

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: SEPTEMBER 15, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☐

CONSENT

☒

DISCUSSION

SUBJECT:

VACATION - PUBLIC HEARING - VAC-4710 - APPLICANT/OWNER: BACK AAG, LIMITED LIABILITY COMPANY - Petition to Vacate a portion of a twenty-foot (20') wide public sewer easement generally located south of Rancho Drive, east of Decatur Boulevard, 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

MINUTES:

MAYOR GOODMAN declared the Public Hearing open on Item 121 [VAC-4710] and Item 122 [VAC-4711].

SAM DUNNAM, 3471 West Oquendo Road, Suite #101, appeared on behalf of the applicant and concurred with staff recommendations.

No one appeared in opposition.

MAYOR GOODMAN declared the Public Hearing closed on Item 121 [VAC-4710] and Item 122 [VAC-4711].

NOTE: All discussion for Item 121 [VAC-4710] and Item 122 [VAC-4711] was held under Item 121 [VAC-4710].

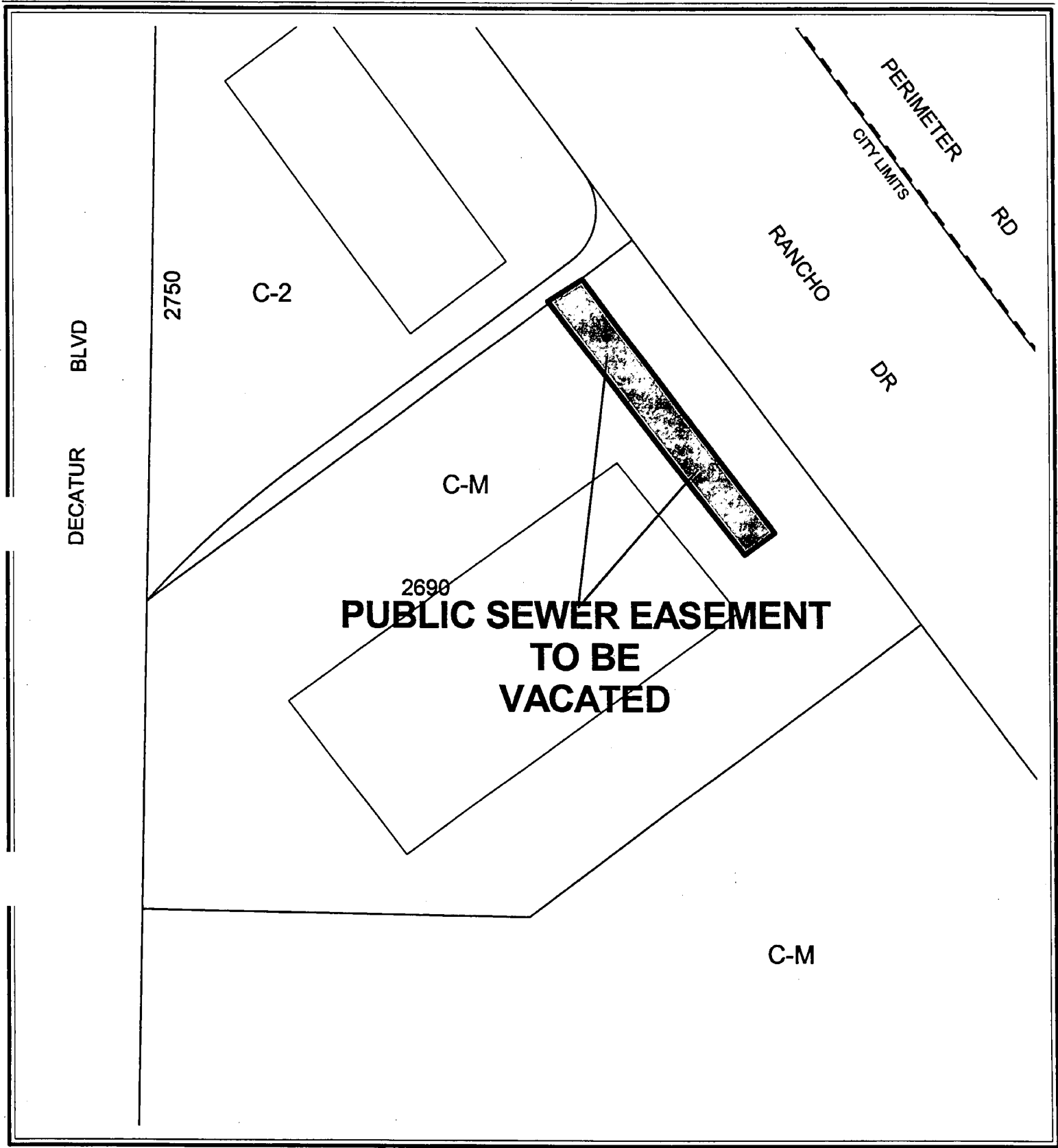
(4:02 – 4:03)

5-2772

CITY COUNCIL MEETING OF SEPTEMBER 15, 2004
Planning and Development Department
Item 121 – VAC-4710

CONDITIONS:

1. The boundaries of this Petition of Vacation shall be limited to a portion of the 20-foot wide public sewer easement per Right of Way Grant for Sewer Purposes, document no. 20030603:00538; all portions of the adjacent drainage easement shall be retained.
2. Prior to the recordation of an Order of Vacation all 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 Vacation.
3. All development shall be in conformance with code requirements and design standards of all City departments.
4. The Order of Vacation shall not be recorded until all of the conditions of approval have been met provided, however, conditions that require modifications to 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 being vacated must be retained.
5. 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.



CASE: VAC-4710



AGENDA MEMO

CITY COUNCIL MEETING DATE: SEPTEMBER 15, 2004

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: VAC-4710 - APPLICANT/OWNER: BACK AAG, LIMITED
LIABILITY COMPANY**

**** CONDITIONS ****

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

1. The boundaries of this Petition of Vacation shall be limited to a portion of the 20-foot wide public sewer easement per Right of Way Grant for Sewer Purposes, document no. 20030603:00538; all portions of the adjacent drainage easement shall be retained.
2. Prior to the recordation of an Order of Vacation all 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 Vacation.
3. All development shall be in conformance with code requirements and design standards of all City departments.
4. The Order of Vacation shall not be recorded until all of the conditions of approval have been met provided, however, conditions that require modifications to 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 being vacated must be retained.
5. 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.

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

This is a Petition to Vacate a portion of a 20-foot wide public sewer easement generally located south of Rancho Drive, east of Decatur Boulevard.

B) Applicant's Justification

The applicant justifies this application by stating that the public sewer easement is no longer necessary, as no sewer exists or is proposed for the site.

BACKGROUND INFORMATION

A) Actions

- 02/19/03 The City Council approved a General Plan Amendment (GPA-1400) from GC (General Commercial) to LI/R (Light Industry/Research); a Rezoning (ZON-1401) from C-2 (General Commercial) to C-M (Commercial/Industrial); and a Site Development Plan Review (SDR-1404) and Modification to the planting scheme along the Rancho Drive frontage for a proposed commercial/industrial development consisting of an 18,500 square foot office building on 1.85 acres adjacent to the west side of Rancho Drive, approximately 320 feet south of the Decatur Boulevard intersection and a 166,900 square foot commercial/industrial development on 12.6 acres adjacent to the northeast corner of Decatur Boulevard and Smoke Ranch Road. The Planning Commission and staff recommended denial of GPA-1400; the Planning Commission recommended approval and staff recommended denial of ZON-1401 and SDR-1404.
- 06/24/04 The Planning Commission approved a request for a Master Sign Plan (MSP-4388) for the approved commercial/industrial development adjacent to the northeast corner of Decatur Boulevard and Smoke Ranch Road. Staff recommended approval.
- 08/12/04 The Planning Commission will consider a Petition to Vacate a 20-foot wide temporary construction easement generally located south of Rancho Drive, east of Decatur Boulevard.
- 08/12/04 The Planning Commission voted 5-0 to recommend APPROVAL (PC Agenda Item #20)

DETAILS OF APPLICATION REQUEST

The subject Vacation proposes to vacate a portion of a public sewer easement, twenty feet (20') wide; said property being a portion of the Northwest Quarter (NW ¼) of the Southwest Quarter (SW ¼) of Section 18, Township 20 South, Range 61 East, M.D.M.

ANALYSIS

A) Planning discussion

The applicant intends to incorporate the public sewer easement into the existing parcel for development. The adjacent public drainage easement will remain. The request for vacation is appropriate, as the public sewer easement is not needed.

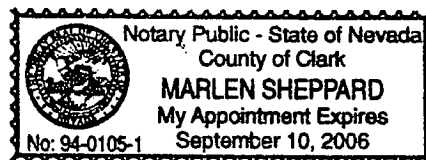
B) Public Works discussion

The Department of Public Works notes that this Vacation application proposes to only vacate a City of Las Vegas public sewer easement. As no right-of-way is proposed to be vacated, and thus no franchise rights are involved, it is not necessary to send this request to the utility companies and franchise holders, nor wait for their responses. Since only City easements are involved, any utility company interests will not be affected.

NOTICES MAILED 3 by City Clerk

APPROVALS 0

PROTESTS 0



AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: SEPTEMBER 15, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

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CONSENT

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DISCUSSION

SUBJECT:

VACATION - PUBLIC HEARING - VAC-4711 - APPLICANT/OWNER: BACK AAG, LIMITED LIABILITY COMPANY, ET AL - Petition to Vacate a twenty-foot (20') wide construction easement generally located south of Rancho Drive, east of Decatur Boulevard, 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

MINUTES:

NOTE: See Item 121 [VAC-4710] for all related discussion.

(4:02 – 4:03)

5-2772

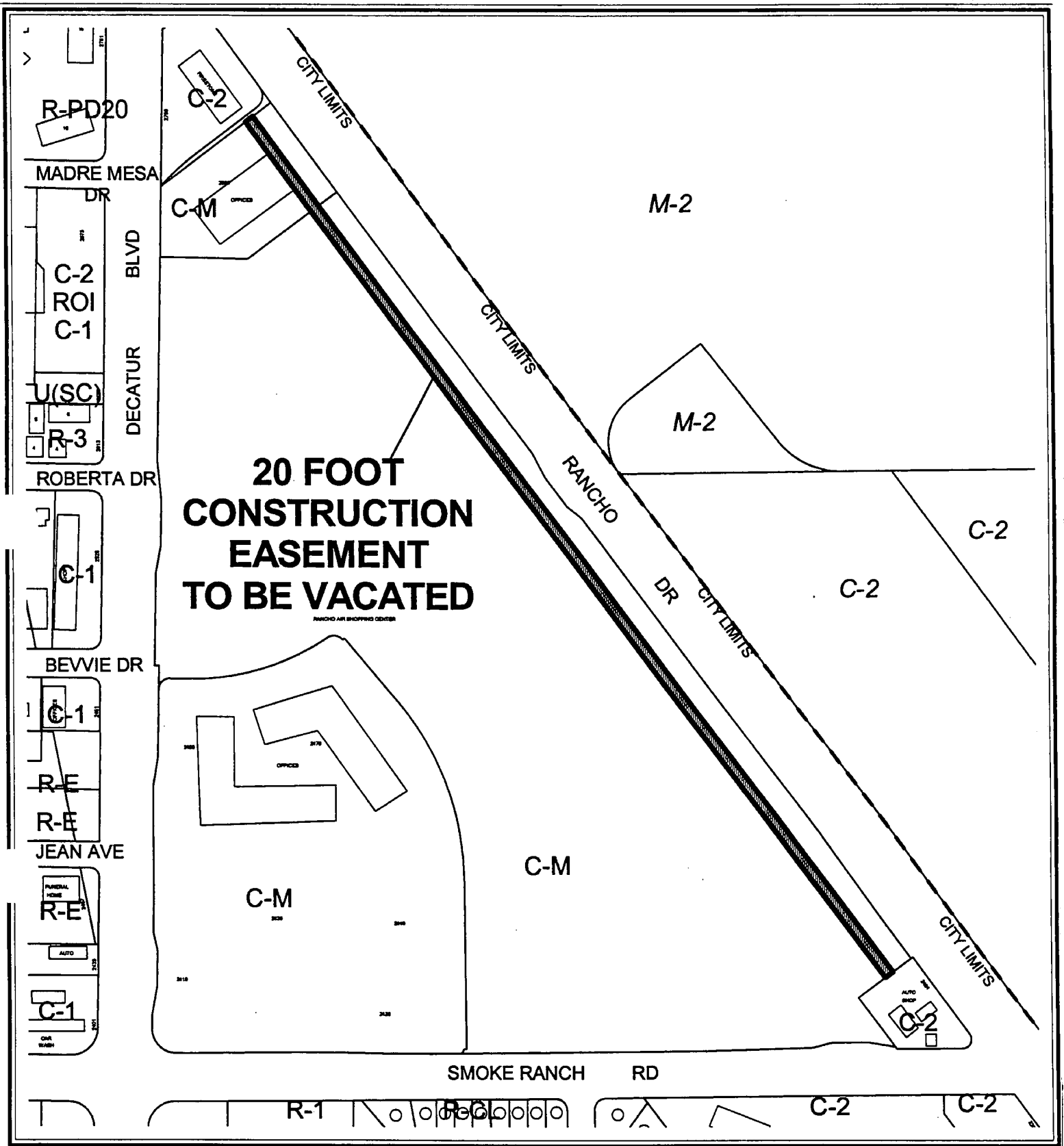
CONDITIONS:

1. The boundaries of this Petition of Vacation shall be limited to the 20-foot wide temporary construction easement as shown on the exhibit of the recorded Right of Way Grant for Drainage Purposes, document no. 20001201.01585; all portions of the adjacent drainage easement shall be retained.
2. Prior to the recordation of an Order of Vacation all 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 Vacation.
3. All development shall be in conformance with code requirements and design standards of all City Departments.

CITY COUNCIL MEETING OF SEPTEMBER 15, 2004
Planning and Development Department
Item 122 – VAC-4711

CONDITIONS – Continued:

4. The Order of Vacation shall not be recorded until all of the conditions of approval have been met provided, however, conditions that require modifications to 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 being vacated must be retained.
5. 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.



0 200 400 Feet

CASE: VAC-4711

AGENDA MEMO

CITY COUNCIL MEETING DATE: SEPTEMBER 15, 2004

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: VAC-4711 - APPLICANT/OWNER: BACK AAG, LIMITED
LIABILITY COMPANY, ET AL**

**** CONDITIONS ****

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

1. The boundaries of this Petition of Vacation shall be limited to the 20-foot wide temporary construction easement as shown on the exhibit of the recorded Right of Way Grant for Drainage Purposes, document no. 20001201.01585; all portions of the adjacent drainage easement shall be retained.
2. Prior to the recordation of an Order of Vacation all 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 Vacation.
3. All development shall be in conformance with code requirements and design standards of all City Departments.
4. The Order of Vacation shall not be recorded until all of the conditions of approval have been met provided, however, conditions that require modifications to 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 being vacated must be retained.
5. 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.

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

This is a Petition to Vacate a 20-foot wide temporary construction easement generally located south of Rancho Drive, east of Decatur Boulevard.

B) Applicant's Justification

The applicant justifies this application by stating that the temporary construction easement is no longer necessary, as the installation of storm sewers on the site has been completed.

BACKGROUND INFORMATION

A) Actions

- 02/19/03 The City Council approved a General Plan Amendment (GPA-1400) from GC (General Commercial) to LI/R (Light Industry/Research); a Rezoning (ZON-1401) from C-2 (General Commercial) to C-M (Commercial/Industrial); and a Site Development Plan Review (SDR-1404) and Modification to the planting scheme along the Rancho Drive frontage for a proposed commercial/industrial development consisting of an 18,500 square foot office building on 1.85 acres adjacent to the west side of Rancho Drive, approximately 320 feet south of the Decatur Boulevard intersection and a 166,900 square foot commercial/industrial development on 12.6 acres adjacent to the northeast corner of Decatur Boulevard and Smoke Ranch Road. The Planning Commission and staff recommended denial of GPA-1400; the Planning Commission recommended approval and staff recommended denial of ZON-1401 and SDR-1404.
- 06/24/04 The Planning Commission approved a request for a Master Sign Plan (MSP-4388) for the approved commercial/industrial development adjacent to the northeast corner of Decatur Boulevard and Smoke Ranch Road. Staff recommended approval.
- 08/12/04 The Planning Commission will consider a Petition to Vacate a portion of a 20-foot wide public sewer easement generally located south of Rancho Drive, east of Decatur Boulevard.
- 08/12/04 The Planning Commission voted 5-0 to recommend APPROVAL (PC Agenda Item #21/SS)

DETAILS OF APPLICATION REQUEST

The subject Vacation proposes to vacate a temporary construction easement, twenty feet (20') wide; said property being a portion of the Southwest Quarter (SW ¼) of Section 18, Township 20 South, Range 61 East, M.D.M.

ANALYSIS

A) Planning discussion

The applicant intends to incorporate the temporary construction easement into the existing parcel for development. The adjacent public drainage easement will remain on the property. The request for vacation is appropriate, as storm drain facilities for the site have been completed and the easement is now no longer necessary. It is noted that the temporary construction easement was recorded on the drainage right-of-way as "exhibit" only. It was not recorded as a separate document with a legal description.

B) Public Works discussion

This Vacation application proposes to only vacate a Temporary Construction Easement. As no right-of-way is proposed to be vacated, and thus no franchise rights are involved, it is not necessary to send this request to the utility companies and franchise holders, nor wait for their responses. Since only City easements are involved, any utility company interests will not be affected.

NOTICES MAILED 7 by City Clerk

APPROVALS 0

PROTESTS 0

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: VAC-4711 APN: 139-18-410-004

Name of Property Owner: Rancho Air Center Inc.

Name of Applicant: Andy Gruber

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

Yes

X No

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

City Official: _____

Partner(s): _____

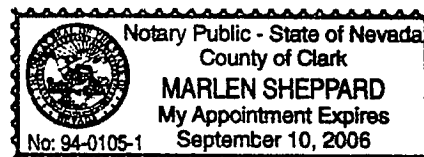
APN: _____

Signature of Property Owner/Authorized Agent: [Signature]

Subscribed and sworn before me

This 24th day of June, 2004

Marken Sheppard.
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

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DISCUSSION

SUBJECT:

VACATION - PUBLIC HEARING - VAC-4722 - APPLICANT/OWNER: PULTE HOMES - Petition to Vacate public sewer and drainage easements generally located east of Buffalo Drive, south of Iron Mountain Road, Ward 6 (Mack). The Planning Commission (4-0-1 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 (4-0-1 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

MINUTES:

MAYOR GOODMAN declared the Public Hearing open.

TERI LIVENGOD, Stantec Consulting, 7251 West Charleston Boulevard, appeared on behalf of the applicant and concurred with all conditions.

No one appeared in opposition.

MAYOR GOODMAN declared the Public Hearing closed.

(4:03 - 4:04)

5-2840

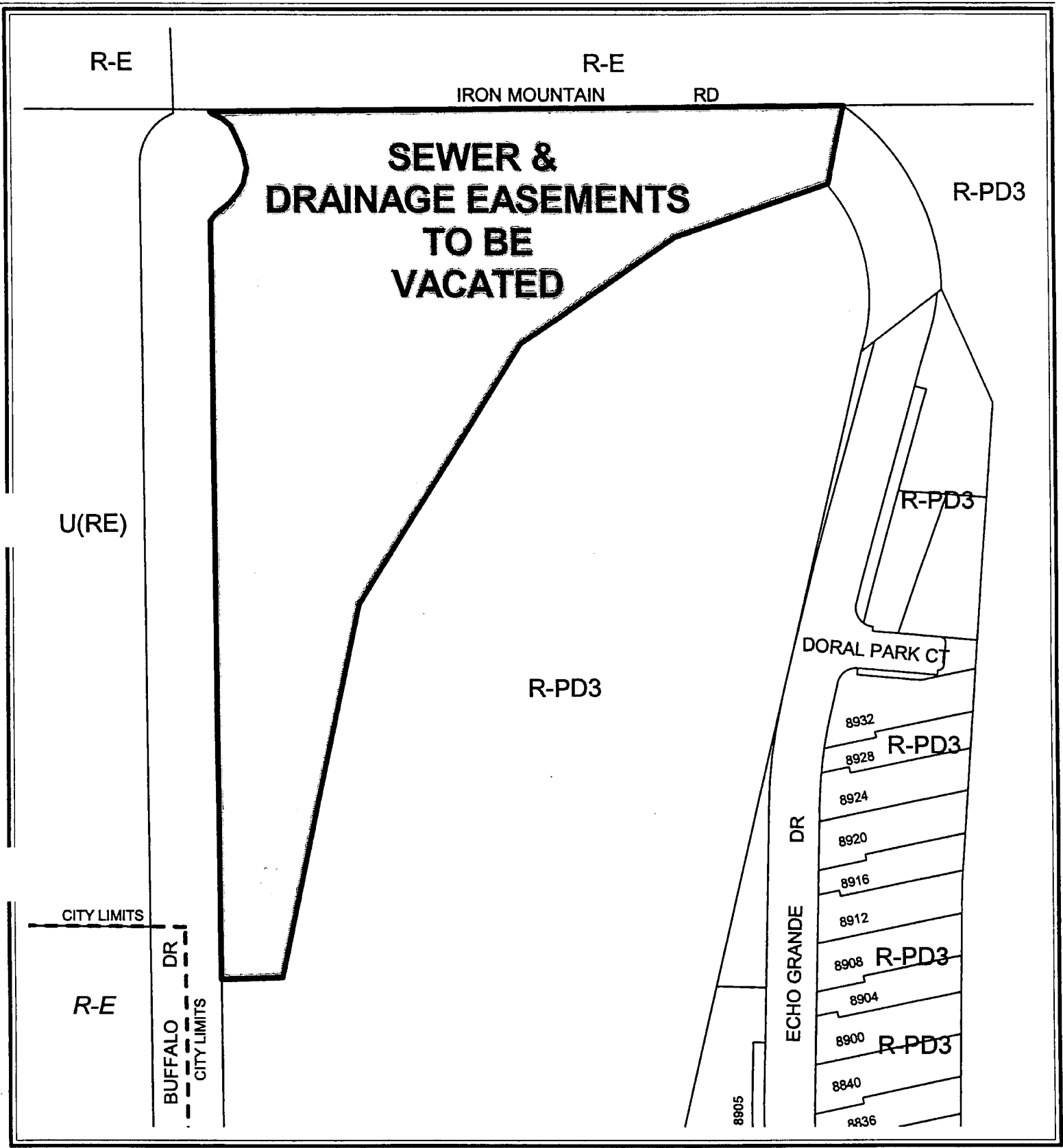
CONDITIONS:

1. The Order of Vacation shall record concurrently with the Final Map for the Silverstone Ranch Parcel 17 subdivision to provide alternative sewer and drainage easements acceptable to the Department of Public Works.

CITY COUNCIL MEETING OF SEPTEMBER 15, 2004
Planning and Development Department
Item 123 – VAC-4722

CONDITIONS – Continued:

2. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the recordation of the Order of Vacation. Appropriate drainage easements shall be reserved if recommended by the approved Drainage Plan/Study. The Drainage Study required for TMP-4601 may be used to satisfy this requirement, provided that the area requested for vacation is addressed within the study.
3. Prior to the recordation of an Order of Vacation all 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 Vacation.
4. All development shall be in conformance with code requirements and design standards of all City Departments.
5. The Order of Vacation shall not be recorded until all of the conditions of approval have been met provided, however, conditions that require modifications to 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 being vacated must be retained.
6. 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.



CASE: VAC-4722



AGENDA MEMO

CITY COUNCIL MEETING DATE: SEPTEMBER 15, 2004
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: VAC-4722 - APPLICANT/OWNER: PULTE HOMES

**** CONDITIONS ****

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

1. The Order of Vacation shall record concurrently with the Final Map for the Silverstone Ranch Parcel 17 subdivision to provide alternative sewer and drainage easements acceptable to the Department of Public Works.
2. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the recordation of the Order of Vacation. Appropriate drainage easements shall be reserved if recommended by the approved Drainage Plan/Study. The Drainage Study required for TMP-4601 may be used to satisfy this requirement, provided that the area requested for vacation is addressed within the study.
3. Prior to the recordation of an Order of Vacation all 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 Vacation.
4. All development shall be in conformance with code requirements and design standards of all City Departments.
5. The Order of Vacation shall not be recorded until all of the conditions of approval have been met provided, however, conditions that require modifications to 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 being vacated must be retained.
6. 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.

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

This request is for approval to Vacate public sewer and drainage easements generally located east of Buffalo Drive and south of Iron Mountain Road.

B) Applicant's Justification

The applicant's justification letter states that a tentative map of the area within which the public sewer and drainage easements are located is due to be heard by the Planning Commission on 07/22/04. An acceptable, alternative drainage plan has been submitted which no longer requires the existing easements.

BACKGROUND INFORMATION

A) Previous Actions

- | | |
|----------|---|
| 10/02/91 | The City Council approved a Rezoning (Z-0075-91) to R-PD3 (Residential Planned Development – 3 Units Per Acre) on a portion of the property east of this request for what was then known as Mountain Spa. The Planning Commission and staff recommended approval on 09/12/91. |
| 11/14/91 | The City Council approved a Development Agreement (DA-0001-91) for the Mountain Spa Master Development Plan. |
| 07/01/92 | The City Council approved a Rezoning (Z-0036-92) to R-PD3 (Residential Planned Development – 3 Units Per Acre) on a portion of the property east of this request for what was then known as Mountain Spa. The Planning Commission recommended approval on 06/11/92. |
| 04/20/94 | The City Council approved a Petition to Vacate (VAC-0007-94) portions of the following dedicated public right-of-way: Buffalo Drive, Tioga Way, Pioneer Way, Tenaya Way, Desperado Street, Rio Vista Street, Iron Mountain Road, Brent Lane, Guy Avenue, Horse Drive, Teasha Avenue, Racel Street, and Ackerman Avenue. The Planning Commission and staff recommended approval. |

- 09/04/02 The City Council approved a Site Development Plan Review [Z-0075-01(13)] Review for a revised master development plan containing 1873 lots on 635.80 acres the property east of this request for what is now known as Silverstone Ranch. The Planning Commission and staff recommended approval on 08/08/02.
- 11/20/02 The City Council approved a Request for a modification to an existing development agreement (DIR-1133) to modify completion dates related to the completion for off-site improvements for Tenaya Way, Rainbow Boulevard and Coke Street.
- 10/23/03 The Planning Commission accepted the applicant's request to Withdraw Without Prejudice a Petition to Vacate (VAC-2946) the east half of Buffalo Drive, between Brent Lane and Iron Mountain Road. The staff recommended approval.
- 01/21/04 The City Council approved a Petition to Vacate (VAC-3307) the east half of Buffalo Drive between Brent Lane and Iron Mountain Road. The Planning Commission and staff recommended approval.
- 09/12/91 The City Council approved a Rezoning (Z-0075-91) to R-PD3 (Residential Planned Development). The Planning Commission and staff recommended approval on 9/12/91.
- 07/22/04 The Planning Commission approved a Tentative Map (TMP-4601) for a 23 lot multi-family subdivision.
- 08/12/04 The Planning Commission voted 4-0-1 to recommend APPROVAL (PC Agenda Item #22/DDS)

DETAILS OF APPLICATION REQUEST

The subject Vacation proposes to vacate public sewer and drainage easements located in the Northwest Quarter (NW¼) of the Northwest Quarter (NW¼) of Section 10, Township 19 South, Range 60 East, M.D.M.

ANALYSIS

A) Planning discussion

The applicant intends to vacate the existing public sewer and drainage easements because they are no longer needed. This will allow the unencumbered development of the site. This request is appropriate, as the subject grant is not needed.

B) Public Works discussion

This Vacation application proposes to only vacate public sewer and drainage easements. As no right-of-way is proposed to be vacated, and thus no franchise rights are involved, it is not necessary to send this VAC request to the utility companies and franchise holders, nor wait for their responses. Since only City easements are involved, any utility company interests will not be affected.

NOTICES MAILED 5 by City Clerk

APPROVALS 0

PROTESTS 0

B) Public Works discussion

This Vacation application proposes to only vacate public sewer and drainage easements. As no right-of-way is proposed to be vacated, and thus no franchise rights are involved, it is not necessary to send this VAC request to the utility companies and franchise holders, nor wait for their responses. Since only City easements are involved, any utility company interests will not be affected.

NOTICES MAILED 5 by City Clerk

APPROVALS 0

PROTESTS 0



PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: VAC-4722 APN: 125-10-110-015

Name of Property Owner: PN II, Inc. db/a Puente Homes

Name of Applicant: Puente 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): _____

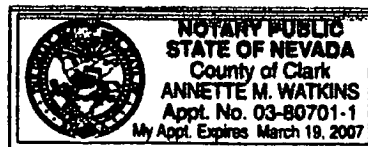
APN: _____

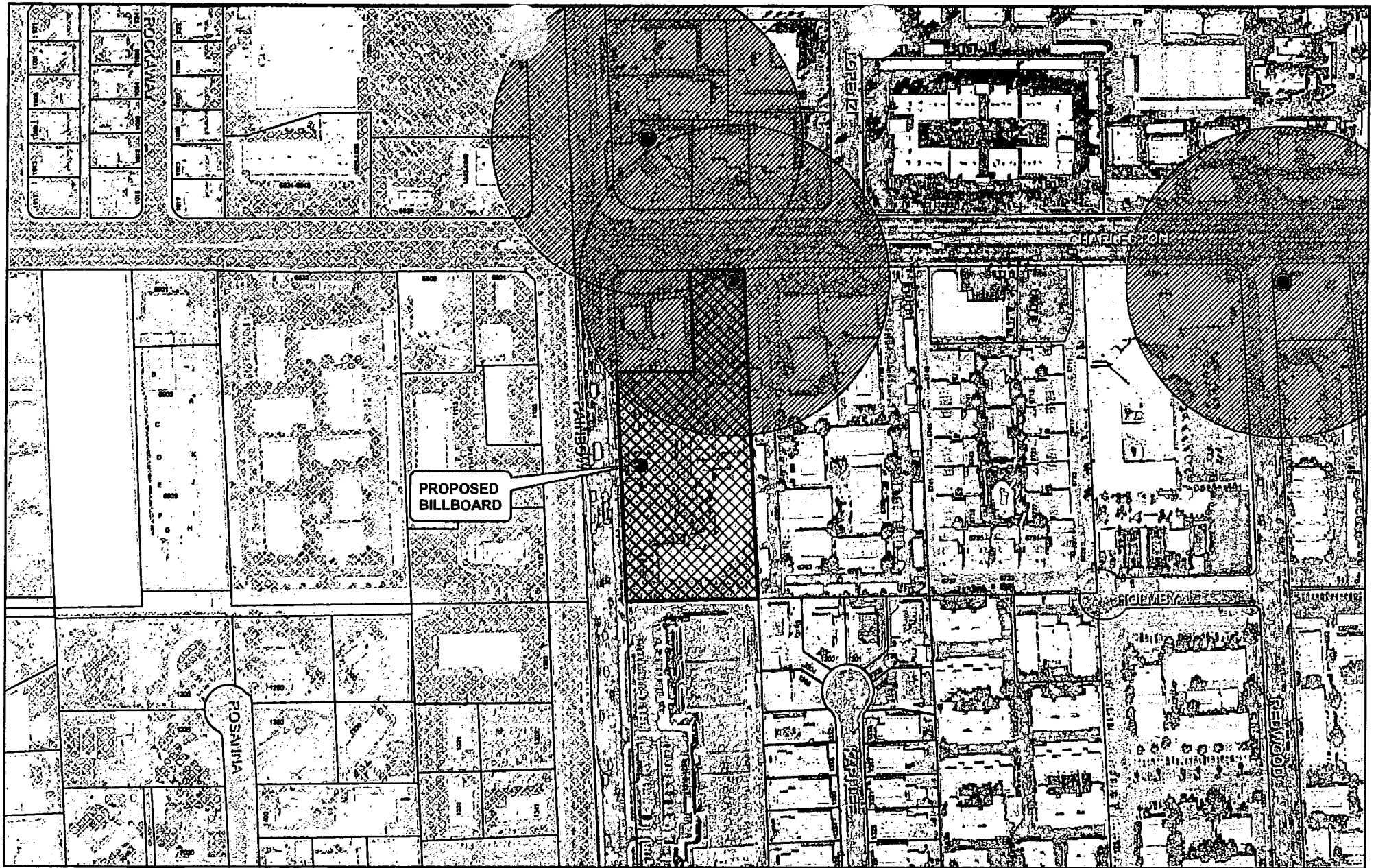
Signature of Property Owner/Authorized Agent: _____

Print Name: Jeremy Fritz

Subscribed and sworn before me

This 11 day of June, 2004
Annette M. Watkins
Notary Public in and for said County and State





SUP-2848

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

SPECIAL CITY COUNCIL MEETING DATE: SEPTEMBER 15, 2004
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: ABEYANCE ITEM - SUP-2848 - REAGAN NATIONAL
ADVERTISING ON BEHALF OF C O G III, LIMITED

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

**** CONDITIONS ****

The Planning Commission (6-0 vote) and staff recommend DENIAL. If Approved, subject to:

Planning and Development

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

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

This is an Appeal filed by Singer & Brown from the Denial by the Planning Commission of a request for approval of a Special Use Permit to allow a proposed 40-foot tall, 14-foot by 48-foot Off-Premises Advertising (Billboard) Sign at 1110 South Rainbow Boulevard.

B) Applicant's Justification

The applicant's justification letter indicates the Off-Premises Advertising (Billboard) Sign will be oriented towards the north and south bound traffic on Rainbow Boulevard.

BACKGROUND INFORMATION

A) Previous Actions

- 11/05/86 The City Council approved a request for a Rezoning (Z-0074-86) to C-1 (Limited Commercial) on this site. The Planning Commission recommended approval on October 9, 1986.
- 02/23/95 The Planning Commission approved a Plot Plan and Building Elevation Review [Z-0074-86(1)] for a retail/commercial center on the subject site.
- 12/04/02 The City Council Approved a Special Use Permit (SUP-1005) for a proposed Pawn Shop on the subject site. The Planning Commission recommended Approval.
- 09/11/03 The Planning Commission voted 6-0 to recommend DENIAL (PC Agenda Item #32).
- 10/01/03 The City Council approved a request for a Special Use Permit (SUP-2758) to allow a proposed 40-foot tall, 14-foot by 48-foot off-premises advertising (billboard) sign on the north portion of this site adjacent to Charleston Boulevard. The Planning Commission recommended denial on August 28, 2003.
- 01/21/04 The City Council voted to table this item.

B) Pre-Application Meeting

- 07/18/03 The applicant was advised to add the scale to the site plan and provided a signed notarized application from the property owner.

C) Neighborhood Meetings

A neighborhood meeting is not required for a Special Use Permit application, nor was one held for this request.

DETAILS OF APPLICATION REQUEST

A) Site Area

Net Acres: 3.03

B) Existing Land Use

Subject Property: Commercial Retail Center
North: Commercial Retail Center
South: Commercial Retail Center
East: Offices
West: Commercial Retail Center

C) Planned Land Use

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

D) Existing Zoning

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

E) General Plan Compliance

This site is designated as SC (Service Commercial) on the Southwest Sector Map of the General Plan. The existing C-1 (Limited Commercial) zoning is compatible with this land use district and allows for light commercial and retail uses. The proposed Off-Premise Advertising (Billboard) Sign is allowed in this zoning district with the approval of a Special Use Permit.

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

This site is not affected by any special area plans or districts.

ANALYSIS

A) *Zoning Code Compliance*

A1) Parking and Traffic Standards

The proposed Off-Premise Advertising (Billboard) Sign will not generate a requirement for additional parking on this site.

A2) Minimum Distance Separation Requirements

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

Standards	Required	Requested	Compliance
Minimum distance separation from "R" zoned property and any other off-premises advertising (billboard) sign	300 Feet	No other Off-Premises Advertising (Billboard) Signs or residential properties are within 300 feet of this proposal	N

This proposed Off-Premise Advertising (Billboard) Sign is located approximately 390 feet from the Off-Premise Advertising (Billboard) Sign on the north portion of this site, adjacent to Charleston Boulevard proposed by Special Use Permit Application SUP-2758; it therefore complies nominally with Zoning Code standards.

B) *General Analysis and Discussion*

- Zoning

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

- Use

Title 19 establishes the criteria for the approval of Off-Premises Advertising (Billboard) Signs within the City. Title 19.14.100 limits the overall height of an Off-Premises Advertising Sign to 40 feet. The Code also requires Off-Premises Advertising (Billboard) Signs to be a minimum of 300 feet from residentially zoned properties and 300 feet from other off-premises signs. The proposed sign meets these Code requirements with regards to distance separation. However, due to existing signage on the site and the proposed Off-Premises Advertising (Billboard) sign along Charleston Boulevard, this proposed billboard would add to the visual clutter along Rainbow Boulevard and is not appropriate at this location. Therefore, this use cannot be conducted in a manner that is harmonious and compatible with the surrounding development.

FINDINGS

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

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

Although this proposed use is allowed in the SC (Service Commercial) General Plan designation and in the C-1 (Limited Commercial) zoning district, existing on-premise signage is already located along this segment of Rainbow Boulevard and another billboard is proposed along Charleston 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 Rainbow 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.

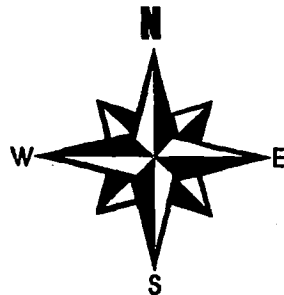
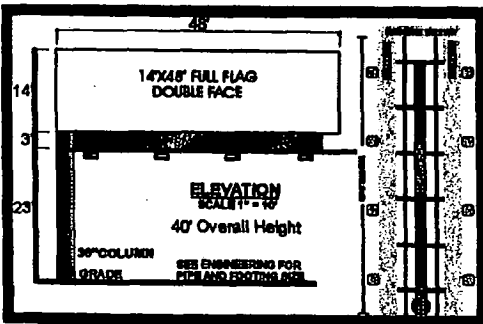
4. **“Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.”**

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.

NOTICES MAILED 297 by Planning Department

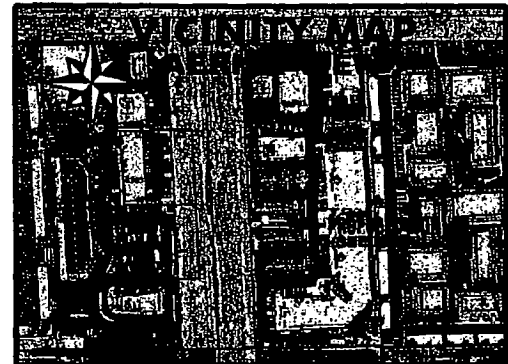
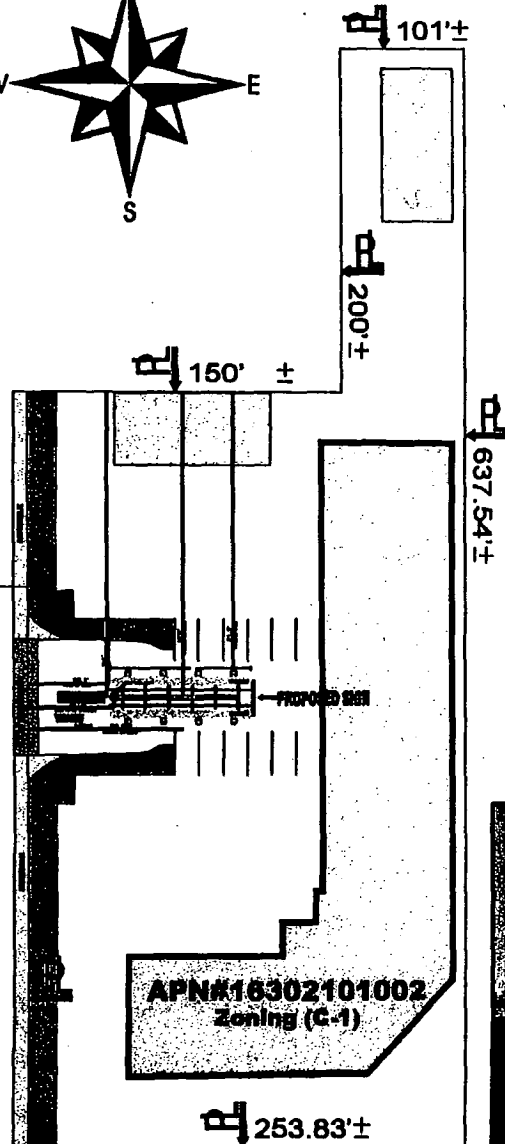
APPROVALS 0

PROTESTS 2



RAINBOW

75'
HALF ROW



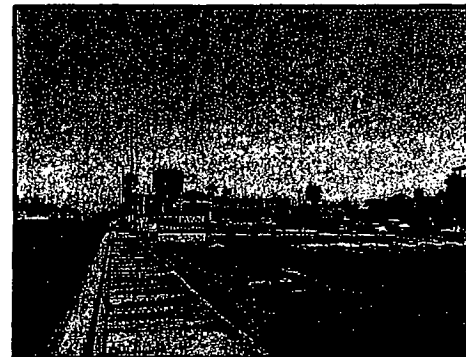
GENERAL NOTES

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.

**REAGAN
NATIONAL ADV.
ANDY BILANZICH
292-3723**

JUNCO

C O G III LTD	
SCALE: NOTED	APPROVED BY:
DUE: 7-11-03	REVIEW:
LOCATION: 1110 S RAINBOW BLVD 89146	
APN# 16302101002	210

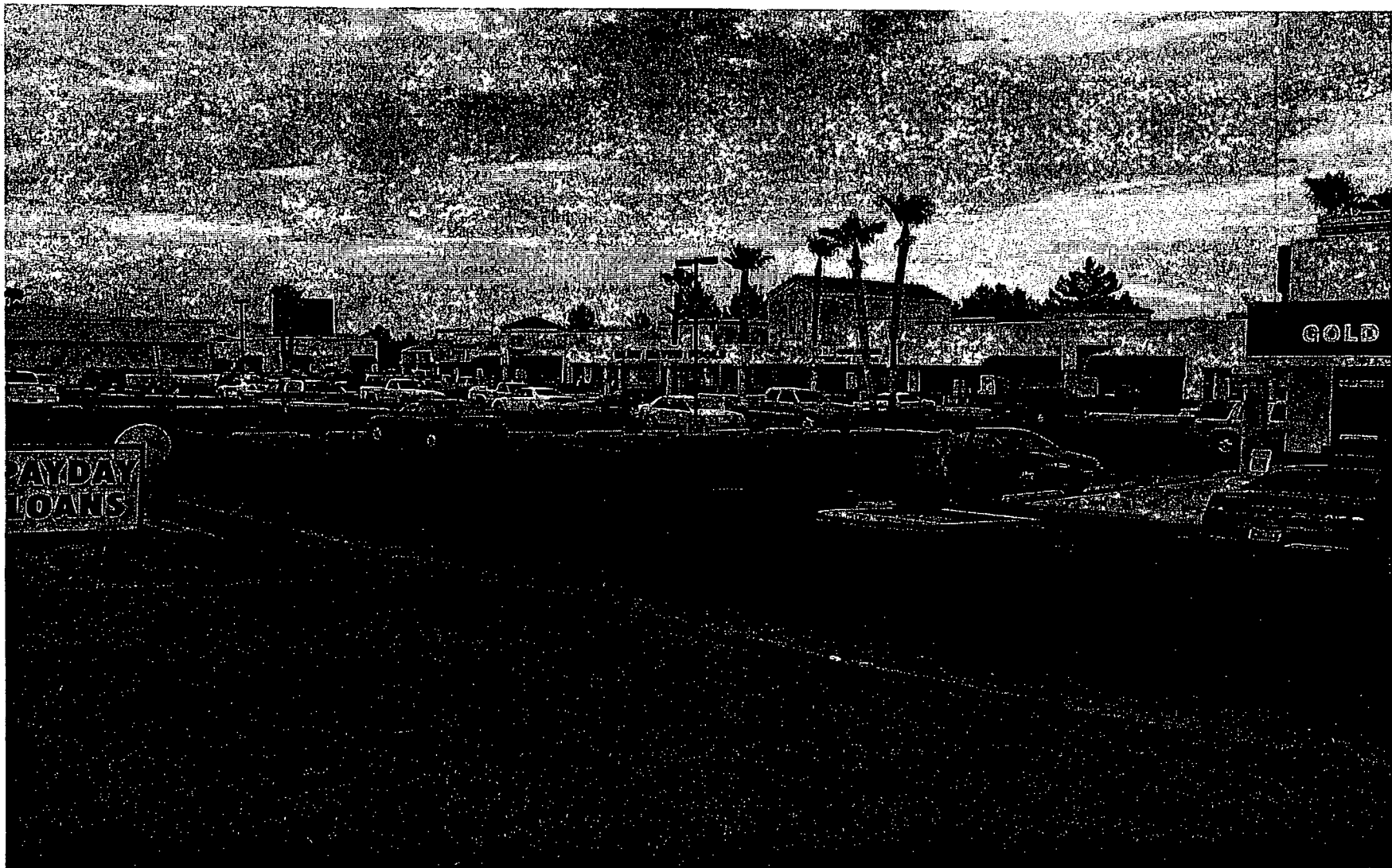


**SUP-2848
09-11-03 PC**



SUP-2848 - REAGAN NATIONAL ADVERTISING ON BEHALF OF C O G III, LIMITED
1110 South Rainbow Boulevard
AUGUST 4, 2004 CITY COUNCIL MEETING

Picture taken 07/17/04



SUP-2848 - REAGAN NATIONAL ADVERTISING ON BEHALF OF C O G III, LIMITED
1110 South Rainbow Boulevard
AUGUST 4, 2004 CITY COUNCIL MEETING

Picture taken 07/17/04



SUP-2848 - REAGAN NATIONAL ADVERTISING ON BEHALF OF C O G III, LIMITED
1110 South Rainbow Boulevard
AUGUST 4, 2004 CITY COUNCIL MEETING

Picture taken 07/17/04

MICHAEL H. SINGER
JAY H. BROWN

LAW OFFICES
Singer & Brown
A NEVADA LLC

520 SOUTH FOURTH STREET
LAS VEGAS, NEVADA 89101-8893

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

September 17, 2003

City of Las Vegas
400 Stewart Avenue
Las Vegas, NV 89101
Att: Barbara Jo Ronemus
City Clerk

Re: SUP-2848 – Special Use Permit (Reagan National Advertising)
APN: 163-02-101-002
COG III, Ltd.

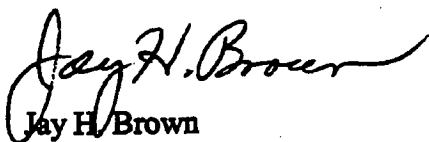
Dear Ms. Ronemus:

Please be advised that I represent Reagan National Advertising and the applicant.

My clients wish to appeal the denial by the Planning Commission of SUP-²⁸⁴⁸2760.

Your assistance in this matter is sincerely appreciated.

Very truly yours,


Jay H. Brown

JHB:cc

Cc: Dewey Reagan
Andy Bilanzich

RECEIVED
CITY CLERK
2003 SEP 17 P 3:05

LAW OFFICES

Singer & Brown

A NEVADA LLC

MICHAEL H. SINGER
JAY H. BROWN

520 SOUTH FOURTH STREET
LAS VEGAS, NEVADA 89101-6593

TELEPHONE (702) 384-5583
FACSIMILE (702) 385-1023
Brownltd@earthlink.net

September 14, 2004

VIA FACSIMILE to 382-4803

City of Las Vegas
400 Stewart Avenue
Las Vegas, NV 89101
Att: Barbara Jo Ronemus
City Clerk's Office

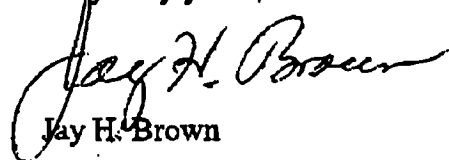
Re: Item No. 137 City Council Agenda of September 15, 2004
SUP-2848 - Reagan National Advertising on behalf of COG III, Ltd.

Dear Ms. Ronemus:

Please be advised that I represent Reagan National Advertising in connection with the above entitled matter.

Reagan National Advertising on behalf of COG III, Ltd. requests that the above referenced matter be continued from the September 15, 2004 City Council agenda to the December 15, 2004.

Very truly yours,


Jay H. Brown

JHB:cc

Cc: Department of Planning & Development by fax to 385-7268
Mr. Dewey Reagan
Mr. Andy Bilanzich

RECEIVED
CITY CLERK
2004 SEP 14 P 4:44

Submitted after final agenda

Date 9/14/04 Item #137



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 - Janita Clark - Miriam Ben - Marcus Gobel - Rose Hearnath - June Ingram - Rick Johnson
Gene & Pearl Leonardo - Sherry Mason - Dorothy Orr - Barbara Roth - Layne Rushforth - Pamela Stansbiffe - Others

Submitted after final agenda

Date *9/15/04* Item *#137*

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: SEPTEMBER 15, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☐

CONSENT

☒

DISCUSSION

SUBJECT:

VACATION - PUBLIC HEARING - VAC-4737 - APPLICANT: CITY OF LAS VEGAS
- OWNER: GRAND CANYON PARTNERS, LIMITED LIABILITY COMPANY -
Petition to Vacate a portion of Tee Pee Lane, located approximately 1,350 feet north of Grand Teton Drive, 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

MINUTES:

MAYOR GOODMAN declared the Public Hearing open.

BART ANDERSON, Public Works Department, represented the City of Las Vegas and concurred with all conditions.

No one appeared in opposition.

MAYOR GOODMAN declared the Public Hearing closed.

(4:04 – 4:05)

5-2881

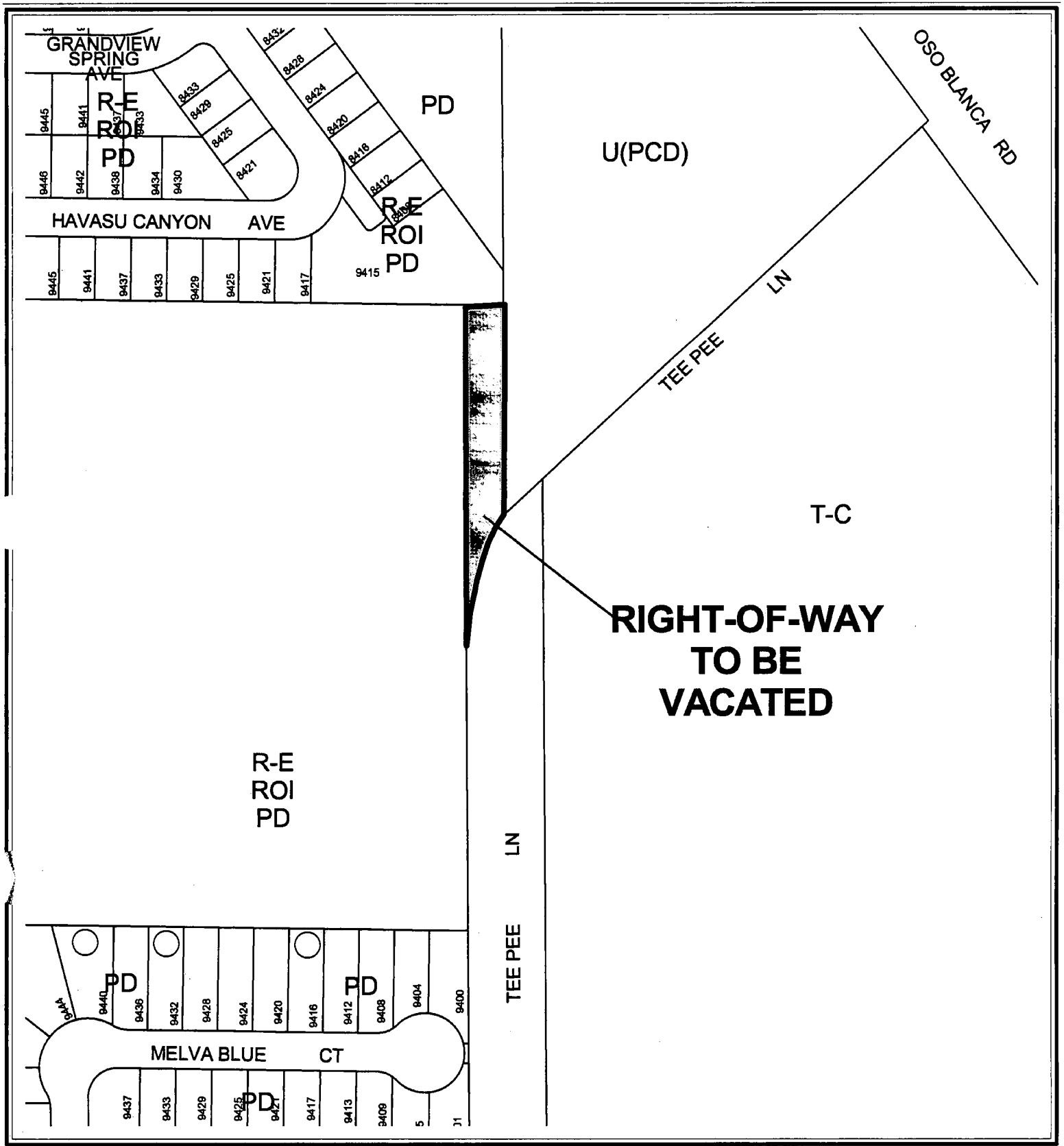
CONDITIONS:

1. This Petition of Vacation shall be modified to retain a 20-foot sewer easement centered over the existing sewer line.

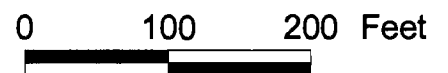
CITY COUNCIL MEETING OF SEPTEMBER 15, 2004
Planning and Development Department
Item 124 – VAC-4737

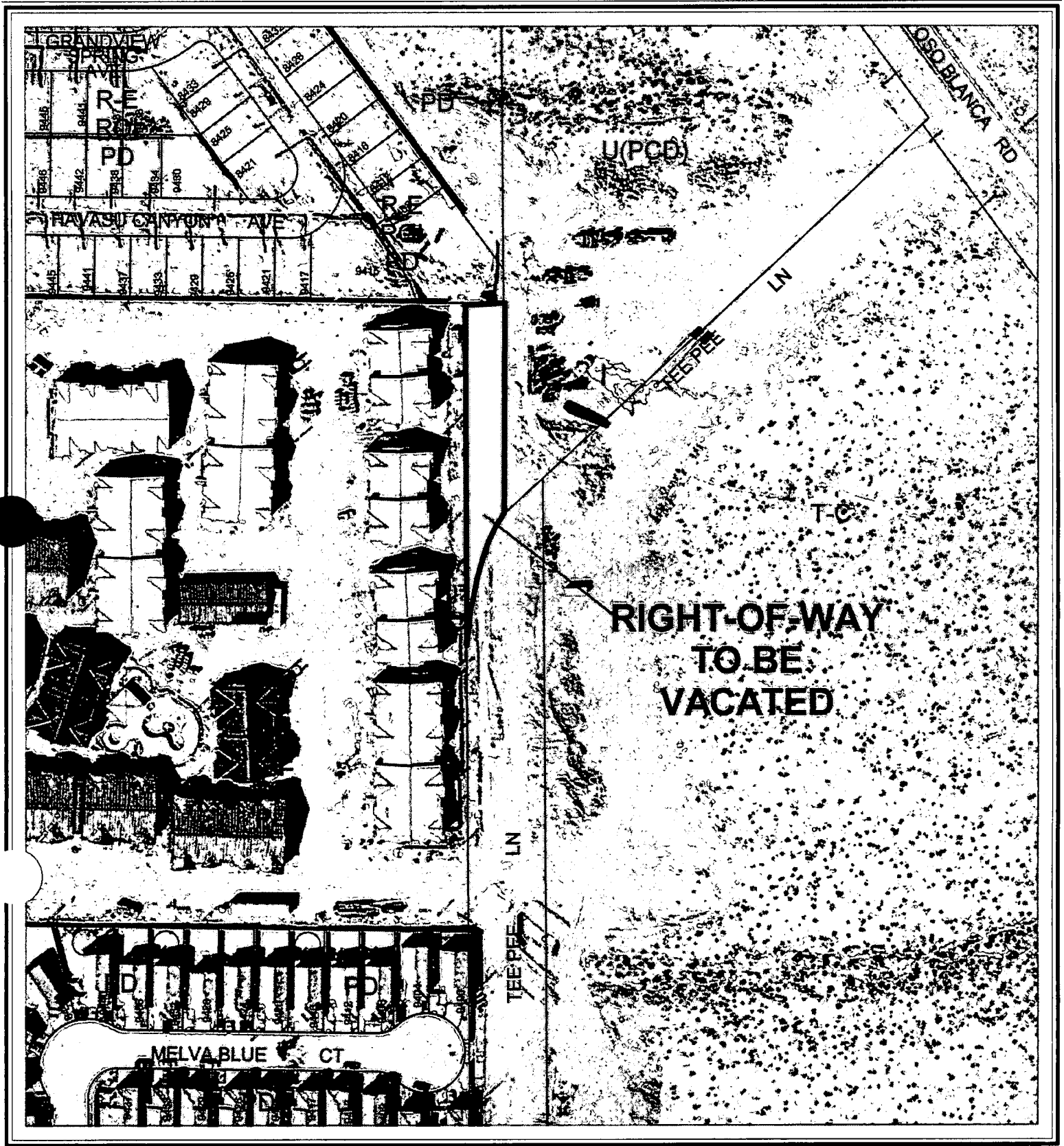
CONDITIONS – Continued:

2. Meet with the Flood Control Section of the Department of Public Works to discuss how this vacation will impact area drainage patterns prior to the recordation of an Order of Vacation.
3. All existing public improvements, if any, adjacent to and in conflict with this vacation application are to be modified, as necessary, prior to the recordation of an Order of Vacation.
4. 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.
5. All development shall be in conformance with code requirements and design standards of all City departments.
6. The Order of Vacation shall not be recorded until all of the above conditions have been met provided, however, that conditions requiring modification of public improvements may be fulfilled for purposes of recordation by providing sufficient security for the performance thereof in accordance with the Subdivision Ordinance of the City of Las Vegas. City Staff is empowered to modify this application if necessary because of technical concerns or because of other related review actions as long as current City right-of-way requirements are still complied with and the intent of the vacation application is not changed. If applicable, a five-foot wide easement for public streetlight and fire hydrant purposes shall be retained on all vacation actions abutting public street corridors that will remain dedicated and available for public use. Also, if applicable and where needed, public easement corridors and sight visibility or other easements that would/should cross any right-of-way or easement being vacated must be retained.
7. 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.



CASE: VAC-4737





CASE: VAC-4737

0 100 200 Feet



AGENDA MEMO

CITY COUNCIL MEETING DATE: SEPTEMBER 15, 2004

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: VAC-4737 - APPLICANT: CITY OF LAS VEGAS - OWNER:
GRAND CANYON PARTNERS, LIMITED LIABILITY COMPANY**

**** CONDITIONS ****

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

1. This Petition of Vacation shall be modified to retain a 20-foot sewer easement centered over the existing sewer line.
2. Meet with the Flood Control Section of the Department of Public Works to discuss how this vacation will impact area drainage patterns prior to the recordation of an Order of Vacation.
3. All existing public improvements, if any, adjacent to and in conflict with this vacation application are to be modified, as necessary, prior to the recordation of an Order of Vacation.
4. 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.
5. All development shall be in conformance with code requirements and design standards of all City departments.
6. The Order of Vacation shall not be recorded until all of the above conditions have been met provided, however, that conditions requiring modification of public improvements may be fulfilled for purposes of recordation by providing sufficient security for the performance thereof in accordance with the Subdivision Ordinance of the City of Las Vegas. City Staff is empowered to modify this application if necessary because of technical concerns or because of other related review actions as long as current City right-of-way requirements are still complied with and the intent of the vacation application is not changed. If applicable, a five-foot wide easement for public streetlight and fire hydrant purposes shall be retained on all vacation actions abutting public street corridors that will remain dedicated and available for public use. Also, if applicable and where needed, public easement corridors and sight visibility or other easements that would/should cross any right-of-way or easement being vacated must be retained.
7. 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

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

This request is a Petition to Vacate a portion of Tee Pee Lane located approximately 1,350 feet north of Grand Teton Drive.

B) Applicant's Justification

The applicant states that the vacation is necessary to accommodate the curved realignment of Tee Pee Lane. In a memorandum attached to the application, it states:

“The alignment of Tee Pee Lane was curved into the “Oso Blanca Frontage Road” to accommodate the proposed Horse Interchange at US 95. The vacated area is to be incorporated into the adjacent project.

BACKGROUND INFORMATION

A) Previous Actions

- 12/20/00 The City Council approved a request for a Rezoning (Z-0093-00) from R-E (Residence Estates) to PD (Planned Development) on 89.3 acres, including the subject site, to accommodate a mixed-use development. The Planning Commission and staff recommended approval on 11/16/00.
- 02/14/02 The Planning Commission approved a request for a Minor Modification to the Grand Canyon Village Master Development Plan [Z-0093-00(3)] to amend Section 3.3.1(b) regarding street lighting and Section 3.2.1(d) regarding minimum street widths and sidewalk requirements for proposed development on the subject site.
- 02/14/02 The Planning Commission approved a Site Development Plan Review and a reduction in the amount of required parking lot landscaping (Z-0093-00(4)) for a proposed 376-unit, two-story multi-family residential apartment development on the subject site.
- 10/16/02 The City Council approved a Variance (V-0058-02) to allow five-foot sidewalks, along the east side of Grand Canyon Drive. The Planning Commission recommended approval on 02/12/02. Staff recommended denial.

- 01/07/04 The City Council approved an Extension of Time (EOT-3239) on an approved Variance (V-0058-02) to allow five-foot sidewalks along the east side of Grand Canyon Drive. The Planning Commission and staff recommended approval on 12/04/03.
- 08/12/04 The Planning Commission voted 5-0 to recommend APPROVAL (PC Agenda Item #23/DDS)

DETAILS OF APPLICATION REQUEST

The subject Vacation proposes to vacate part of Tee Pee Lane located in a portion of the Southeast Quarter (SE¼) of Section 7, Township 19 South, Range 60 East, M.D.M. The area is more particularly described as the westerly 40 feet of Tee Pee Lane beginning at the north edge of parcel 125-07-701-004 and extending to the south approximately 450 feet, excepting therefrom an arc with an approximate radius of 600 feet beginning at the southwesterly corner of the requested area to be vacated and extending toward the southeasterly corner of the requested area to be vacated.

ANALYSIS

A) Planning discussion

This request is to Vacate a portion of Tee Pee Lane that is no longer needed for street purposes. Tee Pee Lane is being realigned to establish the Oso Blanca Frontage Road that will eventually lead to the proposed Horse Interchange crossing of U.S. Highway 95. The request will not eliminate public street access to any abutting parcels or adversely affect any abutting properties.

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, it is to eliminate a portion of right-of-way that will not be used.
- B. From a traffic handling viewpoint will this vacation request result in a reduced traffic handling capability? *No, since the proposed vacation only involves unused right-of-way.*
- C. Does it appear that the vacation request involves only excess right-of-way? *Yes.*

- D. Does this vacation request coincide with development plans of the adjacent parcels?
Yes, the surrounding projects have been coordinating their design with the City of Las Vegas. Tee Pee Lane will be turning east at this location to connect to the frontage road (AKA Oso Blanco Road) thus leaving an unused "leg" of right-of-way.
- 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 5 by City Clerk

APPROVALS 0

PROTESTS 0

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: SEPTEMBER 15, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☐

CONSENT

☒

DISCUSSION

SUBJECT:

VACATION - PUBLIC HEARING - VAC-4745 - APPLICANT/OWNER:
WARMINGTON HOMES NEVADA - Petition to Vacate a Bureau of Land Management
Right-of-Way Grant Easement generally located west of Hualapai Way, south of Alexander
Road, Ward 4 (Brown). 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:

BROWN - APPROVED subject to conditions - UNANIMOUS

MINUTES:

MAYOR GOODMAN declared the Public Hearing open.

ELENA ARELLANO, G.C. Wallace Engineering, 1555 South Rainbow Boulevard, appeared on
behalf of the applicant and concurred with all conditions.

No one appeared in opposition.

MAYOR GOODMAN declared the Public Hearing closed.

(4:05 - 4:07)

5-2955

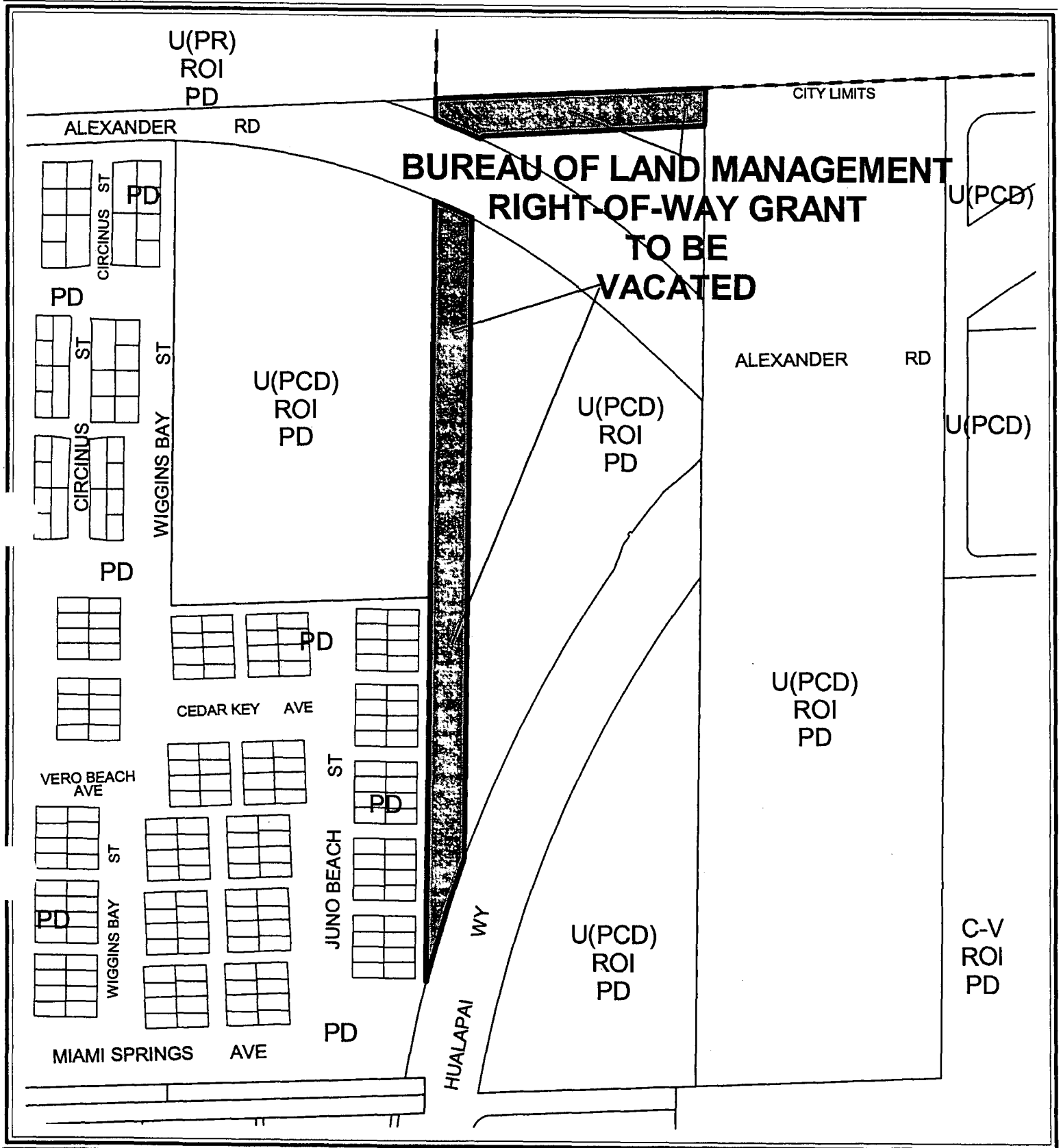
CONDITIONS:

1. 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 Vacation.

CITY COUNCIL MEETING OF SEPTEMBER 15, 2004
Planning and Development Department
Item 125 – VACF-4745

CONDITIONS – Continued:

2. 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.
3. All development shall be in conformance with code requirements and design standards of all City departments.
4. The Order of Vacation shall not be recorded until all of the conditions of approval have been met provided, however, that conditions requiring modification of public improvements may be fulfilled for purposes of recordation by providing sufficient security for the performance thereof in accordance with the Subdivision Ordinance of the City of Las Vegas. City Staff is empowered to modify this application if necessary because of technical concerns or because of other related review actions as long as current City right-of-way requirements are still complied with and the intent of the vacation application is not changed. If applicable, a five foot wide easement for public streetlight and fire hydrant purposes shall be retained on all vacation actions abutting public street corridors that will remain dedicated and available for public use. Also, if applicable and where needed, public easement corridors and sight visibility or other easements that would/should cross any right-of-way or easement being vacated must be retained.
5. 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.



CASE: VAC-4745

0 100 200 Feet



AGENDA MEMO

CITY COUNCIL MEETING DATE: SEPTEMBER 15, 2004

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: VAC-4745 - APPLICANT/OWNER: WARMINGTON HOMES NEVADA

**** CONDITIONS ****

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

1. 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 Vacation.
2. 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.
3. All development shall be in conformance with code requirements and design standards of all City departments.
4. The Order of Vacation shall not be recorded until all of the conditions of approval have been met provided, however, that conditions requiring modification of public improvements may be fulfilled for purposes of recordation by providing sufficient security for the performance thereof in accordance with the Subdivision Ordinance of the City of Las Vegas. City Staff is empowered to modify this application if necessary because of technical concerns or because of other related review actions as long as current City right-of-way requirements are still complied with and the intent of the vacation application is not changed. If applicable, a five foot wide easement for public streetlight and fire hydrant purposes shall be retained on all vacation actions abutting public street corridors that will remain dedicated and available for public use. Also, if applicable and where needed, public easement corridors and sight visibility or other easements that would/should cross any right-of-way or easement being vacated must be retained.
5. 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.

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

This is a Petition to Vacate a Bureau of Land Management Right-of-Way Grant generally located west of Hualapai Way, north and south of Alexander Road.

B) Applicant's Justification

The applicant justifies this application by stating that the portions of the Right-of Way Grant that is the subject of this application are no longer necessary due to the realignment of the Alexander Road/Hualapai Way intersection and the development of the Warmington Homes project on the site.

BACKGROUND INFORMATION

A) Previous Actions

- 03/06/96 The City Council approved a request to Annex (A-0015-95) approximately 43 acres, including the subject site, north of Gilmore Avenue and west of Kerry Way. Staff supported the request. The Planning Commission recommended approval on 10/26/95. The effective date was 03/15/96.
- 06/23/97 The City Council approved a Rezoning (Z-0033-97) to PD (Planned Development) on the subject site as part of a larger request. Staff supported the request. The Planning Commission recommended approval on 06/12/97.
- 08/20/03 The City Council approved a Major Modification (MOD-2533) to the Lone Mountain Master Development Plan to change the designation of the subject site from PCD (Planned Community Development) to M (Multi-Family Medium Density Residential). Staff supported the request. The Planning Commission recommended approval on 07/24/03.
- 11/06/03 The Planning Commission struck a request for a Rezoning (ZON-2999) from U (Undeveloped) Zone [PCD (Planned Community Development) General Plan Designation] and U (Undeveloped) Zone [PCD (Planned Community Development) General Plan Designation] under Resolution of Intent to PD (Planned Development) to C-V (Civic) Zone.

- 01/21/04 The City Council approved a request for a Site Development Plan Review (SDR-2534) for a 142-unit condominium development. Staff supported the request. The Planning Commission recommended approval on 07/24/03.
- 04/08/04 The Planning Commission approved a request for a Tentative Map (TMP-3993) for a 142-unit condominium development on 9.1 acres adjacent to the southwest corner of Alexander Road and Hualapai Road. Staff supported the request.
- 08/12/04 The Planning Commission voted 5-0 to recommend APPROVAL (PC Agenda Item #24/GL)

DETAILS OF APPLICATION REQUEST

The subject Vacation proposes to vacate a Bureau of Land Management Right-of-Way Grant; said property being a portion of the Northwest Quarter (NW ¼) of Section 7, Township 20 South, Range 60 East, M.D.M.

ANALYSIS

A) Planning discussion

The applicant intends to incorporate the Right-of-Way Grant area into the existing adjacent parcels for development. The request for Vacation is appropriate, as the right-of-ways for Alexander Road and Hualapai Way have been realigned in the area, and condominium development has been approved on the parcel to the southwest of the new intersection thus created; as a result, the identified portions of the Right-of-Way Grant are no longer necessary.

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 only eliminate right-of-way grant easements.
- B. From a traffic handling viewpoint will this vacation request result in a reduced traffic handling capability? *No, since the roadway alignment has been realigned to the east.*
- C. Does it appear that the vacation request involves only excess right-of-way? *No, it is to eliminate a BLM right-of-way grant that will never be utilized.*
- D. Does this vacation request coincide with development plans of the adjacent parcels? *Yes, SDR-2534.*

- 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



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

VACATION - PUBLIC HEARING - VAC-4747 - APPLICANT/OWNER: M T C 118, INC. - Petition to Vacate the stubbed portion of Wittig Avenue east of Durango Drive, Ward 6 (Mack). The Planning Commission (3-2 vote) and staff recommend APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

1

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

RECOMMENDATION:

The Planning Commission (3-2 vote) and staff recommend APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Abeyance letter from Lionel Sawyer & Collins
5. Submitted after final agenda - Revised abeyance letter from Lionel Sawyer & Collins

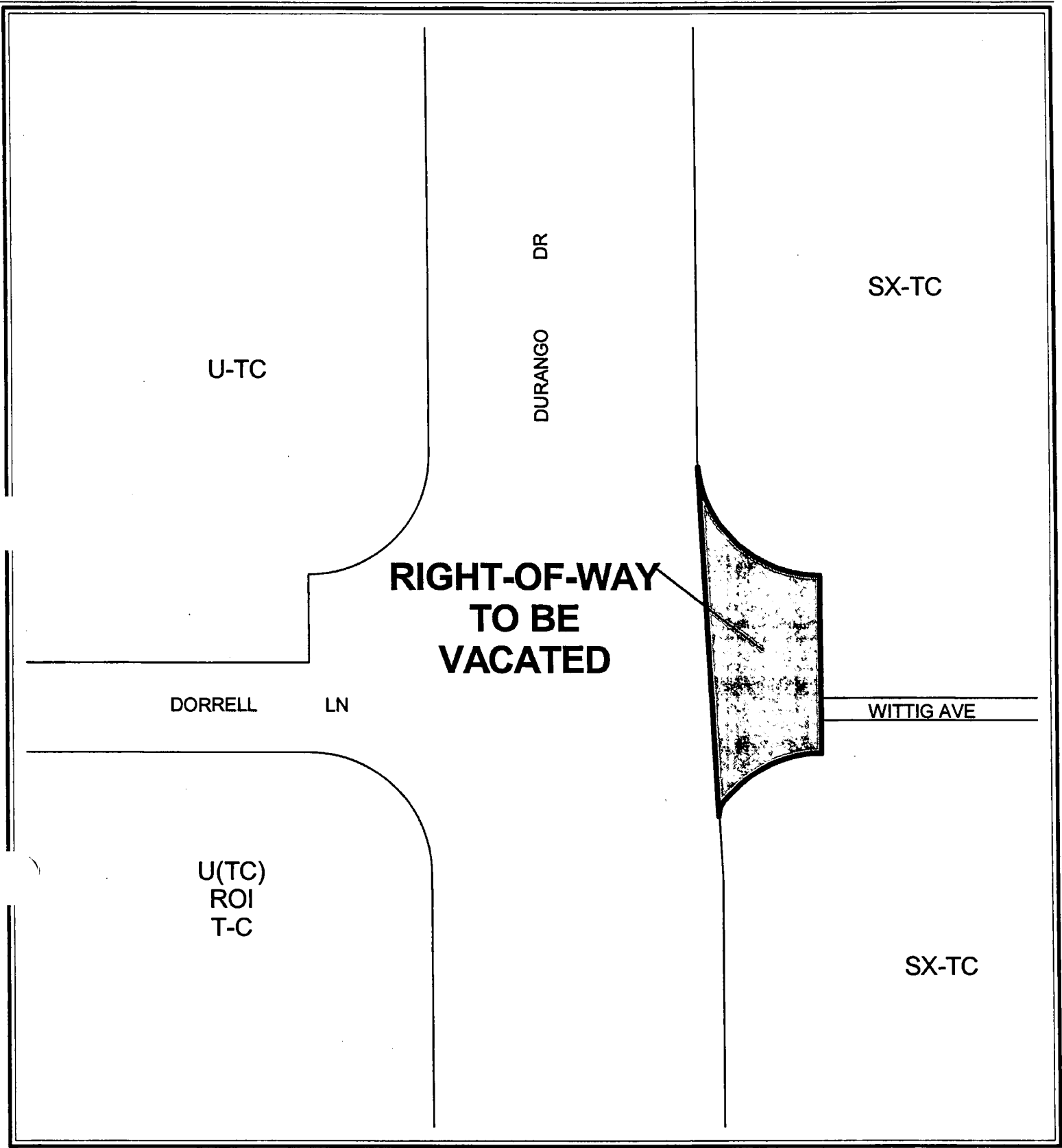
MOTION:

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:

ATTORNEY CHRIS KAEMPFER indicated his applicant was ready to proceed with Item 126 [VAC-4747]. However, SENATOR BRYAN had contacted him to ask that the item be held in abeyance until the 10/20/04 City Council meeting, to which he agreed. MAYOR GOODMAN noted that he met with SENATOR BRYAN, who pointed out that due to the religious holiday, the abeyance would be agreeable both parties.

(2:48 - 3:01)



CASE: VAC-4747

0 50 100 Feet

AGENDA MEMO

CITY COUNCIL MEETING DATE: SEPTEMBER 15, 2004
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: VAC-4747 - APPLICANT/OWNER: M T C 118, INC.

**** CONDITIONS ****

The Planning Commission (3-2 vote) and staff recommend APPROVAL, subject to:

1. 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 Vacation.
2. Reservation of easements for the facilities of the various utility companies together with reasonable ingress thereto and egress therefrom shall be provided if required.
3. All development shall be in conformance with code requirements and design standards of all City Departments.
4. The Order of Vacation shall not be recorded until all of the conditions of approval have been met provided, however, conditions that require modifications to 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.
5. 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.

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

This is a Petition to Vacate the stubbed portion of Wittig Avenue east of Durango Drive.

B) Applicant's Justification

The applicant justifies this request by stating that the subject vacation will satisfy Condition Number 18 of the Site Development Plan Review (SDR-3764) for the Montecito Marketplace commercial development. The right-of-way to be vacated will be incorporated into this development.

BACKGROUND INFORMATION

A) Previous Actions

- 12/07/98 The City Council approved a Rezoning to T-C (Town Center) for this site as part of a larger request (Z-0076-98). The Planning Commission and staff recommended approval.
- 03/06/02 The City Council approved a request for a Development Agreement (DA-0002-01) to establish a set of development standards for portions of the UC-TC (Urban Center Mixed Use - Town Center) and MS-TC (Main Street Mixed Use - Town Center) land use districts within the Town Center Zoning District on 172.46 acres of property generally located north of Centennial Parkway, west of Durango Drive, south of Elkhorn Road, and east of El Capitan Way. The Planning Commission and staff recommended approval.
- 12/19/02 The Planning Commission approved a request for a Tentative Map (TMP-1244) for a three-lot commercial subdivision on 80 acres on the east side of the El Capitan alignment (Durango Drive) between Elkhorn Road and Deer Springs Way. Staff recommended approval.
- 12/04/03 The Planning Commission approved a request for a Site Development Plan Review (SDR-3267) for a proposed hospital on 40 acres adjacent to the northeast corner of Durango Drive and Deer Springs Way. Staff recommended approval.

- 04/07/04 The City Council approved a Site Development Plan Review (SDR-3764) for a proposed 587,750 square-foot mixed-use commercial development (Montecito Marketplace) on 45.6 acres covering two separate but adjacent sites adjacent to the northeast and northwest corners of Durango Drive and Dorrell Lane. The Planning Commission and staff recommended approval.
- 08/12/04 The Planning Commission voted 3-2 to recommend APPROVAL (PC Agenda Item #25/SS)

DETAILS OF APPLICATION REQUEST

The subject Vacation is legally described as the North Half and South Half of Wittig Avenue, eighty feet (80') wide, commencing at the east right-of-way line of Durango Drive and extending easterly approximately 54 feet, including the spandrel areas; said property being a portion of the West Half (W ½) of the Northeast Quarter (NE ¼) of Section 20, Township 19 South, Range 60 East, M.D.M.

ANALYSIS

A) Planning discussion

Condition Number 18 of the Site Development Plan Review (SDR-3764) for the Montecito Marketplace commercial development required a submittal for vacation of the stubbed portion of Dorrell Lane (aka Wittig Avenue) prior to the approval of construction drawings, issuance of any permits for this site, or the recordation of a Final Map overlying or abutting the stubbed portion of Dorrell Lane (aka Wittig Avenue) east of Durango Drive, whichever occurred first. The proposed vacation of public right-of-way will thus allow for development of a portion of the Montecito Marketplace commercial development. The future Wittig Avenue will not bisect this development. Traffic-handling capability for these streets will not be compromised as a result of the proposed vacation, as this portion of right-of-way never experiences traffic. The request would not eliminate public street access to any abutting parcels or adversely affect any abutting properties.

B) Public Works discussion

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

- A. Does this vacation request result in uniform or non-uniform right-of-way widths?
N/A. It is to eliminate a stub for a future street that the adjacent development will not use.
- B. From a traffic handling viewpoint will this vacation request result in a reduced traffic handling capability? *No, since it is not currently used for traffic purposes.*

- C. Does it appear that the vacation request involves only excess right-of-way? *Yes, a stub for a street that won't be used.*
- D. Does this vacation request coincide with development plans of the adjacent parcels? *Yes, a commercial site previously reviewed under SDR-3764.*
- 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 4 by City Clerk

APPROVALS 0

PROTESTS 0

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: VAC-4747 APN: 125-20-101-017

Name of Property Owner: M T C 118 INC.

Name of Applicant: M T C 118 INC.

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

Yes

✓ No

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

City Official: _____

Partner(s):

APN: _____

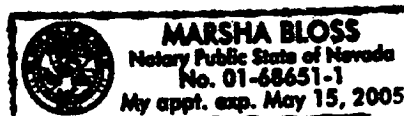
Signature of Property Owner/Authorized Agent:

Print Name: Frank Nielsen

Subscribed and sworn before me

This 28 day of June, 2004

Maura Bloss
Notary Public in and for said County and State



LIONEL SAWYER & COLLINS

ATTORNEYS AT LAW

1700 BANK OF AMERICA PLAZA
300 SOUTH FOURTH STREET
LAS VEGAS, NEVADA 89101

(702) 383-8888

FAX (702) 383-8845

lsc@lionelsawyer.com

www.lionelsawyer.com

September 2, 2004

SAMUEL S. LIONEL
GRANT SAWYER
(1918-1996)

JON R. COLLINS
(1923-1987)

RICHARD H. BRYAN
JEFFREY P. ZUCKER
PAUL R. HEJMANOWSKI
ROBERT D. FAISS
DAVID N. FREDERICK
DENNIS L. KENNEDY
RICHARD W. HORTON
DAN C. BOWEN
MARK A. SOLOMON
RODNEY M. JEAN
HARVEY WHITEMORE
TODD TOUTON
DAVID WHITEMORE
CAM FERENBACH
LYNDA S. MABRY
MARK H. GOLDSTEIN

ANTHONY N. CABOT
KIRBY J. SMITH
COLLEEN A. DOLAN
JENNIFER A. SMITH
GARY W. DUHON
LAUREL E. DAVIS
DAN R. REASER
CARL D. SAVELY
MARK LEMMONS
HOWARD E. COLE
PAUL E. LARSEN
P. GREGORY GIORDANO
MARK A. MCINTIRE
ALLEN J. WILT
LYNN S. FULSTONE
RORY J. REID
DAN C. MCGUIRE
LESLIE BRYAN HART
CRAIG E. ETEM
TODD E. KENNEDY
MATTHEW E. WATSON

JEFFREY D. MENICUCCI
SHAWN M. ELICEGUI
HECTOR J. CARBAJAL II
EMILIA K. CARGILL
JANET SUE BESSEMER
G. LANCE COBURN
WILLIAM J. MCKEAN
JOHN M. NAYLOR
GREGORY R. GEMIGNANI
E. LEIF REID
DANA A. DWIGGINS
ELIZABETH R. BRENNAN
MEGAN BARKER BOWEN
DOREEN SPEARS HARTWELL
SEAN T. WATERS
ELICK C. HSU
STEVEN E. HOLLINGWORTH
LINDA M. BULLEN
LAURA K. GRANIER
DANIEL R. MCNUTT

KYLE O. STEPHENS
ALAN D. FREER
MAXIMILIANO D. COUVILLIER III
JEFFREY A. MORSE
ELIZABETH BRICKFIELD
MARK P. WETJEN
E. JOE CAIN
LEAH A. AYALA
STEVEN J. NEWMAN
SARAH E. HARMON
CRISTINA L. JOHNSON
MICHAEL D. KNOX
ROSA SOLIS-RAINEY
ROBERT EDELMAN
ERIC C. BOUGHMAN
ERIN FLYNN
JENNIFER ROBERTS
SUZANNE R. KRAHEK*
BRENT HEBERLEE

*ADMITTED IN CALIFORNIA ONLY

OF COUNSEL

BRIAN MCKAY
ELLEN WHITEMORE
BRIAN HARRIS
ABBIE G. FRIEDMAN
LAURA J. THALACKER

Ms. Roni Ronemus, City Clerk
City of Las Vegas
City Clerk's Office
400 Stewart Avenue
Las Vegas, NV 89101

Re: VAC - 4747

Dear Ms. Ronemus:

The above referenced matter is currently scheduled to be heard before the City Council on September 15, 2004.

I represent Mr. Eskander Ghermezian of Triple Five Nevada Development Corporation, who is an interested party and a potentially affected party by any action taken by the Council on VAC - 4747.

The date scheduled for this hearing, September 15th is Rosh Hashanah, one of the high holidays in the Jewish year. My client, Mr. Ghermezian, is a religious Jew who observes the holiday and does not participate in business activities on that day.

Accordingly, on behalf of Mr. Ghermezian, I respectfully request this matter be continued to the City Council meeting of October 30, 2004.

Thank you for your consideration.

Sincerely,

Richard H. Bryan

RHB:lv1

WRITER'S DIRECT DIAL NUMBER:
(702) 383-8916

2004 SEP - 7 A 11: 13

RECEIVED
CITY CLERK

LIONEL SAWYER & COLLINS

ATTORNEYS AT LAW

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50 WEST LIBERTY STREET

RENO, NEVADA 89501

(775) 788-8666

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September 9, 2004

SAMUEL S. LIONEL
GRANT SAWYER
(1918-1998)

JUN H. COLLINS
(1923-1987)

RICHARD H. BRYAN
JEFFREY P. ZUCKER
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ROBERT EDELMAN
ERIC C. BOUGHMAN
ERIN FLYNN
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SUZANNE L. KRAEMER

*ADMITTED IN CALIFORNIA ONLY

OF COUNSEL

BRIAN MCKAY
ELLEN WHITEMORE
BRIAN HARRIS
ABBIE G. FRIEDMAN

WRITER'S DIRECT DIAL NUMBER:

(702) 383-8916

VIA FACSIMILE (702) 382-4830

Ms. Roni Ronemus, City Clerk
City of Las Vegas
City Clerk's Office
400 Stewart Avenue
Las Vegas, NV 89101

Re: VAC - 4747

Dear Ms. Ronemus:

The above referenced matter is currently scheduled to be heard before the City Council on September 15, 2004.

I represent Mr. Eskander Ghermezian of Triple Five Nevada Development Corporation, who is an interested party and a potentially affected party by any action taken by the Council on VAC - 4747.

The date scheduled for this hearing, September 15th is Rosh Hashanah, one of the high holidays in the Jewish year. My client, Mr. Ghermezian, is a religious Jew who observes the holiday and does not participate in business activities on that day.

Accordingly, on behalf of Mr. Ghermezian, I respectfully request this matter be continued to the City Council meeting of October 20, 2004.

Submitted after final agenda

Date 9/9/04 Item #126

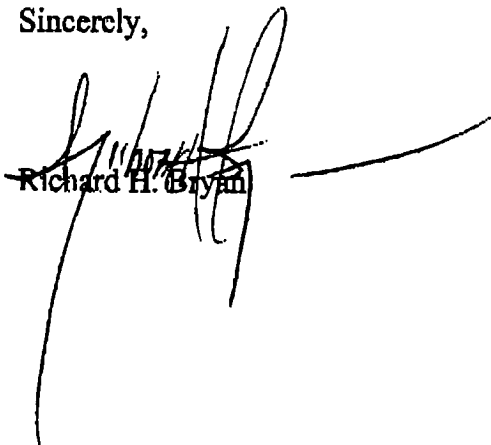
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2004 SEP - 9 PM 1:04

LIONEL SAWYER & COLLINS
ATTORNEYS AT LAW

Ms. Roni Ronemus, City Clerk
September 9, 2004
Page 2

Thank you for your consideration.

Sincerely,



Richard H. Bryan

RHB:lvl

bcc: Mayor Oscar Goodman
Councilman Larry Brown
Councilman Michael Mack
Councilman Steve Wolfson
Barry Bender

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF: SEPTEMBER 15, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☐

CONSENT

☒

DISCUSSION

SUBJECT:

VARIANCE - PUBLIC HEARING - VAR-4629 - APPLICANT/OWNER: DAY STAR VENTURE, LIMITED LIABILITY COMPANY - Request for a Variance TO ALLOW AN 11-FOOT REAR SETBACK WHERE 15 FEET IS REQUIRED ON LOT 40; A 10-FOOT REAR, 7-FOOT STREET SIDE, AND 5-FOOT FRONT AND STREET SETBACKS WHERE 15-FOOT REAR, 10-FOOT STREET SIDE AND 10-FOOT FRONT SETBACKS ARE REQUIRED ON LOT 41; AND A 7-FOOT FRONT SETBACK WHERE 10 FEET IS REQUIRED ON LOT 48 in the Day Dawn Fusion Subdivision adjacent to the southeast corner of Fort Apache Road and Alexander Road (APN 138-08-101-001), U (Undeveloped) Zone [L (Low Density Residential) General Plan Designation] under Resolution of Intent to R-PD5 (Residence Planned Development - 5 Units per Acre) Zone, Ward 4 (Brown). Staff recommends DENIAL. The Planning Commission (4-1 vote) recommends APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
 City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
 City Council Meeting

0

RECOMMENDATION:

Staff recommends DENIAL. The Planning Commission (4-1 vote) recommends APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

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

MOTION:

BROWN – APPROVED subject to conditions and the added condition as read for the record as follows:

- *All development shall be in conformance with the revised site plan date stamped 6/22/04.*

– UNANIMOUS

MINUTES:

MAYOR GOODMAN declared the Public Hearing open.

CITY COUNCIL MEEETING OF SEPTEMBER 15, 2004
Planning and Development Department
Item 127 – VAR-4629

MINUTES – Continued:

ATTORNEY JOHN FIELDS, 3800 Howard Hughes Parkway, appeared on behalf of the applicant and stated that the request is for a variance of three internal lots on a 55-lot single family residential development located on 10 acres on the corner of Fort Apache Road and Alexander Road. He indicated that on August 6, 2003 the zone change was approved. The applicant worked closely with COUNCILMAN BROWN'S office, ATTORNEY RUSSELL ROWE and the neighbors and reached a compromise regarding the lots along the southern 2.5 acres. In addition, Public Works Department required that along the westerly edge there be a turning lane. The applicant agreed that Lots 38, 39, 42 and 43 would be single story homes and the side setbacks would be increased in order to create a larger residential buffer, shifting these lots forward and causing setback variations from 15 feet to 10.3 on Lot 41 and 11.3 on Lot 40. As a result of the turning lane along the westerly edge, everything internally on Javana Court shifted easterly causing a setback deviation, as well as slight deviation in the front setback of Lot 48.

MARGO WHEELER, Deputy Director, Planning and Development Department, read into the record an added condition that all development shall be in conformance with the revised site plan date stamped 6/22/04. ATTORNEY FIELDS concurred with the added condition.

No one appeared in opposition.

MAYOR GOODMAN declared the Public Hearing closed.

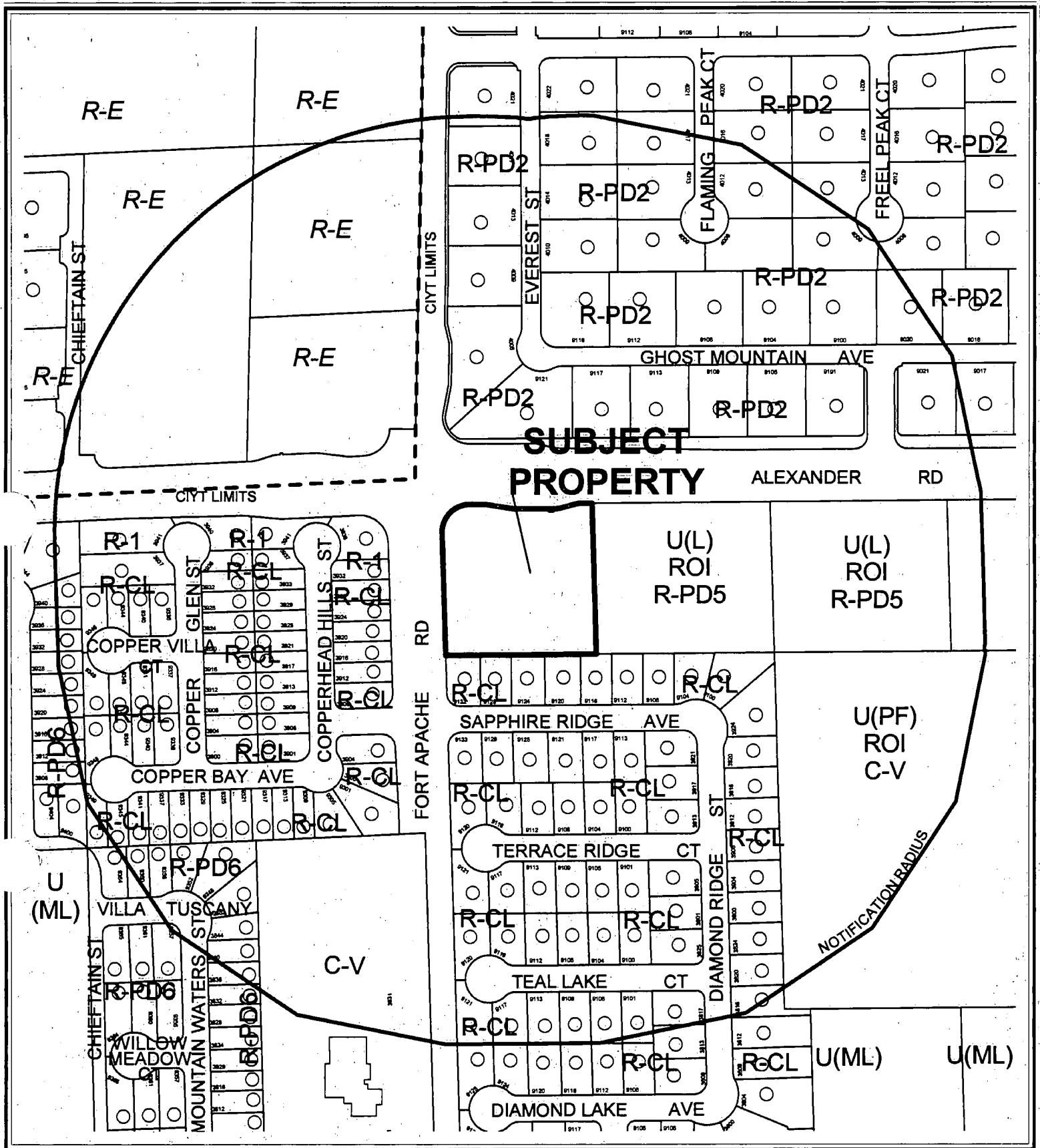
(4:07 – 4:10)

5-3029

CONDITIONS:

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Rezoning (ZON-2415), Site Development Plan Review (SDR-2418), Variance (VAR-2419), Tentative Map (TMP-3068), and Final Map Technical Review (FMP-4426).
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. New Construction.

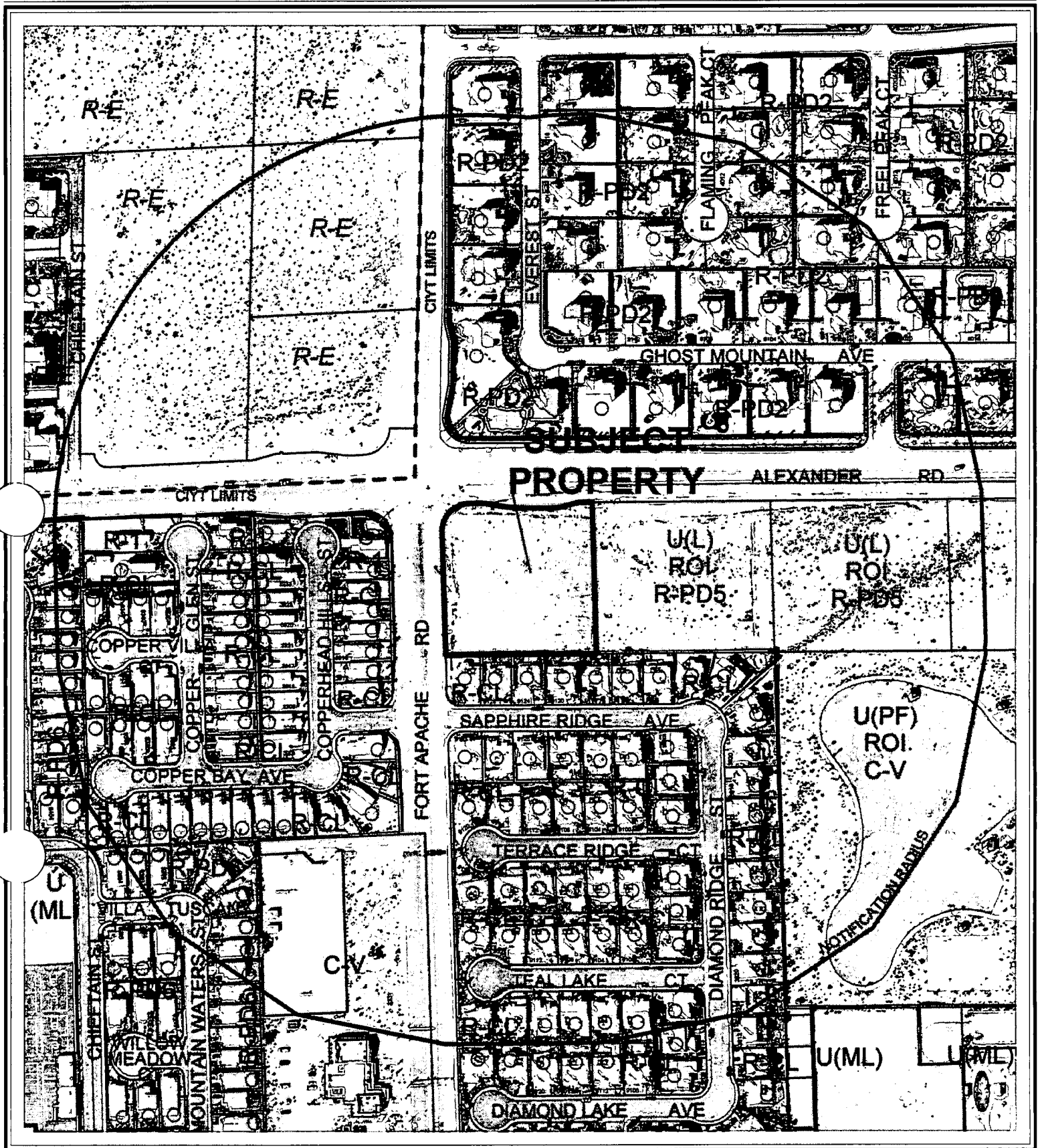


CASE: VAR-4629

RADIUS: 750 FT

ZONING OF SUBJECT PROPERTY:

U (UNDEVELOPED) ZONE [L (LOW DENSITY RESIDENTIAL) GENERAL PLAN DESIGNATION]
 UNDER RESOLUTION OF INTENT TO R-PD5 (RESIDENTIAL PLANNED DEVELOPMENT -
 5 UNITS PER ACRE)



CASE: **VAR-4629**

RADIUS: 750 FT

ZONING OF SUBJECT PROPERTY:

U (UNDEVELOPED) ZONE [L (LOW DENSITY RESIDENTIAL) GENERAL PLAN DESIGNATION]
 UNDER RESOLUTION OF INTENT TO R-PD5 (RESIDENTIAL PLANNED DEVELOPMENT -
 5 UNITS PER ACRE)



AGENDA MEMO

CITY COUNCIL MEETING DATE: SEPTEMBER 15, 2004

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: VAR-4629 - APPLICANT/OWNER: DAY STAR VENTURE,
LIMITED LIABILITY COMPANY**

**** CONDITIONS ****

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

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Rezoning (ZON-2415), Site Development Plan Review (SDR-2418), Variance (VAR-2419), Tentative Map (TMP-3068), and Final Map Technical Review (FMP-4426).
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. New Construction

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

Applicant requests a variance to allow on an 8.10 acre planned residential development located on the southeast corner of Fort Apache Road and Alexander Road:

- A1) a 11.43 foot rear setback (on lot #40) where 15 feet is the minimum setback required;
- A2) a 10.33 foot rear setback (on lot #41) where 15 feet is the minimum setback required.
- A3) a 7.0 foot street side setback (on lot #41) where 10 feet is the minimum setback required.
- A4) a 5.74 foot front yard setback (on lot #41) where 10 feet is the minimum setback required.
- A5) a 5.74 foot street distance setback (on lot #41) where 10 feet is the minimum setback required.
- A6) a 7.23 foot front yard setback (on lot #48) where 10 feet is the minimum setback required.

B) Applicant's Justification

Two of these residential lots (40 and 41) are not deep enough to plot even the smallest home slated for this development. These rear yard, front yard, and side yard setback reductions are requested so that the applicant can plot their smallest models on lots 40, 41, and 48. The lots requiring the reduction are located interior to the development and will not negatively impact any surrounding properties.

BACKGROUND INFORMATION

A) Previous Actions

07/02/03 The City Council approved the annexation (ANX-2016) of 2.5 acres at the southeast corner of Fort Apache Road and Alexander Road. Planning Commission and staff had recommended approval. This annexation became effective on July 11, 2003.

- 08/06/03 The City Council approved the rezoning (ZON-2415) of 10.80 acres adjacent to the southeast corner of Alexander Road and Fort Apache Road from: U (Undeveloped) [L (Low Density Residential) General Plan Designation] to: R-PD5 (Residential Planned Development - 5 Units Per Acre). Companion items for an open space variance VAR-2419 and site development plan review SDR-2418 was also approved. The Planning Commission and staff recommended approval on all applications
- 10/23/03 Planning Commission approves (final action) a Tentative Map (TMP-3068) for a 57 lot single-family residential subdivision on 8.01 acres on this site. Staff had recommended approval.
- 06/03/04 Planning and Development administration approves a Final Map Technical Review (FMP-4426) for this project (Day Dawn Fusion).
- 07/22/04 The Planning Commission held this item in abeyance to properly notify the surrounding neighbors, since not all of the requested waivers were included in the public hearing notice.
- 08/12/04 The Planning Commission voted 4-1 to recommend APPROVAL (PC Agenda Item #47)

B) Pre-Application Meeting

- 05/25/04 Elements of a Variance application were discussed.

C) Neighborhood Meetings

Variance requests do not require a neighborhood meeting.

DETAILS OF APPLICATION REQUEST

A) Site Area

Gross Acres: 10.8
Net Acres: 8.01

B) Existing Land Use

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

C) Planned Land Use

Subject Property: L Low Density Residential
 North: DR Desert Rural Density Residential
 South: ML Medium Low Density Residential
 East: L Low Density Residential
 West: L, ML Low Density Residential, Medium Low Density Residential

D) Existing Zoning

Subject Property: U (Undeveloped) [L (Low Density Residential), General Plan Designation] under resolution of intent to R-PD5. (Residential Planned Development - 5 Units Per Acre)
 North: R-PD2 (Residential Planned Development - 2 Units Per Acre)
 South: R-CL (Single Family Compact-Lot),
 East: U (Undeveloped) [L (Low Density Residential) General Plan Designation] under Resolution of Intent to R-PD5 (Residential Planned Development - 5 Units Per Acre)
 West: R-CL (Single Family Compact-Lot)
 R-1 (Single Family Residential)

E) General Plan Compliance

This site is designated as L (Low Density Residential) on the Centennial Hills Sector Plan. The proposed R-PD5 (Residential Planned Development – 5 Units Per Acre) is compatible with this designation, as the Low Density Residential designation allows a density between 3.6 to 5.5 units per acre.

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

A) Zoning Code Compliance

A1) Development Standards

Pursuant to Title 19.08.040(C)4a, and 19.06.040 (D) the following Development Standards apply to the subject proposal:

Standards	Required	Requested	Compliance
Min. Setbacks			
• Front	10 Feet	5.74 and 7.23	N
• Side	5 Feet	7.0	Y
• Corner	10 Feet	NA	Y
• Rear	15 Feet	11.43 and 10.33	N

The proposal needs variances from the approved setbacks from SDR-2418.

B) General Analysis and Discussion

Pursuant to Title 19.18.070L, the following determinations must be made to approve a variance:

“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.”

Additionally, Nevada Revised Statutes Chapter 278 City of Las Vegas Title 19.18.070(B) requires:

“A Variance shall not be granted 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.”

None of the above referenced criteria have been met. There is no evidence of an exceptional or extraordinary circumstance has been presented. The applicant has simply imposed their own hardship by plotting more parcels onto this property than could be consistent with the setback standards established by the project’s R-PD5 zoning and Site Development Review.

In view of: 1) the absence of hardships imposed by the site's physical characteristics, 2) the granting of a previous Variance (VAR-2419) to allow an additional 41,000 square feet of buildable space, and 3) acceptance of Conditions of Approval of the Site Development Plan Review, Tentative Map Review, and Final Map Technical Review, staff concludes that the applicant's request for setback reductions is preferential in nature, and it is thereby outside the realm of NRS Chapter 278 for granting of Variances. The recommendation is for denial.

PLANNING COMMISSION ACTION

The Planning Commission believes the project is still acceptable with the requested variances.

NOTICES MAILED 178 by City Clerk

APPROVALS 0

PROTESTS 0



PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **VAR-4629** APN: 138-08-101-001 thru 004

Name of Property Owner: DAY STAR VENTURES LLC.

Name of Applicant: DAY STAR VENTURES LLC.,

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

 Yes ~~No~~

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

City Official: _____

Partner(s): _____

APN: _____

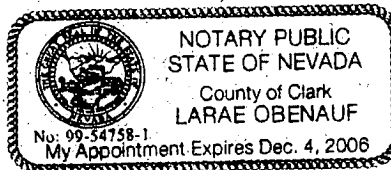
Signature of Property Owner/Authorized Agent:

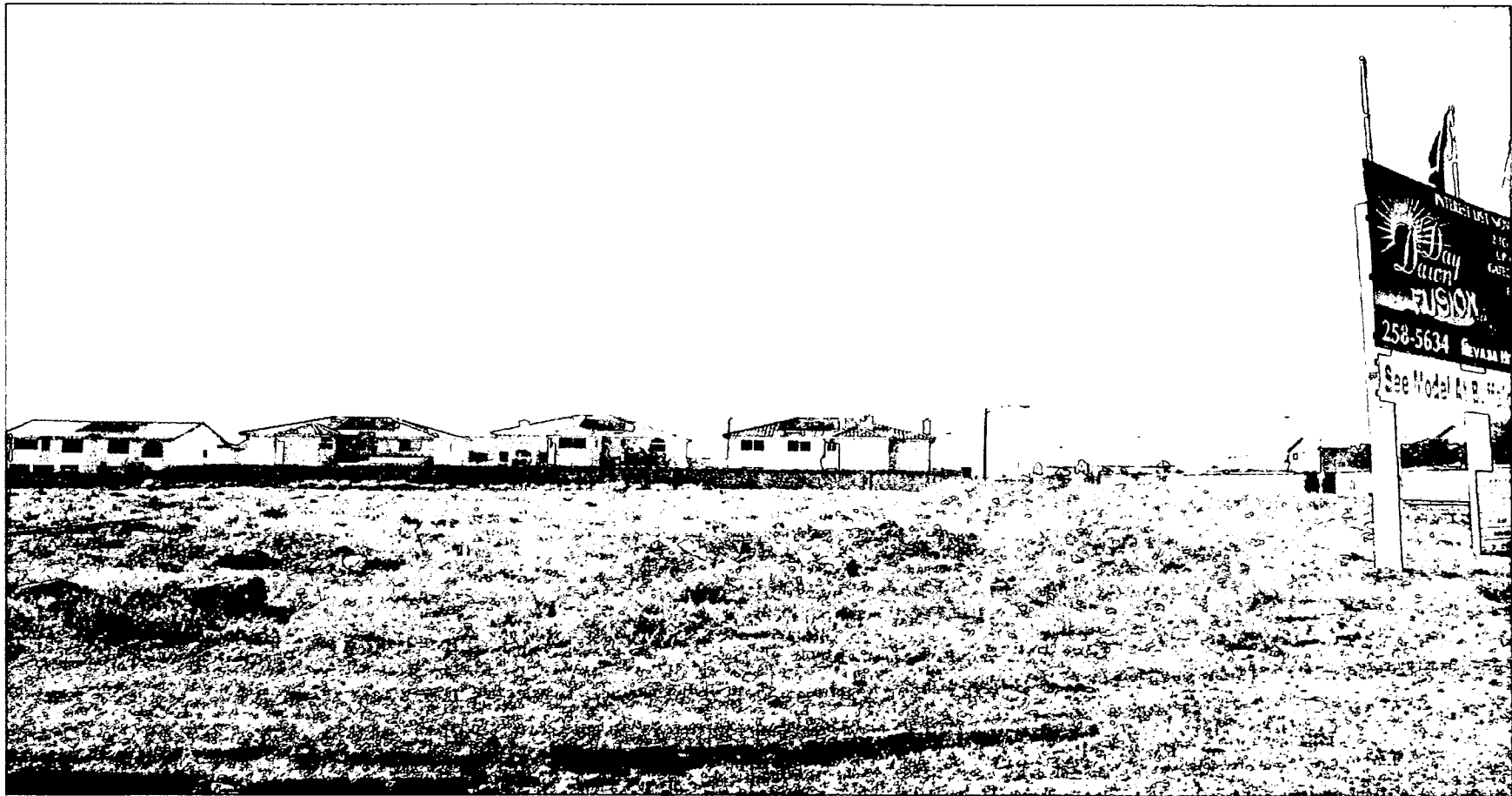
Print Name:

Subscribed and sworn before me

This 24th day of May, 2004

Lafae Obenau
Notary Public in and for said County and State





VAR-4629 - APPLICANT/OWNER: DAY STAR VENTURE, LIMITED LIABILITY COMPANY
SOUTHEAST CORNER OF FORT APACHE ROAD AND ALEXANDER ROAD
AUGUST 12, 2004 PLANNING COMMISSION

7/6/04



VAR-4629 - APPLICANT/OWNER: DAY STAR VENTURE, LIMITED LIABILITY COMPANY
SOUTHEAST CORNER OF FORT APACHE ROAD AND ALEXANDER ROAD
AUGUST 12, 2004 PLANNING COMMISSION

7/6/04

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: SEPTEMBER 15, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☐

CONSENT

☒

DISCUSSION

SUBJECT:

VARIANCE - PUBLIC HEARING - VAR-4701 - APPLICANT: TERRIBLE HERBST, INC. - OWNER: RANCHO CIRCLE SHOPPING CENTER, LIMITED LIABILITY COMPANY - Request for a Variance TO ALLOW A PROPOSED 100-FOOT TALL FLAG POLE WHERE 40 FEET IS THE MAXIMUM HEIGHT ALLOWED at 2401 West Bonanza Road (APN 139-29-801-004), C-2 (General Commercial) Zone, Ward 5 (Weekly). Staff recommends DENIAL. The Planning Commission (3-1-1 vote) recommends APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

RECOMMENDATION:

Staff recommends DENIAL. The Planning Commission (3-1-1 vote) recommends APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

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

MOTION:

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

- *The existing pole on site shall be removed at the time that the flag pole receives its final inspection.*

– UNANIMOUS

MINUTES:

MAYOR GOODMAN declared the Public Hearing open.

The applicant was not present.

COUNCILMAN WEEKLY noted that the representative was present during the morning session and resolved his concerns.

CITY COUNCIL MEETING OF SEPTEMBER 15, 2004
Planning and Development Department
Item 128 – VAR-4701

MINUTES – Conditions:

MARGO WHEELER, Deputy Director, Planning and Development Department, explained that SEAN HIGGINS, representing the project, indicated that the existing pole is no longer being utilized on the site. It will be incorporated into the flag pole; therefore the maintenance problem will be relieved with the addition of this new flag pole. COUNCILMAN WEEKLY asked if this could be made into a condition, to which DEPUTY CITY ATTORNEY BRYAN SCOTT replied that since MR. HIGGINS agreed, it could be made as a condition of approval.

No one appeared in opposition.

MAYOR GOODMAN declared the Public Hearing closed.

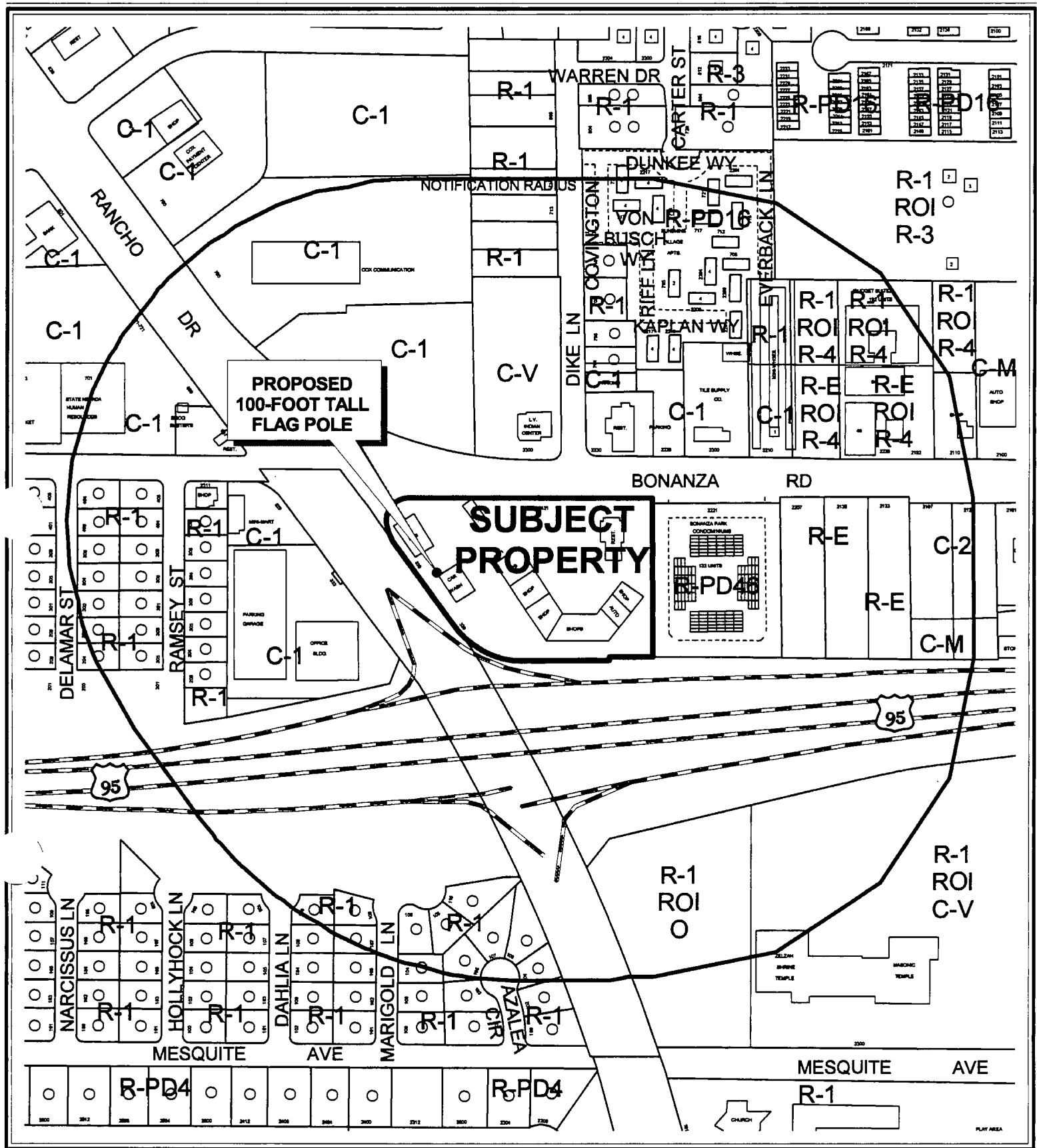
(4:10 – 4:12)

5-3210

CONDITIONS:

Planning and Development

1. This Variance shall expire two years from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.
2. The flag pole must be able to co-locate a minimum of two wireless communication antennae.



CASE: VAR-4701

RADIUS: 750 FT

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

0 200 400 Feet



AGENDA MEMO

CITY COUNCIL MEETING DATE: SEPTEMBER 15, 2004

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: VAR-4701 - APPLICANT: TERRIBLE HERBST, INC. -
OWNER: RANCHO CIRCLE SHOPPING CENTER, LIMITED LIABILITY COMPANY**

**** CONDITIONS ****

Staff recommends DENIAL. The Planning Commission (3-1-1 vote) recommends APPROVAL, subject to:

Planning and Development

1. This Variance shall expire two years from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.
2. The flag pole must be able to co-locate a minimum of two wireless communication antennae.

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

This is a request for a Variance to allow a proposed 100-foot tall flag pole where 40 feet is the maximum height allowed at 2401 West Bonanza Road.

B) Applicant's Justification

According to the applicant, variances have been granted in the past at other Herbst locations for the 100-foot flag poles. Only the American flag would be flown from the poles; no commercial flags or messages would be attached.

BACKGROUND INFORMATION

A) Previous Actions

- | | |
|----------|--|
| 10/13/66 | The City Council approved a Rezoning to C-1 (Limited Commercial) as part of a larger request (Z-0058-66). |
| 08/01/84 | The City Council approved a Rezoning (Z-0044-84) from C-1 (Limited Commercial) to C-2 (General Commercial) on the subject site. The Planning Commission and staff recommended approval. |
| 01/18/94 | The City Council approved Special Use Permit (U-0284-94) for a proposed Liquor Establishment (On-Premise Beer/Wine Sales) in conjunction with a proposed Restaurant/Bakery. The Board of Zoning Adjustment and staff recommended approval. |
| 12/18/97 | Staff administratively approved a Site Development Review [Z-0058-66(2)] for a proposed expansion of a portion of the existing shopping center, consisting of a convenience store, gasoline station, and car wash. |
| 05/02/01 | The City Council approved a request for a Site Development Review [Z-0058-66 (3)] and a Waiver of Landscaping Requirements for a proposed 3,200 square foot Convenience Store with a car wash and gas pumps; and a Special Use Permit (U-0032-01) for a proposed Liquor Establishment (Off-Premise Consumption). The Planning Commission and staff recommended approval. |

- 05/15/02 The City Council approved a Special Use Permit (U-0021-02) for a Restaurant Service Bar in conjunction with a proposed restaurant (China Buffet). The Planning Commission and staff recommended approval.
- 03/05/03 The City Council approved a request for a Master Sign Plan (MSP-1194) for an approved convenience store, gas canopy and car wash. The Planning Commission made no recommendation (tie vote); staff recommended approval.
- 08/12/04 The Planning Commission voted 3-1-1 to recommend APPROVAL (PC Agenda Item #63/SS)

Previous Actions For Similar Requests

- 03/26/96 The Board of Zoning Adjustment approved a Variance (V-0008-96) to allow a proposed 100-foot tall flag pole where 40 feet is the maximum height allowed at 7500 West Cheyenne Avenue (Terrible Herbst). Staff recommended approval.
- 09/18/96 The City Council approved a Variance (V-0087-96) to allow an existing 100-foot tall flag pole where 40 feet is the maximum height allowed at 11 North Nellis Boulevard (Terrible Herbst). The Board of Zoning Adjustment and staff recommended approval.
- 11/26/96 The Board of Zoning Adjustment as part of a larger request approved a Variance (V-0140-96) to allow four proposed flag poles over 40 feet tall where one 40 foot flag pole is allowed at 444 South Decatur Boulevard (Fletcher Jones Chevrolet). Staff recommended approval.
- 06/02/98 The Board of Zoning Adjustment approved a Variance (V-0025-98) to allow a proposed 100-foot tall flag pole where 40 feet is the maximum height allowed at 4401 North Rainbow Boulevard (AM/PM). Staff recommended denial.
- 01/05/99 The Board of Zoning Adjustment approved a Variance (V-0090-98) to allow a proposed 100-foot tall flag pole where 40 feet is the maximum height allowed at 7301 West Lake Mead Boulevard (Terrible Herbst). Staff recommended denial.
- 05/04/99 The Board of Zoning Adjustment approved a Variance (V-0027-99) to allow a proposed 70-foot tall flag pole where 40 feet is the maximum height allowed at 1591 North Lamb Boulevard (Arco). Staff recommended denial.

- 07/06/99 The Board of Zoning Adjustment approved a Variance (V-0049-99) to allow a proposed 100-foot tall flag pole where 40 feet is the maximum height allowed at 7171 West Ann Road (Terrible Herbst). Staff recommended denial.
- 10/04/00 The City Council approved a Variance (V-0057-00) to allow a proposed 100-foot tall flag pole where 40 feet is the maximum height allowed at 1500 West Bonanza Road (MLK/Bonanza Mini Market). The Planning Commission and staff recommended denial.
- 07/12/01 The Planning Commission denied a Variance (V-0044-01) to allow a proposed 75-foot tall flag pole where 40 feet is the maximum height allowed at 2320 Fremont Street (AM/PM). Staff recommended denial.
- 11/07/01 The City Council approved a Variance (V-0065-01) to allow three proposed 50-foot tall flag poles where 40 feet is the maximum height allowed at 2300 Rock Springs Drive (Fountains at Smoke Ranch Apartments). The Planning Commission and staff recommended approval.
- 03/19/03 The City Council denied a Variance (VAR-1550) to allow a proposed 120-foot tall flag pole where 40 feet is the maximum height allowed at 5501 Drexel Road (Vista Chevrolet). The Planning Commission and staff recommended denial.
- 04/16/03 The City Council approved a Variance (VAR-1698) to allow a proposed 100-foot tall flag pole where 40 feet is the maximum height allowed at 3650 West Sahara Avenue (Terrible Herbst). The Planning Commission recommended denial and staff recommended approval.
- 11/05/03 The City Council approved a Variance (VAR-2905) to allow a proposed 100-foot tall flag pole where 40 feet is the maximum height allowed at 8425 Centennial Parkway (Terrible Herbst). The Planning Commission and staff recommended denial.

B) Pre-Application Meeting

- 06/15/04 Staff and the applicant discussed the justification for the flag pole and the size of the flag to be flown from the pole.

DETAILS OF APPLICATION REQUEST

A) Site Area

Net Acres: 4.62

B) Existing Land Use

Subject Property: Retail Commercial Center
North: Las Vegas Indian Center, Restaurant, Undeveloped
South: Oran K. Gragson Highway (U.S. 95)
East: Multi-Family Residential (Apartments)
West: Offices

C) Planned Land Use

Subject Property: LI/R (Light Industrial/ Research)
North: SC (Service Commercial)
South: ROW (Right-of-Way)
East: LI/R (Light Industrial/ Research)
West: SC (Service Commercial)

D) Existing Zoning

Subject Property: C-2 (General Commercial)
North: C-1 (Limited Commercial) and C-V (Civic)
South: ROW (Right-of-Way)
East: R-PD46 (Residential Planned Development - 46 Units Per Acre)
West: C-1 (Limited Commercial)

E) General Plan Compliance

The subject site is designated LI/R (Light Industry/Research) on the Southeast Sector Map of the General Plan. This designation does not directly affect this application.

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

The subject site is included within the Las Vegas Redevelopment Plan Area. It was part of the area added to the plan by ordinance in 1996.

This area is also part of the Neighborhood Revitalization Area, identified by the Las Vegas Master Plan 2020 as neighborhoods where existing residential uses should be protected and proposed commercial development should be designed within the context of a walk able environment.

ANALYSIS

A) Zoning Code Compliance

A1) Sign Standards

Pursuant to Title 19.14, the following sign standards apply to the subject proposal:

Standards	Required	Requested	Compliance
Max. Flagpole height	40 Feet	100 Feet	N

Title 19.14.040.C states that flags of the United States, state flags, municipal flags, flags of foreign nations and any other flag representing a government or governmental agency are permitted provided that:

- (1) The flag is not flown from a pole the top of which is 40 feet in height;
- (2) No more than one flag for any one governmental unit or nation is permitted on each parcel of land; and
- (3) No more than four flags are permitted on the same parcel of land.

The applicant requests to fly a flag from a pole that is 100 feet tall. The subject deviation is a 150 percent increase from the Zoning Code standard.

A2) Residential Adjacency Standards

Pursuant to Title 19.08.060, the subject site is not subject to Residential Adjacency Standards, as it is located within the boundaries of the Las Vegas Redevelopment Area, as described by ordinance.

B) General Analysis and Discussion

The proposed flag pole will be located within an approved Terrible Herbst convenience store development, which includes gasoline sales and an automatic car wash. The submitted site plan shows that the pole will be centrally positioned on the site near the convenience store. The accompanying flag size would be 20 feet wide by 30 feet in length.

Title 19.14.040 allows flags of governmental entities to be displayed without permits, provided they are flown from flag poles that do not exceed 40 feet in height, among other restrictions. There is no extraordinary circumstance on the property that would prevent the applicant from constructing the proposed flag pole to the legal maximum 40-foot height in this or any other location on the property. Staff is aware that similar Variances have been granted to allow 100-foot flag poles in the city; however, Title 19.18.070.H states that Variances granted for the same use on other properties is not determinative of approval for a Variance on the subject property. Therefore, denial is recommended.

FINDINGS

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

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

No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship by proposing to construct a flag pole that is two and a half times than the Code permits when it otherwise could have easily constructed it to Code standards. In view of the absence of any hardships imposed by the site’s physical characteristics, it is concluded that the applicant’s hardship is preferential in nature, and it is thereby outside the realm of NRS Chapter 278 for granting of Variances.

NOTICES MAILED 137 by City Clerk

APPROVALS 0

PROTESTS 0

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: VAP-4701 APN: 139-29-801-004

Name of Property Owner: Rancho Circle Shopping Center LLC

Name of Applicant: Terrible Herbst, Inc.

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

 Yes

 ✓ No

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

City Official: N/A

Partner(s): N/A

APN: N/A

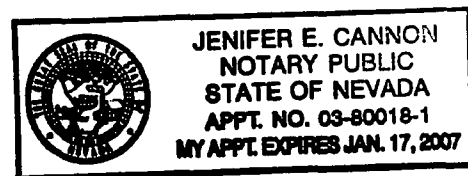
Signature of Property Owner/Authorized Agent: *[Signature]* MANAGER

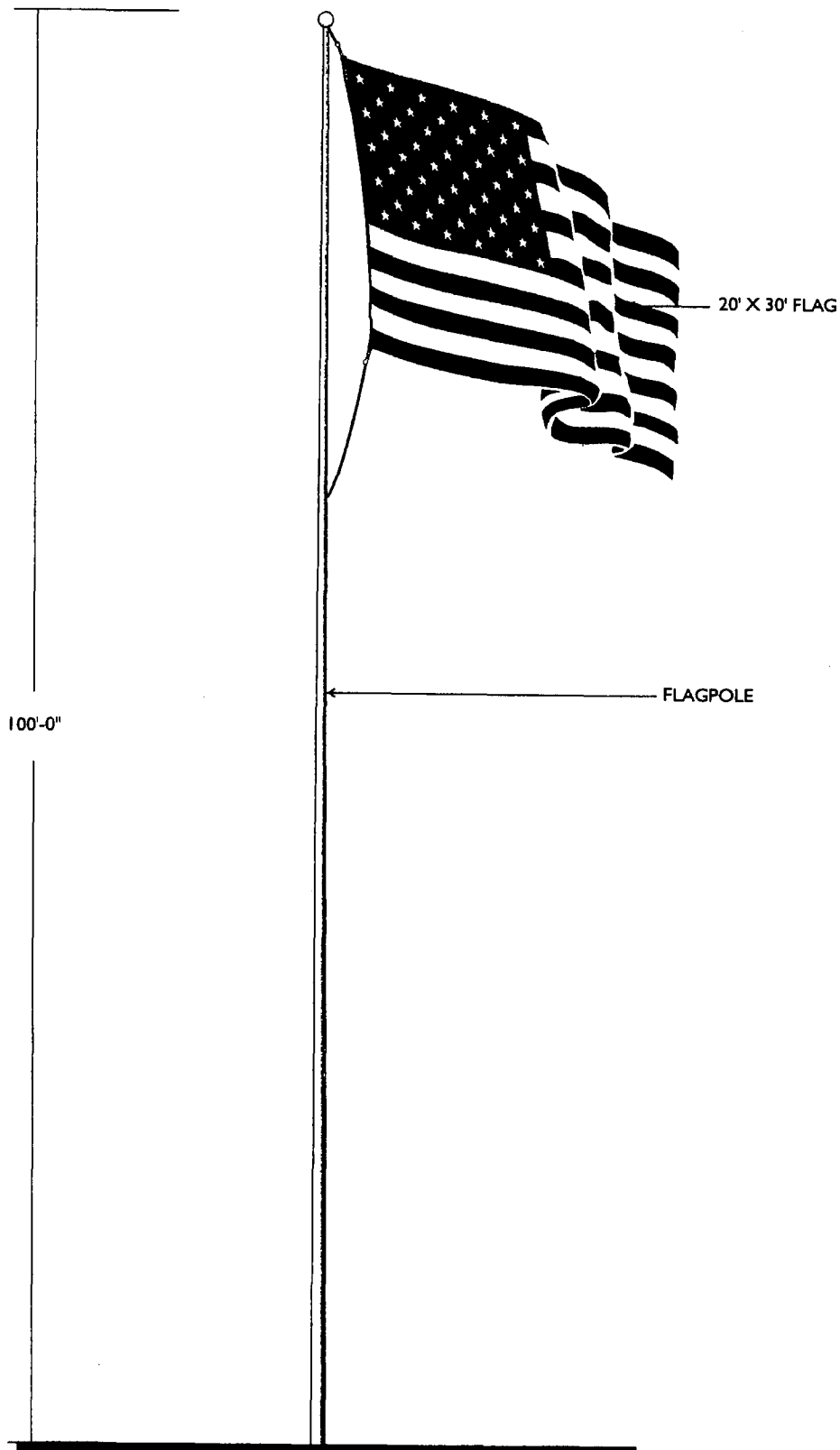
Print Name: JOHN D. BAYER

Subscribed and sworn before me

This 27 day of April, 2004

Jenifer E. Cannon
Notary Public in and for said County and State





(1) FLAGPOLE 1/8" = 1'-0"

VAR-4701
08-12-04 PC

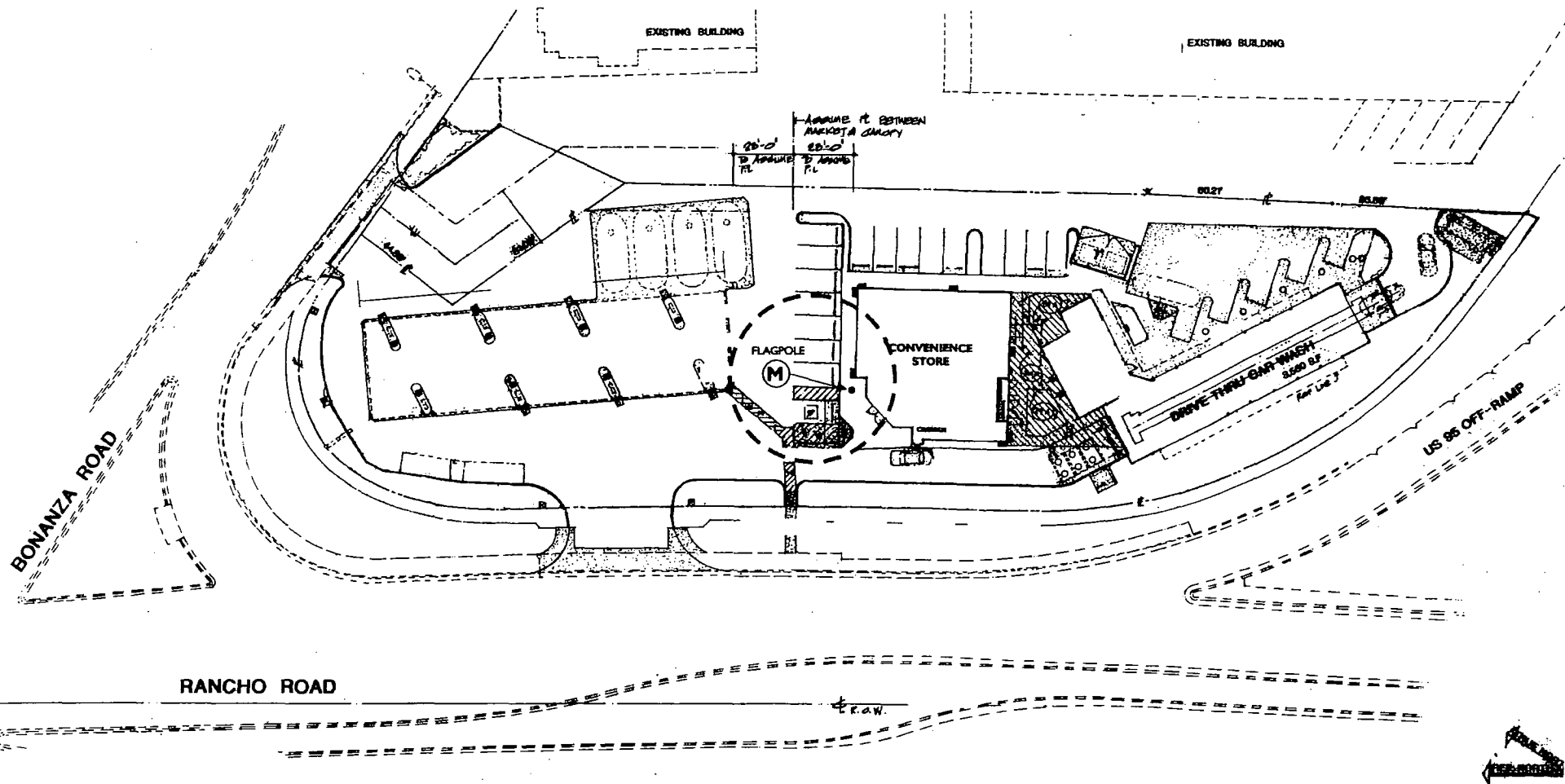
JOB NO.	7481
DATE	5.28.03
DESIGNED BY	M. METCALF
CHECKED BY	TRINA JARCHOW
FILE NAME	TH7481.CDR
BY	

TERRIBLE'S

VISION SIGN
3625 S. Polar Ave. Las Vegas, Nevada 89103

These plans are prepared and submitted by the contractor as an exception to NRS 423.330 for work under contractor license category authorized under NRS 624.
NV CONTRACTOR LICENSE #42776

REVISIONS	BY



SITE PLAN 1"=40'-0"

VAR-4701
08-12-04 PC

FLAG POLE SITE PLAN

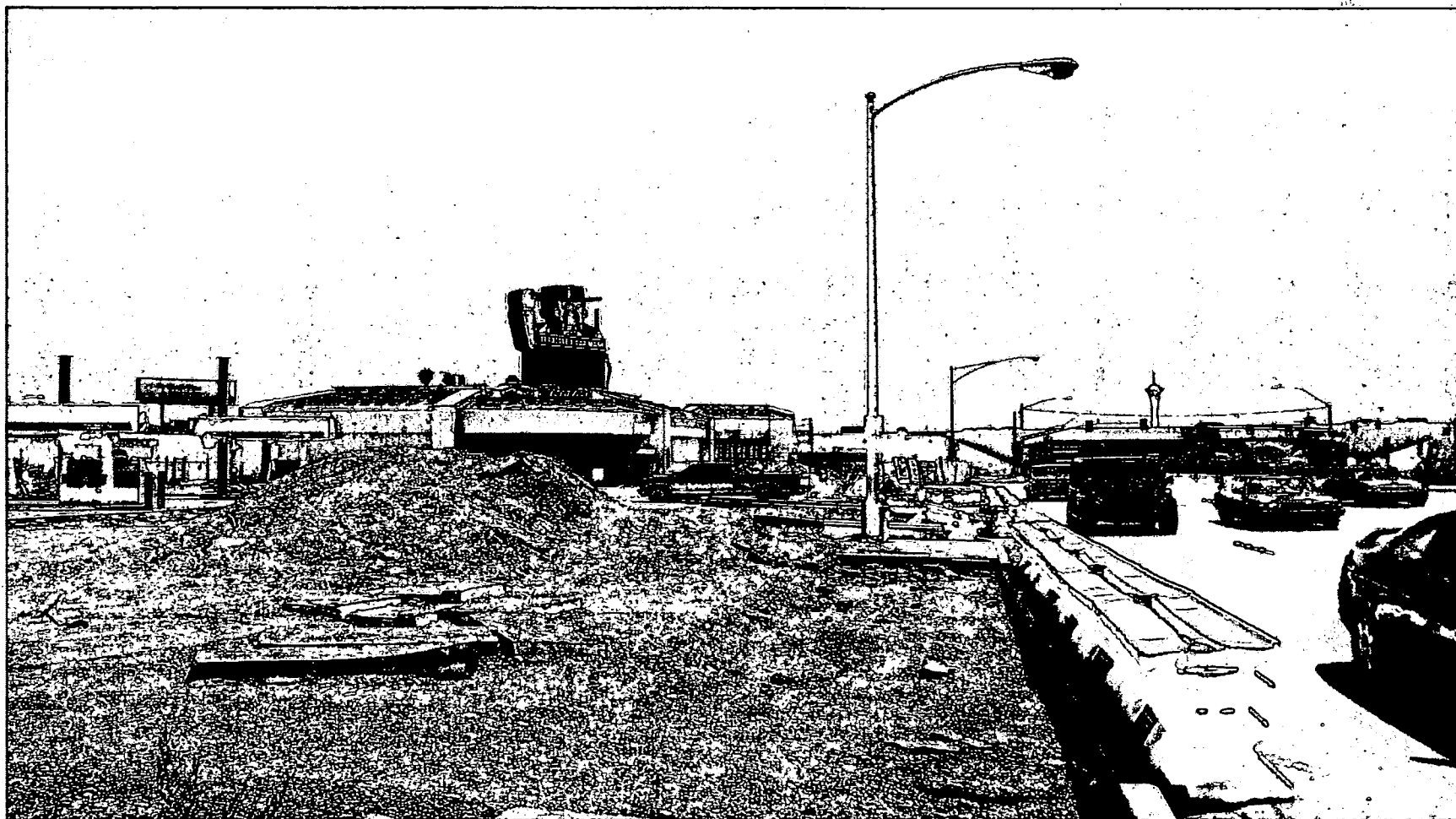
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DATE	4.5.02
DRAWN	m metcalfe
SALES	rich larsen
FILE NAME	th4632.CDR
SHEET	OF

TERRIBLE'S
RANCHO & BONANZA

VISION SIGN
3625 S. Pahrle Ave. Las Vegas, Nevada 89103

These plans are prepared and submitted by the contractor as an exemption to NRS 623.330 for work under contractor license category authorized under NRS 624.
NV CONTRACTOR LICENSE #42776

DATE	3-12-04	BY	DN
DATE	3-23-04	BY	DN



VAR-4701 - APPLICANT: TERRIBLE HERBST, INC. - OWNER: RANCHO CIRCLE SHOPPING CENTER,
LIMITED LIABILITY COMPANY
2401 WEST BONANZA ROAD
AUGUST 12, 2004 PLANNING COMMISSION

07/20/04



**VAR-4701 - APPLICANT: TERRIBLE HERBST, INC. - OWNER: RANCHO CIRCLE
SHOPPING CENTER, LIMITED LIABILITY COMPANY
2401 West Bonanza Road
SEPTEMBER 15, 2004 CITY COUNCIL MEETING**

Picture taken 08/31/04



**VAR-4701 - APPLICANT: TERRIBLE HERBST, INC. - OWNER: RANCHO CIRCLE
SHOPPING CENTER, LIMITED LIABILITY COMPANY
2401 West Bonanza Road
SEPTEMBER 15, 2004 CITY COUNCIL MEETING**

Picture taken 08/31/04



**VAR-4701 - APPLICANT: TERRIBLE HERBST, INC. - OWNER: RANCHO CIRCLE
SHOPPING CENTER, LIMITED LIABILITY COMPANY
2401 West Bonanza Road
SEPTEMBER 15, 2004 CITY COUNCIL MEETING**

Picture taken 08/31/04



**VAR-4701 - APPLICANT: TERRIBLE HERBST, INC. - OWNER: RANCHO CIRCLE
SHOPPING CENTER, LIMITED LIABILITY COMPANY
2401 West Bonanza Road
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:

VARIANCE - PUBLIC HEARING - VAR-4720 - APPLICANT: ALBERTSONS, INC. - OWNER: FLAMINGO SEC PARTNERS, LIMITED LIABILITY COMPANY - Request for a Variance TO ALLOW 60 PARKING SPACES WHERE 79 SPACES IS THE MINIMUM REQUIRED in conjunction with a proposed retail building (Pharmacy) on 1.43 acres at 4800 West Charleston Boulevard (APN 138-36-804-009), C-1 (Limited Commercial) 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**

0

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. Submitted after final agenda - Support letter from Charleston Neighborhood Preservation for Item 129 [VAR-4720], Item 130 [SUP-4719] and Item 131 [SDR-4718] filed under Item 129 [VAR-4720]

MOTION:

MONCRIEF – APPROVED subject to conditions – UNANIMOUS

MINUTES:

MAYOR GOODMAN declared the Public Hearing open on Item 129 [VAR-4720], Item 130 [SUP-4719] and Item 131 [SDR-4718].

HANK GORDON, 1770 North Buffalo Drive, appeared on behalf of the applicant and concurred with all conditions.

COUNCILWOMAN MONCRIEF thanked the applicant and staff and pointed out that staff's recommendation for denial was due to specific variances. She commented that the applicant will be dedicating a right turn lane onto Charleston Boulevard and a full bus pullout, which will help the traffic flow.

CITY COUNCIL MEETING OF September 15, 2004
Planning and Development Department
Item 129 – VAR-4720

MINUTES – Continued:

No one appeared in opposition.

MAYOR GOODMAN declared the Public Hearing closed on Item 129 [VAR-4720], Item 130 [SUP-4719] and Item 131 [SDR-4718].

NOTE: All discussion for Item 129 [VAR-4720], Item 130 [SUP-4719] and Item 131 [SDR-4718] was held under Item 129 [VAR-4720].

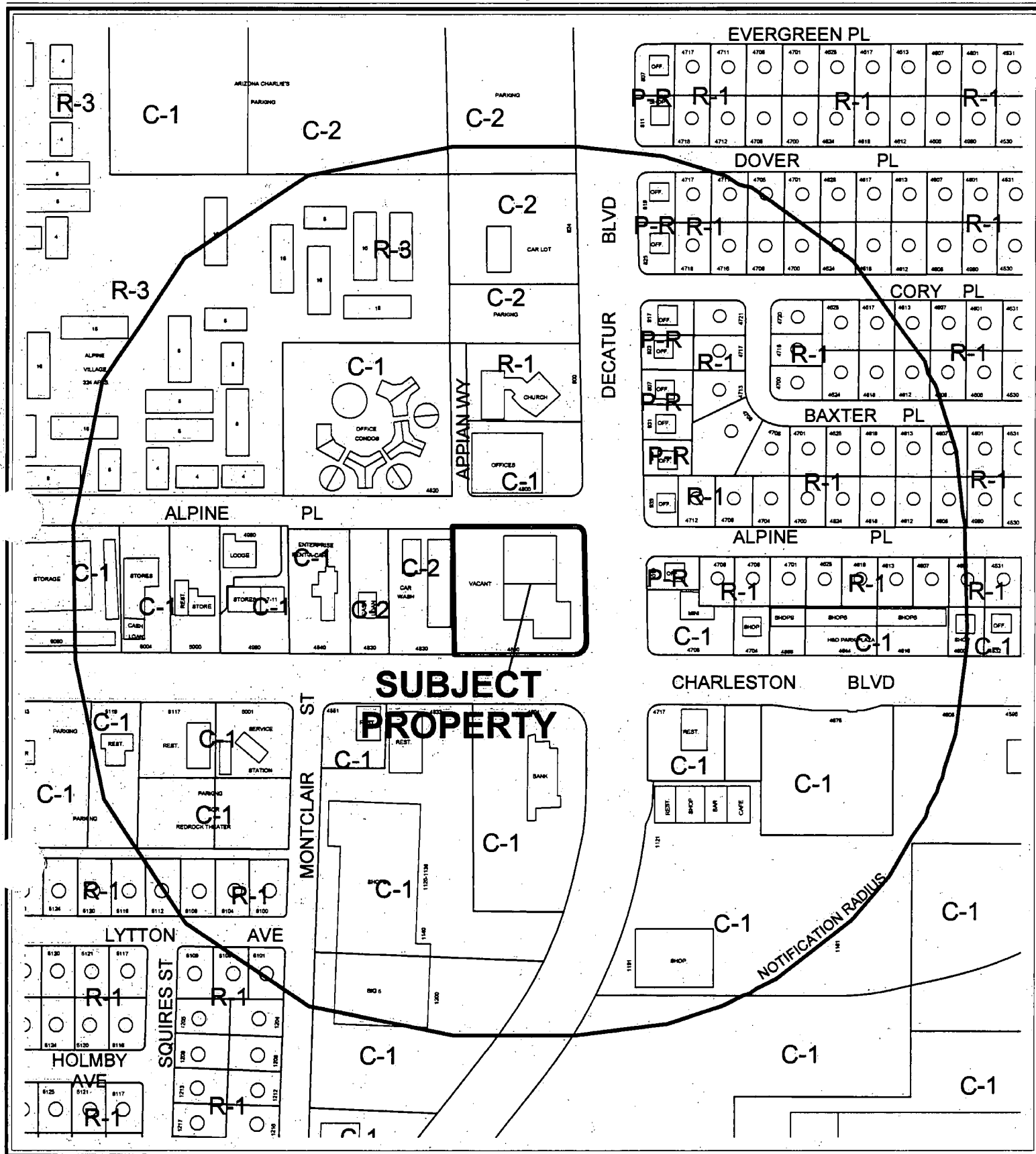
(3:01 – 3:04)

5-380

CONDITIONS:

Planning and Development

1. Approval of and conformance to the Conditions of Approval for a Special Use Permit (SUP-4719) and a Site Development Plan Review (SDR-4718) by the City Council.
2. This Variance shall expire two years from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.

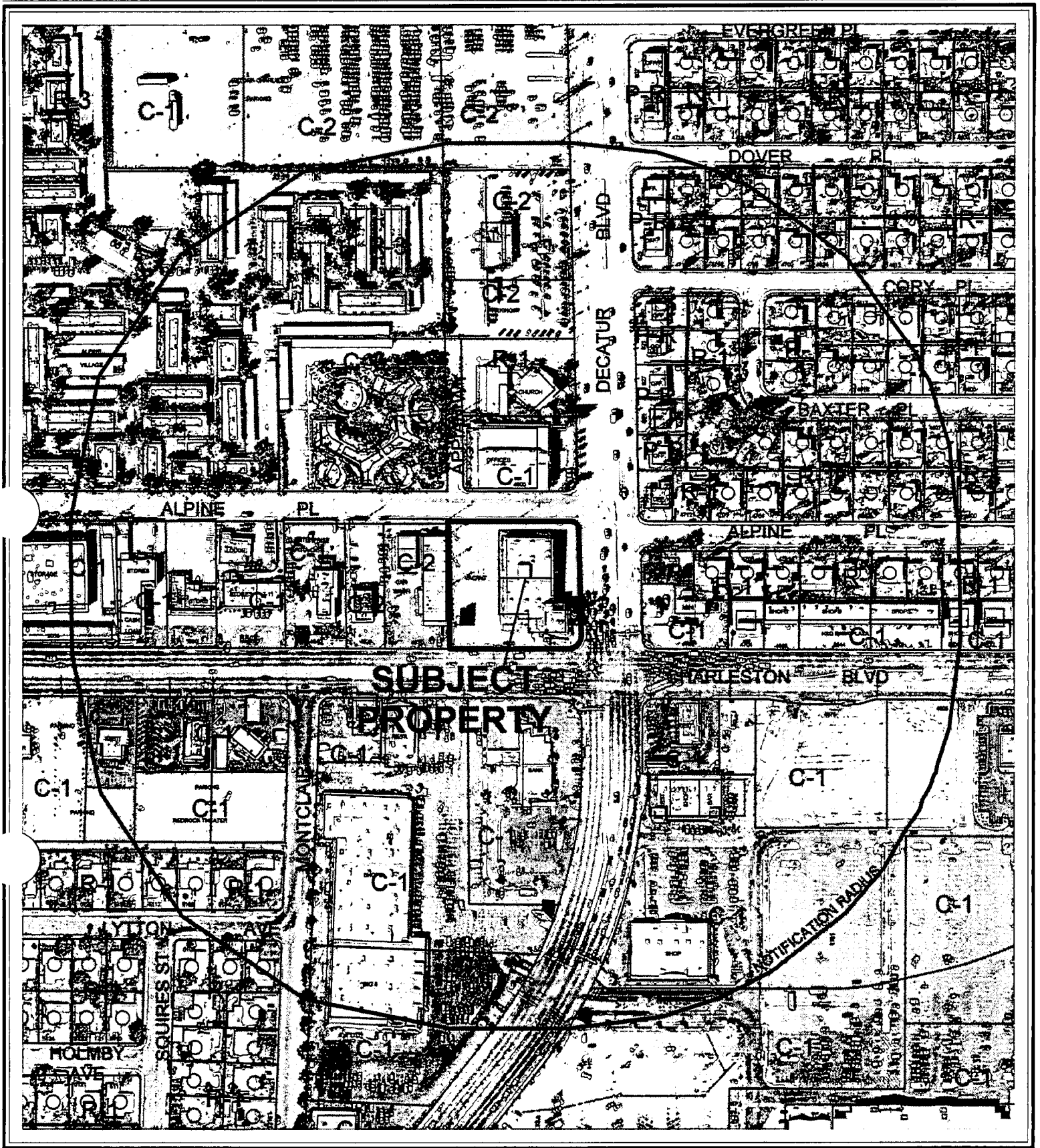


CASE: VAR-4720

RADIUS: 750 FT

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





CASE: VAR-4720

RADIUS: 750 FT

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

0 200 400 Feet



AGENDA MEMO

CITY COUNCIL MEETING DATE: SEPTEMBER 15, 2004

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: VAR-4720 - APPLICANT: ALBERTSONS INC. - OWNER:
FLAMINGO SEC PARTNERS, LIMITED LIABILITY COMPANY**

**** CONDITIONS ****

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

Planning and Development

1. Approval of and conformance to the Conditions of Approval for a Special Use Permit (SUP-4719) and a Site Development Plan Review (SDR-4718) by the City Council.
2. This Variance shall expire two years from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

This is a request for a Variance to allow 60 parking spaces, where 79 spaces are the minimum required, for a proposed retail building on 1.43 acres at 4800 West Charleston Boulevard (northwest corner of Charleston Boulevard and Decatur Boulevard).

B) Applicant's Justification

In a letter submitted with the application, the applicant states:

"Due to the physical constraints of this particular site being surrounded by existing streets on three (3) sides and an operating business on the adjacent property, the site area is very limited. The size of the Sav-on building itself is within the minimum requirements for store sales to be able to meet the financial projections established by Albertson, Inc. The proposed store area is already a 3,000 square foot reduction of Sav-on's current criteria store of 16, 800 square foot."

BACKGROUND INFORMATION

A) Actions

- | | |
|----------|---|
| 02/27/63 | The Board of Commissioners approved a Rezoning (Z-0017-63) to rezone the subject site to a C-1 (Limited Commercial) zone. The Planning Commission and staff recommended approval. |
| 04/24/03 | The Planning Commission accepted the applicant's request to withdraw without prejudice an application for a Petition of Vacation to vacate a Government Patent Reservation. The staff recommended approval on 04/24/03. |
| 04/24/03 | The Planning Commission accepted the applicant's request to withdraw without prejudice an application for a Site Development Plan Review (SDR-1966) for a commercial center consisting of retail and restaurant uses. The staff recommended approval on 04/24/03. |
| 08/12/04 | The Planning Commission is scheduled to consider companion items including a Special Use Permit (SUP-4719) and a Site Development Plan Review (SDR-4718) at the same meeting. |
| 08/12/04 | The Planning Commission voted 5-0 to recommend APPROVAL (PC Agenda Item #58/DDS) |

B) Pre-Application Meeting

06/16/04 Staff discussed various elements of the prospective development, including the following:

- Concerns with curb and street improvements
- Turn lane and bus turnout lane to be dedicated. (Staff will determine whether these improvements are to be improved with this development.)
- Design issues:
 - Handicap parking space design is inadequate.
 - Insufficient queuing for drive-up window.
 - Deficiency in landscape buffering and building landscaping.
 - Location of the building away from the street corner.
- A proposed request for packaged liquor sales will be dropped due to the proximity of an existing church.
- Traffic signal impact fee.
- Traffic study.
- Possible flood study.
- Replacement of substandard off sites.
- Show proposed signage and locations.
- Patent easements on the west side of the property may need to be vacated.

C) Neighborhood Meetings

A neighborhood meeting is not required nor was one held.

DETAILS OF APPLICATION REQUEST

A) Site Area

Acres: 1.43

B) Existing Land Use

Subject Property: Commercial building (vacant)
North: Commercial building
South: Commercial building
East: Commercial building
West: Commercial building

C) Planned Land Use

Subject Property: SC (Service Commercial)
North: SC (Service Commercial)
South: SC (Service Commercial)
East: SC (Service Commercial)
West: GC (General 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) and PR (Professional Office and Parking)
 West: C-2 (General Commercial)

E) General Plan Compliance

The site is located on the Southwest Sector Map of the General Plan. The land use designation for the subject property is the SC (Service Commercial) category that allows low to medium intensity retail, office or other commercial uses that serve primarily local area patrons and that do not include more intense general commercial characteristics. The requested Variance is not related to any specific General Plan policies.

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

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

ANALYSIS

A) Zoning Code Compliance

A1) Development Standards

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

Total building square footage	Required		Provided	
	Regular	Handicap	Regular	Handicap
	One space per 175 square feet	4 per 76 to 100 standard spaces	One space per 243 square feet	
13,848	80 spaces	4 spaces	60 spaces	3 spaces

The proposed development does not meet the parking space requirements, as there is a 25 percent reduction in the number of spaces. The purpose of the subject request for a Variance is to reduce the required number of parking spaces to 60.

B) General Analysis and Discussion

This request is for a variance to reduce the required number of parking spaces for a proposed new 13,848 square-foot Sav-on drug store. A vacant building presently occupies the property, and the applicant intends to raze the building and redevelop the site for the new store. Consequently, in conjunction with the subject application, requests for a Site Development Plan Review (SDR-4718) and a Special Use Permit (SUP-4719) for gaming operations within the store have been submitted.

FINDINGS

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

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

Additionally, Title 19.18.070L states:

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

According to state enabling legislation and the Zoning Code, the requisite criteria for granting a variance, is whether this particular property cannot be used for "any permitted use" within the zoning restrictions of the Zoning Code. There is no evidence presented by the applicant or otherwise that suggests that the property cannot be used for some other C-1 Limited Commercial Use.

Decatur Boulevard and Charleston Boulevard are two major arterial streets that carry large volumes of traffic. For this reason alone, it is difficult to imagine that the property could not be used for any permitted use of lesser size that could comply with the provisions of the Zoning Code.

This recommendation of denial is based on the following findings:

- **No evidence is provided that a hardship exists to warrant a variance in the required number of parking spaces.** The onus for presenting such evidence is placed on the applicant, the person allegedly aggrieved by the requirement. No such evidence has been presented that indicates that the property could not be used for any use under the provisions of the Zoning Code.
- **The hardship is self-imposed.** The hardship is of the applicant's own making, as the applicant knew or should have known prior to an interest in the property that it could not accommodate the proposed use with a full complement of parking spaces.
- **Use of the property is not denied.** The property has no exceptional narrowness, shallowness, shape, exceptional topographic conditions or other extraordinary and exceptional situation or conditions attributed to the property. What the property does have is access to two major arterial streets that would accommodate a commercial use of lesser size that meets the requirements of the Zoning Code.

PLANNING COMMISSION ACTION

The Planning Commission believes that with conditions any negative impact can be mitigated.

NOTICES MAILED 92 by City Clerk

APPROVALS 0

PROTESTS 0

RECEIVED

JUN 23 2004

**PLANNING & DEVELOPMENT DEPARTMENT**

STATEMENT OF FINANCIAL INTEREST

Case Number: VAR-4720 APN: 138-36-804-009

Name of Property Owner: Flamingo SEC Partners, LLC

Name of Applicant: ALBERTSONS INC.

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

Yes

X No

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

City Official: _____

Partner(s): _____

APN: _____ Flamingo SEC Partners, LLC

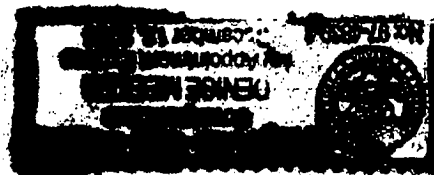
Signature of Property Owner/Authorized Agent: 1. [Signature]

Print Name: Richard Gordon

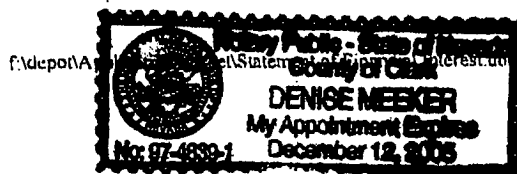
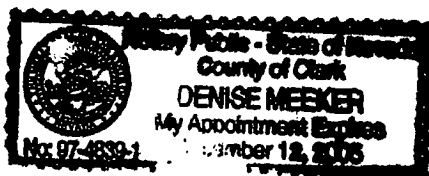
Subscribed and sworn before me

This 21 day of June, 2004

Doneshue
Notary Public in and for said County and State

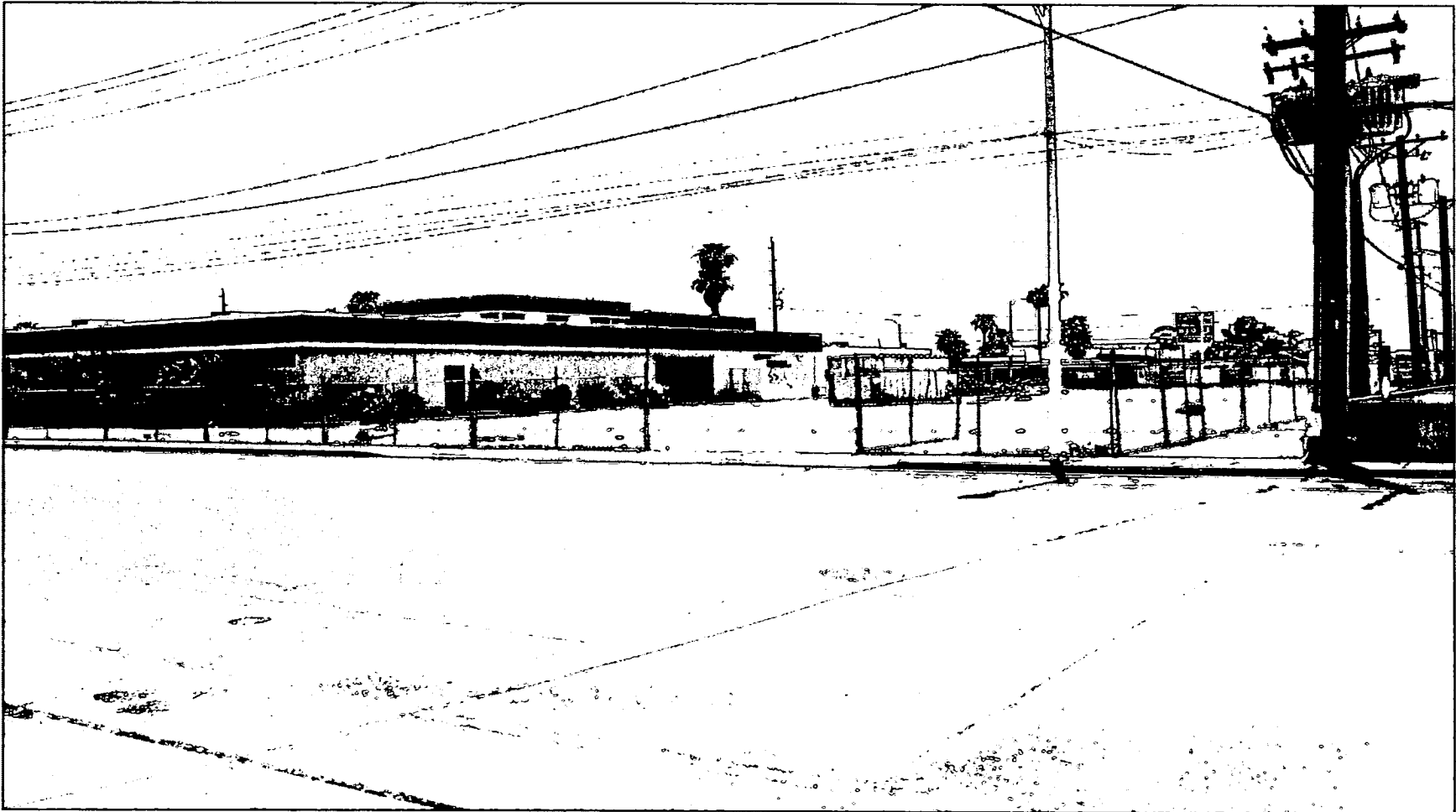


Revised 2/12/02





RECEIVED
7-12-04



VAR-4720 - APPLICANT: ALBERTSONS, INC. - OWNER: FLAMINGO SEC PARTNERS, LIMITED
LIABILITY COMPANY
4800 WEST CHARLESTON BOULEVARD
AUGUST 12, 2004 PLANNING COMMISSION

07/20/04



CHARLESTON NEIGHBORHOOD PRESERVATION

"Doing things today that will improve tomorrow"

PHONE/FAX: (702) 877-2438

Protest

14 September 2004

to: CLV Mayor GOODMAN and Councilpersons BROWN, MACK, MONCRIEF,
REESE, WEEKLY and WOLFSON

Please consider the following concerns and address them regarding the several agenda items. We will be observing.

Councilpersons Moncrief and Weekly, Charleston Neighborhood Preservation, eagerly awaits any Pioneer Trails action.

#50 & #51—Action at Mirabelli also eagerly welcomed.

#65—Councilman Wolfson, this "real world" change is welcomed.

#66—The DEVELOPMENT of the project and housing must incorporate the requests of the HOA people in the abutting area such as trees for screening for visual and noise abatement also, traffic control.

#83—No for this business at this location. Congestion here does not accommodate for customers of such business.

#87—Well, if Mayor & Council are happy, in this instance, Charleston Neighborhood Preservation will try to be happy.

#88—Yes, to CLV being the controlling entity. NO, to all Directors being appointed by any one person!

#95—NO, NO, NO. Residents are at this time, unable to vote for PLANNING commissioners, therefore, under no circumstances can you allow their vote to become the law of the land. Such a proposal is shocking in an American city government. If State law does suggest such action, such action must be removed. Mr. Genzer, we request an appointment with you to discuss this at your earliest convenience.

#104—Staff has made the best decision here. Preventing public access to streets paid for by them (us) leads to no favorable circumstances. We think that a granted "variance" has led to these subsequent requests. Closing Alta between Decatur and Buffalo would certainly quiet our neighborhood.

#107—You should go with denial. The parade of electeds to the stand during Plan. Commission do not even represent the area.

#129, 130, 131—We welcome Albertson's to this area.

MEMBERS

Vicki Arnold - Juanita Clark - Miriam Ben - Marcus Gobel - Rose Hornsby - June Ingram - Rick Johnson
Gene & Pearl Louardo - Sherry Mason - Dorothy Orr - Barbara Roth - Layne Rushford - Pamela Stone - Others

Submitted for the agenda

Date 9/14/04 Item #129

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CITY CLERK
SEP 15 A 10:39

Support

see p2 - 1

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 VAR-4720 - PUBLIC HEARING - SUP-4719 -
APPLICANT: ALBERTSONS INC. - OWNER: FLAMINGO SEC PARTNERS,
LIMITED LIABILITY COMPANY - Request for a Special Use Permit FOR A PROPOSED
GAMING ESTABLISHMENT, RESTRICTED on 1.43 acres at 4800 West Charleston
Boulevard (APN 138-36-804-009), C-1 (Limited Commercial) 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

0

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. Submitted after final agenda - Support letter from Charleston Neighborhood Preservation for
Item 129 [VAR-4720], Item 130 [SUP-4719] and Item 131 [SDR-4718] filed under Item 129
[VAR-4720]

MOTION:

MONCRIEF – APPROVED subject to conditions – UNANIMOUS

MINUTES:

NOTE: See Item 129 [VAR-4720] for all related discussion.

(3:01 – 3:04)

5-380

CONDITIONS:

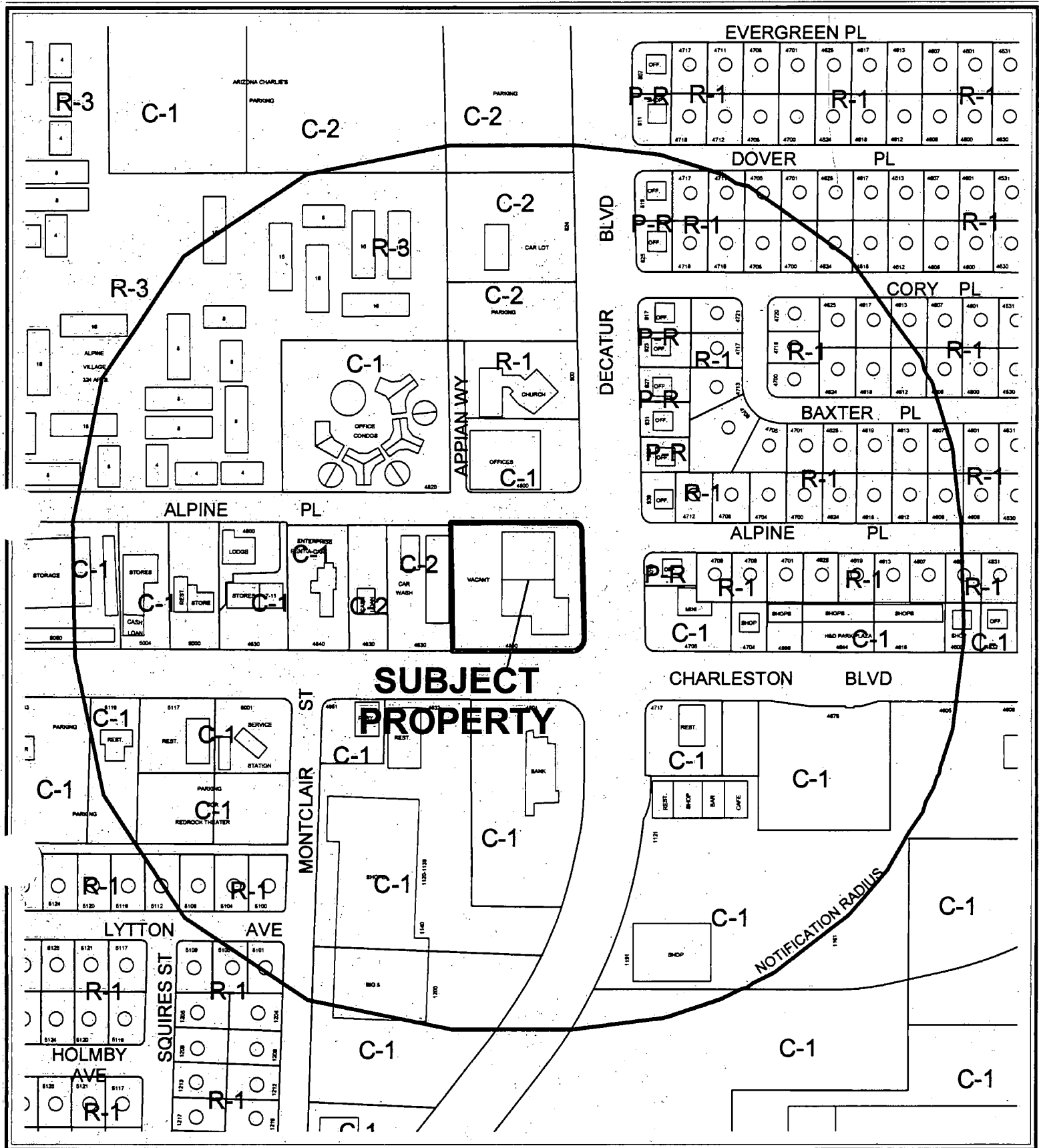
Planning and Development

1. Conformance to all Minimum Requirements under Title 19.04.050 for a Special Use Permit.
2. Approval of and conformance to the Conditions of Approval for an accompanying Site
Development Plan Review (SDR-4718).

CITY COUNCIL MEETING OF September 15, 2004
Planning and Development Department
Item 130 – SUP-4719

CONDITIONS – Continued:

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



CASE: SUP-4719

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-4719 - APPLICANT: ALBERTSON'S INC. - OWNER:
FLAMINGO SEC PARTNERS, LIMITED LIABILITY COMPANY**

**** CONDITIONS ****

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

Planning and Development

1. Conformance to all Minimum Requirements under Title 19.04.050 for a Special Use Permit.
2. Approval of and conformance to the Conditions of Approval for an accompanying Site Development Plan Review (SDR-4718).
3. This Special Use Permit shall expire two years from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.
4. All City Code requirements and design standards of all City departments must be satisfied.

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

This is a request for a Special Use Permit for a Gaming Establishment, General Business Related use on 1.43 acres at 4800 West Charleston Boulevard.

B) Applicant's Justification

The applicant indicates that Albertson, Inc. has been providing gaming rooms in their markets and drug stores throughout the area to provide convenience for their customers.

BACKGROUND INFORMATION

A) Actions

- | | |
|----------|---|
| 02/27/63 | The Board of Commissioners approved a Rezoning (Z-0017-63) to rezone the subject site to a C-1 (Limited Commercial) zone. The Planning Commission and staff recommended approval. |
| 04/24/03 | The Planning Commission accepted the applicant's request to withdraw without prejudice an application for a Petition of Vacation to vacate a Government Patent Reservation. The staff recommended approval on 04/24/03. |
| 04/24/03 | The Planning Commission accepted the applicant's request to withdraw without prejudice an application for a Site Development Plan Review (SDR-1966) for a commercial center consisting of retail and restaurant uses. The staff recommended approval on 04/24/03. |
| 08/12/04 | The Planning Commission will hear companion items including a Variance (VAR-4720) and a Site Development Plan Review (SDR-4718) at the same meeting. |
| 08/12/04 | The Planning Commission voted 5-0 to recommend APPROVAL (PC Agenda Item #59/DDS) |

B) Pre-Application Meeting

06/16/04 Held.

C) Neighborhood Meetings

A neighborhood meeting is not required nor was one held.

DETAILS OF APPLICATION REQUEST

A) Site Area

Acres: 1.43

B) Existing Land Use

Subject Property: Commercial building (vacant)

North: Commercial building

South: Commercial building

East: Commercial building

West: Commercial building

C) Planned Land Use

Subject Property: SC (Service Commercial)

North: SC (Service Commercial)

South: SC (Service Commercial)

East: SC (Service Commercial)

West: GC (General 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) and PR (Professional Office and Parking)

West: C-2 (General Commercial)

E) General Plan Compliance

The site is located on the Southwest Sector Map of the General Plan. The land use designation for the subject property SC (Service Commercial), which allows low to medium intensity retail, office or other commercial uses that primarily serve local area patrons. The current zoning of the property is C-1 (Limited Commercial), which is permitted within the SC category. The requested Gaming Establishment, General Business Related use is permitted within the C-1 (Limited Commercial) zone with a Special Use Permit.

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

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

ANALYSIS

A) Zoning Code Compliance

A1) Parking and Traffic Standards

Pursuant to Title 19.10, the following Parking Standards apply to the a proposed Sav-on drug store within which the subject Gaming Establishment, General Business Related use would be contained:

Total building square footage	Required		Provided	
	Regular	Handicap	Regular	Handicap
	One space per 175 square feet	4 per 76 to 100 standard spaces	One space per 243 square feet	
13,848	80 spaces	4 spaces	60 spaces	3 spaces

The proposed development does not meet the parking space requirements, as there is a 25 percent reduction in the number of spaces. The applicant has submitted a request for a Variance (VAR-4720) to reduce the required number of parking spaces to 60.

B) General Analysis and Discussion

- Zoning

The Gaming Establishment, General Business Related use is permitted in the C-1 (Limited Commercial) zoning district with the approval of a Special Use Permit.

- Use

A Gaming Establishment, General Business Related use is a building or structure, which is primarily used for some business other than gaming but in which restricted gaming is permitted pursuant to Chapter 6 of the Las Vegas Municipal Code. The Sav-on drug store is the primary use and the gaming operation is permitted in association with the drug store subject only to the approval of a Special Use Permit.

- Conditions

There are no special conditions of Title 19.04.050 that are applicable to a Gaming Establishment, General Business Related 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 Gaming Establishment, General Business Related use is proposed to be located within a Sav-on drug store. Such gaming operations contained within a drug store are customary to not only drug stores but to numerous other types of businesses as well. By reason of its containment within the store, the use is harmonious and compatible to uses surrounding the store.

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

Applications for a Variance (VAR-4720) and Site Development Plan Review (SDR-4718) were submitted in conjunction with this application. It is recommended that those two applications be denied because the Variance is to reduce the required number of parking spaces for the proposed Sav-on drug store. For such a high intensity use, the full complement of required parking spaces should be provided. Any additional uses that exacerbate the situation should be prohibited. For this reason it is recommended that this application be denied.

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

The subject property has access to streets that abut the property on three sides. According to the Master Plan of Streets and Highways, Charleston Boulevard and Decatur Boulevard are primary arterial streets with a right-of-way widths of 100 feet. Consequently, access is adequate to meet the requirements of the proposed use.

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

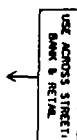
The proposed Gaming Establishment, General Business Related use will be subject to periodic inspection and would, therefore, not compromise the public health, safety and welfare.

NOTICES MAILED 92 by City Clerk

APPROVALS 0

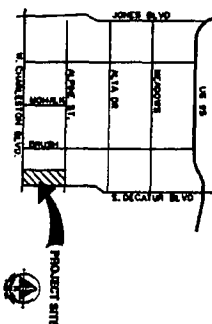
PROTESTS 0



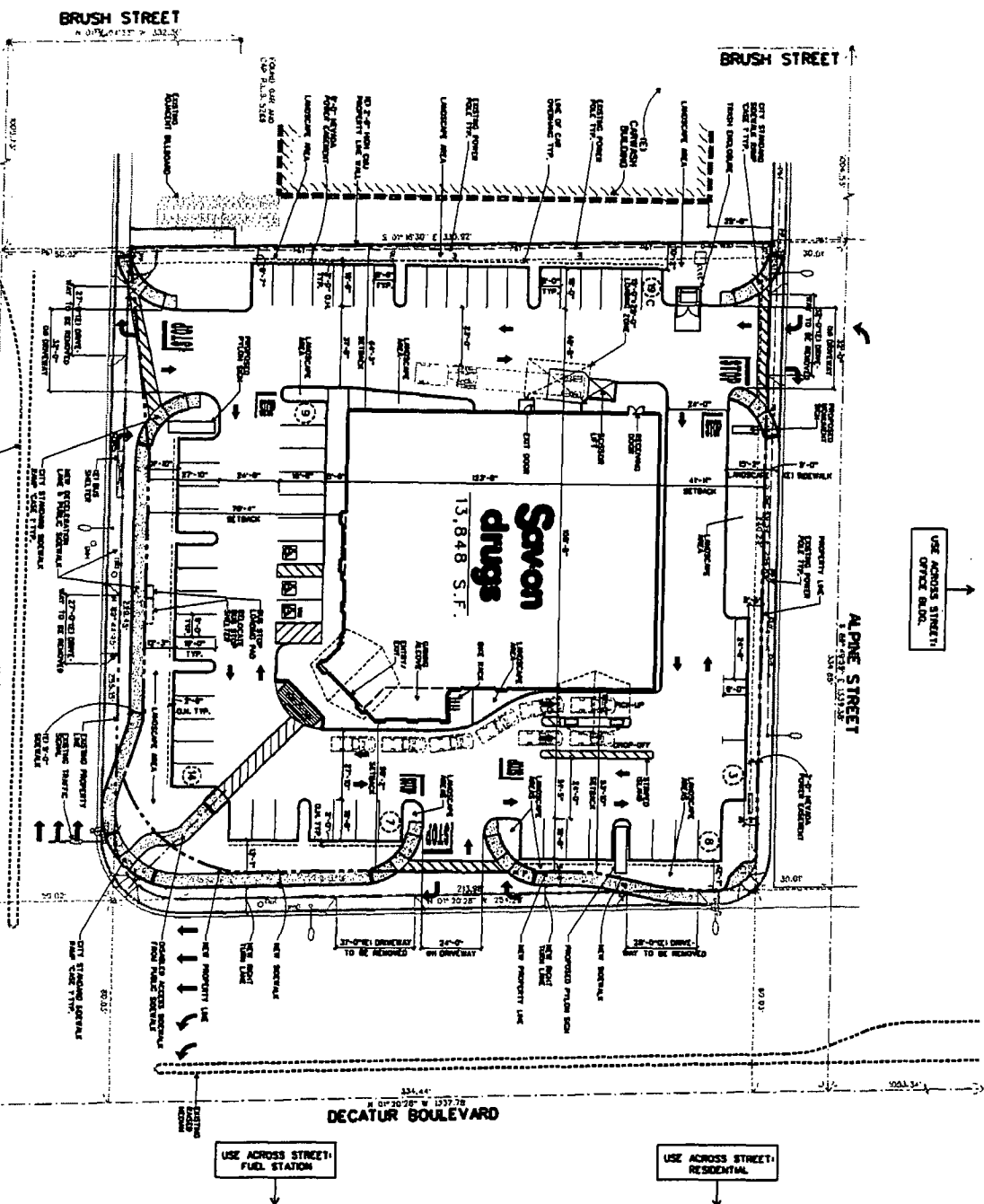


VAR-4720
SUP-4719
SDR-4718
08-12-04 PC

REVISÉ
7-12-64



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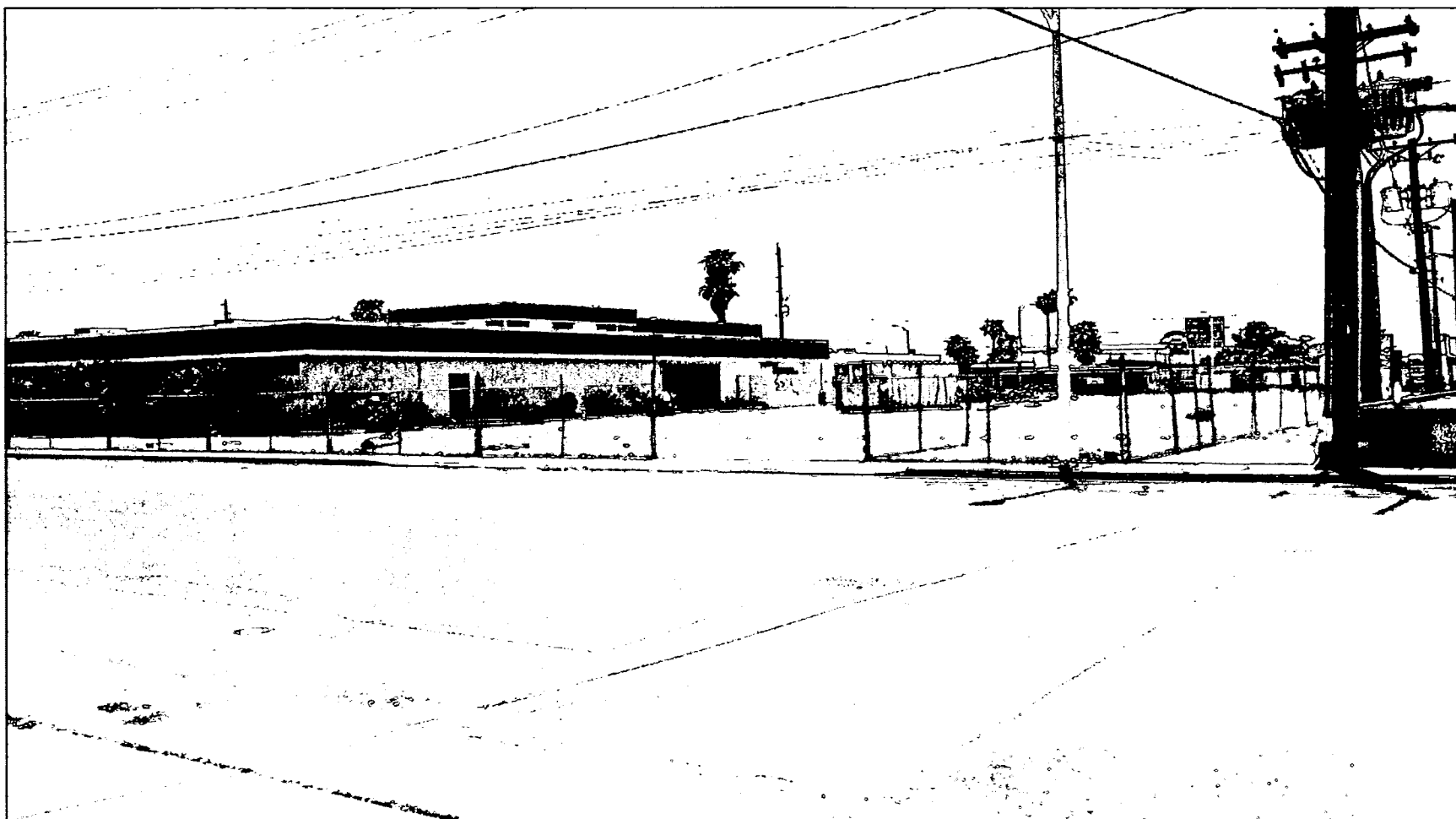


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Savon drugs



SUP-4719 - APPLICANT: ALBERTSONS, INC. - OWNER: FLAMINGO SEC PARTNERS, LIMITED
LIABILITY COMPANY
4800 WEST CHARLESTON BOULEVARD
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:

SITE DEVELOPMENT PLAN REVIEW RELATED TO VAR-4720 AND SUP-4719 - PUBLIC HEARING - SDR-4718 - APPLICANT: ALBERTSONS, INC. - OWNER: FLAMINGO SEC PARTNERS, LIMITED LIABILITY COMPANY - Request for a Site Development Plan Review and Waivers of Perimeter and Foundation Landscaping Standards, and of Building Placement Standards FOR A PROPOSED SINGLE-STORY, 13,848 SQUARE-FOOT RETAIL BUILDING (PHARMACY) on 1.43 acres at 4800 West Charleston Boulevard (APN 138-36-804-009), C-1 (Limited Commercial) 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

0

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. Submitted after final agenda - Support letter from Charleston Neighborhood Preservation for Item 129 [VAR-4720], Item 130 [SUP-4719] and Item 131 [SDR-4718] filed under Item 129 [VAR-4720]

MOTION:

MONCRIEF – APPROVED subject to conditions – UNANIMOUS

MINUTES:

NOTE: See Item 129 [VAR-4720] for all related discussion.

(3:01 – 3:04)

5-380

CONDITIONS:

Planning and Development

1. All development shall be in conformance with the site plan and building elevations, date stamped 07/12/04, except as amended by conditions herein.

CITY COUNCIL MEETING OF September 15, 2004
Planning and Development Department
Item 131 – SDR-4718

CONDITIONS – Continued:

2. Prior to the issuance of building permits, a revised landscape plan must be submitted to and approved by the Department of Planning and Development showing a greater number of trees and shrubs that more closely meets compliance with the landscaping standards.
3. A Variance (VAR-4720) to reduce the required number of parking spaces approved by the City Council.
4. This Site Development Plan Review shall expire two years from date of final approval unless it is exercised or an Extension of Time is granted by the City Council.
5. The site plan shall be revised and approved by Planning and Development Department staff, prior to the time application is made for a building permit to reflect the conditions of approval for this application.
6. Prior to the submittal of a building permit, the applicant shall meet with Planning and Development Department staff to develop a comprehensive address plan for the subject site. A copy of the approved address plan shall be submitted with any future building permit applications related to the site.
7. Landscaping and a permanent underground sprinkler system shall be installed as required by the Planning Commission or City Council and shall be permanently maintained in a satisfactory manner. [Failure to properly maintain required landscaping and underground sprinkler systems shall be cause for revocation of a business license.]
8. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets and otherwise meet all requirements and standards of the City. The trash enclosure shall be provided with a roof.
9. Parking lot lighting standards shall be no more than 20 feet in height and shall utilize 'shoe-box' fixtures and downward-directed lights. Wall pack lighting shall utilize 'shoe-box' fixtures and downward-directed lights on the proposed building.
10. All utility boxes exceeding 27 cubic feet in size shall meet the standards of Title 19.12.050.
11. Any property line wall shall be a decorative block wall, with at least 20 percent contrasting materials. Wall heights shall be measured from the side of the fence with the least vertical exposure above the finished grade, unless otherwise stipulated.

CITY COUNCIL MEETING OF September 15, 2004
Planning and Development Department
Item 131 – SDR-4718

CONDITIONS – Continued:

12. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.
13. All City Code requirements and design standards of all City departments must be satisfied.
14. No turf shall be permitted in the non-recreational common areas, such as medians and amenity zones in this development.

Public Works

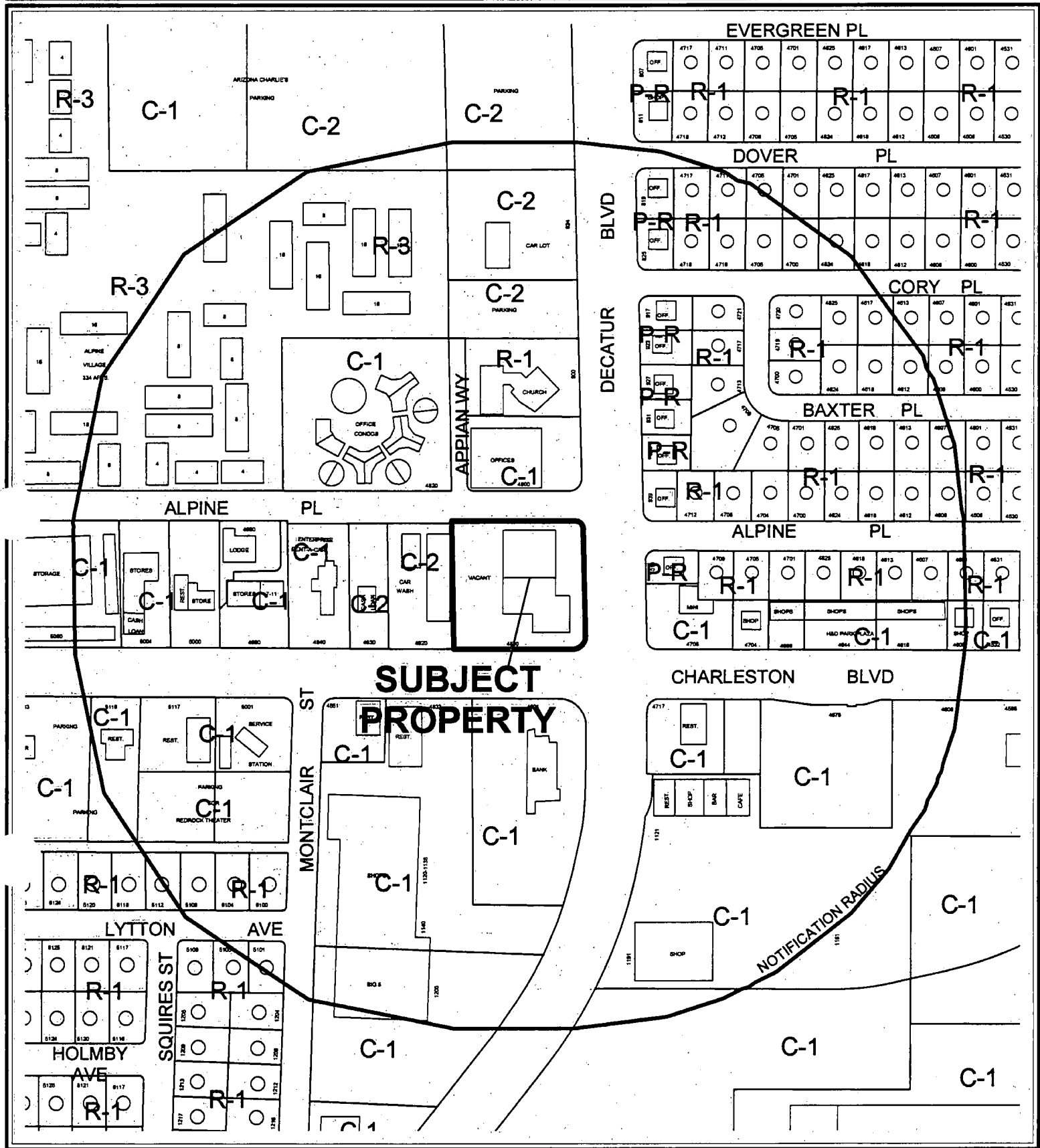
15. Dedicate an additional 29 feet of right-of-way for a total radius of 54 feet on the northwest corner of Charleston Boulevard and Decatur Boulevard and an additional 10 feet of right-of-way for a total radius of 25 feet on the southwest corner of Decatur Boulevard and Alpine Street prior to the issuance of any permits. Dedicate all additional rights-of-way required by Standard Drawing #201.1 for turning lanes and #234.1 or #234.3 for bus turnouts prior to the issuance of any permits.
17. Meet with the Traffic Engineering Representative in Land Development for assistance in the redesign of the proposed driveway accessing Decatur Boulevard, on site circulation including drive thru facility, and parking lot layout to an acceptable configuration prior to the submittal of any construction plans.
18. Driveways shall be designed, located and constructed in accordance with Standard Drawing #222A and the proposed driveway accessing Charleston Boulevard shall receive approval from the Nevada Department of Transportation.
19. Remove all substandard public street improvements and unused driveway cuts adjacent to this site, if any, and replace with new improvements meeting current City Standards concurrent with development of this site. Construct all improvements necessary for the required bus turnout and turning lanes concurrent with development of this site.
20. 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

CITY COUNCIL MEETING OF September 15, 2004
Planning and Development Department
Item 131 – SDR-4718

CONDITIONS – Continued:

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.

21. Landscape and maintain all unimproved right-of-way on Charleston Boulevard, Decatur Boulevard and Alpine Street adjacent to this site.
22. Obtain an Occupancy Permit from the Nevada Department of Transportation for all landscaping and private improvements in the Charleston Boulevard public right-of-way adjacent to this site prior to the issuance of any permits.
23. Submit an Encroachment Agreement for all landscaping and private improvements located in the Decatur Boulevard and Alpine Street public right-of-way adjacent to this site prior to occupancy of this site.



CASE: SDR-4718

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: SDR-4718 - APPLICANT: ALBERTSONS INC. - OWNER:
FLAMINGO SEC PARTNERS, LIMITED LIABILITY COMPANY**

**** CONDITIONS ****

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

Planning and Development

1. All development shall be in conformance with the site plan and building elevations, date stamped 07/12/04, except as amended by conditions herein.
2. Prior to the issuance of building permits, a revised landscape plan must be submitted to and approved by the Department of Planning and Development showing a greater number of trees and shrubs that more closely meets compliance with the landscaping standards.
3. A Variance (VAR-4720) to reduce the required number of parking spaces approved by the City Council.
4. This Site Development Plan Review shall expire two years from date of final approval unless it is exercised or an Extension of Time is granted by the City Council.
5. The site plan shall be revised and approved by Planning and Development Department staff, prior to the time application is made for a building permit to reflect the conditions of approval for this application.
6. Prior to the submittal of a building permit, the applicant shall meet with Planning and Development Department staff to develop a comprehensive address plan for the subject site. A copy of the approved address plan shall be submitted with any future building permit applications related to the site.
7. Landscaping and a permanent underground sprinkler system shall be installed as required by the Planning Commission or City Council and shall be permanently maintained in a satisfactory manner. [Failure to properly maintain required landscaping and underground sprinkler systems shall be cause for revocation of a business license.]
8. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets and otherwise meet all requirements and standards of the City. The trash enclosure shall be provided with a roof.

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10. All utility boxes exceeding 27 cubic feet in size shall meet the standards of Title 19.12.050.
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12. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.
13. All City Code requirements and design standards of all City departments must be satisfied.
14. No turf shall be permitted in the non-recreational common areas, such as medians and amenity zones in this development.

Public Works

15. Dedicate an additional 29 feet of right-of-way for a total radius of 54 feet on the northwest corner of Charleston Boulevard and Decatur Boulevard and an additional 10 feet of right-of-way for a total radius of 25 feet on the southwest corner of Decatur Boulevard and Alpine Street prior to the issuance of any permits. Dedicate all additional rights-of-way required by Standard Drawing #201.1 for turning lanes and #234.1 or #234.3 for bus turnouts prior to the issuance of any permits.
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18. Driveways shall be designed, located and constructed in accordance with Standard Drawing #222A and the proposed driveway accessing Charleston Boulevard shall receive approval from the Nevada Department of Transportation.
19. Remove all substandard public street improvements and unused driveway cuts adjacent to this site, if any, and replace with new improvements meeting current City Standards concurrent with development of this site. Construct all improvements necessary for the required bus turnout and turning lanes concurrent with development of this site.

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

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

This is a request for a Site Development Plan Review for a development on 1.43 acres at 4800 West Charleston Boulevard.

B) Applicant's Justification

The applicant indicates that the Sav-on drug store will be a viable retail use for this highly visible corner property. The applicant goes on to state in a letter attached to the application the following:

“The current owner of the property, Flamingo SEC Partners, LLC, intends to redevelop the major intersection corner by demolishing the existing building which has stood vacant on the site for many years.”

BACKGROUND INFORMATION

A) Actions

- | | |
|----------|---|
| 02/27/63 | The Board of Commissioners approved a Rezoning (Z-0017-63) to rezone the subject site to a C-1 (Limited Commercial) zone. The Planning Commission and staff recommended approval. |
| 04/24/03 | The Planning Commission accepted the applicant's request to withdraw without prejudice an application for a Petition of Vacation to vacate a Government Patent Reservation. The staff recommended approval on 04/24/03. |
| 04/24/03 | The Planning Commission accepted the applicant's request to withdraw without prejudice an application for a Site Development Plan Review (SDR-1966) for a commercial center consisting of retail and restaurant uses. The staff recommended approval on 04/24/03. |
| 08/12/04 | The Planning Commission is scheduled to consider companion items including a Variance (VAR-4720) and a Special Use Permit (SUP-4719) at the same meeting. |
| 08/12/04 | The Planning Commission voted 5-0 to recommend APPROVAL (PC Agenda Item #60/DDS) |

B) Pre-Application Meeting

06/16/04 Staff discussed various elements of the prospective development, including the following:

- Existing bank building to be removed and replaced with a Sav-on Drug store.
- Concerns with curb and street improvements
- Turn lane and bus turnout lane to be dedicated. (Staff will determine whether these improvements are to be improved with this development.)
- Design issues:
 - Handicap parking space design is inadequate.
 - Insufficient queuing for drive-up window.
 - Deficiency in landscape buffering and building landscaping.
 - Location of the building away from the street corner.
 - A proposed request for packaged liquor sales will be dropped due to the proximity of an existing church.
 - Traffic signal impact fee.
 - Traffic study.
 - Possible flood study.
 - Replacement of substandard off sites.
 - Show proposed signage and locations.
 - Patent easements on the west side of the property may need to be vacated.

C) Neighborhood Meetings

A neighborhood meeting is not required nor was one held.

DETAILS OF APPLICATION REQUEST

A) Site Area

Acres: 1.43

B) Existing Land Use

Subject Property: Commercial building (vacant)
North: Commercial building
South: Commercial building
East: Commercial building
West: Commercial building

C) Planned Land Use

Subject Property: SC (Service Commercial)
North: SC (Service Commercial)
South: SC (Service Commercial)
East: SC (Service Commercial)
West: GC (General 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) and PR (Professional Office and Parking)
West: C-2 (General Commercial)

E) General Plan Compliance

The site is located on the Southwest Sector Map of the General Plan. The land use designation for the subject property is the SC (Service Commercial) category that allows low to medium intensity retail, office or other commercial uses that primarily serve local area patrons. The current zoning of the property is C-1 (Limited Commercial), which is permitted within the SC category.

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

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

PROJECT DESCRIPTION

This request is for a Site Development Plan Review for a proposed 13,848 square-foot Sav-on drug store at 4800 West Charleston Boulevard. A vacant building presently occupies the property, and the applicant intends to raze the building and redevelop the site for the new store. In conjunction with the subject application, a request for a Special Use Permit (SUP-4719) for gaming operations within the store has been submitted.

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	NA	0.66 acres	NA
Min. Lot Width	100 feet	229.45 feet	Y
Min. Setbacks			
• Front	20 feet	76.33 feet	Y
• Side	10 feet	64.25 feet	Y
• Corner	15 feet	53.83	Y
• Rear	20 feet	41.92 feet	Y
Max. Lot Coverage	50 %	21.44 %	Y
Max. Building Height	NA	35 feet	NA

The project meets the criteria of the Code. More detail will be needed on the trash enclosure.

A3) Parking and Traffic Standards

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

Total building square footage	Required		Provided	
	Regular	Handicap	Regular	Handicap
	One space per 175 square feet	4 per 76 to 100 standard spaces	One space per 243 square feet	
13,848	80 spaces	4 spaces	60 spaces	3 spaces

The proposed development does not meet the parking space requirements, as there is a 25 percent reduction in the number of spaces. The purpose of the subject request for a Variance is to reduce the required number of parking spaces to 60. It is recommended that that application be denied.

A4) Landscape and Open Space Standards

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

Tree Standards	Required		Provided
	Ratio	Trees	
Parking Area:	6 spaces / 1 tree + 2 islands / 1 tree	19 trees	14 trees
Buffer:	1 tree / 20 ft. perimeter	55 trees	37 trees
Total:		74 trees	51 trees

Shrubs are also required at the ratio of one shrub for each four trees. For 74 required trees, 296 shrubs are required, but only 111 shrubs are provided. A 15-foot wide landscape buffer is required along the property lines for the required trees and shrubbery. In some places the width of the island is as narrow as five feet.

B) General Analysis and Discussion

The proposed development has severe limitations in meeting the Design Standards Manual and the Landscape, Wall and Buffer Standards. The required 15-foot wide landscape islands are not being provided; 37 perimeter trees are proposed instead of the required 55 trees; 14 parking area trees are proposed instead of the required 19 trees, and 111 shrubs are being provided in lieu of the required 296.

The proposed development also does not comply with the parking space requirements. A request for a Variance (VAR-4720) has been submitted in conjunction with this application to reduce the required number of parking spaces from 79 to 60. It was recommended by staff that that application be denied.

To approve a Site Development Plan, the Planning Commission and City Council must affirm that the proposed development would comply with the City's standards and requirements. Numerous variances and waivers would have to be granted for the property to be developed in the manner proposed. Clearly, the property is too small for the intensity of development proposed for this site. For this reason, it is recommended that this application and all other accompanying applications be denied.

FINDINGS

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

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

The subject property is located adjacent to commercial development on four sides. There should be no compatibility issues with this development.

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

The proposed development has severe limitations in meeting the Design Standards Manual and the Landscape, Wall and Buffer Standards. The required 15-foot wide landscape islands are not being provided; 37 perimeter trees are proposed instead of the required 55 trees; 14 parking area trees are proposed instead of the required 19 trees, and 111 shrubs are being provided in lieu of the required 296.

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

The subject property has access to streets that abut the property on three sides. According to the Master Plan of Streets and Highways, Charleston Boulevard and Decatur Boulevard are primary arterial streets with right-of-way widths of 100 feet. Consequently, access is adequate to meet the requirements of the proposed use.

The applicant has requested a Variance (VAR-7420) to reduce the required number of parking spaces. If sufficient parking spaces are not available to patrons of the store, rows of cars with drivers looking for spaces may be held up at the entrances, restricting traffic flow in the streets. For this reason, it is recommended that the request for a Variance and this application be denied.

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

The building and landscape materials are appropriate; however, as indicated above, the quantity of landscaping is severely deficient.

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 design of the proposed building consists of a stucco exterior, with columns of split-face block at the lower portions, concrete moldings at edges, E.I.F.S. cornice at the roofline, and a roof with clay tile. Variations in rooflines, window treatment, arches, columns, and colors present an attractive front facade. However, the north elevation, which faces Alpine Street, has a monolithic appearance, and it should be redesigned with variations of jogs, offsets or other architectural features to reduce the visual length of the wall. A condition of approval is added to address this matter.

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

Because the site will be subject to ongoing inspection, the public health, safety, and welfare will not be compromised.

PLANNING COMMISSION ACTION

Condition #2 requires additional landscaping to make up some of the 23 trees and 185 shrubs deficiency.

NOTICES MAILED 89 by Planning Department

APPROVALS 0

PROTESTS 0

**PLANNING & DEVELOPMENT DEPARTMENT**

STATEMENT OF FINANCIAL INTEREST

Case Number: SPR-4718 APN: 138-36-804-009

Name of Property Owner: Flamingo SEC Partners, LLC

Name of Applicant: ALBERTSONS INC.

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

Yes

X No

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

City Official: _____

Partner(s): _____

APN: _____ Flamingo SEC Partners, LLC

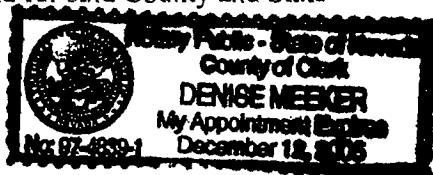
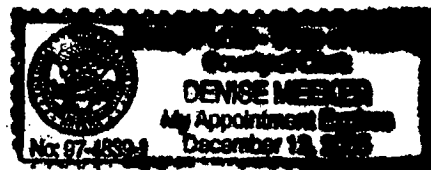
Signature of Property Owner/Authorized Agent: 1 Susan B. [Signature]

Print Name: Richard Gordon

Subscribed and sworn before me

This 2 day of June, 2004

Notary Public in and for said County and State



TREES

SHRUBS

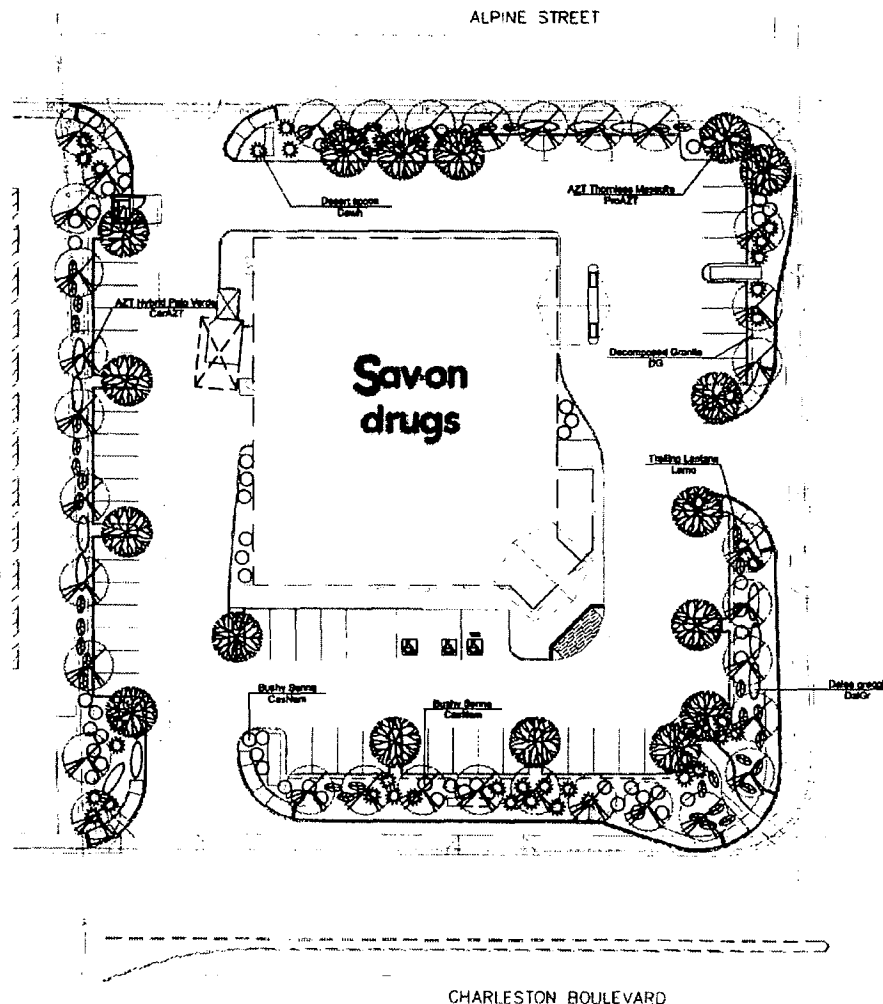
GROUND COVER

REQUIRED TREE CALCULATION:

60 Parking Spaces
17 End Islands
 $(60/5) + (17/2) = 19$ twenty-four inch box trees required
17 trees specified

REQUIRED SHRUBS CALCULATION:

19 Trees required
19 x 4 = 76 five gallon shrubs required
111 shrubs specified



VAR-4720
SUP-4719
SDR-4718
08-12-04 PC

C U M M I N G S C U R L E Y
A S S O C I A T E S I N C
L A N D S C A P E A R C H I T E C T S • L A N D P L A N N E R S
7447 NORTH FLORENCE STREET, SUITE 310, LOS ANGELES, CALIFORNIA 90041
TEL. 323.344.1590 • FAX 323.344.1180
CA 32463 • AZ 301160 • UT 377804 • NM 312 • NY 376 • CLARD 310

SCALE: 1" = 20'



DATE 1 / 14 / 08 BY _____

NAME _____ BY _____

NAME _____ BY _____

NAME _____ BY _____

NAME _____ BY _____

IMPRESSIVE PEOPLE
As if from charges our members is entitled to the other
major side for about they are. Members are entitled to be represented
by our nation, it states as a part of the position. For in every
and every other country of the world, they are represented and
and the members. When people are from the country and
represented and entitled to have their nation of the
members of the nation.

2025 RELEASE UNDER E.O. 14176

**Sav-on
drugs**

DATE: 10/10/2018

SAY-ON #9071

N.W.C. OF CHARLESTON
AND DECATUR BOULEVARD
LAS VEGAS, NV

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CONCEPTUAL LANDSCAPE PLAN

REFLECT ARCHITECT _____
PROJECT MANAGER R.C. _____
DESIGN BY R.R. _____
CHECKED BY R.C. _____

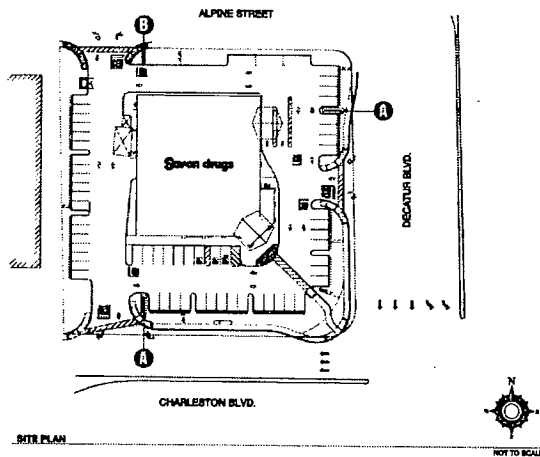
CLT ARCHITECT

768 Colorado Boulevard
Los Angeles, California 90041
(213) 746-8000 (312) 746-9000

PROJECT NO. 300112
ORDER DATED JUN 25 1961
ACTION NUMBER: JUN 25 1961

5

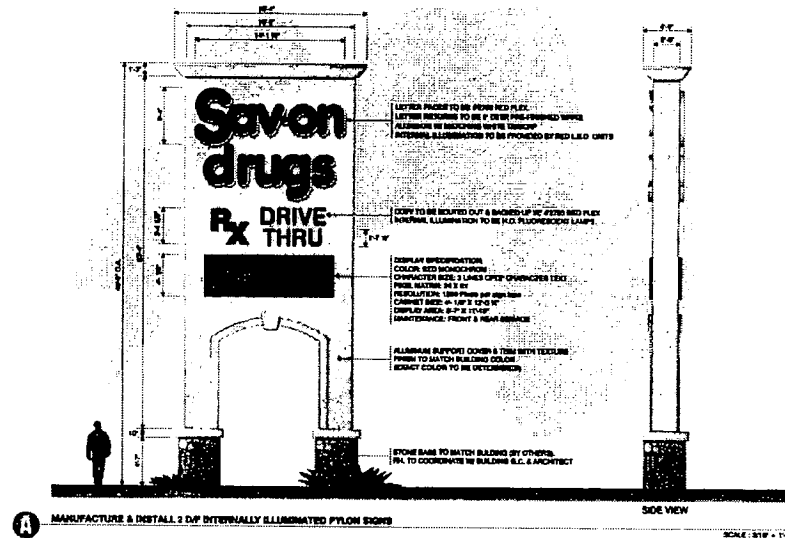
REVISED
7-12-04



FEDERAL HEATH SIGN COMPANY
 4400 South Las Vegas Blvd., Suite 100
 Las Vegas, NV 89119
 Phone: (702) 735-1111
 Fax: (702) 735-1112
 Email: fheath@fheath.com

Savon drugs
 Northwest Corner
 Charleston Blvd. &
 Decatur Blvd.
 Las Vegas, NV

Project Name: Savon drugs
 Date: May 14, 2004
 Draw Number: 1 of 3
 Draw Name: 9071



VAR-4720
 SUP-4719
 SDR-4718
 08-12-04 PC

FEDERAL HEATH SIGN COMPANY
 4400 South Las Vegas Blvd., Suite 100
 Las Vegas, NV 89119
 Phone: (702) 735-1111
 Fax: (702) 735-1112
 Email: fheath@fheath.com

Savon drugs
 Northwest Corner
 Charleston Blvd. &
 Decatur Blvd.
 Las Vegas, NV

Project Name: Savon drugs
 Date: May 14, 2004
 Draw Number: 1 of 3
 Draw Name: 9071

CONCEPTUAL MONUMENT & PYLON SIGNS

PROJECT NUMBER: 9071
 SCALE: 1/8" = 1'-0"
 DATE: May 14, 2004
 DRAW NUMBER: 1 of 3
 DRAW NAME: 9071

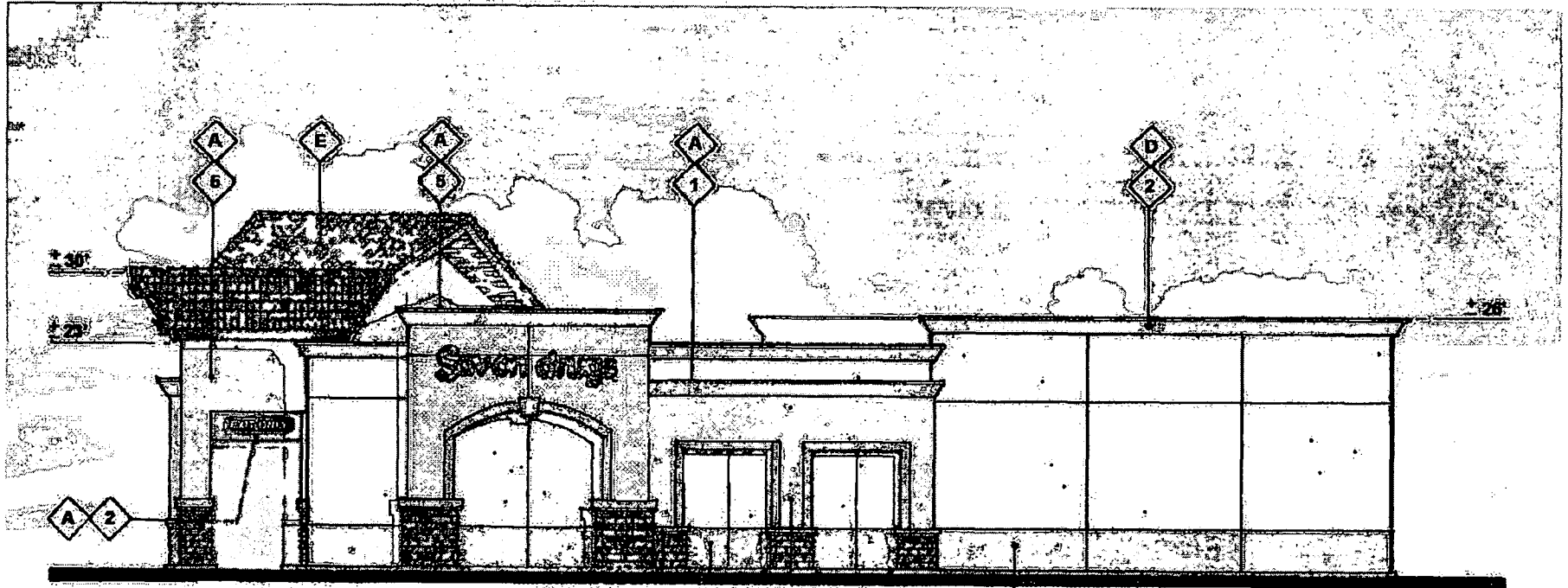
CLT ARCHITECT

708 Colorado Boulevard
 Los Angeles, California 90041
 (213) 344-0000 (213) 344-0000

REVISED
 7-12-04

Savon drugs 9071

NWC Charleston Blvd & Decatur Blvd, Las Vegas, NV



NORTH ELEVATION

Scale 1/16" = 1'-0"

SDR-4718

9-15-04 CC

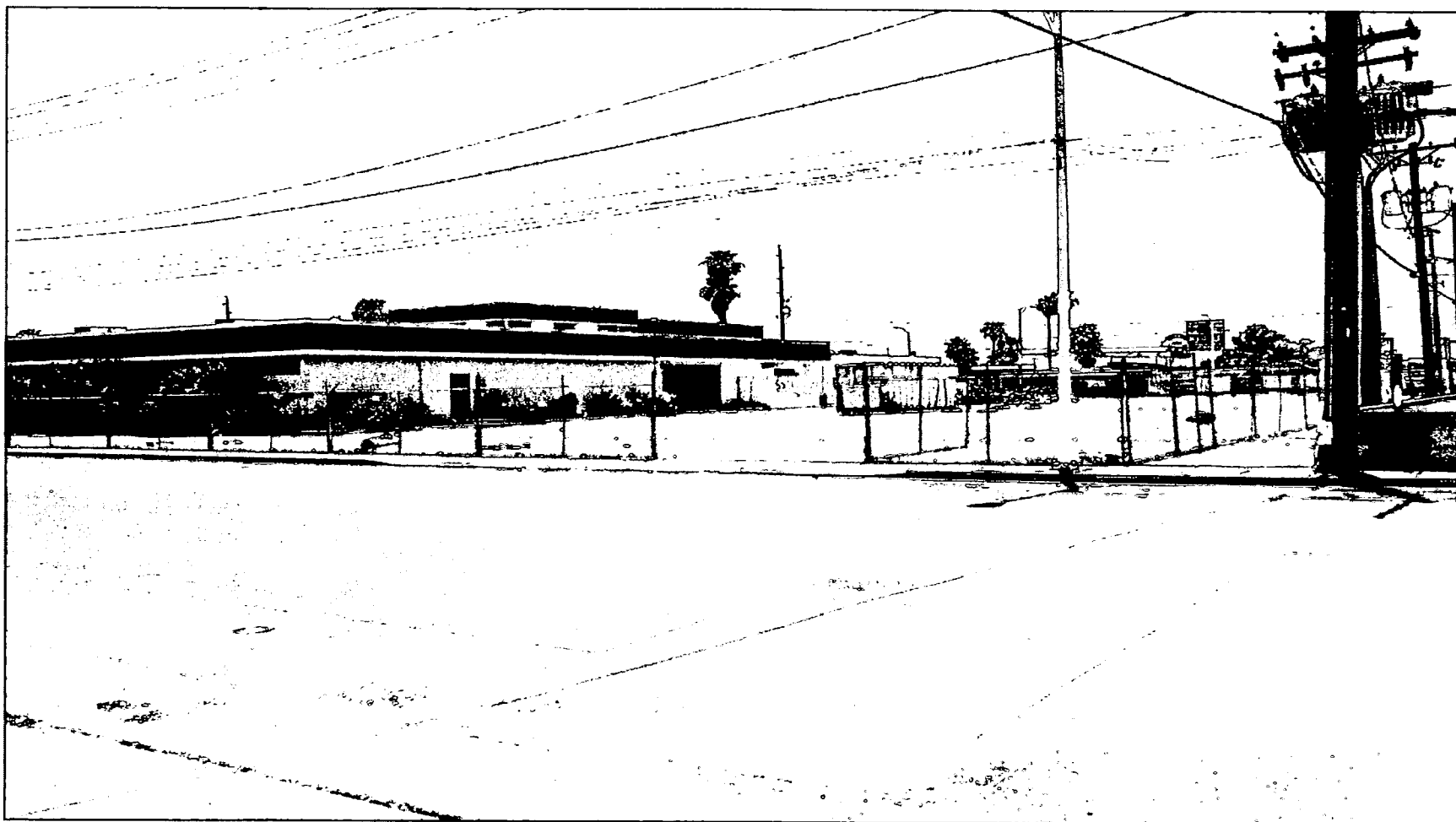
REVISED

REVISED
8-14-04

08-19-04

Elevation Revision

CLT ARCHITECT



SDR-4718 - APPLICANT: ALBERTSONS, INC. - OWNER: FLAMINGO SEC PARTNERS, LIMITED
LIABILITY COMPANY
4800 WEST CHARLESTON BOULEVARD
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:

VARIANCE - PUBLIC HEARING - VAR-4733 - APPLICANT: LAMAR ADVERTISING COMPANY - OWNER: D. 2801 WESTWOOD, INC. - Request for a Variance TO ALLOW AN EXISTING 34-FOOT TALL OFF-PREMISE ADVERTISING (BILLBOARD) SIGN TO BE RAISED TO 55 FEET WHERE 40 FEET IS THE MAXIMUM HEIGHT PERMITTED at 2801 Westwood Drive (APN 162-08-604-001), M (Industrial) Zone, Ward 1 (Moncrief). The Planning Commission (5-0 vote) and staff recommend DENIAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

RECOMMENDATION:

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

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Appeal letter by Lamar Advertising Company
5. Back up referenced from the 8/12/2004 Planning Commission meeting Item 64

MOTION:

MONCRIEF – APPROVED subject to conditions – **UNANIMOUS** with **MACK** abstaining because the billboard sign is located on property belonging to a client of his company Mack Consulting, which he believes creates a conflict

NOTE: MAYOR GOODMAN disclosed that his son, ROSS GOODMAN, represents employees of the establishment being advertised. DEPUTY CITY ATTORNEY BRYAN SCOTT advised him that in the past, on another billboard issue involving this site, the Mayor made the determination that his son's representation of some of the entertainers of that establishment did not affect the billboard issue. Therefore, he could vote on the item.

MINUTES:

MAYOR GOODMAN declared the Public Hearing open.

CITY COUNCIL MEETING OF SEPTEMBER 15, 2004
Planning and Development Department
Item 132 – VAR-4733

MINUTES:

SCOTT NAFTZGER, Lamar Outdoor, 1863 Helm Drive, stated the request is to raise an existing sign located at the south end of the property where the Treasures building is built. The sign was originally built at 34 feet, but the 45-foot tall building obstructs the sign approximately 30% decreasing the value of the sign. He asked that the sign be 55 feet to rise just above the existing building. This will not set a precedent, as there are other billboards in this area that are either 75 feet tall or 105 feet tall.

COUNCILWOMAN MONCRIEF stated that since the Treasures structure obstructs this sign, as well as the existence of taller billboards in this area, she moved for approval.

No one appeared in opposition.

MAYOR GOODMAN declared the Public Hearing closed.

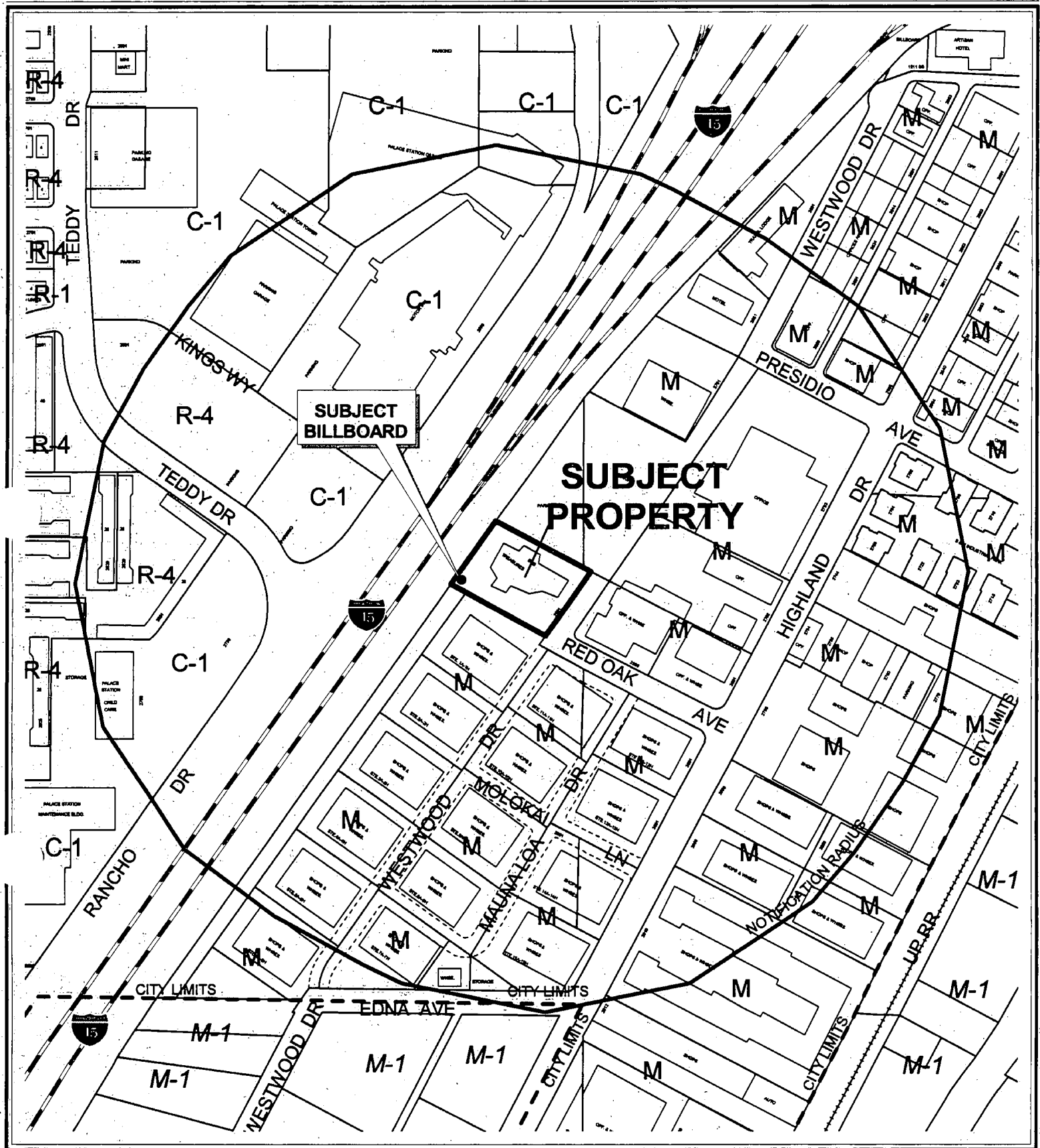
(4:12 – 4:15)

5-3322

CONDITIONS:

Planning and Development

1. This Variance shall expire two years from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.
2. The applicant shall acquire all necessary permits from the Department of Building and Safety.

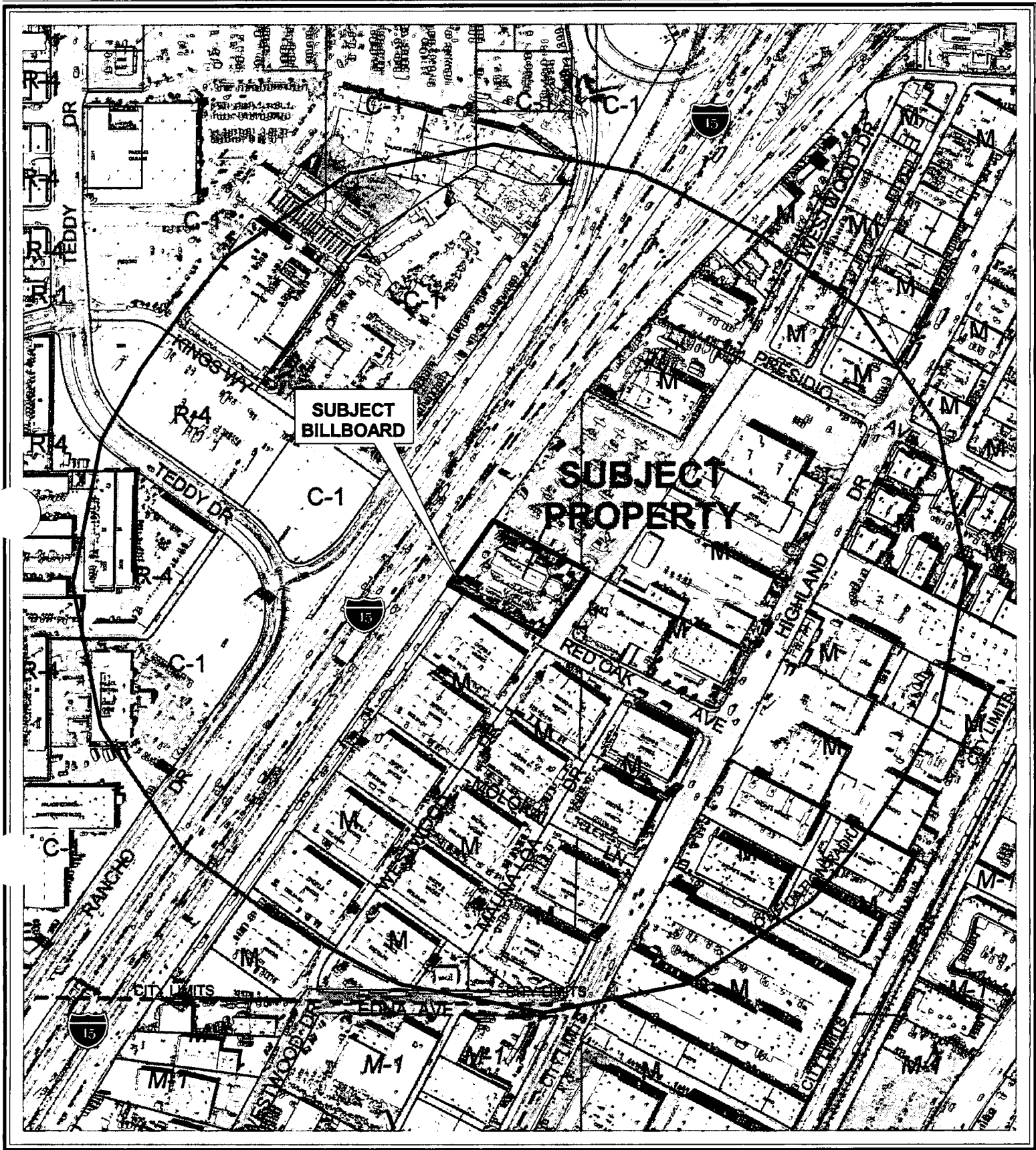


CASE: VAR-4733

RADIUS: 950 FT

ZONING OF SUBJECT PROPERTY: M (INDUSTRIAL)

0 300 600 Feet



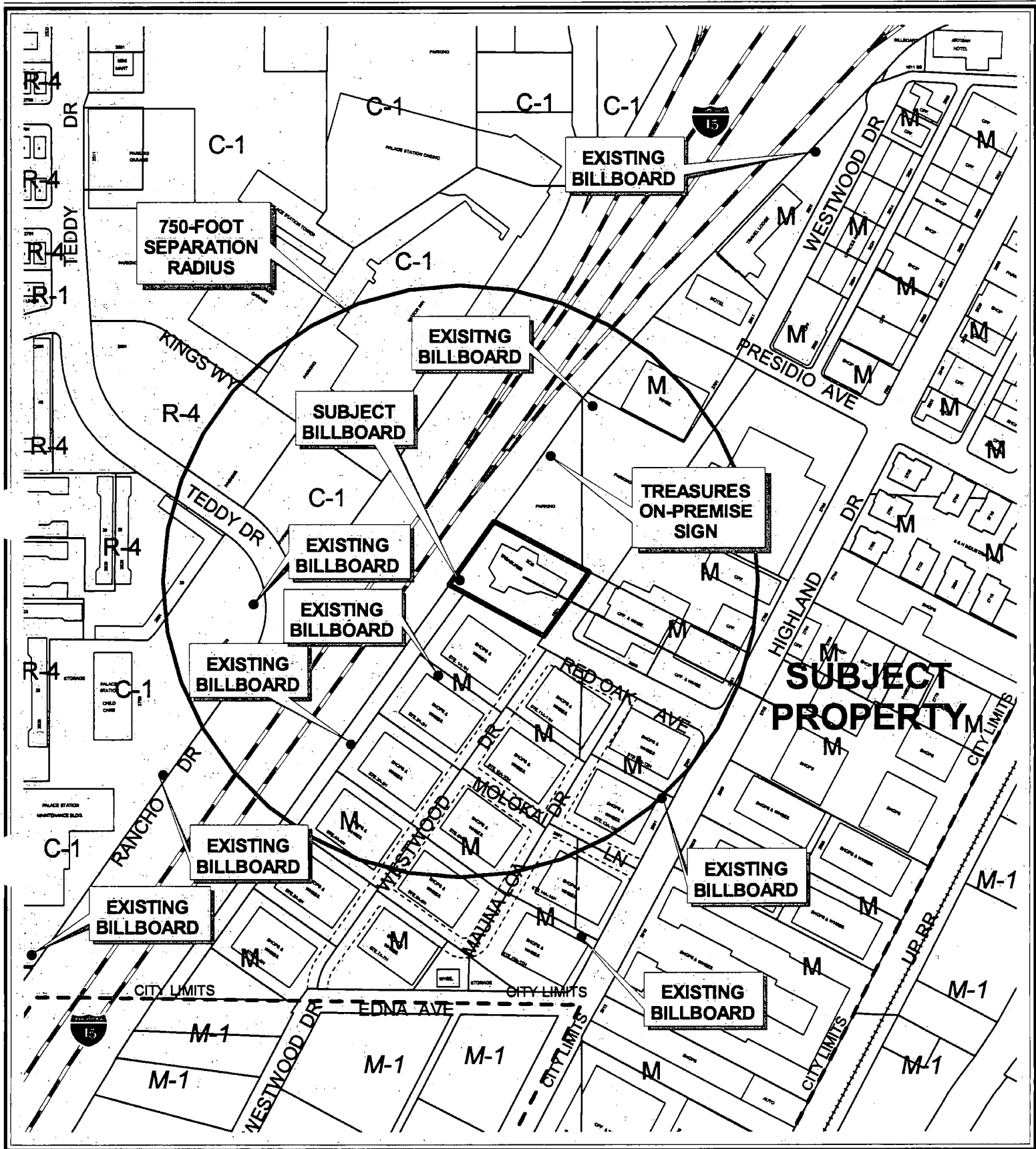
CASE: **VAR-4733**

RADIUS: 950 FT

ZONING OF SUBJECT PROPERTY: M (INDUSTRIAL)

0 300 600 Feet





CASE: **VAR-4733**

SEPARATION RADIUS: 750 FT

ZONING OF SUBJECT PROPERTY: M (INDUSTRIAL)

0 300 600 Feet



AGENDA MEMO

CITY COUNCIL MEETING DATE: SEPTEMBER 15, 2004

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: VAR-4733 - APPLICANT: LAMAR ADVERTISING COMPANY
- OWNER: D. 2801 WESTWOOD, INC.**

**** CONDITIONS ****

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

Planning and Development

1. This Variance shall expire two years from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.
2. The applicant shall acquire all necessary permits from the Department of Building and Safety.

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

This is a request for a Variance to allow an existing 34-foot tall Off-Premise Advertising (Billboard) Sign to be raised to 55 feet where 40 feet is the maximum height permitted at 2801 Westwood Drive.

B) Applicant's Justification

The applicant states in a letter submitted with the application that with the construction of the 45-foot tall Treasure's Adult Cabaret, the north face of the sign has become significantly obscured and the advertising value has declined likewise. The applicant has the following comments:

"We feel this request is appropriate as the visibility issue was not of our own creation and completely beyond our control. Additionally, we feel the surrounding area is suitable for this Variance and would not set a precedent due to the fact that the sign is oriented toward the highway and there are several existing signs along Interstate 15 at Sahara Ave. and north of Sahara Ave. that are between 70'-100' tall."

BACKGROUND INFORMATION

A) Previous Actions

- | | |
|----------|---|
| 04/05/00 | The City Council approved the Special Use Permit (U-0109-99) request for a proposed 20,198 square foot tavern on the subject site. The Planning Commission recommended the application be denied. |
| 05/16/01 | The City Council approved a one-year Extension of Time [U-0109-99(1)] of a Special Use Permit for a proposed 20,198 square foot tavern on the subject site. |
| 01/16/02 | The City Council approved a Site Development Plan Review (SD-0063-01) for a 24,093 square foot sexually oriented business on this site. The Planning Commission and staff recommended approval. |
| 08/21/02 | The City Council approved a one-year Extension of Time [U-0109-99(2)] of a Special Use Permit for a proposed 20,198 square foot tavern on the subject site. |

- 04/16/03 The City Council approved a Master Sign Plan (MSP-1409) for one freestanding ground sign (50 feet in height) on this site. The Planning Commission recommended approval.
- 08/06/03 The City Council approved a one year Extension of Time (EOT-2333) for a Special Use Permit to permit a tavern. The Planning Commission and staff recommended approval of the application on 06/26/03.
- 09/20/03 The City Council approved a Master Sign Plan (MSP-2565) for one freestanding ground sign and wall signs for an approved sexually oriented business (Treasures Gentlemen's Club). The Planning Commission and staff recommended approval of the application on 07/24/03.
- 04/08/04 The Planning Commission tabled requests for a Special Use Permit (SUP-3907) and Variance (VAR-4032) for an Off-Premise (Billboard) Sign on the property. The City Attorney determined that the requests should be processed as an addition to the previously approved Master Sign Plan (MSP-2565)
- 08/04/04 The City Council approved a Master Sign Plan (MSP-4380) for an approved Sexually-Oriented Business (Treasures Gentlemen's Club) and office complex. This application is intended to replace the two existing Master Sign Plans (MSP-1409 and MSP-2565). The Planning Commission and staff recommended approval on 06/10/04.
- 08/12/04 The Planning Commission voted 5-0 to recommend DENIAL (PC Agenda Item #64/DDS)

B) Pre-Application Meeting

- 06/10/04 Details of the prospective request were discussed with staff and included the following:
- The need for a Power of Attorney to permit the applicant to sign for the Owner of Record.
 - Mention that a public hearing is required.
 - Mention that billboard signs cannot be nonconforming.

C) Neighborhood Meetings

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

DETAILS OF APPLICATION REQUEST

A) *Site Area*

Acres: 1.23

B) *Existing Land Use*

Subject Property: Sexually-oriented business, office use

North: Industrial/manufacturing

South: Industrial/warehouse

East: Industrial/office

West: Interstate 15

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: Right-of-Way

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 is consistent with the LI/R (Light Industrial/Research) general plan designation.

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

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

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	No
Minimum distance separation from "R" zoned property and any other off-premise sign.	300 Feet	Yes
Minimum distance separation from another Off-Premise Advertisement (Billboard) along Interstate 15	750 feet	No

This Off-Premise Advertising (Billboard) Sign is located within 300 feet of another billboard to the south and within 750 feet of four other billboards on both sides. If the present sign were removed, it could not be reconstructed, as it could not meet the separation standards.

B) General Analysis and Discussion

The existing sign was erected to a height of 34 feet. The Treasure's Adult Cabaret was constructed on the subject property to a height of 45 feet, which obstructs the visibility of the sign. The applicant states that "the advertising value has declined..." Consequently, the applicant is requesting a Variance to raise the existing sign to a height of 55 feet. Therefore, clearly, the hardship is self-imposed.

FINDINGS

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

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

Additionally, Title 19.18.070L states:

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

The applicant indicates that the request is appropriate as “the visibility issue was not of our own creation and completely beyond our control.” However, the visibility issue was also not created by any regulation established by the Zoning Code. decreases or practically destroys its value for

This recommendation of denial is based on the following findings:

- **No evidence is provided that a hardship exists to warrant a variance in the required sign height.** The height of the existing sign was adequate until the property owner constructed a building that obstructed the sign. The grievance to the applicant was not caused by a requirement of the Zoning Code.
- **The hardship is self-imposed.** Although the hardship may not be of the applicant’s own making, it also is not of the Zoning Code’s making.
- **Use of the property is not denied.** The property has no exceptional narrowness, shallowness, shape, exceptional topographic conditions or other extraordinary and exceptional situation or conditions attributed to the property. Clearly, use of the subject property is not denied, as it is being used by a multimillion-dollar business enterprise.

PLANNING COMMISSION ACTION

During the Planning Commission the applicant offered to amend his submitted elevation to stucco the pole to match the color scheme of the adjacent property.

NOTICES MAILED 38 by City Clerk

APPROVALS 0

PROTESTS 0

STATEMENT OF FINANCIAL INTEREST

Name of Applicant: Lamar Advertising

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): _____

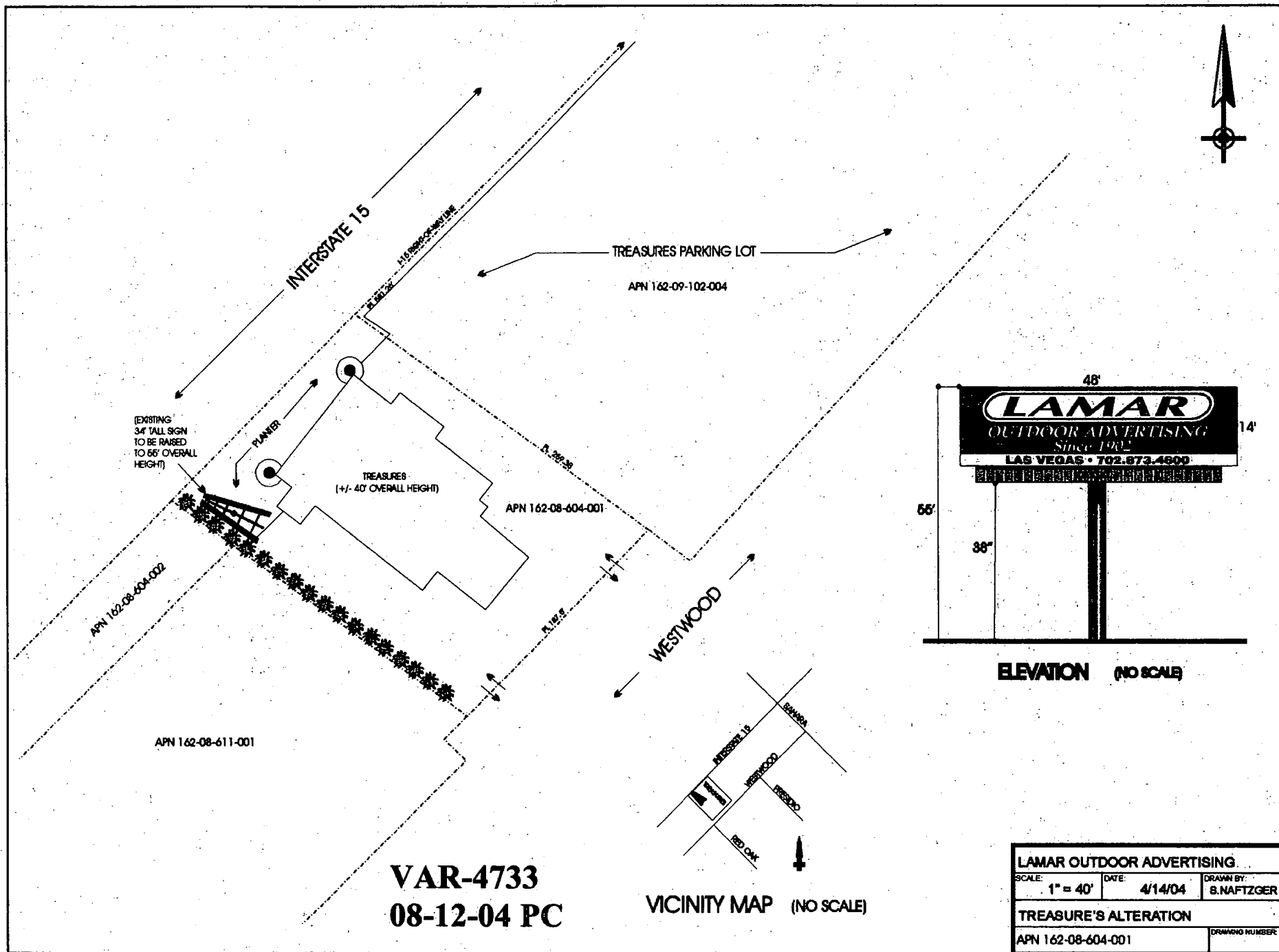
APN: _____

Print Name: SCOTT NATZLER

Subscribed and sworn before me

Lynda A. Miller
Notary Public in and for said County and State







VAR-4733 - APPLICANT: LAMAR ADVERTISING COMPANY - OWNER: D. 2801 WESTWOOD, INC.
2801 WESTWOOD DRIVE
AUGUST 12, 2004 PLANNING COMMISSION

07/20/04



LAMAR ADVERTISING COMPANY

RECEIVED
CITY CLERK

2004 AUG 13 A 10:38

August 13, 2004

Las Vegas City Clerk
400 Stewart Ave.
Las Vegas, NV 89101

Dear Sir or Madam:

Lamar Advertising, with this letter, is requesting an appeal to the City Council the decision by the Planning Commission to deny application VAR-4733 at the August 12, 2004 Planning Commission meeting. Should you have any questions, please contact me at 873-4600. Thank you for your attention in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott Naftzger", written over a circular stamp.

Scott Naftzger
Project Coordinator, Lamar Advertising

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

REQUIRED FIVE-YEAR REVIEW - PUBLIC HEARING - RQR-4264 - APPLICANT: SENSATION SPAS OF NEVADA - OWNER: HOWARD JOHNSON - Required Six Month Review of an approved Special Use Permit (U-0052-02) WHICH ALLOWED AN OPEN AIR VENDING/ TRANSIENT SALES LOT at 3200 North Rancho Drive (APN 138-12-810-005), C-2 (General Commercial) Zone, Ward 6 (Mack). The Planning Commission (7-0 vote) and staff recommend DENIAL

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

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

BACKUP DOCUMENTATION:

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

MOTION:

MACK - APPROVED subject to conditions - UNANIMOUS

MINUTES:

MAYOR GOODMAN declared the Public Hearing open.

ED CLEAR, Resident Manager, Sensation Spas of Nevada, 2440 Willow Road, Arroyo Grande, California, was present. MR. CLEAR indicated that Howard Johnson is no longer the owner of the property. Sensation Spas closed on the resale of this property in March, therefore delaying the completion of the parking lot. They have installed a 200-foot curb and gutter, two highway streetlights, sidewalks and hauled over 36 inches of type 2 fill base to raise the elevation of the parking lot. They have been in constant conversation with their contractor in removing the existing buildings and constructing two 10,000 square foot buildings that will employ over 20 people for fabrication and sales of spas, gazebos and above ground pools. The applicant has invested a considerable amount of money into this project, but because they are considered a small project, it is difficult to get cement companies to make deliveries. In addition, the applicant must hire a licensed contractor in order to obtain permits, and the applicant has had difficulty in finding workers. The subgrading for the parking lot and landscaping will be done at the end of the week.

CITY COUNCIL MEETING OF SEPTEMBER 15, 2004
Planning and Development Department
Item 133 – RQR-4264

MINUTES – Continued:

MAYOR GOODMAN understood the applicant's position regarding cement companies because some City projects have been affected by the inability to obtain workers and the increase in concrete and steel costs.

COUNCILMAN MACK commended the applicant on his efforts to revitalize this area.

No one appeared in opposition.

MAYOR GOODMAN declared the Public Hearing closed.

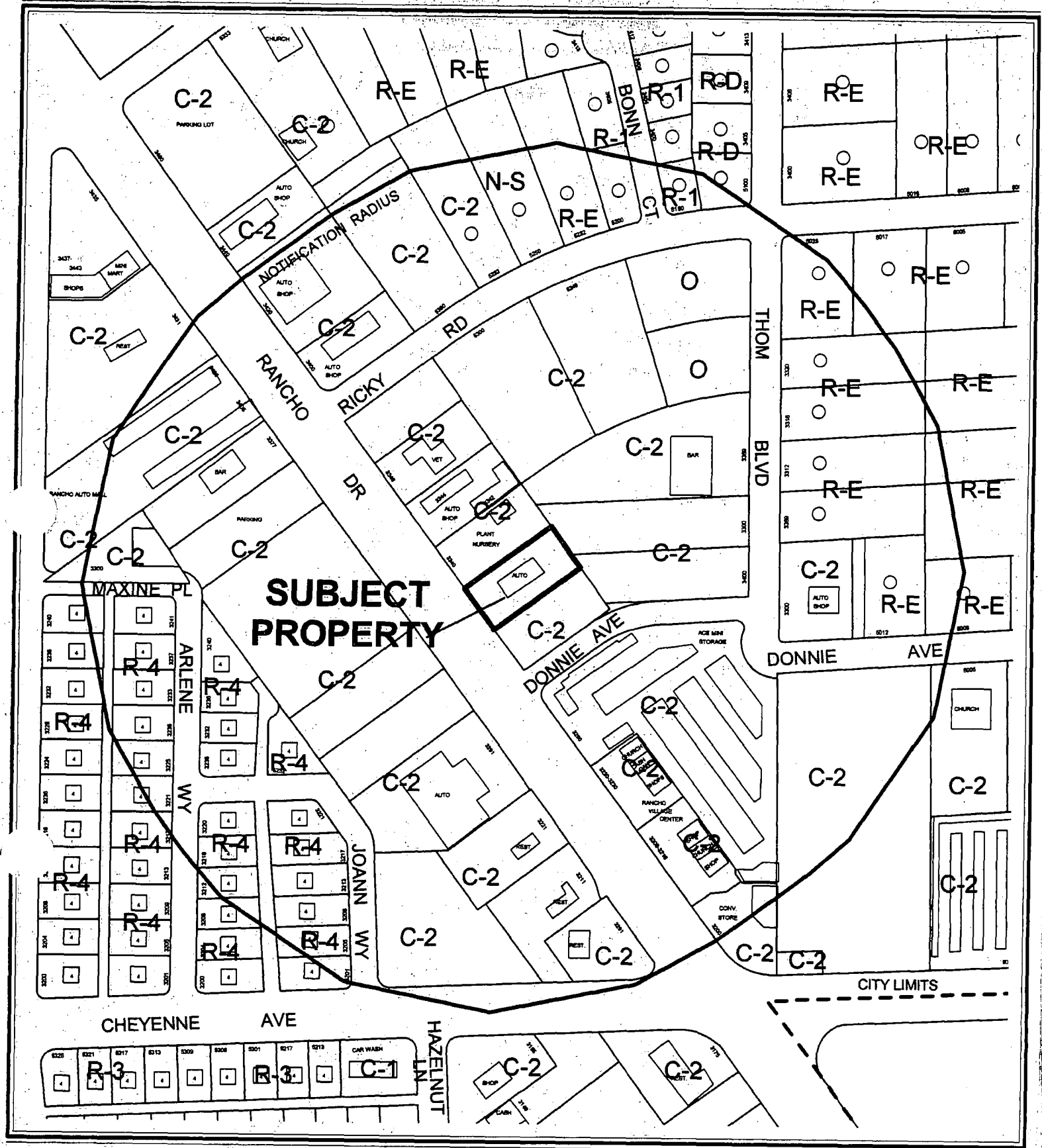
(3:04 – 3:10)

5-488

CONDITIONS:

Planning and Development

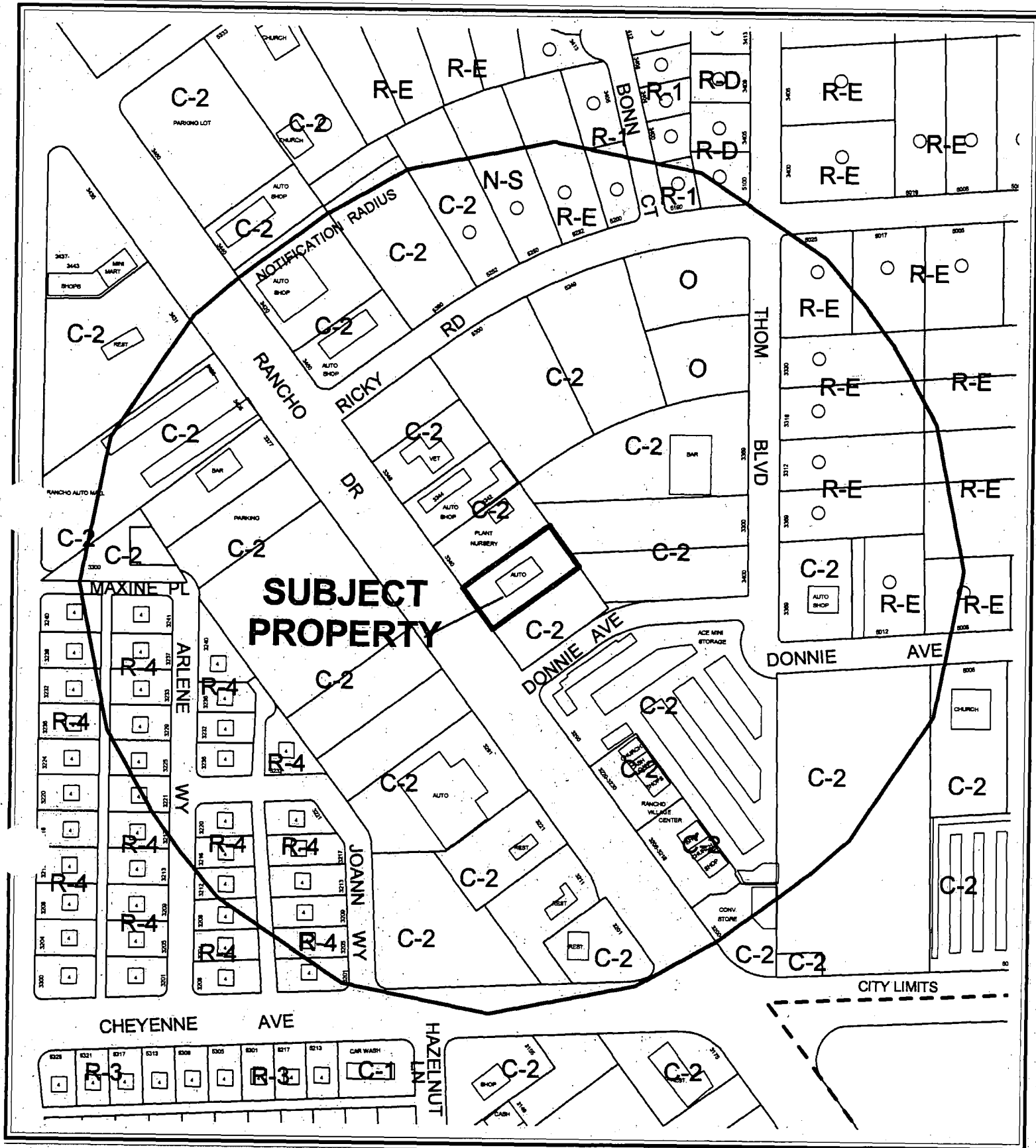
1. This Special Use Permit shall be reviewed in one (1) year, at which time the City Council may require the open-air vending/transient sales lot use be discontinued. The applicant shall be responsible for notification costs of the review. Failure to pay the City for these costs may result in a requirement that use be discontinued.
2. Any outside storage kept in conjunction with this use shall conform to the requirements set forth in Title 19.04.040.
3. The open air/transient sales lot use shall not be extended onto adjacent parcels
4. All parking areas shall be paved and appropriately marked in accordance with the requirements of Title 19.10.
5. The applicant shall construct the required Multi-Use Transportation Trail, along Rancho Drive, in accordance with the standards as outlined in the Master Plan Transportation Trails Plan.
6. Landscaping and a permanent underground sprinkler system shall be installed as required by the Planning Commission or City Council and shall be permanently maintained in a satisfactory manner. [Failure to properly maintain required landscaping and underground sprinkler systems should be cause for revocation of a business license.]
7. Conformance to conditions of approval for Special Use Permit (U-0052-02).
8. All City Code requirements and design standards of all City departments must be satisfied.



CASE: **RQR-4264**

RADIUS: 750 FT

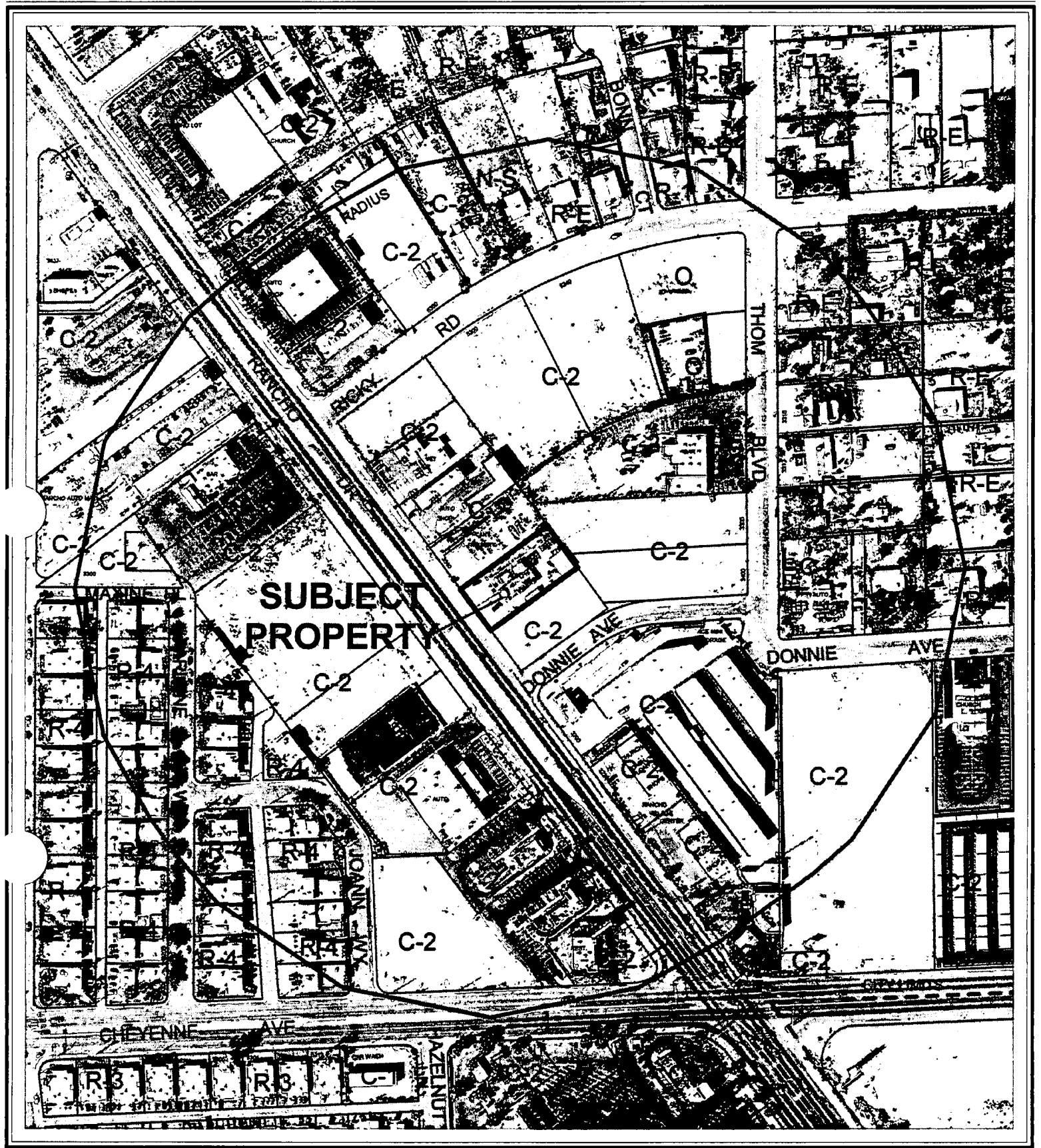
ZONING OF SUBJECT PROPERTY: C-2 (GENERAL COMMERCIAL)



CASE: RQR-4264

RADIUS: 750 FT

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



CASE: RQR-4264

RADIUS: 750 FT

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

0 200 400 Feet



AGENDA MEMO

CITY COUNCIL MEETING DATE: SEPTEMBER 15, 2004

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: RQR-4264 - APPLICANT: SENSATION SPAS OF NEVADA -
OWNER: HOWARD JOHNSON**

**** 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 one (1) year, at which time the City Council may require the open-air vending/transient sales lot use be discontinued. 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 use be discontinued.
2. Any outside storage kept in conjunction with this use shall conform to the requirements set forth in Title 19.04.040.
3. The open air/transient sales lot use shall not be extended onto adjacent parcels
4. All parking areas shall be paved and appropriately marked in accordance with the requirements of Title 19.10.
5. The applicant shall construct the required Multi-Use Transportation Trail, along Rancho Drive, in accordance with the standards as outlined in the Master Plan Transportation Trails Plan.
6. Landscaping and a permanent underground sprinkler system shall be installed as required by the Planning Commission or City Council and shall be permanently maintained in a satisfactory manner. [Failure to properly maintain required landscaping and underground sprinkler systems should be cause for revocation of a business license.]
7. Conformance to conditions of approval for Special Use Permit (U-0052-02).
8. All City Code requirements and design standards of all City departments must be satisfied.

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

This request is for a required six-month review for an approved Special Use Permit (U-0052-02) that allowed an Open Air Vending/Transient Sales lot at 3300 North Rancho Drive.

B) Applicant's Justification

A justification letter is not required for this application.

BACKGROUND INFORMATION

A) Previous Actions

- 07/17/02 The City Council approved a Special Use Permit (U-0052-02) for an open-air vending/transient sales lot on this site, subject to a one-year required review. The Planning Commission and staff recommended approval on 06/13/02.
- 10/01/03 The City Council approved a required One Year Review (RQR-2792) of the Special Use Permit that allowed an open-air vending/transient sales lot on this site, subject to a six-month required review. The Planning Commission recommended approval on 08/28/03. Staff recommended denial.
- 05/27/04 The Planning Commission voted 7-0 to recommend DENIAL (PC Agenda Item #51).

B) Pre-Application Meeting

A pre-application meeting is not required for this application.

C) Neighborhood Meetings

A neighborhood meeting is not required for this application.

DETAILS OF APPLICATION REQUEST

A) *Site Area*

Net Acres: 0.48

B) *Existing Land Use*

Subject Property: Open Air Vending/Transient Sales Lot
North: Commercial
South: Undeveloped
East: Undeveloped
West: Undeveloped

C) *Planned Land Use*

Subject Property: GC General Commercial
North: GC General Commercial
South: GC General Commercial
East: GC General Commercial
West: GC General 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 site is designated GC (General Commercial) on the Centennial Hills Interlocal Plan Map of the General Plan. The existing C-2 (General Commercial) Zoning designation is in conformance with the General Plan.

<i>SPECIAL DISTRICTS/ZONES</i>	Yes	No
Special Area Plan		X
Special Overlay District		X
Trails	X	
Study Area	X	
Rancho Corridor	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 in the area covered by the Rancho Corridor Study. The results of this study do not affect this application.

A 20-foot wide multi use transportation trail is required along the east side of Rancho Drive on this site. The approved Civil Improvement Plans show the required trail.

ANALYSIS

A) Zoning Code Compliance

A1) Parking and Traffic Standards

The basis for most parking standards is the square footage of the building in which the use is located. Because open-air vending/transient sales lots are conducted outside, no comparable parking standards can be applied. The site plan submitted as part of the original Special Use Permit review depicted twelve parking spaces on the subject site. For the Required Review application, a revised site plan was submitted. The revised plan shows an expansion of the use onto an adjacent lot not included in the Special Use Permit.

A2) Minimum Distance Separation Requirements

There are no Minimum Separation Distance Requirements in the Zoning Code that apply to the existing open-air vending/transient sales lot use.

B) General Analysis and Discussion

• Zoning

An open-air vending/transient sales lot use is permitted in the C-2 (General Commercial) Zoning district with the approval of a Special Use Permit.

• Use

Title 19.20 defines open air vending/transient sales lot as an area that is used exclusively for the sale or taking of orders for any merchandise where such merchandise is displayed or sold in the open area; such activities are not part of the operation of an established business; and no permanent physical structures or facilities are used as integral parts of the sales or order taking operations. The term includes the display or sale of merchandise in or in connection with a truck, trailer or movable building of any type.

- Conditions

No base conditions exist for an open-air vending/transient sales lot. However, several conditions of approval were placed upon the original approval of the Special Use Permit. A survey of the site discovered that several of the conditions of approval have not been met since the original approval. The following is a list of conditions that have not been implemented:

- All parking areas shall be paved and appropriately marked in accordance with the requirements of Title 19.10.
- A minimum 15 foot wide landscape planter shall be placed along the Rancho Drive property line, and shall include minimum 24-inch box trees planted a maximum of 30 feet on-center and a minimum of four five-gallon shrubs for each tree within the provided planter. (This condition has been replaced by a condition imposed on the required one-year review that required a trail).
- Landscaping and a permanent underground sprinkler system shall be installed as required by the Planning Commission or City Council and shall be permanently maintained in a satisfactory manner. [Failure to properly maintain required landscaping and underground sprinkler systems should be cause for revocation of a business license.]
- A landscaping plan must be submitted prior to or at the same time application is made for a building permit.
- Construct all incomplete half-street improvements on Rancho Drive adjacent to this site concurrent with development of this site.

The Interlocal Joint Use Planning Area Trails Map depicts a multi-use transportation trail along the east side of Rancho Drive. Installation of the trail was not required as a condition of approval for the Special Use Permit but was added to the first One Year Required Review. The applicant is responsible for the installation of the trail including the required amount of plantings per the Master Plan Transportation Trails Element. This condition for the trail construction including the required plantings replaced condition No. 6 of the original Special Use Permit (U-0052-02).

Civil improvement plans that show the required trail were approved by the Planning and Development Department on 02/11/04. No permits for on site improvements have been issued as of this date. A site inspection done 04/30/04 revealed the applicant has not installed any of the improvements, such as a paved parking lot, required by the approved Special Use Permit.

Because the applicant has not fulfilled requirements of the original Special Use Permit, the recommendation for this required review is denial.

FINDINGS

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

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

Because the applicant has not fulfilled requirements of the original Special Use Permit, this use is not being conducted in a manner compatible with the surrounding land uses. Therefore, the recommendation for this required review is denial.

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

The site presently does not contain any paved parking. Paved parking is required under Title 19.10.010(D) and by Condition No. 5 of Special Use Permit U-0052-02. The Planning and Development Department records show that the applicant has approved civil improvement plans; the first step to obtaining permits for type of improvements required by the condition of approval.

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

Access to the site is via Rancho Drive a 200-foot-wide Primary Arterial highway that has sufficient capacity for the traffic generated by this use.

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

The business is subject to regular inspection by the City for business licenses, permits, and compliance with required conditions of approval. As the applicant on this site has not completed conditions of approval required during the original approval, the proposed use with the lack of paved and striped parking is inconsistent with the public health, safety and welfare.

RQR-4264 - Staff Report Page Six
September 15, 2004 City Council Meeting

NOTICES MAILED 69 by Planning Department

APPROVALS 0

PROTESTS 0

STATEMENT OF FINANCIAL INTEREST

Name of Applicant: SENSATION SPAS INC

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

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.

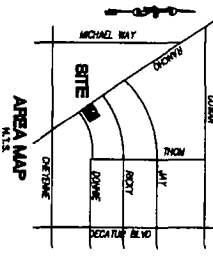
APN: _____

Print Name: Hans D. Johnson III

County of Clark



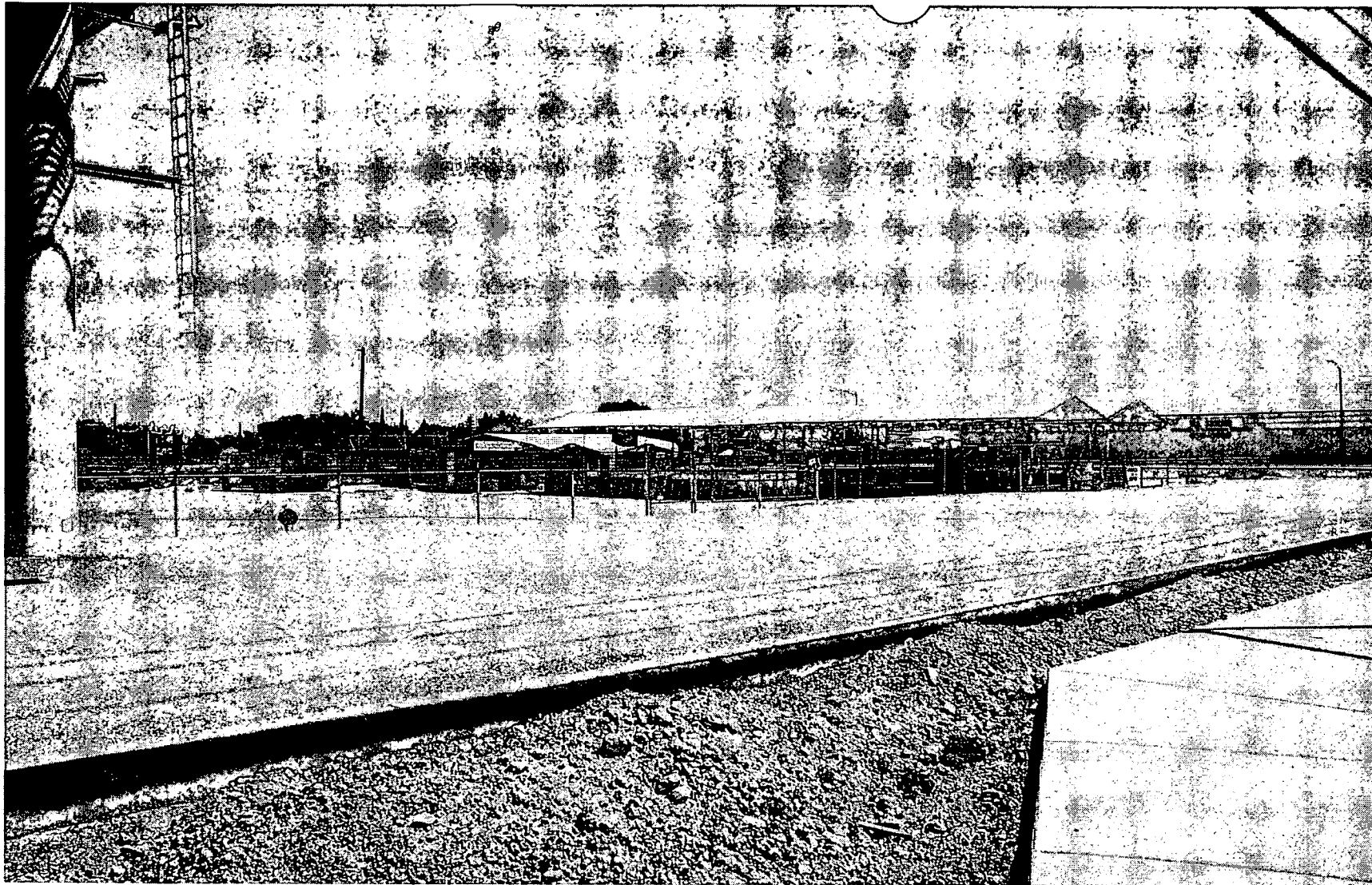
5-27-04 PC
RGR-4264



BASIS OF BEARING
NORTH 36° 26' 00" WEST - BEING THE CONTINUAL OF U.S.
HIGHWAY 65 (QUINCY DRIVE) AS SHOWN PER PARCEL MAP FILE
86, PAGE 70, CLAY COUNTY RECORDS, NEVADA

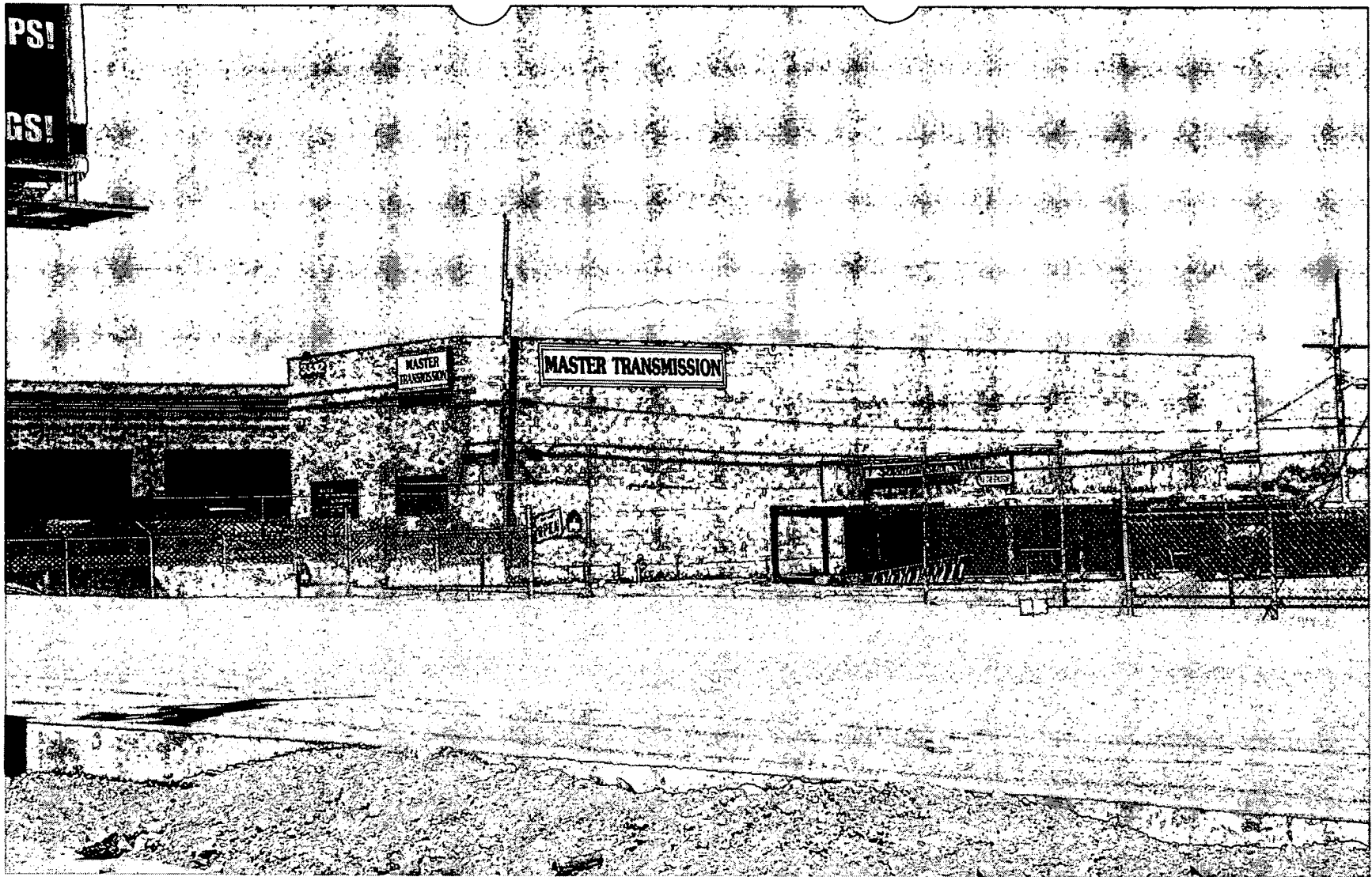
RESEARCH		LEGEND	
	NEW		EXISTING
POCKET	—●—	—●—	—●—
CORRIDOR	—●—	—●—	—●—
PROPERTY/POST-OFFICE LINE	—●—	—●—	—●—
"X" CARP & GUTTER	—●—	—●—	—●—
"X" CARP & GUTTER	—●—	—●—	—●—
FREE INDOOR (70)	—●—	—●—	—●—
UTILITY POLE	—●—	—●—	—●—
WATERLINE	—●—	—●—	—●—
WATER VALVE, GATE VALVE	—●—	—●—	—●—
SEWER, SANITARY, GAS	—●—	—●—	—●—
SEWER VALVE, GATE VALVE	—●—	—●—	—●—
SEWER MAIN (PER ASSURANCE)	—●—	—●—	—●—
CONCRETE	—●—	—●—	—●—
WOODWORK ACCESS ROUTE	—●—	—●—	—●—
SHORT VISIBILITY ZONE	—●—	—●—	—●—

[illegible]



**RQR-4264 - APPLICANT: SENSATION SPAS OF NEVADA - OWNER: HOWARD
JOHNSON
3200 North Rancho Drive
SEPTEMBER 15, 2004 CITY COUNCIL MEETING**

Picture taken 08/31/04



RQR-4264 - APPLICANT: SENSATION SPAS OF NEVADA - OWNER: HOWARD JOHNSON
3200 North Rancho Drive
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-4541 - APPLICANT/OWNER: CAMINAR - LAS VEGAS - Request for a Special Use Permit FOR A PROPOSED CONVALESCENT CARE FACILITY/NURSING HOME at 2140 Vegas Drive (APN 139-20-802-007), U (Undeveloped) Zone [M (Medium Density Residential) General Plan Designation] under Resolution of Intent to R-2 (Medium-Low Density Residential) 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

MINUTES:

MAYOR GOODMAN declared the Public Hearing open.

JAN MICHELS, Perlman Architects, 2230 Corporate Circle, Suite 200, appeared on behalf of the applicant, and stated that the request is for an addition to the existing convalescent home, which has been in the community for approximately 22 years. MS. MICHELS concurred with staff's recommendations.

COUNCILMAN WEEKLY thanked FAYE JOHNSON of Neighborhood Services and staff for working with the applicant. He was appreciative for the help the applicant provides in the community.

No one appeared in opposition.

CITY COUNCIL MEETING OF SEPTEMBER 15, 2004
Planning and Development Department
Item 134 – SUP-4541

MINUTES:

MAYOR GOODMAN declared the Public Hearing closed.

(4:15 – 4:16)

5-3494

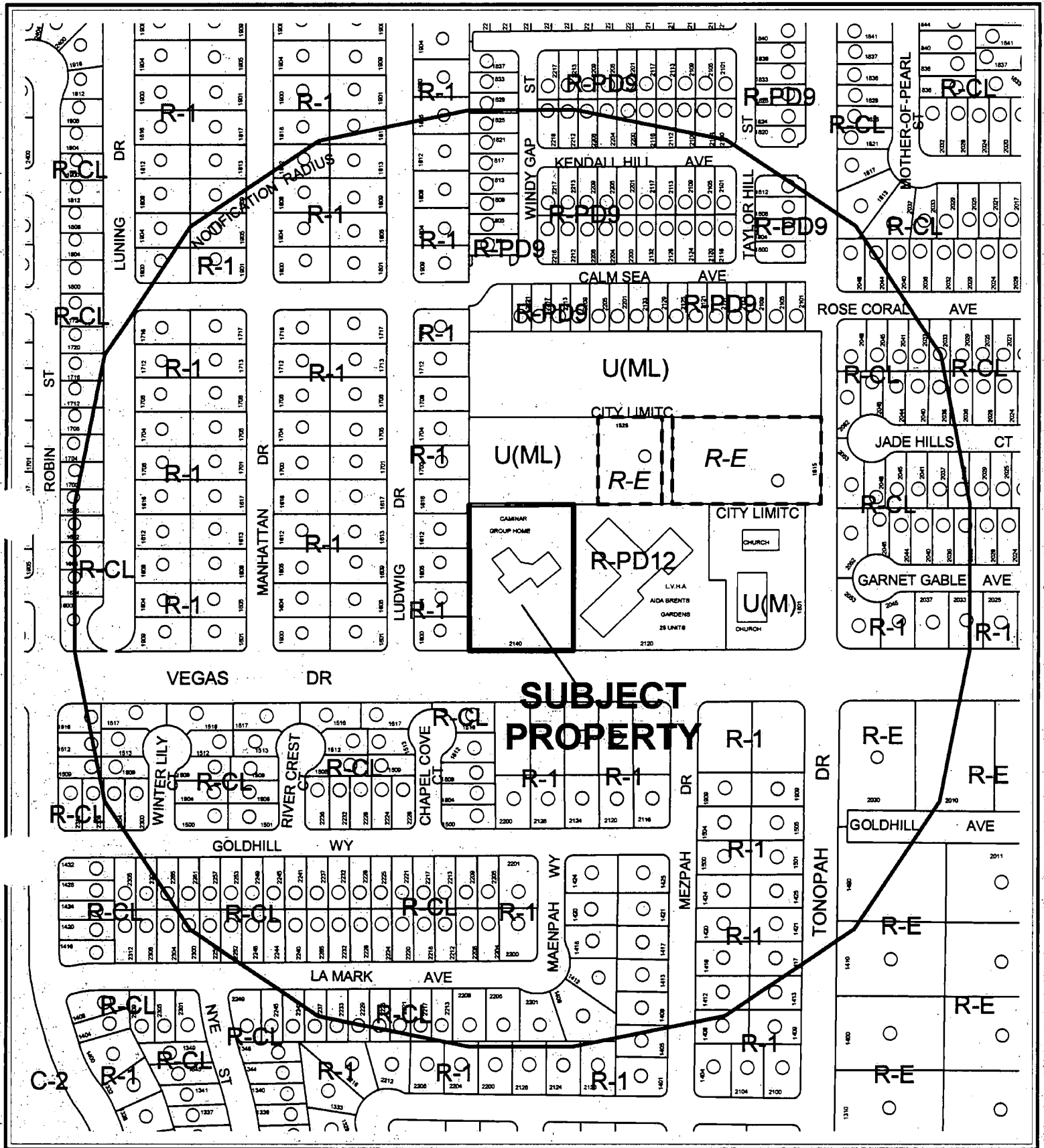
CONDITIONS:

Planning and Development

1. Conformance to all Minimum Requirements under Title 19.04.050 for a Convalescent Care Facility/Nursing Home use.
2. Conformance to the Conditions of Approval for Site Development Plan Review (SD-0033-02).
3. This Special Use Permit shall expire one year from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.
4. This use shall not include any of the uses allowed under “Transitional Living Group Home” or “Special Care Facility.”
5. All City Code requirements and design standards of all City departments must be satisfied.

Public Works

6. 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.
7. Site development to comply with all applicable conditions of approval for Z-0066-02, SD-0033-02 and all other subsequent site-related actions.



CASE: SUP-4541

RADIUS: 750 FT

ZONING OF SUBJECT PROPERTY:

U (UNDEVELOPED) [M (MEDIUM DENSITY RESIDENTIAL) GENERAL PLAN DESIGNATION]
 UNDER RESOLUTION OF INTENT TO R-2 (MEDIUM-LOW DENSITY RESIDENTIAL)

0 200 400 Feet



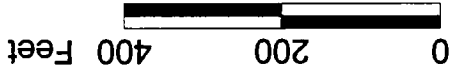


U (UNDEVELOPED) [M (MEDIUM DENSITY RESIDENTIAL) GENERAL PLAN DESIGNATION]
UNDER RESOLUTION OF INTENT TO R-2 (MEDIUM-LOW DENSITY RESIDENTIAL)

ZONING OF SUBJECT PROPERTY:

RADIUS: 750 FT

CASE: SUP-4541



AGENDA MEMO

CITY COUNCIL MEETING DATE: SEPTEMBER 15, 2004

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: SUP-4541 - APPLICANT/OWNER: CAMINAR - LAS VEGAS

**** 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 Convalescent Care Facility/Nursing Home use.
2. Conformance to the Conditions of Approval for Site Development Plan Review (SD-0033-02).
3. This Special Use Permit shall expire one year from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.
4. This use shall not include any of the uses allowed under "Transitional Living Group Home" or "Special Care Facility."
5. All City Code requirements and design standards of all City departments must be satisfied.

Public Works

6. 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.
7. Site development to comply with all applicable conditions of approval for Z-0066-02, SD-0033-02 and all other subsequent site-related actions.

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

This is a request for a Special Use Permit for a proposed Convalescent Care Facility/Nursing Home at 2140 Vegas Drive. A previous approval for the same use on this property expired on October 2, 2003.

B) Applicant's Justification

The applicant justifies this request by stating that the Convalescent Care Facility/Nursing Home use had been previously approved for the site, but had been allowed to expire. This is the same request as the original Convalescent Care Facility (U-0088-02).

BACKGROUND INFORMATION

A) Previous Actions

- | | |
|----------|--|
| 11/04/81 | The subject property was Annexed into the City of Las Vegas as part of a larger request (A-0010-81). |
| 10/02/02 | The City Council approved a Rezoning (Z-0066-02) from U (Undeveloped) [M (Medium Density Residential) General Plan Designation] to R-2 (Medium-Low Density Residential); a Special Use Permit (U-0088-02) for a Convalescent Care Facility/Nursing Home; and a Site Development Plan Review (SD-0033-02) for eight residential care units on this site. The original rezoning request was to R-3 (Medium Density Residential), but the Planning Commission and staff recommended approval on the condition that the request be amended to R-2. |
| 10/02/03 | The approval for the Special Use Permit (U-0088-02) for a Convalescent Care Facility/Nursing Home expired. |
| 08/12/04 | The Planning Commission voted 5-0 to recommend APPROVAL (PC Agenda Item #8/SS) |

B) Pre-Application Meeting

05/07/04 The applicant explained that the previously approved Special Use Permit for the Acacia Gardens Convalescent Center had expired and this application would be for the same proposal. This is a Project of Regional significance, as there are parcels within Clark County jurisdiction less than 100 feet from the subject property. A questionnaire and 10 additional site plans must be included with the application submittal.

DETAILS OF APPLICATION REQUEST

A) Site Area

Gross Acres: 1.49
Net Acres: 1.26

B) Existing Land Use

Subject Property: Group Residential Care Facility
North: Undeveloped
South: Undeveloped
East: Multi-Family Residential (LVHA Apartments)
West: Single-Family Residential Dwellings

C) Planned Land Use

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

D) Existing Zoning

Subject Property: U (Undeveloped) under Resolution of Intent to R-2 (Medium-Low Density Residential)
North: U (Undeveloped)
South: R-1 (Single-Family Residential)
East: R-PD12 (Residential Planned Development – 12 Units per Acre)
West: R-1 (Single-Family Residential)

E) General Plan Compliance

The subject site is designated M (Medium Density Residential) on the Southeast Sector Map of the General Plan. This category allows multi-family dwellings up to 25 units per acre. The existing R-2 (Medium-Low Density Residential) zoning district allows a maximum of 12 units per acre, but is compatible with surrounding development in the area and conforms to the General Plan.

<i>SPECIAL DISTRICTS/ZONES</i>	Yes	No
Special Area Plan	X	
West Las Vegas Plan		
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	

The subject property is located within the West Las Vegas Plan area and has a future land use designation of M (Medium Density Residential). The area of the plan north of Vegas Drive and Tonopah Drive west to Rancho Drive is primarily residential in character but does contain several churches and commercial properties. Several of the vacant areas in this district have filled in with residential development since the West Las Vegas Plan was adopted in 1994.

This area is also part of the Neighborhood Revitalization Area, identified by the Las Vegas Master Plan 2020 as neighborhoods where existing residential uses should be protected and proposed commercial development should be designed within the context of a pedestrian-friendly environment.

The proposed Convalescent Care Facility qualifies as a "Project of Regional Significance," triggered by the request for a Special Use Permit in an area close to parcels located within unincorporated Clark County. Clark County government was notified of the project. Information concerning possible impacts to public services are detailed below.

INTERAGENCY ISSUES

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

- Any Special Use Permit within 500 feet of unincorporated Clark County

An Environmental Impact Assessment questionnaire was circulated to the affected Agencies and Entities for the mandated 15-day period. A summary of the comments received, including recommendation for mitigation measures is as follows:

1) The Las Vegas Metropolitan Police Department found no significant law enforcement issues that might be raised should this request be approved.

2) The Sanitary Sewer Planning Section of the City of Las Vegas Department of Public Works found that the proposed facility would have minimal impacts to the wastewater collection system.

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

ANALYSIS

A) Zoning Code Compliance

A1) Parking and Traffic Standards

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

Uses	GFA	Ratio	Required Parking		Provided Parking	
			Regular	Handicap	Regular	Handicap
Convalescent Care Facility/Nursing Home	11,449 SF	1 space per 6 beds + 1 space per employee on the largest shift + 3 spaces for doctors	10	1	15	2

The site exceeds the number of parking spaces required by Title 19. Handicapped parking spaces are provided in accordance to the code.

A2) Minimum Distance Separation Requirements

There are no Minimum Separation Distance Requirements in the Zoning Code that apply to the proposed Convalescent Care Facility/Nursing Home use and no similar approved uses within the 750-foot notification distance.

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

Use	Code Requirement	Provided
Convalescent Care Facility/Nursing Home	Min. parcel size of 25,000 SF	55,013 SF
	Max. 25 beds per acre	13.4 beds/acre
	Buildings should comply with R-2 setbacks (20 feet in front, 20 feet in rear, 5 feet on side, and 10 feet between buildings)	93-foot front setback, 20-foot rear setback, 10-foot side setbacks
	Max. two-story height	Single-story units
	Shall be located on a collector street or larger	Vegas Drive is an 80-foot wide Secondary Collector

The proposed Convalescent Care Facility meets the minimum standards for this use in an R-2 (Medium-Low Density) zoning district.

B) General Analysis and Discussion

- Zoning

The subject site is zoned U (Undeveloped) [M (Medium Density Residential) General Plan Designation] and is under a Resolution of Intent to R-2 (Medium-Low Density Residential). A Convalescent Care Facility/Nursing Home is a permitted use in the R-2 (Medium-Low Density) zoning classification with the approval of a Special use Permit.

- Use

The use will be located in both an existing structure (Pedregal House) and in a new building consisting of eight units on a 55,013 square-foot lot. There are currently 12 beds in the existing Group Residential Care Facility on this site, and the applicant is proposing eight more beds for a total of 20 beds. Each 500 square-foot unit will contain a living room, bathroom, bedroom, and kitchen. The new structure will also contain a centrally located community space, including a recreation room, laundry facilities, kitchen, and two offices for support services.

- Conditions

Title 19.04.050 lists the following conditions that must be met prior to approval of a Special Use Permit for a Convalescent Care Facility/Nursing Home. Additional conditions may also be required during the public hearing process to ensure compatibility of the use with surrounding uses and the pattern of development. The applicant has not requested any waivers to these conditions.

1. The minimum parcel size required shall be twenty thousand square feet.
2. The maximum number of beds per acre of land shall be twenty five.
3. Setbacks for buildings shall be the same as required for a single-family dwelling in the zoning district where located.
4. The maximum building height of a convalescent care facility shall be two stories.
5. Care facilities shall be located on a collector street or larger.

The proposed Convalescent Care Center meets all of the minimum requirements for approval of a Special Use Permit as listed in Title 19.04.050. An additional condition of approval clarifies the uses that are permitted under the "Convalescent Care Facility/Nursing Home" category.

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 Convalescent Care Facility/Nursing Home use is compatible with surrounding land uses. It is noted that here is a public apartment complex to the east of this site and single-family residential dwellings to the west and south of this site.

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

The site is physically suitable for the intensity of land use. Sufficient parking is provided to accommodate staff and patrons of the facility.

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 street facilities providing access to the property are adequate in size to meet the requirements of the proposed Convalescent Care Facility/Nursing Home use.

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

The proposed use will not compromise the public health, safety, and welfare, as it will be subject to regular City inspections for licensing.

NOTICES MAILED 307 by City Clerk

APPROVALS 0

PROTESTS 0

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: SUP-4541 APN: 139.20.802.007

Name of Property Owner: Caminar

Name of Applicant: Caminar

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): _____

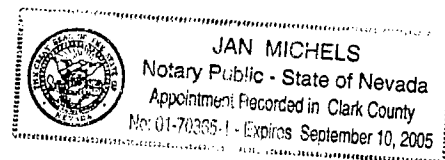
APN: _____

Signature of Property Owner/Authorized Agent: James Stanley Ewarton Douthett
Print Name: James Stanley Ewarton Douthett

Subscribed and sworn before me

This 3rd day of May, 2004

Jan Michel
Notary Public in and for said County and State



ACACIA GARDENS

Perlman
ARCHITECTS
PERLMAN ARCHITECTS OF
CALIFORNIA, INC.
20101 S.W. Birch St.
SUITE 140
NEWPORT BEACH, CA 92660
949.261.8200 FAX 949.261.8202



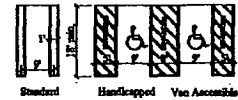
DATE: MAY 11
PROJECT: ACACIA GARDENS
SHEET: 01 OF 02

DESCRIPTION:
ACACIA GARDENS
2140 VEGAS DRIVE
LAS VEGAS, NEVADA 89102

ACACIA GARDENS
2140 Vegas Drive
Las Vegas, Nevada 89102

Drawn/Checked by
CM / DB
Date
May 12, 2004
Project Number
203016
Sheet Number
AS

TYP. PARKING STALL
4'x8' Painted Stripe Typ.



SITE DATA

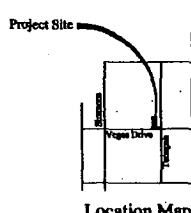
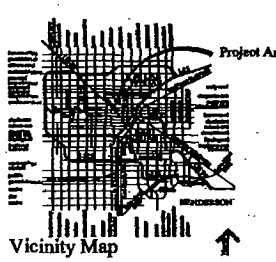
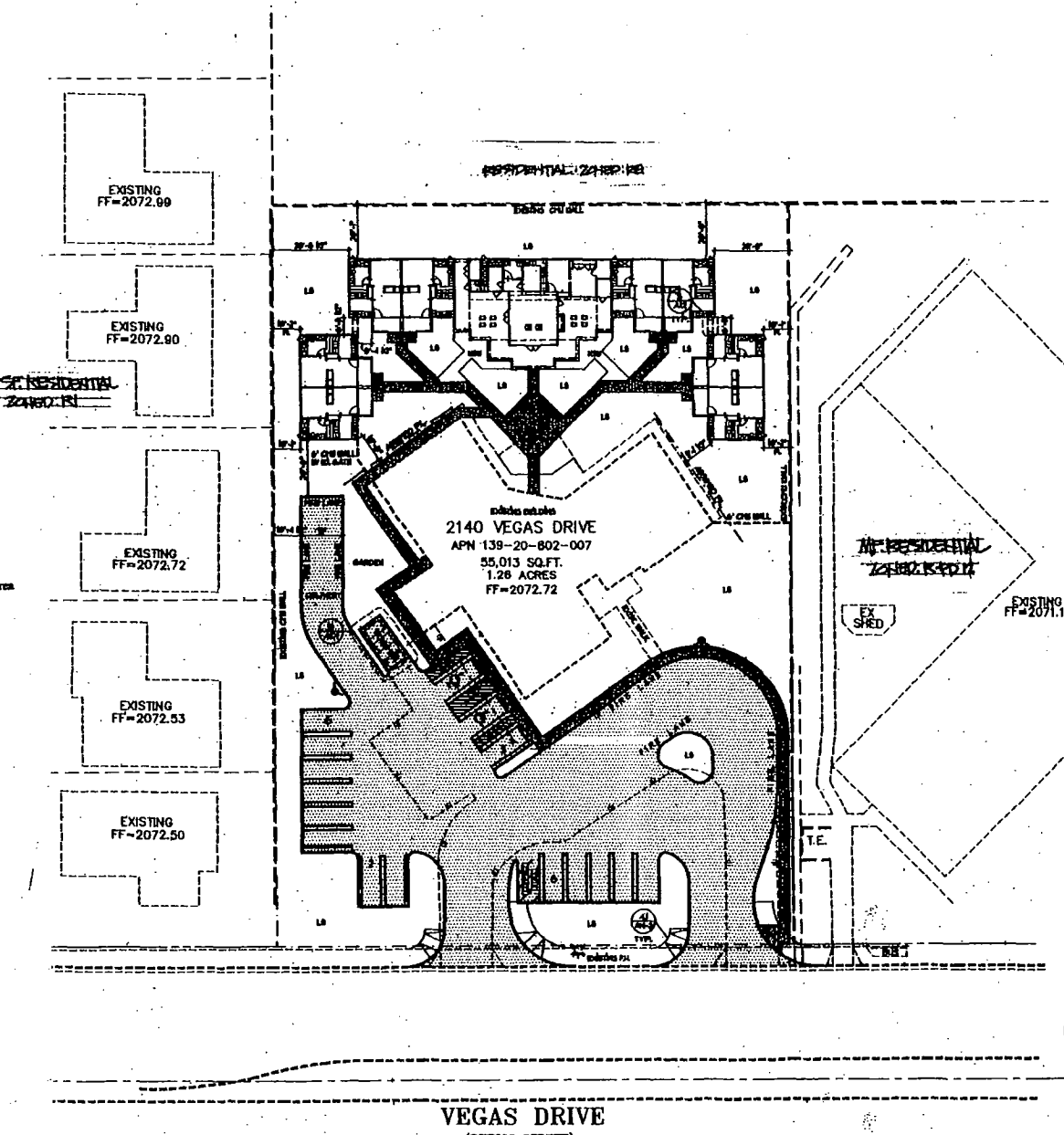
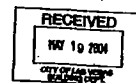
APN	08-30-002-001
SITE AREA	1.26 AC. (55,013 SQ.FT.)
BUILDING AREA (FOOTPRINT)	
EXIST. BLDG.	6,78 SQ.FT.
NEW BLDG.	4,734 SQ.FT.
NEW PAVEMENT	5,347 SQ.FT.
OPEN SPACE	7,481 SQ.FT.
LOT COVERAGE	25%
PARKING REQ'D	8 SPACES
PARKING PROVIDED	11 SPACES (3 H.C.)

LEGEND

---	ASSIGNED PROPERTY LINE
---	ACCESSIBLE ROUTE
---	NEW PAVEMENT
---	EXIST. SIDEWALK
---	NEW SIDEWALK
---	LANDSCAPE
---	EXIST. CURB AND GUTTER
---	EXIST. CURB WALL
---	NEW CURB WALL
---	EXISTING EDGE OF PAVEMENT
---	EXIST. CENTERLINE OF ROAD
---	EXIST. RIGHT-OF-WAY LINE (ROW)

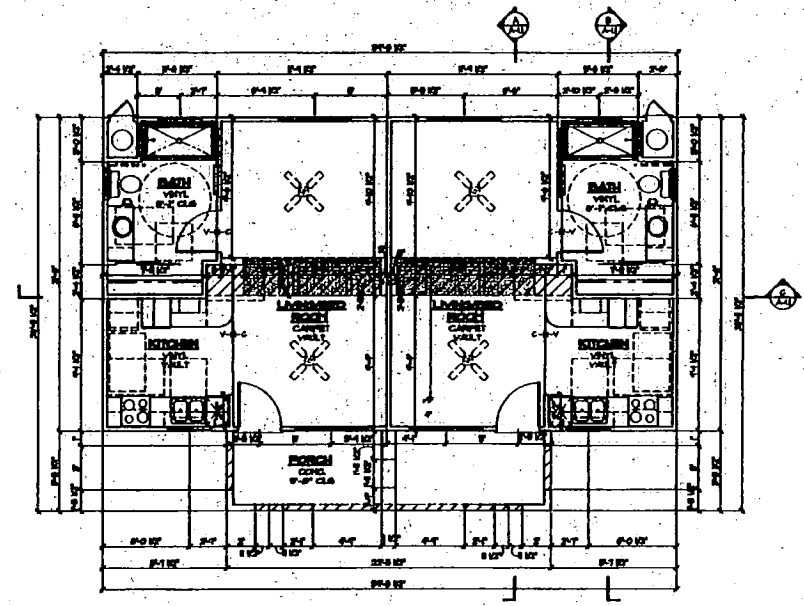
NOTE:
PROVIDE INTERNATIONAL SYMBOL OF ACCESSIBILITY
AT ACCESSIBLE PARKING SPACES PER IBC SEC. 903
SEE SCHEDULE FOR LANDSCAPE AREAS AND P.O.

SUP-4541
08-12-04 PC

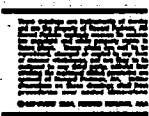


ARCHITECTURAL SITE PLAN

VEGAS DRIVE
(PUBLIC STREET)



PLAN 1 TYP. UNIT FLOOR PLAN
 SCALE: 1/4" = 1'-0"

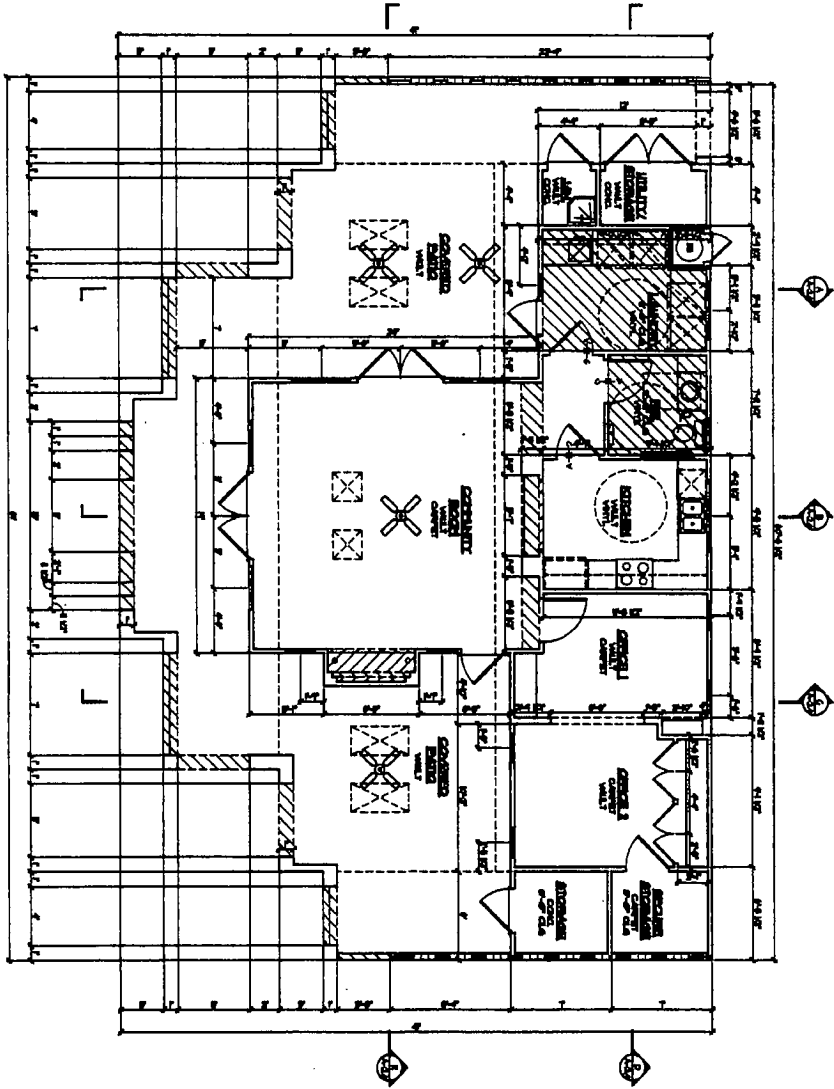


Rev.	Description
1	
2	
3	
4	

ACACIA GARDENS
 2140 Vegas Drive
 Las Vegas, Nevada 89102

Drawn/Checked by	CM / MB
Date	March 25, 2004
Project Number	203016
Sheet Number	A-1.1
	Unit Floor Plan

SUP-4541
08-12-04 PC



SUP-4541
08-12-04 PC

ACACIA GARDENS

2140 Vegas Drive
Las Vegas, Nevada 89102

Drawn/Checked by
CM / MIB

Date
March 28, 2004

Project Number
203016

Sheet Number

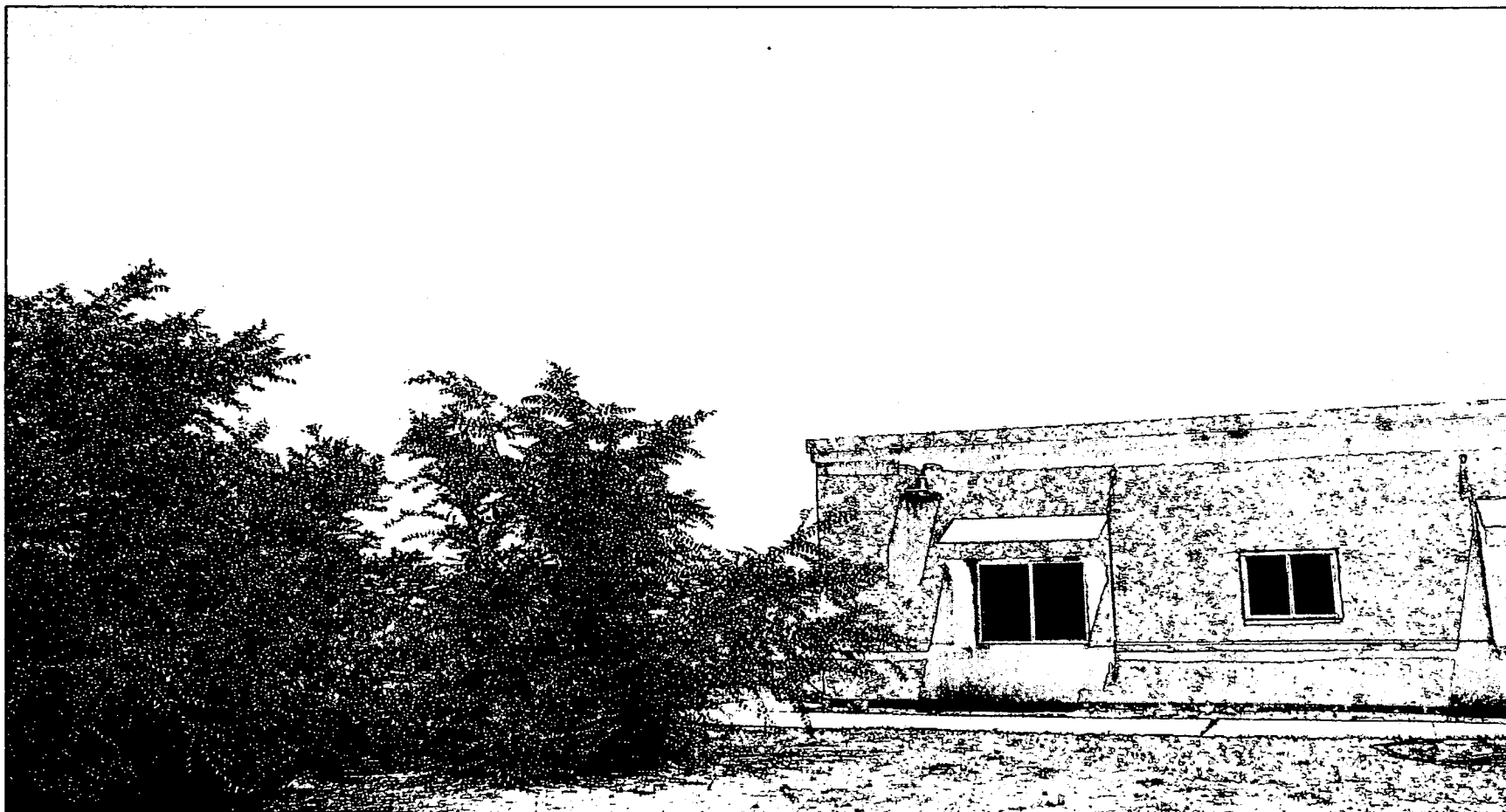
A-2.1

Community Center
Floor Plan

Polman
FURNISHING INDUSTRY OF
CALIFORNIA, INC.
20701 S.W. 10th St.
Newport Beach, CA 92660
949.411.1200 FAX 949.411.1201

Description

Alt	Date	Rev
		1



SUP-4541 - APPLICANT/OWNER: CAMINAR - LAS VEGAS
2140 VEGAS DRIVE
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-4688 - APPLICANT: SHIPPY, LIMITED LIABILITY COMPANY - OWNER: MEYER & SYLVIA GOLD TRUST -
Request for a Special Use Permit FOR A PROPOSED ANIMAL HOSPITAL adjacent to the south side of Charleston Boulevard, approximately 80 feet east of Wilshire Street (APN 163-01-502-002 and 003), C-1 (Limited Commercial) Zone, Ward 1 (Moncrief). 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:

MONCRIEF - APPROVED subject to conditions - UNANIMOUS

MINUTES:

MAYOR GOODMAN declared the Public Hearing open on Item 135 [SUP-4688] and Item 136 [SDR-4687].

MANUEL BANGATTIA, 1500 Emerald Avenue, concurred with staff conditions, but asked for clarification of the condition regarding obtaining building permits contingent upon the two lots being combined into one. He asked that it be contingent upon obtaining the Certificate of Occupancy in order to allow them time to have the map recorded. ROBERT GENZER, Director, Planning and Development Department, explained it could be done under the rules of the Building and Safety Department. The Building Department cannot issue a building permit if it goes across a property line. MR. BANGATTIA rebutted that building permits were issued to two prior projects.

CITY COUNCIL MEETING OF SEPTEMBER 15, 2004
Planning and Development Department
Item 135 – SUP-4688

MINUTES:

MR. GENZER suggested that a sentence be added at the end of Condition 15 of Item 136 [SDR-4687] “unless otherwise approved by the Building Official”. MR. BANGATTIA concurred with the addition to Condition 15.

No one appeared in opposition.

MAYOR GOODMAN declared the Public Hearing closed on Item 135 [SUP-4688] and Item 136 [SDR-4687].

NOTE: All discussion for Item 135 [SUP-4688] and Item 136 [SDR-4687] was held under Item 135 [SUP-4688].

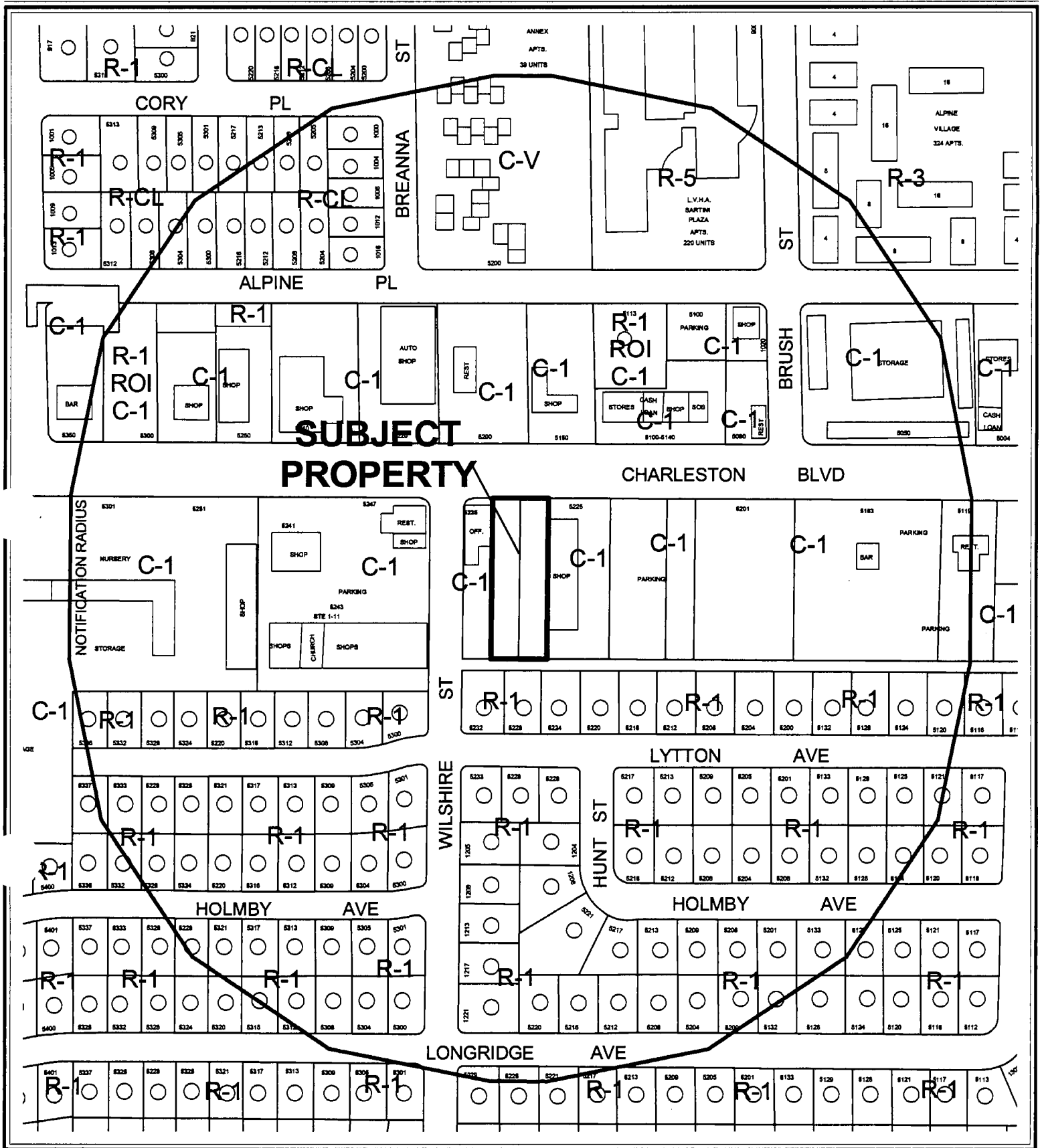
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5-3565

CONDITIONS:

Planning and Development

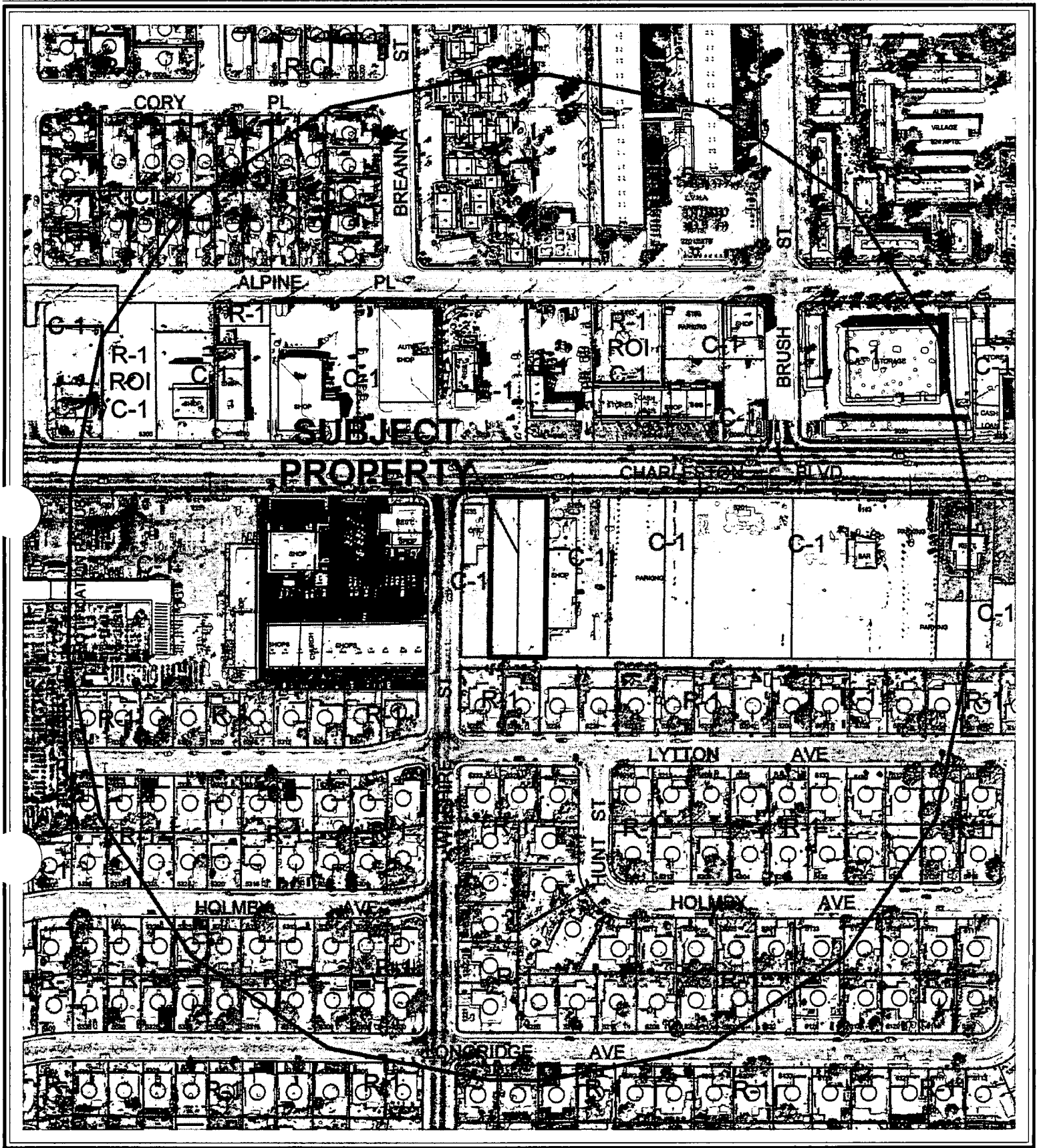
1. Conformance to all Minimum Requirements under Title 19.04.050 for an Animal Hospital.
2. Approval of and conformance to the Conditions of Approval for an accompanying Site Development Plan Review (SDR-4687).
3. This Special Use Permit shall expire two years from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.
4. All City Code requirements and design standards of all City departments must be satisfied.



CASE: SUP-4688

RADIUS: 750 FT

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



CASE: SUP-4688

RADIUS: 750 FT

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

0 200 400 Feet



AGENDA MEMO

CITY COUNCIL MEETING DATE: SEPTEMBER 15, 2004

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: SUP-4688 - APPLICANT: SHIPPY, LIMITED LIABILITY
COMPANY - OWNER: MEYER & SYLVIA GOLD TRUST**

**** 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 an Animal Hospital.
2. Approval of and conformance to the Conditions of Approval for an accompanying Site Development Plan Review (SDR-4687).
3. This Special Use Permit shall expire two years from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.
4. All City Code requirements and design standards of all City departments must be satisfied.

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

This is a request for a Special Use Permit for an Animal Hospital to be located adjacent to the south side of Charleston Boulevard approximately 80 feet east of Wilshire Street. A request for a waiver in the building's placement has also been submitted.

B) Applicant's Justification

In a letter attached to the application, the applicant states that the Animal Hospital is to be a state of the art veterinarian hospital that will be occupied by six veterinarians who have joined in a partnership to develop and share this animal surgery center.

BACKGROUND INFORMATION

A) Actions

08/12/04 The Planning Commission will hear the related application for Site Development Plan Review (SDR-4687) for the subject proposal. The staff recommends approval of that application.

08/12/04 The Planning Commission voted 5-0 to recommend APPROVAL (PC Agenda Item #6/DDS)

B) Pre-Application Meeting

- 07/07/04 Details of the prospective use were discussed, including the following:
- A reversionary map may be needed to accommodate the proposed building.
 - An entrance gate off the alley should swing to the interior.
 - An NDOT encroachment permit on Charleston Boulevard is needed.
 - Since space on the property is restricted, a waiver should be submitted to permit access to an alley at the rear for employee parking in lieu of from the front.
 - The location and type of signage should be shown.

These details are addressed in a report for an accompanying Site Development Plan Review (SDR-4687).

C) Neighborhood Meetings

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

DETAILS OF APPLICATION REQUEST

A) Site Area

Acres: 0.66

B) Existing Land Use

Subject Property: Undeveloped
North: Service Commercial
South: Single-family residential
East: Service commercial
West: Office establishment

C) Planned Land Use

Subject Property: SC (Service Commercial)
North: SC (Service Commercial)
South: L (Low Density Residential)
East: SC (Service Commercial)
West: SC (Service Commercial)

D) Existing Zoning

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

E) General Plan Compliance

The subject property is designated SC (Service Commercial) on the Southwest Sector map of the General Plan. The property is zoned C-1 (Limited Commercial), which is a zoning district permitted in this land use classification. An Animal Hospital is a use permitted in the C-1 zoning district subject to the approval of a Special Use Permit.

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

No special districts, zones, or studies are related to the subject property.

ANALYSIS

A) Zoning Code Compliance

A1) Parking and Traffic Standards

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

Uses	GFA Sq. ft.	Required			Provided	
		Ratio	Parking		Parking	
			Regular	Handicap	Regular	Handicap
Animal Hospital	5,020	1/employee + 1/doctor + 1/examining room	5	1	5	1
Retail/office space	1,980	1/175 sq. ft.	12	1	12	2

The proposed development will have 20 parking spaces, five for the Animal Hospital and 12 for unidentified general retail space.

B) General Analysis and Discussion

- Zoning

The Animal Hospital use is permitted in the C-1 (Limited Commercial) zoning district with the approval of a Special Use Permit.

- Use

Title 19.04.050 establishes the criteria for the approval of an Animal Hospital. The primary concern with such a facility is the noise caused by the sounds from dogs and other animals. For this reason, the code requires that sound attenuation measures be used. In particular, animals are to be completely enclosed; the building is to be designed to provide complete sound barriers; and rooms that contain animals are not permitted to have windows, doors or other openings in exterior walls that face adjacent residences. Provided the use complies with these requirements, there should be no adverse impact on the single-family residences to the south.

- Conditions

Applicable conditions of Title 19.04.050 require the following:

1. The use shall have access to a collector street or larger.
2. Animals shall be confined within an enclosed building at all times.
3. The building shall be designed to provide complete sound barriers and odor protection for adjacent properties.
4. Rooms containing cages or pens are not permitted to have windows, doors or other penetrations on exterior walls adjacent to residences.
5. Noise levels must comply with the applicable provisions of LVCM Title 7.
6. No more than 25% of the floor area may be used for the boarding of animals.

The application, as proposed, meets these conditions.

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 Animal Hospital is located adjacent to commercial uses to the east and west and across the street to the north. Existing single-family residences are located to the south. There should be no compatibility issues with these residences, provided the use meets the minimum requirements for sound attenuation.

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

Design standards of Title 19 require that the building be placed at the front of the lot with parking located behind the building. A request for a waiver in this standard has been submitted, because the width of the lot and configuration of the building as proposed, would not permit vehicular access from the front of the building to the rear. Redesigning the building to complement the property does not provide the exposure desired at the front

of the building. Consequently, the applicant is proposing to locate the client parking in front of the building with employee parking to the rear. The client parking would be accessed from Charleston Boulevard and the employee parking from an alley to the rear. This parking arrangement would be suitable and a waiver in the building placement standard is recommended.

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

Access to 18 employee parking spaces is proposed from an alley abutting the property on the south. Access to 15 client parking spaces is proposed from Charleston Boulevard. According to the Master Plan of Streets and Highways, Charleston Boulevard is identified as a Primary Arterial street with a 100-foot wide right-of-way. Adequate access would be provided.

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

The proposed Animal Hospital will be subject to periodic inspection and would, therefore, not compromise the public health, safety and welfare.

NOTICES MAILED 151 by City Clerk

APPROVALS 0

PROTESTS 0

FROM : BENTAR

FAX NO. : 7026710429

May. 24 2004 04:28PM P3

PLANNING &
DEVELOPMENT

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: SDP-4688 APN: _____
Name of Property Owner: Meyer + Sylvia Gold Trust Et Al
Name of Applicant: SHIPPY LLC

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: Sylvia Gold

Print Name: SYLVIA GOLD

David Lifson

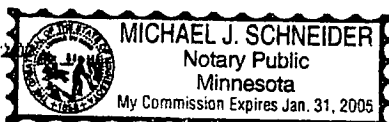
Subscribed and sworn before me

This 26 day of may, 2004

Michael J. Schneider
Notary Public in and for said County and State

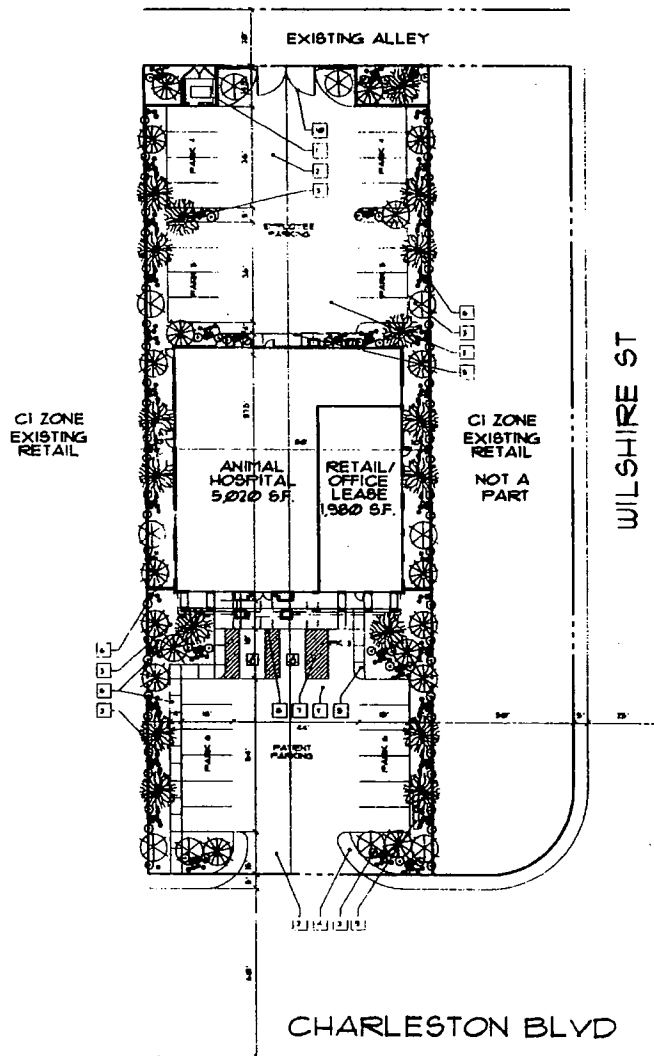
1-31-05

Revised 2/12



C:\sdpp\sdpp\Application Packet\Statement of Financial Interest.doc

RI ZONE
SINGLE FAMILY RESIDENTIAL



1 SITE PLAN

SCALE: 1" = 20'-0"

LANDSCAPE LEGEND

SYMBOL	LANDSCAPE	TYPE	SIZE	QTY	SYMBOL	SHRUBS AND GROUND COVER	SIZE
	MEXICAN PALO VERDE Leucaena leucocephala	TREES EVERGREEN	24 BOX	4		TEXAS RANGER Leucophyllum frutescens	5 GAL
	SHOBRETTIA ACACIA Acacia shobretia	TREES EVERGREEN	24 BOX	10		PRUNELLA CUNEATA Prunella cuneata	5 GAL
	CALIFORNIA PEPPER TREE Schinus molle	TREES EVERGREEN	24 BOX	17		YUCCA GLAUCA Yucca glauca	1 GAL
						EVERGREEN EUCALYPTUS Eucalyptus japonica	5 GAL
						COTTON CENTER CREEPER Bignonia fortunei	5 GAL

1. ALL EXISTING LANDSCAPE GROUND COVER TO BE 24" INDIAN RED BAKED GRAVEL.
2. ALL PLANTS ON SITE MUST CONFORM WITH TITLE 9 REG.
3. 24" BOX TREES A MAXIMUM OF 10'-0" O.C. + EAST AND WEST PROPERTY LINES.
4. PROVIDE 14" FIVE GALLON SHRUBS 14" FOR EACH TREE.
5. EXISTING LANDSCAPE TO BE PRESERVED WHERE POSSIBLE.

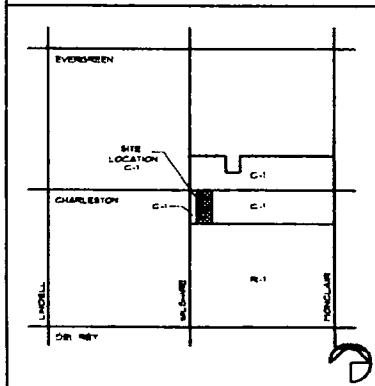
KEYNOTES

#	DESCRIPTION
1	8'-0" HIGH CONCRETE BLOCK TRASH ENCLOSURE WITH PAIR OF UPGRADE IRON GATES WITH STAMPED METAL BACKING AND 12" IN LOCK LATCH.
2	2" AC PAVING
3	LANDSCAPED AREA - 5' BY OTHERS
4	CONCRETE SIDEWALK, CURB 1' OUTER AS PER CITY OF LAS VEGAS
5	4" CONCRETE SIDEWALK, BROOKSALT FINISH
6	8'-0" HIGH CONCRETE BLOCK WALL
7	HANDICAP ACCESS AISLE
8	FLUSH OUT SIDEWALK BY ACCESS AISLE (NO RAMP REQ'D)
9	PLYON SIGN
10	PAIR 12'-0" X 6'-0" DECO STEEL TUBE GATES (MANUAL OPERATION, GATES TO REMAIN OPEN 24 HOURS BUSINESS HOURS)

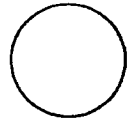
PROJECT DATA

REQUIRED ZONING	C-1
EXISTING ZONING	C-1
EXISTING USE	PARKING LOT
PROPOSED USE	ANIMAL HOSPITAL
BUILDING AREA	7,190 SF
PARKING ANALYSIS (ANIMAL HOSPITAL)	
(A) X 1 PARKING SPACE/EMPLOYEES ON DUTY	12 SPACES
(1) X 1 PARKING SPACE/DOCTOR	11 SPACES
(5) X 1 PARKING SPACE/EXAM ROOM	5 SPACES
PARKING ANALYSIS (RETAIL/OFFICE LEASE)	
(1,980 SF) X 1 PARKING SPACE/15 SF	13 SPACES
TOTAL PARKING REQUIRED	20 SPACES
PARKING PROVIDED	31 SPACES
TOTAL SITE AREA	29,800 SF
FLOOR AREA RATIO	24.3%
APN	163-01-507-001.003

LOCATION



SUP-4688
SDR-4687
08-12-04 PC



NO.	DATE	DESCRIPTION
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		

John
Ogden
burke, architect

3211 W. DOUGLAS ROAD, 2ND FLOOR, LAS VEGAS, NV 89102-1003

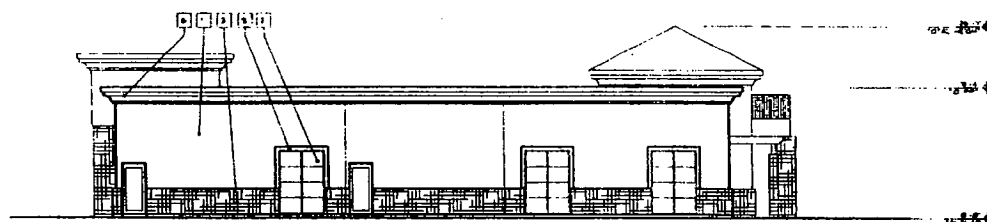
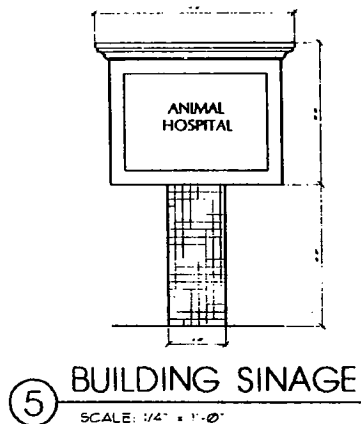
ANIMAL
HOSPITAL

for: SHIPPT, LLC

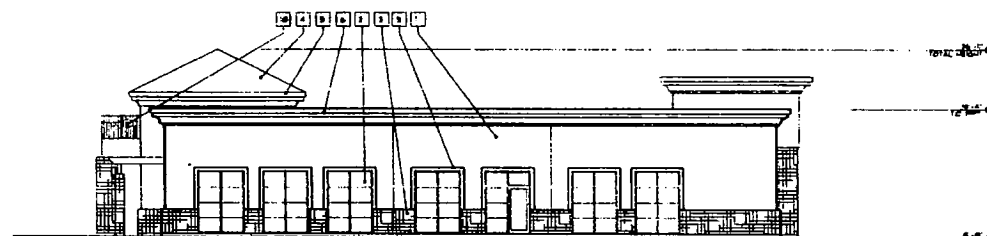
City of Las Vegas Nevada

DATE	PROJECT NO.	DATE

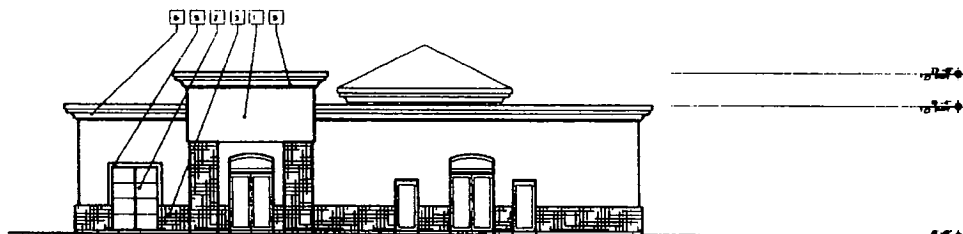
sheet no. A1



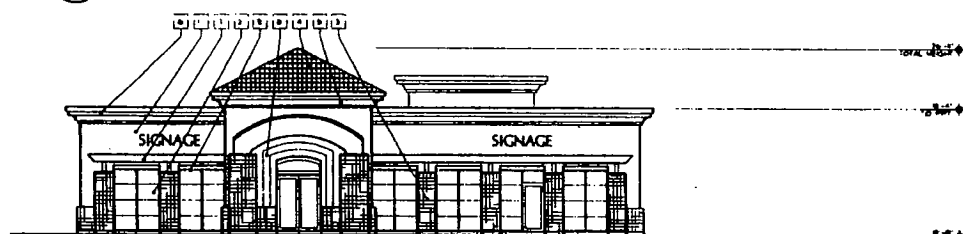
4 EAST ELEVATION
SCALE: 1/8" = 1'-0"



3 WEST ELEVATION
SCALE: 1/8" = 1'-0"



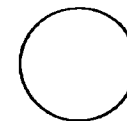
2 SOUTH ELEVATION
SCALE: 1/8" = 1'-0"



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

KEYNOTES

#	description
1	1" STUCCO ON FIBER GLASS FRESH
2	ALUMINUM STRETCHER
3	CERAMIC TILE VENEER
4	CONCRETE ROOF TILE ON 30" FELD
5	STUCCO PARALIA
6	STUCCO CORNICE
7	DIAGO STEEL TUBE TRELLIS
8	RECESSED STUCCO ARCH ENTANCE
9	STUCCO PLANTION
10	STANDING SEAM METAL ROOF



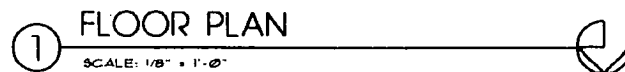
John
Ogden
Durke, architect
3471 W. COBURGO ROAD, SUITE 100, LAS VEGAS, NV 89118 (702) 734-4882

ANIMAL
HOSPITAL
for: SHIPPY, LLC
City of Las Vegas Nevada

date	proj. no.	dwn. by	chgd. by
08-12-04	4688	SHIPPY, LLC	

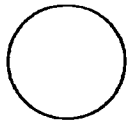
sheet no.
A2

SUP-4688
SDR-4687
08-12-04 PC



KEYNOTES

id	description
1	



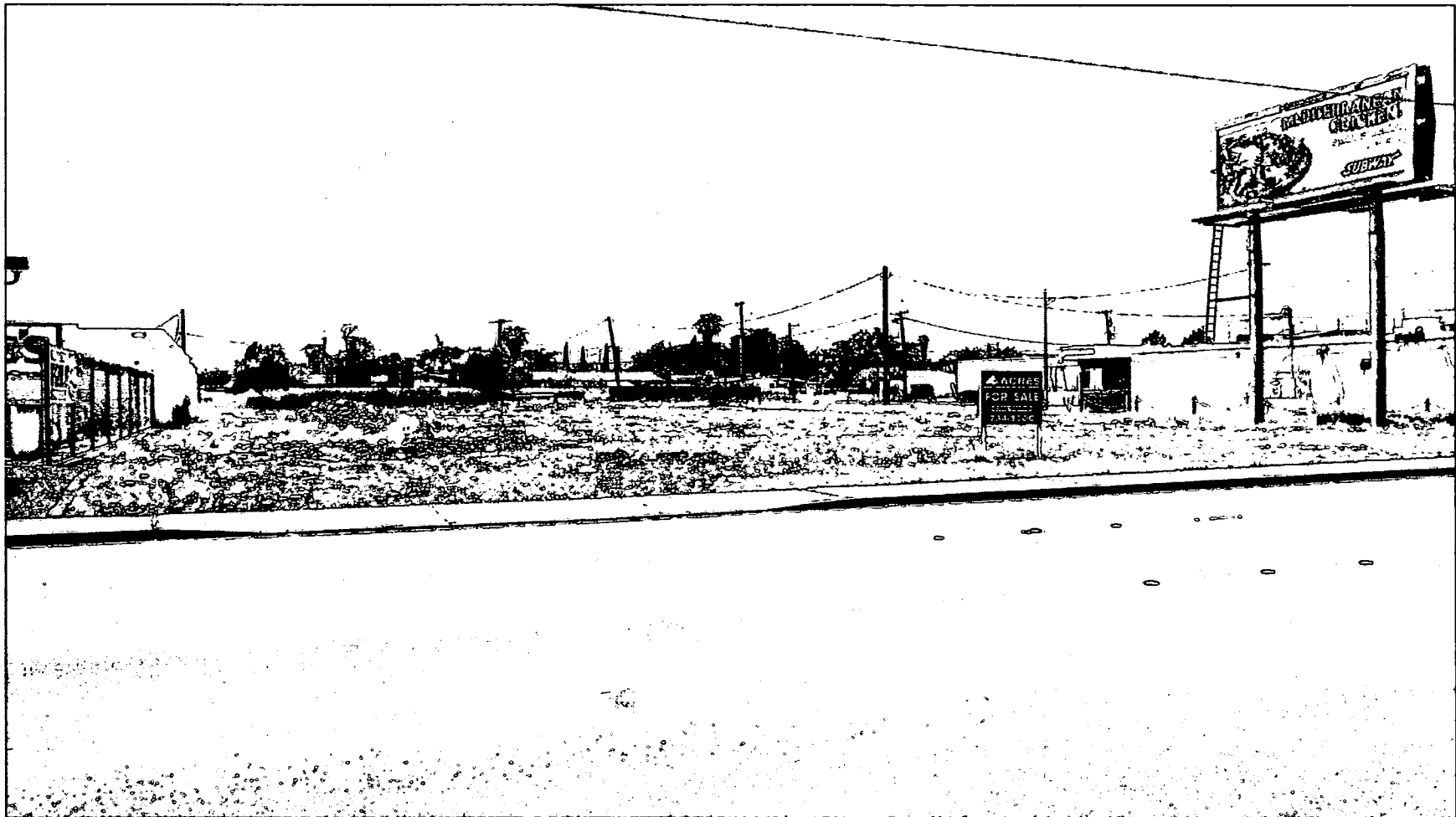
revisions

JOHN
DAUM
BURKE, ARCHITECT

**ANIMAL
HOSPITAL**
for: SHIPPY, LLC Nevada
City of Las Vegas Nevada

date	_____
proj. no.	_____
drwn. by	_____
chkd. by	_____

sheet no. A3



SUP-4688 - APPLICANT: SHIPPY, LIMITED LIABILITY COMPANY - OWNER: MEYER & SYLVIA GOLD TRUST

SOUTH SIDE OF CHARLESTON BOULEVARD, APPROXIMATELY 80 FEET EAST OF WILSHIRE 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:

SITE DEVELOPMENT PLAN REVIEW RELATED TO SUP-4688 - PUBLIC HEARING - SDR-4687 - **APPLICANT: SHIPPY, LIMITED LIABILITY COMPANY - OWNER: MEYER & SYLVIA GOLD TRUST** - Request for a Site Development Plan Review and a Waiver of building placement standards FOR A PROPOSED SINGLE-STORY 7,000 SQUARE-FOOT COMMERCIAL BUILDING on 0.66 acres adjacent to the south side of Charleston Boulevard approximately 80 feet east of Wilshire Street (APN 163-01-502-002 and 003), C-1 (Limited Commercial) 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

MOTION:

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

15. Coordinate with the City Surveyor to determine whether an Administrative Joining or Mapping is required to eliminate the underlying lot line bisecting this site; if such is required it should record prior to the issuance of any building permits for this site, *unless otherwise approved by the Building Official.*

– UNANIMOUS

MINUTES:

NOTE: See Item 135 [SUP-4688] for all related discussion.

(4:16 – 4:21)

5-3565

CITY COUNCIL MEETING OF SEPTEMBER 15, 2004
Planning and Development Department
Item 136 – SDR-4687

CONDITIONS:

Planning and Development

1. Approval of a Special Use Permit (SUP-4688) for an Animal Hospital by the City Council.
2. This Site Development Plan Review shall expire two years from date of final approval unless it is exercised or an Extension of Time is granted by the City Council.
3. All development shall be in conformance with the site plan and building elevations dated 06/11/04, except as amended by conditions herein.
4. Prior to the submittal of a building permit, the applicant shall meet with Planning and Development Department staff to develop a comprehensive address plan for the subject site. A copy of the approved address plan shall be submitted with any future building permit applications related to the site.
5. Landscaping and a permanent underground sprinkler system shall be installed as required by the Planning Commission or City Council and shall be permanently maintained in a satisfactory manner. (Failure to properly maintain required landscaping and underground sprinkler systems shall be cause for revocation of a business license.)
6. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets. The trash area shall be enclosed with a roof.
7. Parking lot lighting standards shall be no more than 20 feet in height and shall utilize 'shoe-box' fixtures and downward-directed lights. Wall pack lighting shall utilize 'shoe-box' fixtures and downward-directed lights on the proposed building. Non-residential property lighting shall be directed away from residential property or screened and shall not create fugitive lighting on adjacent properties.
8. All utility boxes exceeding 27 cubic feet in size shall meet the standards of Title 19.12.050.
9. Details of the perimeter wall shall be submitted and approved by the Planning and Development Department staff prior to the issuance of a building permit. The property line wall shall be a decorative block wall, with at least 20 percent contrasting materials. Wall heights shall be measured from the side of the fence with the least vertical exposure above the finished grade, unless otherwise stipulated.

CITY COUNCIL MEETING OF SEPTEMBER 15, 2004
Planning and Development Department
Item 136 – SDR-4687

CONDITIONS – Continued:

10. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.
11. All City Code requirements and design standards of all City departments must be satisfied.
12. No turf shall be permitted in the non-recreational common areas, such as medians and amenity zones in this development.
13. The entrance gate off the alley shall swing to the interior.
14. A Nevada Department of Transportation encroachment permit on Charleston Boulevard shall be secured.

Public Works

15. Coordinate with the City Surveyor to determine whether an Administrative Joining or Mapping is required to eliminate the underlying lot line bisecting this site; if such is required it should record prior to the issuance of any building permits for this site.
16. Remove all substandard public street improvements, if any, adjacent to this site and replace with new improvements meeting current City Standards concurrent with on-site development activities.
17. Landscape and maintain all unimproved right-of-way on Charleston Boulevard adjacent to this site.
18. Submit an application for an Occupancy Permit for all landscaping and private improvements in the Charleston Boulevard public right-of-way adjacent to this site prior to the issuance of any permits.
19. Obtain an Occupancy Permit from the Nevada Department of Transportation for all landscaping and private improvements in the Charleston Boulevard public right-of-way adjacent to this site prior to the issuance of any permits.
20. 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.

AGENDA MEMO

CITY COUNCIL MEETING DATE: SEPTEMBER 15, 2004

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: SDR-4687 - APPLICANT: SHIPPY, LIMITED LIABILITY COMPANY - OWNER: MEYER & SYLVIA GOLD TRUST

**** CONDITIONS ****

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

Planning and Development

1. Approval of a Special Use Permit (SUP-4688) for an Animal Hospital by the City Council.
2. This Site Development Plan Review shall expire two years from date of final approval unless it is exercised or an Extension of Time is granted by the City Council.
3. All development shall be in conformance with the site plan and building elevations dated 06/11/04, except as amended by conditions herein.
4. Prior to the submittal of a building permit, the applicant shall meet with Planning and Development Department staff to develop a comprehensive address plan for the subject site. A copy of the approved address plan shall be submitted with any future building permit applications related to the site.
5. Landscaping and a permanent underground sprinkler system shall be installed as required by the Planning Commission or City Council and shall be permanently maintained in a satisfactory manner. (Failure to properly maintain required landscaping and underground sprinkler systems shall be cause for revocation of a business license.)
6. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets. The trash area shall be enclosed with a roof.
7. Parking lot lighting standards shall be no more than 20 feet in height and shall utilize 'shoe-box' fixtures and downward-directed lights. Wall pack lighting shall utilize 'shoe-box' fixtures and downward-directed lights on the proposed building. Non-residential property lighting shall be directed away from residential property or screened and shall not create fugitive lighting on adjacent properties.
8. All utility boxes exceeding 27 cubic feet in size shall meet the standards of Title 19.12.050.

9. Details of the perimeter wall shall be submitted and approved by the Planning and Development Department staff prior to the issuance of a building permit. The property line wall shall be a decorative block wall, with at least 20 percent contrasting materials. Wall heights shall be measured from the side of the fence with the least vertical exposure above the finished grade, unless otherwise stipulated.
10. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.
11. All City Code requirements and design standards of all City departments must be satisfied.
12. No turf shall be permitted in the non-recreational common areas, such as medians and amenity zones in this development.
13. The entrance gate off the alley shall swing to the interior.
14. A Nevada Department of Transportation encroachment permit on Charleston Boulevard shall be secured.

Public Works

15. Coordinate with the City Surveyor to determine whether an Administrative Joining or Mapping is required to eliminate the underlying lot line bisecting this site; if such is required it should record prior to the issuance of any building permits for this site.
16. Remove all substandard public street improvements, if any, adjacent to this site and replace with new improvements meeting current City Standards concurrent with on-site development activities.
17. Landscape and maintain all unimproved right-of-way on Charleston Boulevard adjacent to this site.
18. Submit an application for an Occupancy Permit for all landscaping and private improvements in the Charleston Boulevard public right-of-way adjacent to this site prior to the issuance of any permits.
19. Obtain an Occupancy Permit from the Nevada Department of Transportation for all landscaping and private improvements in the Charleston Boulevard public right-of-way adjacent to this site prior to the issuance of any permits.
20. 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 Site Development Plan Review for an Animal Hospital on 0.66 acres located adjacent to the south side of Charleston Boulevard approximately 80 feet east of Wilshire Street. An application for a Special Use Permit (SUP-4688) for an Animal Hospital has been submitted in conjunction with this application.

B) Applicant's Justification

In a letter attached to the application, the applicant states that the Animal Hospital is to be a state of the art veterinarian hospital that will be occupied by six veterinarians who have joined in a partnership to develop and share this animal surgery center.

BACKGROUND INFORMATION

A) Actions

- 08/12/04 The Planning Commission is scheduled to review an accompanying application for a Special Use Permit (SUP-4688) for the subject proposal. The staff recommends approval of that application.
- 08/12/04 The Planning Commission voted 5-0 to recommend APPROVAL (PC Agenda Item #7/DDS)

B) Pre-Application Meeting

- 07/07/04 Details of the prospective use were discussed, including the following:
- A reversionary map may be needed to accommodate the proposed building.
 - An entrance gate off the alley should swing to the interior.
 - A Nevada Department of Transportation encroachment permit on Charleston Boulevard is needed.
 - Since space on the property is restricted, a waiver should be submitted to permit access to an alley at the rear for employee parking in lieu of from the front.
 - The location and type of signage should be shown.

C) Neighborhood Meetings

A neighborhood meeting is not required for a Site Development Plan Review and one was not held.

DETAILS OF APPLICATION REQUEST

A) Site Area

Acres: 0.66

B) Existing Land Use

Subject Property: Undeveloped
North: Service Commercial
South: Single-family residential
East: Service commercial
West: Office establishment

C) Planned Land Use

Subject Property: SC (Service Commercial)
North: SC (Service Commercial)
South: L (Low Density Residential)
East: SC (Service Commercial)
West: SC (Service Commercial)

D) Existing Zoning

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

E) General Plan Compliance

The subject property is designated SC (Service Commercial) on the Southwest Sector map of the General Plan. The property is zoned C-1 (Limited Commercial), which is a zoning district permitted in this land use classification. An Animal Hospital is a use permitted in the C-1 zoning district subject to the approval of a Special Use Permit.

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

No special districts, zones, or studies are related to the subject property.

PROJECT DESCRIPTION

This is a request for a Site Development Plan Review for an Animal Hospital on 0.66 acres located adjacent to the south side of Charleston Boulevard, approximately 80 feet east of Wilshire Street. The Animal Hospital is proposed to be a state of the art veterinarian hospital that will be occupied by six veterinarians who have joined in a partnership to develop and share the facility.

The proposed 7,000 square-foot building is to contain 1,980 square feet of space for unidentified retail/office space. Parking for the facility would be provided in two parking lots, one for client parking with access to Charleston Boulevard and one for employee parking with access to an alley to the rear of the property.

ANALYSIS

A) Zoning Code Compliance

A1) Development Standards

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

Standards	Required	Provided	Compliance
Min. Lot Width	100 feet	100 feet	Y
Min. Setbacks			
• Front	20 feet	100 feet	Y
• Side	10 feet	10 feet	Y
• Corner	15 feet	NA	Y
• Rear	20 feet	110 feet	Y
Max. Lot Coverage	50 %	24.3 %	Y

Other applicable development standards include the following:

- **Refuse collection areas.** Dumpsters are required to be screened from view of adjoining properties by an enclosure and be placed no closer than 50 feet to a residential property line. Dumpsters are also required to have a roof. Although the proposed development is provided with a dumpster that is screened from view, it is placed less than 50 feet from residential property lines and is not covered with a roof. These discrepancies are noted as conditions of approval for this application.
- **Perimeter wall.** Walls are required to be composed of acceptable decorative wall materials such as stone, decorative block, slump stone, and wrought iron and are to have a minimum of 20 percent contrasting material. Also, all walls are to include detail variations such as pilasters, decorative caps, decorative iron cutouts or fluted blocks. The proposed development is provided with a six-foot high concrete block wall. However, no details are provided to indicate whether the wall would be compliant with these standards. A condition of approval is added for this information to be provided.

A2) Residential Adjacency Standards

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

- **Proximity slope.** Where adjacent to residential property, nonresidential buildings shall be provided with a setback of three times the height of the building from the residential property. The height of the proposed building at the highest point is 26.9 feet. With a three to one slope, the setback from the residential property to the south of the subject lot is required to be 80.7 feet. The building is setback 110 feet from the south property line and is, therefore, in compliance with this requirement.
- **Building setback.** No building setback from residential property shall be less than the required building setback for the protected property. The residential property to the south is zoned R-1 (Single-Family Residential) which has a 15-foot rear yard requirement. The setback for the proposed building far exceeds this requirement.

A3) Parking and Traffic Standards

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

Uses	GFA Sq. ft.	Required			Provided	
		Ratio	Parking		Parking	
			Regular	Handicap	Regular	Handicap
Animal Hospital	5,020	1/employee + 1/doctor + 1/examining room	5	1	5	1
Retail/office space	1,980	1/175 sq. ft.	12	1	12	2

The proposed development would be provided with 20 parking spaces, five for the Animal Hospital and 12 for unidentified general retail space.

A4) Landscape and Open Space Standards

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

Standards	Required		Provided
	Ratio	Trees	
Parking Area	10 trees/20 spaces	10 trees	10
Buffer:	1 trees/20 linear feet	33 Trees	35

The development is provided with the required number of trees and complies with other landscape standards.

B) General Analysis and Discussion

The Development Standards for the development are acceptable, except for the placement of the dumpster and its enclosure with a roof. Details of the perimeter wall need to be provided to ascertain its compliance with the design standards. The proposed building has sufficient setback to comply with all residential adjacency standards.

Design standards require that the building be placed at the front of the property with parking placed at the rear. Because the narrowness of the lot preempts access to the rear from Charleston Boulevard, client parking is proposed in front of the building and employee parking to the rear. The client parking area would be accessed from Charleston Boulevard and the employee parking area from an alley to the rear. A request for a Waiver in the placement of the building was submitted. With the parking arrangement proposed, approval of the Waiver is recommended.

The landscaping plan that was submitted illustrates compliance with the required number of trees for the parking area and lot perimeter. Plant varieties and their placement appear to be well conceived.

FINDINGS

To approve a Site Development Review 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 Animal Hospital is located adjacent to commercial uses to the east and west and across the street to the north. Existing single-family residences are located to the south. There should be no compatibility issues with these residences, provided the use meets the minimum requirements for sound attenuation.

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

The proposed development is consistent with the all City codes, plan, policies and standards with the exception of the placement of the building and the trash collection location and enclosure. As mentioned above, design standards require that the building be placed at the front of the property with parking placed at the rear. Because the narrowness of the lot preempts access to the rear from Charleston Boulevard, client parking is proposed in front of the building and employee parking to the rear. The client parking area would be accessed from Charleston Boulevard and the employee parking area from an alley to the rear. A request for a Waiver in the placement of the building was submitted. With the parking arrangement proposed, approval of the Waiver is recommended. The trash collection location and enclosure are addressed as conditions of approval for this application.

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

As discussed above, access is proposed to 15 client parking spaces from Charleston Boulevard. According to the Master Plan of Streets and Highways, Charleston Boulevard is identified as a Primary Arterial street with a 100-foot wide right-of-way and would provide adequate access. Access is also proposed to 18 employee parking spaces from an alley abutting the property on the south. This alley is also used by residences to the south of the alley. The employee parking lot is gated and would be used only by those persons employed on the property. Therefore, the number of vehicle trips in the alley should be limited to early morning and evening hours. Consequently, access and circulation should have little impact on adjacent roadways or neighborhood traffic.

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

A landscape plan portrays a landscaping scheme with plant varieties that are appropriate for the area.

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

The design of the proposed building has a modern appearance and consists of a stucco exterior, an aluminum storefront, ceramic tile veneer, a roof with concrete tile and standing seam metal roofing, a stucco fascia, stucco cornice, deco steel tube trellis, and a recessed stucco arch entryway. Overall, the building has an aesthetic appearance that will be harmonious and compatible with other buildings in the area.

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

Because the site will be subject to ongoing inspection, the public health, safety, and welfare will not be compromised.

NOTICES MAILED 148 by Planning Department

APPROVALS 0

PROTESTS 0

FROM : BENTAR

FAX NO. : 7026710429

May. 24 2004 04:28PM P5



PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: SDR-4887 APN: 163-01-502-002 4 003

Name of Property Owner: Meyer & Sylvia Gold Trust et al

Name of Applicant: SHIPPY, LLC

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: Sylvia Gold

Print Name: SYLVIA GOLD

Subscribed and sworn before me

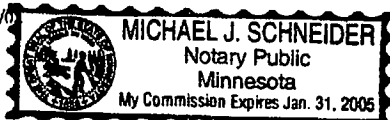
This 26th day of MAY, 2004

Notary Public in and for said County and State

David Lifson

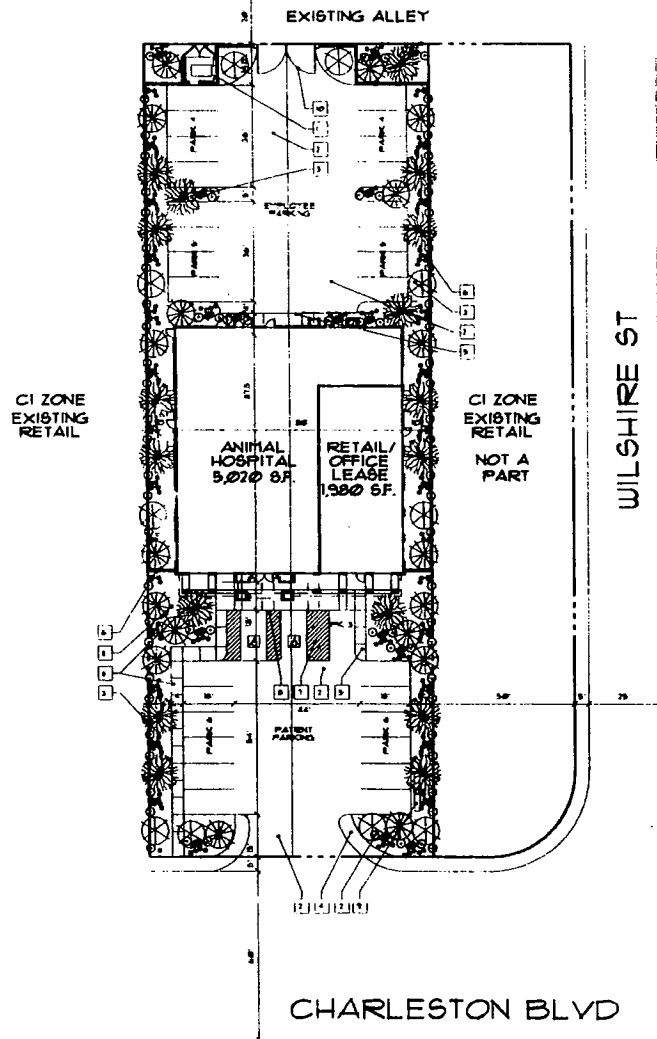
1-31-4

Revised 2/12/01



f:\Microsoft\Application Pack\FSA\Statement of Financial Interest.doc

RI ZONE
SINGLE FAMILY RESIDENTIAL



1 SITE PLAN

SCALE: 1" = 10'-0"

LANDSCAPE LEGEND

SYMBOL	LARGE TREES	TYPE	SIZE	GT	SYMBOL	SHRUBS AND GROUND COVER	SIZE
	MEXICAN PALO VERDE Leucaena leucocephala	ETERNAL EVERGREEN	24 BOX	6		TEXAS RANGER Leucophyllum frutescens	9 GAL
	SHOBERTINO ACACIA Acacia shobertiana	ETERNAL EVERGREEN	24 BOX	16		FEATHERED CASSIA Caesalpinia gilliesii	9 GAL
	CALIFORNIA PEPPER TREE Schinus molle	ETERNAL EVERGREEN	24 BOX	17		TIED GAZANIA Gazania hybrid	1 GAL
						EVERGREEN EUCALYPTUS Eucalyptus japonica	9 GAL
						COTTON CENTER CREEPER Eucalyptus laurifolia	9 GAL

1. ALL IRREGULAR LANDSCAPE GROUND COVER TO BE 3/4" NOTAN RED DASHED GRAVEL.
2. ALL PLANTS ON SITE MUST COMPLY WITH TITLE 9 REG.
3. 24" BOX TREES A MAXIMUM OF 70'-0" O.C. - EAST AND WEST PROPERTY LINES.
4. PROVIDE (4) FIVE GALLON SHRUBS PER 10' FOR EACH TREE.
5. EXISTING LANDSCAPE TO BE PRESERVED WHERE POSSIBLE.

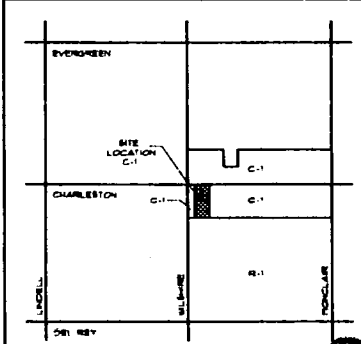
KEYNOTES

KEYNOTE	DESCRIPTION
1	6'-0" HIGH CONCRETE BLOCK TRASH ENCLOSURE WITH PAIR OF BRUSHED IRON GATES WITH STAMPED METAL BACKING AND 1/2" PIN LOCK LATCH
2	3" AC PAVING
3	LANDSCAPED AREA - BY OTHERS
4	CONCRETE SIDEWALK CURB 1' OUTLET AS PER CITY OF LAS VEGAS
5	4" CONCRETE SIDEWALK BROOKSALT FINISH
6	6'-0" HIGH CONCRETE BLOCK WALL
7	HANDICAP ACCESSIBLE
8	FLUSH OUT SIDEWALK W/ ACCESSIBLE (NO RAMP REQ'D)
9	PLYON SIGN
10	PAIR 7'-0" X 6'-0" DECO STEEL TUBE GATES (MANUAL OPERATION - GATES TO REMAIN OPEN DURING BUSINESS HOURS)

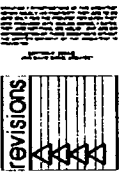
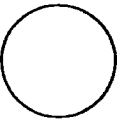
PROJECT DATA

REQUIRED ZONING	C1
EXISTING ZONING	C1
EXISTING USE	PARKING LOT
PROPOSED USE	ANIMAL HOSPITAL
BUILDING AREA	7,050 SF
PARKING ANALYSIS (ANIMAL HOSPITAL)	
(4) X 1 PARKING SPACE/EMPLOYEES ON DUTY	+2 SPACES
(1) X 1 PARKING SPACE/DOCTOR	+1 SPACE
(5) X 1 PARKING SPACE/EXAM ROOM	+5 SPACES
PARKING ANALYSIS (RETAIL/OFFICE LEASE)	
(1,980 SF) X 1 PARKING SPACE/15 SF	+13 SPACES
TOTAL PARKING REQUIRED:	20 SPACES
PARKING PROVIDED	51 SPACES
TOTAL SITE AREA:	28,800 SF
FLOOR AREA RATIO:	2.43%
APN:	163-01-507-002,003

LOCATION



SUP-4688
SDR-4687
08-12-04 PC

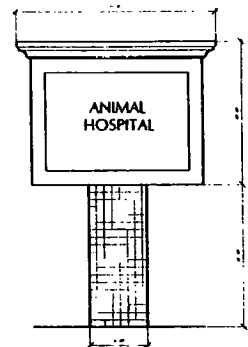


ANIMAL HOSPITAL
for: SHIPPY, LLC
City of Las Vegas, Nevada

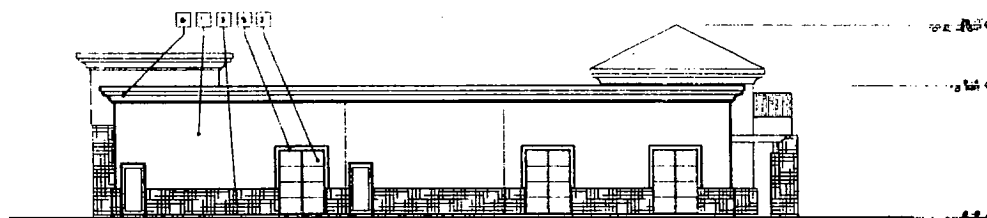
ANIMAL HOSPITAL
for: SHIPPY, LLC
City of Las Vegas, Nevada

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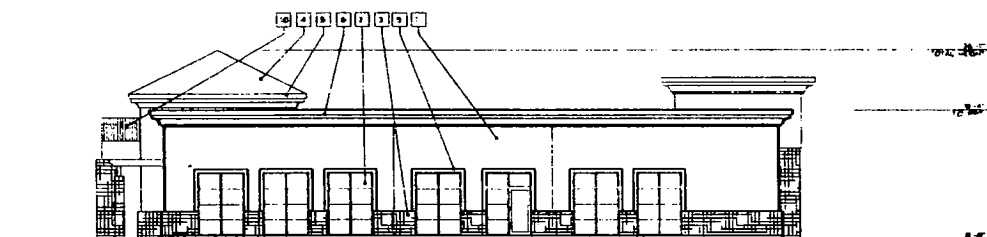
sheet no.
A1



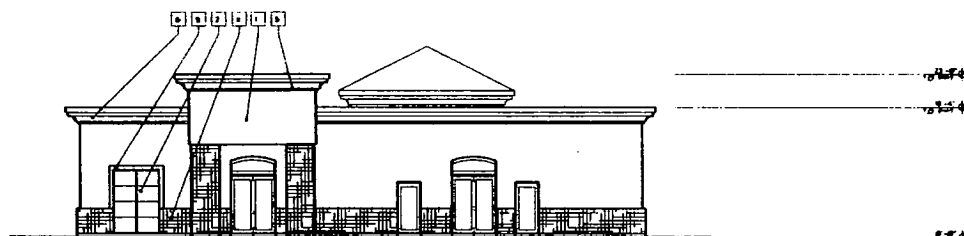
5 BUILDING SIGNAGE
SCALE: 1/4" = 1'-0"



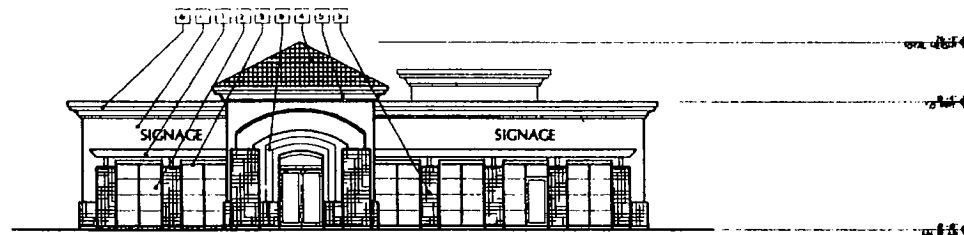
4 EAST ELEVATION
SCALE: 1/8" = 1'-0"



3 WEST ELEVATION
SCALE: 1/8" = 1'-0"



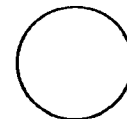
2 SOUTH ELEVATION
SCALE: 1/8" = 1'-0"



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

KEYNOTES

#	description
1	5" STUCCO ON FISH (SAND FINISH)
2	ALUMINUM STOREFRONT
3	CERAMIC TILE VENEER
4	CONCRETE ROOF TILE ON 30# FELT
5	STUCCO PARAPET
6	STUCCO CORNICE
7	DIAGONAL STEEL TUBE TRELLIS
8	RECESSED STUCCO ARCH-ENTRY
9	STUCCO PLANTING
10	STANDING SEAM METAL ROOF



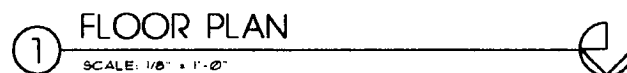
JOHN
DAVID
BURKE, ARCHITECT
13411 W. OGDEN ROAD, SUITE 100, LAS VEGAS, NV 89135-4863

ANIMAL
HOSPITAL
for: SHIPPY, LLC
City of Las Vegas Nevada

date	author	checked
prol. no.	date	date
dwn. by	date	date
chkd. by	date	date

sheet no.
A2

SUP-4688
SDR-4687
08-12-04 PC



KEYNOTES



RESEARCH

revisions

John
Dewey
burke. archived

**ANIMAL
HOSPITAL**
for: SHIPPY, LLC
City of Las Vegas Nevada

date	
proj. no.	
drawn by	
checked by	

sheet no. A3



SDR-4687 - APPLICANT: SHIPPY, LIMITED LIABILITY COMPANY - OWNER: MEYER & SYLVIA GOLD TRUST

SOUTH SIDE OF CHARLESTON BOULEVARD, APPROXIMATELY 80 FEET EAST OF WILSHIRE 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:

ABEYANCE ITEM - SPECIAL USE PERMIT - PUBLIC HEARING - SUP-2848 -
REAGAN NATIONAL ADVERTISING ON BEHALF OF C O G III, LIMITED - Appeal
filed by Singer & Brown from the Denial by the Planning Commission on a request for a Special
Use Permit for a proposed off-premise advertising (billboard) SIGN on a portion of 3.03 acres
located at 1110 South Rainbow Boulevard (APN 163-02-101-002), C-1 (Limited Commercial)
Zone, Ward 1 (Moncrief). The Planning Commission (6-0 vote) and staff recommend DENIAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.

2

City Council Meeting

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

0

City Council Meeting

RECOMMENDATION:

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

BACKUP DOCUMENTATION:

1. Location Map
3. Conditions For This Application
4. Staff Report
5. Appeal letter filed by Singer & Brown
6. Submitted after final agenda – Abeyance request by Singer & Brown
7. 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

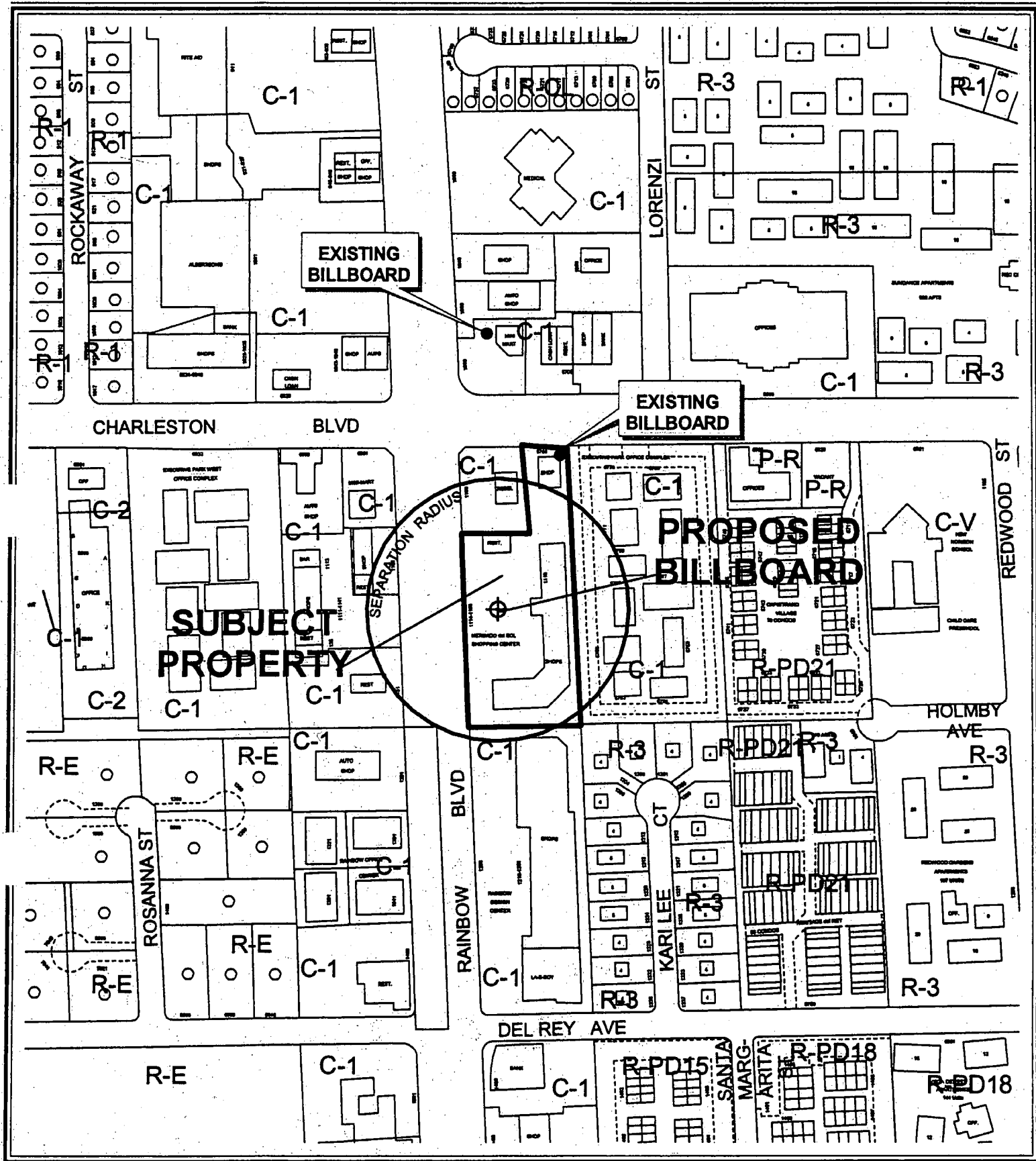
CITY COUNCIL MEETING OF SEPTEMBER 15, 2004
Planning and Development Department
Item 137 – SUP-2848

MINUTES – Continued:

COUNCILMAN MACK disclosed that on Item 137 [SUP-2848] his company, Mack Consulting, does business with billboard companies, but it will not affect his vote. He asked that Item 118 [VAC-4071] be held in abeyance to the 10/6/2004 City Council meeting.

(2:48 – 3:01)

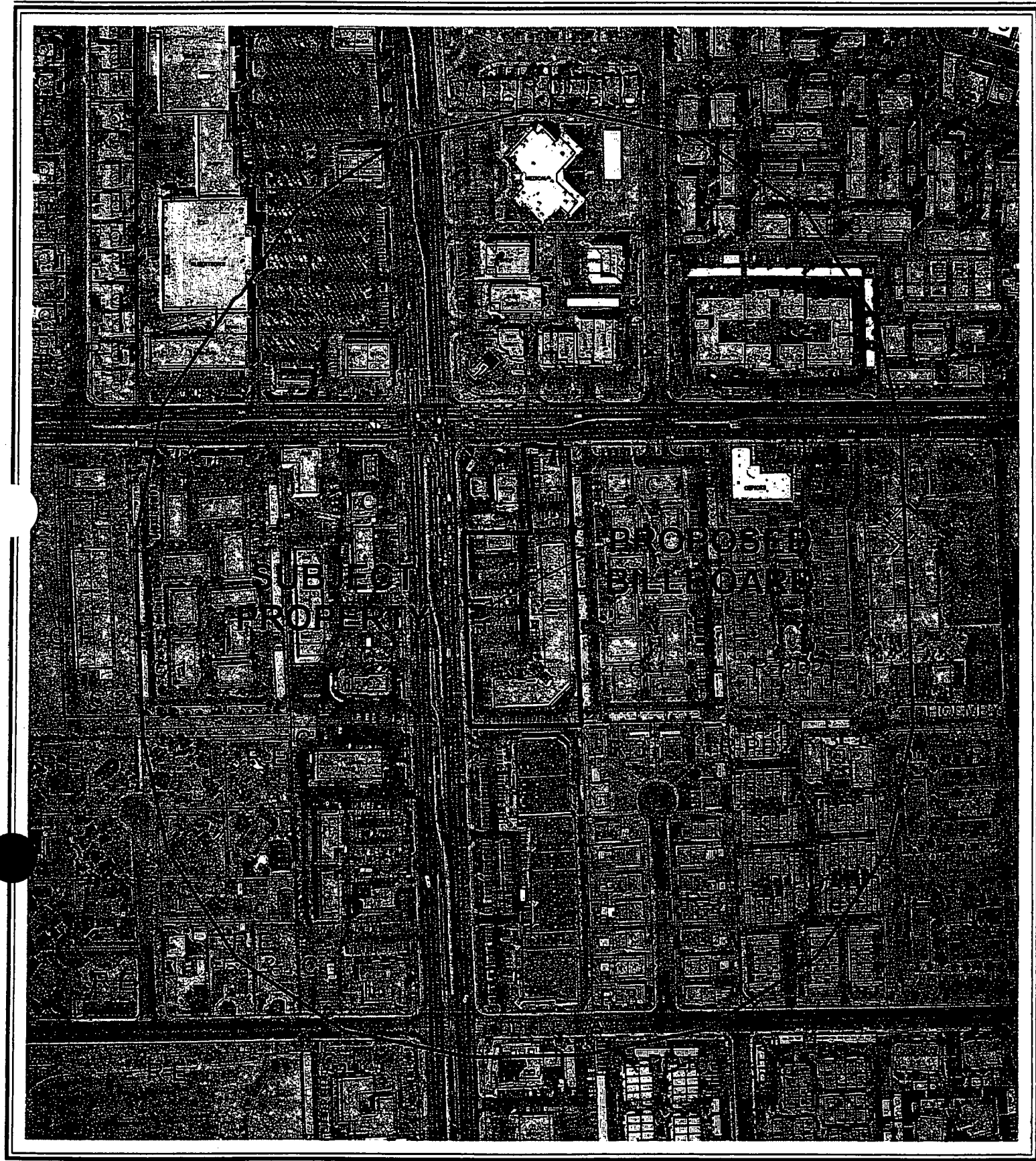
5-1



CASE: SUP-2848

RADIUS: 750 FT

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



CASE: SUP-2848

RADIUS: 750 FT

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

0 200 400 Feet



AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: SEPTEMBER 15, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☐

CONSENT

☒

DISCUSSION

SUBJECT:

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

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

3

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

RECOMMENDATION:

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

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Appeal letter submitted by LAS Consulting, Inc.
5. Submitted after final agenda – Abeyance request 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

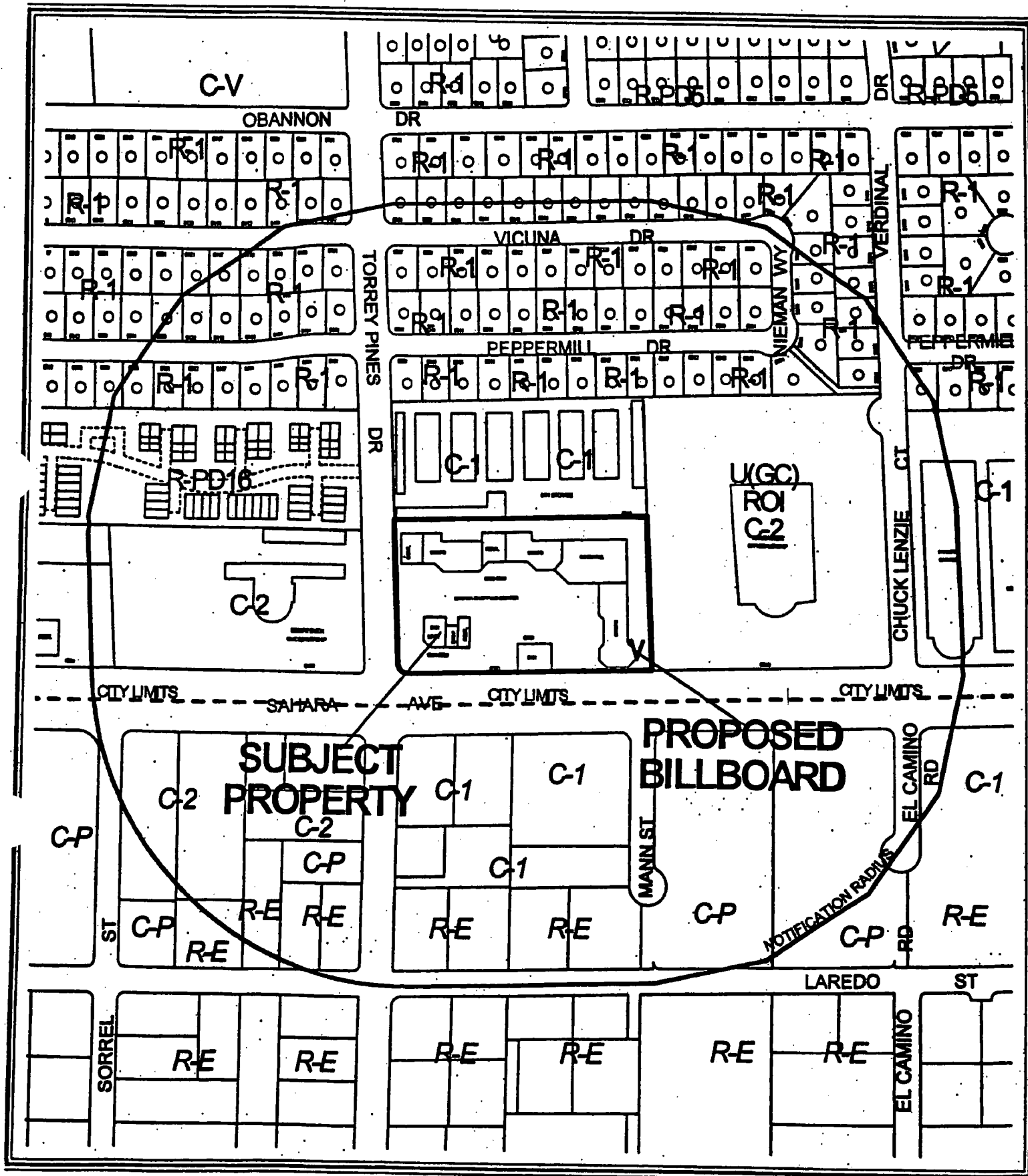
CITY COUNCIL MEETING OF SEPTEMBER 15, 2004
Planning and Development Department
Item 138 – SUP-3394

MINUTES:

There was no discussion.

(2:48 – 3:01)

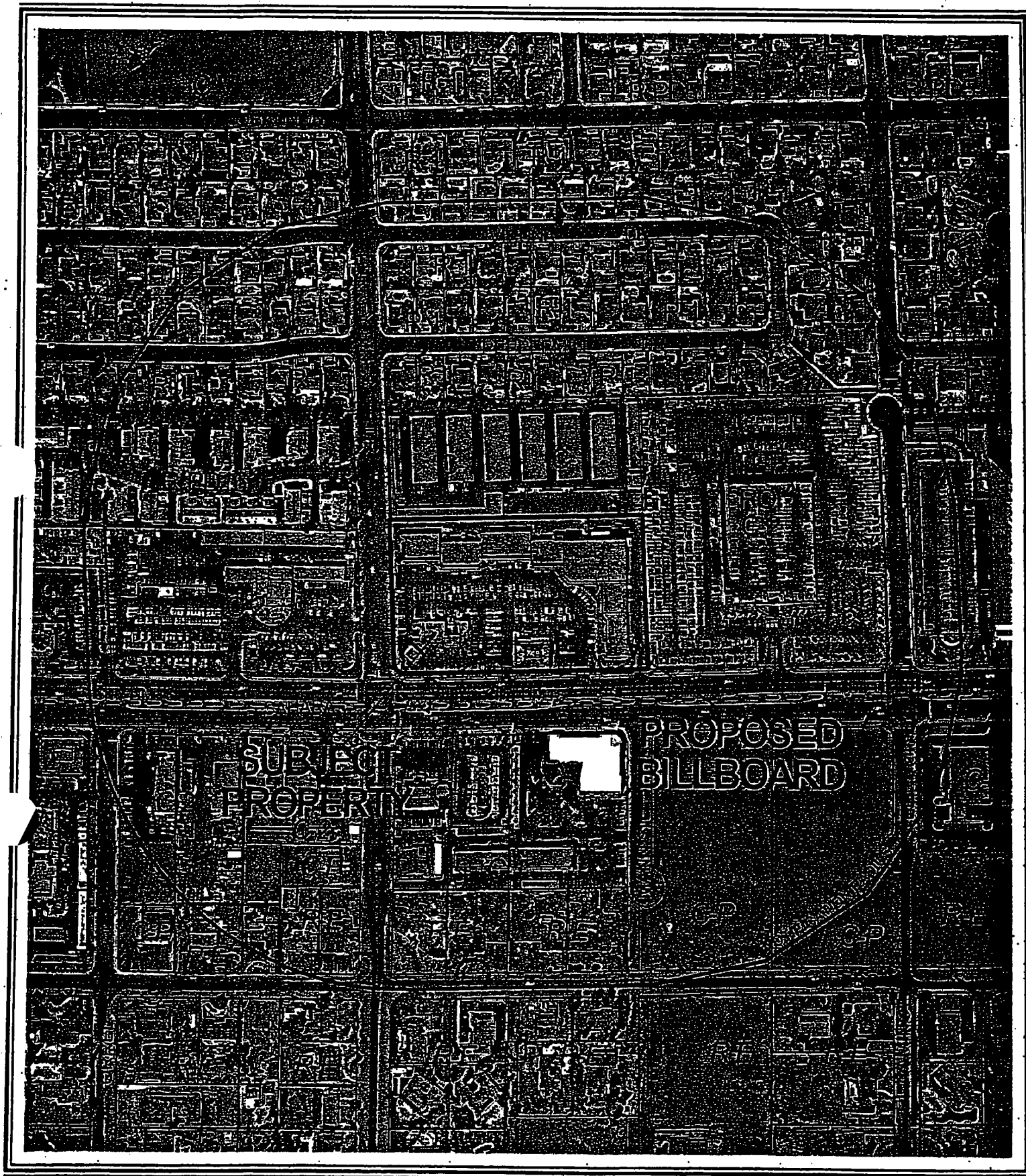
5-1



CASE: SUP-3394

RADIUS: 750 FT

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



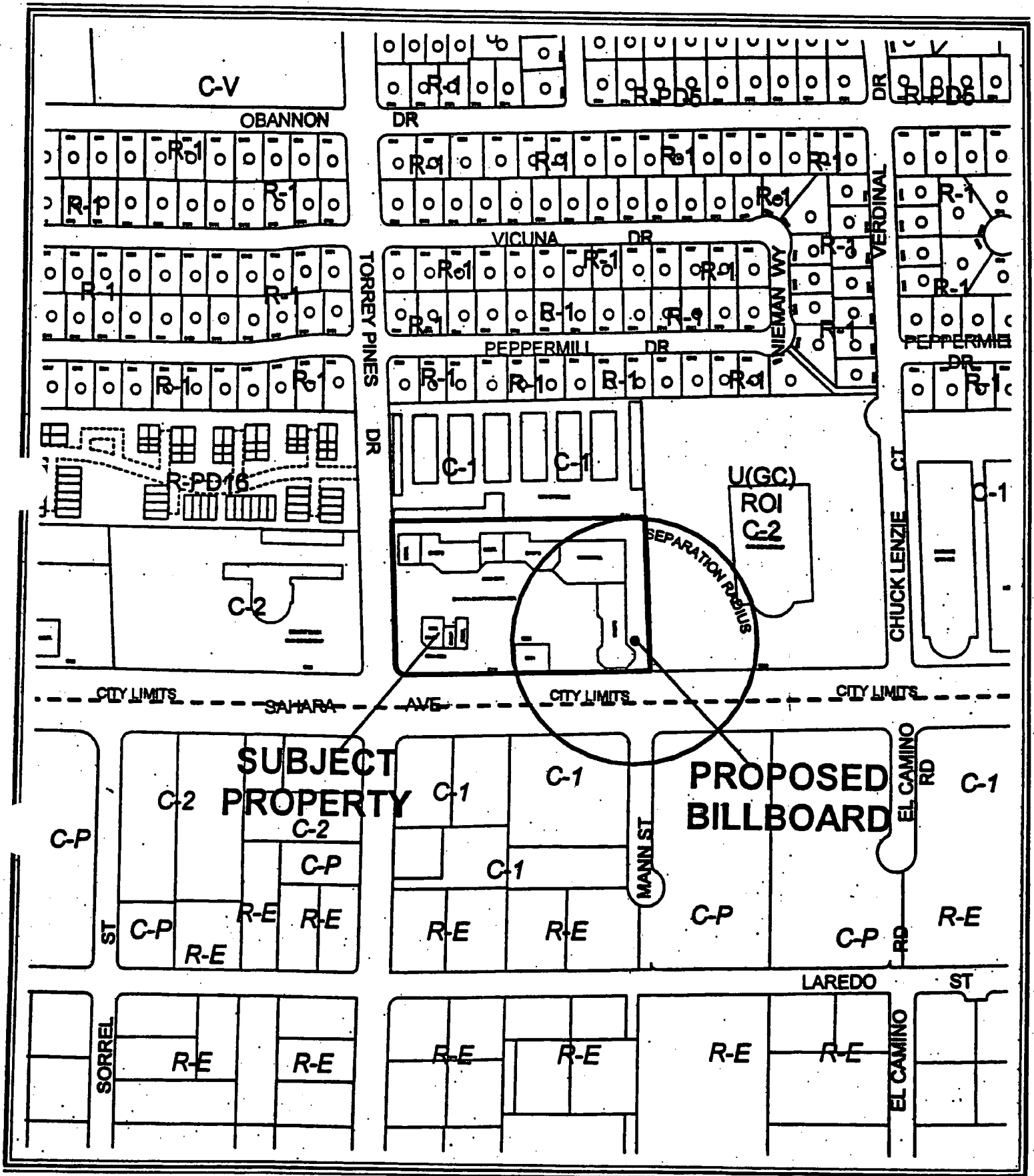
CASE: SUP-3394

RADIUS: 750 FT

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

0 200 400 Feet

N

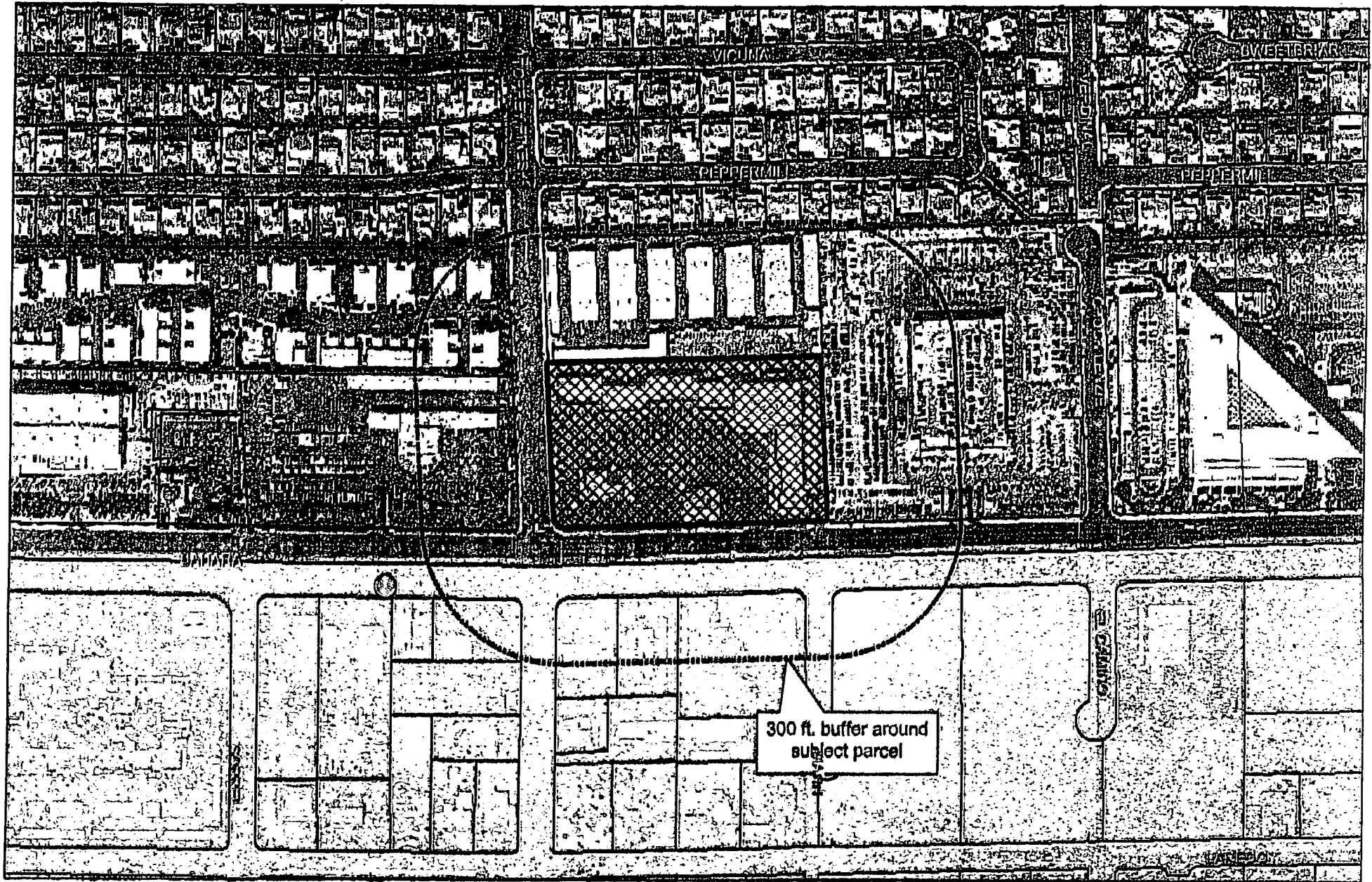


CASE: SUP-3394

SEPARATION RADIUS: 300 FT

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





SUP-3394

City of Las Vegas Billboard Data

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



AGENDA MEMO

CITY COUNCIL MEETING DATE: SEPTEMBER 15, 2004
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: ABEYANCE ITEM - SUP-3394 - LAS VEGAS BILLBOARDS
ON BEHALF OF WEST SAHARA ASSOCIATES, LIMITED PARTNERSHIP

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

**** CONDITIONS ****

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

Planning and Development

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

Public Works

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

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

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

B) Applicant's Justification

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

BACKGROUND INFORMATION

A) Previous Actions

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

B) Pre-Application Meeting

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

C) Neighborhood Meetings

Neighborhood meetings are not required for Special Use Permit applications.

DETAILS OF APPLICATION REQUEST

A) *Site Area*

Gross Acres: 5.34

B) *Existing Land Use*

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

C) *Planned Land Use*

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

D) *Existing Zoning*

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

E) *General Plan Compliance*

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

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

COUNTY NOTIFICATION

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

INTERAGENCY ISSUES

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

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

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

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

ANALYSIS

A) *Zoning Code Compliance*

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

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

B) General Analysis and Discussion

- Zoning

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

- Use

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

- Conditions

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

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

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

FINDINGS

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

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

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

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

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

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

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

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

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

PLANNING COMMISSION ACTION

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

NOTICES MAILED 120 by City Clerk

APPROVALS 0

PROTESTS 3

5655 S. Valley View
Ste 4
89119
PLANNING & DEVELOPMENT DEPARTMENT**STATEMENT OF FINANCIAL INTEREST**Case Number: SUP-3294 APN: 113-02-576-001Name of Property Owner: WEST SUBARU ASSOCIATESName 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: _____

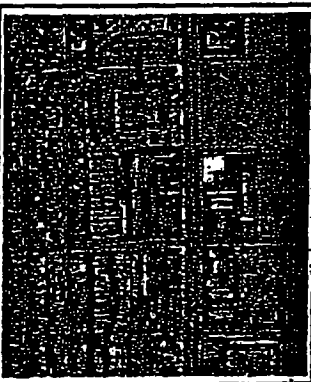
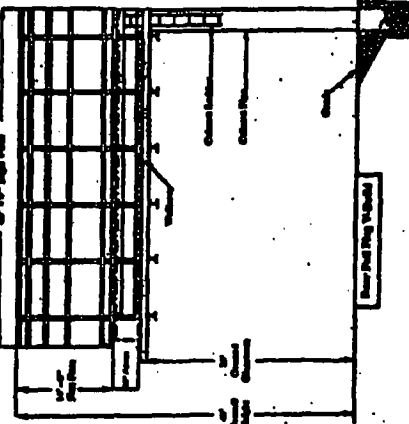
Partner(s): _____

APN: _____

Signature of Property Owner/Authorized Agent: [Signature]Print Name: Granville Harper

Subscribed and sworn before me

This 31 day of October, 2003[Signature]
Notary Public in and for said County and State



PROPERTY OWNER: WEST BARRA ASSOCIATES
 200 CHAMPELLE BLVD
 SAN FRANCISCO, CA 94108

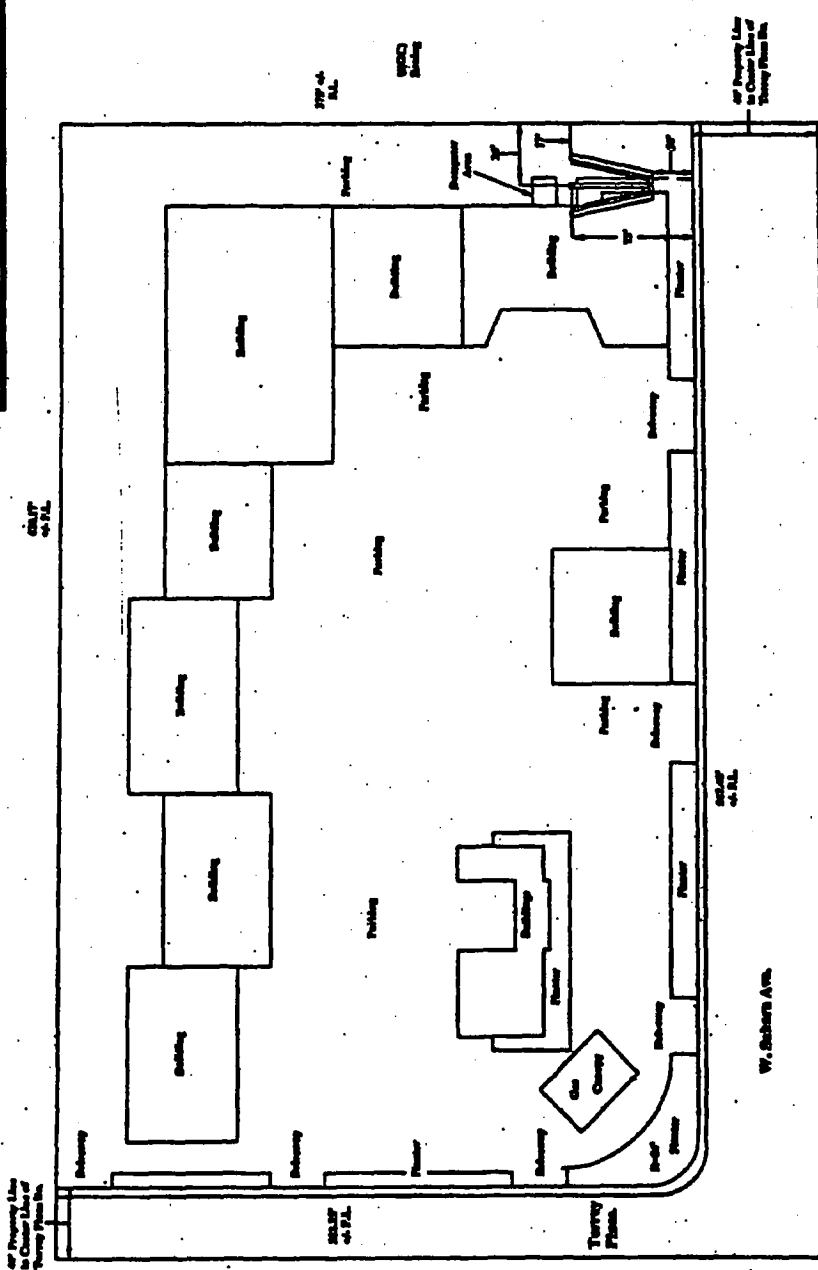
PROPERTY ADDRESS: 200 CHAMPELLE BLVD
 SAN FRANCISCO, CA 94108

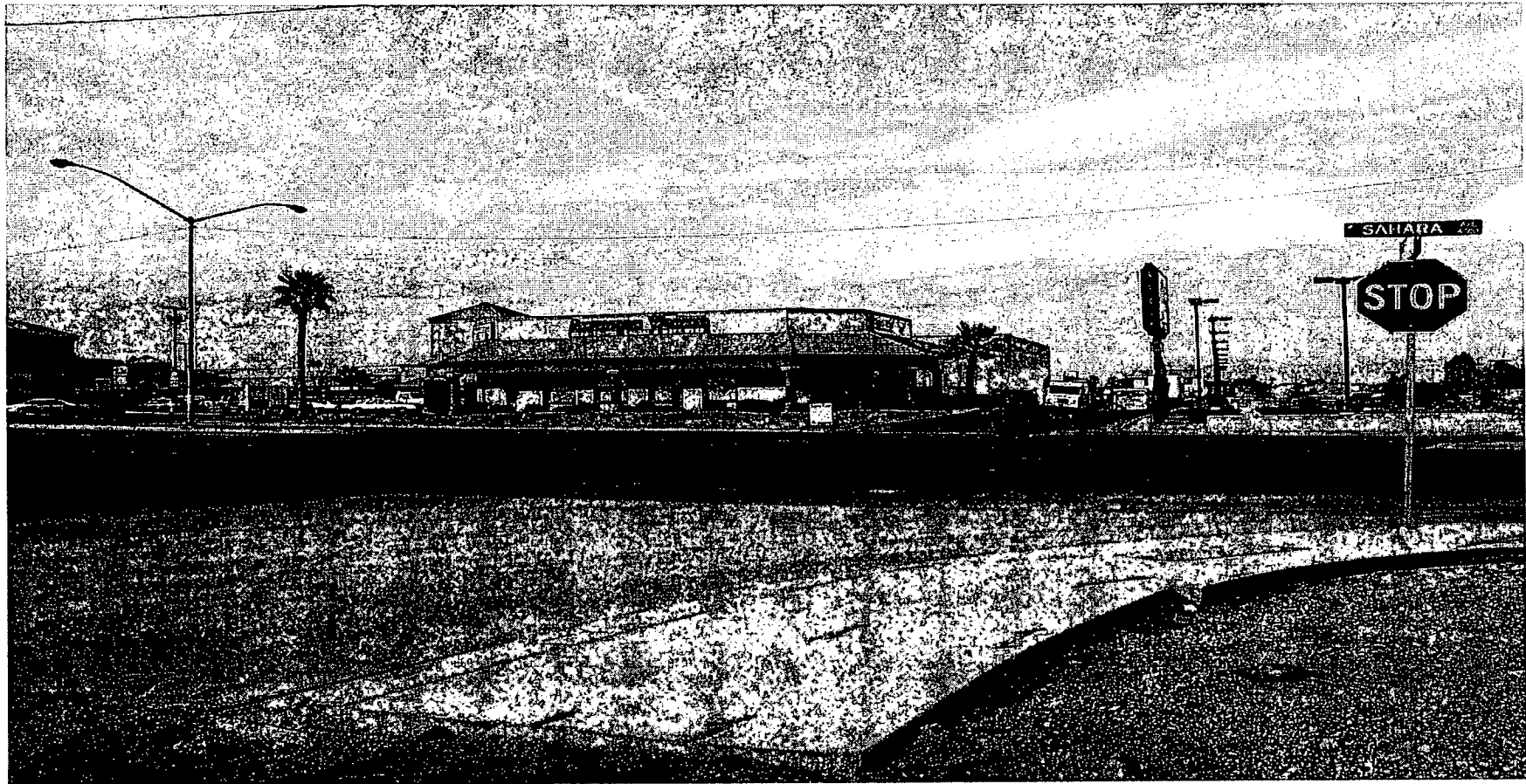
CONTACT: JEFFREY BARRA
 200 CHAMPELLE BLVD
 SAN FRANCISCO, CA 94108

DATE: 10/1/83

SCALE: 1" = 100'

NOTES:
 1. ALL WALLS AND ROOFS ARE CONCRETE.
 2. ALL ROOFS ARE FLAT.
 3. ALL ROOFS ARE 4" THICK.
 4. ALL ROOFS ARE 4" THICK.
 5. ALL ROOFS ARE 4" THICK.
 6. ALL ROOFS ARE 4" THICK.
 7. ALL ROOFS ARE 4" THICK.
 8. ALL ROOFS ARE 4" THICK.
 9. ALL ROOFS ARE 4" THICK.
 10. ALL ROOFS ARE 4" THICK.





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

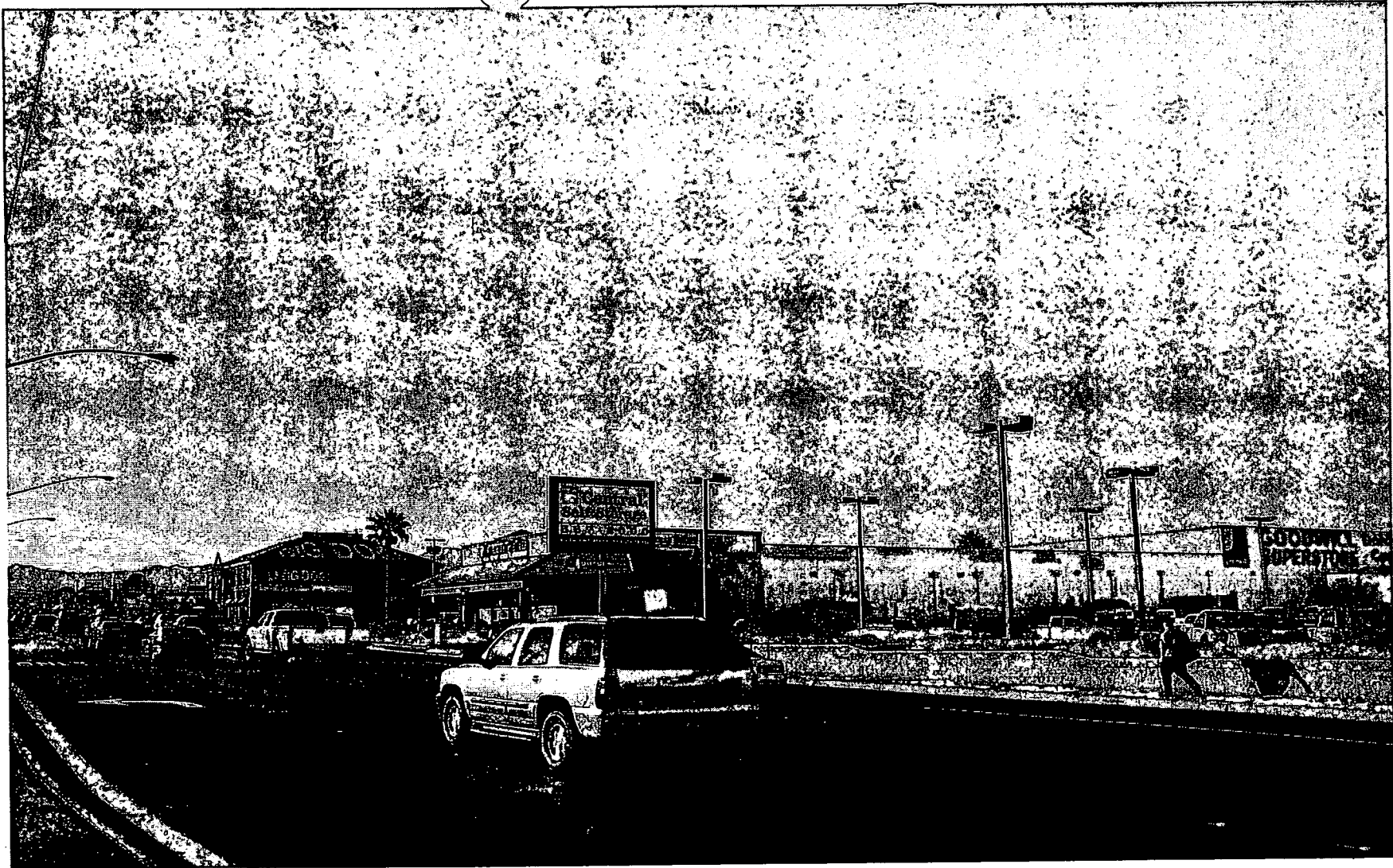
12/29/03



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

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

Picture taken 01/21/04



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

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

Picture taken 01/21/04



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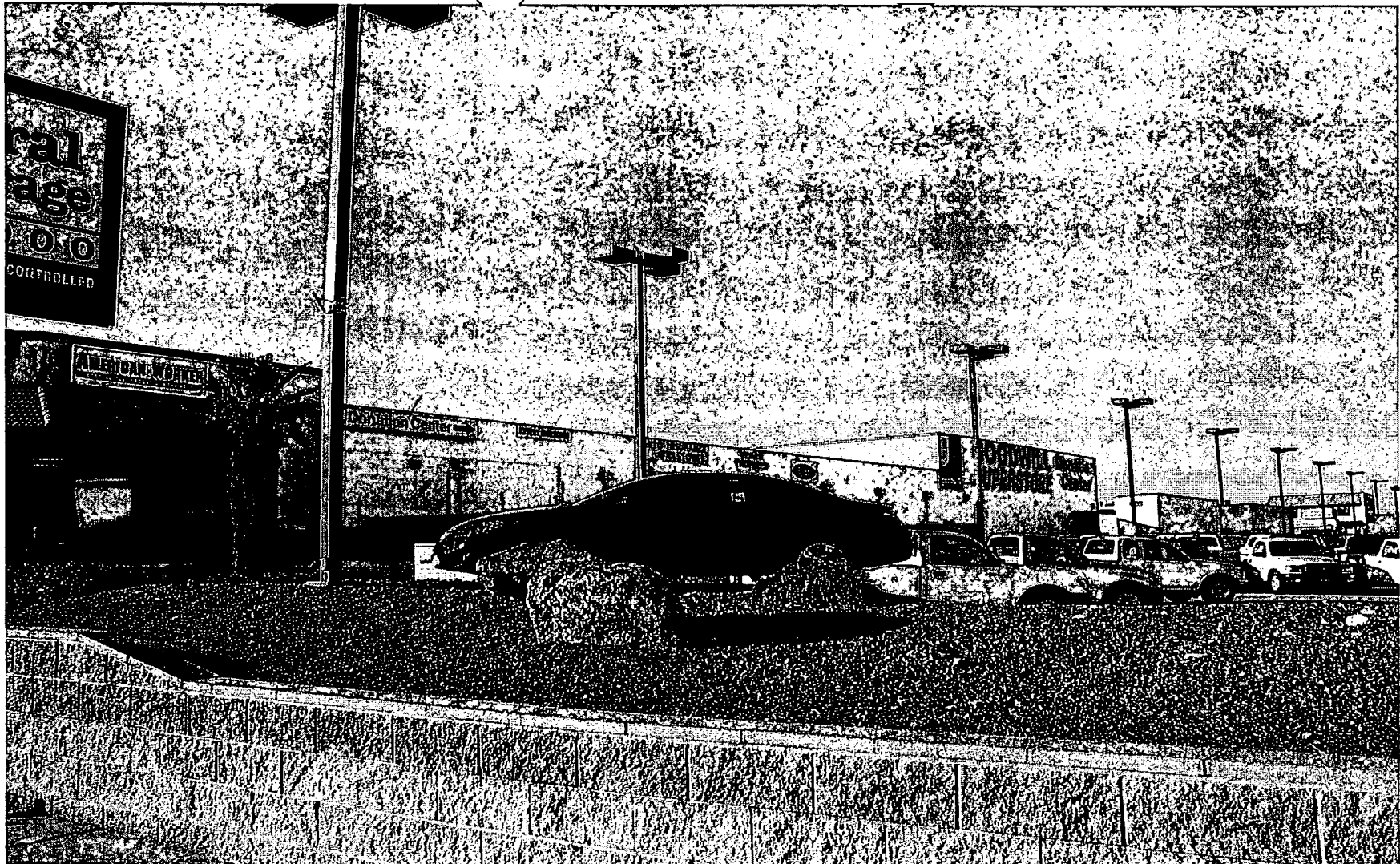
Picture taken 01/21/04



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

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

FEBRUARY 4, 2004 CITY COUNCIL MEETING

Picture taken 01/21/04

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

RECEIVED
CITY CLERK

2004 JAN 14 P 3:41

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

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

Dear Sir or Madam:

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

Yours truly,


Lucy Stewart

MICHAEL H. SINGER
JAY H. BROWN

LAW OFFICES
Singer & Brown
A NEVADA LLC

520 SOUTH FOURTH STREET
LAS VEGAS, NEVADA 89101-6593

TELEPHONE (702) 384-5583
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. 138 City Council Agenda of September 15, 2004
SUP-3394 - Las Vegas Billboards on behalf of West Sahara Associates,
Limited Partnership

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 15 A 9:04

Submitted after final agenda

Date 9/14/04 Item #138



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

2004 SEP 15 A 9:03

RECEIVED
CITY CLERK

MEMBERS

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

Date 9/15/04 Item #138

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

ABEYANCE ITEM - SPECIAL USE PERMIT - PUBLIC HEARING - SUP-4172 -
APPLICANT: LAS VEGAS BILLBOARDS - OWNER: SHAHRAM AND TAWNYA SHEIKHAN - Appeal filed by the applicant from the Denial by the Planning Commission of a request for a Special Use Permit FOR A PROPOSED OFF-PREMISE ADVERTISING (BILLBOARD) SIGN at 300 South Decatur Boulevard (APN 138-36-601-004), C-2 (General Commercial) Zone, Ward 1 (Moncrief). The Planning Commission (7-0 vote) recommends DENIAL. Staff recommends APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

1**APPROVALS RECEIVED BEFORE:**

Planning Commission Mtg.
City Council Meeting

0**RECOMMENDATION:**

The Planning Commission (7-0 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 LAS Consulting, Inc.
5. Submitted after final agenda – Abeyance request by Singer & Brown
6. Submitted after final agenda – Protest letter from Charleston Neighborhood Preservation
7. Submitted after final agenda – Withdrawal without Prejudice request by Singer & Brown

MOTION:

MONCRIEF – WITHDRAWN WITHOUT PREJUDICE – 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, COUNCILWOMAN MONCRIEF requested that Item 103 [DIR-4797], Item 142 [SUP-4593], Item 143 [SUP-4594] and Item 139 [SUP-4172] be taken off the abeyance request list and brought forward for discussion. It was then determined that a vote could be taken on Item 103 [DIR-4797] as it had been requested to be withdrawn without prejudice.

CITY COUNCIL MEETING OF SEPTEMBER 15, 2004
Planning and Development Department
Item 139 – SUP-4172

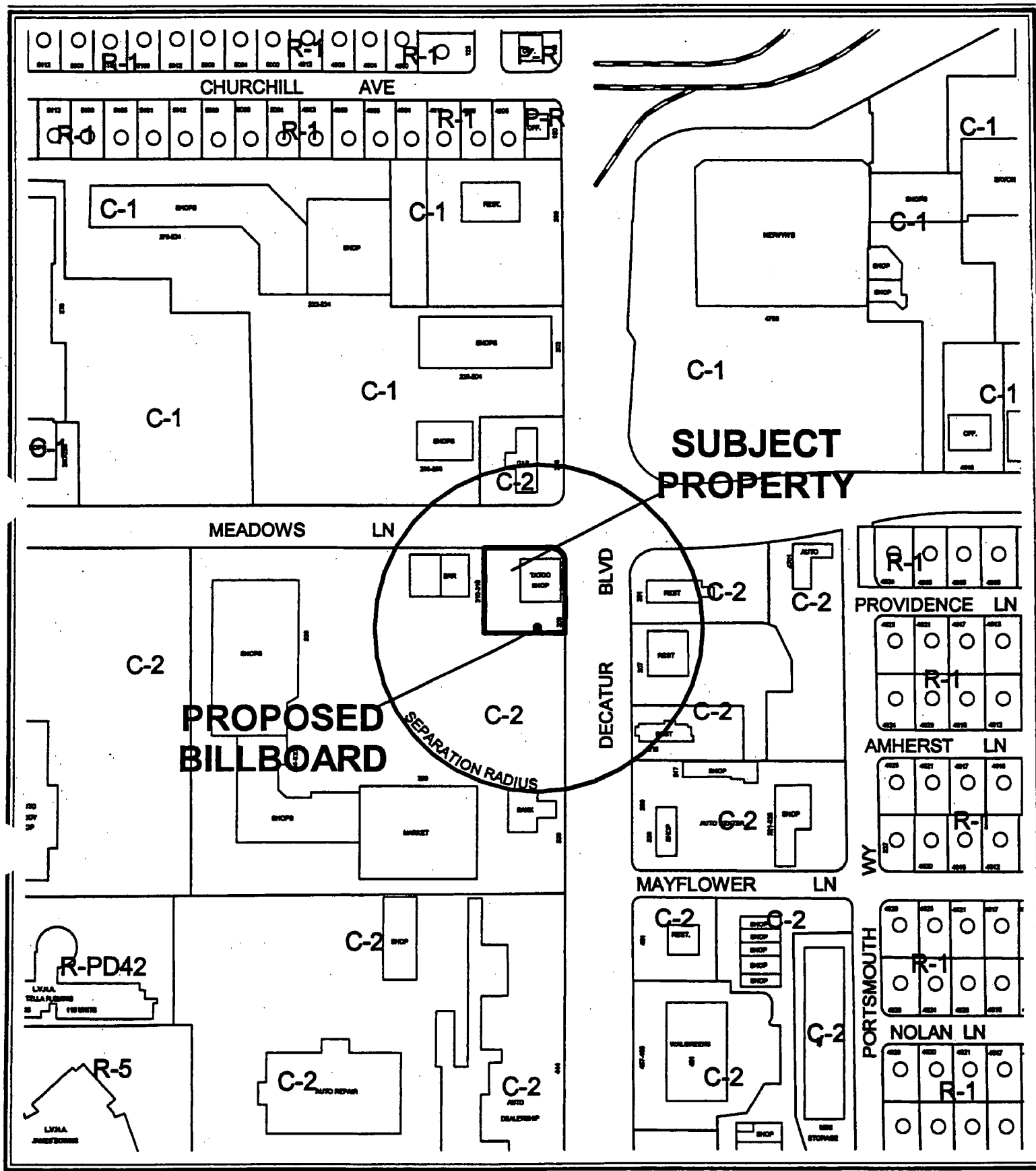
MINUTES:

When the item was recalled, COUNCILWOMAN MONCRIEF moved to honor the applicant's request for withdrawal without prejudice.

No one appeared in opposition.

MAYOR GOODMAN declared the Public Hearing closed.
(4:21 – 4:23)
6-125





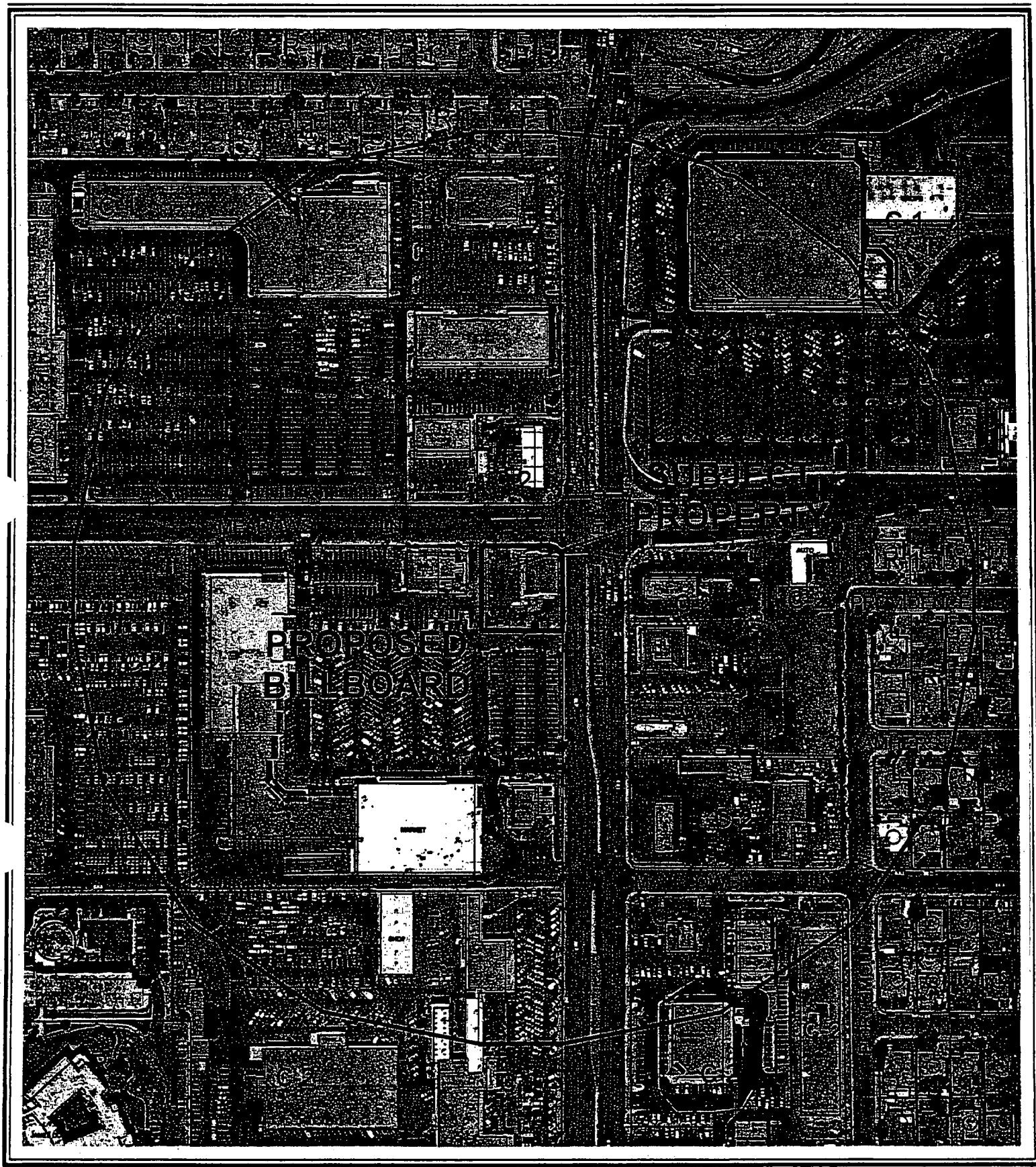
CASE: SUP-4172

SEPARATION RADIUS: 300 FT

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

NOTE: NO EXISTING BILLBOARDS IN AREA





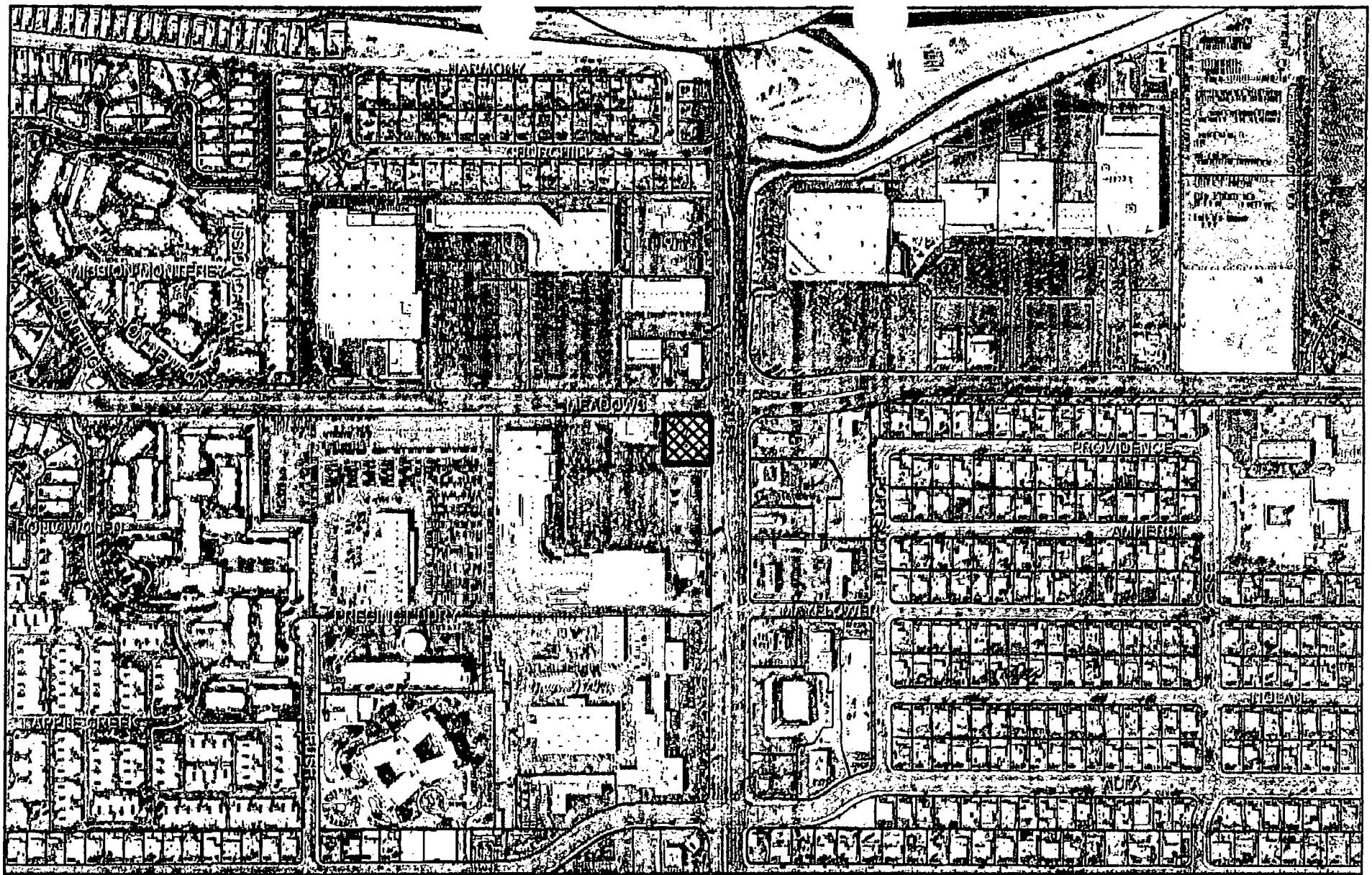
CASE: SUP-4172

RADIUS: 750 FT

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

0 100 200 Feet

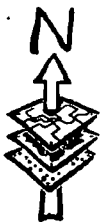




SUP-4172

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: ABEYANCE ITEM - SUP-4172 - APPLICANT: LAS VEGAS
BILLBOARDS - OWNER: SHAHRAM AND TAWNIA SHEIKHAN

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

**** CONDITIONS ****

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

Planning and Development

1. The Special Use Permit shall be reviewed in two (2) years at which time the City Council may require the Off-Premise Advertising (Billboard) Sign to be removed. The applicant shall be responsible for notification costs of the review. Failure to pay the City for these costs may result in a requirement that the Off-Premise Advertising (Billboard) Sign be removed.
2. All of the supporting structure shall be repainted, as required by the Planning and Development Department, within 30 days of final approval by City Council. Failure to perform the required painting may result in fines and/or removal of the Off-Premise Advertising (Billboard) Sign.
3. The Off-Premise Advertising (Billboard) Sign and its supporting structure shall be properly maintained and kept free of graffiti at all times. 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 and its supporting structure shall be properly maintained and kept free of graffiti at all times. Failure to perform the required maintenance may result in fines and/or removal of the Off-Premise Advertising (Billboard) Sign.
5. The property owner shall keep the property properly maintained and graffiti-free at all times. Failure to perform required maintenance may result in fines and/or removal of the Off-Premise Advertising (Billboard) Sign.
6. Only one advertising sign is permitted per sign face.
7. If the existing off-premise advertising sign structure is removed, this Special Use Permit shall be expunged and a new off-premise advertising sign structure shall not be erected in the same location unless: (1) a new Special Use Permit is approved for the new structure

by the City Council, or (2) the location is in compliance with all applicable standards of Title 19 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. All City Code requirements and design standards of all City Departments shall be satisfied.

Public Works

9. The proposed 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 an Appeal filed by the applicant from the Denial by the Planning Commission on a request for a Special Use Permit for an Off-Premise Advertising (Billboard) Sign located at 300 South Decatur Boulevard.

B) Applicant's Justification

The proposed sign meets all distance separation requirements and is located within a commercial area.

BACKGROUND INFORMATION

A) Previous Actions

- 08/22/73 The Board of City Commissioners approved a Reclassification of Property (Z-0061-73) from R-1 (Single Family Residential District) to C-2 (General Commercial). The Planning Commission recommended approval on 8/09/73.
- 05/11/98 The City Council denied a Special Use Permit (U-0013-98) for a Pawnshop and Second-Hand Sales. The Planning Commission and staff recommended approval on 2/26/98.
- 05/13/04 The Planning Commission voted 7-0 to recommend DENIAL (PC Agenda Item #51).

B) Pre-Application Meeting

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

C) Neighborhood Meetings

A Neighborhood Meeting is not required for Special Use Permit applications.

DETAILS OF APPLICATION REQUEST

A) Site Area

Gross Acres: 0.52

B) Existing Land Use

Subject Property: Commercial Building
North: Service Station
South: Shopping Center
East: Fast Food Restaurant
West: Shopping Center

C) Planned Land Use

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

D) Existing Zoning

Subject Property: C-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 subject site is located within the Southwest Sector of the General Plan with a SC (Service Commercial) land use designation, which allows for low to medium intensity retail, office, or other commercial uses that serve primarily location area patrons, and that do not include more intense general commercial characteristics. The site is zoned C-2 (General Commercial) and the proposed sign is a permitted use with the approval of a Special Use Permit.

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

The site does not fall within any Special Districts or Zones.

ANALYSIS

A) Zoning Code Compliance

A1) Minimum Distance Separation Requirements

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

Standards	Code Requirement	Provided
Off-Premise Advertisement (Billboard)	300 feet	Over 300 feet

The subject site meets all minimum distance separation requirements.

B) General Analysis and Discussion

- Zoning

The C-2 (General Commercial) district is designed to provide the broadest scope of compatible services for both the general and traveling public. This category allows retail, service, automotive, wholesale, office and other general business uses of an intense character. An Off-Premises Advertising (Billboard) Sign is a permitted use in the C-2 (General 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 (Billboard) Sign to 40 feet. The Code also requires Off-Premises Advertising (Billboard) Signs to be a minimum of 300 feet from residentially zoned properties and 300 feet from other off-premises signs. The proposed sign meets these Code requirements with regards to distance separation. The center of the proposed sign is located along the south property line, approximately 50 feet west of Decatur Boulevard.

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 subject site is located within a commercial shopping center, and the proposed Off-Premise Advertising (Billboard) Sign is harmonious and compatible with the existing and future land uses in the area.

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

The subject is physically suitable for the proposed Off-Premise Advertising (Billboard) Sign. No waivers are requested, and the site allows for compliance with all distance separation requirements.

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

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 (Billboard) Advertising 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

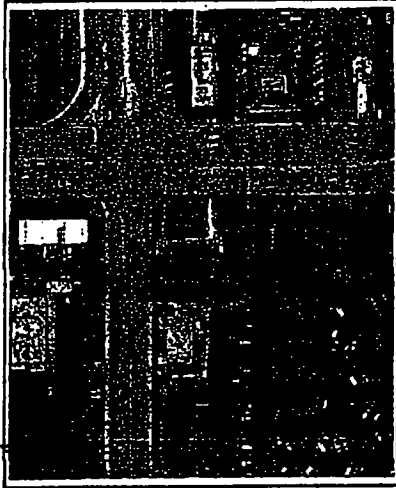
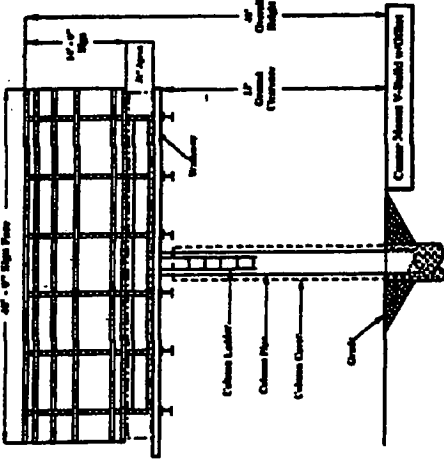
The Planning Commission members unanimously believed this to be an inappropriate billboard location.

NOTICES MAILED 43 by City Clerk

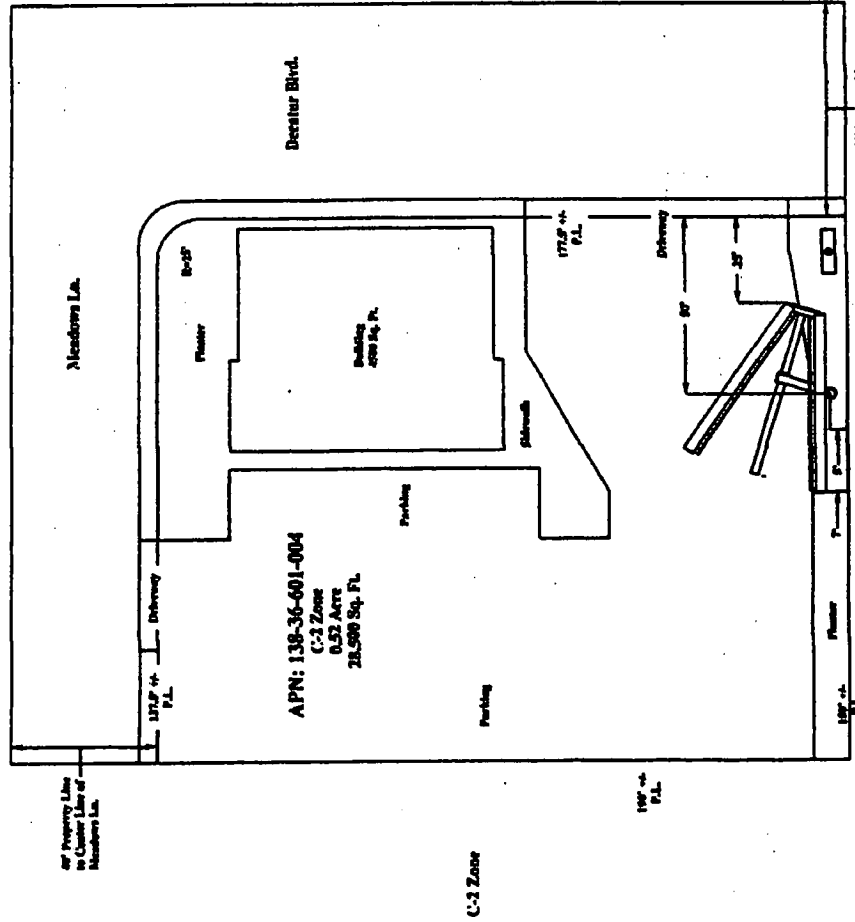
APPROVALS 0

PROTESTS 1





C-1 Zone



C-1 Zone

C-1 Zone

PROPERTY OWNER: SHAHEEM & TANYIA GREENMAN
300 E. DECATUR BLVD.
LAS VEGAS, NV 89107

PROPERTY ADDRESS: 300 E. DECATUR BLVD.
LAS VEGAS, NV 89107

CONTACT: STEVE BARNEY @
LAS VEGAS BILLBOARDS
3648 S. VALLEY VIEW BLVD.
LAS VEGAS, NV 89118
877-7823

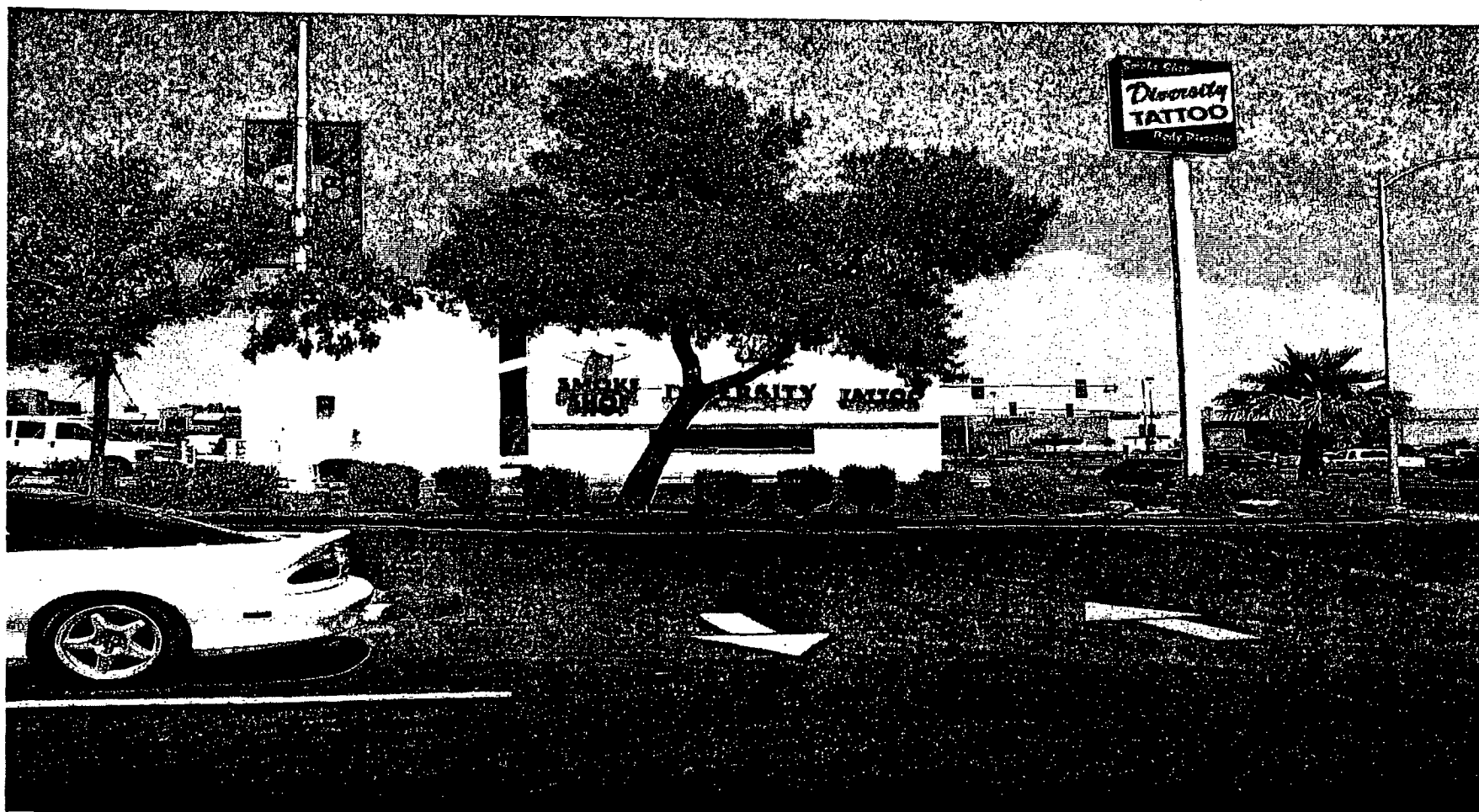
APN: 138-36-401-004
ZONED: C-1
14' x 40' CENTER MOUNT V-BUILD w/OFFSET
40' OVERALL HEIGHT
NO ADJACENT OFF-PREMISE SIGN WITHIN 100'
NO ADJACENT OFF-PREMISE SIGN WITHIN 300'
NO 4-E ZONE WITHIN 300'
SCALE 1" = 20'

14' x 40' OFF-PREMISE SIGN
40' OVERALL HEIGHT
40' OVERALL WIDTH
672 SQUARE FT.
ILLUMINATION TYPE: GALLOPERS LIGHTING
ATTACHMENT: NONE

LOCATION: 10' SETBACK FROM DECATUR BLVD. TO LEASING SIDE OF SIGN.
10' SETBACK FROM DECATUR BLVD. TO CENTER OF COLCHER.
20' SETBACK FROM SOUTH PROPERTY LINE TO LEASING SIDE OF COLCHER.
40' SETBACK FROM NORTH PROPERTY LINE TO CENTER OF COLCHER.

C-1 Zone

SUP-4172
05-13-04 PC



SPECIAL USE PERMIT - PUBLIC HEARING - SUP-4172 - APPLICANT: LAS VEGAS BILLBOARDS -
OWNER: SHAHRAM AND TAWNIA SHEIKHAN
300 SOUTH DECATUR BOULEVARD
MAY 13, 2003 PLANNING COMMISSION

4/19/04



**SPECIAL USE PERMIT - PUBLIC HEARING - SUP-4172 - APPLICANT: LAS VEGAS BILLBOARDS -
OWNER: SHAHRAM AND TAWNYA SHEIKHAN
300 SOUTH DECATUR BOULEVARD
MAY 13, 2003 PLANNING COMMISSION**

4/19/04

LAS Consulting, Inc.
856 E. Sahara #4
Las Vegas, NV 89104
(702) 889-2879-office
(702) 889-3122-fax

RECEIVED
CITY CLERK

2004 MAY 14 A 8 26

May 13, 2004

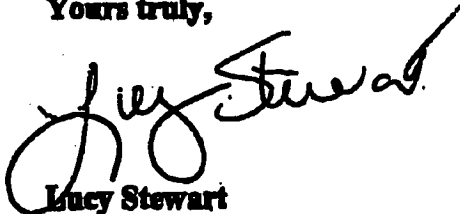
City Hall, First Floor
400 Stewart Avenue
Las Vegas, NV 89101
Phone: (702) 229-6311
Fax: (702) 382-4803

RE: Appeal from the 5/13/04 Planning Commission Meeting
No. 50 SUP-4169 and No. 51 SUP-4172

Dear Madam:

Please accept this letter as a request appeal the Planning Commission's denial of items No. 50 SUP-4169 (Milford) and SUP-4172 (Sheikan), respectively. These items were denied at the May 13, 2004 Planning Commission Meeting. I would like to appeal these special use permits to the City Council. I understand that should be the June 2 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

LAW OFFICES

Singer & Brown

A NEVADA LLC

MICHAEL H. SINGER
JAY H. BROWN

820 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, NV 89101
Attn: Barbara Jo Ronemus
City Clerk

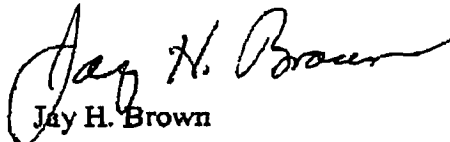
Re: Item No. 139 City Council Agenda of September 15, 2004
SUP-4172 - Las Vegas Billboards on behalf of Shahram and Tawnya Sheikhan

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 # 139



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 - Janita Clark - Miriam Ben - Marcus Gobel - Rose Hearn - June Ingram - Rita Johnson
Gene & Pearl Leonardo - Sherry Mason - Dorothy Orr - Barbara Roth - Layne Rushforth - Pamela Starcliffe - Others

Submitted after final agenda

Date 9/5/04 Item #139

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 15, 2004

FAX: 382-4803

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

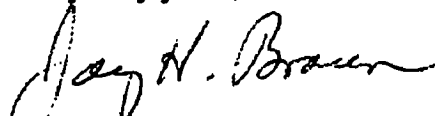
Re: Item No. 139 City County Agenda of September 15, 2004
SUP-4172-Special Use Permit-Las Vegas Billboards on behalf of
Shahram and Tawnya Sheikhan

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 P 12:00

Submitted after final agenda

Date 9/15/04 Item #139

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: SEPTEMBER 15, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☐

CONSENT

☒

DISCUSSION

SUBJECT:

ABEYANCE ITEM - SPECIAL USE PERMIT - PUBLIC HEARING - SUP-4532 -
APPLICANT: LAS VEGAS BILLBOARDS - OWNER: SAHARA MOHAWK, LIMITED LIABILITY COMPANY - Appeal filed by the applicant from the Denial by the Planning Commission of a request for a Special Use Permit FOR A PROPOSED 40-FOOT TALL, 14-FOOT BY 48-FOOT OFF-PREMISE (BILLBOARD) SIGN at 5320 West Sahara Avenue (APN 163-01-804-005), C-1 (Limited Commercial) Zone, Ward 1 (Moncrief). The Planning Commission (7-0 vote) and staff recommend DENIAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

RECOMMENDATION:

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

BACKUP DOCUMENTATION:

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

MOTION:

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

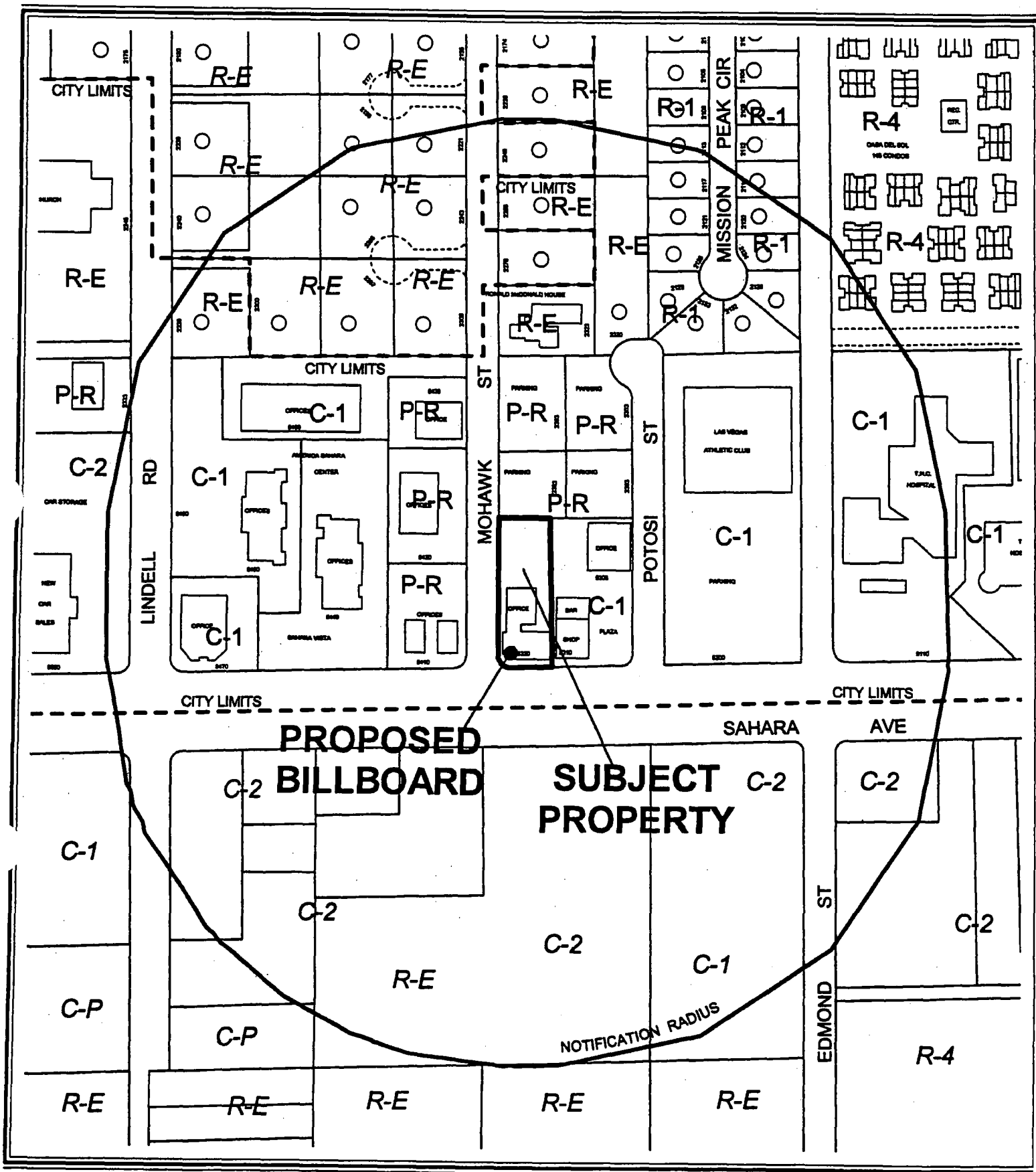
CITY COUNCIL MEETING OF SEPTEMBER 15, 2004
Planning and Development Department
Item 140 – SUP-4532

MINUTES:

LUCY STEWART appeared on behalf of Las Vegas Billboards and indicated that a letter was erroneously sent requesting Item 140 [SUP-4532] be withdrawn without prejudice. Instead, she asked that the item be held in abeyance to December 15, 2004.

(2:48 – 3:01)

5-1



CASE: SUP-4532

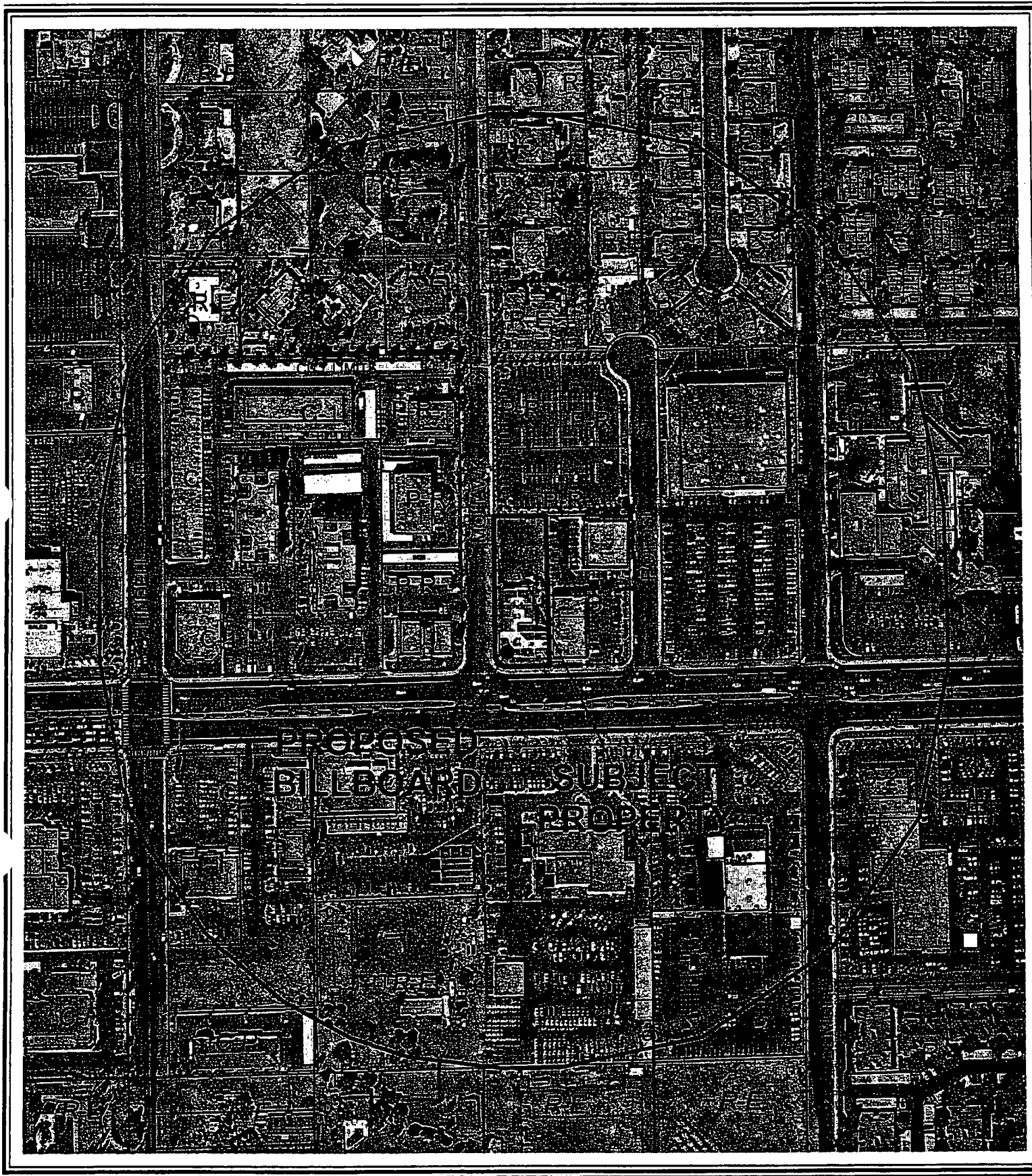
RADIUS: 750 FT

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

0 200 400 Feet

140





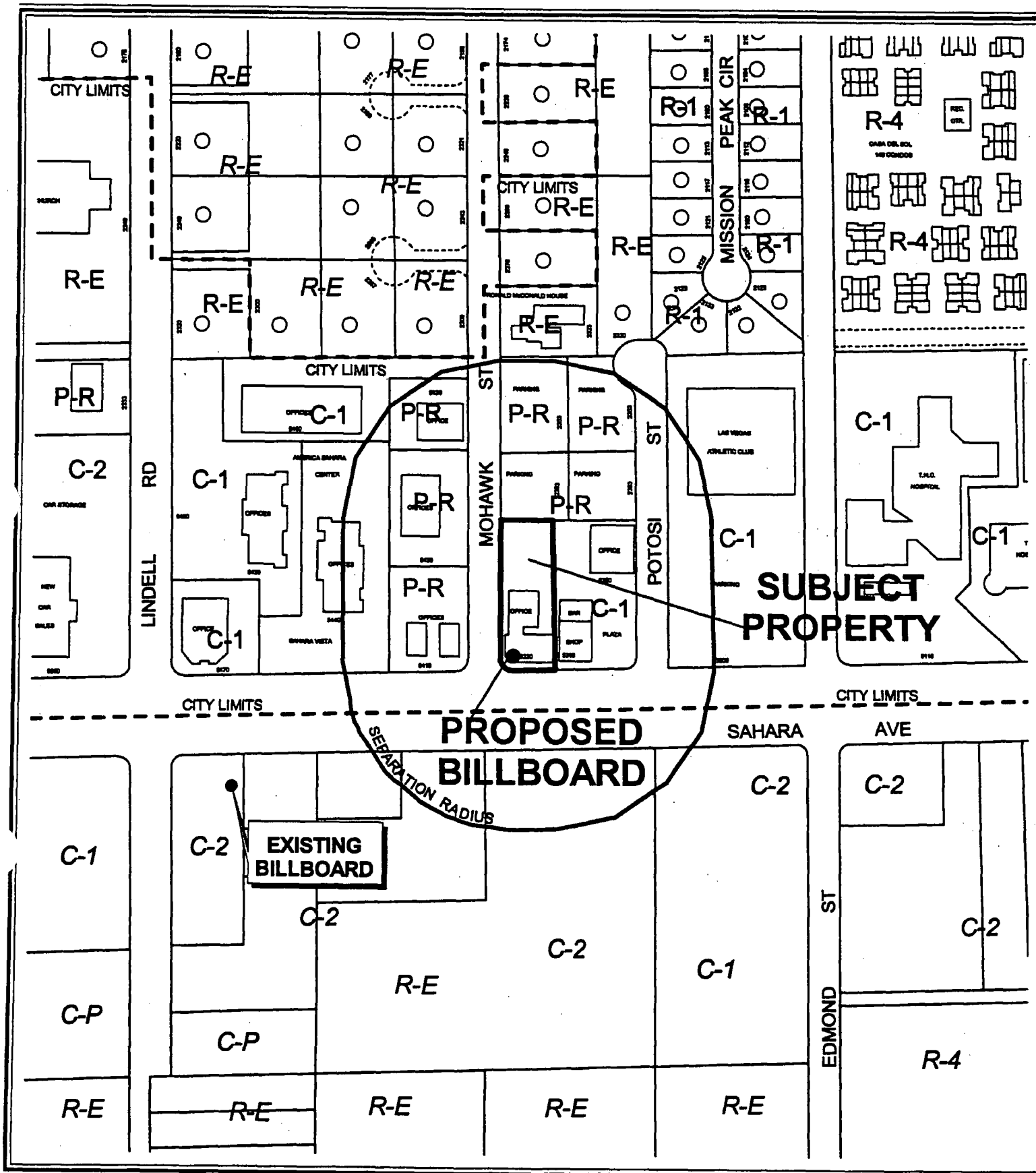
CASE: SUP-4532

RADIUS: 750 FT

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

0 200 400 Feet

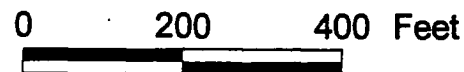


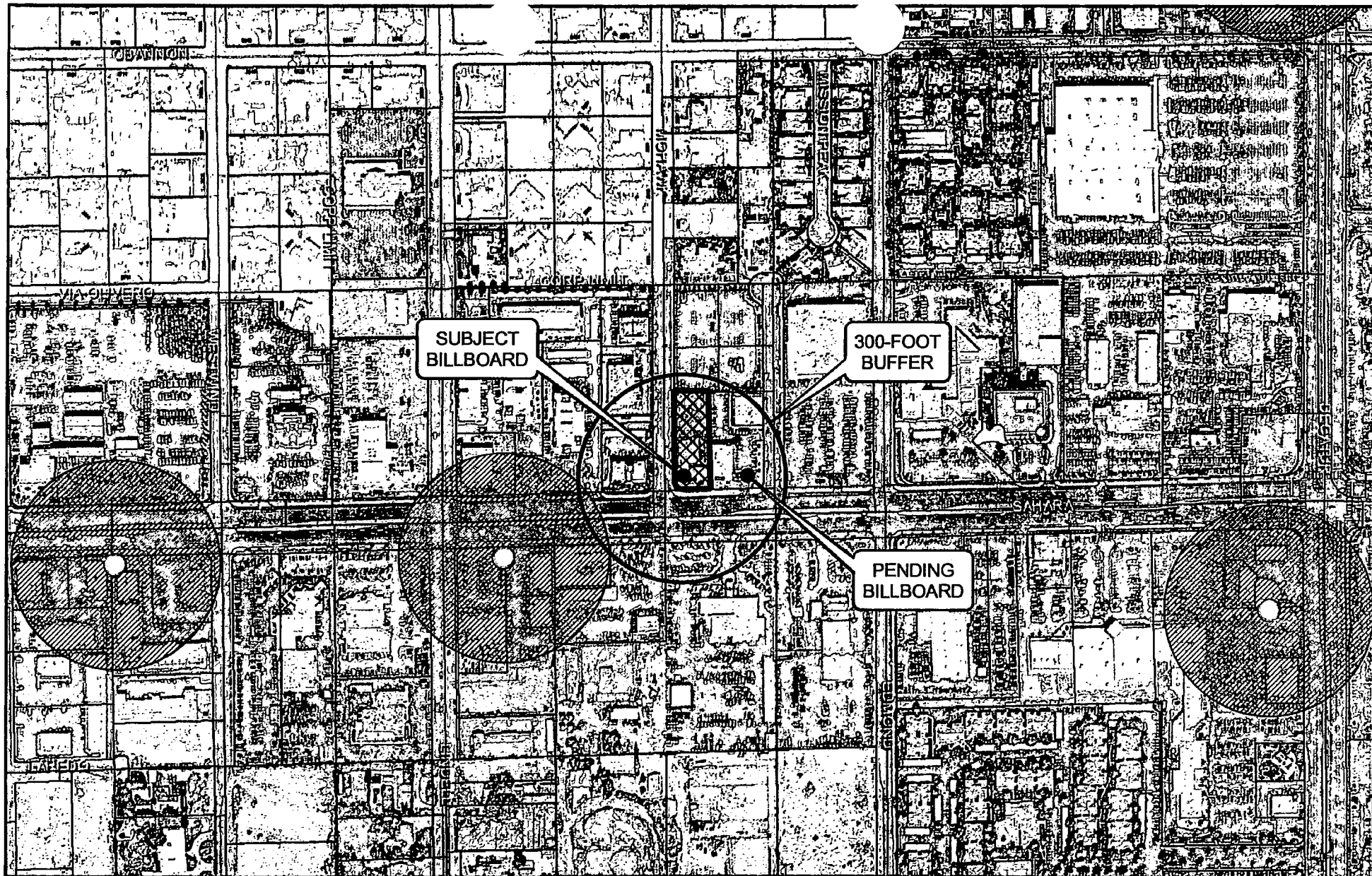


CASE: SUP-4532

SEPARATION RADIUS: 300 FT

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





SUP-4532

City of Las Vegas Billboard Data

0 255 510 1,020 Feet

- | | | |
|--|--|---|
|  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: ABEYANCE ITEM - SUP-4532 - APPLICANT: LAS VEGAS BILLBOARDS – OWNER: SAHARA MOHAWK, LIMITED LIABILITY COMPANY

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

**** CONDITIONS ****

The Planning Commission (7-0 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.
11. The off-premise advertising (billboard) sign billboard shall not be located within or under any easements.

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

This is an Appeal filed by the applicant from the Denial by the Planning Commission of request for a Special Use Permit to allow a proposed 40-foot tall, 14-foot by 48-foot Off-Premise (Billboard) Sign at 5320 West Sahara Avenue.

B) Applicant's Justification

The applicant's only justification for the sign is to mention that the site "is in a commercial district on a 100-foot or greater street."

BACKGROUND INFORMATION

A) Previous Actions

There is no previous action recorded for this property; however, there is a pending application before the City Council for an Off-Premise (Billboard) Sign that is within 300 feet of the location of this proposed sign. The City Council considered that application for 5300 West Sahara at its meeting on 07/07/04 and abeyed the matter to 07/21/04. The Planning Commission and staff recommended against that application on 11/20/03.

07/08/04 The Planning Commission voted 7-0 to recommend DENIAL (PC Agenda Item #59/dds).

B) Pre-Application Meeting

05/07/04 There was a question whether another off-premises (billboard) sign is under consideration by the City Council that would be within 300 feet of this location. (As noted above, it was learned that there is a request pending before the City Council that if approved would preempt approval of this application.) The request would be a Project of Regional Significance, requiring review by Clark County.

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: 0.66

B) Existing Land Use

Subject Property: Office
 North: Parking lot
 South: General commercial
 East: Office, tavern and retail establishment
 West: Office

C) Planned Land Use

Subject Property: S-C (Service Commercial)
 North: O (Office)
 South: County Commercial
 East: S-C (Service Commercial)
 West: S-C (Service Commercial)

D) Existing Zoning

Subject Property: C-1 (Limited Commercial)
 North: P-R (Professional Office and Parking)
 South: County C-2 (General Commercial)
 East: C-1 (Limited Commercial)
 West: P-R (Professional Office and Parking)

E) General Plan Compliance

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

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

The site is shown in the Southeast Sector of the General Plan. Approval of this off-premise sign is not contrary to the goals of the Plan.

INTERAGENCY ISSUES

Pursuant to Ordinance No. 5477, the proposed project is deemed to be a "Project of Regional Significance" as a Special Use within 500 feet of the unincorporated area of Clark County. An Environmental Impact Assessment questionnaire was circulated to the County and other affected Agencies and Entities for the mandated 15-day period. No comments citing negative impacts have been received to date.

The Planning Commission takes the Environmental Impact Assessment and the proposed mitigation measures into consideration prior to make a decision on the proposal.

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 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 complies with the Zoning Code.

There is a pending application before the City Council for an Off-Premise Advertising (Billboard) Sign (SUP-3152) which if approved would place it within 300 feet of the subject proposed sign. That application was first heard by the Planning Commission on November 20, 2003. The Planning Commission and staff recommended denial of that application, and it was appealed to the City Council and abeyed by the City Council on four separate occasions at the applicant's request. That application again is to be considered by the City Council on July 7, 2004. If the City Council were to approve that application, it would preempt approval of the subject application, because the two signs then would be within 300 feet of each other.

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.

- **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 requirements.

The Off-Premise Advertising (Billboard) Sign is proposed adjacent to existing on-premises signs for commercial development that would substantially increase the amount of signage in the area. Additionally, there are no other billboard signs located along this segment of Sahara Avenue. This proposed billboard would add substantial visual clutter to this area of the community and not be harmonious and compatible with the surrounding development. If this application is approved, a condition has been added requiring the use be reviewed by the City Council in two years.

FINDINGS

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, this proposed billboard would add visual clutter in this area of the City.

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 53 by City Clerk

APPROVALS 0

PROTESTS 0

PROPERTY OWNER: SARABA MOHAWY LLC
505 W. SARABA AVE.
LAS VEGAS, NV 89146-3306

PROPERTY ADDRESS: 505 W. SARABA AVE
LAS VEGAS, NV 89146-3306

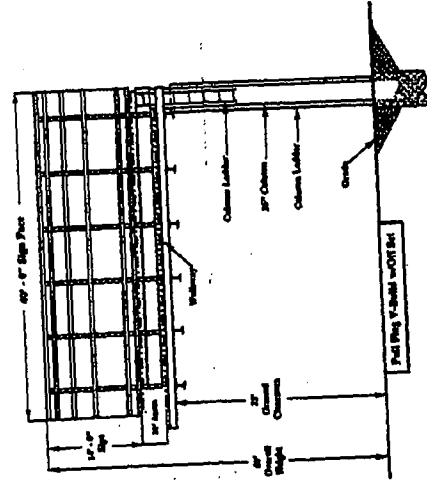
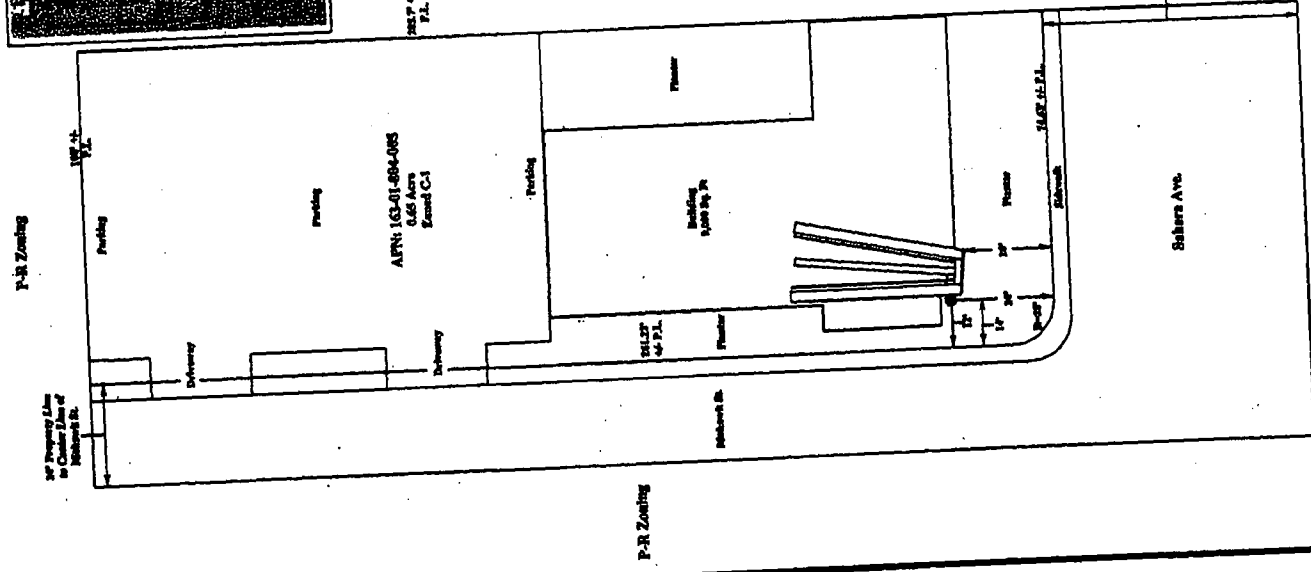
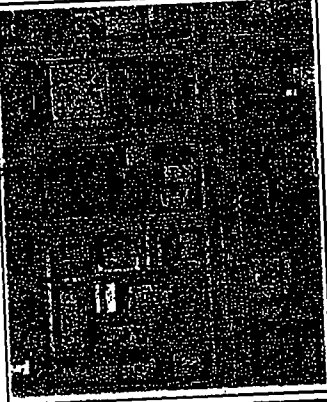
CONTACT: STEVE RANNEY @
LAS VEGAS BILLBOARDS
5645 S. VALLEY VIEW BLVD.
LAS VEGAS, NV 89118
875-7833

APN: 103-01-804-005
ZONED: C-1
14' - 48" FULL FLAG V-BUILD w/OFFSET
48' OVERALL HEIGHT
NO ADJACENT ON-PREMISE SIGN WITHIN 30'
NO ADJACENT OFF-PREMISE SIGN WITHIN 30' RADIUS
NO B-E ZONE WITHIN 30'
SCALE 1" = 20'

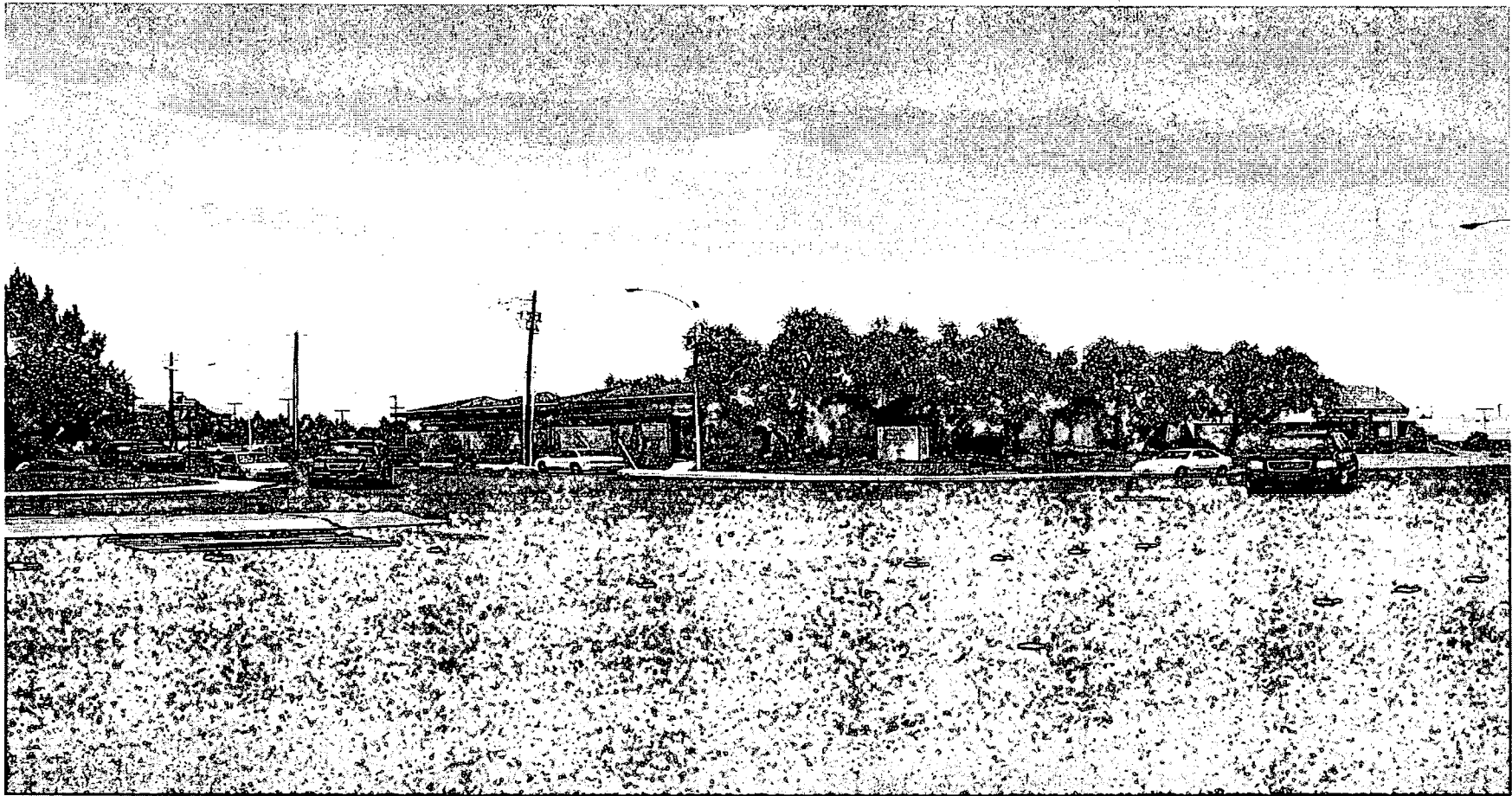
EXPLANATORY TABLE

TYPE OF SIGN:	14' x 48' OFF-PREMISE SIGN
SIGN HEIGHT:	48' OVERALL HEIGHT
SIGN WIDTH:	48' OVERALL WIDTH
SIGN AREA:	672 SQUARE FT.
ILLUMINATION TYPE:	HALOGEN LIGHTING
ANTENNA:	NONE

LOCATION:
30' FRONT SETBACK FROM INDICATED BLVD. TO LEADING EDGE OF SIGN.
30' FRONT SETBACK FROM INDICATED BLVD. TO CENTER OF COLUMN.
30' SIDE SETBACK FROM WEST PROPERTY LINE TO LEADING EDGE OF COLUMN.
14' SIDE SETBACK FROM WEST PROPERTY LINE TO CENTER OF COLUMN.



SUP-4532
07-08-04 PC



SUP-4532 - APPLICANT: LAS VEGAS BILLBOARDS - OWNER: SAHARA MOHAWK, LIMITED LIABILITY COMPANY

5320 WEST SAHARA AVENUE

JULY 8, 2004 PLANNING COMMISSION

06/17/04

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

July 9, 2004

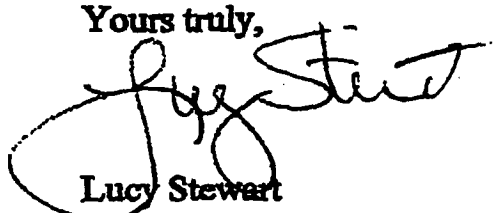
City Clerk
City Hall, First Floor
400 Stewart Avenue
Las Vegas, NV 89101
Phone: (702) 229-6311
Fax: (702) 382-4803

RE: SUP-4532-July 8, 2004 Planning Commission agenda item #59

Dear Sir or Madam:

Please accept this letter as a request to appeal the Planning Commission's denial of the above referenced item. We wish to be heard by the City Council regarding this request. Thank you for your consideration in this matter.

Yours truly,


Lucy Stewart
LAS Consulting, Inc.

RECEIVED
CITY CLERK

2004 JUL -9 P 12:56

LAW OFFICES

Singer & Brown

A NEVADA LLC

MICHAEL H. SINGER
JAY H. BROWN

520 SOUTH FOURTH STREET
LAS VEGAS, NEVADA 89101-6593

TELEPHONE (702) 384-5583
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

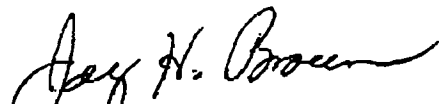
Re: Item No. 140 City County Agenda of September 15, 2004
SUP-4532-Special Use Permit-Las Vegas Billboards on behalf of
Sahara Mohawk, Limited Liability Company

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 14 PM 4:45

Submitted after final agenda

Date 9/14/04 Item #140

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: SEPTEMBER 15, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☐

CONSENT

☒

DISCUSSION

SUBJECT:

ABEYANCE ITEM - SPECIAL USE PERMIT - PUBLIC HEARING - SUP-4592 -
APPLICANT: MOUNTAIN VIEW ESTATES - OWNER: JOHN HERDA - Request for a
 Special Use Permit FOR A 40 FOOT HIGH, 10 FOOT X 40 FOOT OFF-PREMISE
 ADVERTISING (BILLBOARD) SIGN at 2744 Highland Drive (APN 162-09-202-001), M
 (Industrial) Zone, Ward 1 (Moncrief). 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
4. Submitted after final agenda – Abeyance request by Mountain View Estates

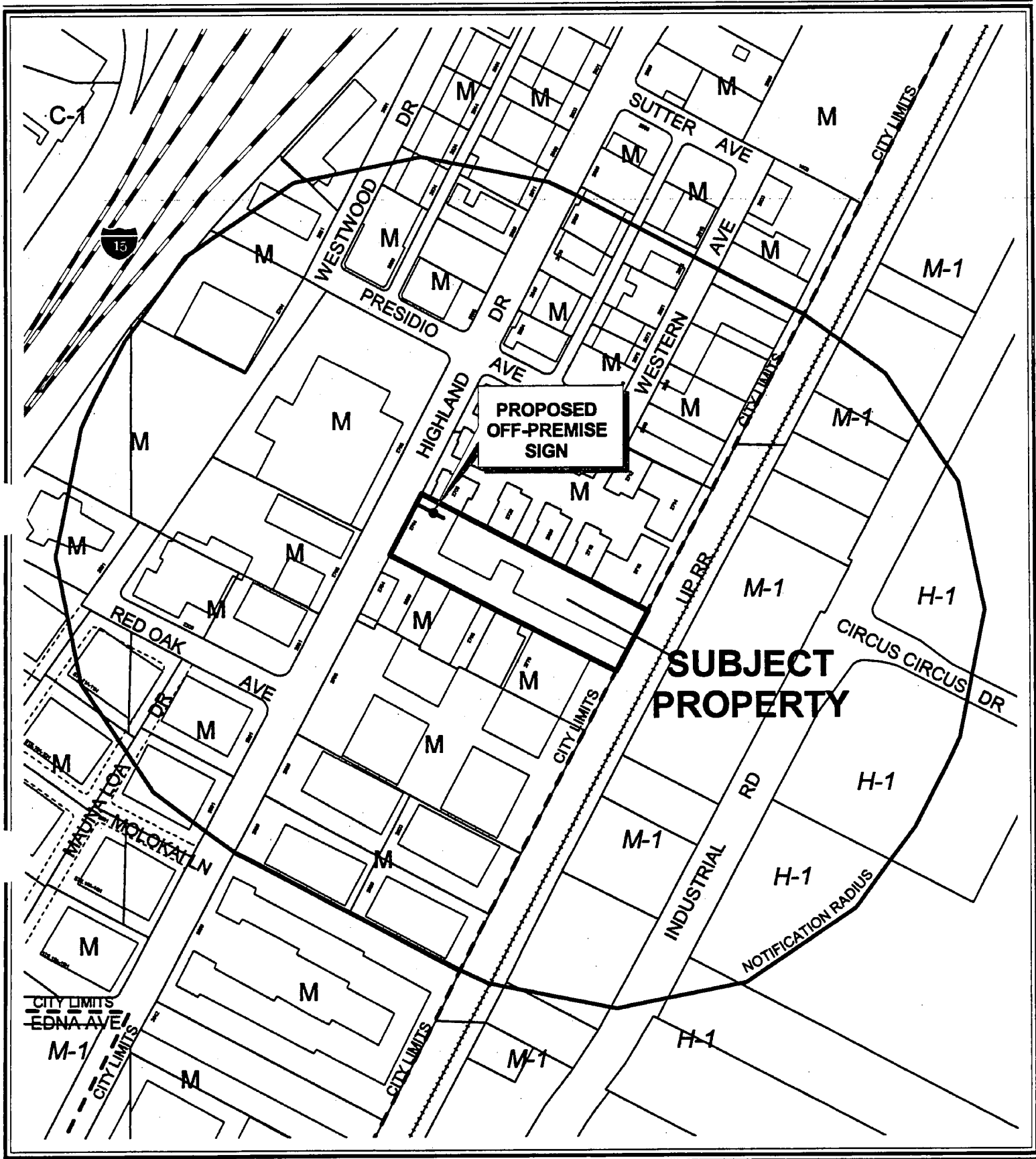
MOTION:

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-
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 [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 –
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 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-4592

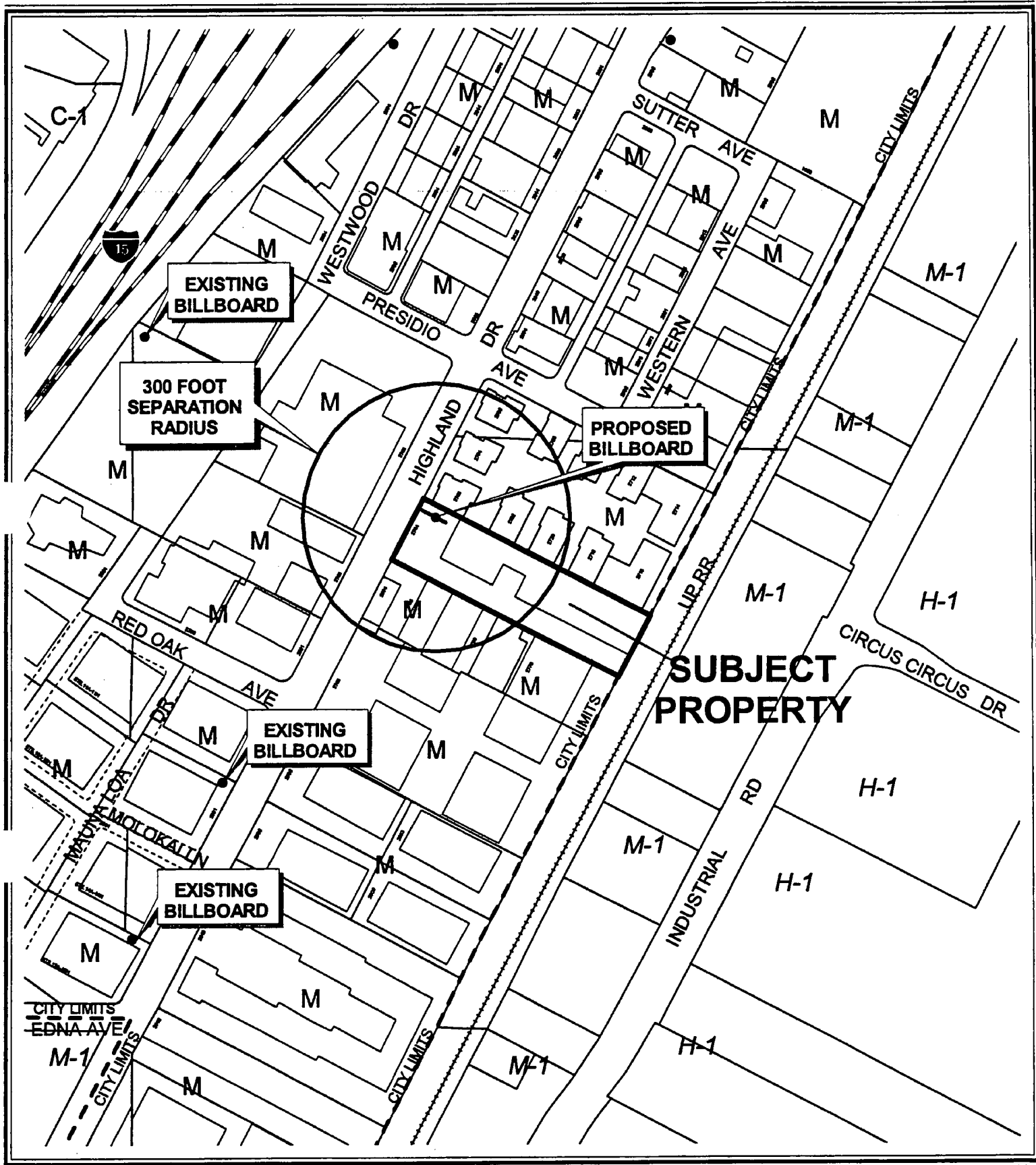
RADIUS: 750 FT

ZONING OF SUBJECT PROPERTY: M (INDUSTRIAL)

0 200 400 Feet

141

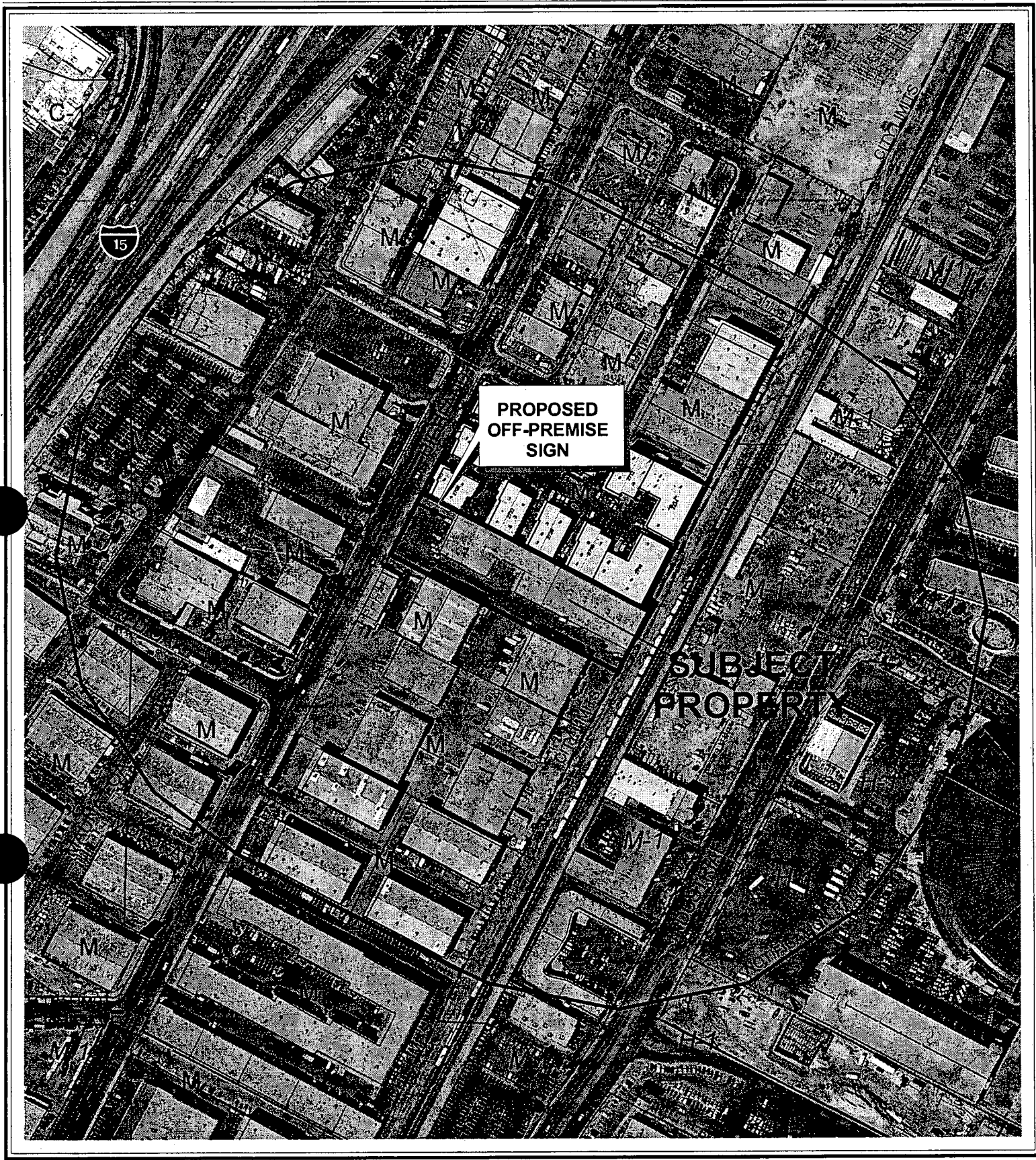




CASE: SUP-4592

SEPARATION RADIUS: 300 FT

ZONING OF SUBJECT PROPERTY: M (INDUSTRIAL)



CASE: SUP-4592

RADIUS: 750 FT

ZONING OF SUBJECT PROPERTY: M (INDUSTRIAL)

0 200 400 Feet

A horizontal scale bar with three segments, corresponding to 0, 200, and 400 feet.



SUP-4592

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: ABEYANCE ITEM - SUP-4592 - APPLICANT: MOUNTAIN VIEW ESTATES - OWNER: JOHN HERDA

THIS ITEM WAS HELD IN ABEYANCE AT THE AUGUST 18, 2004 CITY COUNCIL MEETING AT APPLICANT'S REQUEST.

**** CONDITIONS ****

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

Planning and Development

1. The Special Use Permit shall be reviewed in five (5) years at which time the City Council may require the off-premise sign to be removed. The applicant shall be responsible for notification costs of the review. Failure to pay the City for these costs may result in a requirement that the off-premise advertising (billboard) sign is removed.
2. All of the supporting structure shall be repainted, as required by the Planning and Development Department, within 30 days of final approval by City Council. Failure to perform the required painting may result in fines and/or removal of the off-premise advertising (billboard) sign.
3. The off-premise advertising (billboard) sign and its supporting structure shall be properly maintained and kept free of graffiti at all times. Failure to perform the required maintenance may result in fines and/or removal of the off-premise advertising (billboard) sign.
4. The property owner shall keep the property properly maintained and graffiti-free at all times. Failure to perform required maintenance may result in fines and/or removal of the off-premise sign.
5. Only one advertising sign is permitted per sign face.
6. If the existing off-premise advertising sign structure is removed, this Special Use Permit shall be expunged and a new off-premise advertising sign structure shall not be erected in the same location unless: (1) a new Special Use Permit is approved for the new structure by the City Council, or (2) the location is in compliance with all applicable standards of Title 19 of the Las Vegas Municipal Code including, but not limited to, distance separation requirements, or (3) a Variance to the applicable standards of Title 19 has been approved for the new structure by the City Council.

Public Works

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

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

This is a request for a Special Use Permit for a 40-foot high, 10 foot x 40 foot off-premise advertising sign (billboard) on at 2744 Highland Drive.

B) Applicant's Justification

The off-premise sign will be located in an industrial area that is zoned for this use. The off-premise sign is located more than 300 feet from any other off-premise sign located on Highland Drive. The proposed billboard meets or exceeds all of the location provisions outlined in Title 19.

BACKGROUND INFORMATION

A) Previous Actions

- 01/25/61 The City Council approved a rezoning (Z-0062-60) of subject property from R-E (Residence Estates) to C-1 (Limited Commercial).
- 07/22/04 The Planning Commission voted 6-0 to recommend APPROVAL (PC Agenda Item #7-SRS).

B) Pre-Application Meeting

- 04/07/04 Elements of this type of special use permit were discussed.

C) Neighborhood Meetings

Neighborhood meetings are neither required for this type of application, nor were any held.

DETAILS OF APPLICATION REQUEST

A) Site Area

Net Acres: 2.01

B) Existing Land Use

Subject Property: Industrial park, warehouses, shops, storage
North: Industrial park, warehouses, shops, storage
South: Industrial park, warehouses, shops, storage
East: Industrial park, warehouses, shops, storage
West: Industrial park, warehouses, shops, storage

C) Planned Land Use

Subject Property: LI/R (Light Industry/Research)
North: LI/R (Light Industry/Research)
South: LI/R (Light Industry/Research)
East: LI/R (Light Industry/Research)
Clark County: M-1 (Light Industrial)
West: LI/R (Light Industry/Research)

D) Existing Zoning

Subject Property: M (Industrial)
North: M (Industrial)
South: M (Industrial)
East: M (Industrial), Clark County
West: M (Industrial)

E) General Plan Compliance: Southeast General Plan

The subject site is located within the Southeast Sector of the General Plan with a LI/R (Light Industry/Research) land use designation, which allows for industrial use, commercial/industrial use, and planned business parks. The site is zoned M (Manufacturing) and the proposed sign is a permitted use with the approval of a Special Use Permit.

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

INTERAGENCY ISSUES

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

1) Any Special Use Permit within 500' of another jurisdiction recognized by the Southern Nevada Regional Policy Plan.

An Environmental Impact Assessment questionnaire was circulated to the affected Agencies and Entities for the mandated 15-day period. A summary of the comments received, including recommendation for mitigation measures is as follows:

No impact on transportation and traffic, schools, emergency services, housing, mass transit, open space and recreation, hydrology, water quality, or utilities and service systems.

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

ANALYSIS

A) Zoning Code Compliance

A2) Minimum Distance Separation Requirements

Pursuant to Title 19.14.100 (C) (11), 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	No other Off-Premise Advertising (Billboard) Signs or residential properties are within 300 feet of this proposal
Minimum distance separation from "R" zoned property and any other Off-Premise Advertising (Billboard) Sign	300 Feet	

This proposed Off-Premise Advertising (Billboard) Sign is located approximately 2,165 feet from the "R" zoned property to the north and in excess of 300 feet from any other Off-Premises Advertising (Billboard) Sign; it therefore complies nominally with Zoning Code standards.

B) General Analysis and Discussion

- Zoning

The subject billboard is an allowed use within the M (Industrial) zoning district with approval of a Special Use Permit.

- Use

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

FINDINGS

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

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

This proposed use is allowed in the LI/R (Light Industrial/ Research) General Plan designation and in the M (Industrial) zoning district. As there are no other billboards within approximately 700 feet, visual clutter in this area of the City is not a major concern.

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

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

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

Not applicable to this type of special use.

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

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 49 by City Clerk

APPROVALS 0

PROTESTS 0

STATEMENT OF FINANCIAL INTEREST

Name of Applicant: MOUNTAIN VIEW ESTATES

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?

☒ 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: _____

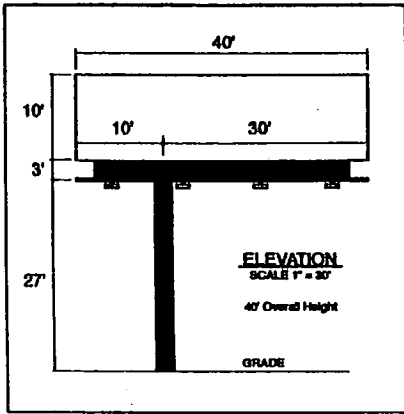
Print Name:

Subscribed and sworn before me

This 26th day of May, 2004

Tina Fisher
Notary Public in and for said County and State

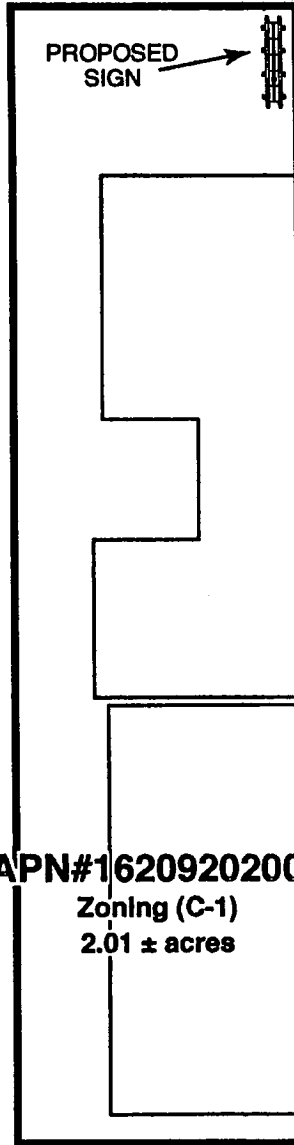




HIGHLAND DR.

TOP VIEW
SCALE 1" = 100'

M-Industrial
Zone
PL ± 600'



APN#16209202001

Zoning (C-1)
2.01 ± acres

145' ±

M-Industrial
Zone

PL ± 600'

M-Industrial Zone



GENERAL NOTES

1. Not within 300 foot radius of another off-premise billboard.
2. not within 200 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.

SUP-4592
7-22-04 PC

OWNER: NYP CORPORATION		
SCALE: NOTED	APPROVED BY:	DRAWN BY:
DATE: 05/12/04		REVISED:
LOCATION: 2744 HIGHLAND DRIVE 89109		
APN#16209202001		DRAWING NO.:





SUP-4592 - APPLICANT: MOUNTAIN VIEW ESTATES - OWNER: JOHN HERDA
2744 HIGHLAND DRIVE
JULY 22, 2004 PLANNING COMMISSION

7/1/04

Mountain View Estates
5500 E. Flamingo Road
Las Vegas, NV 89122

VIA FAX 702.382.4803

September 14, 2004

Barbara Jo Ronemus
Office of the City Clerk
City Hall, First Floor
400 Stewart Avenue
Las Vegas, NV 89101

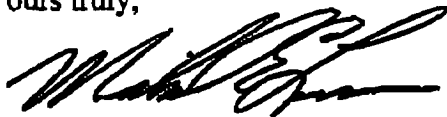
RE: City Council September 15 Agenda

Dear Ms. Ronemus:

Due to circumstances beyond our control, we will be unable to attend the September 15 meeting. Please consider this letter as a formal request to hold Items 141 (SUP 4592), 142 (SUP 4593) and 143 (SUP 4594) of the September 15 Agenda until the October 6, 2004 meeting.

Your assistance on these matters is greatly appreciated. If you have any questions, please do not hesitate to call me at 450.8088.

Yours truly,



Michael E. Luce

MEL/mh

Submitted after final agenda

Date 9/14/04 Item #141

RECEIVED
CITY CLERK
2004 SEP 14 P 3:28

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: SEPTEMBER 15, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☐

CONSENT

☒

DISCUSSION

SUBJECT:

ABEYANCE ITEM - SPECIAL USE PERMIT - PUBLIC HEARING - SUP-4593 -
APPLICANT: MOUNTAIN VIEW ESTATES - OWNER: S & K FAMILY TRUST -
Request for a Special Use Permit FOR AN OFF-PREMISE ADVERTISING (BILLBOARD)
SIGN at 1531 Western Avenue (APN 162-04-605-007), M (Industrial) Zone, Ward 1 (Moncrief).
Staff recommends DENIAL. The Planning Commission (6-0 vote) recommends APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

1

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

RECOMMENDATION:

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

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Submitted after final agenda – Abeyance request by Mountain View Estates

MOTION:

MONCRIEF – ABEYANCE to 10/6/2004 – UNANIMOUS

MINUTES:

MAYOR GOODMAN declared the Public Hearing open.

Under Item 100, COUNCILWOMAN MONCRIEF requested that Item 103 [DIR-4797], Item 142 [SUP-4593], Item 143 [SUP-4594] and Item 139 [SUP-4172] be taken off the abeyance request list and brought forward for discussion. It was then determined that a vote could be taken on Item 103 [DIR-4797] as it had been requested to be withdrawn without prejudice.

When the item was recalled, COUNCILWOMAN MONCRIEF noted that staff discovered a billboard closer than what was previously estimated; therefore she moved for denial. MAYOR GOODMAN pointed out the applicant might have left without having the opportunity to address the Council. Therefore he suggested the item be abeyed. DEPUTY CITY ATTORNEY BRYAN SCOTT concurred with the Mayor indicating that there might be due process issues, and suggested the item be held in abeyance for two weeks.

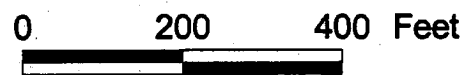
CITY COUNCIL MEETING OF SEPTEMBER 15, 2004
Planning and Development Department
Item 142 – SUP-4593

MINUTES:

MAYOR GOODMAN declared the Public Hearing closed.

(4:23 – 4:27)

6-190



ZONING OF SUBJECT PROPERTY: M (INDUSTRIAL)

AGENDA MEMO

CITY COUNCIL MEETING DATE: SEPTEMBER 15, 2004

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: SUP-4593 - APPLICANT: MOUNTAIN VIEW ESTATES -
OWNER: S&K FAMILY TRUST**

**** CONDITIONS ****

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

Planning and Development

1. The Special Use Permit shall be reviewed in five (5) years at which time the City Council may require the off-premise sign to be removed. The applicant shall be responsible for notification costs of the review. Failure to pay the City for these costs may result in a requirement that the off-premise advertising (billboard) sign is removed.
2. The off-premise advertising (billboard) sign and its supporting structure shall be properly maintained and kept free of graffiti at all times. Failure to perform the required maintenance may result in fines and/or removal of the off-premise advertising (billboard) sign.
3. The property owner shall keep the property properly maintained and graffiti-free at all times. Failure to perform required maintenance may result in fines and/or removal of the off-premise sign.
4. Only one advertising sign is permitted per sign face.
5. If the existing off-premise advertising sign structure is removed, this Special Use Permit shall be expunged and a new off-premise advertising sign structure shall not be erected in the same location unless: (1) a new Special Use Permit is approved for the new structure by the City Council, or (2) the location is in compliance with all applicable standards of Title 19 of the Las Vegas Municipal Code including, but not limited to, distance separation requirements, or (3) a Variance to the applicable standards of Title 19 has been approved for the new structure by the City Council.
6. The off-premise advertising sign structure must not be located at the Western Avenue street frontage. The structure must be located at the center of the parcel, either on the north or south side of the shop building.
7. The height of the off-premise advertising (billboard) sign shall be no more than the height of the parcel's building, plus 14 feet.

Public Works

8. 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 is a request for a Special Use Permit for an off-premise advertising sign (billboard) at 1541 Western Avenue.

Subsequent to the Planning Commission meeting, the existence of an off-premise sign was discovered at 1501 Western Avenue. This places the entire subject parcel within the 300 foot separation distance, which, according to Title 19.14.100, cannot be waived.

B) Applicant's Justification

The off-premise sign will be located in an industrial area that is zoned for this use. The proposed billboard meets or exceeds all of the location provisions outlined in City of Las Vegas Title 19.

BACKGROUND INFORMATION

A) Previous Actions

01/25/61 The City Council approved a rezoning (Z-0062-60) of subject property from R-E (Residence Estates) to C-1 (Limited Commercial).

07/22/04 The Planning Commission voted 6-0 to recommend APPROVAL (PC Agenda Item #64-SRS).

B) Pre-Application Meeting

04/07/04 Elements of this type of special use permit were discussed.

C) Neighborhood Meetings

Neighborhood meetings are neither required for this type of application, nor were any held.

DETAILS OF APPLICATION REQUEST

A) Site Area

Net Acres: 1.54 acres

B) Existing Land Use

Subject Property: Industrial park, warehouses, shops, storage
North: Industrial park, warehouses, shops, storage
South: Industrial park, warehouses, shops, storage
East: Industrial park, warehouses, shops, storage
West: Industrial park, warehouses, shops, storage

C) Planned Land Use

Subject Property: LI/R (Light Industry/Research)
North: LI/R (Light Industry/Research)
South: LI/R (Light Industry/Research)
East: LI/R (Light Industry/Research)
West: LI/R (Light Industry/Research)

D) Existing Zoning

Subject Property: M (Industrial)
North: M (Industrial)
South: M (Industrial)
East: M (Industrial)
West: M (Industrial)

E) General Plan Compliance: Southeast General Plan

The subject site is located within the Southeast Sector of the General Plan with a LI/R (Light Industry/Research) land use designation, which allows for industrial use, commercial/industrial use, and planned business parks. The site is zoned M (Manufacturing) and the proposed sign is a permitted use with the approval of a Special Use Permit.

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

ANALYSIS

A) Zoning Code Compliance

A2) Minimum Distance Separation Requirements

Pursuant to Title 19.14.100 (C) (11), the following Standards apply to the subject proposal:

Standards	Code Requirement	Conformance
Minimum distance separation from another Off-Premise Advertisement (Billboard) Sign in any direction.	300 Feet	NO
Minimum distance separation between Off-Premise Advertising (Billboard) Sign within 660 feet of Interstate 15, to any other off-premise sign along the same frontage.	750 feet	Yes

This application does not meet code standards for submitting an application for an off-premise sign. Also, there are eight other billboards within 100 feet of the 750 foot buffer, for a total of 14 within close visual proximity of this site.

B) General Analysis and Discussion

- Zoning

The subject billboard is an allowed use within the M (Industrial) zoning district with approval of a Special Use Permit.

- Use

The revised site plan shows that the 40 foot will be placed toward the southwest side of the property and not over the existing building on the site. It cannot be placed anywhere on the property that conforms to the distance separation standards of the Code.

FINDINGS

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

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

This proposed use does not meet Code distance separation standards. Therefore, it cannot be constructed in a manner that is harmonious and compatible with the surrounding area.

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

The site is not physically suitable for the type and intensity of land use proposed. It can only be placed on a very small portion of the interior of the parcel.

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

Not applicable to this type of special use.

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

The proposed Off-Premise Advertising (Billboard) Sign will compromise public safety, as it is an added distraction to motorists.

PLANNING COMMISSION ACTION

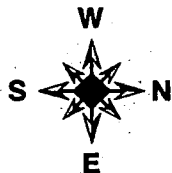
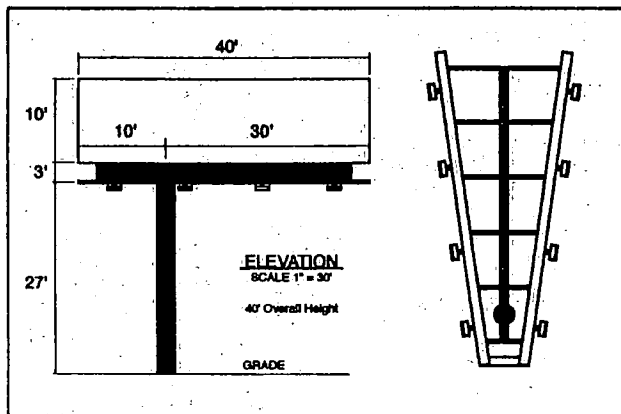
Staff's recommendation was based on the original site plan and without knowing there was an existing billboard within the 300 foot separation distance.

NOTICES MAILED 45 by City Clerk

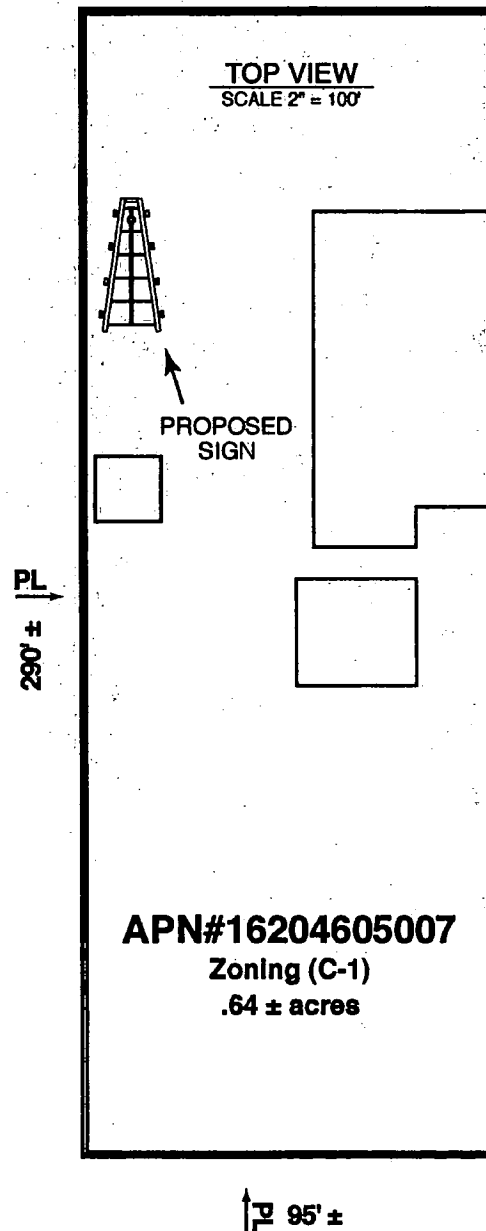
APPROVALS 0

PROTESTS 0





WESTERN AVE.



GENERAL NOTES

1. Not within 300 foot radius of another off-premise billboard.
2. not within 200 foot of an on-premise sign or adjoining property.
3. Not within 300 foot radius of residential use.
4. No parking spaces will be taken for this location.

REVISED
8-16-04

RECEIVED

AUG 16 2004

Revised to History CC

SUP-4593

8-18-04 CC

OWNER:		
S & K FAMILY TRUST		
SCALE:	APPROVED BY:	DRAWN BY:
NOTED		
DATE:		REVISED:
05/12/04		
LOCATION:		
1531 WESTERN AVENUE		
APN#16204605007		DRAWING NO.:

Mountain View Estates
5500 E. Flamingo Road
Las Vegas, NV 89122

VIA FAX 702.382.4803

September 14, 2004

Barbara Jo Ronemus
Office of the City Clerk
City Hall, First Floor
400 Stewart Avenue
Las Vegas, NV 89101

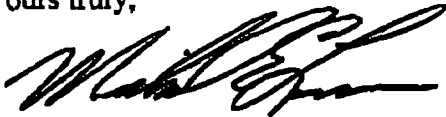
RE: City Council September 15 Agenda

Dear Ms. Ronemus:

Due to circumstances beyond our control, we will be unable to attend the September 15 meeting. Please consider this letter as a formal request to hold Items 141 (SUP 4592), 142 (SUP 4593) and 143 (SUP 4594) of the September 15 Agenda until the October 6, 2004 meeting.

Your assistance on these matters is greatly appreciated. If you have any questions, please do not hesitate to call me at 450.8088.

Yours truly,



Michael E. Luce

MEL/mh

Submitted after final agenda

Date 9/14/04 Item #142

RECEIVED
CITY CLERK
2004 SEP 14 PM 3:28

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: SEPTEMBER 15, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☐

CONSENT

☒

DISCUSSION

SUBJECT:

ABEYANCE ITEM - SPECIAL USE PERMIT - PUBLIC HEARING - SUP-4594 -

APPLICANT: MOUNTAIN VIEW ESTATES - OWNER: SAITTA FAMILY TRUST -

Appeal filed by the applicant from the Denial by the Planning Commission of a request for a Special Use Permit FOR A 40 FOOT HIGH, 10 FOOT X 40 FOOT OFF-PREMISE ADVERTISING (BILLBOARD) SIGN at 2100 South Decatur Boulevard (APN 162-06-301-006), C-2 (General Commercial) Zone, Ward 1 (Moncrief). The Planning Commission (4-2 vote) and staff recommend DENIAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.

0

City Council Meeting

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

0

City Council Meeting

RECOMMENDATION:

The Planning Commission (4-2 vote) and staff recommend DENIAL.

BACKUP DOCUMENTATION:

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

MOTION:

MONCRIEF – ABEYANCE to 10/6/2004 – UNANIMOUS

MINUTES:

MAYOR GOODMAN declared the Public Hearing open.

Under Item 100, COUNCILWOMAN MONCRIEF requested that Item 103 [DIR-4797], Item 142 [SUP-4593], Item 143 [SUP-4594] and Item 139 [SUP-4172] be taken off the abeyance request list and brought forward for discussion. It was then determined that a vote could be taken on Item 103 [DIR-4797] as it had been requested to be withdrawn without prejudice.

CITY COUNCIL MEETING OF SEPTEMBER 15, 2004
Planning and Development Department
Item 143 – SUP-4594

MINUTES:

When the item was recalled, COUNCILWOMAN MONCRIEF stated that O'Bannon Drive is an extremely residential area and would follow staff's recommendation for denial. MAYOR GOODMAN pointed out the applicant might have left without having the opportunity to address the Council, and suggested the item be abeyed. He was concerned about the due process ramifications.

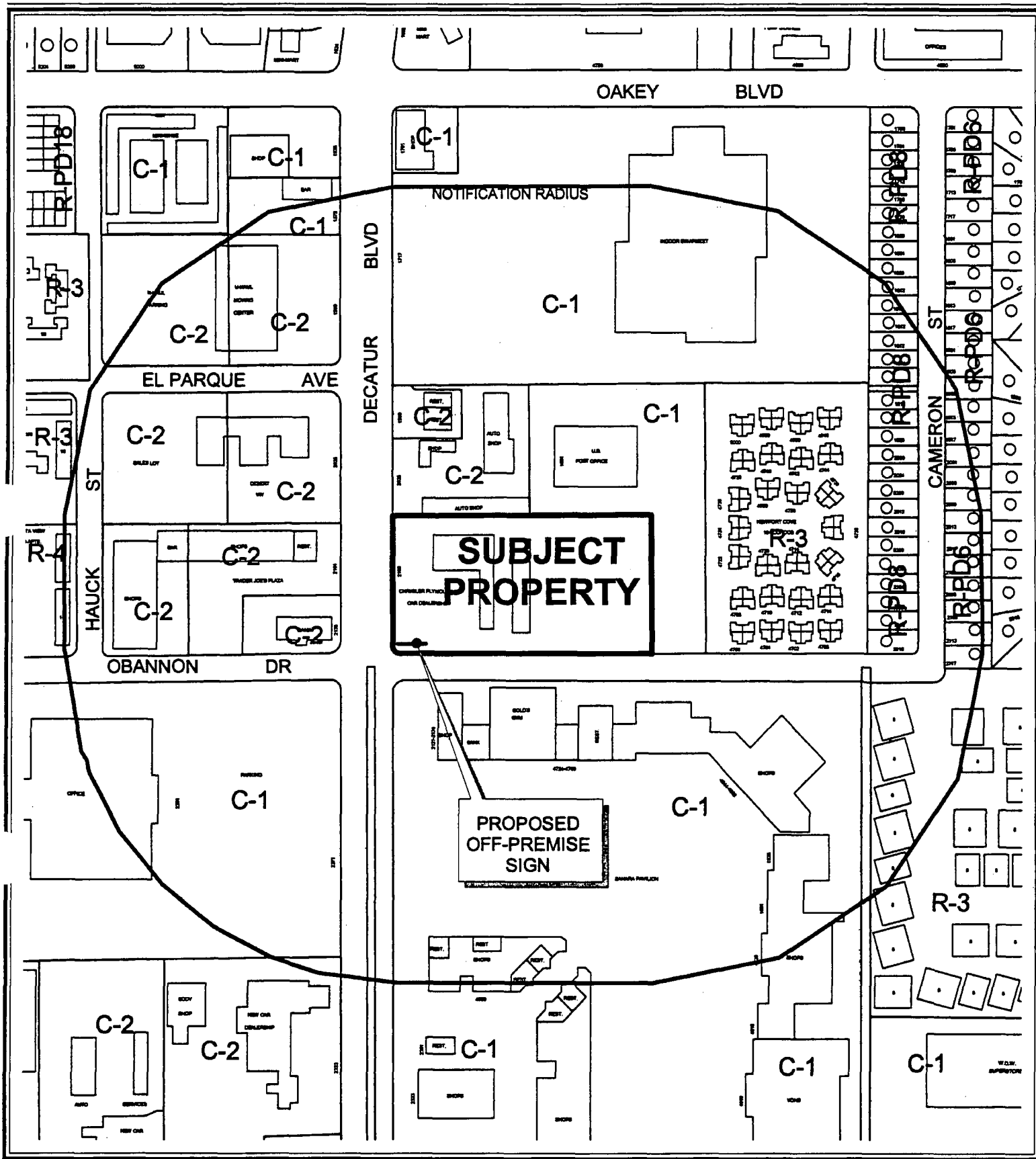
MAYOR GOODMAN verified with ROBERT GENZER, Director, Planning and Development Department, that when an applicant is notified of the abeyance, they are told they appearance is requested.

No one appeared in opposition.

MAYOR GOODMAN declared the Public Hearing closed.

(4:25 – 4:27)

6-237

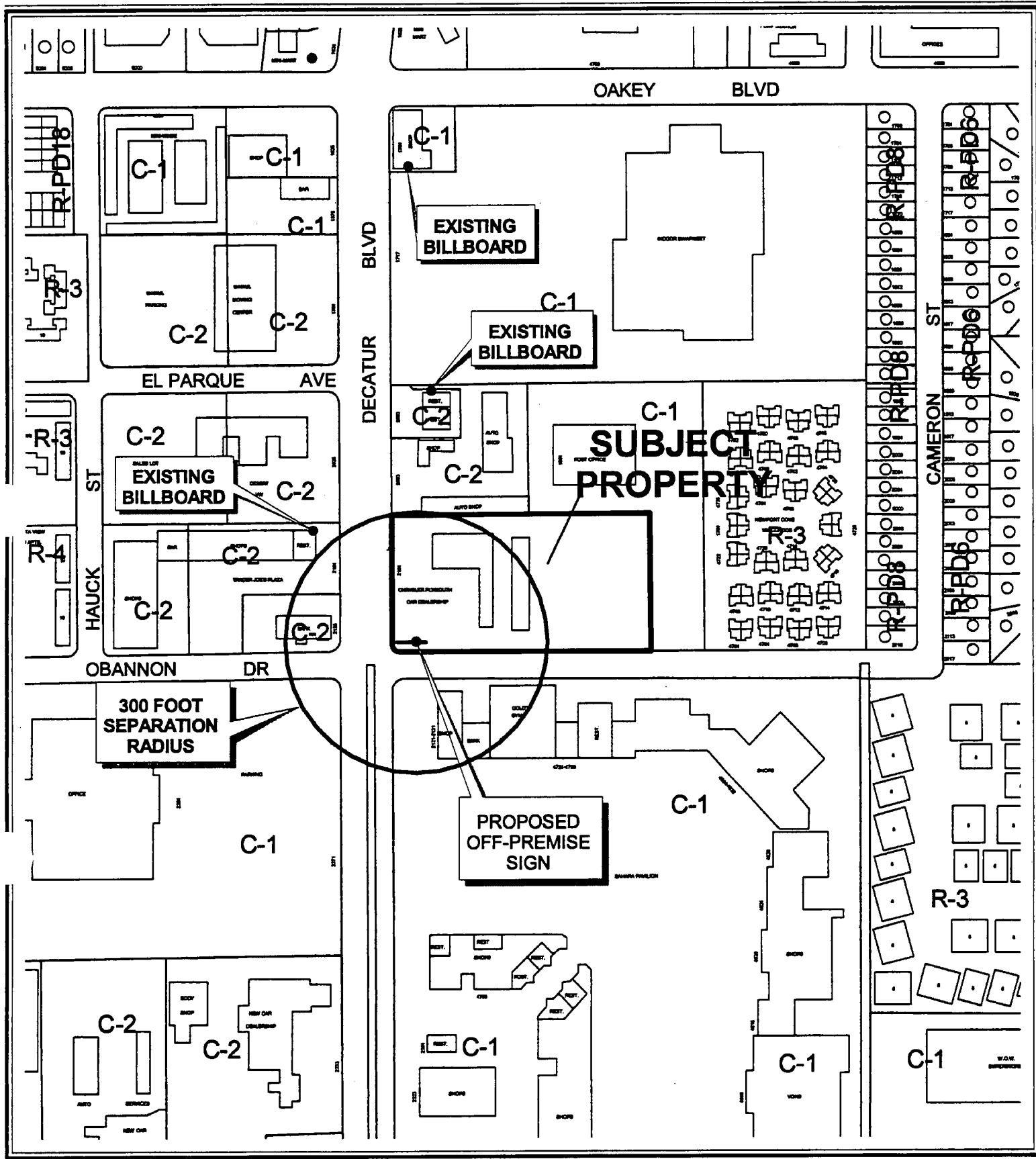


CASE: SUP-4594

RADIUS: 750 FT

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



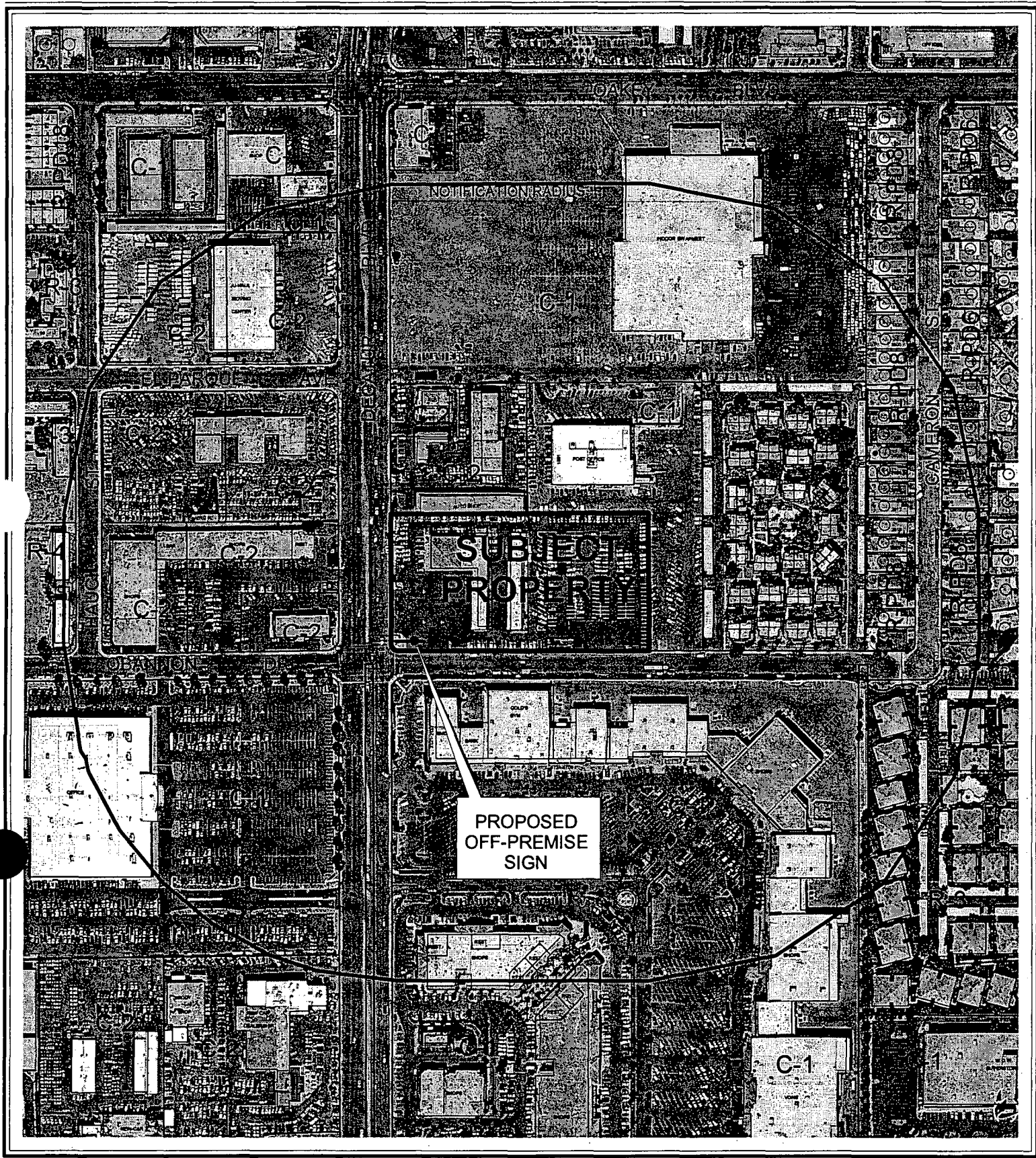


CASE: **SUP-4594**

SEPARATION RADIUS: 300 FT

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





CASE: SUP-4594

RADIUS: 750 FT

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

0 200 400 Feet



AGENDA MEMO

CITY COUNCIL MEETING DATE: SEPTEMBER 15, 2004

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: SUP-4594 APPLICANT: MOUNTAIN VIEW ESTATES -
OWNER: SAITTA FAMILY TRUST**

**** CONDITIONS ****

The Planning Commission (4-2 vote) and staff recommend DENIAL. If Approved, subject to:

Planning and Development

1. The Special Use Permit shall be reviewed in five (5) years at which time the City Council may require the off-premise sign to be removed. The applicant shall be responsible for notification costs of the review. Failure to pay the City for these costs may result in a requirement that the off-premise advertising (billboard) sign is removed.
2. All of the supporting structure shall be repainted, as required by the Planning and Development Department, within 30 days of final approval by City Council. Failure to perform the required painting may result in fines and/or removal of the off-premise advertising (billboard) sign.
3. The off-premise advertising (billboard) sign and its supporting structure shall be properly maintained and kept free of graffiti at all times. Failure to perform the required maintenance may result in fines and/or removal of the off-premise advertising (billboard) sign.
4. The property owner shall keep the property properly maintained and graffiti-free at all times. Failure to perform required maintenance may result in fines and/or removal of the off-premise sign.
5. Only one advertising sign is permitted per sign face.
6. If the existing off-premise advertising sign structure is removed, this Special Use Permit shall be expunged and a new off-premise advertising sign structure shall not be erected in the same location unless: (1) a new Special Use Permit is approved for the new structure by the City Council, or (2) the location is in compliance with all applicable standards of Title 19 of the Las Vegas Municipal Code including, but not limited to, distance separation requirements, or (3) a Variance to the applicable standards of Title 19 has been approved for the new structure by the City Council.
7. All City Code requirements and design standards of all City Departments shall be satisfied.

Public Works

8. 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 is an Appeal filed by the applicant from the Denial of the Planning Commission of a request for a Special Use Permit for a 40 foot high, 10 foot x 40 foot off-premise advertising (billboard) sign at 2100 South Decatur Boulevard.

B) Applicant's Justification

The billboard will be located in a commercial area that is zoned for this use. It will be located more than 300 feet from any other billboard located on Decatur Blvd. The proposed sign will be located at least 50 feet from the intersection of Decatur Blvd and O'Bannon Drive.

BACKGROUND INFORMATION

A) Previous Actions

- 01/02/85 The City Council approved a Rezoning (Z-0087-84), from R-1 (Single Family Residential) and R-3 (Medium Density Residence) to C-2 (General Commercial) with the proposed use of a used car dealership. The Planning Commission and staff recommended approval.
- 07/24/86 The Board of Zoning Adjustment approved a Variance (V-0062-86), allowing three on-premise ground signs, where one is allowed.
- 07/22/04 The Planning Commission voted 4-2 to recommend DENIAL (PC Agenda Item #65/srs).

B) Pre-Application Meeting

- 04/07/04 Elements of this type of special use permit were discussed.

C) Neighborhood Meetings

Neighborhood meetings are neither required for this type of application, nor were any held.

DETAILS OF APPLICATION REQUEST

A) Site Area

Gross Acres: 4.27 acres

B) Existing Land Use

Subject Property: auto repair
 North: shops, restaurant
 South: shopping center
 East: post office, residential
 West: strip retail

C) Planned Land Use

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

D) Existing Zoning

Subject Property: C-2 (General Commercial)
 North: C-2 (General Commercial)
 South: C-1 (Limited Commercial)
 East: C-1 (Service Commercial)
 West: C-2 (Limited Commercial)

E) General Plan Compliance

Southeast General Plan

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

ANALYSIS

A2) Minimum Distance Separation Requirements

Pursuant to Title 19.14.100(C)(11), the following Standards apply to the subject proposal:

Standards	Code Requirement	Provided
Off-Premise Advertisement (Billboard)	No off-premise sign shall be allowed within 300 feet from the nearest property line of a lot in any "R" zoning district	650 feet to nearest Residential property line.

This proposed Off-Premise Advertising (Billboard) Sign is located approximately 650 feet from the "R" zoned property to the north and in excess of 300 feet from any other Off-Premises Advertising (Billboard) Sign; it therefore complies nominally with Zoning Code standards.

B) General Analysis and Discussion

- Zoning

The subject billboard is an allowed use within the C-2 (Limited Commercial) zoning district with approval of a Special Use Permit.

- Use

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

FINDINGS

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

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

Title 19.14.100 (B) (2) states that the Planning Commission and City Council may consider the aesthetic impact of the sign on the area and all other aspects of the sign's compatibility with the surrounding area, including the existence or nonexistence of other signage in the area.

The area at the intersection of Decatur Boulevard and O'Bannon Drive is visually congested. Auto dealership banners and balloons compete with mismatched strip mall signs and nearby billboards, compounded by a large rainbow colored, faux-hot-air advertising balloon.

Specifically, existing on-premise signage has already been installed pursuant to a Variance granted in 1986 allowing three on-premise ground signs, where one is allowed. Approval of a billboard in this context will further unbalance this urban landscape.

Also, O'Bannon Drive is a minor roadway, collecting small amounts of traffic going to and from residential areas. Off-premise advertising is not harmonious here.

While this proposed billboard meets the technical requirements of the City of Las Vegas Zoning Code, the aesthetic impact of the sign on the area would be that of excessive visual clutter. Planning staff recommends DENIAL.

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

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

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

Not applicable to this type of special use.

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

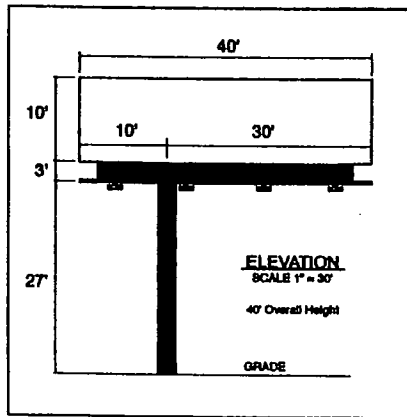
This proposed use is inconsistent with the overall objectives of the Master Plan 2020, specifically:

"the visual image of the streetscape and roadscape environments is perhaps the most important single factor in the perception of quality of life for both the resident and the visitor to Las Vegas."

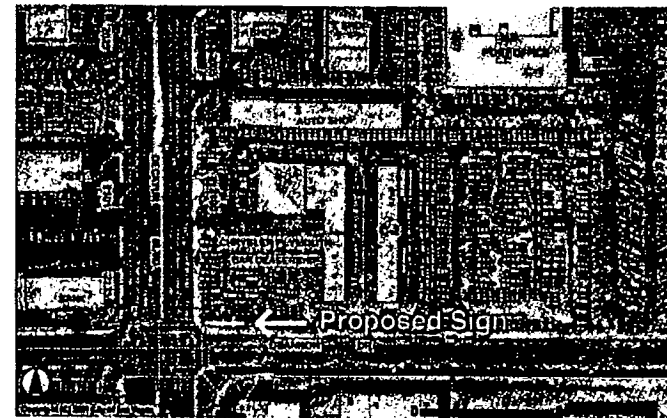
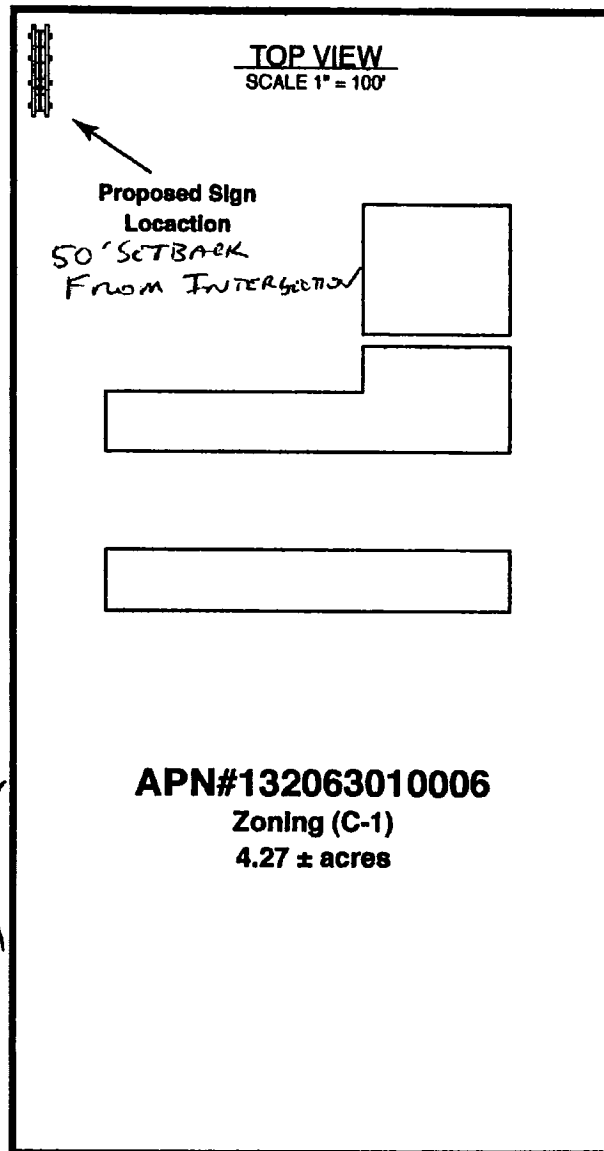
NOTICES MAILED 146 by City Clerk

APPROVALS 0

PROTESTS 0

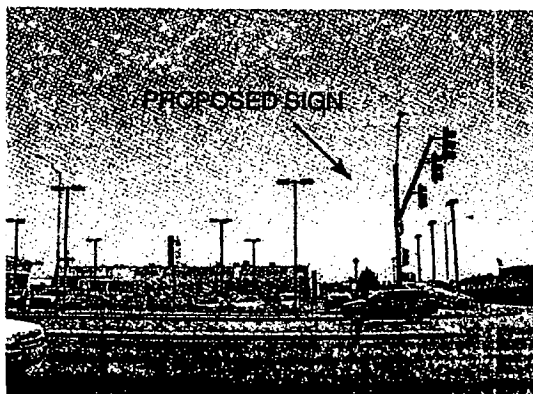


DECATUR BLVD.



GENERAL NOTES

1. Not within 300 foot radius of another off-premise billboard.
2. Not within 200 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.



OWNER:		
CHRYSLER REALTY CORPORATION		
SCALE:	APPROVED BY:	DRAWN BY:
NOTED		
DATE:		REVISED:
05/12/04		
LOCATION:		
2100 S. DECATUR BLVD. 89102		
APN#162063010006		DRAWING NO.:

SUP-4594 7-22-04 PC



SUP-4594 - APPLICANT: MOUNTAIN VIEW ESTATES - OWNER: SAIITTA FAMILY TRUST
2100 SOUTH DECATUR BOULEVARD
JULY 22, 2004 PLANNING COMMISSION

7/2/04



SUP-4594 - APPLICANT: MOUNTAIN VIEW ESTATES - OWNER: SAITTA FAMILY TRUST
2100 SOUTH DECATUR BOULEVARD
JULY 22, 2004 PLANNING COMMISSION

7/2/04

MOUNTAIN VIEW ESTATES
5500 E. Flamingo Road
Las Vegas, NV 89122

July 28, 2004

TO: CLV City Clerks Office

FR: Mountain View Estates

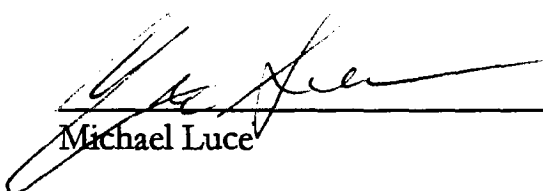
RE: SUP 4594

RECEIVED
CITY CLERK
2004 JUL 28 P 12:11

We would like to appeal the decision of Item #65 (SUP 4594) on the 7-22-04 Planning Commission meeting to have it heard at the August 18, 2004 City Council meeting.

Please inform us if this is added to the agenda so a representative can attend the meeting. We can be reached at (702) 450-8000.

Thank you.



Michael Luce

Mountain View Estates
5500 E. Flamingo Road
Las Vegas, NV 89122

VIA FAX 702.382.4803

September 14, 2004

Barbara Jo Ronemus
Office of the City Clerk
City Hall, First Floor
400 Stewart Avenue
Las Vegas, NV 89101

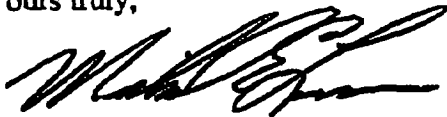
RE: City Council September 15 Agenda

Dear Ms. Ronemus:

Due to circumstances beyond our control, we will be unable to attend the September 15 meeting. Please consider this letter as a formal request to hold Items 141 (SUP 4592), 142 (SUP 4593) and 143 (SUP 4594) of the September 15 Agenda until the October 6, 2004 meeting.

Your assistance on these matters is greatly appreciated. If you have any questions, please do not hesitate to call me at 450.8088.

Yours truly,



Michael E. Luce

MEL/mh

Submitted after final agenda

Date 9/14/04 Item #143

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CITY CLERK

2004 SEP 14 PM 3:28



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

2004 SEP 15 A 9:03

RECEIVED
CITY CLERK

MEMBERS

Vicki Arnold - Jamies Clark - Miriam Ben - Marcus Gobel - Rose Hearath - June Ingram - Kila Johnson
Came & Pearl Leonardo - Sherry Mason - Dorothy Orr - Barbara Roth - Layne Rushforth - Pamela Stansiff - Others

9/16/04 #143