

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: SEPTEMBER 15, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☐

CONSENT

☒

DISCUSSION

SUBJECT:

SPECIAL USE PERMIT - PUBLIC HEARING - SUP-4683 - APPLICANT: REAGAN NATIONAL ADVERTISING OF NEVADA - OWNER: ANER IGLESIAS TRUST -
Appeal filed by the applicant from the Denial by the Planning Commission on a request for a Special Use Permit FOR A PROPOSED 40-FOOT TALL, 14-FOOT BY 48-FOOT OFF-PREMISE ADVERTISING (BILLBOARD) SIGN at 840 North Decatur Boulevard (APN 138-30-301-002), C-1 (Limited Commercial) Zone, Ward 5 (Weekly). The Planning Commission (5-0 vote) and staff recommend DENIAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

1

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

RECOMMENDATION:

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

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Appeal letter filed by Singer & Brown
5. Cover letter with nine protests
6. Submitted after final agenda – Abeyance request by Singer & Brown

MOTION:

WEEKLY – DENIED – UNANIMOUS with GOODMAN abstaining as 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:

MAYOR GOODMAN declared the Public Hearing open.

Under Item 100, COUNCILMAN WEEKLY requested that Item 144 [SUP-4683] and Item 145 [SUP-4689] be taken off the abeyance request list and brought forward for discussion.

ANDY BILANZICH, 1464 E. Michigan Avenue, appeared on behalf of the applicant and stated that they meet all distance code requirements.

CITY COUNCIL MEETING OF SEPTEMBER 15, 2004
Planning and Development Department
Item 144 – SUP-4683

MINUTES:

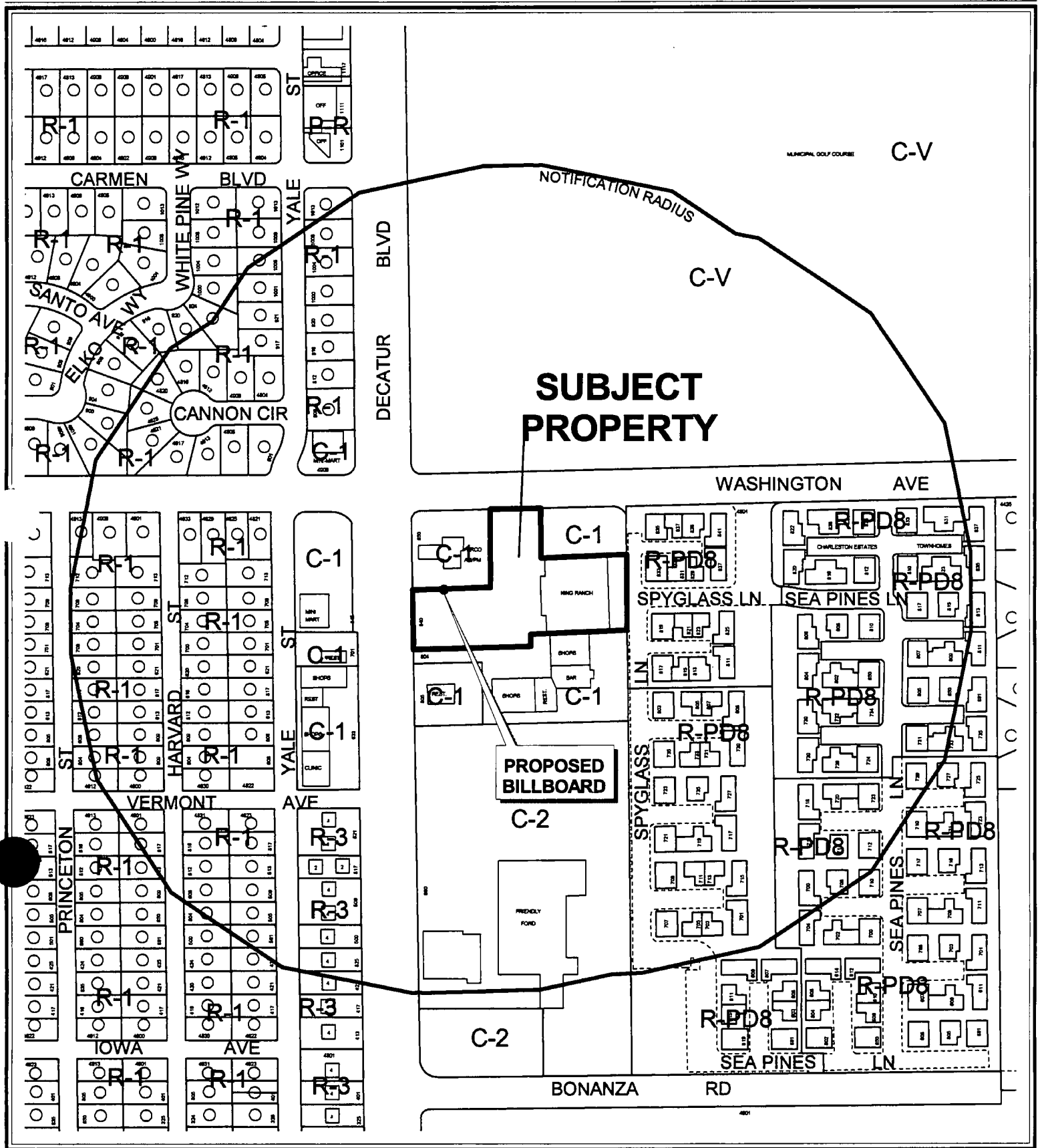
COUNCILMAN WEEKLY indicated he met with ATTORNEY BROWN and explained to him that he would not support this billboard, as he is not interested in having a billboard at this particular location and moved for denial.

No one appeared in opposition.

MAYOR PRO TEM REESE declared the Public Hearing closed.

(4:27 – 4:30)

6-306



CASE: SUP-4683

RADIUS: 750 FT

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



AGENDA MEMO

CITY COUNCIL MEETING DATE: SEPTEMBER 15, 2004

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: SUP-4683 - APPLICANT: REAGAN NATIONAL
ADVERTISING OF NEVADA - OWNER: ANER IGLESIAS TRUST**

**** CONDITIONS ****

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

Planning and Development

1. This Special Use Permit shall expire two years from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.
2. The Special Use Permit shall be reviewed in two (2) years at which time the City Council may require the off-premises sign to be removed. The applicant shall be responsible for notification costs of the review. Failure to pay the City for these costs may result in a requirement that the off-premises advertising (billboard) sign be removed.
3. Conformance to all Minimum Requirements under Title 19.14 for an Off-Premises Sign use and other applicable sign requirements.
4. The off-premises advertising (billboard) sign and its supporting structure shall be properly maintained and kept free of trash, weeds and graffiti at all times. In addition, the property owner shall keep the property properly maintained at all times. Failure to perform the required maintenance may result in fines and/or removal of the off-premises advertising (billboard) sign.
5. The off-premises advertising (billboard) sign support pole shall be designed to include finish materials to complement the existing on-site buildings.
6. Only one advertising sign is permitted per sign face.
7. The entire face-area of both sides of the off-premises advertising (billboard) sign shall be signage area or its border framework; none of the supporting structure shall be visible aside from the support pole.
8. If the off-premises advertising sign structure is removed, this Special Use Permit shall be expunged and a new off-premises advertising sign structure shall not be erected in the same location unless: (1) a new Special Use Permit is approved for the new structure by the City Council, or (2) the location is in compliance with all applicable standards of Title 19 of the Las Vegas Municipal Code including, but not limited to, distance separation requirements, or (3) a Variance to the applicable standards of Title 19 has been approved for the new structure by the City Council.

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

Public Works

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

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

This request is for a Special Use Permit to allow a proposed 40-foot tall, 14-foot by 48-foot Off-Premises Advertising (Billboard) Sign at 840 North Decatur Boulevard.

B) Applicant's Justification

The applicant's justification letter states the Off-Premises Advertising (Billboard) Sign meets the code requirements and will be erected in such a way that it can be seen by traffic traveling north and south on Decatur Boulevard. It further states the following:

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

BACKGROUND INFORMATION

A) Previous Actions

- | | |
|----------|--|
| 08/28/68 | The City Council approved a Rezoning (Z-25-68) to C-1 (Limited Commercial) on this site as part of a larger request. |
| 07/14/97 | The City Council approved a Rezoning (Z-45-97) to PD (Planned Development) on this site as part of a larger request. The Planning Commission recommended approval on June 12, 1997. The City Council rescinded the approval on 01/12/98, thereby returning the zoning to C-1 (Limited Commercial). |
| 08/14/01 | The Planning and Development Department approved a building permit for an existing wireless communication facility on this site. |
| 10/01/03 | The City Council approved a Special Use Permit (SUP-2656) to allow Open Air Vending on this site. The Planning Commission and staff recommended approval of the request on 08/14/04. |
| 12/17/03 | The City Council accepted the withdrawal without prejudice of a request for a Special Use Permit (SUP-3153) for an Off-Premises Advertising (Billboard) Sign. The Planning Commission and staff recommended denial of the application on 11/20/03. |

08/12/04 The Planning Commission voted 5-0 to recommend DENIAL (PC Agenda Item #71/DDS)

B) Pre-Application Meeting

06/08/04 The applicant was advised of the requirements for a Special Use Permit.

C) Neighborhood Meetings

A neighborhood meeting is not required as part of this application nor was one held.

DETAILS OF APPLICATION REQUEST

A) Site Area

Net Acres: 1.99

B) Existing Land Use

Subject Property: Commercial Retail Center
North: Golf Course
South: Automobile Dealership
East: Townhouses
West: Commercial

C) Planned Land Use

Subject Property: DTR (Downtown Redevelopment)/SC (Service Commercial)
North: PF (Public Facility)
South: DTR (Downtown Redevelopment)/GC (General Commercial)
East: ML (Medium-Low Density Residential)
West: DTR (Downtown Redevelopment)/SC (Service Commercial)

D) Existing Zoning

Subject Property: C-1 (Limited Commercial)
North: C-V (Civic)
South: C-2 (General Commercial)
East: R-PD8 (Residential Planned Development – 8 Units Per Acre)
West: C-1 (Limited Commercial)

E) General Plan Compliance

The Redevelopment Plan establishes SC (Service Commercial) as the designation for this site. The C-1 (Limited Commercial) zoning on this site is compatible with the SC (Service Commercial) designation. The proposed use complies with both the land use designation and the existing zoning for the site.

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

This site is located within Las Vegas Redevelopment Plan Area and is designated as SC (Service Commercial). At this time, no special requirements will affect this application.

ANALYSIS

A) Zoning Code Compliance

A2) Minimum Distance Separation Requirements

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

Standards	Code Requirement	Provided
Minimum distance separation from another Off-Premise Advertisement (Billboard) in any direction.	300 Feet	Yes
Minimum distance separation from "R" zoned property and any other off-premise sign	300 Feet	Yes

This proposed Off-Premise Advertising (Billboard) Sign is located approximately 440 feet from the "R" zoned property to the east and 330 feet from the "R" zoned property to the west, and in excess of 300 feet from any other Off-Premises Advertising (Billboard) Sign. Therefore, it complies with Zoning Code standards.

B) General Analysis and Discussion

- Zoning**

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

- Use

Title 19 establishes the criteria for the approval of Off-Premises Advertising (Billboard) Signs within the City. Title 19.14.100 limits the overall height of an Off-Premises Advertising Sign to 40 feet. The Code also requires Off-Premises Advertising (Billboard) Signs to be a minimum of 300 feet from residentially zoned properties and 300 feet from other off-premises signs. The proposed sign meets these code separation requirements.

Title 19.14.100 (B) (2) states the Planning Commission and City council may consider the aesthetic impact of the sign on the area and all other aspects of the signs compatibility with the surrounding area.

A similar request was made for an Off-Premise Advertising (Billboard) Sign on this site last year. The applicant withdrew the application after the staff and Planning Commission recommended that it be denied. An on-premise sign and a wireless communication facility already exist on this site. (Another wireless communication is located on the back part of the property that faces north.) This proposed billboard would add substantial visual clutter that is not appropriate at this location.

FINDINGS

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

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

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

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

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

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

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

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

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

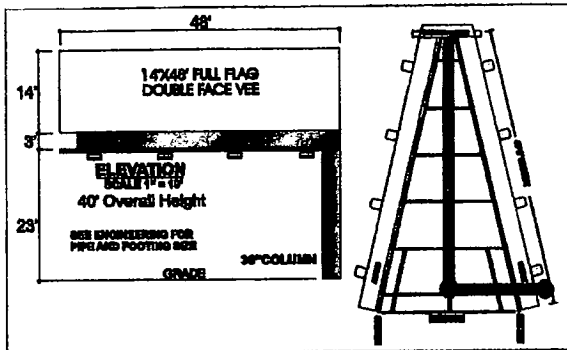
PLANNING COMMISSION ACTION

The Planning Commission concurred with staff that this additional sign would add to on site visual clutter.

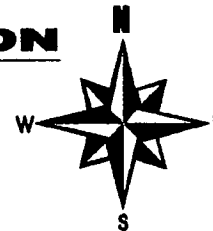
NOTICES MAILED 195 by City Clerk

APPROVALS 0

PROTESTS 0



WASHINGTON



TOP VIEW
SCALE 1" = 20'
DETAIL



GENERAL NOTES

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

P 285.7'±

P 186'±

P 259.66'±

APN#13930301002
Zoning (C-1)
840 N DECATUR BLVD 89107

BUILDING

P 215'±

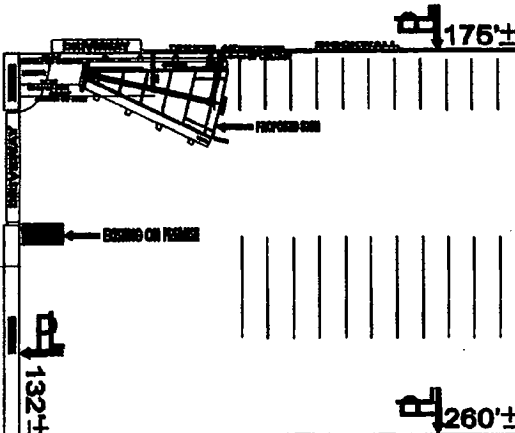
REAGAN
NATIONAL ADV.
ANDY BILANZICH
292-3723

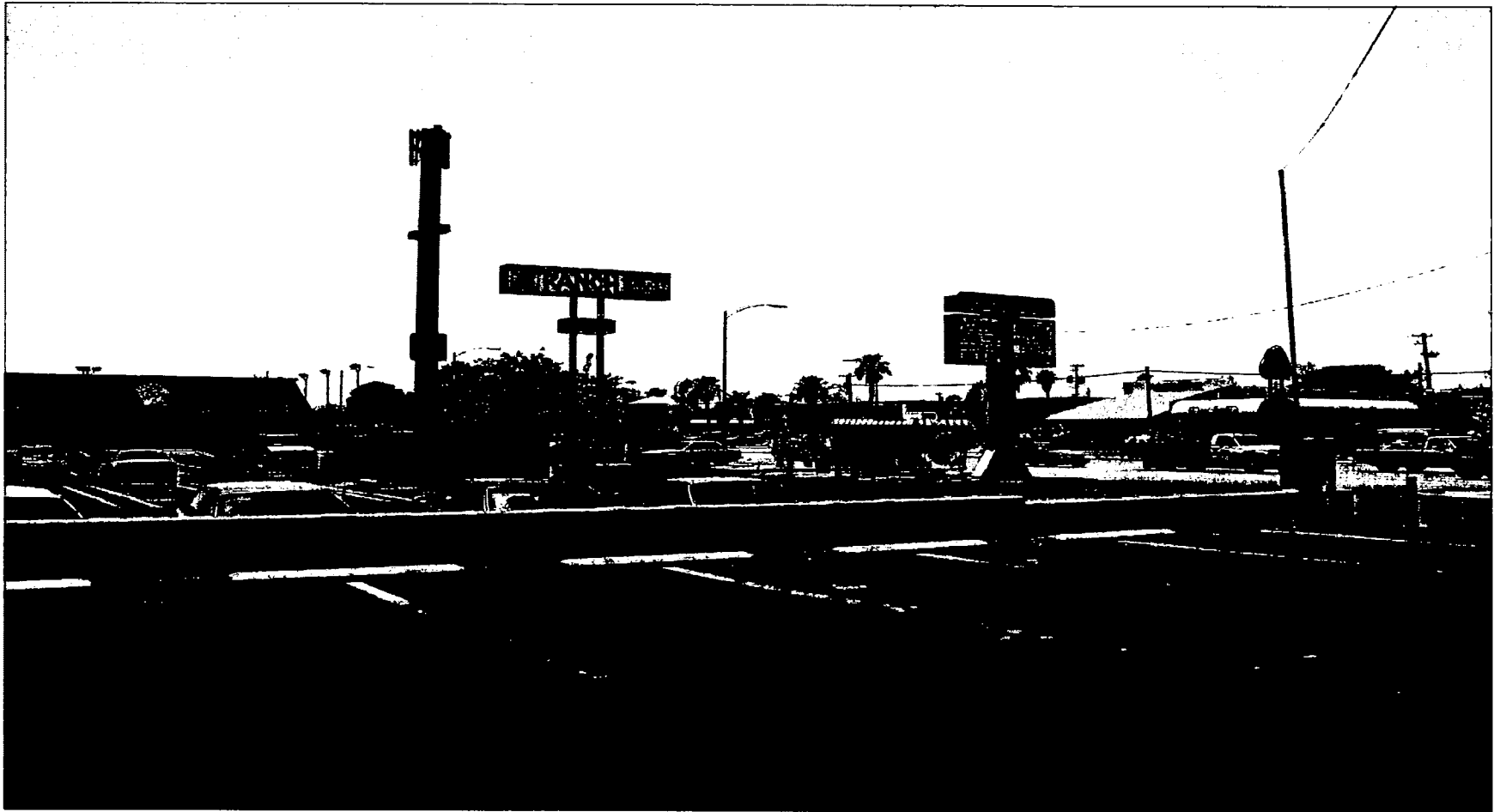
NOTED		APPROVED BY:	
DATE: 7-28-03		REMARKS:	
LOCATION: 840 N DECATUR BLVD 89107			
APN# 13930301002		211	

SUP-4683
08-12-04 PC

DECATUR

60'
HALF ROW





SUP-4683 - APPLICANT: REAGAN NATIONAL ADVERTISING OF NEVADA - OWNER: ANER IGLESIAS
TRUST
840 NORTH DECATUR BOULEVARD
AUGUST 12, 2004 PLANNING COMMISSION

07/20/04



SUP-4683 - APPLICANT: REAGAN NATIONAL ADVERTISING OF NEVADA - OWNER: ANER IGLESIAS
TRUST
840 NORTH DECATUR BOULEVARD
AUGUST 12, 2004 PLANNING COMMISSION

07/20/04

LAW OFFICES

Singer & Brown

A NEVADA LLC

MICHAEL H. SINGER
JAY H. BROWN

520 SOUTH FOURTH STREET
LAS VEGAS, NEVADA 89101-8593

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

August 17, 2004

VIA FACSIMILE TO: 382-4803

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

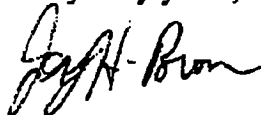
Re: SUP- 4683 Reagan National Advertising on behalf of
Iglesias Aner Trust 1997, etal.

Dear Ms. Ronemus:

Please be advised that I represent Reagan National Advertising on behalf of Iglesias Aner Trust 1997. The City Planning Commission denied the above referenced application on August 12, 2004.

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

Very truly yours,



Jay H. Brown

JHB:cc

Cc: Dewey Reagan by fax to 801-526-0615
Andy Bilanzich by fax to 616-8960

RECEIVED
CITY CLERK
2004 AUG 17 P 1:02

September 6, 2004

TO: Las Vegas City Council
FROM: Concerned Citizens In The Affected Area
RE: Docket Number **SUP-4683**

Several residents of the neighborhood affected by the Special Use Permit request cited above have expressed objection to the request. You will find their letters enclosed in this packet. We request that, pursuant to the provisions stated in the Notice of Public Hearing, these objections be formally filed with the Office of the Las Vegas City Clerk, at City Hall, 1st Floor, 400 Stewart Avenue, in the City of Las Vegas.

These concerned citizens and residents thank you for your attention.

Enclosures

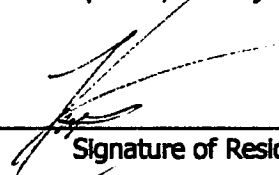
RECEIVED
CITY CLERK
2004 SEP - 8 A 10: 25

TO: The Las Vegas City Planning Commission
FROM: A Concerned Citizen Resident in the Affected Area
RE: Request Number SUP-4683

Protest

I, the undersigned, a resident of the area affected by the Special Use Permit Request cited above, do strenuously object to the granting of this permit. The trust on whose behalf the applicant acts has repeatedly attempted to have this billboard sign approved, in the face of obvious and continuous opposition thereto by the residents of the affected area, myself included. The Planning Commission has repeatedly refused requests for special use permits for this specific billboard, and, upon appeal, the City Council has upheld the refusals. I feel that the Commission and the Council have exercised good judgment in this matter in the past, and fervently hope that they continue to do so by continuing to refuse this present request, and any similar future request.

I see no change in the basic situation and circumstances upon which I based my previous objections to this sign. Therefore, I, the undersigned, a resident of the area affected, wish to state my objection to Request SUP-4683, and request that the City Council uphold the Planning Commission's denial of permit, and reject the applicant's request.



Signature of Resident

9-6-04

Date

TERRY SMITH

Printed Name of Resident

4817 CHANNON CIRCLE
_____, Las Vegas, Nevada 89108
Address of Resident

RECEIVED
CITY CLERK
2004 SEP - 8 A 10: 25

TO: The Las Vegas City Planning Commission
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Lois Smyth
Signature of Resident

9/6/04
Date

Lois Smyth
Printed Name of Resident

4817 CANNON CIR
Address of Resident

, Las Vegas, Nevada 89108

Protest

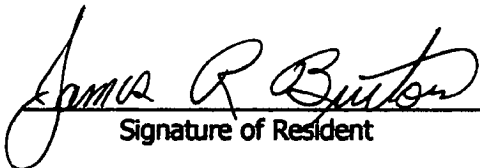
2004 SEP - 8 A 10: 25

CITY CLERK

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Signature of Resident

6 SEPT 04

Date

JAMES R BURTON

Printed Name of Resident

4809 CANNON CIRCLE

Address of Resident

, Las Vegas, Nevada 89108

Protest

TO: The Las Vegas City Planning Commission
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K. K. Swanson
Signature of Resident

9-6-4
Date

KENNETH K. SWANSON
Printed Name of Resident

4825 CANNON CIR, Las Vegas, Nevada 89108
Address of Resident

Protest

RECEIVED
CITY CLERK

2004 SEP - 8 A 10: 25

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Dorothy B. Swanson
Signature of Resident

9-6-04
Date

DOROTHY B. SWANSON
Printed Name of Resident

4825 CANNON CIR, Las Vegas, Nevada 89108
Address of Resident

Protest

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2004 SEP - 8 A 10: 25

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Mary E. Capson 9-6-08
Signature of Resident Date

MARY E. CAPSON
Printed Name of Resident

~~4816~~ 4816 CANNON CIRCLE, Las Vegas, Nevada 89108
Address of Resident

Protest

RECEIVED
CITY CLERK

2008 SEP - 8 A 10:25

TO: The Las Vegas City Planning Commission
FROM: A Concerned Citizen Resident in the Affected Area
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Mary Baldare Burton
Signature of Resident

9-6-04
Date

MARY BALDARE BURTON
Printed Name of Resident

4813 CANNON CIRCLE, Las Vegas, Nevada 89108
Address of Resident

Protest

RECEIVED
CITY CLERK

2004 SEP - 8 A 10: 25

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Signature of Resident

9-6-04
Date

ROBERT F. BURTON
Printed Name of Resident

4813 CANNON CIRCLE, Las Vegas, Nevada 89108
Address of Resident

Protest

RECEIVED
CITY CLERK
2004 SEP - 8 A 10: 26

TO: The Las Vegas City Planning Commission
FROM: A Concerned Citizen Resident in the Affected Area
RE: Request Number SUP-4683

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Debora A. Burton
Signature of Resident

Sept. 6, 2004
Date

Debora A. Burton
Printed Name of Resident

4809 Cannon Circle, Las Vegas, Nevada 89108
Address of Resident

Protest

RECEIVED
CITY CLERK
2004 SEP - 8 A 10: 26

LAW OFFICES

Singer & Brown

A NEVADA LLC

MICHAEL H. SINGER
JAY H. BROWN

520 SOUTH FOURTH STREET
LAS VEGAS, NEVADA 89101-6593

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

September 15, 2004

FAX: 382-4803

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

Re: SUP- 4683 -- Special Use Permit
Reagan National Advertising on behalf of
Iglesias Aner Trust 1997, etal

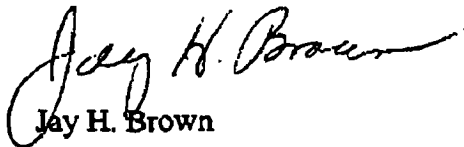
Dear Ms. Ronemus:

Please be advised that I represent Reagan National Advertising in connection with the above referenced application.

On behalf of our client, we respectfully request that this item be held in abeyance from the September 15, 2004 City Council agenda and be continued to the October 6, 2004 City Council meeting.

Your cooperation in this matter is sincerely appreciated.

Very truly yours,


Jay H. Brown

JHB:cc

cc: Dewey Reagan
Andy Bilanzich

RECEIVED
CITY CLERK
2004 SEP 15 A 9:25

Submitted after final agenda

Date

9/15/04 Item #144

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: SEPTEMBER 15, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☐

CONSENT

☒

DISCUSSION

SUBJECT:

SPECIAL USE PERMIT - PUBLIC HEARING - SUP-4689 - SPECIAL USE PERMIT - APPLICANT: LAS VEGAS BILLBOARDS - OWNER: JERRY APPELHANS AND DEBRA TENNARIELLO - Appeal filed by the applicant from the Denial by the Planning Commission on a request for a Special Use Permit FOR A PROPOSED 40-FOOT TALL, 14-FOOT BY 48-FOOT OFF-PREMISE ADVERTISING (BILLBOARD) SIGN at 1301 North Main Street (APN 139-27-502-007), C-M (Commercial/Industrial) Zone, Ward 5 (Weekly). The Planning Commission (4-1 vote) and staff recommend DENIAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

RECOMMENDATION:

The Planning Commission (4-1 vote) and staff recommend DENIAL.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Appeal letter filed by LAS Consulting, Inc.
5. Submitted after final agenda – Withdrawal without Prejudice request by Singer & Brown

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

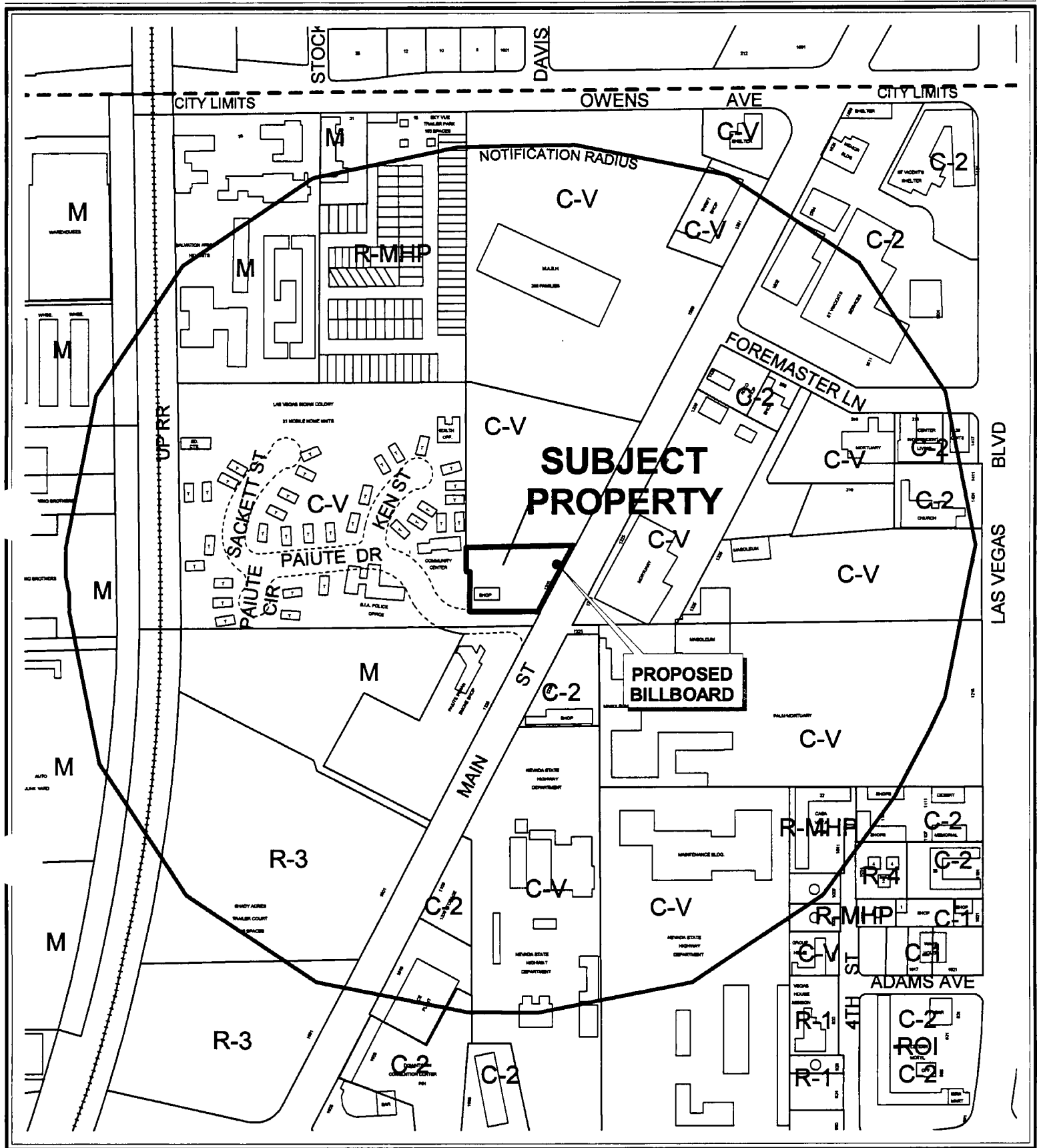
CITY COUNCIL MEETING OF SEPTEMBER 15, 2004
Planning and Development Department
Item 145 – SUP-4689

MINUTES:

COUNCILMAN WEEKLY requested that Item 144 [SUP-4683] and Item 145 [SUP-4689] be taken off the abeyance request list and brought forward for discussion. It was determined a vote could be taken on Item 145 [SUP-4689] as it had been requested to be withdrawn without prejudice.

(2:48 – 3:01)

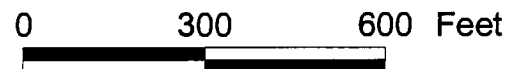
5-1

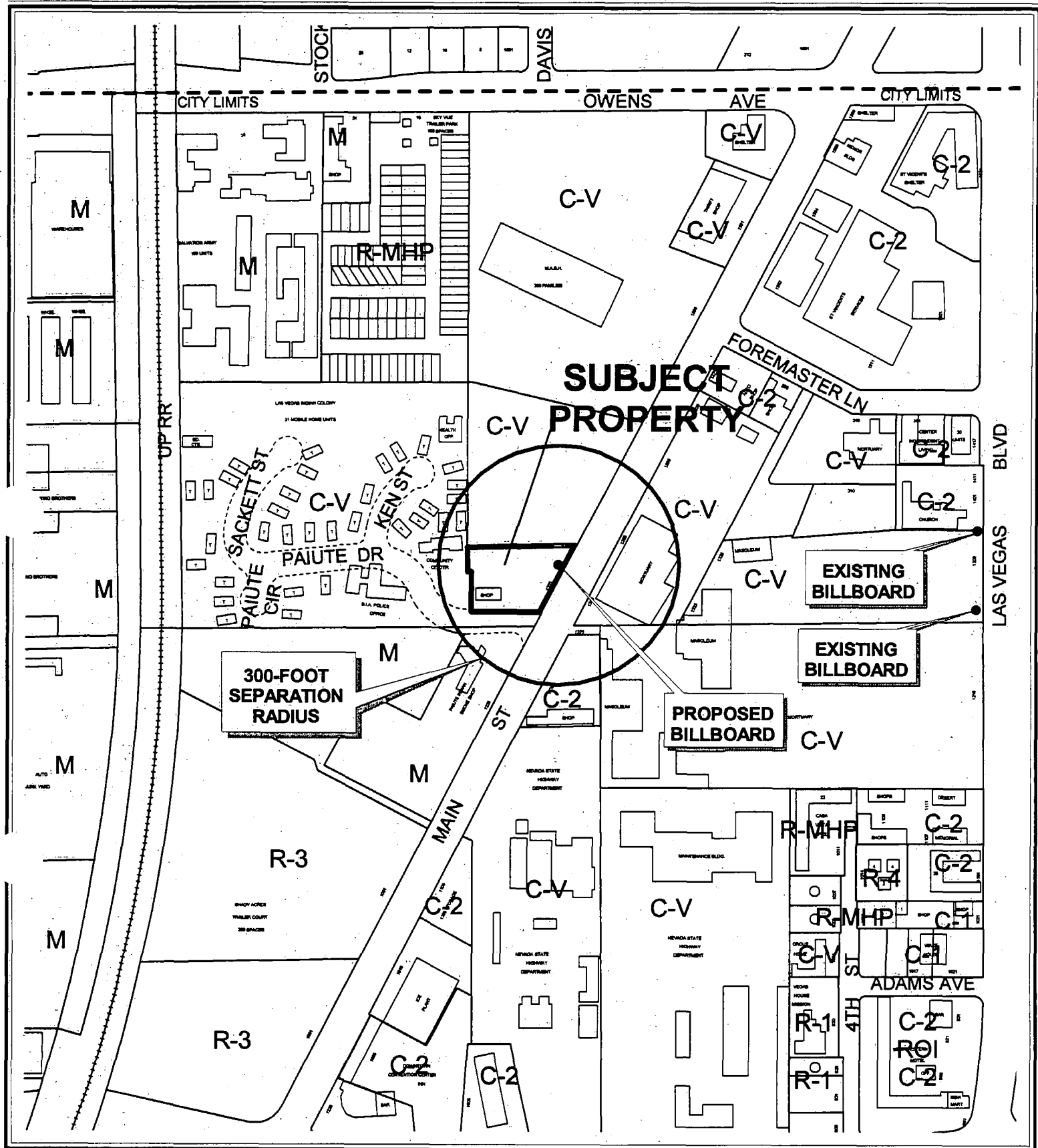


CASE: SUP-4689

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: C-M (COMMERCIAL/INDUSTRIAL)

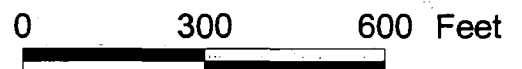


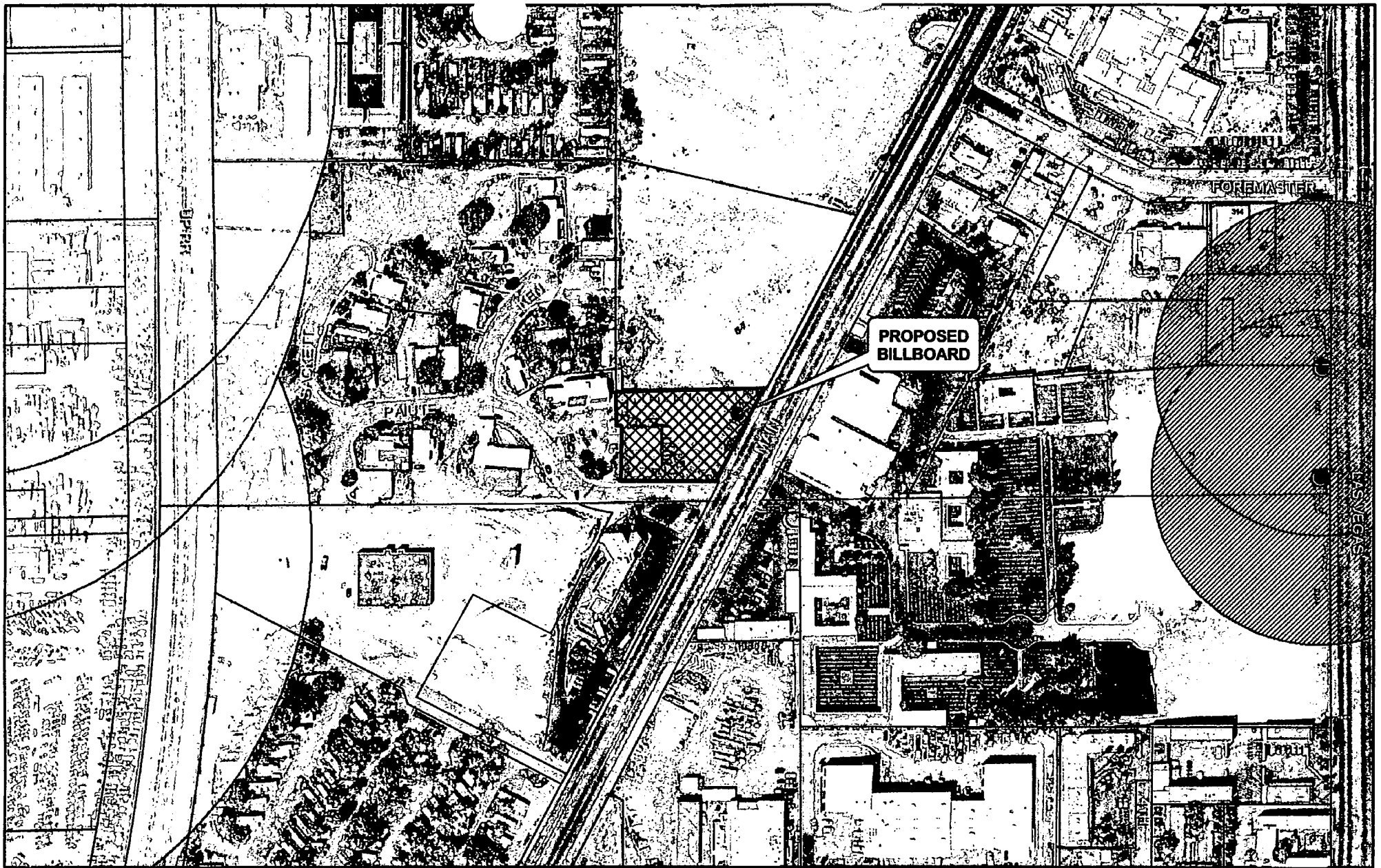


CASE: SUP-4689

SEPARATION RADIUS: 300 FT

ZONING OF SUBJECT PROPERTY: C-M (COMMERCIAL/INDUSTRIAL)





SUP-4689

City of Las Vegas Billboard Data

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



AGENDA MEMO

CITY COUNCIL MEETING DATE: SEPTEMBER 15, 2004

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: SUP-4689 - SPECIAL USE PERMIT - APPLICANT: LAS VEGAS BILLBOARDS - OWNER: JERRY APPELHANS AND DEBRA TENNARIELLO

**** CONDITIONS ****

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

Planning and Development

1. This Special Use Permit shall be reviewed in two (2) years at which time the City Council may require the off-premise advertising (billboard) sign be removed. The applicant shall be responsible for notification costs of the review. Failure to pay the City for these costs may result in a requirement that the off-premise advertising (billboard) sign is removed.
2. Conformance to all minimum requirements under Title 19.14 for an Off-Premise Sign and other applicable sign requirements.
3. The off-premise advertising (billboard) sign and its supporting structure shall be properly maintained and kept free of trash, weeds and graffiti at all times. In addition, the property owner shall keep the property properly maintained at all times. Failure to perform the required maintenance may result in fines and/or removal of the off-premise advertising (billboard) sign.
4. The off-premise advertising (billboard) sign support pole shall be designed to include finish materials to complement the existing on-site buildings.
5. Only one advertising sign is permitted per sign face.
6. The entire face-area of both sides of the off-premise advertising (billboard) sign shall be signage area or its border framework; none of the supporting structure shall be visible aside from the support pole.
7. If the off-premise advertising (billboard) sign structure is removed, this Special Use Permit shall be expunged and a new off-premise advertising (billboard) sign structure shall not be erected in the same location unless: (1) a new Special Use Permit is approved for the new structure by the City Council, or (2) the location is in compliance with all applicable standards of Title 19 of the Las Vegas Municipal Code including, but not limited to, distance separation requirements, or (3) a Variance to the applicable standards of Title 19 has been approved for the new structure by the City Council.

8. This Special Use Permit shall expire two years from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.
9. All City Code requirements and design standards of all City Departments shall be satisfied.

Public Works

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

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

This request is for a Special Use Permit to allow a proposed 40-foot tall, 14-foot by 48-foot Off-Premise (Billboard) Sign at 1301 North Main Street.

B) Applicant's Justification

The applicant's states in a letter attached to the application the following:

“This area along Main Street does currently contain other additional Off Premise advertising structures. They have conformed nicely to their surroundings and do not offer any intrusions to any neighborhoods...The area proposed is in a commercially built up area and an off premise sign would not be out of context with the surrounding uses, as do none of the other existing structures in the area.”

BACKGROUND INFORMATION

A) Previous Actions

08/12/04 The Planning Commission voted 4-1 to recommend DENIAL (PC Agenda Item #72/DDS)

B) Pre-Application Meeting

06/16/04 Various details of the proposal were discussed with the staff, including the following:

- Discussion occurred regarding the sign being within 300 feet of existing mobile and modular homes zoned C-V (Civic). Title 19, however, clearly states that the separation requirements for billboards only apply to “U” and “R” zoning districts.
- A determination needs to be made whether the sign would be within a 750-foot restricted zone along Interstate Highway 15. (It has been ascertained that the sign would be outside the zone.)

C) Neighborhood Meetings

A neighborhood meeting is not required as part of this application nor was one held.

DETAILS OF APPLICATION REQUEST

A) *Site Area*

Acres: 0.84

B) *Existing Land Use*

Subject Property: Storage for industrial materials
North: Burial ground of the Paiute Indian Reservation
South: Retail (Paiute Indian Smoke Shop)
East: Mortuary
West: Residences and community center of the Paiute Indian Reservation

C) *Planned Land Use*

Subject Property: L-I/R (Light Industrial/Research)
North: PF (Public Facility)
South: SC (Service Commercial)
East: PF (Public Facility)
West: M-L (Medium – Low Density Residential)

D) *Existing Zoning*

Subject Property: C-M (Commercial/Industrial)
North: C-V (Civic)
South: M (Industrial)
East: C-V (Civic)
West: C-V (Civic)

E) *General Plan Compliance*

The site is designated L-I/R (Light Industrial/Research) on the Southeast Sector Land Use Plan Map of the General Plan. The existing C-M (Commercial/Industrial) zoning designation is in conformance with the General Plan.

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

The site is shown in Downtown North Area of the Southeast Sector. The proposed Off-Premise (Billboard) Sign is contrary to a number of goals, objectives and policies of the *Downtown North Land Use Plan*. Several are the focus of this staff report and include the following:

- Goal 2: Mature neighborhoods will be sustained and improved through appropriate and selective high quality redevelopment and preservation.
- Objective 2.2: To ensure that low-density residential land uses within mature neighborhoods can exist in close proximity to higher density residential, mixed-use, or non-residential land uses by mitigating adverse impact where feasible.
- Policy 2.2.1: That any higher density or mixed-use redevelopment which is adjacent to lower density residential development incorporate appropriate design, transition, or buffering elements which will mitigate adverse visual, audible, aesthetic and traffic impacts.
- Objective 2.4: To ensure that the quality of existing residential neighborhoods within the City of Las Vegas is maintained and enhanced.
- Policy 2.4.8: That the City improves the quality and appearance of signage through review, amendment and consistent application of its Sign Code.

By the goals, objectives and policies established in the *Downtown North Land Use Plan*, it is clear that the focus of the Plan is to enhance properties in this area, particularly those in close proximity to residential development.

ANALYSIS

A) *Zoning Code Compliance*

A1) Minimum Distance Separation Requirements

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

Standards	Code Requirement	Provided
Minimum distance separation from another Off-Premise Advertising (Billboard) Sign in any direction.	300 Feet	Yes
Minimum distance separation from "R" zoned property	300 Feet	Yes

This proposed Off-Premise Advertising (Billboard) Sign is located in excess of 300 feet from any other Off-Premise Advertising (Billboard) Sign or an "R" zoning district.

Immediately west of the subject property is the Paiute Indian Community Center and mobile and modular homes that are residences of the Paiute Indians. The residences are located within 300 feet of the location of the proposed Off-Premise Advertising (Billboard) Sign. Even though the separation requirements of Title 19 only apply to "R" zoned boundaries, the integrity of the Paiute Indian residences should be protected.

B) General Analysis and Discussion

- Zoning

An Off-Premise Advertising (Billboard) Sign is an allowed use within the C-M (Commercial/Industrial) zoning district with the approval of a Special Use Permit.

- Use

Title 19 establishes the criteria for the approval of Off-Premise Advertising (Billboard) Signs within the City. Title 19.14.100 limits the overall height of an Off-Premise Advertising (Billboard) Sign to 40 feet. The Code also requires Off-Premise Advertising (Billboard) Signs to be a minimum of 300 feet from residentially zoned properties and 300 feet from other off-premise signs.

As presented above, there are residences of the Las Vegas Colony of the Paiute Indians located on property west and within 300 feet of the proposed Off-Premise Advertising (Billboard) Sign. Although the residences are not located in an "R" zoning district, they are expected to remain there for perpetuity. Consequently, the homes of the Paiute Indians that are located on land outside of the City's zoning jurisdiction, should be given the same protection as if they were within an "R" zoning district.

FINDINGS

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

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

The proposed Off-Premise Advertising (Billboard) Sign would be located within 300 feet of the residences of the Paiute Indians to the west. Title 19 recognizes that there is a compatibility issue with the location of such signs in close proximity to residences by imposing separation requirements. In addition, the sign is not projected to be consistent with the goals, objectives and policies of the *Downtown North Land Use Plan*.

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

The subject site is located in a commercial area, which is one of the prerequisites to establishing its suitability.

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

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

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

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

NOTICES MAILED 341 by City Clerk

APPROVALS 0

PROTESTS 0

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: SUP-4689 APN: 139-27-502-007

Name of Property Owner: Appelhaus Jerry and Tenmarick Debra

Name of Applicant: Las Vegas Billboards

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

Yes

☒ 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: _____

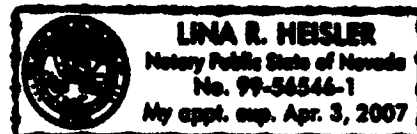
Signature of Property Owner/Authorized Agent: Jerry Onelhouse

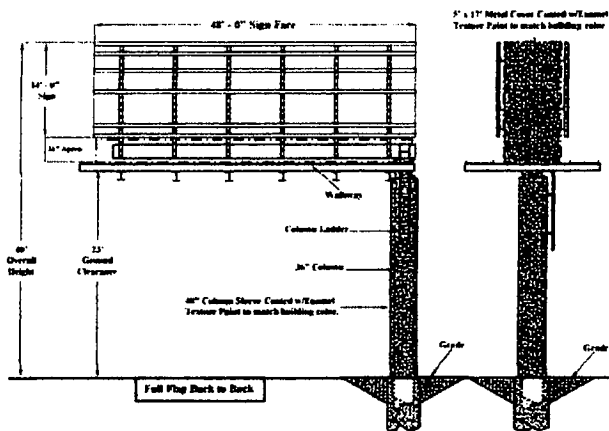
Print Name: Jerry Appelhans.

Subscribed and sworn before me

This 5th day of May, 2014

Notary Public in and for said County and State



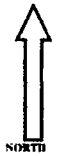


PROPERTY OWNER: JERRY APPELHAN & DERRA J. TENNARDI
2049 W. BONANZA RD.
LAS VEGAS, NV 89106-4772

PROPERTY ADDRESS: 1303 N. MAIN ST.
LAS VEGAS, NV 89106

CONTACT: STEVE RANNEY @
LAS VEGAS BILLBOARDS
1043 S. VALLEY VIEW BLVD.
LAS VEGAS, NV 89118
837-7922

APN: 139-27-502-007
ZONED: C-M
14' X 48' FULL FLAG, BACK TO BACK
48' OVERALL HEIGHT
NO ADJACENT OFF-PREMISE SIGN WITHIN 300' RADIUS
NO S.E. ZONE WITHIN 100'
SCALE: 1" = 20'



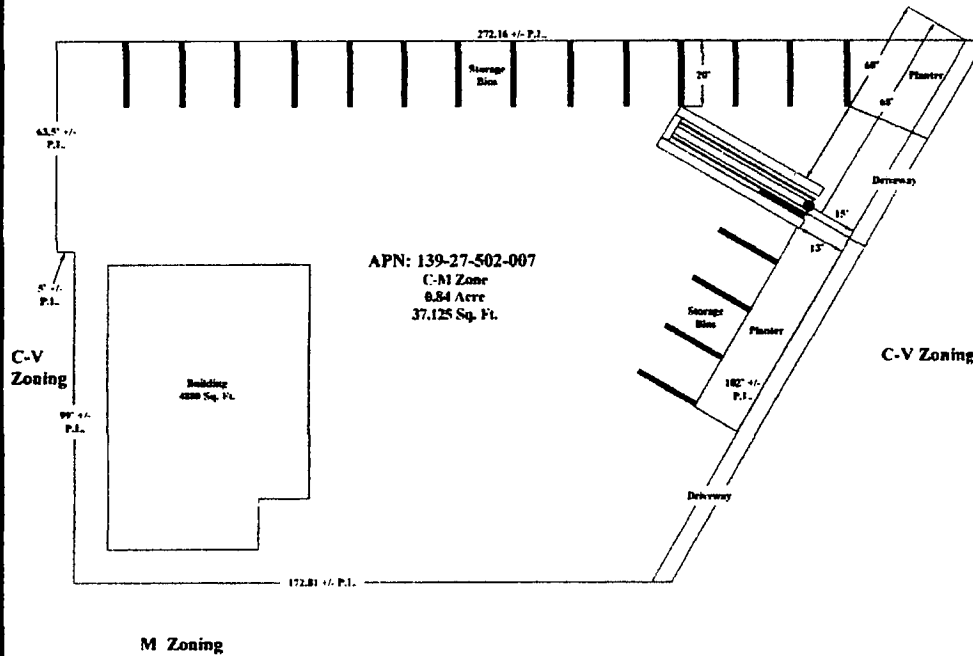
SIGN ANALYSIS TABLE

TYPE OF SIGN:	14' X 48' OFF-PREMISE SIGN
SIGN HEIGHT:	48' OVERALL HEIGHT
SIGN WIDTH:	48' OVERALL WIDTH
SIGN AREA:	472' SQUARE FT.
ILLUMINATION TYPE:	HALOGEN LIGHTING
ANIMATION:	NONE

LOCATION:
15' FRONT SETBACK FROM MAIN ST. TO LEADING EDGE OF SIGN.
15' FRONT SETBACK FROM MAIN ST. TO CENTER OF COLUMN.
48' SIDE SETBACK FROM NORTH PROPERTY LINE TO LEADING EDGE OF SIGN.
48' SIDE SETBACK FROM NORTH PROPERTY LINE TO CENTER OF COLUMN.



C-V Zoning



SUP-4689
08-12-04 PC



SUP-4689 - SPECIAL USE PERMIT - APPLICANT: LAS VEGAS BILLBOARDS - OWNER: JERRY
APPELHANS AND DEBRA TENNARIELLO
1301 NORTH MAIN STREET
AUGUST 12, 2004 PLANNING COMMISSION

07/20/04

LAS Consulting, Inc.
856 E. Sahara #A
Las Vegas, NV 89104
(702) 889-2879-office
(702) 889-3122-fax

RECEIVED
CITY CLERK

2004 AUG 18 P 2:49

August 17, 2004

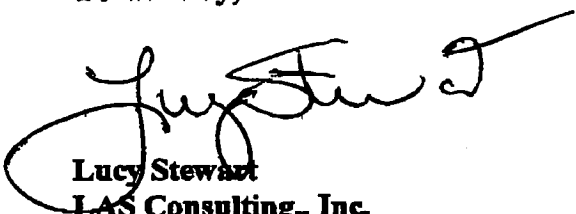
City Clerk
City Hall, First Floor
400 Stewart Avenue
Las Vegas, NV 89101
Phone: (702) 229-6311
Fax: (702) 382-4803

RE: Appeal from the 8/12/04 Planning Commission Meeting
SUP-4689

Dear Madam:

Please accept this letter as a request appeal the Planning Commission's denial of items No. SUP-4689 (Appelhans). These items were denied at the August 12, 2004 Planning Commission Meeting. I would like to appeal these special use permits to the City Council. I understand that should be the September 15th City Council meeting. Please advise me if that is a different date. Thank you for your consideration in this matter.

Yours truly,



Lucy Stewart
LAS Consulting, Inc.

Cc.
Jay Brown, 385-1023
Chad Harris LVBB, 837-7821

PLANNING &
DEVELOPMENT

Development
Services Center
731 S. Fourth Street
Las Vegas, NV 89101

TTY: 702-386-9708
Voice:
Administration 229-6353
Comp Planning 229-6022
Current Planning 229-6301
www.lasvegasnevada.gov

August 13, 2004

RECEIVED
CITY CLERK

2004 AUG 18 P 2:49

Mr. Jerry Appelhans
2049 West Bonanza Road
Las Vegas, Nevada 89106

RE: SUP-4689 - SPECIAL USE PERMIT

Dear Mr. Appelhans:

Your request for a Special Use Permit FOR A PROPOSED 40-FOOT TALL, 14-FOOT BY 48-FOOT OFF-PREMISE ADVERTISING (BILLBOARD) SIGN at 1301 North Main Street (APN 139-27-502-007), C-M (Commercial/Industrial) Zone, Ward 5 (Weekly), was considered by the Planning Commission on August 12, 2004.

The Planning Commission voted to **DENY** the request because it was deemed inappropriate given the proximity to residential development and given redevelopment efforts and policy in the area.

This action by the Planning Commission on August 12, 2004 is final unless a written appeal is filed with the City Clerk within ten days of the date of the Planning Commission's decision or there is a review action filed by the City Council within the same time period. The Notice of Final Action was filed with the Las Vegas City Clerk on August 12, 2004.

Sincerely,

Gary M. Leobold, Senior Planner
Planning and Development Department
Current Planning Division

GML:clc

cc: Mr. Steve Raney
Las Vegas Billboards
5665 South Valley View Boulevard
Las Vegas, Nevada 89118

Ms. Lucy Stewart
856 East Sahara Avenue
Las Vegas, Nevada 89104

Mayor
Oscar B. Goodman

City Council
Gary Reese
(Mayor Pro Tem)
Larry Brown
Lawrence Weekly
Michael Mack
Janet Moncrief
Steve Wolfson

City Manager
Douglas A. Selby



LAW OFFICES

Singer & Brown

A NEVADA LLC

MICHAEL H. SINGER
JAY H. BROWN

520 SOUTH FOURTH STREET
LAS VEGAS, NEVADA 89101-6593

TELEPHONE (702) 384-8863
FACSIMILE (702) 385-1023
Brownltd@earthlink.net

September 14, 2004

FAX: 382-4803

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

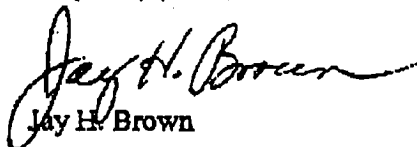
Re: Item No. 145 City County Agenda of September 15, 2004
SUP-4689-Special Use Permit-Las Vegas Billboards on behalf of
Jerry Appelhaus and Debra Tennariello

Dear Ms. Ronemus:

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

On behalf of our client, we respectfully request that this item be withdrawn without
prejudice.

Very truly yours,


Jay H. Brown

JHB:cc

Cc: Department of Planning & Development fax 385-7268

RECEIVED
CITY CLERK

2004 SEP 15 A 9:04

Submitted after final agenda

Date 9/15/04 Item #145

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: SEPTEMBER 15, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☐

CONSENT

☒

DISCUSSION

SUBJECT:

SPECIAL USE PERMIT - PUBLIC HEARING - SUP-4690 - APPLICANT: LAS VEGAS BILLBOARDS - OWNER: RICHARD E WILKIE REVOCABLE TRUST - Request for a Special Use Permit FOR A PROPOSED 40-FOOT TALL, 14-FOOT BY 48-FOOT OFF-PREMISE ADVERTISING (BILLBOARD) SIGN at 2001 Western Avenue (APN 162-04-703-010), M (Industrial) Zone, Ward 1 (Moncrief). The Planning Commission (5-0 vote) and staff recommend APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

RECOMMENDATION:

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

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Support letter from Arthur and Marsha Levine
5. Submitted after final agenda – Protest letter from G. Kenneth Albrecht
6. Submitted after final agenda – Abeyance request by Singer & Brown
7. Back up referenced from the 8/12/2004 Planning Commission meeting Item 9

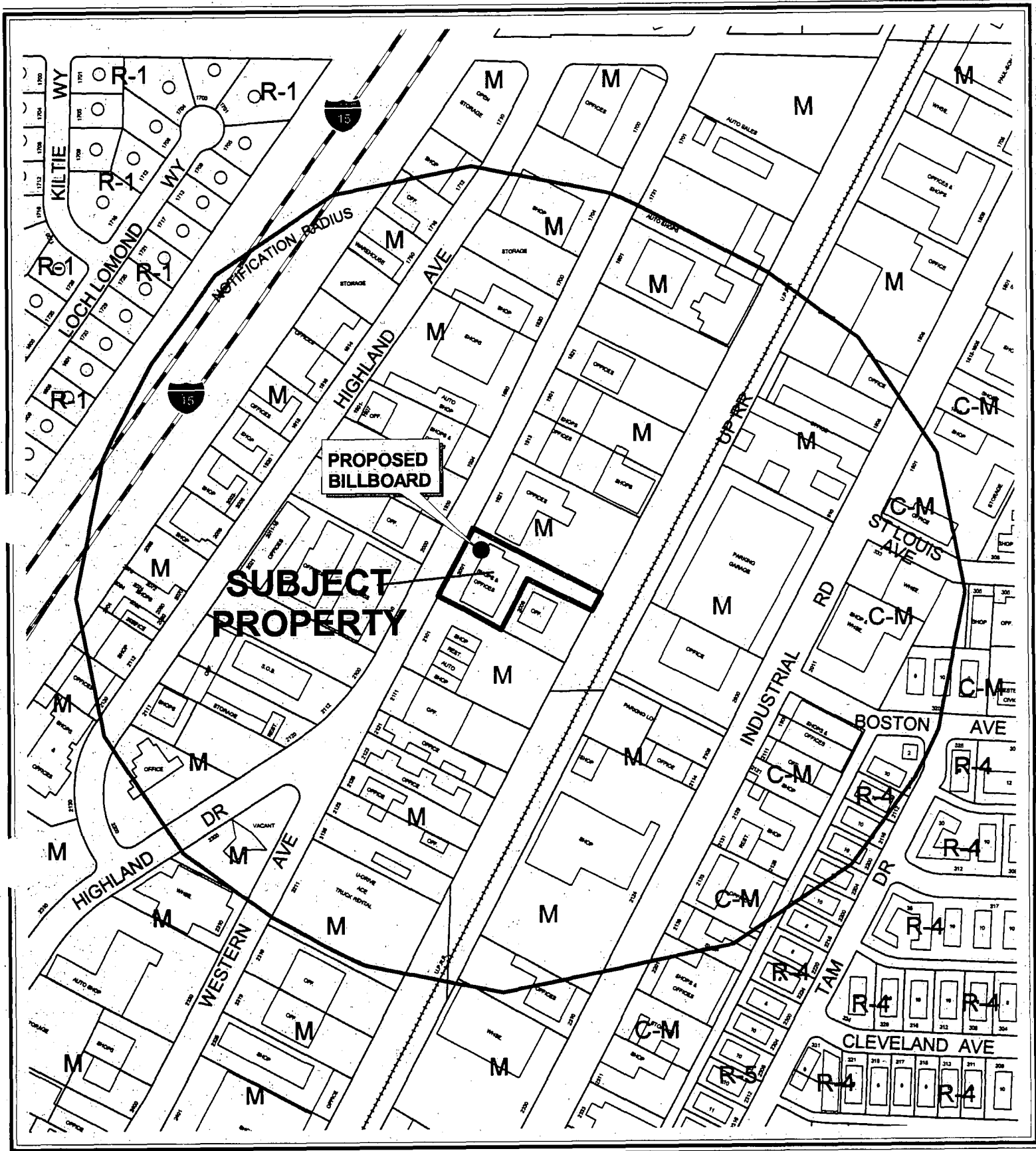
MOTION:

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: SUP-4690

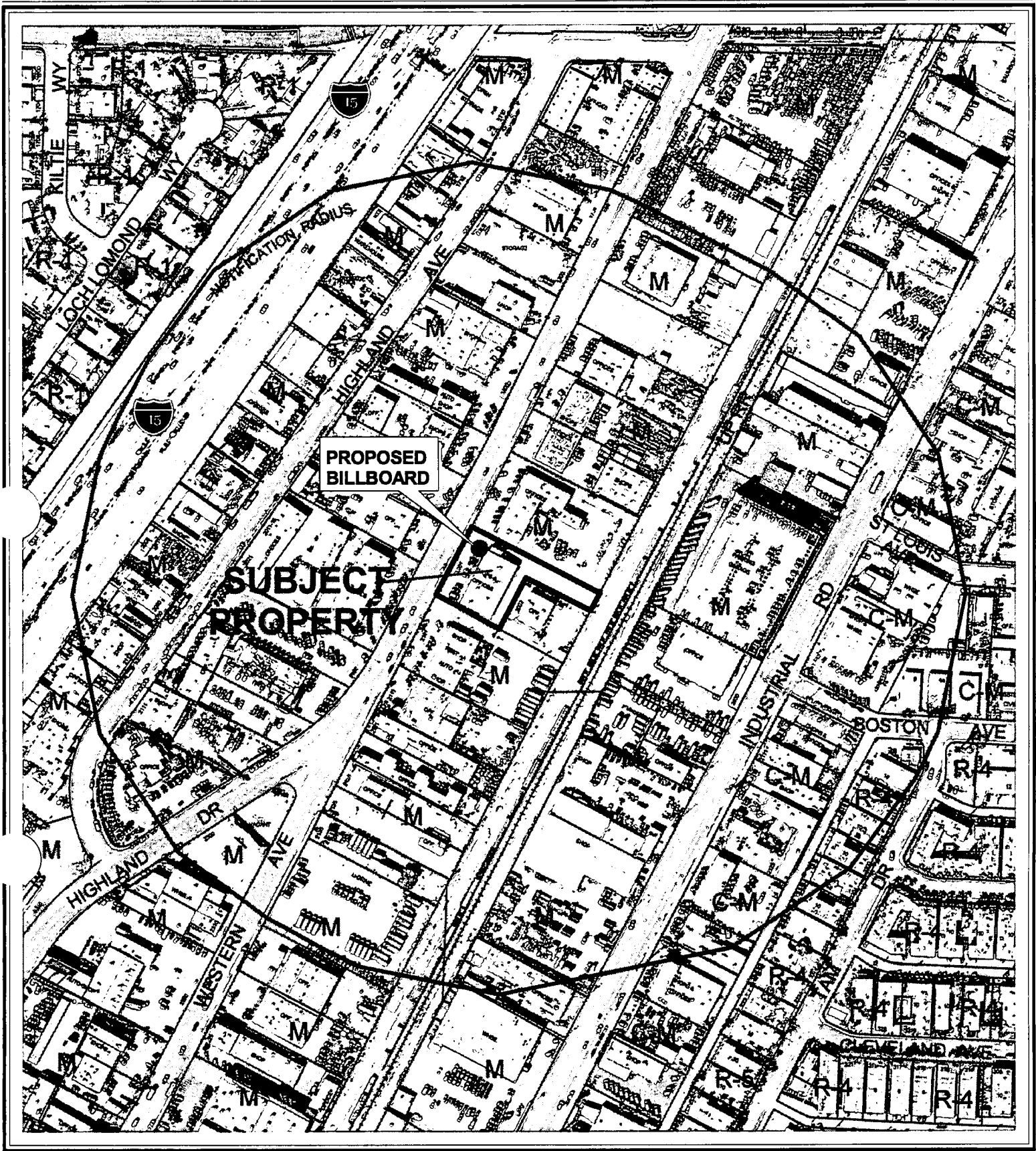
RADIUS: 750 FT

ZONING OF SUBJECT PROPERTY: M (INDUSTRIAL)

0 200 400 Feet

146





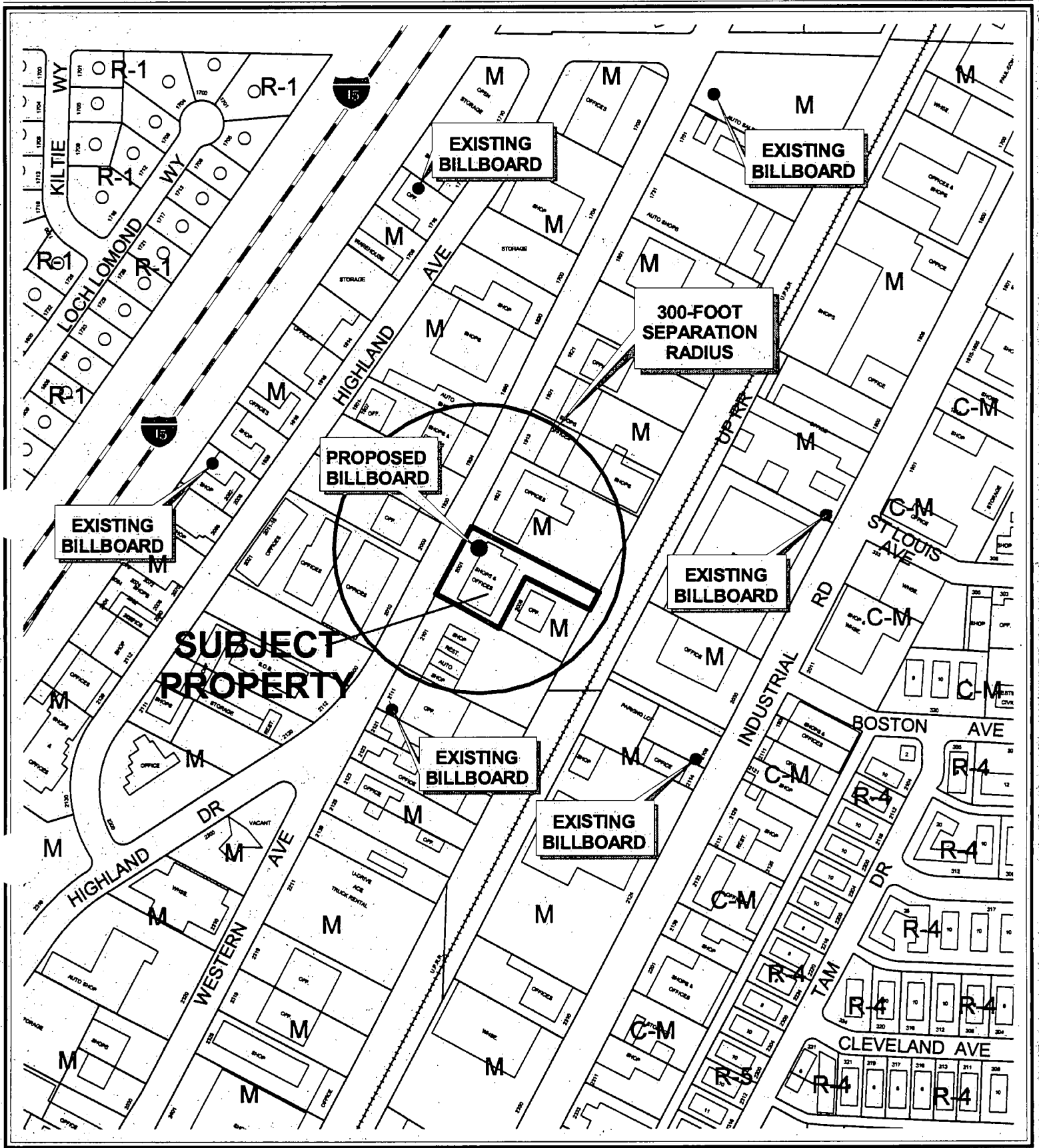
CASE: SUP-4690

RADIUS: 750 FT

ZONING OF SUBJECT PROPERTY: M (INDUSTRIAL)

0 200 400 Feet





CASE: SUP-4690
SEPARATION RADIUS: 300 FT
ZONING OF SUBJECT PROPERTY: M (INDUSTRIAL)

0 200 400 Feet



SUP-4690

City of Las Vegas Billboard Data

- Subject Parcel
- City of Las Vegas Billboard Location
- Clark County Billboard Location

- 300 Foot Buffer Around Billboard
- 750 Foot Buffer Around Freeway Billboard

- Outside City Boundary
- Off Premise Sign Exclusion Area
- Exempt - Off Premise Area Sign Area



AGENDA MEMO

CITY COUNCIL MEETING DATE: SEPTEMBER 15, 2004

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: SUP-4690 - APPLICANT: LAS VEGAS BILLBOARDS -
OWNER: RICHARD E WILKIE REVOCABLE TRUST**

**** CONDITIONS ****

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

Planning and Development

1. This Special Use Permit shall expire two years from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.
2. This Special Use Permit shall be reviewed in two (2) years at which time the City Council may require the off-premise advertising (billboard) sign be removed. The applicant shall be responsible for notification costs of the review. Failure to pay the City for these costs may result in a requirement that the off-premise advertising (billboard) sign is removed.
3. Conformance to all Minimum Requirements under Title 19.14 for an Off-Premise Sign use and other applicable sign requirements. In particular, the sign shall be oriented away from Interstate 15 so it cannot be read from the highway.
4. The off-premise advertising (billboard) sign and its supporting structure shall be properly maintained and kept free of trash, weeds and graffiti at all times. In addition, the property owner shall keep the property properly maintained at all times. Failure to perform the required maintenance may result in fines and/or removal of the off-premise advertising (billboard) sign.
5. The off-premise advertising (billboard) sign support pole shall be designed to include finish materials to complement the existing on-site buildings.
6. Only one advertising sign is permitted per sign face.
7. The entire face-area of both sides of the off-premise advertising (billboard) sign shall be signage area or its border framework; none of the supporting structure shall be visible aside from the support pole.

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

Public Works

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

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

This request is for a Special Use Permit to allow a proposed 40-foot tall, 14-foot by 48-foot Off-Premise (Billboard) Sign at 2001 Western Avenue.

B) Applicant's Justification

The applicant states in a letter attached to the application:

"It (the sign) is located within an M district and meets all separations from residential. This also meets the requirements from other off-premise advertising signs and adjacent on-premise signs. There are other off-premises signs along Western and conform to their surroundings."

BACKGROUND INFORMATION

A) Previous Actions

08/12/04 The Planning Commission voted 5-0 to recommend APPROVAL (PC Agenda Item #9/DDS)

B) Pre-Application Meeting

06/16/04 Discussion included the following:

- The proposed billboard is within the 750-foot separation radius of Interstate 15, but the proposed billboard is not to be oriented toward I-15.
- Other aspects of the billboard appear to be code-compliant.

C) Neighborhood Meetings

A neighborhood meeting is not required as part of this application nor was one held.

DETAILS OF APPLICATION REQUEST

A) Site Area

Acres: 0.68

B) Existing Land Use

Subject Property: Service commercial and offices

North: Offices

South: Service commercial

East: Offices and railroad tracks

West: Offices

C) Planned Land Use

Subject Property: LI/R (Light Industrial / Research)

North: LI/R (Light Industrial / Research)

South: LI/R (Light Industrial / Research)

East: LI/R (Light Industrial / Research)

West: LI/R (Light Industrial / Research)

D) Existing Zoning

Subject Property: M (Industrial)

North: M (Industrial)

South: M (Industrial)

East: M (Industrial)

West: M (Industrial)

E) General Plan Compliance

The site is designated LI/R (Light Industrial / Research) on the Southeast Sector Land Use Plan Map of the General Plan. The existing M (Industrial) zoning designation is in conformance with the General Plan. Approval of this off-premise sign is not contrary to the goals of the Plan.

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

The area is not located in a special district or zone.

ANALYSIS

A) Zoning Code Compliance

A1) Minimum Distance Separation Requirements

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

Standards	Code Requirement	Provided
Minimum distance separation from another Off-Premise Advertisement (Billboard) in any direction.	300 Feet	Yes
Minimum distance separation from "R" zoned property and any other off-premise sign.	300 Feet	Yes

This proposed Off-Premise Advertising (Billboard) Sign is located in excess of 300 feet from any other Off-Premise Advertising (Billboard) Sign or residentially zoned property.

The property is located within 660 feet of Interstate 15. Off-Premise Advertising (Billboard) Signs, which can be read from the highway, may not be located closer than 750 feet apart. In this instance the proposed sign is within 750 feet of another Off-Premise Advertising (Billboard) Sign, but the proposed sign would be oriented such that it could not be read from Interstate 15.

B) General Analysis and Discussion

- Zoning

An Off-Premise Advertising (Billboard) Sign is an allowed use within the M (Industrial) zoning district with the approval of a Special Use Permit.

- Use

Title 19 establishes the criteria for the approval of Off-Premise Advertising (Billboard) Signs within the City. Title 19.14.100 limits the overall height of an Off-Premise Advertising (Billboard) Sign to 40 feet. The Code also requires Off-Premise Advertising (Billboard) Signs to be a minimum of 300 feet from residentially zoned properties and 300 feet from other off-premise signs. The proposed sign meets these code distance separation requirements.

- Condition

Since the proposed sign is within 660 feet of Interstate 15 and closer than 750 feet to another Off-Premise Advertising (Billboard) Sign, the sign may not be oriented such that it can be read from Interstate 15. If this application is approved, a condition of approval has been added with this restriction.

FINDINGS

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

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

This proposed use would be located in the LI/R (Light Industrial / Research) General Plan designation and in the M (Industrial) zoning district. This area is characteristic of high intensity commercial and industrial developments, which is fairly compatible with this proposed land use.

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

The subject site is located in a commercial and industrial area, which is one of the prerequisites to establishing its suitability.

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

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

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

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

NOTICES MAILED 61 by City Clerk

APPROVALS 0

PROTESTS 0

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: SUP-4690 APN: 162-04-703-010

Name of Property Owner: Richard E. Wilkie

Name of Applicant: Las Vegas Billboards

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

Yes

~~_____~~ No

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

City Official: _____

Partner(s):

APN: _____

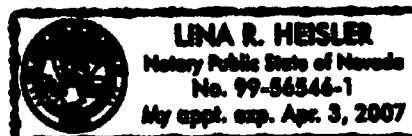
Signature of Property Owner/Authorized Agent: Russ E. Wilkie, Trustee
Russ E. Wilkie Revocable Living Trust

Print Name: Richard E. Wilkie

Subscribed and sworn before me

This 3 day of June, 2004

Notary Public in and for said County and State



SUP-4690
08-12-04 PC



SUP-4690 - APPLICANT: LAS VEGAS BILLBOARDS - OWNER: RICHARD E WILKIE REVOCABLE TRUST
2001 WESTERN AVENUE
AUGUST 12, 2004 PLANNING COMMISSION

07/20/04

RECEIVED
CITY CLERK

Arthur and Marsha Levine
16634 Eagle Peak Road
Riverside, CA 92504-8805
Bus. (909) 291-7702
e-mail: alevine@younghomes.com
Fax: (909) 917-5034

2004 SEP -7 P 3:40

September 7, 2004

Support

City Clerk's Office
City of Las Vegas
400 Stewart Avenue
Las Vegas, NV

RE: SUP - 4690; Hearing on September 15, 2004

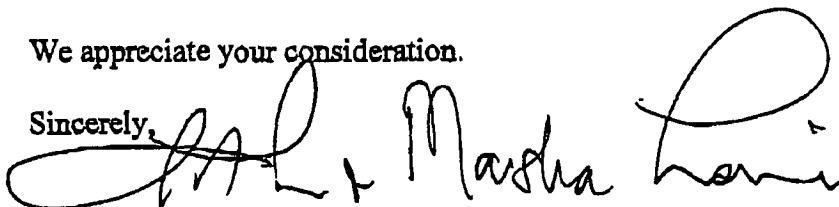
We do have questions about the above referenced application:-

- A) Is this sign to have a permanent message or is the advertising to change on a monthly or some other periodic basis?
- B) Is this sign to advertise the businesses at 2001 Western or provide for general advertising?
- C) How is the sign to be lit?
- D) Why is this sign to be so large?

My wife and I approve of the proposed sign in principal. However, we could give it complete approval if the dimensions of the sign could be reduced to say 14 feet by 30 feet. We know that the purpose of such a sign is to advertise and for it to be seen but it does seem too overbearing in size.

We appreciate your consideration.

Sincerely,



Arthur and Marsha Levine

RECEIVED
CITY CLERK

September 8, 2004

2004 SEP 13 A 10: 51

City Clerk
1st Floor, City Hall
400 Steward avenue
Las Vegas, NV 89101

Re: SUP-4690

We are the owners of the property of 2009 Western Avenue, which is directly behind 2001 Western Avenue.

We object to the construction of subject billboard at that location. We feel that it detracts from the property values., would be visually unsightly and just another detraction from Interstate 15 while driving.

We request that this application be denied .

Cordially

G. Kenneth Albrecht
G. Kenneth Albrecht

Protest

*23807 S. Angora Dr.
Sun Lakes, Az
85248*

Submitted after final agenda

Date *9/13/04* Item *#146*

LAW OFFICES

Singer & Brown

A NEVADA LLC

MICHAEL H. SINGER
JAY H. BROWN

520 SOUTH FOURTH STREET
LAS VEGAS, NEVADA 89101-6593

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

September 14, 2004

FAX: 382-4803

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

Re: Item No. 146 City Council Agenda of September 15, 2004
SUP-4690 - Las Vegas Billboards on behalf of Richard E. Wilkie Revocable
Trust

Dear Ms. Ronemus:

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

On behalf of my client, I respectfully request that this item be continued from the
September 15, 2004 City Council meeting to the December 15, 2004 City Council
meeting.

Very truly yours,


Jay H. Brown

JHB:cc

Cc: Planning & Development fax 385-7268

RECEIVED
CITY CLERK
2004 SEP 14 P 4:45

Submitted after final agenda

Date 9/14/04 Item # 146

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: SEPTEMBER 15, 2004

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

SPECIAL USE PERMIT - PUBLIC HEARING - SUP-4693 - APPLICANT: ORION OUTDOOR MEDIA - OWNER: THOMAS J. OBATA - Appeal filed by the applicant from the Denial by the Planning Commission on a request for a Special Use Permit FOR A PROPOSED 40-FOOT TALL, 14-FOOT BY 48-FOOT OFF-PREMISE ADVERTISING (BILLBOARD) SIGN at 6431 West Charleston Boulevard (APN 163-02-114-003), C-1 (Limited Commercial) Zone, Ward 1 (Moncrief). The Planning Commission (5-0 vote) recommends DENIAL. Staff recommends APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

2**APPROVALS RECEIVED BEFORE:**

Planning Commission Mtg.
City Council Meeting

0**RECOMMENDATION:**

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

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Appeal letter filed by Singer & Brown
5. Submitted after final agenda – Abeyance request by Singer & Brown
6. Submitted after final agenda – Protest letter from Charleston Neighborhood Preservation

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

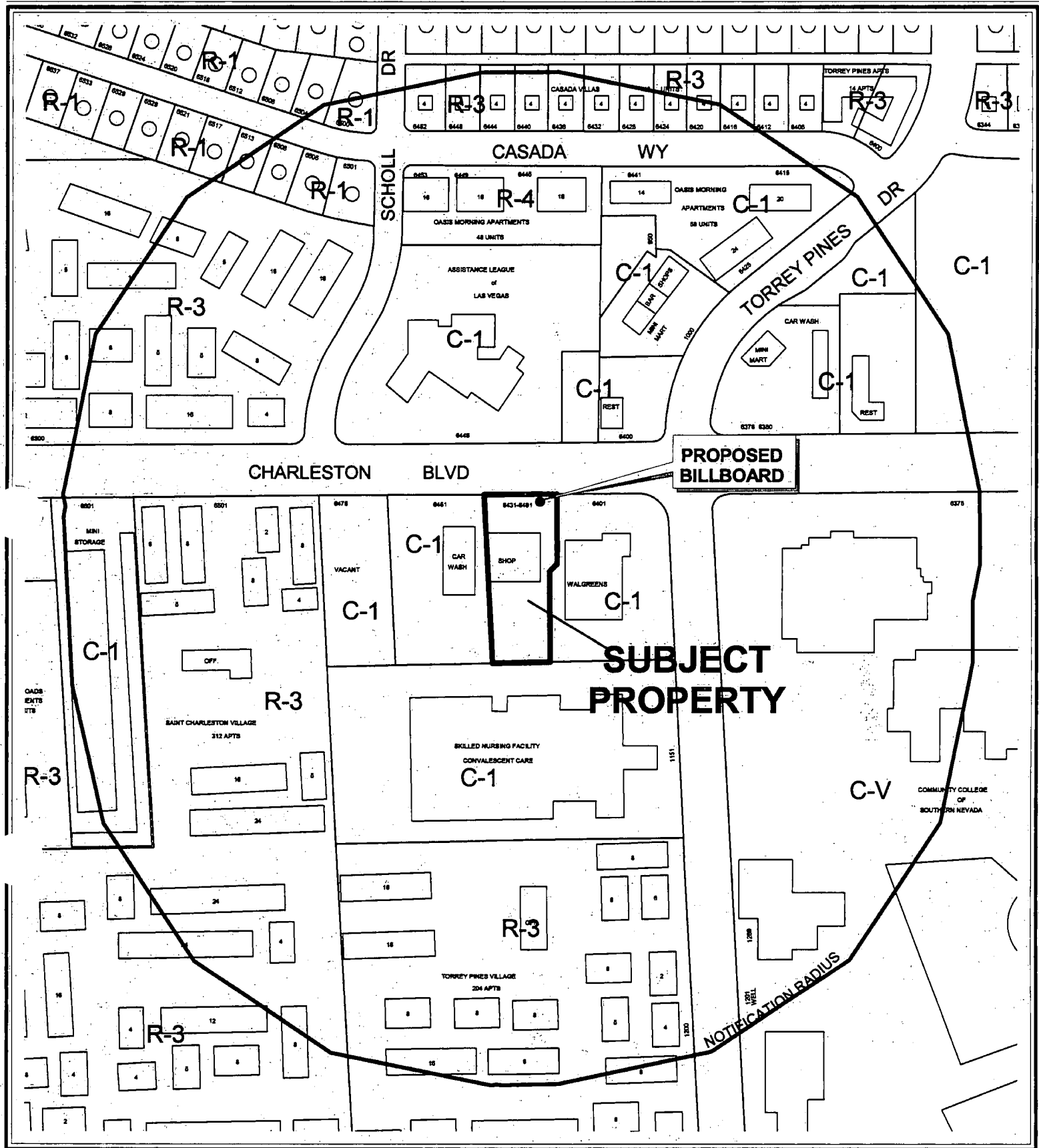
CITY COUNCIL MEETING OF SEPTEMBER 15, 2004
Planning and Development Department
Item 147 – SUP-4693

MINUTES:

There was no discussion.

(2:48 – 3:01)

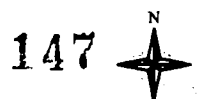
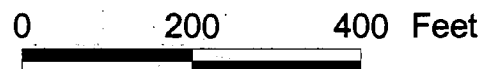
5-1

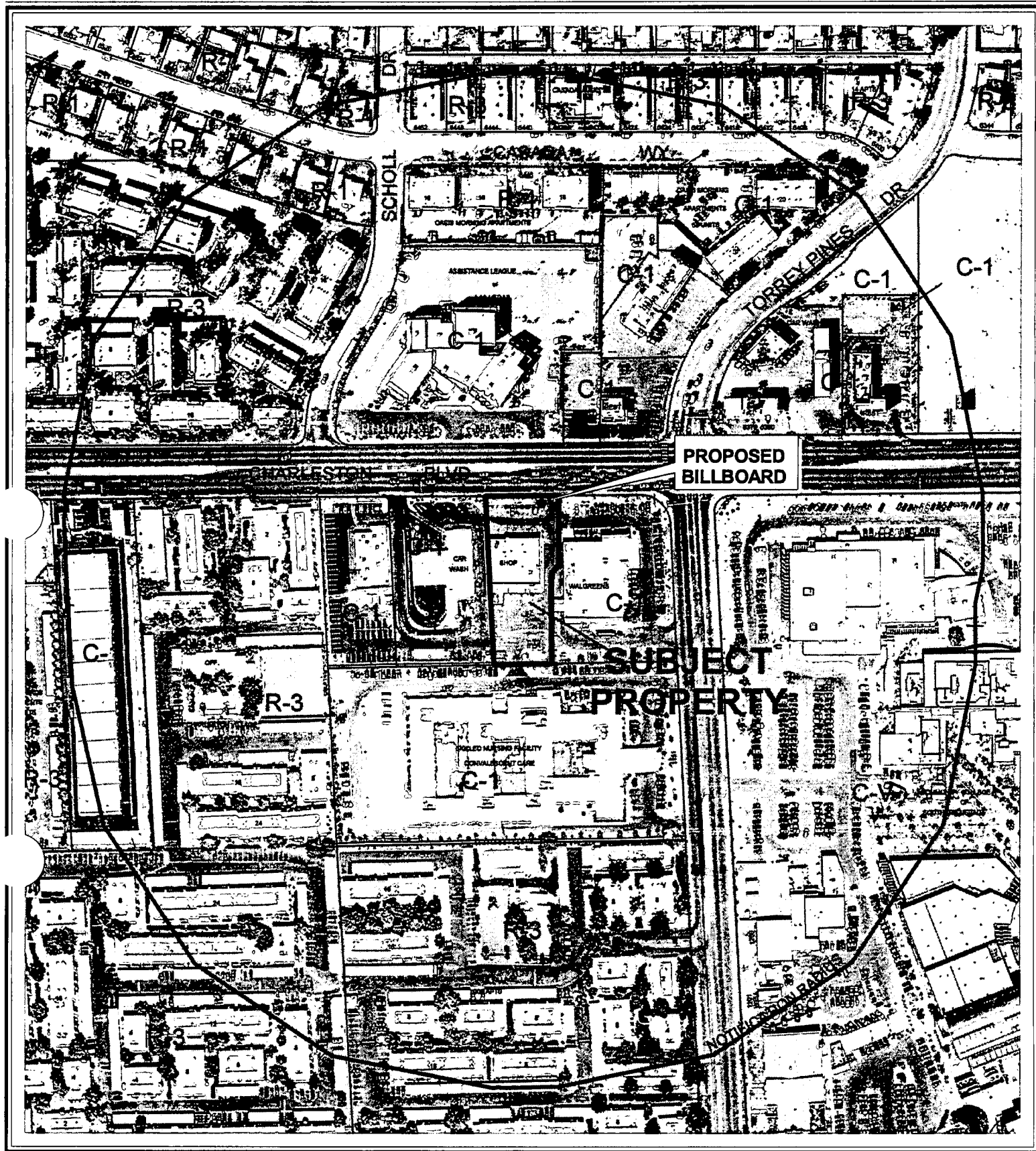


CASE: SUP-4693

RADIUS: 750 FT

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





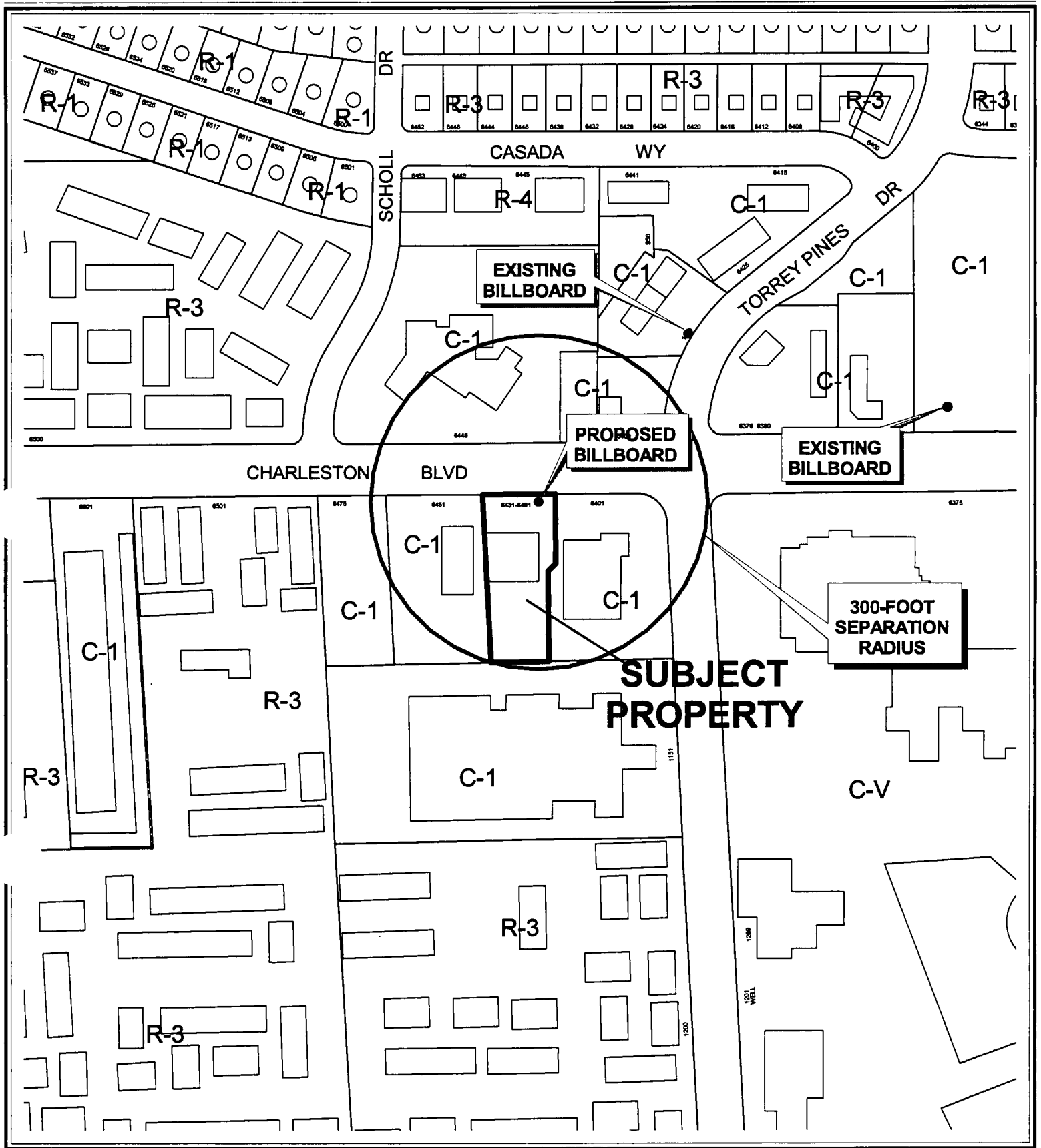
CASE: SUP-4693

RADIUS: 750 FT

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

0 200 400 Feet

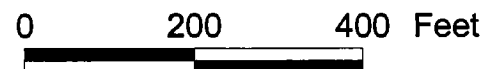


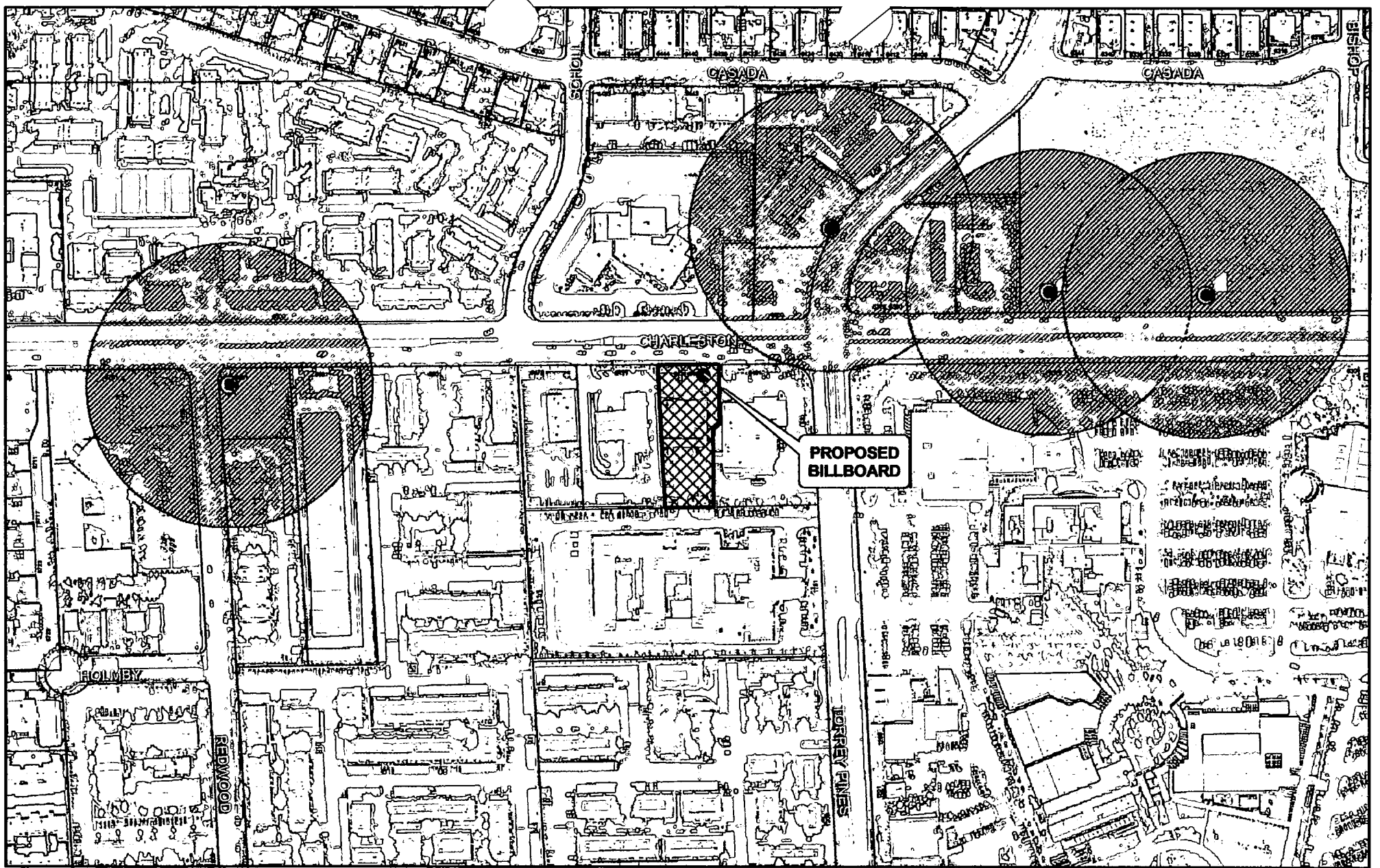


CASE: SUP-4693

SEPARATION RADIUS: 300 FT

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





SUP-4693

City of Las Vegas Billboard Data

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



AGENDA MEMO

CITY COUNCIL MEETING DATE: SEPTEMBER 15, 2004

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: SUP-4693 - APPLICANT: ORION OUTDOOR MEDIA -
OWNER: THOMAS J. OBATA**

**** CONDITIONS ****

The Planning Commission (5-0 vote) recommends DENIAL. Staff recommends APPROVAL, subject to:

Planning and Development

1. This Special Use Permit shall expire two years from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.
2. The Special Use Permit shall be reviewed in two (2) years at which time the City Council may require the off-premises sign to be removed. The applicant shall be responsible for notification costs of the review. Failure to pay the City for these costs may result in a requirement that the off-premises advertising (billboard) sign be removed.
3. Conformance to all Minimum Requirements under Title 19.14 for an Off-Premises Sign use and other applicable sign requirements.
4. The off-premises advertising (billboard) sign and its supporting structure shall be properly maintained and kept free of trash, weeds and graffiti at all times. Failure to perform the required maintenance may result in fines and/or removal of the off-premises advertising (billboard) sign.
5. The off-premises advertising (billboard) sign support pole shall be designed to include finish materials to complement the existing on-site buildings.
6. Only one advertising sign is permitted per sign face.
7. The entire face-area of both sides of the off-premises advertising (billboard) sign shall be signage area or its border framework; none of the supporting structure shall be visible aside from the support pole.
8. If the off-premises advertising sign structure is removed, this Special Use Permit shall be expunged and a new off-premises advertising sign structure shall not be erected in the same location unless: (1) a new Special Use Permit is approved for the new structure by the City Council, or (2) the location is in compliance with all applicable standards of Title 19 of the Las Vegas Municipal Code including, but not limited to, distance separation requirements, or (3) a Variance to the applicable standards of Title 19 has been approved for the new structure by the City Council.

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

Public Works

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

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

This request is for a Special Use Permit to allow a proposed 40-foot tall, 14-foot by 48-foot Off-Premise (Billboard) Sign at 6431 West Charleston Boulevard.

B) Applicant's Justification

The applicant's justification for the subject Off-Premise (Billboard) Sign, as stated in a letter attached to the application, is because it is within the "Off-Premises Advertising Overlay district." The letter continues, stating, "There are no other existing billboards or residential uses within 300 feet of the proposed sign."

BACKGROUND INFORMATION

A) Previous Actions

11/01/95 The City Council approved an application for Rezoning (Z-0068-95) the site to C-1 (Limited Commercial). The Planning Commission and staff recommended approval of the application on 10/12/95.

08/12/04 The Planning Commission voted 5-0 to recommend DENIAL (PC Agenda Item #10/DDS)

B) Pre-Application Meeting

06/09/04 Discussion included a review of the criteria necessary for a Special Use Permit.

C) Neighborhood Meetings

A neighborhood meeting is not required as part of this application nor was one held.

DETAILS OF APPLICATION REQUEST

A) Site Area

Acres: 0.79

B) Existing Land Use

Subject Property: Service commercial
 North: Non-profit organization (Assistance League of Las Vegas)
 South: Group quarters (nursing home)
 East: Retail (Walgreen's drug store)
 West: Service commercial (carwash)

C) Planned Land Use

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

D) Existing Zoning

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

E) General Plan Compliance

The site is designated SC (Service Commercial) on the Southwest Sector Land Use Plan Map of the General Plan. The existing C-1 (Limited Commercial) zoning designation is in conformance with the General Plan. Approval of this off-premise sign is not contrary to the goals of the Plan.

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

The area is not located in a special district or zone.

ANALYSIS

A) Zoning Code Compliance

A1) Minimum Distance Separation Requirements

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

Standards	Code Requirement	Provided
Minimum distance separation from another Off-Premise Advertisement (Billboard) in any direction.	300 Feet	Yes
Minimum distance separation from "R" zoned property and any other off-premise sign.	300 Feet	Yes

This proposed Off-Premise Advertising (Billboard) Sign is located in excess of 300 feet from any other Off-Premise Advertising (Billboard) Sign or residentially zoned property. Therefore, it is in compliance with the Zoning Code standards.

B) General Analysis and Discussion

- **Zoning**

An Off-Premise Advertising (Billboard) Sign is an allowed use within the C-1 (Limited Commercial) zoning district with the approval of a Special Use Permit. As mentioned in the applicant's letter, the proposed sign is located outside of the Off-Premises Sign Exclusionary Zone. This Zone, within which no Off-Premise Advertising (Billboard) Sign is permitted, includes all of the Centennial Hills Sector and most of the Southwest Sector, except a 660-foot corridor along U.S. Highway 95. The subject site is located outside of this Zone.

- **Use**

Title 19 establishes the criteria for the approval of Off-Premise Advertising (Billboard) Signs within the City. Title 19.14.100 limits the overall height of an Off-Premise Advertising (Billboard) Sign to 40 feet. The Code also requires Off-Premise Advertising (Billboard) Signs to be a minimum of 300 feet from residentially zoned properties and 300 feet from other off-premise signs. The proposed sign meets these code distance separation requirements.

- **Condition**

If this application is approved, a condition has been added requiring the use be reviewed by the City Council in two years.

FINDINGS

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

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

This proposed use would be located in the SC (Service Commercial) General Plan designation and in the C-1 (Limited Commercial) zoning district. This area is characteristic of commercial development, which would be compatible with this proposed land use, provided the sign is designed to include finish materials to complement the existing on-site buildings. If the application is approved, a condition of approval is included to address the design.

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

The subject site is located in a commercial area, which is one of the prerequisites to establishing its suitability.

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

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

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

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

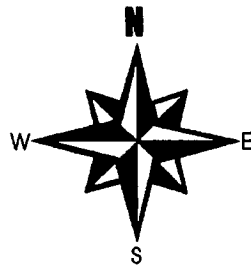
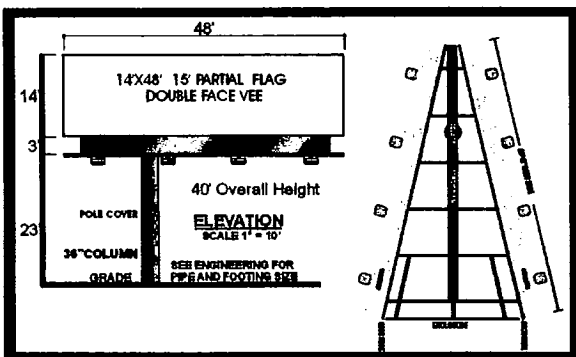
PLANNING COMMISSION ACTION

The Planning Commission deemed this sign to be inappropriate due to visual clutter, proximity to residential and not in keeping with redevelopment efforts in the area.

NOTICES MAILED 40 by City Clerk

APPROVALS 0

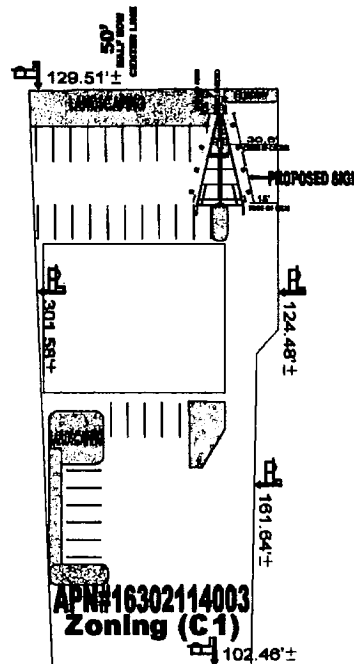
PROTESTS 2



TOP VIEW
SCALE 1" = 30'
DETAIL



CHARLESTON



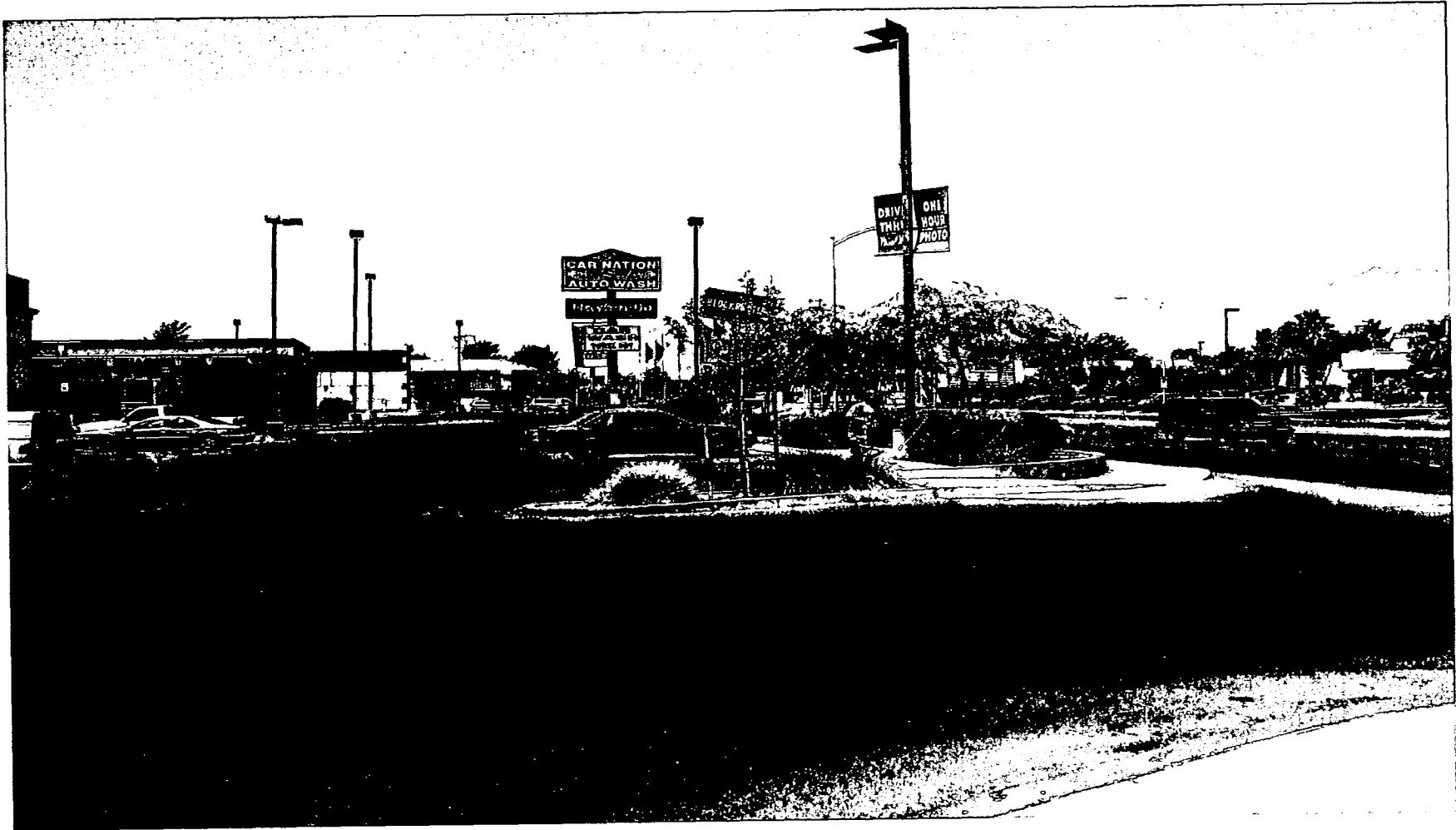
GENERAL NOTES

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

ORION
OUTDOOR MEDIA
GLENDALIPPMAN
595-4896

JUNCO	
414 W. TICO AVE / LAS VEGAS, NV 89119 / 702-485-0072	
OWNER: OBATA THOMAS J	
DATE: 4-23-04	APPROVED BY: TOM ADAMS
LOCATION: 6431 W CHARLESTON BLVD	
APN#16302114003	DRAWING NUMBER: 305

SUP-4693
08-12-04 PC



SUP-4693 - APPLICANT: ORION OUTDOOR MEDIA - OWNER: THOMAS J. OBATA
6431 WEST CHARLESTON BOULEVARD
AUGUST 12, 2004 PLANNING COMMISSION

07/20/04



SUP-4693 - APPLICANT: ORION OUTDOOR MEDIA - OWNER: THOMAS J. OBATA
6431 WEST CHARLESTON BOULEVARD
AUGUST 12, 2004 PLANNING COMMISSION

07/20/04

LAW OFFICES

Singer & Brown

A NEVADA LLC

MICHAEL H. SINGER
JAY H. BROWN

520 SOUTH FOURTH STREET
LAS VEGAS, NEVADA 89101-8593

TELEPHONE (702) 384-8563
FACSIMILE (702) 385-1023
Brownltd@earthlink.net

August 17, 2004

VIA FACSIMILE TO: 382-4803

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

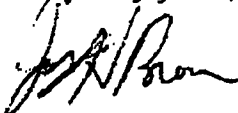
Re: SUP - 4693 Orion Outdoor Media on behalf of
Tom Obata

Dear Ms. Ronemus:

Please be advised that I represent Orion Outdoor Media on behalf of Tom Obata. The City Planning Commission denied the above referenced application on August 12, 2004.

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

Very truly yours,



Jay H. Brown

JHB:cc

Cc: Beau Palley
Glenda Lippman

RECEIVED
CITY CLERK
2004 AUG 17 PM 1:02

LAW OFFICES

Singer & Brown

A NEVADA LLC

MICHAEL H. SINGER
JAY H. BROWN

520 SOUTH FOURTH STREET
LAS VEGAS, NEVADA 89101-6593

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

September 14, 2004

FAX: 382-4803

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

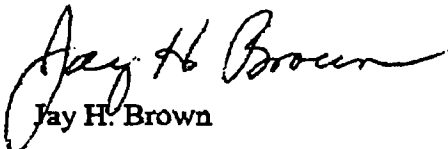
Re: Item No. 147 City Council Agenda of September 15, 2004
SUP-4693 - Orion Outdoor Media on behalf of Thomas J. Obata

Dear Ms. Ronemus:

Please be advised that I represent Orion Outdoor Media in connection with the above referenced application.

On behalf of my client, I respectfully request that this item be continued from the September 15, 2004 City Council meeting to the December 15, 2004 City Council meeting.

Very truly yours,


Jay H. Brown

JHB:cc

Cc: Planning & Development fax 385-7268

RECEIVED
CITY CLERK

2004 SEP 14 P 4:45

Submitted after final agenda

Date 9/14/04 Item # 147



CHARLESTON NEIGHBORHOOD PRESERVATION

"Doing things today that will improve tomorrow"

PHONE/FAX: (702) 877-2438

Protest

Please vote for denial on the following six (6) agenda items: #137, 138, 139, 143, 147, and #153. Folks, this one puts city government in competition with private enterprise—another proposal which should never have gotten past a "fleeting thought". Dictatorships not what we want here—please omit such oppressive operations from being brought to a vote. Some sick thinking is going on here and YOU, MAYOR AND COUNCIL GET TO DO IT. THANK YOU, FOR PRESERVING OUR STANDARDS OF LIVING.

Vicki Arnold

RECEIVED
CITY CLERK
2004 SEP 15 A 9:03

MEMBERS

Vicki Arnold - Juanita Clark - Miriam Ben - Marcus Gobel - Rose Housh - June Ingram - Kila Johnson
Gene & Pearl Leonardo - Sherry Mison - Dorothy Orr - Barbara Roth - Layne Rushforth - Pamela Slansky - Others

Date *9/15/04* Item *#147*

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: SEPTEMBER 15, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☐

CONSENT

☒

DISCUSSION

SUBJECT:

SPECIAL USE PERMIT - PUBLIC HEARING - SUP-4739 - APPLICANT/OWNER: THIRD STREET PROMENADE, LIMITED LIABILITY COMPANY - Request for a Special Use Permit and a Waiver of the 1,500 foot distance separation requirement FOR A PROPOSED 10,000 SQUARE FOOT LIQUOR ESTABLISHMENT (TAVERN) at 201 North Third Street (APN 139-34-510-012), C-2 (General Commercial) Zone, Ward 5 (Weekly). (Note: To be heard in conjunction with Morning Session Item 80). The Planning Commission (5-0 vote) and staff recommend APPROVAL

PROTESTS RECEIVED BEFORE:

**Planning Commission Mtg.
City Council Meeting**

0

APPROVALS RECEIVED BEFORE:

**Planning Commission Mtg.
City Council Meeting**

0

RECOMMENDATION:

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

BACKUP DOCUMENTATION:

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

MOTION:

WEEKLY - APPROVED subject to conditions - UNANIMOUS with MACK abstaining as his brother-in-law, ANDREW DONNER, is the Manager of the Third Street Promenade

MINUTES:

MAYOR GOODMAN declared the Public Hearing open on Item 148 [SUP-4739], Item 149 [SUP-4741], Item 150 [SUP-4742] and Item 151 [SUP-4743].

ROBERT O'NEILL, representing Third Street Promenade, thanked the Mayor and City Council for the challenge of bringing a project downtown. He also thanked COUNCILMAN WEEKLY and City staff, especially STEPHANIE BOIXO, Mayor's Office, ROBERT GENZER, Director of Planning and Development, MARGO WHEELER, Deputy Director of Planning and Development Department, STEVEN VAN GORP, DOUG LEIN and EARL RUSSELL, Office of Business Development, CHARLIE KAJKOWSKY and CHERI EDELMAN, Public Works Department, PAUL WILKINS, Building and Safety. He expressed excitement about this project and introduced some of the tenants that would be participating: ATTORNEY TODD KESSLER, MICK and MICHELLE DELL from Hogs and Heifers, and FREDERICK HAPCAR from The Jem Show.

CITY COUNCIL MEETING OF SEPTEMBER 15, 2004
Planning and Development Department
Item 148 – SUP-4739

MINUTES – Continued:

MR. O'NEILL noted that Third Street is an urban place and he has talked to people who want to be part of this opportunity. Thus, he met MS. DELL, MR. HAPCAR, and DON TROXEL from Celebrity. The plan is to open at the end of 2004 and the beginning of 2005. He presented renderings of the final project.

MS. DELL indicated that Hogs and Heifers has been in New York City since November 1992 in one of the last light industrial commercial neighborhoods that exists in New York City. When they first moved into the neighborhood, they were the only bar and the only business opening at night. The other nighttime business was illegal, such as prostitution and drug dealing. Many people did not believe in their success, but she believed in the neighborhood. She is a firm believer in setting down roots in areas that involve a great amount of work and community effort. The meat market in Manhattan is now one of the hottest neighborhoods in the city, and is surrounded by department stores, hotels, and restaurants. When they first opened, the rent was \$6.25 per square foot and increased to \$35.00 per square foot for a second story space and \$65.00 per square foot for ground floor space. She is very proud to be part of that growth. Part of that change is about creating jobs, developing neighborhoods, and turning a neighborhood into one that is profitable and viable. This project not only will create jobs, but will also create tax revenues.

MAYOR GOODMAN commented that the project will be great for Downtown Las Vegas, especially with establishments such as Hogs and Heifers and Celebrity Las Vegas. These establishments will become a tourist destination. He credited MS. BOIXO for working with the applicant in solidifying this project. MR. O'NEILL noted that it was a team effort.

COUNCILMAN WEEKLY also thanked MS. BOIXO for her involvement in solidifying this project. He expressed some sadness due to the Ward realignments, which will set this project in Ward 3. MS. DELL informed the City Council that Hogs and Heifers is expected to open November 6, 2004.

No one appeared in opposition.

MAYOR GOODMAN declared the Public Hearing closed on Item 148 [SUP-4739], Item 149 [SUP-4741], Item 150 [SUP-4742] and Item 151 [SUP-4743].

(4:30 – 4:46)

6-397

CONDITIONS:

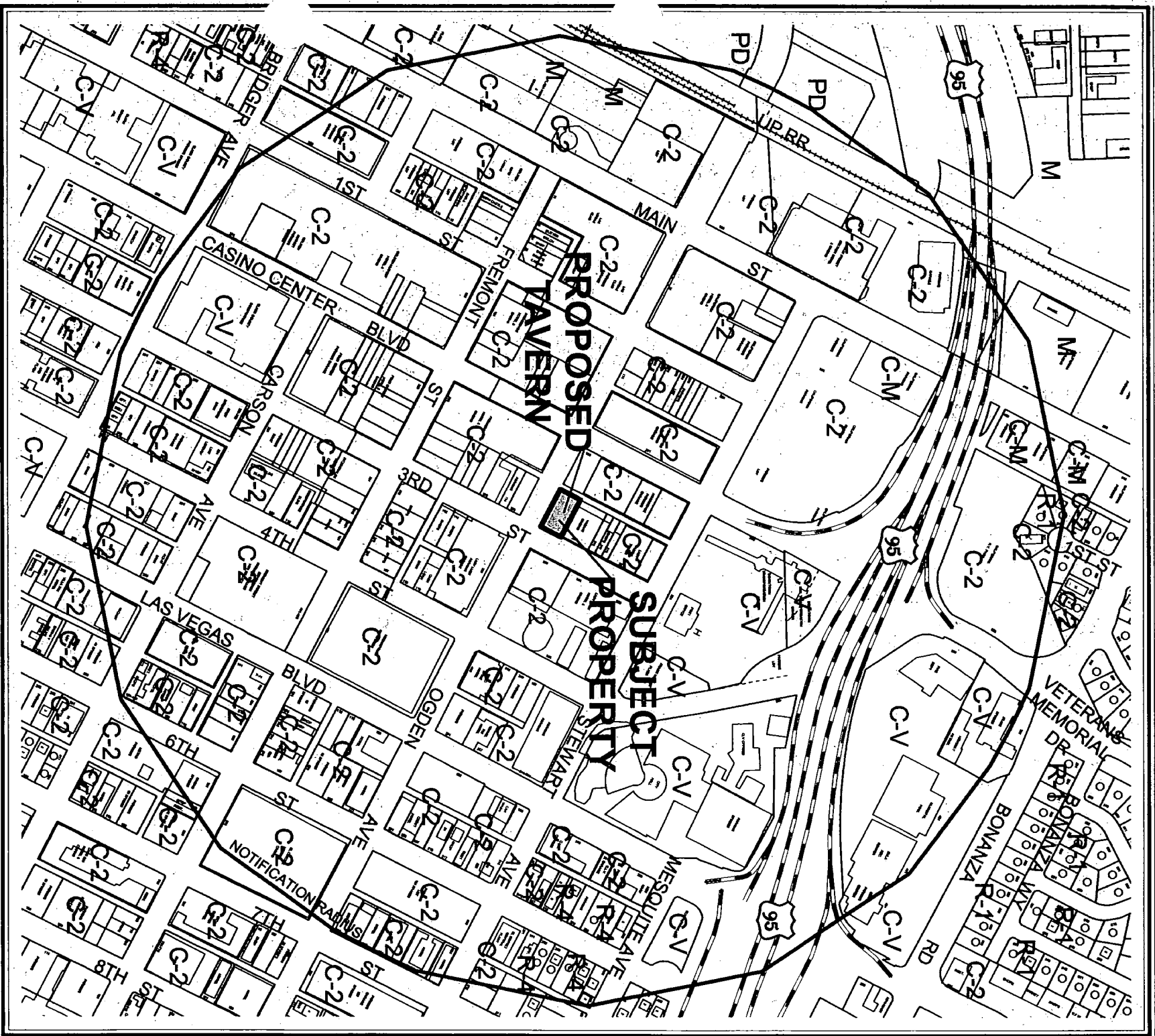
Planning and Development

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

CITY COUNCIL MEETING OF SEPTEMBER 15, 2004
Planning and Development Department
Item 148 – SUP-4739

CONDITIONS - Continued:

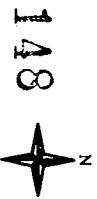
2. The 1,500-foot distance separation requirement for the Liquor Establishment (Tavern) use is hereby waived in accordance with Title 19.04.050(B).
3. Signage for the parcel shall be subject to the requirements of the Downtown Casino Overlay District in accordance with Title 19.06.100.
4. The trash enclosure shall be walled and roofed and the mechanical equipment shall be screened from adjacent rights-of-way in accordance with the requirements of Title 19.08.045.
5. All City Code requirements and design standards of all City departments must be satisfied.



CASE: **SUP-4739**

RADIUS: 1500 FT

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





0 300 600 Feet



CASE: **SUP-4739**
RADIUS: 1500 FT
ZONING OF SUBJECT PROPERTY: C-2 (GENERAL COMMERCIAL)

AGENDA MEMO

CITY COUNCIL MEETING DATE: SEPTEMBER 15, 2004

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: SUP-4739 - PUBLIC HEARING - APPLICANT/OWNER:
THIRD STREET PROMENADE, LIMITED LIABILITY COMPANY**

**** CONDITIONS ****

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

Planning and Development

1. This Special Use Permit shall expire one year from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.
2. The 1,500-foot distance separation requirement for the Liquor Establishment (Tavern) use is hereby waived in accordance with Title 19.04.050(B).
3. Signage for the parcel shall be subject to the requirements of the Downtown Casino Overlay District in accordance with Title 19.06.100.
4. The trash enclosure shall be walled and roofed and the mechanical equipment shall be screened from adjacent rights-of-way in accordance with the requirements of Title 19.08.045.
5. All City Code requirements and design standards of all City departments must be satisfied.

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

This is a request for approval of a Special Use Permit and a Waiver of the 1,500-foot separation distance requirement for a proposed 10,000 square foot Liquor Establishment (Tavern) at 201 North Third Street. The proposed establishment is identified as "Celebrity Las Vegas" in the submitted documentation.

B) Applicant's Justification

The applicant states that the proposed night club/bar operation will bring night life to downtown Las Vegas and will assist in revitalizing the area.

BACKGROUND INFORMATION

A) Previous Actions

- 10/12/00 The Planning Commission approved a request to Withdraw Without Prejudice a Special Use Permit for the sale of beer and wine for off-premise consumption in conjunction with a proposed souvenir shop.
- 05/05/04 The City Council approved the vacation of Third Street. (VAC-3926).
- 08/12/04 The Planning Commission voted 5-0 to recommend APPROVAL (PC Agenda Item #67/FF)

B) Pre-Application Meeting

- 06/17/04 The property is located within the Downtown Casino Overlay District, which allows for the tavern separation requirement to be waived.

C) Neighborhood Meetings

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

DETAILS OF APPLICATION REQUEST

A) *Site Area*

Net Acres: .24

B) *Existing Land Use*

Subject Property: Retail Use (Vacant)
North: Gaming Establishment Use (Vacant)
South: Parking Lot Use
East: Gaming Establishment Use
West: Tourist Commercial Use

C) *Planned Land Use*

Subject Property: C (Commercial)
North: C (Commercial)
South: C (Commercial)
East: C (Commercial)
West: C (Commercial)

D) *Existing Zoning*

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

E) *General Plan Compliance*

The parcel is located within the boundaries of the downtown Las Vegas Redevelopment Area, and is designated C (Commercial). The C (Commercial) designation allows for a variety of office, service commercial, and general commercial uses. The proposed use is in conformance with the land use designation.

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

Redevelopment Plan Area

As previously noted, the parcel is within the boundaries of the Las Vegas Redevelopment Area, with a C (Commercial) land use designation. The proposed use is in conformance with the Redevelopment Plan.

Downtown Centennial Plan

The parcel is within the Las Vegas Downtown Centennial Plan boundaries, and is located in the Casino Center District. The goals of the district include preserving and enhancing the appearance of "Glitter Gulch," as well as encouraging supporting entertainment uses, and maintaining the presence of public facilities.

Downtown Casino Overlay District

The parcel is located within the boundaries of the Downtown Casino Overlay District; while outside of the Special Signage Sub-District, it is located within the 125-foot signage buffer area, and is subject to the regulations contained in Title 19.06.100. Title 19.04.050(B) stipulates that the 1,500-foot separation distance required for Liquor Establishments may be waived for properties within the Downtown Casino Overlay District.

Trails

Third Street is identified in the Downtown Centennial Plan as the route of the proposed Art Trail, which is intended to link the downtown area with the Arts District. It is intended that the trail will be developed with grant funds, and individual property owners are not expected to assist in the construction of the trail.

ANALYSIS

A) Zoning Code Compliance

A1) Parking and Traffic Standards

Pursuant to Title 19.06, properties within the Downtown Overlay District are exempt from the automatic application of the mandatory standard parking requirements. However, the exemption does not prohibit City staff, the Planning Commission, and the City Council from imposing limitations on the approval of a Site Development Plan.

Pursuant to Title 19.10, the following Parking Standards would apply to a similar proposal outside the Downtown Overlay District:

Uses	GFA	Ratio	Required	
			Parking	
			Regular	Handicap
Night Club	4,995	1/50 GFA	99.90	
Remaining area	5,250	1/200 GFA	26.25	
Total	10,245		126.15	5

Title 19.10 would typically require a total of 127 parking spaces for this use outside the boundaries of the Downtown Centennial Plan area; no parking spaces will be provided on the site. Parking is available at the Lady Luck Casino parking garage, and at other public garages in the immediate vicinity. The urban nature of the site and the availability of public parking in the immediate vicinity justify the lack of on-site parking spaces.

A2) Minimum Distance Separation Requirements

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

Standards	Code Requirement	Provided
Liquor Establishment (Tavern)	1,500 Feet	0 Feet

A proposed Liquor Establishment is to be located immediately adjacent to the subject property, and a City park is also within 1,500 feet. Title 19.04.050 allows the distance separation requirement to be waived for properties within the Downtown Casino Overlay District.

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

Standards	Code Requirement	Provided
Trash Enclosure	Walled and roofed	Not indicated
Mechanical Equipment	Screened	Not indicated

No information has been provided relative to the trash enclosure or screening of mechanical equipment. The development will be subject to the requirements of Title 19.08.045 for mechanical equipment and trash services.

B) General Analysis and Discussion

- Zoning

The property is zoned C-2 (General Commercial); Liquor Establishments are permitted upon approval of a Special Use Permit, and Night Clubs are permitted by right. The use will be housed in an existing building, and will not be expanded as part of this request. The signage proposed for the building will be subject to the Downtown Casino Overlay District regulations contained in Title 19.06.100; the applicant has noted that the existing neon signage on the building will be reconfigured for the new business.

- Use

The applicant has indicated that the business will be open 24 hours per day, and will have two separate bar areas and a dance floor. Two shows will be offered every evening in the night club area, with three shows per evening on weekends. A small retail space will be included, offering merchandise related to the night club.

- Conditions

Title 19.04.050(B) requires a 1,500-foot separation distance between a Liquor Establishment and any other Liquor Establishment, church, synagogue, school, child care facility licensed for more than 12 children, or City park. This distance separation requirement may be waived for establishments within the Downtown Casino Overlay District. The proposed establishment is within 1,500 feet of Frank Wright Plaza other Liquor Establishments.

FINDINGS

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

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

The proposed use is appropriate for the downtown area, and can be conducted in a manner that will not impact surrounding land uses.

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

The subject site is appropriate for the Liquor Establishment and Night Club uses.

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

The site has direct access to Ogden Avenue; parking for the use will be available in the Lady Luck Casino parking garage across Ogden Avenue, or in public garages elsewhere in the downtown area. City Council recently approved the vacation of Third Street between Stewart and Ogden Avenues; it is proposed that Third Street will be utilized to provide valet service for the proposed business and other businesses in the immediate vicinity.

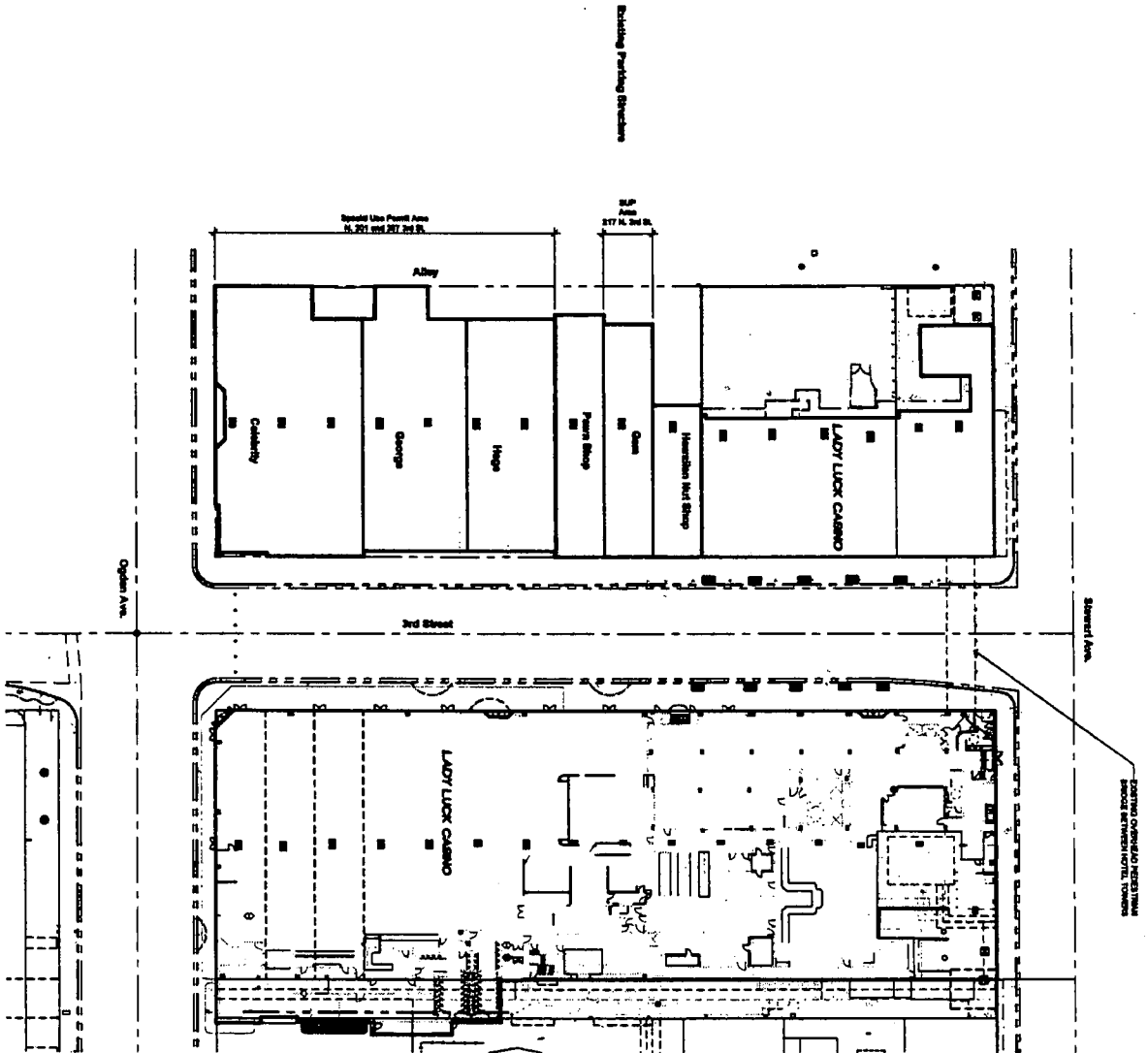
4. **“Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.”**

The proposed establishment will not compromise the public health, safety, or welfare, nor is it inconsistent with the overall objectives of the General Plan.

NOTICES MAILED 148 by City Clerk

APPROVALS 0

PROTESTS 0



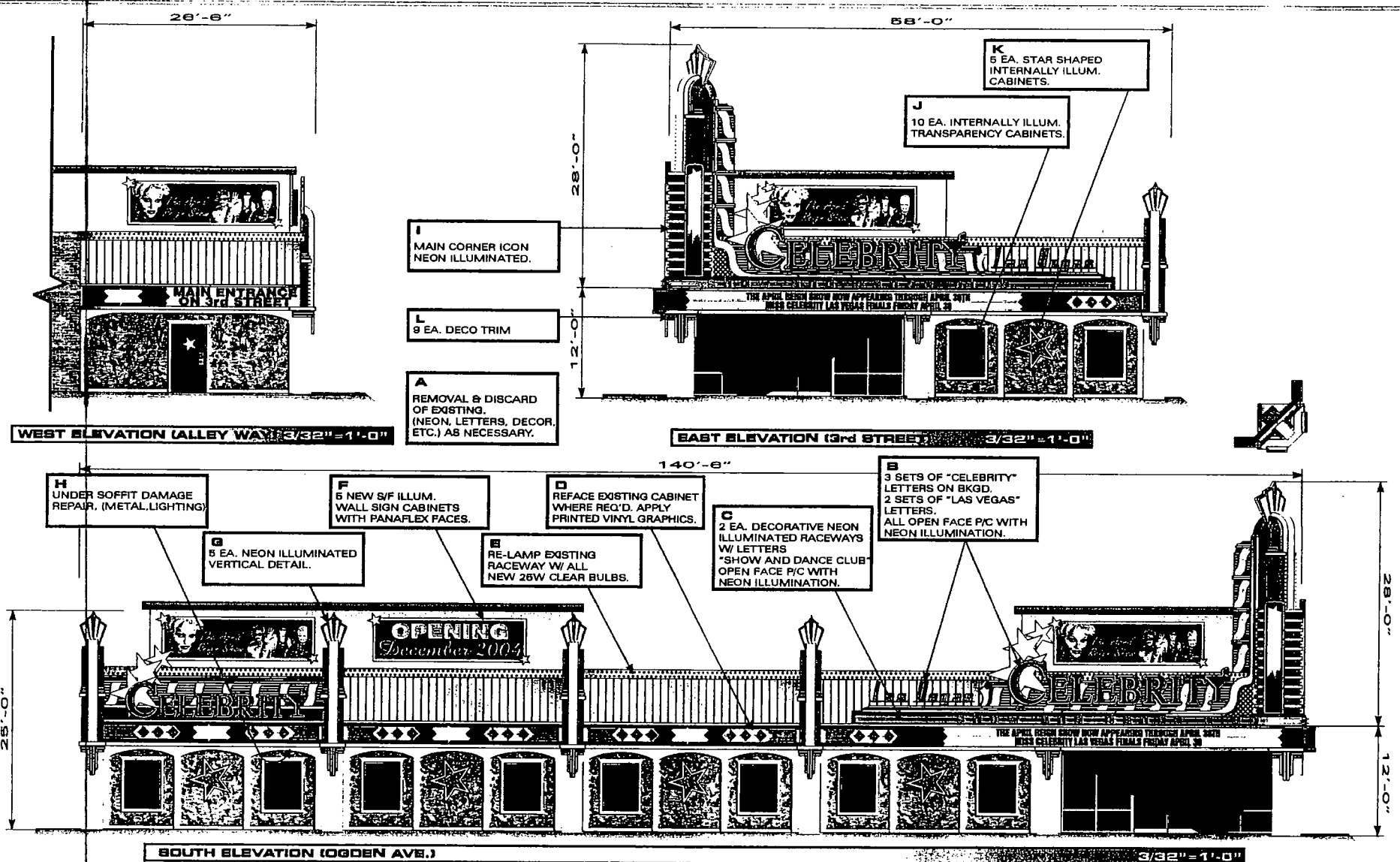
THIRD STREET PROMENADE
SCALE: 1/8" = 1'-0"

Existing Promenade Street Engineering Examination

SUP-4739
SUP-4741
SUP-4742
SUP-4743
08-12-04 PC

CONTRACTOR THIRD STREET PROMENADE 1000 N. LAS VEGAS BLVD. LAS VEGAS, NV 89101 TEL: (702) 462-1111 WWW.THIRDSTREETPROMENADE.COM		RESLIN BUILDERS 1000 N. LAS VEGAS BLVD. LAS VEGAS, NV 89101 TEL: (702) 462-1111 WWW.THIRDSTREETPROMENADE.COM	
Project Name: Third Street Promenade Master Plan Downtown Las Vegas, Nevada		Project Number: SUP-4739	
Project Location: Third Street Promenade Building		Project Date: August 12, 2004	
Project Status: AS1.1		Project Notes: This drawing is for informational purposes only. It is not to be used for construction without the approval of the architect.	

SUP-4739
 SUP-4741
 SUP-4742
 SUP-4743
 08-12-04 PC



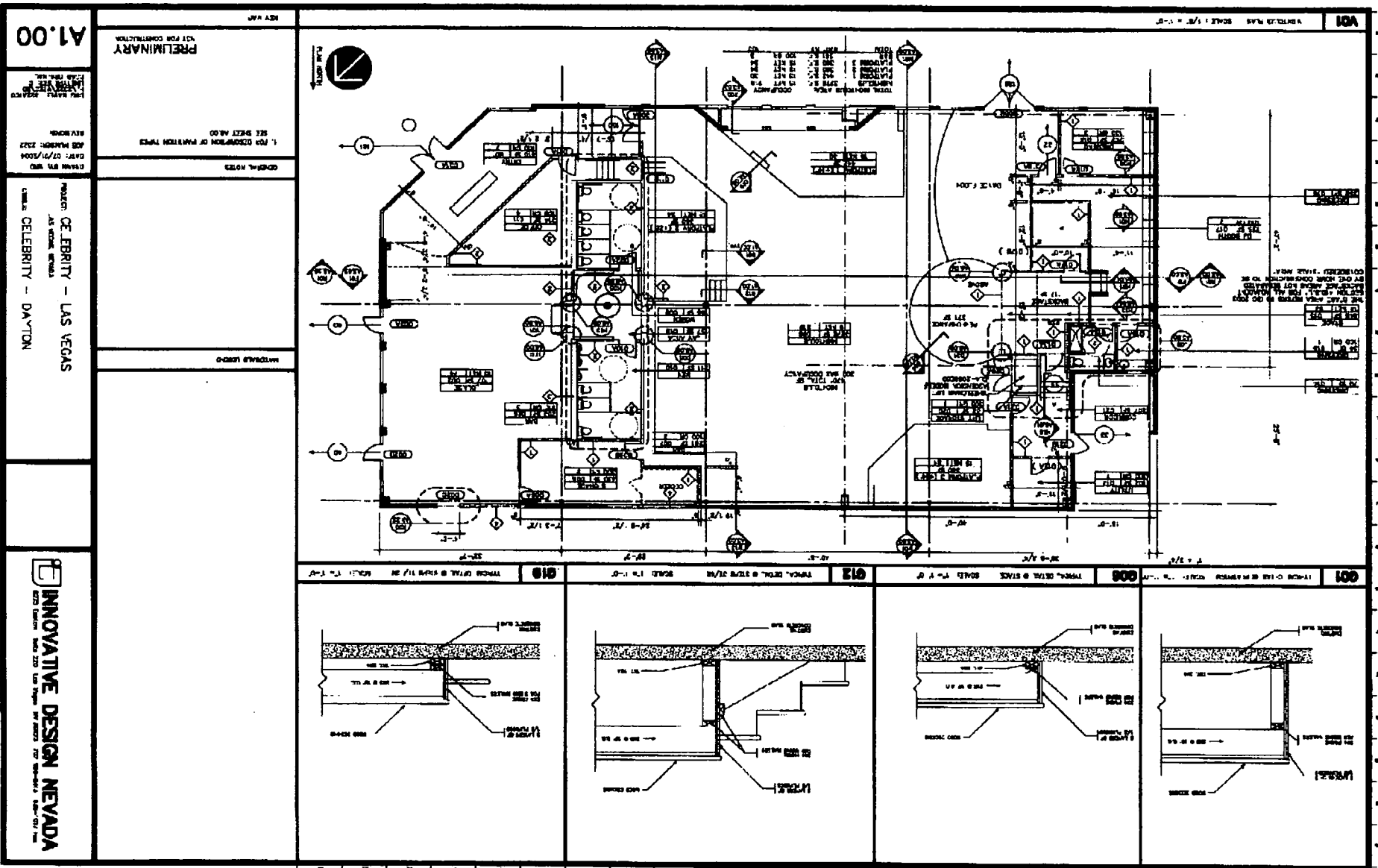
Concept Design

WOUND ELECTRIC SIGN COMPANY

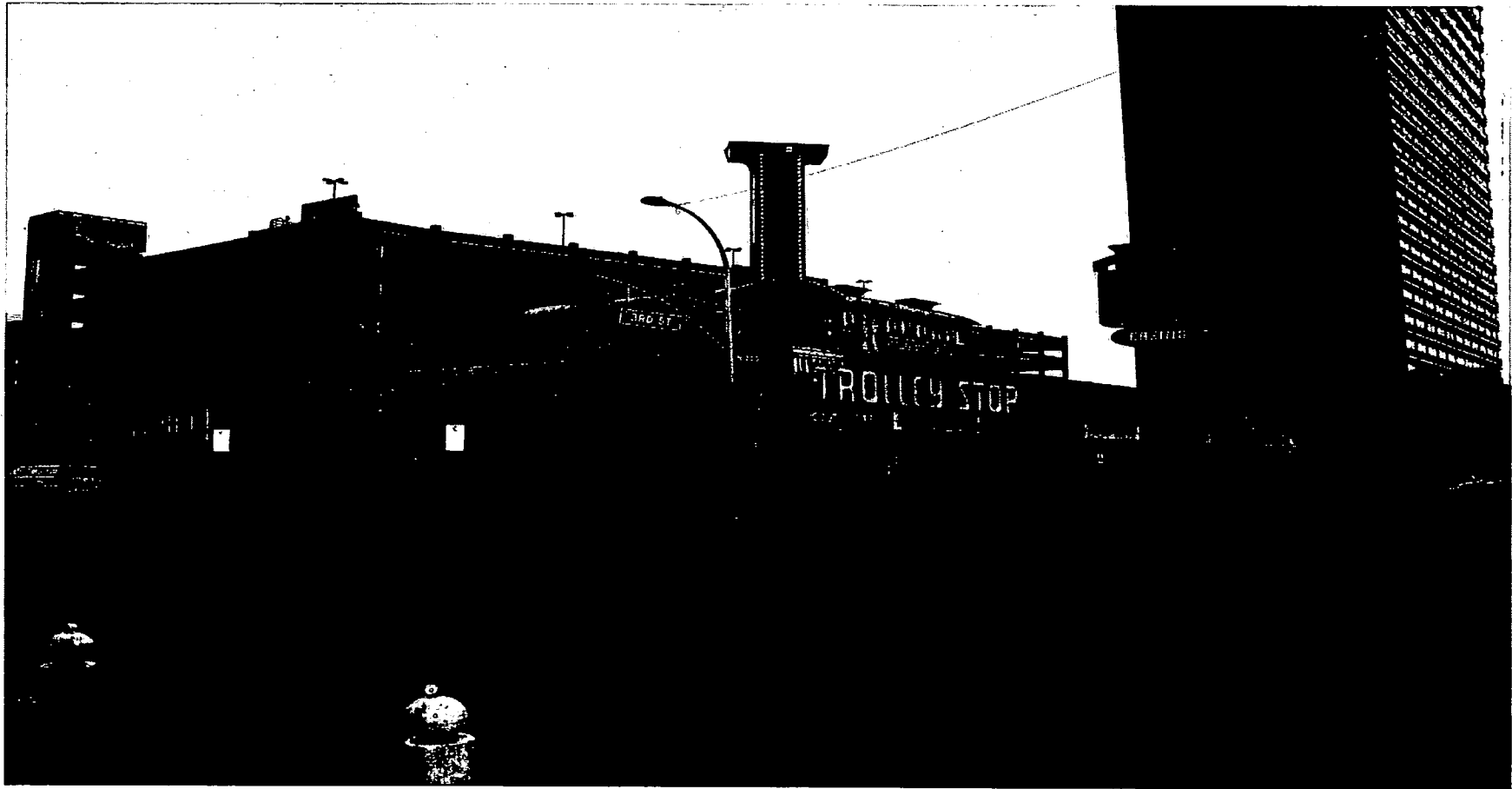


Celebrity at 3rd Street 4/26/2004

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SUP-4739
 SUP-4741
 SUP-4742
 SUP-4743
 08-12-04 PC



SUP-4739 - PUBLIC HEARING - APPLICANT/OWNER: THIRD STREET PROMENADE, LIMITED
LIABILITY COMPANY
201 NORTH THIRD STREET
AUGUST 12, 2004 PLANNING COMMISSION

07/20/04

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: SEPTEMBER 15, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☐

CONSENT

☒

DISCUSSION

SUBJECT:

SPECIAL USE PERMIT RELATED TO SUP-4739 - PUBLIC HEARING - SUP-4741 -
APPLICANT/OWNER: THIRD STREET PROMENADE, LIMITED LIABILITY COMPANY - Request for a Special Use Permit and a Waiver of the 1,500 foot distance separation requirement FOR A 5,500 SQUARE FOOT PROPOSED LIQUOR ESTABLISHMENT (TAVERN) at 207 North Third Street (APN 139-34-510-013), C-2 (General Commercial) Zone, Ward 5 (Weekly). The Planning Commission (5-0 vote) and staff recommend APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

RECOMMENDATION:

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

BACKUP DOCUMENTATION:

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

MOTION:

WEEKLY - APPROVED subject to conditions - **UNANIMOUS** with MACK abstaining as his brother-in-law, **ANDREW DONNER**, is the Manager of the Third Street Promenade

MINUTES:

NOTE: See Item 148 [SUP-4739] for all related discussion.

(4:30 - 4:46)

6-397

CONDITIONS:

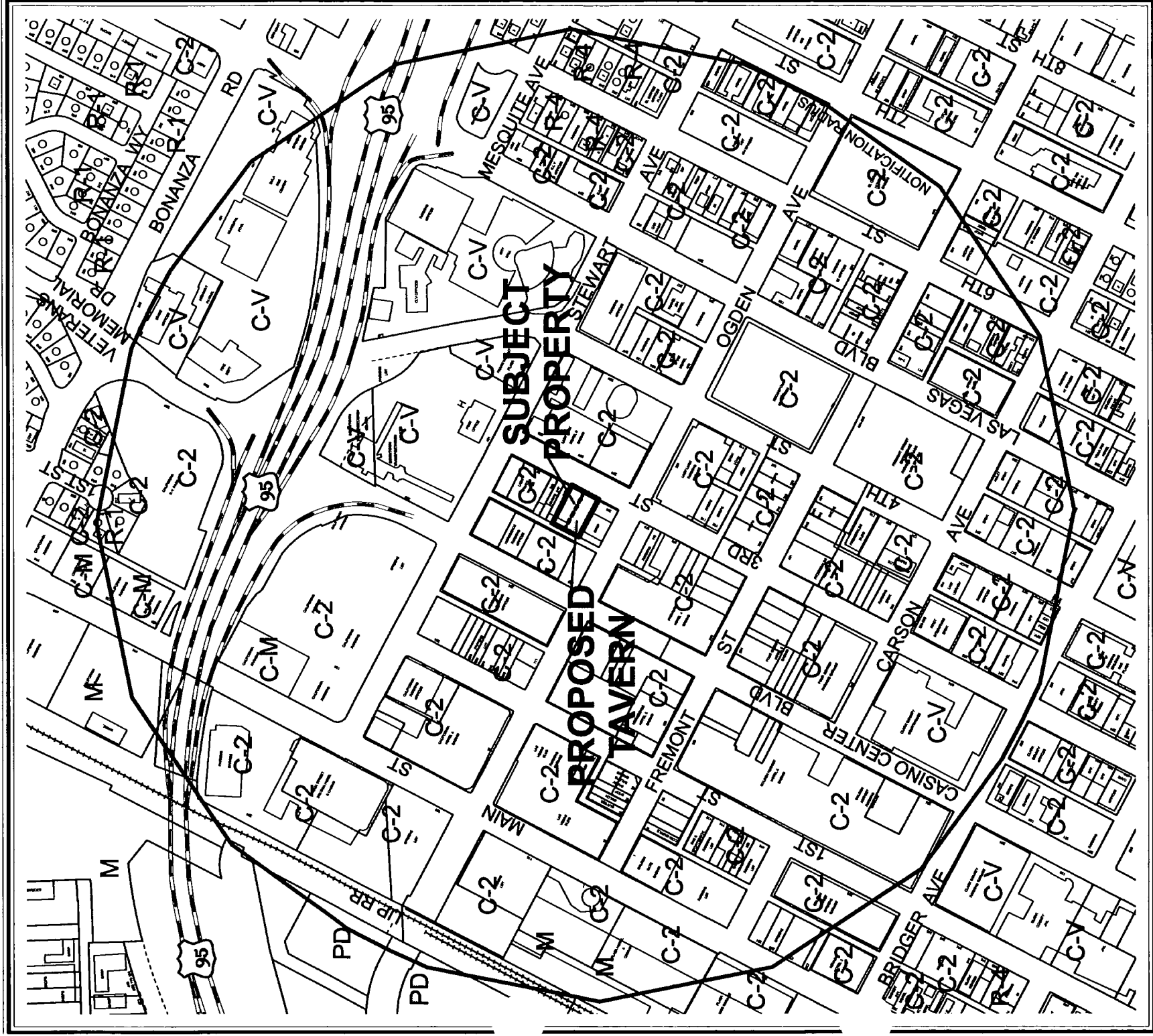
Planning and Development

1. This Special Use Permit shall expire one year from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.
2. The 1,500-foot distance separation requirement for the Liquor Establishment (Tavern) use is hereby waived in accordance with Title 19.04.050(B).

CITY COUNCIL MEETING OF SEPTEMBER 15, 2004
Planning and Development Department
Item 149 – SUP-4741

CONDITIONS – Continued:

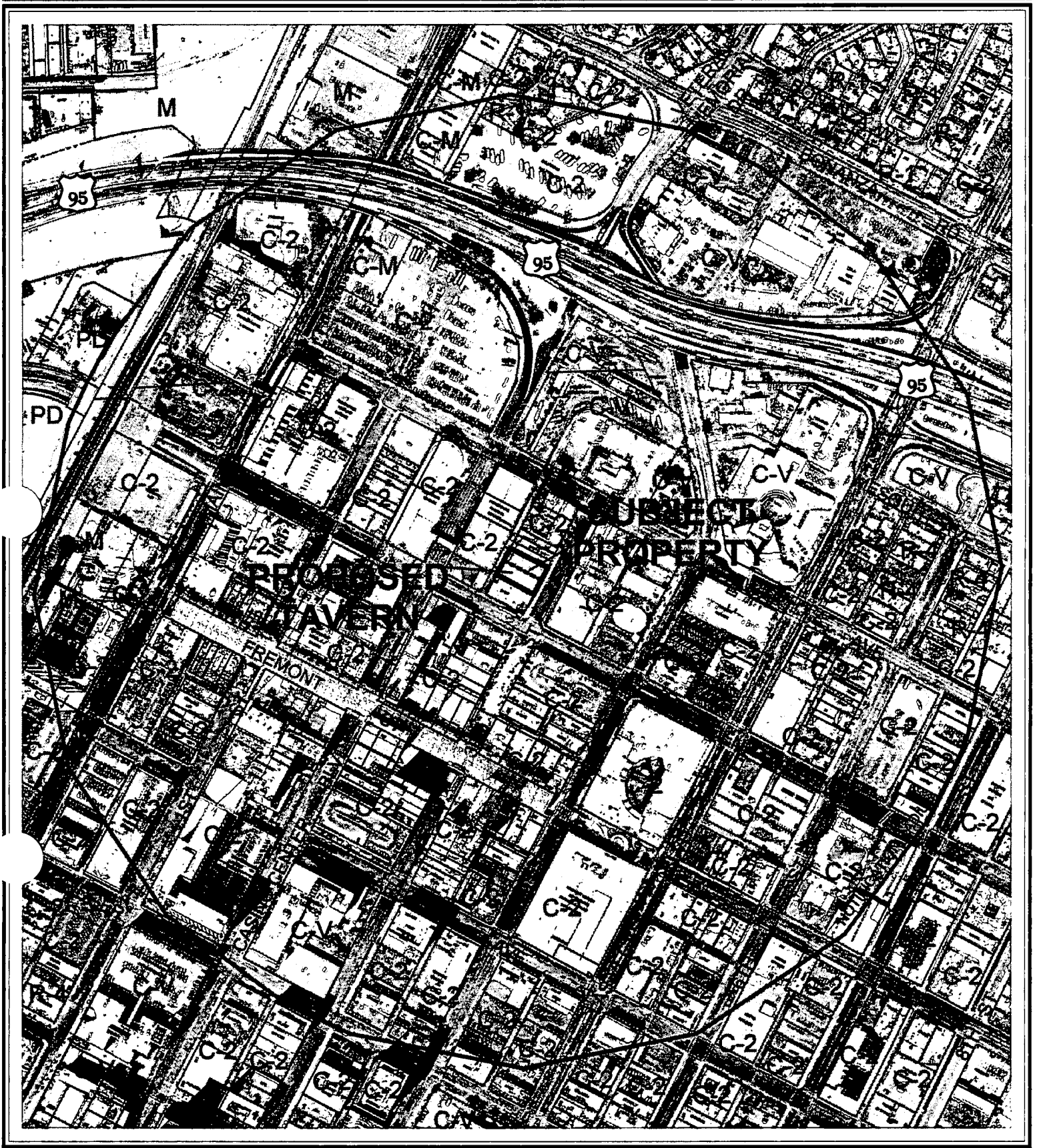
3. The trash enclosure shall be walled and roofed and the mechanical equipment shall be screened from adjacent rights-of-way in accordance with the requirements of Title 19.08.045.
4. All City Code requirements and design standards of all City departments must be satisfied.



CASE: SUP-4741

RADIUS: 1500 FT

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



CASE: SUP-4741

RADIUS: 1500 FT

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

0 300 600 Feet



AGENDA MEMO

CITY COUNCIL MEETING DATE: SEPTEMBER 15, 2004

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: SUP-4741 – APPLICANT/OWNER: THIRD STREET
PROMENADE, LIMITED LIABILITY COMPANY**

**** CONDITIONS ****

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

Planning and Development

1. This Special Use Permit shall expire one year from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.
2. The 1,500-foot distance separation requirement for the Liquor Establishment (Tavern) use is hereby waived in accordance with Title 19.04.050(B).
3. The trash enclosure shall be walled and roofed and the mechanical equipment shall be screened from adjacent rights-of-way in accordance with the requirements of Title 19.08.045.
4. All City Code requirements and design standards of all City departments must be satisfied.

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

This is a request for approval of a Special Use Permit and a Waiver of the 1,500-foot separation distance requirement for a proposed 6,540 square foot Liquor Establishment (Tavern) at 207 North Third Street. The proposed establishment is identified as "Triple George" in the submitted documentation.

B) Applicant's Justification

The applicant has indicated that the proposed bar and grill will serve downtown office workers and residents, and will contribute to the revitalization of Third Street and downtown Las Vegas.

BACKGROUND INFORMATION

A) Previous Actions

- 05/05/04 The City Council approved the vacation of Third Street (VAC-3926).
- 08/12/04 The Planning Commission voted 5-0 to recommend APPROVAL (PC Agenda Item #68/FF)
- 08/26/04 The Planning Commission will hear the site development plan review for these uses (SDR-4835).

B) Pre-Application Meeting

- 06/17/04 At the pre-application conference, it was noted that the property is located within the Downtown Casino Overlay District, which allows for the tavern separation requirement to be waived.

C) Neighborhood Meetings

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

DETAILS OF APPLICATION REQUEST

A) Site Area

Net Acres: .32

B) Existing Land Use

Subject Property: Gaming Establishment Use (Vacant)
North: Pawn Shop Use
South: Retail Use (Vacant)
East: Gaming Establishment Use
West: Parking Structure

C) Planned Land Use

Subject Property: C (Commercial)
North: C (Commercial)
South: C (Commercial)
East: C (Commercial)
West: C (Commercial)

D) Existing Zoning

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

E) General Plan Compliance

The parcel is located within the boundaries of the Downtown Las Vegas Redevelopment Area, and is designated C (Commercial). The C (Commercial) designation allows for a variety of office, service commercial, and general commercial uses. The proposed use is in conformance with the land use designation.

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

Redevelopment Plan Area

As previously noted, the parcel is within the boundaries of the Las Vegas Redevelopment Area, with a C (Commercial) land use designation. The proposed use is in conformance with the Redevelopment Plan.

Downtown Centennial Plan

The parcel is within the Las Vegas Downtown Centennial Plan boundaries, and is located in the Casino Center District. The goals of the district include preserving and enhancing the appearance of "Glitter Gulch," as well as encouraging supporting entertainment uses, and maintaining the presence of public facilities.

Downtown Casino Overlay District

The parcel is located within the boundaries of the Downtown Casino Overlay District, but is located outside of the Special Signage Sub-District. Title 19.04.050(B) stipulates that the 1,500-foot separation distance required for Liquor Establishments may be waived for properties within the Downtown Casino Overlay District.

Trails

Third Street is identified in the Downtown Centennial Plan as the route of the proposed Art Trail, which is intended to link the downtown area with the Arts District. It is intended that the trail will be developed with grant funds, and individual property owners are not expected to assist in the construction of the trail.

ANALYSIS

A) Zoning Code Compliance

A1) Parking and Traffic Standards

Pursuant to Title 19.06, properties within the Downtown Overlay District are exempt from the automatic application of the mandatory standard parking requirements. However, the exemption does not prohibit City staff, the Planning Commission, and the City Council from imposing limitations on the approval of a Site Development Plan.

Pursuant to Title 19.10, the following Parking Standards would apply to a similar proposal outside the Downtown Overlay District:

Uses	GFA	Ratio	Required	
			Parking	
			Regular	Handicap
Tavern	4,079	1/50 GFA	81.58	
Remaining area	2,371	1/200 GFA	11.86	
Total	6,540		93.44	4

Title 19.10 would typically require a total of 94 parking spaces for this use outside the boundaries of the Downtown Centennial Plan area; no parking spaces will be provided on the site. Parking is available at the Lady Luck Casino parking garage, and at other public garages in the immediate vicinity. The urban nature of the site and the availability of public parking in the immediate vicinity justify the lack of on-site parking spaces.

A2) Minimum Distance Separation Requirements

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

Standards	Code Requirement	Provided
Liquor Establishment (Tavern)	1,500	0 Feet

Proposed Liquor Establishments are to be located immediately north and south of the subject property, and a City park is also within 1,500 feet. Title 19.04.050 allows the distance separation requirement to be waived for properties within the Downtown Casino Overlay District.

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

Standards	Code Requirement	Provided
Trash Enclosure	Walled and roofed	Not indicated
Mechanical Equipment	Screened	Not indicated

No information has been provided relative to the trash enclosure or screening of mechanical equipment. The development will be subject to the requirements of Title 19.08.045 for mechanical equipment and trash services.

B) General Analysis and Discussion

- Zoning

The property is zoned C-2 (General Commercial); Liquor Establishments are permitted upon approval of a Special Use Permit; food service is permitted by right. The use will be housed in an existing building, and will not be expanded as part of this request. The signage proposed for the building shall conform to the signage permitted in the C-2 (General Commercial) district, as listed in Title 19.14.

- Use

The applicant has indicated that the business will be open from 11:00 a.m. to 3:00 a.m., and will offer full meal service in addition to liquor service. A limited amount of table seating will be available in addition to the seating at the bar. The floor plan indicates that gaming will be available; taverns are permitted up to 15 slot machines as an accessory use in accordance with the requirements of Title 6 and Title 19.04.

- Conditions

Title 19.04.050(B) requires a 1,500-foot separation distance between a Liquor Establishment and any other Liquor Establishment, church, synagogue, school, child care facility licensed for more than 12 children, or City park. However, this distance separation requirement may be waived for establishments within the Downtown Casino Overlay District. The proposed establishment is within 1,500 feet of Frank Wright Park and other Liquor Establishments.

FINDINGS

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

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

The proposed use is appropriate for the downtown area, and can be conducted in a manner that will not impact surrounding land uses.

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

The subject site is appropriate for the Liquor Establishment use.

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

The site has direct access to the vacated Third Street right-of-way; parking for the use will be available in the Lady Luck Casino parking garage across Ogden Avenue, or in public garages elsewhere in the downtown area. Valet service will also be available for the businesses in the immediate vicinity.

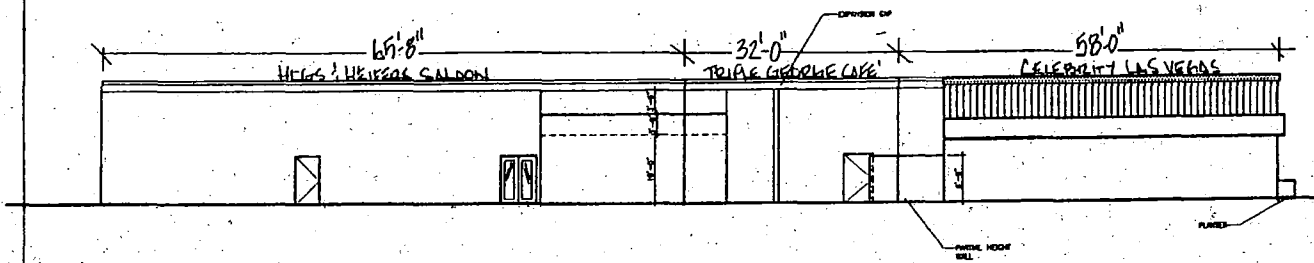
4. **“Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.”**

The proposed establishment will not compromise the public health, safety, or welfare, nor is it inconsistent with the overall objectives of the General Plan.

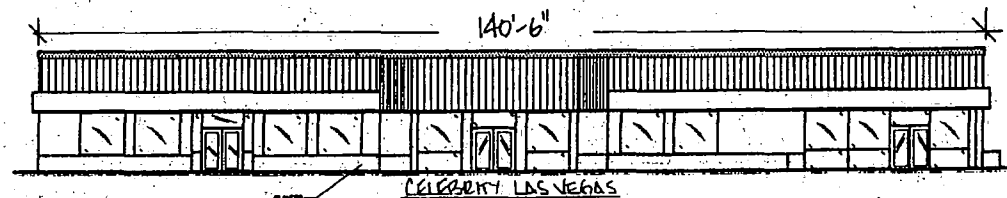
NOTICES MAILED 151 by City Clerk

APPROVALS 0

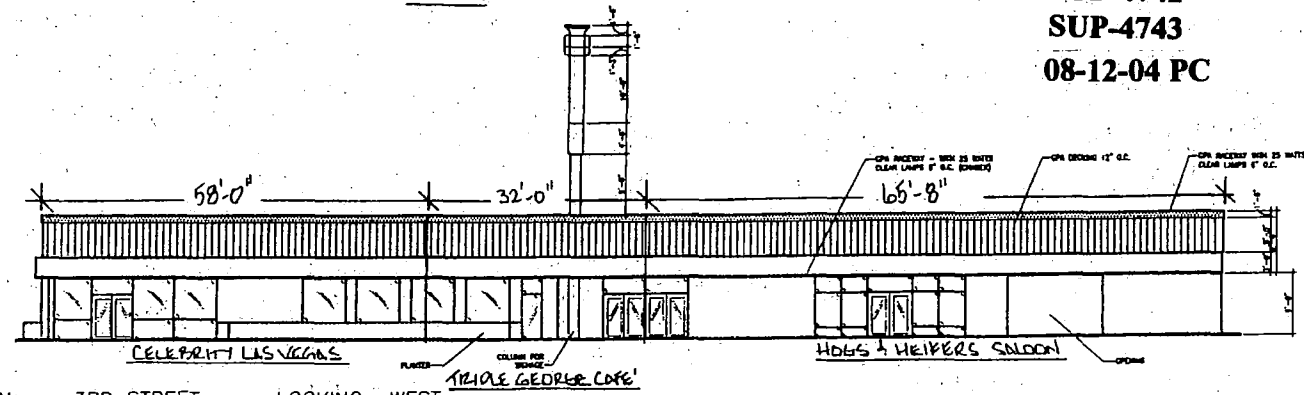
PROTESTS 0



SIDE ELEVATION -- ALLEY -- LOOKING EAST
N.T.S.



FRONT ELEVATION -- OGDEN STREET -- LOOKING NORTH
N.T.S.



SIDE ELEVATION -- 3RD STREET -- LOOKING WEST
N.T.S.

SUP-4739
SUP-4741
SUP-4742
SUP-4743
08-12-04 PC

REVISIONS
Date Description

1. 08-12-04 Initial Design

CONTRACTOR
BRESLIN BUILDERS
3030 S. LAS VEGAS AVENUE
SUITE 200
LAS VEGAS, NEVADA 89109
(702) 798-1877
FAX (702) 798-3988
www.breslinbuilders.com

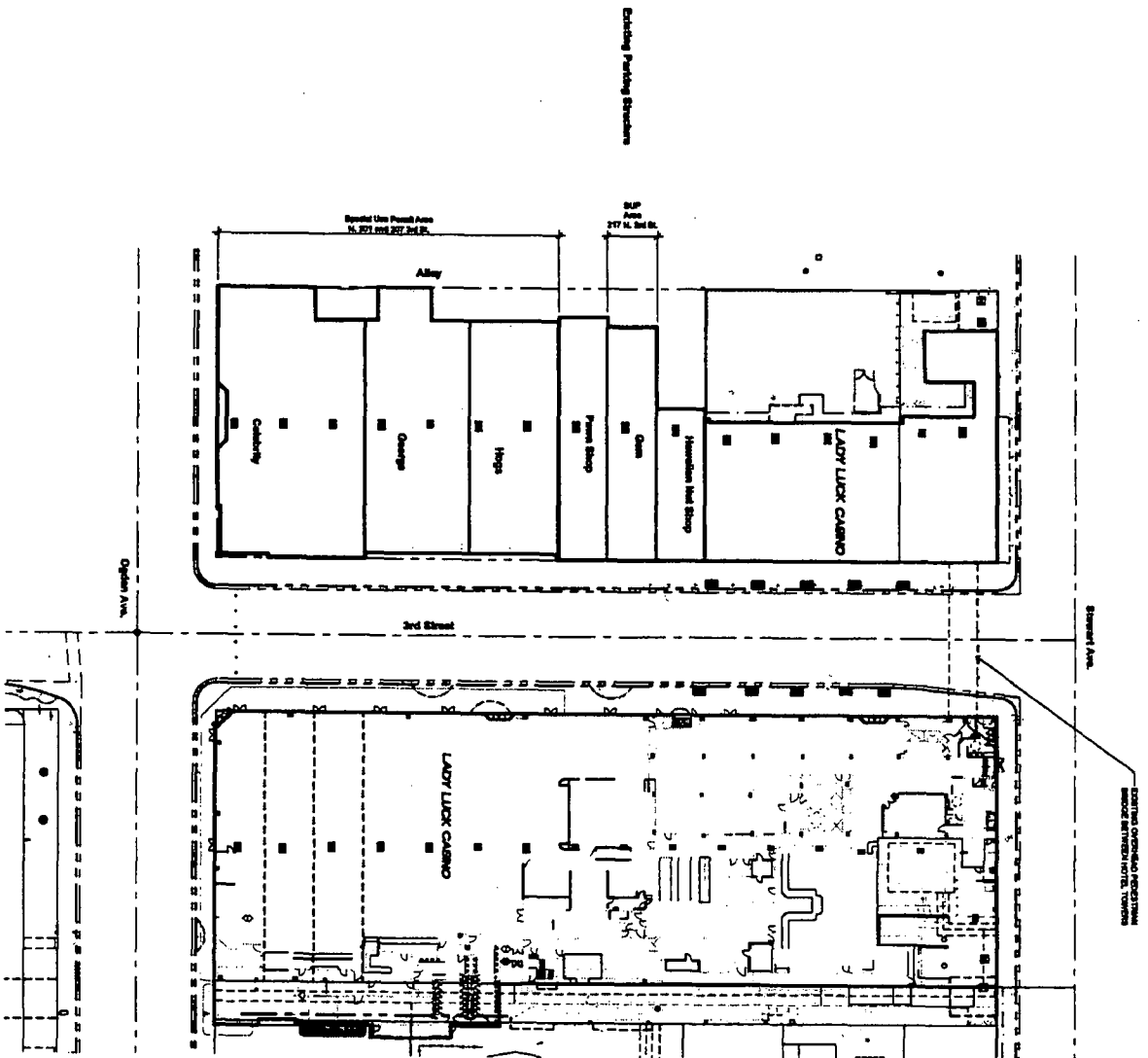
BRESLIN BUILDERS

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www.breslinbuilders.com

Third Street Promenade
201 and 207 N. 3rd St.
Third Street Between
Stewart and Ogden
Las Vegas, Nevada
(Old Trolley Stop)

As Built
Exterior Elevations

Date: June 1, 2004
Designed by: Todd McElroy
Drawn by: BSA
City of Las Vegas: DML/AB



THIRD STREET PROMENADE
SCALE 1/8\"/>

Existing Promenade Street Experience Extension

SUP-4739
SUP-4741
SUP-4742
SUP-4743
08-12-04 PC

CONTRACTOR THESE PLANS ARE FORWARDED AND SUBMITTED BY THE CONTRACTOR TO THE CITY OF LAS VEGAS FOR REVIEW AND APPROVAL. I, JACK GREEN , being duly sworn, depose and say that I am the owner of the above project and that I am the person who has caused these plans to be prepared and submitted to the City of Las Vegas for review and approval.		Date: 08/12/04 Signature: JACK GREEN Title: OWNER
RESLIN BUILDERS 8225 FILLMORE AVENUE SUITE 100 LAS VEGAS, NEVADA 89123 (702) 735-1000 FAX (702) 735-1001 WWW.RESLINBUILDERS.COM		Date: 08/12/04 Signature: [Signature] Title: ARCHITECT
Third Street Promenade Master Plan Downtown Las Vegas, Nevada		
AS1.1		

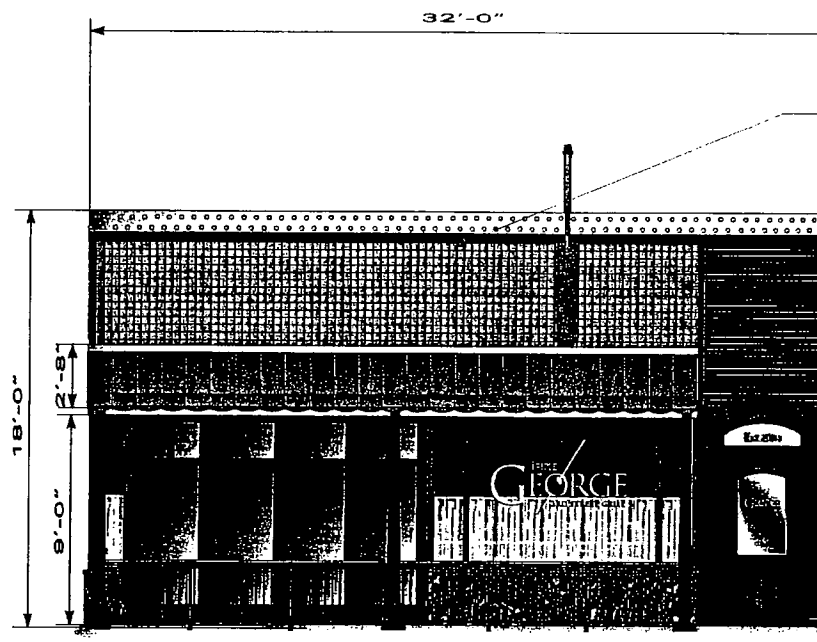
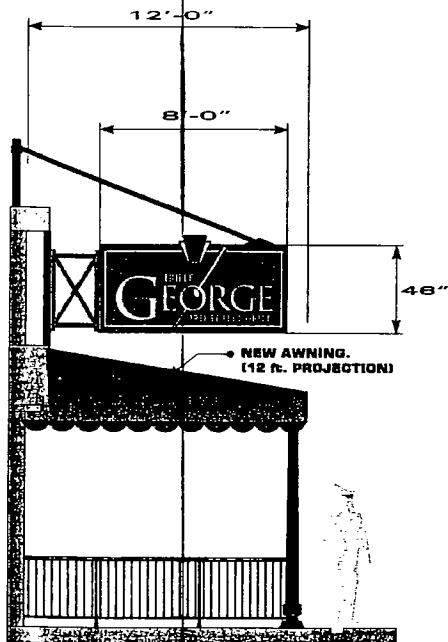
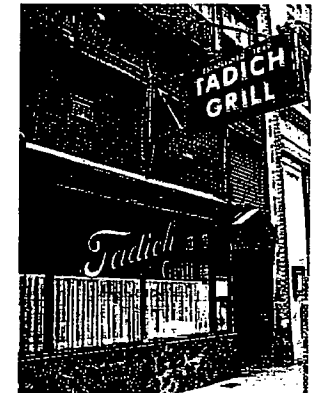
SUP-4739

SUP-4741

SUP-4742

SUP-4743

08-12-04 PC



- MANUFACTURE & INSTALL NEW I.D. SIGN CONSISTING OF A D/F SHEET/MTL. CABINET WITH STEEL STRUCTURE, CANTILEVER MOUNT. VINYL COPY TO BE APPLIED TO FACES ILLUMINATED WITH EXPOSED NEON OVERLAY LETTERS.
- REFACE EXISTING FACIA WITH DIMENSIONAL CARVED FOAM FAUX TILE, PAINTED FINISH.
- NEW CANVAS AWNING WITH FLUORESCENT ILLUMINATION AT WALL, OPEN SOFFIT.
- WALL TREATMENT TO CONSIST OF WOOD DECORATIVE BORDERS AROUND WINDOWS AND DOOR. FAUX MARBLE FINISH TO BE APPLIED AS SHOWN.
- NEW DOOR BY OTHERS.

STOREFRONT ELEVATION

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LAS VEGAS DIVISION
YOUNG ELECTRIC SIGN COMPANY

6119 So. Cameron St., Las Vegas, NV 89118 (702) 876-8080

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CLIENT	
SALES	
DESIGN	
ESTIMATING	
ENGINEERING	
EXPEDITING	

APPROVED BY

DATE

REVISIONS

SCALE

DATE

DESIGNER

FIRM NAME / LOCATION ADDRESS

1443044.1

FILE DESIGN NUMBER

OPTION / REV

LADY LUCK / 3RD STREET

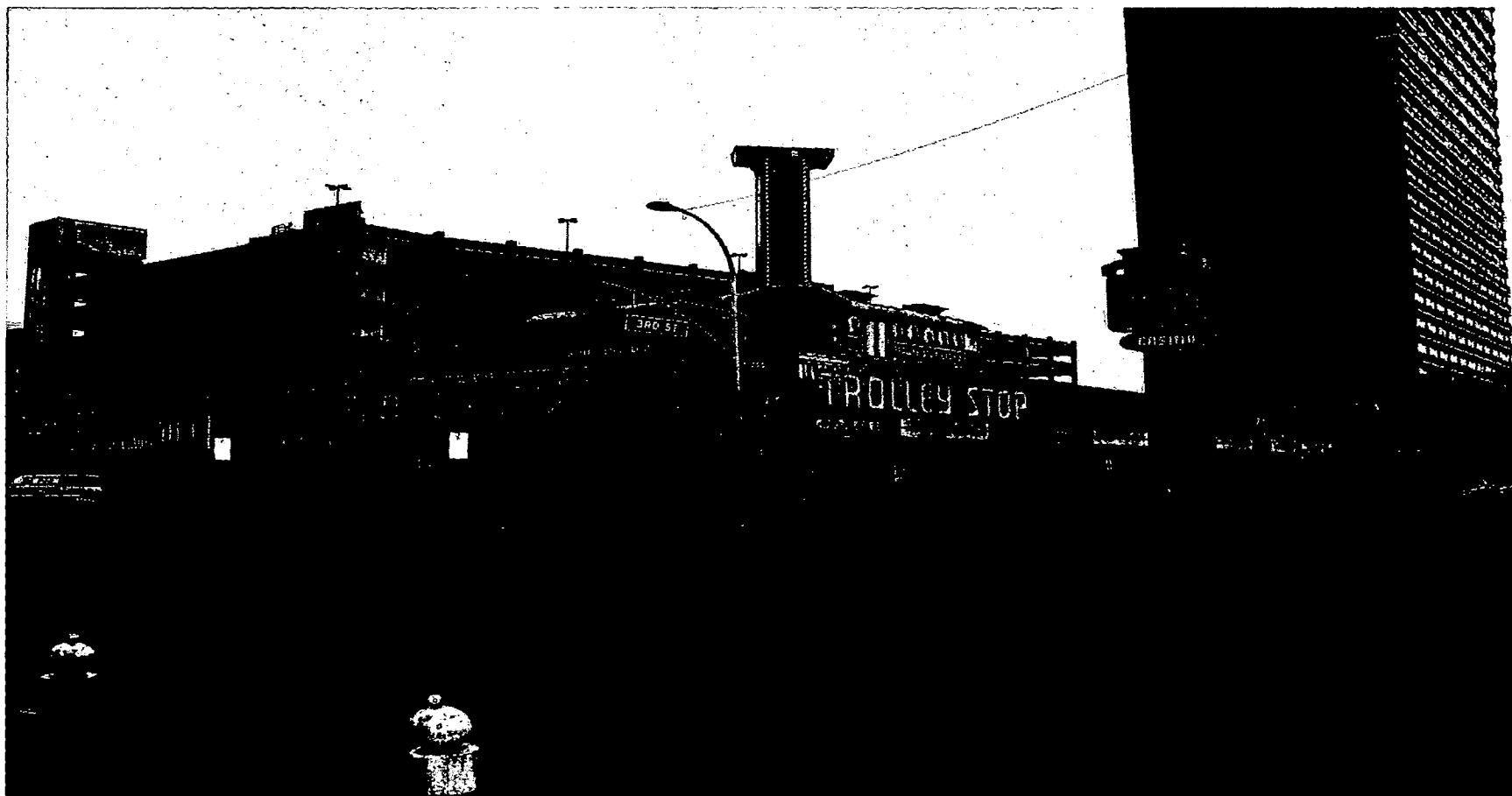
333 E. 06DEN

LAS VEGAS, NEVADA

SALESPERSON ■ MARK ZANNIS

SHEET 4 OF 1

NOTE: COST FOR PROVIDING NECESSARY ELECTRICAL WIRING TO SIGN AREA IS NOT INCLUDED IN SIGN PROPOSAL.



SUP-4741 - PUBLIC HEARING - APPLICANT/OWNER: THIRD STREET PROMENADE, LIMITED
LIABILITY COMPANY
207 NORTH THIRD STREET
AUGUST 12, 2004 PLANNING COMMISSION

07/20/04

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: SEPTEMBER 15, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☐

CONSENT

☒

DISCUSSION

SUBJECT:

SPECIAL USE PERMIT RELATED TO SUP-4739 AND SUP-4741 - PUBLIC HEARING - SUP-4742 - **APPLICANT/OWNER: THIRD STREET PROMENADE, LIMITED LIABILITY COMPANY** - Request for a Special Use Permit and a Waiver of the 1,500 foot distance separation requirement FOR A PROPOSED 6,000 SQUARE FOOT LIQUOR ESTABLISHMENT (TAVERN) at 207-A North Third Street (APN 139-34-510-013), C-2 (General Commercial) Zone, Ward 5 (Weekly). The Planning Commission (5-0 vote) and staff recommend APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.

0

City Council Meeting

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

0

City Council Meeting

RECOMMENDATION:

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

BACKUP DOCUMENTATION:

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

MOTION:

WEEKLY - APPROVED subject to conditions - **UNANIMOUS** with MACK abstaining as his brother-in-law, ANDREW DONNER, is the Manager of the Third Street Promenade

MINUTES:

NOTE: See Item 148 [SUP-4739] for all related discussion.

(4:30 - 4:46)

6-397

CONDITIONS:

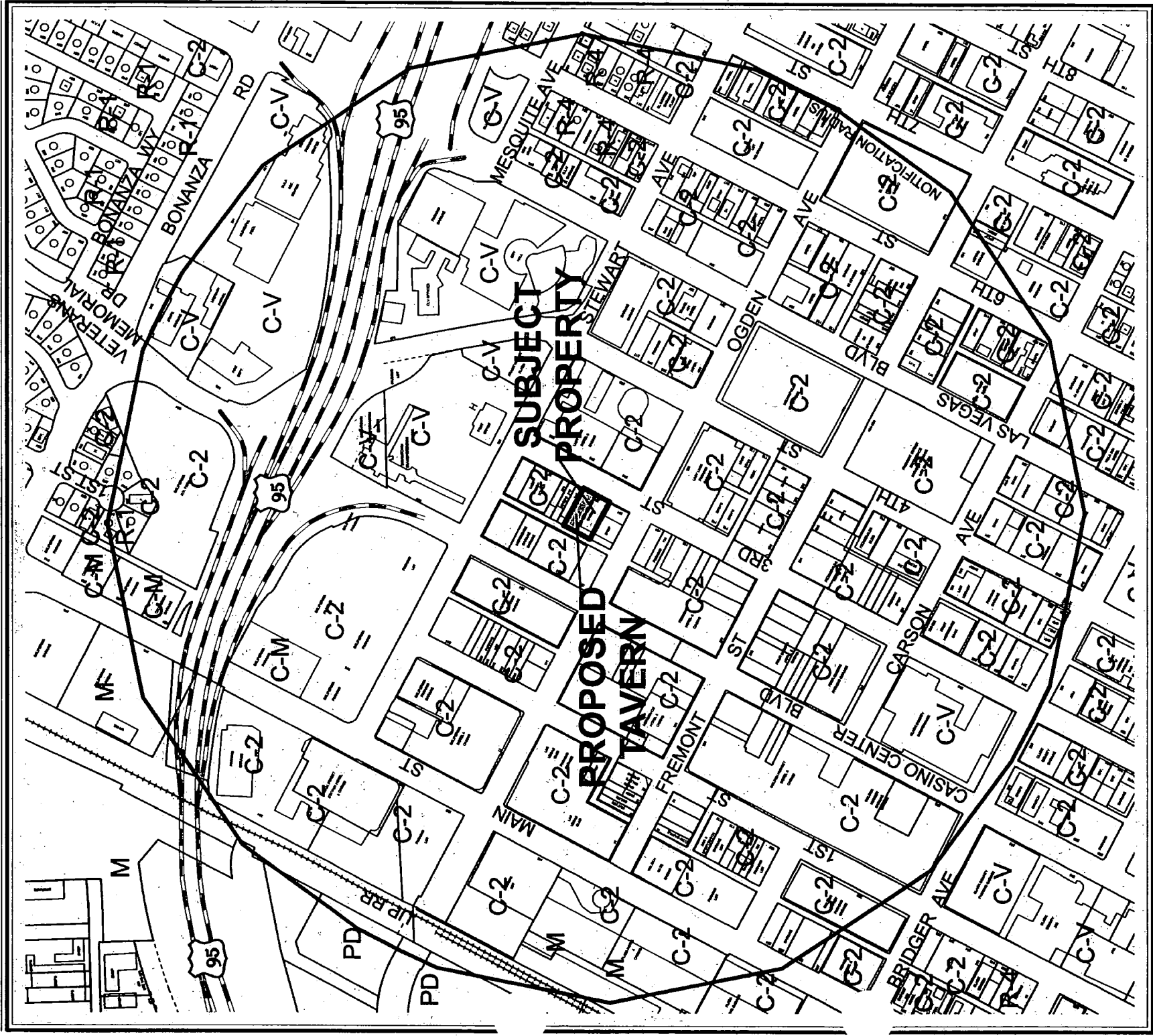
Planning and Development

1. This Special Use Permit shall expire one year from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.
2. The 1,500-foot distance separation requirement for the Liquor Establishment (Tavern) use is hereby waived in accordance with Title 19.04.050(B).

CITY COUNCIL MEETING OF SEPTEMBER 15, 2004
Planning and Development Department
Item 150 – SUP-4742

CONDITIONS – Continued:

3. The trash enclosure shall be walled and roofed and the mechanical equipment shall be screened from adjacent rights-of-way in accordance with the requirements of Title 19.08.045.
4. All City Code requirements and design standards of all City departments must be satisfied.



CASE: SUP-4742

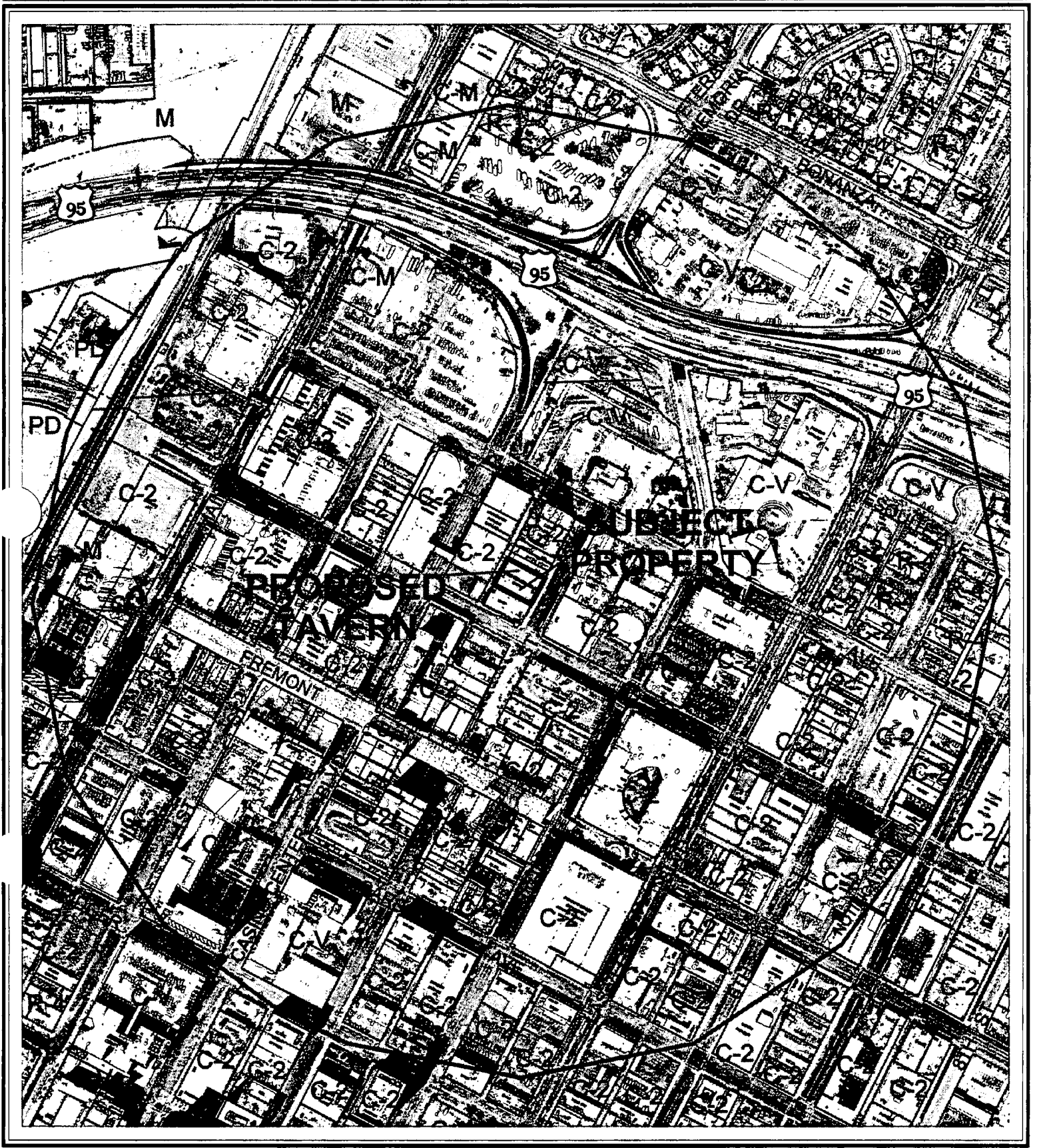
RADIUS: 1500 FT

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

0 300 600 Feet

150





CASE: SUP-4742

RADIUS: 1500 FT

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

0 300 600 Feet



AGENDA MEMO

CITY COUNCIL MEETING DATE: SEPTEMBER 15, 2004

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: SUP-4742 - APPLICANT/OWNER: THIRD STREET
PROMENADE, LIMITED LIABILITY COMPANY**

**** CONDITIONS ****

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

Planning and Development

1. This Special Use Permit shall expire one year from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.
2. The 1,500-foot distance separation requirement for the Liquor Establishment (Tavern) use is hereby waived in accordance with Title 19.04.050(B).
3. The trash enclosure shall be walled and roofed and the mechanical equipment shall be screened from adjacent rights-of-way in accordance with the requirements of Title 19.08.045.
4. All City Code requirements and design standards of all City departments must be satisfied.

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

This is a request for approval of a Special Use Permit and a Waiver of the 1,500-foot separation distance requirement for a proposed 5,225 square foot Liquor Establishment (Tavern) at 201-A North Third Street. The proposed establishment is identified as "Hogs and Heifers in the submitted documentation.

B) Applicant's Justification

The applicant states that Third Street is the appropriate location for this New York-based tavern, and that business will assist in drawing more people to the downtown area.

BACKGROUND INFORMATION

A) Previous Actions

05/05/04 The City Council approved the vacation of 3rd Street (VAC-3926).

08/12/04 The Planning Commission voted 5-0 to recommend APPROVAL (PC Agenda Item #69/FF)

B) Pre-Application Meeting

06/17/04 The property is located within the Downtown Casino Overlay District, which allows for the tavern separation requirement to be waived.

C) Neighborhood Meetings

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

DETAILS OF APPLICATION REQUEST

A) Site Area

Net Acres: .32

B) Existing Land Use

Subject Property: Gaming Establishment Use (Vacant)
North: Pawn Shop Use
South: Retail Use (Vacant)
East: Gaming Establishment Use
West: Parking Structure

C) Planned Land Use

Subject Property: C (Commercial)
North: C (Commercial)
South: C (Commercial)
East: C (Commercial)
West: C (Commercial)

D) Existing Zoning

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

E) General Plan Compliance

The parcel is located within the boundaries of the Downtown Las Vegas Redevelopment Area, and is designated C (Commercial). The C (Commercial) designation allows for a variety of office, service commercial, and general commercial uses. The proposed use is in conformance with the land use designation.

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

Redevelopment Plan Area

As previously noted, the parcel is within the boundaries of the Las Vegas Redevelopment Area, with a C (Commercial) land use designation. The proposed use is in conformance with the Redevelopment Plan.

Downtown Centennial Plan

The parcel is within the Las Vegas Downtown Centennial Plan boundaries, and is located in the Casino Center District. The goals of the district include preserving and enhancing the appearance of "Glitter Gulch," as well as encouraging supporting entertainment uses, and maintaining the presence of public facilities.

Downtown Casino Overlay District

The parcel is located within the boundaries of the Downtown Casino Overlay District, but is located outside of the Special Signage Sub-District. Title 19.04.050(B) stipulates that the 1,500-foot separation distance required for Liquor Establishments may be waived for properties within the Downtown Casino Overlay District.

Trails

Third Street is identified in the Downtown Centennial Plan as the route of the proposed Art Trail, which is intended to link the downtown area with the Arts District. It is intended that the trail will be developed with grant funds, and individual property owners are not expected to assist in the construction of the trail.

ANALYSIS

A) Zoning Code Compliance

A1) Parking and Traffic Standards

Pursuant to Title 19.06, properties within the Downtown Overlay District are exempt from the automatic application of the mandatory standard parking requirements. However, the exemption does not prohibit City staff, the Planning Commission, and the City Council from imposing limitations on the approval of a Site Development Plan.

Pursuant to Title 19.10, the following Parking Standards would apply to a similar proposal outside the Downtown Overlay District:

Uses	GFA	Ratio	Required	
			Parking	
			Regular	Handicap
Tavern	4,042	1/50 GFA	80.84	
Remaining area	1,183	1/200 GFA	5.91	
Total	5,225		86.75	4

Title 19.10 would typically require a total of 87 parking spaces for this use outside the boundaries of the Downtown Centennial Plan area; no parking spaces will be provided on the site. Parking is available at the Lady Luck Casino parking garage, and at other public garages in the immediate vicinity. The urban nature of the site and the availability of public parking in the immediate vicinity justify the lack of on-site parking spaces.

A2) Minimum Distance Separation Requirements

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

Standards	Code Requirement	Provided
Liquor Establishment (Tavern)	1,500 Feet	0 Feet

Proposed Liquor Establishments are to be located to the north and south of the subject property, and a City park is also within 1,500 feet. Title 19.04.050 allows the distance separation requirement to be waived for properties within the Downtown Casino Overlay District.

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

Standards	Code Requirement	Provided
Trash Enclosure	Walled and roofed	Not indicated
Mechanical Equipment	Screened	Not indicated

No information has been provided relative to the trash enclosure or screening of mechanical equipment. The development will be subject to the requirements of Title 19.08.045 for mechanical equipment and trash services.

B) General Analysis and Discussion

- **Zoning**

The property is zoned C-2 (General Commercial); Liquor Establishments are permitted upon approval of a Special Use Permit. The use will be housed in an existing building, and will not be expanded as part of this request. The signage proposed for the building shall conform with the signage permitted in the C-2 (General Commercial) district, as listed in Title 19.14.

- **Use**

The applicant has indicated that the business will be open 24 hours per day, and will include a small gift shop in addition to the liquor service. The floor plan indicates that gaming will be available; taverns are permitted up to 15 slot machines as an accessory use in accordance with the requirements of Title 6 and Title 19.04.

- Conditions

Title 19.04.050(B) requires a 1,500-foot separation distance between a Liquor Establishment and any other Liquor Establishment, church, synagogue, school, child care facility licensed for more than 12 children, or City park. However, this distance requirement may be waived for establishments within the Downtown Casino Overlay District. It should be noted that the proposed establishment is within 11,500 feet of Frank Wright Park and other Liquor Establishments.

FINDINGS

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

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

The proposed use is appropriate for the downtown area, and can be conducted in a manner that will not impact surrounding land uses.

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

The subject site is appropriate for the Liquor Establishment use.

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

The site has direct access to the vacated Third Street right-of-way; parking for the use will be available in the Lady Luck Casino parking garage across Ogden Avenue, or in public garages elsewhere in the downtown area. Valet service will also be available for the businesses in the immediate vicinity.

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

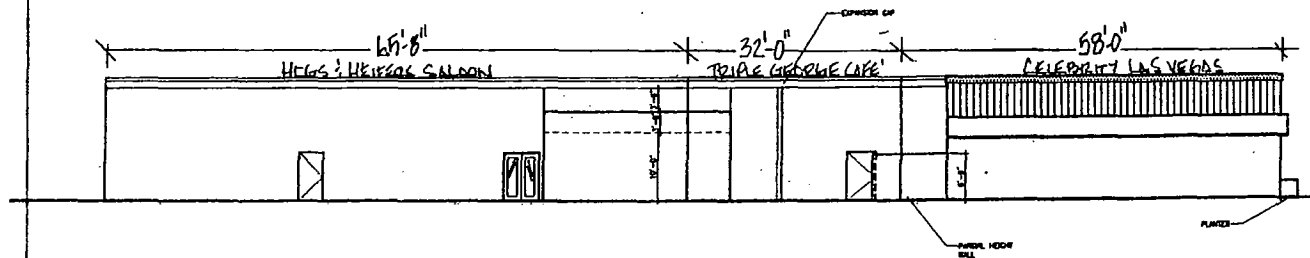
The proposed establishment will not compromise the public health, safety, or welfare, nor is it inconsistent with the overall objectives of the General Plan.

NOTICES MAILED 151 by City Clerk

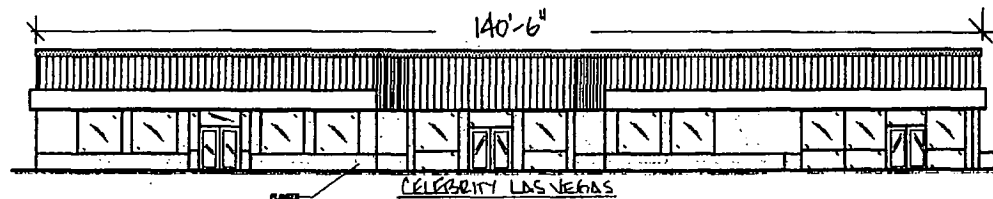
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PROTESTS 0

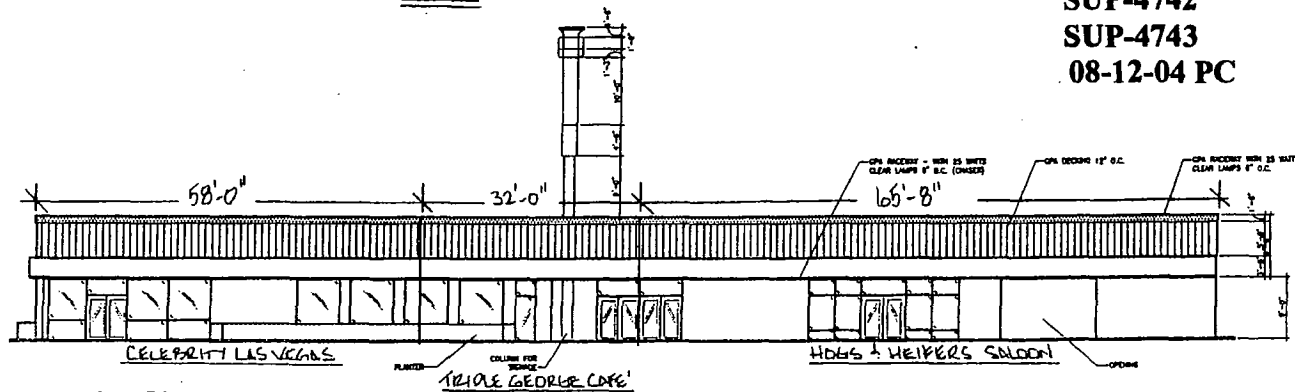




SIDE ELEVATION -- ALLEY -- LOOKING EAST
N.T.S.



FRONT ELEVATION -- OGDEN STREET -- LOOKING NORTH
N.T.S.



SIDE ELEVATION -- 3RD STREET -- LOOKING WEST
N.T.S.

SUP-4739
SUP-4741
SUP-4742
SUP-4743
08-12-04 PC

REVISIONS

Rev. Date Description

1. 08-12-04 Initial Set of Plans

CONTRACTOR
BRESLIN BUILDERS
1525 POLARIS AVENUE
SUITE 200
LAS VEGAS, NEVADA 89115
(702) 798-3877
FAX (702) 798-3889
www.breslinbuilders.com

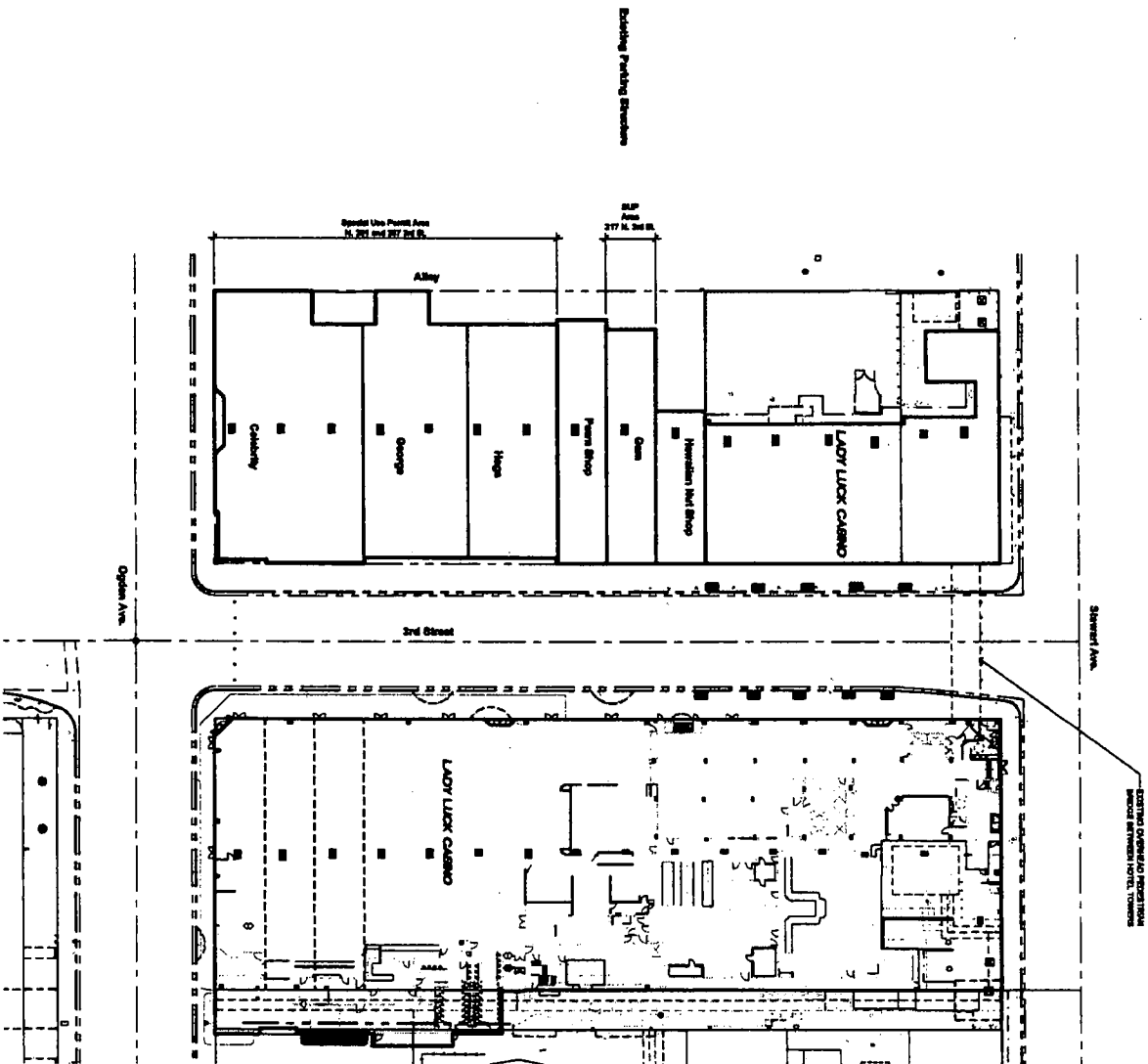
BRESLIN BUILDERS

3000 S. LAS VEGAS BLVD.
SUITE 200
LAS VEGAS, NEVADA 89115
(702) 798-3877
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www.breslinbuilders.com

Project Owner
Third Street Promenade
201 and 207 N. 3rd St.
Third Street Between
Stewart and Ogden
Las Vegas, Nevada
(Old Trolley Stop)

As Built
Exterior Elevations

Date: June 3, 2004
Drawn by: T. B. B. B. B.
Checked by: B. B. B.
City of Las Vegas: B. B. B.



Existing Promenade Street Expansion Extension

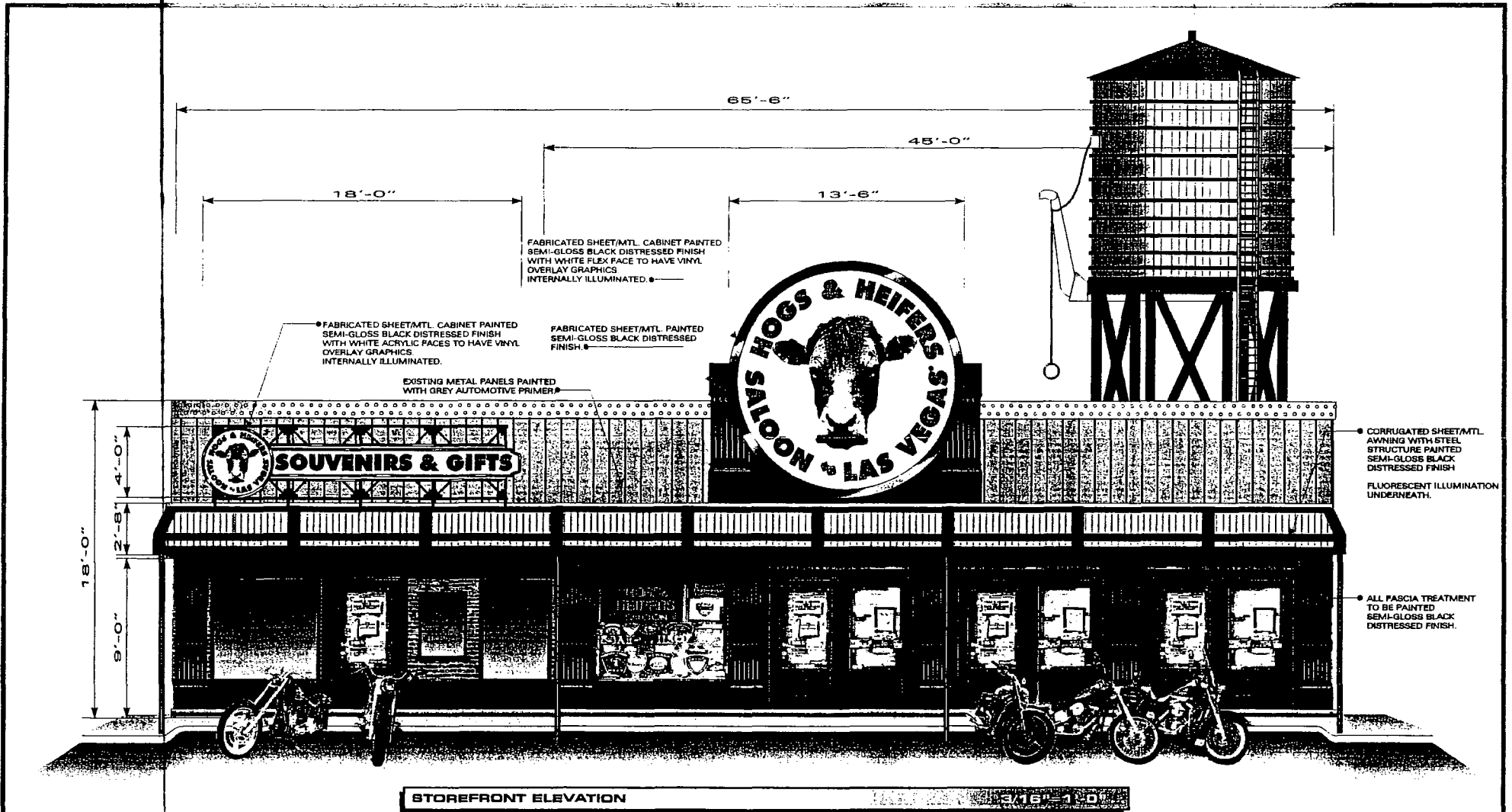


THIRD STREET PROMENADE
SCALE: 1/8" = 1'-0"

SUP-4739
SUP-4741
SUP-4742
SUP-4743
08-12-04 PC

CONTRACTOR THREE PLANS ARE PROVIDED AND SUBMITTED BY THE CONTRACTOR AS A COMPLETE SET FOR THE PROJECT. RESLIN BUILDERS JACK RESLIN 1000 UNIVERSITY SUITE 100 LAS VEGAS, NEVADA 89102 TEL: (702) 399-3000 FAX: (702) 399-3000 www.reslinbuilders.com		Project Name: Third Street Promenade Master Plan Downtown Las Vegas, Nevada	Drawn By: May 28, 2004 Project No.: Title: Author: Checked By: City of Las Vegas, NV/04	Scale: AS1.1
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SUP-4739
 SUP-4741
 SUP-4742
 SUP-4743
 08-12-04 PC



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Las Vegas Division
Young Electric Sign Company
 5119 So. Cameron St., Las Vegas, NV 89118 (702) 876-8080

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APPROVED BY	DATE	REVISIONS	SCALE	DATE	DESIGNER
CLIENT			AS NOTED	01/06/04	J. COMPTON
SALES					
DESIGN					
ESTIMATING					
ENGINEERING					
EXPEDITING					

FIRM NAME / LOCATION ADDRESS
LADY LUCK / 3RD STREET
333 E. OGDEN
LAS VEGAS, NEVADA
SALES/PERSON IN CHARGE: MARK ZANNIS

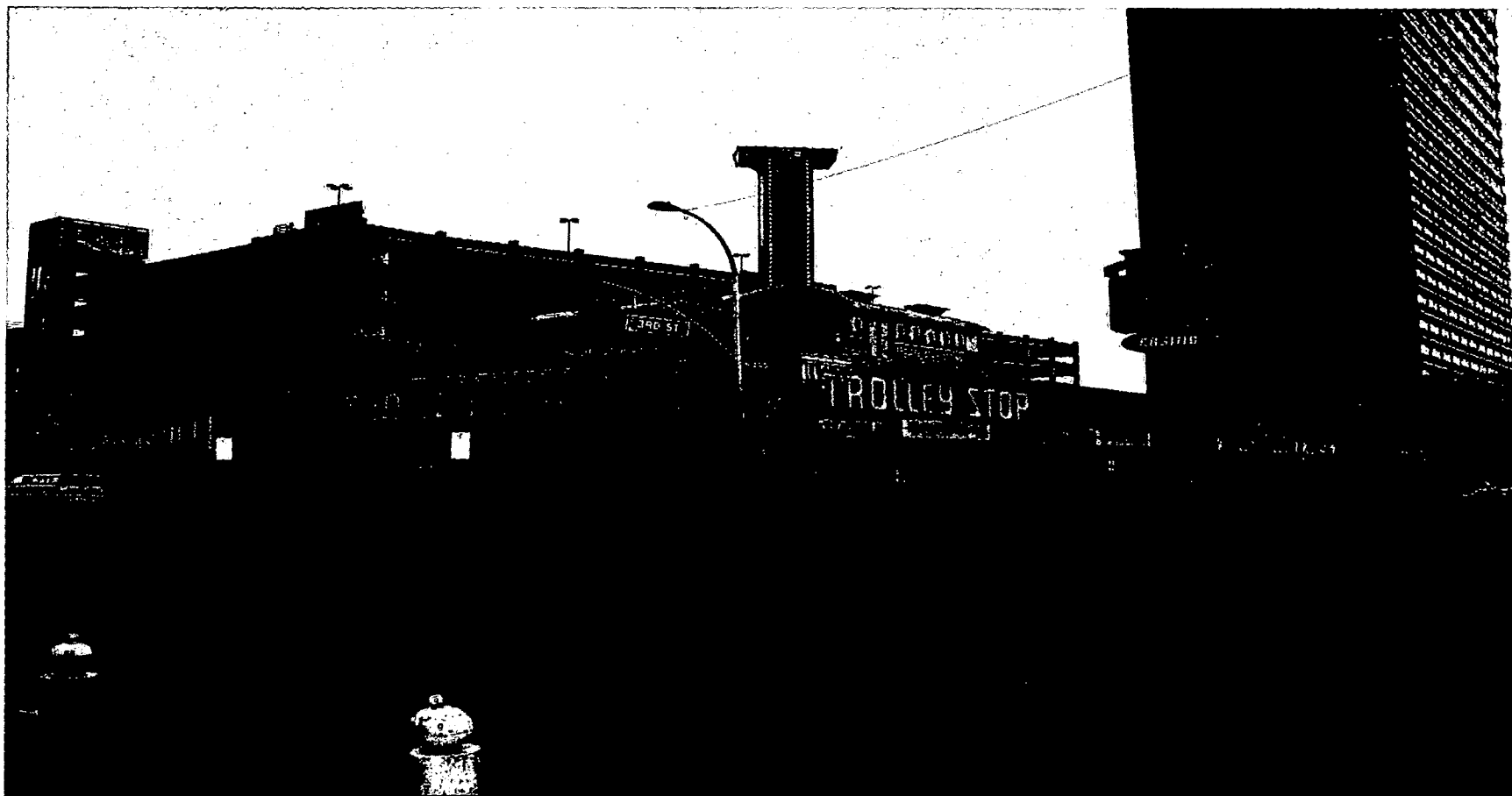
14430A4.1
SHEET 4 OF 1

NOTE: COST FOR PROVIDING NECESSARY ELECTRICAL WIRING TO SIGN AREA IS NOT INCLUDED IN SIGN PROPOSAL.

This detailed floor plan illustrates the layout of a restaurant, featuring a central Open Lounge Area and several specialized rooms. The plan includes the following areas and dimensions:

- Open Lounge Area:** A large central space with circular tables and chairs, measuring 35'-0" by 18'-0".
- Bar:** A long bar labeled "Hog's Bar" measuring 18'-0" by 3'-0".
- Private Event Room:** A room with diamond-shaped tables, measuring 44'-0" by 17'-0".
- Storage Room:** A room measuring 17'-0" by 18'-0".
- Utility Room:** A room measuring 18'-0" by 18'-0".
- Office:** A room measuring 10'-0" by 10'-0".
- Liquor:** A room measuring 10'-0" by 10'-0".
- Walk-in:** A room measuring 10'-0" by 10'-0".
- Gift Shop:** A room measuring 15'-0" by 15'-0".
- Harley Slot Pit:** A room measuring 15'-0" by 15'-0".
- Men's and Ladies' Restrooms:** Restrooms measuring 8'-0" by 8'-0" and 8'-0" by 8'-0" respectively.
- ATM, Cigarettes, and Phone:** A small area measuring 15'-0" by 15'-0".
- Lounge:** A room with circular tables, measuring 15'-0" by 15'-0".
- Pool Tables:** Two pool tables measuring 8'-0" by 4'-0" and 8'-0" by 4'-0".

The plan also shows various other dimensions for rooms and corridors, such as 11'-0" by 11'-0" for the Office, 10'-0" by 10'-0" for the Liquor room, and 10'-0" by 10'-0" for the Walk-in room. The overall layout is designed to provide a functional and comfortable environment for guests.



SUP-4742 - PUBLIC HEARING - APPLICANT/OWNER: THIRD STREET PROMENADE, LIMITED
LIABILITY COMPANY
207-A NORTH THIRD STREET
AUGUST 12, 2004 PLANNING COMMISSION

07/20/04

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: SEPTEMBER 15, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☐

CONSENT

☒

DISCUSSION

SUBJECT:

SPECIAL USE PERMIT RELATED TO SUP-4739, SUP-4741 AND SUP-4742 - PUBLIC HEARING - **SUP-4743 - APPLICANT: THIRD STREET PROMENADE, LIMITED LIABILITY COMPANY - OWNER: MARILYN L. MILLER** - Request for a Special Use Permit and a Waiver of the 1,500 foot distance separation requirement FOR A PROPOSED 4,050 SQUARE FOOT LIQUOR ESTABLISHMENT (TAVERN) at 217 North Third Street (APN 139-34-510-015), C-2 (General Commercial) Zone, Ward 5 (Weekly). The Planning Commission (5-0 vote) and staff recommend APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

RECOMMENDATION:

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

BACKUP DOCUMENTATION:

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

MOTION:

WEEKLY – APPROVED subject to conditions – UNANIMOUS with MACK abstaining as his brother-in-law, ANDREW DONNER, is the Manager of the Third Street Promenade

MINUTES:

NOTE: See Item 148 [SUP-4739] for all related discussion.

(4:30 – 4:46)

6-397

CONDITIONS:

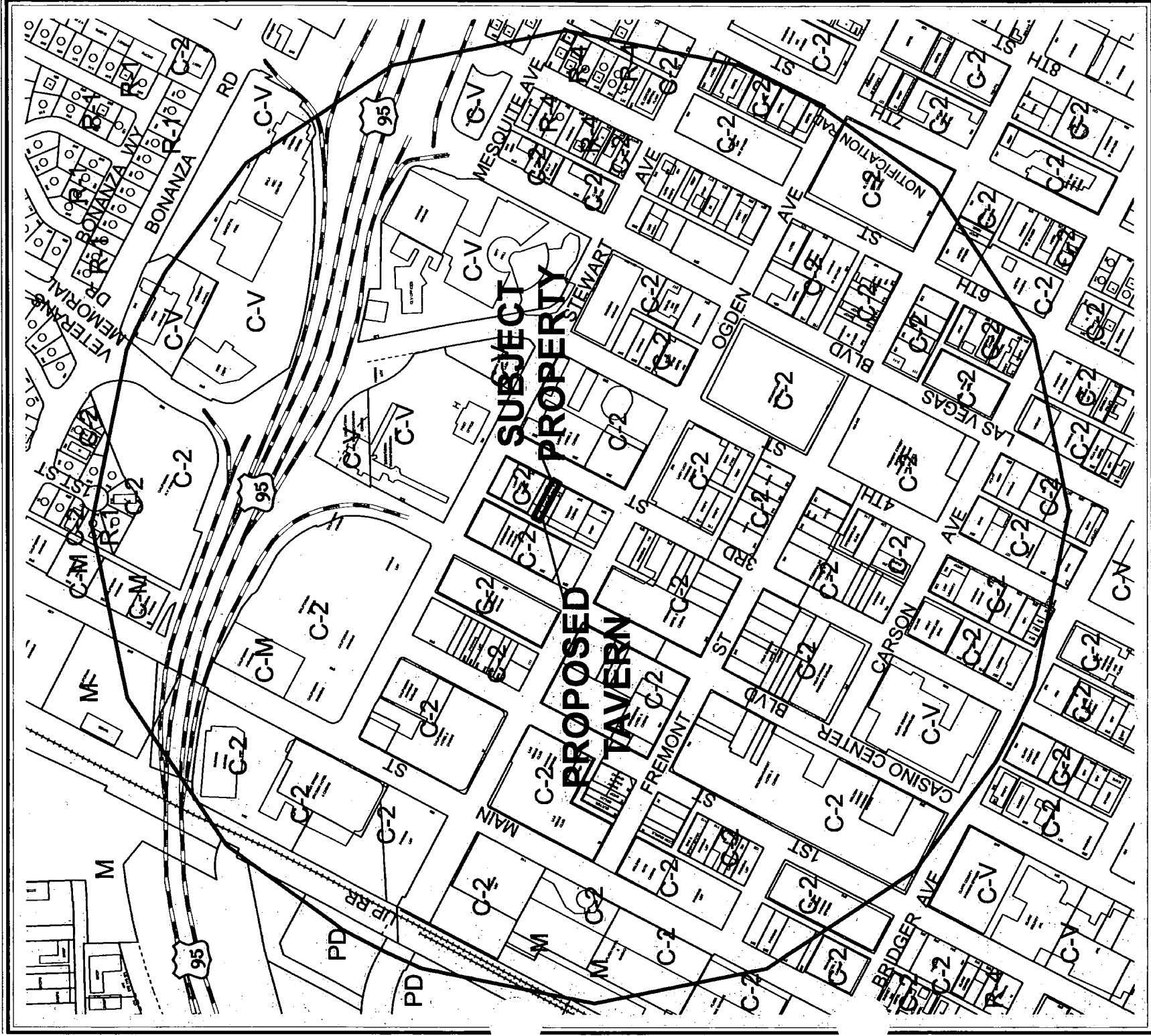
Planning and Development

1. This Special Use Permit shall expire one year from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.
2. The 1,500-foot distance separation requirement for the Liquor Establishment (Tavern) use is hereby waived in accordance with Title 19.04.050(B).

CITY COUNCIL MEETING OF SEPTEMBER 15, 2004
Planning and Development Department
Item 151 – SUP-4743

CONDITIONS – Continued:

3. The trash enclosure shall be walled and roofed and the mechanical equipment shall be screened from adjacent rights-of-way in accordance with the requirements of Title 19.08.045.
4. All City Code requirements and design standards of all City departments must be satisfied.

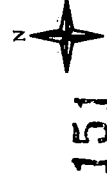


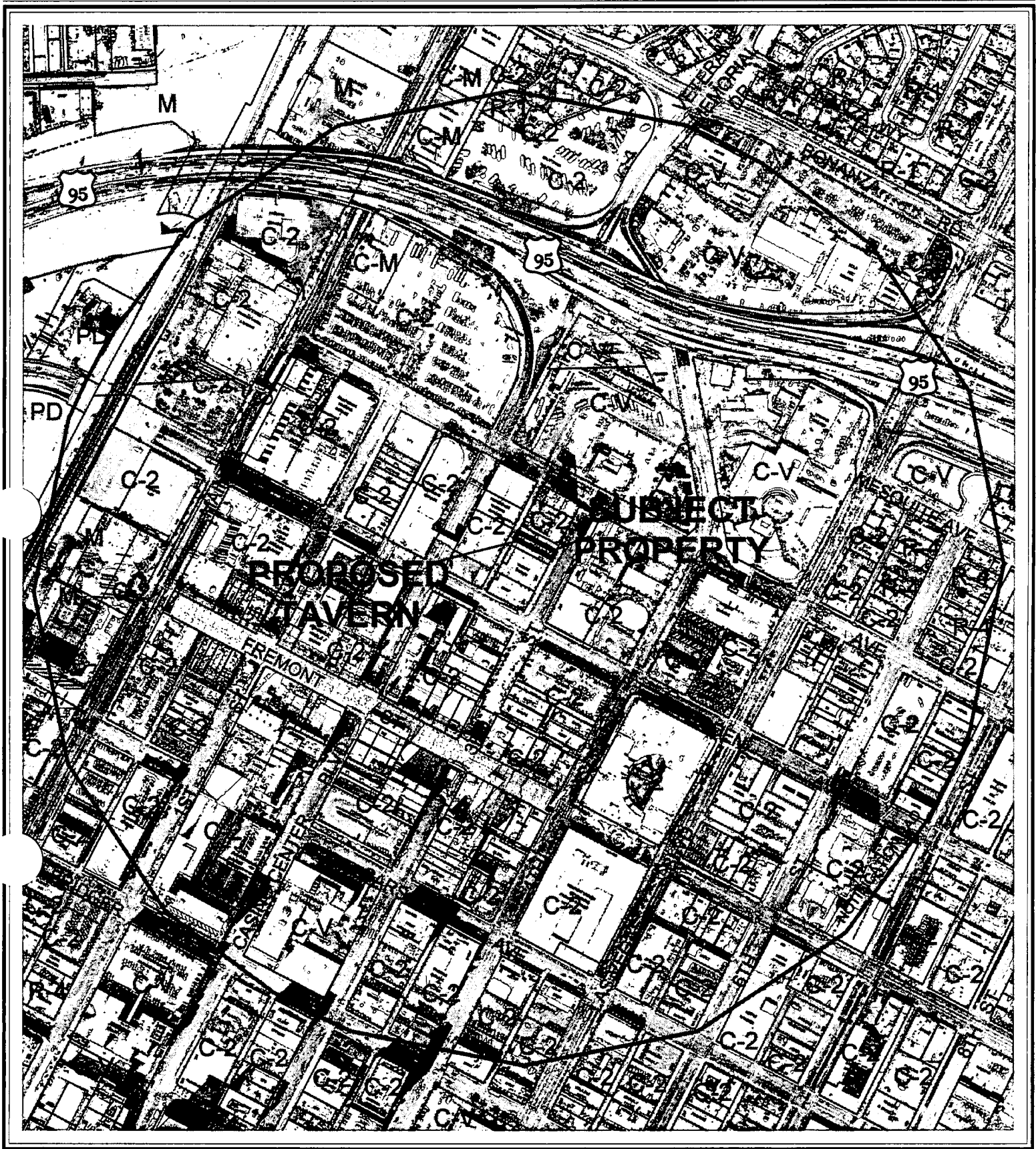
CASE: SUP-4743

RADIUS: 1500 FT

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

0 300 600 Feet





CASE: SUP-4743

RADIUS: 1500 FT

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

0 300 600 Feet



AGENDA MEMO

CITY COUNCIL MEETING DATE: SEPTEMBER 15, 2004

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: SUP-4743 - APPLICANT: THIRD STREET PROMENADE,
LIMITED LIABILITY COMPANY - OWNER: MARILYN L. MILLER**

**** CONDITIONS ****

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

Planning and Development

1. This Special Use Permit shall expire one year from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.
2. The 1,500-foot distance separation requirement for the Liquor Establishment (Tavern) use is hereby waived in accordance with Title 19.04.050(B).
3. The trash enclosure shall be walled and roofed and the mechanical equipment shall be screened from adjacent rights-of-way in accordance with the requirements of Title 19.08.045.
4. All City Code requirements and design standards of all City departments must be satisfied.

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

This is a request for approval of a Special Use Permit and a Waiver of the 1,500-foot separation distance requirement for a proposed 4,050 square foot Liquor Establishment (Tavern) at 217 North Third Street. The proposed establishment is identified as "The Gem Club" in the submitted documentation.

B) Applicant's Justification

The applicant states that the proposed use will recapture the history of downtown Las Vegas and will assist in the revitalization of Third Street.

BACKGROUND INFORMATION

A) Previous Actions

05/05/04 The City Council approved the vacation of Third Street (VAC-3926).

08/12/04 The Planning Commission voted 5-0 to recommend APPROVAL (PC Agenda Item #70/FF)

B) Pre-Application Meeting

06/17/04 The property is located within the Downtown Casino Overlay District, which allows for the tavern separation requirement to be waived.

C) Neighborhood Meetings

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

DETAILS OF APPLICATION REQUEST

A) Site Area

Net Acres: 0.08

B) Existing Land Use

Subject Property: Retail Use
North: Retail Use
South: Retail Use
East: Gaming Establishment Use
West: Parking Structure

C) Planned Land Use

Subject Property: C (Commercial)
North: C (Commercial)
South: C (Commercial)
East: C (Commercial)
West: C (Commercial)

D) Existing Zoning

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

E) General Plan Compliance

The parcel is located within the boundaries of the Downtown Las Vegas Redevelopment Area, and is designated C (Commercial). The C (Commercial) designation allows for a variety of office, service commercial, and general commercial uses. The proposed use is in conformance with the land use designation.

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

Redevelopment Plan Area

As previously noted, the parcel is within the boundaries of the Las Vegas Redevelopment Area, with a C (Commercial) land use designation. The proposed use is in conformance with the Redevelopment Plan.

Downtown Centennial Plan

The parcel is within the Las Vegas Downtown Centennial Plan boundaries, and is located in the Casino Center District. The goals of the district include preserving and enhancing the appearance of "Glitter Gulch," as well as encouraging supporting entertainment uses, and maintaining the presence of public facilities.

Downtown Casino Overlay District

The parcel is located within the boundaries of the Downtown Casino Overlay District, but is located outside of the Special Signage Sub-District. Title 19.04.050(B) stipulates that the 1,500-foot separation distance required for Liquor Establishments may be waived for properties within the Downtown Casino Overlay District.

Trails

Third Street is identified in the Downtown Centennial Plan as the route of the proposed Art Trail, which is intended to link the downtown area with the Arts District. It is intended that the trail will be developed with grant funds, and individual property owners are not expected to assist in the construction of the trail.

ANALYSIS

A) Zoning Code Compliance

A1) Parking and Traffic Standards

Pursuant to Title 19.06, properties within the Downtown Overlay District are exempt from the automatic application of the mandatory standard parking requirements. However, the exemption does not prohibit City staff, the Planning Commission, and the City Council from imposing limitations on the approval of a Site Development Plan.

Pursuant to Title 19.10, the following Parking Standards would apply to a similar proposal outside the Downtown Overlay District:

Uses	GFA	Ratio	Required	
			Parking	
			Regular	Handicap
Tavern	2,194	1/50 GFA	43.88	
Remaining area	1,856	1/200 GFA	9.28	
Total	4,050		53.16	3

Title 19.10 would typically require a total of 54 parking spaces for this use outside the boundaries of the Downtown Centennial Plan area; no parking spaces will be provided on the site. Parking is available at the Lady Luck Casino parking garage, and at other public garages in the immediate vicinity. The urban nature of the site and the availability of public parking in the immediate vicinity justify the lack of on-site parking spaces.

A2) Minimum Distance Separation Requirements

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

Standards	Code Requirement	Provided
Liquor Establishment (Tavern)	1,500 Feet	25 Feet

Existing and proposed Liquor Establishments are located in the immediate vicinity of the subject property, and a City park is also within the 1,500-foot separation area. Title 19.04.050 allows the distance separation requirement to be waived for properties within the Downtown Casino Overlay District.

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

Standards	Code Requirement	Provided
Trash Enclosure	Walled and roofed	Not indicated
Mechanical Equipment	Screened	Not indicated

No information has been provided relative to the trash enclosure or screening of mechanical equipment. The development will be subject to the requirements of Title 19.08.045 for mechanical equipment and trash services.

B) General Analysis and Discussion

- **Zoning**

The property is zoned C-2 (General Commercial); Liquor Establishments are permitted upon approval of a Special Use Permit. The entertainment/night clubs are permitted by right in the C-2 (General Commercial) district. The use will be housed in an existing building, and will not be expanded as part of this request. The signage proposed for the building shall conform with the signage permitted in the C-2 (General Commercial) district, as listed in Title 19.14.

- **Use**

The applicant has indicated that the business will be open from 7:00 p.m. to 6:00 a.m., and will include a small gift shop in addition to the liquor service and entertainment. Entertainment will be available six nights a week, with shows twice nightly during the week, and additional midnight and matinee shows on the weekends.

- Conditions

Title 19.04.050(B) requires a 1,500-foot separation distance between a Liquor Establishment and any other Liquor Establishment, church, synagogue, school, child care facility licensed for more than 12 children, or City park. However, this distance requirement may be waived for establishments within the Downtown Casino Overlay District. It should be noted that Frank Wright Plaza and other Liquor Establishments are within 1,500 feet of the proposed use.

FINDINGS

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

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

The proposed use is appropriate for the downtown area, and can be conducted in a manner that will not impact surrounding land uses.

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

The subject site appropriate for the Liquor Establishment and entertainment uses.

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

The site has direct access to the vacated Third Street right-of-way; parking for the use will be available in the Lady Luck Casino parking garage across Ogden Avenue, or in public garages elsewhere in the downtown area. Valet service will also be available for the businesses in the immediate vicinity.

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

The proposed establishment will not compromise the public health, safety, or welfare, nor is it inconsistent with the overall objectives of the General Plan.

NOTICES MAILED 145 by City Clerk

APPROVALS 0

PROTESTS 0

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: SUP-4743 APN: 139-34-510-015

Name of Property Owner: Marilyn L. Miller

Name of Applicant: Marilyn L. Miller

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: Marilyn L Miller

Print Name: MARILYN L. MILLER

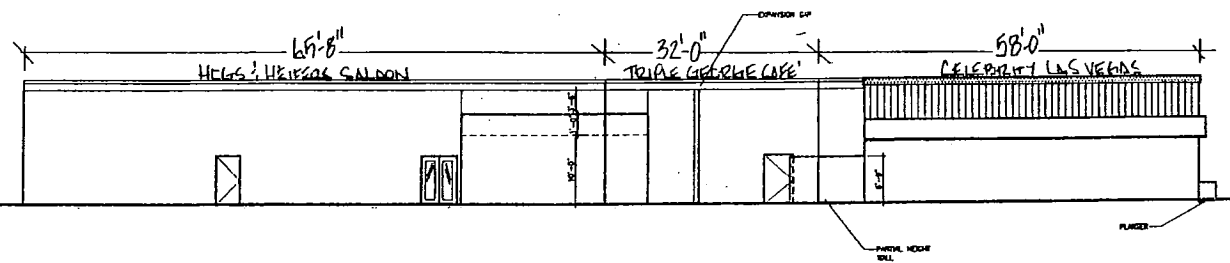
Subscribed and sworn before me

This 22nd day of June, 2004

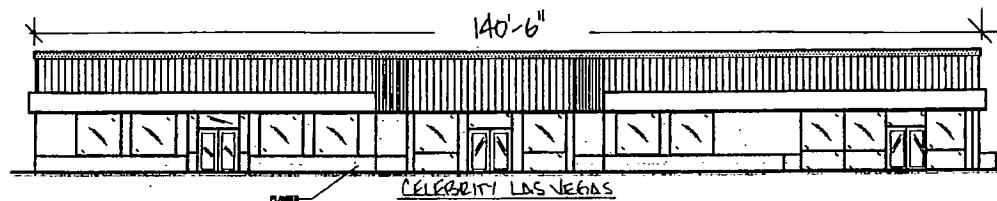


ROBERT H. MILLER
Notary Public - Arizona
Maricopa County
Expires 07/15/07

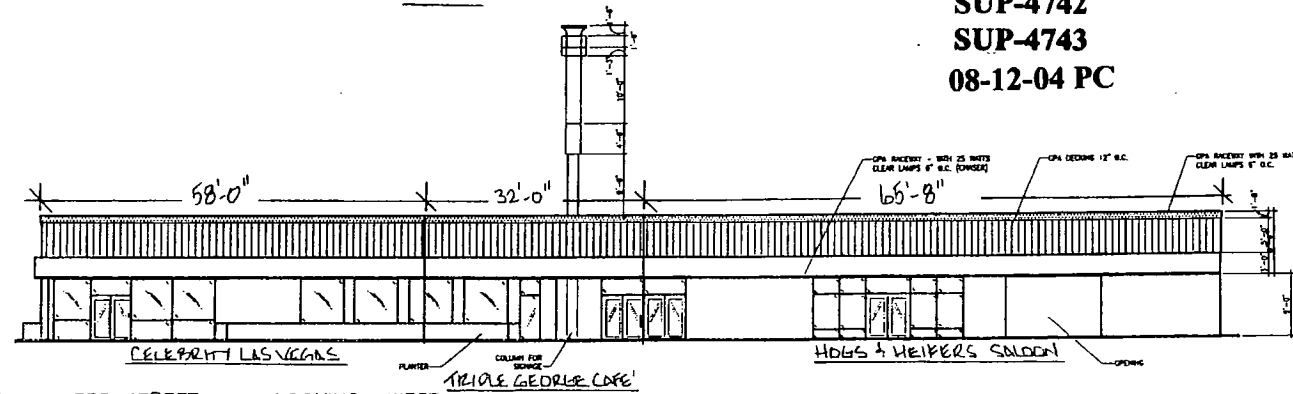

Notary Public in and for said County and State of Maricopa, Arizona



SIDE ELEVATION -- ALLEY -- LOOKING EAST
N.T.S.



FRONT ELEVATION -- OGDEN STREET -- LOOKING NORTH
N.T.S.



SIDE ELEVATION -- 3RD STREET -- LOOKING WEST
N.T.S.

SUP-4739
SUP-4741
SUP-4742
SUP-4743
08-12-04 PC

REVISIONS

Rev Date Description

CONTRACTOR
BRESLIN BUILDERS
5525 POLARIS AVENUE, SUITE B
LAS VEGAS, NEVADA 89118
(702) 788-3877
FAX (702) 788-2888
www.breslinbuilders.com

BRESLIN BUILDERS

DESIGN & CONSTRUCTION
LICENSED GENERAL CONTRACTOR
LICENSE # 608648
5525 POLARIS AVENUE, SUITE B
LAS VEGAS, NEVADA 89118
(702) 788-3877
FAX (702) 788-2888
www.breslinbuilders.com

Project Owner
Third Street Promenade
201 and 207 N. 3rd St.
Third Street Between Stewart and Ogden
Las Vegas, Nevada
(Old Trolley Stop)

As Built
Exterior Elevations

Date: June 3, 2004
Project No: 12944
City of Las Vegas
Design: Paul Walker
Drawn By: BOK
Check: TUN/MS

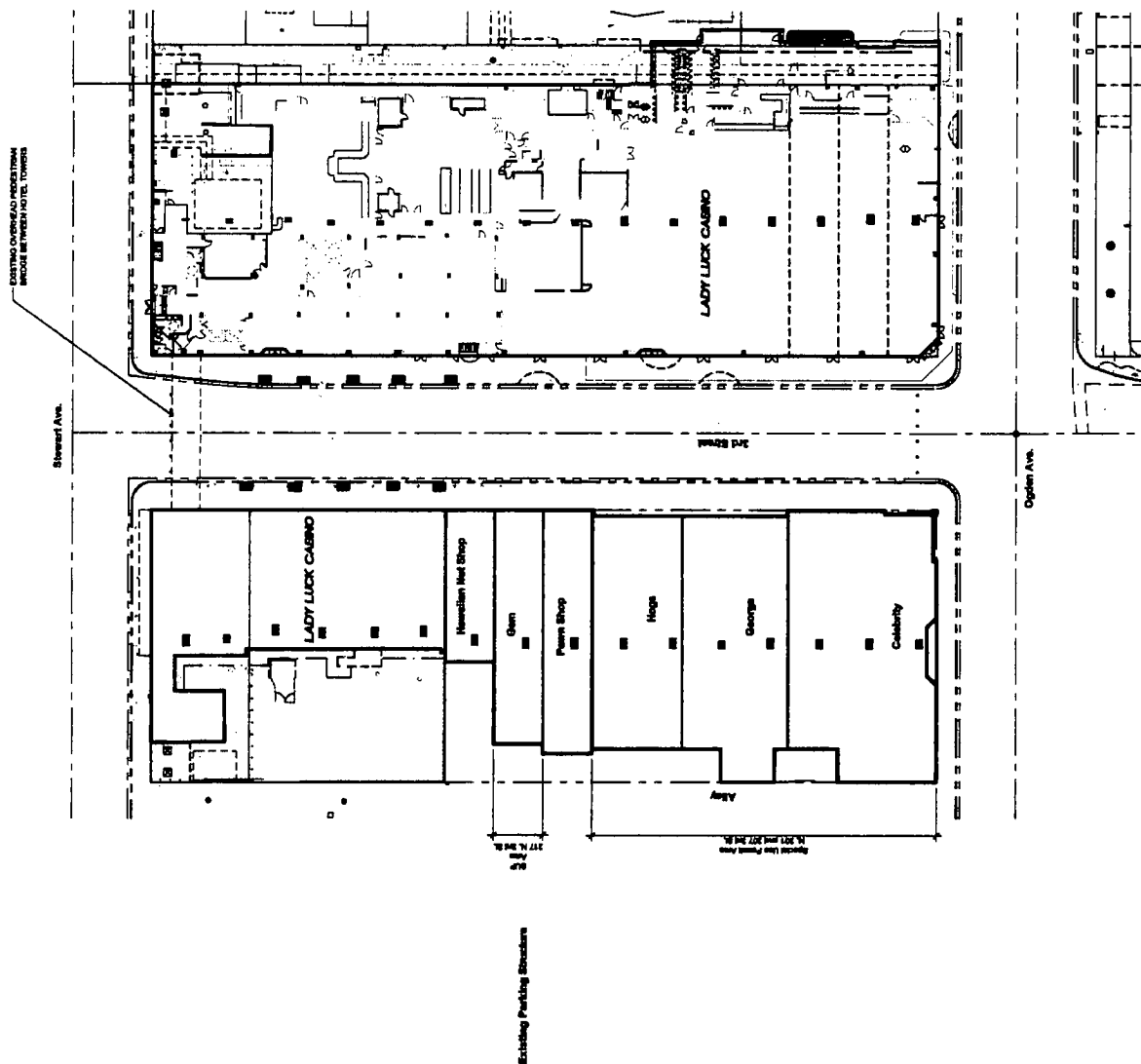
SUP-4739
SUP-4741
SUP-4742
SUP-4743
08-12-04 PC



THIRD STREET PROMENADE

NAME: _____

Extinction Fremont Street Experience Entertainment



**Third Street
Promenade
Building**

Date:	May 28, 2004	Designed By:	Todd McCreary
Project No.:		Drawn By:	TMM
Justification:		Checked By:	TMM/MS

AS1.1

Third Street Promenade Master Plan
Project Owner: Downtown Las Vegas, Nevada

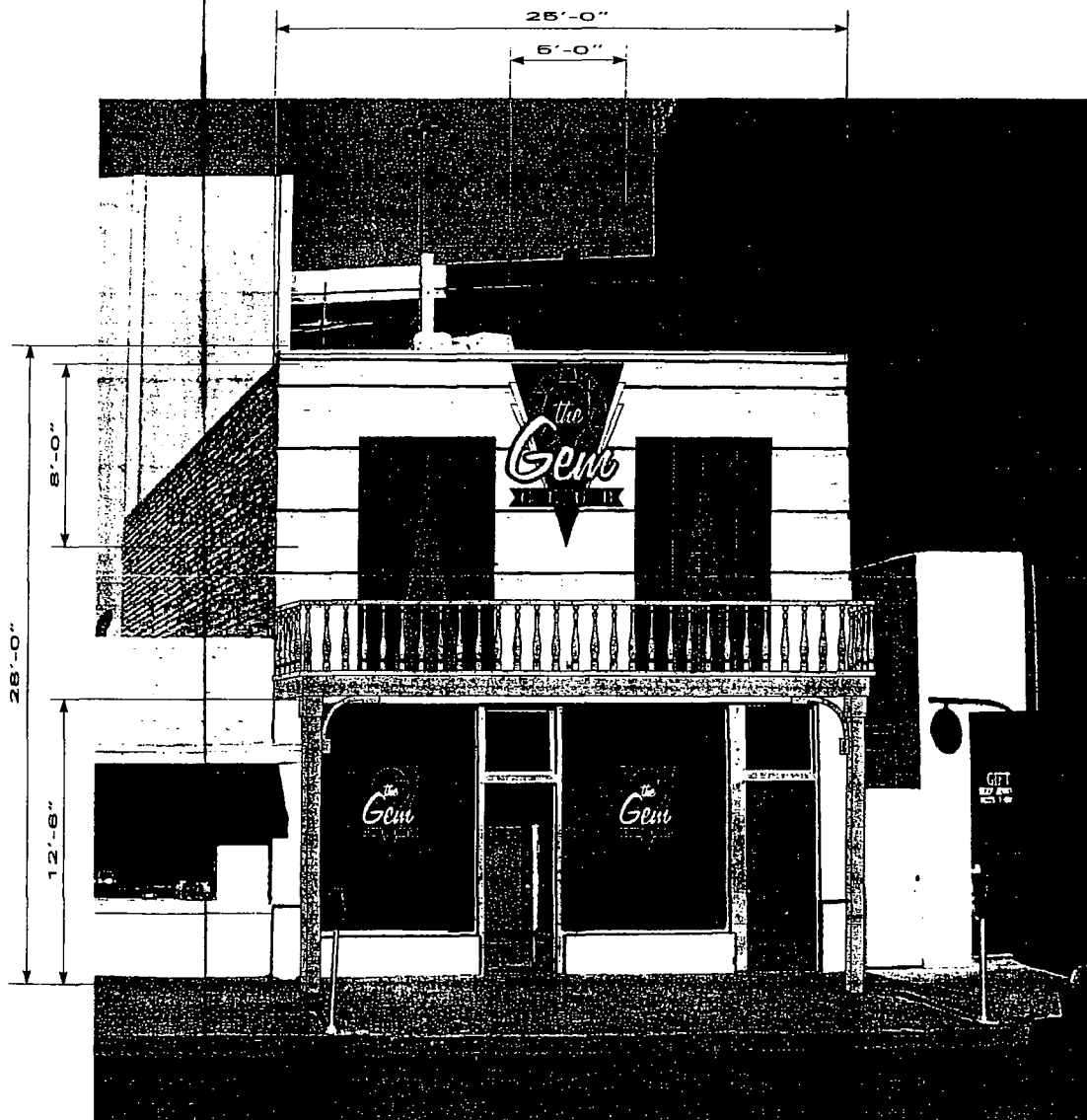
BRESLIN BUILDERS
DESIGN & CONSTRUCTION
LICENSED GENERAL CONTRACTORS

LIC#96800 00010100
8025 POLARIS AVENUE,
SUITE 110
LAS VEGAS, NEVADA 89115

(702)796-3077
FAX (702)796-3608
www.breslinbuilders.com

CONTRACTOR[illegible]

Quinn Industries, a division of Quaker Oats Co., is seeking qualified individuals with the following minimum qualifications: Graduate degree in Business Administration - MBA; 3-5 years of relevant experience in a management position; strong communication and interpersonal skills; and the ability to work independently. For consideration, please send your resume and cover letter to: Human Resources, Quinn Industries, 10000 Quaker Lane, Cincinnati, OH 45240. Equal Opportunity Employer.



STOREFRONT ELEVATION

FABRICATED SHEETMETAL CABINET WITH MULTI-COLOR PAINT SCHEME. ROUTED OUT GEM WITH CLEAR LEXAN BACK LIP TO HAVE 2ND SURFACE DIGITAL GRAPHIC. INTERNALLY ILLUMINATED. "GEM" TO BE OPEN PAN CHANNEL PAINTED WHITE WITH S/T GOLD NEON ILLUMINATION. "Gem" TO BE OPEN PAN CHANNEL PAINTED WHITE WITH S/T & D/T GOLD NEON ILLUMINATION. "CLUB" TO BE ROUTED OUT & BACKED WITH WHITE ACRYLIC. INTERNALLY ILLUMINATED.

BALCONY & STRUCTURE TO BE FABRICATED FROM STEEL PAINTED PMS#443C BLUE.



SUP-4739

SUP-4741

SUP-4742

SUP-4743

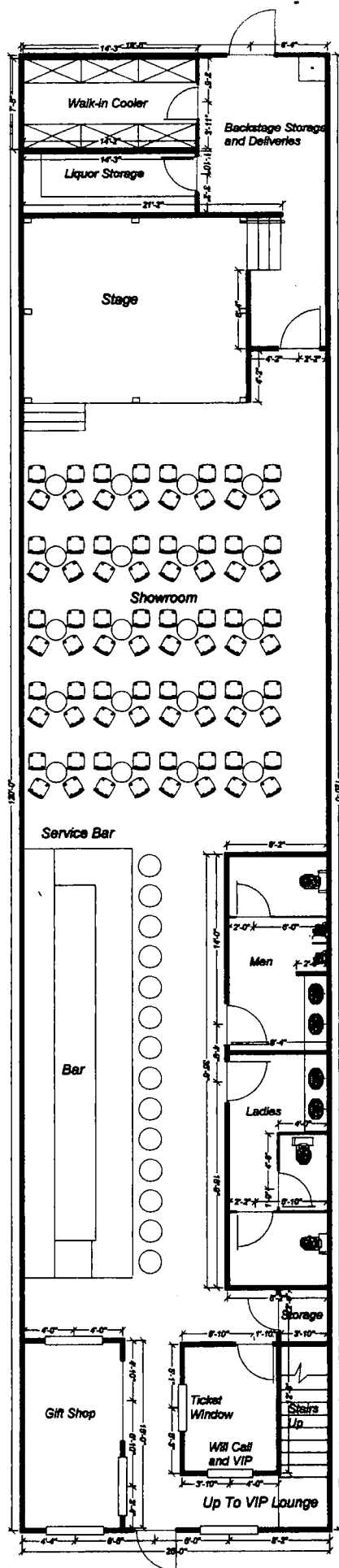
08-12-04 PC



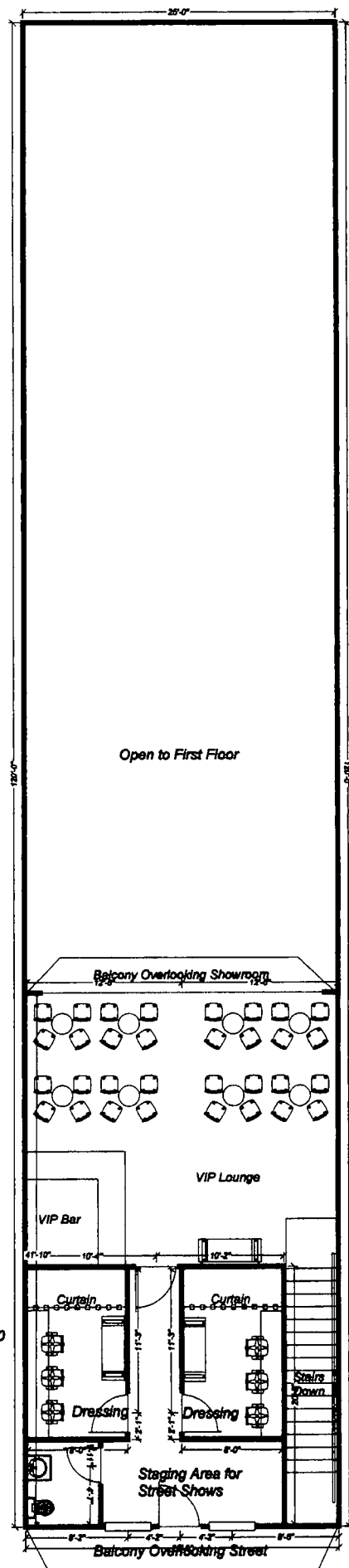
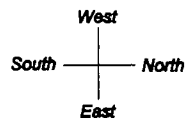
Concept Design



YOUNG ELECTRIC SIGN COMPANY



First Floor
3000 Sq. Ft.
Occupancy 110



Second Floor
1050 Sq. Ft.
Occupancy 50

SUP-4739
SUP-4741
SUP-4742
SUP-4743
08-12-04 PC



SUP-4743 - PUBLIC HEARING - APPLICANT/OWNER: THIRD STREET PROMENADE, LIMITED
LIABILITY COMPANY
217 NORTH THIRD STREET
AUGUST 12, 2004 PLANNING COMMISSION

07/20/04

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: SEPTEMBER 15, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☐

CONSENT

☒

DISCUSSION

SUBJECT:

SPECIAL USE PERMIT - PUBLIC HEARING - SUP-4744 - APPLICANT/OWNER: HUBERT R. POWELL AND RENEE C. RAMBERG - Request for a Special Use Permit FOR A GUEST HOUSE ON A LOT WHOSE WIDTH IS LESS THAN 80 FEET, AND WHICH CONSISTS OF MORE THAN ONE OCCUPANT ROOM, A BATHROOM AND A WALK-IN CLOSET at 2808 Mason Avenue (APN 162-05-514-008), R-1 (Single-Family Residential) Zone, Ward 1 (Moncrief). Staff recommends DENIAL. The Planning Commission (5-0 vote) recommends APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

1

RECOMMENDATION:

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

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Back up referenced from the 8/12/2004 Planning Commission meeting Item 73

MOTION:

MONCRIEF - APPROVED subject to conditions - UNANIMOUS with MAYOR GOODMAN and COUNCILMAN MACK excused

MINUTES:

MAYOR PRO TEM REESE declared the Public Hearing open.

RENEE RAMBERG, 2808 Mason, asked for approval of her guesthouse and explained that it will be used for storage, a game room and a bathroom to be used by her guests after swimming. To make it aesthetically pleasing, she would want to build the structure in the back. MS. RAMBERG confirmed she would not be renting the guesthouse, but would only use it as extra storage space.

CITY COUNCIL MEETING OF SEPTEMBER 15, 2004
Planning and Development Department
Item 152 – SUP-4744

MINUTES – Continued:

MARGO WHEELER, Deputy Director, Planning and Development Department, informed MAYOR PRO TEM REESE that staff's recommendation for denial was based on the concern that the plans depicts an area that is significantly setup as a kitchen. Staff believes the casita requirements are adequate to meet code without the waiver to the room requirements.

CHARLIE CARTER, 2812 Mason Avenue, appeared in support of the applicant's request. She indicated that the applicant has made great improvements to the house, and the guesthouse will be an added enhancement to the property.

MAYOR PRO TEM REESE declared the Public Hearing closed.

(5:24 – 5:27)

6-2468

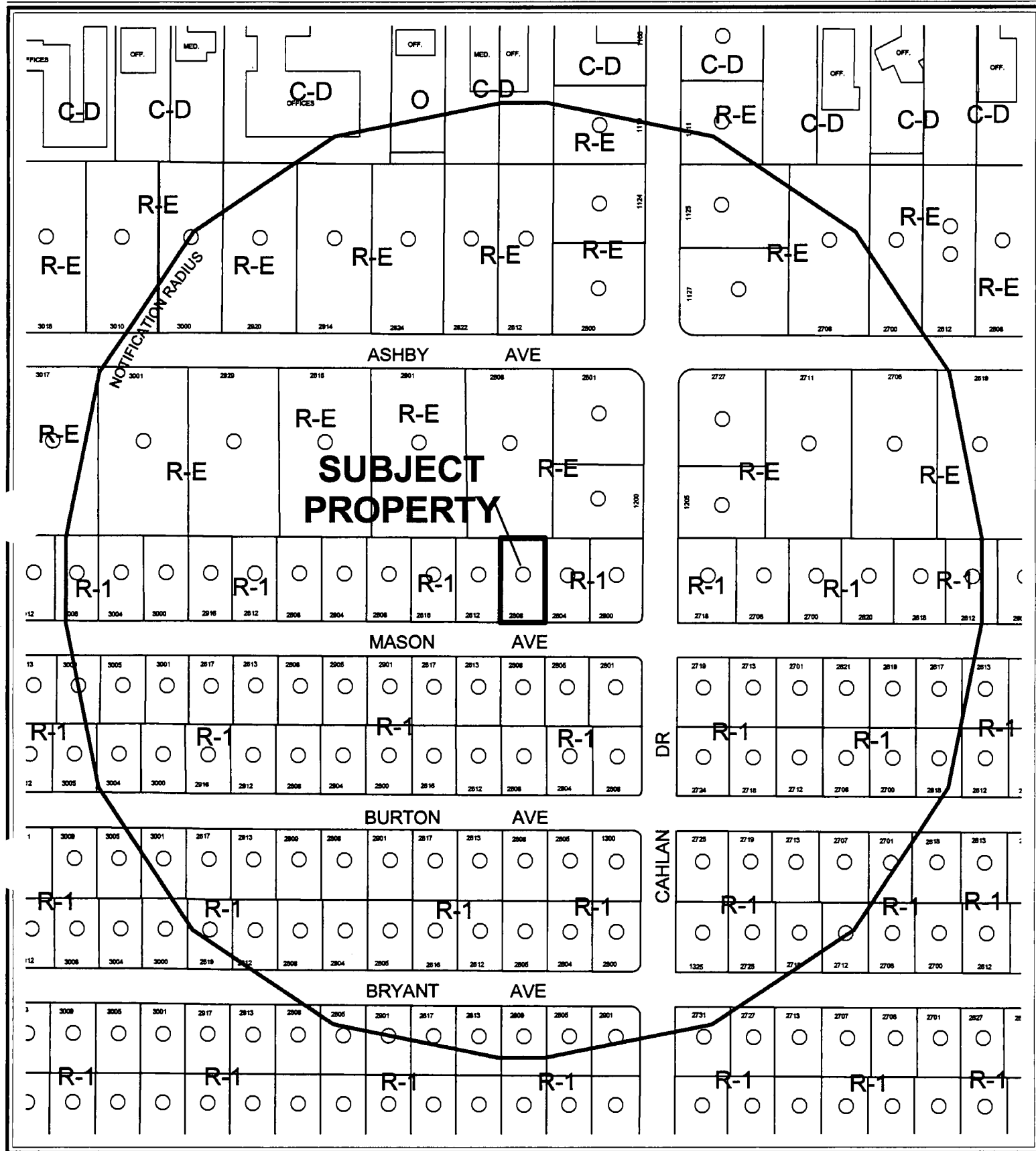
CONDITIONS:

Planning and Development

1. Conformance to the remaining requirements of Title 19.04.040 for a Guest House/Casita use.
2. This Special Use Permit shall expire two years from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.
3. All City Code requirements and design standards of all City departments must be satisfied.

Public Works

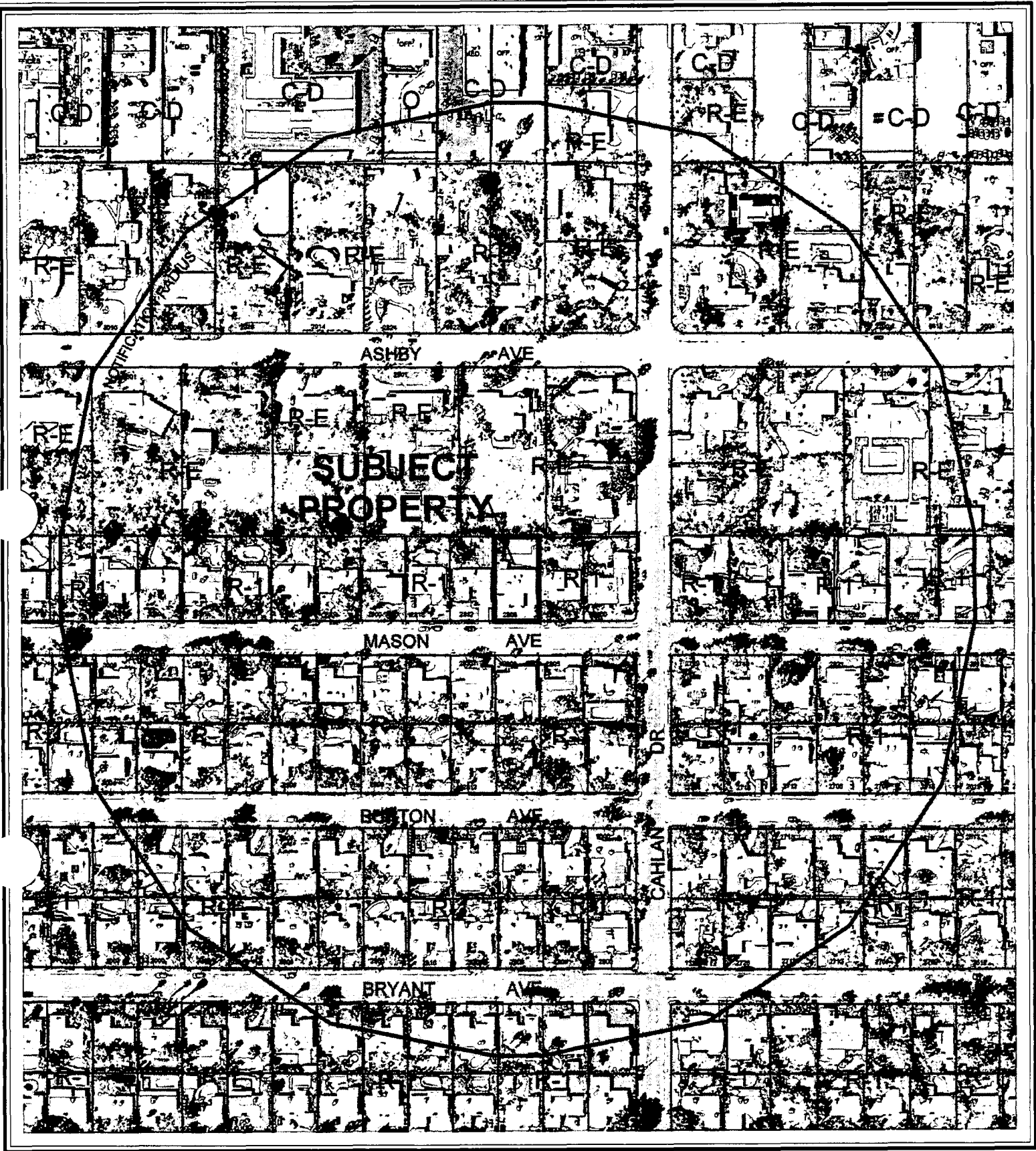
4. Meet with the Flood Control Section of the Department of Public Works for assistance with establishing finished floor elevations and drainage patterns for this site prior to the issuance of any building or grading permits, whichever may occur first. Provide and improve all drainageways as recommended.



CASE: SUP-4744

RADIUS: 750 FT

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



CASE: SUP-4744

RADIUS: 750 FT

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

0 200 400 Feet



AGENDA MEMO

CITY COUNCIL MEETING DATE: SEPTEMBER 15, 2004

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: SUP-4744 - APPLICANT/OWNER: HUBERT R. POWELL
AND RENEE C. RAMBERG**

**** CONDITIONS ****

Staff recommends DENIAL. The Planning Commission (5-0 vote) recommends APPROVAL, subject to:

Planning and Development

1. Conformance to the remaining requirements of Title 19.04.040 for a Guest House/Casita use.
2. This Special Use Permit shall expire two years from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.
3. All City Code requirements and design standards of all City departments must be satisfied.

Public Works

4. 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 Special Use Permit for a Guest House/Casita on a lot whose width is less than 80 feet, and which consists of more than one occupant room, bathroom, and walk-in closet at 2808 Mason Avenue.

B) Applicant's Justification

According to the applicant's justification letter, the width of the lot is only three feet short of the 80 feet required. In addition, the principal home on the property does not contain a garage, and additional space is needed for storage. The location of the existing pool on the lot requires that the proposed guest house be attached from the main dwelling.

BACKGROUND INFORMATION

A) Previous Actions

08/12/04 The Planning Commission voted 5-0 to recommend APPROVAL (PC Agenda Item #73/SS)

B) Pre-Application Meeting

06/11/04 Staff and the applicant reviewed the conditions for approval of a guesthouse. The applicant indicated that she understood that the proposal did not meet several of the criteria and that staff would be recommending denial of the project. It was determined that the proposal could, with revision, meet all of the conditions except for the lot width.

DETAILS OF APPLICATION REQUEST

A) Site Area

Net Acres: 0.26

B) Existing Land Use

Subject Property: Single-Family Dwelling
North: Single-Family Dwelling
South: Single-Family Dwelling
East: Single-Family Dwelling
West: Single-Family Dwelling

C) Planned Land Use

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

D) Existing Zoning

Subject Property: R-1 (Single-Family Residential)
North: R-E (Residence Estates)
South: R-1 (Single-Family Residential)
East: R-1 (Single-Family Residential)
West: R-1 (Single-Family Residential)

E) General Plan Compliance

The subject site is designated L (Low Density Residential) on the Southeast Sector Map of the General Plan, which allows a maximum of 5.5 dwelling units per gross acre. The subject property, zoned R-1 (Single-Family Residential), conforms to this category.

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

This area is part of the Neighborhood Revitalization Area, which the Las Vegas Master Plan 2020 identifies as an area of neighborhoods where existing residential uses should be protected.

ANALYSIS

A) Zoning Code Compliance

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

Standards	Code Requirement	Provided
Guest House/Casita	Must be located in the U, R-A, R-E, R-D, R-1 or equivalent zoning districts May not be located on a lot or parcel whose width is less than 80 feet May not exceed the height of the principal dwelling May not consist of more than one occupant room, a bathroom and a walk-in closet. Kitchens are not permitted. May be located in a side or rear yard if it meets the required setbacks of the zoning district and, if separated from the main dwelling, shall have at least 10 feet of separation; must be set back at least five feet from side and rear property lines	Located in an R-1 district 77 feet Casita - 10 feet House – 11 feet Consists of two rooms, two closets, and a bathroom. No kitchen, but there is a wet bar area Located in rear yard; 31-foot separation from house; set back 5 feet from rear property line and 7.66 feet from side property line
Max. Lot Coverage – R-1 district	50 %	28 %
Max no. Dwelling Units per Lot (R-1)	1	1

The proposed guesthouse is located on a residential lot that is 77 feet wide, where 80 is required by the Zoning Code. It contains one additional room and closet than allowed by Code. An area off the main recreation room contains a counter area with sink, refrigerator, and dishwasher, but no stove as is normally found in a kitchen. Other requirements for development in an R-1 (Single-Family Residential) district are met.

B) General Analysis and Discussion

- Zoning

The subject property is zoned R-1 (Single-Family Residential). A Guest House/Casita is permitted in this zoning classification as a conditional use subject to the conditions found in Title 19.04.040; however, because several of these conditions are not met, a Special Use Permit is required.

- Use

This proposed guest house is 967 square feet and is situated in the northwest corner of the property. Conditions not met include the 80-foot lot width provision and the requirement for only one occupant room, bathroom, and walk-in closet. Other conditions for approval of a Guest House/Casita use have been met. When combined with the footprint of the house, the project still meets the R-1 (Single-Family Residential) lot coverage provision. Other than the lot width, the applicant would be able to redesign the project to meet the conditions. Although not explicitly included on the floor plan, a kitchen could easily be built into the area next to the sink, refrigerator and dishwasher.

- Conditions

If this request is approved, the applicant must meet the remaining conditions for approval of a Guest House/Casita use.

FINDINGS

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

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

The proposed guesthouse is larger and more intense than the Zoning Code allows, and is therefore deemed not to be harmonious and compatible with other single-family uses in the surrounding area. In addition, one area of the proposed guest house may easily be converted into a kitchen, which effectively turns the structure into an illegal second unit on the lot.

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

The subject site, by Code, does not meet the 80-foot lot width required for the Guest House/Casita use. While the site can physically accommodate the proposed structure, the use is too intense for an area consisting entirely of low density single-family dwellings.

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

The proposed guest house will not generate any significant additional traffic to the subject site and will not require provisions for additional access.

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

The proposed guest house will be subject to inspections for compliance to the International Building Code (IBC); therefore, the use will not compromise the public health, safety, and welfare.

PLANNING COMMISSION ACTION

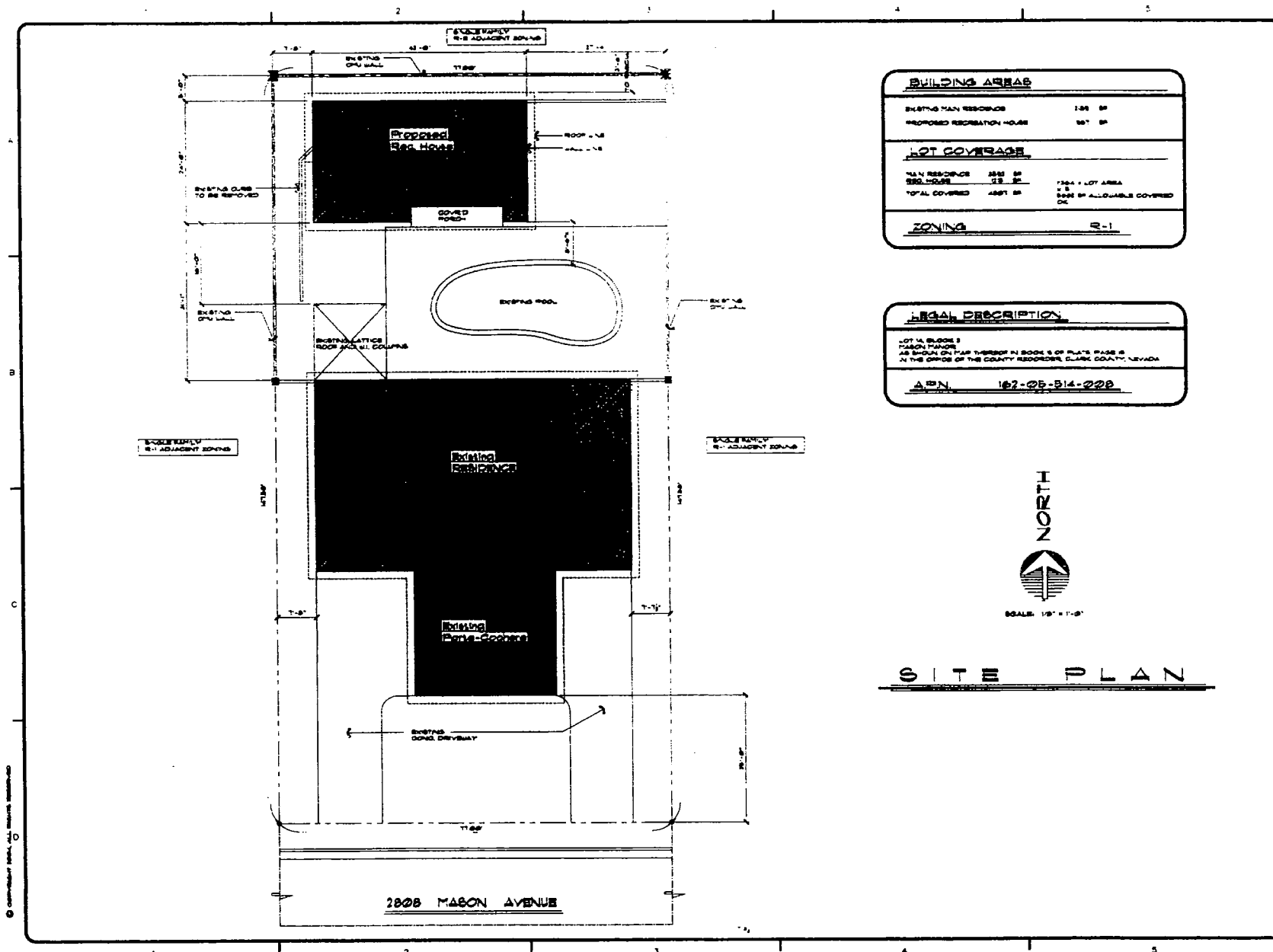
The Planning Commission believed that any negative impacts can be mitigated by the conditions.

NOTICES MAILED 135 by City Clerk

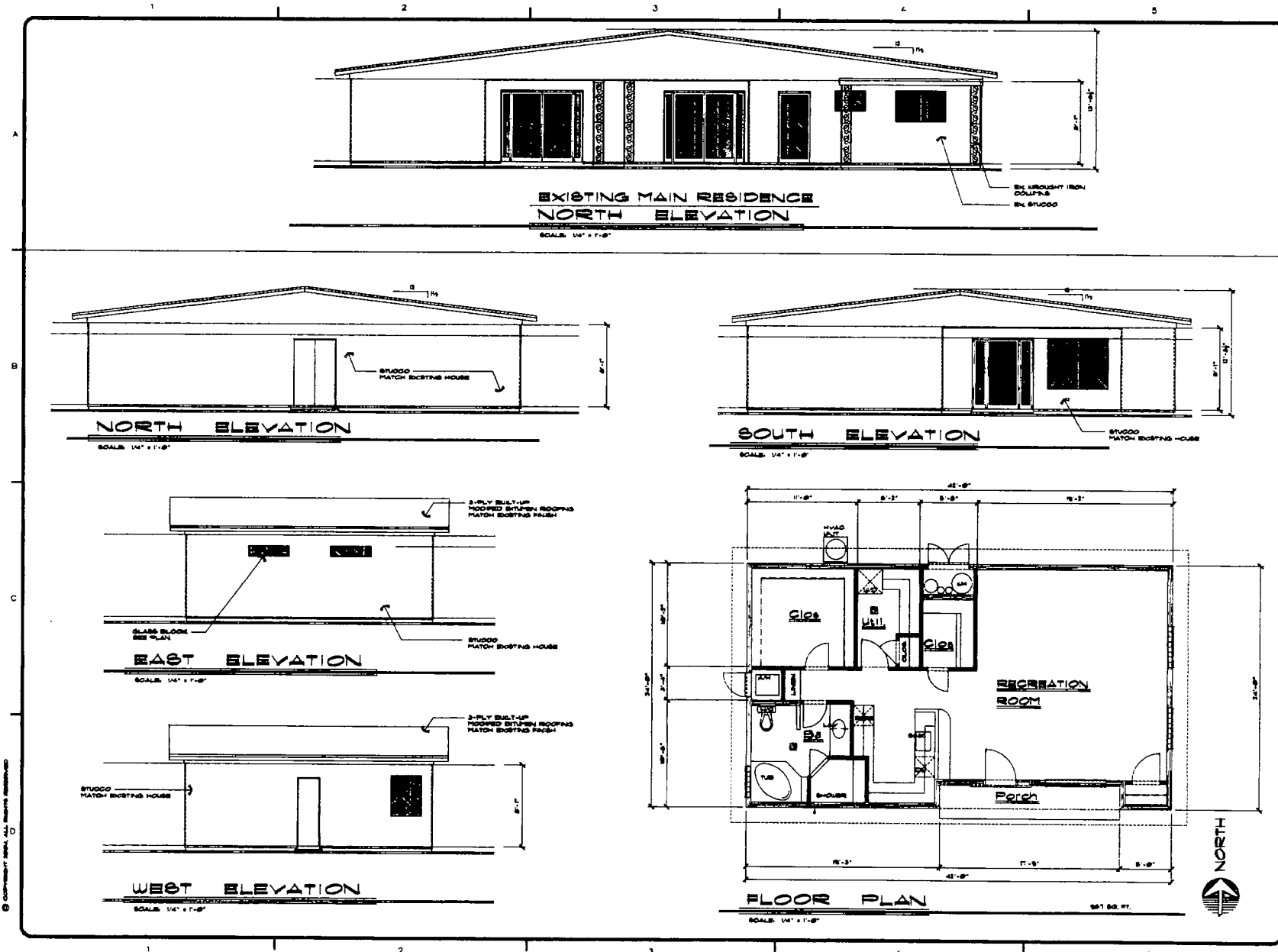
APPROVALS 0

PROTESTS 0





SUP-4744
08-12-04 PC



NO.	DATE	REVISION

JEFF GROVER DESIGN
Residential Designer
RESIDENTIAL DESIGN AND PLANNING
1808 So. Pahr Avenue Las Vegas, Nevada 89102
Tel: 702-441-2929 Fax: 702-441-2929
jeffgroverdesign@gmail.com

PROJECT
A Recreation House for Renee Ramberg
2808 Mason Avenue Las Vegas, Nevada

FINANCE
A Recreation House for Renee Ramberg
2808 Mason Avenue Las Vegas, Nevada

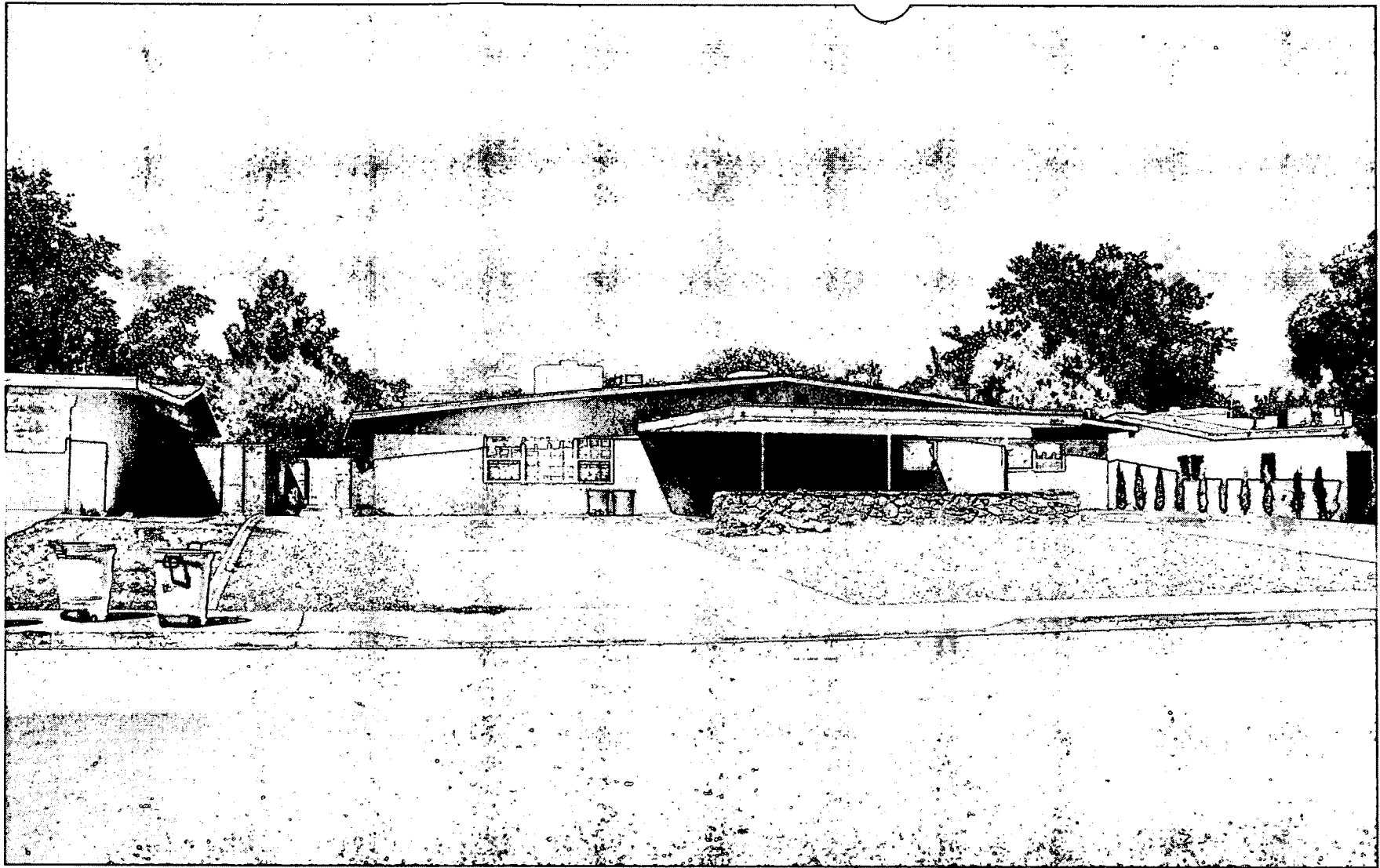
DESIGNED BY JG/AG
DATE 08-28-04
FOR PROJECT 08-21-04

BEST FILED
FLOOR PLAN ELEVATIONS
BEST PROJECT
A.301

SUP-4744
08-12-04 PC

REVISED
7-21-04

AS



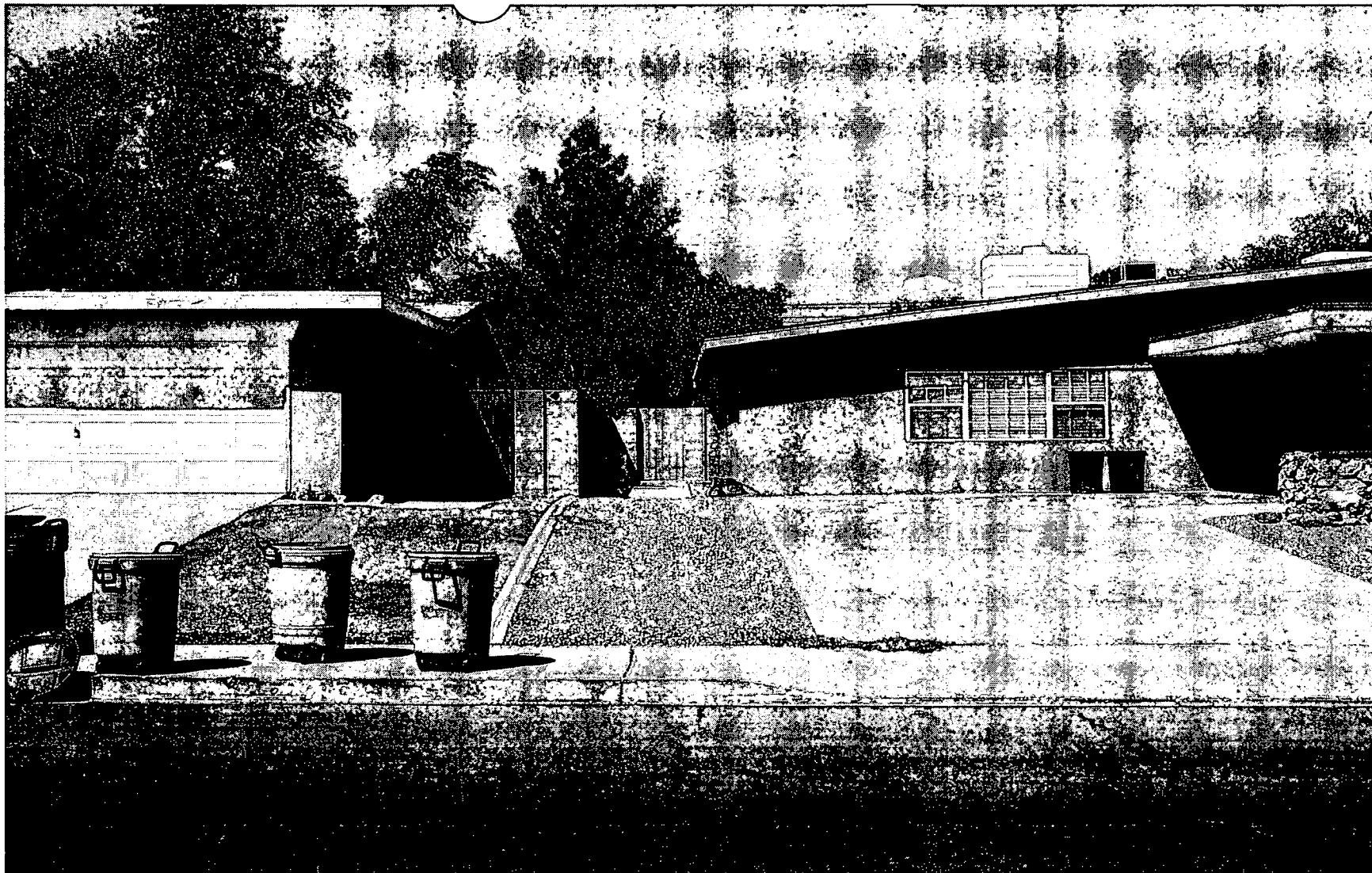
SUP-4744 - APPLICANT/OWNER: HUBERT R. POWELL AND RENEE C. RAMBERG
2808 Mason Avenue
SEPTEMBER 15, 2004 CITY COUNCIL MEETING

Picture taken 08/31/04



SUP-4744 - APPLICANT/OWNER: HUBERT R. POWELL AND RENEE C. RAMBERG
2808 Mason Avenue
SEPTEMBER 15, 2004 CITY COUNCIL MEETING

Picture taken 08/31/04



SUP-4744 - APPLICANT/OWNER: HUBERT R. POWELL AND RENEE C. RAMBERG
2808 Mason Avenue
SEPTEMBER 15, 2004 CITY COUNCIL MEETING

Picture taken 08/31/04

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: SEPTEMBER 15, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☐

CONSENT

☒

DISCUSSION

SUBJECT:

SPECIAL USE PERMIT - PUBLIC HEARING - SUP-4919 - APPLICANT: THE MASSAGE GROUP - OWNER: CITY OF LAS VEGAS REDEVELOPMENT AND FREMONT STREET EXPERIENCE, LLC - Request for a Special Use Permit FOR A PROPOSED MOBILE MASSAGE ESTABLISHMENT, WAIVER OF THE 1,000 FOOT DISTANCE SEPARATION REQUIREMENT FROM ANOTHER MASSAGE ESTABLISHMENT, AND A WAIVER OF THE RESTRICTIONS ON HOURS OF OPERATION within the Fremont Street Experience (APN 139-34-111-064), C-2 (General Commercial) Zone, Ward 1 (Moncrief). The Planning Commission (5-2 vote) and staff recommend APPROVAL. [NOTE: The correct Ward designations are Wards 1 and 5 (Moncrief and Weekly), Ward 5 (Weekly) did not appear on the notifications]

PROTESTS RECEIVED BEFORE:

**Planning Commission Mtg.
City Council Meeting**

1

APPROVALS RECEIVED BEFORE:

**Planning Commission Mtg.
City Council Meeting**

0

RECOMMENDATION:

The Planning Commission (5-2 vote) and staff recommend APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

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

MOTION:

MONCRIEF – APPROVED subject to conditions – UNANIMOUS with MAYOR GOODMAN and COUNCILMAN MACK excused

MINUTES:

MAYOR PRO TEM REESE declared the Public Hearing open.

RICHARD HARRIS, 2728 Brookstone Court, appeared to request approval and express his desire to contribute to the revitalization of downtown. COUNCILWOMAN MONCRIEF confessed her initial hesitation about what a mobile massage was but was educated on the exact service and wished the applicant luck.

No one appeared in opposition.

CITY COUNCIL MEETING OF SEPTEMBER 15, 2004
Planning and Development Department
Item 153 – SUP-4919

MINUTES – Continued:

MAYOR PRO TEM REESE declared the Public Hearing closed.

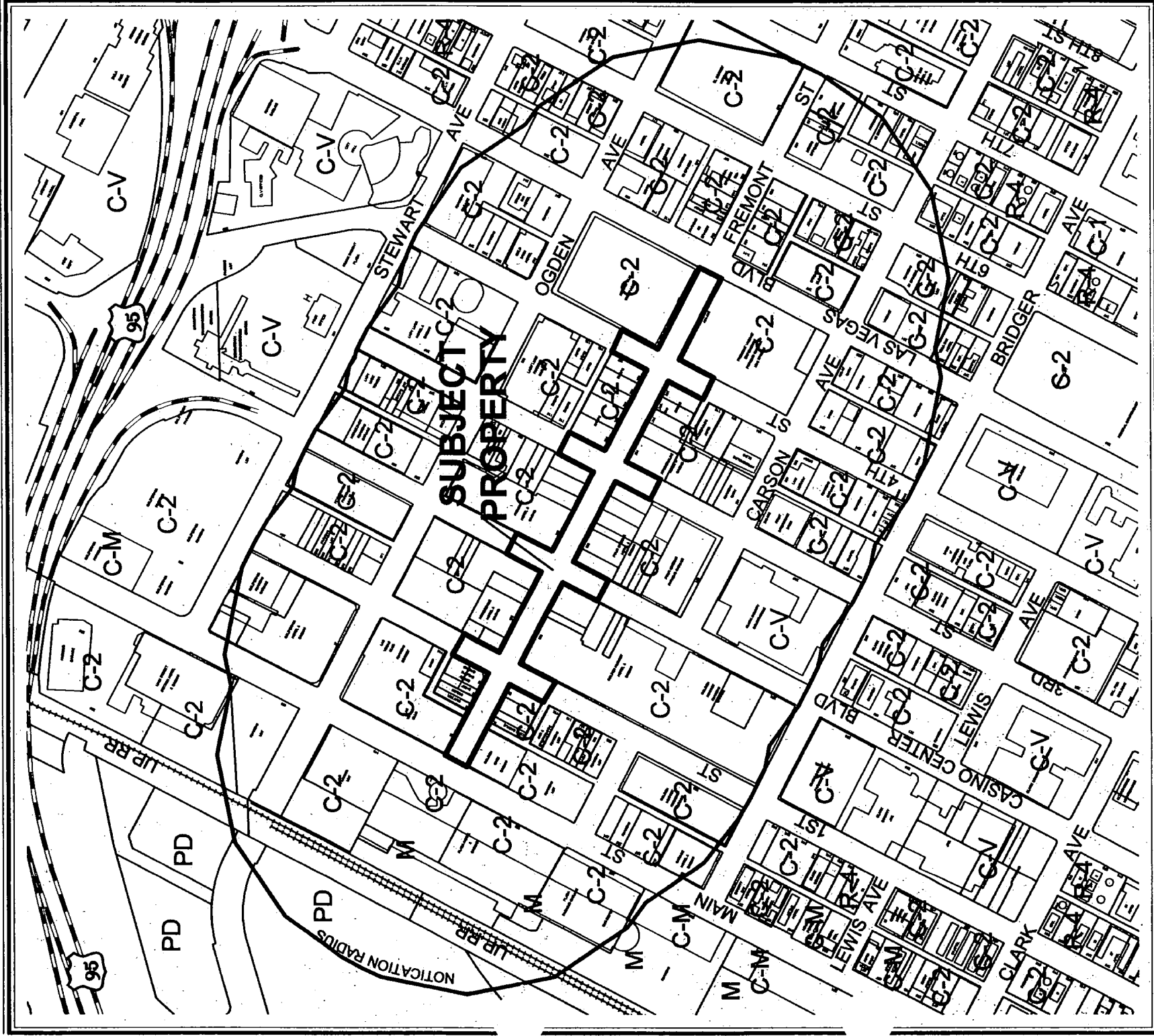
(5: 27– 5:28)

6-2611

CONDITIONS:

Planning and Development

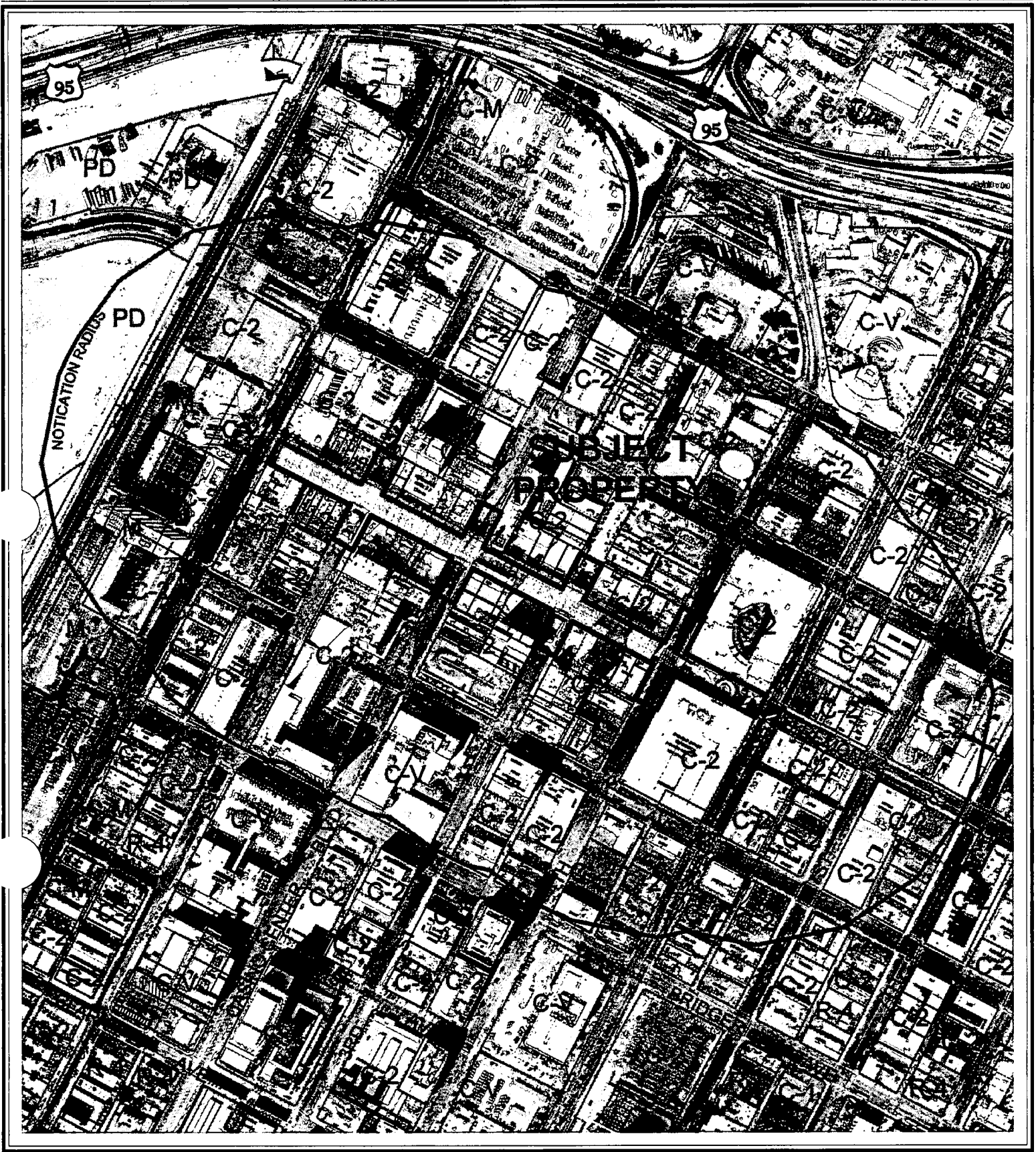
1. This Special Use Permit shall expire one year from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.
2. The number of employees allowable on-site at any given time will be limited to no more than 13 individuals.
3. The number of chairs allowable on-site at any given time will be limited to no more than 10.
4. A Waiver is approved to the distance separation standard from other massage establishments.
5. The hours of operation shall be limited to the period between 8 a.m. and 2 a.m., unless further limited by the City Council on a case-by-case basis.
6. Conformance to all other Minimum Requirements under Title 19.04.050 for the Massage Establishment use.
7. All City Code requirements and design standards of all City departments must be satisfied.



CASE: SUP-4919

RADIUS: 750 FT

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



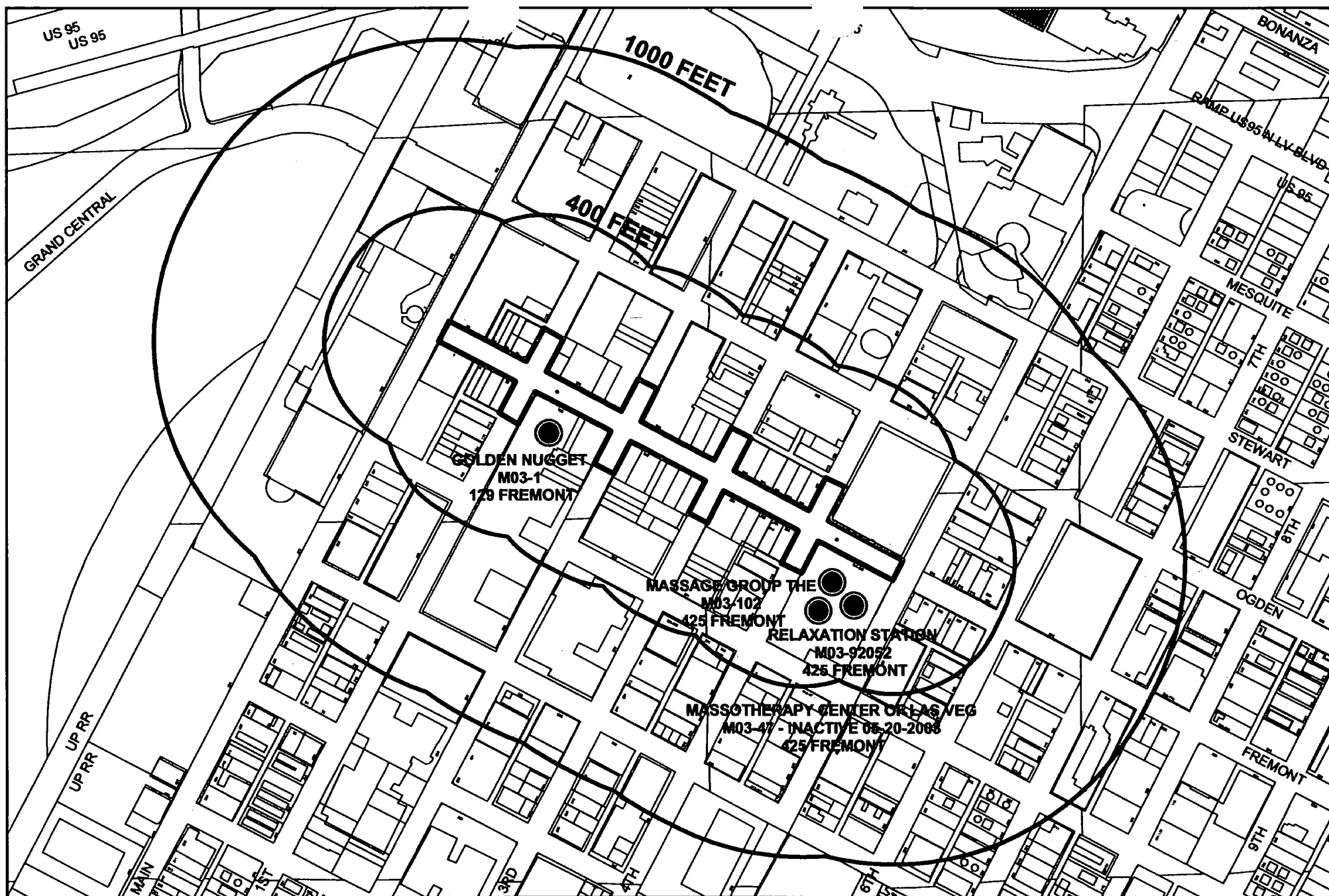
CASE: SUP-4919

RADIUS: 750 FT

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

0 300 600 Feet





SUP-4919

Protected Landuses

-  Parks
-  Religious
-  Schools

Business Licenses

-  Massage Establishment
-  Child Care/
Children Facility

 Subject Property

 Buffers

0 350 700 1,400 Feet



AGENDA MEMO

CITY COUNCIL MEETING DATE: SEPTEMBER 15, 2004

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: SUP-4919 - APPLICANT: THE MESSAGE GROUP -

**OWNER: CITY OF LAS VEGAS REDEVELOPMENT AND FREMONT STREET
EXPERIENCE, LLC**

**** CONDITIONS ****

The Planning Commission (5-2 vote) and staff recommend APPROVAL, subject to:

Planning and Development

1. This Special Use Permit shall expire one year from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.
2. The number of employees allowable on-site at any given time will be limited to no more than 13 individuals.
3. The number of chairs allowable on-site at any given time will be limited to no more than 10.
4. A Waiver is approved to the distance separation standard from other massage establishments.
5. The hours of operation shall be limited to the period between 8 a.m. and 2 a.m., unless further limited by the City Council on a case-by-case basis.
6. Conformance to all other Minimum Requirements under Title 19.04.050 for the Massage Establishment use.
7. All City Code requirements and design standards of all City departments must be satisfied.

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

The applicant is requesting approval of a Special Use Permit for a proposed mobile massage establishment, waiver of the 1,000-foot distance separation from another massage establishment, and a waiver of the restrictions on the hours of operation within the Fremont Street Experience.

B) Applicant's Justification

The applicant justifies their request for a Special Use Permit by stating, "... our lease with the Fremont Street Experience allows our company the option of floating anywhere within the four block radius of the Fremont Street Experience." The applicant has included a letter from the Spa Director of the Golden Nugget exclaiming his granting of permission for the proposed use as justification for the requested waiver from the required 1,000-foot separation from other massage establishments.

BACKGROUND INFORMATION

A) Previous Actions

08/26/04 The Planning Commission voted 5-2 to recommend APPROVAL (PC Agenda Item #43/pl).

B) Pre-Application Meeting

07/14/04 A pre-application conference was held and resulted in the following comments:

1. Maximum of 10 chairs split between two locations: The Golden Nugget and the Four Queens (most of the time the chairs will be split between the two locations, but the chairs could be further split for special events anywhere along the 5 blocks of Fremont Street).
2. The Special Use Permit will apply to entire Fremont Street Experience Corridor.
3. Will comply with all conditions of Title 19.04 for Massage Establishment except for Conditions #4 and #5.
4. No parking provided due to pedestrian clientele.
5. Staff not to exceed 13 employees on site at any time.

C) Neighborhood Meetings

A neighborhood meeting is not required for this application.

DETAILS OF APPLICATION REQUEST

A) *Site Area*

Gross Acres: 5.20

B) *Existing Land Use*

Subject Property: Pedestrian Mall
North: Hotel Casinos
General Retail
South: Hotel Casinos
General Retail
East: General Retail
West: Hotel Casinos
General Retail

C) *Planned Land Use*

Subject Property: ROW (Right-of-Way)
North: C (Commercial)
South: C (Commercial)
East: C (Commercial)
West: C (Commercial)

D) *Existing Zoning*

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

E) *General Plan Compliance*

The subject location designated as Right-of-Way within the Southeast Sector Land Use Map of the General Plan. The portion of Fremont Street in question is from Main Street to Las Vegas Boulevard or the Fremont Street Experience, a pedestrian mall with an associated C-2 (General Commercial) zoning district to allow for vendors, performers, and similar uses.

<i>SPECIAL DISTRICTS/ZONES</i>	Yes	No
Special Area Plan	X	
Downtown Centennial Plan	X	
Redevelopment Plan Area	X	
Special Overlay District	X	
Live/Work District	X	
Fremont Street Experience	X	
Downtown Casino District/Special Signage Sub-District	X	
Trails		X
County/North Las Vegas/HOA Notification		X
Development Impact Notification Assessment		X
Project of Regional Significance		X

The subject site is located within the Casino Center District of the Downtown Centennial Plan Area. It is also within the Las Vegas Redevelopment Area, Live/Work Overlay District, Downtown Casino Overlay District (subject to special signage standards), and the Fremont Street Experience.

ANALYSIS

A) Zoning Code Compliance

A1) Parking and Traffic Standards

The proposed mobile massage establishment is proposing to provide no parking due to a pedestrian clientele. The applicant will require a waiver of the parking standards set forth by Title 19.10, which is permitted per Title 19.06.060.C.

A2) Minimum Distance Separation Requirements

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

Standards	Code Requirement	Provided
Massage Establishment	May not be located within 400 feet of any church, synagogue, school, city park, child care facility, or any parcel zoned for residential use	No protected uses located within 400 feet
	May not be located within 1,000 feet of any other massage establishment	One other massage establishment within 1,000 feet*

* The applicant is requesting a waiver of the required 1,000-foot minimum distance separation between massage establishments, due to the other massage establishment being located within the Golden Nugget Hotel/Casino. The Golden Nugget has given permission by letter for the proposed use.

B) General Analysis and Discussion

- Zoning

The subject site is currently zoned C-2 (General Commercial). A massage establishment is permitted within a C-2 (General Commercial) zoning district by means of a Special Use Permit.

- Use

The proposed massage establishment will be mobile in its services. All services will be limited to the boundaries of the Fremont Street Experience. Primarily, the applicant plans to be located in front of the Golden Nugget and the Four Queens Hotel /Casinos, with the possibility of moving anywhere within the Fremont Street Experience. The use will be limited to 10 massage chairs in

total. These chairs maybe divided among various sites within the Fremont Street Experience. The limit of 13 employees and 10 chairs was agreed to by the applicant at the pre-application meeting.

- Conditions

Per Title 19.04.050 the following conditions apply to a Massage Establishment within a C-2 (General Commercial) zoning district:

- (1) The use shall comply with all applicable requirements of LVMC Title 6.
- (2) The use must be located on a secondary thoroughfare or larger.
- (3) The use may not be located within four hundred feet of any church, synagogue, school, City park, childcare facility, or any parcel zoned for residential use.
- (4) The use may not be located within one thousand feet of any other massage establishment.
- (5) The hours of operation shall be limited to the period between 8 a.m. and 9 p.m., unless further limited by the City Council on a case-by-case basis.

Furthermore this application will be conditioned as follows:

1. The number of employee's allowable onsite at any given time will be limited to no more than 13 individuals.
2. The number of chairs allowable onsite at any given time will be limited to no more than 10 individuals.

FINDINGS

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

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

The proposed massage establishment can be conducted in a harmonious manner with the existing and future development within the Fremont Street Experience. The proposed use complies with the guidelines set forth by the General Plan.

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

The proposed use is going to consist of mobile massage chair setups within an established pedestrian mall. By being limited to the number of chairs and employees allowed on site at one time the subject site will be more than adequate to suite this type of land use.

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

The proposed mobile massage establishment will be located within the Fremont Street Experience, a portion of Fremont Street dedicated as a pedestrian mall. The Fremont Street Experience is between Main Street and Las Vegas Boulevard, 100-foot Primary Arterials as shown on the Master Plan of Streets and Highways. The Experience is accessed from the north and south by First Street, Casino Center Boulevard, Third Street, and Fourth Street.

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

The proposed Massage Establishment will be subject to inspections for business licensing and for a Non-work Certificate of Occupancy, and will not compromise the public health, safety or welfare.

PLANNING COMMISSION ACTION

There was one speaker opposing this application at Planning Commission.

NOTICES MAILED 142 by City Clerk

APPROVALS 0

PROTESTS 1



PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **SUP-4919** APN: _____

Name of Property Owner: Fremont Street Experience c/o City of Las Vegas

Name of Applicant: The Massage Group

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

_____ Yes X No

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

City Official: N/A

Partner(s): _____

APN: _____

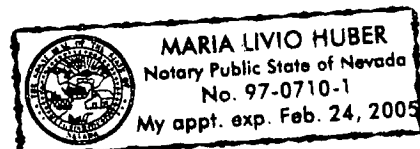
Signature of Property Owner/Authorized Agent: Mark Fragale

Print Name: MARK FRAGALE

Subscribed and sworn before me

This 27 day of July, 2004

Maria Livio Huber Clark Nevada
Notary Public in and for said County and State



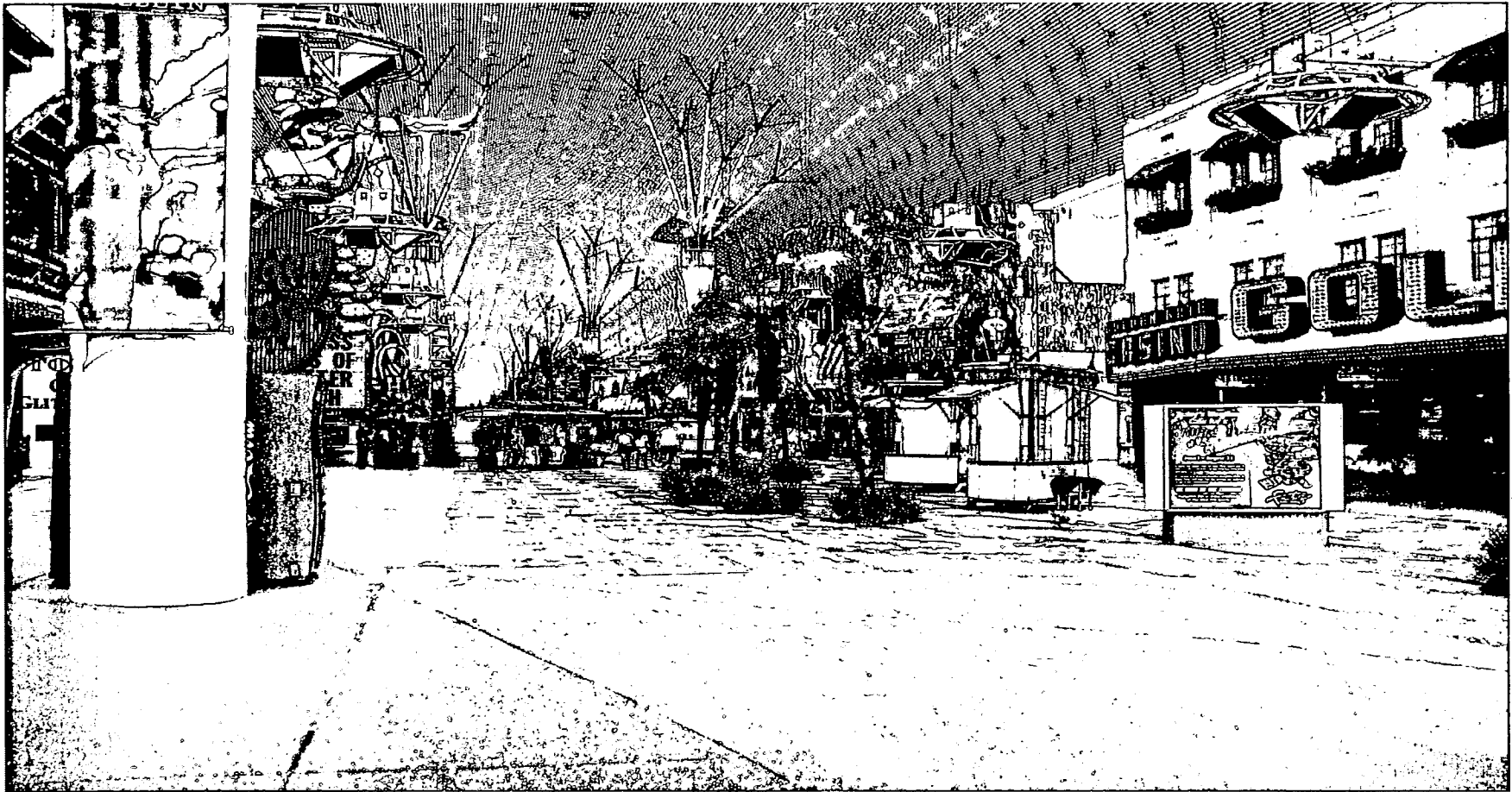


SUP-4919
8/26/04 PC

SCALE: 137



- 1) PARKING ANALYSIS NOT APPLICABLE
- 2) NO SIGNAGE AT PROPOSED SITE LOCATIONS
- 3) ADA REQUIREMENTS SATISFIED WITH EXISTING PUBLIC WALKWAY AT FREMONT STREET EXPERIENCE.



SUP-4919 - APPLICANT: THE MASSAGE GROUP - OWNER: CITY OF LAS VEGAS REDEVELOPMENT
AND FREMONT STREET EXPERIENCE, LLC
FREMONT STREET EXPERIENCE
AUGUST 26, 2004 PLANNING COMMISSION

8/9/04



SUP-4919 - APPLICANT: THE MASSAGE GROUP - OWNER: CITY OF LAS VEGAS REDEVELOPMENT
AND FREMONT STREET EXPERIENCE, LLC
FREMONT STREET EXPERIENCE
AUGUST 26, 2004 PLANNING COMMISSION

8/9/04



CHARLESTON NEIGHBORHOOD PRESERVATION

"Doing things today that will improve tomorrow"

PHONE/FAX: (702) 877-2438

Protest

Please vote for denial on the following six (6) agenda items: #137, 138, 139, 143, 147, and #153. Folks, this one puts city government in competition with private enterprise—another proposal which should never have gotten past a "fleeing thought". Dictatorships not what we want here—please omit such oppressive operations from being brought to a vote. Some sick thinking is going on here and YOU, MAYOR AND COUNCIL GET TO DO IT. THANK YOU, FOR PRESERVING OUR STANDARDS OF LIVING.

Vicki Arnold

2004 SEP 15 A 9:03

RECEIVED
CITY CLERK

MEMBERS

Vicki Arnold - Jamaica Clark - Miriam Ben - Marcus Gobel - Rose Henrich - June Ingram - Kisha Johnson
Gene & Pearl Leonardo - Sherry Mason - Dorothy Orr - Barbara Roth - Layne Rushforth - Pamela Stancliffe - Others

9/15/04 #153

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: SEPTEMBER 15, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☐

CONSENT

☒

DISCUSSION

SUBJECT:

ABEYANCE ITEM - REZONING - PUBLIC HEARING - ZON-4368 - APPLICANT: CARINA HOMES - OWNERS: RONALD AND CAROLYN MICH'L - Request for a Rezoning FROM: U (UNDEVELOPED) [PCD (PLANNED COMMUNITY DEVELOPMENT) GENERAL PLAN DESIGNATION] TO: R-PD6 (RESIDENTIAL PLANNED DEVELOPMENT - 6 UNITS PER ACRE) on 10.52 acres adjacent to the northwest corner of Farm Road and Hualapai Way (APN 126-13-601-004, 006, 008 and 009), Ward 6 (Mack). The Planning Commission (6-0 vote) and staff recommend APPROVAL. [NOTE: This item will be amended to R-PD7 (Residential Planned Development - 7 Units per Acre)]

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.

0

City Council Meeting

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

0

City Council Meeting

RECOMMENDATION:

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

BACKUP DOCUMENTATION:

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

MOTION:

MACK - APPROVED subject to conditions - UNANIMOUS with MAYOR GOODMAN excused

MINUTES:

MAYOR PRO TEM REESE declared the Public Hearing open on Item 154 [ZON-4358], Item 155 [VAC-4420] and Item 156 [SDR-4370].

REBECCA RALSTON, 10050 Indigo Drive, clarified for COUNCILMAN WOLFSON that Carena Homes is the new property owner for Item 154 [ZON-4368], Item 155 [VAC-4420] and Item 156 [SDR-4370]. COUNCILMAN WOLFSON verified Carena's ownership because of his relationship with RON and CAROLYN MICH'L. MS. RALSTON indicated that Carena owns the property out-right, with respect to Item 154 [ZON-4368], Item 155 [VAC-4420] and Item 156 [SDR-4370]. However, she indicated that this is not true of Item 164 [ZON-4755], Item 165 [WVR-4774], and Item 166 [SDR-4756]. COUNCILMAN WOLFSON then indicated that he would make the appropriate disclosure when those items forward for discussion.

CITY COUNCIL MEETING OF SEPTEMBER 15, 2004
Planning and Development Department
Item 154 – ZON-4368

MINUTES – Continued:

MS. RALSTON appeared on behalf of Carena Homes together with DOUG MAYLAN and concurred with staff's recommendations. She thanked COUNCILMAN MACK'S office and staff for professionalism and assistance.

COUNCILMAN MACK expressed his appreciation to the representatives for resolving all issues and amended Condition 4 on Item 156 [SDR-4370] to reflect the change of the date from 6/10/04 to 9/13/04. MARGO WHEELER, Deputy Director, Planning and Development Department, added a sentence at the end of Condition 5 on Item 156 [SDR-4370] stating that the properties backing Farm Road shall have 10-foot rear setbacks. Lots 19 through 31, abutting adjacent properties to the west, shall have 10-foot rear setbacks and lots 3, 4, 9 and 10 shall have 10-foot side setbacks on Hualapai Way.

No one appeared in opposition.

MAYOR PRO TEM REESE declared the Public Hearing closed on Item 154 [ZON-4358], Item 155 [VAC-4420] and Item 156 [SDR-4370].

NOTE: All discussion for Item 154 [ZON-4358], Item 155 [VAC-4420] and Item 156 [SDR-4370] was held under Item 154 [ZON-4358].

(4:46 – 4:51)

6-949

CONDITIONS:

Planning and Development

1. A Resolution of Intent with a two-year time limit for zoning of R-PD7.
2. A Site Development Plan Review application (SDR-4370) approved by the Planning Commission or City Council prior to issuance of any permits, any site grading, and all development activity for the site.

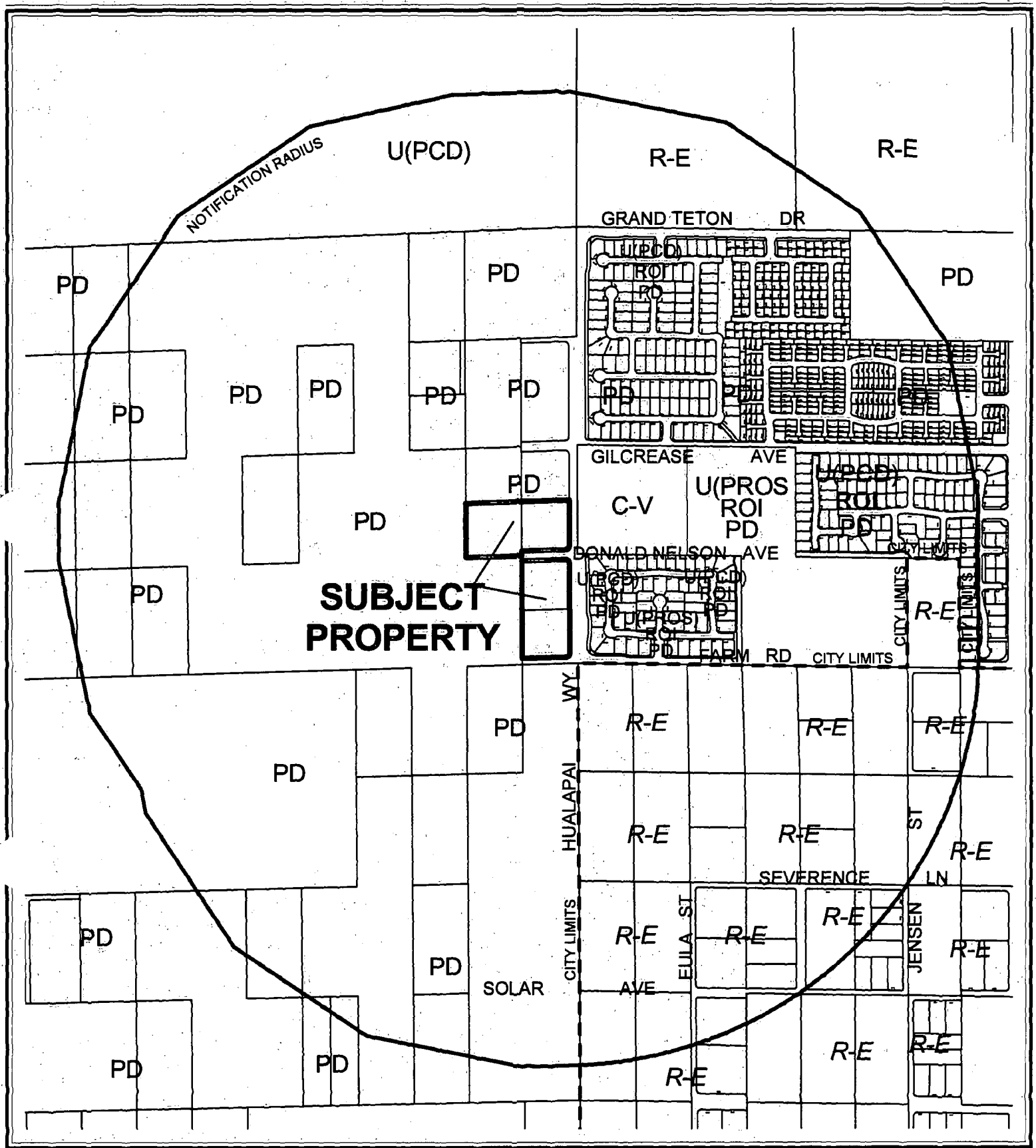
Public Works

3. Dedicate an additional 10 feet of right-of-way for a total half-street width of 80 feet on Farm Road adjacent to this site and dedicate an additional 29 feet of right-of-way for a total radius of 54 feet on the northwest corner of Farm Road and Hualapai Way. Additional dedications in accordance with Standard Drawing #201.1 shall also be provided unless specifically not required in the approved Traffic Impact Analysis.

CITY COUNCIL MEETING OF SEPTEMBER 15, 2004
Planning and Development Department
Item 154 – ZON-4368

CONDITIONS – Continued:

4. Construct half-street improvements including appropriate overpaving on Farm Road and Hualapai Way adjacent to this site concurrent with development of this site. Extend all required underground utilities, such as electrical, telephone, etc., located within public rights-of-way, past the boundaries of this site prior to construction of hard surfacing (asphalt or concrete). Install all appurtenant underground facilities, if any, adjacent to this site needed for the future traffic signal system concurrent with development of this site.
5. If not already in place at the time of development, construct a 12-inch sewer main in Hualapai Road from Severance Lane to Farm Road, an 8-inch sewer main in Hualapai Road from Farm Road to the north property line and a 10-inch sewer extension in Farm Road to the west property line at a location and depth acceptable to the City Engineer concurrent with development of this site. Provide a plan for such work to the Department of Public Works for approval prior to submittal of a Final Map for this site.
6. If not already constructed at the time of development provide a minimum of two lanes of paved, legal access to this site prior to occupancy of any units within this development.
7. Submit a Petition of Vacation for Donald Nelson Avenue; said Order of Vacation must be recorded prior to recordation of a Final Map abutting or overlying the area to vacated, and the Final Map must show the Recorder's number for the Vacation.
8. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings or the recordation of a Map subdividing this site, whichever may occur first. Provide and improve all drainageways recommended in the approved drainage plan/study. The developer of this site shall be responsible to construct such neighborhood or local drainage facility improvements as are recommended by the City of Las Vegas Neighborhood Drainage Studies and approved Drainage Plan/Study concurrent with development of this site. In lieu of constructing improvements, in whole or in part, the developer may agree to contribute monies for the construction of neighborhood or local drainage improvements, the amount of such monies shall be determined by the approved Drainage Plan/Study and shall be contributed prior to the issuance of any building or grading permits, or the recordation of a Map subdividing this site, whichever may occur first, if allowed by the City Engineer.



CASE: ZON-4368

RADIUS: 2500 FT

CURRENT ZONING OF SUBJECT PROPERTY:

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

PROPOSED ZONING OF SUBJECT PROPERTY:

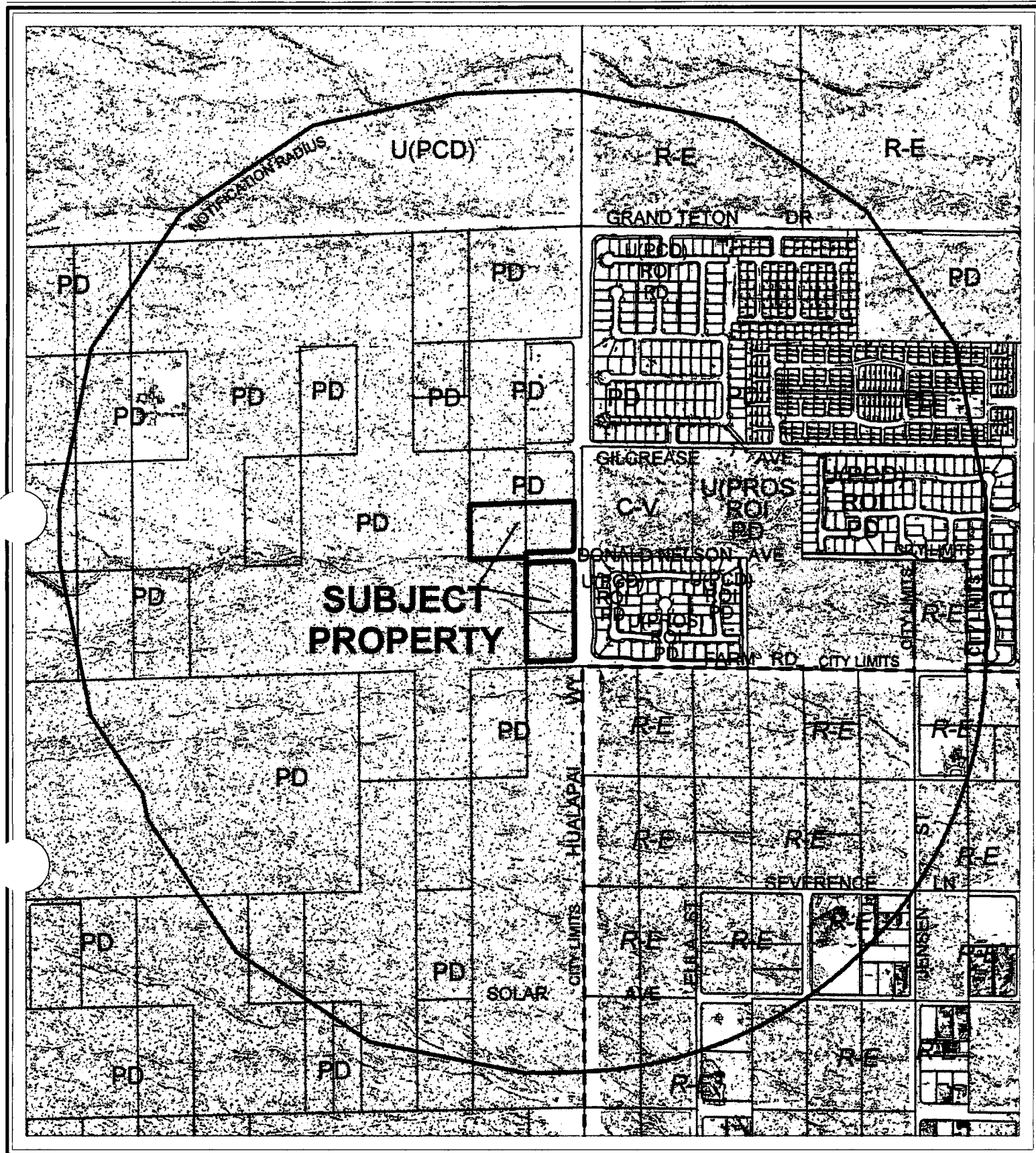
R-PD6 (RESIDENTIAL PLANNED DEVELOPMENT - 6 UNITS PER ACRE)

0 600 1200 Feet



154





CASE: ZON-4368

RADIUS: 2500 FT

CURRENT ZONING OF SUBJECT PROPERTY:

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

PROPOSED ZONING OF SUBJECT PROPERTY:

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

0 600 1200 Feet



AGENDA MEMO

CITY COUNCIL MEETING DATE: SEPTEMBER 15, 2004

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: ABEYANCE ITEM - ZON-4368 - APPLICANT: CARINA HOMES - OWNERS: RONALD AND CAROLYN MICH'L

THIS ITEM WAS HELD IN ABEYANCE FROM THE SEPTEMBER 1, 2004 CITY COUNCIL MEETING AT STAFF'S REQUEST.

**** CONDITIONS ****

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

Planning and Development

1. A Resolution of Intent with a two-year time limit for zoning of R-PD7.
2. A Site Development Plan Review application (SDR-4370) 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 80 feet on Farm Road adjacent to this site and dedicate an additional 29 feet of right-of-way for a total radius of 54 feet on the northwest corner of Farm Road and Hualapai Way. Additional dedications in accordance with Standard Drawing #201.1 shall also be provided unless specifically not required in the approved Traffic Impact Analysis.
4. Construct half-street improvements including appropriate overpaving on Farm Road and Hualapai Way adjacent to this site concurrent with development of this site. Extend all required underground utilities, such as electrical, telephone, etc., located within public rights-of-way, past the boundaries of this site prior to construction of hard surfacing (asphalt or concrete). Install all appurtenant underground facilities, if any, adjacent to this site needed for the future traffic signal system concurrent with development of this site.
5. If not already in place at the time of development, construct a 12-inch sewer main in Hualapai Road from Severance Lane to Farm Road, an 8-inch sewer main in Hualapai Road from Farm Road to the north property line and a 10-inch sewer extension in Farm Road to the west property line at a location and depth acceptable to the City Engineer concurrent with development of this site. Provide a plan for such work to the Department of Public Works for approval prior to submittal of a Final Map for this site.
6. If not already constructed at the time of development provide a minimum of two lanes of paved, legal access to this site prior to occupancy of any units within this development.

7. Submit a Petition of Vacation for Donald Nelson Avenue; said Order of Vacation must be recorded prior to recordation of a Final Map abutting or overlying the area to vacated, and the Final Map must show the Recorder's number for the Vacation.
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 application is a request for a Rezoning from U (Undeveloped) Zone [PCD (Planned Community Development) General Plan Designation] to R-PD7 (Residential Planned Development - 7 Units Per Acre) Zone on approximately 10.52 acres adjacent to the northwest corner of Hualapai Way and Farm Road. Revised site plans from the applicant revises this request from R-PD6 (Residential Planned Development – 6 Units Per Acre) to R-PD7 (Residential Planned Development – 7 Units Per Acre).

B) Applicant's Justification

This development will provide an environment of stable and desirable character, consistent with the existing City policies and regulations.

BACKGROUND INFORMATION

A) Previous Actions

- 02/14/02 Annexation of the subject parcels was effective on this date. The annexation approved by the City Council February 5, 2002. The Planning Commission and the staff recommended approval.
- 06/24/04 The Planning Commission abeyed this and related items to the July 22, 2004 Planning Commission meeting.
- 07/22/04 The Planning Commission recommended approval of related items (VAC-4368 and SDR-4370).
- 07/22/04 The Planning Commission voted 6-0 to recommend APPROVAL (PC Agenda Item #24).

B) Pre-Application Meeting

- 04/15/04 At the pre-application conference the following was discussed.
- The proposed is a 69-lot subdivision on 10 acres adjacent to the Cliff's Edge development.
 - The site will need to be rezoned to R-PD7 (Residential Planned Development - 7 Units Per Acre).
 - Waivers of longer private drives will be needed.
 - The trail along Hualapai can count towards the required Open Space.
 - No access will be to Cliff's Edge to the west.

C) Neighborhood Meetings

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

DETAILS OF APPLICATION REQUEST

A) Site Area

Gross Acres: 10.52

B) Existing Land Use

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

C) Planned Land Use

Subject Property: PCD (Planned Community Development)
North: PCD (Planned Community Development)
South: PCD (Planned Community Development)
PF (Public Facility)
East: PCD (Planned Community Development)
PROS (Public Recreation Open Space)
West: PF (Public Facility)

D) Existing Zoning

Subject Property: U (Undeveloped) [PCD (Planned Community Development) General Plan Designation]
North: PD (Planned Development)
South: PD (Planned Development)
East: C-V (Civic)
U (Undeveloped) [PCD (Planned Community Development) General Plan Designation] under Resolution of Intent to PD (Planned Development)
West: PD (Planned Development)

E) General Plan Compliance

Centennial Hills General Plan

This site is located on the Centennial Hills Interlocal Land Use Plan Map of the General Plan. The Centennial Hills Sector Plan designates this site as PCD (Planned Community Development). The allowable density is up to 8 units per acre. The proposed zoning change to R-PD7 (Residential Planned Development - 7 Units Per Acre), which allows up to 7.49 units per acre, is in conformance with the PCD (Planned Community Development) land use designation.

<i>SPECIAL DISTRICTS/ZONES</i>	<i>Yes</i>	<i>No</i>
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

A Multi-use Transportation trail is planned for the west side of Hualapai Way. The trail shall be incorporated in the improvements of the west side of Hualapai Way and the proposed development.

A) Zoning Code Compliance

A1) Development Standards

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

Standards	Required	Provided	Compliance
Min. Lot Size	N/A	2,898 sq. ft.	Y
Min. Lot Width	N/A	46 feet	Y
Min. Setbacks			
• Front	N/A	10 feet	Y
• Side	N/A	3 feet	Y
• Corner	N/A	10 feet	Y
• Rear	N/A	15 feet	Y
Max. Lot Coverage	N/A	N/A	Y
Max. Building Height	2 Stories / 35Feet	2 Stories / 35Feet	Y

The proposal meets the requirements of the Development Standards of Title 19.

A2) Landscape and Open Space Standards

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

Standards	Required	Provided
	Ratio	Trees
Perimeter Landscaping	1 - 24" box tree/30 linear feet of gross perimeter frontage (1,190 lineal feet of frontage)	41 Trees
		41 Trees

The perimeter landscaping meets the minimum perimeter-landscaping requirement of Title 12.

The following Open Space Standards apply to the subject proposal:

Total Acreage	Density	Required			Provided	
		Ratio	Percent	Area	Percent	Area
10.52 acres	6.56 units/acre	1.65	10.82 %	1.14 acres or 49,658.4 sf	11.5 %	1.21 acres or 52,614 sf

The proposal exceeds the requirement for Open Space in the Zoning Code.

B) General Analysis and Discussion

This rezoning application is consistent with the parameters of the existing PCD (Planned Community Development) General Plan designation for the site.

- i. The proposed rezoning is consistent with the approved General Plan designation that applies to the area; and
- ii. The proposed rezoning represents a reasonable match with the zoning or land use on adjacent residential parcels to the east, south and west of the sites, which are between 8.0 and 5.5 units per acre, and with the future public facility site directly to the north.

From the standpoint of the proposal as an R-PD (Residential Planned Development) development, the project provides a sufficient amount of open space, based on the requirements of the Zoning Code, and appears to provide a reasonable development solution for the subject parcels. The various aspects of the site plan are addressed in greater detail in the companion case report on SDR-4370.

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 existing General Plan designation of the subject site is PCD (Planned Community Development), which allows a density of up to 8 units per acre. The rezoning request to R-PD7 (Residential Planned Development - 7 Units Per Acre), which allows up to 7.49 units per acre, is consistent with the current General Plan designation.

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

The proposed development that is shown on the companion Site Development Plan to this rezoning application (SDR-4370) is intended to comply with both the PCD (Planned Community Development) land use designation and the proposed R-PD7 (Residential Planned Development – 7 Units Per Acre) zoning. Lands to the southwest, and north of

this project are zoned PD (Planned Development) with a density up to 8 dwelling units per acre. Lands to the east, across Hualapai Way, are zoned for C-V (Civic) for an school/park and PD (Planned Development). The PD (Planned Development) zoned parcel is designated in the Grand Teton Village Master Plan with density maximum of 3.0 units per acre.

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

The subject site consists of four parcels that are between the Cliffs Edge Plan Area and the Grand Teton Village Plan area. Both of these plans are being implemented and because of this urban development of the site is now appropriate. Development of this site for single-family residential development at a density of about seven units per acre means that the project will be in scale and compatible with future low-density residential development on surrounding sites.

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 is bordered by Hualapai Way (a Secondary [80-foot] Collector) to the east. On the companion Site Development Plan (SDR-4370) to this application, access to the site is indicated solely from Hualapai Way. When developed, this access will be adequate to meet the requirements of the proposed zoning district.

NOTICES MAILED 44 by Planning Department

APPROVALS 0

PROTESTS 0



STATEMENT OF FINANCIAL INTEREST

ZON-4368

Case Number: _____ APN: 126-13-6A-004,006,008,009

Name of Property Owner: Ron and Carolyn Mich'l, C22 LP

Name of Applicant: Carina Homes

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: Amber L Dace on behalf of:

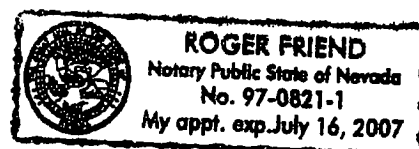
Print Name: Carolyn Mich'l

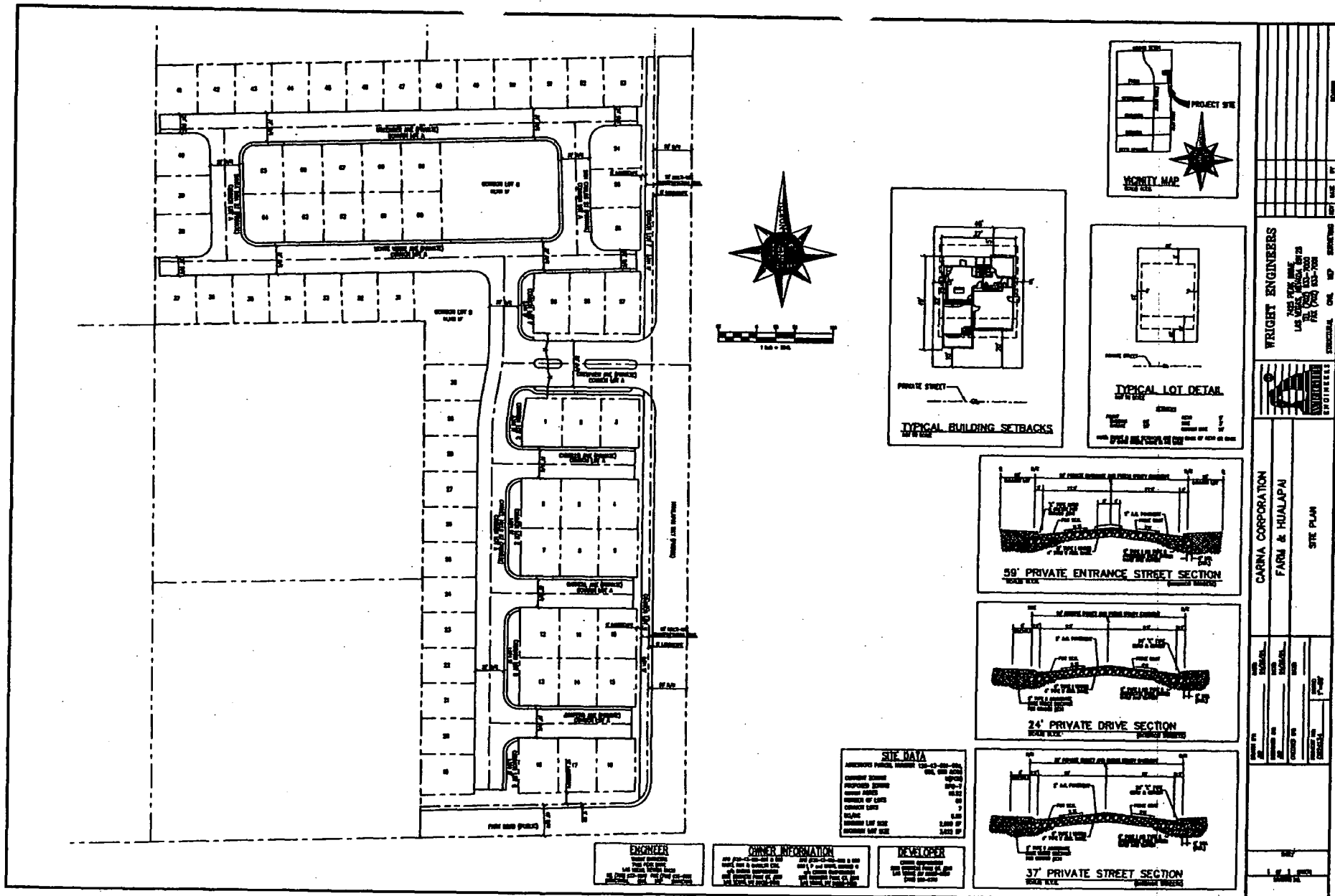
Amber L Dace

Subscribed and sworn before me

This 27th day of April, 2007

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





REVISED
6.10.04

ZON-4368
SDR-4370
7/22/04 PC

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: SEPTEMBER 15, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☐

CONSENT

☒

DISCUSSION

SUBJECT:

ABEYANCE ITEM - VACATION RELATED TO ZON-4368 - PUBLIC HEARING - VAC-4420 - **APPLICANT: CARINA HOMES; OWNER: RON AND CAROLYN MICH'L, ET AL** - Request for a Petition to vacate U. S. Government Patent Easements and the Donald Nelson Avenue Right of Way, generally located west of Hualapai Way, north of Farm Road, Ward 6 (Mack). The Planning Commission (6-0 vote) and staff recommend **APPROVAL**

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

RECOMMENDATION:

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

BACKUP DOCUMENTATION:

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

MOTION:

MACK – APPROVED subject to conditions – UNANIMOUS with GOODMAN excused

MINUTES:

NOTE: See Item 154 [ZON-4368] for all related discussion.

(3:11 – 3:12)

5-1033

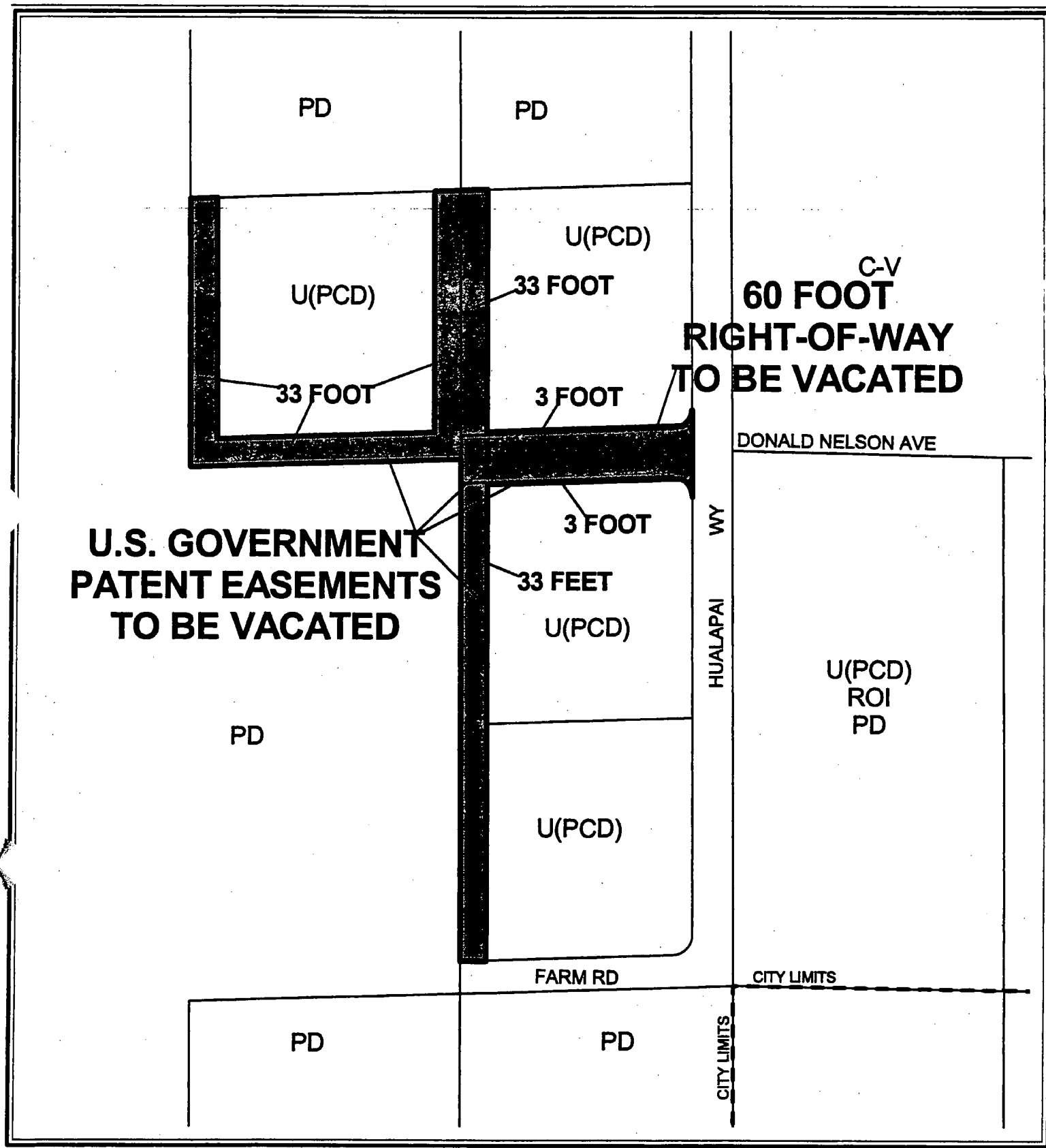
CONDITIONS:

1. 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.
2. All development shall be in conformance with code requirements and design standards of all City departments.
3. If the Order of Vacation is not recorded within one (1) year after approval by the City Council and the Planning and Development Director does not grant an Extension of Time, then approval will terminate and a new petition must be submitted.

CITY COUNCIL MEETING OF SEPTEMBER 15, 2004
Planning and Development Department
Item 155 – VAC-4420

CONDITIONS – Continued:

4. 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 by ZON-4368 may be used to satisfy this requirement provided that it addresses the area to be vacated.
5. 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.
6. 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.

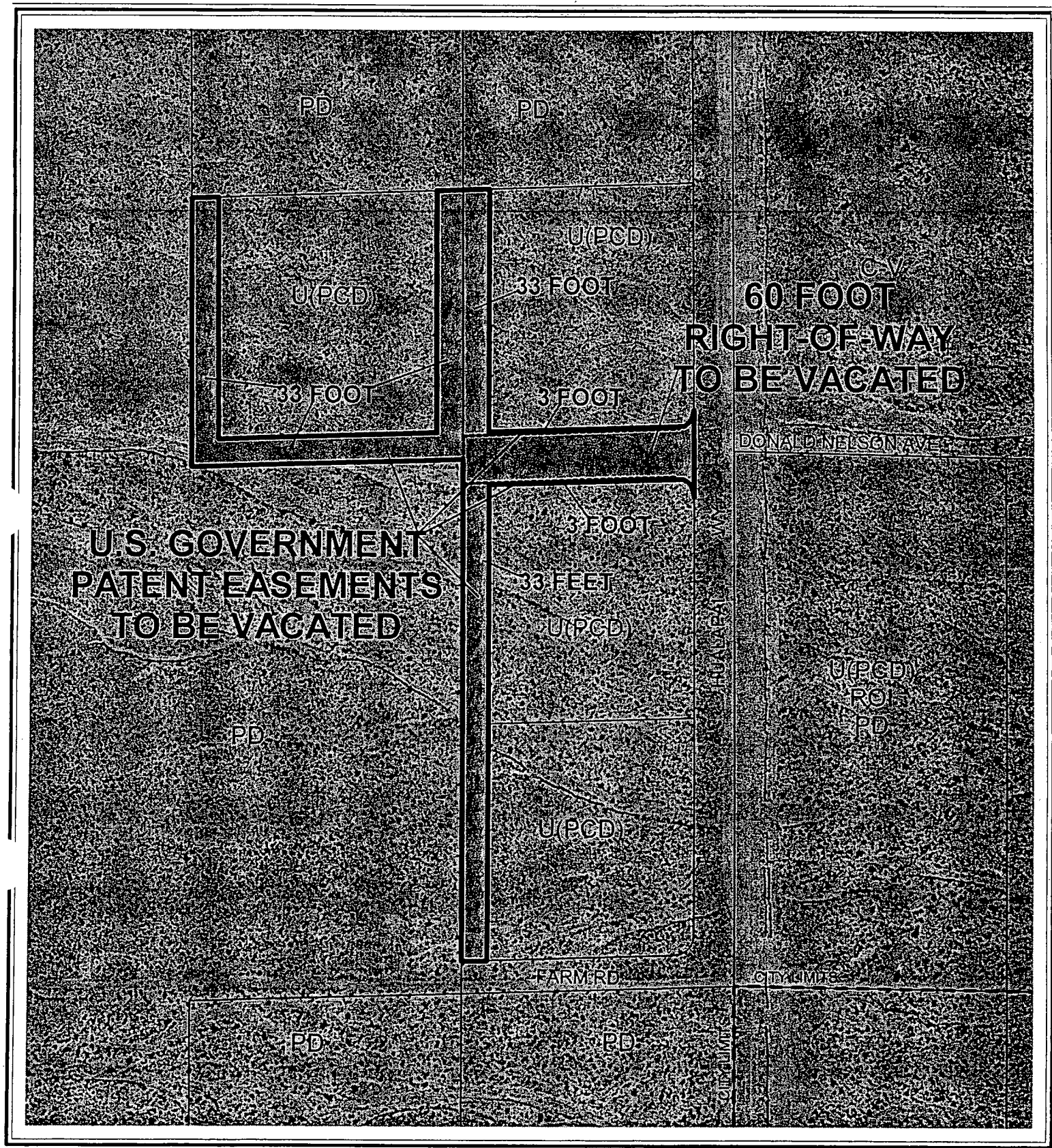


CASE: VAC-4420

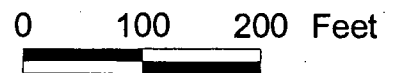
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155





CASE: VAC-4420



AGENDA MEMO

CITY COUNCIL MEETING DATE: SEPTEMBER 15, 2004

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: ABEYANCE ITEM - VAC-4420 - APPLICANT: CARINA HOMES; OWNER: RON AND CAROLYN MICH'L, ET AL

THIS ITEM WAS HELD IN ABEYANCE FROM THE SEPTEMBER 1, 2004 CITY COUNCIL MEETING AT STAFF'S REQUEST.

**** CONDITIONS ****

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

1. 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.
2. All development shall be in conformance with code requirements and design standards of all City departments.
3. If the Order of Vacation is not recorded within one (1) year after approval by the City Council and the Planning and Development Director does not grant an Extension of Time, then approval will terminate and a new petition must be submitted.
4. 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 by ZON-4368 may be used to satisfy this requirement provided that it addresses the area to be vacated.
5. 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.
6. 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.

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

This request is for approval to Vacate U. S. Government Patent Easements located generally at the northwest corner of Farm Road and Hualapai Way. This request is also for a Petition to Vacate a portion of Donald Nelson Avenue, generally located between Farm Road and Grand Teton Drive, along the west side of Hualapai Way.

B) Applicant's Justification

The alignment of Donald Nelson Avenue will not be necessary for utilities, an alignment for a through street, or drainage for the Master Plan Community of Cliff's Edge, which surrounds the development site on three sides.

The vacation of the patent easements is necessary to allow the subdivision layout being proposed. The easements will not be needed, as there are no street alignments along the perimeter of the property that are planned with the adjoining master plan.

BACKGROUND INFORMATION

A) Previous Actions

- 02/14/02 Annexation of the subject parcels was effective on this date. The annexation approved by the City Council February 5, 2002. The Planning Commission and the Department of Planning and Development recommended approval.
- 06/24/04 The Planning Commission abeyed this request so that the applicant could coordinate with the neighboring development.
- 07/22/04 07/22/04 The Planning Commission voted 6-0 to recommend APPROVAL (PC Agenda Item #25).

DETAILS OF APPLICATION REQUEST

Patent Easements

The subject Vacation proposes to vacate a U. S. Government Patent Easement located in the Southeast Quarter (SE¼) of the Southeast Quarter (SE¼) of the Southeast Quarter (SE¼) of the Northeast Quarter (NE¼) of Section 13, Township 19 South, Range 59 East, M.D.M.

Right-of-Way

The south 30 feet excepting the east 50 feet of the Southeast Quarter (SE¼) of the Northeast Quarter (NE¼) of the Southeast Quarter (SE¼) of the Northeast Quarter (NE¼) of Section 13, Township 19 South, Range 59 East, M.D.M.

The north 30 feet excepting the east 50 feet of the Northeast Quarter (NE¼) of the Southeast Quarter (SE¼) of the Southeast Quarter (SE¼) of the Northeast Quarter (NE¼) of Section 13, Township 19 South, Range 59 East, M.D.M.

ANALYSIS

A) Planning discussion

The applicant intends to vacate the existing U.S. Government Patent Easements because they are no longer needed in its current configuration. This will allow the unencumbered development of 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.

The applicant intends to remove a portion of Donald Nelson Avenue from Hualapai Way west 290 feet for a planned residential development on the adjacent parcels to the north and south of the right-of-way. This request is appropriate, as the subject right-of-way is not needed and will not result in reduced access traffic handling capability for the area.

B) Public Works discussion

The following information is presented concerning this request to vacate certain public street right of ways:

- A. Does this vacation request result in uniform or non-uniform right-of-way widths? *N/A as it will completely eliminate Donald Nelson Avenue west of Hualapai Way*
- B. From a traffic-handling viewpoint will this vacation request result in a reduced traffic handling capability? *No, since it is an undeveloped road.*
- C. Does it appear that the vacation request involves only excess right-of-way? *No, it is to eliminate right-of-way that will never be utilized.*
- D. Does this vacation request coincide with development plans of the adjacent parcels? *Yes, ZON-4368 and SDR-4370.*

- 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 7 by City Clerk

APPROVALS 0

PROTESTS 0



PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **VAC-4420** APN: **126-13-601-004.006**

Name of Property Owner: Mich'l, Ron & Carolyn ETAL

Name of Applicant: **Carina Homes**

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

Yes X No

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

City Official: _____

Partner(s): _____

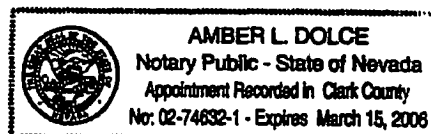
APN: _____

Signature of Property Owner/Authorized Agent:**Print Name:**

Subscribed and sworn before me

This 5th day of May, 2004

Amber Dolce
Amber Dolce
Notary Public in and for said County and State



AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT**CITY COUNCIL MEETING OF: SEPTEMBER 15, 2004****DEPARTMENT: PLANNING & DEVELOPMENT****DIRECTOR: ROBERT S. GENZER**☐**CONSENT**☒**DISCUSSION****SUBJECT:**

ABEYANCE ITEM - SITE DEVELOPMENT PLAN REVIEW RELATED TO ZON-4368 AND VAC-4420 - PUBLIC HEARING - **SDR-4370** - **APPLICANT: CARINA HOMES - OWNER: RONALD AND CAROLYN MICH'L** - Request for a Site Development Plan Review FOR A 73-LOT SINGLE-FAMILY RESIDENTIAL DEVELOPMENT on 10.52 acres adjacent to the northwest corner of Farm Road and Hualapai Way (APN 126-13-601-004, 006, 008 and 009), U (Undeveloped) Zone [PCD (Planned Community Development) General Plan Designation] [PROPOSED: R-PD6 (Residential Planned Development - 6 Units per Acre)], Ward 6 (Mack). The Planning Commission (6-0 vote) and staff recommend APPROVAL. [NOTE: This item will be amended to 69 lots PROPOSED: R-PD7 (Residential Planned Development - 7 Units per Acre)]

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0**APPROVALS RECEIVED BEFORE:**

Planning Commission Mtg.
City Council Meeting

0**RECOMMENDATION:**

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

BACKUP DOCUMENTATION:

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

MOTION:

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

4. All development shall be in conformance with the site plan and building elevations for a maximum of 69 units, date stamped 9/13/04, except as amended by conditions herein.
5. The setbacks for this development shall be a minimum of 20 feet to the front of the garage as measured from back of sidewalk or from back of curb if no sidewalk is provided, 3 feet on the side, 10 feet to the building, 10 feet on the corner side, and 5 feet in the rear. *The properties backing Farm Road shall have 10-foot rear setbacks. Lots 19 through 31 abutting adjacent property to the west shall have 10-foot rear setbacks, and lots 3, 4, 9 and 10 shall have 10-foot side setbacks on Hualapai Way.*

– UNANIMOUS with MAYOR GOODMAN excused

CITY COUNCIL MEETING OF SEPTEMBER 15, 2004
Planning and Development Department
Item 156 – SDR-4370

CONDITIONS:

Planning and Development

1. A Rezoning [ZON-4368] to an R-PD7 (Residential Planned Development - 7 Units Per Acre) Zoning District approved by the City Council.
2. No turf shall be permitted in the non-recreational common areas, such as medians and amenity zones in this development.
3. 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.
4. All development shall be in conformance with the site plan and building elevations for a maximum of 69 units, date stamped June 10, 2004, except as amended by conditions herein.
5. The setbacks for this development shall be a minimum of 20 feet to the front of the garage as measured from back of sidewalk or from back of curb if no sidewalk is provided, 3 feet on the side, 10 feet to the building, 10 feet on the corner side, and 5 feet in the rear.
6. Air conditioning units shall not be mounted on rooftops.
7. All utility boxes exceeding 27 cubic feet in size shall meet the standards of Title 19.12.050.
8. 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.
9. All City Code requirements and design standards of all City departments must be satisfied.
10. The trail shown on the plan along the west side of Hualapai Way shall conform to the Cliff's Edge Multi-Use Transportation Trail Standards.

Public Works

11. A petition of vacation for all right-of-way in conflict with the proposed site plan (Donald Nelson Avenue), such as VAC-4420, shall record prior to the recordation of a Final Map abutting or overlying the area to be vacated, and the Final Map must show the Recorder's numbers of the Vacations.

CITY COUNCIL MEETING OF SEPTEMBER 15, 2004
Planning and Development Department
Item 156 – SDR-4370

CONDITIONS – Continued:

12. 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.
13. Grant pedestrian access easements and public utility easements for all sidewalks located outside of the public street right-of-way. The sidewalk shall be within a separate common lot.
14. Landscape and maintain all unimproved rights-of-way on Hualapai Way and Farm Road adjacent to this site.
15. Submit an Encroachment Agreement for all landscaping and private improvements located in the Hualapai Way and Farm Road public rights-of-way adjacent to this site prior to occupancy of this site.
16. 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.
17. Site development to comply with all applicable conditions of approval for ZON-4368 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. We note that non-standard private drive/private street intersections are proposed within in this development.



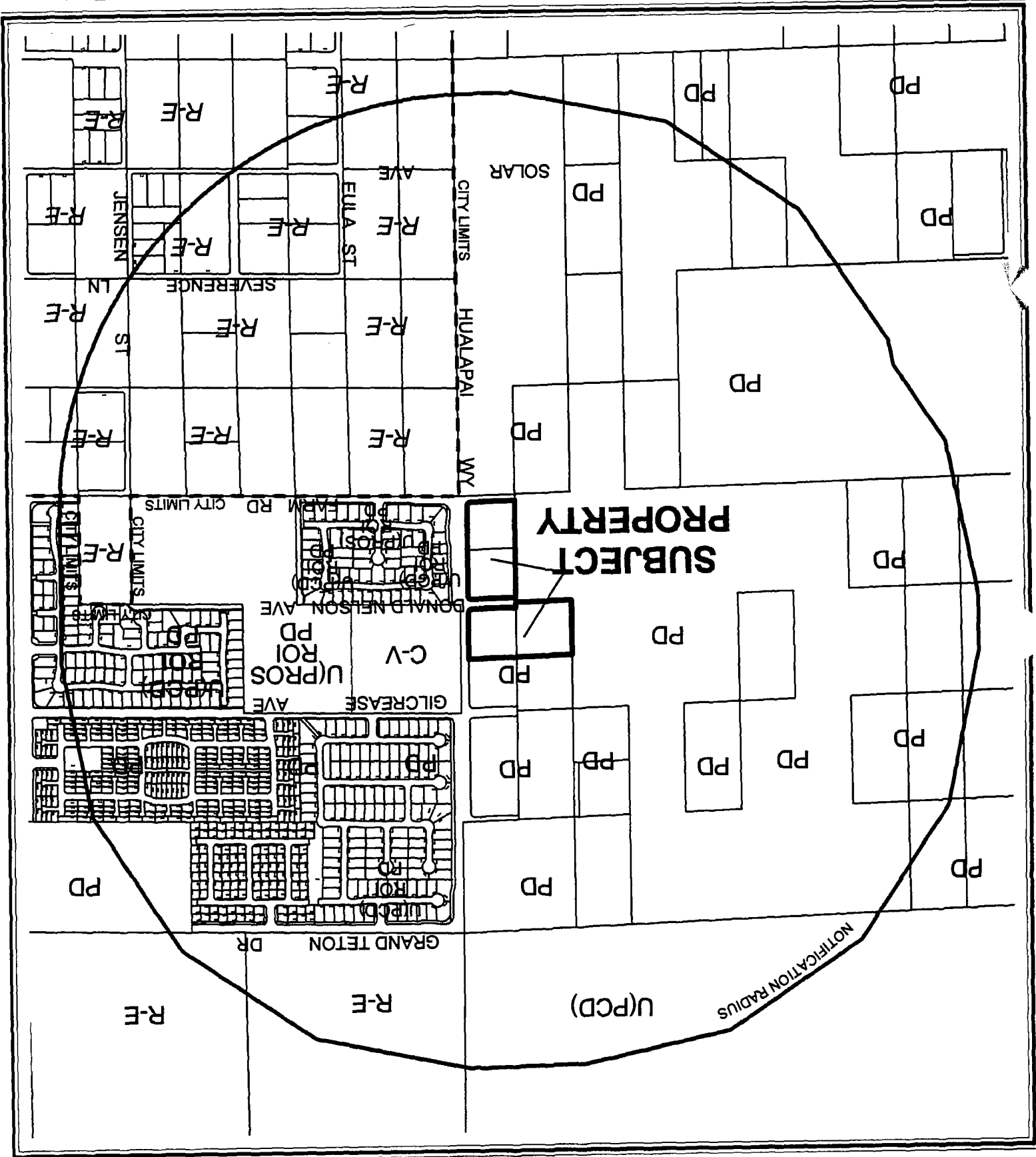
156

CURRENT ZONING OF SUBJECT PROPERTY:
U (UNDEVELOPED) ZONE (PLANNED COMMUNITY DEVELOPMENT) GENERAL
PROPOSED ZONING OF SUBJECT PROPERTY:
R-PD6 (RESIDENTIAL PLANNED DEVELOPMENT - 6 UNITS PER ACRE)

RADIUS: 2500 FT

CASE: SDR-4370

0 600 1200 Feet



AGENDA MEMO

CITY COUNCIL MEETING DATE: SEPTEMBER 15, 2004

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: ABEYANCE ITEM - SDR-4370 - APPLICANT: CARINA HOMES - OWNER: RONALD AND CAROLYN MICH'L

THIS ITEM WAS HELD IN ABEYANCE FROM THE SEPTEMBER 1, 2004 CITY COUNCIL MEETING AT STAFF'S REQUEST.

**** CONDITIONS ****

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

Planning and Development

1. A Rezoning [ZON-4368] to an R-PD7 (Residential Planned Development - 7 Units Per Acre) Zoning District approved by the City Council.
2. No turf shall be permitted in the non-recreational common areas, such as medians and amenity zones in this development.
3. 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.
4. All development shall be in conformance with the site plan and building elevations for a maximum of 69 units, date stamped June 10, 2004, except as amended by conditions herein.
5. The setbacks for this development shall be a minimum of 20 feet to the front of the garage as measured from back of sidewalk or from back of curb if no sidewalk is provided, 3 feet on the side, 10 feet to the building, 10 feet on the corner side, and 5 feet in the rear.
6. Air conditioning units shall not be mounted on rooftops.
7. All utility boxes exceeding 27 cubic feet in size shall meet the standards of Title 19.12.050.
8. 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.
9. All City Code requirements and design standards of all City departments must be satisfied.
10. The trail shown on the plan along the west side of Hualapai Way shall conform to the Cliff's Edge Multi-Use Transportation Trail Standards.

Public Works

11. A petition of vacation for all right-of-way in conflict with the proposed site plan (Donald Nelson Avenue), such as VAC-4420, shall record prior to the recordation of a Final Map abutting or overlying the area to be vacated, and the Final Map must show the Recorder's numbers of the Vacations.
12. 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.
13. Grant pedestrian access easements and public utility easements for all sidewalks located outside of the public street right-of-way. The sidewalk shall be within a separate common lot.
14. Landscape and maintain all unimproved rights-of-way on Hualapai Way and Farm Road adjacent to this site.
15. Submit an Encroachment Agreement for all landscaping and private improvements located in the Hualapai Way and Farm Road public rights-of-way adjacent to this site prior to occupancy of this site.
16. 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.
17. Site development to comply with all applicable conditions of approval for ZON-4368 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. We note that non-standard private drive/private street intersections are proposed within in this development.

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

This application is a request for a Site Development Plan Review on approximately 10.52 acres adjacent to the northwest corner of Hualapai Way and Farm Road. Approval of this request will allow the applicant to develop a 69-lot residential subdivision on the site.

Companion applications, ZON-4368 and VAC-4420, were filed with this application.

B) Applicant's Justification

This development will provide an environment of stable and desirable character, consistent with the existing City policies and regulations.

BACKGROUND INFORMATION

A) Previous Actions

- 02/14/02 Annexation of the subject parcels was effective on this date. The annexation approved by the City Council 02/05/02. The Planning Commission and the Department of Planning and Development recommended approval.
- 07/22/04 The Planning Commission recommended approval of related items ZON-4368 and VAC-4420.
- 07/22/04 The Planning Commission voted 6-0 to recommend APPROVAL (PC Agenda Item #26-KW).

B) Pre-Application Meeting

- 4/15/04 At the pre-application conference the following was discussed.
- The proposed is a 69-lot subdivision on 10 acres adjacent to the Cliff's Edge development.
 - The site will need to be rezoned to R-PD7.
 - Waivers of longer private drives will be needed.
 - The trail along Hualapai can count towards the required Open Space.
 - No access will be to Cliff's Edge to the west.

C) Neighborhood Meetings

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

DETAILS OF APPLICATION REQUEST

A) *Site Area*

Gross Acres: 10.52

B) *Existing Land Use*

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

C) *Planned Land Use*

Subject Property: PCD (Planned Community Development)
North: PCD (Planned Community Development)
South: PCD (Planned Community Development)
PF (Public Facility)
East: PCD (Planned Community Development)
PROS (Public Recreation Open Space)
West: PF (Public Facility)

D) *Existing Zoning*

Subject Property: U (Undeveloped) [PCD (Planned Community Development) General Plan Designation]
North: PD (Planned Development)
South: PD (Planned Development)
East: C-V (Civic)
U (Undeveloped) [PCD (Planned Community Development) General Plan Designation] under Resolution of Intent to PD (Planned Development)
West: PD (Planned Development)

E) *General Plan Compliance*

Centennial Hills General Plan

This site is located on the Centennial Hills Sector Plan Map of the General Plan. The Centennial Hills Sector Plan designates this site as PCD (Planned Community Development). The allowable density is up to 8 units per acre. The proposed zoning change to R-PD7 (Residential Planned Development - 7 Units per Acre), which allows up to 7.49 units per acre, is in conformance with the PCD (Planned Community Development) land use designation.

<i>SPECIAL DISTRICTS/ZONES</i>	<i>Yes</i>	<i>No</i>
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

A Multi-use Transportation Trail is planned for the west side of Hualapai Way. The trail shall be incorporated in the improvements of the west side of Hualapai Way and the proposed development.

PROJECT DESCRIPTION

The proposed site plan illustrates a development that consists of 69 single-family lots on the 10.52-acre site. The project will be served by 33-foot wide private roads, and will be accessed through a gated entry from Hualapai Way. The site will contain a total of 52,614 square feet of open space, including 32,973 square feet of park areas, 8,802 square feet of trails and 10,839 square feet of landscaped sidewalks which in total exceeds the minimum open space requirement of the Zoning Code. The average proposed lot size is 2,898 square feet in area.

ANALYSIS

A) Zoning Code Compliance

A1) Development Standards

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

Standards	Required	Provided	Compliance
Min. Lot Size	N/A	2,898 sq. ft.	Y
Min. Lot Width	N/A	46 feet	Y
Min. Setbacks			
• Front	N/A	10 feet	Y
• Side	N/A	3 feet	Y
• Corner	N/A	10 feet	Y
• Rear	N/A	15 feet	Y
Max. Lot Coverage	N/A	N/A	Y
Max. Building Height	2 Stories / 35Feet	2 Stories / 35Feet	Y

The proposal meets the requirements of the Development Standards of Title 19.

A2) Residential Adjacency Standards

The Residential Adjacency Standards, pursuant to Title 19.08, are met by this application.

A3) Parking and Traffic Standards

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

Uses	GFA	Ratio	Required		Provided	
			Parking		Parking	
			Regular	Handicap	Regular	Handicap
Single Family Detached	N/A	2 Spaces/ Single Dwelling	138	N/A	138	N/A

The proposal meets the parking requirements of Title 19.

A2) Landscape and Open Space Standards

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

Standards	Required		Trees	Provided
	Ratio			
Perimeter Landscaping	1 - 24" box tree/30 linear feet of gross perimeter frontage (1,190 lineal feet of frontage)		41 Trees	41 Trees

The perimeter landscaping meets the minimum perimeter-landscaping requirement of Title 12.

The following Open Space Standards apply to the subject proposal:

Total Acreage	Density	Required			Provided	
		Ratio	Percent	Area	Percent	Area
10.52 acres	6.56 units/acre	1.65	10.82 %	1.14 acres or 49,658.4 sf	11.48 %	1.21 acres or 52,614 sf

The proposal exceeds the requirement for Open Space in the Zoning Code.

B) General Analysis and Discussion

- Zoning**

This site is the subject of a companion Rezoning request (ZON-4368), to change the zoning on the site from U (Undeveloped) Zone [PCD (Planned Community Development) General Plan Designation] to R-PD7 (Residential Planned Development - 7 Units Per Acre) Zone. The proposed Site Development Plan will conform to the proposed zoning of the site.

- Site Plan**

The proposed site plan illustrates a development that consists of 69 single-family lots on the 10.52-acre site. The project will be served by 37-foot wide private roads and will be accessed

through a gated entry from Hualapai Way. The site will contain a total of 52,614 square feet of open space, including 32,973 square feet of park areas, 8,802 square feet of trails and 10,839 square feet of landscaped sidewalks which in total exceeds the minimum open space requirement of the Zoning Code. The average proposed lot size is 2,898 square feet in area.

- Waivers

The applicant has not requested waivers of standards.

- Landscape Plan

The landscape plan depicts perimeter landscape buffers adjacent to right-of-way and two parks. The proposed plant materials are consistent with the area.

- Elevation

The homes will be subject to the development standards set forth by this site development plan review. The Planning and Development Department will review all building permits to ensure the homes incorporate building materials appropriate for the area.

The submitted plans show the typical one and two story single-family designs that are common in the area.

- Floor Plan

The submitted plans show the typical one and two story single-family designs that are common in the area.

FINDINGS

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

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

The proposed development is within the range of allowable uses in the proposed R-PD7 (Residential Planned Development - 7 Units Per Acre) zoning district and can be developed in a manner that is compatible with future single-family development land uses in the vicinity of this site.

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

The proposed development is consistent with the General Plan, Title 19, and the Landscape, Wall and Buffer Standards.

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

The subject site is bordered by Hualapai Way in east and Farm Road to the south. Both of the streets are both Secondary [80-foot] Collectors. The proposed site plan indicates that access to the site will be solely from Hualapai Way, by a gated private entry. When developed, this access will be adequate to meet the requirements of the proposed development.

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

The landscaping and building materials proposed for this development would be the same as those commonly used for residential development. Therefore it will be appropriate for the single-family residential character of the area.

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

The proposed residential development as designed will be appropriate for the area and the adjacent single-family residential uses that are likely to be developed in the future.

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

The proposed development will be subject to inspection by the City and will not compromise the health safety and welfare of the general public.

PLANNING COMMISSION ACTION

Conditions #1, 4, 5 and 10 have been amended as shown.

NOTICES MAILED 44 by Planning Department

APPROVALS 0

PROTESTS 0



STATEMENT OF FINANCIAL INTEREST

SDR-4370

Case Number: _____ APN: 126-13-6A-004,006,008,009

Name of Property Owner: Ron and Carolyn Mich'l, c22 LP

Name of Applicant: Carina Homes

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): _____

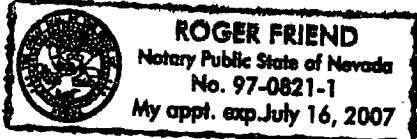
APN: _____

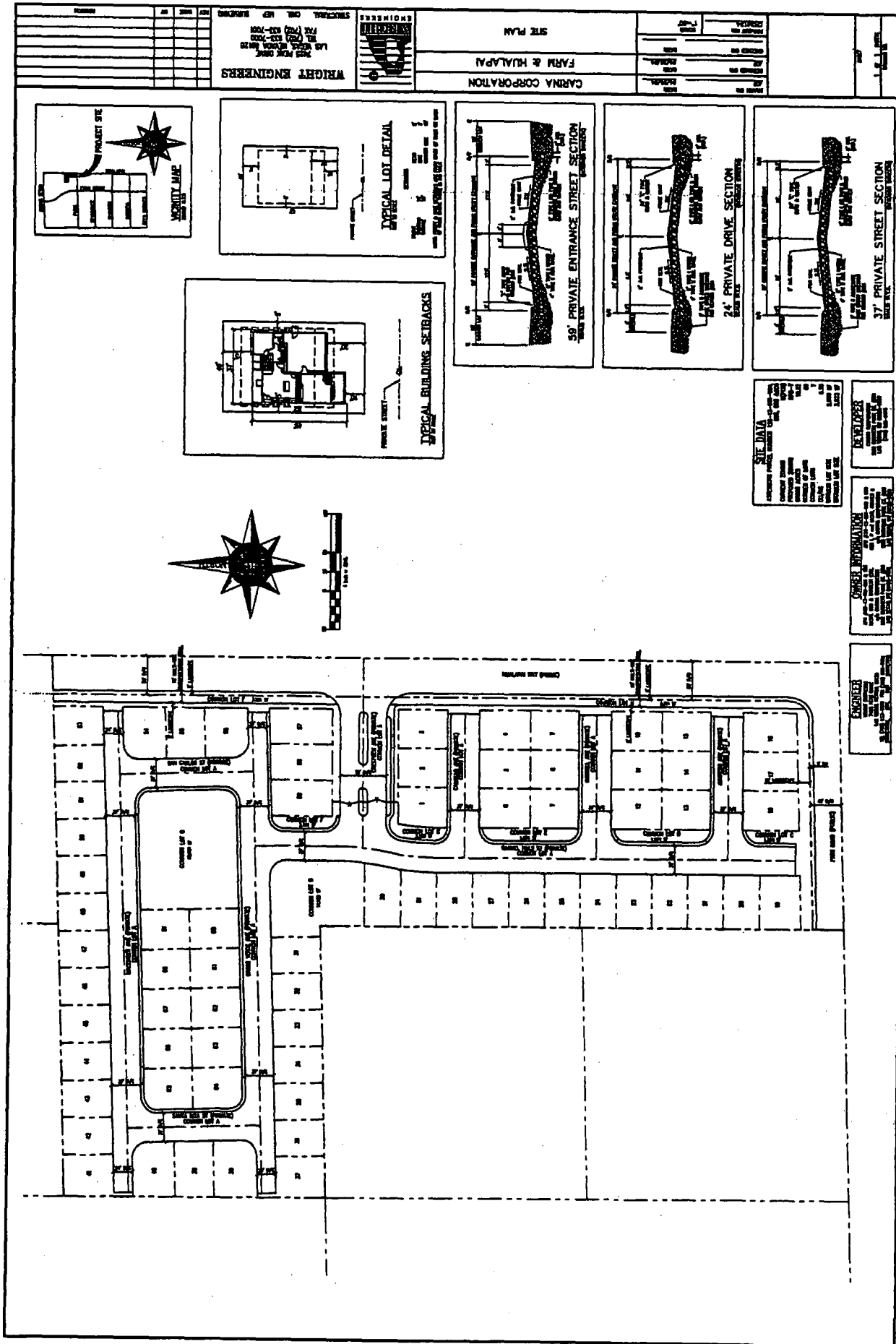
Signature of Property Owner/Authorized Agent: Amber L Dace on behalf of:

Print Name: Carolyn Mich'l
Amber L Dace

Subscribed and sworn before me

This 27th day of APRIL, 2004
[Signature]
Notary Public in and for said County and State





ZON--4368
SDR-4370
7/22/04 PC

REVISED
 10/10/04

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: SEPTEMBER 15, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☐

CONSENT

☒

DISCUSSION

SUBJECT:

REZONING - PUBLIC HEARING - ZON-4208 - APPLICANT/OWNER: PARDEE HOMES OF NEVADA - Request for a Rezoning FROM: U (Undeveloped) Zone [TC (Town Center) General Plan Designation] TO: T-C (Town Center) on 29.14 acres adjacent to the southeast corner of North Tee Pee Lane and Severence Lane (APN 125-18-801-006, 008, 013, 014, 015 and 016), Ward 6 (Mack). The Planning Commission (5-0 vote) and staff recommend APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

RECOMMENDATION:

The Planning Commission (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:

MAYOR PRO TEM REESE declared the Public Hearing open on Item 157 [ZON-4208], Item 158 [VAR-4209], Item 159 [SUP-4210], Item 160 [VAC-4212] and Item 161 [SDR-4214].

JEANINE WALLACE, Bossard Developer Services, 2920 North Green Valley Parkway, Suite #814, appeared on behalf of the applicant and concurred with staff conditions, including the deletion of Condition 13 for Item 161 [SDR-4214]. COUNCILMAN MACK acknowledged this property would be built directly across the street from a City park.

No one appeared in opposition.

MAYOR PRO TEM REESE declared the Public Hearing closed on Item 157 [ZON-4208], Item 158 [VAR-4209], Item 159 [SUP-4210], Item 160 [VAC-4212] and Item 161 [SDR-4214].

CITY COUNCIL MEETING OF SEPTEMBER 15, 2004
Planning and Development Department
Item 157 – ZON-4208

MINUTES – Continued:

NOTE: All discussion for Item 157 [ZON-4208], Item 158 [VAR-4209], Item 159 [SUP-4210], Item 160 [VAC-4212] and Item 161 [SDR-4214] was held under Item 157 [ZON-4208].

(4:51 – 5:28)

6-1121

CONDITIONS:

Planning and Development

1. This Rezoning request shall go direct to Ordinance.
2. Variance (VAR-4209), Special Use Permit (SUP-4210), Site Development Plan Review (SDR-4214) and Vacation (VAC-4212) applications approved by the Planning Commission and City Council prior to issuance of any permits, any site grading, and all development activity for the site.

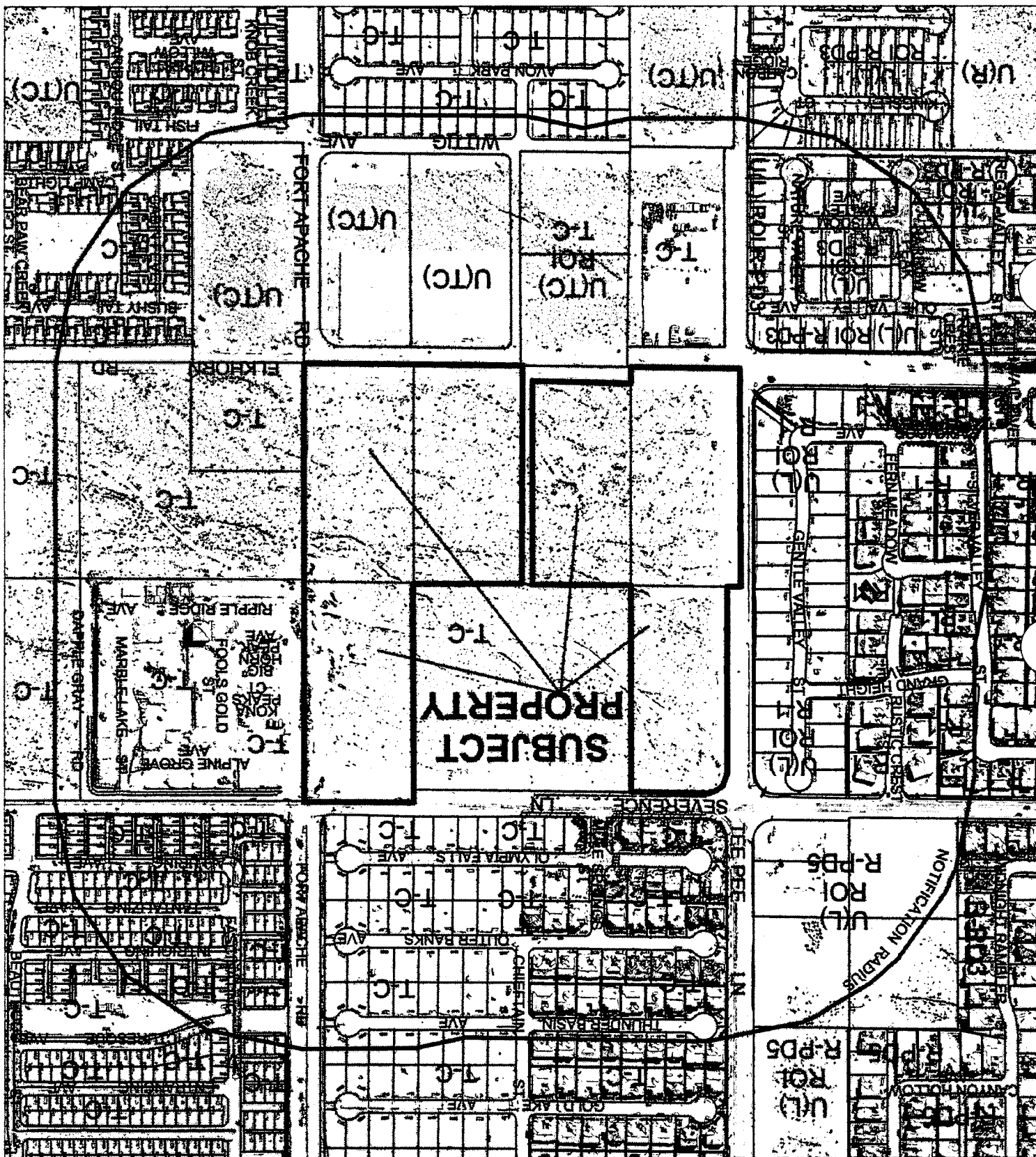
Public Works

3. Submit a Petition of Vacation for Chieftain Street for all rights-of-way in conflict with the proposed site plan. The Order of Vacation, such as VAC-4212, must be recorded prior to the issuance of any permits or the recordation of a Final Map abutting or overlying the area to be vacated, whichever may come first, and the Final Map must show the Recorder's number of the Vacation.
4. Dedicate 40 feet of half street right-of-way adjacent to this site for those portions of Severance Lane not previously dedicated, 50 feet for Elkhorn Road for those portions not previously dedicated, 40-feet for Tee Pee Lane for those portions not previously dedicated, 50 feet for Fort Apache Road, a 25 foot radius on the southwest corner of Severance Lane and Fort Apache Road, a 25 foot radius on the northwest corner of Elkhorn Road and Fort Apache Road and a 25 foot radius on the northeast corner of Tee Pee Lane and Elkhorn Road. Additional dedications in accordance with Standard Drawing #201.1 and #234.1 or #234.3 for a bus stop turn out shall also be provided at Elkhorn Road and Fort Apache Road unless specifically noted in writing as not needed by the City Traffic Engineer.
5. Construct half-street improvements, including appropriate overpaving if legally able, on Severance Lane, Tee Pee Lane, Fort Apache Road, and Elkhorn Road adjacent to this site concurrent with development of this site. Install all appurtenant underground facilities, if any, adjacent to this site needed for the future traffic signal system concurrent with development of this site. Extend all required underground utilities, such as electrical,

CITY COUNCIL MEETING OF SEPTEMBER 15, 2004
Planning and Development Department
Item 157 – ZON-4208

CONDITIONS – Continued:

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



AGENDA MEMO

CITY COUNCIL MEETING DATE: SEPTEMBER 15, 2004

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: ZON-4208 - APPLICANT/OWNER: PARDEE HOMES OF NEVADA

**** CONDITIONS ****

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

Planning and Development

1. This Rezoning request shall go direct to Ordinance.
2. Variance (VAR-4209), Special Use Permit (SUP-4210), Site Development Plan Review (SDR-4214) and Vacation (VAC-4212) applications 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. Submit a Petition of Vacation for Chieftain Street for all rights-of-way in conflict with the proposed site plan. The Order of Vacation, such as VAC-4212, must be recorded prior to the issuance of any permits or the recordation of a Final Map abutting or overlying the area to be vacated, whichever may come first, and the Final Map must show the Recorder's number of the Vacation.
4. Dedicate 40 feet of half street right-of-way adjacent to this site for those portions of Severance Lane not previously dedicated, 50 feet for Elkhorn Road for those portions not previously dedicated, 40-feet for Tee Pee Lane for those portions not previously dedicated, 50 feet for Fort Apache Road, a 25 foot radius on the southwest corner of Severance Lane and Fort Apache Road, a 25 foot radius on the northwest corner of Elkhorn Road and Fort Apache Road and a 25 foot radius on the northeast corner of Tee Pee Lane and Elkhorn Road. Additional dedications in accordance with Standard Drawing #201.1 and #234.1 or #234.3 for a bus stop turn out shall also be provided at Elkhorn Road and Fort Apache Road unless specifically noted in writing as not needed by the City Traffic Engineer.

5. Construct half-street improvements, including appropriate overpaving if legally able, on Severance Lane, Tee Pee Lane, Fort Apache Road, and Elkhorn Road adjacent to this site concurrent with development of this site. Install all appurtenant underground facilities, if any, adjacent to this site needed for the future traffic signal system concurrent with development of this site. 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). All existing paving damaged or removed by this development shall be restored at its original location and to its original width concurrent with development of this site.
6. 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.
7. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings or the recordation of a Map subdividing this site, whichever may occur first. Provide and improve all drainageways recommended in the approved drainage plan/study. The developer of this site shall be responsible to construct such neighborhood or local drainage facility improvements as are recommended by the City of Las Vegas Neighborhood Drainage Studies and approved Drainage Plan/Study concurrent with development of this site. In lieu of constructing improvements, in whole or in part, the developer may agree to contribute monies for the construction of neighborhood or local drainage improvements, the amount of such monies shall be determined by the approved Drainage Plan/Study and shall be contributed prior to the issuance of any building or grading permits, or the recordation of a Map subdividing this site, whichever may occur first, if allowed by the City Engineer.

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

This is a request for a Rezoning from U (Undeveloped) Zone [TC (Town Center) General Plan Designation] to T-C (Town Center), on 29.14 acres located at the southeast corner of Tee Pee Lane and Severence Lane. This Rezoning will apply to those portions of a proposed approximately 39-acre development site that have not previously been rezoned to T-C (Town Center).

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

- | | |
|----------|---|
| 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. |
| 01/17/01 | 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. |
| 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), (VAC-4212), and (SDR-4214) to the 07/08/04 PC Meeting to allow the incorporation of additional and obtained by the applicant.
- 07/08/04 The Planning Commission accepted the applicants request to table this item.

- 08/12/04 The Planning Commission will consider companion applications for an open space Variance (VAR-4209), a Special Use Permit for private streets in Town Center (SUP-4210), a Vacation of Government Patent Easements (VAC-4212), and a Site Development Plan Review for 168 single-family lots (SDR-4214) on the subject site concurrently with this request.
- 08/12/04 The Planning Commission voted 5-0 to recommend APPROVAL (PC Item #42)

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 Rezoning application, nor was one held.

DETAILS OF APPLICATION REQUEST

A) Site Area

Gross Acres: 29.14

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]
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 request for T-C (Town Center) zoning conforms to the L-TC (Low Density Residential - Town Center) special land use designation.

<i>SPECIAL DISTRICTS/ZONES</i>	Yes	No
Special Area Plan	X	
<i>Town Center</i>	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, 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 on the companion site plan 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-4214) 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 Tee Pee Lane to the west and Severence Lane (both Town Center Residential [80-foot] Collectors) to the north; also, Fort Apache Road and Elkhorn Road (Town Center Primary [100-foot] Arterials) are located to the east and south of the site, respectively. 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 93

APPROVALS 0

PROTESTS 0



PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: ZDN-4208 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: _____

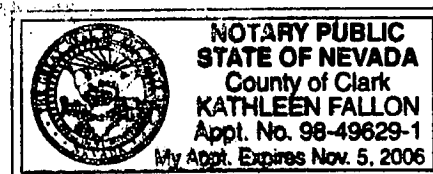
Signature of Property Owner/Authorized Agent: 

Print Name: Klif Andrews

Subscribed and sworn before me

This 18 day of March, 20 04

Kurt M. Miller
Notary Public in and for said County and State



PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: ZCN-4208 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: _____

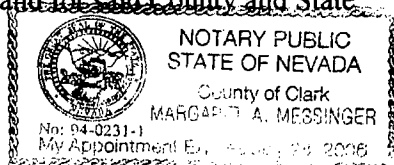
Signature of Property Owner/Authorized Agent: Mary Barber # 330

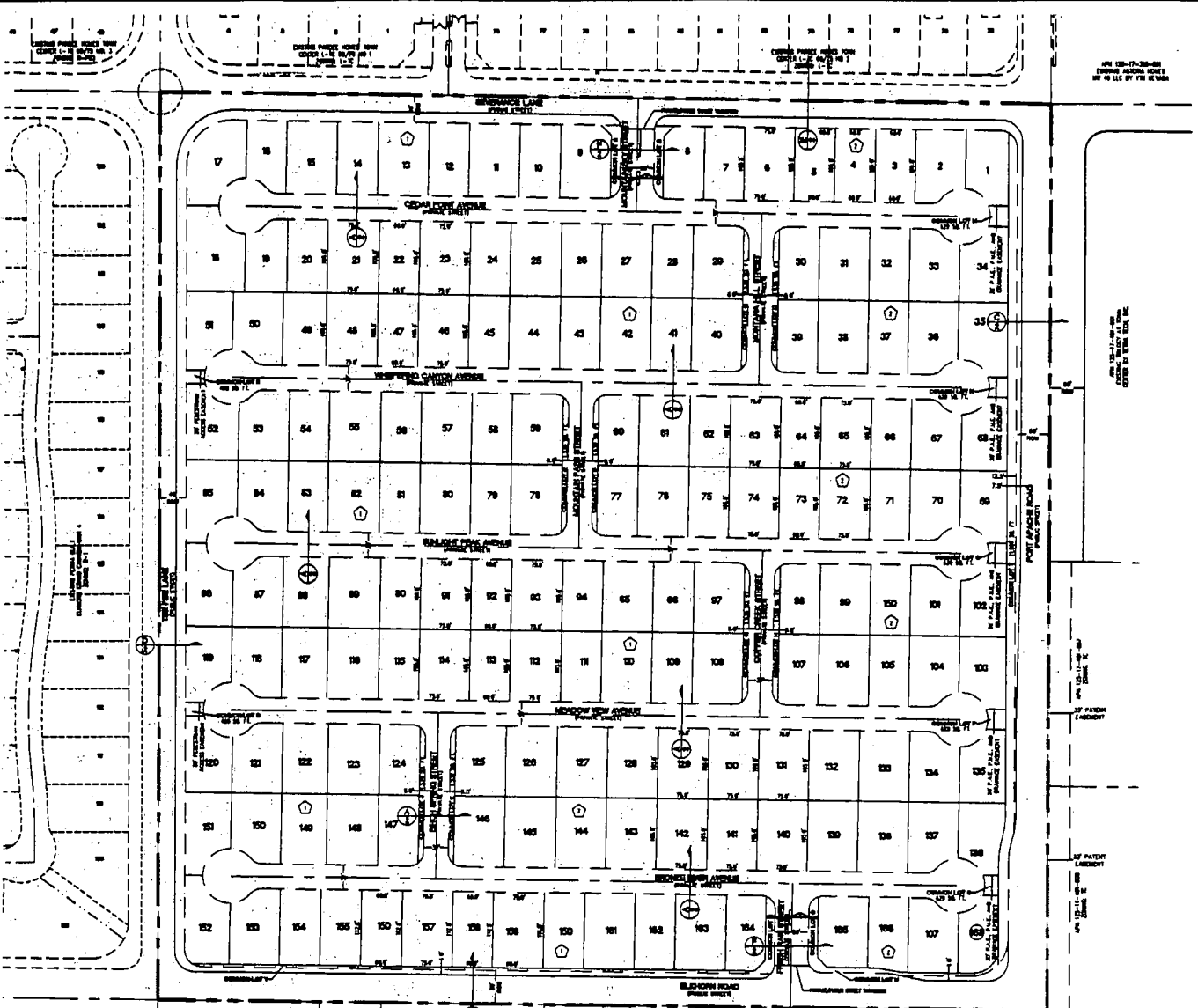
Print Name: Mary Batsas, #335

Subscribed and sworn before me

This 14th day of JUNE, 2004 Min

Notary Public in and for said County and State.





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

RECEIVED
AUG 04 2004

REVISED
8.4.04

NOTES

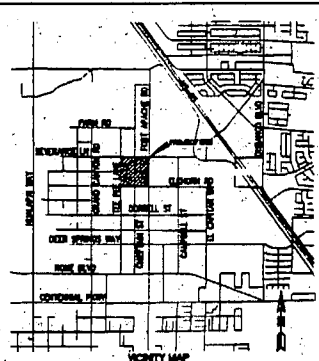
- THERE ARE EXISTING PATENT EASEMENTS AND NOW ON THESE PROPERTIES. THE EASEMENTS ARE SHOWN AND BEING MAINTAINED AND MAINTAINED WHERE APPLICABLE. SEE THE APPLICATION THAT IS BEING SUBMITTED WITH THIS APPLICATION.
- EASEMENTS REQUIRED FOR DRY UTILITIES, SEWER STORM DRAIN, AND WATER SHALL BE OBTAINED ON THE FINAL MAP OR BY DOCUMENT WHERE REQUIRED.
- LANDSCAPING WITHIN LANDSCAPE EASEMENTS DESIGNATED TO H.O.A. SHALL BE MAINTAINED BY H.O.A.
- LANDSCAPING AND ITS SHALL BE ESTABLISHED BY THE DEVELOPER ON THIS DEVELOPMENT.
- TRAFFIC ACCESS WILL BE PROVIDED FROM ELKHORN AND SEVERANCE VIA FORT APACHE ROAD.
- STORAGE 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'.

MINIMUM SETBACKS

FRONT	10'	TO SHED GARAGE/CONNECTED 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
35	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



LAND USE

EXISTING ZONING	U-1C, TC
PROPOSED ZONING	L-1C (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	0.93 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/UNIT = 42,000 GPD
 TOTAL AVERAGE CONTRIBUTION = 42,000 GPD = 0.04200 MGD
 TOTAL PEAK FLOW=0.04200 MGD + 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 GOR RADI ARE 20 FEET UNLESS OTHERWISE NOTED.
4. ALL PROPOSED WATER AND SEWER MAINS ARE TO BE 12" IN DIAMETER UNLESS NOTIFIED OTHERWISE.

OWNER/DEVELOPER
 PARDEE HOMES OF NEVADA
 10500 W. SHORE BLVD. #200
 LOS ANGELES, CA 90024
 PHONE: (213) 475-3325

ENGINEERING FIRM
 SLATER HANIFAN GROUP
 5740 S. ARVILLE STREET #216
 LAS VEGAS, NV 89118
 PHONE: (702) 284-5300

SURVEYOR
 SURVEYORS INC.
 3330 W. SPRING MOUNTAIN AVE
 LAS VEGAS, NV 89146
 PHONE: (702) 363-0021

UTILITY SERVICE BY:
 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

S-I SLATER HANIFAN GROUP
 CONSULTING ENGINEERS & PLANNERS
 5740 S. ARVILLE STREET #216, LAS VEGAS, NV 89118
 PHONE (702) 284-5300 FAX (702) 284-5399

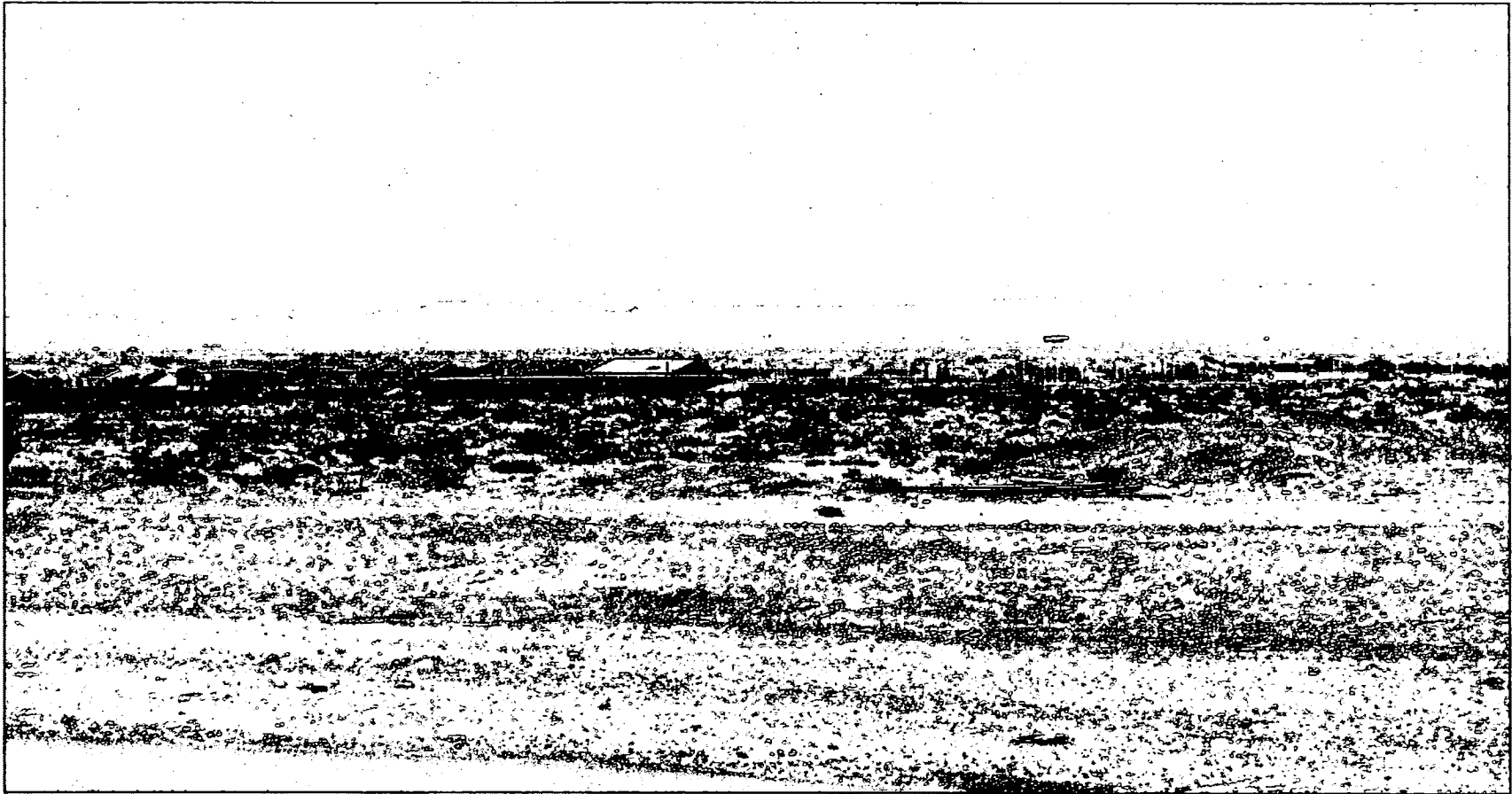
PARDEE HOMES OF NEVADA
TOWN CENTER L-TC 60/70 NO. 4
SITE DEVELOPMENT PLAN

DATE: 7/29/04	PROJECT NO. PAR0302-005
DRAFTER: JDP	
DESIGNER: JDP	
CHECKED: TJS	
	C-1
	SHEET 1 OF 2



ZON-4208 - APPLICANT/OWNER: PARDEE HOMES OF NEVADA
SOUTHEAST CORNER OF NORTH TEE PEE LANE AND SEVERENCE LANE
AUGUST 12, 2004 PLANNING COMMISSION

05/17/04



ZON-4208 - APPLICANT/OWNER: PARDEE HOMES OF NEVADA
SOUTHEAST CORNER OF NORTH TEE PEE LANE AND SEVERENCE LANE
AUGUST 12, 2004 PLANNING COMMISSION

05/17/04

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: SEPTEMBER 15, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☐

CONSENT

☒

DISCUSSION

SUBJECT:

VARIANCE RELATED TO ZON-4208 - PUBLIC HEARING - VAR-4209 -
APPLICANT/OWNER: PARDEE HOMES OF NEVADA - Request for a Variance TO
ALLOW 0.93 ACRES OF OPEN SPACE WHERE 2.77 ACRES IS THE MINIMUM
REQUIREMENT 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, 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:

Planning Commission Mtg.

0

City Council Meeting

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

0

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:

Planning and Development

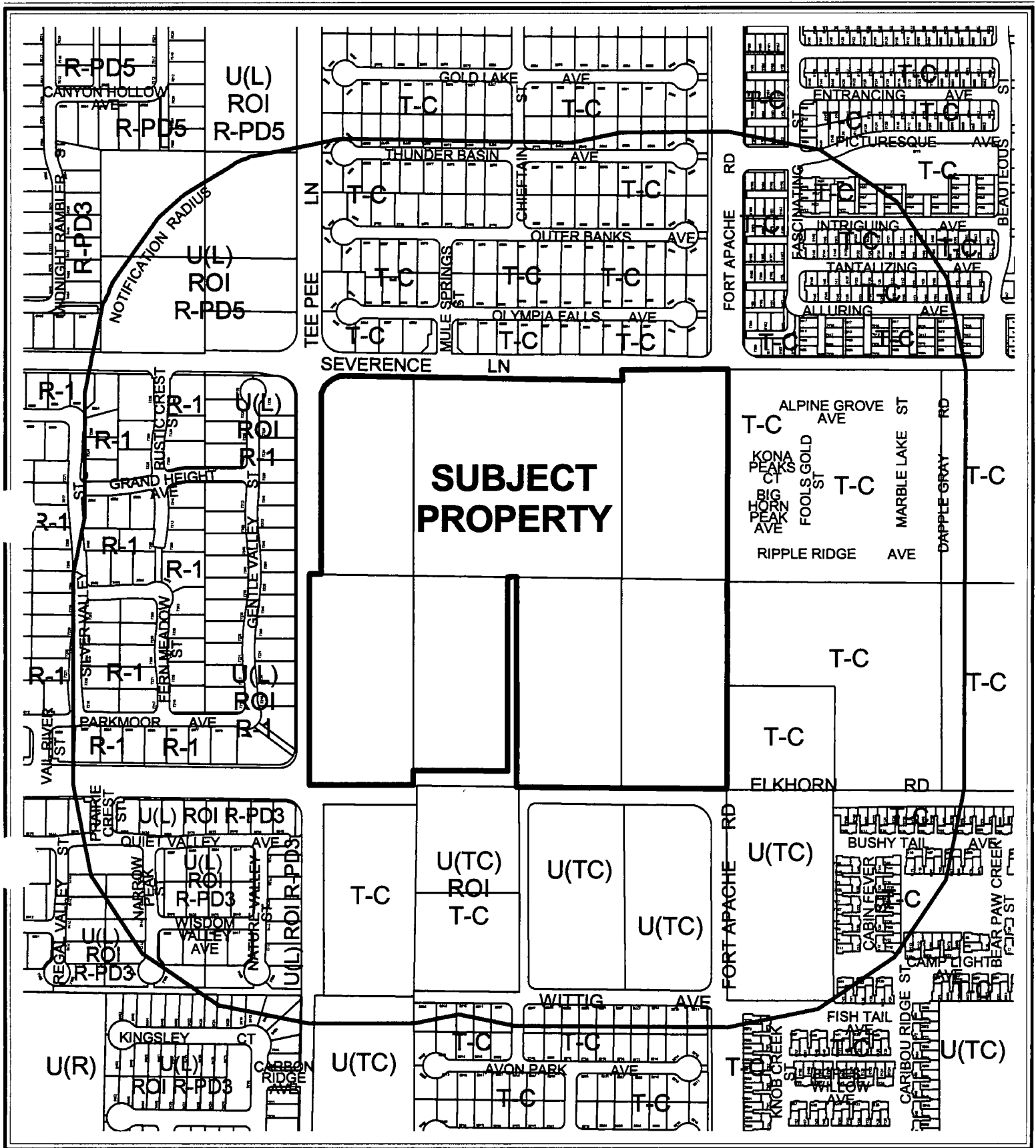
1. Approval of and conformance to the Conditions of Approval for Rezoning (ZON-4208),
Special Use Permit (SUP-4210), Variance (VAR-4209), and Site Development Plan
Review [SDR-4214].
2. This Variance shall expire two years from the date of final approval, unless it is exercised
or an Extension of Time is granted by the City Council.

CITY COUNCIL MEETING OF SEPTEMBER 15, 2004
Planning and Development Department
Item 158 – VAR-4209

CONDITIONS – Continued:

Public Works

3. In lieu of compliance with the open space requirements of Municipal Code 19.06.040, the developer will be allowed to make a contribution to the City of Las Vegas Parks CIP Fund in the amount of \$320,603.00 to be utilized by the City Council for improvements to existing public parks nearby. This contribution must be made to Land Development prior to approval of a Final Map, otherwise the developer is still required to comply with the Open Space requirement in accordance with Title 19 of the Las Vegas Municipal Code.



CASE: VAR-4209

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)

0 300 600 Feet



158





AGENDA MEMO

CITY COUNCIL MEETING DATE: SEPTEMBER 15, 2004
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: VAR-4209 - 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 and conformance to the Conditions of Approval for Rezoning (ZON-4208), Special Use Permit (SUP-4210), Variance (VAR-4209), and Site Development Plan Review [SDR-4214].
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.

Public Works

3. In lieu of compliance with the open space requirements of Municipal Code 19.06.040, the developer will be allowed to make a contribution to the City of Las Vegas Parks CIP Fund in the amount of \$320,603.00 to be utilized by the City Council for improvements to existing public parks nearby. This contribution must be made to Land Development prior to approval of a Final Map, otherwise the developer is still required to comply with the Open Space requirement in accordance with Title 19 of the Las Vegas Municipal Code.

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

This is a request for a Variance to the open space provisions of the Code, to allow 0.93 acres of open space where 2.77 acres are required, on approximately 38.66 acres located at the southeast corner of Tee Pee Lane and Severence Lane.

B) Applicant's Justification

The applicant has justified this request by stating that the lots in this project are large enough to provide private open space for each homeowner, and that reducing the open space requirement would be consistent with former approvals on other Pardee Homes holdings and developments in the 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 (ZON-4208), (SUP-4210), (VAC-4212), and (SDR-4214) 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 applicant's 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 Special Use Permit for private streets in Town Center (SUP-4210), a Vacation of Government Patent Easements (VAC-4212), and a Site Development Plan Review for 168 single-family lots (SDR-4214) on the subject site concurrently with this request.
- 08/12/04 The Planning Commission voted 5-0 to recommend APPROVAL (PC Agenda Item #43).

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 Variance 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]
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 requested Variance is not directly related to any specific General Plan policies.

ANALYSIS

A) *Zoning Code Compliance*

A4) Landscape and Open Space Standards

Pursuant to Section E.G of the Town Center Development Standards Manual, open space for gated communities in Town Center is calculated in accordance with R-PD district standards in Title 19.06.040; as a result, the following Open Space Standards apply to the subject proposal:

Total Acreage	Density	Required			Provided	
		Ratio	Percent	Area	Percent	Area
38.66 acres	4.35 u.p.a.	1.65	7.17 %	2.77 ac	2.4 %	0.93 acre

A Variance from the requirement will be necessary for the development as proposed to proceed. The subject deviation is 66%.

B) *General Analysis and Discussion*

The applicant is proposing to develop a 168-lot single-family residential development on the subject site. This development will be a portion of an overall assemblage of lands by the applicant within Town Center and immediately to the west of Town Center. In earlier phases of the development, the applicant was allowed to provide monies in lieu of open space, as the density of the proposed developments is relatively low. The applicant is requesting a continuation of this established policy with respect to the overall lands assembled by the applicant.

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.”

Although no evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship by not providing open space within the project, the applicant is in agreement with the provision of monies for the improvement of parks in the vicinity in lieu of open space. As this practice has been approved on other lands held by the applicant on other parcels of land within the Town Center assemblage in the past, it is recommended that the Variance be approved. A condition of approval will address the amount and timing of the in-lieu payment.

NOTICES MAILED 121 by City Clerk

APPROVALS 0

PROTESTS 0

STATEMENT OF FINANCIAL INTEREST

Name of Applicant: Pardee Homes of Nevada

Yes X No

APN: _____

Print Name: Klif Andrews

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



PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: 1AR-4209 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): _____

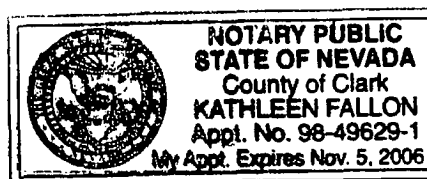
APN: _____

Signature of Property Owner/Authorized Agent:

Print Name: Klif Andrews

Subscribed and sworn before me

This 18 day of March, 2004
Kathleen Hill
 Notary Public in and for said County and State





PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: 1A2-4209 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 ☒ 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): _____

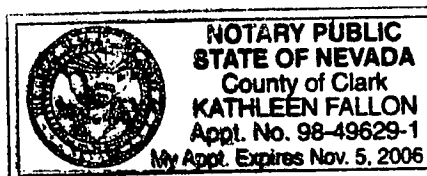
APN: _____

Signature of Property Owner/Authorized Agent: 

Print Name: Klif Andrews

Subscribed and sworn before me

This 18 day of March, 2004
Kathleen Hill
 Notary Public in and for said County and State



PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: VAR-4209 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

~~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: M. A. B. H. 33c

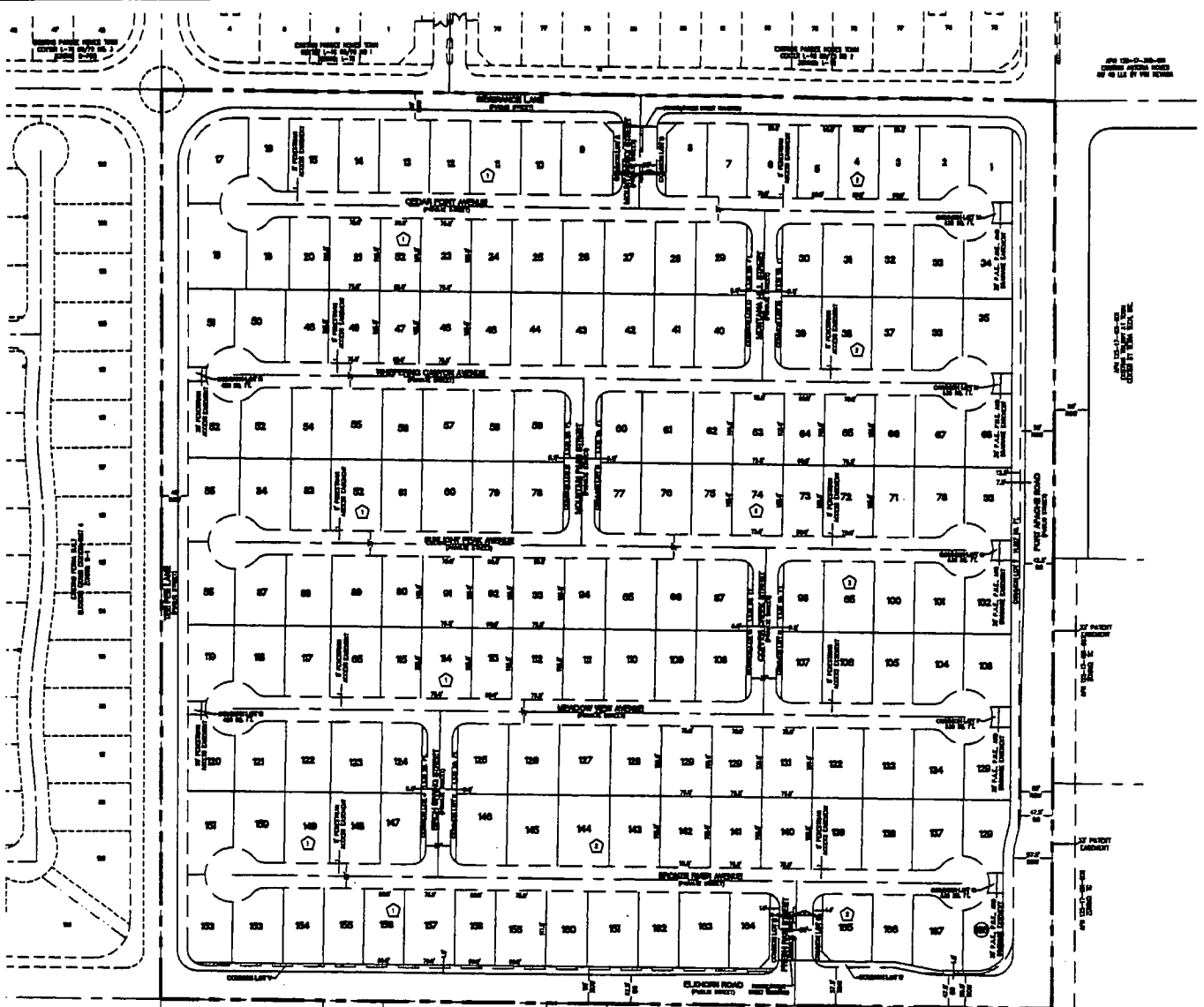
Print Name: Mary Bartas, #555

Subscribed and sworn before me

This 14th day of June, 2004

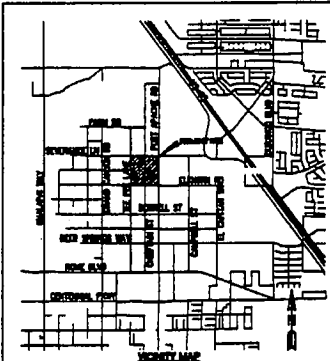
Notary Public in and for said County and State

 NOTARY PUBLIC
STATE OF NEVADA
County of Clark
MARGARET A. MESSINGER



RECEIVED
AUG 04 2004
REVISED
8.4.04

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



LAND USE

DESIGN ZONING: U-TC, TC
 PROPOSED ZONING: L-TC (LOW RESIDENTIAL)
 GROSS ACREAGE: 40.26 AC.
 NUMBERED LOTS: 160
 DENSITY: 4.14 DU/AC
 MIN. LOT SIZE: 80' x 105' / 75' x 105'
 PROVIDED OPEN SPACE: 0.83 AC (40,380 SQ FT)
 REQUIRED OPEN SPACE: 2.74 AC (120,081 SQ FT)

ESTIMATED AVERAGE DAILY SEWER CONTRIBUTIONS

160 UNITS x 250 GPD/UNIT = 40,000 GPD
 TOTAL AVERAGE CONTRIBUTION = 40,000 GPD = 0.84350 MGD
 TOTAL PEAK FLOW = 0.84350 MGD x 2.5 (PEAK FACTOR) = 2.10875 MGD

DESIGN CRITERIA

- 37' LOCAL STREETS ARE TO BE PRIVATE WITHIN SUBDIVISION.
- SEWER MANHOLE SEPARATION TO BE 400' MAX.
- ALL BOR MAIN ARE 20 FEET UNLESS OTHERWISE NOTED.
- ALL PROPOSED WATER AND SEWER MAINS ARE TO BE 2" IN DIAMETER UNLESS NOTED OTHERWISE.

NOTES

- THESE ARE EXISTING PATENT EASEMENTS AND NOW ON THESE PROPERTIES. THERE ARE NO OTHER PATENT EASEMENTS AND NOW ON THESE PROPERTIES. THERE ARE NO OTHER PATENT EASEMENTS AND NOW ON THESE PROPERTIES.
- LANDSCAPING WITHIN LANDSCAPE EASEMENTS DEDICATED TO H.A.A. SHALL BE MAINTAINED BY H.A.A.
- ADJACENT LOTS SHALL BE ESTABLISHED BY THE DEVELOPER ON THIS DEVELOPMENT.
- TRAFFIC ACCESS WILL BE PROVIDED FROM CLONKIN AND SEVERANCE VIA FORT APACHE ROAD.
- SEWERAGE FOR PROPERTY SHALL CONSIST OF NAME PLATE SEWERAGE OR BLOCK WALLS AT STRAIGHT LOCATIONS THROUGHOUT COMMUNITY.
- RETAINING WALL HEIGHTS MAY VARY FROM 1' TO 4'.

OWNER/DEVELOPER
 PARDEE HOMES OF NEVADA
 3528 S. SPRING MOUNTAIN (305)
 LAS VEGAS, NV 89146
 PHONE: (702) 478-3525

SURVEYOR
 SURVEYORS INC.
 3528 S. SPRING MOUNTAIN (305)
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ENGINEERING FIRM
 SLATER HANIFAN GROUP
 5740 S. ARVILLE STREET #210
 LAS VEGAS, NV 89118
 PHONE: (702) 284-5300

UTILITY SERVICE BY:
 LAS VEGAS VALLEY WATER DISTRICT
 CITY OF LAS VEGAS SANITATION DISTRICT
 SILVER STATE COUNCIL
 NEVADA POWER COMPANY
 SPORT CENTRAL TELEPHONE-NEVADA
 SOUTHWEST GAS CORPORATION
 CDS COMMUNICATION

MINIMUM SETBACKS

FRONT	15'	TO EXISTING 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 CIL-OC-SACS
SIDE	5'	TO PRIMARY STRUCTURE
CORNER	15'	TO PRIMARY STRUCTURE

LEGEND

- 35 LOT NUMBER
- 5 BLOCK NUMBER
- PROJECT BOUNDARY
- RIGHT OF WAY (ROW)

LOTS

OPEN SPACE AREA
 MEETING CLV O.S. CRITERIA

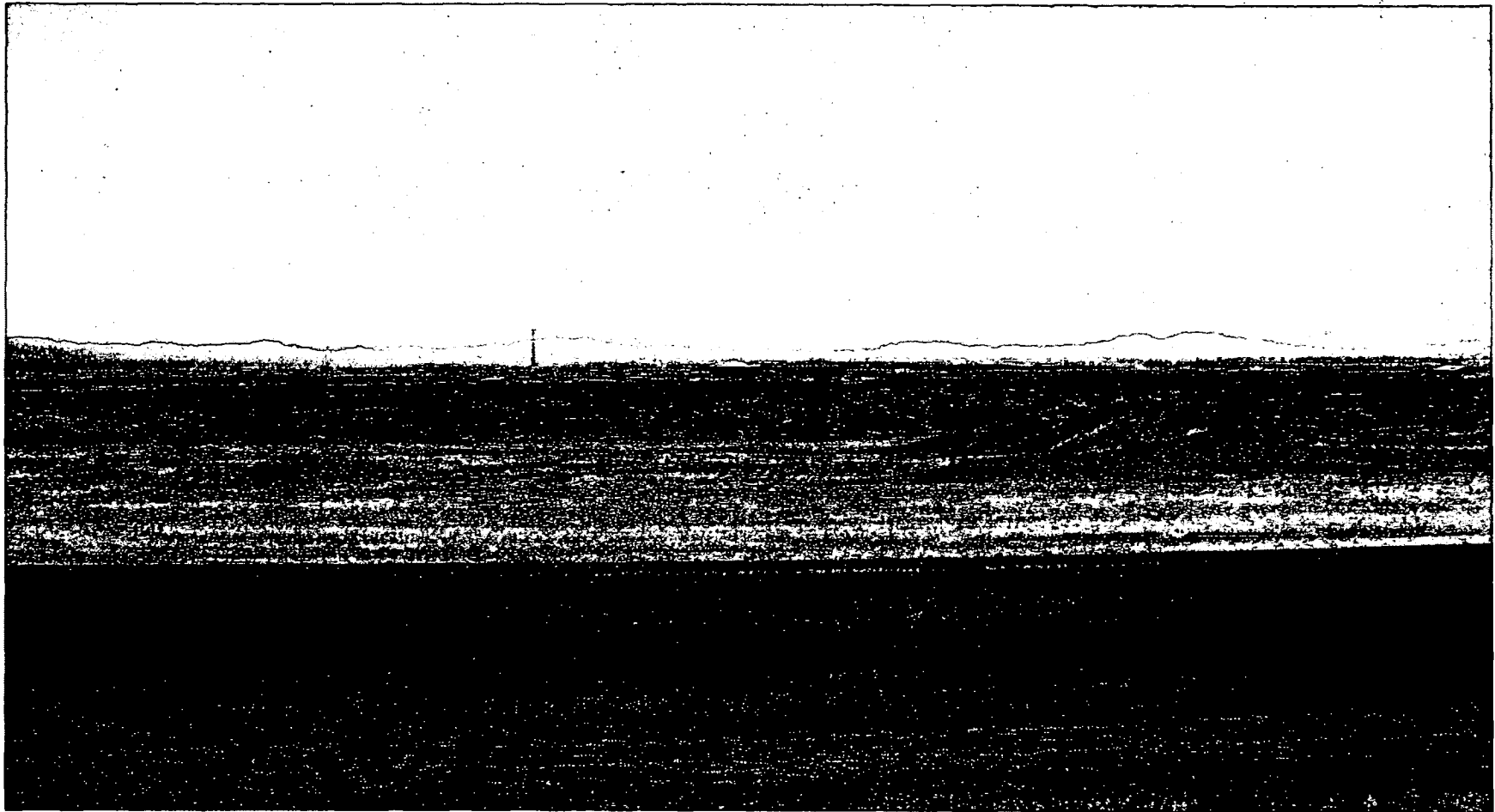
LANDSCAPE AREAS
 INCLUDING SIDEWALK
 NOT COUNTING AS O.S.

STREETS

S-I-G
SLATER HANIFAN GROUP
CONSULTING ENGINEERS & PLANNERS
 5740 S. ARVILLE STREET #210, LAS VEGAS, NV 89118
 PHONE (702) 284-5300 FAX (702) 284-5399

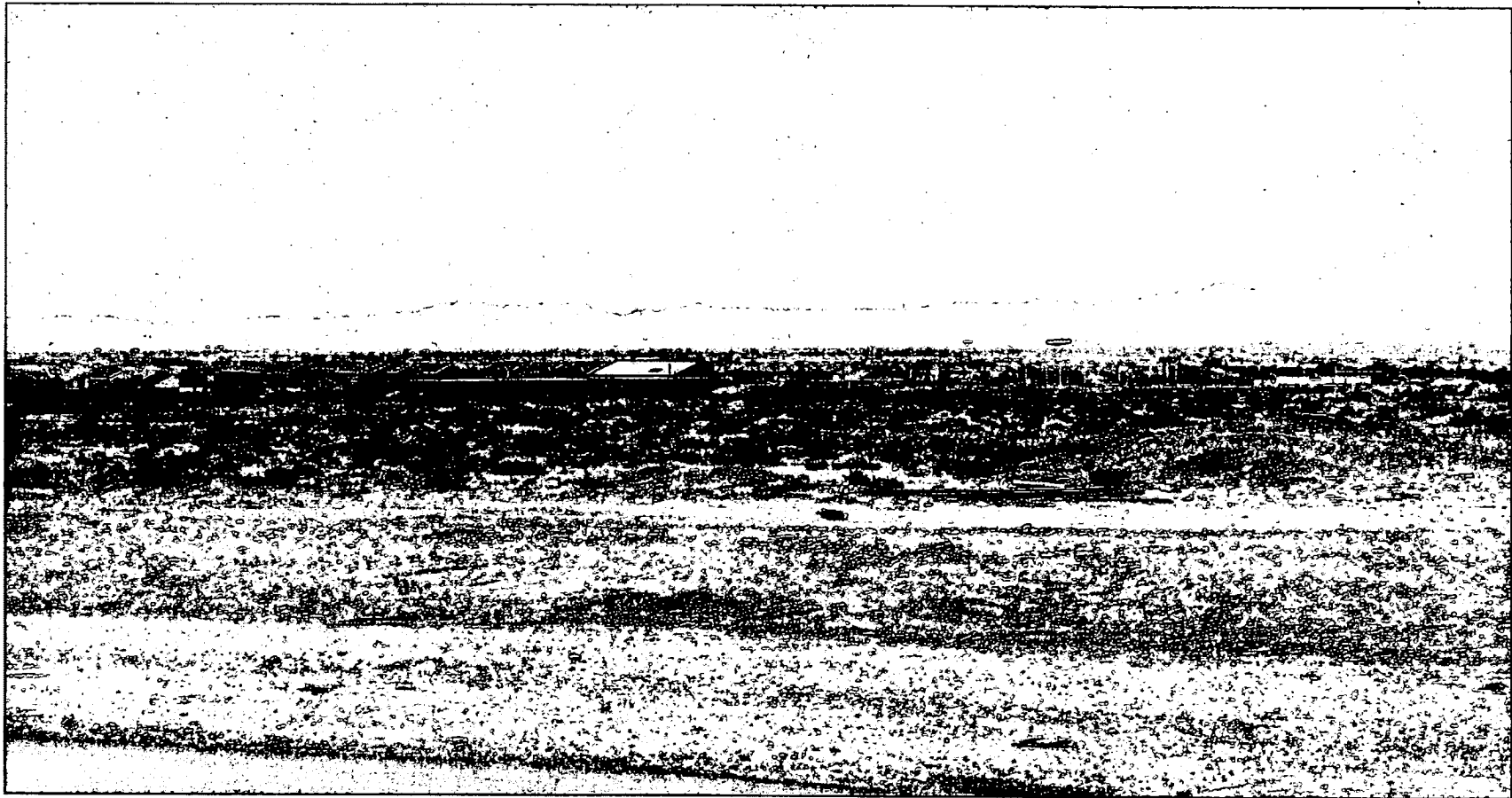
PARDEE HOMES OF NEVADA
TOWN CENTER L-TC 60/70 NO. 4
SITE DEVELOPMENT PLAN

DATE: 7/29/04	PROJECT NO. PAR0302-005
DRAFTER: JOP	
DESIGNER: JOP	
CHECKED: TJS	
	C-1
	SHEET 1 OF 2



VAR-4209 - APPLICANT/OWNER: PARDEE HOMES OF NEVADA
SOUTHEAST CORNER OF NORTH TEE PEE LANE AND SEVERENCE LANE
AUGUST 12, 2004 PLANNING COMMISSION

05/17/04



VAR-4209 - APPLICANT/OWNER: PARDEE HOMES OF NEVADA
SOUTHEAST CORNER OF NORTH TEE PEE LANE AND SEVERENCE LANE
AUGUST 12, 2004 PLANNING COMMISSION

05/17/04

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: SEPTEMBER 15, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☐

CONSENT

☒

DISCUSSION

SUBJECT:

SPECIAL USE PERMIT RELATED TO ZON-4208 AND VAR-4209 - PUBLIC HEARING - SUP-4210 - **APPLICANT/OWNER: PARDEE HOMES OF NEVADA** - Request for a Special Use Permit TO ALLOW A GATED COMMUNITY WITH PRIVATE STREETS 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, 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:

Planning Commission Mtg.
City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

RECOMMENDATION:

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

Planning and Development

1. Conformance to all Minimum Requirements under Title 19.04.050 for a Private Street.
2. Approval of and conformance to the Conditions of Approval for Rezoning (ZON-4208), Variance (VAR-4209), Vacation (VAC-4212), and Site Development Plan Review [SDR-4214].
3. This Special Use Permit shall expire two years from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.

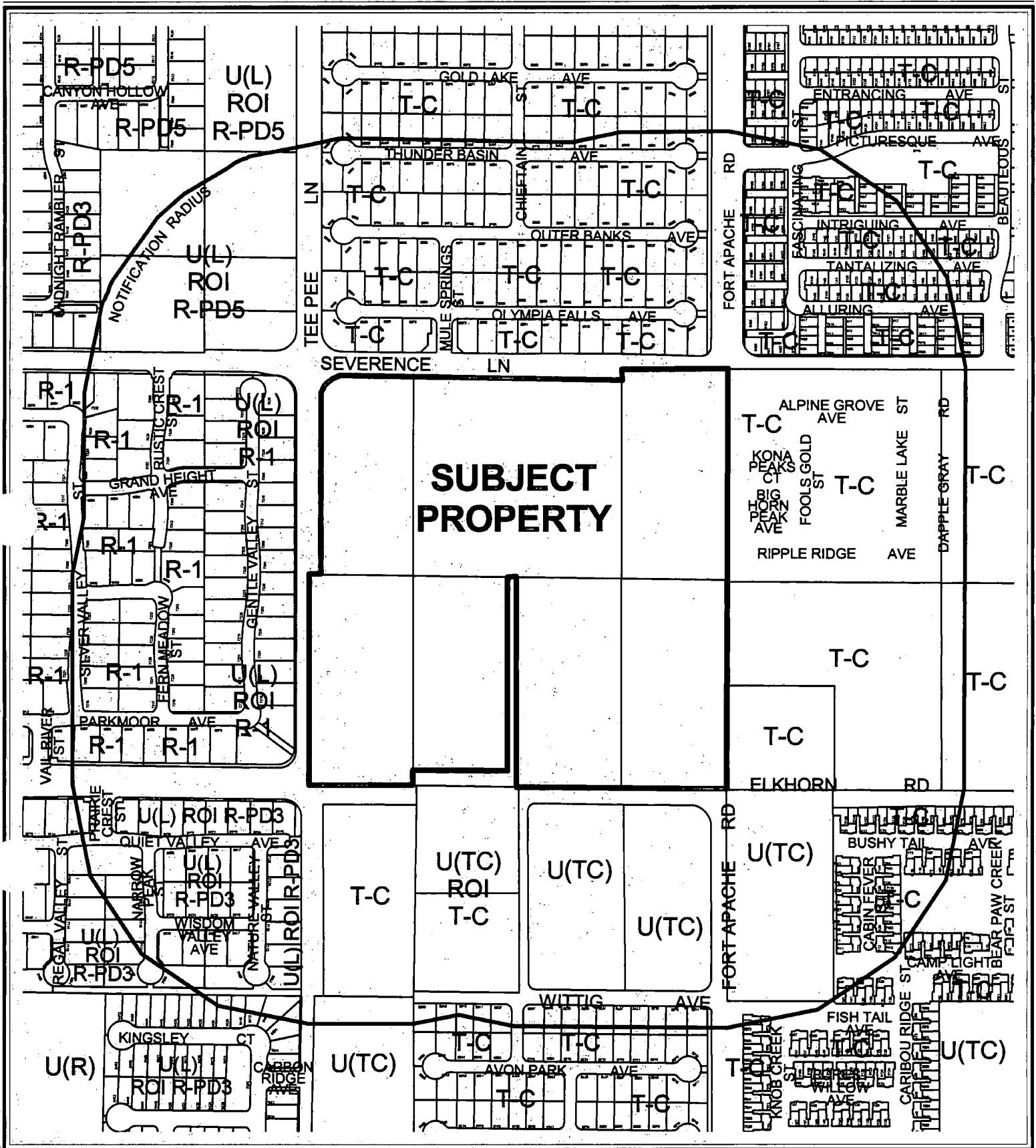
CITY COUNCIL MEETING OF SEPTEMBER 15, 2004
Planning and Development Department
Item 159 – SUP-4210

CONDITIONS – Continued:

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

Public Works

5. Gated entry drives shall be designed, located and constructed in accordance with Standard Drawing #222A.
6. 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.
7. Private streets shall be public utility easements (P.U.E.), City of Las Vegas sewer easements and public drainage easements to be privately maintained by the Homeowner's Association.
8. 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.
9. Site development to comply with all applicable conditions of approval for Zoning Reclassification ZON-4208 and all other subsequent site-related actions.



CASE: SUP-4210

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)

0 300 600 Feet



159



AGENDA MEMO

CITY COUNCIL MEETING DATE: SEPTEMBER 15, 2004
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: SUP-4210 - APPLICANT/OWNER: PARDEE HOMES OF NEVADA

**** CONDITIONS ****

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

Planning and Development

1. Conformance to all Minimum Requirements under Title 19.04.050 for a Private Street.
2. Approval of and conformance to the Conditions of Approval for Rezoning (ZON-4208), Variance (VAR-4209), Vacation (VAC-4212), and Site Development Plan Review [SDR-4214].
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8. 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.
9. Site development to comply with all applicable conditions of approval for Zoning Reclassification ZON-4208 and all other subsequent site-related actions.

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

This is a request for a Special Use Permit to allow a gated community with private streets, as required by Town Center standards, on approximately 38.66 acres located at the southeast corner of Tee Pee Lane and Severence Lane.

B) Applicant's Justification

The applicant has justified this request by stating that it is the expectation of the buyers of the higher-end product that will be built on this site to have a gated environment. The location of this site on the edge of the Town Center area means that through traffic will be of a lower volume, and will therefore be minimally affected by the gating of the proposed development. Pedestrian access to and through the community will be maintained a several access points around the site.

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.
- 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 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 #44).

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 Special Use Permit 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. Section E.G of the Manual discourages the development of gated communities within Town Center, and requires the consideration of such development through the Special Use Permit process and subject to specified conditions. The application and companion site plan complies with these requirements, including the provision of two gated entrances to the proposed development.

<i>SPECIAL DISTRICTS/ZONES</i>	Yes	No
Special Area Plan	X	
<i>Town Center</i>	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

INTERAGENCY ISSUES

Pursuant to Ordinance No. 5477, the proposed project is not a "Project of Regional Significance" by virtue of the fact that it, as a Special Use Permit request, lies beyond 500 feet from the boundaries of the nearest Clark County/City of North Las Vegas lands.

ANALYSIS

A) Zoning Code Compliance

There are no Zoning Code compliance issues that are pertinent to this request, other than the provisions of Section 19.04.050 and the Town Center Development Standards Manual. Compliance with these regulations is discussed below.

B) General Analysis and Discussion

- **Zoning**

A portion of the site is currently zoned T-C (Town Center) and the remainder of the site will be rezoned to T-C (Town Center) through the approval of a companion Rezoning request (ZON-4208). Private streets for a residential subdivision are allowed within the T-C (Town Center) zoning district with the approval of a Special Use Permit by City Council, subject to certain criteria, as listed below.

- **Use**

Subchapter 19.04.050 of the Las Vegas Zoning Code states that the Planning Commission may deny the creation of any other private street if, in the Commission's judgment, the private street would have any of the following effects:

- a. Negatively affect traffic circulation on public streets;
- b. Impair access to property either on-site or off-site to the subdivision;
- c. Impair access to or from public facilities including schools, parks and libraries; or
- d. Delay the response time of emergency vehicles.

The proposed private streets to be developed using 37-foot street-sections will not negatively affect access to the subdivision. These streets meet the minimum standards of Title 18 for private street width.

It does not appear in this case that the proposed use of private streets will impair access to or from public facilities, nor delay the response time of emergency vehicles.

- Conditions

Section E.G of the Town Center Development Standards Manual stipulates three conditions of approval for gated communities with private streets:

- a. Abutting public street stubs from previously approved adjacent developments shall be terminated in a cul-de-sac or shall be extended to connect to another public street;
- b. Gated communities not taking access directly off an arterial roadway shall have a minimum of two active gated entrances. Additional gated entrances may be required to disperse the traffic throughout the street network; and
- c. Consideration must be given to previously approved grading plans and drainage studies to assure minimum impact to existing and future developments.

The proposed development appears to conform to all the above conditions.

FINDINGS

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

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

The proposed utilization of 37-foot wide private streets will not negatively affect access to the subdivision. The use of private streets will not impair access to or from public facilities, nor delay the response time of emergency vehicles. The use of private gated streets will not conflict with the policies of the General Plan, and will compatible with other surrounding uses.

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

The companion Site Development Plan Review (SDR-4214) proposes 168 units on the site, for an overall density of 4.35 units per acre. This density is appropriate for this area, and the use of private streets in conjunction with this relatively low level of density should have little if any impact on parking and traffic circulation within or adjacent to the development.

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

The applicant is proposing two active gated entrances to the internal 37-foot private street network. The proposed street widths are appropriate to handle traffic flows in and out of the community and conform to the Las Vegas Subdivision Ordinance (Title 18).

The access points will be via Severence Lane, a Town Center (80-foot) Residential Collector to the north, and via Elkhorn Road, a Town Center Primary (100-foot) Arterial, to the south. These facilities will provide adequate access to the site.

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

The proposed private streets will be subject to inspections for compliance to Title 18 (Subdivision Ordinance) requirements and to City design standards and therefore will not compromise the public health, safety and welfare. The subject of this Special Use Permit (private streets) is not directly referenced in the General Plan, and this application is therefore not inconsistent with the overall objectives of the General Plan.

NOTICES MAILED 121 by City Clerk

APPROVALS 0

PROTESTS 0

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



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REVISED
8.4.04

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.
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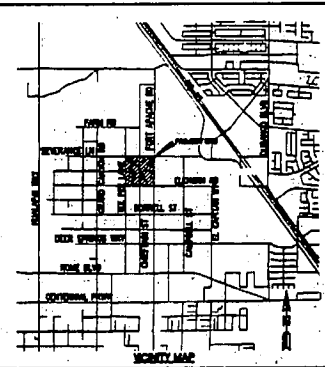
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MINIMUM SETBACKS

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REAR	10'	TO BALCONIES
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LEGEND

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



LAND USE

EXISTING ZONING	U-TC, TC
PROPOSED ZONING	L-TC (LOW RESIDENTIAL)
GROSS ACREAGE	40.56 AC.
NUMBERED LOTS	168
DENSITY	4.14 DU/AC
MIN. LOT SIZE	80' x 105' / 75' x 105'
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REQUIRED OPEN SPACE	2.74 AC (120,000 SQ FT)

ESTIMATED AVERAGE DAILY SEWER CONTRIBUTIONS

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 TOTAL PEAK FLOW = 0.04300 MGD x 2.5 (PEAK FACTOR) = 0.107500 MGD

DESIGN CRITERIA

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- SEWER MAINS SHALL BE 24" UNLESS OTHERWISE NOTED.
- ALL LOT RADIUS ARE 20 FEET UNLESS OTHERWISE NOTED.
- ALL PROPOSED WATER AND SEWER MAINS ARE TO BE 8" IN DIAMETER UNLESS NOTIFIED OTHERWISE.

S-I-G **SLATER HANIFAN GROUP**
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PARDEE HOMES OF NEVADA
TOWN CENTER L-TC 60/70 NO. 4
SITE DEVELOPMENT PLAN

DATE: 7/29/04	PROJECT NO. PAR0302-005
DRAFTER: JDP	
DESIGNER: JDP	
CHECKED: TJS	
	C-1
	SHEET 1 OF 2



SUP-4210 - APPLICANT/OWNER: PARDEE HOMES OF NEVADA
SOUTHEAST CORNER OF NORTH TEE PEE LANE AND SEVERENCE LANE
AUGUST 12, 2004 PLANNING COMMISSION

05/17/04



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SOUTHEAST CORNER OF NORTH TEE PEE LANE AND SEVERENCE LANE
AUGUST 12, 2004 PLANNING COMMISSION

05/17/04