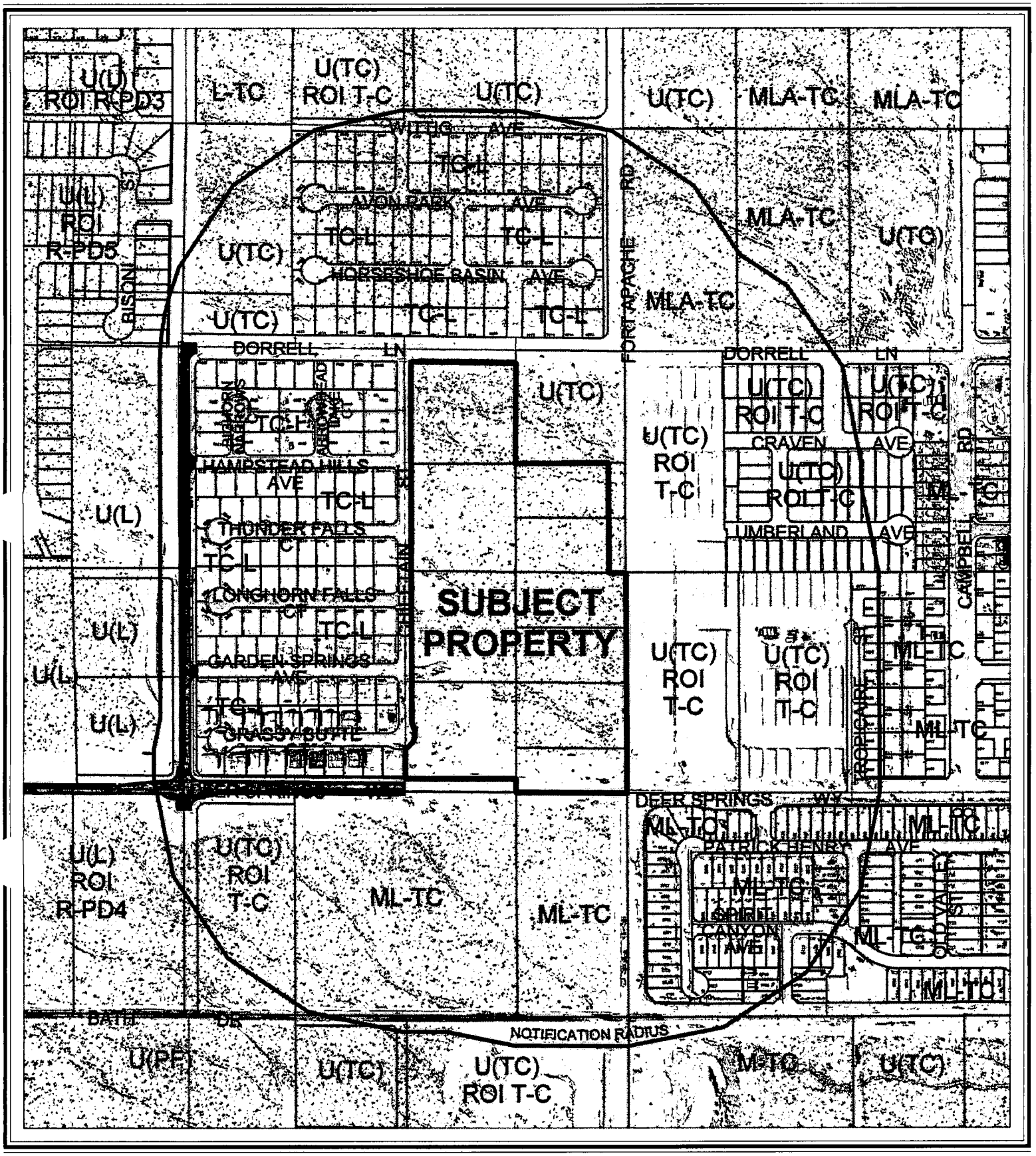


CASE: **ZON-4216**

RADIUS: 750 FT

ZONING OF SUBJECT PROPERTY:
U (UNDEVELOPED) [TC (TOWN CENTER) GENERAL PLAN DESIGNATION]

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



CASE: **ZON-4216**

RADIUS: 750 FT

ZONING OF SUBJECT PROPERTY:
U (UNDEVELOPED) [TC (TOWN CENTER) GENERAL PLAN DESIGNATION]

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

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: SEPTEMBER 15, 2004
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: ZON-4216 - APPLICANT/OWNER: PARDEE HOMES OF NEVADA

** CONDITIONS **

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

Planning and Development

1. Approval of Site Development Plan Review (SDR-4220) and Vacation (VAC-4218) applications by the Planning Commission and City Council prior to issuance of any permits, any site grading, and all development activity for the site.

2. This Rezoning request shall go direct to Ordinance.

Public Works

3. Dedicate 40 feet of right-of-way adjacent to this site for Deer Springs Way where no right-of-way currently exists, 50 feet for Fort Apache Road where no right-of-way currently exists and a 54-foot radius corner at the northwest corner of Fort Apache Road and Deer Springs Way. Additional dedications in accordance with Standard Drawing #234.1 or #234.3 for a bus stop turn out shall also be provided on Deer Springs Way.

4. Construct half-street improvements on Dorrell Lane and Fort Apache Road adjacent to this site and construct half-street improvements including appropriate overpaving (if legally able) on Deer Springs Way adjacent to this site concurrent with development. Also, construct all incomplete half-street improvements on Chieftain Street adjacent to this site concurrent with development. Install all appurtenant underground facilities, if any, adjacent to this site needed for the future traffic signal system concurrent with development. Extend all required underground utilities, such as electrical, telephone, etc., located within unimproved public rights-of-way, past the boundaries of this site prior to construction of hard surfacing (asphalt or concrete). 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

This is a request for a Rezoning from U (Undeveloped) Zone [TC (Town Center) General Plan Designation] to T-C (Town Center), on approximately 17.66 acres located at the northwest corner of Deer Springs Way and Fort Apache Road.

B) Applicant's Justification

The applicant has justified this request by stating that the proposed Rezoning will implement Centennial Hills Town Center policy to have all land in the Town Center area zoned as T-C (Town Center).

BACKGROUND INFORMATION

A) Previous Actions

01/17/01 The City Council approved a Petition to Annex property (A-0003-99) generally located west of El Capitan Way and east of Hualapai Way between Grand Teton Drive and Rome Avenue, containing approximately 619 acres, including a portion of the subject site. The effective date was 01/26/01. The Planning Commission and staff recommended approval on 03/25/99.

07/05/01 The City Council approved a request for a Rezoning (Z-0034-01) from U (Undeveloped) [L-TC (Low Residential) General Plan Designation] to T-C (Town Center) on 69.6 acres located within an area bound by the Farm Road alignment on the north, the Tee Pee Lane alignment on the west, the Fort Apache Road alignment on the east, and approximately 660 feet south of the Deer Springs Way alignment on the south, including a portion of the subject site. The Planning Commission and staff recommended approval of all applications on 05/24/01.

02/05/03 The City Council approved a Petition to Annex undeveloped property (A-0038-02) located in various parts of the city under the provisions of NRS 268.597 No. 1(b) containing approximately 495 acres, including a portion of the subject site. The Planning Commission and staff recommended approval on 10/24/02. The effective date was 02/14/03.

05/13/04 The Planning Commission held this item and companion items VAC-4218 and SDR-4220 in abeyance to the 6/10/04 PC Meeting at the request of the applicant as additional land is being purchased that would complete the project assemblage.

06/10/04 The Planning Commission held this item in abeyance to the 08/12/04 PC Meeting to allow the applicant time to obtain additional land that would complete the project assemblage.

08/12/04 The Planning Commission recommended approval of companion applications for a Vacation of Government Patent Easements (VAC-4218) and a Site Development Plan Review for 92 single-family lots (SDR-4220) on the subject site concurrently with this request.

08/12/04 The Planning Commission voted 5-0 to recommend APPROVAL (PC Agenda Item #39/gl).

B) Pre-Application Meeting

03/15/04 At the pre-application meeting, three sites, including this site, which form part of the Pardee Homes Town Center assemblage, were discussed. The applicant was advised of the various application requirements necessary to develop single-family homes, as proposed by the applicant, on these parcels.

C) Neighborhood Meetings

A neighborhood meeting is not required for a Rezoning application, nor was one held.

DETAILS OF APPLICATION REQUEST

A) Site Area

Gross Acres:	17.66
Net Acres:	12.18

B) Existing Land Use

Subject Property:	Undeveloped
North:	Undeveloped
South:	Undeveloped
East:	Single Family Dwellings under construction
West:	Single Family Dwellings under construction

C) Planned Land Use

Subject Property:	L-TC (Low Density Residential - Town Center)
North:	L-TC (Low Density Residential - Town Center)and MLA-TC
South:	L-TC (Low Density Residential - Town Center)
East:	ML-TC (Medium-Low Density Residential - Town Center)
West:	L-TC (Low Density Residential - Town Center)

D) Existing Zoning

Subject Property:	U (Undeveloped) Zone [TC (Town Center) General Plan Designation]
North:	T-C (Town Center)
South:	T-C (Town Center)
East:	U (Undeveloped) Zone [TC (Town Center) General Plan Designation] under Resolution of Intent to T-C (Town Center)
West:	T-C (Town Center)

E) General Plan Compliance

The site is designated as TC (Town Center) on the Centennial Hills Sector map of the General Plan. Within Town Center, land use is more specifically described by special land use designations as set out in the Town Center Development Standards Manual. The Manual designated this site as L-TC (Low Density Residential - Town Center). This designation has a density range of 3.5 to 5.5 units per acre, and is intended for single-family detached homes as well as more imaginative residential development which puts an emphasis on common open space. Local supporting uses are also allowed. The request for T-C (Town Center) zoning conforms to the L-TC (Low Density Residential - Town Center) special land use designation.

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

Trails – There are three trail segments adjacent to the site as identified on Map 6 (Town Center Multi-Use Trail Alignments) of the Transportation Trails Element. One is a Primary Arterial Trail along Fort Apache Road to the east of the site, and a second is a Town Center Arterial Trail along Deer Springs Way to the south of the site. The third is the Town Center Collector Trail required along Dorrell Lane to the north of the site. These trails are also required pursuant to the street cross-sections in the Town Center Development Standards Manual and represent the sidewalks along these streets. Additionally, Map 6 also calls for a Multi-Use Transportation Trail along the west side of Fort Apache Road, adjacent to the site, which is a wider section than the Primary Arterial Trail on the east side of the street. The site plan, as proposed, meets these trails standards.

Fort Apache Road, on the east boundary of the site, will be developed as a Town Center Primary Arterial (100 feet), which also has a 15-foot median. The street section shown on the site plan does not identify this median. A condition of approval in the companion Site Development Plan Review will require that this improvement will need to be reflected on the proposed site plan.

FINDINGS

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

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

   The subject site is designated L-TC (Low Density Residential - Town Center) on Map 4 of the Town Center Development Standards Manual. This category allows a residential density range of 3.5 to 5.5 units per gross acre. The requested Rezoning to T-C (Town Center) is consistent with this land use designation.

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

   The proposed T-C (Town Center) zoning district allows for a wide range of uses, including the proposed residential development on the subject site. The density of the proposed use, as indicated in companion Site Development Plan Review (SDR-4220) is within the stated density range of the current L-TC (Low Density Residential - Town Center) land use designation. The proposed development will be consistent with the density of the adjacent single-family residential development to the north, and is consistent with the L-TC designation that applies to surrounding undeveloped properties.

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

   The proposed Rezoning will facilitate the development of low-density residential uses within the portion of the Town Center area designated for such uses.

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 adjacent to Deer Springs Way (a Town Center Arterial [80-foot]/ Secondary Collector) to the south, and to Fort Apache Road (a Town Center Primary [100-foot] Arterial) to the east. Dorrell Lane, a Town Center Residential Collector, is located to the north of the site. These streets will be adequate to provide access to the subject site for the density of development that will be allowed under the proposed T-C (Town Center) zoning district.

NOTICES MAILED 62 by Planning Department

APPROVALS 0

PROTESTS 0

PLANNING & DEVELOPMENT

DEVELOPMENT SERVICES CENTER

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: ZON-4216 APN: 125-19-602-001, 003 thru 011

Name of Property Owner: Pardee Homes of Nevada

Name of Applicant: Pardee Homes of Nevada

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

_____ 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: Klif Andrews

Print Name: Klif Andrews

Subscribed and sworn before me

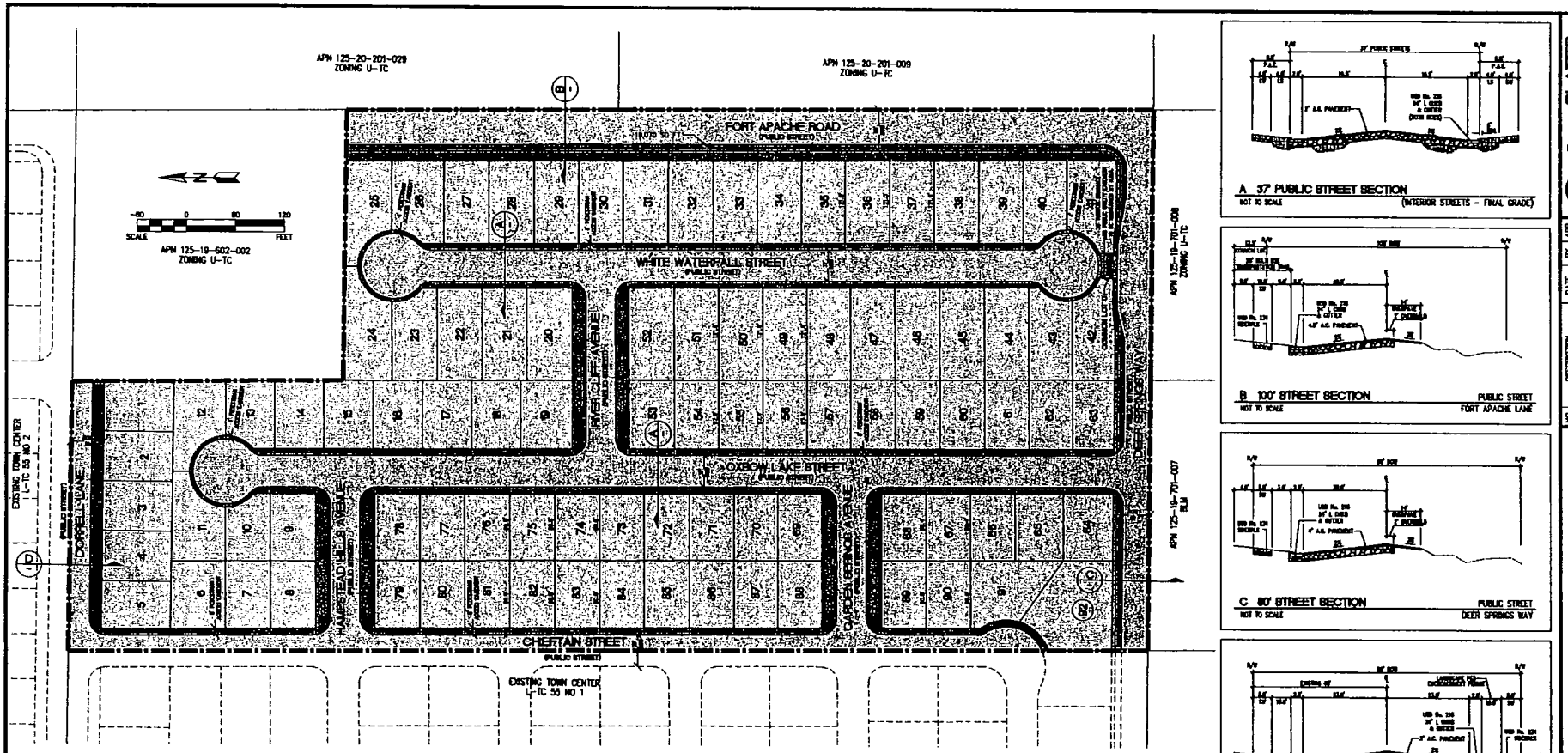
This 18 day of March, 2004

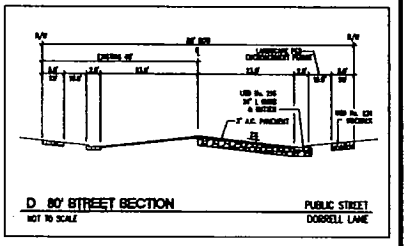
Kathleen Fallon

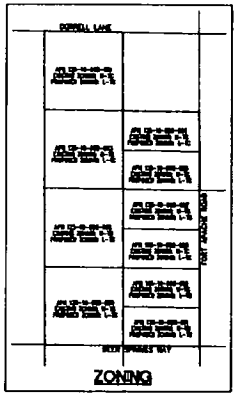
Notary Public in and for said County and State

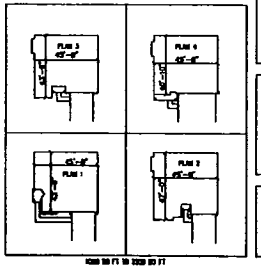
NOTARY PUBLIC
STATE OF NEVADA
County of Clark
KATHLEEN FALLON
Appt. No. 98-49629-1
My Appt. Expires Nov. 5, 2006

5-13-04 PC
ZON-4216









MINIMUM SETBACKS

FRONT	10'	FRONT OF HOUSE
FRONT	22'	FACE OF GARAGE
BACK	15'	
SIDE	5'	
CORNER	10'	

ACREAGE/DENSITY/LANDSCAPING

LOT COUNT	82
GROSS ACREAGE	17.66
DENSITY	5.21 DU/AC
PROVIDED OPEN SPACE	0.88 AC (38,788 SQ FT)
REQUIRED OPEN SPACE	0.85 AC (38,332 SQ FT)

FLOOR AREA RATIO

PLAN 1 - 0.37:1
PLAN 2 - 0.34:1
PLAN 3 - 0.62:1
PLAN 4 - 0.64:1

LEGEND

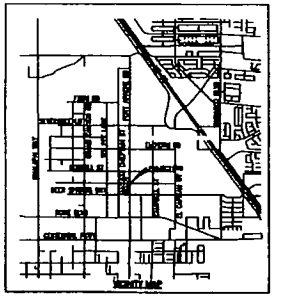
LOTS (35' x 85')

LANDSCAPE AREAS INCLUDING SIDEWALK

STREETS

NOTE

SIGNAGE FOR PROPERTY SHALL CONSIST OF NAME PLATE SIGNATE ON BLOCK WALLS AT STRATEGIC LOCATIONS THROUGHOUT COMMUNITY



SLATER HANFAN GROUP
CONSULTING ENGINEERS & PLANNERS
2740 S. ARVILLE STREET #104, LAS VEGAS, NV 89118
PHONE (702) 384-3300 FAX (702) 384-3399

NO. | DESCRIPTION | DATE | BY | APP.

PARDEE HOMES OF NEVADA

TOWN CENTER L-TC 55 NO. 4

SITE PLAN

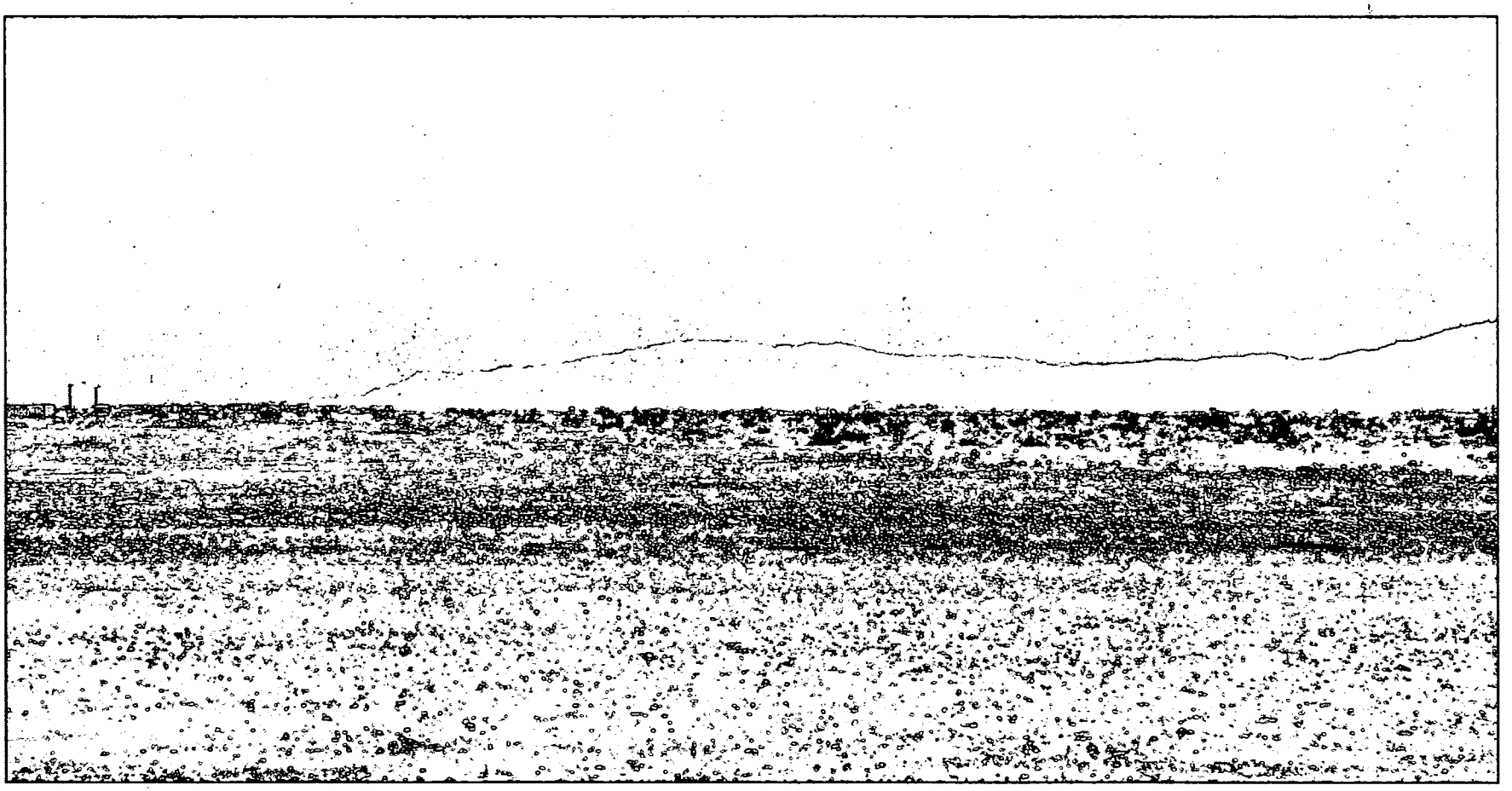
DATE: 3/15/04
DRAFTER: JDP
DESIGNER: JDP
CHECKED: TJS
PROJECT NO. PAR0302-006

C-1
SHEET 1 OF 1



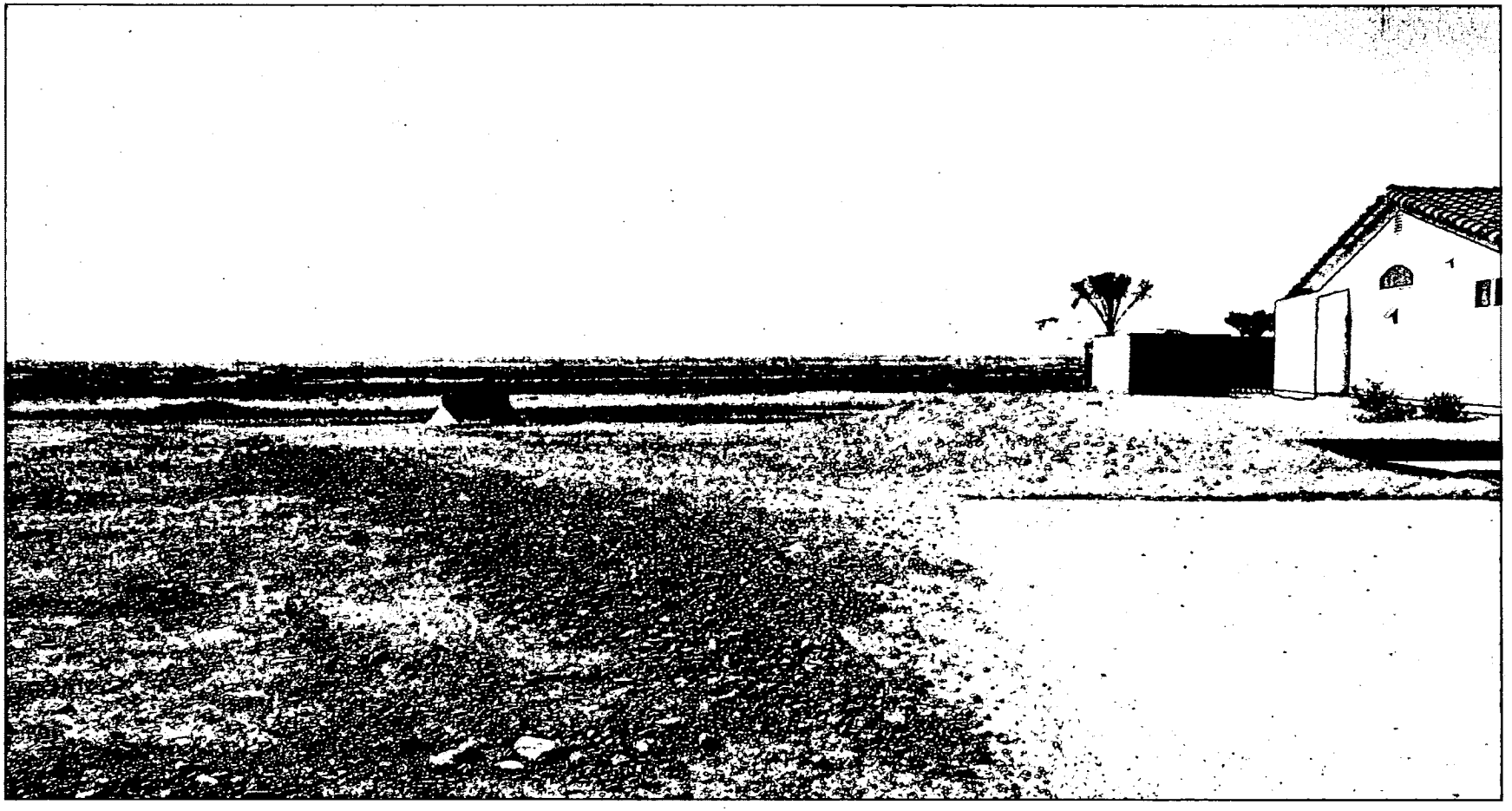
ZON-4216 - APPLICANT/OWNER: PARDEE HOMES OF NEVADA
ADJACENT TO THE NORTHWEST CORNER OF DEER SPRINGS WAY AND FORT APACHE ROAD
AUGUST 12, 2004 PLANNING COMMISSION

4/26/04



ZON-4216 - APPLICANT/OWNER: PARDEE HOMES OF NEVADA
ADJACENT TO THE NORTHWEST CORNER OF DEER SPRINGS WAY AND FORT APACHE ROAD
AUGUST 12, 2004 PLANNING COMMISSION

4/26/04



ZON-4216 - APPLICANT/OWNER: PARDEE HOMES OF NEVADA
ADJACENT TO THE NORTHWEST CORNER OF DEER SPRINGS WAY AND FORT APACHE ROAD
AUGUST 12, 2004 PLANNING COMMISSION

4/26/04

Bossard
Developer
Services

September 15, 2004

RECEIVED
CITY CLERK
2004 SEP 15 A 10:33

Margo Wheeler
City of Las Vegas
Planning and Development Department
Current Planning Division
731 S. Fourth Street
Las Vegas, Nevada 89101

Subject: Town Center L-TC 55 No. 4
Rezoning (ZON-4216), Site Development Plan Review (SDR-4220)
and Vacation (VAC-4218) Applications

Dear Margo,

On behalf of our client, Pardee Homes of Nevada, we respectfully request that the subject applications be tabled from the September 15, 2004 City Council meeting. Our client may be obtaining additional land that would complete the project assemblage. We appreciate your assistance with this matter.

Very Truly Yours,

Jeanine M. Wallace

cc: A. Probasco, PH
T. Steadham, SHG

2920 N Green Valley Parkway, Suite 814 Henderson, Nevada 89014 T: 702.451.3510 F: 702.451.4988

Submitted after final agenda
Date 9/15/04 Item #167 #168 #169

City of Las Vegas

Agenda Item No. 168

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: SEPTEMBER 15, 2004

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

SUBJECT:
VACATION RELATED TO ZON-4216 - PUBLIC HEARING - **VAC-4218 - APPLICANT/OWNER: PARDEE HOMES OF NEVADA** - Petition to Vacate U.S. Government Patent Easements generally located south of Dorrell Lane, west of Chieftain Street, Ward 6 (Mack). The Planning Commission (5-0 vote) and staff recommend APPROVAL

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

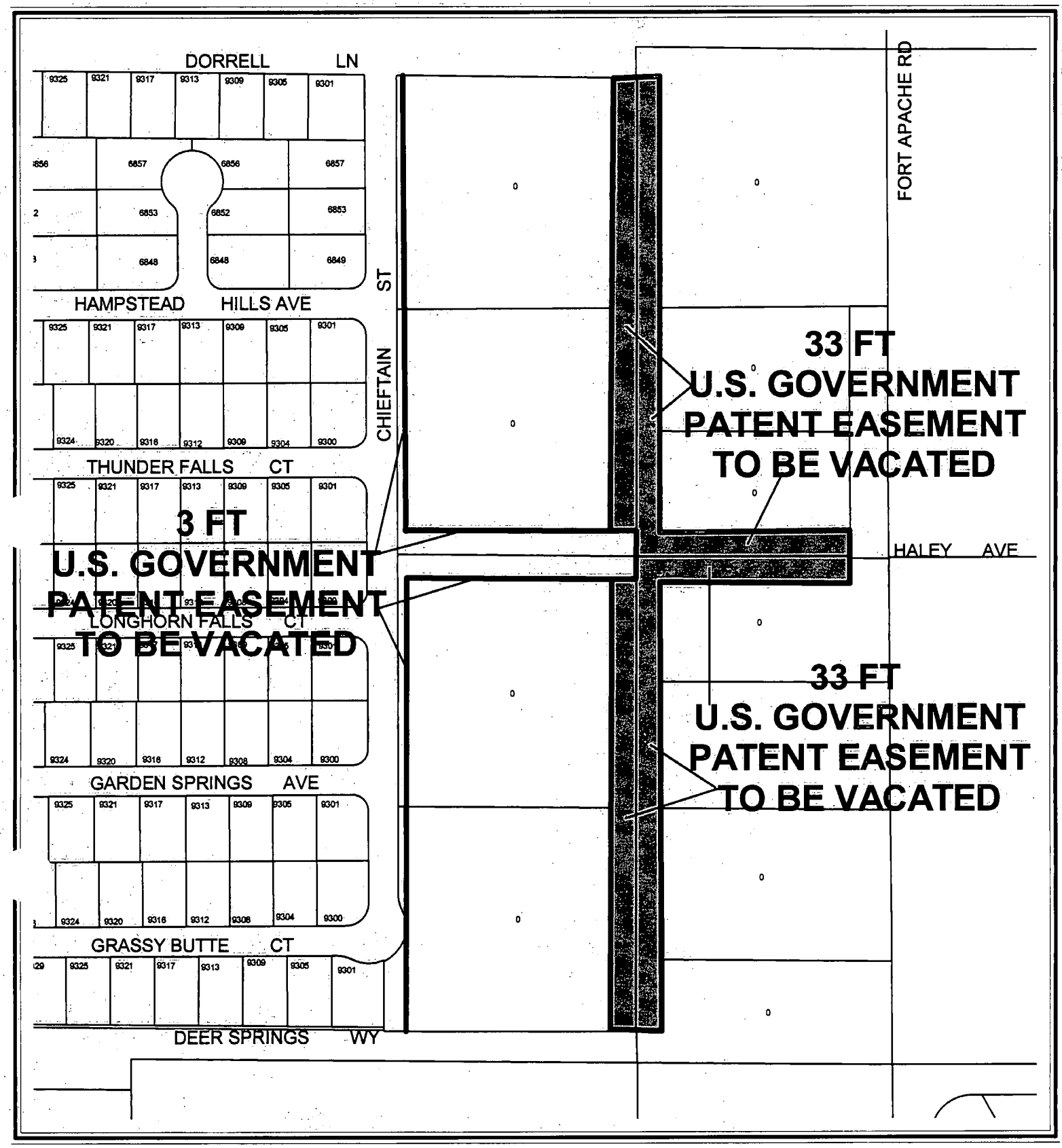
RECOMMENDATION:
The Planning Commission (5-0 vote) and staff recommend APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:
1. Location Map
2. Conditions For This Application
3. Staff Report
4. Submitted after final agenda – Request to table by Bossard Development Services for Item 167 [ZON-4216], Item 168 [VAC-4218] and Item 169 [SDR-4220] filed under Item 167 [ZON-4216]

MOTION:
REESE – Motion to STRIKE Item 101 [410 South 7th Street], to Accept the WITHDRAWAL WITHOUT PREJUDICE of Item 103 [DIR-4797] and Item 145 [SUP-4689], to TABLE Item 167 [ZON-4216], Item 168 [VAC-4218], Item 169 [SDR-4220] and to HOLD IN ABEYANCE Item 118 [VAC-4071], Item 141 [SUP-4592], to 10/6/2004, Item 104 [DIR-5079] and 126 [VAC-4747] to 10/20/2004, Item 137 [SUP-2848], Item 138 [SUP-3394], Item 140 [SUP-4532], Item 146 [SUP-4690] and Item 147 [SUP-4693] to 12/15/2004 – UNANIMOUS with GOODMAN abstaining on Item 104 [DIR-5079] because it related to the Scotch 80's subdivision where he resides, and any action could directly affect his property value and abstaining on Item 146 [SUP-4690] because ATTORNEY JAY BROWN, who represents the applicant, is a partner of his on a property known as the UNR Outpatient Clinic on West Charleston Boulevard

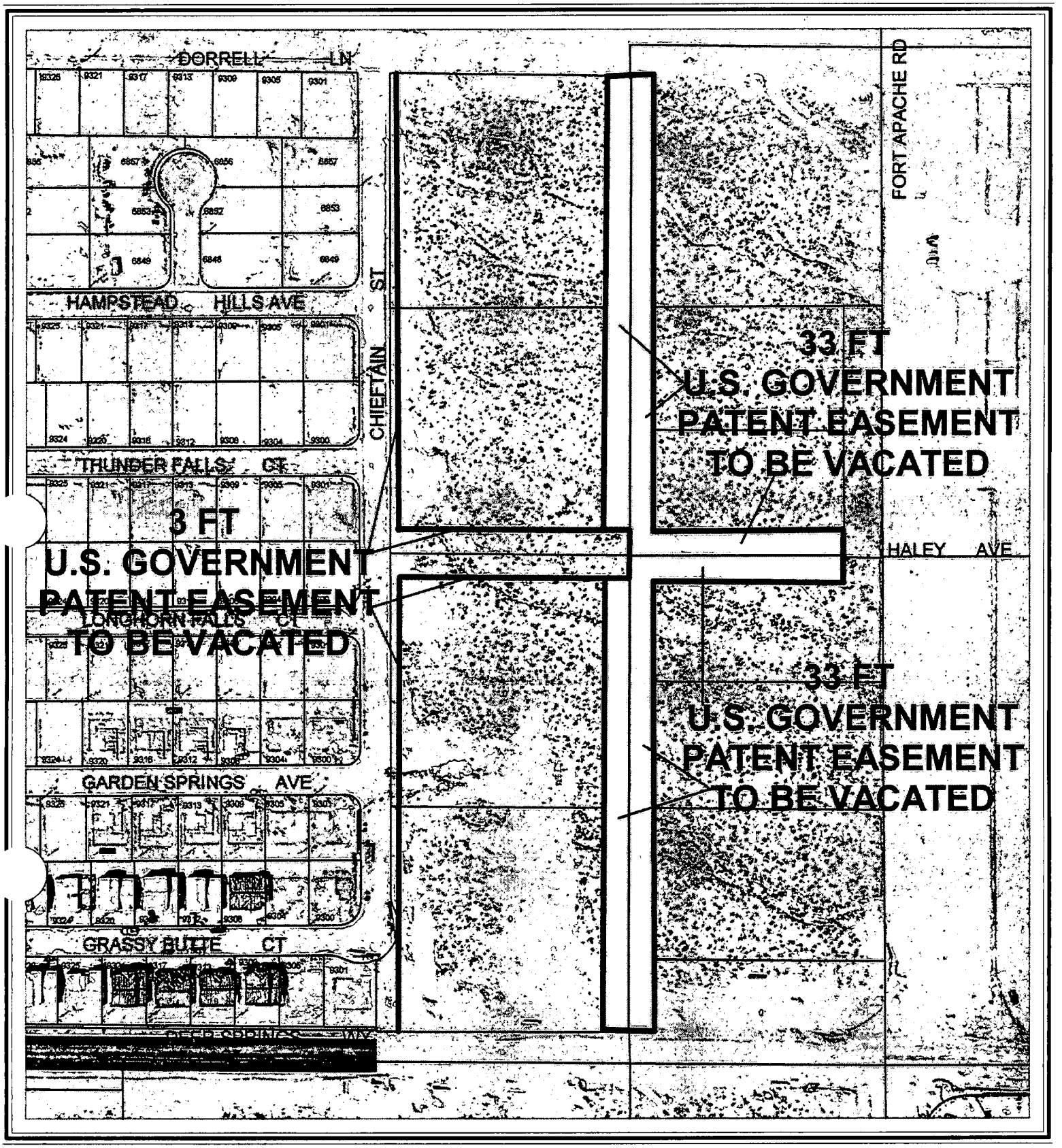
MINUTES:
There was no discussion.

(2:48 – 3:01)



CASE: **VAC-4218**

N



0 200 400

CASE: VAC-4218

N

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: SEPTEMBER 15, 2004
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: VAC-4218 - APPLICANT/OWNER: PARDEE HOMES OF NEVADA

** CONDITIONS **

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

1. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the vacation of these U.S. Government Patent Reservations; the vacation request shall be modified to conform to the approved Drainage Plan and Technical Drainage Study as required by the Department of Public Works with Rezoning application ZON-4216.

2. All existing public improvements, if any, adjacent to and in conflict with this vacation application are to be modified, as necessary, at the applicant's expense prior to the recordation of an Order of Relinquishment of Interest.

3. Reservation of easements for the facilities of the various utility companies together with reasonable ingress thereto and egress there from shall be provided if required.

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

5. The Order of Relinquishment of Interest shall not be recorded until all of the conditions of approval have been met provided, however, that conditions requiring modification of public improvements may be fulfilled for purposes of recordation by providing sufficient security for the performance thereof in accordance with the Subdivision Ordinance of the City of Las Vegas. City Staff is empowered to modify this application if necessary because of technical concerns or because of other related review actions as long as current City right-of-way requirements are still complied with and the intent of the vacation application is not changed. If applicable, a five foot wide easement for public streetlight and fire hydrant purposes shall be retained on all vacation actions abutting public street corridors that will remain dedicated and available for public use. Also, if applicable and where needed, public easement corridors and sight visibility or other easements that would/should cross any right-of-way or easement being vacated must be retained.

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

7. Development of these sites shall comply with all applicable conditions of approval for Zoning Reclassification ZON-4216, Site Development Plan Review SDR-4220 and all other applicable site-related actions.

** STAFF REPORT **

APPLICATION REQUEST

A) Action Requested

This request is for approval to Vacate U. S. Government Patent Easements generally located south of Dorrell Lane, west of Chieftain Street.

B) Applicant's Justification

The applicant's justification letter states that the adjacent parcel is proposed to be developed as a 92-lot single-family residential development.

BACKGROUND INFORMATION

A) Previous Actions

01/17/01 The City Council approved a Petition to Annex property (A-0003-99) generally located west of El Capitan Way and east of Hualapai Way between Grand Teton Drive and Rome Avenue, containing approximately 619 acres, including a portion of the subject site. The effective date was 01/26/01. The Planning Commission and staff recommended approval on 03/25/99.

07/05/01 The City Council approved a request for a Rezoning (Z-0034-01) from U (Undeveloped) [L-TC (Low Residential) General Plan Designation] to T-C (Town Center) on 69.6 acres located within an area bound by the Farm Road alignment on the north, the Tee Pee Lane alignment on the west, the Fort Apache Road alignment on the east, and approximately 660 feet south of the Deer Springs Way alignment on the south, including a portion of the subject site. The Planning Commission and staff recommended approval of all applications on 05/24/01.

02/05/03 The City Council approved a Petition to Annex undeveloped property (A-0038-02) located in various parts of the city under the provisions of NRS 268.597 No. 1(b) containing approximately 495 acres, including a portion of the subject site. The Planning Commission and staff recommended approval on 10/24/02. The effective date was 02/14/03.

05/13/04 The Planning Commission held this item and companion items ZON-4216 and SDR-4220 in abeyance to the 06/10/04 PC Meeting at the request of the applicant as additional land is being purchased that would complete the project assemblage.

07/08/04 The Planning Commission held this item in abeyance to allow the applicant time to obtain additional land that would complete the project assemblage.

08/12/04 The Planning Commission recommended approval of companion applications for a Rezoning (ZON-4216) from U (Undeveloped) Zone [TC (Town Center) General Plan Designation] to T-C (Town Center), and a Site Development Plan Review for 92 single-family lots (SDR-4220) on the subject site concurrently with this request.

08/12/04 The Planning Commission voted 5-0 to recommend APPROVAL (PC Agenda Item #40/gl).

DETAILS OF APPLICATION REQUEST

The subject Vacation proposes to vacate U. S. Government Patent Reservations located in the East Half (E½) of the Southeast Quarter (SE¼) of the Northeast Quarter (NE¼) of Section 19, Township 19 South, Range 60 East, M.D.M.

ANALYSIS

A) Planning discussion

The applicant intends to vacate the existing U.S. Government Patent Reservations because they are no longer needed in their current configuration. This will allow the development of the single-family subdivision on this site. This request is appropriate, as the subject grant is not needed and will not result in reduced access traffic handling capability for the area.

B) Public Works discussion

The Department of Public Works has no objection to the vacation application request to vacate U.S. Government Patent Reservations generally located north of Deer Springs Way, west of Fort Apache Road.

NOTICES MAILED 5 by City Clerk

APPROVALS 0

PROTESTS 0

PLANNING & DEVELOPMENT

DEVELOPMENT SERVICES CENTER

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: VAC-4218 APN: 125-19-602-001, 003 thru 011

Name of Property Owner: Pardee Homes of Nevada

Name of Applicant: Pardee Homes of Nevada

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

_____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: Klif Andrews

Print Name: Klif Andrews

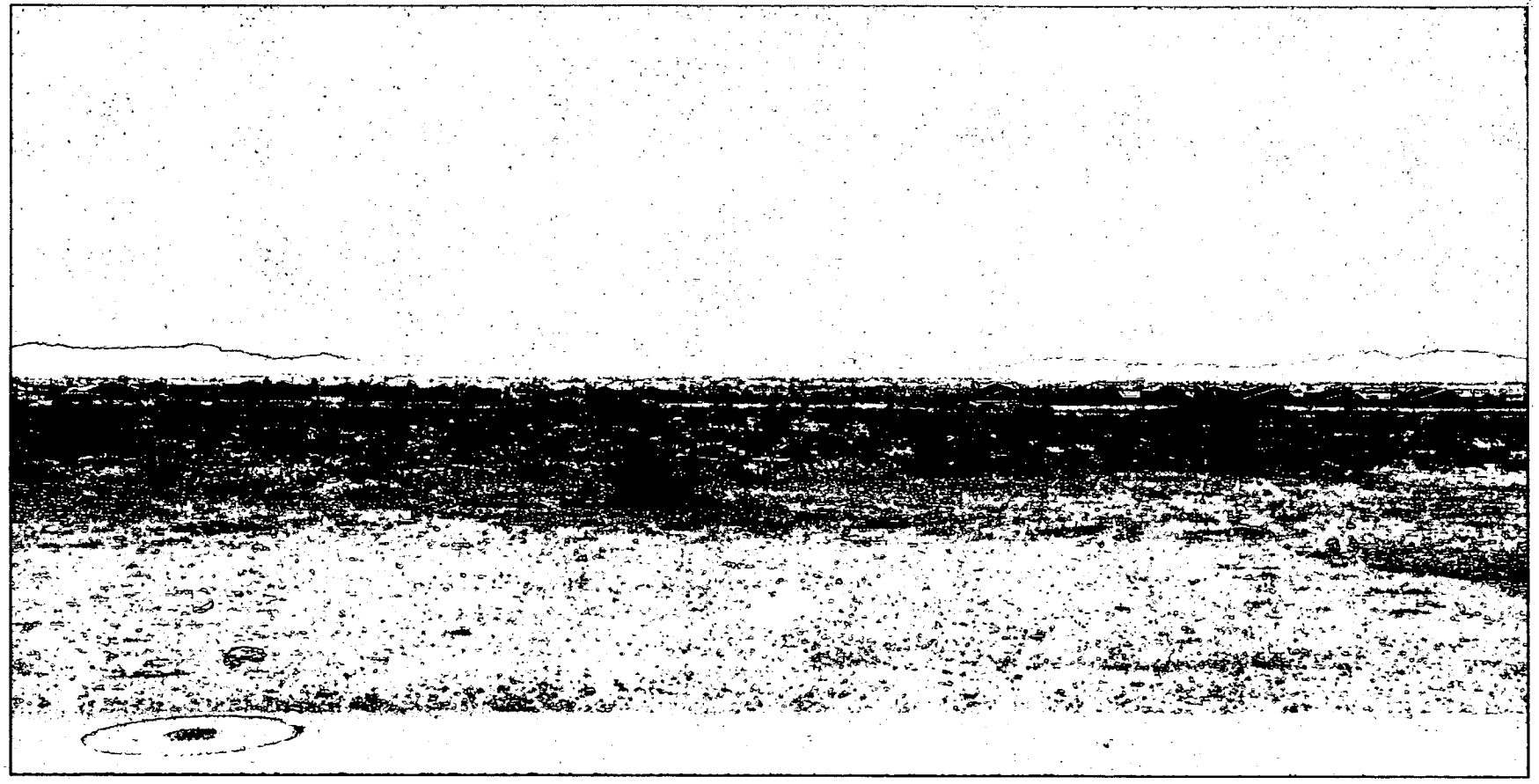
Subscribed and sworn before me

This 18 day of March, 2004

Kathleen Fallon

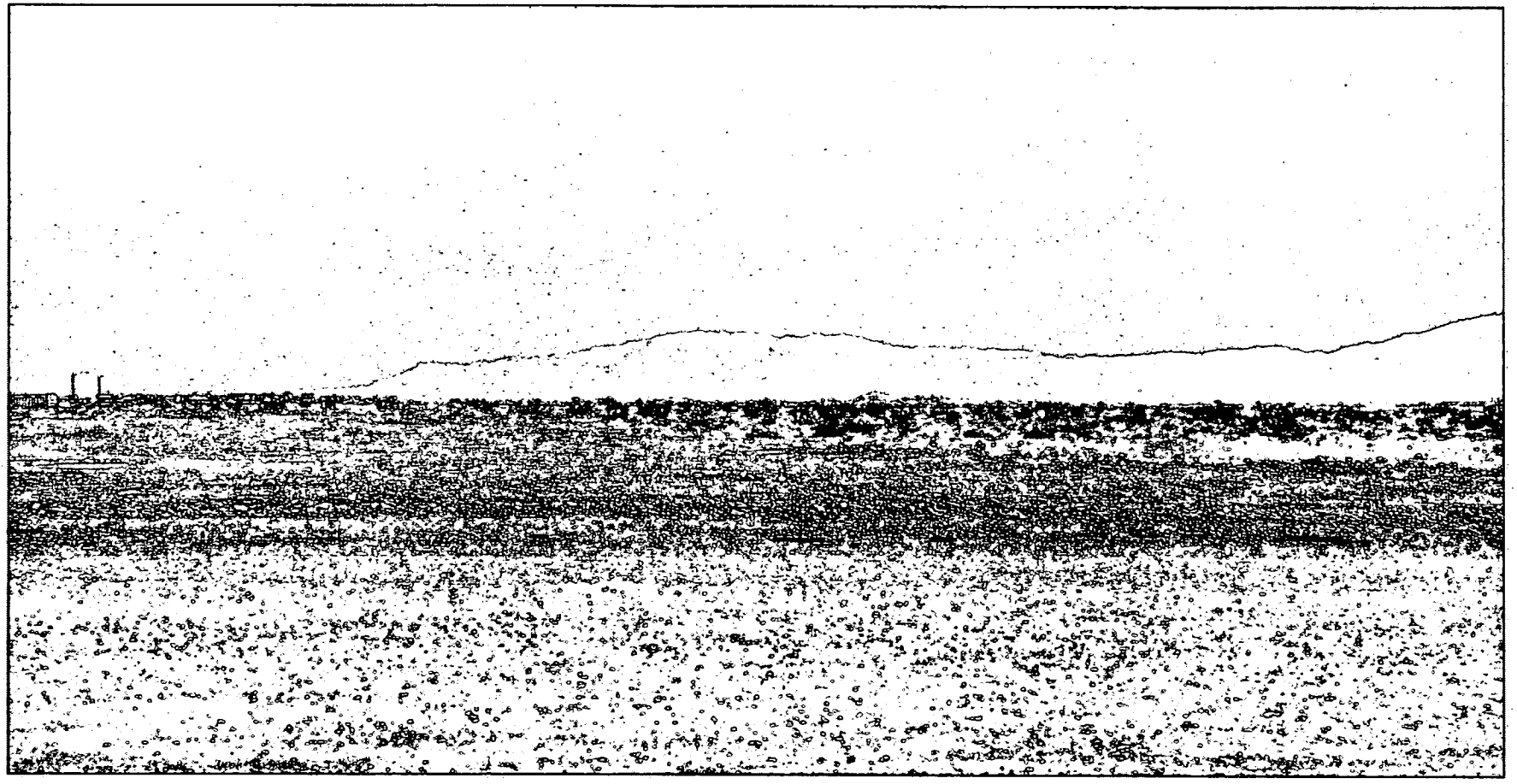
Notary Public in and for said County and State

NOTARY PUBLIC
STATE OF NEVADA
County of Clark
KATHLEEN FALLON
Appt. No. 98-49629-1
My Appt. Expires Nov. 5, 2006



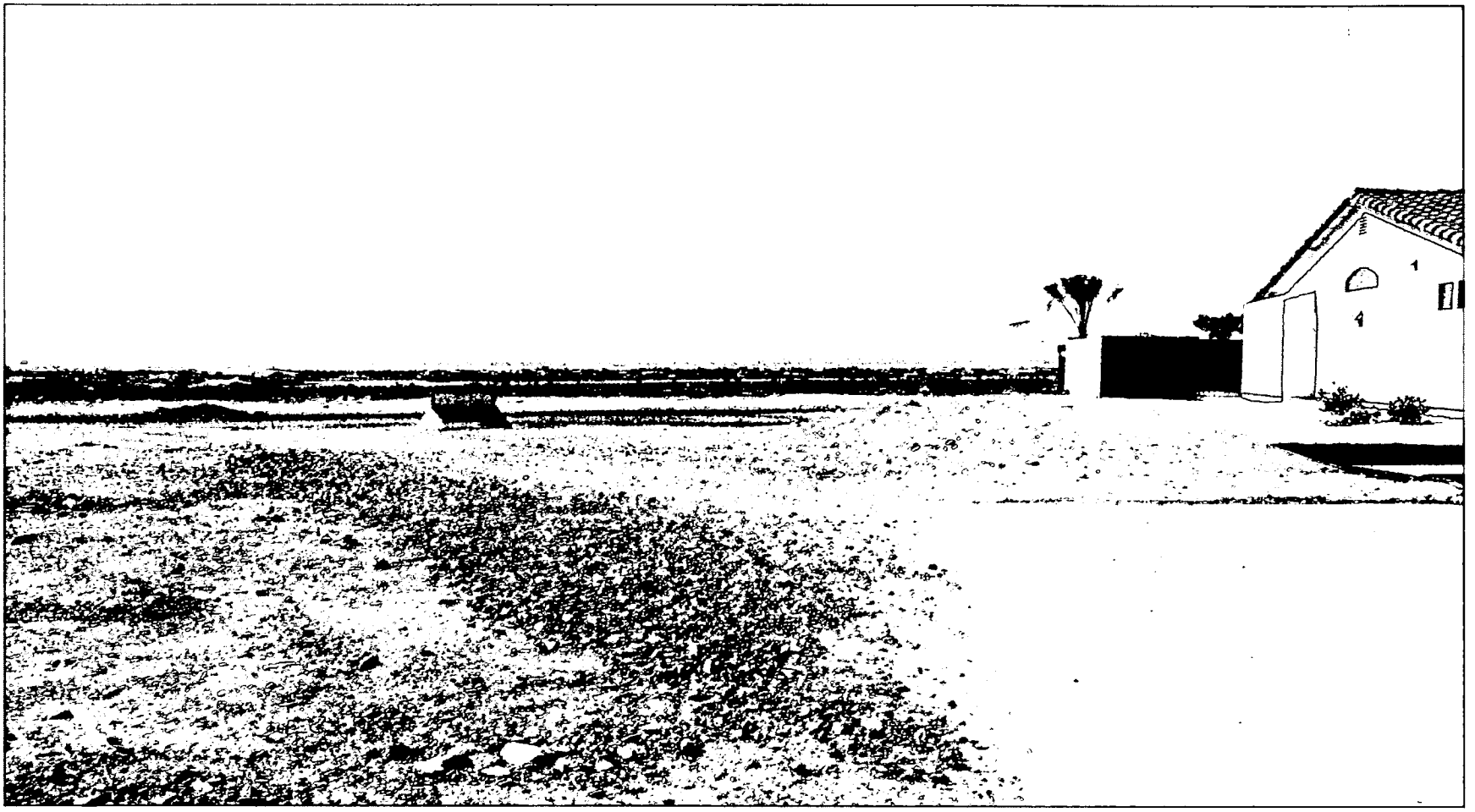
VAC-4218 - APPLICANT/OWNER: PARDEE HOMES OF NEVADA
GENERALLY LOCATED SOUTH OF DORRELL LANE, WEST OF CHIEFTAIN STREET
AUGUST 12, 2004 PLANNING COMMISSION

4/26/04



VAC-4218 - APPLICANT/OWNER: PARDEE HOMES OF NEVADA
GENERALLY LOCATED SOUTH OF DORRELL LANE, WEST OF CHIEFTAIN STREET
AUGUST 12, 2004 PLANNING COMMISSION

4/26/04



VAC-4218 - APPLICANT/OWNER: PARDEE HOMES OF NEVADA
GENERALLY LOCATED SOUTH OF DORRELL LANE, WEST OF CHIEFTAIN STREET
AUGUST 12, 2004 PLANNING COMMISSION

4/26/04

City of Las Vegas

Agenda Item No. 169

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: SEPTEMBER 15, 2004

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

SUBJECT:
SITE DEVELOPMENT PLAN REVIEW RELATED TO ZON-4216 AND VAC-4218 - PUBLIC HEARING - **SDR-4220 - APPLICANT/OWNER: PARDEE HOMES OF NEVADA** - Request for a Site Development Plan Review FOR A PROPOSED 92-LOT SINGLE-FAMILY RESIDENTIAL DEVELOPMENT on 17.66 acres adjacent to the northwest corner of Deer Springs Way and Fort Apache Road (APN 125-19-602-001, 003 thru 011), U (Undeveloped) Zone [TC (Town Center) General Plan Designation] [PROPOSED: T-C (Town Center) Zone], Ward 6 (Mack). The Planning Commission (5-0 vote) and staff recommend APPROVAL

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

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

BACKUP DOCUMENTATION:
1. Location Map
2. Conditions For This Application
3. Staff Report
4. Submitted after final agenda – Request to table by Bossard Development Services for Item 167 [ZON-4216], Item 168 [VAC-4218] and Item 169 [SDR-4220] filed under Item 167 [ZON-4216]

MOTION:
REESE – Motion to STRIKE Item 101 [410 South 7th Street], to Accept the WITHDRAWAL WITHOUT PREJUDICE of Item 103 [DIR-4797] and Item 145 [SUP-4689], to TABLE Item 167 [ZON-4216], Item 168 [VAC-4218], Item 169 [SDR-4220] and to HOLD IN ABEYANCE Item 118 [VAC-4071], Item 141 [SUP-4592], to 10/6/2004, Item 104 [DIR-5079] and 126 [VAC-4747] to 10/20/2004, Item 137 [SUP-2848], Item 138 [SUP-3394], Item 140 [SUP-4532], Item 146 [SUP-4690] and Item 147 [SUP-4693] to 12/15/2004 – UNANIMOUS with GOODMAN abstaining on Item 104 [DIR-5079] because it related to the Scotch 80's subdivision where he resides, and any action could directly affect his property value and abstaining on Item 146 [SUP-4690] because ATTORNEY JAY BROWN, who represents the applicant, is a partner of his on a property known as the UNR Outpatient Clinic on West Charleston Boulevard

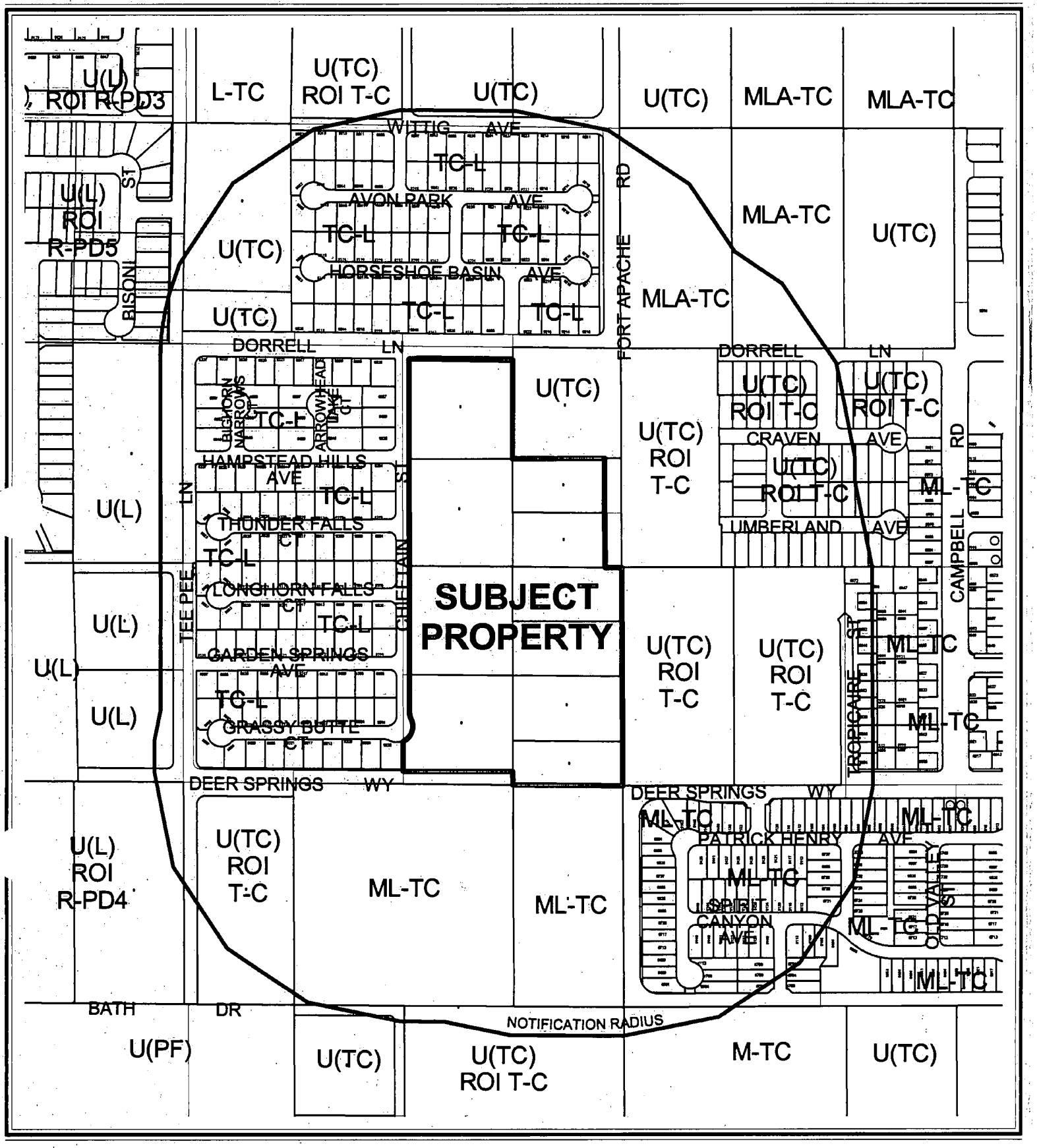
City of Las Vegas

Agenda Item No. 169

CITY COUNCIL MEETING OF SEPTEMBER 15, 2004
Planning and Development Department
Item 169 – VAC-4220

MINUTES:
There was no discussion.

(2:48 – 3:01)
5-1



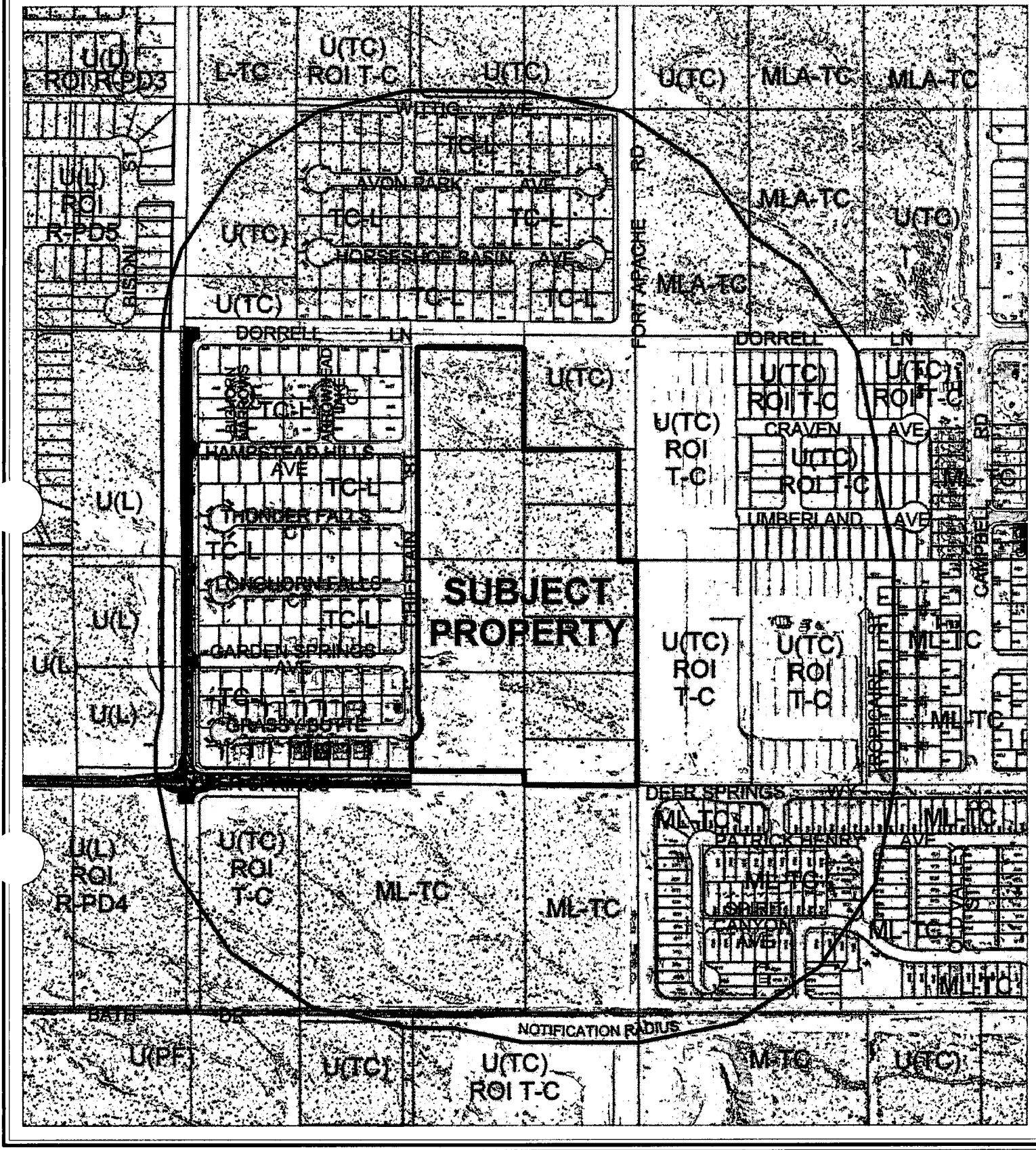
0 300 600 Feet

CASE: **SDR-4220**

RADIUS: 750 FT

ZONING OF SUBJECT PROPERTY:

U (UNDEVELOPED) ZONE [TC (TOWN CENTER) GENERAL PLAN DESIGNATION]
[PROPOSED: T-C (TOWN CENTER)]



0 300 600 Feet

CASE: **SDR-4220**

RADIUS: 750 FT

ZONING OF SUBJECT PROPERTY:

U (UNDEVELOPED) ZONE [TC (TOWN CENTER) GENERAL PLAN DESIGNATION]
[PROPOSED: T-C (TOWN CENTER)]

N

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: SEPTEMBER 15, 2004
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: SDR-4220 - APPLICANT/OWNER: PARDEE HOMES OF NEVADA

** CONDITIONS **

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

Planning and Development

1. A Rezoning [ZON-4216] to a T-C (Town Center) Zoning District and a Vacation of government patent easements (VAC-4218) approved by the City Council.

2. All development shall be in conformance with the site plan and building elevations, except as amended by conditions herein, including the required median on Fort Apache Road.

3. The standards for this development shall include the following: minimum distance between buildings of 10 feet and building height shall not exceed two stories or 35 feet, whichever is less.

4. The setbacks for this development shall be a minimum of 10 feet to the front of the house or swing garage, 18 feet to the front of the garage as measured from back of sidewalk or from back of curb if no sidewalk is provided, 5 feet on the side, 10 feet on the corner side, and 10 feet in the rear, except for lots fronting on cul-de-sac bulbs, where 7 feet in the rear is allowed.

5. The landscape plan shall be revised and approved by Planning and Development Department staff, prior to the time application is made for a building permit, to reflect minimum 24-inch box large canopy trees planted a minimum of 35 feet on-center along Fort Apache Road, with five-foot on-site and right-of-way amenity zones, and 24-inch box large canopy trees planted a minimum of 30 feet on-center along Dorrell Lane and along Deer Springs Way.

6. A landscaping plan must be submitted prior to or at the same time application is made for a building permit.

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

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

9. Any property line wall shall be a decorative block wall, with at least 20 percent contrasting materials. Wall heights shall be measured from the side of the fence with the least vertical exposure above the finished grade, unless otherwise stipulated.

10. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.

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

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

13. All development shall be in conformance with the site plan and building elevations, date stamped 03/15/04, except as amended by conditions herein.

Public Works

14. Landscape and maintain all unimproved rights-of-way on Dorrell Lane, Deer Springs Way and Fort Apache Road adjacent to this site.

15. Submit an Encroachment Agreement for all landscaping and private improvements located in the Dorrell Lane, Deer Springs Way and Fort Apache Road public rights-of-way adjacent to this site prior to occupancy of this site.

16. Provide public sidewalk easements for all public sidewalks located outside of the public right-of-way concurrent with development of this site.

17. Site development to comply with all applicable conditions of approval for ZON-4216, Town Center Standards and all other site-related actions.

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

** STAFF REPORT **

APPLICATION REQUEST

A) Action Requested

This is a request for a Site Development Plan Review for 92 single-family lots on approximately 17.66 acres located at the northwest corner of Deer Springs Way and Fort Apache Road.

B) Applicant's Justification

The applicant has justified the request by stating that the pattern of development and proposed street sections are similar for those approved on other Pardee development sites in Town Center within the immediate area.

BACKGROUND INFORMATION

A) Previous Actions

01/17/01 The City Council approved a Petition to Annex property (A-0003-99) generally located west of El Capitan Way and east of Hualapai Way between Grand Teton Drive and Rome Avenue, containing approximately 619 acres, including a portion of the subject site. The effective date was 01/26/01. The Planning Commission and staff recommended approval on 03/25/99.

07/05/01 The City Council approved a request for a Rezoning (Z-0034-01) from U (Undeveloped) [L-TC (Low Residential) General Plan Designation] to T-C (Town Center) on 69.6 acres located within an area bound by the Farm Road alignment on the north, the Tee Pee Lane alignment on the west, the Fort Apache Road alignment on the east, and approximately 660 feet south of the Deer Springs Way alignment on the south, including a portion of the subject site. The Planning Commission and staff recommended approval of all applications on 05/24/01.

02/05/03 The City Council approved a Petition to Annex undeveloped property (A-0038-02) located in various parts of the city under the provisions of NRS 268.597 No. 1(b) containing approximately 495 acres, including a portion of the subject site. The Planning Commission and staff recommended approval on 10/24/02. The effective date was 02/14/03.

05/13/04 The Planning Commission held this item in abeyance to the 6/10/04 PC Meeting at the request of the applicant as additional land is being purchased that would complete the project assemblage.

06/10/04 The Planning Commission held this item in abeyance to the 6/10/04 PC Meeting at the request of the applicant as additional land is being purchased that would complete the project assemblage.

08/12/04 The Planning Commission recommended approval of companion applications for a Rezoning (ZON-4216) from U (Undeveloped) Zone [TC (Town Center) General Plan Designation] to T-C (Town Center), and a Vacation of Government Patent Easements (VAC-4218) on the subject site, concurrently with this request.

08/12/04 The Planning Commission voted 5-0 to recommend APPROVAL (PC Agenda Item #41/gl).

B) Pre-Application Meeting

03/15/04 At the pre-application meeting, three sites, including this site, which form part of the Pardee Homes Town Center assemblage, were discussed. The applicant was advised of the various application requirements necessary to develop single-family homes, as proposed by the applicant, on these parcels.

C) Neighborhood Meetings

A neighborhood meeting is not required for a Site Development Plan Review application, nor was one held.

DETAILS OF APPLICATION REQUEST

A) Site Area

Gross Acres:	17.66
Net Acres:	12.18

B) Existing Land Use

Subject Property:	Undeveloped
North:	Undeveloped
South:	Undeveloped
East:	Single Family Dwellings under construction
West:	Single Family Dwellings under construction

C) Planned Land Use

Subject Property:	L-TC (Low Density Residential - Town Center)
North:	L-TC (Low Density Residential - Town Center)and MLA-TC
South:	L-TC (Low Density Residential - Town Center)
East:	ML-TC (Medium-Low Density Residential - Town Center)
West:	L-TC (Low Density Residential - Town Center)

D) Existing Zoning

Subject Property:	U (Undeveloped) Zone [TC (Town Center) General Plan Designation]
North:	T-C (Town Center)
South:	T-C (Town Center)
East:	U (Undeveloped) Zone [TC (Town Center) General Plan Designation] under Resolution of Intent to T-C (Town Center)
West:	T-C (Town Center)

E) General Plan Compliance

The site is designated as TC (Town Center) on the Centennial Hills Sector map of the General Plan. Within Town Center, land use is more specifically described by special land use designations as set out in the Town Center Development Standards Manual. The Manual designated this site as L-TC (Low Density Residential - Town Center). This designation has a density range of 3.5 to 5.5 units per acre, and is intended for single-family detached homes as well as more imaginative residential development, which put an emphasis on common open space. Local supporting uses are also allowed. The request for T-C (Town Center) zoning conforms to the L-TC (Low Density Residential - Town Center) special land use designation. The proposed site plan conforms to the T-C (Town Center) zoning designation.

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

Trails – There are three trail segments adjacent to the site as identified on Map 6 (Town Center Multi-Use Trail Alignments) of the Transportation Trails Element. One is a Primary Arterial Trail along Fort Apache Road to the east of the site, and a second is a Town Center Arterial Trail along Deer Springs Way to the south of the site. The third is the Town Center Collector Trail required along Dorrell Lane to the north of the site. These trails are also required pursuant to the street cross-sections in the Town Center Development Standards Manual and represent the sidewalks along these streets. Additionally, Map 6 also calls for a Multi-Use Transportation

Trail along the west side of Fort Apache Road, adjacent to the site, which is a wider section than the Primary Arterial Trail on the east side of the street. The site plan, as proposed, meets these trails standards.

Fort Apache Road, on the east boundary of the site, will be developed as a Town Center Primary Arterial (100 feet), which also has a 15-foot median. The street section shown on the site plan does not identify this median. A condition of approval in the companion Site Development Plan Review will require that this improvement will need to be reflected on the proposed site plan.

PROJECT DESCRIPTION

The proposed development consists of 92 single-family lots covering the 17.66-acre site. Four basic floor plan configurations are proposed. The designs are both one and two-story products with two-car and three-car garages.

The open space provided with this project is 38,768 square feet within landscaped amenity zones separating the five-foot sidewalks from the street, around the external perimeter of the site. The total amount of open space provided is slightly in excess of that required by Town Center open space standards as outlined in the Town Center Development Standards Manual.

A network of public streets, all 37 feet in width, with L-type curb and gutter design, serves the development. Although these street-sections do not meet Town Center standards for public streets, they are consistent with street sections that were subsequently approved for development within the assemblage of land within Town Center by Pardee Homes.

ANALYSIS

A) Zoning Code Compliance

A1) Development Standards

Pursuant to Title 19.06.110, the Development Standards within a T-C District are established by the Site Development Plan. The development standards that are proposed for this site through this Site Development Plan are as follows:

Proposed Standards

Typical Lot Size	Approx 6,500 s.f.
Min. Setbacks	
• To front of house or front-facing garage	22 Feet
• To front of swing garage	10 Feet
• Corner side	10 Feet
• Side	5 Feet
• Rear	7 Feet
Max. Building Height	Not specified, but plans submitted do not exceed 2 Stories / 35 Feet

These standards as presented will allow a development that should be harmonious and compatible with the approved residential project to the north of the site.

A2) Residential Adjacency Standards

There are no Residential Adjacency Standards that are applicable to this project.

A3) Parking and Traffic Standards

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

Uses	Required			Provided		
	Ratio	Parking		Parking		
		Regular	Handicap	Regular	Handicap	Guest
Single-Family Dwelling	2 Spaces/ Dwelling	184 Spaces	N/A	184 Spaces	N/A	N/A

The proposal provides the minimum number of on-site parking spaces listed in the Zoning Code.

The Department of Public Works notes that, per the Master Plan Trails Element, a trail is required on Fort Apache Road. The Department also notes that the proposed street sections may not comply with Town Center Standards. With regard to these street section standards, it should be noted that limited modifications to these street standards (within portions of the Town Center Pardee land assemblage) were made pursuant to approval of SDR-1104. The plan as submitted is in conformance with these modifications, except as noted below.

A4) Landscape and Open Space Standards

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

Standards	Required		Provided
	Ratio	Trees	
Buffer:			
• Min. Trees	1 Tree/30 Linear Feet along Deer Springs (550 Feet) and Dorrell (300 Feet) + 1 Tree	30 Trees	39 Trees
	1 Tree/35 Linear Feet along Ft Apache (930 Feet) + 1 Tree	28 Trees	29 Trees
• Min. Zone Width	8 Feet along Deer Springs		12 Feet, including extra 4-foot amenity zone
	Initially 7.5 feet (modified through SDR-1104 to be 5 Feet) along Dorrell		5 Feet
	15 Feet along Ft. Apache, includes trail		14 Feet
• Wall height	6 Feet		6 Feet

The project meets or exceeds the perimeter buffering and landscaping standards of the Code, as set out in the Town Center Development Standards Manual along Deer Springs Way (Town Center Arterial [80-foot]/Secondary Collector), except for the provision of palm trees where the standard calls for canopy trees. Along Fort Apache Road, a 10-foot trail with a five-foot amenity

zone is required, as set out through the Master Plan Transportation Trails Element; the plan identifies a foot-foot amenity zone. A condition of approval will require that five feet be provided, and will require canopy trees along Deer Springs Way. The plan also indicates a four-foot sidewalk and a four-foot amenity zone along the Chieftain Street frontage on the west side of the site.

The project does not meet the originally approved Town Center buffering and landscaping standards along Dorrell Lane and Chieftain Street; however, limited modifications to these standards (within portions of the Town Center Pardee land assemblage) were made pursuant to approval of SDR-1104. The plan as submitted is in conformance with these modifications.

Pursuant to subsection E.G of the Town Center Development Standards Manual, residential development using public streets in Town Center must provide open space in accordance with a table on page 135. For a development with a density of 5.2 acres, this would require 5% of the gross site area to be provided as open space; in this case, that would equal 38,463 square feet. As 38,768 square feet of open space have been provided, the project meets the Town Center standard for open space.

B) General Analysis and Discussion

- Zoning

With the approval of companion Rezoning application (ZON-4216), the subject site will be zoned as T-C (Town Center). The proposed Site Development Plan conforms to the proposed zoning for the site.

- Site Plan

The site plan as proposed meets all standards of Title 18 and the Town Center Development Standards Manual, with the exception of the Fort Apache Road amenity zones and the previously approved limited modifications to street sections and amenity zones associated with the approval of SDR-1104. The site plan is in conformance with these modifications where applicable.

- Waivers

No waivers have been requested with respect to this application. A condition of approval will require that five-foot amenity zones on Fort Apache Road be provided, and will require canopy trees along Deer Springs Way instead of palm trees.

- Landscape Plan

The conceptual landscaping plan indicates an alternating arrangement of 24" box Chinese Pistache, Holly Oak and Purple Robe Locust planted in a cluster arrangement along each side of the interior streets. Although a row of 10' Mexican Fan Palms are proposed along Deer Springs Way, this does not meet the planting scheme for Town Center Arterial [80-

foot]/Secondary Collector Streets in the Town Center Development Standards Manual, which calls for large-canopy shade trees 30 feet on-center along a Town Center Arterial (Figure 2b). The plan appears to meet the street tree planting requirement along Dorrell Lane, which calls for large-canopy shade trees every 30 feet on-center (Figure 30). The plan places canopy trees at 30-foot on-center intervals along Fort Apache Road, where the standard is 35 feet (Figure 2a). The landscaping plan also depicts a variety of five and one-gallon ground shrubs, and a variety of ground cover plantings.

- Elevation

Four basic floor plans are proposed. The homes all have two or three-car garages, are one or two stories in height and are arranged along 37-foot wide public streets.

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 will be consistent with the density of the adjacent single-family residential developments to the north, and with the approved density for undeveloped areas in the vicinity of the site.

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

   The subject site is designated L-TC (Low Density Residential - Town Center) on Map 4 of the Town Center Development Standards Manual. This category allows a residential density range of 3.5 to 5.5 units per gross acre. The companion Rezoning application (ZON-4216) will rezone the subject site to the T-C (Town Center) zoning district. The proposed site plan conforms to both the General Plan and the Town Center Manual land use designations for the site. The proposed site plan conforms to other city policies and standards, with the exception of the minor perimeter amenity zone and landscaping issues noted above.

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

   The site will be accessed from two public streets connecting to Chieftain Street, a Town Center Public Residential Street, to the west of the site, and from one public street connecting to Deer Springs Way, a Town Center Arterial [80-foot]/Secondary Collector, to the south. These streets will be adequate for allowable development under the proposed T-C (Town Center) zoning district.

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

   The building and landscape materials are appropriate for this type of development in this portion of the City.

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

   The building elevations are typical of single-family residential developments and will be compatible with single-family residential development to the east and west of the site.

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

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

PLANNING COMMISSION ACTION

The Panning Commission amended Condition #4 as shown.

NOTICES MAILED 62 by Planning Department

APPROVALS 0

PROTESTS 0

PLANNING & DEVELOPMENT

DEVELOPMENT SERVICES CENTER

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **SDR-4220** APN: 125-19-602-001, 003 thru 011

Name of Property Owner: Pardee Homes of Nevada

Name of Applicant: Pardee Homes of Nevada

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

____ 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: Klif Andrews

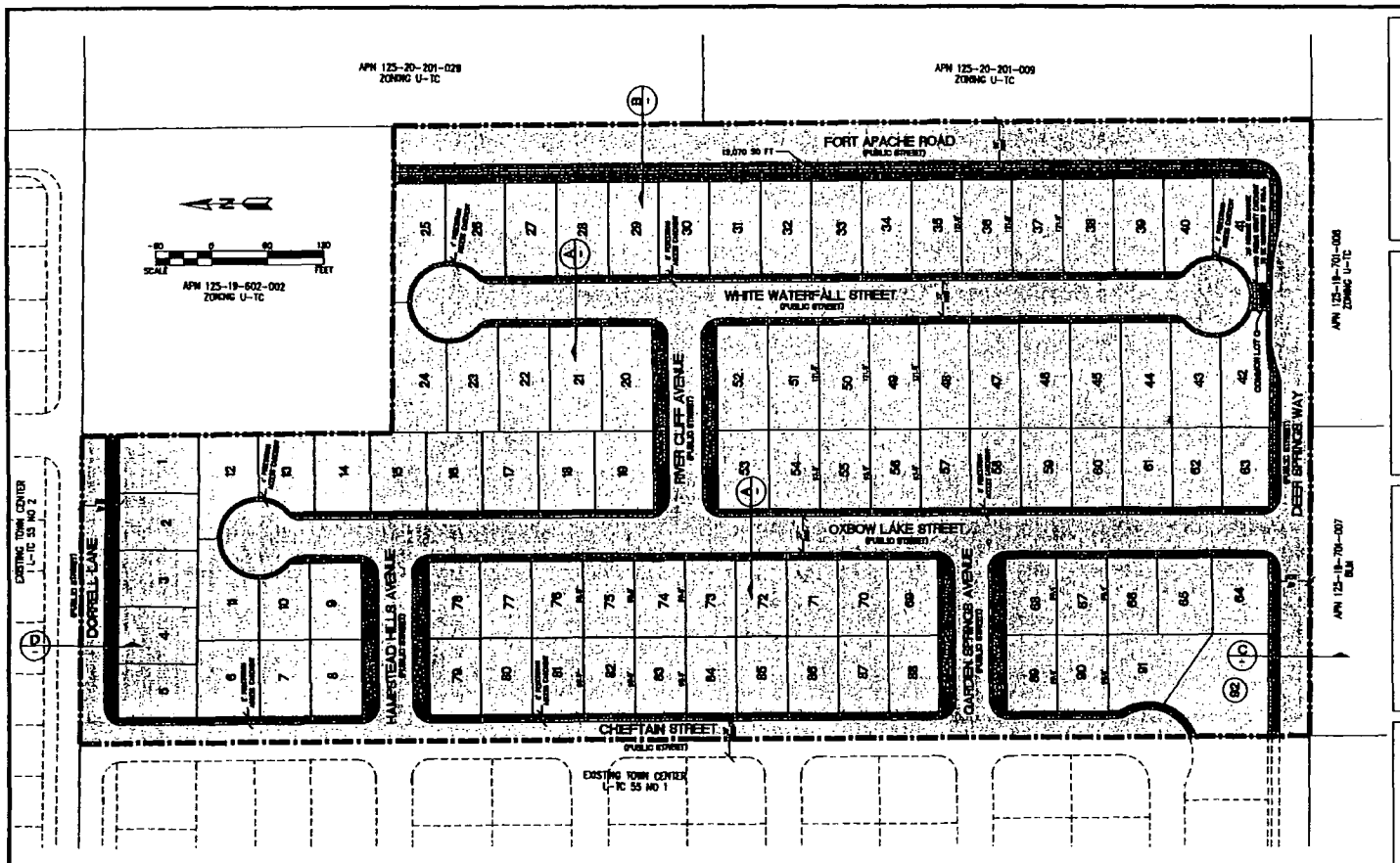
Subscribed and sworn before me

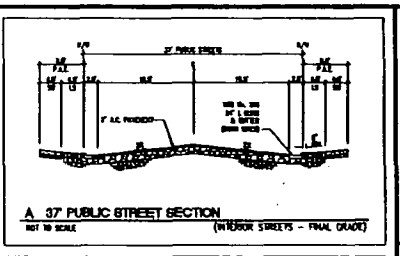
This 18 day of March, 2004

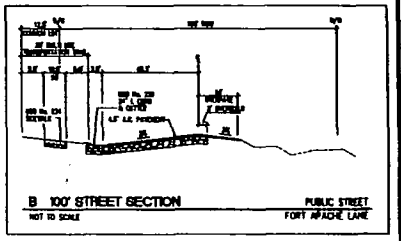
[signature]
Notary Public in and for said County and State

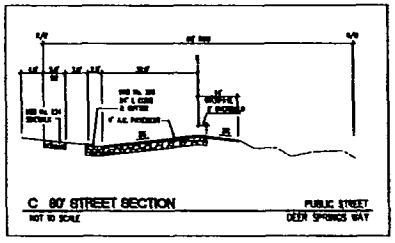
NOTARY PUBLIC
STATE OF NEVADA
County of Clark
KATHLEEN FALLON
Appt. No. 98-49629-1
My Appt. Expires Nov. 5, 2006

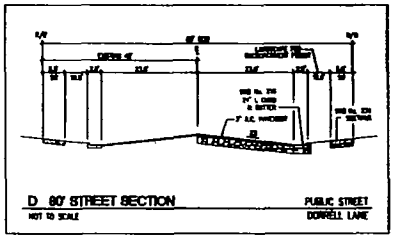
SDR-4220
5-13-04 PC

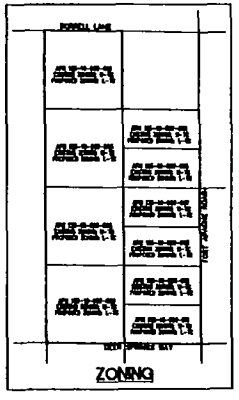


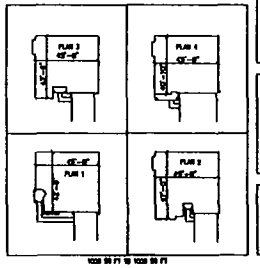












MINIMUM SETBACKS

FRONT	10'	FRONT OF HOUSE
FRONT	22'	FACE OF GARAGE
BACK	15'	
SIDE	5'	
CORNER	10'	

ACREAGE/DENSITY/LANDSCAPING

LOT COUNT	92
GROSS ACREAGE	17.68
DENSITY	5.21 DU/AC
PROVIDED OPEN SPACE	0.89 AC (38,768 SQ FT)
REQUIRED OPEN SPACE	0.88 AC (38,332 SQ FT)

FLOOR AREA RATIO

PLAN 1 - 0.31:1
PLAN 2 - 0.34:1
PLAN 3 - 0.62:1
PLAN 4 - 0.64:1

LEGEND

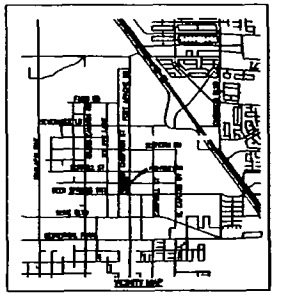
LOTS (55' x 85')

LANDSCAPE AREAS INCLUDING SIDEWALK

STREETS

NOTE

SIGNAGE FOR PROPERTY SHALL CONSIST OF MAKE PLAYE SIGNAGE ON BLOCK WALLS AT STRATEGIC LOCATIONS THROUGHOUT COMMUNITY



SLATER HANIFAN GROUP
CONSULTING ENGINEERS & PLANNERS

NO.	DESCRIPTION	DATE	BY	APP

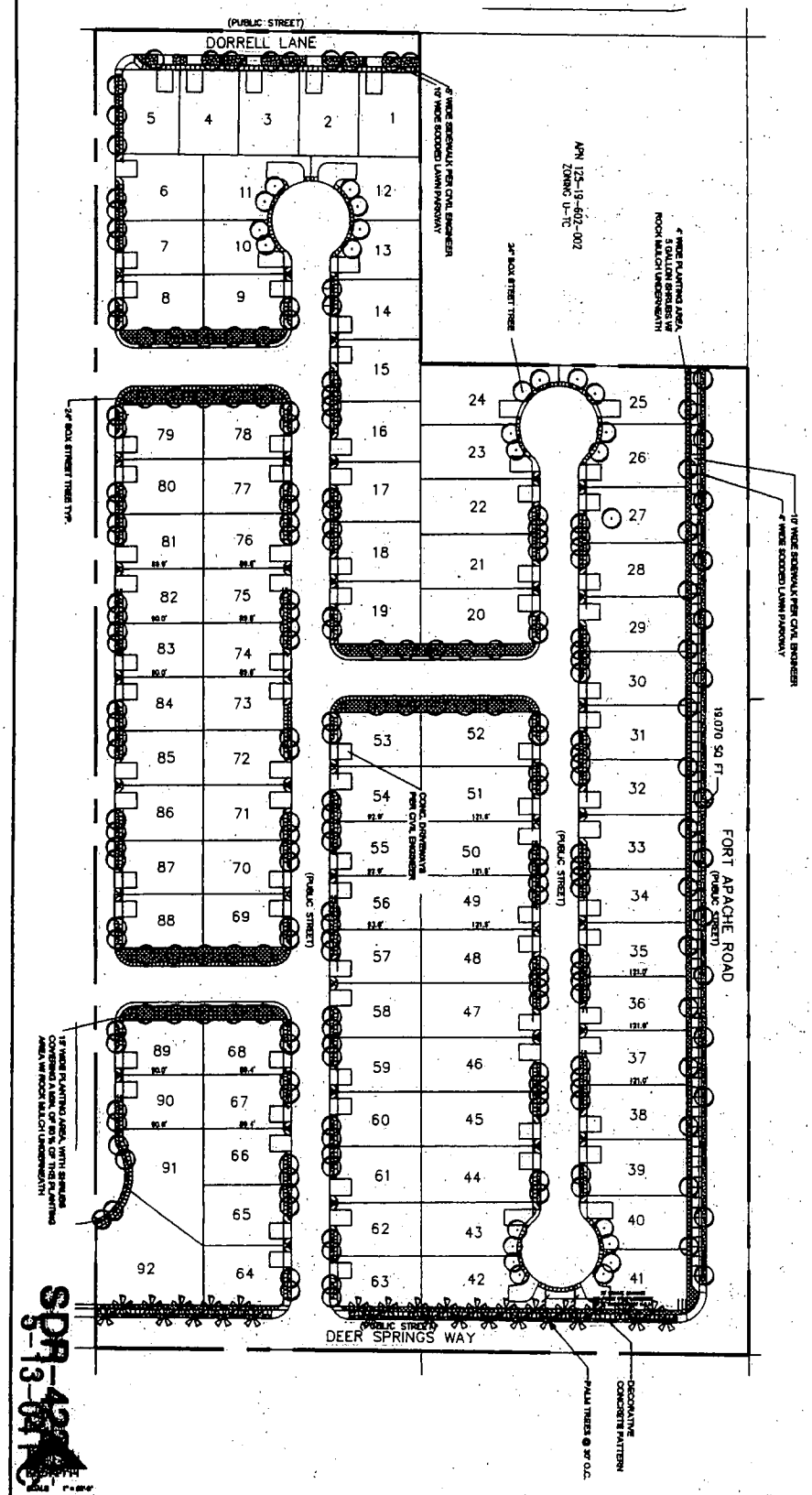
PARDEE HOMES OF NEVADA

TOWN CENTER L-TC 55 NO. 4

SITE PLAN

DATE: 3/15/04
DRAFTER: JDP
DESIGNER: JDP
CHECKED: TJS
PROJECT NO.
PAR0302-006

C-1
SHEET 1 OF 1



PLANT MATERIAL LEGEND

BOTANICAL NAME	COMMON NAME	SIZE
PISTACIA CHINENSIS	CHINESE PISTACHE	24" BOX
QUERCUS SUBER	HOLLY OAK	24" BOX
ROBINIA AMBIGUA	PURPLE ROBE LOCUST	24" BOX
WASHINGTONIA ROBUSTA	MEXICAN FAN PALM	10' BTH
SHRUBS		
ALOE BARBADENSIS	CAPE ALOE	5 GALLON
COTONEASTER LACTEUS	COTONEASTER	5 GALLON
DIETES SPP.	FORTNIGHT LILY	5 GALLON
ELAEAGNUS SPP.	SILVERBERRY	5 GALLON
EUONYMUS SPP.	EUONYMUS	5 GALLON
FEIJOA SELLOWIANA	PINEAPPLE GUAVA	5 GALLON
HEMEROCALLIS SPP.	HYBRID DAYLILY	5 GALLON
LEUCOPHYLLUM LANGMANIAE	RANGE TEXAS SAGE	5 GALLON
ROSMARINUS O. 'TUSCAN BLUE'	UPRIGHT ROSEMARY	5 GALLON
BALLTA SPP.	SAGE	5 GALLON
TRACHELOSPERMUM JASMINOIDES	STAR JASMINE	5 GALLON
XYLOSMA CONGESTUM	XYLOSMA	5 GALLON
GROUNDCOVER		
COTONEASTER HORIZONTALIS	ROCK COTONEASTER	FLATS @ 18" O.C.
LANTANA MONTEVIDENSIS	LANTANA 'NEW GOLD'	FLATS @ 18" O.C.
ROSMARINUS O. 'PROSTRATUS'	TRAILING ROSEMARY	FLATS @ 18" O.C.
VERBENA RIGIDA	VERBENA	FLATS @ 18" O.C.
SODDED LAWN	HYBRID TIFGREEN BERMUDA	FLATS @ 18" O.C.

VICINITY MAP

PROJECT SITE

SDR-4[illegible]
5-13-04

Sheet Title:	CONCEPTUAL PLAN
Project:	TOWN CENTER TC-55 #4
Client:	PARDEE HOMES 10880 WILSHIRE BLVD., SUITE #1900 LOS ANGELES, CA 90024 (310) 475-3525
Sheet No.	L0.CP
SCALE:	1" = 60'
JOB NUMBER:	1643
DATE DRAWN:	03-17-04
ISSUED FOR:	REVIEW
DESIGNED BY:	GMO
DRAWN BY:	KLP

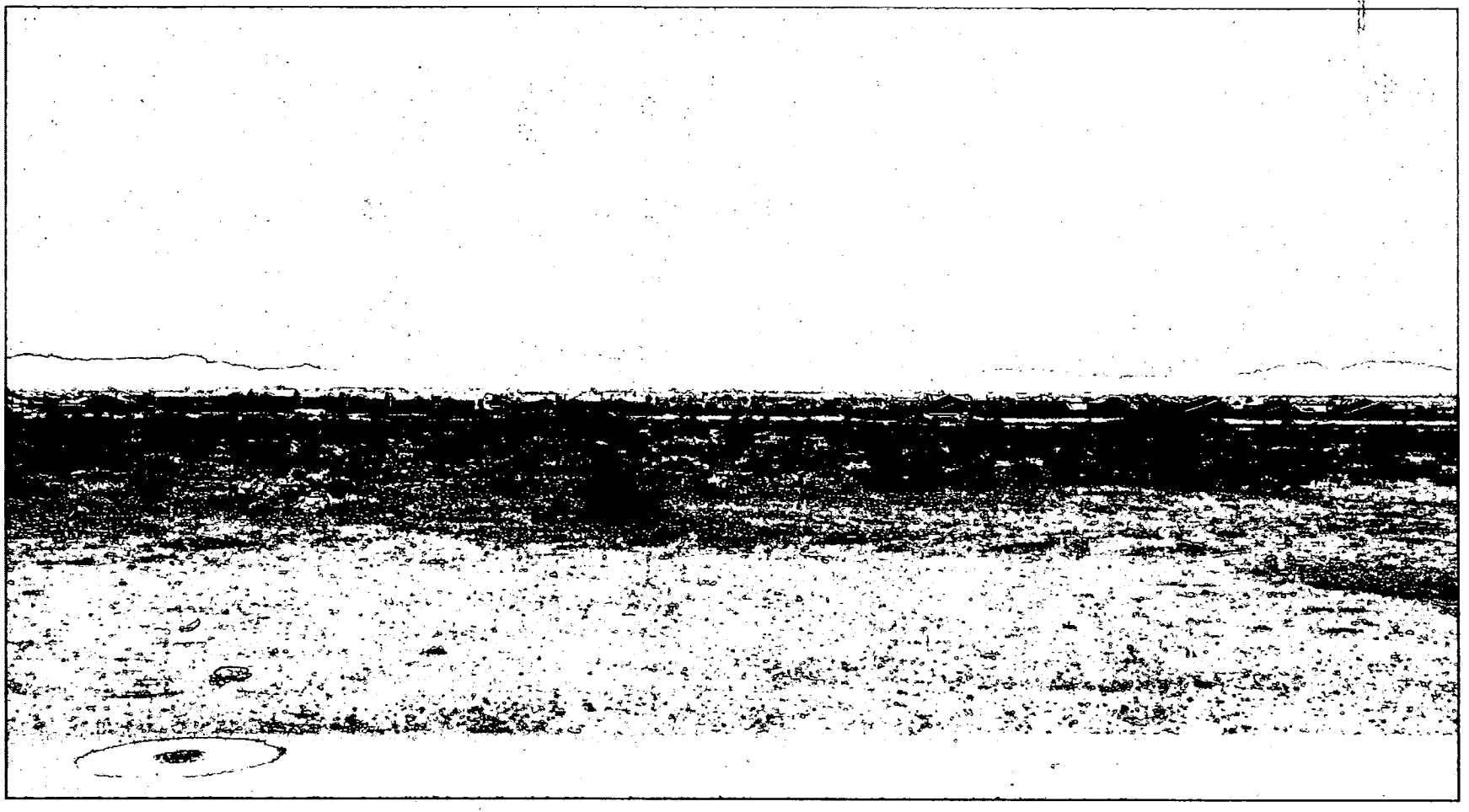
REVISIONS

No.	Date	Description	By

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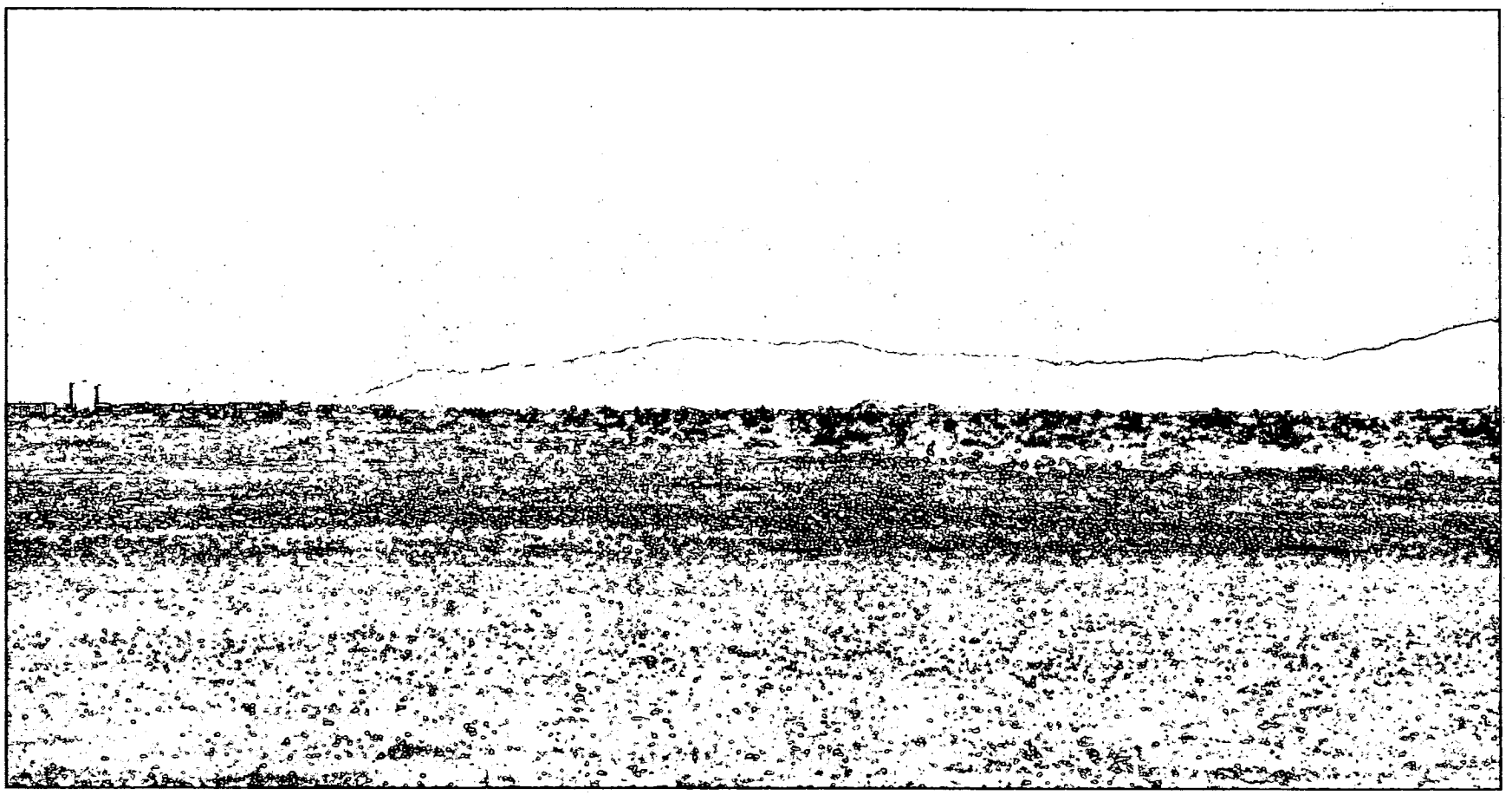
STATE STAMP

Larson & Associates
Landscape Architecture
4238 S. Industrial Rd. #214
Las Vegas, NV 89103
Phone (702) 736-6553
FAX (702) 736-6753
PRESIDENT:
James L. Larson
Nevada Lic. No. 661
PRINCIPAL:
Glenn M Overman
Nevada Lic. No. 859



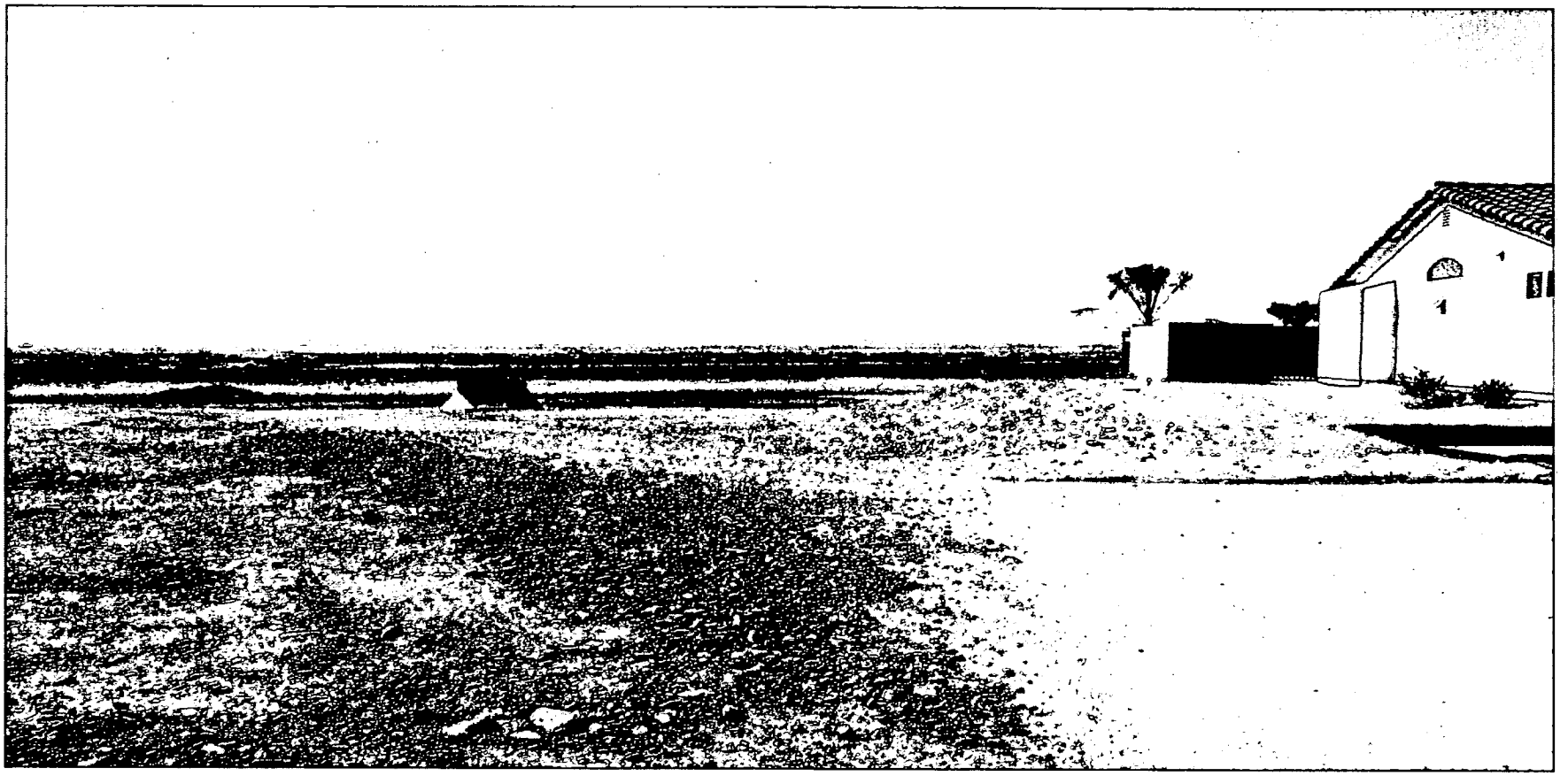
SDR-4220 - APPLICANT/OWNER: PARDEE HOMES OF NEVADA
ADJACENT TO THE NORTHWEST CORNER OF DEER SPRINGS WAY AND FORT APACHE ROAD
AUGUST 12, 2004 PLANNING COMMISSION

4/26/04



SDR-4220 - APPLICANT/OWNER: PARDEE HOMES OF NEVADA
ADJACENT TO THE NORTHWEST CORNER OF DEER SPRINGS WAY AND FORT APACHE ROAD
AUGUST 12, 2004 PLANNING COMMISSION

4/26/04



SDR-4220 - APPLICANT/OWNER: PARDEE HOMES OF NEVADA
ADJACENT TO THE NORTHWEST CORNER OF DEER SPRINGS WAY AND FORT APACHE ROAD
AUGUST 12, 2004 PLANNING COMMISSION

4/26/04

City of Las Vegas

Agenda Item No. 170

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: SEPTEMBER 15, 2004

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

SUBJECT:

ABEYANCE ITEM - GENERAL PLAN AMENDMENT - PUBLIC HEARING - **GPA-4542 - APPLICANT: JOEL ARMSTRONG - OWNER: CLARK COUNTY** - Request to Amend a portion of the Southeast Sector Plan of the General Plan FROM: ML (Medium-Low Density Residential) TO: MLA (Medium-Low Attached Density Residential) on 3.58 acres adjacent to the southeast corner of Lamb Boulevard and Bingham Avenue (APN 140-29-401-005 and 006), Ward 3 (Reese). Staff recommends DENIAL. The Planning Commission (7-0 vote) recommends APPROVAL

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

RECOMMENDATION:

Staff recommends DENIAL. The Planning Commission (7-0 vote) recommends APPROVAL.

BACKUP DOCUMENTATION:

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

MINUTES:

REESE – APPROVED – UNANIMOUS with GOODMAN and MACK excused

MINUTES:

MAYOR PRO TEM REESE declared the Public Hearing open on Item 170 [GPA-4542], Item 171 [ZON-4543], Item 172 [VAR-4547], Item 173 [VAR-4572] and Item 174 [SDR-4545].

ATTORNEY TABITHA FIDDYMENT, Kummer, Kaempfer, Bonner & Renshaw, 3800 Howard Hughes Parkway, indicated that the development is located south of Bingham Avenue and east of Lamb Boulevard. She indicated that the property is surrounded by other developments ranging from 35 to 40 units. She noted that during a neighborhood meeting many were excited about the project and the potential redevelopment that this infill project would bring. After their first submittal of the application, they discovered that Walgreens has an easement on their property, and, due to this fact, they decided to redesign the site by eliminating one lot, bringing the request to 33 lots. In addition, they agree to landscape the area surrounding the easement. This infill piece will compliment this particular area. She requested approval.

CITY COUNCIL MEETING OF SEPTEMBER 15, 2004
Planning and Development Department
Item 170 – GPA-4542

MINUTES Continued:

ATTORNEY FIDDYMENT verified for MAYOR PRO TEM REESE that the units will be stucco with tile roofs.

MARGO WHEELER, Deputy Planning and Development Director, added a condition to Item 173 [VAR-4572] regarding desert landscaping to be located wherever pavement is not required, as well as improving the open space with barbecues and seating areas. In addition, relating to Item 174 [SDR-4545], she recommended that Conditions 3 and 12 be deleted and Condition 11 amended to reflect the plans date stamped 9/15/04 for a maximum of 33 units.

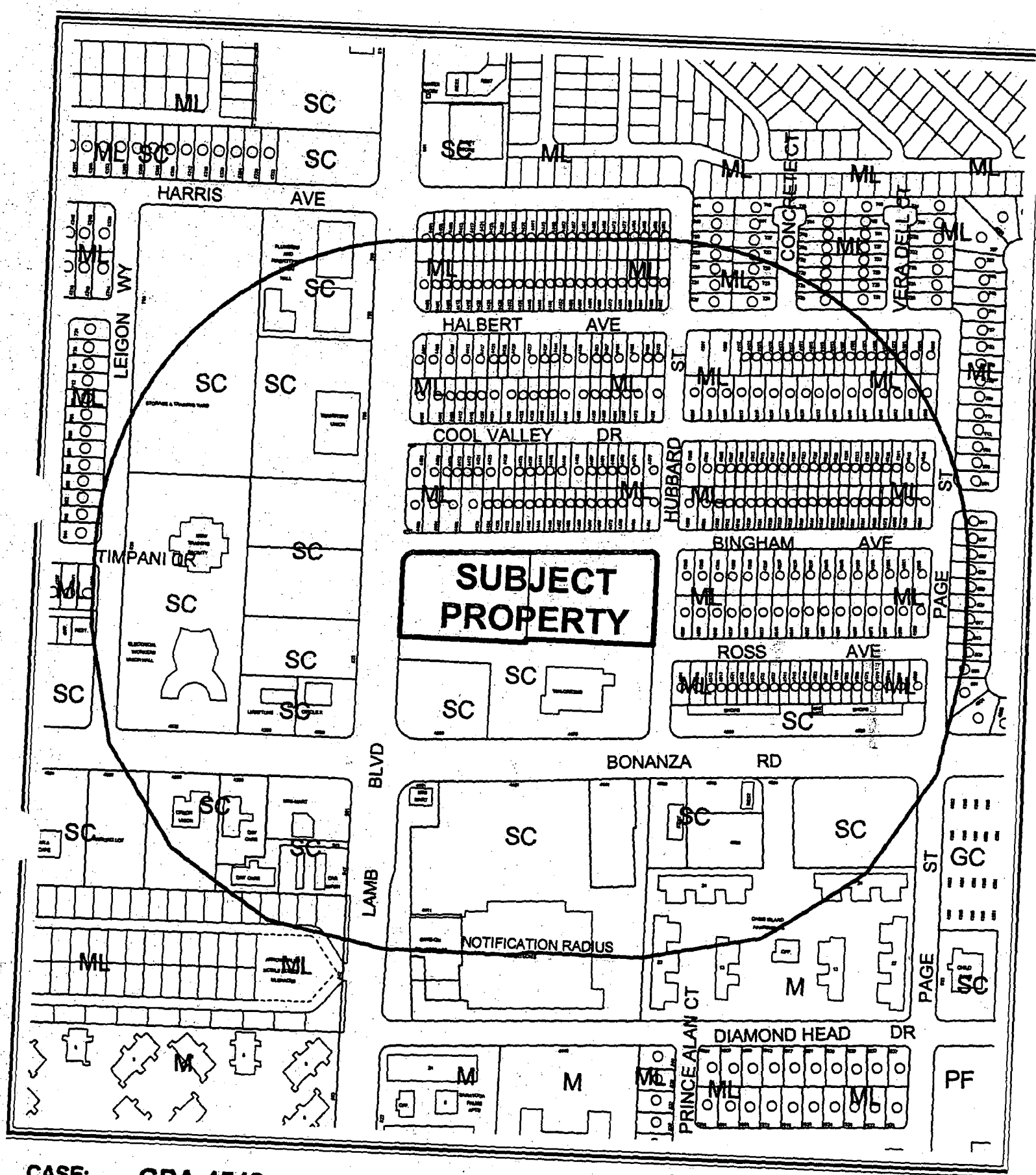
BART ANDERSON, Public Works Department, pointed out that Condition 17 in Item 174 [SDR-4545] requires the applicant to meet with the City Engineer to authorize all deviations from standards, as it appears that the site plan as shown has some deviations. ATTORNEY FIDDYMENT agreed with added, amended and deleted conditions.

No one appeared in opposition.

MAYOR GOODMAN declared the Public Hearing closed on Item 170 [GPA-4542], Item 171 [ZON-4543], Item 172 [VAR-4547], Item 173 [VAR-4547] and Item 174 [SDR-4545].

NOTE: All discussion for Item 170 [GPA-4542], Item 171 [ZON-4543], Item 172 [VAR-4547], Item 173 [VAR-4547] and Item 174 [SDR-4545] was held under Item 170 [GPA-4542].

(5:30 – 5:37)

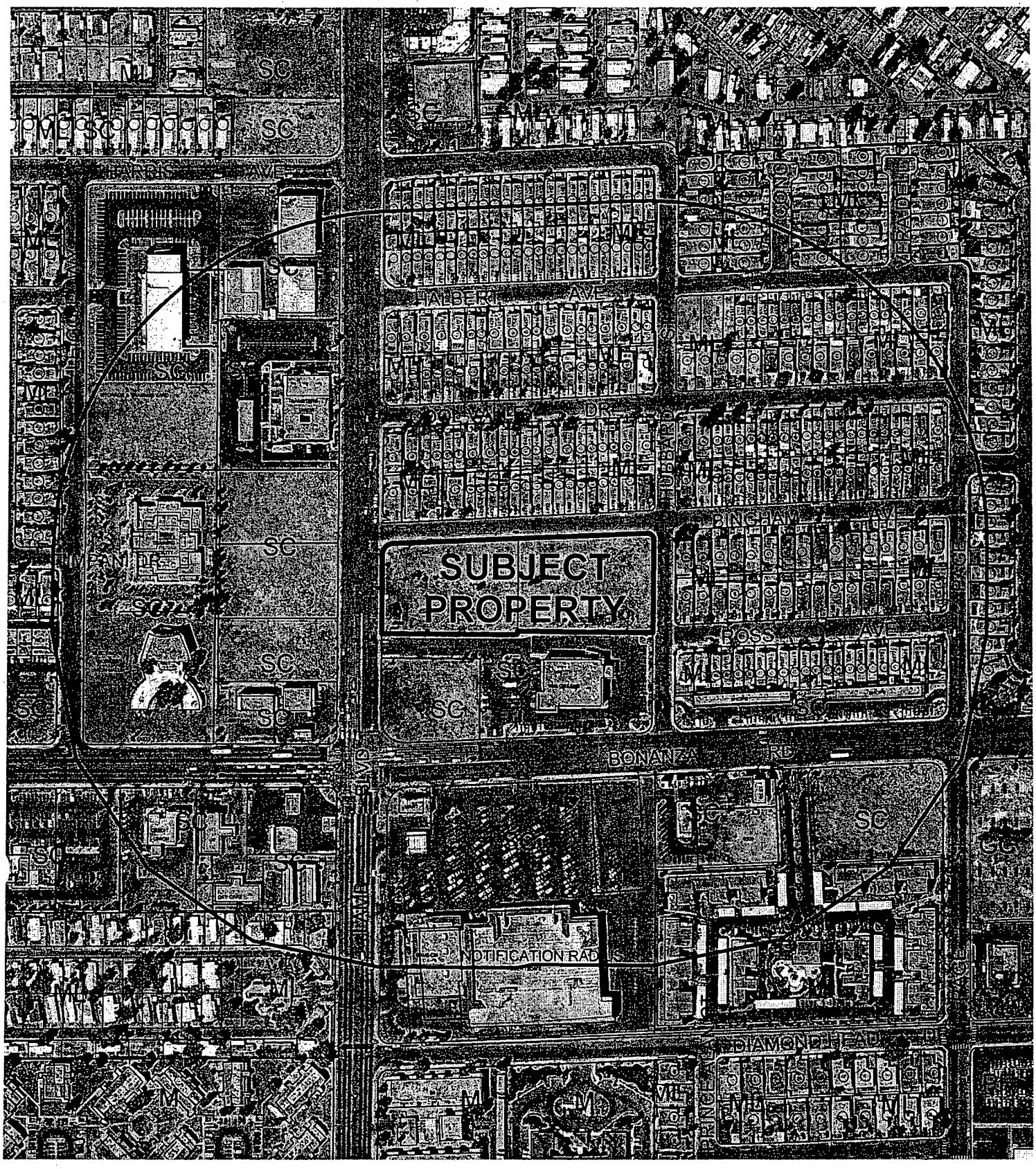


CASE: GPA-4542

RADIUS: 750 FT

GENERAL PLAN DESIGNATION OF SUBJECT PROPERTY:
ML (MEDIUM-LOW DENSITY RESIDENTIAL)

PROPOSED GENERAL PLAN DESIGNATION OF SUBJECT PROPERTY:
MLA (MEDIUM-LOW ATTACHED DENSITY RESIDENTIAL)



CASE: **GPA-4542**

RADIUS: 750 FT

0 200 400 Feet

GENERAL PLAN DESIGNATION OF SUBJECT PROPERTY:
ML (MEDIUM-LOW DENSITY RESIDENTIAL)

PROPOSED GENERAL PLAN DESIGNATION OF SUBJECT PROPERTY:
MLA (MEDIUM-LOW ATTACHED DENSITY RESIDENTIAL)

N

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: SEPTEMBER 15, 2004
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: ABEYANCE ITEM - GPA-4542 - APPLICANT: JOEL ARMSTRONG - OWNER: CLARK COUNTY

THIS ITEM WAS HELD IN ABEYANCE FROM THE SEPTEMBER 1, 2004 CITY COUNCIL MEETING AT THE APPLICANT'S REQUEST.

** CONDITIONS **

Staff recommends DENIAL. The Planning Commission (7-0 vote) recommends APPROVAL.

** STAFF REPORT **

APPLICATION REQUEST

This application seeks to change the General Plan land use designation of the subject property located on the southeast corner of Lamb Boulevard and Bingham Avenue from ML (Medium Low Density Residential) to M (Medium Density Residential). Requests for a Rezoning (ZON-4543), two Variances, (VAR-4547) and (VAR-4572), and a Site Development Plan Review (SDR-4545) have also been submitted.

BACKGROUND INFORMATION:

08/07/85	The City Council approved the Community Profiles of the city of Las Vegas General Plan by Resolution. On this plan, the subject properties were designated for ML (Medium Low Density Residential) land uses with a maximum density of twelve dwelling units per acre.
03/12/92	The Planning Commission approved the three Land Use Sector Maps of the General Plan. On this plan the parcels were designated as ML (Medium Low Density Residential) with a maximum density of nine dwelling units per acre.
08/18/99	The City Council approved GPA-23-99, which amended the density range for the Low Density Residential land use category to allow a maximum of 5.5 dwelling units per acre, Medium Low Density Residential to allow up to 8 dwelling units per acre, and Medium Density Residential up to 25 dwelling units per acre.
09/06/99	The City Council approved GPA-10-00 to amend portions of the Southeast Sector Plan to indicate areas of potential transition, correct errors from GIS data conversion, and match actions since 1996. On this plan, the parcels were designated as ML (Medium Low) with a maximum density of eight dwelling units per acre.
09/06/00	The City Council approved the Las Vegas 2020 Master Plan. This site is within the Neighborhood Revitalization Area as described in the Plan.
07/08/04	The Planning Commission recommended approval of related items (VAR-4547, ZON-4543, VAR-4572 and SDR-4545).
07/08/04	The Planning Commission voted 7-0 to recommend APPROVAL (PC Agenda Item #25/sr).

DETAILS OF APPLICATION REQUEST

A) Site Area

Acres: 3.58 Acres

B) Existing Land Use

Subject Property	Undeveloped
North	Single-Family residential
South	Retail Commercial
East	Single-Family residential
West	Undeveloped

C) Planned Land Use

Subject Property	M-L (Medium Low Residential)
North	M-L (Medium Low Residential)
South	S-C (Service Commercial)
East	M-L (Medium Low Residential)
West	S-C (Service Commercial)

D) Existing Zoning

Subject Property	R-1 (Single-Family Residential)
North	R-1 (Single-Family Residential)
South	C-1 (Limited Commercial)
East	R-1 (Single-Family Residential)
West	C-1 (Limited Commercial) and R-E (Residence Estates)

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

DEFINITIONS

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

M (Medium Residential)
(12.1 to 25 dwelling units/gross acre.) The Medium Residential category permits a maximum of 25 dwelling units per gross acre. This category includes a higher density variety of multifamily unit types, up to three stories in height.

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

ANALYSIS

The subject parcels are currently undeveloped. Abutting the site are Lamb Boulevard, a 100-foot wide right-of-way to the west and Bingham Avenue to the north and Hubbard Street to the east, two 50-foot wide rights-of-way,. Surrounding development includes single-family homes to the north and east, commercial development to the south, and vacant land to the west.

The M (Medium Density Residential) land use designation supports densities ranging from 12.1 to 25 dwelling units per acre. Typical uses include plexes, townhomes, and multi-family apartments. Regardless of the specific type of use, projects of this density are successful only when adequate space is available for amenities and, when necessary, buffering. As density rises, so do the needs for open space and assurances that neighboring properties won't be negatively impacted. The subject property, being approximately 3.5 gross acres in size, is not large enough to provide for the flexibility of design necessary to obtain adequate open space and buffering. The proposed R-PD (Residential Planned Development) zoning designation, which provides for flexible and innovative design, specifically requires a minimum of five acres.

These parcels are in the area of the Master Plan 2020 that is designated as the Neighborhood Revitalization Area. Policy 2.1.2 of that plan states that, "Development on vacant or underutilized lots within existing residential neighborhoods be sensitive in use and design to surrounding development." The M (Medium Density Residential) land use designation on this parcel cannot be developed in that manner. The fact that the properties to the south and west are existing or planned for commercial uses does not automatically justify a more intense land use designation if the subject property itself cannot support the resulting density.

FINDINGS

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

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

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

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

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

In regard to "1," the proposed land use designation supports development that is not appropriate in this context.

In regard to "2," the zoning designations that would be permitted under the proposed land use designation permit a range of uses that cannot be developed harmoniously with the surrounding properties.

In regard to "3," the site is approximately a mile driving distance from the 3.5-acre Stewart Place Park to the southeast and 1.5 miles driving distance from Freedom Park at Washington Avenue and Pecos Road. The Northeast Area Command of the Las Vegas Metropolitan Police Department services this site with a substation approximately two miles away at Washington Avenue and Mojave Road. Fire Station No. 8, at Bonanza Road and Mojave Road, is the closest city facility to the site.

In regard to "4," there are no other applicable adopted plans or policies.

GENERAL PLAN AMENDMENT NEIGHBORHOOD MEETING

Per policy set forth in the city of Las Vegas application packet, a neighborhood meeting shall be held with the surrounding property owners. The applicant is requested to hold this meeting within 14 days of the closing date of this application. In accordance with the above, on June 14, 2004, a neighborhood meeting sponsored by the applicant was held. The two neighbors in attendance persons had the following comments:

1. They were concerned that the project proposed 2-story homes.
2. The entrance on Bingham Avenue would draw traffic onto a residential street.
3. They felt the $170,000 price range was too low.

NOTICES MAILED: 402 by Planning Department

APPROVALS: 0

PROTESTS: 0

PLANNING & DEVELOPMENT

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: GPA-4542 APN: 140-29-401-005 & 006

Name of Property Owner: Clark County

Name of Applicant: Joel Armstrong

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

_____ Yes ✓ No

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

City Official: _____

Partner(s): _____

APN: _____

Signature of Property Owner/Authorized Agent: X Sandra M. Norskog

Print Name: Sandra M. Norskog Director

State of Nevada County of Clark

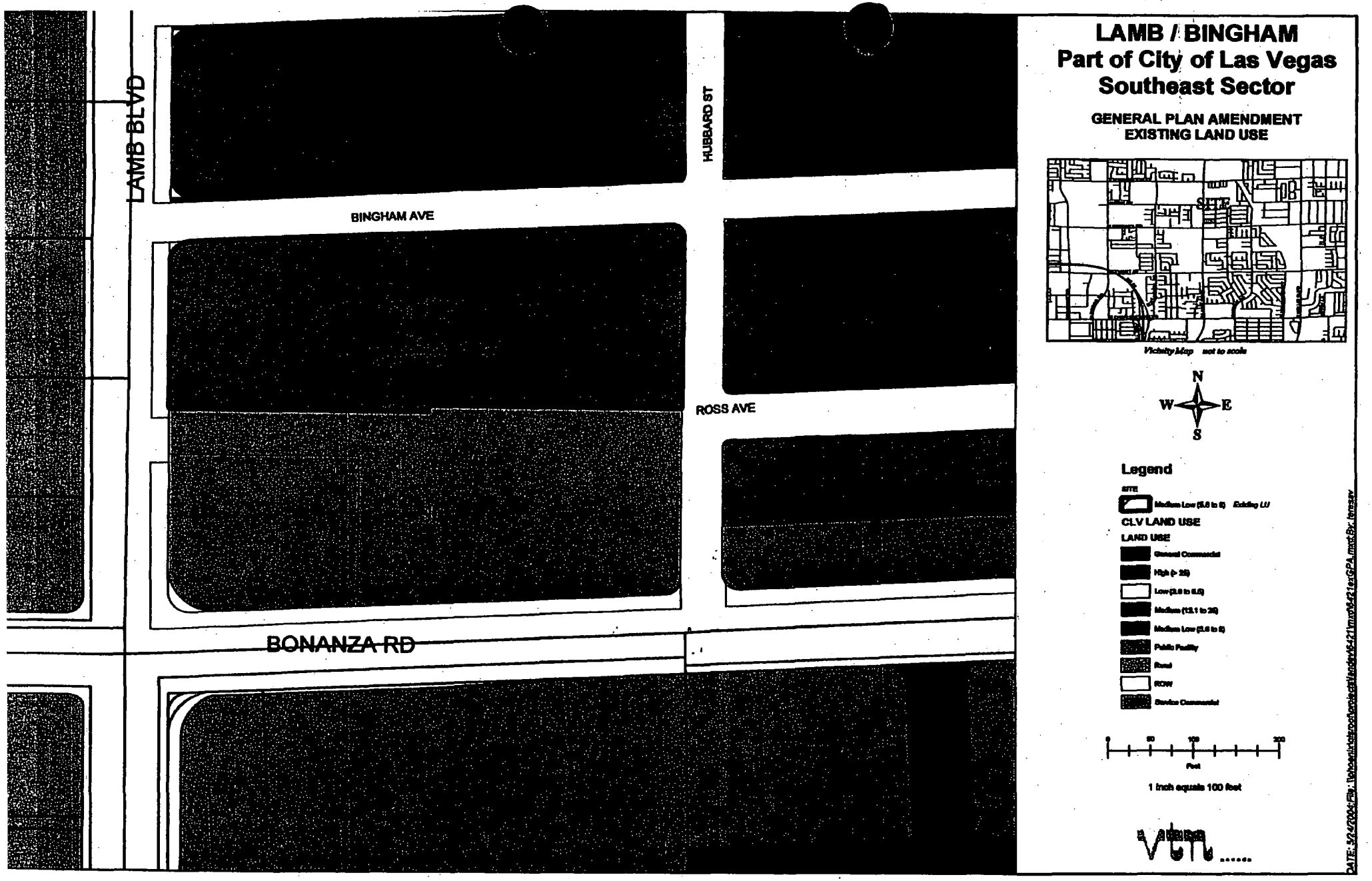
Subscribed and sworn before me

This 20th day of May, 2004

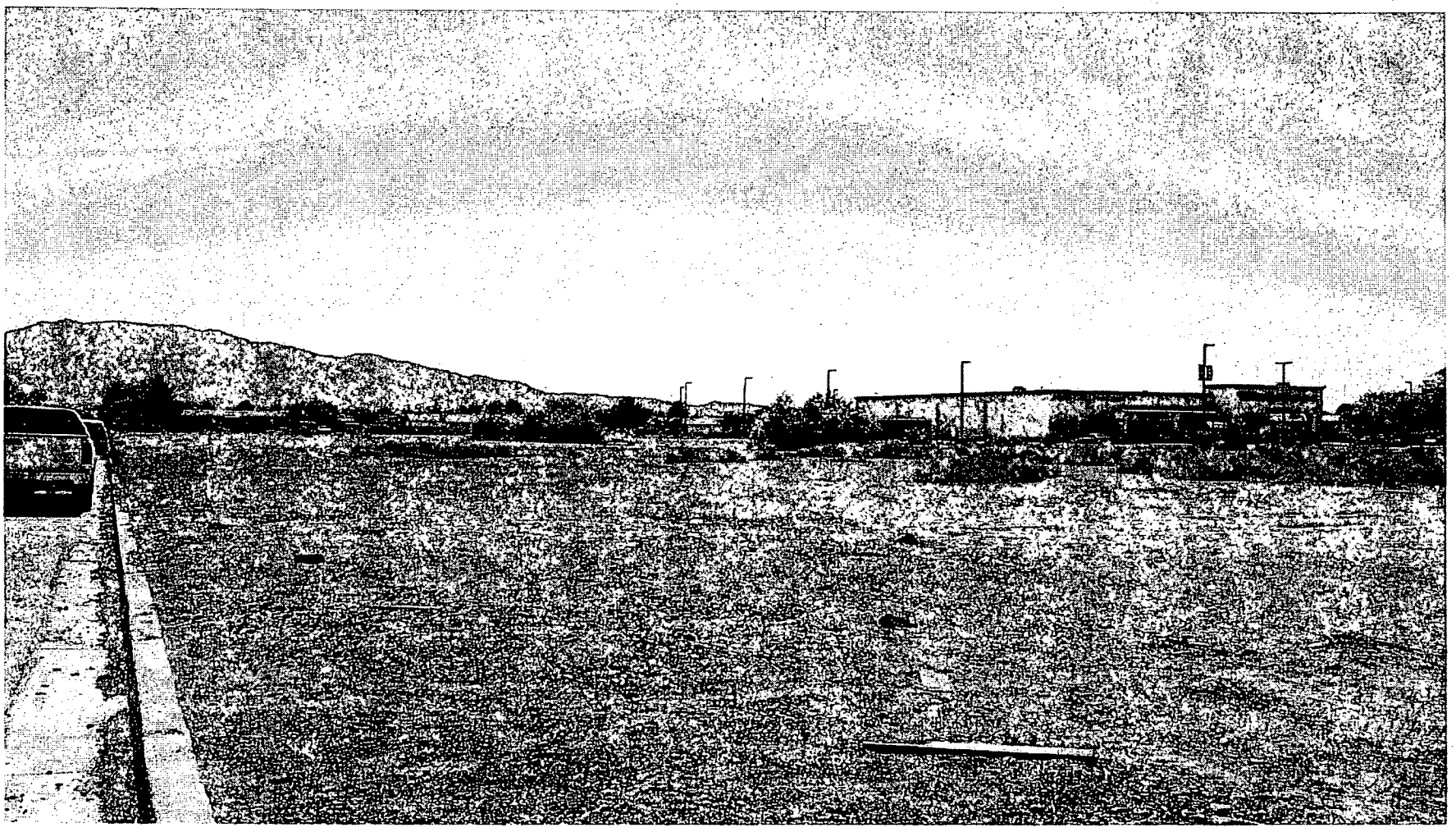
Karen S Mulcahy

Notary Public in and for said County and State

KAREN S. MULCAHY
Notary Public State of Nevada
No. 99-58482-1
My appt. exp. May 10, 2007



GPA-4542
07-08-04 PC



GPA-4542 - APPLICANT: JOEL ARMSTRONG - OWNER: CLARK COUNTY
SOUTHEAST CORNER OF LAMB BOULEVARD AND BINGHAM AVENUE
JULY 8, 2004 PLANNING COMMISSION

06/17/04

City of Las Vegas

Agenda Item No. 171

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: SEPTEMBER 15, 2004

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

SUBJECT:
ABEYANCE ITEM - REZONING RELATED TO GPA-4542 - PUBLIC HEARING - **ZON-4543 - APPLICANT: JOEL ARMSTRONG - OWNER: CLARK COUNTY -** Request for a Rezoning FROM: R-1 (Single-Family Residential) TO: R-PD9 (Residential Planned Development - 9 Units Per Acre) on 3.58 acres adjacent to the southeast corner of Lamb Boulevard and Bingham Avenue (APN 140-29-401-005 and 006), Ward 3 (Reese). Staff recommends DENIAL. The Planning Commission (7-0 vote) recommends APPROVAL

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

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

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

MOTION:
REESE – APPROVED subject to conditions – UNANIMOUS with GOODMAN and MACK excused

MINUTES:
NOTE: See Item 170 [GPA-4342] for all related discussion.

(5:30 – 5:37)

6-2768

CONDITIONS:
Planning and Development

1. (For R-PD9) Approval of and conformance to the Conditions of Approval for a General Plan Amendment (GPA-4542), Variance (VAR-4547), Variance (VAR-4572), and Site Development Plan Review (SDR-4545) approved by the City Council.

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

CITY COUNCIL MEETING OF SEPTEMBER 15, 2004
Planning and Development Department
Item 171 – ZON-4543

CONDITIONS – Continued:

3. A Site Development Plan Review (SDR-4545) approved by the Planning Commission or City Council prior to issuance of any permits, site grading, and development activity for the site.

4. The total number of lots shall be limited to a maximum of thirty-five (35).

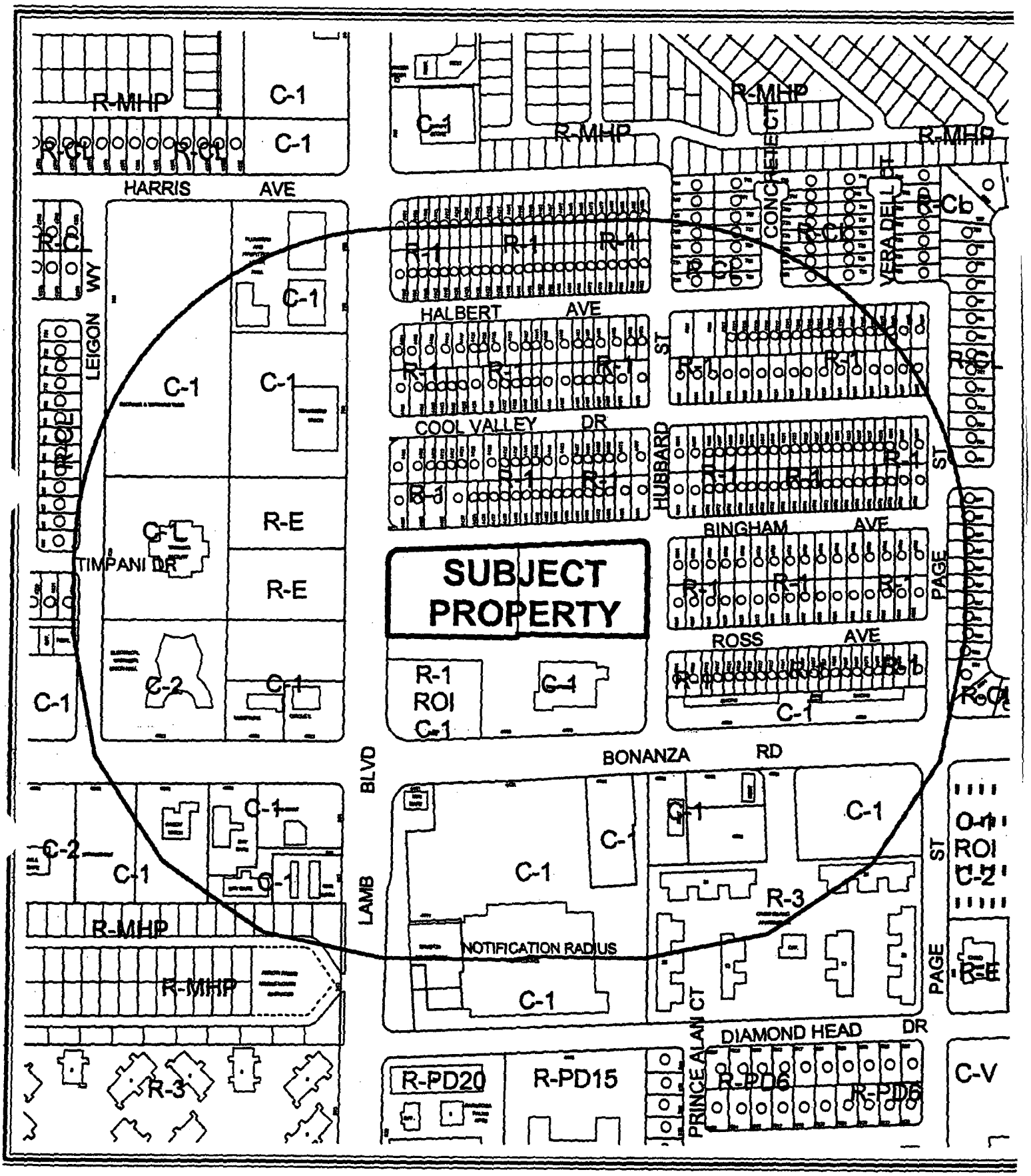
Public Works

5. Construct all incomplete half-street improvements on Lamb Boulevard, Bingham Avenue and Hubbard Street adjacent to this site concurrent with development. Install all appurtenant underground facilities, if any, adjacent to this site needed for the future traffic signal system concurrent with development of this site.

6. Remove all substandard public street improvements and unused driveway cuts adjacent to this site, if any, and replace with new improvements meeting current City Standards concurrent with development of this site.

7. 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.

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



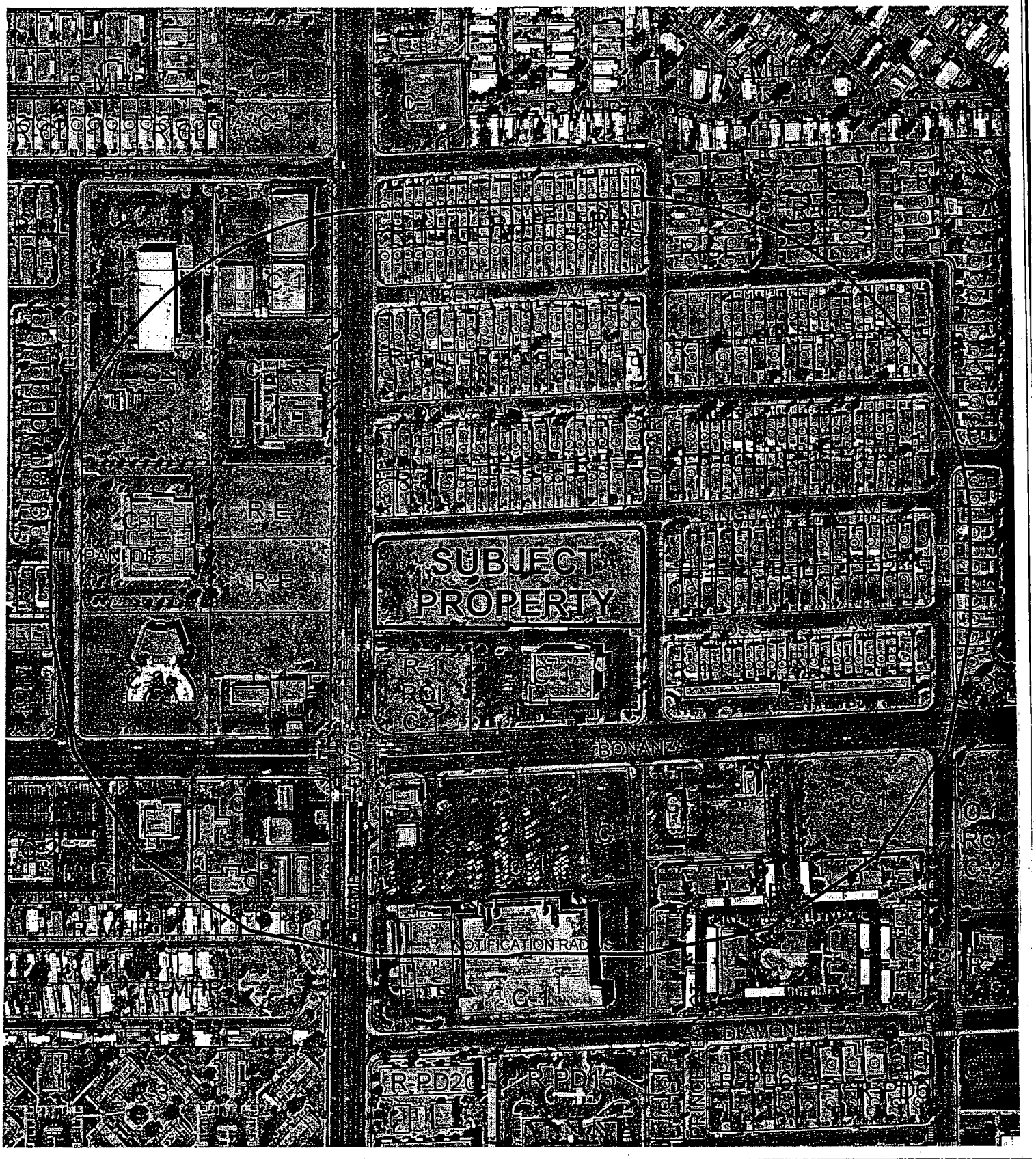
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CASE: **ZON-4543**

RADIUS: 750 FT

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

PROPOSED ZONING OF SUBJECT PROPERTY:
R-PD9 (RESIDENTIAL PLANNED DEVELOPMENT - 9 UNITS PER ACRE)



0 200 400 Feet

CASE: **ZON-4543**

RADIUS: 750 FT

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

PROPOSED ZONING OF SUBJECT PROPERTY:
R-PD9 (RESIDENTIAL PLANNED DEVELOPMENT - 9 UNITS PER ACRE)

N

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: SEPTEMBER 15, 2004
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: ABEYANCE ITEM - ZON-4543 - APPLICANT: JOEL ARMSTRONG – OWNER: CLARK COUNTY

THIS ITEM WAS HELD IN ABEYANCE FROM THE SEPTEMBER 1, 2004 CITY COUNCIL MEETING AT THE APPLICANT'S REQUEST.

** CONDITIONS **

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

Planning and Development

1. (For R-PD9) Approval of and conformance to the Conditions of Approval for a General Plan Amendment (GPA-4542), Variance (VAR-4547), Variance (VAR-4572), and Site Development Plan Review (SDR-4545) approved by the City Council.

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

3. A Site Development Plan Review (SDR-4545) approved by the Planning Commission or City Council prior to issuance of any permits, site grading, and development activity for the site.

4. The total number of lots shall be limited to a maximum of thirty-five (35).

Public Works

5. Construct all incomplete half-street improvements on Lamb Boulevard, Bingham Avenue and Hubbard Street adjacent to this site concurrent with development. Install all appurtenant underground facilities, if any, adjacent to this site needed for the future traffic signal system concurrent with development of this site.

6. Remove all substandard public street improvements and unused driveway cuts adjacent to this site, if any, and replace with new improvements meeting current City Standards concurrent with development of this site.

7. 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.

8. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings or the recordation of a Map subdividing this site, whichever may occur first. Provide and improve all drainageways recommended in the approved drainage plan/study. The developer of this site shall be responsible to construct such neighborhood or local drainage facility improvements as are recommended by the City of Las Vegas Neighborhood Drainage Studies and approved Drainage Plan/Study

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

** STAFF REPORT **

APPLICATION REQUEST

A) Action Requested

This is a request for Rezoning from R-1 (Single-Family Residential) to R-PD9 (Residential Planned Development – 9 Units Per Acre) on 3.58 acres at the southeast corner of Lamb Boulevard and Bingham Avenue. Applications for a General Plan Amendment (GPA-4542) to M (Medium Density Residential), a Variance (VAR-4547) in the size of an R-PD zoning district formation, an open space Variance (VAR-4572), and a Site Development Plan Review (SDR-4545) for 35 single-family lots have also been submitted in conjunction with this application.

B) Applicant's Justification

The applicant indicates in a letter submitted with the application the following:

> "While the existing zoning to the north and east is R-1, the proposed R-PD9 zoning is an ideal buffer to the C1 immediately adjacent and to the south and the C-1 to the west. In addition, the proposed project is buffered from the R-1 developments to the north and east by 60-foot wide streets (Bingham and Hubbard). A portion of the proposed development will be located on a 100-foot wide street, Lamb Boulevard."

BACKGROUND INFORMATION

A) Previous Actions

11/02/00 The Planning Commission tabled a request by Clark County for a General Plan Amendment (GPA-0022-00) to amend a portion of the Southeast Sector Plan from ML (Medium Low Density Residential) to O (Office) for a proposed County-operated office building that would contain the Family and Youth Services Division and branches of the Business License Department, District Courts, and Clark County Social Services. Staff recommended approval.

11/02/00 The Planning Commission tabled a request by Clark County for a Rezoning (Z-0076-00) from R-1 (Single Family Residential) to O (Office) for the above proposed County-operated office building. Staff recommended approval.

11/02/00 The Planning Commission tabled a request by Clark County for a Site Development Plan Review [Z-0076-00(1)] for the above proposed County-operated office building. Staff recommended approval.

07/08/04 The Planning Commission recommended approval of companion applications including a General Plan Amendment (GPA-4542) to M (Medium Density Residential), an open space Variance (VAR-4572), and a Site Development Plan Review (SDR-4545). Staff is recommending denial of these applications.

07/08/04 The Planning Commission voted 7-0 to recommend APPROVAL (PC Agenda Item #27/dds).

B) Pre-Application Meeting

05/10/04 The staff discussed various elements of the prospective development, including the following:

- Discussion of the present zoning and General Plan designation and the zone that would accommodate the development.
- Need for a flood study.
- Provision of private ungated streets.
- Suggestion to move the entry point to avoid a narrow offset from Bingham Avenue.
- Request to add to the site plan adjacent land uses, net and net-net acreage, open space calculations, crash gates, and wall heights.
- Present elevation drawings that show heights of structures.

C) Neighborhood Meetings

A Neighborhood meeting is not required for a Rezoning.

DETAILS OF APPLICATION REQUEST

A) Site Area

Acres:	3.58 Acres

B) Existing Land Use

Subject Property	Undeveloped
North	Single-Family residential
South	Retail Commercial
East	Single-Family residential
West	Undeveloped

C) Planned Land Use

Subject Property	ML (Medium-Low Density Residential)
North	ML (Medium-Low Density Residential)
South	SC (Service Commercial)
East	ML (Medium-Low Density Residential)
West	SC (Service Commercial)

D) Existing Zoning

Subject Property	R-1 (Single-Family Residential)
North	R-1 (Single-Family Residential)
South	C-1 (Limited Commercial)
East	R-1 (Single-Family Residential)
West	C-1 (Limited Commercial) and R-E (Residence Estates)

E) General Plan Compliance

The subject property is located in the Southeast Sector of the General Plan. The property is presently classified in the ML (Medium Low Density Residential) land use category that permits up to eight dwelling units per acre. The proposed development of 35 single-family lots on 3.58 acres generates a density of development of 9.8 dwelling units per acre. Since this density is greater that permitted in the ML classification, the applicant is requesting a General Plan Amendment to M (Medium Density Residential) that would permit up to 25 dwelling units per acre.

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

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

ANALYSIS

A) Zoning Code Compliance

A1) Development Standards

The development standards are presented with the Site Development Plan Review (SDR-4545) that accompanies this application.

B) General Analysis and Discussion

The applicant is proposing a 35-lot subdivision for single-family homes at a density of 9.21 residences per acre. The lots proposed are typically just over 2,000 square feet in size. A total of 12,124 square feet of open space is proposed, although for a R-PD9 development, 25,158 square feet are required. The interior streets that serve the development are proposed to be 39 feet wide and private.

Projects of this density, particularly for single-family development, are successful only when adequate space is available for amenities. The subject property, being 3.58 net acres in size, is not large enough to provide for the flexibility of design necessary to obtain adequate open space and buffering for a R-PD district. The district requires a minimum of five acres for its formation for this reason. The applicant is requesting a Variance (VAR-4547) to reduce the minimum size for formation of an R-PD district and another variance in the required amount of open space for a R-PD9 district.

The only justification presented by the applicant for a change in zoning is that "the proposed R-PD9 zoning is an ideal buffer to the C-1 immediately adjacent and to the south and the C-1 to the west." Nothing is said about the effect of existing commercial development on a residential development of the subject property. Also, the applicant indicates that "the proposed project is buffered from the R-1 developments to the north and east by 60-foot wide streets (Bingham and Hubbard)," but makes no statement as to whether the 100-foot right-of-way of Lamb Boulevard is sufficient to buffer a residential development from the negative externalities of the commercial development to the west.

FINDINGS

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

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

   The proposal exceeds the density permitted by the current ML (Medium Low Density Residential) land use designation. For this reason, the applicant has requested a M (Medium Density Residential) classification that permits a density of up to 25 dwelling units per acre. The accompanying staff report for this General Plan Amendment (GPA-4542) recommends denial of this request.

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

   Property to the west and south of the subject property is zoned and developed for commercial use and the property to the north and east is zoned and developed for single-family residences. The applicant proposes to develop the subject property with 35 single-family residences on lots that are approximately 2000 square feet in size. Although this density of development is excessive for this property, the uses at this density should not be a detriment to the adjoining properties, as streets and perimeter walls separate this development from the adjacent single-family homes.

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

   There are additions of commercial development to the south that render the subject property less favorable for R-1 (Single-Family Residential) development. However, with appropriate screening and buffers, development under the current zoning is feasible. An R-PD (Residential Planned Development) zoning district at a higher density is acceptable for single-family development but only if the appropriate amenities are provided for the development. The applicant proposes a higher density R-PD zone than is appropriate for the area. Consequently, a R-PD8 district is the highest density district recommended, and it would not require a General Plan Amendment.

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

   The subject site abuts Lamb Boulevard, a Primary (100-foot wide) Arterial Street, according to the Master Plan of Streets and Highways. The applicant, however, proposes to access the subject site from Bingham Avenue, a 60-foot wide local street that connects to Lamb Boulevard. These streets provide adequate access to the property.

NOTICES MAILED 402 by Planning Department

APPROVALS 0

PROTESTS 0

PLANNING & DEVELOPMENT

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: ZON-4543 APN: 140-29-401-005 & 006

Name of Property Owner: Clark County

Name of Applicant: Joel Armstrong

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: Sandra M. Norskog

State of Nevada
County of Clark

Print Name: Sandra M. Norskog, Director

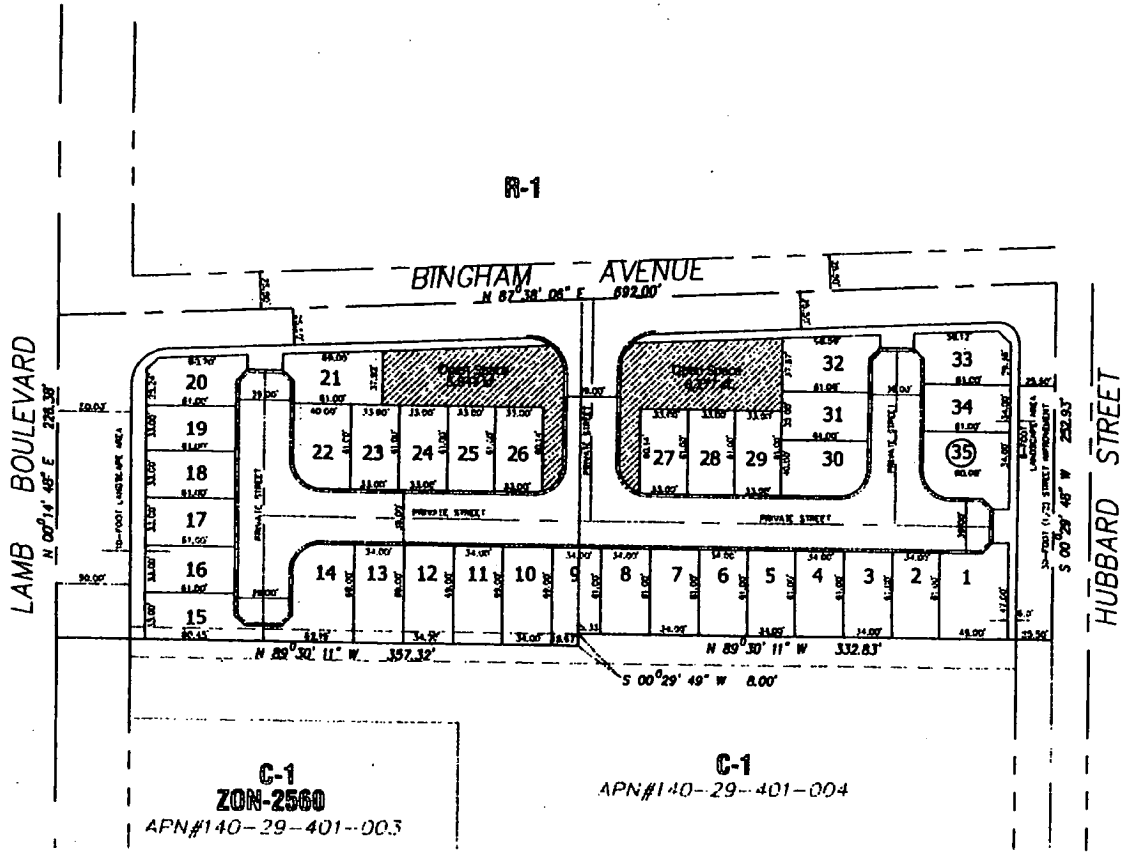
Subscribed and sworn before me

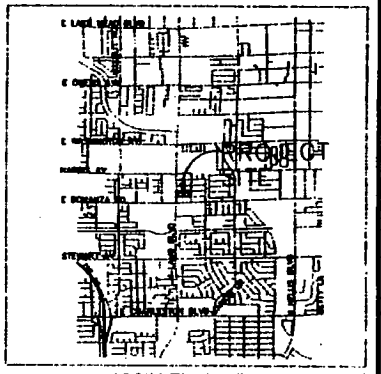
This 20th day of May, 2004

Karen S. Mulcahy
Notary Public in and for said County and State

KAREN S. MULCAHY
Notary Public State of Nevada
No. 99-58482-1
My appt. exp. May 10, 2007

KAREN S. MULCAHY
Notary Public State of Nevada
No. 99-58482-1
My appt. exp. May 10, 2007





VICINITY MAP

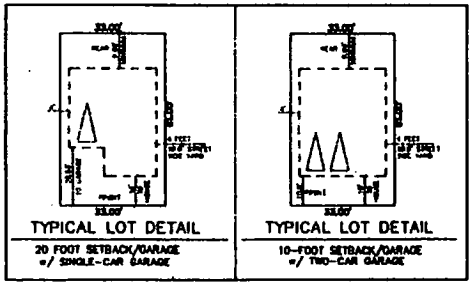
GRAPHIC SCALE

PROJECT SETBACKS

PROJECT SETBACKS	
PROPOSED MINIMUM SETBACKS	
FRONT	20 FEET
SIDE	5'/10' FEET
SIDE YARD	10 FEET
REAR YARD	20 FEET
STREET SIDE YARD	20 FEET

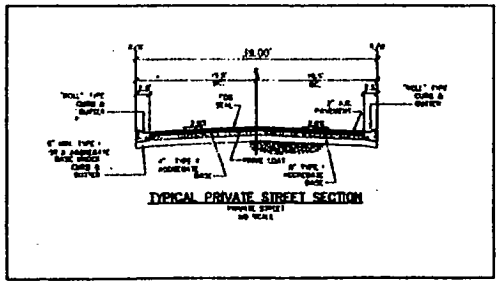
PROJECT SUMMARY

PROJECT SUMMARY	
PROJECT INFORMATION	
ASSESSORS PARCEL MAP NO.	140-29-401-005 & 006
GROSS ACRES	3.69 ACRES
CURRENT GENERAL PLAN	ML (MEDIUM-LOW) 3.5 to 8.0 du/ac
PROPOSED GENERAL PLAN	ML (MEDIUM-LOW) 3.5 to 8.0 du/ac
CURRENT ZONING	R-1
PROPOSED ZONING	R-PD-7
PROPOSED LAND USE	SINGLE FAMILY RESIDENTIAL
PROPOSED NUMBER OF UNITS	29
PROPOSED DENSITY	7.71 DU/AC
OPEN SPACE	
OPEN SPACE REQUIRED	20,258 SF OR 0.47 ACRES (13%)
PROPOSED USABLE OPEN SPACE	14,324 SF
OTHER OPEN SPACE	0 SF
TOTAL OPEN SPACE PROVIDED	14,324 SF
PARKING	
# PER DWELLING UNIT	2.0
GUEST SPACES	6
HANDICAP SPACES	0
TOTAL PARKING SPACES PROVIDED	64



TYPICAL LOT DETAIL
20 FOOT SETBACK/GARAGE
w/ SINGLE-CAR GARAGE

TYPICAL LOT DETAIL
10-FOOT SETBACK/GARAGE
w/ TWO-CAR GARAGE

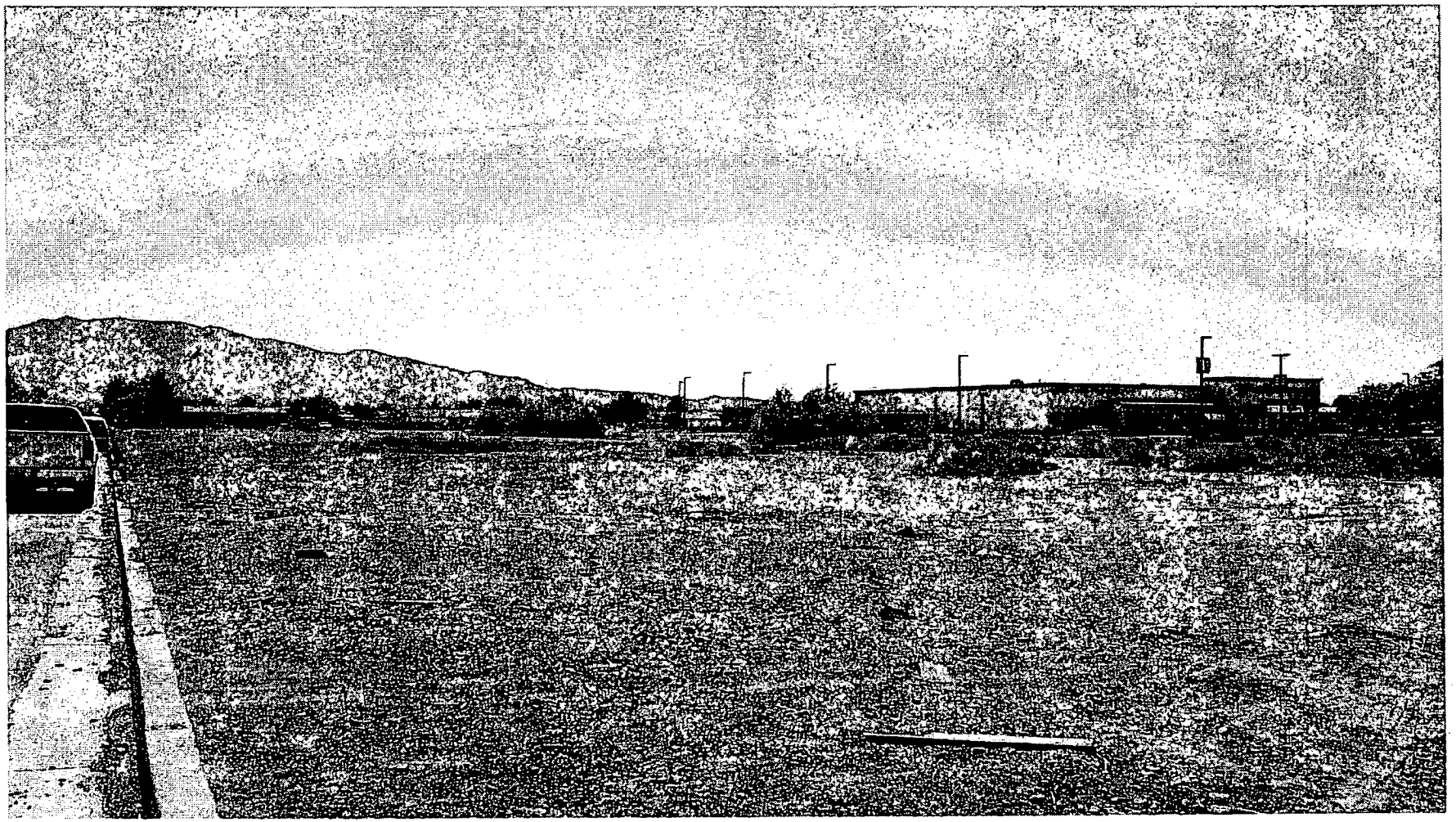


TYPICAL PRIVATE STREET SECTION

GENERAL NOTES:
1. Notes are for existing structures noted within the property boundary.
2. The lot dimensions are preliminary and may vary with the mapping process.
3. The boundary for this project is from "of record information".
4. Any of record boundary will need likely differ from the surveyed boundary.
5. Some lot lines and dimensions may change during the final mapping process.

StoryBook Homes
City of Las Vegas
SITE DEVELOPMENT PLAN
FOR
LAMB & BINGHAM
VTN
DRAWN BY:
DESIGNED BY:
CHECKED BY:
APPROVED:
APPROVED:
PROJECT NO.
SCALE:
SHEET 01 OF 2 SHEETS
6452-CLV

ZON-4542
VAR-4547
SDR-4545
07-08-04 PC



ZON-4543 - APPLICANT: JOEL ARMSTRONG - OWNER: CLARK COUNTY
SOUTHEAST CORNER OF LAMB BOULEVARD AND BINGHAM AVENUE
JULY 8, 2004 PLANNING COMMISSION

06/17/04

City of Las Vegas

Agenda Item No. 172

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: SEPTEMBER 15, 2004

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

SUBJECT:

ABEYANCE ITEM - VARIANCE RELATED TO GPA-4542 AND ZON-4543 - PUBLIC HEARING - **VAR-4547 - APPLICANT: JOEL ARMSTRONG - OWNER: CLARK COUNTY** - Request for a Variance TO ALLOW AN R-PD (RESIDENTIAL PLANNED DEVELOPMENT) ZONING DISTRICT ON 3.58 ACRES WHERE 5.00 ACRES IS THE MINIMUM REQUIRED adjacent to the southeast corner of Lamb Boulevard and Bingham Avenue (APN 140-29-401-005 and 006), R-1 (Single-Family Residential) Zone [Proposed: R-PD9 (Residential Planned Development - 9 Units per Acre)], Ward 3 (Reese). Staff recommends DENIAL. The Planning Commission (7-0 vote) recommends APPROVAL

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

RECOMMENDATION:

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

BACKUP DOCUMENTATION:

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

MOTION:

REESE – APPROVED subject to conditions – UNANIMOUS with GOODMAN and MACK excused

MINUTES:

NOTE: See Item 170 [GPA-4342] for all related discussion.

(5:30 – 5:37)

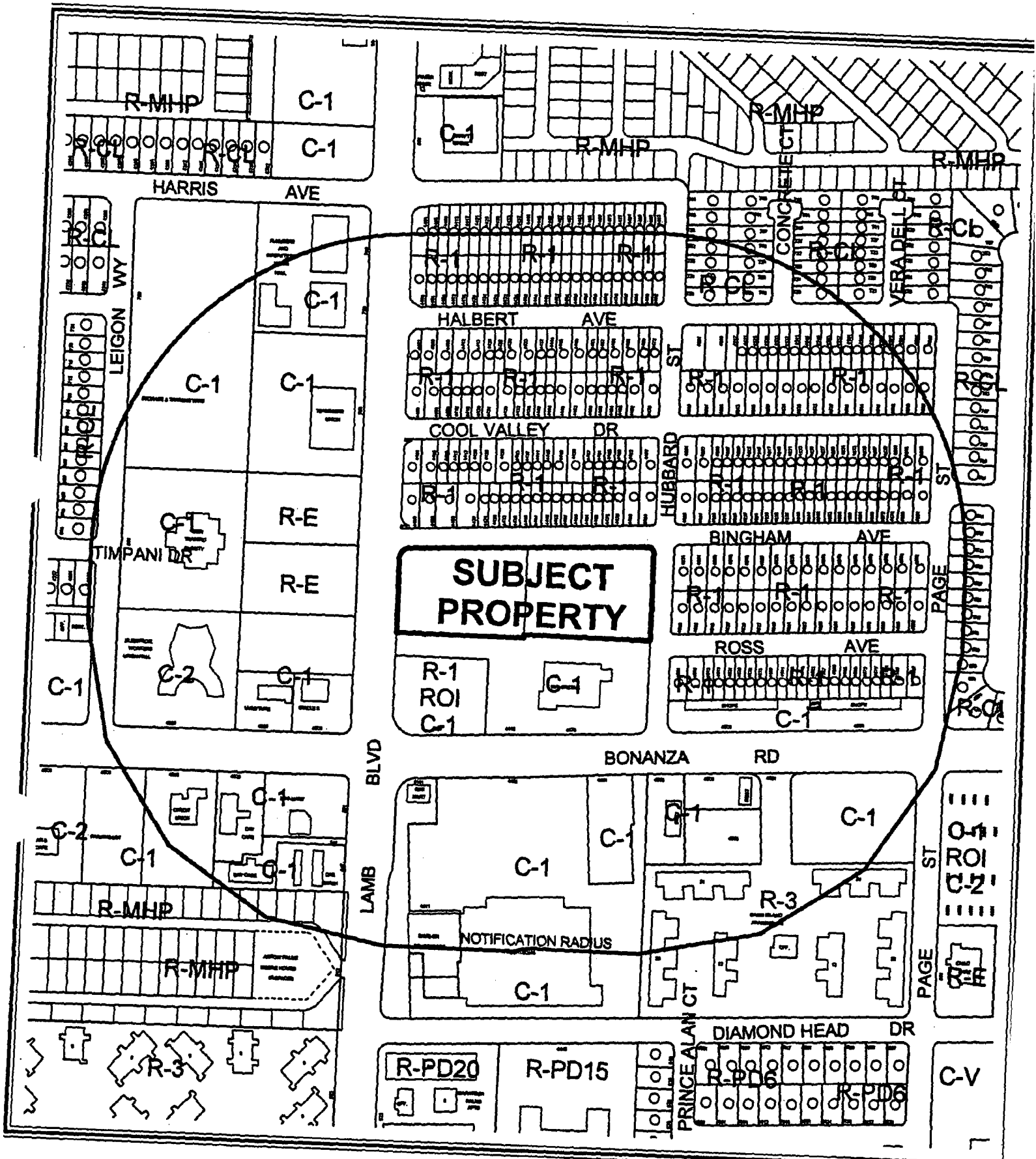
6-2768

CONDITIONS:

Planning and Development

1. Approval of and conformance to the Conditions of Approval for a Rezoning (ZON-4543) and Site Development Plan Review (SDR-4545) approved by the City Council.

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



CASE: **VAR-4547**

RADIUS: 750 FT

0 200 400 Feet

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

PROPOSED ZONING OF SUBJECT PROPERTY:
R-PD9 (RESIDENTIAL PLANNED DEVELOPMENT - 9 UNITS PER ACRE)

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: SEPTEMBER 15, 2004
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: ABEYANCE ITEM - VAR-4547 - APPLICANT: JOEL ARMSTRONG - OWNER: CLARK COUNTY

THIS ITEM WAS HELD IN ABEYANCE FROM THE SEPTEMBER 1, 2004 CITY COUNCIL MEETING AT THE APPLICANT'S REQUEST.

** CONDITIONS **

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

Planning and Development

1. Approval of and conformance to the Conditions of Approval for a Rezoning (ZON-4543) and Site Development Plan Review (SDR-4545) approved by the City Council.

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

** STAFF REPORT **

APPLICATION REQUEST

A) Action Requested

This is a request for a Variance to allow the formation of an R-PD (Residential Planned Development) zoning district on 3.58 acres, where 5.00 acres are the minimum required, at the southeast corner of Lamb Boulevard and Bingham Avenue. Applications for a General Plan Amendment (GPA-4542) to M (Medium Density Residential), an open space Variance (VAR-4572), a Rezoning (ZON-4543) to an R-PD9 zoning district, and a Site Development Plan Review (SDR-4545) for 35 single-family lots have also been submitted in conjunction with this application.

B) Applicant's Justification

The applicant has submitted a letter justifying the merits of the project, but there is no explanation or basis for the granting of a Variance under the criteria established by Title 19 or the Nevada Revised Statutes.

BACKGROUND INFORMATION

A) Previous and Present Actions

11/02/00 The Planning Commission tabled a request by Clark County for a General Plan Amendment (GPA-0022-00) to amend a portion of the Southeast Sector Plan from ML (Medium Low Density Residential) to O (Office) for a proposed County-operated office building that would contain the Family and Youth Services Division and branches of the Business License Department, District Courts, and Clark County Social Services. The staff recommended approval on October 12, 2000.

11/02/00 The Planning Commission tabled a request by Clark County for a Rezoning (Z-0076-00) from R-1 (Single Family Residential) to O (Office) for the above proposed County-operated office building. The staff recommended approval on October 12, 2000.

11/02/00 The Planning Commission tabled a request by Clark County for a Site Development Plan Review [Z-0076-00(1)] for the above proposed County-operated office building. The staff recommended approval on October 12, 2000.

07/08/04 The Planning Commission recommended approval of applications submitted in conjunction with this application, including a General Plan Amendment (GPA-4542) to M (Medium Density Residential), an open space Variance (VAR-4572), a Rezoning (ZON-4543) to an R-PD9 zoning district, and a Site Development Plan Review (SDR-4545). The staff is recommending denial of these applications.

07/08/04 The Planning Commission voted 7-0 to recommend APPROVAL (PC Agenda Item #26/dds).

B) Pre-Application Meeting

05/10/04 The staff discussed various elements of the prospective development, including the following:

- Discussion of the present zoning and General Plan designation and the zone that would accommodate the development.
- Need for a flood study.
- Provision of private ungated streets.
- Suggestion to move the entry point to avoid a narrow offset from Bingham Avenue.
- Request to add to the site plan adjacent land uses, net and net-net acreage, open space calculations, crash gates, and wall heights.
- Present elevation drawings that show heights of structures.

C) Neighborhood Meetings

A neighborhood meeting is not required for this application.

DETAILS OF APPLICATION REQUEST

A) Site Area

Acres:	3.58 Acres

B) Existing Land Use

Subject Property	Undeveloped
North	Single-Family residential
South	Retail Commercial
East	Single-Family residential
West	Undeveloped

C) Planned Land Use

Subject Property	ML (Medium Low Density Residential)
North	ML (Medium Low Density Residential)
South	SC (Service Commercial)
East	ML (Medium Low Density Residential)
West	SC (Service Commercial)

D) Existing Zoning

Subject Property	R-1 (Single-Family Residential)
North	R-1 (Single-Family Residential)
South	C-1 (Limited Commercial)
East	R-1 (Single-Family Residential)
West	C-1 (Limited Commercial) and R-E (Residence Estates)

E) General Plan Compliance

The site is located on the Southeast Sector Map of the General Plan. The land use designation for the subject property is ML (Medium Low Density Residential), which permits up to eight dwelling units per acre, and is zoned R-1 (Single Family Residential). The requested Variance is not related to any specific General Plan policies.

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

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

ANALYSIS

A) Zoning Code Compliance

A1) Development Standards

There are no development standards that relate to this request for a variance.

B) General Analysis and Discussion

This Variance is to allow the formation of an R-PD (Residential Planned Development) zoning district on 3.58 acres, where 5.00 acres are the minimum required.

FINDINGS

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

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

Additionally, Title 19.18.070L states:

> "Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of any zoning

regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property, a variance from that strict application may be granted so as to relieve the difficulties or hardship, if the relief may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources and without substantially impairing the intent and purpose of any ordinance or resolution."

This recommendation of denial is based on the following findings:

- **No evidence is provided that a hardship exists to warrant a variance in the required amount of open space.** The onus for presenting such evidence is placed on the applicant, the person allegedly aggrieved by the requirement. No such evidence has been presented with the application.
- **The hardship is self-imposed.** The hardship is of the applicant's own making. The property's value is what the property will realize in developing the property for a single-family development under the present zoning.
- **Use of the property is not denied.** The property has no exceptional narrowness, shallowness, shape, exceptional topographic conditions or other extraordinary and exceptional situation or conditions attributed to the property. There is commercial development that has been introduced to the area, but the question is one of whether the property could be developed under its present classification. Clearly, the property could be developed with at least approximately 14 lots.

NOTICES MAILED 405 by City Clerk

APPROVALS 0

PROTESTS 0

PLANNING & DEVELOPMENT

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: VAR-4547 APN: 140-32-401-005 & 006

Name of Property Owner: Clark County

Name of Applicant: Joel Armstrong

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: Sandra M. Nasiog

State of Nevada
County of Clark

Print Name: Sandra M. Nasiog, Director

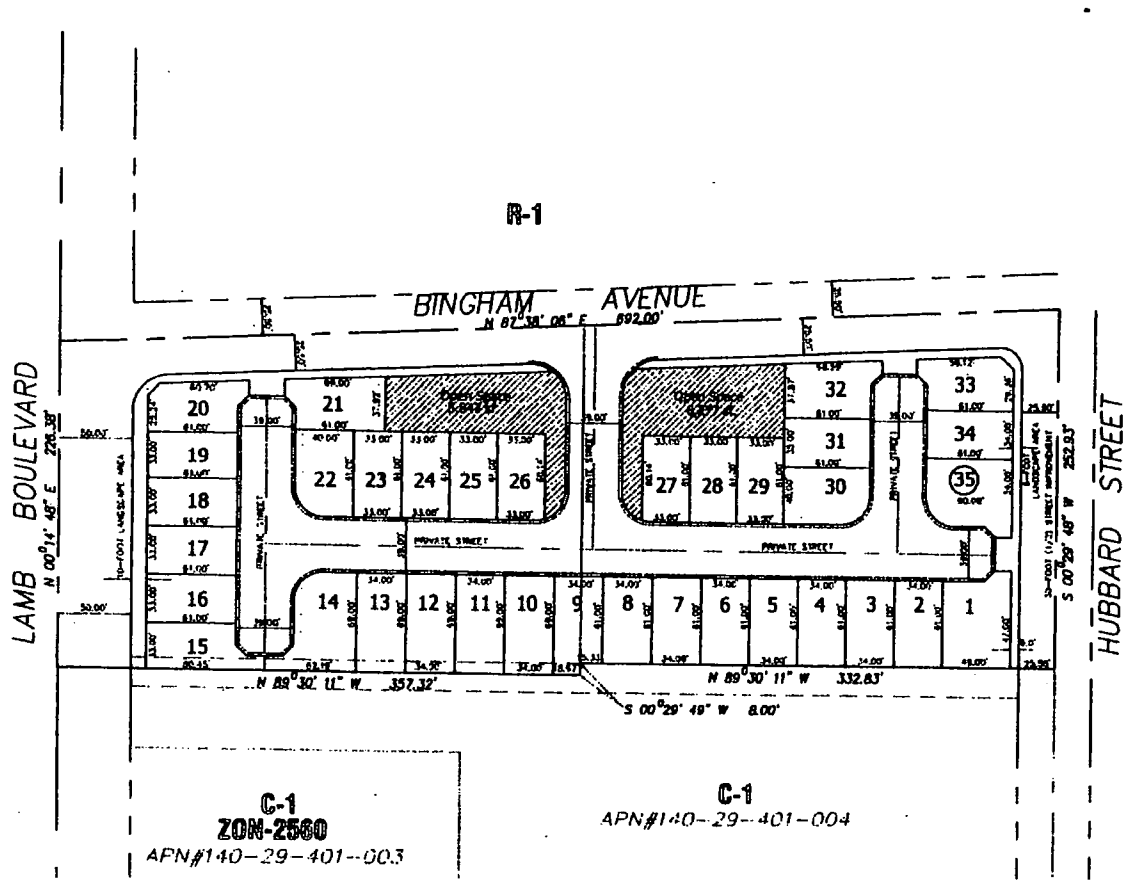
Subscribed and sworn before me

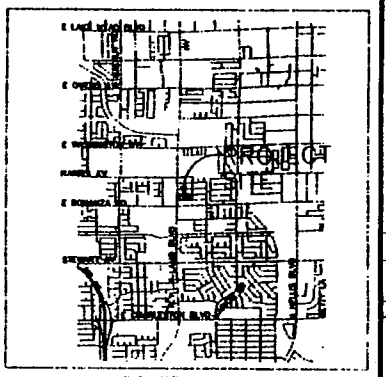
This 20th day of May, 2004

Karen S Mulcahy

Notary Public in and for said County and State

KAREN S. MULCAHY
Notary Public State of Nevada
No. 99-59482-1
My appt. exp. May 10, 2007





VICINITY MAP

GRAPHIC SCALE

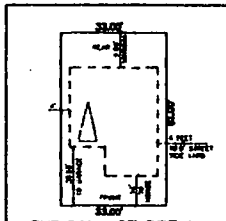
PROJECT SETBACKS

PROPOSED HOUSING SETBACKS	
FRONT	20 FEET
GARAGE	20/10 FEET
SIDE YARD	5 FEET
REAR YARD	20 FEET
STREET SIDE YARD	10 FEET

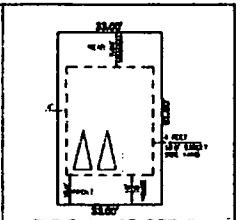
NOTE: Perimeter setback to be 15 feet

PROJECT SUMMARY

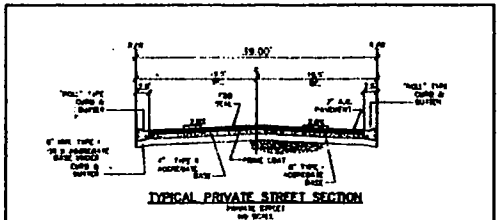
PROJECT INFORMATION	
ASSESSORS PARCEL MAP NO.	140-29-401-003 & 004
GROSS ACRES	3.89 ACRES
CURRENT GENERAL PLAN	M (MEDIUM-LOW) 3.5 to 8.0 du/ac
PROPOSED GENERAL PLAN	M/H (MEDIUM-LOW) 8.1 to 12 du/ac
CURRENT ZONING	R-1
PROPOSED ZONING	R-PD-9
PROPOSED LAND USE	SINGLE FAMILY RESIDENTIAL
PROPOSED NUMBER OF UNITS	35
PROPOSED DENSITY	9.01 DU/AC
OPEN SPACE	
OPEN SPACE REQUIRED	85,456 SF or 0.57 ACRES (15%PD)
PROPOSED USABLE OPEN SPACE	32,124 SF
OTHER OPEN SPACE	0 SF
TOTAL OPEN SPACE PROVIDED	44,184 SF
PARKING	
2 PER DWELLING UNIT	2.0
GUEST SPACES	0
HANDICAP SPACES	1
TOTAL PARKING SPACES PROVIDED	71



TYPICAL LOT DETAIL
20 FOOT SETBACK/GARAGE
w/ SINGLE-CAR GARAGE



TYPICAL LOT DETAIL
10-FOOT SETBACK/GARAGE
w/ TWO-CAR GARAGE



TYPICAL PRIVATE STREET SECTION

GENERAL NOTES:
1. Shown are the existing structures located within the property boundary.
2. All lot dimensions are preliminary and may vary with the engineering process.
3. The boundary for this project is from "of record information".
4. The actual boundary will most likely differ from the surveyed boundary.
5. Some lot lines and dimensions may change during the final mapping process.

StoryBook Homes
City of Las Vegas

SITE DEVELOPMENT PLAN
FOR
LAMB & BINGHAM

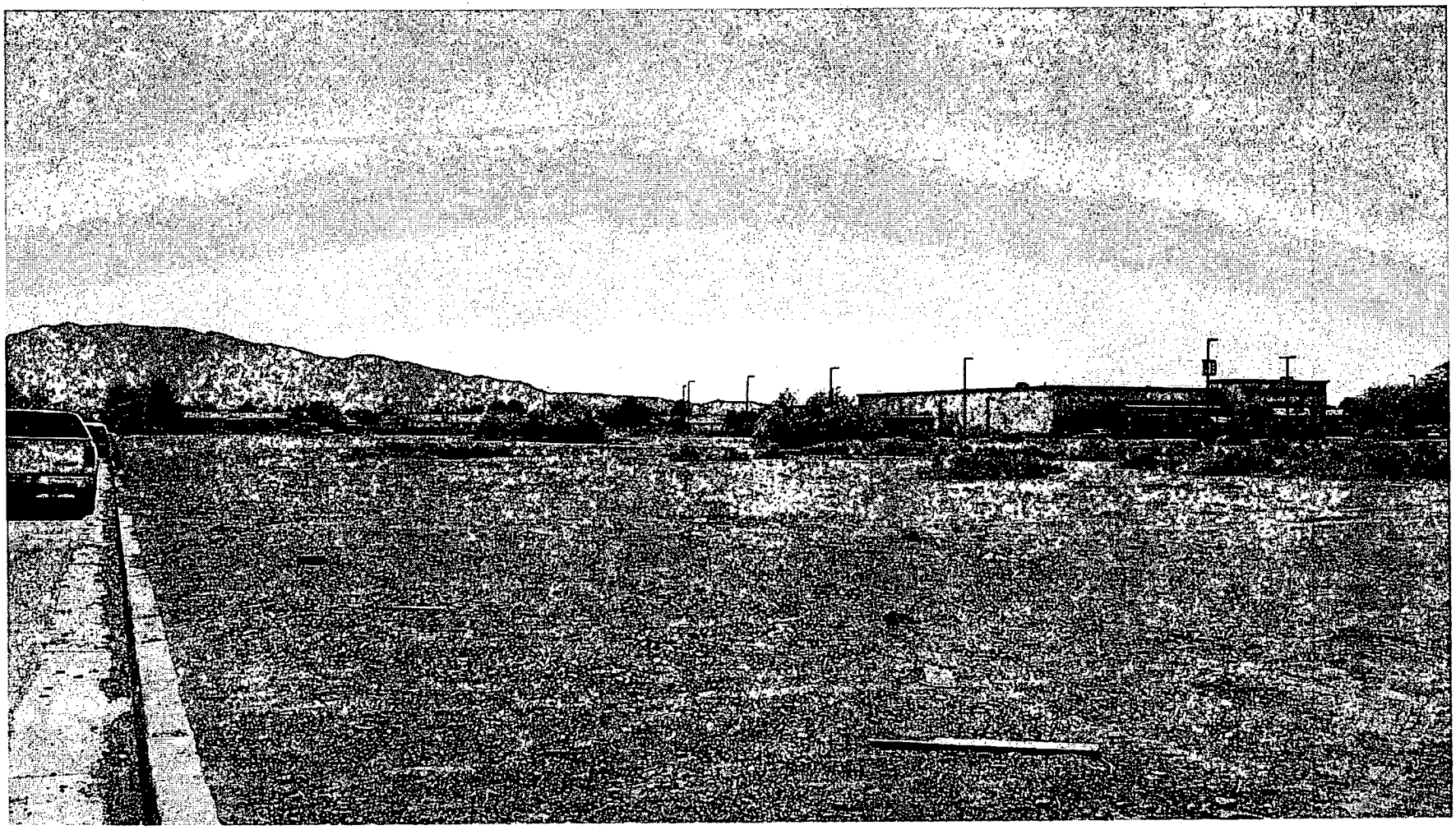
DESIGNED BY: JK
DRAWN BY: JK
CHECKED BY:
PROJECT NO.
SCALE: 1" = 40'
SHEET 01
1 OF 2 SHEETS
645F-CLV

ZON-4542
VAR-4547
SDR-4545
07-08-04 PC



VAR-4547 - APPLICANT: JOEL ARMSTRONG - OWNER: CLARK COUNTY
SOUTHEAST CORNER OF LAMB BOULEVARD AND BINGHAM AVENUE
JULY 8, 2004 PLANNING COMMISSION

06/17/04



VAR-4547 - APPLICANT: JOEL ARMSTRONG - OWNER: CLARK COUNTY
SOUTHEAST CORNER OF LAMB BOULEVARD AND BINGHAM AVENUE
JULY 8, 2004 PLANNING COMMISSION

06/17/04

City of Las Vegas

Agenda Item No. 173

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: SEPTEMBER 15, 2004

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

SUBJECT:

ABEYANCE ITEM - VARIANCE RELATED TO GPA-4542, ZON-4543 AND VAR-4547 - PUBLIC HEARING - **VAR-4572 - APPLICANT: JOEL ARMSTRONG - OWNER: CLARK COUNTY** - Request for a Variance TO ALLOW 12,000 SQUARE FEET OF OPEN SPACE WHERE 25,870 SQUARE FEET IS THE MINIMUM REQUIRED on 3.80 acres adjacent to the southeast corner of Lamb Boulevard and Bingham Avenue (APN 140-29-401-005 and 006), R-1 (Single-Family Residential) Zone, [Proposed: R-PD9 (Residential Planned Development - 9 Units per Acre)], Ward 3 (Reese). Staff recommends DENIAL. The Planning Commission (7-0 vote) recommends APPROVAL

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

RECOMMENDATION:

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

BACKUP DOCUMENTATION:

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

MOTION:

REESE – APPROVED subject to conditions and the following added condition as read for the record:

- ***The variance is granted for 11,815 square feet of open space and 5,426 square feet of improved easement area where desert landscaping shall be located wherever pavement is not required. The open space area shall be approved with barbeques and seating areas.***

– UNANIMOUS with GOODMAN and MACK excused

MINUTES:

NOTE: See Item 170 [GPA-4342] for all related discussion.

(5:30 – 5:37)

6-2768

City of Las Vegas

Agenda Item No. 173

CITY COUNCIL MEETING OF SEPTEMBER 15, 2004
Planning and Development Department
Item 173 – VAR-4572

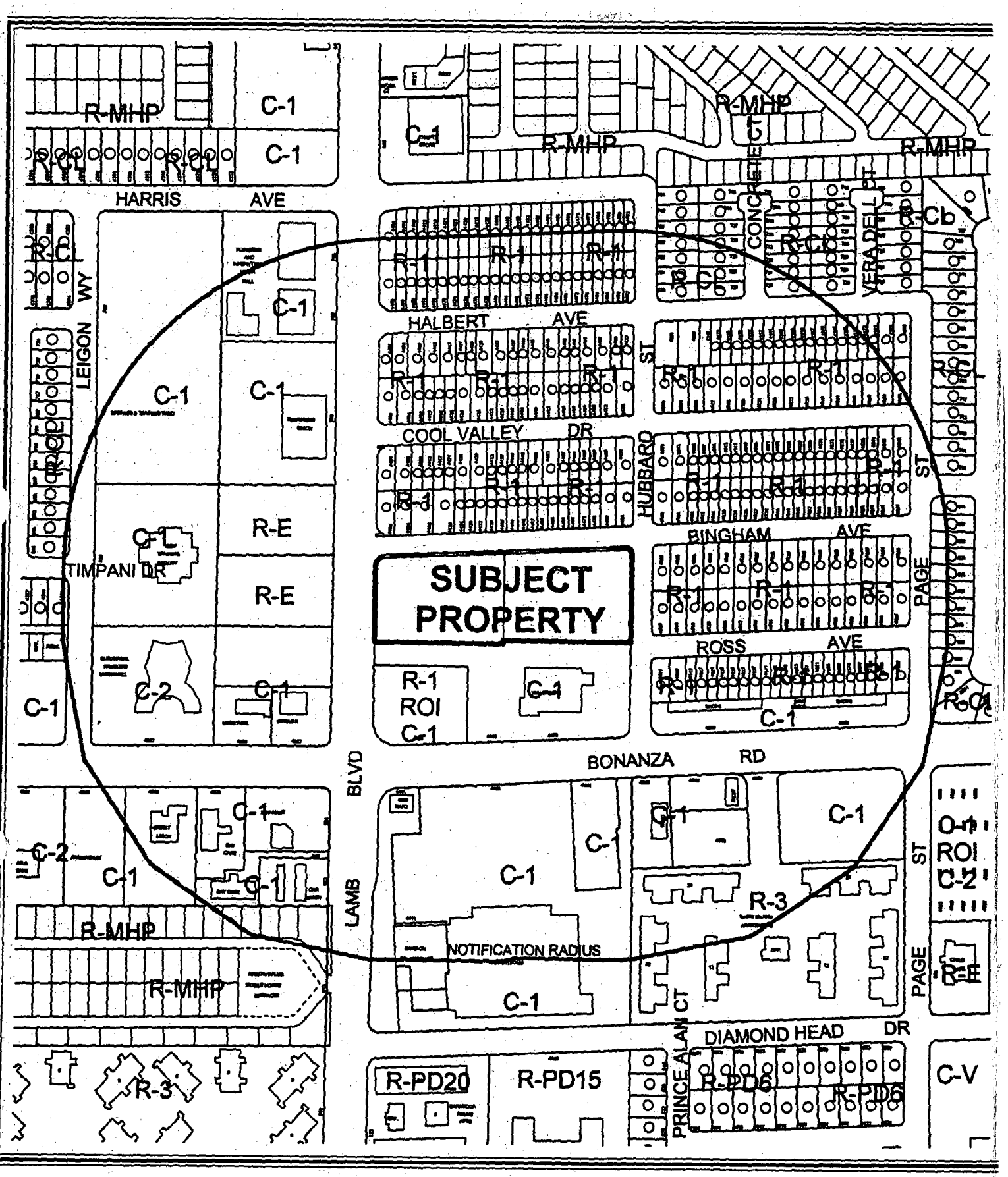
CONDITIONS:

Planning and Development

1. Approval of and conformance to the Conditions of Approval for a General Plan Amendment (GPA-4542), Variance (VAR-4547), Rezoning (ZON-4543), and Site Development Plan Review (SDR-4545) by the City Council.

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

3. A contribution shall be made to the City Parks CIP Fund in the amount of $45,352.00 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 will still be required to comply with the Open Space requirements in accordance with Title 19 of the Las Vegas Municipal Code.



CASE: **VAR-4572**

RADIUS: 750 FT

0 200 400 Feet

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

PROPOSED ZONING OF SUBJECT PROPERTY:
R-PD9 (RESIDENTIAL PLANNED DEVELOPMENT - 9 UNITS PER ACRE)

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: SEPTEMBER 15, 2004
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: ABEYANCE ITEM - VAR-4572 – APPLICANT: JOEL ARMSTRONG – OWNER: CLARK COUNTY

THIS ITEM WAS HELD IN ABEYANCE FROM THE SEPTEMBER 1, 2004 CITY COUNCIL MEETING AT THE APPLICANT'S REQUEST.

** CONDITIONS **

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

Planning and Development

1. Approval of and conformance to the Conditions of Approval for a General Plan Amendment (GPA-4542), Variance (VAR-4547), Rezoning (ZON-4543), and Site Development Plan Review (SDR-4545) by the City Council.

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

3. A contribution shall be made to the City Parks CIP Fund in the amount of $45,352.00 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 will still be required to comply with the Open Space requirements in accordance with Title 19 of the Las Vegas Municipal Code.

** STAFF REPORT **

APPLICATION REQUEST

A) Action Requested

This is a request for a Variance to allow 12,000 square feet of open space where 25, 870 square feet is required on 3.8 acres at the southeast corner of Lamb Boulevard and Bingham Avenue. Applications for a General Plan Amendment (GPA-4542) to M (Medium Density Residential), a Variance (VAR-4547) in the size of an R-PD zoning district formation, a Rezoning (ZON-4543) to an R-PD9 zoning district, and a Site Development Plan Review (SDR-4545) for 35 single-family lots have also been submitted in conjunction with this application.

B) Applicant's Justification

The applicant has submitted a letter justifying the merits of the project, but there is no explanation or basis for the granting of a variance under the criteria established by Title 19 or the Nevada Revised Statutes.

BACKGROUND INFORMATION

A) Previous Actions

11/02/00	The Planning Commission tabled a request by Clark County for a General Plan Amendment (GPA-0022-00) to amend a portion of the Southeast Sector Plan from ML (Medium Low Density Residential) to O (Office) for a proposed County-operated office building that would contain the Family and Youth Services Division and branches of the Business License Department, District Courts, and Clark County Social Services. Staff recommended approval.
11/02/00	The Planning Commission tabled a request by Clark County for a Rezoning (Z-0076-00) from R-1 (Single Family Residential) to O (Office) for the above proposed County-operated office building. Staff recommended approval.
11/02/00	The Planning Commission tabled a request by Clark County for a Site Development Plan Review [Z-0076-00(1)] for the above proposed County-operated office building. Staff recommended approval.
07/08/04	The Planning Commission recommended approval of companion applications including a General Plan Amendment (GPA-4542) to M (Medium Density Residential), a Variance (VAR-4547) in the size of an R-PD zoning district formation, a Rezoning (ZON-4543) to an R-PD9 zoning district, and a Site Development Plan Review (SDR-4545).

07/08/04 The Planning Commission voted 7-0 to recommend APPROVAL (PC Agenda Item #28/dds).

B) Pre-Application Meeting

05/10/04 The staff discussed various elements of the prospective development, including the following:

- Discussion of the present zoning and General Plan designation and the zone that would accommodate the development.
- Need for a flood study.
- Provision of private ungated streets.
- Suggestion to move the entry point to avoid a narrow offset from Bingham Avenue.
- Request to add to the site plan adjacent land uses, net and net-net acreage, open space calculations, crash gates, and wall heights.
- Present elevation drawings that show heights of structures.

C) Neighborhood Meetings

A neighborhood meeting is not required for a Variance.

DETAILS OF APPLICATION REQUEST

A) Site Area

Acres:	3.58 Acres

B) Existing Land Use

Subject Property	Undeveloped
North	Single-Family residential
South	Retail Commercial
East	Single-Family residential
West	Undeveloped

C) Planned Land Use

Subject Property	ML (Medium Low Density Residential)
North	ML (Medium-Low Density Residential)
South	SC (Service Commercial)
East	ML (Medium-Low Density Residential)
West	SC (Service Commercial)

D) Existing Zoning

Subject Property	R-1 (Single-Family Residential)
North	R-1 (Single-Family Residential)
South	C-1 (Limited Commercial)
East	R-1 (Single-Family Residential)
West	C-1 (Limited Commercial) and R-E (Residence Estates)

E) General Plan Compliance

The site is located on the Southeast Sector Map of the General Plan. The land use designation for the subject property is M-L (Medium Low Density Residential), which permits up to eight dwelling units per acre, and is zoned R-1 (Single Family Residential). The requested Variance is not related to any specific General Plan policies.

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

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

ANALYSIS

A) Zoning Code Compliance

A1) Development 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
3.8	9.2	1.65	15.18	25,127 sq. ft.	7.3	12,124 sq.ft.

B) General Analysis and Discussion

This Variance is to reduce the required amount of open space for the proposed 35-lot development from 25,127 square feet to 12,124 square feet, a 52 percent reduction in the required amount of open space.

FINDINGS

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

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

Additionally, Title 19.18.070L states:

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

This recommendation of denial is based on the following findings:

- **No evidence is provided that a hardship exists to warrant a variance in the required amount of open space.** The onus for presenting such evidence is placed on the applicant, the person allegedly aggrieved by the requirement. No such evidence has been presented with the application.
- **The hardship is self-imposed.** Clearly the hardship is of the applicant's own making, as the reduction in the amount of open space is based upon the manner in which the applicant proposes to development the property.
- **Use of the property is not denied.** The property has no exceptional narrowness, shallowness, shape, exceptional topographic conditions or other extraordinary and exceptional situation or conditions attributed to the property. There is commercial development that has been introduced to the area, but the question is one of whether the property could be developed under another classification that would not necessitate the reduction in the amount of open space. Since profit motives and financial incentives are not a basis for the granting of a variance, clearly the property could be developed under a different scenario that does not require a reduction in the amount of open space.

NOTICES MAILED 405 by City Clerk

APPROVALS 0

PROTESTS 0

PLANNING & DEVELOPMENT

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: VAR-4572 APN: 140-29-401-005 & 006

Name of Property Owner: CLARK COUNTY

Name of Applicant: Joel Armstrong

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: Sandra M. Norskog

Print Name: Sandra M. Norskog

State of Nevada County of Clark

Subscribed and sworn before me

This 27th day of May, 2004

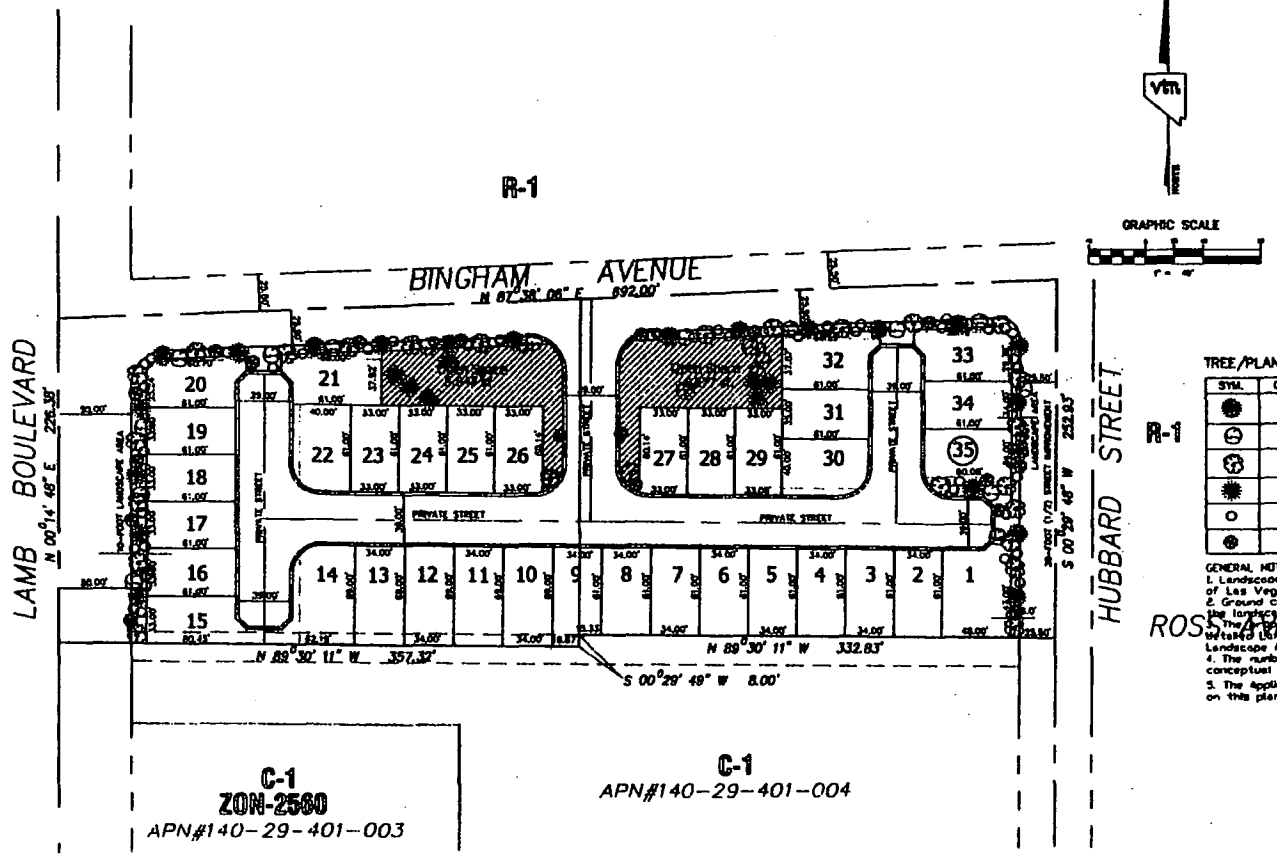
Karen S. Mulcahy

Notary Public in and for said County and State

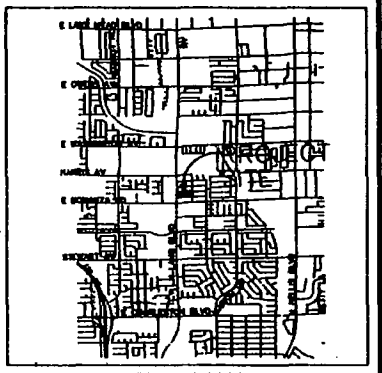
KAREN S. MULCAHY
Notary Public State of Nevada
No. 99-58488-1
My appt. exp. May 19, 2007

Revised 2/12/02

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



GRAPHIC SCALE



VICINITY MAP

TREE/PLANT SCHEDULE

SYM.	QTY.	SIZE	SPACING	NAME
	21	24" BOX	VARIES	MODESTO ASH
	18	24" BOX	VARIES	MONDEL PINE
	34	VARIES	N/A	DATE PALM
	7	13 GALLON	VARIES	PHOTINIA
	48	15 GALLON	VARIES	FLOWERING PLUM
	98	1 GALLON	VARIES	GROUND SHRUBS

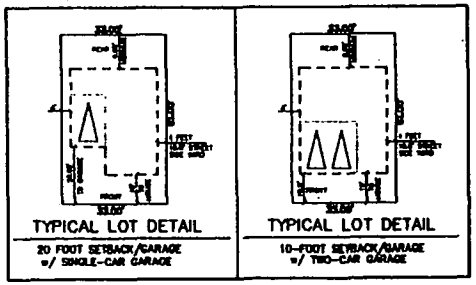
GENERAL NOTES
1. Landscape shall conform to requirements of Title 19A (City of Las Vegas).
2. Ground cover shall be designed to cover more than 50% of the landscaped area.
3. The typical landscaping and plants are conceptual only, a detailed Landscape Plan will be prepared by a licensed Landscape Architect as a part of the final engineering plan.
4. The number and types of plant may vary from this proposed conceptual plan.
5. The Applicant reserves the right to change the plant shown on this plan, and alter the amenities shown in the Open Space area.

PROJECT SETBACKS

PROPOSED MINIMUM SETBACKS	
FRONT	20.0 FEET
GARAGE	20.0 FEET
SIDE YARD	4.0 FEET
REAR YARD	10 FEET
STREET SIDE YARD	10.0 FEET
NOTE - Porches may project up to be a distance of 5 feet.	

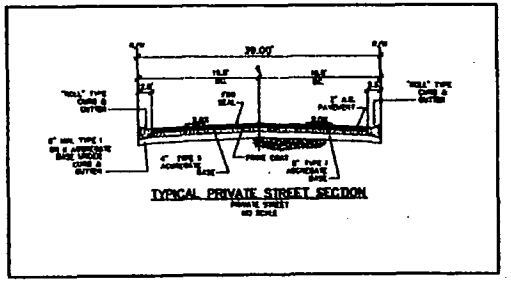
PROJECT SUMMARY

PROJECT DESCRIPTION	
ASSESSORS PARCEL MAP NO.	140-29-401-003 & 004
GROSS ACRES	3.88 ACRES
CURRENT GENERAL PLAN	ML (MEDIUM-LOW) 5.6 to 8.0 du/ac.
PROPOSED GENERAL PLAN	MLA (MEDIUM-LOW) 8.1 to 12 du/ac.
CURRENT ZONING	R-1
PROPOSED ZONING	R-PD-M
PROPOSED LAND USE	SINGLE FAMILY RESIDENTIAL
PROPOSED NUMBER OF UNITS	36
PROPOSED DENSITY	9.47 DU/AC
OPEN SPACE	
OPEN SPACE PROVIDED	25,878 SF. or 0.59 ACRES (15.20%)
PROVIDED USABLE OPEN SPACE	14,938 SF.
OTHER OPEN SPACE	0 SF.
TOTAL OPEN SPACE PROVIDED	14,938 SF.
PARKING	
2 PER DWELLING UNIT	72
GUEST SPACES	6
HANDICAP SPACES	0
TOTAL PARKING SPACES PROVIDED	78



TYPICAL LOT DETAIL
20 FOOT SETBACK/GARAGE w/ SINGLE-CAR GARAGE

TYPICAL LOT DETAIL
10-FOOT SETBACK/GARAGE w/ TWO-CAR GARAGE



TYPICAL PRIVATE STREET SECTION

GENERAL NOTES:
1. There are no existing structures located within the property boundary.
2. The lot dimensions are preliminary and may vary with the
3. The boundary for this project is from "of record information".
The of record boundary will most likely differ from the surveyed boundary.
4. Some lot lines and dimensions may change during the final mapping process.

CONCEPTUAL LANDSCAPE PLAN FOR LAMB & BINGHAM

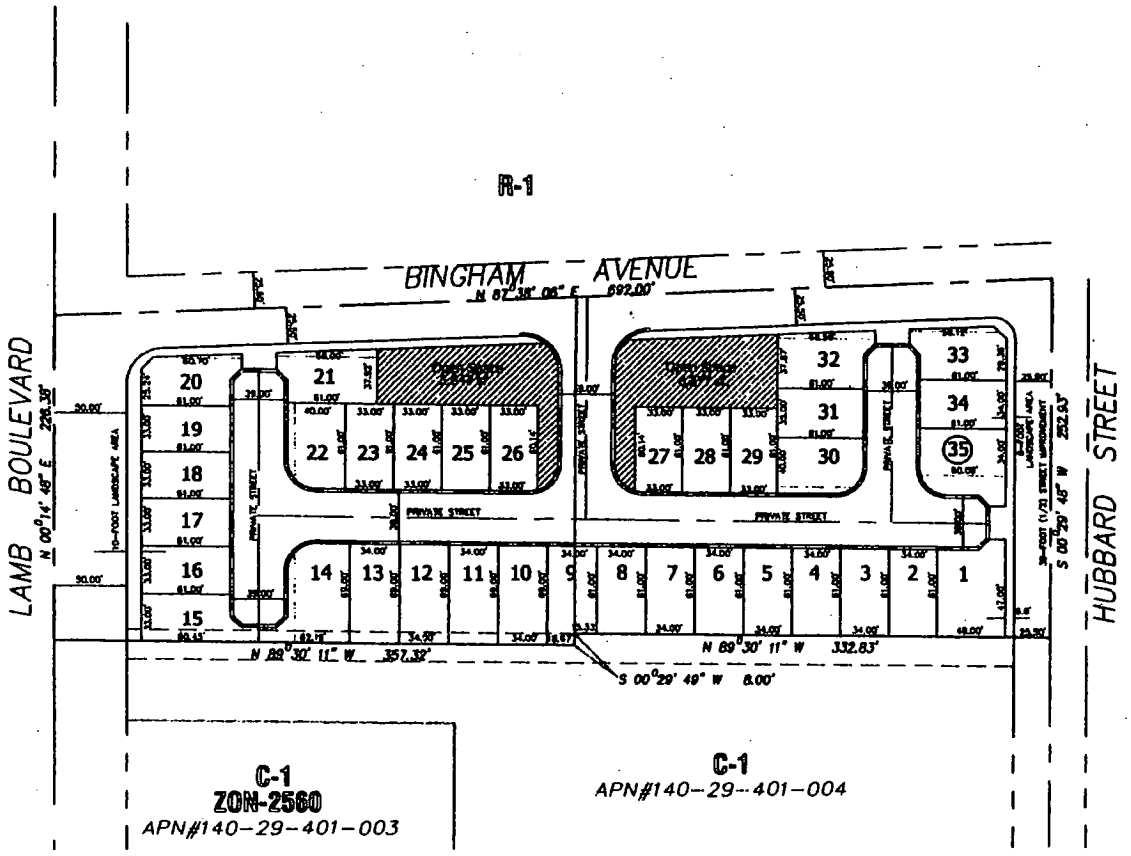
StoryBook Homes

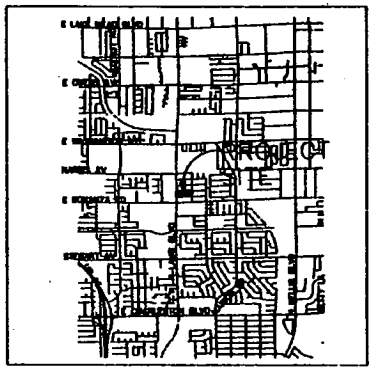
City of Las Vegas

SHEET 02 OF 2 SHEETS

6452-CLV

VAR-4572
07-08-04 PC

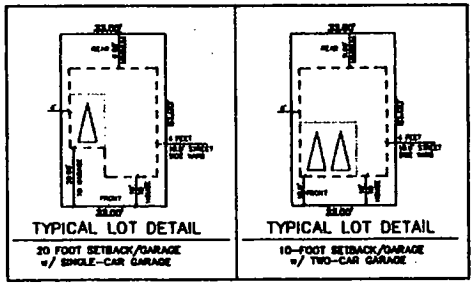


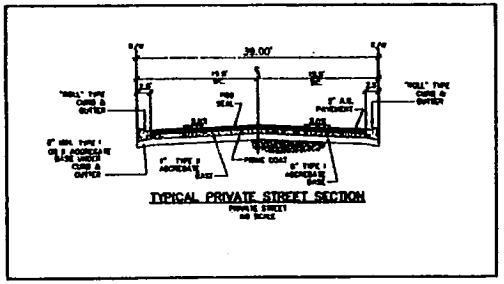


GRAPHIC SCALE

PROJECT SETBACKS	
PROPOSED MINIMUM SETBACKS	
FRONT	[illegible] FEET
GARAGE	[illegible] FEET
SIDE YARD	[illegible] FEET
REAR YARD	[illegible] FEET
STREET SIDE YARD	[illegible] FEET

PROJECT SUMMARY	
PROJECT INFORMATION	
ASSESSORS PARCEL MAP NO.	140-29-401-005 & 006
GROSS ACRES	3.88 ACRES
CURRENT GENERAL PLAN	ML (MEDIUM-LOW) 3.5 to 8.0 du/ac.
PROPOSED GENERAL PLAN	MLA (MEDIUM-LOW) 8.1 to 12 du/ac.
CURRENT ZONING	R-1
PROPOSED ZONING	R-PD-9
PROPOSED LAND USE	SINGLE FAMILY RESIDENTIAL
PROPOSED NUMBER OF UNITS	35
PROPOSED DENSITY	9.01 DU/AC
OPEN SPACE	
OPEN SPACE REQUIRED	25,000 SF. or 0.57 ACRES (15%)
PROPOSED USABLE OPEN SPACE	18,184 SF.
OTHER OPEN SPACE	0 SF.
TOTAL OPEN SPACE PROVIDED	18,184 SF.
PARKING	
2 PER DWELLING UNIT	70
GUEST SPACES	8
HANDICAP SPACES	0
TOTAL PARKING SPACES PROVIDED	78





GENERAL NOTES:
1. There are no existing structures located within the property boundary.
2. Lot dimensions are preliminary and may vary with the mapping process.
3. The boundary for this project is from "of record information". The of record boundary will most likely differ from the surveyed boundary.
4. Some lot lines and dimensions may change during the final mapping process.

StoryBook Homes
City of Los Vegas
SITE DEVELOPMENT PLAN
FOR
LAMB & BINGHAM
SHEET 01
1 OF 2 SHEETS
6459-CLV

VAR-4572
07-08-04 PC

City of Las Vegas

Agenda Item No. 174

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: SEPTEMBER 15, 2004

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

SUBJECT:

ABEYANCE ITEM - SITE DEVELOPMENT PLAN REVIEW RELATED TO GPA-4542, ZON-4543, VAR-4547 AND VAR-4572 - PUBLIC HEARING - **SDR-4545 - APPLICANT: JOEL ARMSTRONG - OWNER: CLARK COUNTY** - Request for a Site Development Plan Review FOR A PROPOSED 35-LOT SINGLE-FAMILY RESIDENTIAL DEVELOPMENT on 3.58 acres adjacent to the southeast corner of Lamb Boulevard and Bingham Avenue (APN 140-29-401-005 and 006), R-1 (Single-Family Residential) Zone [Proposed: RPD-9 (Residential Planned Development - 9 Units per Acre)], Ward 3 (Reese). Staff recommends DENIAL. The Planning Commission (7-0 vote) recommend APPROVAL

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

RECOMMENDATION:

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

BACKUP DOCUMENTATION:

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

MOTION:

REESE – APPROVED subject to conditions, deleting Conditions 3 and 12, and amending Condition 11 as follows:

11. All development shall be in conformance with the site plan and building elevations, date stamped *9/15/04 for a maximum of 33 units,* except as amended by conditions herein.

– UNANIMOUS with GOODMAN and MACK excused

MINUTES:

NOTE: See Item 170 [GPA-4342] for all related discussion.

(3:11 – 3:12)

5-1033

CONDITIONS:

Planning and Development

1. Approval of and conformance to the Conditions of Approval for a General Plan Amendment (GPA-4542), Variance (VAR-4547), Variance (VAR-4572), and Rezoning (ZON-4543) approved by the City Council.

CITY COUNCIL MEETING OF SEPTEMBER 15, 2004
Planning and Development Department
Item 174 – SDR-4545

CONDITIONS – Continued:

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 standards for this development shall include the following:

4. The site plan shall be revised to illustrate the details and conditions of approval listed herein and shall be approved by Planning and Development Department staff prior to or at the time application is made for a tentative map.

5. A landscape plan shall be submitted and approved by Planning and Development Department staff prior to or at the time application is made for a tentative map. The landscape plan shall comply with the standards of Title 19.

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

7. 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.

8. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.

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

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

11. All development shall be in conformance with the site plan and building elevations, date stamped 04/22/04, except as amended by conditions herein.

12. The applicant shall work with staff to create usable open space within the project.

Public Works

13. Provide a minimum distance of 18 feet of driveway length between the back of sidewalk (or curb, if no sidewalk is proposed) and the face of the garage, to allow vehicles to park completely outside the vehicular or pedestrian travel corridor or provide a maximum distance of 5 feet in length to prevent a vehicle from parking in the driveway.

CITY COUNCIL MEETING OF SEPTEMBER 15, 2004
Planning and Development Department
Item 174 – SDR-4545

CONDITIONS – Continued:

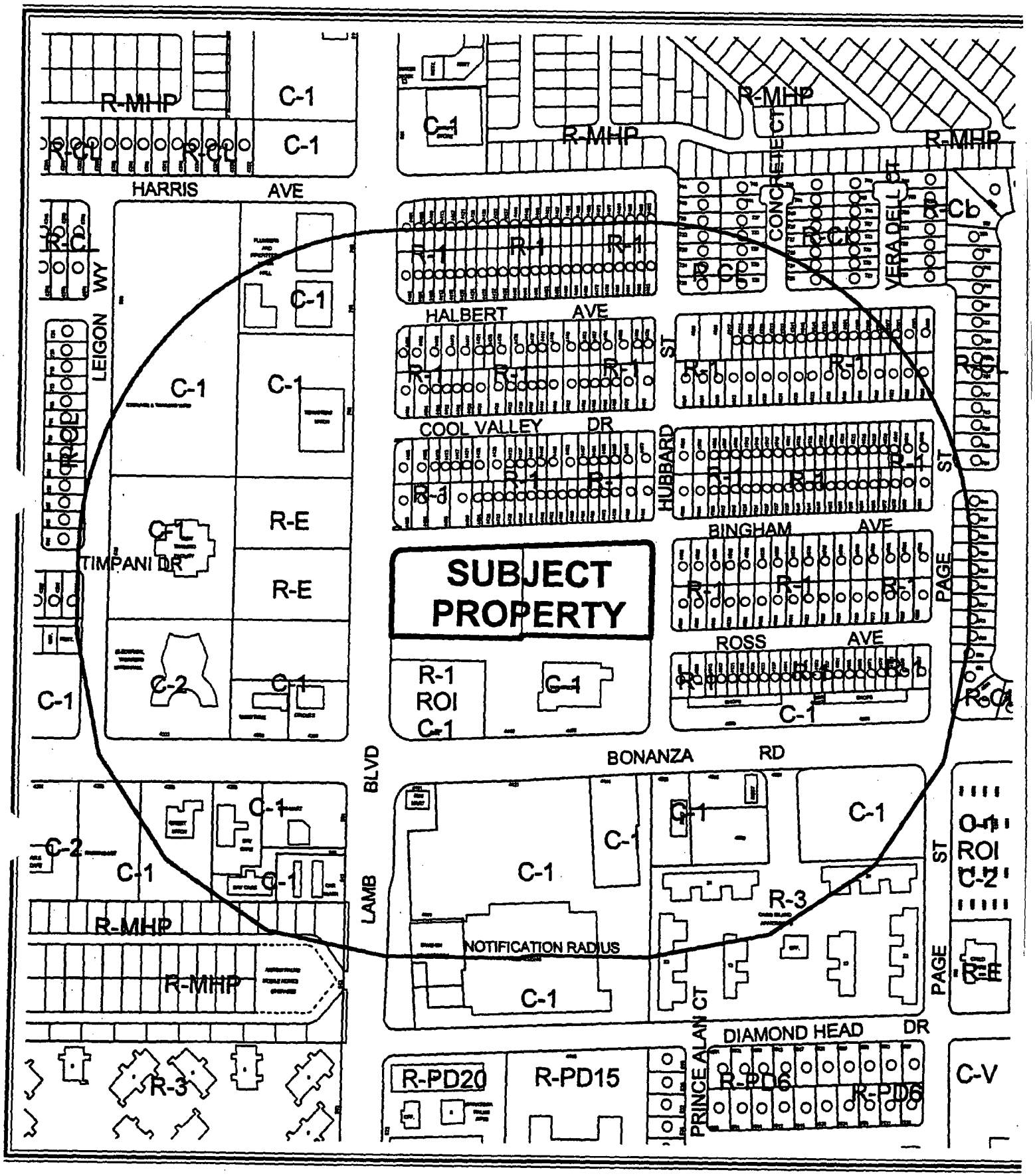
14. A Homeowner's Association shall be established to maintain all perimeter walls, private roadways, landscaping and common areas created with this development. All landscaping shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.

15. Meet with the Fire Protection Engineering Section of the Department of Fire Services prior to submittal of a Tentative Map for this site. The design and layout of all onsite private circulation and access drives shall meet the approval of the Department of Fire Services.

16. Site development to comply with all applicable conditions of approval for ZON-4543 and all other subsequent site-related actions.

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

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



CASE: **SDR-4545**

RADIUS: 750 FT

0 200 400 Feet

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

PROPOSED ZONING OF SUBJECT PROPERTY:
R-PD9 (RESIDENTIAL PLANNED DEVELOPMENT - 9 UNITS PER ACRE)

N

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: SEPTEMBER 15, 2004
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: ABEYANCE ITEM - SDR-4545 - APPLICANT: JOEL ARMSTRONG – OWNER: CLARK COUNTY

THIS ITEM WAS HELD IN ABEYANCE FROM THE SEPTEMBER 1, 2004 CITY COUNCIL MEETING AT THE APPLICANT'S REQUEST.

** CONDITIONS **

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

Planning and Development

1. Approval of and conformance to the Conditions of Approval for a General Plan Amendment (GPA-4542), Variance (VAR-4547), Variance (VAR-4572), and Rezoning (ZON-4543) approved by the City Council.

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

3. The standards for this development shall include the following:

4. The site plan shall be revised to illustrate the details and conditions of approval listed herein and shall be approved by Planning and Development Department staff prior to or at the time application is made for a tentative map.

5. A landscape plan shall be submitted and approved by Planning and Development Department staff prior to or at the time application is made for a tentative map. The landscape plan shall comply with the standards of Title 19.

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

7. 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.

8. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.

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

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

11. All development shall be in conformance with the site plan and building elevations, date stamped 04/22/04, except as amended by conditions herein.

12. The applicant shall work with staff to create usable open space within the project.

Public Works

13. Provide a minimum distance of 18 feet of driveway length between the back of sidewalk (or curb, if no sidewalk is proposed) and the face of the garage, to allow vehicles to park completely outside the vehicular or pedestrian travel corridor or provide a maximum distance of 5 feet in length to prevent a vehicle from parking in the driveway.

14. A Homeowner's Association shall be established to maintain all perimeter walls, private roadways, landscaping and common areas created with this development. All landscaping shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.

15. Meet with the Fire Protection Engineering Section of the Department of Fire Services prior to submittal of a Tentative Map for this site. The design and layout of all onsite private circulation and access drives shall meet the approval of the Department of Fire Services.

16. Site development to comply with all applicable conditions of approval for ZON-4543 and all other subsequent site-related actions.

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

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

** STAFF REPORT **

APPLICATION REQUEST

A) Action Requested

This is a request for a Site Development Plan Review for a proposed 35-lot single-family residential development on 3.58 acres at the southeast corner of Lamb Boulevard and Bingham Avenue. Applications for a General Plan Amendment (GPA-4542) to M (Medium Density Residential), a Variance (VAR-4547) in the size of an R-PD zoning district formation, a Rezoning (ZON-4543) to an R-PD9 zoning district, and an open space Variance (VAR-4572) have also been submitted in conjunction with this application.

B) Applicant's Justification

The applicant indicates in a letter submitted with the application the following:

> "While the existing zoning to the north and east is R-1, the proposed R-PD9 zoning is an ideal buffer to the C1 immediately adjacent and to the south and the C-1 to the west. In addition, the proposed project is buffered from the R-1 developments to the north and east by 60-foot wide streets (Bingham and Hubbard). A portion of the proposed development will be located on a 100-foot wide street, Lamb Boulevard."

BACKGROUND INFORMATION

A) Previous Actions

11/02/00 The Planning Commission tabled a request by Clark County for a General Plan Amendment (GPA-0022-00) to amend a portion of the Southeast Sector Plan from ML (Medium Low Density Residential) to O (Office) for a proposed County-operated office building that would contain the Family and Youth Services Division and branches of the Business License Department, District Courts, and Clark County Social Services. Staff recommended approval.

11/02/00 The Planning Commission tabled a request by Clark County for a Rezoning (Z-0076-00) from R-1 (Single Family Residential) to O (Office) for the above proposed County-operated office building. Staff recommended approval.

11/02/00 The Planning Commission tabled a request by Clark County for a Site Development Plan Review [Z-0076-00(1)] for the above proposed County-operated office building. Staff recommended approval.

07/08/04 The Planning Commission recommended approval of companion applications including a General Plan Amendment (GPA-4542) to M (Medium Density Residential), a Variance (VAR-4547) in the size of an R-PD zoning district formation, a Rezoning (ZON-4543) to an R-PD9 zoning district, and an open space Variance (VAR-4572).

07/08/04 The Planning Commission voted 7-0 to recommend APPROVAL (PC Agenda Item #29/dds).

B) Pre-Application Meeting

05/10/04 The staff discussed various elements of the prospective development, including the following:

- Discussion of the present zoning and General Plan designation and the zone that would accommodate the development.
- Need for a flood study.
- Provision of private ungated streets.
- Suggestion to move the entry point to avoid a narrow offset from Bingham Avenue.
- Request to add to the site plan adjacent land uses, net and net-net acreage, open space calculations, crash gates, and wall heights.
- Present elevation drawings that show heights of structures.

C) Neighborhood Meetings

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

DETAILS OF APPLICATION REQUEST

A) Site Area

Acres:	3.58 Acres

B) Existing Land Use

Subject Property	Undeveloped
North	Single-Family residential
South	Retail Commercial
East	Single-Family residential
West	Undeveloped

C) Planned Land Use

Subject Property	M-L (Medium Low Residential)
North	M-L (Medium Low Residential)
South	S-C (Service Commercial)
East	M-L (Medium Low Residential)
West	S-C (Service Commercial)

D) Existing Zoning

Subject Property	R-1 (Single-Family Residential)
North	R-1 (Single-Family Residential)
South	C-1 (Limited Commercial)
East	R-1 (Single-Family Residential)
West	C-1 (Limited Commercial) and R-E (Residence Estates)

PROJECT DESCRIPTION

The applicant is proposing a 35-lot subdivision for single-family development on 3.58 acres at a density of 9.21 residences per acre. The lots proposed are typically just over 2,000 square feet in size. A total of 12,124 square feet of open space is proposed; although, for a R-PD9 development, 25,158 square feet are required. The applicant is requesting a variance to reduce the required amount of open space. The interior streets that serve the development are proposed to be 39 feet wide and private.

ANALYSIS

A) Zoning Code Compliance

A1) Development Standards

Pursuant to Title 19.06, the Site Development Plan establishes the Development Standards for a R-PD. The Development Standards proposed are as follows:

Standards	**Provided**	**Recommended**
Min. Lot Size	2,000 sq. ft.	2,000 sq. ft.
Min. Lot Width	33 ft.	33 ft.
Min. Setbacks • Front • Side • Corner • Rear	 10 ft. 4 ft. 10 ft. 9.5 ft.	 10 ft.
Max. Lot Coverage	52.5%	52.5%
Max. Building Height	Two stories	Two stories or 35 ft.
Max. or Min. Drive Length	>18 ft. or <10 ft.	>18 ft. or <5 ft.

A condition of approval is included for the recommended Development Standards indicated above.

A3) Parking and Traffic Standards

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

Use	Dwelling Units	Required		Provided	
		Ratio	Parking	Ratio	Parking
Single- Family Residential	35	2/D.U.	70	2/D.U.	70

Two parking spaces are provided for each dwelling unit. Proposed models have the garage situated either 18 feet or 10 feet back from the street. Garages that are less than 18 feet back from the street should be provided with no more than a five-foot apron in front of the garage. Otherwise, there will be an inclination for drivers to either park their car in the driveway with the vehicle extending into the street or to park parallel to the garage. A condition of approval stipulates that drives shall be either a minimum of 18 feet in length or a maximum of five feet in length.

A4) Landscape and Open Space Standards

A detailed landscape plan has not been submitted. Such a plan is to be submitted prior to the "final engineering plan." The plan should be submitted prior to or at the same time as the submittal of the tentative map. A condition of approval addresses this matter.

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
3.58	9.8	1.65	16.2	25,263 sq. ft.	7.8	12,124 sq. ft.

The development does not comply with the open space requirement. The applicant has requested a variance to reduce the amount of open space to 12,000 square feet. The staff report addressing that item (VAR-4572) recommends the variance be denied.

B) General Analysis and Discussion

The applicant is proposing a 35-lot subdivision for single-family development on 3.58 acres at a density of 9.21 residences per acre. The lots proposed are typically just over 2,000 square feet in size. A total of 12,124 square feet of open space is proposed; although, for a R-PD9 development, 25,158 square feet are required. The applicant is requesting a variance to reduce the required amount of open space. The interior streets that serve the development are proposed to be 39 feet wide and private.

The Development Standards for the development are acceptable, except for the garage setbacks. Two different models illustrate setbacks of either 20 feet or 10 feet. It is recommended that the setbacks be either no less than 18 feet or no more than five feet. A detailed landscape plan for the development, meeting the requirements of Title 19, needs to be submitted prior to or at the time a tentative map for the development is submitted.

FINDINGS

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;"**

   Property to the west and south of the subject property is developed for commercial use and the property to the north and east is developed for single-family residences. The applicant proposes to develop the subject property with 35 single-family residences on lots that are approximately 2000 square feet in size. This density of development is excessive for this property.

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

The proposal exceeds the density permitted by the current ML (Medium Low Density Residential) land use designation. For this reason, the applicant has requested a M (Medium Density Residential) classification that permits a density of up to 25 dwelling units per acre. The accompanying staff report for this General Plan Amendment (GPA-4542) recommends denial of this request.

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

The subject site abuts Lamb Boulevard, a Primary (100-foot wide) Arterial Street, according to the Master Plan of Streets and Highways. The applicant, however, proposes to access the subject site from Bingham Avenue, a 60-foot wide local street that connects to Lamb Boulevard. These streets provide adequate access to the property.

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

Although a detailed landscape plan was not submitted, a conceptual plan portrays a landscaping scheme with plant varieties that are appropriate for the area. The detailed landscape plan must comply with the landscape provisions of Title 19.

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 dwellings maintain a consistent architectural theme. Each is two story and has an aesthetic appearance that will be harmonious and compatible with other single-family residences in the area.

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

The site will be subject to ongoing inspection and will therefore not compromise the public health, safety, and welfare.

PLANNING COMMISSION ACTION

The Planning Commission voted to approve the project believing all potentially negative impacts were properly ameliorated.

NOTICES MAILED 402 by Planning Department

APPROVALS 0

PROTESTS 0

PLANNING & DEVELOPMENT

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: SDR-4545 APN: 140-29-401-005 & 006

Name of Property Owner: Clark County

Name of Applicant: Joel Armstrong

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

_____ Yes ✓ No

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

City Official: _____

Partner(s): _____ _____

APN: _____

Signature of Property Owner/Authorized Agent: X Sandra M. Norskog

Print Name: Sandra M. Norskog

State of Nevada County of Clark

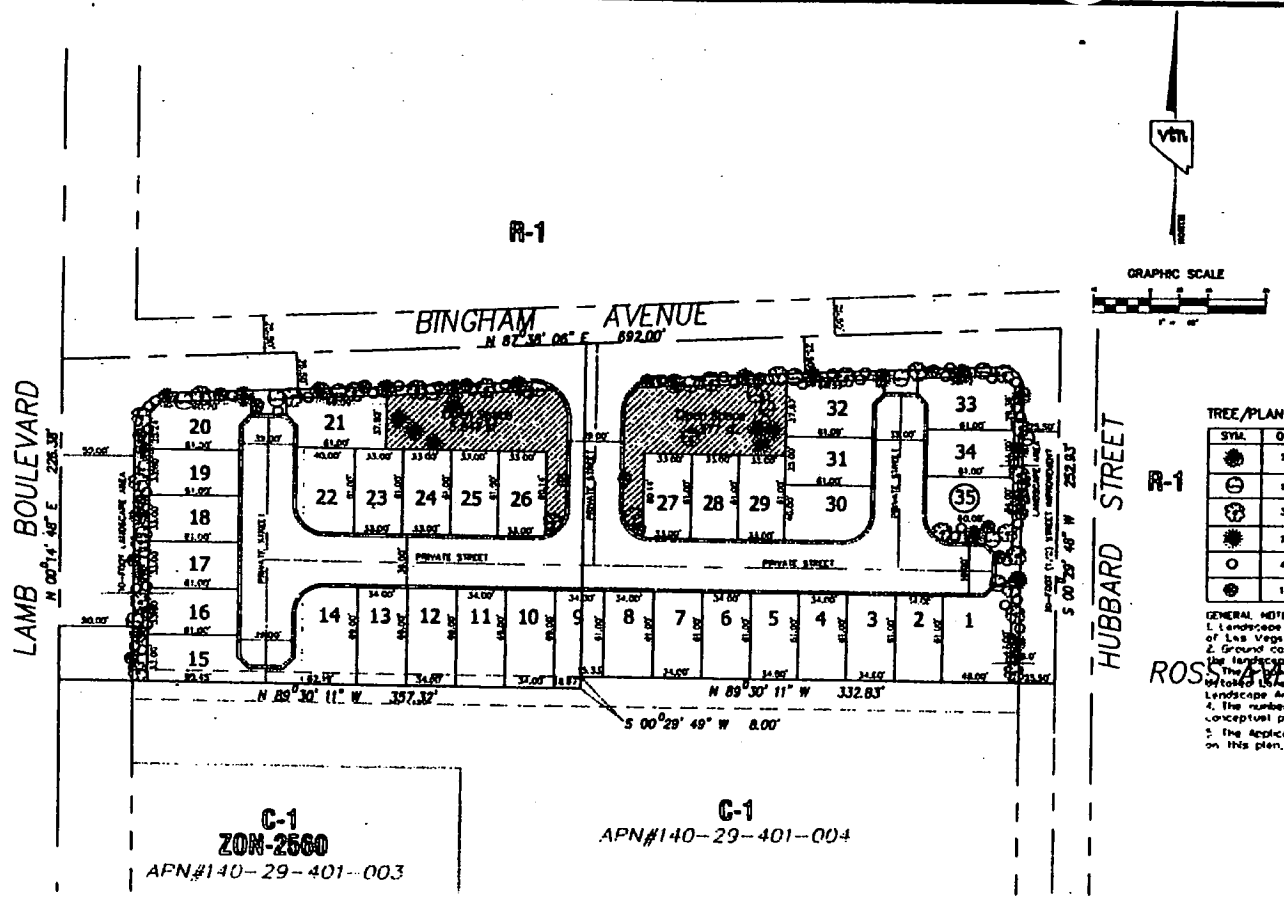
Subscribed and sworn before me

This 20th day of May, 2004

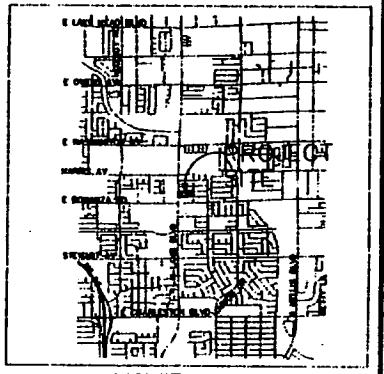
Karen S. Mulcahy

Notary Public in and for said County and State

KAREN S. MULCAHY
Notary Public State of Nevada
No. 99-58482-1
My appt. exp. May 10, 2007



GRAPHIC SCALE



VICINITY MAP

TREE/PLANT SCHEDULE

SYM.	QTY.	SIZE	SPACING	NAME
	21	24" BOX	VARIES	MODESTO ASH
	18	24" BOX	VARIES	MONDEL PINE
	34	VARIES	N/A	DATE PALM
	7	13 GALLON	VARIES	PHOTINIA
	48	15 GALLON	VARIES	FLOWERING PLUM
	18	1 GALLON	VARIES	GROUND SHRUBS

GENERAL NOTES
1. Landscape shall conform to requirements of Title 19A (City of Las Vegas)
2. Ground cover shall be designed to cover more than 50% of the landscaped area.
3. The final landscaping and plants are conceptual only. A detailed Landscape Plan will be prepared by a licensed Landscape Architect as a part of the final engineering plan.
4. The number and types of plant may vary from the proposed conceptual plan.
5. The Applicant reserves the right to change the plant shown on this plan, and alter the amenities shown in the Open Space area

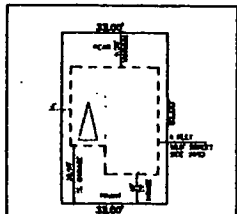
PROJECT SETBACKS

PROPOSED MINIMUM SETBACKS	
FRONT	20 FEET
GARAGE	20 FEET
SIDE YARD	4.5 FEET
REAR YARD	10 FEET
STREET SIDE YARD	10 FEET

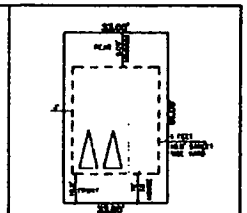
NOTE: Setbacks shown to be to edge of street

PROJECT SUMMARY

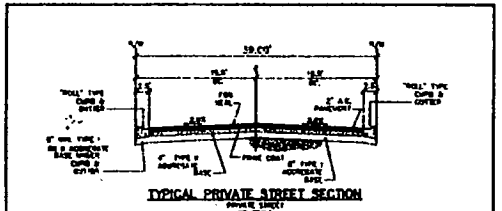
PROJECT INFORMATION	
ASSESSORS PARCEL MAP NO.	140-29-401-003 & 004
GROSS ACRES	3.80 ACRES
CURRENT GENERAL PLAN	NL (NEIGHBORHOOD LOW) 3.5 to 8.0 DU/AC.
PROPOSED GENERAL PLAN	NLA (NEIGHBORHOOD LOW) 8.1 to 12 DU/AC.
CURRENT ZONING	R-1
PROPOSED ZONING	R-PD-12
PROPOSED LAND USE	SINGLE FAMILY RESIDENTIAL
PROPOSED NUMBER OF UNITS	34
PROPOSED DENSITY	8.47 DU/AC
OPEN SPACE	
OPEN SPACE REQUIRED	23,870 SF. or 0.55 ACRES (15%/FT)
PROPOSED USABLE OPEN SPACE	14,532 SF.
OTHER OPEN SPACE	0 SF.
TOTAL OPEN SPACE PROVIDED	14,532 SF.
PARKING	
# PER DWELLING UNIT	2.0
GUEST SPACES	0
HANDICAP SPACES	5
TOTAL PARKING SPACES PROVIDED	73



TYPICAL LOT DETAIL
20 FOOT SETBACK/GARAGE w/ SINGLE-CAR GARAGE



TYPICAL LOT DETAIL
10-FOOT SETBACK/GARAGE w/ TWO-CAR GARAGE



TYPICAL PRIVATE STREET SECTION

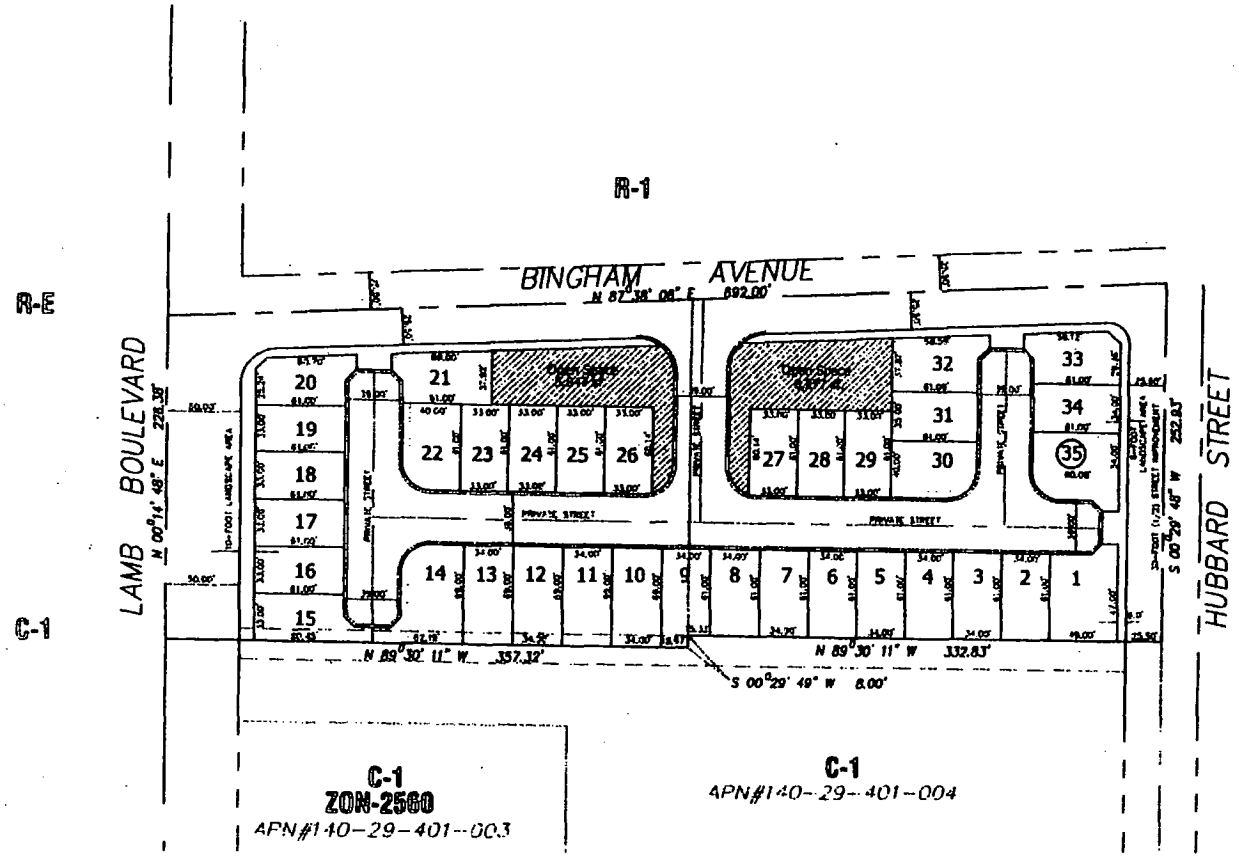
GENERAL NOTES:
1. There are no existing structures located within the property boundary.
2. The lot dimensions are preliminary and may vary with the grading process.
3. The boundary for this project is from "of record information". Top of vacant boundary will most likely differ from the surveyed boundary.
4. Some lot lines and dimensions may change during the final grading process.

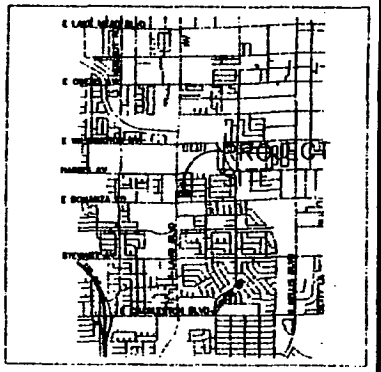
CONCEPTUAL LANDSCAPE PLAN FOR LAMB & BINGHAM

StoryBook Homes
City of Las Vegas

SHEET 02
2 OF 2 SHEETS
6452-CLV

ZON-4542
VAR-4547
SDR-4545
07-08-04 PC





VICINITY MAP

GRAPHIC SCALE

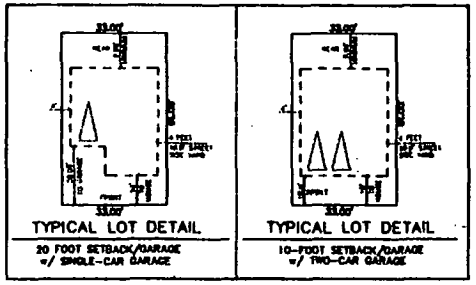
PROJECT SETBACKS

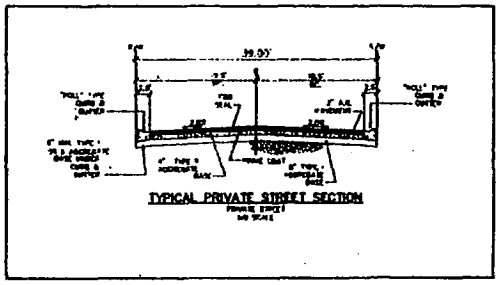
PROPOSED MINIMUM SETBACKS	
FRONT	20 FEET
SIDE	5 FEET
SIDE LOAD	10 FEET
REAR YARD	10 FEET
STREET SIDE YARD	10 FEET

NOTE: Setback to be 15 feet to rear

PROJECT SUMMARY

PROJECT INFORMATION	
ASSESSORS PARCEL MAP NO.	140-29-401-003 & 004
GROSS ACRES	3.68 ACRES
CURRENT GENERAL PLAN	PL (MEDIUM-LOW) 3.5 to 8.0 du/ac
PROPOSED GENERAL PLAN	PL (MEDIUM-LOW) 3.5 to 8.0 du/ac
CURRENT ZONING	R-1
PROPOSED ZONING	R-E-2
PROPOSED LAND USE	SINGLE FAMILY RESIDENTIAL
PROPOSED NUMBER OF UNITS	35
PROPOSED DENSITY	9.51 DU/AC
OPEN SPACE	
OPEN SPACE REQUIRED	83,036 SF. or 0.87 ACRES (23.7%)
PROPOSED USABLE OPEN SPACE	16,124 SF.
OTHER OPEN SPACE	0 SF.
TOTAL OPEN SPACE PROVIDED	16,124 SF.
PARKING	
2 PER DWELLING UNIT	70
GUEST SPACES	8
HANDICAP SPACES	2
TOTAL PARKING SPACES PROVIDED	78



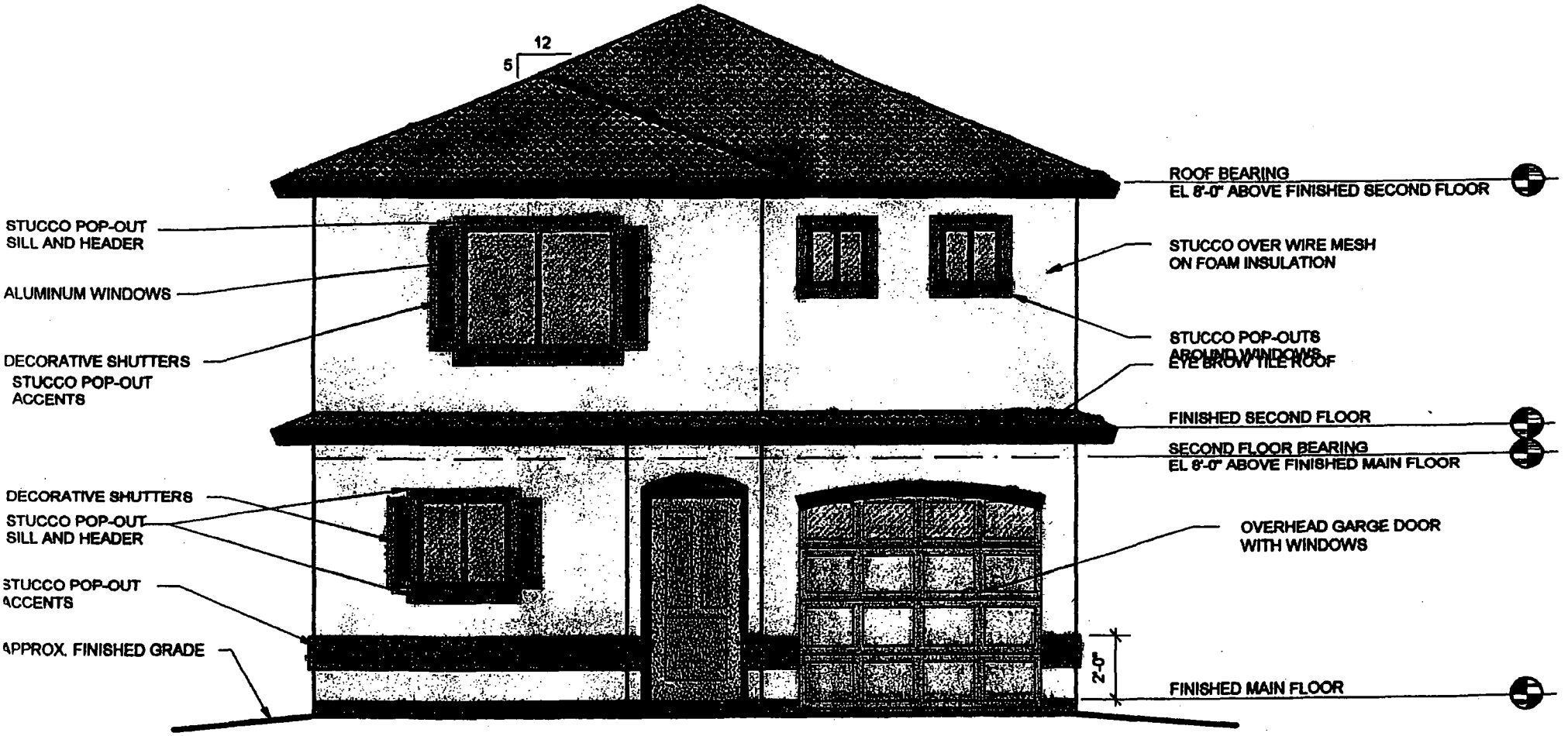


GENERAL NOTES:
1. There are no existing structures located within the property boundary.
2. The lot dimensions are preliminary and may vary with the engineering process.
3. The boundary for this project is from "of record information".
4. The of record boundary will most likely differ from the surveyed boundary.
5. Some lot sizes and dimensions may change during the final mapping process.

StoryBook Homes
City of Las Vegas
SITE DEVELOPMENT PLAN
FOR
LAMB & BINGHAM

SHEET 01
1 OF 2 SHEETS
6457-CLV

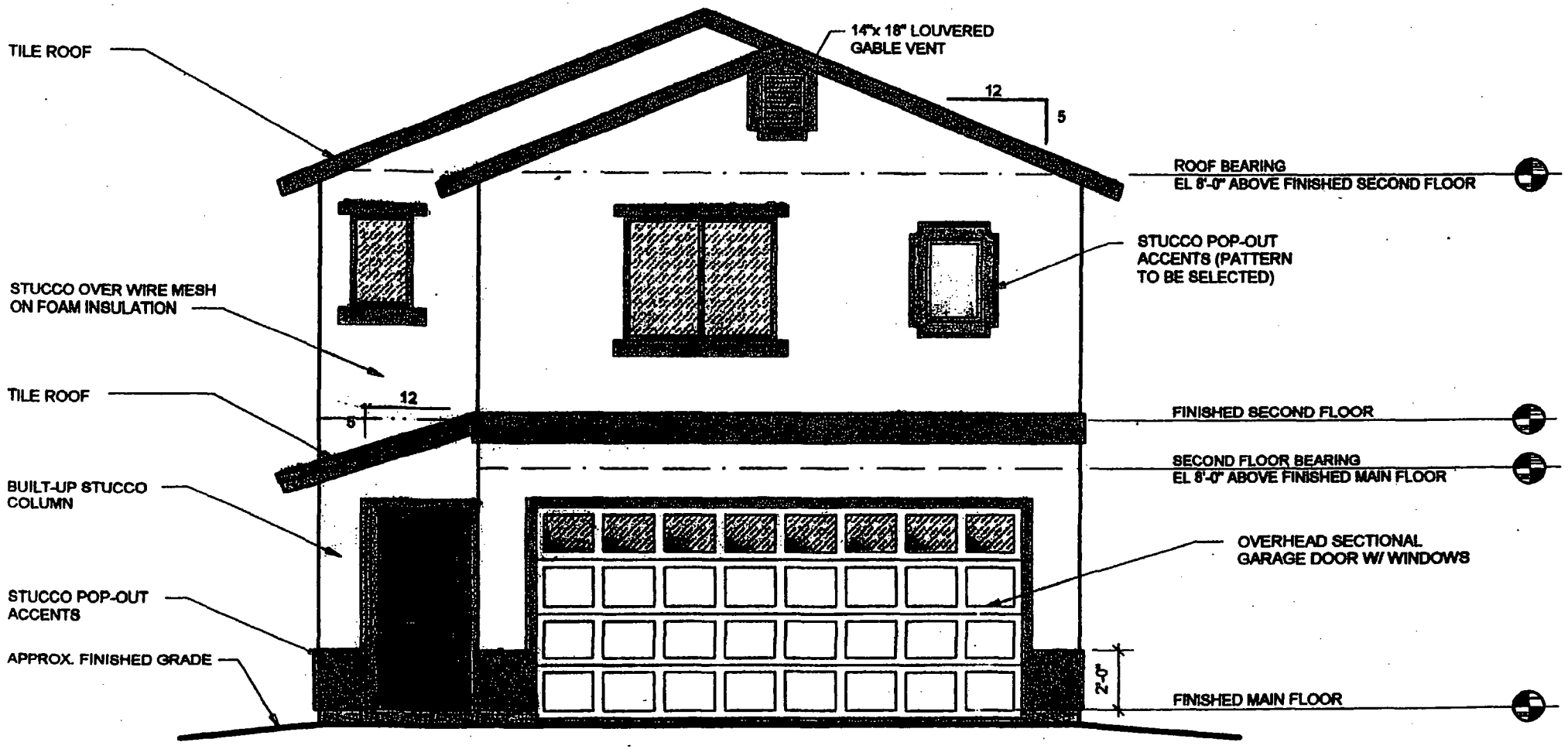
ZON-4542
VAR-4547
SDR-4545
07-08-04 PC



FRONT ELEVATION - B

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

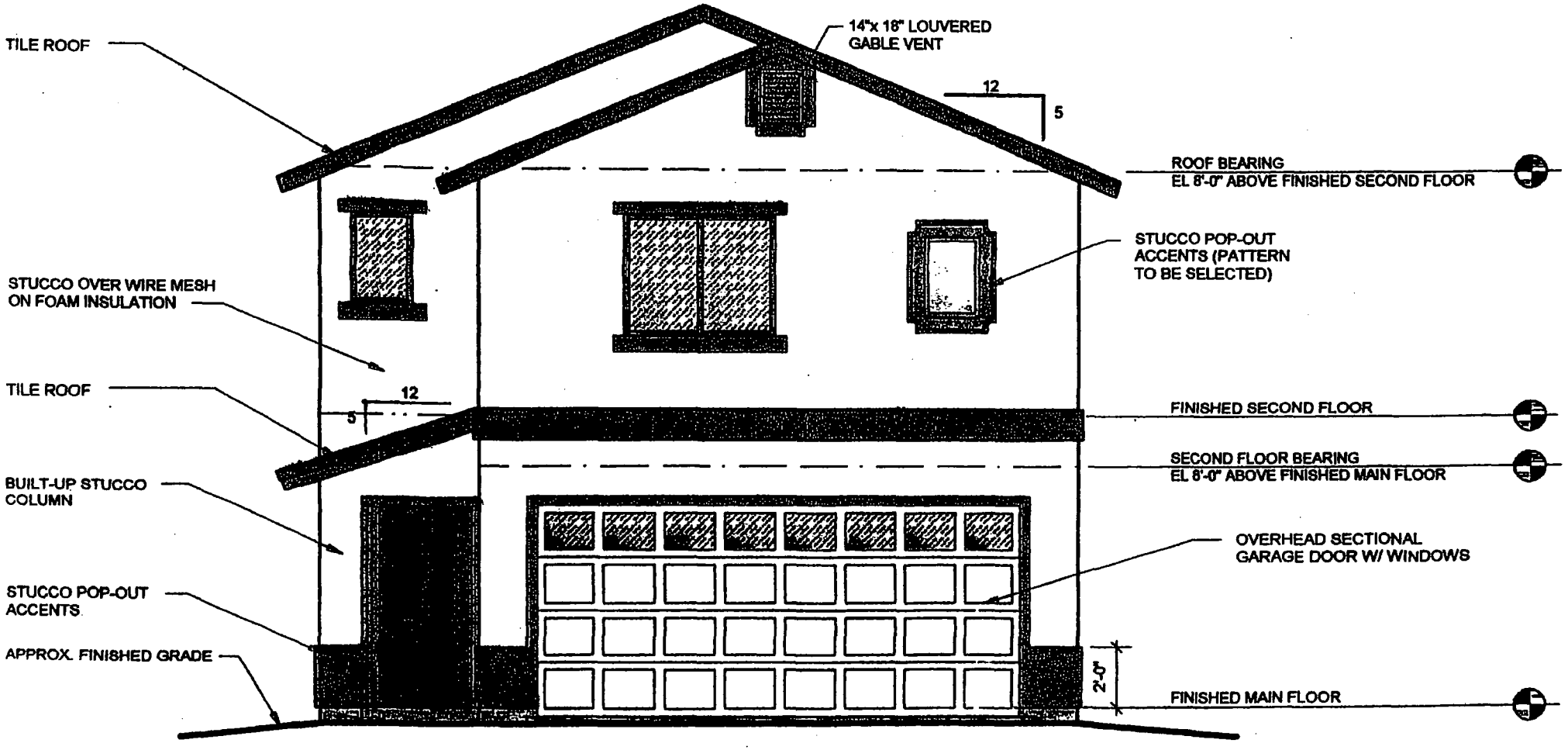
ZON-4542
VAR-4547
SDR-4545
07-08-04 PC



FRONT ELEVATION

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

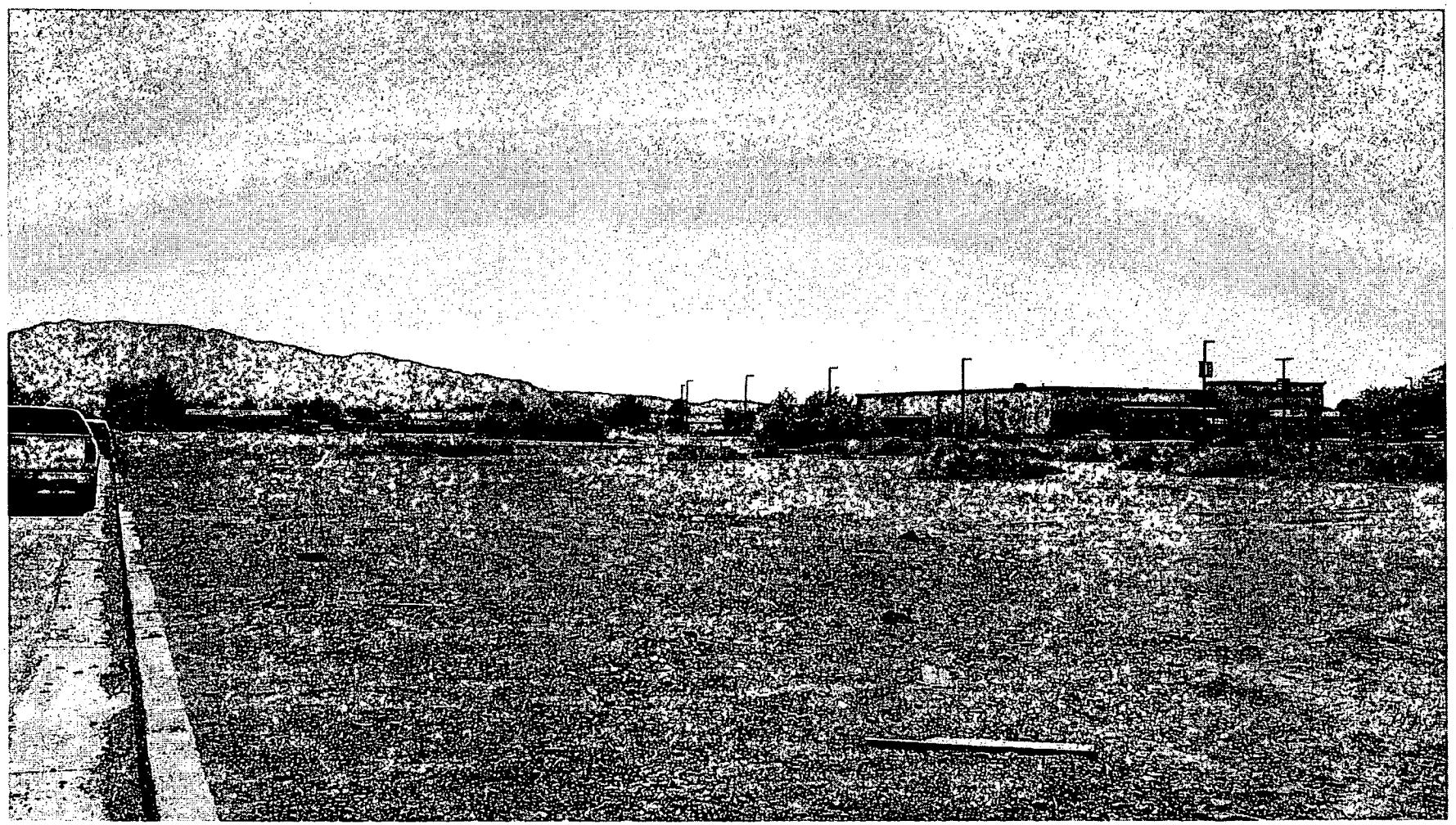
ZON-4542
VAR-4547
SDR-4545
07-08-04 PC



FRONT ELEVATION

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

ZON-4542
VAR-4547
SDR-4545
07-08-04 PC



SDR-4545 - APPLICANT: JOEL ARMSTRONG - OWNER: CLARK COUNTY
SOUTHEAST CORNER OF LAMB BOULEVARD AND BINGHAM AVENUE
JULY 8, 2004 PLANNING COMMISSION

06/17/04

City of Las Vegas

Agenda Item No. 175

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: SEPTEMBER 15, 2004

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

SUBJECT:
GENERAL PLAN AMENDMENT - PUBLIC HEARING - **GPA-4535 - APPLICANT: BLUE HERON PROPERTIES - OWNER: W. M. LAND DEVELOPMENT** - 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) on 4.75 acres adjacent to the southeast corner of Buffalo Drive and Del Rey Avenue (APN 163-03-201-001 and 002), Ward 1 (Moncrief). The Planning Commission (5-0 vote) and staff recommend APPROVAL

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

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

BACKUP DOCUMENTATION:
1. Location Map
2. Conditions For This Application
3. Staff Report
4. Submitted at City Council – Plantiffs' Opening Brief in Support of Writ of Mandamus submitted by Mr. Anspach filed under Item 175 [GPA-4535]

MOTION:
MONCRIEF – APPROVED subject to conditions – UNANIMOUS with GOODMAN and MACK excused

MINUTES:
MAYOR PRO TEM REESE declared the Public Hearing open on Item 175 [GPA-4535], Item 176 [VAR-4536], Item 177 [ZON-4537] Item 178 [WVR-4748] and Item 179 [SDR-4539].

ATTORNEY CHRIS KAEMPFER, Kummer Kaempfer Bonner and Renshaw, 3800 Howard Hughes Parkway, appeared on behalf of the applicant and concurred with staff recommendations. He thanked staff and the neighbors for their cooperation. He explained the request is to allow for Low-Density Residential instead of Desert Rural. The site is located on Buffalo Drive, which is a major section line street, and immediately south is the approved Social Security Building. He believes that amending the General Plan to Low Density Residential is appropriate.

CITY COUNCIL MEETING OF SEPTEMBER 15, 2004
Planning and Development Department
Item 175 – GPA-4535

MINUTES – Continued:

ATTORNEY KAEMPFER emphasized considerable care was given to the neighbors to propose a residential density that fits well within the existing homes to the east. The zone change is for an R-PD5 with an actual density of less than five units per acre. The variance is to allow a Planned Unit Development on 4.6 acres where 5 acres are required. The waiver of Title 18 is to allow for 33-foot wide streets where 39 feet is normally required. This is being requested so that the homes on the east side can be set further back from the existing homes.

The project consists of 23 luxury homes with a contemporary design with a minimum of 3,800 square feet. The homes are not two stories, but will have tall lofts to provide openness in the homes without affecting the privacy of the neighbors.

LARRY ANSPACH, 1509 Golden Oak Drive, President of the Neighborhood Alliance Association representing approximately 1200 residents. He questioned the cost of the homes, to which ATTORNEY KAEMPFER replied that they would range from $650,000 to $700,000. MR. ANSPACH commented on the location being directly across the street from a Social Security building. He indicated that a lawsuit has been filed regarding the construction of the Social Security building. He finds it hard to believe that someone would pay $700,000 on a home located adjacent to a building that many people will come to everyday. He suggested a caveat that these homes never be converted to offices.

COUNCILWOMAN MONCRIEF asked ATTORNEY KAEMPFER if he would agree to the caveat. However, ATTORNEY KAEMPFER pointed out that it is not an enforceable condition. DEPUTY CITY ATTORNEY BRYAN SCOTT commented that any predecessor neighbor could possibly fight that type of condition. ROBERT GENZER, Director of Planning and Development, explained that in order to convert from residential to office it would require a General Plan Amendment and a zone change to be approved by the entire City Council. COUNCILMAN REESE recalled instances where property owners have requested zone change from residential to office, but it does require the Council's approval. ATTORNEY KAEMPFER commented that the parking requirement could never be met if this were to change to office. The project is not designed for offices, but strictly for homes.

COUNCILWOMAN MONCRIEF indicated that she held three neighborhood meetings to work especially with those neighbors abutting this property. They are pleased with the project and with the applicant for working with them. She believes the applicant will not have any problems selling these homes, even though they are near the Social Security building.

No one appeared in opposition.

CITY COUNCIL MEETING OF SEPTEMBER 15, 2004
Planning and Development Department
Item 175 – GPA-4535

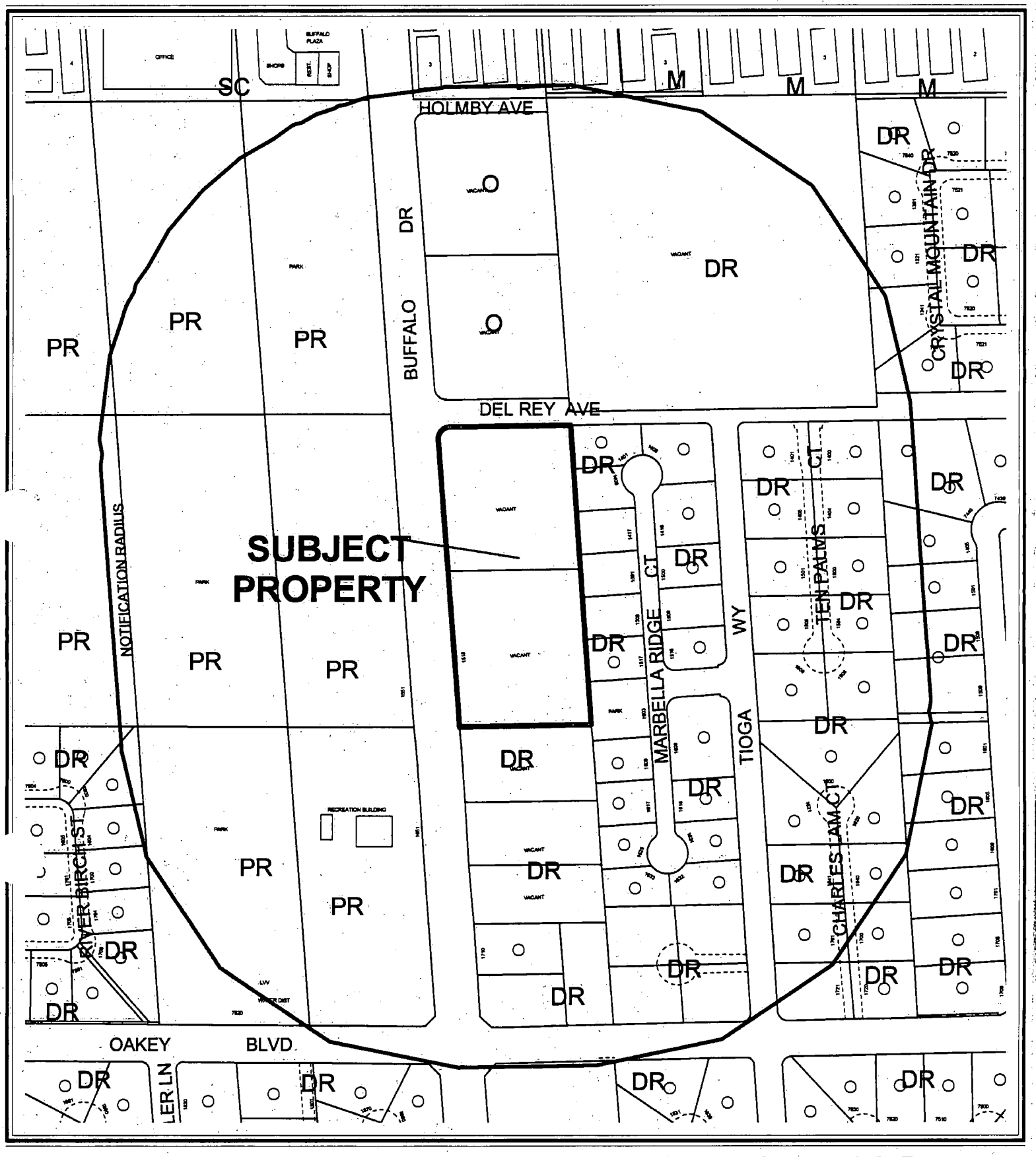
MINUTES – Continued:

MAYOR PRO TEM REESE declared the Public Hearing closed on Item 175 [GPA-4535], Item 176 [VAR-4536], Item 177 [ZON-4537] Item 178 [WVR-4748] and Item 179 [SDR-4539].

NOTE: All discussion for Item 175 [GPA-4535], Item 176 [VAR-4536], Item 177 [ZON-4537] Item 178 [WVR-4748] and Item 179 [SDR-4539] was held under Item 175 [GPA-4535].

(5:37 – 5:52)

6-3152/7-1



0 200 400 Feet

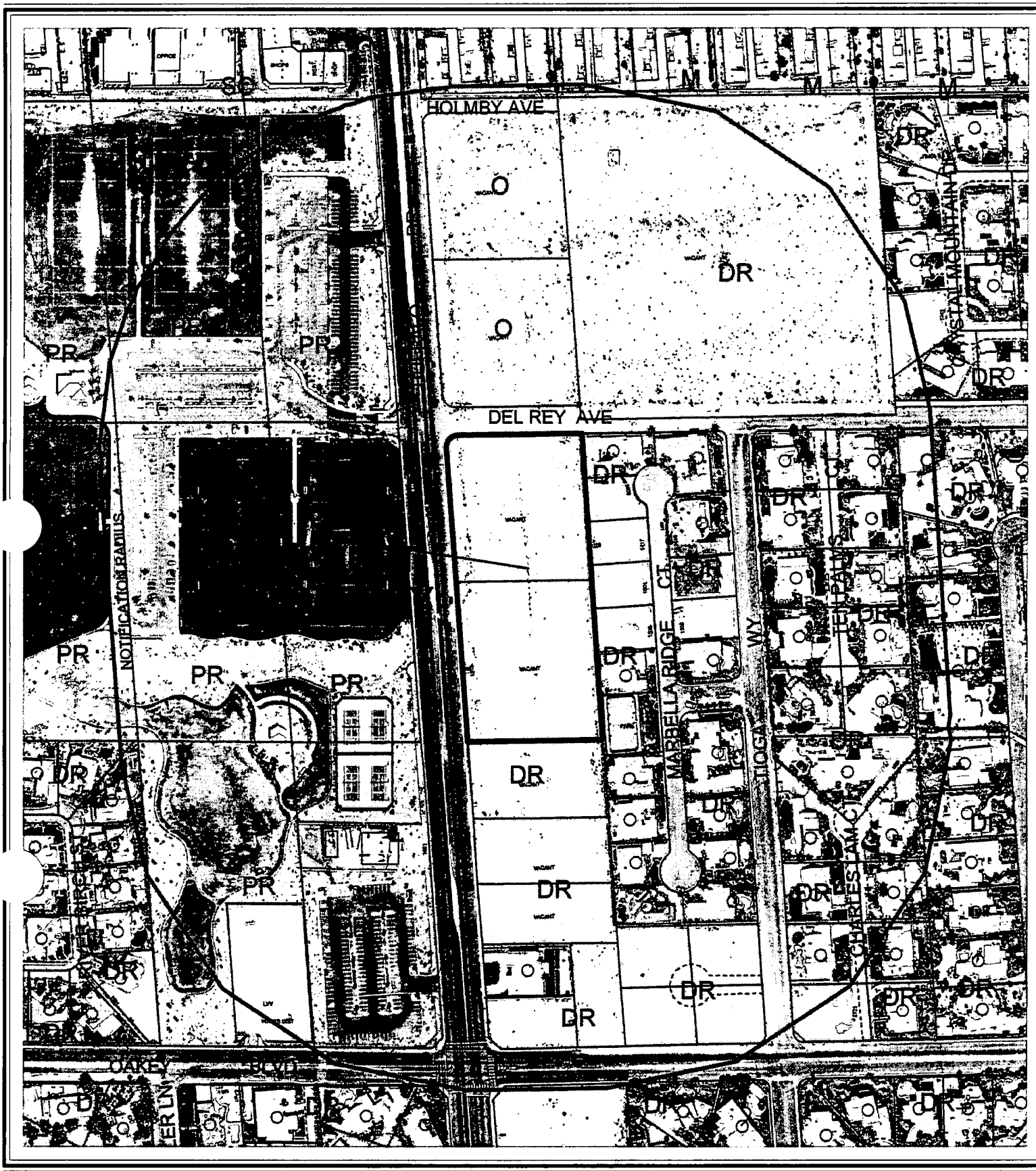
CASE: **GPA-4535**

RADIUS: 750 FT

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

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

N



0 200 400 Feet

CASE: **GPA-4535**

RADIUS: 750 FT

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

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

N

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: SEPTEMBER 15, 2004
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: GPA-4535 - APPLICANT: BLUE HERON PROPERTIES - OWNER: W. M. LAND DEVELOPMENT

** CONDITIONS **

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

** STAFF REPORT **

APPLICATION REQUEST

This application seeks to change the General Plan land use designation of the subject property located on the southeast corner of Buffalo Drive and Del Rey Avenue from DR (Desert Rural) to L (Low Density Residential).

BACKGROUND DATA:

08/07/85 The City Council approved the Community Profiles of the city of Las Vegas General Plan by Resolution. On this plan, the subject properties were designated for Rural Residential land uses with a maximum density of three dwelling units per acre.

03/12/92 The Planning Commission approved the three Land Use Sector Maps of the General Plan. The Southwest Sector Plan map designated the property as R (Rural Residential) with a maximum density of 3.96 dwelling units per acre.

08/18/99 The City Council approved GPA-23-99, which amended the density range for the Low Density Residential land use category to allow a maximum of 5.5 dwelling units per acre, Medium Low Density Residential to allow up to 8 dwelling units per acre, and Medium Density Residential up to 25 dwelling units per acre.

08/18/99 The City Council approved GPA-14-99 to amend portions of the Southwest Sector Plan to indicate areas of potential transition, correct errors from GIS data conversion, and match actions since 1996. On this map, the parcels were designated as DR (Desert Rural) with a maximum density of two dwelling units per acre.

07/12/01 The Planning Commission and staff recommended denial of GPA-0017-01.

08/15/01 The City Council voted to Deny a request to designate this site as O (Office).

07/08/04 The Planning Commission held this item in abeyance to the 08/12/04 PC Meeting to be heard with companion items.

08/12/04 The Planning Commission recommended approval of companion applications for a Variance (VAR-4536) to allow Residential Planned Development zoning to be used on a parcel smaller than five acres, a Title 18 Waiver (WVR-4748) to allow substandard street widths, a Rezoning (ZON-4537) from R-E (Residence Estates) to R-PD5 (Residential Planned Development - 5 Units per Acre), and a Site Development Plan Review (SDR-4539) to allow a 23-lot single-family development on the subject site.

08/12/04 The Planning Commission voted 5-0 to recommend APPROVAL (PC Agenda Item #30/gl).

DETAILS OF APPLICATION REQUEST

Site Area: 4.63 Acres

EXISTING LAND USE

Subject Property:	Undeveloped
North:	Undeveloped (approved Social Security office)
South:	Undeveloped (approved single-family development)
East:	Single-family residential
West:	City Park

PLANNED LAND USE

Subject Property:	DR (Desert Rural Density Residential)
North:	O (Office)
South:	L (Low Density Residential)
East:	DR (Desert Rural Density Residential)
West:	P/R/OS (Parks/Recreation/Open Space)

EXISTING ZONING

Subject Property:	R-E (Residence Estates)
North:	O (Office)
South:	R-PD5 (Residential Planned Development - 5 Units per Acre)
East:	R-PD2 (Residential Planned Development - 2 Units per Acre)
West:	C-V (Civic)

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

The site is not within any special plan area or overlay district

DEFINITIONS

DR (Desert Rural Density Residential) (0 to 2.0 dwelling units/gross acre). The Desert Rural Density Residential Category allows a maximum of 2 dwelling units per gross acre.

The predominant residential lifestyle is single-family homes on large lots, many including equestrian facilities. This is generally a rural environment that permits greater privacy and some non-commercial raising of domestic animals.

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

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

INTERAGENCY ISSUES

There are no interagency issues involved in this request.

ANALYSIS

The subject parcels are currently undeveloped. Access to the site is primarily from Buffalo Drive, a 100-foot right-of-way. Del Rey Avenue, a 70-foot right-of-way that has recently been vacated, also abuts the site. Surrounding properties include an approved office building to the north, a park to the west, single-family homes to the east, and an approved single-family development to the south.

The proposed General Plan Designation would allow development up to 5.5 dwelling units per acre. This site is located next to a 100-foot wide right-of-way (Buffalo Drive), a proposed office building and a regional park. It is not reasonable to believe that this site will be developed at two units per acre, given the establishment of the park and office projects. Also, the residential properties to the east are in the range of 11,000 to 14,000 square foot lots. A proposed project of 5.5 units per acre can be compatible with these properties, if adequate buffering and development standards are implemented as part of the conditions of approval of a site development plan. Low

density residential can provide a reasonable transition from the regional park to the west of the property, Buffalo Drive and the single-family development to the east.

FINDINGS

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

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

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

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

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

In regard to "1": The proposed density clearly is compatible with the land use designations to the north and west and can be compatible with the established single-family residences to the east with adequate buffering and development standards.

In regard to "2": The request can provide a reasonable transition from between the regional park and 100-foot right-of-way to the west (Buffalo Drive) and the established single-family homes to the east.

In regard to "3": This parcel is in an area of the city in which all services are existing and available to the site. The Southwest Area Command of the Las Vegas Metropolitan Police Department Services this site with a substation approximately one mile away at Charleston Boulevard and Rainbow Boulevard. Fire Station No. 2, at Charleston Boulevard and Durango Drive, is the closest city facility to the site.

In regard to "4": There are no other plans or policies that are applicable to this request.

GENERAL PLAN AMENDMENT NEIGHBORHOOD MEETING

06/07/04 A neighborhood meeting was sponsored by the applicant. The 15 persons attending had no opposition but were concerned with density along the eastern property line of the site. They would like to see fewer houses and increased sections on that part of the site plan.

PLANNING COMMISSION ACTION

There was one speaker in favor of the application at the Planning Commission hearing.

NOTICES MAILED: 67 by Planning Department

APPROVALS: 1

PROTESTS: 0

PLANNING & DEVELOPMENT

DEVELOPMENT SERVICES CENTER

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: GPA-4535 APN: 163 03 201 001 & 007

Name of Property Owner: W. H. Land Development

Name of Applicant: Blue Heron Properties, 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: Marinia Curland - W. H. Land Development

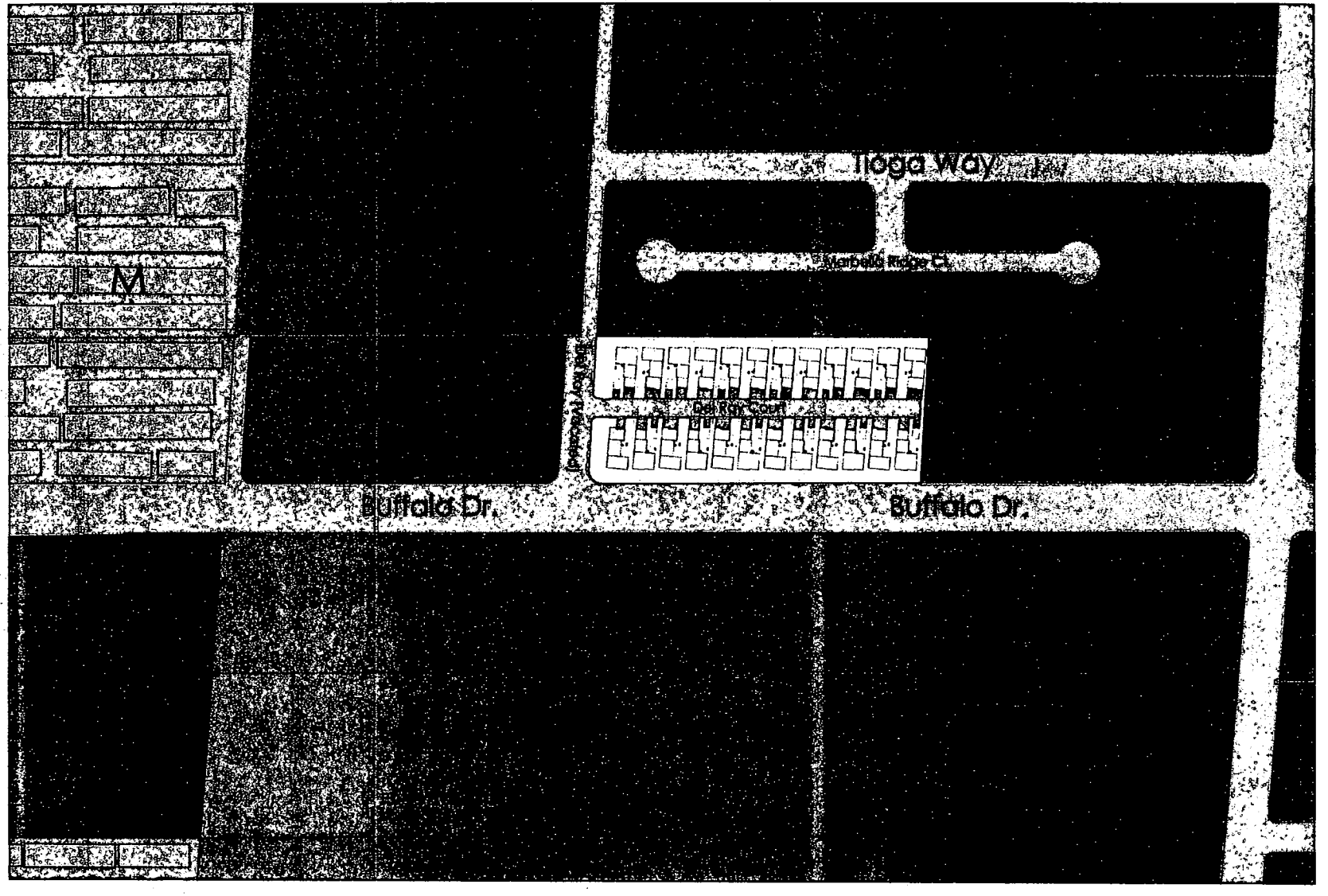
Print Name: Marinia Curland.

Subscribed and sworn before me

This 10th day of May, 20__

Notary Public in and for said County and State

JAMES VIGNALE II
NOTARY PUBLIC
STATE OF NEVADA
APPT. No 04-87641-1
MY APPT. EXPIRES MAY 23, 2007



Location Map
Scale: 1" = 200'

N

GPA-4535
07-08-04 PC

Del Ray Estates

City of Las Vegas
Planning
&
Development

Documentation
Submittal

5/24/04

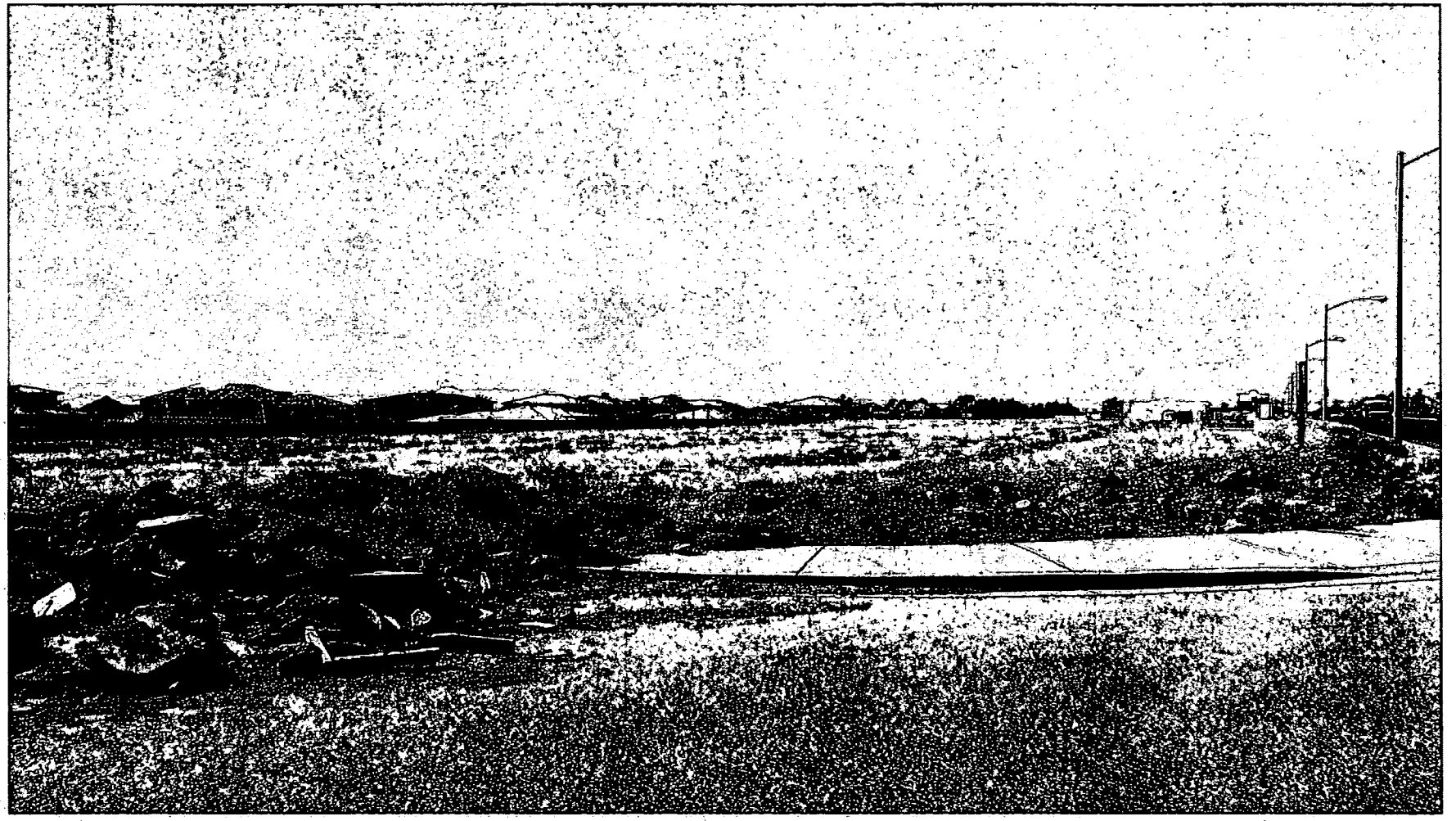
Location Map

Blue Heron Properties
6290 Harrison Drive
Las Vegas, Nevada 89120

t - (702) 256-8866
f - (702) 256-8862

www.blueheron-properties.com

blue heron properties



GPA-4535 - APPLICANT: BLUE HERON PROPERTIES - OWNER: W. M. LAND DEVELOPMENT
SOUTHEAST CORNER OF BUFFALO DRIVE AND DEL REY AVENUE
AUGUST 12, 2004 PLANNING COMMISSION

06/17/04

COPY

Shirley B Parraguirre

AUG 10 10 14 AM '04

FILED

DISTRICT COURT

DISTRICT OF NEVADA

JORINA GARETTO, an individual and CAROLYN STONE, an individual, Plaintiffs, vs. THE CITY OF LAS VEGAS, a Municipal corporation of the State of Nevada and DOES I through X; inclusive Defendants	)	CASE NO. A478940 DEPT. NO. 1

PLAINTIFFS' OPENING BRIEF IN SUPPORT OF WRIT OF MANDAMUS

Stanley W. Parry
Nevada Bar No. 1417
Glenn M. Machado
Nevada Bar No. 7802
CURRAN & PARRY
300 S. Fourth St., Suite 1201
Las Vegas, Nevada 89101
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Attorneys for Plaintiffs

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Submitted at City Council
Date 9/15/04 Item #175-#179

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TABLE OF CONTENTS

TABLE OF CONTENTS. ii

TABLE OF AUTHORITIES iv

I. ISSUED PRESENTED FOR REVIEW 1

II. STATEMENT OF FACTS 1

A. Background. 1

B. On August 15, 2001, the City Council Unanimously Denied a Virtually Identical General Plan Amendment Application by the Same Applicant as Constituting Spot Zoning. 2

C. The October 6, 2003 Neighborhood Meeting and November 20, 2003 Planning Commission Meeting. 5

D. The December 17, 2003 City Council Meeting. 8

III. ARGUMENT 7

A. Procedural Deficiencies Rendered the Consideration of GPA 2993 Improper. . . 13

1. The General Plan Amendment Application was not Filed by the Owner of Record as Required Pursuant to LVMC 19.18.030(C)(1). 13

2. The Subject Property was Incorrectly Described in Agenda Item 150 for December 17, 2003 City Council Agenda and Therefore Violated Nevada's Open Meeting Law. 13

B. The City Council's Approval of the General Plan Amendment Violated NRS 278.210 and 278.220 15

C. The City Council's Decision Approving the Zoning Applications Lacked Substantial Evidence and was Therefore Arbitrary and Capricious. 18

1. Substantial Evidence/Abuse of Discretion Standard of Review. 18

2. The City Council's Decision was Arbitrary and Capricious Because there Was No Substantial Evidence Presented that the Public Health, Safety and General Welfare Required that the General Plan be Amended. 19

3. No Substantial Evidence was Considered in Granting the Zoning Amendment. 22

4. Although the City considered no Substantial Evidence, the Residents Presented Substantial and Specific Reasons for Opposing the Granting of the General Plan Amendment and its Related Applications 24

IV. CONCLUSION 26

CERTIFICATE OF SERVICE 28

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TABLE OF AUTHORITIES

CASES	PAGE
Anderson v. Judd, 404 P.2d 553 (Colo. 1965)	15
Bing Construction Co. of Nevada v. County of Douglas, 107 Nev. 262, 810 P.2d 768 (1991)	15, 18
Charlie Brown Constr. Co. v. Boulder City, 106 Nev. 497, 797 P.2d 946 (1990)	17
Chase v. City of Glen Cove, 246 N.Y.S.2d 975 (1964)	14
City of Las Vegas v. Laughlin, 111 Nev. 557, 893 P.2d 383	24, 25
Clark County Liquor and Gaming License Board v. Simon & Tucker, 106 Nev. 96, 787 P.2d 782 (1990)	25
County of Clark v. Doumani, 114 Nev. 46, 952 P.2d 13 (1998)	17
Falcke v. County of Douglas, 116 Nev. 583, 3 P.3d 661 (2000)	16
Goldberg v. City of Milwaukee Bd. of Zon. App., 340 N.W.2d 558 (Wis. App. Ct. 1983)	15
Halliburton Co. v. Dow Chemical Co., 514 F.2d 377 (10th Cir. 1975)	13
In re Walter's Estate, 60 Nev. 172, 104 P.2d 968 (1940)	17
McKay v. Bd. of Supervisors, 102 Nev. 644, 730 P.2d 438 (1986)	19
Nova Horizon, Inc. v. City Council of Reno, 105 Nev. 92, 769 P.2d 721 (1989)	18
Paramount Ins. v. Rayson & Smitley, 86 Nev. 644, 472 P.2d 530 (1970)	17
Richardson v. Perales, 402 U.S. 389 (1971)	18

CASES **PAGE**

State Emp. Security v. Hilton Hotels,
102 Nev. 606, 729 P.2d 497 (1986) 18

AUTHORITIES

83 Am. Jur. 2d Zoning and Planning § 110 22

LVMC §19.18.030 ..... 1, 2, 13, 15, 19, 20, 26

LVMC §19.18.040 22

OMLO 2001-48 (October 23, 2001). 14

STATUTES

NRS 278.020 ..... 13, 14

NRS 278.210 ..... 6, 8, 15, 16, 17, 26

NRS 278.220 ..... 16, 17, 18, 26

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ISSUES PRESENTED FOR REVIEW

Did the Las Vegas City Council ("City Council") improperly consider and grant the Molasky Companies' ("Molasky" or "Applicant") requests for a General Plan Amendment, Rezoning, Vacation and Site Development Plan Review, allowing for the development of a 42,500 square foot Social Security Administration Building (the "Building") in the middle of a residential community?

STATEMENT OF FACTS

A. Background

On or about August 26, 2003, the Molasky Companies, through Irwin A. Molasky, filed Applications and Petitions to amend the Las Vegas General Plan in regards to four (4) parcels. The first parcel APN 163-03-101-002, was owned by the Schneider Family Trust, Steven P. and Joyce Schneider, Trustees (See Ex. 1, "Las Vegas Planning & Development General Plan Amendment Application for APN 163-03-101-002," dated August 26, 2003.) The second parcel is described as Assessor Parcel Number ("APN") 163-03-101-003, and was owned by William L. Cullings (See Ex.2, "Las Vegas Planning & Development General Plan Amendment Application for APN 163-03-101-003," dated August 26, 2003.)

The third and fourth parcels, APN 163-03-201-001 and APN 163-03-201-002, are owned by W. M. Land Development. (See Ex. 3, "Real Property Record for APN 163-03-201-001 and APN 163-03-201-002.)

The General Plan Amendment Applications for these four (4) parcels were designated as GPA 2993. GPA 2993 requested that the general plan be amended with respect to the parcels from the existing Desert Rural Residential designation to Service Commercial.

Although the Las Vegas Municipal Code Section 19.18.030(C)(1) (General Plan Amendment) requires that the Applications for General Plan Amendment be filed by all owners of record of each parcel of property proposed for inclusion in the Amendment, GPA 2993 did not contain the owners' signatures for APN 163-03-101-002 and APN 163-03-101-003. (See Ex. 4,

"Las Vegas Municipal Code § 19.18.030".) Nor was there any evidence that this application was exempted for this filing requirement pursuant to LVMC 19.18.030(C)(3)(v).

On or about September 16, 2003, a representative of the Molasky Companies requested that the Application for GPA 2993 be modified to withdraw parcels APN 163-03-201-001 and APN 163-03-201-002. Accordingly, the two (2) parcels considered for the GPA 2993 were parcels APN 163-03-101-002, owned by the Schneider Family Trust, and APN 163-03-101-003, owned by William L. Cullings, located at the northeast corner of Buffalo Drive and Del Rey Avenue (the "Subject Property"). (See Ex. 5,"Letter to City of Las Vegas Planning & Development," dated September 16, 2003.)

The entire area adjacent to the Subject Property under GPA 2993 is master planned as Residential, with the areas south and east of the Subject Property being zoned as Desert Rural Residential. (See Record of Proceeding ("CLV") 0008.) The Desert Rural residential category allows a maximum of two (2) dwelling units per gross acre. The predominant residential lifestyle in that area consists of single family homes on large lots, including equestrian facilities. In general, this area is a residential environment which permits greater privacy.

This zoning has been in effect since on or about November 23, 1998, when the City Council approved GPA-0027-98 with respect to the Subject Property, along with many other properties in the neighborhood, changing the master plan from Rural Residential (R) to Desert Rural Residential (DR) for the subject area. The City Council had previously denied GPA 0052-95 with respect to APN163-03-201-001 and APN 163-03-201-002 wherein the Applicant had requested a master plan designation of Office for these two (2) parcels.

B. On August 15, 2001, the City Council Unanimously Denied a Virtually Identical General Plan Amendment Application by the Same Applicant as Constituting Spot Zoning.

Further, on August 15, 2001, the Las Vegas City Council also denied a General Plan Amendment Application with respect to property along Buffalo Drive adjacent to the Subject

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Property from Desert Rural to Office. (See Ex.6, " Summary Page for August 15, 2001 City Council Meeting for Agenda Item 176".) The City Council noted, in denying the Application, that the Application's request constituted "spot zoning." The City Council noted that this area had been master planned in 1996 and all of the properties had been considered.

This 2001 General Plan Amendment Application, Number 0017-01, along with the other related applications, as noted, sought to changed the zoning from Desert Rural to Office, as in the present case. At the time of this City Council hearing, Buffalo had already been designated as a 100 foot roadway on the master plan:

> COUNCILMAN MACK: Chen with Public Works or Daphne? Has it been designed or is this going to be a six-lane road? Buffalo?
>
> DAPHNEE LEGARZA. PUBLIC WORKS: Councilman, Daphnee Legarza, Public Works. This is currently master planned, on the Master Plan of Streets and Highway as a 100 foot roadway.

(See Ex. 7, "August 15, 2001 Las Vegas City Council Transcript for Agenda Item 176," page 41.)

During this hearing Councilman McDonald explained the importance of preserving the residential nature of the neighborhood stating that:

> And throughout the years since 1996 until present, we always had problems with people that wanted to make commercial. They never wanted to build homes, it went back and forth. And united as a neighborhood, they came up with an idea that, you know what, let's develop a park. Let's move forward. Let us try and find the money to build this park.
>
> Out of the infinite wisdom of this Council, we came up with the money. We were able to develop a park It was a park that the neighborhood designed. And it was the first park the history of the entire state that was built for little league football. Pop Warner football, Nevada Youth football.

See Ex.7 at 42 (emphasis added).

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He later added the importance of keeping commercial development from encroaching upon the area:

> As far as the neighborhood changing for, changing? Yes, it has taken a change. It's changed for the better. Because you, from 1996 until now, has said we do not went commercial. We do not want C-l, we do not want office complexes in our neighborhood, up until this date where the neighborhood starts to come on. And it has changed for the better because you're been able to rally.
>
> As far as what Councilwoman related to, this is exactly what will happen. If this — Council and the Mayor decide this will be commercial, you tell me how we're going to argue about how we don't make the other parcels commercial. Because you wouldn't. This would be the first one.
>
> . . .
>
> When I first took over in 1996, you said we want to keep this a neighborhood. And out of that, we have. We've done it in the sense that we don't want spot zoning. We're not going to let commercial encroach into our neighborhood. We're not going to divide the neighborhoods in half. It's not about the developer, ladies and gentlemen. The man's a great man. He's a good developer. He develops a great product.

Id. at pages 43-44, 46 (emphasis added).

Mayor Goodman was also troubled by the possibility that the applications might be approved, stating that:

> I don't know it you were here earlier today. We had a matter very similar to this that took place concerning Vista, which is. to the folks who live there, just as wonderful a neighborhood as you believe your neighborhood is. They put their bottom dollar into their neighborhood and they love living on the street. And a prior Council permitted two houses of religion to be established on that street and then today we had an application for a third house of religion and I was saying to myself, when I was hearing this, to be quite candid with you, what kind of thinking was the prior Council doing when they took a neighborhood street and changed the whole character of it.
>
> . . .
>
> I'd be very disappointed if the Council ten years from now says what were these guys doing, and this lady doing, when they — said you could put an office building in the — middle of all these homes and across the street from a park. So that's where I'm coming from.

Id. at 47.

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Councilman Reese also addressed the spot zoning issue:

> Also, I've heard comments about spot zoning. I've been here for, since 1995 and this will allow other applications along Buffalo and other corridors to come in and say we want to go to office use. We haven't been able to sell our house. We feel that the traffic is too high. It's a too, the traffic - is impeding us from selling our house. My concern— about this is that you have a vacant piece of land, you can build an office. But when you go with a house that exists, they won't tear it down. They say we'll go in there and we'll make this an office use. And I'll ask anybody in here If they been down Eastern Avenue, across Maryland Parkway, across Jones and you see what kind of office use we have, using these old houses.
>
> True they're not $450,000 homes, but they are homes. And they have been changed to an office use. And I-think that what Councilman McDonald has talked about, from one block off north of Charleston and one block south, or north of Sahara is what we decided to do for the office or commercial use. And this here, as far as I was always been concerned, is going to — be residential use. And If we change this, then it is spot zoning.

Id. at 51 (emphasis added).

The record is clear that the residential nature of the neighborhood has not changed since that time; however Applicant again filed this instant general plan amendment in 2003 seeking a change from Desert Rural to an Office designation.

C. The October 6, 2003 Neighborhood Meeting and November 20, 2003 Planning Commission Meeting.

On approximately October 6, 2003, a zone change application with respect to APN 163-03-101-002 requesting that the zoning on the property be changed from existing RE to proposed C-1. The zone change application was designated ZON 3176. A site development plan review was also filed on October 6, 2003, designated SDR 3177. (See Ex.8, "Las Vegas Planning & Development Application Forms," dated August 26, 2003 and October 1, 2003.) No new applications for the general plan amendment were submitted however; accordingly the general plan amendment applications were not signed by the owners of the property.

///

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The City of Las Vegas Planning Staff reported that on October 6, 2003 there was a neighborhood meeting sponsored by Molasky. The Staff report noted that the neighbors argued that the area was zoned Desert Rural and that if one parcel became commercial, then all parcels in the area would be subject to change. (See Record of Proceeding ("CLV") 0001.) The report further noted that all of the neighbors were opposed to the Application. The Planning Commission was presented with 1031 protests to the Application and 3 requests for approval. See CLV 00010.

On October 28, 2003, the Applicant requested that GPA 2993 be modified from a request for Service Commercial to a request for Office. (See Exhibit 9,"Letter to City of Las Vegas," dated October 28, 2003" and Renotification Notice for GPA-2993".) On November 20, 2003, the City of Las Vegas Planning Commission did recommend approval of ZON 3176 and SDR 3177. However, the Planning Commission failed to adopt GPA 2993 by a two-thirds majority of the Planning Commission's entire body as is required pursuant to NRS 278.210. See CLV 00001.

During the Planning Commission hearing, William Leonard, a neighborhood resident noted that:

> Now the master plan revision of 1998 changed this area from R-E, residential estates, down zoned it to DR, desert rural. The proposed development is inconsistent with this recommended change. Now I understand what the attorney for Mr. Molasky was saying about having a buffer zone. This is a moving target. It started off as a CE, or going to limited commercial, and now has changed to an office. And now they're citing a buffer zone. The zoning is correct down on the corner of Buffalo and Charleston, because that fits into the limited zoning. This is not a buffer zone, this is in the middle of our community.

CLV 00159, lines 471-477 (emphasis added).

Carolyn Stone also noted the residential nature of the neighborhood:

> There is a park across the street. There are adjacent homes to the north. Land zoned for north, for homes all around this property. There is no commercial adjacent to it. Charleston and Buffalo is not a major commercial node. It has commercial on one quarter to the north — west, to the northeast and then there is one quarter on the nor, southwest. It is not a major node. It has a retention basin to the north West and housing directly adjacent to this property. Do not

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spot zone, do not change the master plan for spot zoning.

CLV 00156, lines 373-378 (emphasis added).

Traffic congestion was also a concern. During the hearing, Lee Fair explained that:

> we're going to have to fight traffic going back and forth. We have some traffic on there now, but it's usually during the rush hours, in the morning and the afternoon, not during the middle of the day. If we — allow this to go in there, what's going to happen is how are we going to keep out the rest of the commercial development along Buffalo there?

CLV 00154, lines 336-340.

These concerns were also echoed by, William Leonard, who further noted that:

> If you have been down the Social Security card (sic), you will see the lines out there and the traffic. If this is a federal building, you're going to require public transportation. This means in addition to our two-lanes of traffic, we are now going to require a bus lane. And with the increase in traffic, right now the estimated traffic on that area is in excess of 3500 car, 35,000 cars per day. When you increase that to 45,000 or 50,000 cars to day, you bring in the public transportation, we are just a serious set of accidents waiting to happen.
>
> We have local children, my children, over in that area that are crossing over to the park. And now they're going to have to contend not only with the increase in traffic, but public transportation, the stop-and-go public transportation, plus all these individuals that are traveling to our residential neighborhood to go to a federal building and they don't know where it is.

CLV 00159-160, lines 481-490.

Commissioner Davenport, along with the residents, questioned what transition was occurring that necessitated the applications approval:

> And — then my other question is — this is transition, what's it transitioning. from would be my question? We have apartments next door. . ..which are transport, transitionist (sic) from the commercial already on Charleston and we have a park across the street, so my question would be why are we looking at it as a transition lot?

CLV00182, lines 1123-1135.

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He later noted the peculiarities of the argument that the Subject Property is a transition lot, stating that:

> Yeah, but it would be unusual, for me anyway, seem unusual to go from residential, even, high volume, to an office commercial and then back to residential.
>
> . . .
>
> I mean, if we're going to transition, it seem like is should be commercial, maybe high density, then lower density, lower density. That would be a transition, in my opinion. And that's where I'm having the difficulty.

CLV 00183-184, lines 1173-1174, 1180-1182.

As noted above, GPA 2993 failed to obtain the approval of two-thirds of the Planning Commission as required by NRS 278.210. Nevertheless, it was forwarded to the Las Vegas City Council.

D. The December 17, 2003 City Council Meeting.

On December 17, 2003, the City Council, over the objection of over 1,000 neighbors adjacent to the subject property, and by a simple majority of 4 to 3, approved GPA 2993, ZON 3176 and SDR 3177. See CLV00477.

Included among the arguments for approval at this hearing was the fact that Buffalo's designation as a 100 foot roadway in the master plan, although as indicated above, such a designation had been in place for years. The Applicant's representative also argued that the Subject Property was the only possible location for the proposed Social Security Building:

> The federal government has identified very specific areas in which they're going to locate three Social Security buildings based on population demographics. There's going to be one— somewhere in this general vicinity. There's going to be one in North Las Vegas and one in Henderson. And they have identified a very specific perimeter that you have, if you were going to make a proposal to them that you had to be within. Mr. Molasky was one of, I believe, somewhere around seven or eight bidders to the federal government. They dictated again where the general vicinity would be. He was the only Nevada developer in the list. They selected him based on the selection of this site. He has no authority because he has a

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> commitment through the bidding process of— the federal government. This is the preferred site of the federal government.

CLV1073, lines 504-512 (emphasis added).

However, as Councilwoman Moncrief explained, the Subject Property was not the only possible location:

> When I initially met with Mr. Molasky, he told me he had two other locations selected and he told me they were the parameters. They were from Flamingo to Charleston. I don't remember the parameters from east to west, but he specifically told me he had two other locations. And this piece of property was the most reasonably priced.

CLV 1076, lines 575-578.

A local resident, Robert Wells, pointed out that:

> The reason the GSA probably chose this in spite of people here saying it didn't meet the guidelines is probably because in their view it was the cheapest site they could get. That doesn't mean that it's right for the community. And the only reason it will be the cheapest site is if you agree to rezone it. It does not need to be rezoned in order to allow this. Right now the zoning doesn't permit it, which is why we're here.

CLV1113-14, lines 1636-1641.

One of the reasons offered in support of approving the applications developer was that the Social Security Building would only be open limited hours:

> This building is only open to the public on weekdays from nine to four. Now certainly there are going to be times when the staff arrives a little bit sooner and stays a little bit later, but it's open to the public from nine to four.

CLV1069, lines 388-390.

However, even if the actual hours of operation of the Social Security Building are from 9 a.m. to 4 p.m., the neighbors observed that the actual hours are longer. A neighborhood resident Penelope Lohr visited the current location and informed the City Council that:

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> I did inquire to a woman who was getting out of her car why they were lined up and she said she was told if she wanted to be seen early, she had to line up at 7:00 a.m. The Social Security Administration opened their doors at 8:45. An armed guard arrived at approximately 8:35. On 11/21, there were 67 people lined up before the doors opened. I returned on Monday, the 24th and people started lining up before 7:00 a.m. By 8:00 a.m. there were approximately 30 people lined up with another 15 waiting in their cars. I also observed on the morning of December 10. They, the people had started lining up prior to 7:30 and by 8:30 there were 50 people waiting in line and in cars. I took pictures on two separate occasions.

CLV1088, lines 907-912.

Mary Green noted the traffic problems that a commercial development would bring to the neighborhood:

> The traffic. There is only traffic impact from the park on Buffalo when there is a game in play. And, of course, it is heavy because parents, grandparents, everybody likes to come out and see their kids play and we welcome that. We really do welcome it in the neighborhood. We welcome the noise, the joy, the pleasure of hearing children laugh and play. It takes us back to our own youths, our own childhood. No one's ever complained about the noise. The traffic that you're going to get from the Social Security building is going to be 52 weeks a year.

CLV1085, lines 835-840.

Councilman Brown, even though he voted in favor of the proposal, noted that the proposed development would pose traffic problems:

> But one of the things that the whole traffic, which we heard from a lot of speakers, I was uncomfortable with the entrance as shown because you're driving all that customer traffic right over the gentleman's back wall, right at the end of that cul-de-sac.

CLV1138, lines 2334-2337.

The Applicant also testified that some nearby commercial use warranted the granting of the applications:

> To the north of that, on the north side of Charleston, is existing commercial. It includes a tavern. There are pictures of the tavern for you in your booklet. On the southwest side of Charleston and

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> Buffalo, there's more, very intense commercial. It includes some office, that's what this picture depicts. And it includes some smaller user retailers. It includes a carwash, a gas station and a convenience store.

CLV1062-63, lines 200-205.

Yet the commercial uses cited by the developer were intended uses pursuant to the 1998 Master Plan, and did not constitute a change in the neighborhood requiring the approval of these zoning applications. As local resident Mark Adair explained:

> The — pictures shown of the corridors that he showed, of the tavern and the gas station, are appropriate in that you have established in 1998 the corridors of where this neighborhood has and likes and would — appreciate if we kept that within those — boundaries. So those pictures that he showed are well within the boundaries of the 1998 master planned petition and signatures, and everything else that went on during that time and your vote.

CLV1084, lines 798-802.

At that hearing, David Clapsaddle, of the City's Planning and Development Department, argued that the current application was different from the 2001 application and does not constitute spot zoning simply because it did not involve the southeast corner this time, which was earlier withdrawn from the applications. He stated that:

> I — would, also say again the location's different. I — want to believe that — prior applications have had the southeast corner of that intersection. That, this one does not. And I think that's a different animal.

CLV1084, lines 1075-1077.

Councilwoman Moncrief noted, later in the meeting, that:

> The color-coding you can't see very well, but in this master plan of our City commercial zoning was planned. It was only in major intersections and thoroughways (sic). Everything around the selected site is zoned residential. This is obviously spot zoning. And, as quoted by Councilman Reese August 15, 2001, in the Council meeting, he said that Sahara is what we decided to do for the office for commercial use. And this here, as far as I was always been concerned, is going to be residential use and if we change this, this will be spot zoning. It looks like blue and it looks like yellow, but all

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> the areas that are blue and yellow are all zoned residential. The only areas that are zoned commercial is on Charleston.

CLV1124, lines 1933-1940 (emphasis added).

Finally, Mayor Goodman lamented the Council's approval of the general plan amendment, stating that:

> I think the wrong decision is being made here. I believe that there's no need for a buffer at this point. I believe that this should be a residential corridor. There have been representations that residential was being planned here. I don't think you need a — buffer until you need a buffer, and there's been no showing, to me, that an office building along that corridor, in this particular neighborhood, which is completely residential at this time, is in the best interest of the community. The thing that I'm very fearful of is the fact that, when the office building goes there, the property to the south will then also become office buildings, 'cause I don't think anybody's gonna build homes once there's an office building there. And, I think, we defeat our purpose in protecting the residential neighborhood, and this Council has always stood for the proposition that we care about the residential neighborhoods.

CLV1131, lines 2136-2146 (emphasis added).

Despite no indication whatsoever that the character of the neighborhood had changed in the least, and over the protest of over 1200 local residents, which one resident calculated was over 50% of the neighborhood, the City Council granted the applications. See CLV 1097, lines 1169-1173.

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ARGUMENT

A. Procedural Deficiencies Rendered the Consideration of GPA 2993 Improper.

1. The General Plan Amendment Application was not Filed by the Owner of Record as Required Pursuant to LVMC 19.18.030(C)(1).

Although the LVMC 19.18.030(C)(1) (General Plan Amendment) requires that the Applications for General Plan Amendment be filed by all owners of record of each parcel of property proposed for inclusion in the Amendment, GPA 2993 did not contain the owners' signatures for APN 163-03-101-002 and APN 163-03-101-003. Pursuant to the ordinance, If the general plan amendment is not signed by the property owner, certain documentary evidence is required to allow a general plan application to be filed by a non-property owner. However, the record lacks any documentary evidence that the general plan amendment could be filed by a non-property owner. Accordingly, the general plan amendment application was incomplete from inception, never properly submitted before the City Council and should never have been considered. See e.g., Halliburton Co. v. Dow Chemical Co., 514 F.2d 377 (10th Cir. 1975)(affirming district court's holding defendant's patents invalid due to improper execution and filing).

2. The Subject Property was Incorrectly Described in Agenda Item 150 for December 17, 2003 City Council Agenda and Therefore Violated Nevada's Open Meeting Law.

Further, the Subject Property was incorrectly described in the Agenda for the December 17, 2003 City Council Meeting. Agenda Item 150 regarding GPA 2993 incorrectly describes the property as 4.26 acres adjacent to the northeast and southeast corners of Buffalo Drive and Del Rey Avenue. The "clear and complete" statement of the topics to be considered standard for NRS 241.020(2)(c)(1) requires that the items be accurately described. Therefore, the agenda notification was incorrect and is in violation of the Nevada Open Meeting Law.

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On October 23, 2001, the Office of the Attorney General issued an Open Meeting Law Opinion wherein the facts included that the agenda item regarding a bond incorrectly stated that the bond was to be in the amount of $1,900.00 rather than the actual $1,900,000.00. In respect to this error, the Attorney General stated that NRS 241.020(2)(c)(1):

> requires accuracy in the agenda items. The amount listed on the original agenda sent to you is not the same magnitude as the correct amount. Based upon the foregoing, it is the conclusion of this office that the Council violated the Open Meeting Law. . .because the agenda was inaccurate, and did not reflect the actual amount of the . . .bond that would be discussed at the meeting.

OMLO 2001-48 at 3 (Oct. 23, 2001). In this present matter, there was no continuation of the hearing which allowed for a corrected agenda to be issued.

In Chase v. City of Glen Cove, 246 N.Y.S.2d 975, 981 (1964), the court invalidated a rezoning ordinance due to procedural errors. In Chase, the errors included the fact that the subject property was incorrectly described. See id. at 980. The defendants had argued that regardless of the errors, there had been substantial compliance, because, as in the present matter, the Planning Board denied the request and the Council overruled the Planning Board.

However, the court rejected this argument, stating that:

> The purpose of notice of such a hearing is to permit aggrieved persons to state objections on the record. Some of the owners of rezoned property were not present at the hearing because not aware that their property was involved. Had they been present they may conceivably have stated additional arguments against the proposal that the Common Council may have found more persuasive. The court, therefore, rejects defendants' contention that the Planning Board's recommendation of disapproval renders the issue moot. As has been said in another context: '* * * the statute must be strictly pursued, and any departure, in substance, from the formula prescribed by law vitiates the proceedings. The party whose property is to be reached may insist upon the observance of every form prescribed by statute which will in the least tend to his protection. In other words, the form must be strictly followed.'

Id. at 980 (emphasis added.)

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In Bing Construction Co. of Nevada v. County of Douglas, 107 Nev. 262, 266, 810 P.2d 768, 771 (1991) the court remanded a zoning matter that failed to meet the notice requirements so that "the County will hold a new hearing, and thereby conform with common procedural practices when making new resolutions." In Bing, the court cited to out-of-state cases regarding reversal of zoning changes. Among them was Anderson v. Judd, 404 P.2d 553, 558 (Colo.1965), which stated that the "[r]ight of notice to, and opportunity for, hearing...is entirely too fundamental to require discussion. The intent of the charter and ordinance is crystal clear and a lack of compliance therewith dictates reversal. . . "; see also Goldberg v. City of Milwaukee Bd. of Zon. App., 340 N.W.2d 558, 560-61 (Wis.App.1983) (holding that "adequate public notice is most essential in order to give affected property owners a chance to protest").

As the December 17, 2003 property description is erroneous and clearly violates Nevada's Open Meeting Law, and further, because there is no evidence that Applicant's general plan amendment application qualified for any exception under LVMC 19.18.030, this Court should reverse the City Council's decision granting approval of GPA 2993 and require that Applicant resubmit the application.

B. The City Council's Approval of the General Plan Amendment Violated NRS 278.210 and 278.220.

Even if the application was properly submitted, the City Council still abused its discretion by failing to follow both Nevada State Law in approving GPA 2993, ZON 3176 and SDR 3177.

NRS 278.210, states, in pertinent part, that:

> 2. The adoption of the master plan, or of any amendment, extension or addition thereof, must be by resolution of the commission carried by the affirmative votes of not less than two-thirds of the total membership of the commission. The resolution must refer expressly to the maps, descriptive matter and other matter intended by the commission to constitute the plan or any amendment, addition or extension thereof, and the action taken must be recorded on the map and plan and descriptive matter by the identifying signatures of the secretary and chairman of the commission.

> 3. No plan or map, hereafter, may have indicated thereon that it is a part of the master plan until it has been adopted as part of the master plan by the commission as herein provided for the adoption thereof, whenever changed conditions or further studies by the commission require such amendments, extension or addition.

(Emphasis added.)

NRS 278.220, states in pertinent part, that:

> 1. Upon receipt of a certified copy of the master plan, or of any part thereof, as adopted by the planning commission, the governing body may adopt such parts thereof as may practicably be applied to the development of the city, county or region for a reasonable period of time next ensuing.
>
> . . .
>
> 4. No change in or addition to the master plan or any part thereof, as adopted by the planning commission, may be made by the governing body in adopting the same until the proposed change or addition has been referred to the planning commission for a report thereon and an attested copy of the report has been filed with the governing body. . .

(Emphasis added.)

To allow the City Council to vote on an general plan amendment without prior approval by the planning commission violates NRS 278.210 and NRS 278.220. Although Plaintiffs are aware of Falcke v. County of Douglas, 116 Nev. 583, 3 P.3d 661 (2000), that case is distinguishable from these instant facts. In Falcke, the Douglas Planning Commission approved the master plan amendment by a 5-2 vote, which is 71.4% of the commission, exceeding the two-thirds requirement for planning commission approval pursuant to NRS 278.210. See Falcke, 116 Nev. at 585, 3 P.3d at 662. Thus the amendment was properly before the Douglas County Board. Falcke stands for the proposition that the Legislature only requires that the governing body approve the master plan by a simple majority, and accordingly any local provision requiring the governing body to approve a master plan amendment by a super-majority, as was the case in Falcke, is invalid. See id. at 590, 3 P.3d 664-65.

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In this present case, however, the Planning Commission did not approve the general plan amendment by two-thirds of the membership of its entire body and thus this matter is directly controlled by NRS 278.210 and 278.220.

NRS 278.210 clearly states that "[t]he adoption of the master plan, or of any amendment, extension or addition thereof, must be by resolution of the commission carried by the affirmative votes of not less than two-thirds of the total membership of the commission". Further, the language of 278.220 clearly states "Upon receipt of a certified copy of the master plan, or of any part thereof, as adopted by the planning commission, the governing body may adopt such parts thereof" (emphasis added.) Nevada law holds that, "[t]he rules of statutory construction are straightforward. 'It is well settled in Nevada that words in a statute should be given their plain meaning unless this violates the spirit of the act.'" County of Clark v. Doumani, 114 Nev. 46, 51, 952 P.2d 13, 16 (1998), quoting McKay v. Bd. of Supervisors, 102 Nev. 644, 648, 730 P.2d 438, 440 (1986). No where in the text of NRS 278.220 does it indicate that a governing body may approve a master plan amendment that failed to obtain the planning commission's approval pursuant to NRS 278.210.

Therefore, unless the two-thirds majority requirement of NRS 278.210 prohibits the City Council from voting on an general plan amendment that has failed to obtain the Planning Commission's approval, the statute is rendered meaningless. To permit such a vote would allow the City Council to completely bypass the Planning Commission, rendering a moot NRS 278.210's requirement that the planning commission first approve of any plan amendment , let alone approve the plan by a two-thirds super-majority. The phrase in NRS 278.220 that " Upon receipt of a certified copy of the master plan, or of any part thereof, as adopted by the planning commission, the governing body may adopt such parts thereof " is accordingly rendered null under such a reading. Such a reading, however, would be contrary to Nevada law as "[n]o part of a statute should be rendered nugatory, nor any language turned to mere surplusage, if such consequences can properly be avoided." County of Clark v. Doumani, 114 Nev. 46, 51, 952 P.2d 13, 16 (1998),

quoting Paramount Ins. v. Rayson & Smitley , 86 Nev. 644, 649, 472 P.2d 530, 533 (1970). " 'Where the language of a statute is plain and unambiguous ... there is no room for construction, and the courts are not permitted to search for its meaning beyond the statute itself.' " Doumani, 114 Nev. at 52, 952 P.2d at 16, quoting Charlie Brown Constr. Co. v. Boulder City, 106 Nev. 497, 503, 797 P.2d 946, 949 (1990) (quoting In re Walters' Estate, 60 Nev. 172, 183-84, 104 P.2d 968, 973 (1940)).

Because the NRS 278.220 does not allow a governing body to vote on a general plan amendment that failed to first obtain super-majority approval from the planning commission, the City Council's approval of GPA 2993 was improper, entitling Plaintiffs to a Writ of Mandamus compelling the City of Las Vegas to return the subject property, APN 163-03-101-002 and APN 163-03-101-003, to a desert rural residential general plan designation and RE zoning classification.

C. The City Council's Decision Approving the Zoning Applications Lacked Substantial Evidence and was Therefore Arbitrary and Capricious.

1. Substantial Evidence/Abuse of Discretion Standard of Review

Even if the Court finds that the City Council could properly vote on GPA 2993, the City Council's approval was still made without substantial evidence and therefore its actions constituted an abuse of discretion. "Although zoning decisions are predominantly within the discretion of the local zoning board, this court has reversed a municipal action for lack of evidentiary support." Bing Const. Co. of Nevada v. County of Douglas, 107 Nev, 262, 266-67, 810 P.2d 768, 771 (1991). The City's actions's are reviewed on a substantial evidence standard of review. Nova Horizon, Inc., v. City Council of the City of Reno, 105 Nev. 92, 94, 769 P.2d, 721, 722 (1989) Substantial evidence is that which " 'a reasonable mind might accept as adequate to support a conclusion.'" State Emp. Security v. Hilton Hotels, 102 Nev. 606, 608, 729 P.2d 497, 498 (1986) (quoting Richardson v. Perales, 402 U.S. 389 (1971)). In this matter there is no substantial evidence to support the City's Approval of GPA -2993, ZON-3176 and VAC-3178.

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2. The City Council's Decision was Arbitrary and Capricious Because there Was No Substantial Evidence Presented that the Public Health, Safety and General Welfare Required that the General Plan be Amended.

LVMC 19.18.030 (General Plan Amendment), states, in pertinent part, that:

> (B) Authority. Whenever the public health, safety and general welfare requires, the City Council may, upon a resolution of the Planning Commission carried by the affirmative votes of not less than five members, or upon review of a requested General Plan Amendment which has not been approved by resolution of the Planning Commission, change the General Plan land use designation for any parcel or area of land to allow different zoning classifications. Subsequent growth and development factors in the community may be considered, among other factors, when determining whether such amendment to the General Plan promotes the public health, safety and general welfare.

(Emphasis added.)

There was no public health, safety or general welfare issue considered at either the Planning Commission or the City Council hearing that would require that the general plan be amended. The focus of developer's argument was that the Subject Property was the sole site available for the Social Security Administration Building and thus approval was warranted despite the long history of denials for similar applications.

First, the federal government did not require that the Social Security Building be located specifically at the subject property. See CLV 1076, lines 575-578; see also Ex.10,"Letter from GSA to Dr. & Mrs. Futorum." It was merely one of several sites considered. The developer simply selected the property because the residential zoning classification made it less expensive to acquire than a piece of property that was already zoned Office or Service Commercial. See CLV1113-14, lines 1636-1641; see also Ex.10.

Secondly, the Applicant cited, as a basis for the seeking approval of the applications, the fact that Buffalo is designated to be a 100 foot roadway in the future. However, Buffalo was already so designated before 2001, when the City Council reject a similar application, GPA Number 0017-01.

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The commercial uses cited by the developer as justification for the rezoning and general plan amendment are red herrings as the commercial corridor in question was determined in 1998 when the Desert Rural zoning was implemented. Applicant's cited commercial uses, therefore, provides no indication whatsoever that the nature of the community had changed, or that a amendment to the general plan is required in this instance. See CLV1084, lines 798-802.

The Staff's own report does not provide much, if any, guidance, as to why any change is required. Rather it solely refers to 19.18.030(I) on Page Three of its report which states that:

> (I) General Plan Amendment--Determinations. In order to approve a proposed General Plan Amendment, the Planning Commission and City Council must determine that:
>
> (1) The density and intensity of the proposed General Plan Amendment is compatible with the existing adjacent land use designations;
>
> *"The intensity of the Office land use, with the associated minimal traffic and limited hours of operation, is compatible with adjacent uses."*
>
> (2) The zoning designations allowed by the proposed amendment will be compatible with the existing adjacent land uses or zoning districts;
>
> *The proposed Office zoning will permit uses that are compatible in intensity with the adjacent uses.*
>
> (3) There are adequate transportation, recreation, utility, and other facilities to accommodate the uses and densities permitted by the proposed General Plan designation; and
>
> *Fire Station #2, located on Durango Drive, just north of Charleston Boulevard, is located approximately 3/4 of a mile from the amendment area. The subject parcels are located within the jurisdiction of the Southwest Area Command of the Las Vegas Metropolitan Police Department. That particular command facility is located at Spring Mountain Road and Jones Boulevard, approximately one (1) mile southeast of the properties under consideration. Children of this neighborhood attend Derfelt Elementary School, a nine-month school, which is just west of the area being considered for this General Plan Amendment. Buffalo Park is the closest park to this site, immediately to the west.*

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(4) The proposed amendment conforms to other applicable adopted plans and policies.

This proposal supports Policy B2. of the General Plan that calls for the development of infill parcels to make use of existing utilities, facilities and services. This application supports Program C.2.3 of the General plan that stipulates the use of Office developments as buffers between low density residential districts and more intensive uses such as Buffalo drive.

CLV0009-0010.

However, none of the above addresses any of the residents' concerns. Neither the zoning nor the proposed Social Security Building is compatible with the adjacent residential properties. The building will require lighting at night and presents safety and security issues. See CLV0163, lines 581-588. Several residents noted that federal buildings are considered targets and placing the building in the middle of a residential neighborhood subjects the residents to an increased risk, especially in light of the fifty foot setback requirement. See e.g., CLV 00160, lines 492-499. These concerns were not addressed by Staff nor were they resolved at either hearing. Also, the developer initially argued that the hours would solely be limited to 9:00 a.m.- 4:00 p.m. See CLV1069, lines 388-390. However, it is clear that people tend to line up at the Social Security office much earlier than 9:00 a.m. See CLV1088, lines 907-912.

Further, as Commissioner Davenport indicated, the supposed office zoning classification made little sense in that area as there is no indication as to what transition is taking place. See CLV 0183-184, lines 1173-74, 1180-1182. Nor, as Mayor Goodman indicated, is there any need for any buffer at this time. See CLV1131, lines 2136-2146.

Therefore, neither the zoning or the proposed use behind the zoning are compatible with the adjacent residential zoned lands and use designations. The Applicant requires the approval to maintain its contract with the federal government, but other sites are not only available, but are

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more appropriate for the proposed building. The neighborhood has no need for, and in fact does not want commercial development encroaching upon its neighborhood, and these residents have vigorously fought any commercial encroachment in the past.

Since the main reason for the site selection and the subsequent applications was for the Applicant's own financial gain, and not for the benefit of the residential neighborhood, the placing of a federal building or any commercial use in the middle of a residential neighborhood in this instance is textbook spot zoning. "Illegal spot zoning occurs when the purpose of a zoning ordinance or rezoning amendment is solely to serve the private interests of one or more landowners, rather than to further a locality's welfare as part of an overall zoning plan that ma, include a concurrent benefit to private interests." 83 Am. Jur. 2d Zoning and Planning § 110. In this instance, the residential neighborhood's interest will be not be furthered by the passage of the general plan amendment, in fact, the character of the residential neighborhood will be destroyed by this commercial development and the virtual certainty that additional commercial development will follow in its footsteps.

There is no substantial evidence to support the City Council's decision to grant GPA 2993, rendering the decision improper as an abuse of the Council's discretion.

3. No Substantial Evidence was Considered in Granting the Zoning Amendment.

LVMC 19.18.040 (Rezoning), states, in relevant part, that:

> (B) Authority. Whenever public necessity, safety and general welfare may require, the City Council may, upon recommendation by the Planning Commission, rezone any parcel or area of land within the City from one zoning district to another when the rezoning will conform to the General Plan and the requirements of Subsection (K) of this Section.
>
> (K) Rezoning Determinations--Approval. In order to approve a proposed rezoning, the Planning Commission or City Council must determine that:

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(1) The proposal conforms to the General Plan.
(2) The uses which would be allowed on the subject property by approving the rezoning will be compatible with the surrounding land uses and zoning districts.
(3) Growth and development factors in the community indicate the need for or appropriateness of the rezoning.
(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.

As the General Plan Amendment approval is not supported by substantial evidence, the rezoning application must also fail because the zoning request does not conform to the general plan. The uses allowed upon the subject property by the rezoning are incompatible with the surrounding land use, which is all zoned for residential - simply put this approval will result in a federal building being dropped in the middle of a residential neighborhood.

The residents have vigorously fought to maintain the neighbor hood's residential character, as evidenced by their consistent and adamant oppositions to any commercial encroachment upon their neighborhood. It is clear that the Subject Property is not the only available or appropriate site for the Building nor is there any indication whatsoever that the character of the neighborhood calls for any commercial rezoning whatsoever. The neighbor's safety and security concerns regarding the presence of a federal building in the residential neighborhood were never adequately addressed. Thus, despite the staff report's assertion that the Office zoning is appropriate as a buffer between intensive uses and low density residential, and regardless of the validity of the general plan amendment, the Office zoning designation is not compatible with the residential property which surround the parcel, because the surrounding parcels are all residential, none are zoned for intensive use. See CLV 01165.

As far as growth and development, there are no development factors in the neighborhood that warrant or indicate any need or transition requiring this rezoning. There was no substantial

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evidence presented at either hearing to support the Staff's contention that residential development of the parcels have become impracticable due to the presence of the park and traffic on Buffalo. See id.

Further, although the Staff Report states that Buffalo Drive is sufficient to handle the additional traffic, the implications of the additional traffic were not addressed. The development of the federal building will increase traffic flow throughout the year which will present problems regarding parking, safety regarding going into and out of the park, and a probable bus stop near the Building will only further increase traffic congestion. Nothing in the report considered the ingress and egress issues posed by the proposed Building. See id. Accordingly, an Office zoning is wholly inappropriate fc the Subject Property. No reason exists to alter its current residential designation. The City Council abused its discretion in approving the zone change.

4. Although the City considered no Substantial Evidence, the Residents Presented Substantial and Specific Reasons for Opposing the Granting of the General Plan Amendment and its Related Applications

At the City Council hearing, Councilman Brown minimized the residents' protests, claiming that they lacked "specifics". See CLV 1130, lines 2098-99 ("I kept hearing the impacts of this building, but I didn't hear the specifics.") However, the Supreme Court of Nevada has held that the substance of similar complaints, in addition to the number of residents against the applications would be considered substantial, specific and the court has considered such testimony to constitute substantial evidence.

In the City of Las Vegas v. Laughlin, 111 Nev. 557, 558-229, 893 P.2d 383 (1995), the court noted that:

> we conclude that substantial evidence justified the City's decision to deny Laughlin's request for the permit. At the council meeting, representatives from large groups of residents expressed their opposition to Laughlin's development. This opposition was augmented by several letters and a petition containing 176 signatures. Concern was expressed that. . . (3) crime would increase; . . . (5) traffic would increase; (6) the increased traffic would cause a hazard for children who use the area to travel to the local elementary, middle, and junior

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high schools . . . and (8) the nature of the area would be ruined because the area was basically non-commercial.

Although testimony from a few individuals that an area is overwhelmingly residential may not be enough to deny a request for a special use permit, see Tighe v. Von Goerken, 108 Nev. 440, 444, 833 P.2d 1135, 1137 (1992), the testimony here reflected the opinion of over 200 individuals. Therefore, [] we conclude that the lay objections were substantial and specific. . .

(Emphasis added.)

In Laughlin, the court further noted the importance of preserving the residential nature of the neighborhood:

> We conclude that the concerns expressed by the public, specifically those over increased traffic where children walk to school and preserving the residential nature of the neighborhood, establish a valid basis for the denial of Laughlin's request for a special use permit. See Tighe, 108 Nev. at 443, 833 P.2d at 1137; Clark Co. Liquor & Gaming, 106 Nev. at 98, 787 P.2d at 783. Accordingly, we conclude that the City's decision was based on substantial evidence and the City did not manifestly abuse its discretion by denying Laughlin's request for a special use permit.

Id. at 560, 893 P.2d at 385 (emphasis added).

In this instance there were over 1200 protestors, far more than the 176 protestors in Laughlin. As in Laughlin, these residents cited specific concerns regarding traffic, security, and preserving the residential nature of their neighborhood, such as:

> (1) Commercial development would bring increased traffic to a residential neighborhood for 52 weeks out of the year. See CLV 0154, 1085;
> (2) Increased traffic poses a danger to children leaving the park. See CLV 00160;
> (3) A Federal Building is considered a target, and its presence in a residential neighborhood endangers the residents. See CLV0010, 0150, 0160;
> (4) The lease is only for a 10-year period; SSA not required to extend the lease, no indication as to what will take over if SSA vacates. See CLV 0010, 1107, 1118.
> (5) If a bus route is added to the Social Security Building, it will increase congestion on Buffalo. See CLV 0159-160;
> (6) The tum out from the Building requires a U-Turn and will likely bring traffic to residents' property and other traffic concems. See CLV 1094, 1138;
> (7) The approval of one commercial parcel opens the way for further commercial development, destroying the residential nature of the neighborhood. See CLV 0010, 1099, 1108.

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In contrast, however, neither the reports prepared for, nor the transcripts of the November 20, 2003 Planning Commission Hearing and the December 17, 2003 City Council Meeting contained evidence as to why the neighborhood is in transition or requires a buffer. As recently as two years ago a similar set of applications were denied in part because it was deemed to constitute spot zoning. It was also deemed to be a given that once any commercial development would be allowed to encroach upon the neighborhood, there would be a domino effect. See CLV 1099, lines 1225-1231.

Although over 1200 neighborhood residents overwhelming opposed the approval with substantial and specific reasons, the area itself is not in transition, and no reason besides the developer's financial incentive existed to have the general plan and the related applications approved in this instance. Thus, the City Council abused its discretion in approving the general plan amendment and the zone change applications.

CONCLUSION

The General Plan Amendment applications were not properly before the City Council because these applications were not executed by all the owners of record as required by city ordinance and, in addition, the Subject Property's incorrect description in the City Council Agenda violated Nevada's Open Meeting Law as the description did not reflect the actual property discussed at the City Council Meeting.

Further, the City Council illegally approved the general plan amendment because the amendment had failed to obtain an approval by two-thirds super-majority of the Planning Commission pursuant to NRS 278.210 and 278.220. Moreover, even if the City Council could properly vote on the matter, the City Council's decisions were not supported by substantial

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evidence. Therefore, Plaintiffs respectfully request that this Court issue a Writ of Mandamus compelling the City of Las Vegas to vacate approval of GPA 2993, ZON 3176 and SDR 3177 returning the subject property, APN 163-03-101-002 and APN 163-03-101-003, to a desert rural residential general plan designation and RE zoning classification.

Dated this 16th day of August, 2004.

Stanley W. Parry, Esq.
State Bar No. 1417
Glenn M. Machado, Esq.
State Bar No. 7802
CURRAN & PARRY
300 South Fourth Street, Suite 1201
Las Vegas, Nevada 89101
Attorneys for Plaintiffs

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SUITE 1201
LAS VEGAS, NEVADA 89101
(702) 471-7000

CERTIFICATE OF SERVICE

The foregoing PLAINTIFFS' OPENING BRIEF, was served via hand-delivery on this 10th day of August, 2004, to:

Bradford R. Jerbic, City Attorney
Bryan K. Scott, Deputy City Attorney
CITY ATTORNEY'S OFFICE
400 Stewart Avenue, 9th Floor
Las Vegas, Nevada 89101

James E. Smythe, II, Esq.
KUMMER KAEMPFER BONNER & RENSHAW
3800 Howard Hughes Pkwy., 7th Floor
Las Vegas, Nevada 89109

An Employee of Curran & Parry

CURRAN & PARRY
300 SOUTH FOURTH STREET
SUITE 1201
LAS VEGAS, NEVADA 89101
(702) 471-7000

Submitted at City Council
Date 9/15/04 Item #175-#179

City of Las Vegas

Agenda Item No. 176

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: SEPTEMBER 15, 2004

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

SUBJECT:
VARIANCE RELATED TO GPA-4535 - PUBLIC HEARING - **VAR-4536 - APPLICANT: BLUE HERON PROPERTIES - OWNER: W. M. LAND DEVELOPMENT** - Request for a Variance TO ALLOW AN R-PD (RESIDENTIAL PLANNED DEVELOPMENT) ZONING DISTRICT ON 4.75 ACRES WHERE 5.00 ACRES IS THE MINIMUM REQUIRED adjacent to the southeast corner of Buffalo Drive and Del Rey Avenue (APN 163-03-201-001 and 002), R-E (Residence Estates) Zone [Proposed: R-PD5 (Residential Planned Development - 5 Units per Acre)], Ward 1 (Moncrief). The Planning Commission (5-0 vote) and staff recommend APPROVAL

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

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

BACKUP DOCUMENTATION:
1. Location Map
2. Conditions For This Application
3. Staff Report
4. Submitted at City Council – Plantiffs' Opening Brief in Support of Writ of Mandamus submitted by Mr. Anspach filed under Item 175 [GPA-4535]

MOTION:
MONCRIEF – APPROVED subject to conditions – UNANIMOUS with GOODMAN and MACK excused

MINUTES:
NOTE: See Item 175 [GPA-4535] for all related discussion.

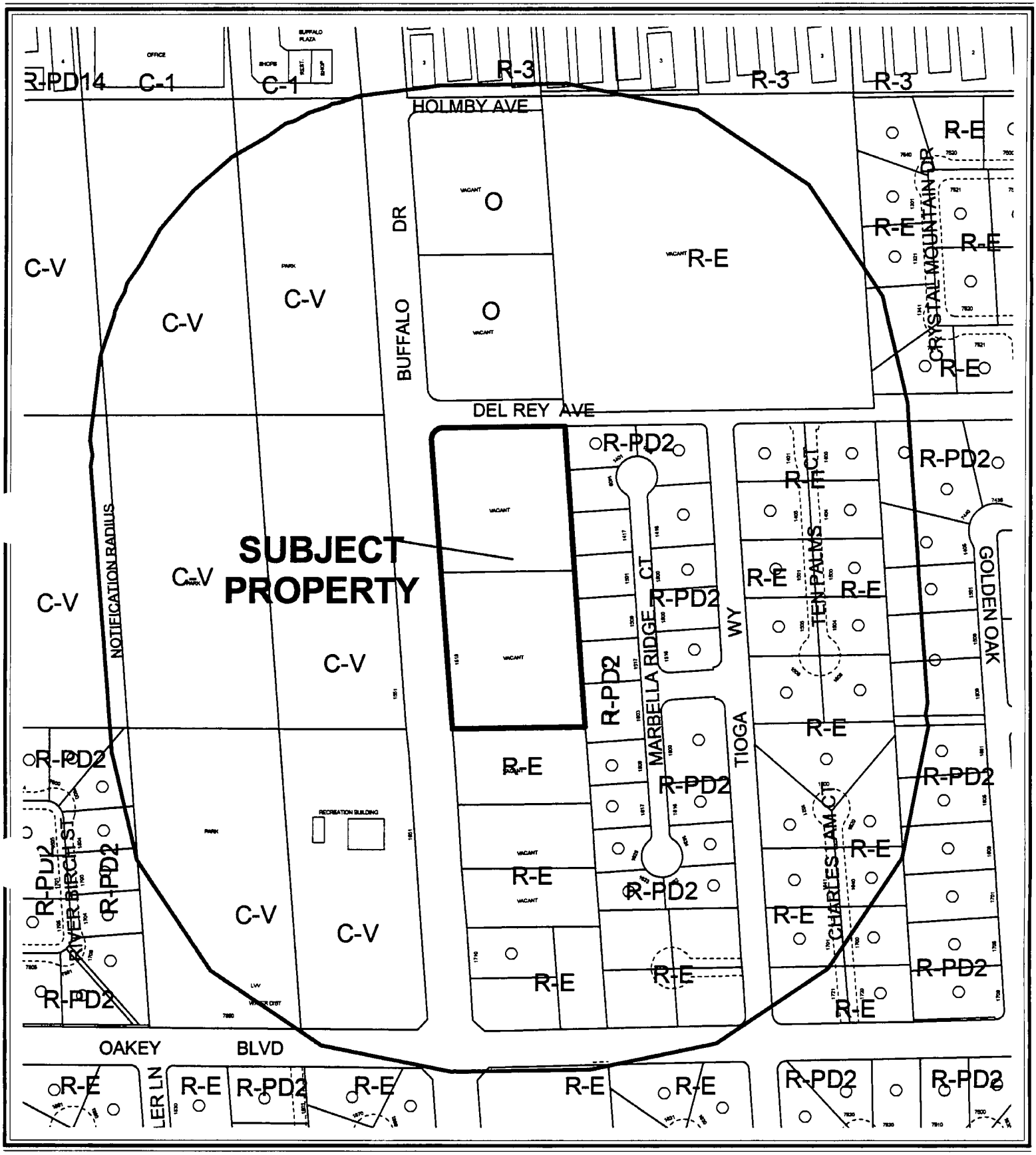
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5-1033

CONDITIONS:
Planning and Development

1. Approval of and conformance to the Conditions of Approval for Rezoning (ZON-4537), Title 18 Waiver (WVR-4748), and Site Development Plan Review [SDR-4539].

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



0 200 400 Feet

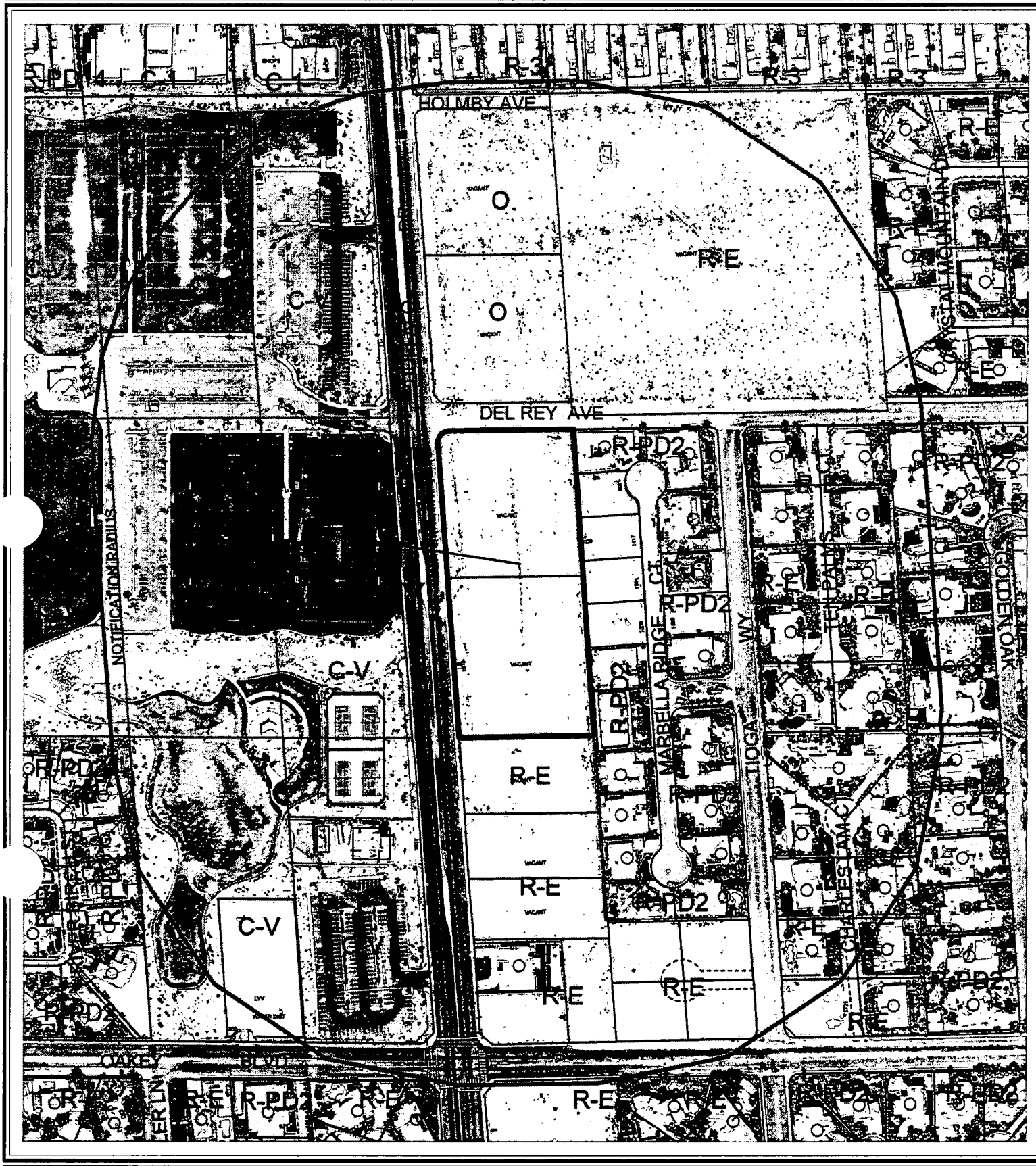
CASE: **VAR-4536**

RADIUS: 750 FT

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

PROPOSED ZONING OF SUBJECT PROPERTY:
R-PD5 (RESIDENTIAL PLANNED DEVELOPMENT - 5 UNITS PER ACRE)

N



0 200 400 Feet

CASE: **VAR-4536**

RADIUS: 750 FT

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

PROPOSED ZONING OF SUBJECT PROPERTY:
R-PD5 (RESIDENTIAL PLANNED DEVELOPMENT - 5 UNITS PER ACRE)

N

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: SEPTEMBER 15, 2004
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: VAR-4536 - APPLICANT: BLUE HERON PROPERTIES - OWNER: W. M. LAND DEVELOPMENT

** CONDITIONS **

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

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Rezoning (ZON-4537), Title 18 Waiver (WVR-4748), and Site Development Plan Review [SDR-4539].

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

** STAFF REPORT **

APPLICATION REQUEST

A) Action Requested

This is a request for a Variance to allow Residential Planned Development zoning to be used on a parcel smaller than five acres, on a 4.63-acre parcel located at the southeast corner of South Buffalo Drive and Del Rey Avenue.

B) Applicant's Justification

The applicant has justified this request by stating that proposed project is compatible with proposed land use policies for the site, is compatible with adjacent residential uses, is an appropriate transition from Buffalo Drive to the low density residential area to the east and uses aesthetically pleasing building and landscaping materials.

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 03/28/86.

03/20/96 The City Council denied a request for a Rezoning (Z-0091-95) on what was then the northern portion of the overall subject site (north of Del Rey Avenue) from R-E (Residence Estates) to P-R (Professional Office and Parking). The Planning Commission recommended approval on 11/30/95.

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, from R (Rural Density Residential) to DR (Desert Rural Density Residential). Staff had recommended approval. The Planning Commission and staff recommended approval on 10/22/98.

08/15/01 The City Council denied a request (GPA-0017-01) to amend the Southwest Sector Map of the General Plan from DR (Desert Rural Density Residential) to O (Office) on 5.4 Acres on the east side of Buffalo Drive, approximately 1,450 feet south of Charleston Boulevard. The Planning Commission had recommended approval on 07/12/01. Staff had recommended denial.

08/12/04 The Planning Commission recommended approval of companion applications for a General Plan Amendment (GPA-4535) from the DR (Desert Rural Density Residential) to the L (Low Density Residential) land use designation, a Title 18

Waiver (WVR-4748) to allow substandard street widths, and a Rezoning (ZON-4537) from R-E (Residence Estates) to R-PD5 (Residential Planned Development - 5 Units per Acre) and a Site Development Plan Review (SDR-4539) for a 23-lot single-family residential project on the subject site.

B) Pre-Application Meeting

05/10/04 The applicant was proposing a 24-lot subdivision at that time. Issues relating to the site and the required companion applications to allow development of the project were discussed with the applicant.

C) Neighborhood Meetings

No neighborhood meeting is required for a Variance request; however, a neighborhood meeting sponsored by the applicant in conjunction with the companion General Plan Amendment request was held on 06/07/04. The 15 persons attending had no opposition but were concerned with density along the eastern property line of the site. They would like to see fewer houses and increased sections on that part of the site plan.

DETAILS OF APPLICATION REQUEST

A) Site Area

Gross Acres:	4.63

B) Existing Land Use

Subject Property:	Undeveloped
North:	Undeveloped (approved Social Security office)
South:	Undeveloped (approved single-family development)
East:	Single-family residential
West:	City Park

C) Planned Land Use

Subject Property:	DR (Desert Rural Density Residential)
North:	O (Office)
South:	L (Low Density Residential)
East:	DR (Desert Rural Density Residential)
West:	P/R/OS (Parks/Recreation/Open Space)

D) Existing Zoning

Subject Property:	R-E (Residence Estates)
North:	O (Office)
South:	R-PD5 (Residential Planned Development - 5 Units per Acre)
East:	R-PD2 (Residential Planned Development - 2 Units per Acre)
West:	C-V (Civic)

E) General Plan Compliance

The subject site is currently designated on the Southwest Sector Plan map as DR (Desert Rural Density Residential). A companion request (GPA-4535) would change the designation of this site to L (Low Density Residential). This Variance request is not directly affected by General Plan policies.

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

There are no Special Area Plans, Overlay Districts or Study Areas that affect the subject site.

ANALYSIS

A) Zoning Code Compliance

Pursuant to Title 19.06.040.A, the minimum site area that is eligible for rezoning to the R-PD category is five acres. As the subject site is 4.63 acres in size, the applicant has requested a Variance from this standard in order to allow the related applications to proceed, in order to develop a 23-unit single-family project on the site. The subject deviation is 7.4%.

B) General Analysis and Discussion

The project as conceived would not readily fit within the parameters of any of the standard residential zoning districts in Title 19. Although the R-1 (Single-Family Residential) zoning district allows up to 5.5 units per acre, and would conform to the L land use designation proposed for the site, the R-1 district contains a minimum lot width requirement of 65 feet, and front and side setbacks that would not work with the project as proposed.

There are no other standard zoning districts in the Code that would be adequate for a project of this type. The applicant has gone to some lengths, including a reduction in the number of lots proposed, to redesign the site several times, in an effort to come up with a site plan that complies with all Code requirements. The site plan as presented incorporates design elements that minimize the potential for negative impact on adjacent residential sites. The extent of the requested Variance is minor, as the site is approximately 7% smaller than the minimum standard.

FINDINGS

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

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

Additionally, Title 19.18.070L states:

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

The applicant is not in a position to acquire more land for this project. There is no alternative design or option that would allow conformance to these specific Title 19 requirements. In view of the limitations imposed by the site's physical characteristics, it is concluded that the applicant's hardship is genuine, and it is recommended that the Variance be granted.

NOTICES MAILED 71 by City Clerk

APPROVALS 0

PROTESTS 0

PLANNING & DEVELOPMENT

DEVELOPMENT SERVICES CENTER

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: VAR-4536 APN: 163 03 201 001 & 002

Name of Property Owner: W. H. Land Development

Name of Applicant: Blue Heron Properties, 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: Hannia Lovland - W. H. Land Development

Print Name: Hannia Lovland.

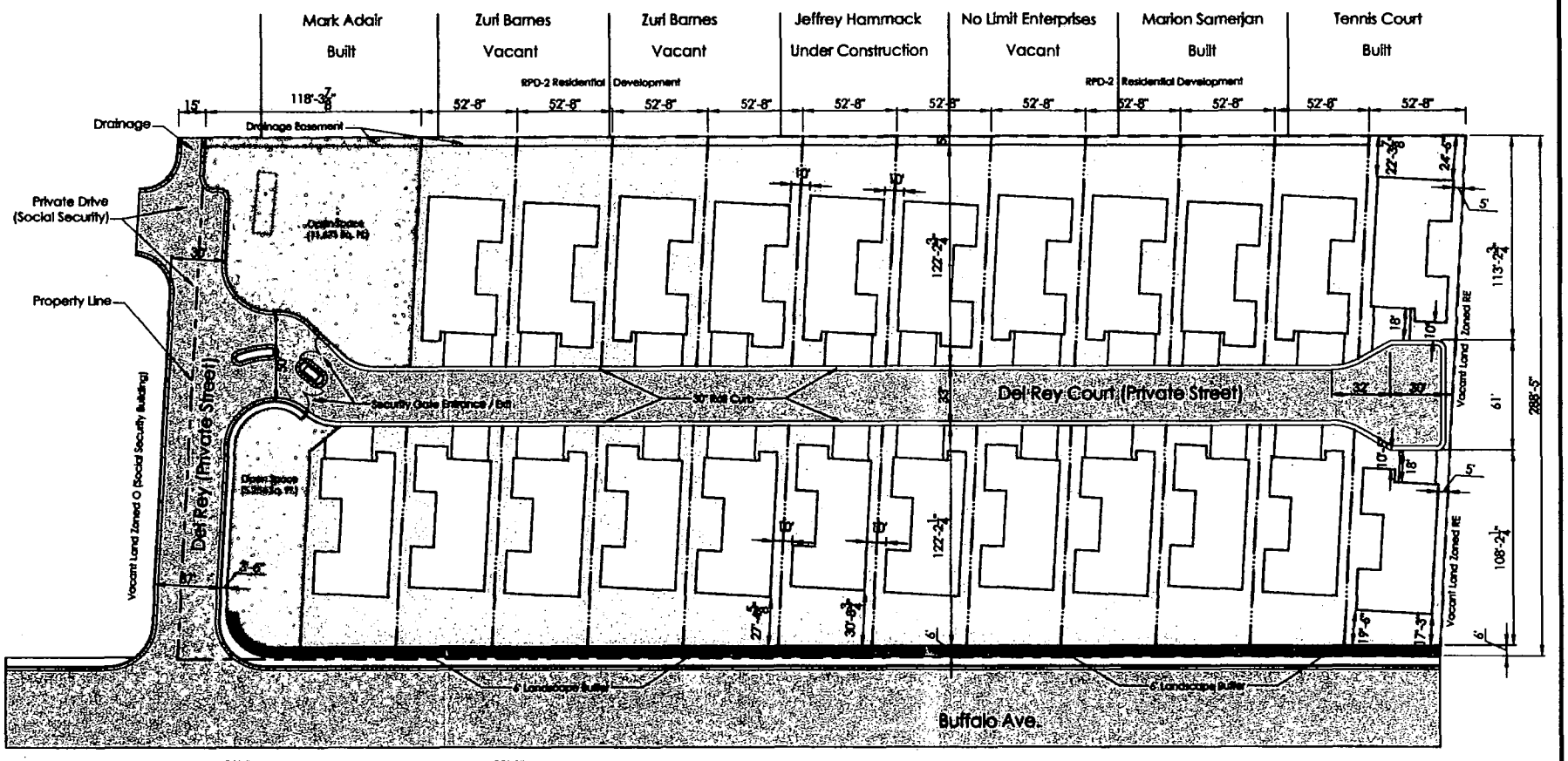
Subscribed and sworn before me

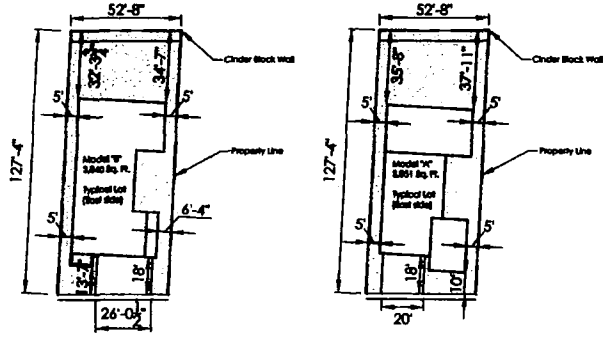
This 20th day of May, 2004

_____

Notary Public in and for said County and State

JAMES VIGNALE II
NOTARY PUBLIC
STATE OF NEVADA
APPT. No 04-87641-1
MY APPT. EXPIRES MAY 23, 2007





Site Analysis

Total Area of Property:	201,877 Sq. Ft.	Total Living Area:	88,441 Sq. Ft.
Total Units:	23	Floor Area Ratio:	44%
Units Per Acre:	4.96	Typical Lot (East Side):	6,700 Sq. Ft.
Parking Required:	46 Spaces	Typical Lot (West Side):	6,435 Sq. Ft.
Parking Provided:	136 Spaces		
Model "A" Unit Size:	3,851 Sq. Ft.	Open Space Required:	16,531 Sq. Ft.
Model "B" Unit Size:	3,840 Sq. Ft.	Open Space Provided:	16,927 Sq. Ft.

Legend

Single Family Home	Private Yard	Street
Open Space	6' Landcape Strip	Driveway

N

Site Plan
Scale: 1" = 60'

REVISED
07-30-04

VAR-4536
ZON-4537
WVR-4748
SDR-4539
08-12-04 PC

Del Rey Estates

City of Las Vegas
Planning
&
Development

Documentation
Submittal

7/29/04

Site Plan

Blue Heron Properties
6290 Harrison Drive
Las Vegas, Nevada 89120

t - (702) 256-8866
f (702) 256 8862

www.blueheron-properties.com

blue heron properties



VAR-4536 - APPLICANT: BLUE HERON PROPERTIES - OWNER: W. M. LAND DEVELOPMENT
SOUTHEAST CORNER OF BUFFALO DRIVE AND DEL REY AVENUE
AUGUST 12, 2004 PLANNING COMMISSION

06/17/04

City of Las Vegas

Agenda Item No. 177

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: SEPTEMBER 15, 2004

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

SUBJECT:
REZONING RELATED TO GPA-4535 AND VAR-4536 - PUBLIC HEARING - **ZON-4537 - APPLICANT: BLUE HERON PROPERTIES - OWNER: W. M. LAND DEVELOPMENT** - Request for a Rezoning FROM: R-E (Residence Estates) TO: R-PD5 (Residential Planned Development - 5 Units per Acre) on 4.75 acres adjacent to the southeast corner of Buffalo Drive and Del Rey Avenue (APN 163-03-201-001 and 002), Ward 1 (Moncrief). The Planning Commission (5-0 vote) and staff recommend APPROVAL

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

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

BACKUP DOCUMENTATION:
1. Location Map
2. Conditions For This Application
3. Staff Report
4. Submitted at City Council – Plantiffs' Opening Brief in Support of Writ of Mandamus submitted by Mr. Anspach filed under Item 175 [GPA-4535]

MOTION:
MONCRIEF – APPROVED subject to conditions – UNANIMOUS with GOODMAN and MACK excused

MINUTES:
NOTE: See Item 175 [GPA-4535] for all related discussion.

(3:11 – 3:12)

5-1033

CONDITIONS:
Planning and Development

1. A General Plan Amendment (GPA-4535) to an L (Low Density Residential) land use designation approved by the City Council.

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

CITY COUNCIL MEETING OF SEPTEMBER 15, 2004
Planning and Development Department
Item 177 – ZON-4537

CONDITIONS – Continued:

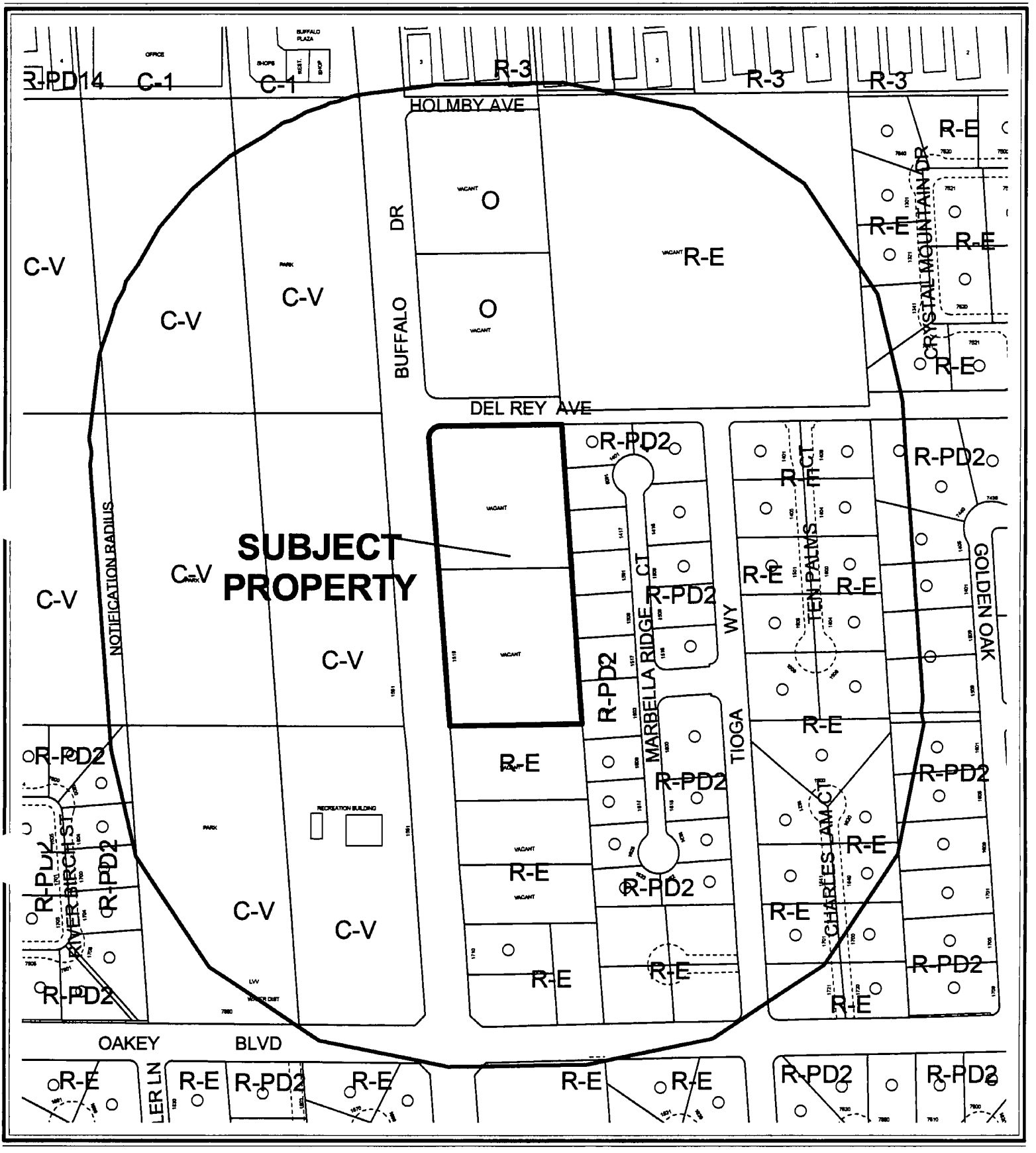
3. A Site Development Plan Review application approved by the Planning Commission or City Council prior to issuance of any permits, any site grading, and all development activity for the site.

Public Works

4. Remove all substandard public street improvements and unused driveway cuts adjacent to this site, if any, and replace with new improvements meeting current City Standards concurrent with development of this site. All existing paving damaged or removed by this development shall be restored at its original location and to its original width concurrent with development of this site.

5. If an application to vacate Del Rey Avenue adjacent to this site, such as VAC-3433, does not record, or portions of Del Rey Avenue are not vacated adjacent to this site, this site shall be responsible to construct all half-street improvements and appropriate overpaving within the Del Rey Avenue right-of-way adjacent to this site concurrent with development of this site.

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



CASE: **ZON-4537**

RADIUS: 750 FT

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

PROPOSED ZONING OF SUBJECT PROPERTY:
R-PD5 (RESIDENTIAL PLANNED DEVELOPMENT - 5 UNITS PER ACRE)

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: SEPTEMBER 15, 2004
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: ZON-4537 - APPLICANT: BLUE HERON PROPERTIES - OWNER: W. M. LAND DEVELOPMENT

** CONDITIONS **

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

Planning and Development

1. A General Plan Amendment (GPA-4535) to an L (Low Density Residential) land use designation approved by the City Council.

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** STAFF REPORT **

APPLICATION REQUEST

A) Action Requested

This is a request for a Rezoning from R-E (Residence Estates) to R-PD5 (Residential Planned Development - 5 Units per Acre) on a 4.63-acre parcel located at the southeast corner of South Buffalo Drive and Del Rey Avenue.

B) Applicant's Justification

The applicant has justified this request by stating that proposed project is compatible with proposed land use policies for the site, is compatible with adjacent residential uses, is an appropriate transition from Buffalo Drive to the low density residential area to the east and uses aesthetically pleasing building and landscaping materials.

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 03/28/86.

03/20/96 The City Council denied a request for a Rezoning (Z-0091-95) on what was then the northern portion of the overall subject site (north of Del Rey Avenue) from R-E (Residence Estates) to P-R (Professional Office and Parking). The Planning Commission recommended approval on 11/30/95.

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, from R (Rural Density Residential) to DR (Desert Rural Density Residential). Staff had recommended approval. The Planning Commission and staff recommended approval on 10/22/98.

08/15/01 The City Council denied a request (GPA-0017-01) to amend the Southwest Sector Map of the General Plan from DR (Desert Rural Density Residential) to O (Office) on 5.4 Acres on the east side of Buffalo Drive, approximately 1,450 feet south of Charleston Boulevard. The Planning Commission had recommended approval on 07/12/01. Staff had recommended denial.

08/12/04 The Planning Commission recommended approval of companion applications for a General Plan Amendment (GPA-4535) from the DR (Desert Rural Density Residential) to the L (Low Density Residential) land use designation, a Variance

(VAR-4536) to allow Residential Planned Development zoning to be used on a parcel smaller than five acres, a Title 18 Waiver (WVR-4748) to allow substandard street widths, and a Site Development Plan Review (SDR-4539) to allow a 23-lot single-family development on the subject site.

08/12/04 The Planning Commission voted 5-0 to recommend APPROVAL (PC Agenda Item #32/gl).

B) Pre-Application Meeting

05/10/04 The applicant was proposing a 24-lot subdivision at that time. Issues relating to the site and the required companion applications to allow development of the project were discussed with the applicant.

C) Neighborhood Meetings

No neighborhood meeting is required for a Rezoning request; however, a neighborhood meeting sponsored by the applicant in conjunction with the companion General Plan Amendment request was held on 06/07/04. The 15 persons attending had no opposition but were concerned with density along the eastern property line of the site. They would like to see fewer houses and increased sections on that part of the site plan.

DETAILS OF APPLICATION REQUEST

A) Site Area

Gross Acres:	4.63

B) Existing Land Use

Subject Property:	Undeveloped
North:	Undeveloped (approved Social Security office)
South:	Undeveloped (approved single-family development)
East:	Single-family residential
West:	City Park

C) Planned Land Use

Subject Property:	DR (Desert Rural Density Residential)
North:	O (Office)
South:	L (Low Density Residential)
East:	DR (Desert Rural Density Residential)
West:	P/R/OS (Parks/Recreation/Open Space)

D) Existing Zoning

Subject Property:	R-E (Residence Estates)
North:	O (Office)
South:	R-PD5 (Residential Planned Development - 5 Units per Acre)
East:	R-PD2 (Residential Planned Development - 2 Units per Acre)
West:	C-V (Civic)

E) General Plan Compliance

The subject site is currently designated on the Southwest Sector Plan map as DR (Desert Rural Density Residential). A companion request (GPA-4535) would change the designation of this site to L (Low Density Residential). The Low Density Residential category has a density range of 3.6 to 5.5 units per acre and permits single-family detached homes, manufactured homes on individual lots, gardening, residential planned developments, and planned community developments. Local supporting uses such as parks, other recreation facilities, schools, and churches are allowed in this category. The proposed R-PD5 zoning district conforms to the L land use designation.

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

There are no Special Area Plans, Overlay Districts or Study Areas that affect the subject site.

FINDINGS

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

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

   The proposed development is consistent with the General Plan, provided the companion General Plan Amendment (GPA-4535) to place an L (Low density Residential) land use designation on the site is approved. It is consistent with all aspects of Title 19, in particular the open space, parking and landscaping regulations.

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

   The proposed development that will be allowed through the approval of this Rezoning request features two-story homes with approximately 30-foot deep rear setbacks with two-story living rooms that will face the adjacent residential area to the east; therefore, privacy for these adjacent homes will be maximized. A plan for similar type and density of housing was recently approved by City Council on the site immediately to the south. A federal Social Security office was recently approved on the site to the north of Del Rey Avenue, immediately north of the site. There is an existing city park to the west of the site across Buffalo Drive. The proposed development is therefore compatible with existing and proposed adjacent development.

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

   Growth and development in the area has put constant pressure on this undeveloped site as a desirable infill parcel in a mostly developed portion of the city. As a result, this site and surrounding sites have been under consideration for several years for a number of development proposals ranging from commercial developments to single-family projects. The current proposal, which would require R-PD5 zoning to be approved in order for the project to be implemented, appears to be the most sensitive to the various factors which affect the site; the need to transition the use from Buffalo Drive to the low-density residential area to the east, and to minimize impacts from the development.

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

   Access to the property will be available from Buffalo Drive, (via Del Rey Avenue, which was previously vacated and is now a private street), designated as a Primary (100-foot) Arterial on the Master Plan of Streets and Highways. This street is adequate to meet the traffic demands of this proposed single-family residential development.

NOTICES MAILED 67 by Planning Department

APPROVALS 0

PROTESTS 0

PLANNING & DEVELOPMENT

DEVELOPMENT SERVICES CENTER

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: ZON-4537 APN: 163 03201 001 & 002

Name of Property Owner: W. H. Land Development

Name of Applicant: Blue Heron Properties, 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: Marnia Curland - W.H. Land Development

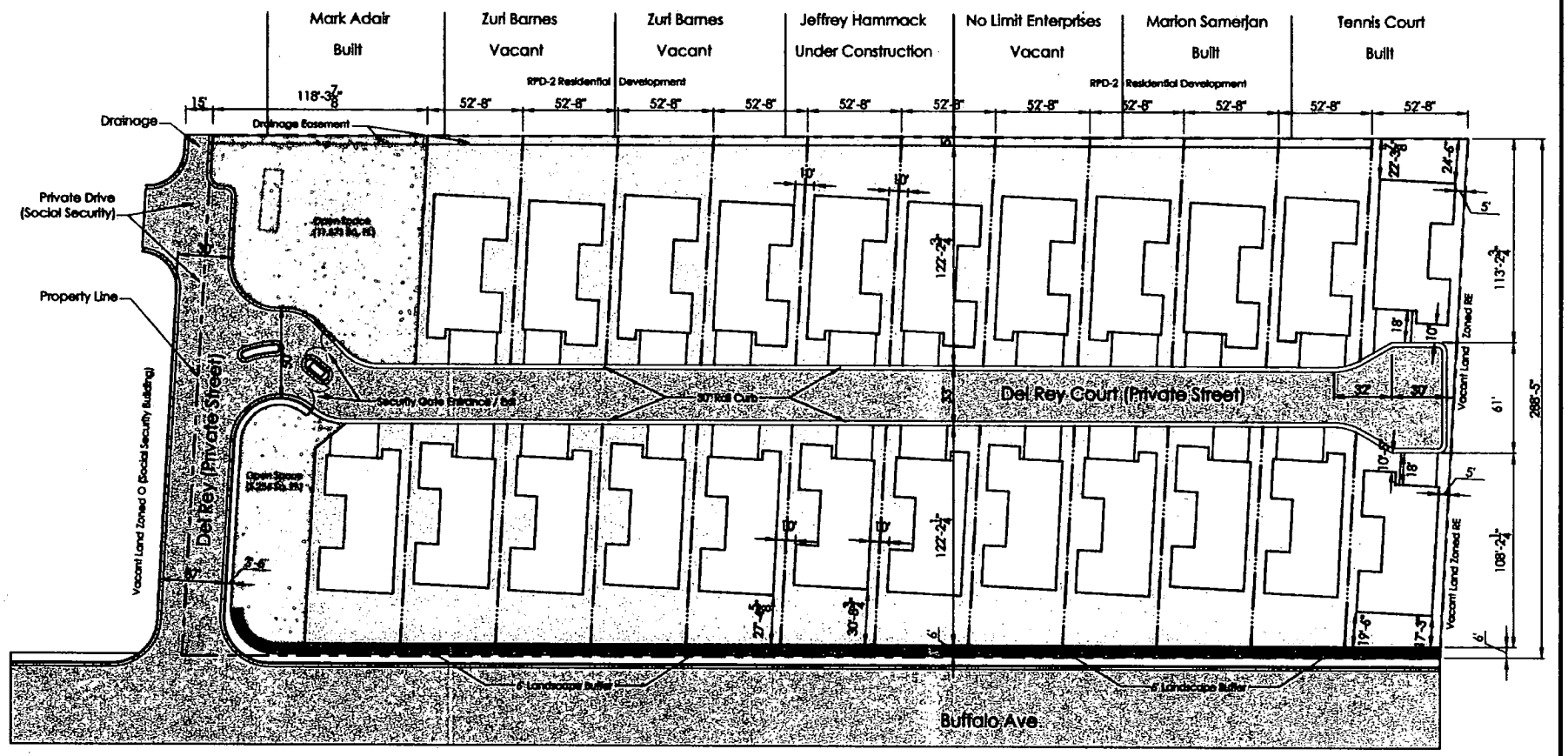
Print Name: Marnia Curland.

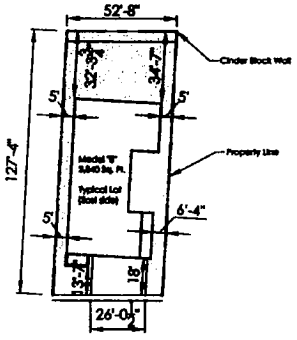
Subscribed and sworn before me

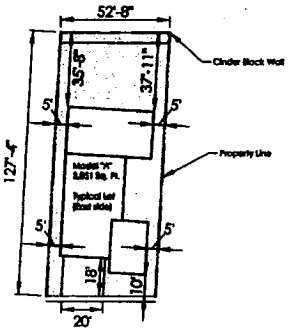
This 20th day of May, 2004

Notary Public in and for said County and State

JAMES VIGNALE II
NOTARY PUBLIC
STATE OF NEVADA
APPT. No 04-87641-1
MY APPT. EXPIRES MAY 23, 2007







Site Analysis

Total Area of Property:	201,877 Sq. Ft.	Total Living Area:	88,441 Sq. Ft.
Total Units:	23	Floor Area Ratio:	44%
Units Per Acre:	4.96	Typical Lot (East Side):	6,700 Sq. Ft.
Parking Required:	46 Spaces	Typical Lot (West Side):	6,435 Sq. Ft.
Parking Provided:	136 Spaces		
Model "A" Unit Size:	3,851 Sq. Ft.	Open Space Required:	16,531 Sq. Ft.
Model "B" Unit Size:	3,840 Sq. Ft.	Open Space Provided:	16,927 Sq. Ft.

Legend

Single Family Home	Private Yard	Street
Open Space	6' Landscape Strip	Driveway

N

Site Plan
Scale: 1" = 60'

REVISED
07-30-04

VAR-4536
ZON-4537
WVR-4748
SDR-4539
08-12-04 PC

Del Rey Estates

City of Las Vegas
Planning
&
Development

Documentation
Submittal

7/29/04

Site Plan

Blue Heron Properties
6290 Harrison Drive
Las Vegas, Nevada 89120

t - (702) 256-8866
f (702) 256 8862

www.blueheron-properties.com

blue heron properties



ZON-4537 - APPLICANT: BLUE HERON PROPERTIES - OWNER: W. M. LAND DEVELOPMENT
SOUTHEAST CORNER OF BUFFALO DRIVE AND DEL REY AVENUE
AUGUST 12, 2004 PLANNING COMMISSION

06/17/04

City of Las Vegas

Agenda Item No. 178

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: SEPTEMBER 15, 2004

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

SUBJECT:
WAIVER RELATED TO GPA-4535, VAR-4536, ZON-4537 AND VAR-4538 - PUBLIC HEARING - **WVR-4748 - APPLICANT: BLUE HERON PROPERTIES - OWNER: W. M. LAND DEVELOPMENT** - Request for a Waiver of Title 18.12.100 TO ALLOW A 33-FOOT PRIVATE STREET WHERE 39 FEET IS THE MINIMUM REQUIRED FOR PRIVATE STREETS WITH ROLLED CURBS on 4.75 acres adjacent to the southeast corner of Buffalo Drive and Del Rey Avenue (APN 163-03-201-001 and 002), R-E (Residence Estates) Zone [Proposed: R-PD5 (Residential Planned Development - 5 Units per Acre)], Ward 1 (Moncrief). The Planning Commission (5-0 vote) and staff recommend APPROVAL

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

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

BACKUP DOCUMENTATION:
1. Location Map
2. Conditions For This Application
3. Staff Report
4. Submitted at City Council – Plantiffs' Opening Brief in Support of Writ of Mandamus submitted by Mr. Anspach filed under Item 175 [GPA-4535]

MOTION:
MONCRIEF – APPROVED subject to conditions – UNANIMOUS with GOODMAN and MACK excused

MINUTES:
NOTE: See Item 175 [GPA-4535] for all related discussion.

(3:11 – 3:12)

5-1033

CONDITIONS:
Planning and Development
1. Approval of and conformance to the Conditions of Approval for Rezoning (ZON-4537), Variance (VAR-4536) and Site Development Plan Review (SDR-4539).

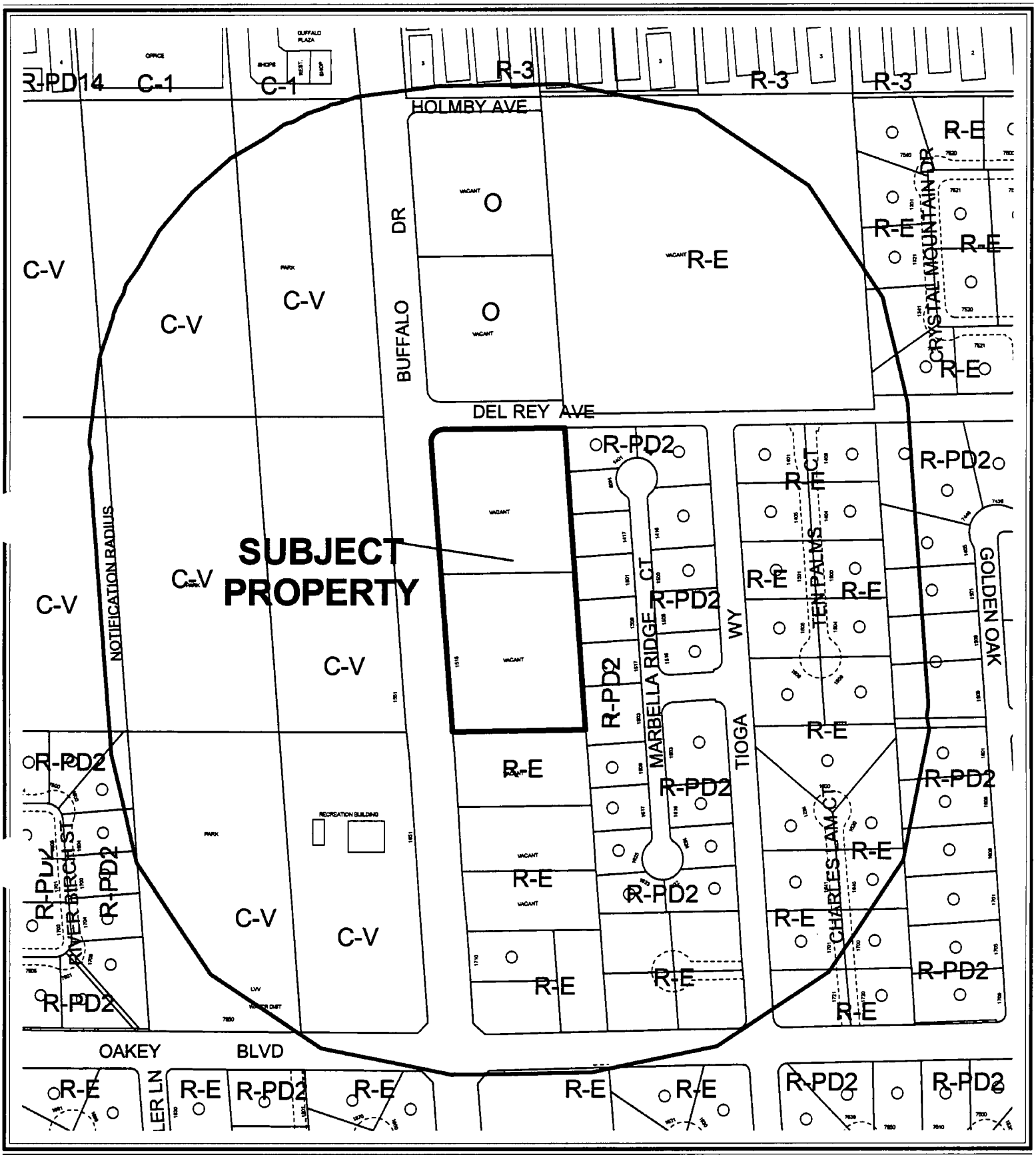
CITY COUNCIL MEETING OF SEPTEMBER 15, 2004
Planning and Development Department
Item 178 – WVR-4748

CONDITIONS – Continued:

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. Curbs on at least one side of 33-foot wide streets shall be constructed of red concrete and "Fire Lane No Parking" signs shall be provided in accordance with Section 18.2.2.5.7 of Ordinance #5667 to prevent parking on one side of the street. The curb coloring and signage shall be privately maintained in perpetuity by the Homeowners' Association.



0 200 400 Feet

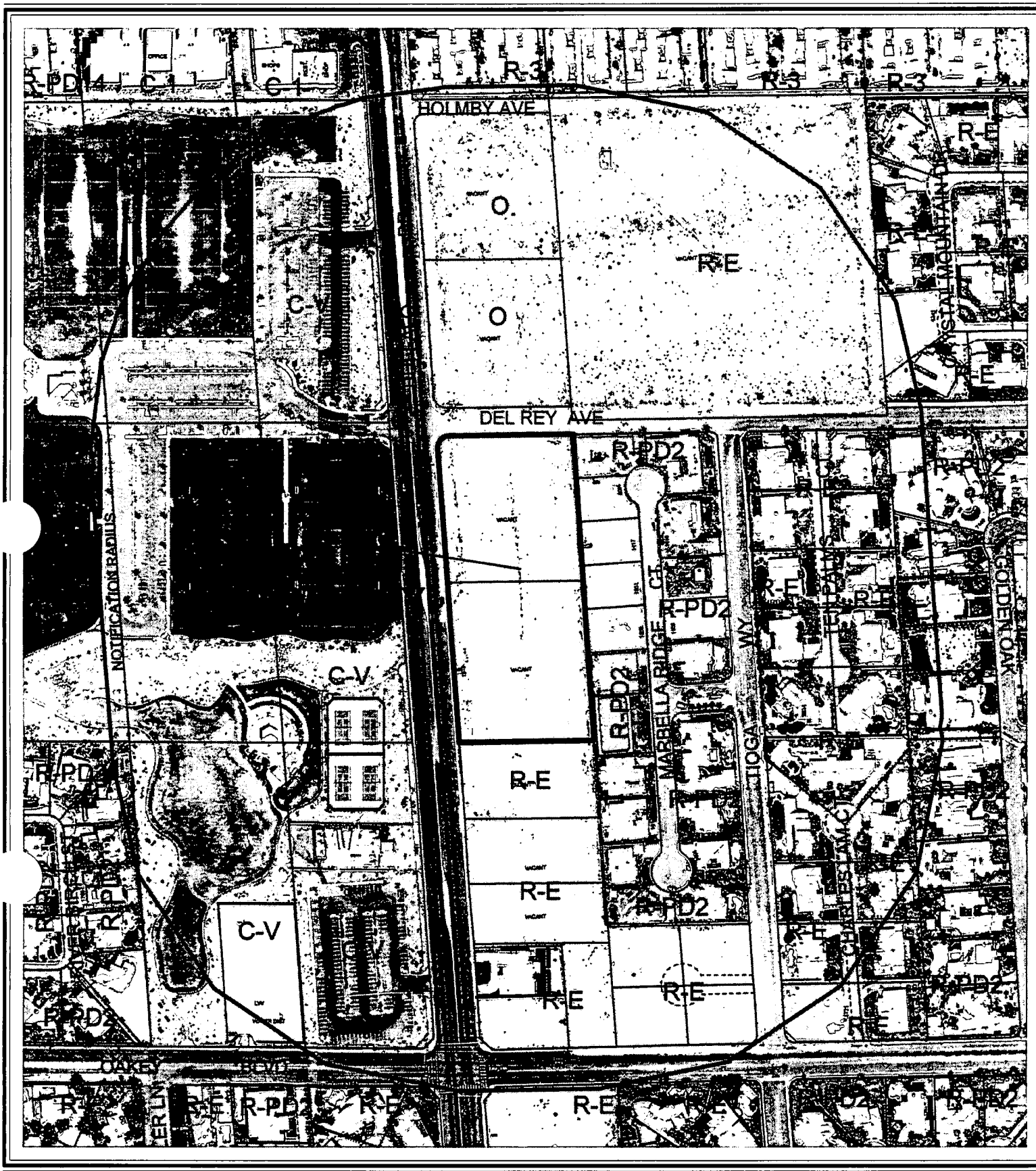
CASE: **WVR-4748**

RADIUS: 750 FT

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

PROPOSED ZONING OF SUBJECT PROPERTY:
R-PD5 (RESIDENTIAL PLANNED DEVELOPMENT - 5 UNITS PER ACRE)

N



CASE: **WVR-4748**

RADIUS: 750 FT

0 200 400 Feet

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

PROPOSED ZONING OF SUBJECT PROPERTY:
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N

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: SEPTEMBER 15, 2004
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: WVR-4748 - APPLICANT: BLUE HERON PROPERTIES; OWNER: W. M. LAND DEVELOPMENT

** CONDITIONS **

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

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Rezoning (ZON-4537), Variance (VAR-4536) and Site Development Plan Review (SDR-4539).

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. Curbs on at least one side of 33-foot wide streets shall be constructed of red concrete and "Fire Lane No Parking" signs shall be provided in accordance with Section 18.2.2.5.7 of Ordinance #5667 to prevent parking on one side of the street. The curb coloring and signage shall be privately maintained in perpetuity by the Homeowners' Association.

** STAFF REPORT **

APPLICATION REQUEST

A) Action Requested

This is a request for a Waiver of Title 18.12.100, which requires that private streets must comply with specific city standards. Approval of this Waiver will allow substandard private street widths (33 feet with roll curbs where 39 feet is the minimum width required) on a 4.63-acre parcel located at the southeast corner of South Buffalo Drive and Del Rey Avenue.

B) Applicant's Justification

The applicant has justified this request by stating that proposed project is compatible with proposed land use policies for the site, is compatible with adjacent residential uses, is an appropriate transition from Buffalo Drive to the low density residential area to the east and uses aesthetically pleasing building and landscaping materials.

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 03/28/86.

03/20/96 The City Council denied a request for a Rezoning (Z-0091-95) on what was then the northern portion of the overall subject site (north of Del Rey Avenue) from R-E (Residence Estates) to P-R (Professional Office and Parking). The Planning Commission recommended approval on 11/30/95.

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, from R (Rural Density Residential) to DR (Desert Rural Density Residential). Staff had recommended approval. The Planning Commission and staff recommended approval on 10/22/98.

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08/12/04 The Planning Commission recommended approval of companion applications for a General Plan Amendment (GPA-4535) from the DR (Desert Rural Density Residential) to the L (Low Density Residential) land use designation, a Variance (VAR-4536) to allow Residential Planned Development zoning to be used on a parcel smaller than five acres, a Rezoning (ZON-4537) from R-E (Residence Estates) to R-PD5 (Residential Planned Development - 5 Units per Acre) and a Site Development Plan Review (SDR-4539) for a 23-lot single-family residential project on the subject site.

08/12/04 The Planning Commission voted 5-0 to recommend APPROVAL (PC Agenda Item #33/gl).

B) Pre-Application Meeting

05/10/04 The applicant was proposing a 24-lot subdivision at that time. Issues relating to the site and the required companion applications to allow development of the project were discussed with the applicant.

C) Neighborhood Meetings

No neighborhood meeting is required for a Title 18 Waiver request; however, a neighborhood meeting sponsored by the applicant in conjunction with the companion General Plan Amendment request was held on 06/07/04. The 15 persons attending had no opposition but were concerned with density along the eastern property line of the site. They would like to see fewer houses and increased sections on that part of the site plan.

DETAILS OF APPLICATION REQUEST

A) Site Area

Gross Acres: 4.63

B) Existing Land Use

Subject Property:	Undeveloped
North:	Undeveloped (approved Social Security office)
South:	Undeveloped (approved single-family development)
East:	Single-family residential
West:	City Park

C) Planned Land Use

Subject Property:	DR (Desert Rural Density Residential)
North:	O (Office)
South:	L (Low Density Residential)
East:	DR (Desert Rural Density Residential)
West:	P/R/OS (Parks/Recreation/Open Space)

D) Existing Zoning

Subject Property:	R-E (Residence Estates)
North:	O (Office)
South:	R-PD5 (Residential Planned Development - 5 Units per Acre)
East:	R-PD2 (Residential Planned Development - 2 Units per Acre)
West:	C-V (Civic)

E) General Plan Compliance

The subject site is currently designated on the Southwest Sector Plan map as DR (Desert Rural Density Residential). A companion request (GPA-4535) would change the designation of this site to L (Low Density Residential). There are no General Plan policies that are directly relevant to the requested Waiver of Title 18 standards.

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

There are no Special Area Plans, Overlay Districts or Study Areas that affect the subject site.

ANALYSIS

This report seeks to waive the requirements of the Subdivision Code with regard to the minimum width required for a private street. This requirement, found in Title 18.12.100, prescribes this minimum width, using rolled curbs, as 39 feet.

Specifically, Title 18.12.100.A states:

> "Private streets shall have a minimum width of 37 feet from back-of-curb to back-of-curb. Private streets with rolled curbs shall have a minimum width of 39 feet."

The applicant has requested this reduced street section due to the narrow overall width of the site. The reduced section allows the homes to be located on the eastern row of lots to be moved further from the east property line. This will assist in reducing the potential for impact from the development on the existing homes to the east of the site.

FINDINGS

The proposed design does not appear to present any traffic movement conflicts, nor is it expected to hinder area traffic flows, given that on-street parking will be limited to one side of the street only. The street will only serve the 23 lots that comprise the proposed development. The hardship generating the request for the Waiver is real, given the narrow width of the overall parcel and the scale of the project; therefore, approval of the Waiver is recommended.

NOTICES MAILED 67 by Planning Department

APPROVALS 0

PROTESTS 0

PLANNING & DEVELOPMENT

DEVELOPMENT SERVICES CENTER

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: WVR-4748 APN: 163-03-201-001 163-03-201-002

Name of Property Owner: WM LAND Development.

Name of Applicant: Blue Heron Properties

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: W.M. Land Development.
By Marnina Lueland & President

Print Name: Marnina Lueland.

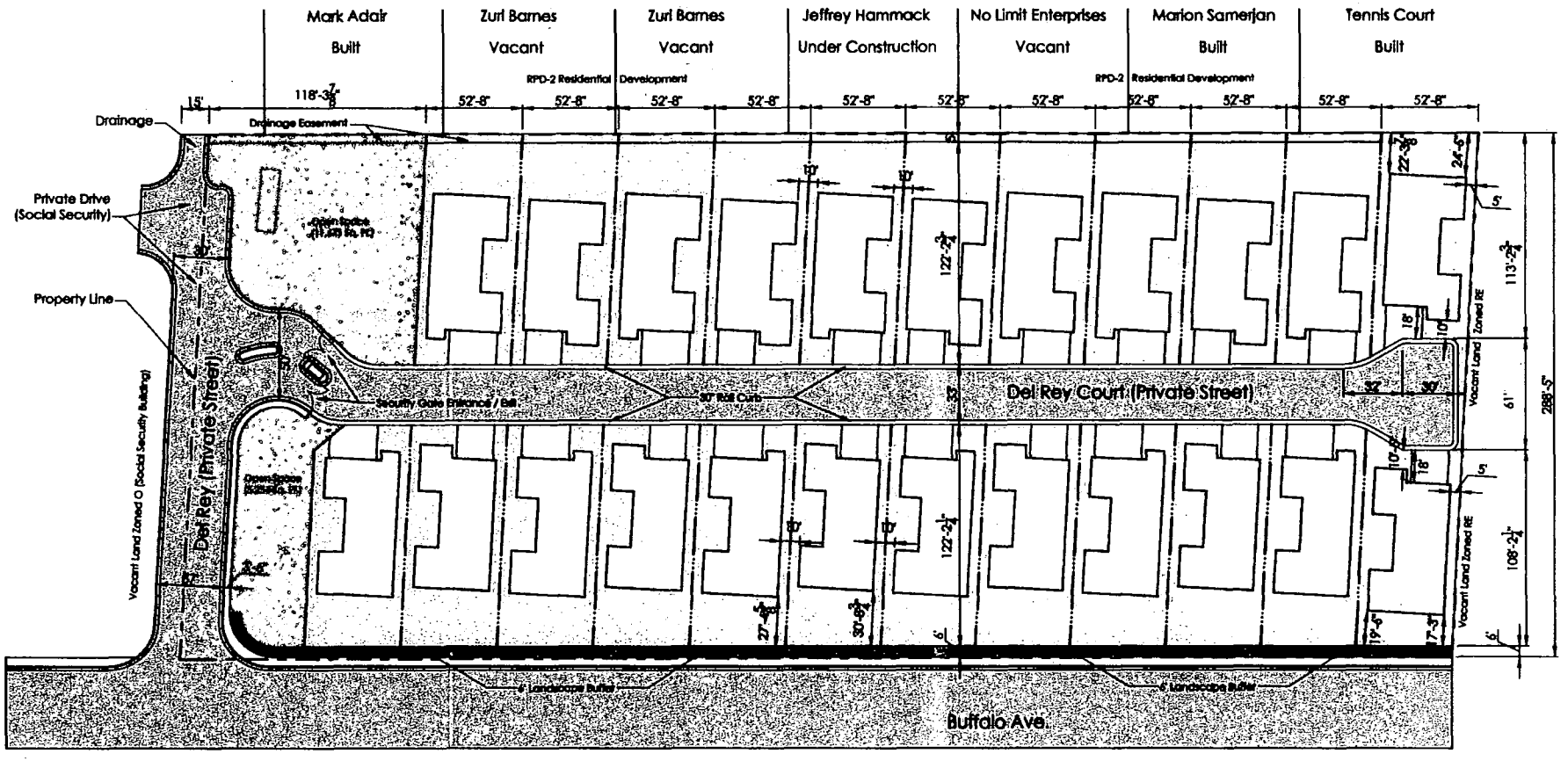
Subscribed and sworn before me

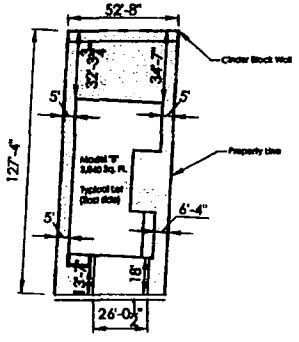
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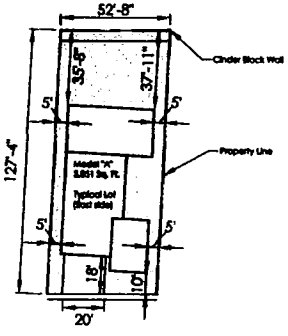
D. Smith Clark NV
Notary Public in and for said County and State

NOTARY PUBLIC
STATE OF NEVADA
County of Clark
D. SMITH
Appt. No. 03-79748-1
My Appt. Expires Oct. 10, 2007

X







Site Analysis

Total Area of Property:	201,877 Sq. Ft.	Total Living Area:	88,441 Sq. Ft.
Total Units:	23	Floor Area Ratio:	44%
Units Per Acre:	4.96	Typical Lot (East Side):	6,700 Sq. Ft.
Parking Required:	46 Spaces	Typical Lot (West Side):	6,435 Sq. Ft.
Parking Provided:	136 Spaces		
Model "A" Unit Size:	3,851 Sq. Ft.	Open Space Required:	16,531 Sq. Ft.
Model "B" Unit Size:	3,840 Sq. Ft.	Open Space Provided:	16,927 Sq. Ft.

Legend

Single Family Home	Private Yard	Street
Open Space	6' Landcape Strip	Driveway

N

Site Plan
Scale: 1" = 60'

REVISED
07-30-04

VAR-4536
ZON-4537
WVR-4748
SDR-4539
08-12-04 PC

Del Rey Estates

City of Las Vegas
Planning
&
Development

Documentation
Submittal

7/29/04

Site Plan

Blue Heron Properties
6290 Harrison Drive
Las Vegas, Nevada 89120

t - (702) 256-8866
f (702) 256 8862

www.blueheron-properties.com

blue heron properties



WVR-4748 - APPLICANT: BLUE HERON PROPERTIES - OWNER: W. M. LAND DEVELOPMENT
SOUTHEAST CORNER OF BUFFALO DRIVE AND DEL REY AVENUE
AUGUST 12, 2004 PLANNING COMMISSION

06/17/04

City of Las Vegas

Agenda Item No. 179

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: SEPTEMBER 15, 2004

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

SUBJECT:
SITE DEVELOPMENT PLAN REVIEW RELATED TO GPA-4535, VAR-4536, ZON-4537, VAR-4538 AND WVR-4748 - PUBLIC HEARING - **SDR-4539 - APPLICANT: BLUE HERON PROPERTIES - OWNER: W. M. LAND DEVELOPMENT** - Request for a Site Development Plan Review FOR A PROPOSED 24-LOT SINGLE-FAMILY RESIDENTIAL DEVELOPMENT on 4.75 acres adjacent to the southeast corner of Buffalo Drive and Del Rey Avenue (APN 163-03-201-001 and 002), R-E (Residence Estates) Zone [Proposed: R-PD5 (Residential Planned Development - 5 Units per Acre)], Ward 1 (Moncrief). The Planning Commission (5-0 vote) and staff recommend APPROVAL

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

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

BACKUP DOCUMENTATION:
1. Location Map
2. Conditions For This Application
3. Staff Report
4. Submitted at City Council – Plantiffs' Opening Brief in Support of Writ of Mandamus submitted by Mr. Anspach filed under Item 175 [GPA-4535]

MOTION:
MONCRIEF – APPROVED subject to conditions – UNANIMOUS with GOODMAN and MACK excused

MINUTES:
NOTE: See Item 175 [GPA-4535] for all related discussion.

(3:11 – 3:12)

5-1033

CONDITIONS:
Planning and Development

1. A General Plan Amendment (GPA-4535) from DR (Desert Rural Density Residential) to L (Low Density Residential), a Variance (VAR-4536) to allow R-PD development on a site smaller than five acres, a Rezoning [ZON-4537] to an R-PD5 (Residential Planned Development - 5 Units per Acre) Zoning District, and a Title 18 Waiver (WVR-4748) to allow substandard street widths, approved by the City Council.

CITY COUNCIL MEETING OF SEPTEMBER 15, 2004
Planning and Development Department
Item 179 – SDR-4539

CONDITIONS – Continued:

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

3. All development shall be in conformance with the revised site plan and building elevations for a maximum of 23 units date stamped 7-30-04, except as amended by conditions herein.

4. The standards for this development shall include the following: minimum distance between buildings of nine feet, and building height shall not exceed two stories or 29 feet, whichever is less.

5. The setbacks for this development shall be a minimum of 14.5 feet (Model A) and 10 feet (Model B) to the front of the house, 18 feet to the front of the garage as measured from back of curb, 4.5 feet on the side and 30 feet (Model A) and 34 feet (Model B) feet in the rear (except for the two southernmost lots on the hammerhead, which will be allowed 20-foot rear setback on the east lot and 15-foot rear setback on the west lot).

6. The landscape plan shall be revised and approved by Planning and Development Department staff, prior to the time application is made for a building permit, to reflect minimum 24-inch box trees planted a maximum of 20 feet on-center and a minimum of four five-gallon shrubs for each tree within provided planters.

7. A landscaping plan must be submitted prior to or at the same time application is made for a building permit.

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

9. All utility boxes exceeding 27 cubic feet in size shall meet the standards of Municipal Code Section 19.12.050.

10. Any property line wall shall be a decorative block wall, with at least 20 percent contrasting materials. Wall heights shall be measured from the side of the fence with the least vertical exposure above the finished grade, unless otherwise stipulated.

11. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.

CONDITIONS – Continued:

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

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

14. All development shall be in conformance with the site plan and building elevations, date stamped 07/29/04, except as amended by conditions herein.

Public Works

15. Provide a copy of a recorded Joint Access Agreement between this site and the adjoining parcel to the north prior to the issuance of any permits or the recordation of a map unless the joint access is being provided with the map being recorded.

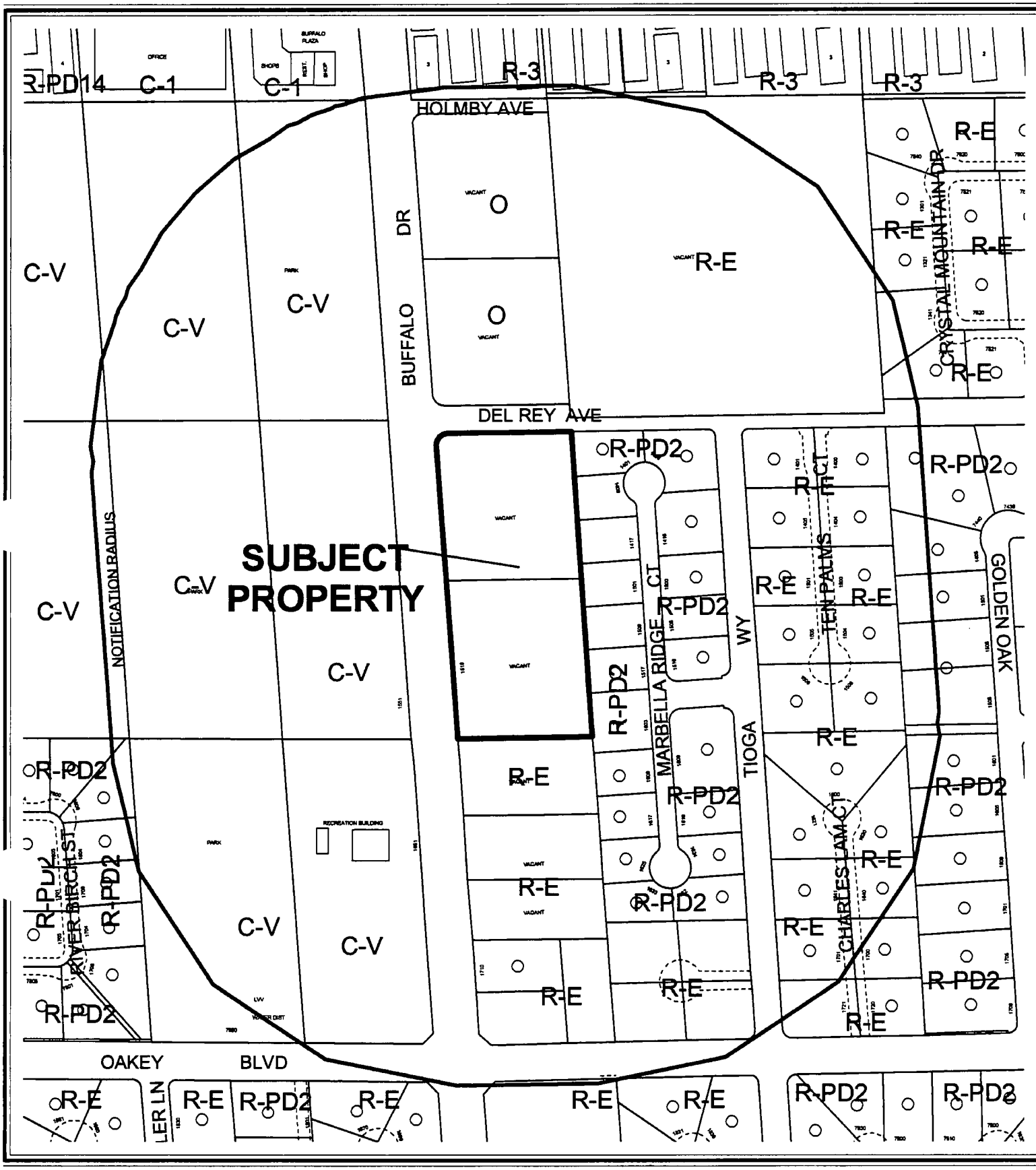
16. A Homeowner's Association shall be established to maintain all perimeter walls, private roadways, landscaping and common areas created with this development. All landscaping shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.

17. Meet with the Fire Protection Engineering Section of the Department of Fire Services prior to submittal of a Tentative Map for this site. The design and layout of all onsite private circulation and access drives shall meet the approval of the Department of Fire Services.

18. Site development to comply with all applicable conditions of approval for ZON-4537 and all other subsequent site-related actions.

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

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



CASE: **SDR-4539**

RADIUS: 750 FT

0 200 400 Feet

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

PROPOSED ZONING OF SUBJECT PROPERTY:
R-PD5 (RESIDENTIAL PLANNED DEVELOPMENT - 5 UNITS PER ACRE)

N

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: SEPTEMBER 15, 2004
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: SDR-4539 - APPLICANT: BLUE HERON PROPERTIES - OWNER: W. M. LAND DEVELOPMENT

** CONDITIONS **

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

Planning and Development

1. A General Plan Amendment (GPA-4535) from DR (Desert Rural Density Residential) to L (Low Density Residential), a Variance (VAR-4536) to allow R-PD development on a site smaller than five acres, a Rezoning [ZON-4537] to an R-PD5 (Residential Planned Development - 5 Units per Acre) Zoning District, and a Title 18 Waiver (WVR-4748) to allow substandard street widths, approved by the City Council.

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

3. All development shall be in conformance with the revised site plan and building elevations for a maximum of 23 units date stamped 7-30-04, except as amended by conditions herein.

4. The standards for this development shall include the following: minimum distance between buildings of nine feet, and building height shall not exceed two stories or 29 feet, whichever is less.

5. The setbacks for this development shall be a minimum of 14.5 feet (Model A) and 10 feet (Model B) to the front of the house, 18 feet to the front of the garage as measured from back of curb, 4.5 feet on the side and 30 feet (Model A) and 34 feet (Model B) feet in the rear (except for the two southernmost lots on the hammerhead, which will be allowed 20-foot rear setback on the east lot and 15-foot rear setback on the west lot).

6. The landscape plan shall be revised and approved by Planning and Development Department staff, prior to the time application is made for a building permit, to reflect minimum 24-inch box trees planted a maximum of 20 feet on-center and a minimum of four five-gallon shrubs for each tree within provided planters.

7. A landscaping plan must be submitted prior to or at the same time application is made for a building permit.

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

9. All utility boxes exceeding 27 cubic feet in size shall meet the standards of Municipal Code Section 19.12.050.

10. Any property line wall shall be a decorative block wall, with at least 20 percent contrasting materials. Wall heights shall be measured from the side of the fence with the least vertical exposure above the finished grade, unless otherwise stipulated.

11. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.

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

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

14. All development shall be in conformance with the site plan and building elevations, date stamped 07/29/04, except as amended by conditions herein.

Public Works

15. Provide a copy of a recorded Joint Access Agreement between this site and the adjoining parcel to the north prior to the issuance of any permits or the recordation of a map unless the joint access is being provided with the map being recorded.

16. A Homeowner's Association shall be established to maintain all perimeter walls, private roadways, landscaping and common areas created with this development. All landscaping shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.

17. Meet with the Fire Protection Engineering Section of the Department of Fire Services prior to submittal of a Tentative Map for this site. The design and layout of all onsite private circulation and access drives shall meet the approval of the Department of Fire Services.

18. Site development to comply with all applicable conditions of approval for ZON-4537 and all other subsequent site-related actions.

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

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

** STAFF REPORT **

APPLICATION REQUEST

A) Action Requested

This is a request for a Site Development Plan Review for a 23-lot single-family residential project on a 4.63-acre parcel located at the southeast corner of South Buffalo Drive and Del Rey Avenue.

B) Applicant's Justification

The applicant has justified this request by stating that proposed project is compatible with proposed land use policies for the site, is compatible with adjacent residential uses, is an appropriate transition from Buffalo Drive to the low density residential area to the east and uses aesthetically pleasing building and landscaping materials.

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 03/28/86.

03/20/96 The City Council denied a request for a Rezoning (Z-0091-95) on what was then the northern portion of the overall subject site (north of Del Rey Avenue) from R-E (Residence Estates) to P-R (Professional Office and Parking). The Planning Commission recommended approval on 11/30/95.

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, from R (Rural Density Residential) to DR (Desert Rural Density Residential). The Planning Commission and staff recommended approval on 10/22/98.

08/15/01 The City Council denied a request (GPA-0017-01) to amend the Southwest Sector Map of the General Plan from DR (Desert Rural Density Residential) to O (Office) on 5.4 Acres on the east side of Buffalo Drive, approximately 1,450 feet south of Charleston Boulevard. The Planning Commission had recommended approval on 07/12/01. Staff had recommended denial.

08/12/04 The Planning Commission recommended approval of companion applications for a General Plan Amendment (GPA-4535) from the DR (Desert Rural Density Residential) to the L (Low Density Residential) land use designation, a Variance (VAR-4536) to allow Residential Planned Development zoning to be used on a parcel smaller than five acres, a Title 18 Waiver (WVR-4748) to allow substandard street widths, and a Rezoning (ZON-4537) from R-E (Residence Estates) to R-PD5 (Residential Planned Development - 5 Units per Acre) on the subject site.

08/12/04 The Planning Commission voted 5-0 to recommend APPROVAL (PC Agenda Item #34/gl).

B) Pre-Application Meeting

05/10/04 The applicant was proposing a 24-lot subdivision at that time. Issues relating to the site and the required companion applications to allow development of the project were discussed with the applicant.

C) Neighborhood Meetings

No neighborhood meeting is required for a Site Development Plan Review; however, a neighborhood meeting sponsored by the applicant in conjunction with the companion General Plan Amendment request was held on 06/07/04. The 15 persons attending had no opposition but were concerned with density along the eastern property line of the site. They would like to see fewer houses and increased sections on that part of the site plan.

DETAILS OF APPLICATION REQUEST

A) Site Area

Gross Acres:	4.63

B) Existing Land Use

Subject Property:	Undeveloped
North:	Undeveloped (approved Social Security office)
South:	Undeveloped (approved single-family development)
East:	Single-family residential
West:	City Park

C) Planned Land Use

Subject Property:	DR (Desert Rural Density Residential)
North:	O (Office)
South:	L (Low Density Residential)
East:	DR (Desert Rural Density Residential)
West:	P/R/OS (Parks/Recreation/Open Space)

D) Existing Zoning

Subject Property:	R-E (Residence Estates)
North:	O (Office)
South:	R-PD5 (Residential Planned Development - 5 Units per Acre)
East:	R-PD2 (Residential Planned Development - 2 Units per Acre)
West:	C-V (Civic)

E) General Plan Compliance

The subject site is currently designated on the Southwest Sector Plan map as DR (Desert Rural Density Residential). A companion request (GPA-4535) would change the designation of this site to L (Low Density Residential). The Low Density Residential category has a density range of 3.6 to 5.5 units per acre and permits single-family detached homes, manufactured homes on individual lots, gardening, residential planned developments, and planned community developments. Local supporting uses such as parks, other recreation facilities, schools, and churches are allowed in this category. The proposed companion R-PD5 zoning district conforms to the L land use designation. This site plan conforms to this companion zoning district.

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

There are no Special Area Plans, Overlay Districts or Study Areas that affect the subject site.

PROJECT DESCRIPTION

The current revised site plan dated 07/29/04 depicts 23 single-family residential lots on 4.63 gross acres, resulting in a density of 4.96 dwelling units per acre. These lots will have access to a 33-foot wide private street that serves the development from a gated entrance at the Del Rey Avenue alignment. These lots average approximately 6,700 square feet in size on the east side and 6,435 square feet on the west side. Setbacks proposed for this development are 10 feet in the front yard, 18 feet to the garage door, 30 feet in the rear, and 4.5 feet for interior side yards. There are no corner side setbacks.

The applicant has proposed two open space areas at the north end of the site, bracketing the main entrance. These two open space areas in total slightly exceed the development's open space requirement. On-site landscaping also includes a six-foot wide landscape buffer along Buffalo Drive on the outside of the perimeter wall.

The elevations show two building types for two-story residential products, both with a maximum building height of 29 feet. Floor plans indicate an approximate living area of 3,850 square feet per unit. Each dwelling will feature a three-car garage. Materials include stone and stucco exteriors, flat roofs, and courtyards with multiple decks.

ANALYSIS

A) Zoning Code Compliance

A1) Development Standards

Pursuant to Title 19.06, the Development Standards for an R-PD zoned project are set out on the site plan. In the case of the subject proposal, these are as follows:

Standards	**Proposed**
Min. Lot Size	6,435 SF
Min. Lot Width	53 Feet
Min. Setbacks	
• Front	10 Feet
• Side	4.5 Feet
• Corner	N/A
• Rear	30 Feet
Max. Lot Coverage	57% (approx)
Max. Building Height	2 Stories / 29 Feet

These standards are appropriate for this type and scale of development.

A2) Residential Adjacency Standards

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

A3) Parking and Traffic Standards

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

Uses	Units	**Required**			**Provided**	
		Ratio	Parking		Parking	
			Regular	Handicap	Regular	Handicap
Single Family, Detached	23 Units	2 spaces/unit	46 spaces	none	69 spaces	none

The project as proposed exceeds the parking requirements of Title 19.

A4) Landscape and Open Space Standards

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

Standards	Required		Provided
	Ratio	Trees	
Buffer: • Min. Trees	1 Tree/20 Linear Feet (680 Feet) + 1 Tree	35 Trees	35 Trees
• Min. Zone Width	6 Feet		6 Feet
• Wall height	6 Feet		6 Feet

The project as proposed meets the landscaping requirements of Title 19.

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
4.63 acres	4.96 u.p.a.	1.65	8.18%	16,497 SF	8.39%	16,927 SF

As currently configured, the site plan slightly exceeds the open space requirements of the Code.

B) General Analysis and Discussion

- Zoning

The site is currently zoned R-E (Residential Estates). A companion Rezoning request (ZON-4537) would, if approved, rezone the subject property to R-PD5 (Residential Planned Development - 5 Units per Acre) in order to allow the project as proposed to be developed. This zoning district is compatible with the proposed L (Low Density Residential) General Plan designation for the site (GPA-4535), which would allow a density of up to 5.5 dwelling units per acre. These proposed new zoning and General Plan categories are compatible with adjacent low-density development, most of which is zoned and developed at two units per acre.

- Site Plan

The site plan meets standards with respect to density if the companion General Plan Amendment and Rezoning applications are approved. The development proposed for this site is compatible with the established development pattern of lots surrounding it.

- Waivers

No Waivers have been requested as part of this application, nor are any required.

- Landscape Plan

The conceptual landscape plan indicates that a six-foot landscaping planter will be provided outside the perimeter wall along Buffalo Drive, and that a variety of 24" box trees and shrubs will be planted in this area. The two open space areas at the entrance to the development will contain a walking path and bocce ball court accented by a variety of trees, shrubs and boulders. The type and amount of planting appears to meet the requirements of Title 19.12 and the Landscape, Wall, and Buffer Standards.

- Elevation

The proposed elevations depict two models. Both are two-story homes, with a building height limited to 29 feet. The units display balconies, decks and a significant amount of exterior detail, including spiral stairways, columns and individual garage doors. These homes are capped with flat roofs.

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 features two-story homes with approximately 30-foot deep rear setbacks with two-story living rooms that will face the adjacent residential area to the east; therefore, privacy for these adjacent homes will be maximized. A plan for similar type and density of housing was recently approved by City Council on the site immediately to the south. A federal Social Security office was recently approved on the site to the north of Del Rey Avenue, immediately north of the site. There is an existing city park to the west of the site across Buffalo Drive. The proposed development is therefore compatible with existing and proposed 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;"**

   The proposed development is consistent with the General Plan, provided the companion General Plan Amendment is approved. It is consistent with Title 19, in particular the open space, parking and landscaping regulations.

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

Access to the property will be available from Buffalo Drive, (via Del Rey Avenue, which was previously vacated and is now a private street), designated as a Primary (100-foot) Arterial on the Master Plan of Streets and Highways. This street is adequate to meet the traffic demands of this proposed single-family residential development.

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

The building and landscape materials are appropriate for this type of development in this portion of the City.

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

The proposed elevations depict two-story homes, which are consistent with the scale of the existing homes typical in this area of the city.

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

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

NOTICES MAILED 67 by Planning Department

APPROVALS 0

PROTESTS 0

PLANNING & DEVELOPMENT

DEVELOPMENT SERVICES CENTER

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: SDR-4539 APN: 163 03 201 001 & 002

Name of Property Owner: W. H. Land Development

Name of Applicant: Blue Heron Properties, 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: Marina Curland - W. H. Land Development

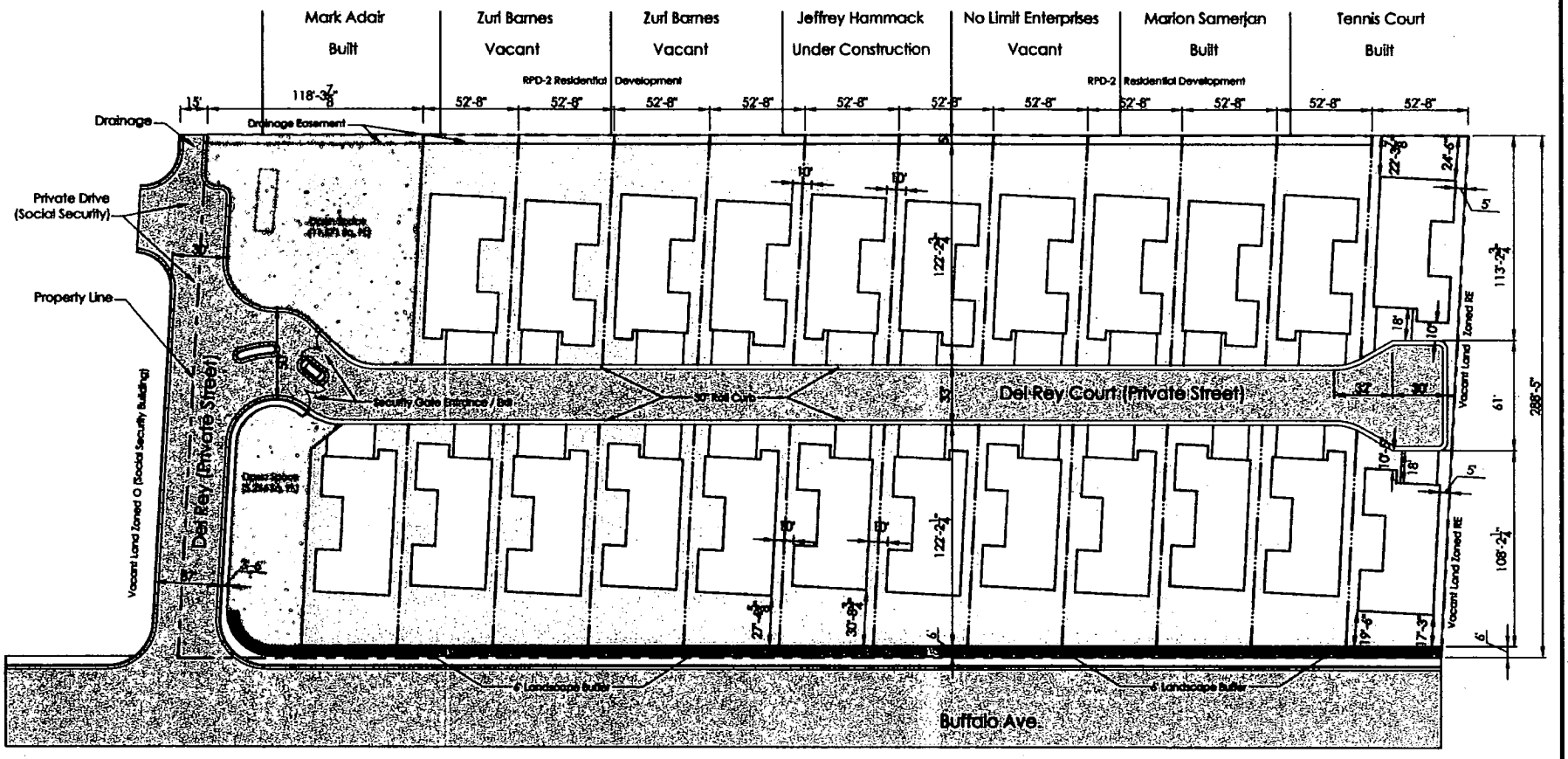
Print Name: Marina Curland.

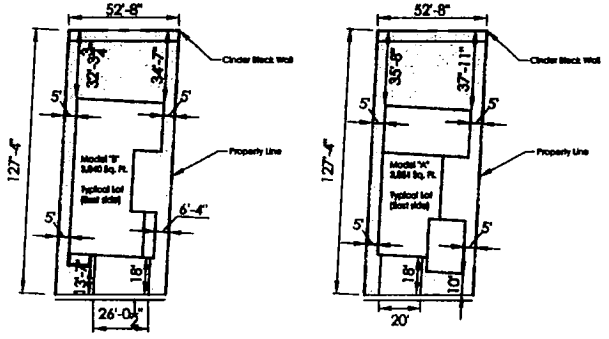
Subscribed and sworn before me

This 20th day of May, 2004

Notary Public in and for said County and State

JAMES VIGNALE II
NOTARY PUBLIC
STATE OF NEVADA
APPT. No 04-87641-1
MY APPT. EXPIRES MAY 23, 2007





Site Analysis

Total Area of Property:	201,877 Sq. Ft.	Total Living Area:	88,441 Sq. Ft.
Total Units:	23	Floor Area Ratio:	44%
Units Per Acre:	4.96	Typical Lot (East Side):	6,700 Sq. Ft.
Parking Required:	46 Spaces	Typical Lot (West Side):	6,435 Sq. Ft.
Parking Provided:	136 Spaces		
Model "A" Unit Size:	3,851 Sq. Ft.	Open Space Required:	16,531 Sq. Ft.
Model "B" Unit Size:	3,840 Sq. Ft.	Open Space Provided:	16,927 Sq. Ft.

Legend

Single Family Home	Private Yard	Street
Open Space	6' Landcape Strip	Driveway

N

Site Plan
Scale: 1" = 60'

REVISED
07-30-04

VAR-4536
ZON-4537
WVR-4748
SDR-4539
08-12-04 PC

Del Rey Estates

City of Las Vegas
Planning
&
Development

Documentation
Submittal

7/29/04

Site Plan

Blue Heron Properties
6290 Harrison Drive
Las Vegas, Nevada 89120

t - (702) 256-8866
f (702) 256 8862

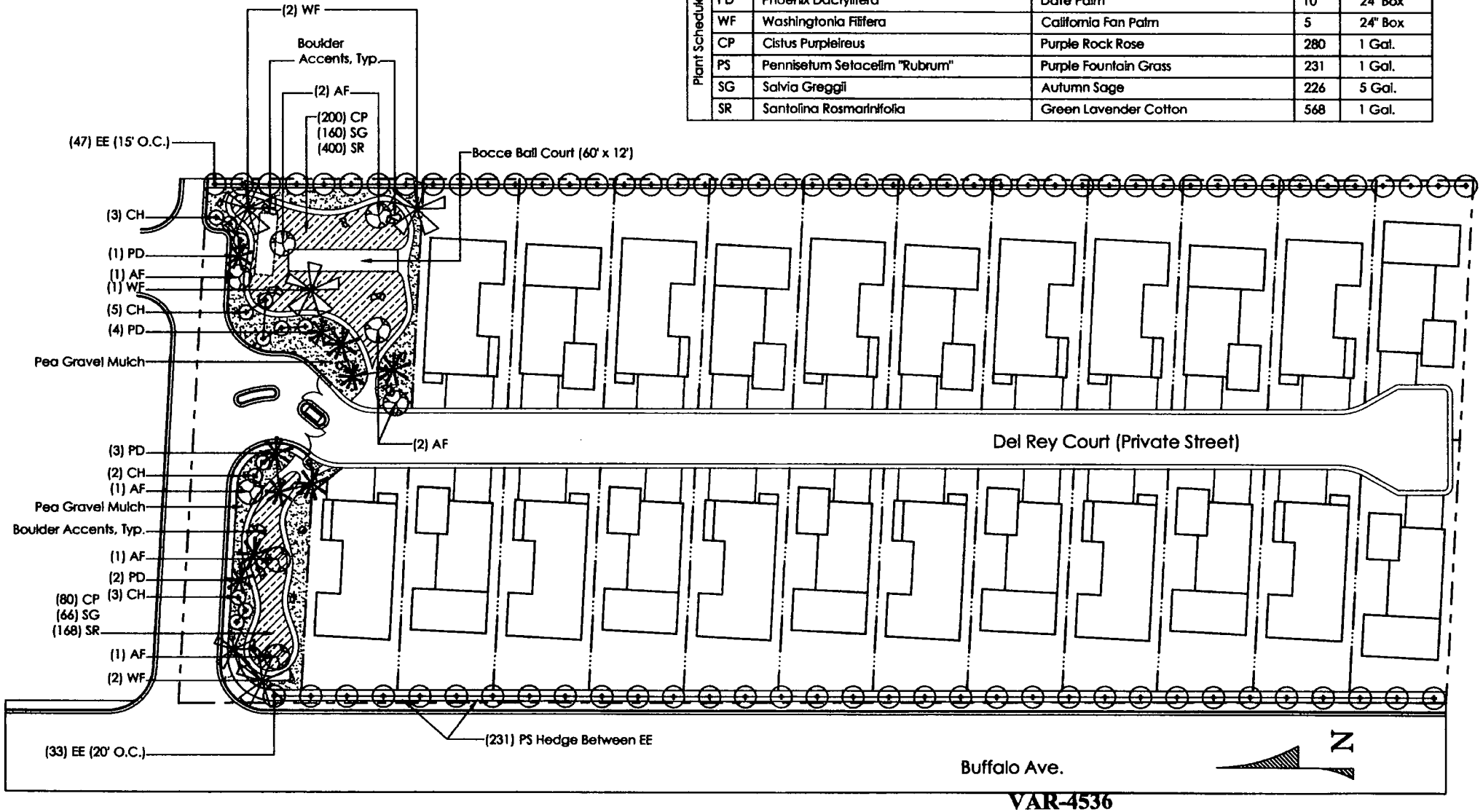
www.blueheron-properties.com

blue heron properties

Landscape Plan

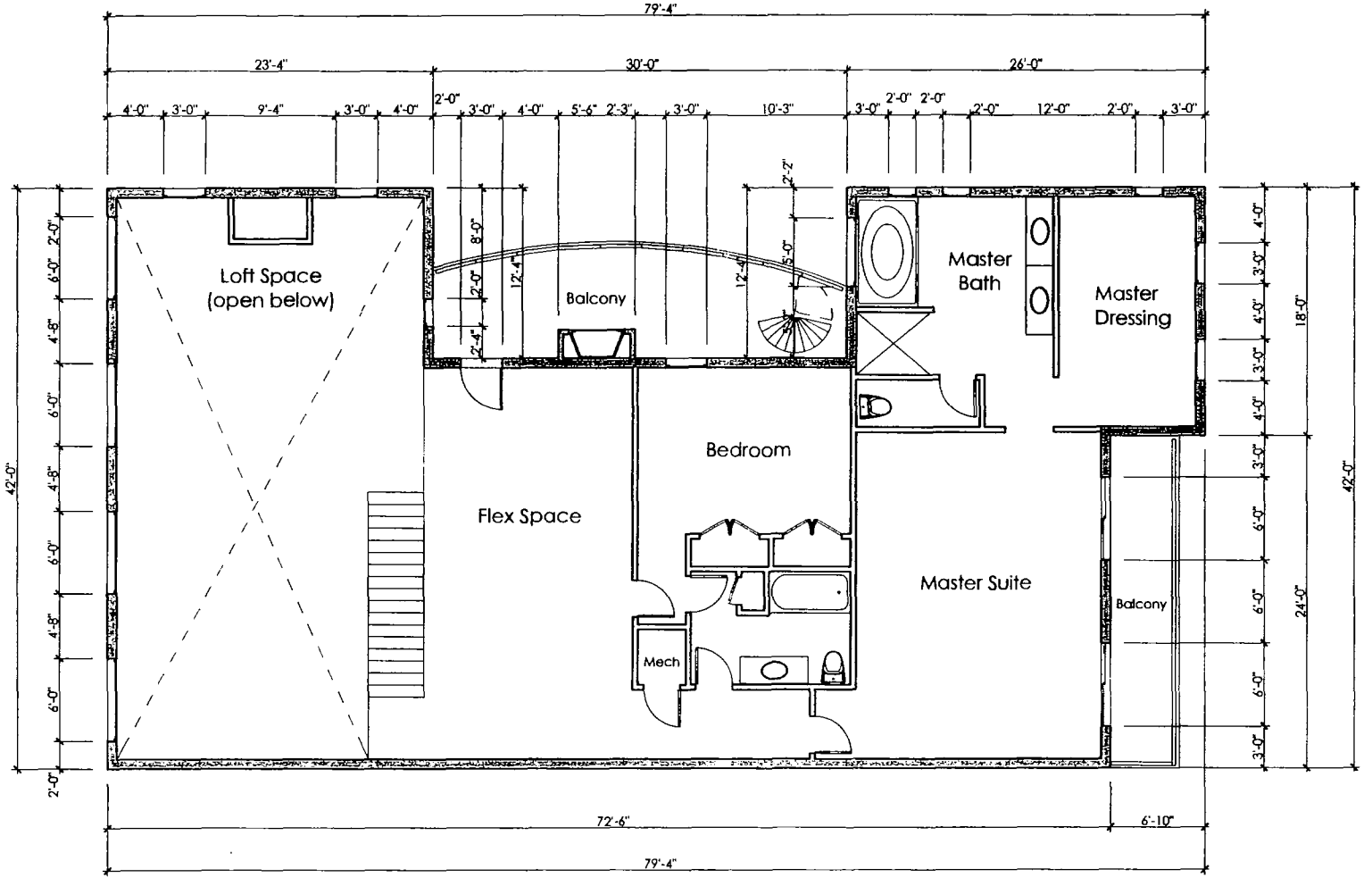
Scale: 1" = 50'

	Sym.	Botanical Name	Common Name	QTY.	Size
Plant Schedule	AF	Acacia Farnesiana	Sweet Acacia	8	24" Box
	CH	Chamaerops Humilis	Mediterranian Fan Palm	13	24" Box
	EE	Elicalyptus Erythrocorys	Red Cap Glim	80	24" Box
	PD	Phoenix Dactylifera	Date Palm	10	24" Box
	WF	Washingtonia Filifera	California Fan Palm	5	24" Box
	CP	Cistus Purpleireus	Purple Rock Rose	280	1 Gal.
	PS	Pennisetum Setacelim "Rubrum"	Purple Fountain Grass	231	1 Gal.
	SG	Salvia Greggii	Autumn Sage	226	5 Gal.
	SR	Santolina Rosmarinifolia	Green Lavender Cotton	568	1 Gal.



REVISED
07-30-04

VAR-4536
ZON-4537
WVR-4748
SDR-4539
08-12-04 PC



REVISED
07.30.04

VAR-4536
ZON-4537
WVR-4748
SDR-4539
08-12-04 PC

blueheron

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DESERT VIEW LOFTS

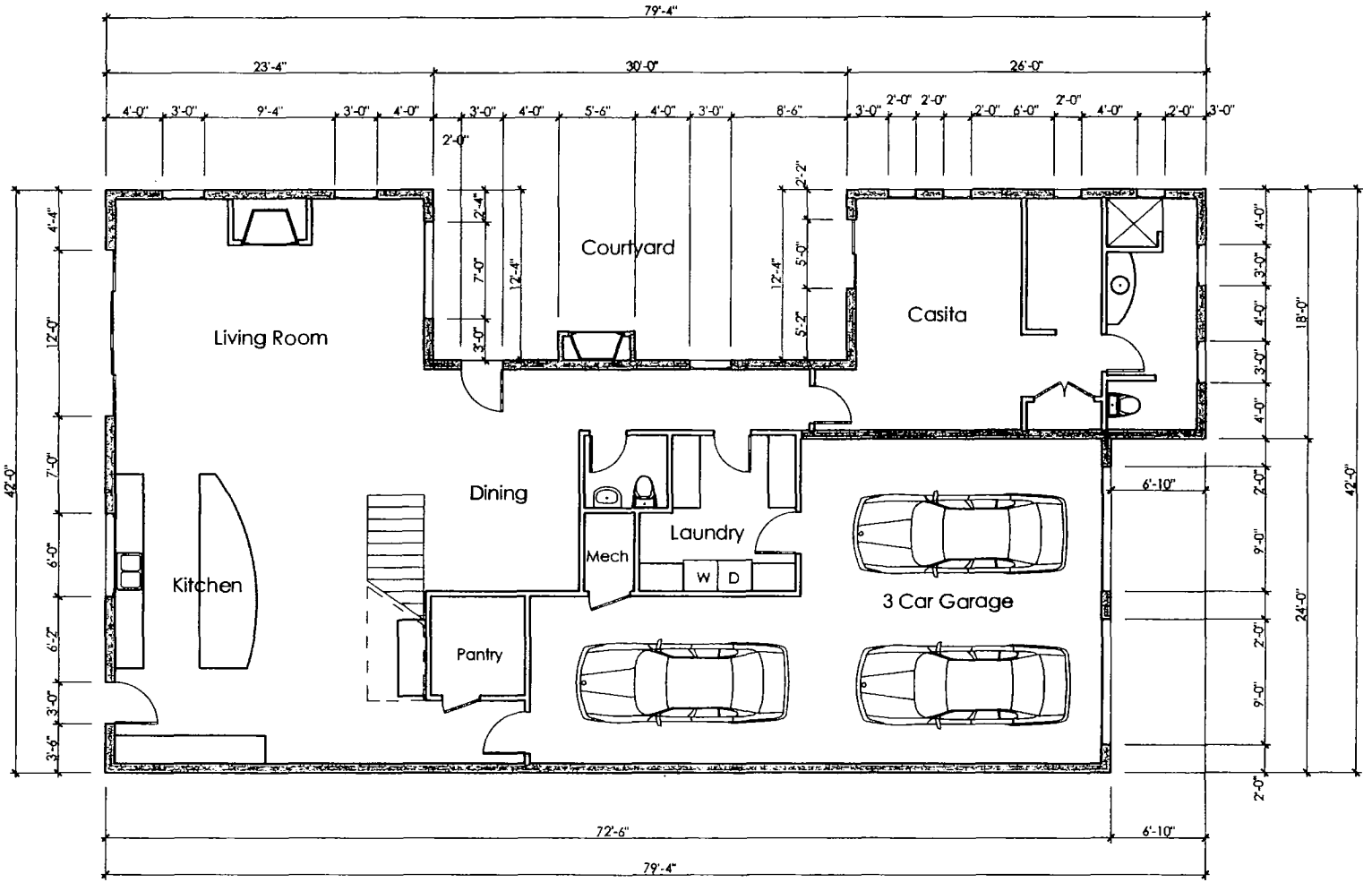
LAS VEGAS, NEVADA

City of Las Vegas
Submittal Set

date 7/30/04

MODEL A

Second Floor Plan



REVISED
07.30.04

VAR-4536
ZON-4537
WVR-4748
SDR-4539
08-12-04 PC

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DESERT VIEW LOFTS

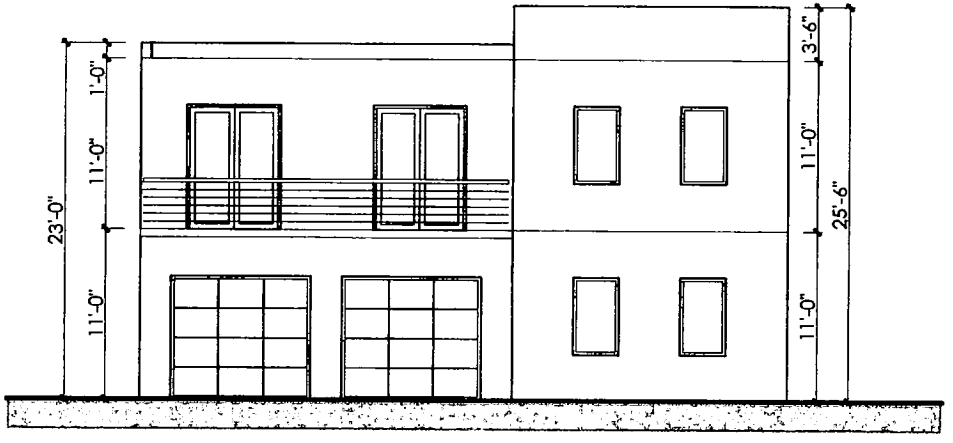
LAS VEGAS, NEVADA

City of Las Vegas
Submittal Set

date 7/30/04

MODEL A

First Floor Plan



REVISED
07.30.04

VAR-4536
ZON-4537
WVR-4748
SDR-4539
08-12-04 PC

blueheron

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DESERT VIEW LOFTS

LAS VEGAS, NEVADA

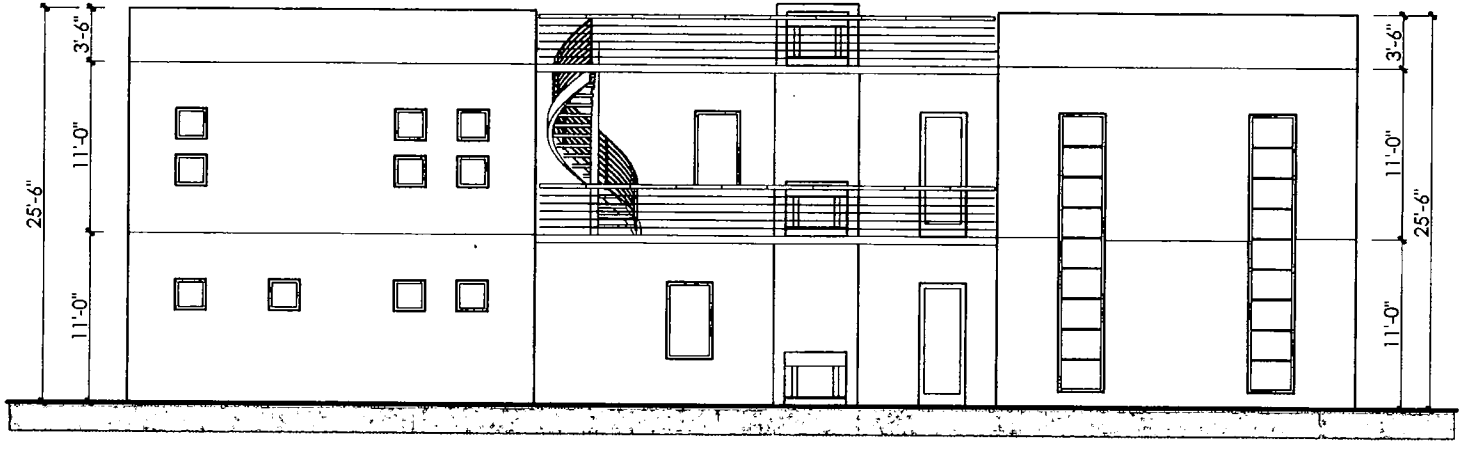
City of Las Vegas
Submittal Set

date 7/30/04

MODEL A

Front Elevation

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DESERT VIEW LOFTS

LAS VEGAS, NEVADA

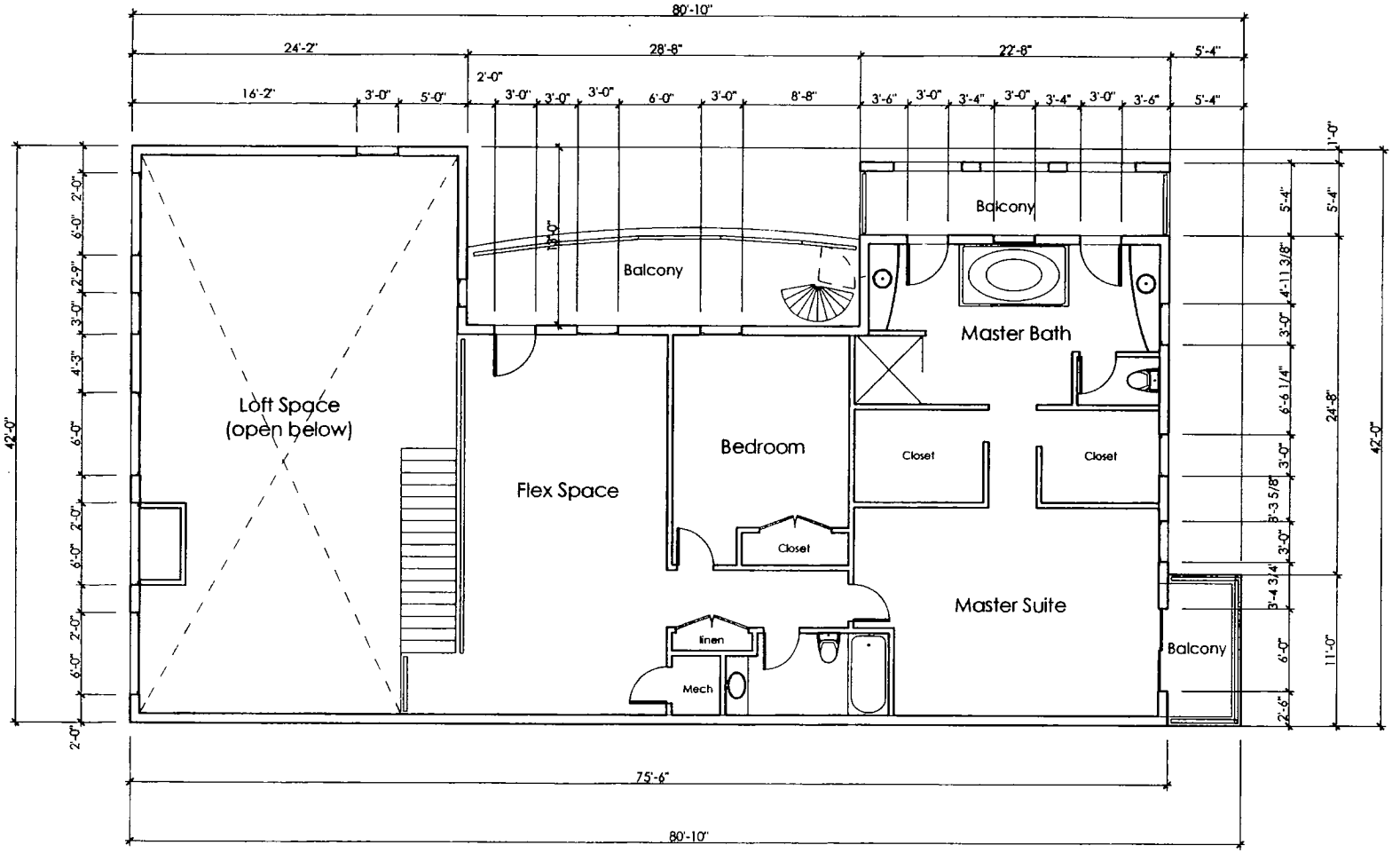
City of Las Vegas
Submittal Set

date 7/30/04

MODEL A
Courtyard Elevation

REVISED
07.30.04

VAR-4536
ZON-4537
WVR-4748
SDR-4539
08-12-04 PC



REVISED
07.30.04

VAR-4536
ZON-4537
WVR-4748
SDR-4539
08-12-04 PC

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DESERT VIEW LOFTS

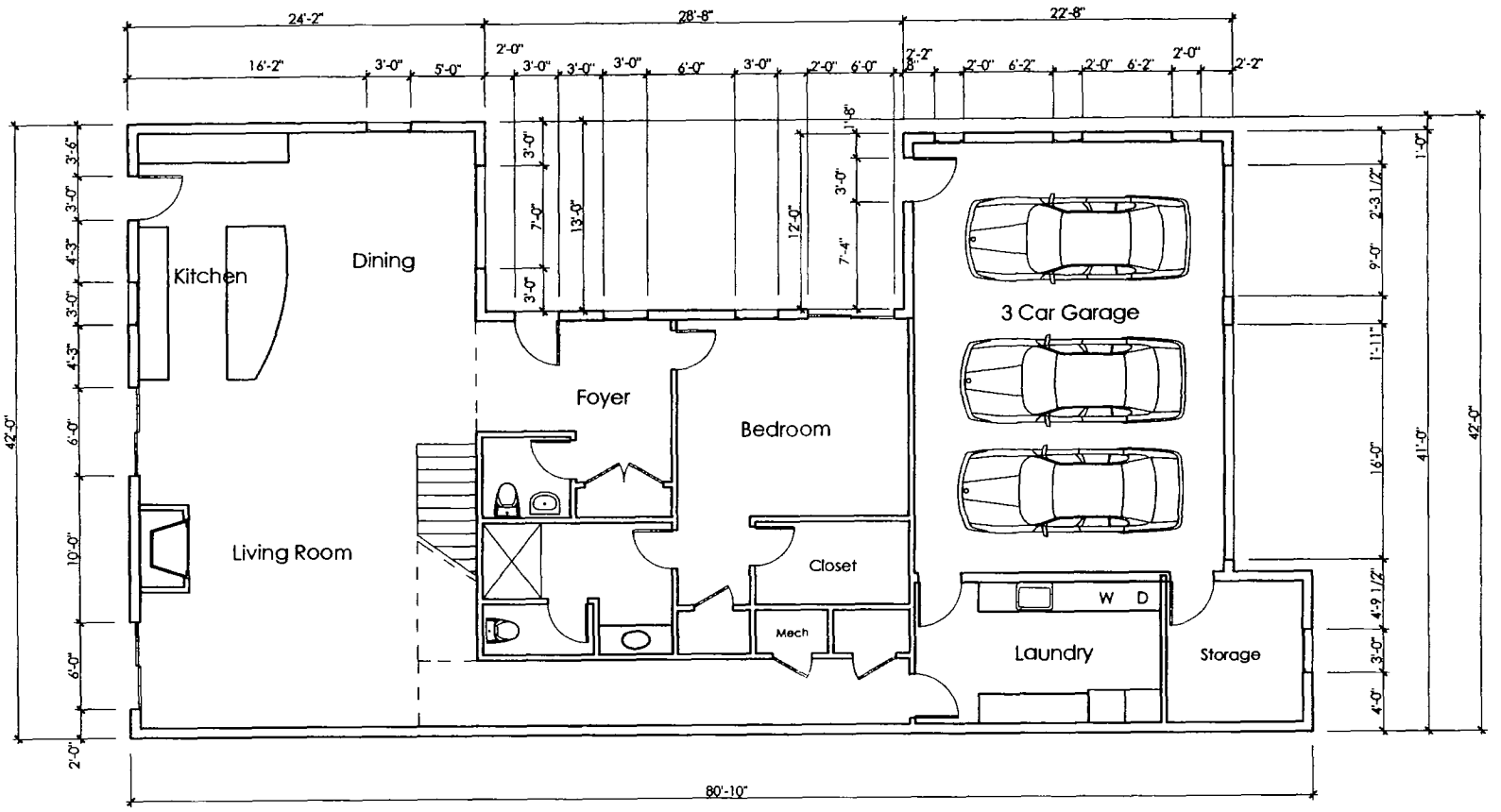
LAS VEGAS, NEVADA

pricing set
not for construction

date 7/30/04

MODEL B

Second Floor Plan



blue heron

6290 Harrison Drive
Suite #2
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89120
t 702 256 8866
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www.blueheron-properties.com

DESERT VIEW LOFTS

LAS VEGAS, NEVADA

pricing set
not for construction

date 7/30/04

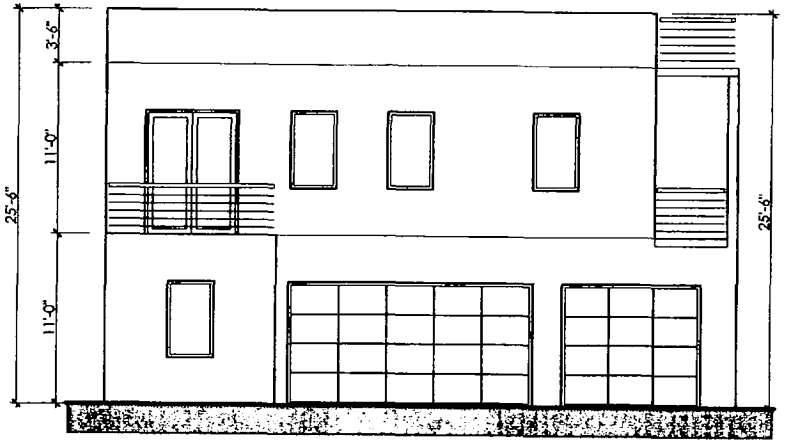
MODEL B

First Floor Plan

REVISED
07.30.04

VAR-4536
ZON-4537
WVR-4748
SDR-4539
08-12-04 PC

blueheron
6290 Harrison Drive
Suite #2
Las Vegas, Nevada
89120
t 702 256 8866
f 702 256 8862
www.blueheron-properties.com



DESERT VIEW LOFTS

LAS VEGAS, NEVADA

pricing set
not for construction

date 7/30/04

MODEL B

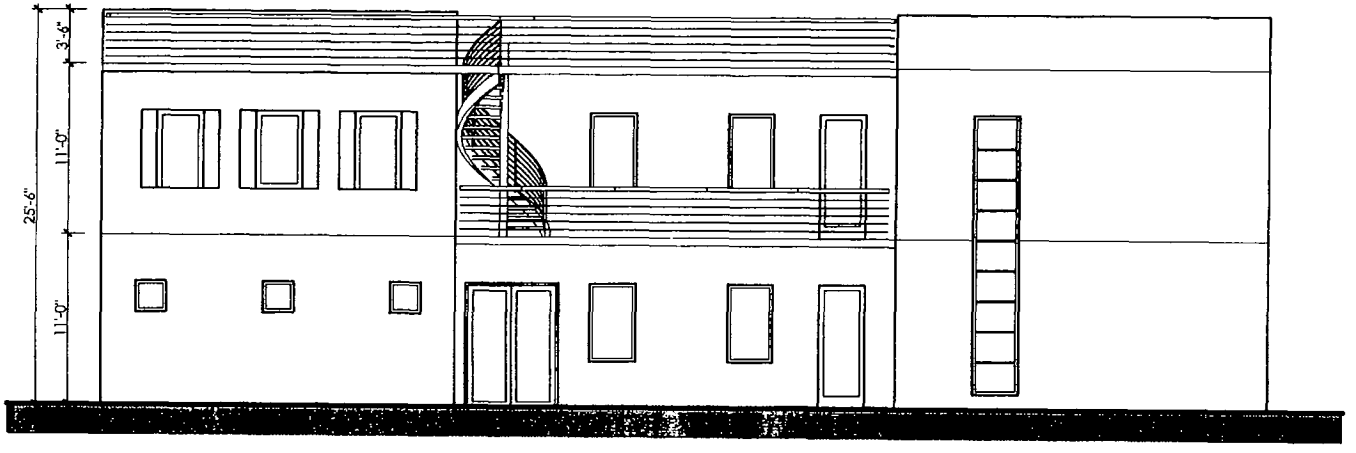
Front Elevation

REVISED
07.30.04

VAR-4536
ZON-4537
WVR-4748
SDR-4539
08-12-04 PC

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DESERT VIEW LOFTS

LAS VEGAS, NEVADA

pricing set
not for construction

date 7/30/04

MODEL B
Courtyard
Elevation

REVISED
07.30.04

VAR-4536
ZON-4537
WVR-4748
SDR-4539
08-12-04 PC



SDR-4539 - APPLICANT: BLUE HERON PROPERTIES - OWNER: W. M. LAND DEVELOPMENT
SOUTHEAST CORNER OF BUFFALO DRIVE AND DEL REY AVENUE
AUGUST 12, 2004 PLANNING COMMISSION

06/17/04

City of Las Vegas

Agenda Item No. 180

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: SEPTEMBER 15, 2004

DEPARTMENT: CITY CLERK

DIRECTOR: BARBARA JO (RONI) RONEMUS ☐ **CONSENT** ☐ **DISCUSSION**

SUBJECT:

SET DATE ON ANY APPEALS FILED OR REQUIRED PUBLIC HEARINGS FROM THE CITY PLANNING COMMISSION MEETINGS, CENTENNIAL HILLS ARCHITECTURAL REVIEW COMMITTEE AND DANGEROUS BUILDING OR NUISANCE/LITTER ABATEMENTS

NL 1105 N. 22ND STREET, NL 204 W. MONROE AVENUE, NL 824 SHETLAND ROAD, NL 1817 STEWART AVENUE, RQR-4661, RQR-4664, RQR-4669, SUP-4728, SUP-4807, SUP-4808, SUP-4809, SUP-4811, SUP-4812, SUP-4822, SUP-4844, SUP-4918, VAC-4571, VAC-4862, VAC-4892, VAC-4956, VAR-4648, VAR-4671, VAR-4925, VAR-4926, and VAR-5039 – 10/6/2004 AGENDA

City of Las Vegas

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: SEPTEMBER 15, 2004

DEPARTMENT: CITY CLERK

DIRECTOR: BARBARA JO (RONI) RONEMUS ☐ **CONSENT** ☐ **DISCUSSION**

SUBJECT:

ADDENDUM:

None.

City of Las Vegas

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: SEPTEMBER 15, 2004

CITIZENS PARTICIPATION:

PUBLIC COMMENT DURING THIS PORTION OF THE AGENDA MUST BE LIMITED TO MATTERS WITHIN THE JURISDICTION OF THE CITY COUNCIL. NO SUBJECT MAY BE ACTED UPON BY THE CITY COUNCIL UNLESS THAT SUBJECT IS ON THE AGENDA AND IS SCHEDULED FOR ACTION. IF YOU WISH TO BE HEARD, COME TO THE PODIUM AND GIVE YOUR NAME FOR THE RECORD. THE AMOUNT OF DISCUSSION ON ANY SINGLE SUBJECT, AS WELL AS THE AMOUNT OF TIME ANY SINGLE SPEAKER IS ALLOWED, MAY BE LIMITED

MINUTES:

DOROTHY BARNES, Las Vegas resident, Stewart Avenue and 8th Street, commented that she moved into the Campaige Apartments and has been having problems with her neighbors. She notified the management and police. She feels her life has been threatened and she strongly opposes those who endanger her life. She does not mistreat people, and strongly believes in the Golden Rule. She visited the district attorney's office and hopes something will be done.

(5:52 – 5:55)

7-200

MEETING ADJOURNED AT 5:55 P.M.